

## BOARD OF COUNTY COMMISSIONERS

Lee Hearn, Chairman  
Edward Gibbons, Vice Chairman  
Eric K. Maxwell  
Charles W. Oddo  
Charles D. Rousseau



## FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator  
Dennis A. Davenport, County Attorney  
Tameca P. Smith, County Clerk  
Marlena Edwards, Chief Deputy County Clerk

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## AGENDA

September 22, 2022

5:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 5:00 p.m.

Call to Order

Invocation and Pledge of Allegiance by Commissioner Charles Rousseau

Acceptance of Agenda

### PROCLAMATION/RECOGNITION:

### PUBLIC HEARING:

1. Consideration of Petition No. 1321-22A, Lyssa M. Sampson, Trustee under Madelyn J. Chennault Living Trust, Owner; Richard P. Lindsey, Attorney, Agent for Christopher Chitwood and David Burnett, request to rezone 37.915 acres from R-70 to C-C to construct a car dealership and service center; property located in Land Lot 128, 5th District and fronts on South Sandy Creek Road. (pages 3-36)
2. Consideration of Petition No. 1321-22B, Evelyn Morgan, Owner; Richard P. Lindsey, Attorney, Agent for Christopher Chitwood and David Burnett, request to rezone 1.769 acres from R-70 to C-C to construct a car dealership and service center; property located in Land Lot 128, 5th District and fronts on S.R. 54 West. (pages 37-68)
3. Consideration of Petition No. 1321-22C, Estate of Leonard R. Ebert and Judith Ebert, c/o Leslie Noles, Owners; Richard P. Lindsey, Attorney, Agent for Christopher Chitwood and David Burnett, request to rezone 1.210 acres from R-70 to C-C to construct a car dealership and service center in Land Lot 128, 5th District; fronts on S.R. 54 West and South Sandy Creek Road. (pages 69-98)
4. Consideration of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at S.R. 74, S.R. 85 and Padgett Road intersection. (pages 99-107)
5. Consideration of Petition No. 1322-22, Robert C. Shell, Owner; LDO Fayette, LLC, represented by Patrice Frady, Agent; request to rezone 12.582 acres from A-R to C-C to develop a convenience store with fuels sales and with retail tenant space; property located in Land Lot 8 of the 6th District and fronts on Padgett Road and S.R. 85/74. (pages 108-135)

### PUBLIC COMMENT:

*Speakers will be given a five (5) minute maximum time limit to speak before the Board of Commissioners about various topics, issues, and concerns. Speakers must direct comments to the Board. Responses are reserved at the discretion of the Board.*

**CONSENT AGENDA:**

6. Approval of staff's recommendation to award Contract #2125-P, Development Impact Fee Study, to Ross Associates in the amount of \$77,400.00 and to fund the contract through transfer of \$77,400.00 in the mid-year budget adjustments. (pages 136-139)
7. Approval of staff's recommendation to adopt final supplemental budget adjustments for the fiscal year ended June 30, 2022, and authorization to adjust and close capital projects, moving remaining funds to project contingency. (pages 140-159)
8. Approval of the September 8, 2022 Board of Commissioners Meeting Minutes. (pages 160-167)

**OLD BUSINESS:**

**NEW BUSINESS:**

9. Request to award Contract #2167-B to Amwaste of Georgia, LLC for operation of Fayette County's Municipal Solid Waste (MSW) Transfer Station located on First Manassas Mile Road. (pages 168-170)
10. Request to award Task Order 07 (not to exceed value of \$227,063) to POND for design of a roundabout at the intersection of Veterans Parkway and Eastin Road (project R-5I) and allocation of \$128,000 from the 2004 SPLOST project I-13 to pay for design. (pages 171-177)

**ADMINISTRATOR'S REPORTS:**

A: Contract #2150-S: FlowCam Monitoring Software (pages 178-181)

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# COUNTY AGENDA REQUEST

Page 3 of 181

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No. 1321-22A, Lyssa M. Sampson, Trustee under Madelyn J. Chennault Living Trust, Owner; Attorney Richard P. Lindsey, Agent for Christopher Chitwood and David Burnett, request to rezone 37.915 acres from R-70 to C-C to construct a car dealership and service center; property located in Land Lot 128, 5th District and fronts on South Sandy Creek Road.

## Background/History/Details:

Staff recommends denial of the request to rezone from R-70 to C-C because a commercial use is not consistent with the Fayette County Comprehensive Plan and Land Use Plan Element. The subject property lies within an area designated for Office uses, including business and medical offices. Per the Land Use element of the Fayette County Comprehensive Plan, the SR 54 corridor between the City of Fayetteville and the City of Peachtree City is defined as the SR 54 West Overlay District, which addresses non-commercial uses as follows: Nonresidential Recommendations: The nonresidential intent of the SR 54 West Overlay District is to allow office and low intensity business uses. Outside of the commercial designation at Tyrone Road consideration for the Office-Institutional Zoning District may be given. It is recommended that a Special Development District be created for SR 54 West to allow and regulate expanded uses in the Office-Institutional zoning district only on SR 54 West. Conditions should be placed on the property at the time of rezoning to address unique situations.

The request to annex this property was denied by the City of Fayetteville under their Annexation Step-one process. The Council was not in support of the Applicant deeding a 10' strip of land along the property frontage to avoid establishing an unincorporated island to the north and as a location for a car dealership.

Brian Haren made a motion to deny Petition No. 1321-22A, request to rezone 37.915 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.

## What action are you seeking from the Board of Commissioners?

Denial of Petition No. 1321-22A, Lyssa M. Sampson, Trustee under Madelyn J. Chennault Living Trust, Owner; Attorney Richard P. Lindsey, Agent for Christopher Chitwood and David Burnett, request to rezone 37.915 acres from R-70 to C-C to construct a car dealership and service center; property located in Land Lot 128, 5th District and fronts on South Sandy Creek Road.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

If the Board grants approval of the request, staff has provided recommended conditions for the parcel, which is included in the backup material.



LINDSEY & LACY, PC

September 6, 2022

**Via: Email Only**

Mr. Lee Hearn, Chairman

[Lhearn@fayettecountyga.gov](mailto:Lhearn@fayettecountyga.gov)

Mr. Charles Oddo

[COddo@fayettecountyga.gov](mailto:COddo@fayettecountyga.gov)

Mr. Eric Maxwell

[Emaxwell@fayettecountyga.gov](mailto:Emaxwell@fayettecountyga.gov)

Mr. Edward Gibbons

[EGibbons@fayettecountyga.gov](mailto:EGibbons@fayettecountyga.gov)

Mr. Charles D. Rousseau

[CRousseau@fayettecountyga.gov](mailto:CRousseau@fayettecountyga.gov)

140 Stonewall Avenue West, Suite 100

Fayetteville, GA 30214

RE: Preservation of Constitutional Rights  
Petition No: 1321-22-A  
Petition No: 1321-22-B  
Petition No: 1321-22-C

Dear Mr. Chairman and Commissioners:

This firm is pleased to represent David Burnett and Chris Chitwood (hereinafter “Applicants”) in connection with the rezoning of the real property located at the northeast corner of the SR 54 and S. Sandy Creek Road intersection, GA (Tax Parcels # 0521-012, 0521-046, 0521-018) which consists of approximately 40.5 acres (hereinafter referred to as “Property”). Currently, the Property is owned in three separate tracts by Lyssa M. Sampson, Trustee of the Madelyn J. Chennault Living Trust dated July 10, 2003; Evelyn Morgan; and the Estate of Leonard R. Ebert and Estate of Judith Ebert (“Owners”). The Applicants have filed a request to rezone the property from R-70 to C-C and the Owners have consented to this requested rezoning. I will present this matter to you at the September 22, 2022, Board of Commissioners meeting and look forward to doing so.

Georgia Law requires me to raise federal and state constitutional objections during the rezoning application process. While the Applicants anticipate a smooth application process, failure to raise constitutional objections at this stage may mean the Applicants and Owners will be barred from raising important legal claims later in the process. While I dislike this legal requirement as it often is received by local governments as a threat, I am required to raise these objections prior to or simultaneously with the presentation to you at the public meeting. I hope you will accept this letter asserting the constitutional objections as a procedural requirement and not as any sort of legal threat. Accordingly, I raise the following constitutional objections at this time:



The portions of the Zoning Ordinance of the County of Fayette, Georgia, as applied to the Property, that would result in a denial of the rezoning as requested by the Applicants, are, or would be, unconstitutional in that they would destroy the Owners' property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Any application of the Code of Fayette County or the Fayette County Zoning Ordinance to the Property which restricts its use to any use in a manner other than that requested by the Applicants is unconstitutional, illegal and null and void because such an application constitutes a taking of the Owners' property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I and Article I, Section III, Paragraph I, of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States because such an application denies the Owners and Applicants an economically viable use of their land while not substantially advancing legitimate state interests.

A denial of this Application would also constitute an arbitrary and capricious act by the Fayette County Board of Commissioners without any rational basis therefore, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal to grant the rezoning as requested by the Applicants would be unconstitutional and discriminate in an arbitrary, capricious, and unreasonable manner between the Owners/Applicants and owners of similarly situated property in violation of Article I Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the rezoning subject to conditions that are different from the conditions requested by the Applicants, to the extent such different conditions would have the effect of further restricting the Applicants' and/or Owners' utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

Accordingly, the Applicants respectfully requests the Fayette County Board of Commissioners grant the rezoning requested by the Applicants. As stated above, I look forward to presenting this matter to you on September 22<sup>nd</sup>.

Best regards.

Sincerely,  
LINDSEY & LACY, PC

/s/ Richard P. Lindsey  
Richard P. Lindsey

cc: Steve Rapson, County Administrator  
[rapson@fayettecountyga.gov](mailto:rapson@fayettecountyga.gov)  
Dennis Davenport, County Attorney  
[dadaven@bellsouth.net](mailto:dadaven@bellsouth.net)

**PLANNING COMMISSION RECOMMENDATION**

**DATE:** September 1, 2022

**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1321-22A, the application of Lyssa M. Sampson as Trustee under Madelyn J. Chennault Living Trust to rezone 37.915 from R-70 to C-C, be:

\_\_\_\_\_ Approved \_\_\_\_\_ Withdrawn

☒ Denied

\_\_\_\_\_ Tabled until \_\_\_\_\_

\_\_\_\_\_ Approved with Conditions \_\_\_\_\_

This is forwarded to you for final action.

  
ARNOLD MARTIN, CHAIRMAN

  
BRIAN HAREN, VICE-CHAIRMAN

  
JOHN CULBRETH

  
DANNY ENGLAND

  
JIM OLIVER

**Remarks:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**RESOLUTION**

**NO. 1321-22A**

**WHEREAS**, Lyssa M. Sampson as Trustee under Madelyn J. Chennault Living Trust, Owner, and Christopher Chitwood and David Burnett (Attn: Richard P. Lindsey), Agent, having come before the Fayette County Planning Commission on September 1, 2022, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

**WHEREAS**, said request being as follows: Request to rezone 37.915 from R-70 to C-C, in the area of South Sandy Creek Road, Land Lot 128 of the 5th District, for the purpose of developing a C-C; and

**WHEREAS**, the Fayette County Planning Commission having duly convened, and considered said request;


**BE IT RESOLVED** that the decision of the Fayette County Planning Commission, that said request be **DENIED**.


This decision is based on the following reason:

Not compatible with the surrounding area.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

  
\_\_\_\_\_  
**ARNOLD MARTIN, CHAIRMAN**

  
\_\_\_\_\_  
**CHELSE BOYNTON  
PC SECRETARY**

**BOARD MEMBERS**

Arnold L. Martin, Chairman  
Brian Haren, Vice-Chairman  
John H. Culbreth, Sr.  
Danny England  
Jim Oliver

**STAFF**

Deborah L. Bell, Planning and Zoning Director  
Chelsie Boynton, Planning and Zoning Coordinator

---

**AGENDA OF ACTS  
FAYETTE COUNTY PLANNING COMMISSION MEETING  
140 STONEWALL AVENUE WEST  
September 1, 2022  
7:00 pm**

**\*Please turn off or turn to mute all electronic devices during the  
Planning Commission Meetings**

---

1. Consideration of the Minutes of the meeting held on August 4, 2022.

*John Culbreth Sr. made a motion to approve the minutes of the meeting held on August 4<sup>th</sup>, 2022.  
Danny England seconded the motion. The motion passed 5-0.*

**NEW BUSINESS**

2. Consideration of a Minor Final Plat for Larry Knight

*Brian Haren made a motion to approve the Minor Final Plat for Larry Knight. Danny England  
seconded the motion. The motion passed 5-0.*

**PUBLIC HEARING**

3. Consideration of Petition No. 1321-22 A, Lyssa M. Sampson as Trustee under the Madelyn J. Chennault Living Trust dated July 10, 2003 Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 37.915 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5<sup>th</sup> District and fronts on South Sandy Creek Road.

*Brian Haren made a motion to deny Petition No. 1321-22 A, request to rezone 37.915 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion.  
The motion passed 5-0.*

4. Consideration of Petition No. 1321-22 B, Evelyn Morgan, Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 1.769 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5<sup>th</sup> District and fronts on S.R. Highway 54.

***Brian Haren made a motion to deny Petition No. 1321-22 B, request to rezone 1.769 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.***

5. Consideration of Petition No. 1321-22 C, Estate of Leonard R. Ebert, deceased, and Judith Ebert, deceased c/o Leslie Noles, Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 1.210 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5<sup>th</sup> District and fronts on S.R. Highway 54 and South Sandy Creek Road.

***Brian Haren made a motion to deny Petition No. 1321-22 C, request to rezone 1.210 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.***

6. Consideration of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR 74, SR 85 and Padgett Road intersection.

***Danny England made a motion to approve amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR 74, SR 85 and Padgett Road intersection. John Culbreth Sr. seconded the motion. The motion passed 4-1.***

7. Consideration of Petition No. 1322-22, Robert C. Shell, Owner, and LDO Fayette, LLC, Agent, request to rezone 12.591 acres from A-R to C-C to build a convenience store with fuel. This property is located in Land Lot 8 of the 6<sup>th</sup> District and fronts on Georgia Highway 85 and Padgett Road.

***John Culbreth Sr. made a motion to approve Petition No. 1322-22, request to rezone 12.591 acres from A-R to C-C to build a convenience store with fuel. Danny England seconded the motion. The motion passed 5-0.***



**PETITION NO: 1321-22-A**

**REQUESTED ACTION:** R-70 to C-C

**PROPOSED USE:** Automobile Dealership & Service Center

**EXISTING USE:** Vacant Land

**LOCATION:** South Sandy Creek Road

**DISTRICT/LAND LOT(S):** 5<sup>th</sup> District, Land Lot 128

**OWNERS:** Lyssa M. Sampson as Trustee under the Madelyn J. Chennault Living Trust, dated July 10, 2003

**AGENT:** Richard P. Lindsey, Atty., for Christopher Chitwood & David Burnett

**PLANNING COMMISSION PUBLIC HEARING:** September 1, 2022

**BOARD OF COMMISSIONERS PUBLIC HEARING:** September 22, 2022

---

**APPLICANT'S INTENT**

Applicant proposes to rezone 37.915 acres from R-70 to C-C to develop an Automobile Dealership & Service Center.

**STAFF RECOMMENDATION**

Staff recommends **DENIAL** because the request is inconsistent with the Comprehensive Plan.

## **INVESTIGATION**

### **A. GENERAL PROPERTY INFORMATION**

The subject property is 37.915 acres of a 41.4-acre tract. The tract fronts on South Sandy Creek Road in Land Lot 128 of the 5<sup>th</sup> District. South Sandy Creek Road is classified as a Minor Arterial on the Fayette County Thoroughfare Plan. The property is undeveloped. A 1.959-acre tract, which is a remnant portion of the larger tract is located between South Sandy Creek Road and Old Sandy Creek Road, will remain in its current zoning district of R-70; this portion was separated from the parent parcel by the realignment of Sandy Creek Road.

The property is currently zoned *R-70, Single-Family Residential*.

The area is designated for *Office* uses in the Land Use Plan, Fayette County Comprehensive Plan.

### **B. SURROUNDING ZONING AND USES**

The tract that is the subject of the request is zoned R-70. In the vicinity of the subject property is land which is zoned R-70, O-I, and City of Fayetteville property zoned PCD. See the following table and the attached Zoning Map.

The subject property is bounded by the following adjacent zoning districts and uses:

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North	15.00	R-70	Vacant	Office
South (across SR 54)	5.73	O-I	Office	Low-Density Residential (1unit/1 acre)
East	26.9	City: PCD	Vacant	Walkable Mixed Use
	2.0	City: PCD	Single-Family Residential	Walkable Mixed Use
	1.1	County: R-70	Single Family Residential	Office
West (across Sandy Creek Rd)	40.1	City: O and I	Hospital	Business Park
	1.3	City: Medical Office	Office	Suburban Commercial
	2.3	County: R-70	Vacant	Office

### **C. COMPREHENSIVE PLAN**

The subject property lies within an area designated for Office uses, including business and medical offices. Per the Land Use element of the Fayette County Comprehensive Plan, the SR 54 corridor between the City of Fayetteville and the City of Peachtree City is defined as the SR 54 West Overlay District, which addresses non-commercial uses as follows:

***Nonresidential Recommendations:*** *The nonresidential intent of the SR 54 West Overlay District is to allow office and low intensity business uses. Outside of the commercial designation at Tyrone Road consideration for the Office-Institutional Zoning District may be given. It is recommended that a Special Development District be created for SR 54 West to allow and regulate expanded uses in the Office-Institutional zoning district only on SR 54 West. Conditions should be placed on property at the time of rezoning to address unique situations.*



**D. ZONING/REGULATORY REVIEW****Transportation Corridor Overlay Zone for SR 54 West**

This request is part of a multi-parcel rezoning, part of which will front on S.R. 54 West. Due to the frontage on State Route 54, development of the property is subject to the requirements of the SR 54 West Overlay Zone, Article V. Sec. 110-173(2), which requires enhanced setbacks, landscape strips and architectural standards.

**State Route 54 West Special Development District**

The S.R. 54 West corridor is a Special District established by the Comprehensive Plan that allows certain expanded uses in the O-I Zoning District on parcels of 5 acres or greater (Sec. 110-142.(h) ).

**Access & Right-of Way**

The Concept Plan submitted indicates access from South Sandy Creek Road. Right of Way donation may be required to meet the standards of the Fayette County Thoroughfare Plan (Sec. 104-52). Any access onto SR 54 must be approved by GDOT.

**Concept Plan**

The Concept Plan submitted with the request is for illustrative purposes only. Any deficiencies shall be addressed at the time of submittal of the Site Plan.

**Architectural Review**

Some architectural elevations were submitted as part of this application package. These elevations are conceptual and do not meet the requirements of the SR 54 West Overlay Zone.

**Site Plan**

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 104-27 of the Development Regulations. Approval of this zoning petition does not constitute approval of the conceptual site plan.

**F. DEPARTMENTAL COMMENTS**

- ☐ **Water System** - Water is available in a 16" Ductile Iron water main along the southside of Hwy 54 and also available near the Old Sandy Creek Rd intersection in a 16" Ductile Iron water main.
- ☐ **Public Works/Environmental Management**
  - **Transportation** - Any proposed modifications to the site entrance and exit on **SR 54** will be permitted through GDOT. As part of the plan review and approval process, Public Works may require a Traffic Impact Study for the development.
  - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0084E dated September 26, 2008 or the FC 2013 Future Conditions Flood Study.
  - **Wetlands** - The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
  - **Watershed Protection** - There **ARE NO** known state waters located on the subject property.
  - **Groundwater** - A small portion of the property **IS** within a groundwater recharge area.
- ☐ **Environmental Health Department** – The department has no comments on this rezoning.
- ☐ **Fire** – The department has no comments on this rezoning.
- ☐ **Georgia Department of Transportation** - The existing residential driveways on SR 54 may not be used for access to any part of the proposed commercial project.

## **STANDARDS**

### **Sec. 110-300. - Standards for map amendment (rezoning) evaluation.**

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

## **STAFF ANALYSIS**

1. The subject property lies within an area designated for Office and Institutional uses, subject to the SR 54 West Overlay Zone. This request does not conform to the Fayette County Comprehensive Plan in terms of the location of nonresidential uses outside the area of the intersection of SR 54 and Tyrone Road.
2. The subject property lies within an area designated as subject to the standards of the State Route 54 West Special Development District. This request does not conform to the Fayette County Comprehensive Plan in terms of the expanded uses allowed in the Special Development District.
3. The area around the proposed nonresidential use is in an area that already has various Office, Institutional, Commercial and Mixed-Use zoning/uses by both County and the City of Fayetteville. It is staff's opinion that the zoning proposal would not adversely affect the existing or future uses of nearby properties.
4. The intersection at South Sandy Creek and SR 54 is already signalized. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities or schools.
5. Trilith Studios and its associated nonresidential uses in the area are continuing to grow, reinforcing the general nonresidential use pattern in this area.

**PETITION NO: 1321-22 – A**  
**PARCEL # 0521 012**

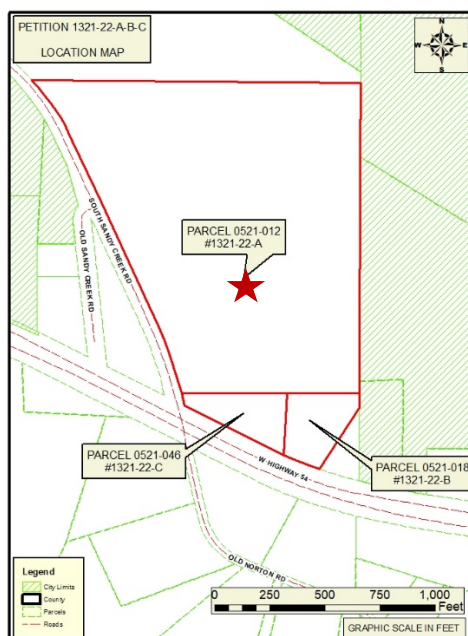
**STAFF RECOMMENDATION**

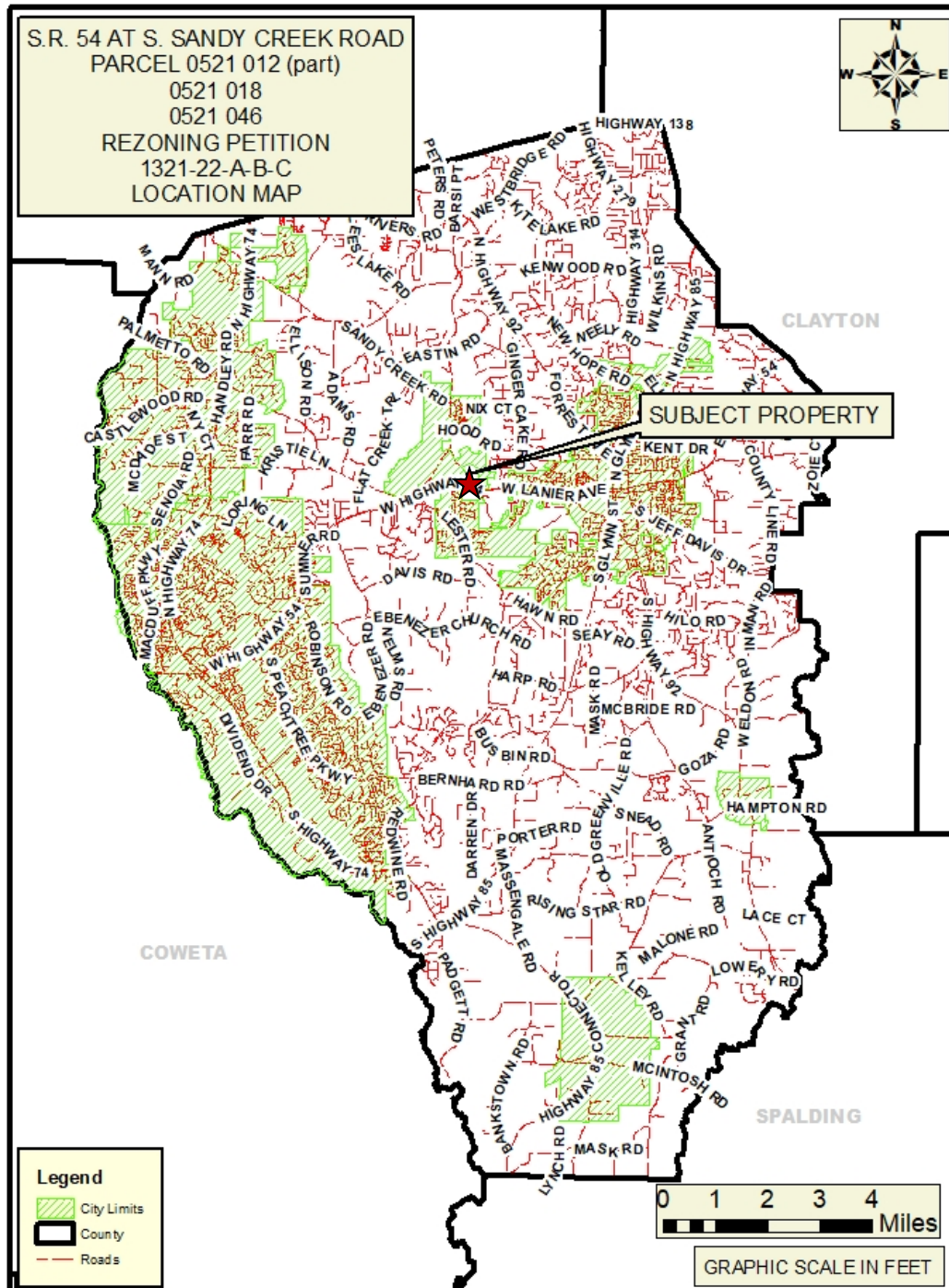
As defined in the Fayette County Comprehensive Plan, the C-C (Community Commercial District) is not designated for this area. Based on the foregoing Investigation and Staff Analysis, Staff recommends **DENIAL of the request for a zoning of C-C (Community Commercial).**

**RECOMMENDED CONDITIONS**

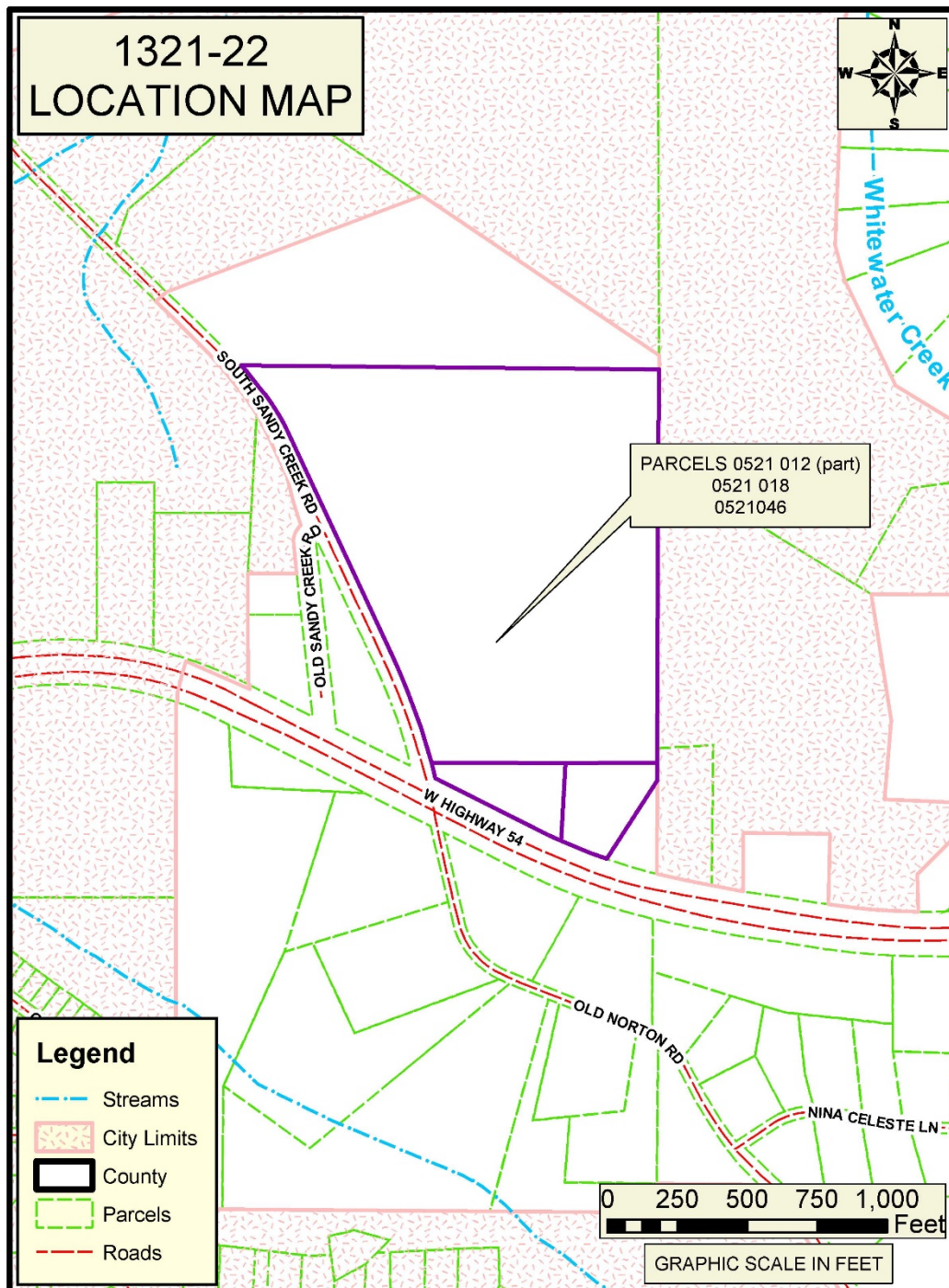
If this petition is approved by the Board of Commissioners, it should be approved **C-C** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

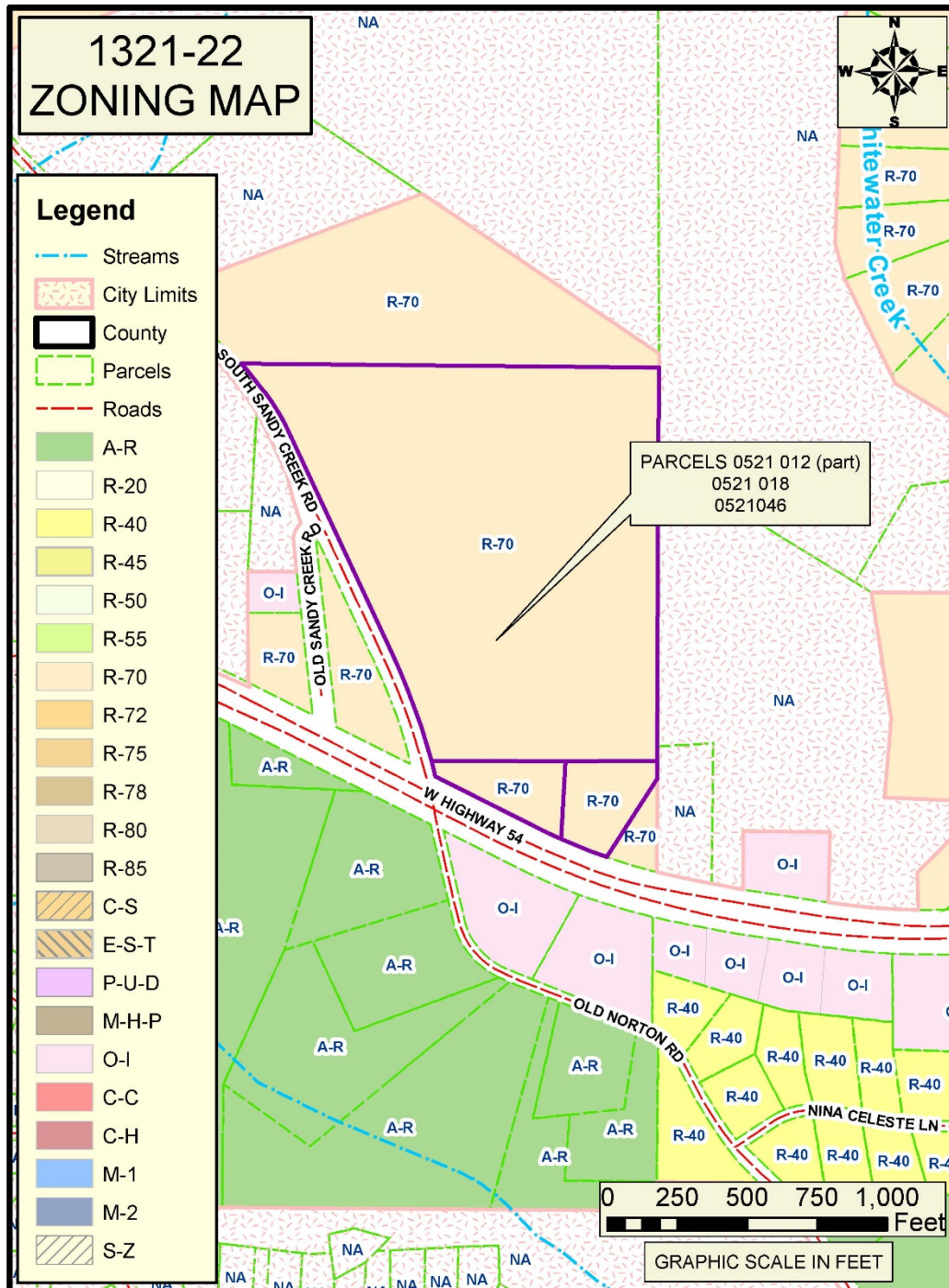
1. South Sandy Creek Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of South Sandy Creek.
2. A 100' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the north of the project. No encroachment of stormwater detention or other uses shall be allowed in the buffer.
3. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture.
4. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 60 days of the approval of the rezoning.



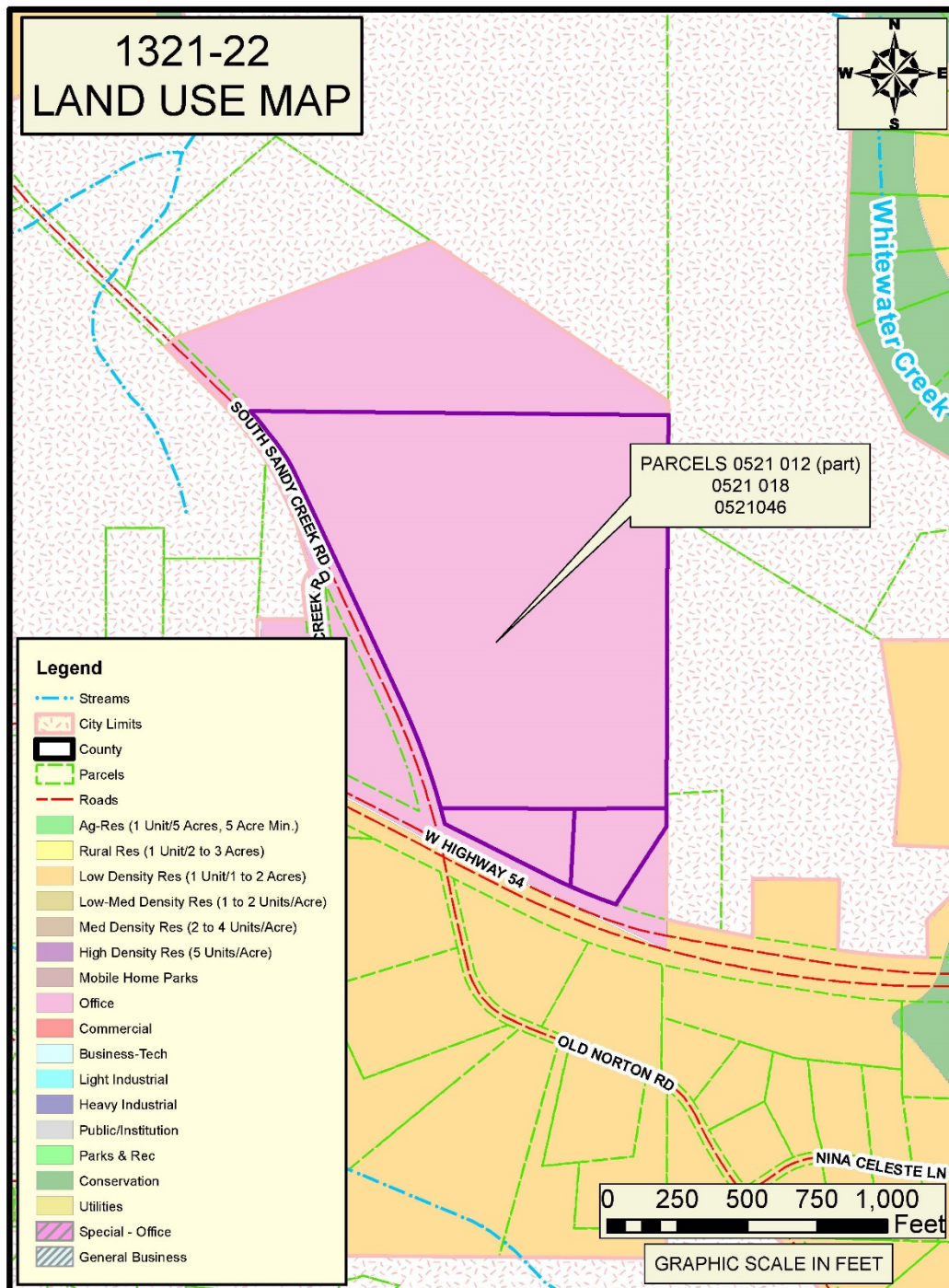










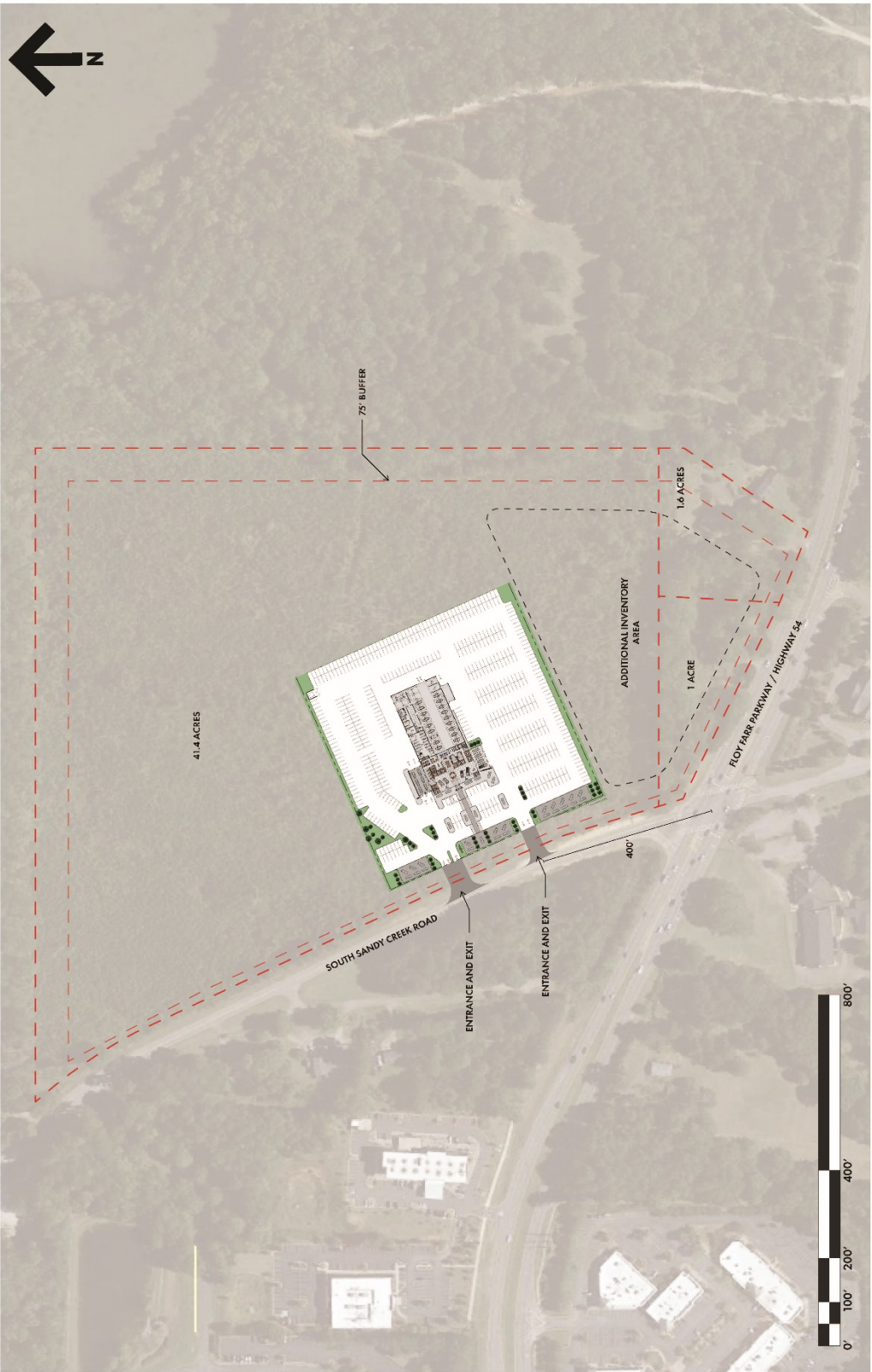








JEFFERSON\_



ARCHITECTURAL MASTER PLAN - FORD DEALERSHIP - FAYETTEVILLE, GEORGIA  
JULY 21 2022

ARCHITECTURAL SITE PLAN "C"  
SCALE: 1" = 100'

## LETTER OF INTENT

Mr. David Burnett seeks to rezone the northeast corner of the Hwy 54/Sandy Creek Road intersection located just outside the city limits of Fayetteville. Mr. Burnett seeks a C-C zoning for 40.5 +/- acres to relocate his Ford dealership that is currently on North Glynn Street (Hwy 85) in Fayetteville. The subject property is surrounded mostly by the City of Fayetteville, across Sandy Creek Road from the hospital, and in an area that is largely commercial. It is zoned R-70 and such zoning is out of touch with the current use of property in the area.

The subject property is actually composed of three tracts of land – two fairly small and one large. There is a house on each of the two smaller tracts; the larger track lies vacant. When the two houses were built in 1970, Hwy 54 was a sleepy two-lane road and Sandy Creek was not much more than a quiet country road. Much has changed since then. Now, Hwy 54 is a busy four-lane state highway with traffic travelling between Fayetteville and Peachtree City. Sandy Creek is a busy thoroughfare for travelers and commuters driving between Fayetteville, Trilith, Tyrone and Hwy 74. The presence of the hospital on the edge of this intersection brings hundreds, if not thousands, of vehicles, including emergency first responders, to the area each day. The area is no longer a quiet, residential location.

While the three tracts of land are currently zoned for low-density residential use, the County has recognized that this area is not truly conducive for quiet country living and has identified it for office use in the 2017 update to the Future Land Use Plan. While such use might appear to be logical with the hospital basically across the street, there already exists several medical offices in the immediate area with additional nearby land currently zoned for office use in both Fayetteville and in the County. There are additional offices located a very short distance to the east in Fayetteville mixed with other commercial uses. Currently, there is no need for additional office space in this area of the County.

In light of these realities, Mr. Burnett is proposing to relocate his Ford dealership from its current, rather old facility in Fayetteville to this property. Such use would generate far less traffic than medical offices that draw numerous patients and medical staff every day. Mr. Burnett proposes to build an attractive dealership on the site situated such to minimize the traffic impact on the intersection. His plan will include extra landscaping and buffers to enhance the aesthetic appeal of the site and to protect the land values of the surrounding properties.

Gone are the days of acres and acres of asphalt needed by dealerships to store hundreds of vehicles. Today's more modern dealers use the internet to showcase vehicles that are located both on-site and elsewhere. Appointments are made and customers can arrive to inspect the vehicle they have viewed on-line that has now been brought to the dealership from another location. Mr. Burnett's vision for the site is to include a multi-dealer site located adjacent to the Ford dealership to share resources and amenities. This vision is for a modern "destination location" for car enthusiasts to shop for vehicles, look at current and future designs and features, service their vehicles, and basically immerse themselves in the automotive world. He plans to add recreational opportunities for his customers to include a walking trail, dog park, and perhaps a golf putting area

and pickle ball courts for customers waiting for their vehicles to be serviced and, perhaps, for those future customers who want to look at a car or two and enjoy an afternoon in the area. These more modern dealerships, including the recreational features, are springing up across the country in recent years and Mr. Burnett wants to be among the first to offer such an enjoyable experience here in our community. His present location on Hwy 85 on a fairly small tract of land surrounded by developed property cannot offer such opportunities.

In short, Mr. Burnett wants to build a first-class dealership in this area of the County that has changed from its rural past. He wants to set a high development standard for this intersection and for this part of the County. Rezoning the property to CC will allow him to do this.

# APPLICATION TO AMEND TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA

PROPERTY OWNERS: See attached

MAILING ADDRESS: See attached

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

AGENT FOR OWNERS: Christopher Chitwood and David Burnett ( Richard P. Lindsey, Atty)

MAILING ADDRESS: 275 Glynn St., N., Fayetteville, GA 30214

PHONE: 404-569-4723 E-MAIL: chris@fayettevillefordga.com

PROPERTY LOCATION: LAND LOT 128 LAND DISTRICT 5th PARCEL 0521018  
LAND LOT \_\_\_\_\_ LAND DISTRICT \_\_\_\_\_ PARCEL 0521046 & 0521012

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 40.5

EXISTING ZONING DISTRICT: R-70 PROPOSED ZONING DISTRICT: CC

ZONING OF SURROUNDING PROPERTIES: County: O-I, AR ; Fayetteville: R-70, OI, MO

PRESENT USE OF SUBJECT PROPERTY: Residential and vacant

PROPOSED USE OF SUBJECT PROPERTY: New car dealership and service center

LAND USE PLAN DESIGNATION: Office

NAME AND TYPE OF ACCESS ROAD: SR 54 (major arterial); Sandy Creek Rd (minor arterial)

LOCATION OF NEAREST WATER LINE: On property

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1321-22

☐ Application Insufficient due to lack of: \_\_\_\_\_

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: 1 Aug. 2022

DATE OF PLANNING COMMISSION HEARING: September 1, 2022

DATE OF COUNTY COMMISSIONERS HEARING: September 22, 2022

Received from LINDSEY LACY, P.C. a check in the amount of \$ 590.00 for application filing fee, and \$ 140.00 for deposit on frame for public hearing sign(s).

Date Paid: 7/29/2022 Receipt Number: 015475

## **NAMES OF OWNERS**

Lyssa M. Sampson as Trustee under the Madelyn J. Chennault Living Trust, dated July 10, 2003  
420 East 79<sup>th</sup> St, #17G, New York, NY 10075 ([brandolph@rwcre.net](mailto:brandolph@rwcre.net))

Evelyn Morgan

1161 Hwy 54 W, Fayetteville, GA 30214 ([brandolph@rwcre.net](mailto:brandolph@rwcre.net))

Estate of Leonard R. Ebert, deceased, and Judith Ebert, deceased c/o Leslie Noles

1173 Hwy 54 W, Fayetteville, GA 30214 ([brandolph@rwcre.net](mailto:brandolph@rwcre.net))

**PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM**  
*(Applications require authorization by ALL property owners of subject property).*

**Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:**

Lyssa M. Sampson as Trustee under the Madelyn J. Chennault Living Trust, dated July 27, 2004

**Please Print Names**

0521-012  
 Intersection of Highway 54 and South Sandy Creek  
 Road in Fayette County, GA

**Property Tax Identification Number(s) of Subject Property:**

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 128 of the 5th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of

44.4 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Christopher Chitwood & Richard Lindsey to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

Lyssa M. Sampson  
 Signature of Property Owner 1

420 E 79th St #176 New York, NY 10075

Address

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

Courtney Ferrissey  
 Signature of Notary Public  
 COURTNEY FERRISSEY  
 Notary Public, State of New York  
 Reg. No. 04FB6409438  
 Qualified in New York County  
 Commission Expires 09/28/2024

7/28/22  
 Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date



Evelyn Morgan

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0521-014  
1164 Highway 54 West, Fayetteville, GA 30214

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 128 of the 5th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of 1.60 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Christopher Chiswood & Richard Lindsey to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

DocuSigned by:  
E Morgan 7/27/2022  
Signature of Property Owner 1

Signature of Notary Public

Address

Date

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Property Owner 3

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

**PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM**  
*(Applications require authorization by ALL property owners of subject property).*

**Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:**

Estate of Leonard R. Ebert, Deceased & Estate of Judith Ebert, Deceased

**Please Print Names**

**Property Tax Identification Number(s) of Subject Property:** 0521-046  
1178 Highway 51 West, Fayetteville, GA 30244  
 (I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 128 of the 5th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of 1 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Christopher Chitwood & Richard Lindsey to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

DocuSigned by:  
[Signature] 7/29/2022  
 Signature of Property Owner 1

Signature of Notary Public

Address

Date

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Property Owner 3

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

NAME: Christopher Chitwood on behalf of David Burnett PETITION NUMBER: 1321-22ADDRESS: 275 Glynn St., N., Fayetteville, GA 30214**PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.**

Christopher Chitwood and David Burnett affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) R-70 Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 450.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to CC.

This property includes: (check one of the following)

☐ See attached legal description on recorded deed for subject property or

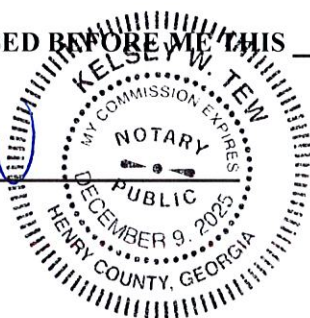
☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 1st day of September, 2022 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 22nd day of September, 2022 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 29th DAY OF July, 2022,

Kelsey W. Tew  
NOTARY PUBLIC



C. Chitwood  
APPLICANT'S SIGNATURE

**AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY**

I/We, \_\_\_\_\_, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, \_\_\_\_\_ feet of right-of-way along \_\_\_\_\_ as measured from the centerline of the road.

Based on the Future Thoroughfare Plan Map streets have one of the following designations and the Fayette County Development Regulations require a minimum street width as specified below:

Local Street (Minor Thoroughfare) 60 foot right-of-way (30' measured from each side of road centerline)

Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)

Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

\_\_\_\_\_  
NOTARY PUBLIC

## DEVELOPMENTS OF REGIONAL IMPACT (DRI)

### Rezoning Applicant:

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: [www.dca.state.ga.us/DRI/](http://www.dca.state.ga.us/DRI/).
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
- ☒ [ X ] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .
- ☐ [ ] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 29<sup>th</sup> day of July, 2022.

  
 \_\_\_\_\_  
 APPLICANT'S SIGNATURE

## Developments of Regional Impact

### Tiers and Development Thresholds

Type of Development	Metropolitan Regions	Non-metropolitan Regions
(1) Office	Greater than 400,000 gross square feet	Greater than 125,000 gross square feet
(2) Commercial	Greater than 300 000 gross square feet	Greater than 175,000 gross square feet
(3) Wholesale & Distribution	Greater than 500 000 gross square feet	Greater than 175,000 gross square feet
(4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 200 new beds; or generating more than 250 peak hour vehicle trips per day
(5) Housing	Greater than 400 new lots or units	Greater than 125 new lots or units
(6) Industrial	Greater than 500,000 gross square feet; or employing more than 1, 600 workers; or covering more than 400 acres	Greater than 175,000 gross square feet; or employing more than 500 workers; or covering more than 125 acres
(7) Hotels	Greater than 400 rooms	Greater than 250 rooms
(8) Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein	Gross square feet greater than 125,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 40 acres; or if any of the individual uses meets or exceeds a threshold as identified herein
(9) Airports	All new airports runways and runway extensions	Any new airport with a paved runway; or runway additions of more than 25% of existing runway length
(10) Attractions & Recreational Facilities	Greater than 1, 500 parking spaces or a seating capacity of more than 6, 000	Greater than 1, 500 parking spaces or a seating capacity of more than 6, 000
(11) Post-Secondary School	New school with a capacity of more than 2,400 students or expansion by at least 25 percent of capacity	New school with a capacity of more than 750 students or expansion by at least 25 percent of capacity
(12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more	New facility or expansion of use of an existing facility by 50 percent or more
(13) Quarries, Asphalt &, Cement Plants	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(14) Wastewater Treatment Facilities	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(15) Petroleum Storage Facilities	Storage greater than 50, 000 barrels if within 1, 000 feet of any water supply; otherwise storage capacity greater than 200, 000 barrels	Storage greater than 50, 000 barrels if within 1, 000 feet of any water supply; otherwise storage capacity greater than 200, 000 barrels
(16) Water Supply, Intakes/Reservoirs	New Facilities	New Facilities
(17) Intermodal Terminals	New Facilities	New Facilities
(18) Truck Stops	A new facility with more than three diesel fuel pumps; or spaces.	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces.
( 19 ) Any other development types not identified above (includes parking facilities)	1000 parking spaces	1000 parking spaces

Copyright © 2007 The Georgia Department of Community Affairs. All Rights Reserved

## DISCLOSURE STATEMENT

**Please check one:**

**Campaign contributions** -   X   No            Yes (see attached disclosure report)

### TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

#### O.C.G.A. § 36-67A-3 (2011)

#### § 36-67A-3. Disclosure of campaign contributions

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

**HISTORY:** Code 1981, § 36-67A-3, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1; Ga. L. 1993, p. 91, § 36.



RECORD AND RETURN TO:  
Lyssa M. Sampson, Esq.  
330 East 49th St. #8G  
New York, New York 10017

FAYETTE COUNTY, GEORGIA  
REAL ESTATE TRANSFER TAX  
PAID 0  
DATE 7-18-03  
Sheila Steward  
CLERK OF SUPERIOR COURT

FILED & RECORDED  
FAYETTE COUNTY, GA.

'03 JUL 19 PM 4 50

SHEILA STEWARD, CLERK

STATE OF GEORGIA  
COUNTY OF FAYETTE

## QUITCLAIM DEED

THIS INDENTURE, made the 10th day of July, in the year of Two Thousand and Three, between MADELYN JOANNE CHENNAULT of the County of Fulton, and the State of Georgia, as party or parties of the first part, hereinafter called Grantor, and MADELYN J. CHENNAULT and LYSSA M. SAMPSON, Trustees, or their successors in trust, under the MADELYN J. CHENNAULT LIVING TRUST, dated July 10, 2003, and any amendments thereto, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: for and in consideration of one dollar (\$1.00) and other valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto said Grantee,

ALL THAT TRACT OR PARCEL OF LAND, lying and being in Land Lot 128 of the Fifth Land District, Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at the northeast corner of said Land Lot 128, said corner being marked with an iron pin, and running thence south 2 degrees east along the east line of said Land Lot 128, a distance of 1,480 feet to an iron pin; running thence south 87 degrees 30 minutes west a distance of 899 feet to a point in the center of State Highway No. 54; running thence in a northwesterly direction along the center line of said State Highway No. 54, 210 feet; to the intersection of a County Road known as Sandy Creek Road; running thence in a northwesterly direction along the center of said Sandy Creek Road approximately 1,200 feet to a point where the line of the lands of Burness Adams crosses said road; running thence north 3 degrees west 127 feet to a point on the north line of said Land Lot 128; running thence north 88 degrees east along said Land Lot line 1,480 feet to the point of beginning and containing 44.5 acres, more or less, according to Plat of Survey by C. E. Lee, County Surveyor, dated April 17, 1956.

This being a portion of the lands described in a warranty deed from H. G. Crews to A. B. Hooper, dated November 10, 1955, and recorded in Deed Book 38, page 386, Fayette County records.

The above described lands conveyed subject to easement of record to the State Highway Department of Georgia for a right-of-way measuring 40 feet from the center line of State Highway No. 54, and to easement of record to Fayette County for right-of-way measuring 40 feet from the center line of Sandy Creek Road.

Being the same property conveyed by Warranty Deed from A. B. Hooper to B. Q. Chennault dated April 21, 1956, recorded in Deed Book 39, page 131, in the Office of the Clerk of the Superior Court of Fayette County, Georgia.

TOGETHER with all the rights, members, and appurtenances to the said described Property in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said premises to Grantee, so that neither the Grantor nor its successors or assigns nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title, or interest to the said premises or its appurtenances.

BOOK 2253 PAGE 725

*See attached  
for legal that  
excludes Tract 2.*

BOOK 2259 PAGE 726

**IN WITNESS WHEREOF**, Grantor has signed and sealed this deed, the day and year first above written.

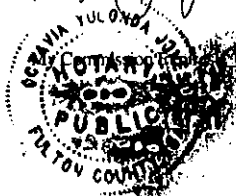
**Signed, sealed and delivered in the presence of:**

Madelyn Joanne Chennault  
MADELYN JOANNE CHENNAULT

Josephine T. Jackson

(Unofficial Witness)

(Notary Public)



Notary Public-Fulton County, Georgia  
Commission Expires December 9 2008

DATE \_\_\_\_\_  
BY \_\_\_\_\_  
RECEIVED \_\_\_\_\_

## LEGAL DESCRIPTION FOR TRACT 1

All of that tract or parcel of land lying and being in Land Lot 128, 5<sup>th</sup> District of Fayette County, Georgia and being more particularly described as follows:

BEGINNING at the common land lot corner of Land Lots 127, 128, 129 and 130 at a nail placed at the base of a bent open top pipe, thence running along the east land lot line of Land Lot 128 the following metes and bounds: S 01°55'12" W a distance of 1394.25' to a 1/2" rebar found; S 01°39'47" W a distance of 80.29' to a 5/8" rebar found; thence leaving said land lot line the following metes and bounds: S 89°29'56" W a distance of 391.95' to a 5/8" rebar found; N 86°55'48" W a distance of 407.11' to a 1/2" iron pin and plastic cap placed on the easterly right-of-way line of South Sandy Creek Road (having a variable right-of-way); then running along said right-of-way line of South Sandy Creek Road the following metes and bounds: N 26°07'10" W a distance of 38.21' to a concrete monument found; run northwest along the arc of a curve turning to the left with an arc length of 356.11', with a radius of 2331.83', with a chord bearing of N 19°30'38" W, with a chord length of 355.77' to a point; N 24°55'51" W a distance of 300.80' to a point; N 15°05'29" W a distance of 203.04' to a point; N 44°18'28" W a distance of 105.95' to a point; N 25°01'04" W a distance of 358.05' to a point; run northwest along the arc of a curve turning to the left with an arc length of 175.02', with a radius of 976.99', with a chord bearing of N 31°12'28" W, with a chord length of 174.79' to a 1/2 " iron pin and plastic cap placed; thence leaving said right-of-way line of South Sandy Creek Road, N 01°03'10" W a distance of 65.79' to a 1/2" iron pin and plastic cap placed on the north land lot line of Land Lot 128; thence running along said land lot line, N 89°56'50" E a distance of 1480.00' to a nail placed at the base of a bent open top pipe found and the POINT OF BEGINNING, containing 37.915 acres.





# COUNTY AGENDA REQUEST

Page 37 of 181

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No. 1321-22B, Evelyn Morgan, Owner; Richard P. Lindsey, Attorney, Agent for Christopher Chitwood and David Burnett, request to rezone 1.769 acres from R-70 to C-C to construct a car dealership and service center; property located in Land Lot 128, 5th District and fronts on S.R. 54 West.

## Background/History/Details:

Staff recommends denial of the request to rezone from R-70 to C-C because a commercial use is not consistent with the Fayette County Comprehensive Plan and Land Use Plan Element. The subject property lies within an area designated for Office uses, including business and medical offices. Per the Land Use element of the Fayette County Comprehensive Plan, the S.R. 54 corridor between the City of Fayetteville and the City of Peachtree City is defined as the S.R. 54 West Overlay District, which addresses non-commercial uses as follows: Nonresidential Recommendations: The nonresidential intent of the S.R. 54 West Overlay District is to allow office and low intensity business uses. Outside of the commercial designation at Tyrone Road consideration for the Office-Institutional Zoning District may be given. It is recommended that a Special Development District be created for S.R. 54 West to allow and regulate expanded uses in the Office-Institutional zoning district only on S.R. 54 West. Conditions should be placed on property at the time of rezoning to address unique situations.

The request to annex this property was denied by the City of Fayetteville under their Annexation Step-one process. The Council was not in support of the Applicant deeding a 10' strip of land along the property frontage to avoid establishing an unincorporated island to the north and as a location for a car dealership.

Brian Haren made a motion to deny Petition No. 1321-22B, request to rezone 1.769 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.

## What action are you seeking from the Board of Commissioners?

Denial of Petition No. 1321-22B, Evelyn Morgan, Owner; Richard P. Lindsey, Attorney, Agent for Christopher Chitwood and David Burnett, request to rezone 1.769 acres from R-70 to C-C to construct an car dealership; property located in Land Lot 128, 5th District and fronts on S.R. 54 West.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

If the Board grants approval of the request, staff has provided recommended conditions for each parcel, which is included in the backup material.

**PLANNING COMMISSION RECOMMENDATION**

**DATE:** September 1, 2022

**TO:** Fayette County Commissioners


The Fayette County Planning Commission recommends that Petition No. 1321-22B, the application of Evelyn Morgan to rezone 1.769 from R-70 to C-C, be:

☐ Approved
 ☐ Withdrawn
 ☒ Denied
   
☐ Tabled until \_\_\_\_\_
   
☐ Approved with Conditions \_\_\_\_\_

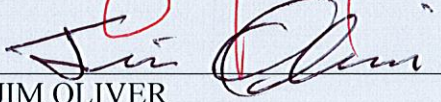
This is forwarded to you for final action.


  
 ARNOLD MARTIN, CHAIRMAN


  
 BRIAN HAREN, VICE-CHAIRMAN


  
 JOHN CULBRETH


  
 DANNY ENGLAND


  
 JIM OLIVER

**Remarks:**

\_\_\_\_\_
   
 \_\_\_\_\_
   
 \_\_\_\_\_



**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**RESOLUTION**

**NO. 1321-22B**

**WHEREAS**, Evelyn Morgan, Owner, and Christopher Chitwood and David Burnett (Attn: Richard P. Lindsey), Agent, having come before the Fayette County Planning Commission on September 1, 2022, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

**WHEREAS**, said request being as follows: Request to rezone 1.769 from R-70 to C-C, in the area of S.R. Highway 54 W and South Sandy Creek Road, Land Lot 128 of the 5th District, for the purpose of developing a C-C; and

**WHEREAS**, the Fayette County Planning Commission having duly convened, and considered said request;

**BE IT RESOLVED** that the decision of the Fayette County Planning Commission, that said request be **DENIED**.

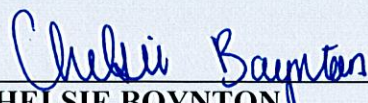
This decision is based on the following reason:

Not compatible with the surrounding area.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

  
\_\_\_\_\_  
**ARNOLD MARTIN, CHAIRMAN**

  
\_\_\_\_\_  
**CHELSIE BOYNTON  
PC SECRETARY**

**BOARD MEMBERS**

Arnold L. Martin, Chairman  
Brian Haren, Vice-Chairman  
John H. Culbreth, Sr.  
Danny England  
Jim Oliver

**STAFF**

Deborah L. Bell, Planning and Zoning Director  
Chelsie Boynton, Planning and Zoning Coordinator

---

**AGENDA OF ACTS  
FAYETTE COUNTY PLANNING COMMISSION MEETING  
140 STONEWALL AVENUE WEST  
September 1, 2022  
7:00 pm**

**\*Please turn off or turn to mute all electronic devices during the  
Planning Commission Meetings**

---

1. Consideration of the Minutes of the meeting held on August 4, 2022.

*John Culbreth Sr. made a motion to approve the minutes of the meeting held on August 4<sup>th</sup>, 2022.  
Danny England seconded the motion. The motion passed 5-0.*

**NEW BUSINESS**

2. Consideration of a Minor Final Plat for Larry Knight

*Brian Haren made a motion to approve the Minor Final Plat for Larry Knight. Danny England  
seconded the motion. The motion passed 5-0.*

**PUBLIC HEARING**

3. Consideration of Petition No. 1321-22 A, Lyssa M. Sampson as Trustee under the Madelyn J. Chennault Living Trust dated July 10, 2003 Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 37.915 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5<sup>th</sup> District and fronts on South Sandy Creek Road.

*Brian Haren made a motion to deny Petition No. 1321-22 A, request to rezone 37.915 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion.  
The motion passed 5-0.*



4. Consideration of Petition No. 1321-22 B, Evelyn Morgan, Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 1.769 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5<sup>th</sup> District and fronts on S.R. Highway 54.

***Brian Haren made a motion to deny Petition No. 1321-22 B, request to rezone 1.769 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.***

5. Consideration of Petition No. 1321-22 C, Estate of Leonard R. Ebert, deceased, and Judith Ebert, deceased c/o Leslie Noles, Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 1.210 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5<sup>th</sup> District and fronts on S.R. Highway 54 and South Sandy Creek Road.

***Brian Haren made a motion to deny Petition No. 1321-22 C, request to rezone 1.210 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.***

6. Consideration of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR 74, SR 85 and Padgett Road intersection.

***Danny England made a motion to approve amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR 74, SR 85 and Padgett Road intersection. John Culbreth Sr. seconded the motion. The motion passed 4-1.***

7. Consideration of Petition No. 1322-22, Robert C. Shell, Owner, and LDO Fayette, LLC, Agent, request to rezone 12.591 acres from A-R to C-C to build a convenience store with fuel. This property is located in Land Lot 8 of the 6<sup>th</sup> District and fronts on Georgia Highway 85 and Padgett Road.

***John Culbreth Sr. made a motion to approve Petition No. 1322-22, request to rezone 12.591 acres from A-R to C-C to build a convenience store with fuel. Danny England seconded the motion. The motion passed 5-0.***

**PETITION NO: 1321-22-B**

**REQUESTED ACTION:** R-70 to C-C

**PROPOSED USE:** Automobile Dealership & Service Center

**EXISTING USE:** 1 single-family home

**LOCATION:** S.R. Highway 54

**DISTRICT/LAND LOT(S):** 5<sup>th</sup> District, Land Lot 128

**OWNER:** Evelyn Morgan

**AGENT:** Richard P. Lindsey, Atty., for Christopher Chitwood & David Burnett

**PLANNING COMMISSION PUBLIC HEARING:** September 1, 2022

**BOARD OF COMMISSIONERS PUBLIC HEARING:** September 22, 2022

---

**APPLICANT'S INTENT**

Applicant proposes to rezone 1.769 acres from R-70 to C-C to develop an Automobile Dealership & Service Center.

**STAFF RECOMMENDATION**

Staff recommends **DENIAL** because the request is inconsistent with the Comprehensive Plan.

## **INVESTIGATION**

### **A. GENERAL PROPERTY INFORMATION**

The subject property is a 1.769-acre tract. The tracts front on S.R. 54 in Land Lot 128 of the 5<sup>th</sup> District. S.R. 54 is classified as a Major Arterial roads on the Fayette County Thoroughfare Plan. The property has an older single-family home on it.

The property is currently zoned *R-70, Single-Family Residential*.

The area is designated for *Office* uses in the Land Use Plan, Fayette County Comprehensive Plan.

### **B. SURROUNDING ZONING AND USES**

The tract that is the subject of the request is zoned R-70. In the vicinity of the subject property is land which is zoned R-70, O-I, and City of Fayetteville property zoned PCD. See the following table and the attached Zoning Map.

The subject property is bounded by the following adjacent zoning districts and uses:

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North	15.00	R-70	Vacant	Office
South (across SR 54)	5.73	O-I	Office	Low-Density Residential (1unit/1 acre)
East	26.9	City: PCD	Vacant	Walkable Mixed Use
	2.0	City: PCD	Single-Family Residential	Walkable Mixed Use
	1.1	County: R-70	Single Family Residential	Office
West (across Sandy Creek Rd)	40.1	City: O and I	Hospital	Business Park
	1.3	City: Medical Office	Office	Suburban Commercial
	2.3	County: R-70	Vacant	Office

### **C. COMPREHENSIVE PLAN**

The subject property lies within an area designated for Office uses, including business and medical offices. Per the Land Use element of the Fayette County Comprehensive Plan, the SR 54 corridor between the City of Fayetteville and the City of Peachtree City is defined as the SR 54 West Overlay District, which addresses non-commercial uses as follows:

***Nonresidential Recommendations:*** *The nonresidential intent of the SR 54 West Overlay District is to allow office and low intensity business uses. Outside of the commercial designation at Tyrone Road consideration for the Office-Institutional Zoning District may be given. It is recommended that a Special Development District be created for SR 54 West to allow and regulate expanded uses in the Office-Institutional zoning district only on SR 54 West. Conditions should be placed on property at the time of rezoning to address unique situations.*

**D. ZONING/REGULATORY REVIEW****Transportation Corridor Overlay Zone for SR 54 West**

Due to the frontage on State Route 54, development of the property is subject to the requirements of the SR 54 West Overlay Zone, Article V. Sec. 110-173(2), which requires enhanced setbacks, landscape strips and architectural standards.

**State Route 54 West Special Development District**

This is a Special District established by the Comprehensive Plan that allows certain expanded uses in the O-I District on parcels of 5 acres or greater (Sec. 110-142.(h)).

**Access & Right-of Way**

The Concept Plan submitted indicates access from South Sandy Creek Road. Right of Way donation may be required to meet the standards of the Fayette County Thoroughfare Plan (Sec. 104-52). Any access onto SR 54 must be approved by GDOT.

**Concept Plan**

The Concept Plan submitted with the request is for illustrative purposes only. Any deficiencies shall be addressed at the time of submittal of the Site Plan.

**Architectural Review**

Some architectural elevations were submitted as part of this application package. These elevations are conceptual and do not meet the requirements of the SR 54 West Overlay Zone.

**Site Plan**

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 104-27 of the Development Regulations. Approval of this zoning petition does not constitute approval of the conceptual site plan.

**F. DEPARTMENTAL COMMENTS**

- ☐ **Water System** - Water is available in a 16" Ductile Iron water main along the southside of Hwy 54 and also available near the Old Sandy Creek Rd intersection in a 16" Ductile Iron water main.
- ☐ **Public Works/Environmental Management**
  - **Transportation** - Any proposed modifications to the site entrance and exit on **SR 54** will be permitted through GDOT. As part of the plan review and approval process, Public Works may require a Traffic Impact Study for the development.
  - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0084E dated September 26, 2008 or the FC 2013 Future Conditions Flood Study.
  - **Wetlands** - The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
  - **Watershed Protection** - There **ARE NO** known state waters located on the subject property.
  - **Groundwater** - A small portion of the property **IS** within a groundwater recharge area.
- ☐ **Environmental Health Department** – The department has no comments on this rezoning.
- ☐ **Fire** – The department has no comments on this rezoning.
- ☐ **Georgia Department of Transportation** - The existing residential driveways on SR 54 may not be used for access to any part of the proposed commercial project.



## **STANDARDS**

### **Sec. 110-300. - Standards for map amendment (rezoning) evaluation.**

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

## **STAFF ANALYSIS**

1. The subject property lies within an area designated for Office and Institutional uses, subject to the SR 54 West Overlay Zone. This request does not conform to the Fayette County Comprehensive Plan in terms of the location of nonresidential uses outside the area of the intersection of SR 54 and Tyrone Road.
2. The subject property lies within an area designated as subject to the standards of the State Route 54 West Special Development District. This request does not conform to the Fayette County Comprehensive Plan in terms of the expanded uses allowed in the Special Development District.
3. The area around the proposed nonresidential use is in an area that already has various Office, Institutional, Commercial and Mixed-Use zoning/uses by both County and the City of Fayetteville. It is staff's opinion that the zoning proposal would not adversely affect the existing or future uses of nearby properties.
4. The intersection at South Sandy Creek and SR 54 is already signalized. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities or schools.
5. Trilith Studios and its associated nonresidential uses in the area are continuing to grow, reinforcing the general nonresidential use pattern in this area.

**PETITION NO: 1321-22 – B**  
**PARCEL #0521 018**

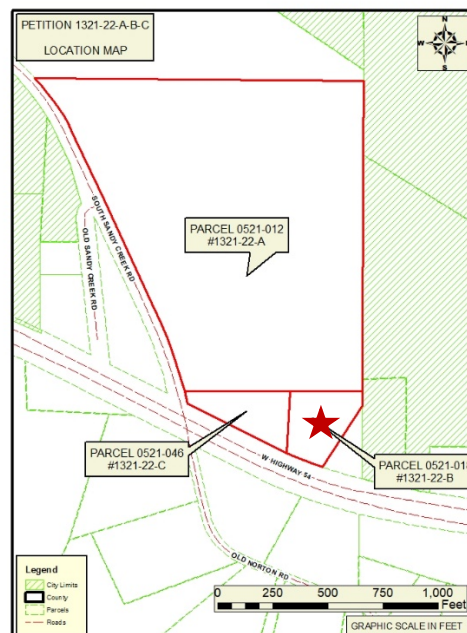
**STAFF RECOMMENDATION**

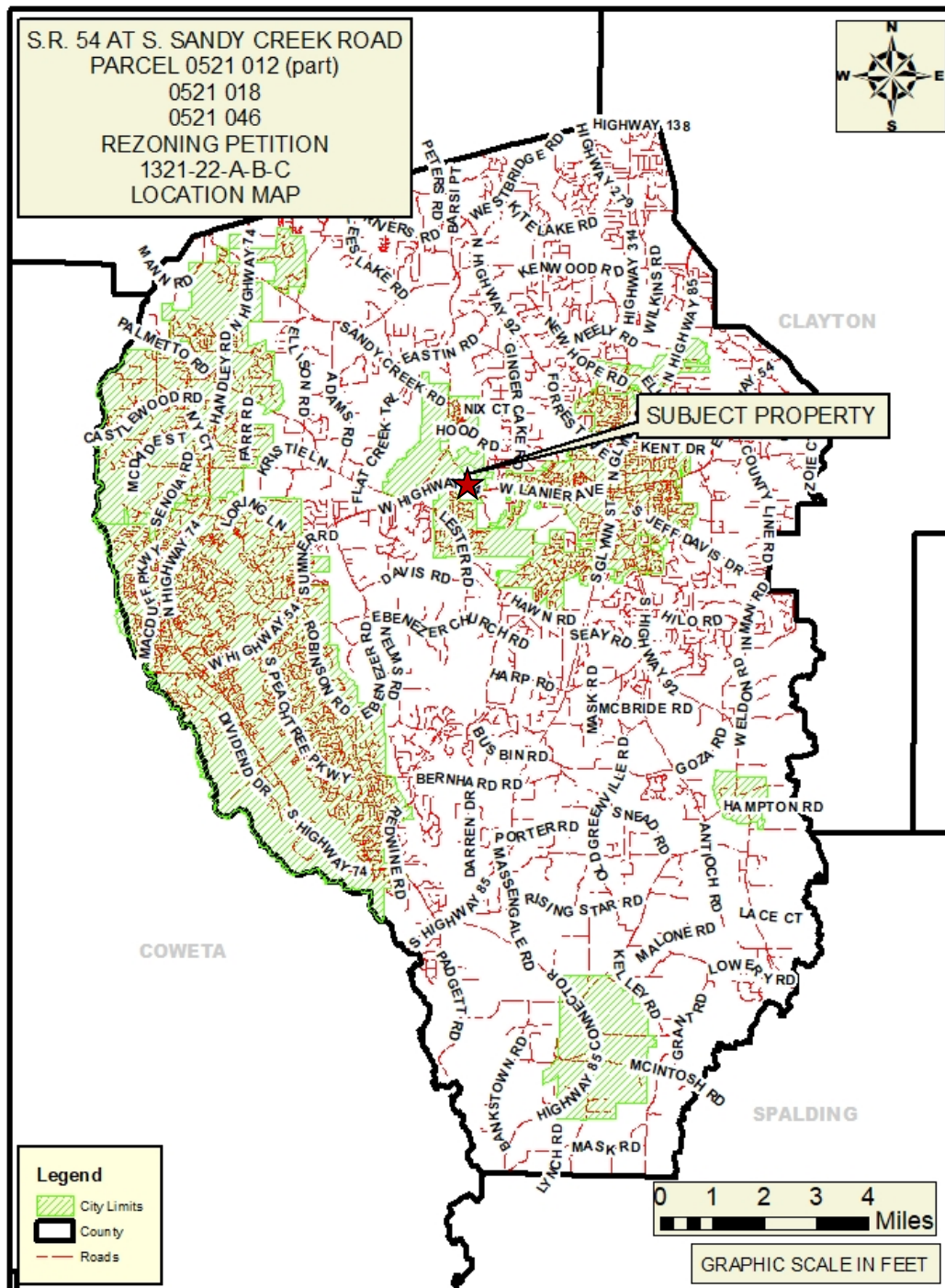
As defined in the Fayette County Comprehensive Plan, the C-C (Community Commercial District) is not designated for this area. Based on the foregoing Investigation and Staff Analysis, Staff recommends **DENIAL of the request for a zoning of C-C (Community Commercial).**

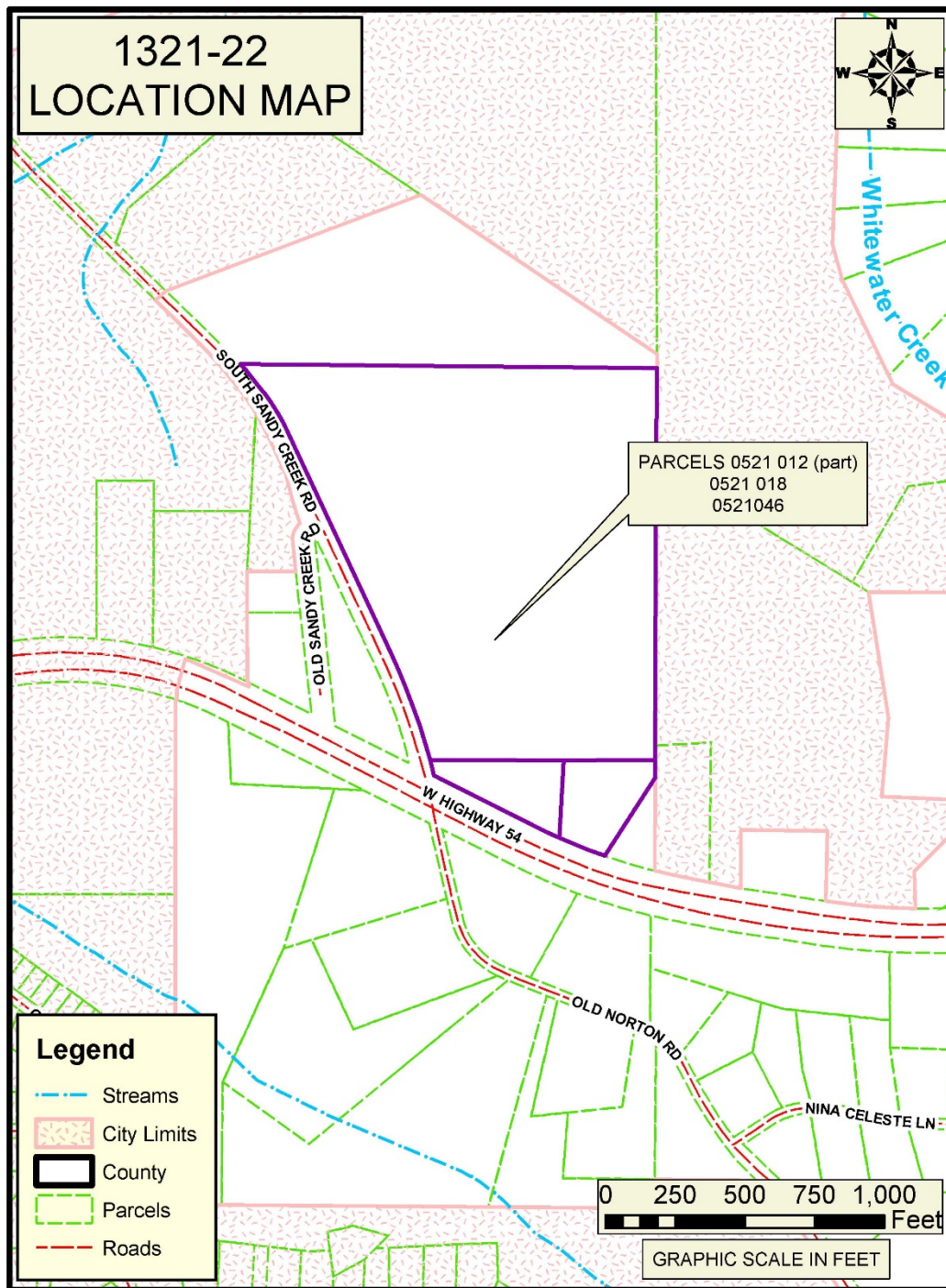
**RECOMMENDED CONDITIONS**

If this petition is approved by the Board of Commissioners, it should be approved C-C subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

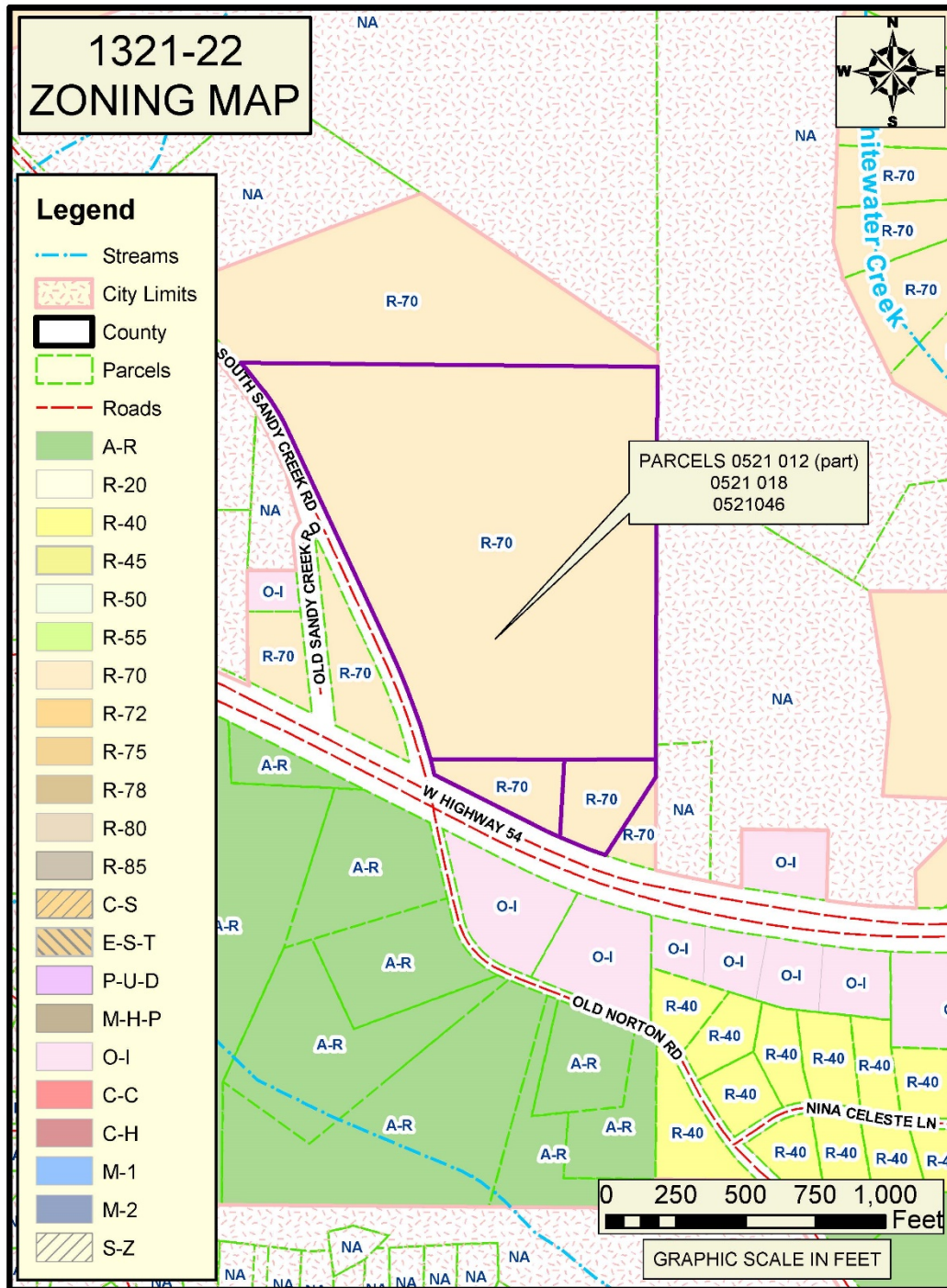
1. The Fayette County Comprehensive Transportation Plan identifies a future multi-use path adjacent to SR 54 (FTP-404). The owner/developer shall provide a 20-ft easement across the parcel for future construction of the path (by others) and subsequent use by the public. The easement area shall be outside the GDOT R/W and any other easements of record.
2. A 100' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the southeast of the project. No encroachment of stormwater detention or other uses shall be allowed in the buffer.
3. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture.
4. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 60 days of the approval of the rezoning.
5. All existing structures on the parcels that are a subject of this rezoning shall be removed within 90 days of the approval of the rezoning.

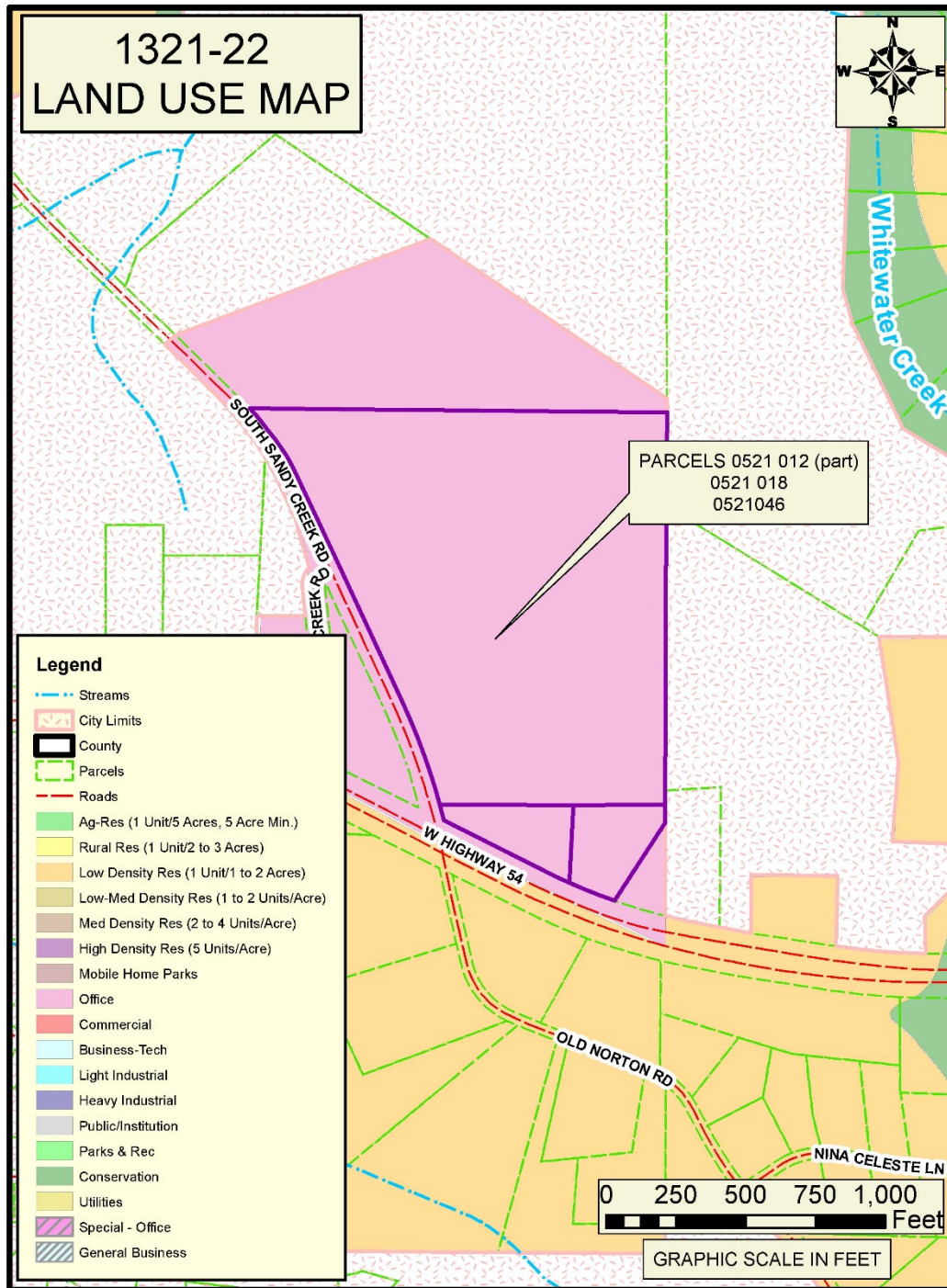










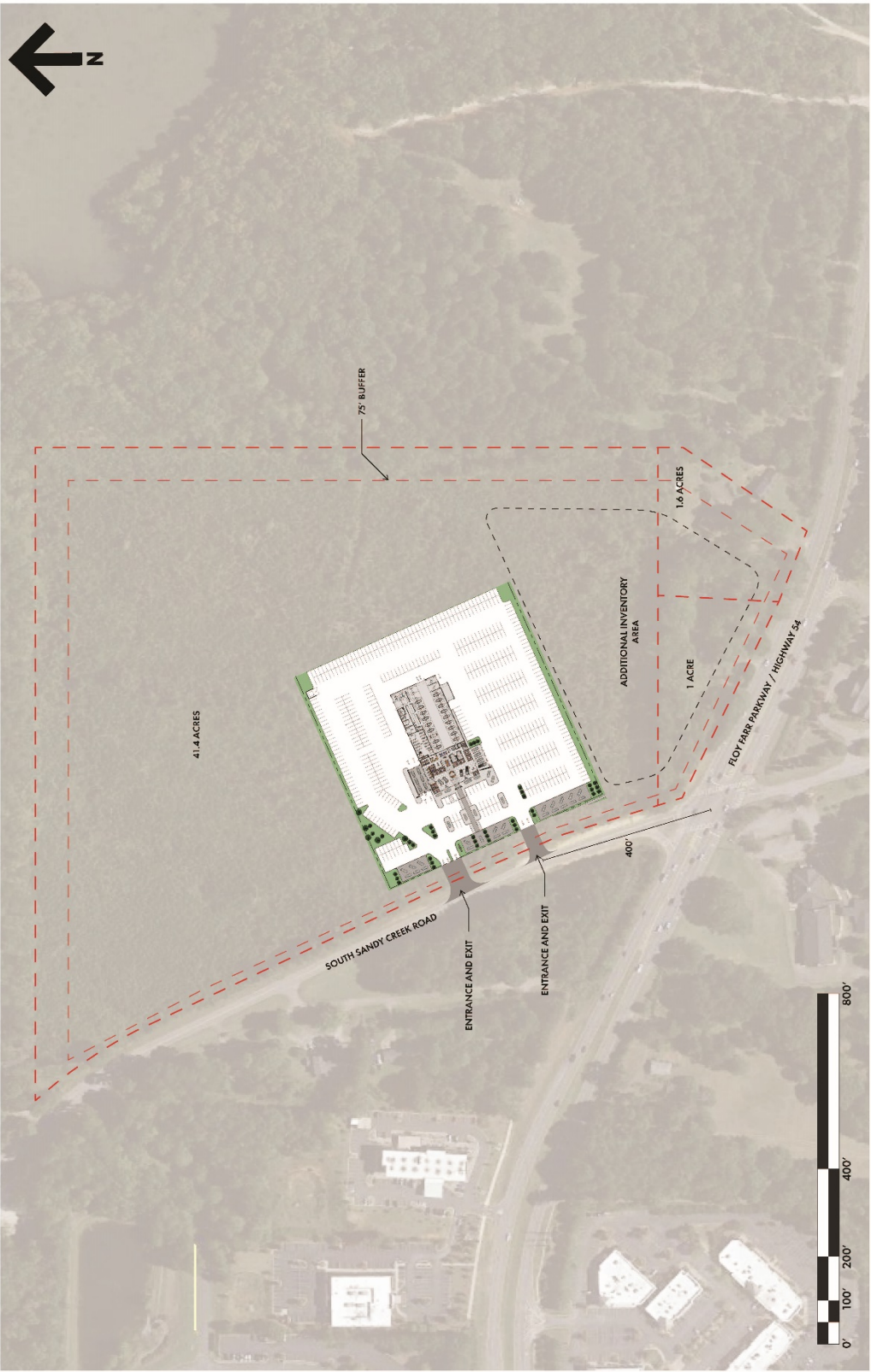








JEFFERSON\_



ARCHITECTURAL MASTER PLAN - FORD DEALERSHIP - FAYETTEVILLE, GEORGIA  
JULY 21 2022

ARCHITECTURAL SITE PLAN "C"  
SCALE: 1" = 100'



## LETTER OF INTENT

Mr. David Burnett seeks to rezone the northeast corner of the Hwy 54/Sandy Creek Road intersection located just outside the city limits of Fayetteville. Mr. Burnett seeks a C-C zoning for 40.5 +/- acres to relocate his Ford dealership that is currently on North Glynn Street (Hwy 85) in Fayetteville. The subject property is surrounded mostly by the City of Fayetteville, across Sandy Creek Road from the hospital, and in an area that is largely commercial. It is zoned R-70 and such zoning is out of touch with the current use of property in the area.

The subject property is actually composed of three tracts of land – two fairly small and one large. There is a house on each of the two smaller tracts; the larger track lies vacant. When the two houses were built in 1970, Hwy 54 was a sleepy two-lane road and Sandy Creek was not much more than a quiet country road. Much has changed since then. Now, Hwy 54 is a busy four-lane state highway with traffic travelling between Fayetteville and Peachtree City. Sandy Creek is a busy thoroughfare for travelers and commuters driving between Fayetteville, Trilith, Tyrone and Hwy 74. The presence of the hospital on the edge of this intersection brings hundreds, if not thousands, of vehicles, including emergency first responders, to the area each day. The area is no longer a quiet, residential location.

While the three tracts of land are currently zoned for low-density residential use, the County has recognized that this area is not truly conducive for quiet country living and has identified it for office use in the 2017 update to the Future Land Use Plan. While such use might appear to be logical with the hospital basically across the street, there already exists several medical offices in the immediate area with additional nearby land currently zoned for office use in both Fayetteville and in the County. There are additional offices located a very short distance to the east in Fayetteville mixed with other commercial uses. Currently, there is no need for additional office space in this area of the County.

In light of these realities, Mr. Burnett is proposing to relocate his Ford dealership from its current, rather old facility in Fayetteville to this property. Such use would generate far less traffic than medical offices that draw numerous patients and medical staff every day. Mr. Burnett proposes to build an attractive dealership on the site situated such to minimize the traffic impact on the intersection. His plan will include extra landscaping and buffers to enhance the aesthetic appeal of the site and to protect the land values of the surrounding properties.

Gone are the days of acres and acres of asphalt needed by dealerships to store hundreds of vehicles. Today's more modern dealers use the internet to showcase vehicles that are located both on-site and elsewhere. Appointments are made and customers can arrive to inspect the vehicle they have viewed on-line that has now been brought to the dealership from another location. Mr. Burnett's vision for the site is to include a multi-dealer site located adjacent to the Ford dealership to share resources and amenities. This vision is for a modern "destination location" for car enthusiasts to shop for vehicles, look at current and future designs and features, service their vehicles, and basically immerse themselves in the automotive world. He plans to add recreational opportunities for his customers to include a walking trail, dog park, and perhaps a golf putting area

and pickle ball courts for customers waiting for their vehicles to be serviced and, perhaps, for those future customers who want to look at a car or two and enjoy an afternoon in the area. These more modern dealerships, including the recreational features, are springing up across the country in recent years and Mr. Burnett wants to be among the first to offer such an enjoyable experience here in our community. His present location on Hwy 85 on a fairly small tract of land surrounded by developed property cannot offer such opportunities.

In short, Mr. Burnett wants to build a first-class dealership in this area of the County that has changed from its rural past. He wants to set a high development standard for this intersection and for this part of the County. Rezoning the property to CC will allow him to do this.

**APPLICATION TO AMEND  
TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA**

PROPERTY OWNERS: See attached

MAILING ADDRESS: See attached

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

AGENT FOR OWNERS: Christopher Chitwood and David Burnett ( Richard P. Lindsey, Atty)

MAILING ADDRESS: 275 Glynn St., N., Fayetteville, GA 30214

PHONE: 404-569-4723 E-MAIL: chris@fayettevillefordga.com

PROPERTY LOCATION: LAND LOT 128 LAND DISTRICT 5th PARCEL 0521018  
LAND LOT \_\_\_\_\_ LAND DISTRICT \_\_\_\_\_ PARCEL 0521046 & 0521012

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 40.5

EXISTING ZONING DISTRICT: R-70 PROPOSED ZONING DISTRICT: CC

ZONING OF SURROUNDING PROPERTIES: County: O-I, AR ; Fayetteville: R-70, OI, MO

PRESENT USE OF SUBJECT PROPERTY: Residential and vacant

PROPOSED USE OF SUBJECT PROPERTY: New car dealership and service center

LAND USE PLAN DESIGNATION: Office

NAME AND TYPE OF ACCESS ROAD: SR 54 (major arterial); Sandy Creek Rd (minor arterial)

LOCATION OF NEAREST WATER LINE: On property

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1321-22

☐ Application Insufficient due to lack of: \_\_\_\_\_

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: 1 Aug. 2022

DATE OF PLANNING COMMISSION HEARING: September 1, 2022

DATE OF COUNTY COMMISSIONERS HEARING: September 22, 2022

Received from LINDSEY LACY, P.C. a check in the amount of \$ 590.00 for application filing fee, and \$ 140.00 for deposit on frame for public hearing sign(s).

Date Paid: 7/29/2022 Receipt Number: 015475

## NAMES OF OWNERS

Lyssa M. Sampson as Trustee under the Madelyn J. Chennault Living Trust, dated July 10, 2003  
420 East 79<sup>th</sup> St, #17G, New York, NY 10075 ([brandolph@rwcre.net](mailto:brandolph@rwcre.net))

Evelyn Morgan

1161 Hwy 54 W, Fayetteville, GA 30214 ([brandolph@rwcre.net](mailto:brandolph@rwcre.net))

Estate of Leonard R. Ebert, deceased, and Judith Ebert, deceased c/o Leslie Noles

1173 Hwy 54 W, Fayetteville, GA 30214 ([brandolph@rwcre.net](mailto:brandolph@rwcre.net))



**PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM**  
*(Applications require authorization by ALL property owners of subject property).*

**Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:**

Lyssa M. Sampson as Trustee under the Madelyn J. Chennault Living Trust, dated July 27, 2004

**Please Print Names**

0521-012  
 Intersection of Highway 54 and South Sandy Creek  
 Road in Fayette County, GA

**Property Tax Identification Number(s) of Subject Property:**

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 128 of the 5th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of

44.4 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Christopher Chitwood & Richard Lindsey to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

Lyssa M. Sampson  
 Signature of Property Owner 1

420 E 79th St #176 New York, NY 10075

Address

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

Courtney Ferrissey  
 Signature of Notary Public  
 COURTNEY FERRISSEY  
 Notary Public, State of New York  
 Reg. No. 04FB6409438  
 Qualified in New York County  
 Commission Expires 09/28/2024

7/28/22  
 Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Evelyn Morgan

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0521-014  
1164 Highway 54 West, Fayetteville, GA 30214

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 128 of the 5th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of 1.60 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Christopher Chiswood & Richard Lindsey to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

DocuSigned by:  
E Morgan 7/27/2022  
Signature of Property Owner 1

Signature of Notary Public

Address

Date

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Property Owner 3

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

**PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM**  
*(Applications require authorization by ALL property owners of subject property).*

**Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:**

Estate of Leonard R. Ebert, Deceased & Estate of Judith Ebert, Deceased

**Please Print Names**

**Property Tax Identification Number(s) of Subject Property:** 0521-046  
1178 Highway 51 West, Fayetteville, GA 30244  
 (I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 128 of the 5th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of 1 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Christopher Chitwood & Richard Lindsey to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

DocuSigned by:  
[Signature] 7/29/2022  
 Signature of Property Owner 1

Signature of Notary Public

Address

Date

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Property Owner 3

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

NAME: Christopher Chitwood on behalf of David Burnett PETITION NUMBER: 1321-22ADDRESS: 275 Glynn St., N., Fayetteville, GA 30214**PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.**

Christopher Chitwood and David Burnett affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) R-70 Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 450.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to CC.

This property includes: (check one of the following)

☐ See attached legal description on recorded deed for subject property or

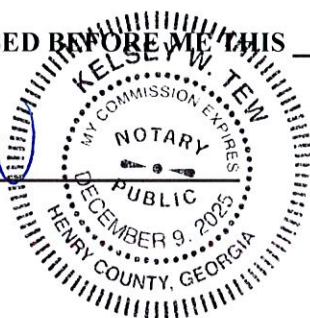
☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 1st day of September, 2022 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 22nd day of September, 2022 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 29th DAY OF July, 2022,

Kelsey W. Tew  
NOTARY PUBLIC



C. Chitwood  
APPLICANT'S SIGNATURE



**AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY**

I/We, \_\_\_\_\_, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, \_\_\_\_\_ feet of right-of-way along \_\_\_\_\_ as measured from the centerline of the road.

Based on the Future Thoroughfare Plan Map streets have one of the following designations and the Fayette County Development Regulations require a minimum street width as specified below:

Local Street (Minor Thoroughfare) 60 foot right-of-way (30' measured from each side of road centerline)

Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)

Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

\_\_\_\_\_  
NOTARY PUBLIC

## DEVELOPMENTS OF REGIONAL IMPACT (DRI)

### Rezoning Applicant:

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: [www.dca.state.ga.us/DRI/](http://www.dca.state.ga.us/DRI/).
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
- ☒ [ X ] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .
- ☐ [ ] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 29<sup>th</sup> day of July, 2022.

C. J. Chitwood

APPLICANT'S SIGNATURE

## Developments of Regional Impact

### Tiers and Development Thresholds

Type of Development	Metropolitan Regions	Non-metropolitan Regions
(1) Office	Greater than 400,000 gross square feet	Greater than 125,000 gross square feet
(2) Commercial	Greater than 300,000 gross square feet	Greater than 175,000 gross square feet
(3) Wholesale & Distribution	Greater than 500,000 gross square feet	Greater than 175,000 gross square feet
(4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 200 new beds; or generating more than 250 peak hour vehicle trips per day
(5) Housing	Greater than 400 new lots or units	Greater than 125 new lots or units
(6) Industrial	Greater than 500,000 gross square feet; or employing more than 1,600 workers; or covering more than 400 acres	Greater than 175,000 gross square feet; or employing more than 500 workers; or covering more than 125 acres
(7) Hotels	Greater than 400 rooms	Greater than 250 rooms
(8) Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein	Gross square feet greater than 125,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 40 acres; or if any of the individual uses meets or exceeds a threshold as identified herein
(9) Airports	All new airports runways and runway extensions	Any new airport with a paved runway; or runway additions of more than 25% of existing runway length
(10) Attractions & Recreational Facilities	Greater than 1,500 parking spaces or a seating capacity of more than 6,000	Greater than 1,500 parking spaces or a seating capacity of more than 6,000
(11) Post-Secondary School	New school with a capacity of more than 2,400 students or expansion by at least 25 percent of capacity	New school with a capacity of more than 750 students or expansion by at least 25 percent of capacity
(12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more	New facility or expansion of use of an existing facility by 50 percent or more
(13) Quarries, Asphalt &, Cement Plants	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(14) Wastewater Treatment Facilities	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(15) Petroleum Storage Facilities	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise storage capacity greater than 200,000 barrels	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise storage capacity greater than 200,000 barrels
(16) Water Supply, Intakes/Reservoirs	New Facilities	New Facilities
(17) Intermodal Terminals	New Facilities	New Facilities
(18) Truck Stops	A new facility with more than three diesel fuel pumps; or spaces.	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces.
(19) Any other development types not identified above (includes parking facilities)	1000 parking spaces	1000 parking spaces

Copyright © 2007 The Georgia Department of Community Affairs. All Rights Reserved.

## DISCLOSURE STATEMENT

**Please check one:**

**Campaign contributions** -   X   No        Yes (see attached disclosure report)

### TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

#### O.C.G.A. § 36-67A-3 (2011)

#### § 36-67A-3. Disclosure of campaign contributions

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

**HISTORY:** Code 1981, § 36-67A-3, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1; Ga. L. 1993, p. 91, § 36.



## QUIT-CLAIM DEED

S & S Printers :- Jonesboro

GEORGIA, ..... FAYETTE ..... COUNTY.

THIS INDENTURE, made this 17<sup>th</sup> day of July \_\_\_\_\_ in the year of our

Lord One Thousand Nine Hundred and Ninety.

between JOHN G. MORGAN, JR. of the first part,

and EVELYN M. MORGAN of the second part,

WITNESSETH: That the said party \_\_\_\_\_ of the first part for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS, cash in hand paid, the receipt of which is hereby acknowledged, has \_\_\_\_\_ bargained, sold and do es by these presents bargain, sell, remise, release, and forever quit-claim to the said party \_\_\_\_\_ of the second part her heirs and assigns, all the right, title, interest, claim or demand which the said party \_\_\_\_\_ of the first part has \_\_\_\_\_ or may have had in and to \_\_\_\_\_

ALL THAT TRACT or parcel of land lying and being in Land Lot 128 of the 5th District of Fayette County, Georgia, and being more particularly described as follows:

To locate the true point of beginning, begin at the northeast corner of Land Lot 128; thence running south 2 degrees east along the east line of said Land Lot, 1,480.1 feet to the true POINT OF BEGINNING; thence running south 87 degrees, 30 minutes west 392.05 feet to a point; thence running south 16 degrees, 02 minutes west 211.6 feet to the northeasterly side of Georgia Highway #54; thence running southeasterly along the northeasterly side of Georgia Highway #54, 200 feet to a point; thence running north 43 degrees 14 minutes east 390.82 feet to the POINT OF BEGINNING.

THIS CONVEYANCE IS MADE PURSUANT TO FINAL JUDGMENT AND DECREE OF DIVORCE, BEING CIVIL ACTION FILE NUMBER 90-CV-0951, ENTERED DECEMBER 7, 1990, 1990, IN THE SUPERIOR COURT OF HENRY COUNTY GEORGIA.

FAYETTE COUNTY, GEORGIA  
REAL ESTATE TRANSFER TAX  
PAID 0-  
DATE 1-11-91  
*[Signature]*  
CLERK OF SUPERIOR COURT

GEORGE, F. JAMES  
Filed: 3/1/91 11/4  
of Jan 91 4:45 P.  
Book 636 651  
W. O. Ballard

with all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said described premises unto the said part Y of the second part her heirs and assigns, so that neither the said part Y of the first part nor his heirs, nor any other person or persons, claiming under him shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and affixed his seal the day and year above written.

Signed, sealed and delivered in presence of

JOHN G. MORGAN, JR.

Witness

天

22411

Notary

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

Signed, Sealed and delivered in the presence of

Witness *Patricia L. Wafford* (SEAL) *Marion B. Gamble* (SEAL)  
*W. A. Ballard* MARY G. GAMBLE

Notary Public  
 THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES hereby certifies that the debt secured by the within Security Deed recorded in the office of the Clerk of the Superior Court of Fayette County, in Book 251, Folio 657, has been fully paid and satisfied, and it hereby consents that the Security Deed be discharged of record.

Dated, November 20th 1990.

BOOK 636 PAGE 652  
 THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES

In presence of

*William D. Williams* By *Douglas L. Brown* Vice President  
*William D. Williams* *Carolyn B. Williams* Assistant Secretary

Notary Public, DeKalb County, Georgia  
 My Commission Expires Oct 11, 1994

GEORGIA, FAYETTE COUNTY

Filed and Recorded

of Jan 14 day

Book 636 Folio 652

W. A. Ballard Clerk

No.

SECURITY DEED

The Equitable Life Assurance Society of the United States

STATE OF GEORGIA  
 COUNTY OF Fayette

CLERK'S OFFICE, SUPERIOR COURT

Filed for Record 11/22

Day of Feb. 1992

at 9:30 A.M. and Recorded

in Book 251 Folio 657

Feb 11 1992

By W. A. Ballard

-B.C.

REGISTERED  
 DOC. REC. SEC.  
 Me

Georgia Security Deed  
 601 RM 655  
 74-6

My Commission Expires Feb. 26, 1985

GEORGIA, Fayette County  
Clerk's Office Superior Court

Filed for record April 27<sup>th</sup> 1983  
4:00 P.M.

Recorded in Book 226 Page 349  
This 28<sup>th</sup> day of April 1983

W.A. Ballard  
Clerk

ON Nov. 15/1980 THE FEDERAL HOME LOAN MORTGAGE CORPORATION  
RECEIVED SATISFACTION IN FULL FOR THE PRINCIPAL AND INTEREST OF  
A MORTGAGE, AND THE CLERK OF THE COUNTY OF  
HEREBY AUTHORIZED TO CANCEL THE SALE OF RECORD.  
Caletha Gould Stella Smith  
CALETHA GOULD, ASSISTANT SECRETARY MARIA O. HOSKIN, ASST. TREASURER  
Stella Smith

(Space Below This Line Reserved For Lender and Recorder)

GEORGIA, FAYETTE COUNTY  
Filed and Recorded this 17<sup>th</sup> day  
of Jan 1981 9:00 A.M.  
Book 636 Page 653  
W.A. Ballard Clerk

BOOK 636 PAGE 653

NOTES:

1. REFERENCE DEED BOOK 647, PAGE 772 OF FAYETTE COUNTY RECORDS.
2. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN WERE NOT SUPPLIED TO THIS OFFICE.

FLOOD STATEMENT:

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13113C0084E & 13113C0103E, DATED SEPTEMBER 26, 2008, THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.

THIS BLOCK RESERVED FOR THE CLERK  
OF THE SUPERIOR COURT.

CLOSURE STATEMENT:

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 38,874 FEET AND AN ANGULAR ERROR OF 00° 00' 04" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 204,826 FEET.

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LEICA TS02 TOTAL STATION.

S.A. GASKINS  
& ASSOCIATES, LLC.

SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS  
981 Camp Ground Road Griffin Ga. 30223

sagaskins55@gmail.com 578-618-5067 JOHN 3:16

LEGEND

- D.B. = DEED BOOK  
P.B. = PLAT BOOK  
PG. = PAGE  
F.W.P.D. = FIELD WORK  
PERFORMED DATE  
L.L. = LAND LOT  
L.L.L. = LAND LOT LINE  
N/F = NOW OR FORMERLY  
P.O.B. = POINT OF BEGINNING  
RBF = REBAR FOUND  
RBS = REBAR SET  
RW = RIGHT OF WAY  
UIP = UTILITY POLE  
B/L = BUILDING LINE

1/2" RBF  
L.L. 128  
L.L. 127

N/F  
MADELYN J. CHENNAULT TRUST  
D.B. 2259, PG. 725  
P.B. 1, PG. 23

S 88°56'11" E 407.21'  
(TO 1/2" RBF)

N 89°31'52" E 391.65'

1/2" RBF

N/F  
JOHNIE E. & DIANNE G.  
WILLIAMS  
D.B. 1480, PG. 41

N/F  
LEONARD R. & JUDITH  
EBERT ESTATE  
D.B. 130 PG. 532

1.769 AC.  
77,041 S.F.  
TP# 0521 018

N/F  
BRYAN MAGGI  
D.B. 5132, PG. 428

GA STATE HIGHWAY 54  
(RW VARIES) D.B. 642 PG. 588  
ASPHALT WIDTH VARIES

SURVEYORS CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-8-87.

Page 68 of 181



GRAPHIC SCALE:  
1" = 60'

BY: SWINSON A. GASKINS, Sr. GEORGIA  
REGISTERED LAND SURVEYOR NO. 1620  
DATE 6 / 20 / 2022

Prepared For:

Dave Burnett

1161 Highway 54 W. - TP# 0521 018 Date: 6/20/2022  
Scale: 1" = 60' F.W.P.D.: 6/17/2022 Job No: SA22-068AB  
County: Fayette, Ga Land Lot: 128 District: 5th



GRID NORTH  
WEST ZONE  
NAD 83



# COUNTY AGENDA REQUEST

Page 69 of 181

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No. 1321-22C, Estate of Leonard R. Ebert and Judith Ebert, c/o Leslie Noles, Owners; Richard P. Lindsey, Attorney, Agent for Christopher Chitwood and David Burnett, request to rezone 1.210 acres from R-70 to C-C to construct a car dealership and service center in Land Lot 128, 5th District; fronts on S.R. 54 West and South Sandy Creek Road.

## Background/History/Details:

Staff recommends denial of the request to rezone from R-70 to C-C because a commercial use is not consistent with the Fayette County Comprehensive Plan and Land Use Plan Element. The subject property lies within an area designated for Office uses, including business and medical offices. Per the Land Use element of the Fayette County Comprehensive Plan, the S.R. 54 corridor between the City of Fayetteville and the City of Peachtree City is defined as the S.R. 54 West Overlay District, which addresses non-commercial uses as follows: Nonresidential Recommendations: The nonresidential intent of the S.R. 54 West Overlay District is to allow office and low intensity business uses. Outside of the commercial designation at Tyrone Road consideration for the Office-Institutional Zoning District may be given. It is recommended that a Special Development District be created for S.R. 54 West to allow and regulate expanded uses in the Office-Institutional zoning district only on SR 54 West. Conditions should be placed on property at the time of rezoning to address unique situations.

The request to annex this property was denied by the City of Fayetteville under their Annexation Step-one process. The Council was not in support of the Applicant deeding a 10' strip of land along the property frontage to avoid establishing an unincorporated island to the north and as a location for a car dealership.

Brian Haren made a motion to deny Petition No. 1321-22 C, request to rezone 1.210 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.

## What action are you seeking from the Board of Commissioners?

Denial of Petition No. 1321-22C, Estate of Leonard R. Ebert and Judith Ebert, c/o Leslie Noles, Owners; Richard P. Lindsey, Attorney, Agent for Christopher Chitwood and David Burnett, request to rezone 1.210 acres from R-70 to C-C to construct a car dealership and service center in Land Lot 128, 5th District; fronts on S.R. 54 West and South Sandy Creek Road.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

If the Board grants approval of the request, staff has provided recommended conditions for each parcel, which is included in the backup material.

**PLANNING COMMISSION RECOMMENDATION****DATE:** September 1, 2022**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1321-22C, the application of Estate of Leonard R. Ebert, deceased, and Judith Ebert, deceased, c/o Leslie Noles to rezone 1.210 from R-70 to C-C, be:

☐ Approved      ☐ Withdrawn

☒ Denied

☐ Tabled until \_\_\_\_\_

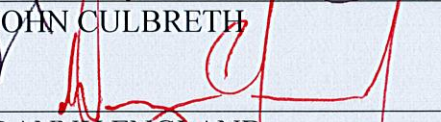
☐ Approved with Conditions \_\_\_\_\_

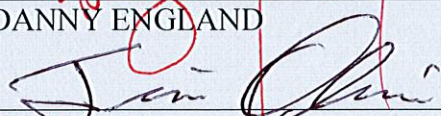
This is forwarded to you for final action.

  
 \_\_\_\_\_  
 ARNOLD MARTIN, CHAIRMAN

  
 \_\_\_\_\_  
 BRIAN HAREN, VICE-CHAIRMAN

  
 \_\_\_\_\_  
 JOHN CULBRETH

  
 \_\_\_\_\_  
 DANNY ENGLAND

  
 \_\_\_\_\_  
 JIM OLIVER

**Remarks:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**RESOLUTION**

**NO. 1321-22C**

**WHEREAS**, Estate of Leonard R. Ebert, deceased, and Judith Ebert, deceased, c/o Leslie Noles, Owner, and Christopher Chitwood and David Burnett (Attn: Richard P. Lindsey), Agent, having come before the Fayette County Planning Commission on September 1, 2022, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

**WHEREAS**, said request being as follows: Request to rezone 1.210 from R-70 to C-C, in the area of S.R. Highway 54 W and South Sandy Creek Road, Land Lot 128 of the 5th District, for the purpose of developing a C-C; and

**WHEREAS**, the Fayette County Planning Commission having duly convened, and considered said request;

**BE IT RESOLVED** that the decision of the Fayette County Planning Commission, that said request be **DENIED**.

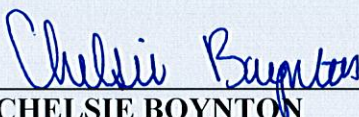
This decision is based on the following reason:

Not compatible with the surrounding area.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

  
\_\_\_\_\_  
**ARNOLD MARTIN, CHAIRMAN**

  
\_\_\_\_\_  
**CHELSIE BOYNTON  
PC SECRETARY**

### **BOARD MEMBERS**

Arnold L. Martin, Chairman  
Brian Haren, Vice-Chairman  
John H. Culbreth, Sr.  
Danny England  
Jim Oliver

### **STAFF**

Deborah L. Bell, Planning and Zoning Director  
Chelsie Boynton, Planning and Zoning Coordinator

---

**AGENDA OF ACTS  
FAYETTE COUNTY PLANNING COMMISSION MEETING  
140 STONEWALL AVENUE WEST  
September 1, 2022  
7:00 pm**

**\*Please turn off or turn to mute all electronic devices during the  
Planning Commission Meetings**

---

1. Consideration of the Minutes of the meeting held on August 4, 2022.

*John Culbreth Sr. made a motion to approve the minutes of the meeting held on August 4<sup>th</sup>, 2022. Danny England seconded the motion. The motion passed 5-0.*

### **NEW BUSINESS**

2. Consideration of a Minor Final Plat for Larry Knight

*Brian Haren made a motion to approve the Minor Final Plat for Larry Knight. Danny England seconded the motion. The motion passed 5-0.*

### **PUBLIC HEARING**

3. Consideration of Petition No. 1321-22 A, Lyssa M. Sampson as Trustee under the Madelyn J. Chennault Living Trust dated July 10, 2003 Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 37.915 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5<sup>th</sup> District and fronts on South Sandy Creek Road.

*Brian Haren made a motion to deny Petition No. 1321-22 A, request to rezone 37.915 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.*



4. Consideration of Petition No. 1321-22 B, Evelyn Morgan, Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 1.769 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5<sup>th</sup> District and fronts on S.R. Highway 54.

***Brian Haren made a motion to deny Petition No. 1321-22 B, request to rezone 1.769 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.***

5. Consideration of Petition No. 1321-22 C, Estate of Leonard R. Ebert, deceased, and Judith Ebert, deceased c/o Leslie Noles, Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 1.210 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5<sup>th</sup> District and fronts on S.R. Highway 54 and South Sandy Creek Road.

***Brian Haren made a motion to deny Petition No. 1321-22 C, request to rezone 1.210 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.***

6. Consideration of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR 74, SR 85 and Padgett Road intersection.

***Danny England made a motion to approve amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR 74, SR 85 and Padgett Road intersection. John Culbreth Sr. seconded the motion. The motion passed 4-1.***

7. Consideration of Petition No. 1322-22, Robert C. Shell, Owner, and LDO Fayette, LLC, Agent, request to rezone 12.591 acres from A-R to C-C to build a convenience store with fuel. This property is located in Land Lot 8 of the 6<sup>th</sup> District and fronts on Georgia Highway 85 and Padgett Road.

***John Culbreth Sr. made a motion to approve Petition No. 1322-22, request to rezone 12.591 acres from A-R to C-C to build a convenience store with fuel. Danny England seconded the motion. The motion passed 5-0.***

**PETITION NO: 1321-22-C**

**REQUESTED ACTION:** R-70 to C-C

**PROPOSED USE:** Automobile Dealership & Service Center

**EXISTING USE:** 1 single-family home

**LOCATION:** S.R. Highway 54 & Sandy Creek Road

**DISTRICT/LAND LOT(S):** 5<sup>th</sup> District, Land Lot 128

**OWNERS:** Estate of Leonard R. Ebert, deceased, and Judith Ebert, deceased, c/o Leslie Noles

**AGENT:** Richard P. Lindsey, Atty., for Christopher Chitwood & David Burnett

**PLANNING COMMISSION PUBLIC HEARING:** September 1, 2022

**BOARD OF COMMISSIONERS PUBLIC HEARING:** September 22, 2022

---

**APPLICANT'S INTENT**

Applicant proposes to rezone 1.210 acres from R-70 to C-C to develop an Automobile Dealership & Service Center.

**STAFF RECOMMENDATION**

Staff recommends **DENIAL** because the request is inconsistent with the Comprehensive Plan.

## **INVESTIGATION**

### **A. GENERAL PROPERTY INFORMATION**

The subject property is a 1.210-acre tract. The tracts front on S.R. 54 and Sandy Creek Road in Land Lot 128 of the 5<sup>th</sup> District. S.R. 54 is classified as a Major Arterial roads on the Fayette County Thoroughfare Plan and South Sandy Creek Road is classified as a Minor Arterial. The property has an older single-family home on it.

The property is currently zoned *R-70, Single-Family Residential*.

The area is designated for *Office* uses in the Land Use Plan, Fayette County Comprehensive Plan.

### **B. SURROUNDING ZONING AND USES**

The three tracts that are the subject of the request are zoned R-70. In the vicinity of the subject property is land which is zoned R-70, O-I, and City of Fayetteville property zoned PCD. See the following table and the attached Zoning Map.

The subject property is bounded by the following adjacent zoning districts and uses:

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North	15.00	R-70	Vacant	Office
South (across SR 54)	5.73	O-I	Office	Low-Density Residential (1unit/1 acre)
East	26.9	City: PCD	Vacant	Walkable Mixed Use
	2.0	City: PCD	Single-Family Residential	Walkable Mixed Use
	1.1	County: R-70	Single Family Residential	Office
West (across Sandy Creek Rd)	40.1	City: O and I	Hospital	Business Park
	1.3	City: Medical Office	Office	Suburban Commercial
	2.3	County: R-70	Vacant	Office

### **C. COMPREHENSIVE PLAN**

The subject property lies within an area designated for Office uses, including business and medical offices. Per the Land Use element of the Fayette County Comprehensive Plan, the SR 54 corridor between the City of Fayetteville and the City of Peachtree City is defined as the SR 54 West Overlay District, which addresses non-commercial uses as follows:

***Nonresidential Recommendations:*** *The nonresidential intent of the SR 54 West Overlay District is to allow office and low intensity business uses. Outside of the commercial designation at Tyrone Road consideration for the Office-Institutional Zoning District may be given. It is recommended that a Special Development District be created for SR 54 West to allow and regulate expanded uses in the Office-Institutional zoning district only on SR 54 West. Conditions should be placed on property at the time of rezoning to address unique situations.*

**D. ZONING/REGULATORY REVIEW****Transportation Corridor Overlay Zone for SR 54 West**

Due to the frontage on State Route 54, development of the property is subject to the requirements of the SR 54 West Overlay Zone, Article V. Sec. 110-173(2), which requires enhanced setbacks, landscape strips and architectural standards.

**State Route 54 West Special Development District**

This is a Special District established by the Comprehensive Plan that allows certain expanded uses in the O-I District on parcels of 5 acres or greater.

Sec. 110-142.(h) .

**Access & Right-of Way**

The Concept Plan submitted indicates access from South Sandy Creek Road. Right of Way donation may be required to meet the standards of the Fayette County Thoroughfare Plan (Sec. 104-52). Any access onto SR 54 must be approved by GDOT.

**Concept Plan**

The Concept Plan submitted with the request is for illustrative purposes only. Any deficiencies shall be addressed at the time of submittal of the Site Plan.

**Architectural Review**

Some architectural elevations were submitted as part of this application package. These elevations are conceptual and do not meet the requirements of the SR 54 West Overlay Zone.

**Site Plan**

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 104-27 of the Development Regulations. Approval of this zoning petition does not constitute approval of the conceptual site plan.

**F. DEPARTMENTAL COMMENTS**

- ☐ **Water System** - Water is available in a 16" Ductile Iron water main along the southside of Hwy 54 and also available near the Old Sandy Creek Rd intersection in a 16" Ductile Iron water main.
- ☐ **Public Works/Environmental Management**
  - **Transportation** - Any proposed modifications to the site entrance and exit on **SR 54** will be permitted through GDOT. As part of the plan review and approval process, Public Works may require a Traffic Impact Study for the development.
  - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0084E dated September 26, 2008 or the FC 2013 Future Conditions Flood Study.
  - **Wetlands** - The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
  - **Watershed Protection** - There **ARE NO** known state waters located on the subject property.
  - **Groundwater** - A small portion of the property **IS** within a groundwater recharge area.
- ☐ **Environmental Health Department** – The department has no comments on this rezoning.
- ☐ **Fire** – The department has no comments on this rezoning.
- ☐ **Georgia Department of Transportation** - The existing residential driveways on SR 54 may not be used for access to any part of the proposed commercial project.



## **STANDARDS**

### **Sec. 110-300. - Standards for map amendment (rezoning) evaluation.**

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

## **STAFF ANALYSIS**

1. The subject property lies within an area designated for Office and Institutional uses, subject to the SR 54 West Overlay Zone. This request does not conform to the Fayette County Comprehensive Plan in terms of the location of nonresidential uses outside the area of the intersection of SR 54 and Tyrone Road.
2. The subject property lies within an area designated as subject to the standards of the State Route 54 West Special Development District. This request does not conform to the Fayette County Comprehensive Plan in terms of the expanded uses allowed in the Special Development District.
3. The area around the proposed nonresidential use is in an area that already has various Office, Institutional, Commercial and Mixed-Use zoning/uses by both County and the City of Fayetteville. It is staff's opinion that the zoning proposal would not adversely affect the existing or future uses of nearby properties.
4. The intersection at South Sandy Creek and SR 54 is already signalized. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities or schools.
5. Trilith Studios and its associated nonresidential uses in the area are continuing to grow, reinforcing the general nonresidential use pattern in this area.

**PETITION NO: 1321-22 – C**  
**PARCEL #0521 046**

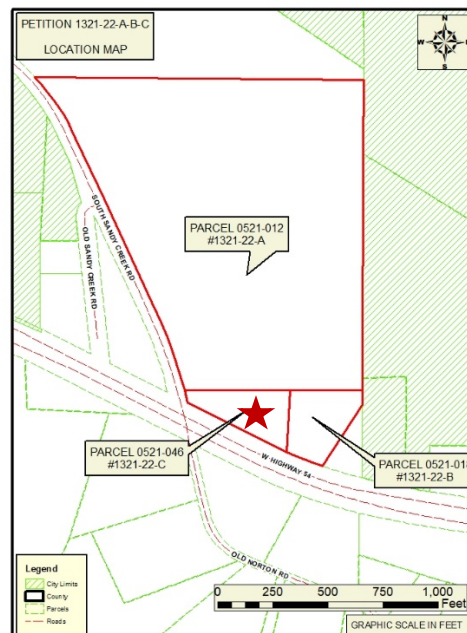
**STAFF RECOMMENDATION**

As defined in the Fayette County Comprehensive Plan, the C-C (Community Commercial District) is not designated for this area. Based on the foregoing Investigation and Staff Analysis, Staff recommends **DENIAL of the request for a zoning of C-C (Community Commercial)**.

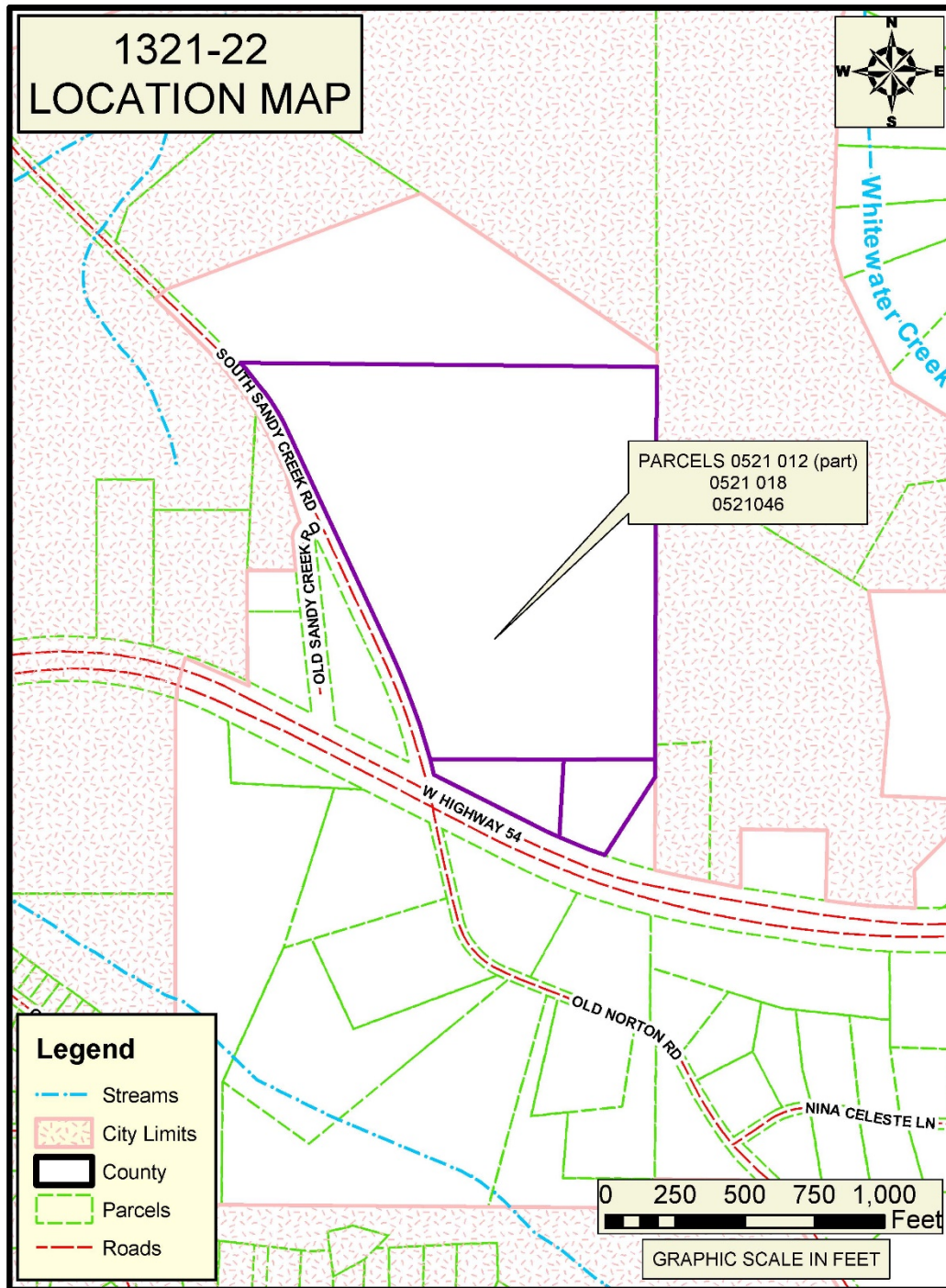
**RECOMMENDED CONDITIONS**

If this petition is approved by the Board of Commissioners, it should be approved C-C subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

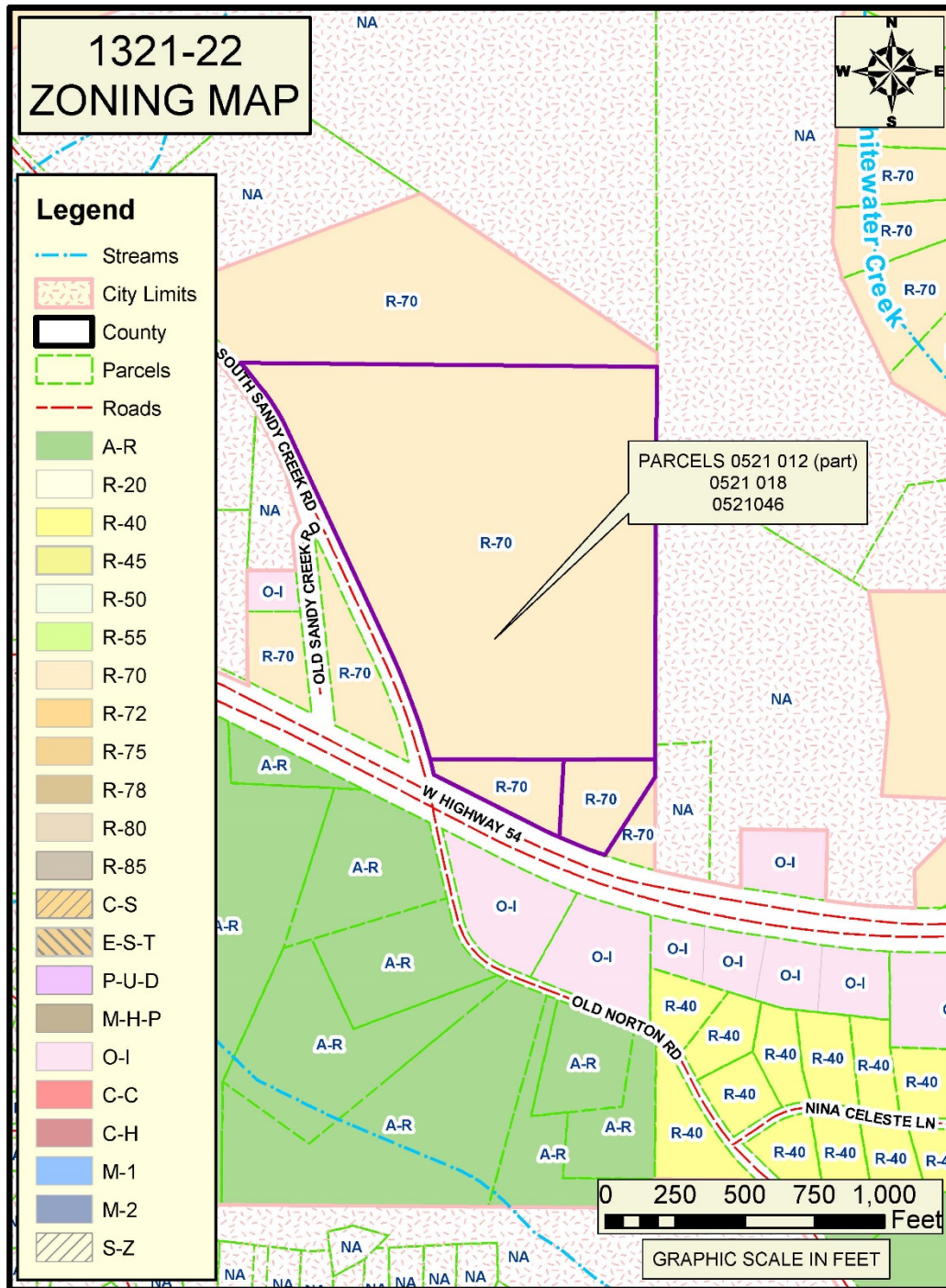
1. South Sandy Creek Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of South Sandy Creek.
2. The Fayette County Comprehensive Transportation Plan identifies a future multi-use path adjacent to SR 54 (FTP-404). The owner/developer shall provide a 20-ft easement across the parcel for future construction of the path (by others) and subsequent use by the public. The easement area shall be outside the GDOT R/W and any other easements of record.
3. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture.
4. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 60 days of the approval of the rezoning.
5. All existing structures on the parcels that are a subject of this rezoning shall be removed within 90 days of the approval of the rezoning.

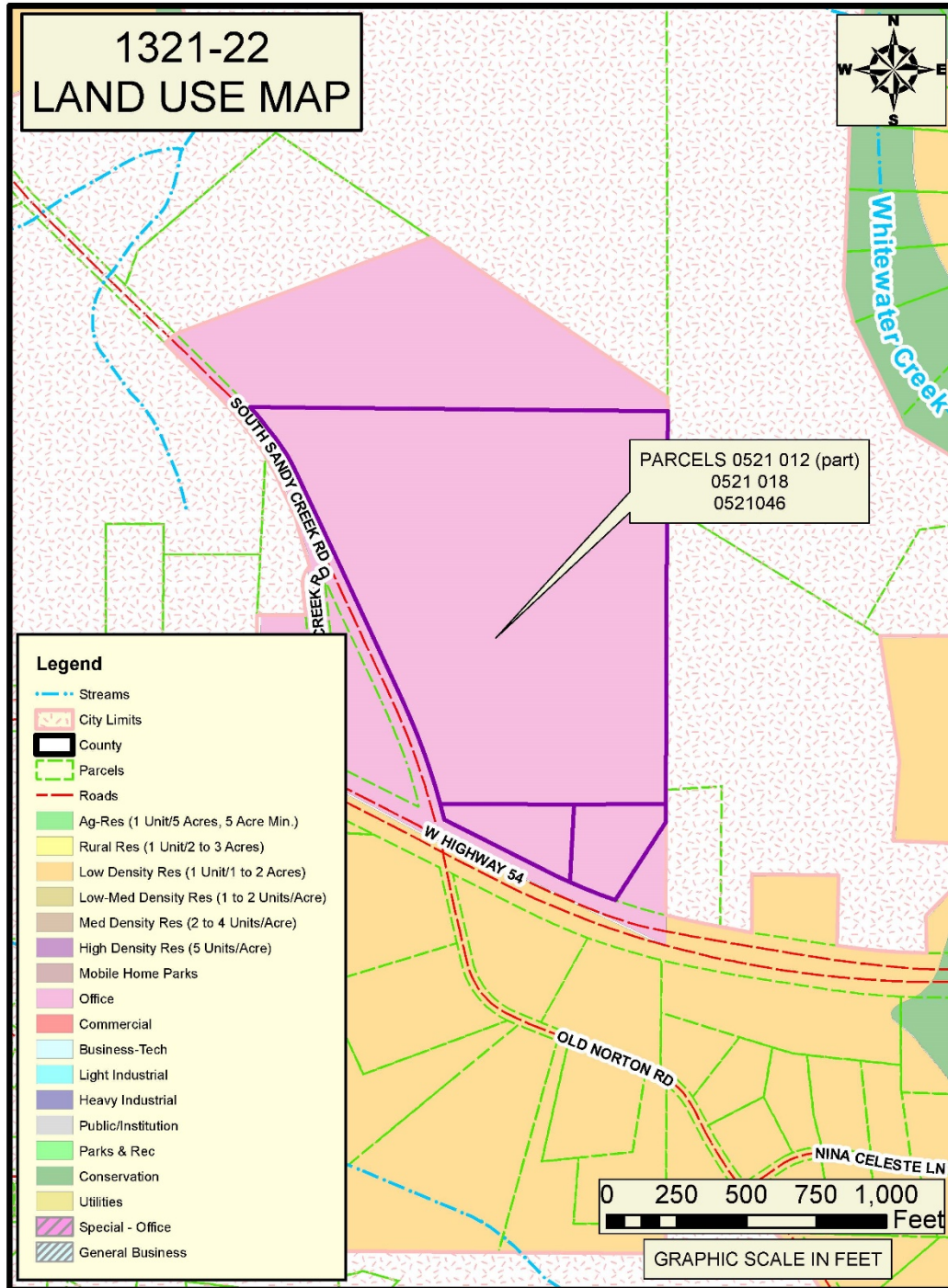










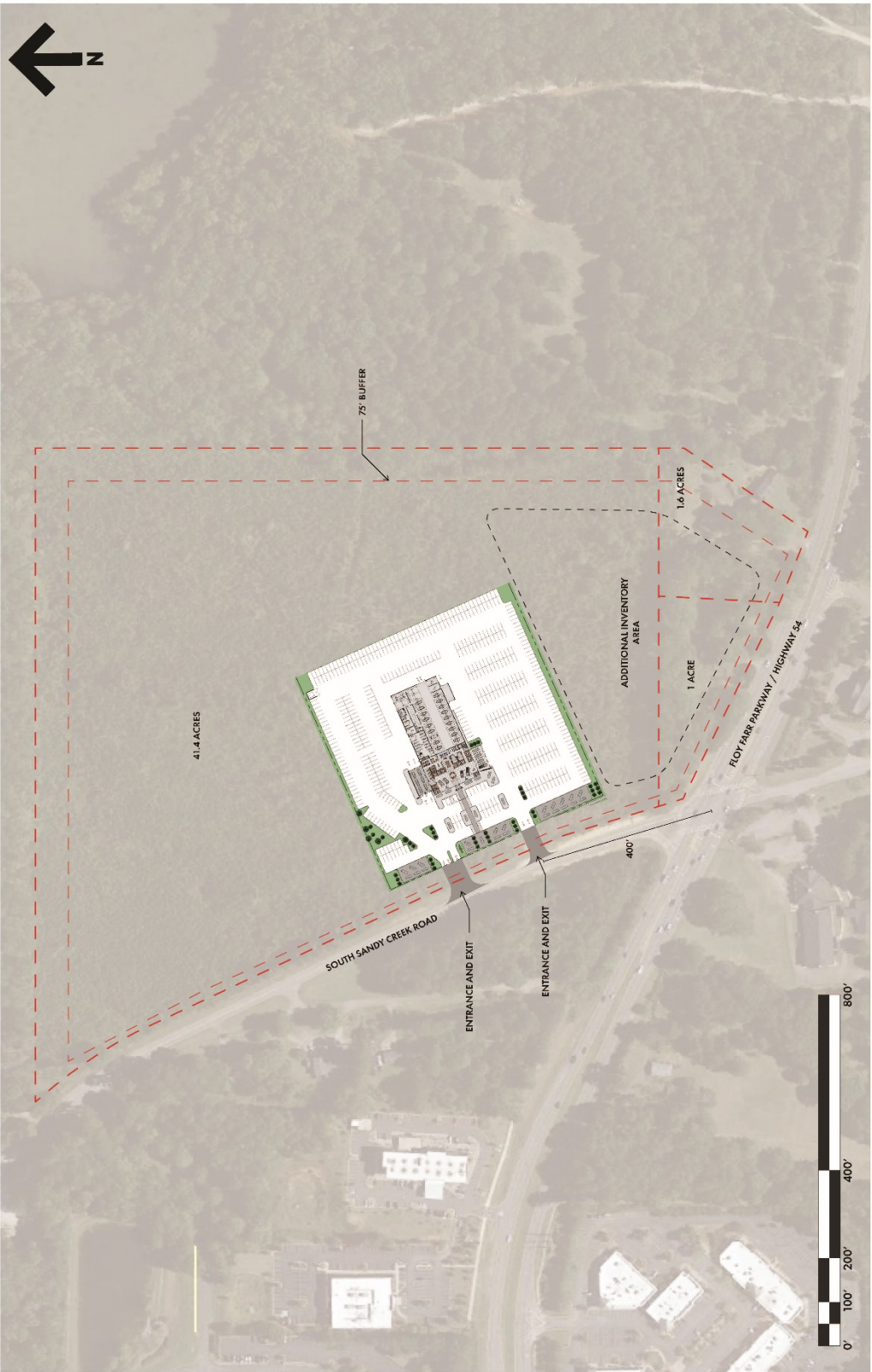








JEFFERSON\_



ARCHITECTURAL MASTER PLAN - FORD DEALERSHIP - FAYETTEVILLE, GEORGIA  
JULY 21 2022

ARCHITECTURAL SITE PLAN "C"  
SCALE: 1" = 100'



## LETTER OF INTENT

Mr. David Burnett seeks to rezone the northeast corner of the Hwy 54/Sandy Creek Road intersection located just outside the city limits of Fayetteville. Mr. Burnett seeks a C-C zoning for 40.5 +/- acres to relocate his Ford dealership that is currently on North Glynn Street (Hwy 85) in Fayetteville. The subject property is surrounded mostly by the City of Fayetteville, across Sandy Creek Road from the hospital, and in an area that is largely commercial. It is zoned R-70 and such zoning is out of touch with the current use of property in the area.

The subject property is actually composed of three tracts of land – two fairly small and one large. There is a house on each of the two smaller tracts; the larger track lies vacant. When the two houses were built in 1970, Hwy 54 was a sleepy two-lane road and Sandy Creek was not much more than a quiet country road. Much has changed since then. Now, Hwy 54 is a busy four-lane state highway with traffic travelling between Fayetteville and Peachtree City. Sandy Creek is a busy thoroughfare for travelers and commuters driving between Fayetteville, Trilith, Tyrone and Hwy 74. The presence of the hospital on the edge of this intersection brings hundreds, if not thousands, of vehicles, including emergency first responders, to the area each day. The area is no longer a quiet, residential location.

While the three tracts of land are currently zoned for low-density residential use, the County has recognized that this area is not truly conducive for quiet country living and has identified it for office use in the 2017 update to the Future Land Use Plan. While such use might appear to be logical with the hospital basically across the street, there already exists several medical offices in the immediate area with additional nearby land currently zoned for office use in both Fayetteville and in the County. There are additional offices located a very short distance to the east in Fayetteville mixed with other commercial uses. Currently, there is no need for additional office space in this area of the County.

In light of these realities, Mr. Burnett is proposing to relocate his Ford dealership from its current, rather old facility in Fayetteville to this property. Such use would generate far less traffic than medical offices that draw numerous patients and medical staff every day. Mr. Burnett proposes to build an attractive dealership on the site situated such to minimize the traffic impact on the intersection. His plan will include extra landscaping and buffers to enhance the aesthetic appeal of the site and to protect the land values of the surrounding properties.

Gone are the days of acres and acres of asphalt needed by dealerships to store hundreds of vehicles. Today's more modern dealers use the internet to showcase vehicles that are located both on-site and elsewhere. Appointments are made and customers can arrive to inspect the vehicle they have viewed on-line that has now been brought to the dealership from another location. Mr. Burnett's vision for the site is to include a multi-dealer site located adjacent to the Ford dealership to share resources and amenities. This vision is for a modern "destination location" for car enthusiasts to shop for vehicles, look at current and future designs and features, service their vehicles, and basically immerse themselves in the automotive world. He plans to add recreational opportunities for his customers to include a walking trail, dog park, and perhaps a golf putting area

and pickle ball courts for customers waiting for their vehicles to be serviced and, perhaps, for those future customers who want to look at a car or two and enjoy an afternoon in the area. These more modern dealerships, including the recreational features, are springing up across the country in recent years and Mr. Burnett wants to be among the first to offer such an enjoyable experience here in our community. His present location on Hwy 85 on a fairly small tract of land surrounded by developed property cannot offer such opportunities.

In short, Mr. Burnett wants to build a first-class dealership in this area of the County that has changed from its rural past. He wants to set a high development standard for this intersection and for this part of the County. Rezoning the property to CC will allow him to do this.

# **APPLICATION TO AMEND TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA**

PROPERTY OWNERS: See attached

MAILING ADDRESS: See attached

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

AGENT FOR OWNERS: Christopher Chitwood and David Burnett ( Richard P. Lindsey, Atty)

MAILING ADDRESS: 275 Glynn St., N., Fayetteville, GA 30214

PHONE: 404-569-4723 E-MAIL: chris@fayettevillefordga.com

PROPERTY LOCATION: LAND LOT 128 LAND DISTRICT 5th PARCEL 0521018  
LAND LOT \_\_\_\_\_ LAND DISTRICT \_\_\_\_\_ PARCEL 0521046 & 0521012

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 40.5

EXISTING ZONING DISTRICT: R-70 PROPOSED ZONING DISTRICT: CC

ZONING OF SURROUNDING PROPERTIES: County: O-I, AR ; Fayetteville: R-70, OI, MO

PRESENT USE OF SUBJECT PROPERTY: Residential and vacant

PROPOSED USE OF SUBJECT PROPERTY: New car dealership and service center

LAND USE PLAN DESIGNATION: Office

NAME AND TYPE OF ACCESS ROAD: SR 54 (major arterial); Sandy Creek Rd (minor arterial)

LOCATION OF NEAREST WATER LINE: On property

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1321-22

☐ Application Insufficient due to lack of: \_\_\_\_\_

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: 1 Aug. 2022

DATE OF PLANNING COMMISSION HEARING: September 1, 2022

DATE OF COUNTY COMMISSIONERS HEARING: September 22, 2022

Received from LINDSEY LACY, P.C. a check in the amount of \$ 590.00 for application filing fee, and \$ 140.00 for deposit on frame for public hearing sign(s).

Date Paid: 7/29/2022 Receipt Number: 015475

## **NAMES OF OWNERS**

Lyssa M. Sampson as Trustee under the Madelyn J. Chennault Living Trust, dated July 10, 2003  
420 East 79<sup>th</sup> St, #17G, New York, NY 10075 ([brandolph@rwcre.net](mailto:brandolph@rwcre.net))

Evelyn Morgan

1161 Hwy 54 W, Fayetteville, GA 30214 ([brandolph@rwcre.net](mailto:brandolph@rwcre.net))

Estate of Leonard R. Ebert, deceased, and Judith Ebert, deceased c/o Leslie Noles

1173 Hwy 54 W, Fayetteville, GA 30214 ([brandolph@rwcre.net](mailto:brandolph@rwcre.net))



**PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM**  
*(Applications require authorization by ALL property owners of subject property).*

**Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:**

Lyssa M. Sampson as Trustee under the Madelyn J. Chennault Living Trust, dated July 27, 2004

**Please Print Names**

0521-012  
 Intersection of Highway 54 and South Sandy Creek  
 Road in Fayette County, GA

**Property Tax Identification Number(s) of Subject Property:**

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 128 of the 5th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of

44.4 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Christopher Chitwood & Richard Lindsey to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

Lyssa M. Sampson  
 Signature of Property Owner 1

420 E 79th St #176 New York, NY 10075

Address

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

Courtney Ferrissey  
 Signature of Notary Public  
 COURTNEY FERRISSEY  
 Notary Public, State of New York  
 Reg. No. 01166409438  
 Qualified in New York County  
 Commission Expires 09/28/2024

7/28/22  
 Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Evelyn Morgan

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0521-014  
1164 Highway 54 West, Fayetteville, GA 30214

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 128 of the 5th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of 1.60 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Christopher Chiswood & Richard Lindsey to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

DocuSigned by:  
E Morgan 7/27/2022  
Signature of Property Owner 1

Signature of Notary Public

Address

Date

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Property Owner 3

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

**PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM**  
*(Applications require authorization by ALL property owners of subject property).*

**Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:**

Estate of Leonard R. Ebert, Deceased & Estate of Judith Ebert, Deceased

**Please Print Names**

**Property Tax Identification Number(s) of Subject Property:** 0521-046  
1178 Highway 51 West, Fayetteville, GA 30244  
 (I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 128 of the 5th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of 1 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Christopher Chitwood & Richard Lindsey to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

DocuSigned by:  
[Signature] 7/29/2022  
 Signature of Property Owner 1

\_\_\_\_\_  
 Signature of Notary Public

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature of Property Owner 2

\_\_\_\_\_  
 Signature of Notary Public

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature of Property Owner 3

\_\_\_\_\_  
 Signature of Notary Public

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature of Authorized Agent

\_\_\_\_\_  
 Signature of Notary Public

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 Date

NAME: Christopher Chitwood on behalf of David Burnett PETITION NUMBER: 1321-22

ADDRESS: 275 Glynn St., N., Fayetteville, GA 30214

**PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.**

Christopher Chitwood and David Burnett affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) R-70 Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 450.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to CC.

This property includes: (check one of the following)

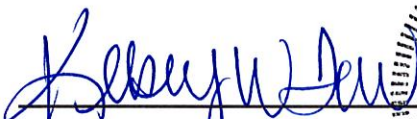
☐ See attached legal description on recorded deed for subject property or

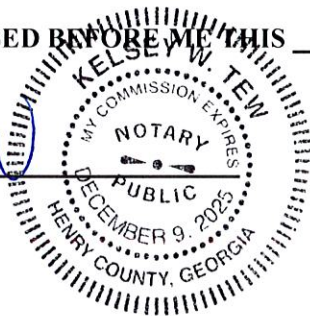
☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 1st day of September, 2022 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 22nd day of September, 2022 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 29th DAY OF July, 2022,

  
NOTARY PUBLIC



  
APPLICANT'S SIGNATURE



**AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY**

I/We, \_\_\_\_\_, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, \_\_\_\_\_ feet of right-of-way along \_\_\_\_\_ as measured from the centerline of the road.

Based on the Future Thoroughfare Plan Map streets have one of the following designations and the Fayette County Development Regulations require a minimum street width as specified below:

Local Street (Minor Thoroughfare) 60 foot right-of-way (30' measured from each side of road centerline)

Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)

Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

\_\_\_\_\_  
NOTARY PUBLIC

## DEVELOPMENTS OF REGIONAL IMPACT (DRI)

### Rezoning Applicant:

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: [www.dca.state.ga.us/DRI/](http://www.dca.state.ga.us/DRI/).
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
- ☒ [ X ] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .
- ☐ [ ] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 29<sup>th</sup> day of July, 2022.

  
 \_\_\_\_\_  
 APPLICANT'S SIGNATURE

## Developments of Regional Impact

### Tiers and Development Thresholds

Type of Development	Metropolitan Regions	Non-metropolitan Regions
(1) Office	Greater than 400,000 gross square feet	Greater than 125,000 gross square feet
(2) Commercial	Greater than 300,000 gross square feet	Greater than 175,000 gross square feet
(3) Wholesale & Distribution	Greater than 500,000 gross square feet	Greater than 175,000 gross square feet
(4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 200 new beds; or generating more than 250 peak hour vehicle trips per day
(5) Housing	Greater than 400 new lots or units	Greater than 125 new lots or units
(6) Industrial	Greater than 500,000 gross square feet; or employing more than 1,600 workers; or covering more than 400 acres	Greater than 175,000 gross square feet; or employing more than 500 workers; or covering more than 125 acres
(7) Hotels	Greater than 400 rooms	Greater than 250 rooms
(8) Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein	Gross square feet greater than 125,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 40 acres; or if any of the individual uses meets or exceeds a threshold as identified herein
(9) Airports	All new airports runways and runway extensions	Any new airport with a paved runway; or runway additions of more than 25% of existing runway length
(10) Attractions & Recreational Facilities	Greater than 1,500 parking spaces or a seating capacity of more than 6,000	Greater than 1,500 parking spaces or a seating capacity of more than 6,000
(11) Post-Secondary School	New school with a capacity of more than 2,400 students or expansion by at least 25 percent of capacity	New school with a capacity of more than 750 students or expansion by at least 25 percent of capacity
(12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more	New facility or expansion of use of an existing facility by 50 percent or more
(13) Quarries, Asphalt &, Cement Plants	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(14) Wastewater Treatment Facilities	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(15) Petroleum Storage Facilities	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise storage capacity greater than 200,000 barrels	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise storage capacity greater than 200,000 barrels
(16) Water Supply, Intakes/Reservoirs	New Facilities	New Facilities
(17) Intermodal Terminals	New Facilities	New Facilities
(18) Truck Stops	A new facility with more than three diesel fuel pumps; or spaces.	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces.
(19) Any other development types not identified above (includes parking facilities)	1000 parking spaces	1000 parking spaces

Copyright © 2007 The Georgia Department of Community Affairs. All Rights Reserved.

## DISCLOSURE STATEMENT

**Please check one:**

**Campaign contributions** -   X   No            Yes (see attached disclosure report)

### TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

#### O.C.G.A. § 36-67A-3 (2011)

#### § 36-67A-3. Disclosure of campaign contributions

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

**HISTORY:** Code 1981, § 36-67A-3, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1; Ga. L. 1993, p. 91, § 36.



WARRANTY DEED—FORM 87

## STATE OF GEORGIA      FAYETTE      County.

THIS INSTRUMENT, Made this 8th day of December In the year of our Lord  
One Thousand, Nine Hundred and Seventy-Two, between

TALMADGE W. MCCOLLUM  
of the County of Fayette and State of Georgia of the first part; and

LEONARD R. EBERT AND JUDITH EBERT  
of the County of Fayette and State of Georgia, of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of  
..... Ten Dollars and Other Valuable Considerations ..... DOLLARS  
in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged,  
has granted, bargained, sold, and conveyed, and by these presents do grant, bargain, sell and convey  
unto the said party of the second part, their heirs and assigns, all that tract  
or parcel of land lying and being in Land Lot 128 of the 5th Land District of Fayette County,  
Georgia, and being more particularly described as follows:

Commence at the Northeast corner of said Land Lot No. 128; run thence South 2  
Degrees East, a distance of 1480.1 feet to an iron pin; run thence South 87  
Degrees 30 Minutes West, a distance of 392.05 feet to the point of beginning;  
and from the point of beginning thus determined, running thence South 87 Degrees  
30 Minutes West, a distance of 507.95 feet to a point on the Northerly right-of-  
way line of State Highway No. 54 (an 80 ft. right-of-way); running thence South  
66 Degrees 30 Minutes East, along the Northerly right-of-way line of said State  
Highway No. 54, a distance of 500 feet; running thence North 16 Degrees 2 Minutes  
East, a distance of 211.60 feet to the point of beginning, being triangular in  
shape and containing 1.22 acres according to Plat of Survey by David Soper,  
County Surveyor, dated February 7, 1972.

This being the same property conveyed by Warranty Deed dated July 28, 1972, from  
H. R. Ferguson to Talmadge W. McCollum and being recorded in the Fayette County  
Deed Records.

This conveyance is made subject to the outstanding principal balance of a loan  
in favor of Macon Federal Savings & Loan Association, secured by Deed to Secure  
Debt from Talmadge W. McCollum dated July 28, 1972. Grantees herein agree to  
pay said loan.

Fayette County, Georgia  
Real Estate Transfer Tax  
Paid 10.30 Date 12-11-72  
Clerk of Superior Court

FILED 12-11-1972  
RECORDED 12-11-1972  
W. A. Belland, Jr.  
CLERK SUPERIOR COURT

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members, and  
appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit  
and behoof of Leonard R. Ebert and Judith Ebert the said parties of the  
second part, their heirs and assigns, forever, in fee simple.  
And the said party of the first part, for his heirs, executors, and administrators, will  
warrant and forever defend the right and title of the above described property unto the said party of the  
second part, their heirs and assigns, against the claims of all persons whomsoever.  
IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand  
and affixed his seal, the day and year first above written.

Signed, sealed, and delivered in the presence of

*Maryann L. Bayle*  
Maryann L. Bayle

*Talmadge W. McCollum* (Seal)  
Talmadge W. McCollum (Seal)

BY-LA 1073

BOOK: 116 Page Sequence: 127

**CLOSURE STATEMENT:**  
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 38,448 FEET AND AN ANGULAR ERROR OF 00° 00' 04" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 143,486 FEET. ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LEICA TS02 TOTAL STATION.

**S.A. GASKINS  
& ASSOCIATES, LLC.**  
SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS  
981 Camp Ground Road Griffin Ga. 30223  
sagaskins55@gmail.com 678-618-5067

JOHN 3.16

**LEGEND**  
D.B. = DEED BOOK  
P.B. = PLAT BOOK  
P.G. = PAGE  
F.W.P.D. = FIELD WORK  
PERFORMED DATE  
L.L. = LAND LOT  
L.L.L. = LAND LOT LINE  
N.I.F. = NOW OR FORMERLY  
P.O.B. = POINT OF BEGINNING  
R.B.F. = REBAR FOUND  
R.B.S. = REBAR SET  
R.W. = RIGHT OF WAY  
U.P. = UTILITY POLE  
B.I.L. = BUILDING LINE

**N.I.F.**  
**MADELYN J. CHENNAULT TRUST**  
D.B. 2259, PG. 725  
P.B. 1, PG. 23

**1.210 AC.**  
52,717 S.F.  
D.B. 130 PG. 532  
TP# 0821 046

**MAINTENANCE EASEMENT**  
(D.B. 642, PG. 588)

**N.I.F.**  
**EVELYN MORGAN**  
D.B. 647, PG. 772

**GA STATE HIGHWAY 54**  
(R/W VARIES)  
D.B. 642 PG. 589  
ASPHALT WIDTH VARIES

**SANDY CREEK ROAD**  
(R/W VARIES)  
D.B. 642 PG. 589

THIS BLOCK RESERVED FOR THE CLERK  
OF THE SUPERIOR COURT.

**SURVEYORS CERTIFICATION**

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

BY: **SWINSON A. GASKINS, Sr. GEORGIA**  
**REGISTERED LAND SURVEYOR NO.1620**

DATE **6** / **20** / **2022**

Prepared For:  
**Dave Burnett**

1173 Highway 54 W. - TP# 0521 046  
Date: 6/20/2022  
Scale: 1" = 60'  
F.W.P.D.: 6/17/2022  
Job No: SA22-068A  
County: Fayette, Ga  
Land Lot: 128  
District: 5th

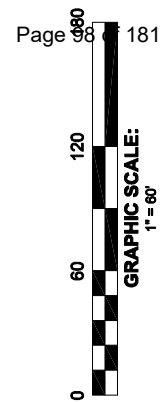
GRID NORTH  
WEST ZONE  
NAD 83



**NOTES:**  
1. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN WERE NOT SUPPLIED TO THIS OFFICE.

**FLOOD STATEMENT:**

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13113C0084E, DATED SEPTEMBER 26, 2006, THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.



# COUNTY AGENDA REQUEST

Page 99 of 181

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at S.R. 74, S.R. 85 and Padgett Road intersection.

## Background/History/Details:

During discussions at the Planning Commission and Board of Commissioners meetings in February 2022, while considering a rezoning request in the Starr's Mill Historic Overlay District, it was noted that some of the current Land Use Plan's limitations on retail development might be amended while still maintaining the historic character of the area. As a result, the proposed change would remove the L-C-1 designation and replace it with COMMERCIAL. The architectural controls and buffer/setback requirements of the Historic District Overlay will remain in place and the Commercial Land Use Designation will allow a wider variety of commercial and retail uses.

At the Planning Commission meeting on September 1, 2022, Danny England made a motion to approve amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at S.R. 74, S.R. 85 and Padgett Road intersection. John Culbreth Sr. seconded the motion. The motion passed 4-1.

## What action are you seeking from the Board of Commissioners?

Approval of the amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at S.R. 74, S.R. 85 and Padgett Road intersection.

## If this item requires funding, please describe:

Not applicable

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



**PLANNING COMMISSION RECOMMENDATION**

The consideration of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR74, SR 85 and Padgett Road intersection is hereby:

☒ Approved                      ☐ Withdrawn                      ☐ Disapproved

☐ Tabled until \_\_\_\_\_

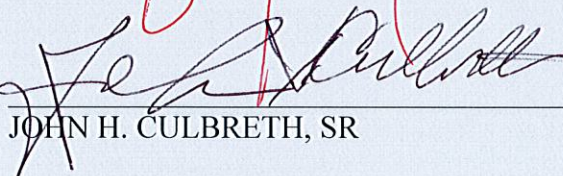
☐ Approved with Conditions \_\_\_\_\_

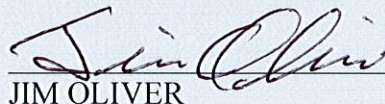
Per the Fayette County Planning Commission on this 1st day of September, 2022.

  
 \_\_\_\_\_  
 ARNOLD L. MARTIN, CHAIRMAN

  
 \_\_\_\_\_  
 BRIAN HAREN, VICE-CHAIRMAN

  
 \_\_\_\_\_  
 DANNY ENGLAND

  
 \_\_\_\_\_  
 JOHN H. CULBRETH, SR

  
 \_\_\_\_\_  
 JIM OLIVER

**Remarks:**

\_\_\_\_\_  
 \_\_\_\_\_



**BOARD MEMBERS**

Arnold L. Martin, Chairman  
Brian Haren, Vice-Chairman  
John H. Culbreth, Sr.  
Danny England  
Jim Oliver

**STAFF**

Deborah L. Bell, Planning and Zoning Director  
Chelsie Boynton, Planning and Zoning Coordinator

---

**AGENDA OF ACTS  
FAYETTE COUNTY PLANNING COMMISSION MEETING  
140 STONEWALL AVENUE WEST  
September 1, 2022  
7:00 pm**

**\*Please turn off or turn to mute all electronic devices during the  
Planning Commission Meetings**

---

1. Consideration of the Minutes of the meeting held on August 4, 2022.

*John Culbreth Sr. made a motion to approve the minutes of the meeting held on August 4<sup>th</sup>, 2022.  
Danny England seconded the motion. The motion passed 5-0.*

**NEW BUSINESS**

2. Consideration of a Minor Final Plat for Larry Knight

*Brian Haren made a motion to approve the Minor Final Plat for Larry Knight. Danny England  
seconded the motion. The motion passed 5-0.*

**PUBLIC HEARING**

3. Consideration of Petition No. 1321-22 A, Lyssa M. Sampson as Trustee under the Madelyn J. Chennault Living Trust dated July 10, 2003 Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 37.915 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5<sup>th</sup> District and fronts on South Sandy Creek Road.

*Brian Haren made a motion to deny Petition No. 1321-22 A, request to rezone 37.915 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion.  
The motion passed 5-0.*

4. Consideration of Petition No. 1321-22 B, Evelyn Morgan, Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 1.769 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5<sup>th</sup> District and fronts on S.R. Highway 54.

***Brian Haren made a motion to deny Petition No. 1321-22 B, request to rezone 1.769 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.***

5. Consideration of Petition No. 1321-22 C, Estate of Leonard R. Ebert, deceased, and Judith Ebert, deceased c/o Leslie Noles, Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 1.210 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5<sup>th</sup> District and fronts on S.R. Highway 54 and South Sandy Creek Road.

***Brian Haren made a motion to deny Petition No. 1321-22 C, request to rezone 1.210 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.***

6. Consideration of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR 74, SR 85 and Padgett Road intersection.

***Danny England made a motion to approve amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR 74, SR 85 and Padgett Road intersection. John Culbreth Sr. seconded the motion. The motion passed 4-1.***

7. Consideration of Petition No. 1322-22, Robert C. Shell, Owner, and LDO Fayette, LLC, Agent, request to rezone 12.591 acres from A-R to C-C to build a convenience store with fuel. This property is located in Land Lot 8 of the 6<sup>th</sup> District and fronts on Georgia Highway 85 and Padgett Road.

***John Culbreth Sr. made a motion to approve Petition No. 1322-22, request to rezone 12.591 acres from A-R to C-C to build a convenience store with fuel. Danny England seconded the motion. The motion passed 5-0.***

## Land Use Element and Future Land Use Plan Map Amendments

### Land Use Element

#### ~~Limited Commercial One~~ (Page L-11)

~~This category designates properties where the Limited Commercial (1) District (L-C-1) zoning district is recommended. L-C-1 allows small-scale businesses which do not generate large amounts of traffic, noise or light are to be located.~~

~~SR 74, SR 85, & Padgett Road Intersection (Starr's Mill Historic District): This intersection is in close proximity to historic Starr's Mill. This area represents a newly developing nonresidential node where the L-C-1, (Limited Commercial (1) District) and O-I, Office-Institutional zoning districts are recommended as depicted on the Future Land Use Plan map. The C-C, (Community Commercial District), C-H, (Highway Commercial District) and L-C-2, (Limited Commercial (2) District) are not designated for this area.~~

#### Historic District (Page L-22)

**Starr's Mill Historic Overlay District at the SR 74, SR 85, & Padgett Road Intersection:** Starr's Mill is a significant historic resource in Fayette County. This Overlay District identifies the county's goals and recommendations for the Starr's Mill Historic Overlay District at the SR 74, SR 85, & Padgett Road intersection. Both SR 74 and SR 85 are Major Arterials and serve as commuting routes. SR 74 connects to Peachtree City, Tyrone and Interstate 85 to the north. SR 85 runs through Fayetteville to Clayton County and connections to SR 92, SR 314, and SR 279 can be made along this route. The widening of SR 74 from two to four lanes was completed in early 2012. As a result of this project Padgett Road was realigned to alleviate its offset from SR 74. SR 85 is planned to be widened from two to four lanes in the future.

**Historic Resources:** Starr's Mill is located to the northeast of this intersection on Whitewater Creek. Starr's Mill is one of the most significant historical structures in Fayette County. The mill and surrounding property containing the mill pond is owned by the Fayette County Water System and serves as a water intake location and passive park. The present mill was built in 1888 and was central to the Starr's Mill Community that also contained a post office, stores, a church, a cotton gin, and a sawmill. These facts are discussed in the Natural and Historic Resources Element of the comprehensive plan.

Also located at the intersection in close proximity to Starr's Mill is the Starr's Mill Baptist Church. It is estimated that the church was constructed in 1887 according to the Natural and Historic Resources Element. The church is owned and utilized by New Hope Baptist Church which is located across SR 74.

**Existing Development:** Properties at this intersection are residentially zoned and the Future Land Use Plan designates these properties as residential. Most lots contain single-family residences with the exception of a lot of approximately eight acres that contains the aforementioned Starr's Mill Baptist Church. Some of the lots are nonconforming and a few are less than one acre in size. A legal nonconforming commercial structure was removed due to the realignment of Padgett Road.

Several single-family residential subdivisions are located in close proximity to the intersection. These subdivisions include Mill Pond Manor (R-45), Southmill (C-S), Starr's Mill Ridge (R-20), and Starr's Mill Estates (R-20). While Starr's Mill Estates is zoned for one acre lots, the lots range in size from four to eight acres.

**Future Development:** Due to the improvements to this intersection through the SR 74 widening project and the future widening of SR 85, it is anticipated that property owners at this intersection will pursue nonresidential development. The preferred development pattern is for properties closest to the intersection to contain the more intense uses and land use intensity will generally decrease in intensity as it moves away from the intersection. The maintenance of an efficient flow of traffic at this intersection is essential. The historic character of the area should be taken into consideration in the development of this area.

The goals of the Starr's Mill Historic District Overlay at the SR 74, SR 85, & Padgett Road Intersection are: (1) maintain the historic character of the area, (2) control the intensity and aesthetic quality of nonresidential development at the intersection as it is the southern gateway into Fayette County, (3) maintain an efficient flow of traffic at the intersection, and (4) protect existing and future residential areas outside of the intersection.

**Recommendations:** The land use of this area associated with this intersection will be depicted on the Future Land Use Plan and corresponding Overlay Zone requirements for nonresidential development will be added to the Zoning Ordinance. The nonresidential land use designations at this intersection will consist of ~~Limited-Commercial One~~ and Office. Some fringe areas will have a residential land use designation of Low Density Residential (1 Unit/1 to 2 Acres). The C-C, (Community Commercial District), C-H, (Highway Commercial District), ~~L-C-1, (Limited-Commercial (1) District)~~ and L-C-2, (Limited-Commercial (2) District) are ~~not designated appropriate~~ for this area.

**Future Land Use Plan Map Amendments** – Change areas designated as Limited Commercial One to Commercial. Delete Limited Commercial One from the map legend.



**CONSIDERATION OF LAND USE PLAN AMENDMENT**

**REQUESTED ACTION:** Amend the Land Use Plan to change the L-C-1 designation for the area immediately adjacent to the intersection of SR 74 and SR 85 to Commercial.

**PROPOSED LAND USE:** Commercial

**EXISTING USE:** L-C-1, Limited Commercial One

**LOCATION:** S.R. 74 South & S.R. 85 South

**DISTRICT/LAND LOT(S):** 6th District, Land Lot 8

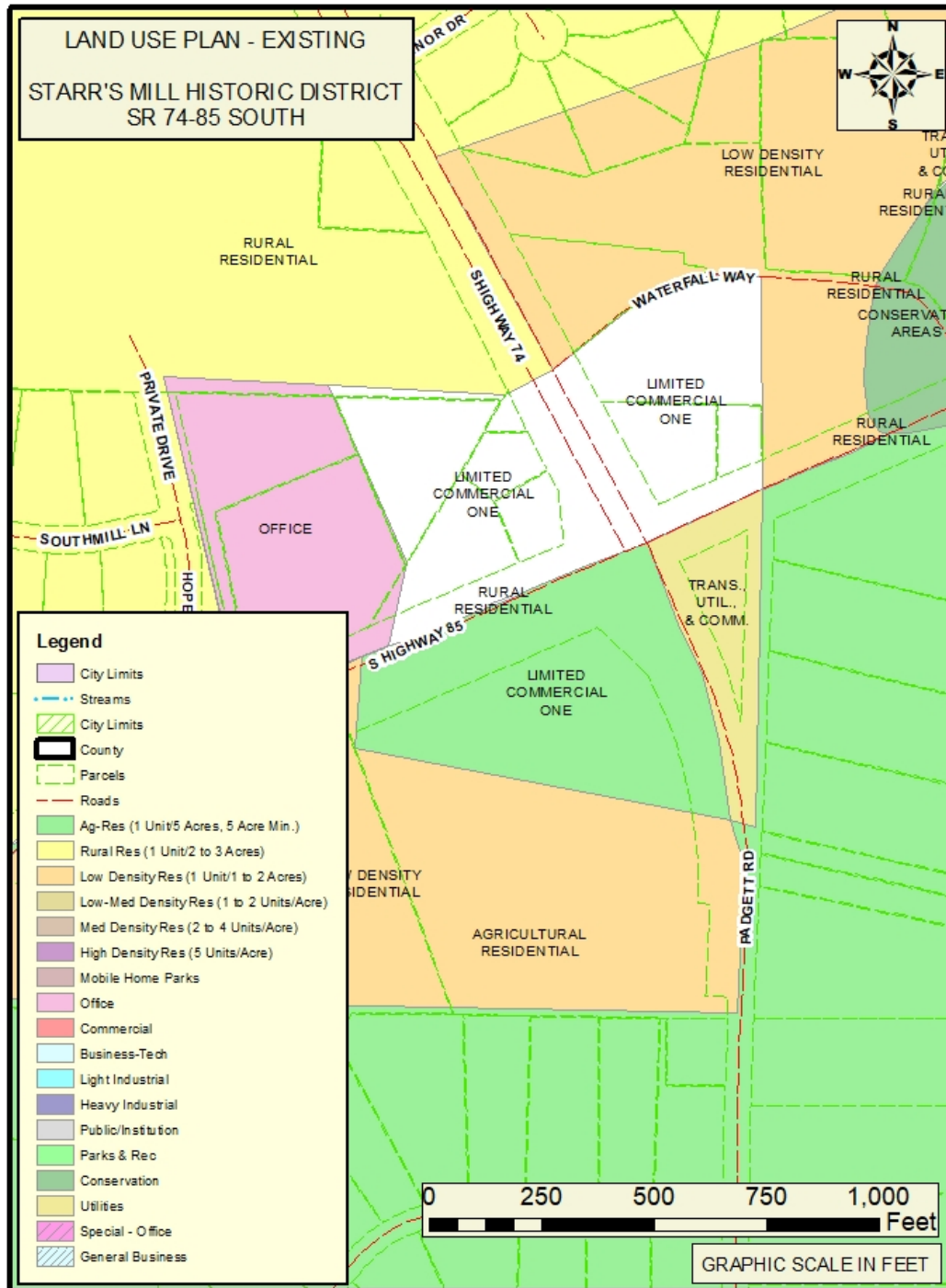
**PLANNING COMMISSION PUBLIC HEARING:** September 1, 2022

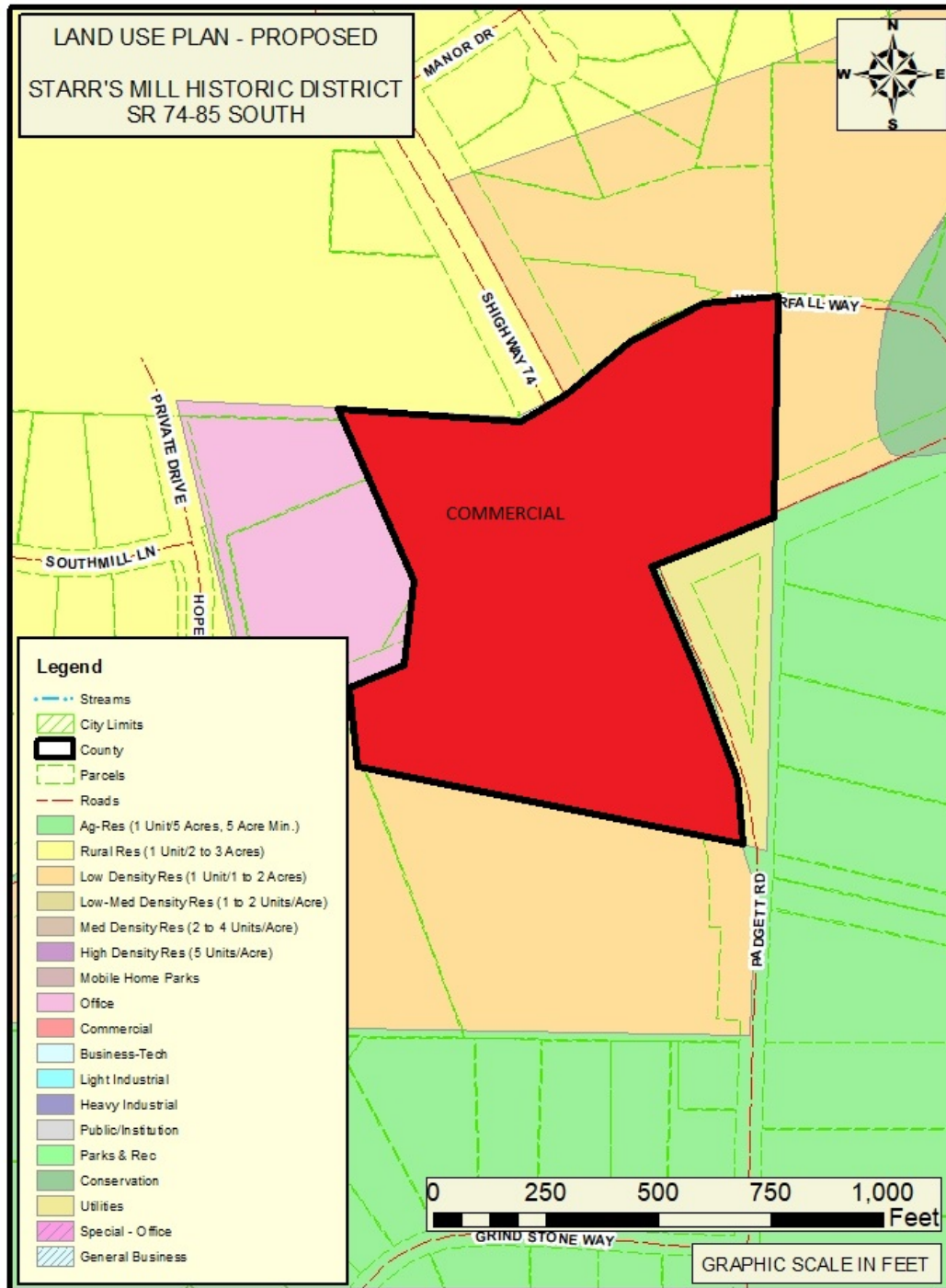
**BOARD OF COMMISSIONERS PUBLIC HEARING:** September 22, 2022

---

**HISTORY**

During discussions at the Planning Commission and Board of Commissioners meetings in February 2022, while considering a rezoning request in the Starr's Mill Historic Overlay District, it was noted that some of the current Land Use Plan's limitations on retail development might be amended while still maintaining the historic character of the area. As a result, the proposed change would remove the L-C-1 designation and replace it with COMMERCIAL. The architectural controls and buffer/setback requirements of the Historic District Overlay will remain in place and the Commercial Land Use Designation will allow a wider variety of commercial and retail uses.





# COUNTY AGENDA REQUEST

Page 108 of 181

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No. 1322-22, Robert C. Shell, Owner; LDO Fayette, LLC, represented by Patrice Frady, Agent; request to rezone 12.582 acres from A-R to C-C to develop a convenience store with fuels sales and with retail tenant space; property located in Land Lot 8 of the 6th District and fronts on Padgett Road and S.R. 85/74.

## Background/History/Details:

Staff recommends CONDITIONAL APPROVAL because the request is consistent with the proposed amended elements to the Comprehensive Plan. The subject property lies within an area designated for Limited Commercial One and the Starr's Mill Historic District Overlay District. An amendment to the Land Use Plan to remove the designation for Limited Commercial One and replaced with Commercial use designation is proposed and also being considered on the September 22, 2022 agenda.

Planning Commission meeting on September 1, 2022, John Culbreth Sr. made a motion to approve Petition No. 1322-22, request to rezone 12.591 acres from A-R to C-C to build a convenience store with fuel. Danny England seconded the motion. The motion passed 5-0.

## What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1322-22, Robert C. Shell, Owner; LDO Fayette, LLC, represented by Patrice Frady, Agent; request to rezone 12.582 acres from A-R to C-C to develop a convenience store with fuels sales and with retail tenant space; property is located in Land Lot 8 of the 6th District and fronts on Padgett Road and S.R. 85/74.

## If this item requires funding, please describe:

No funding required

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:

Recommended Conditions are in the Staff Report.



**PETITION NO: 1322-22**

**REQUESTED ACTION:** A-R to C-C

**PROPOSED USE:** Commercial Development: Convenience Store with Retail

**EXISTING USE:** Vacant Land

**LOCATION:** S.R. Highway 85

**DISTRICT/LAND LOT(S):** 6<sup>th</sup> District, Land Lot 8

**OWNER:** Robert C. Shell

**AGENT:** LDO Fayette, LLC, represented by Patrice Frady

**PLANNING COMMISSION PUBLIC HEARING:** September 1, 2022

**BOARD OF COMMISSIONERS PUBLIC HEARING:** September 22, 2022

---

**APPLICANT'S INTENT**

Applicant proposes to rezone 12.582 acres from A-R to C-C to develop a convenience store with retail tenant space.

**STAFF RECOMMENDATION**

Staff recommends **CONDITIONAL APPROVAL** because the request is consistent with the proposed amended elements to the Comprehensive Plan.

## **INVESTIGATION**

### **A. GENERAL PROPERTY INFORMATION**

The subject property is a 12.582-acre tract fronting on S.R. 85 at the intersection with S.R. 74 and Padgett Road in Land Lot 8 of the 6<sup>th</sup> District. S.R. 85 & S.R. 74 are classified as a Major Arterial roads on the Fayette County Thoroughfare Plan and Padgett Road is classified as a Collector. A small farm pond on the site was not considered State Waters and was removed several years ago, although it still appears on old aerial photography.

The subject property is undeveloped and currently zoned A-R.

The area is designated for *L-C-1 (Limited Commercial One)* under the Starr's Mill Historic Overlay District, but this designation is proposed to be dropped in favor of *Commercial*, while remaining subject to all other requirements of the Overlay District.

### **B. SURROUNDING ZONING AND USES**

The general situation is a 12.582-acre tract that is zoned A-R. In the vicinity of the subject property is land which is zoned R-20, C-C, and A-R. See the following table and the attached Zoning Location Map.

The subject property is bounded by the following adjacent zoning districts and uses:

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North (across SR 85)	1.45	C-C	Proposed C-Store with Retail	L-C-1 under the Starr's Mill Historic Overlay District & Low-Density Residential
South	5.6	R-20	5 parcels, Single-family Residential	Agricultural-Residential (1 Unit/5 Acres)
East	32.25	R-20	7 parcels, Single-family Residential	Agricultural-Residential (1 Unit/5 Acres)
West	7.1	A-R	Single-family Residential	Low-Density Residential (1 Unit/1 Acre)

### **C. COMPREHENSIVE PLAN**

The subject property lies within an area designated for Limited Commercial One and the Starr's Mill Historic District Overlay District. This request does not conform to the Fayette County Comprehensive Plan in terms of the commercial density and the Starr's Mill Historic District Overlay Zone. The Starr's Mill Historic District Overlay Zone states the following:

*The goals of the Starr's Mill Historic District Overlay at the SR 74, SR 85, & Padgett Road*

*Intersection are: (1) maintain the historic character of the area, (2) control the intensity and aesthetic quality of nonresidential development at the intersection as it is the southern gateway into Fayette County, (3) maintain an efficient flow of traffic at the intersection, and (4) protect existing and future residential areas outside of the intersection.*

*The Limited-Commercial (1) District (L-C-1) zoning district was created specifically for the Starr's Mill Historic District Overlay District. It was adopted in conjunction with the adoption of the Starr's Mill Historic District Overlay District in the Comprehensive Plan. The L-C-1 zoning district does not allow a convenience store and has a floor to area ratio of .1 with a total limit of 10,000 square feet with a single building. The Concept Plan indicates 4,800 square feet in a single building. (See attached Limited-Commercial (1) District (L-C-1) zoning district and Community Commercial District (C-C))*

#### **D. ZONING/REGULATORY REVIEW**

##### **Starr's Mill Historic District Overlay Zone at the SR 74, SR 85, & Padgett Road Intersection**

Due to the frontage on State Route 74 and 85, development of the property is subject to the requirements of the Starr's Mill Historic District Overlay Zone. The Overlay Zone requirements are in addition to the C-C zoning district requirements and any Conditional Use requirements, and in cases where there is a conflict between requirements, the most restrictive regulation applies. Overlay Zone requirements including, but not limited to, the following: a 100-foot setback from the right-of-way of SR 74 and SR 85, a 50 foot setback for impervious surfaces from right-of-way of SR 74 and SR 85, and architectural standards for buildings which require a historical character.

##### **Access**

The Concept Plan submitted indicates access from S.R. 85 South and Padgett Road. Access must comply with the provisions of Section 104-55. of the Development Regulations and the Georgia D.O.T., as appropriate.

##### **Concept Plan**

The applicant is advised that the Concept Plan is for illustrative purposes only. Any deficiencies must be addressed at the time of submittal of the Site Plan, as applicable. Approval of this zoning petition does not constitute approval of the concept plan. It should be noted that the Concept Plan does not show buffers and setbacks for the outparcels, but those will be required to meet the Overlay standards.

##### **Architectural Review**

It is staff's opinion that, at present, these do not meet the requirements of the Overlay District but are an amalgamation of types listed in the ordinance. Staff recommends that the developer modify the elevations for a more consistent appearance, and for other elements outlined in the Overlay ordinance.

##### **Site Plan**

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 104-27 of the Development Regulations, as applicable. Approval of this zoning petition does not constitute approval of the conceptual site plan.

**F. DEPARTMENTAL COMMENTS**

- ☐ **Water System** - Water is available at this location along the north side of Hwy 85 in an 8" DIP water main.
- ☐ **Public Works/Environmental Management**
  - **Transportation** - Any proposed modifications to the site entrance and exit on **SR 85** will be permitted through GDOT. As part of the plan review and approval process, Public Works may require a Traffic Impact Study for the development.
  - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0134E dated September 26, 2008, or the FC 2013 Future Conditions Flood Study.
  - **Wetlands** - The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
  - **Watershed Protection** - There **ARE NO** known state waters located on the subject property.
  - **Groundwater** - The property **IS NOT** within a groundwater recharge area.
- ☐ **Environmental Health Department** – The department has no comments on this rezoning.
- ☐ **Fire** – The department has no comments on this rezoning.
- ☐ **Georgia Department of Transportation** - The proposed development has not contacted GDOT for a preliminary review. GDOT advised that, due to the layout of the state route it will be difficult for GDOT to approve a full access off SR 74/85 since there would be a potential sight distance issue for the left turn movement.



## **STANDARDS**

### **Sec. 110-300. - Standards for map amendment (rezoning) evaluation.**

All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board of commissioners when reviewing a request for rezoning:

- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

## **STAFF ANALYSIS**

The C-C, (Community Commercial District), C-H, (Highway Commercial District) and L-C-2, (Limited-Commercial (2) District) are not designated for this area at this time. However, an amendment to the Land Use Plan is being presented for consideration that recommends changing the Land Use designation from 'Limited Commercial One' to 'Commercial and Office', while retaining the architectural requirements of the Starr's Mill Historic District Overlay. This will include the following non-residential land uses for the SMHD Overlay at the intersection: C-C, (Community Commercial District), C-H, (Highway Commercial District), L-C-1, (Limited-Commercial (1) District) and L-C-2, (Limited-Commercial (2) District).

1. The subject property lies within an area designated for Limited Commercial One and the Starr's Mill Historic District Overlay Zone. This request does not conform to the Fayette County Comprehensive Plan in terms of the permitted uses for L-C-1. However, it is staff's opinion that the proposed development does meet the general character requirements of the Starr's Mill Historic District Overlay Zone, which states the following:

*The goals of the Starr's Mill Historic District Overlay at the SR 74, SR 85, & Padgett Road Intersection are: (1) maintain the historic character of the area, (2) control the intensity and aesthetic quality of nonresidential development at the intersection as it is the southern gateway into Fayette County, (3) maintain an efficient flow of traffic at the intersection, and (4) protect existing and future residential areas outside of the intersection.*

2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. However, approval of this rezoning request could provide encouragement and legal leverage for the rezoning of other properties in the Starr's Mill Historic District Overlay land use area to zoning districts C-C, (Community Commercial District), C-H, (Highway Commercial District) and L-C-2, (Limited-Commercial (2) District) which are not designated for this area.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. Although the area's recommended land use for the Limited Commercial One zoning district in the Starr's Mill Historic District Overlay do not support the C-C zoning district, the proposed amendment to the Land Use Plan supports this use.

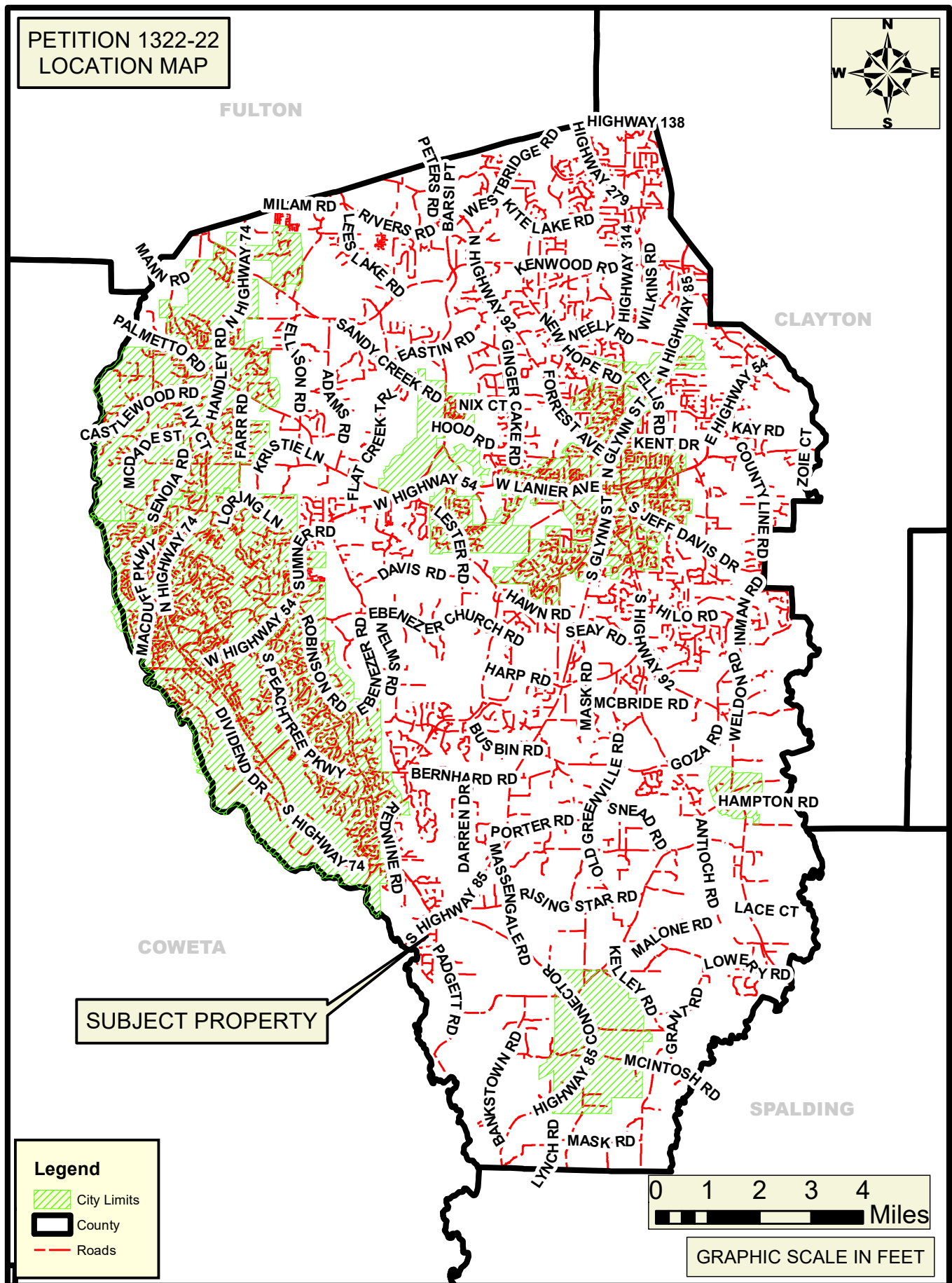
**STAFF RECOMMENDATION**

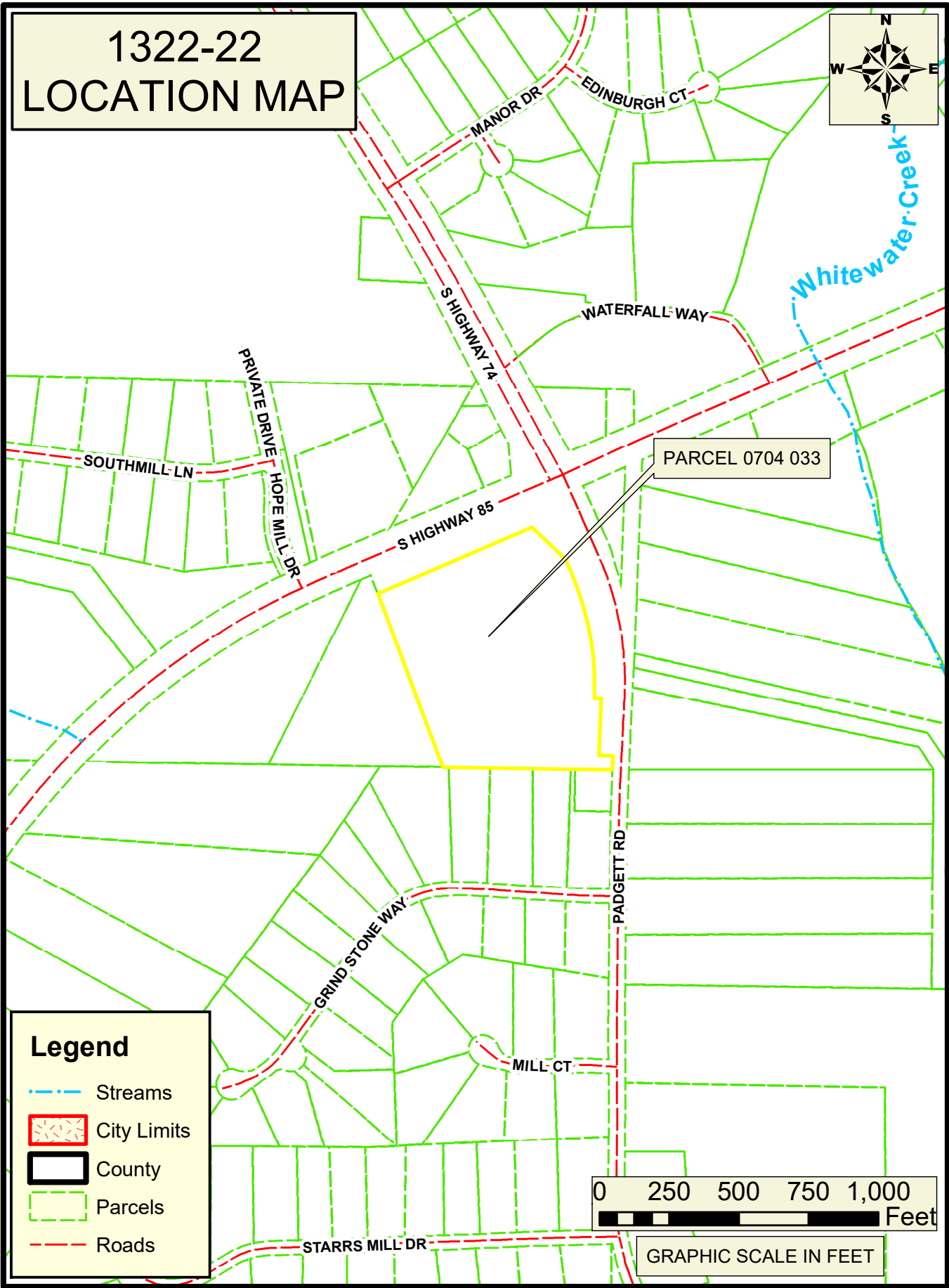
Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL OF THE C-C ZONING DISTRICT WITH FOUR (4) CONDITIONS.**

**RECOMMENDED CONDITIONS**

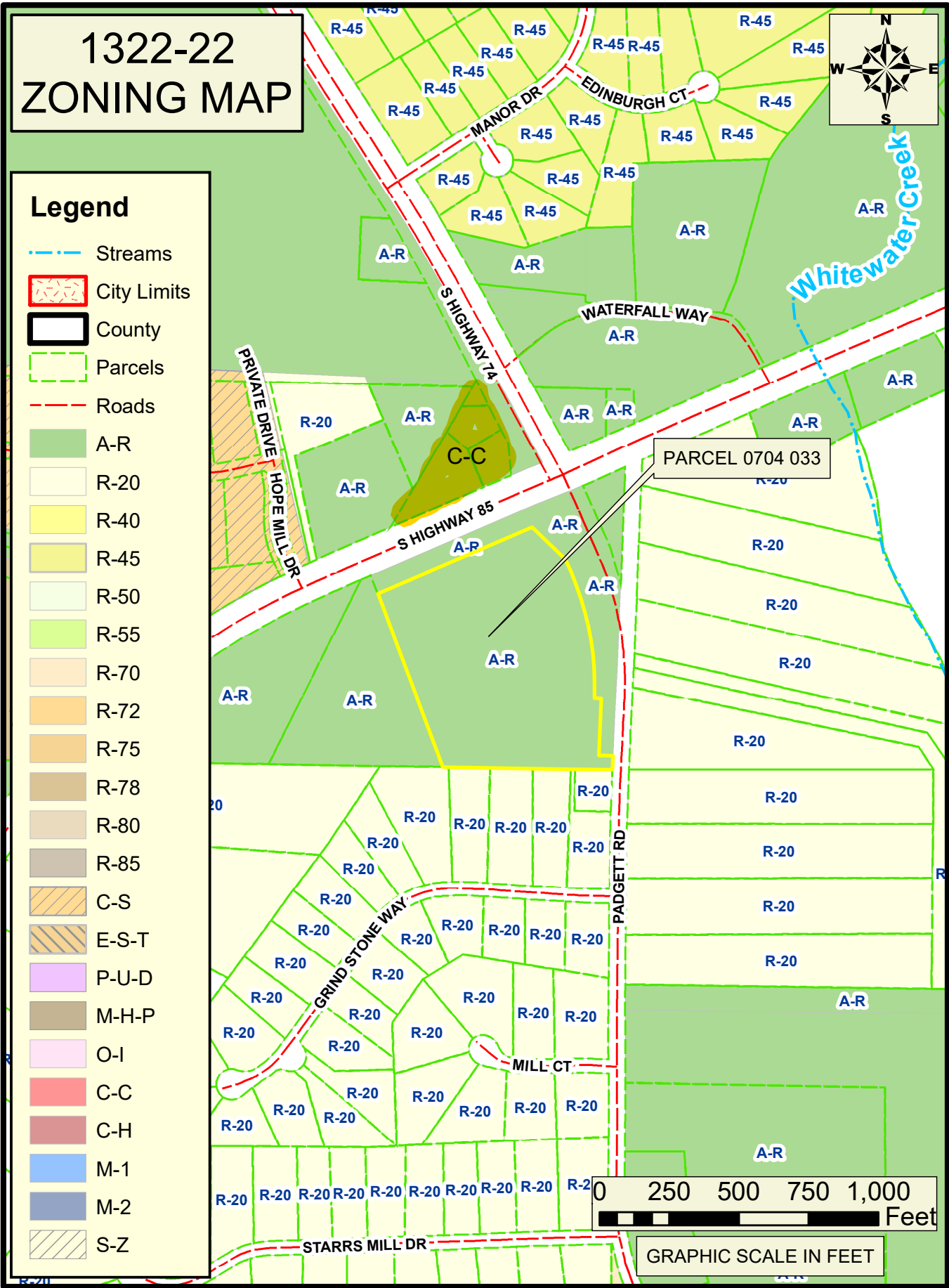
If this petition is approved by the Board of Commissioners, it should be approved C-C subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

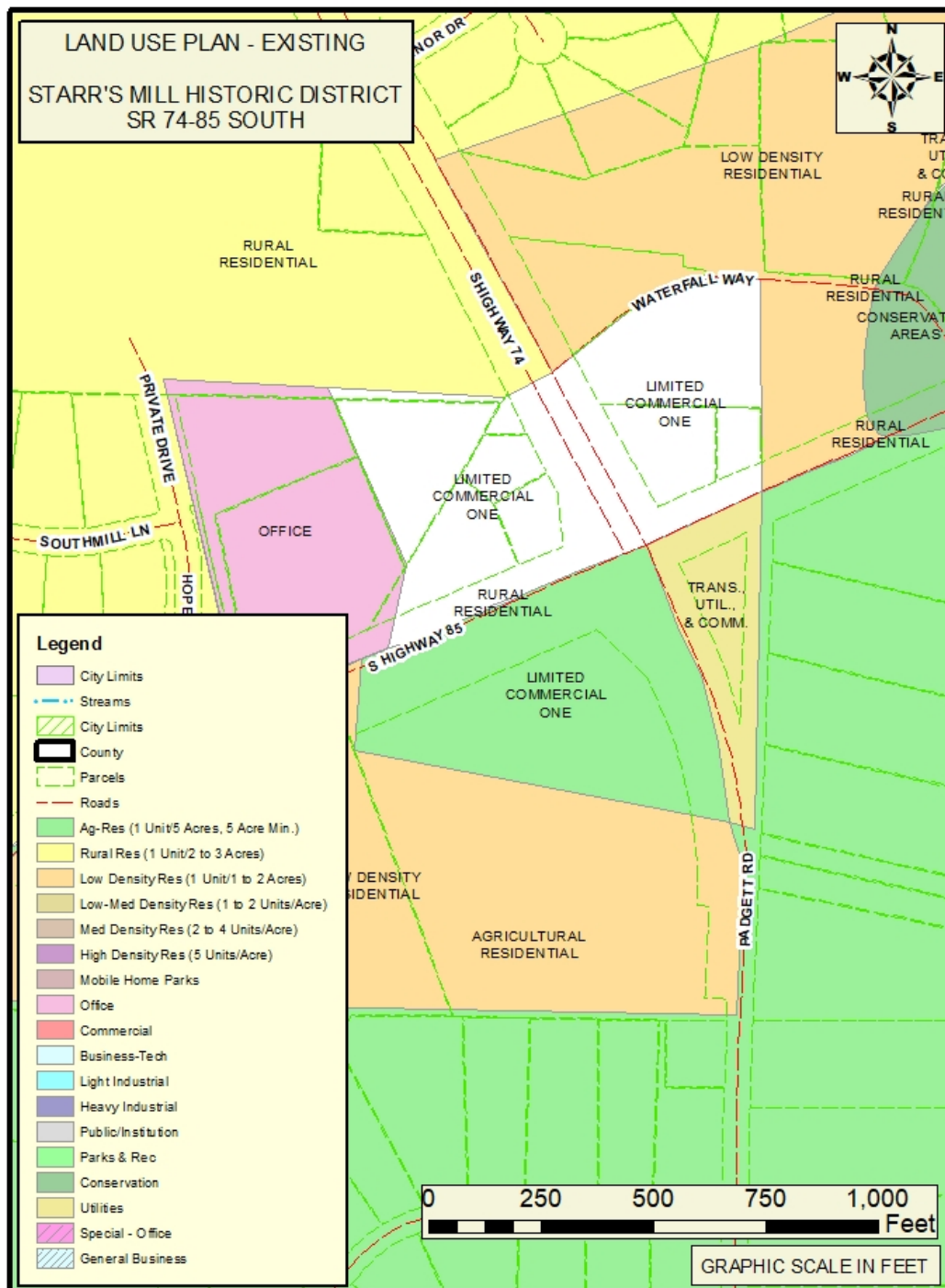
1. Padgett Road is a Collector per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 40 feet as measured from the existing centerline of Padgett Road.
2. Owner/applicant shall coordinate all access points with GDOTs proposed projects at the intersection of HWY 74 and HWY 85. Environmental Management will require GDOT approval prior to issuance of development permits.
3. Owner/applicant to provide documentation that access to 2598 Hwy 85 South will meet County Development Ordinances or be removed prior to Land Disturbance permits being issued.
4. Only one curb cut will be allowed on Padgett Road; any additional existing curb cuts on Padgett Road shall be removed.
5. A 100' vegetated buffer shall be provided adjacent to residentially zoned parcels in unincorporated Fayette County to the south and west of the project. No encroachment of stormwater detention or other uses shall be allowed in the buffer.

















**BOARD MEMBERS**

Arnold L. Martin, Chairman  
Brian Haren, Vice-Chairman  
John H. Culbreth, Sr.  
Danny England  
Jim Oliver

**STAFF**

Deborah L. Bell, Planning and Zoning Director  
Chelsie Boynton, Planning and Zoning Coordinator

---

**AGENDA OF ACTS  
FAYETTE COUNTY PLANNING COMMISSION MEETING  
140 STONEWALL AVENUE WEST  
September 1, 2022  
7:00 pm**

**\*Please turn off or turn to mute all electronic devices during the  
Planning Commission Meetings**

---

1. Consideration of the Minutes of the meeting held on August 4, 2022.

*John Culbreth Sr. made a motion to approve the minutes of the meeting held on August 4<sup>th</sup>, 2022.  
Danny England seconded the motion. The motion passed 5-0.*

**NEW BUSINESS**

2. Consideration of a Minor Final Plat for Larry Knight

*Brian Haren made a motion to approve the Minor Final Plat for Larry Knight. Danny England  
seconded the motion. The motion passed 5-0.*

**PUBLIC HEARING**

3. Consideration of Petition No. 1321-22 A, Lyssa M. Sampson as Trustee under the Madelyn J. Chennault Living Trust dated July 10, 2003 Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 37.915 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5<sup>th</sup> District and fronts on South Sandy Creek Road.

*Brian Haren made a motion to deny Petition No. 1321-22 A, request to rezone 37.915 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion.  
The motion passed 5-0.*



4. Consideration of Petition No. 1321-22 B, Evelyn Morgan, Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 1.769 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5<sup>th</sup> District and fronts on S.R. Highway 54.

***Brian Haren made a motion to deny Petition No. 1321-22 B, request to rezone 1.769 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.***

5. Consideration of Petition No. 1321-22 C, Estate of Leonard R. Ebert, deceased, and Judith Ebert, deceased c/o Leslie Noles, Owner, and Christopher Chitwood and David Burnett (Richard P. Lindsey, Atty), Agent, request to rezone 1.210 acres from R-70 to C-C to build a new car dealership and service center. This property is located in Land Lot 128 of the 5<sup>th</sup> District and fronts on S.R. Highway 54 and South Sandy Creek Road.

***Brian Haren made a motion to deny Petition No. 1321-22 C, request to rezone 1.210 acres from R-70 to C-C to build a new car dealership and service center. Danny England seconded the motion. The motion passed 5-0.***

6. Consideration of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR 74, SR 85 and Padgett Road intersection.

***Danny England made a motion to approve amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR 74, SR 85 and Padgett Road intersection. John Culbreth Sr. seconded the motion. The motion passed 4-1.***

7. Consideration of Petition No. 1322-22, Robert C. Shell, Owner, and LDO Fayette, LLC, Agent, request to rezone 12.591 acres from A-R to C-C to build a convenience store with fuel. This property is located in Land Lot 8 of the 6<sup>th</sup> District and fronts on Georgia Highway 85 and Padgett Road.

***John Culbreth Sr. made a motion to approve Petition No. 1322-22, request to rezone 12.591 acres from A-R to C-C to build a convenience store with fuel. Danny England seconded the motion. The motion passed 5-0.***

11 Pages 1264817 Road  
Senoia 1 GA  
30276

APPLICATION TO AMEND  
TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA

PROPERTY OWNERS: Robert C Shell

MAILING ADDRESS: 16 Clark Street, Senoia, Georgia 30276

PHONE: 470-240-6207 E-MAIL: dcshell1313@gmail.com

AGENT FOR OWNERS: LDO Fayette, LLC attention: Patrice Frady

MAILING ADDRESS: 270 N. Jeff Davis Drive, Fayetteville, Georgia 30214

PHONE: 770-461-0478 E-MAIL: pfrady@brentholdings.net

PROPERTY LOCATION: LAND LOT 8 LAND DISTRICT 6<sup>TH</sup> PARCEL 0604-004  
LAND LOT \_\_\_\_\_ LAND DISTRICT \_\_\_\_\_ PARCEL \_\_\_\_\_

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 12.582 (Local Description 12.591)

EXISTING ZONING DISTRICT: A-R PROPOSED ZONING DISTRICT: C-C

ZONING OF SURROUNDING PROPERTIES: A-R, R-20, C-C

PRESENT USE OF SUBJECT PROPERTY: vacant/undeveloped

PROPOSED USE OF SUBJECT PROPERTY: commercial development

LAND USE PLAN DESIGNATION: L-C 1

NAME AND TYPE OF ACCESS ROAD: Padgett Road

LOCATION OF NEAREST WATER LINE: \_\_\_\_\_

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1322-22

☐ Application Insufficient due to lack of: \_\_\_\_\_

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: AUG. 1, 2022

DATE OF PLANNING COMMISSION HEARING: SEPTEMBER 1, 2022

DATE OF COUNTY COMMISSIONERS HEARING: SEPTEMBER 22, 2022

Received from NISKEYTELL, LLC a check in the amount of \$ 390.00 for application filing fee, and \$ 40.00 for deposit on frame for public hearing sign(s).

Date Paid: AUG 1, 2022 Receipt Number: 015481



**PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM**  
*(Applications require authorization by ALL property owners of subject property).*

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Robert C Shell

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0604 004

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 8 of the 6th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of 12.582 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to LDO Fayette, LLC to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

x Robert C. Shell

Signature of Property Owner 1

119 Barnett Road  
 Address Scottdale, GA

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

Michelle Denise Walker

Signature of Notary Public

July 21  
 Date

Signature of Notary Public

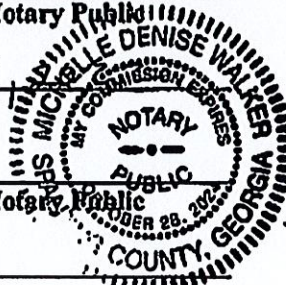
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



NAME: LDO Fayette, LLCPETITION NUMBER: 1322-22ADDRESS: 270 N. Jeff Davis Drive, Fayetteville, Georgia 30214**PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.**

LDO Fayette, LLC represented by Patrice Frady affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) 6th Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 1390.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to C-C.

This property includes: (check one of the following)

[ ] See attached legal description on recorded deed for subject property or

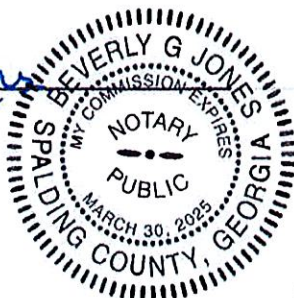
[ ] Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 15<sup>th</sup> day of September, 2022 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 22<sup>nd</sup> day of September, 2022 at 5:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,

Beverly G Jones  
NOTARY PUBLIC



[Signature]  
APPLICANT'S SIGNATURE



# **AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY**

I/We, Robert C Shell, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, \_\_\_\_\_ feet of right-of-way along \_\_\_\_\_ as measured from the centerline of the road.

Based on the Future Thoroughfare Plan Map streets have one of the following designations and the Fayette County Development Regulations require a minimum street width as specified below:

Local Street (Minor Thoroughfare) 60 foot right-of-way (30' measured from each side of road centerline)

Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)

Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 21<sup>st</sup> day of July, 2022.

Robert C. Shell  
SIGNATURE OF PROPERTY OWNER

\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

Michelle Denise Walker  
NOTARY PUBLIC



## DEVELOPMENTS OF REGIONAL IMPACT (DRI)

### Rezoning Applicant:

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: [www.dca.state.ga.us/DRI/](http://www.dca.state.ga.us/DRI/).
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
- ☐ The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .
- ☐ The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
APPLICANT'S SIGNATURE

## Developments of Regional Impact

### Tiers and Development Thresholds

Type of Development	Metropolitan Regions	Non-metropolitan Regions
(1) Office	Greater than 400,000 gross square feet	Greater than 125,000 gross square feet
(2) Commercial	Greater than 300 000 gross square feet	Greater than 175,000 gross square feet
(3) Wholesale & Distribution	Greater than 500 000 gross square feet	Greater than 175,000 gross square feet
(4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 200 new beds; or generating more than 250 peak hour vehicle trips per day
(5) Housing	Greater than 400 new lots or units	Greater than 125 new lots or units
(6) Industrial	Greater than 500,000 gross square feet; or employing more than 1, 600 workers; or covering more than 400 acres	Greater than 175,000 gross square feet; or employing more than 500 workers; or covering more than 125 acres
(7) Hotels	Greater than 400 rooms	Greater than 250 rooms
(8) Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein	Gross square feet greater than 125,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 40 acres; or if any of the individual uses meets or exceeds a threshold as identified herein
(9) Airports	All new airports runways and runway extensions	Any new airport with a paved runway; or runway additions of more than 25% of existing runway length
(10) Attractions & Recreational Facilities	Greater than 1, 500 parking spaces or a seating capacity of more than 6, 000	Greater than 1, 500 parking spaces or a seating capacity of more than 6, 000
(11) Post-Secondary School	New school with a capacity of more than 2,400 students or expansion by at least 25 percent of capacity	New school with a capacity of more than 750 students or expansion by at least 25 percent of capacity
(12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more	New facility or expansion of use of an existing facility by 50 percent or more
(13) Quarries, Asphalt &, Cement Plants	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(14) Wastewater Treatment Facilities	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(15) Petroleum Storage Facilities	Storage greater than 50, 000 barrels if within 1, 000 feet of any water supply; otherwise storage capacity greater than 200, 000 barrels	Storage greater than 50, 000 barrels if within 1, 000 feet of any water supply; otherwise storage capacity greater than 200, 000 barrels
(16) Water Supply, Intakes/Reservoirs	New Facilities	New Facilities
(17) Intermodal Terminals	New Facilities	New Facilities
(18) Truck Stops	A new facility with more than three diesel fuel pumps; or spaces.	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces.
( 19 ) Any other development types not identified above (includes parking facilities)	1000 parking spaces	1000 parking spaces

Copyright © 2007 The Georgia Department of Community Affairs. All Rights Reserved.



## DISCLOSURE STATEMENT

Please check one:

Campaign contributions -   X   No        Yes (see attached disclosure report)

### TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

O.C.G.A. § 36-67A-3 (2011)

#### § 36-67A-3. Disclosure of campaign contributions

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

**HISTORY:** Code 1981, § 36-67A-3, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1; Ga. L. 1993, p. 91, § 36.



**LDO Fayette, LLC**  
270 North Jeff Davis Drive  
Fayetteville, Georgia 30214

August 1, 2022

Board of Commissioners, Fayette County  
Department of Community Development and Zoning  
Attention: Debbie Bell, RLA, Interim Director  
140 Stonewall Avenue W  
Suite 203  
Fayetteville, Georgia 30214

**RE: Letter of Intent – Rezoning Application by LDO Fayette, LLC (the “Applicant”) for the property located at 119 Padgett Road, Senoia, Georgia (the “Property”), Fayette County**

Dear Ms. Bell:

The rezoning application is being submitted on behalf of the owner and developer for the proposed Community Commercial (C-C) zoning on the 12.591 acre tract of land located at the intersection of Georgia Highway 85 and Padgett Road. The proposal is to construct a gas station, along with two commercial/retail properties. The proposed site entrances are located off Hwy 85 and Padgett Road.

The surrounding uses are as follows:

North: C-C, Community Commercial  
East: R-20, Single Family Residential  
West: A-R, Agricultural Residential (Single-Family)  
South: R-20, Single Family Residential

Our proposal for Community Commercial, as it relates to these surrounding uses, is a viable option for the property. The subject property is in the Starr’s Mill Historic District Overlay Zone. This use will further advance the county’s desire to revitalize the area with a focus on preserving the historical architecture in the district.

The approval of this application would be consistent with the county’s previous zoning decision that occurred in February 2022 for properties located at Hwy 85 and Hwy 74. The current zoning does not pose a risk to the public health, safety, morals, or general welfare of the public, but there is no gain to the public for this Property to continue to remain largely undeveloped.

## **Exhibit A**

### **REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE**

Georgia law and the procedures of Fayette County require us to raise Federal and State constitutional objections during the public hearing application process. While the Applicant anticipates a smooth

application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Fayette County Zoning Ordinance, facially and as applied to the Property, which restrict the Property to any uses, land use designations, conditions, development standards, or to any zoning districts other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Fayette County Zoning Ordinance, facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning classifications other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking and inverse condemnation of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the Fayette County to grant the application as requested would constitute a taking of the Applicant's property and inverse condemnation. Because of this unconstitutional taking, Fayette County would be required to pay just compensation to the Applicant.

A denial of this Application would constitute an arbitrary and capricious act by the Fayette County Planning and Zoning Commission, and/or Board of Commissioners, without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the requested rezoning and/or variances would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by Fayette County Planning and Zoning Commission, and/or Board of Commissioners, to grant the requested rezoning and/or variances in accordance with the criteria requirements as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the Application, subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a

unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A denial of the requested rezoning and/or variances would be unconstitutional. This notice is being given to comply with the provisions of O.C.G.A. § 36-33-5 to afford the County an opportunity to approve the variances as requested by the Applicant. If action is not taken by the County to approve the rezoning and/or variances within a reasonable time, a claim will be filed in the Superior Court of Fayette County demanding just and adequate compensation under Georgia law for the taking of the Property, inverse condemnation, diminution of value of the Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

# Specialine Security Deed

Georgia, \_\_\_\_\_ Coweta \_\_\_\_\_ County: BOOK 671 PAGE 636

THIS INDENTURE, made and entered into this 30th day of July, 19 91, between

Robert C. Shell

of the State of Georgia, County of Fayette, as party or parties of the first part, hereinafter designated "Grantor," and

Bank of Coweta

a Banking Corporation of the State of Georgia, as party of the second part, hereinafter designated "Grantee," (Grantee's Mailing Address being P. O. Box 1218, Newnan, GA 30264),

WITNESSETH: That for and in consideration of the sum of \$10.00 and other valuable considerations, the receipt and sufficiency whereof are hereby acknowledged, and in order to secure Grantor's Specific Debt of Thirty Thousand and NO/100 Dollars (\$ 30,000.00) hereinafter described, and to secure also all other obligations of Grantor to Grantee set forth herein, Grantor has granted, bargained, sold and conveyed, and does by these presents grant, bargain, sell and convey unto Grantee, the following described property, to-wit:

All that tract or parcel of land, situate, lying and being in Land Lot 8, of the Sixth Land District, Fayette County, Georgia containing 18½ acres, more or less, and bounded now or formerly as follows:

On the North by Willie Pink; on the East by lands of Murphy; on the South by lands of Daniel and on the West by lands of R. E. L. Fife Estate.

This being the same property as that conveyed by R. L. Mathews to J. P. Massengale by Warranty Deed dated July 6, 1928, and of record in Deed Book W, Page 60, Office of the Clerk, Fayette County Superior Court, EXCEPT that portion of land conveyed by Warranty Deed from J. P. Massengale to Flora Mae Whited dated October 16, 1956, and of record in Deed Book 39, Page 406, Office of the Clerk, Fayette Superior Court.

## SATISFIED OF RECORD

THIS 7th DAY OF Jan 19 97  
W. A. Ballard  
 CLERK  
 BOOK 1117-657

GEORGIA INTANGIBLE TAX PAID  
 \$ 90.00  
 9/9 19 97  
Charlotte E. Shipp DE  
 FAYETTE COUNTY 9953  
 TAX COMMISSIONER/COLLECTOR

TO HAVE AND TO HOLD the said bargained property unto Grantee, together with all and singular the rights, members and appurtenances thereof to the same in any manner belonging or appertaining, to the own proper use, benefit and behoof of Grantee, forever, IN FEE SIMPLE.

Grantor covenants that he is lawfully seized and possessed of said property, that he has a good and unrestricted right to convey same, and that said property is free of any liens or encumbrances except such, if any, as may be expressly disclosed herein. And Grantor will forever WARRANT AND DEFEND the right and title thereof unto Grantee against the claims of all persons whosoever.

This indenture is not a mortgage but an absolute conveyance of said property made under the existing provisions of the Official Code of Georgia Annotated relating to conveyances of property to secure debt, the Specific Debt secured hereby being all indebtedness of Grantor to Grantee at any time arising and outstanding under and by virtue of that certain Specialine Account Agreement between Grantee and Grantor of even date herewith, by which Agreement Grantee agreed to make a loan of \$ \_\_\_\_\_ by way of principal advances from time to time drawn by or disbursed for Grantee upon terms and conditions therein specified. Said Specialine Account Agreement is made a part hereof by this reference. ~~It is not to be paid, and all such indebtedness will be deemed payable.~~

(Complete this box only if applicable. If not completed, the printed text of this box shall be deemed stricken and deleted.)

This conveyance is made subject to that certain prior security conveyance of said property made by dated \_\_\_\_\_, 19 \_\_\_\_\_, and recorded in the Deed Book \_\_\_\_\_ folio \_\_\_\_\_ in the office of the Clerk of the Superior Court of \_\_\_\_\_ County, Georgia.

BOOK 671 Page: 636 Seq: 1



This indenture secures not only the Specific Debt above described, but also renewals and extensions of same or any part thereof. Additionally, it secures all other and further indebtedness and liability of every nature, whether direct, indirect or contingent, that Grantor (or any one or more of Grantors, if there be more than one) may now or at any time hereafter owe to Grantee, whether as principal, maker, endorser, guarantor, indemnitor, surety or otherwise, whether individually and separately or jointly with others (and whether or not such others are parties hereto), and notwithstanding payment of said Specific Debt or surrender of any instrument evidencing same at any time (all indebtedness and monetary obligations of every nature herein contemplated and secured hereby, collectively, being sometimes herein called the "secured debt"). If any portion of the secured debt or of this indenture is held invalid for any reason, such portion shall be deemed severed, and such invalidity shall not affect the remaining portions thereof.

Grantor covenants and agrees that for as long as any part of the secured debt remains unpaid, Grantor shall: Make timely payment of all taxes, assessments and other charges that may be or become liens on said property; keep improvements on said property insured against fire, extended coverage perils, flood (if located in a Federally-designated special flood hazard area), and such other hazards as Grantee may require, in amounts and companies approved by Grantee, and make timely payment of all premiums for such insurance; cause the policies of such insurance and all renewals thereof to designate Grantee as an insured party thereunder, to be made payable to Grantee as its interest may appear, and to be delivered to Grantee; cause or allow no permanent structure on said property to be demolished, removed or materially altered without Grantee's prior written consent; keep said property and improvements repaired, maintained and preserved in as good condition as now exists, natural wear and tear excepted; pursue expeditiously to completion all improvements heretofore or henceforth commenced on said property; perform on a timely basis all obligations of Grantor imposed by any lease of said property made by or to Grantor, and all obligations incident to ownership of any condominium unit included in said property imposed by or in furtherance of the pertinent Condominium Declaration; make timely payment of all expense required for each of the foregoing; and, if any of said property is subject to a prior security deed, mortgage or security instrument of any nature, Grantor shall make timely payment of all debt secured thereby and allow no default to occur thereunder (and if foreclosure or other enforcement of any such instrument having priority over this indenture results in any overplus to which Grantor might be entitled, such overplus is hereby assigned to Grantee, and Grantee shall have the exclusive right to receive and collect same).

If any payment or other duty herein required of Grantor with respect to said property is not timely made or performed, Grantee at its option may make the required payment, perform the required duty and/or take any other action Grantee deems necessary to protect the property and Grantee's security interest therein, all at Grantor's expense. Without limitation, Grantee from time to time may advance and pay sums required for any such obligation of Grantor, procure any required insurance, enter upon and repair or complete improvements on the property, and otherwise preserve and safeguard said property and Grantee's interest therein, incurring in Grantor's behalf any expense Grantee deems necessary for the purpose. Any and each such advance made and expense incurred by Grantee shall bear interest from the date made or incurred at the "Default Rate" hereinafter defined, shall be immediately due and payable by Grantor to Grantee, and shall with interest be part of the secured debt. Grantee shall be subrogated to all claims and liens discharged or paid with the proceeds of any such advance, or with the proceeds of any loan or other advance secured hereby.

As further security, Grantor hereby assigns to Grantee all rents, issues and profits at any time accruing for said property, reserving only the right to collect same for his own use as long as he is not in default hereunder. In the event of such default and during the existence of same, Grantee at its option may rent the property, and (by whomsoever rented) receive and collect all rents therefor. For such purposes, Grantee may enter upon the property as necessary, employ real estate or rental agents, and pay reasonable commissions for their services, all at Grantor's expense. And whether or not there is a default hereunder, Grantee shall be entitled at its option to receive and collect all or any insurance proceeds payable by reason of loss or damage to said property, and all or any compensation payable for any taking or acquisition of said property or any part thereof by an authority exercising or threatening to exercise a power of eminent domain, Grantor hereby assigning to Grantee all such insurance proceeds and compensation.

In each case where Grantee is herein authorized to "receive and collect" sums payable for any reason to Grantor by other persons, Grantee at its option may demand, sue for, collect and receipt for same at Grantor's expense, and is hereby appointed as Grantor's attorney in fact for such purposes. Sums thus collected by Grantee shall be applied first toward payment of any attorney's fees and other expenses incurred in the collection, and then toward payment of the secured debt, in such order of application among its components as Grantee may elect.

For the purposes hereof, "Default Rate" shall mean a per annum rate of simple interest amounting to 2 percentage points above, and fluctuating at that level with the interest rate otherwise applicable to said SpecialLine Account.

Time is of the essence hereof, and of all obligations of Grantor secured hereby. In the event of any fraud or material misrepresentation on the part of Grantor with respect to said SpecialLine Account, or in the event of Grantor's failure to comply with the repayment terms of said SpecialLine Account Agreement (by failing to pay when due any sum required to be paid by Grantor thereunder), or in the event said property or Grantee's security interest therein is adversely affected by any action or inaction on the part of Grantor (whether voluntary or involuntary, and including but not limited to any sale of the property or transfer of title thereto without Grantee's prior written consent, any failure of Grantor to make payments or perform duties herein required of Grantor with respect to the property, any destruction or material damage of the property by fire or other casualty, the commencement of any bankruptcy or debtor relief or rehabilitation proceeding by or against Grantor, the appointment of a custodian or receiver for Grantor or to manage the property, or the commencement of foreclosure proceedings against the property by the holder of any security conveyance having priority over this indenture), any such occurrence or event shall constitute a default of Grantor hereunder. At any time or times during the existence of such default, Grantee shall be and is hereby fully authorized, at Grantee's option: (1) To declare accelerated and thereby render immediately due and collectible, without notice, the entire unpaid balance of all of the secured debt (both principal and interest lawfully collectible), whereupon all of the secured debt thus accelerated (excepting any unpaid interest and previously accrued at the Default Rate) shall thenceforth bear interest at the Default Rate; and (2) With or without such acceleration, to seize and take possession of said property for its protection and preservation and/or

BOOK 671 PAGE 637

BOOK 671 PAGE 637

BOOK 671 PAGE 638

rent the same as above provided; (3) to have a receiver appointed for said property, without regard to Grantor's solvency or to Grantee's having an adequate remedy at law; and, (4) Whether or not pursuing any other remedy herein provided or otherwise available, Grantee shall be and is hereby expressly empowered to sell said property as a single parcel (or as several parcels, at Grantee's option) at public outcry, on a day and within the hours specified by law for sheriff's sales, at the Courthouse of the county where said property or any part thereof is located, after advertising such sale once a week for four weeks (without regard to the number of days) in the publication in which sheriff sales in and for said county are then advertised (all other notice being hereby waived by Grantor), and thereupon to execute and deliver to the purchaser a sufficient conveyance of said property in fee simple. Such conveyance may recite the happening of the default or event upon which Grantee's power of sale depends. Grantor hereby irrevocably appoints Grantee as his attorney in fact to make such sale and conveyance, and agrees that the conveyance so made by Grantee and all recitals therein made shall be binding and conclusive upon Grantor, and effective to divest Grantor of all equity of redemption and other rights Grantor may have in and to said property. Grantee or any person in its behalf may bid and purchase at such sale as though a stranger to the transaction. Grantee shall apply the proceeds of the sale first toward payment of the expense of advertising and conducting the sale (including but not limited to attorney's fees reasonably incurred), and then toward payment of the secured debt, in such order of application among its components as Grantee may elect. Grantee shall render the overplus, if any, to Grantor; and if there is a deficiency, Grantor shall forthwith pay the same to Grantee.

Grantor agrees that upon any such sale by Grantee, possession of said property shall be promptly surrendered to the purchaser, and that Grantor and all persons claiming under him or in possession of said property shall ipso facto become tenants at sufferance, and shall forthwith deliver possession to such purchaser or be summarily dispossessed as provided by law applicable to tenants holding over. Grantor waives and renounces all benefits and rights under any statute now or hereafter providing for confirmation of, limiting and abating deficiency judgments on, and advertising of sales of real estate under powers contained in security instruments, and agrees that all powers herein conferred upon Grantee shall have full force and effect notwithstanding any such statute.

All rights, remedies and powers herein conferred upon Grantee are coupled with an interest and irrevocable by death or otherwise. Same are cumulative of all other rights and remedies provided by law and otherwise available to Grantee, any and all of which may be exercised singly and independently or in such combinations and as often as Grantee from time to time may elect, and without waiving any default of Grantor hereunder. Neither Grantee's delay in exercising nor its failure to exercise any such right, remedy or power shall operate as a waiver thereof, and no single, partial, incomplete or ineffectual exercise of such shall bar Grantee's subsequent exercise of the same or any other right, remedy or power. Grantee's failure to act in the event of a default of Grantor shall not operate as a waiver of the same or any subsequent default.

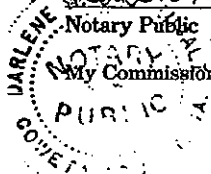
Wherever "Grantor" or "Grantee" or a pronoun relating to either appear herein, same shall be construed to mean both the singular and the plural, the masculine, feminine and neuter, and the natural person and the corporation, as the case may be, together with the heirs, executors, administrators, successors and assigns of the party or parties thus indicated; and if there be more than one Grantor herein, "Grantor" shall also mean each and all of them, jointly and severally.

GRANTOR KNOWINGLY AND VOLUNTARILY HEREBY EXPRESSLY WAIVES ANY RIGHT GRANTOR MIGHT NOW OR HENCEFORTH HAVE, UNDER THE CONSTITUTION OR LAWS OF GEORGIA OR OF THE UNITED STATES OF AMERICA, TO ANY NOTICE OR HEARING, JUDICIAL OR OTHERWISE, PRIOR TO GRANTEE'S EXERCISE OF ITS POWER OF SALE OR ANY OTHER RIGHT OR REMEDY HEREIN PROVIDED. Also, Grantor waives all rights of homestead exemption in said property.

IN WITNESS WHEREOF, Grantor has signed, sealed and delivered these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

*Hazel E. Thompson*  
*Darlene W. Massengale*



Notary Public, Coweta County, Georgia  
 My Commission Expires Feb. 22, 1993

*Robert C. Shell* (Seal)  
*Jean B. Shell* (Seal)

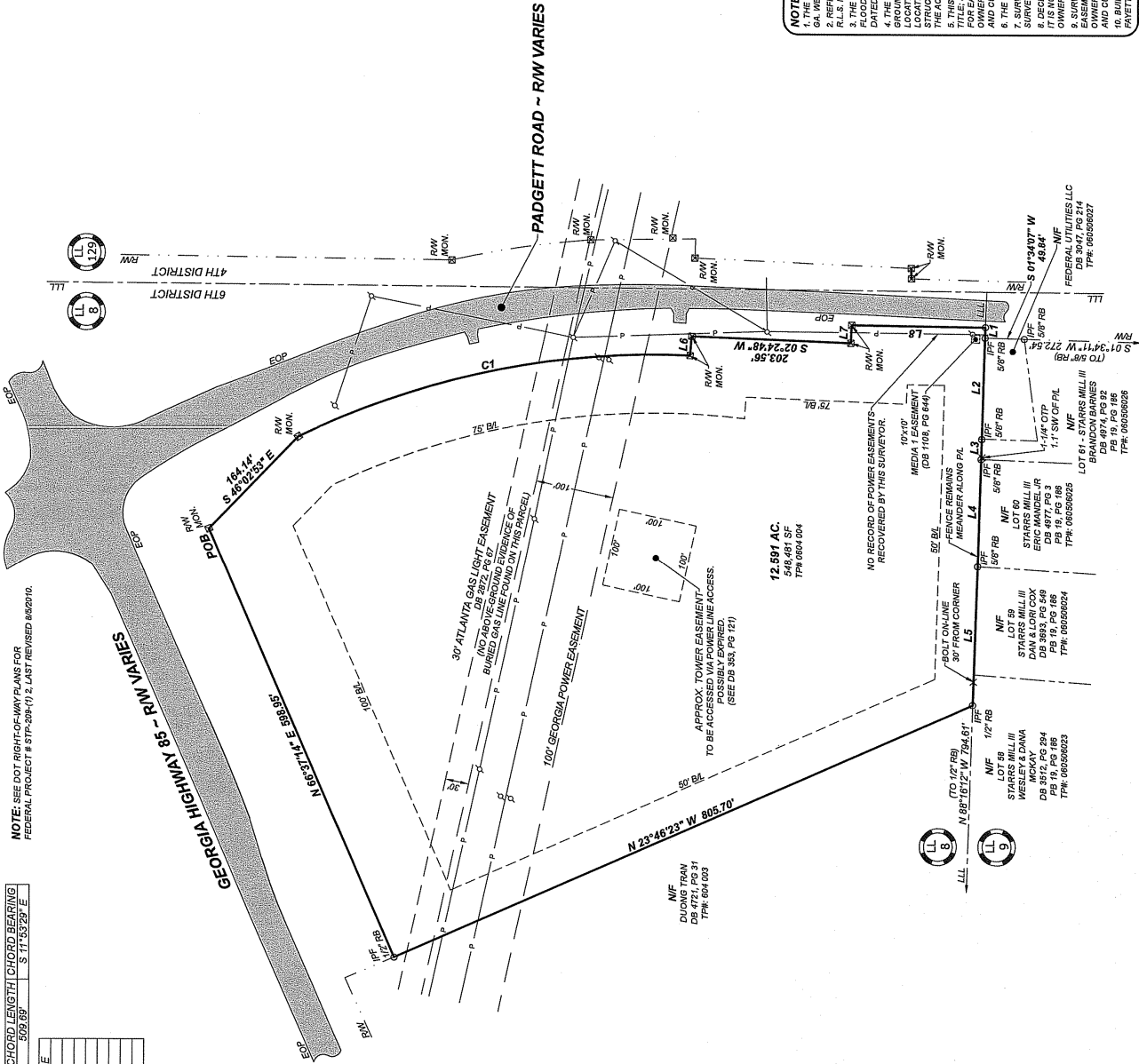
GEORGIA, FAYETTE COUNTY  
 FILED AND RECORDED THIS 9<sup>th</sup> DAY OF  
 Sept, 1991 AT 10:00A.M.  
*W. D. Ballard*, CLERK

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1025.17'	915.00'	509.89'	S 11°53'29" E

LINE	BEARING	DISTANCE
L1	N 88°19'54" W	13.56'
L2	N 88°19'54" W	729.99'
L3	N 88°19'54" W	13.56'
L4	N 88°19'54" W	13.56'
L5	N 88°19'54" W	13.56'
L6	S 88°04'41" E	24.84'
L7	S 87°02'29" E	23.29'
L8	S 00°54'21" W	170.87'

THIS BLOCK IS RESERVED FOR THE CLERK OF THE SUPERIOR COURT



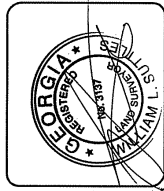
LEGEND
PA = PROPERTY LINE
RAW = RIGHT OF WAY
IPF = IRON PIN FOUND
OPEN = OPEN TOP PIPE
LL = LAND LOT LINE
NF = NOW OR FORMERLY
DB = DEED BOOK
POB = POINT OF BEGINNING
P = OVERHEAD POWER LINE
⊙ = POWER POLE

**CLOSURE STATEMENT:**  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT 283.42 FEET. APPROXIMATELY 28% OF LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A TOPCON GTS 312 INSTRUMENT. THE REMAINING MEASUREMENTS WERE OBTAINED USING THE CHC 201 GPS SYSTEM IN STANDARD RTK MODE. USING A 40-50 EPOCH OBSERVATION MODE. CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING CHC 201 GPS SYSTEM IN STATIC AND STANDARD RTK MODES. ALL MEASUREMENTS WERE REDUCED TO SEA LEVEL USING ELEVATION CORRECTIONS DERIVED FROM NGS OPUS POST-PROCESSING SOFTWARE.

**SURVEYORS CERTIFICATION:**  
THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY EXISTING PARCEL. THE SURVEYORS HAVE REVIEWED ALL RECORDS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL ORDINANCES, OR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE SURVEYORS HAVE REVIEWED THE UNDERGROUND RECORDS AND CERTIFY THAT THIS PLAT COMPLETES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE SURVEYORS AND AS SET FORTH IN O.G.C.A. SECTION 15-6-67.  
REGISTERED LAND SURVEYOR No. 3137 DATE 7/29/22

DATE	ISSUE
7/29/2022	No.
SCALE	DESCRIPTION
1" = 100'	DATE
ACREAGE	CITY
12.591	
DRAWN	CHECKED
MWR	WLS
SHEET #	1 of 1
1 of 1	
PROJECT	
SHELL PADGETT BD	

**BOUNDARY SURVEY FOR:**  
**BRENT HOLDINGS, LLC**  
LAND LOT 8, 6TH DISTRICT  
FAYETTE COUNTY - GEORGIA



**PREPARED BY:**  
**W. LUKE SUTTLES, RLS**  
780 RAYMOND SHEDDAN AVE.  
NEWNAN, GA 30265  
(678) 378-5881

SHEET	OF
1	1

- NOTES:**
- THE BASIS FOR THE DIRECTIONS SHOWN HEREON IS GEODETIC NORTH.
  - REFERENCE SURVEY FOR ROBERT C. SHELL, BY CHARLES H. JACKSON, R.L.S. No. 2351, DATED SEPTEMBER 28, 2012.
  - THE PROPERTY AS SHOWN ON THIS PLAT DOES NOT LIE WITHIN A SPECIFIC FLOOD HAZARD AREA AS DETERMINED BY F.I.R.M. MAP No. 131100134E.
  - THE LOCATION OF UNDERGROUND UTILITIES SHOWN IS BASED ON ABOVE GROUND STRUCTURES AND INFORMATION SUPPLIED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES OR STRUCTURES MAY VARY FROM THE SHOWN LOCATIONS AND THE SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY AND COMPLETENESS OF THE LOCATIONS SHOWN HEREON.
  - THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR A TITLE SEARCH. THE SURVEYOR HAS MADE NO SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, AND CURRENT TITLE SEARCH MAY DISCLOSE.
  - THE LAST DAY OF FIELD WORK WAS 7/22/2022.
  - THIS PLAT IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
  - DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE PROPERTY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUCCESSORS OWNERS. NO HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, AND CURRENT TITLE SEARCH MAY DISCLOSE.
  - THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR A TITLE SEARCH. THE SURVEYOR HAS MADE NO SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, AND CURRENT TITLE SEARCH MAY DISCLOSE.
  - THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR A TITLE SEARCH. THE SURVEYOR HAS MADE NO SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, AND CURRENT TITLE SEARCH MAY DISCLOSE.

# COUNTY AGENDA REQUEST

Page 136 of 181

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of staff's recommendation to award Contract #2125-P, Development Impact Fee Study, to Ross Associates in the amount of \$77,400.00 and to fund the contract through transfer of \$77,400.00 in the mid-year budget adjustments.

## Background/History/Details:

Georgia Code at O.C.G.A. 36-71-1 et seq. (the Georgia Development Impact Fee Act) authorizes counties to assess a fee upon new development "to pay for a proportionate share of the cost of system improvements needed to serve new growth and development." Fayette County Code of Ordinances, Chapter 104, includes an Article XII: Development Impact Fee for this purpose.

The previous development impact fee study was used to establish the basis for Fire Service fees in 1999, and runs through 2023. The proposed contract will update the study for Fire Services, and will add Emergency Medical Services as well as Parks and Recreation areas, and related facilities.

Districts included in the fee study are as follows:

- 1) Fire District: Towns of Brooks, Woolsey, and Tyrone, and unincorporated Fayette County
- 2) EMS District: Towns of Brooks, Woolsey, and Tyrone, City of Fayetteville, and unincorporated Fayette County
- 3) Parks & Recreation: Town of Brooks and unincorporated Fayette County

## What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to award Contract #2125-P, Development Impact Fee Study, to Ross Associates in the amount of \$77,400.00 and to fund the contract through transfer of \$77,400.00 in the mid-year budget adjustments.

## If this item requires funding, please describe:

Funding will be provided through an M&O transfer.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval


## Staff Notes:





**Purchasing Department**  
140 Stonewall Avenue West, Ste 204  
Fayetteville, GA 30214  
Phone: 770-305-5420  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

To: Steve Rapson

From: Ted L. Burgess 

Date: September 22, 2022

Subject: Contract #2125-P: Development Impact Fee Study

The Capital Improvement Element (CIE) of the county's Comprehensive Plan is the basis for establishing development impact fees. The current CIE was based on a Development Impact Fee Study (DIFS) that covered calendar years 1999 through 2023. It included only fees for Fire Services. It is proposed to update the DIFS for Fire Services, and add Emergency Medical Services and Parks, Recreation Areas, and related facilities.

The Purchasing Department issued Request for Proposals #2125-P, Development Impact Fee Study, to secure a contract for this purpose. Notice of the opportunity was emailed to five companies. Another 295 were contacted through the web-based Georgia Procurement Registry. The offer was also advertised through Fayette News, Georgia Local Government Access Marketplace, the county website, and Channel 23.

Four companies submitted proposals. The Evaluation Committee was composed of staff from Planning & Zoning, Fire & EMS, Parks & Recreation, and the City of Fayetteville Fire Chief. After evaluating and scoring the four proposals, the Committee decided to interview the two best-scoring firms, Ross Associates and TischlerBise, Inc.

After adding the interview points earned to the previous scores, the Committee recommends the best-scoring firm, Ross Associates (please see attached). Ross' initial proposal had included a price of \$87,400. After their interview, they provided a Best and Final Offer of \$77,400 which is an 11.4% discount.

Since this will be the county's first contract with Ross Associates, a Contractor Performance Evaluations is not available. References were provided by Henry County, Spalding County, and the City of Fayetteville. All gave highly favorable recommendations.

It is further recommended that funding for the project be provided by transfer of \$77,400 as part of the mid-year budget adjustment, as an offset to part of the Fayette County Development Authority sweep.

Specifics of the proposed contract are as follows:

<b>Contract Name</b>	2125-P: Development Impact Fee Study		
<b>Contractor</b>	Ross Associates		
<b>Type of Contract</b>	Firm Fixed Price		
<b>Contract Amount</b>	\$77,400.00		
<b>Budget:</b>			
Fund	100	General Fund	
Org Code	10070411	Planning & Zoning	
Object	521316	Technical Services	
Project	NA		
Available	\$77,400.00	After requested transfer	

**PROPOSAL #2125-P: DEVELOPMENT IMPACT FEE STUDY  
EVALUATION SCORING SHEET**

Page 139 of 181

**Summary**

<b>TECHNICAL MERIT:</b>		<b>MAX POINTS</b>	<b>Willdan Financial Solutions</b>	<b>DTA</b>	<b>TischlerBise, Inc.</b>	<b>Ross Associates</b>
1	Project understanding & the proposed Solution	25	11.5	10.3	20.3	22.5
2	Project Team	20	16.0	13.0	15.3	18.0
3	Organization background and experience	10	6.0	7.3	7.3	7.3
4	Proposed Schedule	5	3.8	4.0	5.0	4.8
<b>Total Points - Technical Merit</b>		<b>60</b>	<b>37.3</b>	<b>34.5</b>	<b>47.8</b>	<b>52.5</b>
<b>Proposed Price</b>			<b>\$84,060.00</b>	<b>\$63,500.00</b>	<b>\$76,970.00</b>	<b>\$87,400.00</b>

<b>Technical Score</b>	60%	<b>37.3</b>	<b>34.5</b>	<b>47.8</b>	<b>52.5</b>
<b>Price Score</b>	20%	<b>13.5</b>	<b>20.0</b>	<b>15.8</b>	<b>12.5</b>
<b>Total Score Before Interview</b>		<b>50.8</b>	<b>54.5</b>	<b>63.6</b>	<b>65.0</b>
<b>Interview Score</b>	20%	<b>NA</b>	<b>NA</b>	<b>16.3</b>	<b>18.0</b>
<b>Final Total Score</b>				<b>79.8</b>	<b>83.0</b>

**Rater #1 - Jeff Hill**

1	Project understanding & the proposed Solution	25	10	10	25	25
2	Project Team	20	10	10	15	20
3	Organization background and experience	10	5	5	10	10
4	Proposed Schedule	5	2	4	5	5
<b>Total Technical Score</b>		<b>60</b>	<b>27</b>	<b>29</b>	<b>55</b>	<b>60</b>

**Rater #2 - Debbie Bell**

1	Project understanding & the proposed Solution	25	6	6	11	25
2	Project Team	20	20	20	20	20
3	Organization background and experience	10	8	9	7	9
4	Proposed Schedule	5	5	5	5	5
<b>Total Technical Score</b>		<b>60</b>	<b>39</b>	<b>40</b>	<b>43</b>	<b>59</b>

**Rater #3 - Anita Godbee**

1	Project understanding & the proposed Solution	25	10	5	20	15
2	Project Team	20	16	4	8	12
3	Organization background and experience	10	6	8	4	2
4	Proposed Schedule	5	3	2	5	4
<b>Total Technical Score</b>		<b>60</b>	<b>35</b>	<b>19</b>	<b>37</b>	<b>33</b>

**Rater #4 - Linda Black**

1	Project understanding & the proposed Solution	25	20	20	25	25
2	Project Team	20	18	18	18	20
3	Organization background and experience	10	5	7	8	8
4	Proposed Schedule	5	5	5	5	5
<b>Total Technical Score</b>		<b>60</b>	<b>48</b>	<b>50</b>	<b>56</b>	<b>58</b>

**Interview Scores**

1	Rater #1	Jeff Hill	20			15	20
2	Rater #2	Debbie Bell	20			16	13
3	Rater #3	Anita Godbee	20			14	20
4	Rater #4	Linda Black	20			20	19
<b>Average Interview Score</b>						<b>16.25</b>	<b>18</b>

# COUNTY AGENDA REQUEST

Page 140 of 181

Department: Finance Department

Presenter(s): Sheryl Weinmann, CFO

Meeting Date: Thursday, September 22, 2022

Type of Request: Consent 7

## Wording for the Agenda:

Approval of staff's recommendation to adopt final supplemental budget adjustments for the fiscal year ended June 30, 2022, and authorization to adjust and close capital projects, moving remaining funds to project contingency.

## Background/History/Details:

Georgia law requires a final balanced budget be adopted by county governments for its governmental funds. Staff is recommending budget adjustments for each fund and each department with an unfavorable variance between budget and actual expenditures. Staff is also recommending to close projects that have been completed and to move remaining funds to project contingency. These supplemental budget adjustments must be approved by the Board of Commissioners and posted to the ledger before the accounting records can be closed and the auditors can begin their fieldwork for the fiscal year audit.

## What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to adopt final supplemental budget adjustments for the fiscal year ended June 30, 2022, and authorization to adjust and close capital projects, moving remaining funds to project contingency.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years? Yes

If so, when? Annually

Is Audio-Visual Equipment Required for this Request?\* No

Backup Provided with Request? Yes

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance Yes

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:



**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
<b>I. The following requested year-end budget adjustments are for the Confiscated funds controlled by the Sheriff. The State Confiscated Property Fund, the US Customs Fund, and the Federal Confiscated Property Fund are not included in the original annual budget due to the unpredictability of annual activity. At year-end, budgets are established for these funds to fulfill the Georgia law requirement of balanced budgets for Governmental Funds.</b>							
<b>A. To establish FY 2022 operating budget for the State Confiscated Property Fund</b>							
21000001	351360			SALE OF CONFISCATED PROPERTY		360.00	360.00
21030003	351370			STATE CONFISCATED FUNDS		26,344.00	26,344.00
21030390	521217			PUBLIC RELATIONS SERVICES	9,970.00		(9,970.00)
21030390	521316			TECHNICAL SERVICES	87.00		(87.00)
21030390	521318			OTHER FEES AND SERVICES	1,118.00		(1,118.00)
21030390	523201			COMMUNICATION SERVICES	596.00		(596.00)
21030390	531600			SMALL EQUIPMENT	1,000.00		(1,000.00)
21030390	542200			VEHICLES	5,510.00		(5,510.00)
					<b>18,281.00</b>	<b>26,704.00</b>	<b>8,423.00</b>
<b>B. To establish FY 2022 operating budget for the US Customs Fund</b>							
21130003	351380			FEDERAL CONFISCATED FUNDS		16,791.00	16,791.00
21130390	521316			TECHNICAL SERVICES	1,000.00		(1,000.00)
21130390	523591			LODGING & MEALS	12,314.00		(12,314.00)
21130390	523593			MILEAGE & PARKING	202.00		(202.00)
21130390	523600			SEMINARS & DUES	12,090.00		(12,090.00)
21130390	531270			GASOLINE VENDORS	807.00		(807.00)
21130390	542510			FIREARMS & PROTECTIVE DEVICES	392.00		(392.00)
					<b>26,805.00</b>	<b>16,791.00</b>	<b>(10,014.00)</b>
<b>C. To establish FY 2022 operating budget for the Federal Confiscated Property Fund</b>							
21200001	351360			SALE OF CONFISCATED PROPERTY		9,005.00	9,005.00
21230003	351380			FEDERAL CONFISCATED FUNDS		143,868.00	143,868.00
21200001	361000			INTEREST INCOME		169.00	169.00
21230390	521316			TECHNICAL SERVICES	2,500.00		(2,500.00)
21230390	523201			COMMUNICATION SERVICES	24,911.00		(24,911.00)
21230390	523205			COMCAST	3,146.00		(3,146.00)
21230390	523591			LODGING & MEALS	4,001.00		(4,001.00)
21230390	523593			MILEAGE & PARKING	15.00		(15.00)
21230390	523600			SEMINARS & DUES	8,857.00		(8,857.00)
21230390	531106			COMMUNICATION SUPPLIES	1,800.00		(1,800.00)
21230390	531116			OTHER SUPPLIES	1,062.00		(1,062.00)
21230390	531117			SAFETY SUPPLIES	15,768.00		(15,768.00)

**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

	<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure</u> <u>Increase (Dec)</u>	<u>Revenue</u> <u>Increase (Dec)</u>	<u>Fund Balance</u> <u>Increase (Dec)</u>
	21230390	531270			GASOLINE VENDORS	1,246.00		(1,246.00)
	21230390	531701			UNIFORMS & SUPPLIES	1,707.00		(1,707.00)
	21230390	541320			BUILDINGS & STRUCTURES	6,560.00		(6,560.00)
	21230390	542140			FIELD EQUIPMENT	3,600.00		(3,600.00)
	21230390	542167			SURVEILLANCE EQUIPMENT	2,732.00		(2,732.00)
	21230390	542200			VEHICLES	5,835.00		(5,835.00)
	21230390	542510			FIREARMS & PROTECTIVE DEVICES	14,135.00		(14,135.00)
						<b>97,875.00</b>	<b>153,042.00</b>	<b>55,167.00</b>

**II. Vehicles and Equipment recommendations:**

**A. Project 223AK for three (3) Fire vehicles was approved in FY 2022 for a total of \$158,307. At the end of the year, there are expenditures incurred of \$43,339.23 for the purchase of one vehicle; and an open purchase order for \$102,397 for the purchase of the other two vehicles and add-ons. Unspent/unencumbered funds of \$12,570.77 are recommended to be moved from FY 2022 to FY 2023 to cover the cost of additional add-ons needed to get the units ready for service - year-to-year zero net effect to Vehicle and Equipment fund balance.**

<b>FY 2022:</b>								
61030550	542200	223AK	FIRE SERVICES - VEHICLES	VEHICLES	(12,570.77)	-	12,570.77	
<b>FY 2023:</b>								
61030550	542200	223AK	FIRE SERVICES - VEHICLES	VEHICLES	12,570.77		(12,570.77)	
					-	-	-	

**B. Project 223AL for a Fire Pumper was approved in FY 2022 for a total of \$529,850. At the end of the year, there are expenditures incurred of \$3,944.00 for the purchase of needed add-ons and an open purchase order for \$508,968.00 for the purchase of the Pumper. Unspent/unencumbered funds of \$16,938.00 are recommended to be moved from FY 2022 to FY 2023 to cover the cost of additional add-ons needed to get the unit ready for service - year-to-year zero net effect to Vehicle and Equipment fund balance.**

<b>FY 2022:</b>								
61030550	542200	223AL	FIRE SERVICES - VEHICLES	VEHICLES	(16,938.00)	-	16,938.00	
<b>FY 2023:</b>								
61030550	542200	223AL	FIRE SERVICES - VEHICLES	VEHICLES	16,938.00		(16,938.00)	
					-	-	-	

**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

	<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>		<u>Expenditure</u> <u>Increase (Dec)</u>	<u>Revenue</u> <u>Increase (Dec)</u>	<u>Fund Balance</u> <u>Increase (Dec)</u>
<p><b>C. Project 223AM for a 2021 Dodge 2500 Cargo Van was approved in FY 2022 for a total of \$56,591.00. At the end of the year, the van has not been acquired and the cost has gone up by \$3,000. There are expenses incurred of \$10,937.50 for add-ons and decommission of equipment from the old van, and unspent/unencumbered funds of \$45,653.50. Sheriff's Office was informed that they are now scheduled to receive the van at the end of 2022. Recommend to move the \$45,653.50 unspent in FY 2022 to FY 2023 and increase the funding by \$3,000 to cover the purchase of the van and other add-ons - year-to-year decrease of \$3,000 to the Vehicle and Equipment fund balance.</b></p>									
<b>FY 2022:</b>									
	61030310	542200	223AM	SHERIFF SUPPORT SVS - VEHICLES	VEHICLES		(45,653.50)	-	45,653.50
<b>FY 2023:</b>									
	61030310	542200	223AM	SHERIFF SUPPORT SVS - VEHICLES	VEHICLES		48,653.50		(48,653.50)
							3,000.00	-	(3,000.00)
<p><b>D. Project 223AJ for an EMS vehicle was approved in FY 2022 for a total of \$51,836.00. At the end of the year, there are expenditures incurred of \$249.41 for add-ons and an open purchase order for \$47,131.00 for the purchase of the vehicle and add-ons. Unspent/unencumbered funds of \$4,455.59 are recommended to be moved from FY 2022 to FY 2023 to cover the remaining expenditures to get the vehicle ready for service - year-to-year zero net effect to Vehicle and Equipment fund balance.</b></p>									
<b>FY 2022:</b>									
	61030600	542200	223AJ	EMS - VEHICLES	VEHICLES		(4,455.59)	-	4,455.59
<b>FY 2023:</b>									
	61030600	542200	223AJ	EMS - VEHICLES	VEHICLES		4,455.59		(4,455.59)
							-	-	-

**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

	<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>		<u>Expenditure</u> <u>Increase (Dec)</u>	<u>Revenue</u> <u>Increase (Dec)</u>	<u>Fund Balance</u> <u>Increase (Dec)</u>
<b>III. Grants recommendations:</b>									
<b>A. An additional grant for \$72,379 was awarded to the Fayette County Juvenile Court during the year for the Functional Family Therapy program to cover an additional 14 families. This is a 100% grant with no local match required. As of the end of the fiscal year, the Juvenile Court was unable to enroll sufficient families in the program to receive the full amount of the grant awarded. Staff recommends to decrease both grant revenue and grant related expenditures by \$63,360 to equal the actual grant amount received - zero effect to General Fund fund balance.</b>									
	10020003	334219	G801A	GENERAL FUND	GRANTS			(63,360.00)	(63,360.00)
	10020600	521316	G801A	JUVENILE COURT	TECHNICAL SERVICES		(63,360.00)		63,360.00
							(63,360.00)	(63,360.00)	-
<b>B. An additional grant of \$41,500 covering 4/1/22 to 9/30/22 was awarded to the Fayette County Juvenile Court for the Delinquency Prevention Program. This is a 100% grant with no local match required. As of the end of the fiscal year, the portion of the grant covering 4/1/22 to 6/30/22 for \$20,750 has not been used. It is expected that the grant will be fully used in FY 2023. Staff recommends to move the grant revenue and grant related expenditures covering 4/1/22 to 6/30/22 (FY 2022) to FY 2023 - year to year zero net effect to General Fund fund balance.</b>									
<b>FY 2022:</b>									
	10020003	334219	DELPV	GENERAL FUND	GRANTS			(20,750.00)	(20,750.00)
	10020600	521316	DELPV	JUVENILE COURT	TECHNICAL SERVICES		(20,750.00)	-	20,750.00
<b>FY 2023:</b>									
	10020003	334219	DELPV	GENERAL FUND	GRANTS			20,750.00	20,750.00
	10020600	521316	DELPV	JUVENILE COURT	TECHNICAL SERVICES		20,750.00	-	(20,750.00)
							-	-	-
<b>C. The State Court was awarded a grant to fund the Veterans Treatment program during FY 2022. This is a 90% grant that requires a 10% local match. The expected grant revenue and the required local match are included in the FY 2022 Accountability State Court operating budget. The actual participants in the program were less than expected during the year. Actual grant revenue is \$17,382 compared to the \$50,363 included in the budget. Recommendation to decrease the revenue budget to match the actual grant revenue received and to also decrease the expenditures budget by the same amount plus an amount equal to the local match included in the budget - increase to Accountability State Court fund balance.</b>									
	21420003	334219	VTC	ACCOUNTABILITY STATE COURT	GRANTS			(32,981.00)	(32,981.00)
	21420330	521316	VTC	ACCOUNTABILITY STATE COURT	TECHNICAL SERVICES		(36,645.00)		36,645.00
							(36,645.00)	(32,981.00)	3,664.00



**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
<b>IV. 2017 SPLOST Projects Recommendations:</b>							
<b>A. The following Transportation projects have been completed. Recommending to close the projects, transfer funds from SPLOST Transportation Contingency to cover any budget overage, and to transfer any remaining funds to SPLOST Transportation Contingency.</b>							
<b>1. 19TAF Resurfacing Program FY 2019 - transfer funds from SPLOST Transportation Contingency to cover budget overage of \$2,851.82 and close the project.</b>							
32240220	541210	19TAF	PUB WORKS SPLOST PROJECTS	OTHER IMPROVEMENTS	2,851.82		(2,851.82)
32240599	579000	TRANS	PUB WORKS SPLOST CONTINGENCY	CONTINGENCY	(2,851.82)		2,851.82
					-	-	-
<b>2. 19TAG Resurfacing Program FY 2020 - transfer residual funds of \$205,562.18 to SPLOST Transportation Contingency and close the project.</b>							
32240220	541210	19TAG	PUB WORKS SPLOST PROJECTS	OTHER IMPROVEMENTS	(205,562.18)		205,562.18
32240599	579000	TRANS	PUB WORKS SPLOST CONTINGENCY	CONTINGENCY	205,562.18		(205,562.18)
					-	-	-
<b>V. Capital/CIP Projects Recommendations: projects completed to be closed, transfer of funds from projects to M&amp;O, and funding transfers into/out of Project Contingency line-items.</b>							
<b>A. The following projects have been completed and have remaining funds. Recommending to close the projects and to transfer the remaining funds to Projects Contingency.</b>							
<b>1. Project 224AA Surveillance Cameras Phase II - the project has been completed. Recommending to close the project and transfer remaining funds to GF Projects Contingency.</b>							
37240900	542167	224AA	FLEET PROJECTS	SURVEILLANCE EQUIPMENT	(1,225.57)		1,225.57
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	1,225.57		(1,225.57)
					-	-	-
<b>2. Project 221AD Air Handler Coil Replace-Library - the project has been completed. Recommending to close the project and to transfer remaining funds to the GF Projects Contingency.</b>							
37210565	541210	221AD	BUILDING & GROUNDS PROJECTS	OTHER IMPROVEMENTS	(15,057.00)		15,057.00
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	15,057.00		(15,057.00)
					-	-	-
<b>3. Project 224AB Replacement of Side Post Lifts - the project has been completed. Recommending to close the project and to transfer remaining funds to the GF Projects Contingency.</b>							
37240900	542160	224AB	FLEET PROJECTS	OTHER MOTORIZED EQUIPMENT	(9,896.48)		9,896.48
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	9,896.48		(9,896.48)
					-	-	-

**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
<b>4. Project 221AA Stonewall Security Improvements - the project has been completed. Recommending to close the project and to transfer remaining funds to the GF Projects Contingency.</b>							
37210320	542167	221AA	ADMINISTRATION PROJECTS	SURVEILLANCE EQUIPMENT	(921.37)		921.37
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	921.37		(921.37)
					-	-	-
<b>5. Project 226AA Library Large Meeting Room Floor - the project has been completed. Recommending to close the project and to transfer remaining funds to GF Projects Contingency.</b>							
37260500	541210	226AA	LIBRARY PROJECTS	OTHER IMPROVEMENTS	(1,650.00)		1,650.00
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	1,650.00		(1,650.00)
					-	-	-
<b>6. Project 223AB Upgrade Jail Lobby Doors - the project has been completed. Recommending to close the project and to transfer remaining funds to GF Projects Contingency.</b>							
37230326	541210	223AB	SHERIFF PROJECTS	OTHER IMPROVEMENTS	(205.31)		205.31
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	205.31		(205.31)
					-	-	-
<b>7. Project 206AK Repurpose the Library ELL - the project has been completed. Recommending to close the project and to transfer remaining funds to the GF Projects Contingency.</b>							
37560500	541210	206AK	LIBRARY PROJECTS	OTHER IMPROVEMENTS	(8.50)		8.50
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	8.50		(8.50)
					-	-	-
<b>8. Project 181AJ CAD/Spillman - the project has been completed. Recommending to close the project and to transfer remaining funds to the GF Projects Contingency.</b>							
37510535	542410	181AJ	IT PROJECTS	SOFTWARE UPGRADES	(14,522.68)		14,522.68
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	14,522.68		(14,522.68)
					-	-	-

**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
<b>9. Project 6565C LED Lighting Project - the project has been completed. Recommending to close the project and to transfer remaining funds to the GF Projects Contingency.</b>							
37510565	541210	6565C	BUILDING & GROUNDS PROJECTS	OTHER IMPROVEMENTS	(28,297.28)		28,297.28
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	28,297.28		(28,297.28)
					-	-	-
<b>10. Project 6565H Public Works Admin Renovation - the project has been completed. Recommending to close the project and to transfer remaining funds to the GF Projects Contingency.</b>							
37510565	541210	6565H	BUILDING & GROUNDS PROJECTS	OTHER IMPROVEMENTS	(958.24)		958.24
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	958.24		(958.24)
					-	-	-
<b>11. Project 183AO Fire Station #2 - the project has been completed. Recommending to close the project and to transfer remaining funds to the Fire Projects Contingency.</b>							
37530550	541320	183AO	FIRE PROJECTS	BUILDING & STRUCTURES	(3,237.46)		3,237.46
37510599	579000	FIRE	PROJECTS CONTINGENCY	CONTINGENCY	3,237.46		(3,237.46)
					-	-	-
<b>12. Project 223AI Safety Equipment - the project has been completed. Recommending to close the project and to transfer remaining funds to the EMS Projects Contingency.</b>							
37530600	542520	223AI	EMS PROJECTS	SAFETY EQUIPMENT	(655.68)		655.68
37510599	579000	EMS	PROJECTS CONTINGENCY	CONTINGENCY	655.68		(655.68)
					-	-	-
<b>13. Project 5930C E911 Remote Location - the project has been completed. Recommending to close the project and to transfer remaining funds to the GF Projects Contingency.</b>							
37530800	541210	5930C	911 COMMUNICATIONS PROJECTS	OTHER IMPROVEMENTS	(82,197.83)		82,197.83
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	82,197.83		(82,197.83)
					-	-	-
<b>14. Project 204AC Country Lake Estates Rehab - the project has been completed. Recommending to close the project and to transfer remaining funds to the GF Projects Contingency.</b>							
37540220	541210	204AC	ROAD DEPARTMENT PROJECTS	OTHER IMPROVEMENTS	(342,254.97)		342,254.97
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	342,254.97		(342,254.97)
					-	-	-

**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
<b>B. The following projects have been completed with a budget overage. Recommending to close the projects and to transfer funds from Projects Contingency to cover the budget overage.</b>							
<b>1. Project 201AA B&amp;G Parking &amp; Driveway Refurbishment - the project has been completed. Recommending to close the project and to transfer funds from GF Projects Contingency to cover the budget overage.</b>							
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	(48.85)		48.85
37210565	541210	201AA	BUILDING & GROUNDS PROJECTS	OTHER IMPROVEMENTS	48.85		(48.85)
					-	-	-
<b>2. Project 204AB Sign Shop Digital Printer - the project has been completed. Recommending to close the project and to transfer funds from GF Projects Contingency to cover the budget overage.</b>							
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	(142.26)		142.26
37540220	542165	204AB	ROAD DEPARTMENT PROJECTS	OTHER NON-MOTOR EQUIPMENT	142.26		(142.26)
					-	-	-
<b>C. The following projects have been completed. Part or all of the expenditures will not be capitalized. Recommending to close the projects; move to M&amp;O the expenditures that will not be capitalized; transfer any remaining funds in the projects to Projects Contingency; and for projects with a budget overage, transfer funds from Projects Contingency to cover the budget overage.</b>							
<b>1. Project 226AB Library Interior Painting - this project is for repairs that will not be capitalized. Recommending for all expenditures to be moved to the Library M&amp;O and remaining funds to be transferred to GF Projects Contingency.</b>							
37260500	541210	226AB	LIBRARY PROJECTS	OTHER IMPROVEMENTS	(31,450.00)		31,450.00
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	19,853.00		(19,853.00)
10060500	541210		LIBRARY	OTHER IMPROVEMENTS	11,597.00		(11,597.00)
					-	-	-



**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
<b>2. Project 221AC Fayette County Building Roof Analysis - this project is for an analysis and will not be capitalized. Recommending for all expenditures to be moved to the Building &amp; Grounds M&amp;O and remaining funds to be transferred to GF Projects Contingency.</b>							
37210565	541210	221AC	BUILDING & GROUNDS PROJECTS	OTHER IMPROVEMENTS	(20,300.00)		20,300.00
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	600.00		(600.00)
10010565	541210		BUILDING & GROUNDS	OTHER IMPROVEMENTS	19,700.00		(19,700.00)
					-	-	-
<b>3. Project 223AG Station 6 Gutter Replacement - this project is for repairs and will not be capitalized. Recommending for all expenditures to be moved to the Fire Services M&amp;O and remaining funds to be transferred to Fire Projects Contingency.</b>							
37230550	541210	223AG	FIRE SERVICES PROJECTS	OTHER IMPROVEMENTS	(15,000.00)		15,000.00
37510599	579000	FIRE	PROJECTS CONTINGENCY	CONTINGENCY	4,200.00		(4,200.00)
27030550	541210		FIRE SERVICES	OTHER IMPROVEMENTS	10,800.00		(10,800.00)
					-	-	-
<b>4. Project 223AH Station 7 Parking Lot Resurfacing - this project is for repairs and will not be capitalized. Recommending for all expenditures to be moved to the Fire Services M&amp;O and remaining funds to be transferred to Fire Projects Contingency.</b>							
37230550	541210	223AH	FIRE SERVICES PROJECTS	OTHER IMPROVEMENTS	(30,895.00)		30,895.00
37510599	579000	FIRE	PROJECTS CONTINGENCY	CONTINGENCY	7,840.10		(7,840.10)
27030550	541210		FIRE SERVICES	OTHER IMPROVEMENTS	23,054.90		(23,054.90)
					-	-	-
<b>5. Project 206AE Resurfacing McCurry Park Track - this project is for repairs and will not be capitalized. Recommending for all expenditures to be moved to the Recreation M&amp;O and remaining funds to be transferred to PARKS Projects Contingency.</b>							
37560110	541210	206AE	RECREATION PROJECTS	OTHER IMPROVEMENTS	(60,000.00)		60,000.00
37510599	579000	PARKS	PROJECTS CONTINGENCY	CONTINGENCY	14,601.75		(14,601.75)
10060110	541210		RECREATION	OTHER IMPROVEMENTS	45,398.25		(45,398.25)
					-	-	-
<b>D. Project 213AE Station 1 Parking Lot Resurfacing has been completed with no remaining funds. This project is for repairs and will not be capitalized. Recommending to close the project and to move all expenditures to the Fire Services M&amp;O.</b>							
37530550	541210	213AE	FIRE SERVICES PROJECTS	OTHER IMPROVEMENTS	(18,827.00)		18,827.00
27030550	541210		FIRE SERVICES	OTHER IMPROVEMENTS	18,827.00		(18,827.00)
					-	-	-

**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
<b>E. Project 204AA Mobile Trailer Bathrooms was cancelled. Recommending to close the project and to transfer remaining funds to GF Projects Contingency.</b>							
37540220	541210	204AA	ROAD DEPARTMENT PROJECTS	OTHER IMPROVEMENTS	(25,000.00)		25,000.00
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	25,000.00		(25,000.00)
					-	-	-
<b>F. The following projects have been completed and don't have any remaining funds. Recommending to close the projects.</b>							
			Project 206AD McCurry Pk Soccer Lighting Refurbishment	Original funding: \$150,000			
			Project 223AE A/C Unit Replacement 911 Communications	Original funding: \$21,000			
			Project 226AG Replacement Fence Cap Material	Original funding: \$40,000			
<b>G. The following current projects need additional funding. Recommending to transfer funding from the respective Projects Contingency accounts to provide the additional funding needed.</b>							
<b>1. Project 221AB Liebert System Repair IT Data - additional funding transferred from GF Projects Contingency.</b>							
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	(10,000.00)		10,000.00
37210565	541210	221AB	BUILDING & GROUNDS PROJECTS	OTHER IMPROVEMENTS	10,000.00		(10,000.00)
					-	-	-
<b>2. Project 201AE Renovation of Station 4 - additional funding transferred from GF Projects Contingency. As approved by BOC, 4/26/22, item # 5.</b>							
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	(383,254.97)		383,254.97
37510400	541210	201AE	ELECTIONS PROJECTS	OTHER IMPROVEMENTS	383,254.97		(383,254.97)
					-	-	-
<b>3. Project 223AF Station 5 Kitchen Cabinet Countertop - additional funding transferred from FIRE Projects Contingency.</b>							
37510599	579000	FIRE	PROJECTS CONTINGENCY	CONTINGENCY	(14,115.00)		14,115.00
37530550	541210	223AF	FIRE SERVICES PROJECTS	OTHER IMPROVEMENTS	14,115.00		(14,115.00)
					-	-	-
<b>H. The following project funding reallocations for FY 2022 were part of the FY 2023 CIP 5-Year Plan recommended as part of the budget process. These entries follow the changes to the CIP 5-Year Plan that were approved when the FY 2023 Budget was adopted.</b>							
<b>1. Project 194AA Non-SPLOST Pipe Replacements - transfer \$112,968 from the project to GF Projects Contingency.</b>							
37540250	541210	194AA	EMD PROJECTS	OTHER IMPROVEMENTS	(112,968.00)		112,968.00
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	112,968.00		(112,968.00)
					-	-	-
<b>2. Project 6535B Phone System Revitalization - transfer \$70,611 from the project to GF Projects Contingency.</b>							
37510535	542420	6535B	IT PROJECTS	COMPUTER EQUIPMENT	(70,611.00)		70,611.00
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	70,611.00		(70,611.00)
					-	-	-

**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
<b>3. Project 194AC Shed Upgrade - transfer \$5,620 from the project to GF Projects Contingency.</b>							
37540220	541320	194AC	ROAD DEPARTMENT PROJECTS	BUILDINGS/STRUCTURES	(5,620.00)		5,620.00
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	5,620.00		(5,620.00)
					-	-	-
<b>I. The following new projects in FY 2022 were part of the FY 2023 CIP 5-Year Plan recommended as part of the budget process. These entries follow the changes to the CIP 5-Year Plan that were approved when the FY 2023 Budget was adopted.</b>							
<b>1. Project 222AD SpaceSaver System - this project has been requested by the Clerk of Superior Court with a cost estimate of \$15,000. Recommending to transfer funding from GF Projects Contingency to fund the project.</b>							
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	(15,000.00)		15,000.00
37220180	541210	222AD	PROJECTS	OTHER IMPROVEMENTS	15,000.00		(15,000.00)
					-	-	-
<b>2. Project 221AI Stonewall Renovation - renovations with a cost estimate of \$34,625 are needed for various departments within the Stonewall Admin Complex. Recommending to transfer funding from GF Projects Contingency to fund the project.</b>							
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	(34,625.00)		34,625.00
37210565	541210	221AI	BUILDING & GROUNDS PROJECTS	OTHER IMPROVEMENTS	34,625.00		(34,625.00)
					-	-	-
<b>3. Project 221AJ Library Exterior Painting - this is a project for the Library with an estimated cost of \$35,000. Recommending to transfer funding from GF Projects Contingency to fund the project.</b>							
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	(35,000.00)		35,000.00
37210565	541210	221AJ	BUILDING & GROUNDS PROJECTS	OTHER IMPROVEMENTS	35,000.00		(35,000.00)
					-	-	-
<b>4. Project 224AI Road Dept. Warehouse Sign Shop and Crew Offices - this is a project for the Road Department with a cost estimate of \$50,000. Recommending to transfer funding from GF Projects Contingency to fund the project.</b>							
37510599	579000		PROJECTS CONTINGENCY	CONTINGENCY	(50,000.00)		50,000.00
37540220	541210	224AI	ROAD DEPARTMENT PROJECTS	OTHER IMPROVEMENTS	50,000.00		(50,000.00)
					-	-	-
<b>5. Project 223AP 911 Communications Roof Analysis - an analysis of the 911 Communications building roof is needed. The cost estimate is \$5,000. Recommending to transfer funding from the 911 Communications fund balance to fund the project.</b>							
21590110	610372	223AP	911 COMMUNICATIONS FUND	TRANSFER TO OTHER FUNDS	5,000.00		(5,000.00)
37230800	390215	223AP	911 COMMUNICATIONS PROJECTS	TRANSFER FROM OTHER FUNDS		5,000.00	5,000.00
					5,000.00	5,000.00	-

**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
<b>VI. Water System CIP Projects recommendations:</b>							
The following project funding reallocations for FY 2022 were part of the FY 2023 CIP 5-year Plan recommended as part of the budget process. These entries follow the changes to the CIP 5-Year Plan that were approved when the FY 2023 Budget was adopted.							
<b>A. Current projects for the Water System that have funding that can be moved to R&amp;E to be used by other current or new projects.</b>							
1. These projects have available balances both encumbered and not encumbered.							
		20WSF	SODIUM HYPOCHLORITE CROSSTOWN		(130,001.00)		130,001.00
		8SHDC	SOLIDS HANDLING (SLUDGE COLLECTOR) - CROSSTOWN		(1,244,500.00)		1,244,500.00
		21WSA	SOLIDS HANDLING (SLUDGE COLLECTOR) - S. FAYETTE		(518,885.00)		518,885.00
2.All available funding in the following projects to be moved to R&E. Recommending to close the projects.							
		22WSC	HEALTH & SAFETY - GENERATOR		(177,000.00)		177,000.00
		22WSD	EMERGENCY, HEALTH & SAFETY - ELECTRICAL UPGRADES - CROSSTOWN		(50,000.00)		50,000.00
507	610915		WATER SYSTEM CIP PROJECTS	WATER SYSTEM R&E	2,120,386.00		(2,120,386.00)
					-	-	-
<b>B. These are current projects for the Water System that need additional funding from the reallocations identified above. Recommending to move funding from R&amp;E to the projects as needed:</b>							
507	610915		WATER SYSTEM CIP PROJECTS	WATER SYSTEM R&E	(799,477.00)		799,477.00
		9WPMS	WATER PLANT MAINTENANCE & STORAGE IMPROVEMENTS TO DISTRIBUTION		60,753.00		(60,753.00)
		23WSC	REPLACEMENTS		55,000.00		(55,000.00)
		8WTEX	WATERLINE EXTENSIONS		128,724.00		(128,724.00)
		1VPWE	EXTENSION		180,000.00		(180,000.00)
		22WSF	INTERCONNECTIVITY COWETA		375,000.00		(375,000.00)
					-	-	-

**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
<b>C. These are new projects for the Water System that need additional funding from the reallocations identified above. Recommending to move funding from R&amp;E to each new project.</b>							
507	610915		WATER SYSTEM CIP PROJECTS	WATER SYSTEM R&E	(1,320,909.00)		1,320,909.00
		22WSG	REDWINE RD FROM BERNHARD TO STONEHAVEN LOOP		234,000.00		(234,000.00)
		22WSH	SR 74/54 RELOCATION GDOT PI 0013726		758,962.00		(758,962.00)
		22WSI	SR 85 RELOCATION GDOT PI 721290		122,000.00		(122,000.00)
		22WSJ	EAST FAYETTEVILLE BYPASS		130,947.00		(130,947.00)
		22WSK	DISTRIBUTION WATER QUALITY & REDUNDANCY IMPROVEMENTS		75,000.00		(75,000.00)
					-	-	-
<b>VII. M&amp;O Budget Recommendations:</b>							
<b>A. Since FY 2016, the General Fund has transferred funds to the Jail Surcharge Fund to keep fund balance from going negative. The original budget included a transfer of \$112,000 from the General Fund. Again, the Jail Surcharge Fund is estimated to have a negative fund balance of approximately \$59k as of the end of FY 2022. Recommending an additional transfer of \$60,000 from the General Fund to cover the negative fund balance - zero net effect across funds. The FY 2023 adopted budget includes a transfer from the General Fund of \$225,000.</b>							
10090110	610216		GENERAL FUND	TRANSFERS TO OTHER FUNDS	60,000.00		(60,000.00)
21600001	390100		JAIL SURCHARGE FUND	TRANSFERS FROM OTHER FUNDS		60,000.00	60,000.00
					60,000.00	60,000.00	-
<b>B. It is projected that as of the end of FY 2022, the Victims Assistance Fund will have a negative fund balance. Expenditures for FY 2022 will be higher than revenue by approximately \$41,000 wiping out initial fund balance of \$40,163. Recommending to transfer \$20,000 from the General Fund to avoid a negative fund balance in the Victims Assistance Fund - zero net effect across funds. The FY 2023 adopted budget includes a transfer from the General Fund of \$18,000.</b>							
10090110	610218		GENERAL FUND	TRANSFERS TO OTHER FUNDS	20,000.00		(20,000.00)
21800001	390100		VICTIMS ASSISTANCE FUND	TRANSFERS FROM OTHER FUNDS		20,000.00	20,000.00
					20,000.00	20,000.00	-
<b>C. Since FY 2020 the General Fund has been transferring funds to fund 540 Solid Waste. Solid Waste Fund revenue has been lower than expenses consistently and the transfers from the General Fund have been necessary to avoid the Solid Waste fund balance going negative. The FY 2022 original budget included a transfer of \$172,500 from the General Fund. An additional transfer of \$30,000 is recommended at year-end - zero net effect across funds. The FY 2023 adopted budget includes a transfer from the General Fund of \$182,000.</b>							
10090110	610540		GENERAL FUND	TRANSFERS TO OTHER FUNDS	30,000.00		(30,000.00)
54000001	390100		SOLID WASTE FUND	TRANSFERS FROM OTHER FUNDS		30,000.00	30,000.00
					30,000.00	30,000.00	-



**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
<b>D. Recommending year-end adjustments to Workers Compensation for departments/funds with budget deficits in FY 2022 - decrease to fund balance to General Fund, Fire Services Fund, and EMS Fund.</b>							
10030321	512119		SHERIFF - CID	SELF INSURANCE WORKERS COMP	7,500.00		(7,500.00)
10030323	512119		SHERIFF - FIELD OPERATIONS	SELF INSURANCE WORKERS COMP	28,000.00		(28,000.00)
27030550	512119		FIRE SERVICES	SELF INSURANCE WORKERS COMP	100,000.00		(100,000.00)
27230600	512119		EMS	SELF INSURANCE WORKERS COMP	109,000.00		(109,000.00)
					244,500.00	-	(244,500.00)
<b>E. As discussed at the FY 2023 budget presentations, staff recommended to increase the medical stabilization account from \$576,400 to \$1.5M. This increase should be sufficient to cover any remaining expenses if the county were to change medical provider(s). Recommending to transfer \$923,600 from various funds to Major Medical Self Insurance in FY 2022 - zero net effect across funds.</b>							
10090110	610603		GENERAL FUND	TRANSFER TO MEDICAL	544,224.00		(544,224.00)
21490110	610603		ACCOUNTABILITY STATE COURT	TRANSFER TO MEDICAL	7,118.00		(7,118.00)
21590110	610603		911 COMMUNICATIONS	TRANSFER TO MEDICAL	56,639.00		(56,639.00)
21990110	610603		DRUG ABUSE & TREATMENT SUP CT	TRANSFER TO MEDICAL	725.00		(725.00)
27090110	610603		FIRE SERVICES	TRANSFER TO MEDICAL	108,622.00		(108,622.00)
27290110	610603		EMS	TRANSFER TO MEDICAL	54,742.00		(54,742.00)
50541010	610603		WATER SYSTEM	TRANSFER TO MEDICAL	151,530.00		(151,530.00)
60300001	390		MAJOR MEDICAL SELF INSURANCE	TRANSFER FROM OTHER FUNDS		923,600.00	923,600.00
					923,600.00	923,600.00	-
<b>F. The following General Fund departments have budget deficits as of the end of FY 2022. Recommending to cover these budget deficits with remaining budget amounts from other departments within the General Fund - zero net effect to General Fund balance.</b>							
1. Commissioners - Salary due to 10.45% pay scale shift.							
10010110	511105		COMMISSIONERS	REGULAR SALARY	6,600		(6,600)
2. Elections - Salaries for Part-time Election Clerks, Staff Overtime, Postage, and Printing/Binding Services.							
10010400	511105	PTIME	ELECTIONS	REGULAR SALARY	52,000		(52,000)
10010400	511300		ELECTIONS	OVERTIME REGULAR	7,600		(7,600)
10010400	523202		ELECTIONS	POSTAGE SERVICES	36,600		(36,600)
10010400	523400		ELECTIONS	PRINTING/BINDING SERVICES	21,800		(21,800)
3. Purchasing - Salary due to 10.45% pay scale shift and Medical election.							
10010517	511105		PURCHASING	REGULAR SALARY	10,900		(10,900)
10010517	512111		PURCHASING	SELF INSURANCE MEDICAL	2,000		(2,000)
4. Tax Commissioner - Salary due to 10.45% pay scale shift and Printing/Binding Services.							
10010545	511105		TAX COMMISSIONER	REGULAR SALARY	32,500		(32,500)
10010545	523400		TAX COMMISSIONER	PRINTING/BINDING SERVICES	8,000		(8,000)

**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

	<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
5. District Attorney - Salary due to 10.45% pay scale shift.								
10020200	511105			DISTRICT ATTORNEY	REGULAR SALARY	1,100		(1,100)
6. State Court Judge - Salary due to 10.45% pay scale shift and Medical election.								
10020330	511105			STATE COURT JUDGE	REGULAR SALARY	9,300		(9,300)
10020330	512111			STATE COURT JUDGE	SELF INSURANCE MEDICAL	9,600		(9,600)
7. Magistrate Court - Salary due to 10.45% pay scale shift/increase to Magistrate Judges and FICA/Medicare.								
10020400	511105			MAGISTRATE COURT	REGULAR SALARY	68,000		(68,000)
10020400	512200			MAGISTRATE COURT	FICA/MEDICARE	300		(300)
8. Juvenile Court - Indigent Court Appointed GAL/FDEP.								
10020600	523965			JUVENILE COURT	INDIGENT COURT APPOINTED GAL	6,900		(6,900)
10020600	523968			JUVENILE COURT	INDIGENT COURT APPOINTED FDEP	11,100		(11,100)
9. Public Defender - Communication Services.								
10020800	523201			PUBLIC DEFENDER	COMMUNICATION SERVICES	367		(367)
10. County Coroner - Salary due to increase of cases and Human Remains Transport.								
10030700	511105			COUNTY CORONER	REGULAR SALARY	20,800		(20,800)
10030700	521316			COUNTY CORONER	TECHNICAL SERVICES	1,500		(1,500)
11. Public Health - Gasoline Vendors.								
10050110	531270			PUBLIC HEALTH	GASOLINE VENDORS	150		(150)
12. Senior Center - Natural Gas Service.								
10050520	531220			SENIOR CENTER	NATURAL GAS SERVICE	600		(600)
13. Code Enforcement - Salary due to 10.45% pay scale shift and Medical election.								
10070483	511105			CODE ENFORCEMENT	REGULAR SALARY	3,300		(3,300)
10070483	512111			CODE ENFORCEMENT	SELF INSURANCE MEDICAL	4,600		(4,600)
					TOTAL DEFICITS	315,617	-	(315,617)
14. Department budget deficits to be covered with remaining budget in the Road Department.								
10040220	521316			ROAD DEPARTMENT	TECHNICAL SERVICES	(197,880)		197,880
10040220	522232			ROAD DEPARTMENT	OPERATING EQUIPMENT SERVICES	(36,000)		36,000
10040220	531171			ROAD DEPARTMENT	ASPHALT & TACK	(79,000)		79,000
10040220	531173			ROAD DEPARTMENT	GRAVEL & SAND	(2,737)		2,737
						-	-	-
<b>G. At the end of FY 2022, the Accountability State Court (fund 214) is over budget by \$43,362. The Technical Services line-item associated to the DUI grant is over budget by \$63,925. Any expenditures in excess of the proceeds from the grant, are covered by DUI Participant Fees and the 50% Added DUI Surcharge Fees. The fund still has a \$300k fund balance. Recommending to increase the expenditures budget by the amount of the shortfall - decrease to the Accountability State Court fund balance.</b>								
21420330	521316	DUI		ACCOUNTABILITY STATE COURT	TECHNICAL SERVICES	43,362.00		(43,362.00)
						43,362.00	-	(43,362.00)

**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
<b>H. At the end of FY 2022, Jail Surcharge is over budget by \$48,632 (Inmate Meals). Even with transfers from the General Fund of \$172,000 during FY 2022, fund balance of approximately \$20k is not sufficient to cover the \$48,632 budget shortfall. Recommending an additional transfer from the General Fund to cover the budget shortage and still leave the Jail Surcharge Fund with a positive fund balance - zero net effect across funds. The FY 2023 adopted budget includes a transfer from the General Fund of \$225,000.</b>							
10090110	610216		GENERAL FUND	TRANSFERS TO OTHER FUNDS	48,632.00		(48,632.00)
21600001	390100		JAIL SURCHARGE FUND	TRANSFERS FROM OTHER FUNDS		48,632.00	48,632.00
21630355	531301		INMATE MEALS	GEORGIA POWER	48,632.00		(48,632.00)
					48,632.00	-	(48,632.00)
<b>I. At the end of FY 2022, Drug Abuse &amp; Treatment (fund 219) is over budget by \$51,871. The Salary line-item is over budget by \$3k due to the 10.45% pay scale shift and the Technical Services line-item associated to the Drug Court grant is over budget by \$49.6k. Any expenditures in excess of the proceeds from the grant, are covered by Drug Court Participant Fees and the 50% Added DATE Surcharge Fees. The fund still has a \$548k fund balance. Recommending to increase the expenditures budget by the amount of the shortfall - decrease to the Drug Abuse &amp; Treatment fund balance.</b>							
21920160	511105	DRUG	DRUG COURT - SUPERIOR COURT	REGULAR SALARY	3,000.00		(3,000.00)
21920160	521316	DRUG	DRUG COURT - SUPERIOR COURT	TECHNICAL SERVICES	49,000.00		(49,000.00)
					52,000.00	-	(52,000.00)
<b>J. At the end of FY 2022, Fire Services (fund 270) is over budget by \$298,609. The Salary line-item is over budget by \$344k due to the 19% pay scale shift. The fund has a healthy fund balance. Recommending to increase the expenditures budget by the amount of the shortfall - decrease to the Fire Services fund balance.</b>							
27030550	511105		FIRE SERVICES	REGULAR SALARY	299,000.00		(299,000.00)
					299,000.00	-	(299,000.00)
<b>K. At the end of FY 2022, EMS (fund 272) is over budget by \$37,928. The Medical Supplies line-item is over budget by \$78k. The fund has a healthy fund balance. Recommending to increase the expenditures budget by the amount of the shortfall - decrease to the EMS fund balance.</b>							
27230600	531108		EMS	MEDICAL SUPPLIES	78,000.00		(78,000.00)
					78,000.00	-	(78,000.00)

**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

ORG	OBJ	Proj	FUND/ DEPARTMENT/PROJECT	ACCOUNT DESCRIPTION	Expenditure Increase (Dec)	Revenue Increase (Dec)	Fund Balance Increase (Dec)
<b>VIII. American Rescue Plan Act of 2021 (ARPA) recommendations:</b>							
On 6/09/22, Fayette County received the FY 2022 final payment of \$11,112,469 from the American Rescue Plan Act of 2021. The allocation of the payments from the ARPA grant was originally approved by the BOC on 5/13/21 as follows:							
<b>Sheriff Office</b>							
			<b>FY2021</b>	<b>FY2022</b>			
Final Buildout Training Facility	1,603,967		801,983	801,984			
National Incident Ballistics (ATF)	314,754		314,754				
Firearms & Driving Simulator	301,361		301,361				
<b>Fire &amp; EMS</b>							
Fire Training Building/Tower	1,650,000		825,000	825,000			
Fire Classrooms & Training Facility	1,500,000		1,500,000				
Pumper/Aerial Driver Training Course	665,000		665,000				
<b>Health Department</b>							
Projected Building Shortfall	6,956,166		3,478,083	3,478,083			
<b>Water System</b>							
Advanced Metering Infrastructure	9,200,000		3,209,443	5,990,557			
<b>Grand Total</b>	<b>22,191,248</b>		<b>11,095,624</b>	<b>11,095,624</b>			
<b>A. Based on guidance from the Department of the Treasury (dated 6/17/21), salaries for Fire Services, Emergency Medical Services, and Sheriff's Office are eligible for reimbursement by ARPA, as they pertain to COVID mitigation. With that in mind, staff recommends distributing the FY 2022 portion of the ARPA funds previously approved back to the respective funds (General Fund, Fire Services Fund, and EMS Fund). Then to transfer the funds to the previously approved projects.</b>							
<b>1. Distribution of the previously approved FY 2021 ARPA funding allocation to reimburse for eligible salaries as they pertain to COVID mitigation:</b>							
<b>General Fund (Sheriff's salaries):</b>							
23090110	610100		ARPA FUND	TRANSFERS TO OTHER FUNDS	801,984.00		(801,984.00)
10000001	390230		GENERAL FUND	TRANSFERS FROM OTHER FUNDS		801,984.00	801,984.00
					801,984.00	801,984.00	-
<b>Fire Services Fund salaries:</b>							
23090110	610270		ARPA FUND	TRANSFERS TO OTHER FUNDS	627,725.00		(627,725.00)
27000001	390230		FIRE SERVICES FUND	TRANSFERS FROM OTHER FUNDS		627,725.00	627,725.00
					627,725.00	627,725.00	-

**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
<b>EMS Fund salaries:</b>							
23090110	610272		ARPA FUND	TRANSFERS TO OTHER FUNDS	197,275.00		(197,275.00)
27200001	390230		EMS FUND	TRANSFERS FROM OTHER FUNDS		197,275.00	197,275.00
					197,275.00	197,275.00	-
<b>2. Transfers of the FY 2022 ARPA distribution from the General Fund, Fire Services Fund, and the EMS fund to the previously approved projects:</b>							
<b>General Fund to project 21AR1 Sheriff - Final Buildout Training Facility:</b>							
10090110	610375	21AR1	GENERAL FUND	TRANSFERS TO OTHER FUNDS	801,984.00		(801,984.00)
37530310	390100	21AR1	PROJECT: FINAL BUILDOUT TRAINING FACILITY			801,984.00	801,984.00
			GENERAL FUND PROJECT		801,984.00	801,984.00	-
<b>Fire Services to project 21AR4 Fire Training Building/Tower:</b>							
27090110	610375	21AR4	FIRE SERVICES FUND	TRANSFERS TO OTHER FUNDS	627,725.00		(627,725.00)
37530550	390270	21AR4	PROJECT: FIRE TRAINING BUILDING/TOWER			627,725.00	627,725.00
					627,725.00	627,725.00	-
<b>EMS Fund to project 21AR4 Fire Training Building/Tower:</b>							
27290110	610375	21AR4	EMS FUND	TRANSFERS TO OTHER FUNDS	197,275.00		(197,275.00)
37530550	390272	21AR4	PROJECT: FIRE TRAINING BUILDING/TOWER			197,275.00	197,275.00
			EMS FUND PROJECT		197,275.00	197,275.00	-
			GENERAL FUND, FIRE SERVICES & EMS PROJECTS TOTAL		1,626,984.00	1,626,984.00	-
<b>B. After receiving the FY 2022 final payment, recommending to increase the funding for the following projects by the amounts previously approved:</b>							
<b>1. Project 205AA Public Health Building - increase funding by \$3,478,083.</b>							
230	122510		ARPA	UNEARNED REVENUE		3,478,083.00	3,478,083.00
23050110	541320	205AA	PUBLIC HEALTH BUILDING	BUILDINGS/STRUCTURES	3,478,083.00		(3,478,083.00)
					3,478,083.00	3,478,083.00	-
<b>2. Project 214BA Advance Metering Infrastructure - increase funding by \$5,990,557.</b>							
230	122510		ARPA	UNEARNED REVENUE		5,990,557.00	5,990,557.00
23044020	531780	214BA	ADVANCE METERING INFRASTRUCTURE	WS PARTS	5,990,557.00		(5,990,557.00)
					5,990,557.00	5,990,557.00	-



**FAYETTE COUNTY, GEORGIA**  
**RECOMMENDED YEAR-END BUDGET ADJUSTMENTS TO THE REVISED FY 2022 BUDGET**  
**FOR FISCAL YEAR ENDED JUNE 30, 2022**

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>FUND/ DEPARTMENT/PROJECT</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
<b>C. On May 13, 2021, the Board of Commissioners approved the proposed American Rescue Plan Act with funding of \$11,095,624 in FY 2022. The actual allocation received by the county for ARPA was \$11,112,469, an excess of \$16,845. Recommendation to increase the revenue budget to match the actual amount received and a corresponding increase to the expense budget for the Public Health Building.</b>							
230	122510		ARPA	UNEARNED REVENUE		16,845.00	16,845.00
23050110	541320	205AA	PUBLIC HEALTH BUILDING	BUILDINGS/STRUCTURES	16,845.00		(16,845.00)
					16,845.00	16,845.00	-
<b>D. On December 7, 2021, Fayette County received a contribution of \$31,182 from the Town of Woolsey from their 2021 ARPA distribution. These funds were allocated to the Public Safety projects portion of Fayette County's ARPA funding. This Town of Woolsey additional funding released \$31,182 of the County's ARPA monies to be used for other ARPA projects. Staff recommends allocating the remaining \$31,182 to the Public Health Building 205AA.</b>							
230	122510		ARPA	UNEARNED REVENUE		31,182.00	31,182.00
23050110	541320	205AA	PUBLIC HEALTH BUILDING	BUILDINGS/STRUCTURES	31,182.00		(31,182.00)
					31,182.00	31,182.00	-
<b>E. The ARPA funding allocation for projects 205AA Public Health Building and 214BA Advanced Metering Infrastructure was setup in fund 230 ARPA, as directed by the Department of Community Affairs and the State Auditor. Fund 230 ARPA is an annual fund and any available budget amounts at the end of the year will lapse and go back to fund balance. No actual expenditures incurred as of the end of FY 2022. Recommending to move available budget amounts from FY 2022 to FY 2023 - year-to-year zero net effect to the ARPA fund balance.</b>							
<b>Project 205AA Public Health Building, \$6,989,856</b>							
<b>1. Budget Adjustment in FY 2022</b>							
23050110	541320	205AA	PUBLIC HEALTH BUILDING	BUILDINGS/STRUCTURES	(6,989,856.00)		6,989,856.00
<b>2. Budget Adjustment in FY 2023</b>							
23050110	541320	205AA	PUBLIC HEALTH BUILDING	BUILDINGS/STRUCTURES	6,989,856.00		(6,989,856.00)
					-	-	-
<b>Project 214BA Advance Metering Infrastructure (AMI), \$9,200,000</b>							
<b>1. Budget Adjustment in FY 2022</b>							
23044020	531780	214BA	ADVANCE METERING INFRASTRUCT	WS PARTS	(9,200,000.00)		9,200,000.00
<b>2. Budget Adjustment in FY 2023</b>							
23044020	531780	214BA	ADVANCE METERING INFRASTRUCT	WS PARTS	9,200,000.00		(9,200,000.00)
					-	-	-



**TAMECA P. SMITH, County Clerk**  
**BOARD OF COMMISSIONERS**  
140 Stonewall Avenue West, Ste. 100  
Fayetteville, Georgia 30214  
770-305-5103  
[tsmith@fayettecountyga.gov](mailto:tsmith@fayettecountyga.gov)

---

**FILE NOTE:**

The agenda of the Board of Commissioners for September 8, 2022, states under Consent Agenda that the minutes for August 11, 2022 was up for approval by the Board. That is incorrect.

The Board approved the backup presented for the September 8, 2022 meeting, which included the correct minutes for August 25, 2022, not August 11, 2022.

This file note is to document the intent and correct the erroneous information on the September 8, 2022 agenda. Below is the order for what was approved by the Board of Commissioners in the order it was presented in the agenda packet:

2. Approval of the August 18, 2022 Millage Rate First Public Hearing Minutes. (pages 4-6)
3. Approval of the August 18, 2022 Millage Rate Second Public Hearing Minutes. (pages 7-9)
4. Approval of the August 25, 2022 Board of Commissioners Meeting Minutes. (pages 10-18)

Tameca P. Smith, County Clerk

## **BOARD OF COUNTY COMMISSIONERS**

Lee Hearn, Chairman  
Edward Gibbons, Vice Chairman  
Eric K. Maxwell  
Charles W. Oddo  
Charles D. Rousseau



## **FAYETTE COUNTY, GEORGIA**

Steve Rapson, County Administrator  
Dennis A. Davenport, County Attorney  
Tameca P. Smith, County Clerk  
Marlena Edwards, Chief Deputy County Clerk

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## **MINUTES**

September 8, 2022

5:00 p.m.

---

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 5:00 p.m.

### **Call to Order**

Chairman Lee Hearn called the September 8, 2022 Board of Commissioners meeting to order at 5:00 p.m. A quorum of the Board was present. Commissioner Charles Rousseau was absent.

### **Invocation and Pledge of Allegiance by Chairman Lee Hearn**

Chairman Hearn offered the Invocation and led the Board and audience in the Pledge of Allegiance.

### **Acceptance of Agenda**

Commissioner Oddo moved to accept the agenda as written. Vice Chairman Edward Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

### **PROCLAMATION/RECOGNITION:**

#### **PUBLIC HEARING:**

#### **PUBLIC COMMENT:**

**Keith Larson of the City of Peachtree City** stated that he was a community advocate with Bike Walk Fayette. Mr. Larson expressed his concerns regarding road, cyclist, and pedestrian safety. Mr. Larson briefly discussed and outlined the "Vision Zero" initiative and strategic goal being adopted by numerous agencies throughout Georgia. He noted that Vision Zero was a strategy to eliminate all traffic fatalities and serious injuries. Mr. Larson urged the Board to support the safety action plan that would be discussed later in the meeting.

### **CONSENT AGENDA:**

Commissioner Oddo moved to accept the Consent Agenda as written. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

- 1. Request to appoint Fayette County Assistant Fire Chief Scott Roberts to fill the unexpired term of retired Assistant Fire Chief Steven Folden to the West Georgia EMS Council to expire June 30, 2023.**
- 2. Approval of the August 11, 2022 Board of Commissioners Meeting Minutes.** (Please see file note)
- 3. Approval of the August 18, 2022 Millage Rate First Public Hearing Minutes.** (Please see file note)

**4. Approval of the August 18, 2022 Millage Rate Second Public Hearing Minutes.** (Please see file note)

**OLD BUSINESS:**

**NEW BUSINESS:**

**5. Request to approve an Intergovernmental Agreement with the City of Peachtree City allowing for Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City for November and December 2022.**

County Administrator Steve Rapson stated that this was the Intergovernmental Agreement with the City of Peachtree City to conduct a Special Called election as a result of a council member recently stepping down.

Chairman Hearn asked how many candidates had qualified for the position.

Elections Director Brian Hill stated that qualifying for candidates had not started but would begin September 14<sup>th</sup> through September 16<sup>th</sup>.

Vice Chairman Gibbons moved to approve an Intergovernmental Agreement with the City of Peachtree City allowing for Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City for November and December 2022. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

**6. Public update on the March 2023 Special Purpose Local Option Sales Tax (SPLOST) projects and referendum.**

Mr. Rapson stated that Public Works Director Phil Mallon would be presenting this update on behalf of Environmental Management Director Bryan Keller who was absent due to the recent loss of his father.

Mr. Mallon stated that he first needed to correct a typo noted in the agenda request. The request noted that the SPLOST budget for Fayette County for transportation projects was estimated at \$94M, but this was actually the total budget for all county projects.

Mr. Mallon stated that the Board was already aware of the majority of the information provided in this update. He continued that there was an existing 2017 Special Purpose Local Option Sales Tax (SPLOST) that was about to expire. He stated that he was very proud of the project delivery of the outlined projects from the 2017 SPLOST. He added that staff was very diligent at maintaining the 2017 SPLOST list which helped keep citizens abreast of how their tax dollars were being used. He encouraged citizens to visit the website where they could review a detailed list of the 2017 SPLOST projects. Mr. Mallon provided the Board a brief overview of the 2023 SPLOST. He stated that currently, Fayette County had a \$0.07 tax rate, with \$0.04 going to the State of Georgia, \$0.01 going to LOST, \$0.01 to the Board of Education and \$0.01 going to SPLOST. He stated that what would be recommended with this updated list of projects, if approved by voters, would be to continue the \$0.01 rate for SPLOST. Mr. Mallon stated that to-date over fifty-five 2017 SPLOST projects had been completed and an additional thirty project were in various phases of design, right-of-way acquisitions, or construction. He continued that the financial projections for the 2023 SPLOST was that it would generate approximately \$210M over a six-year period with distributions allocated to the County and municipalities within the county. Mr. Mallon stated that the 2023 SPLOST county proposed projects were divided into five primary categories. The Justice Center Renovations- 3rd Floor Buildout with \$14.5M budgeted; Public Safety with \$15,350,000 budgeted; Parks and Recreation, and Human Services with \$16,750,000 budgeted; Stormwater Improvement Project with \$21,628,900 budgeted, and Transportation Improvements with \$26.5M budgeted. Mr. Mallon briefly itemized a few of the projects noted within these primary categories. Together the total estimated budget to complete these projects would be \$94,728,900.

Mr. Rapson explained that the mythology and approach that was used for the successful 2017 SPLOST would be followed again with the 2023 SPLOST. He stated that supporting documentation, pictures, data sheets would be provided for each project listed in a 2023 SPLOST book. He added that these books would be placed at the cities and their books would be available at the County, in an effort to maintain transparency and keep the citizens aware and engaged. He continued that this would be the first time that citizens would have the opportunity to review the proposed list of projects. There would be stakeholder meetings scheduled to receive input. Mr. Rapson stated that along with citizen input, recommendations from the Board would be gathered and a final list comprised to be reviewed and approved by the Board.

Chairman Hearn stated that the fact that this county had already delivered several projects helped build citizen confidence and looked good when going out and speaking with constituents about additional projects.

Mr. Rapson stated that the two big projects that would involve increased public outreach and education would be the Justice Center Renovation and the Recreational Multiuse Facility.

Commissioner Charles Oddo stated that, although the projected value of these projects was \$95M, because of the ability to leverage the funds and apply for grant aid, the actual value was worth much more than \$95M to the county.

Vice Chairman Gibbons asked how much was received from the last SPLOST?

Mr. Mallon stated more than \$10M. He added that the project fact sheets were available on the website for those who were interested in reviewing a complete listing. He stated that the projects selected to be included in the 2023 SPLOST were selected based on thorough analysis, review of several studies and public input. Mr. Mallon reviewed the 2023 SPLOST Timeline which began May 2022 and included collaboration meetings with the cities, open houses and Board presentations, staff reviews, meetings with jurisdictions' mayors, public outreach and education, the official Board of Commissioners resolution adoption and that it would end with the SPLOST Election in March 2023.

Mr. Rapson extended a "kudos" and job well done to Bryan Keller, Courtney Hassenzahl and their team.

Vice Chairman Gibbons asked if the Election in March 2023 was a regularly scheduled election.

Mr. Rapson stated that this would be a Special Called Election.

No vote was taken.

**7. Consideration of Resolution 2022-09; Deannexation Agreement for the deannexation of 9.3 acres of property, owned by Romain Davis and Charlotte Davis, located at 288 Old Norton Road, parcel #0521 027, from the City of Fayetteville into unincorporated Fayette County.**

Planning and Zoning Director Deborah Bell stated that this request was for the deannexation of 9.3 acres of property, owned by Romain Davis and Charlotte Davis. She stated that the property had been annexed by the previous property owners. Mrs. Bell stated that the properties to the north, south, and across the street from the subject property were all in unincorporated Fayette County. If approved by the Board, the request would be submitted to the City of Fayetteville to complete the process. Mrs. Bell stated once approved by the City of Fayetteville a rezoning request would be presented to the Board for zoning approval. She advised that staff recommended approval of the request.

Commissioner Oddo asked what would happen if the City of Fayetteville rejected the request.

County Attorney Dennis Davenport stated that there was not an issue of the City of Fayetteville objecting, because their permission was needed to deannex a property. He explained that this process began at the request of the property owner. It was



dependent upon the property owner to check with the City of Fayetteville to determine their willingness to deannex the property. The property owner also had to check with the County because we would be providing services if the deannexation was approved. Mr. Davenport stated that the County would typically pass this type of resolution on the front end of the process to serve as a signal to the City of Fayetteville that the County was willing to accept the property if they were willing to deannex. Once the deannexation was approved a subsequent zoning process would occur to ensure the property was properly zoned in Fayette County.

Vice Chairman Gibbons moved to approve Resolution 2022-09; Deannexation Agreement for the deannexation of 9.3 acres of property, owned by Romain Davis and Charlotte Davis, located at 288 Old Norton Road, parcel #0521 027, from the City of Fayetteville into unincorporated Fayette County. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

**8. Request to approve an Intergovernmental Agreement (IGA) between Fayette County and Spalding County for the provision of 911 services on an emergency basis.**

911 Director Katye Vogt stated that this request was seeking Board approval to enter into an Intergovernmental Agreement (IGA) between Fayette County and Spalding County for the provision of 911 services on an emergency basis. Ms. Vogt stated that unofficially the two counties had supported each other over the years and this agreement would make it official.

Commissioner Oddo moved to approve an Intergovernmental Agreement (IGA) between Fayette County and Spalding County for the provision of 911 services on an emergency basis. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

**9. Request to award Contract #1641-S, Change Order #3, to Yancey Power Systems for repairs to the Justice Center / Jail emergency generator in the amount of \$134,243.30 and to transfer \$135,000.00 from CIP #231AA (Roof Repairs) to CIP # 231AE (Justice Center Generator) for this purpose.**

Mr. Rapson stated that this was a request for Change Order #3 with Yancey Power System for repairs to the Justice Center / Jail emergency generator in the amount of \$134,243.30. He stated that as the project moved forward, unknown issues were discovered and this was the cost to get it back up and running.

Vice Chairman Gibbons stated that it was his understanding that it would have cost over \$500K to replace the generator.

Mr. Rapson stated, yes.

Commissioner Oddo moved to approve to award Contract #1641-S, Change Order #3, to Yancey Power Systems for repairs to the Justice Center / Jail emergency generator in the amount of \$134,243.30 and to transfer \$135,000.00 from CIP #231AA (Roof Repairs) to CIP # 231AE (Justice Center Generator) for this purpose. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

**10. Request to submit a grant application to the Office of the Secretary of Transportation under the Safe Streets and Roads for All (SS4A) discretionary grant program and allocate up to \$100,000 for local match.**

Mr. Mallon stated that ultimately, he was seeking approval from the Board to allow staff to submit a Safety Action Plan grant to the Office of the Secretary of Transportation (USDOT) to secure funding for the study. Mr. Mallon provided the Board a brief overview. He stated that the Board may have been aware that via the Infrastructure Investment and Jobs Act (IIJA) / Bipartisan Infrastructure Law there was a tremendous amount of funding and programs coming to the State and local governments. Atlanta Regional Commission (ARC) was assisting local governments with identifying and managing potential opportunities for funding.

Mr. Mallon stated that the proposed grant application was for the development of a Safety Action Plan under the Safe Streets for All (SS4A) program. The Federal Department of Transportation (DOT) was expected to award hundreds of Action Plan Grants in FY 2022 and having an Action Plan was a prerequisite for submitting an Implementation Plan Grant application in subsequent years. The purpose of the Safe Streets and Roads for All (SS4A) grants was to "improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and implementation focused on ALL users." The Safe Streets and Roads for All (SS4A) Notice of Funding Opportunity was a new discretionary grant under the Bipartisan Infrastructure Law (BIL), that would provide \$1B annually for five years for each of FY22-26. The Federal Department of Transportation DOT must award no less than 40% of SS4A funds made available for that fiscal year to develop comprehensive safety action plans, of which 80% would be federal funding, and 20% would be local cost share. Mr. Mallon noted that the Federal Department of Transportation DOT was seeking to make awards based on safety impact, equity, and additional safety considerations. Mr. Mallon stated that the Plan Application deadline was September 15, 2022. He continued that there were some requirements, if approved by the Board. The Board would have to be committed to the improving roadway safety, which was the premise of the plan. He stated that there had to be a committee, task force, or implementation group for oversight of plan development, implementation, and monitoring, which we have the Transportation Committee that could serve that role. There would have to be safety analysis, and public engagement and stakeholder.

Commissioner Oddo moved to approve to submit a grant application to the Office of the Secretary of Transportation under the Safe Streets and Roads for All (SS4A) discretionary grant program and allocate up to \$100,000 for local match. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

**11. Consideration of the County Attorney's recommendation to deny the disposition of tax refund, as requested by Robert L. Bannister, for tax years 2020 and 2021.**

Mr. Davenport stated that before the Board was a tax refund request from Mr. Bannister who purchased property on Gable Road in 2019. Later that year, Mr. Bannister removed a residential structure from the property. Mr. Davenport stated that the Tax Assessor and the property record card had that structure on the books for 2020 and 2021 because there was never an amended return of value or permit pulled to remove the structure which would have notified the office of the activity. Mr. Davenport stated that since there was no illegal or erroneous issue, with respect to the Tax Assessors, the recommendation was to deny the tax refund request for Mr. Bannister.

Commissioner Oddo asked if it had been adjusted moving forward.

Mr. Davenport stated yes it had been adjusted.

Vice Chairman Gibbons moved to County Attorney's recommendation to deny the disposition of tax refund, as requested by Robert L. Bannister, for tax years 2020 and 2021. Commissioner Oddo seconded.

Commissioner Maxwell asked Mr. Davenport to please include the dollar figure of the refund request on his recommendation memos.

Mr. Davenport stated he would make sure they were included in future memos.

Vice Chairman Gibbons moved to County Attorney's recommendation to deny the disposition of tax refund, as requested by Robert L. Bannister, for tax years 2020 and 2021. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

**12. Consideration of the County Attorney's recommendation to deny the disposition of tax refund, as requested by Alfred Lee Dingler for tax year 2021.**

Mr. Davenport stated that before the Board was a tax refund request from Prime Image Properties submitted by Alfred Lee Dingler for tax year 2021 regarding property located on North Jeff Davis Dr. He stated that an issue came about related to the value of the property. Mr. Davenport stated that the value of the property increased substantially due to a change in the use of the property from \$209K to \$665K from 2020 to 2021. Mr. Davenport stated that Mr. Dingler and Prime Image Properties were questioning the value issue of the increase and believe it was incorrect. Mr. Davenport stated that the value issue of a property was handled through a tax appeal of which the deadline has passed for this year. He stated that a tax refund request was only approved if an illegal or erroneous action occurred by the County, which was not the case. Mr. Davenport stated that his was to deny the request. A letter was sent to Mr. Dingler advised him of the meeting.

Vice Chairman Gibbons moved to approve the County Attorney's recommendation to deny the disposition of tax refund, as requested by Alfred Lee Dingler for tax year 2021. Commissioner Maxwell seconded. The motion passed 4-0. Commissioner Rousseau was absent.

**13. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Mae L. London for tax years 2018, 2019 and 2020, in the total amount of \$651.52.**

Mr. Davenport stated that before the Board was a tax refund request from Mae L. London. He stated that this request was regarding acreage of property. Mr. Davenport stated that the property record card had an incorrect acreage amount listed. He added that the record card had been updated. Mr. Davenport stated that the refund request was being recommended for approval as outlined in the memo. A letter was sent to Ms. London advising her of the meeting.

Commissioner Maxwell advised Ms. London that the law only allowed the Board to go back three years. He added that he noticed she owned the property for over 30 years and would vote to go back further, if allowed.

Commissioner Oddo moved to approve the County Attorney's recommendation to approve the disposition of tax refund, as requested by Mae L. London for tax years 2018, 2019 and 2020, in the total amount of \$651.52. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

**14. Consideration of the County Attorney's recommendation to approve the disposition of tax refund, as requested by Pinewood Forest, LLC for tax year 2020, in the amount of \$39,195.15.**

Mr. Davenport stated that before the Board was a tax refund request from Pinewood Forest, LLC and was a complex account. He noted that because of the complexity of this account, the Tax Assessors meet annually with the account owner. During this annual meeting, an error was discovered. Mr. Davenport explained that as part of this property, parcels had been split and new tax ID numbers had been assigned, inadvertently, the old number was used to generate a tax bill when it had already been converted to the two new numbers. As a result, the property was taxed twice for 2020. Mr. Davenport advised that once recognized by the Tax Assessors Office the error was correct. Mr. Davenport stated that the refund request was being recommended for approval as outlined in the memo. A letter was sent to Pinewood Forest, LLC advising of the meeting.

Vice Chairman Gibbons moved to approve the County Attorney's recommendation to approve the disposition of tax refund, as requested by Pinewood Forest, LLC for tax year 2020, in the amount of \$39,195.15. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Rousseau was absent.

**ADMINISTRATOR'S REPORTS:**

**A: Contract #2152-A: Fire Station 7 Generator**

County Administrator Steve Rapson advised that an updated "Hot Projects" listing was sent out via email to the Board to keep them abreast of the status of various projects throughout the county. Mr. Rapson stated that the update included details regarding Redwine Road Multi-Use Path, Parks and Recreation Multi-Purpose Facility, and the Election Building renovation.

#### **ATTORNEY'S REPORTS:**

Mr. Davenport advised there were no items for Executive Session but the approval of the August 25, 2022 Executive Session Minutes.

Executive Session Minutes: Vice Chairman Gibbons moved to approve the August 25, 2022 Executive Session Minutes. Commissioner Oddo seconded. The motion passed 5-0.

#### **COMMISSIONERS' REPORTS:**

##### **Commissioner Oddo**

Commissioner Oddo extended his condolences to the Keller Family (Bryan Keller) and added that they were in his thoughts and prayers.

##### **Vice Chairman Gibbons**

Vice Chairman Gibbons extended his appreciation to Mr. Larson for his efforts and community advocacy.

Vice Chairman Gibbons also reminded everyone of the upcoming Anniversary of 9/11 and asked that everyone take a moment to think about and show appreciation for our first responders and military (past and present) and the sacrifices they make serving this country.

##### **Chairman Hearn**

Chairman Hearn stated that he had received a letter from the Mayor of Peachtree City expressing her appreciation for Sheriff Babb and Chief Hill for their assistance with the recent Walmart fire. Chairman Hearn stated that he had a meeting with City of Fayetteville Mayor Johnson regarding the Lafayette on the Square project and felt that there was going to be continued collaboration and compromise as the project moved forward.

#### **EXECUTIVE SESSION:**

##### **ADJOURNMENT:**

Commissioner Oddo moved to adjourn the September 8, 2022 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 4-0. Commissioner Rousseau was absent.

The September 8, 2022 Board of Commissioners meeting adjourned at 5:53 p.m.

---

Marlena M. Edwards, Chief Deputy County Clerk

---

Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 22<sup>nd</sup> day of September 2022. Attachments are available upon request at the County Clerk's Office.

---

Marlena M. Edwards, Chief Deputy County Clerk

# COUNTY AGENDA REQUEST

Page 168 of 181

Department:

Presenter(s):

Meeting Date:

Type of Request:  9

## Wording for the Agenda:

Request to award Contract #2167-B to Amwaste of Georgia, LLC for operation of Fayette County's Municipal Solid Waste (MSW) Transfer Station located on First Manassas Mile Road.

## Background/History/Details:

The Contract has a duration of 5 years with options for one-year renewals. It establishes a minimum flat rate of \$15 per vehicle for small quantities of solid waste and a tipping fee (subject to change) for larger quantities. Recycling will be provided at no cost to the customers. Fayette County will receive a \$2/ton host fee to offset County costs associated with the Transfer Station and landfills. The Contractor also commits to making \$100,000 worth of improvements to the facility. Additional details are provided in the Contract.

Green waste / yard waste will continue to be accepted but at a higher flat rate than current. That fee is set by Fayette County and revenue is used to cover the cost of material handling and grinding.

## What action are you seeking from the Board of Commissioners?

Approval of Contract #2167-B to Amwaste of Georgia, LLC for operation of Fayette County's Municipal Solid Waste (MSW) Transfer Station located on First Manassas Mile Road.

## If this item requires funding, please describe:

No funding is required for this contract. Instead, Fayette County will receive a monthly host fee for lease of the Transfer Station based on the tons of material processed.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:





**Purchasing Department**  
 140 Stonewall Avenue West, Ste 204  
 Fayetteville, GA 30214  
 Phone: 770-305-5420  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

To: Steve Rapson

Through: Ted L. Burgess *TJ*

From: Sherry White *SW*

Date: September 22, 2022

Subject: Contract #2167-B Operation of MSW Transfer Station

The Purchasing Department issued Invitation to Bid #2167-B to secure a contractor to maintain operations of the MSW Transfer Station. Notice of the opportunity was emailed to 6 companies. Another 1,264 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code # 90682 (Solid Waste Disposal Systems, Architectural Services), #96239 (Hauling Services), #96286 (Transportation of Goods, Shipping and Handling, and Other Freight Services), and #96297 (Weighing and Loading Services). The offer was also advertised through Fayette News, Georgia Local Government Access Marketplace, the county website, and Channel 23.

Two Companies submitted bids (Attachment 1).

The Public Works Department recommends AMWaste of Georgia. This company has not contracted with the county in the past, so a Contractor Performance Evaluation is not attached. A positive response from all three of their references were received.

Specifics of the proposed contract are as follows:

<b>Contract Name</b>	#2167-B Operation of MSW Transfer Station
<b>Contractor</b>	AmWaste of Georgia
<b>Contract Term:</b>	
<b>Initial Term</b>	October 1, 2022 – June 30, 2027
<b>Renewal Terms</b>	Auto renews with 12mth terms
<b>Budget:</b>	This is a revenue agreement.

#2167-B Operation of MSW Transfer Station  
Tally Sheet

3:00pm, September 14, 2022

		WM		AMWaste	
		Unit Price	Extended Unit Price	Unit Price	Extended Unit Price
Host Fee (\$/ton)	32,400 tons per year	\$1	\$32,400	\$2	\$64,800
Allowance for Facility Improvements (Optional - Not Required)	20% allowance amortized over 5 years	\$10,000	\$2,000	\$100,000	\$20,000
Total Value to Fayette County			\$34,400		\$84,800

*The following information is required for the bid to be responsive but does not impact the bid's "Total Value to Fayette County" for purposes of Contract award.*

Indicate MSW tipping fee:	WM	AMWaste
\$/ton for all vehicles except Fayette County vehicles:	\$75	\$43+Fees
\$/ton for Fayette County vehicles:	\$75	\$20
Indicate flat rate fee for small quantity (~<2 cy) MSW (=< \$15 per vehicle):	\$22	\$15
Indicate fee for tires (=< \$20 each):	\$20	\$20
Indicate fee for mattresses (=< \$20 each):	\$20	\$20

# COUNTY AGENDA REQUEST

Page 171 of 181

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Request to award Contract #2018-P, Task Order 07 to Pond & Company for design of a roundabout at the intersection of Veterans Parkway and Eastin Road (project R-5I) for a not to exceed amount of \$227,063 and allocation of \$128,000 from the 2004 SPLOST project I-13 to pay for design.

## Background/History/Details:

The intersection of Veterans Parkway and Eastin Road is located in the central part of Fayette County, North West of Fayetteville. On December 9, 2021 the Board of Commissioners authorized conversion of the intersection from a two-way stop to an all-way stop as a interim measure until a roundabout could be designed and funded.

Task Order 07, developed under Fayette County's existing Engineer of Record Contract #1504-P, is for traffic analysis, preliminary, and final design. The traffic analysis will ensure that the roundabout provides acceptable Level-of-Service now and in the future.

The design should be completed within 12 months of notice to proceed.

## What action are you seeking from the Board of Commissioners?

Approval to award Contract #2018-P, Task Order 07 to Pond & Company for design of a roundabout at the intersection of Veterans Parkway and Eastin Road (project R-5I) for a not to exceed amount of \$227,063 and allocation of \$128,000 from the 2004 SPLOST project I-13 to pay for design.

## If this item requires funding, please describe:

Project I-13, Antioch & Goza, is complete as an all-way stop and has a balance of \$221,290.71. Additional funding will be needed for the ROW and CST phases.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

**\* All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.**

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

## Staff Notes:



**Purchasing Department**  
 140 Stonewall Avenue West, Ste 204  
 Fayetteville, GA 30214  
 Phone: 770-305-5420  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

To: Steve Rapson

Through: Ted L. Burgess *LB*

From: Sherry White *SW*

Date: September 22, 2022

**Subject: Contract #2018-P: Public Works Engineer of Record  
 Task Order 7: Veterans Pkwy and Eastin Rd Intersection Improvements**

Pond & Company is the current Public Works Engineer of Record. Veterans Parkway and Eastin Road have been listed in the SPLOST projects as an intersection for improvements. Under this task order, Pond will conduct the following six (6) task as specified in the attached quote (Attachment 1).

- Task 1 Traffic Analysis
- Task 2 Base Data Coordination
- Task 3 Preliminary Design
- Task 4 Right of Way
- Task 5 90% and Final Design
- Task 6 Contingent Services

Public Works propose to move \$128,000.00 from the 2004 SPLOST Antioch and Goza I-13 project to assist with funding the improvements needed. Work on the Antioch / Goza intersection has been completed, so the funds are available to transfer.

Specifics of the proposed Task Order are as follows:

<b>Contract Name</b>	#2018-P: Public Works Engineer of Record
<b>Task Order</b>	#7: Veterans Pkwy and Eastin Rd Intersection Improvements
<b>Contractor</b>	Pond & Company
<b>Task Order Amount</b>	\$227,063.00

**Budget:**

Fund	321	2004 SPLOST	321	2004 SPLOST
Org Code	32140220	Road SPLOST	32140220	Road SPLOST
Object	541210	Other Improvements	541210	Other Improvements
Project	R-5I	Veterans Pkwy/Eastin Rd	I-13	Veterans Pkwy/Eastin Rd
Current Bal.	118,944.50		221,290.71	
Transfer	<u>128,000.00</u>		<u>(128,000.00)</u>	
Net Balance	246,944.50		93,290.71	





3500 Parkway Lane, Suite 500  
Peachtree Corners, Georgia 30092

T: 678.336.7740 | F: 678.336.7744  
www.pondco.com

August 19, 2022

Opportunity No. 2022140668

Mr. Phil Mallon, PE  
County Engineer  
Fayette County Public Works  
140 Stonewall Avenue – West  
Fayetteville, Georgia 30214  
Phone: 770.320.6009  
pmallon@fayettecountyga.gov

Re: ***Veterans Parkway and Eastin Road Intersection Improvements  
County PN R-5  
Task Order 07  
Fayette County, Georgia***

Pond & Company (Pond) is pleased to submit this proposal for transportation engineering services for the above project. The paragraphs below describe the professional services and fees to accomplish this work.

#### **PROJECT UNDERSTANDING:**

As part of the Fayette County Engineer of Record contract, the Veterans Parkway and Eastin Road Intersection Improvements project will consist of traffic analysis and preliminary through final design of a roundabout alternative. This intersection is currently a two-way stop and is being converted into an interim four-way stop configuration.

#### **PROFESSIONAL SERVICES:**

The work in this proposal will consist of traffic analysis and developing a concept layout, if requested. Pond, along with our subconsultants (if applicable), will provide the design services necessary in completing the tasks as described herein for Fayette County.

#### ***Scope of Work***

##### **Task 1: Traffic Analysis**

*Task 1A.* Traffic Data Collection – All traffic data collection for this intersection will be performed under a separate task order and used for the traffic analysis.

*Task 1B.* Traffic Analysis – Pond will analyze the traffic at the intersection of Veterans Parkway at Eastin Road. To properly account for the impacts of COVID-19 pandemic, adjustment factors will be developed based on historical count data and applied to the collected traffic volume data so it may be used in analysis.

A review of crash history will be completed utilizing GDOT's GEARS and Numetric databases. Capacity analysis will be performed for the intersection using Synchro Software. This analysis will be performed for the AM and PM peak hours of the existing year, opening year, and design year. Analysis of the opening and design years will include a build and no-build condition. The 4-way stop and roundabout alternatives will be analyzed to determine the best alternative for acceptable operations.



*Task 1C. Traffic Engineering Technical Memorandum*– Pond will document the analysis results and recommendations in a memo.

- Pond will submit the memo to Fayette County for comment/approval. This task includes one meeting with the county to discuss the plans. We will respond to (1) round of comments and incorporate appropriate comments into the memo.

#### **Deliverables for (Task 1)**

- Traffic Engineering Technical Memorandum

### **Task 2: Base Data Coordination**

*Task 2A. Survey* – Survey services will be performed by a sub-consultant, SEI, and provided to Pond. The limits identified in the RFP for the proposed roundabout will be surveyed. The limits include approximately 500' along the centerline of each leg of Veterans Parkway, as well as approximately 500' along each leg of Eastin Road. Topographic survey widths vary along each leg and accommodate the overall expected roundabout inscribed diameter. Property research and resolution, property owner notification, and project control will also be performed as part of this task.

*Task 2B. Environmental Services* – Pond environmental services team will perform a screening for known/readily observable natural resources (i.e., waters and protected species) and cultural resources (i.e. archaeological and historical). The screening will include a “drive-by” verification of desktop findings and a summary report of findings. At this time, Pond is not aware of any specific environmental constraints and does not anticipate the need for any specific environmental permitting.

#### **Deliverables (Task 2)**

- Environmental Screening Analysis Findings

### **Task 3: Preliminary Design**

*Task 3A. Preliminary Design Plans* – The Preliminary Plans deliverable will include roadway plans, cross sections, utility plans, signing and marking plans, and erosion control plans. Pond will prepare the construction plans, prepared based on the topographic survey database. The design plans will be prepared conforming to AASHTO, Manual on Uniform Traffic Control Devices (MUTCD), Fayette County, and Georgia Department of Transportation (GDOT) requirements and standards, as appropriate, using Microstation V8i software with InRoads or Bentley OpenRoads (ORD).

*Task 3B. Performance Check Evaluation* – Pond will evaluate various performance checks of the roundabout, including sight distance, truck turning movement templates (based on the design and/or accommodation vehicle), and fastest path analysis.

*Task 3C. Utility Plans and Coordination* – Pond will prepare utility plans and submit to all provided utility owners for markups. We will incorporate the markups into the utility adjustment plans.

*Task 3D. Cost Estimate* – Pond will prepare (1) detailed opinion of probable cost/cost estimate for the project. Utility cost estimates will be prepared by others.

*Task 3E. Fayette County Review* – Pond will submit the Preliminary Plans to Fayette County for comment/approval. This task includes (1) meeting with the county to discuss the plans. We will respond to (1) round of comments and incorporate appropriate comments into the plans (during Task 5).

**Deliverables for Task 3:**

- Preliminary Plans
- Cost Estimate

**Task 4: Right of Way**

*Task 4A: Right of Way Plans* – After Preliminary Plan approval, we will prepare Right of Way plans per GDOT design guidelines. The Right of Way plans will include all required permanent Right of Way takes and all construction easements.

*Task 4B. Fayette County Review* – Pond will submit the Right-of-Way Plans to Fayette County for comment/approval. This task includes (1) meeting with the county to discuss the plans. We will respond to (1) round of comments and incorporate into the plans.

**Deliverables for Task 4:**

- Right of Way Plans

**Task 5: 90% and Final Design**

*Task 5A. 90% Design Plans* – Based on all comments received from the Preliminary Plan submittal, we will further refine the plans. These plans will include compiling a list of all Preliminary Plan comments received and our responses, prior to incorporating into 90% Plans.

*Task 5B. Utility Plans and Coordination* – Pond will continue utility coordination efforts. Second utility submissions will be coordinated with facility owners and any proposed utility relocations will be designed by others and included in the plans.

*Task 5C. Cost Estimate* – Pond will prepare (1) detailed opinion of probable cost/cost estimate for the project. Utility cost estimates will be prepared by others.

*Task 5D. Fayette County Review* – Pond will submit the 90% Plans to Fayette County for comment/approval. This task includes (1) meeting with the county to discuss the plans. We will respond to (1) round of comments and incorporate appropriate comments into the Final Plans.

**Deliverables for Task 5:**

- 90% Plans
- Final Plans
- Cost Estimate

**Task 6: Contingent Services (As/If Requested by Fayette County)**

*Task 6A.* Right-of-Way Staking – All right-of-way and easement takes will be staked on each parcel.

*Task 6B.* Special Grading Plans – Pond will complete special grading plans to show the finished elevations of the roundabout.

*Task 6C.* Staging Plans – Pond will complete staging plans for the roundabout showing the detailed sequencing of construction for all stages of construction.

***Schedule***

Pond has estimated that the design tasks listed above can be completed within (12) months from approved notice to proceed with this phase and completion of survey. Please note that these time frames are dependent on review times.

Services or tasks not specifically outlined above are excluded and would be considered additional services. Services not included in the scope:

- |  |  |
|--|--|
| • Concept Design                         | • Public Involvement   |
| • Traffic Analysis – Beyond Task 1       | • Geotechnical Services  |
| • GDOT Plan Development Process (PDP)    | • Lighting Plans   |
| • GDOT Concept Report                    | • Subsurface Utility Engineering (SUE) Services  |
| • Additional Meetings                    | • Landscaping Plans (Fayette County Detail will be referenced)                           |
| • MS4 Analysis/Documentation             | • Post Design Services (i.e. Construction Engineering and Inspection, Bidding Assistance |
| • Environmental Services – Beyond Task 2 |  |
| • Bridge Design/Coordination             |  |
| • Specifications (Refer to GDOT Specs)   |  |

**PROFESSIONAL FEES:**

Pond proposes to accomplish *Task 1* through *Task 5* for a not to exceed total fee of \$199,408.

If requested by Fayette County, Pond proposes to accomplish the contingent services in *Task 6* for an additional fee. These fees are summarized in the attached Fee Estimate.

Total fee is inclusive of labor, expenses, and direct costs. See attached summary sheet for breakdown by task.

If this fee and scope is acceptable, Pond & Company is available to begin work immediately. If you have any questions or would like us to discuss/modify the scope, please contact myself or Zach Puckett, who will serve as the Project Manager. If you need any additional information, please feel free to contact me at (678) 336-7740.

Sincerely,

**POND & COMPANY**


Richard Fangmann, PE, PTOE  
Vice-President

Cc: Zach Puckett, PE



## Fayette County

### Veterans Parkway at Eastin Road Intersection Improvements Project Length 0.19 miles

#### SUMMARY BY PHASE

#### COST AMOUNT OF CONTRACT PROPOSAL

8/19/2022

	PHASE AMOUNTS
Phase 1 Traffic Analysis	\$ 5,910.00
Phase 2 Base Data Coordination	\$ 32,292.00
Phase 3 Preliminary Design	\$ 91,876.00
Phase 4 Right of Way	\$ 10,860.00
Phase 5 90% and Final Design	\$ 58,470.00
<b>TOTAL DESIGN COST FOR ALL PRIMARY PHASES</b>	<b>\$ 199,408.00</b>
Phase 6 Contingent Services	*Amount not relected above. To be decided by Fayette County \$ 27,655.00



**Purchasing Department**  
 140 Stonewall Avenue West, Ste 204  
 Fayetteville, GA 30214  
 Phone: 770-305-5420  
 www.fayettecountyga.gov

To: Steve Rapson

Through: Ted L. Burgess *TB*

From: Natasha M. Duggan *ND*

Date: August 17, 2022

**Subject: Contract #2150-S: FlowCam Monitoring Software**

The Water System monitors algae flow at South Fayette Water Treatment Plant. Flow Cam is the only algae flow imaging equipment paired with particle-characterizing software and fluorescence monitoring for cyanobacteria. Without this equipment, the lab would need a specialized analyst dedicated to manual algae identification which could take hours each day. This equipment automates the entire process in 15 minutes. The data provided by the software and fluorescence monitoring will allow the Water System to make informed decisions to protect public health.

Since this is the first contract with Fluid Imaging Technologies, Inc., no contractor evaluation is available. The Water System researched Fluid Imaging Technologies, Inc. and its product and the results were favorable.

Specifics of the proposed contract are as follows:

<b>Contract Name</b>	#2150-S: FlowCam Monitoring Software	
<b>Contractor</b>	Fluid Imaging Technologies, Inc.	
<b>Contract Amount</b>	\$97,574.50	
<b>Budget:</b>		
<b>Fund</b>	<b>507</b>	<b>Water CIP</b>
Org Code	507	Water CIP
Object	542540	
Project	23WSD	FlowCam Cyano
Available	\$97,700.00	As of 8/12/2022

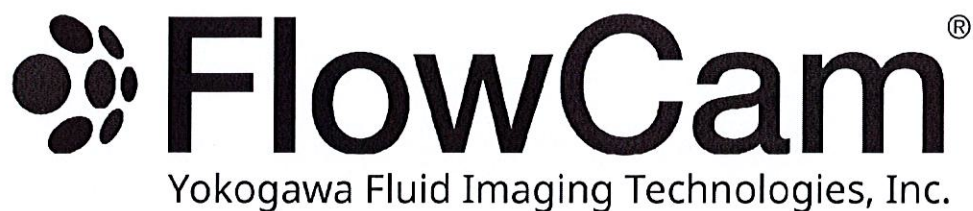
Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

Place on County Administrator's Report? ☒ Yes ☐ No

On Agenda Dated: 9/22/2022





## Vendor Contact Information

Prepared By	Becca Mimmovich	Company Address	200 Enterprise Drive
Title	Inside Sales Manager		Scarborough, ME 04074
Email	becca.mimmovich@fluidimaging.com		USA
		Phone	(207) 289-3200
		Fax	(207) 289-3101

## Quotation For:

Account Name	Fayette County Water System	Phone	(770) 320-6084
Contact Name	Emily Larrimore	Email	elarrimore@fayettecountyga.gov

## Address Information

Shipping Address	Fayette County Water System Emily Larrimore 3500 TDK Blvd Peachtree City GA 30269 United States	Billing Address	Fayette County Water System Fayette County Water System Billing 140 Stonewall Ave Fayetteville GA 30214 United States
------------------	---	-----------------	---

## Quote Information

Quotation for FlowCam Particle Analysis System	Created Date	1/13/2022
Quote Number 220113-9069	Expiration Date	8/1/2022

## Totals

Subtotal	\$97,574.50
Total	\$97,574.50

## Terms

- Shipping Terms: CPT
- Payment Terms: Net 30
- Price in U.S. Dollars
- Customs, Duties, and Taxes not included
- Authorization by Fluid Imaging Technologies Inc. is required prior to order submission if paying by Letter of Credit. Inquire with Sales representative for Letter of Credit requirements.
- Financing Available

**Shipment:** Estimated ship date is 60 days from order date.

**Send Purchase Orders to:** [Orders@FluidImaging.com](mailto:Orders@FluidImaging.com)

Please see detail of Quote Line Items below:

Quote Line Items					
Product	Quantity	Product Description	Line Item Description	Sales Price	Total Price
FlowCam Cyano - 633 nm, Color	1.00	Bench Top FlowCam 8400 for Dynamic Imaging Particle Analysis: Color camera, Auto Focus, Auto Image & Laser Trigger Mode, 633 nm laser for fluorescence triggering (Ch 1 700 +/- 10, Ch2 650 +/- 10).		\$90,200.00	\$90,200.00
8000 Aquatic Objective Kit: 4X, 10X	1.00	8000 Series: 4X Objective, FOV300 flow cell, 5 mL syringe pump, 300 µm nitex mesh; 10X Objective, FOV100 flow cell, 1 mL syringe pump, 100 µm nitex mesh. Includes pipette tips and Auto Focus beads.		\$4,250.00	\$4,250.00
Flow Cell - Field of View - 100um x 700um	1.00	8000 Series: 100um Field of View Machined Cuvette Flow Cell. Quantity of 1 cell.		\$2,490.00	\$2,490.00
FOV Cleaning Kit - Aquatic	1.00	Consumable: Includes Luer lock, 20 ml syringe, lens paper, 70 µm cell strainer, 0.22 µm filter, and Citrajel cleaning agent.		\$0.00	\$0.00
FlowCam 8000 Dust Cover	1.00	8000-Series: Dust cover for your FlowCam 8000, FlowCam Macro and FlowCam Cyano.		\$155.00	\$155.00
Discount - Trade In	1.00		Discount for trade in of SN 10158	(\$9,710.00)	(\$9,710.00)
Satellite License - ViSP 5.X	1.00	Software: Visual Spreadsheet Version 5 Series Satellite License for Remote Data Analysis for 1 - 3 external computers. Compatible with Windows 10 only.		\$5,300.00	\$5,300.00
Installation & Training (US/Canada) - FlowCam 8400, FlowCam Cyano, FlowCam Nano, FlowCam ALH, FlowCam LO	1.00	Installation & Training (US/Canada) for the FlowCam 8400, FlowCam Cyano, FlowCam Nano, ALH for FlowCam, FlowCam LO includes: - Two day onsite installation and training with a YFT technical expert - Access to FlowCam University for 1 year, allowing customers to access training anytime, anywhere with an internet connection (remote sessions not included) - Pricing includes installation and expenses		\$8,000.00	\$8,000.00
8000 Ship Kit North American, Advanced w/ 32in Monitor	1.00	FlowCam 8000 Series: Polyethylene Reusable Shipping Crate and Type B 8000 Accessory Kit, Includes the large 32" monitor. (Japan and North America)		\$1,925.00	\$1,925.00
Shipping & Handling FlowCam - Domestic (Ground)	1.00	Standard shipping and handling of a FlowCam to continental United States		\$100.00	\$100.00
Discount	1.00		5% discount	(\$5,135.50)	(\$5,135.50)
1 Year Warranty	1.00	Standard One Year Factory Warranty  Factory Warranty is for Repair at Factory, Shipping not Included All components and labor covered with the exception of all consumable items.		\$0.00	\$0.00

## Warranty

## Standard Limited Warranty

Fluid Imaging Technologies, Inc. ("Seller") warrants that the FlowCam® product ("Product") purchased by you ("Customer") shall be free from



material defects in workmanship and material for a period of one (1) year from the date of shipment by the Seller (the "Limited Warranty"); provided, however, that the Limited Warranty does not cover any consumables (flow cells, flow cell holders, or tubing) or third party manufactured/customer purchased items incorporated in the Product. For Service and Spare/Replacement parts, the Seller also warrants the services we perform and the spare and replacement parts we install, for a period of one (1) year from the date of performance of such services and the date of installation of the spare or replacement parts, respectively. Customer understands and agrees that the Limited Warranty shall only apply if Customer has used the Product in accordance with all specifications, documentation and other information provided to Customer by Seller.

Customer's sole and exclusive remedy and Seller's entire liability under the Limited Warranty shall be (i) at Seller's option, repair or replacement of the Product or any defective Product components (including any labor or other services related thereto), and (ii) all shipping costs related to the repair or replacement of the Product or any defective Product components for both on-site and off-site repairs and replacements.

Any Product or Product components returned to Seller must have prior approval and must reference a Return Material Authorization (RMA) number issued by Seller. In the event Seller determines that the entire Product must be returned to Seller for repair or replacement, such Product must be shipped in its original shipping container to assure adequate protection during transit. If the original shipping container is not available, a new shipping container may be purchased from Fluid Imaging Technologies, Inc. at an additional cost.

The foregoing Limited Warranty is in lieu of all other warranties, written or oral, express or implied, including, but not limited to, a warranty of merchantability, non-infringement, title or fitness for a particular purpose. In no event shall seller be liable for any direct, indirect, consequential, punitive, incidental or any other damages of any kind whatsoever, arising out of or relating to the product, any product components, any specifications, documentation or other information provided to customer in connection with the product, or the limited warrant set forth herein, even if seller has been advised of, or otherwise should have been aware of, the possibility of such damages, and regardless of the legal theory or basis for such claim.