

## 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

October 27, 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 Oddo

Acceptance of Agenda

### PROCLAMATION/RECOGNITION:

1. Proclamation encouraging citizens to participate in "Operation Green Light for Veterans" from November 7, 2022 to November 13, 2022 as a way to express our collective appreciation for the public service of all veterans. (pages 4-5)
2. Recognition of Leah Williamson and J.R. Ramos for their efforts and support of the Water Guardians volunteer program. (page 6)

### PUBLIC HEARING:

3. 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. This item was tabled at the September 22, 2022 Board meeting. (pages 7-47)
4. Consideration of Petition No. 1323-22, Johnnie K. Holland, Owner; Randy Boyd, Agent. Request to rezone 8.056 acres from A-R to R-45 to develop 4 single-family residential lots; property located in Land Lot(s) 254 of the 5th District. (pages 48-72)
5. Consideration of Petition No. 1324-22-A; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent request to rezone 5.615 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 25 & 26 of the 7th District. (pages 73-108)
6. Consideration of Petition No. 1324-22-B; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent request to rezone 5.615 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 26 of the 7th District. (pages 109-124)
7. Consideration of Petition No. 1324-22-C; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent request to rezone 1.993 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash,

interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 25 of the 7th District. (pages 125-140)

8. Consideration of Petition No.1324-22-D; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent request to rezone 1.948 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 25 of the 7th District. (pages 141-156)

9. Consideration of Petition No.1325-22, Eric K. Maxwell, Owner; Randy Boyd, Agent; request to rezone 8.49 acres from A-R to R-75 to develop three (3) single-family residential lots; property located in Land Lot(s) 2 of the 5th District.

(pages 157-179)

**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:**

10. Approval of a request from Fayette County Juvenile Court to accept a grant award from the Criminal Justice Coordinating Council in the amount of \$50,000 for the Delinquency Prevention Grant. (pages 180-201)
11. Approval for staff to acquire all fee simple right-of-way and easements for the proposed multi-use path and tunnel at the intersection of Redwine Road and Robinson Road (2017 SPLOST 17TAI). (pages 202-218)
12. Approval to add a pole mounted street light to the Princeton Chase subdivision in Fayette County's Street Light Program. (pages 219-223)
13. Approval of the Third Amendment to Reciprocal Lease Agreement for the tower located at Rising Star; 431 Porter Road. (pages 224-231)
14. Approval of the October 13, 2022 Board of Commissioners Meeting Minutes. (pages 232-235)

**OLD BUSINESS:**

**NEW BUSINESS:**

15. Consideration of the City of Fayetteville's annexation of three parcels totaling 8.291 acres and the rezoning of said property from C-H (Highway Commercial) and A-R (Agricultural-Residential) to C-3 (Highway Commercial) zoning; property located at 135 and 145 Walker Parkway and 1373 Highway 85 North (Parcel ID Numbers 0538 092, 0538 081, and 0538 026). (pages 236-264)
16. Request from the Griffin Judicial Circuit Chief Judge Fletcher Sams to apply, on behalf of the circuit, for year two of ARPA grant funds for the purpose of addressing backlogs of court cases and approval for Fayette County to pay an estimated upfront cost of \$343,382. (pages 265-285)
17. Request to approve the Recreation Commission's recommendation of the Parks and Recreation Multi-use Facility floor plan and architecture elevation style. (pages 286-290)
18. Request to approve an Intergovernmental Agreement (IGA) with Clayton County for repairs to the Helmer Road Bridge over Camp Creek and the allocation of \$77,000 from SPLOST 17TAC to SPLOST 23TAA (Infrastructure Preservation and Improvements). (pages 291-298)

In accordance with the Americans with Disabilities Act, accommodations are available for those who are hearing impaired. The Board of Commissioners Agenda and supporting material for each item is available on-line through the County's website at [www.fayettecountyga.gov](http://www.fayettecountyga.gov). This meeting will be telecast on Comcast Cable Channel 23 and on the internet at <https://vimeo.com/user133262656>.



**ADMINISTRATOR'S REPORTS:**

- A. Contract #1979-S: Stryker Maintenance Agreement; Change Order #2: Power Cots & Stair Chair Maintenance Agreements (pages 299-303)
- B. Contract #1981-Q: SR 279 Realignment – Engineering & Design; Task Order #2 Public Involvement Meeting (pages 304-310)
- C. Contract #2071-S: Siemens Automation Service Agreement; Change Order #1: Desigo CC Software Upgrade (Revised) (pages 311-314)

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# COUNTY AGENDA REQUEST

Page 4 of 330

Department: Commissioners

Presenter(s): Board of Commissioners

Meeting Date: Thursday, October 27, 2022

Type of Request: Proclamation/Recognition #1

## Wording for the Agenda:

Proclamation encouraging citizens to participate in "Operation Green Light for Veterans" from November 7, 2022 to November 13, 2022 as a way to express our collective appreciation for the public service of all veterans.

## Background/History/Details:

This coming Veterans Day, the National Association of Counties (NACo) and the National Association of County Veteran Service Officers (NACVSO) have invited county leaders to join in Operation Green Light for Veterans by lighting county buildings green until November 13, 2022.

Operation Green Light draws attention to the challenges veterans face, particularly as they leave active service and return to civilian life.

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

Proclamation encouraging citizens to participate in "Operation Green Light for Veterans" from November 7, 2022 to November 13, 2022 as a way to express our collective appreciation for the public service of all veterans.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years? No

If so, when?

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 Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

## FAYETTE COUNTY BOARD OF COMMISSIONERS

**Proclamation****SUPPORTING OPERATION GREEN LIGHT FOR VETERANS**

- Whereas,** the residents of Fayette County have great respect, admiration, and the utmost gratitude for all of the men and women who have selflessly served our country and this community in the Armed Forces; and
- Whereas,** the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and
- Whereas,** Fayette County seeks to honor these individuals who have paid the high price for freedom by placing themselves in harm's way for the good of all; and
- Whereas,** Veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and by functioning as County Veteran Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year; and
- Whereas,** approximately 200,000 service members transition to civilian communities annually and an estimated 20 percent increase of service members will transition to civilian life in the near future; and
- Whereas,** studies indicate that 44-72 percent of service members experience high levels of stress during transition from military to civilian life and Active Military Service Members transitioning from military service are at a high risk for suicide during their first year after military service; and
- Whereas,** the National Association of Counties encourages all counties, parishes and boroughs to recognize Operation Green Light for Veterans. Fayette County appreciates the sacrifices of our United States Military Personnel and believes specific recognition should be granted.

**NOW, THEREFORE,** be it resolved, with designation of a "Green Light for Veterans County", Fayette County herby declares from November 7, 2022 through November 13, 2022, a time to salute and honor the service and sacrifice of our men and women in uniform transitioning from Active Service.

**THEREFORE, BE IT FURTHER RESOLVED,** that in observation of Operation Green Light, Fayette County encourages its citizens in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying a green light in a window of their place of business and/or home.

So proclaimed this 27<sup>th</sup> day of October 2022

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Lee Hearn, Chairman  
Fayette County Board of Commissioners

# COUNTY AGENDA REQUEST

Page 6 of 330

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Recognition of Leah Williamson and J.R. Ramos for their efforts and support of the Water Guardians volunteer program.

## Background/History/Details:

Water Guardians is a local environmental outreach program through the Fayette County Water System, offering citizens an opportunity to assist with keeping our vital drinking water reservoirs clean of trash and debris. After a 2-year hiatus due to COVID, our volunteers returned with a level of passion and enthusiasm that made the 2022 season a success.

Leah Williamson has been an active Water Guardians volunteer since its inception in 2016. In 2019, Leah took leadership over the program from former Commissioner Steve Brown. Through her hard work and dedication, managing the volunteers, securing the supplies and food, and handling the logistics on-site, the Water Guardians volunteers have removed enormous amounts of trash from all of our county water reservoirs over the years. Water Guardians would not be what it is without Leah.

J.R. Ramos has also been active with Water Guardians since the beginning. He brings his large grilling and cooking trailer to every event and prepares chef-inspired meals for all the volunteers. In addition to his elaborate catering trailer, J.R. packs and unloads two serving tables, two food prep tables, a tent canopy, and boxes of cooking supplies. Remarkably, he does all this work every month at no charge. He simply wants to support and encourage the volunteers.

We thank them for their leadership and dedication towards protecting our valuable drinking water supply.

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

Recognition of Leah Williamson and J.R. Ramos for their efforts and support of the Water Guardians volunteer program.

## 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:

# COUNTY AGENDA REQUEST

Page 7 of 330

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. This item was tabled at the September 22, 2022 Board meeting.

## Background/History/Details:

Staff recommends DENIAL of the request to rezone to C-C because the request is inconsistent with the Comprehensive Plan. The subject property lies within an area designated for Limited Commercial One and the Starr's Mill Historic District Overlay District.

Staff recommends CONDITIONAL APPROVAL to L-C-2. Evaluation and conditions are detailed in the staff report.

At the 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.

The Board voted to table this item to further review presentation of additional information provided by the Agent pertaining to this item.

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

Conditional 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.

# COUNTY AGENDA REQUEST

Page 8 of 330

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.



# **Fayette County Planning Commission Meeting**

140 Stonewall Avenue West  
September 1, 2022  
7pm

**Applicant: LDO Fayette, LLC**

Petition No. 1322-22

A-R to C-C

LINE	BEARING	DISTANCE
L1	N 00°18'57" W	11.50'
L2	N 00°18'55" W	120.00'
L3	N 00°53'30" W	35.64'
L4	N 00°21'24" W	138.00'
L5	N 00°09'30" W	177.30'
L6	S 89°24'41" E	24.84'
L7	S 87°02'50" E	33.20'
L8	S 86°54'21" W	170.00'

THIS BLOCK IS RESERVED FOR THE CLERK OF THE SUPERIOR COURT

GEORGIA HIGHWAY 85 - R/W VARIES



**12.591 acres**  
INTERSECTION OF HWY 85 & 74  
AND PADGETT ROAD



SEE BASIS NOTE

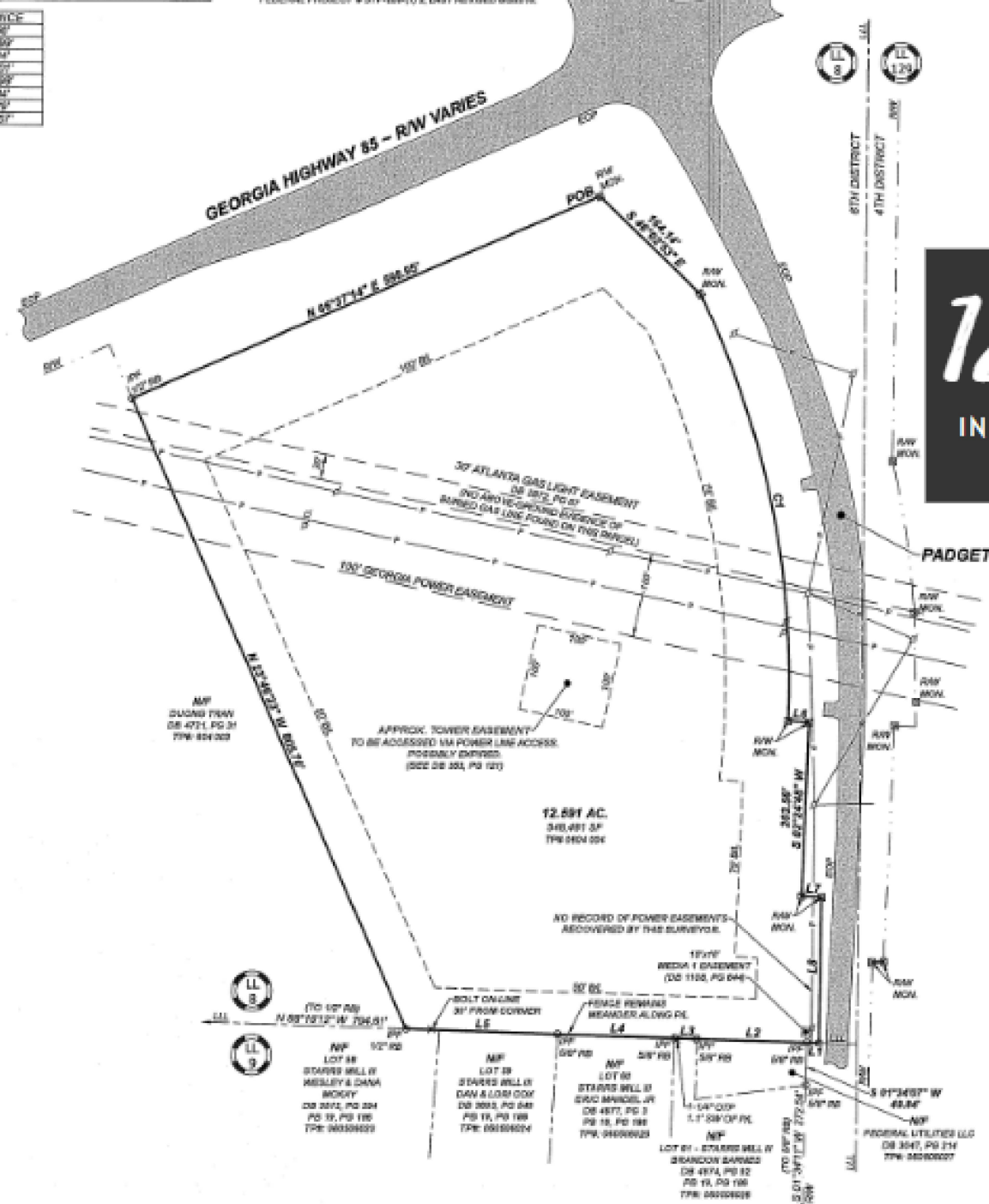


LEGEND	
PL	PROPERTY LINE
R/W	RIGHT OF WAY
PP	IRON PILE FOUND
FB	IRON BAR
OTF	OPEN TOP PILE
LL	LAND LOT LINE
NP	NEW OR FORMERLY
DB	DEED BOOK
PD	PLAT BOOK
POB	POINT OF BEGINNING
OP	OVERHEAD POWER LINE
CP	POWER POLE

**CLOSURE STATEMENT:**  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT 281.46 FEET.  
APPROXIMATELY 20% OF LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A TOPCON SITE 315 INSTRUMENT.  
APPROXIMATELY 70% OF LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING THE GAC 201 GPS SYSTEM IN STANDARD RTK MODE USING A 40-M EPOCH OBSERVATION MODE.  
CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING GAC 201 GPS SYSTEM IN STATIC AND STANDARD RTK MODES. DATA WAS PROCESSED BY AND CORRECTIONS DERIVED FROM NGS CPUAS POST-PROCESSING SOFTWARE.

**SURVEYORS CERTIFICATION:**  
THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SURVIVOR OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DECLARANTS, 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 ENGINEERING AND LAND SURVEYING AND AS SET FORTH IN O.G.S.A. SECTION 14-6-67.

REGISTERED LAND SURVEYOR  
337  
7/6/22  
DATE



- NOTES:**
1. THE BASIS FOR THE DIRECTIONS SHOWN HEREON IS GEODETIC NORTH, GA. WEST COORDINATE SYSTEM.
  2. REFERENCE: SURVEY FOR ROBERT C. SHELL, BY CHARLES A. JACKSON, R.L.S. No. 2091, DATED SEPTEMBER 26, 2013.
  3. 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. 13110C0101E, DATED 8/20/2008.
  4. 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 LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES OR STRUCTURES MAY EXIST. THE SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY AND COMPLETENESS OF THE LOCATIONS SHOWN HEREON.
  5. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, EASEMENTS, RESTRICTIVE COVENANTS, EASEMENTS, TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
  6. THE LAST DAY OF FIELD WORK WAS 7/6/22.
  7. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
  8. NO DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE PROPERTY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR INDIVIDUAL OWNERS.
  9. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, EASEMENTS, RESTRICTIVE COVENANTS, EASEMENTS, TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
  10. BUILDING SETBACK INFORMATION SHOWN HEREON IS FOR THE FANNETTE COUNTY ORDINANCE FOR A/R ZONING CLASSIFICATION.





## **General Information**

12.591 acres

Undeveloped

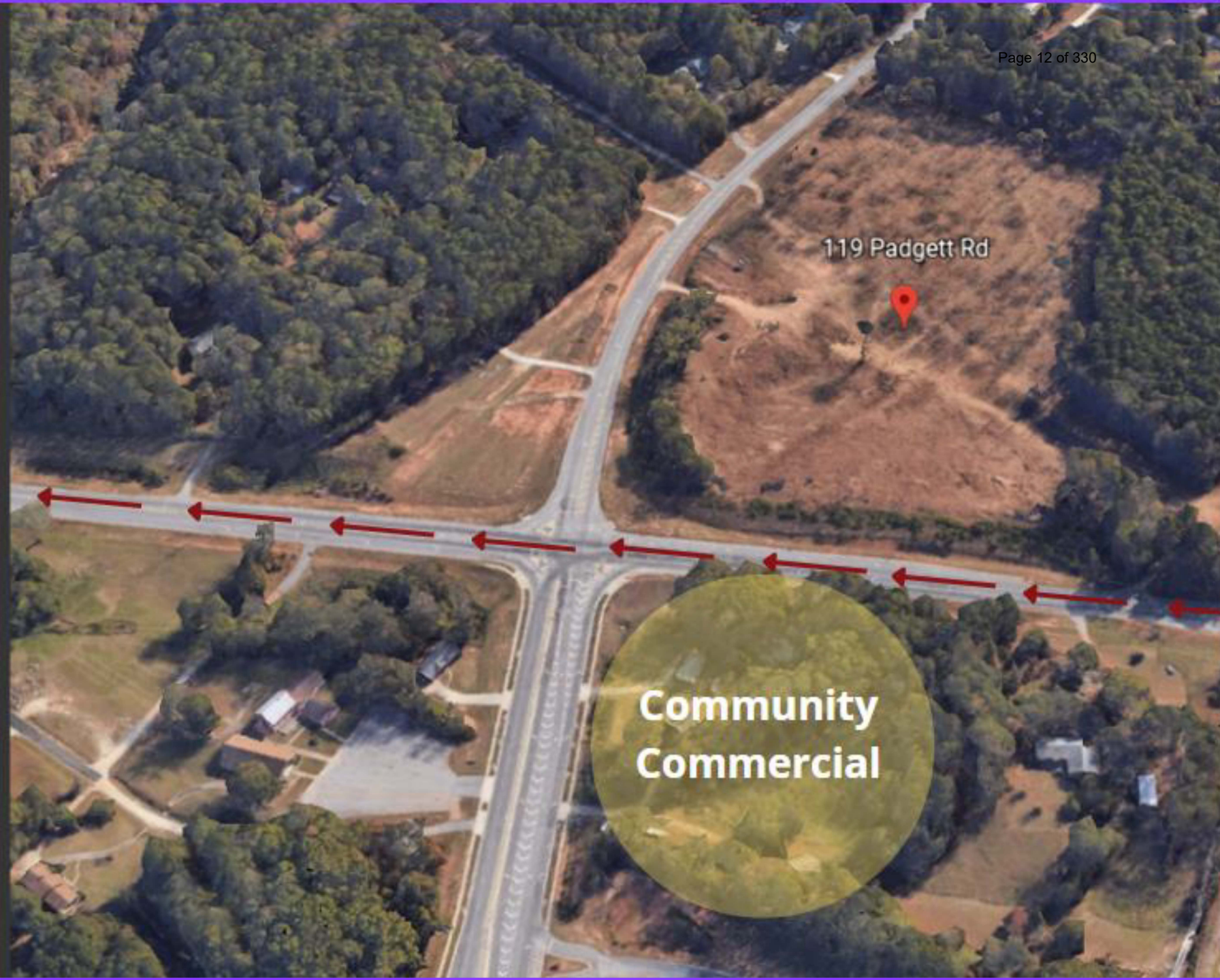
Currently Zoned A-R

Community Commercial. This district is composed of certain lands and structures providing for convenient community shopping facilities having a broad variety of sales and services.

Conditional Uses: Automobile service station, including, gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store.

The approval of the 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.

Located within the Starr's Mill  
Historic Overlay District







*Rendering by  
Jefferson Brown*



Starr's Mill Historic Overlay District



*Rendering by  
Jefferson Brown*



Starr's Mill Historic Overlay District





*Rendering by  
Jefferson Brown*



Starr's Mill Historic Overlay District

**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 Daniel Fields & Richard Ferry**PLANNING COMMISSION PUBLIC HEARING:** September 1, 2022**BOARD OF COMMISSIONERS PUBLIC HEARING:** September 22, 2022 (Tabled)  
October 27, 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 **DENIAL** of the request to rezone the parcel to C-C.

Staff recommends **CONDITIONAL APPROVAL** of the request to rezone but recommends that the parcel be rezoned to L-C-2, Limited Commercial 2.

**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.

## 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.

On the Fayette County Future Land Use Plan, the northern part of the parcel is designated for *L-C-1 (Limited Commercial One)* under the Starr's Mill Historic Overlay District; the southern part of the parcel is designated as Low Density Residential.

### 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:

Direction	Acreage	Zoning	Use	Comprehensive Plan
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, with gasoline sales.*

#### **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.

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) and C-H, (Highway Commercial District) which are not designated for this area.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.

**STAFF RECOMMENDATION**

Based on the Investigation and Staff Analysis:

**Staff recommends DENIAL of the request to rezone the parcel to C-C.**

**Staff recommends CONDITIONAL APPROVAL of the request to rezone but recommends that the parcel be rezoned to L-C-2, Limited Commercial 2.**

**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.

6. 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.
7. 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.
8. 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.
9. Only one curb cut will be allowed on Padgett Road; any additional existing curb cuts on Padgett Road shall be removed.
10. 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.

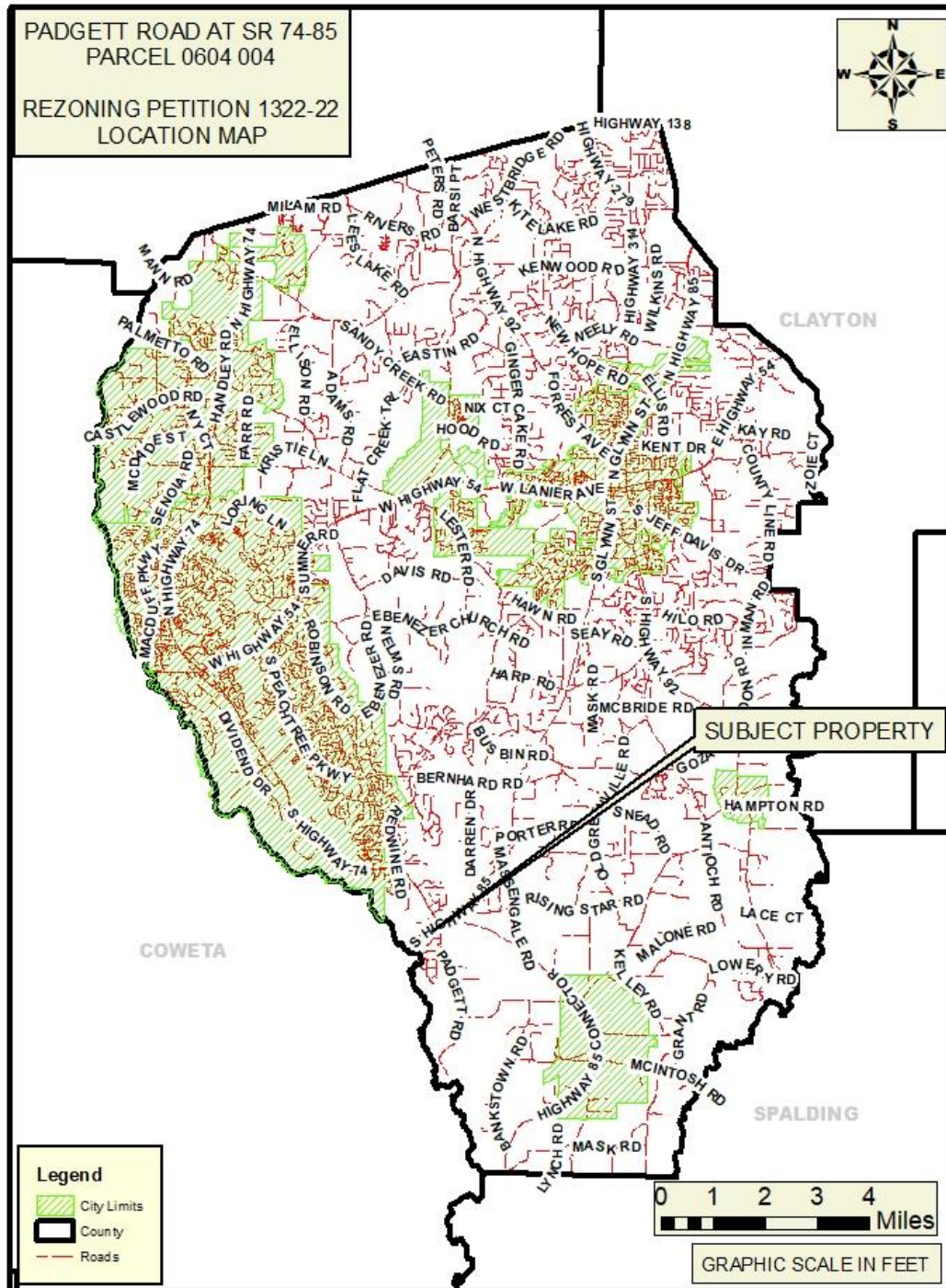
**ZONING DISTRICT STANDARDS****Sec. 110-145.5. L-C-2, limited-commercial (2) district.**

- (a) *Intent.* The intent of the L-C-2 zoning district is to establish small scale business areas which do not generate large amounts of traffic, noise or light. The L-C-2 zoning district includes small retail and convenience commercial establishments, personal services, and business and professional offices. The L-C-2 zoning district will control architectural character and scale. The adaptive use of existing structures is encouraged when possible. The L-C-2 zoning district will discourage the development of a strip commercial building.
- (b) *Permitted principal uses.* The following permitted principal uses shall be allowed in the L-C-2 zoning district:
  - (1) Antique shop, vintage store, thrift/second hand store, consignment store;
  - (2) Art and/or crafts studio;
  - (3) Bakery;
  - (4) Bank and/or financial institution such as a brokerage firm, credit union, financial planning, or mortgage brokerage (no pay day loan, check cashing or pawn establishments);
  - (5) Book store;
  - (6) Card, gift, and/or stationery shop;
  - (7) Cellular phone sales and service;
  - (8) Clothing and/or accessories such as belts and suspenders, boots and shoes, gloves, hats, jewelry, purses and handbags, ties, scarves, shawls, socks, and stockings, umbrellas, or watches;
  - (9) Copy and/or print shop;
  - (10) Educational/instructional/tutoring facilities, including, but not limited to: academic; art; computer; dance; driving and/or DUI; music; professional/business/trade; martial arts; and similar facilities;
  - (11) Florist shop;
  - (12) Hardware store;
  - (13) Home furnishings and accessories such as area rugs, decorative items, cutlery, dishware, glassware, lamps, pictures, pillows and tablecloths;
  - (14) Jewelry shop;
  - (15) Mail services store;
  - (16) Medical/dental office (human treatment);
  - (17) Office (business and/or professional);
  - (18) Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon; and
  - (19) Restaurant/restaurant takeout and catering.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the L-C-2 zoning district provided that all conditions specified in article V of this chapter are met:
  - (1) Convenience commercial establishment;
  - (2) Single-family residence and residential accessory structures and uses (see article III of this chapter); and
  - (3) Home occupation.
- (d) *Regulations.* The following regulations shall apply to the L-C-2 zoning district in addition to any other applicable regulations.
  - (1) These structures shall maintain a residential character. Elevation drawings denoting compliance with the following requirements shall be submitted as part of the site plan. Properties within an Overlay Zone

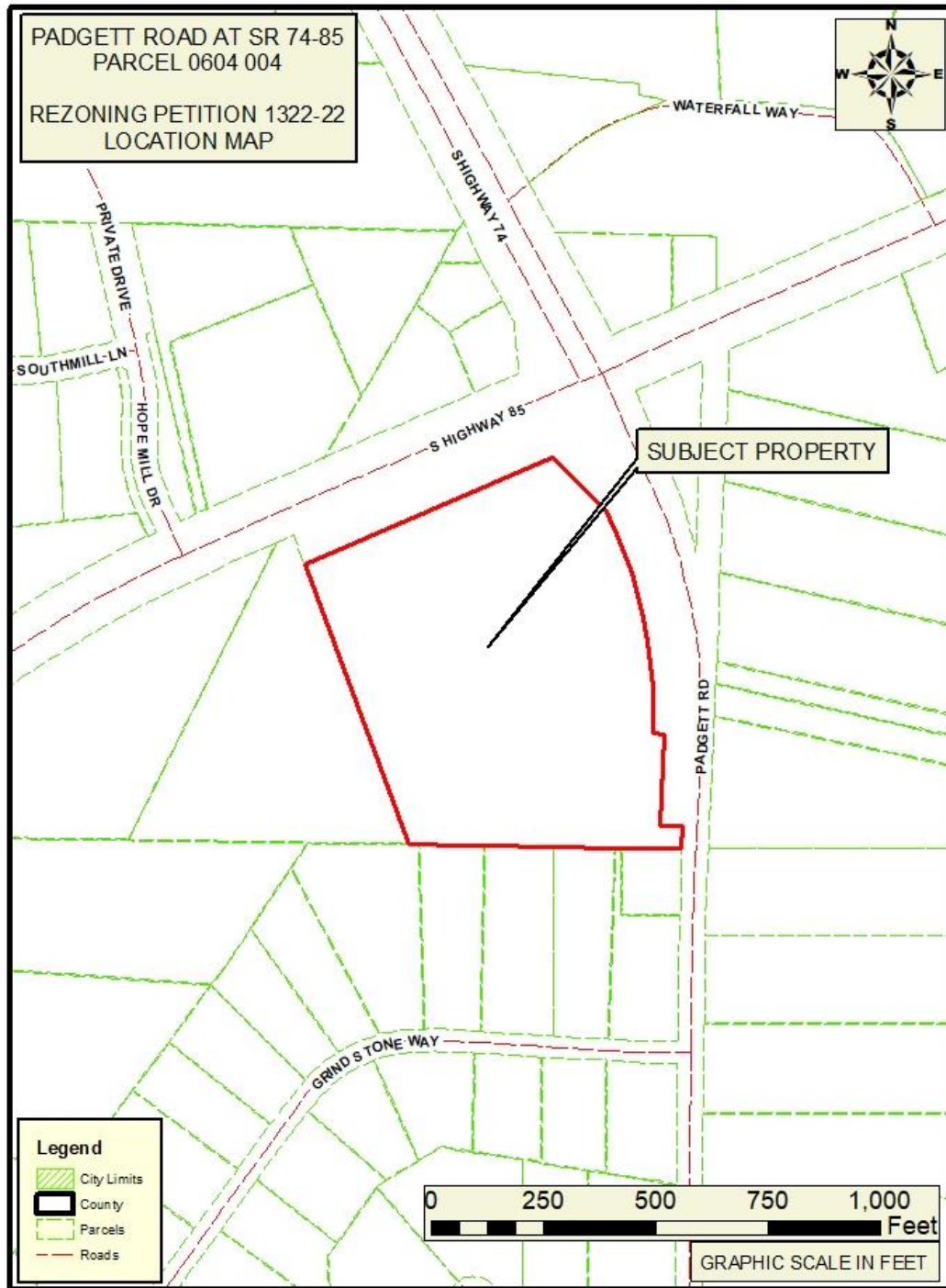
shall comply with the applicable Architectural Standards of the Overlay Zone in lieu of the architectural requirements below:

- a. A pitched peaked (gable or hip) roof with a minimum pitch of four and one-half inches in one foot and shall be of a type and construction complementary to the façade. A pitched mansard roof façade with a minimum pitch of four and one-half inches in one foot and a minimum height of eight feet around the entire perimeter of the structure can be used if the structure is two stories or more or the use of a pitched peaked roof would cause the structure to not meet the applicable height limit requirements. The mansard roof façade shall be of a residential character with the appearance of shingles, slate or terra cotta;
  - b. All buildings shall be constructed in a residential character of fiber-cement siding (e.g., Hardiplank), wood siding, wood-textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco);
  - c. Framed doors and windows of a residential character. To maintain a residential character, large display windows shall give the appearance of smaller individual panes and framing consistent with the standard residential grid pattern for doors and windows;
  - d. Accessory structures shall maintain the same architectural character of the principal structure, including the pitched peaked (gable or hip) roof with a minimum pitch of four and one-half inches in one foot, and shall be constructed of the same materials or materials which simulate same. An elevation drawing denoting compliance with this requirement shall be submitted as part of the site plan.
- (2) No outside storage will be permitted.
  - (3) The lot shall have direct access to an arterial street.
  - (4) No drive-through, drive-in, or drive-up facilities allowed.
- (e) *Dimensional requirements.* The minimum dimensional requirements in the L-C-2 zoning district shall be as follows:
- (1) Lot area:
    - a. Where public water is available: 43,560 square feet (one acre).
    - b. Where public water is not available: 65,340 square feet (one and one-half acres).
  - (2) Lot width: 125 feet.
  - (3) Front yard setback:
    - a. Major thoroughfare:
      1. Arterial: 75 feet.
      2. Collector: 60 feet.
    - b. Minor thoroughfare: 55 feet.
  - (4) Rear yard setback: 15 feet.
  - (5) Side yard setback: 15 feet.
  - (6) Height limit: 35 feet.
  - (7) Floor to area ratio (gross square footage of site times 0.1 equals square footage of structure): The total maximum square footage for all structures combined on the lot shall not exceed 10,000 square feet. However, to discourage the development of one linear building and to encourage the development of separate clustered buildings on the site, the square footage for the structures may be increased by 15 percent when more than one building is developed. The distance between structures shall be a minimum of 26 feet. In addition to the area required to facilitate vehicular access, each building wall bordering the space between structures shall have a five-foot landscaped area consisting of five shrubs, two feet tall at planting, per 25 linear feet of building wall.

- (8) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to such lot line shall be provided in addition to the required setback (the setback shall be measured from the buffer).
- (9) Lot coverage limit, including structure and parking area: 60 percent of the total lot area.



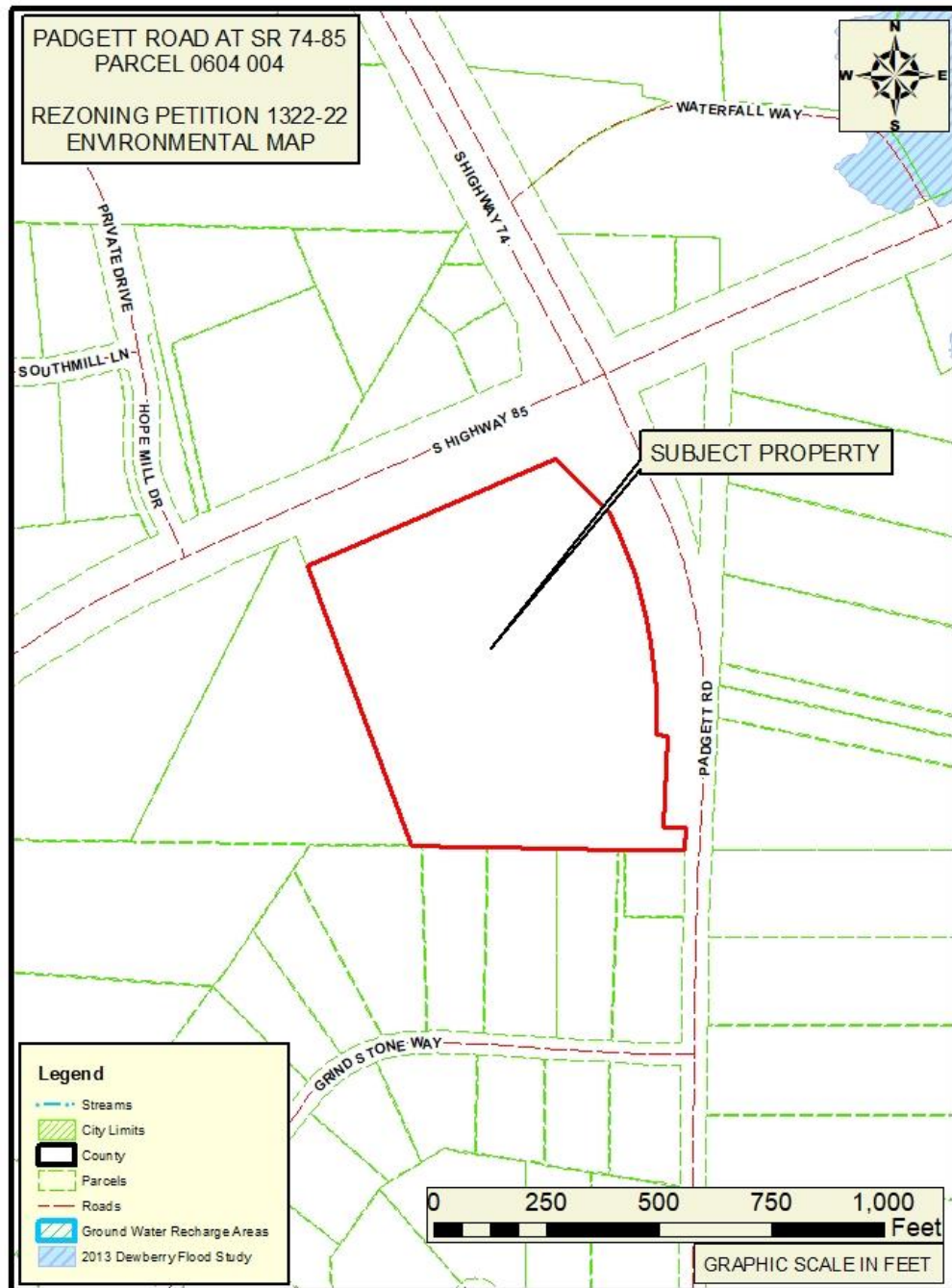














**BOARD MEMBERS**

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

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**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**

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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.***



119 pages of 6/30/27 R090  
Senoia 164  
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: [REDACTED]

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 (Lot & Description to J 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-C1

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: 0.004 004

(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

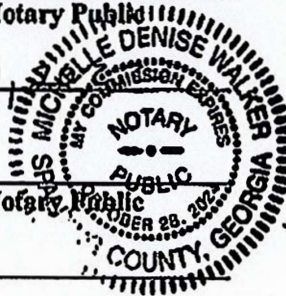
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



NAME: LDO Fayette, LLC PETITION 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)

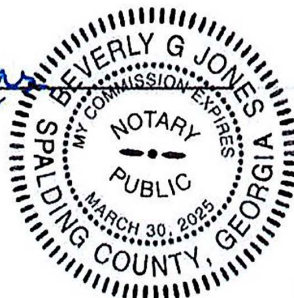
☐ See attached legal description on recorded deed for subject property or☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 15<sup>th</sup> day of September, 20 22 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, 20 22 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

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## 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  
97 19 97  
Charlotte E. Shipp 9953  
FAYETTE COUNTY  
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 taken as a loan or advance of money and shall not be subject to the provisions of the Official Code of Georgia Annotated relating to loans or advances of money.~~

(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 Special Line Account.

BOOK 671 PAGE 637

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 Special Line Account, or in the event of Grantor's failure to comply with the repayment terms of said Special Line 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 previously accrued at the Default Rate) shall thenceforth bear interest at the Default Rate until paid; (2) With or without such acceleration, to seize and take possession of said property for its protection and preservation and/or



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.

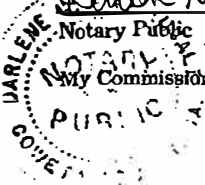
Wherever "Grantor" or "Grantee" or a pronoun relating to either appear herein, same shall be construed to mean both the singular and the plural, the masculine, feminine and neuter, and the natural person and the corporation, as the case may be, together with the heirs, executors, administrators, successors 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:

Harold E. Thompson  
Pauline M. Massengale



Notary Public, Coweta County, Georgia  
 My Commission Expires Feb. 22, 1993

Robert C. Spill (Seal)  
Jean B. Spill (Seal)

GEORGIA, FAYETTE COUNTY  
 FILED AND RECORDED THIS 9<sup>th</sup> DAY OF  
 Sept, 1991 AT 10:00 A.M.  
W. A. Ballard, CLERK





**VICINITY MAP**  
N.T.S.

**SUBMITTAL NO.:**

***SUBMITTAL DATE***

***SUBMITTAL TO COUNTY - AUGUST 2, 2022***

## DEVELOPER INFO.

<u>OWNER REPRESENTATIVE:</u>	PATRICE FRADY PH: 404-290-7924 EMAIL: PFRADY@BRENTHOLDINGS.NET
<u>PROJECT NAME :</u>	RETAIL DEVELOPMENT
<u>OWNER'S INFORMATION:</u>	BRENT HOLDINGS, LLC
<u>ADDRESS:</u>	270 NORTH JEFF DAVIS DRIVE FAYETTEVILLE, GEORGIA 30214

### ***PARKING RATIO***

	BUILDING SQ.FT.	REQ. SPACES	PROV. SPAC
CONVENIENCE STORE	4,000	14	15
RETAIL	2,000	7	10
RESTAURANT	2,000	20	20
TOTAL	8,000	41	45

**FEMA NOTE:**

ACCORDING TO FIRM PANEL: 13113C0134E  
DATED 9/26/2008, NO PORTION OF THE  
SITE LIES WITHIN A FLOOD HAZARD AREA

## PROJECT DATA

PROJECT NAME: RETAIL DEVELOPMENT

SITE ADDRESS/LOCATION: PADGETT ROAD AND STATE ROUTE 85  
FAYETTEVILLE, GA

DEVELOPER/OWNERS REPRESENTATIVE: PATRICE FRADY  
BRENT HOLDINGS, LLC  
270 NORTH JEFF DAVIS DRIVE  
FAYETTEVILLE, GEORGIA 30214  
404-290-7924  
PFRADY@BRENTHOLDINGS.NET

CURRENTLY ZONED:	A-R
PROPOSED USE OF LAND:	<u>COMMERCIAL</u>
TOTAL PROPERTY AREA:	12.582 ACRES
TRACT 1:	5.123 ACRES
TRACT 2:	7.459 ACRES

TOTAL DISTURBED SITE AREA: 1.455 ACRES  
PROPOSED IMPERVIOUS AREA = 0.85 ACRES  
PROPOSED GRASSED AREA = 0.605 ACRES

PARCEL NUMBER(S): 0604 004

STATE WATERS LOCATED: TRIBUTARY OF LINE CREEK

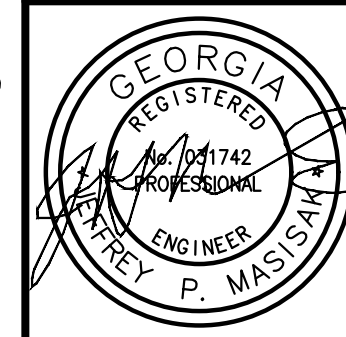
PROJECT NARRATIVE: THE PROJECT WILL BE TO DEVELOP THE TRACT OF LAND WITH A NEW GAS STATION AND RETAIL TENANTS WITH ONE NEW BUILDING FOR MULTIPLE TENANTS AND WILL INCLUDE ASPHALT PARKING LOTS, DUMPSTER LOCATIONS, INFRASTRUCTURE CONNECTIONS, LANDSCAPING AND OTHER SITE AMENITIES.

**SETBACKS:**

- SETBACKS:
- FRONT – 100' BUILDING SETBACK
- SIDE – 50' BUILDING SETBACK
- REAR – 75' BUILDING SETBACK
- 50' LANDSCAPE BUFFER PER OVERLAY DISTRICT ALONG ROADWAY FRONTS
- 75'-FT UNDISTURBED BUFFER IS REQUIRED ALONG PROPERTY LINES IN WHICH IT ABUTS RESIDENTIAL ZONED PROPERTY

PROPERTY IS LOCATED IN THE STATE HIGHWAY CORRIDOR OVERLAY DISTRICT  
THIS PROPERTY IS TO BE SERVED BY FAYETTE COUNTY FOR WATER AND SEW  
WILL BE ON PRIVATELY MAINTAINED SEPTIC SYSTEM

NO PORTION OF THE SITE LIES WITHIN THE LIMITS OF AN ESTABLISHED 100-YR FLOOD ZONE AS PER THE FIRM OF GEORGIA - FIRM MAP PANEL: 13113C0134E, DATED 9/26/2008.



**MASS ENGINEERING AND  
CONSULTANTS, LLC.**  
4459 ACWORTH DUE WEST RD, SUITE 565  
ACWORTH, GEORGIA 30101  
**PHONE: 404.850.7790**  
**WWW.MASS-ENG.COM**  
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ENGINEERING AND CONSULTANTS, LLC

## REVISIONS

[illegible]

## CONCEPT SITE PLAN

PROJECT NUMBER: 22-0064

**CSP**



# COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No. 1323-22, Johnnie K. Holland, Owner; Randy Boyd, Agent. Request to rezone 8.056 acres from A-R to R-45 to develop 4 single-family residential lots; property located in Land Lot(s) 254 of the 5th District.

## Background/History/Details:

The subject property is made up of an 8.056-acre tract. The tract fronts on S. Kite Lake Road and Kenwood Road in Land Lot 254 of the 5th District. S. Kite Lake Road is classified as a Collector and Kenwood Road is classified as a Minor Arterial on the Fayette County Thoroughfare Plan. The property has 1 single-family home on it and a smaller residential structure that is a guest house. The parcel is currently zoned A-R, Agriculture- Residential. The area is designated for Low-Density Residential (1 unit/ 1 acre) uses in the Land Use Plan, Fayette County Comprehensive Plan.

On October 6, 2022, the Planning Commission voted 5-0 in favor of rezoning.

Staff recommends CONDITIONAL APPROVAL of the request for a zoning of R-45 – Single-Family Residential because the request is consistent with the Fayette County Comprehensive Land Use Plan and with surrounding land uses. RECOMMENDED CONDITIONS

1. The applicant must apply for a variance for the size of the guest house on Lot 1, to allow a guest house that is 768 heated square feet to remain, prior to approval of the Final Plat of the proposed minor subdivision. If the requested variance is not approved, the guest house must be removed.

2. The applicant shall meet all Environmental Health Department requirements and verify that the proposed new property lines do not interfere with the existing drain field lines.

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

Approval of Petition No. 1323-22, Johnnie K. Holland, Owner; Randy Boyd, Agent. Request to rezone 8.056 acres from A-R to R-45 to develop 4 single-family residential lots; property located in Land Lot(s) 254 of the 5th District with two (2) conditions.

## 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:

**PETITION NO: 1323-22**

**REQUESTED ACTION:** A-R to R-45

**PROPOSED USE:** 4 Single-Family Residential Lots

**EXISTING USE:** 1 Single-Family Residential Lot

**LOCATION:** Intersection of Kenwood Road and S. Kite Lake Road

**DISTRICT/LAND LOT(S):** 5<sup>th</sup> District, Land Lot 254

**OWNERS:** Johnnie K. Holland

**AGENT:** Randy Boyd

**PLANNING COMMISSION PUBLIC HEARING:** October 6, 2022

**BOARD OF COMMISSIONERS PUBLIC HEARING:** October 27, 2022

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**APPLICANT'S INTENT**

Applicant proposes to rezone 8.056 acres from A-R to R-45 to develop 4 Single-Family Residential Lots.

**STAFF RECOMMENDATION**

As defined in the Fayette County Comprehensive Plan, the R-45 - Single-Family Residential District - is designated for this area. Based on the foregoing Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of R-45 – Single-Family Residential.

**RECOMMENDED CONDITIONS**

1. The applicant must apply for a variance for the size of the guest house on Lot 1, to allow a guest house that is 768 heated square feet to remain, prior to approval of the Final Plat of the proposed minor subdivision. If the requested variance is not approved, the guest house must be removed.
2. The applicant shall meet all Environmental Health Department requirements and verify that the proposed new property lines do not interfere with the existing drain field lines.

## **INVESTIGATION**

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

The subject property is made up of an 8.056-acre tract, a 1.0-acre tract. The tract fronts on S. Kite Lake Road and Kenwood Road in Land Lot 254 of the 5<sup>th</sup> District. S. Kite Lake Road is classified as a Collector and Kenwood Road is classified as a Minor Arterial on the Fayette County Thoroughfare Plan. The property has 1 single-family home on it and a smaller residential structure that is a guest house.

The parcel is currently zoned *A-R, Agriculture- Residential*.

The area is designated for *Low-Density Residential (1 unit/ 1 acre)* uses in the Land Use Plan, Fayette County Comprehensive Plan.

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

Near the subject property is land which is zoned R-40, R-50, R-70 and A-R. See the following table and the attached Zoning Map. The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	1.80 9.66	R-50 R-70	Single-Family Residential	Low-Density Residential (1 unit/1 acre)
South (across Kenwood)	15.1	A-R	Single-Family Residential (3 parcels)	Low-Density Residential (1 unit/1 acre)
East	3.75	R-40	Single-Family Residential (4 parcels)	Low-Density Residential (1 unit/1 acre)
West (across S. Kite Lake Rd)	1.72	R-40	Single-Family Residential	Rural Residential-2 (1 unit/2 acres)

### **C. COMPREHENSIVE PLAN**

The subject property lies within an area designated for Low-Density Residential uses. Per the Land Use element of the Fayette County Comprehensive Plan, the residential land use sub-category is described as:

***Low Density Residential:*** This category identifies areas of intended residential subdivision development in a minimum density of one dwelling unit per one acre. County water and paved roads are generally available. Low Density Residential land uses are located in the northern portion of the county and in areas adjacent to the cities of Fayetteville, Peachtree City and Tyrone.

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

#### **Access & Right-of Way**

The Concept Plan submitted indicates access from South Kite Lake Road and Kenwood Road. Right of Way donation is required to meet the standards of the Fayette County Thoroughfare Plan (Sec. 104-52) and is reflected on the concept plan.

**Site Plan** – The proposed site plan creates 4 single-family residential lots. A Minor Final Plat will be required.



**F. DEPARTMENTAL COMMENTS**

- ☐ **Water System** - FCWS has no objection to this rezoning. Water is available in a 10" DIP water main along northside of Kenwood Rd and in an 8" PVC water main along west side of S. Kite Lake Rd.
- ☐ **Public Works/Environmental Management**
  - **Transportation** – The appropriate right-of-way dedication is provided in the proposed site plan. Minor revisions to the property line layout are needed but will be addressed at Final Plat stage.
  - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0038E 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** within a groundwater recharge area.
- ☐ **Environmental Health Department** – Based on current records, the change in property lines should have no interference with the installed septic system. However, a permit for a repair to the system was issued in May of 2021. There is no record of an inspection for that permit. If a repair has been done, then the repairs are not approved by this office and this office can not guarantee that the new property lines do not interfere with the drain lines. Each lot must apply for an individual onsite sewage management system. In addition, these items must be submitted with the initial application for a new septic system: the applicable residential fee, a properly scaled Level 3 soil report that bears the original soil scientist's stamp and signature, a copy of the soil scientist's Certificate of Liability Insurance, a floor plan, a site plan sketch, and an approved plat of the property. Additional documents may be required and determined on a case by case basis. Furthermore, this office does not guarantee these lots will have suitable soils for the installation of an on-site sewage septic system. To determine the suitability, all required documents must be submitted and an on-site visit will be performed.
- ☐ **Fire** – The department has no comments on this rezoning.

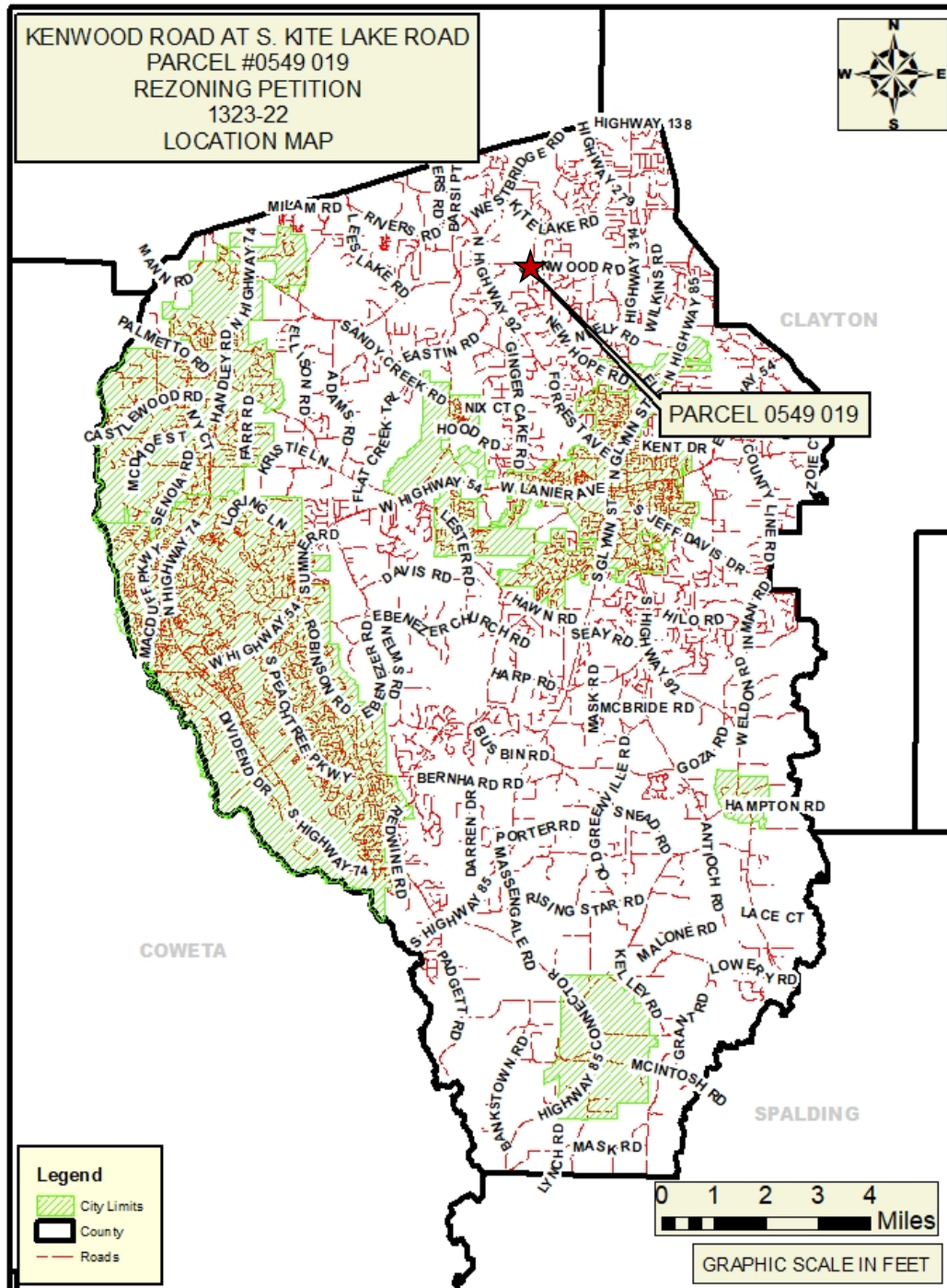
**STANDARDS****Sec. 110-300. - Standards for map amendment (rezoning) evaluation.**

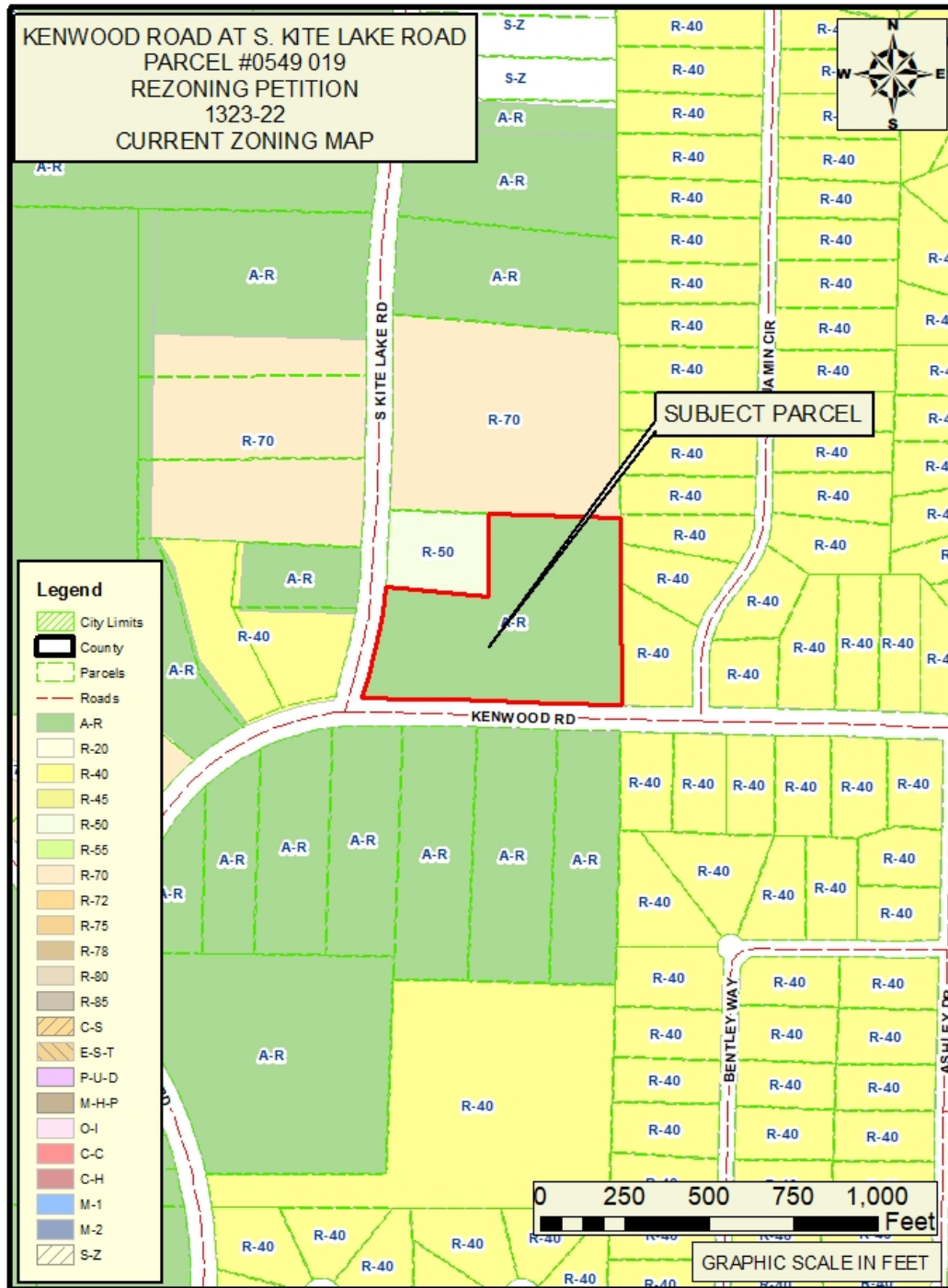
All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board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

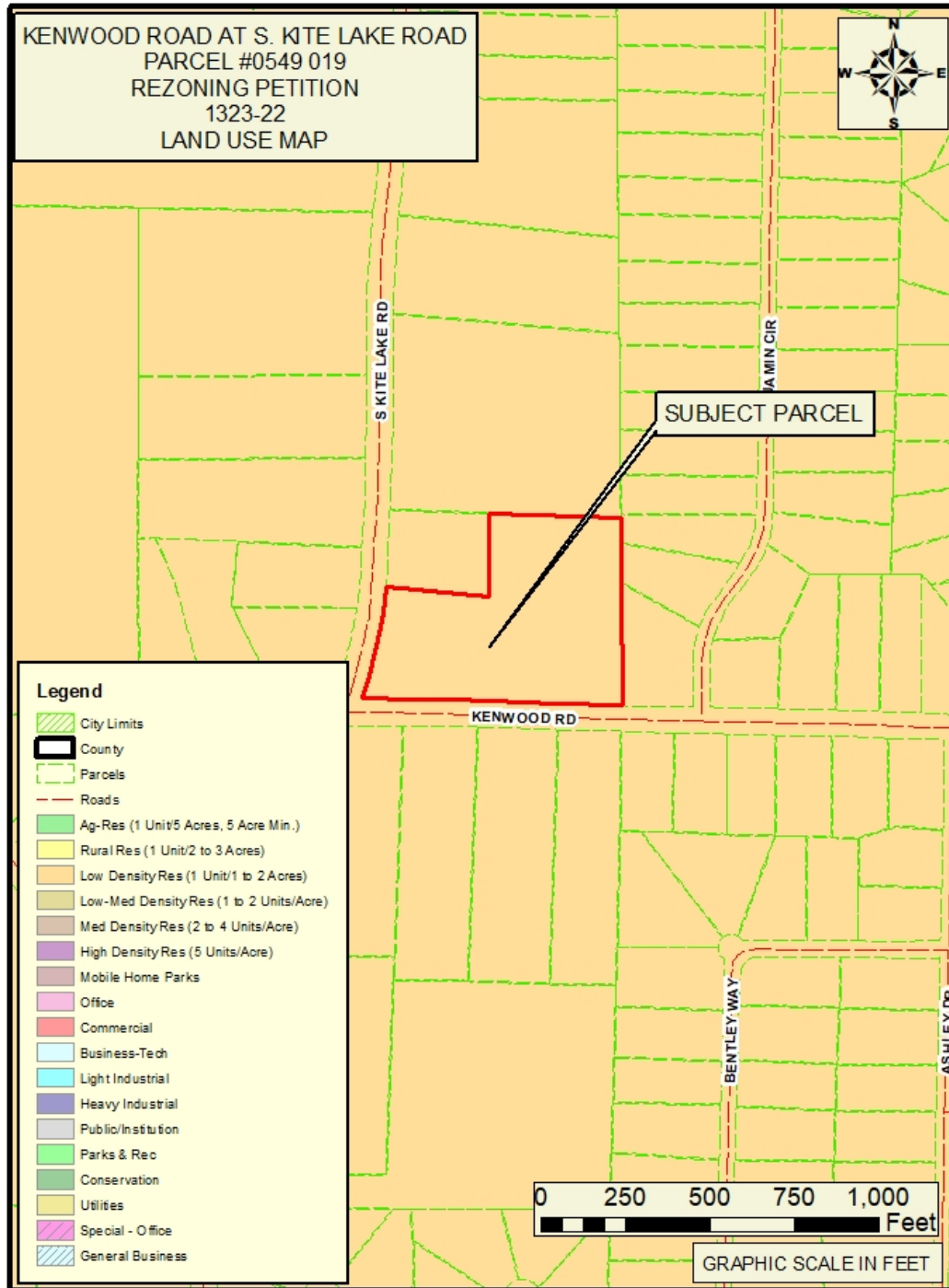
- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause 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**

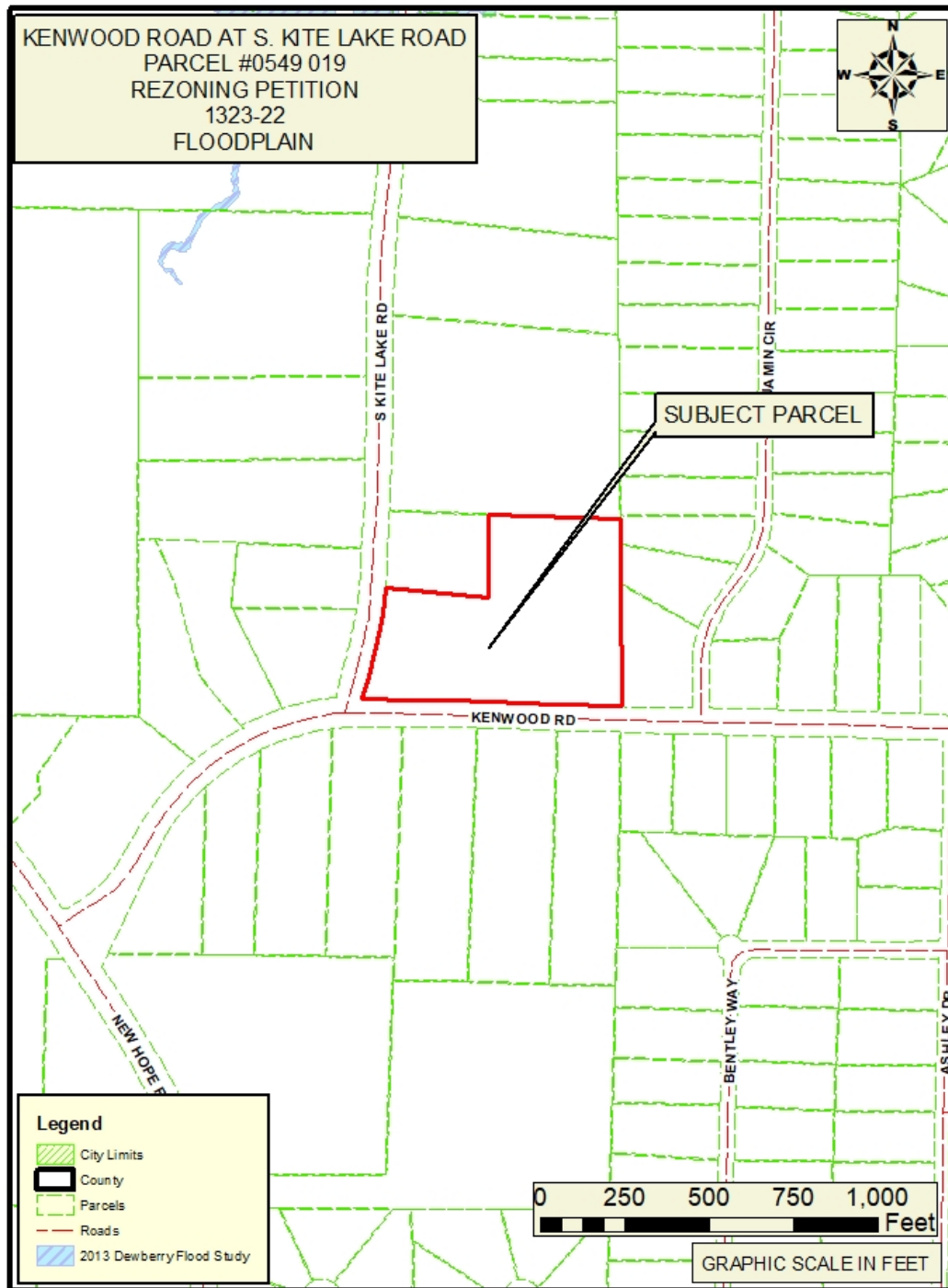
1. The subject property lies within an area designated for Low Density Residential uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use and proposed lot size.
2. The area around the subject property is an area that already has various single-family zoning and uses. It is staff's opinion that the zoning proposal would not adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities or schools.
4. The proposal is consistent in character and use with the surrounding uses as single-family residential on 1-acre or greater tracts. Staff is not aware of other changes that would have an adverse impact on this type of development in the general area.



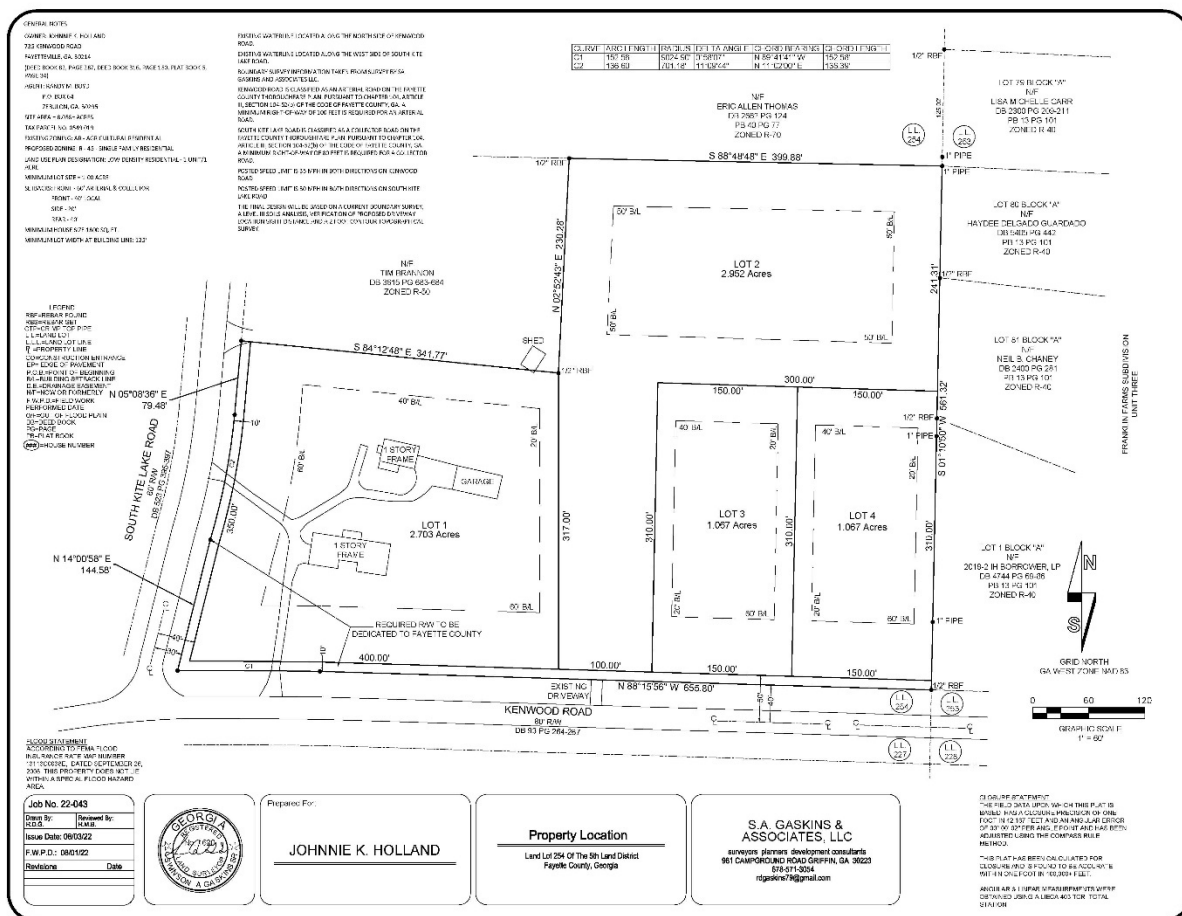












**BOARD MEMBERS**

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

**STAFF**

Deborah L. Bell, Planning and Zoning Director  
Deborah Sims, Zoning Administrator  
Chelsie Boynton, Planning and Zoning Coordinator  
E. Allison Ivey Cox, County Attorney

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**AGENDA**  
**FAYETTE COUNTY PLANNING COMMISSION MEETING**  
**140 STONEWALL AVENUE WEST**  
**October 6, 2022**  
**7:00 pm**

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

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1. Consideration of the Minutes of the meeting held on September 1, 2022.

*John Culbreth Sr. made a motion to approve the minutes of the meeting held on September 1<sup>st</sup>, 2022.  
Danny England seconded the motion. The motion passed 5-0.*

2. Consideration of 2023 Planning Commission meeting dates.

*Brian Haren made a motion to approve the 2023 Planning Commission meeting dates.  
John Culbreth Sr. seconded the motion. The motion passed 5-0.*

**NEW BUSINESS**

3. Consideration of a Minor Revision to a Major Final Plat of Kenwood Business Park,  
Phase Five (Lots 114 – 118).

*Jim Oliver made a motion to approve the Minor Revision to a Major Final Plat of  
Kenwood Business Park, Phase Five (Lots 114-118). Brian Haren seconded the  
motion. The motion passed 5-0.*

4. Consideration of a Minor Final Plat for Williams Farm.

*Brian Haren made a motion to approve the Minor Final Plat for Williams Farm. Jim  
Oliver seconded the motion. The motion passed 5-0.*



## **PUBLIC HEARING**

5. Consideration of Petition No. 1323-22 Johnnie K. Holland, Owner, and Randy M. Boyd, Agent, request to rezone 8.056 acres from A-R to R-45 to create four (4) residential lots. This property is located in Land Lot 254 of the 5<sup>th</sup> District and fronts on Kenwood Road and South Kite Lake Road.

***Brian Haren made a motion to recommend approval of Petition No. 1323-22, request to rezone 8.056 acres from A-R to R-45 to create four (4) residential lots with conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

6. Consideration of Petition No. 1324-22A Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 5.615 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 26 of the 7<sup>th</sup> District and fronts on S.R. 54 and Tyrone Road.

***Jim Oliver made a motion to recommend approval of Petition No. 1324-22A, request to rezone 5.615 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with amended conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

7. Consideration of Petition No. 1324-22B Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 0.331 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 26 of the 7<sup>th</sup> District and fronts on Tyrone Road.

***Jim Oliver made a motion to recommend approval of Petition No. 1324-22B, request to rezone 0.331 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

8. Consideration of Petition No. 1324-22C Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 1.993 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 25 of the 7<sup>th</sup> District and fronts on Tyrone Road.

***John Culbreth Sr. made a motion to recommend approval of Petition No. 1324-22C, request to rezone 1.993 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with conditions. Danny England seconded the motion. The motion passed 5-0.***

9. Consideration of Petition No. 1324-22D Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 1.948 acres from C-C to C-H to build a

convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 25 of the 7<sup>th</sup> District and fronts on Tyrone Road.

***John Culbreth Sr. made a motion to recommend approval of Petition No. 1324-22D, request to rezone 1.948 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with conditions. Danny England seconded the motion. The motion passed 5-0.***

10. Consideration of Petition No. 1325-22, Eric K. Maxwell, Owner, and Randy M. Boyd, Agent, request to rezone 8.49 acres from A-R to R-75 to create three (3) residential lots. This property is located in Land Lot 2 of the 5<sup>th</sup> District and fronts on Redwine Road.

***Jim Oliver made a motion to recommend approval of Petition No. 1325-22, request to rezone 8.49 acres from A-R to R-75 to create three (3) residential lots without conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

11. Consideration of Petition No. 1326-22, Amina, Omar, Saed and Hassan Zakaria, Owner, and Taylor English Duma LLP (Steven L. Jones), Agent, request to rezone 13.035 acres from O-I to C-H to create Truck Parking Facility. This property is located in Land Lot 233 of the 5<sup>th</sup> District and fronts on Highway 85 North. **(This petition cannot be heard due to issues with the survey and legal description. Rescheduled for November 3, 2022)**

**PLANNING COMMISSION RECOMMENDATION**

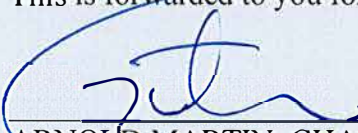
**DATE:** October 6, 2022

**TO:** Fayette County Commissioners

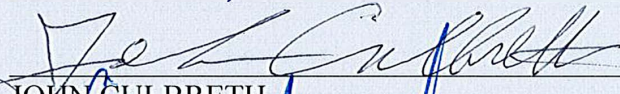
The Fayette County Planning Commission recommends that Petition No. 1323-22, the application of Johnnie K. Holland to rezone 8.056 acres from A-R to R-45, be:

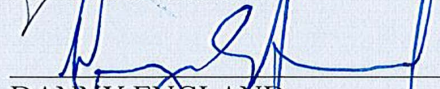
☒ Approved      ☐ Withdrawn      ☐ Denied  
☐ Tabled until \_\_\_\_\_  
☐ Approved with Conditions \_\_\_\_\_

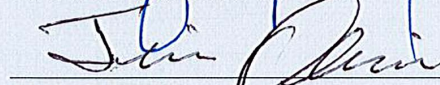
This is forwarded to you for final action.

  
 ARNOLD MARTIN, CHAIRMAN

  
 BRIAN HAKEN, VICE-CHAIRMAN

  
 JOHN CULBRETH

  
 DANNY ENGLAND

  
 JIM OLIVER

**Remarks:**

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

**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**RESOLUTION**

**NO. 1323-22**

**WHEREAS**, Johnnie K. Holland, Owner, and Randy M. Boyd, Agent, having come before the Fayette County Planning Commission on October 6, 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 8.056 acres from A-R to R-45, in the area of Kenwood Road and South Kite Lake Road, Land Lot 254 of the 5th District, for the purpose of developing a R-45; 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 **APPROVED**.


This decision is based on the following reasons:

In compliance with the Fayette County Comprehensive Plan.  
Compatible with the surrounding area.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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

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



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

PROPERTY OWNERS: JOHNNIE K. HOLLAND

MAILING ADDRESS: 735 KENWOOD ROAD, FAYETTEVILLE, GA. 30214

PHONE: 404 275-1677 E-MAIL: boyd2227@gmail.com

AGENT FOR OWNERS: RANDY M. BOYD

MAILING ADDRESS: P.O. Box 64, ZEBULON, GA. 30295

PHONE: 404-275-1677 E-MAIL: boyd2227@gmail.com

PROPERTY LOCATION: LAND LOT 254 LAND DISTRICT 5th PARCEL 0519-019  
LAND LOT \_\_\_\_\_ LAND DISTRICT \_\_\_\_\_ PARCEL \_\_\_\_\_

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 8.056 ACRES

EXISTING ZONING DISTRICT: AR PROPOSED ZONING DISTRICT: R-45

ZONING OF SURROUNDING PROPERTIES: R-50 & R-70 (North) R-40 (East)

PRESENT USE OF SUBJECT PROPERTY: AR (South)  
RESIDENTIAL LOT

PROPOSED USE OF SUBJECT PROPERTY: A RESIDENTIAL LOTS

LAND USE PLAN DESIGNATION: LOW DENSITY RESIDENTIAL - (1 UNIT/1 ACRE)

NAME AND TYPE OF ACCESS ROAD: KENWOOD ROAD & SOUTH KITE LAKE ROAD

LOCATION OF NEAREST WATER LINE: ALONG THE NORTH SIDE OF KENWOOD ROAD &  
ALONG THE WEST SIDE OF S. KITE LAKE ROAD

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1323-22

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

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

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: Don A. / G. Date: AUG. 30, 2022

DATE OF PLANNING COMMISSION HEARING: OCT. 6, 2022

DATE OF COUNTY COMMISSIONERS HEARING: OCT. 27, 2022

Received from MRS. JOHNNIE K. HOLLAND 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. 29, 2022 Receipt Number: \_\_\_\_\_

TOTAL PAID (CHECK # 8226) \$ 390.00

**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:

JOHNNIE K. HOLLAND

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0549 019

(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) 254 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 8.056 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) ~~(We)~~ hereby delegate authority to RANDY M. BOYD 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.

Johnnie K. Holland  
 Signature of Property Owner 1

735 KENWOOD RD.  
 Address FAYETTEVILLE, GA. 30214

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Randy M. Boyd  
 Signature of Authorized Agent

P.O. Box 6A  
 Address ZEBULON, GA. 30295

Sandra K. Exline  
 Signature of Notary Public

8/26/2022  
 Date

Signature of Notary Public

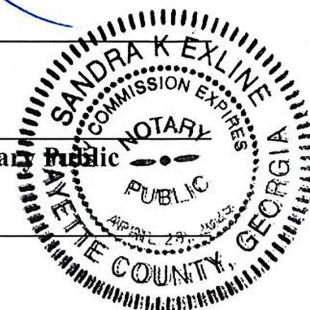
Date

Signature of Notary Public

Date

Maria Lawrence  
 Signature of Notary Public

8-25-2022  
 Date



NAME: JOHNNIE K. HOWARD PETITION NUMBER: Page 66 of 330

ADDRESS: 735 KENWOOD ROAD - FAYETTEVILLE, GA. 30214

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

JOHNNIE K. HOWARD affirms that ~~She~~ He is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) AR Zoning District. ~~He/She~~ He respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 390<sup>00</sup> to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-45.

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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 26<sup>th</sup> DAY OF AUGUST, 2022

Sandra K. Exline  
NOTARY PUBLIC

Johnnie K. Howard  
APPLICANT'S SIGNATURE





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

I/we, JOHNNIE K. HOWARD, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, 50 feet of right-of-way along THE NORTH SIDE OF KENWOOD ROAD 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 26<sup>th</sup> day of AUGUST, 20 22.

Johnnie K. Howard  
SIGNATURE OF PROPERTY OWNER

~~SIGNATURE OF PROPERTY OWNER~~

Sandra K. Exline  
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 26<sup>th</sup> day of AUGUST, 2022.

  
 APPLICANT'S SIGNATURE

**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

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**DISCLOSURE STATEMENT****Please check one:****Campaign contributions -****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.



GENERAL NOTES

OWNER: JOHNNIE K. HOLLAND

735 KENWOOD ROAD

FAYETTEVILLE, GA. 30214

(DEED BOOK 82, PAGE 287, DEED BOOK 316, PAGE 150, PLAT BOOK 5, PAGE 34)

AGENT: RANDY M. BOYD

P.O. BOX 64

ZEBULON, GA. 30295

SITE AREA = 8.056± ACRES

TAX PARCEL NO. 0549 019

EXISTING ZONING: AR - AGRICULTURAL RESIDENTIAL

PROPOSED ZONING: R - 45 - SINGLE FAMILY RESIDENTIAL

LAND USE PLAN DESIGNATION: LOW DENSITY RESIDENTIAL - 1 UNIT/1 ACRE

MINIMUM LOT SIZE = 1.00 ACRE

SETBACKS: FRONT - 60' ARTERIAL & COLLECTOR

FRONT - 40' LOCAL

SIDE - 20'

REAR - 40'

MINIMUM HOUSE SIZE 1800 SQ. FT.

MINIMUM LOT WIDTH AT BUILDING LINE: 125'

EXISTING WATERLINE LOCATED ALONG THE NORTH SIDE OF KENWOOD ROAD.

EXISTING WATERLINE LOCATED ALONG THE WEST SIDE OF SOUTH KITE LAKE ROAD.

BOUNDARY SURVEY INFORMATION TAKEN FROM SURVEY BY SA GASKINS AND ASSOCIATES LLC.

KENWOOD ROAD IS CLASSIFIED AS AN ARTERIAL ROAD ON THE FAYETTE COUNTY THOROUGHFARE PLAN. PURSUANT TO CHAPTER 104, ARTICLE III, SECTION 104-52(b) OF THE CODE OF FAYETTE COUNTY, GA. A MINIMUM RIGHT-OF-WAY OF 100 FEET IS REQUIRED FOR AN ARTERIAL ROAD.

SOUTH KITE LAKE ROAD IS CLASSIFIED AS A COLLECTOR ROAD ON THE FAYETTE COUNTY THOROUGHFARE PLAN. PURSUANT TO CHAPTER 104, ARTICLE III, SECTION 104-52(b) OF THE CODE OF FAYETTE COUNTY, GA. A MINIMUM RIGHT-OF-WAY OF 80 FEET IS REQUIRED FOR A COLLECTOR ROAD.

POSTED SPEED LIMIT IS 35 MPH IN BOTH DIRECTIONS ON KENWOOD ROAD

POSTED SPEED LIMIT IS 30 MPH IN BOTH DIRECTIONS ON SOUTH KITE LAKE ROAD

THE FINAL DESIGN WILL BE BASED ON A CURRENT BOUNDARY SURVEY, A LEVEL III SOILS ANALYSIS, VERIFICATION OF PROPOSED DRIVEWAY LOCATION SIGHT DISTANCE AND A 2 FOOT CONTOUR TOPOGRAPHICAL SURVEY.

LEGEND

RBF=REBAR FOUND

RBS=REBAR SET

CTP=CRIMP TOP PIPE

L.L.=LAND LOT

L.L.L.=LAND LOT LINE

R<sub>p</sub>=PROPERTY LINE

CO=CONSTRUCTION ENTRANCE

EP= EDGE OF PAVEMENT

P.O.B.=POINT OF BEGINNING

B/L=BUILDING SETBACK LINE

D.E.=DRAINAGE EASEMENT

N/F=NOW OR FORMERLY

F.W.P.D.=FIELD WORK

PERFORMED DATE

O/F=OUT OF FLOOD PLAIN

DB=DEED BOOK

PG=PAGE

PB=PLAT BOOK

###=HOUSE NUMBER

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FLOOD STATEMENT  
ACCORDING TO FEMA FLOOD  
INSURANCE RATE MAP NUMBER  
13113C0038E, DATED SEPTEMBER 26,  
2008, THIS PROPERTY DOES NOT LIE  
WITHIN A SPECIAL FLOOD HAZARD  
AREA.

Job No. 22-043

Drawn By:  
R.D.G.

Reviewed By:  
R.M.B.

Issue Date: 08/03/22

F.W.P.D.: 08/01/22

Revisions

Date



Prepared For:

JOHNNIE K. HOLLAND

Property Location

Land Lot 254 Of The 5th Land District  
Fayette County, Georgia

S.A. GASKINS &  
ASSOCIATES, LLC

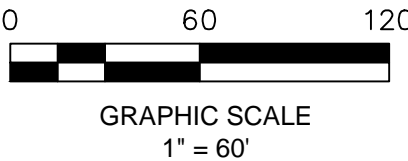
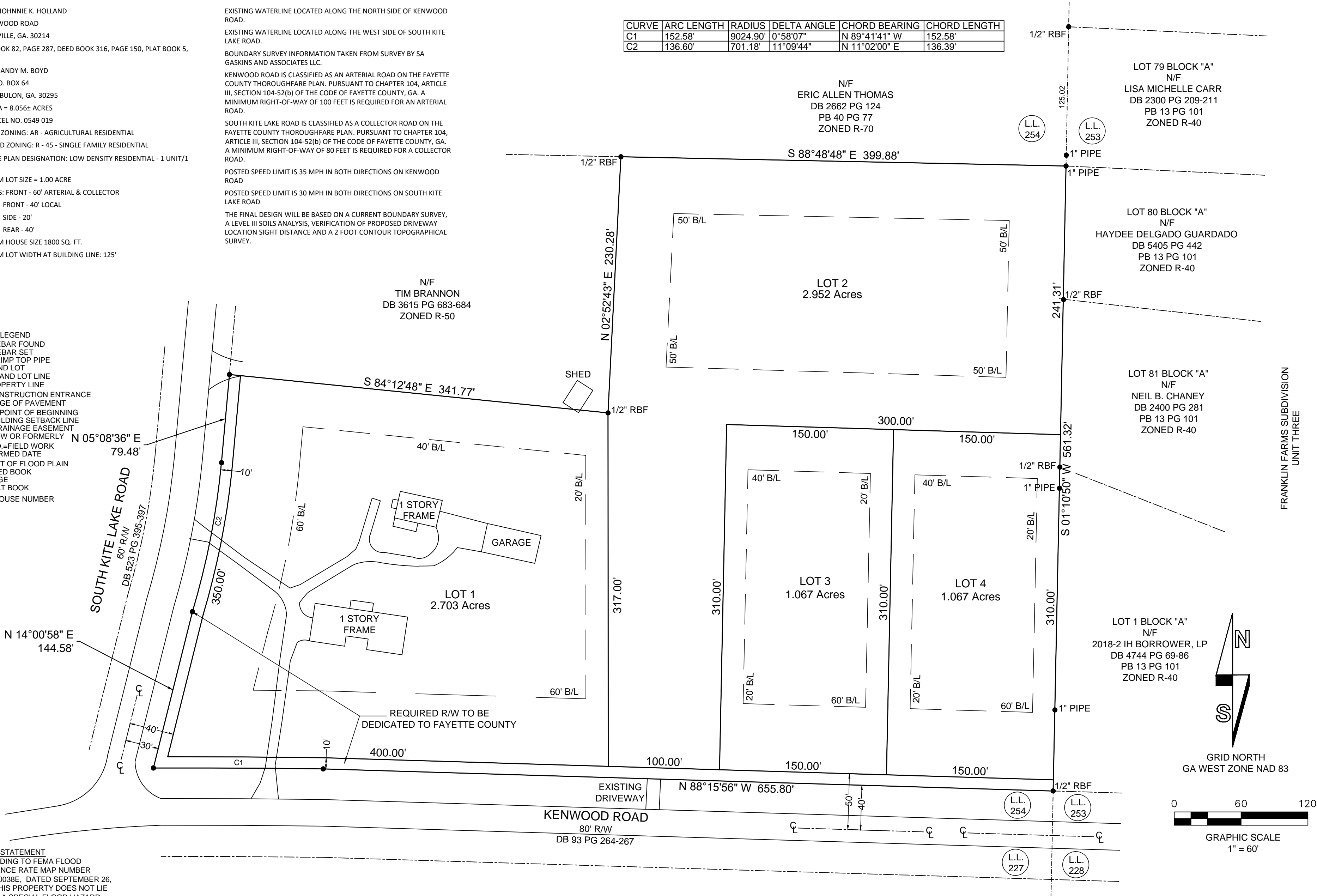
surveyors planners development consultants  
981 CAMPGROUND ROAD GRIFFIN, GA 30223  
678-571-3054  
rdgaskins79@gmail.com

CLOSURE STATEMENT  
THE FIELD DATA UPON WHICH THIS PLAT IS  
BASED HAS A CLOSURE PRECISION OF ONE  
FOOT IN 42,167 FEET AND AN ANGULAR ERROR  
OF 00° 00' 02" 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 100,000+ FEET.

ANGULAR & LINEAR MEASUREMENTS WERE  
OBTAINED USING A LIECA 403 TCR TOTAL  
STATION

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	152.58'	9024.90'	0°58'07"	N 89°41'41" W	152.58'
C2	136.60'	701.18'	11°09'44"	N 11°02'00" E	136.39'



# COUNTY AGENDA REQUEST

Page 73 of 330

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No.1324-22-A;Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent request to rezone 5.615 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 25 & 26 of the 7th District.

## Background/History/Details:

The subject property is made up of an 8.056-acre tract. The tract fronts on Tyrone Road and State Route 54. The property is undeveloped. The parcel is currently zoned C-C, Community Commercial. The area is designated for Commercial uses in the Land Use Plan, Fayette County Comprehensive Plan. On October 6, 2022, the Planning Commission voted 5-0 in favor of the rezoning. Staff recommends CONDITIONAL APPROVAL of the request for a zoning of C-H, Highway Commercial, because the request is consistent with the Fayette County Comprehensive Land Use Plan and with surrounding land uses.

## RECOMMENDED CONDITIONS:

1. Tyrone 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 Tyrone Road. 2. 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. 3. A 100' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the west of the project. No encroachment of stormwater detention or other uses shall be allowed in the buffer. 4. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 30 days of the approval of the rezoning. 5. The required right-of-way donation shall be provided to the County within 30 days of the approval of the rezoning request.

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

Approval of Petition No.1324-22-A;Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent request to rezone 5.615 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quickserve restaurant with drive-through; property located in Land Lot(s) 25 & 26 of the 7th District with five (5) conditions.

## 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:

**PETITION NO: 1324-22 – A**

**REQUESTED ACTION:** C-C to C-H

**PROPOSED USE:** Convenience Store with Fuel; Tunnel Car Wash; Interior-Access Self Storage; Quick-Serve Restaurant with Drive-Thru

**EXISTING USE:** Vacant Land & 2 vacant single-family homes

**LOCATION:** S.R. Highway 54 & Tyrone Road

**DISTRICT/LAND LOT(S):** 7<sup>th</sup> District, Land Lot 26

**OWNERS:** Tyrone 54, LLC and BBWJ, LLC

**AGENT:** Matt Dahlhauser for DG Development Partners, LLC

**PLANNING COMMISSION PUBLIC HEARING:** October 6, 2022

**BOARD OF COMMISSIONERS PUBLIC HEARING:** October 27, 2022

---

**APPLICANT'S INTENT**

Applicant proposes to rezone 5.615 acres from C-C to C-H to develop commercial & retail businesses.

**STAFF RECOMMENDATION**

The request is consistent with the Comprehensive Plan and the S.R. 54 West Overlay District. As defined in the Fayette County Comprehensive Plan, the C-H (Highway Commercial District) is designated for this area. Based on the foregoing Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL of the request for a zoning of C-H (Highway Commercial).**

**RECOMMENDED CONDITIONS**

If this petition is approved by the Board of Commissioners, it should be approved **C-H** 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. Tyrone 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 Tyrone Road.
2. 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.
3. A 100' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the west of the project. No encroachment of stormwater detention or other uses shall be allowed in the buffer.
4. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 30 days of the approval of the rezoning.
5. The required right-of-way donation shall be provided to the County within 30 days of the approval of the rezoning request.

## **INVESTIGATION**

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

The subject property is made up of a 5.615-acre tract, a 0.331-acre tract, a 1.948-acre tract , and a 1.993-acre tract totaling 9.887 acres. The tracts front on S.R. 54 and Tyrone Road in Land Lots 25 & 26 of the 7<sup>th</sup> District. S.R. 54 is classified as a Major Arterial roads on the Fayette County Thoroughfare Plan and Tyrone Road is classified as a Minor Arterial. Two of the parcels are undeveloped; two parcels have vacant single-family homes on them.

All parcels are currently zoned *C-C, Community Commercial (Case #1110-03)*.

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

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

The four tracts that are the subject of the request are zoned C-C. In the vicinity of the subject property is land which is zoned A-R, C-C, C-H, and City of Fayetteville property. The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North & East (across Tyrone Rd)	109.67	City of Fayetteville	Vacant	City of Fayetteville
South (across SR 54)	50.34	M-H-P	Manufactured Home Park	Manufactured Home Park
East	0.74	C-H	Convenience Store w/Fuel	Commercial
West	41	A-R	Vacant	Rural Residential - 2
	3	C-H	Vacant	Commercial

### **C. COMPREHENSIVE PLAN**

The subject property lies within an area designated for Commercial 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-residential 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.

**Access & Right-of Way**

The Concept Plan submitted indicates access from Tyrone Road and S.R. 54. Right of Way donation along Tyrone Road is required to meet the standards of the Fayette County Thoroughfare Plan (Sec. 104-52). Any access onto SR 54 must be approved by Georgia Department of Transportation. The current concept plan does not provide the Right of Way dedication.

**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.

**Site Plan**

Should this petition be approved, the owner/developer must submit a Site Plan as required by Article II of the Development Regulations. This Site Plan is part of the Land Disturbance Permit package. Approval of this zoning petition does not constitute approval of the Concept Plan as the Site Plan.

**Architectural Review**

Some architectural elevations were submitted as part of this application package. These elevations are conceptual and do not necessarily meet the requirements of the SR 54 West Overlay Zone. Any deficiencies shall be addressed at the time of submittal of the Building Plans.

**E. DEPARTMENTAL COMMENTS**

- ☐ **Water System** - FCWS has no objection to this rezoning. Water is available in a 8" PVC water main along west side of Tyrone Rd and in a 16" DIP water main along southside of SR 54. Connection to Fayette County Water System will be required within the county right-of-way or in a developer provided deeded easement as necessary.
- ☐ **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. Driveways shall meet spacing and alignment standards per Sec. 104-55. Right-of-way dedication on Tyrone Road is required to meet minimum right-of-way standards, per Sec. 104-52.
  - **Floodplain Management** - The subject property **DOES** contain floodplain per FEMA FIRM panel 13113C0084E dated September 26, 2008 and per the FC 2013 Future Conditions Flood Study. All development shall be subject to the requirements of the Floodplain Management Ordinance, including but not limited to xxx.
  - **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.
  - **Stormwater Management** – The detention pond shall be on a standalone parcel. A maintenance agreement signed by all property owners is required.
- ☐ **Environmental Health Department** – This office has no objection to the proposed rezoning, however, there may be limitations:
  - This office has no records of the septic system located at 144 Tyrone Rd. This office must verify that each of the existing tanks have been pumped, crushed, and filled properly prior to any construction.
  - Due to the proposed use of this land, it is highly recommended by this office that the facility connect to public sewer. There may be minimal space of usable soils and the proposed use will require a large square foot for septic. If sewer is not feasible, then it is highly recommended that the owners contact this office early in the process. The use of the property will be limited and

dictated by the available soils. If an on-site septic system is to be utilized, then an application must be submitted to this office. These items must be submitted with the initial application for a new septic system: the applicable commercial fee, a properly scaled Level 3 soil report that bears the original soil scientist's stamp and signature, a copy of the soil scientist's Certificate of Liability Insurance, a floor plan/ proposed gallons per day required, a site plan sketch, and an approved plat of the property. Additional documents may be required and determined on a case by case basis. Furthermore, this office does not guarantee this lot will have suitable soils for the installation of an on-site sewage septic system. To determine the suitability, all required documents must be submitted and an on-site visit will be performed.

- ☐ **Fire** – has not provided any comments
- ☐ **Georgia Department of Transportation** - The proposed access to SR 54 (Floy Farr Pkwy) will need to be located from Tyrone Rd a minimum of 350' with a right-in/right-out access and decel lane and an ICE report waiver will need to be provided when applying for a GDOT encroachment permit, the applicant should be made aware of these GDOT requirements.

## F. STANDARDS

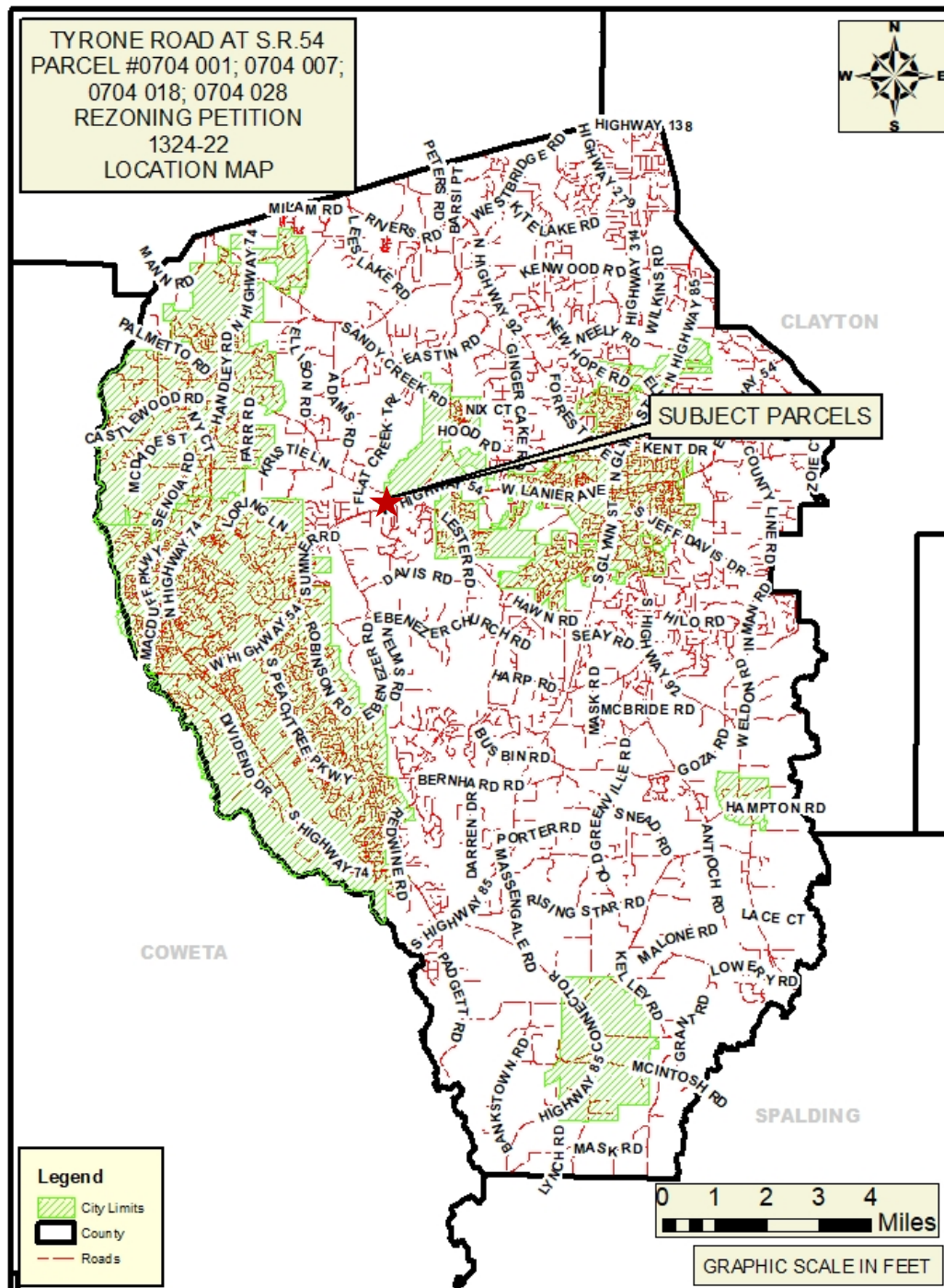
### Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

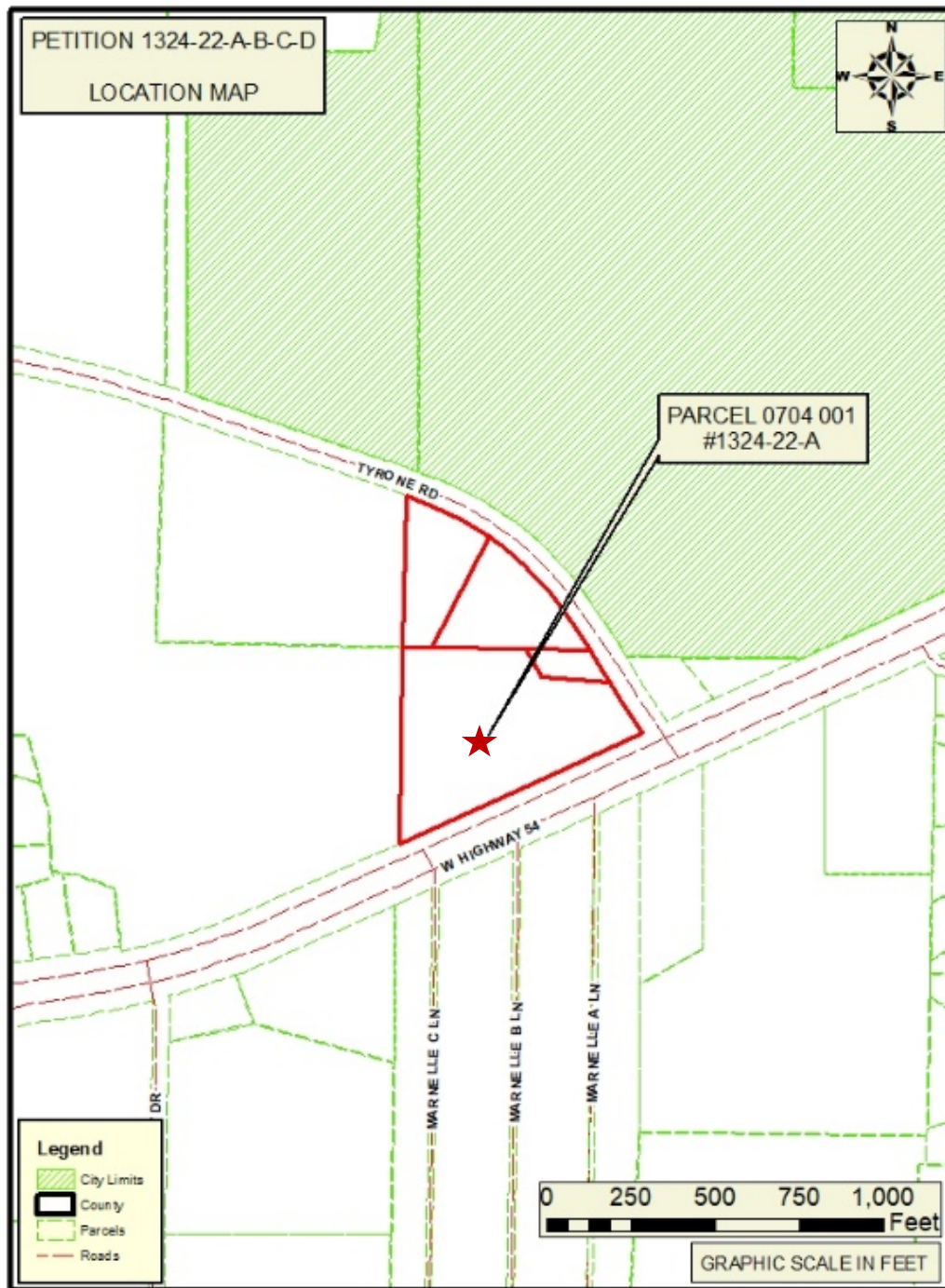
All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board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

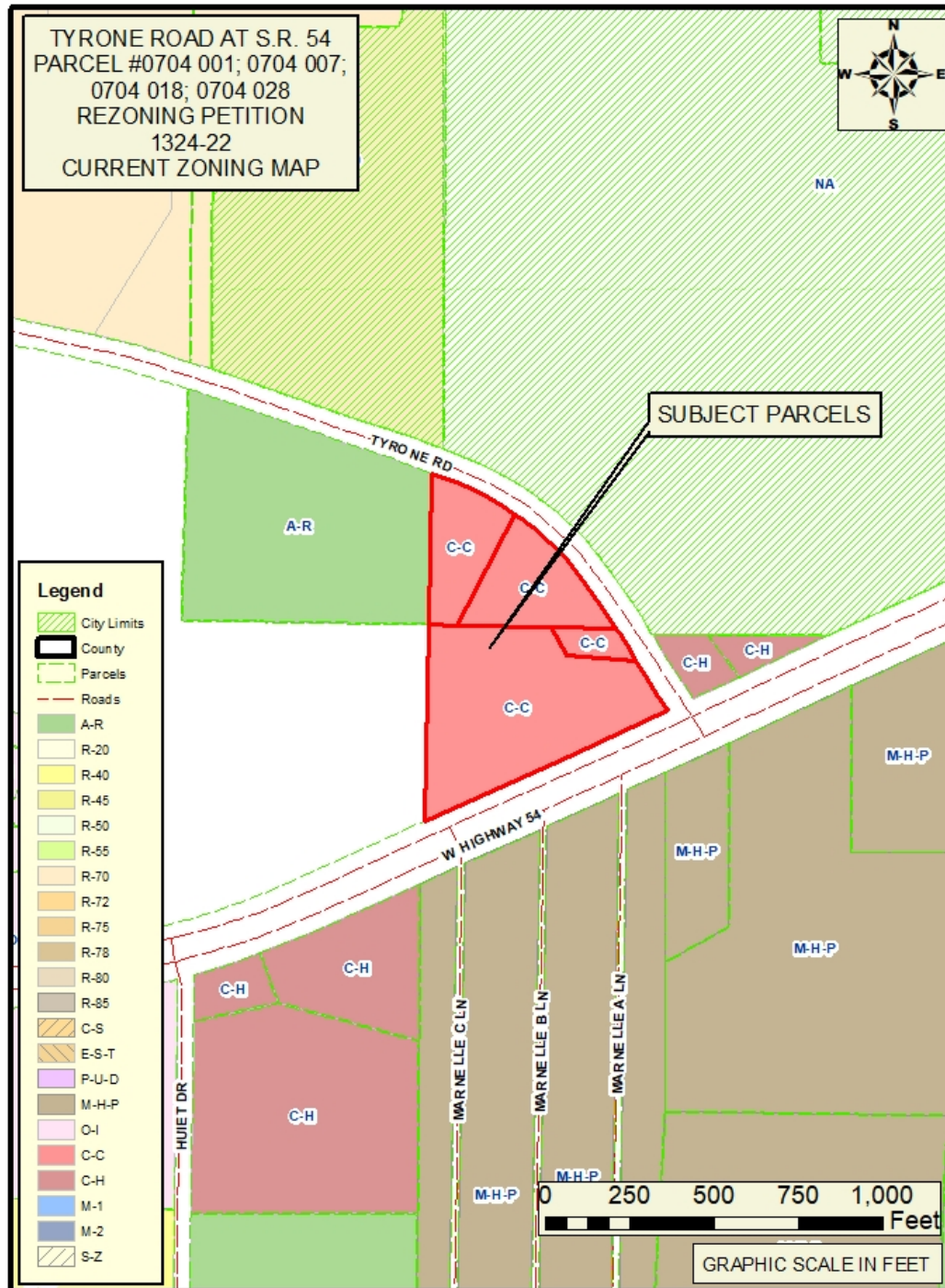
## G. STAFF ANALYSIS

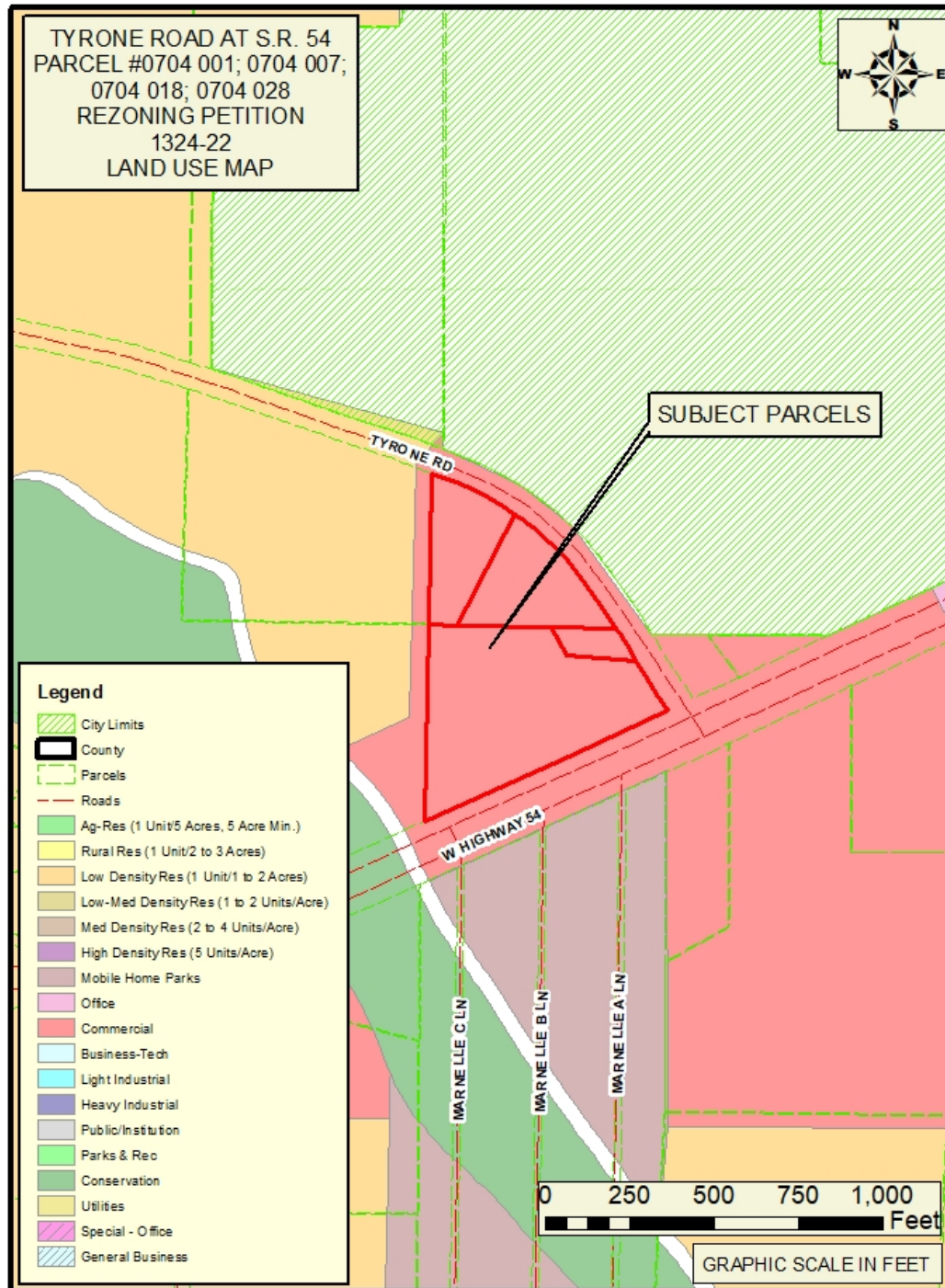
1. The subject properties lie within an area designated for Commercial uses, subject to the SR 54 West Overlay Zone. This request does conform to the Fayette County Comprehensive Plan in terms of the location of commercial uses in the area of the intersection of SR 54 and Tyrone Road.
2. The subject properties lie within an area designated as subject to the standards of the State Route 54 West Special Development District.
3. The area around the proposed nonresidential use is in an area that has various Residential, Commercial and Mixed-Use zoning and uses in both the 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 Tyrone Road 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.



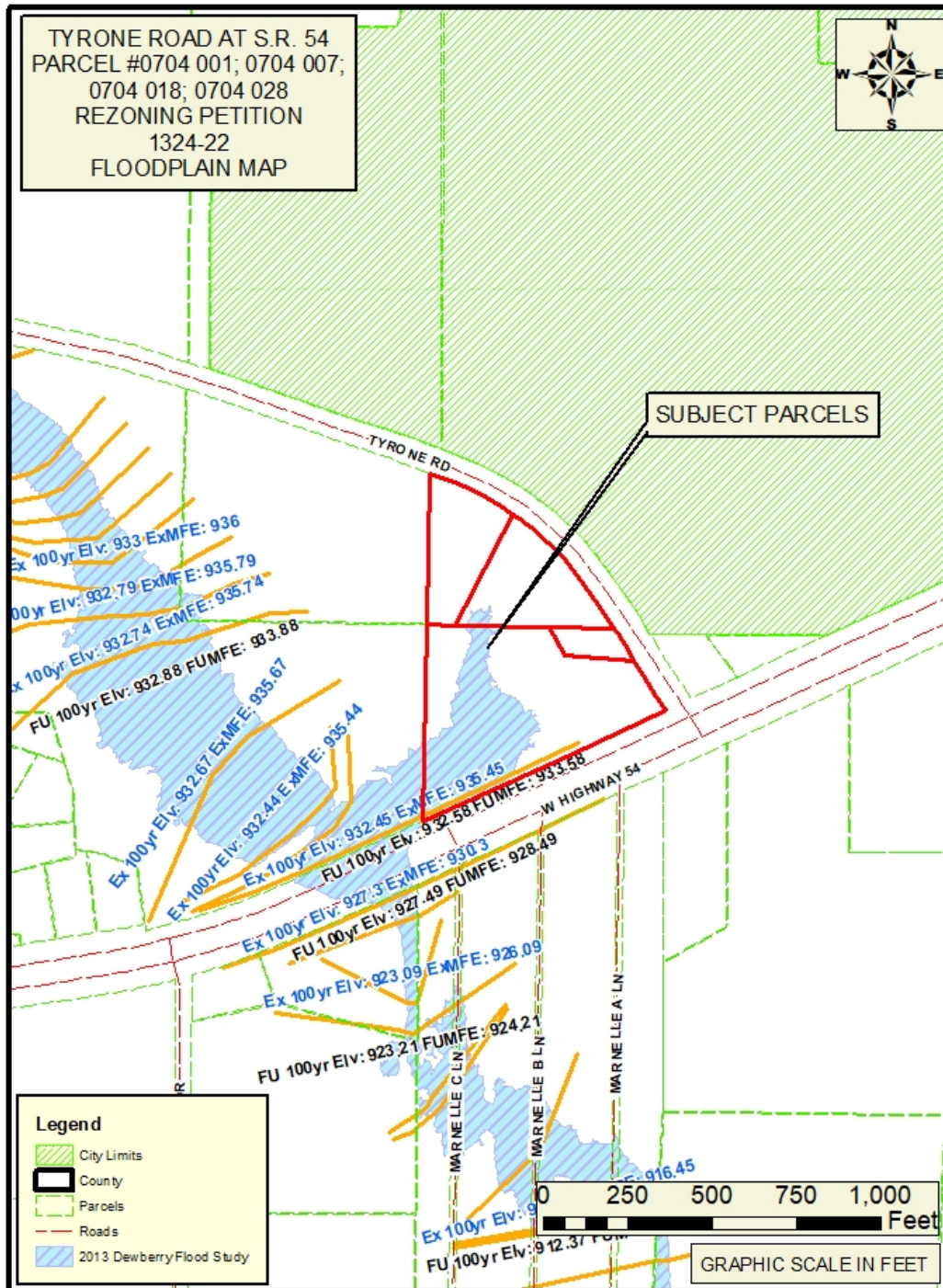




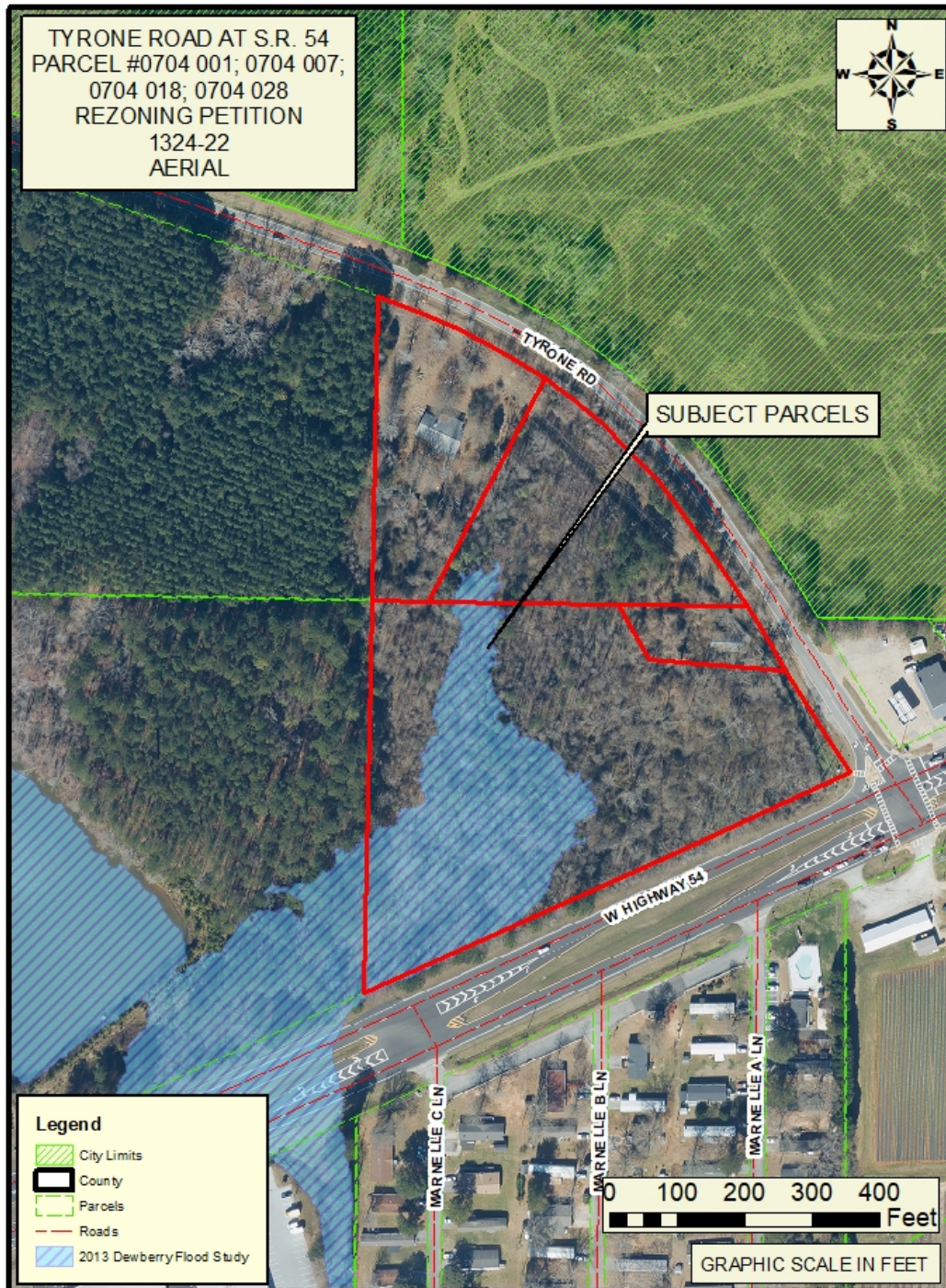




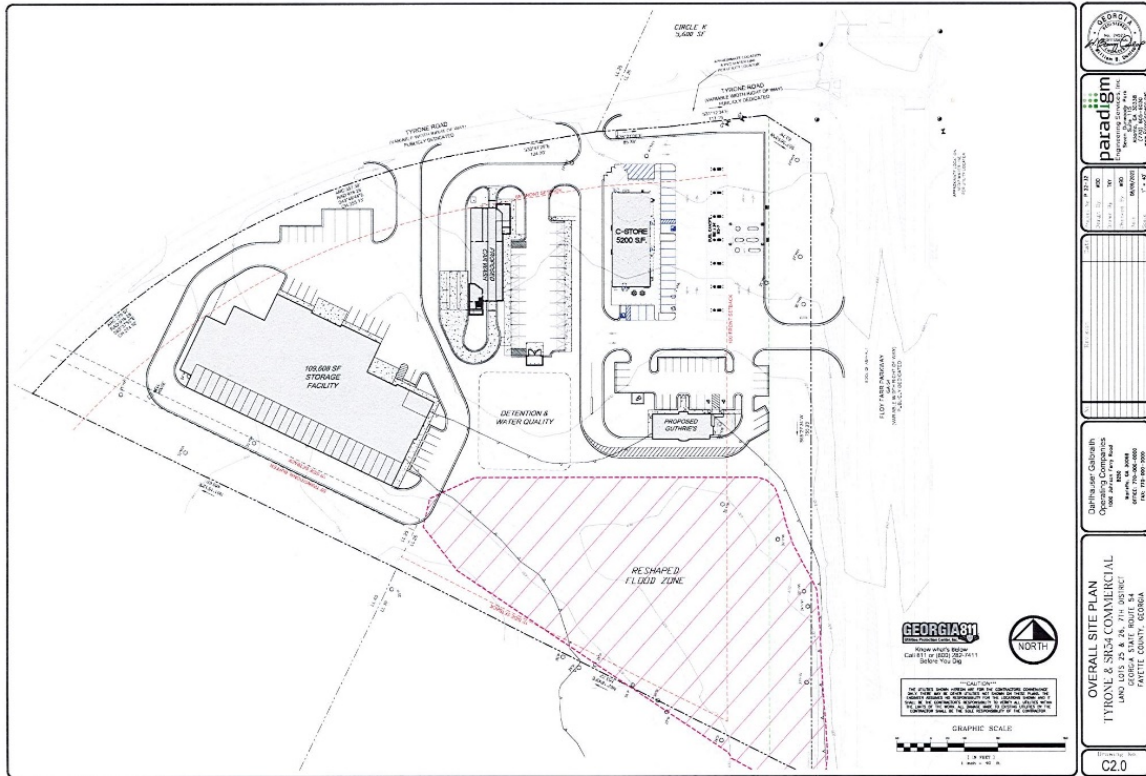












## CONCEPTUAL SITE PLAN



CONCEPTUAL RENDERING – SELF-STORAGE BUILDING

### **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  
Deborah Sims, Zoning Administrator  
Chelsie Boynton, Planning and Zoning Coordinator  
E. Allison Ivey Cox, County Attorney

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**AGENDA**  
**FAYETTE COUNTY PLANNING COMMISSION MEETING**  
**140 STONEWALL AVENUE WEST**  
**October 6, 2022**  
**7:00 pm**

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

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1. Consideration of the Minutes of the meeting held on September 1, 2022.

*John Culbreth Sr. made a motion to approve the minutes of the meeting held on September 1<sup>st</sup>, 2022.  
Danny England seconded the motion. The motion passed 5-0.*

2. Consideration of 2023 Planning Commission meeting dates.

*Brian Haren made a motion to approve the 2023 Planning Commission meeting dates.  
John Culbreth Sr. seconded the motion. The motion passed 5-0.*

### **NEW BUSINESS**

3. Consideration of a Minor Revision to a Major Final Plat of Kenwood Business Park, Phase Five (Lots 114 – 118).

*Jim Oliver made a motion to approve the Minor Revision to a Major Final Plat of  
Kenwood Business Park, Phase Five (Lots 114-118). Brian Haren seconded the  
motion. The motion passed 5-0.*

4. Consideration of a Minor Final Plat for Williams Farm.

*Brian Haren made a motion to approve the Minor Final Plat for Williams Farm. Jim  
Oliver seconded the motion. The motion passed 5-0.*

## **PUBLIC HEARING**

5. Consideration of Petition No. 1323-22 Johnnie K. Holland, Owner, and Randy M. Boyd, Agent, request to rezone 8.056 acres from A-R to R-45 to create four (4) residential lots. This property is located in Land Lot 254 of the 5<sup>th</sup> District and fronts on Kenwood Road and South Kite Lake Road.

***Brian Haren made a motion to recommend approval of Petition No. 1323-22, request to rezone 8.056 acres from A-R to R-45 to create four (4) residential lots with conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

6. Consideration of Petition No. 1324-22A Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 5.615 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 26 of the 7<sup>th</sup> District and fronts on S.R. 54 and Tyrone Road.

***Jim Oliver made a motion to recommend approval of Petition No. 1324-22A, request to rezone 5.615 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with amended conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

7. Consideration of Petition No. 1324-22B Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 0.331 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 26 of the 7<sup>th</sup> District and fronts on Tyrone Road.

***Jim Oliver made a motion to recommend approval of Petition No. 1324-22B, request to rezone 0.331 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

8. Consideration of Petition No. 1324-22C Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 1.993 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 25 of the 7<sup>th</sup> District and fronts on Tyrone Road.

***John Culbreth Sr. made a motion to recommend approval of Petition No. 1324-22C, request to rezone 1.993 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with conditions. Danny England seconded the motion. The motion passed 5-0.***

9. Consideration of Petition No. 1324-22D Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 1.948 acres from C-C to C-H to build a



convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 25 of the 7<sup>th</sup> District and fronts on Tyrone Road.

***John Culbreth Sr. made a motion to recommend approval of Petition No. 1324-22D, request to rezone 1.948 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with conditions. Danny England seconded the motion. The motion passed 5-0.***

10. Consideration of Petition No. 1325-22, Eric K. Maxwell, Owner, and Randy M. Boyd, Agent, request to rezone 8.49 acres from A-R to R-75 to create three (3) residential lots. This property is located in Land Lot 2 of the 5<sup>th</sup> District and fronts on Redwine Road.

***Jim Oliver made a motion to recommend approval of Petition No. 1325-22, request to rezone 8.49 acres from A-R to R-75 to create three (3) residential lots without conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

11. Consideration of Petition No. 1326-22, Amina, Omar, Saed and Hassan Zakaria, Owner, and Taylor English Duma LLP (Steven L. Jones), Agent, request to rezone 13.035 acres from O-I to C-H to create Truck Parking Facility. This property is located in Land Lot 233 of the 5<sup>th</sup> District and fronts on Highway 85 North. **(This petition cannot be heard due to issues with the survey and legal description. Rescheduled for November 3, 2022)**

**PLANNING COMMISSION RECOMMENDATION****DATE:** October 6, 2022**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1324-22, the application of Tyrone 54, LLC and BBWJ, LLC to rezone 9.89 acres from C-C to C-H, be:

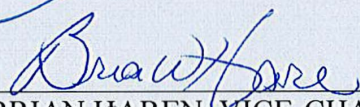
\_\_\_\_\_ Approved      \_\_\_\_\_ Withdrawn      \_\_\_\_\_ Denied

\_\_\_\_\_ 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. 1324-22 A**

**WHEREAS**, Tyrone 54, LLC and BBWJ, LLC, Owner, and DG Development Partners, LLC (Attn: Richard Lindsey), Agent, having come before the Fayette County Planning Commission on October 6, 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 9.89 acres from C-C to C-H, in the area of S.R. 54 and Tyrone Road, Land Lot 25 and 26 of the 7th District, for the purpose of developing a Convenience Store, Car Wash, Interior Access Self Storage, Quickserve Restaurant w/drive-through; 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 **APPROVED**.

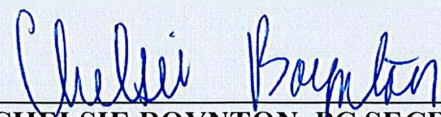
This decision is based on the following reasons:

In compliance with the Fayette County Comprehensive Plan.  
Compatible with the surrounding area.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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

  
\_\_\_\_\_  
**CHELSE BOYNTON, FC SECRETARY**



**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**RESOLUTION**

**NO. 1324-22 B**

**WHEREAS**, Tyrone 54, LLC and BBWJ, LLC, Owner, and DG Development Partners, LLC (Attn: Richard Lindsey), Agent, having come before the Fayette County Planning Commission on October 6, 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 9.89 acres from C-C to C-H, in the area of S.R. 54 and Tyrone Road, Land Lot 25 and 26 of the 7th District, for the purpose of developing a Convenience Store, Car Wash, Interior Access Self Storage, Quickserve Restaurant w/drive-through; 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 **APPROVED**.

This decision is based on the following reasons:

In compliance with the Fayette County Comprehensive Plan.  
Compatible with the surrounding area.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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

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



**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**R E S O L U T I O N**

**NO. 1324-22 C**

**WHEREAS**, Tyrone 54, LLC and BBWJ, LLC, Owner, and DG Development Partners, LLC (Attn: Richard Lindsey), Agent, having come before the Fayette County Planning Commission on October 6, 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 9.89 acres from C-C to C-H, in the area of S.R. 54 and Tyrone Road, Land Lot 25 and 26 of the 7th District, for the purpose of developing a Convenience Store, Car Wash, Interior Access Self Storage, Quickserve Restaurant w/drive-through; 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 **APPROVED**.

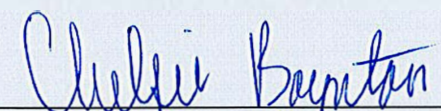
This decision is based on the following reasons:

In compliance with the Fayette County Comprehensive Plan.  
Compatible with the surrounding area.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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

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

**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**RESOLUTION**

**NO. 1324-22 D**

**WHEREAS**, Tyrone 54, LLC and BBWJ, LLC, Owner, and DG Development Partners, LLC (Attn: Richard Lindsey), Agent, having come before the Fayette County Planning Commission on October 6, 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 9.89 acres from C-C to C-H, in the area of S.R. 54 and Tyrone Road, Land Lot 25 and 26 of the 7th District, for the purpose of developing a Convenience Store, Car Wash, Interior Access Self Storage, Quickserve Restaurant w/drive-through; and

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

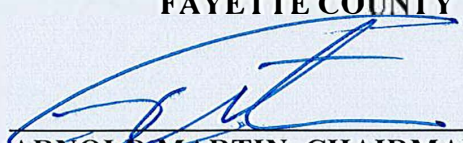
**BE IT RESOLVED** that the decision of the Fayette County Planning Commission, that said request be **APPROVED**.

This decision is based on the following reasons:

In compliance with the Fayette County Comprehensive Plan.  
Compatible with the surrounding area.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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

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



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

PROPERTY OWNERS: TYRONE 54, LLC BBWJ, LLC

MAILING ADDRESS: 382 SENOIA RD, STE A, TYRONE, GA 30290; P.O. BOX 1387, FAYETTEVILLE, GA 30214

PHONE: (770) 460-7093 E-MAIL: Bill@southeastproperties.com

AGENT FOR OWNERS: DG DEVELOPMENT PARTNERS, LLC (RICHARD LINDSEY, ATTORNEY)

MAILING ADDRESS: 1000 JOHN SON FERRY RD, STE B2 50 MA RETTA, GA 30068

PHONE: (404) 414-6200 E-MAIL: PETRAS.JOEY@GMAIL.COM

PROPERTY LOCATION: LAND LOT 25 & 26 LAND DISTRICT 7TH (26) PARCEL (3) 0704-001 - 5.615  
LAND LOT        LAND DISTRICT 7TH (25) PARCEL (0) 0704-007 - .331  
LAND DISTRICT 7TH (25) PARCEL (0) 0704-018 - 1.948

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 9.89 7TH (25) (C) 0704-028 - 1.993  
9.887

EXISTING ZONING DISTRICT: CC PROPOSED ZONING DISTRICT: CH

ZONING OF SURROUNDING PROPERTIES: County - CH; AR; MHP; Fayetteville - Business Park

PRESENT USE OF SUBJECT PROPERTY: VACANT LAND

PROPOSED USE OF SUBJECT PROPERTY: CONVENIENCE STORE, CAR WASH, INTERIOR ACCESS SELF STORAGE, QUICKSERVE RESTAURANT W/ DRIVE-THROUGH

LAND USE PLAN DESIGNATION: COMMERCIAL

NAME AND TYPE OF ACCESS ROAD: SR 54 (MAJOR ARTERIAL); TYRONE RD. (MINOR ARTERIAL)

LOCATION OF NEAREST WATER LINE: ON-SITE

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1324-22 A, B, C, D

| ] Application Insufficient due to lack of: \_\_\_\_\_

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

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: Richard Lindsey Date: Sept 1, 2022

DATE OF PLANNING COMMISSION HEARING: OCT 6, 2022

DATE OF COUNTY COMMISSIONERS HEARING: OCT 27, 2022

Received from LINDSEY, Lacy, P.C. a check in the amount of \$ 1,100.00 (14407) (14408) for application filing fee, and \$ 100.00 for deposit on frame for public hearing sign(s).

Date Paid: AUG 31, 2022 Receipt Number: 1324-22 A - \$590.00 - 015784

TOTAL PAID \$1,400.00

\$1,100.00 CHECK # 4407

\$300.00 CHECK # 4408

REZONING APPLICATION, FAYETTE COUNTY, GA

1324-22 B - \$270.00 - 015785  
1324-22 C - \$270.00 - 015786  
1324-22 D - \$270.00 - 015788

\$1,400

**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:

THANE 54 LLC, BBWJ, LLC

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0704-001; 0704-007; 0704-018; 0704-028

(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) 25 & 26 of the 7TH District, and (if applicable to more than one land district) Land Lot(s) 28 of the 7TH District, and said property consists of a total of 9.84 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to DG Development Partners, 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.

TYRONE, LLC

BY: J.H. Bonner

Signature of Property Owner 1

382 SENOIA RD, STE A, TYRONE, GA 30290

Address

BBWJ, LLC

BY: J.H. Bonner

Signature of Property Owner 2

P.O. BOX 1387, FAYETTEVILLE, GA 30214

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date





NAME: DG DEVELOPMENT PARTNERS, LLC, MATT DAHLHAUSER PETITION NUMBER: \_\_\_\_\_

ADDRESS: 1000 JOHNSON FERRY RD., STE B250, MARIETTA, GA 30068

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

DG DEVELOPMENT PARTNERS, LLC BY MATT DAHLHAUSER affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) CC 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 CH.

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 6TH day of OCTOBER, 20 22 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 27TH day of OCTOBER, 20 22 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 30TH DAY OF AUGUST, 20 22,

DG DEVELOPMENT PARTNERS, LLC

BY: 

APPLICANT'S SIGNATURE MATT DAHLHAUSER

  
NOTARY PUBLIC



**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".
- ☒ 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 30TH day of AUGUST, 2022

DG DEVELOPMENT PARTNERS, LLC

BY:



APPLICANT'S SIGNATURE MATT DAHLHAUSER

## 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

Adopted by the Board of Commissioners on May 14, 2013. Amended by the Board of Commissioners on May 14, 2014.



## DISCLOSURE STATEMENT

Please check one:

Campaign contributions - ☒ 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.

**CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR REZONING REQUEST***(All applications/documentation must be complete at the time of application submittal or the application will not be accepted)*

- X   1. Application form and all required attachments completed, signed, and notarized, as applicable.
- X   2. Copy of latest recorded deed, including legal description of the boundaries of the subject property to be rezoned.
- X   3. Boundary Survey (1 copy if separate from Conceptual Plan), drawn to scale, showing north arrow, land lot and district, dimensions, and street location of the property, prepared (signed & sealed) by a land surveyor. The Boundary Survey and Concept Plan may be combined.
- X   4. Conceptual Plan (20 copies if larger than 11" x 17"). The Conceptual Plan is not required to be signed and sealed by a registered surveyor, engineer or architect. The Conceptual Plan may be prepared on the boundary line survey, however it is required to be drawn to scale, and include all applicable items below:
- X   a. The total area of the subject property to be rezoned (to the nearest one-hundredth of an acre), the existing zoning district(s) of the subject property, and the area within each zoning district if more than one district.
- X   b. Approximate location and size of proposed structures, use areas and improvements (parking spaces, and aisles, drives, etc.) on the subject property for non-residential rezoning requests, including labeling the proposed use of each proposed structure/use area.
- X   c. General layout of a proposed subdivision (residential or non-residential) including the delineation of streets and lots. The items of b. above are not required in this instance but may be included if known.
- X   d. Approximate location and size of existing structures and improvements on the parcel, if such are to remain. Structures to be removed must be indicated and labeled as such.
- X   e. Minimum zoning setbacks and buffers, as applicable.
- X   f. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating type and width of existing and proposed easements and centerline of streets including width of right-of-way.
- X   g. Location and dimensions of exits/entrances to the subject property.
- X   h. Approximate location and elevation of the 100-year flood plain and Watershed Protection Ordinance requirements, as applicable.
- X   i. Approximate location of proposed on-site stormwater facilities, including detention or retention facilities.
- X   5. A letter of intent for a non-residential rezoning request, including the proposed use(s).

## YIELD PLAN CHECKLIST

**Project:** \_\_\_\_\_

**Applicant:** \_\_\_\_\_

(Items marked with \* are missing or deficient)

### Planning & Zoning

- \_\_\_\_\_ 1. Show name of subdivision, scale of plat (not to exceed 1" = 100'), north arrow, date, and vicinity map.
- \_\_\_\_\_ 2. Show name, address, and telephone number of owner and/or developer.
- \_\_\_\_\_ 3. Show name, address, and telephone number of the design professional.
- \_\_\_\_\_ 4. Provide registration number, seal, and signature of an engineer, surveyor, or architect license in the State of Georgia.
- \_\_\_\_\_ 5. Show property lines with bearings and distances of subject property. Provide a matching legal description of property (this will be used to advertise the property during the rezoning process).
- \_\_\_\_\_ 6. Provide total acreage of tract, acreage in lots, acreage in right-of-way and acreage used for stormwater management. Calculate net density (units/acre) using the total area less the area for R/W and stormwater.
- \_\_\_\_\_ 7. Indicate current zoning and proposed zoning of property. Provide zoning of all adjacent properties.
- \_\_\_\_\_ 8. Identify all existing structures and label as A to remain or A to be removed. Structures to remain must be shown on individual lots and meet all applicable zoning requirements. Provide a note if there are no existing structures on the property.
- \_\_\_\_\_ 9. Show location, purpose, and width of any easements of record. Provide a note if there are no existing easements associated with the property.
- \_\_\_\_\_ 10. Provide the area of each lot and contiguous area (see Sub Regs, Section 104-597) to the 1/100th acre; label the lot numbers; and show the dimensions of all lot lines.
- \_\_\_\_\_ 11. Show front, side, and rear setback lines as dashed lines. Show minimum lot width at the building line.

### Comments:

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\_\_\_\_\_  
Planning & Zoning Department Resubmit

\_\_\_\_\_  
Planning & Zoning Department Approval

## YIELD PLAN CHECKLIST

**Project:** \_\_\_\_\_

**Applicant:** \_\_\_\_\_

(Items marked with \* are missing or deficient)

### **Environmental Management**

- \_\_\_\_\_ 1. Show existing land contour lines at ten (10) foot intervals. Label the contours. Indicate source of topographic data.
- \_\_\_\_\_ 2. Delineate soil type boundaries per Soil Conservation Service Maps. Include a soil legend. For clarity, this information may be provided on a separate sheet.
- \_\_\_\_\_ 3. Delineate and label all state waters requiring watershed protection buffers and setbacks on the property and adjacent to the property where any watershed buffers and/or setbacks extend onto the property. Provide a note if there are no state waters requiring a watershed buffer. Label as "Watershed Protection Buffer," and "Watershed Protection Setback."
- \_\_\_\_\_ 4. Delineate FEMA 100-year floodplain, the Future Conditions Floodplain (available through Stormwater Management) and the 100-year flood elevation for any ponds, lakes or other man-made flood hazards on the property. Provide a note if there is no floodplain on the property. Reference the FIRM panel number.
- \_\_\_\_\_ 5. Identify all wetlands per the latest U.S. Department of the Interior, Fish and Wildlife Service National Wetland Inventory Map. Field delineation in accordance with Army Corps of Engineers guidance may be required in select areas. Provide a note if there are no wetlands on the property.
- \_\_\_\_\_ 6. Indicate if the property is in a Groundwater Recharge Area
- \_\_\_\_\_ 7. Clearly delineate drainage basins across the project area.
- \_\_\_\_\_ 8. For each basin, provide the drainage area, existing and proposed CN values, and required storage to attenuate the 100-yr storm. Detailed studies are not required; reasonable approximations are sufficient.
- \_\_\_\_\_ 9. Show offsite area and peak flow ( $Q_{10}$  and  $Q_{100}$ ) for drainage areas passing through site.
- \_\_\_\_\_ 10. Delineate and label areas to be used for stormwater management B areas should be consistent with the hydrologic data provided above.
- \_\_\_\_\_ 11. Provide a narrative describing how water quality, stream channel protection, overbank and extreme flood protection criteria would be satisfied.
- \_\_\_\_\_ 12. All stormwater management control structures shall be on common property.

### **Comments:**

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\_\_\_\_\_  
Environmental Management Department Resubmit

\_\_\_\_\_  
Environmental Management Department Approval



**YIELD PLAN CHECKLIST**

**Project:** \_\_\_\_\_

**Applicant:** \_\_\_\_\_

(Items marked with \* are missing or deficient)

**Public Works/Engineering**

- \_\_\_\_\_ 1. Corner Lots – Fillet (20 foot radius) or chamfer corner property lines at street intersections.
- \_\_\_\_\_ 2. Street Length – Indicate the length of each street in the subdivision.
- \_\_\_\_\_ 3. Entrances – Subdivision entrances shall meet sight distance requirements and minimum distance between intersection requirements (both sides of street.) Provide appropriate data on the yield plan.
- \_\_\_\_\_ 4. Show all existing and proposed streets on and adjacent to property. Label R/W widths; provide R/W dedication, as needed.

**Comments:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Public Works/Engineering Department Resubmit

\_\_\_\_\_  
Public Works/Engineering Department Approval

## DEVELOPMENT PLAN CHECKLIST FOR C-S AND EST

- \_\_\_\_\_ 1. Delineation of the attributes of the site which will be preserved;
- \_\_\_\_\_ 2. A delineation of the Residential Area and the Conservation Area including the acreage within each area;
- \_\_\_\_\_ 3. Indicate individual lot sizes; including acreage inside/outside of the floodplain;
- \_\_\_\_\_ 4. Uses and improvements planned for the Conservation Area with the acreage devoted to each;
- \_\_\_\_\_ 5. Indicate and label existing structures to remain;
- \_\_\_\_\_ 6. Trails and paths (impervious trails and paths are limited to five percent of the Conservation Area and trails and paths must comply with the Watershed Protection Ordinance in terms of impervious surface requirements);
- \_\_\_\_\_ 7. Picnic areas which can include picnic tables, grills, benches, playground equipment (swing sets, slides, etc.). Picnic Areas are required to be setback 50 feet from any residential property line and are limited to five percent of the Conservation Area;
- \_\_\_\_\_ 8. Community gardens for the use of the residents of the subdivision only;
- \_\_\_\_\_ 9. Horse stables, animal containment areas and training/riding facilities for the use of the residents of the subdivision only are required to be setback 50 feet from any residential property line;
- \_\_\_\_\_ 10. The maintenance of existing orchards and groves including the harvesting of fruit and nuts;
- \_\_\_\_\_ 11. The maintenance of existing pastures including the harvesting of hay;
- \_\_\_\_\_ 12. The maintenance of existing farm fields used for row crops including the harvesting of crops. Said fields must be outside of watershed protection areas as described in the Watershed Protection Ordinance. All areas within a watershed protection area can no longer be used for row crops;
- \_\_\_\_\_ 13. Indicate and label existing residential structures to remain and be used for a community facility;
- \_\_\_\_\_ 14. Indicate and label existing residential structures used for a community facility to remain;
- \_\_\_\_\_ 15. Percentage of the Conservation Area not withstanding the yield plan (at least 40%). This area must be described by metes and bounds.

## LETTER OF INTENT

DG Development Partners, LLC (“DG Partners”) seeks to rezone the northwest corner of the Hwy 54/Tyrone Road intersection located next to the city limits of Fayetteville and the recently approved data center. DG Partners seeks a C-H zoning for 9.89 +/- acres. The property is currently zoned C-C. DG Partners seeks to develop a convenience store, a quick service restaurant (such as a Guthrie’s), a high-end automated car wash, and a multi-story interior access self-storage facility on the property. The subject property is bordered by the property that will become the data center in the City of Fayetteville, a small convenience store that sells gasoline, mobile home park, vacant land, and is catacorner to the Smith & Davis clothing store. Nearby the property is Trilith Studios, the burgeoning Trilith community, Piedmont Fayette Hospital, and numerous medical and other office buildings.

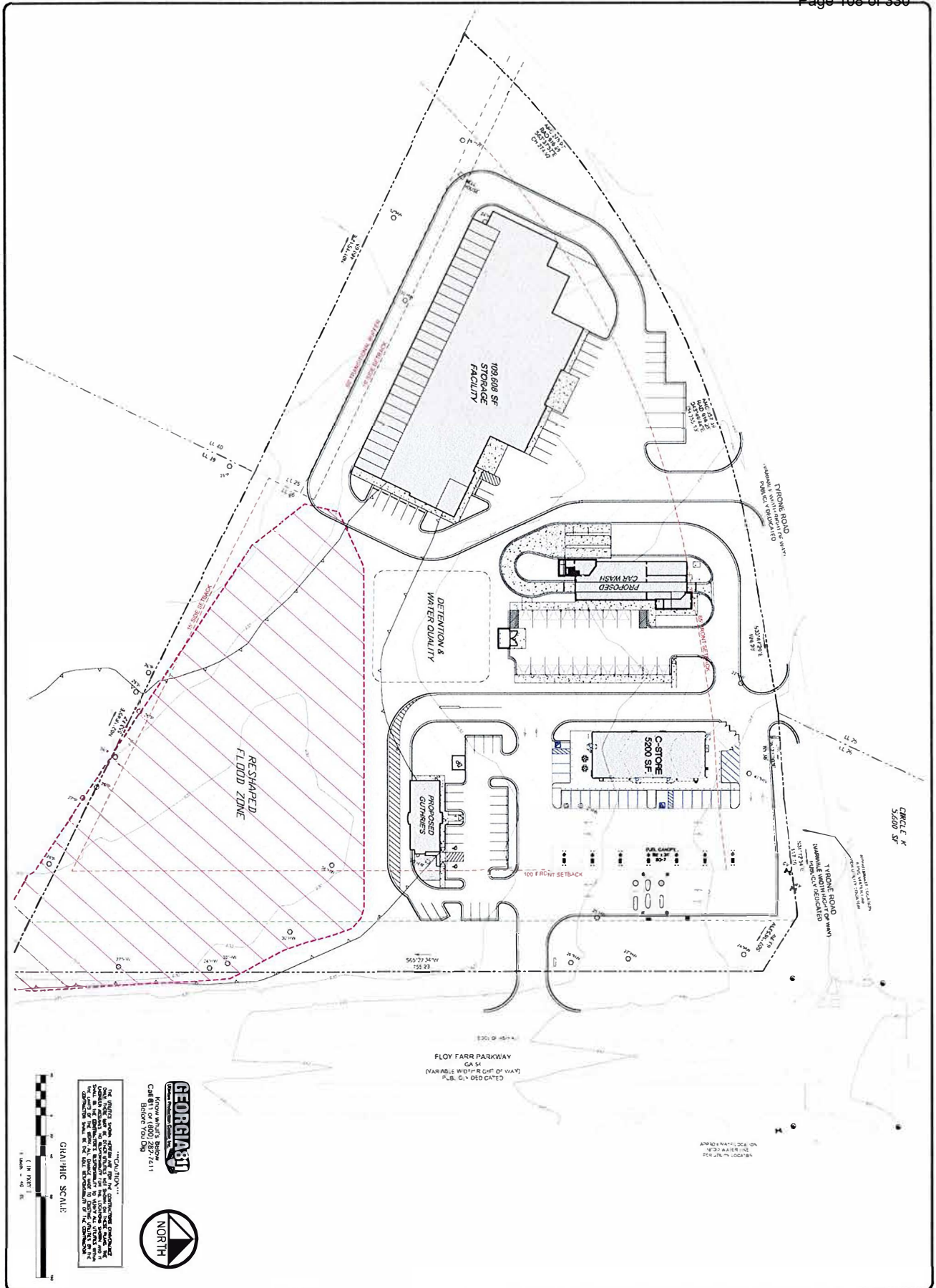
It may be interesting to note that one of the individuals involved in this project and who will own 1/3 of it is a 20+ year resident of Fayette County, is married to a woman who was born and raised in the county, and lives approximately 3 miles from the property. He will be spearheading the development and has a deep, personal interest in bringing only quality development to his home and community.

The subject property is actually composed of four smaller tracts of land. There are vacant, dilapidated houses on two of the tracts; the other two tracts lie completely vacant. The property located at the NW corner of the intersection of Tyrone Road and SR 54 is currently zoned C-C and is designated as commercial in the 2017 Comprehensive Plan. The property along SR 54 lies within the SR 54 West Overlay Zone. The current zoning for the property permits, as of right, the development of a quick service restaurant. Also, the current zoning allows the development of the convenience store with gasoline sales as a conditional use. The proposed convenience store will comply with those conditions including the location of the facilities, gasoline pump islands, and underground storage tanks. Both of those uses will front along SR 54. The proposed car wash and self-storage facility, which will front along Tyrone Road, require rezoning to C-H. The current four tracts will be combined and then subdivided into tracts for the four proposed uses. Since the boundary lines will shift, a rezoning of the entire combined four properties is needed.

The applicant has submitted a preliminary site plan that outlines the structures to be erected. The parking for the convenience store may need to be adjusted to meet the requirements of the SR 54 West Overlay Zone requirements and the applicant is willing to do that. The construction materials for the various structures lying within the overlay zone will meet or exceed the architectural standards found in the controlling ordinance. Likewise, landscaping and lighting of those tracts will meet or exceed the requirements set forth in the overlay zone. The self-storage facility will meet the requirements for conditional use approval including decorative facing, properly located vehicle loading/unloading areas, canopies, and wide aisle ways. No improper outdoor storage will be permitted. The applicant has submitted with this application an example of the type and quality self-storage facility planned for the property. Landscaping, construction materials, and architectural designs for all four properties will enhance the look of this intersection that will become even more important to the community when the data center is built and operating.

In summary, DG Partners wants to develop an attractive commercial node at this intersection that will provide services and amenities for this growing area of the county. Rezoning the property to C-H will enable DG Partners to do just that.





<b>2.0</b> <small>1/2" = 40' FT</small>	<b>OVERALL SITE PLAN</b> <b>TYRONE &amp; SR54 COMMERCIAL</b> LAND LOTS 25 & 26, 7TH DISTRICT GEORGIA STATE ROUTE 54 FAYETTE COUNTY, GEORGIA	<b>Dahlhauser Galbraith</b> Operating Companies 1000 Johnson Ferry Road B250 Marietta, GA 30068 OFFICE: 770-006-0000 FAX: 770-006-0000	NO. _____	REV. NO. _____	DATE _____	PROJECT NO. <b>P 22-32</b> DESIGNED BY <b>W30</b> DRAWN BY <b>TKY</b> CHECKED BY <b>W30</b> DATE <b>06/09/2022</b> SCALE <b>1" = 40'</b>	<b>paradigm</b> Engineering Services, Inc. Seven Dunwoody Park Suite 110 Atlanta, GA 30338 (770) 665-6030 www.paradigmeng.net	
			(Empty table area for revisions)					

# COUNTY AGENDA REQUEST

Page 109 of 330

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No. 1324-22-B; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent request to rezone 5.615 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 26 of the 7th District.

## Background/History/Details:

The subject property is made up of an 0.331-acre tract. The tract fronts on Tyrone Road. The property has a vacant residential structure. The parcel is currently zoned C-C, Community Commercial. The area is designated for Commercial uses in the Land Use Plan, Fayette County Comprehensive Plan. On October 6, 2022, the Planning Commission voted 5-0 in favor of rezoning. Staff recommends CONDITIONAL APPROVAL of the request for a zoning of C-H, Highway Commercial, because the request is consistent with the Fayette County Comprehensive Land Use Plan and with surrounding land uses.

## RECOMMENDED CONDITIONS:

1. Tyrone 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 Tyrone Road. 2. 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. 3. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 30 days of the approval of the rezoning. 4. 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. 5. The required right-of-way donation shall be provided to the County within 30 days of the approval of the rezoning request.

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

Approval of Petition No. 1324-22-B; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent request to rezone 5.615 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 26 of the 7th District with five (5) conditions.

## 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:

**PETITION NO: 1324-22 – B**

**REQUESTED ACTION:** C-C to C-H

**PROPOSED USE:** Convenience Store with Fuel; Tunnel Car Wash; Interior-Access Self Storage; Quick-Serve Restaurant with Drive-Thru

**EXISTING USE:** Vacant Land & 2 vacant single-family homes

**LOCATION:** S.R. Highway 54 & Tyrone Road

**DISTRICT/LAND LOT(S):** 7<sup>th</sup> District, Land Lot 26

**OWNERS:** Tyrone 54, LLC and BBWJ, LLC

**AGENT:** Matt Dahlhauser for DG Development Partners, LLC

**PLANNING COMMISSION PUBLIC HEARING:** October 6, 2022

**BOARD OF COMMISSIONERS PUBLIC HEARING:** October 27, 2022

---

**APPLICANT'S INTENT**

Applicant proposes to rezone 0.331 acres from C-C to C-H to develop commercial & retail businesses.

**STAFF RECOMMENDATION**

The request is consistent with the Comprehensive Plan and the S.R. 54 West Overlay District. As defined in the Fayette County Comprehensive Plan, the C-H (Highway Commercial District) is designated for this area. Based on the foregoing Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL of the request for a zoning of C-H (Highway Commercial).**

**RECOMMENDED CONDITIONS**

If this petition is approved by the Board of Commissioners, it should be approved **C-H** 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. Tyrone 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 Tyrone Road.
2. 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.
3. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 30 days of the approval of the rezoning.
4. 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.
5. The required right-of-way donation shall be provided to the County within 30 days of the approval of the rezoning request.

## **INVESTIGATION**

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

The subject property is made up of a 5.615-acre tract, a 0.331-acre tract, a 1.948-acre tract , and a 1.993-acre tract totaling 9.887 acres. The tracts front on S.R. 54 and Tyrone Road in Land Lots 25 & 26 of the 7<sup>th</sup> District. S.R. 54 is classified as a Major Arterial roads on the Fayette County Thoroughfare Plan and Tyrone Road is classified as a Minor Arterial. Two of the parcels are undeveloped; two parcels have vacant single-family homes on them.

All parcels are currently zoned *C-C, Community Commercial (Case #1110-03)*.

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

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

The four tracts that are the subject of the request are zoned C-C. In the vicinity of the subject property is land which is zoned A-R, C-C, C-H, and City of Fayetteville property. 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 & East (across Tyrone Rd)	109.67	City of Fayetteville	Vacant	City of Fayetteville
South (across SR 54)	50.34	M-H-P	Manufactured Home Park	Manufactured Home Park
East	0.74	C-H	Convenience Store w/Fuel	Commercial
West	41	A-R	Vacant	Rural Residential - 2
	3	C-H	Vacant	Commercial

### **C. COMPREHENSIVE PLAN**

The subject property lies within an area designated for Commercial 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-residential 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.

### **Access & Right-of Way**

The Concept Plan submitted indicates access from Tyrone Road and S.R. 54. Right of Way donation along Tyrone Road is required to meet the standards of the Fayette County Thoroughfare Plan (Sec. 104-52). Any access onto SR 54 must be approved by Georgia Department of Transportation. The current concept plan does not provide the Right of Way dedication.

### **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.

### **Site Plan**

Should this petition be approved, the owner/developer must submit a Site Plan as required by Article II of the Development Regulations. This Site Plan is part of the Land Disturbance Permit package. Approval of this zoning petition does not constitute approval of the Concept Plan as the Site Plan.

### **Architectural Review**

Some architectural elevations were submitted as part of this application package. These elevations are conceptual and do not necessarily meet the requirements of the SR 54 West Overlay Zone. Any deficiencies shall be addressed at the time of submittal of the Building Plans.

## E. DEPARTMENTAL COMMENTS

- ☐ **Water System** - FCWS has no objection to this rezoning. Water is available in a 8" PVC water main along west side of Tyrone Rd and in a 16" DIP water main along southside of SR 54. Connection to Fayette County Water System will be required within the county right-of-way or in a developer provided deeded easement as necessary.
- ☐ **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. Driveways shall meet spacing and alignment standards per Sec. 104-55. Right-of-way dedication on Tyrone Road is required to meet minimum right-of-way standards, per Sec. 104-52.
  - **Floodplain Management** - The subject property **DOES** contain floodplain per FEMA FIRM panel 13113C0084E dated September 26, 2008 and per the FC 2013 Future Conditions Flood Study. All development shall be subject to the requirements of the Floodplain Management Ordinance, including but not limited to xxx.
  - **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.
  - **Stormwater Management** – The detention pond shall be on a standalone parcel. A maintenance agreement signed by all property owners is required.
- ☐ **Environmental Health Department** – This office has no objection to the proposed rezoning, however, there may be limitations:
  - This office has no records of the septic system located at 144 Tyrone Rd. This office must verify that each of the existing tanks have been pumped, crushed, and filled properly prior to any construction.
  - Due to the proposed use of this land, it is highly recommended by this office that the facility connect to public sewer. There may be minimal space of usable soils and the proposed use will require a large square foot for septic. If sewer is not feasible, then it is highly recommended that

the owners contact this office early in the process. The use of the property will be limited and dictated by the available soils. If on onsite septic system is to be utilized, then an application must be submitted to this office. these items must be submitted with the initial application for a new septic system: the applicable commercial fee, a properly scaled Level 3 soil report that bears the original soil scientist's stamp and signature, a copy of the soil scientist's Certificate of Liability Insurance, a floor plan/ proposed gallons per day required, a site plan sketch, and an approved plat of the property. Additional documents may be required and determined on a case by case basis. Furthermore, this office does not guarantee this lot will have suitable soils for the installation of an on-site sewage septic system. To determine the suitability, all required documents must be submitted and an on-site visit will be performed.

- ☐ **Fire** – has not provided any comments
- ☐ **Georgia Department of Transportation** - The proposed access to SR 54 (Floy Farr Pkwy) will need to be located from Tyrone Rd a minimum of 350' with a right-in/right-out access and decel lane and an ICE report waiver will need to be provided when applying for a GDOT encroachment permit, the applicant should be made aware of these GDOT requirements.

## F. STANDARDS

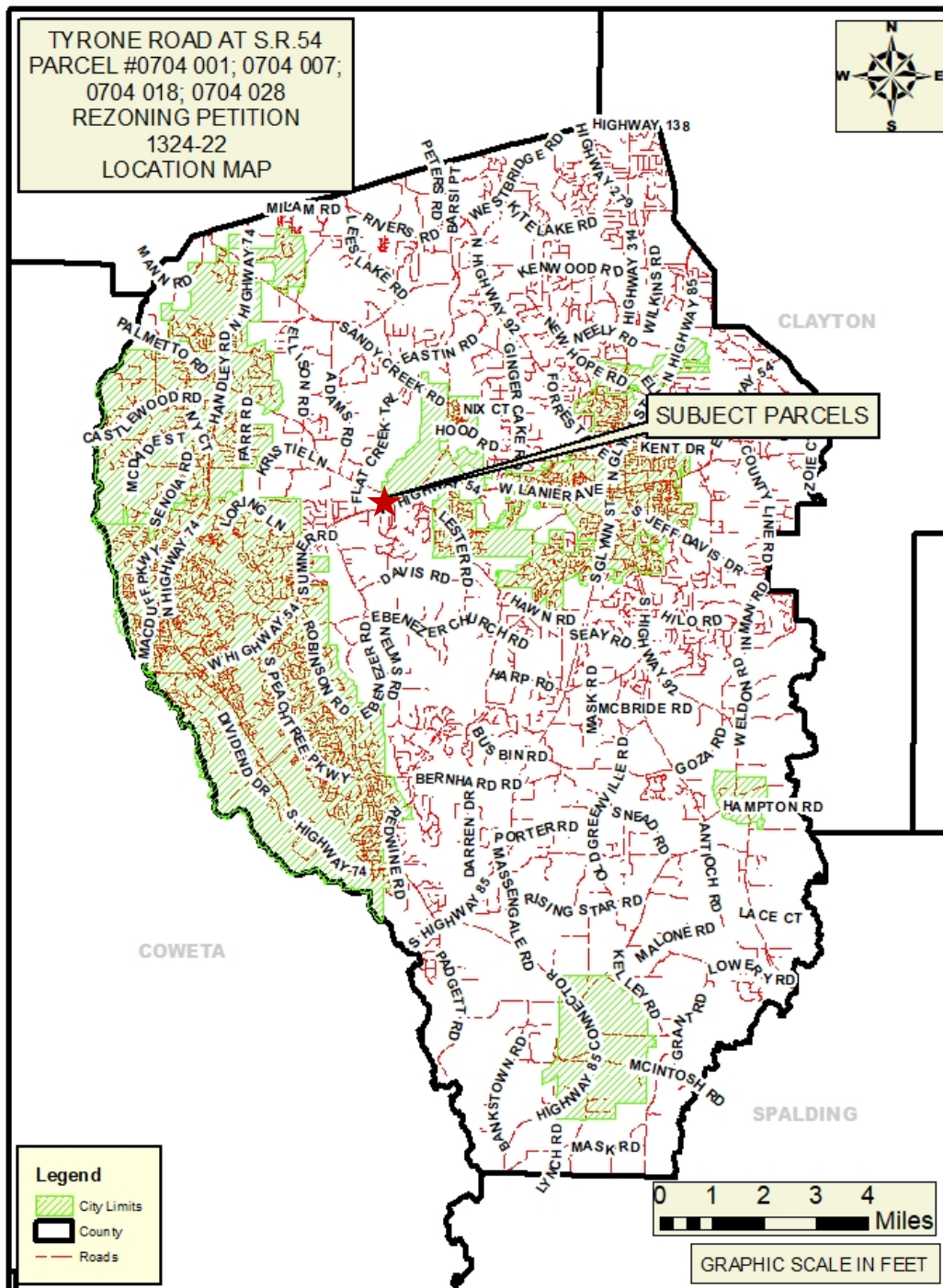
### Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

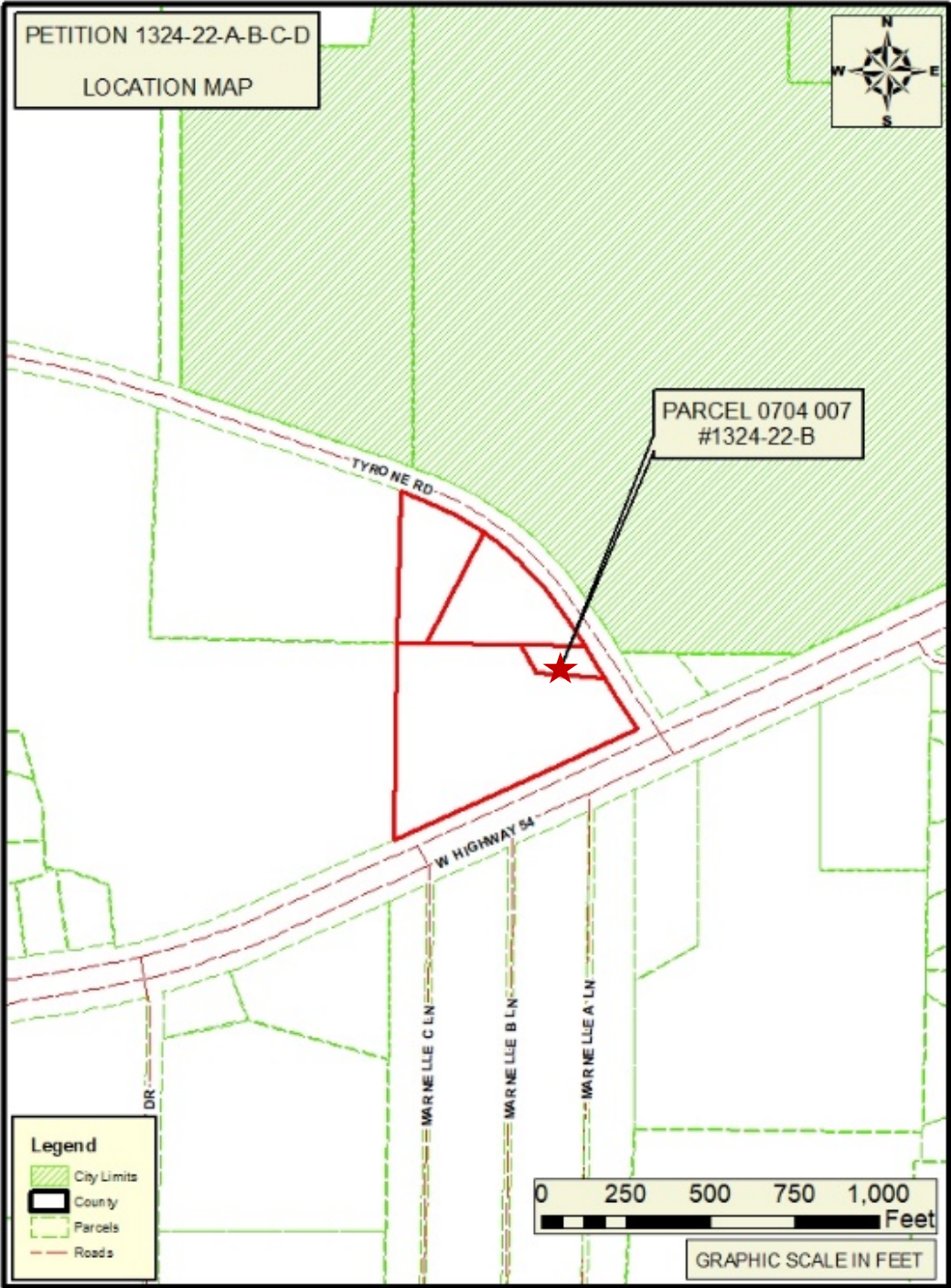
All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board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

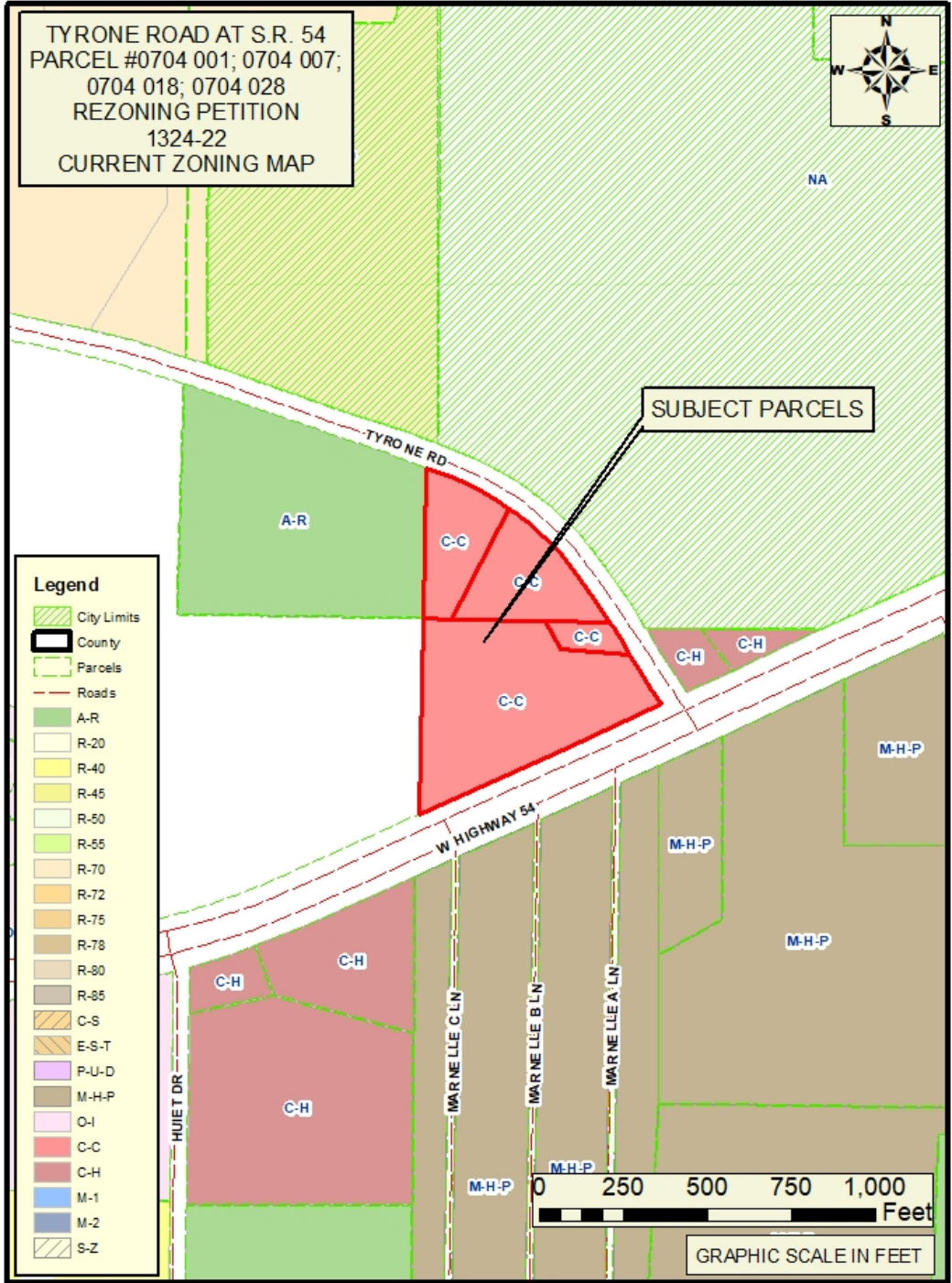
## G. STAFF ANALYSIS

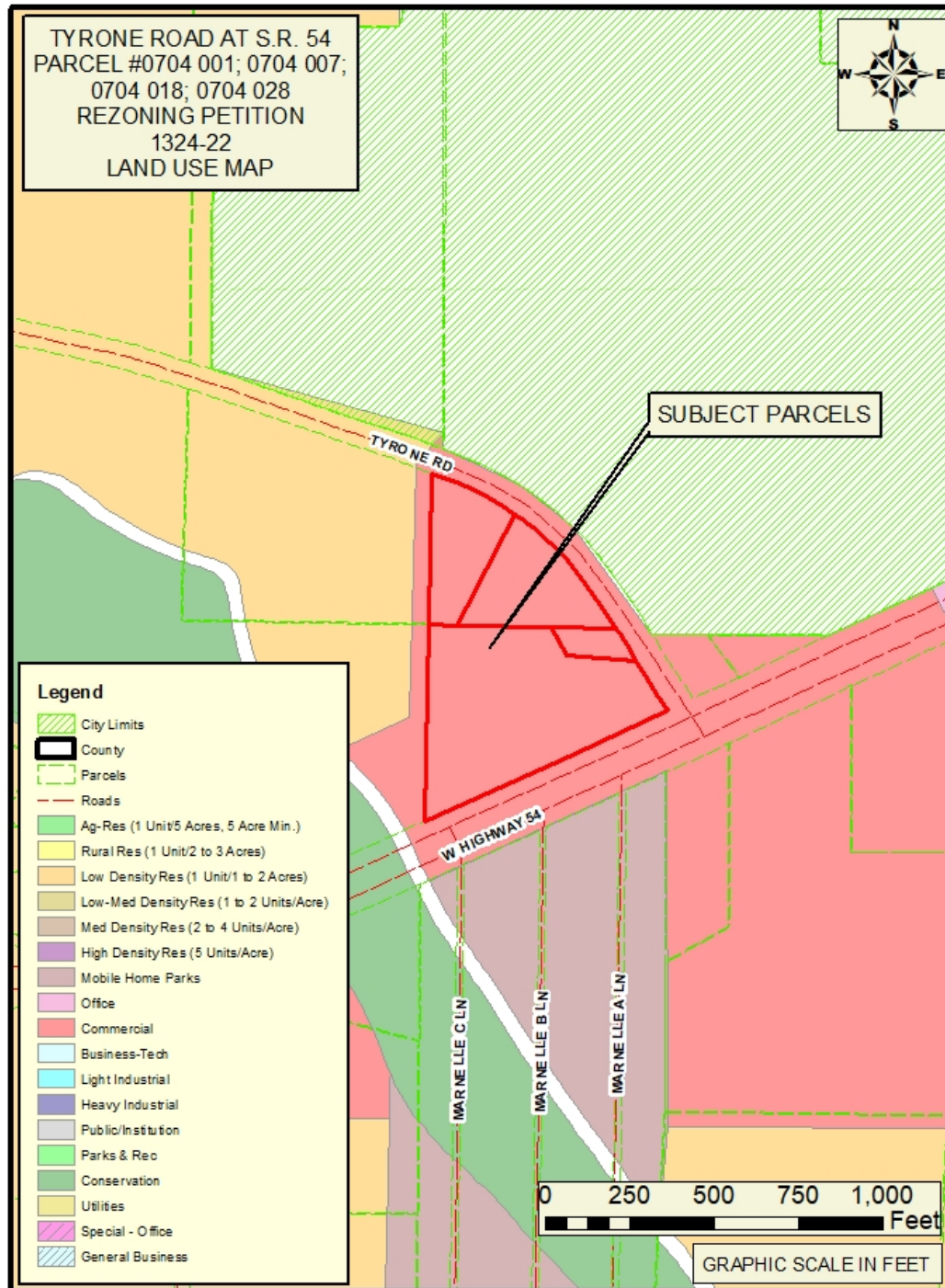
1. The subject properties lie within an area designated for Commercial uses, subject to the SR 54 West Overlay Zone. This request does conform to the Fayette County Comprehensive Plan in terms of the location of commercial uses in the area of the intersection of SR 54 and Tyrone Road.
2. The subject properties lie within an area designated as subject to the standards of the State Route 54 West Special Development District.
3. The area around the proposed nonresidential use is in an area that has various Residential, Commercial and Mixed-Use zoning and uses in both the 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 Tyrone Road 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.



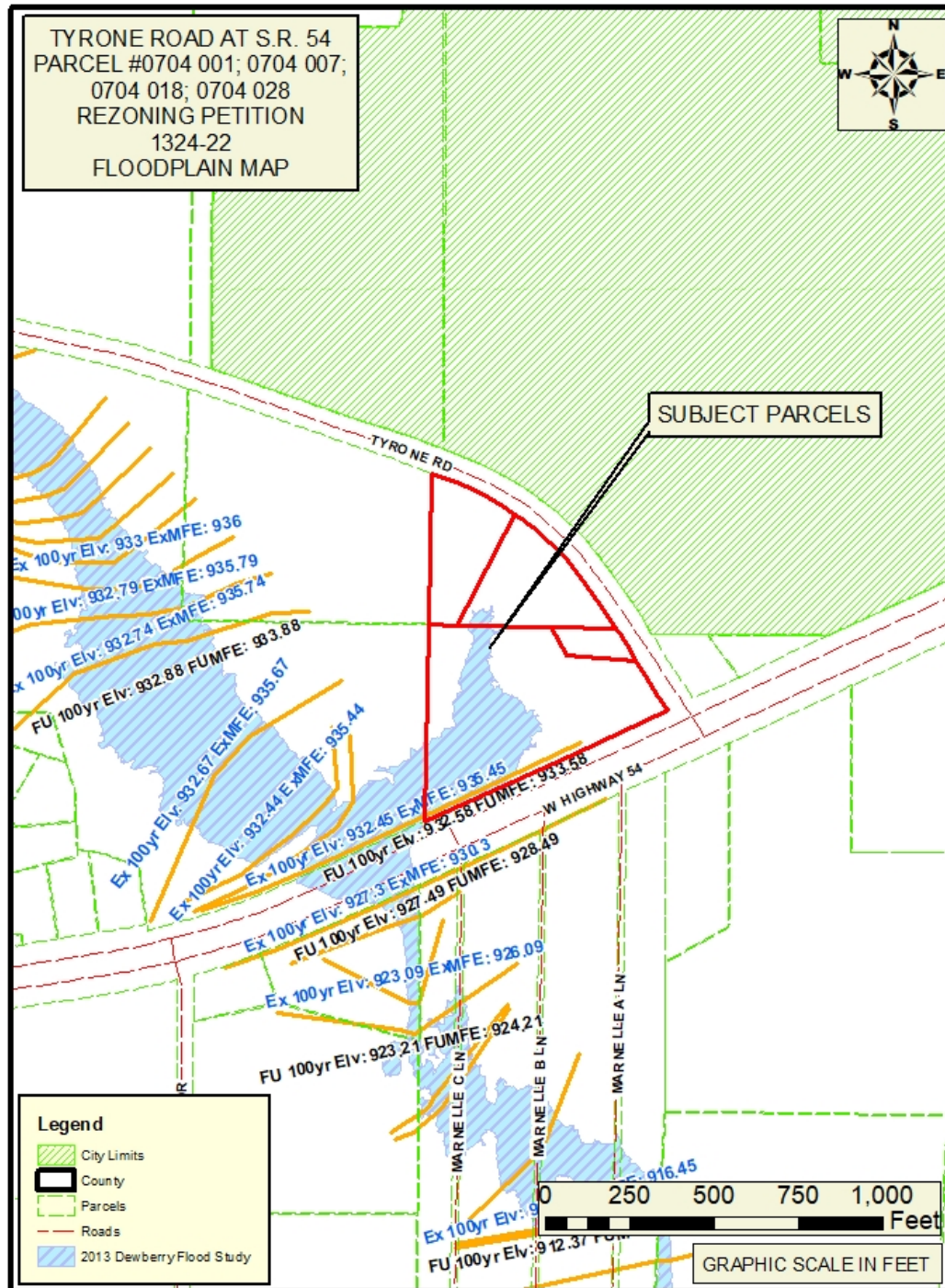




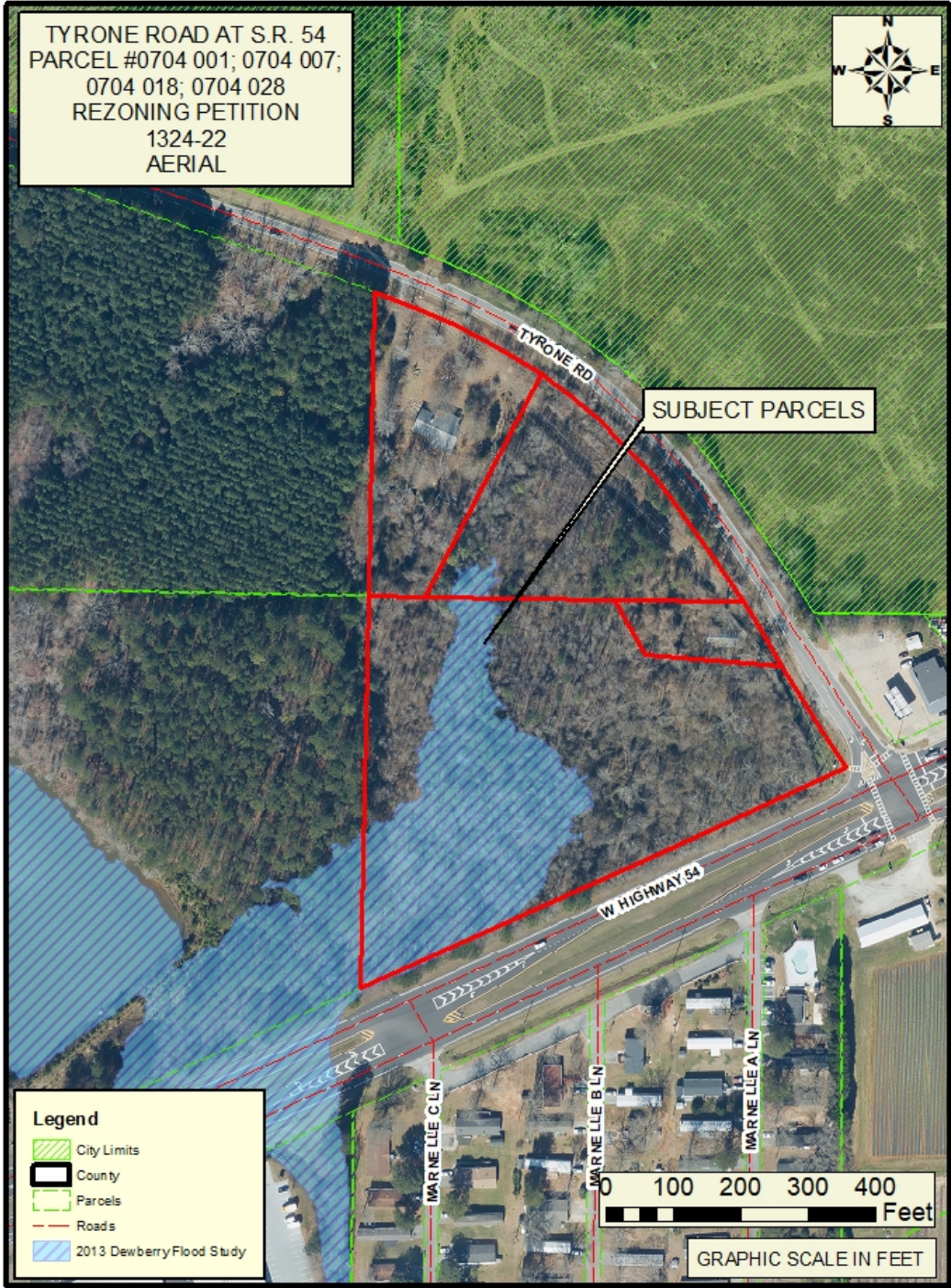




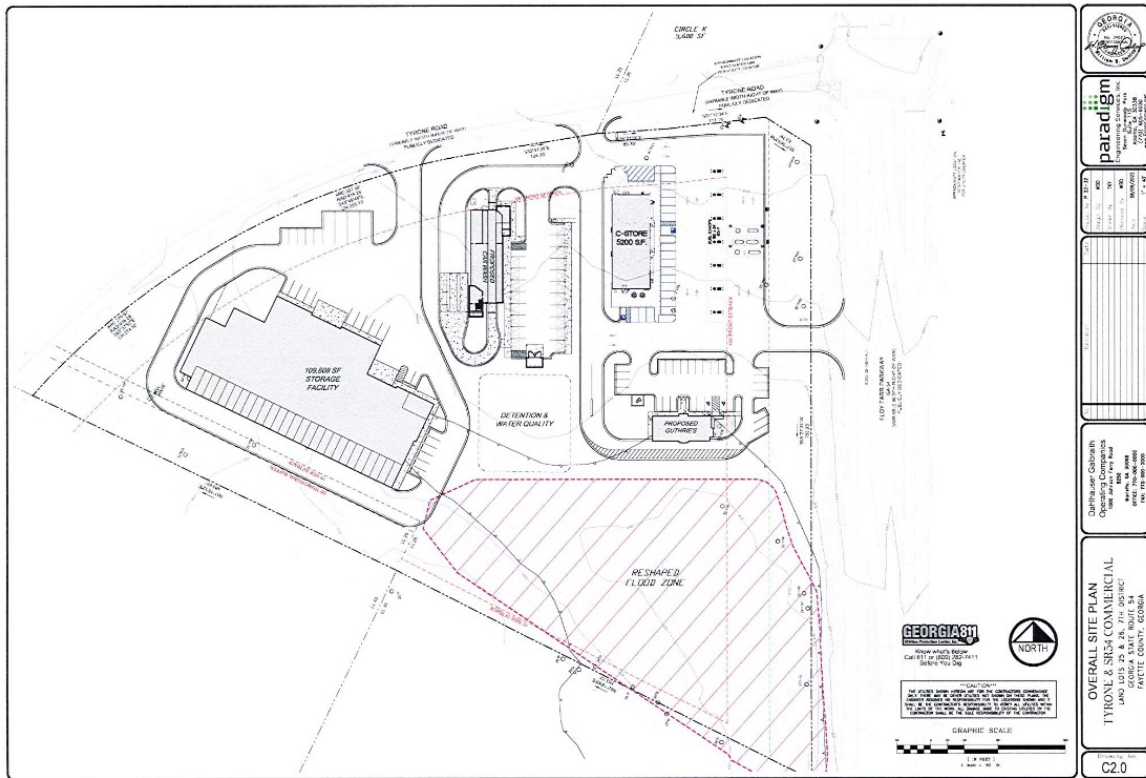












## CONCEPTUAL SITE PLAN



CONCEPTUAL RENDERING – SELF-STORAGE BUILDING

**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  
Deborah Sims, Zoning Administrator  
Chelsie Boynton, Planning and Zoning Coordinator  
E. Allison Ivey Cox, County Attorney

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**AGENDA**  
**FAYETTE COUNTY PLANNING COMMISSION MEETING**  
**140 STONEWALL AVENUE WEST**  
**October 6, 2022**  
**7:00 pm**

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

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1. Consideration of the Minutes of the meeting held on September 1, 2022.

*John Culbreth Sr. made a motion to approve the minutes of the meeting held on September 1<sup>st</sup>, 2022.  
Danny England seconded the motion. The motion passed 5-0.*

2. Consideration of 2023 Planning Commission meeting dates.

*Brian Haren made a motion to approve the 2023 Planning Commission meeting dates.  
John Culbreth Sr. seconded the motion. The motion passed 5-0.*

**NEW BUSINESS**

3. Consideration of a Minor Revision to a Major Final Plat of Kenwood Business Park,  
Phase Five (Lots 114 – 118).

*Jim Oliver made a motion to approve the Minor Revision to a Major Final Plat of  
Kenwood Business Park, Phase Five (Lots 114-118). Brian Haren seconded the  
motion. The motion passed 5-0.*

4. Consideration of a Minor Final Plat for Williams Farm.

*Brian Haren made a motion to approve the Minor Final Plat for Williams Farm. Jim  
Oliver seconded the motion. The motion passed 5-0.*

## **PUBLIC HEARING**

5. Consideration of Petition No. 1323-22 Johnnie K. Holland, Owner, and Randy M. Boyd, Agent, request to rezone 8.056 acres from A-R to R-45 to create four (4) residential lots. This property is located in Land Lot 254 of the 5<sup>th</sup> District and fronts on Kenwood Road and South Kite Lake Road.

***Brian Haren made a motion to recommend approval of Petition No. 1323-22, request to rezone 8.056 acres from A-R to R-45 to create four (4) residential lots with conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

6. Consideration of Petition No. 1324-22A Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 5.615 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 26 of the 7<sup>th</sup> District and fronts on S.R. 54 and Tyrone Road.

***Jim Oliver made a motion to recommend approval of Petition No. 1324-22A, request to rezone 5.615 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with amended conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

7. Consideration of Petition No. 1324-22B Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 0.331 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 26 of the 7<sup>th</sup> District and fronts on Tyrone Road.

***Jim Oliver made a motion to recommend approval of Petition No. 1324-22B, request to rezone 0.331 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

8. Consideration of Petition No. 1324-22C Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 1.993 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 25 of the 7<sup>th</sup> District and fronts on Tyrone Road.

***John Culbreth Sr. made a motion to recommend approval of Petition No. 1324-22C, request to rezone 1.993 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with conditions. Danny England seconded the motion. The motion passed 5-0.***

9. Consideration of Petition No. 1324-22D Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 1.948 acres from C-C to C-H to build a



convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 25 of the 7<sup>th</sup> District and fronts on Tyrone Road.

***John Culbreth Sr. made a motion to recommend approval of Petition No. 1324-22D, request to rezone 1.948 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with conditions. Danny England seconded the motion. The motion passed 5-0.***

10. Consideration of Petition No. 1325-22, Eric K. Maxwell, Owner, and Randy M. Boyd, Agent, request to rezone 8.49 acres from A-R to R-75 to create three (3) residential lots. This property is located in Land Lot 2 of the 5<sup>th</sup> District and fronts on Redwine Road.

***Jim Oliver made a motion to recommend approval of Petition No. 1325-22, request to rezone 8.49 acres from A-R to R-75 to create three (3) residential lots without conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

11. Consideration of Petition No. 1326-22, Amina, Omar, Saed and Hassan Zakaria, Owner, and Taylor English Duma LLP (Steven L. Jones), Agent, request to rezone 13.035 acres from O-I to C-H to create Truck Parking Facility. This property is located in Land Lot 233 of the 5<sup>th</sup> District and fronts on Highway 85 North. **(This petition cannot be heard due to issues with the survey and legal description. Rescheduled for November 3, 2022)**

# COUNTY AGENDA REQUEST

Page 125 of 330

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No. 1324-22-C; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent request to rezone 1.993 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 25 of the 7th District.

## Background/History/Details:

The subject property is made up of an 1.993-acre tract. The tract fronts on Tyrone Road. The property is undeveloped. The parcel is currently zoned C-C, Community Commercial. The area is designated for Commercial uses in the Land Use Plan, Fayette County Comprehensive Plan. On October 6, 2022, the Planning Commission voted 5-0 in favor of rezoning. Staff recommends CONDITIONAL APPROVAL of the request for a zoning of C-H, Highway Commercial, because the request is consistent with the Fayette County Comprehensive Land Use Plan and with surrounding land uses.

## RECOMMENDED CONDITIONS:

1. Tyrone 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 Tyrone Road. 2. 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. 3. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 30 days of the approval of the rezoning. 4. 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. 5. The required right-of-way donation shall be provided to the County within 30 days of the approval of the rezoning request.

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

Approval of Petition No. 1324-22-C; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent request to rezone 1.993 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 25 of the 7th District with five (5) conditions.

## If this item requires funding, please describe:

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:

**PETITION NO: 1324-22 – C**

**REQUESTED ACTION:** C-C to C-H

**PROPOSED USE:** Convenience Store with Fuel; Tunnel Car Wash; Interior-Access Self Storage; Quick-Serve Restaurant with Drive-Thru

**EXISTING USE:** Vacant Land & 2 vacant single-family homes

**LOCATION:** S.R. Highway 54 & Tyrone Road

**DISTRICT/LAND LOT(S):** 7<sup>th</sup> District, Land Lot 25

**OWNERS:** Tyrone 54, LLC and BBWJ, LLC

**AGENT:** Matt Dahlhauser for DG Development Partners, LLC

**PLANNING COMMISSION PUBLIC HEARING:** October 6, 2022

**BOARD OF COMMISSIONERS PUBLIC HEARING:** October 27, 2022

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**APPLICANT'S INTENT**

Applicant proposes to rezone 1.993 acres from C-C to C-H to develop commercial & retail businesses.

**STAFF RECOMMENDATION**

The request is consistent with the Comprehensive Plan and the S.R. 54 West Overlay District. As defined in the Fayette County Comprehensive Plan, the C-H (Highway Commercial District) is designated for this area. Based on the foregoing Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL of the request for a zoning of C-H (Highway Commercial).**

**RECOMMENDED CONDITIONS**

If this petition is approved by the Board of Commissioners, it should be approved **C-H** 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. Tyrone 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 Tyrone Road.
2. 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.
3. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 30 days of the approval of the rezoning.
4. 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.
5. The required right-of-way donation shall be provided to the County within 30 days of the approval of the rezoning request.

## **INVESTIGATION**

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

The subject property is made up of a 5.615-acre tract, a 0.331-acre tract, a 1.948-acre tract , and a 1.993-acre tract totaling 9.887 acres. The tracts front on S.R. 54 and Tyrone Road in Land Lots 25 & 26 of the 7<sup>th</sup> District. S.R. 54 is classified as a Major Arterial roads on the Fayette County Thoroughfare Plan and Tyrone Road is classified as a Minor Arterial. Two of the parcels are undeveloped; two parcels have vacant single-family homes on them.

All parcels are currently zoned *C-C, Community Commercial (Case #1110-03)*.

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

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

The four tracts that are the subject of the request are zoned C-C. In the vicinity of the subject property is land which is zoned A-R, C-C, C-H, and City of Fayetteville property. The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North & East (across Tyrone Rd)	109.67	City of Fayetteville	Vacant	City of Fayetteville
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East	0.74	C-H	Convenience Store w/Fuel	Commercial
West	41	A-R	Vacant	Rural Residential - 2
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### **C. COMPREHENSIVE PLAN**

The subject property lies within an area designated for Commercial 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-residential 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.

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Some architectural elevations were submitted as part of this application package. These elevations are conceptual and do not necessarily meet the requirements of the SR 54 West Overlay Zone. Any deficiencies shall be addressed at the time of submittal of the Building Plans.

## E. DEPARTMENTAL COMMENTS

- ☐ **Water System** - FCWS has no objection to this rezoning. Water is available in a 8" PVC water main along west side of Tyrone Rd and in a 16" DIP water main along southside of SR 54. Connection to Fayette County Water System will be required within the county right-of-way or in a developer provided deeded easement as necessary.
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- ☐ **Environmental Health Department** – This office has no objection to the proposed rezoning, however, there may be limitations:
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the owners contact this office early in the process. The use of the property will be limited and dictated by the available soils. If on onsite septic system is to be utilized, then an application must be submitted to this office. these items must be submitted with the initial application for a new septic system: the applicable commercial fee, a properly scaled Level 3 soil report that bears the original soil scientist's stamp and signature, a copy of the soil scientist's Certificate of Liability Insurance, a floor plan/ proposed gallons per day required, a site plan sketch, and an approved plat of the property. Additional documents may be required and determined on a case by case basis. Furthermore, this office does not guarantee this lot will have suitable soils for the installation of an on-site sewage septic system. To determine the suitability, all required documents must be submitted and an on-site visit will be performed.

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## **F. STANDARDS**

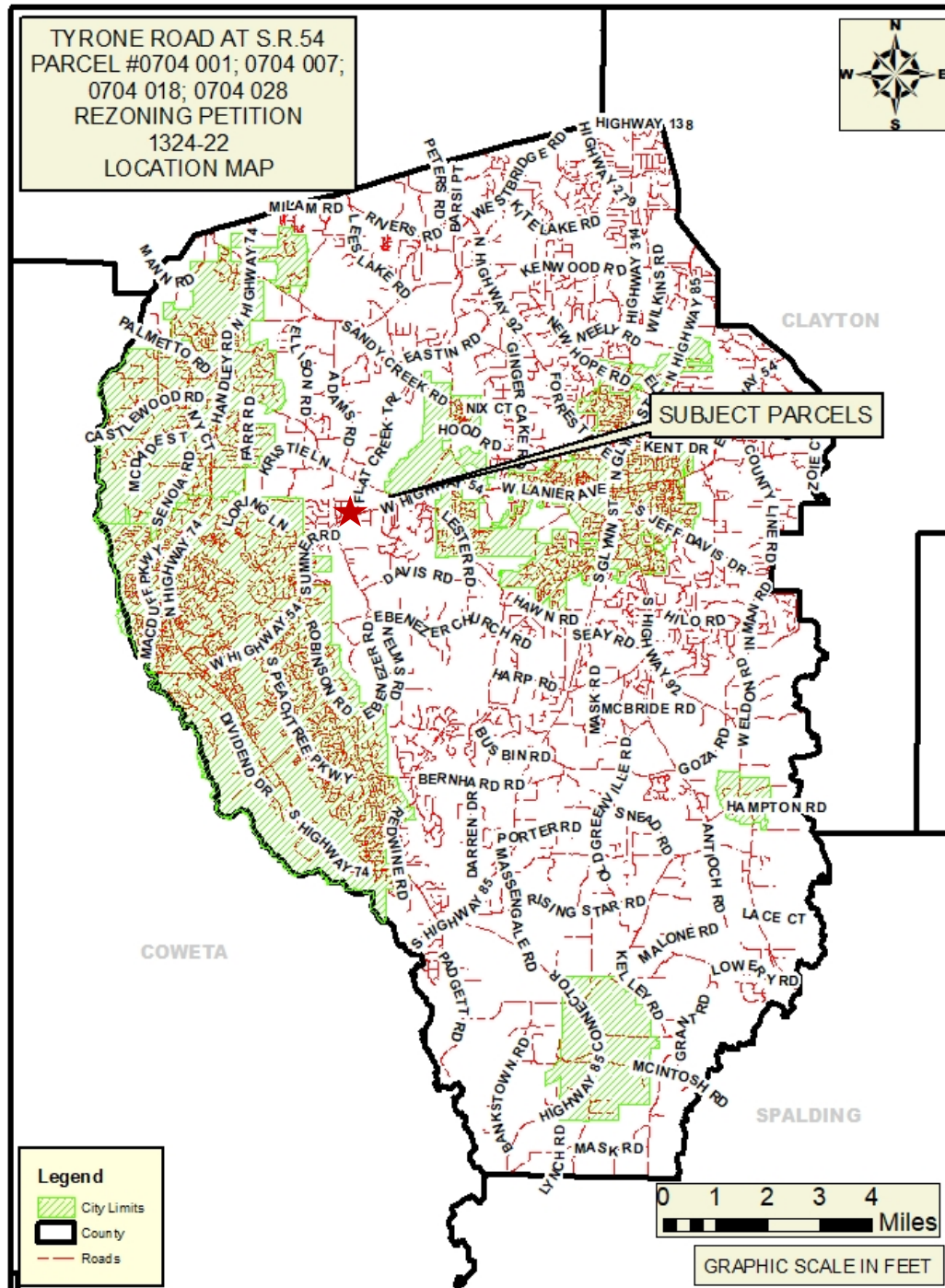
### **Sec. 110-300. - Standards for map amendment (rezoning) evaluation.**

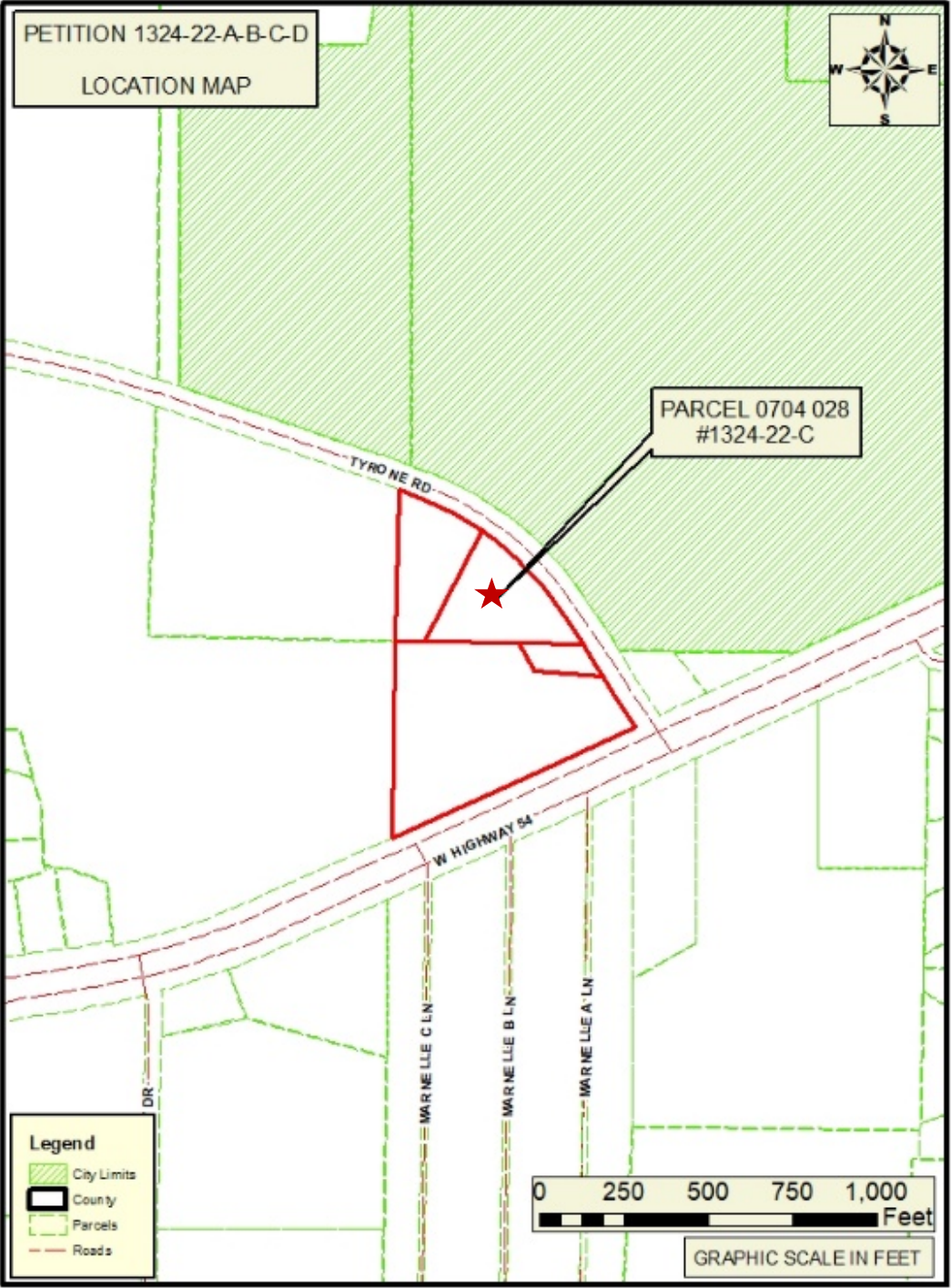
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- (3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;
- (4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

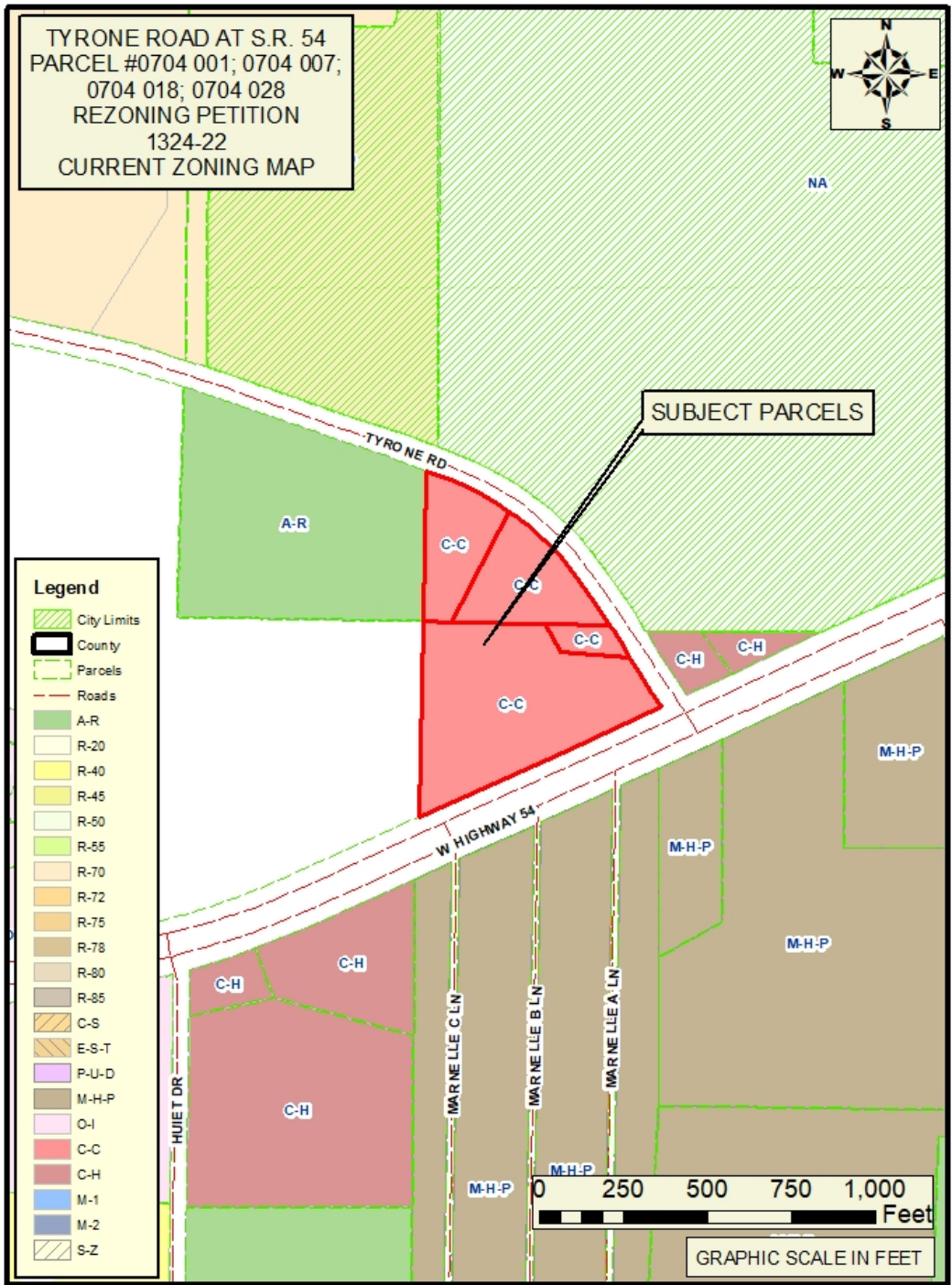
## **G. STAFF ANALYSIS**

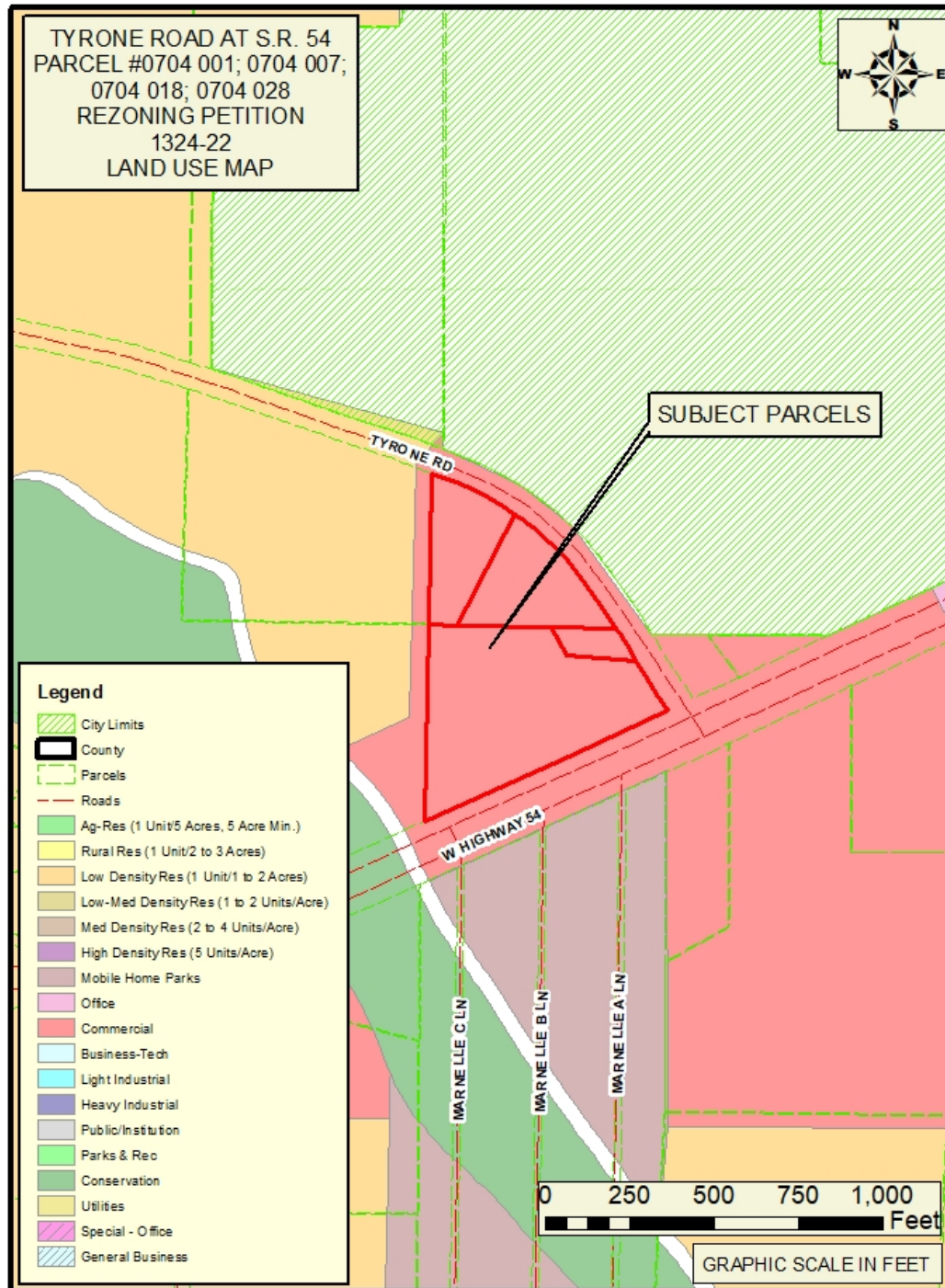
1. The subject properties lie within an area designated for Commercial uses, subject to the SR 54 West Overlay Zone. This request does conform to the Fayette County Comprehensive Plan in terms of the location of commercial uses in the area of the intersection of SR 54 and Tyrone Road.
2. The subject properties lie within an area designated as subject to the standards of the State Route 54 West Special Development District.
3. The area around the proposed nonresidential use is in an area that has various Residential, Commercial and Mixed-Use zoning and uses in both the 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 Tyrone Road 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.



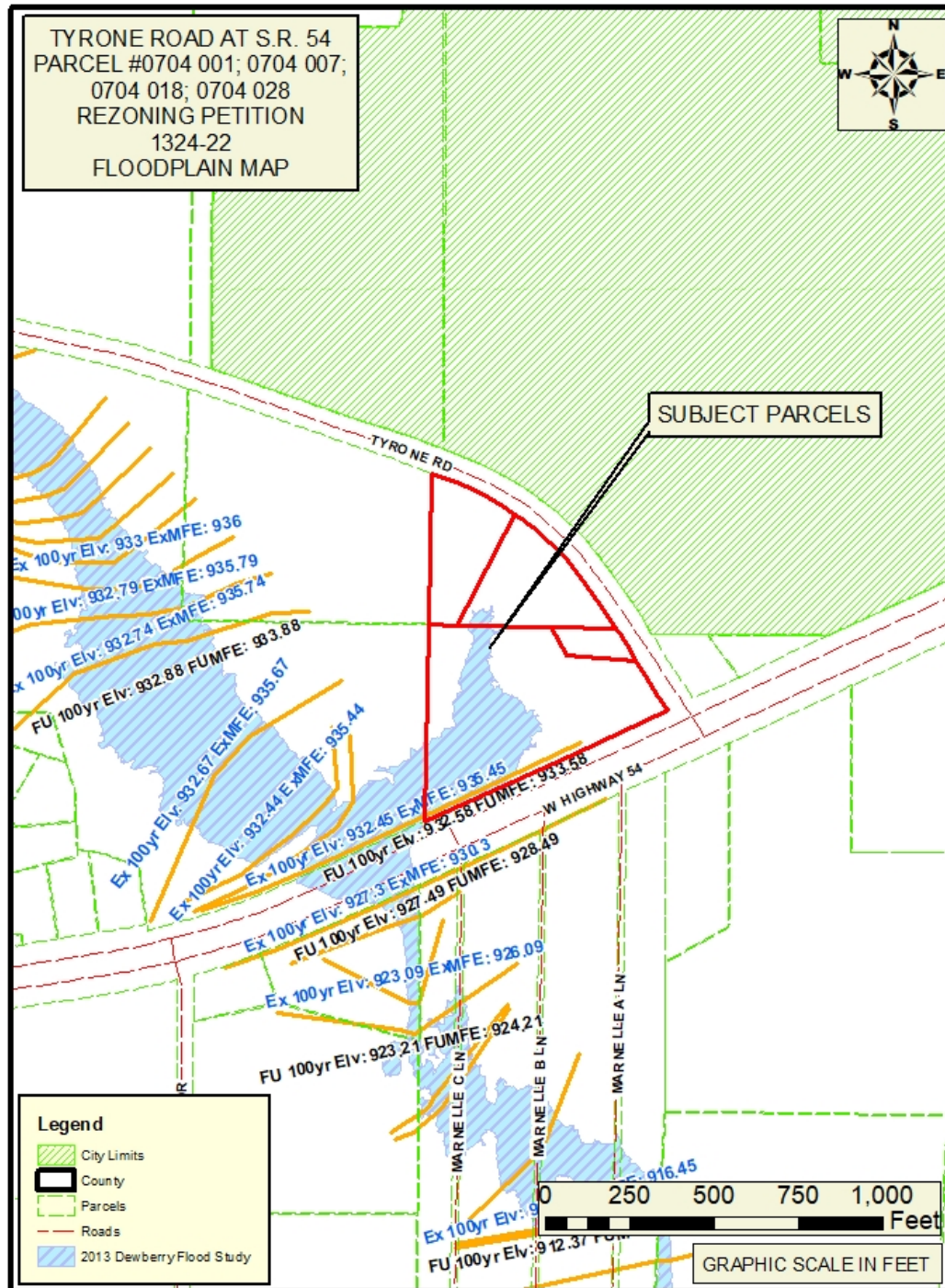




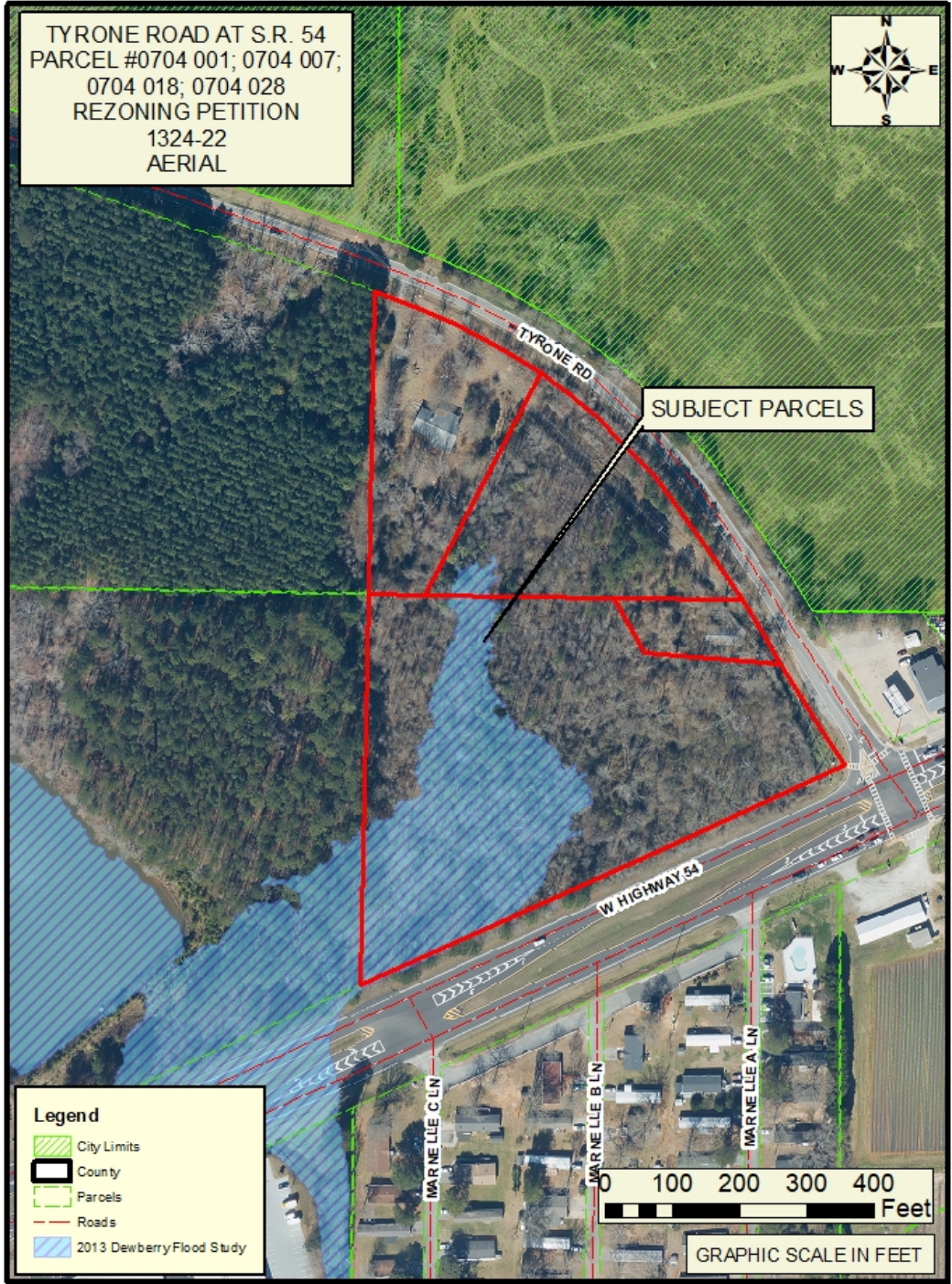




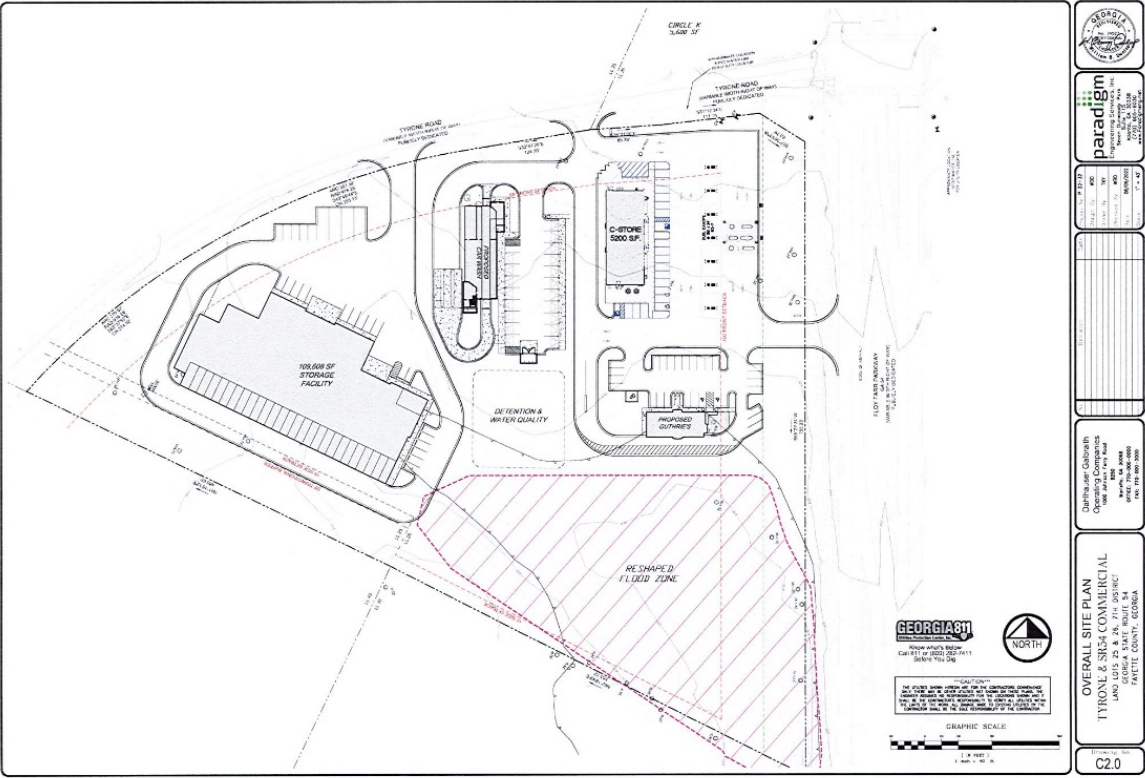












CONCEPTUAL SITE PLAN



CONCEPTUAL RENDERING – SELF-STORAGE BUILDING

**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  
Deborah Sims, Zoning Administrator  
Chelsie Boynton, Planning and Zoning Coordinator  
E. Allison Ivey Cox, County Attorney

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**AGENDA**  
**FAYETTE COUNTY PLANNING COMMISSION MEETING**  
**140 STONEWALL AVENUE WEST**  
**October 6, 2022**  
**7:00 pm**

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

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1. Consideration of the Minutes of the meeting held on September 1, 2022.

*John Culbreth Sr. made a motion to approve the minutes of the meeting held on September 1<sup>st</sup>, 2022.  
Danny England seconded the motion. The motion passed 5-0.*

2. Consideration of 2023 Planning Commission meeting dates.

*Brian Haren made a motion to approve the 2023 Planning Commission meeting dates.  
John Culbreth Sr. seconded the motion. The motion passed 5-0.*

**NEW BUSINESS**

3. Consideration of a Minor Revision to a Major Final Plat of Kenwood Business Park,  
Phase Five (Lots 114 – 118).

*Jim Oliver made a motion to approve the Minor Revision to a Major Final Plat of  
Kenwood Business Park, Phase Five (Lots 114-118). Brian Haren seconded the  
motion. The motion passed 5-0.*

4. Consideration of a Minor Final Plat for Williams Farm.

*Brian Haren made a motion to approve the Minor Final Plat for Williams Farm. Jim  
Oliver seconded the motion. The motion passed 5-0.*

## **PUBLIC HEARING**

5. Consideration of Petition No. 1323-22 Johnnie K. Holland, Owner, and Randy M. Boyd, Agent, request to rezone 8.056 acres from A-R to R-45 to create four (4) residential lots. This property is located in Land Lot 254 of the 5<sup>th</sup> District and fronts on Kenwood Road and South Kite Lake Road.

***Brian Haren made a motion to recommend approval of Petition No. 1323-22, request to rezone 8.056 acres from A-R to R-45 to create four (4) residential lots with conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

6. Consideration of Petition No. 1324-22A Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 5.615 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 26 of the 7<sup>th</sup> District and fronts on S.R. 54 and Tyrone Road.

***Jim Oliver made a motion to recommend approval of Petition No. 1324-22A, request to rezone 5.615 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with amended conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

7. Consideration of Petition No. 1324-22B Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 0.331 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 26 of the 7<sup>th</sup> District and fronts on Tyrone Road.

***Jim Oliver made a motion to recommend approval of Petition No. 1324-22B, request to rezone 0.331 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

8. Consideration of Petition No. 1324-22C Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 1.993 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 25 of the 7<sup>th</sup> District and fronts on Tyrone Road.

***John Culbreth Sr. made a motion to recommend approval of Petition No. 1324-22C, request to rezone 1.993 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with conditions. Danny England seconded the motion. The motion passed 5-0.***

9. Consideration of Petition No. 1324-22D Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 1.948 acres from C-C to C-H to build a



convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 25 of the 7<sup>th</sup> District and fronts on Tyrone Road.

***John Culbreth Sr. made a motion to recommend approval of Petition No. 1324-22D, request to rezone 1.948 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with conditions. Danny England seconded the motion. The motion passed 5-0.***

10. Consideration of Petition No. 1325-22, Eric K. Maxwell, Owner, and Randy M. Boyd, Agent, request to rezone 8.49 acres from A-R to R-75 to create three (3) residential lots. This property is located in Land Lot 2 of the 5<sup>th</sup> District and fronts on Redwine Road.

***Jim Oliver made a motion to recommend approval of Petition No. 1325-22, request to rezone 8.49 acres from A-R to R-75 to create three (3) residential lots without conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

11. Consideration of Petition No. 1326-22, Amina, Omar, Saed and Hassan Zakaria, Owner, and Taylor English Duma LLP (Steven L. Jones), Agent, request to rezone 13.035 acres from O-I to C-H to create Truck Parking Facility. This property is located in Land Lot 233 of the 5<sup>th</sup> District and fronts on Highway 85 North. **(This petition cannot be heard due to issues with the survey and legal description. Rescheduled for November 3, 2022)**

# COUNTY AGENDA REQUEST

Page 141 of 330

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No.1324-22-D; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent request to rezone 1.948 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 25 of the 7th District.

## Background/History/Details:

The subject property is made up of an 1.948-acre tract that fronts on Tyrone Rd. The property has a vacant house. The parcel is currently zoned C-C, Community Commercial. The area is designated for Commercial uses in the Land Use Plan, Fayette County Comprehensive Plan. On October 6, 2022, the Planning Commission voted 5-0 in favor of rezoning. Staff recommends CONDITIONAL APPROVAL of the request for a zoning of C-H, Highway Commercial, because the request is consistent with the Fayette County Comprehensive Land Use Plan and with surrounding land uses.

RECOMMENDED CONDITIONS 1. Tyrone 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 Tyrone Road. 2. A 100' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the west 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 30 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. 6. The required right-of-way donation shall be provided to the County within 30 days of approval of the request.

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

Approval of Petition No.1324-22-D; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent request to rezone 1.948 acres from C-C to C-H to develop a multi-use commercial center, including a convenience store, car wash, interior access self-storage and a quick-serve restaurant with drive-through; property located in Land Lot(s) 25 of the 7th District with six (6) conditions.

## 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:

**PETITION NO: 1324-22 – D**

**REQUESTED ACTION:** C-C to C-H

**PROPOSED USE:** Convenience Store with Fuel; Tunnel Car Wash; Interior-Access Self Storage; Quick-Serve Restaurant with Drive-Thru

**EXISTING USE:** Vacant Land & 2 vacant single-family homes

**LOCATION:** S.R. Highway 54 & Tyrone Road

**DISTRICT/LAND LOT(S):** 7<sup>th</sup> District, Land Lot 25

**OWNERS:** Tyrone 54, LLC and BBWJ, LLC

**AGENT:** Matt Dahlhauser for DG Development Partners, LLC

**PLANNING COMMISSION PUBLIC HEARING:** October 6, 2022

**BOARD OF COMMISSIONERS PUBLIC HEARING:** October 27, 2022

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**APPLICANT'S INTENT**

Applicant proposes to rezone 1.948 acres from C-C to C-H to develop commercial & retail businesses.

**STAFF RECOMMENDATION**

The request is consistent with the Comprehensive Plan and the S.R. 54 West Overlay District. As defined in the Fayette County Comprehensive Plan, the C-H (Highway Commercial District) is designated for this area.. Based on the foregoing Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL of the request for a zoning of C-H (Highway Commercial).**

**RECOMMENDED CONDITIONS**

If this petition is approved by the Board of Commissioners, it should be approved **C-H** 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. Tyrone 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 Tyrone Road.
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4. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 30 days of the approval of the rezoning.
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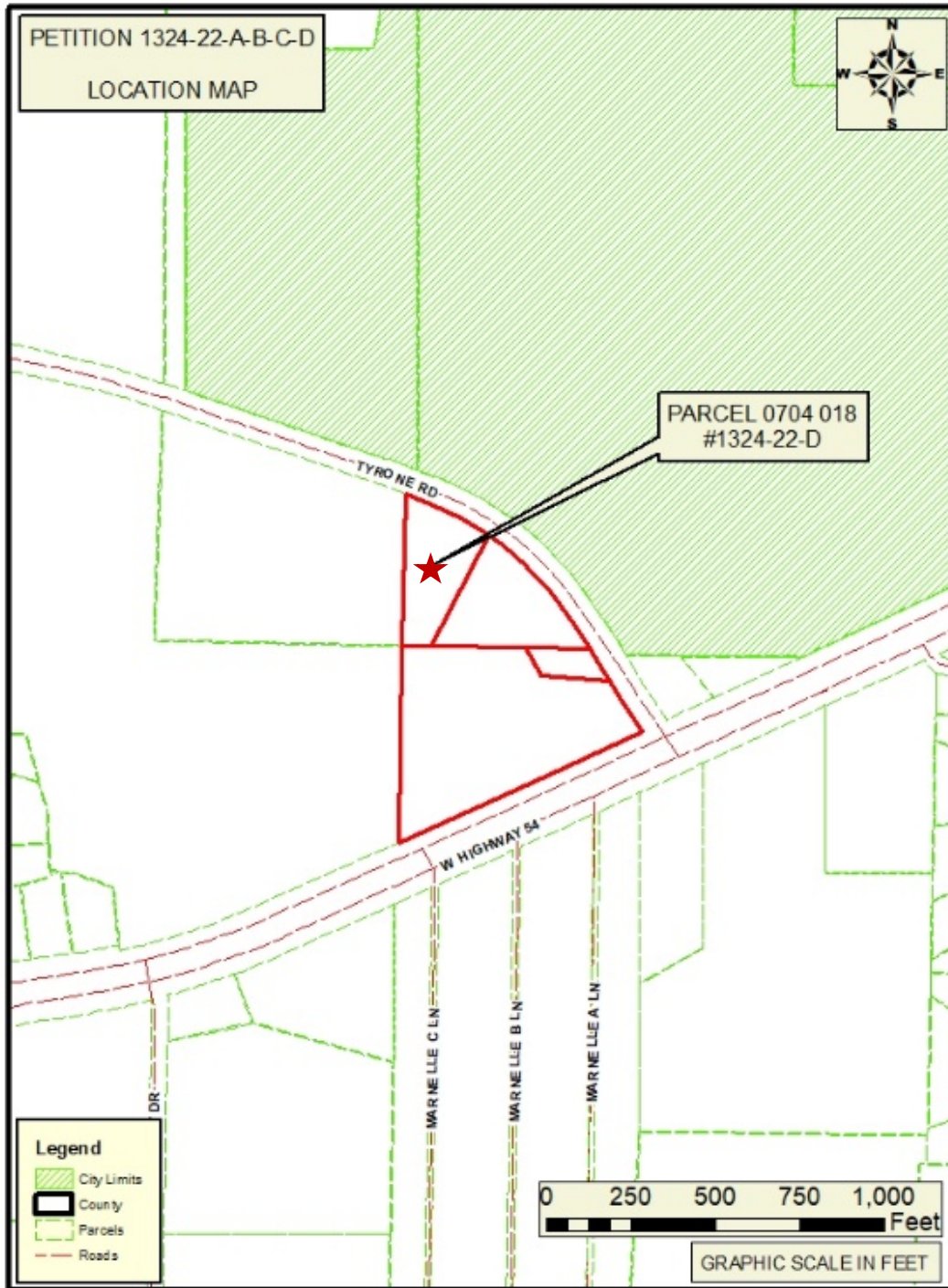
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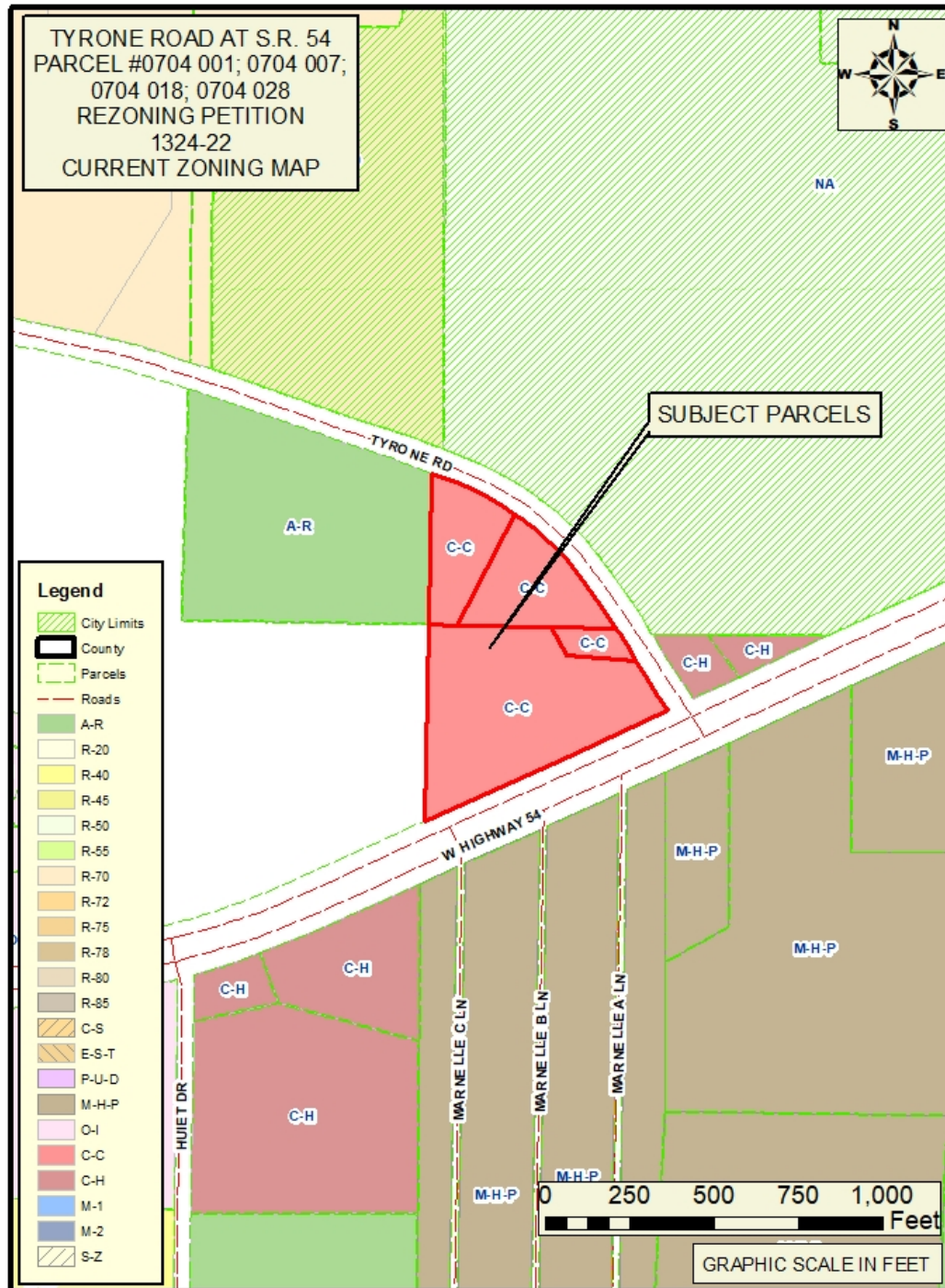
## G. STAFF ANALYSIS

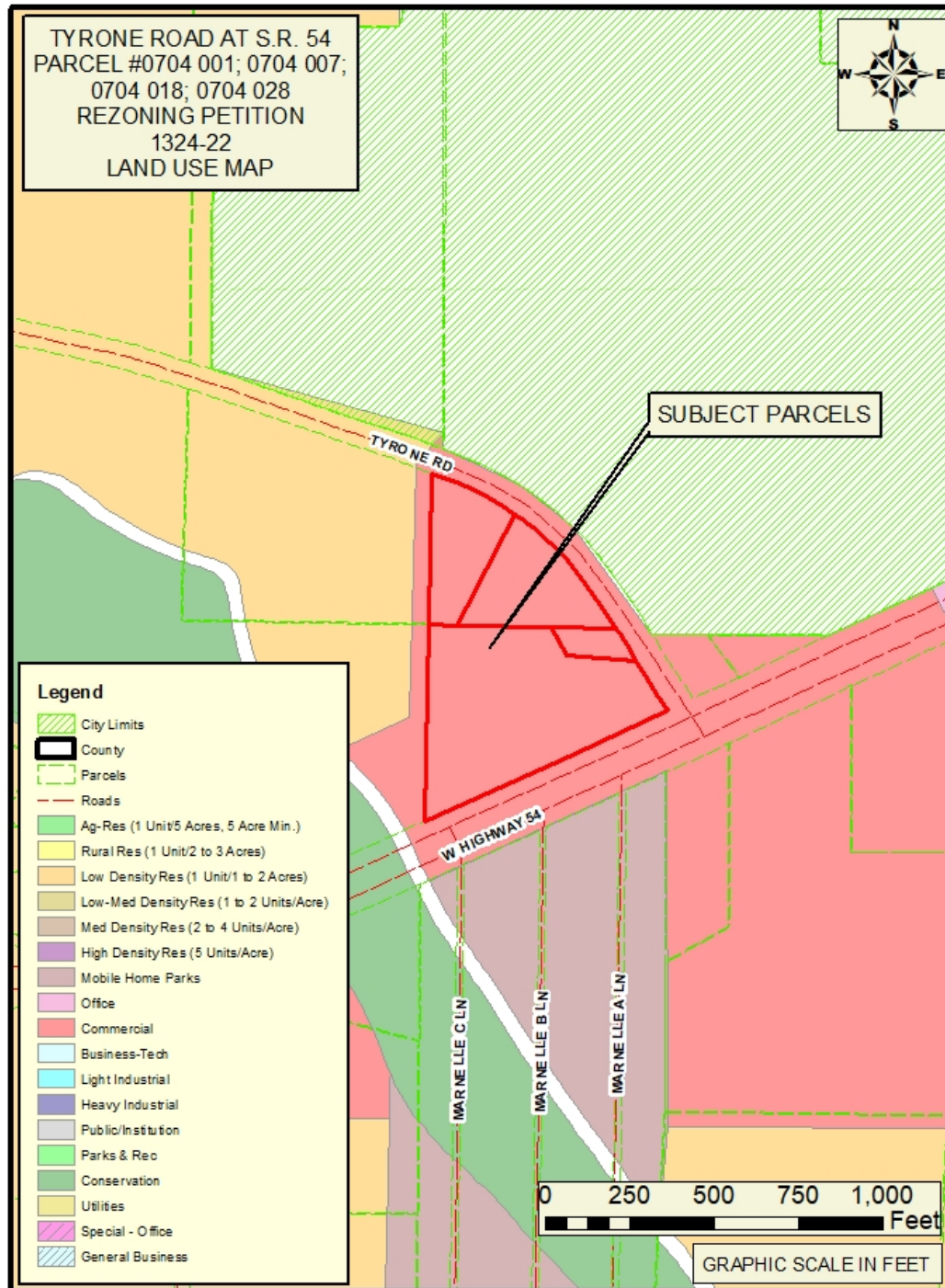
1. The subject properties lie within an area designated for Commercial uses, subject to the SR 54 West Overlay Zone. This request does conform to the Fayette County Comprehensive Plan in terms of the location of commercial uses in the area of the intersection of SR 54 and Tyrone Road.
2. The subject properties lie within an area designated as subject to the standards of the State Route 54 West Special Development District.
3. The area around the proposed nonresidential use is in an area that has various Residential, Commercial and Mixed-Use zoning and uses in both the 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 Tyrone Road 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.



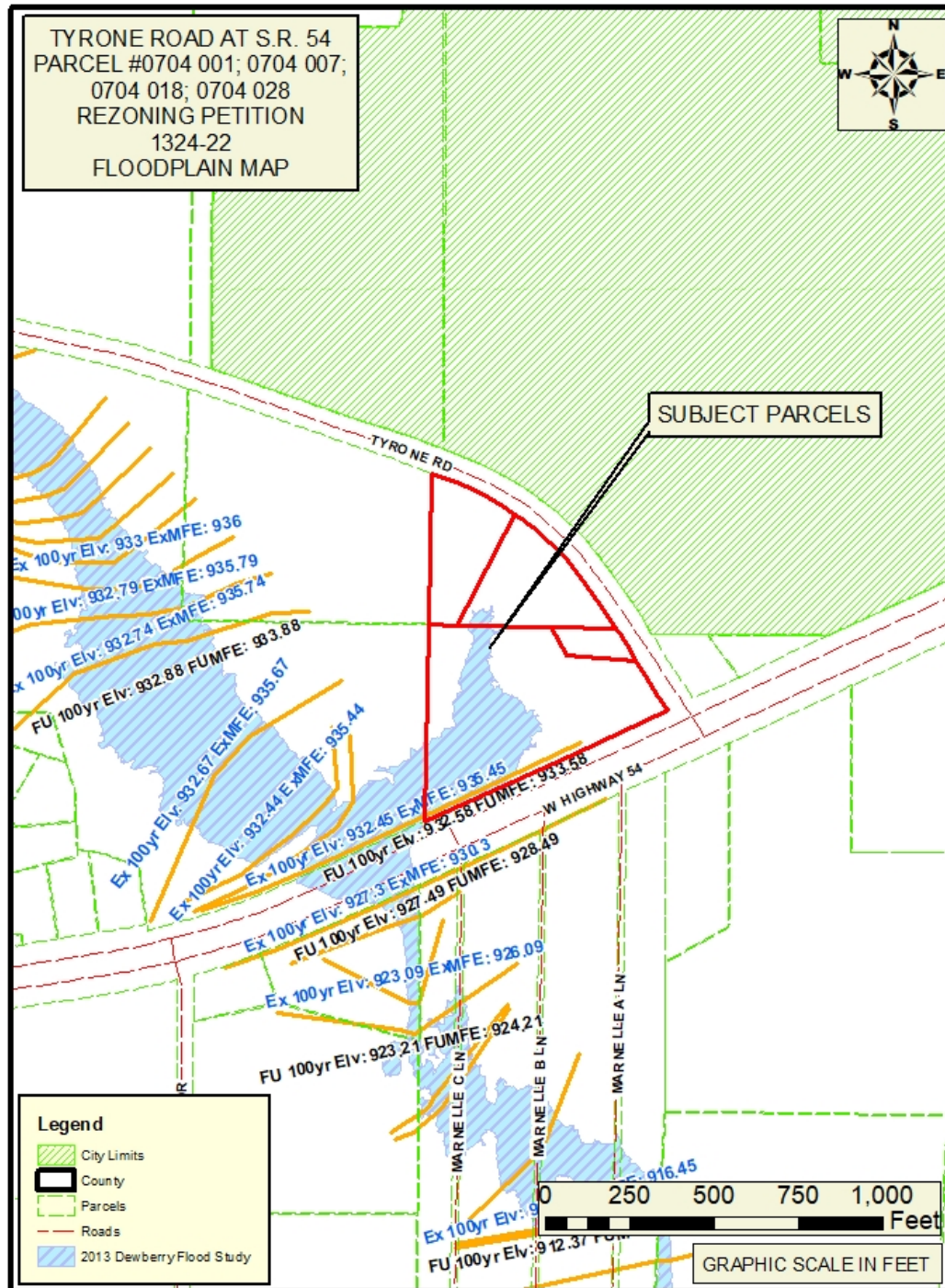




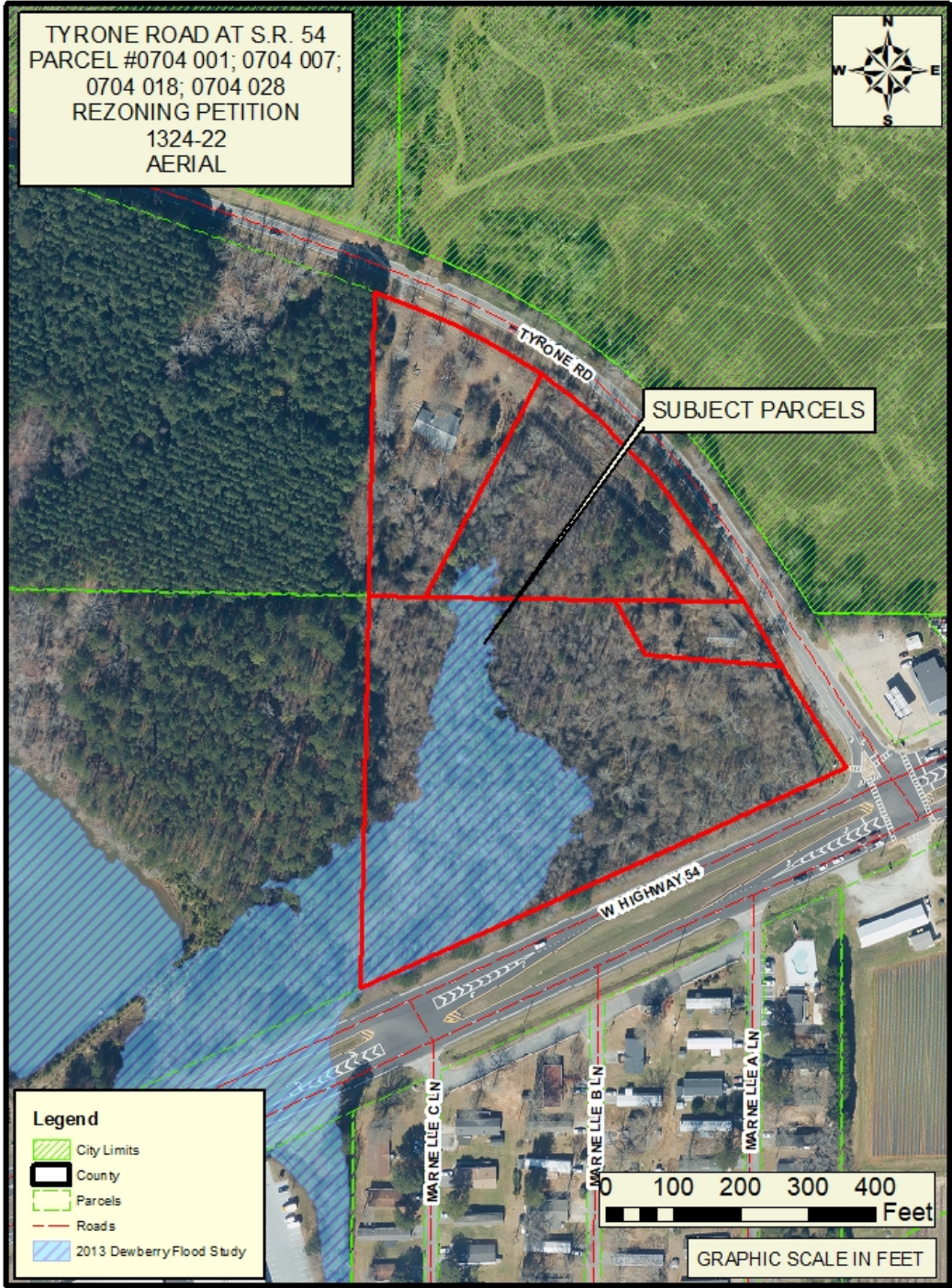




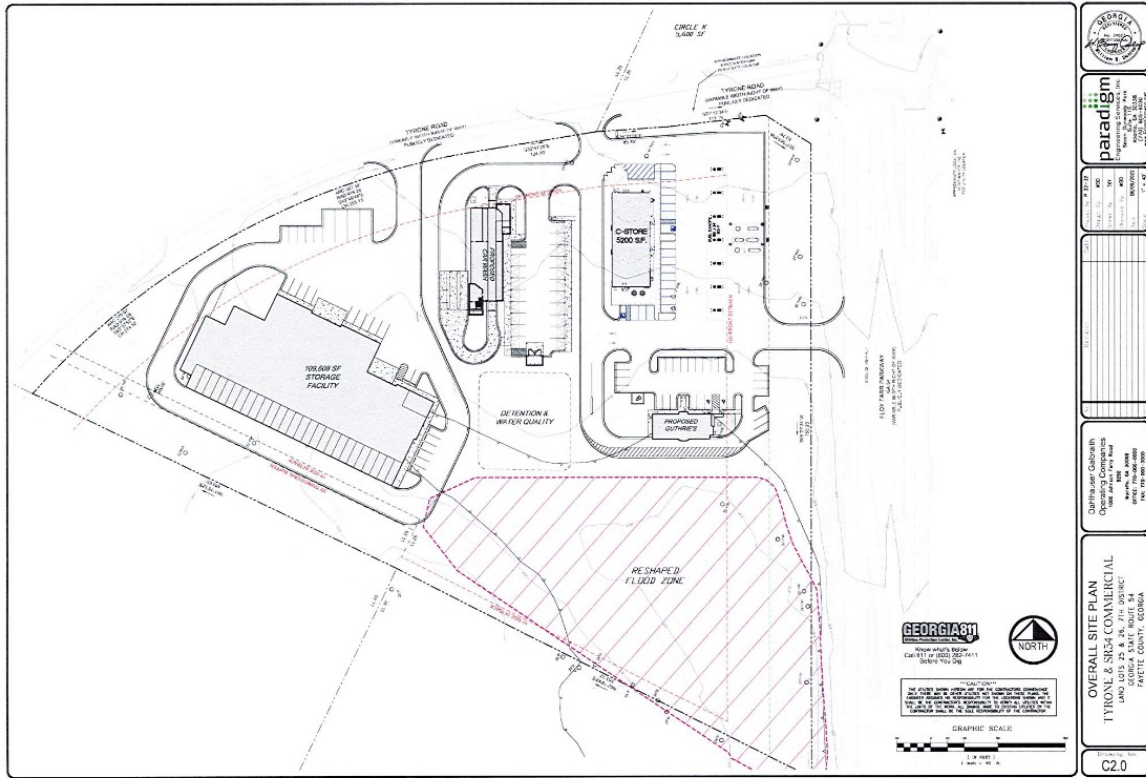












CONCEPTUAL SITE PLAN



CONCEPTUAL RENDERING – SELF-STORAGE BUILDING

**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  
Deborah Sims, Zoning Administrator  
Chelsie Boynton, Planning and Zoning Coordinator  
E. Allison Ivey Cox, County Attorney

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**AGENDA**  
**FAYETTE COUNTY PLANNING COMMISSION MEETING**  
**140 STONEWALL AVENUE WEST**  
**October 6, 2022**  
**7:00 pm**

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

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1. Consideration of the Minutes of the meeting held on September 1, 2022.

*John Culbreth Sr. made a motion to approve the minutes of the meeting held on September 1<sup>st</sup>, 2022.  
Danny England seconded the motion. The motion passed 5-0.*

2. Consideration of 2023 Planning Commission meeting dates.

*Brian Haren made a motion to approve the 2023 Planning Commission meeting dates.  
John Culbreth Sr. seconded the motion. The motion passed 5-0.*

**NEW BUSINESS**

3. Consideration of a Minor Revision to a Major Final Plat of Kenwood Business Park,  
Phase Five (Lots 114 – 118).

*Jim Oliver made a motion to approve the Minor Revision to a Major Final Plat of  
Kenwood Business Park, Phase Five (Lots 114-118). Brian Haren seconded the  
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4. Consideration of a Minor Final Plat for Williams Farm.

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## **PUBLIC HEARING**

5. Consideration of Petition No. 1323-22 Johnnie K. Holland, Owner, and Randy M. Boyd, Agent, request to rezone 8.056 acres from A-R to R-45 to create four (4) residential lots. This property is located in Land Lot 254 of the 5<sup>th</sup> District and fronts on Kenwood Road and South Kite Lake Road.

***Brian Haren made a motion to recommend approval of Petition No. 1323-22, request to rezone 8.056 acres from A-R to R-45 to create four (4) residential lots with conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

6. Consideration of Petition No. 1324-22A Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 5.615 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 26 of the 7<sup>th</sup> District and fronts on S.R. 54 and Tyrone Road.

***Jim Oliver made a motion to recommend approval of Petition No. 1324-22A, request to rezone 5.615 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with amended conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

7. Consideration of Petition No. 1324-22B Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 0.331 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 26 of the 7<sup>th</sup> District and fronts on Tyrone Road.

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***John Culbreth Sr. made a motion to recommend approval of Petition No. 1324-22C, request to rezone 1.993 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with conditions. Danny England seconded the motion. The motion passed 5-0.***

9. Consideration of Petition No. 1324-22D Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 1.948 acres from C-C to C-H to build a



convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 25 of the 7<sup>th</sup> District and fronts on Tyrone Road.

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10. Consideration of Petition No. 1325-22, Eric K. Maxwell, Owner, and Randy M. Boyd, Agent, request to rezone 8.49 acres from A-R to R-75 to create three (3) residential lots. This property is located in Land Lot 2 of the 5<sup>th</sup> District and fronts on Redwine Road.

***Jim Oliver made a motion to recommend approval of Petition No. 1325-22, request to rezone 8.49 acres from A-R to R-75 to create three (3) residential lots without conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.***

11. Consideration of Petition No. 1326-22, Amina, Omar, Saed and Hassan Zakaria, Owner, and Taylor English Duma LLP (Steven L. Jones), Agent, request to rezone 13.035 acres from O-I to C-H to create Truck Parking Facility. This property is located in Land Lot 233 of the 5<sup>th</sup> District and fronts on Highway 85 North. **(This petition cannot be heard due to issues with the survey and legal description. Rescheduled for November 3, 2022)**

# COUNTY AGENDA REQUEST

Page 157 of 330

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No.1325-22, Eric K. Maxwell, Owner; Randy Boyd, Agent; request to rezone 8.49 acres from A-R to R-75 to develop three (3) single-family residential lots; property located in Land Lot(s) 2 of the 5th District.

## Background/History/Details:

The subject property is made up of an 8.49-acre tract. The tract fronts on Redwine Road in Land Lot 2 of the 5th District. Redwine Road is classifieds as a Minor Arterial on the Fayette County Thoroughfare Plan. The property is undeveloped and used only for agricultural purposes. The parcel is currently zoned A-R, Agriculture- Residential. The area is designated for Low-Density Residential (1 unit/ 2 acre) uses in the Land Use Plan, Fayette County Comprehensive Plan.

On October 6, 2022, the Planning Commission voted 5-0 in favor of the rezoning.

Staff recommends CONDITIONAL APPROVAL of the request for a zoning of R-75 – Single-Family Residential because the request is consistent with the Fayette County Comprehensive Land Use Plan and with surrounding land uses.

## RECOMMENDED CONDITIONS:

1. The applicant shall apply for the Minor Final Plat within 30 days of the approval of the rezoning petition and shall record the plat within 30 days of plat approval by the Planning Commission.

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

Approval of Consideration of Petition No.1325-22, Eric K. Maxwell, Owner; Randy Boyd, Agent; request to rezone 8.49 acres from A-R to R-75 to develop three (3) single-family residential lots; property located in Land Lot(s) 2 of the 5th District with one (1) condition.

## 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:

**PETITION NO: 1325-22**

**REQUESTED ACTION:** A-R to R-75

**PROPOSED USE:** 3 Single-Family Residential Lots

**EXISTING USE:** 1 Agriculture-Residential (single-family) Lot (vacant)

**LOCATION:** South of 1585 Redwine Road

**DISTRICT/LAND LOT(S):** 5<sup>th</sup> District, Land Lot 2

**OWNERS:** Eric K. Maxwell

**AGENT:** Randy Boyd

**PLANNING COMMISSION PUBLIC HEARING:** October 6, 2022

**BOARD OF COMMISSIONERS PUBLIC HEARING:** October 27, 2022

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**APPLICANT'S INTENT**

Applicant proposes to rezone 8.49 acres from A-R to R-75 to develop 3 Single-Family Residential Lots.

**STAFF RECOMMENDATION**

As defined in the Fayette County Comprehensive Plan, the area is designated as Rural Residential-2 (1 unit/2 acres); R-75 (Single-Family Residential District) meets the criteria for this area. Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL** of the request for a zoning of R-75 – Single-Family Residential.

## **INVESTIGATION**

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

The subject property is an 8.49-acre tract that fronts on Redwine Road in Land Lot 2 of the 5<sup>th</sup> District. Redwine Road is classified as a Minor Arterial on the Fayette County Thoroughfare Plan. The property has 1 single-family home on it and a smaller residential structure that is a guest house.

The parcel is currently zoned *A-R, Agriculture- Residential*.

The area is designated for Low-density residential (Rural Residential-2, (1 unit/ 2 acres)) & Conservation uses in the Land Use Plan, Fayette County Comprehensive Plan. The ‘*Conservation*’ designation is for areas within the FEMA 100-year floodplain.

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

All property immediately adjacent to the subject parcel is zoned A-R and is composed of single-family residential and agricultural uses. A few hundred feet to the south, on both sides of Redwine Road, is property zoned PUD, composed of single-family residential properties. See the following table and the attached Zoning Map. The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	All	A-R	Single-Family Residential	Rural Residential-2 (1 unit/2 acres) & Conservation
South	All	A-R	Single-Family Residential	Rural Residential-2 (1 unit/2 acres) & Conservation
East	all	A-R	Single-Family Residential	Rural Residential-2 (1 unit/2 acres)
West	all	A-R	Single-Family Residential	Rural Residential-2 (1 unit/2 acres) & Conservation

### **C. COMPREHENSIVE PLAN**

The subject property lies within an area designated for Rural Residential-2 uses. Per the Land Use element of the Fayette County Comprehensive Plan, the residential land use sub-category is described as:

***Rural Residential - 2:*** *These are areas which allow residential development with a minimum density of one dwelling unit per two acres. County water is available in some areas; the Conservation Subdivision (CS) Zoning District is appropriate in this area.*

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

#### **Access & Right-of Way**

The Concept Plan submitted indicates access from Redwine Road for all lots. A Right of Way donation is required to meet the standards of the Fayette County Thoroughfare Plan (Sec. 104-52) and is reflected on the concept plan.

**Site Plan** – The proposed site plan creates 3 single-family residential lots. A Minor Final Plat will be required.



**F. DEPARTMENTAL COMMENTS**

- ☐ **Water System** - FCWS has no objection to the proposed rezoning. Water is available in a 12" DIP water main along the west side of Redwine Rd at this location.
- ☐ **Public Works/Environmental Management**
  - **Transportation** – The appropriate right-of-way dedication is provided in the proposed site plan. The surveyor must provide sight distance assessments for each parcel to demonstrate that adequate sight distance is present for future driveways.
  - **Floodplain Management** - The subject property **DOES** contain floodplain per FEMA FIRM panel 13113C0113E dated September 26, 2008 but **DOES NOT** contain floodplain per the FC 2013 Future Conditions Flood Study. New development must meet all requirements of the Floodplain Management Ordinance. Elevation certificates and Minimum Finished Floor Elevations (MFFE) will be required.
  - **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 objection to the proposed rezoning. However, this office does not guarantee each proposed lot will have suitable soils for the installation of an on-site sewage septic system. To determine the suitability, an application must be submitted to this office for each lot prior to building a residential home. These items must be submitted with the initial application: the applicable fee, a properly scaled Level 3 soil report that bears the original soil scientist's stamp and signature, a copy of the soil scientist's Certificate of Liability Insurance, a floor plan of the house, a site plan sketch, and a plat of the property.
- ☐ **Fire** – The department has no objections to this rezoning.

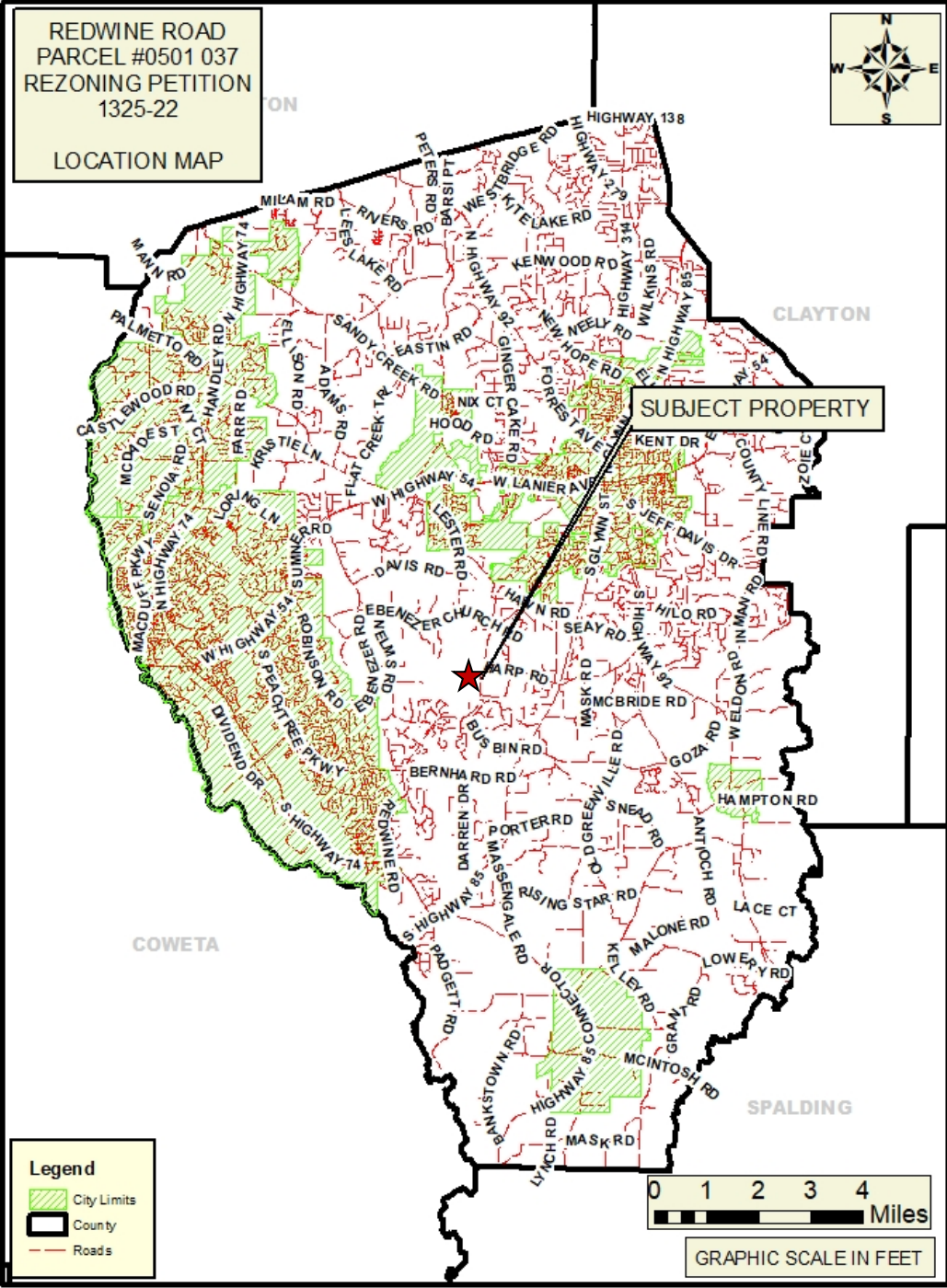
**STANDARDS****Sec. 110-300. - Standards for map amendment (rezoning) evaluation.**

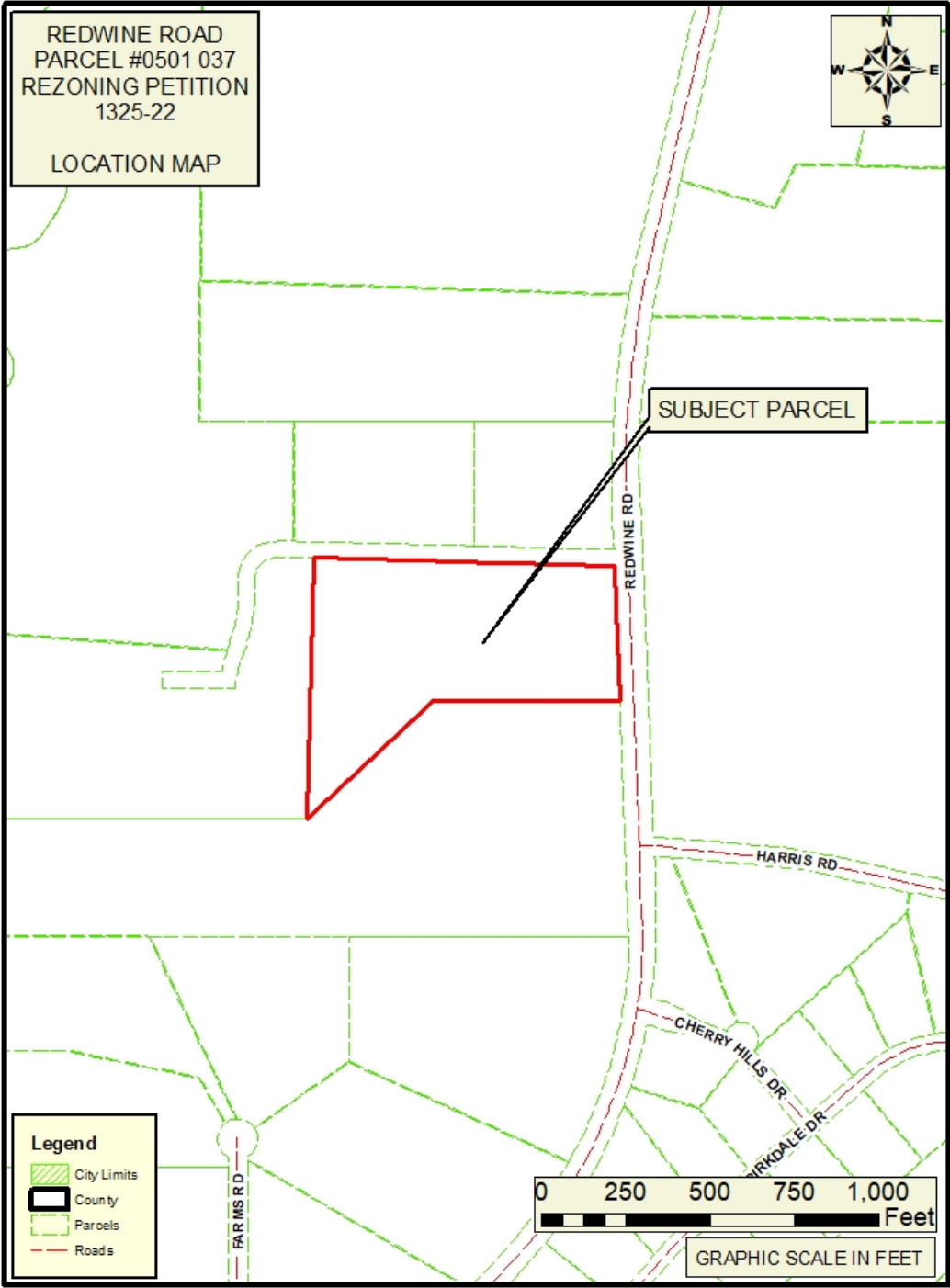
All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board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

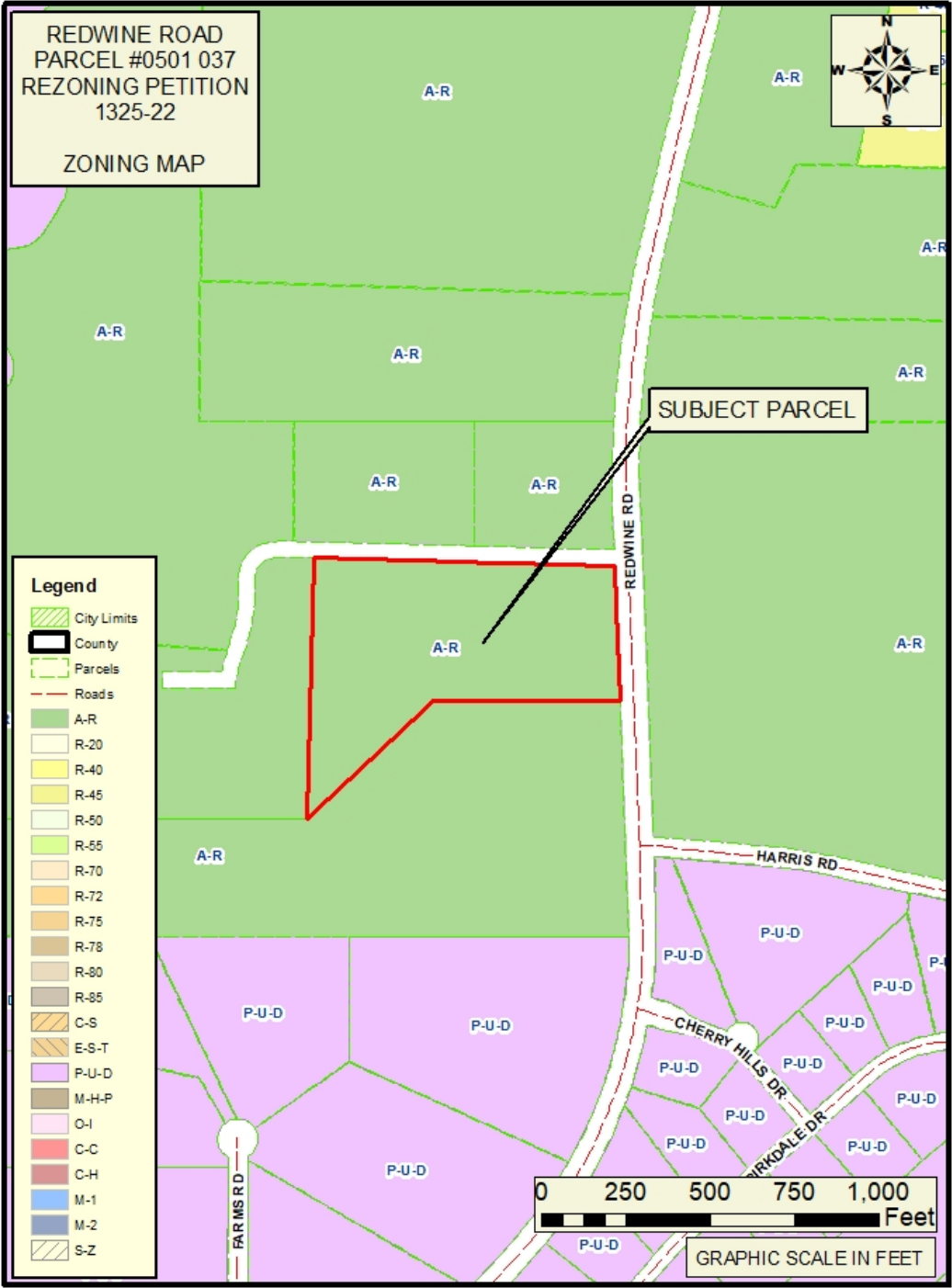
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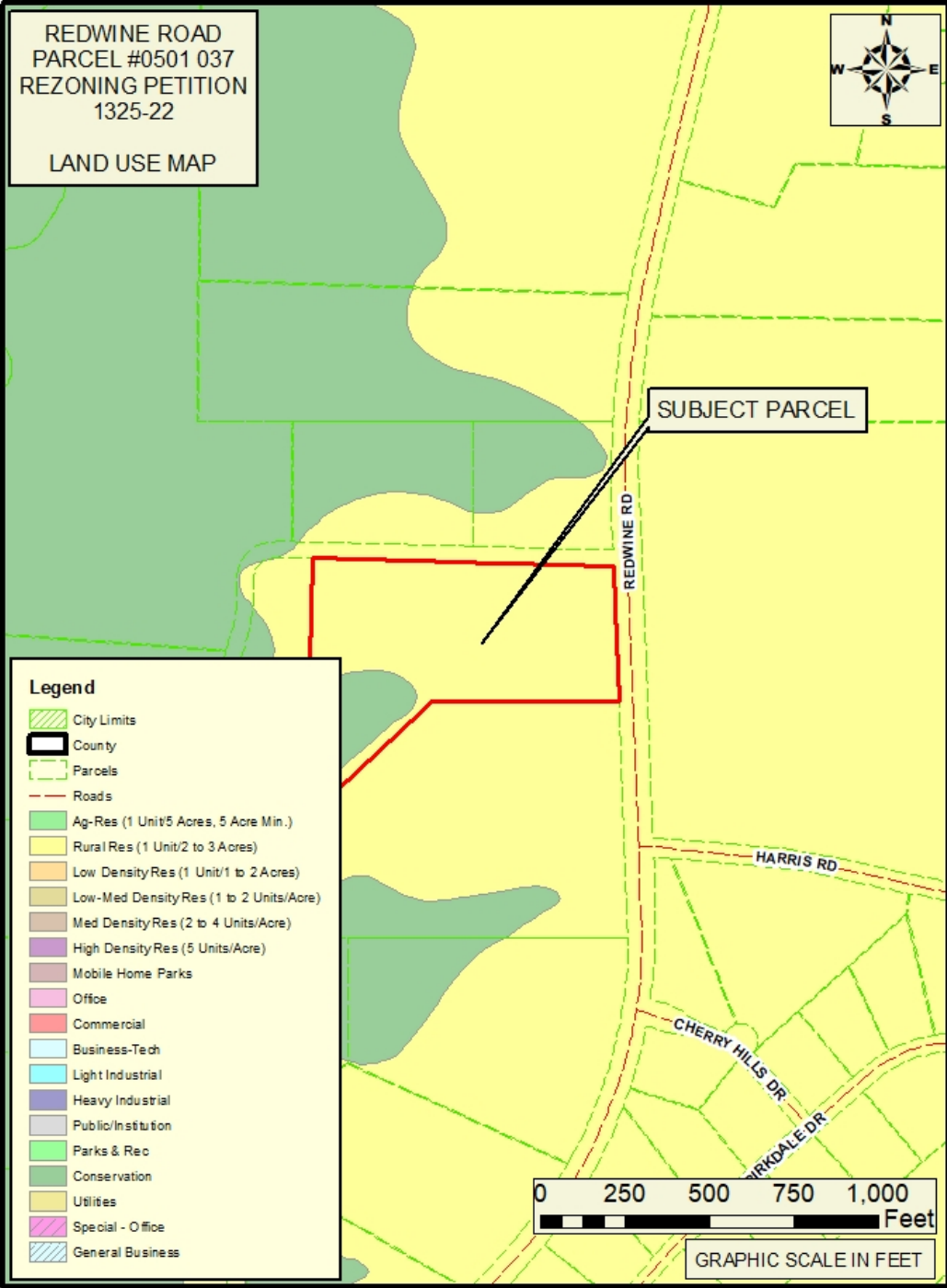
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2. The area around the subject property is an area that already has various single-family zoning and uses. It is staff's opinion that the zoning proposal would not adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities or schools.
4. The proposal is consistent in character and use with the surrounding uses as single-family residential on 2-acre or greater tracts. Staff is not aware of other changes that would have an adverse impact on this type of development in the general area.

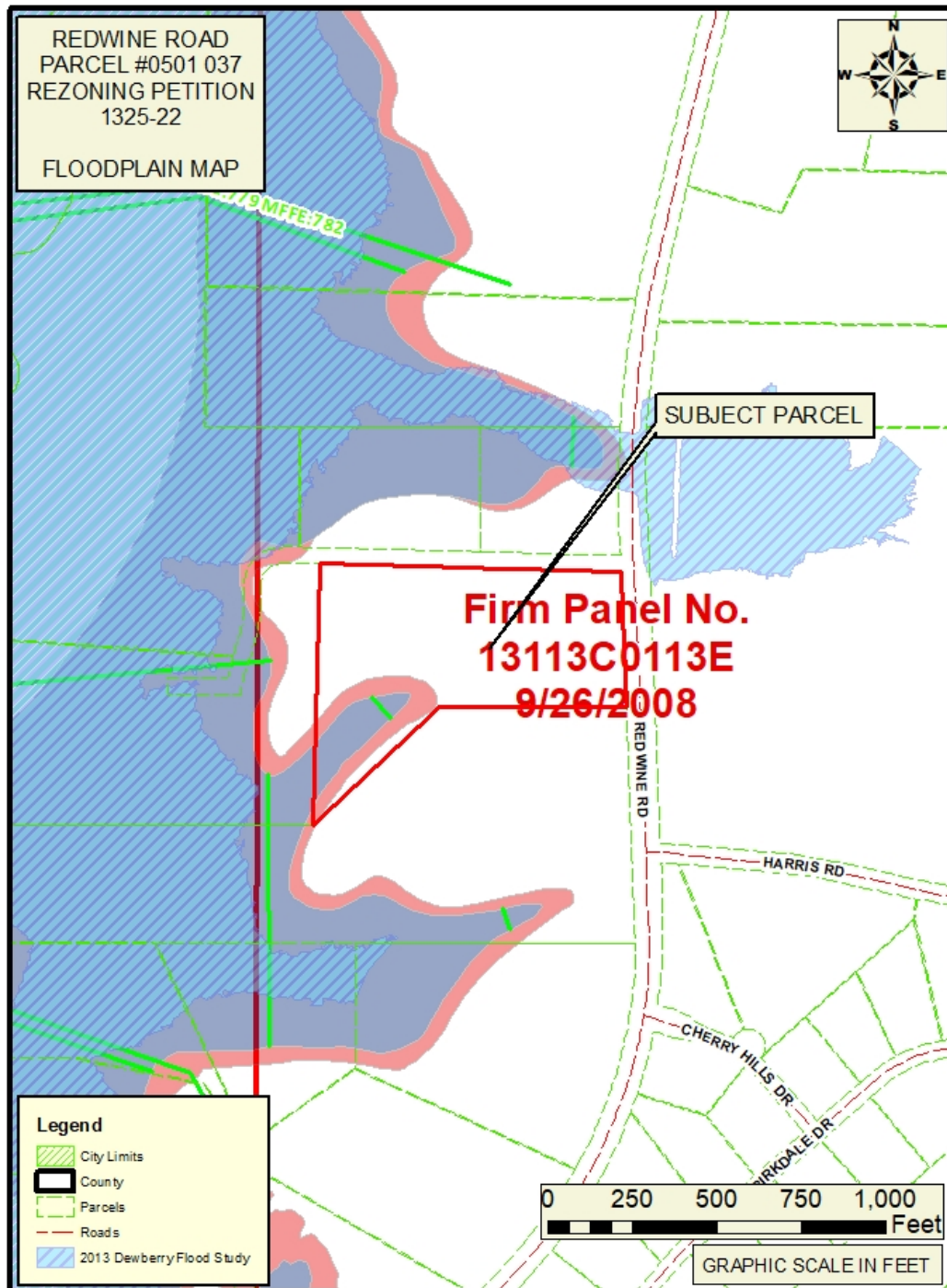




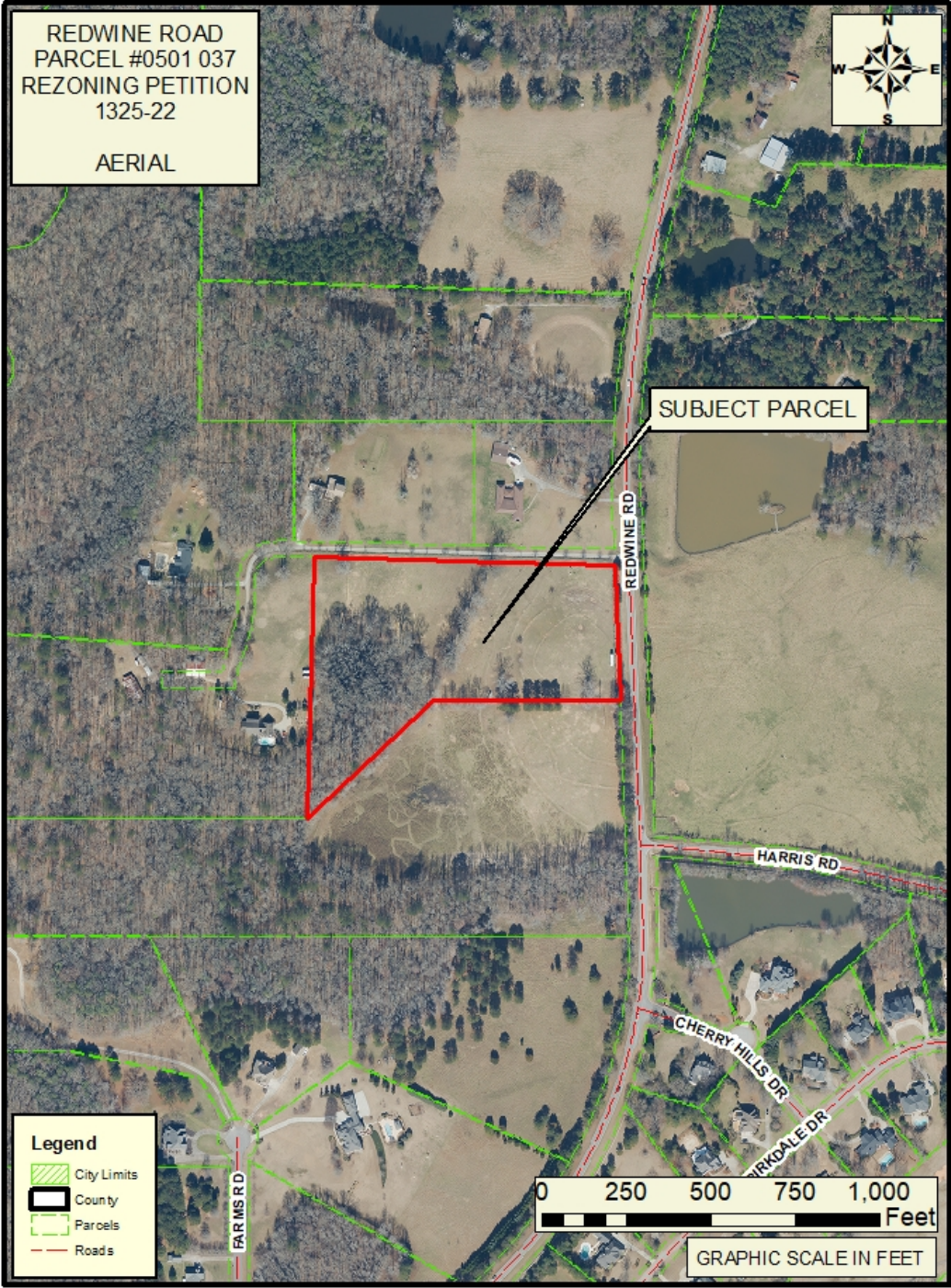




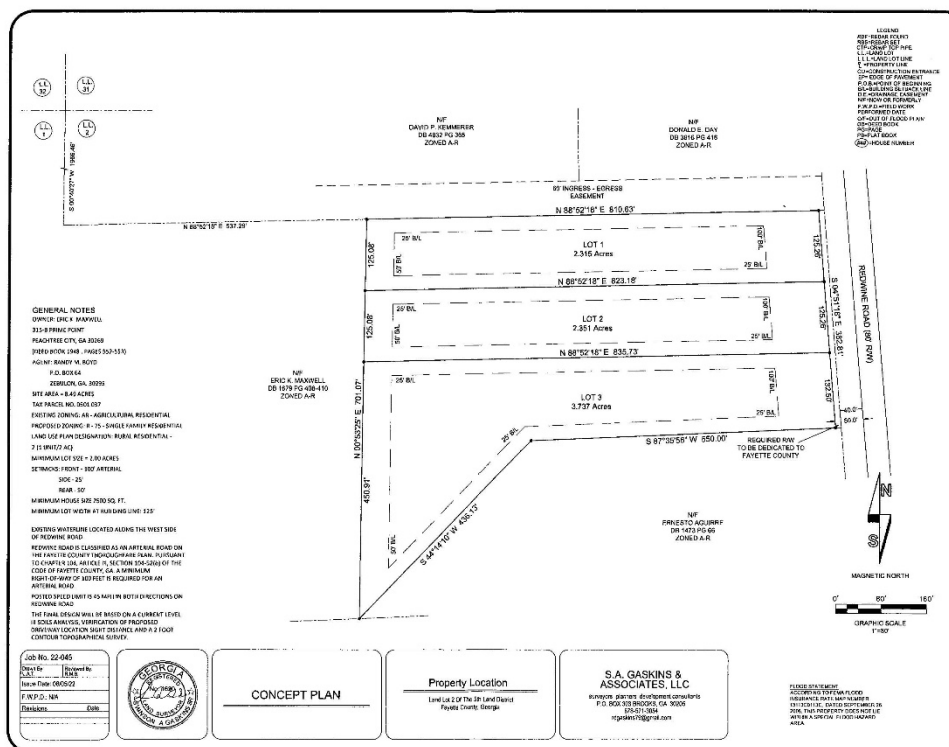












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**STAFF**

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**7:00 pm**

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***John Culbreth Sr. made a motion to recommend approval of Petition No. 1324-22C, request to rezone 1.993 acres from C-C to C-H to build a convenience store, car wash, interior access self-storage, quick serve restaurant with drive through with conditions. Danny England seconded the motion. The motion passed 5-0.***

9. Consideration of Petition No. 1324-22D Tyrone 54, LLC and BBWJ, LLC Owner, and DG Development Partners, LLC, Agent, request to rezone 1.948 acres from C-C to C-H to build a

convenience store, car wash, interior access self-storage, quick serve restaurant with drive through. This property is located in Land Lot 25 of the 7<sup>th</sup> District and fronts on Tyrone Road.

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

PROPERTY OWNERS: ERIC K. MAXWELL  
 MAILING ADDRESS: 315 PRIME POINT, PEACHTREE CITY, GA. 30269  
 PHONE: 404-275-1677 E-MAIL: boyd2227@gmail.com  
 AGENT FOR OWNERS: RANDY M. BOYD  
 MAILING ADDRESS: P.O. Box 64, ZEBULON, GA. 30295  
 PHONE: 404-275-1677 E-MAIL: boyd2227@gmail.com  
 PROPERTY LOCATION: LAND LOT 2 LAND DISTRICT 5th PARCEL 0501137  
 LAND LOT \_\_\_\_\_ LAND DISTRICT \_\_\_\_\_ PARCEL \_\_\_\_\_  
 TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 8.49  
 EXISTING ZONING DISTRICT: AR PROPOSED ZONING DISTRICT: R-75  
 ZONING OF SURROUNDING PROPERTIES: NORTH, SOUTH & WEST (AR)  
EAST (AR & R12)  
 PRESENT USE OF SUBJECT PROPERTY: VACANT  
 PROPOSED USE OF SUBJECT PROPERTY: 3 RESIDENTIAL LOTS  
 LAND USE PLAN DESIGNATION: RURAL RESIDENTIAL - 2 (1 UNIT/2 ACRES)  
 NAME AND TYPE OF ACCESS ROAD: REDWINE ROAD  
 LOCATION OF NEAREST WATER LINE: ALONG THE WEST SIDE OF REDWINE RD.

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1325-22

[ ] Application Insufficient due to lack of: \_\_\_\_\_

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

☒ Application and all required supporting documentation is Sufficient and Complete

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

DATE OF PLANNING COMMISSION HEARING: OCT. 6, 2022

DATE OF COUNTY COMMISSIONERS HEARING: OCT. 27, 2022

Received from LAW OFFICE OF ERIC K. MAXWELL, PC a check in the amount of \$ 370.00 for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).

Date Paid: AUG 31, 2022 Receipt Number: 015790

Total \$370.00 check # 4658

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM Page 173 of 330  
(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:

ERIC K. MAXWELL

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0501 037

(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)~~ 2 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 8.49 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) ~~(We)~~ hereby delegate authority to RANDY M. BOYD 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.

Eric K. Maxwell  
Signature of Property Owner 1

315-B Prime Point  
Address

Peachtree City, GA 30269  
Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Randy M. Boyd  
Signature of Authorized Agent

RANDY M. BOYD P.O. Box 64  
Address  
ZEBULON, GA 30295



Maria Lawrence  
Signature of Notary Public

8-25-2022  
Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Maria Lawrence  
Signature of Notary Public

8-25-2022  
Date

NAME: ERIC K. MAXWELL PETITION NUMBER: 1325-27 Page 174 of 330

ADDRESS: \_\_\_\_\_

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

ERIC K. MAXWELL affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) AR Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 370<sup>00</sup> to cover all expenses of public hearing. He/She petitions the above named to change its classification to \_\_\_\_\_.

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 6th day of OCTOBER, 20 22 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 27th day of OCTOBER, 20 22 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 25th DAY OF August, 2022

Maria Lawrence  
NOTARY PUBLIC



[Signature]  
APPLICANT'S SIGNATURE



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

I/We, ERIC K. MAXWELL, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, 50 feet of right-of-way along REDWINE ROAD 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 25<sup>th</sup> day of August, 2022.

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Maria Lawrence  
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 25th day of AUGUST, 2022.

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

**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

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**DISCLOSURE STATEMENT****Please check one:**

**Campaign contributions -**   ✓   **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.

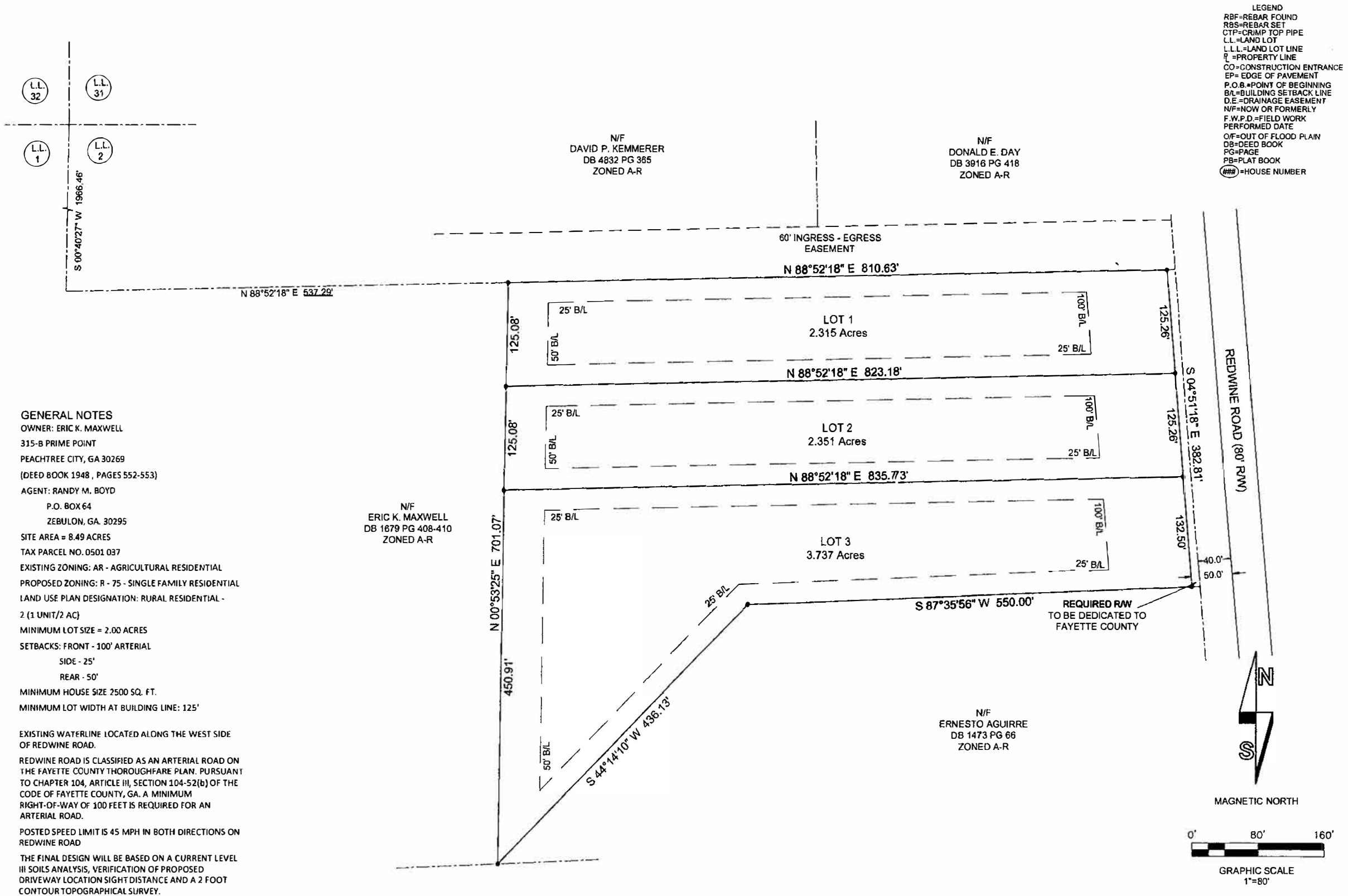
(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the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



Job No. 22-045	
Drawn By: L.A.T.	Reviewed By: R.M.B.
Issue Date: 08/05/22	
F.W.P.D.: N/A	
Revisions	Date



CONCEPT PLAN

Property Location  
Land Lot 2 Of The 5th Land District  
Fayette County, Georgia

S.A. GASKINS & ASSOCIATES, LLC  
surveyors, planners, development consultants  
P.O. BOX 303 BROOKS, GA 30205  
678-571-3054  
rdgaskins79@gmail.com

FLOOD STATEMENT  
ACCORDING TO FEMA FLOOD  
INSURANCE RATE MAP NUMBER  
13113C0113E, DATED SEPTEMBER 26,  
2008, THIS PROPERTY DOES NOT LIE  
WITHIN A SPECIAL FLOOD HAZARD  
AREA



# COUNTY AGENDA REQUEST

Page 180 of 330

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of a request from Fayette County Juvenile Court to accept a grant award from the Criminal Justice Coordinating Council in the amount of \$50,000 for the Delinquency Prevention Grant.

## Background/History/Details:

The Criminal Justice Coordinating Council awarded Fayette County \$50,000 for the Delinquency Prevention Grant for the period of October 1st 2022-September 30th, 2023. Additionally, awarded agencies will be eligible for continued funding of up to \$50K per grant period through September 30, 2026. Approval of this grant will allow Fayette County to serve 20-28 youth and families during the grant cycle with the Strengthening Families Program. The Strengthening Families Program (SFP) is an evidence based prevention program for parents and children in at risk families. Outcomes include increased family strengths and resilience and reduced risk factors for problem behaviors in high-risk children, including behavioral problems, emotional, academic and social problems.

No matching funds are required for acceptance of this grant.

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

Approval of staff's request to accept the grant in the amount of \$50,000 and to authorize the Chairman to sign any grant related documents.

## If this item requires funding, please describe:

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:

**OFFICE OF THE GOVERNOR  
CRIMINAL JUSTICE COORDINATING COUNCIL**

**FY2022 Georgia Delinquency Prevention Grant****SUBGRANT AWARD****SUBGRANTEE:** Fayette County Board of Commissioners**IMPLEMENTING****AGENCY:** Fayette County BOC**FEDERAL FUNDS:** \$ 50,000**MATCHING FUNDS:** \$ 0**PROJECT NAME:** Enhancing Security**TOTAL FUNDS:** \$ 50,000**SUBGRANT NUMBER:** L22-8-009**GRANT PERIOD:** 10/01/22-09/30/23

Award is hereby made in the amount and for the period shown above for a grant under the FY21 OJJDP Delinquency Prevention Grant Program. The award is made in accordance with the plan set forth in the application of the subgrantee and subject to any attached special conditions.

**AGENCY APPROVAL****SUBGRANTEE APPROVAL**


\_\_\_\_\_  
Jay Neal, Director  
Criminal Justice Coordinating Council

\_\_\_\_\_  
Signature of Authorized Official      Date

Date Executed: 09/30/22

\_\_\_\_\_  
Typed Name & Title of Authorized Official

58-6000826-001

\_\_\_\_\_  
Employer Tax Identification Number (EIN)

\*\*\*\*\*

## INTERNAL USE ONLY

TRANS CD	REFERENCE	ORDER	EFF DATE	TYPE	PAY DATE	INVOICE	CONTRACT #
102	24450	1	10/01/22	9		**	L22-8-009
OVERRIDE	ORGAN	CLASS	PROJECT			VENDOR CODE	
2	46	4	10106				

ITEM CODE	DESCRIPTION 25 CHARACTERS	EXPENSE ACCT	AMOUNT
1	Enhancing Security	624.41	\$ 50,000

### **SPECIAL CONDITIONS**

*Please note, the special conditions are the provisions of the grant agreement that are specific to this project. By signing these conditions, the grantee is agreeing to comply with each requirement listed. After carefully reviewing each condition, the authorized official should initial the space provided after each condition. He/she should also sign and date the last page of the conditions on the signature line provided.*

1. Requirements of the award; remedies for non-compliance or for materially false statements. The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award. By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts all such assurances or certifications as if personally executed by the authorized recipient official. to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The U.S. Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate. Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812). Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award. \_\_\_\_\_
2. Applicability of Part 200 Uniform Requirements. The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2019 award from OJP. The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2019 award supplements funds previously

awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2019 award. For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>. Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333. In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification. \_\_\_\_\_

3. Compliance with DOJ Grants Financial Guide References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide. \_\_\_\_\_
4. Requirements related to "de minimis" indirect cost rate. A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements. \_\_\_\_\_
5. Requirements related to System for Award Management and Universal Identifier Requirements. The recipient must comply with applicable requirements regarding the System for Award Management (SAM). \_\_\_\_\_



6. Employment eligibility verification for hiring under the award
  1. The recipient (and any subrecipient at any tier) must—
    - A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).
    - B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both—
      - (1) this award requirement for verification of employment eligibility, and
      - (2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.
    - C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).
    - D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.
  2. Monitoring: The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.
  3. Allowable costs: To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.
  4. Rules of construction
    - A. Staff involved in the hiring process: For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.
    - B. Employment eligibility confirmation with E-Verify: For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify ([www.e-verify.gov](http://www.e-verify.gov)), provided an appropriate

person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration. The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here. any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2). Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at [E-Verify@dhs.gov](mailto:E-Verify@dhs.gov). E-Verify employer agents can email EVerify at [E-VerifyEmployerAgent@dhs.gov](mailto:E-VerifyEmployerAgent@dhs.gov). Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance. This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

7. Requirement to report actual or imminent breach of personally identifiable information (PII). The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach"

- (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach. All subawards ("subgrants") must have specific federal authorization. \_\_\_\_\_
8. The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract"). The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.
9. \_\_\_\_\_  
Unreasonable restrictions on competition under the award; association with federal government. SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by the recipient or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier). \_\_\_\_\_
10. No discrimination, in procurement transactions, against associates of the federal government. Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") - no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the

federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ. \_\_\_\_\_

11. The Criminal Justice Coordinating Council has the responsibility to monitor all subrecipients funded under this program subject to state and federal rules. \_\_\_\_\_
12. Allowable costs: To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition. \_\_\_\_\_
13. Rules of construction:  
No construction is allowed under this award without written approval from your Grants Specialist. \_\_\_\_\_
14. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award) The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient. The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)) and are incorporated by reference here. \_\_\_\_\_
15. Determination of suitability to interact with participating minors SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ) (or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age. The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status. The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award



- condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here. \_\_\_\_\_
16. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events. The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences. Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Post award Requirements" in the "DOJ Grants Financial Guide").
17. Requirement for data on performance and effectiveness under the award. The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws. \_\_\_\_\_
18. OJP Training Guiding Principles Any or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, \_\_\_\_\_ available \_\_\_\_\_ at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.
19. The recipient understands and agrees that the Criminal Justice Coordinating Council, may withhold award funds, or may impose other related requirements, if (as determined by the Criminal Justice Coordinating Council) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of the award. \_\_\_\_\_
20. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42. The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically

including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

21.                      Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54. The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."
22. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38. The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations. The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.
23.                      Restrictions on "lobbying". In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.) Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending,

- or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations. Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.
24. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2020). The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2019, are set out at <https://ojp.gov/funding/Explore/FY19AppropriationsRestrictions.htm>, and are incorporated by reference here. Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.
25. Reporting potential fraud, waste, and abuse, and similar misconduct. The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct. Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Fraud Detection Office (Attn: Grantee Reporting) at (202) 616-9881 (fax). Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.
26. Restrictions and certifications regarding non-disclosure agreements and related matters. No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an

internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information. The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that-- (1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and (2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit



- or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency. \_\_\_\_\_
27. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees). The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant. The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712. Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.
28. \_\_\_\_\_  
Encouragement of policies to ban text messaging while driving. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
29. \_\_\_\_\_  
The recipient agrees to report data on the grantee's OJJDP-approved performance measures as part of the semi-annual categorical progress report. This data will be submitted online at OJJDP's Performance Measures website (<https://ojjdp.gov/grantees/pm/index.html>) by July 31 and January 31 each year for the duration of the award. Once data entry is complete, the grantee will be able to create and download a "Performance Measures Data Report." This document is to be included as an attachment to the grantee's narrative categorical assistance progress report submitted in GMS for each reporting period. \_\_\_\_\_
30. With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of

the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.) This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made. \_\_\_\_\_

31. The recipient agrees to submit a final report at the end of this award documenting all relevant project activities during the entire period of support under this award. This report will include detailed information about the project(s) funded, including, but not limited to, information about how the funds were actually used for each purpose area, data to support statements of progress, and data concerning individual results and outcomes of funded projects reflecting project successes and impacts. The final report is due with final SER to the Criminal Justice Coordinating Council. \_\_\_\_\_
32. The recipient shall submit to the Criminal Justice Coordinating Council copy of all interim and final reports and proposed publications (including those prepared for conferences, journals, and other presentations) resulting from this award, for review and comment prior to publishing. Any publication produced with grant funds must contain the following statement: "This project was supported by Grant # ( ) awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect those of the Department of Justice. All reports and products may be required to display the OJJDP logo on the cover (or other location) with the agreement of OJJDP. OJJDP defines publications as any planned, written, visual or sound materials substantively based on the project, formally prepared by the award recipient for dissemination to the public. \_\_\_\_\_
33. The recipient shall submit required performance metrics to by the 15<sup>th</sup> of each month. These reports will be submitted to the Criminal Justice Coordinating Council. \_\_\_\_\_
34. Cooperating with OJP Monitoring. The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or

site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

35. The subgrantee agrees to take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities, that recipients have in providing language services to LEP individuals; please see the website at <http://lep.gov>.
36. The subgrantee agrees to abide by Georgia law regarding the utilization of professional counselors, social workers, and marriage and family therapists. (O.C.G.A. § 43-10A-1, et. seq).
37. The subgrantee agrees to abide by Georgia law regarding the utilization of psychologists. (O.C.G.A. § 43-39-1, et. seq).
38. The subgrantee must submit Subgrant Adjustment Request #1 with the completed award package. The adjustment request must be accompanied by a detailed project budget that itemizes all projected expenditures. The project budget and summary will not be established, or officially approved, until the subgrantee receives a written approval notice from the Criminal Justice Coordinating Council. All project costs and project activities must coincide with the approved budget, summary, and implementation plan unless subsequent revisions are approved by the Criminal Justice Coordinating Council.
39. This is a reimbursement grant. The subgrantee agrees to submit requests for reimbursement on a quarterly basis. Subgrant Expenditure Reports are due 30 days after the end of the quarter.
40. The Criminal Justice Coordinating Council will conduct a financial and programmatic review of each grant at the end of the Year 2 and Year 4. The Council reserves the right to add any conditions to the award and/or retain any unused funds if deemed necessary.
41. Award recipients must verify Point of Contact (POC), Financial Point of Contact (FPOC), and Authorized Representative contact information, including telephone number and e-mail

address. If any information is incorrect or has changed, a Subgrant Adjustment Request (SAR) must be submitted in writing to document changes. \_\_\_\_\_

42. The grantee must submit subsequent Subgrant Adjustment Requests to revise the budget, project summary, and implementation plan prior to any substantial changes, but no later than 30 days prior to the end of the subgrant period.

\_\_\_\_\_  
**Please be advised that failure to comply with any of the Special Conditions will result in material noncompliance with the Subgrant Agreement, thus subjecting the Subgrant Agreement to possible termination by the Criminal Justice Coordinating Council.**

**Typed name of**

**Authorized**

**Official:**

**Title:**

**Signature:**

**Date:**



CRIMINAL JUSTICE COORDINATING COUNCIL  
SUBGRANT EXPENDITURE REPORT/REQUEST FOR FUNDS # 1  
FEDERAL GRANT # 15PJDP-21-GG-03246

SUBGRANT #: L22-8-009  
Page 196 of 330

EXPENDITURES FOR THE PERIOD OF \_\_\_\_\_ THRU \_\_\_\_\_ FINAL RPT? (Y/N) \_\_\_\_\_

SUBGRANTEE: Fayette County Board of Commissioners

140 Stonewall Avenue  
Fayetteville, GA 30214

PROJECT NAME: FY23 Juvenile Delinquency Prevention

PROJECT PERIOD: 10/01/22 to 09/30/23

COMBINED FEDERAL & MATCH EXPENDITURES					
	APPROVED BUDGET	PREVIOUSLY APPROVED N/A THIS RPT	EXPENDITURES N/A THIS RPT	REMAINING BALANCE	EXPENDED THIS PERIOD
PERSONNEL	\$ 0	\$ 0	\$ 0	\$ 0	\$
EQUIPMENT	0	0	0	0	
SUPPLIES	0	0	0	0	
TRAVEL	0	0	0	0	
PRINTING	0	0	0	0	
OTHER	50,000	0	0	50,000	
<b>TOTAL</b>	\$ 50,000	\$ 0	\$ 0	\$ 50,000	\$
<b>FEDERAL</b>	50,000	0	0	50,000	
<b>MATCH</b>	0	0	0	0	

EARNED PROJECT INCOME FOR THE PERIOD:  
FORFEITED \$ \_\_\_\_\_ OTHER \$ \_\_\_\_\_

EARNED PROJECT STATUS INCOME FOR THE PERIOD:  
EXPENDED \$ \_\_\_\_\_ UNEXPENDED \$ \_\_\_\_\_

**CERTIFICATION:** I certify that the above statements are accurate based on official records, that expenditures shown have been made for the purpose of, and in accordance with, applicable grant terms and conditions, and that appropriate supportive documentation relative to all expenditures is attached.

**SUBGRANTEE OFFICIAL APPROVAL:**

PREPARED BY: \_\_\_\_\_ OFFICIAL'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_ TYPED NAME & TITLE \_\_\_\_\_

**FOR CRIMINAL JUSTICE COORDINATING COUNCIL USE ONLY**

SUBGRANT #: L22-8-009 AMOUNT REQUESTED THIS REPORT: \_\_\_\_\_  
SUBGRANT AWARD: \$ 50,000 REVIEWED BY (INITIALS & DATE): \_\_\_\_\_  
REQUESTED TO DATE: \_\_\_\_\_  
BALANCE: \_\_\_\_\_ AUTHORIZED BY \_\_\_\_\_ DATE \_\_\_\_\_

\* Substantiated \_\_\_\_\_ Advanced \_\_\_\_\_

FOR ACCOUNTING USE ONLY						DISCOUNT	PO/AUTH	PAY DATE
Tif EI - Partial Order								
Tif ED - Schedule Pay Date								
DEPARTMENT	FUND SOURCE	PROJECT	PROGRAM	CLASS	ACCOUNT	INVOICE		AMOUNT
4710606000	10106	24450	0630104	315	707002	L22-8-009E01		

CRIMINAL JUSTICE COORDINATING COUNCIL  
SUBGRANT ADJUSTMENT REQUEST  
FEDERAL GRANT # 15PJDP-21-GG-03246

REQUEST DATE: 10/27/22

SUBGRANT #: L22-8-009

SUBGRANTEE: Fayette County Board of Commissioners  
PROJECT NAME: FY23 Juvenile Delinquency Prevention 2

NATURE OF ADJUSTMENT: \_\_\_\_\_ REVISED BUDGET . . . . . Go To . . . . . SECTION I  
Mark all that apply. \_\_\_\_\_ PROJECT PERIOD AND/OR EXTENSION. Go To . . . . . SECTION II  
\_\_\_\_\_ PROJECT OFFICIALS/ADDRESSES. . . Go To . . . . . SECTION III  
Adjustments of each type \_\_\_\_\_ PROJECT PERSONNEL. . . . . Go To . . . . . SECTION III  
shown should be entered \_\_\_\_\_ GOALS AND OBJECTIVES . . . . . Go To . . . . . SECTION III  
in the section indicated. \_\_\_\_\_ OTHER. . . . . Go To . . . . . SECTION III

MUST BE JUSTIFIED AND EXPLAINED THOROUGHLY IN SECTION IV.

SECTION I. REQUEST FOR BUDGET CHANGE - JUSTIFY IN SECTION IV.

	CURRENT APPROVED	REVISIONS +/-	REVISED BUDGET
PERSONNEL	\$ 0		
EQUIPMENT	0		
SUPPLIES	0		
TRAVEL	0		
PRINTING	0		
OTHER	50,000		
TOTAL	\$ 50,000		
Federal	\$ 50,000		
Match	\$ 0		

SECTION II. REQUEST FOR CHANGE IN PROJECT PERIOD - JUSTIFY IN SECTION IV.

CURRENT GRANT PERIOD	REQUESTED GRANT PERIOD	FOR EXTENSION,
Start Date: 10/01/22	Start Date: _____	# OF MONTHS: _____
End Date: 09/30/23	End Date: _____	

NOTE: The maximum extension request cannot exceed 12 months.

SECTION III. REQUESTS FOR REVISIONS TO PROJECT OFFICIALS/ADDRESSES, PROJECT PERSONNEL, GOALS AND OBJECTIVES, AND/OR OTHER NON-BUDGET, NON-PERIOD CHANGES (JUSTIFY IN SECTION IV.)

REQUEST DATE: \_\_\_\_\_10/27/22\_\_\_\_\_

SUBGRANTEE: Fayette County Board of Commissioners

SUBGRANT #: L22-8-009

PROJECT NAME: FY23 Juvenile Delinquency Prevention 2

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**SECTION IV. JUSTIFICATION OF ALL REQUESTED ADJUSTMENTS, REVISIONS, AND/OR CHANGES**

All requested adjustments in Sections I, II & III (page 1) must be justified in detail in this Section. Include item costs, descriptions, equipment lists, detailed explanations, and any other information that would further clarify and support your request for adjustment. Attach additional pages as needed.

No changes

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**SUBMITTED BY:**

\_\_\_\_\_  
Signature of Financial Officer or Project Director

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

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**CJCC ROUTING AND APPROVALS:**

Approval

Disapproval

Reviewer Signature

Reviewed By: \_\_\_\_\_

Authorized By: \_\_\_\_\_

# CRIMINAL JUSTICE COORDINATING COUNCIL REIMBURSEMENT SELECTION FORM

SUBGRANT NUMBER: \_\_\_\_\_

AGENCY NAME: \_\_\_\_\_

**1. SELECT A SCHEDULE FOR SUBMITTING REIMBURSEMENTS (CHECK ONE BOX)**

- ☐ **MONTHLY** (Requests for reimbursement are due 15 days after the end of the month)
- ☐ **QUARTERLY** (Requests for reimbursement are due 30 days after the end of the quarter)

**2. SELECT A PROCESS FOR RECEIVING REIMBURSEMENT PAYMENTS (CHECK ONE BOX)**

- ☐ **ELECTRONIC FUNDS TRANSFER** (Reimbursements will be deposited into the bank account listed below. A voided check must be attached to ensure proper routing of funds.)

**BANK NAME:** \_\_\_\_\_

**BANK ROUTING NUMBER:** \_\_\_\_\_

**BANK ACCOUNT NUMBER:** \_\_\_\_\_

**AGENCY CONTACT NAME:** \_\_\_\_\_

**AGENCY CONTACT  
TELEPHONE NUMBER:** \_\_\_\_\_

**AGENCY AUTHORIZED  
OFFICIAL NAME AND TITLE:** \_\_\_\_\_

**AGENCY AUTHORIZED  
OFFICIAL SIGNATURE:** \_\_\_\_\_

- ☐ **CHECK** (Reimbursements will be mailed in the form of a check to the address listed below)

**MAILING ADDRESS:** \_\_\_\_\_

**CITY, STATE & ZIP:** \_\_\_\_\_

**ATTENTION:** \_\_\_\_\_

**AGENCY AUTHORIZED  
OFFICIAL SIGNATURE:** \_\_\_\_\_

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**For CJCC Use ONLY**

<b>CJCC Auditor:</b>	
<b>Phone Number:</b>	
<b>Grant Award Number:</b>	
<b>GBI Entry Initial/Date:</b>	

**Agency Vendor Liaisons MUST review this form to ensure the supplier has completed the appropriate highlighted sections 2-5.**

**SECTION 1 – STATE OF GEORGIA-AGENCY LIAISON USE ONLY**

	Newly Assigned Supplier ID		
	Existing TeamWorks Supplier ID		

	Change Bank Acct - Enter Loc#			(Required for Bank Changes)		
	Change Address – Enter Addr ID#			(Required for Address Changes)		
	Replace Invoicing Address	Loc#		Addr ID#		
				Replace Remittance Address	Loc#	
					Addr ID#	
	HCM Vendor					
	Statewide Contract (DOAS Use Only)					
	Classification Change (circle one) Attorney, Gov Non-State of GA, HCM, Non-Supplier, Student, Supplier Minority, Supplier Non-minority					
	Other (Provide Details in Section 6 and Initial)					

## FEI/SSN/TIN NUMBER: \_\_\_\_\_

SUPPLIER NAME:

PAYMENT ALT NAME: (IF PAYABLE TO A DIFFERENT NAME)

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

COUNTRY:  DRIVERS LICENSE #:  DL STATE:

PRIMARY#: \_\_\_\_\_ EXT: \_\_\_\_\_ SECONDARY#: \_\_\_\_\_ EXT: \_\_\_\_\_

LANDLINE ☐ CELL ☐ (USED FOR IDENTITY VERIFICATION) LANDLINE ☐ CELL ☐ (USED FOR IDENTITY VERIFICATION)

CONTACT EMAIL:

ROUTING #

<input type="checkbox"/>	Check here if General Bank Account can be used by ALL State of Georgia agencies making payments.
<input type="checkbox"/>	Check here if this account can only be used for a SPECIFIC PURPOSE. _____
	Describe specific purpose

PYMT REMIT EMAIL: \_\_\_\_\_  
PYMT REMIT EMAIL: \_\_\_\_\_

I authorize the State of Georgia to deposit payment for goods and/or services received into the provided bank account by the Automated Clearing House (ACH). I further acknowledge that this agreement is to remain in full effect until such time as changes to the bank account information are submitted in writing by the vendor or individual named below. It is the sole responsibility of the vendor or individual to notify the State of Georgia of any changes to the bank account information. The State of Georgia independently authenticates bank account ownership.

Signature of Company Officer

Date \_\_\_\_\_



**SECTION 4 – SPECIFY TYPE OF ACTION(S). CHECK ALL THAT APPLY TO THIS REQUEST.**

<input type="checkbox"/>	Deactivate Supplier Profile <i>(Enter justification in Section 6)</i>
<input type="checkbox"/>	Reactivate Supplier Profile
<input type="checkbox"/>	Add <u>New</u> Bank Account <b>(Must complete Section 3)</b>
<input type="checkbox"/>	Change <u>Existing</u> Bank Account <b>(Must complete Sections 1 &amp; 3)</b>
<input type="checkbox"/>	FEI/TIN Change <b>(Cannot be changed if 1099 applicable)</b>
<input type="checkbox"/>	Supplier (Business) Name Change
<input type="checkbox"/>	Add <u>Additional</u> Business Address <b>(Must complete Section 2)</b>
<input type="checkbox"/>	Change <u>Existing</u> Business Address <b>(Must complete Sections 1 &amp; 2)</b>
<input type="checkbox"/>	Non- 1099 Applicable <input type="checkbox"/> 1099 Applicable <input type="checkbox"/>
<input type="checkbox"/>	1099-M Enter Code <input type="text"/> <i>(Required for Form 1099-M)</i>
<input type="checkbox"/>	1099-N Code <input type="text"/> 01 <i>(01 is the only code available for the 1099-NEC)</i>
<input type="checkbox"/>	1099 ADDR ID# <input type="text"/> <i>(Enter Address ID # where to mail 1099)</i>
<input type="checkbox"/>	Other <i>(Provide Details in Section 6)</i>

**SECTION 5 – TYPE OF BUSINESS (Check All That Apply)**

<b>BUSINESS CERTIFICATIONS – CHECK ALL THAT APPLY</b>				<b>MINORITY BUSINESS ENTERPRISE (51% Owned):</b>					
<input type="checkbox"/>	*Small Business	<input type="checkbox"/>	Women Owned	<input type="checkbox"/>	Hispanic – Latino	<input type="checkbox"/>	African American	<input type="checkbox"/>	Native American
<input type="checkbox"/>	GA Resident Business	<input type="checkbox"/>	Minority Business Certified	<input type="checkbox"/>	Asian American	<input type="checkbox"/>	Pacific Islander	<input type="checkbox"/>	Not Applicable

\*Based on Georgia law (OCGA 50-5-21) (3) "Small Business" means any business which is independently owned and operated. Additionally, such business must either have 300 or less employees OR \$30 million or less in gross receipts per year.

**SECTION 6 – ADDITIONAL SUPPLIER COMMENTS (Required if the "Other" or "Deactivate" boxes are checked in Section 1**

By my signature, I certify that all reasonable effort has been made to submit information that is complete, accurate, true, and is associated with the supplier's name and Tax ID listed below.

Liaison Name: \_\_\_\_\_ Agency BU#: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Email: \_\_\_\_\_ Phone: \_\_\_\_\_

# COUNTY AGENDA REQUEST

Page 202 of 330

Department: Public Works / 2017 SPLOST

Presenter(s): Phil Mallon, Director

Meeting Date: Thursday, October 27, 2022

Type of Request: Consent #11

## Wording for the Agenda:

Approval for staff to acquire all fee simple right-of-way and easements for the proposed multi-use path and tunnel at the intersection of Redwine Road and Robinson Road (2017 SPLOST 17TAI).

## Background/History/Details:

On June 27, 2019, Fayette County and Peachtree City entered into an Intergovernmental Agreement (IGA) for the construction and maintenance of multi-use paths. One County requirement of the IGA was to design and construct a path along a portion of Robinson and Redwine Roads and a tunnel under Redwine Road.

This agenda item is seeking approval for staff to acquire the land and easements necessary for construction.

A copy of the CROY Engineering ROW plans and the 2019 IGA are provided as back-up to this request.

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

Approval for staff to acquire all fee simple right-of-way and easements for the proposed multi-use path and tunnel at the intersection of Redwine Road and Robinson Road (2017 SPLOST 17TAI).

## If this item requires funding, please describe:

Funding is available from the 2017 SPLOST (17TAI).

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request? Yes

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

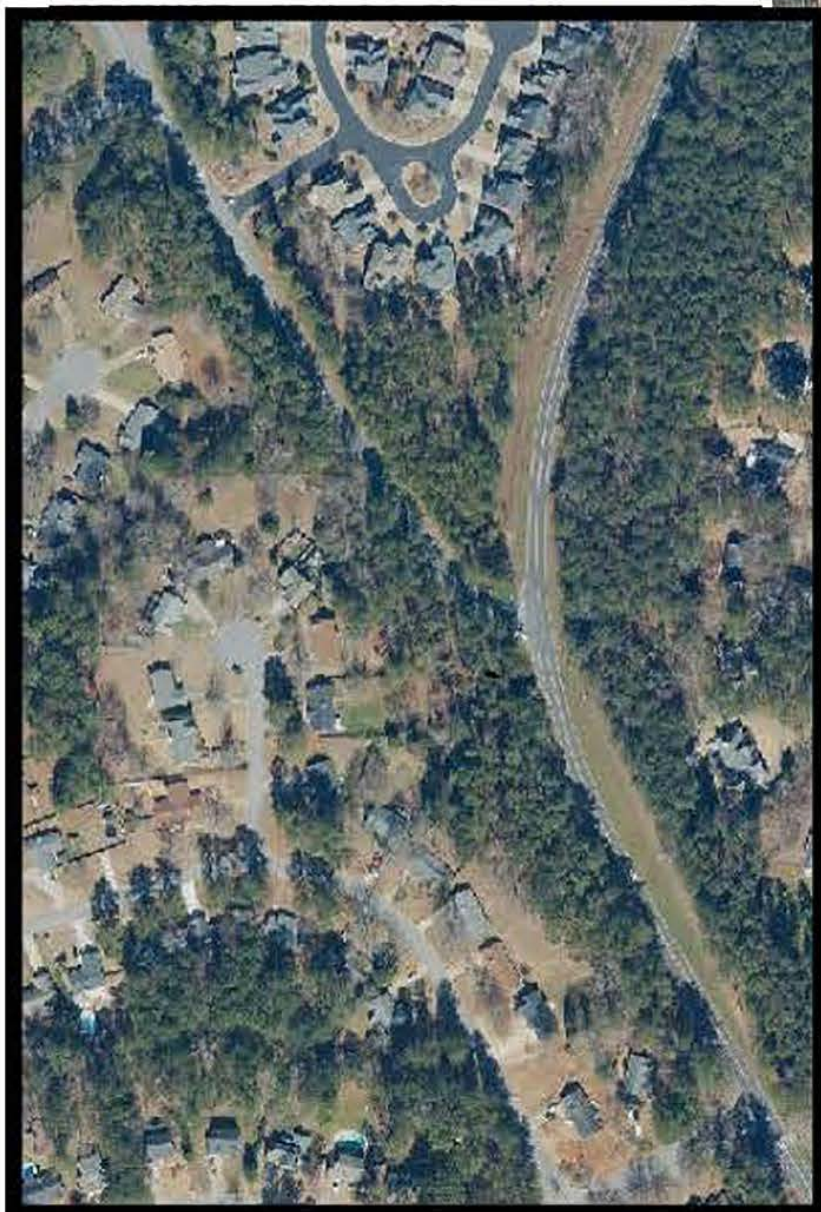
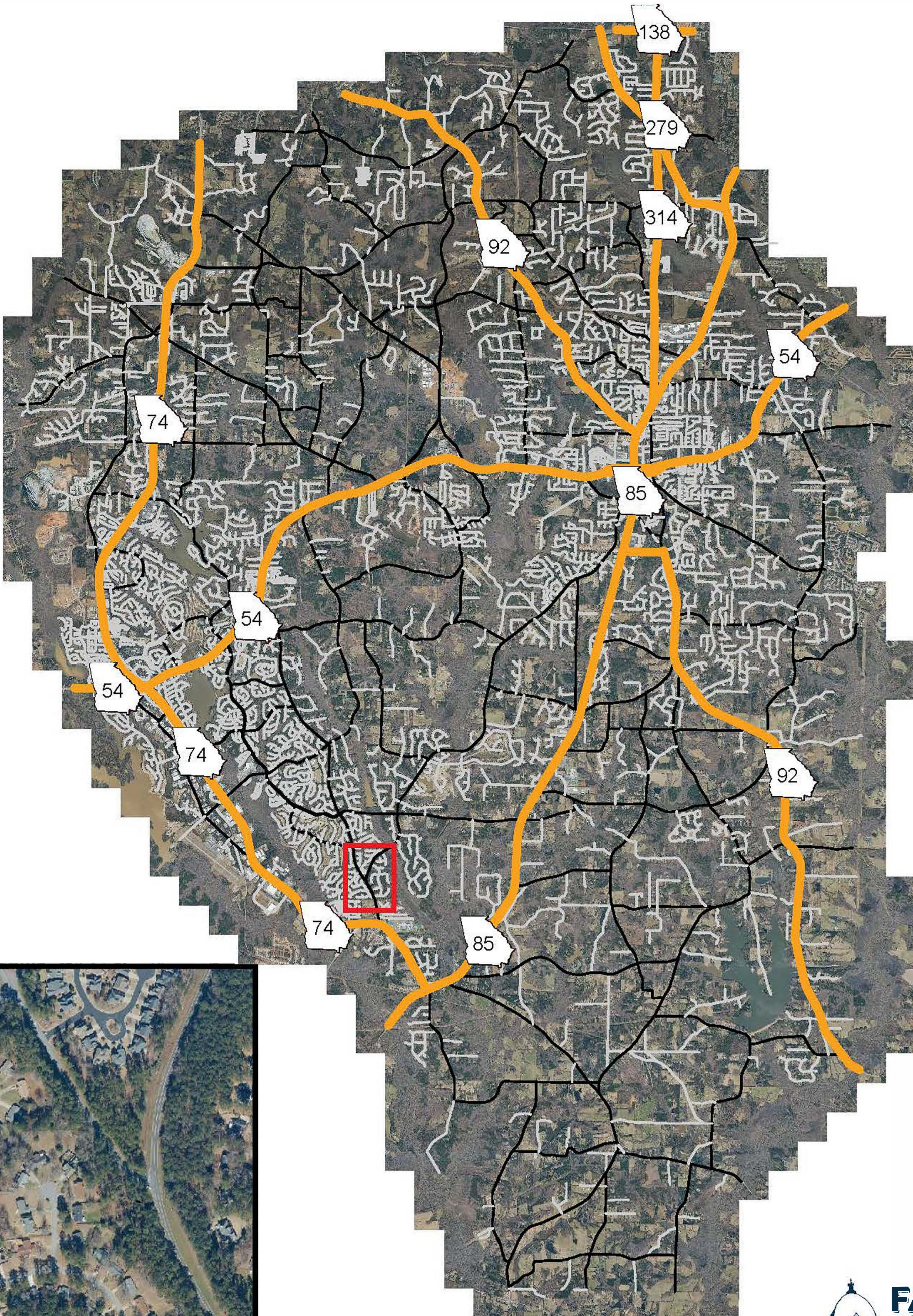
Approved by Purchasing Not Applicable

County Clerk's Approval Yes

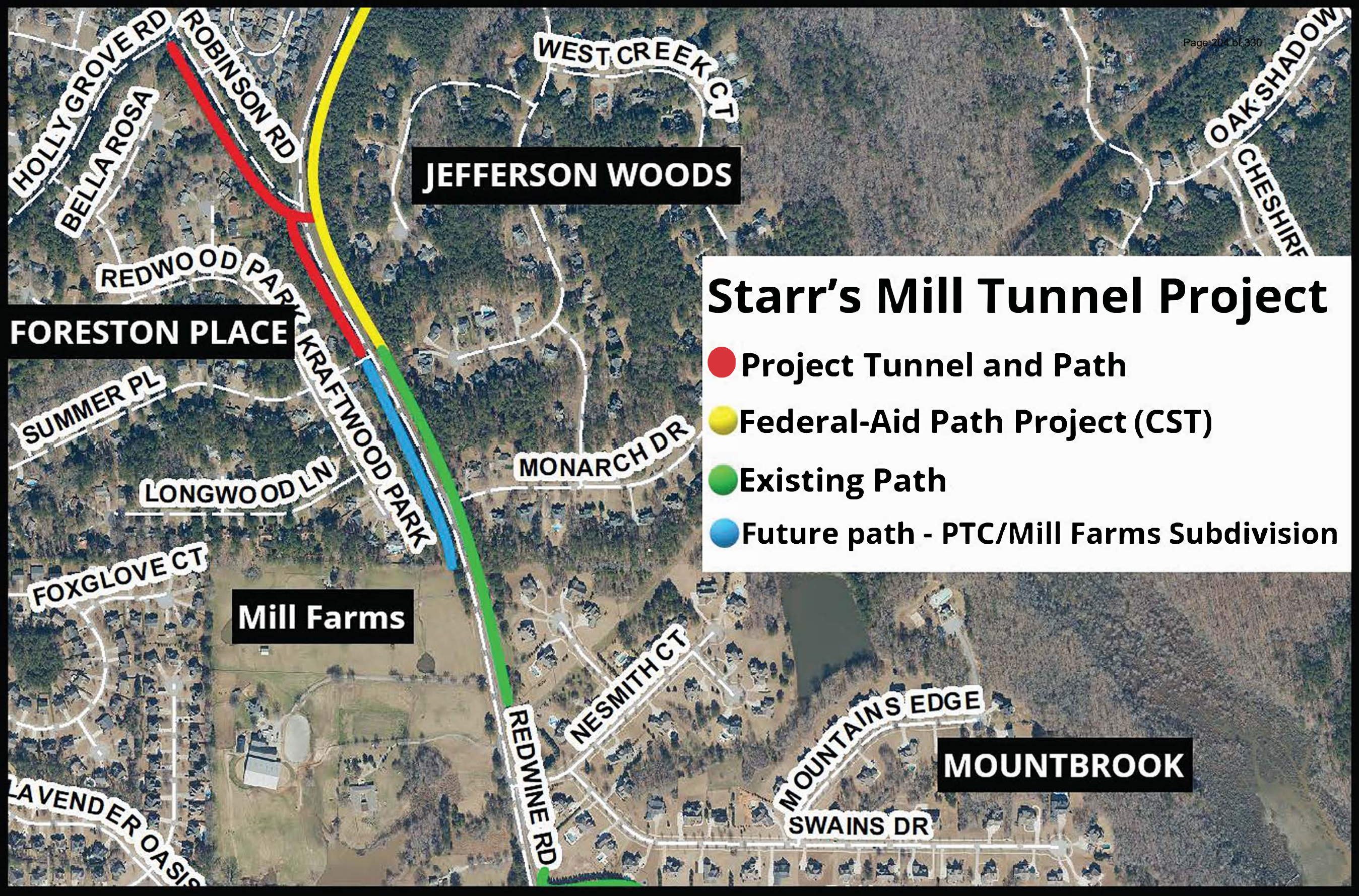
Administrator's Approval

## Staff Notes:









**JEFFERSON WOODS**

# Starr's Mill Tunnel Project

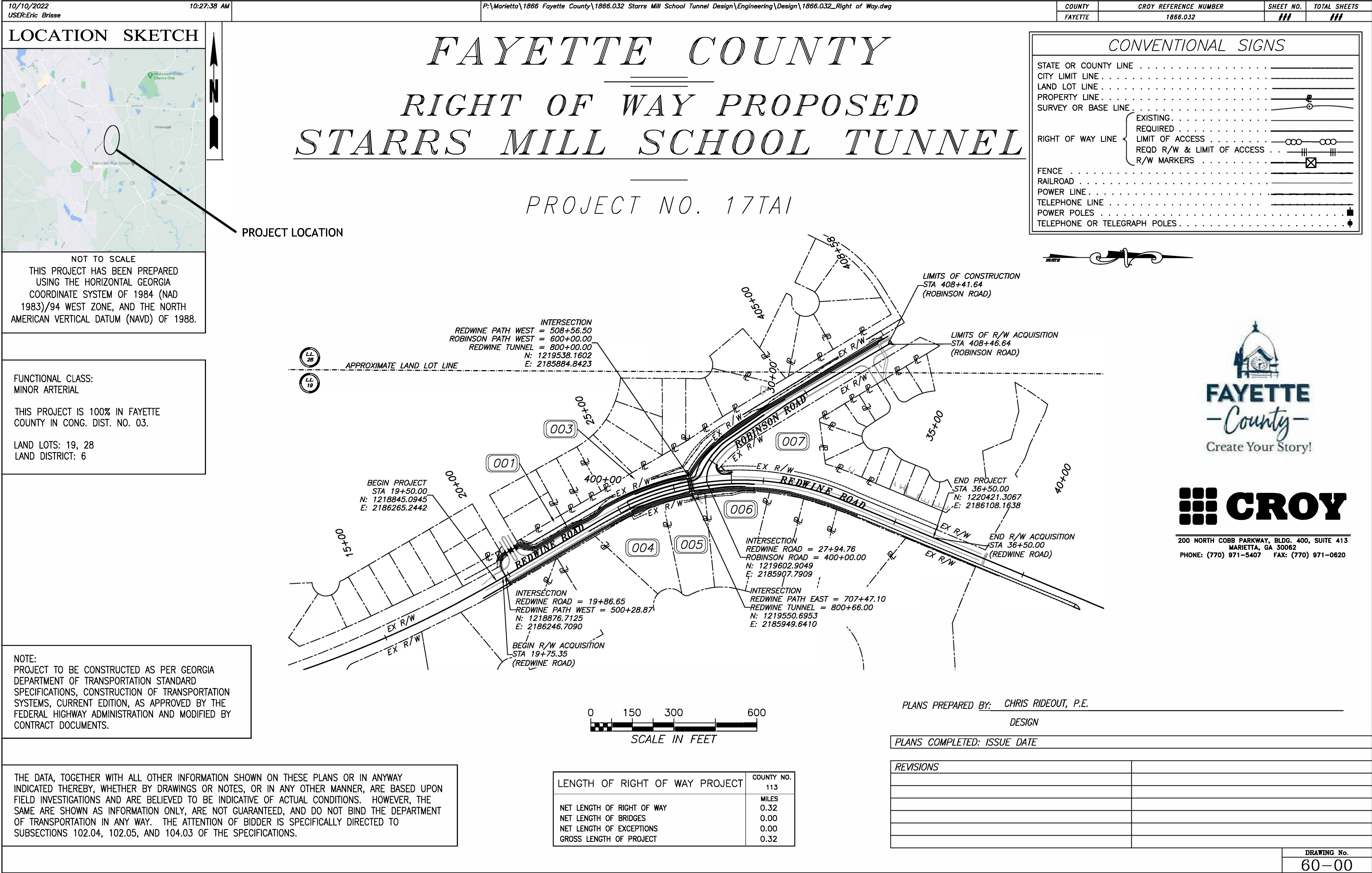
- Project Tunnel and Path
- Federal-Aid Path Project (CST)
- Existing Path
- Future path - PTC/Mill Farms Subdivision

**FORESTON PLACE**

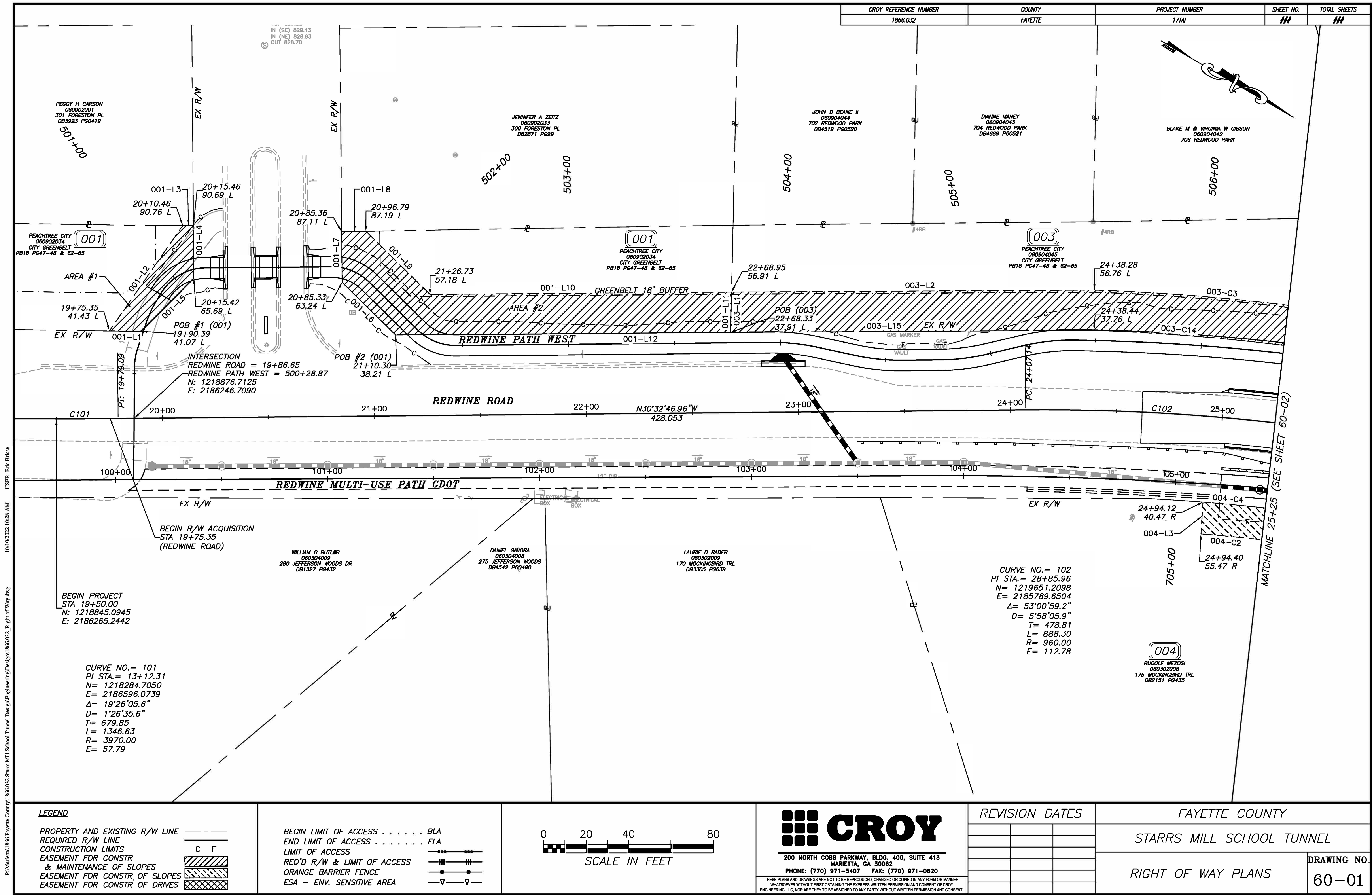
**Mill Farms**

**MOUNTBROOK**

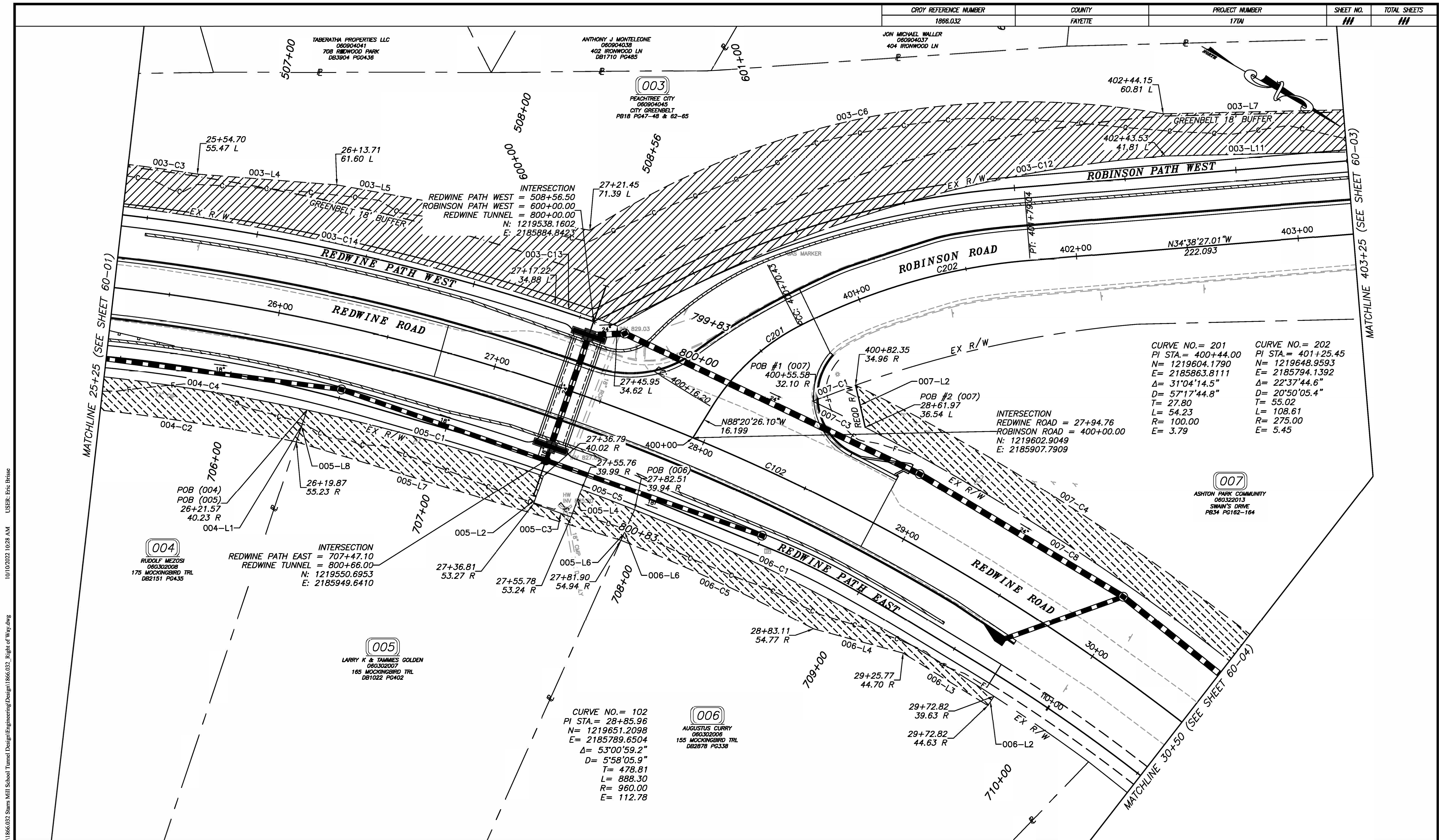










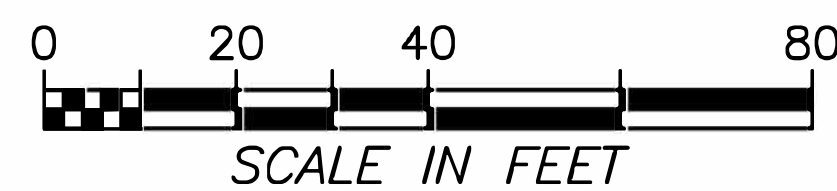


P:\Maricela 1866 Fayette County\1866.032 Starrs Mill School Tunnel\Design\Engineering\Design\1866.032\_Right of Way.dwg 10/10/2022 10:28 AM USER: Eric Brisse

LEGEND

PROPERTY AND EXISTING R/W LINE  
REQUIRED R/W LINE  
CONSTRUCTION LIMITS  
EASEMENT FOR CONSTR  
& MAINTENANCE OF SLOPES  
EASEMENT FOR CONSTR. OF SLOPES  
EASEMENT FOR CONSTR. OF DRIVES

BEGIN LIMIT OF ACCESS . . . . . BLA  
END LIMIT OF ACCESS . . . . . ELA  
LIMIT OF ACCESS  
REQ'D R/W & LIMIT OF ACCESS  
ORANGE BARRIER FENCE  
ESA - ENV. SENSITIVE AREA



**CROY**  
200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413  
MARIETTA, GA 30062  
PHONE: (770) 871-5407 FAX: (770) 971-0620  
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WITHOUT THE WRITTEN PERMISSION OF CROY ENGINEERING, LLC. NOR ARE THEY TO BE ASSIGNED TO ANY PARTY WITHOUT WRITTEN PERMISSION AND CONSENT.

REVISION DATES


FAYETTE COUNTY

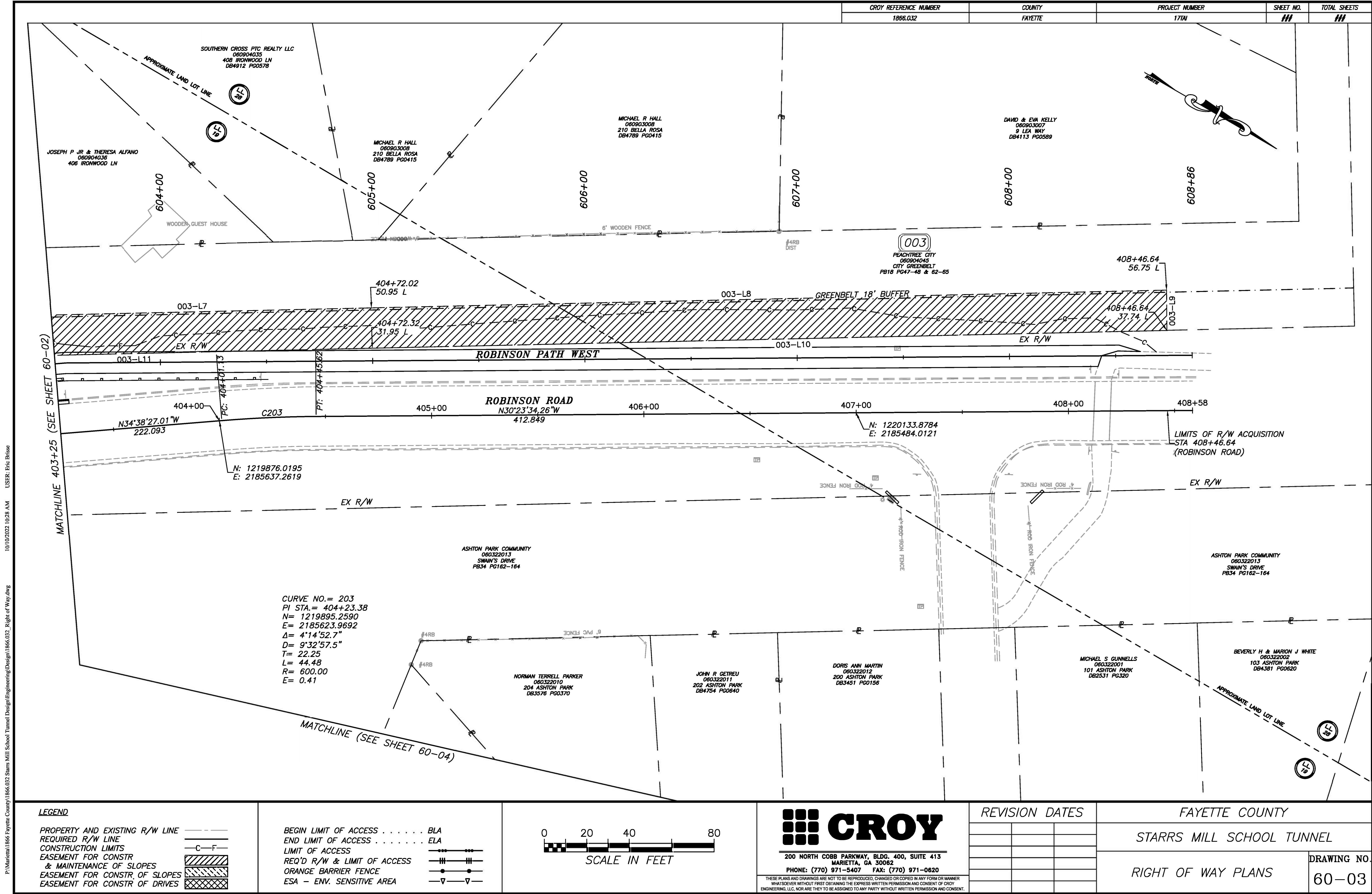
STARRS MILL SCHOOL TUNNEL

RIGHT OF WAY PLANS

DRAWING NO.

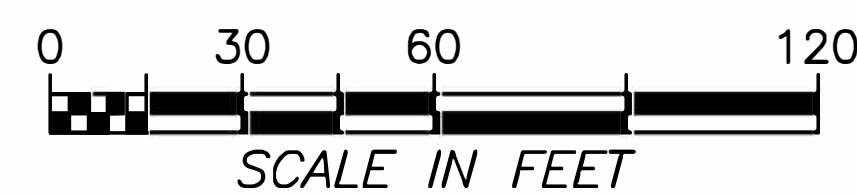
60-02







BEGIN LIMIT OF ACCESS . . . . .	BLA	
END LIMIT OF ACCESS . . . . .	ELA	
LIMIT OF ACCESS		
REQ'D R/W & LIMIT OF ACCESS		
ORANGE BARRIER FENCE		
ESA - ENV. SENSITIVE AREA		



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STARRS MILL SCHOOL TUNNEL

RIGHT OF WAY PLANS

	DRAWING NO.
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60-04



P:\Marietta 1866 Fayette County\1866.032 Starrs Mill School Tunnel Design\Engineering\Design\1866.032\_Right of Way.dwg 10/10/2022 10:28 AM USER: Eric Brisse

PARCEL 001 REQ'D PERM. EASMT. #1			
POB	#	BEARING	DISTANCE
19+90.39	001-L1	S29°08'31"E	15.00'
41.07 LT	001-L2	N85°08'07"W	60.52'
	001-L3	N29°42'32"W	5.00'
	001-L4	N59°32'30"E	25.00'
	001-L5	S75°04'06"E	35.11'
REQ'D AREA = 814 S.F. REQ'D AREA = 0.019 AC.			
PARCEL 001 REQ'D PERM. EASMT. #2			
POB	#	BEARING	DISTANCE
21+10.30	001-L6	S14°31'25"W	35.35'
38.21 LT	001-L7	S59°31'16"W	23.87'
	001-L8	N30°57'12"W	11.44'
	001-L9	N14°31'25"E	42.39'
	001-L10	N30°26'09"W	142.22'
	001-L11	N61°19'04"E	19.01'
	001-L12	S30°26'09"E	158.03'
REQ'D AREA = 3962 S.F. REQ'D AREA = 0.091 AC. TOTAL REQ'D PERM AREA = 0.110 AC			
PARCEL 003 REQ'D PERM. EASMT. #1			
POB	#	BEARING	DISTANCE
22+68.33	003-L1	S61°19'04"W	19.01'
37.91 LT	003-L2	N30°19'11"W	171.17'
	003-C3	CHORD BEARING: N24°36'55"W CHORD LENGTH: 123.16' ARC LENGTH: 123.23' RADIUS: 1023.60'	
	003-L4	N25°34'09"W	62.89'
	003-L5	N19°51'16"W	115.56'
	003-C6	CHORD BEARING: N41°28'36"W CHORD LENGTH: 263.17' ARC LENGTH: 269.42' RADIUS: 360.00'	
	003-L7	N31°16'45"W	231.93'
	003-L8	N31°16'45"W	374.66'
	003-L9	N59°36'26"E	19.00'
	003-L10	S31°16'45"E	374.37'
	003-L11	S31°16'45"E	231.44'
	003-C12	CHORD BEARING: S47°15'51"E CHORD LENGTH: 257.93' ARC LENGTH: 260.15' RADIUS: 573.67'	
	003-C13	CHORD BEARING: S10°41'33"E CHORD LENGTH: 29.77' ARC LENGTH: 29.77' RADIUS: 1004.60'	
	003-C14	CHORD BEARING: S19°47'32"E CHORD LENGTH: 288.33' ARC LENGTH: 289.33' RADIUS: 1004.60'	
	003-L15	S30°19'13"E	171.34'
REQ'D AREA = 32465 S.F. REQ'D AREA = 0.745 AC.			

PARCEL 004 REQ'D TEMP. EASMT. #1			
POB	#	BEARING	DISTANCE
26+21.57	004-L1	N78°22'02"E	15.09'
40.23 RT	004-C2	CHORD BEARING: S21°42'40"E CHORD LENGTH: 118.14' ARC LENGTH: 118.23' RADIUS: 904.10'	
	004-L3	S63°37'16"W	15.00'
	004-C4	CHORD BEARING: N21°39'59"W CHORD LENGTH: 122.01' ARC LENGTH: 122.09' RADIUS: 919.04'	
REQ'D AREA = 1803 S.F. REQ'D AREA = 0.041 AC.			
PARCEL 005 REQ'D TEMP. EASMT. #1			
POB	#	BEARING	DISTANCE
26+21.57	005-C1	CHORD BEARING: N14°24'59"W CHORD LENGTH: 110.34' ARC LENGTH: 110.41' RADIUS: 920.78'	
40.23 RT	005-L2	N79°02'38"E	13.24'
	005-C3	CHORD BEARING: N10°22'54"W CHORD LENGTH: 17.91' ARC LENGTH: 17.91' RADIUS: 905.00'	
	005-L4	S80°11'07"W	13.25'
	005-C5	CHORD BEARING: N09°02'45"W CHORD LENGTH: 25.64' ARC LENGTH: 25.64' RADIUS: 919.04'	
	005-L6	N84°02'59"E	15.01'
	005-L7	S13°07'21"E	152.55'
	005-L8	S78°22'02"W	15.09'
REQ'D AREA = 2391 S.F. REQ'D AREA = 0.055 AC.			
PARCEL 006 REQ'D TEMP. EASMT. #1			
POB	#	BEARING	DISTANCE
27+82.51	006-C1	CHORD BEARING: N02°33'45"W CHORD LENGTH: 182.12' ARC LENGTH: 182.42' RADIUS: 918.55'	
39.94 RT	006-L2	S86°52'23"E	5.00'
	006-L3	S01°43'12"W	44.86'
	006-L4	S14°50'25"E	41.68'
	006-C5	CHORD BEARING: S05°15'52"E CHORD LENGTH: 95.38' ARC LENGTH: 95.42' RADIUS: 903.55'	
	006-L6	S84°02'59"W	15.01'
REQ'D AREA = 2086 S.F. REQ'D AREA = 0.048 AC.			

PARCEL 007 REQ'D R/W #1			
POB	#	BEARING	DISTANCE
400+55.58	007-C1	CHORD BEARING: N50°45'10"W CHORD LENGTH: 20.58' ARC LENGTH: 20.58' RADIUS: 503.67'	
32.10 RT	007-L2	N47°13'58"E	19.45'
	007-C3	CHORD BEARING: S03°37'16"E CHORD LENGTH: 26.28' ARC LENGTH: 26.28' RADIUS: 1004.60'	
REQ'D AREA = 199 S.F. REQ'D AREA = 0.005 AC.			
PARCEL 007 REQ'D PERM. EASMT. #1			
POB	#	BEARING	DISTANCE
28+61.97	007-L2	S47°13'58"W	19.45'
36.54 LT	007-C4	CHORD BEARING: N10°58'41"E CHORD LENGTH: 512.33' ARC LENGTH: 517.88' RADIUS: 1019.60'	
	007-L5	N22°32'56"E	304.99'
	007-L6	S67°31'48"E	15.00'
	007-L7	S22°32'56"W	305.41'
	007-C8	CHORD BEARING: S11°20'23"W CHORD LENGTH: 493.26' ARC LENGTH: 498.36' RADIUS: 1004.60'	
REQ'D AREA = 12200 S.F. REQ'D AREA = 0.280 AC.			

CROY

200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413

MARIETTA, GA 30062

PHONE: (770) 971-5407 FAX: (770) 971-0620

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WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF CROY

ENGINEERING, LLC, NOR ARE THEY TO BE ASSIGNED TO ANY PARTY WITHOUT WRITTEN PERMISSION AND CONSENT.

REVISION DATES			FAYETTE COUNTY	
			STARRS MILL SCHOOL TUNNEL	
			RIGHT OF WAY PLANS	DRAWING NO.
				60-05



COUNTY OF FAYETTE  
STATE OF GEORGIA

**COPY**

**INTERGOVERNMENTAL AGREEMENT FOR CONSTRUCTION  
AND MAINTENANCE OF MULTI-USE PATH PROJECTS**

THIS AGREEMENT entered this 27<sup>th</sup> day of June, 2019, by and between Peachtree City, Georgia (the "CITY"), a municipal corporation of the State of Georgia, acting by and through its Mayor and Council, and Fayette County, Georgia (the "COUNTY"), a political subdivision of the State of Georgia, acting by and through its Board of Commissioners, for the purpose of the CITY and the COUNTY to set out those terms and conditions which will guide them in their ongoing construction and maintenance responsibilities for multi-use paths located in the CITY and the COUNTY (the Construction and Maintenance IGA).

**WITNESSETH:**

WHEREAS, the Mayor and Council is the duly organized governing authority for the CITY possessing all requisite authority to enter into the Construction and Maintenance IGA; and

WHEREAS, the Board of Commissioners is the duly organized governing authority for the COUNTY possessing all requisite authority to enter into the Construction and Maintenance IGA; and

WHEREAS, the Georgia Constitution, Article IX, Section 2, Paragraph 3, except as otherwise provided by law, prohibits cities and counties from exercising governmental authority within each other's boundaries except by Intergovernmental Agreement; and

WHEREAS, the CITY has been developed around a network of multi-use paths that are used by pedestrians, bicyclists and operators of golf carts; and

WHEREAS, these multi-use paths are used by residents of the CITY and the unincorporated COUNTY as an alternative to the automobile, as well as for exercise and recreation; and

WHEREAS, the communities around the Starr's Mill School Complex have been developed with a focus on access to and from the schools and there is a history of cooperation between the COUNTY, the Board of Education and developers to expand and enhance the multi-use path network; and

WHEREAS, a growing county population increases the desire and need for a multi-use path network that provides safe and appropriate infrastructure, and increases the challenges for local governments to design, construct and maintain said infrastructure; and

WHEREAS, funding opportunities, with the development community, State and Federal grant programs, non-profit groups, etc., are more successfully obtained with cooperation among local governments and agencies; and

WHEREAS, the CITY and the COUNTY desire to enter into the Construction and Maintenance IGA for the purpose of ensuring that appropriate multi-use paths in the CITY and the COUNTY are constructed and adequately maintained over time.

NOW, THEREFORE, for and in consideration of the above premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the CITY and the COUNTY, the CITY and COUNTY hereby agree as follows:

1.

The COUNTY assumes ownership and maintenance responsibilities of all multi-use path infrastructure located within the COUNTY right-of-way, including Segment F as depicted on the attached map labeled as Exhibit "A," with said Exhibit "A" being incorporated into this

Construction and Maintenance IGA by this reference hereto. This path segment was constructed, and it has been maintained by the CITY in accordance with the July 23, 1998 IGA between the CITY and the COUNTY. It is the intent of the parties for this Construction and Maintenance IGA to supersede that certain agreement between Fayette County and Peachtree City dated July 23, 1998 concerning that section of multi-use path east of Redwine Road immediately north of the Starr's Mill School Complex.

2.

As of January 2019, there are two multi-use path projects currently in design:

- Federal-Aid Path Project PI 012624 – Segments A, E1 and E2; and
- SPLOST Project 17TAI – Segments G1 (path) and G2 (tunnel).

The estimated cost for these projects, including design, permitting, land acquisition and construction, is approximately \$3,000,000.00. The COUNTY shall pay for all design, permitting, land acquisition, project management and construction costs for SPLOST Project 17TAI-Segments G1 and G2. The plans and specifications for all work proposed within the City limits shall be provided to the City, or their designated consulting engineers, for review and approval prior to the start of construction. The CITY shall provide limited use (between 8' and 14' of width depending on obstructions, trees, etc.) of existing City Greenspace (when alternate locations are not available), as well as use of existing easements and right-of-way to facilitate project construction of section G1 and G2. Upon completion of the project, maintenance and repair costs for SPLOST Project 17TAI-Segment G1 (path) will be the responsibility of the CITY. Upon completion of the project, future maintenance and repair costs for SPLOST Project 17TAI - Segment G2 (tunnel) located at the City/County Border shall be split 50/50 between the CITY and the COUNTY until such time as the property containing SPLOST Project 17TAI – Segment G2 (tunnel) is annexed by the City. The City shall assume all maintenance and repair

costs for SPLOST Project I7TAI - Segment G2 (tunnel) from the effective date of the annexation forward, should said annexation occur. While the maintenance and repair work are the responsibility of both the City and the County, all maintenance and repair work will be scoped in writing, with a not-to-exceed cost estimate and agreed to by the CITY Manager and the COUNTY Administrator prior to commencing. Minor maintenance or repair work (such as cleaning graffiti or repairing damaged guardrail) that is entirely within one jurisdiction shall be the sole responsibility of that local government unless agreed to otherwise by the CITY and the COUNTY. For the Federal-Aid path project (PI 01264), all costs beyond those covered by Federal Aid shall be paid by the COUNTY. The CITY shall provide limited use (between 8' and 14' of width depending on obstructions, trees, etc.) of existing City Greenspace, as well as use of existing easements, and right-of-way to facilitate project construction and future use, where applicable. Maintenance and repair costs for Federal Aid Path Project PI 01264 Segments A and E2 shall be the responsibility of the COUNTY. To the extent that the City's design standards require the project to encroach more than 14' into the City Greenspace the City shall elect one of the following:

- a. The City shall provide a written exception to the County recognizing and allowing the necessary encroachment due to the City's design standards; or
- b. The City shall revise its design standards in such a manner that no encroachment into the City's Greenspace of more than 14' will be necessary.

If the City elects to provide the written exceptions, said written exceptions will be provided to the County within five (5) business days of the County's request therefor. If the City elects to revise its design standards the County will be required to change the plans and receive additional approval from the Georgia Department of Transportation. Maintenance and repair costs for Federal Aid Path Project PI 01264 Segment E1 shall be the responsibility of the CITY. Upon completion of either or both projects, future ownership and maintenance of the



infrastructure shall be governed by the conditions established within this Construction and Maintenance IGA.

3.

The term of this Construction and Maintenance IGA shall be for twelve (12) months, from June 27, 2019 and concluding on June 27, 2020. This Construction and Maintenance IGA shall automatically renew for a twelve (12) month term, beginning on the anniversary date of the agreement, so long as the CITY nor the COUNTY take action to terminate this Construction and Maintenance IGA. Additional renewal terms of twelve (12) months each shall automatically begin so long as neither party terminates this Construction and Maintenance IGA. Should either the CITY or the COUNTY desire to terminate this Construction and Maintenance IGA the terminating party must provide 90-days written notice to the other party prior to the end of the then-current term.

4.

This Construction and Maintenance IGA may be modified at any time by mutual written consent of both parties.

5.

All required notices shall be given first class mail, except that any notice of termination shall be mailed via U.S. Mail, return receipt requested. Notices shall be addressed to the parties at the following addresses:

If to the CITY: Mr. Jonathan Rorie, City Manager  
151 Willowbend Road  
Peachtree City, Georgia 30269

If to the COUNTY: Mr. Steve Rapson, County Administrator  
104 Stonewall Avenue West, Suite 100  
Fayetteville, Georgia 30214

6.

This Construction and Maintenance IGA is a full and complete statement of the

agreement between the CITY and the COUNTY as to the subject matter hereof and has been authorized by proper action of the respective parties.

7.

Should any provision of this Construction and Maintenance IGA or application thereof to any person or circumstance be held invalid or unenforceable, the remainder of this Construction and Maintenance IGA or the application of such provision to any person or circumstance, other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each provision of this Construction and Maintenance IGA shall be valid and enforceable to the full extent permitted by law.

8.

This Construction and Maintenance IGA shall be governed by and construed in accordance with the laws of the State of Georgia.

[THIS SPACE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the CITY and the COUNTY have caused this Construction and Maintenance IGA to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by their duly authorized officers, all as of the date first above written.

(SEAL)



ATTEST:

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, GEORGIA

By:

RANDY C. OGNIO, Chairman

Tameca P. White, County Clerk

(SEAL)

MAYOR AND COUNCIL FOR THE  
CITY OF PEACHTREE CITY, GEORGIA

By:

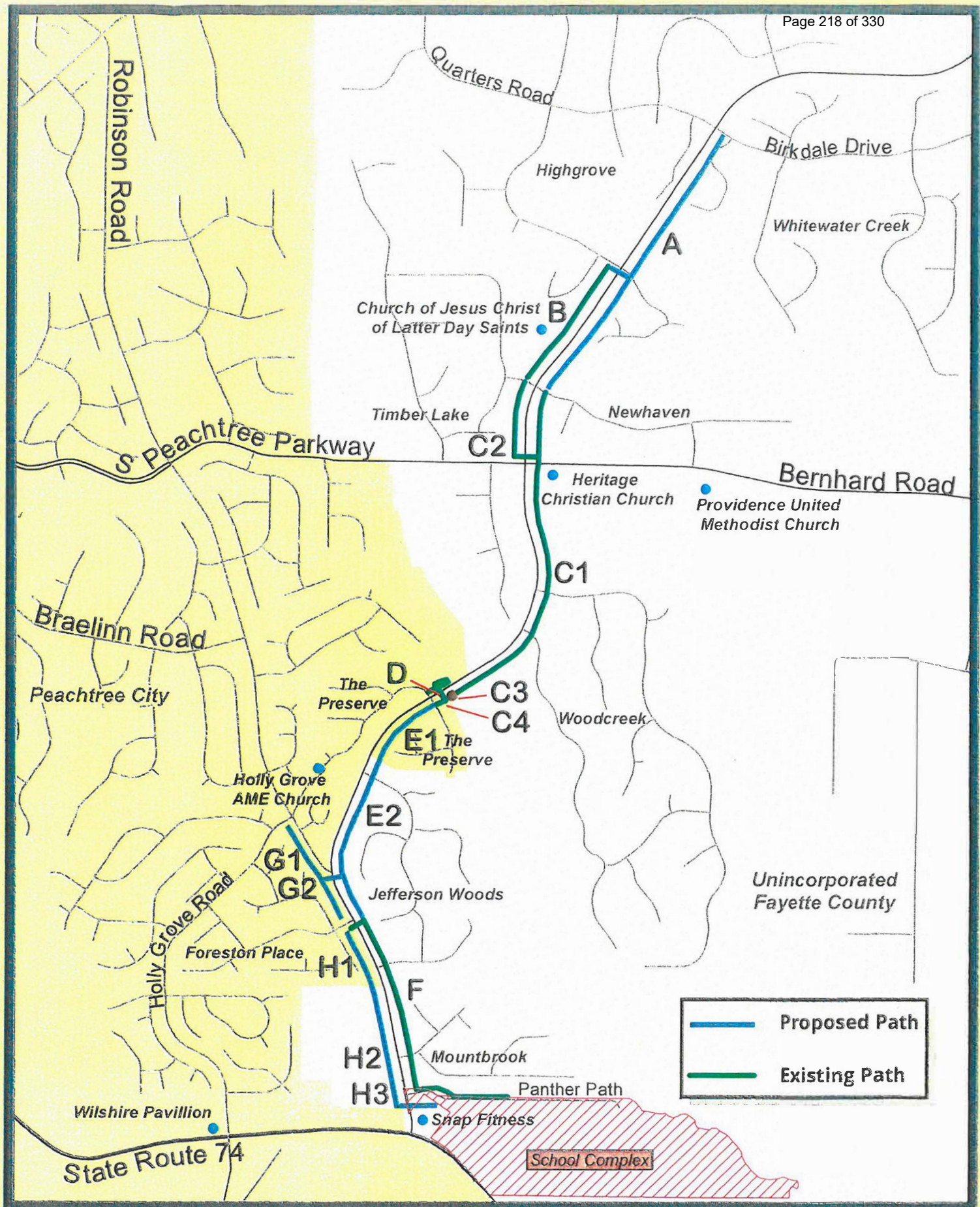
VANESSA FLEISCH, Mayor

ATTEST:

Pamela Dufresne, Deputy City Clerk

~~Betsy Tyler, City Clerk~~





April 22, 2019

Redwine Road  
Cart Paths

**Exhibit A**





# COUNTY AGENDA REQUEST

Page 219 of 330

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval to add a pole mounted street light to the Princeton Chase subdivision in Fayette County's Street Light Program.

## Background/History/Details:

The property owners in the subdivision known as Princeton Chase are petitioning the Board of Commissioners to add a street light at the entrance of Princeton Chase to the district in the Fayette County Street Light Program.

The Board of Commissioners created Fayette County Street Light Districts in September 1983. The street light ordinance was amended in November 2014 to require a \$100 application fee and prepayment of two (2) years worth of street light bills to cover expenses incurred by Fayette County until the charges could be recouped with the tax bills. Princeton Chase has paid Fayette County the required amounts, notified all property owners of the desired change, and presented a petition representing 66.67% approval in Princeton Chase.

The estimated monthly charge is \$14.54. Princeton Chase has paid the \$100 application fee and the first two (2) years prepayment for street lights. The anticipated additional street light assessment for the one hundred fifty (150) parcels in the Princeton Chase street light district on the 2024 Property Tax Bill is \$2 per parcel.

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

Approval to add a pole mounted street light to the Princeton Chase subdivision in Fayette County's Street Light Program.

## If this item requires funding, please describe:

These additional lights will cost \$14.54 per month per Georgia Power. Princeton Chase has prepaid the amounts required to add this light to the street light district until the cost may be added onto the property tax bill and the county reimbursed.

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:

Lot	Signature Page	Property Owner 1	Property Owner 2	Property Owner 3	Vote	Notified	Address
B02	3	Grosskreutz, Norman H.	Padilla, Betty Valle		Yes	Yes	100 N Fayette D
B03	3	Donnelly, Janet L.			Yes	Yes	110 N Fayette D
B04	3	Carswell, Anderson	Carswell, Jennifer		Yes	Yes	120 N Fayette D
B05	3	Pettiford, Lytonia			Yes	Yes	130 N Fayette D
<a href="#">B06</a>	20	Holmes, Leon			Yes	Yes	140 N Fayette D
<a href="#">B07</a>	25	Conley, April L.			No	Yes	125 Hampton W
<a href="#">B08</a>	13	Joyner, Kay			Yes	Yes	115 Hampton W
<a href="#">B09</a>	11	White, Margaret				Yes	105 Hampton V
<a href="#">B10</a>	48	Simmons, Sheryl E.	Simmons, Yung J.		Yes	Yes	190 Wilmington
B11		Fendley, Thomas F. Estate	Fendley, Sandra P.			Yes	90 Princeton Tr
<a href="#">B12</a>	8	Griffin, Johnny L.	Griffin, Rose M.		Yes	Yes	80 Princeton Tr
<a href="#">B13</a>	8	McClendon, Jacquelyn	Jester, Karen		Yes	Yes	65 Princeton Tr
B14		Durham, Robert M.	Durham, Iona K.			Yes	75 Princeton Tr
<a href="#">B15</a>	8	Wehunt, Stephen D.	Wehunt, Laveta M.		Yes	Yes	85 Princeton Tr
<a href="#">B16</a>	8	Malasarte, Robert A.	Malasarte, Lutgarda R.		Yes	Yes	95 Princeton Tr
B17	6	Anderson, David S.			Yes	Yes	105 Princeton T
B18	6	Suraphel, Mekbib			Yes	Yes	115 Princeton T
B19		Blocker, Michael Anthony	Young, Ashley			Yes	125 Princeton T
<a href="#">B20</a>	32	Pare, Michael Ralph			Yes	Yes	135 Princeton T
B21		Jones, Charles O.	Jones, Sandra B.			Yes	145 Princeton T
B22	7	Brayboy, JT			Yes	Yes	155 Princeton T
B23	7	Berry, Alfred Jr.	Berry, Bonita M.		Yes	Yes	165 Princeton T
<a href="#">B24</a>	33	Rivalsi, Douglas	Rivalsi, Elvira		Yes	Yes	175 Princeton T
<a href="#">B25</a>	14	Stevenson, Willie			Yes	Yes	185 Princeton T
B26	7	Myers, James E.	Myers, Joyce A.		Yes	Yes	195 Princeton T
<a href="#">B27</a>	36	Winston Living Trust	Winston Llewellyn & Patricia Trustees		Yes	Yes	205 Princeton T
<a href="#">C06</a>	19	Montes de Oca, Rafael Montes	Vasquez, Ramona		Yes	Yes	105 N Fayette D
C08		FKH SFR PROPCO B-HLD LP	C/O First Key Homes, LLC			Yes	115 N Fayette C
C09		Maddox, William	Maddox, Glenda			Yes	125 N Fayette C
C10		Lumley, Carole A.				Yes	135 N Fayette C
<a href="#">C11</a>		Maxwell, Harold J.				Yes	145 N Fayette C
<a href="#">C12</a>	1	Robinson, Deon M.	Robinson, Helen Ashley		Yes	Yes	155 N Fayette C
C13		Sells, James O.				Yes	165 N Fayette C
<a href="#">C14</a>	15	Howell, Deverne			Yes	Yes	175 N Fayette C
<a href="#">C15</a>	5	Grover, Anita	Grover, Preya		Yes	Yes	185 N Fayette C
<a href="#">C16</a>	18	Rogers, Jalcia	Godfrey, Brenda E.	Smith, Rocky Lee Jr.	Yes	Yes	195 N Fayette C
C17	2	Clemons, Wayne E.			Yes	Yes	205 N Fayette C
C18	2	Gadd, David M.	Gadd, Helen T.		Yes	Yes	215 N Fayette C
D01	2	Harris, Charlie Lee	Harris, Debora Gordon		Yes	Yes	225 N Fayette C

Lot	Signature Page	Property Owner 1	Property Owner 2	Property Owner 3	Vote	Notified	Address
D02		Alto Asset Company 1, LLC				Yes	235 N Fayette C
D03	2	Ferrell, Steven J.			Yes	Yes	245 N Fayette C
D04		Veliz, Hugo				Yes	255 N Fayette C
D05		FYR SFR Borrower, LLC A Delaware Limited Liability Company				Yes	265 N Fayette C
D06		FYR SFR Borrower, LLC A Delaware Limited Liability Company				Yes	220 N Fayette C
D07		Patterson, Hazel				Yes	210 N Fayette C
<a href="#">D08</a>	18	Nguyen, Peter T.			Yes	Yes	200 N Fayette C
D09		Mercer, Bryan				Yes	190 N Fayette C
<a href="#">D10</a>	16	Belcher, Deborah			Yes	Yes	180 N Fayette C
<a href="#">D11</a>	14	Andrande, Richard	Huffman, Meshelle		Yes	Yes	170 N Fayette C
<a href="#">D12</a>	1	Berube, Helena E.	Berube, Laurent		Yes	Yes	160 N Fayette C
<a href="#">D14 &amp; D15</a>	1	Harris, Karriem			Yes	Yes	130 N Fayette C
<a href="#">D16</a>	1	Norfleet, Regina	Eveylene Norfleet - Deceased		Yes	Yes	120 N Fayette C
D17		Lumley, Carole A.				Yes	110 N Fayette C
<a href="#">D18</a>	1	Dumolga, George	Dumolga, Shirley Divine		Yes	Yes	100 N Fayette C
D19	3	Davis, Tara			Yes	Yes	135 N Fayette D
D20		Carmelina, LLC				Yes	145 N Fayette D
D21	3	Clark, Henrietta Estate			Yes	Yes	155 N Fayette D
D22	3	Jackson, Cynthia K. (Chambers)			Yes	Yes	165 N Fayette D
D23	3	Miller, Latissimus	Miller, Kenneth		Yes	Yes	175 N Fayette D
<a href="#">D24</a>	22	Grier, Gimini M.			Yes	Yes	185 N Fayette Dr.
D25		Chan, Borshann				Yes	195 N Fayette D
D26		FKH SFR PROPCO D LP				Yes	205 N Fayette D
D27	4	McKennie, Thomas E.	McKennie, Jacqueline G.		Yes	Yes	215 N Fayette D
<a href="#">D28</a>	8	Walker, Gabrielle	Walker, Terry Lamar		Yes	Yes	225 N Fayette D
<a href="#">D29</a>	24	Silva, Juan Sanchez			Yes	Yes	235 N Fayette D
D30		Siepert-Hall, Jonilynn				Yes	245 N Fayette D
<a href="#">D31</a>	21	Cox, William	Cox, Lois E.		Yes	Yes	255 N Fayette D
<a href="#">D32</a>	23	Marquez, Ramon R.			Yes	Yes	265 N Fayette D
D33	5	Bass, Quinton			Yes	Yes	275 N Fayette D
D34	5	Bell, John B.	Bell, Rebecca M.		Yes	Yes	285 N Fayette D
D35		Crawley, Timothy				Yes	295 N Fayette D
D36	5	Barbra, Dajuan			Yes	Yes	305 N Fayette D
D37		HPA Borrower 2016 ML LLC				Yes	315 N Fayette D
D38	5	Jordan, Roosevelt Jr. & Ruth E Living Trust			Yes	Yes	325 N Fayette D
D39		Kennebrew, George W. Estate Kennebrew, Verolyn				Yes	335 N Fayette D
D40	26	HPA JV Borrower 2019-1 ML, LLC				Yes	345 N Fayette D
D41	5	Alston, Esther			Yes	Yes	355 N Fayette D
<a href="#">D42</a>	28	Leon, Frederick Danon			Yes	Yes	365 N Fayette D

Lot	Signature Page	Property Owner 1	Property Owner 2	Property Owner 3	Vote	Notified	Address
<a href="#">D43</a>	29	Lane, Gavin J.			Yes	Yes	375 N Fayette D
D44	6	Winfrey, Olin	Winfrey, Tracy R.		Yes	Yes	385 N Fayette D
D45		Hopkins, Aaron				Yes	395 N Fayette D
D46	6	Horton, Herbert	Horton, Adrean Hill		Yes	Yes	405 N Fayette D
D47	6	Bah, Ishmael	Bah, Aminata Diallo		Yes	Yes	415 N Fayette D
<a href="#">D48</a>	30	Mitchell, Terria			Yes	Yes	420 N Fayette D
D49		Mitchell, Rufus E.	Mitchell, Betty H.			Yes	435 N Fayette D
<a href="#">D50</a>	7	Chapman, Arthur	Chapman, Sharon R.		Yes	Yes	370 N Fayette D
<a href="#">D51</a>	27	Ouzts, Janet S.			Yes	Yes	360 N Fayette D
D52		RNTR-3, LLC				Yes	350 N Fayette D
D53		FKH SFR PROPCO D LP				Yes	340 N Fayette D
D54		Zillow Homes Property Trust				Yes	330 N Fayette D
D54A	5	Hodges, Garlon			Yes	Yes	320 N Fayette D
D55	25	Erikson, Erik				Yes	310 N Fayette D
D56		Jenkins, Kathleen				Yes	115 Wilmington
<a href="#">D57</a>	43	Watts, Roy G.	Watts, Gwendolyn		Yes	Yes	125 Wilmington
<a href="#">D58</a>	44	Jones, Sherra A.			Yes	Yes	135 Wilmington
D59	9	Moss, Dante Jamil	Moss, Crystal K.		Yes	Yes	145 Wilmington
D60		2017-2 IH Borrower LP				Yes	155 Wilmington
<a href="#">D61</a>	9	Williams, Bert	Williams, Varaphone		Yes	Yes	165 Wilmington
<a href="#">D62</a>	47	Patterson, Frederick J.	Patterson, Ouida B.			Yes	175 Wilmington
D63		Haar, David P.				Yes	110 Princeton T
<a href="#">D64</a>	31	Watkins Funeral Home			Yes	Yes	120 Princeton T
D65	6	Arrington, Shelby C.	Arrington, Gertrude B.		Yes	Yes	130 Princeton T
D66	7	Burns, Samuel Jr.	Burns, Dianne W.		Yes	Yes	140 Princeton T
D67	7	Griffith, Tracey			Yes	Yes	150 Princeton T
D68	7	Verock, James P,	Verock, Jeanine		Yes	Yes	160 Princeton T
D69	7	Horace, James D.			Yes	Yes	170 Princeton T
<a href="#">D70</a>	34	Mellon, Doug	Mellon, Dawn		Yes	Yes	180 Princeton T
D71		Daniels, Alan	Daniels, Shoshana			Yes	190 Princeton T
<a href="#">D72</a>	35	Moseley, McHenry Jr.			Yes	Yes	200 Princeton T
<a href="#">D73</a>	37	Sawyer, Rodney E.			Yes	Yes	210 Princeton T
D74		Glover-Harden, Yolanda	Glover, Frederick			Yes	220 Princeton T
<a href="#">D75</a>	8	Johnson, Tommy			Yes	Yes	230 Princeton T
<a href="#">D76</a>	8	Slay, Brian E.			Yes	Yes	240 Princeton T
<a href="#">D77</a>	8	Tatum, Tiffany C.			Yes	Yes	250 Princeton T
<a href="#">D78</a>	8	McCrary, Cynthia A			No	Yes	260 Princeton T
<a href="#">D79</a>	41	Carson, Betty W.			Yes	Yes	295 Princeton T
<a href="#">D80</a>	39	Shaheed, Joyce R.			Yes	Yes	285 Princeton T



Lot	Signature Page	Property Owner 1	Property Owner 2	Property Owner 3	Vote	Notified	Address
<a href="#">D81</a>	8	Haskew, Regina			Yes	Yes	275 Princeton T
<a href="#">D82</a>	21	Wright, Hiram G.			Yes	Yes	265 Princeton T
<a href="#">D83</a>	8	Cross, George R.	Cross, Cathy		Yes	Yes	255 Princeton T
<a href="#">D84</a>	13	Malrey, Wynter	Stubbs, John		Yes	Yes	245 Princeton T
D85		Whitters, Malissie				Yes	235 Princeton T
<a href="#">D86</a>	8	Blake, Ellen Marie			Yes	Yes	225 Princeton T
<a href="#">D87</a>	38	Reynolds, Avery Allen			Yes	Yes	215 Princeton T
E01		Ogden, Donald				Yes	150 N Fayette D
E02		Johnson, Marvin Ronnie	Johnson, Patsy			Yes	160 N Fayette D
<a href="#">E03</a>	23	Rowland, Dennis R.			Yes	Yes	170 N Fayette D
<a href="#">E04</a>	17	Screvens, Kaneldra			Yes	Yes	180 N Fayette D
E05	4	Lang, Freddie	Lang, Terise		Yes	Yes	190 N Fayette D
<a href="#">E06</a>	16	Aldridge, James			Yes	Yes	200 N Fayette D
<a href="#">E07</a>	15	Thomas, William D.	Hall, Sharon			Yes	210 N Fayette C
E08		Davis, Iesha Scott	Davis, Ronald Charles II			Yes	220 N Fayette D
E09	4	Milton, David R.			Yes	Yes	230 N Fayette D
<a href="#">E10</a>	4	Burns, Joseph Scott	Burns, Joelina Marie		Yes	Yes	240 N Fayette D
E11		Rajahn, Khalil				Yes	250 N Fayette D
<a href="#">E12</a>	22	Franklin, Andre	Franklin, Corinthia Miller		Yes	Yes	260 N Fayette D
E13	4	Drew, Catherine E.			Yes	Yes	270 N Fayette D
E14		King, Patricia K. Smith				Yes	280 N Fayette D
<a href="#">E15</a>	24	Wiang, Jiajun	Celestin, Esther		Yes	Yes	290 N Fayette Dr.
<a href="#">E16</a>	6	Hill, LV III	Hill, Michelle		Yes	Yes	300 N Fayette D
E17		CPI/Amherst SFR Program II Owner, LLC				Yes	110 Wilmington
E18	42	Jones, Willis	Jones, Mell B.		Yes	Yes	120 Wilmington
<a href="#">E19</a>	1	Stahler, Richard	Stahler, Jacquelyn		Yes	Yes	110 Gloucester
<a href="#">E20</a>	10	Quinley, Jimmy H.			Yes	Yes	115 Gloucester
E21		BAF 3, LLC				Yes	130 Wilmington
E22	9	Patterson, Pamela S.			No	Yes	140 Wilmington
E23	45	Ryan, Patricia D.			Yes	Yes	150 Wilmington
E24		FYR SFR Borrower, LLC A Delaware Limited Liability Company				Yes	160 Wilmington
<a href="#">E25</a>	1	Wallace, Jonnell	Wallace, Faith		Yes	Yes	100 Hampton V
<a href="#">E26</a>	12	Threat, Myles			Yes	Yes	110 Hampton V
<b>TOTAL</b>		<b>In Favor</b>		<b>100</b>			
		<b>Opposed</b>		<b>3</b>			
		<b>Total</b>		<b>103</b>		<b>150</b>	
		<b>Percentage In Favor</b>		<b>66.67%</b>			
		<b>Percentage Notified</b>				<b>100%</b>	

# COUNTY AGENDA REQUEST

Page 224 of 330

Department: 911 Communications

Presenter(s): Katie Vogt, Director

Meeting Date: Thursday, October 27, 2022

Type of Request: Consent #13

## Wording for the Agenda:

Approval of the Third Amendment to Reciprocal Lease Agreement for the tower located at Rising Star; 431 Porter Road.

## Background/History/Details:

As part of the Public Safety Radio System project, all new equipment is being installed on radio towers to accommodate the system. In order to maximize the system potential, the model of antenna being used will be changed from the original plan. This requires more vertical space on the tower resulting in the need for a lease amendment.

The terms of the original agreement provide for the change in equipment with no monetary penalty.

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

Approval of Third Amendment to Reciprocal Lease Agreement for the tower located at Rising Star; 431 Porter Road.

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years? No

If so, when?

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 Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:

Lessor Site Name/Number: RISING STAR GA, GA/ 29320

Lessor Contract Number: 258888

Lessee Site Name/Number: Porter Road/ 431 Porter Rd

**THIRD AMENDMENT TO RECIPROCAL LEASE AGREEMENT**

This Third Amendment (the “Third Amendment”) to that certain Reciprocal Lease Agreement dated May 6, 2002 by and between American Tower, L.P. and Fayette County, Georgia, as amended by that certain First Amendment to Reciprocal Lease Agreement dated November 5, 2009, as amended by that certain Second Amendment to Reciprocal Lease Agreement dated June 2, 2021 (collectively, the “Agreement”) is made and entered into as of the latter signature date hereof, by and between American Towers LLC, a Delaware limited liability company, as successor-in-interest to the Agreement (the “Lessor”) and Fayette County, Georgia, a Georgia political subdivision acting by and through its Board of Commissioners (the “Lessee”) (collectively, the “Parties”).

**RECITALS**

WHEREAS, Lessor owns a certain communications tower on a certain parcel of land located at 431 Porter Road, Fayetteville, GA 30215-3058 more commonly known to Lessor as the RISING STAR GA, GA tower site (the “Property”); and

WHEREAS, Lessor and Lessee entered into the Agreement for the use of a certain portion of the Property; and

WHEREAS, Lessee desires to modify its equipment at the Property (“Modified Equipment”).

NOW THEREFORE, in consideration of the foregoing promises and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

- 1) Lessor and Lessee agree and acknowledge that Lessee shall modify its equipment for a final installed configuration pursuant to Exhibit D-3.
- 2) Lessor and Lessee agree and acknowledge that Exhibit D-2 to the Agreement is hereby deleted in its entirety as of the date this Third Amendment is fully executed and shall be replaced with Exhibit D-3 attached hereto and incorporated by this reference. In the event of inconsistency or discrepancy between the Exhibit D-3 and Lessee’s equipment information set forth in the Agreement, the Exhibit D-3 shall control.
- 3) Notwithstanding anything to the contrary in the Agreement, the offer to Lessee expressed in this Third Amendment shall automatically become null and void with no further obligation by either party hereto if a structural analysis of the Property completed after the execution of this Third Amendment by Lessor but before the Commencement Date of the installation of Lessee’s Modified Equipment indicates that the Property is not suitable for Lessee’s Modified Equipment unless Lessor and Lessee mutually agree that structural modifications or repairs shall be made to the Property on mutually agreeable terms.

Lessor Site Name/Number: RISING STAR GA, GA/ 29320

Lessor Contract Number: 258888

Lessee Site Name/Number: Porter Road/ 431 Porter Rd

- 4) The Parties agree that (i) a digital or electronic signature on this Third Amendment and/or (ii) a fully executed scanned or electronically reproduced copy or image of this Third Amendment shall be deemed an original and may be introduced or submitted in any action or proceeding as competent evidence of the execution, terms and existence hereof notwithstanding the failure or inability to produce or tender an original, manually executed counterpart of this Third Amendment and without the requirement that the unavailability of such original, manually executed counterpart of this Third Amendment first be proven.
- 5) Capitalized terms contained herein, unless otherwise defined, are intended to have the same meaning and effect as that set forth in the Agreement.
- 6) All other terms and provisions of the Agreement remain in full force and effect.

[SIGNATURES APPEAR ON THE NEXT PAGE]

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Lessor Site Name/Number: RISING STAR GA, GA/ 29320

Lessor Contract Number: 258888

Lessee Site Name/Number: Porter Road/ 431 Porter Rd

**IN WITNESS WHEREOF**, the Parties hereto have set their hands to this Third Amendment to that certain Reciprocal Lease Agreement as of the day and year written below:

**LESSOR:**

American Towers LLC, a Delaware limited liability company

**LESSEE:**

Fayette County, Georgia, a Georgia political subdivision acting by and through its Board of Commissioners

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Lessor Site Name/Number: RISING STAR GA, GA/ 29320

Lessor Contract Number: 258888

Lessee Site Name/Number: Porter Road/ 431 Porter Rd

### **Exhibit D-3**

Exhibit D-3						
Customer Name: FAYETTE COUNTY BOARD		ATC Asset Name: RISING STAR GA		ATC Asset #: 29320		
Customer Site Name: Porter Road			Customer Site #: 431 Porter Rd			
GROUND SPACE REQUIREMENTS						
<u>Total Lease Area</u>	Sq. Ft: 213.00'	<u>Primary Contiguous Lease Area</u>		L:14.00'	W:12.00'	H: Sq. Ft: 168.00
Customer Building				14.00'	11.50'	12.00' 161.00
<u>Outside Primary Lease Area</u>				N/A	N/A	N/A Sq. Ft: 45.00
Generator AREA				5.00'	9.00'	N/A 45.00
BACKUP POWER REQUIREMENTS						
Generator: Stand Alone		Fuel Tank Size(gal): 500.0		Fuel Type: Diesel		Fuel Tank Setback(radius): N/A
UTILITY REQUIREMENTS						
Power Provided By: Utility Company Direct						
Telco/Interconnect: N/A						
TRANSMITTER & RECEIVER SPECIFICATIONS						
Type: N/A	Quantity: N/A		TX Power(watts): N/A		ERP(watts): N/A	
EQUIPMENT SPECIFICATIONS						
Type	OMNI	OMNI	TTA	OMNI	OMNI	TTA
Manufacturer	RFS	RFS	dbSpectra	Sinclair	RFS	Motorola
Model #	1109-1	BMR12-H-B1	DS7TMA17C	SC49C-HWBLDF(D00-NUF)	458-4	DDF1002A
Dimensions HxWxD	123.6" x 2.8" x 2.8"	240" x 6.6" x 6.6"	10.8" x 6.5" x 4"	202.4" x 5" x 5"	148.8" x 2.8" x 2.8"	24" x 6" x 6"
Weight(lbs.)	17.0	92.0	10.0	68.0	21.0	30.0
Location	Tower	Tower	Tower	Tower	Tower	Tower
RAD Center AGL	298.1'	290.0'	255.0'	255.0'	252.1'	243.5'
Equipment Tip Height	303.2'	300.0'	255.4'	263.4'	258.3'	244.5'
Equipment Base Height	293.0'	280.0'	254.6'	246.6'	245.9'	242.5'
Mount Type	Stand-Off	Stand-Off	N/A	Stand-Off	Stand-Off	Stand-Off
Quantity	2	2	1	1	1	1
Azimuths/Dir. of Radiation	1/1	0	0	0	1	1
Quant. Per Azimuth/Sector	1/1	1	1	1	1	1
TX/RX Frequency Units	MHz	MHz	MHz	MHz	MHz	N/A
TX Frequency	700-850	806-869	0-0	0-0	700-850	N/A
RX Frequency	700-850	0-0	793-824	746-869	700-850	N/A
Using Unlicensed Frequencies?	No	No	No	No	No	No
Equipment Gain	8	15.4	N/A	11.5	8	20

<b>Total # of Lines</b>	2	2	2	1	1	0
<b>Line Quant. Per Azimuth/Sector</b>	1/1	1	See Config. Summary	1	1	N/A
<b>Line Type</b>	Coax	Coax	Multiple	Coax	Coax	N/A
<b>Line Diameter Size</b>	5/8" Coax	7/8" Coax	See Config. Summary	1 5/8" Coax	5/8" Coax	N/A
<b>Line Configuration</b>	N/A	N/A	1 - Coax; 1 5/8" Coax; 1 1 - Coax; 0.41" (10.3mm) LMR-400; 1	N/A	N/A	N/A



EQUIPMENT SPECIFICATIONS						
Type	ICE SHIELD	DISH-HP	ICE SHIELD	DISH-HP	N/A	N/A
Manufacturer	Generic	Andrew Microwaves	Sabre	Andrew Microwaves	N/A	N/A
Model #	6' Ice Shield	VHLP6-6W	6' - 8' Ice Shield (C30-085-102)	VHLP6-6W	N/A	N/A
Dimensions HxWxD	40" x 76" x 55"	6.36' x 6.36' x 2.81'	14" x 126" x 48"	6.36' x 6.36' x 2.81'	N/A	N/A
Weight(lbs.)	271.0	185.0	600.0	185.0	N/A	N/A
Location	Tower	Tower	Tower	Tower	N/A	N/A
RAD Center AGL	145.0'	140.0'	105.0'	100.0'	N/A	N/A
Equipment Tip Height	146.7'	143.2'	105.6'	103.2'	N/A	N/A
Equipment Base Height	143.3'	136.8'	104.4'	96.8'	N/A	N/A
Mount Type	N/A	N/A	N/A	N/A	N/A	N/A
Quantity	1	1	1	1	N/A	N/A
Azimuths/Dir. of Radiation	0	301.88	320	158.41	N/A	N/A
Quant. Per Azimuth/Sector	1	1	1	1	N/A	N/A
TX/RX Frequency Units	N/A	GHz	N/A	GHz	N/A	N/A
TX Frequency	N/A	5.925-7.125	N/A	5.925-7.125	N/A	N/A
RX Frequency	N/A	5.925-7.125	N/A	5.925-7.125	N/A	N/A
Using Unlicensed Frequencies?	No	No	No	No	N/A	N/A
Equipment Gain	N/A	35.7/ 36.9/ 37.7	N/A	35.7/ 36.9/ 37.7	N/A	N/A
Total # of Lines	0	1	0	1	N/A	N/A
Line Quant. Per Azimuth/Sector	N/A	1	N/A	1	N/A	N/A
Line Type	N/A	Elliptical	N/A	Elliptical	N/A	N/A
Line Diameter Size	N/A	EWP63	N/A	EWP63	N/A	N/A
Line Configuration	N/A	N/A	N/A	N/A	N/A	N/A

Revision#1-OAA779948

**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**

October 13, 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 October 13, 2022 Board of Commissioners meeting to order at 5:00 p.m. A quorum of the Board was present.

**Invocation and Pledge of Allegiance by Commissioner Edward Gibbons**

Vice Chairman Edward Gibbons offered the invocation and led the Pledge of Allegiance.

**Acceptance of Agenda**

Commissioner Charles Oddo moved to accept the agenda as written. Vice Chairman Gibbons seconded. The motion passed 5-0.

**PROCLAMATION/RECOGNITION:****PUBLIC HEARING:****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.*

Larry Newsome of Fayetteville stated that he had been a citizen of Fayette County for 46 years and he was concerned about the increase at the county landfill. He questioned if it had gone through the bid process because there was about a 400% increase in fees at the landfill. He stated if it was not put out for bid, then why not. He shared his thoughts on having a private company pick up his trash curbside. He asked would the fees be reconsidered or was this a concrete decision without any input from the citizens. He asked the Board to reconsider the fees at the landfill.

**CONSENT AGENDA:**

Vice Chairman Gibbons moved to approve the Consent Agenda as written, with the modification to the minutes provided by the Clerk's office. Chairman Oddo seconded. The motion passed 5-0.

1. **Approval of an agreement between Spalding County, Georgia and Fayette County, Georgia for use of a third inmate work detail.**
2. **Approval to transfer ownership of a 2015 Chevy Tahoe and a 2014 Dodge Charger to the Prosecuting Attorney's Council of Georgia to be used in the Griffin Judicial Circuit.**
3. **Approval of the September 22, 2022 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

**NEW BUSINESS:**

4. **Request to approve an Intergovernmental Agreement with the Secretary of State (SOS) allowing the Fayette County Board of Elections to use SOS Ballot Marking Devices (BMD), Printers and Scanners/Scanner Boxes for the Special Called Peachtree City, November and December 2022 Elections.**

County Administrator Steve Rapson stated that this was the request for the Intergovernmental Agreement with the Secretary of State office. This would allow the Elections to use the equipment for the Special Called Election in November and December.

Vice Chairman Gibbons moved to approve an Intergovernmental Agreement with the Secretary of State (SOS) allowing the Fayette County Board of Elections to use SOS Ballot Marking Devices (BMD), Printers and Scanners/Scanner Boxes for the Special Called Peachtree City, November and December 2022 Elections. Commissioner Oddo seconded. The motion passed 5-0.

5. **Request to appoint Fire Chief Jeffrey Hill to serve on the McIntosh Trail Community Service Board for the open seat formerly occupied by Sheriff Barry Babb.**

Vice Chairman Gibbons moved to approve to appoint Fire Chief Jeffrey Hill to serve on the McIntosh Trail Community Service Board for the open seat formerly occupied by Sheriff Barry Babb. Commissioner Oddo seconded. The motion passed 5-0.

**ADMINISTRATOR'S REPORTS:**

**Hot Projects:** Mr. Rapson highlighted the Ebenezer Church Road Bridge.

**Citizen's comments:** He stated that, regarding the citizen's comments, the landfill was properly bid. He stated that it was to either do this or close the landfill. This was the best option available. He stated that there had been a few complaints, but overall, it had been a smooth transition.

**Board of Assessors Selection Committee:** Vice Chairman Gibbons moved to approve himself and Commissioner Oddo as the Selection Committee for the Board of Assessors appointment. Commissioner Rousseau seconded. The motion passed 5-0.

Mr. Rapson reminded the Board and the public that there will only be one meeting November and December and both will begin at 2:00 p.m. instead of 5:00 p.m. November 10 and December 8, 2022.

**ATTORNEY'S REPORTS:** None.

**COMMISSIONERS' REPORTS:**

**Commissioner Maxwell:** Commissioner Maxwell stated that he would not be at the next meeting (October 27). He stated that there was an item that was tabled to that meeting. He stated that at the last meeting he stated that he would probably vote for the item, but that he was just getting the new information at the last minute. He stated that he wanted to make sure that the Board knew, that if he was going to be present at that meeting, he would argue very strongly, not to do anything different than what was done at the property across the street. He stated that he would support rezoning, but that he wanted to be consistent with what the Board approved a few months ago. He stated that he would be away on his honeymoon.

**Vice Chairman Gibbons:** Vice Chairman Gibbons congratulated Commissioner Maxwell on being able to go on his honeymoon.

**Commissioner Rousseau:** Commissioner Rousseau recognized the family visiting from Copenhagen.

In accordance with the Americans with Disabilities Act, accommodations are available for those who are hearing impaired. The Board of Commissioners Agenda and supporting material for each item is available on-line through the County's website at [www.fayettecountyga.gov](http://www.fayettecountyga.gov). This meeting will be telecast on Comcast Cable Channel 23 and on the internet at <https://vimeo.com/user133262656>.

He asked Brian Hill, Director of Elections, to assure the public that the Elections office was prepared for the upcoming elections. He stated that he wanted to dispel any myths and hear from Mr. Hill that his office was ready.

Mr. Hill stated that his office was ready and had already sent out over 2,700 absentee-by-mail ballots. He stated that his office would begin to receive those once early voting started on Monday at 9:00 a.m. to 5:00 p.m. He stated that his office performed the logic and accuracy testing on the voting machines, and they are ready to go. He stated that he had received the machines from the Secretary of State for the Special Elections for Peachtree City.

Commissioner Rousseau stated that the drop boxes had been controversial. He asked Mr. Hill to tell the public where the boxes were located.

Mr. Hill stated that Senate Bill 202 (SB202), stated that per 100,000 registered voters, there would need to be a drop box. He stated that there were about 97,000 registered voters in Fayette County and so the drop box was located at the Election office. He stated that if the county increased registered voters, over 100,000, another drop box would be installed in Peachtree City since it was the next largest city in the county. He stated that per SB202, the box had to be monitored by staff at all times and during early voting. He stated that once early voting ended, a voter could mail or bring the ballot into the office, but they could not drop it into the drop box.

Commissioner Rousseau thanked Mr. Hill for updating the public.

Commissioner Rousseau also thanked Fire Chief Hill for stepping up to the appointment on the McIntosh Trail Board.

**Commissioner Oddo:** In response to Mr. Hill, Commissioner Oddo asked if all the absentee ballots were requested. Mr. Hill stated yes. He stated that there was an application for every absentee ballot.

Commissioner Oddo reminded everyone that the Sheriff's fall festival would be held October 14 and the information was on the Sheriff's office's website. He stated that it would be a chance to thank the public safety officers in attendance.

**Chairman Hearn:** Chairman Hearn commended Mr. Hill on a great job in the Elections office. The Board agreed. Chairman Hearn stated that he was delighted to announce that the Ebenezer Church Bridge was open for traffic. He thanked Public Works Director Phil Mallon and Georgia Department of Transportation.

Mr. Mallon introduced his new staff member, Paola Kimble, Transportation Engineer. The Board welcomed her to the county.

**EXECUTIVE SESSION:** None.

**ADJOURNMENT:**

Commissioner Oddo moved to adjourn the October 13, 2022 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 5-0.

The October 13, 2022 Board of Commissioners meeting adjourned at 5:15 p.m.



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Tameca P. Smith, County Clerk

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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 27<sup>th</sup> day of October 2022. Attachments are available upon request at the County Clerk's Office.

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Tameca P. Smith, County Clerk

# COUNTY AGENDA REQUEST

Page 236 of 330

Department: Planning & Zoning

Presenter(s): Debbie Bell, Director

Meeting Date: Thursday, October 27, 2022

Type of Request: New Business #15

## Wording for the Agenda:

Consideration of the City of Fayetteville's annexation of three parcels totaling 8.291 acres and the rezoning of said property from C-H (Highway Commercial) and A-R (Agricultural-Residential) to C-3 (Highway Commercial) zoning; property located at 135 and 145 Walker Parkway and 1373 Highway 85 North (Parcel ID Numbers 0538 092, 0538 081, and 0538 026).

## Background/History/Details:

The City of Fayetteville has notified Fayette County of an application to annex a total of 8.291 acres. (145 Walker Parkway - 0.901 acres; 135 Walker Parkway - 1.514 acres; 1373 SR 85 N - 5.876 acres). The City has also notified the County of its intention to rezone the property from C-H (Highway Commercial) and A-R (Agricultural-Residential) to C-3 (Highway Commercial).

Staff finds no material increase in burden upon the county as a result of this annexation and rezoning of the subject property to C-3. Staff reviewed the Step-1 annexation application for this request. The City addressed staff's concerns and incorporated this into the Step-2 process. The County's ordinance requires a 25' buffer between commercial and residential uses. The City's ordinance requires a 75' buffer so this concern is addressed. Staff has no objections to the annexation request and rezoning under the City's ordinance.

Fire is opposed to the annexation due to the loss of Fire Tax revenues.

The county's governing authority may either "object" to the annexation, by majority vote, or choose not to object to the annexation request. The deadline for delivery of an objection is November 7, 2022.

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

Staff recommends not to object to the City of Fayetteville's annexation of three parcels totaling 8.291 acres and the rezoning of said property from C-H (Highway Commercial) and A-R (Agricultural-Residential) to C-3 (Highway Commercial) zoning; property located at 135 and 145 Walker Parkway and 1373 Highway 85 North (Parcel ID Numbers 0538 092, 0538 081, and 0538 026).

## If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years? No

If so, when?

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 Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:



# FAYETTEVILLE

## NO LIMITS ON IMAGINATION

**FAYETTEVILLE CITY HALL**  
210 Stonewall Avenue West  
Fayetteville, Georgia 30214  
770-461-6029 Telephone  
770-460-4238 Facsimile  
[www.Fayetteville-GA.gov](http://www.Fayetteville-GA.gov)

September 30, 2022

Via Certified Mail  
7022 0410 0000 8834 7787

Attn: Mr. Lee Hearn, Chairman  
Fayette County Board of Commissioners  
140 Stonewall Avenue W. Suite 100  
Fayetteville, GA 30214

Dear Mr. Hearn:

The City of Fayetteville has recently received an application for the annexation/rezoning of three parcels (7.36 acres total) currently zoned C-H (Highway Commercial) and A-R (Agricultural – Residential) in Fayette County. The applicants' submittal was verified for accuracy and officially accepted by City staff on September 28, 2022. The applicant is seeking C-3 (Highway Commercial) zoning for these properties. The properties are located at 135 and 145 Walker Parkway and 1373 Highway 85 North. **(Parcel ID Numbers 0538 092, 0538 081, and 0538 026 -See attached location map.)**

I have enclosed a copy of the completed annexation/rezoning application, a legal description of the property, a location map, and a completed Staff Annexation Review Form.

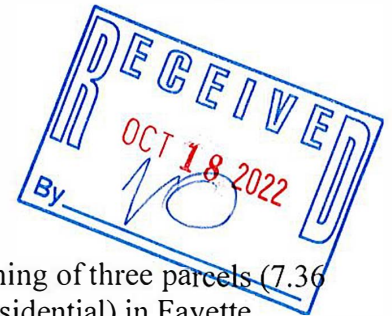
The Planning and Zoning Commission will hold a public hearing on Tuesday, October 25, 2022 to make a recommendation on this application. The Mayor and City Council will hold their public hearing to consider the application on Thursday, November 17, 2022.

Please direct any comments or questions concerning this application to David Rast, Director of Community and Economic Development.

Sincerely,

Ray Gibson  
City Manager

Cc: City Council  
Director of Community and Economic Development  
Director of Public Services





## STEP TWO ANNEXATION APPLICATION

210 Stonewall Avenue West  
Fayetteville, GA 30214  
770-719-4177  
WWW.FAYETTEVILLE-GA.GOV

**Fee: \$1000**

Date Filed \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Date Accepted \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Notification Sent \_\_\_\_ / \_\_\_\_ / \_\_\_\_

*Office Use Only*

**Overview:** The Annexation Review Process is a two-step process to evaluate annexation requests into the City of Fayetteville. Once the City Council has voted on an applicant's Step One application, a Step Two application can be submitted. The recommendation that the annexation request continue to Step Two does not imply that the City Council will approve the annexation application. The Step Two application must be submitted within one (1) year of City Council's vote on the Step One request. Step Two requires the submittal of detailed information as identified in the established rezoning process and the State Annexation Law.

Per State Law, once the application has been submitted to the City, nothing can be altered. The annexation property area and the requested zoning category may not be changed during the review process. In addition, if the annexation is approved, the development intensity may not be increased for one year after the approval date. For example, if a density of 2 units per acre is requested and approved in the Annexation application, the property cannot be rezoned or developed at a density greater than 2 units per acre within one year of approval. It may, however, be developed at a lesser density.

**Instructions:** All items identified below must be provided before a Step Two application is deemed complete. If the answer to any question is "No," a written explanation must be provided to explain the negative response. Once staff has deemed the application is complete and complies with the State Annexation Law, the annexation request and rezoning shall be heard together in two public hearings. The first required public hearing is with the Planning Commission, where they will make a recommendation to the City Council. The second public hearing is before the City Council, who will vote to approve/deny the request.

### SUBMITTAL REQUIREMENTS:

		YES	NO
1	A completed and signed Step Two application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Application fee paid	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	<b>Legal Description:</b> One (1) electronic version (.doc) of the full legal description of the subject tract(s) being considered for annexation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	<b>Boundary Survey:</b> One electronic (.pdf) copy of a survey prepared by a licensed and registered land surveyor that shall identify the extent of the property being considered for annexation. Must be scale no greater than 1"=50' and include:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(a)	Parcel Tax ID number and owner name for each annexation parcel	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Existing lot lines, easements, rights-of-way, Including the area in acres or square feet, and abutting land uses or zoning district categories	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	A clear delineation of the existing and proposed city limits boundary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d)	Seal of the surveyor who prepared the survey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e)	All natural, geological, and/or cultural resources that are on or within 200 feet of the property.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		YES	NO





## STEP TWO ANNEXATION APPLICATION

210 Stonewall Avenue West  
Fayetteville, GA 30214  
770-719-4177  
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5	<b>Property Deeds:</b> One (1) copy each of the property deed(s) for tract(s) of land.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	<b>Documentation of Annexation Methodology:</b> state which annexation method is being used, and provide supporting documentation that complies with the State Annexation Law requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	<b>Utility Verification:</b> One (1) copy of each letter from the utility service providers indicating that their services can support the development of the proposed zoning intensity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	<b>Conceptual Site Plan:</b> one (1) electronic version (.pdf) of the master plan showing land uses/zoning within the overall development, buffers, open space, setbacks, and density.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	<b>Written Narrative:</b> a description of how the proposal relates to the comprehensive plan and the adopted goals and policies. (See attached Written Narrative Reference page.) It should also include the following information:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(a)	General description of the proposed development and how it relates to the City's Comprehensive Plan and annexation policy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	How the development will minimize and mitigate impacts on the natural environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Provide proposed density and the projected population/employment figures at build-out.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d)	How the development will tie into the City's street network.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e)	An analysis of how the proposed annexation will affect the City's tax base, public education system, police and fire protection services, emergency medical services and utilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	<b>Campaign Disclosure:</b> signed disclosure statements from the Applicant.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	<b>Supporting Documentation:</b> Please provide any further information you wish to be considered in the Annexation and rezoning application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12	<b>DRI:</b> See DRI website at <a href="https://cdn.atlantaregional.org/wp-content/uploads/2017/03/lu-dri-alternative-requirements-arc.pdf">https://cdn.atlantaregional.org/wp-content/uploads/2017/03/lu-dri-alternative-requirements-arc.pdf</a> (page 8) to determine if this rezoning request warrants a DRI study. (For further assistance contact ARC at 470-378-1645.	<input type="checkbox"/> N/A	<input type="checkbox"/>
13	<b>**Note:</b> City Engineer may require a traffic study.		

By signing the application, the Applicant is certifying that the information is current and correct to the best of their knowledge, and that they are granted permission by the property owners to submit this annexation application. Signee grants City Staff and representatives access to the properties in order to gather information to review the application. I understand that all materials and fees submitted as part of the application will become public property and will not be returned once the application is accepted.

Applicant Signature:  Date: 9/26/22

**\*\* (If you are acting as project representative, property owner's authorization must be submitted.)**



## STEP TWO ANNEXATION APPLICATION

210 Stonewall Avenue West  
Fayetteville, GA 30214  
770-719-4177

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<b>ANNEXATION METHOD</b>	<input checked="" type="checkbox"/> <b>100% Methodology</b> <ul style="list-style-type: none"> <li>Application requires signatures or signed letters of approval of all current property owners.</li> </ul>		<input type="checkbox"/> <b>60% Methodology</b> <ul style="list-style-type: none"> <li>Required signatures or signed letters of approval by property owners of at least 60% of the total annexation acreage.</li> <li>Requires signed petition by 60% of registered voters in the annexation area. Signatures must include the address and be dated within one (1) year of the Step Two application submittal.</li> </ul>																																					
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	Water	Fayette County Water	Fayette County Water																																					
	Sewer	N/A	City of Fayetteville																																					
	Fire/ EMS	Fayette County	City of Fayetteville																																					
	Police	Fayette County	City of Fayetteville																																					
	Electricity	<u>EMC</u>	<u>EMC</u>																																					
<b>PROPOSED DEVELOPMENT</b>	<b>Zoning Category Request:</b> C3 w/ Special Exception <b>Brief Description:</b> Annexation / Rezone / Special Exception of 3 parcels of land for the development of restaurant / retail outparcels. Proposed Site Plan is attached.																																							

BOOK 1436 PAGE 504

FILED & RECORDED  
FAYETTE COUNTY, GA.

'99 OCT 6 AM 11 20

W. A. BALLARD, CLERK

FOSTER & FOSTER  
114 S. Main Street  
Jonesboro, GA 30236

## WARRANTY DEED

STATE OF GEORGIA

CLAYTON COUNTY

FAYETTE COUNTY, GEORGIA  
REAL ESTATE TRANSFER TAX  
PAID 460.00  
DATE 10-6-99  
W. A. Ballard  
CLERK OF SUPERIOR COURT

THIS INDENTURE, Made the 30th day of September, in the year One Thousand Nine Hundred Ninety-nine, between JERRY C. FLURY AND LYNDIA W. FLURY of the County of Fayette, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and AUTOFIXX, INC., as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 168 of the 5<sup>th</sup> District of Fayette County, Georgia as shown on survey prepared by Lum Hall & Associates, Inc. dated July 3, 1980 and being more particularly described as follows:

BEGINNING at a point at the Northeast intersection of State Route 85 with Walker Parkway and running thence North 43 degrees 1 minute 17 seconds East along the Southeast side of State Route 85, 153.77 feet to a point; running thence North 89 degrees 24 minutes 5 seconds East, 200.0 feet to a point; running thence South 33 degrees 9 minutes 54 seconds West, 293.04 feet to a point on the Northeast side of Walker Parkway; running thence North 47 degrees 59 minutes 40 seconds West along Walker Parkway, 191.74 feet to the POINT OF BEGINNING.

TO HAVE AND TO HOLD the said tract or parcel of land, 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 the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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

Jerry C. Flury (SEAL)  
JERRY C. FLURY

Lynda W. Flury (SEAL)  
LYNDA W. FLURY

Signed, sealed and delivered in presence of:

WITNESS:

NOTARY PUBLIC:

MY COMMISSION EXPIRES AUGUST 20, 2000



BOOK 1436 PAGE 505



Doc ID: 007458880001 Type: GLR  
 Filed: 04/13/2007 at 11:00:00 AM  
 Fee Amt: \$450.00 Page 1 of 1  
 Transfer Tax: \$450.00  
 Fayette, Ga. Clerk Superior Court  
 Sheila Studdard Clerk of Court  
 BK 3213 PG 414

Return Recorded Document to:  
 B. D. MURPHY, III, P.C.  
 370 WEST STONEWALL AVENUE  
 FAYETTEVILLE, GA 30214

### WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

File #: 07-264

This Indenture made this 12th day of April, 2007, between LARRY J. SEABOLT and W.T. ADAMS, of the County of FAYETTE, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and AUTOFIXX, INC., 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: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 168 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING LOT 6 OF NORTH HUNTINGTON PARK, AS PER REVISED PLAT RECORDED IN PLAT BOOK 17, PAGE 21, IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF FAYETTE COUNTY, GEORGIA, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE.

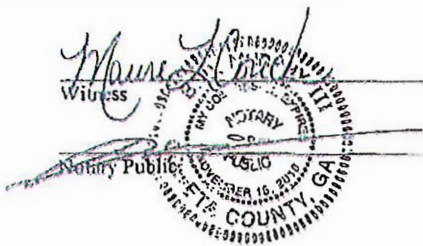
This Deed is given subject to all easements and restrictions of record, if any.

TO HAVE AND TO HOLD the said tract or parcel of land, 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 the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:



By: Larry J. Sebolt (Seal)  
 LARRY J. SEABOLT  
 By: W.T. Adams (Seal)  
 W.T. ADAMS

(Corporate Seal)



dotloop signature verification: 09/26/22 7:42 PM EDT 0Q60-1 6R S-RKZ3-3B



## STEP TWO ANNEXATION APPLICATION

210 Stonewall Avenue West  
Fayetteville, GA 30214  
770-719-4177  
WWW.FAYETTEVILLE-GA.GOV

<b>ANNEXATION METHOD</b>	<input checked="" type="checkbox"/> <b>100% Methodology</b> <ul style="list-style-type: none"> <li>Application requires signatures or signed letters of approval of all current property owners.</li> </ul>		<input type="checkbox"/> <b>60% Methodology</b> <ul style="list-style-type: none"> <li>Required signatures or signed letters of approval by property owners of at least 60% of the total annexation acreage.</li> <li>Requires signed petition by 60% of registered voters in the annexation area. Signatures must include the address and be dated within one (1) year of the Step Two application submittal.</li> </ul>																																
	<div style="display: flex; justify-content: space-between;"> <div> <b>Parcel ID#:</b> 0538 026      <b>Address:</b> 1373 Hwy 85 N         </div> <div> <b>Signature:</b> <i>Mary Kathryn McLog</i>  <small>dotloop verified 09/26/22 7:42 PM EDT 0Q60-1 6R S-RKZ3-3B</small> </div> <div> <b>Indicate signee's role at the address:</b> <table border="1"> <tr><td>Owner</td><td><input checked="" type="checkbox"/></td><td>Voter</td><td><input type="checkbox"/></td></tr> <tr><td>Owner</td><td><input type="checkbox"/></td><td>Voter</td><td><input type="checkbox"/></td></tr> <tr><td>Owner</td><td><input type="checkbox"/></td><td>Voter</td><td><input type="checkbox"/></td></tr> <tr><td>Owner</td><td><input type="checkbox"/></td><td>Voter</td><td><input type="checkbox"/></td></tr> <tr><td>Owner</td><td><input type="checkbox"/></td><td>Voter</td><td><input type="checkbox"/></td></tr> <tr><td>Owner</td><td><input type="checkbox"/></td><td>Voter</td><td><input type="checkbox"/></td></tr> <tr><td>Owner</td><td><input type="checkbox"/></td><td>Voter</td><td><input type="checkbox"/></td></tr> <tr><td>Owner</td><td><input type="checkbox"/></td><td>Voter</td><td><input type="checkbox"/></td></tr> </table> </div> <div> <b>Date:</b> 9/26/22         </div> </div>				Owner	<input checked="" type="checkbox"/>	Voter	<input type="checkbox"/>	Owner	<input type="checkbox"/>	Voter	<input type="checkbox"/>	Owner	<input type="checkbox"/>	Voter	<input type="checkbox"/>	Owner	<input type="checkbox"/>	Voter	<input type="checkbox"/>	Owner	<input type="checkbox"/>	Voter	<input type="checkbox"/>	Owner	<input type="checkbox"/>	Voter	<input type="checkbox"/>	Owner	<input type="checkbox"/>	Voter	<input type="checkbox"/>	Owner	<input type="checkbox"/>	Voter
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	Water Fayette County Water Sewer N/A Fire/ EMS Fayette County Police Fayette County Electricity EMC	Fayette County Water City of Fayetteville City of Fayetteville City of Fayetteville EMC																																	
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Doc ID: 007535850002 Type: GLA  
 Filed: 07/02/2007 at 03:00:00 PM  
 Fee Amt: \$12.00 Page 1 of 2  
 Transfer Tax: \$0.00  
 Fayette, Ga. Clerk Superior Court  
 Sheila Studdard Clerk of Court  
 BK 3256 PG 153-154

------(Space Above This Line For Recording Date)-----

After recording return to:

George N. Sparrow, Jr., P.C.  
 719 West Lanier Avenue, Suite B  
 Fayetteville, Georgia 30214

07.123

STATE OF GEORGIA  
 FAYETTE COUNTY

WARRANTY DEED

n.t.c.

THIS INDENTURE, made the 2<sup>nd</sup> day of June, 2007, between John M. Ellis, Jr., Fayette County resident, as party or parties of the first part, hereinafter called Grantor, and John M. Ellis, Jr. and Sara M. Ellis, joint tenants with full right of survivorship and not merely as tenants in common, 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 Grantor for and in consideration of the sum of tens dollars and no cents (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

[SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE]

This Conveyance is subject to all covenants and easements of record.

TO HAVE AND TO HOLD the said described property, with all and singular the rights, members appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the said described property unto the said Grantee against the claims of all persons whomsoever.

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

Signed, sealed and delivered in the presence of:

Amy Stuchman  
 Witness

John M. Ellis, Jr. (SEAL)  
 John M. Ellis, Jr.

[Signature]  
 Notary Public





**EXHIBIT "A"**

ALL THAT TRACT OR PARCEL of land lying and being in Land Lots 168 and 185 of the 4<sup>th</sup> District of Fayette County, Georgia, and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, begin at a monument located on the northeasterly right-of-way line of Ellis Road (80 foot right-of-way) at the point of intersection with the easterly right-of-way line of Georgia State Highway Route 85 (170 right-of-way); running thence northeasterly and northerly along the southeasterly right-of-way line of Georgia State Highway Route 85 aforesaid, 601.10 feet to an iron pin, marking the TRUE POINT OF BEGINNING; running thence and following the bearing of North 89 degrees 31 minutes East, a distance of 797.8 feet to an iron pin; running thence and following a bearing of North 00 degrees 29 minutes West, a distance of 400.0 feet to an iron pin; running thence and following the bearing of South 89 degrees 44 minutes West, a distance of 500 feet to an iron pin located on the southeasterly right-of-way line of Georgia State Highway Route 85 aforesaid; running thence southwesterly along the southeasterly right-of-way line of Georgia State Highway Route 85 aforesaid, a distance of 500.8 feet, more or less, to an iron pin and the POINT OF BEGINNING; said tract is a four sided tract of land comprising 5.89 acres, more or less, and being known as 1373 Georgia Highway 85 North, according to the present system of numbering houses in Fayette County, Georgia.

Doc ID: 007982520002 Type: GLR  
 Filed: 01/15/2009 at 01:00:00 PM  
 Fee Amt: \$12.00 Page 1 of 2  
 Fayette, Ga. Clerk Superior Court  
 Sheila Studdard Clerk of Court  
 BK 3470 Pg 325-326

------(Space Above This Line For Recording Data)-----

After Recording Return to:  
 George N. Sparrow, Jr., P.C.  
 719 W. Lanier Ave., Suite B  
 Fayetteville, GA 30214

File # 08.112

STATE OF GEORGIA  
 FAYETTE COUNTY

AFFIDAVIT OF SURVIVORSHIP

RE: Property of John M. Ellis, Jr., Land Lots 168 and 185 of the 4<sup>th</sup> District, Fayette County, Georgia, and reference to Deed Book 3256, Pages 153-154, Fayette County, Georgia records, known as 1373 Georgia Highway 85 North, Fayetteville, GA 30214, according to the present system of numbering houses in Fayette County, Georgia.

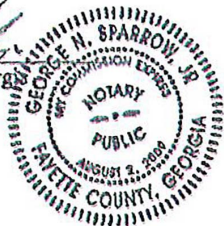
PERSONALLY APPEARED, before the undersigned Notary Public, Sara M. Ellis, Deponent, who after being duly sworn, deposes and states under oath that Deponent is the joint tenant with right of survivorship in the above referenced deed, and the other joint tenant has deceased leaving Deponent as the surviving and joint tenant with the right of survivorship. As further evidence thereof see the attached death certificate of the deceased joint tenant. Deponent is now vested with full title to the subject property.

This Affidavit is made with the understanding and knowledge it will be relied upon by purchasers or lenders dealing with said owners, by the attorneys certifying title to said property, and by title insurance companies insuring title to said property.

Sworn to and subscribed before me this  
14 day of January, 2009.

Sara M. Ellis (Seal)  
 Sara M. Ellis,  
 Deponent

Notary Public, State of Georgia



IF "YES" TO EITHER 1, 2, 3, OR 4, PLEASE NOTIFY THE CORONER IN THE COUNTY WHERE THE BODY WAS FOUND ON THE DEATH OCCURRED

CERTIFICATE OF DEATH/STATE OF GEORGIA				State File Number
1. DECEASED'S NAME (First, Middle, Last)		2. DECEASED IS FEMALE, ENTER MARRIED LAST NAME		3. DATE OF DEATH (Mo., Day, Year)
1a. John Mundy Ellis Jr.		2a. Male		3a. August 29, 2008
4. RACE (White, Black, American Indian, etc.)		5. DATE OF BIRTH (Mo., Day, Year)		6. AGE - Last Birthday (Years)
4a. White		5a. Mar 29, 1919		6a. 89
7. CITY, TOWN & LOCATION OF DEATH		8. HOSPITAL OR OTHER INSTITUTION NAME (If not in home, give street and No.)		9. COUNTY OF DEATH
7a. Fayetteville		8a. 1373 Highway 85 North residence		9a. Fayette
10. STATE AND COUNTY OF BIRTH (If not in U.S.A., give Country)		11. MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify)		12. SPOUSE (If married or widowed, give spouse's name - If wife, give maiden name)
10a. Georgia		11a. Married		12a. Sara Eugenia McCoy
13. SOCIAL SECURITY NUMBER		14. USUAL OCCUPATION (Give kind of work done during most of working life, such as retired)		15. KIND OF INDUSTRY OR BUSINESS
13a. 257-40-7197		14a. Master Sgt.		15a. US ARMY
16. RESIDENCE - STATE		17. COUNTY		18. CITY, TOWN & LOCATION
16a. GA		17a. Fayette		18a. Fayetteville
19. STREET AND NUMBER AND ZIP CODE		20. INSIDE CITY LIMITS (Yes or No)		21. WAS DECEASED EVER IN U.S. ARMED FORCES (Yes or No)
19a. 1373 Highway 85 North 30214		20a. Yes		21a. Yes
22. FATHER'S NAME First Middle Last		23. MOTHER'S MARRIED NAME First Middle Last		24. INFORMANT'S NAME First Middle Last
22a. John Mundy Ellis Sr.		23a. Rosa Crowell		24a. Sara Eugenia Ellis
25. MAILING ADDRESS (Street, P.O. Box, City or Town, State, Zip)		26. RELATIONSHIP		27. SPOUSE
25a. 1373 Highway 85 North Fayetteville, GA 30214		26a. Spouse		27a. Spouse
28. BURIAL, CREMATION, REMAINS (Specify)		29. DISPOSITION DATE (Mo., Day, Year)		30. CEMETERY OR CREMATORY NAME
28a. Burial		29a. Sep 1, 2008		30a. Camp Memorial Park Cemetery
31. FUNERAL DIRECTOR (Specify)		32. FUN. DIR. LICENSE NO.		33. NAME AND ADDRESS OF FACILITY (Street, R.F.D. No., City or Town, State, Zip)
31a. David J. Mowell		32a. 4232		33a. Carl J. Mowell & Son Funeral Home
34. EMBALMER (Specify)		35. EMBALMER LICENSE NO.		36. EST. LICENSE NO.
34a. David J. Mowell		35a. 3819		36a. 255
37. 21. IMMEDIATE CAUSE (Enter only one cause per line for A, B, and C)		38. APPROXIMATE INTERVAL BETWEEN ORIGIN AND DEATH		39. APPROXIMATE INTERVAL BETWEEN ORIGIN AND DEATH
37a. Aspiration		38a.		39a.
37b. Alzheimer's		38b.		39b.
37c. OTHER SIGNIFICANT CONDITIONS - conditions contributing to death but not related to cause given in Part 1A (If female, indicate if pregnant or birth occurred within 90 days of death)		40. AUTOPSY (Yes or No)		41. IF YES, WERE FINDINGS CONSIDERED IN DETERMINING CAUSE OF DEATH? (Yes or No)
37d.		40a. No		41a. No
42. WAS OPERATION PERFORMED? (Yes or No)		43. DATE OF OPERATION (Mo., Day, Year)		44. CONDITIONS FOR WHICH OPERATION WAS PERFORMED (Specify)
42a. No		43a.		44a.
45. ACCIDENT, SUICIDE, HOMICIDE, UNDETERMINED (Specify)		46. DATE OF INJURY (Mo., Day, Year)		47. DESCRIBE HOW INJURY OCCURRED
45a.		46a.		47a.
48. INJURY AT WORK? (Yes or No)		49. PLACE OF INJURY (Home, Farm, Street, Factory, Office, Etc.) (Specify)		50. LOCATION (Street, R.F.D. No., City or Town, State, Zip, County)
48a.		49a.		50a.
51. To the best of my knowledge, belief, opinion, at the time, date and place and due to the (Specify)		52. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the (Specify)		53. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the (Specify)
51a.		52a.		53a.
54. DATE SIGNED (Mo., Day, Year)		55. HOUR OF DEATH		56. DATE SIGNED (Mo., Day, Year)
54a. 9/5/08		55a. 10:30:PM		56a.
57. NAME OF ATTENDING PHYSICIAN - OTHER THAN CERTIFIER		58. DATE PRONOUNCED DEAD (Mo., Day, Year)		59. HOUR PRONOUNCED DEAD
57a.		58a.		59a.
60. NAME, TITLE, AND LICENSE NO. OF CERTIFIER (Physician, Medical Examiner, or Coroner)		61. ADDRESS OF CERTIFIER (Street, R.F.D. No., City or Town, State, Zip)		62. DATE RECEIVED BY REGISTRAR (Mo., Day, Year)
60a. Ferrol A. Sams III, M.D.		61a. 101 Yorktown Drive Fayetteville, GA 30214		62a. Sept 12, 2008
63. REGISTRAR (Signature)		64. DEPUTY REGISTRAR		65. DO NOT FOLD THIS CERTIFICATE
63a. Melissa A. Hill		64a. Deputy Registrar		65a.

Form 3103 (Rev. 02/04)

This is an exact copy of death certificate received for filing in Fayette County, Georgia

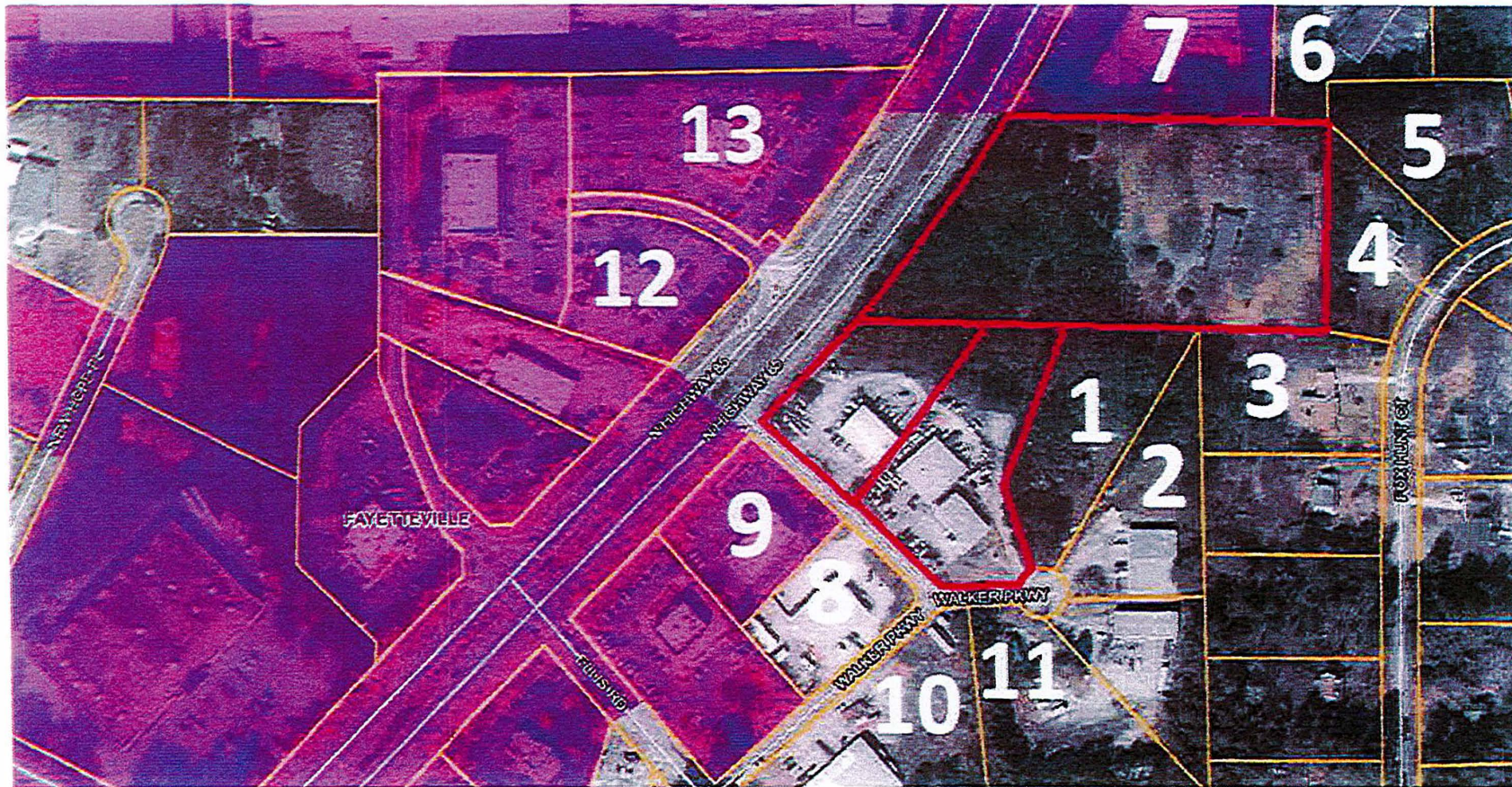
 Date: Sept 12, 2008  
Martina Stephenson Local Custodian

 Signed by: Melissa A. Hill  
 Vital Records  
 County of Fayette









Parcel Label #	County Parcel #	Owner	Acreage	Zoning	Location	Parcel Label #	County Parcel #	Owner	Acreage	Zoning	Location
1	0538 101	GA Business Asset Mgmt, LLC	1.49 AC.	C-CH	In County	7	0538 075	Williams, Sherry E	2.05 AC.	C-3	In City of Fayetteville
2	0538 069	GA Business Asset Mgmt, LLC	1.0 AC.	C-CH	In County	8	0538 085	Whitworth, James E	0.75 AC.	C-CH	In County
3	053803007	Paraiso, Claude K. / C Elaine	Unknown	R-3	In County	9	0538 080	Lee Tom & Miyoung Family Trust	1.01 AC.	C-3	In City of Fayetteville
4	053803006	Capehart Art / Beth A	Unknown	R-3	In County	10	0538 086	Hernandez, Ussiel A	1.00 AC.	C-3	In County
5	053803005	Menafee, Vickie	Unknown	R-3	In County	11	0538 102	Air/Control Inc.	1.75 AC.	C-CH	In County
6	0538 108	Normans Investments & Services, LLC	1.38 AC.	C-CH	In County	12	0538 131	O'Charley's LLC	1.35 AC	C-CH	In City of Fayetteville
						13	0538 130	58 Prospect Corp.	2.5 AC.	C-3	In City of Fayetteville





## STAFF ANNEXATION REVIEW FORM

1. Describe the location of the area to be annexed or attach a clear map indicating the location.

*Parcel Numbers 0538 026, 0538 081, & 0538 092 (Hwy 85 N and Walker Pkwy)*

2. How many landowners/parcels will be included?

*Two landowners, three parcels*

3. How does the City propose to designate this area on its future land use map and/or zoning map if the annexation occurs?

*Neighborhood Center*

4. Refer to sections of the city development ordinances that identify permitted uses for this proposed land use classification.

*Sec. 94-167 – C-3 (Highway Commercial)*

5. Describe the development plans for the area proposed to be annexed (if the property owner(s) in the area initiated specific development proposals).

*Applicant proposes to develop a restaurant and retail outlet*

Form completed by: Nicole Gilbert, Planning Specialist

Signature: *N. Gilbert* Date: *9/29/22*

## Sec. 94-167. - Highway commercial (C-3).

(a) In the C-3 district, the following uses are permitted:

- (1) Any use permitted in the C-2 zoning district, subject to the same restrictions unless otherwise provided herein, planned commercial centers as commercial planned unit developments only. Commercial development may have a vehicular orientation but should also include access for bikes and pedestrians.
- (2) Single tenant retail business and service stores, exclusive of the prohibited uses listed in subsection (b) below, with a maximum gross floor area from 50,000 to 75,000 square feet as commercial planned unit development only.
- (3) Planned commercial centers, from 50,000 to 75,000 square feet for any single tenant and 100,000 square feet per planned center, as commercial planned unit development only.
- (4) Convenience stores, gasoline and diesel fuel sales by special exception only.
- (5) Restaurants, including drive-in and drive-through facilities by special exception only.
- (6) Hotels, and campgrounds for transient recreational vehicles, by special exception only.
- (7) Automobile, truck, mobile home, recreational vehicle, heavy equipment, and boat dealerships, including establishments for new and used vehicles and equipment, where any inventory is kept on site, and related service and maintenance facilities are permitted by special exception only.
- (8) Motor vehicle repair and/or service facilities, garages, car washes, body shops, and paint shops, by special exception only, but excluding junkyards or salvage operations.
- (9) Bowling alleys and other places of entertainment enclosed in a building, but specifically excluding any and all "sexually oriented businesses," as such businesses are defined in chapter 22 of the Code of Ordinances, City of Fayetteville, Georgia, as amended.
- (10) Parking lots and parking garages.
- (11) Drive-in theaters.
- (12) Bookbinding operations.
- (13) Building contractors.
- (14) Building supply sales, up to 75,000 square feet, not including outside storage.
- (15) Automobile, truck, trailer and equipment rental outlets by special exception only.
- (16) Veterinary offices and hospitals.
- (17) Psychic offices having a maximum gross floor area of no more than 1,500 square feet for individual offices or tenants.
- (18) Non-emergency medical transport service facilities are permitted by special exception only.
- (19) Pet grooming facilities where animals are not generally kept overnight.



(20) See section 94-175, group homes.

(21) Self-storage/multi-facilities.

(b) The following uses are prohibited in the Highway Commercial District (C-3) Zoning District:

(1) Animal daycare, boarding or kennels.

(2) Bail bonds establishments.

(3) Blood/ plasma facilities.

(4) Junkyards or salvage operations.

(5) Pawn shop.

(6) Self-storage/mini-facilities.

(7) Sexually oriented businesses.

(8) Small box discount store.

(9) Small loan business.

(10) Teen club.

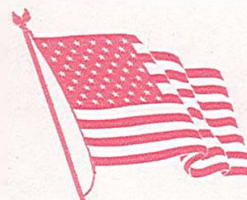
(Ord. of 4-15-96, art. V, § 510; Ord. No. 0-8-98, § 1, 1-19-98; Ord. No. 0-11-99, 3-15-99; Ord. No. 0-21-99, §§ 13, 14, 8-2-99; Ord. No. 0-10-02, §§ 2, 3, 3-28-02; Ord. No. 0-47-02, art. 3, 11-21-02; Ord. No. 0-27-03, art. 2, 6-5-03; Ord. No. 0-30-05, art. 7, 8-4-05; Ord. No. 0-13-07, § 1, 6-21-07; Ord. No. 0-22-18, art. V, 10-18-18; Ord. No. 0-32-18, art. II, 12-6-18)

CERTIFIED MAIL®

Avenue West  
GA 30214



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UNITED STATES POSTAGE

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0000935236

MAILED FROM ZIP CODE 30214

PITNEY BOWES  
\$ 009.17<sup>0</sup>

OCT 03 2022



Attn: Lee Hearn, Chairman  
Fayette County Board of Commissioners  
140 Stonewall Avenue West, Suite 100  
Fayetteville, GA 30214

FIRST CLASS

To: Board of Commissioners

From: Debbie Bell

Date: September 2, 2022

Re: Fayetteville Annexation Request for parcels at Walker Parkway and SR 85:  
0538 081; 0538 092; 0538 026

### **GENERAL DESCRIPTION**

Fayetteville has received a request for annexation of the above-referenced properties and indicates the intent to rezone from C-H (Highway Commercial District) and A-R (Agriculture-Residential District) to C-3 w/Special Exception (City of Fvl.: Highway Commercial). The annexation application indicates that the total property is 7.37 acres; the total acreage indicated by the surveys presented with the application is 8.291 acres.

#### **Subject Parcels**

<b>Location</b>	<b>Parcel ID</b>	<b>Acreage</b>	<b>Current Zoning</b>	<b>County Land Use Designation</b>	<b>Proposed City Land Use</b>
145 Walker Parkway	0538 081	0.901	C-H	Commercial	Restaurant & Retail Outparcels
135 Walker Parkway	0538 092	1.514	C-H		
1373 SR 85 N	0538 026	5.876	A-R		

The proposed annexation would not create an island. The subject properties have access to Walker Parkway and SR 85. The annexation application does include a concept plan for a commercial development with restaurant & retail uses.

The parcels are bounded by the following uses and zoning:

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North	2.05 1.38	City of Fvl. County: C-H	Commercial Commercial	City of Fayetteville County: Commercial
South	4.8 1.01	C-H City of Fvl.	Commercial Commercial	County: Commercial City of Fayetteville
East	1.0 1.49	R-40 C-H	Residential Commercial	Low-Med Density Residential Commercial
West	6.3	City of Fvl.	Commercial	City of Fayetteville

## **HISTORY**

The properties on Walker Pkwy were zoned C-H in 1973, Petition 272-73. These lots are part of the Final Plat for the North Huntington Park nonresidential subdivision recorded on July 14, 1983. A revision to the North Huntington Park Final Plat was recorded on June 20, 1988.

Rezoning Petition 1258-16 to rezone 1373 SR 85 North, Fayetteville, GA 30214 from A-R to C-H was withdrawn prior to Public Hearings.

A previous annexation and rezoning (C-2) request for 1373 SR 85 North, Fayetteville, GA 30214 was proposed in July of 2016. The County did object to the annexation and rezoning. The city did not approve the annexation.

A previous annexation and rezoning (C-3) request for 1373 SR 85 North, 135 Walker Parkway, 145 Walker Parkway and parcel 0538 101 was proposed in April 2017. The County did not object to the annexation and rezoning. The city did not approve the annexation.

## **DEPARTMENTAL COMMENTS**

### **Planning and Zoning:**

The subject property is currently zoned A-R and C-H and is proposed for C-3 zoning in Fayetteville. A majority of the subject property is currently designated Commercial on the Fayette County Future Land Use Plan map, so the proposed use as commercial for restaurants and retail is consistent with the County's Comprehensive Plan.

The county governing authority may by majority vote to object to the annexation because of a material increase in burden upon the county. The material increase in burden upon the county must be directly related to any one or more of the following:

- (1) The proposed change in zoning or land use;
- (2) Proposed increase in density; and
- (3) Infrastructure demands related to the proposed change in zoning or land use.

The objection shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection. Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in (1), (2), and (3) above.

In order for an objection to be valid, the proposed change in zoning or land use must:

- (1) Result in:
  - (A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or
  - (B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and
- (2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

Planning and Zoning Staff finds no material increase in burden upon the county as a result of this annexation



and rezoning of the subject property to C-3 (see State Law below). The residential properties to the east/southeast of the project should be protected with appropriate buffers and screening. Staff recommends a privacy fence as a condition of zoning along the rear portion of the property adjacent to two residential lots in Huntington Creek subdivision.

**Fire/EMS:** The issue from the Fire & Emergency Services perspective is the loss of revenue to the County fire services from an annexation of these properties into the City. The EMS Tax District includes everything within the City of Fayetteville, so the annexation would be of minimal impact to our EMS revenue.

**Water System:** Water is available and connection to Fayette County Water System will be required within the county right-of-way or in a developer provided deeded easement, as necessary.

**Environmental Health:** The current buildings located on these parcels are on on-site septic waste management systems. Based on the proposed use for the buildings, I would highly recommend the use of public sewer. If this type of facility is placed on septic, the usable soils available would directly affect the sizing and capacity of the retail/ restaurant units.

**Environmental Management:** There are no apparent State Waters, wetlands or 100-year flood hazard areas on the site. No objections.

**Public Works/Engineering:** No opposing Public Works comments from a transportation perspective.

1. Annexation of these parcels fits with the surrounding city limits.
2. Traffic impacts, if any, would be on the State Route or to-be city-maintained road (i.e., a portion of Walker Parkway).
3. Public Works supports the interparcel access shown on the “site study” figure.
4. Signalized access to SR 85 for the parcels is available, indirectly, on Ellis Road.
5. The existing median in front of Walker Parkway alleviates concerns about new or additional left turns into or out of the development.

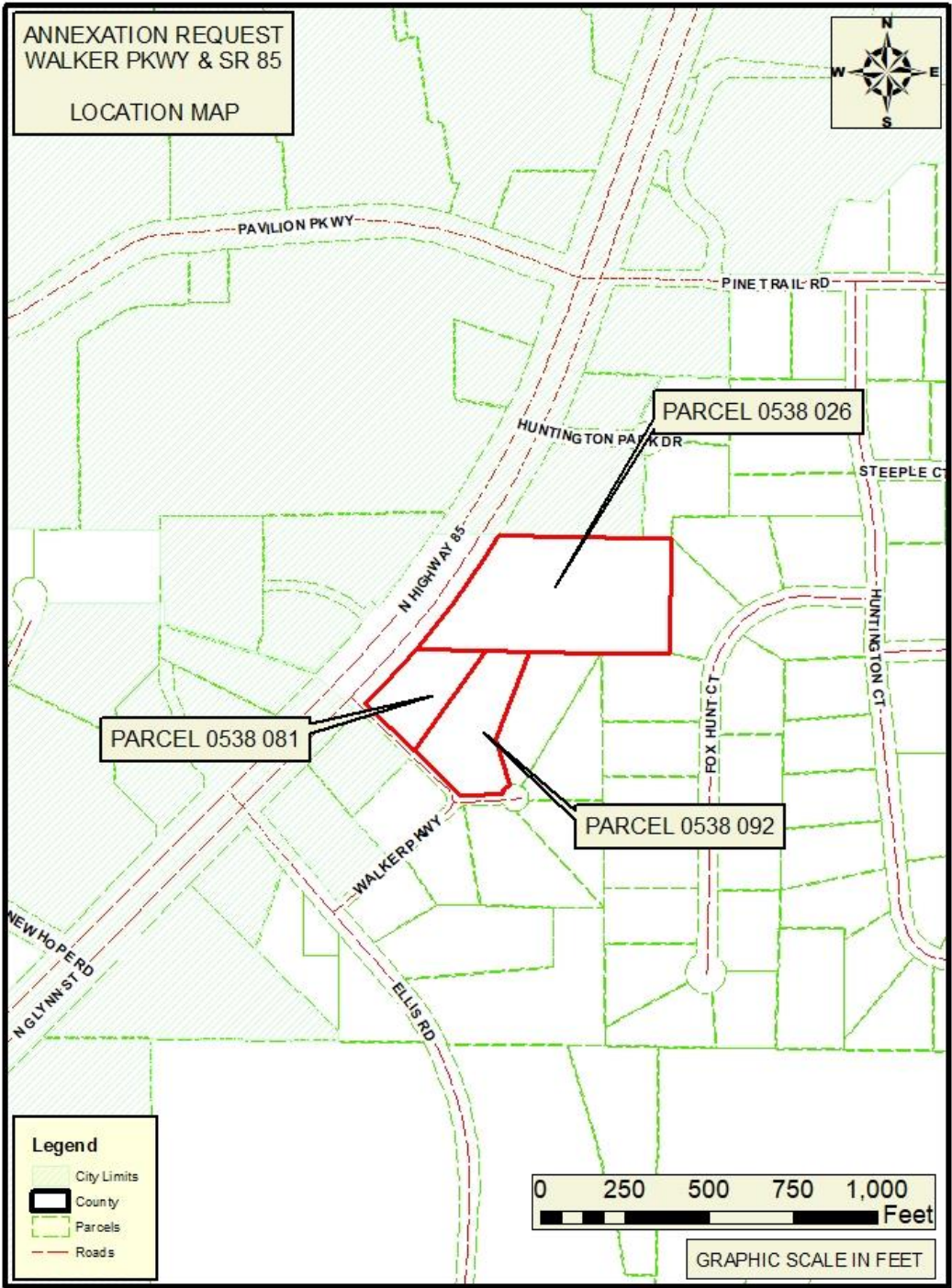
### **SUMMARY & RECOMMENDATIONS:**

The subject property is currently zoned C-H and A-R in the County. The development will increase density of overall non-residential development. It will not add any additional residential uses. The annexation will not create an unincorporated island. The annexation application includes a concept plan for development of restaurant and retail uses, but there are no specifics as to the height or architectural style of the structures planned for this project. The proposed land use is C-3 (Highway Commercial), for restaurant and retail, which is consistent with the properties to the north and south and is consistent with the County's Comprehensive Plan.

Fire is opposed to the annexation due to the loss of Fire Tax revenues.

Public Works, Environmental Health and the Fayette County Water System have no objections to the request.

Planning and Zoning Staff finds no material increase in burden upon the county as a result of this annexation and rezoning of the subject property to C-3. The residential properties to the east/southeast of the project should be protected with appropriate buffers and screening. Staff recommends a privacy fence and a minimum 25' vegetated buffer as a condition of zoning along the rear portion of the property adjacent to two residential lots in Huntington Creek subdivision.



**STATE LAW****TITLE 36. LOCAL GOVERNMENT****PROVISIONS APPLICABLE TO MUNICIPAL CORPORATIONS ONLY****CHAPTER 36. ANNEXATION OF TERRITORY****ARTICLE 7. PROCEDURE FOR RESOLVING ANNEXATION DISPUTES****36-36-113. Objection to annexation; grounds and procedures**

- (a) The county governing authority may by majority vote to object to the annexation because of a material increase in burden upon the county directly related to any one or more of the following:
  - (1) The proposed change in zoning or land use;
  - (2) Proposed increase in density; and
  - (3) Infrastructure demands related to the proposed change in zoning or land use.
- (b) Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in paragraphs (1), (2), and (3) of subsection (a) of this Code section.
- (c) The objection provided for in subsection (a) of this Code section shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection and shall be delivered to the municipal governing authority by certified mail or statutory overnight delivery to be received not later than the end of the thirtieth calendar day following receipt of the notice provided for in Code Section 36-36-111.
- (d) In order for an objection pursuant to this Code section to be valid, the proposed change in zoning or land use must:
  - (1) Result in:
    - (A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or
    - (B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and
  - (2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

**36-36-114. Arbitration panel; composition and membership**

- (a) Not later than the fifteenth calendar day following the date the municipal corporation received the first objection provided for in Code Section 36-36-113, an arbitration panel shall be appointed as provided in this Code section.
- (b) The arbitration panel shall be composed of five members to be selected as provided in this

subsection. The Department of Community Affairs shall develop three pools of arbitrators, one pool which consists of persons who are currently or within the previous six years have been municipal elected officials, one pool which consists of persons who are currently or within the previous six years have been county elected officials, and one pool which consists of persons with a master's degree or higher in public administration or planning and who are currently employed by an institution of higher learning in this state, other than the Carl Vinson Institute of Government. The pool shall be sufficiently large to ensure as nearly as practicable that no person shall be required to serve on more than two panels in any one calendar year and serve on no more than one panel in any given county in any one calendar year. The department is authorized to coordinate with the Georgia Municipal Association, the Association County Commissioners of Georgia, the Council of Local Governments, and similar organizations in developing and maintaining such pools.

- (c) Upon receiving notice of a disputed annexation, the department shall choose at random four names from the pool of municipal officials, four names from the pool of county officials, and three names from the pool of academics; provided, however, that none of such selections shall include a person who is a resident of the county which has interposed the objection or any municipal corporation located wholly or partially in such county. The municipal corporation shall be permitted to strike or excuse two of the names chosen from the county officials pool; the county shall be permitted to strike or excuse two of the names chosen from the municipal officials pool; and the county and municipal corporation shall each be permitted to strike or excuse one of the names chosen from the academic pool.
- (d) Prior to being eligible to serve on any of the three pools, persons interested in serving on such panels shall receive joint training in alternative dispute resolution together with zoning and land use training, which may be designed and overseen by the Carl Vinson Institute of Government in conjunction with the Association County Commissioners of Georgia and the Georgia Municipal Association, provided such training is available.
- (e) At the time any person is selected to serve on a panel for any particular annexation dispute, he or she shall sign the following oath: "I do solemnly swear or affirm that I will faithfully perform my duties as an arbitrator in a fair and impartial manner without favor or affection to any party, and that I have not and will not have any ex parte communication regarding the facts and circumstances of the matters to be determined, other than communications with my fellow arbitrators, and will only consider, in making my determination, those matters which may lawfully come before me."

### **36-36-115. Meetings of arbitration panel; duties; findings and recommendations; compensation**

- (a) (1) The arbitration panel appointed pursuant to Code Section 36-36-114 shall meet as soon after appointment as practicable and shall receive evidence and argument from the municipal corporation, the county, and the applicant or property owner and shall by majority vote render a decision which shall be binding on all parties to the dispute as provided for in this article not later than the sixtieth day following such appointment. The meetings of the panel in which evidence is submitted or arguments of the parties are made shall be open to the public pursuant to Chapter 14 of Title 50. The panel shall first determine the validity of the grounds for objection as specified in the objection. If an objection involves the financial impact on the county as a result of a change in zoning or land use or the provision of maintenance of infrastructure, the panel shall quantify such impact in terms of cost. As to any objection which the panel has determined to be valid, the panel, in its findings, may establish reasonable zoning, land use, or density conditions applicable to the annexation and propose any reasonable mitigating measures as to an objection pertaining to infrastructure demands.
- (2) In arriving at its determination, the panel shall consider:



- (A) The existing comprehensive land use plans of both the county and city;
  - (B) The existing land use patterns in the area of the subject property;
  - (C) The existing zoning patterns in the area of the subject property;
  - (D) Each jurisdiction's provision of infrastructure to the area of the subject property;
  - (E) Whether the county has approved similar changes in intensity or allowable uses on similar developments in other unincorporated areas of the county;
  - (F) Whether the county has approved similar developments in other unincorporated areas of the county which have a similar impact on infrastructure as complained of by the county in its objection; and
  - (G) Whether the infrastructure or capital outlay project which is claimed adversely impacted by the county in its objection was funded by a county-wide tax.
- (3) The county shall provide supporting evidence that its objection is consistent with its land use plan and the pattern of existing land uses and zonings in the area of the subject property.
  - (4) The county shall bear at least 75 percent of the cost of the arbitration. The panel shall apportion the remaining 25 percent of the cost of the arbitration equitably between the city and the county as the facts of the appeal warrant; provided, however, that if the panel determines that any party has advanced a position that is substantially frivolous, the costs shall be borne by the party that has advanced such position.
  - (5) The reasonable costs of participation in the arbitration process of the property owner or owners whose property is at issue shall be borne by the county and the city in the same proportion as costs are apportioned under paragraph (4) of this subsection.
  - (6) The panel shall deliver its findings and recommendations to the parties by certified mail or statutory overnight delivery.
- (b) If the decision of the panel contains zoning, land use, or density conditions, the findings and recommendations of the panel shall be recorded in the deed records of the county with a caption describing the name of the current owner of the property, recording reference of the current owner's acquisition deed and a general description of the property, and plainly showing the expiration date of any restrictions or conditions.
  - (c) The arbitration panel shall be dissolved on the tenth day after it renders its findings and recommendations but may be reconvened as provided in Code Section 36-36-116.
  - (d) The members of the arbitration panel shall receive the same per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.
  - (e) If the panel so agrees, any one or more additional annexation disputes which may arise between the parties prior to the panel's initial meeting may be consolidated for the purpose of judicial economy if there are similar issues of location or similar objections raised to such other annexations or the property to be annexed in such other annexations is within 2,500 feet of the subject property.

**36-36-116. Appeal**

The municipal or county governing authority or an applicant for annexation may appeal the decision of the arbitration panel by filing an action in the superior court of the county within ten calendar days from receipt of the panel's findings and recommendations. The sole grounds for appeal shall be to correct errors of fact or of law, the bias or misconduct of an arbitrator, or the panel's abuse of discretion. The superior court shall schedule an expedited appeal and shall render a decision within 20 days from the date of filing. If the court finds that an error of fact or law has been made, that an arbitrator was biased or engaged in misconduct, or that the panel has abused its discretion, the court shall issue such orders governing the proposed annexation as the circumstances may require, including remand to the panel. Any unappealed order shall be binding upon the parties. The appeal shall be assigned to a judge who is not a judge in the circuit in which the county is located.

**36-36-117. Annexation after conclusion of procedures; remedies for violations of conditions**

If the annexation is completed after final resolution of any objection, whether by agreement of the parties, act of the panel, or court order as a result of an appeal, the municipal corporation shall not change the zoning, land use, or density of the annexed property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. Following the conclusion of the dispute resolution process outlined in this article, the municipal corporation and an applicant for annexation may either accept the recommendations of the arbitration panel and proceed with the remaining annexation process or abandon the annexation proceeding. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such conditions have expired as provided in this Code section.

**36-36-118. Abandonment of proposed annexation; remedies for violations of conditions**

If at any time during the proceedings the municipal corporation or applicant abandons the proposed annexation, the county shall not change the zoning, land use, or density affecting the property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such period has expired. After final resolution of any objection, whether by agreement of the parties, act of the panel, or any appeal from the panel's decision, the terms of such decision shall remain valid for the one-year period and such annexation may proceed at any time during the one year without any further action or without any further right of objection by the county.

# COUNTY AGENDA REQUEST

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Department: Griffin Judicial Circuit

Presenter(s): Judge Fletcher Sams

Meeting Date: Thursday, October 27, 2022

Type of Request: New Business #16

## Wording for the Agenda:

Request from the Griffin Judicial Circuit Chief Judge Fletcher Sams to apply, on behalf of the circuit, for year two of ARPA grant funds for the purpose of addressing backlogs of court cases and approval for Fayette County to pay an estimated upfront cost of \$343,382.

## Background/History/Details:

Governor Brian P. Kemp allocated up to \$110 million in ARPA funds to address backlogs of court cases. The Judicial Council of Georgia and its Administrative Office of the Courts (AOC) will administer up to \$96 million in grants to authorized classes of court, prosecutors, and related agencies. Each judicial circuit must apply on behalf of all qualifying courts, prosecutors, and agencies within the circuit. The performance period for the ARPA funds is 1/1/22 to 12/31/24 and grant funds are awarded for each calendar year. Grant recipients will be reimbursed monthly as eligible costs are incurred and submitted monthly to the AOC.

For the Griffin Judicial Circuit (GJC), Chief Judge Fletcher Sams will apply for grant funds on behalf of the courts within the circuit. The District Attorney's Office, Upson County, Spalding County, and Fayette County will be paying the estimated upfront cost of \$343,382 for personnel, equipment and etc. These costs will be 100% reimbursed after grant funds are received and disbursed.

Attachment A: Allocation of costs

Attachment B: Grant application for calendar year 2023

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

Approval from the Griffin Judicial Circuit Chief Judge Fletcher Sams to apply, on behalf of the circuit, for year two of ARPA grant funds for the purpose of addressing backlogs of court cases and approval for Fayette County to pay an estimated upfront cost of \$343,382.

## If this item requires funding, please describe:

The funding of Fayette County's costs would require the use of an estimated \$343,382 from General Fund balance. The General Fund would be reimbursed when grant funds are received and disbursed.

Has this request been considered within the past two years? Yes

If so, when? Thursday, January 13, 2022

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:

# JUDICIAL BRANCH ARPA GRANT BUDGET TEMPLATE

Submitted by: Griffin Judicial Circuit

<u>Personnel</u>	<u>Salary / Benefits</u>	<u>Qty</u>	<u>Total</u>
Assistant District Attorney	80,227.00	3	240,681.00
Assistant Solicitor, Fayette County	88,670.00	1	88,670.00
Assistant Court Clerk, Spalding County	45,687.00	2	91,374.00
Court Reporter, Superior Court	280.00	200	56,000.00
Deputy Sheriff, Spalding County	58,218.00	2	116,436.00
Investigator, Spalding State Court	85,000.00	1	85,000.00
Senior Judge, Superior Court	664.00	50	33,200.00
Senior Judge, Fayette State Court	618.00	50	30,900.00
Senior Judge, Spalding State Court	648.00	50	32,400.00
Assistant Court Clerk, Upson County	33,204.00	1	33,204.00
Additional Bailiffs	75.00	300	22,500.00
<b>Total Personnel</b>	<b>393,291.00</b>	<b>660</b>	<b>830,365.00</b>

<u>Administrative/Indirect Costs:</u>	<u>Amount</u>	<u>Total</u>
Equipment, District Attorney's Office	2,000.00	2,000.00
Equipment, Fayette State Court	4,999.00	4,999.00
Printing, Publications, and Media, Fayette Assistant Solicitor	180.00	180.00
Supplies and Materials, Fayette Assistant Solicitor	450.00	450.00
Supplies and Materials, Administrative Costs	12,000.00	12,000.00
Supplies and Materials, District Attorney's Office	4,500.00	4,500.00
Juror Expenses	225,926.00	225,926.00
Identification:photos & badges, District Attorney's Office	160.00	320.00
CLE, Bar Dues, District Attorney's Office	1,200.00	3,600.00
Contract Court Reporters, Fayette and Spalding State Court	20,000.00	40,000.00
CLE, Bar Dues, Fayette Assistant Solicitor	1,925.00	1,925.00
Administrative Costs - Fayette County	9,420.00	9,420.00
<b>Total Administrative/Indirect</b>	<b>282,760.00</b>	<b>305,320.00</b>

**Total Personnel / Administrative / Indirect Costs**

**1,135,685.00**

<u>ALLOCATION OF COSTS</u>				
<u>District Attorney</u>	<u>Upson</u>	<u>Fayette</u>	<u>Spalding</u>	<u>Total</u>
240,681.00				240,681.00
		88,670.00		88,670.00
			91,374.00	91,374.00
		56,000.00		56,000.00
			116,436.00	116,436.00
			85,000.00	85,000.00
		33,200.00		33,200.00
		30,900.00		30,900.00
			32,400.00	32,400.00
	33,204.00			33,204.00
	1,125.00	8,438.00	12,937.00	22,500.00
<b>240,681.00</b>	<b>34,329.00</b>	<b>217,208.00</b>	<b>338,147.00</b>	<b>830,365.00</b>
				-
2,000.00				2,000.00
		4,999.00		4,999.00
		180.00		180.00
		450.00		450.00
		4,500.00	7,500.00	12,000.00
4,500.00				4,500.00
	11,400.00	84,700.00	129,826.00	225,926.00
320.00				320.00
3,600.00				3,600.00
		20,000.00	20,000.00	40,000.00
		1,925.00		1,925.00
		9,420.00		9,420.00
<b>10,420.00</b>	<b>11,400.00</b>	<b>126,174.00</b>	<b>157,326.00</b>	<b>305,320.00</b>
<b>251,101.00</b>	<b>45,729.00</b>	<b>343,382.00</b>	<b>495,473.00</b>	<b>1,135,685.00</b>



**JUDICIAL COUNCIL ARPA GRANT APPLICATION**

Prior to completing this application, please review the **Overview and Instructions** (posted under Quick Links at [jcaoc.georgiacourts.gov/arpa](http://jcaoc.georgiacourts.gov/arpa)). Please also review the *Application Notes on pages 8-10 of this document, which highlight important instructions for certain sections.* Please complete all sections to receive full consideration for federal American Rescue Plan Act (ARPA) grant funding allocated to the Judicial Branch. Type "N/A" if a particular section is not applicable.

**Type of Application (check applicable box):**

- ☐ New grant application (no current award)  
☒ Continue CY 2022 Award with the changes described below  
☐ Continue CY 2022 Award with no changes

**Judicial Circuit or Appellate Court Name**

Griffin Judicial Circuit

**Chief Judge/Justice of Judicial Circuit or Appellate Court Address**

First Name

W. Fletcher

Last Name

Sams

Street

One Center Drive

City

Fayetteville

ZIP Code

GA 30214

E-mail Address

fletcher@fayettecountyga.gov

Business Phone

770-716-4282

**Application Contact**

Name the point of contact for application questions and status updates:

First Name

Jill

Last Name

Irvin

Job Title

Staff Attorney

Business Phone

770-716-4313

E-mail Address (application status updates):

jirvin@fayettecountyga.gov

**Grant Compliance Official**

Name the person who will be responsible for ARPA grant compliance:

First Name

Sergio

Last Name

Acevedo

Job Title

Budget Officer

Business Phone

770-305-5275

E-mail Address (grant compliance/reporting):

sergioa@fayettecountyga.gov

## Grant Reimbursement Official (Fiscal Agent)

Name the person from the lead county serving as the fiscal agent for the requested ARPA funds:

First Name	Last Name		
Sergio	Acevedo		
Job Title	Business Phone		
Budget Officer	770-305-5275		
Street			
140 Stonewall Avenue			
City	ZIP Code	County	
Fayetteville	GA 30214	Fayette	

E-mail Address (grant reimbursement matters) [sergioa@fayettecountyga.gov](mailto:sergioa@fayettecountyga.gov)

### (A) USE OF ARPA FUNDS SUMMARY

*The Griffin Circuit has made some progress in addressing the backlog in 3 of our 4 counties but has suffered from serious setbacks in Spalding County. We were late in filling full time positions authorized by our 2022 ARPA grant due to competition for resources. We have cancelled court due to the inability to find court reporters and senior judges. At the suggestion and recommendation of the Georgia Department of Health, we have cancelled jury trials due to severe spikes in COVID cases.*

*Increasingly, we are hampered by courtroom availability. Our largest county is remodeling 50,000 square feet for additional courtrooms. Our second largest county has remodeled the jury assembly room to provide an extra courtroom and relocating non-judicial offices to provide another. They are also completing a study to create a new Justice Center. Our third largest county has begun projects for a new Justice Center. Since we have converted some of our jury assembly rooms for courtroom use, we have more need for assistant clerks to help with mail, telephone and assembly of jury panels.*

*We are now adding a senior judge to most of our criminal jury calendars to assist. This is working very well when senior judges and court reporters are available.*

*Please see the attached letter from District Attorney Marie Broder for more details.*

### (B) CASE BACKLOGS REQUIRED TO JUSTIFY ARPA FUNDS

#### (1) Description of Case Backlogs

*The Griffin Circuit is comprised of 4 counties. Pike County, our smallest county, does not have a recognizable backlog. Our next smallest county is Upson County, which has a small backlog exacerbated by a large RICO case with many co-defendants. Further complicating progress is the availability of only one courtroom (the county is currently planning a new justice center).*

*Fayette County has a recognizable backlog but is hampered by courtroom need and the filing of a RICO case with approximately 60 co-defendants. Because of conflicts, this case has depleted the capability of the public defender's office and the state conflict office. We are struggling to find private attorneys willing to accept the assignments. Fayette County is also*

*planning to remodel its courthouse to provide adequate courtroom, but that will not be completed by 2024.*

*Spalding County suffers our greatest backlog and greatest number of serious violent felonies. Our Spalding backlog has actually increased due to increased crime, courtroom unavailability and additional COVID slow-downs. At the suggestion of the Georgia Department of Public Health, jury trials were cancelled in April, 2022 due to the large spike in Spalding COVID cases.*

*Both Fayette and Spalding County suffer from a large number of unindicted and unaccused felony cases, not reflected in the caseload data below. (See subsection (d) below).*

## (2) Case Backlog Data

### (a) Cases Pending

As of Date	Cases Pending by Case Type			
	All Cases	All Felony Cases	Serious Violent Felony Cases	Serious Violent Felony Cases % of All Felony Cases Pending
12/31/2019	Fayette: 2,411 Pike: 503 Spalding: 2,490 Upson: 1,333 <b>Circuit: 6,737</b>	Fayette: 611 Pike: 84 Spalding: 588 Upson: 388 <b>Circuit: 1,671</b>	Fayette: 73 Pike: 45 Spalding: 45 Upson: 34 <b>Circuit: 197</b>	Fayette: 12% Pike: 54% Spalding: 8% Fayette: 9% <b>Circuit: 12%</b>
12/31/2020	Fayette: 1,991 Pike: 594 Spalding: 2,164 Upson: 1,234 <b>Circuit: 5,983</b>	Fayette: 569 Pike: 66 Spalding: 594 Upson: 266 <b>Circuit: 1,495</b>	Fayette: 102 Pike: 42 Spalding: 26 Upson: 9 <b>Circuit: 179</b>	Fayette: 18% Pike: 64% Spalding: 3% Upson: 3% <b>Circuit: 12%</b>
12/31/2021	Fayette: 1,914 Pike: 173 Spalding: 2,309 Upson: 925 <b>Circuit: 5,321</b>	Fayette: 320 Pike: 8 Spalding: 497 Upson: 289 <b>Circuit: 1,114</b>	Fayette: 63 Pike: 2 Spalding: 68 Upson: 23 <b>Circuit: 156</b>	Fayette: 20% Pike: 25% Spalding: 14% Upson: 9% <b>Circuit: 14%</b>
8/31/22	Fayette: 2,452 Pike: 225 Spalding: 3,110 Upson: 669 <b>Circuit: 6,456</b>	Fayette: 534 Pike: 20 Spalding: 704 Upson: 246 <b>Circuit: 1,504</b>	Fayette: 134 Pike: 14 Spalding: 99 Upson: 4 <b>Circuit: 251</b>	Fayette: 25% Pike: 70% Spalding: 14% Upson: 2% <b>Circuit: 17%</b>
<i>Note: For this chart, enter the number of cases pending in each box. Only include cases pending in the courts applying for ARPA funds. "Serious Violent Felony Cases" means the types of cases listed in OCGA § 17-10-6.1 (a) (1)-(7) only.</i>				

*(b) Number of Jury Trials*

Date Range	Number of Jury Trials by Case Type		
	All Cases	All Felony Cases	Serious Violent Felony Cases
1/1/19 - 12/31/19	Fayette: 10 Pike: 1 Spalding: 10 Upson: 3 <b>Circuit: 24</b>	Fayette: 1 Pike: 1 Spalding: 0 Upson: 3 <b>Circuit: 5</b>	Fayette: 1 Pike: 0 Spalding: 10 Upson: 0 <b>Circuit: 11</b>
1/1/20 – 12/31/20	Fayette: 3 Pike: 1 Spalding: 1 Upson: 1 <b>Circuit: 6</b>	Fayette: 0 Pike: 1 Spalding: 0 Upson: 1 <b>Circuit: 2</b>	Fayette: 1 Pike: 0 Spalding: 1 Upson: 1 <b>Circuit: 3</b>
1/1/21 - 12/31/21	Fayette: 14 Pike: 0 Spalding: 6 Upson: 1 <b>Circuit: 21</b>	Fayette: 10 Pike: 0 Spalding: 4 Upson: 1 <b>Circuit: 15</b>	Fayette: 2 Pike: 0 Spalding: 1 Upson: 1 <b>Circuit: 4</b>
1/1/22 – 8/31/22	Fayette: 9 Pike: 2 Spalding: 13 Upson: 5 <b>Circuit: 29</b>	Fayette: 4 Pike: 1 Spalding: 2 Upson: 5 <b>Circuit: 12</b>	Fayette: 3 Pike: 1 Spalding: 11 Upson: 0 <b>Circuit: 15</b>
<i>Note:</i> For this chart, include the total number of jury trials conducted during the date ranges indicated. “Serious Violent Felony Cases” means the types of cases listed in OCGA § 17-10-6.1 (a) (1)-(7) only.			

*(c) Clearance Rates*

Date Range	Clearance Rates (%) by Case Type		
	All Cases	All Felony Cases	Serious Violent Felony Cases
1/1/19 - 12/31/19	Fayette: ** Pike: ** Spalding: 90% Upson: 90% <b>Circuit: 90%*</b>	Fayette: 88% Pike: 87% Spalding: 86% Upson: 85% <b>Circuit: 86.5%</b>	Fayette: ** Pike: ** Spalding: 71% Upson: ** <b>Circuit: 71%*</b>
1/1/20 – 12/31/20	Fayette: ** Pike: ** Spalding: 69% Upson: 78% <b>Circuit: 73.5%*</b>	Fayette: 39% Pike: 111% Spalding: 56% Upson: 56% <b>Circuit: 65.5%</b>	Fayette: ** Pike: ** Spalding: 9% Upson: ** <b>Circuit: 9%*</b>



1/1/21 – 12/31/21	Fayette: ** Pike: ** Spalding: 96% Upson: 78% <b>Circuit: 87%*</b>	Fayette: 111% Pike: 120% Spalding: 80% Upson: 79% <b>Circuit: 97.5%</b>	Fayette: ** Pike: ** Spalding: 4% Upson: ** <b>Circuit: 4%*</b>
1/1/22 - 8/31/22	Fayette: ** Pike: ** Spalding: 71% Upson: 63% <b>Circuit: 67%*</b>	Fayette: 102% Pike: 356% Spalding: 67% Upson: 63% <b>Circuit: 147%</b>	Fayette: ** Pike: ** Spalding: 84% Upson: ** <b>Circuit: 84%*</b>

*Note:* For this chart, include the number of disposed cases as a percentage of the number of filed cases for the date ranges indicated within each category. “Serious Violent Felony Cases” means the types of cases listed in OCGA § 17-10-6.1 (a) (1)-(7) only.

\* **average of available data**

\*\* **data not available**

*(d) Description of Pending Warrants and Unindicted Cases*

Total unaccused felony cases for the circuit: 2,543.  
2,523 Unaccused felonies

*Breakdown per county:*  
Fayette: Felony 1,015; Serious Felony 5  
Spalding: 990; Serious Felony 60  
Upson: Felony 442; Serious Felony 7  
Pike: Felony 76; Serious Felony 8

**(C) TOTAL ARPA GRANT FUNDS REQUESTED FROM THE JUDICIAL COUNCIL TO ADDRESS CASE BACKLOGS**

- (1) Overall total ARPA grant funds requested to address case backlogs: \$ 1,135,685.00.
- (2) Amount of overall total ARPA grant funds requested that will be dedicated to addressing backlogs of serious violent felonies (as defined in OCGA § 17-10-6.1 (a)): \$ 851,161.00.
- (3) Overall number of new staff positions requested: 10.
  - (a) Overall full time positions: 10.
  - (b) Overall part time positions: 0.
- (4) Portion of overall number of new staff positions requested that will be dedicated to addressing backlogs of serious violent felonies (as defined in OCGA § 17-10-6.1 (a)): 8.
  - (a) Full time positions dedicated to serious violent felonies: 8.
  - (b) Part time positions dedicated to serious violent felonies: 0.

**(D) ARPA GRANT FUNDS REQUESTED OR RECEIVED FROM OTHER SOURCES TO ADDRESS CASE BACKLOGS**

- (1) Applicants (except appellate courts) are required to request ARPA funds from one or more counties in their circuit. Have you requested ARPA funds from any counties in your circuit?

X Yes ☐ No

**(2) List the counties from which you have requested ARPA funds (attach request & response):**

County	Purpose(s) For Which ARPA Funds Were Requested with Dates Requested	Amount Requested	Amount Approved
Fayette	Funding for an assistant public defender. See attached letter to Mr. Steve Rapson	\$ 88,670	\$ -0-
Spalding	Courtroom remodel to provide an additional courtroom. See attached letter to Dr. Steve Ledbetter, in progress.	\$ TBD	\$ TBD
Spalding	Funding for an assistant public defender. See attached letter.	\$ 88,670	\$ -0-
		\$	\$
		\$	\$
		\$	\$

**(3) County Resources Provided to Courts**

At our request, Spalding County has already used general funds to remodel the basement jury assembly room into an additional courtroom, including full WebEx capabilities.

**(4) Total ARPA grant funds requested from other sources:** \$ 177,340.00, plus TBD.

**(5) Total ARPA grant funds received from other sources:** \$ 0.00.

**(6) Total ARPA grant funds from other sources expended to date:** \$ 0.00.

**(7) Total ARPA grant funds from other sources obligated to date:** \$ 0.00.

**(E) REQUESTS UNDER EACH ARPA EXPENDITURE CATEGORY (EC)**

**(1) Payroll-Public Sector Staff Responding to Case Backlogs (EC 3.1; 31 CFR § 35.6 (b) (3))**

(ii) (E) (1))

(a) Subtotal of funds requested for this EC: \$ 830,365.00.

(b) Amount of subtotal for this EC dedicated to addressing the backlog of serious violent felonies, as defined in OCGA § 17-10-6.1 (a): \$ 593,395.00.

(c) More than 50 percent of total personnel costs awarded each calendar year under this EC must be dedicated to serious violent felonies, as defined in OCGA § 17-10-6.1 (a). What percentage of the personnel costs requested under this EC will be dedicated to serious violent felonies? 100 %.

(d) Overall number of new positions requested for this EC: 10.

(i) Full time positions: 10.

(ii) Part time positions: 0.

(e) Number of new positions requested for this EC dedicated to serious violent felonies, as defined in OCGA § 17-10-6.1 (a): 8.

(i) Full time positions: 8.

(ii) Part time positions: 0.

Additional district attorneys will permit the courts to run more jury weeks, including running courtrooms simultaneously. This will also require the use of senior judges, additional clerks, more jurors and additional bailiffs to allow additional courtrooms to run, addressing serious violent felonies first.

**(2) Court-Based Mental Health Diversion** (EC 1.12; 31 CFR § 35.6 (b) (3) (i) (C))

(a) Subtotal of funds requested for this EC: \$ \_\_\_\_\_.

(b) Overall number of new positions requested for this EC: \_\_\_\_\_.

(i) Full time positions: \_\_\_\_\_.

(ii) Part time positions: \_\_\_\_\_.

(c) Number of new positions requested for this EC dedicated to serious violent felonies, as defined in OCGA § 17-10-6.1 (a): \_\_\_\_\_.

(i) Full time positions: \_\_\_\_\_.

(ii) Part time positions: \_\_\_\_\_.

N/A

**(3) Court-Based Substance Use Diversion** (EC 1.13; 31 CFR § 35.6 (b) (3) (i) (C))

(a) Subtotal of funds requested for this EC: \$ \_\_\_\_\_.

(b) Overall number of new positions requested for this EC: \_\_\_\_\_.

(i) Full time positions: \_\_\_\_\_.

(ii) Part time positions: \_\_\_\_\_.

(c) Number of new positions requested for this EC dedicated to serious violent felonies, as defined in OCGA § 17-10-6.1 (a): \_\_\_\_\_.

(i) Full time positions: \_\_\_\_\_.

(ii) Part time positions: \_\_\_\_\_.

N/A

**(4) Court-Based Eviction Prevention and Diversion** (EC 2.2; 31 CFR § 35.6 (b) (3) (ii) (A) (1), (5))

- (a) Subtotal of funds requested for this EC: \$ \_\_\_\_\_.
- (b) Overall number of new positions requested for this EC: \_\_\_\_\_.
- (i) Full time positions: \_\_\_\_\_.
- (ii) Part time positions: \_\_\_\_\_.

N/A

**(5) Temporary Facilities or Workspace to Respond to Case Backlogs** (ECs 3.5, 7.1; 31 CFR § 35.6 (b) (3) (ii) (E) (4))

- (a) Subtotal of funds requested for this EC: \$ \_\_\_\_\_.
- (b) Amount of subtotal for this EC dedicated to addressing the backlog of serious violent felonies, as defined in OCGA § 17-10-6.1 (a): \$ \_\_\_\_\_.

N/A

**(6) ARPA-Eligible Administrative Expenses** (EC 7.1; 31 CFR § 35.6 (b) (3) (ii) (E) (3)-(4))

- (a) Subtotal of funds requested for this EC: \$ 305,320.00.
- (b) Number of new positions requested for this EC: 0.
- (i) Full time positions: 0.
- (ii) Part time positions: 0.

*Administrative expenses include equipment costs, publications, CLE dues, bar dues and supplies / materials for district attorneys, solicitors and their offices. Juror expenses required for juror payments to run additional courtrooms with senior judges. Also included are administrative costs and supplies/materials for the administration of the grant funds.*

**(F) SUPPORTING DOCUMENTATION AND BUDGET**

☒ Check this box if supporting documentation (other than the required budget form) is attached to the application. Applicants *must* attach: (1) a completed **ARPA Budget Form** in an Excel spreadsheet file format (available under Quick Links at [jcaoc.georgiacourts.gov/arpa](http://jcaoc.georgiacourts.gov/arpa)); and (2) copies of any correspondence to and from county governments requesting ARPA funds for trial courts (except municipal courts), prosecutors, and related agencies within the circuit.

**(G) CERTIFICATION**

☒ By checking this box, I, the undersigned, certify that (1) the information in this application is true and correct to the best of my knowledge; and (2) the proposed activities are eligible expenditures under the federal American Rescue Plan Act of 2021 and 31 CFR Part 35 ("Final



Rule”). I understand that the use of ARPA grant funds is subject to U.S. Treasury and Governor’s Office of Planning and Budget reporting requirements, audits, and recoupment if put toward impermissible uses. 31 CFR § 35.10.



Chief Judge/Justice Signature

Printed Name: W. Fletcher Sams

Title: Chief Judge, Griffin Judicial Circuit

Date: September 30, 2022

**(H) SUBMIT APPLICATION**

E-mail a pdf of your completed, certified, and signed application (with a completed **ARPA Budget Form** in an Excel spreadsheet file format and any supporting documentation) to [ARPA@georgiacourts.gov](mailto:ARPA@georgiacourts.gov).

## APPLICATION NOTES

**Only judicial circuits and appellate courts are currently authorized to apply for ARPA funds. The ARPA Grants Team will automatically reject any application from a court or entity that is not a judicial circuit or appellate court.** See section 2. Authorized Courts and Judicial System Stakeholders of the **Overview and Instructions** for details.

\*\*\*

### **(B) CASE BACKLOGS REQUIRED TO JUSTIFY ARPA FUNDS**

All applicants must objectively demonstrate that case backlogs exist to qualify for ARPA grant funds. All expenditures requested in this application must be reasonably proportional to the applicant's objectively demonstrated need to address case backlogs, with priority given to serious violent felonies (as defined in OCGA § 17-10-6.1 (a)). 87 Fed. Reg. 4,344; 4,388 (Jan. 27, 2022). When calculating the need for additional resources to respond to case backlogs, a court may provide statistics comparing its case volume from a “normal” pre-pandemic year (e.g., case volume in 2019) to its current case volume. If statistics do not demonstrate the full picture of an applicant's case backlog, other facts may be included in the description, e.g., space constraints or other factors. Applicants should also identify what portion of case backlogs are serious violent felony cases, as defined in OCGA § 17-10-6.1 (a).

\*\*\*

### **(D) ARPA GRANT FUNDS REQUESTED OR RECEIVED FROM OTHER SOURCES TO ADDRESS CASE BACKLOGS**

**Applicants (except appellate courts) must request ARPA funds from their respective county governments.** For ARPA grant funds requested or received by any court or other entity included in this application from any other sources (including a county, municipality (to include a “nonentitlement unit of local government”), or an eligible non-profit entity), attach documentation explaining how requested, received, expended, or obligated funds have been or will be used, including whether such funds have been or will be used to address the backlog of serious violent felonies, as defined in OCGA § 17-10-6.1 (a). Also attach any correspondence to and from each county from which ARPA funds were requested.

As used in this section, “obligated” means “an order placed for property and services and entering into contracts, subawards, and similar transactions that require payment.” 31 CFR § 35.3. Section 9901 (a) of ARPA defines the term “nonentitlement unit of local government” to mean a “city” (as defined in 42 USC § 5302 (a) (5)) that is not a “metropolitan city” (as defined in 42 USC § 5302 (a) (4)). Codified at 42 USC § 803 (g) (4)-(5).

### **(E) REQUESTS UNDER EACH ARPA EXPENDITURE CATEGORY (EC)**

#### **(1) Payroll-Public Sector Staff Responding to Case Backlogs**

**More than 50 percent of total personnel costs awarded each calendar year under this EC must be dedicated to responding to serious violent felonies, as defined in OCGA § 17-10-6.1 (a).** As used in (E) (1) (c), “total personnel costs” means the subtotal of funds requested under section (E) (1) only, as stated in (E) (1) (a). To get the percentage used in (E) (1) (c), divide the amount provided under (E) (1) (b) by the amount provided in (E) (1) (a).

**New or existing** staff may be used to respond to case backlogs, with priority given to serious violent felony cases (as defined in OCGA § 17-10-6.1 (a)). However, only payroll for time spent actually responding to case backlogs may be reimbursed with ARPA grant funds. 87 Fed. Reg. 4,341; 4,388 (Jan. 27, 2022) (Eligible use must “respond to the identified negative economic impact” of the pandemic, “e.g., backlogs in court systems”). This includes payroll of new personnel hired to backfill existing personnel responding to case backlogs (prioritizing cases involving serious violent felonies). Therefore, time spent responding to case backlogs (or backfilling others so they can respond) must be tracked and documented for reimbursement and auditing purposes.

## **(2) Court-Based Mental Health Diversion**

Per Executive Branch limitations, ARPA funds for court-based mental health diversion services must: (a) respond to case backlogs; and (b) conserve staff time and resources to respond to case backlogs of serious violent felony cases, as defined in OCGA § 17-10-6.1 (a). Accordingly, for purposes of this expenditure category, grant applicants **must provide a numerical estimate** in the description regarding the staff hours and resources court-based mental health diversion services will conserve so staff may respond to serious violent felonies. *As used in this section, “numerical” means containing one or more of the number symbols 0, 1, 2, 3, 4, 5, 6, 7, 8, or 9; e.g., 20 hours of staff time per week, 18 percent of a judge’s caseload, or some other numerical measurement.* Please also note that ARPA funds allocated to the Judicial Council may be used for court-based services only and not for out of court mental health treatment services.

## **(3) Court-Based Substance Use Diversion**

Per Executive Branch limitations, ARPA funds for court-based substance use diversion services must: (a) respond to case backlogs; and (b) conserve staff time and resources to respond to case backlogs of serious violent felony cases, as defined in OCGA § 17-10-6.1 (a). Accordingly, for purposes of this expenditure category, grant applicants **must provide a numerical estimate** in the description regarding the staff hours and resources court-based substance use diversion services will conserve so staff may respond to serious violent felonies. *As used in this section, “numerical” means containing one or more of the number symbols 0, 1, 2, 3, 4, 5, 6, 7, 8, or 9; e.g., 20 hours of staff time per week, 18 percent of a judge’s caseload, or some other numerical measurement.* Please also note that ARPA funds allocated to the Judicial Council may be used for court-based services only and not for out of court substance use treatment services.

## **(4) Court-Based Eviction Prevention and Diversion**

Per Executive Branch limitations, ARPA funds for court-based eviction prevention and diversion services must: (a) respond to case backlogs; and (b) conserve staff time and resources to respond to case backlogs of serious violent felony cases, as defined in OCGA § 17-10-6.1 (a). Accordingly, for purposes of this expenditure category, grant applicants **must provide a numerical estimate** in the description regarding the staff hours and resources court-based eviction prevention and diversion services will conserve so that staff may respond to serious violent felonies. *As used in this section, “numerical” means containing one or more of the number symbols 0, 1, 2, 3, 4, 5, 6, 7, 8, or 9; e.g., 20 hours of staff time per week, 18 percent of a judge’s caseload, or some other*

numerical measurement. Please also note that ARPA funds allocated to the Judicial Council may not be used for direct payments to landlords or tenants.

...

## **(6) ARPA-Eligible Administrative Expenses**

### *Grant Administration Payroll*

The following clarifications have been provided by OPB regarding reimbursement for ARPA grant administration payroll expenditures only:

- **Current hourly** employees performing ARPA grant administration duties may be paid from ARPA funds for time spent (including overtime) if the time is documented with timesheets.
- **Current salaried** employees performing ARPA grant administration duties may not be paid extra from ARPA funds for added duties, but an **employer may** be reimbursed from ARPA funds for time spent by those employees performing ARPA grant administration duties if the time is documented with timesheets. To be clear, current employees performing ARPA grant administration duties may not be given a supplement or a raise to be paid from ARPA funds.
- **New part-time** employees (hourly or salaried) may be paid from ARPA funds for time spent working on grant administration duties if the time is documented with timesheets.
- **New full-time** employees (hourly or salaried) may be paid from ARPA funds for time spent working on grant administration duties if the time is documented on a timesheet, labor report, and a Personnel Action or Periodic Certification Form upon hire and a chart of accounts for ARPA funding is provided. See ARPA Fiscal Team for details.

Grant administration includes costs related to disbursing payments of ARPA funds and managing ARPA grant programs. 87 Fed. Reg. 4,435-4,436; 4,444 (Jan. 27, 2022).

### *Supplies, Materials, and Equipment*

ARPA funds are authorized for supplies, furniture (valued at under \$5,000), and equipment (valued at under \$5,000; e.g., monitors, computers, software licenses, phones, and printers) that are necessary for personnel to respond to case backlogs or perform ARPA grant administration. If valued at under \$5,000, such expenditures are generally classified as non-capital permitted expenditures and should be listed under (E) (6) and in the Administrative/Indirect Costs section of the **ARPA Budget Form** (available under Quick Links at [jcaoc.georgiacourts.gov/arpa](http://jcaoc.georgiacourts.gov/arpa)). Grant recipients should rent equipment (if possible, practical, and cost-effective) to avoid violating the prohibition on purchasing permanent infrastructure.

## **(F) SUPPORTING DOCUMENTATION AND BUDGET**

The **ARPA Budget Form** must be submitted in an Excel spreadsheet format and not a .pdf file format. Copies of correspondence requesting county ARPA funds must also be attached, as well as any response to such request.

...



## **(H) SUBMIT APPLICATION**

Please ensure that an **ARPA Budget Form** (in an Excel spreadsheet file format and not a .pdf) is attached, as well as any other supporting documentation the ARPA Committee will need to sufficiently and efficiently review your application. The ARPA Grants Team will confirm receipt and follow up with you regarding any issues with your application and next steps. Applications that are not timely completed during the application window may need to be considered by the ARPA Committee in a subsequent grant cycle. Promptly notify the ARPA Grants Team at [ARPA@georgiacourts.gov](mailto:ARPA@georgiacourts.gov) if you need to revise or withdraw a submitted application.



Fayette County  
One Center Drive  
Fayetteville, GA 30214  
(770) 716-4250  
(770) 716-4857 (Fax)

--  
Pike County  
P. O. Box 550  
Zebulon, GA 30295  
(770) 567-2020  
(770) 567-3410 (Fax)

**MARIE G. BRODER**  
Office of the District Attorney  
Griffin Judicial Circuit

Spalding County  
P. O. Box 57  
Griffin, GA 30224  
(770) 467-4310  
(770) 467-4205 (Fax)

--  
Upson County  
P. O. Box 871  
Thomaston, GA 30286  
(706) 647-4042  
(706) 647-3537 (Fax)

09/21/22

Chief Judge Sams:

Upson review of the data we have analyzed with regards to the backlog in the District Attorney's Office it is clear, that while the ARPA attorneys we have retained have been helpful, we still have a backlog that would support these attorneys and three more Assistant District Attorneys.

I would like to first discuss the progress made with the additional funds for attorneys. We have been able to pull three Senior Assistant District Attorneys from the line courtroom work in order to focus on reduction the serious violent felony caseloads throughout the Circuit. One is trying major crimes against persons (murders, armed robberies, etc.), another is trying major crimes against women and children, and one is focusing on violent gang crime and RICO cases. This is a **major** development in this Circuit as we have never been able to have attorneys specialize on these types of cases. Allowing the ARPA attorneys to focus on the less serious cases has allowed my Senior attorneys to clear the major backlog of serious violent felonies.

Despite progress, we have quite a long way to go. We still have 2 major RICO cases pending in the Circuit that must be tried. We have 3 more that we anticipate in the next 6-12 months. Despite trying multiple murder cases and other serious violent felony cases, we still have 42 murders pending across the Circuit. We have hundreds of other cases that would be designated serious violent felonies.

My attorneys have spent half of the year preparing for trial and the other half trying cases. In Spalding County alone, we will have 25 trial weeks by the time 2022 ends. This means that the backlog continues to grow as my attorneys cannot effectively "reload" the calendars with new cases. The ARPA attorneys

have helped with this, but the problem still exists. Another example of the problem of the backlog is that in October, one of the three judges that serves Spalding County will have a calendar with 295 cases on it. 145 of those defendants on the calendar are in jail. For some of the larger Circuits in the State, that might be a low number. For a county like Spalding with 72,000 citizens, that is an exceptionally high number. We will pull all hands on deck to try the cases on the calendar, but it is an overwhelming task.

Even more concerning, my attorneys in the courtrooms are still averaging a caseload of 500 cases. The American Prosecutors Research Institute recommends that an ADA have a caseload of no more than 150 cases. This is, honestly, laughable at this time. My prosecutors are carrying a caseload 4 times that number. It is physically not possible for an attorney to handle a caseload of this magnitude. With the ARPA funds, we have been able to reduce the amount by some, but in order to reduce the caseload to a manageable level, we would need **3 additional prosecutors**. Despite the desperate need for additional prosecutors. I have absolutely no office space left to put them. That is why I have no request for attorneys in this cycle. I am out of room.

The challenges facing this Circuit are huge. While thankful for the funds we've received, we simply need more bodies and more room to continue to eliminate the backlog created by the complete halt in the movement of cases due to COVID-19.

I appreciate your time and consideration.

Sincerely,

Marie Broder

### **Request for Continued Funding for Investigator from ARP Grant**

The case load for the Spalding County Solicitor General's Office has grown rapidly over the last several years. To keep pace with our growing case load, my office has greatly increased the number of accusations we have filed in the Spalding County State Court. In 2018, my office filed 1,462 accusations. As of September 15, 2022, my office has filed 1,891 accusations and is on pace to file 2,836 accusations this year. In addition to the accusations we have already filed, there are also around 1,200 unaccused criminal cases in my office which are waiting to be filed with the Clerk of Court.

My office is also responsible for prosecuting traffic tickets and other citations issued by local law enforcement. For the years 2017 through 2020, my office prosecuted an average of 5,800 citations each year. As of September 15, 2022, there have been over 3,750 citations filed in the Spalding County State Court. At the present rate, there will be approximately 5,600 citations filed in 2022.

The rapid growth of our case load has resulted in a substantial backlog of criminal cases in the Spalding County State Court. That backlog has been greatly exacerbated by the Covid pandemic which completely shut down our court for several months and suspended jury trials for well over a year. On December 1, 2019, there were 3,090 open misdemeanor criminal cases pending in the Spalding County State Court. As of September 1, 2022, there are 5,191 open criminal cases in the Spalding County State Court.

As our case backlog has increased, the amount of time that elapses from a defendant's arrest to the defendant's trial has also increased. Presently, most of the cases on our trial calendars are at least two years old. Generally, the longer a case is pending, the more difficult it is to locate victims and witnesses who are needed to testify at trial. This is especially true for family violence cases where the victims often change addresses and phone numbers between the date of the incident and the defendant's trial.

Prior to the addition of an investigator to my office staff, an average of 15 family violence cases were dismissed each trial calendar because we could not locate the victim or other necessary witnesses. Since I have hired an investigator, the number of family violence cases dismissed each trial calendar has dropped dramatically. At our most recent trial calendar only two such cases were dismissed because we could not locate the victim.

In addition to family violence cases, my investigator has been invaluable in assisting my office in the prosecution of crimes against people and property. Having an investigator to locate and interview witnesses, gather and review evidence and assist with trials has enabled my office to successfully prosecute cases that would have likely resulted in dismissals or greatly reduced charges. That means more criminals receive the punishment they deserve, and more victims receive the justice, restitution and closure that they deserve.

My investigator's current salary is \$57,500. After including the costs of salary, benefits and other expenses, the total cost of my investigator is approximately \$85,000 per year.



I am requesting that \$85,000 be allocated to my office for the salary, benefits and other costs associated with retaining an investigator on my staff.



---

Patrick M. Shepherd  
Spalding County Solicitor General



W. Fletcher Sams, Judge

Superior Courts  
Griffin Judicial Circuit  
fletcher@fayettecountyga.gov

Fayette County  
Pike County  
Spalding County  
Upson County

Fayette County Justice Center  
One Center Drive  
Fayetteville, GA 30214  
770-716-4282  
Fax: 770-716-4862

September 30, 2022

Mr. Steve Rapson  
Fayette County Manager  
Stonewall Avenue  
Fayetteville, GA 30214

Re: 2023 ARPA

Dear Mr. Rapson:

For 2023, we are again requesting Judicial ARPA funding for 3 Assistant District Attorneys. However, we cannot use the grant to fund the Public Defender's office as it is funded through the Executive Branch. Please let this letter confirm my previous inquiry for Fayette to use its separate ARPA funding to provide an Assistant Public Defender in 2023 to serve Fayette County. The regular salary, including benefits, is \$88,670.

From our previous conversation, I understand Fayette has already committed its ARPA funding for 2023. If that is not the case, please let me know and I will provide more details and data to support this request.

I remain most thankful for all that you and Fayette County have done, and continue to do, to support our judicial system.

With great appreciation, I am,

Very truly yours,

W. Fletcher Sams, Chief Judge  
Griffin Judicial Circuit

WFS:mn  
cc: Bill Imhoff, Esq.



W. Fletcher Sams, Judge

Superior Courts  
Griffin Judicial Circuit  
fletcher@fayettecountyga.gov

September 30, 2022

Fayette County Justice Center  
One Center Drive  
Fayetteville, GA 30214  
770-716-4282  
Fax: 770-716-4862

Fayette County  
Pike County  
Spalding County  
Upson County

Dr. Steve Ledbetter  
Spalding County Manager  
119 E. Solomon Street  
Griffin, GA 30223

Re: 2023 ARPA Application

Dear Dr. Ledbetter:

Please let this letter confirm our previous conversations and request for assistance to reduce Spalding County Superior Court's COVID related backlog. The most serious impediment to our progress has been courtroom availability and additional court reporters. It is my understanding, under your leadership, Spalding County is relocating non-judicial offices from the courthouse and will then construct a new courtroom and supporting offices, hopefully with County ARPA funding. Thank you for your support of this proposal.

We are again applying for 3 ARPA funded Assistant District Attorneys but cannot use judicial ARPA funds for comparable Assistant Public Defenders. The Executive ARPA grant funded only one Assistant Public Defender for the circuit. If County ARPA funds are available and sufficient, I ask the County to use these funds to provide an Assistant Public Defender at \$88,670 (including benefits). This position would be dedicated solely to Spalding County. I understand the County has already addressed many of these needs through its general fund.

Again, I thank you and all the Commissioners for your support of our judicial system, and all that has been done and is being done, to get us through the pandemic and resulting backlog.

With great appreciation, I am,

Very truly yours,

W. Fletcher Sams, Chief Judge  
Griffin Judicial Circuit

WFS:mn  
cc: Bill Imhoff, Esq.

# COUNTY AGENDA REQUEST

Page 286 of 330

Department: Parks and Recreation

Presenter(s): Anita Godbee, Director

Meeting Date: Thursday, October 27, 2022

Type of Request: New Business #17

## Wording for the Agenda:

Request to approve the Recreation Commission's recommendation of the Parks and Recreation Multi-use Facility floor plan and architecture elevation style.

## Background/History/Details:

At the Board of Commissioner's retreat in 2021, the Board agreed to move forward with the design and architectural services for the Parks and Recreation Multi-use Facility. During the February 24, 2022 Board meeting, the Architectural & Engineering Services was awarded to Lose Design, LLC.

The consultants completed the design phase of the project and presented the facility plan to the public at a Citizen Stakeholder Meeting held on August 17, 2022. Those who were unable to attend obtained the same information on the County's website. Surveys were completed at both the stakeholder meeting, as well as on the County's website as a means to obtain written comments regarding the plan. Results of the survey were compiled and submitted to the Recreation Commission for their review and comments. After their review, the Recreation Commission approved to move forward with the plan as presented to the public. The Recreation Commission also discussed the architecture elevation style of the building plan and approved the style in the front of the facility to be contemporary and inviting, with the remaining portions of the building to be traditional and cost effective. Therefore, the Recreation Commission is recommending to approve the Multi-use facility floor plan and the architecture elevation style.

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

Approval of the Parks and Recreation Multi-use Facility floor plan and architecture elevation style.

## If this item requires funding, please describe:

Has this request been considered within the past two years? No

If so, when?

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

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 Not Applicable

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

## Staff Notes:





**LOSE**  
**DESIGN**  
 SPACES FOR LIFE.



# FAYETTE COUNTY MULTI-USE FACILITY

42,680 SQ. FT.

NOT FOR  
 CONSTRUCTION  
 10/27/2022  
 PROJECT# 21091







01/21/2025 10:01:01 AM Fayette County, GA Parks and Rec Multiuse Facility CAD005\_ARCH101-PD/CAD 21091-Fayette-Program - Printed on 2022-27-10 at 11:34:51 AM

LEGEND

LOUNGE/LOBBY

ADMINISTRATION/ RECEPTION (RECEPT.)

COMMUNITY ROOM

CIRCULATION

WARMING KITCHEN/ CONCESSION

MEETING ROOM

RESTROOM

STORAGE

GYMNASIUM

CLASSROOM

FITNESS AREA

LOCKER ROOM

MECHANICAL (MECH.)

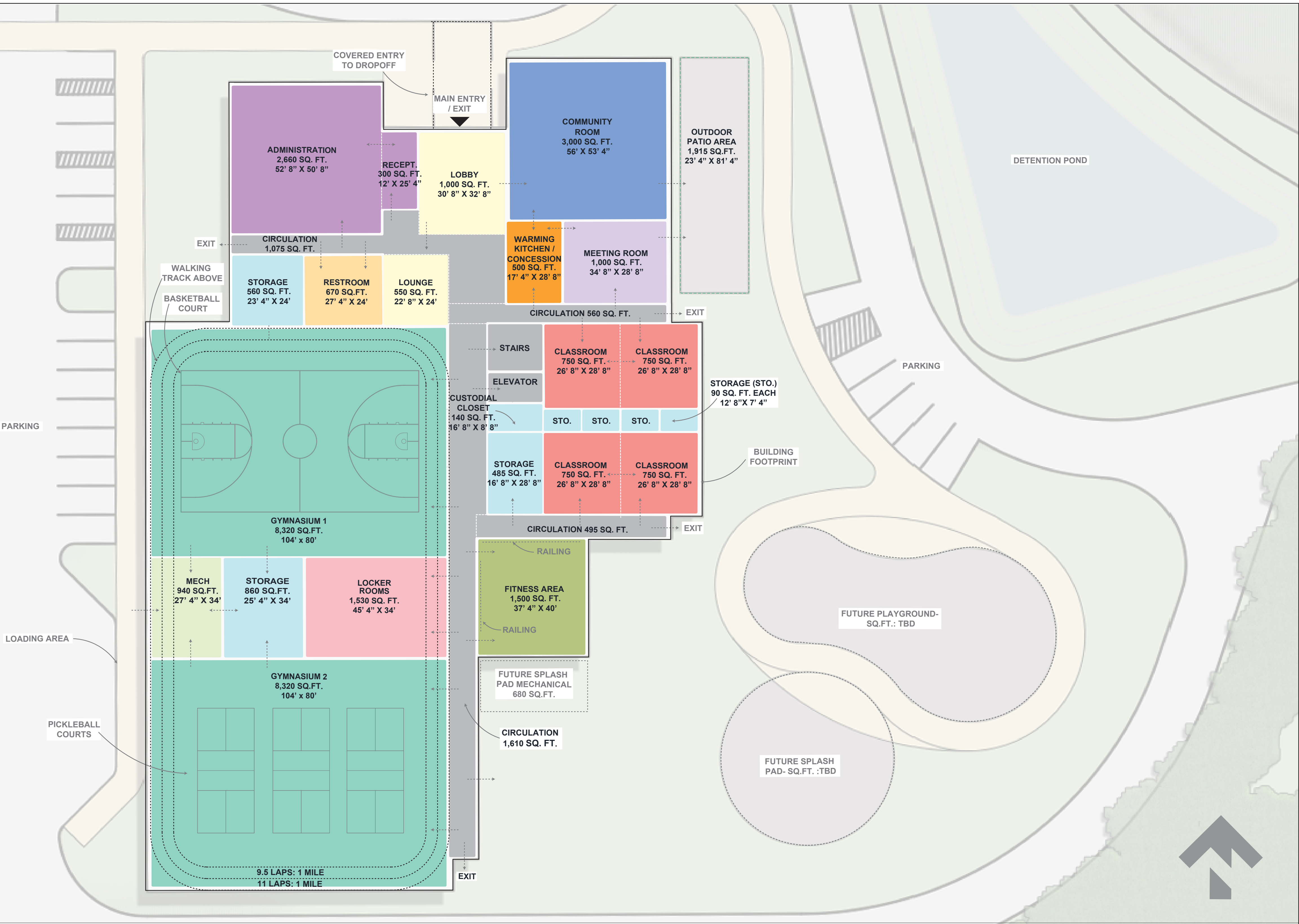
OBJECTS ABOVE OR BELOW

FUTURE GROWTH

SECONDARY CIRCULATION

OUTDOOR AREAS

ROOM SIZE: WIDTH x LENGTH



FAYETTE COUNTY MULTI-USE FACILITY

42,680 SQ. FT.

FIRST FLOOR

NOT FOR  
CONSTRUCTION

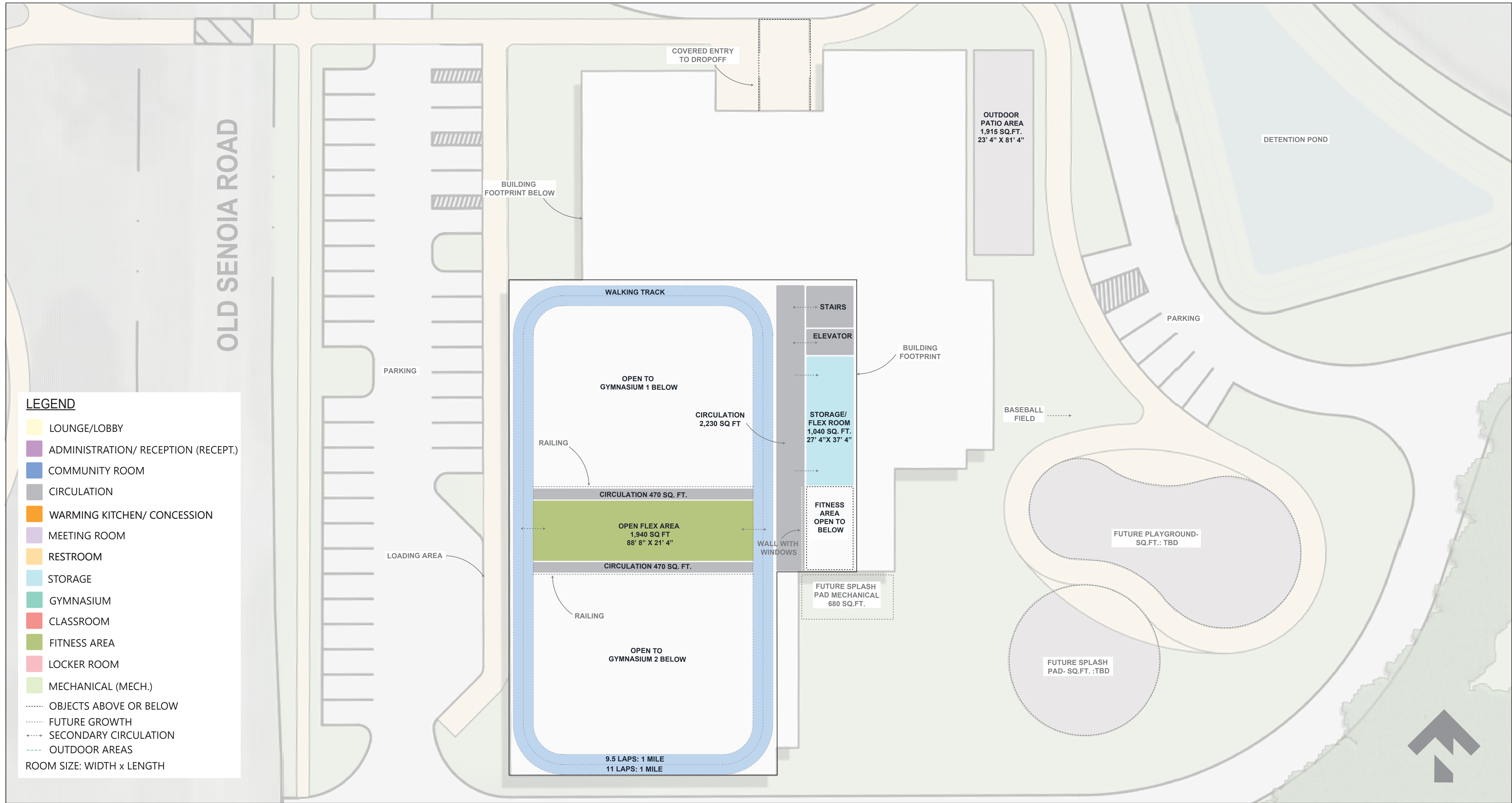
10/27/2022

PROJECT# 21091

O:\2100s\21091 Fayette County, GA Parks and Rec Multiuse Facility\CAD\05\_ARCH\01-PD\CAD\21091-Fayette-Program - Printed on 2022-10-27 at 11:34:51 AM

LEGEND

- LOUNGE/LOBBY
- ADMINISTRATION/ RECEPTION (RECEPT.)
- COMMUNITY ROOM
- CIRCULATION
- WARMING KITCHEN/ CONCESSION
- MEETING ROOM
- RESTROOM
- STORAGE
- GYMNASIUM
- CLASSROOM
- FITNESS AREA
- LOCKER ROOM
- MECHANICAL (MECH.)
- ..... OBJECTS ABOVE OR BELOW
- ..... FUTURE GROWTH
- ..... SECONDARY CIRCULATION
- ..... OUTDOOR AREAS
- ROOM SIZE: WIDTH x LENGTH



**LOSE**  
**DESIGN**  
SPACES FOR LIFE.



# FAYETTE COUNTY MULTI-USE FACILITY

42,680 SQ. FT.  
SECOND FLOOR

NOT FOR  
CONSTRUCTION  
10/27/2022  
PROJECT# 21091



# COUNTY AGENDA REQUEST

Page 291 of 330

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Request to approve an Intergovernmental Agreement (IGA) with Clayton County for repairs to the Helmer Road Bridge over Camp Creek and the allocation of \$77,000 from SPLOST 17TAC to SPLOST 23TAA (Infrastructure Preservation and Improvements).

## Background/History/Details:

The Helmer Road bridge is one of several connecting bridges between Fayette and Clayton Counties. The bridge is identified by Georgia Department of Transportation (GDOT) as a Clayton County structure although maintenance responsibilities have traditionally been split between the two local governments - as is typical for bridges spanning political boundaries.

The bridge is in need of maintenance and Clayton County recently solicited competitive bids to have the work completed by a qualified Contractor. The work was bid as a part of a large bundle of bridge projects, which traditionally provides better pricing.

The total cost for the work on Helmer Road is \$146,122.06. Fayette County's share is \$70,184.48. The requested amount is higher to have contingency available if there are cost overruns. Unused money will be re-allocated back to 17TAC.

No action is required by Fayette for the project other than entering into the IGA and paying our share for the work.

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

Approval of the Intergovernmental Agreement (IGA) with Clayton County for repairs to the Helmer Road Bridge over Camp Creek and the allocation of \$77,000 from SPLOST 17TAC to SPLOST 23TAA (Infrastructure Preservation and Improvements).

## If this item requires funding, please describe:

\$77,000 is requested from 2017 SPLOST 17TAC to 23TAA.

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:

## INTERGOVERNMENTAL AGREEMENT

### HELMER ROAD @ CAMP CREEK

This Agreement is made by and between FAYETTE COUNTY, a political subdivision of the State of Georgia and CLAYTON COUNTY, a political subdivision of the State of Georgia, each of whom has been duly authorized to enter into this Agreement to provide for certain bridge work on the Helmer Road Bridge over Camp Creek.

WHEREAS, Clayton County and Fayette County desire to promote an adequate and safe means of transportation by performing the repairs specified in the upcoming Georgia Department of Transportation inspection report dated for 2021; and

WHEREAS, Clayton County and Fayette County desire to coordinate their efforts and work together, pursuant to their respective Resolutions; and

NOW THEREFORE, in consideration of the mutual promises, covenants, and undertakings set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Clayton County and Fayette County (individually referenced herein as “Party,” collectively as “the Parties”) agree as follows:

#### 1.

Clayton County and Fayette County hereby agree to coordinate their efforts, as hereinafter provided, in the performance of the work described in Attachment A to this agreement “Special Stipulations” (hereinafter also referred to as the “Work”). Said Special Stipulations are hereby adopted in this agreement by this reference hereto.

2.

#### COUNTIES' RESPONSIBILITIES

Clayton County agrees to provide the bid specifications and bid letting for the Work. Any additional Responsibilities not listed in this paragraph may be contained in Attachment A "Special Stipulations."

3.

(a) The costs of the Work are summarized in the Attachment B attached to and a part of this agreement. Clayton County has received bids on the Work and Attachment B is based on those costs. Fayette County shall notify Clayton County of any dispute in the costs no later than 30 days of the anticipated beginning of the Work.

(b) Any adjustment to the agreed-upon costs identified in subsection (a) above shall be provided by Clayton County to Fayette County and Fayette County shall notify Clayton County within 30 calendar days of any objection to the adjusted cost. Upon completion of the Work, Fayette County shall reimburse Clayton County for Fayette County's portion of the costs of this work within 60 days of completion of the Work. Each Party agrees to handle prior local resident work notification within their respective county as they deem appropriate.

4.

#### INDEMNIFICATION

To the fullest extent permitted by law, each respective County agrees to and hereby does defend, hold harmless and indemnify the other County and its officers, directors, employees, agents, and representatives from and against any and all claims, damages, demands, actions, judgments, losses, costs, penalties, liabilities, assessments and expenses including, but

not limited to, attorney's fees, incurred or suffered by such County that arise out of, or result from, the performance of the Work.

5.

#### ACCESS RIGHTS

Each County warrants that it has rights to repair the aforementioned bridge listed on Attachment A "Special Stipulations" and further warrants that said work will not violate any restrictions, covenants, local or state law.

6.

#### ADDITIONAL TERMS AND CONDITIONS

Any additional terms and conditions which may exist between the parties may be found on Attachment A "Special Stipulations." To the extent that there may exist a conflict between the terms and conditions in this agreement and the terms and conditions in Attachment A, the parties agree that any terms and conditions which may appear in Attachment A supersede any terms and conditions within this Agreement.

7.

#### NOTICES

Any notices required to be given to Fayette County shall be in writing and sent certified mail, return receipt requested to:

Fayette County, Georgia  
140 Stonewall Avenue West, Suite 100  
Fayetteville, GA 30214  
Attn: Chairman

Any notices required to be given to Clayton County shall be in writing and sent certified mail, return receipt requested to:



Clayton County, Georgia  
112 Smith Street  
Jonesboro, GA 30236  
Attn: Chairman

With a copy to:

Chief Staff Attorney  
Clayton County, Georgia  
112 Smith Street  
Jonesboro, GA 30236

Either Party may change its notice address by written notice to the other Party given in accordance with this paragraph.

8.

#### WAIVER

Any failure by Fayette County or Clayton County to enforce any rights arising hereunder shall not be deemed a waiver of such right.

9.

#### AMENDMENT

Except as otherwise provided herein, this Agreement may only be modified by written amendment approved by Fayette County and Clayton County at duly-noticed open meetings at which a quorum is present and acting, and signed by both Parties. An oral modification shall not be binding on either Party.

10.

#### ASSIGNMENT

Neither Party shall assign its rights or obligation under this Agreement to any party without the express written consent of the other Party. Either Party may withhold its consent without reason.

IN WITNESS THEREFORE, parties have hereunto set their hands and affixed their seals the day and year as first above written.

CLAYTON COUNTY, GEORGIA

BY: \_\_\_\_\_  
Chairman, Board of Commissioners

(SEAL)  
Attest:

\_\_\_\_\_  
Clerk, Board of Commissioners

FAYETTE COUNTY, GEORGIA

BY: \_\_\_\_\_  
Chairman, Board of Commissioners

(SEAL)  
Attest:

\_\_\_\_\_  
Clerk, Board of Commissioners

## ATTACHMENT A

### SPECIAL STIPULATIONS

**PROJECT LOCATION:** The work shall be performed at the Helmer Road Bridge over Camp Creek (Structure I.D. 063-5015-0).

The following comments will be provided by the Georgia Department of Transportation in the upcoming bridge inspection report for 2021 as well as verified in the field:

“15ft of guardrail on left side of the bridge has been hit and created a spall on the back of the curb. Scouring is occurring under rough slope paving. Both abutment joints need to be cleaned and resealed.”

The following work will be pursued in an open and competitive bid process:

- Replace 15 ft of guardrail
- Patch spall on back of curb
- Remove slope paving at abutments 1 and 2.
- Fill scoured slopes at abutments 1 and 2.
- Place RIP RAP at abutments 1 and 2.
- Clean and reseal joints and abutments 1 and 2.

## ATTACHMENT B

### Contract Bid Costs

Item No	Description	Total Cost	Fayette Co Portion	Clayton Co Portion
150-1000	TRAFFIC CONTROL	\$44,462.56	\$22,231.28	\$22,231.28
	REMOVE SLOPE PAVING	\$26,760.00	\$13,380.00	\$13,380.00
165-0030	MAINTENANCE OF TEMPORARY SILT FENCE, TP C (SENSITIVE)	\$337.50	\$168.75	\$168.75
171-0030	TEMPORARY SILT FENCE, TP C (SENSITIVE)	\$1,182.50	\$591.25	\$591.25
207-0203	FOUNDATION BKFILL MATL, TP II	\$14,857.50	\$7,428.75	\$7,428.75
461-2000	RESEALING BRIDGE JOINTS TP D	\$1,087.20	\$543.60	\$543.60
500-3101	CLASS A CONCRETE	\$877.50	\$0.00	\$877.50
603-2018	STN DUMPED RIP RAP, TP 1, 18 IN	\$50,808.80	\$25,404.40	\$25,404.40
603-7000	PLASTIC FILTER FABRIC	\$872.90	\$436.45	\$436.45
641-1200	REPLACED DAMAGED GUARDRAIL	\$4,865.60	\$0.00	\$4,865.60
		<b>\$146,112.06</b>	<b>\$70,184.48</b>	<b>\$75,927.58</b>





**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 

From: Natasha M. Duggan 

Date: September 15, 2022

**Subject: Contract 1979-S: Stryker Maintenance Agreement  
 Change Order 2: Power Cots & Stair Chair Maintenance Agreements**

On July 13, 2021, Fayette County approved award of #1979-S to Stryker Medical for a maintenance agreement for the LIFEPAK 15 monitor/defibrillators and LUCAS machines.

Change Order 1 approved the addition of a three (3) year preventive maintenance agreement for the Power Cots, Power Load, and Stair Chair. This preventive maintenance program helps identify issues before they cause problems which helped mitigate risks.

This Change Order requests approval for a two-year agreement to upgrade the existing preventive maintenance program to ProCare Protect. The upgrade price is in addition to the Change Order 1 price. This is a plan that includes Stryker support, service calls, parts, labor, battery, replacement, and travel. The total cost is \$34,728.20. The Fiscal Year 2023 cost is \$17,364.10. A \$10,000 midyear budget transfer will be completed to cover the cost. Fire & EMS will budget adequate funds in Fiscal Year 2024 to cover the remaining cost of the agreement.

Specifics of the proposed contract change order are as follows:

<b>Contract Name</b>	#1979-S: Stryker Maintenance Agreement	
<b>Contractor</b>	Stryker Medical	
<b>Type of Contract</b>	Annual Maintenance Agreement	
<b>Initial Contract Amount</b>	\$16,977.60	
<b>Change Order 1</b>	11,510.40	
<b>This Change Order:</b>		
<b>FY23</b>	17,364.10	
<b>FY24</b>	<u>17,364.10</u>	
<b>Revised Contract Amount</b>	\$63,216.20	
<b>Budget:</b>		
Org Code	27230600	EMS
Object	522230	Repair & Maintenance Services
Available	\$23,169.78	After midyear budget transfer

Approved by:  Date: 9/15/22

Place on County Administrator's Report? ☒ Yes ☐ No

On Agenda Dated: 10/27/2022

**ProCareServices****stryker®**Sales Rep Name: Laura Persons  
ProCare Service Rep: Matt Donahue3800 E. Centre Ave  
Portage, MI 49009Date: 9/12/2022  
ID #: 220912102319**PROCARE PROPOSAL SUBMITTED TO:**

Billing Acc Num:

Name: Chief Mike Pollard

Shipping Acct Num: 1323364

Title: EMS Chief

Account Name Fayette County Fire and EMS

Phone: 678.776.3834

Account Address 140 Stonewall Ave

Email: mpollard@fayettecountyga.gov

City, State Zip Fayetteville, GA

**PROCARE COVERAGE**

Item No.	Model Number	Model Description	ProCare Program	Qty	Yrs		Total
1	6506	Power Cots	EMS Protect	8	2		\$17,010.25
2	6390	Power-LOAD	EMS Protect	8	2		\$24,289.20
3	6252	Stair Chair	EMS Protect NB	8	2		\$2,080.80

**PROGRAM INCLUDES:****EMS Protect:**

- \*Includes parts, labor, travel
- \*Includes unscheduled service
- \*Includes battery replacement
- \*Includes product equipment checklists.
- \*Replacement parts do not include mattresses, and other Disposable or expendable parts.

**EMS Protect NB:**

- \*Includes parts, labor, travel
- \*Includes unscheduled service and product equipment checklists.
- \*Replacement parts do not include mattresses, batteries, and other Disposable or expendable parts.

Unless otherwise stated on contract, payment is expected upfront.

Annual Payments \$17,364.10

ProCare Total  
Discount\$43,410.25  
20%

See below for complete payment schedule

**FINAL TOTAL****\$34,728.20**

Start Date: 7/1/2022

End Date: 6/30/2024

*Tom Tackabury*

9/16/22

Stryker Signature

Date

*[Signature]*

Customer Signature

9/22/2022

Date

The Terms and Conditions of this quote and any subsequent purchase order of the Customer are governed by the Terms and Conditions located at <https://techweb.stryker.com>

The terms and conditions referenced in the immediately preceding sentence do not apply where Customer and Stryker are parties to a Master Service Agreement.

Purchase Order Number

This is not an invoice. A physical invoice will be mailed.

Remit payment to: P.O. Box 93308 Chicago, IL 60673-3308

If contract is over \$5,000 please send hard copy PO

**COMMENTS:**Please email signed Proposal and Purchase Order to [procarecoordinators@stryker.com](mailto:procarecoordinators@stryker.com).

All information contained within this quotation is considered confidential and proprietary and is not subject to public disclosure.

\*\*Quote pricing valid for 30 days.

**Purchase Order Form**

Account Manager \_\_\_\_\_  
 Cell Phone \_\_\_\_\_

Purchase Order Date \_\_\_\_\_  
 Expected Delivery Date \_\_\_\_\_  
 Stryker Quote Number 220912102319

Check box if Billing same as Shipping ☐

BILL TO		CUSTOMER #
Billing Account Num	0	
Company Name		
Contact or Department		
Street Address		
Add'l Address Line		
City, ST ZIP		
Phone		

SHIP TO		CUSTOMER #
Shipping Account Num	1323364	
Company Name	Fayette County Fire and EMS	
Contact or Department	Chief Mike Pollard	
Street Address	140 Stonewall Ave	
Add'l Address Line		
City, ST ZIP	Fayetteville, GA	
Phone	678.776.3834	

Authorized Customer Initials \_\_\_\_\_

Authorized Customer Initials \_\_\_\_\_

DESCRIPTION	QTY	TOTAL
REFERENCE QUOTE <input type="text"/>	<input type="text"/>	<input type="text"/>

**Accounts Payable Contact Information**

Name \_\_\_\_\_  
 Email \_\_\_\_\_  
 Phone \_\_\_\_\_

Stryker Terms and Conditions  
<https://techweb.stryker.com>

**Authorized Customer Signature**

Printed Name \_\_\_\_\_  
 Title \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Date \_\_\_\_\_

Attachment Stryker Quote Number 220912102319

\*Sales or use taxes on domestic (USA) deliveries will be invoiced in addition to the price of the goods and services on the Stryker Quote.

SERIAL NUMBER SHEET			
Item No.	Model	Serial Number	Program
1	6506	1901003500130	EMS Protect
2	6506	1901003500131	EMS Protect
3	6506	2004003500139	EMS Protect
4	6506	2004003500140	EMS Protect
5	6506	2011003500581	EMS Protect
6	6390	2004012400015	EMS Protect
7	6390	2004012400016	EMS Protect
8	6390	2007012400062	EMS Protect
9	6390	2007012400063	EMS Protect
10	6390	2011012400179	EMS Protect
11	6390	2112012400137	EMS Protect
12	6390	2106012400052	EMS Protect
13	6390	2106012400053	EMS Protect
14	6252	1907010000363	EMS Protect NB
15	6252	2004010000161	EMS Protect NB
16	6252	2004010000162	EMS Protect NB
17	6252	2111010000252	EMS Protect NB
18	6252	2111010000253	EMS Protect NB
19	6252	2111010000038	EMS Protect NB
20	6252	2109010000039	EMS Protect NB
21	6252	2109010000040	EMS Protect NB
22	6506	2110003500160	EMS Protect
23	6506	2105003502024	EMS Protect
24	6506	2105003502025	EMS Protect



PAYMENT SCHEDULE									
Date		Payment		Int Paid		Prin. Remaining			Balance
Starting Balance								\$	34,728.20
7/1/2022	\$	17,364.10	\$	-	\$	17,364.10		\$	17,364.10
7/1/2023	\$	17,364.10	\$	-	\$	-		\$	-



**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

From: Sherry White

Date: September 28, 2022

**Subject: Contract #1981-Q SR 279 Realignment - Engineering & Design  
Task Order 2 Public Involvement Meeting**

Practical Design Partners, LLC is the current Public Works engineering and design team for the SR 279 and Corinth Road intersection project. Under this task order, PDP will conduct a Public Involvement meeting. This consist of up to four virtual planning sessions with county staff, attending the in-person public meeting and providing a summary report of the public meeting as stated in Attachment #1.

At 3:30pm on September 26, 2022, Fayette County staff met virtually with Practical Design Partners (PDP) and their subconsultant Pond & Company (Pond) to negotiate the Task Order 2 proposal under their #1981-Q contract. Task Order 2 includes the Public Involvement aspect of the contract, and will include in person and virtual meetings, public involvement advertisements, display boards, and the creation and implementation of an interactive website for public input. During the meeting Pond further explained the effort to create and run the Social Pinpoint outreach app, and the anticipated time to consolidate and respond to comments. This aspect of the task order was the primary difference between the Consultant's and Staff's cost estimate.

After review and discussions with PDP and Pond, Fayette County finds the proposed fee in the amount \$58,931.42 acceptable and moves to approve Task Order 2 as submitted.

Specifics of the proposed Task Order are as follows:

<b>Contract Name</b>	#1981-Q: SR 279 Realignment - E&D
<b>Task Order</b>	#2: Public Involvement Meeting
<b>Contractor</b>	Practical Design Partners, LLC
<b>Task Order Amount</b>	\$58,931.42

Placed on Administrator's Report? Yes No

Placed on Agenda Dated: \_\_\_\_\_

**Budget:**

<b>Fund</b>	<b>322</b>	<b>2017SPLOST</b>
Org Code	32240220	ROAD SPLOST
Object	541210	Other Improvements
Project	17TAD	SR 279 and Corinth Road
Available	\$ 3,218,030.81	As of 9/20/2022

Approved by: \_\_\_\_\_



Date: \_\_\_\_\_

9/20/22

## TASK ORDER

**MASTER CONTRACT ID #:**  
**TASK ORDER #: 2**

**Total Task Order Amount: \$ 58,931.42**

**Task Order Funding Project Information:**

**PI #: 0017813**  
**County: Fayette**  
**TPRO Description: SR 279 Realignment**

The above project task order is made and entered into as of \_\_\_\_\_, (hereinafter referred to as "Task Order Effective Date") by and between Fayette County through its Office listed in Item # I. (responsibilities and obligations pursuant to this task order will be performed by the individuals identified in Item # I of this task order), hereinafter referred to as the County;

AND

PRACTICAL DESIGN PARTNERS, LLC

hereinafter referred to as the Consultant.

This task order is made a part of the Professional Services Agreement Master Contract referenced above between the County and the Consultant.

**I. COUNTY AND CONSULTANT CONTACT INFORMATION:**

The County's mailing address and telephone number for correspondence, reports, and other matters relative to this contract, except as otherwise indicated, are:

County's Project Manager:

Fayette County Public Works  
Attn: Phil Mallon  
115 McDonough Road  
Fayetteville, GA 30214  
Telephone #: (770) 320-6009  
E-Mail: [pmallon@fayettecountyga.gov](mailto:pmallon@fayettecountyga.gov)

Consultant's Project Manager:

Practical Design Partners, LLC  
Attn: Angela Snyder  
PO Box 3111  
Tucker, GA 30085  
Telephone #: 770-855-4683  
E-Mail: [asnyder@practicaldesignpartners.com](mailto:asnyder@practicaldesignpartners.com)

County's Contract Specialist:

Fayette County Purchasing  
Attn: Sherry White  
140 Stonewall Avenue West, Suite 204  
Fayetteville, GA 30214

Telephone #: 770-305-5314  
E-Mail: [swhite@fayettecountyga.gov](mailto:swhite@fayettecountyga.gov)



**PLEASE ADHERE TO THE FORMATTING STYLE BELOW TO PROVIDE REQUIRED INFORMATION; ACRONYMS ARE TO BE DEFINED WHEN UTILIZED:**

**II. TASK ORDER DESCRIPTION:**

This task order consists of locally-led public involvement activities for Fayette County project **PI 0017813**. All required engineering studies/reports are considered part of the scope of services.

**III. SCOPE OF SERVICES:**

The Consultant shall provide:

- A. Public Involvement coordination with Fayette County.
  - 1. Up to four (4) virtual meetings with County staff to plan, implement and debrief public meeting.
  - 2. Review of public involvement advertisements and notifications that County staff produce.
  - 3. Creation and implementation of Social PinPoint, an interactive website for public input. This includes project background, overview and goals, survey questions, interactive map, and (2) alternatives.
  - 4. Uploading of public meeting information to social media platforms.
- B. Prepare for and attend in-person public meeting.
  - 1. Provide layouts, hard copy and pdf, for display at public meeting and for upload to website.
  - 2. Attend one (1) public meeting.
  - 3. Summarize comments from public meeting and online platform into one (1) PI Summary document.
  - 4. Provide draft responses to public meeting comments.
- C. Prepare for, participate in, and follow up with targeted public outreach that may be required based on feedback from public meeting.
  - 1. Up to two (2) stakeholder meetings, as needed.
- D. Prepare for and participate in Local Government Meetings.
  - 1. Up to three (3) in person Local Government meetings to include the Transportation Committee and Board of Commissioner meetings.

**IV. AVAILABLE INFORMATION:**

The County shall provide the following:

- A. Advertisements, press releases, mailings, comment cards for public meeting, website platform for notice of public meeting.
- B. Variable message sign with required coordination to notify travelling public of meeting.

**V. DELIVERABLES:**

Deliverables include the following items that shall be completed by the Consultant and delivered to the County during the term of this task order as specified by the Project Manager and in accordance with the approved project schedule:

- A. Social PinPoint website for the project.
- B. Summarization of Social PinPoint feedback, including survey questions and comments provided in a memo format.
- C. Layouts (hard copy and electronic) for use in Public Meetings.
- D. Public Meeting Summary Report in hard copy and PDF format.
- E. Recommendation to the Board of Commissioners to obtain approval of Preferred Alternative.
- F. Monthly Project Status Reports.
- G. Meeting Minutes.

**VI. WORK SCHEDULE:**

The Consultant shall not begin any work on a Task Order until authorized in writing by the County through a Notice to Proceed, which shall provide an effective date for the start of consultant services. Any work, including but not limited to travel, preliminary meeting, planning, etc., performed outside the terms and conditions of this Task Order, or conducted before the Notice to Proceed has been issued by the Department, will not be considered for payment.

The Consultant must complete all work between the date of the Notice to Proceed (NTP) and the completion date specified in the NTP letter. In no instance shall any work be authorized beyond the completion date specified unless specifically authorized in writing by a task order time extension. All work specified in this task order shall be completed within 6 month(s) of the Notice to Proceed date, not to exceed the master professional services agreement expiration date.

## **VII. COMPENSATION (PAYMENT) METHODS:**

The following method of payment(s) to consultant shall be used in accordance with The Professional Services Agreement and 23 CFR 172.9(b) Payment methods:

- ☐ Lump Sum (Firm Fixed Price) – A fixed/negotiated price not subject to any adjustment; the Consultant agrees to fulfill its obligation under this agreement, regardless of cost with no expectation of additional compensation beyond the agreed upon lump sum price in the performance of the work.

Under the following cost reimbursement payment methods (below), the Consultant will be compensated for actual allowable incurred costs, in accordance with the Federal Cost Principles. The Maximum Allowable Compensation dollar amount has been established as an estimate of total cost for the purpose of obligating funds and establishing a ceiling that the Consultant may not exceed.

- ☒ Cost Plus Fixed Fee - An agreed-upon fixed fee amount for the Prime and Sub-consultants, together with all allowable incurred costs in the performance of the scope of services. Each individual consultant's fixed fee amounts will not vary with the actual cost in the performance of work by the Prime and/or Sub-consultants.

(Fixed Fee = (Direct Labor + Overhead /Indirect Cost Rate) X 10%);

**Note:** FCCM is not included in the calculation of the Fixed Fee amount.

- ☐ Cost Per Unit of Work (Menu of Services) – An agreed-upon cost for an agreed-upon effort per unit of work. The GDOT Project Manager shall manage and request the unit of work (Menu Items) to be performed by the Consultant. The Consultant shall not be in direct control of the number or menu items worked.
- ☐ Specific Rates of Compensation (Billable Hourly Rates) – An agreed-upon loaded fixed hourly rate for each classification of employees, which will not change for the duration of this task order and provides reimbursement to the Consultant based on the actual direct labor hours worked at specified fixed hourly rates. The loaded fixed hourly rates include direct labor costs, indirect cost, and fee plus any other direct expenses or costs determined allowable during negotiation. The GDOT Project Manager shall manage and monitor the consultant's level of effort and classification of employees used to perform the services under the Specific Rates of Compensation and the consultant shall not be in direct control of the number of hours worked.

**NOTE:** It is the responsibility of the Consultant to account for costs appropriately and maintain adequate records and supporting documentation to demonstrate costs claimed to have incurred are allocable to this task order, and comply with applicable cost principles. It is important to note that all costs or prices based on estimated costs shall be eligible for Federal-Aid reimbursement, only to the extent that cost incurred or cost estimates included in negotiated prices are allowable in accordance with the Federal cost principles.

## **VIII. ATTACHMENT LISTING:**

ATTACHMENT A, COST PROPOSAL SUMMARY or BILLABLE HOURLY RATES or MENU OF SERVICES

Georgia Department of Transportation  
COST PROPOSAL

Proj. No.:  
PI No.: 0017813  
Prime: Practical Design Partners, LLC  
Date: 8-Feb-2022

Project:  
County:  
Contract Type:  
Fixed Fee %:

Master Contract: 0  
Contract Expiration: 0-Jan-1900  
Task Order No: 2

Cost Summary

By Phase / Discipline / Firm

v Formula Pulls Firm Name from each Discipline Tab

Include a column for each discipline tab included in the proposal.  
Ensure formulas link to the corresponding discipline tab.

Phase	Phase Description	Total Fee	Practical Design Partners, LLC	Practical Design Partners, LLC	Pond & Company	Pond & Company	ICF Jones & Stokes, Inc.	Platinum	Platinum	Platinum	ECS	Pond and Company		
		Enter discipline provided by firm >>	Project Management	Roadway Design	Traffic Operations	Environmental	Environmental	Survey	Aerial Mapping	Utilities Investigation (SUE)	Geotech	Lighting		
	Totals	\$ 58,931.42	\$ 9,993.99	\$ 11,300.77	\$ 26,944.79	\$ 10,691.87	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1	Concept Development	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
2	Database Preparation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
3	Environmental Document	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
4	Preliminary Plans	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
5	Right of Way Plans	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
6	Final Plans	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
7	Construction Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
8	Special Studies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
9	Public Involvement	\$ 58,931.42	\$ 9,993.99	\$ 11,300.77	\$ 26,944.79	\$ 10,691.87	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
	Fixed Fee	\$ 5,225.19	\$ 908.45	\$ 917.25	\$ 2,427.82	\$ 971.67	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		

Tab Name>>	PM1	Rd1	Trf1	Env1	Env2	Srv1	Map1	SUE1	OMT1	L11		
DBE (Yes or No)	Yes	Yes	No	No	No	Yes	Yes	Yes	No			
DBE Participation	\$ 21,294.76	\$ 9,993.99	\$ 11,300.77	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DBE %	36.1%	17.0%	19.2%									
Contract DBE Goal %	0.0%											

Georgia Department of Transportation  
COST PROPOSAL

Proj. No.:  
PI No.: 0017813  
Prime: Practical Design Partners, LLC  
Date: 8-Feb-2022

Project:  
County:  
Master Contract: 0  
Contract Type:  
Fixed Fee %:  
Contract Expiration: 0-Jan-1900  
Task Order No: 2

Hours Summary														
By Phase / Firm														
Phase	Phase Description	Total Hours	Practical Design Partners, LLC	Practical Design Partners, LLC	Pond & Company	Pond & Company	ICF Jones & Stokes, Inc.	Platinum	Platinum	Platinum	ECS	Pond and Company		
			Project Management	Roadway Design	Traffic Operations	Environmental	Environmental	Survey	Aerial Mapping	Utilities Investigation (SUE)	Geotech	Lighting		
	Totals	314	50	58	162	44	-	-	-	-	-	-	-	-
1	Concept Development	-	-	-	-	-	-	-	-	-	-	-	-	-
2	Database Preparation	-	-	-	-	-	-	-	-	-	-	-	-	-
3	Environmental Document	-	-	-	-	-	-	-	-	-	-	-	-	-
4	Preliminary Plans	-	-	-	-	-	-	-	-	-	-	-	-	-
5	Right of Way Plans	-	-	-	-	-	-	-	-	-	-	-	-	-
6	Final Plans	-	-	-	-	-	-	-	-	-	-	-	-	-
7	Construction Services	-	-	-	-	-	-	-	-	-	-	-	-	-
8	Special Studies	-	-	-	-	-	-	-	-	-	-	-	-	-
9	Public Involvement	314	50	58	162	44	-	-	-	-	-	-	-	-





**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 *TLB*

From: Sherry White *SW*

Date: September 19, 2022

**Subject: Contract #2071-S: Siemens Automation Service Agreement  
 Change Order 1: Desigo CC Software Upgrade **Revised****

Siemens Industry, Inc., has installed equipment and building automation software (BAS) in the Courthouse, Sheriff's Offices, Jail, Jail Annex, and Library. This includes field panel controllers, energy monitors, temperature sensors, pressure sensors, damper actuators, and other items. These systems require annual maintenance, software support and updates, and repair or replacement parts.

The current BAS software, Insight for APOGEE, development has been discontinued. In addition, the Windows 7 operating system on which the system operates will be obsolete in 2023. Siemens proposal is to upgrade to the software Desigo CC (Attachment 1). The upgrade is expected to take place in May or June 2023 depending on installation availability. Maintenance for the new system will be included in FY24 contract. *End of life*

A meeting was held with Siemens Industry Inc. on September 15, 2022, to clarify the upgrade needed for the BAS. It was explained that the system could be maintained on an off network standalone computer. However, since our system is shared between 4 locations this is not an option. Siemens Industry was able to offer a best and final offer for the upgrade to Desigo CC at \$92,000.00. *Critical* *Amir's 8,000*

Building & Grounds Maintenance recommends upgrading to maintain building software integrity and security.

Specifics of the proposed contract are as follows:

Contract Name	#2071-S: Siemens Automation Service Agreement
Contractor	Siemens Industry, Inc.
Type of Contract	Annual Service Agreement
Total Contract Amount	\$ 72,600.00
<b>This Change Order</b>	<b><u>92,000.00</u></b>
New Contract Total	\$164,600.00

Placed on Administrator's Report? Yes No

Placed on Agenda Dated: \_\_\_\_\_

Budget

Fund	375	CIP
Org Code	10565	Building and Grounds
Object	542410	Computer Software
Project	231AC	Building Automation System
Change Order 1	\$92,000.00	
Budget Amount	\$100,000.00	As of 9/8/22

Approved by:  \_\_\_\_\_ Date: 9/22/22



September 19, 2022

**Jeff Mayo**  
Fayette County Government

Re: Fayette County Government Building Automation System  
Subject: Proposal for Desigo CC Migration

Dear Jeff:

We are pleased to provide this proposal for the migration of your APOGEE interface software. As we have discussed your current BAS software, Insight for APOGEE, development has been discontinued. In addition, the Windows operating system on which the system operates will be obsolete in 2023. As such we offer this proposal to upgrade to our state-of-the-art software Desigo CC. We propose providing this new software platform as follows:

**Scope of Work**

- 1. We include the following licenses: Standard Feature Set, (3) total User licenses, point license for (1,600) points, RENO remote notification software, DataMate Advanced service tool, and P2 communication driver.
- 2. Install Desigo CC software and licenses on a server with Windows operating system provided and installed by others. Specifications under a separate attachment. We will coordinate with your IT department to install the new Desigo software and licensing on the new server.
- 3. We will convert the existing Insight database to Desigo format and install on the new server.
- 4. We will update the floor plan and equipment graphics. Our pricing is based on CAD backgrounds of the facility being provided to Siemens at no cost.

Total price for the above scope of work .....\$92,000.00

**Clarifications**

- 1. All work is to be provided during normal working hours (M-F, 7:00 am to 4:30 pm). Any work required to be performed outside of these hours will be at additional cost.
- 2. One year warranty on parts and labor is included.
- 3. Pricing is based on monthly progress billing. Up front mobilization/engineering 35%, material 15%, implantation 50%.
- 4. If there is desire for Desigo and Insight to operate concurrently 3 VAEM's must be installed on each respective BAS network. This shall occur with owner directed time in the service contract or on T&M under a separate PO.



5. Once complete with the Desigo migration we will work with you to install cRSP remote VPN software and update RENO alarms and customer reports. This shall occur with owner directed time in the service contract or on T&M under a separate PO.
6. Pricing is subject to change after 30 days. Pricing includes sales tax and freight costs. Permits and bonds are not included. Pricing is based on 30 day net payment terms. Siemens Industry, Inc. Terms and Conditions apply to this proposal. [Terms & Conditions](#)

Thank you for your consideration and please let us know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "MA Sherry", with a stylized flourish extending to the right.

**Mark A. Sherry**

Sr. Account Executive





**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 

From: Natasha M. Duggan 

Date: September 15, 2022

**Subject: Contract 1979-S: Stryker Maintenance Agreement  
 Change Order 2: Power Cots & Stair Chair Maintenance Agreements**

On July 13, 2021, Fayette County approved award of #1979-S to Stryker Medical for a maintenance agreement for the LIFEPAK 15 monitor/defibrillators and LUCAS machines.

Change Order 1 approved the addition of a three (3) year preventive maintenance agreement for the Power Cots, Power Load, and Stair Chair. This preventive maintenance program helps identify issues before they cause problems which helped mitigate risks.

This Change Order requests approval for a two-year agreement to upgrade the existing preventive maintenance program to ProCare Protect. The upgrade price is in addition to the Change Order 1 price. This is a plan that includes Stryker support, service calls, parts, labor, battery, replacement, and travel. The total cost is \$34,728.20. The Fiscal Year 2023 cost is \$17,364.10. A \$10,000 midyear budget transfer will be completed to cover the cost. Fire & EMS will budget adequate funds in Fiscal Year 2024 to cover the remaining cost of the agreement.

Specifics of the proposed contract change order are as follows:

<b>Contract Name</b>	#1979-S: Stryker Maintenance Agreement	
<b>Contractor</b>	Stryker Medical	
<b>Type of Contract</b>	Annual Maintenance Agreement	
<b>Initial Contract Amount</b>	\$16,977.60	
<b>Change Order 1</b>	11,510.40	
<b>This Change Order:</b>		
<b>FY23</b>	17,364.10	
<b>FY24</b>	<u>17,364.10</u>	
<b>Revised Contract Amount</b>	\$63,216.20	
<b>Budget:</b>		
Org Code	27230600	EMS
Object	522230	Repair & Maintenance Services
Available	\$23,169.78	After midyear budget transfer

Approved by: 

Date: 9/15/22

Place on County Administrator's Report? ☒ Yes ☐ No

On Agenda Dated: 10/27/2022

**ProCareServices****stryker®**Sales Rep Name: Laura Persons  
ProCare Service Rep: Matt Donahue3800 E. Centre Ave  
Portage, MI 49009Date: 9/12/2022  
ID #: 220912102319**PROCARE PROPOSAL SUBMITTED TO:**Billing Acc Num:  
Shipping Acct Num: 1323364  
Account Name Fayette County Fire and EMS  
Account Address 140 Stonewall Ave  
City, State Zip Fayetteville, GAName: Chief Mike Pollard  
Title: EMS Chief  
Phone: 678.776.3834  
Email: mpollard@fayettecountyga.gov**PROCARE COVERAGE**

Item No.	Model Number	Model Description	ProCare Program	Qty	Yrs		Total
1	6506	Power Cots	EMS Protect	8	2		\$17,010.25
2	6390	Power-LOAD	EMS Protect	8	2		\$24,289.20
3	6252	Stair Chair	EMS Protect NB	8	2		\$2,080.80

**PROGRAM INCLUDES:****EMS Protect:**

- \*Includes parts, labor, travel
- \*Includes unscheduled service
- \*Includes battery replacement
- \*Includes product equipment checklists.
- \*Replacement parts do not include mattresses, and other Disposable or expendable parts.

**EMS Protect NB:**

- \*Includes parts, labor, travel
- \*Includes unscheduled service and product equipment checklists.
- \*Replacement parts do not include mattresses, batteries, and other Disposable or expendable parts.

Unless otherwise stated on contract, payment is expected upfront.

See below for complete payment schedule	ProCare Total	\$43,410.25
	Discount	20%
	<b>FINAL TOTAL</b>	<b>\$34,728.20</b>

Start Date: 7/1/2022

End Date: 6/30/2024

*Tom Tackabury*

9/16/22

Stryker Signature

Date

*[Signature]*

9/22/2022

Customer Signature

Date

The Terms and Conditions of this quote and any subsequent purchase order of the Customer are governed by the Terms and Conditions located at <https://techweb.stryker.com>

The terms and conditions referenced in the immediately preceding sentence do not apply where Customer and Stryker are parties to a Master Service Agreement.

Purchase Order Number

This is not an invoice. A physical invoice will be mailed.  
Remit payment to: P.O. Box 93308 Chicago, IL 60673-3308

If contract is over \$5,000 please send hard copy PO

**COMMENTS:**

Please email signed Proposal and Purchase Order to [procarecoordinators@stryker.com](mailto:procarecoordinators@stryker.com).  
All information contained within this quotation is considered confidential and proprietary and is not subject to public disclosure.  
\*\*Quote pricing valid for 30 days.

**Purchase Order Form****stryker<sup>®</sup>**

Account Manager \_\_\_\_\_  
 Cell Phone \_\_\_\_\_

Purchase Order Date \_\_\_\_\_  
 Expected Delivery Date \_\_\_\_\_  
 Stryker Quote Number 220912102319

Check box if Billing same as Shipping ☐

BILL TO		CUSTOMER #
Billing Account Num	0	
Company Name		
Contact or Department		
Street Address		
Add'l Address Line		
City, ST ZIP		
Phone		

SHIP TO		CUSTOMER #
Shipping Account Num	1323364	
Company Name	Fayette County Fire and EMS	
Contact or Department	Chief Mike Pollard	
Street Address	140 Stonewall Ave	
Add'l Address Line		
City, ST ZIP	Fayetteville, GA	
Phone	678.776.3834	

Authorized Customer Initials \_\_\_\_\_

Authorized Customer Initials \_\_\_\_\_

DESCRIPTION	QTY	TOTAL
REFERENCE QUOTE <input type="text"/>	<input type="text"/>	<input type="text"/>

**Accounts Payable Contact Information**

Name \_\_\_\_\_  
 Email \_\_\_\_\_  
 Phone \_\_\_\_\_

Stryker Terms and Conditions  
<https://techweb.stryker.com>

**Authorized Customer Signature**

Printed Name \_\_\_\_\_  
 Title \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Date \_\_\_\_\_

Attachment Stryker Quote Number 220912102319

\*Sales or use taxes on domestic (USA) deliveries will be invoiced in addition to the price of the goods and services on the Stryker Quote.

SERIAL NUMBER SHEET			
Item No.	Model	Serial Number	Program
1	6506	1901003500130	EMS Protect
2	6506	1901003500131	EMS Protect
3	6506	2004003500139	EMS Protect
4	6506	2004003500140	EMS Protect
5	6506	2011003500581	EMS Protect
6	6390	2004012400015	EMS Protect
7	6390	2004012400016	EMS Protect
8	6390	2007012400062	EMS Protect
9	6390	2007012400063	EMS Protect
10	6390	2011012400179	EMS Protect
11	6390	2112012400137	EMS Protect
12	6390	2106012400052	EMS Protect
13	6390	2106012400053	EMS Protect
14	6252	1907010000363	EMS Protect NB
15	6252	2004010000161	EMS Protect NB
16	6252	2004010000162	EMS Protect NB
17	6252	2111010000252	EMS Protect NB
18	6252	2111010000253	EMS Protect NB
19	6252	2111010000038	EMS Protect NB
20	6252	2109010000039	EMS Protect NB
21	6252	2109010000040	EMS Protect NB
22	6506	2110003500160	EMS Protect
23	6506	2105003502024	EMS Protect
24	6506	2105003502025	EMS Protect



PAYMENT SCHEDULE						
Date	Payment		Int Paid		Prin. Remaining	Balance
Starting Balance						\$ 34,728.20
7/1/2022	\$	17,364.10	\$	-	17,364.10	\$ 17,364.10
7/1/2023	\$	17,364.10	\$	-	-	-



**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

From: Sherry White

Date: September 28, 2022

**Subject: Contract #1981-Q SR 279 Realignment - Engineering & Design  
Task Order 2 Public Involvement Meeting**

Practical Design Partners, LLC is the current Public Works engineering and design team for the SR 279 and Corinth Road intersection project. Under this task order, PDP will conduct a Public Involvement meeting. This consist of up to four virtual planning sessions with county staff, attending the in-person public meeting and providing a summary report of the public meeting as stated in Attachment #1.

At 3:30pm on September 26, 2022, Fayette County staff met virtually with Practical Design Partners (PDP) and their subconsultant Pond & Company (Pond) to negotiate the Task Order 2 proposal under their #1981-Q contract. Task Order 2 includes the Public Involvement aspect of the contract, and will include in person and virtual meetings, public involvement advertisements, display boards, and the creation and implementation of an interactive website for public input. During the meeting Pond further explained the effort to create and run the Social Pinpoint outreach app, and the anticipated time to consolidate and respond to comments. This aspect of the task order was the primary difference between the Consultant's and Staff's cost estimate.

After review and discussions with PDP and Pond, Fayette County finds the proposed fee in the amount \$58,931.42 acceptable and moves to approve Task Order 2 as submitted.

Specifics of the proposed Task Order are as follows:

<b>Contract Name</b>	#1981-Q: SR 279 Realignment - E&D
<b>Task Order</b>	#2: Public Involvement Meeting
<b>Contractor</b>	Practical Design Partners, LLC
<b>Task Order Amount</b>	\$58,931.42

Placed on Administrator's Report? Yes No

Placed on Agenda Dated: \_\_\_\_\_

**Budget:**

<b>Fund</b>	<b>322</b>	<b>2017SPLOST</b>
Org Code	32240220	ROAD SPLOST
Object	541210	Other Improvements
Project	17TAD	SR 279 and Corinth Road
Available	\$ 3,218,030.81	As of 9/20/2022

Approved by: \_\_\_\_\_



Date: \_\_\_\_\_

9/20/22

## TASK ORDER

**MASTER CONTRACT ID #:**  
**TASK ORDER #: 2**

**Total Task Order Amount: \$ 58,931.42**

**Task Order Funding Project Information:**

**PI #: 0017813**  
**County: Fayette**  
**TPRO Description: SR 279 Realignment**

The above project task order is made and entered into as of \_\_\_\_\_, (hereinafter referred to as "Task Order Effective Date") by and between Fayette County through its Office listed in Item # I. (responsibilities and obligations pursuant to this task order will be performed by the individuals identified in Item # I of this task order), hereinafter referred to as the County;

AND

PRACTICAL DESIGN PARTNERS, LLC

hereinafter referred to as the Consultant.

This task order is made a part of the Professional Services Agreement Master Contract referenced above between the County and the Consultant.

**I. COUNTY AND CONSULTANT CONTACT INFORMATION:**

The County's mailing address and telephone number for correspondence, reports, and other matters relative to this contract, except as otherwise indicated, are:

County's Project Manager:

Fayette County Public Works  
Attn: Phil Mallon  
115 McDonough Road  
Fayetteville, GA 30214  
Telephone #: (770) 320-6009  
E-Mail: [pmallon@fayettecountyga.gov](mailto:pmallon@fayettecountyga.gov)

Consultant's Project Manager:

Practical Design Partners, LLC  
Attn: Angela Snyder  
PO Box 3111  
Tucker, GA 30085  
Telephone #: 770-855-4683  
E-Mail: [asnyder@practicaldesignpartners.com](mailto:asnyder@practicaldesignpartners.com)

County's Contract Specialist:

Fayette County Purchasing  
Attn: Sherry White  
140 Stonewall Avenue West, Suite 204  
Fayetteville, GA 30214

Telephone #: 770-305-5314  
E-Mail: [swhite@fayettecountyga.gov](mailto:swhite@fayettecountyga.gov)



**PLEASE ADHERE TO THE FORMATTING STYLE BELOW TO PROVIDE REQUIRED INFORMATION; ACRONYMS ARE TO BE DEFINED WHEN UTILIZED:**

**II. TASK ORDER DESCRIPTION:**

This task order consists of locally-led public involvement activities for Fayette County project **PI 0017813**. All required engineering studies/reports are considered part of the scope of services.

**III. SCOPE OF SERVICES:**

The Consultant shall provide:

- A. Public Involvement coordination with Fayette County.
  - 1. Up to four (4) virtual meetings with County staff to plan, implement and debrief public meeting.
  - 2. Review of public involvement advertisements and notifications that County staff produce.
  - 3. Creation and implementation of Social PinPoint, an interactive website for public input. This includes project background, overview and goals, survey questions, interactive map, and (2) alternatives.
  - 4. Uploading of public meeting information to social media platforms.
- B. Prepare for and attend in-person public meeting.
  - 1. Provide layouts, hard copy and pdf, for display at public meeting and for upload to website.
  - 2. Attend one (1) public meeting.
  - 3. Summarize comments from public meeting and online platform into one (1) PI Summary document.
  - 4. Provide draft responses to public meeting comments.
- C. Prepare for, participate in, and follow up with targeted public outreach that may be required based on feedback from public meeting.
  - 1. Up to two (2) stakeholder meetings, as needed.
- D. Prepare for and participate in Local Government Meetings.
  - 1. Up to three (3) in person Local Government meetings to include the Transportation Committee and Board of Commissioner meetings.

**IV. AVAILABLE INFORMATION:**

The County shall provide the following:

- A. Advertisements, press releases, mailings, comment cards for public meeting, website platform for notice of public meeting.
- B. Variable message sign with required coordination to notify travelling public of meeting.

**V. DELIVERABLES:**

Deliverables include the following items that shall be completed by the Consultant and delivered to the County during the term of this task order as specified by the Project Manager and in accordance with the approved project schedule:

- A. Social PinPoint website for the project.
- B. Summarization of Social PinPoint feedback, including survey questions and comments provided in a memo format.
- C. Layouts (hard copy and electronic) for use in Public Meetings.
- D. Public Meeting Summary Report in hard copy and PDF format.
- E. Recommendation to the Board of Commissioners to obtain approval of Preferred Alternative.
- F. Monthly Project Status Reports.
- G. Meeting Minutes.

**VI. WORK SCHEDULE:**

The Consultant shall not begin any work on a Task Order until authorized in writing by the County through a Notice to Proceed, which shall provide an effective date for the start of consultant services. Any work, including but not limited to travel, preliminary meeting, planning, etc., performed outside the terms and conditions of this Task Order, or conducted before the Notice to Proceed has been issued by the Department, will not be considered for payment.

The Consultant must complete all work between the date of the Notice to Proceed (NTP) and the completion date specified in the NTP letter. In no instance shall any work be authorized beyond the completion date specified unless specifically authorized in writing by a task order time extension. All work specified in this task order shall be completed within 6 month(s) of the Notice to Proceed date, not to exceed the master professional services agreement expiration date.

## **VII. COMPENSATION (PAYMENT) METHODS:**

The following method of payment(s) to consultant shall be used in accordance with The Professional Services Agreement and 23 CFR 172.9(b) Payment methods:

- ☐ Lump Sum (Firm Fixed Price) – A fixed/negotiated price not subject to any adjustment; the Consultant agrees to fulfill its obligation under this agreement, regardless of cost with no expectation of additional compensation beyond the agreed upon lump sum price in the performance of the work.

Under the following cost reimbursement payment methods (below), the Consultant will be compensated for actual allowable incurred costs, in accordance with the Federal Cost Principles. The Maximum Allowable Compensation dollar amount has been established as an estimate of total cost for the purpose of obligating funds and establishing a ceiling that the Consultant may not exceed.

- ☒ Cost Plus Fixed Fee - An agreed-upon fixed fee amount for the Prime and Sub-consultants, together with all allowable incurred costs in the performance of the scope of services. Each individual consultant's fixed fee amounts will not vary with the actual cost in the performance of work by the Prime and/or Sub-consultants.

(Fixed Fee = (Direct Labor + Overhead /Indirect Cost Rate) X 10%);

**Note:** FCCM is not included in the calculation of the Fixed Fee amount.

- ☐ Cost Per Unit of Work (Menu of Services) – An agreed-upon cost for an agreed-upon effort per unit of work. The GDOT Project Manager shall manage and request the unit of work (Menu Items) to be performed by the Consultant. The Consultant shall not be in direct control of the number or menu items worked.
- ☐ Specific Rates of Compensation (Billable Hourly Rates) – An agreed-upon loaded fixed hourly rate for each classification of employees, which will not change for the duration of this task order and provides reimbursement to the Consultant based on the actual direct labor hours worked at specified fixed hourly rates. The loaded fixed hourly rates include direct labor costs, indirect cost, and fee plus any other direct expenses or costs determined allowable during negotiation. The GDOT Project Manager shall manage and monitor the consultant's level of effort and classification of employees used to perform the services under the Specific Rates of Compensation and the consultant shall not be in direct control of the number of hours worked.

**NOTE:** It is the responsibility of the Consultant to account for costs appropriately and maintain adequate records and supporting documentation to demonstrate costs claimed to have incurred are allocable to this task order, and comply with applicable cost principles. It is important to note that all costs or prices based on estimated costs shall be eligible for Federal-Aid reimbursement, only to the extent that cost incurred or cost estimates included in negotiated prices are allowable in accordance with the Federal cost principles.

## **VIII. ATTACHMENT LISTING:**

ATTACHMENT A, COST PROPOSAL SUMMARY or BILLABLE HOURLY RATES or MENU OF SERVICES

Georgia Department of Transportation  
COST PROPOSAL

Proj. No.:  
PI No.: 0017813  
Prime: Practical Design Partners, LLC  
Date: 8-Feb-2022

Project:  
County:  
Contract Type:  
Fixed Fee %:

Master Contract: 0  
Contract Expiration: 0-Jan-1900  
Task Order No: 2

Cost Summary

By Phase / Discipline / Firm

v Formula Pulls Firm Name from each Discipline Tab

Include a column for each discipline tab included in the proposal.  
Ensure formulas link to the corresponding discipline tab.

Phase	Phase Description	Total Fee	Practical Design Partners, LLC	Practical Design Partners, LLC	Pond & Company	Pond & Company	ICF Jones & Stokes, Inc.	Platinum	Platinum	Platinum	ECS	Pond and Company		
		Enter discipline provided by firm >>	Project Management	Roadway Design	Traffic Operations	Environmental	Environmental	Survey	Aerial Mapping	Utilities Investigation (SUE)	Geotech	Lighting		
	Totals	\$ 58,931.42	\$ 9,993.99	\$ 11,300.77	\$ 26,944.79	\$ 10,691.87	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1	Concept Development	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
2	Database Preparation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
3	Environmental Document	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
4	Preliminary Plans	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
5	Right of Way Plans	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
6	Final Plans	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
7	Construction Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
8	Special Studies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
9	Public Involvement	\$ 58,931.42	\$ 9,993.99	\$ 11,300.77	\$ 26,944.79	\$ 10,691.87	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
	Fixed Fee	\$ 5,225.19	\$ 908.45	\$ 917.25	\$ 2,427.82	\$ 971.67	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		

Tab Name>>	PM1	Rd1	Trf1	Env1	Env2	Srv1	Map1	SUE1	OMT1	L11		
DBE (Yes or No)	Yes	Yes	No	No	No	Yes	Yes	Yes	No			
DBE Participation	\$ 21,294.76	\$ 9,993.99	\$ 11,300.77	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
DBE %	36.1%	17.0%	19.2%									
Contract DBE Goal %	0.0%											

Georgia Department of Transportation  
COST PROPOSAL

Proj. No.:  
PI No.: 0017813  
Prime: Practical Design Partners, LLC  
Date: 8-Feb-2022

Project:  
County:  
Master Contract: 0  
Contract Type:  
Fixed Fee %:  
Contract Expiration: 0-Jan-1900  
Task Order No: 2

Hours Summary														
By Phase / Firm														
Phase	Phase Description	Total Hours	Practical Design Partners, LLC	Practical Design Partners, LLC	Pond & Company	Pond & Company	ICF Jones & Stokes, Inc.	Platinum	Platinum	Platinum	ECS	Pond and Company		
			Project Management	Roadway Design	Traffic Operations	Environmental	Environmental	Survey	Aerial Mapping	Utilities Investigation (SUE)	Geotech	Lighting		
	Totals	314	50	58	162	44	-	-	-	-	-	-	-	-
1	Concept Development	-	-	-	-	-	-	-	-	-	-	-	-	-
2	Database Preparation	-	-	-	-	-	-	-	-	-	-	-	-	-
3	Environmental Document	-	-	-	-	-	-	-	-	-	-	-	-	-
4	Preliminary Plans	-	-	-	-	-	-	-	-	-	-	-	-	-
5	Right of Way Plans	-	-	-	-	-	-	-	-	-	-	-	-	-
6	Final Plans	-	-	-	-	-	-	-	-	-	-	-	-	-
7	Construction Services	-	-	-	-	-	-	-	-	-	-	-	-	-
8	Special Studies	-	-	-	-	-	-	-	-	-	-	-	-	-
9	Public Involvement	314	50	58	162	44	-	-	-	-	-	-	-	-





**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 *TLB*

From: Sherry White *SW*

Date: September 19, 2022

**Subject: Contract #2071-S: Siemens Automation Service Agreement  
 Change Order 1: Desigo CC Software Upgrade **Revised****

Siemens Industry, Inc., has installed equipment and building automation software (BAS) in the Courthouse, Sheriff's Offices, Jail, Jail Annex, and Library. This includes field panel controllers, energy monitors, temperature sensors, pressure sensors, damper actuators, and other items. These systems require annual maintenance, software support and updates, and repair or replacement parts.

The current BAS software, Insight for APOGEE, development has been discontinued. In addition, the Windows 7 operating system on which the system operates will be obsolete in 2023. Siemens proposal is to upgrade to the software Desigo CC (Attachment 1). The upgrade is expected to take place in May or June 2023 depending on installation availability. Maintenance for the new system will be included in FY24 contract. *End of LR*

A meeting was held with Siemens Industry Inc. on September 15, 2022, to clarify the upgrade needed for the BAS. It was explained that the system could be maintained on an off network standalone computer. However, since our system is shared between 4 locations this is not an option. Siemens Industry was able to offer a best and final offer for the upgrade to Desigo CC at \$92,000.00. *Critical* *Amir's 8,000*

Building & Grounds Maintenance recommends upgrading to maintain building software integrity and security.

Specifics of the proposed contract are as follows:

Contract Name	#2071-S: Siemens Automation Service Agreement
Contractor	Siemens Industry, Inc.
Type of Contract	Annual Service Agreement
Total Contract Amount	\$ 72,600.00
<b>This Change Order</b>	<b><u>92,000.00</u></b>
New Contract Total	\$164,600.00

Placed on Administrator's Report? Yes No

Placed on Agenda Dated: \_\_\_\_\_

Budget

Fund	375	CIP
Org Code	10565	Building and Grounds
Object	542410	Computer Software
Project	231AC	Building Automation System
Change Order 1	\$92,000.00	
Budget Amount	\$100,000.00	As of 9/8/22

Approved by:  \_\_\_\_\_ Date: 9/22/22



September 19, 2022

**Jeff Mayo**  
Fayette County Government

Re: Fayette County Government Building Automation System  
Subject: Proposal for Desigo CC Migration

Dear Jeff:

We are pleased to provide this proposal for the migration of your APOGEE interface software. As we have discussed your current BAS software, Insight for APOGEE, development has been discontinued. In addition, the Windows operating system on which the system operates will be obsolete in 2023. As such we offer this proposal to upgrade to our state-of-the-art software Desigo CC. We propose providing this new software platform as follows:

**Scope of Work**

1. We include the following licenses: Standard Feature Set, (3) total User licenses, point license for (1,600) points, RENO remote notification software, DataMate Advanced service tool, and P2 communication driver.
2. Install Desigo CC software and licenses on a server with Windows operating system provided and installed by others. Specifications under a separate attachment. We will coordinate with your IT department to install the new Desigo software and licensing on the new server.
3. We will convert the existing Insight database to Desigo format and install on the new server.
4. We will update the floor plan and equipment graphics. Our pricing is based on CAD backgrounds of the facility being provided to Siemens at no cost.

Total price for the above scope of work .....\$92,000.00

**Clarifications**

1. All work is to be provided during normal working hours (M-F, 7:00 am to 4:30 pm). Any work required to be performed outside of these hours will be at additional cost.
2. One year warranty on parts and labor is included.
3. Pricing is based on monthly progress billing. Up front mobilization/engineering 35%, material 15%, implantation 50%.
4. If there is desire for Desigo and Insight to operate concurrently 3 VAEM's must be installed on each respective BAS network. This shall occur with owner directed time in the service contract or on T&M under a separate PO.



5. Once complete with the Desigo migration we will work with you to install cRSP remote VPN software and update RENO alarms and customer reports. This shall occur with owner directed time in the service contract or on T&M under a separate PO.
6. Pricing is subject to change after 30 days. Pricing includes sales tax and freight costs. Permits and bonds are not included. Pricing is based on 30 day net payment terms. Siemens Industry, Inc. Terms and Conditions apply to this proposal. [Terms & Conditions](#)

Thank you for your consideration and please let us know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "MA Sherry", with a stylized flourish extending to the right.

**Mark A. Sherry**  
Sr. Account Executive