

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

December 8, 2022

2:00 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 2nd and 4th Thursday of each month at 5:00 p.m.

Call to Order

Invocation and Pledge of Allegiance by Chairman Lee Hearn

Acceptance of Agenda

PROCLAMATION/RECOGNITION:

1. Recognition of Mrs. Vicki Turner and the Fayette Fire Foundation for their continued service to the Fayette County Fire & Emergency Services and the citizens of Fayette County.
2. Recognition of Government Finance Officers' Association Certificates of Achievement for Excellence in Financial Reporting for Fayette County's Annual Comprehensive Financial Report for the fiscal year ended June 30, 2021.
3. Recognition of Government Finance Officers' Association Certificates of Achievement for Excellence in Financial Reporting for Fayette County Water System Annual Comprehensive Financial Report for the fiscal year ended June 30, 2021.

PUBLIC HEARING:

4. Consideration of a new 2022/2023 Retail Alcohol Beer and Wine License (C22-00943) for Azhar Khan, doing business as Mini Mart, which is located at 1467 Hwy 92 North, Fayetteville, GA 30214.
5. Consideration of Petition No. 1322-22, Robert C. Shell, Owner; LDO Fayette, LLC, represented by Patrice Frady, Agent, request to rezone 12.582 acres from A-R to C-C to develop a convenience store with fuels sales and with retail tenant space; property located in Land Lot 8 of the 6th District and fronts on Padgett Road and S.R. 85/74. This item was tabled at the October 27, 2022 Board meeting.
6. 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 four (4) single-family residential lots; property located in Land Lot(s) 254 of the 5th District and fronts on Kenwood Road and South Kite Lake Road. This item was tabled at the October 27, 2022 meeting.
7. 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) 26 of the 7th District; fronts on State Route 54 and Tyrone Road. This item was tabled at the October 27, 2022 Board meeting.

8. Consideration of Petition No. 1324-22-B; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent. Request to rezone 0.331 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 and fronts on Tyrone Road. This item was tabled at the October 27, 2022 Board meeting.
9. 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 and fronts on Tyrone Road. This item was tabled at the October 27, 2022 Board meeting.
10. 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 and fronts on Tyrone Road. This item was tabled at the October 27, 2022 Board meeting.
11. Consideration of Petition No. 1326-22; Amina Zakaria, Omar Zakaria, Saed Zakaria and Hassan Zakaria, Owners; Nazim Khan, Applicant, Steven Jones, Attorney, Agent, request to rezone 13.035 acres from O-I to C-H to develop a truck parking facility; property located in Land Lot(s) 233 of the 5th District and fronts on Highway 85 North.
12. Consideration of Petition No. 1327-22; 130 Carnes Drive LLC, Owners; David Weinstein, Attorney, Agent, request to rezone 1.0 acres from C-H to M-1 to establish an auto paint and body shop; property located in Land Lot(s) 217 of the 5th District fronts on Carnes Drive and Walter Way.
13. Consideration of Petition No. 1328-22; Golden Development Company, LLC, Owners; CK Spacemax, LLC, Applicant; Ellen W. Smith, Attorney, Agent, request to rezone 9.022 acres from A-R to C-H to develop a self-storage facility; property located in Land Lot(s) 137 of the 5th District and fronts on Highway 54 East.

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:

14. Approval of the acceptance of a Fire/EMS Street Legal Golf Cart, valued at \$24,190.00, from the Fayette Fire Foundation for use at public events, sports venues, and other gatherings where larger emergency vehicles may not be accessible.
15. Approval of supplemental grant award for the DUI Accountability Court in the amount of \$7,134 for Enhancement & Innovation.
16. Approval of the November 10, 2022 Board of Commissioners Meeting Minutes.

16a. Approval to accept a grant award for the DUI Accountability Court in the amount of \$12,719 for Law Enforcement services.

OLD BUSINESS:

NEW BUSINESS:

17. Request to approve the Parks and Recreation Selection Committee's recommendation to appoint Shirelle Hicks to the Recreation Commission for a term beginning June 1, 2022 and expiring March 31, 2026.
18. Request to approve the Parks and Recreation Selection Committee's recommendation to appoint Nick Kilburg to the Recreation Commission for a term beginning January 1, 2023 and expiring December 31, 2026.
19. Request to approve to enter an Intergovernmental Agreement with Brooks, Fayetteville, Peachtree City and the Town of Tyrone allowing for the use and distribution of proceeds from the 2023 Special Purpose Local Option Sales Tax (SPLOST) for Capital Outlay Projects.
20. Request to approve Resolution 2022-10; to call for a referendum regarding the imposition of a Special Purpose Local Option Sales Tax (SPLOST) within the special district encompassing Fayette County.
21. Request to award Bid #2172-B: 2017 SPLOST; Stormwater Category II, Tier II; 20SAD Inman Road Culvert Replacement to the lowest responsive, responsible bidder, North Georgia Concrete, Inc., in the amount of \$764,983, and to transfer \$648,990 from Stormwater Contingency for this purpose.
22. Request to approve Change Order #4, allocating \$284,492.97 of the contingency funds in the Public Safety Radio System (#1428-P) to secure P25 and related upgrades for existing radios, allowing them to function on the EF Johnson system.
23. Request to approve to award Bid #2181-B HA 5; High Density Mineral Bond, to Blount Construction Company, Inc. in the amount of \$225,053.95.
24. Request approval for staff to prepare and submit two applications to the Georgia Department of Transportation (GDOT) seeking up to \$400,000 (\$200,000 per project) of LMIG funding for the Starrs Mill Tunnel project under Redwine Road (17TAI) and the Inman Road pipe replacement project (20SAD).
25. Request to approve the first amendment and renewal of a contract between Fayette County and the Judicial Correction Services (JCS), LLC for probation supervision and rehabilitation services beginning January 1, 2023 and terminating December 31, 2023, with an option to renew for five (5) additional one-year terms.

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

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. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at <https://vimeo.com/user133262656>.

COUNTY AGENDA REQUEST

Page 4 of 454

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Recognition of Mrs. Vicki Turner and the Fayette Fire Foundation for their continued service to the Fayette County Fire & Emergency Services and the citizens of Fayette County.

Background/History/Details:

The mission of the Fayette Fire Foundation is to aid, support, and assist by gifts, contributions or otherwise, Fayette County Fire and Emergency Services. The Board of Directors meet periodically and discuss and vote on expenditures and projects that will enhance and improve the ability of the Fayette County Fire and Emergency Services, and its personnel, to provide fire and emergency medical services to the community.

Some of the many accomplishments of the Foundation:

Purchase of 9 Video Laryngoscopes for advanced airway procedures.

Established the Maurice Worth Memorial Scholarship to increase fire service-related educational opportunities for employees of FCDFFES

Purchase of 5 LUCUS CPR Devices for ambulance units

Received funding to purchase 4-Wheel Drive UTV (Utility Task Vehicle)

Purchase of 7 Thermal Image Cameras

Purchase of 146 Helmet flashlights

Purchased each member a Snagger Tool for rescue operations

Secure donations for the complete renovation and build-out of the Fayette County Fire Safety Education Bus

100% of all donations go to support The Citizens and Community via the Fayette County Fire and Emergency Services.

What action are you seeking from the Board of Commissioners?

Recognition of Mrs. Vicki Turner and the Fayette Fire Foundation for their continued service to the Fayette County Fire & Emergency Services and the citizens of Fayette County.

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 5 of 454

Department:

Presenter(s):

Meeting Date:

Type of Request: #2

Wording for the Agenda:

Recognition of Government Finance Officers' Association Certificates of Achievement for Excellence in Financial Reporting for Fayette County's Annual Comprehensive Financial Report for the fiscal year ended June 30, 2021.

Background/History/Details:

This is the 29th consecutive year Fayette County has received this award from Government Finance Officers' Association (GFOA). To achieve this recognition, an impartial panel of finance professionals examine the financial reports and judge compliance with the high standards set by GFOA. The report must demonstrate full disclosure which clearly communicates the County's financial story.

GFOA is a prestigious nonprofit professional association serving over 17,500 government professionals throughout North America. It is considered the gatekeeper for monitoring and recommending improvements to government financial reporting and consistently influences changes in reporting standards that "raise the bar" for government entities.

What action are you seeking from the Board of Commissioners?

Recognition of Government Finance Officers' Association Certificates of Achievement for Excellence in Financial Reporting for Fayette County's Annual Comprehensive Financial Report for the fiscal year ended June 30, 2021.

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:



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

**Fayette County
Georgia**

For its Annual Comprehensive
Financial Report
For the Fiscal Year Ended

June 30, 2021

Christopher P. Morill

Executive Director/CEO



GOVERNMENT FINANCE OFFICERS ASSOCIATION
NEWS RELEASE

FOR IMMEDIATE RELEASE

11/7/2022

For more information contact:
Michele Mark Levine, Director/TSC
Phone: (312) 977-9700
Fax: (312) 977-4806
Email: mlevine@gfoa.org

(Chicago, Illinois)—Government Finance Officers Association of the United States and Canada (GFOA) has awarded the Certificate of Achievement for Excellence in Financial Reporting to **Fayette County** for its annual comprehensive financial report for the fiscal year ended June 30, 2021. The report has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the report.

The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

Government Finance Officers Association (GFOA) advances excellence in government finance by providing best practices, professional development, resources, and practical research for more than 21,000 members and the communities they serve.

COUNTY AGENDA REQUEST

Page 8 of 454

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Recognition of Government Finance Officers' Association Certificates of Achievement for Excellence in Financial Reporting for Fayette County Water System Annual Comprehensive Financial Report for the fiscal year ended June 30, 2021.

Background/History/Details:

This is the 29th consecutive year Fayette County has received this award from Government Finance Officers' Association (GFOA). To achieve this recognition, an impartial panel of finance professionals examine the financial reporting and judge compliance with the high standards set by GFOA. The report must demonstrate full disclosure which clearly communicates the County's financial story.

GFOA is a prestigious nonprofit professional association serving over 17,500 government professionals throughout North America. It is considered the gatekeeper for monitoring and recommending improvements to government financial reporting and consistently influences changes in reporting standards that "raise the bar" for government entities.

What action are you seeking from the Board of Commissioners?

Recognition of Government Finance Officers' Association Certificates of Achievement for Excellence in Financial Reporting for Fayette County Water System Annual Comprehensive Financial Report for the fiscal year ended June 30, 2021.

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?

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Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

11/18/2022

Steve Rapson
Administrator
Fayette County Water System, Georgia

Dear Mr. Rapson:

We are pleased to notify you that your annual comprehensive financial report for the fiscal year ended June 30, 2021 qualifies for GFOA's Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the individual(s) or department designated by the government as primarily responsible for its having earned the Certificate. This award has been sent to the submitter as designated on the application.

We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and give appropriate publicity to this notable achievement. A sample news release is included to assist with this effort.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,

A handwritten signature in black ink, reading "Michele Mark Levine". The signature is written in a cursive, flowing style.

Michele Mark Levine
Director, Technical Services



GOVERNMENT FINANCE OFFICERS ASSOCIATION
NEWS RELEASE

FOR IMMEDIATE RELEASE

11/18/2022

For more information contact:
Michele Mark Levine, Director/TSC
Phone: (312) 977-9700
Fax: (312) 977-4806
Email: mlevine@gfoa.org

(Chicago, Illinois)—Government Finance Officers Association of the United States and Canada (GFOA) has awarded the Certificate of Achievement for Excellence in Financial Reporting to **Fayette County Water System** for its annual comprehensive financial report for the fiscal year ended June 30, 2021. The report has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the report.

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COUNTY AGENDA REQUEST

Page 11 of 454

Department: Code Enforcement

Presenter(s): Lem Miller, Chief Marshal

Meeting Date: Thursday, December 8, 2022

Type of Request: Public Hearing #4

Wording for the Agenda:

Consideration of a new 2022/2023 Retail Alcohol Beer and Wine License (C22-00943) for Azhar Khan, doing business as Mini Mart, which is located at 1467 Hwy 92 North, Fayetteville, GA 30214.

Background/History/Details:

The applicant submitted an application to be reviewed and approved by county staff.

The applicant has met all requirements per the Fayette County Code of Ordinances.

The applicant has been approved by the following departments: Code Enforcement, Fire Marshal Office, and the Planning and Zoning Department.

There are no outstanding violations prohibiting this applicant from consideration before the Board of Commissioners.

What action are you seeking from the Board of Commissioners?

Approval of a new 2022/2023 Retail Alcohol Beer and Wine License (C22-00943) for Azhar Khan, doing business as Mini Mart, which is located at 1467 Hwy 92 North, Fayetteville, GA 30214.

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 PLANNING AND ZONING DEPARTMENT

140 STONEWALL AVENUE WEST

FAYETTEVILLE, GEORGIA 30214

(770) 305-5421

TO: Fayette County News

FROM: Frank Winfrey, Code Enforcement

DATE: 11-18-2022

SUBJECT: Public Hearing for the Approval of a Retail License to Sell Alcoholic Beverages.

Ad to run: 11/23/2022

Legal Notice Number:

**NOTICE OF PUBLIC HEARING FOR THE APPROVAL OF A RETAIL
LICENSE TO SELL ALCOHOLIC BEVERAGES.**

PUBLIC HEARING to be held before the Fayette County Board of Commissioners on **December 8, 2022**, in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia at 2:00 P.M.

An application has been submitted to the Fayette County Board of Commissioners for a retail license to sell alcoholic beverages at the following location: 1467 Hwy 92 North Fayetteville, Georgia 30214. The business name is Mini Mart, Azhar Khan has requested to be appointed as the licensee. The Board of Commissioners will consider the proposed application on Thursday, December 8, 2022, at 2:00 P.M.

A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia.

This 18th day of November 2022.

Frank Winfrey, Code Enforcement Officer
Division of the Marshal's Office

Ad to run: 11/23/2022



Fayette County

C 22-00943

ALCOHOLIC BEVERAGE LICENSE APPLICATION

Date Received: _____ Date sent to Comm. Off. _____

Fees

Retail Package Sales

- ☒ Beer and Wine License - \$1,000.00
☐ Beer only - \$750.00
☐ Wine only - \$400.00

On-Premise Sales

- ☐ On-Premise (Beer/Wine) - \$1,000.00
☐ On-Premise (Wine only) - \$500.00
☐ On-Premise (Beer Only) - \$750.00
☐ On-Premise (Distilled Spirits) - \$1500.00
☐ On-Premise (distilled, malt, wine) \$2500.00

Alcohol Beverage Caterer—\$250.00 annual

Malt/wine—\$25.00 per event

Distilled Spirits—\$50.00 per event

Malt/wine/distilled spirits—\$ 75.00 per event

Wholesaler

- ☐ Malt/Wine - \$250.00
☐ Distilled Spirits - \$1,000.00

Permitted Location

- ☒ Application fee—\$200.00
☐ Annual Fee—\$200.00

Special Event (Limited 3 days per event)

- ☐ Malt—\$75.00
☐ Wine - \$50.00
☐ Distilled—\$ 125.00
☐ Malt/wine/distilled \$ \$200.00

OTHER FEES

Administrative/Investigative fee \$200.00
 (non refundable)
 Employee Permits—\$ 30.00
 Fingerprint fee - \$44.25

FAYETTE COUNTY
CODE ENFORCEMENT

140 Stonewall Ave. West
Suite 202
Fayetteville, GA 30214

Phone: 770-305-5417
Fax: 770-305-5305

E-mail:
CODEVIOLATIONS@FAYETTECOUNTY.GA

Office Use Only

- ☐ Approved
☐ Denied

Officer's Initials

Remarks

1. Occupational Tax No: 8965

2. Trade name of business for which license is applied: MINI MART

3. Business Name and Store Number: RAABTA RETAIL INC

4. Street Address: 1467 HWY 92

City: FAYETTEVILLE State: GA Zip Code 30214

5. Mailing Address: SAME AS ABOVE

City: _____ State: _____ Zip Code _____

6. Phone Number: 470-860-1546

7. Fax Number: N/A

8. E-mail Address: [REDACTED]

9. Web Address: N/A

10. Name and address of each person, firm and corporation having any ownership interest in business and the amount of such interest:

AZHAR ALI KHAN	4160 MONARCH DRIVE, MCDONOUGH, GA 30253	100%
Name	Residence	Interest
Name	Residence	Interest
Name	Residence	Interest
Name	Residence	Interest
Name	Residence	Interest

11. How much of the capital of this business is borrowed and from: (Attach exhibits if necessary)

N/A

Amount	Lender	Interest
Amount	Lender	Interest
Amount	Lender	Interest

12. (A) Will this business be owned by the applicant as a sole proprietorship? (Circle)

Yes

No

(B) If this business will be owned in whole or in part by a partnership, , list the names and address of all general partners, as well as the name and addresses of the licensee, and the license representative.

N/A

Name	Address	Interest
Name	Address	Interest
Name	Address	Interest

13. If business is operated by a close corporation list names and addresses of all officers, directors and stockholders, as well as the names and addresses of the licensee and the license representative

N/A

Name	Address	City	State	Title
Name	Address	City	State	Title

14. If business is operated by a corporation, other than a close corporation, the name of the corporation, the address of the corporate office, the name and address of the registered agent for service of process for the corporation and the names and addresses of the licensee and the license representative

N/A

15. Has applicant and/or licensee ever had its/his/her license to sell alcoholic beverage suspended during the past five years or revoked by any state or political subdivision hereof: and provide any such other appropriate information as may be required by the governing body or Code Enforcement

NO

16. Copy of Secretary of State registration. Attach current copy

17. (A) Is the applicant and/or license holder the owner of the building where business is to be conducted?

☐ Yes
☒ No

(B) Are you also the owner of the land?

☐ Yes
☒ No

(C) If your answer is "NO", to either question, state whether you lease, sub-lease, and/or rent the building and whether you lease, or sub-lease the land or both.

LEASE

18. State the full name and address of the owner of the building and the name and address of the owner of the land and the name and address of all lessors and sub-lessors and attach copies of all lease agreement.

19. Has the applicant and/or license holder entered into an agreement or contract with either the owner or owners, lessors and sub-lessors for either the building or land or both, which provides for the payment of rent on a percentage or profit sharing basis? (Circle) Yes No

20. Name the manager of the business for which this application is filed and state how he/she is compensated.

AZHAR ALI KHAN 4160 MONARCH DRIVE, MCDONOUGH, GA 30253

Name

Address

1099-NEC (NONEMPLOYEE COMPENSATION)

Compensation

21. Has any place of business engaged in the sale of distilled spirits, wine or beer with which you have been associated ever been cited or charged at any time with any violation of Georgia law or federal law or municipal law or any rule or regulation or ordinance concerning the sale of such products?

N/A

Date	Authority Issuing Citation	Violation	Alleged Result

Fayette County

LICENSEE APPLICATION
PART 2

INSTRUCTIONS:

Fill in all blanks with complete and accurate information or your application will not be processed and your fee will be forfeited.

1. Last Name: KHAN First: AZHAR Middle: ALI
2. List maiden name and all married names: N/A
3. Age: 53 Date of Birth: 1968 Social Security No: [REDACTED]
4. Place of Birth: KARACHI State: SINDH Country: PAKISTAN
5. U.S. Citizen: Yes ☐ No ☐ Alien Registration No: [REDACTED]
6. Date and Port of Entry: 06/25/2012
7. If naturalized, when: _____
8. Business Name and Address where you are employed and the permit is required:
- Business Name: RAABTA RETAIL INC
- Street Address: 1467 HWY 92
- City: FAYETTEVILLE State: GA Zip Code: 30274
9. Your position or job at the above address: MEMBER MANAGER
10. Your home street address: 4160 MONARCH DRIVE
- City: MCDONOUGH State: GA Zip Code: 30253
11. Your home telephone number: _____ Work: 470-860-1546
12. Your e-mail address: [REDACTED]
13. Your mailing address: 1467 HWY 92
- City: FAYETTEVILLE State: GA Zip Code: 30214
14. Resident of: MCDONOUGH County: HENRY State: GEORGIA
15. Is the above address your bona fide place of domicile? (Circle) Yes ☐ No ☐
16. How long have you lived at the above address? 1 YEAR
17. If less than 10 years, give your previous and legal address and the length of time you resided at said residence? 1230 MAGNOLIA BLOOM TRL HOUSTON, TX 77073 (3 YRS)

<i>Date of Offense</i>	<i>Place of Offense</i>	<i>Type</i>	<i>Disposition</i>
1. N/A			
2.			
3.			
4.			

If additional space is required, attach a sheet with the additional offenses and information concerning

Under Georgia law O.C.G.A.16-10-20, A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

 You must initial that you have read this statement.

I have read and understand that any falsehood or half-truth submitted in this application is a felony and will render me ineligible to serve alcoholic beverages in this County. I also understand that any falsehood or half-truth discovered by investigators during the term of this permit (which is one year from the date of the application) is grounds for its revocation and my subsequent prosecution.

Signature of Applicant Shawto Date 06/02/2022

I hereby authorize the Fayette County Marshal's Office to receive any criminal history record information pertaining to me which may be in the files of any state or local criminal justice agency in Georgia.

AZHAR ALI KHAN

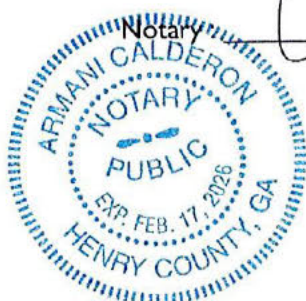
Full Name Printed

4160 MONARCH DRIVE, MCDONOUGH, GA 30253

Address

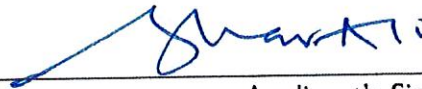
Sex: M Race: ASIAN Date of Birth 1968 Social Security No.

Date: 06/04/2022



Verification

I, AZHAR ALI KHAN,
applicant, do solemnly swear, subject to criminal penalties for false swearing,
that the statements and answers made by me to the foregoing questions in
this application for a County of Fayette license as a dealer in alcoholic
beverages, are true, and no false or fraudulent statement or answer is made
therein to procure the granting of such license.

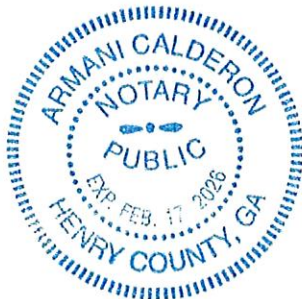


Applicant's Signature
(full name signed in ink)

I certify that AZHAR ALI KHAN has
provided me with proper documentation as verification of his/her identity;
documentation being: PERMANENT RESIDENT CARD. I also certify that
he/she signed his/her name to the foregoing application after stating to me
that he/she knew and understood all statements and answers made therein,
and under oath actually administered by me, has sworn that said statements
and answers are true.

This 4th day of June, 2022.

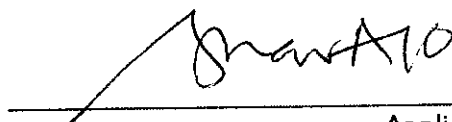
(Affix Seal)



Notary Public
AP 62/12/2026

Alcoholic Beverage Ordinance

- ♦ My signature acknowledges that I am aware of the Fayette County Alcoholic Beverage License Ordinance.
- ♦ I accept responsibility for knowing its contents
- ♦ I am aware that the Alcoholic Beverage Ordinance is strictly enforced.

A handwritten signature in ink, appearing to read "Shaw A. O.", is written over a horizontal line.

Applicant's Signature
(full name signed in ink)

Should you have any questions, please call the Code Enforcement Office at 770-305-5417.

GEORGIA CRIMINAL HISTORY FORM AND RESULTS



Fayette County Sheriff's Office

BARRY H. BABB
SHERIFF

Randall Johnson Law
Enforcement Center
155 Johnson Avenue
Fayetteville, Georgia 30214
(770) 461-6353
EMERGENCY: 9-1-1

AUTHORIZATION FOR RELEASE OF INFORMATION

I hereby authorize the Fayette County Sheriff's Office to receive any Georgia criminal history record information obtained through the Georgia Crime Information Center (G.C.I.C.) All information must be completely filled out.

KHAN AZHAR ALI N/A
LAST FIRST MIDDLE MAIDEN

4160 MONARCH DRIVE MCDONOUGH, GA 30253
STREET ADDRESS CITY STATE ZIP

1968 M [REDACTED]
DATE OF BIRTH SEX SOCIAL SECURITY NUMBER

RACE: ☐ AMERICAN INDIAN ☒ ASIAN ☐ BLACK ☐ WHITE
(Per GCIC/NCIC guidelines, only the above races will be accepted for Criminal History purposes by the Georgia Crime Information Center.)

Name the person and company/organization that will be receiving this information.
Please check N/A if this does not apply.

C.E Officer - Winkley
Name of Requestor

Fayette County Code Enforcement
Name of Company/Organization

N/A

Please check all that applies:

- ☐ Employment/volunteer work with children (Purpose code 'W')
- ☐ Employment/volunteer work with elder care (Purpose code 'N')
- ☐ Employment/volunteer work with mentally disabled (Purpose code 'M')

**Fingerprints and
Georgia Criminal History**

One of the following must be checked:

- ☐ This authorization is valid for 90/180/____ (circle one) days from date of signature.
- ☒ I, AZHAR ALI KHAN give consent to the above named to perform periodic criminal history background checks for the duration of my employment with this company.

SIGNATURE [Signature] DATE 06/02/2022



CODE ENFORCEMENT
140 Stonewall Avenue West, Ste. 202
Fayetteville, Georgia 30214
Main Line: 770-305-5417
www.fayettecountyga.gov

September 1, 2022

Re: Georgia Bureau of Investigation Criminal History Search

Name: Azhar Ali Khan

Disposition: Code Enforcement review of criminal background determined that Mr. Khan has no Georgia or FBI National Criminal History Record.

Fayette County Code of Ordinances

Chapter 4 Alcoholic Beverages

Article II – Licensing

Division 1 - Generally

Section 4-35. - Supporting documents to be filed with application.

- (a) Those applying for a license under this article shall submit in support of the application for license the following documents:
 - (4) A background check by code enforcement certifying that each person named in an application has been investigated and found not to have been convicted of nor to have entered a plea of nolo contendere or first offender to any felony or a misdemeanor relating to the sale of alcoholic beverages, crimes of moral turpitude, gambling, sexual offenses, assault, battery, family violence, or illegal drugs within five years prior to the date of the application for a license.

Occupational Tax Certificate

Corporation Registration



Fayette County
Finance Department
140 Stonewall Avenue
Suite 101
Fayetteville, GA 30214

BUSINESS LOCATION

1467 HWY 92
FAYETTEVILLE, GA 30214

OWNER ID

142067

NOTICE

This certificate becomes null & void if ownership changes. We must be notified in writing within 5 days of such change or transfer. A fee of \$35.00 will apply.

BUSINESS NAME & MAILING ADDRESS

RAABTA RETAIL, INC.
D/B/A MINI MART
1467 HWY92
FAYETTEVILLE, GA 30214
470-860-1546

POST IN A CONSPICUOUS PLACE

OCCUPATIONAL TAX CERTIFICATE**2022**

Certificate Number	8965
Issue Date	09/26/2022
Expiration Date	12/31/2022
Category	RETAIL SALES
Type	CONVENIENCE STORE

Total Received**\$37.50**

Tracey Taylor

Signature

NON-TRANSFERABLE

Fayette County
Finance Department
140 Stonewall Avenue
Suite 101
Fayetteville, GA 30214

BUSINESS LOCATION

1467 HWY 92
FAYETTEVILLE, GA 30214

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Certificate Number	8965
Issue Date	09/26/2022
Expiration Date	12/31/2022
Category	RETAIL SALES
Type	CONVENIENCE STORE

Total Received**\$37.50**

Office Copy

NON-TRANSFERABLE



Thank you. The following payment has been successfully submitted.

Payment Submitted

Confirmation number: **771799149**
Payment Date: **Sep 26, 2022 11:22:24 AM**
Payment Type: **Occupational tax & Business License**
Account Number: **MINI MART**
Payment Method: **Visa (Debit)**
Card Number: **[REDACTED]**
Payment Amount: **\$37.50**
Processing Fee: **\$0.88**
Total Amount Charged: **\$38.38**

STATE OF GEORGIA

Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

Annual Registration

Electronically Filed

Secretary of State

Filing Date: 05/13/2022 02:10:08

BUSINESS INFORMATION

BUSINESS NAME : Raabta Retail Inc
CONTROL NUMBER : 22106003
BUSINESS TYPE : Domestic Profit Corporation
ANNUAL REGISTRATION PERIOD : 2022

BUSINESS INFORMATION CURRENTLY ON FILE

PRINCIPAL OFFICE ADDRESS : 1467 Hwy 92, Fayetteville, GA, 30214, USA
REGISTERED AGENT NAME : Azhar Ali Khan
REGISTERED OFFICE ADDRESS : 1467 Hwy 92, Fayetteville, GA, 30214, USA
REGISTERED OFFICE COUNTY : Fayette

UPDATES TO ABOVE BUSINESS INFORMATION

PRINCIPAL OFFICE ADDRESS : 1467 Hwy 92, Fayetteville, GA, 30214, USA
REGISTERED AGENT NAME : Azhar Ali Khan
REGISTERED OFFICE ADDRESS : 1467 Hwy 92, Fayetteville, GA, 30214, USA
REGISTERED OFFICE COUNTY : Fayette

OFFICER	TITLE	ADDRESS
Azhar Ali Khan	CEO	1467 Hwy 92, Fayetteville, GA, 30214, USA
Azhar Ali Khan	CFO	1467 Hwy 92, Fayetteville, GA, 30214, USA
Azhar Ali Khan	Secretary	1467 Hwy 92, Fayetteville, GA, 30214, USA

AUTHORIZER INFORMATION

AUTHORIZER SIGNATURE : Azhar Ali Khan
AUTHORIZER TITLE : Registered Agent

Control Number : 22106003

STATE OF GEORGIA

Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

CERTIFICATE OF INCORPORATION

I, **Brad Raffensperger**, the Secretary of State and the Corporation Commissioner of the State of Georgia, hereby certify under the seal of my office that

Raabta Retail Inc
a Domestic Profit Corporation

has been duly incorporated under the laws of the State of Georgia on **05/10/2022** by the filing of articles of incorporation in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta
and the State of Georgia on **05/12/2022**.



Brad Raffensperger

Brad Raffensperger
Secretary of State

ARTICLES OF INCORPORATION

Electronically Filed

Secretary of State

Filing Date: 5/10/2022 11:50:35 AM

BUSINESS INFORMATION

CONTROL NUMBER	22106003
BUSINESS NAME	Raabta Retail Inc
BUSINESS TYPE	Domestic Profit Corporation
EFFECTIVE DATE	05/10/2022
SHARES	1000

PRINCIPAL OFFICE ADDRESS

ADDRESS	1467 Hwy 92, Fayetteville, GA, 30214, USA
----------------	---

REGISTERED AGENT

NAME	ADDRESS	COUNTY
Azhar Ali Khan	1467 Hwy 92, Fayetteville, GA, 30214, USA	Fayette

INCORPORATOR(S)

NAME	TITLE	ADDRESS
Azhar Ali Khan	INCORPORATOR	1467 Hwy 92, Fayetteville, GA, 30214, USA

OPTIONAL PROVISIONS

Liability: The personal liability of the directors and officers of the company to the company or its stockholders or to any third person shall be eliminated or limited to the fullest extent as from time to time permitted by Georgia law.

AUTHORIZER INFORMATION

AUTHORIZER SIGNATURE	Azhar Ali Khan
AUTHORIZER TITLE	Incorporator

Commercial Sub-Lease Agreement

COMMERCIAL SUB-LEASE AGREE

THIS AGREEMENT, made effective the 1st day of Jun, 2022, by and between **HIGHWAY 92 FAYETTEVILLE LLC** a Georgia Limited Liability Company, having principal office address as 2499 Peachtree Rd NE unit #403 Atlanta Ga 30305 (hereinafter referenced as "Sub-lessor"), and **RAABTA RETAIL INC.** a Georgia Limited Liability Company, having registered office address as 1467 Highway 92 N FAYETTEVILLE, GA 30214 (hereinafter collectively referenced as "Sub-lessee").

WITNESSETH:

THAT, in consideration of the mutual covenants contained herein, the parties have agreed as follows:

1. **Premises.** Sub-lessor, for and in consideration of the rents, covenants, agreements and stipulations herein contained, to be paid, kept, and performed by Sub-lessee, has leased and rented, and by these presents does lease and rent unto said Sub-lessee, and said Sub-lessee hereby agrees to lease and take upon the terms and conditions which hereinafter appear, the convenience store portion of the property and improvements, i.e., a total area of _____ sq. ft. located at (the "Premises"), **1467 Highway 92 N FAYETTEVILLE, GA 30214** together with the nonexclusive right to use the common areas of the property.

2. **Term of Lease.** The Term of this Lease shall commence on the 1st day of Jun, 2022, and unless sooner terminated as hereinafter provided, shall expire on 31st day of May, 2023 (The Initial Term). Provided Sub-lessee shall have the options to renew this lease for an additional period 3 years on the revised terms and conditions agreed by and between the parties (the renewal term(s) and the initial terms hereinafter collectively referenced as the Term).

3. **Rental and Late Fees.**

3.1 **Rental.** Sub-lessee agrees to pay Sub-lessor, by payments at Sub-lessor's office, or at any other address as designated by Sub-lessor in writing to Sub-lessee, promptly on or before the fifth (5th) day of each month, in advance. Monthly lease rentals for the initial lease term are as follows:

<u>Period</u>	<u>Monthly Payments</u>
Jun 1, 2022 to May 31, 2023	\$3900.00 Plus CAMIT

Note: Monthly base rent will increase annually at a rate of 3%. The similar increase in base rent shall also be applicable for renewal term as well.

3.2 **Goodwill:** Sub-lessee agrees to pay \$0.00 as Goodwill.

3.3 **Rental Prorations.** In the event the commencement date of this Lease is any day other than the first day of a calendar month, the first month's rental shall be prorated.

3.4 **Late Fees.** Sub-lessor has no obligation to accept from Sub-lessee any late rental payments or additional rent consisting of all other sums, amounts, liabilities and obligations which Sub-lessee herein assumes or agrees to pay (whether designated rental, additional rent, costs, expenses, damages, losses or otherwise) as hereinafter provided (all of which are hereinafter called "Amounts Due"). Sub-lessee agrees to pay Sub-lessor, promptly at the times and in the manner herein specified, all Amounts Due, without deduction, setoff, abatement, counterclaim or defense. If any Amount Due is not received by Sub-lessor on or before three (3) days following the date on which it is due, Sub-lessee shall pay Sub-lessor a late charge equal to five percent (5%) of the amount of such past due payment, notwithstanding the date on which such payment is actually paid to Sub-lessor. Any Amount Due payable to Sub-lessor by Sub-lessee shall be paid via cash or certified funds/money order, payable to Sub-lessor at the above address, or at such other place(s) as Sub-lessor may from time to time designate in writing. Failure for Sub-lessee to pay any Amounts Due

on or before the due date constitutes a default hereunder, however, Sub-lessor's election to accept Amounts Due after the due date shall not operate as a waiver or modification of the Amounts Due or payment terms for any subsequent months.

4. Utilities, Taxes, CAMS and Insurance.

4.1 *Utilities.* Sub-lessee shall bear and pay all utility bills, including, but not limited to sewer, gas, electricity, water, fuel, telephone, light and heat for the respective unit except water charges which are billed together for the entire property. Sub-lessee shall also bear and pay all charges for garbage collection services or other sanitary services rendered to leased Premises or used by Sub-lessee in connection therewith. If Sub-lessee fails to pay any of said utility bills, charges for garbage collection or other sanitary services or other amounts due, Sub-lessor may pay same and such payment may be added to the rent next due. Further, Sub-lessee agrees to provide Sub-lessor proof of payment of the lotto account, sales tax, personal property tax and any other amounts as requested by Sub-lessor.

4.2 *Taxes.* Sub-lessor agrees to pay the ad valorem real estate taxes for the Premises only. All other taxes and assessments, including, but not limited to personal property taxes shall be the responsibility of the Sub-lessee.

4.3 *CAMIT.* Sub-lessee shall have to make payment for the CAMIT (comprising of Common Area Maintenance, Property Insurance and Property Taxes) along with the monthly lease rentals in the amount of \$1,000 per month. Sub-lessor shall at all times during the Term of this Lease procure and maintain in full force and effect an All Risk Property Insurance Policy on the Premises, all improvements constructed thereon and any additions or alterations thereto or replacements thereof. Said policy is to contain a Replacement Cost Endorsement, insuring against perils therein specified, in an amount equal to not less than one hundred percent (100%) of the replacement cost of all improvements on the Premises, exclusive of foundation and excavation costs, the proceeds of which shall be payable to Sub-lessor and any designated mortgagee in accordance with their respective interests therein. Sub-lessee has the liability to make reimbursement for the proportionate expenses incurred for the property insurance. Expenses incurred in CAMIT will be adjusted annually considering the total amount of expenses incurred by the Sub-lessor in repair and maintenance of the property and amount collected from the Sub-lessee. Sub-lessee shall have to make payment for the shortfall in CAMIT or will get credit from the Sub-lessor for the excess payment made (if any).

5. Use of Premises. Premises shall be used for a convenience store and the retail sale of gasoline and other petroleum products only. Sub-lessee shall be responsible for all licenses or permits associated with said use. The Premises shall not be used by Sub-lessee for any other purpose unless Sub-lessor agrees in writing to such additional use. Premises shall not be used for any illegal purpose, nor in any manner so as to create any nuisance or trespass, nor in any manner to vitiate the insurance or increase the rate of insurance on the Premises. Sub-lessee shall not commit or allow any waste or nuisance upon the leased Premises, and shall maintain the Premises in a clean, neat, orderly and attractive condition.

6. Operation of the Premises. Sub-lessee shall (1) keep the Premises, buildings, equipment, fixtures, rest rooms, sidewalks, approaches, and driveways in good condition, properly lighted, clean, safe, sanitary, and free of trash, rubbish, and other debris; (2) keep the approaches, driveways, and service areas uncluttered and free of parked vehicles, trailers, and other obstructions, including ice and snow, at all times; (3) not engage in or permit any improper act or conduct on the Premises detrimental to Sub-lessee, or Sub-lessor, or any member of the public; (4) comply with all laws, ordinances, rules, or regulations of constituted public authority applicable to the use and occupancy of the Premises, use of the equipment and the conduct of the business.

Sub-lessee understands that Sub-lessee is required to comply with certain appearance, cleanliness and customer service guidelines. Sub-lessee shall comply with these guidelines and to provide courteous service to customers. In the event, Sub-lessee fails to comply with its obligations under this paragraph, Sub-lessor may, in addition to any other rights and remedies available, take such action and/or expend such monies as may be

necessary to bring the location into compliance with such guidelines, obligations and any requirements to maintain said brand including those regarding cleanliness. In the event Sub-lessor expends money or resources in this regard, Sub-lessee shall pay to Sub-lessor such money expended and/or the fair market value of the resources expended with the rent payment next due.

7. Abandonment of Leased Premises. Sub-lessee agrees not to abandon or vacate the leased Premises during the period of this Lease, and agrees to use said Premises only for purposes herein leased until the expiration or termination hereof. None of the equipment shall be removed from the Premises.

8. Repairs and Maintenance. Sub-lessor gives to Sub-lessee exclusive control of Premises and shall be under no obligation to inspect said Premises. Sub-lessee acknowledges that Sub-lessee has had the right to inspect the Premises and any equipment and Sub-lessee accepts the same in their present condition and as suited for the intended use by Sub-lessee "AS IS, WITHOUT WARRANTY". During the Term, Sub-lessee shall, at Sub-lessee's sole cost and expense, maintain in good order and repair the leased Premises, and all equipment, fixtures and other improvements located upon the Premises. Sub-lessee further agrees to care for the grounds around the building, including the mowing of grass, care of shrubs, general landscaping. Additionally, Sub-lessee shall be responsible for repairs to the roof, foundation, exterior walls, underground utility and sewer pipes. Sub-lessee agrees to return the Premises and all equipment, fixtures and other improvements to Sub-lessor, at the expiration or prior to the termination of this Lease, in as good condition and repair as when first received, natural wear and tear and acts of God excepted. Sub-lessee understands that Sub-lessee is responsible for any replacement and upgrade to any equipment upon the Premises and any related costs and/or expenses shall be borne by Sub-lessee. It is acknowledged that the intent of this paragraph is for the Sub-lessor to have no duty to repair or maintain any portion of the Premises, equipment, fixtures or other improvements located thereon.

9. Environmental. Sub-lessee shall comply with all environmental laws, rules and regulations pertaining to the operation of the business on the Premises. Further, without limiting the foregoing, Sub-lessee agrees to the following:

- (a) Sub-lessee is involved in the sale of hot food.
- (b) Sub-lessee agrees to notify promptly Sub-lessor of any release or unexplained loss of products. Sub-lessee shall confirm in writing to Sub-lessor any such oral notification within twenty-four (24) hours.

10. Destruction of or Damage to Premises. If Premises are totally or partially destroyed by storm, fire, lightning, earthquake, or other casualty, this Lease shall not terminate and rental shall not abate and Sub-lessee shall restore Premises to substantially the same condition as existed before damage as speedily as practicable.

11. Indemnification of Sub-lessor Against Loss or Claim. For and during the Term and any Renewal Term(s) of this Lease, Sub-lessee shall protect, indemnify, defend, and save harmless Sub-lessor from and against all claims, demands, liability, losses, or costs, whether from injury to persons or loss of life or damage to property occurring on or within the Premises and arising in any manner, directly or indirectly, out of the use and occupancy of the Premises by Sub-lessee. Sub-lessee shall, at Sub-lessee's expense, provide and keep in force for the benefit of Sub-lessor comprehensive general liability insurance covering the Premises and the business to be operated thereon, in which insurance policy or policies Sub-lessor, as well as Sub-lessee, shall be named as an insured. Sub-lessee shall defend, indemnify, and save harmless Sub-lessor from and against all claims, demands, liabilities, losses or cost to which Sub-lessor may be subjected for or by reason of any person, firm, or corporation seeking to hold or holding Sub-lessor liable or in any way reasonable for the debts or obligations incurred in any manner in connection with the conduct and operation of the business conducted on the premises.

12. Governmental Orders. Sub-lessee agrees that, at Sub-lessee's own expense, Sub-lessee will promptly comply with all requirements of any legally constituted public authority made necessary by reason

of Sub-lessee's occupancy of said Premises.

13. Condemnation. If the whole of the leased Premises, or such portion thereof as will make the Premises unusable for the purposes herein leased, shall be condemned by any legally constituted authority for any public use or purpose, then in either of said events, the Term hereby granted shall cease from the date when possession thereof is taken by public authorities, and rental shall be computed and paid as of said date. In no event shall Sub-lessee have the right to any award for monies for any condemnation action, it being understood and agreed that Sub-lessee waives any and all rights in any award made by any condemnation authority notwithstanding the termination of the Lease as herein provided.

14. Assignment and Subletting. Sub-lessee shall not assign or sublet this Lease or any interest hereunder, or sublet premises or any part thereof, or permit the use of the premises by any party other than Sub-lessee without the prior written consent of Sub-lessor, which consent shall not be unreasonably withheld. Consent to any assignment or sublease shall not waive any of Sub-lessor's rights under this paragraph or have the effect of releasing Sub-lessee from any obligation under the lease, and all later assignments or subleases shall be allowable only upon the proper written consent of Sub-lessor.

15. Default. It is mutually agreed that in the event Sub-lessee shall default in the payment of rent, including additional rent, herein reserved, when due, or if Sub-lessee shall be in default in performing any of the terms or provisions of this Lease other than the payment of rent, Sub-lessor at its option may (i) terminate this Lease by written notice to Sub-lessee whereupon this Lease shall terminate immediately and possession of the Premises shall immediately be returned to Sub-lessor; (ii) not terminate this Lease and enter the Premises and take possession thereof and relet the Premises or any portion thereof on such terms as Sub-lessor deems appropriate. Any rent from any reletting shall be applied to any indebtedness other than rent owing to Sub-lessor, second to Sub-lessor's attorney's fees and brokerage fees and other expenses of exercising its rights, and third, to the rent due. Sub-lessee agrees to pay any deficiency within ten (10) days of demand by Sub-lessor therefor; or (iii) pursue separately or concurrently, any and all other remedies allowed by law or in equity.

Any notice provided in this paragraph may be given by Sub-lessor or its attorney. Upon Lease termination by Sub-lessor, Sub-lessee will at once surrender possession of the Premises to Sub-lessor and remove all of Sub-lessee's effects therefrom; and Sub-lessor may forthwith re-enter the Premises and repossess itself thereof, and remove all persons and effects therefrom, using such force as may be necessary without being guilty of trespass, forcible entry, detainer, or other tort. If Sub-lessee refuses to surrender possession immediately, Sub-lessor may institute appropriate legal proceedings and Sub-lessee agrees that Sub-lessor may obtain injunctive relief for removal of Sub-lessee, should Sub-lessee's leasehold become subject to cancellation hereunder.

It is expressly agreed that no termination of this Lease as the result of Sub-lessee's default or breach shall have the effect of releasing Sub-lessee from his obligation to pay the full Rent due for the entire period of the then existing Term or Renewal Term.

16. Entry for Carding, etc. Sub-lessor may card Premises "For Rent" or "For Sale" sixty (60) days before termination of this Lease. Sub-lessor may enter the Premises at reasonable hours to exhibit same to prospective purchasers or Sub-lessees and to make repairs required of Sub-lessor under the terms hereof, or to make repairs to Sub-lessor's adjoining property, if any.

17. Signs. Sub-lessee shall not install, paint, display, inscribe, place, or affix any sign, picture, advertisement, notice, lettering, or direction (hereinafter collectively called "Signs") on the exterior of the Premises, the common areas of the building upon the Premises, the interior surface of glass and any other location which could be visible from outside of the Premises without first securing written consent from Sub-lessor therefore. Any Signs permitted by Sub-lessor shall, at all times, conform with all municipal ordinances or other laws, rules, regulations, deed restrictions, and protective covenants applicable thereto. Sub-lessee shall remove all Signs at the expiration or other termination of this Lease, at Sub-lessee's sole risk and expense, and shall in a good and work-man like manner properly repair any damage caused by the

installation, existence, or removal of Sub-lessee's Signs.

18. Quiet Enjoyment. So long as Sub-lessee complies with all provisions hereof, Sub-lessee shall have quiet enjoyment of the Premises.

19. Effect of Termination of Lease. No termination of this Lease prior to the normal ending thereof, by lapse of time or otherwise, shall affect Sub-lessor's right to collect rent for the full term.

20. Mortgagee's Rights. Sub-lessee's rights shall be subject to any bona fide mortgage or deed to secure debt, which is now, or may hereafter be, placed upon the Premises by Sub-lessor.

21. No Estate in Land. This contract shall create the relationship of Sub-lessor and Sub-lessee between the parties hereto; no estate shall pass out of Sub-lessor. Sub-lessee's interest in the Premises is possessory only, and personal to Sub-lessee, and is not subject to levy or sale, nor assignable by Sub-lessee except by Sub-lessor's consent.

22. Holding Over. If Sub-lessee remains in possession of the Premises after expiration of the Term hereof, with or without Sub-lessor's acquiescence and without any express agreement of the parties, Sub-lessee shall be a Sub-lessee at will at 150% the rental rate in effect at the end of the Lease. There shall be no renewal of this Lease by operation of law.

23. Attorney's Fees and Homestead. If any rent owing under this Lease is collected by or through an attorney at law, Sub-lessee agrees to pay reasonable attorney's fees. Sub-lessee waives all homestead rights and exemptions which it may have under any law against any obligations owing under this Lease. Sub-lessee hereby assigns to Sub-lessor its homestead and exemption.

24. Security Deposit. Sub-lessee shall have to make a payment of \$15,000 towards initial deposit for the leased premises.

25. Service of Notice. Sub-lessee hereby appoints as his agent to receive service of all dispossession or distraint proceedings and notices hereunder, and all notices required under this Lease, the person in charge of the leased Premises at the time, or occupying said Premises. If no person is in charge of occupying said Premises, then such service or notice may be made by attaching the same on the main entrance to the Premises. A copy of all notices under this Lease may also be sent to Sub-lessee's last known address, if different from the Premises.

26. Time of Essence. Time is of the essence of this agreement.

27. Rights Cumulative. All rights, powers, and privileges conferred hereunder upon parties hereto shall be cumulative, including those rights given by law.

28. No Waiver of Rights. All rights, powers, and privileges conferred hereunder upon parties hereto shall be cumulative, including those rights given by law. No failure of Sub-lessor to exercise any power given Sub-lessor hereunder, or to insist upon strict compliance by Sub-lessee with its obligation hereunder, and no custom or practice of the parties at variance with the terms hereof shall constitute a waiver of Sub-lessor's right to demand exact compliance with the terms hereof.

29. Legality of Agreement. In the event any portion portions of this lease are declared unconstitutional, illegal, void or of no force and effect, the balance of this lease shall remain in full force and effect and enforceable as a binding contract.

30. Terms Inclusive. This Lease contains the entire agreement between the parties hereto and no representations, inducements, promises, or agreements, oral or otherwise, between the parties, not embodied herein, shall be of any force or effect. "Sub-lessor" as used in this Lease shall include Sub-lessor, its assigns,

and successors. "Sub-lessee" shall include Sub-lessee, his heirs, and representatives, and if this Lease shall be validly assigned or sublet, shall include also Sub-lessee's assignees or sub-lessees, as to such assignment or sublease. "Sub-lessor" and "Sub-lessee" include male and female, singular and plural, and shall also include any corporation, partnership, or individual, as may fit the particular parties.

31. Personal Guaranty. It is acknowledged and agreed that the payment, obligations, performance and other requirements contained in this Lease shall be personally guaranteed by Mr. Amankumar Piyushbh Patel, pursuant to a Personal Guaranty of Payment and Performance in a form acceptable to Sub-lessor.

32. Licenses and Permits. During the Term, Sub-lessee shall be responsible to obtain and maintain, at Sub-lessee's sole cost and expense, Sub-lessee's own licenses and/or permits required to operate such a business upon the Premises, including, but not limited to any necessary beer/wine, liquor and lotto licenses. Sub-lessee agrees to acquire from the appropriate authorities, and agrees to maintain, any required and/or necessary permits, licenses and/or qualifications, prior to (i) operating Sub-lessee's business upon the Premises; and/or (ii) making any improvement, modification or other change to the Premises (said improvement, modification or change may require the prior written consent of Sub-lessor). Sub-lessee shall be responsible for all obligations, claims, and debts of the business upon the Premises arising during the Term. Sub-lessee agrees to indemnify and hold Sub-lessor harmless from all losses, claims, damages, or assessments, including attorney fees and costs, incurred by Sub-lessee or the business operated upon the Premises, for any citation/violation of any permit or license.

33. Entire Agreement. This document contains the entire agreement between the parties hereto and no representations, inducements, promises, or agreements, oral or otherwise, between the parties, not embodied herein, shall be of any force or effect.

34. Alterations. Sub-lessee shall not make any alterations, additions, or improvements to the Premises without Sub-lessor's prior written consent. Sub-lessee shall promptly remove any alterations, additions, or improvements constructed in violation of this paragraph upon Sub-lessor's written request. All approved alterations, additions, and improvements will be accomplished in a good and workmanlike manner, in conformity with all applicable laws and regulations, and by a contractor approved by Sub-lessor, free from any liens or encumbrances. Sub-lessor may require Sub-lessee to remove any alterations, additions or improvements (whether or not made with Sub-lessor's consent) at the termination of this Lease and to restore the Premises to its prior condition, all at Sub-lessee's expense. All alterations, additions and improvements which Sub-lessor has not required Sub-lessee to remove shall become Sub-lessor's property and shall be surrendered to Sub-lessor upon the termination of this Lease, except that Sub-lessee may remove any of Sub-lessee's machinery or equipment which can be removed without material damage to the Premises. Sub-lessee shall repair, at Sub-lessee's expense, any damage to the Premises caused by the removal of any such machinery or equipment.

35. Additional Provisions.

35.1 Acknowledgement of Risks. Without limiting the other terms and conditions of this Lease, Sub-lessee specifically acknowledges and further agrees that: a) There are inherent risks in the operation of a business at the Premises and Sub-lessee is willing and able to bear such risks, including, without limitation, the loss of any investment in the Premises or such business upon termination of this Lease; b) upon termination of this Lease for any reason, Sub-lessor shall have the right to use the Premises as it deems appropriate, including, but not limited to selling the Premises, operating a similar or other business upon the Premises, converting the Premises to any other use Sub-lessor deems appropriate or leasing the Premises to a new lessee; c) Sub-lessor has no obligation to lease the Premises to any new lessee, whether or not prospective lessee is willing to purchase Sub-lessee's inventory, trade fixtures, or equipment; d) Any improvements, fixtures or equipment are not or cannot be removed in accordance with the provisions of the Lease shall become the sole and entire property of Sub-lessor upon termination of this Lease; e) Sub-lessor has no obligation to reimburse Sub-lessee for any losses which Sub-lessee might suffer in the

operation of Sub-lessee's business at the Premises or due to the termination of this Lease; and f) Sub-lessor has no obligation to purchase any of Sub-lessee's inventory, equipment or trade fixtures, or to reimburse Sub-lessee for any sums invested by Sub-lessee to improve the Premises or the business operated by Sub-lessee on the Premises.

35.2 Release of Sub-lessor. Sub-lessee hereby releases and forever discharges Sub-lessor, its affiliates and their respective shareholders, directors, officers, employees and agents (collectively, the "Released Parties") from any and all losses, damages, injuries, claims, demands, rights and causes of action, which may befall or accrue to Sub-lessee arising out of or in any way connected with the following: a) Sub-lessor's exercise of its right to terminate this Lease; b) Sub-lessor's exercise of any other right under this Lease; c) Sub-lessor's refusal to reimburse Sub-lessee for any investment or improvements made by Sub-lessee in the Premises or in Sub-lessee's business; d) Sub-lessor's refusal to approve any subsequent lessee; e) Sub-lessee's inability to sell Sub-lessee's inventory, equipment or trade fixtures; or f) Sub-lessor's refusal to purchase Sub-lessee's inventory equipment or trade fixtures.

35.3 Personal Property Removed Upon Lease Termination. At the termination or expiration of the Lease Term, Sub-lessee shall surrender the Demised Premises on the same condition as it was in upon delivery or possession thereto under this Lease, reasonable wear and tear excepted, and shall deliver all keys to locks to Sub-lessor. Before surrendering the Demised Premises, Sub-lessee shall remove prior to the expiration of the Lease Term, all its personal property, trade fixtures, alterations, additions and decorations and shall promptly repair any damage caused thereby. Sub-lessee's obligations to perform under this provision shall survive the expiration of the Lease Term. If Sub-lessee fails to remove its property upon the termination or expiration of the Term or Renewal Term, such property shall be deemed abandoned and shall become the property of Sub-lessor.

36. Exclusivity. Sub-lessee acknowledges that Sub-lessee is taking the Premises subject to the existing deli and other restaurants to be operated upon the Premises.

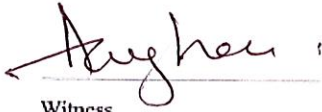
[Signature page follows]

IN WITNESS WHEREOF, the parties have hereunto placed their hands and seals the day and year first written above.

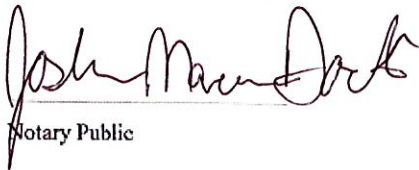
Signed, sealed, and delivered,

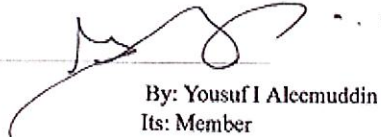
In the presence of:

SUBLESSOR:
HIGHWAY 92 FAYETTEVILLE LLC
I.L.C.

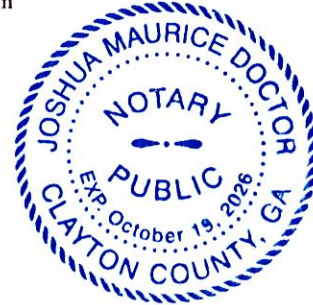


Witness


Notary Public


By: Yousuf I Alecmuddin
Its: Member

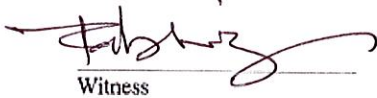
(Corporate Seal)



RAABTA RETAIL INC

SUBLESSEE:
Signed, sealed, and

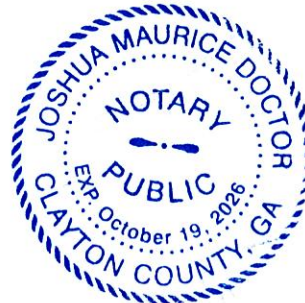
delivered
In the presence of:


Witness


Notary Public

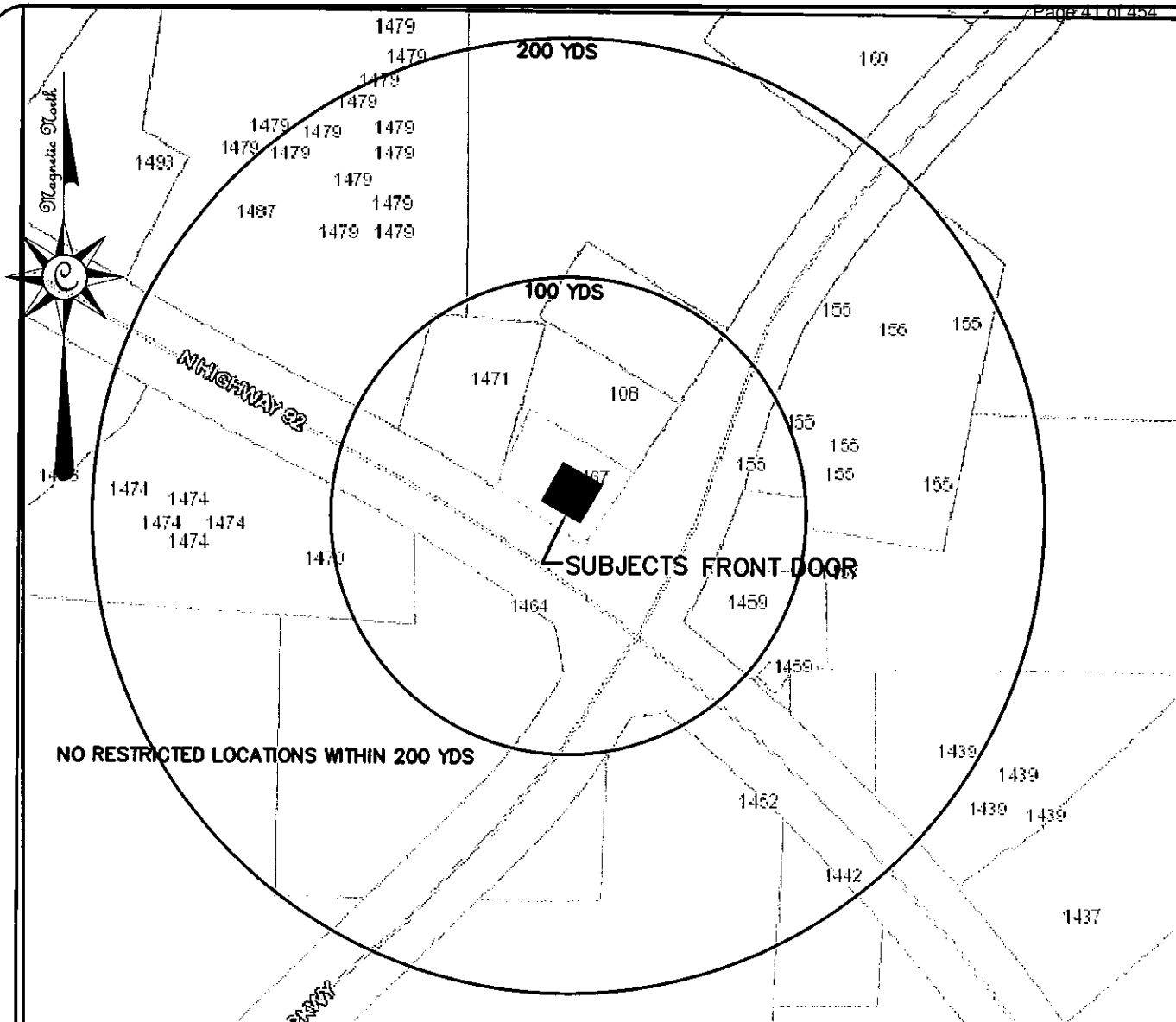

Its: Member: AZHAR ALI KHAN

(Corporate Seal)



1
Sub-lessor's Initials _____ Sub-lessee's Initials _____

Distance Survey



I BRIAN CALDWELL CERTIFY THAT THE DISTANCES BELOW WERE MEASURED ACCORDING TO THE FAYETTE COUNTY ORDINANCES

NEAREST:

CHURCH, 704 YDS, CALVARY CHURCH, 1390 N HIGHWAY 92

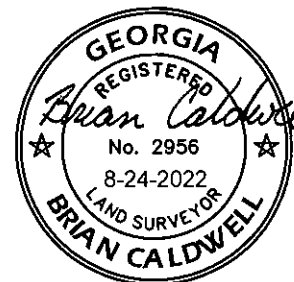
SCHOOL GROUNDS, 5104 YDS, NORTH FAYETTE ELEMENTARY, 609 KENWOOD RD

CHILD CARE FACILITY, 8624 YDS, OAK LEAF SCHOOL, 152 LONGVIEW RD

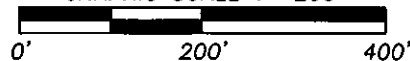
ALCOHOLIC TREATMENT CENTER, NONE WITHIN RESTRICTED DISTANCE OF 100 YARDS

NO RESTRICTED LOCATIONS WERE FOUND

THIS IS A TIME SENSITIVE DOCUMENT



GRAPHIC SCALE 1"=200'



SHEET	OF
1	1

SITE VISIT DATE:
8-17-2022

JOB# HWY92N1467

DRAWN BY BC

DISTANCE SURVEY FOR
Raabta Retail Inc
DBA Mini Mart

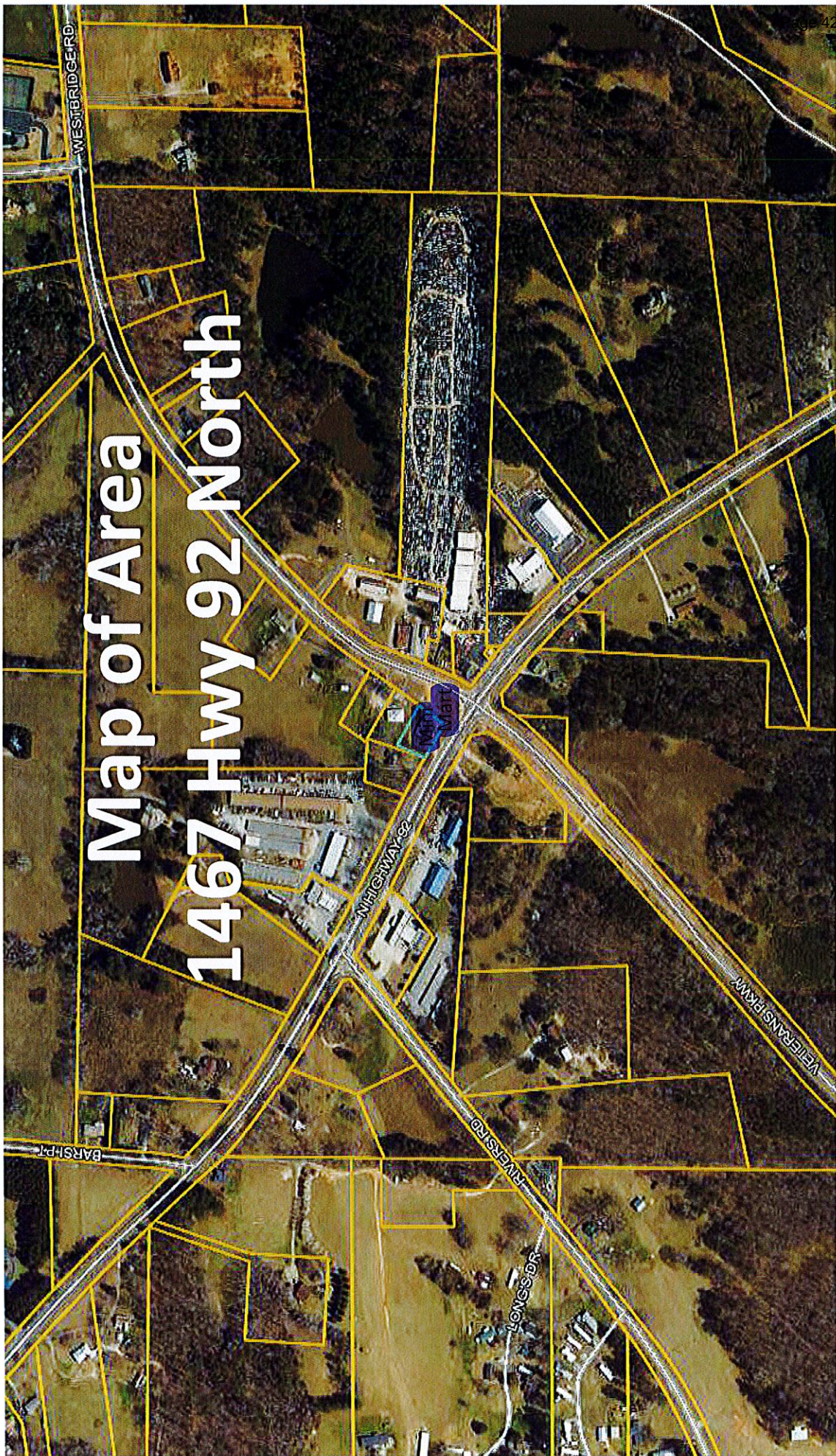
ADDRESS

1467 Hwy 92 North
Fayetteville Ga 30214
FAYETTE COUNTY, GEORGIA

COMPASS
SURVEYING

9337 Meadow Gate Lane
Jonesboro, Georgia 30236
Tel 770-478-2679
Fax 1-866-476-4318

THIS DISTANCE SURVEY IS TO ACCOMPANY AN APPLICATION FOR AN ALCOHOL PERMIT ONLY
NOT TRANSFER OF TITLE OR OWNERSHIP



Map of Area 1467 Hwy 92 North

Departmental Approval

Fayette County Code Enforcement Department

Departmental Check List for Alcohol Beverage License

Address : 1467 Hwy 92, City: Fayetteville, GAContact Person : Azhar Khan Phone Number : 470-860-1546

1. Planning and Zoning Department - (Suite 202) 770-305-5421

Printed Name:
Reviewed By: Chelsie Boynton Date: 10/14/22 Approved: ☒ Denied: ☐ N/A: ☐

2. Fire Marshal Office - (Suite 214) 770-305-5414

Printed Name:
Reviewed By: Vernon Allen Date: 10/21/22 Approved: ☒ Denied: ☐ N/A: ☐

3. Code Enforcement - (Suite 202) 770-305-5417

Printed Name:
Reviewed By: Frank Wintre Date: 10-28-2022 Approved: ☒ Denied: ☐

2022_0145

Fayette County Fire

Fire Safety Compliance Certificate

Mini Mart

1467 Hwy 92 N

This permit is subject to the condition(s) cited below:

Valid, provided the internal or external features of the building are not materially altered, the type of occupancy remains unchanged or there has been no fire of serious consequence, or other hazard discovered. Certificate not transferable.

Effective: 9/13/2022

Expires: 9/13/2072

Fee \$50

V. Piper, Capt./Fire Marshal

FAYETTE COUNTY

**NOTICE OF PUBLIC HEARING
FOR THE APPROVAL OF A RETAIL
LICENSE TO SELL ALCOHOLIC
BEVERAGES.**

PUBLIC HEARING to be held before the Fayette County Board of Commissioners on December 8, 2022, in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia at 2:00 P.M.

An application has been submitted to the Fayette County Board of Commissioners for a retail license to sell alcoholic beverages at the following location: 1467 Hwy 92 North Fayetteville, Georgia 30214. The business name is Mini Mart, Azhar Khan has requested to be appointed as the licensee. The Board of Commissioners will consider the proposed application on Thursday, December 8, 2022, at 2:00 P.M.

A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia.

This 15th day of November 2022.

Frank Winfrey,
Code Enforcement Officer
Division of the Marshal's Office

11/23

COUNTY AGENDA REQUEST

Page 47 of 454

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 Richard Ferry, Agent, request to rezone 12.591 acres from A-R to C-C to develop a convenience store with fuel 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 October 27, 2022 meeting.

Background/History/Details:

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.

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:

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 GDOT's proposed projects at the intersection of HWY 74 and HWY 85. 3. No residential access through the proposed commercial development. 4. Improve the existing Padgett Road driveway shown on the site plan to commercial driveway design standards during LDP and remove all other driveway access points on Padgett Road. 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.

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 Richard Ferry, Agent, request to rezone 12.591 acres from A-R to C-C to develop a convenience store with fuel 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 with five (5) conditions.

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.

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

The Fayette County Planning Commission recommends that Petition No. 1322-22, the application of Robert C. Shell to rezone 12.591 acres from A-R to C-C, be:

☒ Approved ☐ Withdrawn ☐ Denied

☐ Tabled until _____

☐ Approved with Conditions _____

This is forwarded to you for final action.



ARNOLD MARTIN, CHAIRMAN



BRIAN HAREN, VICE-CHAIRMAN



JOHN CULBRETH



DANNY ENGLAND



JIM OLIVER

Remarks:

**STATE OF GEORGIA
COUNTY OF FAYETTE**

RESOLUTION

NO. 1322-22

WHEREAS, Robert C. Shell, Owner and LDO Fayette, LLC (Attn: Patrice Frady), Agent, having come before the Fayette County Planning Commission on September 1, 2022, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

WHEREAS, said request being as follows: Request to rezone 12.591 acres from A-R to C-C, in the area of Georgia Highway 85 and Padgett Road, Land Lot 8 of the 6th District, for the purpose of developing Commercial Development – Convenience Store with Retail; 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:

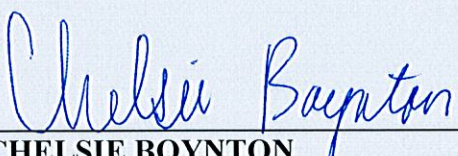
In compliance with the Fayette County Comprehensive Plan.
Compatible with the surrounding area.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:



ARNOLD MARTIN, CHAIRMAN



**CHELSIE BOYNTON
PC SECRETARY**

THE FAYETTE COUNTY PLANNING COMMISSION met on September 1st, 2022 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Arnold Martin, Chairman
Brian Haren, Vice-Chairman
John H. Culbreth
Jim Oliver
Danny England

STAFF PRESENT: Deborah Bell, Planning and Zoning Director
Chelsie Boynton, Planning and Zoning Coordinator

PUBLIC HEARING

- 1. 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 6th District and fronts on Georgia Highway 85 and Padgett Road.**

Debbie Bell stated this is related to the same intersection. She stated it is the parcel on the southwest corner of the intersection petitioning for A-R to C-C for a convenience store with retail. She stated it is currently rezoned and the applicant is requesting to rezone 12.582 acre from A-R to C-C. She stated staff recommends conditional approval because the request is in line with the Land Use Plan Element amendment that was previously discussed. She stated there is one (1) caveat, that is because the Land Use Plan dissects the parcel, the options would be to recommend denial, or recommend approval of the entire plat, or to recommend approval of a portion of the tract that is intended for commercial use in the Land Use Plan. She stated if the entire parcel is approved for rezoning, we would need to come back after that to amend the Land Use Map to incorporate that entire parcel.

Chairman Martin asked if a portion of the parcel is voted on, what would be the follow up?

Debbie Bell stated it would be presented to the Board of Commissioners. She stated if only that portion which is under the Land Use Plan under commercial type designation, then that would be the recommendation that would go to the Board of Commissioners. She stated the applicant would need to present a revised survey to complete that rezoning. She stated that's predicated on that overhead powerline which is the dividing line of the Land Use Element.

Chairman Martin asked if the petitioner was present.

Debbie Bell stated yes, their agent was present.

Page 2
September 1st, 2022
PC Meeting

Patrice Frady stated she was representing LDO Fayette, LLC. She thanked the Planning Commission and gave her presentation where she referenced a PowerPoint throughout the hearing. She stated the parcel is 12.5 acres. She stated it is also split how Debbie explained and it is split on qpublic. She stated it is at intersection Highway 85, Highway 74, and Padgett Road. She stated there are several easements on this property including Georgia Power, Atlanta Gas Light, a tower there, and there is a media easement. She stated tract one (1) is approximately 5.1 acres and tract two (2) is 7.4 acres. She stated they are proposing a convenience store there that would be about 4500 square feet. She stated there is a 50 foot landscape buffer on Highway 85 and Padgett Road. There is a 75 foot building setback from Padgett Road and a 100 building setback on Highway 85. She stated there is a small pond that used to be there that sometimes show up on different images but it is not considered a state water and it was removed many years ago. She stated the property is located in the Starrs Mill Historic Overlay District. She stated the land is undeveloped and you can see the tower, she referenced the presentation. She stated the property is currently zoned Agricultural and they are requesting for it to be zoned Community Commercial. She stated this will allow people who live close in the area to conveniently shop closer to home without having to go to larger retail centers. She stated they anticipate being able to pick up traffic headed down Highway 85 that will be able to make a right turn into the property. She stated on the presentation you can see the property adjacent to them was rezoned Community Commercial in February. She referenced the presentation and stated that this is the layout and they are once again proposing a convenience store. She stated there are two retail shops, green space, available parking. She then showed the renderings. She stated they don't exactly align with the aesthetic the County requires but they are working toward that. It is being completed by Jefferson Brown. She stated they did those for the other applicant back in February. She stated they are trying to pay homage to the Old Mill area, not trying to take anything away but fit in and make sure it is aesthetically pleasing to the residents and community. She stated she can answer any questions.

Chairman Martin asked if there was anyone to speak in support.

Dennis Shell stated this is his family's property. He stated they have had the property for about 53 years. He stated when they moved there, his dad had a small convenience store there. He stated Highway 85 was expanded and when they did the widening, they condemned the store and took it away in condemnation. He stated a few years back they had Planning Commission say it was approved for gas but there was a commissioner who said he didn't want gas and it was turned down at the town. He stated that they are just asking that it goes back like it was.

Chairman Martin asked if there was anyone else to speak in support. There were none. He asked if anyone wished to speak in opposition. There were none. He brought the discussion back to the Board.

Ali Cox, County Attorney, made the clarification that they are not recommending the property be zoned two different zoning districts. She stated it would need to be platted and subdivided and then rezoned that way.

Chairman Martin asked how the Planning Commission will be voting.

Page 3
September 1st, 2022
PC Meeting

Ali Cox stated that would be a denial in order to allow for replating and subdividing that parcel. She stated or you could approve it, there are conditions that have been put on it to take care of the problem there. She stated it would be counter to the Plan in that small area but that would be something the Board of Commissioners could address too.

Danny England asked if it could be tabled. He asked if a denial would put a burden on the applicant.

Ali Cox stated yes, they would have a waiting period before they could reapply.

Chairman Martin asked what the waiting period was.

Ali Cox stated she believes it's six (6) months.

Jim Oliver asked if withdrawal is better for the applicant.

Ali Cox said yes.

Danny England asked in that case the applicant has to offer to withdraw and we have to approve the withdraw.

Ali Cox stated yes or they could approve it with the conditions.

Chairman Martin asked Ms. Patrice Frady if she had any thoughts on withdrawing before he takes a vote. He also asked if she understood what is being considered.

Patrice Frady asked if they withdraw can they return in October.

Ali Cox said it will have to be replated and subdivided first.

Danny England stated they could reapply as soon as they got everything accomplished on their end.

Jim Oliver asked what the waiting period was after a denial.

Ali Cox stated she believes it's six (6) months.

Jim Oliver stated there is an uncomfortableness about the entire 12-acre tract. He stated Ms. Frady was also speaking of it as if it were two separate tracts.

Patrice Frady stated that is how it appears on different sites.

Jim Oliver stated she spoke about the five (5) acre tract but the petition is for 12 acres.

Page 4
September 1st, 2022
PC Meeting

Patrice Frady asked for a moment to discuss with her team.

Chairman Martin stated yes. He asked Debbie and Ali to discuss the conditions while Ms. Frady conferred with her team.

Debbie Bell stated the recommended conditions if the petition is approved. She stated some are related to transportation.

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.

Chairman Martin asked if approved with conditions what would be the follow up based on the other conversations about needing to withdraw versus moving forward.

Debbie Bell stated if it's approved with conditions it's similar to the previous one done in February, we will need to come back to the Planning Commission to amend the Land Use map to encompass the balance of that parcel on the southside of the overhead powerline that includes that portion with the telecommunications tower.

Jim Oliver stated it's like putting the cart before the horse taking a vote on that kind of proposal. He asked if the change needed to be made first.

Debbie Bell stated typically it would be but it doesn't have to be.

Danny England stated the issue he sees is this is one parcel and the County has divided it into two (2) pieces in the Land Use map so the burden is on us. He stated we have placed an invisible line across your property that they have no control over and we need to fix that, it's not something they need to fix. He stated if that's the case, it seems we can approve with conditions and then it's our job to fix the back of house accounting piece to make the Land Use map match what essentially exist in real life.

Chairman Martin asked if Ms. Frady had any questions before the vote.

Page 5
September 1st, 2022
PC Meeting

Patrice Frady stated no she understands it is one parcel though it looks divided.

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

PETITION NO: 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): 6th 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 (Tabled)
December 8, 2022

APPLICANT'S INTENT

Applicant proposes to rezone 12.591 acres from A-R to C-C to develop a convenience store with retail tenant space.

PLANNING COMMISSION RECOMMENDATION

Agenda of Actions, Fayette County Planning Commission, September 1, 2022

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 6th 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.

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 **L-C-2 (Limited Commercial 2)** 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 GDOT's proposed projects at the intersection of HWY 74 and HWY 85. Environmental Management will require GDOT approval prior to issuance of development permits.
3. No residential access through the proposed commercial development.
4. Improve the existing Padgett Road driveway shown on the site plan to commercial driveway design standards during LDP and remove all other driveway access points on Padgett Road.
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 12.591-acre tract fronting on S.R. 85 at the intersection with S.R. 74 and Padgett Road in Land Lot 8 of the 6th 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 12.591-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:
 - i. *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 recommended rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
3. The recommended rezoning will not result in a burdensome use of roads, utilities, or schools.
4. It is Staff's opinion that a zoning of L-C-2 will meet the intent of the Starr's Mill Historic Overlay District while acknowledging changing development trends in the general area.

ZONING DISTRICT STANDARDS

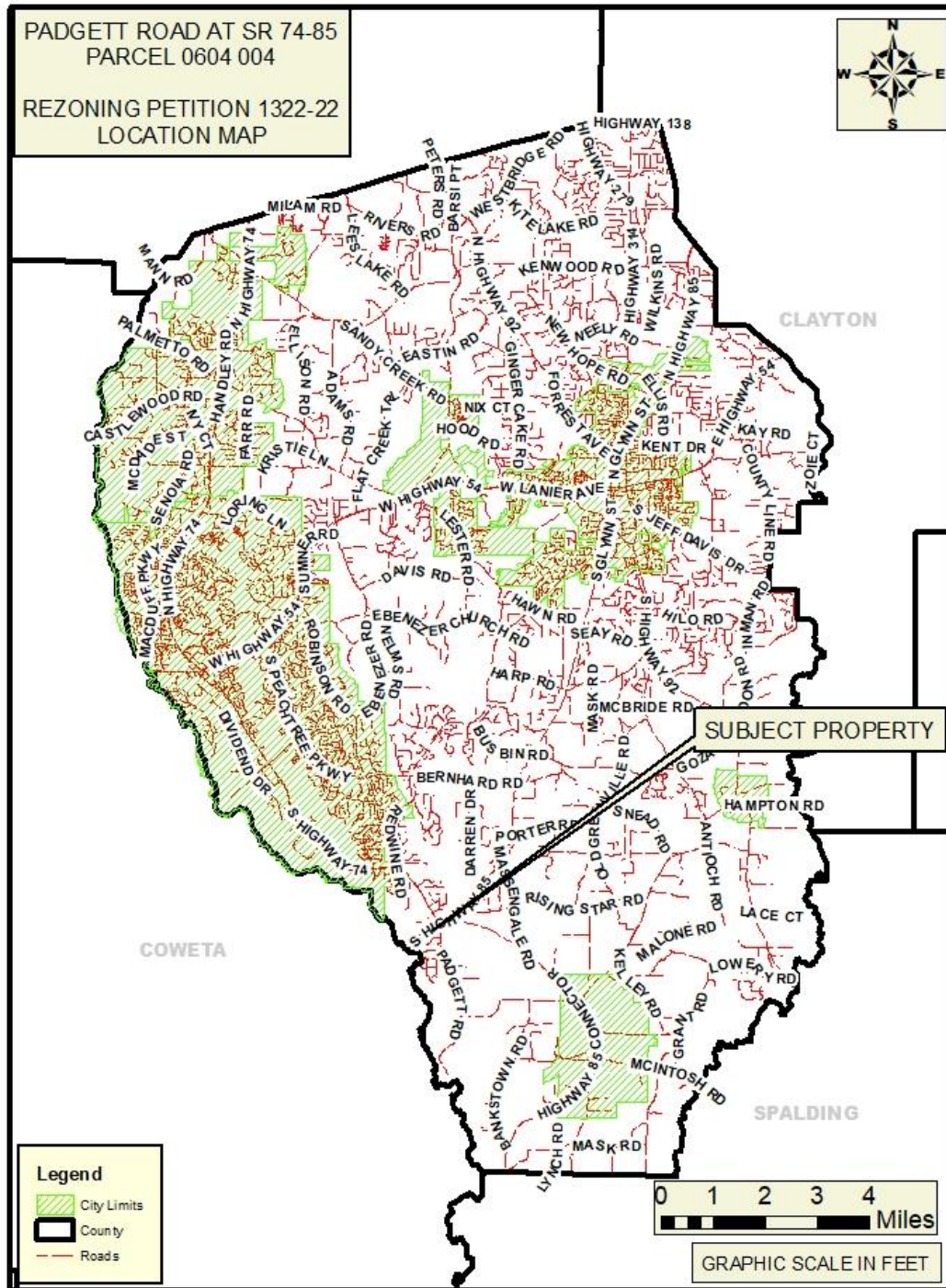
Sec. 110-145.5. L-C-2, limited-commercial (2) district.

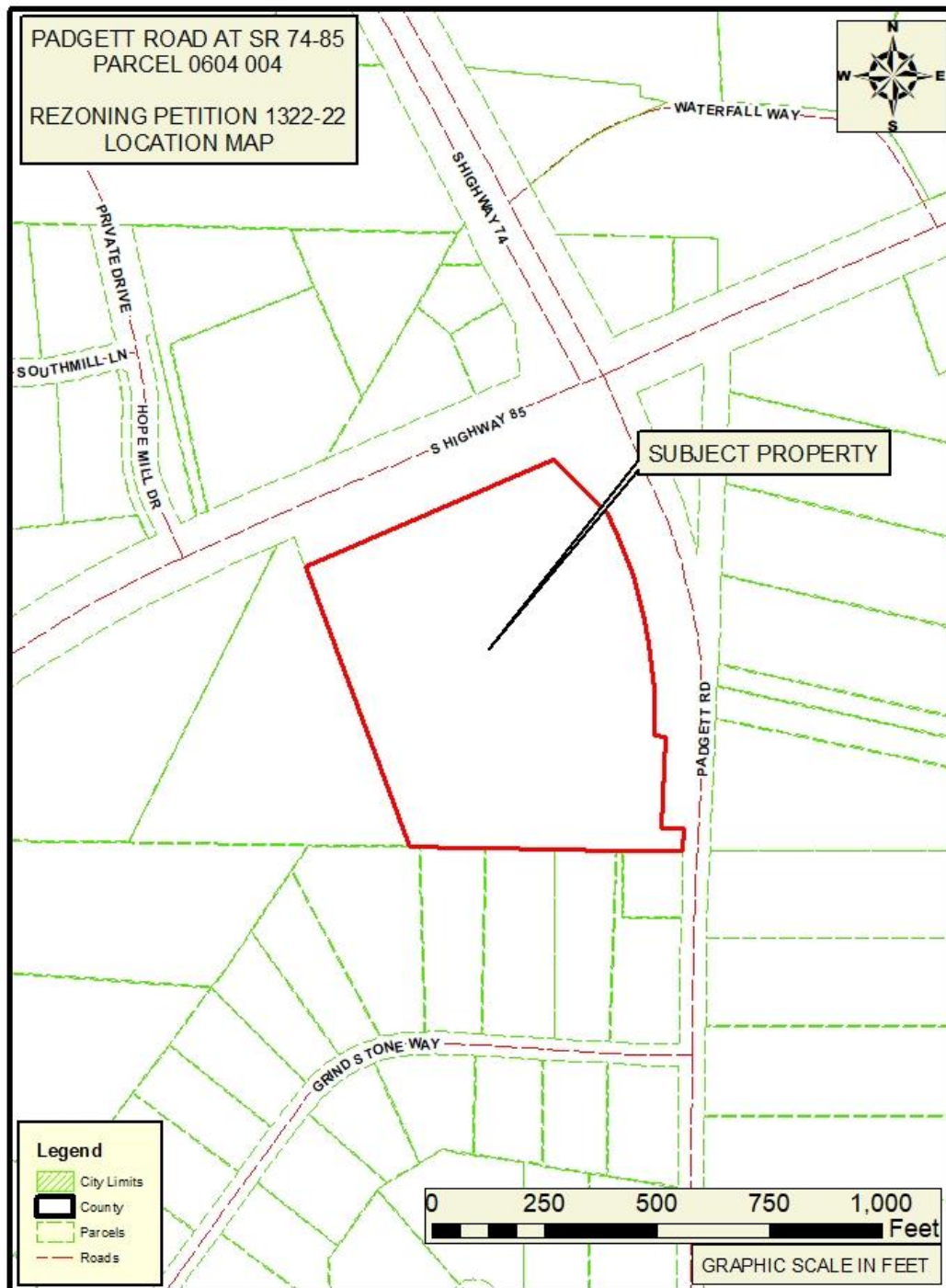
- (a) *Intent.* The intent of the L-C-2 zoning district is to establish small scale business areas which do not generate large amounts of traffic, noise or light. The L-C-2 zoning district includes small retail and convenience commercial establishments, personal services, and business and professional 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

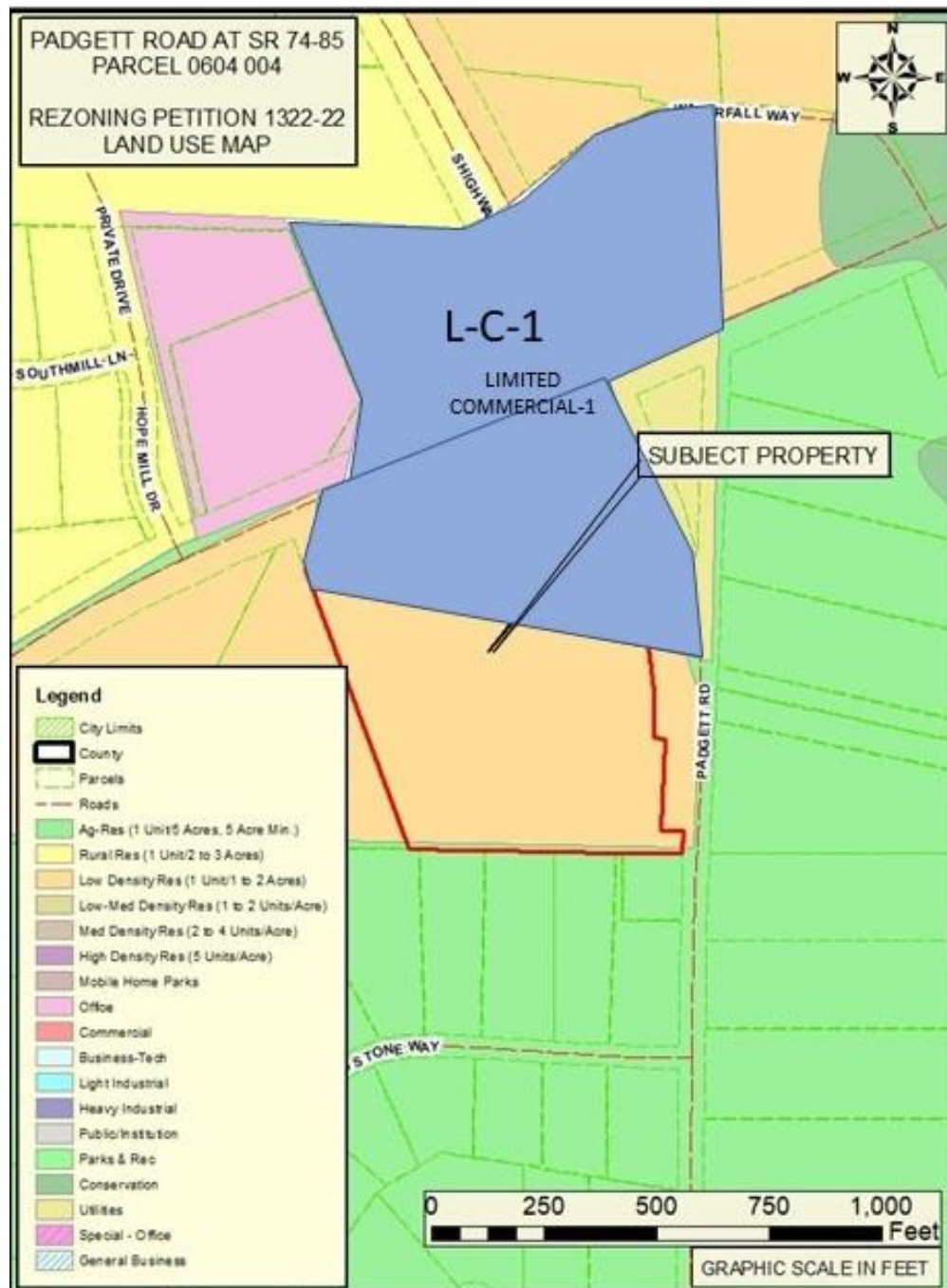
encourage the development of separate clustered buildings on the site, the square footage for the structures may be increased by 15 percent when more than one building is developed. The distance between structures shall be a minimum of 26 feet. In addition to the area required to facilitate vehicular 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.

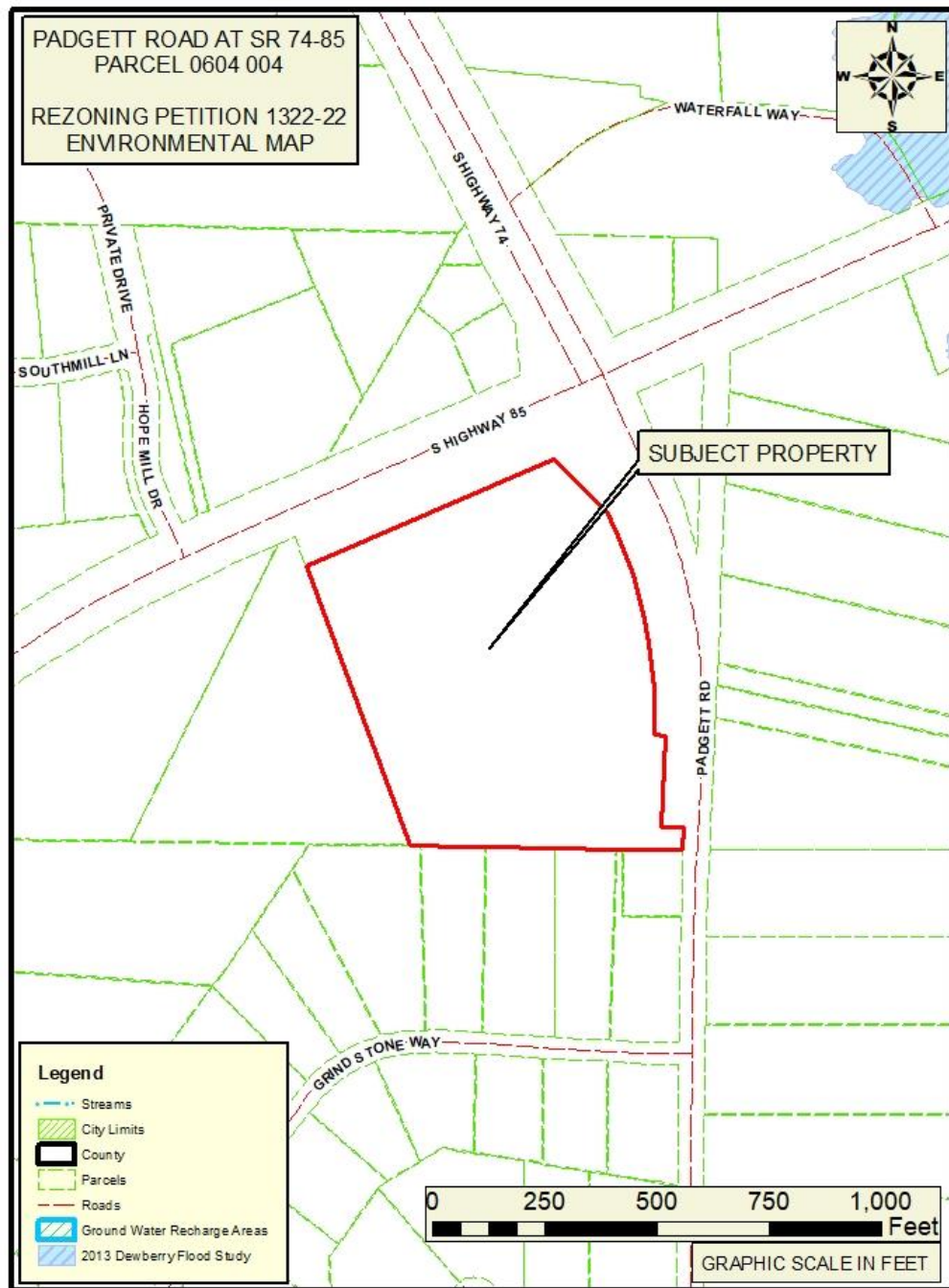
- (8) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to such lot line shall be provided in addition to the required setback (the setback shall be measured from the buffer).
- (9) Lot coverage limit, including structure and parking area: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



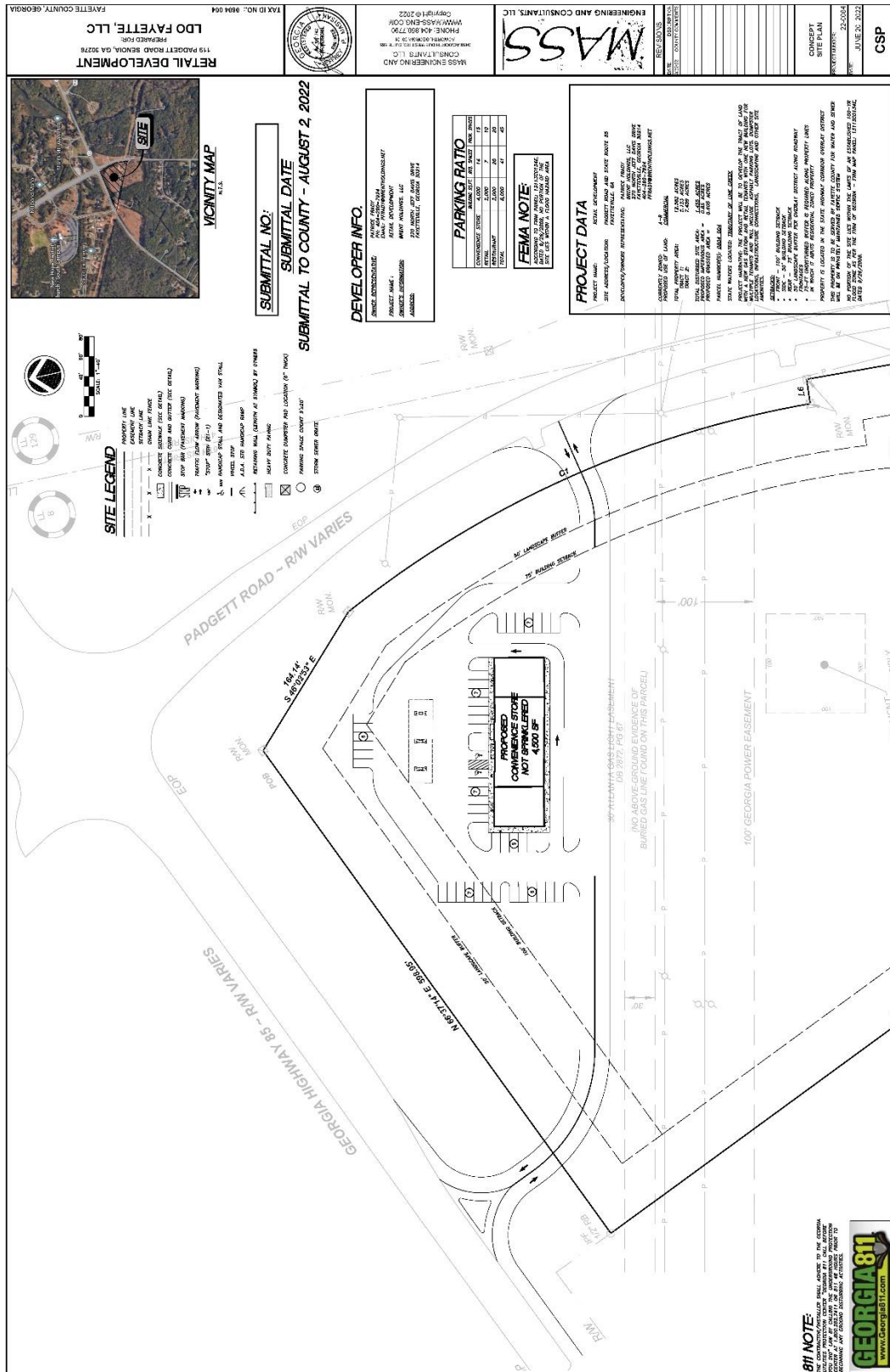


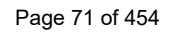












119 Page 2 of 4547 Roads
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30276

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 6TH PARCEL 0604-004
LAND LOT _____ LAND DISTRICT _____ PARCEL _____

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

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

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

PRESENT USE OF SUBJECT PROPERTY: vacant/undeveloped

PROPOSED USE OF SUBJECT PROPERTY: commercial development

LAND USE PLAN DESIGNATION: L-C 1

NAME AND TYPE OF ACCESS ROAD: Padgett Road

LOCATION OF NEAREST WATER LINE: _____

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

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

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

DATE OF PLANNING COMMISSION HEARING: SEPTEMBER 1, 2022

DATE OF COUNTY COMMISSIONERS HEARING: SEPTEMBER 22, 2022

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

Date Paid: AUG 1, 2022 Receipt Number: 015481

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

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

Robert C Shell

Please Print Names

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

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

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

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

x Robert C. Shell

Signature of Property Owner 1

119 Barnett Road
 Address Gresham, 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

Date July 21

Signature of Notary Public

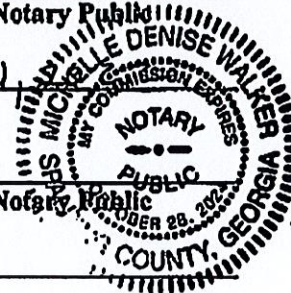
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



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

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

This property includes: (check one of the following)

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

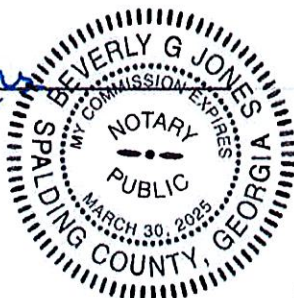
☐ Legal description for subject property is as follows:

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

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 22nd day of September, 2022 at 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)

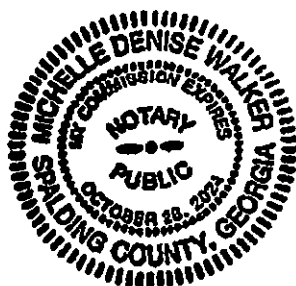
Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 21st 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/.
- 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.

Specialine Security Deed

Georgia, _____ Coweta _____ County: BOOK 671 PAGE 636

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

Robert C. Shell

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

Bank of Coweta

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

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

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

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

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

SATISFIED OF RECORD

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

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

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

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

This indenture is not a mortgage but an absolute conveyance of said property made under the existing provisions of the Official Code of Georgia Annotated relating to conveyances of property to secure debt, the Specific Debt secured hereby being all indebtedness of Grantor to Grantee at any time arising and outstanding under and by virtue of that certain Specialine Account Agreement between Grantee and Grantor of even date herewith, by which Agreement Grantee agreed to make a loan of \$ _____ by way of principal advances from time to time drawn by or disbursed for Grantee upon terms and conditions therein specified. Said Specialine Account Agreement is made a part hereof by this reference. ~~It is not to be paid, and all such indebtedness will be deemed payable, if not paid within 30 days of the date of this deed.~~

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

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

BOOK 671 Page: 636 Seq: 1

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

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

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

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

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

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

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 SpecialLine Account, or in the event of Grantor's failure to comply with the repayment terms of said SpecialLine Account Agreement (by failing to pay when due any sum required to be paid by Grantor thereunder), or in the event said property or Grantee's security interest therein is adversely affected by any action or inaction on the part of Grantor (whether voluntary or involuntary, and including but not limited to any sale of the property or transfer of title thereto without Grantee's prior written consent, any failure of Grantor to make payments or perform duties herein required of Grantor with respect to the property, any destruction or material damage of the property by fire or other casualty, the commencement of any bankruptcy or debtor relief or rehabilitation proceeding by or against Grantor, the appointment of a custodian or receiver for Grantor or to manage the property, or the commencement of foreclosure proceedings against the property by the holder of any security conveyance having priority over this indenture), any such occurrence or event shall constitute a default of Grantor hereunder. At any time or times during the existence of such default, Grantee shall be and is hereby fully authorized, at Grantee's option: (1) To declare accelerated and thereby render immediately due and collectible, without notice, the entire unpaid balance of all of the secured debt (both principal and interest lawfully collectible), whereupon all of the secured debt thus accelerated (excepting any unpaid interest and previously accrued at the Default Rate) shall thenceforth bear interest at the Default Rate; (2) With or without such acceleration, to seize and take possession of said property for its protection and preservation and/or

BOOK 671 PAGE 637

rent the same as above provided; (3) to have a receiver appointed for said property, without regard to Grantor's solvency or to Grantee's having an adequate remedy at law; and, (4) Whether or not pursuing any other remedy herein provided or otherwise available, Grantee shall be and is hereby expressly empowered to sell said property as a single parcel (or as several parcels, at Grantee's option) at public outcry, on a day and within the hours specified by law for sheriff's sales, at the Courthouse of the county where said property or any part thereof is located, after advertising such sale once a week for four weeks (without regard to the number of days) in the publication in which sheriff sales in and for said county are then advertised (all other notice being hereby waived by Grantor), and thereupon to execute and deliver to the purchaser a sufficient conveyance of said property in fee simple. Such conveyance may recite the happening of the default or event upon which Grantee's power of sale depends. Grantor hereby irrevocably appoints Grantee as his attorney in fact to make such sale and conveyance, and agrees that the conveyance so made by Grantee and all recitals therein made shall be binding and conclusive upon Grantor, and effective to divest Grantor of all equity of redemption and other rights Grantor may have in and to said property. Grantee or any person in its behalf may bid and purchase at such sale as though a stranger to the transaction. Grantee shall apply the proceeds of the sale first toward payment of the expense of advertising and conducting the sale (including but not limited to attorney's fees reasonably incurred), and then toward payment of the secured debt, in such order of application among its components as Grantee may elect. Grantee shall render the overplus, if any, to Grantor; and if there is a deficiency, Grantor shall forthwith pay the same to Grantee.

Grantor agrees that upon any such sale by Grantee, possession of said property shall be promptly surrendered to the purchaser, and that Grantor and all persons claiming under him or in possession of said property shall ipso facto become tenants at sufferance, and shall forthwith deliver possession to such purchaser or be summarily dispossessed as provided by law applicable to tenants holding over. Grantor waives and renounces all benefits and rights under any statute now or hereafter providing for confirmation of, limiting and abating deficiency judgments on, and advertising of sales of real estate under powers contained in security instruments, and agrees that all powers herein conferred upon Grantee shall have full force and effect notwithstanding any such statute.

All rights, remedies and powers herein conferred upon Grantee are coupled with an interest and irrevocable by death or otherwise. Same are cumulative of all other rights and remedies provided by law and otherwise available to Grantee, any and all of which may be exercised singly and independently or in such combinations and as often as Grantee from time to time may elect, and without waiving any default of Grantor hereunder. Neither Grantee's delay in exercising nor its failure to exercise any such right, remedy or power shall operate as a waiver thereof, and no single, partial, incomplete or ineffectual exercise of such shall bar Grantee's subsequent exercise of the same or any other right, remedy or power. Grantee's failure to act in the event of a default of Grantor shall not operate as a waiver of the same or any subsequent default.

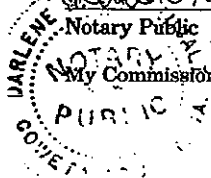
Wherever "Grantor" or "Grantee" or a pronoun relating to either appear herein, same shall be construed to mean both the singular and the plural, the masculine, feminine and neuter, and the natural person and the corporation, as the case may be, together with the heirs, executors, administrators, successors and assigns of the party or parties thus indicated; and if there be more than one Grantor herein, "Grantor" shall also mean each and all of them, jointly and severally.

GRANTOR KNOWINGLY AND VOLUNTARILY HEREBY EXPRESSLY WAIVES ANY RIGHT GRANTOR MIGHT NOW OR HENCEFORTH HAVE, UNDER THE CONSTITUTION OR LAWS OF GEORGIA OR OF THE UNITED STATES OF AMERICA, TO ANY NOTICE OR HEARING, JUDICIAL OR OTHERWISE, PRIOR TO GRANTEE'S EXERCISE OF ITS POWER OF SALE OR ANY OTHER RIGHT OR REMEDY HEREIN PROVIDED. Also, Grantor waives all rights of homestead exemption in said property.

IN WITNESS WHEREOF, Grantor has signed, sealed and delivered these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Hazel E. Thompson
Darlene W. Massengale



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

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

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

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

THIS BLOCK IS RESERVED FOR THE
CLERK OF THE SUPERIOR COURT.



PL	=	PROPERTY LINE
R/W	=	RIGHT OF WAY
PP	=	IRON PIP FOUND
RS	=	REBAR
OTF	=	OPEN TOP PIPE
LL	=	LAND LOT LINE
DF	=	DEED OF FORECLOSURE
DS	=	DEED BOOK
PS	=	PLAT BOOK
PM	=	POINT OF BEGINNING
—P—	=	OVERHEAD POWER LINE
—C—	=	POWER POLE

THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND
IS PLANNED TO BE ACCURATE WITHIN ONE FOOT IN ALL FEET.

APPROXIMATELY 25% OF LINEAR AND ANGULAR MEASUREMENTS WERE
OBTAINED USING A TOPCON STATION 312 INSTRUMENT.

APPROXIMATELY 75% OF LINEAR AND ANGULAR MEASUREMENTS WERE
OBTAINED USING THE GAC 25L GPS SYSTEM. IN STANDARD RTK MODE
USING A 40-40 EPOCH OBSERVATION MODE.

CONTROL AND ADJUSTING BASIS FOR THIS SURVEY WERE ESTABLISHED
USING GAC 25L GPS 1575276 IN STATIC AND STANDARD RTK MODE.
DATA WAS PROCESSED BY ADJ AND CORRECTIONS DERIVED FROM NGS
ONLINE POST-PROCESSING SOFTWARE.

TWO PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGE TO ANY REAL PROPERTY BOUNDARIES. THE FOLLOWING INFORMATION OF THE DOCUMENT: MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECREATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF THE PLAT BY THE MISSOURI DEPARTMENT OF REVENUE. THE MISSOURI DEPARTMENT OF REVENUE HAS NO REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIED WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN MISSOURI AS SET FORTH IN THE RULES AND REGULATIONS OF THE MISSOURI DEPARTMENT OF REVENUE. THE MISSOURI DEPARTMENT OF REVENUE HAS NO REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIED WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN MISSOURI AS SET FORTH IN THE RULES AND REGULATIONS OF THE MISSOURI DEPARTMENT OF REVENUE.


ADAM LIND LAND SURVEYOR

3137

7/29/22

7. THE BASIS FOR THE DIRECTIONS SHOWN HEREON IS GEODETIC NORTH, DA WEST COORDINATE SYSTEM.

8. REFERENCE: SURVEY FOR ROBERT E. SNELL, BY CHARLES N. JACKSON, FILE NO. 2081, DATED SEPTEMBER 20, 1943.

9. THE PROPERTY AS SHOWN ON THIS PLAT DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY F.I.D.M. MAP NO. 13123(C) DATE 1/24/83.

10. THE LOCATION OF UNDERGROUND UTILITIES SHOWN IS BASED ON ABOVE GROUND STRUCTURES AND INFORMATION SUPPLIED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES ON STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES ON STRUCTURES MAY EXIST. THE SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY OR COMPLETENESS OF THE LOCATION AND/OR DEPTH OF UTILITIES.

11. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OR RECORDS, ENCUMBRANCES, RESPECTIVE COVENANTS, OVERLAP TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

12. THE LAST DAY OF FIELD WORK HAS BEEN NOTED.

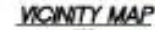
13. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.

14. DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE PROPERTY IT IS NOT TRANSFERABLE TO ADDITIONAL BENEFITAIRES OR SUBSEQUENT OWNERS.

15. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OR RECORDS, ENCUMBRANCES RESPECTIVE COVENANTS, OVERLAP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

16. SELLERS SETBACK INFORMATION SHOWN HEREON IS FOR THE PERMITTEE COUNTY ORDINANCE FOR A ZONING CLASSIFICATION.

OPE
 CONSIDERABLE TIME AGAIN TO THE DEBATE
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[illegible]SUBMITTAL DATE

DEVELOPER INFO.

	2000-2011	2012-2020	2021-2030
Commercial/Industrial	4,000	14	18
Office	2,000	7	10
Community	2,000	20	20
Other	8,000	11	10

APPROVED BY NEW MEXICO 121100000
DATE 8/26/2008, AS NOTED IN THE
END OF THE 4 HOUR RAINFALL DATA

PROJECT NAME: RENO RIVER VALLEY
SITE ADDRESS/LOCATION: PROJECT ONE AND TWO JUST SO
FRONTIER, NV
APPLICANT/OWNER INFORMATION: RENO RIVER
BRAND BUILDING INC
110 NORTH 400 SOUTH AVENUE
SALT LAKE CITY, UTAH 84114
801-462-9911
RENO@RENOBUILDING.COM

CURRENTLY ZONED: SPR
APPROXIMATE SIZE OF LAND: 1.0000 ACRES

TOTAL PROPERTY WITH: 1.0000 ACRES
TRACT 1: 1.0000 ACRES

TOTAL ADJACENT WITH: 0.0000 ACRES
ADJACENT PROPERTY: 0.0000 ACRES
ADJACENT OWNER: 0.0000 ACRES

APPLICANT REQUESTS: RENO RIVER

OTHER REQUESTED: RENO RIVER

OTHER PROJECTS: RENO RIVER

PROJECT PURPOSE: THE PROJECT WILL BE TO DEVELOP THE TRACT OF LAND IN A RECREATION AND RESIDENTIAL USE. THE PROJECT WILL BE TO DEVELOP THE TRACT OF LAND IN A RECREATION AND RESIDENTIAL USE. THE PROJECT WILL BE TO DEVELOP THE TRACT OF LAND IN A RECREATION AND RESIDENTIAL USE.

ADDITIONAL INFORMATION:
1. THE PROJECT WILL BE TO DEVELOP THE TRACT OF LAND IN A RECREATION AND RESIDENTIAL USE.
2. THE PROJECT WILL BE TO DEVELOP THE TRACT OF LAND IN A RECREATION AND RESIDENTIAL USE.
3. THE PROJECT WILL BE TO DEVELOP THE TRACT OF LAND IN A RECREATION AND RESIDENTIAL USE.
4. THE PROJECT WILL BE TO DEVELOP THE TRACT OF LAND IN A RECREATION AND RESIDENTIAL USE.
5. THE PROJECT WILL BE TO DEVELOP THE TRACT OF LAND IN A RECREATION AND RESIDENTIAL USE.

PROPERTY IS LOCATED IN THE CITY OF RENO, CLATSOP COUNTY, OREGON DISTRICT 1 AND IS ZONED TO BE AN RESIDENTIAL IN THE CITY OF RENO, CLATSOP COUNTY, OREGON DISTRICT 1 AND IS ZONED TO BE AN RESIDENTIAL IN THE CITY OF RENO, CLATSOP COUNTY, OREGON DISTRICT 1.

ALL PORTIONS OF THE SITE AND THE LANDS OF AN ADJACENT OWNER ARE NOT TO BE USED FOR THE PROJECT. ALL PORTIONS OF THE SITE AND THE LANDS OF AN ADJACENT OWNER ARE NOT TO BE USED FOR THE PROJECT.

Page 84 of 454

RETAIL DEVELOPMENT
118 PADGETT ROAD, BONGORA, Q.L. 3278
RECEIVED: 1995

BRADIS SHOOTING RANGE AND
COMPELLI TARGETS, LLC
16700 13th Street, Suite 101, Chertsey,
Alaska 99570-3001

MASS

CONC
DATE

PROFESSOR T. H. MORGAN

100

100

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



 中国 (CHINA)
 美国 (UNITED STATES)
 印度 (INDIA)
 俄罗斯 (RUSSIA)
 巴西 (BRAZIL)
 日本 (JAPAN)
 韩国 (KOREA)
 澳大利亚 (AUSTRALIA)
 欧洲 (EUROPE)
 非洲 (AFRICA)
 中东 (MIDDLE EAST)
 南极洲 (ANTARCTICA)
 大洋洲 (OCEANIA)

 世界地图 (WORLD MAP)
 世界地图 (WORLD MAP)
 世界地图 (WORLD MAP)

*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

COUNTY AGENDA REQUEST

Page 90 of 454

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 four (4) single-family residential lots; property located in Land Lot(s) 254 of the 5th District and fronts on Kenwood Road and South Kite Lake Road. This item was tabled at the October 27, 2022 meeting.

Background/History/Details:

Staff recommends approval of the request with two (2) conditions.

The Planning Commission recommended approval of the request with two (2) 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 modified to meet zoning requirements or 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.

Brian Haren made a motion to recommend approval of Petition No. 1323-22. John Culbreth seconded the motion. The motion passed 5-0.

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 four (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:

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

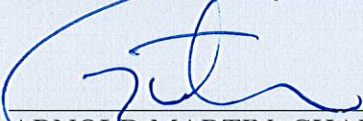
The Fayette County Planning Commission recommends that Petition No. 1323-22, the application of Johnnie K. Holland to rezone 8.056 acres from A-R to R-45, be:

☒ Approved ☐ Withdrawn ☐ Denied

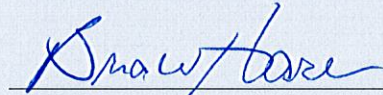
☐ Tabled until _____

☐ Approved with Conditions _____

This is forwarded to you for final action.



ARNOLD MARTIN, CHAIRMAN



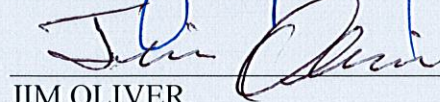
BRIAN HAREN, VICE-CHAIRMAN



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



**CHELSIE BOYNTON
PC SECRETARY**

THE FAYETTE COUNTY PLANNING COMMISSION met on October 6th, 2022 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Arnold Martin, Chairman
Brian Haren, Vice-Chairman
John H. Culbreth
Jim Oliver
Danny England

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

PUBLIC HEARING

- 1. 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 5th District and fronts on Kenwood Road and South Kite Lake Road.**

Randy Boyd, Agent, stated the property is owned by Johnnie Holland. He added he has performed a boundary survey of the property and has created a lot for Ms. Holland and her guesthouse along with three (3) additional lots. He continued it is currently zoned A-R and are requesting it be rezoned to R-45. Mr. Boyd stated the rezoning request is in compliance with the Comprehensive Land Use Plan. He added he has been in conversation with the Planning and Zoning Department and has addressed the comments on the staff report. He requested an amendment to the condition concerning the guesthouse. He stated the guesthouse has 768 square feet of living area which is a violation of the County ordinance. He continued staff has recommended he applies for a variance with the Zoning Board of Appeals and if the request is denied the guesthouse is removed. Mr. Boyd requested if the variance is denied that he instead be given the opportunity to bring the guesthouse into compliance.

Rosalyn Daniel spoke in opposition to the petition. She asked if a road would be added for the additional lots?

Mr. Boyd stated the lots have road frontage on Kenwood Road.

Page 2
October 6th, 2022
PC Meeting

Chairman Martin stated there will not be a road added because all the parcels will have driveway entrances from Kenwood.

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.

- 2. 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 7th District and fronts on S.R. 54 and Tyrone Road.**

Ms. Bell stated items six (6), seven (7), eight (8), and nine (9) are four (4) separate parcels of a related project. She stated the project can be presented as a whole with individual hearings for each parcel. She added the conditions differ slightly because the conditions are parcel specific.

Chairman Martin asked if the petitioner was present?

Rick Lindsey introduced himself and Joey Petras. He stated these are four (4) smaller tracts that will combine to one (1) larger tract and then subdivide. He stated, combined all together the four tracts are just shy of ten (10) acres. Currently the four (4) tracks are vacant, there are two (2) abandoned homes on the site, there is a fairly large area that is on a flood plain on the west side of the property that fronts Highway 54 and that area cannot be developed. He stated across Tyrone Road there is a small gas station and large property that now will become the data center in Fayetteville. He stated his client wants to build a small commercial node there for a convenience store, a quick serve restaurant, a high-end automated car wash, and an interior self-storage facility. He stated under the current zoning, C-C, the convenience store and restaurant can be developed, the requested rezoning to C-H is to allow the self-storage facility and the automated car wash. He added the property lies in the Highway 54 West Overlay district and all the requirements of the overlay will be met. He stated staff has recommended the following conditions for 1324-22A:

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.

Page 3
October 6th, 2022
PC Meeting

5. The required right-of-way donation shall be provided to the County within 30 days of the approval of the rezoning request.

Mr. Lindsey stated his client is willing to dedicate right of way and adhere to the lighting conditions. He asked if the third condition of a 100-foot buffer be amended to 50 feet which is the standard in the County ordinance. He added a 100-foot buffer will push the self-storage facility closer to Tyrone Road. He continued there are no issues with conditions four (4) and five (5) except for the timing. Mr. Lindsey stated his client is under contract and not scheduled to close until January 2023. He added they would not be able to dedicate right of way or combine parcels. He asked that the timing be amended from 30 days to 12 months from the date of rezoning.

Bill Bonner spoke in favor of the petition. He stated he is one of the owners of the property. He stated he's looked at several plans over the years and none of them are really the quality of this one and it's an appropriate use.

Chairman Martin asked if anyone else wishes to speak in favor of the petition? There were none. He asked if there was anyone to speak in opposition, there were none. He brought the discussion back to the Planning Commission.

Jim Oliver asked what is staff's position about the 30 days?

Ms. Bell stated staff concern is trying to wrap up the plat and, not on this parcel but on other parcels, have structures demolished and have the right of way dedication handled before anything else. She added there are road improvements that will be made on Tyrone Road. She continued she understood they needed to close before anything can be done.

Jim Oliver asked Mr. Lindsey if the closing isn't until January?

Richard Lindsey stated yes. He added if the Planning Commission is uncomfortable with the time frame, they can shorten it to 90 days past the issuance of the Land Disturbance Permit (LDP).

Danny England stated the platting would have to be done prior to applying for the Land Disturbance Permit.

Brian Haren asked for the conceptual site plan to be shown on the presentation screen? He asked if there would be two curb cuts on to Tyrone Road? He added there is a lot of traffic at that intersection.

Ms. Bell stated site plans for rezonings are conceptual and they are not approving strictly the site plan. She added when the site plan comes before them in the Land Disturbance package, they will take a much closer look at the curb cuts, sight distances, and the distances from the intersection. She continued that there will also be requirements from Georgia Department of

Page 4
October 6th, 2022
PC Meeting

Transportation (GDOT) for the distance of the curb cuts from Highway 54 on Tyrone Road. She added even though Tyrone Road is a County road, GDOT will have some requirements of the distance from the intersection.

John Culbreth Sr. asked if any consideration has been given to traffic impact in that area?

Mr. Lindsey stated the parcels are already zoned C-C so the restaurant and convenience store could be developed today. He added the self-storage and automated car wash wouldn't generate a lot of traffic, but he doesn't have a traffic study.

Chairman Martin asked if the entrance to the carwash will be off Tyrone?

Mr. Lindsey stated that is the plan.

Danny England asked if the 100-foot buffer was above and beyond what would normally be asked for?

Ms. Bell answered it is.

Danny England asked where did the condition come from?

Ms. Bell answered since the applicant was creating a more intense commercial use, they wanted to make sure they provided some additional protection to the residentially zoned property to the west.

Jim Oliver asked if the project would not work with a 100-foot buffer?

Mr. Lindsey stated it will push it closer to Tyrone Road.

Jim Oliver asked if it could work with a 75-foot buffer.

Joey Petras stated it would be squeezing the building on both sides with a 75-foot buffer and a 50 foot dedication of right of way. He added if the buffer is 100 feet, it squeezes it down where the self-storage facility won't fit. He continued 75 feet would serve a problem as well. He stated the site plan doesn't show the 50 feet dedication of right of way. He added with the dedication of right of way, without a variance, they would have to change the configuration. Mr. Petras stated they would be losing 20 to 25 feet which is the variance they'd be requesting. He added it wouldn't work with a 100 foot buffer.

Danny England asked what level of plan and design is Mr. Petras at with the self-storage, car wash, and gas station structures?

Page 5
October 6th, 2022
PC Meeting

Mr. Petras stated they used the footprint from the self-storage facility they did on Highway 74, behind the quick trip for the site plan. He continued they haven't gotten into the details of the architectural standpoint.

Danny England stated it may be possible to modify the footprint of the self-storage and flip the orientation of the car wash to meet the conditions.

Mr. Petras stated the adjacent land is undeveloped and the County ordinance only requires a 50 foot buffer for C-C and C-H.

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; 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 75' 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 in 365 days or before the LDP, whichever comes first. 5. The required right-of-way donation shall be provided to the County in 365 days of approval of the final plat or before the LDP, whichever come first. John Culbreth Sr. seconded the motion. The motion passed 5-0.

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): 5th 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 (Tabled)
December 8, 2022

APPLICANT'S INTENT

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

PLANNING COMMISSION RECOMMENDATION

Agenda of Actions, Fayette County Planning Commission, October 6, 2022

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 5th 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.

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. If this rezoning petition is approved, the applicant must apply for a variance within 30 days for the size of the guest house on Lot 1, to allow a guest house that is 768 heated square feet. If the requested variance is not approved, the guest house must be modified to meet zoning requirements OR must be removed within. Modifications or removal must be completed within 90 days of the denial.
2. The issue of the nonconformance must be resolved prior to acceptance of the Minor Final Plat of the proposed minor subdivision.
3. 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. 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 has a posted speed limit of 30 MPH. Kenwood Road is classified as a Minor Arterial on the Fayette County Thoroughfare Plan and has a posted speed limit of 35 MPH. 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.

Sec. 110-136. - R-45, Single-Family Residential District.

(a) *Description of district.* This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.

(b) *Permitted uses.* The following permitted uses shall be allowed in the R-45 zoning district:

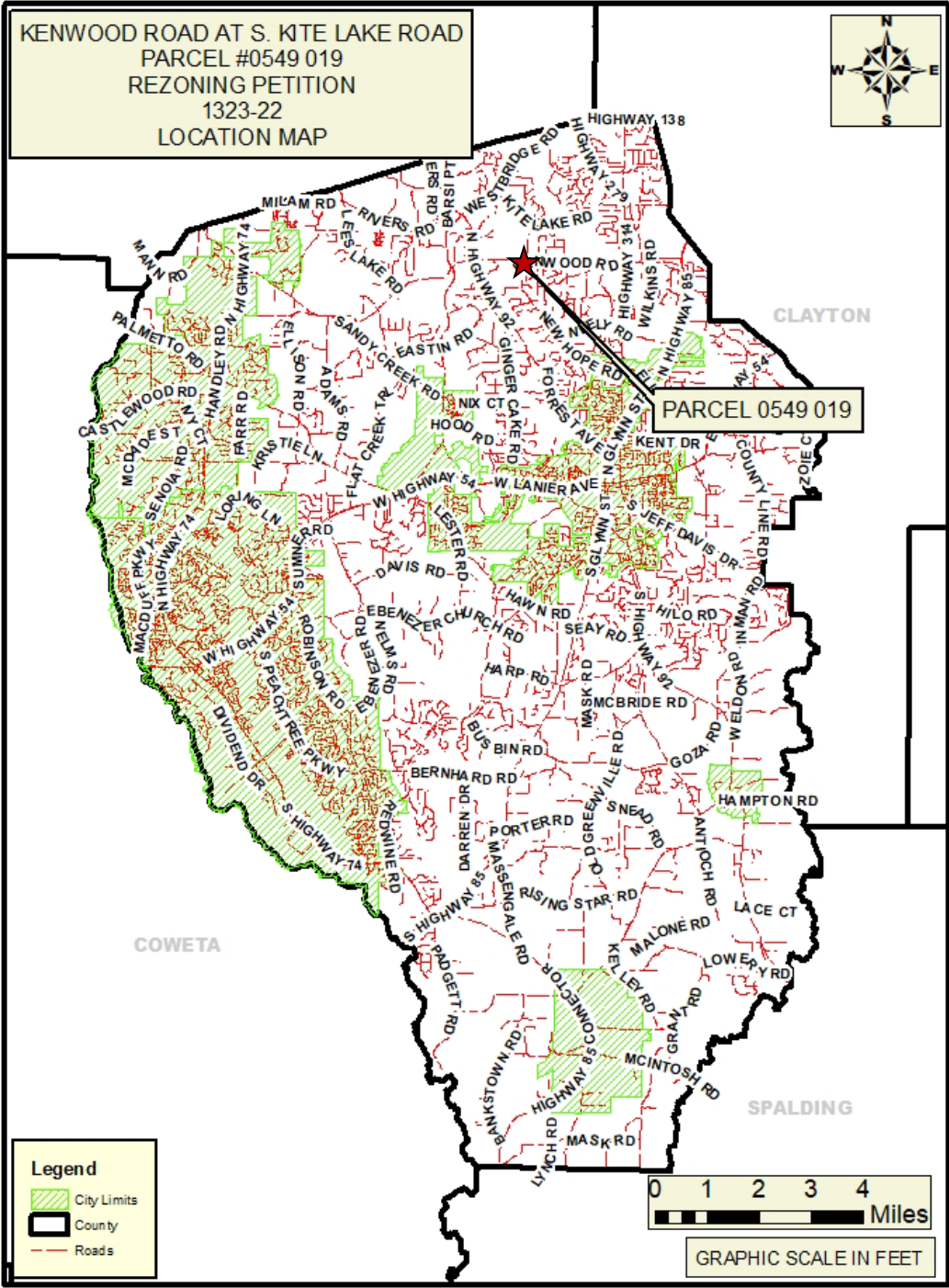
- (1) Single-family dwelling;
- (2) Residential accessory structures and uses (see article III of this chapter); and
- (3) Growing crops, gardens.

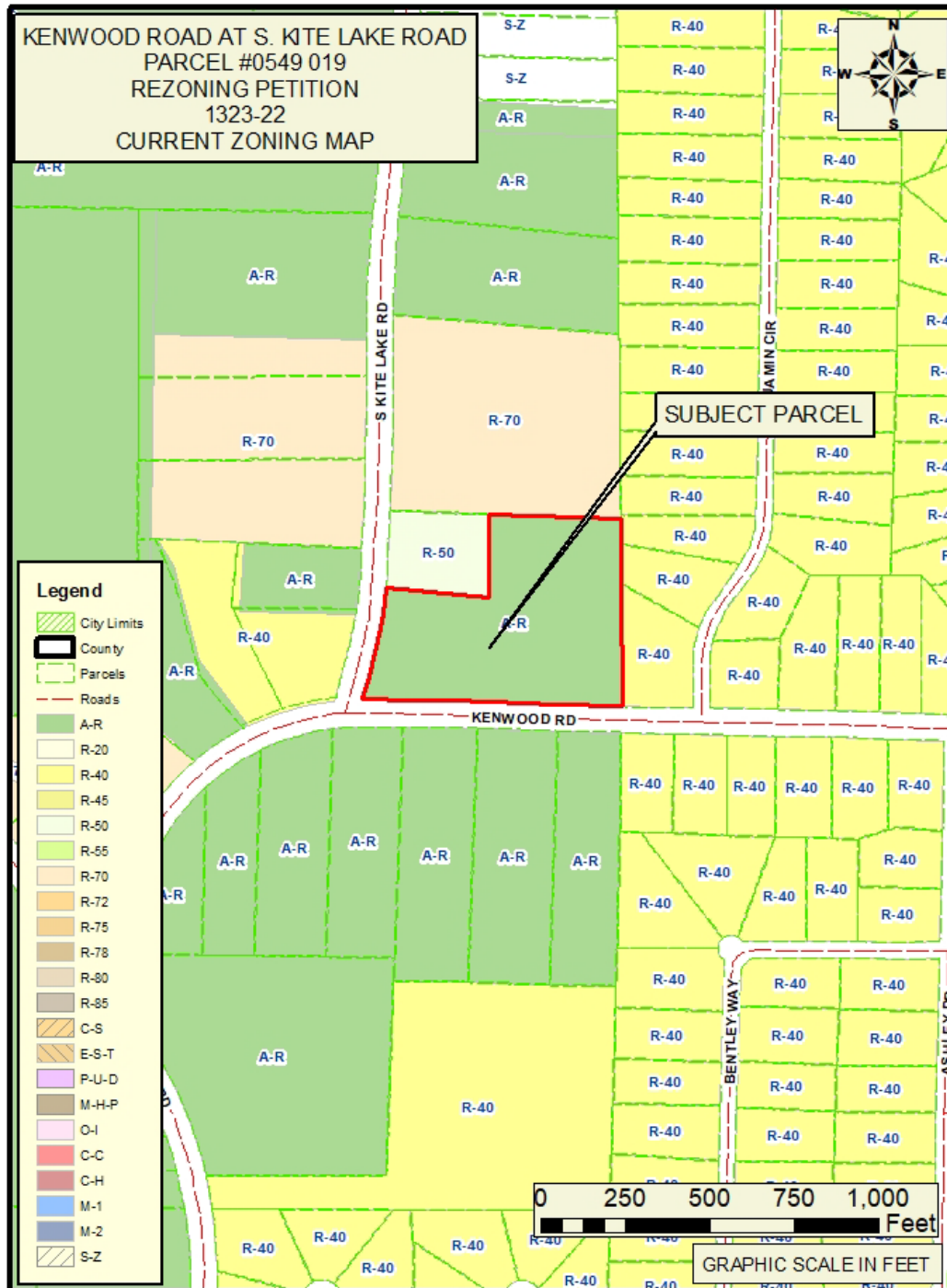
(c) *Conditional uses.* The following conditional uses shall be allowed in the R-45 zoning district provided that all conditions specified in article V of this chapter are met:

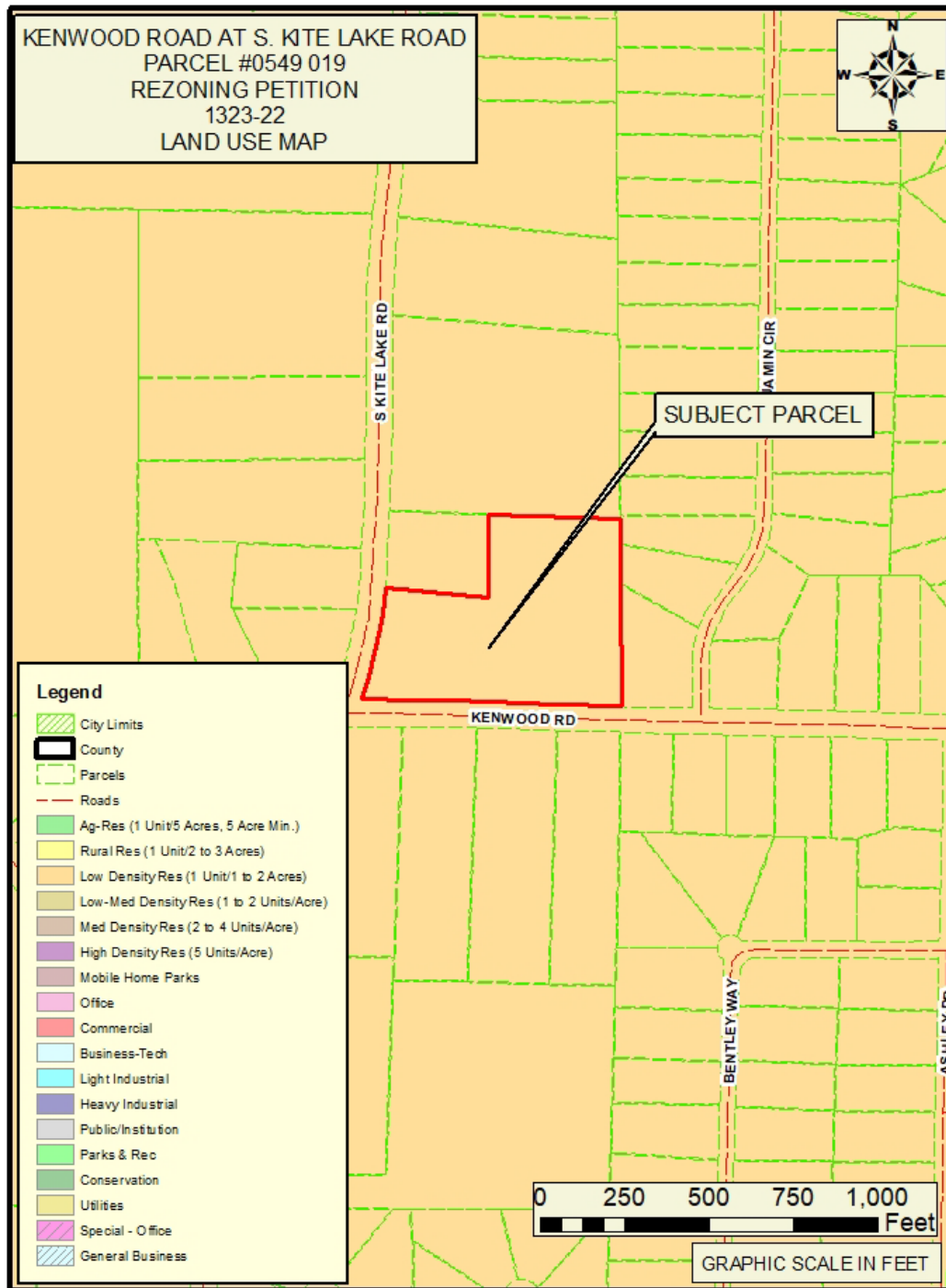
- (1) Church and/or other place of worship;
- (2) Developed residential recreational/amenity areas;
- (3) Home occupation;
- (4) Horse quarters; and
- (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

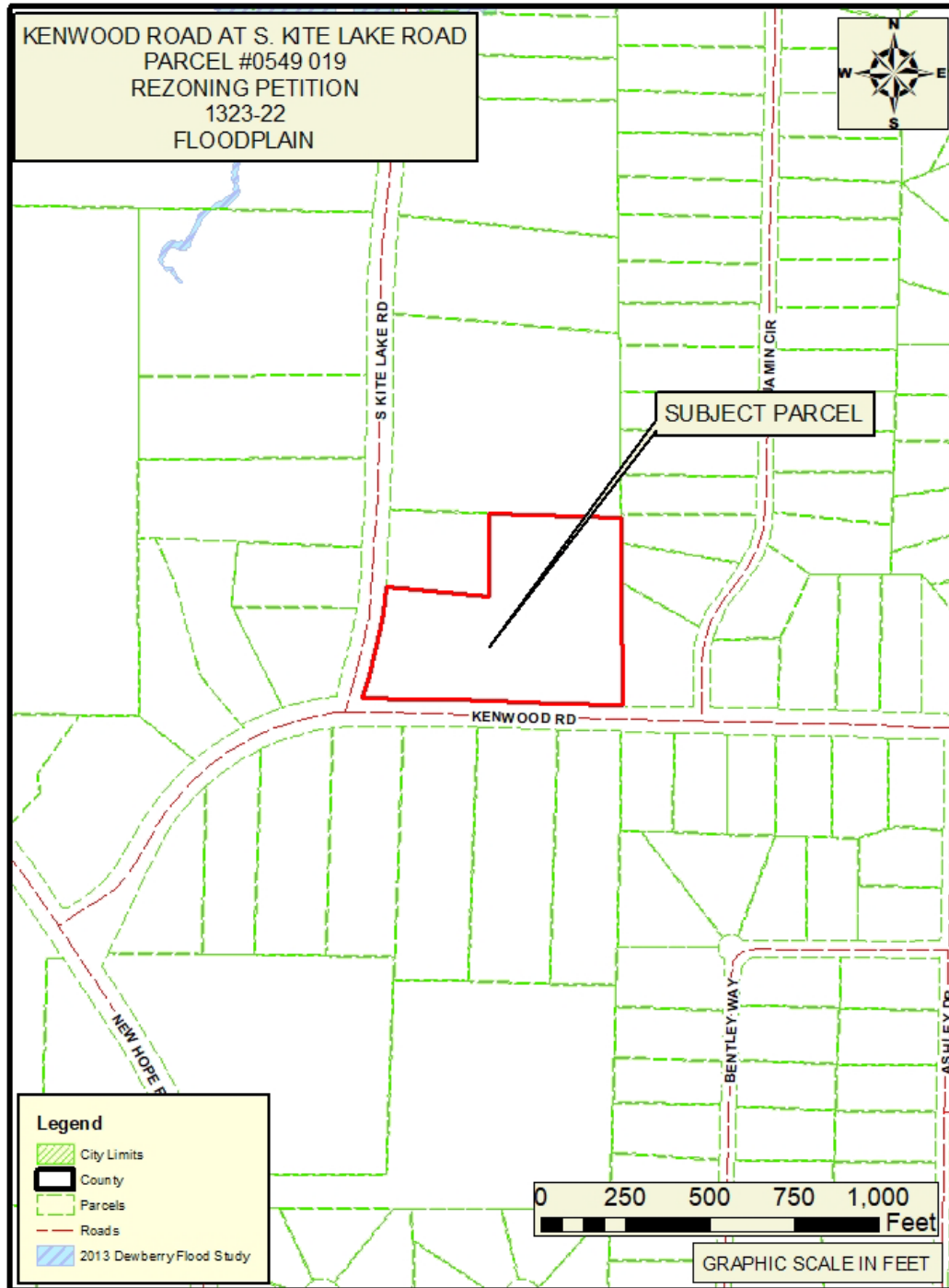
(d) *Dimensional requirements.* The minimum dimensional requirements in the R-45 zoning district shall be as follows:

- (1) Lot area per dwelling unit:
 - a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where neither a central sanitary nor central water distribution system is provided: 65,340 square feet (1.5 acres).
- (2) Lot width: 125 feet.
- (3) Floor area: 1,800 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 60 feet.
 2. Collector: 60 feet.
 - b. Minor thoroughfare: 40 feet.
- (5) Rear yard setback: 40 feet.
- (6) Side yard setback: 20 feet.
- (7) Height limit: 35 feet

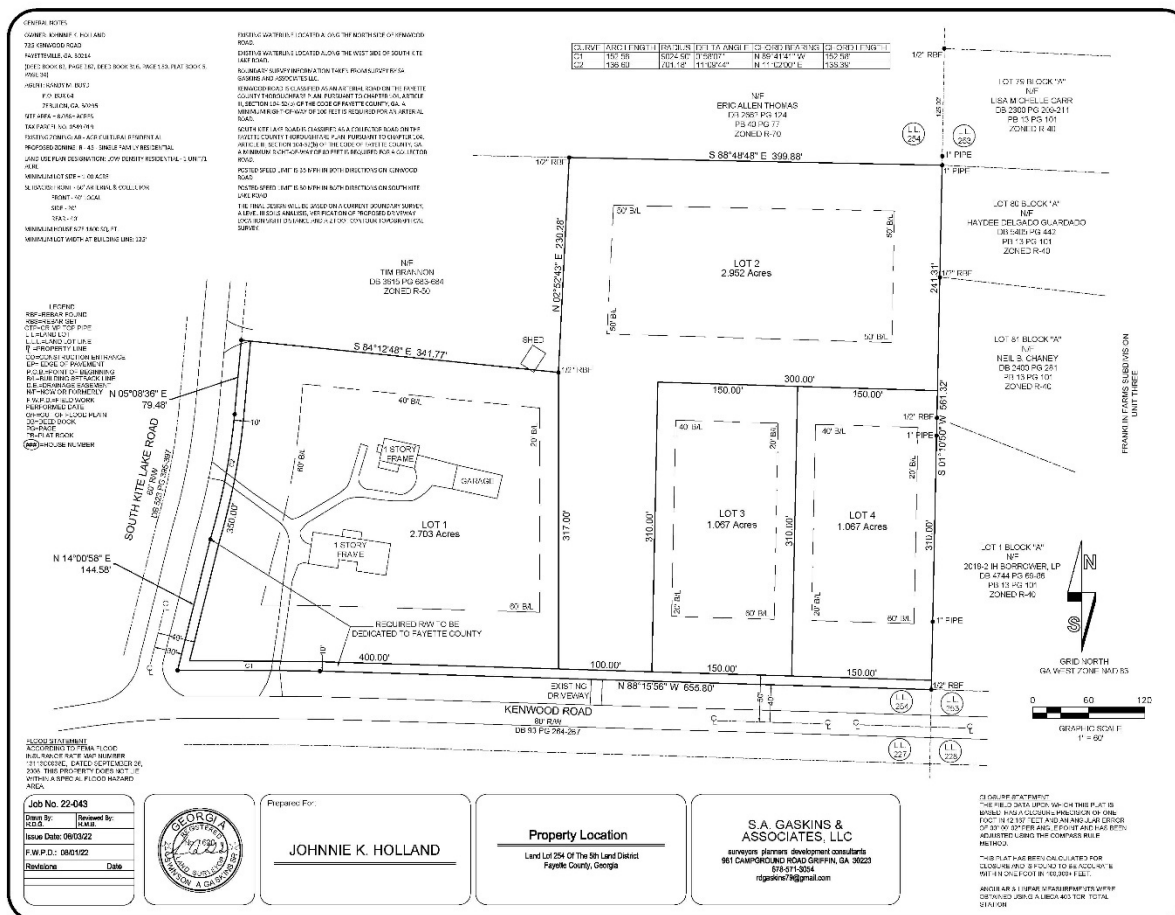












**APPLICATION TO AMEND
TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA**

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 0549-09
 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)
AR (SOUTH)

PRESENT USE OF SUBJECT PROPERTY: 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. Ky. 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

Sandra K. Exline
Signature of Notary Public

735 KENWOOD RD.
Address

8/26/2022
Date

FAYETTEVILLE, GA. 30214

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Property Owner 3

Signature of Notary Public

Address

Date

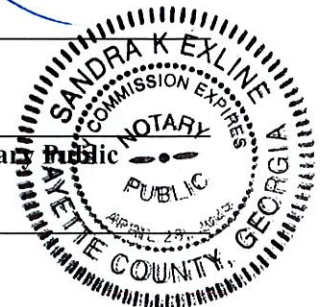
Randy M. Boyd
Signature of Authorized Agent

Maria Lawrence
Signature of Notary Public

P.O. Box 6A
Address

8-25-2022
Date

ZEBULON, GA. 30295



NAME: JOHNNIE K. HOLLAND PETITION NUMBER: Page 112 of 454

ADDRESS: 735 KENWOOD ROAD - FAYETTEVILLE, GA. 30214

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

JOHNNIE K. HOLLAND 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~~ He respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 390.00 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:

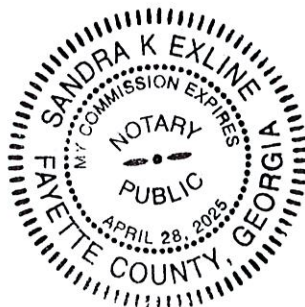
PUBLIC HEARING to be held by the Planning Commission of Fayette County on the _____ day of _____, 20____ at 7:00 P.M.

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 26th DAY OF AUGUST, 2022

Sandra K. Exline
NOTARY PUBLIC

Johnnie K. Holland
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, 40 feet of right-of-way along THE EAST SIDE OF SOUTH KITE LAKE 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 26th day of AUGUST, 2022.


SIGNATURE OF PROPERTY OWNER

~~SIGNATURE OF PROPERTY OWNER~~

Sindea K. Exploré
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/.
- 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 26th 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.

WARRANTY DEED

8006 316 PAGE 150

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, Made the 9th day of July, in the year
one thousand nine hundred eighty-four, between

Gerald Holland

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

Gerald Holland and Johnnie K. Holland, as joint tenants with the
right of survivorship and not 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
Love and Affection----- (\$0.00) DOLLARS
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,

ALL THAT TRACT or parcel of land lying and being in Land Lot 254
of the 5th District of Fayette County, Georgia, and by plat of
C. E. Lee entitled "Survey for Gerald Holland", dated March 27,
1969 and recorded in Plat Book 5, Page 34, Fayette County Records,
being more particularly described as follows:

BEGINNING at a point on the east line of Land Lot 254 aforesaid
and on the northerly side of the right-of-way for an unimproved
public road; running thence westerly, along the northerly side
of the right-of-way for said unimproved public road, 925 feet to
a corner within the right-of-way for another unimproved public
road; thence north, 24 degrees 13 minutes east, 322 feet to a
point in said latter-named unimproved public road; thence north
.2 1/2 degrees east, 300 feet to a corner in said latter-mentioned
public road; thence north 88 1/2 degrees east, 767 feet to a
corner on the east line of Land Lot 254 aforesaid; thence south,
1 1/2 degrees east, along the east line of Land Lot 254 aforesaid,
590 feet back to the point of beginning; said tract containing
11 acres, more or less.

This deed is made subject to a loan in favor of Georgia Federal
Bank, FSB Formerly Georgia Federal Savings and Loan Association
in the original amount of \$40,000.00.

Fayette County, Georgia
Real Estate Transfer Tax
Paid 440.00 Date 7-19-84
Clerk of Superior Court

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.

Signed, sealed and delivered in presence of:

Bern L. Lof
Witness

John N. E. Eum
Notary Public
My Comm. Expires July 5, 1985

OS3 LEG 2-81

Gerald Holland (Seal)
Gerald Holland

GEORGIA, Fayette County
Clerk's Office Superior Court (Seal)

Filed for record 7-19-84
10:04 AM

Recorded in Book 316 Page 150
This 19th day of July 1984

W. A. Bell
Book: 316 Page: 150 Seq: 1
Clerk

COUNTY AGENDA REQUEST

Page 119 of 454

Department: Planning & Zoning

Presenter(s): Debbie Bell, Director

Meeting Date: Thursday, October 27, 2022

Type of Request: Public Hearing

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? 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:

COUNTY AGENDA REQUEST

Page 120 of 454

Department: Planning & Zoning

Presenter(s): Debbie Bell, Director

Meeting Date: Thursday, December 8, 2022

Type of Request: Public Hearing #7

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) 26 of the 7th District; fronts on State Route 54 and Tyrone Road

Background/History/Details:

The subject property is made up of an 5.615-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 to recommend conditional approval. 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 75' 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 365 days of approval or prior to Land Disturbance Permit, whichever comes first. 5. The required right-of-way donation shall be provided to the County within 365 days of approval or prior to Land Disturbance Permit, whichever is comes first.

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 quick-serve restaurant with drive-through; property located in Land Lot(s) 26 of the 7th District; fronts on State Route 54 and Tyrone Road, with five (5) conditions.

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

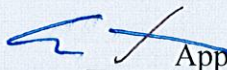
Staff Notes:

This item was tabled at the October 27, 2022 Board of Commissioners meeting.


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

The Fayette County Planning Commission recommends that Petition No. 1324-22A, the application of Tyrone 54, LLC and BBWJ, LLC to rezone 5.615 acres from C-C to C-H,

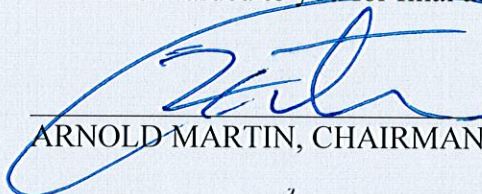
be:

 Approved Withdrawn Denied

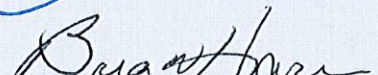
 Tabled until _____

 Approved with Conditions _____

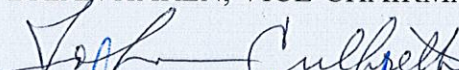
This is forwarded to you for ~~final~~ action.




 ARNOLD MARTIN, CHAIRMAN



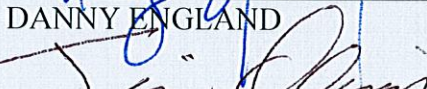
 BRIAN HAREN, VICE-CHAIRMAN



 JOHN CULBRETH



 DANNY ENGLAND



 JIM OLIVER

Remarks:

**STATE OF GEORGIA
COUNTY OF FAYETTE**

RESOLUTION

NO. 1324-22A

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 5.615 acres from C-C to C-H, in the area of S.R. 54 and Tyrone Road, Land Lot 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:

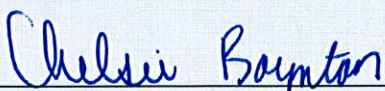
In compliance with the Fayette County Comprehensive Plan.
Compatible with the surrounding area.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:



ARNOLD MARTIN, CHAIRMAN



**CHELSIE BOYNTON
PC SECRETARY**

Meeting Minutes 10/6/22

THE FAYETTE COUNTY PLANNING COMMISSION met on October 6th, 2022 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Arnold Martin, Chairman
Brian Haren, Vice-Chairman
John H. Culbreth
Jim Oliver
Danny England

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

PUBLIC HEARING

- 1. 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 7th District and fronts on S.R. 54 and Tyrone Road.**

Ms. Bell stated items six (6), seven (7), eight (8), and nine (9) are four (4) separate parcels of a related project. She stated the project can be presented as a whole with individual hearings for each parcel. She added the conditions differ slightly because the conditions are parcel specific.

Chairman Martin asked if the petitioner was present?

Rick Lindsey introduced himself and Joey Petras. He stated these are four (4) smaller tracts that will combine to one (1) larger tract and then subdivide. He stated, combined all together the four tracts are just shy of ten (10) acres. Currently the four (4) tracks are vacant, there are two (2) abandoned homes on the site, there is a fairly large area that is on a flood plain on the west side of the property that fronts Highway 54 and that area cannot be developed. He stated across Tyrone Road there is a small gas station and large property that now will become the data center in Fayetteville. He stated his client wants to build a small commercial node there for a convenience store, a quick serve restaurant, a high-end automated car wash, and an interior self-storage facility. He stated under the current zoning, C-C, the convenience store and restaurant can be developed, the requested rezoning to C-H is to allow the self-storage facility and the automated car wash. He added the property lies in the Highway 54 West Overlay district and all the requirements of the overlay will be met. He stated staff has recommended the following conditions for 1324-22A:

Page 2
October 6th, 2022
PC Meeting

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.

Mr. Lindsey stated his client is willing to dedicate right of way and adhere to the lighting conditions. He asked if the third condition of a 100-foot buffer be amended to 50 feet which is the standard in the County ordinance. He added a 100-foot buffer will push the self-storage facility closer to Tyrone Road. He continued there are no issues with conditions four (4) and five (5) except for the timing. Mr. Lindsey stated his client is under contract and not scheduled to close until January 2023. He added they would not be able to dedicate right of way or combine parcels. He asked that the timing be amended from 30 days to 12 months from the date of rezoning.

Bill Bonner spoke in favor of the petition. He stated he is one of the owners of the property. He stated he's looked at several plans over the years and none of them are really the quality of this one and it's an appropriate use.

Chairman Martin asked if anyone else wishes to speak in favor of the petition? There were none. He asked if there was anyone to speak in opposition, there were none. He brought the discussion back to the Planning Commission.

Jim Oliver asked what is staff's position about the 30 days?

Ms. Bell stated staff concern is trying to wrap up the plat and, not on this parcel but on other parcels, have structures demolished and have the right of way dedication handled before anything else. She added there are road improvements that will be made on Tyrone Road. She continued she understood they needed to close before anything can be done.

Jim Oliver asked Mr. Lindsey if the closing isn't until January?

Richard Lindsey stated yes. He added if the Planning Commission is uncomfortable with the time frame, they can shorten it to 90 days past the issuance of the Land Disturbance Permit (LDP).

Page 3
October 6th, 2022
PC Meeting

Danny England stated the platting would have to be done prior to applying for the Land Disturbance Permit.

Brian Haren asked for the conceptual site plan to be shown on the presentation screen? He asked if there would be two curb cuts on to Tyrone Road? He added there is a lot of traffic at that intersection.

Ms. Bell stated site plans for rezonings are conceptual and they are not approving strictly the site plan. She added when the site plan comes before them in the Land Disturbance package, they will take a much closer look at the curb cuts, sight distances, and the distances from the intersection. She continued that there will also be requirements from Georgia Department of Transportation (GDOT) for the distance of the curb cuts from Highway 54 on Tyrone Road. She added even though Tyrone Road is a County road, GDOT will have some requirements of the distance from the intersection.

John Culbreth Sr. asked if any consideration has been given to traffic impact in that area?

Mr. Lindsey stated the parcels are already zoned C-C so the restaurant and convenience store could be developed today. He added the self-storage and automated car wash wouldn't generate a lot of traffic, but he doesn't have a traffic study.

Chairman Martin asked if the entrance to the carwash will be off Tyrone?

Mr. Lindsey stated that is the plan.

Danny England asked if the 100-foot buffer was above and beyond what would normally be asked for?

Ms. Bell answered it is.

Danny England asked where did the condition come from?

Ms. Bell answered since the applicant was creating a more intense commercial use, they wanted to make sure they provided some additional protection to the residentially zoned property to the west.

Jim Oliver asked if the project would not work with a 100-foot buffer?

Mr. Lindsey stated it will push it closer to Tyrone Road.

Jim Oliver asked if it could work with a 75-foot buffer.

Joey Petras stated it would be squeezing the building on both sides with a 75-foot buffer and a 50 foot dedication of right of way. He added if the buffer is 100 feet, it squeezes it down where

Page 4
October 6th, 2022
PC Meeting

the self-storage facility won't fit. He continued 75 feet would serve a problem as well. He stated the site plan doesn't show the 50 feet dedication of right of way. He added with the dedication of right of way, without a variance, they would have to change the configuration. Mr. Petras stated they would be losing 20 to 25 feet which is the variance they'd be requesting. He added it wouldn't work with a 100 foot buffer.

Danny England asked what level of plan and design is Mr. Petras at with the self-storage, car wash, and gas station structures?

Mr. Petras stated they used the footprint from the self-storage facility they did on Highway 74, behind the quick trip for the site plan. He continued they haven't gotten into the details of the architectural standpoint.

Danny England stated it may be possible to modify the footprint of the self-storage and flip the orientation of the car wash to meet the conditions.

Mr. Petras stated the adjacent land is undeveloped and the County ordinance only requires a 50 foot buffer for C-C and C-H.

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; 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 75' 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 in 365 days or before the LDP, whichever comes first. 5. The required right-of-way donation shall be provided to the County in 365 days of approval of the final plat or before the LDP, whichever come first. John Culbreth Sr. seconded the motion. The motion passed 5-0.

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): 7th District, Land Lots 25 & 26

OWNERS: Tyrone 54, LLC and BBWJ, LLC

AGENT: Matt Dahlhauser for DG Development Partners, LLC; Richard Lindsey, Attorney

PLANNING COMMISSION PUBLIC HEARING: October 6, 2022

BOARD OF COMMISSIONERS PUBLIC HEARING: October 27, 2022 (Tabled)
December 8, 2022

APPLICANT'S INTENT

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

PLANNING COMMISSION RECOMMENDATION

Agenda of Actions, Fayette County Planning Commission, October 6, 2022

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 7th 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.

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).**

The applicant should be advised that there is an intersection improvement project in the design phase for Tyrone Road at SR 54. Plans are not finalized at this time, but it is possible that additional right-of way will be required at time of development.

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 75' 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 60 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.
5. The required right-of-way donation shall be provided to the County within 60 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.

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 7th 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 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

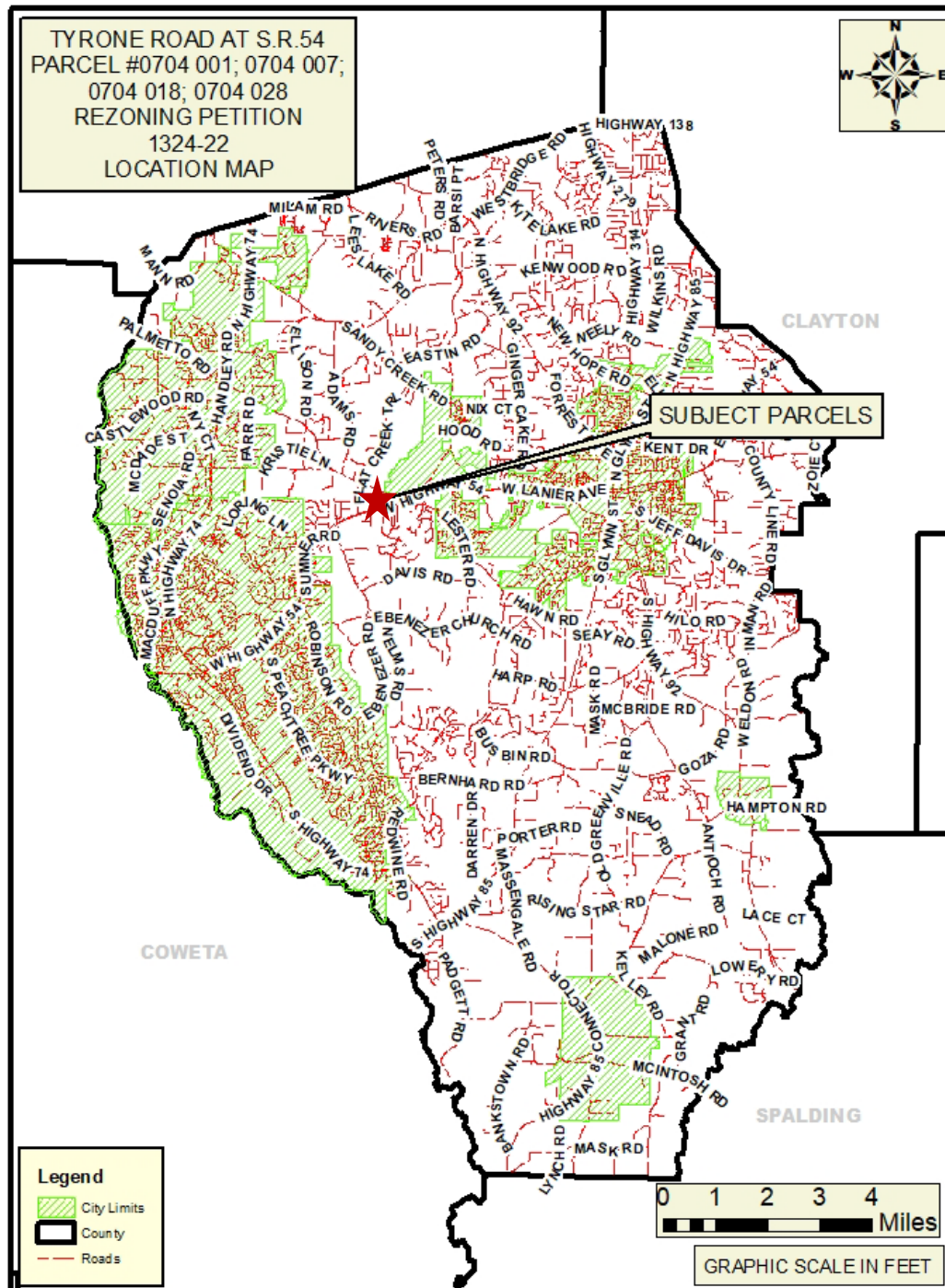
Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

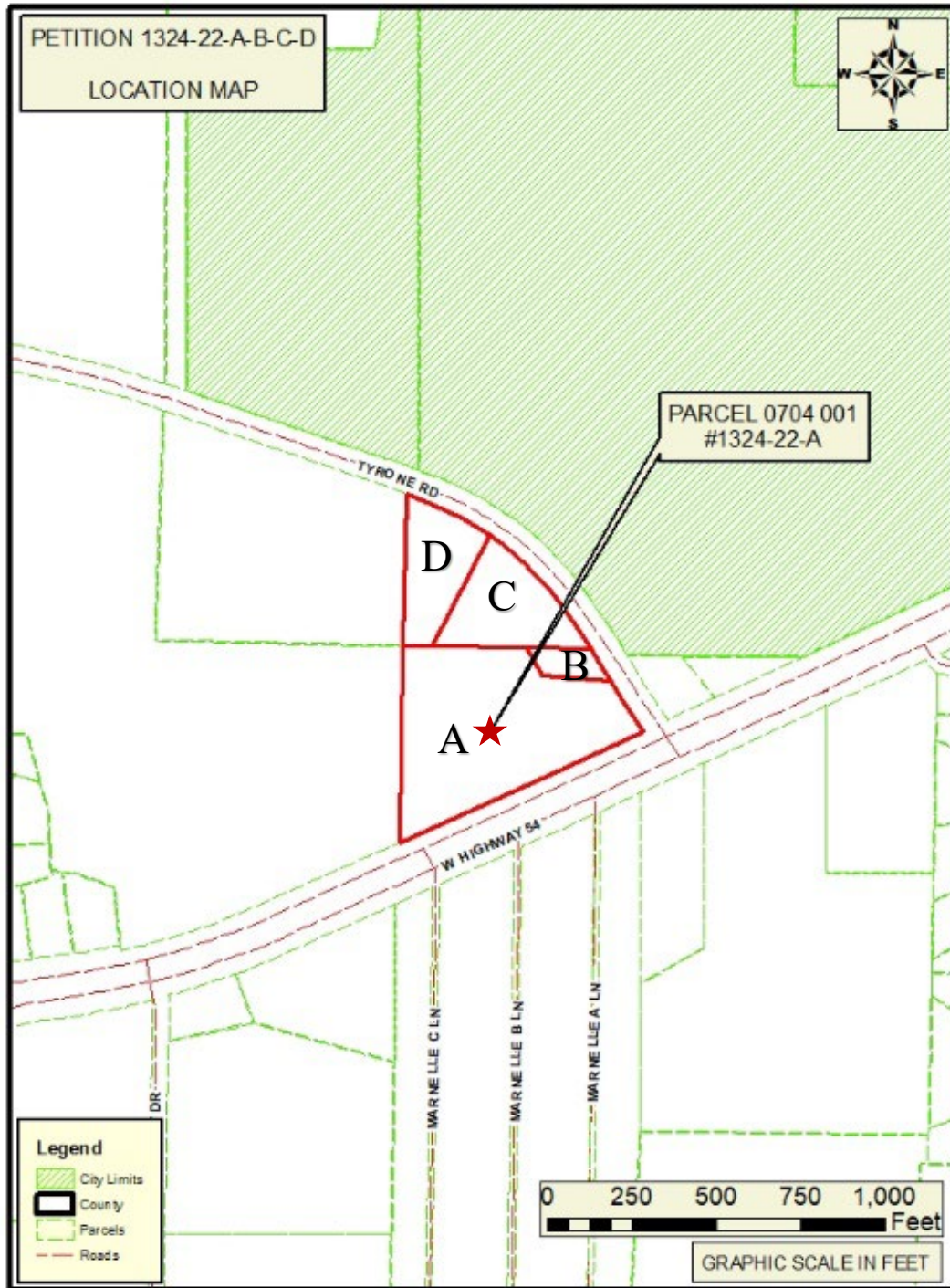
All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board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

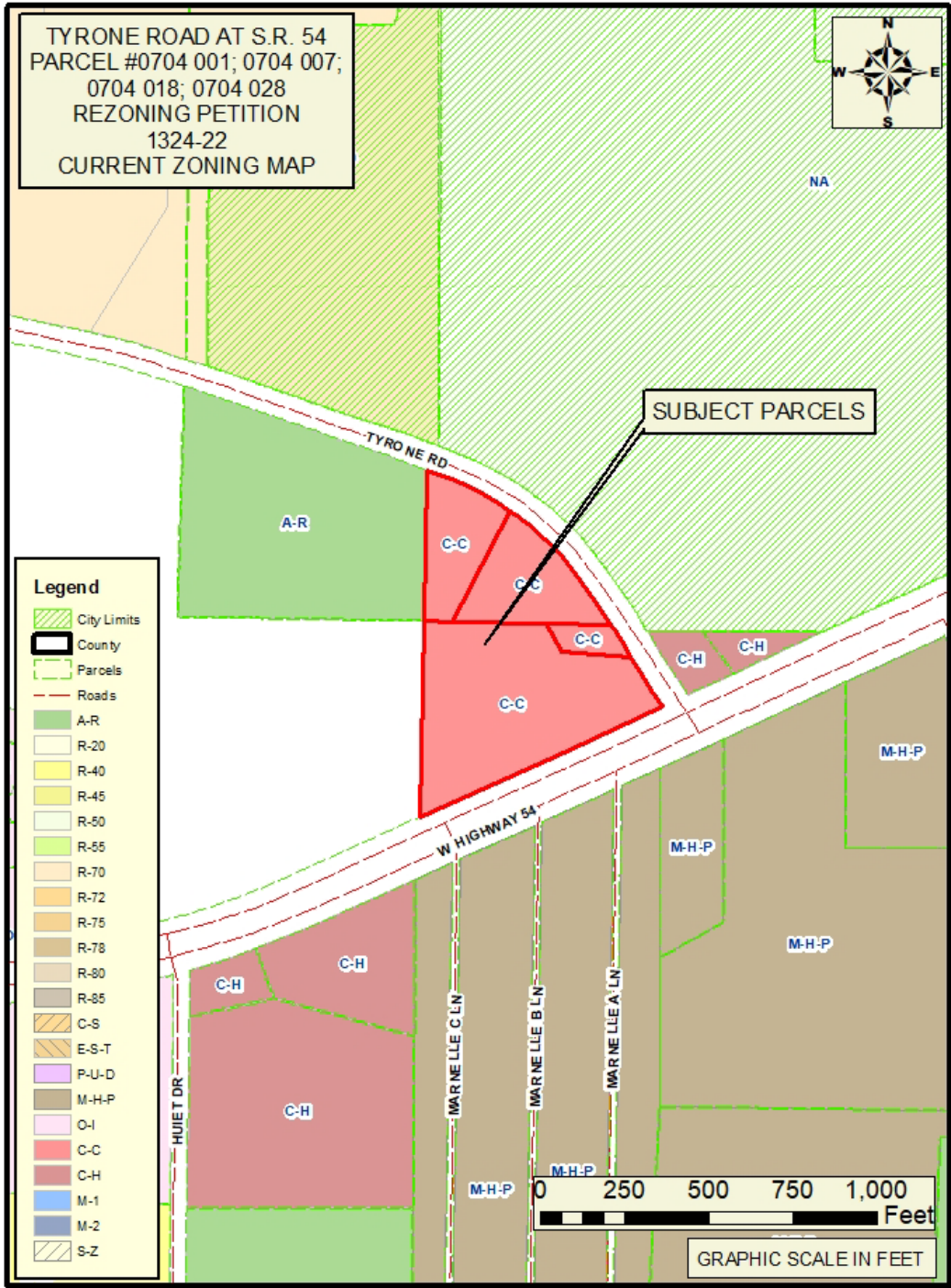
- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause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

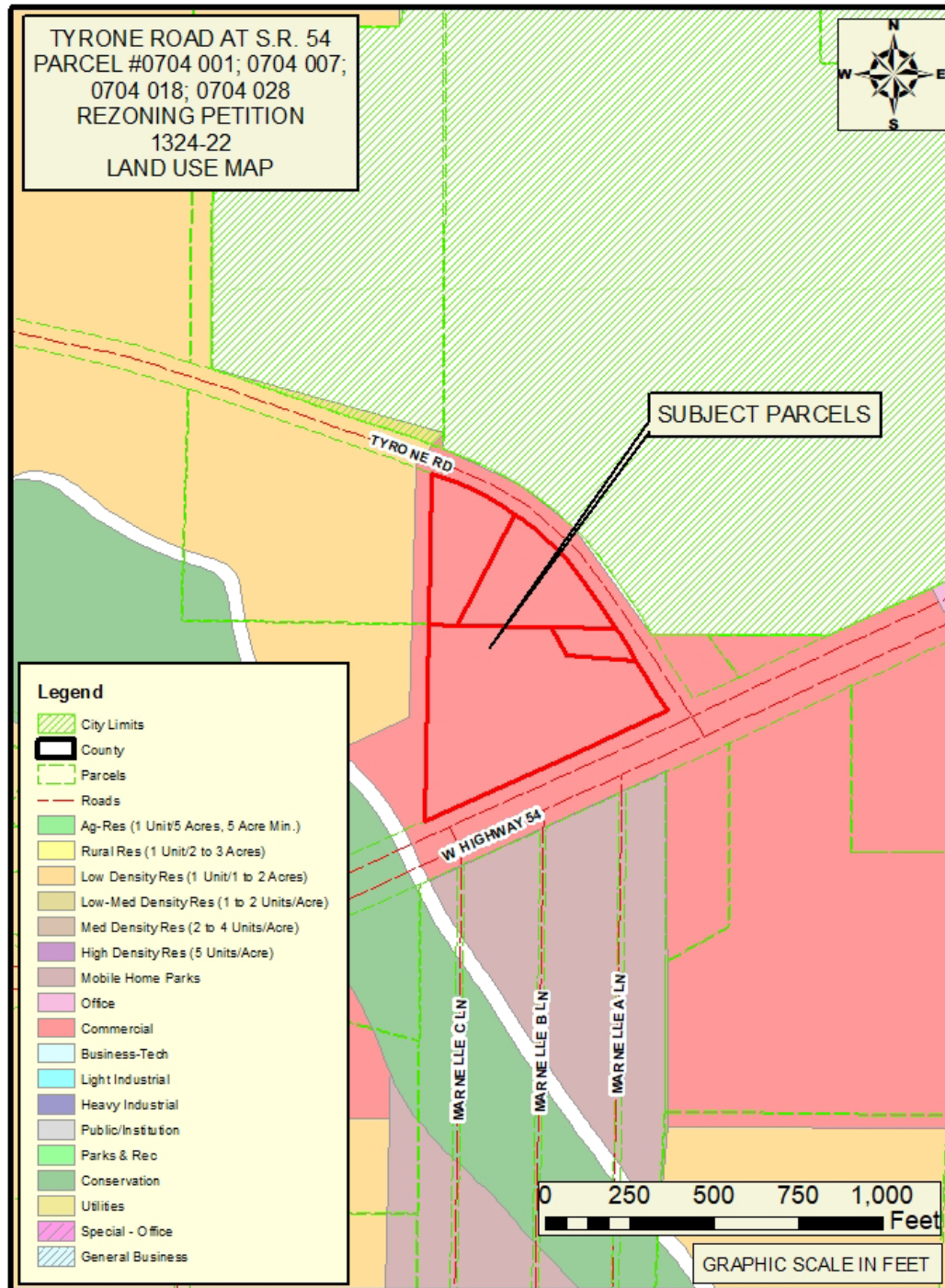
G. STAFF ANALYSIS

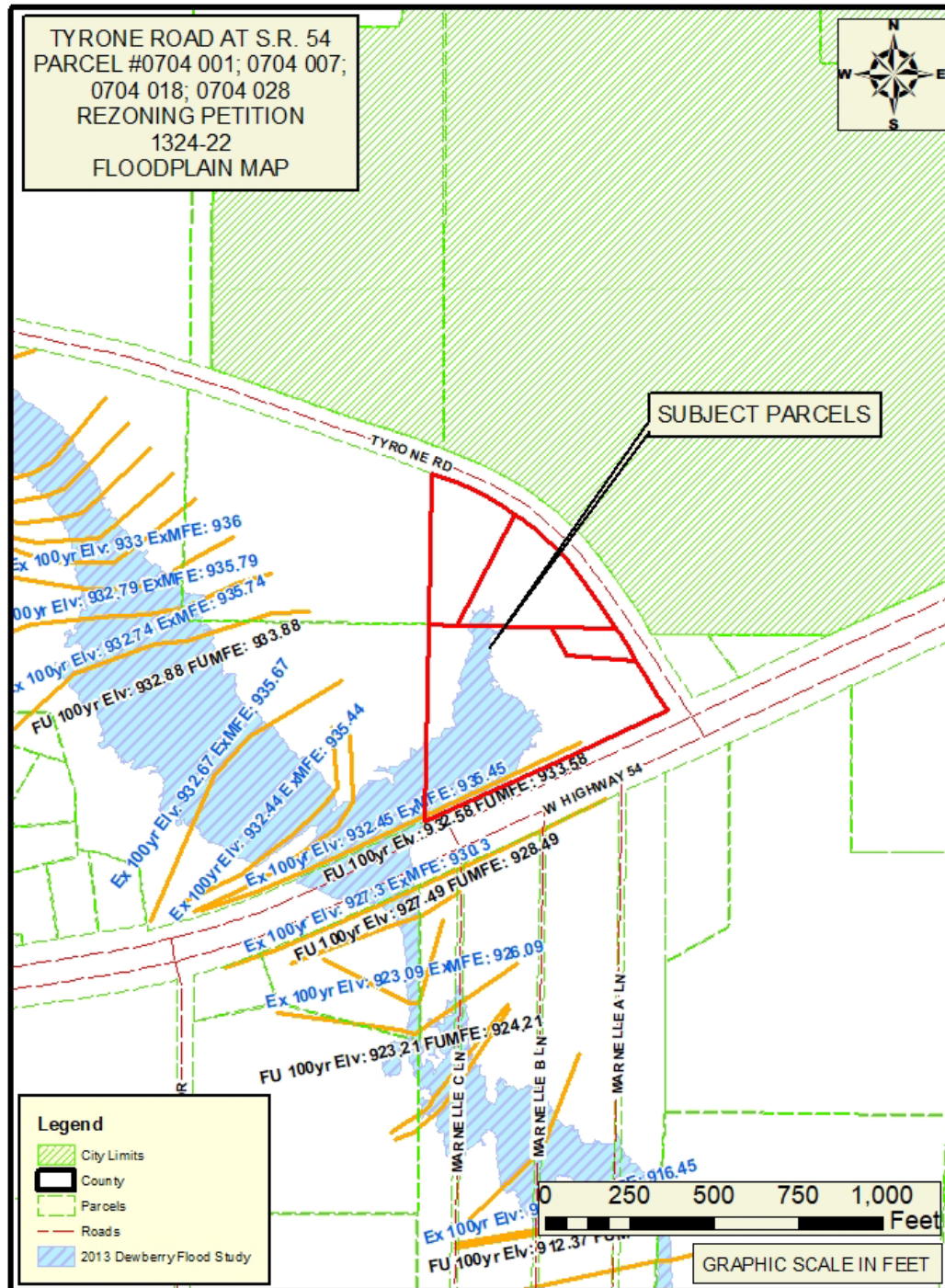
1. The subject properties lie within an area designated for Commercial uses, subject to the SR 54 West Overlay Zone. This request does conform to the Fayette County Comprehensive Plan in terms of the location of commercial uses in the area of the intersection of SR 54 and Tyrone Road.
2. The subject 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.

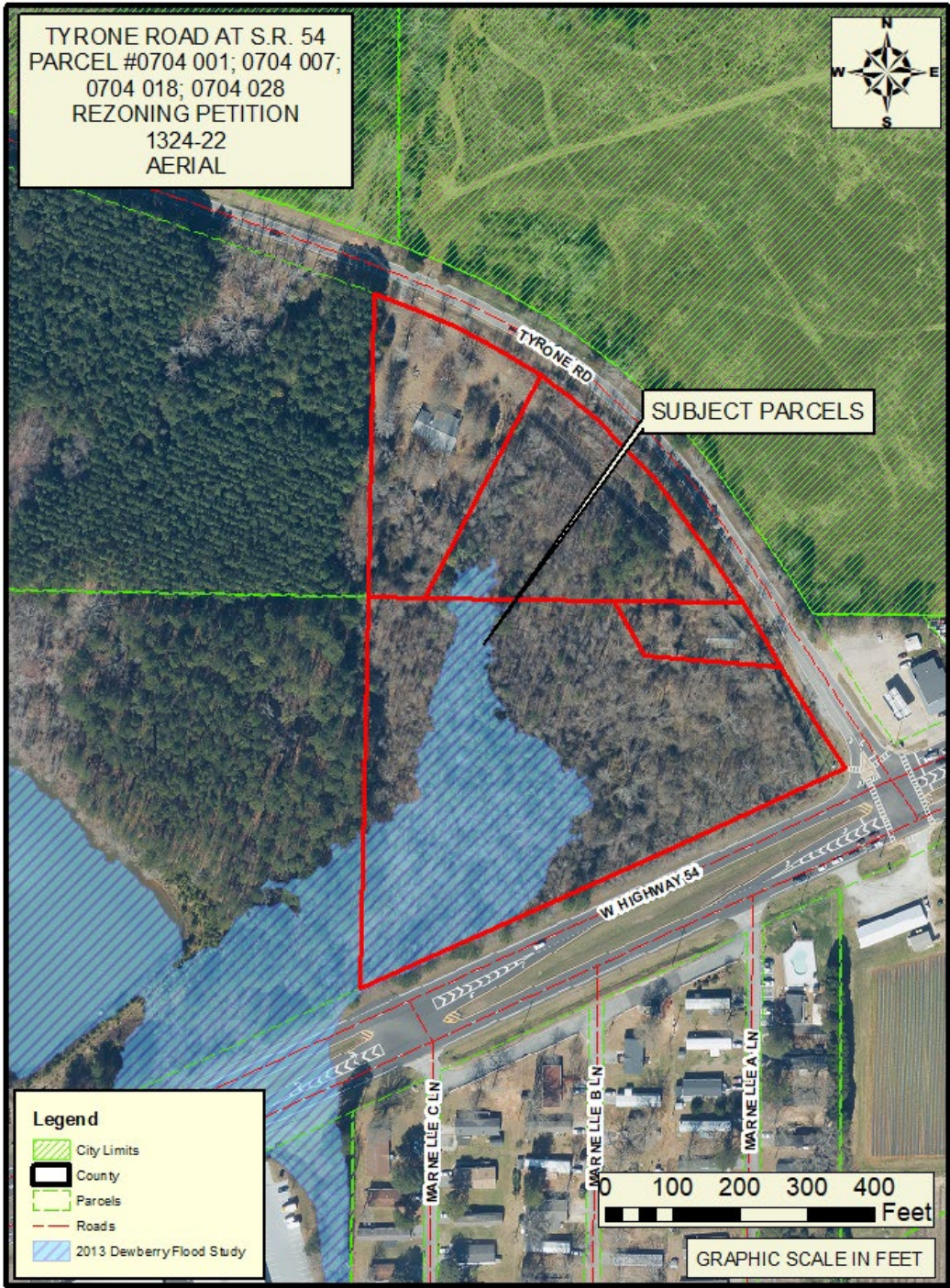


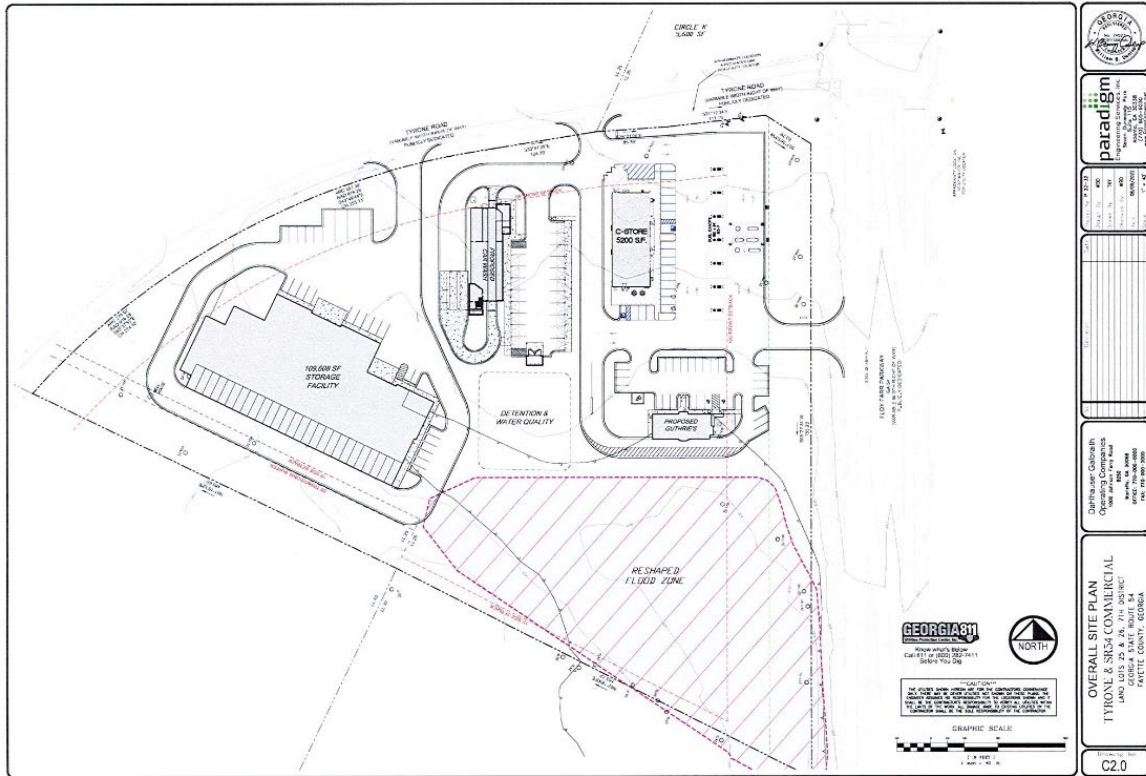












CONCEPTUAL SITE PLAN



CONCEPTUAL RENDERING – SELF-STORAGE BUILDING

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 JOHNSON FERRY RD, STE B250, MARIETTA, GA 30068

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

PROPERTY LOCATION: LAND LOT 25 & 26 LAND DISTRICT 7TH PARCEL (26) 0704-001 - 5.615
LAND LOT LAND DISTRICT 7TH PARCEL (25) 0704-007 - .331
LAND DISTRICT PARCEL (25) 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 (#4407) for application filing fee, and \$ 100.00 (#4408) 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

3
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:

TYRONE 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

Jodie Andriotty
Signature of Notary Public

Date

8/30/22

Jodie Andriotty
Signature of Notary Public

Date

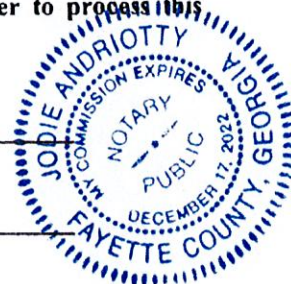
8/30/22

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

Tammy Feilmeier
 NOTARY PUBLIC

BY: [Signature]

APPLICANT'S SIGNATURE MATT DAHLHAUSER



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/.
- 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

Updated by the Planning Department on 10/1/2019. All other thresholds remain the same.

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:

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:

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.

Doc ID: 011377890002 Type: WD
 Recorded: 10/21/2021 at 04:55:00 PM
 Fee Amt: \$25.00 Page 1 of 2
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

WARRANTY DEEDBK **5389** PG **33-34**

STATE OF GEORGIA
 COUNTY OF FAYETTE

After filing please return to:
 Southeast Properties
 P.O. Box 1387
 Fayetteville, Georgia 30214

THIS INDENTURE made this 9th day of December, 2019, between **TYRONE 54, LLC** (hereinafter called the "Grantor") and **BBWJ, LLC** (hereinafter called the "Grantee"). The words "Grantor" and "Grantee" include their respective heirs, executors, administrators, successors, and assigns.

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 and conveyed and by these presents does grant, bargain, sell and convey its ONE-HALF UNDIVIDED INTEREST in the following property to Grantee,

ALL THAT TRACT AND PARCEL OF LAND LYING AND BEING IN LAND LOTS 25 & 26 of the 7th District of Fayette County, Georgia, containing 5.594 acres and being more particularly described on the attached Exhibit "A" and incorporated herein by this reference hereto for a more complete and particular description.

This conveyance is subject to any and all easements and restrictions of record.

TO HAVE AND TO HOLD said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, and benefit of Grantee, forever, IN FEE SIMPLE.

AND subject to the title matters expressly set forth hereinabove, if any, GRANTOR will WARRANT and forever defend the right and title to the above referenced property unto Grantee against the lawful claims of all persons whomsoever.

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

Signed, sealed, and delivered
 in the presence of:

TYRONE 54, LLC:

Carrie Cor
 UNOFFICIAL WITNESS

John W. Bonner
 John W. Bonner, Managing Member

Jodie Andriotti
 NOTARY PUBLIC
 MY COMMISSION EXPIRES
 12/17/22

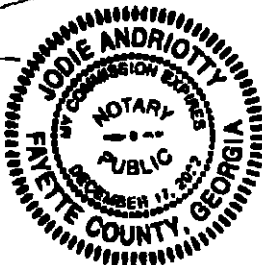


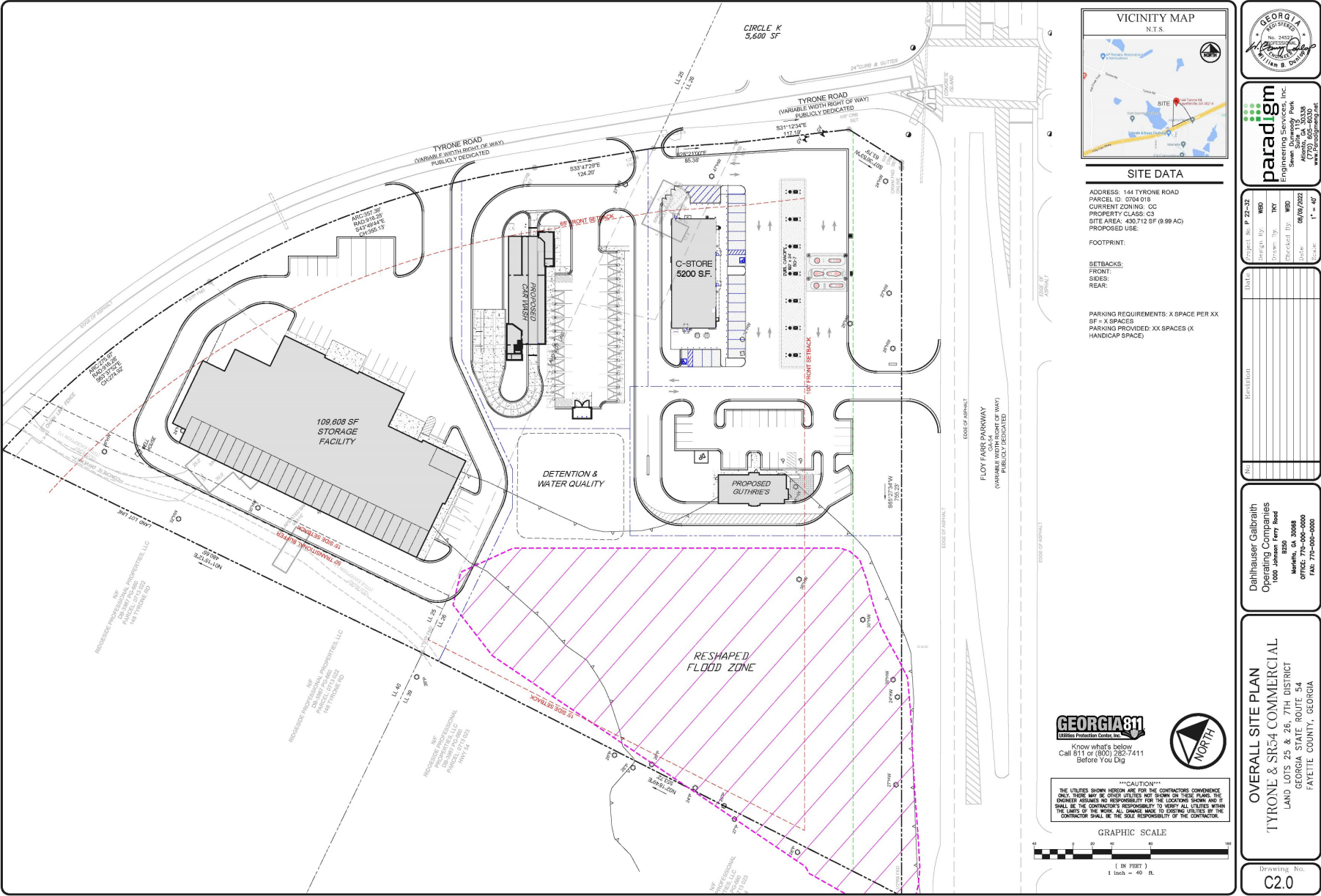
EXHIBIT "A"

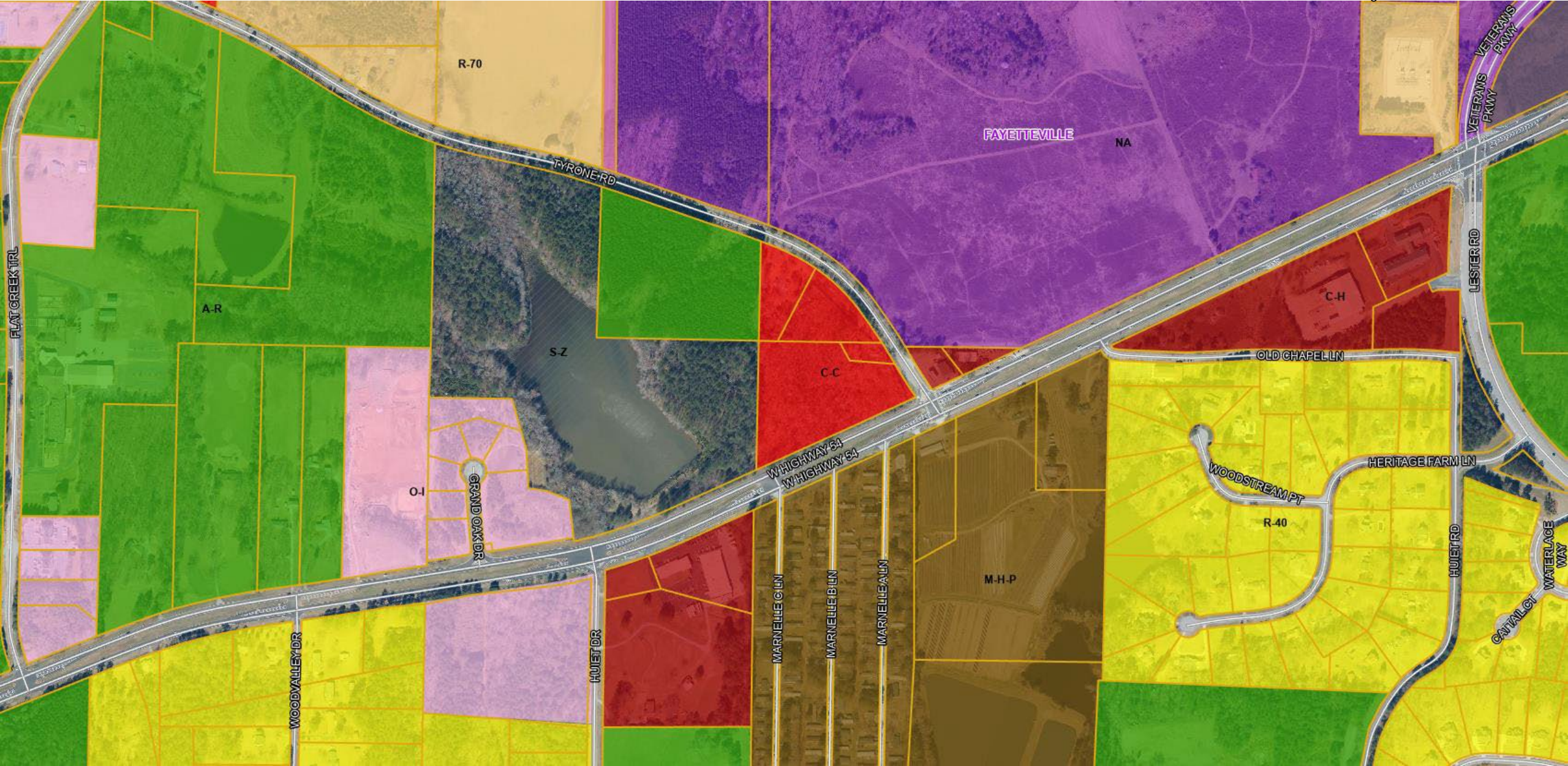
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 25 & 28 OF THE 7TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

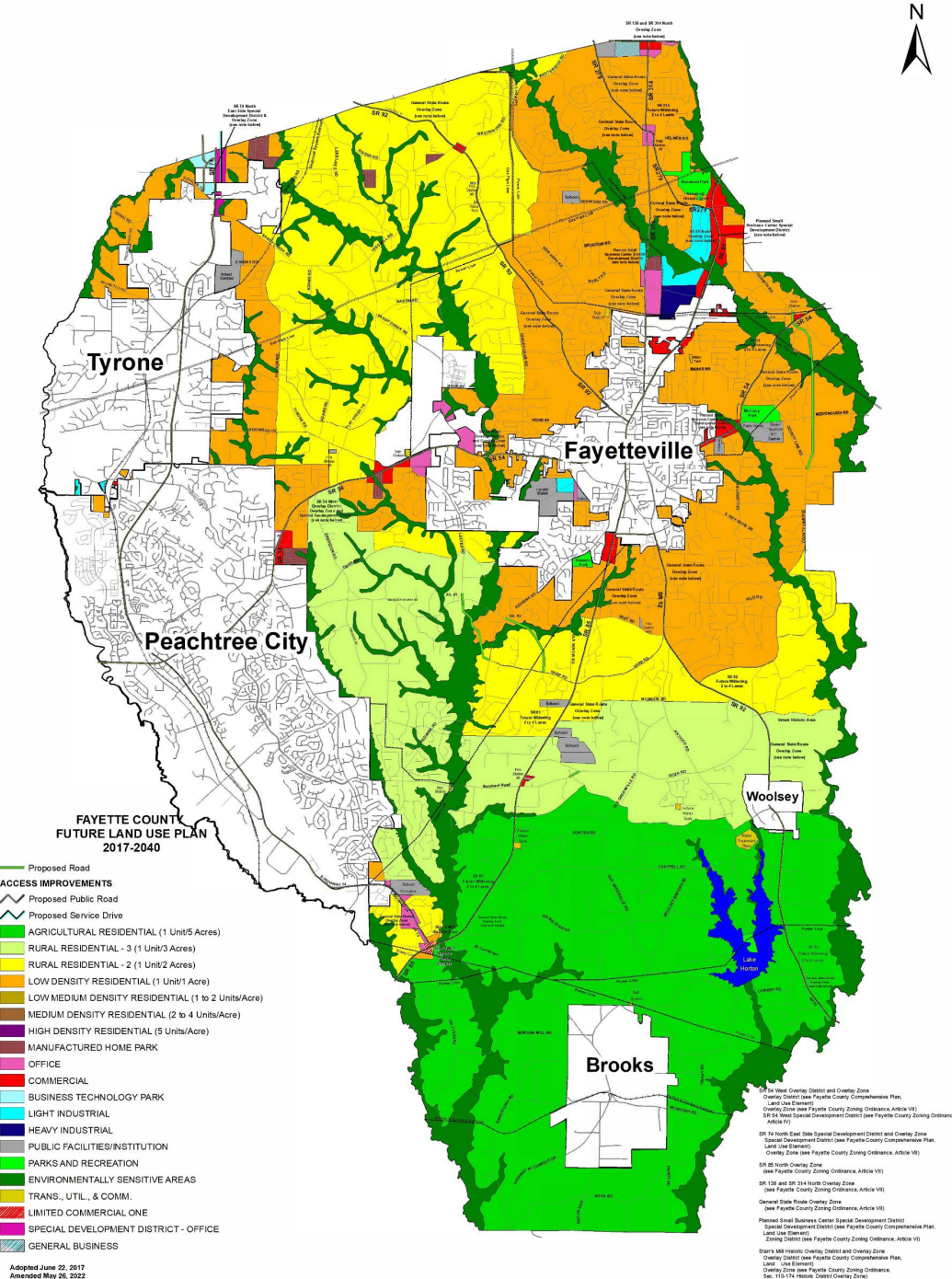
BEGINNING AT AN IRON PIN FOUND ON THE COMMON LAND LOT LINES OF LAND LOTS 25, 26, 39 AND 40, RUNNING THENCE SOUTH 89 DEGREES 51 MINUTES 32 SECONDS EAST A DISTANCE OF 139.97 FEET TO A POINT RUNNING THENCE SOUTH 89 DEGREES 30 MINUTES 14 SECONDS EAST A DISTANCE OF 254.82 FEET TO A ONE INCH OPEN TOP PIPE; RUNNING THENCE SOUTH 11 DEGREES 45 MINUTES 50 SECONDS EAST A DISTANCE OF 79.91 FEET TO A POINT; RUNNING THENCE SOUTH 89 DEGREES 28 MINUTES 38 SECONDS EAST A DISTANCE OF 200.00 FEET TO A POINT ON THE WESTERN RIGHT OF WAY LINE OF TYRONE ROAD (60 FOOT RIGHT OF WAY); RUNNING THENCE ALONG SAID RIGHT OF WAY SOUTH 33 DEGREES 35 MINUTES 00 SECONDS EAST A DISTANCE OF 117.19 FEET TO A RIGHT OF WAY MONUMENT AT THE INTERSECTION OF TYRONE ROAD AND STATE ROUTE 54; RUNNING THENCE SOUTH 10 DEGREES 55 MINUTES 27 SECONDS WEST A DISTANCE OF 63.73 FEET TO A RIGHT OF WAY MONUMENT; RUNNING ALONG RIGHT OF WAY OF STATE ROUTE 54 (A VARIABLE WIDTH RIGHT OF WAY) RUNNING THENCE ALONG SAID RIGHT OF WAY OF STATE ROUTE 54 SOUTH 65 DEGREES 25 MINUTES 00 SECONDS WEST A DISTANCE OF 755.30 FEET TO A POINT; RUNNING THENCE NORTH 02 DEGREES 23 MINUTES 10 SECONDS EAST A DISTANCE OF 553.12 FEET TO AN IRON PIN FOUND AT THE COMMON LAND LOT LINES OF LAND LOTS 25, 26, 39 AND 40 AND THE POINT OF BEGINNING. SAID TRACT BEING KNOWN AS TRACT 4 CONTAINING 6.6940 ACRES AS PER PLAT PREPARED FOR SOUTHEAST PROPERTIES BY SITE DESIGN SERVICES, INC. DATED 2/24/03 .

PARCEL ID NUMBER: 07-04-001

PARCEL ID NUMBER: 07-04-001F









COUNTY AGENDA REQUEST

Page 159 of 454

Department: Planning & Zoning

Presenter(s): Debbie Bell, Director

Meeting Date: Thursday, December 8, 2022

Type of Request: Public Hearing #8

Wording for the Agenda:

Consideration of Petition No. 1324-22-B; Tyrone 54, LLC & BBWJ, LLC, Owners; Matt Dahlhauser, Agent. Request to rezone 0.331 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 and fronts on Tyrone Road.

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 to recommend conditional approval. 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 365 days of approval or prior to Land Disturbance Permit, whichever comes first. 4. All existing structures on the parcels that are a subject of this rezoning shall be removed within 365 days of approval or prior to Land Disturbance Permit, whichever comes first. 5. The required right-of-way donation shall be provided to the County within 365 days of approval or prior to Land Disturbance Permit, whichever comes first.

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 0.331 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 is located in Land Lot(s) 26 of the 7th District and fronts on Tyrone Road, with five (5) conditions.

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:

This item was tabled at the October 27, 2022 Board of Commissioners meeting.

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

The Fayette County Planning Commission recommends that Petition No. 1324-22B, the application of Tyrone 54, LLC and BBWJ, LLC to rezone .331 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



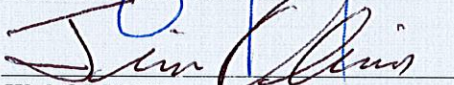
 BRIAN HAREN, VICE-CHAIRMAN



 JOHN CULBRETH



 DANNY ENGLAND



 JIM OLIVER

Remarks:

**STATE OF GEORGIA
COUNTY OF FAYETTE**

RESOLUTION

NO. 1324-22B

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 .331 acres from C-C to C-H, in the area of S.R. 54 and Tyrone Road, Land Lot 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:

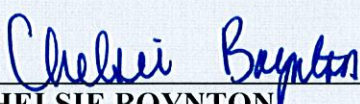
In compliance with the Fayette County Comprehensive Plan.
Compatible with the surrounding area.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:



ARNOLD MARTIN, CHAIRMAN



**CHELSE BOYNTON
PC SECRETARY**

Meeting Minutes 10/6/22

THE FAYETTE COUNTY PLANNING COMMISSION met on October 6th, 2022 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Arnold Martin, Chairman
Brian Haren, Vice-Chairman
John H. Culbreth
Jim Oliver
Danny England

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

PUBLIC HEARING

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 7th District and fronts on Tyrone Road.

Mr. Lindsey stated they are fine with conditions one (1) and two (2) but asked that conditions three (3), four (4), and five (5) be tied to twelve months or applying for the LDP.

Danny England asked if a building can be demolished prior to an LDP being issued?

Ms. Bell stated that is a separate permit so they can do that in preparation for the Land Disturbance Permit. She added she could see that happening concurrently because the equipment will be on site.

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 amended 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 removed within 365 days of the approval of the rezoning or before the LDP, whichever comes first. 4. All existing structures on the parcels that are a subject of this rezoning shall be removed in 365 days of approval of the rezoning or before the LDP, whichever comes first. 5. The required right-of-way donation shall be provided to the County in 365 days of approval of the final plat or before

Page 2
October 6th, 2022
PC Meeting

the LDP, whichever comes first. John Culbreth Sr. seconded the motion. The motion passed 5-0.

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): 7th District, Land Lot 26

OWNERS: Tyrone 54, LLC and BBWJ, LLC

AGENT: Matt Dahlhauser for DG Development Partners, LLC; Richard Lindsey, Attorney

PLANNING COMMISSION PUBLIC HEARING: October 6, 2022

BOARD OF COMMISSIONERS PUBLIC HEARING: October 27, 2022 (Tabled)
December 8, 2022

APPLICANT'S INTENT

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

PLANNING COMMISSION RECOMMENDATION

Agenda of Actions, Fayette County Planning Commission, October 6, 2022

Consideration of Petition No. 1324-22-B 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 7th District and fronts on S.R. 54 and Tyrone Road.

Jim Oliver made a motion to recommend approval of Petition No. 1324-22-B, 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 amended conditions. John Culbreth Sr. seconded the motion. The motion passed 5-0.

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).**

The applicant should be advised that there is an intersection improvement project in the design phase for Tyrone Road at SR 54. Plans are not finalized at this time, but it is possible that additional right-of way will be required at time of development.

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 60 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.
4. All existing structures on the parcels that are a subject of this rezoning shall be removed within +0 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.
5. The required right-of-way donation shall be provided to the County within 60 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.

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 7th 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 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

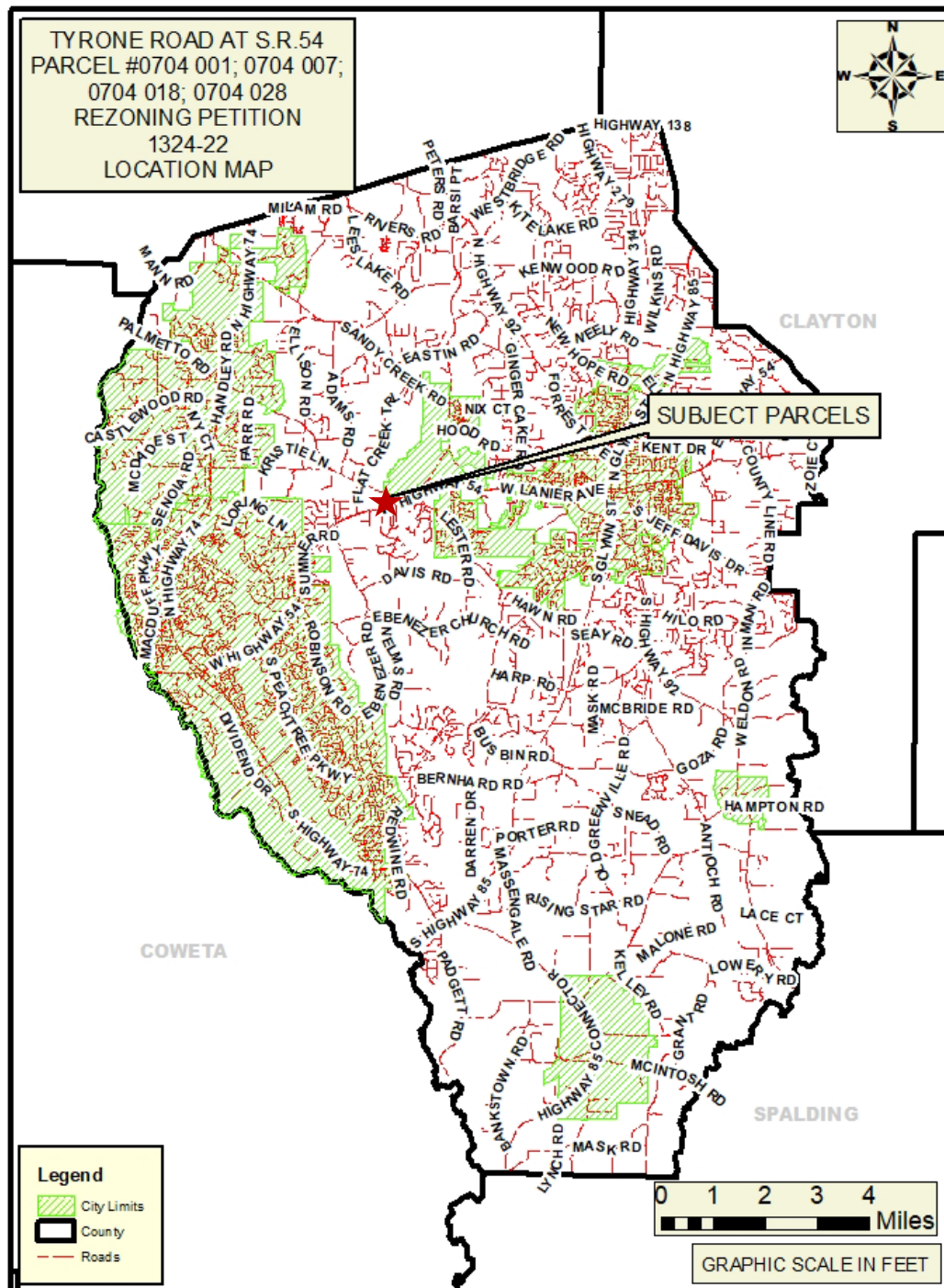
Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

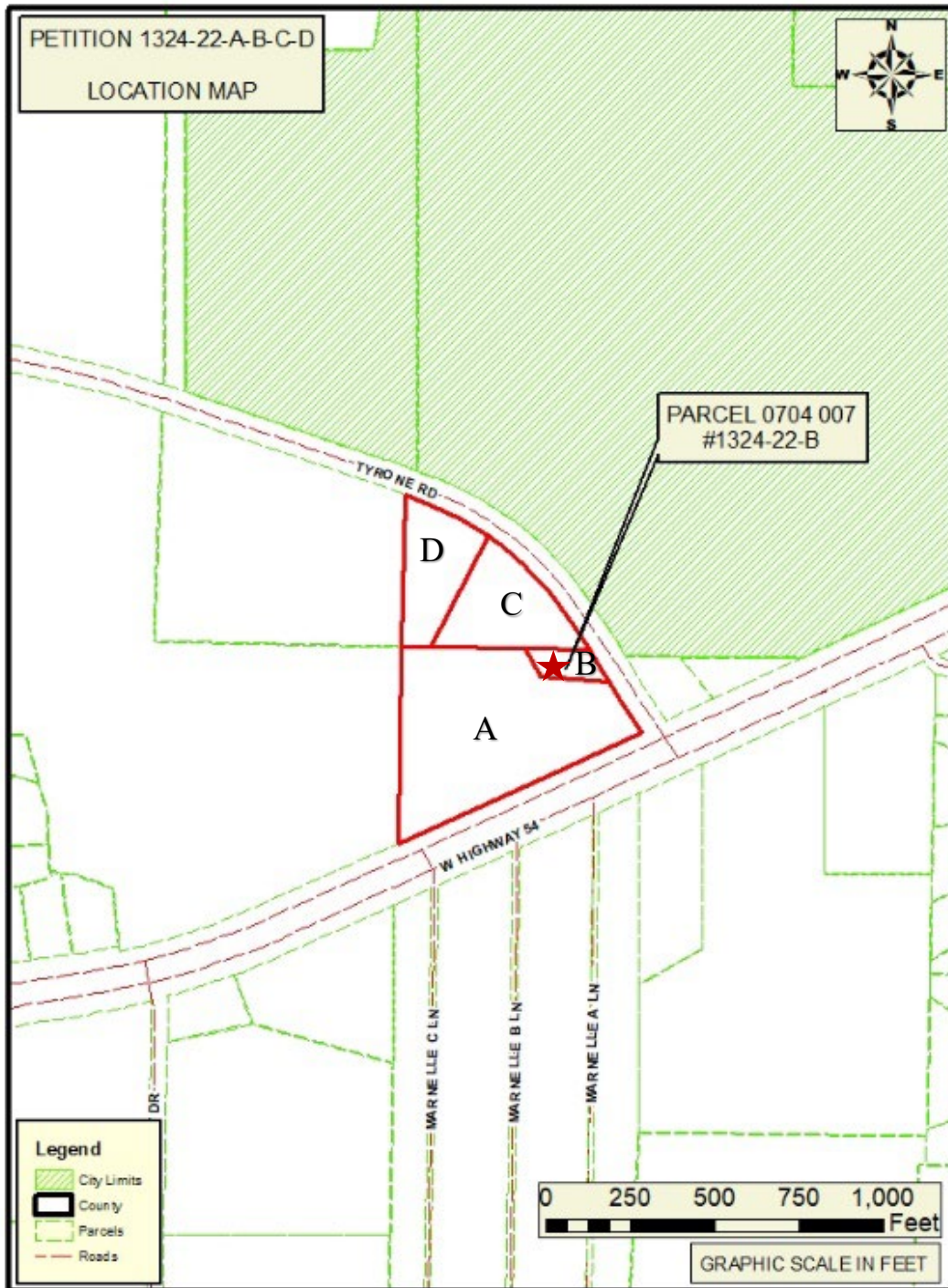
All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board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

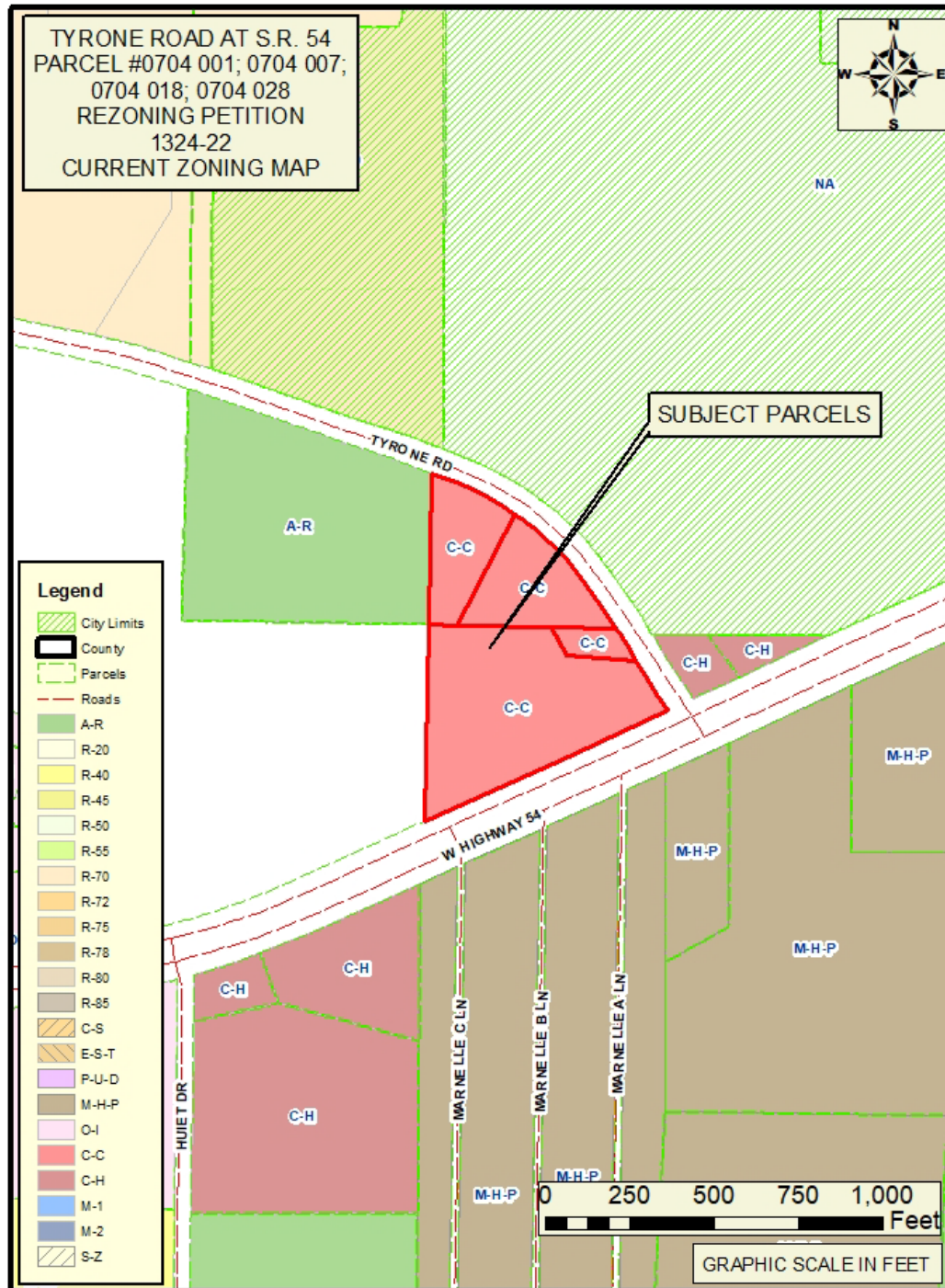
- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause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

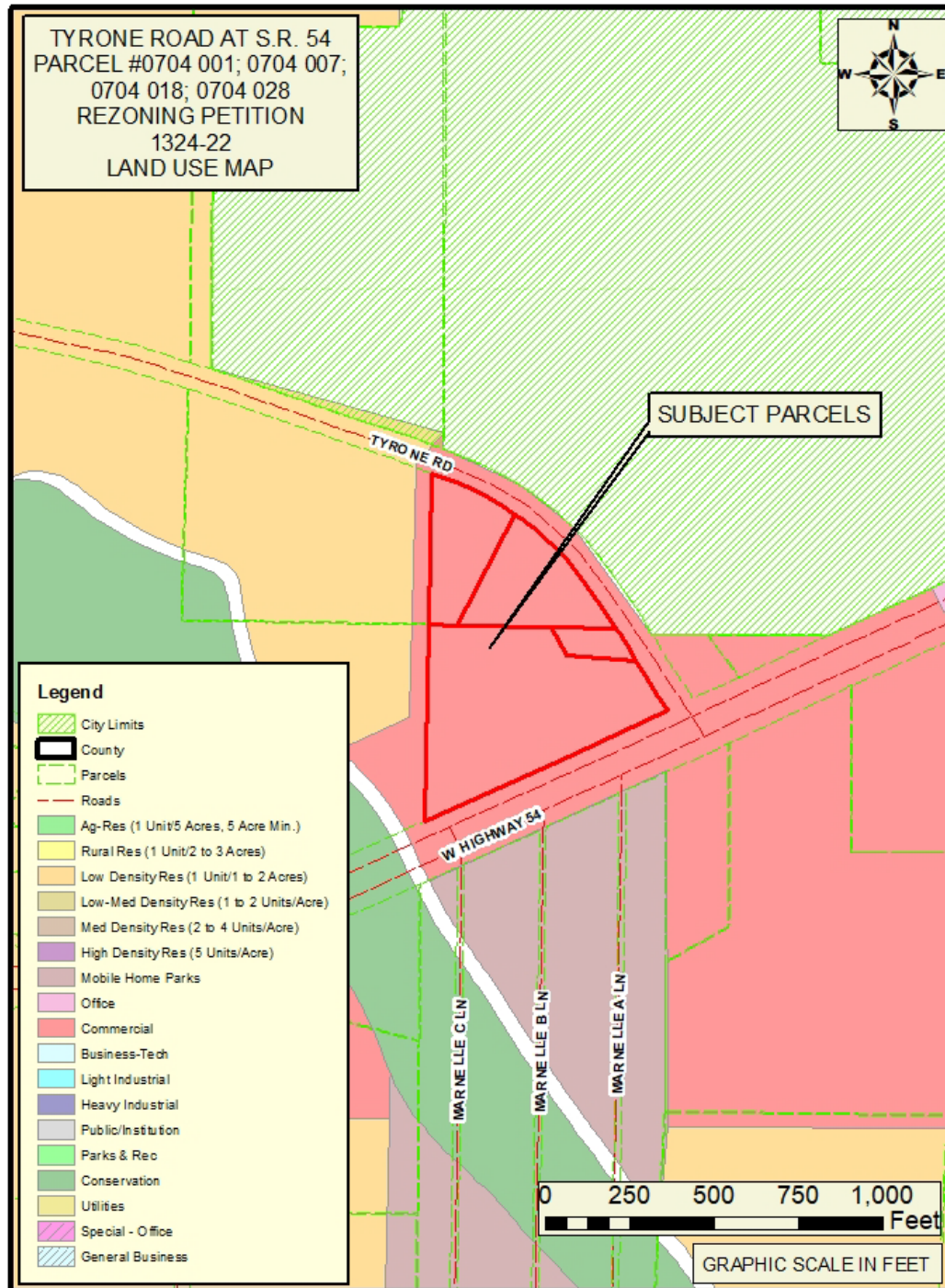
G. STAFF ANALYSIS

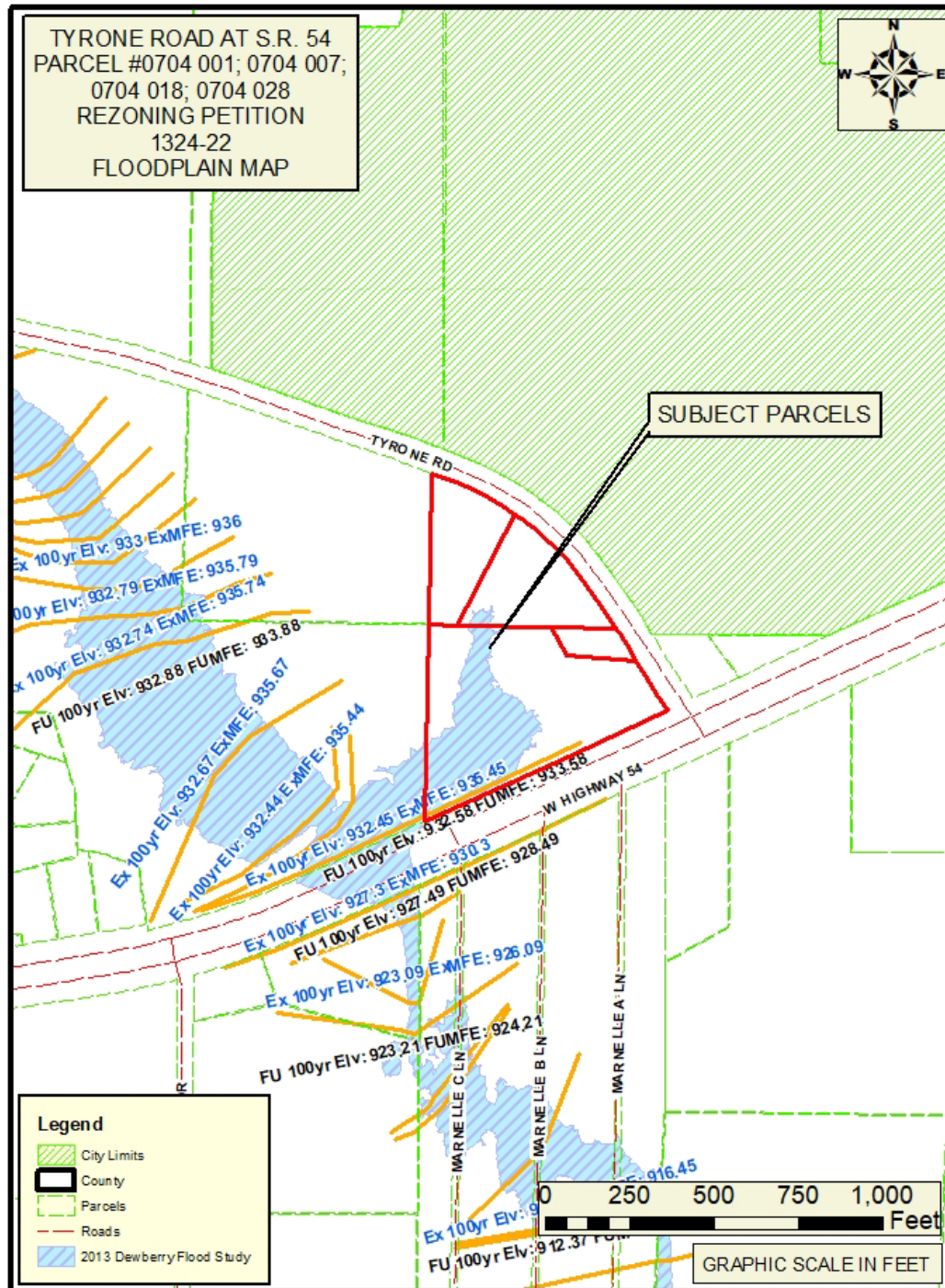
1. The subject properties lie within an area designated for Commercial uses, subject to the SR 54 West Overlay Zone. This request does conform to the Fayette County Comprehensive Plan in terms of the location of commercial uses in the area of the intersection of SR 54 and Tyrone Road.
2. The subject 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.

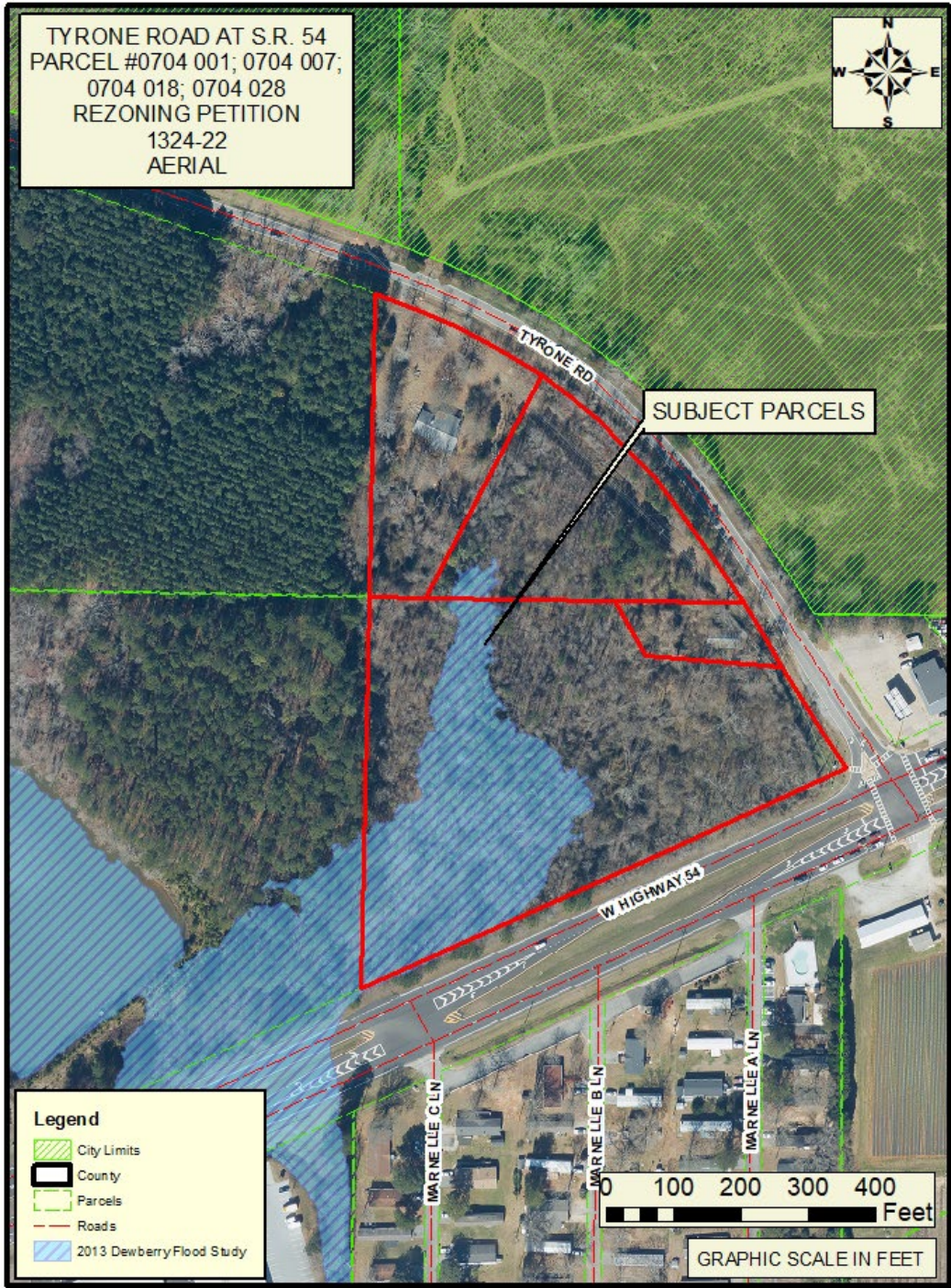


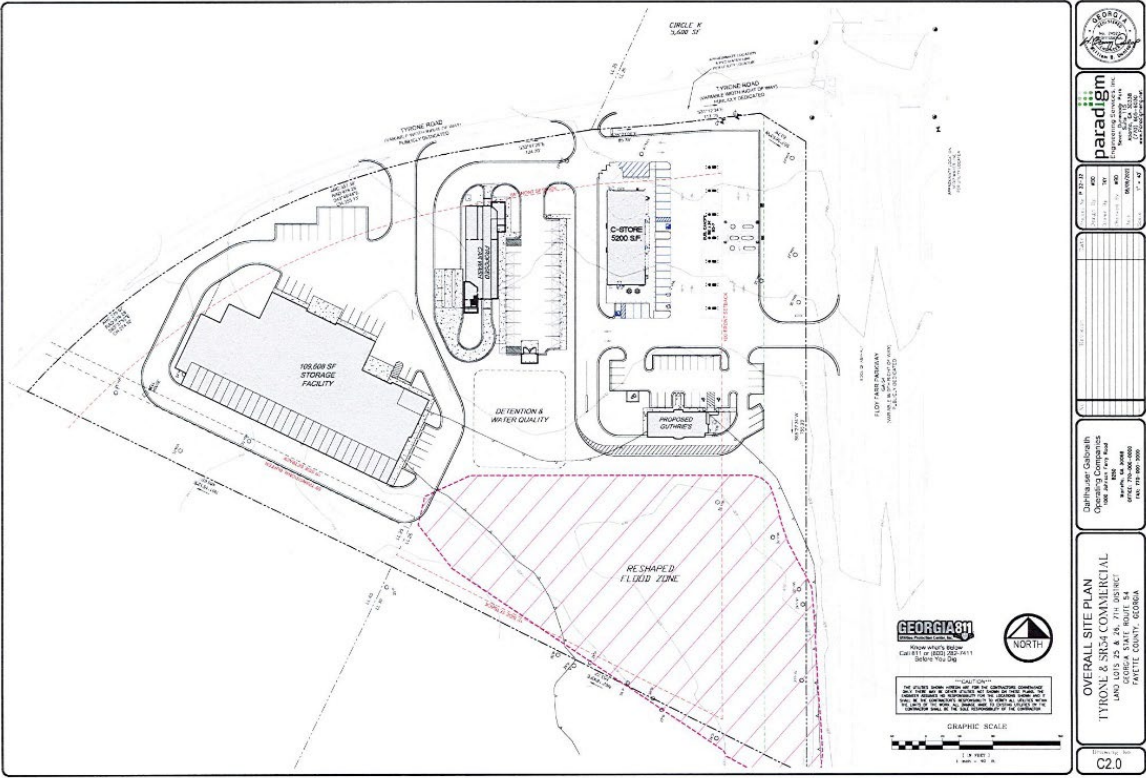












CONCEPTUAL SITE PLAN



CONCEPTUAL RENDERING – SELF-STORAGE BUILDING

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 JOHNSON FERRY RD, STE B250, MARIETTA, GA 30068

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

PROPERTY LOCATION: LAND LOT 25 & 26 LAND DISTRICT 7TH PARCEL (26) 0704-001 - 5.615
LAND LOT LAND DISTRICT 7TH PARCEL (25) 0704-007 - .331
LAND DISTRICT PARCEL (25) 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 (#4407) for application filing fee, and \$ 100.00 (#4408) 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

3
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:

TYRONE 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

Jodie Andriotty
Signature of Notary Public

Date

8/30/22

Jodie Andriotty
Signature of Notary Public

Date

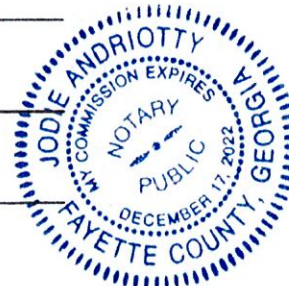
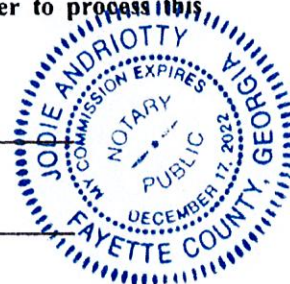
8/30/22

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

Tammy Feilmeier
 NOTARY PUBLIC

BY: [Signature]

APPLICANT'S SIGNATURE MATT DAHLHAUSER



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/.
- 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

Updated by the Planning Department on 10/1/2019. All other thresholds remain the same.

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:

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:

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.

Return to:
EDGE & KIMBELL LAW, LLC
503 Commerce Drive
Peachtree City, GA 30269

File No.: PTC-21-2384
Parcel ID: 07-04-00-007

Type: WD
Recorded: 7/20/2021 3:22:00 PM
Fee Amt: \$25.00 Page 1 of 3
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID: 9035938284

BK 5327 PG 303 - 305

WARRANTY DEED

STATE OF GEORGIA, COUNTY OF FAYETTE

THIS INDENTURE, Made the 14th day of July, 2021 between

Tyrone 54, LLC, a Georgia Limited Liability Company,

of the, as party of the first part, hereinafter called Grantor and

BBWJ, LLC, a Georgia Limited Liability Company,

as party 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 Dollars (\$10.00) AND OTHER VALUABLE CONSIDERATION**, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land:

See Exhibit "A" Attached Hereto and Made a Part Hereof

commonly known as **112 Acres Tyrone Rd., Fayetteville, GA 30214**

SUBJECT to the **Permitted Exceptions** contained in Exhibit "B" hereto, and all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

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 behoove 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.

General Warranty Deed - Commercial

File No.: PTC-21-2384

Page 1 of 3

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

Signed, sealed and delivered in the presence of:

Elise Kimbell
UNOFFICIAL WITNESS

[Signature]
Notary Public
My Commission Expires: 2-23-2025
SEAL:

Tyrone 54, LLC

By: [Signature] (SEAL)
John W. Bonner, Member

By: [Signature] (SEAL)
Carter W. Johnson, Member



EXHIBIT "A"
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in the 7th Land District of Fayette County, Georgia and being a portion of Land Lot Number 26, and more particularly described as follows:

BEGINNING on the Westerly side of the old Tyrone Public Road, now a Post Road, and from thence running in a Westerly direction two hundred (200) feet; and from thence in a Northerly direction eighty (80) feet; and from thence in an Easterly direction two hundred (200) feet; and from thence in a Southerly direction eighty (80) feet to the point of **BEGINNING**; upon which is situate a frame dwelling house . Said property being bounded as follows: On the North by lands formerly known as the Beulah Smith property, now owned by John A. Lester and others; on the south and West by lands of Grady Crews. and on the East by the Tyrone Post Road.

This being the property described in a Warranty Deed from Earl Brown to James A. Griffin dated March 27, 1953, and recorded April 4, 1953, in Book 36, pages 196-197, Fayette County Deed records; and being the same property described in a Warranty Deed from James A. Griffin to Grantor, dated July 13, 1968. and recorded in Deed Book 75, Page 223, in the office of the Clerk of Superior Court of Fayette County, Georgia.

COUNTY AGENDA REQUEST

Page 192 of 454

Department: Planning & Zoning

Presenter(s): Debbie Bell, Director

Meeting Date: Thursday, December 8, 2022

Type of Request: Public Hearing #9

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 and fronts on Tyrone Road.

Background/History/Details:

The subject property is made up of an 1.993-acre tract that fronts on Tyrone Rd. 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 to recommend conditional approval.

Staff recommends CONDITIONAL APPROVAL of the request for a zoning of C-H, Highway Commercial, because it is consistent with the Fayette County Comprehensive Land Use Plan and with surrounding land uses.

RECOMMENDED CONDITIONS 1. Tyrone Rd is a Minor Arterial per the County's Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Tyrone Rd. 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 365 days of approval or prior to Land Disturbance Permit, whichever is comes first. 4. All existing structures on the parcels that are a subject of this rezoning shall be removed within 365 days of approval or prior to LDP, whichever is comes first.

5. The required right-of-way donation shall be provided to the County within 365 days of approval or prior to LDP, whichever is comes first.

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:

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:

This item was tabled at the October 27, 2022 Board of Commissioners meeting.

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

The Fayette County Planning Commission recommends that Petition No. 1324-22C, the application of Tyrone 54, LLC and BBWJ, LLC to rezone 1.993 acres from C-C to C-H,

be:

 ☒ Approved ☐ Withdrawn ☐ Denied

☐ Tabled until _____

☒ Approved with Conditions _____

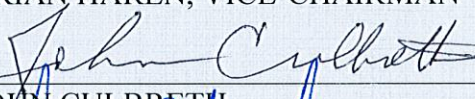
This is forwarded to you for final action.



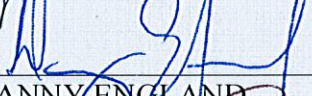
 ARNOLD MARTIN, CHAIRMAN



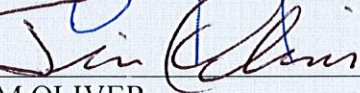
 BRIAN HAREN, VICE-CHAIRMAN



 JOHN CULBRETH



 DANNY ENGLAND



 JIM OLIVER

Remarks:

**STATE OF GEORGIA
COUNTY OF FAYETTE**

RESOLUTION

NO. 1324-22C

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 1.993 acres from C-C to C-H, in the area of S.R. 54 and Tyrone Road, Land Lot 25 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

Meeting Minutes 10/6/22

THE FAYETTE COUNTY PLANNING COMMISSION met on October 6th, 2022 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Arnold Martin, Chairman
Brian Haren, Vice-Chairman
John H. Culbreth
Jim Oliver
Danny England

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

PUBLIC HEARING

- 1. 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 7th District and fronts on Tyrone Road.**

Mr. Lindsey stated he is fine with the amended conditions.

Mary Kaszonye of Fayette County expressed concerns about the lake near the parcel, the traffic, and changes to the road.

Bill Bonner spoke in support of the project. He stated it would benefit the residents and businesses in the area.

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 amended 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 365 days of the approval of the rezoning or before the LDP, whichever comes first. 4. All existing structures on the parcels that are a subject of this rezoning shall be removed in 365 days of approval of the rezoning or before the LDP, whichever comes first. 5. The required right-of-way donation shall be provided to the County in 365 days of approval of the final plat or before the LDP, whichever comes first. Danny England seconded the motion. The motion passed 5-0.

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): 7th District, Land Lot 25

OWNERS: Tyrone 54, LLC and BBWJ, LLC

AGENT: Matt Dahlhauser for DG Development Partners, LLC; Richard Lindsey, Attorney

PLANNING COMMISSION PUBLIC HEARING: October 6, 2022

BOARD OF COMMISSIONERS PUBLIC HEARING: October 27, 2022 (Tabled)
December 8, 2022

APPLICANT'S INTENT

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

PLANNING COMMISSION RECOMMENDATION

Agenda of Actions, Fayette County Planning Commission, October 6, 2022

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 7th 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.

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).**

The applicant should be advised that there is an intersection improvement project in the design phase for Tyrone Road at SR 54. Plans are not finalized at this time, but it is possible that additional right-of way will be required at time of development.

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 60 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.
4. All existing structures on the parcels that are a subject of this rezoning shall be removed within 60 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.
5. The required right-of-way donation shall be provided to the County within 60 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.

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 7th 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 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

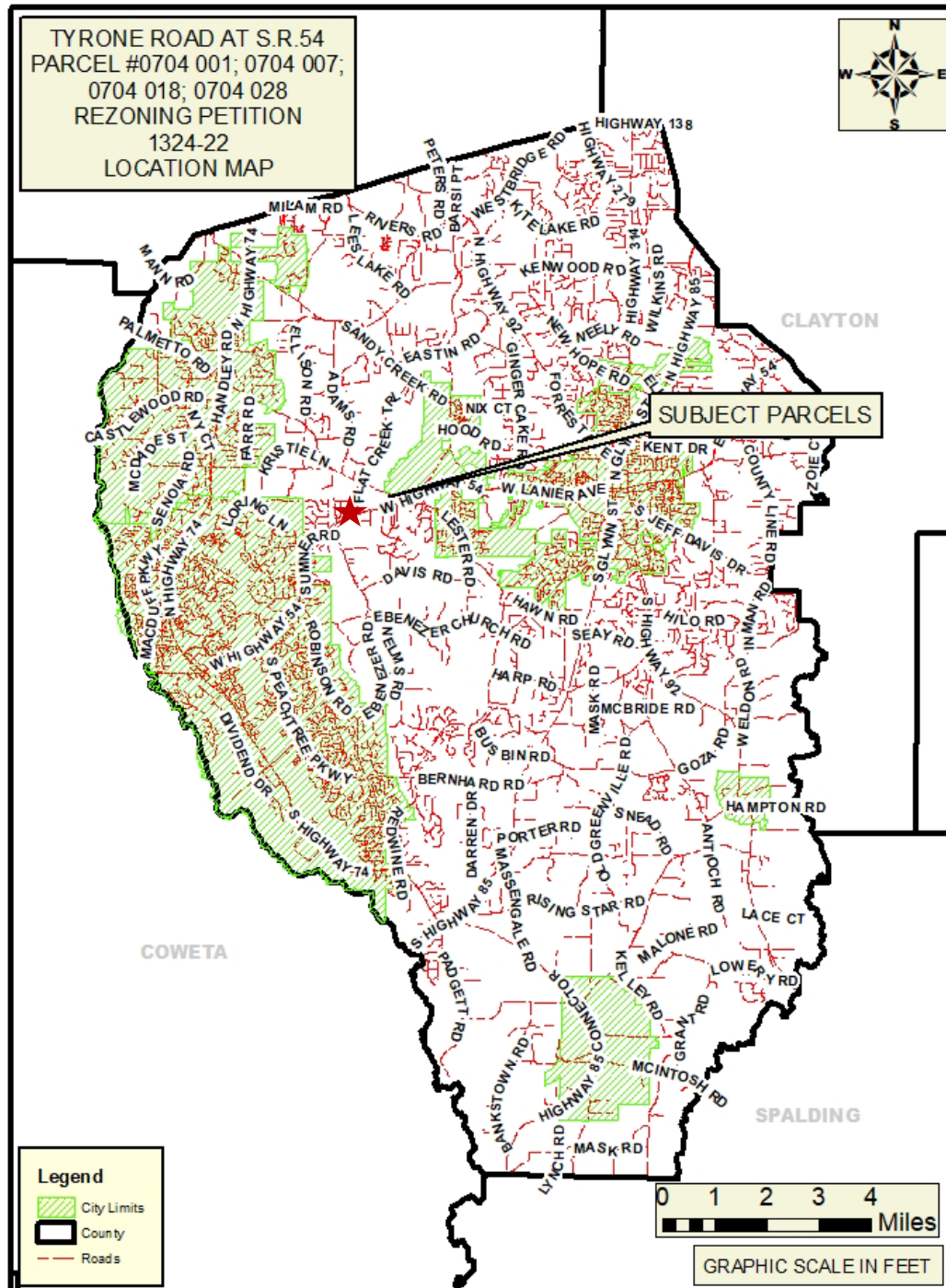
Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

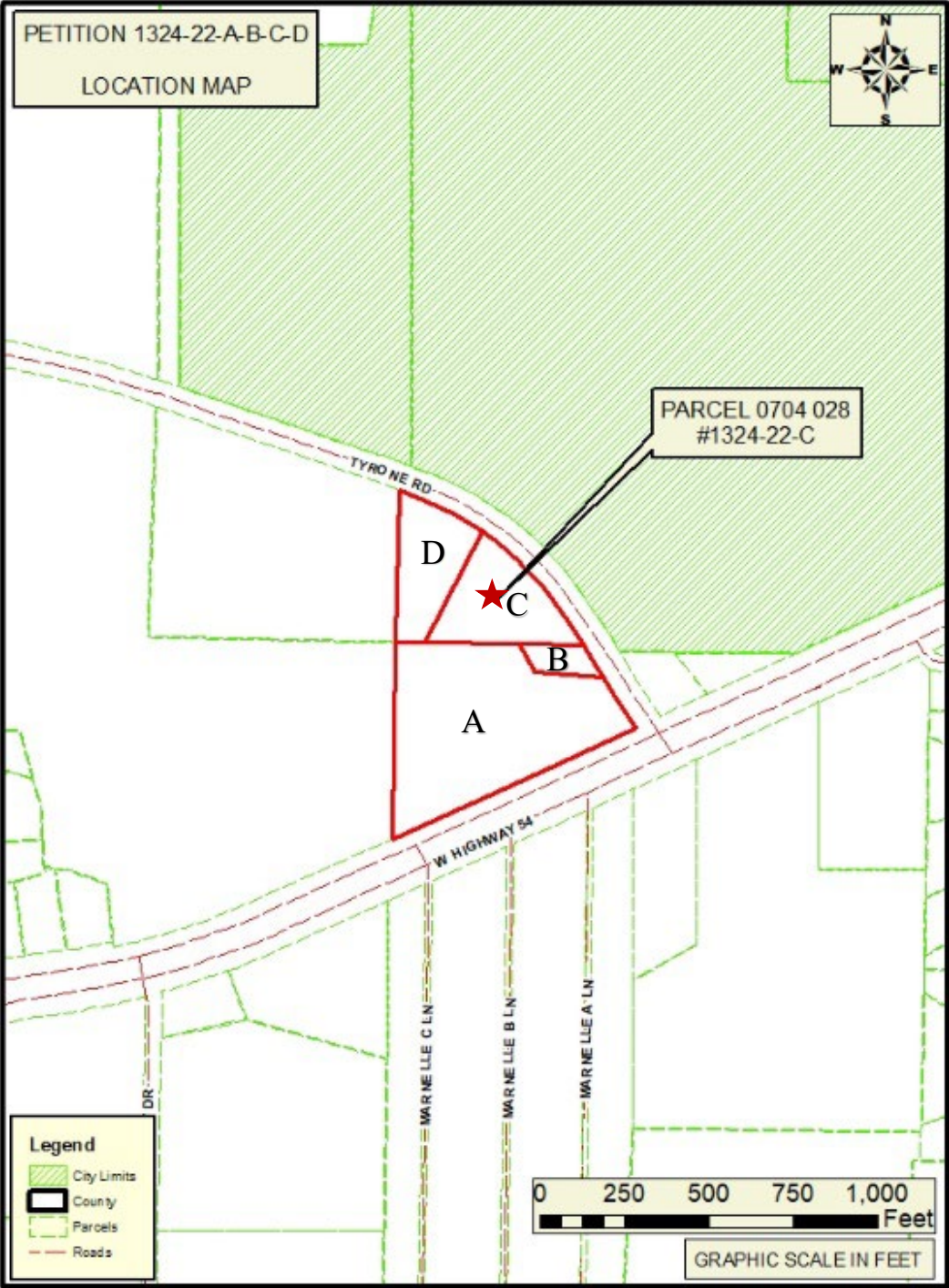
All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board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

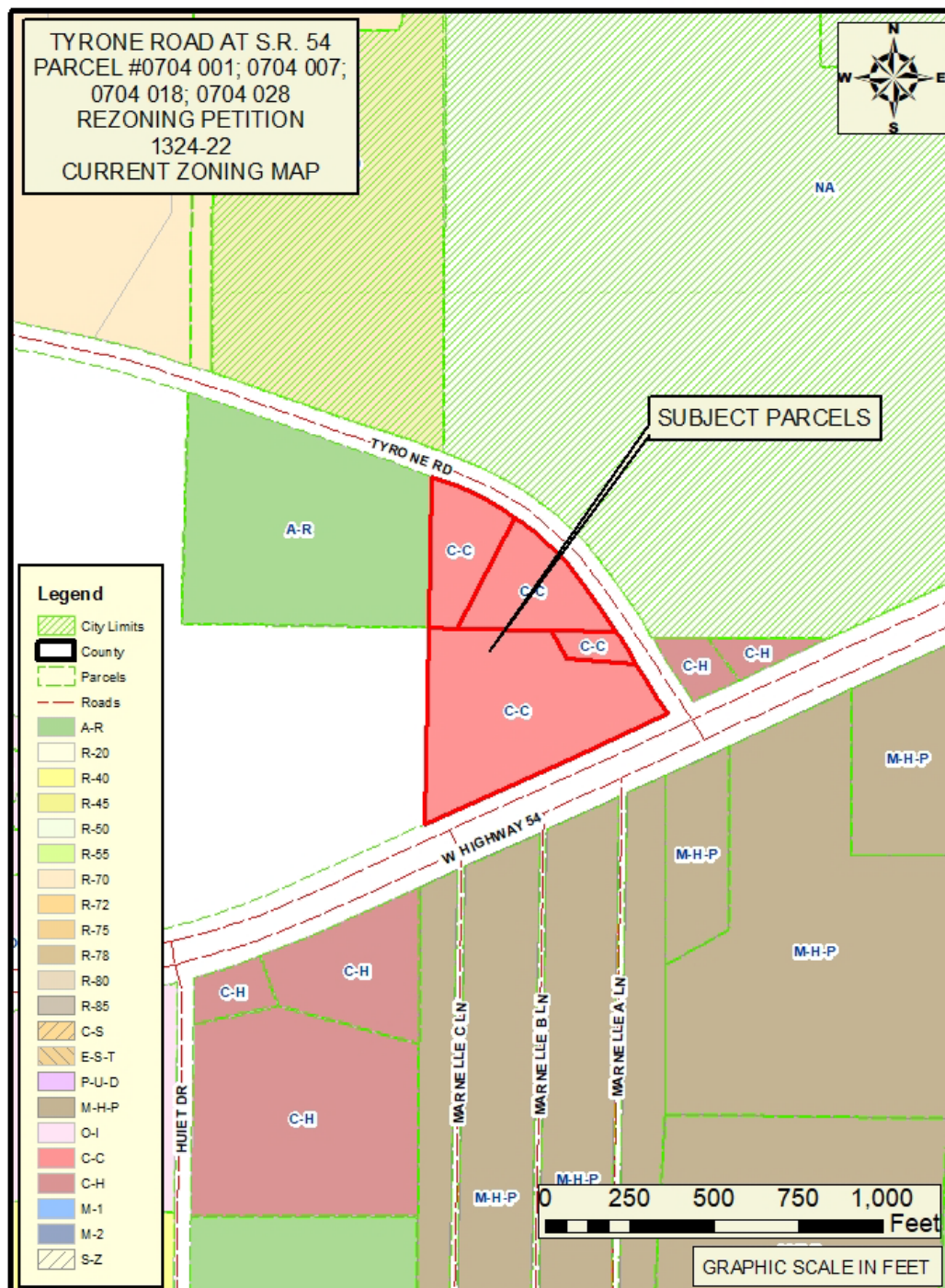
- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause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

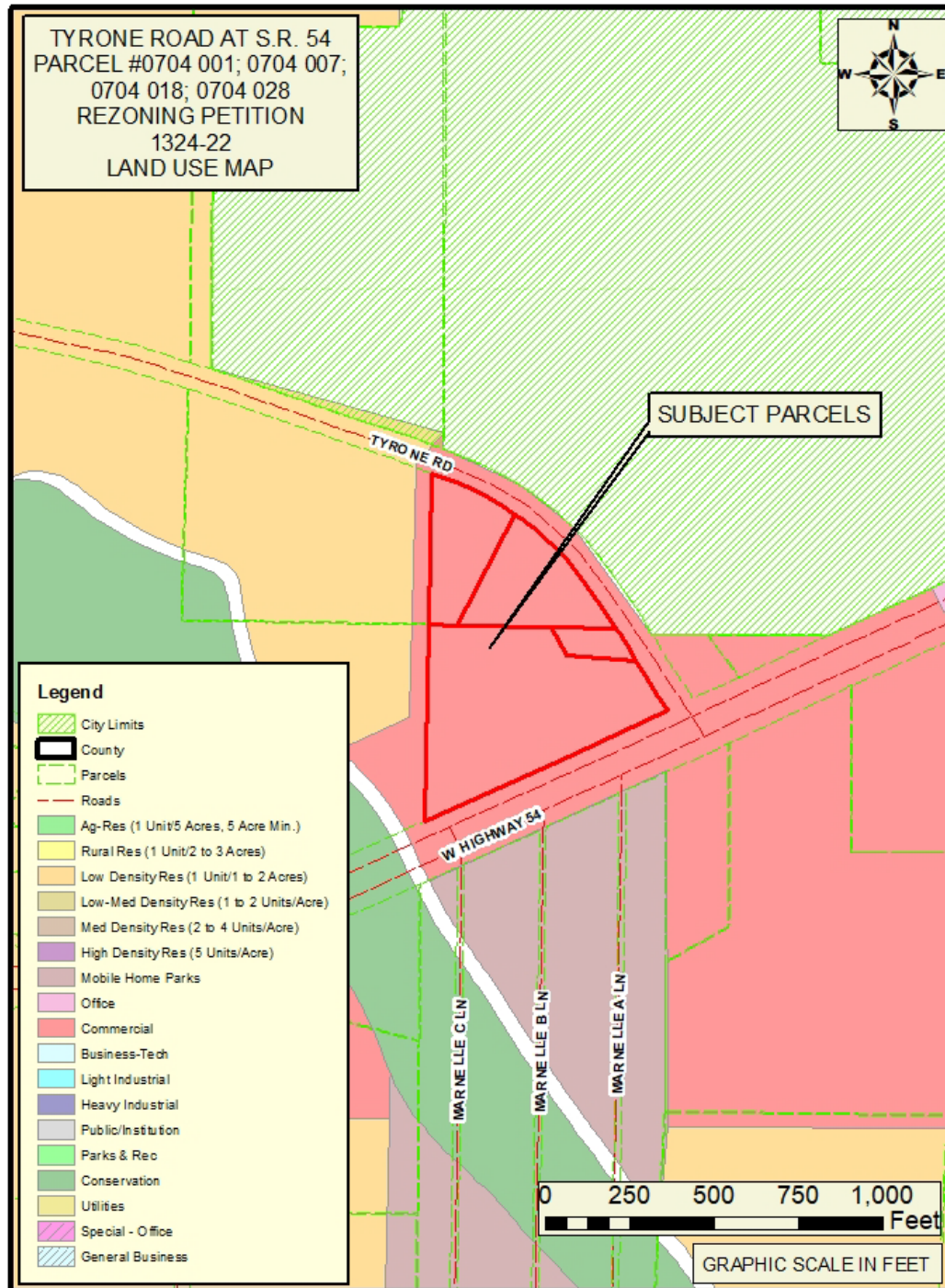
G. STAFF ANALYSIS

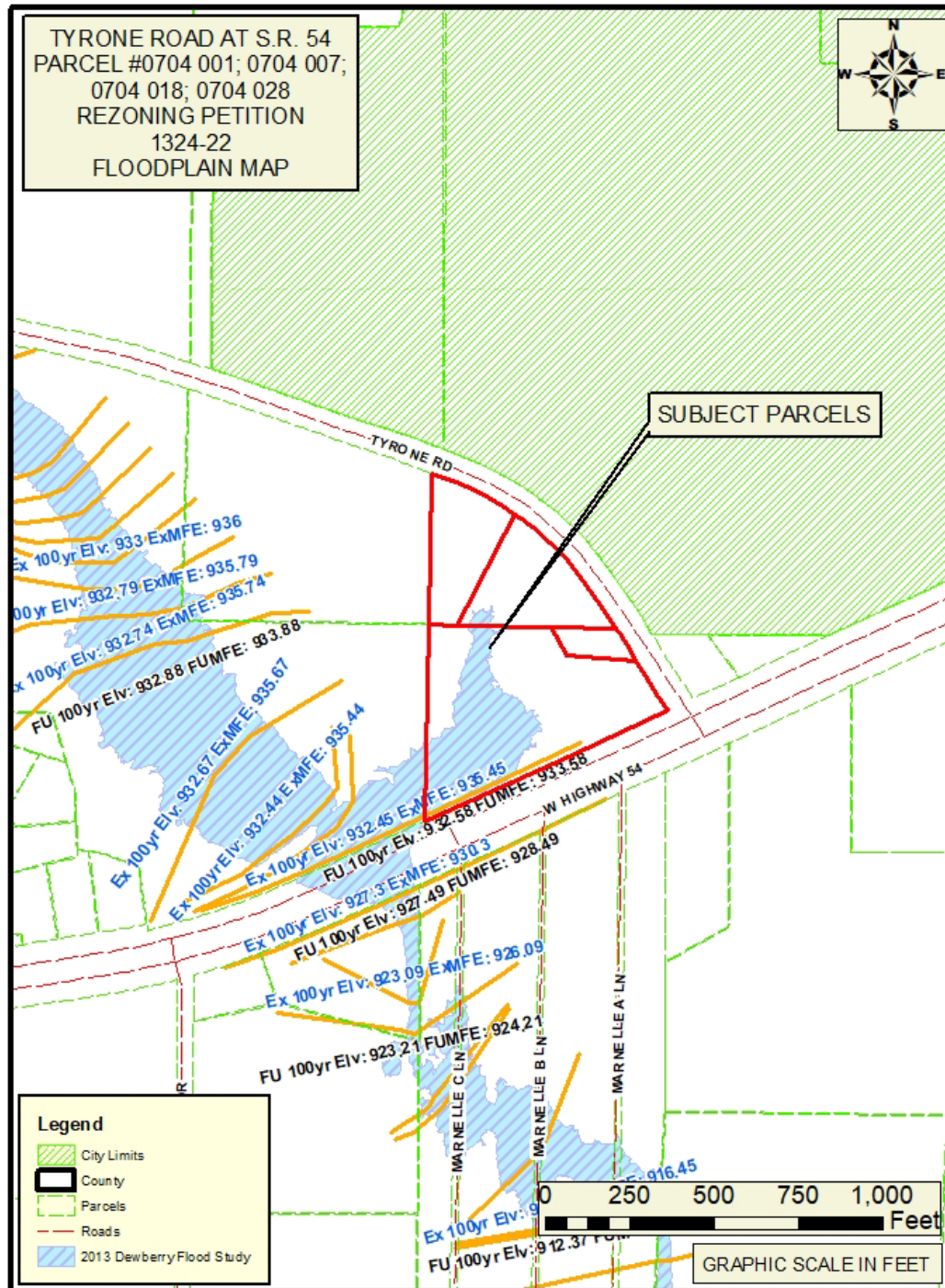
1. The subject properties lie within an area designated for Commercial uses, subject to the SR 54 West Overlay Zone. This request does conform to the Fayette County Comprehensive Plan in terms of the location of commercial uses in the area of the intersection of SR 54 and Tyrone Road.
2. The subject 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.

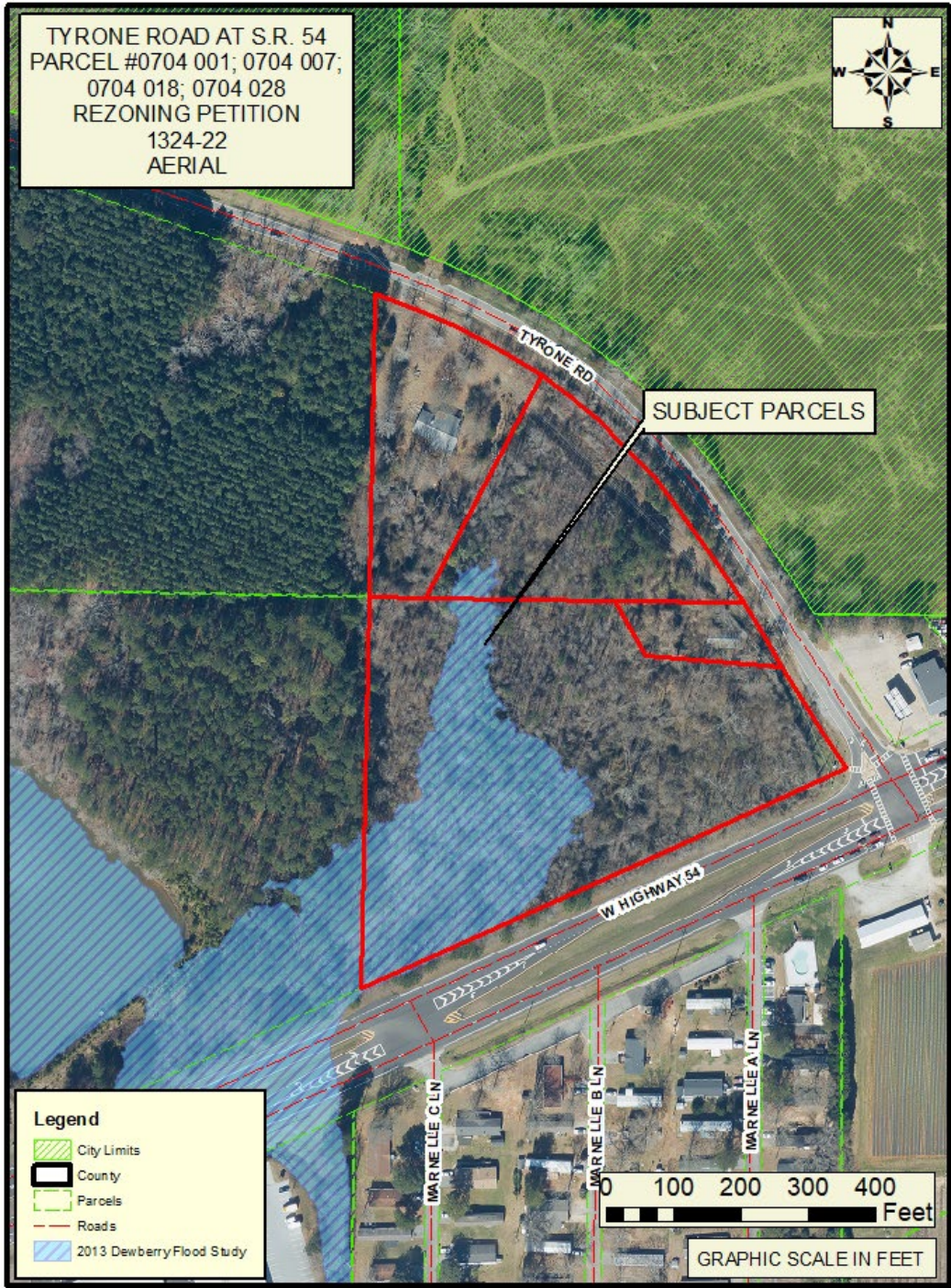


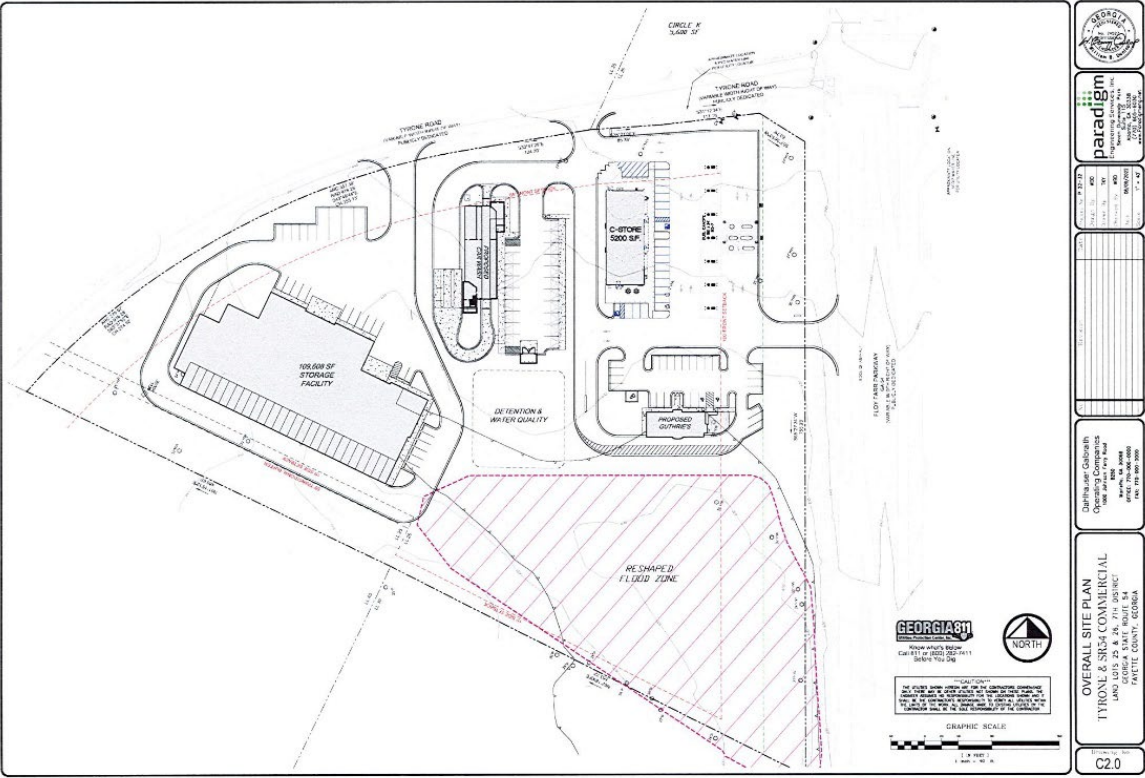












CONCEPTUAL SITE PLAN



CONCEPTUAL RENDERING – SELF-STORAGE BUILDING

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 JOHNSON FERRY RD, STE B250, MARIETTA, GA 30068

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

PROPERTY LOCATION: LAND LOT 25 & 26 LAND DISTRICT 7TH PARCEL (26) 0704-001 - 5.615
LAND LOT LAND DISTRICT 7TH PARCEL (25) 0704-007 - .331
LAND DISTRICT PARCEL (25) 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 (#4407) for application filing fee, and \$ 100.00 (#4408) 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

3
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:

TYRONE 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 7.84 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: [Signature]
 Signature of Property Owner 1
 382 SENOIA RD, STE A, TYRONE, GA 30290

Address
 BBWJ, LLC
 BY: [Signature]
 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]
 Signature of Notary Public
8/30/22

[Signature]
 Signature of Notary Public
8/30/22

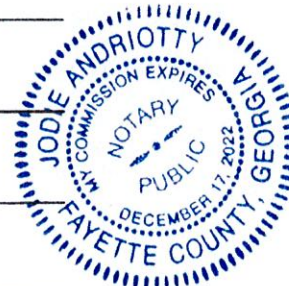
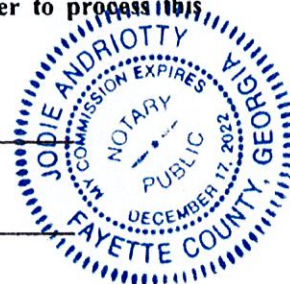
Date

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

Tammy Feilmeier
 NOTARY PUBLIC

BY: [Signature]

APPLICANT'S SIGNATURE MATT DAHLHAUSER



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/.
- 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

Updated 10/17/2018. The following table is not intended to be an exhaustive list of all developments that may require a TIR permit.

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:

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:

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.

Return to:
EDGE & KIMBELL LAW, LLC
 503 Commerce Drive
 Peachtree City, GA 30269

File No.: PTC-21-2384
 Parcel ID: 0704 018 & 0704 028

Type: WD
 Recorded: 7/20/2021 3:22:00 PM
 Fee Amt: \$25.00 Page 1 of 3
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

Participant ID: 9035938284

BK 5327 PG 300 - 302

WARRANTY DEED

STATE OF GEORGIA, COUNTY OF FAYETTE

THIS INDENTURE, Made the 14th day of July, 2021 between

John W. Bonner, Carter W. Johnson and CBW Investments, LLC,

of the , as party of the first part, hereinafter called Grantor and

BBWJ, LLC, a Georgia Limited Liability Company,

as party 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 Dollars (\$10.00) AND OTHER VALUABLE CONSIDERATION**, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land:

See Exhibit "A" Attached Hereto and Made a Part Hereof

commonly known as **3.94 Acres Tyrone Rd., Fayetteville, GA 30214**

SUBJECT to the **Permitted Exceptions** contained in Exhibit "B" hereto, and all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

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 behoove 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.

General Warranty Deed - Commercial

File No.: PTC-21-2384

Page 1 of 3

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

Signed, sealed and delivered in the presence of:

Elise Kimbell
UNOFFICIAL WITNESS

[Signature]
Notary Public
My Commission Expires: 2-23-2025
SEAL:



CBW Investments, LLC

By: [Signature] (SEAL)
John W. Bonner, Managing Member

[Signature] (SEAL)
Carter W. Johnson, Individually

[Signature] (SEAL)
John W. Bonner, Individually

EXHIBIT "A"
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 25 OF THE 7th LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED ON THE SOUTHERLY BOUNDARY OF LAND LOT 25, SUCH IRON PIN BEING LOCATED 140.00 FEET FROM THE COMMON INTERSECTION OF LAND LOTS 25, 26, 39, AND 40, AS MEASURED FROM SUCH POINT OF INTERSECTION IN AN EASTERLY DIRECTION ALONG THE SOUTHERN BOUNDARY OF LAND LOT 25; THENCE PROCEED NORTH 16 DEGREES 23 MINUTES 23 SECONDS EAST A DISTANCE OF 376.11 FEET TO AN IRON PIN LOCATED ON THE SOUTHWESTERLY RIGHT OF WAY OF TYRONE ROAD (ALSO KNOWN AS PALMETTO-FAYETTEVILLE ROAD - A 60 FOOT RIGHT OF WAY); THENCE PROCEED IN A SOUTHEASTERLY DIRECTION ALONG THE SOUTHWESTERLY RIGHT OF WAY OF TYRONE ROAD AN ARC DISTANCE OF 356.88 FEET, SUCH ARC HAVING A RADIUS OF 916.73 FEET AND BEING SUBTENDED BY A CHORD BEARING OF SOUTH 45 DEGREES 33 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 354.63 FEET TO A POINT; THENCE PROCEED SOUTH 35 DEGREES 30 MINUTES 05 SECONDS EAST ALONG THE SOUTHWESTERLY RIGHT OF WAY OF TYRONE ROAD A DISTANCE OF 124.00 FEET TO AN IRON PIN; THENCE PROCEED SOUTH 89 DEGREES 08 MINUTES 52 SECONDS WEST A DISTANCE OF 176.73 FEET TO AN IRON PIN; THENCE PROCEED SOUTH 87 DEGREES 59 MINUTES 06 SECONDS WEST A DISTANCE OF 254.79 FEET TO AN IRON PIN AND THE ORIGINAL POINT OF BEGINNING.

THE SUBJECT TRACT OR PARCEL OF LAND CONTAINS A TOTAL OF 1.94 ACRES, AND IS FULLY DEPICTED ON A PLAT OF SURVEY PREPARED FOR J.A. LESTER BY LARRY J. SEABOLT, REGISTERED LAND SURVEYOR, DATED OCTOBER 27, 1986. SUCH PLAT OF SURVEY IS, BY THIS REFERENCE INCORPORATED IN AND MADE A PART HEREOF.

ALL THAT TRACT AND PARCEL OF LAND, WITH HOUSE AND ALL OTHER IMPROVEMENTS THEREON, LYING AND BEING IN LAND LOT 25 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, CONTAINING 1.983 ACRES AND SHOWN ON PLAT OF SURVEY FOR HANK T. TEW AND REBECCA ANN TEW BY AB. VAUGHN, GEORGIA REGISTERED LAND SURVEYOR NO. 1629, DATED APRIL 30, 1993 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE COMMON CORNER OF LAND LOT 25, 26, 39 AND 40 IN SAID DISTRICT AND RUNNING THENCE NORTH 00 DEGREES 30 MINUTES 00 SECONDS WEST 480.58 FEET TO AN IRON PIN LOCATED ON THE SOUTHWESTERLY RIGHT OF WAY OF THE ROAD WHICH RUNS FROM STATE ROUTE 54 TO STATE ROUTE 74, COMMONLY KNOWN AS TYRONE ROAD AND ALSO KNOWN AS PALMETTO-FAYETTEVILLE ROAD; THENCE RUNNING SOUTHEASTERLY ALONG SAID RIGHT OF WAY 276.0 FEET TO AN IRON PIN; THENCE RUNNING SOUTH 16 DEGREES 22 MINUTES 19 SECONDS WEST 376.11 FEET TO AN IRON PIN; THENCE RUNNING SOUTH 88 DEGREES 07 MINUTES 34 SECONDS WEST 140.0 FEET TO THE POINT OF BEGINNING. BEING THE SAME PROPERTY AS THAT CONVEYED TO JOHN W. BONNER, SR. AND CARTER W. JOHNSON BY VIRTUE OF WARRANTY DEED FROM CLYDE H. AVERY, DATED DECEMBER 31, 2006, FILED AND RECORDED IN DEED BOOK 3327, PAGES 25-26, FAYETTE COUNTY, GEORGIA RECORDS AND CURRENTLY KNOWN AS 144 TYRONE ROAD.

COUNTY AGENDA REQUEST

Page 224 of 454

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 is located in Land Lot(s) 25 of the 7th District and fronts on Tyrone Road.

Background/History/Details:

The subject property is made up of an 1.948-acre tract that fronts on Tyrone Rd with 1 vacant house. The parcel is currently zoned C-C, Community Commercial. The area is designated for Commercial uses in the Fayette County Comprehensive Land Use Plan. On October 6, 2022, the Planning Commission voted 5-0 to recommend conditional approval. Staff recommends CONDITIONAL APPROVAL of the request for a zoning of C-H, Highway Commercial, because it 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 75' buffer shall be provided adj. to residentially zoned parcel(s) in unincorporated County west of project. No encroachment of stormwater detention or other uses allowed in the buffer. 3. All exterior site lighting, including bldg mounted lighting, shall be full-cutoff type fixtures that allow no light above horizontal plane of fixture. 4. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 365 days of approval or prior to Land Disturbance Permit, whichever comes first. 5. All existing structures on the parcels that are a subject of this rezoning shall be removed within 365 days of approval or prior to Land Disturbance Permit, whichever comes first. 6. The required right-of-way donation shall be provided to the County within 365 days of approval or prior to Land Disturbance Permit, whichever comes first.

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 is located in Land Lot(s) 25 of the 7th District and fronts on Tyrone Road, 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

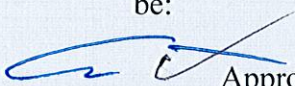
Staff Notes:

This item was tabled at the October 27, 2022 Board of Commissioners meeting.

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

The Fayette County Planning Commission recommends that Petition No. 1324-22D, the application of Tyrone 54, LLC and BBWJ, LLC to rezone 1.948 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. 1324-22D

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 1.948 acres from C-C to C-H, in the area of S.R. 54 and Tyrone Road, Land Lot 25 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:

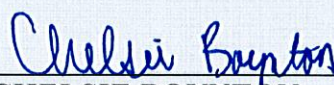
In compliance with the Fayette County Comprehensive Plan.
Compatible with the surrounding area.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:



ARNOLD MARTIN, CHAIRMAN



**CHELSIE BOYNTON
PC SECRETARY**

Meeting Minutes 10/6/22

THE FAYETTE COUNTY PLANNING COMMISSION met on October 6th, 2022 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Arnold Martin, Chairman
Brian Haren, Vice-Chairman
John H. Culbreth
Jim Oliver
Danny England

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

PUBLIC HEARING

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 7th District and fronts on Tyrone Road.

Mr. Lindsey stated the conditions are fine except for number two (2). They ask for a 50 foot buffer instead of 75.

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 amended 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 75' 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 in 365 days of the approval of the rezoning or before the LDP, whichever comes first. 5. All existing structures on the parcels that are a subject of this rezoning shall be removed in 365 days of approval of the rezoning or before the LDP, whichever comes first. 6. The required right-of-way donation shall be provided to the County in 365 days of approval of the final plat or before the LDP, whichever comes first. Danny England seconded the motion. The motion passed 5-0.

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):** 7th District, Land Lot 25**OWNERS:** Tyrone 54, LLC and BBWJ, LLC**AGENT:** Matt Dahlhauser for DG Development Partners, LLC; Richard Lindsey, Attorney**PLANNING COMMISSION PUBLIC HEARING:** October 6, 2022**BOARD OF COMMISSIONERS PUBLIC HEARING:** October 27, 2022 (Tabled)
December 8, 2022**APPLICANT'S INTENT**

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

PLANNING COMMISSION RECOMMENDATION**Agenda of Actions, Fayette County Planning Commission, October 6, 2022**

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 7th 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.

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. A 75' 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 365 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.
5. All existing structures on the parcels that are a subject of this rezoning shall be removed within 365 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.
6. The required right-of-way donation shall be provided to the County within 365 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.

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 7th 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 recomm

- ended 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 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

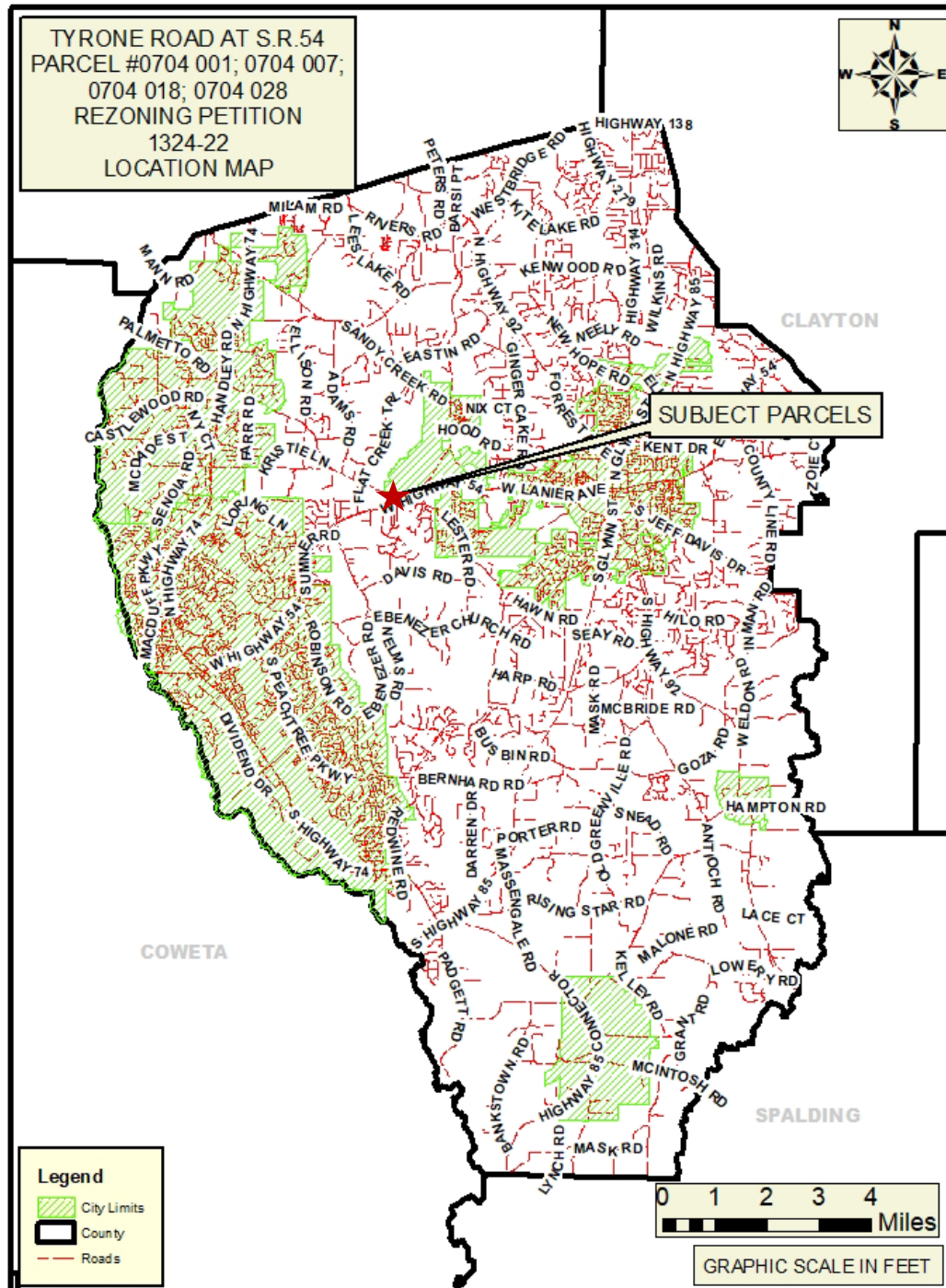
Sec. 110-300. - Standards for map amendment (rezoning) evaluation.

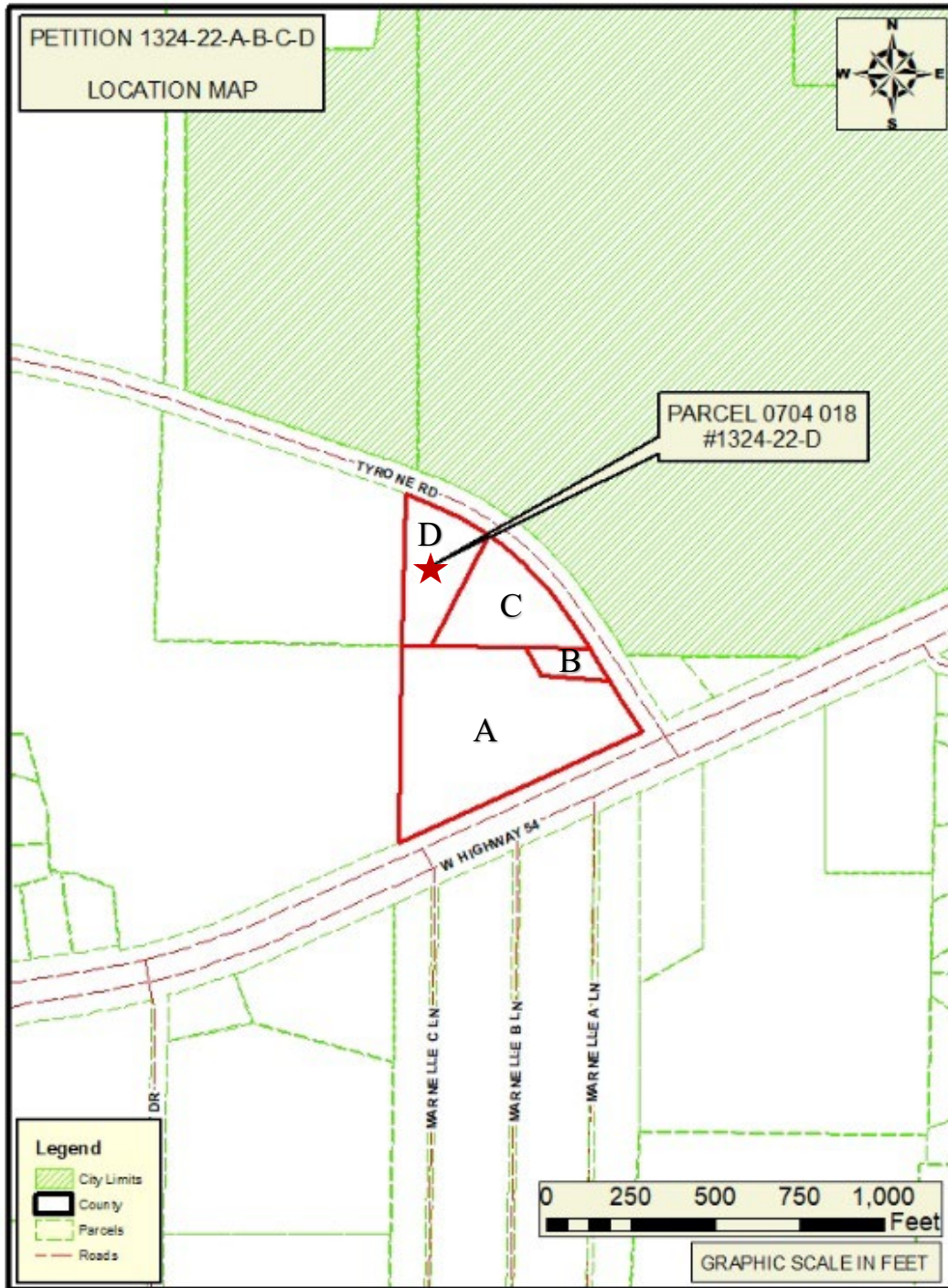
All proposed map amendments shall be evaluated with special emphasis being placed on the relationship of the proposal to the land use plan and related development policies of the county. The following factors shall be considered by the planning and zoning department, the planning commission and the board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

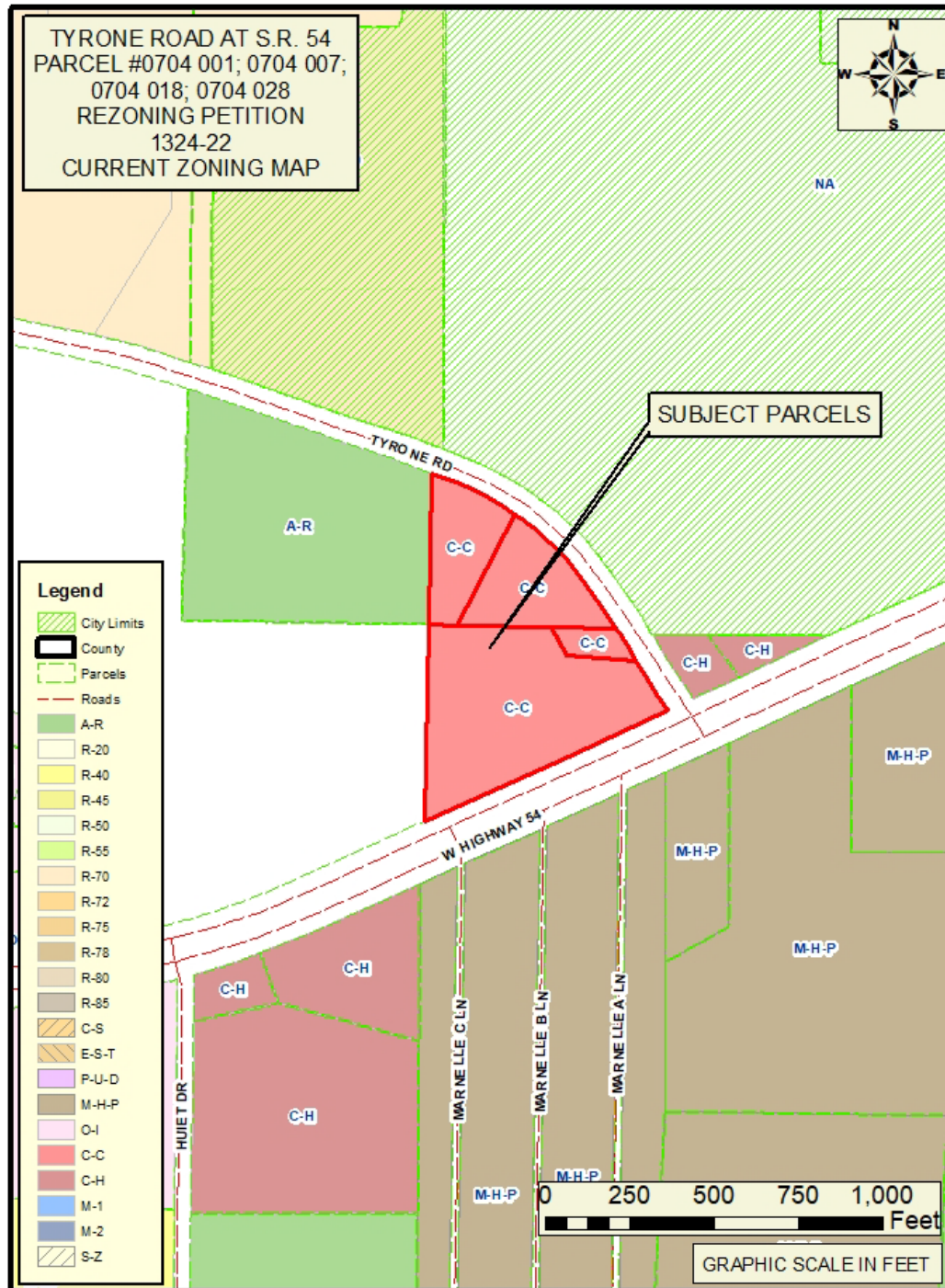
- (1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;
- (2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (3) Whether the zoning proposal will result in a use which will or could cause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

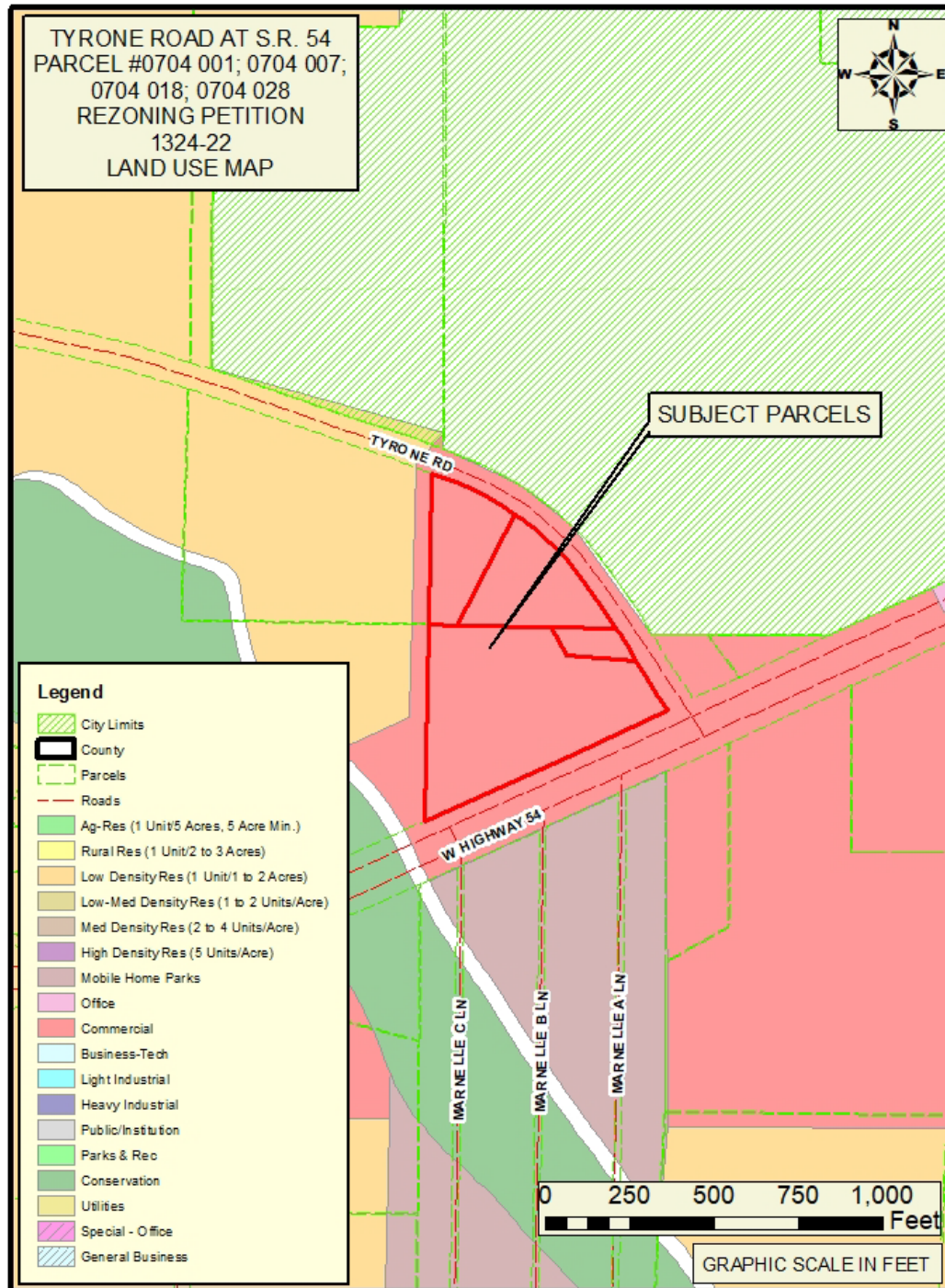
G. STAFF ANALYSIS

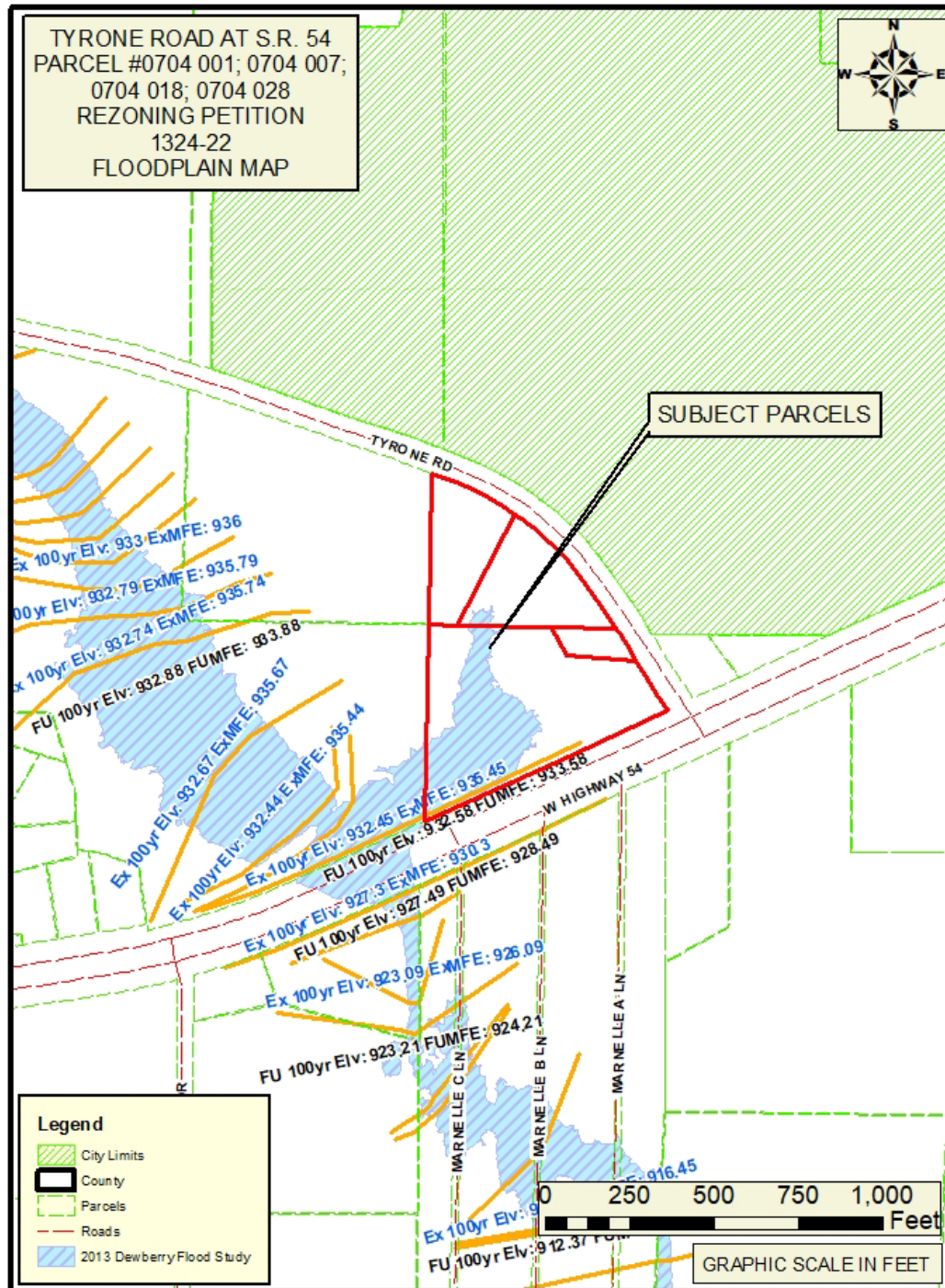
1. The subject properties lie within an area designated for Commercial uses, subject to the SR 54 West Overlay Zone. This request does conform to the Fayette County Comprehensive Plan in terms of the location of commercial uses in the area of the intersection of SR 54 and Tyrone Road.
2. The subject 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.

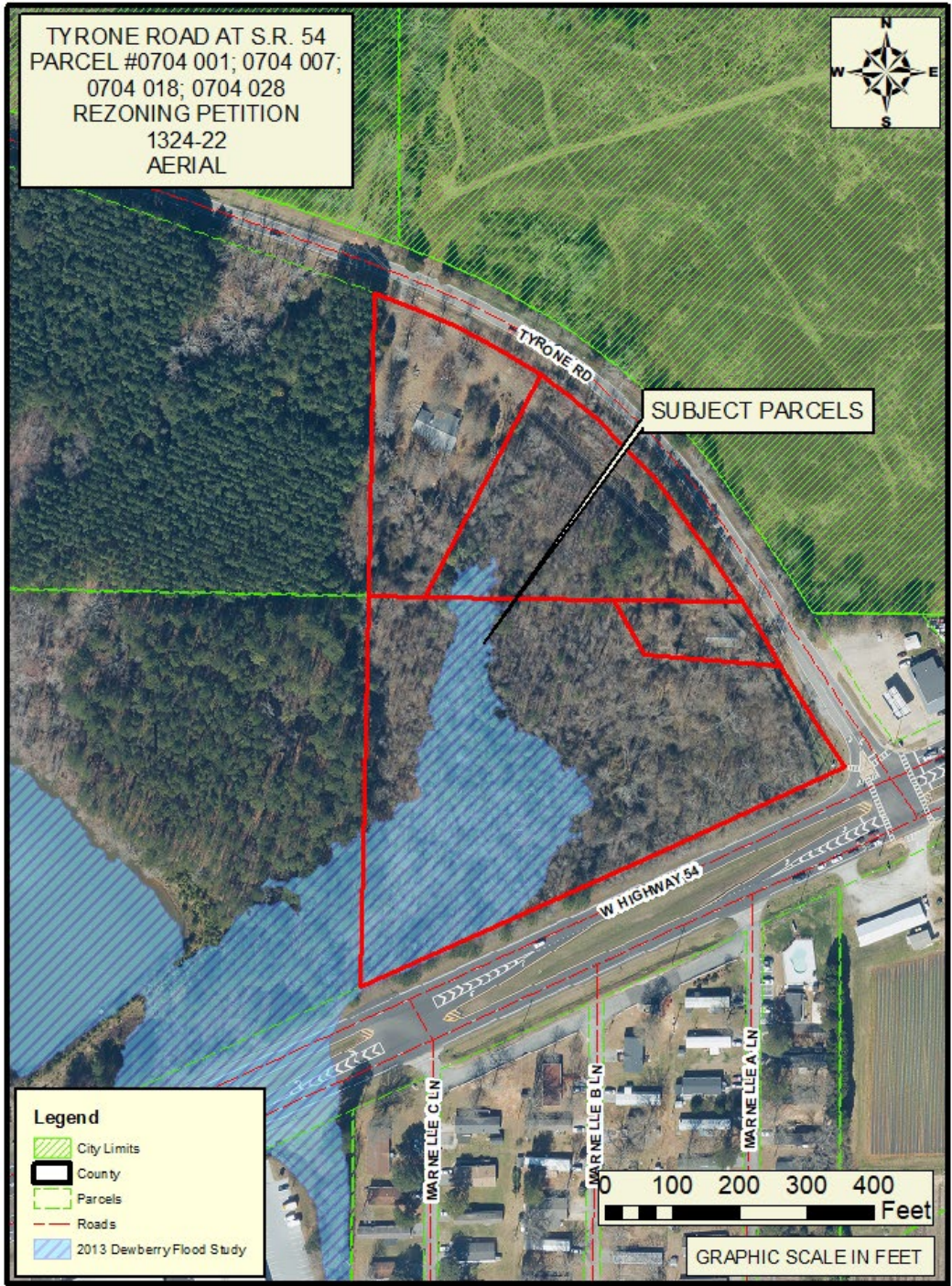


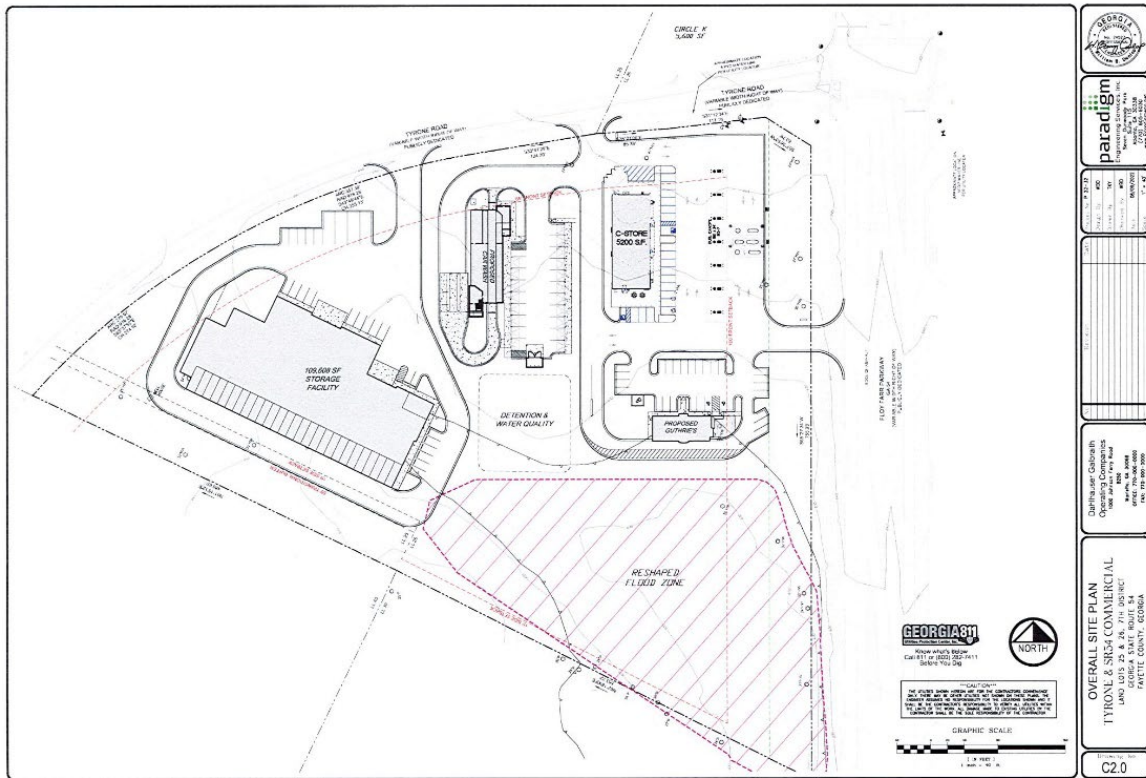












CONCEPTUAL SITE PLAN



CONCEPTUAL RENDERING – SELF-STORAGE BUILDING

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 JOHNSON FERRY RD, STE B250, MARIETTA, GA 30068

PHONE: (404) 414-6200

E-MAIL: PETRAS.JOEY@GMAIL.COM

PROPERTY LOCATION: LAND LOT 25 & 26

LAND DISTRICT 7TH

7TH (26) 1324-22(A) 0704-001 - 5.615

LAND LOT

LAND DISTRICT 7TH

PARCEL (S) 0704-007 - .331

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 9.89

9.89

7TH (25) (C) 0704-018 - 1.948

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:

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 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:

TYRONE 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 7.84 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

Jodie Andriotty
Signature of Notary Public

Date

Jodie Andriotty
Signature of Notary Public

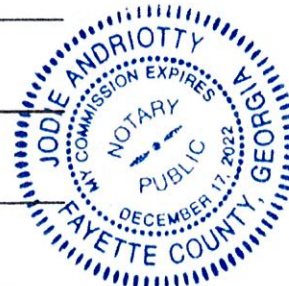
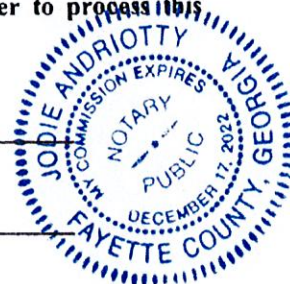
Date

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

Tammy Feilmeier
 NOTARY PUBLIC

BY: [Signature]

APPLICANT'S SIGNATURE MATT DAHLHAUSER



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/.
- 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

Updated by the Planning Department on 10/1/2019. All other thresholds remain the same.

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.

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:

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:

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.

Return to:
EDGE & KIMBELL LAW, LLC
 503 Commerce Drive
 Peachtree City, GA 30269

File No.: PTC-21-2384
 Parcel ID: 0704 018 & 0704 028

Type: WD
 Recorded: 7/20/2021 3:22:00 PM
 Fee Amt: \$25.00 Page 1 of 3
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

Participant ID: 9035938284

BK 5327 PG 300 - 302

WARRANTY DEED

STATE OF GEORGIA, COUNTY OF FAYETTE

THIS INDENTURE, Made the 14th day of July, 2021 between

John W. Bonner, Carter W. Johnson and CBW Investments, LLC,

of the , as party of the first part, hereinafter called Grantor and

BBWJ, LLC, a Georgia Limited Liability Company,

as party 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 Dollars (\$10.00) AND OTHER VALUABLE CONSIDERATION**, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land:

See Exhibit "A" Attached Hereto and Made a Part Hereof

commonly known as **3.94 Acres Tyrone Rd., Fayetteville, GA 30214**

SUBJECT to the **Permitted Exceptions** contained in Exhibit "B" hereto, and all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

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 behoove 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.

General Warranty Deed - Commercial

File No.: PTC-21-2384

Page 1 of 3

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

Signed, sealed and delivered in the presence of:

Elise Kimbell
UNOFFICIAL WITNESS

[Signature]
Notary Public
My Commission Expires: 2-23-2025
SEAL:



CBW Investments, LLC

By: [Signature] (SEAL)
John W. Bonner, Managing Member

[Signature] (SEAL)
Carter W. Johnson, Individually

[Signature] (SEAL)
John W. Bonner, Individually

EXHIBIT "A"
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 25 OF THE 7th LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED ON THE SOUTHERLY BOUNDARY OF LAND LOT 25, SUCH IRON PIN BEING LOCATED 140.00 FEET FROM THE COMMON INTERSECTION OF LAND LOTS 25, 26, 39, AND 40, AS MEASURED FROM SUCH POINT OF INTERSECTION IN AN EASTERLY DIRECTION ALONG THE SOUTHERN BOUNDARY OF LAND LOT 25; THENCE PROCEED NORTH 16 DEGREES 23 MINUTES 23 SECONDS EAST A DISTANCE OF 376.11 FEET TO AN IRON PIN LOCATED ON THE SOUTHWESTERLY RIGHT OF WAY OF TYRONE ROAD (ALSO KNOWN AS PALMETTO-FAYETTEVILLE ROAD - A 60 FOOT RIGHT OF WAY); THENCE PROCEED IN A SOUTHEASTERLY DIRECTION ALONG THE SOUTHWESTERLY RIGHT OF WAY OF TYRONE ROAD AN ARC DISTANCE OF 356.88 FEET, SUCH ARC HAVING A RADIUS OF 916.73 FEET AND BEING SUBTENDED BY A CHORD BEARING OF SOUTH 45 DEGREES 33 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 354.63 FEET TO A POINT; THENCE PROCEED SOUTH 35 DEGREES 30 MINUTES 05 SECONDS EAST ALONG THE SOUTHWESTERLY RIGHT OF WAY OF TYRONE ROAD A DISTANCE OF 124.00 FEET TO AN IRON PIN; THENCE PROCEED SOUTH 89 DEGREES 08 MINUTES 52 SECONDS WEST A DISTANCE OF 176.73 FEET TO AN IRON PIN; THENCE PROCEED SOUTH 87 DEGREES 59 MINUTES 06 SECONDS WEST A DISTANCE OF 254.79 FEET TO AN IRON PIN AND THE ORIGINAL POINT OF BEGINNING.

THE SUBJECT TRACT OR PARCEL OF LAND CONTAINS A TOTAL OF 1.94 ACRES, AND IS FULLY DEPICTED ON A PLAT OF SURVEY PREPARED FOR J.A. LESTER BY LARRY J. SEABOLT, REGISTERED LAND SURVEYOR, DATED OCTOBER 27, 1986. SUCH PLAT OF SURVEY IS, BY THIS REFERENCE INCORPORATED IN AND MADE A PART HEREOF.

ALL THAT TRACT AND PARCEL OF LAND, WITH HOUSE AND ALL OTHER IMPROVEMENTS THEREON, LYING AND BEING IN LAND LOT 25 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, CONTAINING 1.983 ACRES AND SHOWN ON PLAT OF SURVEY FOR HANK T. TEW AND REBECCA ANN TEW BY AB. VAUGHN, GEORGIA REGISTERED LAND SURVEYOR NO. 1629, DATED APRIL 30, 1993 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE COMMON CORNER OF LAND LOT 25, 26, 39 AND 40 IN SAID DISTRICT AND RUNNING THENCE NORTH 00 DEGREES 30 MINUTES 00 SECONDS WEST 480.58 FEET TO AN IRON PIN LOCATED ON THE SOUTHWESTERLY RIGHT OF WAY OF THE ROAD WHICH RUNS FROM STATE ROUTE 54 TO STATE ROUTE 74, COMMONLY KNOWN AS TYRONE ROAD AND ALSO KNOWN AS PALMETTO-FAYETTEVILLE ROAD; THENCE RUNNING SOUTHEASTERLY ALONG SAID RIGHT OF WAY 276.0 FEET TO AN IRON PIN; THENCE RUNNING SOUTH 16 DEGREES 22 MINUTES 19 SECONDS WEST 376.11 FEET TO AN IRON PIN; THENCE RUNNING SOUTH 88 DEGREES 07 MINUTES 34 SECONDS WEST 140.0 FEET TO THE POINT OF BEGINNING. BEING THE SAME PROPERTY AS THAT CONVEYED TO JOHN W. BONNER, SR. AND CARTER W. JOHNSON BY VIRTUE OF WARRANTY DEED FROM CLYDE H. AVERY, DATED DECEMBER 31, 2006, FILED AND RECORDED IN DEED BOOK 3327, PAGES 25-26, FAYETTE COUNTY, GEORGIA RECORDS AND CURRENTLY KNOWN AS 144 TYRONE ROAD.

COUNTY AGENDA REQUEST

Page 256 of 454

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1326-22; Amina Zakaria, Omar Zakaria, Saed Zakaria and Hassan Zakaria, Owners; Nazim Khan, Applicant, Steven Jones, Attorney, Agent, request to rezone 13.035 acres from O-I to C-H to develop a truck parking facility; property located in Land Lot(s) 233 of the 5th District and fronts on Highway 85 North.

Background/History/Details:

The subject property is a 13.035-acre tract. The tract fronts on State Route 85 and is undeveloped. The parcel is currently zoned O-I, Office-Institutional. The area is designated for Commercial uses in the Land Use Plan, Fayette County Comp Plan. On November 3, 2022, Planning Commission voted 4-0 to recommend denial of request. 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 & surrounding land uses. RECOMMENDED CONDITIONS 1. A 75-foot vegetated buffer shall be provided adjacent to residentially zoned parcel(s) to the west of the project. 2. The full 50-foot front buffer required by SR 85 N Transportation Overlay shall be vegetated buffer & is not to be used for septic systems or other site utilities. 3. A 200-foot x 10-foot linear strip on the south edge of the property along the proposed road extension shall be a planted evergreen buffer to screen the view of the lot from State Route 85. 4. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures. 5. The existing shared detention pond will require hydrological study to demonstrate it has sufficient design capacity to serve the addition of the proposed project. 6. The new development must continue to allow this pond to serve the stormwater detention requirements of the original commercial development to the north, with a site plan approved 1/26/1990. 7. The owner of the new project must provide a stormwater maintenance agreement; this agreement shall conform to the county's standard stormwater facility maintenance agreement. 8. Omit tree island requirements for southern end of parking lot.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1326-22; Amina Zakaria, Omar Zakaria, Saed Zakaria and Hassan Zakaria, Owners; Nazim Khan, Applicant, Steven Jones, Attorney, Agent, request to rezone 13.035 acres from O-I to C-H to develop a truck parking facility; property located in Land Lot(s) 233 of the 5th District and fronts on Highway 85 North.

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:

Please see staff report for full text of recommended conditions.

PLANNING COMMISSION RECOMMENDATION**DATE:** November 3, 2022**TO:** Fayette County Commissioners

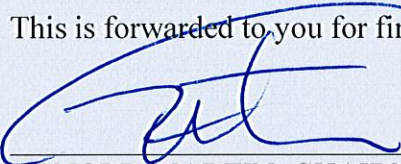
The Fayette County Planning Commission recommends that Petition No. 1326-22, the application of Amina, Omar, Saed and Hassan Zakaria to rezone 13.035 acres from O-I to

C-H, be:

3-1-0

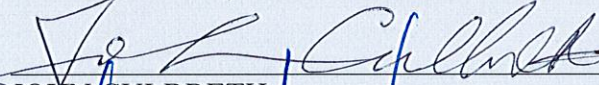
☐ Approved☐ Withdrawn☒ Denied☐ Tabled until _____☐ Approved with Conditions _____

This is forwarded to you for final action.



ARNOLD MARTIN, CHAIRMAN

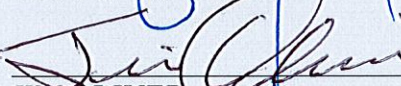
BRIAN HAREN, VICE-CHAIRMAN



JOHN CULBRETH



DANNY ENGLAND



JIM OLIVER

Remarks:

**STATE OF GEORGIA
COUNTY OF FAYETTE**

RESOLUTION

NO. 1326-22

WHEREAS, Amina, Omar, Saed and Hassan Zakaria, Owner, and Taylor English Duma, LLP (Steven L. Jones), Agent, having come before the Fayette County Planning Commission on November 3, 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 13.035 acres from O-I to C-H, in the area of Highway 85 North, Land Lot 233 of the 5th District, for the purpose of developing a Truck Parking Facility; and

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

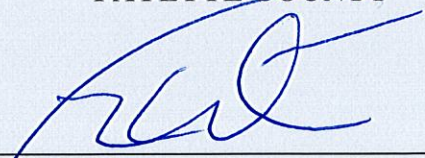
BE IT RESOLVED that the decision of the Fayette County Planning Commission, that said request be **DENIED**.

This decision is based on the following reason:

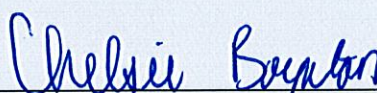
Not compatible with the surrounding area.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:



ARNOLD MARTIN, CHAIRMAN



**CHELSE BOYNTON
PC SECRETARY**

Meeting Minutes 11/3/22

THE FAYETTE COUNTY PLANNING COMMISSION met on November 3rd, 2022, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Arnold Martin, Chairman
John H. Culbreth
Jim Oliver
Danny England

MEMBERS ABSENT: Brian Haren, Vice-Chairman

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

PUBLIC HEARING

1. **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 5th District and fronts on Highway 85 North.**

Deborah Bell stated the County has been working with GDOT to create traffic improvements to either realign Highway 279 and Corinth Road or create intersection improvements that will help traffic flow better. She continued that she has spoken with Phil Mallon, Director of Public Works, and the current plan is to create intersection improvements at the traffic light at Corinth Road that will include creating a new road across from Corinth Road that will be extended to Kenwood Business Park. She added that this will have some impact on this parcel in terms of property acquisition needs for the road and that has affected the way some of the recommended conditions were written. The recommended conditions are:

1. A 100' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the west of the project.
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. Fixtures shall be designed or shielded to prevent light trespass on other properties or roads.
3. The existing shared detention pond will require hydrological study to demonstrate it has sufficient design capacity to serve the addition of the proposed project.
4. The new development must continue to allow this pond to serve the stormwater detention requirements of the original commercial development to the north, with a site plan approved January 26, 1990.
5. The owner of the new project must provide a stormwater maintenance agreement since the detention pond is contained within that parcel. This agreement shall conform to the county's standard agreement for stormwater facility maintenance.

Page 2
November 3rd, 2022
PC Meeting

6. Omit tree island requirements for southernmost end of parking lot to accommodate the future County road project.

Steven Jones introduced himself and displayed a PowerPoint presentation. He spoke about a revised concept plan that was created upon learning about the Corinth Road improvement. He stated the road will take significant part of the property but will be beneficial to the development. He continued the initial proposal had a right in right out on Highway 85. He displayed the plans of a four (4) way intersection at Corinth Road that he received from Fayette County Public Works. He stated Corinth Road will be moved to the north which will result in full access to the facility from Highway 85. Mr. Jones continued they are proposing a Truck Parking Facility to give drivers a place to store and park their trucks. He stated they are requesting rezoning to C-H based on the site conditions, Comprehensive Plan, and the development and zoning trends in the area. He added with this area being annexed to the Business Park it will be better suited for M-1 zoning as well, though his application remains a request for C-H. He concluded they consent to all staff recommendations except number one (1). He requested that it be reduced from 100 feet to 75 feet. He stated he presumes it is a visual and auditory buffer and believes the same goal can be accomplished with a double staggered row of evergreens and fencing.

No one spoke in favor or opposition. Chairman Martin bought the discussion back to the Board.

Danny England stated the buffer for C-H is normally 50 feet. He confirmed that Mr. Jones was okay with a compromise of 75 feet.

Mr. Jones stated yes.

Danny England stated Highway 85 is the welcome mat of Fayette County from the north. He continued that he'd like the Board to spend time considering protecting the frontage along State Route 85. He added that the use is a good use, but he wishes it was deeper in the park where you couldn't see it.

Chairman Martin asked where is this property in relation to Fun Spot?

Danny England stated it is just south of this property.

Chairman Martin added to Mr. England's point. He stated Highway 85 is the welcome mat of Fayette County and there is currently a roller coaster that welcomes our County with not as much of a buffer.

Jim Oliver expressed his concerns about the facility. He asked if the trucks are sitting idle?

Mr. Jones stated no. He continued this is for storage and for a driver who needs to store his truck.

Page 3
November 3rd, 2022
PC Meeting

Jim Oliver stated he is familiar with some other locations in Clayton County and he knows that they have had some issues about minor repair being done on the lot or the refrigerated trucks idling and leading to noise concerns. He continued he knows the applicant is trying address noise concern with having the evergreens as the buffer but he doesn't know how he can address the repair other than saying it's not a permitted in their written agreements with the drivers. He stated that his second concern is the location. He continued this is needed but hearing about realigning Corinth Road, he sees Corinth Road becoming the cut through from Highway 54. He added Corinth Road is already a narrow road and this will be adding a lot of 18 wheelers coming on that road. Commissioner Oliver stated this is something the County can control but it is at the front door of the County. He added it's a needed entity but maybe this isn't the right location. He stated he could not support it.

Mr. Jones stated he understood his concerns. He continued that this facility will keep trucks traveling south on Highway 85 from entering more populated or more traveled areas. He added it will keep trucks from travelling through town and hitting any other major arterial roads or local roads. He stated they will be able to park here and head towards Atlanta. Jim Oliver stated he understood it is needed.

Danny England stated it's a great use at a bad location.

Jim Oliver agreed.

Mr. Jones stated it is across from the business park and it is meant to serve the business park. He continued they've taken active measures to screen this from Highway 85. He added that if the concern is the visual impact, that can be mitigated by additional screening. He referenced the site plan and pointed out the double staggered row of evergreens and the 25 feet behind them.

Jim Oliver asked if it will be fenced?

Mr. Jones stated yes.

Danny England asked will the fence be on Highway 85.

Mr. Jones stated it would be on the inside of the evergreen trees. He stated the applicant would not be overly concerned about fencing the front, but it is something they can consider. He continued that there would be an attendant building on site and the attendant will be there during regular business hours.

John Culbreth Sr. agreed that there is a need for the facility but that this is the entrance to Fayette County. He stated that they don't want to have ingress and egress congestions with the trucks. He then stated his concern on the cut through. He continued they have to keep in mind what the traffic impact will be with a lot of trucks knowing this facility is here and they are

Page 4
November 3rd, 2022
PC Meeting

going in and out daily. He added that is a lot of truck traffic in this part of the County. John Culbreth Sr. asked if the applicant currently owned the land?

Mr. Jones stated it is under contract dependent on the proposal being approved. Mr. Jones continued that this facility is designed to serve those who live in the community. He continued there will be week long, month long, and year long leases. He stated this is a place to keep their truck. He added this is not where they will spend the nights for multiple nights.

John Culbreth Sr. confirmed that he's hearing that a trucker would be excluded from renting a space.

Mr. Jones stated that's not the business. He stated there's not someone on site with tickets handing out parking stubs. He continued a person will be assigned a spot on the site depending on their lease term. He stated that tenants are not everyday hauls, many are long term haulers that own their own truck. He stated according to his client, the applicant, the minority are the daily haulers. He added the majority only pull the truck out a few times a week.

John Culbreth Sr. asked the Planning Commission how would that be regulated?

Danny England stated he doesn't think they can. He stated it would be up to the business owner to self-regulate.

Chairman Martin agreed that people do often see trucks parked alongside the road at exits and there is a need for the facility. He asked if there will be any other amenities being offered aside from a parking space?

Mr. Jones stated this is not a truck stop. He stated they do not cater to those parked along the road who only need to store a truck for 24 hours. He stated this is for drivers and operators who need somewhere to store their trucks on a consistent basis.

Danny England asked if there was a provision in the business plan for someone driving through who saw the facility and needed to park temporarily?

Mr. Jones stated no.

Chairman Martin asked how the GDOT changes are impacting the client's timeline?

Mr. Jones said they are at the mercy of Public Works. He stated until the extension gets built they are hindered in development.

Chairman Martin asked does it impact the client's decision to press forward? He stated with GDOT projects could be five (5) years. He confirmed that the project was dependent on the changes from GDOT.

Page 5
November 3rd, 2022
PC Meeting

Mr. Jones stated yes and no. He continued that they did not know about the extension when they originally applied for the rezoning. He stated Corinth Road adds value to the project. He added this was a hand they were dealt and they have to deal with it. He stated that this is a Fayette County Public Works project and he hopes Fayette County Public Works would move faster than GDOT.

Danny England stated they've focused more on planning than zoning. He stated the buffer along Highway 85 and the 10 foot landscape strip that is on the yet to built new section of Corinth Road is anemic. He added they would want more of a screen there. He asked if the 10 foot buffer meets the Commercial requirements?

Deborah Bell said she would verify but she believes it would. She continued that along Highway 85 they have the Highway 85 Overlay which calls for a 50 foot buffer. She added 25 feet of that has to be landscape. She stated the 25 feet is available to be used for stormwater detention or septic system. She continued that as a note for the evergreen, staff no longer approves Leland Cyprus. She stated their subject to several different diseases.

Danny England asked what's the new go to?

Deborah Bell stated there are a variety of other options.

Danny England stated he would require for the 50 foot setback from the State Route 85 be planted with the same evergreens. He suggested they also consider lower types of vegetation from zero (0) to ten to feet. He added this strategy should probably wrap around to Corinth Road to avoid staring at the corner of the new facility while at the new intersection of Corinth Road and State Route 85.

Deborah Bell stated they can specify wrapping the buffer around the south side to encompass the outside and maybe the first interior aisle. She referenced the site plan and stated wrapping the buffer around would effectively screen visually.

Danny England stated that would be a minimum and added as condition number seven (7).

Jim Oliver made a motion to recommend denial of Petition No.1326-22, request to rezone 13.035 acres from O-I to C-H to create Truck Parking Facility. John Culbreth Sr. seconded the motion. The motion carried 3-1. Brian Haren was absent.

PETITION NO: 1326-22

REQUESTED ACTION: O-I to C-H

PROPOSED USE: Truck Parking Facility

EXISTING USE: Vacant, undeveloped land

LOCATION: S.R. 85 north of Carnes Drive

DISTRICT/LAND LOT(S): 5th District, Land Lot 233

OWNERS: Amina Zakaria, Omar Zakaria, Saed Zakaria and Hassan Zakaria

AGENT: Steven L. Jones, representing Nazim Khan

PLANNING COMMISSION PUBLIC HEARING: November 3, 2022

BOARD OF COMMISSIONERS PUBLIC HEARING: December 8, 2022

APPLICANT'S INTENT

Applicant proposes to rezone 13.035 acres from O-I to C-H to develop a truck parking facility.

PLANNING COMMISSION RECOMMENDATION

Agenda of Actions, Fayette County Planning Commission, November 3, 2022

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 5th District and fronts on Highway 85 North.

Jim Oliver made a motion to recommend denial of Petition No.1326-22, request to rezone 13.035 acres from O-I to C-H to create Truck Parking Facility. John Culbreth Sr. seconded the motion. The motion carried 3-1. Brian Haren was absent.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, the C-H – Highway Commercial District - is designated for this area. Should this petition be approved, the owner/developer must submit a site development plan as required by Chapter 104, Development Regulations. Approval of this zoning petition does not constitute approval of the conceptual site plan.

Based on the Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of C-H – Highway Commercial District.

RECOMMENDED CONDITIONS

1. A 75-foot vegetated buffer shall be provided adjacent to residentially zoned parcel(s) to the west of the project. This shall not prevent a septic system or the existing or future stormwater facilities from remaining or being located in this buffer.
2. The full 50-foot front (east property line) buffer required by the SR 85 N Transportation Overlay shall be a vegetated buffer and is not to be used for septic systems or other site utilities.
3. A 200-foot x 10-foot linear strip on the south edge of the property along the proposed road extension shall be a planted evergreen buffer to screen the view of the lot from State Route 85. This shall not prevent use of the existing curb cut on SR 85.
4. 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. Fixtures shall be designed or shielded to prevent light trespass on other properties or roads.
5. The existing shared detention pond will require hydrological study to demonstrate it has sufficient design capacity to serve the addition of the proposed project.
6. The new development must continue to allow this pond to serve the stormwater detention requirements of the original commercial development to the north, with a site plan approved January 26, 1990.
7. The owner of the new project must provide a stormwater maintenance agreement since the detention pond is contained within that parcel. This agreement shall conform to the county's standard agreement for stormwater facility maintenance.
8. Omit tree island requirements for southernmost end of parking lot to accommodate the future County Road project.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject property is a 13.035-acre tract. The tract fronts on S.R. 85 in Land Lot 233 of the 5th District. S.R. 85 is classified as a Major Arterial on the Fayette County Thoroughfare Plan. The property is vacant, undeveloped land.

The parcel is currently zoned *O-I, Office-Institutional*.

This property is located in the SR 85 North Overlay Zone, which has specific development standards that are applied in addition to the underlying zoning district requirements and development regulations (*Sec. 110-173.-Transportation Corridor Overlay Zone. (3) SR 85 North Overlay Zone*).

Rezoning History: On September 14, 1989, the Board of Commissioners adopted a new zoning district called L-B (Limited Business). The intent was to provide planned, large-scale, mixed-use development along the major thoroughfares where sewer was planned, and particularly along SR 85 North.

On September 13, 1990, the Board of Commissioners amended the L-B zoning district and blanket zoned approximately 830 acres (including the subject property) in the SR 85 North corridor from A-R (Agricultural-Residential) to L-B. From 1991 through 1997 no one had ever developed under the L-B zoning district, because sewer was not forthcoming in the corridor. The L-B zoning district was deleted from the Fayette County Zoning Ordinance on January 14, 1998. Therefore, all properties that were zoned L-B were rezoned to a valid zoning district.

The rezoning Petition #974-98 for O-I zoning was approved by the Board of Commissioners on April 9, 1998.

B. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned C-H, M-1 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	6.9	C-H	Commercial	Commercial; SR 85 North Overlay Zone
South	4.85	M-1	Light Industrial (3 parcels)	Commercial; SR 85 North Overlay Zone
East	5.1	A-R	Single-Family Residential (3 parcels)	Light Industrial
West (across S.R. 85)	55.8	C-H	Vacant, undeveloped land	Commercial; SR 85 North Overlay Zone

C. COMPREHENSIVE PLAN

Future Land Use Plan: The S.R. 85 North Corridor is designated for Commercial on the Future Land Use Plan map. This request conforms to the Fayette County Comprehensive Plan in terms of the SR 85 North of Fayetteville commercial area description which states:

SR 85 North of Fayetteville: A nonresidential corridor, this area extends from the city limits of Fayetteville north to the county line. **It provides an area where a variety of nonresidential uses including commercial, office, and light industrial are appropriate.** The area contains opportunity for infill, redevelopment and new development.

D. ZONING/REGULATORY REVIEW

Access & Right-of Way

The Concept Plan submitted indicates access from S.R. 85, which is managed by Georgia Department of Transportation.

Site Plan – The proposed site plan indicates parking for tractor-trailer trucks. The concept plan does not meet all the County's Development Regulations, including but not limited to stormwater, overlay buffer requirements, zoning buffer requirements and screening standards. Approval of this rezoning request does not constitute approval of the conceptual site plan. Plans will be reviewed for compliance when they are presented for a site development permit.

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 104-28 of the Development Regulations. Access must comply with the provisions of Section 104-55. of the Development Regulations and the Georgia D.O.T., as appropriate. The subject property must comply with all applicable Fayette County Code regulations.

F. DEPARTMENTAL COMMENTS

- ☐ **Water System** - FCWS has no objection to this rezoning. Water is available in a 10" PVC water main along west side of Hwy 85 and in a 20" DIP water main along east side of Hwy 85. 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** – This property is adjacent to a future transportation project that is in the planning & design phase, with a proposed road on the south side of the parcel.
 - **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.
 - **Stormwater Management** – The detention pond located on the northwest corner of the subject property also serves the commercial development to the north. The new development must continue to allow this pond to serve the stormwater detention requirements of the parcel to the north. The owner of this project must provide a maintenance agreement for the entire stormwater detention system that is located on the subject parcel.

- ☐ **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** – No concerns with this development at this time. There are no fire code requirements for open parking lots. Access shouldn't be an issue as the lot should be designed for tractor trailers to easily navigate.
- ☐ **GDOT** – all access to SR 85 will be reviewed and approved by GDOT.

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 Commercial and Light Industrial 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 commercial, light industrial and 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 highway commercial. Staff is not aware of other changes that would have an adverse impact on this type of development in the general area. An enhanced buffer is recommended adjacent to existing residential to the east.

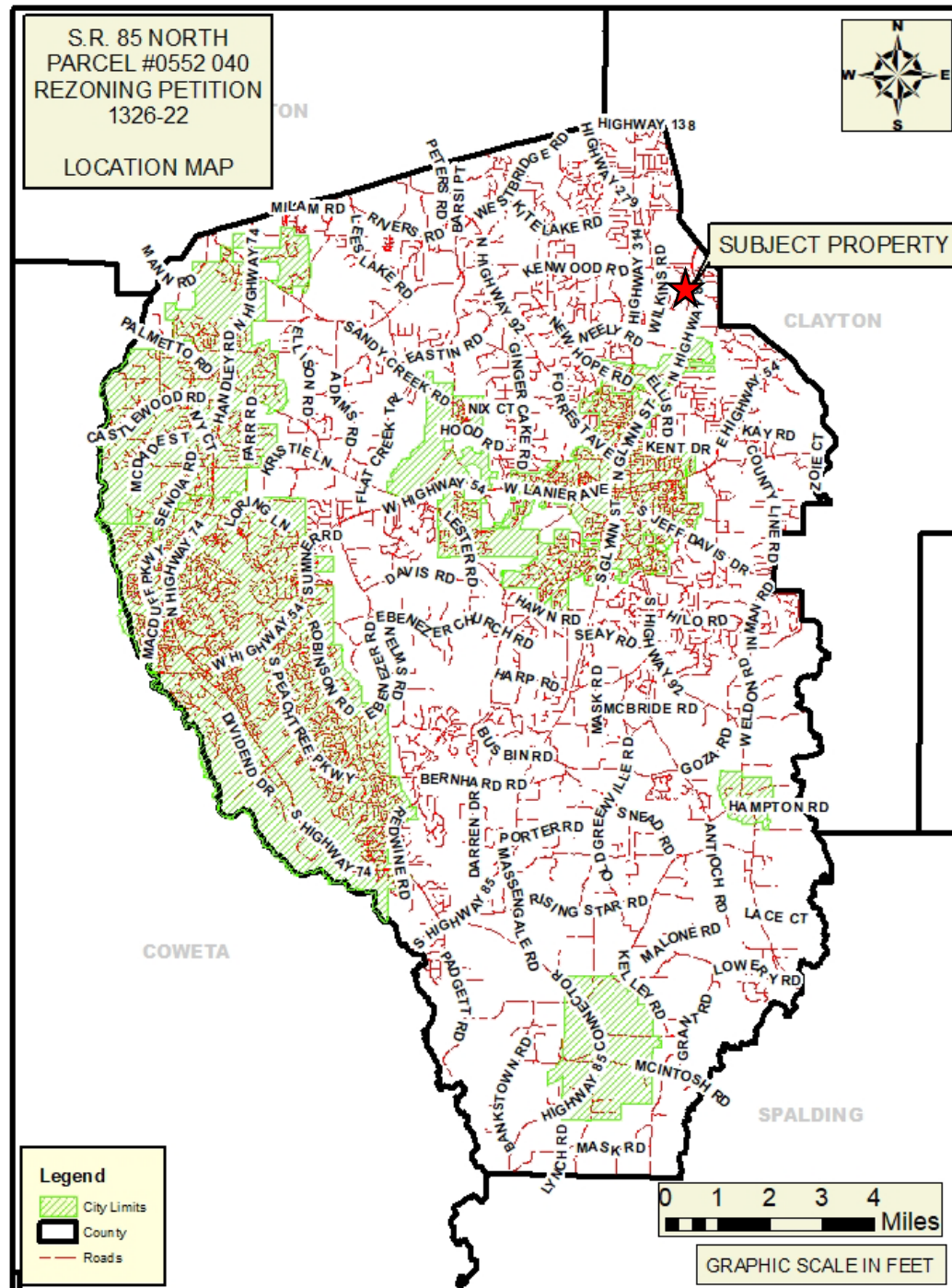
ZONING DISTRICT STANDARDS**Sec. 110-144. C-H, Highway Commercial District.**

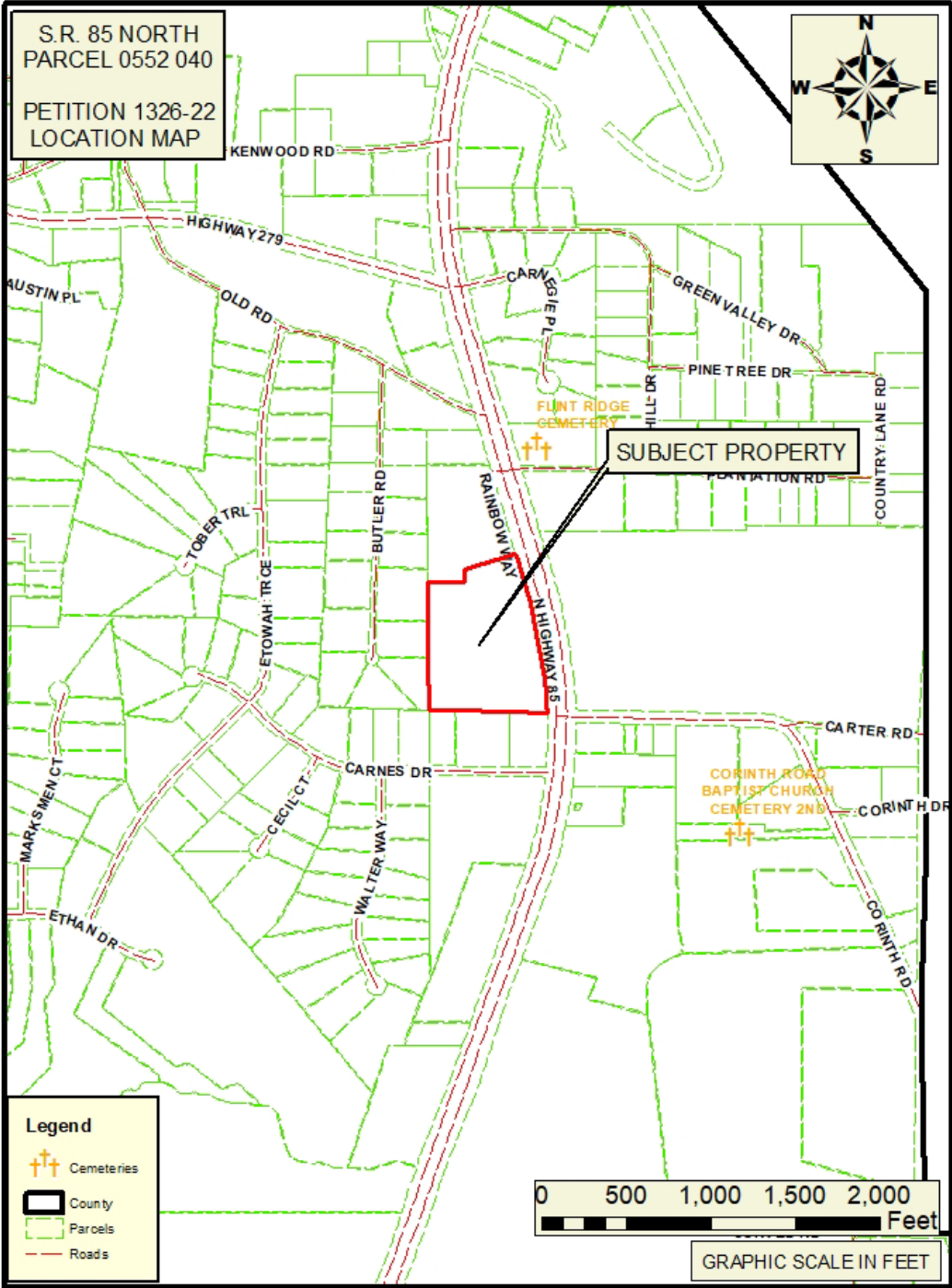
- (a) *Description of district.* This district is composed of certain lands and structures to provide and encourage proper grouping and development of roadside uses, which include a wide variety of sales and services that will best accommodate the needs of the county and the traveling public, reducing traffic congestion, hazards and blight along the public streets.
- (b) *Permitted uses.* The following uses shall be permitted in the C-H zoning district:
- (1) Ambulance service, including non-emergency medical transport service;
 - (2) Amusement or recreational facility, indoor or outdoor;
 - (3) Appliance sales, installation and/or repair;
 - (4) Armories, for meetings and training military organizations;
 - (5) Art studio;
 - (6) Auto/vehicle repair. All service, repairs and diagnostics, with the exception of emissions testing, shall be conducted within an enclosed building;
 - (7) Bakery;
 - (8) Bank and/or financial institution;
 - (9) Banquet hall/event facility;
 - (10) Bookbinding;
 - (11) Building/development, contracting, and related activities (including, but not limited to: door and window sales and/or installation, electrical, flooring sales and/or installation, entertainment system sales and/or installation, general contractor, grading, gutter sales and/or installation, insulation sales and/or installation, landscaping, lighting sales and/or installation, painting, pressure washing, plumbing, remodeling, roofing sales and/or installation, siding sales and/or installation, sales and storage of building supplies and materials, security system sales, installation and service, solar and wind equipment sales and/or installation, and incidental contractor equipment maintenance);
 - (12) Bus passenger station (pick-up and drop-off only);
 - (13) Cabinet manufacturing, sales, repair and/or installation;
 - (14) Car wash and/or detailing facility;
 - (15) Catering service;
 - (16) Church and/or other place of worship excluding outdoor recreation, parsonage, and cemetery or mausoleum;
 - (17) Clothing store and/or variety store;
 - (18) College and/or university, including classrooms and/or administration only;
 - (19) Copy shop;
 - (20) Cultural facility;
 - (21) Day spa;
 - (22) Department store;
 - (23) Drug store;
 - (24) 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;
 - (25) Electronic sales and/or repair;
 - (26) Emission testing facility (inside only);
 - (27) Engraving;
 - (28) Firearm sales and/or gunsmith;

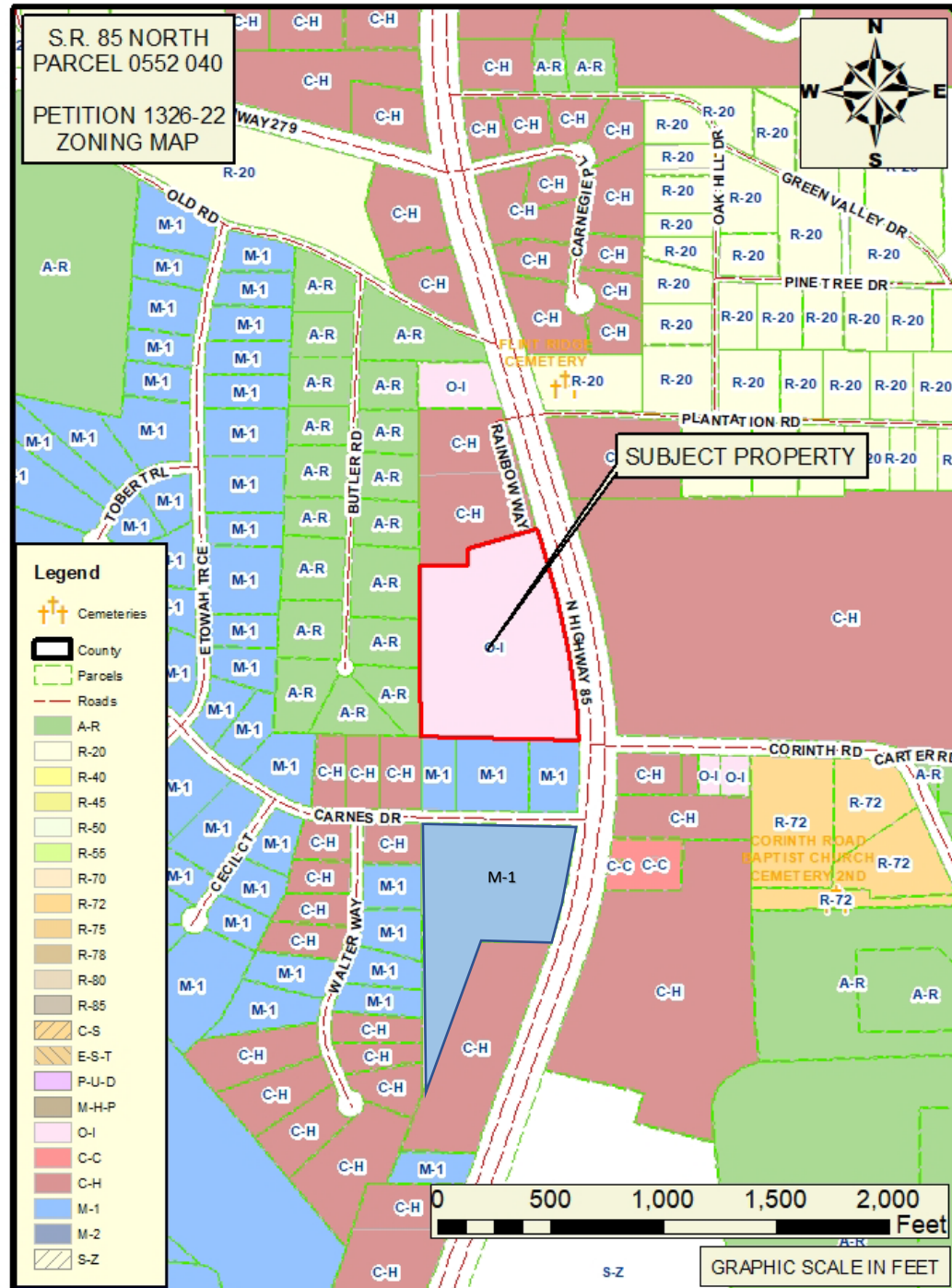
- (29) Flea market, indoor;
- (30) Florist shop;
- (31) Freezer locker service, ice storage;
- (32) Freight express office;
- (33) Funeral establishment (where funeral services, excluding a crematorium, may be provided);
- (34) Gift shop;
- (35) Glass sales;
- (36) Grocery store;
- (37) Hardware store;
- (38) Health club and/or fitness center;
- (39) Hotel;
- (40) Jewelry shop;
- (41) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
- (42) Library;
- (43) Magazine publication and/or distribution;
- (44) Manufactured home and/or building sales;
- (45) Medical/dental office (human treatment);
- (46) Messenger/courier service;
- (47) Military recruiting office;
- (48) Movie theatre and/or drive-in;
- (49) Museum;
- (50) Music teaching studio;
- (51) Newspaper publication and/or distribution;
- (52) Office;
- (53) Office equipment sales and/or service;
- (54) Parking garage/lot;
- (55) Pawn shops;
- (56) 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;
- (57) Pest control;
- (58) Plant nursery, growing crops/garden, and/or related sales;
- (59) Printing, graphics, and/or reproductions;
- (60) Private clubs and/or lodges;
- (61) Private school, including classrooms and/or administration only;
- (62) Recording studio (audio and video);
- (63) Radio studio;
- (64) Railroad station;
- (65) Rent-alls;
- (66) Restaurant, including drive-in and/or drive-through;
- (67) Retail establishment;
- (68) Smoking lounge (subject to state and local tobacco sales and smoking laws);
- (69) Tattoo parlor;
- (70) Taxidermist;
- (71) Taxi service/limousine service/shuttle service (no on-site maintenance and/or repair);

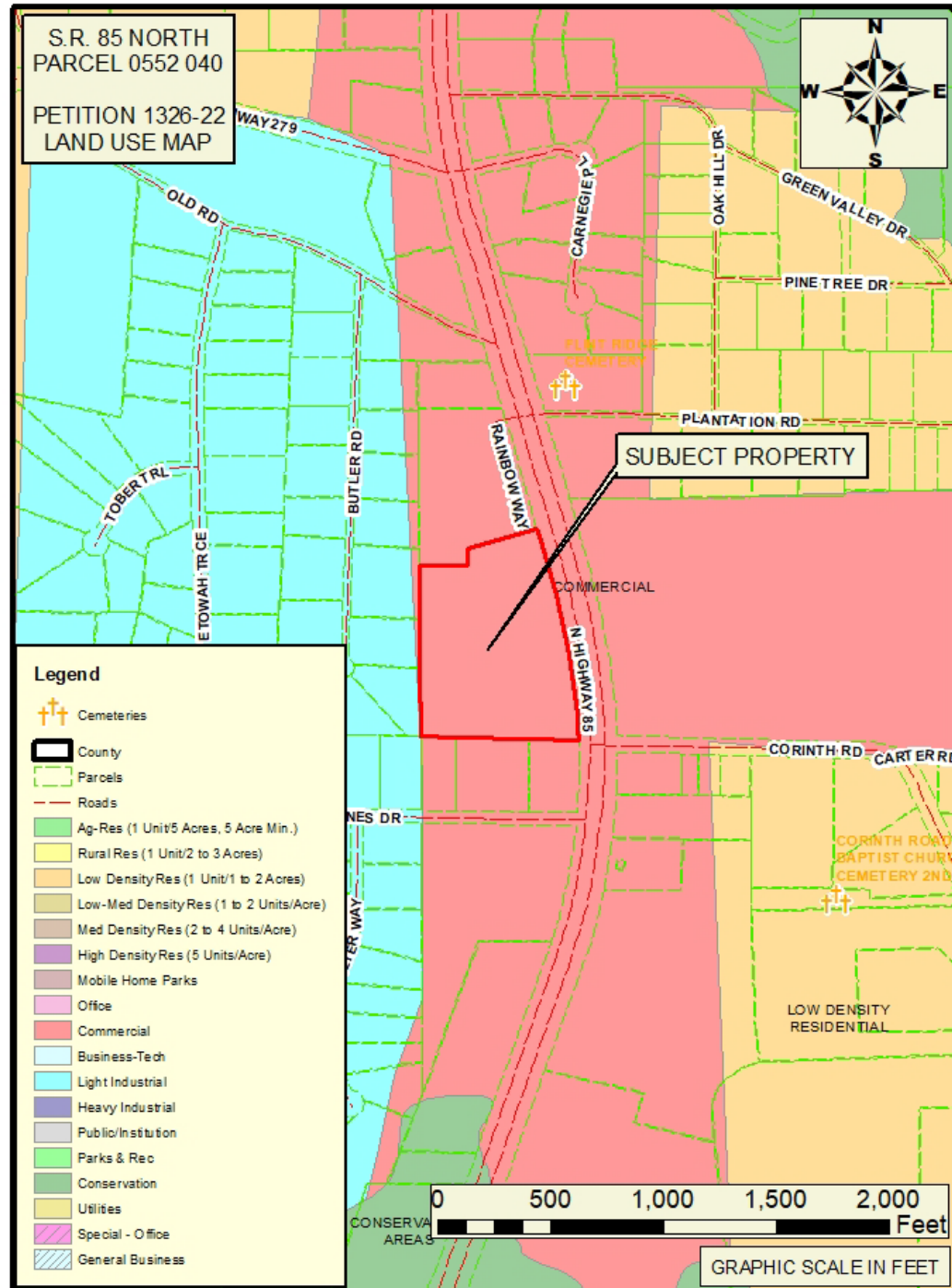
- (72) Television/movie studio;
 - (73) Upholstery shop; and
 - (74) Utility trailers sales and/or rental.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-H zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
 - (2) Amphitheater;
 - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
 - (4) Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store;
 - (5) Campground facilities;
 - (6) Care home, convalescent center, and/or nursing home;
 - (7) Cemetery;
 - (8) Charter motor coach service;
 - (9) Church and/or other place of worship;
 - (10) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (11) Commercial driving range and related accessories;
 - (12) Child care facility;
 - (13) Dry cleaning plant;
 - (14) Experimental laboratory;
 - (15) Golf course (minimum 18-hole regulation) and related accessories;
 - (16) Home occupation;
 - (17) Horse show, rodeo, carnival, and/or community fair;
 - (18) Hospital;
 - (19) Laundromat, self-service or otherwise;
 - (20) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to bungee and parachute jumping;
 - (21) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;
 - (22) Religious tent meeting;
 - (23) Seasonal sales, outdoor;
 - (24) Self-storage facility (external and/or internal access);
 - (25) Single-family residence and residential accessory structures and/or uses (see article III of this chapter);
 - (26) Shooting range, indoor;
 - (27) Stadium, athletic; and
 - (28) Temporary tent sales.
 - (29) Vehicle/boat sales.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the C-H zoning district shall be as follows:
- (1) Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
 - (2) Lot width: 125 feet.

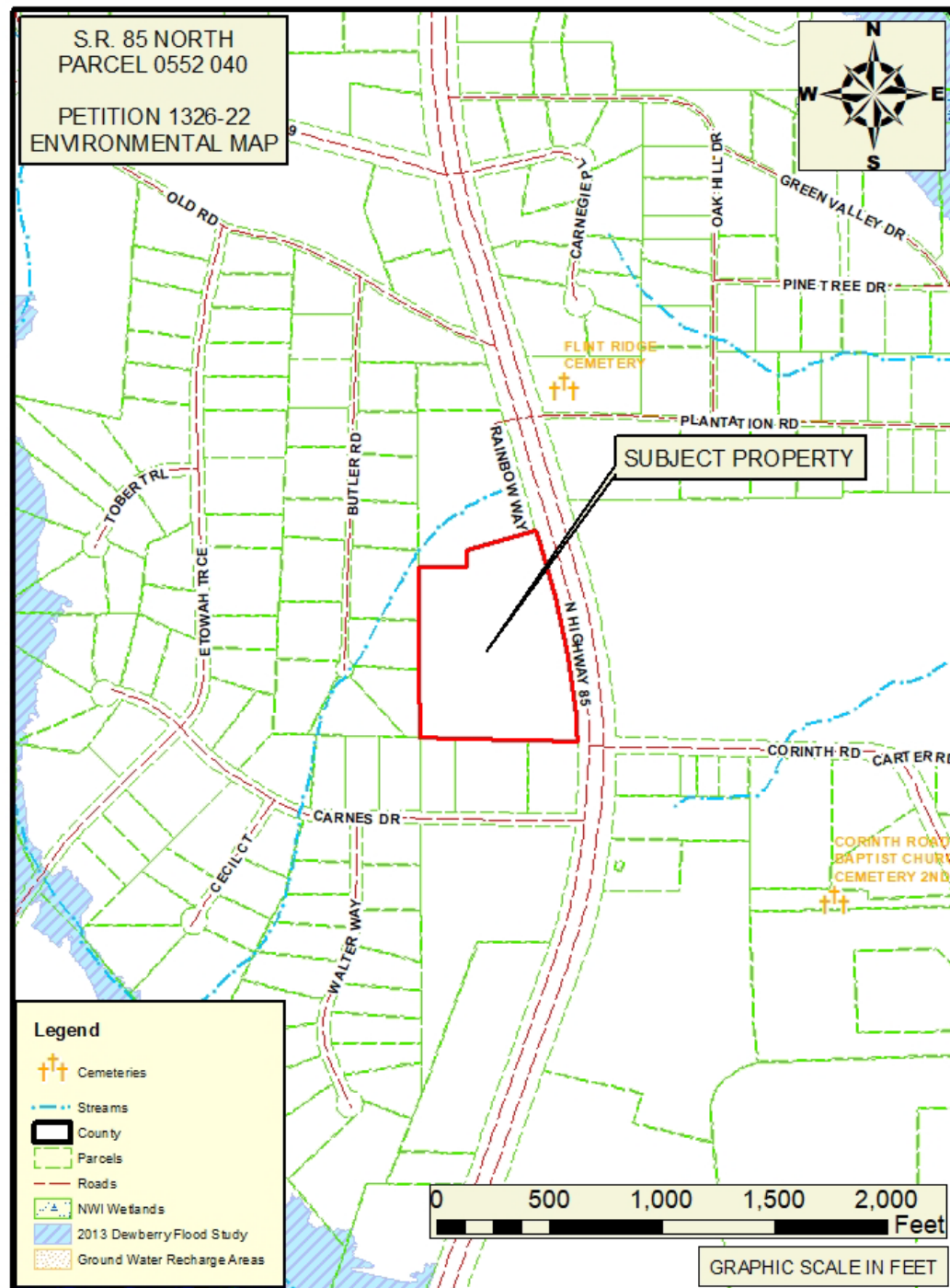
- (3) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 75 feet.
 - 2. Collector: 70 feet.
 - b. Minor thoroughfare: 65 feet.
- (4) Rear yard setback: 15 feet.
- (5) Side yard setback: 15 feet.
- (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.
- (7) Height limit: 35 feet.
- (8) Screening dimensions for parking and service areas as provided in article III of this chapter and chapter 104.
- (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.

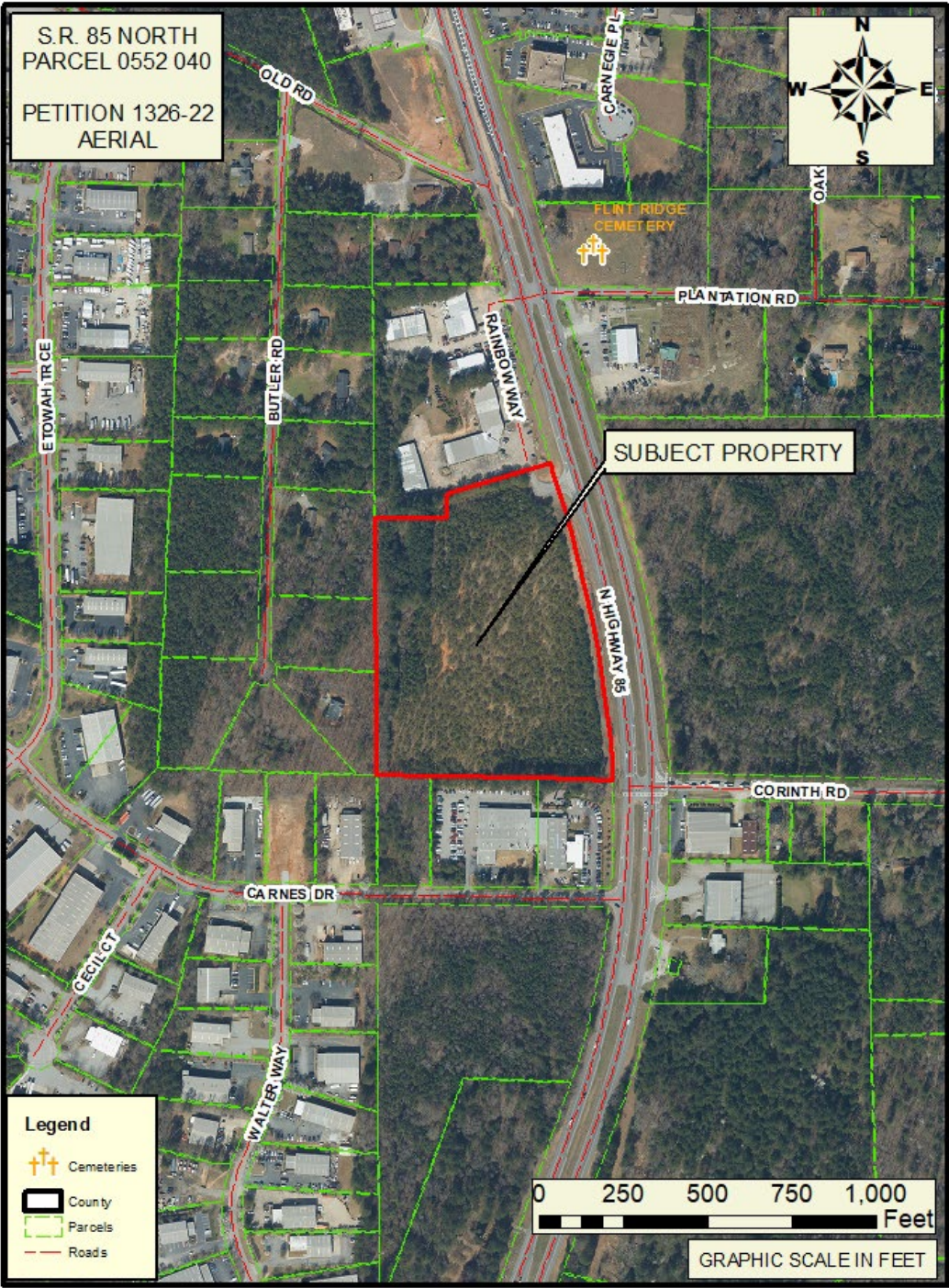




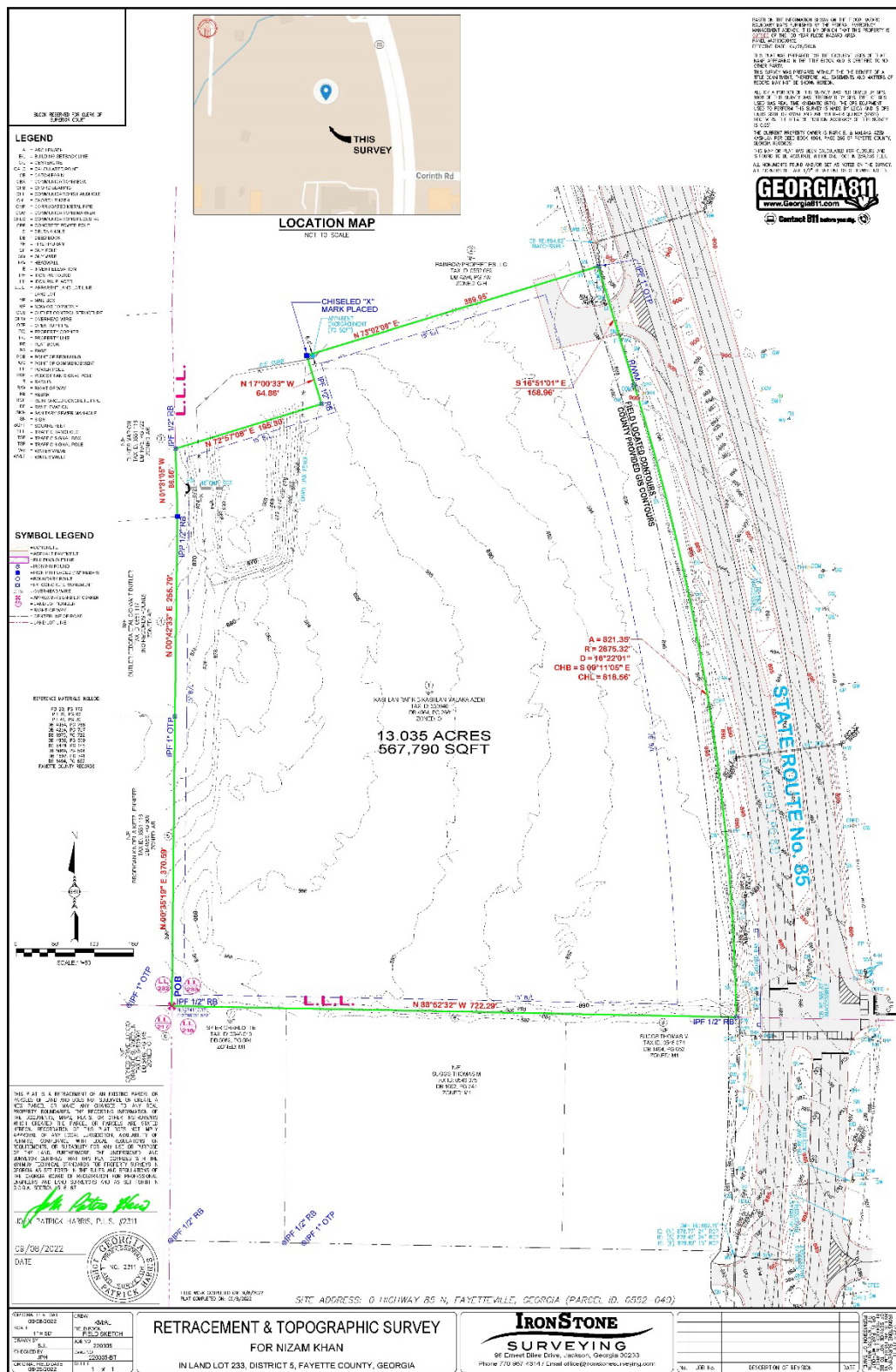












SURVEY

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

PROPERTY OWNERS: Amina Zakaria, Omar Zakaria, Saed Zakaria, and Hassan Zakaria

MAILING ADDRESS: 0 Highway 85 N.

PHONE: _____ **E-MAIL:** _____

AGENT FOR OWNERS: Nazim Khan c/o Steven L. Jones, Taylor English Duma LLP

MAILING ADDRESS: 1600 Parkwood Circle, Suite 200, Atlanta, Georgia 30338

PHONE: 404-218-2756 **E-MAIL:** sjones@taylorenghish.com

PROPERTY LOCATION: LAND LOT 233 LAND DISTRICT 5th PARCEL 0552 040
LAND LOT _____ LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 13.035

EXISTING ZONING DISTRICT: O-I **PROPOSED ZONING DISTRICT:** ~~M-1~~ C-H

ZONING OF SURROUNDING PROPERTIES: C-H, C-H, M-1, A-R

PRESENT USE OF SUBJECT PROPERTY: Vacant

PROPOSED USE OF SUBJECT PROPERTY: Truck Parking Facility

LAND USE PLAN DESIGNATION: Commercial

NAME AND TYPE OF ACCESS ROAD: Highway 85 N.

LOCATION OF NEAREST WATER LINE: Highway 85 N.

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1326-22

☐ 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 TAYLOR ENGLISH Duma LLP 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: SEP 6, 2022 Receipt Number: 015816

TOTAL PAID \$370.00

Page 283 of 454

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:

Amina Zakaria, Omar Zakaria, Saed Zakaria, and Hassan Zakaria

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0552 040

(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) 216 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 16.928+/- acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Nazim Khan 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.


Signature of Property Owner 1

1275 VINTAGE CLUB DR DUBLIN GA 30122
Address


Signature of Notary Public

8/31/2022
Date

Hassan Sheikh

NOTARY PUBLIC

Fayette County, GEORGIA

My Commission Expires 04/30/2023

Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Property Owner 3

Address

Signature of Notary Public

Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date

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Omar Zakaria

Signature of Property Owner 1

1275 VINTAGE CLUB DR

Address

n/a
Signature of Property Owner 2

Address

n/a
Signature of Property Owner 3

Address

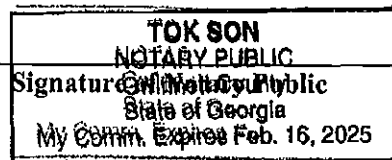
n/a
Signature of Authorized Agent

Address

[Signature]
Signature of Notary Public

Date

Aug 31, 2022



Date

Signature of Notary Public

Date

Signature of Notary Public

Date

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[Signature]
Signature of Property Owner 1

10665 Branham Fields Rd, Johns Creek, GA
Address

N/A
Signature of Property Owner 2

Address

N/A
Signature of Property Owner 3

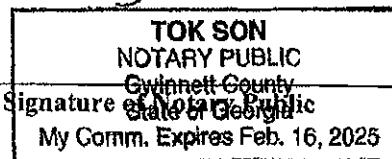
Address

N/A
Signature of Authorized Agent

Address

[Signature]
Signature of Notary Public

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Date



Date

Signature of Notary Public

Date

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[Signature]
Signature of Property Owner 1

Address 3101 Winterfield Rd.
Midlothian VA 23113

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

[Signature]
Signature of Notary Public

Date 8/31/2022

Signature of Notary Public

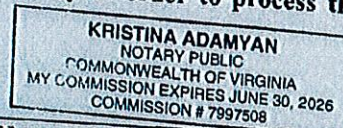
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



NAME: Amina Zakaria, Omar Zakaria,
Saed Zakaria, and Hassan Zakaria

PETITION NUMBER: 1326-22

ADDRESS: 0 N. Highway 85 / TPN 0552 040

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

Nazim Khan affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) O-I Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 370.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to MsB C-H.

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, 2022 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 27 day of October, 2022 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 20____,

NOTARY PUBLIC

APPLICANT'S SIGNATURE

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Amina Zakaria, Omar Zakaria, Saed Zakaria, and Hassan Zakaria, 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 Highway 85 N. 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)

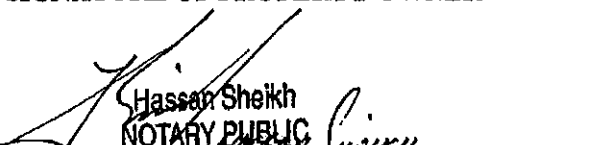
Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 31st day of August, 2022



 SIGNATURE OF PROPERTY OWNER

 SIGNATURE OF PROPERTY OWNER


 Hassan Sheikh
 NOTARY PUBLIC
 Gwinnett County, Georgia
 My Commission Expires 04/30/2023

 SIGNATURE OF PROPERTY OWNER

 SIGNATURE OF PROPERTY OWNER

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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 31 day of AUGUST, 2022.

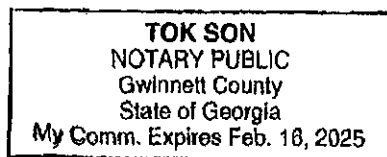
Omar Zakaria

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

[Signature]
NOTARY PUBLIC

SIGNATURE OF PROPERTY OWNER



SIGNATURE OF PROPERTY OWNER

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Amina Zakaria, Omar Zakaria, Saed Zakaria, and Hassan Zakaria, 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 Highway 85 N. 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)

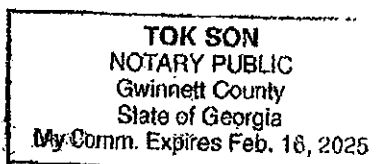
Sworn to and subscribed before me this 31 day of August, 2022.


SIGNATURE OF PROPERTY OWNER

n/A
SIGNATURE OF PROPERTY OWNER


NOTARY PUBLIC

n/A
SIGNATURE OF PROPERTY OWNER



n/A
SIGNATURE OF PROPERTY OWNER

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Amina Zakaria, Omar Zakaria, Saed Zakaria, and Hassan Zakaria, 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 to Highway 85 N. as measured from the centerline of the

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 31st day of August, 2022


SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER


NOTARY PUBLIC

SIGNATURE OF PROPERTY OWNER

KRISTINA ADAMYAN
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JUNE 30, 2026
COMMISSION # 7997508

SIGNATURE OF PROPERTY OWNER

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/.
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
- ☒ [X] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .
- ☐ [] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this _____ day of _____, 20_____.

APPLICANT'S SIGNATURE

Developments of Regional Impact

Tiers and Development Thresholds

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

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

DISCLOSURE STATEMENT

Please check one:

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

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

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:** _____ Not applicable _____**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:

Planning & Zoning Department Resubmit_____
Planning & Zoning Department Approval**YIELD PLAN CHECKLIST**

Project: Not applicable

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:

Environmental Management Department Resubmit

Environmental Management Department Approval

YIELD PLAN CHECKLIST

Project: Not applicable

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



Doc ID: 010817620002 Type: QCD
 Recorded: 01/27/2020 at 09:00:00 AM
 Fee Amt: \$25.00 Page 1 of 2
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 4984 PG 541-542

Doc ID: 010790210001 Type: QCD
 Recorded: 12/11/2019 at 10:30:00 AM
 Fee Amt: \$10.00 Page 1 of 1
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 4964 PG 266

Return Recorded Document to:
 WESSELS & GERBER, P.C.
 5491 ROSWELL ROAD 2ND FLOOR
 ATLANTA, GEORGIA 30342

QUITCLAIM DEED

** This Deed is being re-recorded
 for the purpose of adding the
 Exhibit "A"*

STATE OF GEORGIA
 COUNTY OF FULTON

THIS INDENTURE, Made the 6th day of **December, 2019**, between **PALMYRA CORPORATION**, of the State of **Georgia**, as party or parties of the first part, hereinafter called Grantor, and **AMINA ZAKARIA**, as to an undivided **55% interest**, **OMAR ZAKARIA**, as to an undivided **15% interest**, **SAED ZAKARIA**, as to an undivided **15% interest**, and **HASSAN ZAKARIA**, as to an undivided **15% interest**, 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 one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever **QUITCLAIM** unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 216 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, SAID PROPERTY BEING THE SAME AS PER THAT CERTAIN DEED RECORDED IN DEED BOOK 815, PAGE 679, IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF FAYETTE COUNTY, GEORGIA, WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE.

Tax Parcel # 0552 040

TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right to title to said premises or appurtenances, or any rights thereof.

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

Signed, sealed and delivered in the presence of:

Witness

PALMYRA CORPORATION

AMINA ZAKARIA, PRESIDENT

(SEAL)

Notary Public

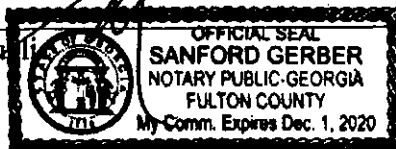


EXHIBIT "A"

All that tract or parcel of land lying and being in Land lot 233 of the 5th District of Fayette County, Georgia, being 16.928 acres, more or less, and being more particularly described as follows: BEGINNING at a point located at the Southwesterly original corner of Land Lot 233, and running thence North 01 degrees 39' 10" West a distance of 626.09 feet to a point; running thence North 03 degrees 47' 50" West a distance of 247.37 feet to a point; running thence North 00 degrees 30' 43" West a distance of 200.01 feet to a point; running thence North 00 degrees 31' 09" West a distance of 63.35 feet to a point, which point is located on the Southerly line of the property now or formerly owned by Grover P. and Betty D. Kneece, running thence North 79 degrees 58' 49" East, and following along the said Southerly boundary of said Kneece property, a distance of 463.99 feet to a point, which point is located on the Southwesterly right-of-way of State Route 85 (175' right-of-way); running thence South 19 degrees 13' 52" East, and following along said right-of-way, for a distance of 424.03 feet to a point; continuing thence in a Southeasterly direction, and following along the Southwesterly right-of-way of State Route 85, along the arc of a curve to the right, an arc distance of 821.47 feet (chord bearing South 11 degrees 24' 23" East in a chord length of 818.68 feet) to a point, which point is located at the Intersection of the Southwesterly right-of-way of State Route 85 with the Southerly land lot line of Land Lot 233; running thence South 88 degrees 54' 01" West a distance of 721.82 feet to a point and the POINT OF BEGINNING.

Form 10-7—Rev. 10-61

QUITCLAIM DEED

RECORDED
FAYETTE COUNTY, GA.

STATE OF GEORGIA

'83 JUN 3 PM 2 16

COUNTY OF

CLERK OF SUPERIOR COURT

THIS INDENTURE, made the day of May in the year one thousand nine hundred and ~~sixty~~ ninety three, between

DON LANGLEY AKA DONALD A. LANGLEY

of the County of Cobb, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

PALMYRA CORPORATION, KAFIK B. KASHLAN and MALAKA AZEM KASHLAN

of the County of, and State of, 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 one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said grantee

All that tract or parcel of land lying and being in Land Lot 233 of the 5th District of Fayette County, Georgia, being 16.928 acres, more or less, and being more particularly described as follows:

BEGINNING at a point located at the Southwesterly original corner of Land Lot 233 and running thence North 01° 39' 10" West a distance of 626.09 feet to a point; running thence North 03° 47' 50" West a distance of 247.37 feet to a point; running thence North 00° 30' 43" West a distance of 200.01 feet to a point; running thence North 00° 31' 09" West a distance of 63.35 feet to a point, which point is located on the Southerly line of the property now or formerly owned by Grover P. and Betty D. Kneese, running thence North 79° 58' 49" East; and following along the said Southerly boundary of said Kneese property, a distance of 463.99 feet to a point, which point is located on the Southwesterly right-of-way of State Route 85 (175' right-of-way); running thence South 19° 13' 52" East, and following along said right-of-way, for a distance of 424.03 feet to a point; continuing thence in a Southeasterly direction, and following along the Southwesterly right-of-way of State Route 85, along the arc of a curve to the right, an arc distance of 821.47 feet (chord bearing South 11° 24' 23" East in a chord length of 818.68 feet) to a point, which point is located at the intersection of the Southwesterly right-of-way of State Route 85 with the Southerly land lot line of Land Lot 233; running thence South 88° 01' 11" West a distance of 721.82 feet to a point and the POINT OF BEGINNING.

The purpose of this instrument is to evidence all payments of principal and interest due the grantor have been paid in full, and said grantor hereby releases all his individual interest in the Security Deed dated 5/6/87, recorded in Deed Book 445 page 454, Fayette County Records, and Note of even date therewith. Said Note and Security Deed remains in full force and effect as to the outstanding principal balance and interest secured thereunder, owing to the remaining parties.

BOOK 815 PAGE 679

TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

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

Signed, sealed and delivered in the presence of:

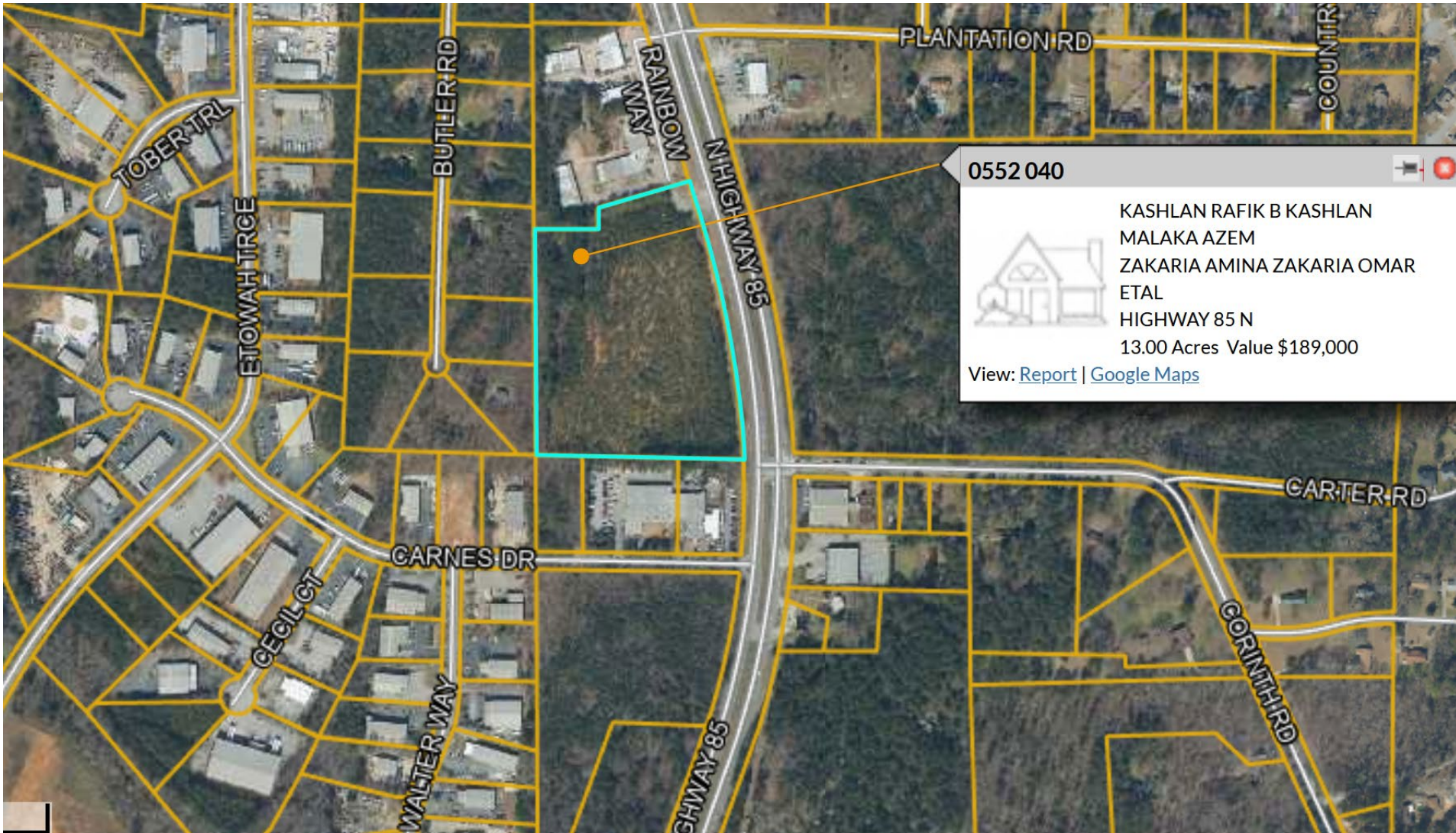
Donald A. Langley (Seal)
Don Langley
also known as Donald A. Langley (Seal)

Kathy M. Cole
(Notary Public)
G. Wood
(Notary Public) Sept. 24.96

Petition No. 1326-22

By: Steven L. Jones
Partner | Taylor English Duma LLP
sjones@taylorenghish.com
(678) 426-4628

taylor | english

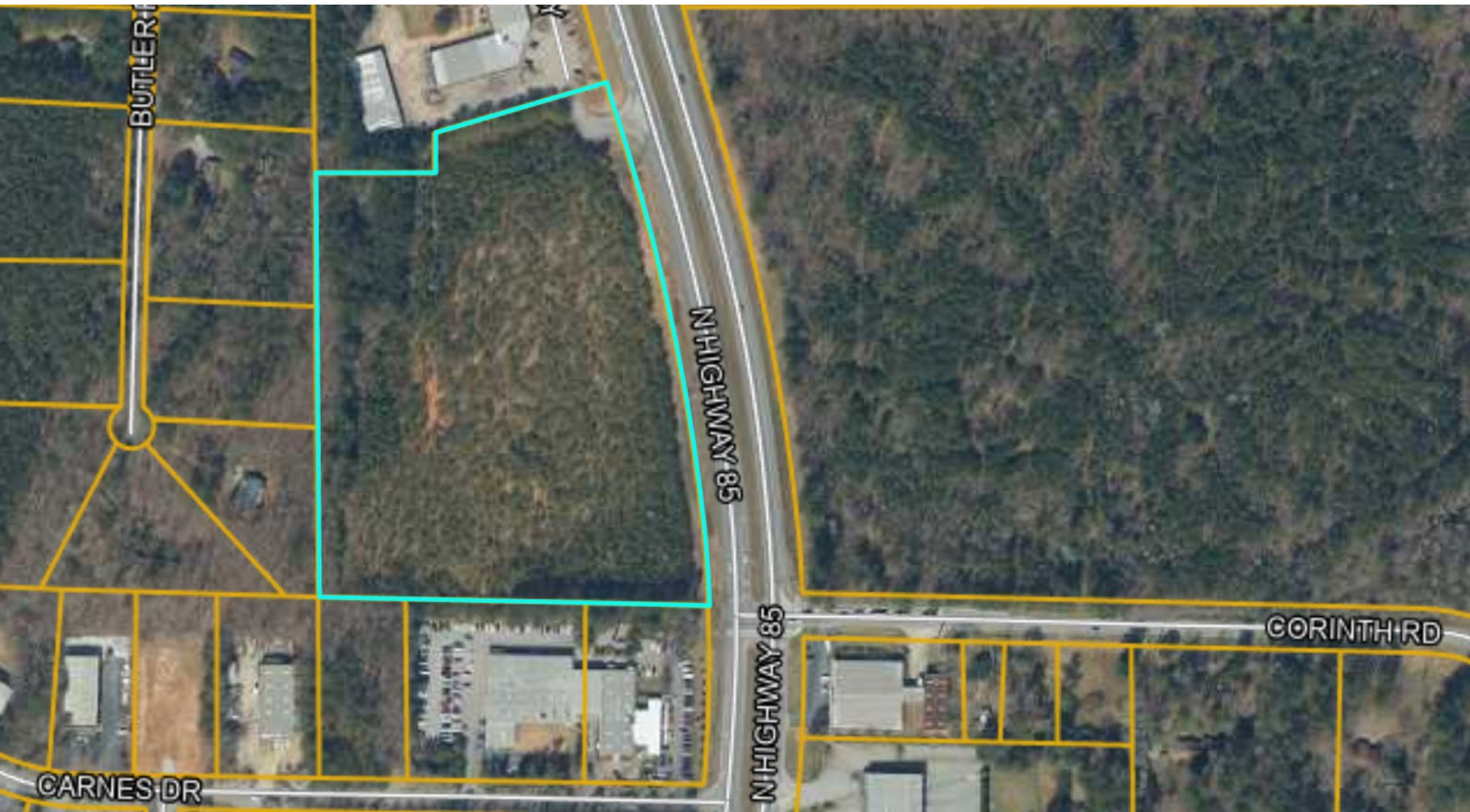


0552 040

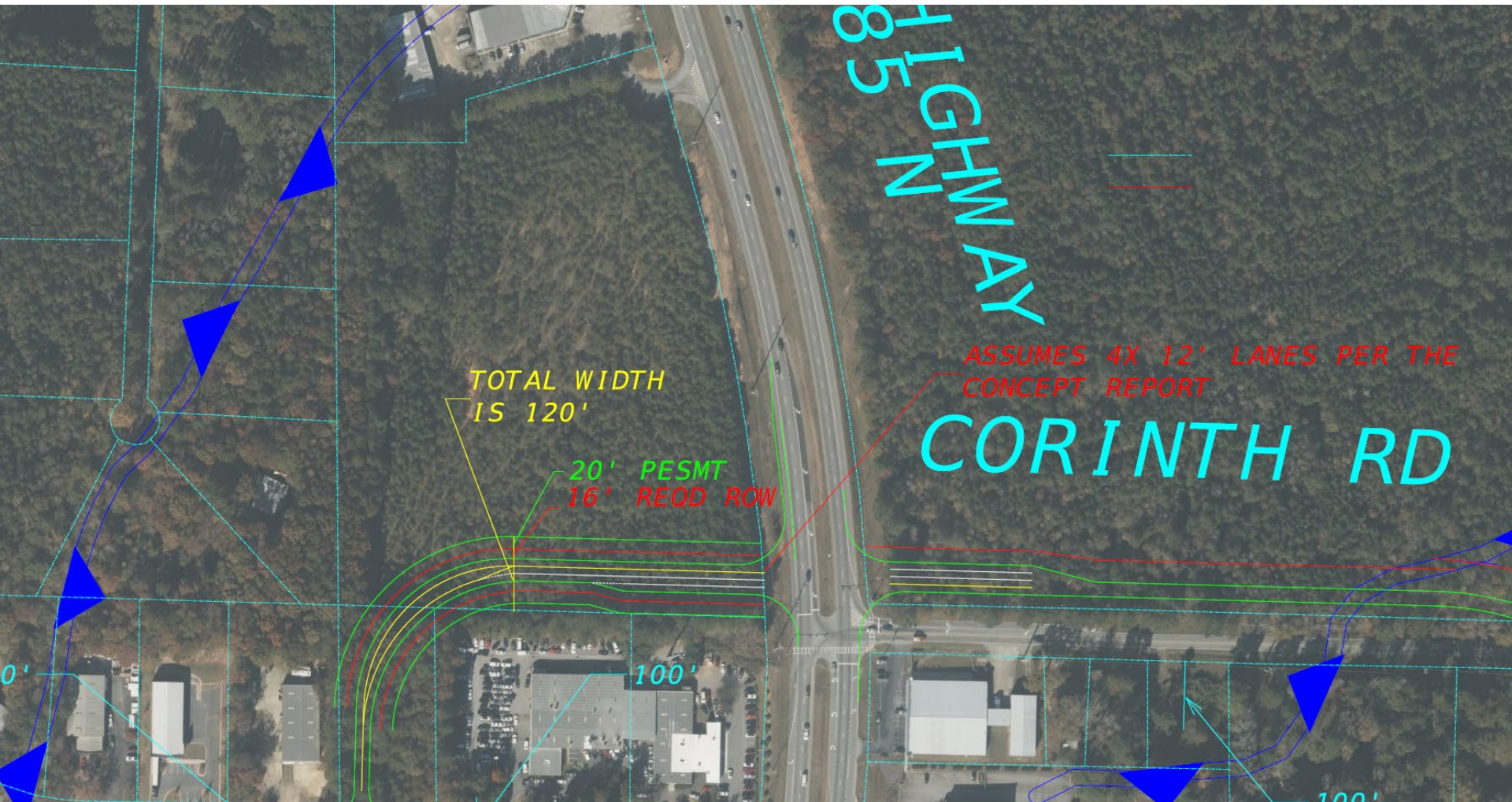


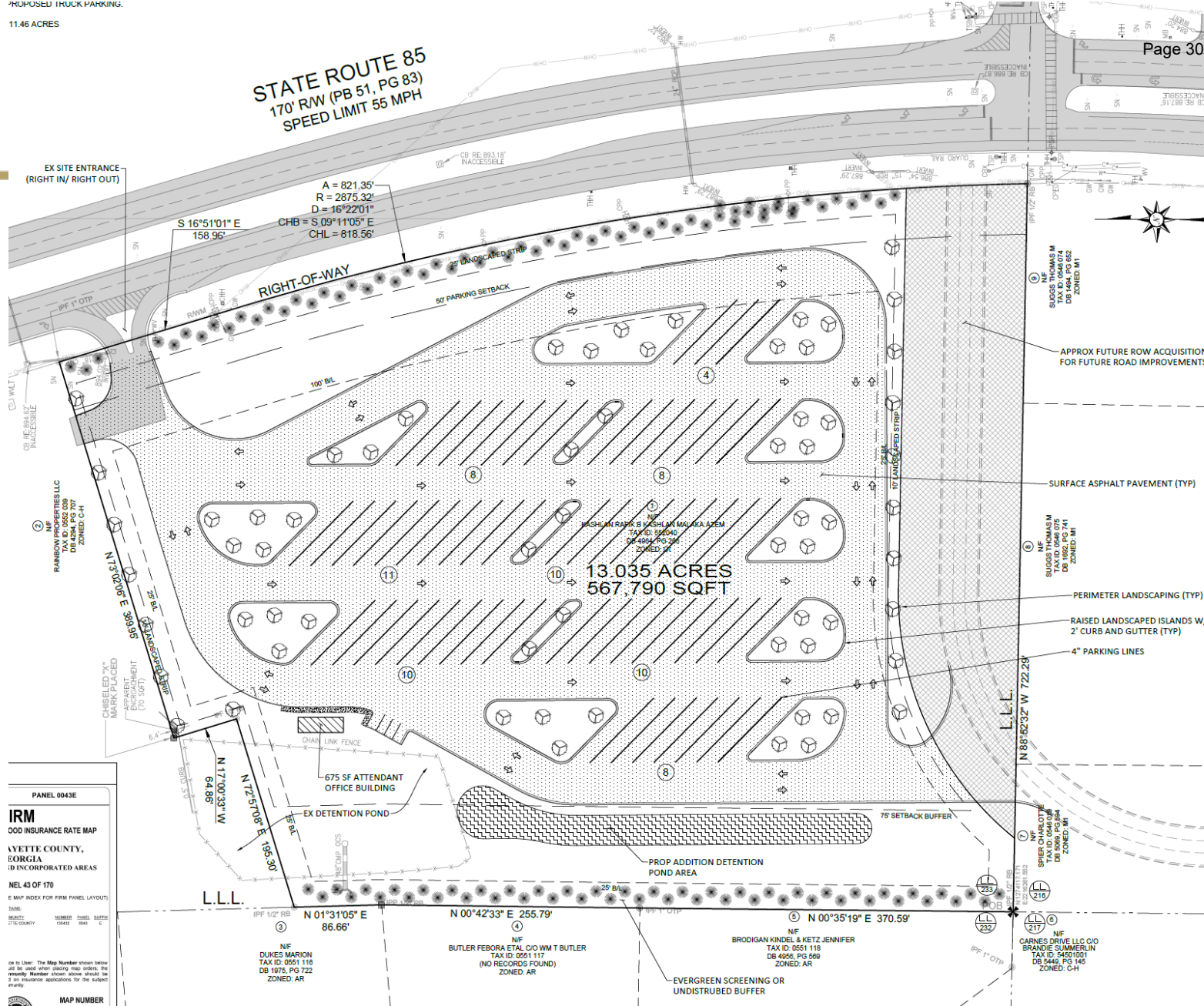
KASHLAN RAFIK B KASHLAN
MALAKA AZEM
ZAKARIA AMINA ZAKARIA OMAR
ETAL
HIGHWAY 85 N
13.00 Acres Value \$189,000

View: [Report](#) | [Google Maps](#)









COUNTY AGENDA REQUEST

Page 308 of 454

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1327-22; 130 Carnes Drive LLC, Owners; David Weinstein, Attorney, Agent, request to rezone 1.0 acres from C-H to M-1 to establish an auto paint and body shop; property located in Land Lot(s) 217 of the 5th District fronts on Carnes Drive and Walter Way.

Background/History/Details:

The subject property is a 1.0-acre tract. The tract fronts on Carnes Drive and Walter Way in Land Lot 217 of the 5th District. Both roads are classified as Internal Local on the Fayette County Thoroughfare Plan. On August 24, 1989, the Board of Commissioners approved Petition No. 722-89 to rezone 47.594 acres from A-R to C-H. Other parcels in this phase were rezoned from C-H to M-1 in the early 1990s. The property is vacant commercial building. It is identified as Lot 35 in the Phase II plat of Kenwood Business Park, recorded June 18, 1990. The parcel is currently zoned C-H, Highway Commercial. This property is not located in an Overlay Zone. The entire Kenwood Business Park Subdivision consists of approximately 258 acres with approximately 117 total lots. There are approximately 15 lots zoned C-H and 102 lots zoned M-1.

On November 3, 2022, Planning Commission voted 4-0 to recommend approval of request to rezone from C-H to M-1.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1327-22; 130 Carnes Drive LLC, Owners; David Weinstein, Attorney, Agent, request to rezone 1.0 acres from C-H to M-1 to establish an auto paint and body shop; property located in Land Lot(s) 217 of the 5th District fronts on Carnes Drive and Walter Way.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

PLANNING COMMISSION RECOMMENDATION**DATE:** November 3, 2022**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1327-22, the application of 130 Carnes Drive, LLC to rezone 1 acre from C-H to M-1, 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. 1327-22

WHEREAS, 130 Carnes Drive, LLC, Owner, and David Weinstein, Agent having come before the Fayette County Planning Commission on November 3, 2022, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

WHEREAS, said request being as follows: Request to rezone 1 acre from C-H to M-1, in the area of Carnes Drive, Land Lot 217 of the 5th District, for the purpose of developing a Paint and Body; 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:

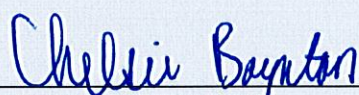
In compliance with the Fayette County Comprehensive Plan.
Compatible with the surrounding area.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:



ARNOLD MARTIN, CHAIRMAN



**CHELSE BOYNTON
PC SECRETARY**

Meeting Minutes 11/3/22

THE FAYETTE COUNTY PLANNING COMMISSION met on November 3rd, 2022 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Arnold Martin, Chairman
John H. Culbreth
Jim Oliver
Danny England

MEMBERS ABSENT: Brian Haren, Vice-Chairman

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

PUBLIC HEARING

- 1. Consideration of Petition No. 1327-22, 130 Carnes Drive, LLC, Owner, and David Weinstein, Agent, request to rezone 1 acre from C-H to M-1 to create paint and body work. This property is located in Land Lot 217 of the 5th District and fronts on Carnes Drive and Walter Way.**

David Weinstein stated this is a 1 acre lot in the business park him and his partner have owned for about a year. He added there is a tenant that buys and sells bucket trucks. He stated their lease is ending soon and there are new tenants who plan to take it over and restore classic cars. He continued the Zoning ordinance allows vehicle and boat sales in C-H and allows paint and body in M-1 but was not clear if C-H allowed it also. He stated they decided it was best to request rezoning to avoid any gray area.

No one spoke in favor or opposition.

Danny England stated the adjacent property does the same kind of work. He added this is the spot in the County where this is supposed to be. He stated he didn't see a reason to say no to this.

Chairman Martin stated they are seeing a lot of relationship with the studios as well. He continued they provide a lot of classic and period cars. Chairman Martin asked if there was a motion.

Danny England made a motion to recommend approval of Petition No. 1327-22, request to rezone 1 acre from C-H to M-1 to create paint and body workshop. John Culbreth Sr. seconded the motion. The motion carried 4-0. Brian Haren was absent.

PETITION NO: 1327-22

REQUESTED ACTION: C-H to M-1

PARCEL NUMBER: 0545 01021

PROPOSED USE: Vehicle Repair with Paint & Body Work

EXISTING USE: Vacant commercial building

LOCATION: 130 Carnes Drive

DISTRICT/LAND LOT(S): 5th District, Land Lot 217

OWNERS: 130 Carnes Drive, LLC

AGENT: David Weinstein

PLANNING COMMISSION PUBLIC HEARING: November 3, 2022

BOARD OF COMMISSIONERS PUBLIC HEARING: December 8, 2022

APPLICANT'S INTENT

Applicant proposes to rezone 1.0 acres from C-H to M-1 to establish a vehicle repair/paint & body shop.

PLANNING COMMISSION RECOMMENDATION

Agenda of Actions, Fayette County Planning Commission, November 3, 2022

Consideration of Petition No. 1327-22, 130 Carnes Drive, LLC, Owner, and David Weinstein, Agent, request to rezone 1 acre from C-H to M-1 to create paint and body work. This property is located in Land Lot 217 of the 5th District and fronts on Carnes Drive and Walter Way.

Danny England made a motion to recommend approval of Petition No. 1327-22, request to rezone 1 acre from C-H to M-1 to create paint and body work. John Culbreth Sr. seconded the motion. The motion carried 4-0. Brian Haren was absent.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, the M-1 (Light Industrial) District is designated for this area. Based on the Investigation and Staff Analysis, Staff recommends **APPROVAL** of the request for a zoning of M-1 (Light Industrial) District.

INVESTIGATION**A. GENERAL PROPERTY INFORMATION**

The subject property is a 1.0-acre tract. The tract fronts on Carnes Drive and Walter Way in Land Lot 217 of the 5th District. Both roads are classified as Internal Local on the Fayette County Thoroughfare Plan. The property is vacant commercial building. It is identified as Lot 35 in the Phase II plat of Kenwood Business Park, recorded June 18, 1990.

The parcel is currently zoned *C-H, Highway Commercial*. This property is not located in an Overlay Zone.

Rezoning History:

On August 24, 1989, the Board of Commissioners approved Petition No. 722-89 to rezone 47.594 acres from A-R to C-H. The subject property is located within Kenwood Business Park, Phase II, consisting of 21 lots, which was recorded on June 18, 1990.

The following lots within Kenwood Business Park, Phase II were rezoned from C-H and M-1 for industrial uses:

In 1991, Lots 23, 31, 32, and 33 (Petition No. 775-91)

In 1992, Lot 34 (Petition No. 808-92)

In 1993, Lot 22 (Petition No. 830-93)

The entire Kenwood Business Park Subdivision consists of approximately 258 acres with approximately 117 total lots. There are approximately 15 lots zoned C-H and 102 lots zoned M-1.

B. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned C-H, M-1 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	2.0	C-H	Commercial (vacant)	Light Industrial
South	4.0	M-1	Light Industrial	Light Industrial
East	10.65	M-1	Undeveloped	Light Industrial
West (across Walter Way)	55.8	C-H	Commercial	Light Industrial

C. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Light Industrial on the Future Land Use Plan map. This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on Carnes Drive.

Site Plan: The applicant plans to use the existing driveway and building(s).

F. DEPARTMENTAL COMMENTS

- ☐ **Water System** - FCWS has no objection the proposed rezoning. The property is currently served off a 8" PVC water main along west side of Walter Way
- ☐ **Public Works/Environmental Management**
 - **Transportation** – The appropriate right-of-way dedication is provided in the proposed site plan. Existing access is acceptable.
 - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0043E 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.
 - **Stormwater Management** – The Kenwood Business Park development is served by stormwater infrastructure installed at time of development.
- ☐ **Environmental Health Department** – This office has no objection to the proposed Rezoning. It is highly recommended to seek information about connection to public sewer based on the proposed use. Industrial wastes will be discharged. Otherwise, space and sizing of proposed facility may be limited by the soil conditions and sizing for an on-site septic system.
- ☐ **Fire** – No objections to the requested rezoning.
- ☐ **GDOT** – Not applicable, not on State Route.

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 Commercial and Light Industrial 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 commercial and light industrial 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 commercial and light industrial. Staff is not aware of other changes that would have an adverse impact on this type of development in the general area.

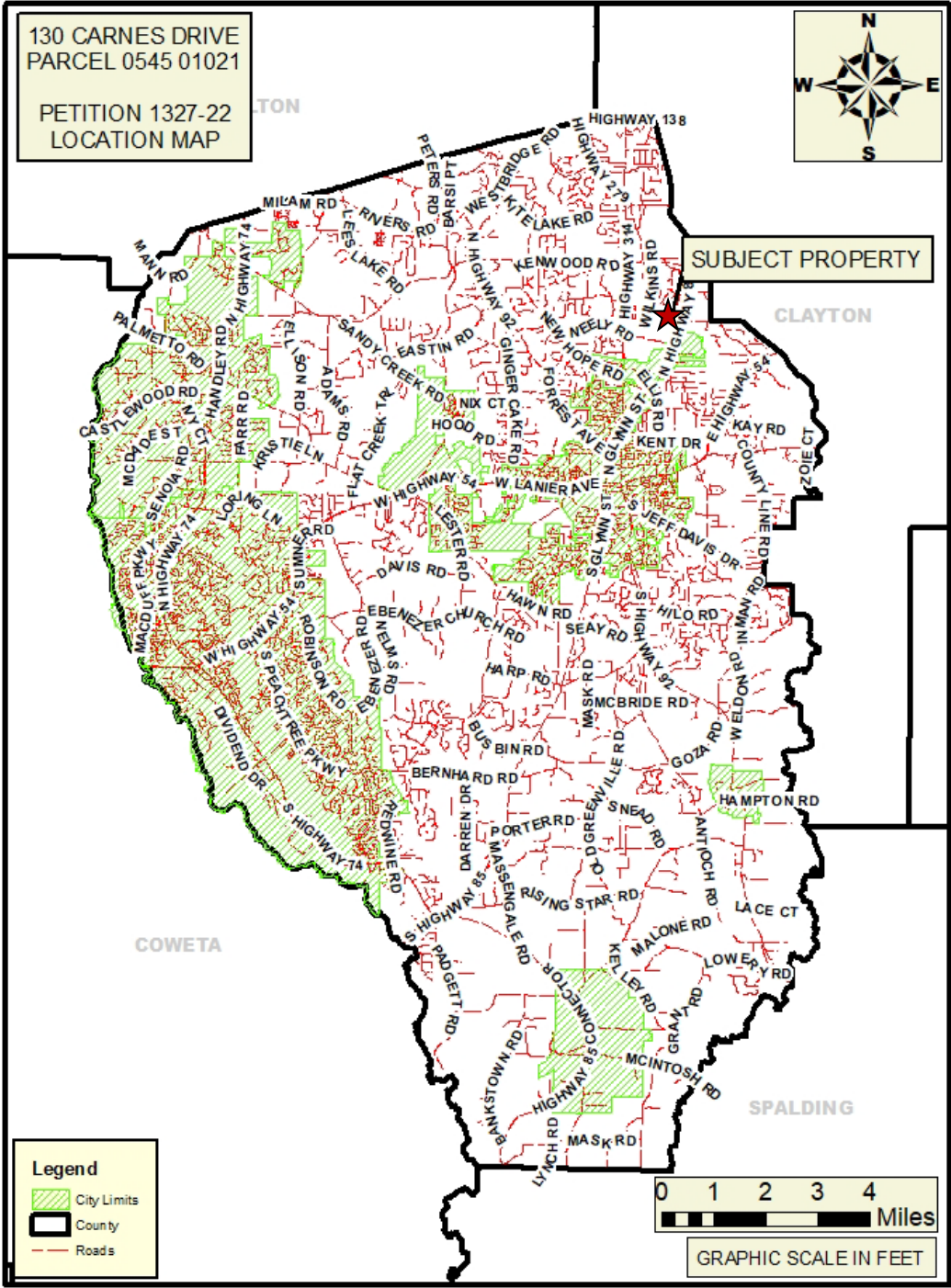
ZONING DISTRICT STANDARDS**Sec. 110-146. M-1, Light Industrial District.**

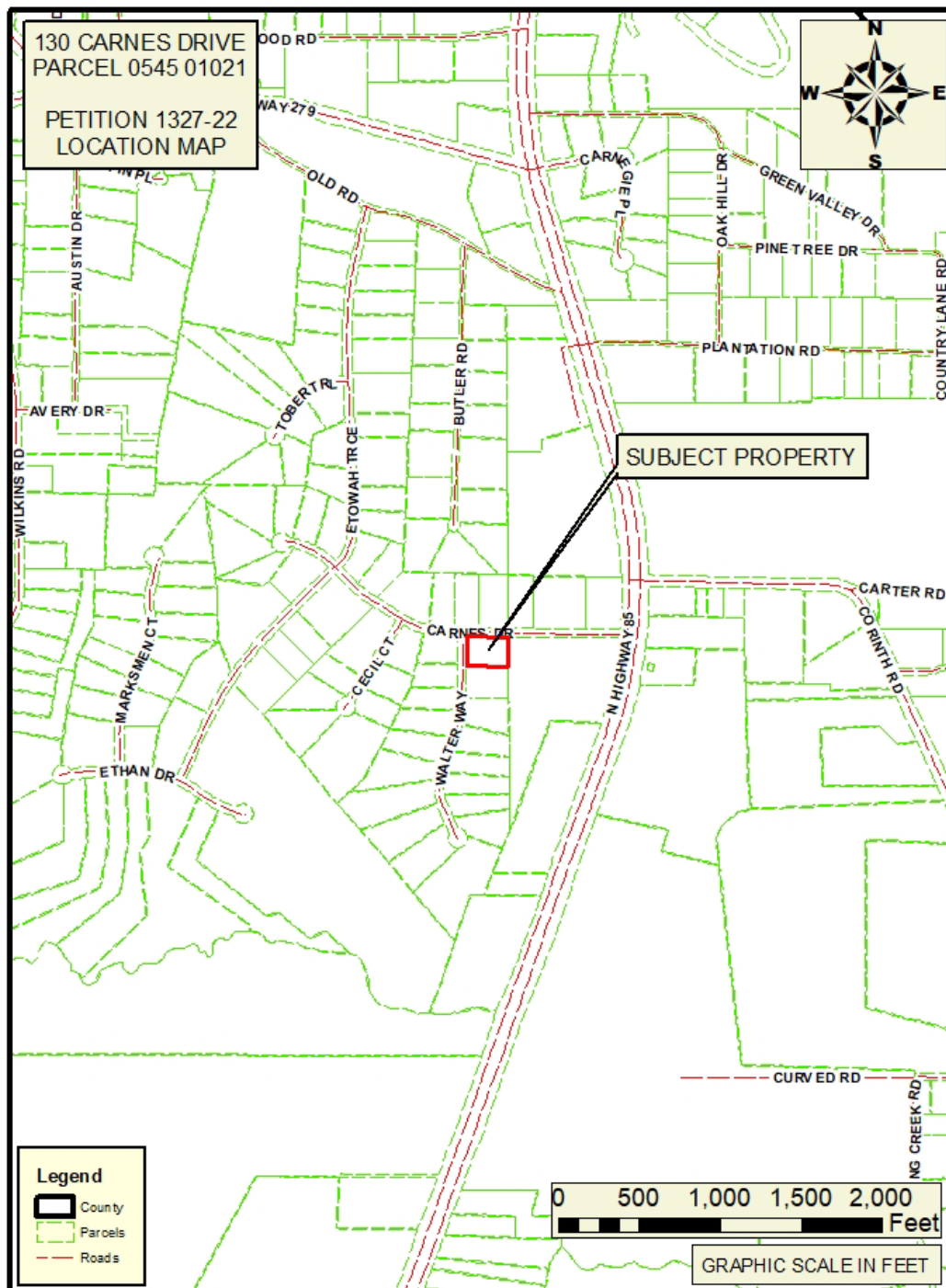
- (a) *Description of district.* This district is composed of certain lands and structures which are suitable for light industrial development, but where proximity to existing or proposed residential or commercial districts make it desirable to limit the manner and extent of industrial operations and thereby protect the nearby residential or commercial land.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the M-1 zoning district:
 - (1) Ambulance service, including non-emergency medical transport service;
 - (2) Amusement and recreational facilities, indoor or outdoor (athletic/sports instruction facilities and recreation and athletic fields and facilities);
 - (3) Appliance sales and/or repair;
 - (4) Architectural and/or design firms;
 - (5) Armories, for meeting and training of military organizations;
 - (6) Blueprinting and/or graphics service;
 - (7) Bookbinding;
 - (8) Building construction/contracting and related activities;
 - (9) Building supply sales;
 - (10) Bus passenger station;
 - (11) Cabinet manufacturing, sales, repair, and/or installation;
 - (12) Carwash and/or detailing facility;
 - (13) Charter motor coach service;
 - (14) Copy shop;
 - (15) Dental laboratory;
 - (16) Delivery and/or courier service;
 - (17) Electronic sales and/or repair;
 - (18) Emission testing facility (inside only);
 - (19) Engineering firms;
 - (20) Engraving;
 - (21) Farmer's market;
 - (22) Feed and/or fertilizer sales;
 - (23) Firearm sales and/or gunsmith;
 - (24) Flooring sales and/or installation;
 - (25) Freezer locker service;
 - (26) Freight express office;
 - (27) Furniture store;
 - (28) Glass sales;

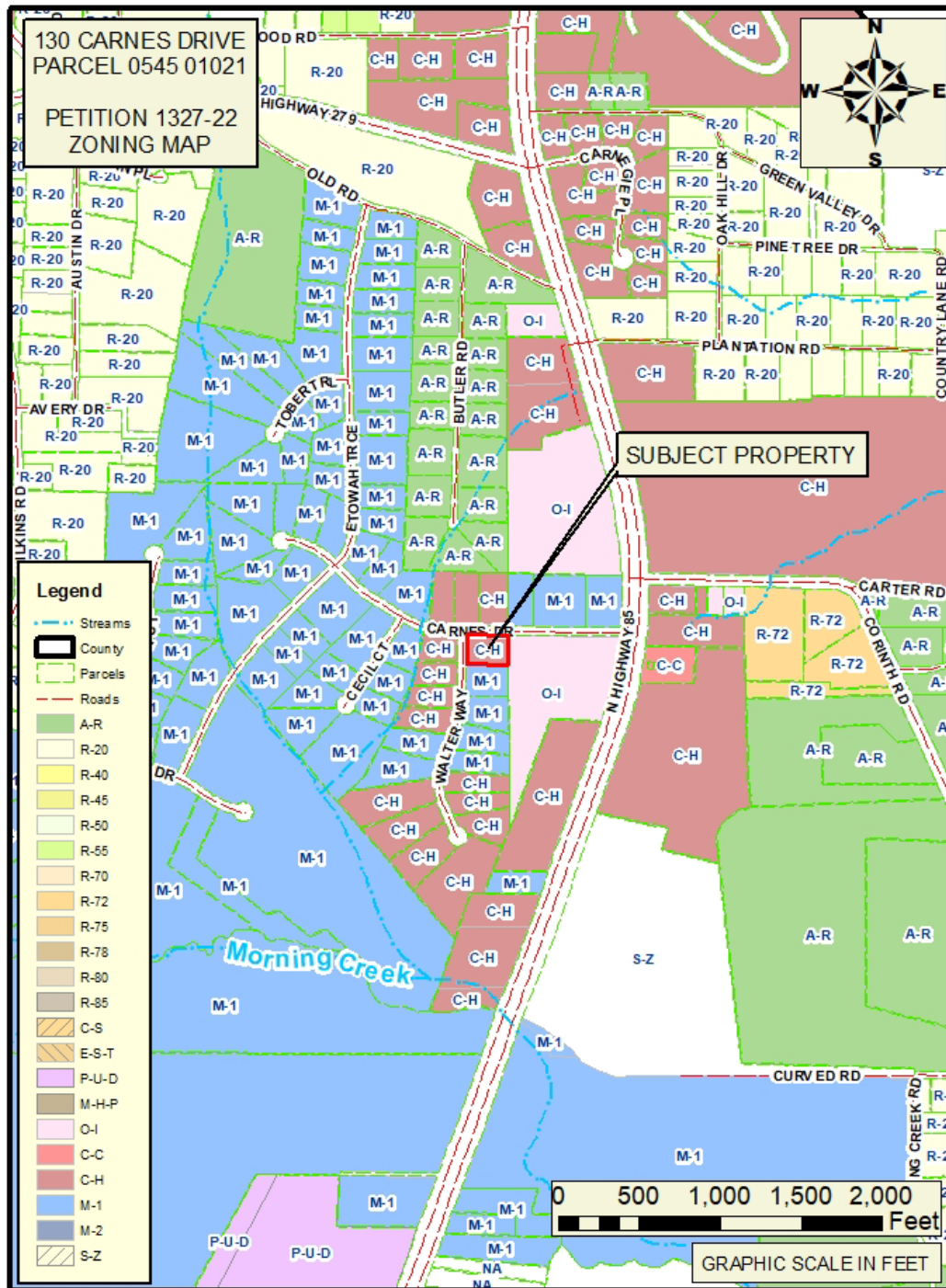
- (29) Grading service;
- (30) Greenhouse;
- (31) Home furnishings and accessories;
- (32) Horse show and equine activity facilities;
- (33) Ice storage;
- (34) Insecticide sales and/or storage;
- (35) Janitorial service and/or supply;
- (36) Land development firms;
- (37) Land surveying service;
- (38) Landscaping service;
- (39) Light manufacturing, including the following:
 - a. Appliance and/or electronic device assembly plant, including the manufacturing of parts for appliances and/or electronic devices;
 - b. Assembly of products from previously prepared materials;
 - c. Bottling and/or canning plant;
 - d. Ceramic products, provided that kilns shall only be by gas and/or electricity;
 - e. Construction of signs, including painted signs;
 - f. Cooperage;
 - g. Ice manufacturing;
 - h. Laundry, cleaning and/or dying plants;
 - i. Light sheet metal products such as ventilating ducts and eaves;
 - j. Manufacturing of food, cosmetic and pharmaceutical products, but not including fish and meat products, sauerkraut, vinegar, yeast and rendering plants;
 - k. Machine/welding shop and related activities;
 - l. Other manufacturing, processing, packaging, or handling of a similar nature which shall not emit or produce more smoke, noise, odor, dust, vibration, or fumes than the uses listed herein;
 - m. Production and/or sales of commercial/industrial hardware, such as tools, fasteners, fittings, machine parts, etc.;
 - n. Tinsmith and/or roofing service;
 - o. Concrete, gravel and/or mulch production and/or distribution;
- (40) Locksmith;
- (41) Magazine publication and/or distribution;
- (42) Medical laboratory;
- (43) Manufactured home and/or building assembly and/or sales;
- (44) Newspaper publication and/or distribution;
- (45) Office equipment service and repair;
- (46) Parking garage/lot;
- (47) Pest control;
- (48) Petroleum bulk plant (storage);
- (49) Photostating;
- (50) Planing and/or saw mill;
- (51) Plant nursery, growing crops/garden and related sales;
- (52) Printing plant;
- (53) Radio studio;
- (54) Railroad freight station;
- (55) Railroad passenger station;
- (56) Rent-alls;
- (57) Restaurants (drive-in/drive-through prohibited);
- (58) Restaurant supply;
- (59) Rodeo/rodeo facilities;

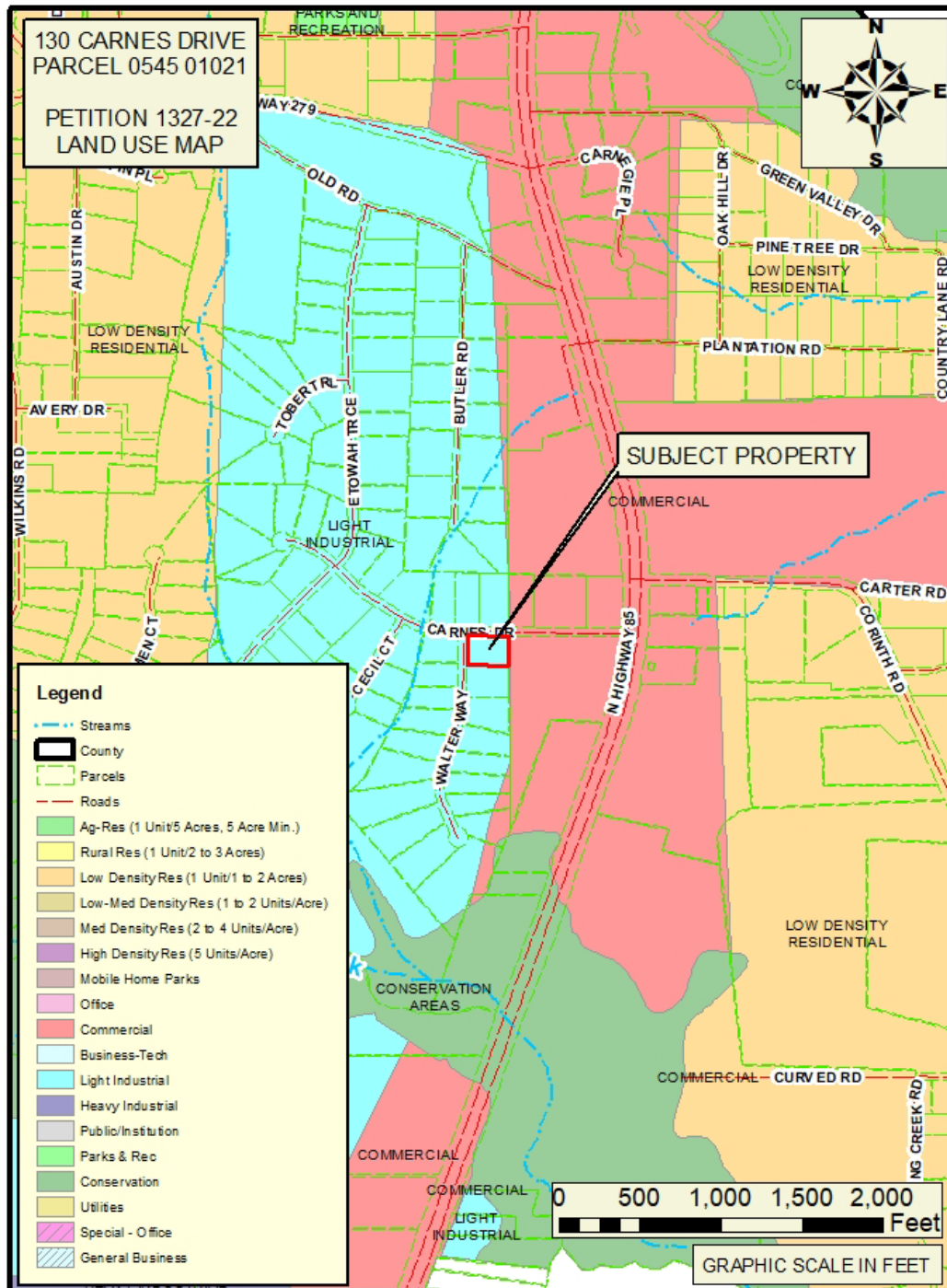
- (60) Seed sales and/or storage;
 - (61) Security system service;
 - (62) Shell home display;
 - (63) Solar farm;
 - (64) Taxidermist;
 - (65) Taxi service/limousine service/shuttle service/charter motor coach service;
 - (66) Television/movie studio/media productions;
 - (67) Tire sales;
 - (68) Trade school;
 - (69) Uniform services;
 - (70) Utility trailer sales and/or rentals;
 - (71) Warehousing and/or distribution;
 - (72) Wholesaling;
 - (73) Wrecker, towing, impoundment, and/or automotive recovery/transport; and
 - (74) Vehicle/boat sales and repairs, paint and/or body shop, parts store including rebuilding of parts, parking lot or garage, upholstery shop.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the M-1 zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Aircraft landing area;
 - (2) Amphitheatre;
 - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
 - (4) Experimental labs;
 - (5) Feed lot and/or commercial barn;
 - (6) Home occupation;
 - (7) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to, bungee and parachute jumping;
 - (8) Recycling facility;
 - (9) Self-storage facility (external and/or internal access);
 - (10) Shooting range, indoor;
 - (11) Shooting range, outdoor;
 - (12) Single-family residence and residential accessory structures and uses (see article III of this chapter);
 - (13) Stadium, athletic; and
 - (14) Wind farm.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the M-1 zoning district shall be as follows:
- (1) Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
 - (2) Lot width: 125 feet.
 - (3) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 100 feet.
 - 2. Collector: 80 feet.
 - b. Minor thoroughfare: 65 feet.
 - (4) Rear yard setback: 25 feet.
 - (5) Side yard setback: 25 feet.
 - (6) Buffer: If the rear or side yard abuts a residential or A-R zoning district a minimum buffer of 75 feet shall be provided adjacent to the lot line in addition to the required setback. The setback shall be measured from the buffer.

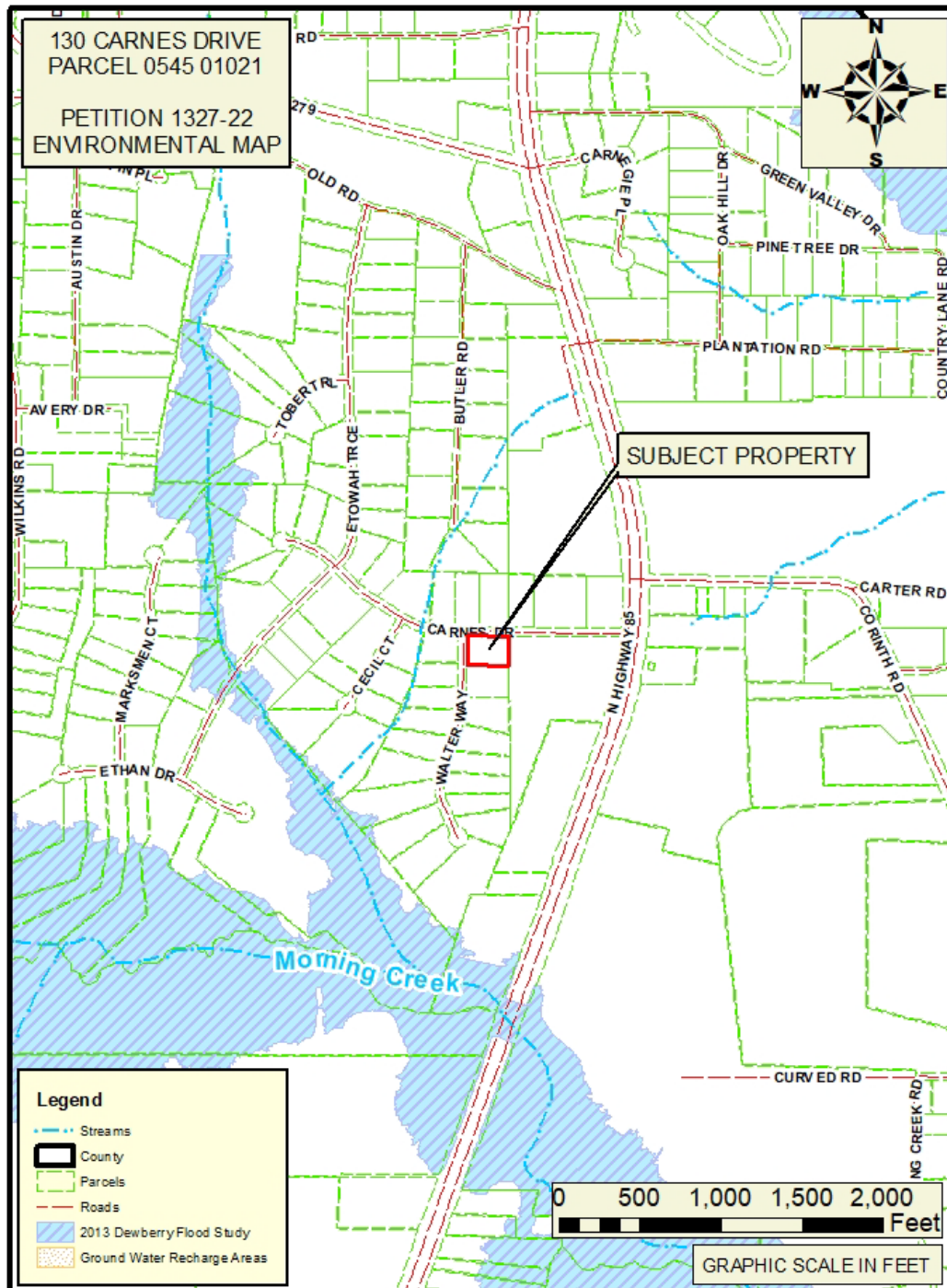
- (7) Height limit: 50 feet.
- (8) Lot coverage limit, including structure and parking area: 70 percent of total lot area.
- (9) Screening dimensions for storage areas, loading docks and parking (see article III of this chapter and chapter 104).

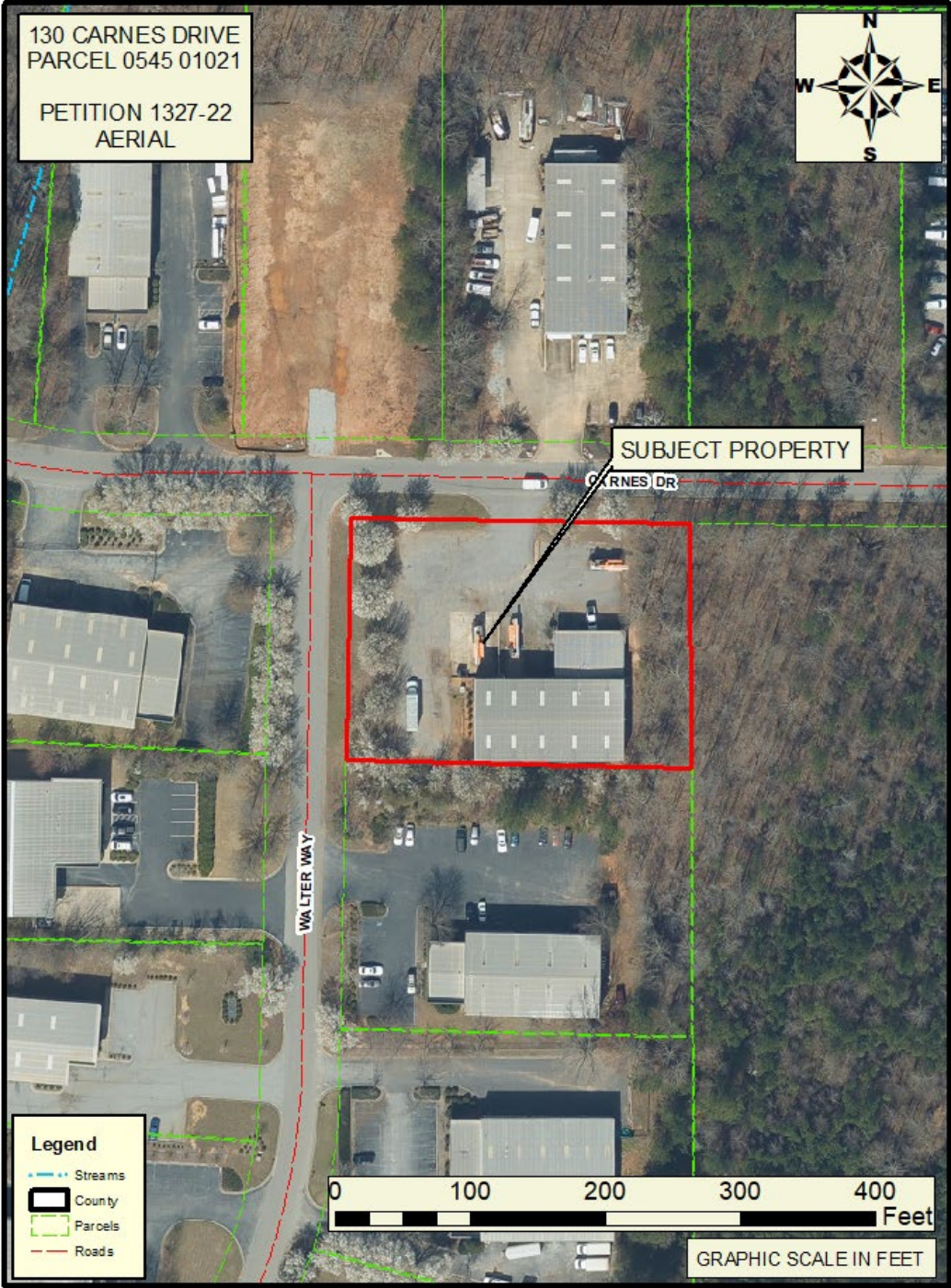












**APPLICATION TO AMEND
TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA**

PROPERTY OWNERS: 130 Carnes Drive, LLC

MAILING ADDRESS: 3211 Windsor Lake Drive, Atlanta, GA 30319

PHONE: 404-218-1677 E-MAIL: dweinstein@dweinsteinpc.com

AGENT FOR OWNERS: David Weinstein

MAILING ADDRESS: 3211 Windsor Lake Drive, Atlanta, GA 30319

PHONE: 404-218-1677 E-MAIL: dweinstein@dweinsteinpc.com

PROPERTY LOCATION: LAND LOT 217 LAND DISTRICT S PARCEL 054501021
 LAND LOT _____ LAND DISTRICT _____ PARCEL 05450121

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 1 acre

EXISTING ZONING DISTRICT: CH PROPOSED ZONING DISTRICT: M1

ZONING OF SURROUNDING PROPERTIES: M1

PRESENT USE OF SUBJECT PROPERTY: Vehicle repair

PROPOSED USE OF SUBJECT PROPERTY: Paint and body work

LAND USE PLAN DESIGNATION: Light Industrial

NAME AND TYPE OF ACCESS ROAD: Light Industrial Carnes Dr. internal local

LOCATION OF NEAREST WATER LINE: Carnes Drive

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1327-22

[] Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: AD Bell Date: 09/30/2022

DATE OF PLANNING COMMISSION HEARING: Nov 3, 2022

DATE OF COUNTY COMMISSIONERS HEARING: Dec. 8, 2022

Received from Susan Weinstein a check in the amount of \$ 270.00 for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).

Date Paid: Sep. 30, 2022 Receipt Number: 016100

CHECK 2845
CHARGED ONLY 62
1 SIGN. \$20.00

needs 2 signs - CHARGED for 1 SIGN
\$20.00

NAME: 130 Carnes Drive, LLC PETITION NUMBER: 1327-22ADDRESS: 130 Carnes Drive

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

David Weinstein affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) CH Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ _____ to cover all expenses of public hearing. He/She petitions the above named to change its classification to M-2.

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 3rd day of November, 2022 at 7:00 P.M.PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 7th day of December, 2022 at 7:00 P.M.SWORN TO AND SUBSCRIBED BEFORE ME THIS 30th DAY OF September, 2022

NOTARY PUBLIC



APPLICANT'S SIGNATURE

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:

130 Carnes Drive, LLC

Please Print Names

Property Tax Identification Number(s) of Subject Property: 05450121

(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) 217 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 1 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to David Weinstein 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.

[Signature]
Signature of Property Owner 1

3211 Windsor Lake Dr.
Address

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

[Signature]
Signature of Notary Public

9-30-2022
Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date



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.

Please return to:
Lawson, Beck & Sandlin, LLC
1125 Commerce Drive, Suite 300
Peachtree City, GA 30269
File # 21-LAW-2994

Type: WD
Recorded: 12/9/2021 12:31:00 PM
Fee Amt: \$554.00 Page 1 of 2
Transfer Tax: \$529.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID: 1138094925

STATE OF GEORGIA
COUNTY OF FAYETTE

BK 5417 PG 456 - 457

LIMITED WARRANTY DEED

THIS INDENTURE made this 8th day of December, 2021 between

Marksmen Real Estate, LLC

as party or parties of the first part, hereinafter called Grantor, and

130 Carnes Drive, LLC

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 DOLLARS and other good and valuable consideration (\$10.00) 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, the following described property:

ALL THAT TRACT or parcel of land lying and being in Land Lot 217 of the 5th District of Fayette County, Georgia, being Lot 35 of Kenwood Business Park Subdivision, Phase II, as shown on that certain plat of said subdivision recorded in Plat Book 21, Page 66, Fayette County, Georgia records, said plat being incorporated herein and made a part hereof by reference.

Subject to restrictive covenants and easements of record as shown on Exhibit "B"

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.

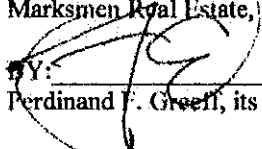
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, Sealed and delivered in the presence of:

Marksmen Real Estate, LLC

Unofficial Witness

BY: 
Ferdinand F. Green, its President

Notary Public

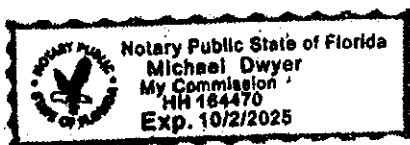


EXHIBIT "B"
PERMITTED EXCEPTIONS

1. Protective Covenants for Kenwood Business Park recorded in Deed Book 663, Page 158, Fayette County, Georgia records.
2. Easement from Mrs. Charlotte C. McClure to Georgia Power Company dated April ___, 1976 and recorded in Deed Book 149, Page 152, Fayette County, Georgia records.
3. All matters as reflected on a survey of said property recorded in Plat Book 21, Page 66, Fayette County, Georgia records.

COUNTY AGENDA REQUEST

Page 332 of 454

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1328-22; Golden Development Company, LLC, Owners; CK Spacemax, LLC, Applicant; Ellen W. Smith, Attorney, Agent, request to rezone 9.022 acres from A-R to C-H to develop a self-storage facility; property located in Land Lot(s) 137 of the 5th District and fronts on Highway 54 East.

Background/History/Details:

The subject property is a 9.022-acre tract. The tract fronts on State Route 54 E. in Land Lot 137 of the 5th District. S.R. 54 is a major thoroughfare on the Fayette County Thoroughfare Plan and access is regulated by Georgia DOT. The property is currently a residential use. The parcel is currently zoned A-R, Agriculture-Residential. This property is located in the General State Route Overlay Zone, which provides specific standards for nonresidential development. The subject property lies within an area designated for Low Density Residential and Office uses on the Future Land Use Plan. This request does not conform to the Fayette County Comprehensive Plan.

On November 3, 2022, Planning Commission voted 3-1 to recommend denial of the request to rezone from A-R to C-H.

What action are you seeking from the Board of Commissioners?

Denial of Petition No. 1328-22; Golden Development Company, LLC, Owners; CK Spacemax, LLC, Applicant; Ellen W. Smith, Attorney, Agent, request to rezone 9.022 acres from A-R to C-H to develop a self-storage facility; property located in Land Lot(s) 137 of the 5th District and fronts on Highway 54 East.

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:

Please see staff report for full text of recommended conditions.

PLANNING COMMISSION RECOMMENDATION**DATE:** November 3, 2022**TO:** Fayette County Commissioners


The Fayette County Planning Commission recommends that Petition No. 1328-22, the application of Golden Development Company, LLC to rezone 9.022 acres from A-R 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. 1328-22

WHEREAS, Golden Development Company, LLC, Owner, and CK Spacemax, LLC c/o Ellen W. Smith, Parker Poe & Bernstein LLP, Agent, having come before the Fayette County Planning Commission on November 3, 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 9.022 acres from A-R to C-H, in the area of Highway 54 E, Land Lot 137 of the 5th District, for the purpose of developing a Self-Storage Facility; and

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

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

This decision is based on the following reason:

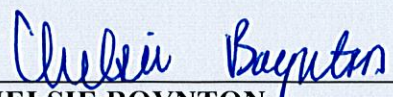
Not compatible with the surrounding area.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:



ARNOLD MARTIN, CHAIRMAN



**CHELSIE BOYNTON
PC SECRETARY**

Meeting Minutes 11/3/22

THE FAYETTE COUNTY PLANNING COMMISSION met on November 3rd, 2022 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Arnold Martin, Chairman
John H. Culbreth
Jim Oliver
Danny England

MEMBERS ABSENT: Brian Haren, Vice-Chairman

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

PUBLIC HEARING

Consideration of Petition No. 1328-22, Golden Development Company, LLC, Owner, and CK SPACEMAX, LLC (c/o Ellen W. Smith) Parker Poe Adams and Bernstein LLP, Agent, request to rezone 9.022 acres from A-R to C-H to create Self-Storage Facility. This property is located in Land Lot 137 of the 5th District and fronts on Highway 54 E.

Ellen Smith, an attorney with Parker Poe Adams and Bernstein LLP, gave a presentation on the aesthetic, setbacks, quality and need of the self-storage facility. She referenced the concept plan of the facility and stated the client is under contract for the property. She spoke of residential zoning districts nearby and McCurry Park across the street from the location. She continued the facility will meet all setback requirements. She stated it will be one three story building with internal access climate control and there will be six other one story buildings. She stated the tallest building will be furthest away from the residential building and closest to commercial. She added the property surrounding the lot is not developed. She stated there is one house on a 19-acre lot and no houses on the 170-acre lot nearby. She continued they are a lower intense use than an office in the traffic and user perspective. She added it will meet all the requirements the County has for this zoning and use. She stated staff has recommended a 100-foot buffer. She continued that with a 100-foot buffer would eliminate and be a significant impact to the project due to the flood plain of the nearby lake. She requested that the 100-foot buffer be removed as a condition.

Carrie Guthrie spoke in favor. She stated she supports the project.

Chris Poholek spoke in favor. He stated they have found there are two types of people who are looking for storage. Those looking for climate control and those who are looking for non-climate control. He stated the buildings are built in a way

Page 2
November 3rd, 2022
PC Meeting

John Culbreth Sr. made a motion to recommend denial of Petition No. 1328-22, request to rezone 9.022 acres from A-R to C-H to create Self-Storage Facility. Danny England seconded the motion. The motion carried 3-1. Brian Haren was absent.

PETITION NO: 1328-22

REQUESTED ACTION: A-R to C-H

PARCEL NUMBER: 0532 007

PROPOSED USE: Self-Storage Facility

EXISTING USE: Residential Structure

LOCATION: 1222 Hwy 54 E

DISTRICT/LAND LOT(S): 5th District, Land Lot 137

OWNERS: Golden Development Company, LLC

AGENT: CK Spacemax, LLC c/o Ellen W. Smith, Parker Poe Adams & Bernstein, LLP

PLANNING COMMISSION PUBLIC HEARING: November 3, 2022

BOARD OF COMMISSIONERS PUBLIC HEARING: December 8, 2022

APPLICANT'S INTENT

Applicant proposes to rezone 9.022 acres from A-R to C-H to establish a self-storage facility.

PLANNING COMMISSION RECOMMENDATION

Agenda of Actions, Fayette County Planning Commission, November 3, 2022

Consideration of Petition No. 1328-22, Golden Development Company, LLC, Owner, and CK SPACEMAX, LLC (c/o Ellen W. Smith) Parker Poe Adams and Bernstein LLP, Agent, request to rezone 9.022 acres from A-R to C-H to create Self-Storage Facility. This property is located in Land Lot 137 of the 5th District and fronts on Hwy. 54 E.

John Culbreth Sr. made a motion to recommend denial of Petition No. 1328-22, request to rezone 9.022 acres from A-R to C-H to create Self-Storage Facility. Danny England seconded the motion. The motion carried 3-1. Brian Haren was absent.

STAFF RECOMMENDATION

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

RECOMMENDED CONDITIONS, IF APPROVED

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. A 100' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the north and west of the project. No encroachment of stormwater detention or other uses shall be allowed in this buffer.
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. Fixtures shall be designed or shielded to prevent light trespass on other properties or roads.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject property is a 9.022-acre tract. The tract fronts on State Route 54 E. in Land Lot 137 of the 5th District. S.R. 54 is a major thoroughfare on the Fayette County Thoroughfare Plan and access is regulated by Georgia DOT. The property is currently a residential use.

The parcel is currently zoned *A-R, Agriculture-Residential*. This property is located in the General State Route Overlay Zone, which provides specific standards for nonresidential development.

B. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned C-H, M-1 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	20	A-R	Residential	Low Density Residential & Office
South	4.48 10.10	C-C M-1	Commercial Light Industrial	Commercial Conservation Area/Commercial
East (across SR 54)	199.40	A-R	County Park	Parks and Recreation
West	20	A-R	Residential	Low Density Residential

C. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Low Density Residential and Office uses on the Future Land Use Plan. This request does not conform to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

Site Plan: The applicant proposes to build a self-storage facility consisting of both interior-access, climate-controlled storage and exterior access units, with a collective total of 147,050 Square Feet. Approval of the rezoning does not constitute approval of the site plan, which is conceptual in nature.

Access & Right-of Way: The property has an existing residential access on Hwy 54E. Location and construction of new access points is under the jurisdiction of GDOT.

Environmental: The property is adjacent to Nash Creek. The watershed protection buffer in this area is a 200' undisturbed buffer + a 50' Setback **OR**, measured from Base Flood Elevation a 100' buffer + a 50' setback, whichever is greater. The site plan provided does not account for this requirement.

F. DEPARTMENTAL COMMENTS

- ☐ **Water System** - FCWS has no objection to the proposed rezoning. Water is available in a 10" DIP water main at the location.
- ☐ **Public Works/Environmental Management**
 - **Transportation** – The access is on a State Route and requires GDOT review and approval.
 - **Floodplain Management** - The subject property **DOES** contain floodplain per FEMA FIRM panel 13113C0108E dated September 26, 2008, and on 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 but does contain streams and a small pond.
 - **Watershed Protection** - There **ARE** known state waters located on the subject property.
 - **Groundwater** – The property **IS NOT** within a groundwater recharge area.
 - **Stormwater Management** – There is no stormwater management facility on the property at present. Appropriate facilities will be required of any new development.
- ☐ **Environmental Health Department** – This office has no objection to the proposed rezoning. No information on septic system for current home. Documentation for this system will be required prior to construction.
- ☐ **Fire** – No objections to the requested rezoning.
- ☐ **GDOT** – The proposed access would be granted by GDOT; however since this property is located within an ongoing GDOT project the GDOT permitting process may take longer than normal, also the applicant should be made aware that GDOT will require a decel lane for the proposed development.

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 and Office Uses. This request does not conform to the Fayette County Comprehensive Plan in terms of the use.
2. The area around the subject property already has recreational and low-density residential uses, with a commercial use to the south. It is staff's opinion that the zoning proposal would adversely affect the existing or future uses of nearby residential 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 not consistent in character and use with the surrounding uses as low-density residential development.

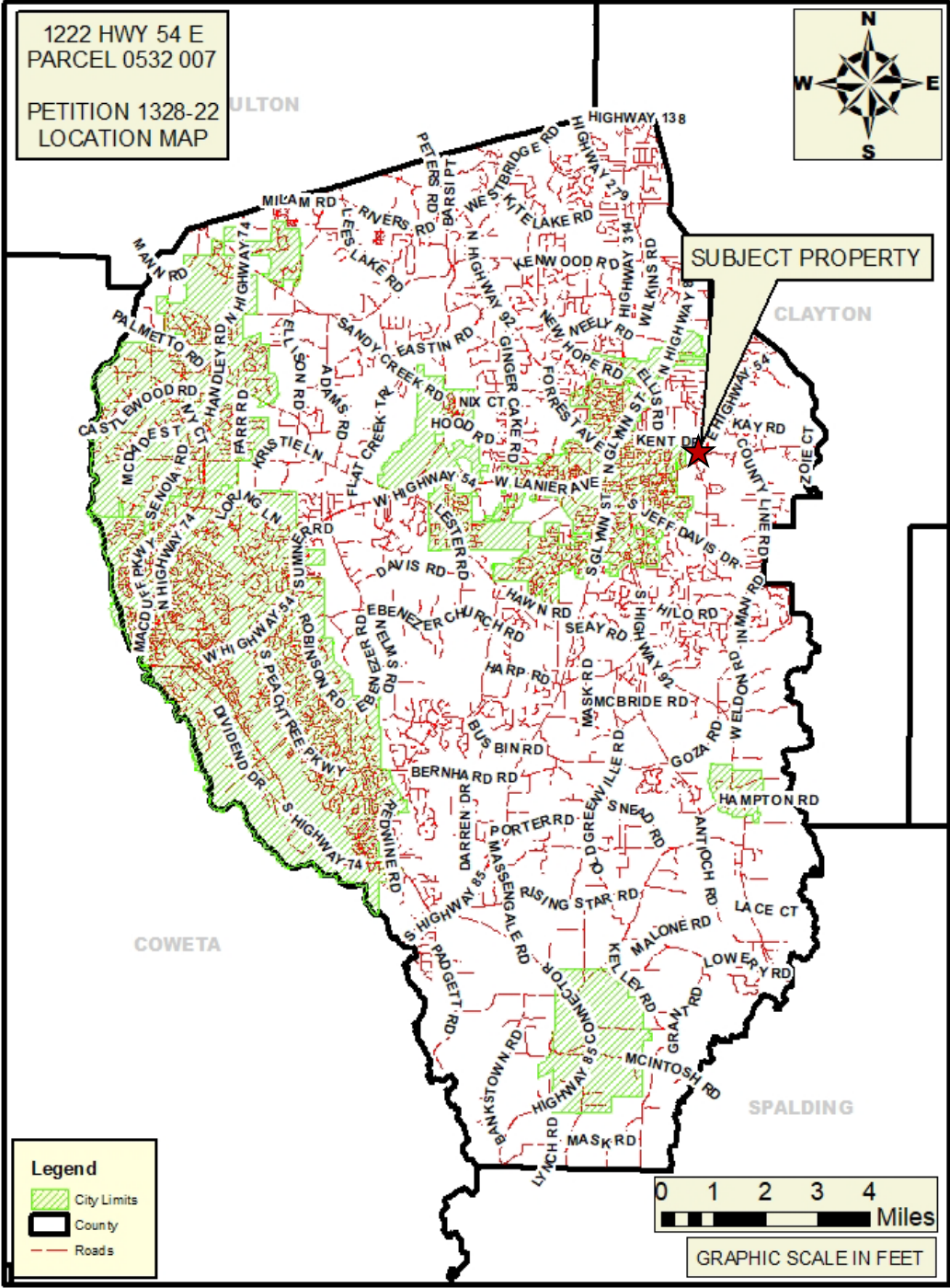
ZONING DISTRICT STANDARDS**Sec. 110-144. C-H, Highway Commercial District.**

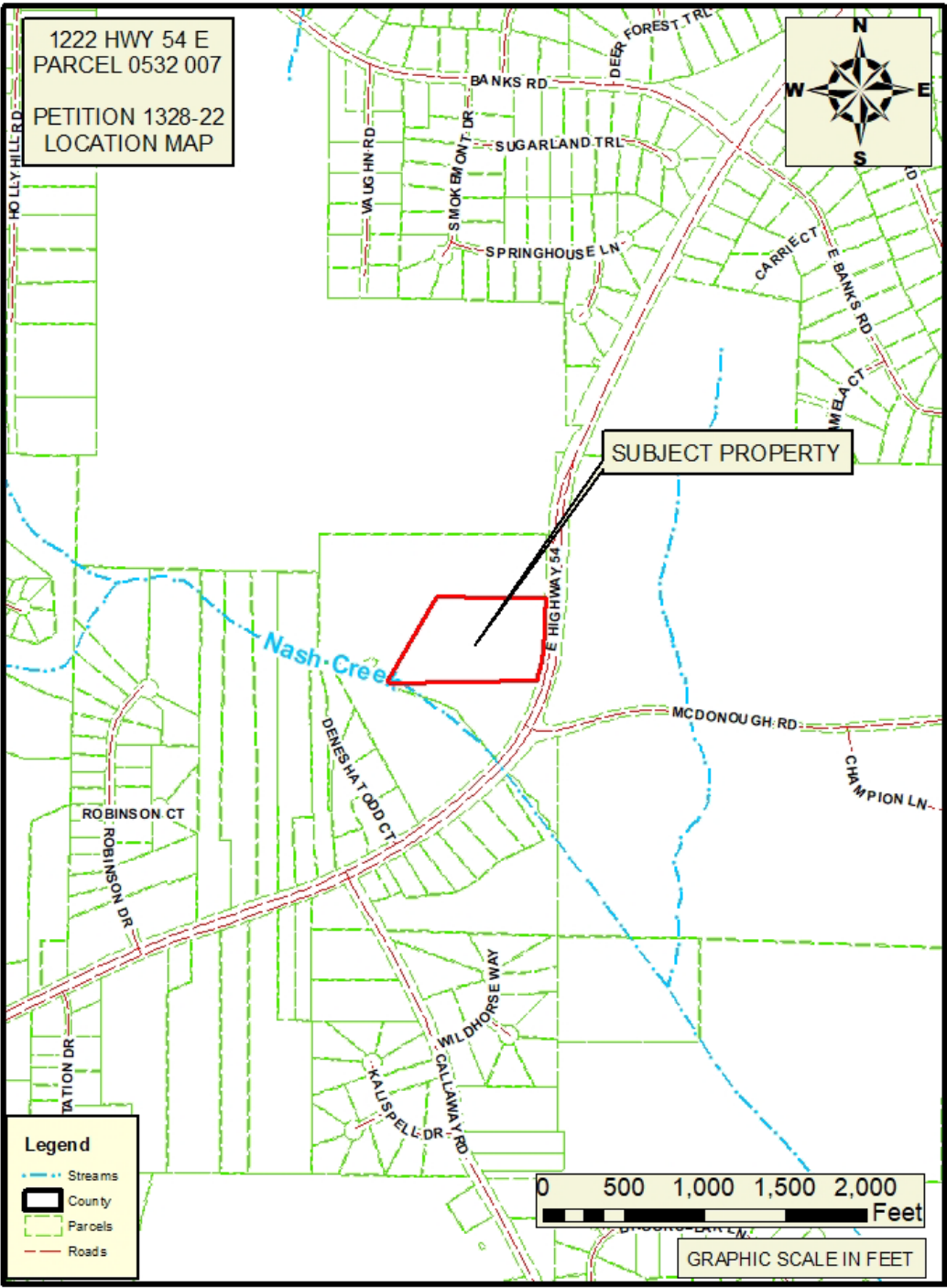
- (a) *Description of district.* This district is composed of certain lands and structures to provide and encourage proper grouping and development of roadside uses, which include a wide variety of sales and services that will best accommodate the needs of the county and the traveling public, reducing traffic congestion, hazards and blight along the public streets.
- (b) *Permitted uses.* The following uses shall be permitted in the C-H zoning district:
- (1) Ambulance service, including non-emergency medical transport service;
 - (2) Amusement or recreational facility, indoor or outdoor;
 - (3) Appliance sales, installation and/or repair;
 - (4) Armories, for meetings and training military organizations;
 - (5) Art studio;
 - (6) Auto/vehicle repair. All service, repairs and diagnostics, with the exception of emissions testing, shall be conducted within an enclosed building;
 - (7) Bakery;
 - (8) Bank and/or financial institution;
 - (9) Banquet hall/event facility;
 - (10) Bookbinding;
 - (11) Building/development, contracting, and related activities (including, but not limited to: door and window sales and/or installation, electrical, flooring sales and/or installation, entertainment system sales and/or installation, general contractor, grading, gutter sales and/or installation, insulation sales and/or installation, landscaping, lighting sales and/or installation, painting, pressure washing, plumbing, remodeling, roofing sales and/or installation, siding sales and/or installation, sales and storage of building supplies and materials, security system sales, installation and service, solar and wind equipment sales and/or installation, and incidental contractor equipment maintenance);
 - (12) Bus passenger station (pick-up and drop-off only);
 - (13) Cabinet manufacturing, sales, repair and/or installation;
 - (14) Car wash and/or detailing facility;
 - (15) Catering service;
 - (16) Church and/or other place of worship excluding outdoor recreation, parsonage, and cemetery or mausoleum;
 - (17) Clothing store and/or variety store;
 - (18) College and/or university, including classrooms and/or administration only;
 - (19) Copy shop;
 - (20) Cultural facility;
 - (21) Day spa;
 - (22) Department store;
 - (23) Drug store;
 - (24) 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;
 - (25) Electronic sales and/or repair;
 - (26) Emission testing facility (inside only);
 - (27) Engraving;

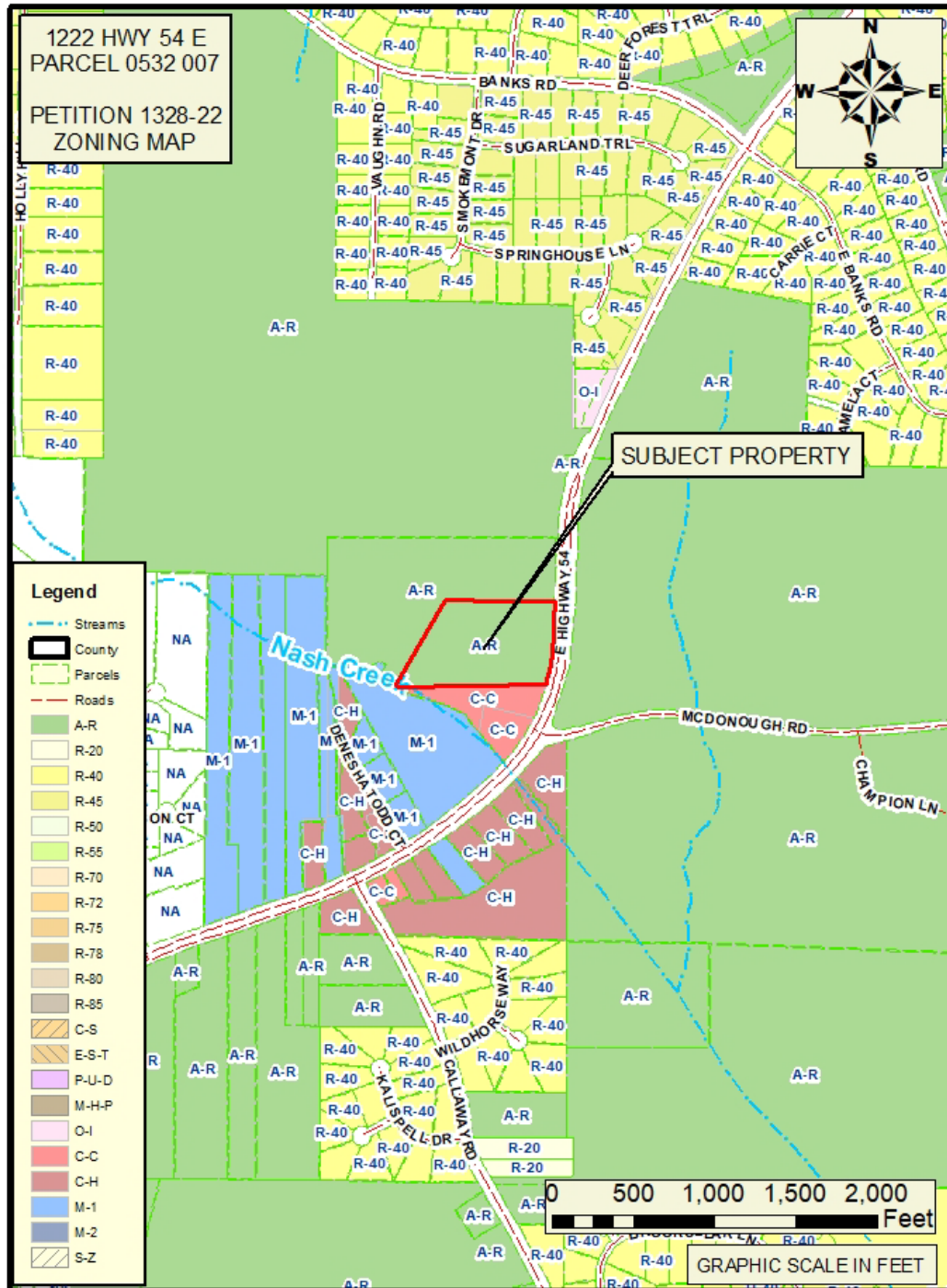
- (28) Firearm sales and/or gunsmith;
- (29) Flea market, indoor;
- (30) Florist shop;
- (31) Freezer locker service, ice storage;
- (32) Freight express office;
- (33) Funeral establishment (where funeral services, excluding a crematorium, may be provided);
- (34) Gift shop;
- (35) Glass sales;
- (36) Grocery store;
- (37) Hardware store;
- (38) Health club and/or fitness center;
- (39) Hotel;
- (40) Jewelry shop;
- (41) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
- (42) Library;
- (43) Magazine publication and/or distribution;
- (44) Manufactured home and/or building sales;
- (45) Medical/dental office (human treatment);
- (46) Messenger/courier service;
- (47) Military recruiting office;
- (48) Movie theatre and/or drive-in;
- (49) Museum;
- (50) Music teaching studio;
- (51) Newspaper publication and/or distribution;
- (52) Office;
- (53) Office equipment sales and/or service;
- (54) Parking garage/lot;
- (55) Pawn shops;
- (56) 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;
- (57) Pest control;
- (58) Plant nursery, growing crops/garden, and/or related sales;
- (59) Printing, graphics, and/or reproductions;
- (60) Private clubs and/or lodges;
- (61) Private school, including classrooms and/or administration only;
- (62) Recording studio (audio and video);
- (63) Radio studio;
- (64) Railroad station;
- (65) Rent-alls;
- (66) Restaurant, including drive-in and/or drive-through;
- (67) Retail establishment;
- (68) Smoking lounge (subject to state and local tobacco sales and smoking laws);
- (69) Tattoo parlor;
- (70) Taxidermist;

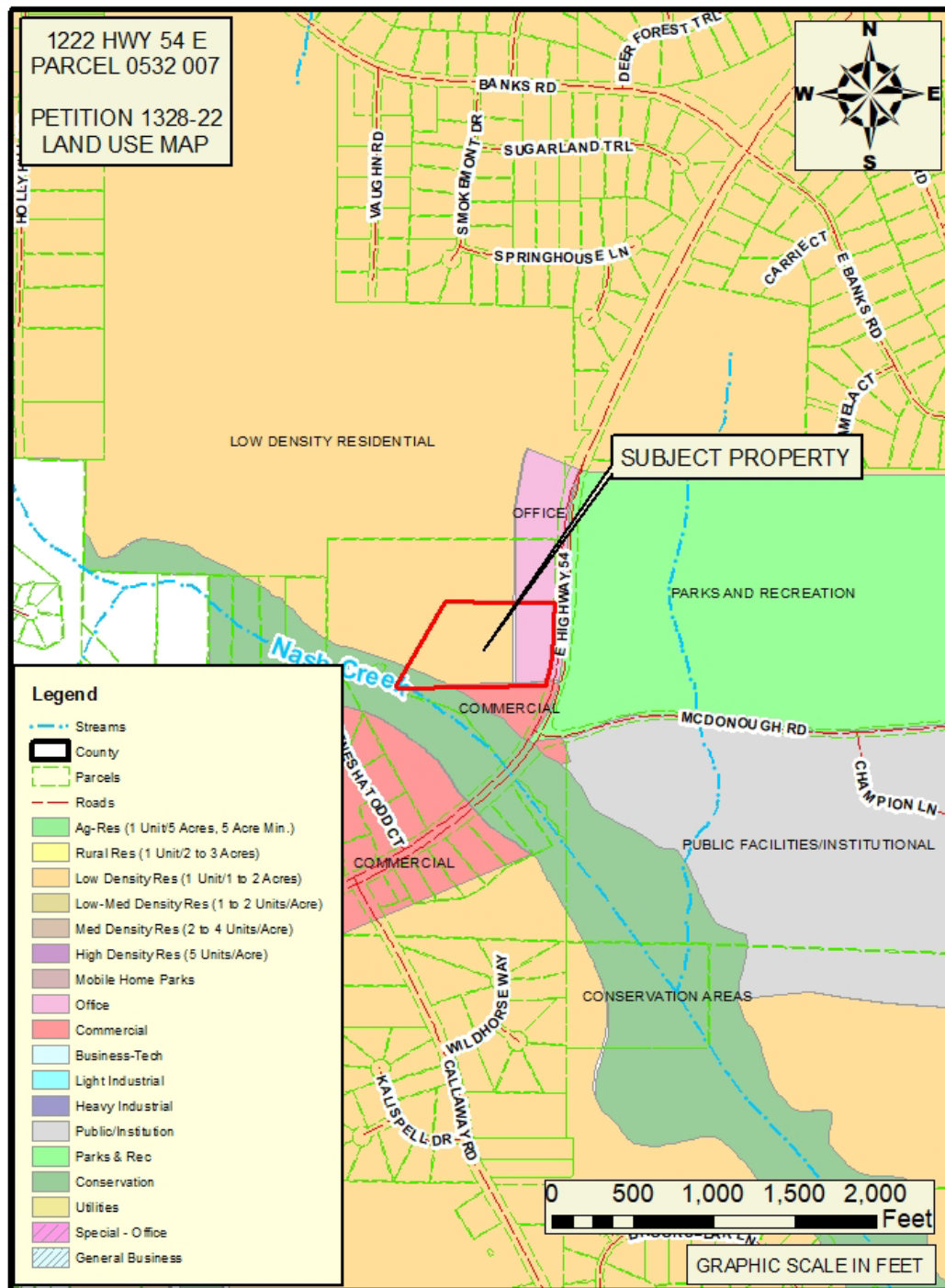
- (71) Taxi service/limousine service/shuttle service (no on-site maintenance and/or repair);
 - (72) Television/movie studio;
 - (73) Upholstery shop; and
 - (74) Utility trailers sales and/or rental.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-H zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
 - (2) Amphitheater;
 - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
 - (4) Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store;
 - (5) Campground facilities;
 - (6) Care home, convalescent center, and/or nursing home;
 - (7) Cemetery;
 - (8) Charter motor coach service;
 - (9) Church and/or other place of worship;
 - (10) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (11) Commercial driving range and related accessories;
 - (12) Child care facility;
 - (13) Dry cleaning plant;
 - (14) Experimental laboratory;
 - (15) Golf course (minimum 18-hole regulation) and related accessories;
 - (16) Home occupation;
 - (17) Horse show, rodeo, carnival, and/or community fair;
 - (18) Hospital;
 - (19) Laundromat, self-service or otherwise;
 - (20) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to bungee and parachute jumping;
 - (21) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;
 - (22) Religious tent meeting;
 - (23) Seasonal sales, outdoor;
 - (24) Self-storage facility (external and/or internal access);
 - (25) Single-family residence and residential accessory structures and/or uses (see article III of this chapter);
 - (26) Shooting range, indoor;
 - (27) Stadium, athletic; and
 - (28) Temporary tent sales.
 - (29) Vehicle/boat sales.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the C-H zoning district shall be as follows:
- (1) Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).

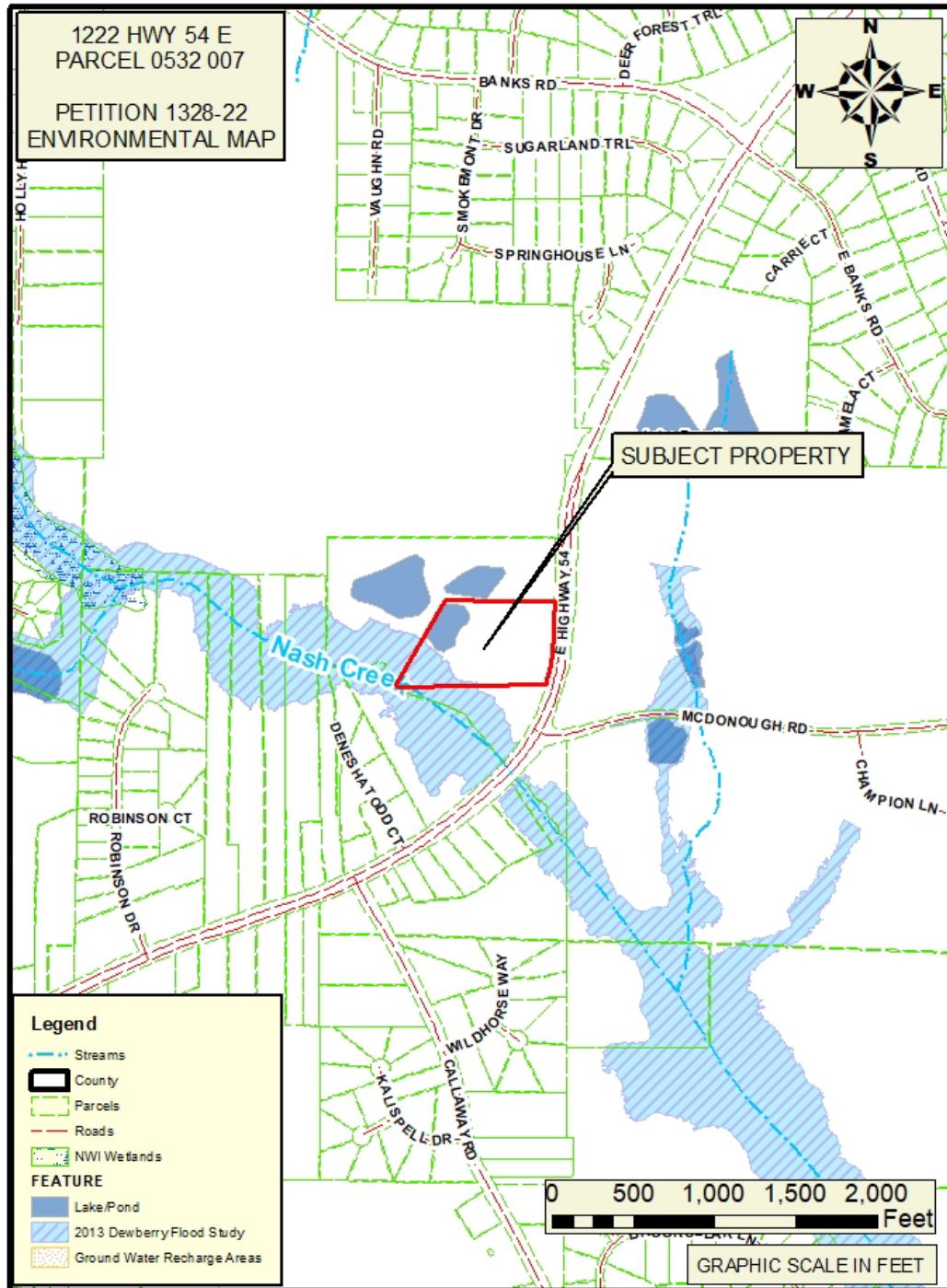
- (2) Lot width: 125 feet.
- (3) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 75 feet.
 2. Collector: 70 feet.
 - b. Minor thoroughfare: 65 feet.
- (4) Rear yard setback: 15 feet.
- (5) Side yard setback: 15 feet.
- (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.
- (7) Height limit: 35 feet.
- (8) Screening dimensions for parking and service areas as provided in article III of this chapter and chapter 104.
- (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.

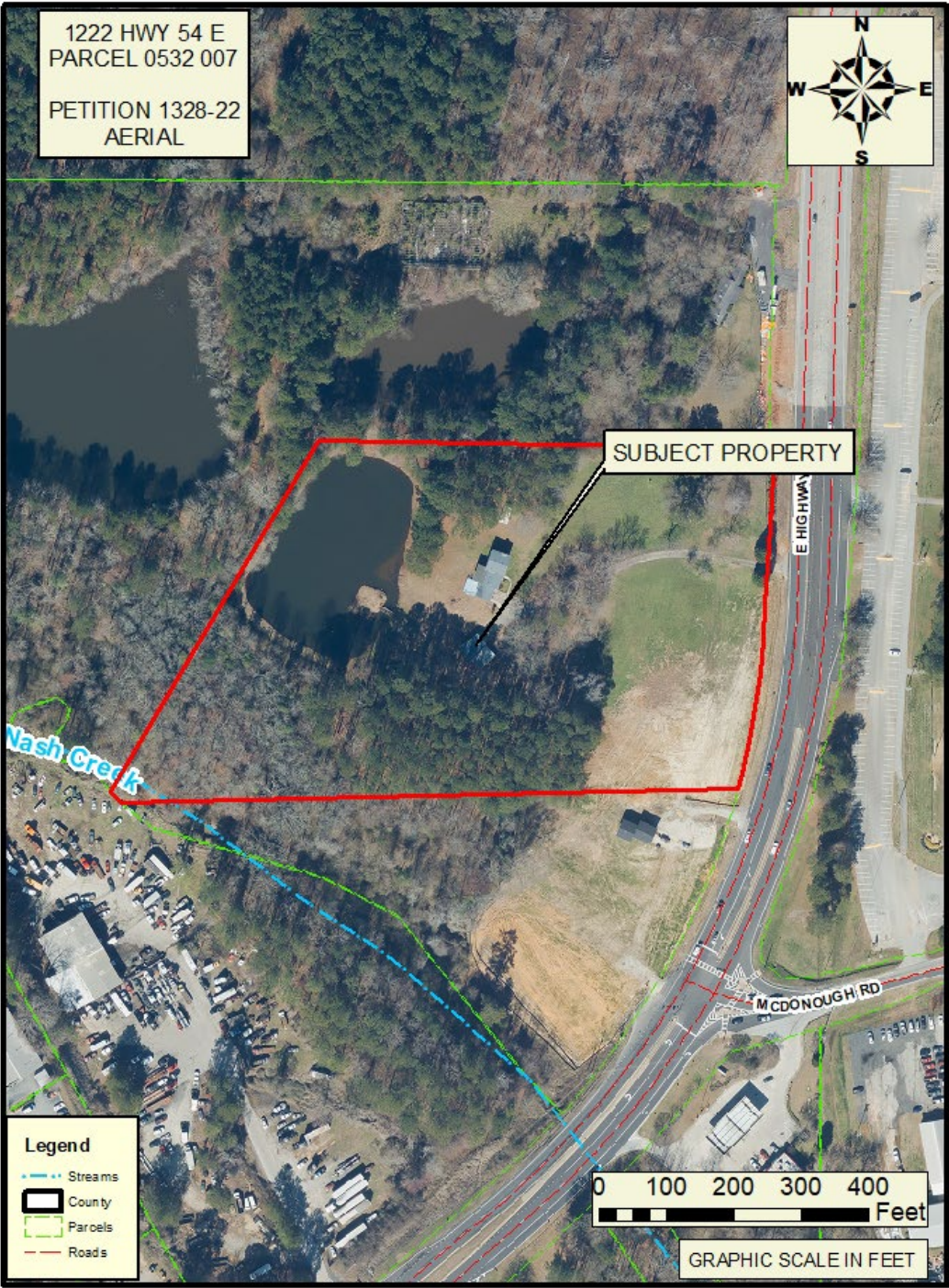














Rev 8-8-22

CONCEPTUAL SITE PLAN



RENDERING

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

PROPERTY OWNERS: GOLDEN DEVELOPMENT COMPANY, LLC

MAILING ADDRESS: 606 RIDGECLIFF DRIVE, FLORENCE, AL 35634

PHONE: _____ E-MAIL: _____

AGENT FOR OWNERS: CK SPACEMAX, LLC c/o Ellen W. Smith, Parker Poe Adams & Bernstein LLP

MAILING ADDRESS: 1075 PEACHTREE STREET NE, SUITE 1500, ATLANTA, GEORGIA 30309

PHONE: (678) 690-5720 E-MAIL: ELLENSMITH@PARKERPOE.COM

PROPERTY LOCATION: LAND LOT 137 LAND DISTRICT 5TH PARCEL 0532-007
LAND LOT _____ LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 9.022 ACRES

EXISTING ZONING DISTRICT: A-R PROPOSED ZONING DISTRICT: C-H WITH CUP

ZONING OF SURROUNDING PROPERTIES: M-1 to west and south; C-C to south; A-R to north and east

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: SELF-STORAGE FACILITY

LAND USE PLAN DESIGNATION: General State Route Overlay / Low Density Residential (adjacent to Planned Small Business Center Special Development District)

NAME AND TYPE OF ACCESS ROAD: SR 54 MAJOR ARTERIAL

LOCATION OF NEAREST WATER LINE: _____

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1328 - 22

[] Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

[x] Application and all required supporting documentation is Sufficient and Complete

by Staff: Wendy A. / G Date: OCT. 3, 2022

DATE OF PLANNING COMMISSION HEARING: NOV. 3, 2022

DATE OF COUNTY COMMISSIONERS HEARING: DEC. 8, 2022

Received from Parker Poe Adams & Bernstein LLP 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: check by Sep 30, 22 Receipt Number: 016118
Rec'd Date Oct 4, 22

Total Rec'd 390.00

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM
(Applications require authorization by ALL property owners of subject property). Page 356 of 454

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

GOLDEN

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0532 007

(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) 137 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 9.02 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to ELLEN W. SMITH (COUNSEL FOR CK SPACEMAX, 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.



Signature of Property Owner 1

606 RIDGECREEK DR

Address

FLORENCE AL 35634

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address



Signature of Notary Public

10-1-22

Date

Signature of Notary Public

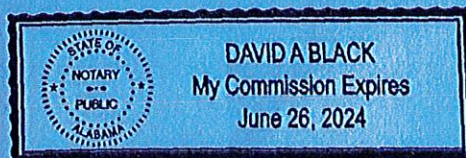
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



NAME: CK SPACEMAX, LLC PETITION NUMBER: 1328-22ADDRESS: C/O ELLEN W. SMITH, PARKER POE, 1075 PEACHTREE ST. NE, SUITE 1500, ATLANTA, GA

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

_____ affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) XX A-R Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$_____ to cover all expenses of public hearing. He/She petitions the above named to change its classification to C-H WITH CUP

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 30 DAY OF September, 2022

Tracy E. Shaw
NOTARY PUBLIC

CK SPACEMAX, LLC, a Georgia limited liability company
By: Childress Klein Properties, Inc., its Manager

Christopher D. Poholek
APPLICANT'S SIGNATURE
Christopher D. Poholek, Vice President



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, GOLDEN DEVELOPMENT COMPANY, LLC, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, FUTURE RIGHT OF WAY IF REQUIRED AS A CONDITION OF ZONING AND WITH THE COUNTY'S ACKNOWLEDGEMENT THAT HWY 54 IS A GEORGIA DEPARTMENT OF TRANSPORTATION-MAINTAINED RIGHT OF WAY.

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 1st day of October, 2027.

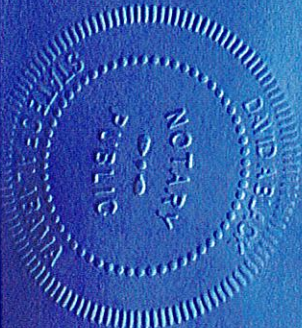
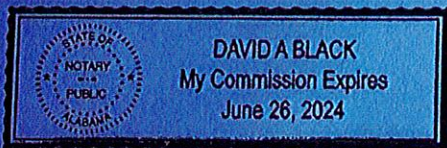


SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER



NOTARY PUBLIC



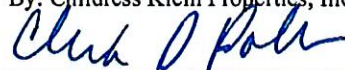
DEVELOPMENTS OF REGIONAL IMPACT (DRI)

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/.
- 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 September, 2022.

CK SPACEMAX, LLC, a Georgia limited liability company
By: Childress Klein Properties, Inc., its Manager



APPLICANT'S SIGNATURE

Christopher D. Poholek, Vice President

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.

4

Please return to:
 Lawson & Beck, LLC
 1125 Commerce Drive, Suite 300
 Peachtree City, GA 30269
 File # 18-LAW-1975

Doc ID: 010487540002 Type: WD
 Recorded: 09/24/2018 at 09:35:00 AM
 Fee Amt: \$12.00 Page 1 of 2
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 4793 PG 514-515

STATE OF GEORGIA
 COUNTY OF FAYETTE

WARRANTY DEED

THIS INDENTURE made this 11th day of September, 2018 between

Charles W. Golden a/k/a Chuck Golden

as party or parties of the first part, hereinafter called Grantor, and

Golden Development Company, LLC

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 DOLLARS and other good and valuable consideration (\$10.00) 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, the following described property:

ALL THAT TRACT or parcel of land lying and being in Land Lot 137 of the 5th District of Fayette County, Georgia, being more particularly described as follows:

BEGINNING at a point on the west side of Georgia Highway No. 54, four hundred (401) feet south from an iron pin marking the northeast corner of lands now or formerly owned by George L. Raven; thence running south along the west side of Georgia Highway No. 54 four hundred ninety (490) feet, more or less, to the north line of lands now or formerly owned by Burrall; thence running west along the north line of said Burrall land nine hundred seven (907) feet to Nash Creek; thence running northwesterly along Nash Creek seventy (70) feet, more or less, to a stake; thence running northeasterly six hundred five (605) feet to a stake on the south line of said Raven land; thence running east, along the south line of said Raven land, six hundred seventy-five (675) feet back to the point of beginning, and being the same lands conveyed to Harold E. Miller and Sara S. Miller by Charles T. Brown under Warranty Deed dated May 22, 1961, recorded in Deed Book 47, Page 129, Fayette County records; SAVING AND EXCEPTING therefrom, that realty conveyed to the Georgia Department of Transportation on April 18, 1991 by Harold E. Miller and Sara S. Miller recorded in Deed Book 649 at Page 521, records of Fayette County, Georgia, and by Douglas Miller and Nina Miller, by deed recorded in Deed Book 649, Page 524, said records.

Subject to that certain loan deed of even date herewith, in favor of Heritage Bank, in the original principal amount of \$150,000.00, as recorded in Fayette County, Georgia Records.

Subject to restrictive covenants and easements of record.

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 first day and year first above written.

Witness

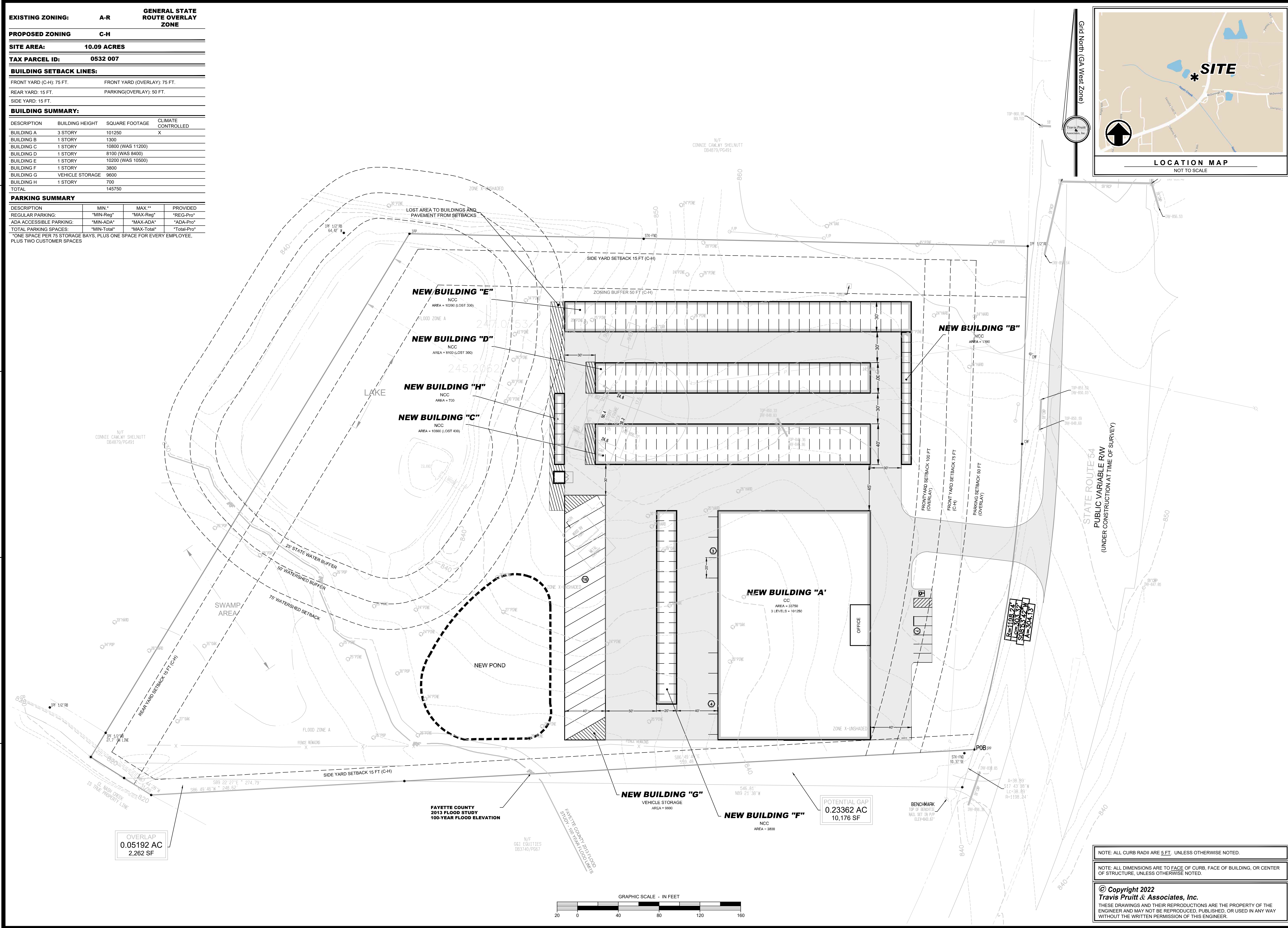
Notary Public



Charles W. Golden
Charles W. Golden

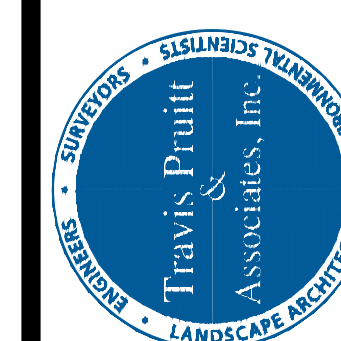
Chuck Golden

EXISTING ZONING:	A-R	GENERAL STATE ROUTE OVERLAY ZONE	
PROPOSED ZONING	C-H		
SITE AREA:	10.09 ACRES		
TAX PARCEL ID:	0532 007		
BUILDING SETBACK LINES:			
FRONT YARD (C-H): 75 FT.		FRONT YARD (OVERLAY): 75 FT.	
REAR YARD: 15 FT.		PARKING(OVERLAY): 50 FT.	
SIDE YARD: 15 FT.			
BUILDING SUMMARY:			
DESCRIPTION	BUILDING HEIGHT	SQUARE FOOTAGE	CLIMATE CONTROLLED
BUILDING A	3 STORY	101250	X
BUILDING B	1 STORY	1300	
BUILDING C	1 STORY	10800 (WAS 11200)	
BUILDING D	1 STORY	8100 (WAS 8400)	
BUILDING E	1 STORY	10200 (WAS 10500)	
BUILDING F	1 STORY	3800	
BUILDING G	VEHICLE STORAGE	9600	
BUILDING H	1 STORY	700	
TOTAL		145750	
PARKING SUMMARY			
DESCRIPTION	MIN.*	MAX.**	PROVIDED
REGULAR PARKING:	*MIN-Reg*	*MAX-Reg*	*REG-Pro*
ADA ACCESSIBLE PARKING:	*MIN-ADA*	*MAX-ADA*	*ADA-Pro*
TOTAL PARKING SPACES:	*MIN-Total*	*MAX-Total*	*Total-Pro*
*ONE SPACE PER 75 STORAGE BAYS, PLUS ONE SPACE FOR EVERY EMPLOYEE, PLUS TWO CUSTOMER SPACES			



7	6	5	4	3	2	1
NO	NO	NO	NO	NO	NO	NO
DATE	DATE	DATE	DATE	DATE	DATE	DATE
DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION

4317 Park Drive, Suite 400
Norcross, Georgia 30093
Phone: (770) 416-7511
Fax: (770) 416-6759
www.travispruit.com
CONTACT PERSON: BRENT THOMAS
e-mail: bthomas@travispruit.com



CONCEPT PLAN 2

MCCURRY PARK STORAGE

1204 EAST LANIER AVENUE, 137 5TH DISTRICT, FAYETTE COUNTY, GEORGIA

For The Firm
Travis Pruitt & Associates, Inc.

DATE: 10/26/2022
SCALE: 1" = 40'
CN: 220409CPC
JN: 1-22-0409
FN: 170-D-006
SHEET NO: 1 OF 1

These drawings are intended to be used in conjunction with the contract documents for the project. No part of these drawings shall be used for any other purpose without the written consent of the architect. The architect shall not be responsible for any errors or omissions in these drawings or for any consequences of the project by others using these drawings without the architect's consent.

Copyright © 2021, PHA

Seal:



1 BLDG A EAST ELEVATION
A2.1 1/8"=1'-0"



2 BLDG A WEST ELEVATION
A2.1 1/8"=1'-0"



3 BLDG A SOUTH ELEVATION
A2.1 1/8"=1'-0"



4 BLDG A NORTH ELEVATION
A2.1 1/8"=1'-0"

Drawing Title:
BUILDING A ELEVATIONS

Released for Construction

Date: 3/14/22

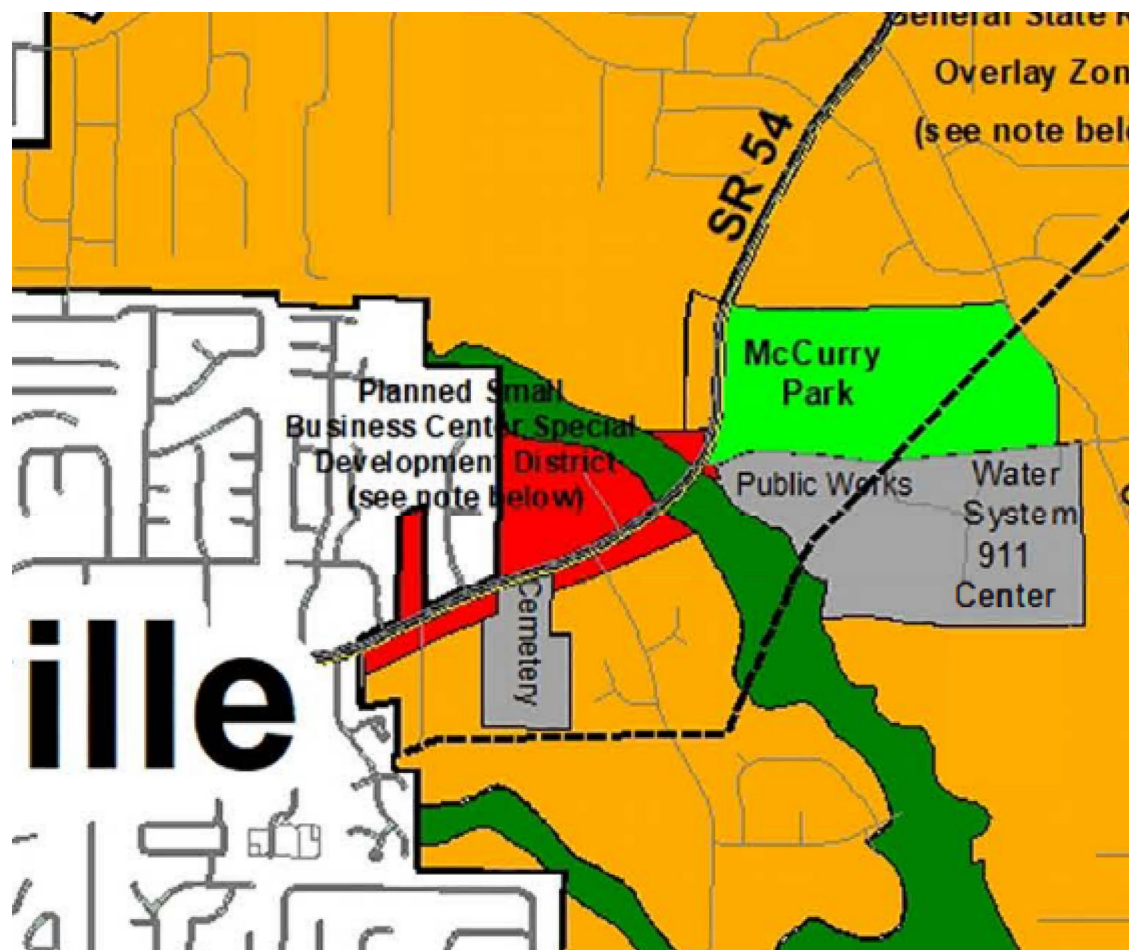
Project Title:
HIGHWAY 85 SELF STORAGE
FAYETTE COUNTY, GA

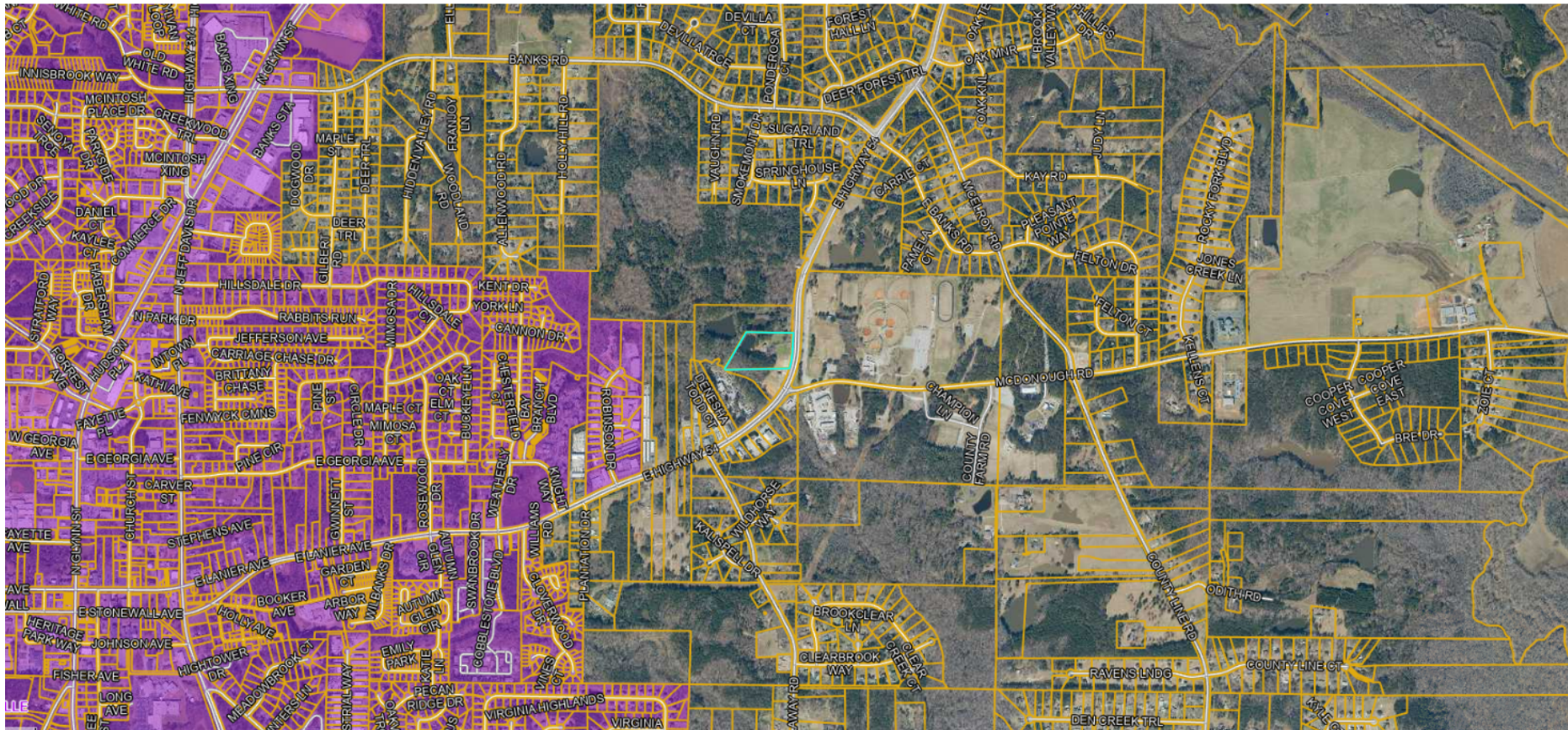
PHA
Patrick Higgins
ARCHITECT

107 S. Barnes St.
Marietta, Georgia 30066
(770) 452-4822

Shamrock Building Systems, Inc.
1298 Concord Rd SE
Smyrna, Georgia 30080
(770) 452-4822 FAX: (770) 745-4820

A2.1
Sheet of





Layers Map Search Comp Search Results Comp Results Report Sales Search Sales List Sales Results Home

Layer List Legend

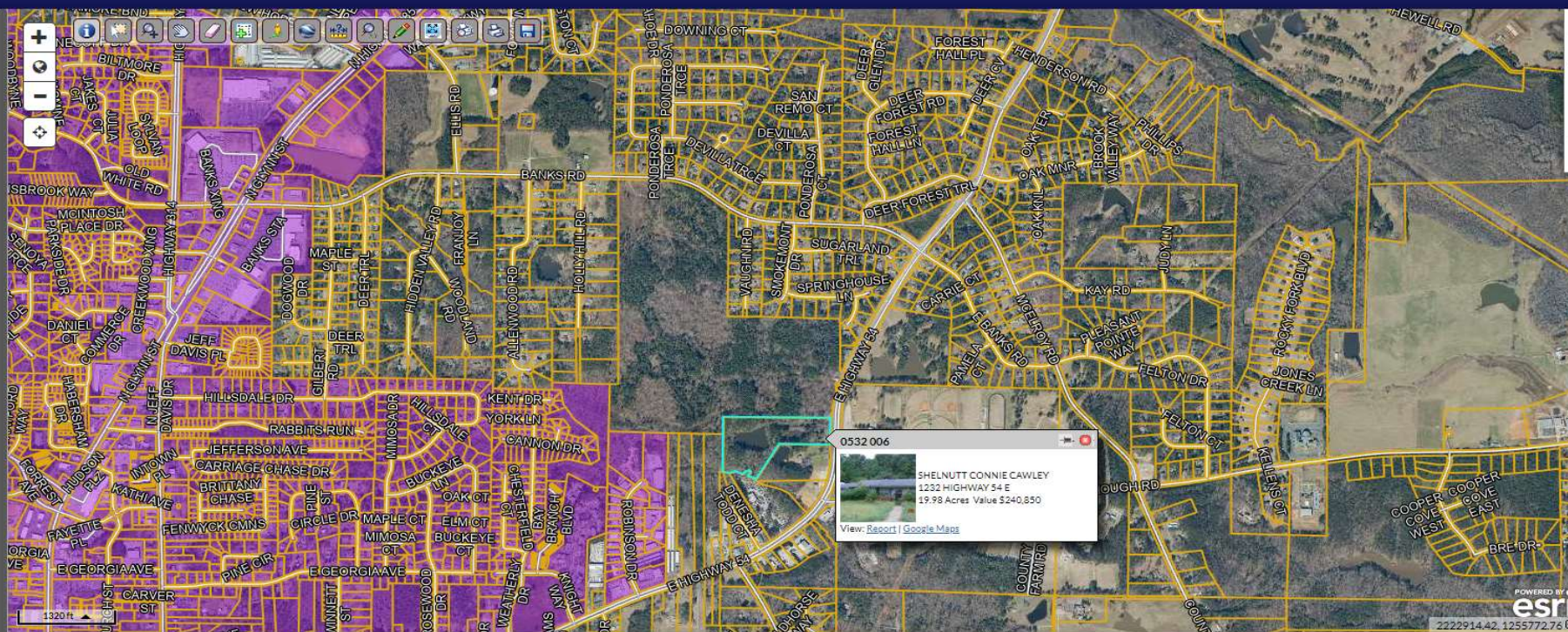
Quick Links:

- Property Search
- View Map

Layers:

- ☐ Tax Parcels
 - ☒ Parcels
 - ☐ Addresses
 - ☐ Parcel Numbers
- ☒ Fire Hydrants
 - ☐ Sirens
 - ☐ Fire Stations
 - ☐ Yearly Sales
 - ☐ Schools
 - ☐ Land Lots
 - ☒ Roads
 - ☒ USA Major Highways
 - ☐ Impervious Surface
 - ☐ Gravel Surface
 - ☐ Zip Codes
 - ☐ Subdivisions
- ☒ Voting
 - ☐ County Zoning
 - ☐ City Limits
 - ☐ Wetlands
- ☒ Flood Zones
 - ☐ Railroads
 - ☐ Ground Water Recharge
 - ☐ Soils
 - ☐ Streams and Rivers
 - ☐ Lakes
 - ☐ Contours
 - ☐ County Outlines
 - ☒ 2018 Aerials
 - ☐ 2015 Aerials

[Restore Layer Defaults](#)



0532 006

SHELNUTT CONNIE CAWLEY
1232 HIGHWAY 54 E
19.98 Acres Value \$240,850

[View Record](#) [Google Maps](#)

Parcel ID 0532 006
Sec/Twp/Rng --
Property Address 1232 HIGHWAY 54 E
District 01
Brief Tax Description 19.98 AC HWY 54
(Note: Not to be used on legal documents)

Alternate IDn/a
Class A4
Acreage 19.98

Owner Address SHELNUTT CONNIE CAWLEY
548 MAGNOLIA AVE.
SAINT SIMONS ISLAND, GA 31522



Layers Map Search Comp Search Results Comp Results Report Sales Search Sales List Sales Results Home

Layer List Legend

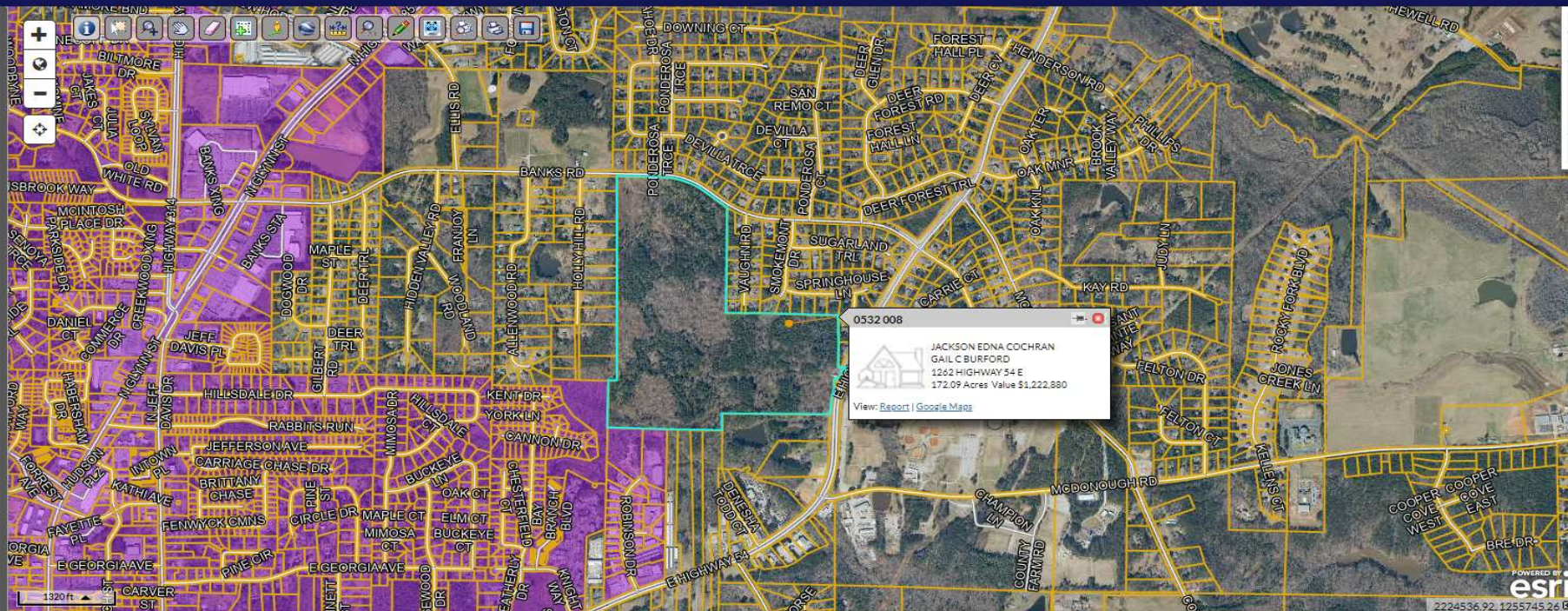
Quick Links:

- Property Search
- View Map

Layers:

- ☐ Tax Parcels
 - ☒ Parcels
 - ☐ Addresses
 - ☐ Parcel Numbers
- ☒ Fire Hydrants
 - ☐ Sirens
 - ☐ Fire Stations
 - ☐ Yearly Sales
 - ☐ Schools
 - ☐ Land Lots
- ☒ Roads
 - ☒ USA Major Highways
 - ☐ Impervious Surface
 - ☐ Gravel Surface
 - ☐ Zip Codes
 - ☐ Subdivisions
- ☒ Voting
 - ☐ County Zoning
 - ☒ City Limits
 - ☐ Wetlands
- ☒ Flood Zones
 - ☐ Railroads
 - ☐ Ground Water Recharge
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 - ☐ 2015 Aerials

[Restore Layer Defaults](#)



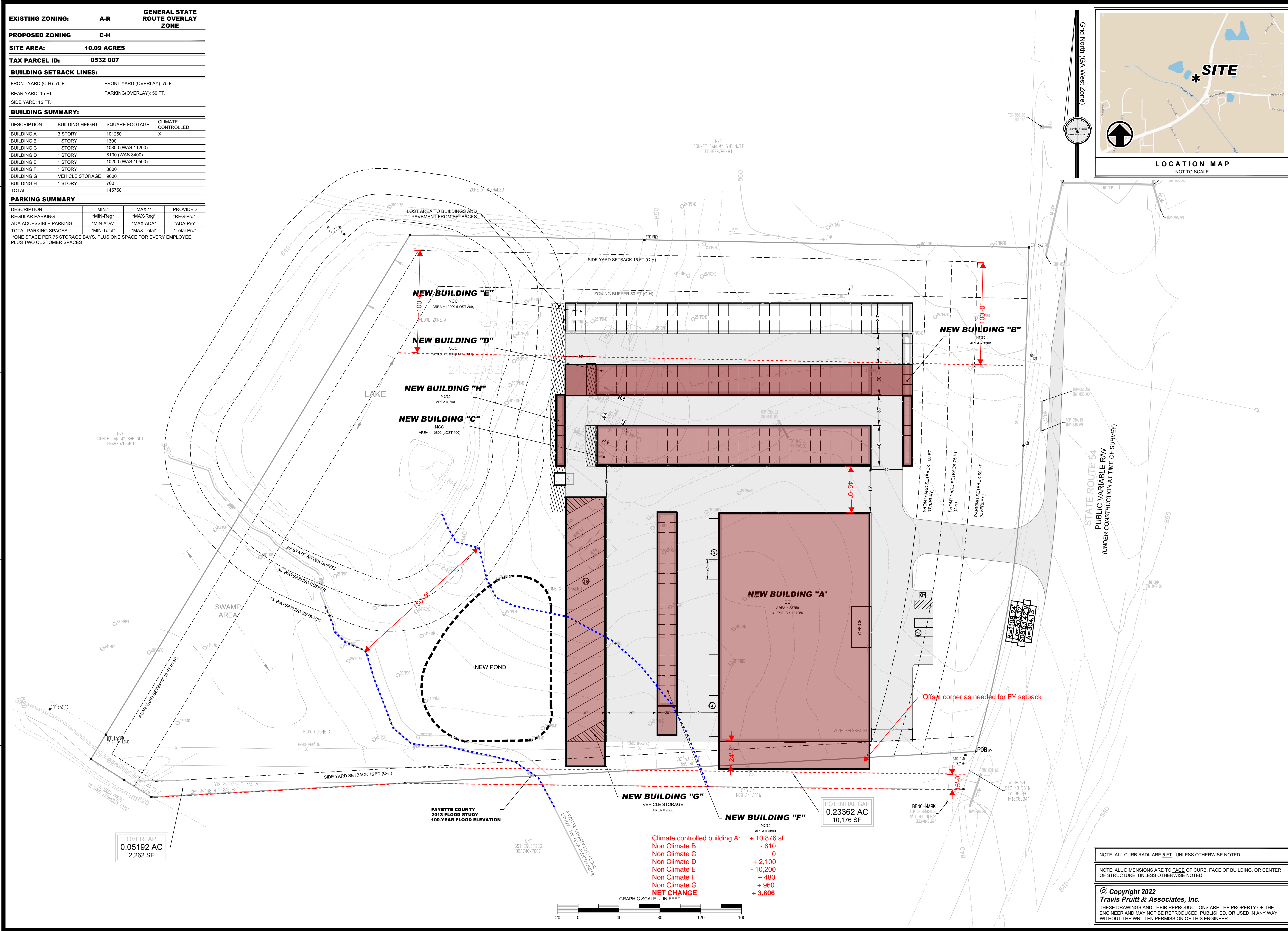
Parcel ID 0532 008
Sec/Twp/Rng --
Property Address 1262 HIGHWAY 54 E

Alternate IDn/a
Class V5
Acreage 172.09

Owner Address: JACKSON EDNA COCHRAN
GAIL C BURFORD
135 CORINTH ROAD
JONESBORO, GA 30238

District 01
Brief Tax Description HWY 54
(Note: Not to be used on legal documents)

EXISTING ZONING:	A-R	GENERAL STATE ROUTE OVERLAY ZONE	
PROPOSED ZONING	C-H		
SITE AREA:	10.09 ACRES		
TAX PARCEL ID:	0532 007		
BUILDING SETBACK LINES:			
FRONT YARD (C-H): 75 FT.		FRONT YARD (OVERLAY): 75 FT.	
REAR YARD: 15 FT.		PARKING(OVERLAY): 50 FT.	
SIDE YARD: 15 FT.			
BUILDING SUMMARY:			
DESCRIPTION	BUILDING HEIGHT	SQUARE FOOTAGE	CLIMATE CONTROLLED
BUILDING A	3 STORY	101250	X
BUILDING B	1 STORY	1300	
BUILDING C	1 STORY	10800 (WAS 11200)	
BUILDING D	1 STORY	8100 (WAS 8400)	
BUILDING E	1 STORY	10200 (WAS 10500)	
BUILDING F	1 STORY	3800	
BUILDING G	VEHICLE STORAGE	9600	
BUILDING H	1 STORY	700	
TOTAL		145750	
PARKING SUMMARY			
DESCRIPTION	MIN.*	MAX.**	PROVIDED
REGULAR PARKING:	*MIN-Reg*	*MAX-Reg*	*REG-Pro*
ADA ACCESSIBLE PARKING:	*MIN-ADA*	*MAX-ADA*	*ADA-Pro*
TOTAL PARKING SPACES:	*MIN-Total*	*MAX-Total*	*Total-Pro*
*ONE SPACE PER 75 STORAGE BAYS, PLUS ONE SPACE FOR EVERY EMPLOYEE, PLUS TWO CUSTOMER SPACES			



7	6	5	4	3	2	1
NO	NO	NO	NO	NO	NO	NO
DATE	DATE	DATE	DATE	DATE	DATE	DATE
DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION

4317 Park Drive, Suite 400
Norcross, Georgia 30093
Phone: (770) 416-7511
Fax: (770) 416-6759
www.travispruit.com
CONTACT PERSON: BRENT THOMAS
e-mail: bthomas@travispruit.com

Travis Pruitt & Associates, Inc.
SURVEYING • LANDSCAPE ARCHITECTURE

CONCEPT PLAN 2

MCCURRY PARK STORAGE

1204 EAST LANIER AVENUE, 137 5TH DISTRICT, FAYETTE COUNTY, GEORGIA

DATE: 10/26/2022	For The Firm
SCALE: 1" = 40'	Travis Pruitt & Associates, Inc.
CN: 220409CPC	
JN: 1-22-0409	
FN: 170-D-006	
SHEET NO: 1 OF 1	



COUNTY AGENDA REQUEST

Page 372 of 454

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of the acceptance of a Fire/EMS Street Legal Golf Cart, valued at \$24,190.00, from the Fayette Fire Foundation for use at public events, sports venues, and other gatherings where larger emergency vehicles may not be accessible.

Background/History/Details:

The mission of the Fayette Fire Foundation is to aid, support, and assist by gifts, contributions or otherwise, Fayette County Fire and Emergency Services. The Board of Directors meet periodically and discuss and vote on expenditures and projects that will enhance and improve the ability of the Fayette County Fire and Emergency Services, and its personnel, to provide fire and emergency medical services to the community.

This is a donation of a MotoEV 3 Passenger EMS Street Legal Golf Cart used by Fire & Emergency Services at special events such as football games, cross-country track meets, festivals, fairs, and other large gatherings. The purpose is to transport sick and injured people at larger venues where ambulances may not be accessible.

What action are you seeking from the Board of Commissioners?

Approval of the acceptance of a Fire/EMS Street Legal Golf Cart, valued at \$24,190.00, from the Fayette Fire Foundation for use at public events, sports venues, and other gatherings where larger emergency vehicles may not be accessible.

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 373 of 454

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of supplemental grant award for the DUI Accountability Court in the amount of \$7,134 for Enhancement & Innovation.

Background/History/Details:

This grant is a treatment enhancement group that allows the group facilitator to properly instruct a hybrid group with an integrated platform for zoom meetings and teams. Additionally, this whiteboard could be used for in-service training with the ability to allow virtual users a collaborative approach. The chrome-book is to be used for treatment intake which is a digital format and requires access to technology.

Additionally, this grant will allow the Accountability Court Treatment Team to receive training in evidence based curriculum such as Seeking Safety, Moral Reconation Therapy, and Anger Management.

What action are you seeking from the Board of Commissioners?

Accept a supplemental grant award for the DUI Accountability Court in the amount of \$7,134 for Enhancement & Innovation.

If this item requires funding, please describe:

No funding necessary. This is a grant in the amount of \$7,134 which does not require matching funds.

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
Enhancement & Innovation SUBGRANT AWARD
ACCOUNTABILITY COURT GRANT

SUBGRANTEE: Fayette County BOC SUPPLEMENTAL STATE FUNDS: \$7,134

IMPLEMENTING AGENCY: Fayette County DUI Court

PROJECT NAME: ACCOUNTABILITY COURT

SUBGRANT NUMBER: A23-8-010

GRANT PERIOD: 01/01/23-6/30/23

This award is made under the Accountability Courts State of Georgia Grant program. The purpose of the Accountability Court Grants program is to make grants to local courts and judicial circuits to establish specialty courts or dockets to address offenders arrested for drug charges or mental health issues. This grant program is subject to the administrative rules established by the Criminal Justice Coordinating Council.

This Subgrant shall become effective on the beginning date of the grant period, provided that a properly executed original of this "Subgrant Award" is returned to the Criminal Justice Coordinating Council by December 30, 2022.

AGENCY APPROVAL



Jay Neal, Director
Criminal Justice Coordinating Council

Date Executed: 01/01/23

SUBGRANTEE APPROVAL

Signature of Authorized Official

Lee Hearn, Chairman, Fayette County BOC

Typed Name & Title of Authorized Official

58-6000826

Employer Tax Identification Number(EIN)

BOARD OF COUNTY COMMISSIONERS

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

Consent #16



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

November 10, 2022

2:00 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 2nd and 4th Thursday of each month at 5:00 p.m.

Call to Order

Chairman Lee Hearn called the November 10, 2022 meeting to order at 2:02 p.m. Commissioner Eric Maxwell was absent at the start of the meeting, but arrived at 2:08 p.m.

Invocation and Pledge of Allegiance

Chairman Hearn offered the Invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Charles Oddo moved to accept the agenda. Vice Chairman Edward Gibbons seconded. The motion passed 4-0. Commissioner Maxwell was absent.

PROCLAMATION/RECOGNITION: None.

PUBLIC HEARING: None.

PUBLIC COMMENT: None.

CONSENT AGENDA:

Vice Chairman Gibbons moved to approve the Consent Agenda as written. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Maxwell was absent.

1. **Approval to adopt the 2023 County Commissioner Meeting schedule.**
2. **Approval of the October 27, 2022 Special Called Special Purpose Local Option Sales Tax (SPLOST) Meeting Minutes.**
3. **Approval of the October 27, 2022 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

Chairman Hearn called a recess at 2:05 p.m. to allow Commissioner Maxwell to arrive.
The reconvened at 2:08 p.m. Commissioner Maxwell arrived.

- 4. Request to approve a contract agreement between Fayette County and Georgia Department of Transportation (GDOT) (PI No. 0013726) to supply all construction engineering and contract supervision for water distribution line adjustments and improvements at the intersection of State Route 74 and State Route 54 in Fayette County for a not to exceed amount of \$1,019,269.51.**

Water System Director Vanessa Tigert stated that this was a request to approve a contract agreement with Georgia Department of Transportation (GDOT) for a project to supply all construction engineering and contract supervision for water distribution line adjustments and improvements at the intersection of State Routes 74 and 54 in Peachtree City, in the amount of \$1,019,269.51.

Vice Chairman Gibbons moved to approve a contract agreement between Fayette County and Georgia Department of Transportation (GDOT) (PI No. 0013726) to supply all construction engineering and contract supervision for water distribution line adjustments and improvements at the intersection of State Route 74 and State Route 54 in Fayette County for a not to exceed amount of \$1,019,269.51. Commissioner Oddo seconded.

Commissioner Charles Rousseau asked about the funding.

County Administrator Steve Rapson stated that there was funding for the project.

Commissioner Eric Maxwell stated that this was contract that was hired by GDOT and that it was not a County doing the work, or our crew doing the work. He stated that the County was supplying the money to GDOT.

Ms. Tigert stated that was correct.

Vice Chairman Gibbons moved to approve a contract agreement between Fayette County and Georgia Department of Transportation (GDOT) (PI No. 0013726) to supply all construction engineering and contract supervision for water distribution line adjustments and improvements at the intersection of State Route 74 and State Route 54 in Fayette County [Peachtree City] for a not to exceed amount of \$1,019,269.51. Commissioner Oddo seconded. The motion passed 5-0.

- 5. Request to approve the Acknowledgment of Disclosure and Confirmation of Informed Consent document prepared by McNally, Fox, Grant & Davenport P.C. regarding the agreement between Fayette County and the Town of Tyrone for crack sealing services.**

County Attorney Dennis Davenport stated that this was a similar contract that had come before the Board in the past. He stated that whenever the Town of Tyrone and Fayette County contract together, since his firm represented both entities, the Board was informed that both are represented and there was a potential for conflict, although he did not see the conflict. He stated that the Board was welcomed to bring in another law firm, if preferred; otherwise, he was requesting the Board's consent to waive the potential conflict and move forward. He stated that his firm would do the same letter with the Town of Tyrone.

Commissioner Oddo moved to approve the Acknowledgment of Disclosure and Confirmation of Informed Consent document prepared by McNally, Fox, Grant & Davenport P.C. regarding the agreement between Fayette County and the Town of Tyrone for crack sealing services. Vice Chairman Gibbons seconded. The motion passed 5-0.

- 6. Request to approve the Crack Seal Project Agreement between the Town of Tyrone and Fayette County.**

Road Department Director Steve Hoffman stated that this was a request to approve the agreement with the Town of Tyrone for a crack seal project.

Vice Chairman Gibbons moved to approve the Crack Seal Project Agreement between the Town of Tyrone and Fayette County. Commissioner Oddo seconded. The motion passed 5-0.

7. Request to award Bid #2177-B Micro Surfacing to Asphalt Paving Systems, Inc. in the amount of \$560,155.00.

Vice Chairman Gibbons moved to approve Bid #2177-B Micro Surfacing to Asphalt Paving Systems, Inc. in the amount of \$560,155.00. Commissioner Oddo seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

Mr. Rapson highlighted the following from the Hot Topic Projects:

Redwine Road Multi-Use Pathway, Parks and Recreation Multi-Purpose Facility Design, Elections Building Renovation (Old Fire House 4), and the Ebenezer Church Road Bridge Replacement.

He stated that the County was in the process of having the corridor study for State Route 279 project. Public notices are posted on the County's website and a survey available.

The County participated in the National Association of Counties (NACo) initiative, Operation Green Light in honor of Veterans by placing green lights at the Administration Complex and at Heritage fountain. He stated that it was the birthday for the Marine Corps.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were six (6) items for Executive Session. Two items involving pending litigation, one item involving real estate acquisition, two items involving threaten litigation and the review of the Executive Session minutes for October 27, 2022.

COMMISSIONERS' REPORTS:

Vice Chairman Gibbons: Vice Chairman Gibbons gave an update regarding the Health Department Building. He stated that the County received the final bid for the construction of the building on October 26 at \$17.5 million, not including FFE (furniture, fixtures and equipment). He stated that the County had been tracking a funding shortfall on the building since the inception. He stated that initial it was for a couple million dollars. He stated that the last estimate on construction was potentially \$13 million and then when the County received the bid it was significantly more. He stated that the shortfall was approximately \$7 to \$8 million. He stated the Board of Health had gone back to the Department of Health and asked for additional funds. The ask was for \$5 million and it was confirmed, by email from the chairman of the Board of Health, that the funding was not available from the Georgia Department of Health. He stated that the Board of Health also voted to have the Chairman of the Board of Health and the interim District 4 Director to write a letter the local legislative delegation outlining the shortfall. Vice Chairman Gibbons stated that he spoke with Chairman Hearn, and with the Board's permission, he would like to have Chairman Hearn co-sign the letter, on behalf of the Board, to see if the local delegation can assist with funding. He stated that it would be prudent to have staff to conduct an analysis of alternatives for the ARPA (American Rescue Plan Act) funding, currently committed to the Board of Health building, as well as any other options for downsizing the building or bringing it back into a scope within the funding available. Vice Chairman Gibbons stated that he would like to see the analysis at the first meeting in January 2023.

Vice Chairman Gibbons thanked all the stakeholders involved in the Ebenezer Church Bridge project. The funding came from Georgia Department of Transportation, Atlanta Regional Commission, and the county Special Local Option Sales Tax dollars. He stated that it was a great joint project.

He wished the Marines a happy birthday. He stated that it was the 247th anniversary of the United Marine Corp. He recognized all the Veterans and thanked them for their service.

Commissioner Oddo: Commissioner Oddo congratulated Commissioner Rousseau and Commissioner Gibbons on being re-elected. He stated that they have been diligent commissioners and that was what the county needed. He also congratulated others that ran for election. He stated that it took a lot to run for office and serve the community.

Commissioner Oddo wished the veterans a happy Veterans Day and happy Thanksgiving. He stated that Thanksgiving was his favorite holiday, because “you don’t give gifts, you don’t get gifts, you just stop and count your blessings for being in this wonderful country.”

Commissioner Rousseau: Commissioner Rousseau echoed the comments about Veterans Day and Thanksgiving.

He stated that he asked that Vice Chairman Gibbons reiterate what he was seeking to get from the staff’s analysis. Vice Chairman Gibbons stated that he was not putting it in a motion. He was just suggesting that the Board direct the County Administrator to do the analysis. He stated that he was fine with putting it in a motion if that was preferred.

Commissioner Rousseau thanked the voters of District 4 that entrusted him to represent them and give the best level of service that he could with the information provided. He thanked staff for the work that they do and responsiveness. He stated that it does not go unnoticed. He thanked the Board for their service as they deliberated issues together for the citizens of the county.

Vice Chairman stated that he thought it would be a good idea if Chairman Hearn, perhaps spoke to the school superintendent about using the former Booth Middle School building as a potential site for the Department of Health. He stated that it could be done quickly and that it would not hurt to ask.

Chairman Hearn agreed.

Commissioner Maxwell: Commissioner Maxwell thanked those that voted on Tuesday. He stated that the administrative staff at the Elections Department did a wonderful job. He stated that his next comment was not a criticism of the administrative staff of the Elections Department, but an observation of the Board of Elections. He stated that the Board of Commissioners did not run the Board of Elections. That board was appointed by the Republican Party; one seat, the Democratic Party; one seat and one appointment of the citizenry by the Board of Commissioners. He stated that the Board did not get a lot of complaints about the Board of Elections. He stated that he did not want complaints regarding the Board of Elections to cast a bad shadow on the Board of Commissioners. He stated that he did not know exactly what happened, but there was a letter in the newspaper and then a response letter in the newspaper from a member of the Board of Elections. He continued that he did not think it was a good idea to write letters to the newspaper. He stated that he was disappointed to see that the Board of Commissioners’ appointee to the Board of Elections was the one that wrote the response letter to the newspaper. He stated that he did not particularly care for the tone of the letter. He stated that there appeared to be mistakes made by Elections. The administrative side of Elections owned up to the mistakes and he was very disappointed that the appointee that the Board of Commissioners made was the one that wrote the letter. Commissioner Maxwell stated that he was not asking the Board to do anything further, but it really bothered him that it happened and that this was not an isolated incident from that member.

Commissioner Maxwell stated that regarding the Board of Health, it started as a small project. He stated that he was not against the project. The project was fast-tracked when the County received the ARPA funding. He stated that the discussion would have been different without that funding. He stated that it was the Georgia Department of Health that did not have any funding. He stated that writing the delegation was the right thing to do, but that unless the Governor approved the funding it was not going to happen. He stated that he did not want to drain the County’s reserved funds to build the building when the State of Georgia was not interested in putting any more than \$1 million into the project. He stated that using the former Booth Middle School was possibly the best solution.

He stated that he appreciated all the veterans and wished them a happy Veterans Day. He stated that his dad was a veteran, and we should always remember the veterans.

Commissioner Rousseau stated that he was glad Commissioner Maxwell clarified that the one piece he was not inclined to agree with, was to drain the County's funds. He stated that he wanted to be clear that he wanted staff to look at all relevant avenues. He stated that he would then be more comfortable with whatever the alternative was, but exhausting all avenues was critical at this stage. He stated that when speaking on the issues that involve public safety, the Board was ready to support them, and fund them. He stated that the people on the frontlines, in an inadequate space during COVID, had come to the Board to make the new health building a reality, if within the Board's power. He stated that he was inclined to do all that he could. He stated that he agreed with the comment about the delegation. He encouraged his colleagues, in regard to the Governor, that have a relationship through association, to use their influence to encourage the Governor to use the reserve that he talked about being available, to provide the level of service to the community and to the staff that do the work and put their lives on the line, as they have done during the last two and a half years, providing public safety to the residents of this county.

Chairman Hearn: Chairman Hearn stated that he attended the Atlanta Regional Commission (ARC) retreat. He stated that the budget, staff and planning was discussed. He stated that he learned a lot.

He thanked the Public Works Director Phil Mallon and staff for the work done with Ebenezer Church Bridge project.

Chairman Hearn stated that the ultimate compliment for a commissioner was to not have anyone run against you. He congratulated Commissioner Rousseau and Vice Chairman Gibbons and stated that he looked forward to continuing to work with both.

He stated that he had sent an email to the Board regarding the ordinance requirements related to barns and shop, as well as, direction of panels, roll-up doors, swinging doors and barn doors. He stated that he would like to have staff bring a recommendation on how to clean up the ordinance. He stated that from his perspective, he did not see a lot of difference in terms of architectural appeal. He stated that he wanted staff to bring a recommendation in January.

County Administrator Steve Rapson stated that staff would determine the timeline because to change the ordinance required some steps from the other commissions. He stated that staff would bring that back to the Board. He stated that staff had outlined some concerns in the November 8 email and that if the Board had any feedback, please let staff know.

EXECUTIVE SESSION:

Two items involving pending litigation, one item involving real estate acquisition, two items involving threaten litigation and the review of the Executive Session minutes for October 27, 2022. Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 2:38 p.m. and returned to Official Session at 3:47 p.m.

Return to Official Session: Commissioner Oddo moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Vice Chairman Gibbons seconded. The motion passed 5-0.

Mr. Davenport stated that the County had a situation that occurred on July 31, 2022 where a Fayette County Sheriff's Office, 2020 Tahoe was involved in a motor vehicle collision at the fault of the other driver. He stated that the value of the Tahoe was \$37,249 and it was completely totaled. The insurance company of the other driver only had coverage up-to \$25,000 for this type of accident. Liberty Mutual was the insurance company and offered to settle for \$25,000, pursuant to their policy.

Vice Chairman Gibbons moved to accept the settlement of \$25,000 from Liberty Mutual. Commissioner Oddo seconded. The motion passed 5-0.

Commissioner Oddo moved to approve the Executive Session minutes from October 27, 2022. Vice Chairman Gibbons seconded. The motion passed 5-0.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the November 10, 2022 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 5-0.

The November 10, 2022 Board of Commissioners meeting adjourned at 3:49 p.m.

Tameca P. Smith, County Clerk

Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 8th day of December 2022. Attachments are available upon request at the County Clerk's Office.

Tameca P. Smith, County Clerk

COUNTY AGENDA REQUEST

Page 381 of 454

Department: Parks and Recreation

Presenter(s): Anita Godbee, Director

Meeting Date: Thursday, December 8, 2022

Type of Request: New Business #17

Wording for the Agenda:

Request to approve the Parks and Recreation Selection Committee's recommendation to appoint Shirelle Hicks to the Recreation Commission for a term beginning June 1, 2022 and expiring March 31, 2026.

Background/History/Details:

The Fayette County Recreation Commission is a citizen committee comprised of five volunteers who are appointed by the Fayette County Board of Commissioners to four-year terms. The Recreation Commission reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

The Selection Committee consisting of the Charles McCollum, Chair of the Recreation Commission, Bradley Klinger, Assistant Director Fayette County Road Department, and Anita Godbee, Director of Parks and Recreation interviewed four applicants for the vacant position. The Selection Committee recommends the appointment of Shirelle Hicks to the Recreation Commission.

The seat was previously held by Lisa Mahaffey.

What action are you seeking from the Board of Commissioners?

Approval of the Parks and Recreation Selection Committee's recommendation to appoint Shirelle Hicks to the Recreation Commission for a term beginning June 1, 2022 and expiring March 31, 2026.

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:



APPLICATION FOR APPOINTMENT Fayette County Recreation Commission

The Fayette County Recreation Commission is a citizen committee, comprised of five volunteers who are appointed by the Fayette County Board of Commissioners for four-year terms, which reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

The Recreation Commission typically meets the second Tuesday of each month at the Parks and Recreation Activities Building that is located at 980 Redwine Road, Fayetteville, Georgia beginning at 7:00 p.m.

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca Smith, County Clerk, via email at tsmith@fayettecountyga.gov or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 no later than 5:00 p.m. on Friday, October 28, 2022.

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME Shirelle Hicks

ADDRESS 245 Oak Manor, Fayetteville, GA 30214

TELEPHONE (day) 404-867-8565

(evening): Same

(email address) [REDACTED]

Signature

Shirelle Hicks

Date

10/25/22

APPLICATION FOR APPOINTMENT

Fayette County Recreation Commission

1. How long have you been a resident of Fayette County? 18 years
2. Why are you interested in serving on the Fayette County Recreation Commission? I am interested in serving on the Fayette County Recreation Commission because I would like to be a part of the team that helps define how our county recreation activities helps to improve the lives of our citizens.
3. What qualifications and experience do you possess that should be considered for appointment to the Fayette County Recreation Commission? I have served on several boards since living in the county. I have held the positions of Vice President and President for soccer and baseball while my children attended Fayette County High School. I was on these boards for a total of 7 years. I was also on the board when my children were in middle school. In addition to this I have taken an active role in fundraising and the marching band.
4. List your recent employment experiences to include name of company and position. Hicks Custom Homes - Custom Home Builder. Lions Gate Realty – Real Estate Broker
5. Do you have any past experience related to this position? If so, please describe. Although it has been a few years since I volunteered as a parent for rec baseball and soccer, I do believe that experience will be a benefit as a member of the Recreation Commission.
6. Are you currently serving on a commission/board/authority or in an elected capacity with any government? No
7. Have you attended any Fayette County Recreation Commission meetings in the past two years and, if so, how many? No
8. Are you willing to attend seminars or continuing education classes at county expense? Yes.
9. What is your vision of the county's future related to the duties of the Recreation Commission? To ensure that the residents of Fayette County can utilize the recreational benefits offered and take advantage of a work, live and play environment. I would like to make sure that recreational programs offered to the citizens are what they would like to see as options for their active lives. Given my construction background, I believe I would be an asset during the construction of the upcoming recreation building.
10. Would there be any possible conflict of interest between your employment or your family and you serving on the Recreation Commission? No
11. Are you in any way related to a County Elected Official or County employee? If so, please describe. No.
12. Describe your current community involvement. I am currently looking for an opportunity to get more involved in the community that I live in.
13. Have you been provided a copy of Fayette County's Ethics Ordinance? Yes.
14. Is there any reason why you would not be able to comply with the County's Ethics Ordinance? No.

SHIRELLE HICKS FAYETTEVILLE, GA

CLEARANCE **Top Secret Security Clearance**

PROFILE Performance driven and knowledgeable Custom Home Builder with 15+ years experience in coordinating the entire construction process. Results-driven builder with proven operational and managerial experience in residential home building. Highly skilled in scheduling, safety, multi-tasking and cost control.

SKILLS & ABILITIES

- End-to-End Project Development, Planning and Implementation
- Scope Design and Control: Bidding, Cost Containment & Risk Assessment
- Contract Negotiations and Collaboration with Sub Contractors
- Highly skilled in Blueprint reading and design

PROFESSIONAL EXPERIENCE **CUSTOM HOME BUILDER, HICKS CUSTOM HOMES, LLC. OCT 2005 - PRESENT**

Manage the home building process from beginning to end while ensuring a great working relationship with the client. Assist clients with lot selection, floor plan selection and revisions to plan to create a custom home that fits the client needs. Create budget for cost of home and ensure home stays within contract budget. Identify all budgets that client will have to spend on selections and ensure client stays within budget or pays for overages prior to order of products. Oversee sub-contractors to make sure work is completed per code. Work with county and city inspectors to ensure that all work is completed to city/county standards. Assist clients with bank loans, complete paperwork for draws and inspections. Ensure home is completed to client satisfaction. Train real estate agents on the process of a custom home build, review and sign off on contracts and ensure contractors are paid on time.

REAL ESTATE BROKER, LION'S GATE REALTY - DECEMBER 2004 - PRESENT

Holds active Broker Real Estate License to ensure that all agents that work for the company can legally sell and buy real estate in the State of Georgia. Ensure that all licenses are up to date for agents/company. Train agents on listing properties, customer referral, new subdivision representation and writing contracts. Review and balance escrow and company accounts and complete company taxes.

CONTRACT OVERSIGHT & MANAGEMENT, HOST NATION PERSPECTIVES SWA - SEP 2012 - OCT 2013

Managed oversight of government contract ensuring compliance with all regulations. Provided project management on budgets, schedules, staffing requirements and forming cross-functional project teams. Assessed variances from the project, developed and implemented changes as necessary to ensure that the project remains within specified scope of time, cost and quality objectives. Lead team in writing RFP (request for proposal) to acquire additional contracts. Completed extensive background check to receive top secret security clearance. Attended highly sensitive meeting with the CEO of the company to support contract review and renewals.

Oversaw program controls, quality assurance, network and procurement support for government contract. Tracked and forecasted financial status of funding, prepared financial reports and status presentations. Ensure all team members have the tools and training to perform effectively and provide constructive feedback as it pertains to project performance. Evaluate and ensure client satisfaction at project completion. Completed backlog of outstanding contracts that were pending payments in excess of \$3.5 million dollars. Completed bi-weekly payroll for the office and updated employee benefits.

BUSINESS CONSULTANT, HICKS CUSTOM HOMES - Jan 2009 - Mar 2012

Assist companies with business performance, enhancing productivity, creating a competitive edge, scope, design and efficiency plans. Identify areas for growth, analyze problem areas and create resolutions and outline plans for new business opportunities and assist with planning for new businesses. Consult with clients on design and build for unfinished basements and bonus rooms. Provide specs, floor layout, cost breakdown, budget for materials and selections and timeframe of project. Provide assistance with loan or equity line and draw schedule.

EDUCATION **Morris Brown College Atlanta, GA –B.S. Computer Science 1987**

OTHER APPLICANTS



APPLICATION FOR APPOINTMENT Fayette County Recreation Commission

The Fayette County Recreation Commission is a citizen committee, comprised of five volunteers who are appointed by the Fayette County Board of Commissioners for four-year terms, which reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

The Recreation Commission typically meets the second Tuesday of each month at the Parks and Recreation Activities Building that is located at 980 Redwine Road, Fayetteville, Georgia beginning at 7:00 p.m.

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca Smith, County Clerk, via email at tsmith@fayettecountyga.gov or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, October 28, 2022.**

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME Jeremy Bryan Thompson

ADDRESS 431 Hampton Rd.
Fayetteville GA 30215

TELEPHONE (cell) [REDACTED] (home) Same

EMAIL ADDRESS [REDACTED]

[Signature]
Signature

10-18-22
Date



APPLICATION FOR APPOINTMENT Fayette County Recreation Commission

1. How long have you been a resident of Fayette County? *2 2yrs*
2. Why are you interested in serving on the Fayette County Recreation Commission?
Continued improvement of our rec facilities
3. What qualifications and experience do you possess for appointment to the Recreation Commission? *5yrs as baseball league Pres, 3yrs on FC Rec Comm*
4. List your recent employment experiences to include name of company and position.
MPI Norada - Vice Pres of Sales
5. Do you have any past experience relating to the Recreation Commission? If so, please describe.
YES, 3yrs on current commission
6. Are you currently serving on a commission/board/authority or in an elected capacity with any government? *yes, Rec Comm. expires in Dec 22*
7. Have you attended any Recreation Commission meetings in the past two years and, if so, how many? *yes*
8. Are you willing to attend seminars or continuing education classes at county expense?
yes
9. What is your vision of the county's future related to the duties of the Recreation Commission?
Assist in ensuring Fayette Residents voices are heard.
10. Would there be any possible conflict of interest between your employment or your family and you serving on the Recreation Commission? *No*
11. Are you in any way related to a County Elected Official or County employee? If so, please describe.
No
12. Describe your current community involvement.
FC Rec Comm, FCHS Baseball Booster Pres, FCHS Softball and baseball coach
13. Have you been provided a copy of the county's Ethics Ordinance?
yes
14. Is there any reason you would not be able to comply with the Ethics Ordinance?
No



APPLICATION FOR APPOINTMENT Fayette County Recreation Commission

The Fayette County Recreation Commission is a citizen committee, comprised of five volunteers who are appointed by the Fayette County Board of Commissioners for four-year terms, which reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

The Recreation Commission typically meets the second Tuesday of each month at the Parks and Recreation Activities Building that is located at 980 Redwine Road, Fayetteville, Georgia beginning at 7:00 p.m.

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca Smith, County Clerk, via email at tsmith@fayettecountyga.gov or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, September 30, 2022.**

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME Lane Watts

ADDRESS P.O. Box 1093
Fayetteville GA 30214

TELEPHONE (cell) [REDACTED] (home) 770-461-9794

EMAIL ADDRESS [REDACTED]

[Signature]
Signature

9/30/22
Date

FAYETTE *Press Release*

BOARD OF COMMISSIONERS

**ONE OPEN POSITION ON THE FAYETTE COUNTY
RECREATION COMMISSION**

The **Fayette County Recreation Commission** is a citizen committee, comprised of five volunteers who are appointed by the Fayette County Board of Commissioners to four-year terms, which reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

The Recreation Commission typically meets the second Tuesday of each month at the Parks and Recreation Activities Building that is located at 980 Redwine Road, Fayetteville, Georgia beginning at 7:00 p.m.

The Fayette County Board of Commissioners would like to notify all interested Fayette County citizens that one position to the Recreation Commission is available to be filled.

One term to begin June 1, 2022 and will expire May 31, 2026.

Applications can be obtained by visiting www.fayettecountyga.gov ; Public Notices. All applications must be returned to Tameca Smith, County Clerk at tsmith@fayettecountyga.gov or at 140 Stonewall Avenue West, Suite 100, Fayetteville, Georgia **no later than 5:00 p.m. on Friday, September 30, 2022.**

Contact: Tameca P. Smith, County Clerk
Office: (770) 305-5103




APPLICATION FOR APPOINTMENT
Fayette County Recreation Commission

1. How long have you been a resident of Fayette County?
2. Why are you interested in serving on the Fayette County Recreation Commission?
3. What qualifications and experience do you possess for appointment to the Recreation Commission?
4. List your recent employment experiences to include name of company and position.
5. Do you have any past experience relating to the Recreation Commission? If so, please describe.
6. Are you currently serving on a commission/board/authority or in an elected capacity with any government?
7. Have you attended any Recreation Commission meetings in the past two years and, if so, how many?
8. Are you willing to attend seminars or continuing education classes at county expense?
9. What is your vision of the county's future related to the duties of the Recreation Commission?
10. Would there be any possible conflict of interest between your employment or your family and you serving on the Recreation Commission?
11. Are you in any way related to a County Elected Official or County employee? If so, please describe.
12. Describe your current community involvement.
13. Have you been provided a copy of the county's Ethics Ordinance?
14. Is there any reason you would not be able to comply with the Ethics Ordinance?

Answers to Questionnaire

1. 39 years
2. I have a desire to serve my community, a community that I love dearly. The area of recreation interests me greatly. Some of my fondest memories from my youth are from my time playing youth baseball and basketball out at Kiwanis Park. I would like to serve on the commission to ensure we have quality programs and facilities for our youth and adults in our community currently and in the future.
3. I believe my background in small business and serving on boards and committees throughout my life would enable me to be a team player and asset to the Recreation Commission
4. Currently I'm employed as a residential real estate agent and also work in property management
5. No, other than being a participant in Recreation Department programs in my youth.
6. Yes, I currently serve on the Board of Equalization for Fayette County. I have been a member since 2016.
7. None
8. Yes
9. I would like to be a part of the effort to ensure we have quality Recreation programs and activities for the community
10. No
11. No, I am not
12. I am active in the political arena and have been for a number of years. I am also an active member of my church, Peachtree City Christian Church
13. Yes
14. No



9/30/22

COUNTY AGENDA REQUEST

Page 393 of 454

Department: Parks and Recreation

Presenter(s): Anita Godbee, Director

Meeting Date: Thursday, December 8, 2022

Type of Request: New Business #18

Wording for the Agenda:

Request to approve the Parks and Recreation Selection Committee's recommendation to appoint Nick Kilburg to the Recreation Commission for a term beginning January 1, 2023 and expiring December 31, 2026.

Background/History/Details:

The Fayette County Recreation Commission is a citizen committee comprised of five volunteers who are appointed by the Fayette County Board of Commissioners to four-year terms. The Recreation Commission reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

The Selection Committee consisting of the Charles McCollum, Chair of the Recreation Commission, Bradley Klinger, Assistant Director Fayette County Road Department, and Anita Godbee, Director of Parks and Recreation interviewed four applicants for the vacant position. The Selection Committee recommends the appointment of Nick Kilburg to the Recreation Commission.

The seat was previously held by Bryan Thompson.

What action are you seeking from the Board of Commissioners?

Approval of the Parks and Recreation Selection Committee's recommendation to appoint Nick Kilburg to the Recreation Commission for a term beginning January 1, 2023 and expiring December 31, 2026.

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:



APPLICATION FOR APPOINTMENT
Fayette County Recreation Commission



The Fayette County Recreation Commission is a citizen committee, comprised of five volunteers who are appointed by the Fayette County Board of Commissioners for four-year terms, which reviews and evaluates programs, facilities, policies, and other matters and makes recommendations to the Recreation Department, the County Administrator, and the Board of Commissioners concerning capital and operational needs. As an advisory board, the Recreation Commission has no decision-making authority over how county resources are spent or managed.

The Recreation Commission typically meets the second Tuesday of each month at the Parks and Recreation Activities Building that is located at 980 Redwine Road, Fayetteville, Georgia beginning at 7:00 p.m.

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca Smith, County Clerk, via email at tsmith@fayettecountyga.gov or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, October 28, 2022.**

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME Nick Kilburg

ADDRESS 155 Silver Leaf Drive

Fayetteville, GA 30214

TELEPHONE (cell) [REDACTED] (home) [REDACTED]

EMAIL ADDRESS [REDACTED]

Nick Kilburg
Signature

10/26/2022
Date

**APPLICATION FOR APPOINTMENT
Fayette County Recreation Commission**

1. How long have you been a resident of Fayette County?

13 years

2. Why are you interested in serving on the Fayette County Recreation Commission?

Moving to Fayette County has been one of the best decisions my family has made. Watching it develop over the last decade has been exciting. The continued development of recreation and leisure facilities and programs is an important component to quality of life, economic development, tourism, and conserving greenspace. My interest in serving on this committee is driven by a desire to see quality of life, development of recreation infrastructure, and conservation of natural areas continue in Fayette County.

3. What qualifications and experience do you possess for appointment to the Recreation Commission?

Education: Bachelors in Fitness Management (Wartburg College 2003), Masters Leisure, Youth & Human Services (University of Northern Iowa 2011), Graduate Certificate in Ecological Restoration (Auburn University 2022).

Experience: 10+ years of professional experience in parks and recreation.

Community Involvement: Leadership Fayette (Fayette Chamber of Commerce 2016), Fayette County Comprehensive Plan Review Committee (Fayette County 2021-2022)

4. List your recent employment experiences to include name of company and position.

Assistant Director of Recreation & Wellness (Clayton State University 2009-2015), Director of Recreation & Wellness (2015-2017), Director of Conservation & Education (Southern Conservation Trust 2017-2020), Senior Director of Parks & Education (Southern Conservation Trust 2020-2022). I have recently left my position with the Southern Conservation Trust to start my own business.

5. Do you have any past experience relating to the Recreation Commission? If so, please describe.

No

6. Are you currently serving on a commission/board/authority or in an elected capacity with any government?

No

7. Have you attended any Recreation Commission meetings in the past two years and, if so, how many?

No

8. Are you willing to attend seminars or continuing education classes at county expense?

Yes

9. What is your vision of the county's future related to the duties of the Recreation Commission?

I envision the continued development of Fayette County in a manner that benefits quality of life, natural areas, and economic sustainability. The Recreation Commission can provide guidance that can have a positive impact on all the aforementioned topics.

10. Would there be any possible conflict of interest between your employment or your family and you serving on the Recreation Commission?

Not currently.

11. Are you in any way related to a County Elected Official or County employee? If so, please describe.

No

12. Describe your current community involvement.

My current focus has been the development of my business, but I do attend various local government meetings and serve as a member of the Media Committee at Fayette Elementary School.

13. Have you been provided a copy of the county's Ethics Ordinance?

Yes

14. Is there any reason you would not be able to comply with the Ethics Ordinance?

No

Nicholas Kilburg

Conservation, Recreation, and Natural Resources Professional

Skilled natural resources, conservation, parks & recreation professional with 10+ years experience working for non-profit and public organizations.

Work History

Senior Director of Parks and Education July 2020 – Present
Southern Conservation Trust Fayetteville, GA

- Oversee the operation of educational and recreational programs, park management and maintenance, animal care, nature center, environmental art, volunteerism, material reclamation, landscaping, and horticulture.
- Manage and train park and program staff.
- Design and develop parks and nature areas.
- Create and implement ecological restoration projects.
- Maintain records and complete reports related to parks and programs.
- Interact with diverse stakeholders to further environmental education, conservation, and recreational opportunities.
- Assist in grant identification and application development.

Director of Conservation and Outdoor Education Sept. 2017 – July 2020
Southern Conservation Trust Peachtree City, GA

- Park development and nature area management.
- Developed educational and recreational programs.
- Monitored and drafted land management plans for conservation properties.
- Developed landowner relationships and drafted conservation easements for private lands.
- Interacted with diverse stakeholders to conserve land and provide recreational areas.
- Assist in grant identification and application development.

Director of Recreation and Wellness July 2015 – September 2017
Clayton State University Morrow, GA

- Managed all aspects of the Department of Recreation & Wellness which included fitness and wellness, intramural sports, club sports, outdoor recreation, challenge course programming, and facility maintenance. Developed and oversaw the implementation of risk management policies, program and departmental assessment, facility management procedures.
- Provided leadership for professional and student staff.
- Fiscal responsibilities included purchasing, budget development and management.

Assistant Director of Recreation and Wellness November 2009 – June 2015
Clayton State University Morrow, GA

- Administered a comprehensive outdoor recreation program including adventure trips, outdoor skills workshops, challenge course workshops, student leadership development, gear & bike lending, program and departmental assessment, program budgeting, risk management, and purchasing.
- Designed and developed a low element challenge course, disc golf course, and fitness trails.

Personal Info

Email: [REDACTED]

Phone: [REDACTED]

Address: 155 Silver Leaf Drive
Fayetteville, GA 30214

Education

Auburn University August 2022
Graduate Certificate Restoration Ecology

University of Northern Iowa May 2011
M.A. in Leisure, Youth & Human Services

Wartburg College August 2003
B. A. in Fitness Management

Certifications

- ♦ Landscape Design Certification
Emory University
- ♦ Permaculture Design Certification
Regenerative Earth Design
- ♦ Master Educator
Leave No Trace

Skills

- ♦ Park & Landscape Design
- ♦ Ecological Restoration
- ♦ Land Management
- ♦ Wildlife Management
- ♦ Outdoor Recreation
- ♦ Environmental Education
- ♦ Project Management
- ♦ Staff Development & Leadership
- ♦ Animal Husbandry
- ♦ Carpentry & Construction
- ♦ Gardening & Food Production
- ♦ Volunteer Management
- ♦ Budget Development & Management

COUNTY AGENDA REQUEST

Page 398 of 454

Department: Environmental Management

Presenter(s): Bryan Keller, Director

Meeting Date: Thursday, December 8, 2022

Type of Request: New Business #19

Wording for the Agenda:

Request to approve to enter an Intergovernmental Agreement with Brooks, Fayetteville, Peachtree City and the Town of Tyrone allowing for the use and distribution of proceeds from the 2023 Special Purpose Local Option Sales Tax (SPLOST) for Capital Outlay Projects.

Background/History/Details:

In order for the Board to call for referendum for the 2023 SPLOST on March 21, 2023 they must enter an intergovernmental agreement with all the participating municipalities. This agreement has been approved by all participating municipalities.

What action are you seeking from the Board of Commissioners?

Approval of request to enter an Intergovernmental Agreement with Brooks, Fayetteville, Peachtree City and the Town of Tyrone allowing for the use and distribution of proceeds from the 2023 Special Purpose Local Option Sales Tax (SPLOST) for Capital Outlay Projects.

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 Yes

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

STATE OF GEORGIA

COUNTY OF FAYETTE

**INTERGOVERNMENTAL AGREEMENT
FOR THE USE AND DISTRIBUTION OF PROCEEDS FROM THE
2023 SPECIAL PURPOSE LOCAL OPTION SALES TAX
FOR CAPITAL OUTLAY PROJECTS**

THIS AGREEMENT is made and entered this the ____ day of _____, 20____ by and between Fayette County, a political subdivision of the State of Georgia (the "County"), and the Town of Brooks, the City of Fayetteville, the City of Peachtree City, and the Town of Tyrone, municipal corporations of the State of Georgia (the "Municipalities", individually and collectively) (the "Agreement").

WITNESSETH:

WHEREAS, O.C.G.A. § 48-8-110 et seq. (the "Act"), authorizes the levy of a one percent County Special Purpose Local Option Sales Tax (the "SPLOST") for the purpose of financing capital outlay projects for the use and benefit of the County and qualified municipalities within the County; and

WHEREAS, the County and Municipalities met to discuss possible projects for inclusion in the SPLOST referendum on the ____ day of _____, 20____ in conformance with the requirements of O.C.G.A. § 48-8-111 (a); and

WHEREAS, the County and Municipalities deem it to be in the best interests of the special district of Fayette County created by O.C.G.A. § 48-8-110 (a) (the "Special District") to improve Public Services in the Special District by carrying out the hereinafter described capital outlay projects, and the most feasible plan for providing funds to pay the costs of such capital outlay projects is to impose a SPLOST, pursuant to the Act; and

WHEREAS, the Act allows the proceeds of the SPLOST to be distributed pursuant to the terms of a contract entered into pursuant to Article IX, Section III, Paragraph I of the Constitution of the State of Georgia between the County and one or more "qualified municipalities" (as defined in the Act) located within the Special District containing a combined total of no less than 50 percent of the aggregate municipal population located within the Special District; and

WHEREAS, the County and the Municipalities have negotiated a division of the SPLOST proceeds as authorized by the Act.

NOW, THEREFORE, for and in consideration of the mutual promises and understandings made in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the County and the Municipalities, the County and the Municipalities consent and agree as follows:

Section 1 – Representations and Mutual Covenants

A. The County makes the following representations and warranties which may be specifically

relied upon by all parties as a basis for entering this Agreement:

1. The County is a political subdivision duly created and organized under the Constitution of the State of Georgia;
 2. The governing authority of the County is duly authorized to execute, deliver and perform this Agreement; and
 3. This Agreement is a valid, binding, and enforceable obligation of the County; and
 4. The County will take all actions necessary to call an election to be held in all voting precincts in the County on the ____ day of March, 2023 for the purpose of submitting to the voters of the County for their approval, the question of whether or not a SPLOST shall be imposed on all sales and uses within the Special District for a period of 24 quarters (six (6) years), commencing on the ____ day of _____, 2023, to raise an estimated \$210,033,000.00 to be used for funding the projects specified in Exhibit "A" attached hereto.
- B. Each of the Municipalities makes the following representations and warranties which may be specifically relied upon by all parties as a basis for entering this Agreement:
1. Each Municipality is a municipal corporation duly created and organized under the laws of the State of Georgia;
 2. The governing authority of each Municipality is duly authorized to execute, deliver and perform this Agreement;
 3. This Agreement is a valid, binding, and enforceable obligation of each Municipality;
 4. Each Municipality is a qualified municipality as defined in O.C.G.A. §48-8-110 (4); and
 5. Each Municipality is located entirely or partially within the geographic boundaries of the Special District.
- C. It is the intention of the County and Municipalities to comply in all respects with O.C.G.A. §48-8-110 et seq., and all provisions of this Agreement shall be construed in light of O.C.G.A. § 48-8-110 et seq.
- D. The County and Municipalities agree to promptly proceed with the acquisition, construction, equipping and installation of the projects specified in Exhibit "A" of this Agreement and in accordance with the priority order referenced in Section 8 of this Agreement.
- E. The County and Municipalities agree that each approved SPLOST project associated with this Agreement shall be maintained as a public facility and in public ownership. If ownership of a project financed pursuant to this Agreement is transferred to private ownership, the proceeds of the sale shall, for the purposes of this Agreement, be deemed excess funds and disposed of as provided under O.C.G.A. § 48-8-121 (g) (2).
- F. The County and Municipalities agree to maintain thorough and accurate records

concerning receipt of SPLOST proceeds and expenditures for each project undertaken by the respective County or Municipality as required fulfilling the terms of this Agreement.

Section 2 - Conditions Precedent

- A. The obligations of the County and Municipalities pursuant to this Agreement are conditioned upon the adoption of a resolution of the County calling for the imposition of the SPLOST in accordance with the provisions of O.C.G.A. § 48-8-111 (a).
- B. This Agreement is further conditioned upon the approval of the proposed imposition of the SPLOST by the voters of the County in a referendum to be held in accordance with the provisions of O.C.G.A. § 48-8-111 (b) through (e).
- C. This Agreement is further conditioned upon the collecting of the SPLOST revenues by the state revenue commissioner and transferring same to the County.

Section 3 - Effective Date and Term of the Tax

The SPLOST, subject to approval in an election to be held on March ____, 2023, shall continue for a period of six (6) years with collections beginning on _____, 2023.

Section 4 - Effective Date and Term of this Agreement

This Agreement shall commence upon the date of its execution and shall terminate upon the later of:

- A. The official declaration of the failure of the election described in this Agreement;
- B. The expenditure by the County and all of the Municipalities of the last dollar of money collected from the SPLOST after the expiration of the term of the tax; or
- C. The completion of all projects described in Exhibit A.

Section 5 - County SPLOST Fund; Separate Accounts; No Commingling

- A. A special fund or account shall be created by the County and designated as the 2023 Fayette County Special Purpose Local Option Sales Tax Fund ("SPLOST Fund"). The County shall select a local bank which shall act as a depository and custodian of the SPLOST Fund upon such terms and conditions as may be acceptable to the County.
- B. The Town of Brooks shall create a special fund to be designated as the 2023 Brooks Special Purpose Local Option Sales Tax Fund.
- C. The City of Fayetteville shall create a special fund to be designated as the 2023 Fayetteville Special Purpose Local Option Sales Tax Fund.
- D. The City of Peachtree City shall create a special fund to be designated as the 2023 Peachtree City Special Purpose Local Option Sales Tax Fund.

- E. The Town of Tyrone shall create a special fund to be designated as the 2023 Tyrone Special Purpose Local Option SalesTax Fund.
- F. Each Municipality shall select a local bank which shall act as a depository and custodian of the SPLOST proceeds received by each Municipality upon such terms and conditions as may be acceptable to the Municipality.
- G. All SPLOST proceeds shall be maintained by the County and each Municipality in the separate accounts or funds established pursuant to this Section. Except as provided in Section 6, SPLOST proceeds shall not be commingled with other funds of the County or Municipalities and shall be used exclusively for the purposes detailed in this Agreement. No funds other than SPLOST proceeds shall be placed in such funds or accounts.

Section 6 - Procedure for Disbursement of SPLOST Proceeds

- A. Upon receipt by the County of SPLOST proceeds collected by the state revenue commissioner, the County shall immediately deposit said proceeds in the SPLOST Fund. The monies in the SPLOST Fund shall be held and applied to the cost of acquiring, constructing and installing the County capital outlay projects listed in Exhibit "A" and as provided in Paragraph B of this Section.
- B. The County, following deposit of the SPLOST proceeds in the SPLOST Fund, shall disburse within 10 business days the SPLOST proceeds due to each Municipality in the separate funds established by each Municipality in accordance with Section 5 of this Agreement, in the following percentages for the following purposes:
 - 0.476% shall be paid to the Town of Brooks to fund the capital outlay projects specified in Exhibit "A;"
 - 15.904% shall be paid to the City of Fayetteville to fund the capital outlay projects specified in Exhibit "A;"
 - 32.086% shall be paid to the City of Peachtree City to fund the capital outlay projects specified in Exhibit "A;" and
 - 6.425% shall be paid to the Town of Tyrone to fund the capital outlay projects specified in Exhibit "A."
- C. Should any Municipality cease to exist as a legal entity before all funds are distributed under this Agreement, that Municipality's share of the funds subsequent to dissolution shall be paid to the County as part of the County's share unless an Act of the Georgia General Assembly makes the defunct Municipality part of another successor municipality. If such an act is passed, the defunct Municipality's share shall be paid to the successor municipality in addition to all other funds to which the successor municipality may otherwise be entitled.

Section 7 - Projects

All capital outlay projects, to be funded in whole or in part from SPLOST proceeds, are listed in Exhibit “A” which is attached hereto and made part of this Agreement.

Section 8 - Priority and Order of Project Funding

Projects shall be fully or partially funded and constructed in accordance with the schedule found in Exhibit “A” of this Agreement. Except as provided in Paragraph B and Paragraph C of Section 9 of this Agreement, any change to the priority or schedule must be agreed to in writing by all parties to this Agreement.

Section 9 - Completion of Projects

- A. The County and Municipalities acknowledge that the costs shown for each project described in Exhibit “A” are estimated amounts.
- B. If a County project has been satisfactorily completed at a cost less than the estimated cost listed for that project in Exhibit “A,” the County may apply the remaining unexpended funds to any other County project in Exhibit “A.”
- C. If a project of any Municipality has been satisfactorily completed at a cost less than the estimated cost listed for that project in Exhibit “A,” the Municipality may apply the remaining unexpended funds to any other project included for that Municipality in Exhibit “A.”
- D. The County and Municipalities agree that each approved SPLOST project associated with this Agreement shall be completed or substantially completed within five years after the termination of the SPLOST. Any SPLOST proceeds collected in any year in excess of the following:

Year 2023	\$32,227,000
Year 2024	\$33,290,000
Year 2025	\$34,389,000
Year 2026	\$35,524,000
Year 2027	\$36,696,000
Year 2028	\$37,907,000

shall be divided between the County and Municipalities proportionally, as indicated in Section 6, Paragraph B.

Section 10 - Certificate of Completion

Within thirty (30) days after the acquisition, construction or installation of a project of any Municipality listed in Exhibit “A” is completed, the Municipality owning the project shall file with the County a Certificate of Completion signed by the mayor or chief elected official of the respective Municipality, setting forth the date on which the project was completed, and the final cost of the project.

Section 11 - Expenses

The County shall administer the SPLOST Fund to effectuate the terms of this Agreement and shall be reimbursed for the actual costs of administration of the SPLOST Fund. Furthermore, the County and Municipalities shall be jointly responsible on a per capita basis for the cost of holding the SPLOST election. The County shall be reimbursed for the costs of the election from each of the municipalities at the following percentages of the total costs of the election:

Town of Brooks	0.476%
City of Fayetteville	15.904%
City of Peachtree City	32.086%
Town of Tyrone	6.425%

Section 12 - Audits

- A. During the term of this Agreement, the distribution and use of all SPLOST proceeds deposited in the SPLOST Fund and each fund of the Municipalities shall be audited annually by an independent certified public accounting firm in accordance with O.C.G.A. § 48-8-121 (a) (2). The County and each Municipality receiving SPLOST proceeds shall be responsible for the cost of their respective audits. The County and the Municipalities agree to cooperate with the independent certified public accounting firm in any audit by providing all necessary information.
- B. Each Municipality shall provide the County a copy of the audit of the distribution and use of the SPLOST proceeds by the Municipality.

Section 13 - Notices

All notices, consents, waivers, directions, requests or other instruments or communications provided for under this Agreement shall be deemed properly given when delivered personally or sent by registered or certified United States mail, postage prepaid, as follows:

For Fayette County:

County Manager
140 Stonewall Avenue West
Suite 100
Fayetteville, GA 30214

For the Town of Brooks:

Mayor, Town of Brooks
961 Highway 85 Connector
PO Box 96
Brooks, Georgia 30205

For the City of Fayetteville:

City Manager
City Hall
210 Stonewall Avenue West
Fayetteville, Georgia 30214

For the City of Peachtree City:
City Manager
151 Willowbend Road
Peachtree City, Georgia 30269

For the Town of Tyrone:
Town Manager
950 Senoia Road
Tyrone, Georgia 30290

Section 14 - Entire Agreement

This Agreement, including any attachments or exhibits, constitutes all of the understandings and agreements existing between the County and the Municipalities with respect to distribution and use of the proceeds from the SPLOST. Furthermore, this Agreement supersedes all prior agreements, negotiations and communications of whatever type, whether written or oral, between the parties hereto with respect to distribution and use of said SPLOST.

Section 15 - Amendments

This Agreement shall not be amended or modified except by agreement in writing executed by the governing authorities of the County and the Municipalities.

Section 16 - Governing Law

This Agreement shall be deemed to have been made and shall be construed and enforced in accordance with the laws of the State of Georgia.

Section 17 - Severability

Should any phrase, clause, sentence, or paragraph of this Agreement be held invalid or unconstitutional, the remainder of the Agreement shall remain in full force and effect as if such invalid or unconstitutional provision were not contained in the Agreement unless the elimination of such provision detrimentally reduces the consideration that any party is to receive under this Agreement or materially affects the operation of this Agreement.

Section 18 - Compliance with Law

The County and the Municipalities shall comply with all applicable local, State, and Federal statutes, ordinances, rules and regulations.

Section 19 - No Consent to Breach

No consent or waiver, express or implied, by any party to this Agreement, to any breach of any covenant, condition or duty of another party shall be construed as a consent to or waiver of any future breach of the same.

Section 20 - Counterparts

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 21 - Mediation

The County and Municipalities agree to submit any controversy arising under this Agreement to mediation for a resolution. The parties to the mediation shall mutually select a neutral party to serve as mediator. Costs of mediation shall be shared equally among the parties to the mediation.

IN WITNESS WHEREOF, the County and the Municipalities acting through their duly authorized agents have caused this Agreement to be signed, sealed and delivered for final execution by the County and the Municipalities on the date indicated herein.

[SIGNATURES TO FOLLOW ON NEXT PAGE]

FAYETTE COUNTY, GEORGIA

(SEAL)

By: _____
Lee Hearn, Chairman

ATTEST:

Tameca P. Smith, County Clerk

TOWN OF BROOKS, GEORGIA

(SEAL)

By: _____
Daniel C. Langford, Jr., Mayor

ATTEST:

Lorey Spohr, Town Clerk

CITY OF FAYETTEVILLE, GEORGIA

(SEAL)

By: _____
Edward Johnson, Mayor

ATTEST:

Valerie Glass, City Clerk

CITY OF PEACHTREE CITY, GEORGIA

(SEAL)

By: _____
Kim Learnard, Mayor

ATTEST:

Yasmin Julio, City Clerk

TOWN OF TYRONE, GEORGIA

(SEAL)

By: _____
Eric Dial, Mayor

ATTEST:

Dee Baker, Town Clerk

Exhibit “A”

The Projects shall consist of County Projects and City Projects. The County Projects, the City Projects, and their estimated costs are set forth below:

Fayette County Projects

Justice Center Renovation including 3rd Floor Buildout

Justice Center Final Buildout	\$14,500,000
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Public Safety

Fire/EMS Training Center Phase II	\$ 2,000,000
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Fire Quint Replacements – 2 Units	\$ 3,250,000
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Fire/EMS Heavy Rescue Equipment	\$ 1,900,000
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Fire/EMS Self-Contained Breathing Apparatus (SCBA) Replacement	\$ 2,000,000
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EMS Ambulance Replacement – 3 Units	\$ 900,000
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Backup 911 Center & Emergency Operations Center (EOC) (South Fayette)	\$ 1,500,000
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Sheriff Watch Office Reconfiguration & System-Wide Camera Upgrade	\$ 1,300,000
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Sheriff Tactical Driving Course & Mock Village	\$ 2,500,000
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Parks, Recreation & Human Services

Parks & Recreational Multipurpose Facility	\$14,000,000
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Senior Services Enhancements – Transport Vehicles, Café & Meals on Wheels	\$ 1,250,000
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Starr’s Mill Environmental Education Center & Public Restroom	\$ 1,000,000
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Animal Control Masterplan – Walking Trails and Livestock Building	\$ 500,000
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Stormwater Projects

Category I – Flooding and Safety	\$ 3,638,000
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Category II – Stormwater Infrastructure Preservation

Tier 1 – Immediate Attention	\$17,990,900
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Tier 2 – Needs Replacement Soon	\$ 0
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Exhibit “A” (Cont’d)**Transportation**

Infrastructure Preservation and Improvements	\$ 5,700,000
Corridor Improvements/New Road Construction/Capacity Projects	\$ 4,000,000
Intersection Improvements	\$11,400,000
Pedestrian, Bicycle, and Multi-Use Path Projects	\$ 4,400,000
Planning Studies/Concept Reports	<u>\$ 1,000,000</u>

Total	\$94,728,900
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Town of Brooks

Category I, Tier I: Woods Road Culvert	\$ 450,000
Category I, Tier I: Brooks Road/Highway 85 Conn. Intersection Improvements	\$ 450,000
Category I, Tier II: BAR Upgrades/Aubrey Park	\$ 25,000
Category I, Tier II: Sidewalks and Stormwater Infrastructure	\$ 150,000
Category II, Tier I: Library Upgrades	\$ 65,000
Category II, Tier II: Road Resurfacing	\$ 250,000
Category II, Tier II: Cemetery Expansion, Front Lot Drive, Rear Lot Columbaria	\$ 150,000
Category II, Tier II: Market Hall Renovations	<u>\$ 110,000</u>

Total	\$ 1,650,000
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City of Fayetteville**General Government**

Debt Retirement	Retirement of Existing Debt	City Administration	\$3,000,000
Technology	Technology Hardware and Software	Finance	\$ 750,000

Exhibit “A” (Cont’d)**Public Safety**

Vehicles	30 New Police Cars (\$75K/Vehicle)	Police	\$2,250,000
	Aerial Ladder Truck	Fire	\$1,500,000
	Quick Response Vehicle	Fire	\$ 200,000
Facilities	Expand/Enhance Public Safety Facilities	Police/Muni. Ct.	\$4,500,000
Technology	Smart Cities Camera Technology	Police	\$2,000,000
Equipment	Equipment	Fire	\$ 300,000
Equipment	Equipment	Police	\$ 380,000

Transportation/Public Services

Road Resurfacing	Milling, Patching, Etc. Approx. 21+ miles	Public Services	\$6,000,000
New Road Constr.	Downtown Road Network	Public Services	\$3,500,000
	First Manassas Road Connection	Public Services	\$1,500,000
Sidewalk Improv.	New Sidewalks and Repairs	Public Services	\$2,000,000
Building Renovation	Headquarters Renovation & Expansion	Public Services	\$1,000,000
Gateway Signage	New Monument Signage – City Entry	Community Dev.	\$ 500,000

Parks and Recreation

New Trails	New Multi-Use Trails	Community Dev.	\$4,000,000
New/Expand. Parks	Land Acquisition, New Parks, Park Imp.	Public Services	\$3,000,000

Stormwater

Stormwater	Prioritized Repairs – Stormwater Report		<u>\$4,000,000</u>
Total			\$40,380,000

Exhibit “A” (Cont’d)**City of Peachtree City**

Project	Qty.	Total
Public Safety		
Fire		
Replace Reserve Engine – 2007/2008	2	\$1,500,000
Purchase New Engine – Station 85	1	\$ 750,000
Replace Reserve Medic 86 2013–2015 F450 (w/EKG and Lucas)	2	\$ 900,000
Replace Quint 84 (2004) (2208)	1	\$1,500,000
Replace Station 84 (100 kw) Generator	1	\$ 100,000
Turnout Gear Washer and Dryer for Each Station	6	\$ 84,000
Long Term EMS Equipment Replacement	Misc.	\$ 70,000
Extrication Rams for Engines	7	\$ 88,000
Digital Radios Replacement and Expansion	25	\$ 170,000
Station 85 Construction – Southside	1	\$2,500,000
Station 82 Construction – Eastside	1	\$2,800,000
Police		
Transport Vehicle	1	\$ 85,000
Pole Barn	1	\$ 55,000
Evidence Storage Enhancements	1	\$ 120,000
Pop-Up Security Trailer and Tower	1	\$ 43,000
Real-Time Crime Workstation (Security Camera Feed Center)	1	\$ 30,000
Digital Radios Replacement and Expansion	1	\$ 140,000
SRT Vehicle	1	\$ 350,000

Exhibit “A” (Cont’d)

K-9 Additions and Replacements	4	\$ 120,000
UAV (Unmanned Aerial Vehicle) Replacement	1	\$ 30,000
Portable Vehicle Lift	1	\$ 10,000

Paths

Path Construction (3 Miles per Year)	6	\$3,445,000
Path Transition Reconstruction (Signage, Smooth Curbing Transition, Etc.) – Citizen Suggestion	1	\$ 500,000
Replace Asphalt Spreader	1	\$ 210,000
Replace 750 Dump Truck	1	\$ 115,000
Replace Skid Steer	1	\$ 75,000
Robotic Slope Mower	1	\$ 95,000
Safety and Traffic Flow Improvements for Corrugated Metal Path Tunnels	1	\$3,500,000
Path Tunnel and Bridge Maintenance	6	\$ 875,000
Grade Separated Crossing to Connect Booth Middle and McIntosh High	1	\$4,000,000

Roads

Street Resurfacing Program (8 Miles per Year)	6	\$30,000,000
New Village Signage	18	\$ 180,000
Replace Street Sweeper	1	\$ 190,000
Intersection Improvements at Peachtree Pkwy & Robinson Rd.	1	\$2,280,600

Recreation

Drake Field Restrooms	1	\$ 500,000
Community Garden Site Redevelopments – 110 Kelly Drive	1	\$1,000,000
Playground Equipment Replacement & Expansion – Citywide	6	\$1,200,000

Exhibit “A” (Cont’d)

New Pickleball Courts with Lights and Restrooms	12	\$ 770,000
Additional Street Resurfacing	1	\$5,000,000
Additional Path Construction	1	<u>\$2,000,000</u>
Total		\$67,380,000

Town of Tyrone

Roads		\$2,500,000
Town-Wide Asphalt Resurfacing		
Right-of-Way Clearing		
Palmetto Senoia Intersection Improvements		
Multi-Use Paths		\$2,000,000
Sandy Creek High School Multi-Use Path		
Dogwood Railroad Multi-Use Path Crossing		
Laurelwood Connector		
Tullamore – Greencastle Connector		
Castlewood Multi-Use Path Improvements		
East Crestwood Road Path		
Downtown Improvements		\$2,500,000
Signage – Building and Parks		
Senoia Road Streetscaping – Lighting, trees, beautification, traffic calming, on-street parking, Multi-use trail expansion, etc.		
Commerce Drive Streetscaping		
Underground Utilities		
Crosswalk Improvements		
Curb and Gutter Improvements		

Exhibit “A” (Cont’d)

Parking Expansion – Downtown

Leisure Services \$2,500,000

Shamrock Park – Landscaping, hardscaping, lighting, and
electrical improvements

Shamrock – Multi-use Stage and Market Place

Shamrock – Parking Expansion & Improvements

Library-Rec Exterior Spaces Improvements

Museum Facility Improvements

Redwine Park Improvements

Veterans Park Improvements

Handley Park Improvements

Fabon Brown Park Improvements

Stormwater \$2,000,000

Dam Improvements

Infrastructure Improvements

Sewer \$1,500,000

Capacity

Infrastructure

Administration \$ 492,500

Public Works Dump Truck

Bucket Truck

Public Works Work Truck

Police Department Patrol Cars

Police and Public Works Radios and Equipment

Exhibit “A” (Cont’d)

Total

\$13,492,500

COUNTY AGENDA REQUEST

Page 416 of 454

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to approve Resolution 2022-10; to call for a referendum regarding the imposition of a Special Purpose Local Option Sales Tax (SPLOST) within the special district encompassing Fayette County.

Background/History/Details:

The intergovernmental agreement with the Town of Brooks, the City of Fayetteville, the City of Peachtree City and the Town of Tyrone has been presented to the Board and has received from each qualified municipality a list of projects and has also prepared a list of its own projects to be included as part of the SPLOST.

Once the Board has compiled a proposed list of local projects to be funded with the SPLOST, the board must adopt an ordinance or resolution calling for imposition of the tax. The resolution must include: a list of county and municipal projects for which proceeds of the tax are to be used, the estimated cost of each project to be funded from the proceeds of the tax and the time period of the levy stated in calendar years or calendar quarters.

What action are you seeking from the Board of Commissioners?

Approval of Resolution 2022-10 Resolution 2022-10; to call for a referendum regarding the imposition of a Special Purpose Local Option Sales Tax (SPLOST) within the special district encompassing Fayette County.

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:

STATE OF GEORGIA

FAYETTE COUNTY

RESOLUTION

NO. 2022-___

A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR FAYETTE COUNTY; TO CALL FOR A REFERENDUM REGARDING THE IMPOSITION OF A SPECIAL PURPOSE LOCAL OPTION SALES TAX WITHIN THE SPECIAL DISTRICT ENCOMPASSING FAYETTE COUNTY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners for Fayette County (the “County”) is the duly elected governing authority for the County; and

WHEREAS, the Board of Commissioners desires to call for a referendum for the imposition of a special purpose local option sales tax (the “SPLOST”) within the special district encompassing the County, pursuant to O.C.G.A. § 48-8-110 et seq.; and

WHEREAS, the Board of Commissioners has entered into an intergovernmental agreement with the Town of Brooks, the City of Fayetteville, the City of Peachtree City, and the Town of Tyrone (the “qualified municipalities”) and has received from each qualified municipality a list of projects to be included as part of the SPLOST; and

WHEREAS, in addition, the County has also prepared a list of its own projects to be included as part of the SPLOST; and

WHEREAS, the combined list of all projects to be included as part of the SPLOST is attached hereto as Exhibit “A”; and

WHEREAS, it is estimated that the total cost of the projects identified in Exhibit “A” will be \$_____; and

WHEREAS, the Board of Commissioners intends for said referendum on the SPLOST to be held on March 21, 2023, pursuant to state law governing the timing of special elections.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners for Fayette County that there shall hereby be a referendum on March 21, 2023 to submit to the voters of Fayette County the question of whether or not to impose a special local option sales tax of one percent within the special district encompassing Fayette County for the purpose of financing the projects identified in Exhibit “A”, which is attached hereto and made a part hereof by this reference.

BE IT FURTHER RESOLVED by the Board of Commissioners that the question to be submitted to the voters of Fayette County shall be that found in Exhibit “B”, which is attached hereto and made a part hereof by this reference.

BE IT FURTHER RESOLVED by the Board of Commissioners that, if approved, said special purpose local option sales tax shall be for the purposes of funding road, street and bridge improvements throughout the special district and:

- (a) For funding building renovations; public safety equipment and buildings; recreation building and services; construction and maintenance of stormwater infrastructure; and road improvements for Fayette County;

- (b) For funding road improvements; construction and maintenance of stormwater infrastructure; park and library improvements; cemetery expansion; and building improvements for the Town of Brooks;
- (c) For funding retirement of existing debt; technology upgrades; public safety vehicles and equipment; road improvements and signage; parks and park improvements; and construction and maintenance of stormwater infrastructure for the City of Fayetteville;
- (d) For funding public safety buildings, vehicles, and equipment; multi-use path maintenance and construction; road improvements; recreation buildings and equipment for the City of Peachtree City; and
- (e) For funding road improvements; construction and maintenance of multi-use paths; recreation buildings and equipment; construction and maintenance of stormwater infrastructure; construction and maintenance of sewer infrastructure; public safety vehicles and equipment; and public works vehicles and equipment for the Town of Tyrone.

BE IT FURTHER RESOLVED by the Board of Commissioners that the total estimated cost of the projects identified in Exhibit “A” is \$141,014,157.00; and

BE IT FURTHER RESOLVED by the Board of Commissioners that, if approved, the special purpose local option sales will be imposed for a maximum period of six (6) years.

RESOLVED this ____ day of _____, 2022.

BOARD OF COMMISSIONERS
OF FAYETTE COUNTY

By: _____
Lee Hearn, Chairman

(SEAL)

ATTEST:

Tameca P. Smith, County Clerk

Approved as to form:

County Attorney

COUNTY AGENDA REQUEST

Page 421 of 454

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to award Bid #2172-B: 2017 SPLOST; Stormwater Category II, Tier II; 20SAD Inman Road Culvert Replacement to the lowest responsive, responsible bidder, North Georgia Concrete, Inc., in the amount of \$764,983, and to transfer \$648,990 from Stormwater Contingency for this purpose.

Background/History/Details:

On March 21, 2017, the citizens of Fayette County voted to enact a Special Purpose Local Option Sales Tax (SPLOST) to replace failing infrastructure throughout the unincorporated area of Fayette County. Inman Road Culvert Replacement is listed as a stormwater SPLOST Category II, Tier II project (projects that need replacement soon).

This project replaces double 96-inch corrugated metal pipes conveying a creek under Inman Road with 56-LF of double 8-ft by 8-ft concrete box culvert along with the relocation of present utilities.

Staff requests approval.

What action are you seeking from the Board of Commissioners?

Approval to award Bid #2172-B: 2017 SPLOST; Stormwater Category II, Tier II; 20SAD Inman Road Culvert Replacement to the lowest responsive, responsible bidder, North Georgia Concrete, Inc., in the amount of \$764,983.00, and to transfer \$648,990 from Stormwater Contingency for this purpose.

If this item requires funding, please describe:

Available funding in 2017 SPLOST; Stormwater Category II, Tier II; 20SAD Inman Road is \$115,993.89. The additional funding of \$648,990 is available in the Stormwater Contingency Fund.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval


Administrator's Approval

Staff Notes:



Purchasing Department
140 Stonewall Avenue West, Ste 204
Fayetteville, GA 30214
Phone: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson

From: Ted L. Burgess 

Date: December 8, 2022

Subject: Contract #2172-B: Inman Road Culvert Replacement

Replacement of the culvert at 448 Inman Road is one of the projects that was included in the voter-approved manual for the 2017 Special Local Option Sales Tax (SPLOST). The existing corrugated metal pipes will be replaced with 56 linear feet of double 8-foot X 8-foot concrete box culvert. The project is listed in the SPLOST Manual under Category II, which indicates deformation or damage of the system may affect the drainage capacity or overall function of the structure.

The Purchasing Department issued Invitation to Bid (ITB) #2172-B to secure a contractor to replace the culvert. Notice of the opportunity was emailed to 69 companies. Another 493 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code #91339 (Construction, Pipe Culvert) and #21028 (Culverts, Concrete). The offer was also advertised through Georgia Local Government Access Marketplace, the Fayette County Newspaper, and the county website. Five companies submitted quotes (Attachment 1).

In Addendum #1 to the Invitation to Bid, the county had issued instructions to add a bid price for splicing fiber optic line in the work area, and an updated Bid Sheet to include the bid price. The apparent low bidder – North Georgia Concrete, Inc. – included \$7,250.00 in their bid price for the fiber optic work, but used the old form and did not show this portion of their bid separately. Since their total bid price does include the \$7,250.00, and they acknowledged receipt of the addendum, there is prima facie evidence that it was included. The minor irregularity of using the outdated form is being waived, as stipulated in the ITB Terms and Conditions, Item #11 – Defects or irregularities in bids.

Award is recommended to the lowest responsive, responsible bidder, North Georgia Concrete, Inc. A Contractor Performance Evaluation for previous work is attached (Attachment 2). Specifics of the proposed contract are as follows:

Contract Name	#2172-B: Inman Road Culvert Replacement
Contractor	North Georgia Concrete, Inc.
Type of Contract	Culvert Construction
Contract Amount	\$764,983.00

Budget:

Fund	322	2017 SPLOST
Org Code	32240320	Stormwater
Object	542410	Other Improvements
Project	\$115,993.89	20SAD (448 Inman Road)
Requested Transfer	<u>648,990.00</u>	Transfer from Stormwater Contingency
Total Available	\$764,983.89	Upon approval of Transfer by BOC

Attachment 1

Bid Summary
2172-B: Inman Road Culvert Replacement

Description	Site Engineering, Inc.	Wilson Construction Management LLC	Piedmont Paving, Inc.	Helix Group	North GA Concrete, Inc.
Mobilization	\$50,000.00	\$25,000.00	\$52,000.00	\$18,009.67	\$60,669.00
Traffic Control	120,000.00	60,000.00	63,050.00	33,681.81	14,403.00
Erosion Control	100,000.00	40,000.00	77,040.00	11,797.40	24,962.00
Clearing & Grubbing	40,000.00	30,000.00	38,170.00	14,290.52	38,675.00
Excavation & Demolition	50,000.00	250,000.00	78,715.00	68,250.48	139,200.00
Culvert Construction	600,000.00	355,000.00	292,975.00	473,580.01	300,201.00
Roadway Construction	350,000.00	50,000.00	67,690.00	165,321.47	134,622.00
Miscellaneous Concrete Work	367,000.00	400,000.00	131,195.00	0.00	1.00
Fiber Optic Line (splice and store)	52,000.00	45,000.00	7,700.00	22,297.36	7,250.00 ^(A)
Allowance	45,000.00	45,000.00	45,000.00	45,000.00	45,000.00
Total - Lump Sum Base Bid	1,774,000.00	1,300,000.00	853,535.00	852,228.72	764,983.00

^(A) The low bid was submitted on a superceded bid form, which had no line-item for Fiber Optic Line. However, they acknowledged receipt of the Addendum which included the updated bid form, and their total bid did include \$7,250.00 for fiber optic work. This amount was included in their Total Lump Sum Base bid as submitted, although it was not shown in the details. Based on this prima facie evidence, as stipulated in the Invitation to Bid, General Terms and Conditions #11 (Defects or Irregularities in Bids), the minor irregularity of using the outdated form is waived.

	FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION	Page 1			
1. Use this form to record contractor performance for any contract of \$50,000 or above. 2. The person who serves as project manager or account manager is the designated party to complete the evaluation. 3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.					
VENDOR INFORMATION		COMPLETE ALL APPLICABLE INFORMATION			
Company Name: North Georgia Concrete, Inc.	Contract Number: 1143-B				
Mailing Address: 85 Chestatee Industrial Park Drive	Contract Description or Title: Emerald Lake Dam				
City, St, Zip Code: Dahlonega, GA 30533	Contract Term (Dates): October 2016 – November 2018				
Phone Number: 770-355-7471	Task Order Number: N/A				
Cell Number: N/A	Other Reference:				
E-Mail Address: cweatherly@northgeorgiaconcrete.com					
DEFINITIONS					
OUTSTANDING – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.					
EXCELLENT (Exc) - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.					
SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.					
UNSATISFACTORY (UnSat) - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements					
EVALUATIONS (Place "X" in appropriate box for each criterion.)					
Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule		X			
2. Condition of delivered products		X			
3. Quality of work		X			
4. Adherence to specifications or scope of work		X			
5. Timely, appropriate, & satisfactory problem or complaint resolution		X			
6. Timeliness and accuracy of invoicing		X			
7. Working relationship / interfacing with county staff and citizens	X				
8. Service Call (On-Call) response time					X
9. Adherence to contract budget and schedule		X			
10. Other (specify):					X
11. Overall evaluation of contractor performance		X			
EVALUATED BY					
Signature: <i>P. Mallon</i>			Date of Evaluation: 11-8-22		
Print Name: Phil Mallon			Department/Division: Public Works		
Title: County Engineer			Telephone No: 7770-320-6009		

[illegible]

COUNTY AGENDA REQUEST

Page 427 of 454

Department: 911 Communications

Presenter(s): Katie Vogt, Director

Meeting Date: Thursday, December 8, 2022

Type of Request: New Business #22

Wording for the Agenda:

Request to approve Change Order #4, allocating \$284,492.97 of the contingency funds in the Public Safety Radio System (#1428-P) to secure P25 and related upgrades for existing radios, allowing them to function on the EF Johnson system.

Background/History/Details:

Fayette County, Georgia operates a Public Safety radio system which is housed at the 911 Communications Center, and provides services to the cities of Fayetteville and Peachtree City, the Town of Tyrone; Fayette County Board of Education; Fayette County Sheriff's Office and Marshal's Office; and Fire and Emergency Medical Services.

On November 8, 2018, the Board of Commissioners approved the final negotiated pricing for Contract #1428-P with EF Johnson for an amount not to exceed \$14,964,675.53. The requested amount is within this budget contingency.

Leading up to the radio system project, agencies began purchasing Motorola radios which are compatible with a P25 system. The intent was to bring these units over once a new system was purchased. The existing radios are serviceable and expected to last a number of years. They were however, purchased without some firmware features which are now necessary to maintain full functionality on the EF Johnson system. The cost of the requested feature upgrades is significantly less than the purchase of new radios and accessories, allowing agencies to continue using existing equipment which will perform up to the task for public safety.

What action are you seeking from the Board of Commissioners?

Approval of Change Order #4, allocating \$284,492.97 of the contingency funds in the Public Safety Radio System (#1428-P) to secure P25 and related upgrades for existing radios, allowing them to function on the EF Johnson system.

If this item requires funding, please describe:

Existing contingency fund in PS Radio System project (#1428-P)

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 Yes

Reviewed by Legal

Approved by Purchasing Yes

County Clerk's Approval Yes


Administrator's Approval


Staff Notes:



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: December 8, 2022

**Subject: Contract 1428-P: Public Safety Radio System
 Change Order 4: P25 Firmware Upgrades**

Fayette County, Georgia operates a Public Safety radio system which services the Cities of Fayetteville and Peachtree City, the Town of Tyrone, Fayette County Board of Education, Fayette County Sheriff's Office and the Marshal's Office, and Fire and Emergency Services for Fayette County and Peachtree City. Contract 1428-P, awarded to E.F. Johnson Company to upgrade the radio system, included a Contingency/Enhancement component of \$2,750,000. Change orders have been approved or proposed for use of a portion of these funds as follows:

Original Contingency/Enhancements Amount	\$2,750,000.00
Change Order 1: Subscriber Radios & Accessories	(768,277.85)
Change Order 2: Tower Remediation, Site Improvements, Etc.	(700,000.00)
Change Order 3: Twelve Carbyne Workstations	<u>(164,987.00)</u>
Net Balance – Contingency/Enhancements	\$1,116,735.15
Change Order 4 (Proposed): P25 and related upgrades	<u>(284,492.97)</u>
Contingency/Enhancements Balance	\$ 832,242.18

The recommendation to issue Change Order 4 will reduce the Contingency/Enhancements line-item by \$284,492.97 (Attachment 1) for necessary radio firmware to maintain fully functionality on the E.F. Johnson system. The cost of the requested upgrades is significantly less than the purchase of new radios and accessories and will allow agencies to continue using the existing equipment.

Specifics of the proposed contract change order are as follows:

Contract Name	1428-P: Public Safety Radio System
Contractor	E.F. Johnson Company
Change Order 4	P25 Firmware Upgrades
Not to Exceed Price:	
Initial Contract	\$14,964.675.53
Change Order 4	
P25 Firmware Upgrade	<u>284,492.97</u>
Contingency/Enhancements	<u>(284,492.97)</u>
Net Not to Exceed Price	\$14,964.675.53

Budget:
No Budget Impact



Quote Number: QUOTE-1927463

Billing Address:
FAYETTE COUNTY BOARD OF COMM
140 W STONEWALL AVE W STE 101
FAYETTEVILLE GA, 30214

Quote Name: Flash Upgrades & KVL for Fayette County
Radios
Quote Date: 2022-10-21
Expiration Date: 2023-01-01
Contract Name: 36717 - GA NASPO

Quote Created By:
Parks McIntosh
Account Executive
Parks.McIntosh@motorolasolutions.com
470-927-2457

Customer: FAYETTE COUNTY BOARD OF COMM
Contact Name: Kayte Vogt
Contact Email: kvogt@fayettecountyga.gov

Currency: USD

Terms and Conditions: none

Line #	Item Number	Description	Quantity	Unit List Price	Ext. List Price	Discount %	Discount \$	Unit Sale Price	Ext. Sale Price	APC
1	T8476B	KVL 5000	1	\$6,000.00	\$6,000.00	27.00%	\$1,620.00	\$4,380.00	\$4,380.00	0201
1a	CA00182AW	ADD: AES ENCRYPTION SOFTWARE	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0201
1b	CA03467AA	ADD: NORTH AMERICA MICRO USB CHARGER 100/240V.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0201
1c	CA03358AA	ADD: ASTRO 25 MODE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0201
1d	CA00243AJ	ADD: ADP PRIVACY.	1	\$300.00	\$300.00	27.00%	\$81.00	\$219.00	\$219.00	0201
	FLASHport Series APX 4000									
2	T7907A	9600 OR 3600 SINGLE SYSTEM DIGITAL TRUNKING.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
2a	QA00580AE	ENH: TDMA OPERATION.	25	\$569.00	\$14,225.00	27.00%	\$153.63	\$415.37	\$10,384.25	0430
	FLASHport Series APX 7000									
3	T7554A	ANALOG SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
3a	QA00580AB	ENH: TDMA OPERATION.	1	\$569.00	\$569.00	27.00%	\$153.63	\$415.37	\$415.37	0430
3b	G996AT	ENH: PROGRAMMING OVER P25 (OTAP).	1	\$127.00	\$127.00	27.00%	\$34.29	\$92.71	\$92.71	0430
3c	Q498AX	ENH: ASTRO 25 OTAR W/ MULTIKEY.	1	\$936.00	\$936.00	27.00%	\$252.72	\$683.28	\$683.28	0430
3d	Q808AX	ADD: ASTRO DIGITAL CAI OPERATION.	1	\$651.00	\$651.00	27.00%	\$175.77	\$475.23	\$475.23	0430
	FLASHport Series APX 7000									
4	T7554A	ANALOG SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
4a	QA00580AB	ENH: TDMA OPERATION.	1	\$569.00	\$569.00	27.00%	\$153.63	\$415.37	\$415.37	0430
4b	G996AT	ENH: PROGRAMMING OVER P25 (OTAP).	1	\$127.00	\$127.00	27.00%	\$34.29	\$92.71	\$92.71	0430
4c	Q498AX	ENH: ASTRO 25 OTAR W/ MULTIKEY.	1	\$936.00	\$936.00	27.00%	\$252.72	\$683.28	\$683.28	0430
4d	Q808AX	ADD: ASTRO DIGITAL CAI OPERATION.	1	\$651.00	\$651.00	27.00%	\$175.77	\$475.23	\$475.23	0430
	FLASHport Series APX 6000									
5	T7664A	DIGITAL SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
5a	Q498BA	ENH: ASTRO 25 OTAR W/ MULTIKEY.	5	\$936.00	\$4,680.00	27.00%	\$252.72	\$683.28	\$3,416.40	0430
5b	QA00580AE	ENH: TDMA OPERATION.	5	\$569.00	\$2,845.00	27.00%	\$153.63	\$415.37	\$2,076.85	0430
	FLASHport Series APX 6000									
6	T7664A	DIGITAL SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
6a	G996AX	ENH: PROGRAMMING OVER P25 (OTAP).	5	\$127.00	\$635.00	27.00%	\$34.29	\$92.71	\$463.55	0430
6b	Q498BA	ENH: ASTRO 25 OTAR W/ MULTIKEY.	5	\$936.00	\$4,680.00	27.00%	\$252.72	\$683.28	\$3,416.40	0430
6c	QA00580AE	ENH: TDMA OPERATION.	5	\$569.00	\$2,845.00	27.00%	\$153.63	\$415.37	\$2,076.85	0430
	FLASHport Series APX 6000									
7	T7665A	TDMA.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
7a	G996AX	ENH: PROGRAMMING OVER P25 (OTAP).	5	\$127.00	\$635.00	27.00%	\$34.29	\$92.71	\$463.55	0430
7b	Q498BA	ENH: ASTRO 25 OTAR W/ MULTIKEY.	5	\$936.00	\$4,680.00	27.00%	\$252.72	\$683.28	\$3,416.40	0430
	FLASHport Series APX 6000									
8	T7665A	TDMA.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
8a	G996AX	ENH: PROGRAMMING OVER P25 (OTAP).	5	\$127.00	\$635.00	27.00%	\$34.29	\$92.71	\$463.55	0430
8b	Q498BA	ENH: ASTRO 25 OTAR W/ MULTIKEY.	5	\$936.00	\$4,680.00	27.00%	\$252.72	\$683.28	\$3,416.40	0430
	FLASHport Series APX 8000									
9	T8627A	TDMA.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
9a	Q498AX	ENH: ASTRO 25 OTAR W/ MULTIKEY.	14	\$936.00	\$13,104.00	27.00%	\$252.72	\$683.28	\$9,565.92	0430
	FLASHport Series APX 6000XE									
10	T7664A	DIGITAL SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
10a	Q498BA	ENH: ASTRO 25 OTAR W/ MULTIKEY.	14	\$936.00	\$13,104.00	27.00%	\$252.72	\$683.28	\$9,565.92	0430
10b	QA00580AE	ENH: TDMA OPERATION.	14	\$569.00	\$7,966.00	27.00%	\$153.63	\$415.37	\$5,815.18	0430
	FLASHport Series APX 6500									
11	T7697A	DIGITAL SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
11a	G996AY	ENH: OVER THE AIR PROVISIONING.	1	\$127.00	\$127.00	27.00%	\$34.29	\$92.71	\$92.71	0430
11b	QA00580AC	ENH: UPGRADE TO TDMA.	1	\$569.00	\$569.00	27.00%	\$153.63	\$415.37	\$415.37	0430
11c	G298AV	ENH: ASTRO 25 OTAR W/ MULTIKEY.	1	\$936.00	\$936.00	27.00%	\$252.72	\$683.28	\$683.28	0430
	FLASHport Series APX 6000									
12	T7663A	ANALOG SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
12a	G996AX	ENH: PROGRAMMING OVER P25 (OTAP).	9	\$127.00	\$1,143.00	27.00%	\$34.29	\$92.71	\$834.39	0430
12b	Q361AT	ENH: P25 9600 BAUD TRUNKING.	9	\$380.00	\$3,420.00	27.00%	\$102.60	\$277.40	\$2,496.60	0430
12c	Q498BA	ENH: ASTRO 25 OTAR W/ MULTIKEY.	9	\$936.00	\$8,424.00	27.00%	\$252.72	\$683.28	\$6,149.52	0430
12d	QA00580AE	ENH: TDMA OPERATION.	9	\$569.00	\$5,121.00	27.00%	\$153.63	\$415.37	\$3,738.33	0430
12e	Q808AL	ADD: ASTRO DIGITAL CAI OPERATION.	9	\$651.00	\$5,859.00	27.00%	\$175.77	\$475.23	\$4,277.07	0430
	FLASHport Series APX 6000									
13	T7663A	ANALOG SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
13a	G996AX	ENH: PROGRAMMING OVER P25 (OTAP).	2	\$127.00	\$254.00	27.00%	\$34.29	\$92.71	\$185.42	0430
13b	Q361AT	ENH: P25 9600 BAUD TRUNKING.	2	\$380.00	\$760.00	27.00%	\$102.60	\$277.40	\$554.80	0430
13c	Q498BA	ENH: ASTRO 25 OTAR W/ MULTIKEY.	2	\$936.00	\$1,872.00	27.00%	\$252.72	\$683.28	\$1,366.56	0430
13d	QA00580AE	ENH: TDMA OPERATION.	2	\$569.00	\$1,138.00	27.00%	\$153.63	\$415.37	\$830.74	0430
13e	Q808AL	ADD: ASTRO DIGITAL CAI OPERATION.	2	\$651.00	\$1,302.00	27.00%	\$175.77	\$475.23	\$950.46	0430
	FLASHport Series APX 6000									
14	T7664A	DIGITAL SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
14a	G996AX	ENH: PROGRAMMING OVER P25 (OTAP).	9	\$127.00	\$1,143.00	27.00%	\$34.29	\$92.71	\$834.39	0430
14b	Q498BA	ENH: ASTRO 25 OTAR W/ MULTIKEY.	9	\$936.00	\$8,424.00	27.00%	\$252.72	\$683.28	\$6,149.52	0430

14c	QA00580AE	ENH: TDMA OPERATION.	9	\$569.00	\$5,121.00	27.00%	\$153.63	\$415.37	\$3,738.33	0430
	FLASHport Series APX6000									
15	T7664A	DIGITAL SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
15a	Q4988A	ENH: ASTRO 25 OTAR W/ MULTIKEY.	11	\$936.00	\$10,296.00	27.00%	\$252.72	\$683.28	\$7,516.08	0430
15b	QA00580AE	ENH: TDMA OPERATION.	11	\$569.00	\$6,259.00	27.00%	\$153.63	\$415.37	\$4,569.07	0430
	FLASHport Series APX6000									
16	T7665A	TDMA.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
16a	Q4988A	ENH: ASTRO 25 OTAR W/ MULTIKEY.	12	\$936.00	\$11,232.00	27.00%	\$252.72	\$683.28	\$8,199.36	0430
	FLASHport Series APX6500									
17	T7696A	ANALOG SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
17a	G361AK	ENH: ASTRO P25 TRUNKING SOFTWARE.	3	\$380.00	\$1,140.00	27.00%	\$102.60	\$277.40	\$832.20	0430
17b	G996AY	ENH: OVER THE AIR PROVISIONING.	3	\$127.00	\$381.00	27.00%	\$34.29	\$92.71	\$278.13	0430
17c	QA00580AC	ENH: UPGRADE TO TDMA.	3	\$569.00	\$1,707.00	27.00%	\$153.63	\$415.37	\$1,246.11	0430
17d	G298AV	ENH: ASTRO 25 OTAR W/ MULTIKEY.	3	\$936.00	\$2,808.00	27.00%	\$252.72	\$683.28	\$2,049.84	0430
17e	G808AE	ADD: ASTRO DIGITAL CAI OPERATION.	3	\$651.00	\$1,953.00	27.00%	\$175.77	\$475.23	\$1,425.69	0430
	FLASHport Series APX4500									
18	T8010A	ANALOG 3600 TRUNKING.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
18a	GA00894AB	ENH: ANALOG 3600 TRUNKING TO 9600 OR 3600 DIGITAL TRUNKING.	2	\$721.00	\$1,442.00	27.00%	\$194.67	\$526.33	\$1,052.66	0430
18b	G996AV	ENH: OVER THE AIR PROVISIONING.	2	\$127.00	\$254.00	27.00%	\$34.29	\$92.71	\$185.42	0430
18c	QA00580AC	ENH: UPGRADE TO TDMA.	2	\$569.00	\$1,138.00	27.00%	\$153.63	\$415.37	\$830.74	0430
18d	GA298AU	ADD: ENCRYPTION P25 AND MDC OTAR	2	\$936.00	\$1,872.00	27.00%	\$252.72	\$683.28	\$1,366.56	0430
	FLASHport Series APX6500									
19	T7698A	TDMA.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
19a	G996AY	ENH: OVER THE AIR PROVISIONING.	1	\$127.00	\$127.00	27.00%	\$34.29	\$92.71	\$92.71	0430
19b	G298AV	ENH: ASTRO 25 OTAR W/ MULTIKEY.	1	\$936.00	\$936.00	27.00%	\$252.72	\$683.28	\$683.28	0430
	FLASHport Series APX6500									
20	T7698A	TDMA.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
20a	G298AV	ENH: ASTRO 25 OTAR W/ MULTIKEY.	1	\$936.00	\$936.00	27.00%	\$252.72	\$683.28	\$683.28	0430
	FLASHport Series APX6500									
21	T7698A	TDMA.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
21a	G298AV	ENH: ASTRO 25 OTAR W/ MULTIKEY.	2	\$936.00	\$1,872.00	27.00%	\$252.72	\$683.28	\$1,366.56	0430
	FLASHport Series APX6500									
22	T7698A	TDMA.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
22a	G298AV	ENH: ASTRO 25 OTAR W/ MULTIKEY.	6	\$936.00	\$5,616.00	27.00%	\$252.72	\$683.28	\$4,099.68	0430
	FLASHport Series APX4500									
23	T8012A	9600 OR 3600 SINGLE SYSTEM DIGITAL TRUNKING.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
23a	G298AU	ADD: ENCRYPTION P25 AND MDC OTAR	15	\$936.00	\$14,040.00	27.00%	\$252.72	\$683.28	\$10,249.20	0430
	FLASHport Series APX7000XE									
24	T7553A	DIGITAL SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
24a	QA00580AB	ENH: TDMA OPERATION.	19	\$569.00	\$10,811.00	27.00%	\$153.63	\$415.37	\$7,892.03	0430
24b	G996AT	ENH: PROGRAMMING OVER P25 (OTAP).	19	\$127.00	\$2,413.00	27.00%	\$34.29	\$92.71	\$1,761.49	0430
24c	Q498AX	ENH: ASTRO 25 OTAR W/ MULTIKEY.	19	\$936.00	\$17,784.00	27.00%	\$252.72	\$683.28	\$12,982.32	0430
	FLASHport Series APX7000XE									
25	T7627A	TDMA.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
25a	Q498AX	ENH: ASTRO 25 OTAR W/ MULTIKEY.	4	\$936.00	\$3,744.00	27.00%	\$252.72	\$683.28	\$2,733.12	0430
	FLASHport Series APX7000XE									
26	T7553A	DIGITAL SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
26a	QA00580AB	ENH: TDMA OPERATION.	8	\$569.00	\$4,552.00	27.00%	\$153.63	\$415.37	\$3,322.96	0430
26b	G996AT	ENH: PROGRAMMING OVER P25 (OTAP).	8	\$127.00	\$1,016.00	27.00%	\$34.29	\$92.71	\$741.68	0430
26c	Q498AX	ENH: ASTRO 25 OTAR W/ MULTIKEY.	8	\$936.00	\$7,488.00	27.00%	\$252.72	\$683.28	\$5,466.24	0430
	After Market Encryption Upgrades									
27	T7936A	APX UCM UPGRADE CD.	1	\$57.50	\$57.50	0.00%	\$0.00	\$57.50	\$57.50	0526
27a	CA00182AR	ADD: AES ENCRYPTION SOFTWARE.	100	\$696.00	\$69,600.00	0.00%	\$0.00	\$696.00	\$69,600.00	0526
	After Market Encryption Upgrades									
28	T7936A	APX UCM UPGRADE CD.	1	\$57.50	\$57.50	0.00%	\$0.00	\$57.50	\$57.50	0526
28a	CA00182AR	ADD: AES ENCRYPTION SOFTWARE.	53	\$696.00	\$36,888.00	0.00%	\$0.00	\$696.00	\$36,888.00	0526
	Standalone Items									
29	WPLN6904A	ASSY:KIT,KEYLOAD CABLE.	1	\$118.80	\$118.80	27.00%	\$32.08	\$86.72	\$86.72	0795
	Standalone Items									
30	HKN6182B	CABLE KEYLOADING ADAPTER CGAI.	1	\$196.00	\$196.00	20.00%	\$39.20	\$156.80	\$156.80	0362
31	TKN8531C	CABLE, KEYLOAD.	1	\$311.44	\$311.44	20.00%	\$62.29	\$249.15	\$249.15	0362

Net Total \$284,492.97
 Estimated Tax \$0.00
 Estimated Freight \$0.00
 Grand Total \$284,492.97



Quote Number: QUOTE-1927463

Billing Address:

FAYETTE COUNTY BOARD OF COMM
140 W STONEWALL AVE W STE 101
FAYETTEVILLE GA, 30214

Quote Name: Flash Upgrades & KVL for Fayette County
Radios

Quote Date: 2022-10-21

Expiration Date: 2023-01-01

Contract Name: 36717 - GA NASPO

Quote Created By:

Parks McIntosh

Account Executive

Parks.McIntosh@motorolasolutions.com

470-927-2457

Customer: FAYETTE COUNTY BOARD OF COMM

Contact Name: Kayte Vogt

Contact Email: kvogt@fayettecountygva.gov

Currency: USD

Terms and Conditions: none

Line #	Item Number	Description	Quantity	Unit List Price	Ext. List Price	Discount %	Discount \$	Unit Sale Price	Ext. Sale Price	APC
	KVL 5000									
1	T8476B	KVL 5000.	1	\$6,000.00	\$6,000.00	27.00%	\$1,620.00	\$4,380.00	\$4,380.00	0201
1a	CA00182AW	ADD: AES ENCRYPTION SOFTWARE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0201
		ADD: NORTH AMERICA MICRO USB CHARGER 100/240V.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0201
1b	CA03467AA		1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0201
1c	CA03358AA	ADD: ASTRO 25 MODE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0201
1d	CA00243AJ	ADD: ADP PRIVACY.	1	\$300.00	\$300.00	27.00%	\$81.00	\$219.00	\$219.00	0201
	FLASHport Series APX 4000									
2	T7907A	9600 OR 3600 SINGLE SYSTEM DIGITAL TRUNKING.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
2a	QA00580AE	ENH: TDMA OPERATION.	25	\$569.00	\$14,225.00	27.00%	\$153.63	\$415.37	\$10,384.25	0430
	FLASHport Series APX 7000									
3	T7554A	ANALOG SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
3a	QA00580AB	ENH: TDMA OPERATION.	1	\$569.00	\$569.00	27.00%	\$153.63	\$415.37	\$415.37	0430
3b	G996AT	ENH: PROGRAMMING OVER P25 (OTAP).	1	\$127.00	\$127.00	27.00%	\$34.29	\$92.71	\$92.71	0430
3c	Q498AX	ENH: ASTRO 25 OTAR W/ MULTIKEY.	1	\$936.00	\$936.00	27.00%	\$252.72	\$683.28	\$683.28	0430
3d	Q808AK	ADD: ASTRO DIGITAL CAI OPERATION.	1	\$651.00	\$651.00	27.00%	\$175.77	\$475.23	\$475.23	0430
	FLASHport Series APX 7000									
4	T7554A	ANALOG SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
4a	QA00580AB	ENH: TDMA OPERATION.	1	\$569.00	\$569.00	27.00%	\$153.63	\$415.37	\$415.37	0430
4b	G996AT	ENH: PROGRAMMING OVER P25 (OTAP).	1	\$127.00	\$127.00	27.00%	\$34.29	\$92.71	\$92.71	0430
4c	Q498AX	ENH: ASTRO 25 OTAR W/ MULTIKEY.	1	\$936.00	\$936.00	27.00%	\$252.72	\$683.28	\$683.28	0430
4d	Q808AK	ADD: ASTRO DIGITAL CAI OPERATION.	1	\$651.00	\$651.00	27.00%	\$175.77	\$475.23	\$475.23	0430
	FLASHport Series APX6000									
5	T7664A	DIGITAL SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
5a	Q498BA	ENH: ASTRO 25 OTAR W/ MULTIKEY.	5	\$936.00	\$4,680.00	27.00%	\$252.72	\$683.28	\$3,416.40	0430
5b	QA00580AE	ENH: TDMA OPERATION.	5	\$569.00	\$2,845.00	27.00%	\$153.63	\$415.37	\$2,076.85	0430
	FLASHport Series APX6000									
6	T7664A	DIGITAL SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
6a	G996AX	ENH: PROGRAMMING OVER P25 (OTAP).	5	\$127.00	\$635.00	27.00%	\$34.29	\$92.71	\$463.55	0430
6b	Q498BA	ENH: ASTRO 25 OTAR W/ MULTIKEY.	5	\$936.00	\$4,680.00	27.00%	\$252.72	\$683.28	\$3,416.40	0430
6c	QA00580AE	ENH: TDMA OPERATION.	5	\$569.00	\$2,845.00	27.00%	\$153.63	\$415.37	\$2,076.85	0430
	FLASHport Series APX6000									
7	T7665A	TDMA.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
7a	G996AX	ENH: PROGRAMMING OVER P25 (OTAP).	5	\$127.00	\$635.00	27.00%	\$34.29	\$92.71	\$463.55	0430
7b	Q498BA	ENH: ASTRO 25 OTAR W/ MULTIKEY.	5	\$936.00	\$4,680.00	27.00%	\$252.72	\$683.28	\$3,416.40	0430
	FLASHport Series APX6000									
8	T7665A	TDMA.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
8a	G996AX	ENH: PROGRAMMING OVER P25 (OTAP).	5	\$127.00	\$635.00	27.00%	\$34.29	\$92.71	\$463.55	0430
8b	Q498BA	ENH: ASTRO 25 OTAR W/ MULTIKEY.	5	\$936.00	\$4,680.00	27.00%	\$252.72	\$683.28	\$3,416.40	0430
	FLASHport Series APX8000									
9	T8627A	TDMA.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
9a	Q498AX	ENH: ASTRO 25 OTAR W/ MULTIKEY.	14	\$936.00	\$13,104.00	27.00%	\$252.72	\$683.28	\$9,565.92	0430
	FLASHport Series APX 6000XE									
10	T7664A	DIGITAL SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
10a	Q498BA	ENH: P25 9600 BAUD TRUNKING.	14	\$936.00	\$13,104.00	27.00%	\$252.72	\$683.28	\$9,565.92	0430
10b	QA00580AE	ENH: TDMA OPERATION.	14	\$569.00	\$7,966.00	27.00%	\$153.63	\$415.37	\$5,815.18	0430
	FLASHport Series APX6500									
11	T7697A	DIGITAL SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
11a	G996AY	ENH: OVER THE AIR PROVISIONING.	1	\$127.00	\$127.00	27.00%	\$34.29	\$92.71	\$92.71	0430
11b	QA00580AC	ENH: UPGRADE TO TDMA.	1	\$569.00	\$569.00	27.00%	\$153.63	\$415.37	\$415.37	0430
11c	G298AV	ENH: ASTRO 25 OTAR W/ MULTIKEY.	1	\$936.00	\$936.00	27.00%	\$252.72	\$683.28	\$683.28	0430
	FLASHport Series APX6000									
12	T7663A	ANALOG SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
12a	G996AX	ENH: PROGRAMMING OVER P25 (OTAP).	9	\$127.00	\$1,143.00	27.00%	\$34.29	\$92.71	\$834.39	0430
12b	Q361AT	ENH: P25 9600 BAUD TRUNKING.	9	\$380.00	\$3,420.00	27.00%	\$102.60	\$277.40	\$2,496.60	0430
12c	Q498BA	ENH: ASTRO 25 OTAR W/ MULTIKEY.	9	\$936.00	\$8,424.00	27.00%	\$252.72	\$683.28	\$6,149.52	0430
12d	QA00580AE	ENH: TDMA OPERATION.	9	\$569.00	\$5,121.00	27.00%	\$153.63	\$415.37	\$3,738.33	0430
12e	Q808AL	ADD: ASTRO DIGITAL CAI OPERATION.	9	\$651.00	\$5,859.00	27.00%	\$175.77	\$475.23	\$4,277.07	0430
	FLASHport Series APX6000									
13	T7663A	ANALOG SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
13a	G996AX	ENH: PROGRAMMING OVER P25 (OTAP).	2	\$127.00	\$254.00	27.00%	\$34.29	\$92.71	\$185.42	0430
13b	Q361AT	ENH: P25 9600 BAUD TRUNKING.	2	\$380.00	\$760.00	27.00%	\$102.60	\$277.40	\$554.80	0430
13c	Q498BA	ENH: ASTRO 25 OTAR W/ MULTIKEY.	2	\$936.00	\$1,872.00	27.00%	\$252.72	\$683.28	\$1,366.56	0430
13d	QA00580AE	ENH: TDMA OPERATION.	2	\$569.00	\$1,138.00	27.00%	\$153.63	\$415.37	\$830.74	0430
13e	Q808AL	ADD: ASTRO DIGITAL CAI OPERATION.	2	\$651.00	\$1,302.00	27.00%	\$175.77	\$475.23	\$950.46	0430
	FLASHport Series APX6000									
14	T7664A	DIGITAL SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
14a	G996AX	ENH: PROGRAMMING OVER P25 (OTAP).	9	\$127.00	\$1,143.00	27.00%	\$34.29	\$92.71	\$834.39	0430
14b	Q498BA	ENH: ASTRO 25 OTAR W/ MULTIKEY.	9	\$936.00	\$8,424.00	27.00%	\$252.72	\$683.28	\$6,149.52	0430

14c	QA00580AE	ENH: TDMA OPERATION.	9	\$569.00	\$5,121.00	27.00%	\$153.63	\$415.37	\$3,738.33	0430
	FLASHport Series APX6000									
15	T7664A	DIGITAL SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
15a	Q498BA	ENH: ASTRO 25 OTAR W/ MULTIKEY.	11	\$936.00	\$10,296.00	27.00%	\$252.72	\$683.28	\$7,516.08	0430
15b	QA00580AE	ENH: TDMA OPERATION.	11	\$569.00	\$6,259.00	27.00%	\$153.63	\$415.37	\$4,569.07	0430
	FLASHport Series APX6000									
16	T7665A	TDMA.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
16a	Q498BA	ENH: ASTRO 25 OTAR W/ MULTIKEY.	12	\$936.00	\$11,232.00	27.00%	\$252.72	\$683.28	\$8,199.36	0430
	FLASHport Series APX6500									
17	T7696A	ANALOG SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
17a	G361AK	ENH: ASTRO P25 TRUNKING SOFTWARE.	3	\$380.00	\$1,140.00	27.00%	\$102.60	\$277.40	\$832.20	0430
17b	G996AY	ENH: OVER THE AIR PROVISIONING.	3	\$127.00	\$381.00	27.00%	\$34.29	\$92.71	\$278.13	0430
17c	GA00580AC	ENH: UPGRADE TO TDMA.	3	\$569.00	\$1,707.00	27.00%	\$153.63	\$415.37	\$1,246.11	0430
17d	G298AV	ENH: ASTRO 25 OTAR W/ MULTIKEY.	3	\$936.00	\$2,808.00	27.00%	\$252.72	\$683.28	\$2,049.84	0430
17e	G808AE	ADD: ASTRO DIGITAL CAI OPERATION.	3	\$651.00	\$1,953.00	27.00%	\$175.77	\$475.23	\$1,425.69	0430
	FLASHport Series APX4500									
18	T8010A	ANALOG 3600 TRUNKING.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
18a	GA00894AB	ENH: ANALOG 3600 TRUNKING TO 9600 OR 3600 DIGITAL TRUNKING.	2	\$721.00	\$1,442.00	27.00%	\$194.67	\$526.33	\$1,052.66	0430
18b	G996AW	ENH: OVER THE AIR PROVISIONING.	2	\$127.00	\$254.00	27.00%	\$34.29	\$92.71	\$185.42	0430
18c	GA00580AC	ENH: UPGRADE TO TDMA.	2	\$569.00	\$1,138.00	27.00%	\$153.63	\$415.37	\$830.74	0430
18d	GA298AU	ADD: ENCRYPTION P25 AND MDC OTAR	2	\$936.00	\$1,872.00	27.00%	\$252.72	\$683.28	\$1,366.56	0430
	FLASHport Series APX6500									
19	T7698A	TDMA.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
19a	G996AY	ENH: OVER THE AIR PROVISIONING.	1	\$127.00	\$127.00	27.00%	\$34.29	\$92.71	\$92.71	0430
19b	G298AV	ENH: ASTRO 25 OTAR W/ MULTIKEY.	1	\$936.00	\$936.00	27.00%	\$252.72	\$683.28	\$683.28	0430
	FLASHport Series APX6500									
20	T7698A	TDMA.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
20a	G298AV	ENH: ASTRO 25 OTAR W/ MULTIKEY.	1	\$936.00	\$936.00	27.00%	\$252.72	\$683.28	\$683.28	0430
	FLASHport Series APX6500									
21	T7698A	TDMA.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
21a	G298AV	ENH: ASTRO 25 OTAR W/ MULTIKEY.	2	\$936.00	\$1,872.00	27.00%	\$252.72	\$683.28	\$1,366.56	0430
	FLASHport Series APX6500									
22	T7698A	TDMA.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
22a	G298AV	ENH: ASTRO 25 OTAR W/ MULTIKEY.	6	\$936.00	\$5,616.00	27.00%	\$252.72	\$683.28	\$4,099.68	0430
	FLASHport Series APX4500									
23	T8012A	9600 OR 3600 SINGLE SYSTEM DIGITAL TRUNKING.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
23a	G298AU	ADD: ENCRYPTION P25 AND MDC OTAR	15	\$936.00	\$14,040.00	27.00%	\$252.72	\$683.28	\$10,249.20	0430
	FLASHport Series APX7000XE									
24	T7553A	DIGITAL SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
24a	QA00580AB	ENH: TDMA OPERATION.	19	\$569.00	\$10,811.00	27.00%	\$153.63	\$415.37	\$7,892.03	0430
24b	G996AT	ENH: PROGRAMMING OVER P25 (OTAP).	19	\$127.00	\$2,413.00	27.00%	\$34.29	\$92.71	\$1,761.49	0430
24c	Q498AX	ENH: ASTRO 25 OTAR W/ MULTIKEY.	19	\$936.00	\$17,784.00	27.00%	\$252.72	\$683.28	\$12,982.32	0430
	FLASHport Series APX7000XE									
25	T7627A	TDMA.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
25a	Q498AX	ENH: ASTRO 25 OTAR W/ MULTIKEY.	4	\$936.00	\$3,744.00	27.00%	\$252.72	\$683.28	\$2,733.12	0430
	FLASHport Series APX7000XE									
26	T7553A	DIGITAL SMARTZONE.	1	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0430
26a	QA00580AB	ENH: TDMA OPERATION.	8	\$569.00	\$4,552.00	27.00%	\$153.63	\$415.37	\$3,322.96	0430
26b	G996AT	ENH: PROGRAMMING OVER P25 (OTAP).	8	\$127.00	\$1,016.00	27.00%	\$34.29	\$92.71	\$741.68	0430
26c	Q498AX	ENH: ASTRO 25 OTAR W/ MULTIKEY.	8	\$936.00	\$7,488.00	27.00%	\$252.72	\$683.28	\$5,466.24	0430
	After Market Encryption Upgrades									
27	T7936A	APX UCM UPGRADE CD.	1	\$57.50	\$57.50	0.00%	\$0.00	\$57.50	\$57.50	0526
27a	CA00182AR	ADD: AES ENCRYPTION SOFTWARE.	100	\$696.00	\$69,600.00	0.00%	\$0.00	\$696.00	\$69,600.00	0526
	After Market Encryption Upgrades									
28	T7936A	APX UCM UPGRADE CD.	1	\$57.50	\$57.50	0.00%	\$0.00	\$57.50	\$57.50	0526
28a	CA00182AR	ADD: AES ENCRYPTION SOFTWARE.	53	\$696.00	\$36,888.00	0.00%	\$0.00	\$696.00	\$36,888.00	0526
	Standalone Items									
29	WPLN6904A	ASSY:KIT,KEYLOAD CABLE.	1	\$118.80	\$118.80	27.00%	\$32.08	\$86.72	\$86.72	0795
	Standalone Items									
30	HKN6182B	CABLE KEYLOADING ADAPTER CGAI.	1	\$196.00	\$196.00	20.00%	\$39.20	\$156.80	\$156.80	0362
31	TKN8531C	CABLE, KEYLOAD.	1	\$311.44	\$311.44	20.00%	\$62.29	\$249.15	\$249.15	0362

Net Total **\$284,492.97**
Estimated Tax **\$0.00**
Estimated Freight **\$0.00**
Grand Total **\$284,492.97**

COUNTY AGENDA REQUEST

Page 434 of 454

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to approve to award Bid #2181-B HA 5; High Density Mineral Bond, to Blount Construction Company, Inc. in the amount of \$225,053.95.

Background/History/Details:

HA5 is a High Density Bond is a pavement preservation treatment that significantly extends pavement life on residential roadways and parking surfaces. The following subdivisions and roads pavement is structurally in good shape but is in the early stages of showing the effects of age and weathering. HA5, High Density Mineral Bond is an unique tool that when installed extends the life of low load/volume pavement at a reduce cost than the traditional asphalt overlay.

The following sub-divisions and roads are listed on this bid:

- 1.) Brook Leigh Estates Subdivision
- 2.) Grace Farms Subdivision
- 3.) Haddonstone Subdivision
- 4.) Horton Creek Subdivision
- 5.) Lafayette Estates Subdivision
- 6.) Vickery Lane Subdivision

What action are you seeking from the Board of Commissioners?

Approval of award Bid #2181-B HA 5; High Density Mineral Bond, to Blount Construction Company, Inc. in the amount of \$225,053.95.

If this item requires funding, please describe:

This project is funded in the Pavement Preservation dedicated funds in the Road's Department Technical Services account.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



Purchasing Department
140 Stonewall Avenue West, Ste 204
Fayetteville, GA 30214
Phone: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson

Through: Ted L. Burgess

From: Sherry White

Date: December 8, 2022

Subject: **Contract #2181-B HA5 High Density Mineral Bond**

HA5® is a high-density mineral bond road treatment that was developed by Holbrook Asphalt Company in St. George, Utah. It prevents cracking and loss of the bond between the aggregate and the binder, thus extending the life of the road. At this time, it is the only product that complies with a specification produced by the American Public Works Association. The Road Department seeks a contractor to apply HA5® to streets in the following subdivisions:

- | | |
|------------------------------------|----------------------------------|
| 1. Brook Leigh Estates Subdivision | 4. Horton Creek Subdivision |
| 2. Grace Farms Subdivision | 5. Lafayette Estates Subdivision |
| 3. Haddonstone Subdivision | 6. Vickery Lane Subdivision |

There is currently only one HA5® contractor in Georgia – Blount Construction Company, Inc. In hopes of attracting competition for a contract this size, the Purchasing Department issued Invitation to Bid #2181-B. We contacted 470 companies who were registered on the Georgia Procurement Registry under Commodity Codes 74586 (Seal Coating), 91384 (Maintenance and Repair, Streets, Major and Residential), 91396 (Paving and Resurfacing, Streets, Major and Residential) and 91395 (Paving and Resurfacing, Highway and Road). We also notified vendors via the Georgia Local Government Marketplace website (glga.org), the County website, Channel 23, and Fayette News.

One (1) contractor submitted a quote (Attachment 1).

The Purchasing Department has issued solicitations for the HA5® application since June 2015. Below is a summary of the last eight (8). Each time, Blount Construction and twice one other Alabama based company responded, as follows:

HA5 High Density Mineral Bond History

Contract Date	Contract Name	Unit	Estimated Quantity	Georgia based		Alabama based	
				Unit Price	Contract Amount	Unit Price	Contract Amount
10/19/2016	1203-A	Square Yard	4,800.0	\$2.65	\$16,353.90		
4/24/2017	1273-B	Square Yard	76,114.0	\$1.94	\$157,098.72		
9/7/2017	1362-B	Square Yard	24,154.0	\$2.19	\$132,533.89		
2/9/2018	1426-B	Square Yard	87,629.0	\$2.38	\$230,222.18	\$2.80	\$291,691.82
10/16/2018	1545-B	Square Yard	69,200.0	\$2.50	\$194,317.21	\$3.35	\$310,965.60
11/12/2020	1873-B	Square Yard	77,184.0	\$2.68	\$255,078.84		
1/27/2022	2035-B Road	Square Yard	107,839.0	\$2.59	\$332,399.61		
1/27/2022	2035-B Park&Rec	Square Yard	3,669.0	\$3.07	\$19,677.93		
10/31/2022	2181-B	Square Yard	62,777.0	\$2.83	\$225,053.95		

The Road Department recommends Blount Construction, for this project. As demonstrated by their Contractor Performance Evaluation (Attachment 2), they are satisfied with Blount Construction's performance.

Specifics of the proposed contract are as follows:

Contract Name #2181-B HA5 High Density Mineral Bond
Vendor Blount Construction Company, Inc.
Contract Amount \$225,053.95
Budget:

Org Code 10040220 Road Department
Object 521316 Technical Services
Available 2,680,382.06 as of 11/15/2022

#2181-B HA5 High Density Mineral Bond History Tally Sheet

Bid due date: October 31, 2022

			BLOUNT CONSTRUCTION	
DESCRIPTION	UNIT OF MEASURE	ESTIMATED QUANTITY	UNIT PRICE	EXTENDED PRICE
HIGH DENSITY MINERAL BOND	Square Yard	62,777	\$2.83	\$177,658.91
CRACK SEAL	Mile	4.71	\$6,161.80	\$29,022.08
MOBILIZATION & TRAFFIC CONTROL	Lump Sum	1		\$18,372.96
TOTAL BID TOTAL				\$225,053.95

COUNTY AGENDA REQUEST

Page 438 of 454

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request approval for staff to prepare and submit two applications to the Georgia Department of Transportation (GDOT) seeking up to \$400,000 (\$200,000 per project) of LMIG funding for the Starrs Mill Tunnel project under Redwine Road (17TAI) and the Inman Road pipe replacement project (20SAD).

Background/History/Details:

GDOT's Local Maintenance & Improvement Grant (LMIG) helps local governments quickly and effectively fund a variety of transportation projects. In addition to the annual formula amount allocated to cities and counties across Georgia, the program provides money for emergency repairs, educational-based needs, and projects that support economic development.

Both the Redwine Road tunnel (currently in design phase) and Inman pipe replacement (construction phase) are good candidates to seek LMIG aid. With Board approval, staff will prepare an application for each project.

Fayette County last received emergency-based LMIG funding for the December 2015 flood damage. Those projects are complete.

The LMIG program requires a minimum 30% local match of the grant. Fayette County's contribution will exceed the 30% minimum for both projects even if they receive the full request of \$200,000 each.

What action are you seeking from the Board of Commissioners?

Approval for staff to prepare and submit two applications to the Georgia Department of Transportation (GDOT) seeking up to \$400,000 (\$200,000 per project) of LMIG funding for the Starrs Mill Tunnel project under Redwine Road (17TAI) and the Inman Road pipe replacement project (20SAD).

If this item requires funding, please describe:

Both projects are funded with 2017 SPLOST dollars but reallocation of money among projects will be needed to fully fund both through construction. A LMIG award would help offset costs and minimize impacts to other critical projects in queue.

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 439 of 454

Department:

Presenter(s):

Meeting Date:

Type of Request: #25

Wording for the Agenda:

Request to approve the first amendment and renewal of a contract between Fayette County and the Judicial Correction Services (JCS), LLC for probation supervision and rehabilitation services beginning January 1, 2023 and terminating December 31, 2023, with an option to renew for five (5) additional one-year terms.

Background/History/Details:

Judicial Correction Services (JCS), the probation company for State Court, provides probation supervision and rehabilitation services. The amendments to the contract shall serve as a renewal of one year beginning January 1, 2023 and terminating December 31, 2023, with an option to renew for five (5) additional one-year terms.

The material changes are as follows:

- JCS agrees to increase the set aside for mental health cases from \$1.00 per case, per month, to \$1.25 per case, per month.
- The probation fee will change from \$35.00 per month to \$40.00 per month.
- The cost of ETG alcohol test screens will go from \$20.00 per month to \$35.00 per month (the original amount prior to the current contract was \$35.00 per month but due to a clerical error it was set at \$20.00 per month. JCS honored that amount for five years but are asking it be returned to \$35.00 per screen).

What action are you seeking from the Board of Commissioners?

Approval of the first amendment and renewal of a contract between Fayette County and the Judicial Correction Services (JCS), LLC for probation supervision and rehabilitation services beginning January 1, 2023 and terminating December 31, 2023, with an option to renew for five (5) additional one-year terms.

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:

Judicial Correction Services, LLC
Probation Services Agreement

Fayette County, Georgia

This Agreement is made by and between Judicial Correction Services, LLC organized under the laws of the State of Georgia, with its principal business at 195 Bradford Square, Fayetteville, Georgia, 30215 hereinafter called "Contractor" and Fayette County, Georgia hereinafter called "County", upon the request and consent of the Chief Judge of State Court of Fayette County, Georgia herein after called "Court". This agreement is governed by Article 6 of Chapter 8 of Title 42 of the Official Code of Georgia, Annotated. The parties enter into the Agreement under the specific authority of O.C.G.A. § 42-8-101.

Witnesseth:

Whereas, the County has been duly authorized to establish service for a private probation system for the supervision of probationers as ordered by the Fayette County State Court, and to collect restitution, fines, and fees as ordered by the Chief Judge of Fayette County State Court, Jason B. Thompson; and

Whereas, the County wishes to enter into an agreement with the Contractor to provide probation services upon the terms and conditions set forth herein with approval from the Court.

Now therefore, and in consideration of the mutual covenants contained herein, and other good and valuable considerations, the receipt, adequacy, and sufficiency of which is acknowledged by the parties hereto, the County enters into the agreement with the Contractor to provide probation services for the jurisdiction of Fayette County upon the terms, covenants, and agreements as set forth herein.

Scope of Services and Responsibilities of Contractor

In consideration of the obligations of the County and the Court, Contractor shall provide the following services.

A. Responsibilities of Probation Services Contractor

- a. Compliance with Statutes and Rules. Contractor shall comply with Article 6 of Title 42 Chapter 8 of the Official Code of Georgia and all standards, rules, and regulations promulgated by the Department of Community Supervision and the Misdemeanor Oversight Unit.
- b. Records and Confidentiality. Contractor shall create and maintain individual files for each offender receiving services from Contractor in accordance with this Agreement. Contractor shall maintain the confidentiality of all files, records, and papers relative to supervision of probationers under this Agreement. These records, files, and papers shall be available only to the Judge of the Court handling the case, the Department of Audits and Accounts, the Department of

- Supervision and upon transfer of supervision to the State, to the Georgia Department of Corrections or the Department of Community Supervision.
- c. Financial Records. Contractor shall maintain financial records according to generally accepted accounting practices.
 - d. Officer Qualifications and Training. Contractor shall employ competent and able personnel to provide the services to be rendered hereunder and to appropriately administer the caseload of a probation officer. In accordance with O.C.G.A. 42-8-107, any such person shall be at least 21 years of age at the time of appointment to the position of private probation officer or probation officer and shall have completed a standard four-year college course or have four years of law enforcement experience; provided, however, that any person employed as a private probation officer as of July 1, 1996, and who had at least six months of experience as a private probation officer or any person employed as a probation officer by a county, municipality, or consolidated government as of March 1, 2006, shall be exempt from such college requirements. Every private probation officer shall receive an initial 40 hours of training and orientation upon employment and shall receive 20 hours of continuing education per annum as approved by the Department of Community Supervision Board of Directors, hereinafter referred as the Board, provided that the 40 hour initial orientation shall not be required of any person who has successfully completed a basic course of training for supervision of probationers or parolees certified by the Peace Officer Standards and Training Council or any private probation officer who has been employed by a private probation corporation, enterprise, or agency for at least six months as of July 1, 1996, or any person employed as a probation officer by a county, municipal, or consolidated government as of March 1, 2006. In no event shall any person convicted of a felony be employed as a probation officer or private probation officer.
 - e. Intake, Administrative, and Intern Qualifications and Training. Contractor shall employ competent and able personnel to provide the services to be rendered hereunder and to appropriately administer assistance to a private probation officer or the Contractor. Any such person shall be at least 18 years of age at the time of appointment to the position of intake officer, administrative staff, or intern and shall have completed a standard high school diploma or its equivalent.
 - f. Criminal History Check. Contractor shall have a criminal history records check made of all staff and give written consent to the Department of Community Supervision to conduct periodic criminal history checks.
 - g. Officer per Probationer Ratio and Standards of Supervision. Contractor shall manage caseload limits so as not to exceed 250 probationers per probation officer for basic supervision and 200 probationers per probation officer for intensive supervision. There are no caseload size limitations regarding pay-only cases. Probation Officers shall make a supervision assessment of each offender and determine the reporting schedule, type of contact(s), and frequency of contact(s) pursuant to the direction of the Court. There are no minimally required contacts for pay-only cases.
 - h. Location Place of Business. Contractor shall maintain an office in Fayette County, Georgia for meeting with and the provision of services to probationers.

- B. Reports. Contractor shall provide a quarterly report to the State Court Judge, the County, and the Board. This report shall contain the number of probationers under supervision; the amount of restitution, fines, and statutory surcharges collected; the amount and nature of all fees collected (including but not limited to fees collected for supervision, rehabilitation and program classes, electronic monitoring, drug or alcohol detection devices, and drug testing); the number of community service hours performed by probationers under supervision; a listing of all other services for which a probationer was required to pay to attend; the number of probationers for whom supervision or rehabilitation has been terminated; the reason for any termination of supervision or rehabilitation; and the number of warrants issued during the quarter, in such detail as requested.
- C. Tender of Collections. Contractor shall tender to the Clerk of the Court of Fayette County, Georgia, hereinafter referred as the Clerk, a report of collections and all fines, fees, and costs collected during the month from probationers by the 9th day of the following month. Restitution shall be paid to the victim by the 10th day of the month following collection, unless the Court orders payment to the Clerk, and then it shall be paid as such other collections are paid to the Clerk. In the event the Contractor cannot locate the victim, payment shall be made to the Clerk. Contractor shall credit payments of funds in the following order of priority: 1) restitution, 2) fines, 3) courts costs and statutory surcharges, 4) probation fees, class and rehabilitation fees, drug and alcohol testing fees, and all other probation services rendered to the probationer. Contractor shall not retain or profit from any restitution, fines, court costs, or statutory surcharges collected from probationers except the probation fees authorized by this Agreement as set forth in the Schedule of Fees attached hereto as "Exhibit A".
- D. Access to Contractor Records.
- a. All records shall be open to inspection upon the request of the County, Court, the Department of Audits and Accounts, an auditor appointed by the County Commission, the Department of Corrections, the Department of Community Supervision, the State Board of Pardons and Paroles, or the Board's Fiscal Auditor. Contractor may be requested by the County or the Court to audit its records and books pertaining to the services rendered to the Court. A written copy of this audit shall be provided to the Court and the County within 3 months of the close of the audit.
- E. Conflicts of Interest per O.C.G.A. 42-8-109
- a. No private corporation, private enterprise, or private agency contracting to provide probation services under the provisions of this article nor any employees of such entities shall engage in any other employment, business, or activity which interferes or conflicts with the duties and responsibilities under contracts authorized in this article.
 - b. No private corporation, private enterprise, or private agency contracting to provide probation services under the provisions of this article nor any employees of such entities shall own, operate, have any financial interest in, be an instructor at, or be employed by any private entity which provides drug or alcohol education services or offers a DUI Alcohol or Drug Use Risk Reduction Program certified by the Department of Driver Services.

- c. No private corporation, private enterprise, or private agency contracting to provide probation services under the provisions of this article nor any employees of such entities shall specify, directly or indirectly, a particular DUI Alcohol or Drug Use Risk Reduction Program which a probationer may or shall attend. This paragraph shall not prohibit furnishing any probationer, upon request, with the names of certified DUI Alcohol or Drug Use Risk Reduction Programs. Any person violating this paragraph shall be guilty of a misdemeanor.
- F. Scope of Services to Probationers by Contractor. Contractor shall provide the following services:
- a. Court Attendance and Probationer Case History. During all court sessions, Contractor shall make available an intake officer or probation officer to interview each probationer to complete a case and personal history and to provide orientation and instruction regarding compliance with the Court's ordered conditions of probation. At orientation, the intake or probation officer shall provide a list of all service fees to the probationer.
 - b. Supervision. Contractor shall monitor and supervise probationers to ensure compliance with the Court's order of probation. Contractor shall make a supervision assessment of the offender and determine the probationer's reporting schedule.
 - c. Restitution, Fine, Statutory Surcharges, and Fee Collection. Contractor shall collect restitution, fines, statutory surcharges, probation supervision fees, class and rehabilitation fees, drug and alcohol testing fees as ordered by the Court. Contractor shall provide an itemized bill for each of the above listed collections, prepared in accordance with accepted accounting practices, each month.
 - i. Indigent Probationers. Offenders determined by the Court to be indigent in accordance with O.C.G.A. § 42-8-102 shall be supervised at no cost to the probationer, the Court, or the County.
 - ii. Contractual Split of Payments. Each payment received from the probationer, if paid in accordance with the monthly schedule set forth by the probation officer on the initial first appointment, shall be applied according to the restitution, fines, statutory surcharges, court costs, class and rehabilitation fees, and drug and alcohol testing fees as ordered by the Court.
 - iii. Pay Only Probation. Offenders who are placed on probation sentences as outlined in O. C.G.A. 42-8-103 shall pay only three (3) months of probation fees regardless of the number of concurrent or consecutive cases. Fees and cases shall be terminated when paid in full unless the Court so modifies the sentence.
 - iv. Consecutive cases. Consecutive misdemeanor sentences shall be supervised in accordance with O.C.G.A. 42-8-103.1.
 - 1. In the event a probationer makes a payment that is less than the amount specified by the probation officer during the initial appointment with that probationer, the amount collected will be distributed proportionately between the Court and the Contractor. The Court will receive 70% of that collected fee for restitution, fines, statutory surcharges. The Contractor will receive 30% of

that collected fee for probation supervision, class and rehabilitation fees, drug and alcohol screens. This split shall not apply to fees due for intensive drug and alcohol testing (described in subsection F(c)(iv)(2) hereof), pay-only cases (described in subsection F(c)(iii) hereof), and class and rehabilitation fees (described in subsection F(c)(iv)(3) hereof).

2. Payment for Intensive Drug and Alcohol Testing. If a probationer is ordered by the Court to undergo intensive drug and alcohol testing, the probationer will be required to pay for the drug and alcohol testing as set in the schedule of fees, attached hereto as Exhibit A, at the time the tests are rendered. This payment shall be a one payment not subject to the contractual split of payments set out in F(c)(iv)(1) above. The Contractor shall make every effort to keep the probationer in compliance with normal monthly payments towards restitution, fine, and statutory surcharges.
 3. Payment for Class and Rehabilitative Fees. If a probationer is ordered by the Court to attend class and rehabilitative courses he/she is required to pay for the cost of the courses, as set by the schedule of fees (Exhibit A attached hereto), at the time that he/she attends the course. This payment shall be a onetime payment not subject to the contractual split of payments set out in F(c)(iv)(1) above. The Contractor shall make every effort to keep the probationer in compliance with normal monthly payments towards restitution, fine, and statutory surcharges.
 4. In no instance or under any circumstances will any court monies be moved or transferred from the Court's account to supervision fees without express permission and a corresponding order from the Court.
 5. In no instance will any probation fees or drug and alcohol testing fees be collected by the Contractor performance of the of the supervision services or drug and alcohol testing.
- d. Community Service. Contractor shall coordinate, monitor, and ensure compliance with community service by each probationer as ordered by the Court. The court may convert fines, statutory surcharges, and probation supervision fees to community service on the same basis as it allows a defendant to pay a fine through community service as set forth in subsection (d) of O.C.G.A. 17-10-1. Contractor will maintain records of service participation.
- i. Rate of Conversion. The current rate of community service conversion for fines, statutory surcharges, and probation supervision fees is \$10.00 per hour. The Court may amend this provision with an order from the Court. The minimum rate shall be Federal minimum wage or \$10.00 per hour, whichever is higher after this Agreement is signed.
 - ii. Location of Community Service. For probationers assigned to community service for court ordered hours, for conversion of fines, for statutory surcharges, and/or supervision fees, the probation officer will instruct the probationer to complete said hours in Fayette County, Georgia. If a

probationer is unable to comply, then the probation officer will require twenty (20) hours of community service to be done in Fayette County, Georgia and then may transfer the remaining hours to a community service organization local to the probationer, if approved by the probation supervising officer. In the event a probationer cannot travel to Fayette County, Georgia for community service obligations, then the probation supervising officer may request the Court allow a full transfer of community service obligations. The Court, in its discretion, may assent or refuse such requests.

- e. Employment Assistance. Contractor shall prepare referrals and lend reasonable assistance to probationers to the extent ordered by the Court or to the extent available for probationers desiring employment assistance or counseling.
- f. Drug and Alcohol Testing. Contractor shall not use drug and alcohol screening devices. Contractor shall use drug and alcohol tests. Contractor shall conduct drug and alcohol testing as determined necessary by the Court. The probationer shall be responsible for the costs of all drug and alcohol testing.
 - i. Intensive Drug and Alcohol Testing. For intensive testing as set by the Court, the probationer shall pay for drug and alcohol testing weekly as set by the schedule of fees.
- g. Substance Abuse and Mental Health Evaluations and Rehabilitative Services. Contractor shall coordinate with local authorities and facilities for the evaluation and assessment of probationers for drug and alcohol rehabilitation services, mental health or psychological counseling, or educational programs mandated by the Court and shall require probationer's compliance.
- h. Electronic Monitoring. Contractor, when so ordered by the Court, shall provide to the probationer a list of third party electronic monitoring or house arrest providers for the monitoring of said probationers.
- i. Reports of Violations of Probation and Revocation Procedures. Contractor shall recommend revocation of probation whenever the probationers have failed substantially to comply with the terms and conditions of probation. The Court shall provide Contractor with direction of what constitutes a substantial failure to comply with probation terms and conditions. Contractor shall prepare probation violation warrants, orders, and revocation hearings for submission to the Court. Contractor shall have probation officers available to testify at probation revocation hearings, sentencing hearings, and other such hearings as deemed reasonable and necessary by the Court. Minor violations of probation, although not cause for revocation, shall be included in regular reports made to the Court if requested under this Agreement. The Court shall provide Contractor direction as to what curative measures should be taken in the case of minor violations.
 - i. The supervising probation officer will instruct the probationer how to comply with the Court's ruling in reference to sentencing or revocation of probation.
- j. Pre-sentence Investigations. When directed by the Court, Contractor shall conduct pre-sentence investigations for the Court as requested. A written report shall be prepared and delivered to the Court. A pre-sentence investigation shall include: 1) a report on the circumstances of the offense, 2) a social and family background

examination, 3) a criminal history check through the Georgia Crime Information Center and the National Crime Information Center, and 4) a report of current circumstances and conditions of the defendant. The cost for pre-sentence investigations will be \$100 per report to be paid by the Court to the Contractor.

- k. The Contractor may recommend as set forth in O.C.G.A. 42-8-103.1. (a) & (b) to the Court early termination or non-reporting probation. A probationer will not be assessed probation supervision fees if such a request is granted by the Court.
- l. The Contractor will set aside one dollar (\$1) per case per month supervised of its supervision fees into an Indigent Mental Health Fund. These set-aside funds may be used for indigent probationers requiring mental health and/or substance abuse evaluation and/or treatment as determined by the Court and through a provider agreed on by the Court and the Contractor. The set aside funds shall be capped at forty thousand dollars. Should the account fall below said cap the set aside shall commence until such cap is attained. Funds will accrue monthly and any unused funds in any given month will carry forward for the annual fiscal year.
 - i. The monies set aside from the fees collected from probationers will be deposited no later than the 9th day of every month. These fees shall be deposited into a separate bank account owned by the Contractor.
 - ii. At the Court's discretion, the Court will submit written check requests, in a format mutually acceptable to both parties and signed by the Court, to the Contractor for processing and payment. Both the Court and the Contractor agree that no verbal or unsigned written requests will be processed.
 - iii. The Contractor will reconcile the account and update the Court on the balance as necessary. The Contractor cannot withdraw any funds from this account other than those approved in writing by the Court. Bank fees assessed to the account, including check printing, will be borne by the fund.
- m. When the Court sentences a probationer to the "Jail Tour" as a special condition of probation, the Contractor will collect a \$65 onetime fee from the probationer. This money will be a set-aside fund that the Contractor will manage. These set-aside funds may be only used for purchasing supplies, providing updates to the curriculum, and paying any Fayette County employee who supervises the class known as "Jail Tour" at a rate to be determined by the Fayette County Jail. Funds will accrue monthly and any unused funds in any given month will carry forward for the annual fiscal year.

The monies set aside from the fees collected from probationers will be deposited no later than the 9th day of every month. "Jail Tour" fees shall be deposited into a separate bank account owned by the Contractor.

At the Court's and/or Fayette County Jail's discretion, the Court or Fayette County Jail will submit written check requests, in a format mutually acceptable to both parties and signed by the Court or Jail to the Contractor for processing and payment. Both the Court and the Contractor agree that no verbal or unsigned written requests will be processed.

The Contractor will reconcile the account and update the Court on the balance as necessary. The Contractor cannot withdraw any funds from this account other than those approved in writing by the Court. Bank fees assessed to the account, including check printing, will be borne by the fund.

- G. In accordance with O.C.G.A. §15-18-80, the solicitor is authorized to create and administer a Pretrial Intervention and Diversion Program for offenses within the jurisdiction of the Court. The purpose of such program is to provide an alternative to prosecuting offenders in the criminal justice system. Upon the request of the office of the solicitor and with the advice and express written consent of the solicitor, which is now given, the County designates JCS as the sole private entity to be used for the purpose of monitoring program participants' compliance with a Pretrial Intervention and Diversion Program. Fees for monitoring services are payable not by the County, but by sentenced offenders. Entry into the Pretrial Intervention and Diversion Program shall be at the discretion of the solicitor.

Obligations of the Court or Governing Authority

In consideration for the services of Judicial Correction Services, the Contractor, the Fayette County State Court of Georgia, the Court, shall provide the following:

- H. For regular probation supervision according to the order of the Court, probationer shall pay a fee of \$35 per month.
- I. For intensive probation supervision according to the order of the Court, probationer shall pay a fee of \$50 per month.
- J. Contractor shall collect such probation fee for each month or portion of a month a probationer is under probation supervision. During the term of the Agreement and the Contractor's satisfactory performance, the Court shall refer all probationers to serve time on probation to the Contractor for purposes of probation supervision services.
- K. Probation Fee. The Court shall make payment of the probation fee as listed in this agreement a term and condition of the order of probation for each probationer assigned for supervision to Contractor unless the Court determines the probationer to be indigent. The Court shall not be liable for payment of any supervision fee or any program fee of a probationer.
- L. Pre-Sentencing Investigations. When ordered by the Court, Contractor shall provide a pre-sentence investigation report and Court shall pay to the Contractor \$100 for each report.
- M. Access to Criminal Histories. The Court shall assist the Contractor in obtaining access to criminal histories in the Georgia Crime Information Center and National Crime Information Center through local law enforcement in order for Contractor to conduct pre-sentence investigations as may be requested.
- N. Notice of Court Sessions. The Court shall provide the Contractor notice of the current yearly schedule of court sessions by December 21st of the previous year. The Court shall

provide the Contractor a general court calendar or notice of changes in the schedule of court sessions by 5 PM of the previous day.

- O. Court Facilities. The Court and the Clerk shall provide to the Contractor an area, as available, for the purpose of conducting initial interviews and orientation with the probationer on the day of sentencing.
- P. Period of Service. The services to be performed under this Contract shall commence on January 1, 2018. The initial term of this Contract shall be through December 31, 2018. This Contract shall terminate absolutely and without further obligation on the part of the County on December 31 of each succeeding and renewed year, as required by O.C.G.A. §36-60-13, as amended, unless terminated earlier in accordance with the termination provisions of this Contract. This Contract may be automatically renewed on an annual basis for four (4) additional twelve-month terms, for a total lifetime Contract term of five (5) years, upon the same terms and conditions as provided for in this Contract, unless previously terminated. This Contract will terminate on December 31, 2022. The County shall have the option to renew the contract for five (5) additional one-year intervals provided that the service is satisfactory, both parties are willing to renew, and the renewal is approved with the written consent of the County. Either party may terminate this Agreement upon thirty (30) days written notice. The Court or the County may terminate this Agreement immediately for cause, including without limitation material breach of this Agreement, insolvency of Contractor, filing of voluntary or involuntary case in bankruptcy. Within sixty (60) working days of termination, Contractor shall peacefully surrender to the Court all records and documents generated by the Contractor in connection with this Agreement and the services thereunder and any equipment or supplies assigned to the Contractor by the Court. Contractor shall turn over to the Clerk any monies collected or received, less supervision fees, validly incurred and duly owing to the Contractor through the termination date. Any restitution, fines, statutory surcharges, or court costs received by the Contractors from probationers of this Court after termination of this Agreement shall be forwarded to the Clerk, other than fees earned by the Contractor. The Court shall provide the Contractor receipt for all property surrendered under this provision.

Indemnity, Insurance, and Bonding Obligations of Contractor

- Q. Insurance and Bond. Upon registration application to operate a private probation entity, the Contractor must include written evidence of general liability insurance coverage of at least one million (\$1,000,000). This insurance must be maintained at all times while providing services.
- R. Bonding. The Contractor shall include written evidence of bonding coverage of at least twenty-five thousand (\$25,000).
- S. Indemnification. Neither the Court nor the County shall be liable to the Contractor nor to anyone who may claim a right resulting from any relationship with Contractor, for any acts of the Contractor, its employees, agents, or participants in the performance of services conducted on the property of the County. Contractor shall indemnify and hold harmless the Court and County from any claims, demands, actions, proceedings, expenses, damages, liabilities, or losses (including but not limited to attorney's fees and court costs) and any causes of action arising from any acts or omissions arising out of or

in connection with the services performed by the Contractor or its employees and agents under the terms of this Agreement.

Representations and Warranties of Contractor

- T. **Deficiency in Service by Contractor.** In the event that the Court and County determine that there are deficiencies in the services provided by the Contractor hereunder, the Court and the County may terminate this Agreement in accordance with item P or notify the Contractor in writing as to the exact nature of such deficiency. Within sixty (60) days of receipt of such notice, the Contractor shall cure or take reasonable steps to cure the deficiencies. In the event the company fails to cure or take reasonable steps to cure the deficiencies to the Court and County satisfaction, then either may declare the Contractor in default and may terminate this Agreement.
- U. **Time is of the Essence of this Agreement.**
- V. **Compliance with the Law.** The Contractor shall comply with all federal, state, and local laws statutes, regulations, and ordinances arising out of or in connection with the performance of its services pursuant to this Agreement.
- W. **Independent Contractor.** Contractor is an independent contractor and is not an agent, joint venture, or other affiliate of the Court or County in any way. Contractor shall use its own employees and agents to perform this Agreement. It is agreed that the Contractor is solely responsible for all payment of federal, state, and local income taxes, self-employed Social Security taxes, and any other similar obligations arising from the performance of this Agreement or receipt of compensation thereof. The Contractor agrees to indemnify and hold harmless the Court and the County from and against any and all federal, state, or local tax liability or penalties that may arise from the payments made to the Contractor pursuant to this Agreement. The Contractor acknowledges that neither it nor its employees are eligible for any benefits provided by the Court or the County.
- X. **Entire Agreement.** This Agreement, including all exhibits attached hereto and incorporated herein by reference, constitutes the entire agreement between the parties hereto and supersedes any and all agreements, whether written or oral, that may exist between the parties regarding the same. No representations, inducements, promises, or agreements between the parties not embodied herein shall be of any force and effect. No amendment or modification to this Agreement or any waiver of any provision hereto shall be effective unless in writing and signed by all parties to include the Court, the County, and the Contractor.
- Y. **Binding Agreement.** This Contract shall be binding on any successor to the undersigned official of the County or Court. The provisions enumerated in this Contract shall be deemed valid insofar as they do not violate any City, State, or Federal laws. In the event any provision of this Contract should be declared invalid, the remainder of this Contract shall remain in full force and effect.
- Z. **Subcontractors.** Aside from the drug and alcohol testing and electronic monitoring mentioned above, the Contractor may not delegate, assign, or subcontract any obligation, of the Contractor's performance under the Agreement and may not assign any right under this Agreement without the Court's approval. The Court has discretion in this regard and this discretion shall be absolute. Any notices made in accordance with this Agreement

except as otherwise set out in item N, shall be in writing and shall be made in person, by registered mail, or certified mail, return receipt requested, to the Contractors.

In witness whereof, the parties hereto have executed this agreement on the 13th day of December, 20 18.

JUDICIAL CORRECTION
SERVICES, LLC.

By: [Signature]
Director

STATE COURT
FAYETTE COUNTY, GEORGIA

By: [Signature]
Jason B. Thompson, Judge

By: [Signature]
Jamie K. Inagawa, Solicitor

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

By: [Signature]
Eric K. Maxwell, Chairman

(SEAL)



ATTEST:

[Signature]
Tameca P. White, County Clerk

Approved as to form:

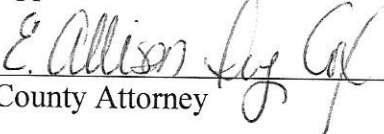

County Attorney

Exhibit A
Schedule of Fees

List of fees and the amount to be collected:

1. Probation Supervision Fee: \$35 per month
2. Intensive Probation Supervision Fee: \$50 per month
3. Start Up Fee: \$15 per case
4. Victim Impact Panel Class Fee: \$15
5. Me & My Driving Class: \$65
6. Restorative Justice: \$65
7. Anger Management: \$25 per book and \$200 total for the class
8. Moral Recognition Training: \$25 per book and \$200 total for the class
9. Family Violence Intervention Program: \$25 per book, \$25 per assessment, \$20 fee paid to Promise Place and \$20 fee paid to Georgia Commission on Family Violence, \$25 per class
10. 6 panel drug test: \$25 per test
11. ETG alcohol test: \$20 per test
12. Comprehensive test: \$75 per test
13. Test Retest: \$75 per retest
14. Confirmatory test by independent laboratory: \$40 per test
15. On Site Alcohol Test: \$10.00 per test
16. On Site Laboratory Test and Confirmation: \$50.00 per test
17. Pre-trial diversion supervision: \$45 per month
18. Jail Tour: \$65 per tour

**State of Georgia
County of Fayette**

**AMENDMENT TO THE CONTRACT FOR PROBATION
SUPERVISION AND REHABILITATION SERVICES
BY AND BETWEEN FAYETTE COUNTY, GEORGIA
AND JUDICIAL CORRECTION SERVICES, LLC. (JCS)**

WHEREAS, Fayette County and JCS have previously entered into a Contract for Probation Supervision and Rehabilitation Services pursuant to which the County has retained JCS to coordinate and provide certain probation services to the Fayette County State and Court; and

WHEREAS, Fayette County and JCS desire to amend the terms of said Contract;

WHEREAS, the contract between Fayette County and JCS contemplate annual renewals as outlined below:

“The County shall have the option to renew the contract for five (5) additional one-year terms provided that the service is satisfactory, both parties are willing to renew, and the renewal is approved with the written consent of the County.”

NOW THEREFORE, in consideration of the promises and mutual covenants hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Fayette County and JCS do hereby enter into this Amendment of said Contract and hereby incorporate this Amendment into said Contract:

RENEWAL OF THE PERIOD OF SERVICE

This amendment shall serve as a renewal of the period of service contemplated by the original Contract as follows:

The contract shall be renewed for a period of one year beginning January 1, 2023 and terminating December 31, 2023.

MODIFICATION OF THE INDIGENT MENTAL HEALTH FUND

This amendment shall serve as a modification of the Indigent Mental Health Fund contractual provision:

Contractor shall set aside (\$1.25) per case per month of its supervision fees into an Indigent Mental Health Fund.

The set aside funds shall be capped at fifty thousand dollars.

MODIFICATION OF SCHEDULE OF FEES

This amendment shall serve as a modification of Schedule of Fees contemplated by the original contract as follows:

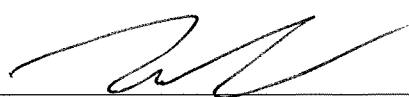
- Probation Supervision Fee: \$40.00 per month
- ETG Alcohol Test: \$35.00 per test

IN WITNESS WHEREOF, the parties hereto have executed this Amendment this _____ day of _____, 2022.

**FAYETTE COUNTY BOARD OF
COMMISSIONERS**

Lee Hearn, Commission Chairman

**JUDICIAL CORRECTION
SERVICES, LLC.**



Thomas S. York, COO

APPROVED BY THE FAYETTE COUNTY STATE COURT:

Jason B. Thompson, Judge