

## 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

February 23, 2023

5:00 p.m.

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

Call to Order

Invocation and Pledge of Allegiance by Commissioner Charles Oddo

Acceptance of Agenda

### PROCLAMATION/RECOGNITION:

### PUBLIC HEARING:

1. Consideration of Petition No. 1326-22, Amina Zakaria, Omar Zakaria, Saed Zakaria & Hassan Zakaria, Owners; Nizam 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 is located in Land Lot(s) 233 of the 5th District. This petition was tabled by the Board at the January 26, 2023, meeting. (pages 3-80)
2. 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. This item was tabled at the January 26, 2023 Board of Commissioners meeting. (pages 81-124)
3. Consideration of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR 74, SR 85 and Padgett Road intersection. (pages 125-137)
4. Consideration of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan at the intersection of S. Sandy Creek and SR 54 W. (pages 138-150)
5. Consideration of Resolution 2023-02 to transmit the Fayette County 2022 Annual Report on Fire Services Impact Fees (FY2022), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2023-FY2027) to Atlanta Regional Commission (ARC) for review by Georgia Department of Community Affairs (DCA). (pages 151-172)

### PUBLIC COMMENT:

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

**CONSENT AGENDA:**

6. Approval of staff's recommended Mid-Year Budget Adjustments to the fiscal year 2023 budget and approval to close completed Capital, Capital Improvement Plan (CIP) Projects, and Water System CIP Projects. (pages 173-177)
7. Approval of request to designate vehicle Asset #10849 (Fleet # 23112) instead of Asset #10845 (Fleet #23120) as surplus and authorize auctioning this unit. (page 178)
8. Approval of the February 9, 2023 Board of Commissioners Meeting Minutes. (pages 179-183)

**OLD BUSINESS:**

9. Request to approve Alternative 1 (ALT 1) or Alternative 2 (ALT 2) as the preferred realignment for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD). This item was tabled at the January 26, 2023 Board of Commissioners meeting. (pages 184-219)

**NEW BUSINESS:**

10. Request to approve Task Order #3 to develop a Concept Report and related deliverables for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD) for a not-to-exceed amount of \$479,053.92. (pages 220-222)
11. Discussion of amendments to the Zoning Ordinance: Sec. 110-3, Definitions; Sec. 110-79.-Residential Accessory Structures; 110-173.-General State Route Overlay. (pages 223-239)
12. Consideration of an Acknowledgment of Disclosure and Confirmation of Informed Consent regarding Design and Resurfacing of Certain Roads. (pages 240-242)
13. Request to approve Road Resurfacing Intergovernmental Agreement with the cities/town of Fayetteville, Peachtree City, and Tyrone for federal-aid SPLOST project 21TAC FY2022 Fayette County Resurfacing Program (GDOT PI 0017812). (pages 243-253)

**ADMINISTRATOR'S REPORTS:**

- A. Contract #2119-A: Lake Kedron Intake House Repairs; Change Order 2: Repairs to Interior Valve Assembly (pages 254-257)

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**



# COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Petition No. 1326-22, Amina Zakaria, Omar Zakaria, Saed Zakaria & Hassan Zakaria, Owners; Nizam 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 is located in Land Lot(s) 233 of the 5th District. This petition was tabled by the Board at the January 26, 2023, meeting.

## 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 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 lot from SR 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 January 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. Please see staff report for full text of recommended conditions.

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

Staff recommends CONDITIONAL APPROVAL of Petition No. 1326-22, to rezone the 13.035 acre tract from O-I to C-H.

## 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.

# COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda: **This item was tabled to the February 23, 2023 meeting**

Consideration of Petition No. 1326-22; Amina Zakaria, Omar Zakaria, Saed Zakaria & Hassan Zakaria, Owners; Nizam 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. This item was tabled at the December 8, 2022 Board meeting.

## 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 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 lot from SR 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 January 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 & Hassan Zakaria, Owners; Nizam 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 with eight (8) 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:

Please see staff report for full text of recommended conditions.



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

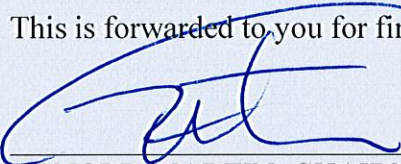
The Fayette County Planning Commission recommends that Petition No. 1326-22, the application of Amina, Omar, Saed and Hassan Zakaria to rezone 13.035 acres from O-I to

C-H, be:

3-1-0

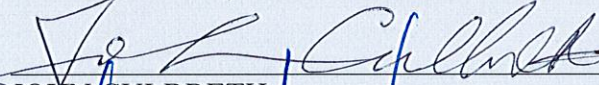
☐ Approved☐ Withdrawn☒ Denied☐ Tabled until \_\_\_\_\_☐ Approved with Conditions \_\_\_\_\_

This is forwarded to you for final action.



ARNOLD MARTIN, CHAIRMAN

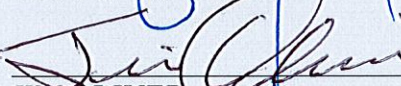
BRIAN HAREN, VICE-CHAIRMAN



JOHN CULBRETH



DANNY ENGLAND



JIM OLIVER

**Remarks:**


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**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;

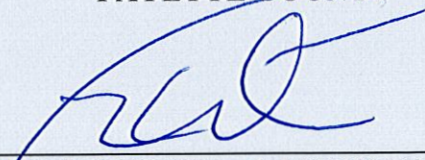
**BE IT RESOLVED** that the decision of the Fayette County Planning Commission, that said request be **DENIED**.

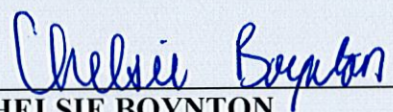
This decision is based on the following reason:

Not compatible with the surrounding area.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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

  
\_\_\_\_\_  
**CHELSEY BOYNTON  
PC SECRETARY**

# Meeting Minutes 11/3/22

**THE FAYETTE COUNTY PLANNING COMMISSION** met on November 3<sup>rd</sup>, 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

## **NEW BUSINESS**

### **1. Consideration of the Minutes of the meeting held on October 6<sup>th</sup>, 2022.**

*John Culbreth Sr. made a motion to approve the minutes of the meeting held on October 6th, 2022. Danny England seconded the motion. The motion passed 4-0. Brian Haren was absent.*

### **2. Consideration of a Preliminary Plat for Huntcliff Manor.**

Deborah Bell, Planning and Zoning Director, stated this is a renewal of an existing preliminary plat and the developer is in the plan review process. She continued it has been reviewed and approved by staff and the developer is in the review process, but this administrative part had to be taken care of.

*Danny England made a motion to approve the Preliminary Plat for Huntcliff Manor. Jim Oliver seconded the motion. The motion passed 4-0. Brian Haren was absent.*

### **3. Consideration of a Minor Final Plat for Iris Williams 1019 South Jeff Davis Drive.**

Deborah Bell stated this is a creation of two (2) parcels from one (1) single parcel. She continued it has been reviewed by staff and has met all the County requirements. She concluded all staff has approved it.

*Danny England made a motion to approve the Minor Final Plat for Iris Williams 1019 South Jeff Davis Drive. John Culbreth Sr. seconded the motion. The motion passed 4-0. Brian Haren was absent.*

## **PUBLIC HEARING**



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**PC Meeting**

- 4. Consideration of Petition No. 1326-22, Amina, Omar, Saed and Hassan Zakaria, Owner, and Taylor English Duma LLP (Steven L. Jones), Agent, request to rezone 13.035 acres from O-I to C-H to create Truck Parking Facility. This property is located in Land Lot 233 of the 5<sup>th</sup> District and fronts on Highway 85 North.**

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.
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



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**PC Meeting**

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 brought 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.

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 traveling 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.

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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 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.

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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.

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.

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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 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. Chairman Martin voted in opposition of denial. Brian Haren was absent.*

- 5. 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 5<sup>th</sup> District and fronts on Carnes Drive and Walter Way.**

David Weinstein stated this is a 1 (one) 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.

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**PC Meeting**

*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.*

- 6. 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 5<sup>th</sup> 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 (1) three (3) story building with internal access climate control and there will be six (6) 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 (1) 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 (2) 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 where as you drive pass you will see a class a product, mostly brick. He explained the facility will be secure. He stated the first stop will be the main office and there are codes as well as security cameras around the property. He added it is a very quiet use. He stated people will come to store their stuff and may not come back for a month or so. He continued there's no noise or obnoxious odors and supports the transition to commercial from residential.

No one spoke in opposition.

Jim Oliver stated he likes the project and doesn't have any problems with where it is. He continued he appreciated the 65 foot buffer on the rendering and agrees the 100 foot buffer would be difficult. He stated he supports the project.

Chairman Martin asked about the feasibility. He asked if another storage facility was needed? He stated the Board sees storage facilities come before them often. He stated his concerns about oversaturation.

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**November 3<sup>rd</sup>, 2022**  
**PC Meeting**

Mr. Poholek stated there was an overbuilding of storage facilities before the pandemic. He continued the pandemic helped the storage business because their business is driven by change. He stated during the pandemic people were moving things out of their home to make room for a home office or were moving back in with their parents. He stated many were buying and selling homes, so the overbuilding was fully absorbed. He stated it's possible they will be overbuilt again moving forward but because the building process is an extended and long process in the County, he doesn't think there will be enough facilities built in enough time to be overbuilt at least within the next couple of years.

Chairman Martin stated this is another gateway to the County. He stated this is the southeastern gateway and the County has a lovely park that is there. He stated his concern is having a roller coaster and possibly a trucking facility at one gateway and potentially a storage facility at another gateway. He asked if as a County do we want one gateway to be a storage facility?

Mr. Poholek stated they can make the buildings look however the County wants them to look. He continued they've been asked in the past if they were building a hotel. He stated they can make it completely brick and add more windows. He continued the product they can build today is of more quality.

John Culbreth Sr. stated he's inclined to support staff's recommendation of denial. He stated they need to look at what is needed, and housing is needed. He continued he could not support changing from agricultural to commercial.

Chairman Martin asked for any final comments or a motion.

Danny England made a note for staff and Planning Commission to review architectural controls in this area at the next workshop.

***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. Jim Oliver voted in opposition of denial. Brian Haren was absent.***

.....

***John Culbreth Sr. made a motion to adjourn. Danny England seconded. The motion passed 4-0. Brian Haren was absent.***

The meeting adjourned at 8:16pm.

\*\*\*\*\*



**Page 9**  
**November 3<sup>rd</sup>, 2022**  
**PC Meeting**

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

---

**ARNOLD MARTIN, CHAIRMAN**

**ATTEST:**

---

**CHELSIE BOYNTON**  
**PLANNING COMMISSION SECRETARY**

**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):** 5<sup>th</sup> District, Land Lot 233

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

**AGENT:** Steven L. Jones, representing Nizam Khan

**PLANNING COMMISSION PUBLIC HEARING:** November 3, 2022

**BOARD OF COMMISSIONERS PUBLIC HEARING:** December 8, 2022 (Tabled)  
January 26, 2023

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**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, Taylor English Duma LLP (Steven L. Jones), Agent, request to rezone 13.035 acres from O-I to C-H to create Truck Parking Facility. This property is located in Land Lot 233 of the 5<sup>th</sup> District and fronts on Highway 85 North.

*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. Additional planting should be added in areas where existing vegetation does not provide an adequate screen. This shall not prevent a septic system or the existing or future stormwater facilities from remaining or being located in this buffer, as prescribed by Sec. 110-93 and Sec. 110-94, respectively.
2. The full 50-foot front (east property line) buffer required by the SR 85 N Transportation Overlay shall be a vegetated buffer. Additional planting should be added in areas where existing vegetation does not provide an adequate screen. This area is not to be used for septic systems or other site utilities. This buffer shall not prevent use of the existing curb cut on SR 85; this access point is subject to GDOT approval.
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 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 this 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.

## **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 5<sup>th</sup> 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:

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
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 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 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** – This office has no objection to the proposed rezoning. However, if grading and paving occurs over the majority of the property, then future use or additions may be limited for septic use.

- ☐ **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.

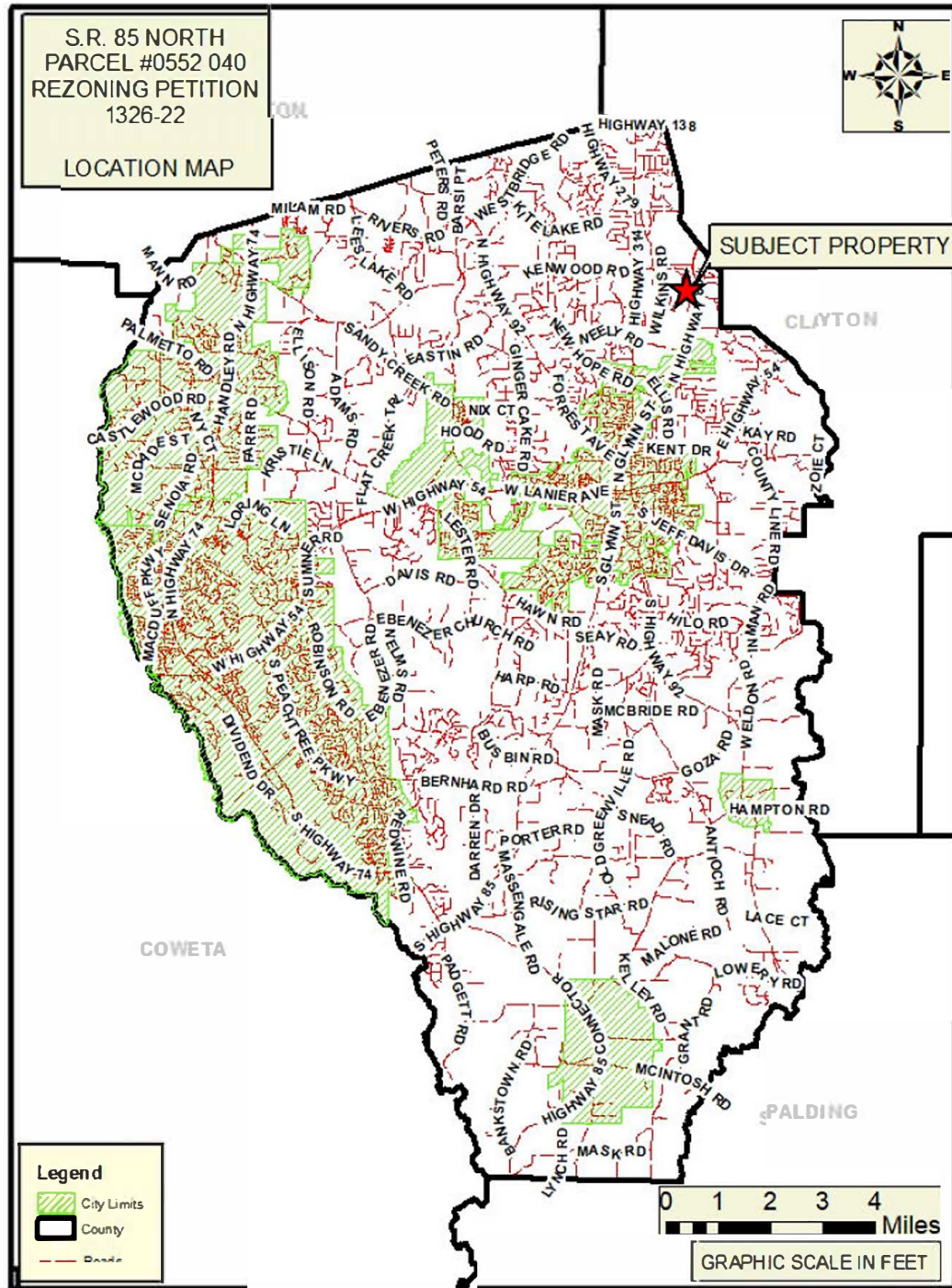
**ZONING DISTRICT STANDARDS****Sec. 110-144. C-H, Highway Commercial District.**

- (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;

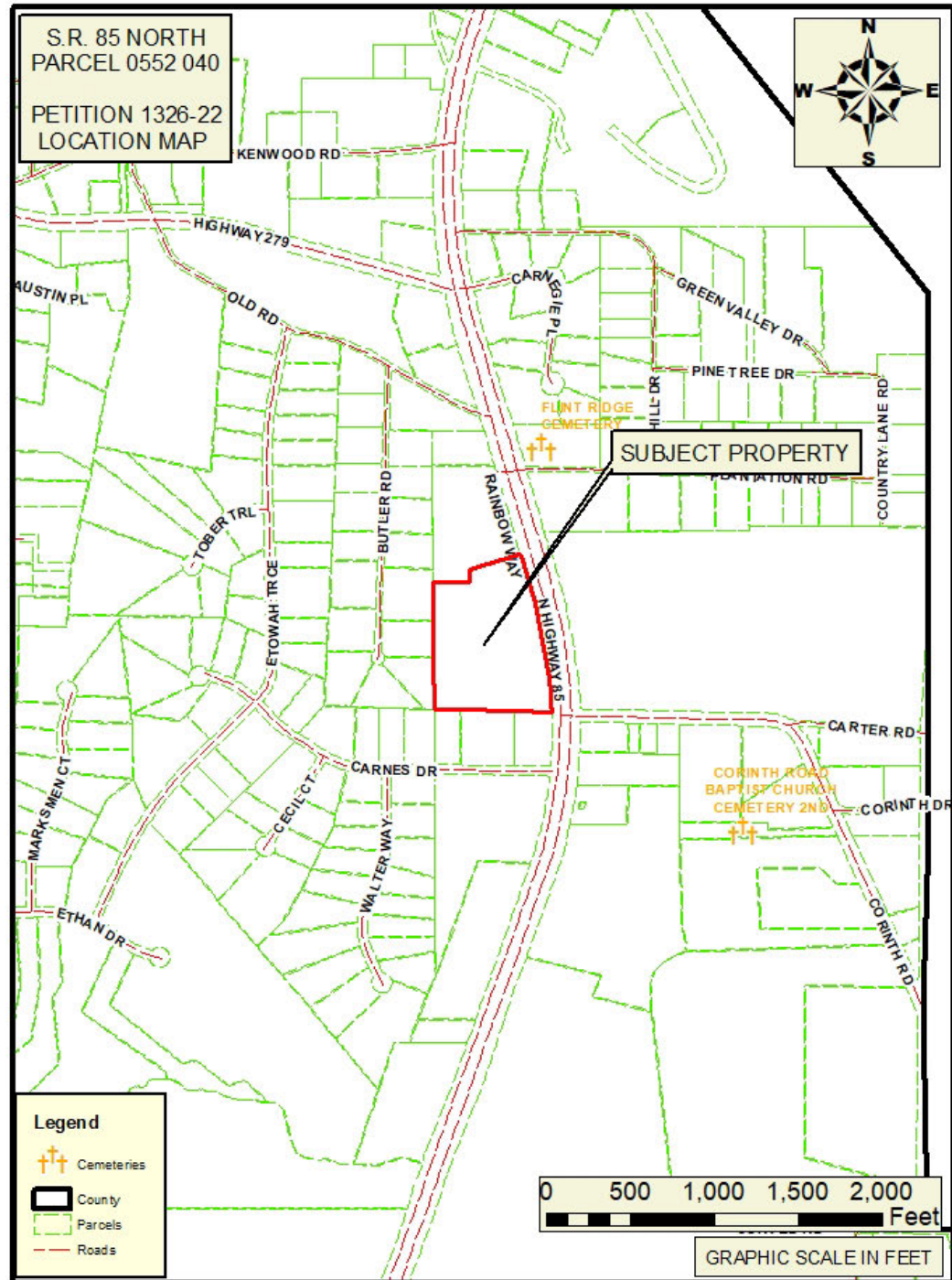
- (29) Flea market, indoor;
- (30) Florist shop;
- (31) Freezer locker service, ice storage;
- (32) Freight express office;
- (33) Funeral establishment (where funeral services, excluding a crematorium, may be provided);
- (34) Gift shop;
- (35) Glass sales;
- (36) Grocery store;
- (37) Hardware store;
- (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);

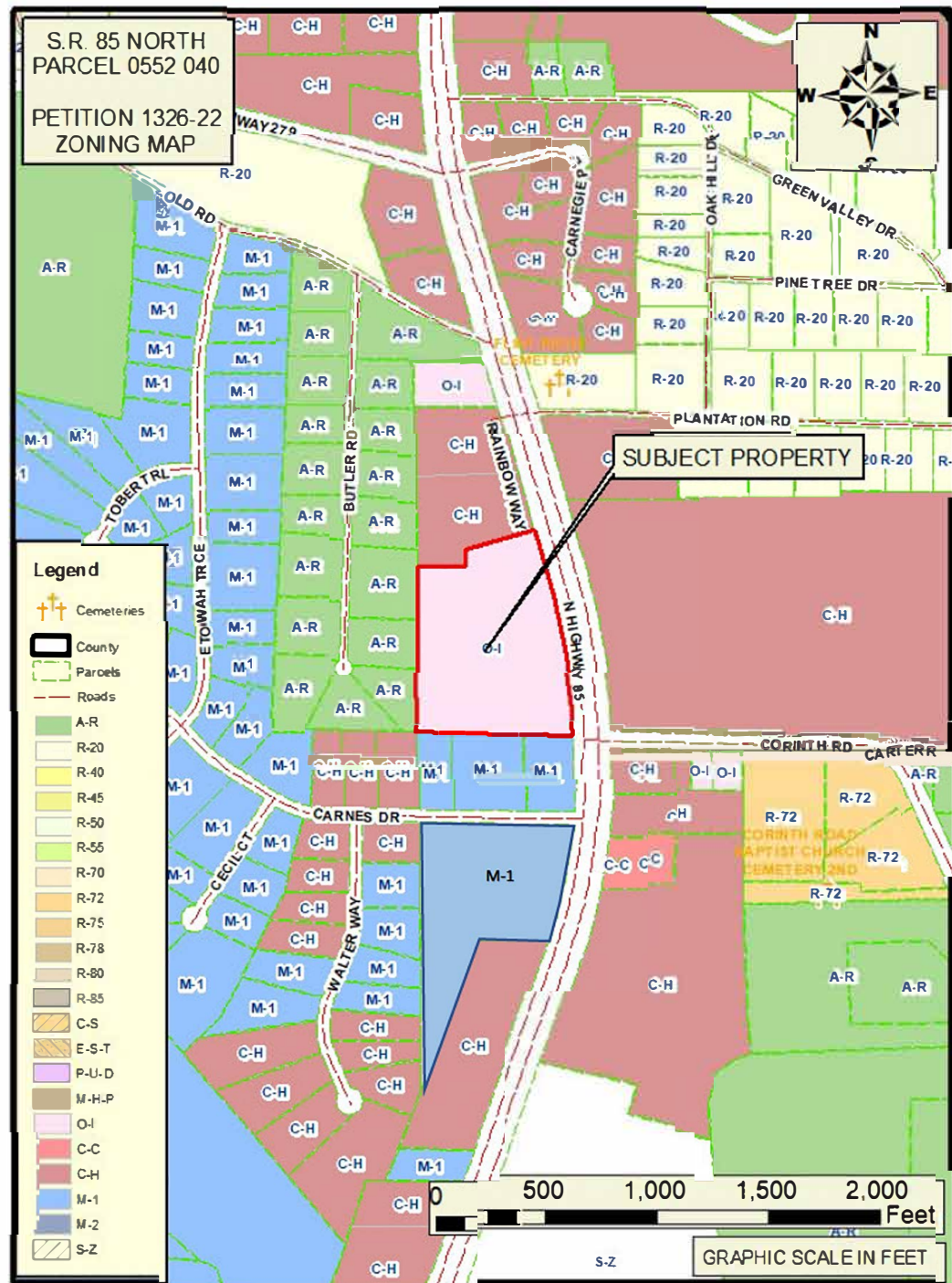
- (72) Television/movie studio;
  - (73) Upholstery shop; and
  - (74) Utility trailers sales and/or rental.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-H zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day 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.

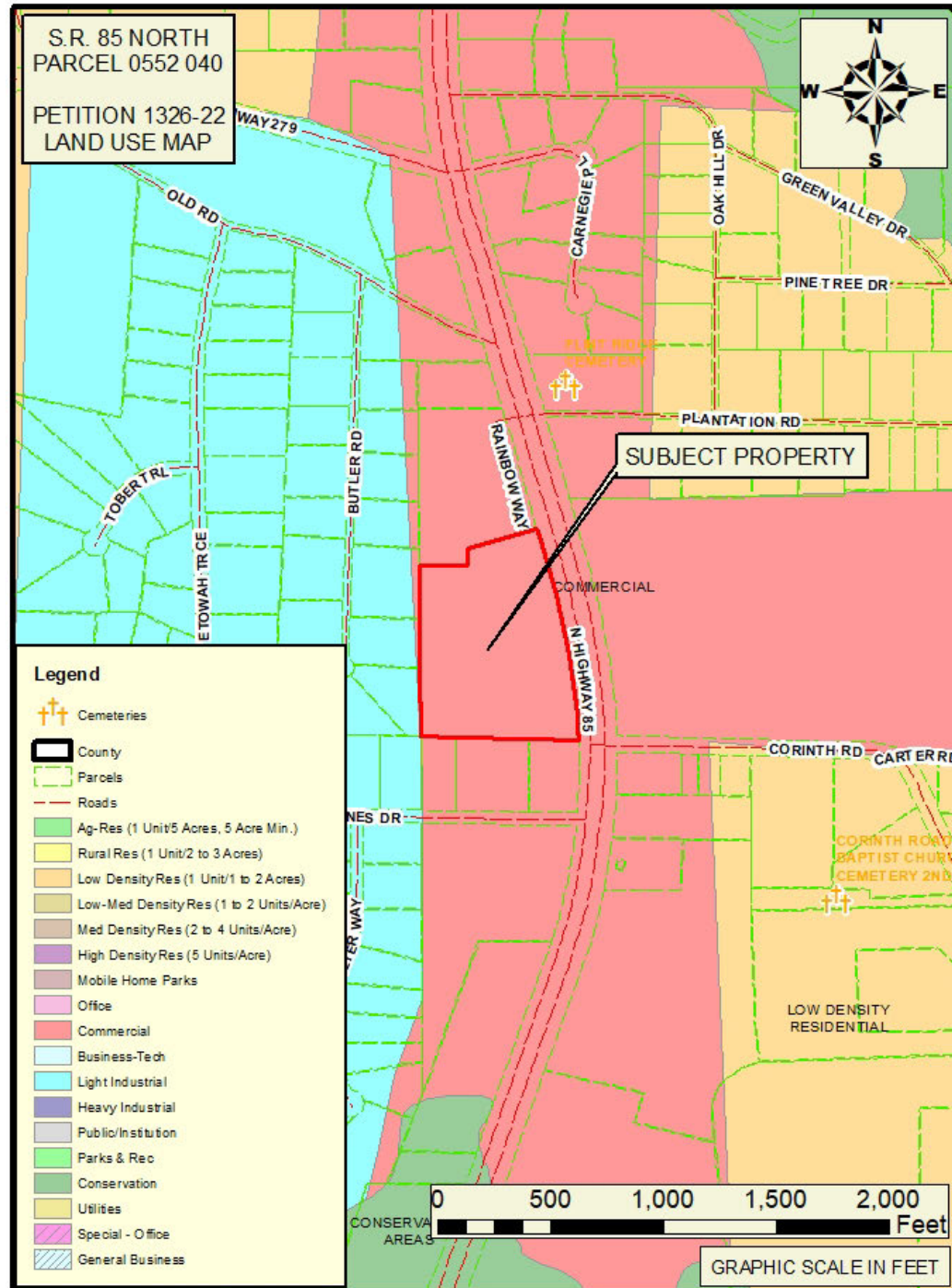
- (3) Front yard setback:
  - a. Major thoroughfare:
    - 1. Arterial: 75 feet.
    - 2. Collector: 70 feet.
  - b. Minor thoroughfare: 65 feet.
- (4) Rear yard setback: 15 feet.
- (5) Side yard setback: 15 feet.
- (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum 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.



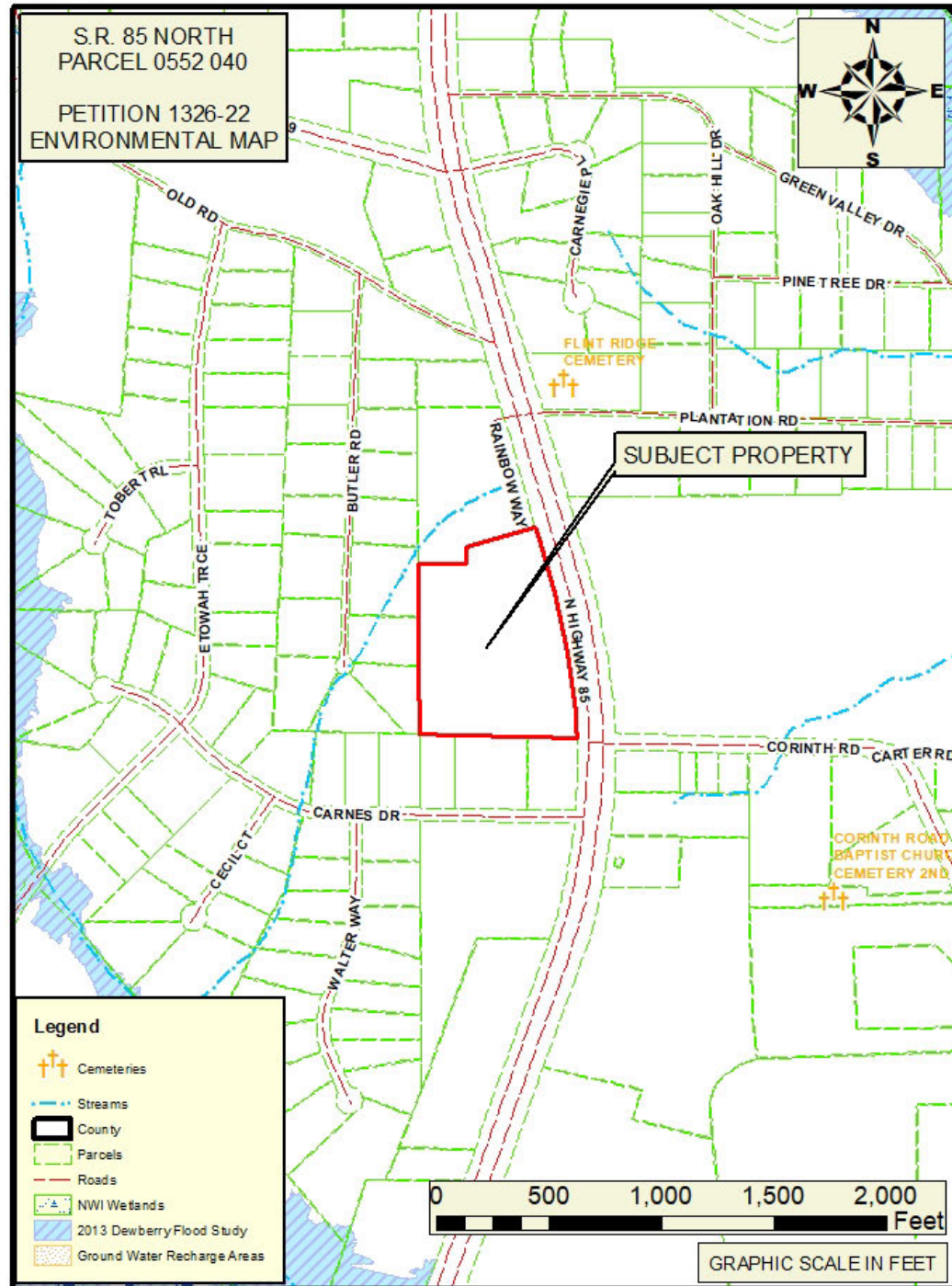


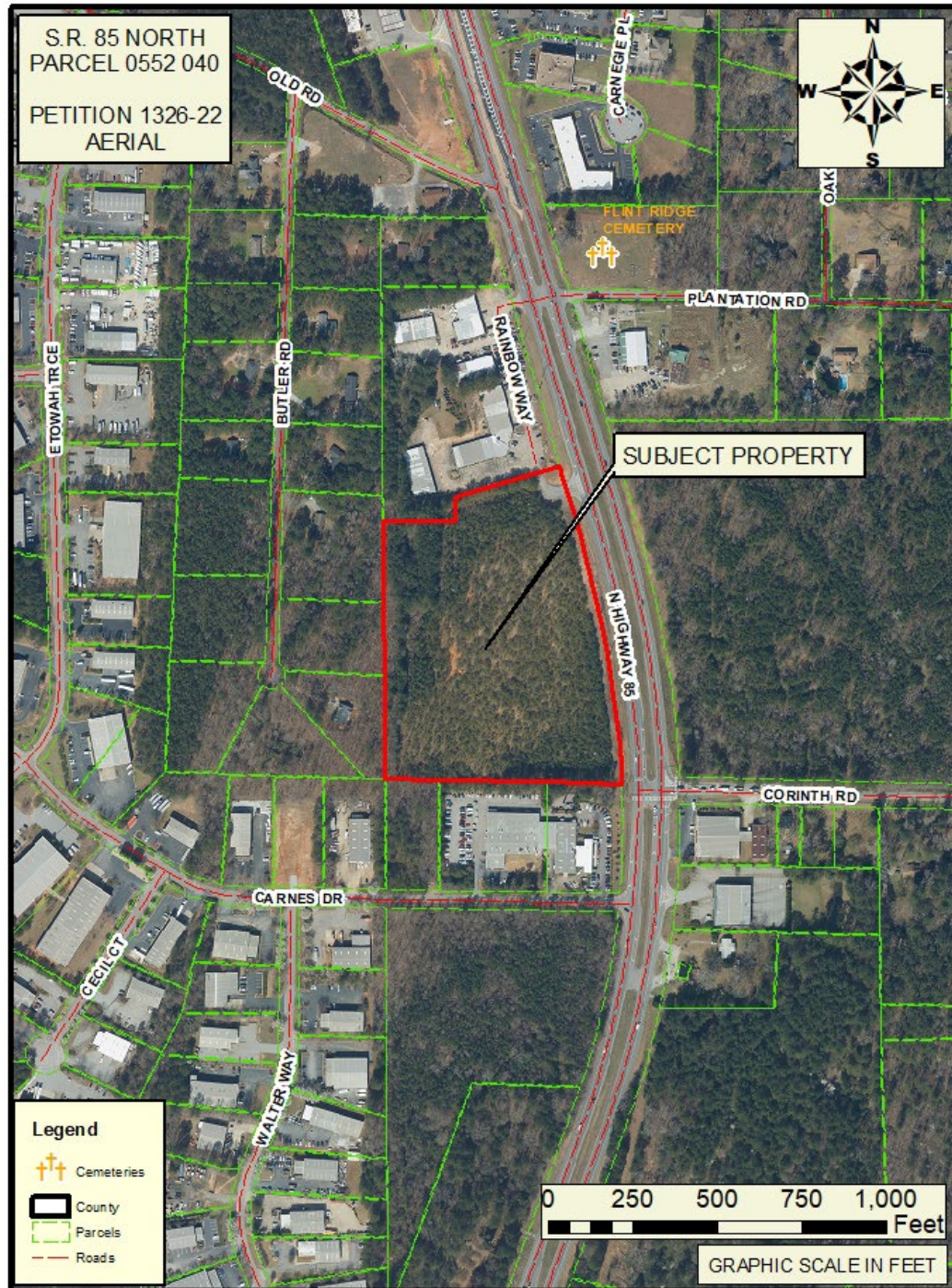






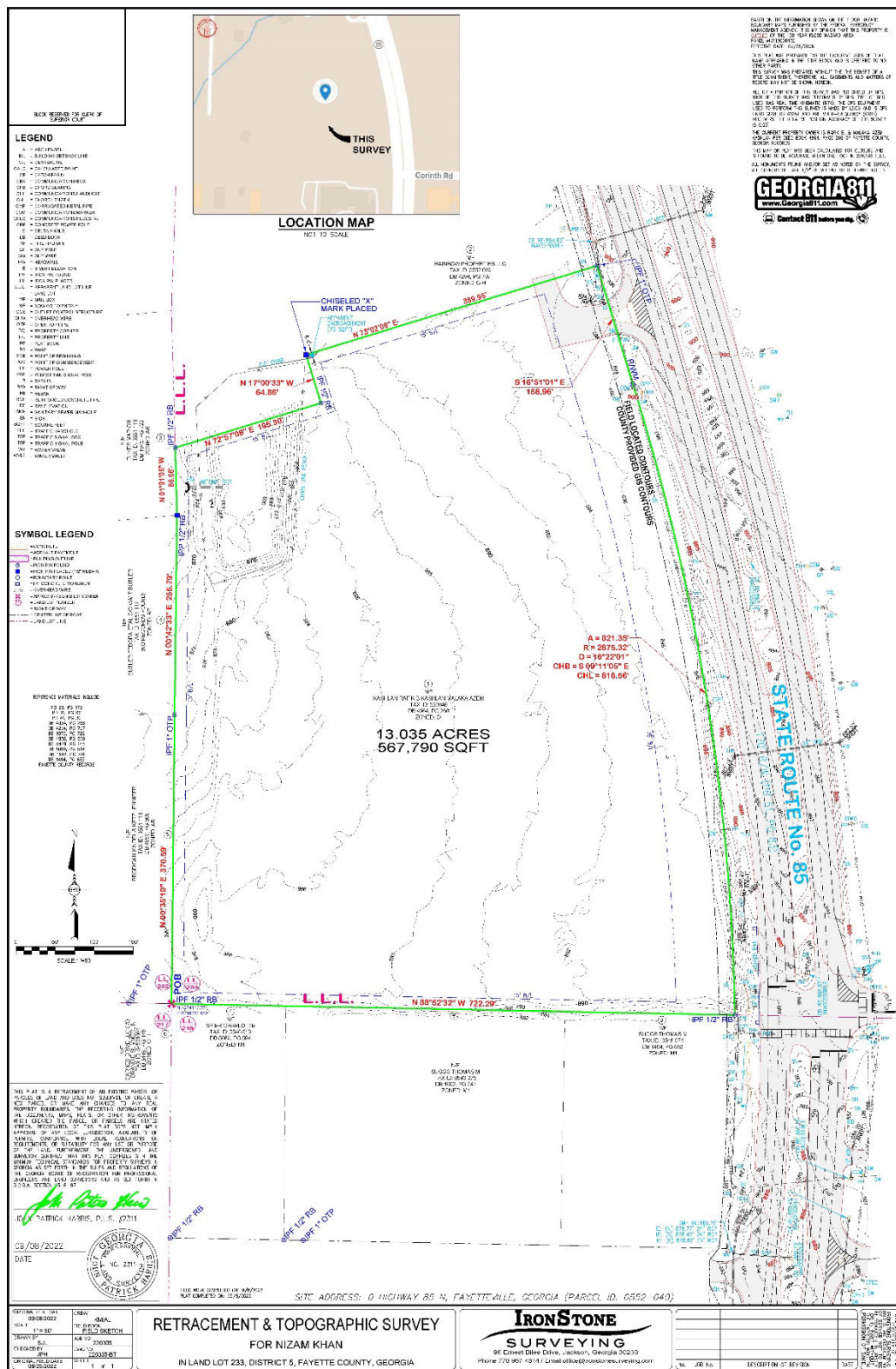






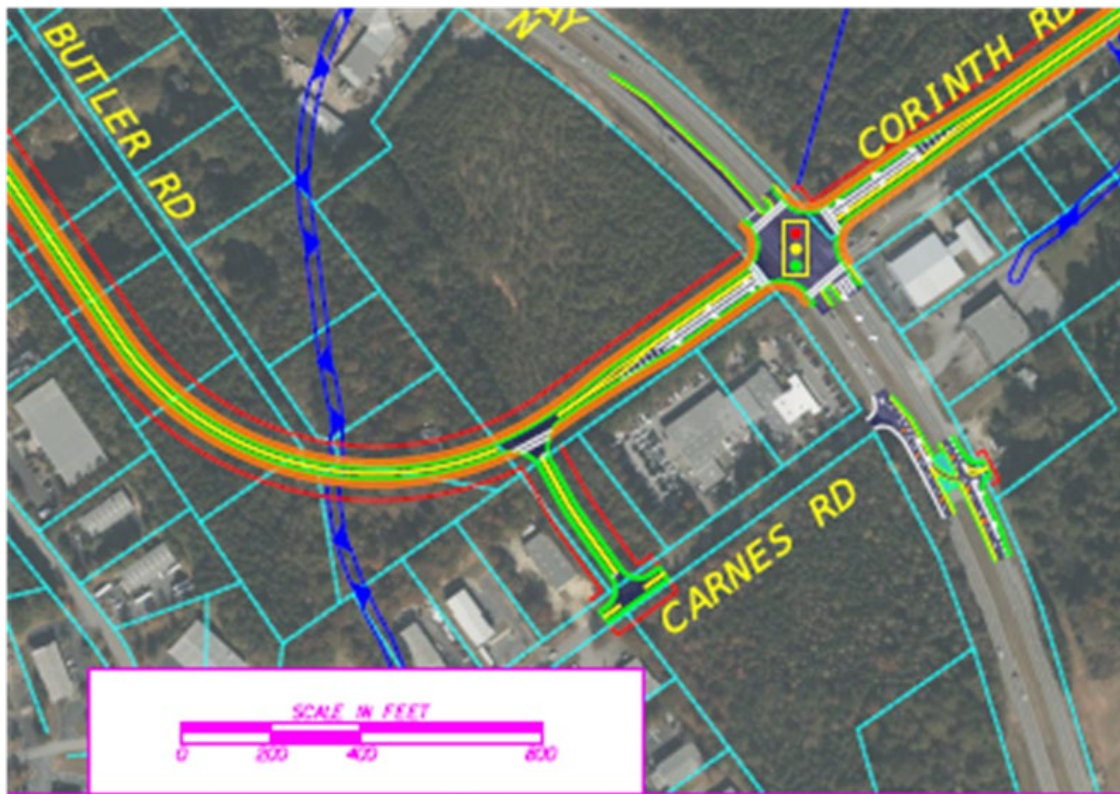


## REVISED SITE PLAN WITH CONNECTION TO PROPOSED ROAD AND REALIGNED INTERSECTION WITH TRAFFIC SIGNAL

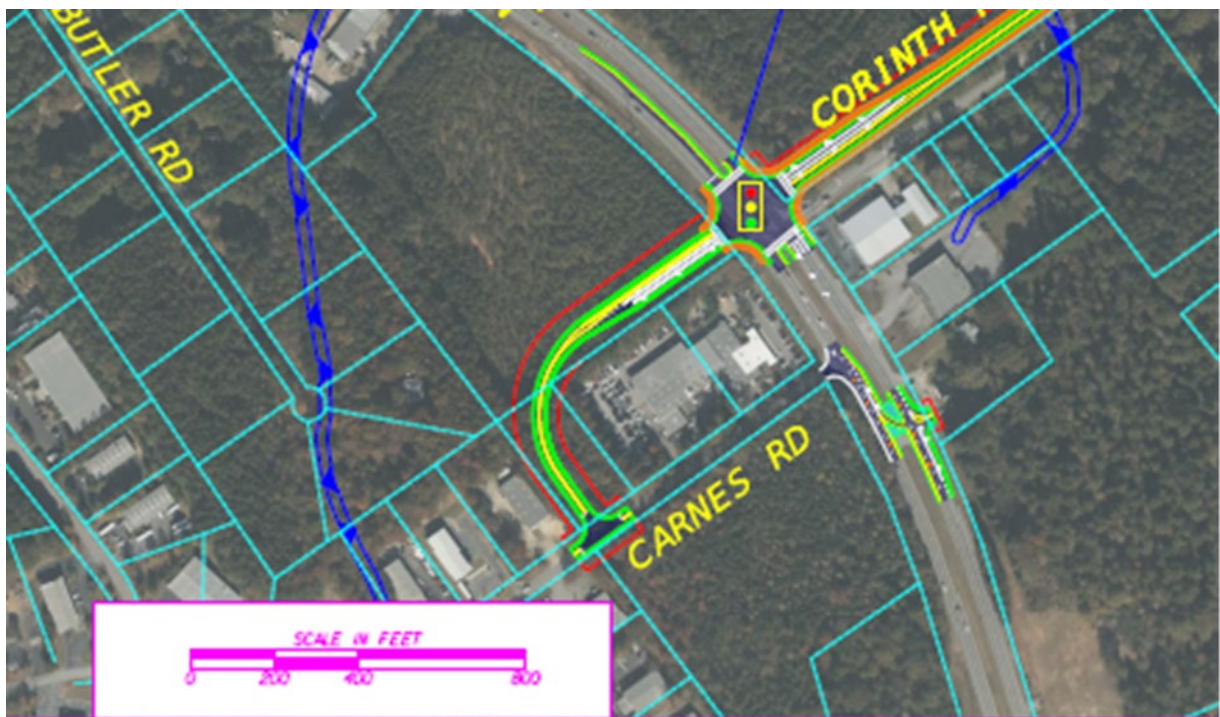


## SURVEY





**OPTIONS PROPOSED FOR INTERSECTION IMPROVEMENTS & CORINTH ROAD EXTENSION**





**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

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

Page 36 of 257

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 30977  
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

**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

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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

**TOK SON**  
**NOTARY PUBLIC**  
 Signature of Notary Public  
 State of Georgia  
 My Comm. Expires Feb. 16, 2025

Date

Signature of Notary Public

Date

Signature of Notary Public

Date

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

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

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]  
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

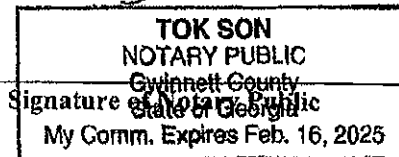
\_\_\_\_\_  
Address

N/A  
Signature of Authorized Agent

\_\_\_\_\_  
Address

[Signature]  
Signature of Notary Public

Aug 31, 2022  
Date



\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



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

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

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

Please Print Names

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

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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

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



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)

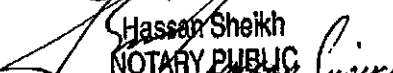
Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)

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

Sworn to and subscribed before me this 31<sup>st</sup> 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

# 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.

*Omar Zakaria*

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

*[Signature]*  
NOTARY PUBLIC

SIGNATURE OF PROPERTY OWNER

**TOK SON**  
NOTARY PUBLIC  
Gwinnett County  
State of Georgia  
My Comm. Expires Feb. 18, 2025

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.

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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)

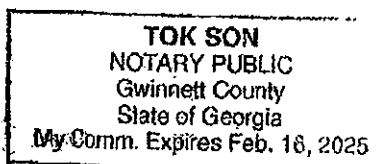
Sworn to and subscribed before me this 31 day of August, 2022.

  
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 31<sup>st</sup> 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/](http://www.dca.state.ga.us/DRI/).
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
- ☒ The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .
- ☐ The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

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

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

## Developments of Regional Impact

### Tiers and Development Thresholds

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

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## DISCLOSURE STATEMENT

Please check one:

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

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

**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:**


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

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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:**


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\_\_\_\_\_  
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 5<sup>TH</sup> 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

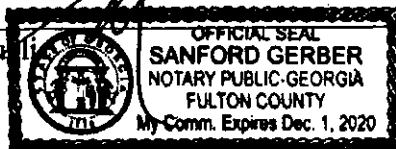


EXHIBIT "A"

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° 00' 00" 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



NAZIM KHAN  
1462 MUNDYS MILL RD  
JONESBORO, GA 30238

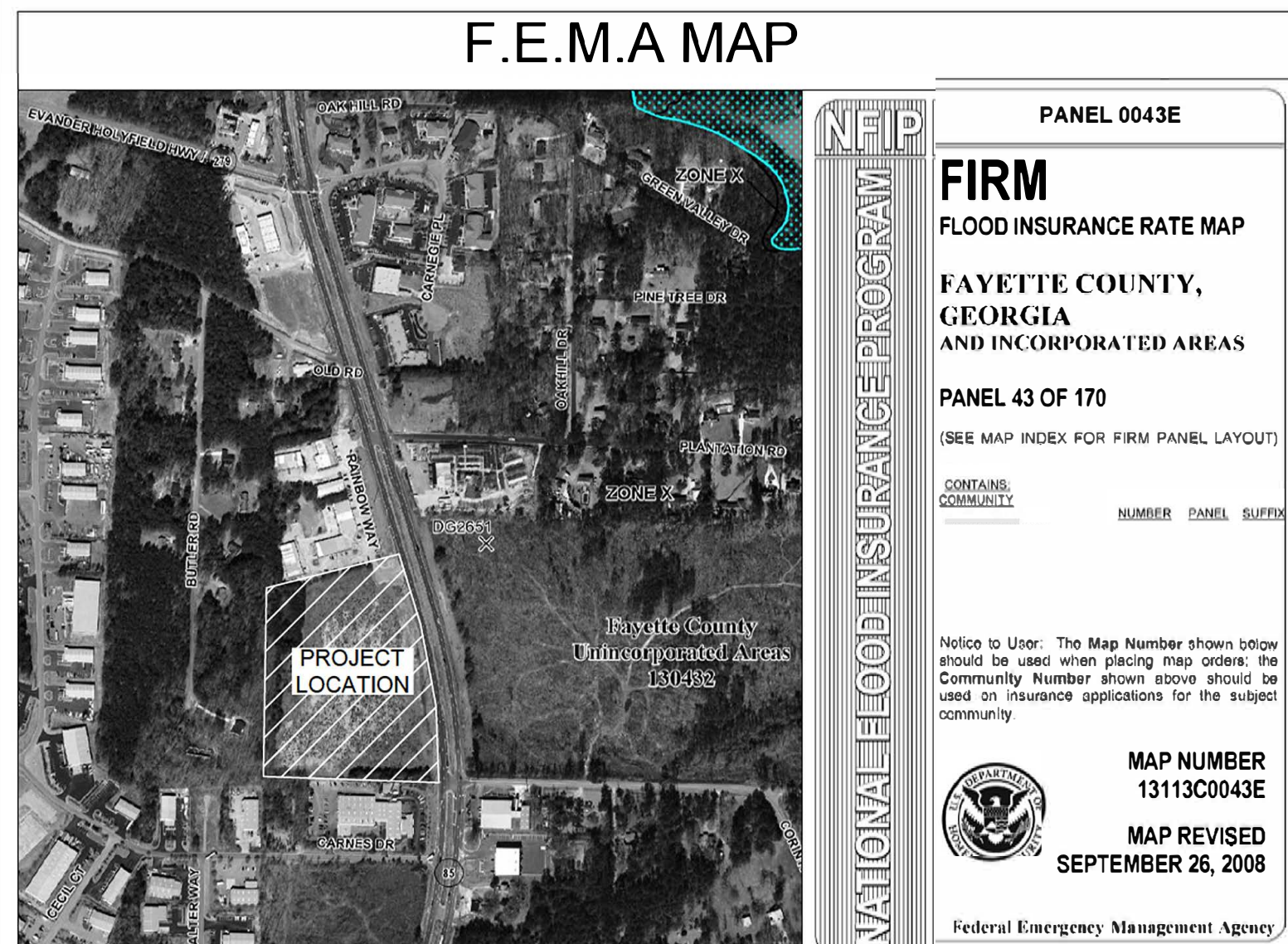
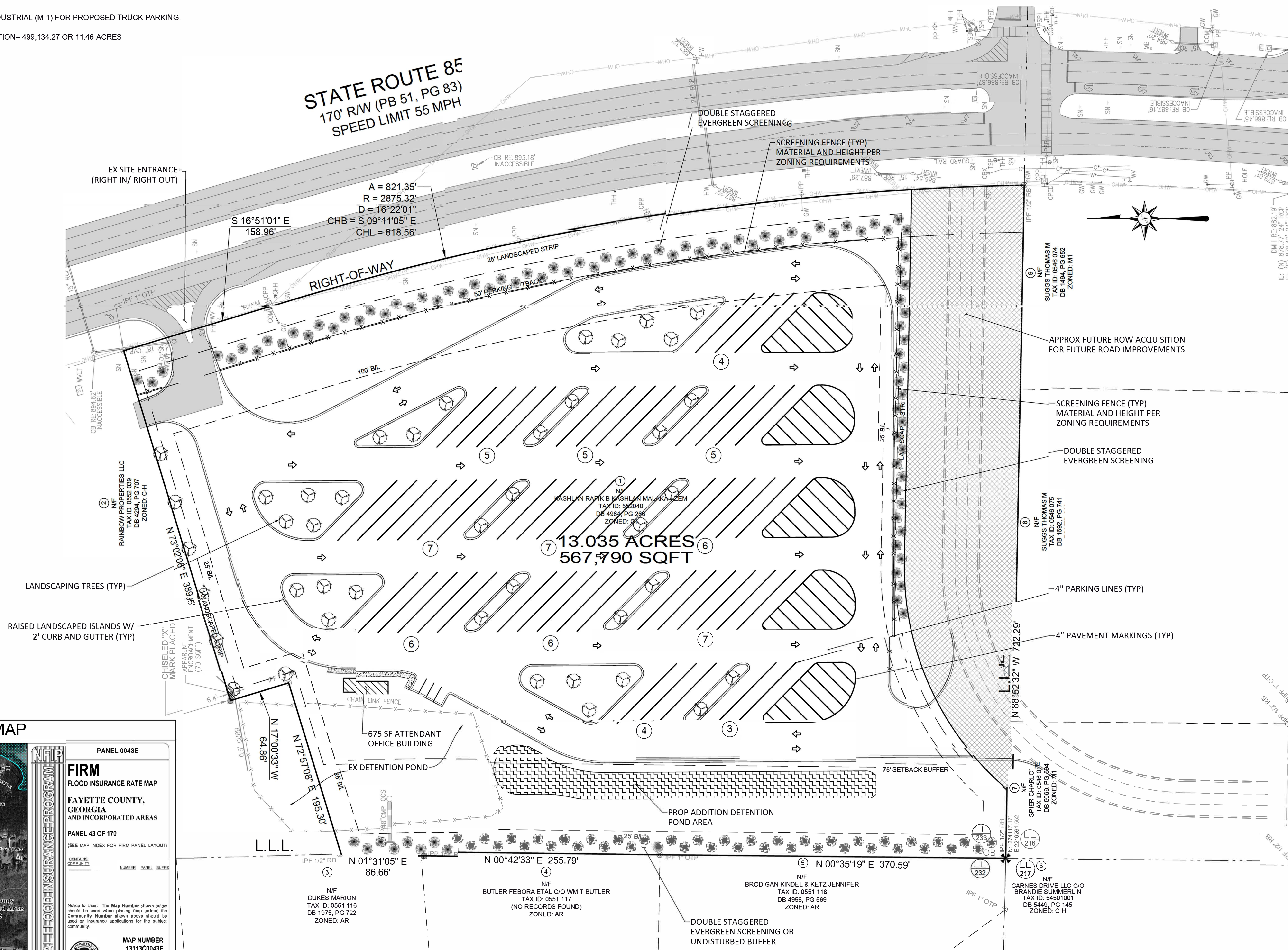
205 Wavetree Dr  
Roswell, GA 30075  
470-926-0905  
michael@civilaceeng.com

## LAYOUT PLAN

## TRUCK PARKING

[illegible]

CP



BASED ON THE SURVEY THIS TRACT OF LAND DOES NOT LIE WITHIN THE 100 YEAR INTERMEDIATE REGIONAL FLOOD ZONE AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY PANEL NO 13113C0043E, EFFECTIVE SEPTEMBER 26, 2008.



PLAN VIEW GRAPHIC SCALE - 1"=50'



Steven L. Jones | Partner  
Direct Dial: 678.336.7282  
Cell Phone: 404.218.2756  
E-mail: sjones@taylorenghish.com

December 7, 2022

**VIA EMAIL: tsmith@fayettecountyga.gov & dbell@fayettecountyga.gov**

Board of Commissioner of Fayette County, Georgia (the “BOC”)

c/o Tameca P. Smith, MBA, CMC, County Clerk &

Deborah Bell, RLA, Director, Community Development Department

140 Stonewall Avenue, West

Suite 100

Fayetteville, Georgia 30214

**Re: Fayette County Parcel Identification Number (“TPN”): 0552 040 (the “Property”);  
Petition No. 1326-22 (the “Application”) of Mr. Nazim Khan (the “Applicant”).**

Dear Mmes. Bell and Smith:

This letter serves to supplement and amend the Application. Enclosed with this letter—as **Attachment “A”**—is an updated site/concept plan for the proposed truck (and other vehicle) parking facility (the “Development”) on the Property. The revised site plan addresses the concern of the Fayette County Planning Commission regarding screening of the Development from adjacent roadways by (1) adding two rows of staggered evergreen vegetative screening along the future Corinth Road realignment, in addition to the initial proposed two rows of staggered evergreen vegetative screening along State Route (i.e., Highway) 85; and (2) making it clear that the Development will also include a screening fence along all road frontages. Finally, the revised site plan incorporates Staff’s recommended conditions of approval.

Further enclosed with this letter as **Attachment “B”** and **Attachment “C”**, respectively, and for consideration by the BOC prior to its official action on the Application regarding the Property are the following (collectively, the “Objections”) (1) a Constitutional Objection to Current Zoning; and (2) Objections to and for Zoning Hearing Based on York v. Athens College of Ministry, Inc. Decisions of Georgia’s appellate courts require the Applicant to present the Objections to the BOC for consideration prior to its vote on the Application. The attached are standard, procedural, and intended solely to preserve all the constitutional, procedural, statutory, and common law rights of the Applicant.

Should you have any questions/concerns regarding this letter, its attachments/enclosures, and/or the Application, please do not hesitate to contact me.

Sincerely,



Steven L. Jones

Enclosures

cc: Applicant; Dennis Davenport, County Attorney (by email)

**ATTACHMENT “A”**

**SITE PLAN**

**Begins on Next Page**



NAZIM KHAN  
1462 MUNDYS MILL RD  
JONESBORO, GA 30238

205 Wavetree Dr  
Roswell, GA 30075  
470-926-0905  
michael@civilaceeng.com

# LAYOUT PLAN

HWY 85 N  
TRUCK PARKING

[illegible]

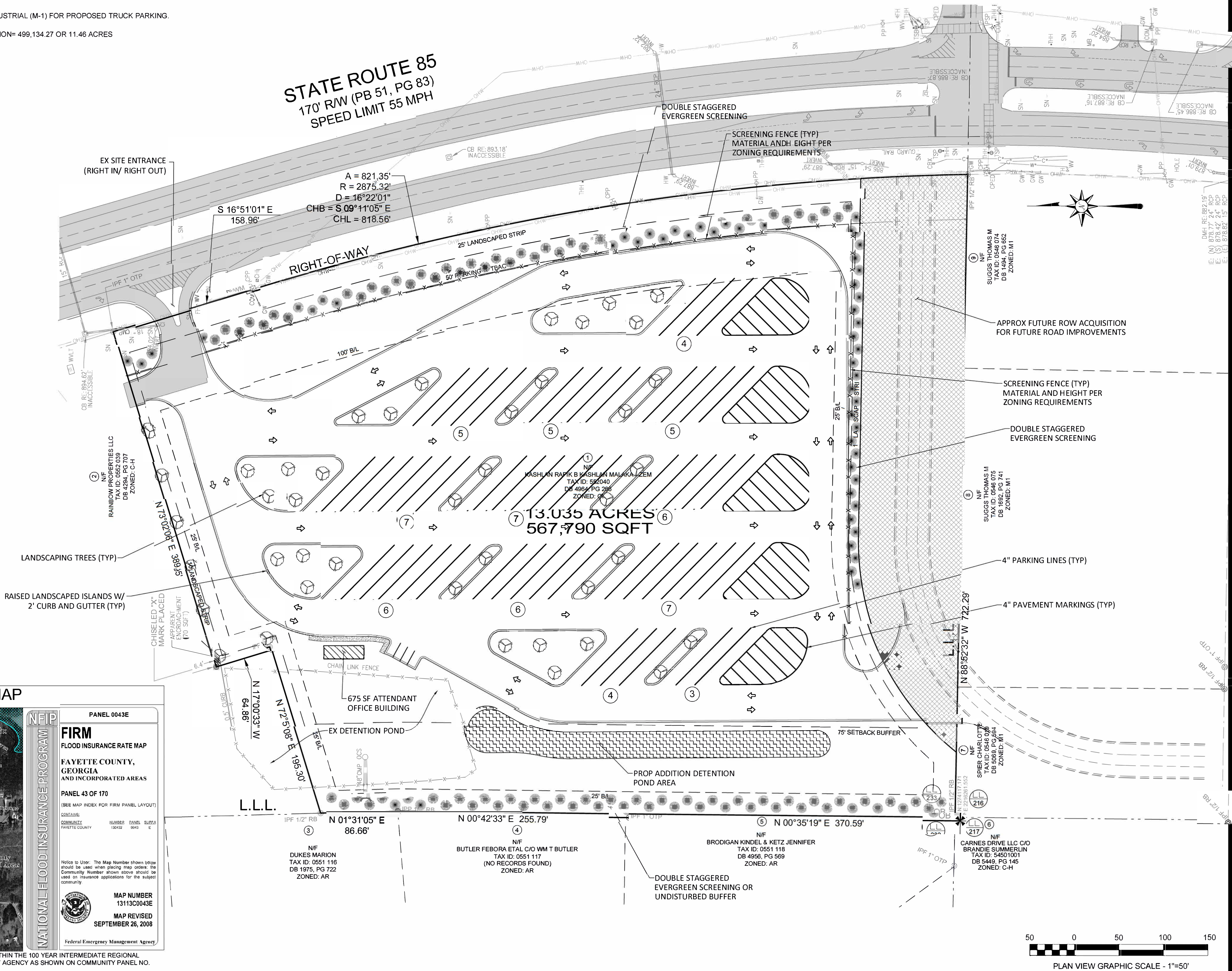
PROJECT NO. 22047

DESIGNED BY: MG

CHECKED BY: MG

DATE: 11-17-2022

SHEET  
CP





**ATTACHMENT “B”****CONSTITUTIONAL OBJECTION TO CURRENT ZONING**

As applied to the real property of Amina Zakaria, et al. (collectively the “Owner”), which is identified as Fayette County Tax Assessor Parcel No.: 0552 040 (the “Subject Property”) and is the subject of the previously-filed rezoning application styled as Petition No. 1326-22 (the “Application”) of Mr. Nazim Khan (the “Applicant”), and facially, the Zoning Ordinance of Fayette County, Georgia (the “Zoning Ordinance”), codified at Chapter 110 of the Code of Ordinances of Fayette County, Georgia (the “Code of Ordinances”) is unconstitutional in that the Applicant’s (and the Owner’s) property rights in and to the Subject Property, which is currently zoned O-I, Office-Institutional District (“O-I”) under the Zoning Ordinance, have been destroyed without first receiving fair, adequate, and just compensation for such property rights. As applied to the Subject Property, the Zoning Ordinance deprives the Applicant (and the Owner) of constitutionally protected rights in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States of America.

Application of the Zoning Ordinance to the Subject Property is unconstitutional, illegal, arbitrary, capricious, null, and void, constituting a taking of the Subject Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States of America thereby denying the Applicant (and the Owner) of an economically

**ATTACHMENT “B”**

viable use of the Subject Property while not substantially advancing legitimate state interests.

Inasmuch as it is impossible for the Applicant (and/or the Owner) to use the Subject Property and simultaneously comply with the Zoning Ordinance, the Zoning Ordinance constitutes an arbitrary, capricious, and unreasonable act by Fayette County, Georgia without any rational basis therefor and constitutes an abuse of discretion in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States of America.

Application of the Zoning Ordinance to the Subject Property is unconstitutional and discriminates against the Applicant (and the Owner) in an arbitrary, capricious, and unreasonable manner between the Applicant (and the Owner) and others similarly situated in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States of America.

Failure to approve the Application, with only those conditions consented to by the Applicant, would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia of 1983.

WHEREFORE, the Applicant requests that the Board of Commissioners of Fayette County, Georgia approve the Application, as specified and designated therein, with only conditions consented to by the Applicant.

Respectfully submitted this 7th day of December 2022.

**ATTACHMENT “B”**

**TAYLOR ENGLISH DUMA LLP**

Counsel for Applicant

/s/ Steven L. Jones

Steven L. Jones

Georgia State Bar No.: 639038

1600 Parkwood Circle  
Suite 200  
Atlanta, Georgia 30339  
(678) 336-7282  
sjones@taylorenghish.com



## ATTACHMENT “C”

**OBJECTION TO AND FOR ZONING HEARING BASED ON  
YORK V. ATHENS COLLEGE OF MINISTRY, INC.**

As applied to Mr. Nazim Khan (the “Applicant”) and the real property of Amina Zakaria, et al. (collectively the “Owner”), which is identified as Fayette County Tax Assessor Parcel No.: 0552 040 (the “Subject Property”) and is the subject of the previously-filed rezoning application styled as Petition No. 1326-22 (the “Application”) of the Applicant, any public hearing regarding, and any Board of Commissioners of Fayette County, Georgia (“BOC”) action (including, but not limited, any final action on the Application) on, the Application are objected to by Applicant based on, but not limited to, the reasons set forth herein (collectively the “York Objection” and each an “Objection”), in accordance with *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 821 S.E.2d 120 (Ga. Ct. App. 2018):

Contemporaneous with the filing of this *York* Objection, the Applicant is filing a Constitutional Objection to the O-I, Office-Institutional District (“O-I”) zoning district currently applied the Subject Property, and all Objections set forth therein are incorporated herein by reference as if fully restated.

The Applicant objects to the hearing before the BOC because the time limitation, if any, imposed on the presentation of evidence and testimony in support of, as well as in rebuttal to opposition evidence, comments, and/or testimony to, the Application deprives the Applicant a meaningful opportunity to be heard and preserve issues, in violation of the Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of Georgia of 1983. Likewise, the Applicant objects to any and all members of the public (and/or other persons) who appear (or otherwise give testimony and/or opinion) at the public hearing before the BOC to the extent that (but not limited to) said individuals (a) do not have standing to appeal the BOC’s decision on the Application (i.e., do not satisfy the

**ATTACHMENT “C”**

substantial interest-aggrieved citizen test); (b) are not under oath; (c) are not subject to cross-examination; (d) present evidence on and/or make statements that qualify as (or must or should be assessed with the aid of) expert opinion testimony without any or all individuals being qualified as expert witnesses; (e) present evidence on and/or make statements that are not germane to the exclusive factors for consideration of the Application set forth in the Zoning Ordinance of Fayette County, Georgia (the “Zoning Ordinance”), codified at Chapter 110 of the Code of Ordinances of Fayette County, Georgia (the “Code of Ordinances”); (f) present evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, and/or lay, nonexpert opinion evidence; and/or (g) fail to disclose any and every campaign (or other) contribution to any member of the BOC.

Additionally, the Applicant objects to any BOC action that does not approve the Application or approves the Application with conditions not consented to by the Applicant to the extent that (but not limited to) such action is: (a) in violation of Section 50-13-19(h) of the Official Code of Georgia Annotated or otherwise: (1) in violation of any constitutional, statutory, and/or ordinance provisions; (2) in excess of the constitutional, statutory, and/or ordinance authority of the BOC; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; (b) contrary to the report(s) and recommendation(s), to the extent the Applicant consents to the conditions thereof, of (1) the Fayette County, Georgia Department of Planning and Zoning (or any assigns thereof); and/or (2) any other Department or agency of Fayette County, Georgia (excluding the Fayette County, Georgia Planning Commission) or the State of Georgia; (c) founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, and/or

**ATTACHMENT “C”**

lay, nonexpert opinion evidence; (d) contrary to, or based, in whole or in part, on factors or considerations other than, the exclusive factors or procedure for consideration of the Application set forth in the Zoning Ordinance; (e) based, in whole or in part, on evidence and/or information received by the BOC (1) outside of the public hearing on the Application; (2) by ex parte or other similar means; and/or (3) otherwise in a manner which does not afford the Applicant a right to respond to or otherwise confront all evidence considered by the BOC in its evaluation of the Application; (f) otherwise not made pursuant and in conformance with the Code of Ordinances; the Zoning Ordinance; the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*; and/or any other law, including the Constitutions of the State of Georgia or the United States of America; and/or (g) pursuant to an ordinance, resolution, zoning map, and/or the like not adopted in compliance with the Code of Ordinances; the Zoning Ordinance; the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*; and/or any other law, including the Constitutions of the State of Georgia or the United States of America, which the Applicant contends is the case for the applicable ordinances, resolutions, and maps, including, but not limited to, the Zoning Ordinance.

By and through this *York* Objection, the Applicant hereby preserves all the above and incorporated Objections, and any and all evidence, arguments, and objections made and/or tendered at any hearing, and/or prior to the BOC’s final action, on the Application, and asserts them on and within the record before, and for consideration and resolution (prior to any formal decision) by, the BOC.

WHEREFORE, the Applicant requests that the Board of Commissioners of Fayette County, Georgia approve the Application, as specified and designated therein and without any conditions not consented to by the Applicant.

[SIGNATURE ON FOLLOWING PAGE]

**ATTACHMENT “C”**

Respectfully submitted this 7th day of December 2022.

**TAYLOR ENGLISH DUMA LLP**

Counsel for Applicant

/s/ Steven L. Jones

Steven L. Jones

Georgia State Bar No.: 639038

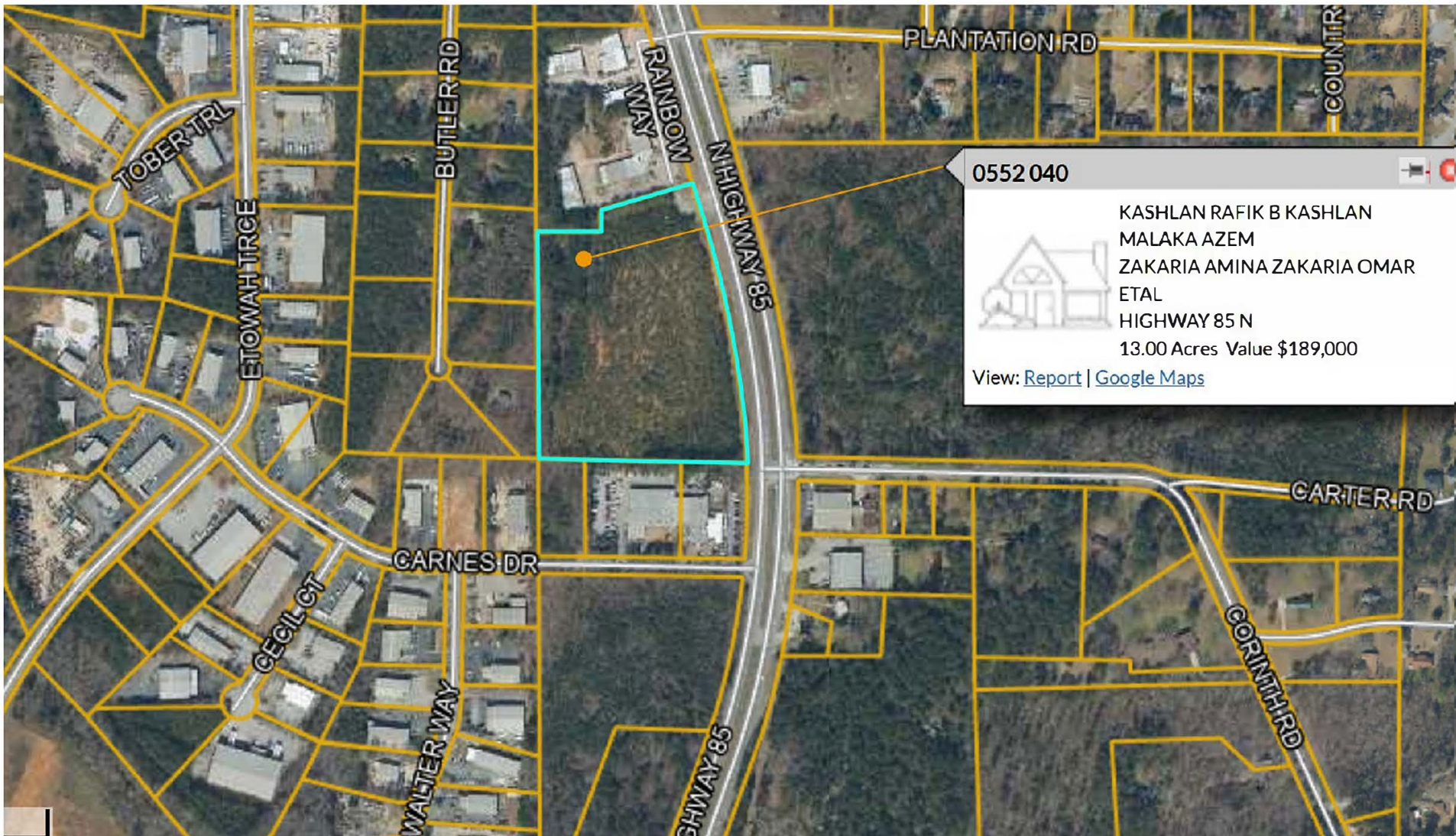
1600 Parkwood Circle  
Suite 200  
Atlanta, Georgia 30339  
(678) 336-7282  
sjones@taylorenghish.com



# Petition No. 1326-22

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

taylor | english



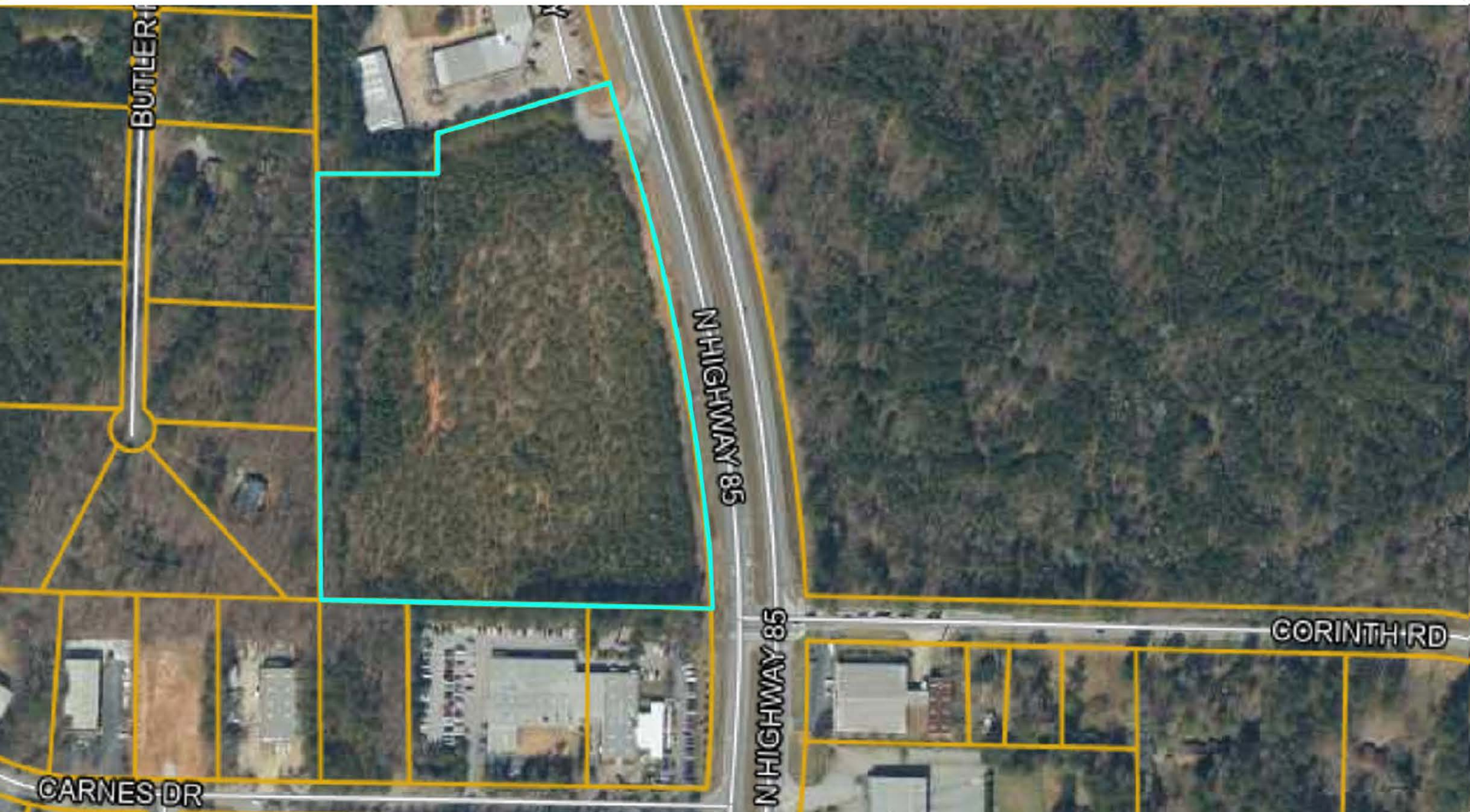
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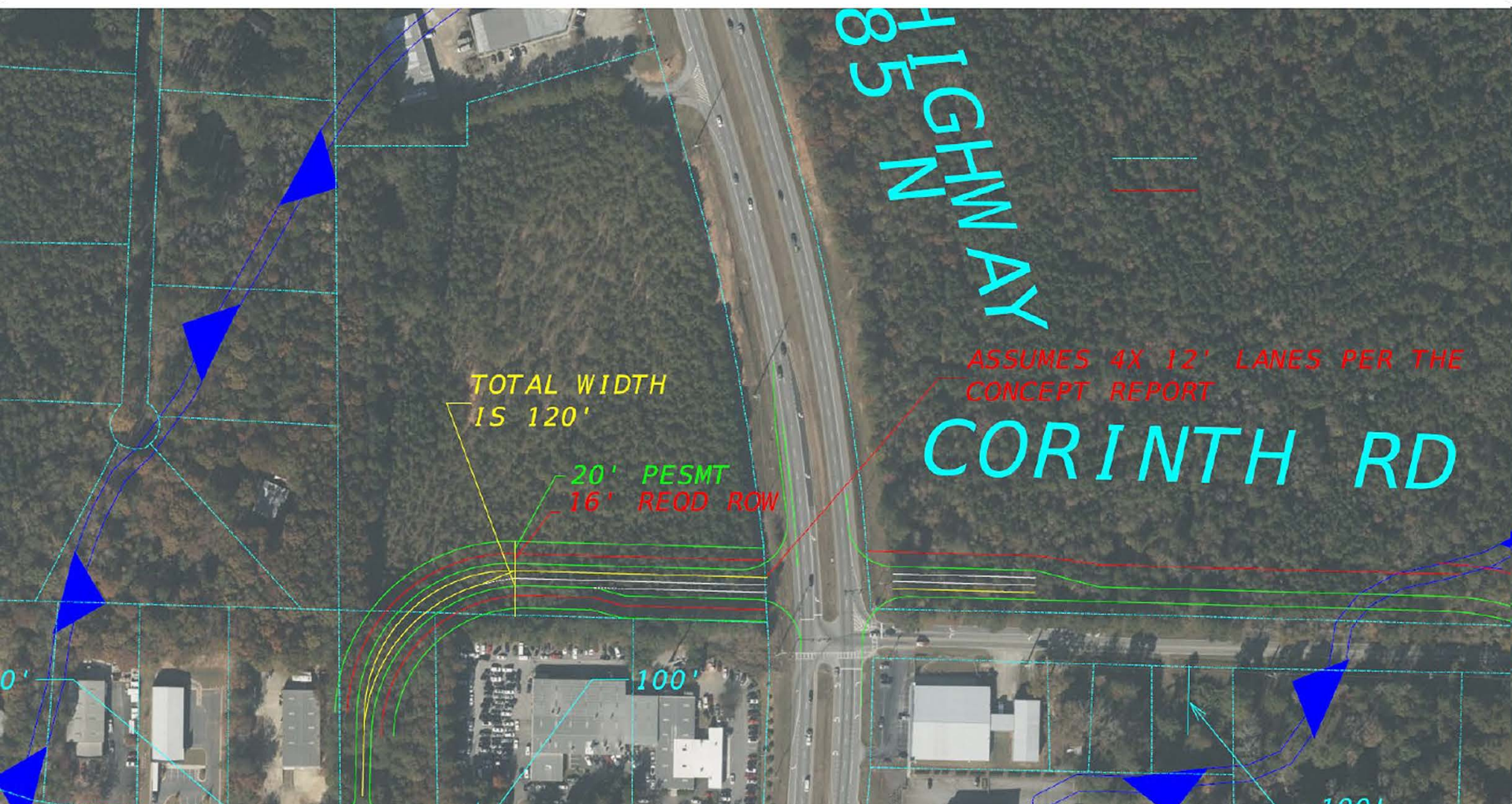
KASHLAN RAFIK B KASHLAN  
MALAKA AZEM  
ZAKARIA AMINA ZAKARIA OMAR  
ETAL  
HIGHWAY 85 N  
13.00 Acres Value \$189,000

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





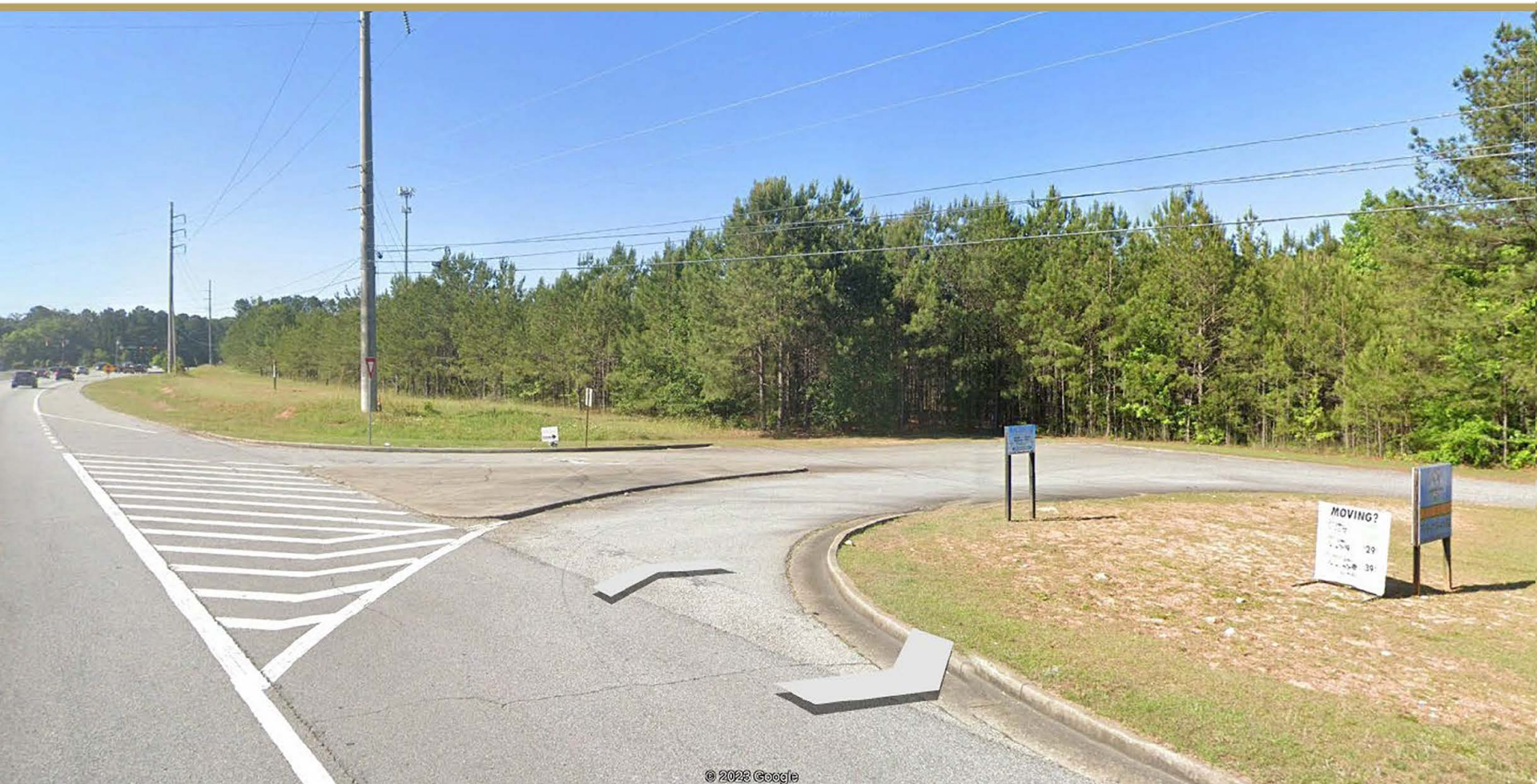






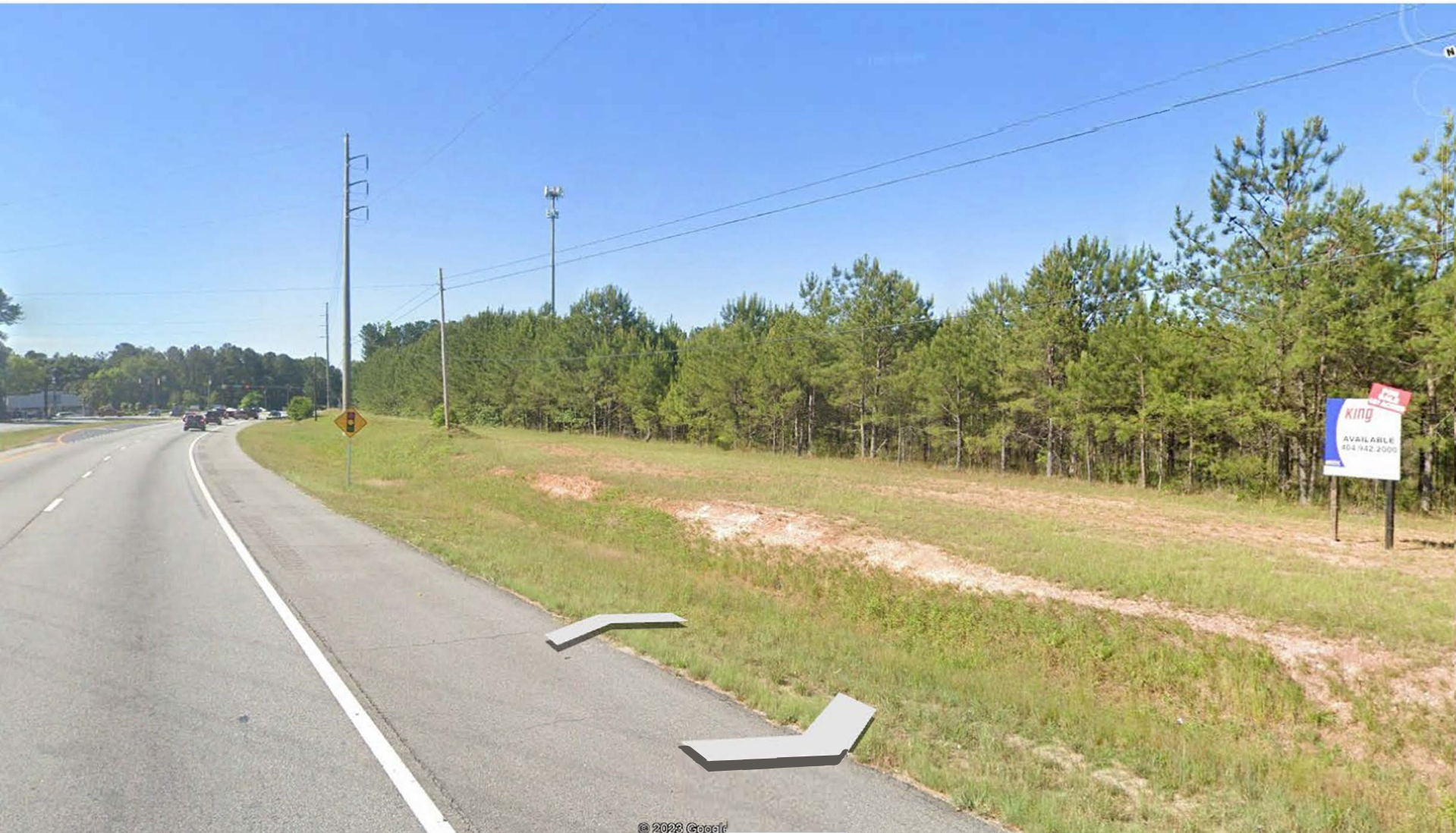




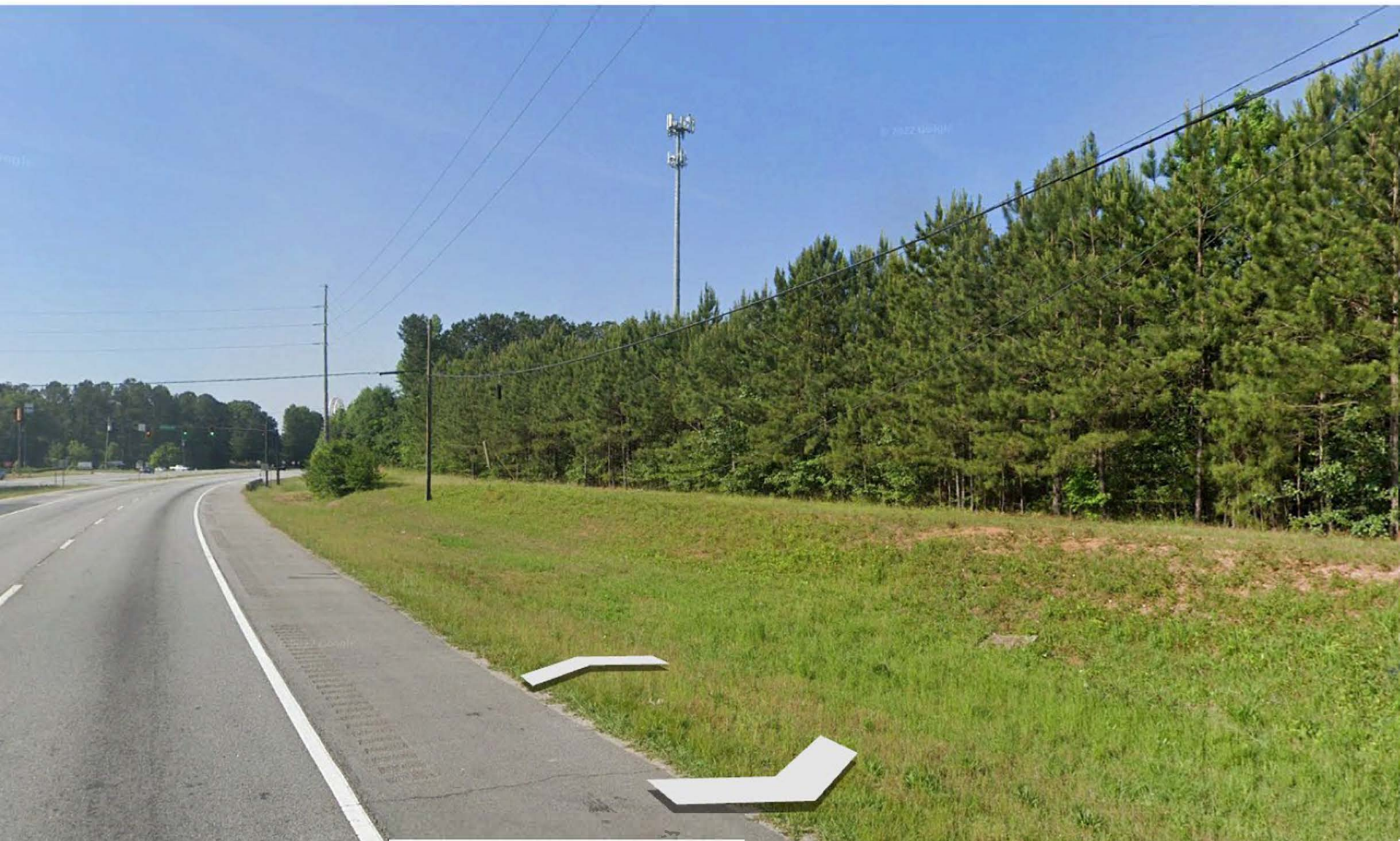


© 2022 Google



















205 Westmore Dr  
Roswell, GA 30075  
478-426-0925  
nichelle@chilacwing.com

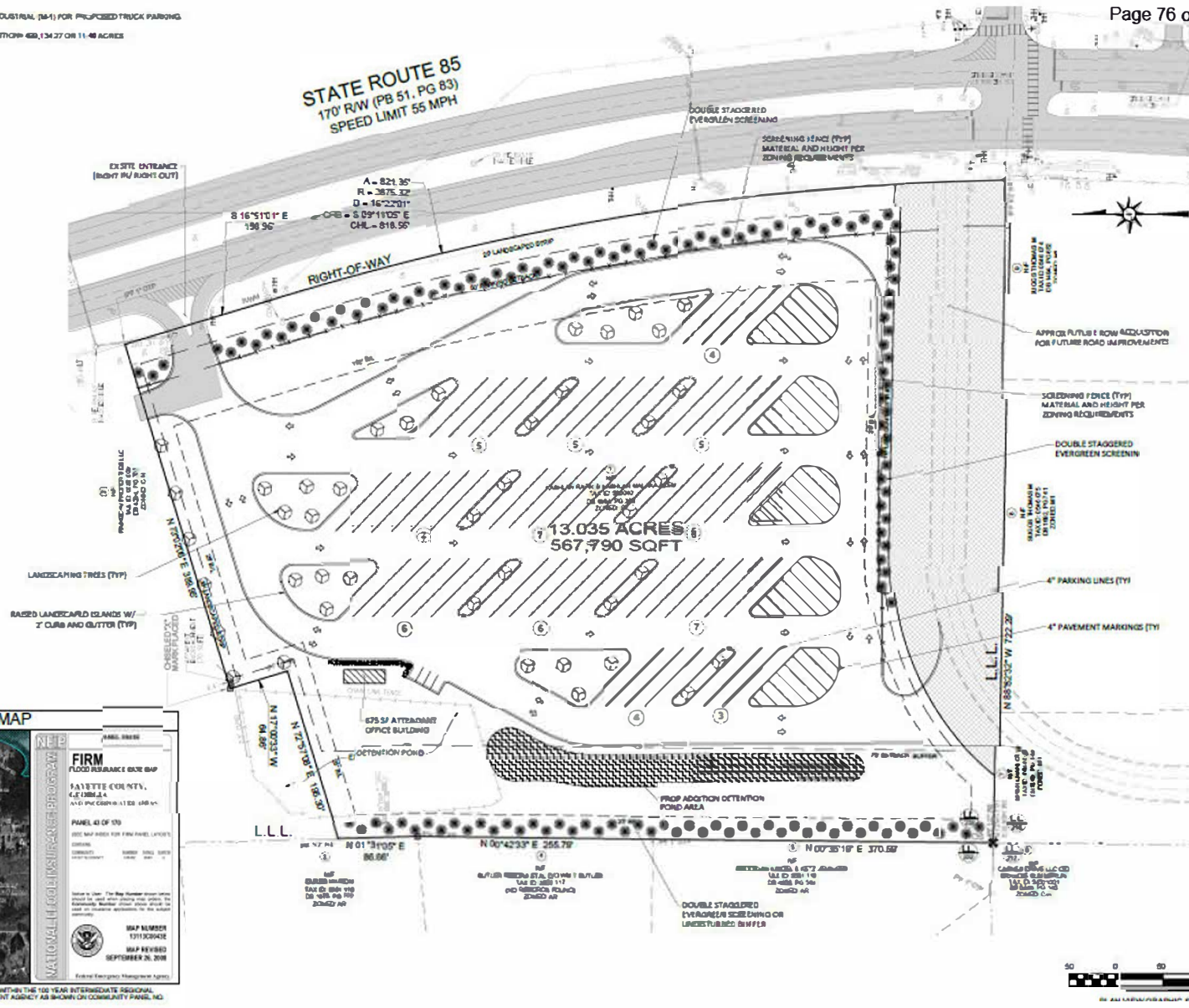
HWY 85 N  
TRUCK PARKING

[illegible]

PROJECT NO. 33047  
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 CHECKED BY:                       
 DATE: 11-03-2021

SHEET  
CP

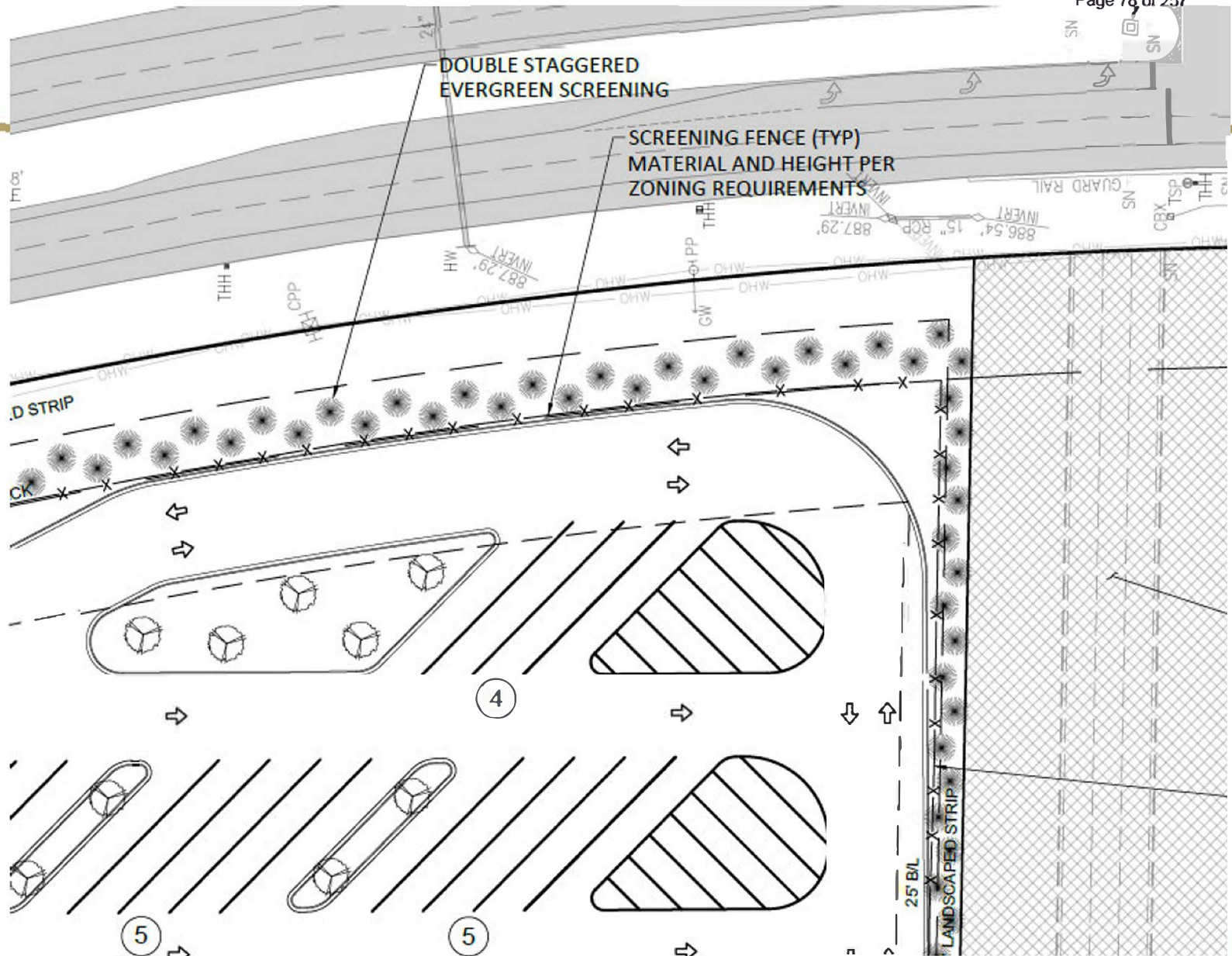
**OWNER INFORMATION**  
NAZIM BOMAK  
1465 MOUNTAIN VIEW RD  
SUNEBORO, CA 90250



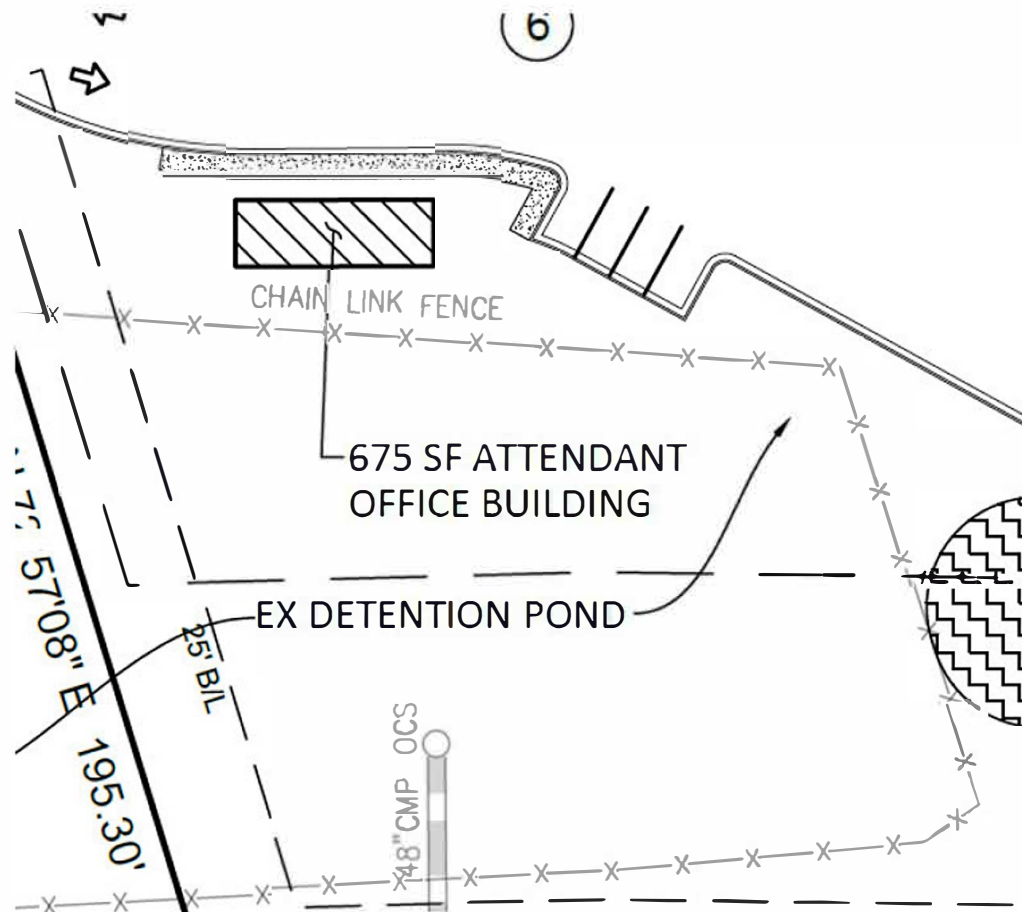
BASED ON THE SURVEY THIS TRACT OF LAND DOES NOT LIE WITHIN THE 100 YEAR INTERMEDIATE REGIONAL FLOOD ZONE AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY PANEL NO. 13113C0005, EFFECTIVE SEPTEMBER 26, 2008.





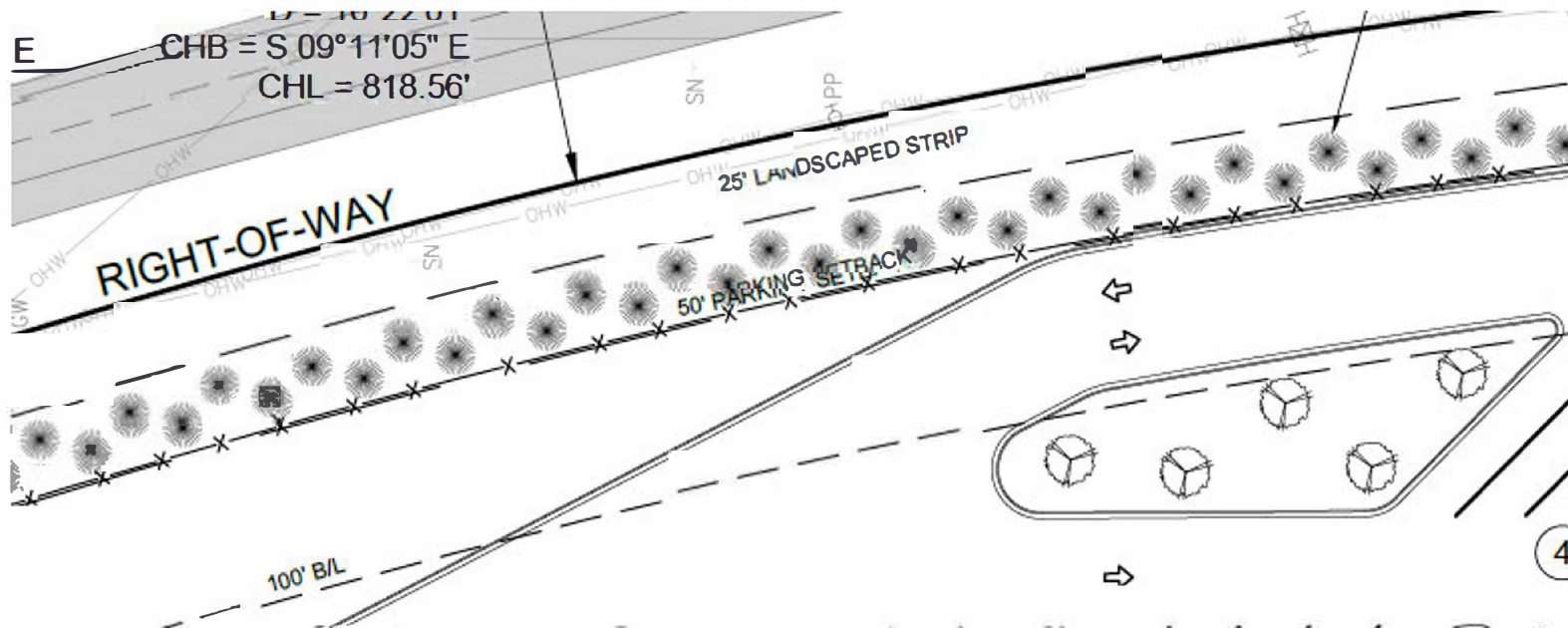






# Undisturbed & Planted Screening

- 25' Landscape Strip – Undisturbed Screening
  - Existing, mature, evergreen trees to remain undisturbed
- 50' Setback - Planted Evergreen Screen
  - Double row of staggered evergreen trees to be planted between the parking facility and the 25' landscaped strip



# COUNTY AGENDA REQUEST

Page 81 of 257

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. This item was tabled at the January 26, 2023 Board of Commissioners meeting.

## 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 and 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?

Staff recommends denial of Petition No. 1328-22; Golden Development Company, LLC, Owners; CK Spacemax, LLC, Applicant; Ellen W. Smith, Attorney, Agent, requests 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 if approved.



# COUNTY AGENDA REQUEST

Page 82 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda: **This item was tabled to the February 23, 2023 meeting**

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. This petition was tabled at the December 8, 2022 Board of Commissioners meeting.

## 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 and 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, requests 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 if approved.

**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 \_\_\_\_\_

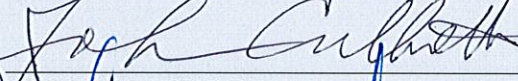
\_\_\_\_\_ Approved with Conditions \_\_\_\_\_

This is forwarded to you for final action.



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

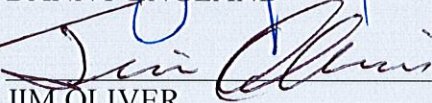
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BRIAN HAREN, VICE-CHAIRMAN



\_\_\_\_\_  
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**.

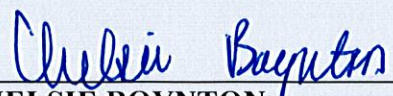
This decision is based on the following reason:

Not compatible with the surrounding area.

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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

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



# Meeting Minutes 11/3/22

**THE FAYETTE COUNTY PLANNING COMMISSION** met on November 3<sup>rd</sup>, 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

## NEW BUSINESS

### 1. Consideration of the Minutes of the meeting held on October 6<sup>th</sup>, 2022.

*John Culbreth Sr. made a motion to approve the minutes of the meeting held on October 6th, 2022. Danny England seconded the motion. The motion passed 4-0. Brian Haren was absent.*

### 2. Consideration of a Preliminary Plat for Huntcliff Manor.

Deborah Bell, Planning and Zoning Director, stated this is a renewal of an existing preliminary plat and the developer is in the plan review process. She continued it has been reviewed and approved by staff and the developer is in the review process, but this administrative part had to be taken care of.

*Danny England made a motion to approve the Preliminary Plat for Huntcliff Manor. Jim Oliver seconded the motion. The motion passed 4-0. Brian Haren was absent.*

### 3. Consideration of a Minor Final Plat for Iris Williams 1019 South Jeff Davis Drive.

Deborah Bell stated this is a creation of two (2) parcels from one (1) single parcel. She continued it has been reviewed by staff and has met all the County requirements. She concluded all staff has approved it.

*Danny England made a motion to approve the Minor Final Plat for Iris Williams 1019 South Jeff Davis Drive. John Culbreth Sr. seconded the motion. The motion passed 4-0. Brian Haren was absent.*

## PUBLIC HEARING

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- 4. Consideration of Petition No. 1326-22, Amina, Omar, Saed and Hassan Zakaria, Owner, and Taylor English Duma LLP (Steven L. Jones), Agent, request to rezone 13.035 acres from O-I to C-H to create Truck Parking Facility. This property is located in Land Lot 233 of the 5<sup>th</sup> District and fronts on Highway 85 North.**

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.
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

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**PC Meeting**

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 brought 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.

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 traveling 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.



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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 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.

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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.

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.

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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 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. Chairman Martin voted in opposition of denial. Brian Haren was absent.*

- 5. 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 5<sup>th</sup> District and fronts on Carnes Drive and Walter Way.**

David Weinstein stated this is a 1 (one) 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.



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*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.*

- 6. 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 5<sup>th</sup> 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 (1) three (3) story building with internal access climate control and there will be six (6) 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 (1) 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 (2) 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 where as you drive pass you will see a class a product, mostly brick. He explained the facility will be secure. He stated the first stop will be the main office and there are codes as well as security cameras around the property. He added it is a very quiet use. He stated people will come to store their stuff and may not come back for a month or so. He continued there's no noise or obnoxious odors and supports the transition to commercial from residential.

No one spoke in opposition.

Jim Oliver stated he likes the project and doesn't have any problems with where it is. He continued he appreciated the 65 foot buffer on the rendering and agrees the 100 foot buffer would be difficult. He stated he supports the project.

Chairman Martin asked about the feasibility. He asked if another storage facility was needed? He stated the Board sees storage facilities come before them often. He stated his concerns about oversaturation.

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Mr. Poholek stated there was an overbuilding of storage facilities before the pandemic. He continued the pandemic helped the storage business because their business is driven by change. He stated during the pandemic people were moving things out of their home to make room for a home office or were moving back in with their parents. He stated many were buying and selling homes, so the overbuilding was fully absorbed. He stated it's possible they will be overbuilt again moving forward but because the building process is an extended and long process in the County, he doesn't think there will be enough facilities built in enough time to be overbuilt at least within the next couple of years.

Chairman Martin stated this is another gateway to the County. He stated this is the southeastern gateway and the County has a lovely park that is there. He stated his concern is having a roller coaster and possibly a trucking facility at one gateway and potentially a storage facility at another gateway. He asked if as a County do we want one gateway to be a storage facility?

Mr. Poholek stated they can make the buildings look however the County wants them to look. He continued they've been asked in the past if they were building a hotel. He stated they can make it completely brick and add more windows. He continued the product they can build today is of more quality.

John Culbreth Sr. stated he's inclined to support staff's recommendation of denial. He stated they need to look at what is needed, and housing is needed. He continued he could not support changing from agricultural to commercial.

Chairman Martin asked for any final comments or a motion.

Danny England made a note for staff and Planning Commission to review architectural controls in this area at the next workshop.

***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. Jim Oliver voted in opposition of denial. Brian Haren was absent.***

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***John Culbreth Sr. made a motion to adjourn. Danny England seconded. The motion passed 4-0. Brian Haren was absent.***

The meeting adjourned at 8:16pm.

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**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

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**ARNOLD MARTIN, CHAIRMAN**

**ATTEST:**

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**CHELSIE BOYNTON**  
**PLANNING COMMISSION SECRETARY**



**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):** 5<sup>th</sup> 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 (Tabled)  
January 26, 2023

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**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 5<sup>th</sup> 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, Highway Commercial**, 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. 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 5<sup>th</sup> 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.



**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** – State Route 54 is a Major Arterial Road under the jurisdiction of GDOT. The posted speed limit on Hwy 54 is 55 mph and GDOT reports AADT as 19,900 in 2021.
  - **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** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
  - **Watershed Protection** - There **ARE** known state waters located on the subject property. The property abuts Nash Creek. The watershed protection buffer in this area is a 200' undisturbed buffer + a 50' Setback OR, from Base Flood Elevation a 100' buffer + a 50' setback, whichever is greater.
  - **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 likely 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;

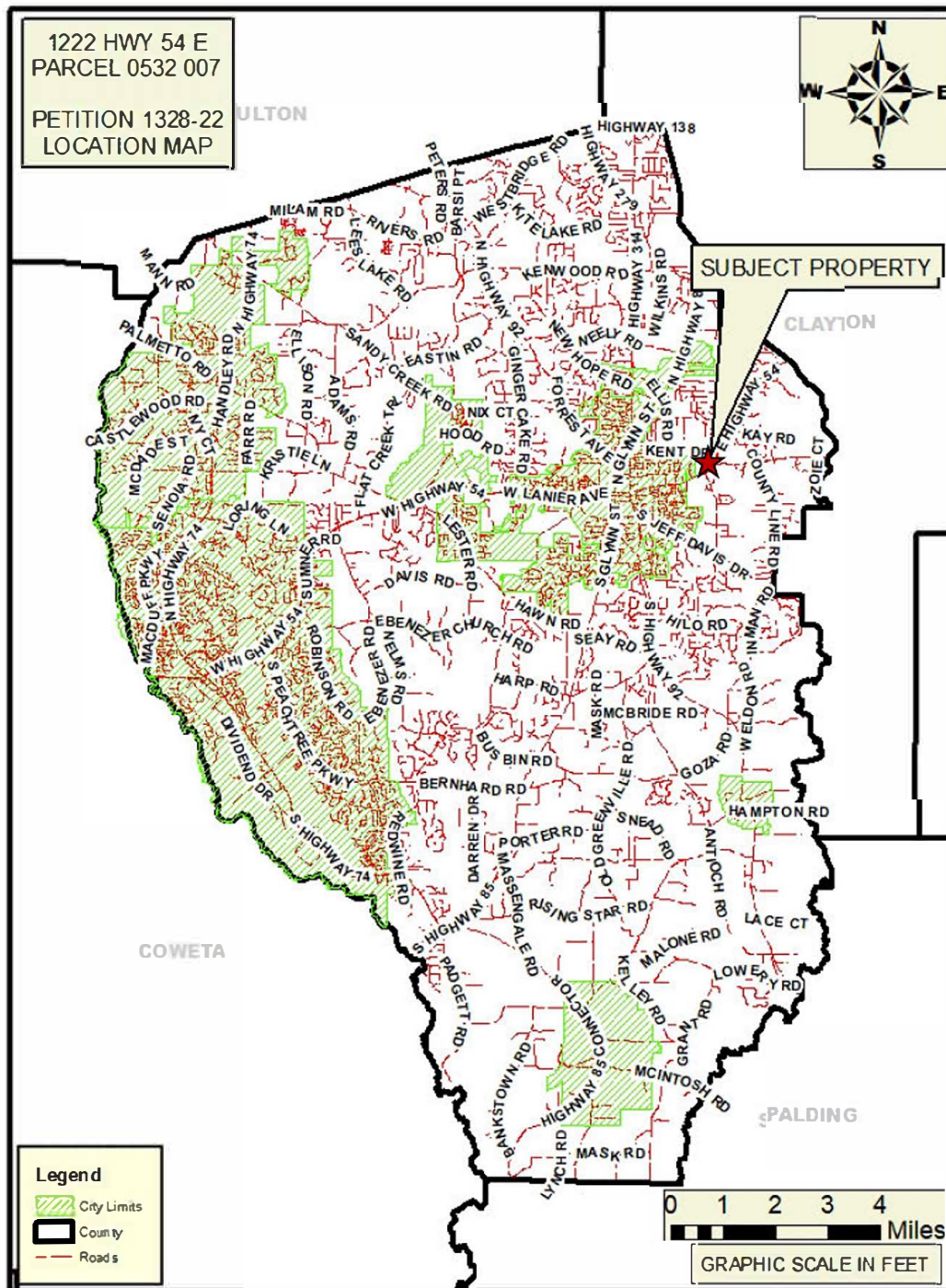


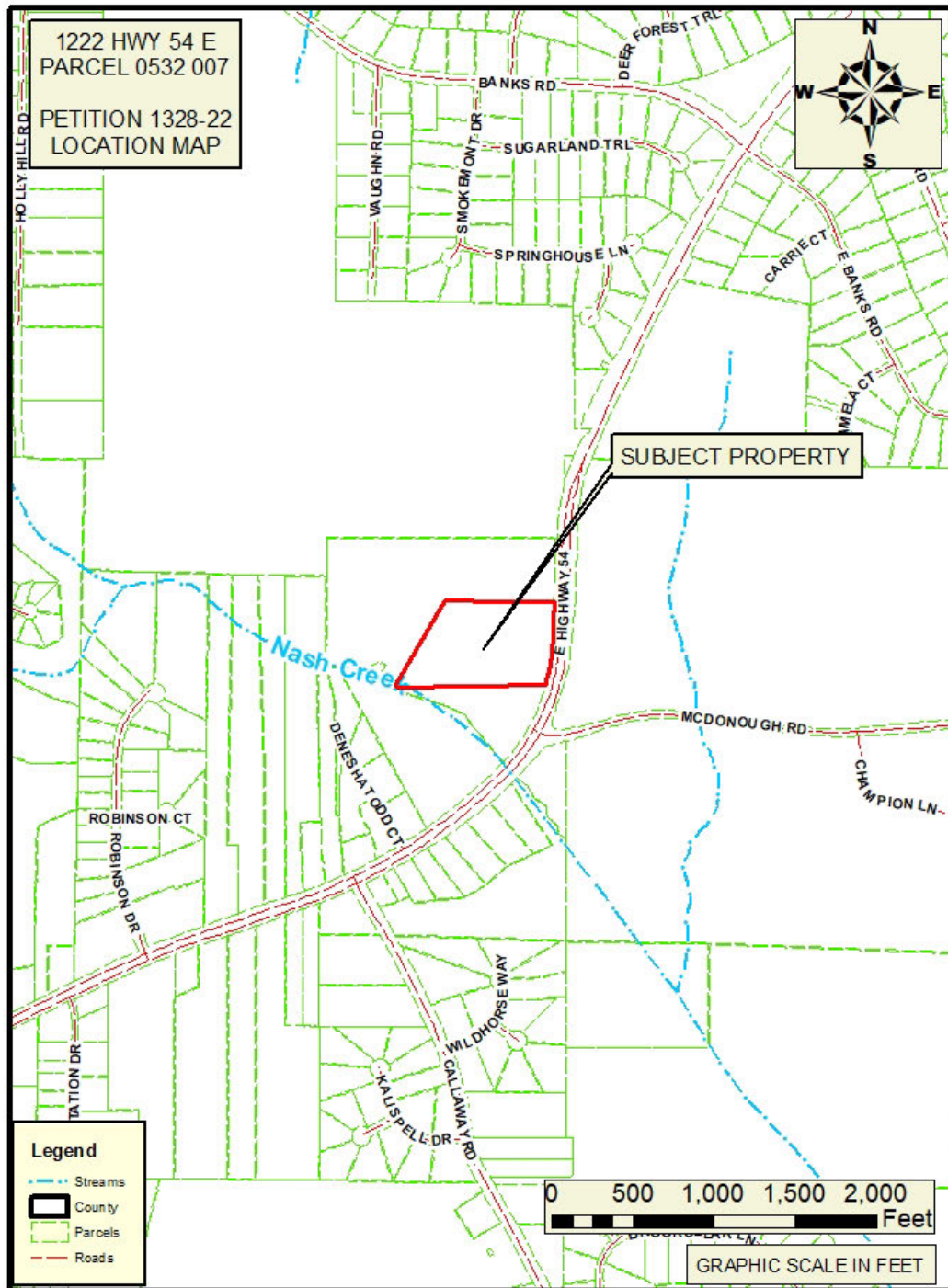
- (28) Firearm sales and/or gunsmith;
- (29) Flea market, indoor;
- (30) Florist shop;
- (31) Freezer locker service, ice storage;
- (32) Freight express office;
- (33) Funeral establishment (where funeral services, excluding a crematorium, may be provided);
- (34) Gift shop;
- (35) Glass sales;
- (36) 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;

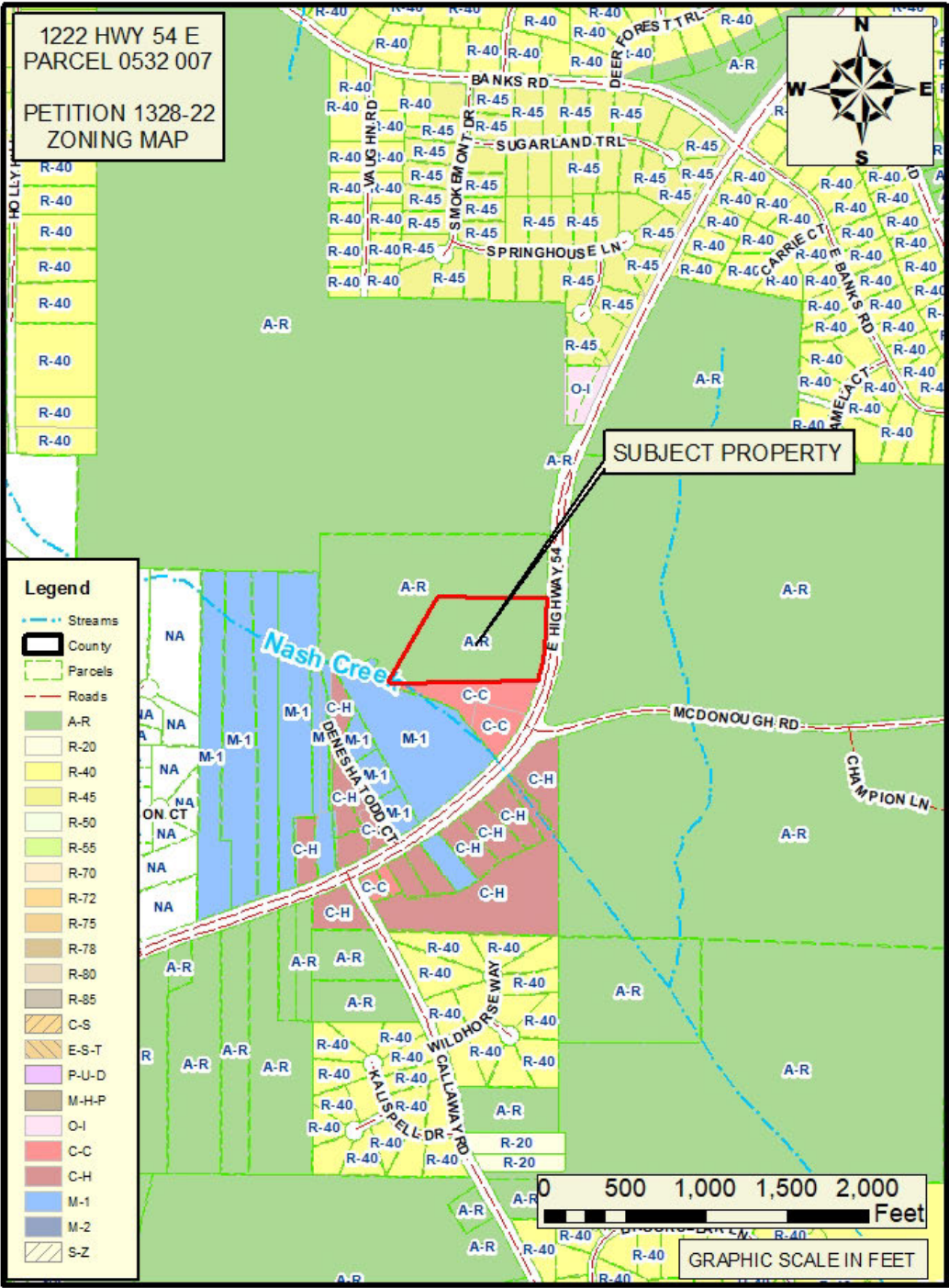
- (71) Taxi service/limousine service/shuttle service (no on-site maintenance and/or repair);
  - (72) Television/movie studio;
  - (73) Upholstery shop; and
  - (74) Utility trailers sales and/or rental.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-H zoning district 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.

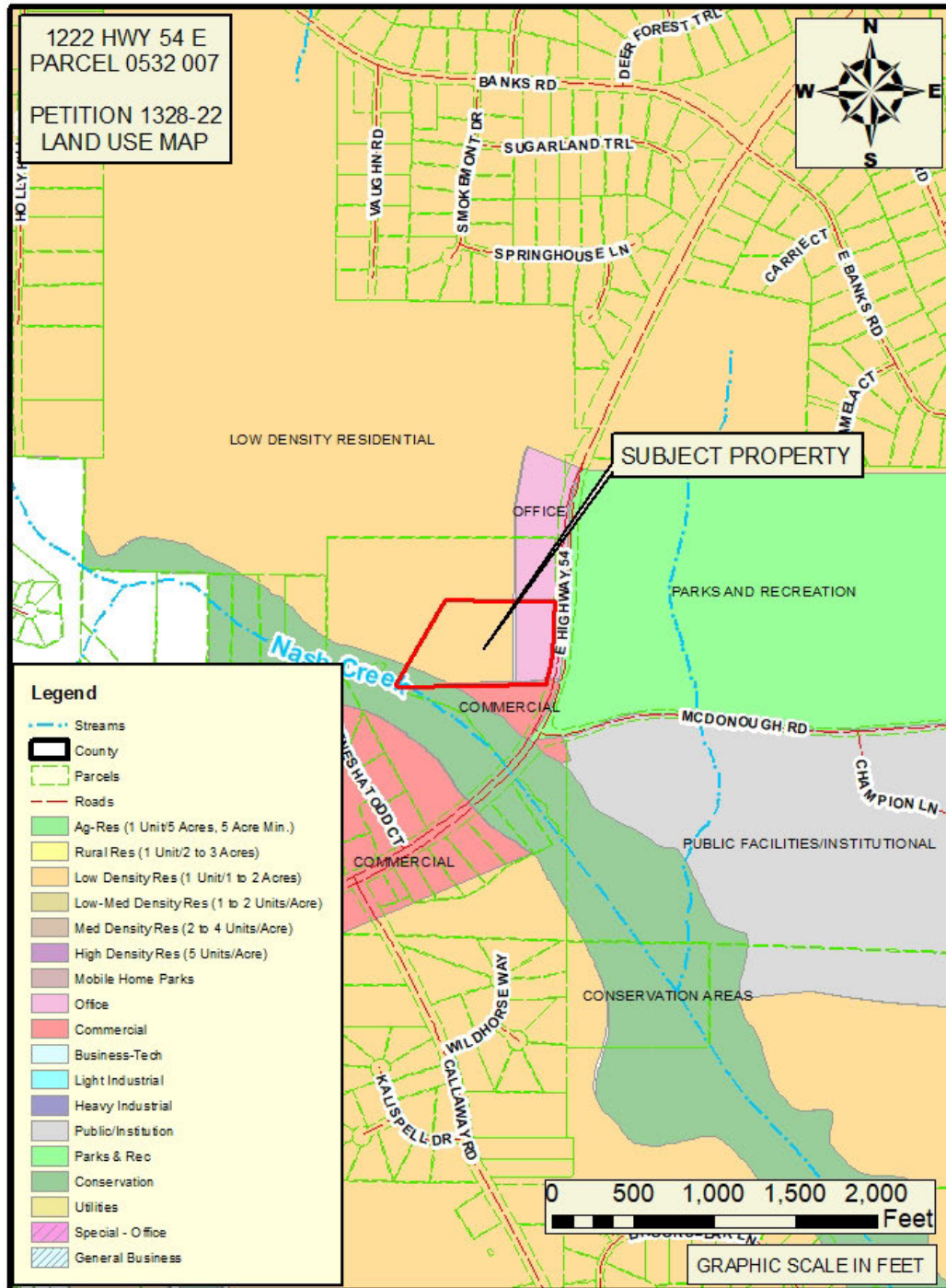


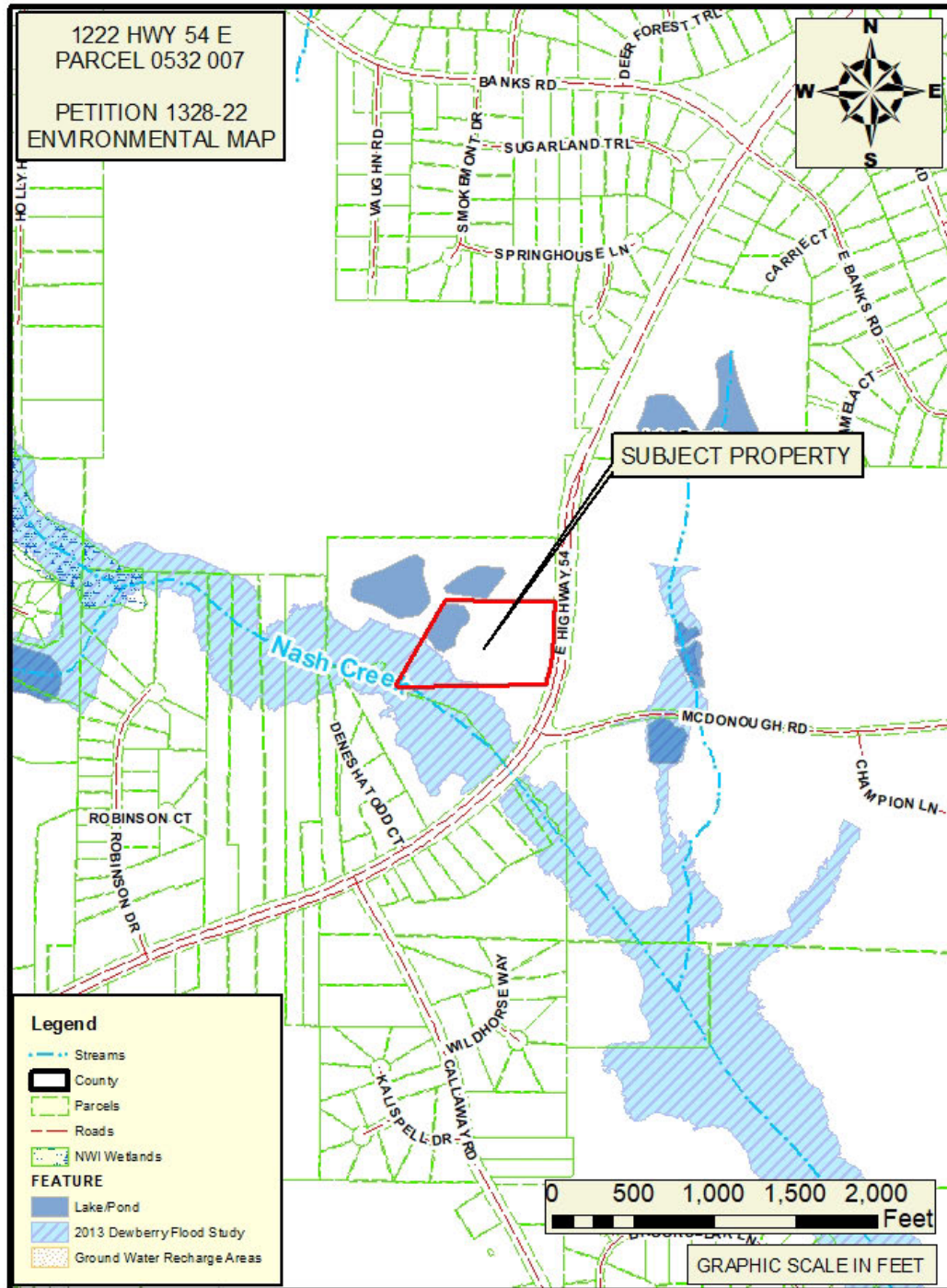




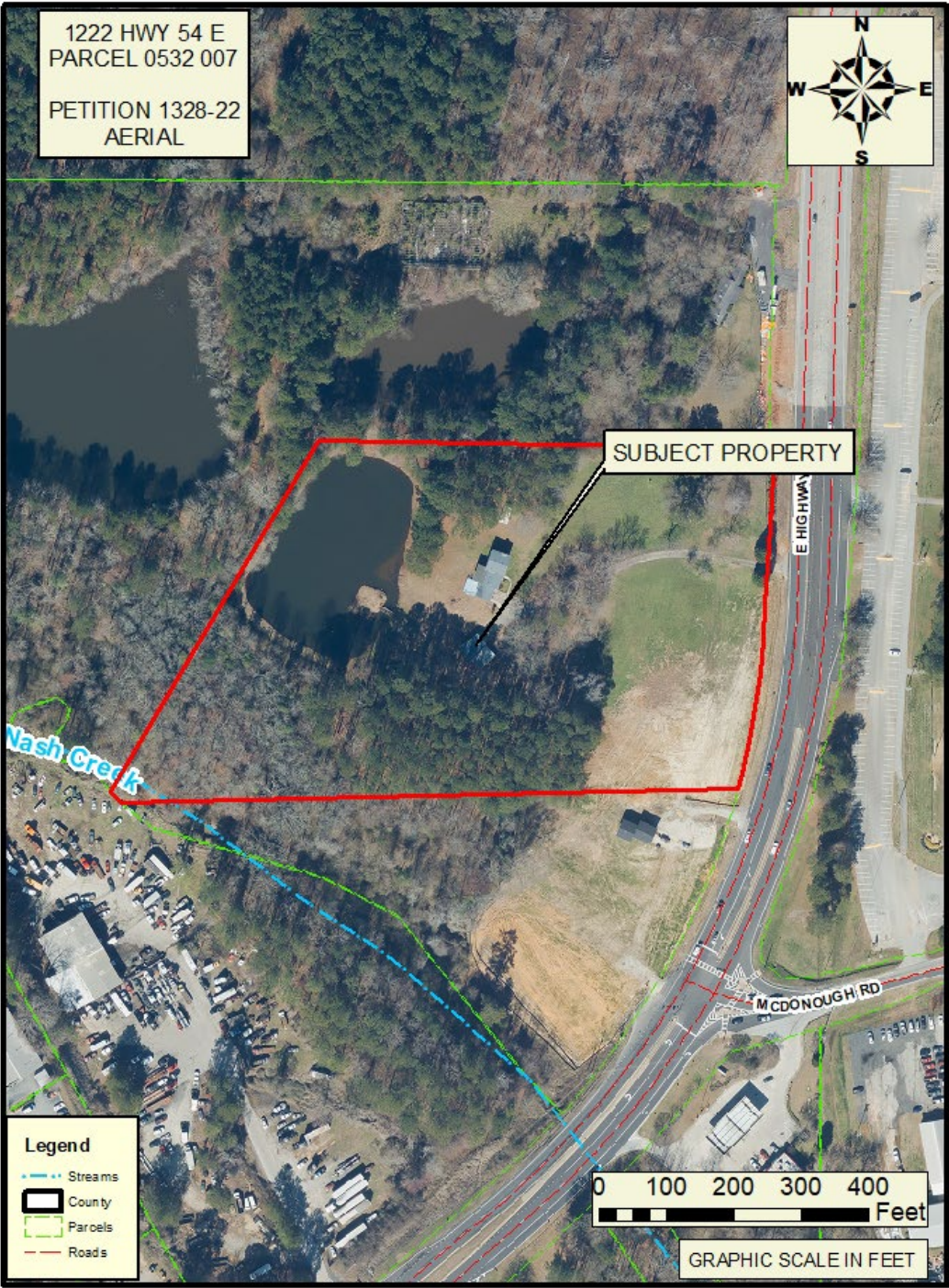










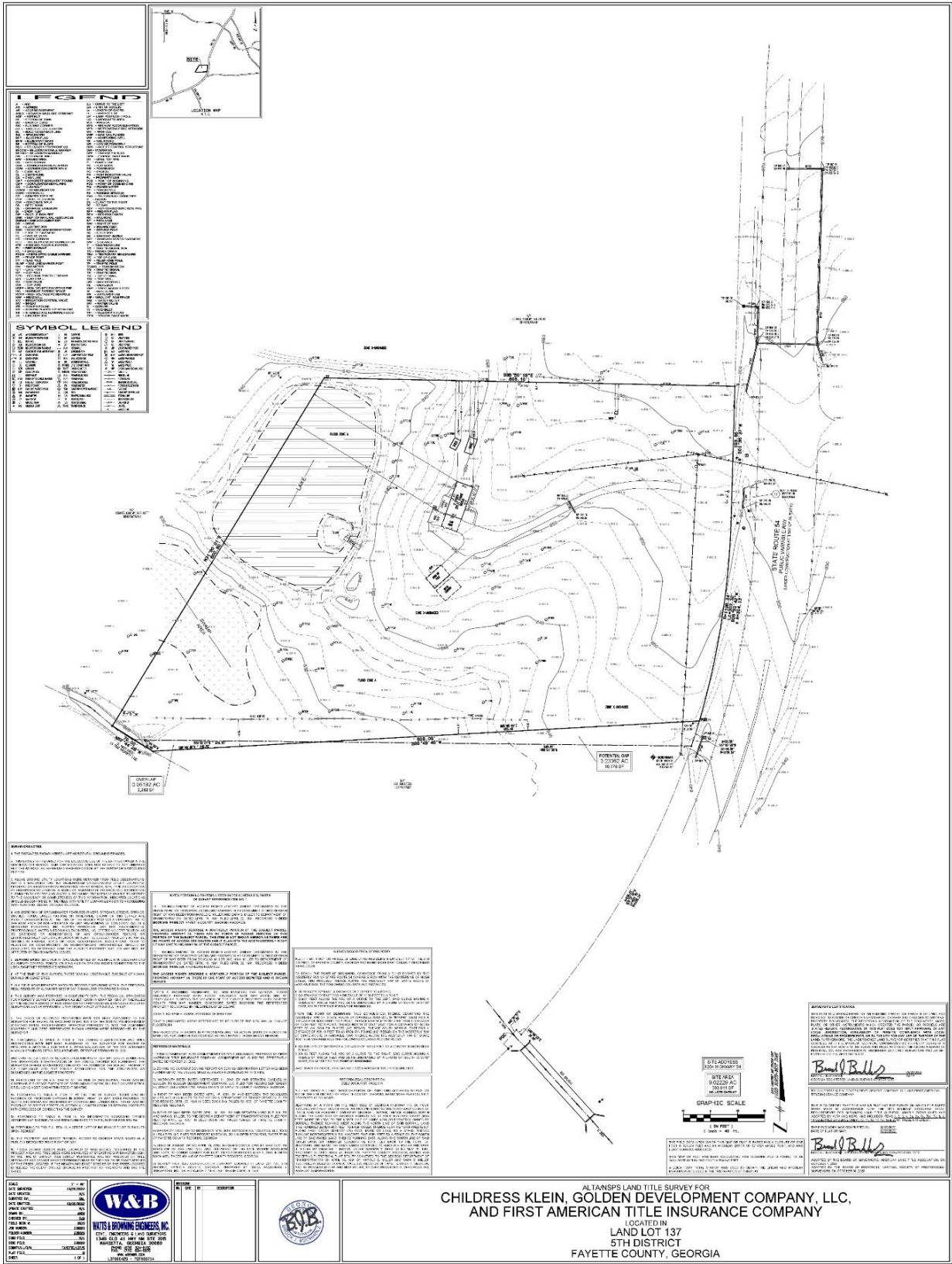








RENDERING



SURVEY



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 113 of 257

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

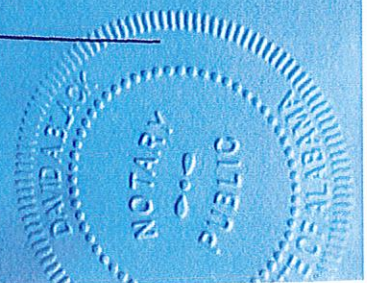
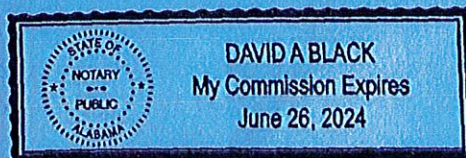
Date

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)

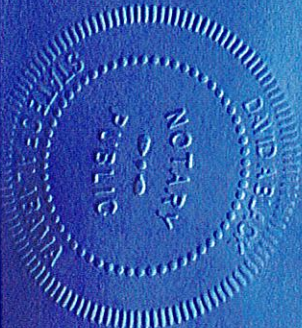
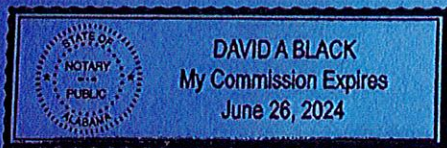
Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 1<sup>st</sup> day of October, 2027.

[Signature]  
SIGNATURE OF PROPERTY OWNER

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

[Signature]  
NOTARY PUBLIC





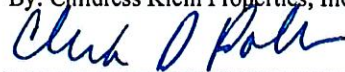
## DEVELOPMENTS OF REGIONAL IMPACT (DRI)

### Rezoning Applicant:

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

Signed this 30th day of 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/l/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



**Ellen W. Smith**  
**Partner**  
t: 678.690.5720  
f: 404.869.6972  
ellensmith@parkerpoe.com

Atlanta, GA  
Charleston, SC  
Charlotte, NC  
Columbia, SC  
Greenville, SC  
Raleigh, NC  
Spartanburg, SC  
Washington, DC

December 7, 2022

**BY EMAIL ONLY**

The Honorable Lee Hearn  
Chairman, Fayette County Board of  
Commissioners and District 2 Commissioner  
140 Stonewall Ave. W., Suite 100  
Fayetteville, GA 30214

Re: Rezoning and Conditional Use Permit Application No. 1328-22 ("**Application**")  
by CKSpaceMax, LLC ("**Applicant**") with respect to approximately 9.022 acres  
of property commonly known as 1222 (and also 1204) Highway 54, Moreland,  
Georgia 30259, Fayette County Tax Parcel Number 0532 007 (the "**Property**")

**SUPPLEMENT TO APPLICATION**

Dear Chairman Hearn:

As you know, this law firm represents the Applicant with respect to the Application seeking to rezone the Property from the A-R (Agricultural Residential) district to the C-H (Highway Commercial District), to allow for the development of the Property with a self-storage facility.

Please accept this supplement to the Application to file more detailed concept plan and to address the standards set forth in Ordinance<sup>1</sup> Section 110-300 for rezoning in more detail, particularly to address why this rezoning proposal is within the spirit of, if not the precise language of, the Future Land Use Plan and policies contained therein. This is in response to the staff recommendation of denial and the Planning Commission's resolution similarly recommending denial. Applicant also wishes to respond to the staff recommended condition for a 100 foot vegetated buffer adjacent to residentially zoned parcels to the north and west of the project.

The Ordinance outlines four factors for the Board to consider with "special emphasis" being placed on the relationship of an application for rezoning to the County's land use plan and related development policies, and the intent as written is for those four factors to drive consideration of what is being proposed and what is actually happening in the area around. *See Ordinance Section 110-300.* The first is whether an application "is in conformity with the

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<sup>1</sup>Capitalized terms not otherwise defined in this Supplement shall have the same meanings given to them in the Letter of Intent submitted as part of the Application.



The Honorable Chairman Lee Hearn  
December 7, 2022  
Page 2

land use plan and policies contained therein.” First, the Fayette County Comprehensive Plan, including the future land use map, is a policy document intended to be a guide to assist in decision making about the future of the County and to address growth as well as maintenance and upgrades of infrastructure within the County to support planned growth. The Plan, together with the map, are intended to be dynamic, not static, and to grow with the County. In this case, the existing zoning for the Property is A-R, and the Property is within the General State Route Overlay / Low Density Residential designation on the County’s comprehensive plan future land use map. Without further analysis, staff’s recommendation for denial is that the proposal does not conform to the map. With respect, this recommendation gives no consideration to the fact that the proposed self-storage facility, while a commercial use and not a residential one, is, in fact, a relatively low density and low intensity use of the Property – meaning, from a traffic and actual use of the Property, a self-storage facility is one of the least intense commercial uses of property. Bottom line: although the proposed self-storage facility does not meet the letter of the future land use map and plan, it does meet the spirit of being a low intense use of the Property, converting the Property from one of the lowest tax categories to one of the highest one, without being a burden on county transportation, water or sewer and wastewater treatment, and other infrastructure needs. Similarly, the Application (unlike residential development) presents no burden increase on local schools. In this sense, the spirit of maintaining a low intense use of the Property is met despite the request for rezoning to a commercial use.

Moreover, this is not “spot” zoning - Applicant is not proposing a commercial use in the midst of otherwise low density residential uses. Instead, as shown on the future land use map, neighboring properties are designated as Commercial, to the south, and Parks and Recreation, to the east (an institutional – not residential – use, and one that arguably is significantly more intense of an actual use in terms of traffic, noise and the like than a self-storage facility, which is significantly more passive). In fact, the property immediately to the south of the Property is identified as “Planned Small business Center Special Development District”, a district intended to promote a mix of office, service and light industrial and limited small scale commercial uses. Applicant’s proposed self-storage use offers an important transition or step down in intensity of use as between the parcel to the south in the Special Development District and commercial areas of the City of Fayetteville and the parcels to the north which are designated as residential. Allowing this requested rezoning accomplishes a good buffer between the more commercial and heavier intense uses to the south and the single family residential to the north of the Property.

By way of further analysis, the property to the immediate north of the Property is approximately 19 acres with one existing home; beyond that parcel to the north is an approximately 172-acre parcel with no homes. Applicant is proposing to meet the already in place setback requirements provided by the Ordinance. Staff has recommended an additional 100 foot buffer to the north and to the west as adjacent to residentially zoned properties. With respect, this simply isn’t warranted in either direction for several reasons. First, there are already setback requirements in place for the proposed rezoning district that are sufficient for protection. Second, the County revisited its Ordinance provisions relating to self-storage facilities in 2021, to address aesthetics and mitigate impact on neighbors, and did not

The Honorable Chairman Lee Hearn  
December 7, 2022  
Page 3

implement an additional buffer requirement.<sup>2</sup> Third, Applicant has designed its project to mitigate the impact on any future adjacent residential (or other) development, with its tallest structures being near the street and further to the south of the Property and one story buildings closest to the north. Attached is a site plan that shows the impact and loss of units and viability of the project if a 100-foot buffer is required. Accordingly, Applicant respectfully requests no additional buffer beyond what the County already requires under the Ordinance.

Pragmatically, we wanted to highlight the viability of development of this Property for Applicant's self-storage use. Importantly, please be advised that neither Applicant (or we as Applicant's representatives) nor the County, per staff, has received any opposition to this Application including emails, calls or at the Planning Commission hearing. This isn't an Application where there is any public outcry or opposition. Instead, Applicant has been studying and participating in the self-storage industry for more than 18 years. Unlike perhaps a retail center or other projects that come and go with the times, self-storage facilities simply do not fail. More importantly, Applicant is a well-funded, top notch developer with a proven track record in the County and beyond for excellent, thoughtful development and aesthetics.

The Planning Commission inquired as to the feasibility of Applicant's project, in light of other projects Applicant and others are developing with the County, and about market saturation. Most existing self-storage facilities open to date have been developed in the western part of the County. An analysis of the County reflects that there really is very limited self-storage supply available, and the nearest ones to the Property are 18 and 25 years old, respectively, and are fully occupied. Applicant's facility at the Property, just east of downtown Fayetteville, is intended to serve Fayette County citizens generally to the south, where there is exceptionally limited self-storage supply available – especially high-quality self-storage. Approval of this Application will not saturate the market. Instead, it will diversify self-storage options, adding brand new, high quality self-storage that is secure, clean, and fully climate-controlled to an area of the County where it does not currently exist and at an affordable price. (And, with most markets, new spurs re-investment in existing most often, and incentivizes existing facility owners to upgrade and upkeep older product.) Bottom line: Applicant is well funded, has a proven track record, and is prepared to invest in this area of the County to bring a high quality, needed commodity on otherwise residentially zoned (and taxed), undeveloped property.

Finally, and importantly, please be advised that neither Applicant (or we as Applicant's representatives) nor the County, per staff, has received any opposition to this Application including emails, calls or at the Planning Commission hearing. This simply is not an Application where there is any public outcry or opposition.

---

<sup>2</sup> Moreover, in a hearing in October on a different self-storage facility, staff confirmed to the Planning Commission that the 100 foot buffer was an arbitrary proposed buffer. It has no rational basis to what is actually on or planned for adjacent properties and offers no real mitigation of any impact on adjacent property owners.

The Honorable Chairman Lee Hearn  
December 7, 2022  
Page 4

We look forward to tomorrow's public hearing and respectfully request approval of this Application. We remain, as always, happy to answer questions or provide any additional information that the County may have with regard to this Application.

Very truly yours,

PARKER POE ADAMS & BERNSTEIN LLP

By:   
\_\_\_\_\_  
Ellen W. Smith

dc/DC/EWS

cc/encls: The Honorable Eric K. Maxwell  
The Honorable Edward "Edge" Gibbons  
The Honorable Charles D. Rousseau  
The Honorable Charles W. Oddo  
(boardofcommissioners@fayettecountyga.gov)  
Ms. Deborah Bell, Director, Planning & Zoning (zoning@fayettecountyga.gov)



**4317 Park Drive, Suite 400  
Norcross, Georgia 30093  
Phone: (770) 416-7611  
Fax: (770) 416-6759  
[www.travispruit.com](http://www.travispruit.com)**

**CONTACT PERSON: BRENT THOMAS**  
e-mail: [bthomas@travispruit.com](mailto:bthomas@travispruit.com)

CONCEPT PLAN 2

**MCCURRY PARK STORAGE**

1304 EAST LANIER AVENUE, 137 5TH DISTRICT, FAYETTE COUNTY, GEORGIA

For The Firm  
Travis Pruitt & Associates, Inc.

<b>DATE:</b> 10/26/2022
<b>SCALE:</b> 1" = 40'
<b>CN:</b> 220409CPC
<b>JN:</b> 1-22-0409
<b>FN:</b> 170-D-006
<b>SHEET NO:</b> 1 OF 1



# COUNTY AGENDA REQUEST

Page 125 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

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

## Background/History/Details:

During discussions at the Planning Commission and Board of Commissioners meetings in February 2022, while considering a rezoning request in the Starr's Mill Historic Overlay District, it was noted that some of the current Land Use Plan's limitations on retail development might be amended while still maintaining the historic character of the area. Five (5) parcels on west corner of intersection were rezoned from A-R to C-C on February 24, 2022.

The proposed change here replaces the L-C-1 designation with Commercial. Architectural controls and buffer/setback requirements of the Historic District Overlay will remain in place. One (1) parcel on the southwest corner of the intersection was rezoned from A-R to L-C-2 on December 8, 2022. The proposed change on this corner replaces L-C-1 and Low Density Residential with L-C-2 Land Use Designation. Architectural controls and buffer/setback requirements of the Historic District Overlay will remain in place.

Staff recommends the following amendments to the Land Use Element and Future Land Use Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR 74, SR 85 and Padgett Road intersection: 1. On the northwest corner of the intersection, the map should be amended from L-C-1 to Commercial; on the southwest corner of the intersection, the map should be amended from L-C-1 and Low Density Residential to L-C-2.

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

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

## 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:

**CONSIDERATION OF LAND USE PLAN AMENDMENTS****SR 74, SR 85 & Padgett Road**

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

**PROPOSED LAND USE:** Commercial and Limited Commercial Two

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

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

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

**PLANNING COMMISSION PUBLIC HEARING:** February 2, 2023

**BOARD OF COMMISSIONERS PUBLIC HEARING:** February 23, 2023

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**HISTORY**

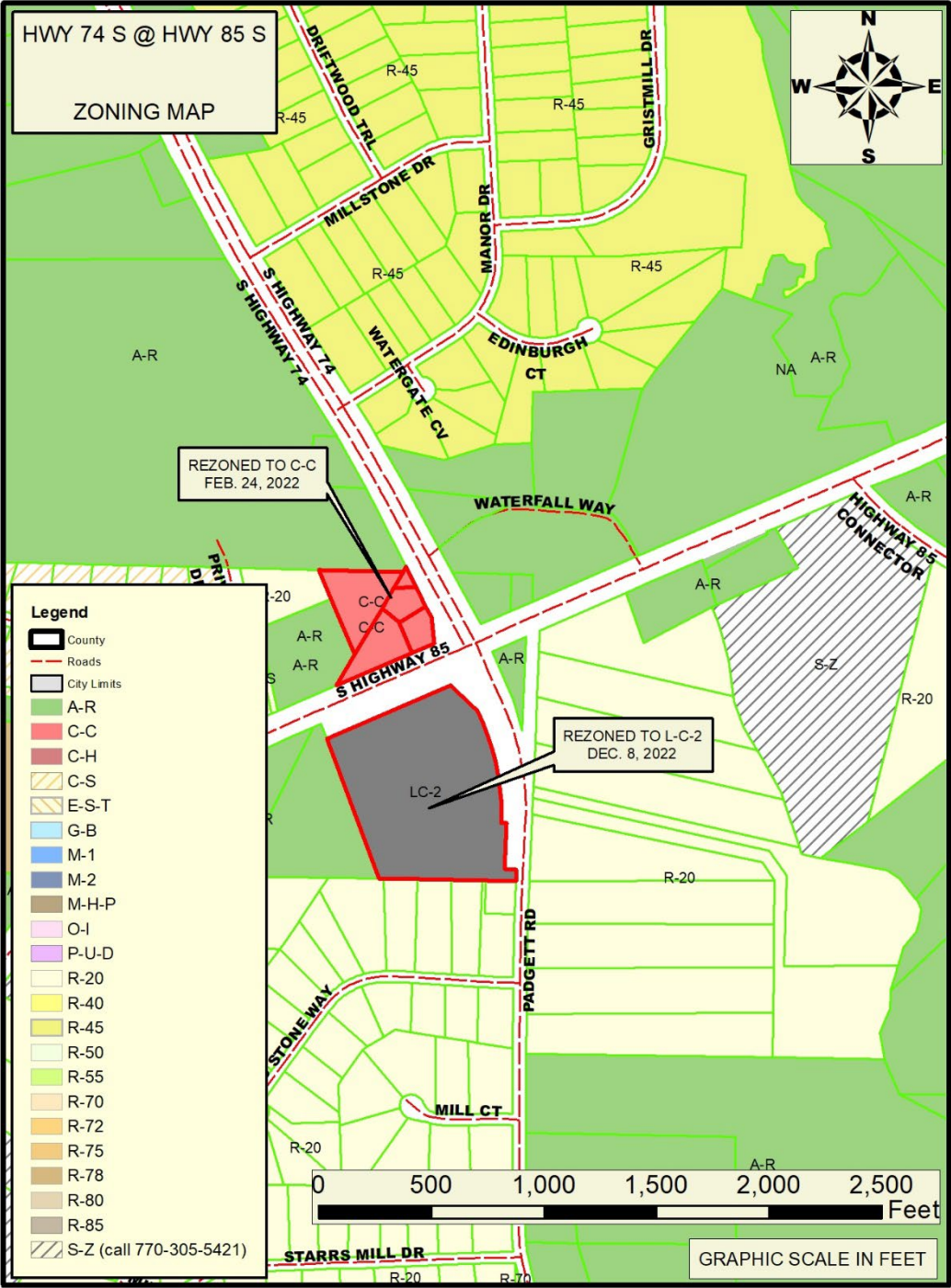
During discussions at the Planning Commission and Board of Commissioners meetings in February 2022, while considering a rezoning request in the Starr's Mill Historic Overlay District, it was noted that some of the current Land Use Plan's limitations on retail development might be amended while still maintaining the historic character of the area.

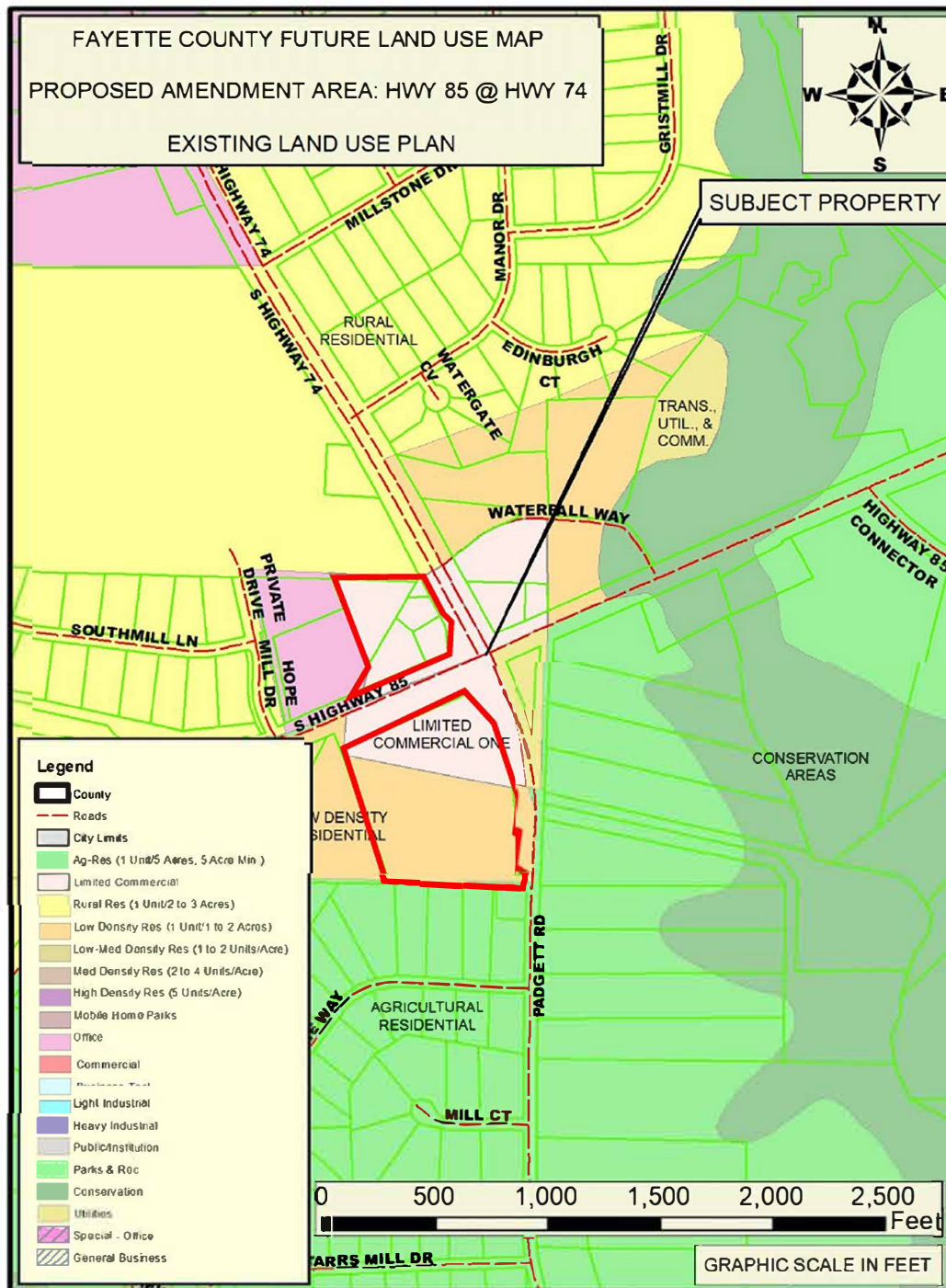
1. February 24, 2022 – 5 parcels on the northwest corner of the intersection were rezoned from A-R to C-C, Community Commercial.
2. December 8, 2022 – 1 parcel on the southwest corner of the intersection was rezoned from A-R to L-C-2, Limited Commercial 2.

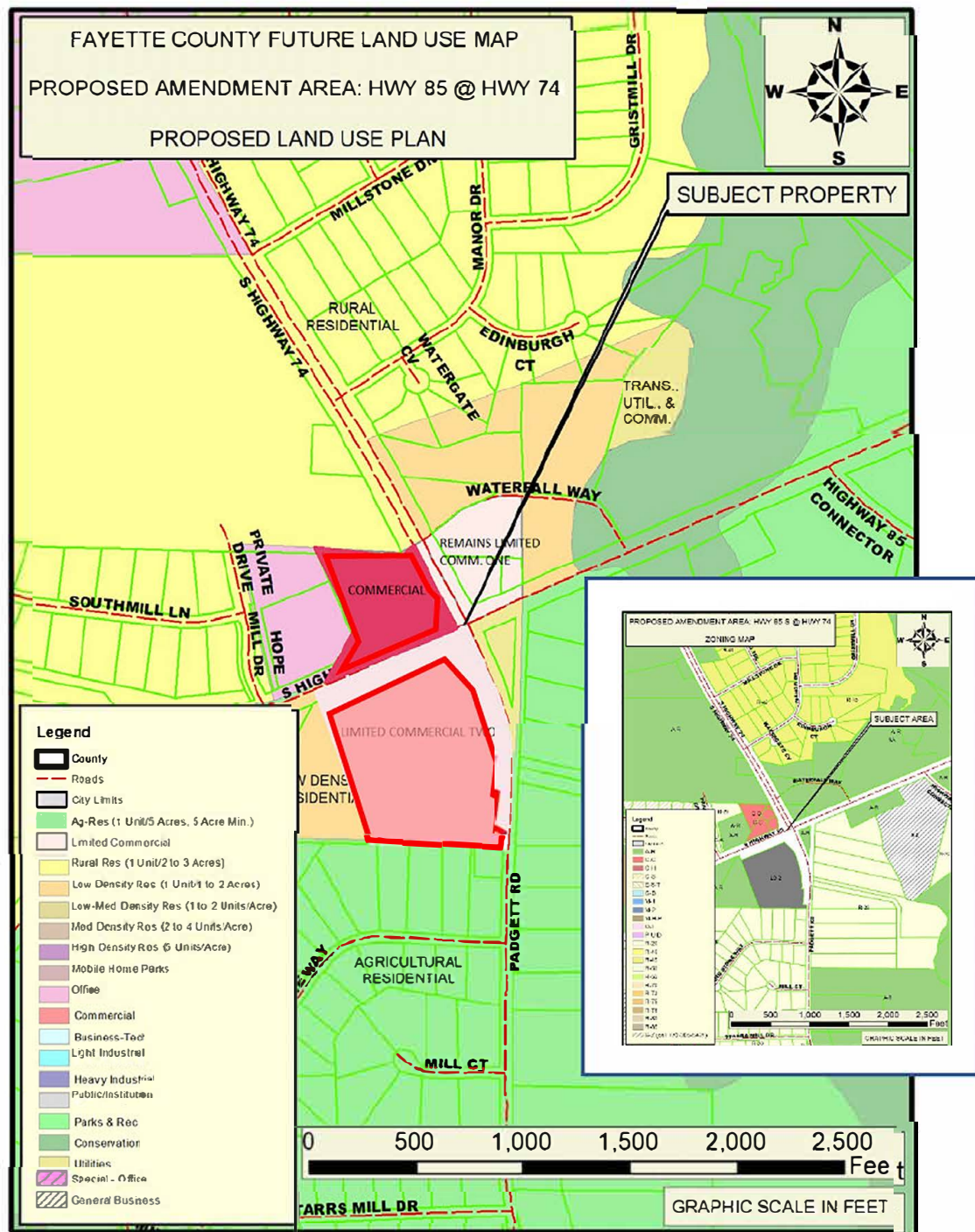
The proposed changes would replace the L-C-1 designation with COMMERCIAL on the northwest corner and would replace the L-C-1 and Low Density Residential designations with LIMITED COMMERCIAL TWO on the southwest corner of the intersection. The architectural controls and buffer/setback requirements of the Historic District Overlay will remain in place.

The Commercial and Limited Commercial Two land use designations will correlate with approved zoning amendments.







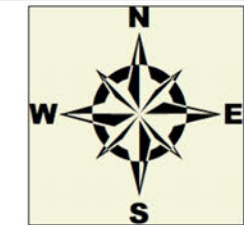


INSET: Existing Zoning



FAYETTE COUNTY FUTURE LAND USE MAP

FULTON



CLAYTON

SPALDING

Legend

- County
- Roads
- Major Roads
- City Limits
- Ag-Res (1 Unit/5 Acres, 5 Acre Min.)
- Limited Commercial
- Rural Res (1 Unit/2 to 3 Acres)
- Low Density Res (1 Unit/1 to 2 Acres)
- Low-Med Density Res (1 to 2 Units/Acre)
- Med Density Res (2 to 4 Units/Acre)
- High Density Res (5 Units/Acre)
- Mobile Home Parks
- Office
- Commercial
- Business-Tech
- Light Industrial
- Heavy Industrial
- Public/Institution
- Parks & Rec
- Conservation
- Utilities
- Special - Office
- General Business



GRAPHIC SCALE IN FEET



### PLANNING COMMISSION RECOMMENDATION

The consideration of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR74, SR 85 and Padgett Road; and SR 54 & South Sandy Creek Road intersection is hereby:

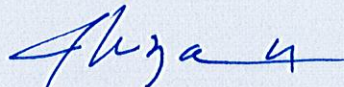
  ✓   Approved                             Withdrawn                             Disapproved

       Tabled until \_\_\_\_\_

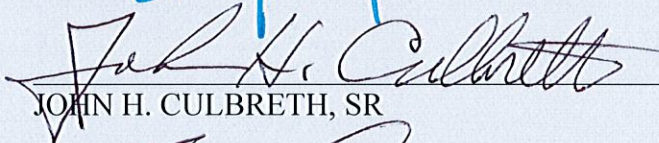
       Approved with Conditions \_\_\_\_\_

Per the Fayette County Planning Commission on this 2nd day of February 2023.

  
\_\_\_\_\_  
ARNOLD L. MARTIN

  
\_\_\_\_\_  
JOHN KRUZAN

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

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

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

**Remarks:**

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

# Meeting Minutes 2/2/23

**THE FAYETTE COUNTY PLANNING COMMISSION** met on February 2<sup>nd</sup>, 2023 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

**MEMBERS ABSENT:**

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

## **NEW BUSINESS**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.

*John Culbreth Sr. made a motion to approve the agenda. Danny England seconded the motion. The motion passed 5-0.*

4. Consideration of the Minutes of the meeting held on January 5, 2023.

*John Culbreth Sr. made a motion to approve the Minutes of the meeting held on January 5, 2023. Jim Oliver seconded the motion. The motion passed 4-0-1. Danny England abstained.*

5. Election of the Chairman

*Arnold Martin made a motion to nominate Jim Oliver as Planning Commission Chairman. The motion passed 5-0.*

6. Election of the Vice-Chairman.

*Jim Oliver made a motion to nominate John Culbreth Sr. as Planning Commission Vice-Chairman. The motion passed 5-0.*

7. Election of the Secretary.

*John Culbreth Sr. made a motion to nominate Chelsie Boynton as the Planning Commission Secretary. The motion passed 5-0.*



**Page 2**  
**February 2<sup>nd</sup>, 2023**  
**PC Meeting**

**8. Consideration of a Minor Final Plat of the Golden Rule Farm.**

Randy Boyd stated he was representing Eric Maxwell and the property was rezoned in October of 2022. He added they have submitted the final plat and all the departments have approved.

Arnold Martin asked if there had been any changes made.

Mr. Boyd stated there were no changes.

*Danny England made a motion to approve the Minor Final Plat of the Golden Rule Farm. John Culbreth Sr. seconded the motion. The motion passed 5-0.*

**PUBLIC HEARING**

**9. CONSIDERATION OF AMENDMENTS TO THE LAND USE ELEMENT AND FUTURE LAND USE PLAN MAP OF THE FAYETTE COUNTY COMPREHENSIVE PLAN FOR THE STARR'S MILL HISTORIC OVERLAY AT SR 74, SR 85 & PADGETT ROAD INTERSECTION; AND SR 54 & SOUTH SANDY CREEK ROAD.**

Deborah Bell, Planning and Zoning Director, stated over the past year they've had three different parcels rezoned that didn't cleanly align with the Land Use map. She added the areas of amendments are being proposed to create harmony between the new zonings and the Land Use map. She continued she divided them into two areas. For Area 1, the request is to amend the Land Use Plan to change the L-C-1 designation for the areas immediately adjacent to the intersection of State Route 74 and State Route 85. She continued all three (3) corners of the intersection as part of the Comprehensive Plan were previously designated Limited Commercial 1 and were subject to the Starr's Mill Overlay which adds a second layer of requirements. She referred to a graphic and stated the red area was rezoned to commercial in February of 2022. She added the original request was to rezone from A-R-1 to C-C. She continued by the time it got to the Board of Commissioners, there were concerns and the Board tabled it. She stated she spoke with the applicant and came back with the revised proposal that requested Limited Commercial Two (2) instead of C-C. She added this would limit the commercial uses but still allow the applicant to do all they were showing they wanted to do in their concept plan. She stated that is what the Board of Commissioners ended up approving. She continued the Land Use Plan originally bisected this parcel along a utility corridor. Staff felt like this created a residential node behind the commercial node and it would be awkward to keep as residential. She continued the zoning encompassed the whole parcel so therefore the Land Use Map amendment encompasses the whole parcel. She stated the recommendation is to bring each parcel in line with what they are now zoned.

Arnold Martin asked what are the major differences between Limited Commercial One (1) and Limited Commercial Two (2)?

Deborah Bell stated Limited Commercial Two (2) allows fuel pumps. It doesn't allow a drive thru. It would have to be a walk-up restaurant. Limited Commercial One (1)

**Page 3**  
**February 2<sup>nd</sup>, 2023**  
**PC Meeting**

provides a shorter list of smaller local service type commercial use and Limited Commercial Two (2) expands on those but still has some restrictions.

Arnold Martin asked the differences between Commercial and Limited Commercial.

Deborah Bell stated the Commercial property has a much longer list of commercial uses. She added the applicant agreed to a self-imposed restriction of only having six (6) gas pumps units.

Arnold Martin asked what the recommendation was?

Deborah Bell stated the recommendation for the Land Use Map to be amended to Commercial. The group of parcels on the north corner would stay Limited Commercial One (1). The twelve-acre parcel that was rezoned to L-C-2, they would apply a Land Use Map designation of Limited Commercial Two (2).

Chairman Oliver stated it sounds like they are trying to create a hybrid around this area. He stated the petitioner could say they can't get the pumps in and instead ask for a liquor store, it would now be allowed under C-C and the Land Use Map.

Deborah Bell stated the zoning allows for them to do that and the zoning has already been approved by the Board of Commissioners. She stated she is adapting the Land Use Plan to what the areas are already zoned.

John Culbreth asked if they don't amend the map will it be spot zoning?

Deborah Bell stated no. She stated the Land Use Map is the umbrella for zoning, it's the broader categories. She stated they could put this on the back burner until the five-year amendment, but Mr. Rapson felt strongly that the Land Use Map and zoning be in harmony.

Allison Cox, County Attorney, stated Ms. Bell is requesting that the amendment be made to Commercial but she is not specifying a specific commercial designation. She stated they can anticipate what is coming in the future and proceed with caution.

Chairman Oliver agreed with proceeding with caution. He stated higher use commercial is outside of what they envisioned.

Allison Cox stated the overlay district is also there and that will help to control what's going on in the area.

Arnold Martin asked is there a possibility of creating disharmony by having three (3) different designations there?

Deborah Bell stated she doesn't think so because of the size of the parcel on the north side. She stated it is still zoned A-R but has the potential to be rezoned. She added she doesn't think someone would request rezoning for a high intensive use because they wouldn't have the space. She continued Limited Commercial One (1) and Limited

**Page 4**  
**February 2<sup>nd</sup>, 2023**  
**PC Meeting**

Commercial Two (2) provide some better controls of uses and size of each individual buildings. She stated the architectural controls speak to this as well in the overlay district.

Arnold Marin agreed that a lot of time did go into creating guidelines for the historic character of the area.

Deborah Bell displayed the corner of South Sandy Creek and Highway 54. She stated this is where the Fayetteville Ford will be. She continued it was originally O-I and it was approved to be C-C, Community Commercial. She said she is requesting that the Land Use Map be amended to Commercial.

Danny England stated on the updated map, across from Old Norton, it shows low density residential but on the previous map it shows up differently. He asked if they are changing that as well?

Deborah Bell stated on the Land Use Map they are still shown as low density residential, but they are currently office uses and have been for some time.

Danny England stated they should go ahead and correct that as well.

***Danny England made a motion to recommend approval of amendments to the Land Use Plan, focusing on Starr's Mill Historic Overlay at SR 74, SR 85 & Padgett Road intersection; and SR 54 & South Sandy Creek Road and to update the Land Use Plan to show current zoning.***

.....

***John Culbreth Sr. made a motion to adjourn. Danny England seconded. The motion passed 5-0.***

The meeting adjourned at 7:33pm.

\*\*\*\*\*

**PLANNING COMMISSION  
 OF  
 FAYETTE COUNTY**

---

**JIM OLIVER, CHAIRMAN**



**Page 5**  
**February 2<sup>nd</sup>, 2023**  
**PC Meeting**

**ATTEST:**

---

**CHELSIE BOYNTON**  
**PLANNING COMMISSION SECRETARY**

NOTICE OF PUBLIC HEARING  
FOR  
THE AMENDMENT OF THE LAND  
USE ELEMENT AND FUTURE  
LAND USE PLAN MAP OF  
THE FAYETTE COUNTY COM-  
PREHENSIVE PLAN

PUBLIC HEARING to be held before  
the Fayette County Planning Com-  
mission on February 2, 2023, at 7:00  
P.M. and the Fayette County Board  
of Commissioners on February 23,  
2023, at 5:00 P.M. in the Fayette  
County Administrative Complex,  
140 Stonewall Avenue West, Public  
Meeting Room, First Floor, Fayette-  
ville, Georgia 30214.

CONSIDERATION OF AMEND-  
MENTS TO THE LAND USE ELE-  
MENT AND FUTURE LAND USE  
PLAN MAP OF THE FAYETTE  
COUNTY COMPREHENSIVE  
PLAN FOR THE STARR'S MILL  
HISTORIC OVERLAY AT SR 74,  
SR 85 & PADGETT ROAD INTER-  
SECTION; AND SR 54 & SOUTH  
SANDY CREEK ROAD.

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 11th day of January 2023.  
Deborah L. Bell, Director Planning  
and Zoning

01/11

P.C.  
Feb 2, 2023  
Feb 23, 2023  
BoC.  
Future Land Use  
Plan MAP  
Row Ap  
Jan 11, 2023

# COUNTY AGENDA REQUEST

Page 138 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan at the intersection of S. Sandy Creek and SR 54 W.

## Background/History/Details:

The area for consideration is at the intersection of SR 54 W and S. Sandy Creek Rd. On the north side of SR 54, three (3) parcels previously designated Office in LUP were rezoned from R-70 to C-C on September 22, 2022.

Staff recommends an amendment to the Land Use Element and Future Land Use Map of the Fayette County Comprehensive Plan for the northeast corner of the intersection of SR 54 West with S. Sandy Creek Road from Office to Commercial for the parcels that were rezoned.

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

Approval of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan at the intersection of S. Sandy Creek and SR 54 W.

## 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:



## **CONSIDERATION OF LAND USE PLAN AMENDMENTS**

### **AREA – SR 54 & S. Sandy Creek Road**

**REQUESTED ACTION:** Amend the Land Use Plan to change the OFFICE designation for the area on the northeast corner of the intersection of SR 54 and South Sandy Creek Road.

**PROPOSED LAND USE:** Commercial

**EXISTING LAND USE:** Office

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

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

**PLANNING COMMISSION PUBLIC HEARING:** February 2, 2023

**BOARD OF COMMISSIONERS PUBLIC HEARING:** February 23, 2023

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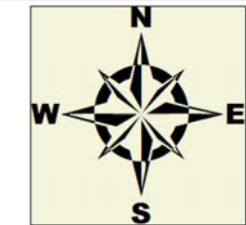
### **HISTORY**

The purpose of this recommendation is to resolve differences between Zoning Districts and the Future Land Use Map.

1. The three parcels that comprise rezoning case #1321-22 A-B-C were rezoned from R-70 to C-C (Community Commercial) on September 22, 2022. The proposed change to a Commercial land use designation will correlate with approved zoning amendments.

FAYETTE COUNTY FUTURE LAND USE MAP

FULTON



CLAYTON

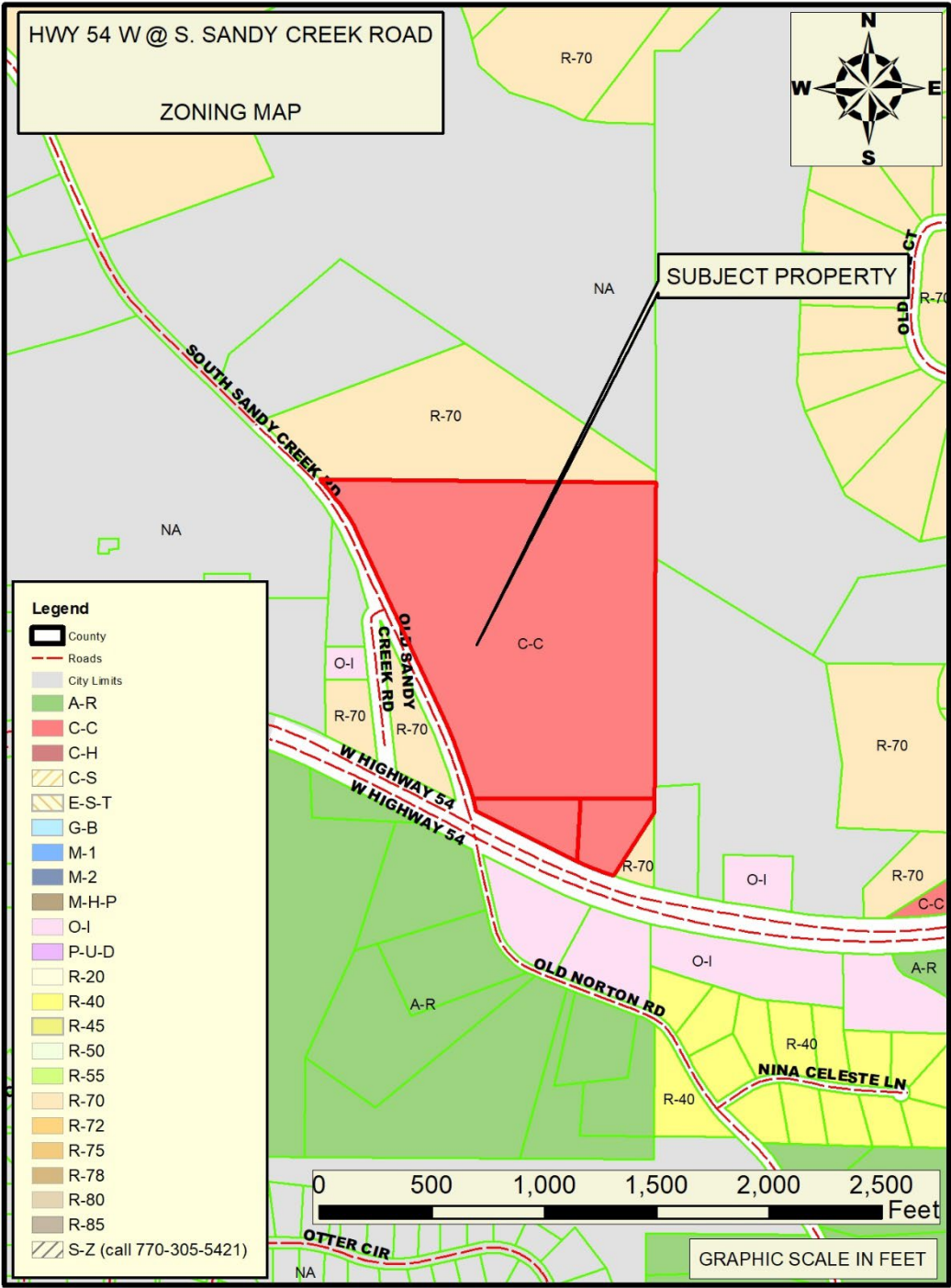
SPALDING

Legend

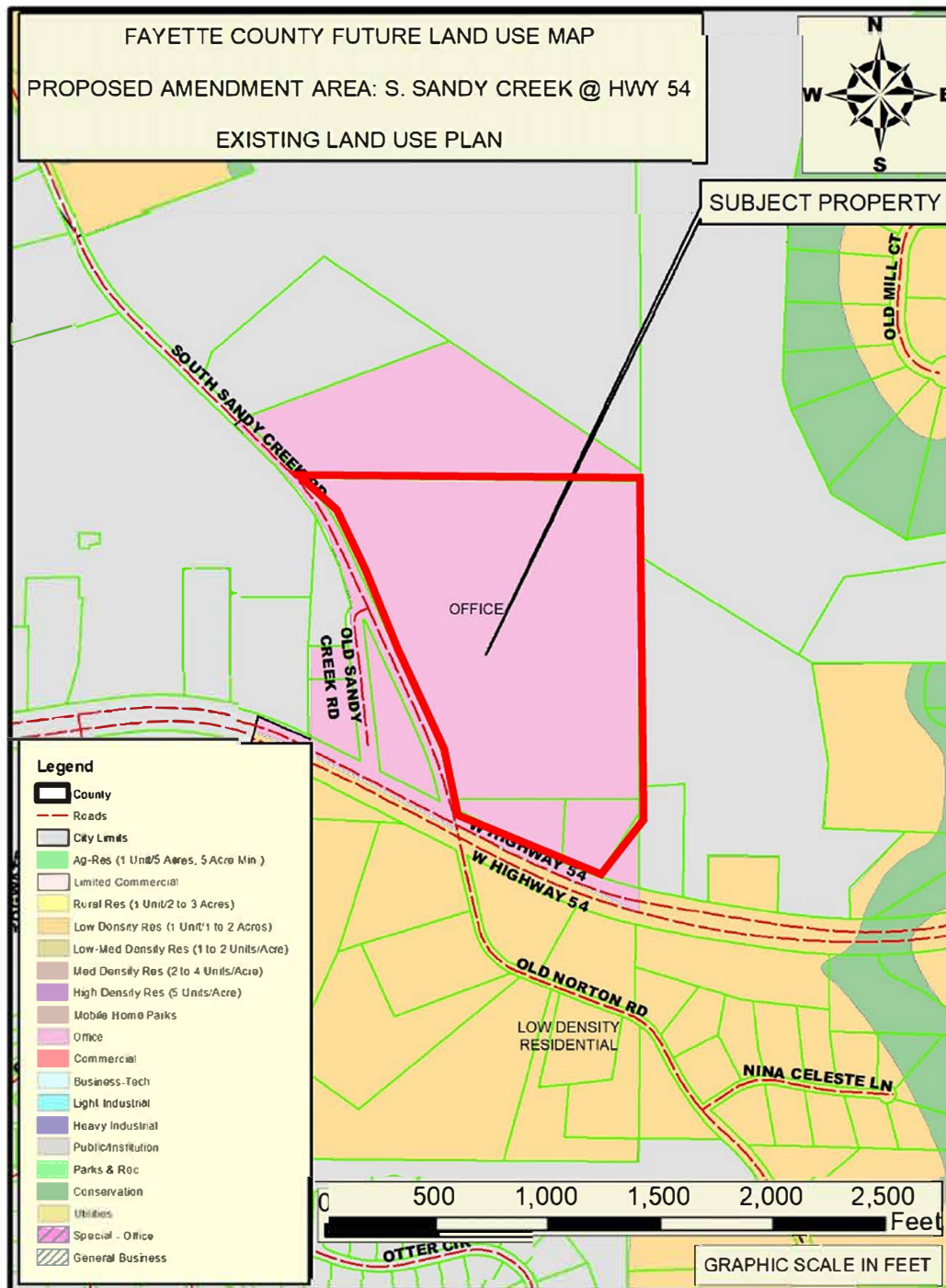
- County
- Roads
- Major Roads
- City Limits
- Ag-Res (1 Unit/5 Acres, 5 Acre Min.)
- Limited Commercial
- Rural Res (1 Unit/2 to 3 Acres)
- Low Density Res (1 Unit/1 to 2 Acres)
- Low-Med Density Res (1 to 2 Units/Acre)
- Med Density Res (2 to 4 Units/Acre)
- High Density Res (5 Units/Acre)
- Mobile Home Parks
- Office
- Commercial
- Business-Tech
- Light Industrial
- Heavy Industrial
- Public/Institution
- Parks & Rec
- Conservation
- Utilities
- Special - Office
- General Business

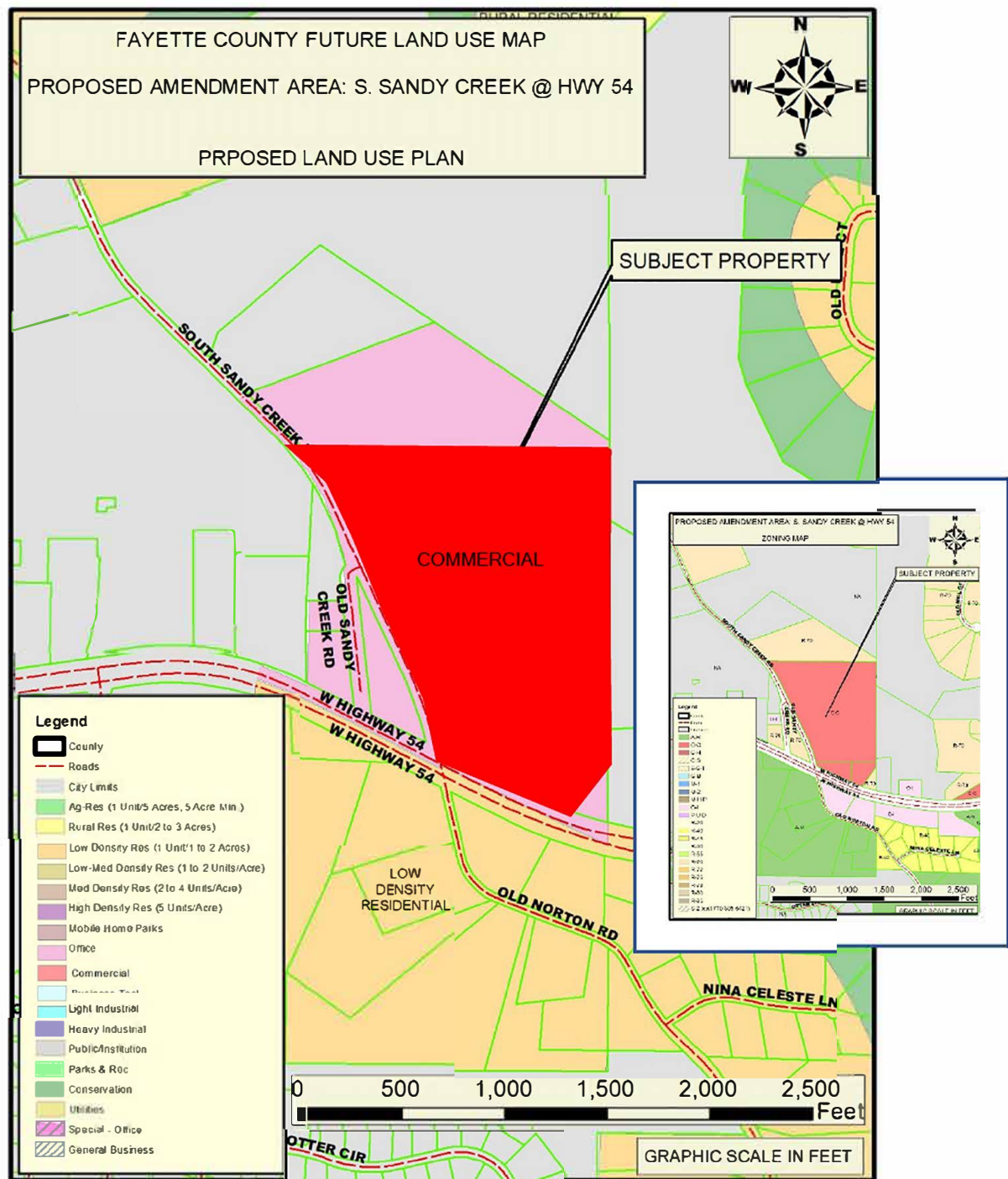


GRAPHIC SCALE IN FEET









INSET: Existing Zoning



### PLANNING COMMISSION RECOMMENDATION

The consideration of amendments to the Land Use Element and Future Land Use Plan Map of the Fayette County Comprehensive Plan for the Starr's Mill Historic Overlay at SR74, SR 85 and Padgett Road; and SR 54 & South Sandy Creek Road intersection is hereby:

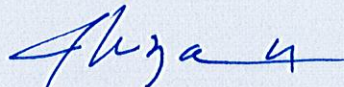
  ✓   Approved                             Withdrawn                             Disapproved

       Tabled until \_\_\_\_\_

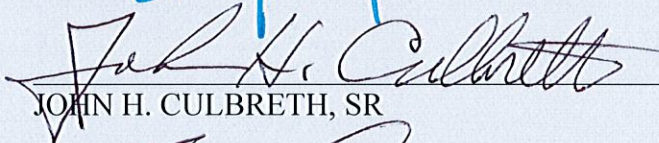
       Approved with Conditions \_\_\_\_\_

Per the Fayette County Planning Commission on this 2nd day of February 2023.

  
\_\_\_\_\_  
ARNOLD L. MARTIN

  
\_\_\_\_\_  
JOHN KRUZAN

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

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

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

**Remarks:**

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



# Meeting Minutes 2/2/23

**THE FAYETTE COUNTY PLANNING COMMISSION** met on February 2<sup>nd</sup>, 2023 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

**MEMBERS ABSENT:**

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

## **NEW BUSINESS**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.

*John Culbreth Sr. made a motion to approve the agenda. Danny England seconded the motion. The motion passed 5-0.*

4. Consideration of the Minutes of the meeting held on January 5, 2023.

*John Culbreth Sr. made a motion to approve the Minutes of the meeting held on January 5, 2023. Jim Oliver seconded the motion. The motion passed 4-0-1. Danny England abstained.*

5. Election of the Chairman

*Arnold Martin made a motion to nominate Jim Oliver as Planning Commission Chairman. The motion passed 5-0.*

6. Election of the Vice-Chairman.

*Jim Oliver made a motion to nominate John Culbreth Sr. as Planning Commission Vice-Chairman. The motion passed 5-0.*

7. Election of the Secretary.

*John Culbreth Sr. made a motion to nominate Chelsie Boynton as the Planning Commission Secretary. The motion passed 5-0.*

**Page 2**  
**February 2<sup>nd</sup>, 2023**  
**PC Meeting**

**8. Consideration of a Minor Final Plat of the Golden Rule Farm.**

Randy Boyd stated he was representing Eric Maxwell and the property was rezoned in October of 2022. He added they have submitted the final plat and all the departments have approved.

Arnold Martin asked if there had been any changes made.

Mr. Boyd stated there were no changes.

*Danny England made a motion to approve the Minor Final Plat of the Golden Rule Farm. John Culbreth Sr. seconded the motion. The motion passed 5-0.*

**PUBLIC HEARING**

**9. CONSIDERATION OF AMENDMENTS TO THE LAND USE ELEMENT AND FUTURE LAND USE PLAN MAP OF THE FAYETTE COUNTY COMPREHENSIVE PLAN FOR THE STARR'S MILL HISTORIC OVERLAY AT SR 74, SR 85 & PADGETT ROAD INTERSECTION; AND SR 54 & SOUTH SANDY CREEK ROAD.**

Deborah Bell, Planning and Zoning Director, stated over the past year they've had three different parcels rezoned that didn't cleanly align with the Land Use map. She added the areas of amendments are being proposed to create harmony between the new zonings and the Land Use map. She continued she divided them into two areas. For Area 1, the request is to amend the Land Use Plan to change the L-C-1 designation for the areas immediately adjacent to the intersection of State Route 74 and State Route 85. She continued all three (3) corners of the intersection as part of the Comprehensive Plan were previously designated Limited Commercial 1 and were subject to the Starr's Mill Overlay which adds a second layer of requirements. She referred to a graphic and stated the red area was rezoned to commercial in February of 2022. She added the original request was to rezone from A-R-1 to C-C. She continued by the time it got to the Board of Commissioners, there were concerns and the Board tabled it. She stated she spoke with the applicant and came back with the revised proposal that requested Limited Commercial Two (2) instead of C-C. She added this would limit the commercial uses but still allow the applicant to do all they were showing they wanted to do in their concept plan. She stated that is what the Board of Commissioners ended up approving. She continued the Land Use Plan originally bisected this parcel along a utility corridor. Staff felt like this created a residential node behind the commercial node and it would be awkward to keep as residential. She continued the zoning encompassed the whole parcel so therefore the Land Use Map amendment encompasses the whole parcel. She stated the recommendation is to bring each parcel in line with what they are now zoned.

Arnold Martin asked what are the major differences between Limited Commercial One (1) and Limited Commercial Two (2)?

Deborah Bell stated Limited Commercial Two (2) allows fuel pumps. It doesn't allow a drive thru. It would have to be a walk-up restaurant. Limited Commercial One (1)

**Page 3**  
**February 2<sup>nd</sup>, 2023**  
**PC Meeting**

provides a shorter list of smaller local service type commercial use and Limited Commercial Two (2) expands on those but still has some restrictions.

Arnold Martin asked the differences between Commercial and Limited Commercial.

Deborah Bell stated the Commercial property has a much longer list of commercial uses. She added the applicant agreed to a self-imposed restriction of only having six (6) gas pumps units.

Arnold Martin asked what the recommendation was?

Deborah Bell stated the recommendation for the Land Use Map to be amended to Commercial. The group of parcels on the north corner would stay Limited Commercial One (1). The twelve-acre parcel that was rezoned to L-C-2, they would apply a Land Use Map designation of Limited Commercial Two (2).

Chairman Oliver stated it sounds like they are trying to create a hybrid around this area. He stated the petitioner could say they can't get the pumps in and instead ask for a liquor store, it would now be allowed under C-C and the Land Use Map.

Deborah Bell stated the zoning allows for them to do that and the zoning has already been approved by the Board of Commissioners. She stated she is adapting the Land Use Plan to what the areas are already zoned.

John Culbreth asked if they don't amend the map will it be spot zoning?

Deborah Bell stated no. She stated the Land Use Map is the umbrella for zoning, it's the broader categories. She stated they could put this on the back burner until the five-year amendment, but Mr. Rapson felt strongly that the Land Use Map and zoning be in harmony.

Allison Cox, County Attorney, stated Ms. Bell is requesting that the amendment be made to Commercial but she is not specifying a specific commercial designation. She stated they can anticipate what is coming in the future and proceed with caution.

Chairman Oliver agreed with proceeding with caution. He stated higher use commercial is outside of what they envisioned.

Allison Cox stated the overlay district is also there and that will help to control what's going on in the area.

Arnold Martin asked is there a possibility of creating disharmony by having three (3) different designations there?

Deborah Bell stated she doesn't think so because of the size of the parcel on the north side. She stated it is still zoned A-R but has the potential to be rezoned. She added she doesn't think someone would request rezoning for a high intensive use because they wouldn't have the space. She continued Limited Commercial One (1) and Limited



**Page 4**  
**February 2<sup>nd</sup>, 2023**  
**PC Meeting**

Commercial Two (2) provide some better controls of uses and size of each individual buildings. She stated the architectural controls speak to this as well in the overlay district.

Arnold Marin agreed that a lot of time did go into creating guidelines for the historic character of the area.

Deborah Bell displayed the corner of South Sandy Creek and Highway 54. She stated this is where the Fayetteville Ford will be. She continued it was originally O-I and it was approved to be C-C, Community Commercial. She said she is requesting that the Land Use Map be amended to Commercial.

Danny England stated on the updated map, across from Old Norton, it shows low density residential but on the previous map it shows up differently. He asked if they are changing that as well?

Deborah Bell stated on the Land Use Map they are still shown as low density residential, but they are currently office uses and have been for some time.

Danny England stated they should go ahead and correct that as well.

***Danny England made a motion to recommend approval of amendments to the Land Use Plan, focusing on Starr's Mill Historic Overlay at SR 74, SR 85 & Padgett Road intersection; and SR 54 & South Sandy Creek Road and to update the Land Use Plan to show current zoning.***

.....

***John Culbreth Sr. made a motion to adjourn. Danny England seconded. The motion passed 5-0.***

The meeting adjourned at 7:33pm.

\*\*\*\*\*

**PLANNING COMMISSION  
 OF  
 FAYETTE COUNTY**

**JIM OLIVER, CHAIRMAN**

**Page 5**  
**February 2<sup>nd</sup>, 2023**  
**PC Meeting**

**ATTEST:**

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**CHELSIE BOYNTON**  
**PLANNING COMMISSION SECRETARY**

NOTICE OF PUBLIC HEARING  
FOR  
THE AMENDMENT OF THE LAND  
USE ELEMENT AND FUTURE  
LAND USE PLAN MAP OF  
THE FAYETTE COUNTY COM-  
PREHENSIVE PLAN

PUBLIC HEARING to be held before  
the Fayette County Planning Com-  
mission on February 2, 2023, at 7:00  
P.M. and the Fayette County Board  
of Commissioners on February 23,  
2023, at 5:00 P.M. in the Fayette  
County Administrative Complex,  
140 Stonewall Avenue West, Public  
Meeting Room, First Floor, Fayette-  
ville, Georgia 30214.

CONSIDERATION OF AMEND-  
MENTS TO THE LAND USE ELE-  
MENT AND FUTURE LAND USE  
PLAN MAP OF THE FAYETTE  
COUNTY COMPREHENSIVE  
PLAN FOR THE STARR'S MILL  
HISTORIC OVERLAY AT SR 74,  
SR 85 & PADGETT ROAD INTER-  
SECTION; AND SR 54 & SOUTH  
SANDY CREEK ROAD.

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 11th day of January 2023.  
Deborah L. Bell, Director Planning  
and Zoning

01/11

P.C.  
Feb 2, 2023  
BOL  
Feb 23, 2023  
Future Land Use  
Plan MAP  
Row Ap  
Jan 11, 2023



# COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Consideration of Resolution 2023-02 to transmit the Fayette County 2022 Annual Report on Fire Services Impact Fees (FY2022), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2023-FY2027) to Atlanta Regional Commission (ARC) for review by Georgia Department of Community Affairs (DCA).

## Background/History/Details:

As required by the Georgia Development Impact Fee Act and the Minimum Planning Standards, Fayette County in collaboration with Tyrone, Brooks, and Woolsey, has prepared the Fayette County 2022 Annual Report on Fire Services Impact Fees (FY2022), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2023-FY2027.) This is the public hearing to present the report for approval to transmit to ARC/DCA. Brooks, Tyrone and Woolsey approved the report for transmittal to ARC for coordination of state and regional review.

Once we receive notification of compliance from the Georgia Department of Community Affairs and the Atlanta Regional Commission for the 2022 Fire Services Impact Fee Report including amendment to the Capital Improvements Element and Short Term Work Program of the Comprehensive Plan, the next step is for each local government to adopt this report and for the adopting Resolutions to be transmitted to ARC. The deadline for this adoption and transmittal of the adopting Resolutions to ARC is June 30, 2022. These actions are required for each government to retain its Qualified Local Government status.

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

Approval of Resolution 2023-02 to transmit the Fayette County 2022 Annual Report on Fire Services Impact Fees (FY2022), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2023-FY2027) to Atlanta Regional Commission (ARC) for review by Georgia Department of Community Affairs (DCA).

## 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:

<b>Fayette County and Towns of Brooks, Tyrone, and Woolsey Summary Impact Fee Financial Report FY2022 *</b>	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2022 By Jurisdiction	
Fayette County	117,766.44
Brooks	3,603.42
Tyrone	20,528.61
Woolsey	1,201.14
Total	\$143,099.61
Accrued Interest	205.96
(Administrative Other Costs)	(4,167.47)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(139,138.10)
Impact Fee Fund Balance Ending FY 2022	\$0.00
Impact Fees Encumbered	\$0.00

\* The service area for the Fire Impact Fee does not include Peachtree City and Fayetteville.

## Fayette County Comprehensive Plan Amendment - Capital Improvement Element - Project Update FY2023 - FY2027

## Public Facility - Fire Services

Project Description	FY Project Start	FY Project End	Actual / Estimated Cost of Project	Funding from Impact Fees	Percent By Impact Fees	Other Funding Sources	Current Year Impact Fee Applied	Impact Fee Applied Previous Years	Remaining amount to be funded from impact fees	Status / Remarks
Construct Fire Station 1: SR 279	FY 2002	FY 2002	\$ 872,836	\$ 471,331	54.00%	Fire Tax	na	\$471,331	\$0	Completed in FY 2002
Construct Fire Station 10: Seay Road	FY 2002	FY 2002	\$ 838,295	\$ 687,402	82.00%	Fire Tax	na	\$687,402	\$0	Completed in FY 2002
Construct Fire Station 5: SR 85 South	FY 2002	FY 2003	\$ 1,191,565	\$ 369,385	31.00%	Fire Tax	na	\$369,385	\$0	Completed in FY 2003
Construct Fire Station 7: Hampton Road	FY 2003	FY 2003	\$ 1,066,472	\$ 586,559	55.00%	Fire Tax	na	\$586,559	\$0	Completed in FY 2003
Purchase Acreage for Future Fire Station - McElroy Road	FY 2004	FY 2004	\$ 25,000	\$ 25,000	100.00%	None	na	\$25,000	\$0	Completed in FY 2004
Purchase two (2) Quints	FY 2006	FY 2007	\$ 675,000	\$ 675,000	100.00%	None	na	\$675,000	\$0	Purchased in FY 2007
Emergency Operations Center	FY 2012	FY 2015	\$ 1,107,921	\$ 131,864	83.50%	Fire Tax / Grant	na	\$131,864	\$0	Completed in FY15
Construct Fire Training Center (Burn Building)	FY 2018	Future	\$ 1,120,000	\$ 253,680	22.65%	Fire Tax	na	\$253,680	\$0	Estimated FY2024
Construct FS2: S.R. 92N	FY 2018	FY2021	\$ 1,644,000	\$ 164,400	10.00%	Fire Tax	na	\$164,400	\$0	Completed in FY2021
Construct FS14: Sandy Creek/Flat Ck	Future	Future	\$ 1,613,773	\$ 1,613,773	100.00%	None	\$139,138	\$45,796	\$1,428,839	Future/Planned
Construct FS15: Ginger Cake/Graves	Future	Future	\$ 2,061,333	\$ 2,061,333	100.00%	None	\$0	\$0	\$2,061,333	Future/Planned
Rescue Truck (1)	Future	Future	\$ 224,334	\$ 224,334	100.00%	None	\$0	\$0	\$224,334	Estimated FY2023
Brush Truck (1)	Future	Future	\$ 57,011	\$ 57,011	100.00%	None	\$0	\$0	\$57,011	Estimated FY2025
Engine/Pumpers (8) - 2 Purchased in FY2018; 1 Purchased in FY2019; 1 purchased in FY2020;	FY 2018	Future	\$ 3,252,082	\$ 3,252,082	100.00%	None	\$0	\$0	\$3,252,082	In Progress
Totals			\$ 15,749,622	\$ 10,573,155			\$ 139,138	\$ 3,410,417	\$7,023,599	



**TRANSMITTAL RESOLUTION 2023-\_\_**

WHEREAS, Fayette County, Georgia has prepared an annual update to a Capital Improvements Element and Community Work Program; and

WHEREAS, the annual update of the Capital Improvements Element and Community Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on October 28, 2021.

BE IT THEREFORE RESOLVED, that Fayette County, Georgia does hereby submit the annual update of the Capital Improvements Element and Community Work Program covering the five-year period of FY 2023 to FY 2027 to the Atlanta Regional Commission and Georgia Department of Community Affairs for regional review, as per the requirements of the Georgia Planning Act of 1989.

Adopted this 23<sup>rd</sup> day of February, 2023

BY:

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ATTEST:

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Fayette County Impact Fee Financial Report FY2022	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2022 By Jurisdiction	
Fayette County	117,766.44
Accrued Interest	169.50
(Administrative Other Costs)	(3,429.69)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(114,506.25)
Impact Fee Fund Balance Ending FY 2022	\$0.00
Impact Fees Encumbered	\$0.00

**FAYETTE COUNTY COMPREHENSIVE PLAN  
COMMUNITY WORK PROGRAM FY2023- FY2027**

This section presents an updated five-year work program for FY 2023 through FY 2027 to implement the vision and goals of the Fayette County Comprehensive Plan. In addition to the scheduling of projects for the county, the Community Work Program indicates potential sources of funding.



**FAYETTE COUNTY COMPREHENSIVE PLAN  
COMMUNITY WORK PROGRAM FY2023-FY2027 - PUBLIC SAFETY**

Goal: Maintain and Improve the Level of Service for Public Safety

Plan Element: **Community Facilities**

Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility
<b>Fire and Emergency Medical Services</b>					
Fire Training Center – Phase 1 (Burn Building and Tower)	FY2018	FY2027	\$1,120,000	Fire Fund/Impact Fees	Fayette County Emergency Services
<b>Sheriff's Office</b>					
Links Master Plan/Phase 1 (Sheriff's Training Center – Simulator/Renovation)	FY2022	FY2022 (Completed)	\$550,000	General Fund	Sheriff's Office
Links Phase 2 – Tactical Driving Course	FY2022	FY2023	\$2,624,000	General Fund/ARPA	Sheriff's Office

**FAYETTE COUNTY COMPREHENSIVE PLAN  
COMMUNITY WORK PROGRAM FY2023-FY2027 RECREATION**

Goal: Upgrade Recreation Services

Plan Element: **Community Facilities**

Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility
Kenwood Park Sidewalk Repair	FY 2023	FY 2023	\$10,000	General Fund	Recreation Dept.
Kenwood & McCurry Park Exercise Equipment	FY2023	FY 2023	\$ 25,000	General Fund	Recreation Dept.
Kiwanis Park Restroom Facility	FY2023	TBD	\$120,000	General Fund	Recreation Dept.
Kiwanis Center Flooring Refurbishment	FY2023	FY2023	\$70,000	General Fund	Recreation Dept.
Kiwanis Park Restroom Refurbishment	FY2023	FY2023	\$25,000	General Fund	Recreation Dept.
McCurry Park Multipurpose Field Lighting	FY2023	TBD	\$300,000	General Fund	Recreation Dept.
McCurry Park North Soccer Parking Lot Resurfacing	FY2023	FY2023	\$154,527	General Fund	Recreation Dept.
New Park Development Project	FY2023	TBD	\$753,216	General Fund	Recreation Dept.

**FAYETTE COUNTY COMPREHENSIVE PLAN  
COMMUNITY WORK PROGRAM FY2023-FY2027 - WATER SYSTEM**

Goal: Upgrade County Water System			Plan Element: <b>Community Facilities</b>		
Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility
Waterline Replacement and Refurbishment	FY 2022	FY 2027	\$5,900,000	Enterprise Funds	Fayette County Water System
Update the SCADA System	FY 2022	FY 2026	\$3,300,000	Enterprise Funds	Fayette County Water System
Meter Infrastructure Upgrades	FY2023	FY2026	\$13,676,000	Enterprise Funds/ARPA	Fayette County Water System
Water System Resiliency and Redundancy	FY2023	FY2027	\$4,475,000	Enterprise Funds/Grant	Fayette County Water System



**FAYETTE COUNTY COMPREHENSIVE PLAN  
COMMUNITY WORK PROGRAM FY2023-FY2027 - HAZARD MANAGEMENT**

Goal: Upgrade and Repair Infrastructure to Mitigate Future Hazards

Plan Element: **Community Facilities**

Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility
Address deteriorating and hazardous stormwater infrastructure, bridges and water impoundments/dams including, but not limited to, the inventory of Stormwater Projects in the 2017 SPLOST document, the non-splost pipe replacements in the FY 2020 Budget - Capital Improvement Plan (CIP) and items identified in the Fayette County Hazard Mitigation Plan Update 2020-2025.	FY2023	FY2027	\$23,991,641	SPLOST and General Fund	Fayette County Public Works, Fayette County Environmental Management Department and Fayette County Fire and Emergency Services

**FAYETTE COUNTY COMPREHENSIVE PLAN  
COMMUNITY WORK PROGRAM FY2023-FY2027 – PLANNING AND ZONING**

Goal: Growth and development should be consistent with the county comprehensive plan.

Plan Element: **Needs and Opportunities**

Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility
Review County Code to reassess methods in place to maintain rural character, support agri-tourism and other business opportunities for the agricultural community.	FY 2023	FY 2024	Staff Time	General Fund	Fayette County Planning and Zoning

**Town of Brooks  
RESOLUTION 2023-02  
CIE & STWP TRANSMITTAL RESOLUTION**

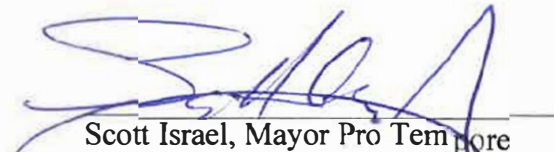
WHEREAS, the Town of Brooks has prepared an annual update to a Capital Improvements Element and Short-Term Work Program; and

WHEREAS, the annual update of the Capital Improvements Element and Short Term Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on January 23, 2023.

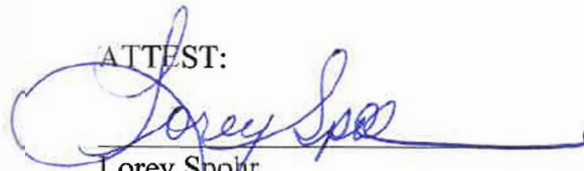
BE IT THEREFORE RESOLVED that the Town of Brooks does hereby submit the annual update of the Capital Improvements Element and Short Term Work Program covering the five-year period of FY 2022 to FY 2027 to the Atlanta Regional Commission and Georgia Department of Community Affairs for regional review, as per the requirements of the Georgia Planning Act of 1989.

Adopted this 23<sup>rd</sup> day of January, 2023

BY:

  
\_\_\_\_\_  
Scott Israel, Mayor Pro Tempore  
Town of Brooks

ATTEST:

  
\_\_\_\_\_  
Lorey Spahr  
Town Clerk



Brooks Impact Fee Financial Report FY2022	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2022 By Jurisdiction	
Brooks	3,603.42
Accrued Interest	5.19
(Administrative Other Costs)	(104.94)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(3,503.67)
Impact Fee Fund Balance Ending FY 2022	\$0.00
Impact Fees Encumbered	\$0.00

BROOKS COMPREHENSIVE PLAN AMENDMENT  
SHORT TERM WORK PROGRAM UPDATE FY 2023 to FY 2027

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Goal: Improve Public Infrastructure

Plan Element: Community Facilities

Project Description	Initiation Year	Completion Year	Estimated Costs	Funding Sources	Responsibility
Develop walking, biking and horse trail along Norfolk Southern Railway	FY 2009	FY 2026	Cost Unknown	Town of Brooks, State Grants & Federal Transportation Funds	Town of Brooks
Develop multipurpose fields.	FY2011	FY2024	\$20,000	Town of Brooks; Brooks Area Recreation (BAR); Grants	Town of Brooks & BAR
Easement, parking and property improvement – Hardy Hall.	FY2021	FY2023	\$28,000	Town of Brooks & Grants	Town of Brooks
Storm Water infrastructure improvements – Hwy 85 Conn near Price Rd.	FY2022	FY2025	\$24,000	Town of Brooks Stormwater Fund	Town of Brooks

## TRANSMITTAL RESOLUTION


WHEREAS, the Town of Tyrone has prepared an annual update to a Capital Improvements Element and Short Term Work Program; and

WHEREAS, the annual update of the Capital Improvements Element and Short Term Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on January 5, 2023

BE IT THEREFORE RESOLVED that the Town of Tyrone does hereby submit the annual update of the Capital Improvements Element and Short Term Work Program covering the five-year period of FY 2022 to FY 2027 to the Atlanta Regional Commission and Georgia Department of Community Affairs for regional review, as per the requirements of the Georgia Planning Act of 1989.

Adopted this 5<sup>th</sup> day of January , 2023

BY:



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ATTEST:



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Tyrone Impact Fee Financial Report FY2022	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2022 By Jurisdiction	
Tyrone	20,528.61
Accrued Interest	29.54
(Administrative Other Costs)	(597.86)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(19,960.29)
Impact Fee Fund Balance Ending FY 2022	\$0.00
Impact Fees Encumbered	\$0.00

CAPITAL IMPROVEMENTS ELEMENT 2022 -2026						
Project Name	Est. Cost	2022	2023	2024	2025	2026
Shamrock Park Playground	\$150,000	\$150,000	-	-	-	-
Dorthea Redwine Park Improvements	\$350,000	\$250,000	\$100,000	-	-	-
Handley Park Nature Preserve & Park Improvements	\$305,000	\$250,000	\$50,000	\$5,000	-	-
Tyrone Rd. - Riverdance Way MU Path	\$250,000	\$125,000	\$125,000	-	-	-
Senoia Rd. - Publix MU Path	\$250,000	\$10,000	\$240,000	-	-	-
Swanson Rd. MU Upgrades	\$250,000	\$20,000	\$230,000	-	-	-
Downtown Streetscaping & Multi-Use Improvements	\$500,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
Palmetto Rd./Arrowood Rd./Spencer Rd. Roundabout & MU Path Expansion	\$1,300,000	\$100,000	\$500,000	\$700,000	-	-
Intersection Studies & Improvements	\$175,000	\$25,000	\$50,000	\$100,000	-	-
LMIG Resurfacing	\$600,000	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000
Sewer System Capacity Upgrades	\$1,000,000	\$1,000,000	-	-	-	-
New Town Hall Bond Payments	\$1,550,000	\$310,000	\$310,000	\$310,000	\$310,000	\$310,000
LAP Dogwood Trail	\$140,000	-	\$140,000	-	-	-
Pendleton Dam Upgrades & Stormwater Infrastructure Improvements	\$2,250,000	\$750,000	\$1,500,000	-	-	-
Downtown Signage (Wayfinding/Monument/Gateway)	\$105,000	\$105,000	-	-	-	-
Pole Barn Relocation/Removal	\$200,000	-	\$200,000	-	-	-

## 2021-2026 Report of Accomplishments

Work Item	Status	Notes
<b>Intergovernmental Participation</b>		
Continued Memberships: FCDA, FCIC, SR 74 Coalition, ARC, FCTC, etc. . .	Ongoing	<i>This is a permanently ongoing item with multiple years of completed membership with local organizations. Membership in the FCIC (Fayette County Interagency Council) has been completed as said organization has since been dissolved, but new membership in the FCTC (Fayette County Transportation Committee) has been accomplished with continued goals of retaining a member on that committee to represent the Town.</i>
Strategic Memberships in: FRRLS, Chamber of Commerce, Southern Crescent and McIntosh Trail Boards	Ongoing	<i>These, again, are permanently ongoing memberships with multiple years of completed membership under the Town's belt. Ongoing and productive membership with the FRRLS (Flint River Regional Library System) has resulted in fantastic library resources and programming for our residents with greater levels of service anticipated over the next many years. A town representative sits on the Chamber of Commerce Board representing the Town of Tyrone. Membership in the Southern Crescent and McIntosh Trail Boards has been completed.</i>
<b>Community Development</b>		
Solicitation of Federal, State, and Foundation Program Grants	Completed	<i>LCI Grant awarded, CDAP Grants awarded in 2018 and 2020. Pursuit of FEMA Hazard Mitigation Grant. UGA SPIA Internship Grant Awarded.</i>
Continued Investment in Improving and Expanding Utility Infrastructure	Ongoing	<b>Completed:</b> <ul style="list-style-type: none"> <li>\$2,000,000 downtown sewer expansion completed.</li> <li>Facilitation of fiber-optic broadband expansion in various location .</li> </ul> <b>Ongoing:</b> <ul style="list-style-type: none"> <li>Improved relationship with Fayette-Coweta EMC with obtained GIS Data.</li> <li>Expansion of Sewer Capacity with Fulton County and the City of Fairburn.</li> </ul>
<b>Land Use</b>		
Land Acquisition/Annexation	Completed	<i>New Town Hall Land purchased, 40-acres of conservation land purchased next to Handley Park, Annexation of 35 acres on southeast border of Town.</i>
Zoning Ordinance Analysis/Revision	Ongoing	<b>Completed:</b> <ul style="list-style-type: none"> <li>2018 CDAP Zoning Assessment</li> <li>Town Center Mixed Use text amendments drafted and adopted.</li> <li>Community Mixed Use text amendment adopted.</li> <li>Revised Downtown Architectural Standards adopted.</li> <li>Revised Parking Standards for Downtown adopted</li> <li>Business Technology Park standards drafted.</li> <li>SR-74 Quality Growth District revisions drafted.</li> </ul> <b>Ongoing:</b> <ul style="list-style-type: none"> <li>Further parking ordinance standards.</li> <li>Village/Traditional Residential zoning ordinance draft and adoption</li> <li>Code Enforcement ordinance draft and adoption.</li> <li>Adoption of Business Technology Park text amendment from completed draft.</li> <li>Adoption of SR-74 Quality Growth Overlay text amendment from completed draft.</li> </ul>
Finance/GIS Website Integration	Completed	<b>Completed:</b> <ul style="list-style-type: none"> <li>2019 Zoning Map CDAP project integrated Zoning GIS maps through ESRI on town website.</li> <li>Online payments now accepted.</li> <li>GIS database expanded significantly.</li> <li>New Town website with online permitting created.</li> </ul>



## TOWN OF TYRONE COMPREHENSIVE PLAN UPDATE

## SHORT TERM WORK PROGRAM UPDATE FY 2022 TO FY 2027

Project Description	Initiation Year	Completion Year	Total Estimated Cost	Funding Sources	Responsibility
<b>Intergovernmental Participation</b>					
Continued Memberships: FCDA, FCIC, SR-74 Coalition, ARC, etc	FY 2022	FY 2026	Staff Time	GF	Town of Tyrone
Strategic Memberships in: FRRLS, Chamber of Commerce	FY 2022	FY 2026	Staff Time	GF	Town of Tyrone
Fayette County Board of Education Work-Based Learning Internship Program	FY 2022	FY 2026	Staff Time	GF	Town of Tyrone
<b>Community Development</b>					
New Town Hall Bond Payments	FY 2022	FY 2025	\$1,550,000	GF	Town of Tyrone
Pursuit of Federal, State, and Foundation Program Grants (TIP & FEMA)	FY 2022	FY 2025	\$1,300,000	GF	Town of Tyrone
Multi-Use & Transportation Improvements (trails, intersections, crosswalks, etc. . . )	FY 2022	FY 2026	\$2,225,000	GF, ARPA, SPLOST, TIP	Town of Tyrone
Downtown Development Authority Program Expansion (programming, events, training, etc. . . )			\$10,000	DDA GF	Downtown Development Authority
Park Improvements	FY 2022	FY 2026	\$805,000	GF / SPLOST	Town of Tyrone
Downtown Improvements (streetscaping, signage, etc. . . )	FY 2022	FY 2026	\$605,000	GF, ARPA, LMIG	Town of Tyrone
Continued Investment in Improving and Expanding Sewer & Stormwater Infrastructure and Planning	FY 2022	FY 2026	\$3,250,000	EP, ARPA, GF, FEMA	Town of Tyrone
<b>Land Use</b>					
Update Zoning and Land Development Ordinance, Watershed Management, & Environmental Management Ordinances.	FY 2022	FY 2026	\$10,000/Staff Time	GF	Town of Tyrone
GIS Program Expansion (new licenses, addition of web-based maps, growing geodatabase data, etc. . . )	FY 2022	FY 2026	Staff Time	GF	Town of Tyrone



Town of Woolsey  
Fayette County, Georgia

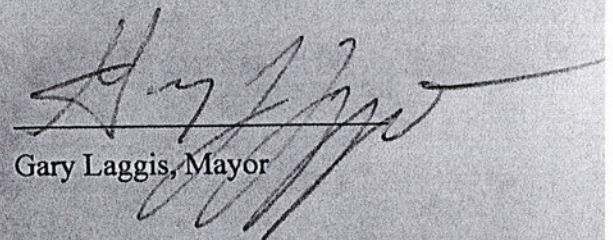
### Resolution #2023-03

WHEREAS, the Town of Woolsey has prepared an annual update to a Capital Improvements Element and Short-Term Work Program; and

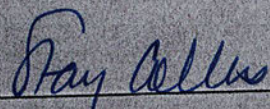
WHEREAS, the annual update of the Capital Improvements Element and Short-Term Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on February 13, 2023.

BE IT THEREFORE RESOLVED, that the Town of Woolsey does hereby submit the annual update of the Capital Improvements Element and Short-Term Work Program covering the five-year period of FY 2023 to FY 2027 to the Atlanta Regional Commission and Georgia Department of Community Affairs for regional review, as per the requirements of the Georgia Planning Act of 1989.

Adopted this 13<sup>th</sup> day of February, 2023.



Gary Laggis, Mayor

ATTEST:   
Stacey Collins, Town Clerk



<b>Woolsey Impact Fee Financial Report FY2022</b>	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2022 By Jurisdiction	
Woolsey	1,201.14
Accrued Interest	1.73
(Administrative Other Costs)	(34.98)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(1,167.89)
Impact Fee Fund Balance Ending FY 2022	\$0.00
Impact Fees Encumbered	\$0.00



**TOWN OF WOOLSEY COMPREHENSIVE PLAN AMENDMENT  
SHORT TERM WORK PROGRAM UPDATE FY 2023 to FY 2027**

Project Description	Initiation Year	Completion Year	Total Estimated Costs	Funding Sources	Responsibility
Research the adoption of a tree preservation ordinance.	FY2008	FY2023	\$1,000	GF	Town of Woolsey
Work with ARC, G.D.O.T. and Fayette County to repair existing sidewalks, construction and future funding opportunities for new sidewalks.	FY2020	FY2025	\$10,000	TE/GF	Town of Woolsey
Work with Fayette County and GDOT to address traffic flow and traffic safety concerns	FY 2019	FY 2026	\$3,000,000 - \$3,500,000	2004 SPLOST funds and/or grants	Town of Woolsey/GDOT
Develop Social Media Channels to include a Town Logo and Tag Line.	FY 2017	FY2023	\$1,500	GF	Town of Woolsey
Create committees to tackle issues such as historic preservation, or communications	FY 2017	FY2022	Completed	Completed	Town of Woolsey

# COUNTY AGENDA REQUEST

Page 173 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of staff's recommended Mid-Year Budget Adjustments to the fiscal year 2023 budget and approval to close completed Capital, Capital Improvement Plan (CIP) Projects, and Water System CIP Projects.

## Background/History/Details:

Staff is recommending mid-year adjustments to the fiscal year 2023 adopted budget.

The recommended mid-year adjustments include:

1. Adjustments for variances in actual acquisition cost versus budget cost estimates for Vehicles and Equipment.
2. Adjustments for variances in actual grant awards versus estimated grant amounts included in the adopted budget.
3. To close 2017 SPLOST projects that have been completed, to transfer any residual funds to projects contingency, and to use projects contingency funds to cover projects funding shortages.
4. To close Capital/CIP projects that have been completed, to transfer any residual funds to projects contingency, and to use projects contingency funds to cover projects funding shortages; to re-class to M&O projects expenditures that will not be capitalized.
5. Adjustments to M&O for variances between actual and budget amounts included in the adopted budget.
6. To close Water System projects that have been completed, to transfer any residual funds to fund balance unrestricted, and to use fund balance unrestricted to cover projects funding shortages.

Detail budget entries are shown on the attachment.

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

Approval of staff's recommended Mid-Year Budget Adjustments to the fiscal year 2023 budget and approval to close completed Capital, Capital Improvement Plan (CIP) Projects, and Water System CIP Projects.

## 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:

FAYETTE COUNTY, GEORGIA								
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2023 BUDGET								
FOR FISCAL YEAR ENDED JUNE 30, 2023								
ORG	OBJ	Proj	DEPARTMENT / FUND	ACCOUNT DESCRIPTION		Expenditure Increase (Dec)	Revenue Increase (Dec)	Fund Balance Increase (Dec)
<b>VEHICLE REPLACEMENT FUND:</b>								
1. The FY 2022 Vehicle Replacement fund budget included the purchase of two (2) John Deere 5075 Utility Tractors for a total of \$79,239. Actual costs in FY 2022 were \$77,366.20. The available budget of \$1,872.80 went back to fund balance at FY 2022 year-end. An additional \$2,958 was incurred in FY 2023 to place the two units into service. Recommend to increase the FY 2023 budget expenditure line by the additional \$2,957.88 - year-to-year net decrease of \$1,085.20 to the Vehicle Replacement fund balance.								
61040220	542150	224AG	Road Dept. - Vehicle Replace Fund	Road and Construction Equipment		2,957.88		(2,957.88)
						<b>2,957.88</b>	-	<b>(2,957.88)</b>
<b>GRANTS:</b>								
1. The actual LMIG (FY 2023) grant received is more than the amount included in the original budget. Grant revenue received is \$885,422 and grant revenue included in the budget is \$869,277. Grant expenditure included in the budget total \$1,130,061 to fulfill the required minimum of 30% local match. Recommend to increase the grant revenue budget line by \$16,145 and the expenditure budget line by \$20,989. This will maintain the required minimum local match - net decrease to the General Fund balance.								
10040004	334311	LMG23	General Fund	Roads & Bridges Grants			16,145.00	16,145.00
10040220	521316	LMG23	Road Department	Technical Services		20,989.00		(20,989.00)
						<b>20,989.00</b>	<b>16,145.00</b>	<b>(4,844.00)</b>
2. The FY 2023 Budget includes estimated revenue and expenditures of \$97,000 for the Juvenile Justice Incentive Grant that is awarded annually to the Fayette County Juvenile Court. This is a 100% grant with no local match required. The actual amount awarded for FY 2023 is \$97,686. Recommend to increase the revenue and expenditures budget by the \$686 difference - zero net effect to the General Fund balance.								
10020003	334219	G801A	General Fund	Grants			686.00	686.00
10020600	521316	G801A	Juvenile Court	Technical Services		686.00		(686.00)
						<b>686.00</b>	<b>686.00</b>	-
<b>2017 SPLOST:</b>								
A. The following projects have been completed. These projects have a budget overage. Recommend to transfer funding from the respective 2017 SPLOST Contingency line to cover the overage and to close the projects.								
1. Project 17SAK 151 Patricia Lane - total budget \$362,207.09								
32240599	579000	STORM	Stormwater Contingency	Contingency		(33,462.84)		33,462.84
32240320	541210	17SAK	Stormwater	Other Improvements		33,462.84	-	(33,462.84)
						-	-	-
2. Project 21SAB 285 Merrydale Drive - total budget \$9,631								
32240599	579000	STORM	Stormwater Contingency	Contingency		(21,873.27)		21,873.27
32240320	541210	21SAB	Stormwater	Other Improvements		21,873.27	-	(21,873.27)
						-	-	-
3. Project 21SAS 388 Eastin Road - total budget \$7,739								
32240599	579000	STORM	Stormwater Contingency	Contingency		(1,132.92)		1,132.92
32240320	541210	21SAS	Stormwater	Other Improvements		1,132.92	-	(1,132.92)
						-	-	-
4. Project 17FAA Fire Station #4 Relocation - total budget \$2,405,160								
32230599	579000	FIRE	Fire Contingency	Contingency		(98,181.22)		98,181.22
32230550	541210	17FAA	Fire Services	Other Improvements		98,181.22	-	(98,181.22)
						-	-	-
B. The following projects have been completed. These projects have residual funds. Recommend to transfer residual funds to the respective 2017 SPLOST Contingency line and to close the projects.								
5. Project 17SAN 175 Silver Leaf Drive - total budget \$ 377,243								
32240320	541210	17SAN	Stormwater	Other Improvements		(10,348.53)		10,348.53
32240599	579000	STORM	Stormwater Contingency	Contingency		10,348.53	-	(10,348.53)
						-	-	-
6. Project 21SAF 154 Dixon Circle - total budget \$7,853								
32240320	541210	21SAF	Stormwater	Other Improvements		(765.92)		765.92
32240599	579000	STORM	Stormwater Contingency	Contingency		765.92	-	(765.92)
						-	-	-



FAYETTE COUNTY, GEORGIA								
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2023 BUDGET								
FOR FISCAL YEAR ENDED JUNE 30, 2023								
ORG	OBJ	Proj	DEPARTMENT / FUND	ACCOUNT DESCRIPTION		Expenditure Increase (Dec)	Revenue Increase (Dec)	Fund Balance Increase (Dec)
<b>7. Project 17SAX Sherwood Rd &amp; Brookshire Dr - total budget \$18,906</b>								
32240320	541210	17SAX	Stormwater	Other Improvements		(9,632.83)		9,632.83
32240599	579000	STORM	Stormwater Contingency	Contingency		9,632.83	-	(9,632.83)
						-	-	-
<b>8. Project 21SAN 100 Mackenzie Lane - total budget \$19,430</b>								
32240320	541210	21SAN	Stormwater	Other Improvements		(7,263.39)		7,263.39
32240599	579000	STORM	Stormwater Contingency	Contingency		7,263.39	-	(7,263.39)
						-	-	-
<b>C. Remaining funding of \$34,069 in project 17TAM Brogdon &amp; New Hope Road was transferred to project 17TAL Redwine, Bernhard, and Peachtree Parkway (BOC approved 1/12/23, item #9). The project is complete. Recommend to close project 17TAM.</b>								
<b>D. On 1/12/23, the BOC approved to award contract #2184-B Redwine, Bernhard &amp; Peachtree Pkwy Roundabout (proj. 17TAL) in the amount of \$3.07M. The BOC approved to fund the cost of the contract with funding available in project 17TAL and transfers from Transportation Contingency and other SPLOST projects. After all the transfers were posted to project 17TAL, the funding in the project is still short \$4,310.49 to fully fund the contract. Recommend to transfer the amount of the shortage to cover the contract from project 17TAG Intersection Improvements that has available funding of \$119,591.</b>								
32240220	541210	17TAG	Transportation	Other Improvements		(4,310.49)		4,310.49
32240220	541210	17TAL	Transportation	Other Improvements		4,310.49	-	(4,310.49)
						-	-	-
<b>E. 19TAG Resurfacing Program FY2020 is a multi-jurisdictional project that was completed and approved to be closed by the BOC at FY 2022 year-end. Additional contributions from Peachtree City, Fayetteville, and Tyrone totaling \$11,829 were received in FY 2023. Recommend to transfer the additional contribution to 2017 SPLOST Transportation Contingency.</b>								
32240599	336047	TRANS	Transportation Contingency	Contribution-Other Govt			11,828.80	11,828.80
32240599	579000	TRANS	Transportation Contingency	Contingency		11,828.80		(11,828.80)
						11,828.80	11,828.80	-
<b>CAPITAL/CIP PROJECTS:</b>								
<b>A. The following projects have been completed. These projects have a budget overage. Recommend to transfer funds from the respective Projects Contingency line to cover the shortage and to close the projects.</b>								
<b>1. 233AP Lucas Portable Chest Compression - total budget \$14,230</b>								
37510599	579000	EMS	EMS Projects Contingency	Contingency		(268.97)		268.97
37230600	542520	233AP	EMS Projects	Safety Equipment		268.97		(268.97)
						268.97	268.97	-
<b>2. 233AD Replacement of Total Station Traffic - total budget \$35,041</b>								
37510599	579000		GF Projects Contingency	Contingency		(4,053.00)		4,053.00
37230323	542167	233AD	Sheriff Projects	Surveillance Equipment		4,053.00		(4,053.00)
						4,053.00	4,053.00	-
<b>3. 211AC B&amp;G Storage Building - total budget \$77,870</b>								
37510599	579000		GF Projects Contingency	Contingency		(351.78)		351.78
37510565	541320	211AC	B&G Projects	Buildings & Structures		351.78		(351.78)
						351.78	351.78	-
<b>4. 233AM Gear Washer Extractor Replacement (Fire Station #3) - total budget \$14,000</b>								
37510599	579000	FIRE	Fire Projects Contingency	Contingency		(1,363.00)		1,363.00
37230550	542520	233AM	Fire Projects	Safety Equipment		1,363.00		(1,363.00)
						1,363.00	1,363.00	-
<b>B. The following projects have been completed. These projects have residual funds. Recommend to transfer the residual funds to the respective Projects Contingency line and to close the projects.</b>								
<b>5. 233AB In-Vehicle Radar &amp; Laser Project - total budget \$22,539</b>								
37230323	542167	233AB	Sheriff's Projects	Surveillance Equipment		(174.00)		174.00
37510599	579000		GF Projects Contingency	Contingency		174.00		(174.00)
						174.00	174.00	-
<b>6. 17FAA Fire Station #4 Relocation - total budget \$1,209,108</b>								
37530550	541320	17FAA	Fire Projects	Buildings & Structures		(99,062.29)		99,062.29
37510599	579000	FIRE	Fire Projects Contingency	Contingency		99,062.29		(99,062.29)
						99,062.29	99,062.29	-

FAYETTE COUNTY, GEORGIA								
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2023 BUDGET								
FOR FISCAL YEAR ENDED JUNE 30, 2023								
ORG	OBJ	Proj	DEPARTMENT / FUND	ACCOUNT DESCRIPTION		Expenditure Increase (Dec)	Revenue Increase (Dec)	Fund Balance Increase (Dec)
C. The following projects have been completed. These projects have no budget shortage or residual funds. Recommend to close the projects.								
				7. 223AF Station 5 Kitchen Cabinet -original budget \$40,115				
				8. 21AR2 Sheriff National Incident Ballistics ATF -original budget \$314,754				
GENERAL FUND:								
1. On 9/22/22, the BOC approved to award contract #2125-P Development Impact Fee Study in the amount of \$77,400 and to include funding for the contract with the FY 2023 Mid-Year Budget Adjustments. Recommend to increase the Planning & Zoning M&O budget by \$77,400 to fund the contract - decrease to General Fund balance.								
10070411	521316		Planning & Zoning	Technical Services		77,400.00	-	(77,400.00)
						77,400.00	-	(77,400.00)
2. On 8/25/22 we received a letter from the Fayette County Development Authority to inform us that they are now fully self-funded and no longer will request our annual contribution to their operational budget. They also returned to us the 1st quarter payment of \$56,424 for our FY 2023 contribution. Recommend to decrease our annual contribution of \$225,696 to zero and transfer the budget savings in the General Fund to GF Projects Contingency in the CIP fund - zero net effect across funds.								
10070510	521316		Development Authority	Technical Services		(225,696.00)		225,696.00
37510599	579000		GF Projects Contingency	Contingency		225,696.00		(225,696.00)
						225,696.00	225,696.00	-
3. On 11/10/22 the BOC approved an IGA between the Town of Tyrone and Fayette County. This agreement is for the Town of Tyrone to reimburse expenses incurred by Fayette County for crack seal of 3.62 miles of streets within Tyrone. The Road Department is requesting for their M&O budget to be increased by the amount to be reimbursed by Tyrone, \$21,111. Recommend to increase the GF revenue budget and the Road Department expenditures budget by the \$21,111 to be reimbursed - zero net effect to GF balance.								
10040004	337043		General Fund	Roads/Tyrone			21,111.00	21,111.00
10040220	521316	TYRON	Road Department	Technical Services		21,111.00		(21,111.00)
						21,111.00	21,111.00	-
4. The Griffin Judicial Circuit received an ARPA grant allocated by the Georgia Governor's Office to address backlogs of court cases. The BOC approved to pay Fayette County's portion of the upfront costs that are 100% reimbursed. These ARPA related expenses are being incurred by the General Fund and were not included in the FY 2023 original budget. Recommend to increase the expenditures budget of the State Court Solicitor and the State Court Judge by the \$78,700 already spent and to increase the GF revenue budget by the same amount as this is a 100% reimbursable grant - zero net effect to GF balance.								
10020003	336049	GJC22	General Fund	Contribution-Griffin Judicial			78,700.00	78,700.00
10020320	Various	GJC22	State Court Solicitor	Various		54,000.00		(54,000.00)
10020330	Various	GJC22	State Court Judge	Various		24,700.00		(24,700.00)
						78,700.00	78,700.00	-
5. An additional \$18,096 is needed by the Tax Commissioner for a software upgrade not included in their original budget. Recommend to increase the Tax Commissioner's operating budget by \$18,096 - decrease to the GF balance.								
10010575	522236		Tax Commissioner	Software Maintenance		18,096.00		(18,096.00)
						18,096.00	-	(18,096.00)
6. On 2/9/23, the BOC approved the purchase of a 54.0 acre parcel located at Land Lot 249 of the 13th District, known as 1404 Helmer Road in the amount of \$170,000. Recommend to fund the \$170,000 purchase of the 54.0 acre parcel with General Fund balance - decrease to the GF balance.								
100XXXXX	541110		General Fund	Land		170,000.00		(170,000.00)
						170,000.00	-	(170,000.00)
EMERGENCY MEDICAL SERVICES:								
1. An additional \$10,000 is needed in the Repair & Maintenance Service expenditure line to cover all the annual maintenance agreements for equipment. Recommend to increase the expenditure line budget by the \$10,000 needed - decrease to the EMS fund balance.								
27230600	522230		EMS	Repair & Maintenance Services		10,000.00	-	(10,000.00)
						10,000.00	-	(10,000.00)

FAYETTE COUNTY, GEORGIA								
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2023 BUDGET								
FOR FISCAL YEAR ENDED JUNE 30, 2023								
ORG	OBJ	Proj	DEPARTMENT / FUND	ACCOUNT DESCRIPTION		Expenditure Increase (Dec)	Revenue Increase (Dec)	Fund Balance Increase (Dec)
<b>WATER SYSTEM:</b>								
The Water System requests a reallocation of funds among the following projects. Residual or available funds in projects is requested to be transferred to projects with a funding deficit. This reallocation of funds will have zero net effect in the total funding for these projects.								
1. Project 1VPWE Veteran Parkway Waterline Extension, total funding \$180,000 - request additional \$251,537.90 needed for unexpected cost due to rock & additional tie-in work.								
507	542540	1VPWE	Water CIP	Water CIP Expense		251,537.90		251,537.90
2. Project 22WSG Redwine Rd from Bernhard to Stonehaven Loop, total funding \$234,000 - request additional \$41,995 needed to cover requisition for water line improvements related to the Redwine, Bernhard & Peachtree Parkway Roundabout project.								
507	542540	22WSG	Water CIP	Water CIP Expense		41,995.00		41,995.00
3. Project 23WSI Taser Replacements Marshal, total funding \$14,651 - this project has been completed with a budget deficit. Request approval for additional funds to cover the budget deficit and request approval to close the project.								
507	542540	23WSI	Water CIP	Water CIP Expense		0.60		0.60
4. Project 23WSD FlowCam Cyano, total funding \$97,700 - this project has been completed with residual funds of \$125.50. Request approval to transfer the residual funds in the project and to close the project.								
507	542540	23WSD	Water CIP	Water CIP Expense		(125.50)		(125.50)
5. Project 8WTEX Waterline Extensions, total funding \$1,178,724 - this is an active project with available funds of \$496,779. Request approval to transfer \$293,408 of the available funds to the above projects.								
507	542540	8WTEX	Water CIP	Water CIP Expense		(293,408.00)		(293,408.00)
<b>Effect of funding reallocation</b>						-	-	-



# COUNTY AGENDA REQUEST

Page 178 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Approval of request to designate vehicle Asset #10849 (Fleet # 23112) instead of Asset #10845 (Fleet #23120) as surplus and authorize auctioning this unit.

## Background/History/Details:

After purchase and receipt of the 2022 pumper, Fire and Emergency Services along with Fleet Director, Bill Lackey, determined the pumper that needs to be added to surplus and authorized for auction is Asset #10849 (Fleet #23112), and not Asset #10845 (Fleet #23120) as approved by the Board on August 26, 2021. This is due to the increased maintenance issues and cost associated with maintenance and repairs needed.

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

Approve of request to designate vehicle Asset #10849 (Fleet # 23112) instead of Asset #10845 (Fleet #23120) as surplus and authorize auctioning this unit.

## 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:

**BOARD OF COUNTY COMMISSIONERS**

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

**FAYETTE COUNTY, GEORGIA**

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

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

**MINUTES****February 9, 2023****5:00 p.m.**

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

**Call to Order**

Chairman Lee Hearn called the February 9, 2023 meeting to order at 5:00 p.m. A quorum of the Board was present.

**Invocation and Pledge of Allegiance by Commissioner Eric Maxwell**

Commissioner Eric Maxwell offered the Invocation and led the audience in the Pledge of Allegiance.

**Acceptance of Agenda**

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

**PROCLAMATION/RECOGNITION:**

- 1. Presentation from State Court Judge Jason Thompson of the Accountability Court updates and strategic planning efforts for Fiscal Year 2023 and Fiscal Year 2024. This item was tabled at the January 26, 2023 Board of Commissioners meeting.**

State Court Judge Jason Thompson, along with Accountability Court Coordinator Christa Grayson, provided the Board a brief Accountability Court update and overview. Judge Thompson began the presentation with the viewing of a short video of Accountability Court participants. The video outlined, from the perspective of the participants, how vital and impactful the Accountability Court was. Ms. Grayson highlighted both the DUI/Drug Court and Veterans Treatment Court programs, the treatment plans and requirements, and program goals. She noted several events and activities the Accountability Courts participated in, including an Easter basket giveaway for participant's children, a Recovery and Paint event, the annual Kickball game, and the Dragon Boat Race. Ms. Grayson acknowledged a \$2K donation from the Rotary Club of Peachtree City, which was used to fund the Matrix curriculum and an evidence-based curriculum that taught participants what it means to be in recovery and how to recover. Ms. Grayson stated that Accountability Court staff participated in the "Shatterproof" Rise Up Walk for Addiction to raise addiction awareness in November 2022. She continued that as part of the program, participants had to complete 20 hours of public/community service. Last year, Accountability Court partnered with Promise Place coordinating a holiday giveback gathering essential need items for members of the community. Ms. Grayson stated that Fayette County DUI/Drug Court held its 20<sup>th</sup> graduation ceremony. Judge Thompson expressed pride in the Accountability Court programs, the team he worked with, and the participants that this program helped. He thanked the Board as well as staff and other agencies for their support.

**PUBLIC HEARING:**

**PUBLIC COMMENT:**

The following citizens gave comments in favor of Option #1- the renovation of East Fayette Elementary to provide for a new Department of Public Health building: Jack Bernard, Paige Muh, Dr. Mariam Gwaltney, Major Michael Wayney, Osohey Asighi, Jan Swift, David Brill, and Hasina Grimbball. Comments reiterated two major concerns: the need for continuity of care in a singled roofed facility and more accessible mental health services in Fayette County. Option #1 would help streamline health care by housing public health, mental health, and Women Infant and Children (WIC) services.

**CONSENT AGENDA:**

Commissioner Oddo moved to approve the Consent Agenda as written. Vice Chairman Gibbons moved seconded. The motion passed 5-0.

2. **Approval of staff's request to approve the annual Budget Calendar for Fiscal Year 2024, which begins July 1, 2023 and ends June 30, 2024.**
3. **Approval of the January 26, 2023 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

4. **Request to approve Option #1; the renovation of East Fayette Elementary to provide for a new Department of Public Health building or Option #2; the reallocation of American Rescue Plan Act (ARPA) funds to Fire/EMS Training Facility, Sheriff's Tactical Training Course and \$1.5M towards renovating the existing Department of Public Health at Stonewall. This item was tabled at the January 26, 2023 meeting.**

County Administrator Steve Rapson provided the Board with an overview of the analysis done regarding the Fayette County Health Department. Mr. Rapson stated that initially staff attempted to value engineer the proposed new Health Department building which costs had ballooned to about \$25M-\$27M when including furniture, fixtures and site improvement. He stated that the Board reached out to the Governor's office requesting \$5M in funding for the new health facility, with no success. He stated that he met with the Fayette County School Board and evaluated two sites, the East Fayette Elementary and the Fayette Intermediate School. In addition, the Board also directed staff to find an additional option to use the American Rescue Plan Act (ARPA) funds if the Health Department option fell through. He continued that via the site evaluation with the Fayette County School Board, it was determined that the East Fayette Elementary School was the better site and Option #1 was developed featuring that building for the Board to consider. Mr. Rapson stated that Option #2 was how to allocate the ARPA funds if the East Fayette Elementary renovation option was not approved by the Board. He noted that the ARPA funds had a two-year utilization commitment deadline, with very specific usage criteria. He stated that via the ARPA funds, \$7M had been allocated to the proposed new Health Department building which could be used for the East Fayette Elementary renovation or the funds could be allocated for public safety projects throughout the county. Mr. Rapson stated that as an overview of Option #1, in considering the renovation of East Fayette Elementary, there was a commercial grade kitchen that would remain untouched and gymnasium that could be used for some storage but would remain intact. He continued that the renovations would affect the remaining 48,834 sq ft. which was about 40% more space than the proposed new health building. He noted that the additional space would allow for expanded services, however building logistics and functionality would have to be developed. Mr. Rapson stated that the building was made of concrete block. There was a roof that was scheduled to be replace in 2028. There was no sprinkler system, and the fire alarm status was unknown. The bathrooms would require a complete renovation and the room size and layout would have to be redesigned. The building was constructed in 1955 and was structurally sound. He noted that the building appraised for \$4.7M in 2021. He briefly reviewed the potential layout of the renovations to co-locate the various Health Department services. Mr. Rapson gave an overview of the revenue sources for this project. He stated that Fayette County had allocated \$2M, the Board of Public Health allocated \$1M, the ARPA allocation was \$6.9M, Woolsey contributed their share of ARPA funds to the County totaling \$62K, along with remaining ARPA funds totaling \$33K, and the Women, Infant, and Children program (WIC) committed to a contribution of \$883K. He noted that all these funds were in the bank with the exception of the WIC contribution. As part of this



evaluation process, he reached back out to the Department of Public Health regarding funding, and they made an additional commitment of \$450K which would be funded over two-years. He stated that the County's shortfall would come out of the General Fund. Mr. Rapson also highlighted that the purchase price of the East Fayette Elementary School was \$3M over two-years from the Fayette County School Board. This was the same building that appraised in 2021 for \$4.7M, this was a savings for the County. He noted that this was a demonstration of a great partnership and service to the community. Continuing the review of project expenses, Mr. Rapson stated the Jefferson Architects and Morgan Mill Consulting costs for the proposed new Health Building were sunken costs. He continued that the total cost estimated for the East Fayette Elementary renovation for the Health Department was \$16.6M. In breaking down this cost by allocations he stated that Fayette County would contribute 43.4% about \$7.2M, ARPA funding allocation was 42.6% at \$7M, WIC contribution was 5.3% \$883K, and Department of Public Health would contribute about 8.7% with \$1.45M. Mr. Rapson stated that in looking at Fund Balance for the County there was an unassigned fund balance of \$7.8M, which was what the County stated the fiscal year with. He continued that the Board recently approved the Animal Control Building totaling \$1.45M and for the new Health Building renovation project they would need to allocate \$3.9M in fiscal year 2023 (FY23) and \$1.3M in fiscal year 2024 (FY24), which would sure up the shortfall previously mentioned. He stated that with this in mind, if approved, the unassigned Fund Balance would be \$1.2M at the end of FY24. He noted this was extremely conservative estimate. Mr. Rapson briefly reviewed Option #2 which would allocate \$3.5M to the Fire and Emergency Management Services training facility, \$2M to the Sheriff Tactical Training Course and \$1.5M to the Department of Public Health at Stonewall renovation project. Mr. Rapson stated that holistically speaking he felt that Option #1; the renovation of East Fayette Elementary to provide for a new Department of Public Health building would be what was best for Fayette County.

Commissioner Oddo asked what the size of the current Health Department space at the Administration Complex.

Mr. Rapson stated that currently the Health Department was about 7,000 sq ft.

Commissioner Oddo stated that logically there was no way to house the Health Department at the Administration Complex and gain the comparable amount of space as at the East Fayette Elementary School.

Vice Chairman Gibbons moved to approve Option #1; the renovation of East Fayette Elementary to provide for a new Department of Public Health building. Commissioner Rousseau seconded.

Commissioner Maxwell expressed his appreciation to the Fayette County School Board for their partnership and support of this project. Commissioner Maxwell stated that he was not happy with how the presentation was presented because he felt there was an additional option, which was the construction of a new Health Building. He stated that in his mind there was no question regarding the need for a new Health Building. He stated that his Option #1 was the new building that was proposed and designed for construction near the Justice Center. He stated that that was the option he was primarily interested in. Commissioner Maxwell stated that if he voted against this item he was not voting against the need for a new facility because he understands that, but he does not feel that this proposed Option #1 was the best decision for this Board to make. He noted that he felt the State of Georgia could have assisted with funding. He stated that he would feel more comfortable with developing a plan on how to construct the new building near the Justice Center, as opposed to the renovation of an old building.

Commissioner Oddo stated that he understood Commissioner Maxwell's position and acknowledged that he would like to construct a new building as well. He reiterated the fact that if the ARPA funds were not used by the deadline they would be lost and if a new building could not be developed in that timeframe the County would have to raise even more funds. Commissioner Oddo stated that once the renovation of the East Fayette Elementary were completed for the Health Department, it would free up valuable space here at the Administration Complex. He also noted that the renovation would most likely happen a lot faster than a new building construction. Commissioner Oddo stated that one reason this option was possible was because the Board along with County staff worked diligently and used County funds wisely, rarely raised taxes, and were fiscally responsible. He expressed his appreciation to the Fayette County School Board for their support and partnership. He stated that this was an excellent opportunity to fill an absolute need that would service the community now.

Commissioner Rousseau expressed his appreciation to the citizens who were in attendance and who had relayed their concerns, thoughts, and desires for their community to the Board. He stated that he shared Commissioner Maxwell's sentiments, noting that

they sounded like familiar refrain because he had spoken about the same topics in the past time and time again. He stated that he wished he had Commissioner Maxwell's vote when determining where the ARPA funds should be allocated initially with this same line of thinking. Commissioner Rousseau stated that funding could have been shifted and the option of a new health facility should have been Option #1. He stated that these were additional options to satisfy the need of the community for an appropriate health facility. He stated that in his opinion he felt the Board was falling short. Commissioner Rousseau stated that he mentioned in the past that if the Board could construct a facility for "dogs and cats but cannot build one for people, that was a serious issue". Commissioner Rousseau stated that he was not particularly interested in the current options, considering the original plan was to construct a new facility. He stated that he felt the Board missed the mark and a unique opportunity. He thanked the Fayette County School Board and Fayette Factor as community partners who was helping the county meet the needs of the citizens in this community which was critical. Commissioner Rousseau reiterated his disappointment with these options especially when he provided alternate options as it related to the use of funding for new water meters. Those funds could have been transferred into this project and used to make the construction of a new Health Building a reality. He also noted his disappointment in a missed opportunity of having this projected included in the SPLOST. However, the need for elevated service was now and waiting was not an option. Commissioner Rousseau publicly thanked Dr. Townsend, Ted Toals, and Jack Bernard with Public Health Board for their hard work and dedication. He also expressed his appreciation and thanks for several other partners in the Fayette County community.

Mr. Rapson stated as clarification that the ARPA funds had to be encumbered by 2024. He also stated that the Mental Health portion of renovation of East Fayette Elementary, would be twice the size it would have been at the new Health Department Facility. Mr. Rapson also noted that with 40% more space this would provide more flexibility on-site. Mr. Rapson provide a quick analysis of an "Option #3" which would consider the construction of a new Health Department "shell" with the development of the building as the funds were saved and made available.

Chairman Hearn expressed his appreciation to Dr. Patterson and Mr. Grey with the Fayette County School Board for their partnership and support in working with the Board. Chairman Hearn stated that this option may not be his favorite choice, however it was a good option and would be a nice facility.

Vice Chairman Gibbons moved to approve Option #1; the renovation of East Fayette Elementary to provide for a new Department of Public Health building. Commissioner Rousseau seconded. The motion passed 4-1, with Commissioner Maxwell voting in opposition.

#### **NEW BUSINESS:**

- 5. Consideration of Resolution 2023-01; the acquisition of a 54.0-acre parcel located at Land Lot 249 of the 13th District, known as 1404 Helmer Road (parcel 13-14-077), on the south side of Helmer Road, west of Georgia Highway 85, owned by Judson W. Byrd and Macie W. Byrd in the amount of \$170,000.00.**

Mr. Rapson stated that this item was for the acquisition of a 54.0-acre parcel located at Land Lot 249 of the 13th District, known as 1404 Helmer Road (parcel 13-14-077) in the amount of \$170,000.00.

Vice Chairman Gibbons moved to approve Resolution 2023-01; the acquisition of a 54.0-acre parcel located at Land Lot 249 of the 13th District, known as 1404 Helmer Road (parcel 13-14-077), on the south side of Helmer Road, west of Georgia Highway 85, owned by Judson W. Byrd and Macie W. Byrd in the amount of \$170,000.00. Commissioner Oddo seconded. The motion passed 5-0.

#### **ADMINISTRATOR'S REPORTS:**

**A: Contract #2114-S: AT&T Megalink**

**B: Contract #2186-B Crack Sealing Services**

**Hot Projects**

Mr. Rapson provided a report to the Board that included updates on the Redwine Road multi-use path, the Parks and Recreation multi-use facility, the Elections building renovation and Ebenezer Church Road bridge replacement.

**ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were four items of consideration for Executive Session. Two items involving real estate acquisition, one item of threatened litigations and the review of the Executive Session Minutes for January 26, 2023.

**COMMISSIONERS' REPORTS:**

**Commissioner Oddo**

Commissioner Oddo wished everyone a Happy Valentine Day.

**EXECUTIVE SESSION:**

**Two items involving real estate acquisition and one item of threatened litigations and the review of the Executive Session minutes for January 26, 2023.** Vice Chairman Gibbons moved to go into Executive Session. Commissioner Oddo seconded. The motion passed 5-0.

The Board recessed into Executive Session at 6:17 p.m. and returned to Official Session at 6:48 p.m.

**Return to Official Session and Approval to Sign the Executive Session Affidavit:** Commissioner Oddo moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

**Approval of the January 26, 2023 Executive Session Minutes:** Commissioner Oddo moved to approve January 26, 2023 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 4-0-1, Chairman Hearn abstained because he was absent from the meeting.

**ADJOURNMENT:**

Commissioner Oddo moved to adjourn the February 9, 2023 Board of Commissioners meeting. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

The February 9, 2023 Board of Commissioners meeting adjourned at 6:13 p.m.

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Marlena Edwards, Chief Deputy County Clerk

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Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 23<sup>rd</sup> day of February 2023. Attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Chief Deputy County Clerk



# COUNTY AGENDA REQUEST

Page 184 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Request to approve Alternative 1 (ALT 1) or Alternative 2 (ALT 2) as the preferred realignment for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD). This item was tabled at the January 26, 2023 Board of Commissioners meeting.

## Background/History/Details:

In 2021 the Board of Commissioners accepted a grant award for the design (PE) phase of the SR 279 Realignment Project. A contract for design services was awarded to Practical Design Partners (PDP) in March of 2022. Since then, two alternative alignments have been developed based on traffic studies, environmental screening, and public outreach. Before the next phase of the project can begin, development of a Concept Report, direction from the Board is required to determine which ALT 1 or ALT 2, is the preferred alignment.

The backup material to this agenda request provides preliminary drawings of each alternative and information comparing the two options.

The alternatives were presented to the Transportation Committee on January 10, 2023. Seven voting members were present at the meeting. Two supported ALT 1 and five supported ALT 2.

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

Approve Alternative 1 (ALT 1) or Alternative 2 (ALT 2) as the preferred realignment for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD).

## If this item requires funding, please describe:

In April 2021 the Board budgeted \$265,029 for the PE phase of SPLOST project 17TAD. An additional grant has been awarded by Atlanta Regional Commission (ARC) bringing the total funding for the PE phase to \$1,000,000.

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:

# SR 279 Realignment Project Alternatives 1 and 2

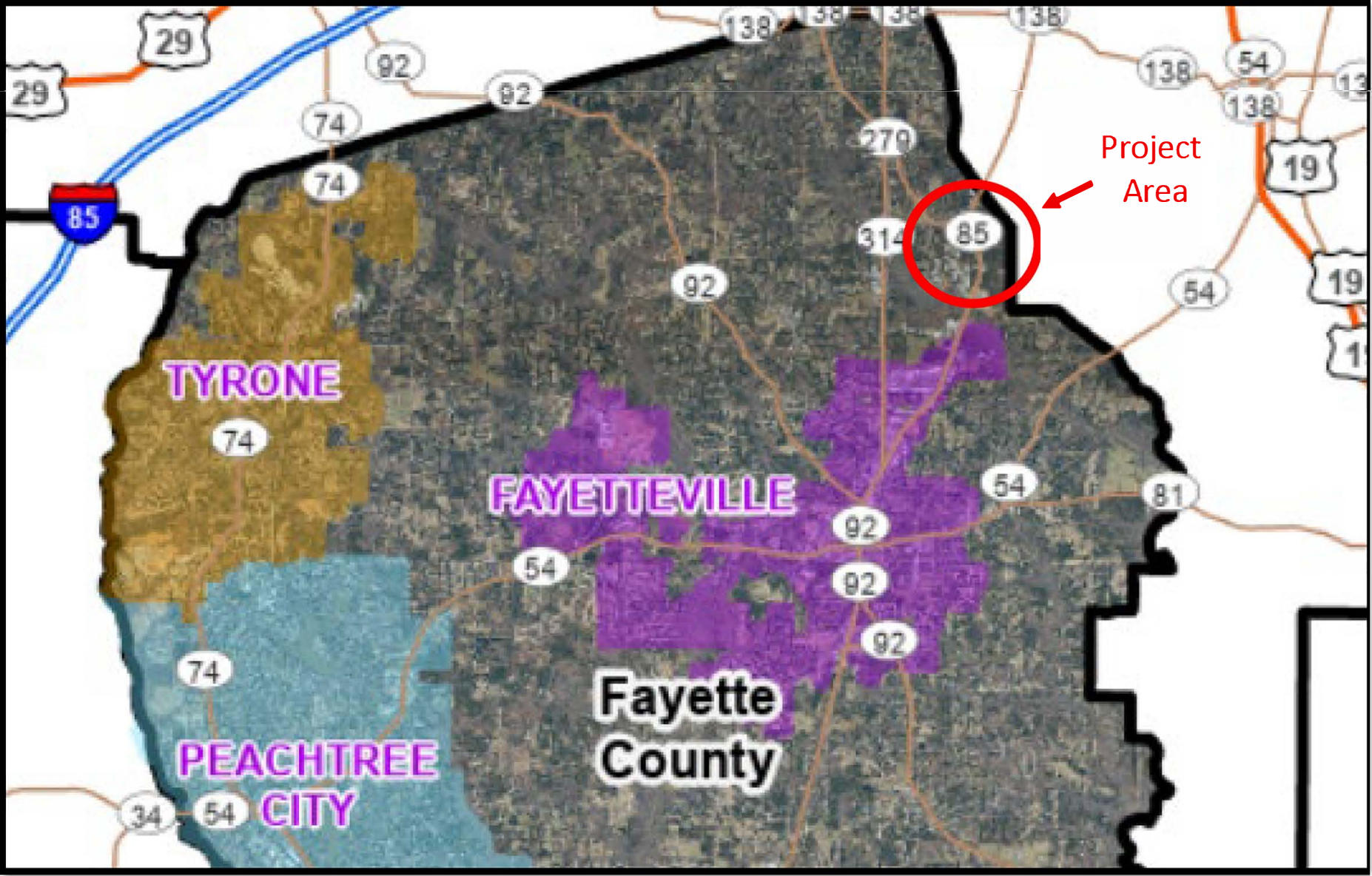
GDOT PI 0017813/County 17TAD

Fayette County Board of Commissioners

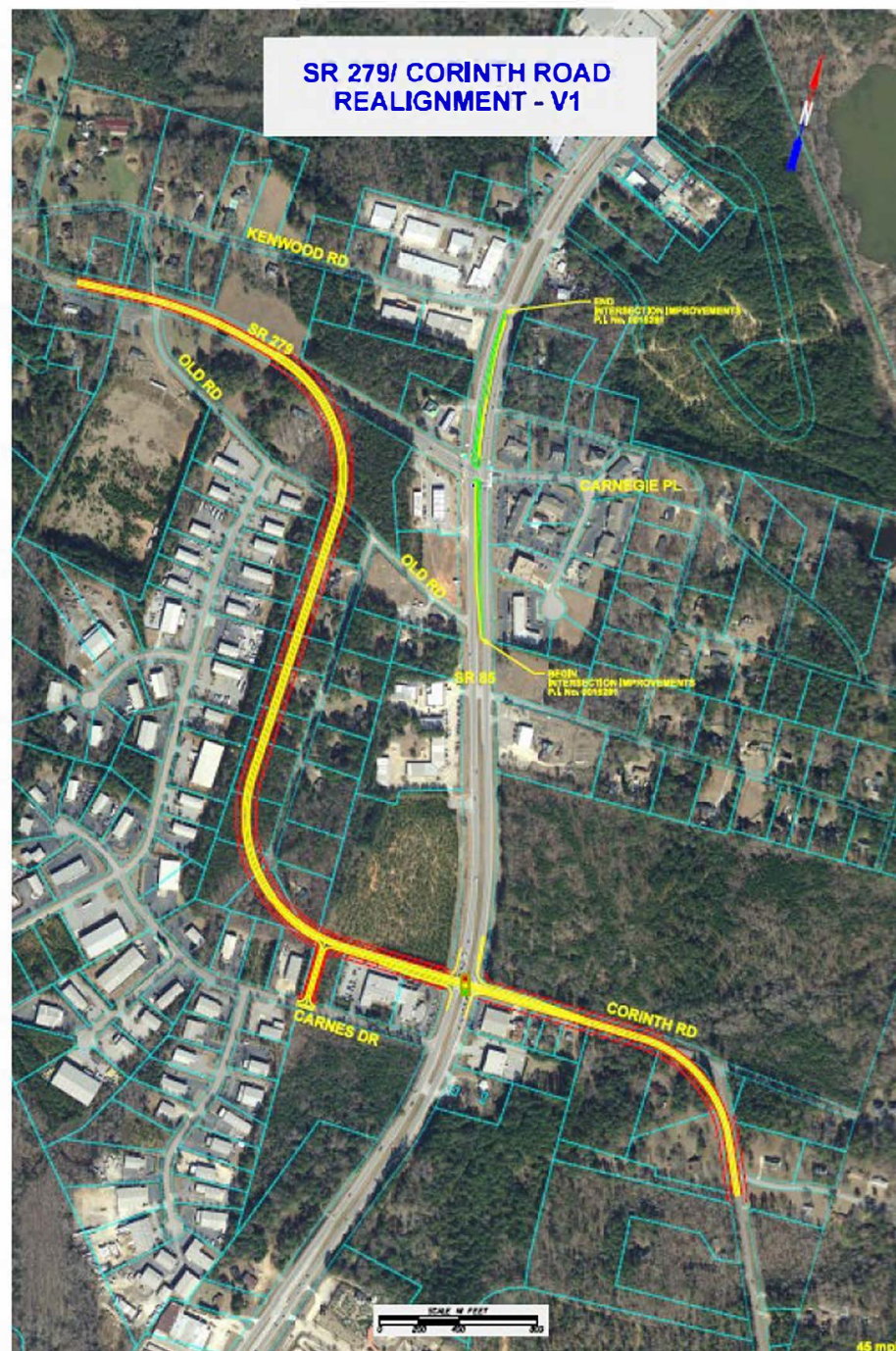
February 23, 2023

Presented by: Paola Kimbell, Fayette County Public Works

Angela Snyder, PE, PDP







Original Alignment from the 2019 Corridor Study. This corridor is a major connector for commuter traffic through the County. Growth and additional improvements on both ends of the corridor could increase traffic volumes in the design year.

# Project Milestones (1 of 2)

<b>July 2017</b>	<b>Grant application 1 to ARC for SR 279 Corridor Study</b>
<b>Dec 2019</b>	<b>Study complete and recommends the realignment of SR 279 at SR 85, among other corridor improvements</b>
<b>Oct 2019</b>	<b>Grant application 2 to ARC for the realignment of SR 279 at SR 85</b>
<b>April 2021</b>	<b>BOC accepts grant money for PE phase and executes Project Framework Agreement with GDOT for PI 0017813</b>
<b>Dec 2021</b>	<b>Grant application 3 to ARC for additional money for the PE phase</b>
<b>March 2022</b>	<b>BOC awards contract for PE design services to Practical Design Partners</b>
<b>April – Oct 2022</b>	<b>Collection of traffic data, traffic analysis, environmental screening, and development of Alternatives 1 &amp; 2</b>

# Project Milestones (2 of 2)

Dec 2022	Grant application to ARC for additional money for the PE phase
Nov 2022	Public Engagement for input on Alternatives 1 & 2
<b>Feb 2023</b>	<b>BOC selection of preferred alternative</b>
Jan 2024	Concept Report approval by GDOT, completion of second Public Information Open House (PIOH)
2026 (FY)	Completion of preliminary engineering, establishment of environmental footprint, and authorization of right-of-way
2028 (FY)	Completion of final design, environmental permitting, and right-of-way acquisition. Award contract for construction
2030	Project complete



## Public Engagement Advertisements

- **Road Signs**
- Postcards (>100 mailed to property owners)
- Email Notices
- County Website
- Newspaper Legal Notices – 11/02/22 & 11/09/22
- Press Release
- Social Media – Facebook
- Announcements at BOC meetings

# Public Engagement Opportunities (Nov 2022)

- Public Information Open House – 11/15/2022
  - Comment Cards provided
- Social PinPoint – 30 Days for Public Comment
- Public Works – email and phone
- North Fayette Community Association Quarterly Meeting
  - Comment Cards provided
- Presentations to the Fayette County Transportation Committee



# Public Engagement Responses

- 226 comments received
- **Near unanimous support to do something**
- **Preference for Alt 1 versus Alt 2 was split nearly 50/50**
- Good discussion during the Public Meeting, people who attended asked many questions and gave feedback that was used to refine the alternatives
- Although it is outside the scope of this project, there is strong support for improvements and/or widening along all of SR 279



# Public Comment Categories

- Intersection Improvements (33%)
- Bike & Pedestrian Improvements (26%)
- Right-of-Way Acquisition / Property Impacts (17%)
- Safety Concerns (16%)
- Budget / Cost (4%)
- Other (4%)





SR 279 REALIGNMENT  
FAYETTE COUNTY  
ALT 1  
1/9/2023



ADJUST EXIST. SIGNAL TO  
ALLOW PERMISSIVE LEFT  
TURN PHASING FROM SR 85  
TO SR 279

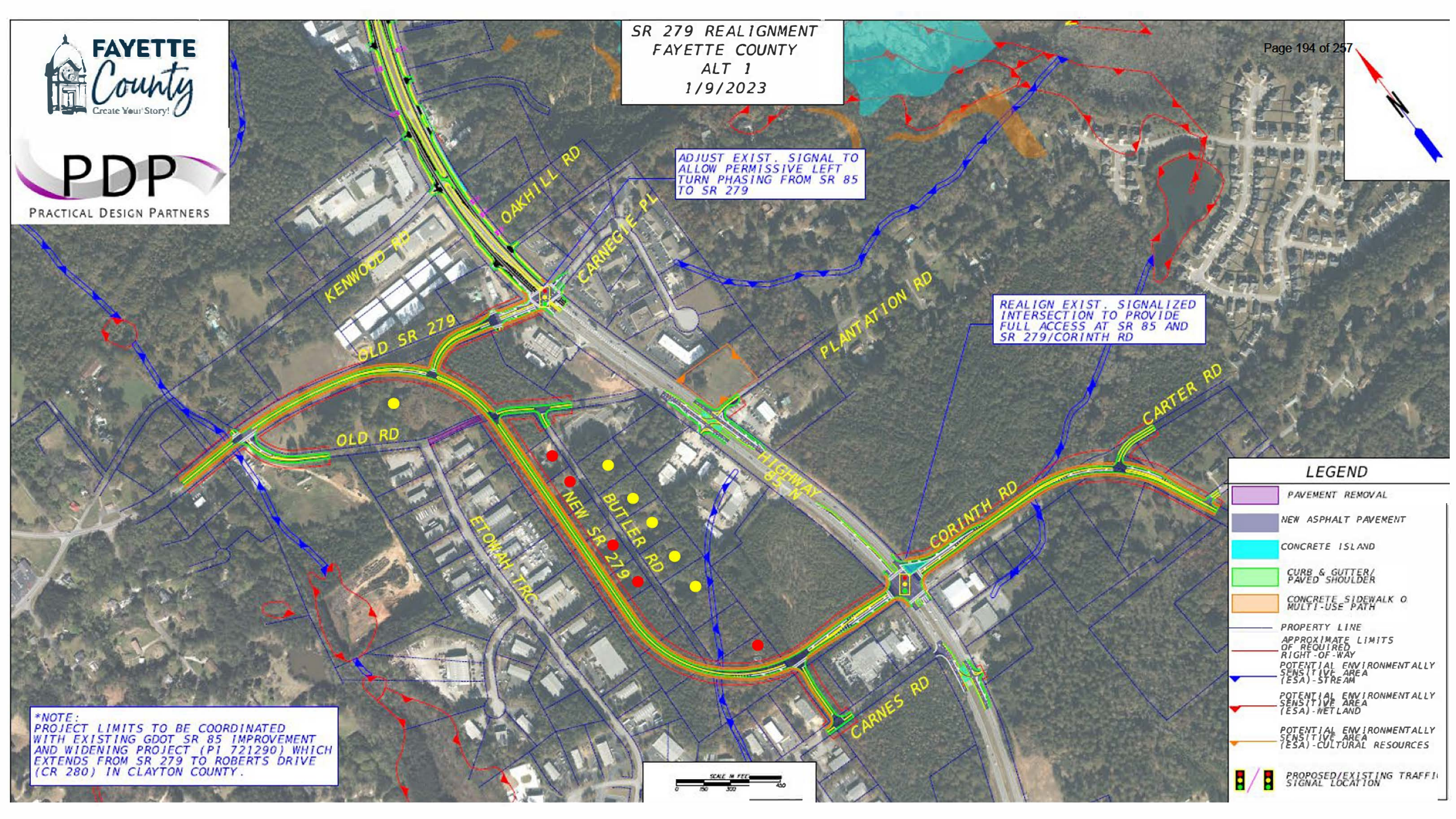
REALIGN EXIST. SIGNALIZED  
INTERSECTION TO PROVIDE  
FULL ACCESS AT SR 85 AND  
SR 279/CORINTH RD

**LEGEND**

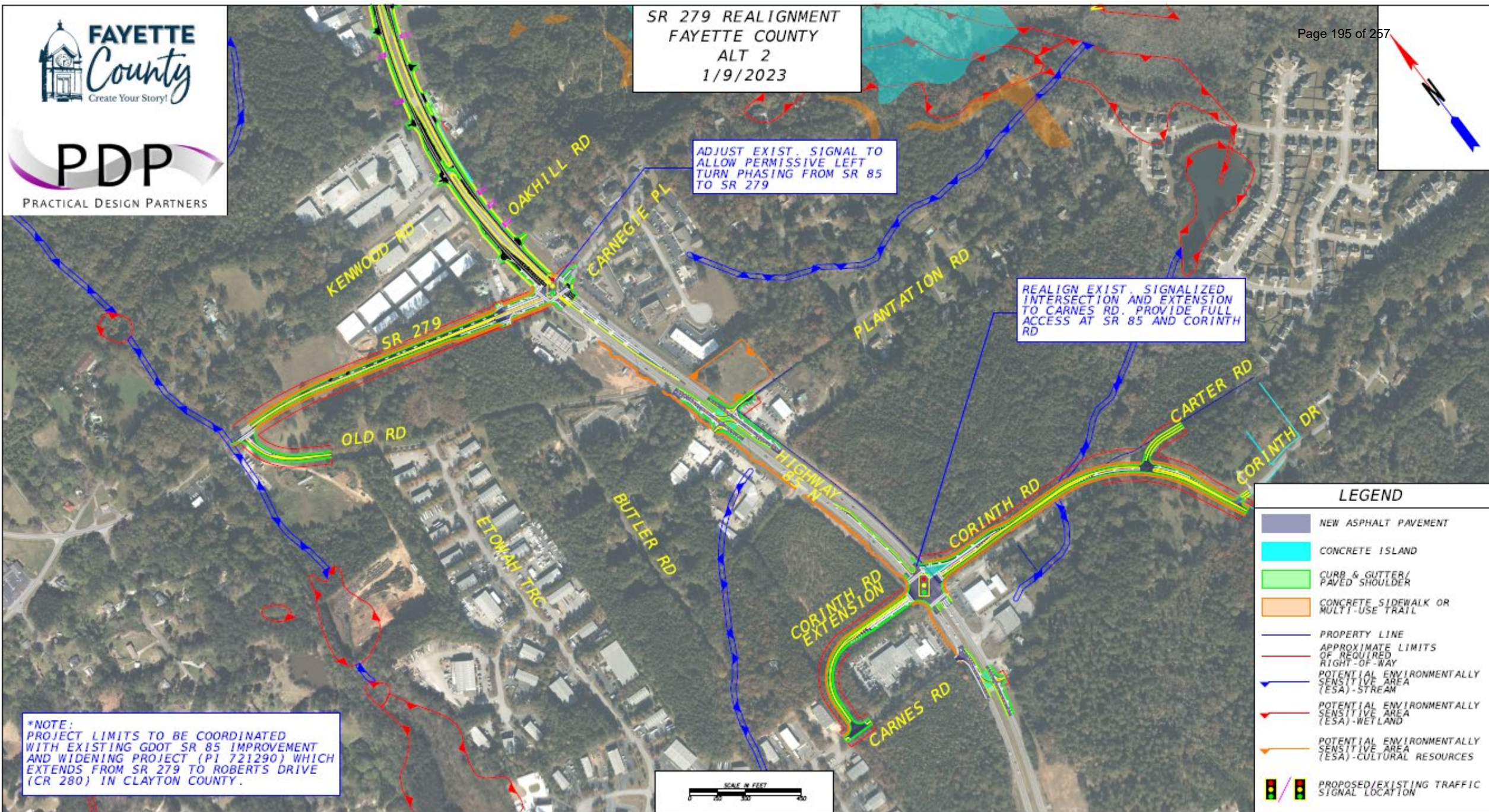
- PAVEMENT REMOVAL
- NEW ASPHALT PAVEMENT
- CONCRETE ISLAND
- CURB & GUTTER/  
PAVED SHOULDER
- CONCRETE SIDEWALK OR  
MULTI-USE PATH
- PROPERTY LINE
- APPROXIMATE LIMITS  
OF REQUIRED  
RIGHT-OF-WAY
- POTENTIAL ENVIRONMENTALLY  
SENSITIVE AREA  
(ESA)-STREAM
- POTENTIAL ENVIRONMENTALLY  
SENSITIVE AREA  
(ESA)-WETLAND
- POTENTIAL ENVIRONMENTALLY  
SENSITIVE AREA  
(ESA)-CULTURAL RESOURCES
- PROPOSED/EXISTING TRAFFIC  
SIGNAL LOCATION

\*NOTE:  
PROJECT LIMITS TO BE COORDINATED  
WITH EXISTING GDOT SR 85 IMPROVEMENT  
AND WIDENING PROJECT (P1 721290) WHICH  
EXTENDS FROM SR 279 TO ROBERTS DRIVE  
(CR 280) IN CLAYTON COUNTY.

SCALE IN FEET  
0 100 200 300 400







\*NOTE:  
PROJECT LIMITS TO BE COORDINATED  
WITH EXISTING GDOT SR 85 IMPROVEMENT  
AND WIDENING PROJECT (PI 721290) WHICH  
EXTENDS FROM SR 279 TO ROBERTS DRIVE  
(CR 280) IN CLAYTON COUNTY.

SCALE IN FEET  
0 100 200 300 400

**LEGEND**

- NEW ASPHALT PAVEMENT
- CONCRETE ISLAND
- CURB & GUTTER/  
PAVED SHOULDER
- CONCRETE SIDEWALK OR  
MULTI-USE TRAIL
- PROPERTY LINE
- APPROXIMATE LIMITS  
OF REQUIRED  
RIGHT-OF-WAY
- POTENTIAL ENVIRONMENTALLY  
SENSITIVE AREA  
(ESA)-STREAM
- POTENTIAL ENVIRONMENTALLY  
SENSITIVE AREA  
(ESA)-WETLAND
- POTENTIAL ENVIRONMENTALLY  
SENSITIVE AREA  
(ESA)-CULTURAL RESOURCES
- PROPOSED/EXISTING TRAFFIC  
SIGNAL LOCATION



# Comparison of Alt 1 and 2

Operational Benefits

Safety Benefits

Multimodal Benefits

Other

- Property Impacts
- Deliverability
- Cost

# Annual Average Daily Traffic Comparisons

This traffic forecasting follows the Atlanta Region Commission's Travel Demand Model as required by GDOT. This model estimates future traffic volumes for the design year of 2047 and includes anticipated future growth in the area, planned and programmed projects that may add traffic along the corridor and all other required data.



# Level of Service (LOS)

**Level of Service (LOS)** is used to describe the operating characteristics of a road segment or intersection in relation to its capacity. LOS is defined as a qualitative measure that describes operational conditions and motorists' perceptions. The Highway Capacity Manual defines six levels of service, LOS A through LOS F. Level of service A indicates excellent operations with little delay to motorists, while level of service F indicates extremely long delay.

LOS	Average Delay (seconds)	
	Unsignalized Intersections	Signalized Intersections
A	$\leq 10$	$\leq 10$
B	$> 10$ and $\leq 15$	$> 10$ and $\leq 20$
C	$> 15$ and $\leq 25$	$> 20$ and $\leq 35$
D	$> 25$ and $\leq 35$	$> 35$ and $\leq 55$
E	$> 35$ and $\leq 50$	$> 55$ and $\leq 80$
F	$> 50$	$> 80$

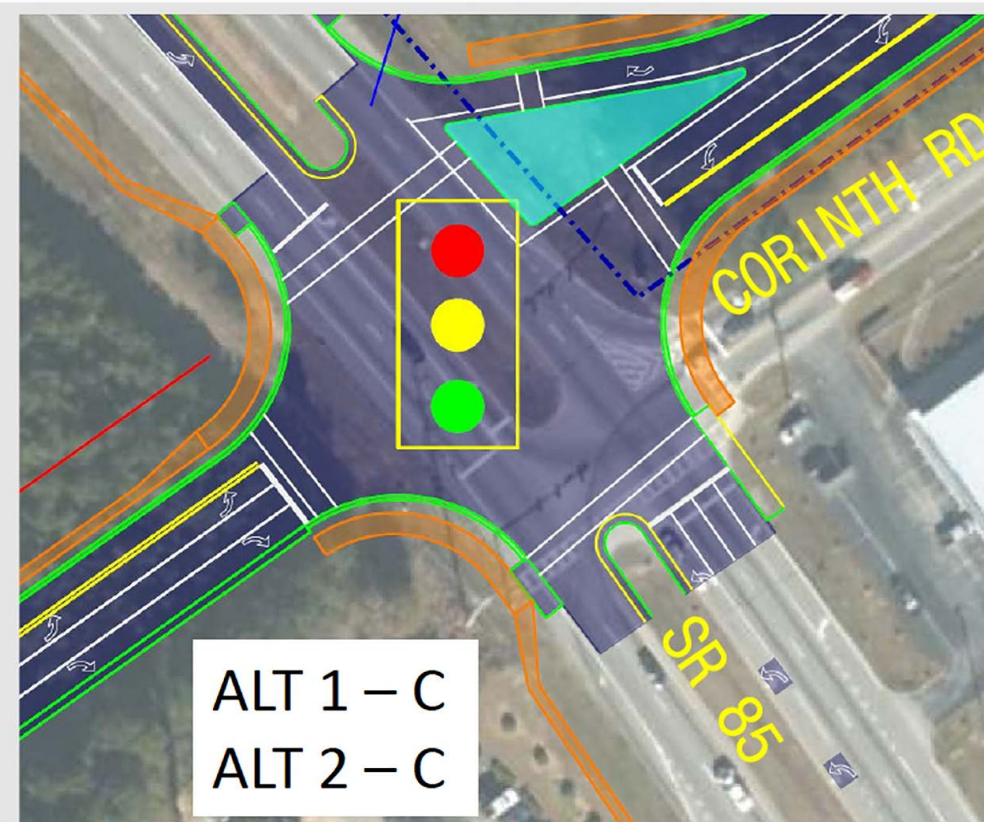
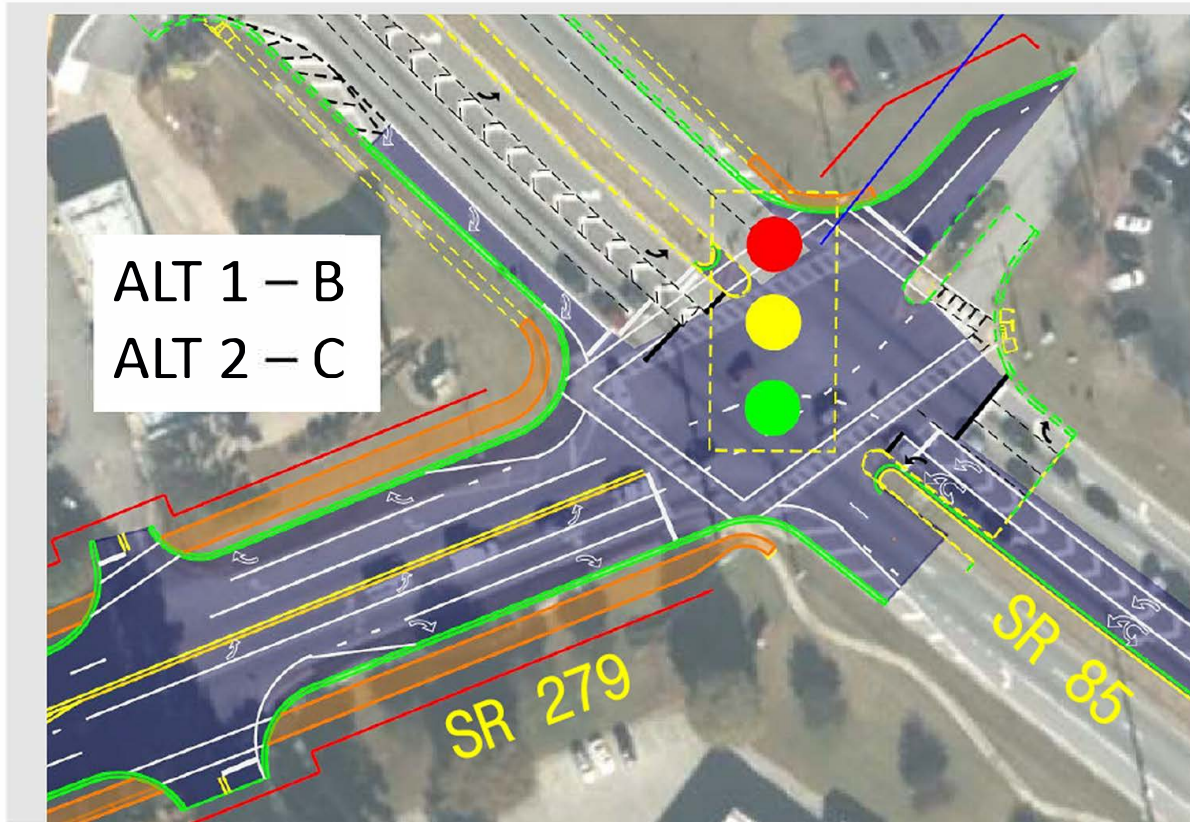
Source: 2010 Highway Capacity Manual

Per FHWA guidelines all intersections for this project are operating effectively at LOS C or better.

This shows that there are no significant capacity deficiencies under existing conditions, which indicates that the existing roadway configuration provides adequate capacity to meet the projected demand in the peak hours of the opening (2027) and design (2047) years.

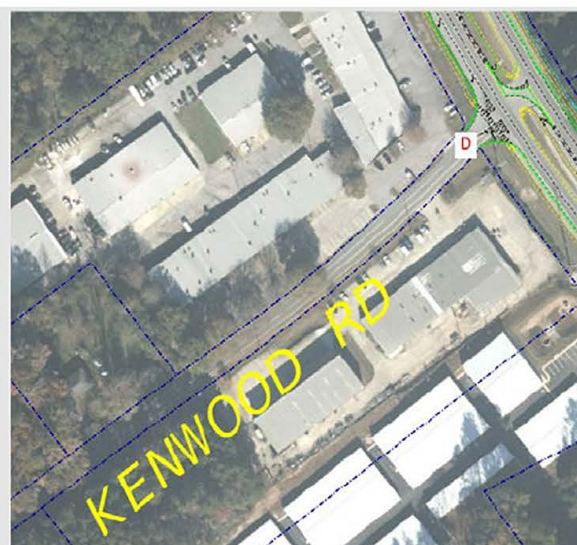
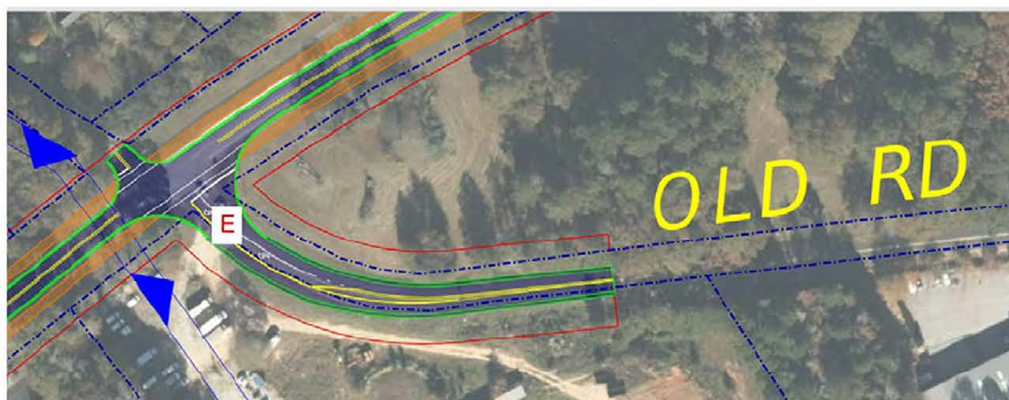


# LOS – Alt 1 & Alt 2 Traffic Signal Intersections





# LOS – Alt 1 & Alt 2

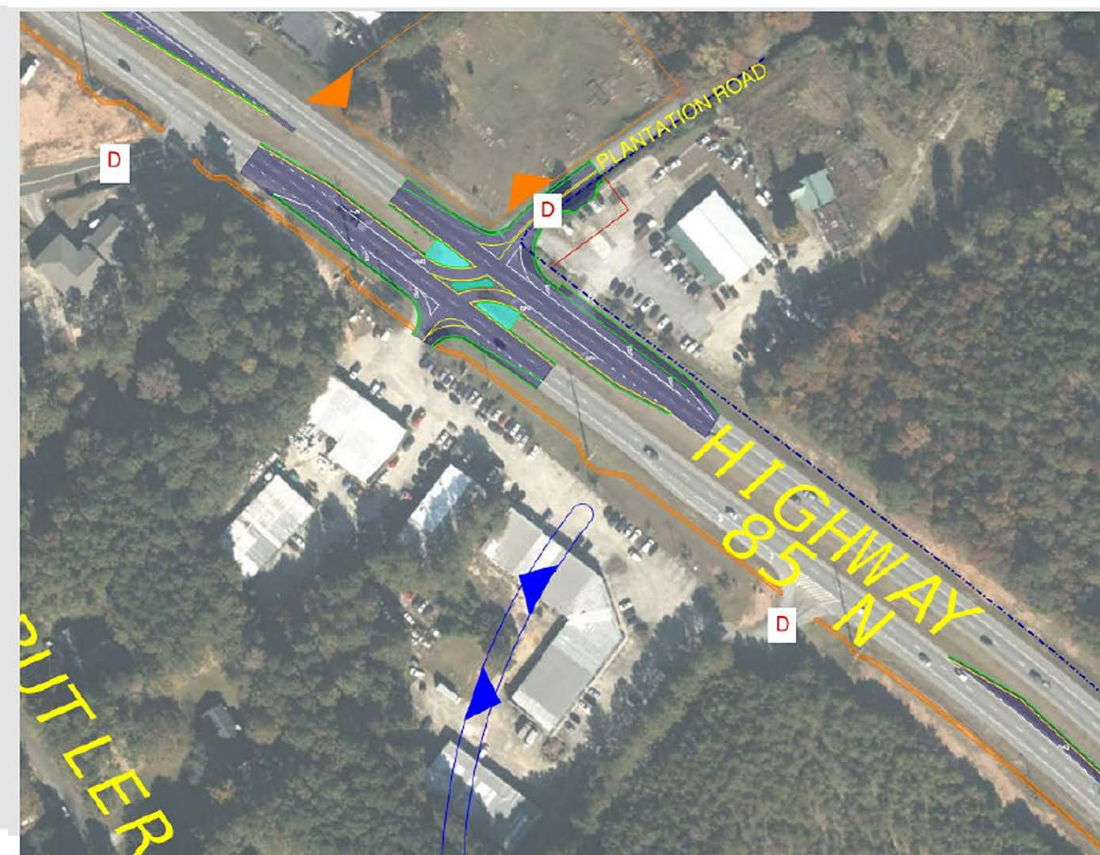
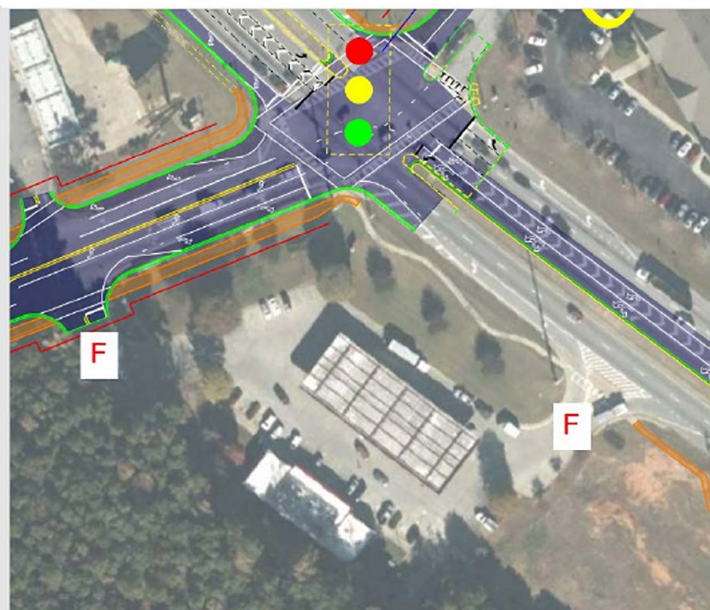


These three intersections for both Alternative 1 and Alternative 2 operate at an acceptable LOS level. The sideroads and driveways pictured above operate at a LOS less than C, however, they do not affect the operations of the mainlines of SR 279, SR 85, or Corinth Road.



# LOS Comparisons – Alt 2

In Alternative 2, the sideroads and driveways pictured to the right operate at a LOS less than C, however, they do not affect the operations of the mainlines of SR 279, SR 85, or Corinth Road.





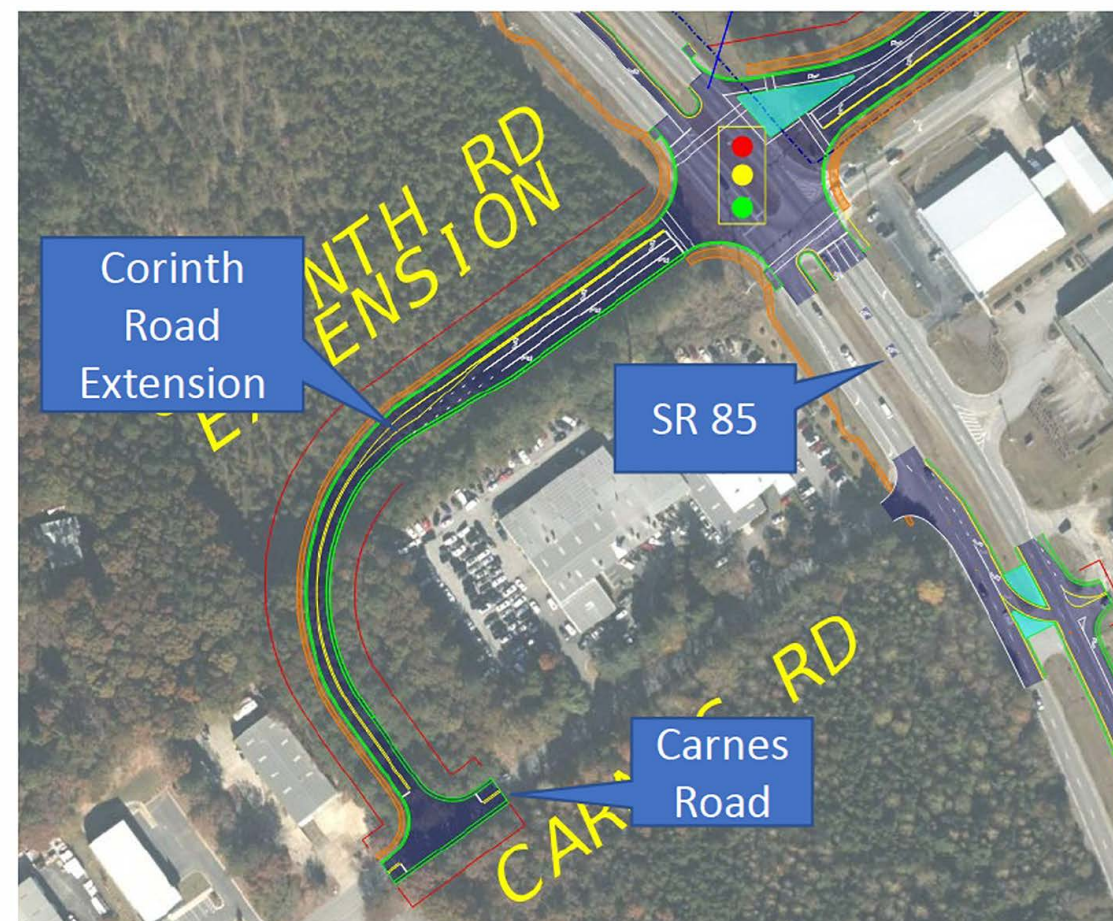
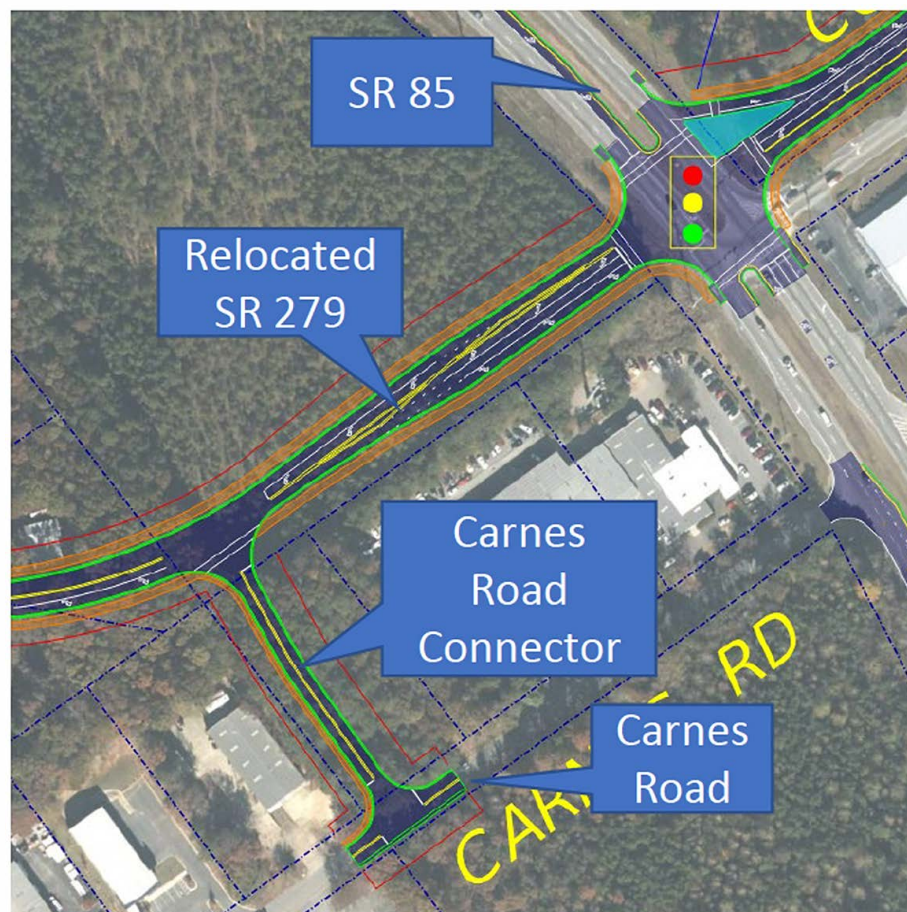
# Operational Benefits

Feature / Consideration	Alt 1	Alt 2
Provides through movement from Corinth Road to SR 279 (no turns)	Yes	No
Improves turning radii at intersections for trucks	Yes	Yes
Adds turn lanes at intersections including lengthening left turn lane from SR 85 to Corinth Road	Yes	Yes
Adjusts signal phasing to address operational deficiencies	Yes	Yes
Provides new access to Kenwood Business Park	Yes	Yes
Provides acceptable LOS through 2047	Yes	Yes

## Operational Feature/Consideration

Provides new access road from SR 85 to Kenwood Business Park

Alternative 1	Alternative 2
YES	YES





## Operational Feature/Consideration

Adds dual left turn lanes from SR 85 NB to SR 279 as well as the required dual receiving lanes. Provides additional distance than is required for the merge down to one lane prior to the intersection with SR 279 and Old Rd

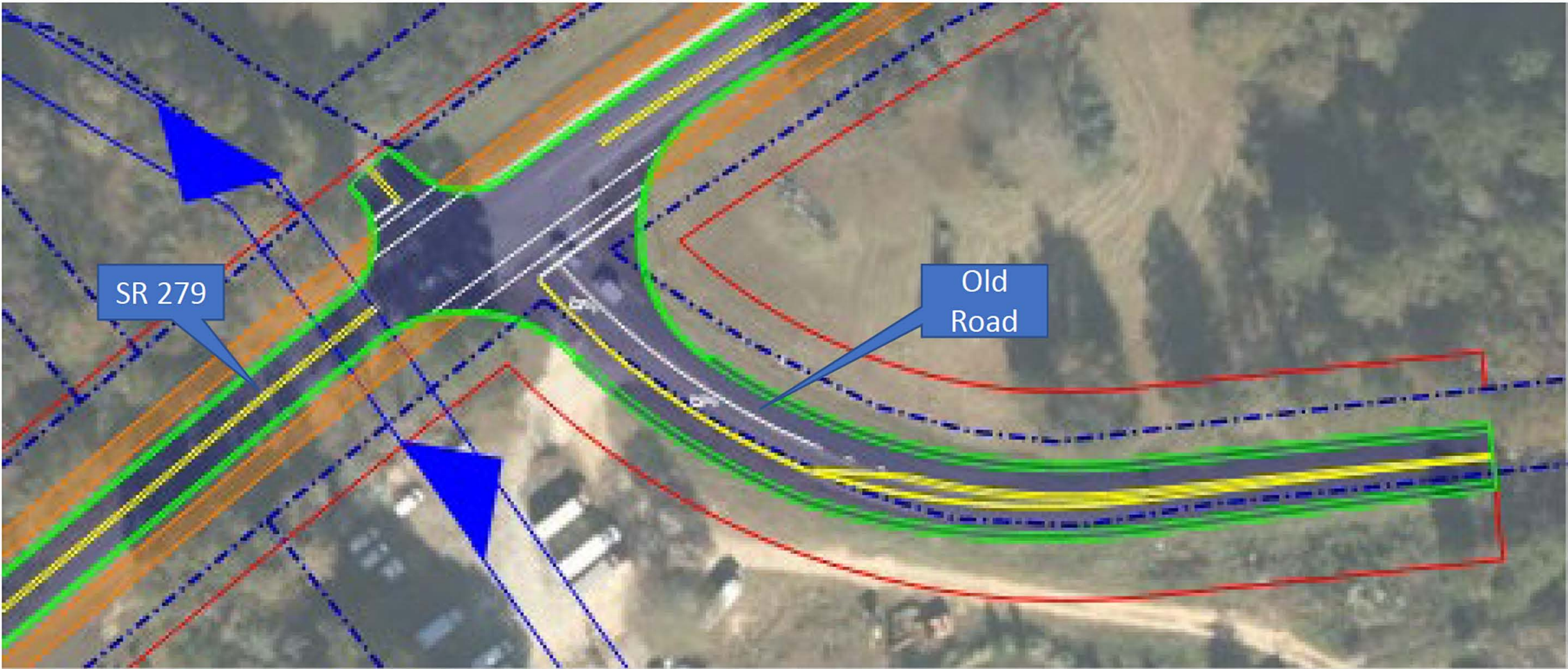
Alternative 1	Alternative 2
NO	YES





# Operational Feature/Consideration

Alternative 1	Alternative 2
YES	YES



Increases turning radii from Old Road to SR 279 to 75-ft to better accommodate trucks. Adds left turn lane from Old Road onto SR 279

# Safety Benefits

Feature / Consideration	Alt 1	Alt 2
Reduces turns to/from SR 85 for those travelling Corinth Road and SR 279	Yes	No
Addresses insufficient curve along Corinth Road at Carter Road	Yes	Yes
Utilizes RCUTS along SR 85	Yes	Yes
Provides curb & gutter sections with speed reduction to 45 mph where other improvements are already being made	Yes	Yes
Adds turn lanes at intersections	Yes	Yes
Eliminates Truck U-Turns at Kenwood Business Park	Yes	Yes
Provides SR 279/Carnegie Place @ SR 85 Signal Adjustments	Yes	Yes

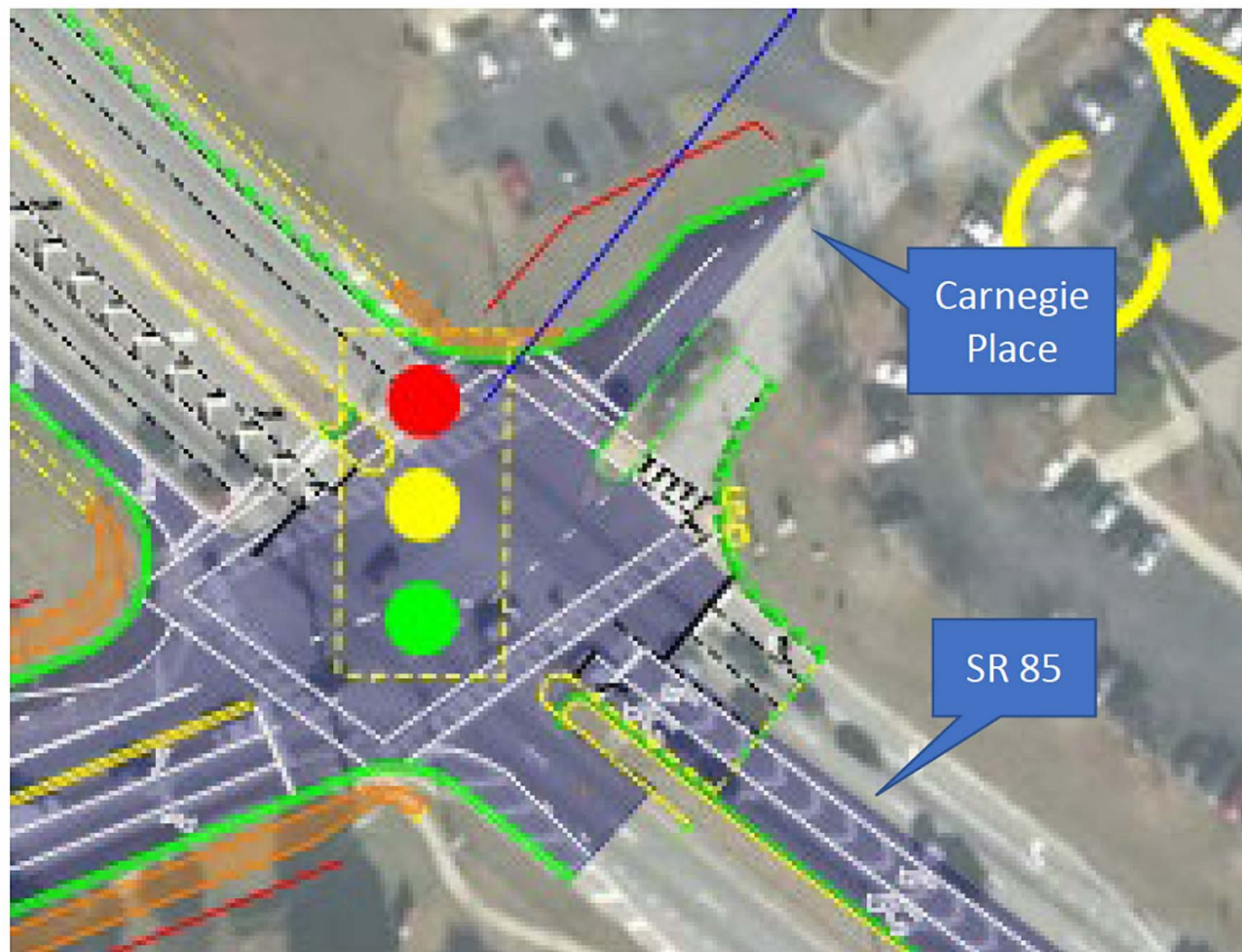


# Safety Feature/Consideration

Alternative 1	Alternative 2
YES	YES

Improves safety and operations of the intersection of SR 85/SR 279/Carnegie Place phasing based on feedback from commercial property owners and resident:

- Adds right turn lane from Carnegie Place onto SR 85 NB
- Adjusts the signal phasing and timing to improve safety and operations for drivers entering and exiting Carnegie Place in order to provide dedicated through and left turn

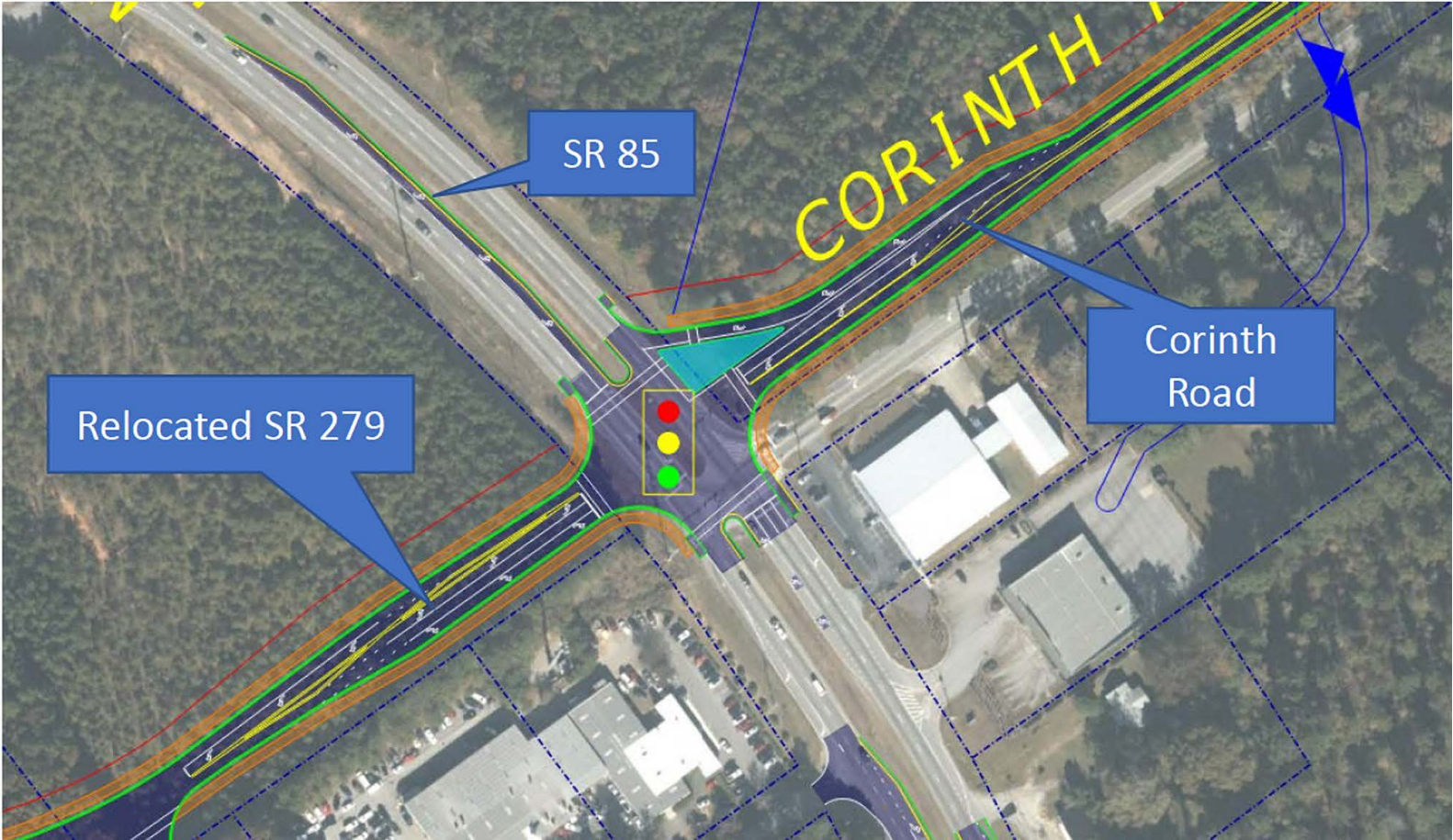




# Safety Feature/Consideration

Aligns SR 279 across from Corinth Road thereby eliminating the weaving movements along SR 85 for those travelling from Corinth Road to SR 279

Alternative 1	Alternative 2
YES	NO

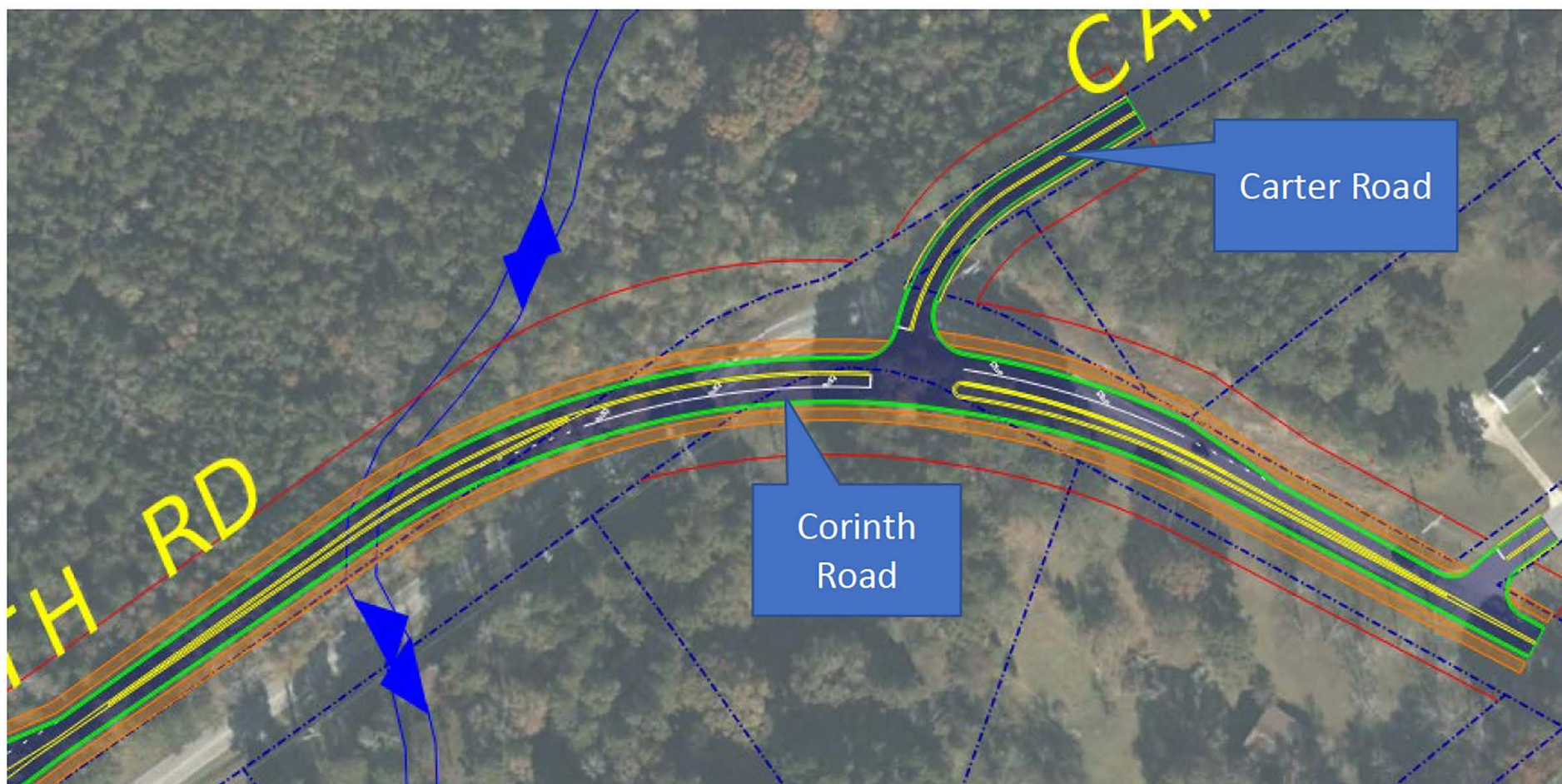




# Safety Feature/Consideration

Improve curve along Corinth Road  
to meet 45 mph design speed

Alternative 1	Alternative 2
YES	YES



# Multimodal Benefits

Feature / Consideration	Alt 1	Alt 2
Upgrades or adds pedestrian crosswalks at applicable intersections	Yes	Yes
Provides multiuse paths or sidewalks across limits of project, connecting Corinth Road to SR 279 near the Kenwood area	Yes	Yes
Extends curb & gutter with sidewalks/paths along SR 85 south to Corinth Road (continuation of GDOT PI 721290 typical section)	No	Yes



# Other Considerations

## Alternative 1

- Constructs or Reconstructs 2.6 miles of roadway
- Impacts ~ 80 parcels
- Displaces at least 5 residents
- Costs more than \$25M
- Has very low Benefit Cost Ratio and may not meet federal funding requirements

## Alternative 2

- Constructs or Reconstructs 1.8 miles of roadway
- Impacts ~ 22 parcels
- Displaces no residents
- Costs less than \$17M
- Has a higher Benefit Cost Ratio and meets federal funding requirements

## Transportation Committee

- 2 support Alt 1
- 5 support Alt 2
- Concerns expressed on lost opportunity if Alt 1 is not pursued now
- Concerns that Alt 1 may provide greater safety benefit

## Project Team

- Unanimously supports Alt 2
- Alt 2 provides comparable safety and operational benefits, but at a lower cost and fewer property impacts

# Summary of Public Comment

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## Public Comments on Intersections

33%

Utilize roundabouts (no roundabouts)

5% (2%)

Traffic signal improvements needed (opposed to traffic signal improvements)

14% (1%)

Improve Carter Road & Corinth Road

1%

Prohibit left turns from Plantation Rd to SR 85

2%

Concern of delays with Carnes Road from the new access road to Kenwood Business Park

1%

Improve Old Road & SR 85

2%

Improve access to Carnes Road and Etowah Trace  
(opposed to improving access to Carnes Road and Etowah Trace)

4% (1%)

Public Comment on Bike & Pedestrian Improvements	26%
Bike/Ped improvements are a priority (bike/ped improvements are not a priority)	8% (8%)
Meet Complete Streets and Vision Zero goals, including HAWK ped crossings (against meeting Complete Streets and Vision Zero goals)	8% (2%)

Public Comments on Right of Way Acquisitions / Property Impacts	17%
Opposed to taking of homes on Butler Road (supports the taking of homes on Butler Road)	14% (1%)
Concern of Alt 1 impact on homes not displaced but near the proposed road	2%



Public Comments on Safety	16%
Safety should be top priority	6%
Reduce speed on SR 279 and enforce	3%
Reduce or eliminate U-Turns	5%
Oppose Restricted Crossing U-Turn Intersections (RCUTS)	2%

Public Comment on Budget / Cost	4%
Concern with project cost	2%
Concern of Alt 1 high cost compared to Alt 2	2%

Public Comment - Other	4%
Widen SR 279 to 4 lanes. This comment was strongly supported by the North Fayette Community Association.	4%



# COUNTY AGENDA REQUEST

Page 220 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Request to approve Contract #1981-Q, Task Order #3 from Practical Design Partners, LLC to develop a Concept Report and related deliverables for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD) for a not-to-exceed amount of \$479,053.92.

## Background/History/Details:

In March 24, 2022, the Board of Commissioners awarded Task Order #1 (TO#1) for preliminary engineering and design services to Practical Design Partners (PDP) for the Realignment of SR 279. In the fall, TO#2 was awarded for public engagement.

To prepare for the next step of the project, County staff and PDP developed a scope for TO#3 and negotiated fees following the GDOT Plan Development Process. The schedule for completion of TO #3 is 15 months. Deliverables include an approved Concept Report, Cost Estimates, Environmental Survey Reports, Concept Utility Report, Concept Level MS4 Report, a Need, Effectiveness, and Logical Termini Report, Complete Database using the current approved GDOT Software, SUE database, Concept Design data book, Phase I Underground Storage Tank/Hazardous Materials Report, and a Public Involvement Plan.

Results of TO #3 will be used as a basis for all subsequent design work.

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

Approval of Task Order #3 to develop a Concept Report and related deliverables for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD) for a not-to-exceed amount of \$479,053.92.

## If this item requires funding, please describe:

Funding for TO #3 is available from the 2017 SPLOST Project 17TAD - Realignment of SR 279 at Corinth Road. Up to 80% of the costs are eligible for federal aid reimbursement.

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 project is GDOT PI 0017813, County SPLOST # 17TAD, and ARC # FA-279.



**Purchasing Department**  
 140 Stonewall Avenue West, Ste 204  
 Fayetteville, GA 30214  
 Phone: 770-305-5420  
 www.fayettecountyga.gov

To: Steve Rapson

Through: Ted L. Burgess *TLB*

From: Sherry White *SW*

Date: February 23, 2023

**Subject: Contract #1981-Q: SR 279 Realignment - Engineering & Design  
 Task Order 3: Concept Report**

Practical Design Partners, LLC is the current Public Works engineering and design team for the SR 279 and Corinth Road intersection project. Under this task order, PDP following GDOT Plan Development Process will provide an approved Concept Report, Cost Estimates, Environmental Survey Reports, Concept Utility Report, Concept Level MS4 Report, a Need, Effectiveness and Logical Termini Report, Complete Database using Sue database, Concept Design data book, Phase I Underground Storage Tank/hazardous Material Report and a Public Improvement Plan as stated in Attachment #1. Results of Task Order #3 will be used as a basis for all subsequent design work.

Fayette County staff met virtually with Practical Design Partners (PDP) to negotiate the Task Order 3 proposal under their #1981-Q contract on Thursday, February 2, 2023. After consulting with subconsultants on various task, PDP submitted the adjusted Task Order 3 to complete subsequent design work for both Alternate 1 and 2.

After review and discussions with PDP, Fayette County finds the proposed fee in the amount \$479,053.92 acceptable and moves to approve Task Order 3 as submitted.

Specifics of the proposed Task Order are as follows:

<b>Contract Name</b>	#1981-Q: SR 279 Realignment - E&D
<b>Task Order</b>	#3: Concept Report
<b>Contractor</b>	Practical Design Partners, LLC
<b>Task Order Amount</b>	\$479,053.92

**Budget:**

<b>Fund</b>	<b>322</b>	<b>2017SPLOST</b>
<b>Org Code</b>	32240220	ROAD SPLOST
<b>Object</b>	541210	Other Improvements
<b>Project</b>	17TAD	SR 279 and Corinth Road
<b>Available</b>	\$ 3,062,705.28	As of 2/10/2023

*Attachment #1***Contract #1981-Q: Realignment of SR 279****Consultant: Practical Design Partner, LLC****Task Order 3 – Concept Report****Summary Scope of Work and Fees**

<b>Project Management</b> – estimate based on 15 months	\$29,382.33
<b>Roadway Design</b> – work includes coordination with multiple GDOT Offices, database preparation, site visits, pavement design, conceptual drainage design, preparation of two concept layouts, preparation of Concept Report, preparation of Design Data Book, preparation of concept construction cost estimates, attend coordination meetings, and preparation/attendance to Public Involvement meetings.	\$79,856.83
<b>Design Support</b> – work includes coordination meetings and completion of concept MS4 summary.	\$7,807.55
<b>Environmental 1 (Pond &amp; Company)</b> – work includes meetings with multiple GDOT offices, site visits, completion of NELT Report, land use research, completion of NEPA Resource Survey Report, and preparation/attendance to Public Involvement meetings.	\$104,769.14
<b>Environmental 2 (ICF Jones &amp; Stokes, Inc.)</b> – work includes meeting with multiple GDOT offices, site visits, History Field Survey and Report, and Phase I Archaeological Survey and Report.	\$82,963.39
<b>Traffic Operations</b> – work includes meetings with GDOT Offices of Planning and Traffic Operations, preparation of signal drawing, preparation of signal cost estimates, NELT coordination with GDOT and FHWA, and preparation/attendance to Public Involvement meetings.	\$22,979.98
<b>Survey</b> – work includes Survey Control, completion of property database, completion of topographic surveys, and completion of a GDOT approved database.	\$100,037.35
<b>Utilities Investigation (SUE)</b> – work includes completion of Subsurface Utility Engineering services, site visits, completion of utility drawing, and completion of utility cost estimate.	\$37,379.17
<b>Geotechnical</b> – work includes completion of Phase I Environmental Site Assessment.	\$4,800.00
<b>Lighting</b> – work includes meeting with GDOT, site visits, completion of lighting alternatives, and completion of cost estimate.	\$9,078.18
<b>Sum:</b>	<b>\$479,053.92</b>



# COUNTY AGENDA REQUEST

Page 223 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Discussion of amendments to the Zoning Ordinance: Sec. 110-3, Definitions; Sec. 110-79.-Residential Accessory Structures; 110-173.-General State Route Overlay.

## Background/History/Details:

Staff has received a number of requests for accessory structures in residential zoning areas that do not meet the Architectural Standards requirements for horizontal siding. Staff would like to discuss the requirement and some recommendations for alternatives to the current ordinance. Planning Commission discussed this at the January 5, 2023, meeting and their recommendations are included in the attached narrative.

Regarding the General State Route Overlay Zone, the Planning Commission noted that, while requirements for "a residential appearance" was dropped from the SR 54 West Overlay Zone, it remains in place for the balance of the State Route Overlay Zone.

The Planning Commission requested Staff review this as they felt it was inconsistent. Planning Commission also discussed the Architectural Standards for SR 74 North and made recommendations for minor amendments to the regulations.

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

Staff would like recommendations from the Board for amendments to the zoning ordinance to be considered at a Public Hearing at a future meeting.

## If this item requires funding, please describe:

Funding for advertising public hearings will be approximately \$50.00. This is included in the P & Z Budget.

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 the document prepared by staff for examples of possible architectural alternatives.



# DETACHED GARAGE WITH HORIZONTAL SIDING





# DETACHED BUILDING WITH VERTICAL SIDING





**DETACHED GARAGES WITH  
HORIZONTAL SIDING**



# DETACHED BUILDING WITH VERTICAL SIDING





**DETACHED BUILDING WITH  
HORIZONTAL SIDING**





# DETACHED BUILDING WITH VERTICAL SIDING





**DETACHED BUILDING WITH  
HORIZONTAL SIDING**



## Ordinance Revision Recommendations

### Definitions - Section 110-3

Barn – Add definition -

Garage – Add definition -

### Sec. 110-79. - Residential accessory structures and their uses.

Primary issue is that we are receiving a lot of applications for accessory structures that are plain, metal buildings with **vertical metal siding**. These may have roll-up doors OR sliding doors. The type of door is not the principal complaint staff is receiving, the problem is that many of these buildings typically come with VERTICAL metal siding. (NOTE: Dept. of Building Safety calls anything with a roll-up door a garage.)

#### NOTES:

- Staff would like to recommend that in all cases, **board and batten** exterior siding should be approved.
- We DO NOT have architectural requirements for houses, so someone can build a house with vertical metal siding so long as it meets building codes.
- These requirements do NOT apply to farm outbuildings, including horse stables, auxiliary structures, and commercial greenhouses.

Examples of permit applications we have received and turned down:



Our ordinance currently exempts BARNS so certain buildings, presented and permitted as barns in building application, have been approved (actual barns in Fayette County):





**Section 110-79(g)** All residential accessory structures of 200 square feet or greater, except a detached garage located in the front yard shall be constructed of a residential character consisting of a façade or fiber cement siding, wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast stone. Stucco, or synthetic stucco, or finished baked enamel aluminum/metal siding which establishes a horizontal pattern.

- **Option 1** – Remove the horizontal pattern requirement entirely irrespective of zoning or lot size. This means building like Quonset Huts would be allowed.



- **Option 2** – Allow vertical-pattern metal siding on parcels zoned A-R and having an area of 5 acres or greater but require the building to have a traditional residential-style gabled roof.



- **Option 3** – Allow vertical-pattern metal siding on all parcels 5 acres and greater, irrespective of zoning, but require the building to have a traditional residential-style gabled roof.



- **Option 4 (staff's preferred option)** – Allow vertical siding on buildings in **A-R zoning districts** irrespective of lot size, but require some (maybe 2 or 3 of the following?) simple architectural features, such as:
  - Gabled roof (consider making this mandatory?)
  - Two colors of materials
  - Ornamental bay/barn/garage doors (either roll-up or sliding)
  - Windows with shutters
  - Ornamental exterior light fixtures (like the gooseneck lamp)
  - Add cupola

Examples of metal buildings with simple architectural elements:







**110-79(c) (2)** - At least 50 percent of the square footage of a residential accessory structure building shall be fully enclosed, except as otherwise provided herein. Said enclosed area shall be surrounded by connecting adjacent walls constructed of solid materials attached to the foundation and roof.

*However, the definition of CARPORT is 'an open-sided structure.' Need to clarify.*

**Section 110-79(i) Carport.** The carport shall be used to house motor vehicles and trailers only. Carports shall be constructed of the same material or types of material as the principal structure or of metal.

- Change to Carports and Garages
- Add boats as allowed to park in carport

**Transportation Overlay Districts** – The Planning Commission requested we look at the State Route Overlay Zones. In 2020, the requirement for ‘residential character’ was removed from the Hwy 54 West Overlay Zone but not from the balance of Hwy 54 and some members of PC feel that the requirement should be the same on both sides of 54. However, there is an option for an applicant to make a case for nonresidential style.

The requirement for horizontal siding in this section does not seem as controversial as it does in residential zoning districts.

**General State Route Overlay Zone - Section 110-173** (*includes SR 54 East; SR 85 South; SR 92 North and South*)

**(1)d. Architectural standards.** Structures shall maintain a residential character.

3. All buildings shall be constructed *in a residential character* of fiber-cement siding (i.e. Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco (including synthetic stucco) and or finished baked enamel metal siding which established a horizontal pattern.

- Option 1 - Remove ‘residential character’ requirement (not recommended)
- Option 2 – retain this requirement – see ‘Architectural Option’ – there IS an option for developers if they wish to pursue it.

**(e) Architectural option.** An owner/developer may exercise an architectural option for structures within the overlay zone on lots adjacent to a municipality where a nonresidential architectural character has been established in the area. The purpose of this option is to achieve compatibility with surrounding areas, consistency throughout the development and greater creativity. A photographic architectural character inventory of the buildings within the area shall be submitted. Full color architectural elevation drawings of the proposed nonresidential architectural style for all building facades shall be submitted. Multiple buildings within a development shall have comparable architectural characteristics consisting of similar architectural design and elements, building materials and colors. Elevations shall be reviewed and approved by the board of commissioners and shall follow the procedure established in article IX of this chapter. Any change to the approved architectural elevation drawings shall follow the aforementioned procedure.



## SR 74 North Overlay Zone - Section 110-173 (4)

d. *Architectural standards.*

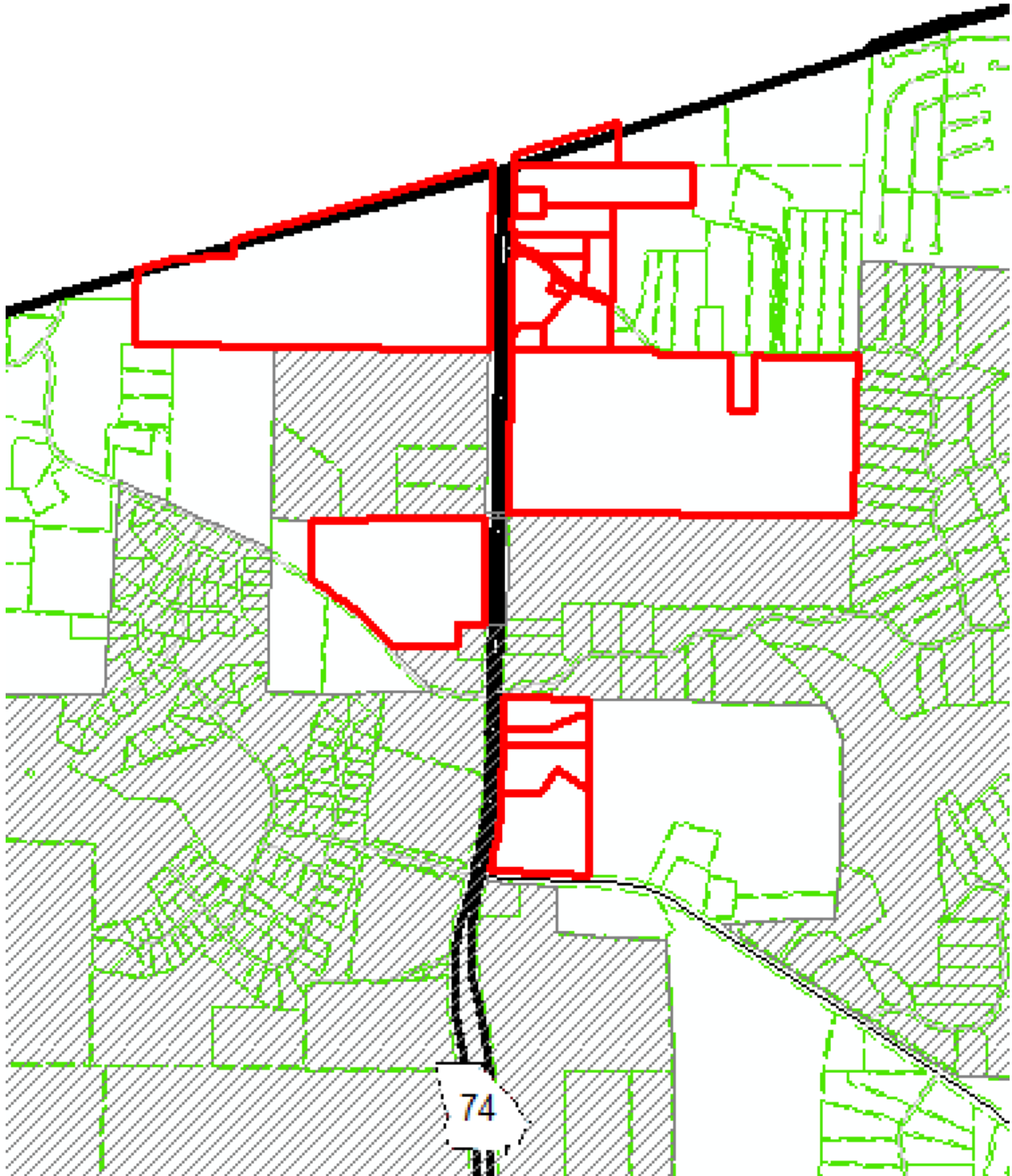
*[STAFF NOTE: I think the reason there is a different set of requirements for the east side vs the west side is because the east side is primarily composed of smaller, residential-sized parcels.]*

### 1. *West Side of SR 74 North architectural standards.*

- (i) All buildings shall be constructed of brick/brick veneer, wood, fiber-cement siding (i.e., Hardiplank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), architectural precast concrete wall panels, stucco (including synthetic stucco), and/or finished baked enamel metal siding which establishes a horizontal pattern.
- (ii) The design of accessory structures shall be consistent with and coordinate with the architectural style inherent in the primary structure on the property.
- (iii) No horizontal length of a roofline shall exceed 50 linear feet without a variation in elevation. Said variation in elevation shall not be less than two feet.
- (iv) No blank or unarticulated horizontal length of a building facade shall exceed 25 linear feet without a variation in architectural elements, including but not limited to, building materials, colors, textures, offsets, or changes in planes.

### 2. *East Side of SR 74 North architectural standards.*

- (i) A pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one foot. A pitched mansard roof facade with a minimum pitch of 4.5 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 facade shall be of a residential character with the appearance of shingles, slate or terra cotta;
- (ii) All buildings shall be constructed in a **residential character** of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco);
- (iii) 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. This does not apply to stained glass windows for a church or place of worship. Large display or storefront windows shall have a minimum two foot high knee wall consisting of fiber-cement siding (i.e., Hardiplank), wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, or stucco (including synthetic stucco);
- (iv) The design of accessory structures shall reflect and coordinate with the general architectural style inherent in the principal structure on the property including the roof pitch.



State Route 74 North – Overlay Zone affects parcels between Sandy Creek Road and the County Line

# COUNTY AGENDA REQUEST

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Department: Legal

Presenter(s): Dennis Davenport, County Attorney

Meeting Date: Thursday, February 23, 2023

Type of Request: New Business #12

## Wording for the Agenda:

Consideration of an Acknowledgment of Disclosure and Confirmation of Informed Consent regarding Design and Resurfacing of Certain Roads.

## Background/History/Details:

Fayette County and the Town of Tyrone are both parties to a proposed agreement for the design and resurfacing of certain roads within the Town. McNally, Fox, Grant & Davenport, P.C., currently serves as legal counsel for both Fayette County and the Town of Tyrone.

A memo and acknowledgment of disclosure and confirmation are provided as backup.

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

Approval of an Acknowledgment of Disclosure and Confirmation of Informed Consent regarding Design and Resurfacing of Certain Roads.

## 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:



LAW OFFICES

McNALLY, FOX, GRANT & DAVENPORT

A PROFESSIONAL CORPORATION

100 HABERSHAM DRIVE

FAYETTEVILLE, GEORGIA 30214-1381

PATRICK J. FOX  
PHILIP P. GRANT  
DENNIS A. DAVENPORT  
PATRICK A. STOUGH  
MEREDITH F. MCCLURE  
E. ALLISON IVEY COX

TELEPHONE: (770) 461-2223

FACSIMILE: (770) 719-4832  
(770) 461-5863

February 15, 2023

Mr. Lee Hearn, Chairman  
Fayette County Board of Commissioners  
140 Stonewall Avenue West, Suite 100  
Fayetteville, Georgia 30214

Re: Disclosure of possible conflict of interests

Dear Chairman Hearn:

Fayette County (the "County") and the Town of Tyrone (the "Town") are both parties to a proposed agreement for the design and resurfacing of certain roads within the Town ("the Agreement"). McNally, Fox, Grant & Davenport, P.C. (the "Firm"), currently serves as legal counsel for both the County and the Town. The possibility of conflict between the parties is ever present. As such, a conflict of interest could arise for the Firm in representing both sides. However, the Firm reasonably believes it can provide competent and diligent representation to each client over the term of this Agreement and that any risk of material and adverse effect to either client can be avoided. This representation is not prohibited by law; the Firm intends to continue its representation of both the County and the Town, and extends its counsel to the matter of this Agreement.

The Firm is confident in its ability to represent both parties to this Agreement and has counseled representatives of the County on the issue. Information that is reasonably sufficient to permit the County to appreciate the significance of the matter at issue and the alternatives to Firm representation in this matter has been provided. Further, the County has been advised to consider its consent carefully and, if necessary, seek independent legal counsel on the matter.

The Firm believes that it is the intent of the County to retain the Firm for its legal representation in all matters, including this Agreement. Please execute the enclosed Acknowledgement of Disclosure and Confirmation of Informed Consent. The Firm appreciates this opportunity and looks forward to providing representation on this matter. Should any questions arise please do not hesitate to contact me.

Yours very truly,



Dennis A. Davenport  
County Attorney

Enclosure

## Acknowledgment of Disclosure and Confirmation of Informed Consent Design and Resurfacing of Certain Roads

On behalf of the County, please sign below to indicate confirmation of the Firm's disclosure of a possible conflict of interest and discussions with the County regarding same. This acknowledgment will serve to demonstrate the consent of the County to the Firm's representation in this Agreement. We are also asking the Town to execute an acknowledgment of disclosure and confirmation of informed consent to the Firm's representation as to this Agreement.

The County hereby acknowledges the receipt of this disclosure and confirms the its informed consent to continued representation concerning this Agreement by the Firm by signing below.

This \_\_\_\_\_ day of \_\_\_\_\_, 2023.

BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, GEORGIA

(SEAL)

By: \_\_\_\_\_  
Lee Hearn, Chairman

ATTEST:

\_\_\_\_\_  
Tameca P. Smith, County Clerk

Approved as to form:

\_\_\_\_\_  
County Attorney

# COUNTY AGENDA REQUEST

Page 243 of 257

Department:

Presenter(s):

Meeting Date:

Type of Request:

## Wording for the Agenda:

Request to approve a Road Resurfacing Intergovernmental Agreement with the cities/town of Fayetteville, Peachtree City, and Tyrone for federal-aid SPLOST project 21TAC FY2022 Fayette County Resurfacing Program (GDOT PI 0017812).

## Background/History/Details:

This resurfacing project is a result of a joint application submitted to the Atlanta Regional Commission in 2019 on behalf of Fayette County, Fayetteville, Peachtree City, and Tyrone. The project resurfaces approximately 12 miles of roads and has a cost estimate of \$7,316,061. It is federally funded with a 20% local match.

Fayette County is the sponsor of the project and is the lead in hiring a Consultant and managing the projects through GDOT's Plan Development Process. Each city/town, however, was responsible for defining the scope and preparing cost estimates for the roads in their jurisdiction. The Agreement defines the responsibilities of each party, including pro-rated payment of project costs.

The costs provided in Exhibit A are estimates. Final costs to each government will be a function of actual labor, equipment, and material costs for design, construction, and construction engineering and inspection, less additional federal aid if awarded by the Atlanta Regional Commission (ARC).

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

Approval of the Road Resurfacing Intergovernmental Agreement with the cities/town of Fayetteville, Peachtree City, and Tyrone for federal-aid SPLOST project 21TAC FY2022 Fayette County Resurfacing Program (GDOT PI 0017812).

## If this item requires funding, please describe:

Funding for the project is available from 21TAC FY2022 Fayette County Resurfacing Program (GDOT PI 0017812). Reimbursement from the municipalities will be governed by the Agreement.

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****COUNTY OF FAYETTE****ROAD DESIGN AND RESURFACING AGREEMENT**

This Agreement entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the CITY OF PEACHTREE CITY, a municipal corporation lying wholly within Fayette County, Georgia, acting by and through its Mayor and Council (“PEACHTREE CITY”), the CITY OF FAYETTEVILLE, a municipal corporation lying wholly within Fayette County, Georgia, acting by and through its Mayor and Council (“FAYETTEVILLE”), the TOWN OF TYRONE, a municipal corporation lying wholly within Fayette County, Georgia, acting by and through its Mayor and Council (“TYRONE”), and FAYETTE COUNTY, GEORGIA, a political subdivision of the State of Georgia, acting by and through its Board of Commissioners (“FAYETTE COUNTY”), to provide for certain road design and resurfacing within the corporate limits of PEACHTREE CITY, FAYETTEVILLE, TYRONE, and unincorporated FAYETTE COUNTY, sometimes collectively referred to as the “LOCAL GOVERNMENTS” (the “AGREEMENT”).

**W I T N E S S E T H:**

WHEREAS, local roads are an essential part of a community’s infrastructure system providing access to both local properties and regional thoroughfares; and

WHEREAS, the cost to maintain local roads is a significant burden to local governments; and

WHEREAS, State and Federal grant programs for infrastructure maintenance are available and are more successfully obtained by those localities wherein cooperation among the

local governments and agencies can be found; and

WHEREAS, FAYETTE COUNTY has applied for, and has been awarded, funding for Resurfacing Project FA-1006 through the Surface Transportation Block Grant Program by the Atlanta Regional Commission (“ARC”) and the Georgia Department of Transportation (“GDOT”) for 12.68 centerline miles of roads (the “PROJECT”); and

WHEREAS, the LOCAL GOVERNMENTS have each selected roads to include in the PROJECT based on GDOT Functional Classification and pavement evaluations; and

WHEREAS, preconstruction engineering (“PE”) funding for the PROJECT was authorized in Fiscal Year 2021; and

WHEREAS, construction (“CST”) funding for the PROJECT is anticipated in Fiscal Year 2024 or beyond; and

WHEREAS, the LOCAL GOVERNMENTS have established the scope of work and associated PE and CST cost estimates for the PROJECT; and

WHEREAS, the LOCAL GOVERNMENTS shall pay twenty percent (20%) of PE and CST, and one hundred percent (100%) of all costs not covered by Federal Aid; and

WHEREAS, FAYETTE COUNTY shall procure consultants and contractors in accordance with GDOT’s Plan Development Process for the PE and CST phases; and

WHEREAS, no right-of-way acquisition nor utility relocation is required for the PROJECT; and

WHEREAS, FAYETTE COUNTY is the sponsor for the PROJECT and the PROJECT shall be locally let by FAYETTE COUNTY for CST.

NOW THEREFORE, for and in consideration of the premises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby

acknowledged by the LOCAL GOVERNMENTS, the LOCAL GOVERNMENTS do hereby agree as follows:

1.

DISTRIBUTION OF COSTS

A. PE SERVICES.

FAYETTE COUNTY shall seek Federal Aid for work associated with PE. The estimated costs for PE services are provided in Exhibit “A” attached hereto, and by this reference incorporated herein. The actual costs for PE services common to all roads that are to be addressed under the terms of this AGREEMENT (“PROJECT ROADS”) as named in Exhibit “A,” shall be determined by allocating the pro-rata share of these costs based upon the number of centerline miles of PROJECT ROADS located within the LOCAL GOVERNMENTS. LOCAL GOVERNMENTS shall be one hundred percent (100%) responsible for PE services expended for a PROJECT ROAD within its respective boundaries beyond that covered by Federal Aid.

B. CONSTRUCTION ENGINEERING AND INSPECTION (“CEI”) SERVICES.

FAYETTE COUNTY shall seek Federal Aid for CEI services. The estimated costs for CEI services are provided in Exhibit “A.” The actual costs for CEI services will be tracked and invoiced on a per-PROJECT ROAD basis. LOCAL GOVERNMENTS shall be one hundred percent (100%) responsible for CEI services expended for a PROJECT ROAD within its respective boundaries beyond that covered by Federal Aid.

C. STATE OVERSIGHT SERVICES.

GDOT may require reimbursement for the costs associated with State oversight during CST as shown in Exhibit “A.” Should such reimbursement be necessary, the actual fees expended by the LOCAL GOVERNMENTS to cover these costs shall be determined by allocating the pro-rata share



of these costs based upon the number of centerline miles of PROJECT ROADS located within the LOCAL GOVERNMENTS.

D. CST COSTS.

- i. Federal Aid shall be used to fund up to eighty percent (80%) of the CST of the PROJECT ROADS. The remaining cost of the PROJECT ROADS, twenty percent (20%), plus one hundred percent (100%) of any costs in excess of the maximum Federal Aid expenditure, shall be paid by the municipality or County in which the PROJECT ROAD lies. All Federal Aid shall be distributed for PROJECT ROADS among the LOCAL GOVERNMENTS according to the cost estimates listed in Exhibit “A.”
- ii. All CST costs shall be tracked and invoiced based upon the PROJECT ROAD.

2.

SCOPE OF AGREEMENT

- A. The limits and scope of the work anticipated by the terms of this AGREEMENT shall not be increased or expanded.
- B. FAYETTE COUNTY shall advertise for bids, award the CST contract, and administer the contracts for the implementation of the PROJECT. The PROJECT shall be administered and delivered following the GDOT Plan Development Process.
- C. The LOCAL GOVERNMENTS shall be individually responsible for the following activities for or within the limits of its own boundaries:
  - i. Execution of contracts, agreements and related documents required for the PROJECT;
  - ii. Preparation of and/or approval of road logs;
  - iii. Providing Right-of-Way certification;

- iv. Providing Material Quality Assurance Forms;
- v. Providing ADA compliance letters;
- vi. Designating areas and quantities for patching and milling;
- vii. Providing notification to their citizens;
- viii. Serving as “Owner” for work within their jurisdiction; and
- ix. Performing the final inspection and acceptance of the work.

D. The LOCAL GOVERNMENTS agree that the selected contractor shall be responsible for all CST activities, including, but not limited to, the following:

- i. Traffic control;
- ii. Patching and/or Full Depth Reclamation (“FDR”);
- iii. Single surface treatment;
- iv. Milling – variable depth;
- v. Tack (bituminous);
- vi. Paving (9.5 mm Type 2 or other);
- vii. Hauling;
- viii. Temporary striping;
- ix. Thermoplastic Striping & Reflective Pavement Markings (“RPMs”);
- x. Grading (shoulder filling); and
- xi. Permanent stabilization (grassing, fertilization, matting, mulch, etc.).

E. FAYETTE COUNTY’s PROJECT manager shall work in conjunction with the PROJECT Engineering to ensure all PE requirements are identified and completed in a timely manner. This may include written and verbal communication with each municipality; GDOT; and/or ARC.

3.

### DISTRIBUTION OF EXCESS FUNDS

The LOCAL GOVERNMENTS shall be responsible for a minimum of twenty percent (20%) of the PROJECT cost for the PROJECT ROADS within their boundaries. Any funding remaining from the design and resurfacing of any PROJECT ROAD shall be used by the municipality or County within which the aforementioned PROJECT ROAD lies. Any funding remaining from the design and resurfacing of all PROJECT ROADS within a municipality or County shall be allocated on a pro-rata basis in the same manner that the original Federal Aid was allocated among the remaining LOCAL GOVERNMENTS who require additional funding for their PROJECT ROADS.

4.

### CONSULTING FEES

Consulting fees will be charged on a time and material basis. These fees may include, but are not limited to:

- A. Completion of PE activities;
- B. Development of Bid Package and Specifications;
- C. Bidding assistance;
- D. CST management; and
- E. CEI services.

5.

### COST ESTIMATES

The fees in Exhibit “A” are estimates of the PROJECT costs. Actual costs/fees may be more or less than shown therein.



6.

#### TITLE

A. The LOCAL GOVERNMENTS agree that the PROJECT ROADS are part of the road systems of the LOCAL GOVERNMENTS and are completely and solely within the jurisdiction and control of the municipality or County identified in Exhibit “A.” The resurfacing of the PROJECT ROADS within the LOCAL GOVERNMENTS is at the direction of the municipality or County where the PROJECT ROAD lies. No municipality or County assumes any interest in the title of any portion of any PROJECT ROAD which lies in another municipality or County. Under no circumstances shall any portion of any PROJECT ROAD within the municipalities be deemed a FAYETTE COUNTY road, or vice versa.

B. The LOCAL GOVERNMENTS warrant that they own or have rights to resurface the portions of the PROJECT ROADS within the boundaries of the LOCAL GOVERNMENTS and further warrant that the performance of work on portions of the PROJECT ROADS within the LOCAL GOVERNMENTS will not violate any restrictions, covenants, local or state law.

7.

#### INVOICING

All invoices received by FAYETTE COUNTY from the Contractor will be forwarded to the municipality for which the invoice was generated (either PE or CST). Any invoices FAYETTE COUNTY receives from the State for State Oversight, if any, will also be forwarded to the municipality for which the invoice was generated. Each municipality shall submit payment within thirty (30) days of receipt of the invoice from FAYETTE COUNTY.

8.

To the fullest extent permitted by law, PEACHTREE CITY, FAYETTEVILLE, and/or

TYRONE agree to and hereby does defend, hold harmless and indemnify FAYETTE COUNTY and its officers, directors, employees, agents and representatives from and against any and all claims, damages, demands, actions, judgments, losses, costs, penalties, liabilities, assessments and expenses including, but not limited to, attorney's fees incurred or suffered by FAYETTE COUNTY that arise out of, or result from, the performance of the resurfacing on that portion of any PROJECT ROAD identified in Exhibit "A," which are not incurred or suffered due to the negligence of FAYETTE COUNTY.

To the fullest extent permitted by law, FAYETTE COUNTY agrees to and hereby does defend, hold harmless and indemnify PEACHTREE CITY, FAYETTEVILLE, and/or TYRONE and their officers, directors, employees, agents and representatives from and against any and all claims, damages, demands, actions, judgments, losses, costs, penalties, liabilities, assessments and expenses including, but not limited to, attorney's fees incurred or suffered by PEACHTREE CITY, FAYETTEVILLE, and/or TYRONE that arise out of, or result from, the performance of the resurfacing on that portion of any PROJECT ROAD identified in Exhibit "A," which are not incurred or suffered due to the negligence of PEACHTREE CITY, FAYETTEVILLE, and/or TYRONE.

## 9.

### CONFLICT BETWEEN TERMS

Any additional terms and conditions which may exist between the LOCAL GOVERNMENTS may be found on Exhibit "A." To the extent that there may exist a conflict between the terms and conditions in this AGREEMENT and the terms and conditions in Exhibit "A," the LOCAL GOVERNMENTS agree that the terms and conditions in Exhibit "A" supersede any terms and conditions within this AGREEMENT.

10.

#### ENTIRE AGREEMENT

This AGREEMENT is a full and complete statement of the agreement of the LOCAL GOVERNMENTS as to the subject matter hereof and has been authorized by proper action of the LOCAL GOVERNMENTS.

11.

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

12.

#### CHOICE OF LAWS

This AGREEMENT shall be construed, controlled, and enforced in accordance with the laws of the State of Georgia. Any and all disputes arising out of or in any way related to this AGREEMENT shall be submitted to the State or Superior Court of Fayette County, Georgia, and the LOCAL GOVERNMENTS expressly consent to the venue and jurisdiction therein.

IN WITNESS WHEREOF, the LOCAL GOVERNMENTS herein have set their hands and seals on the date first above written.



BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, GEORGIA

(SEAL)

Attest:

\_\_\_\_\_  
Tameca P. Smith, County Clerk

Approved as to form:

\_\_\_\_\_  
County Attorney

(SEAL)

Attest:

\_\_\_\_\_  
Yasmin Julio, City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

(SEAL)

Attest:

\_\_\_\_\_  
Valerie Glass, City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

(SEAL)

Attest:

\_\_\_\_\_  
Dee Baker, Town Clerk

Approved as to form:

\_\_\_\_\_  
Town Attorney

By:\_\_\_\_\_  
LEE HEARN, Chairman

CITY OF PEACHTREE CITY

By:\_\_\_\_\_  
KIM LEARNARD, Mayor

CITY OF FAYETTEVILLE

By:\_\_\_\_\_  
EDWARD JOHNSON, Mayor

TOWN OF TYRONE


By:\_\_\_\_\_  
ERIC DIAL, Mayor



**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: January 25, 2023

**Subject: Contract 2119-A: Lake Kedron Intake House Repairs  
Change Order 2: Repairs to Interior Valve Assembly**

On May 23, 2022, Fayette County awarded contract #2119-A to Helix Group, Inc. to make repairs to the intake house at Lake Kedron. Change Order 1 requested use of \$3,975 of the \$5,000 allowance included in the contract to remove and replace the man entry door frame and door panel with new steel UL rated door.

Change Order 2 requests use of the \$1,025 allowance balance plus an additional \$52,444.70 to repair the interior valve assembly. The total cost of Change Order 2 is \$53,469.70. This required work was discovered during repairs included in the original scope of work. The valve assembly repair is required to ensure proper function of the downstream flow control to ensure minimum flow rates are met during dry periods, as required by our withdrawal permit with the State of Georgia.

Specifics of the proposed contract change order are as follows:

<b>Contract Name</b>	#2119-A: Lake Kedron Intake House Repairs
<b>Contractor</b>	Helix Group, Inc.
<b>Change Order</b>	#1: Man Entry Door and Frame Replacement
<b>Change Order</b>	#2: Repairs to Interior Valve Assembly

**Not to Exceed Amount**            \$103,850.00  
**Change Order 1:**  
    **Door and Frame**                3,975.00  
    **Allowance**                    (3,975.00)  
**Change Order 2:**  
    Valve Assembly                53,469.70  
    Allowance                    (1,025.00)  
   \$156,294.70

**Budget:**  
    Org Code                50541017        Reservoir Management  
    Object                 522230         Repairs & Maintenance  
    Available Budget       \$53,348.78     As of 1/25/2023

Approved by:                       Date: 1-26-2023





**January 9, 2023**

**Customer/Engineer Info:**  
**Fayette County**  
**140 Stonewall Avenue West**  
**Fayetteville, GA 30214**

**Project Name: 2119-A Lake Kedron Intake House Repairs.**

**Change order #2**

**Scope:**

1. Set up confined space entry
2. Remove old degraded threaded rod from the ceiling in the wet well
3. Cut off and Remove 90-degree elbow
4. Cut off and remove butterfly valve
5. Cut off and remove gate valve
6. Clean flange at wall and prepare for installation of new equipment
7. Provide and install new AWWA 10 Inch Gate Valve
8. Provide and install new 10inch V Port Series Segmented Ball Control Valve
9. Rework valve stem extension to accept new valve. The stem extension has already been manufactured to accept a Butterfly valve per original scope of work.
10. Redrill concrete to change location of stem extension through the floor by 3 inches to match new lay length of ball valve
11. Provide and install new 90 Degree DI Elbow
12. All new stainless-steel hardware and gaskets are included in this proposal
13. Fabricate and install new pipe support to attach whole new valve assembly to the opposing wall per the drawing form Arcadis

Work is estimated to 7-10 days do to the access restraints.

**TOTAL        \$53,469.70**

**Exclusions & Clarification:**

- 1) Work priced to be performed Monday thru Friday 7am-5pm
- 2) Actuator may require further adjustments due to valve spec change.
- 3) Any items specifically not included are excluded.
- 4) If HELIX's work is impacted by interruptions, obstructions, schedule accelerations, delays, or out of sequence work, beyond our reasonable control; additional cost will be billed at cost plus including: lost production, overtime, and extended general conditions. Our work schedule will be extended appropriately.
- 5) Should the final design differ from the original bid documents or agreed work manner, pricing and clarifications we reserve the right to reprice accordingly

**Pay Terms:**

**\*\* All Billings are Net 30 Terms \*\***

**Danny McElwaney**



**GRADING | UTILITY | CONCRETE | SITE | DEMOLITION**

1375 Oakley Industrial Blvd | Fairburn GA 30213

[ross@helixgroupinc.com](mailto:ross@helixgroupinc.com)

[www.helixgroupinc.com](http://www.helixgroupinc.com)

T: 470.491.4505 / F: 470.491.4514 / C: 678-378-8007

**We're SLBE/MWBE certified by Clayton County and DBE certified by MARTA/GDOT.**

**Confidentiality Notice:**

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**APPROVED BY:**

**PRINT:**

**SIGN:**

**DATE:**