

BOARD OF COUNTY COMMISSIONERS

Lee Hearn
Edward Gibbons
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

January 25, 2024

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

OFFICIAL SESSION:

Call to Order
Invocation and Pledge of Allegiance by Commissioner Eric Maxwell
Acceptance of Agenda

PROCLAMATION/RECOGNITION:

1. Presentation by Fayette County's auditing firm, Nichols, Cauley & Associates, LLC, of the results of the Fiscal Year 2023 annual audit. (page 4)

PUBLIC HEARING:

2. Second of two Public Hearings for the consideration of an application for a Special Use of Property at 1008 Hwy 54 W to operate a Drug Abuse Treatment Facility, in accordance with Sec. 110-175. (pages 5-31)
3. Consideration of Petition No. 1336-23, Andres Felipe Gallo; Curtis Ryan Thomas; Savanna Gallo; Sheffey Cochran, owners, request to rezone 1.3 acres from A-R to C-H for the purposes of developing commercial uses; property located in Land Lot 69 & 70 of the 5th District and fronts on GA Hwy 85 South. (pages 32-75)
4. Consideration of Petition No. 1337-23, Javier Torres Fernandez, owner; Nathan Dockery, agent, request to rezone 2.40 acres from A-R to R-20 for the purposes of building a single-family residence; property located in Land Lot 55 of the 5th District and fronts on Hilo Road. (pages 76-110)
5. Consideration of an amendment to the Fayette County Zoning Ordinance, Chapter 110 - Zoning; Article V., Sec. 110-169. regarding conditional uses. (pages 111-129)

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 a request from the County Clerk for authorization to file the required Certificate of Appointment indicating that the Fayette County Democratic Party has appointed Zach Livsey to the Board of Elections for a four-year term commencing February 1, 2024 and expiring January 31, 2028. (pages 130-131)
7. Approval of a request from the County Clerk for authorization to file the required Certificate of Appointment indicating that the Fayette County Republican Party has appointed Sharlene Alexander to the Board of Elections for a four-year term commencing February 1, 2024 and expiring January 31, 2028. (pages 132-133)
8. Approval of a disposition of tax refund, as requested by Patrick Murray, in the amount of \$284.24 for tax years 2020, 2021 and 2022. (page 134)
9. Approval of a disposition of tax refund, as requested by Keshia Knight Pulliam, in the amount of \$77.37 for tax year 2022. (page 135)
10. Approval of a disposition of tax refund, as requested by MIKLO IRA LLC, in the amount of \$237.44 for tax years 2022. (page 136)
11. Approval of a disposition of tax refund, as requested by Antonio Wilkins, in the amount of \$409.92 for tax years 2020, 2021 and 2022. (page 137)
12. Approval of a disposition of tax refund, as requested by Solomone Fukuoka, in the amount of \$454.87 for tax years 2021 and 2022. (page 138)
13. Approval of a disposition of tax refund, as requested by Carrilyn D. Strickland Arnold, in the amount of \$4,311.11 for tax years 2020, 2021 and 2022. (page 139)
14. Approval of a disposition of tax refund, as requested by Russell and Jacqueline Hall, in the amount of \$1,466.29 for tax years 2020, 2021 and 2022. (page 140)
15. Approval of a disposition of tax refund, as requested by Hector Morales, in the amount of \$5,078.58 for tax years 2020, 2021 and 2022. (page 141)
16. Approval of a disposition of tax refund, as requested by Jerry Knowles, in the amount of \$1,219.84 for tax years 2017, 2018 and 2019. (page 142)
17. Approval to award Bid #2348-B: 2017 SPLOST; Stormwater Category II, Tier II; 19SBQ Downing Court Culvert Replacement to the lowest responsive, responsible bidder, F.S. Scarbrough, LLC, in the amount of \$117,706.35 and to transfer \$64,473 from 19SBO - Davis Road. (pages 143-146)
18. Approval to award Bid #2336-A for Lake Kedron Dam Intake Sluice Gate to Zion Marine Inc., in the not-to-exceed amount of \$62,700 for replacement of Lake Kedron Dam exterior sluice gate and to transfer \$22,700 from CIP 8CSSC to CIP 24WSE. (pages 147-149)
19. Approval of Ironside Locates Contract 2258-B; Utility Locating change order with a not-to-exceed amount of \$105,000 to provide production utility locating of Water System infrastructure. (pages 150-152)
20. Approval of the January 11, 2024 Board of Commissioners Meeting Minutes. (pages 153-167)

OLD BUSINESS:

NEW BUSINESS:

21. Review the Impact Fee Ordinance update process and discuss possible amendments to Impact Fees and the Capital Improvement Element (CIE). (pages 168-175)
22. Request to approve the Planning Commission Selection Committee's recommendation to appoint Boris Thomas to the Planning Commission to fill an unexpired term expiring December 31, 2024, and the subsequent term beginning January 1, 2025 and expiring December 31, 2027, per County Policy 100.19; Board Appointment. (pages 176-182)
23. Request to award Contract 2337-P, Fayette County Fire & EMS Classroom Building and Training Tower Construction Manager at Risk, to MEJA Construction, Inc. for the initial contract amount of \$475,000 which includes General Conditions and General Requirements and the Construction Manager fee. (pages 183-188)
24. Request to award Bid #2344-B: Foxhall Farms Stormwater Replacement to the lowest responsive, responsible bidder, Hughes Site Works, LLC in the amount of \$309,281.38. (pages 189-195)

ADMINISTRATOR'S REPORTS:

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:

Presentation by Fayette County's auditing firm, Nichols, Cauley & Associates, LLC, of the results of the Fiscal Year 2023 annual audit.

Background/History/Details:

Nichols, Cauley & Associates, LLC has completed the independent audit of the County's accounting records for the 2023 fiscal year. The firm will be presenting the results of the audit to the Board of Commissioners.

The firm will present their findings, via PowerPoint, during the meeting.

What action are you seeking from the Board of Commissioners?

No action is requested from the Board. This presentation is for informational purposes.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

Page 5 of 195

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Second of two Public Hearings for the consideration of an application for a Special Use of Property at 1008 Hwy 54 W to operate a Drug Abuse Treatment Facility, in accordance with Sec. 110-175.

Background/History/Details:

Consider an application for a Special Use of Property. This is the second of two public hearings held in accordance with the State Zoning Procedures Act for special uses of property and is a request to operate a drug abuse treatment facility at 1008 Hwy 54 W, Fayetteville, GA, Parcel #0522-007. The business is Peachtree Detox, LLC, owned by Benjamin Thurston of 14225 Birmingham Hwy., Milton, GA. The current property owner is NWE18, LLC. The application is represented by Adam Kaye, Attorney; Richard Lindsey, Attorney; and Steven Jones, Attorney.

Staff recommends approval of the request pending the conduct of the required Public Hearings.

On June 20, 2023, the Planning Commission recommended approval with a vote of 4-0. Mr. Arnold Martin was absent.

The first Public Hearing before the Board of Commissioners was held on July 27, 2023.

This is the second of two public hearings before the Board of Commissioners prescribed by the State Zoning Procedures Act. Staff recommends approval of the request to operate a drug abuse treatment facility at the location.

What action are you seeking from the Board of Commissioners?

Approval of an application for a Special Use of Property at 1008 Hwy 54 W to operate a Drug Abuse Treatment Facility, in accordance with Sec. 110-175.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

PETITION No.: SUP-001-23

REQUEST: A request to operate a Drug Abuse Treatment Facility as a special use of property in the O-I (Office-Institutional) zoning district has been filed on April 23, 2023, by M. Adam Kaye, Jr., Attorney, on behalf of Peachtree Detox, LLC.

PROPERTY OWNER(S): NWE18 LLC

LOCATION: 1008 Highway 54 W – Parcel 0522 007

DISTRICT/LAND LOT(S): 5th District, Land Lot 126

ZONING: O-I, Office-Institutional

EXISTING USE: Vacant Building

BOARD OF COMMISSIONERS: 1ST PUBLIC HEARING: July 27, 2023

2ND PUBLIC HEARING: JANUARY 25, 2024.

SUMMARY

This request is to operate a Substance Abuse Treatment Facility as a Special Use of Property in the O-I (Office-Institutional) Zoning District. This hearing is the first of two hearings before the Board of Commissioners.

The use is defined in Sec. 110-3, Definitions, and is listed as a Special Use of Property in Sec. 110-142, O-I. Sec. 110-175 provides for this use as a Special Use of Property in accordance with State Law.

HISTORY

On March 21, 2023, Mr. Kaye submitted a request for a zoning verification letter to the Planning & Zoning Department. He advised that his client was 'looking to possibly use the property for a substance-abuse detox facility, subject to the applicable licenses and approvals from the Georgia Department of Community Health.' At the time of his initial request, a Substance Abuse Treatment Facility was not a listed use in the County's Zoning Ordinance. Staff took immediate action to present amendments to the Planning Commission and Board of Commissioners to establish a definition and add the use in the Zoning Ordinance.

A substance abuse detox facility is subject to State Zoning Procedure Law as outlined in OCGA 36-66, specifically in OCGA 36-66-4(f). Title 36 in OCGA pertains to Local Governments and prescribes how Local Governments must conduct certain activities, including Zoning Procedure. A copy of this section of State Code follows.

Current through the 2022 Regular Session of the General Assembly.

- **Official Code of Georgia Annotated**
- **TITLE 36 Local Government**
- **Provisions Applicable to Counties and Municipal Corporations (Chs. 60 — 77)**

CHAPTER 66 Zoning Procedures (§§ 36-66-1 — 36-66-6)O.C.G.A. § 36-66-3

36-66-3. Definitions.

As used in this chapter, the term:

(1) “Local government” means any county or municipality which exercises zoning power within its territorial boundaries.

(1.1) “Quasi-judicial officers, boards, or agencies” means an officer, board, or agency appointed by a local government to exercise delegated, quasi-judicial zoning powers including hearing appeals of administrative decisions by such officers, boards, or agencies and hearing and rendering decisions on applications for variances, special administrative permits, special exceptions, conditional use permits, or other similar permits not enumerated herein as a zoning decision, pursuant to standards for the exercise of such quasi-judicial authority adopted by a local government.

(2) “Territorial boundaries” means, in the case of counties, the unincorporated areas thereof and any area defined in paragraph (5.1) of Code Section 36-70-2, and, in the case of municipalities, the area lying within the corporate limits thereof except any area defined in paragraph (5.1) of Code Section 36-70-2.

(3) “Zoning” means the power of local governments to provide within their respective territorial boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which such zones or districts were established.

(4) “Zoning decision” means final legislative action by a local government which results in:

(A) The adoption or repeal of a zoning ordinance;

(B) The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;

(C) The adoption or denial of an amendment to a zoning ordinance to rezone property from one zoning classification to another;

(D) The adoption or denial of an amendment to a zoning ordinance by a municipal local government to zone property to be annexed into the municipality;

(E) The grant or denial of a permit relating to a special use of property; or

(F) The grant or denial of a variance or conditions concurrent and in conjunction with a decision pursuant to subparagraphs (C) or (E) of this paragraph.

(5) “Zoning ordinance” means an ordinance or resolution of a local government establishing procedures and zones or districts within its respective territorial boundaries which regulate the uses and development standards of property within such zones or districts. The term also includes the zoning map adopted in conjunction with a zoning ordinance which shows the zones and districts and zoning classifications of property therein.

O.C.G.A. § 36-66-4

36-66-4. Hearings on proposed zoning decisions; notice of hearing; nongovernmental initiated actions; reconsideration of defeated actions; procedure on zoning.

(a) A local government taking action resulting in a zoning decision shall provide for a hearing on the proposed action. Where the proposed action includes any combination of zoning decisions under subparagraphs (C), (E), or (F) of paragraph (4) of Code Section 36-66-3 for the same property, only one hearing shall be required under this Code Section. At least 15 but not more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.

(b) If a zoning decision of a local government is for the rezoning of property and the rezoning is initiated by a party other than the local government, then:

(1) The notice, in addition to the requirements of subsection (a) of this Code section, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and

(2) A sign containing information required by local ordinance or resolution shall be placed in a conspicuous location on the property not less than 15 days prior to the date of the hearing.

(c) If the zoning decision of a local government is for the rezoning of property and the amendment to the zoning ordinance to accomplish the rezoning is defeated by the local government, then the same property may not again be considered for rezoning until the expiration of at least six months immediately following the defeat of the rezoning by the local government.

(d) If the zoning is for property to be annexed into a municipality, then:

(1) Such municipal local government shall complete the procedures required by this chapter for such zoning, except for the final vote of the municipal governing authority, prior to adoption of the annexation ordinance or resolution or the effective date of any local Act but no sooner than the date the notice of the proposed annexation is provided to the governing authority of the county as required under Code Section 36-36-6;

(2) The hearing required by subsection (a) of this Code section shall be conducted prior to the annexation of the subject property into the municipality;

(3) In addition to the other notice requirements of this Code section, the municipality shall cause to be published within a newspaper of general circulation within the territorial boundaries of the county wherein the property to be annexed is located a notice of the hearing as required under the provisions of subsection (a) or (b), as applicable, of this Code section and shall place a sign on the property when required by subsection (b) of this Code section; and

(4) The zoning classification approved by the municipality following the hearing required by this Code section shall become effective on the later of:

(A) The date the zoning is approved by the municipality;

(B) The date that the annexation becomes effective pursuant to Code Section 36-36-2;

or

(C) Where a county has interposed an objection pursuant to Code Section 36-36-11, the date provided for in paragraph (8) of subsection (c) of said Code section.

(e) A qualified municipality into which property has been annexed may provide, by the adoption of a zoning ordinance, that all annexed property shall be zoned by the municipality, without further action, for the same use for which that property was zoned immediately prior to such annexation. A qualified county which includes property which has been deannexed by a municipality may provide, by the adoption of a zoning ordinance, that all deannexed property shall be zoned by the county, without further action, for the same use for which that property was zoned immediately prior to such deannexation. A municipality shall be a qualified municipality only if the municipality and the county in which is located the property annexed into such municipality have a common zoning ordinance with respect to zoning classifications. A county shall be a qualified county only if that county and the municipality in which was located the property deannexed have a common zoning ordinance with respect to zoning classifications. A zoning ordinance authorized by this subsection shall be adopted in compliance with the other provisions of this chapter. The operation of such ordinance to zone property which is annexed or deannexed shall not require any further action by the adopting municipality, adopting county, or owner of the property annexed or deannexed. Property which is zoned pursuant to this subsection may have such zoning classification changed upon compliance with the other provisions of this chapter.

(f) When a proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held on the proposed action. Such public hearing shall be held at least six months and not more than nine months prior to the date of final action on the zoning decision. The hearing required by this subsection shall be in addition to any hearing required under subsection (a) of this Code section. The local government shall give notice of such hearing by:

(1) Posting notice on the affected premises in the manner prescribed by subsection (b) of this Code section; and

(2) Publishing in a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing at least 15 days and not more than 45 days prior to the date of the hearing.

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The published notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.

(g) A local government delegating decision-making power to a quasi-judicial officer, board, or agency shall provide for a hearing on each proposed action described in paragraph (1.1) of Code Section 36-66-3. Notice of such hearing shall be provided at least 30 days prior to the quasi-judicial hearing, with such notice being made as provided for in subsection (a) of this Code section and with additional notice being mailed to the owner of the property that is the subject of the proposed action.

(h)

(1) Notwithstanding any other provisions of this chapter to the contrary, when a proposed zoning decision relates to an amendment of the zoning ordinance to revise one or more zoning classifications or definitions relating to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning, such zoning decision must be adopted in the following manner:

(A) The zoning decision shall be adopted at two regular meetings of the local government making the zoning decision, during a period of not less than 21 days apart; and

(B) Prior to the first meeting provided for in subparagraph (A) of this paragraph, at least two public hearings shall be held on the proposed action. Such public hearings shall be held at least three months and not more than nine months prior to the date of final action on the zoning decision. Furthermore, at least one of the public hearings must be held between the hours of 5:00 P.M. and 8:00 P.M. The hearings required by this paragraph shall be in addition to any hearing required under subsection (a) of this Code section. The local government shall give notice of such hearing by:

(i) Posting notice on each affected premises in the manner prescribed by subsection (b) of this Code section; provided, however, that when more than 500 parcels are affected, in which case posting notice is required every 500 feet in the affected area; and

(ii) Publishing in a newspaper of general circulation within the territorial boundaries of the local government a notice of each hearing at least 15 days and not more than 45 days prior to the date of the hearing.

Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will authorize multifamily uses or give blanket permission to the property owner to deviate from the zoning requirements of a single-family residential zoning of property in classification previously relating to single-family residential uses. The published notice shall be at least nine column inches in size and shall not be located in the classified advertising section of the newspaper. The notice shall state that a copy of the proposed amendment is on file in the office of the clerk or the recording officer of the local government and in the office of the clerk of

the superior court of the county of the legal situs of the local government for the purpose of examination and inspection by the public. The local government shall furnish anyone, upon written request, a copy of the proposed amendment, at no cost.

(2) The provisions of paragraph (1) of this subsection shall also apply to any zoning decisions that provide for the abolition of all single-family residential zoning classifications within the territorial boundaries of a local government or zoning decisions that result in the rezoning of all property zoned for single-family residential uses within the territorial boundaries of a local government to multifamily residential uses of property.

(3) This subsection shall not apply to zoning decisions for the rezoning of property from a single-family residential use of property to a multifamily residential use of property when the rezoning is initiated by the owner or authorized agent of the owner of such property.

Zoning Ordinance of Fayette County, Georgia

Sec. 110-142. O-I, Office-Institutional District.

- (a) *Description of district.* This district is composed of certain lands and structures having office and institutional uses which are compatible with or provide a transition into low-intensity land uses.
- (b) *Permitted principal uses and structures.* The following permitted uses shall be allowed in the O-I zoning district:
 - (1) Office;
 - (2) Art gallery;
 - (3) Bank and/or financial institution;
 - (4) Banquet hall/event facility;
 - (5) College and/or university, including classrooms and/or administration only;
 - (6) Educational/instructional/tutorial facilities, including, but not limited to: academic, art, computer, dance, driving and/or DUI, martial arts, music, professional/business/trade, and similar facilities;
 - (7) Health club and/or fitness center;
 - (8) Hotel;
 - (9) Insurance carrier, agent, and/or broker;
 - (10) Laboratory, medical, and/or dental;
 - (11) Legal services;
 - (12) Massage therapy (see chapter 8);
 - (13) Medical/dental office (human treatment);
 - (14) Military recruiting office;
 - (15) Museum;
 - (16) Performing arts theater;
 - (17) Private school, including classrooms and/or administration only;
 - (18) Professional services, including, but not limited to: accounting; advertising and marketing research services; architectural firms; bookkeeping, tax preparation; brokerage firms; computer system software design; consulting services; engineering firms; internet and web hosting firms; payroll services; photographic services; research services; specialized design services; telemarketing; and translation and interpretation services; and
 - (19) Real estate agent and/or broker.
- (c) *Permitted principal uses and structures for office parks with at least 100,000 square feet of floor area.* In an office park having at least 100,000 square feet of floor area, the following retail and service uses shall be permitted as long as collectively such uses comprise no more than ten percent of the total floor area, are located in a building in which office uses comprise at least 50 percent of the floor area and have no exterior advertising display:
 - (1) Beauty shop and/or barbershop;

- (2) Blueprinting;
 - (3) Cafeteria;
 - (4) Commercial art and/or drafting service;
 - (5) Day care facility;
 - (6) Delivery and/or messenger service;
 - (7) Drug store;
 - (8) Florist;
 - (9) Gift shop;
 - (10) Photocopying and/or reproduction;
 - (11) Restaurant (limited to five percent of total floor area of office park and included in overall ten percent limitation);
 - (12) Stenographic and/or typing service;
 - (13) Teleconferencing center; and
 - (14) Travel agency and/or ticket office.
- (d) *Conditional uses.* The following conditional uses shall be allowed in the O-I zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
 - (2) Animal hospital and/or veterinary clinic (with no animal boarding or outdoor runs);
 - (3) Care home, convalescent center, and/or nursing home;
 - (4) Church and/or other place of worship;
 - (5) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and stadium;
 - (6) Child care facility;
 - (7) Home occupation;
 - (8) Hospital;
 - (9) Non-emergency medical transport service;
 - (10) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;
 - (11) Religious tent meeting; and
 - (12) Single-family residence and residential accessory structures and/or uses (see article III of this chapter).
- (e) *Auxiliary conditional uses for an office building with a minimum of 10,000 square feet of floor area.* The following auxiliary permitted uses shall be allowed within the area with a land use designation of office as indicated on the county future land use plan map defined as that area north of SR 54 West, east of Tyrone Road, and west of Sandy Creek Road. This area shall also be known as the county community hospital district (hospital district). Such uses will support and

shall be compatible with the county community hospital, the medical industry, and the development of the office and institutional uses planned for this area.

(1) *Uses.* The following auxiliary conditional uses shall be allowed in the O-I zoning district:

- a. Durable medical and rehabilitation equipment sales/rental (i.e., wheelchairs, crutches, etc.);
- b. Pharmaceutical sales (for the purpose of filling prescriptions only);
- c. Counter service restaurants, including but not limited to: a bakery, cafe, coffee shop, or deli. No drive-through, drive-in, or freestanding facilities shall be allowed;
- d. Optical care center to include prescription eyeglass/contact lens sales;
- e. Gift shop for the sale of items usually associated with a medical condition and/or hospital stay (i.e., get well cards, etc.); and
- f. Floral sales.

(2) *Auxiliary conditional use limitations.*

- a. These auxiliary conditional uses shall be allowed in an office building with a minimum of 10,000 square feet and such uses shall comprise no more than a total of 20 percent of the total floor area of the building and shall occupy space on the first floor of the building.
- b. Multiple uses may be permitted concurrently, but may not exceed the 20 percent limitation.

(3) *Architectural requirements.*

- a. Architecture shall conform to the existing hospital/medical office development. The architectural standards of the transportation corridor overlay zone shall not apply.
- b. Elevation drawings shall be submitted as part of site plan approval.

(f) *Dimensional requirements.* The minimum dimensional requirements in the O-I 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 (0.50 acre).

(2) Lot width: 125 feet.

(3) Outside storage shall not be permitted.

(4) Setbacks, yards adjoining rights-of-way:

- a. Major thoroughfare:
 - 1. Arterial: 75 feet.
 - 2. Collector: 70 feet.
- b. Minor thoroughfare: 55 feet.

(5) Setbacks, yards not adjoining rights-of-way:

- a. Side yard: 15 feet.
 - b. Rear yard: 15 feet.
- (6) Buffer: If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 30 feet adjacent to such lot line shall be provided in addition to the required setback, and the setback shall be measured from the buffer. Additional buffer and setback requirements may be established as a condition of zoning approval.
- (7) Height limit:
 - a. 40 feet as defined in article I of this chapter.
 - b. When a structure reaches a minimum height of four floors (including basements), it shall be sprinkled.
- (8) Use of existing structure. When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
- (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.
- (g) *SR 74 North-East Side Special Development District.*
 - (1) The following will apply to the area identified in the county Comprehensive Plan, SR 74 North Overlay District on the east side of SR 74 North and designated as special development district and office on the county future land use plan map. The purpose of this special development district is to promote planned office development along the frontage of SR 74 North to a depth of approximately 800 feet to fulfill the stated goals for the future development of the corridor. The goals of the SR 74 North Overlay District are:
 - a. To maintain the efficient traffic flow of SR 74 North as the county's main connection to Interstate 85;
 - b. To enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into the county; and
 - c. To protect existing and future residential areas in the SR 74 North corridor.
 - (2) The assemblage of parcels will be necessary in some areas to meet the intent of the special development district. The minimum requirements for acreage and road frontage will necessitate large tracts of land to achieve a reduction in individual curb cuts, consistency and coordination in architectural scheme, and capacity to develop a required service road where applicable.
 - a. In a planned office development consisting of a minimum of ten acres and 600 feet of road frontage on SR 74 North, a maximum of 20 percent of the floor area of each individual building may consist of businesses providing support services for the larger development. Permitted support service uses include:
 - 1. Restaurants (no drive-through, drive-in, or freestanding facilities shall be allowed);
 - 2. Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; electrolysis and/or hair removal; laundry drop-

off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;

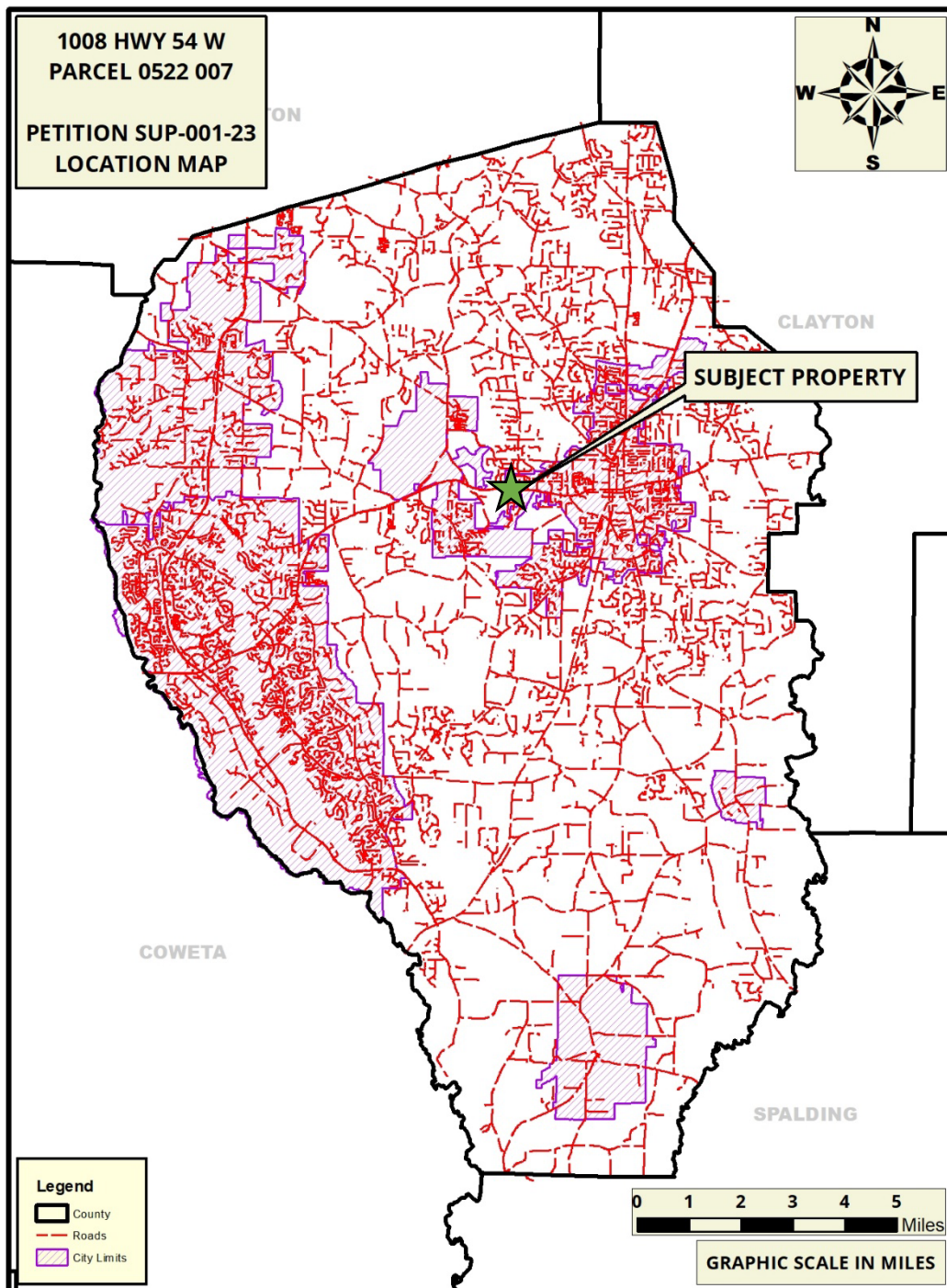
3. Convenience store (no gasoline sales);
4. Blueprinting, graphic, and/or copying service;
5. Office and/or computer sales and/or service; and
6. Cellular phone/communication device sales and/or service.

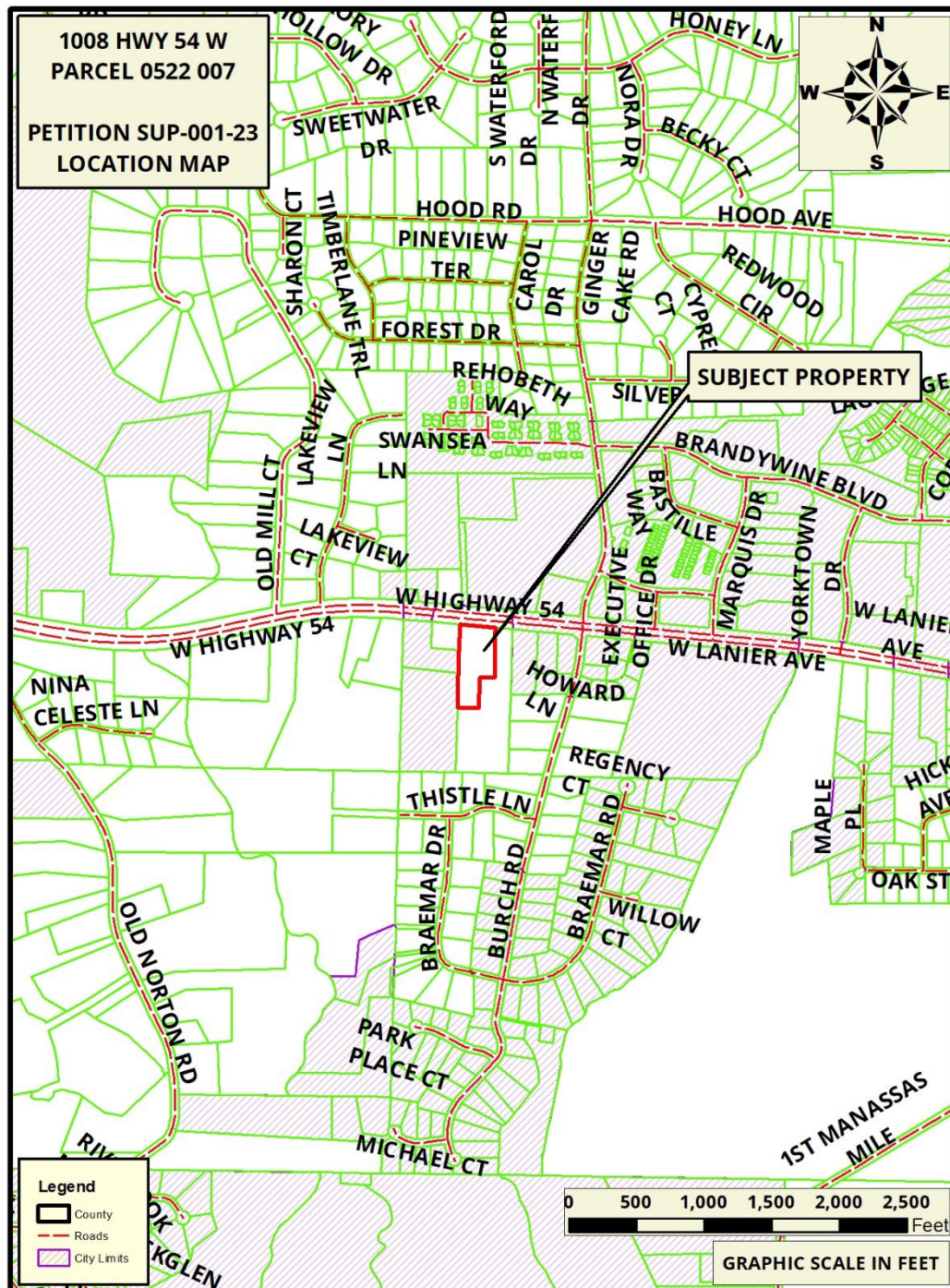
(h) *State Route 54 West Special Development District.*

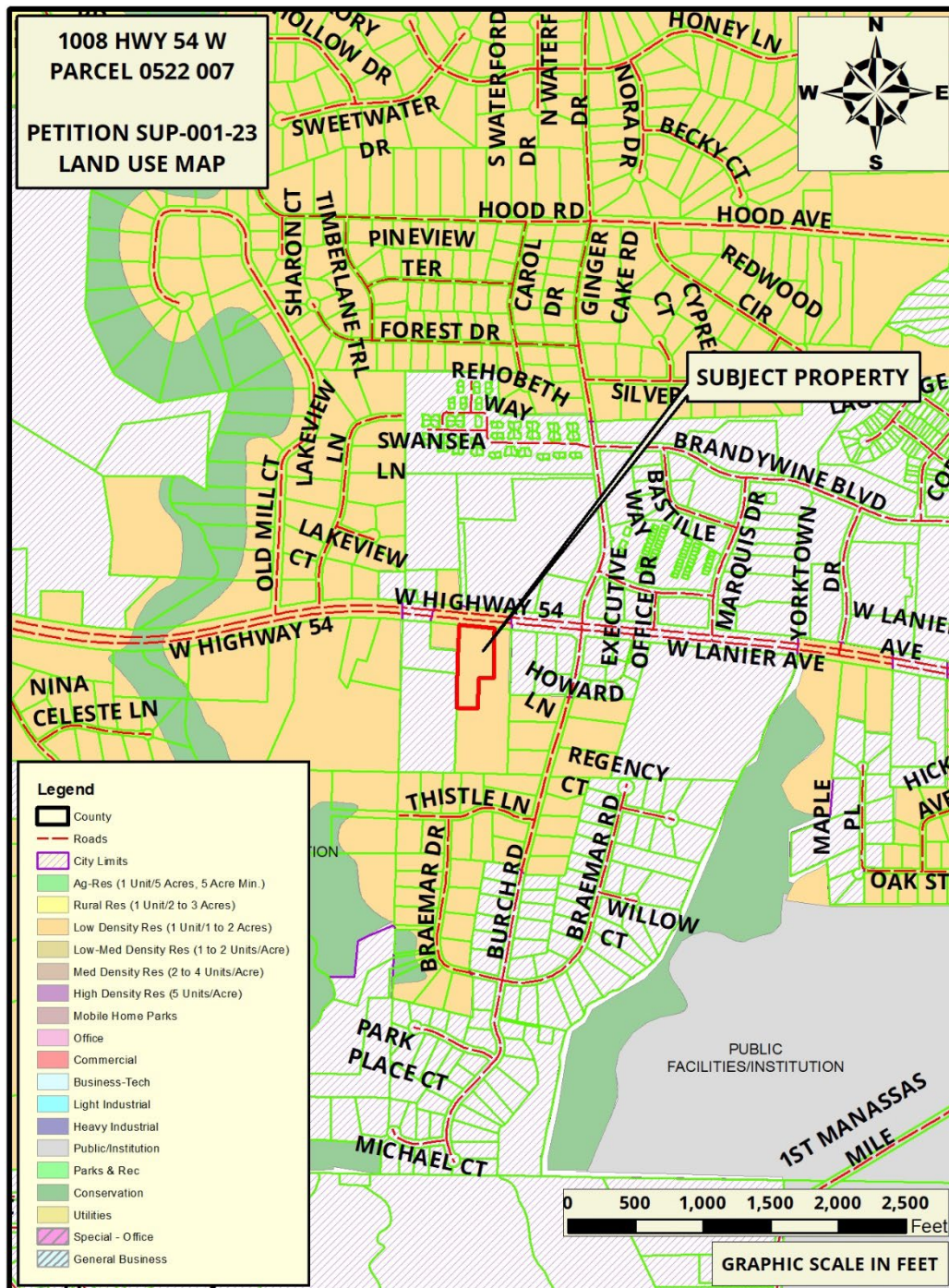
- (1) The following will apply to the area identified in the Comprehensive Plan as the SR 54 West Overlay District as specified in the Land Use Element and indicated on the future land use plan map. The purpose of this special development district is to expand uses in O-I on parcels of five acres or greater.
- (2) On parcels zoned O-I with a minimum of five acres the following expanded business uses are allowed:
 - a. Businesses that supply services, equipment and/or resources to the film industry;
 - b. Call center;
 - c. Cellular phone/communication device sales and/or service;
 - d. Computer technology service, sales and/or repair;
 - e. Medical equipment sales, rental and/or repair;
 - f. Restaurant (no drive-through or drive-in);
 - g. Television/radio broadcasting studio, movie/music/media productions or telecommunications;
 - h. Server farm/data center; and
 - i. Internal access self-storage facility.
 1. No direct exterior access to individual storage units shall be allowed; all individual storage unit access shall be internal and the maximum size of an individual storage unit shall be 600 square feet.
 2. Vehicle loading/unloading bays shall only be located on the side or rear, and not facing SR 54. Vehicle loading/unloading bays on the side of the internal access self-storage facility shall require a canopy. Vehicle loading/unloading bays may also be internal to the structure or between two structures and a shed roof meeting the overlay pitch requirements may also be used in these instances.
 3. Office, business and building contractor space with associated inside storage shall constitute a minimum of ten percent of the total building footprint area proposed for the internal access self-storage structure(s) excluding the footprint of a separate vehicle, recreational vehicle, boat, and/or trailer storage structure. This building contractor use shall only be allowed in conjunction with an internal access self-storage facility. The office, business and building contractor space may be located within the footprint of the internal access self-storage structure or an equivalent amount of office, business and building contractor space may be located outside of the footprint in an attached portion of the structure.

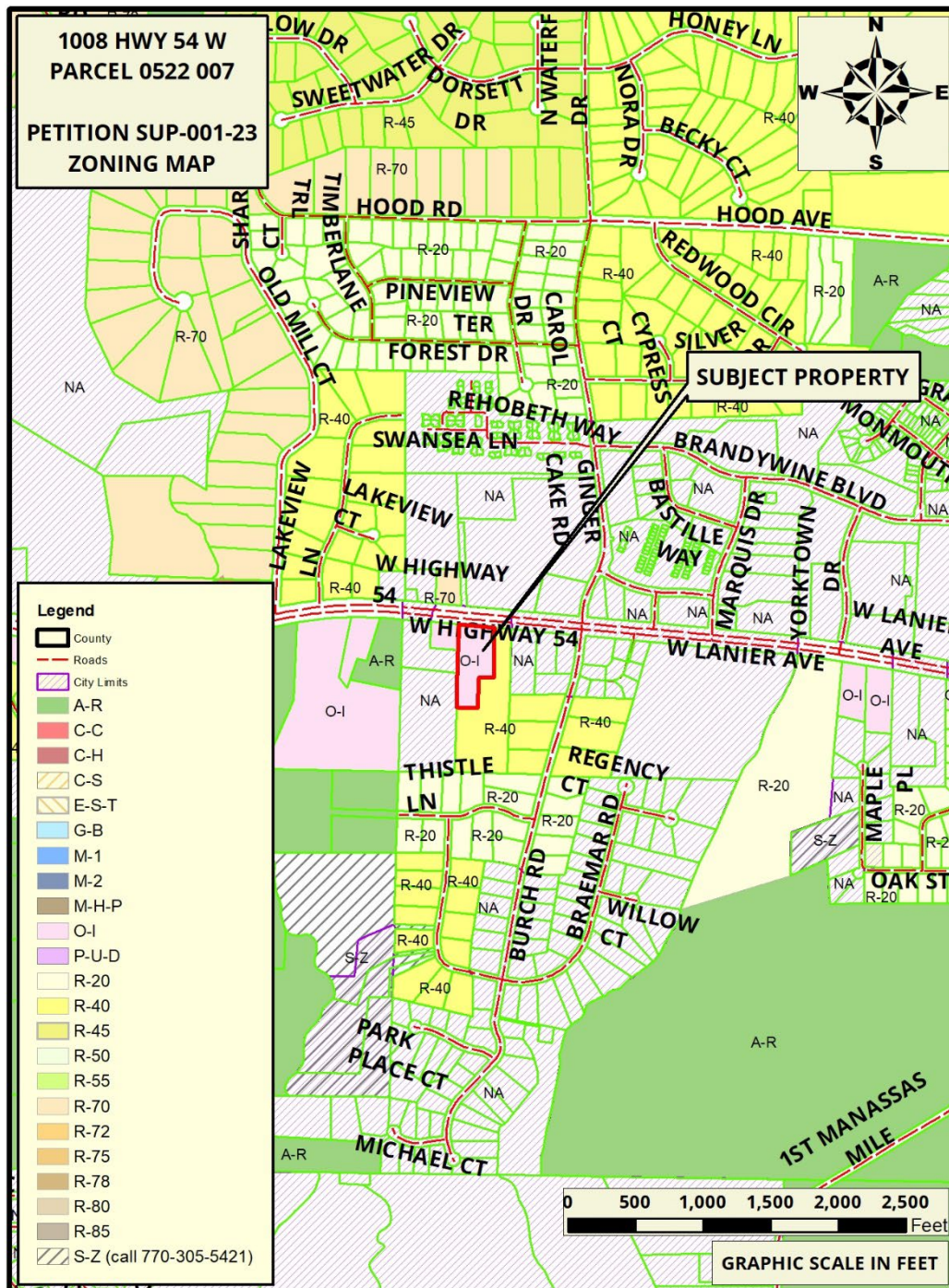
4. No outside storage of materials or equipment shall be allowed.
 5. A vehicle, recreational vehicle, boat, and/or trailer storage structure shall be fully enclosed and be to the rear of the principal internal access self-storage facility structure. This use shall only be allowed in conjunction with an internal access self-storage facility. Said structure shall only be used for vehicle, recreational vehicle, boat and/or trailer storage and individual vehicle, recreational vehicle, boat and/or trailer storage units may be externally accessed.
- (3) If the side and/or rear yards abut a residential or A-R zoning district, the setbacks shall be increased five feet for every one foot of total building height over 40 feet.
 - (4) Mixed residential/office use. Based on the Mixed Residential/Office Use Recommendations in the Land Use Element of the Fayette County Comprehensive Plan, where large tracts are proposed with a mix of residential and office development along SR 54, it is required at the time of rezoning for O-I and residential zoning that the concept plan depict how the entire property will be developed indicating the division between office and residential zoning districts with associated legal descriptions required for rezoning, the SR 54 entrance, and internal connecting road network.
- (i) *Special uses of property.* The following special uses of property shall be allowed in the O-I zoning district, provided that all conditions specified in article V of this chapter are also met:
 - (1) Drug abuse treatment facility.

(Code 1992, § 20-6-18; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2017-04, §§ 3, 4, 3-23-2017; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2018-11, §§ 2, 3, 10-25-2018; [Ord. No. 2019-04](#), § 1, 6-27-2019; [Ord. No. 2020-02](#), § 9, 5-28-2020; [Ord. No. 2020-08](#), § 1, 10-22-2020; [Ord. No. 2023-08](#), § 1, 7-27-2023)

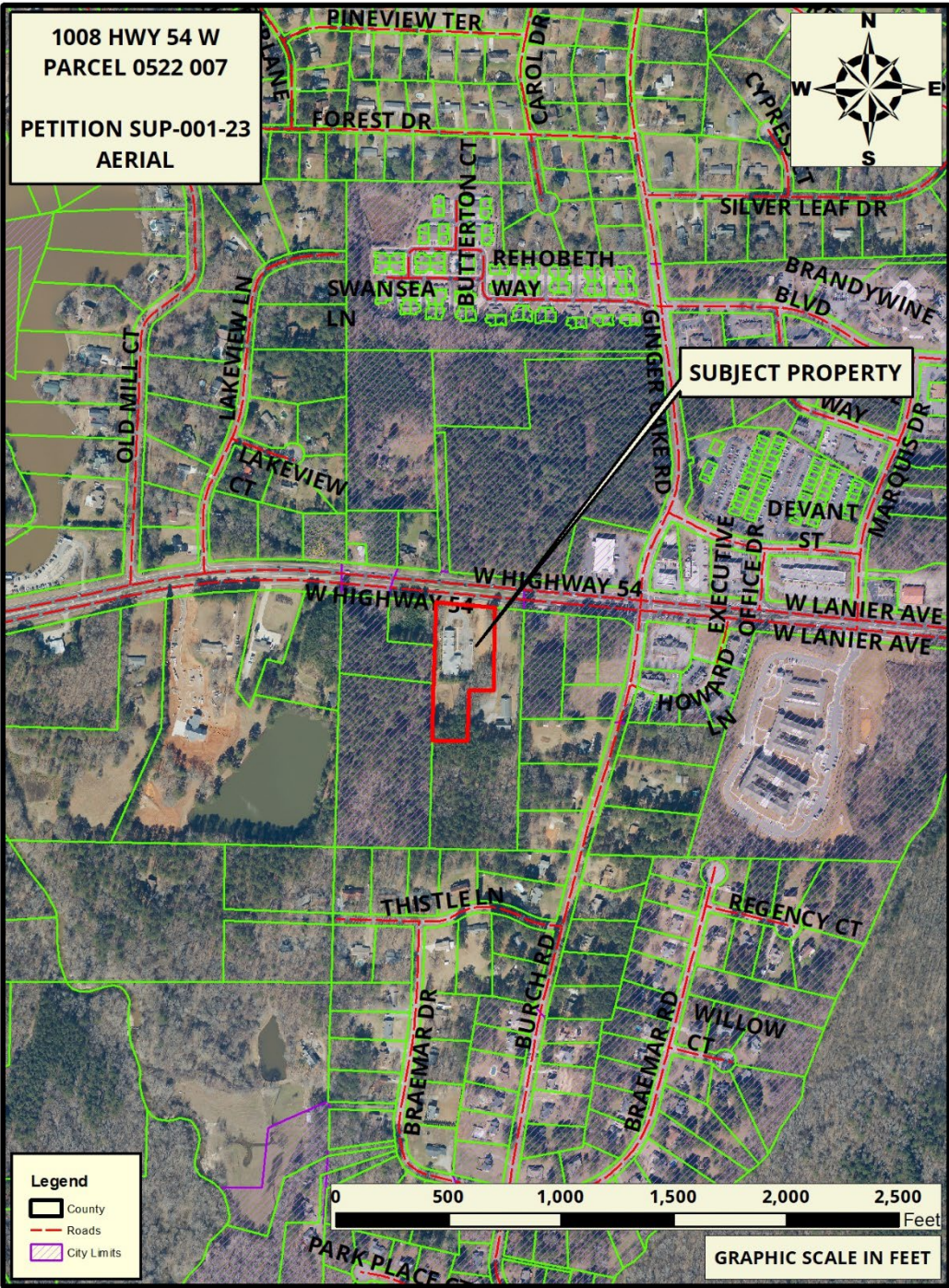














BOARD MEMBERS

Arnold L. Martin
John Kruzan
John H. Culbreth, Sr.
Danny England
Jim Oliver

STAFF

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

ACTION AGENDA

FAYETTE COUNTY PLANNING COMMISSION MEETING

140 STONEWALL AVENUE WEST

July 20, 2023

7:00 pm

Welcome to the meeting of your Fayette County Planning Commission. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 1st and 3rd Thursday of each month at 7:00 p.m.

1. Call to Order

Chairman Jim Oliver called the July 20, 2023 Planning Commission meeting to order at 7:00 p.m. A quorum of the Board was present. Arnold Martin was absent.

2. Pledge of Allegiance

Chairman Jim Oliver led the audience in the Pledge of Allegiance.

3. Approval of Agenda

John Kruzan moved to approve the agenda as written. Danny England seconded. The motion passed 4-0.

4. Approval of July 6, 2023 Minutes

Danny England moved to approve the minutes. John Culbreth seconded. The motion passed 4-0.

PUBLIC HEARING

5. Consideration of Petition No. RDP-016-23, To revise the development plan for Morning Falls Subdivision - to remove parcel# 1308 021 (48.425 acres) from Morning Falls subdivision. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.

John Culbreth moved to approve the petition RDP-016-023, to revise the development plan for Morning Falls Subdivision – to remove parcel 1308 021 (48.425 acres) from Morning Falls subdivision. Danny England seconded. The motion passed 4-0.

6. Consideration of Petition No. 1329-23 CG & PH, LLC, Owner, and John K. Pell, Agent, request to rezone 48.425 acres from C-S to A-R. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.

John Culbreth moved to approve petition 1329-23, to rezone 48.425 acres from C-S to A-R with conditions. Danny England seconded. The motion passed 4-0.

7. Consideration of amendments to Chapter 110. Zoning Ordinance, adding Sec. 110-175 to provide procedures for Special Use of Property.

Danny England moved to approve amendments to Chapter 110. Zoning Ordinance, adding Sec. 110-175 to

provide procedures for Special Use of Property. John Kruzan seconded. The motion passed 4-0.

8. Consideration of amendments to Chapter 110. Zoning Ordinance, adding provisions to Sec. 110-175, Special Use of Property, to provide procedures for application for Drug Abuse Treatment Facility.

Danny England moved to approve amendments to Chapter 110. Zoning Ordinance, adding provisions to Sec. 110-175, Special Use of Property, to provide procedures for application for Drug Abuse Treatment Facility. John Kruzan seconded. The motion passed 4-0.

9. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-142. to add Drug Abuse Treatment Facility as a Special Use of Property in the Office-Institutional Zoning District.

John Kruzan moved to approve amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-142 to add Drug Abuse Treatment Facility as a Special Use of Property in the Office Institutional Zoning District with the condition to change i to j. Danny England seconded. The motion passed 4-0.

10. Consideration of Petition No. SUP-001-23, NEW18, LLC, Owner, and Baker & Hostetler LLP Attn: M. Adam Kaye, Jr, Agent, request a Special Use Permit to operate a Drug Abuse Treatment Facility as a Special Use of Property. The proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. This property is located in Land Lot 126 of the 5th District and fronts on Georgia Highway 54 W.

Danny England moved to approve petition SUP-001-23, NEW18, LLC, Owner, and Baker & Hostetler LLP, M. Adam Kaye, Jr., Agent, request for a Special Use Permit to operate a Drug Abuse Treatment Facility as a Special Use of Property. John Culbreth seconded. The motion passed 4-0.

ADJOURNMENT:

John Culbreth moved to adjourn the July 20, 2023 Planning Commission meeting. Danny England seconded. The motion passed 4-0.

The July 20, 2023 Planning Commission meeting adjourned at 7:37 p.m.

Chelsie Boynton, Planning Commission Secretary

James Oliver, Chairman

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

ACTION AGENDA

July 27, 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 2nd and 4th Thursday of each month at 5:00 p.m.

Call to Order

Chairman Lee Hearn called the July 27, 2023 Board of Commissioners meeting to order at 5:00 p.m. A quorum of the Board was present.

Invocation and Pledge of Allegiance by Commissioner Eric Maxwell

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

Acceptance of Agenda

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

PROCLAMATION/RECOGNITION:

PUBLIC HEARING:

1. **Consideration of Ordinance 2023-06 to amend Fayette County Ordinance; Chapter 110. Zoning, Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone, to add Sec. 110-175 - Special use of property, to provide procedures for special use of property.**

Gibbons moved to approve to approve Ordinance 2023-06 to amend Fayette County Ordinance; Chapter 110. Zoning, Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone, to add Sec. 110-175 - Special use of property, to provide procedures for special use of property. Oddo seconded. The motion passed 5-0.

2. **Consideration of Ordinance 2023-07 to amend Fayette County Ordinance; Chapter 110. Zoning; Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone; Sec. 110-175 - Special use of property, to add Drug abuse treatment facility as a special use of property.**

Commissioner Maxwell moved to approve Ordinance 2023-07 to amend Fayette County Ordinance; Chapter 110. Zoning; Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone; Sec. 110-175 - Special use of property, to add Drug abuse treatment facility as a special use of property, with the approval of special conditions #1-#7, except #3; striking 8 ft. changing it to 4 ft. and making it a decorative fence. Vice Chairman Gibbons seconded. The motion passed 3-2, with Commissioner Oddo and Commissioner Rousseau voting in opposition.

3. **Consideration of Ordinance 2023-08 to amend Chapter 110. Zoning; Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone; Sec. 110-142. Office-Institutional., to add Drug abuse treatment facility as a special use of property in the O-I district.**

No one spoke in favor or opposition.

Commissioner Oddo moved to approve Ordinance 2023-08 to amend Chapter 110. Zoning; Article V. Conditional Uses, Nonconformances, and Transportation Corridor Overlay Zone; Sec. 110-142. Office-Institutional., to add Drug abuse treatment facility as a special use of property in the O-I district. Vice Chairman Gibbons seconded. The motion passed 5-0

4. **The first of two Public Hearings for the consideration of an application for a Special Use of Property at 1008 Hwy 54 W to operate a Drug Abuse Treatment Facility, in accordance with Sec. 110-175.**

No vote taken.

PUBLIC COMMENT:

CONSENT AGENDA:

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

5. **Approval of the July 13, 2023 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

6. **Request to approve the Public Facilities Authority Selection Committee's recommendation to reappoint Thomas Gray to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments.**

Vice Chairman Gibbons moved to approve to reappoint Thomas Gray to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments. Oddo seconded. The motion passed 5-0.

7. **Request to approve the Public Facilities Authority Selection Committee's recommendation to reappoint Alice Reeves to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments.**

Vice Chairman Gibbons moved to approve to reappoint Alice Reeves to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments. Commissioner Oddo seconded. The motion passed 5-0.

8. **Request to approve the Public Facilities Authority Selection Committee's recommendation to reappoint Edward Outlaw to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments.**

Commissioner Rousseau moved to approve to reappoint Edward Outlaw to the Public Facilities Authority for a term beginning July 24, 2023 and expiring July 23, 2024 and to extend said appointment to the next successive term ending July 23, 2025 per County Policy 100.19; Board Appointments. Vice Chairman Gibbons seconded. The motion passed 5-0.

9. Request to award Contract #2240-P: Justice Center Build-out - Architectural & Engineering Services to IPG, Inc. in the amount of \$655,200 to provide architectural and engineering services for the build-out of the Justice Center.

Vice Chairman Gibbons moved to approve to award Contract #2240-P: Justice Center Build-out - Architectural & Engineering Services to IPG, Inc. in the amount of \$655,200 to provide architectural and engineering services for the build-out of the Justice Center. Commissioner Rousseau seconded. The motion passed 5-0.

10. Request to award Contract #2291-A to CDW Government, LLC, for a three-year Microsoft Enterprise Agreement for the total three-year commitment amount of \$670,863.96.

Vice Chairman Gibbons moved to approve to award Contract #2291-A to CDW Government, LLC, for a three-year Microsoft Enterprise Agreement for the total three-year commitment amount of \$670,863.96. Commissioner Oddo seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

A: Contract #1867-P: Water System Engineer of Record Task Order 24-01: FY24 On-Call Support Services (\$100,000)
B: Contract #1867-P: Water System Engineer of Record Task Order 24-02: Groundwater/Surface Water Landfill Monitoring (\$83,114)
C: Contract #1945-P: Business Personal Property Compliance Audits Renewal 2 (\$50,000)
D: Contract #2019-P: Parks & Recreation Multiuse Facility – Architectural & Engineering Services; Change Order 1: Building Increase and Additional Site Work (\$125,000)
E: Contract #2225-B: Grass Cutting Services (\$177,725)
F: Contract #2249-S: SeaQuest (\$97,445.70)
G: Contract #2250-S: Purate for Water Treatment (\$118,800)
H: Contract #2256-S: Carusol-20 (Sodium Permanganate) (\$93,555)
I: Contract #2257-S: Lime (\$120,616)
J: Contract #2258-B: Utility Locating (\$110,500)
K: Contract #2265-A: RoadTemporary Labor (\$107,100)
L: Contract #2266-S: Phone Carrier Service – Revised (\$67,468.08)
M: Contract #2271-A: Annual Hauling Contract (\$100,000)
N: Contract #2274-S: Motorola (Spillman) Annual Maintenance (\$54,294.98)

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were four items for Executive Session. Two items involving threatened litigation, one item involving real estate acquisition and the review of the June 22, 2023 Executive Session Minutes.

COMMISSIONERS' REPORTS:

Commissioner Rousseau, Commissioner Oddo, and Chairman Hearn made comments.

EXECUTIVE SESSION:

Two items involving threatened litigation, one item involving real estate acquisition and the review of the June 22, 2023 Executive Session Minutes. Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 5:50 p.m. and returned to Official Session at 6:50 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 passed 5-0.

Approval of the June 22, 2023 Executive Session Minutes: Commissioner Oddo moved to approve June 22, 2023 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

2023 Fall ACCG Leadership Conference Voting Delegate: Chairman Hearn moved to appoint Commissioner Oddo as the Voting Delegate for the 2023 Fall ACCG Leadership Conference. Vice Chairman Gibbons seconded. The motion passed 5-0.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the June 22, 2023 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 5-0.

The July 27, 2023 Board of Commissioners meeting adjourned at 6:54 p.m.

Marlena M. Edwards, Chief Deputy County Clerk

Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 10th day of August 2023. Attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Chief Deputy County Clerk

Fayette County News

Legals & Classified Notices

FORECLOSURES

NOTICE OF SALE UNDER POWER
GEORGIA,
FAYETTE COUNTY

By virtue of a Power of Sale contained in that certain Security Deed from **TAMICA M GORDON and SULAYMAN O BRADSHAW , JR. to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC.**, AS GRANTEE, AS NOMINEE FOR CHURCHILL MORTGAGE CORPORATION, dated November 24, 2020, recorded November 30, 2020, in Deed Book 5165, Page 666, Fayette County, Georgia Records, said Security Deed having been given to secure a Note of even date in the original principal amount of **Three Hundred Thirty-Two Thousand Eight Hundred Fifty-Nine and 00/100 dollars (\$332,859.00)**, with interest thereon as provided for therein, said Security Deed having been last sold, assigned and transferred to Planet Home Lending, LLC, there will be sold at public outcry to the highest bidder for cash at the Fayette County Courthouse, within the legal hours of sale on the first Tuesday in January, 2024, all property described in said Security Deed including but not limited to the following described property:
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 38 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 44, GREENFIELD SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 15, PAGE 44, FAYETTE COUNTY RECORDS, WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE.

Said legal description being controlling, however the property is more commonly known as **105 GREENLEAF CT, FAYETTEVILLE, GA 30215**. The indebtedness secured by said Security Deed has been and is hereby declared due because of default under the terms of said Security Deed. The indebtedness remaining in default, this sale will be made for the purpose of paying the same, all expenses of the sale, including attorneys' fees (notice to collect same having been given) and all other payments provided for under the terms of the Security Deed.

Said property will be sold on an "as-is" basis without any representation, warranty or recourse against the above-named or the undersigned. The sale will also be subject to the following items which may affect the title: any outstanding ad valorem taxes (including taxes which are a lien, whether or not now due and payable); the right of redemption of any taxing authority; matters which would be disclosed by an accurate survey or by an inspection of the property; all zoning ordinances; assessments; liens; encumbrances; restrictions; covenants, and any other matters of record superior to said Security Deed.

To the best of the knowledge and belief of the undersigned, the owner and party in possession of the property is **TAMICA M GORDON, SULAYMAN O BRADSHAW , JR.,** or tenants(s). The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (2) to final confirmation and audit of the status of the loan with the holder of the Security Deed. The entity having full authority to negotiate, amend or modify all terms of the loan (although not required by law to do so) is: Planet Home Lending, LLC, Loss Mitigation Dept., 321 Research Parkway Suite 303, Meriden, CT 06450, Telephone Number: 855-884-2250. Nothing in O.C.G.A. Section 44-14-162.2 shall be construed to require a secured creditor to negotiate, amend, or modify the terms of the mortgage instrument.

PLANET HOME LENDING, LLC as Attorney in Fact for **TAMICA M GORDON, SULAYMAN O BRADSHAW , JR.** THE BELOW LAW FIRM MAY BE HELD TO BE ACTING AS A DEBT COLLECTOR, UNDER FEDERAL LAW. IF SO, ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.
Attorney Contact:
Rubin Lublin, LLC,
3145 Avalon Ridge Place,
Suite 100,
Peachtree Corners, GA 30071
Telephone Number:
(877) 813-0992
Case No. PHL-23-00544-3
rselaw.com/property-listing
12/06,13,20,27

NOTICE OF SALE UNDER POWER
GEORGIA, FAYETTE COUNTY
Under and by virtue of the Power of Sale contained in a Security Deed given by **Jennifer Dinsmore and Darlene Cole to Mortgage Electronic Registration Systems, Inc.**, as grantee, as nominee, for Guild Mortgage Company, a California Corporation, its successors and assigns, dated June 8, 2018, recorded in Deed Book 4755, Page 4, Fayette County, Georgia Records and as modified by that certain Loan Modification Agreement recorded in Deed Book 5466, Page 539, Fayette County, Georgia Records, as last transferred to Guild Mortgage Company, LLC by assignment recorded in Deed Book 5657, Page 224, Fayette County, Georgia Records, conveying the after-described property to secure a Note in the original principal amount of **ONE HUNDRED FIFTY-SEVEN THOUSAND ONE HUNDRED TWO AND 0/100 DOLLARS (\$157,102.00)**, with interest thereon as set forth therein, there will be sold at pub-

lic outcry to the highest bidder for cash before the courthouse door of Fayette County, Georgia, or at such place as may be lawfully designated as an alternative, within the legal hours of sale on the first Tuesday in January, 2024, the following described property:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF
EXHIBIT "A"
All that tract or parcel of land lying and being in Land Lot 133 of the 5th District, Fayette County, Georgia, being Lot 15, Block A, Indian Lake Estates Subdivision, Unit Two, as per plat recorded in Plat Book 14, Page 68, Fayette County, Georgia records, which recorded plat is incorporated herein by this reference and made a part of this description. Said property being known as 255 Winona Drive according to the present system of numbering property in the City of Fayetteville, Fayette County, Georgia.

The debt secured by said Security Deed has been and is hereby declared due because of, among other possible events of default, failure to pay the indebtedness as and when due and in the manner provided in the Note and Security Deed. The debt remaining in default, this sale will be made for the purpose of paying the same and all expenses of this sale, as provided in the Security Deed and by law, including attorney's fees (notice pursuant to O.C.G.A. § 13-1-11 having been given).

Said property will be sold subject to any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), the right of redemption of any taxing authority, any matters which might be disclosed by an accurate survey and inspection of the property, any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and any matters of record including, but not limited to, those superior to the Security Deed first set out above. Said property will be sold on an "as-is" basis without any representation, warranty or recourse against the above-named or the undersigned. Guild Mortgage Company, LLC is the holder of the Security Deed to the property in accordance with OCGA § 44-14-162.2.

The entity that has full authority to negotiate, amend, and modify all terms of the mortgage with the debtor is: Guild Mortgage Company LLC, PO BOX 85304, San Diego, CA 92186, 800-365-4441.

Note, however, that such entity is not required by law to negotiate, amend or modify the terms of the loan.

To the best knowledge and belief of the undersigned, the party in possession of the property is Jennifer Dinsmore and Darlene Cole or a tenant or tenants and said property is more commonly known as **255 Winona Dr, Fayetteville, Georgia 30214**. Should a conflict arise between the property address and the legal description the legal description will control.

The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (2) to final confirmation and audit of the status of the loan with the holder of the security deed.

Guild Mortgage Company, LLC as Attorney in Fact for Jennifer Dinsmore and Darlene Cole

McCalla Raymer
Leibert Pierce, LLC
1544 Old Alabama Road
Roswell, GA 30076
www.foreclosurehotline.net
MR/mac 1/2/24
Our file no. 5593519 - FT17
11/29, 12/06,13,20,27

NOTICE OF SALE UNDER POWER
GEORGIA, Fayette COUNTY
THIS LAW FIRM IS ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Under and by virtue of the Power of Sale contained in that certain Security Deed given by **John T. Solomon to SunTrust Bank**, now known as Truist Bank, Successor by Merger to SunTrust Bank, dated 01/16/2007 and filed 01/30/2007, recorded in Deed Book 3171, Pages 306-314, Fayette County, Georgia Records, conveying the after-described property to secure an Access 3 Equity Line Account Agreement and Disclosure Statement in the original principal amount of **Forty Five Thousand Dollars and No Cents (\$45,000.00)**, with interest thereon as set forth therein, there will be sold at public outcry to the highest bidder for cash before the courthouse door of Fayette County, Georgia, within the legal hours of sale on Tuesday January 2, 2024, the following described property:
That tract or parcel of land lying and being in Land Lot 25 of District 5th, Fayette County, GA, being Lot 2, Charleston South Subdivision, as per plat recorded in Plat Book 18, Page 152, Fayette County, GA Records.
Being and intending to describe the same premises conveyed in a deed recorded 6/1/91 in book 644, page 613.
Known as 115 Manchester Rd.
Parcel 05040600201
The debt secured by said Security Deed has been and is hereby declared due because of, among other possible events of default, failure to pay the indebtedness as and when due and in the manner provided in the Access 3 Equity Line Account Agreement and Disclosure Statement and Security Deed. The debt remaining in default, this sale will be made for the purpose of paying the same and all expenses of this

sale, as provided in the Security Deed and by law, including attorney's fees (notice of intent to collect attorney's fees having been given). Said property will be sold subject to any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), any unpaid water or sewage bills that constitute a lien against the property whether due and payable or not due and payable and which may not be of record, any right of redemption of any taxing authority, any matters which might be disclosed by an accurate survey and inspection of the property, any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above that certain Security Deed given by John Solomon aka John T. Solomon to Mortgage Electronic Registrations Systems, Inc. as nominee for SunTrust Mortgage, Inc. dated 8/4/2006 and filed 8/15/2006, recorded in Deed Book 3073 Pages 650-665, Fayette County, Georgia Records, conveying the above-described property to secure a Note in the original principal amount of \$179,600.00.

To the best knowledge and belief of the undersigned, the party in possession of the property is John T. Solomon or a tenant or tenants and said property is more commonly known as **115 Manchester Rd, Fayetteville GA 30215-5750**. In compliance with Georgia law, please find below the contact information for the entity who has authority to negotiate, amend, and modify the terms of the loan documents which may include a note, mortgage, security deed or deed to secure debt.

Truist Bank
PO Box 85052
Richmond VA 23285
800-289-6353
866-519-3479
The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (2) to final confirmation and audit of the status of the loan with the holder of the Security Deed. To any rights of rescission of the party conducting this foreclosure sale pursuant to Georgia law including, but not limited to O.C.G.A. Section 9-13-172.1, which allows for certain procedures regarding the rescission of judicial and non-judicial sales in the state of Georgia.

Please note that the Deed Under Power and other foreclosure documents may not be provided until final confirmation and audit of the status of the loan as provided immediately above and final review by the party conducting this foreclosure sale for compliance with contractual and legal obligations pursuant to the terms of the loan documents and State and Federal law, including but not limited to any and all rights of rescission.

Truist Bank,
Successor by Merger to
SunTrust Bank,
as Attorney in Fact for
John T. Solomon a/k/a John Solomon

By: Andrew D. Gleason
Attorney for Truist Bank,
Successor by Merger to
SunTrust Bank
Leffkoff, Rubin, Gleason,
Russo & Williams, P.C.
5555 Glenridge Connector
Suite 900
Atlanta, Georgia 30342
(404)869-6900
(404)869-6909 (fax)
12/06,13,20,27

NOTICE OF SALE UNDER POWER
GEORGIA,
FAYETTE COUNTY

Under and by virtue of the Power of Sale contained in that certain Deed to Secure Debt and Security Agreement from **Norman's Investments Services, LLC ("Grantor") to Fund-Ex Solutions Group, LLC ("Grantee")**, dated November 10, 2021 and recorded November 15, 2021 in the Fayette County, Georgia records in Deed Book 5402, Page 700 - 710 (the "Security Deed"), conveying the after-described property to secure a Promissory Note from Norman's Investments Services, LLC and Graham Family Adult Daycare Inc. to Grantee in the original principal amount of **Five Hundred and Sixty Thousand and No/100 Dollars (\$560,000.00)** with interest thereon as set forth therein (the "Note"), there will be sold at public outcry to the highest bidder for cash before the courthouse door of Fayette County, Georgia, within the legal hours of sale on the first Tuesday in January, 2024, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 185 OF THE 5TH LAND DISTRICT, OF FAYETTE COUNTY, GEORGIA, AND BEING 1.45 ACRES AS SHOWN AND DELINEATED ON A PLAT OF SURVEY FOR LEWIS - KAPPES AND FIRST AMERICAN TITLE INSURANCE COMPANY BY EUGENE A. STEPANOV, REGISTERED LAND SURVEYOR NO. 3197, DATED 8/27/2021 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT WHERE SOUTHEASTERN RIGHT OF WAY LINE OF GEORGIA HIGHWAY 85 INTERSECTS WITH THE SOUTHERN RIGHT OF WAY LINE OF HUNTINGTON PARK DRIVE, IF SAID POINT WERE EXTENDED TO FORM ON ANGLE INSTEAD OF A CURVE, THENCE RUN ALONG THE SOUTHERN RIGHT OF WAY LINE OF HUNTINGTON PARK

DRIVE SOUTH 87 DEGREES 26 MINUTES 00 SECONDS EAST A DISTANCE OF 215.4 FEET TO A POINT, THENCE RUN SOUTH-EASTERLY AND EASTERLY ALONG THE SOUTHWESTERN AND SOUTHERN RIGHT OF WAY LINE OF HUNTINGTON PARK DRIVE CUL DE SAC AND FOLLOWING THE CURVATURE THEREOF A DISTANCE OF 79.1 FEET TO REBAR FOUND AND THE POINT OF BEGINNING. THENCE RUN NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE OF HUNTINGTON PARK DRIVE ALONG THE ARC OF A CURVE TO THE LEFT AN ARC DISTANCE OF 83.64 FEET (SAID CURVE HAVING A RADIUS OF 60.00 FEET AND BEING SUBTENDED BY A CHORD BEARING NORTH 42 DEGREES 28 MINUTES 07 SECONDS EAST A CHORD DISTANCE OF 77.03 FEET) TO A REBAR FOUND; THENCE LEAVING THE SOUTHERN RIGHT OF WAY LINE OF HUNTINGTON PARK DRIVE SOUTH 87 DEGREES 28 MINUTES 00 SECONDS EAST A DISTANCE OF 210.00 FEET TO A REBAR SET; THENCE RUN SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 257.30 FEET TO A REBAR SET; THENCE RUN SOUTH 89 DEGREES 44 MINUTES 00 SECONDS WEST A DISTANCE OF 212.70 FEET TO A REBAR FOUND AND THE POINT OF BEGINNING.

The indebtedness secured by said Security Deed has been and is hereby declared due because of, among other possible events of default, failure to pay the debt as and when due and in the manner provided in the Note. The debt remaining in default, this sale will be made for the purpose of paying the same and all expenses of this sale, as provided in the Security Deed and by law, including attorneys' fees (notice of intent to collect attorneys' fees having been given as provided by law). Said property will be sold for cash or certified funds and subject to any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), any matters which might be disclosed by an accurate survey and inspection of the property, any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed. The sale will be conducted subject (1) to confirmation that the sale is not prohibited under the U.S. Bankruptcy Code and (2) to final confirmation and audit of the status of the loan with the holder of the security deed, including but not limited to a determination that the loan was not reinstated prior to the foreclosure sale.

Grantee reserves the right to sell the property in one parcel or as an entirety, or in such parcels as Grantee may elect, as permitted in the Security Deed. To the best knowledge and belief of the undersigned, the party in possession of the property is Norman's Investments Services, LLC, or his tenant or tenants. The property is more commonly known as **115 Huntington Park Drive, Fayetteville, GA 30214**.

etteville, GA 30214. The name, address and telephone number of the individual or entity who shall have full authority to negotiate, amend and modify all terms of the mortgage, security deed and/or debt with the Borrower is:
Fund-Ex Solutions Group, LLC,
Attn: Foreclosures,
Starfield & Smith, PC,
1175 Peachtree St. NE, Suite 1750, Atlanta, GA 30361, (404) 389-9041.
THIS FIRM IS ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT.
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.
12/06,13,20,27

NOTICE OF SALE UNDER POWER
FAYETTE COUNTY
Pursuant to the Power of Sale contained in a Security Deed given by **Barbara T Kelley and Thurman J Kelley to Mortgage Electronic Registration Systems, Inc.**, as grantee, as nominee for PENNYMAC LOAN SERVICES, LLC, its successors and assigns dated 12/22/2018 and recorded in Deed Book 4828 Page 199 Fayette County, Georgia records; as last transferred to or acquired by PENNYMAC LOAN SERVICES, LLC, conveying the after-described property to secure a Note in the original principal amount of **\$227,500.00**, with interest at the rate specified therein, there will be sold by the undersigned at public outcry to the highest bidder for cash before the Courthouse door of Fayette County, Georgia (or such other area as designated by Order of the Superior Court of said county), within the legal hours of sale on January 2, 2024 (being the first Tuesday of said month unless said date falls on a Federal Holiday, in which case being the first Wednesday of said month), the following described property:
SITUATED IN THE 7TH DISTRICT, COUNTY OF FAYETTE, STATE OF GEORGIA:
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 125, 7TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 14, BLOCK B, LAKE PEACHTREE, SECTION 14, AS PER PLAT RECORDED IN PLAT BOOK 8, PAGE 66, FAYETTE COUNTY RECORDS, WHICH PLAT IS HEREBY REFERRED TO AND MADE A PART OF THIS DESCRIPTION, AND BEING MORE PARTICULARLY SHOWN ON SURVEY PREPARED BY DELTA SURVEYORS, INC., DATED JULY 21, 1989.
TAX ID NO: 073401014
BEING THE SAME PROPERTY CONVEYED BY WARRANTY DEED
GRANTOR:
WILLIAM MICHAEL HYDE
GRANTEE:
THURMAN J. KELLEY AND BARBARA T. KELLEY
DATED:
08/22/1989
RECORDED:
09/07/1989
DOC#/BOOK-PAGE: 569-129
ADDRESS:
104 FLINTLOCK CT, PEACHTREE CITY, GA 30269.

The debt secured by said Security Deed has been and is hereby declared due because of, among other possible events of default, failure to pay the indebtedness as and when due and in the manner provided in

the Note and Security Deed. The debt remaining in default, this sale will be made for the purpose of paying the same and all expenses of this sale, as provided in the Security Deed and by law, including attorney's fees (notice of intent to collect attorney's fees having been given).

Said property is commonly known as **104 Flintlock Ct, Peachtree City, GA 30269** together with all fixtures and personal property attached to and constituting a part of said property, if any. To the best knowledge and belief of the undersigned, the party (or parties) in possession of the subject property is (are): Estate/Heirs of Barbara T Kelley and Paul Jason Kelley, Executor of Estate of Thurman J. Kelley or tenant or tenants.

PennyMac Loan Services, LLC is the entity or individual designated who shall have full authority to negotiate, amend and modify all terms of the mortgage.

PennyMac Loan Services, LLC Loss Mitigation 3043 Townsgate Road #200, Westlake Village, CA 91361 1-866-549-3583

Note, however, that such entity or individual is not required by law to negotiate, amend or modify the terms of the loan.

Said property will be sold subject to: (a) any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), (b) unpaid water or sewage bills that constitute a lien against the property whether due and payable or not yet due and payable and which may not be of record, (c) the right of redemption of any taxing authority, (d) any matters which might be disclosed by an accurate survey and inspection of the property, and (e) any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants, and matters of record superior to the Security Deed first set out above.

The sale will be conducted subject to (1) confirmation that the sale is not prohibited under the U.S. Bankruptcy Code; and (2) final confirmation and audit of the status of the loan with the holder of the Security Deed. Pursuant to O.C.G.A. Section 9-13-172.1, which allows for certain procedures regarding the rescission of judicial and non-judicial sales in the State of Georgia, the Deed Under Power and other foreclosure documents may not be provided until final confirmation and audit of the status of the loan as provided immediately above.

PENNYMAC LOAN SERVICES, LLC as agent and Attorney in Fact for
Barbara T Kelley and
Thurman J Kelley
Aldridge Pite, LLP,
Six Piedmont Center,
3525 Piedmont Road, N.E.,
Suite 700,
Atlanta, Georgia 30305,
(404) 994-7400.
1120-24080A
THIS LAW FIRM MAY BE ACTING AS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. 1120-24080A
12/06,13,20,27

NOTICE OF SALE UNDER POWER
GEORGIA, FAYETTE COUNTY
Under and by virtue of the Power of Sale contained in a Security Deed given by **Milton Gooch, III**

Legals continued page B3

NOTICE OF PUBLIC HEARING FOR THE CONSIDERATION OF AN APPLICATION FOR A SPECIAL USE PERMIT TO OPERATE A DRUG ABUSE TREATMENT FACILITY AS A SPECIAL USE OF PROPERTY. THE PROPOSED ZONING DECISION RELATES TO OR WILL ALLOW THE LOCATION OR RELOCATION OF A HALFWAY HOUSE, DRUG REHABILITATION CENTER, OR OTHER FACILITY FOR TREATMENT OF DRUG DEPENDENCY.

PUBLIC HEARING to be held before the Fayette County Board of Commissioners on January 25, 2024, at 5:00 P.M, in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

1. Petition No.: SUP-001-23
Applicant: NWE18, LLC
Zoning District: O-I
Address: 1008 GA Hwy 54 W
Fayetteville, GA 30214
Parcel Number: 0522 007
Area of Property: 3.09 acres
Land Lot(s)/District: Land Lot 126 of the 5th District
Fronts on: GA Highway 54 W

Proposed Use: Per Sec. 110-175, Special Use of Property. Request approval of a Special Use Permit to operate a Drug Abuse Treatment Facility.

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.

Legal Description:

EXHIBIT"A"

All that tract or parcel of land lying and being in Land Lot 126 of the 5th District, Fayette County, Georgia; and being depicted as 3.09 acres, more or less, on a plat of survey prepared for Thomas B. Chandler by Seabolt & Company, Inc., dated December 15, 2006, and filed and recorded in Plat Book 44, Page 13, Fayette County, Georgia records; said plat being incorporated herein and made a part hereof by reference.
EXHIBIT "B"

PERMITTED EXCEPTIONS

1. Outstanding and unpaid taxes, street improvements, Easements, Exceptions of Record Restrictive Covenants, and all superior encumbrances appearing of record.
2. All those matters as shown on that certain plat recorded in Plat Book 44, Page 13, Fayette County, Georgia Records.
3. Boundary Line Agreement between Georgia H. Huddleston, Jr. and the Board of Trustees of the Fayette Church of God of Prophecy, dated April 19, 2007, recorded in Deed Book 3218, Page 337, Fayette County, Georgia Records.
4. Declaration of Taking by the Department of Transportation, dated June 22, 1990, filed and recorded in Deed Book 642, Page 596, Fayette County, Georgia records.

COUNTY AGENDA REQUEST

Page 32 of 195

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1336-23, Andres Felipe Gallo; Curtis Ryan Thomas; Savanna Gallo; Sheffey Cochran, owners, request to rezone 1.3 acres from A-R to C-H for the purposes of developing commercial uses; property located in Land Lot 69 & 70 of the 5th District and fronts on GA Hwy 85 South.

Background/History/Details:

The property is a legal lot of record. It currently has 1 single-family home and a detached garage that are legal, non-conforming structures. The buildings encroach on the side building setbacks. The south and west sides of the property abut residential zoning, so a 50' vegetated buffer is required then a 15' building setback is required outside the buffer, for a total of 65'. The existing house encroaches into what would be a buffer area if this is C-H, and no building setback is provided. The development will be subject to the General State Route Overlay, which provides enhanced front building setbacks and architectural standards.

On January 4, 2024, the Planning Commission voted 4-0 to recommend CONDITIONAL APPROVAL, subject to the following conditions:

1. The residential structures, primary and accessory, on the property shall be demolished within 180 days of approval of the rezoning.
2. A site plan and appropriate permits are required before any commercial uses may be conducted on the property.
3. A GDOT-approved commercial driveway is required before any commercial uses may be conducted on the property.

The staff recommendation for this request is DENIAL, based upon the Fayette County Future Land Use Map. On Jan. 4, 2024, the Planning Commission recommended CONDITIONAL APPROVAL.

What action are you seeking from the Board of Commissioners?

Consideration of Petition No. 1336-23, Andres Felipe Gallo; Curtis Ryan Thomas; Savanna Gallo; Sheffey Cochran, owners, request to rezone 1.3 acres from A-R to C-H for the purposes of developing commercial uses; property located in Land Lot 69 & 70 of the 5th District and fronts on GA Hwy 85 South.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

PETITION NO: 1336-23

REQUESTED ACTION: Rezone from A-R to C-H

PARCEL NUMBER: 0510 024

PROPOSED USE: Highway Commercial

EXISTING USE: Single-Family Residential

LOCATION: 1009 Hwy. 85 S

DISTRICT/LAND LOT(S): 5th District, Land Lot 69 & 70

OWNERS: Andres Felipe Gallo; Curtis Ryan Thomas; Savanna Gallo; Sheffey Cochran

AGENT: N/A

PLANNING COMMISSION PUBLIC HEARING: January 4, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: January 25, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 1.3 acres from A-R to C-H for the purposes of developing commercial uses.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 Unit/1 Acre) is designated for this area, so the request for C-H zoning is not appropriate. Furthermore, once zoning buffers and building setbacks are applied to the lot, the remaining area available to develop is approximately ¼-acre.

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

Staff Note: A recorded plat dated April 24, 1981, notes a 30' strip on the north side of the property that is an apparent easement. Before the property is developed in any way, a new plat shall be required to include the purpose of the easement and its correct recorded information, or to remove the easement. There IS a 20' water line easement on the parcel immediately north of this property, but staff has confirmed with the Water Authority that their easement does not lie on the rezoning subject parcel.

If the request is approved, staff recommends the following **CONDITIONS**:

1. The residential structures, primary and accessory, on the property shall be demolished within

180 days of approval of the rezoning.

2. A site plan and appropriate permits are required before any commercial uses may be conducted on the property.
3. A GDOT-approved commercial driveway is required before any commercial uses may be conducted on the property.

INVESTIGATION**A. GENERAL PROPERTY INFORMATION**

The property is a legal lot of record. The structures are legal, non-conforming lots because they encroach into the building setbacks. The south and west sides of the property abut residential zoning; if rezoned to C-H, a 50' vegetated buffer is required plus a 15' building setback, for a total setback of 65' from the south and west property lines.

The development will be subject to the General State Route Overlay, which provides enhanced front building setbacks and architectural standards.

B. REZONING HISTORY:

This property has historically been zoned A-R and has not been rezoned to any other district.

C. CURRENT DEVELOPMENT HISTORY:

The property currently has 1 single-family home and a detached garage.

B. SURROUNDING ZONING AND USES

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

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	1.65	C-H	Undeveloped	Low Density Residential (1 Unit/1 Acre)
South & West	4.16	R-50	Single-family Residential	Low Density Residential (1 Unit/1 Acre)
East (across SR 85)	9.4	A-R	Single-family Residential	Low Density Residential (1 Unit/1 Acre)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Low Density Residential (1 Unit/1 Acres). It is also in the General State Route Overlay Zone, which applies to all nonresidential development.

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: State Route 85.

E. DEPARTMENTAL COMMENTS

- ☐ **Water System** - Easement for 8-inch PVC 900 on property. Water is available in a 8 inch PVC900 water main on the East side of Hwy 85S.
- ☐ **Public Works**
 - **Road Frontage and Right of Way Dedication**
 - GA Hwy 85 is a **Major Arterial** roadway and the GADOT controls all entrances, exits, and right of ways within the state route. Any proposed modifications to the site entrances, exits, and right of way dedication will be permitted through GADOT.
 - **Traffic Data**
 - According to the GDOT on-line traffic data in 2022, the annual average daily traffic for State Route 85 (approximately one (1) mile from the site) is **22,400 vehicles per day**. The owner has not submitted traffic data for a proposed development.
 - **Sight Distance**
 - Minimum sight distances will have to be satisfied for any proposed new driveways; GDOT will review sight distances and driveway permits on SR 85.
- ☐ **Environmental Management**
 - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0112E dated September 26, 2008.
 - **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** - There is no stormwater management facility on the parcel. The project will be subject to the Post-Development Stormwater Management Ordinance.
- ☐ **Environmental Health Department** - This office has no objections to the proposed rezoning. Requirements for septic will be addressed at a later time.
- ☐ **Fire** - No objections to the requested rezoning.
- ☐ **GDOT** - there is already what seems to be a shared access with the residential property that is adjacent to this property and in this situation, it would be difficult to obtain a commercial access to the rezoned property; the applicant should be made aware of this concern.

STANDARDS

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

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

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

STAFF ANALYSIS

1. The subject property lies within an area designated for Low Density Residential Uses. This request **DOES NOT** conform to the Fayette County Comprehensive Plan in terms of the proposed use.
2. The area around the subject property is an area that already has various residential and commercial uses. It is staff's opinion that the zoning proposal would adversely affect the existing or future uses of nearby properties by extending the commercial corridor.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. While there are commercial uses to the north, the proposal is not consistent in character and use with the surrounding uses as low density residential.

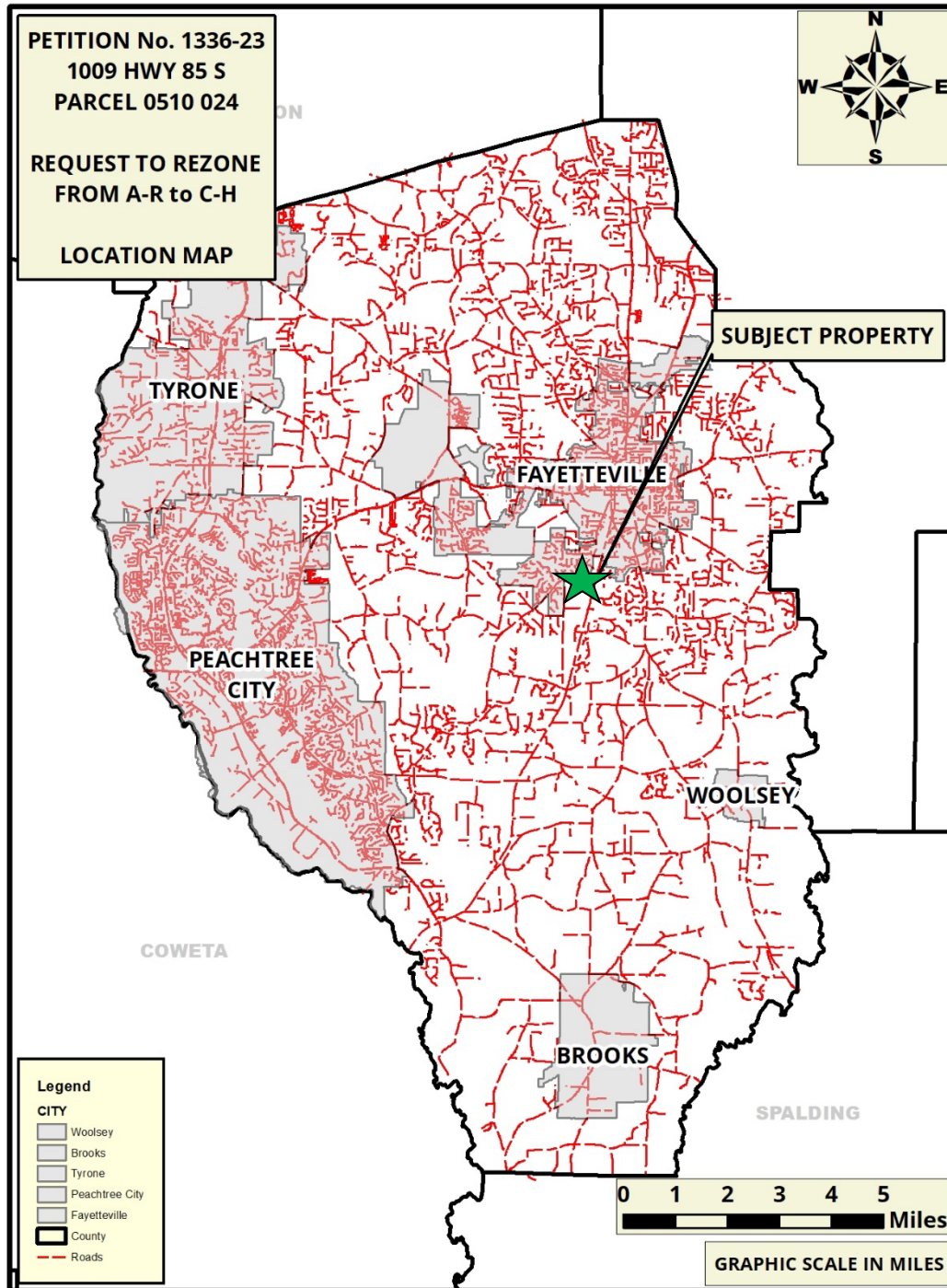
ZONING DISTRICT STANDARDS**Sec. 110-144. C-H, Highway Commercial District.**

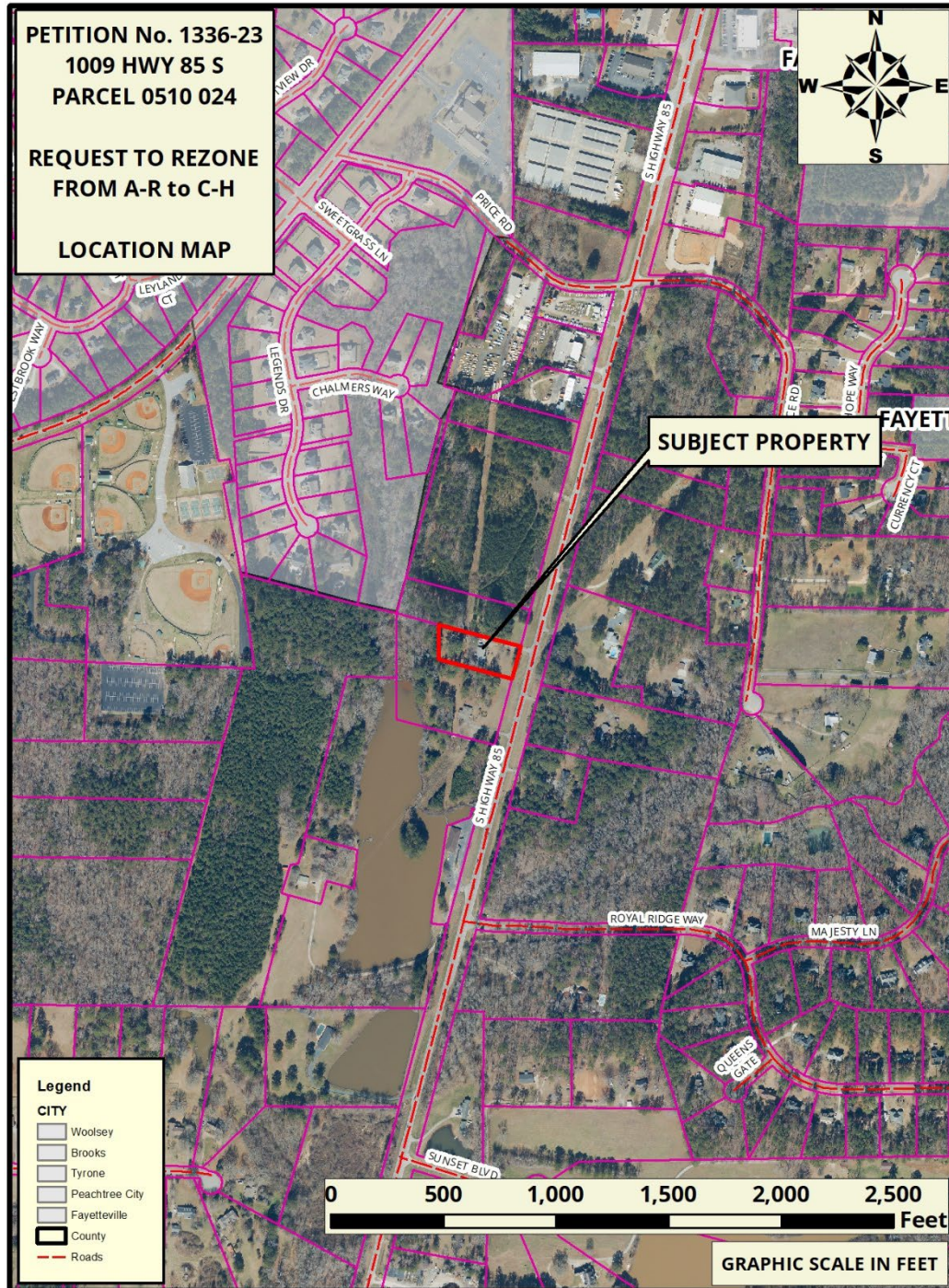
- (a) *Description of district.* This district is composed of certain lands and structures to provide and encourage proper grouping and development of roadside uses, which include a wide variety of sales and services that will best accommodate the needs of the county and the traveling public, reducing 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;

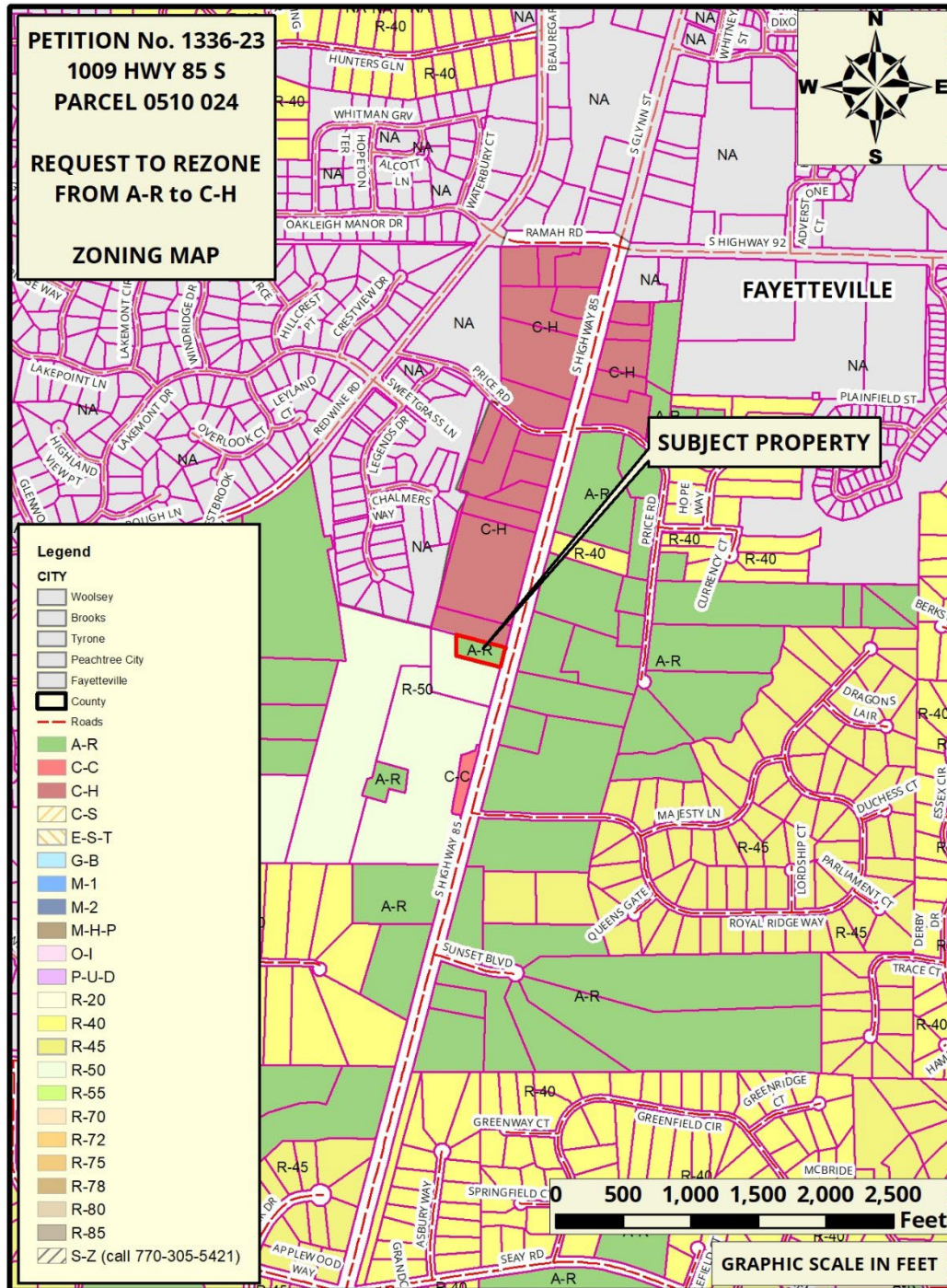
- (29) Flea market, indoor;
- (30) Florist shop;
- (31) Freezer locker service, ice storage;
- (32) Freight express office;
- (33) Funeral establishment (where funeral services, excluding a crematorium, may be provided);
- (34) Gift shop;
- (35) Glass sales;
- (36) Grocery store;
- (37) Hardware store;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

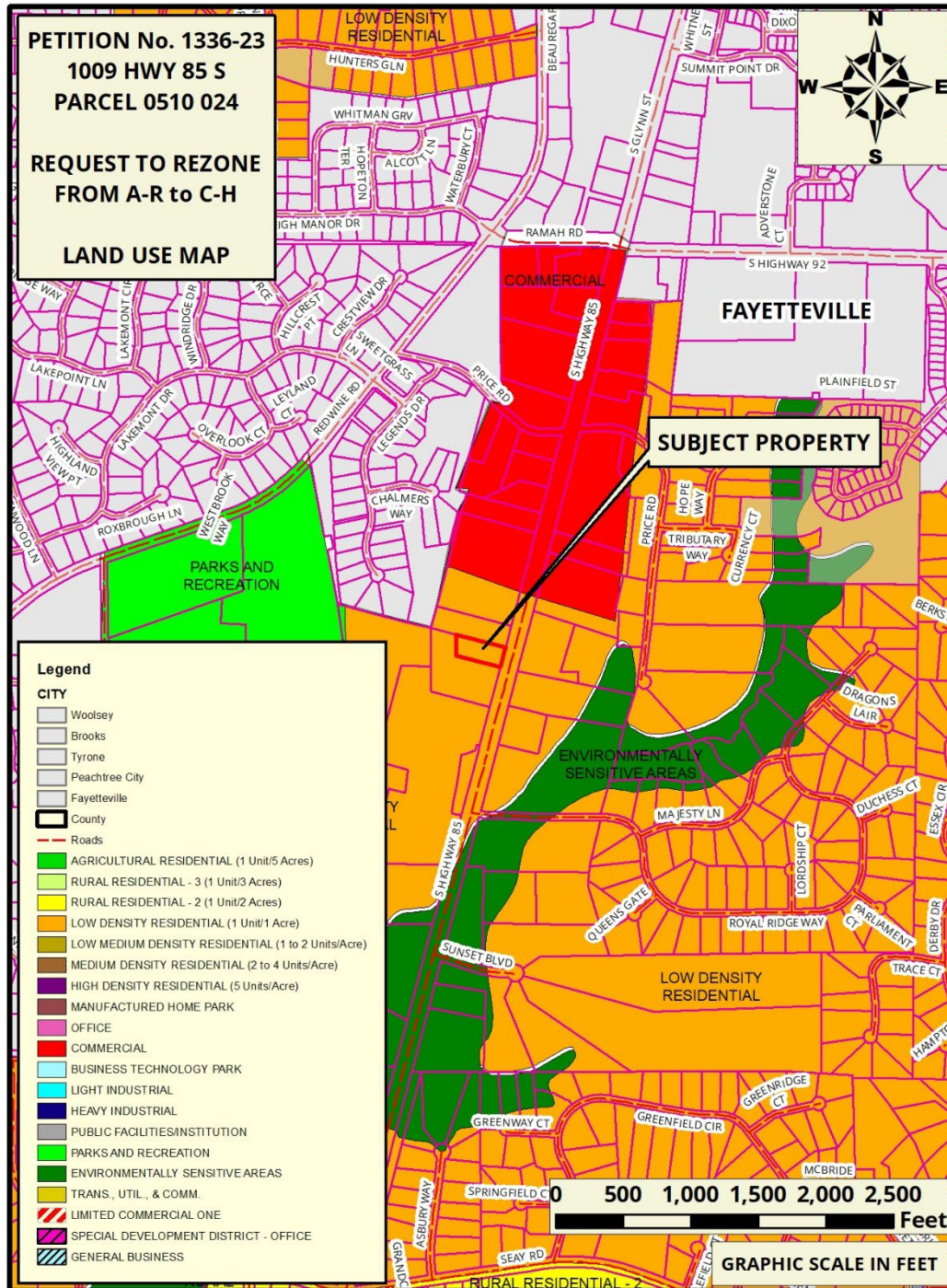
- (73) Upholstery shop; and
- (74) Utility trailers sales and/or rental.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-H zoning district provided that all conditions specified in article V of this chapter are met:
 - (1) Adult day care facility;
 - (2) Amphitheater;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

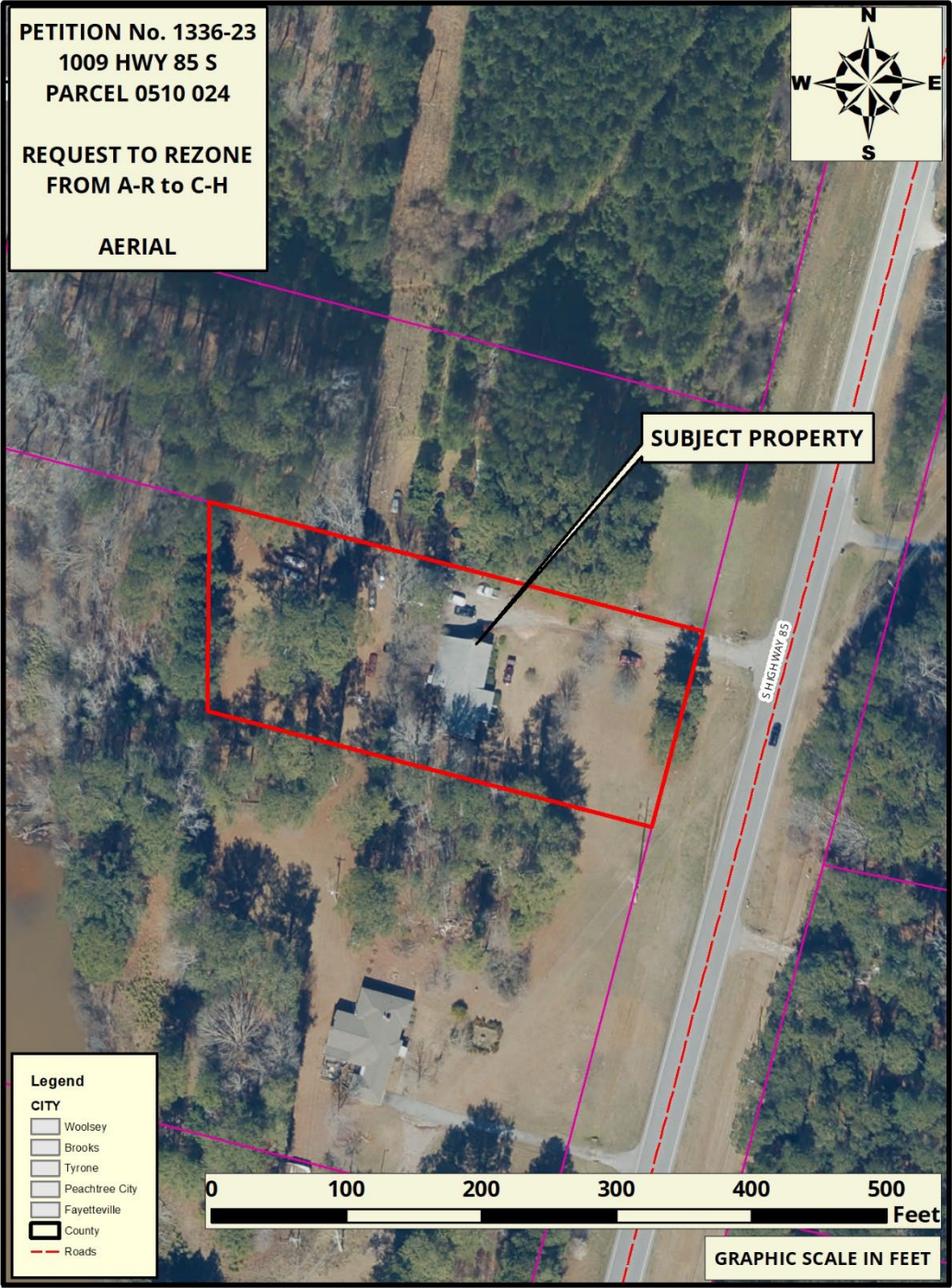
- 2. Collector: 70 feet.
 - b. Minor thoroughfare: 65 feet.
 - (4) Rear yard setback: 15 feet.
 - (5) Side yard setback: 15 feet.
 - (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the 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.
- (Code 1992, § 20-6-20; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2017-04, §§ 5, 6, 3-23-2017; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2018-11, §§ 5, 6, 10-25-2018; Ord. No. 2020-02, §§ 10, 11, 5-28-2020; Ord. No. 2021-05, § 1, 3-25-2021; Ord. No. 2021-09, § 3, 5-27-2021; Ord. No. 2021-10, § 1, 5-27-2021)

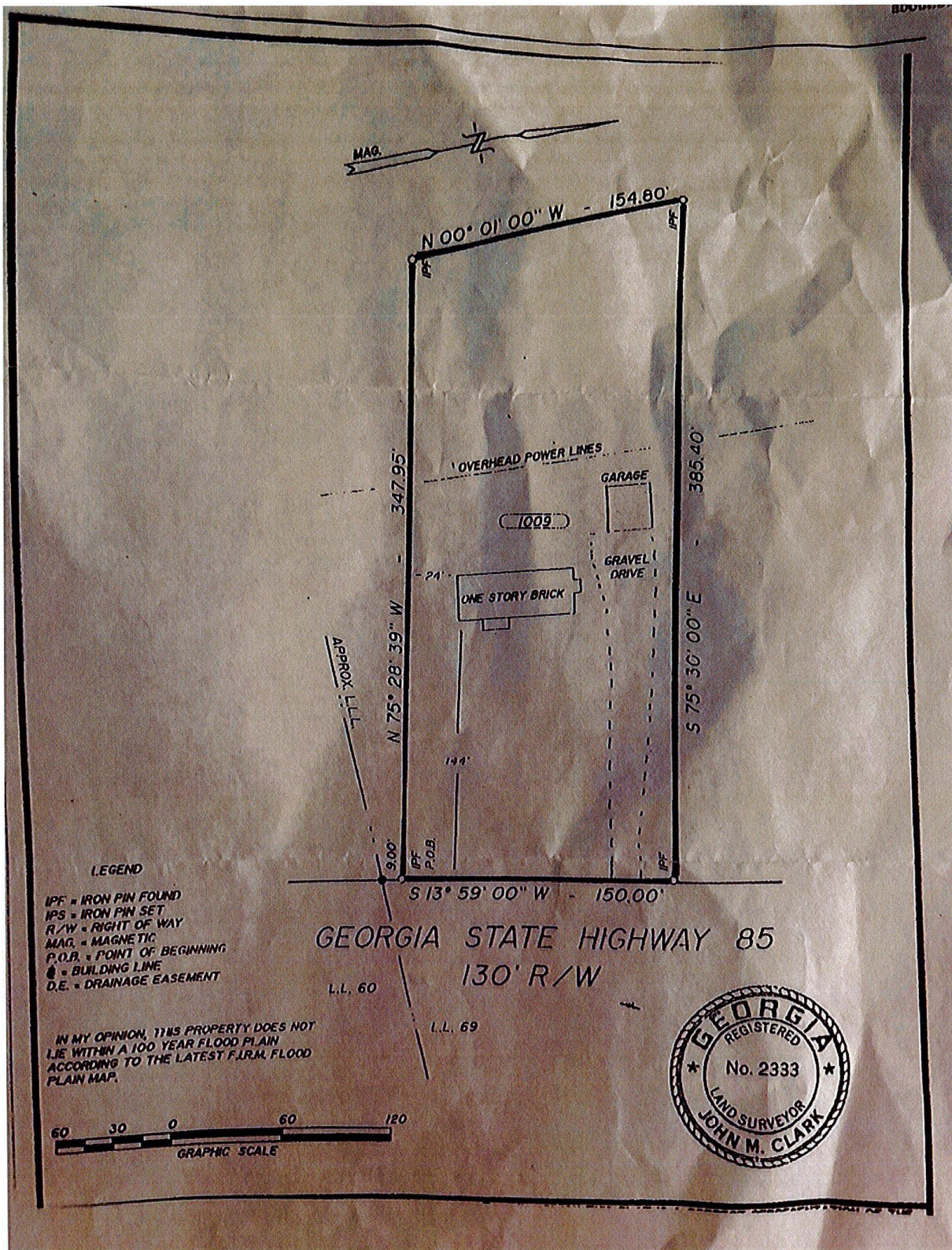




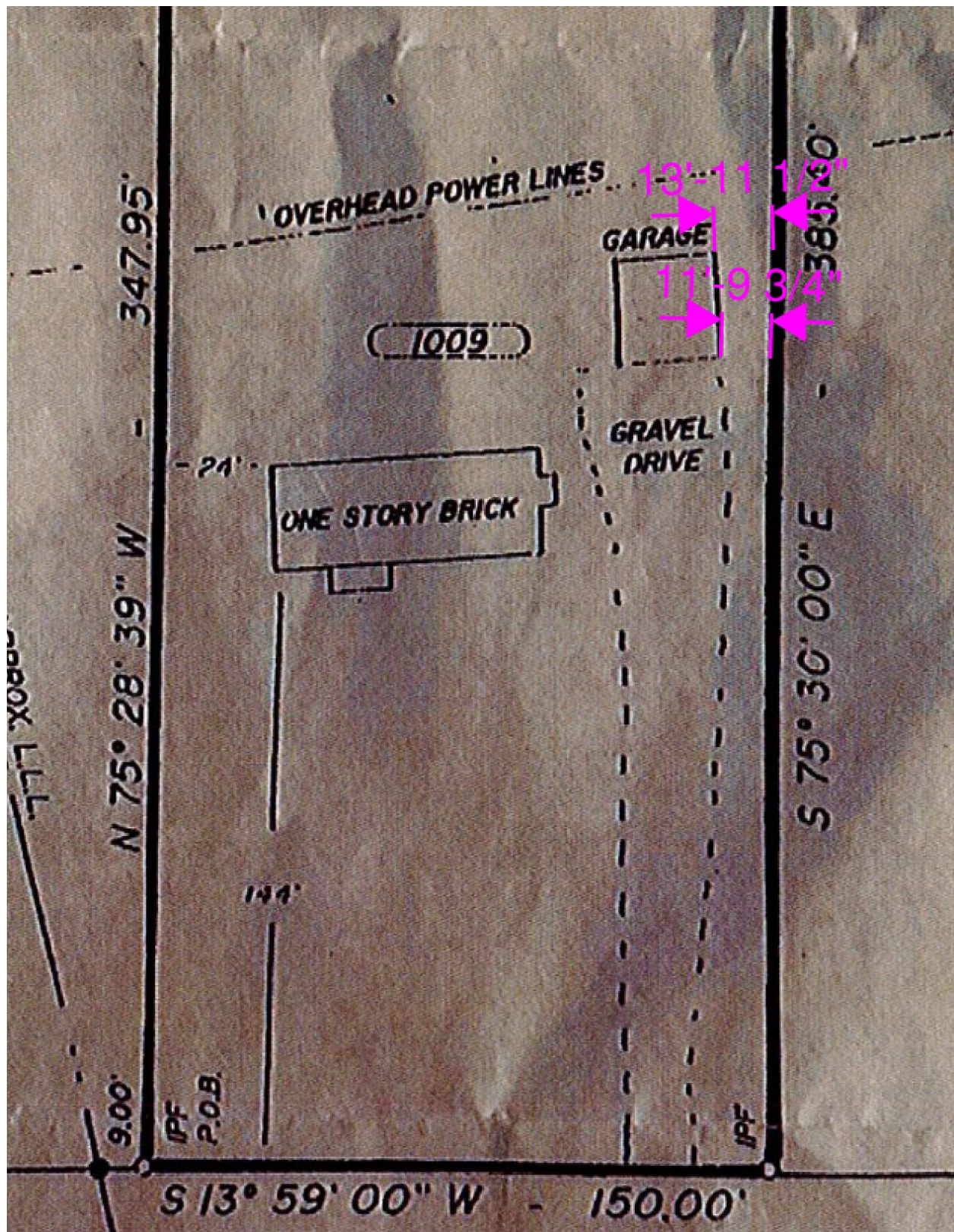








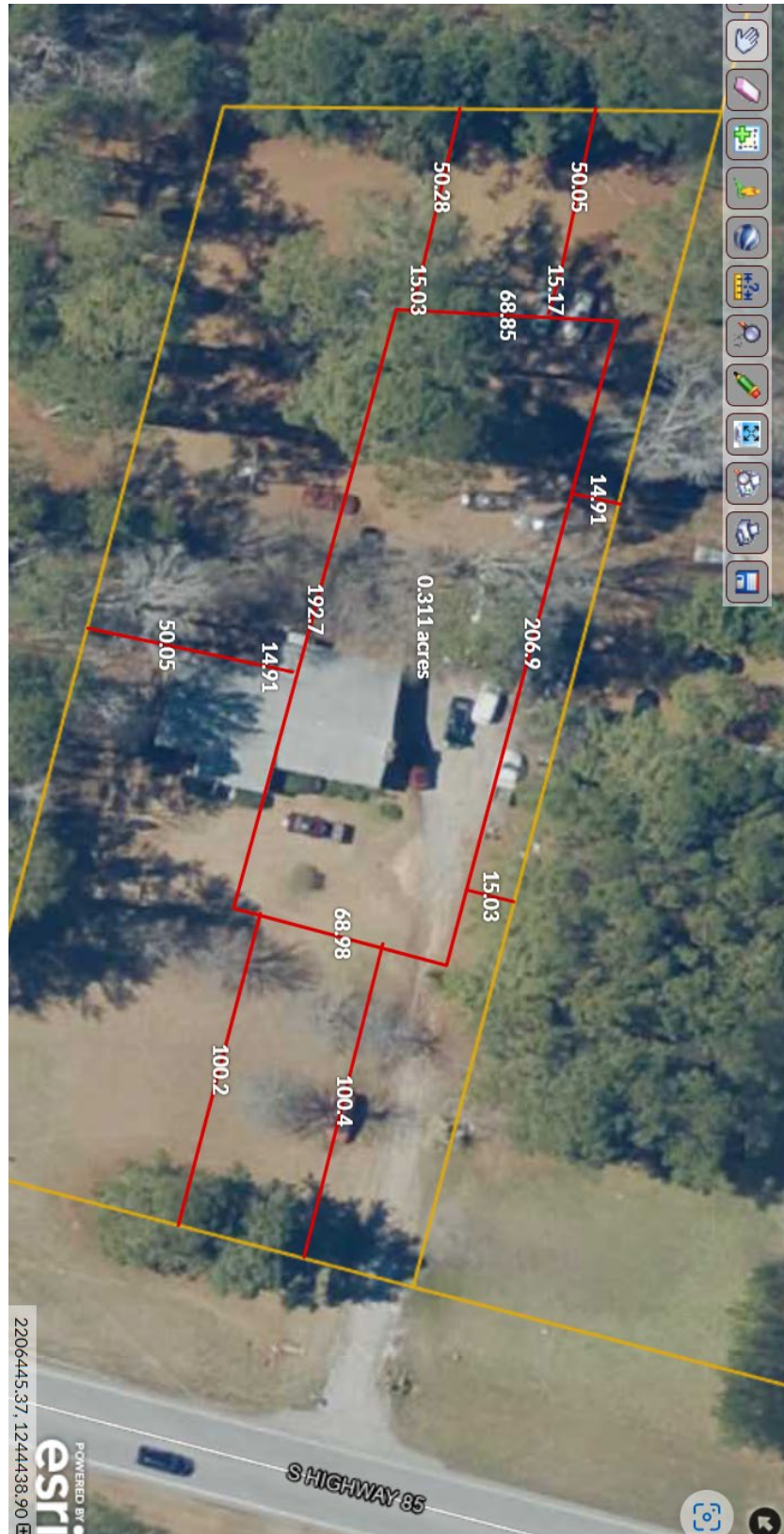
SURVEY



APPROXIMATE DISTANCES OF GARAGE TO PROPERTY LINE



Orange-shaded area shows required buffer and setback areas.
Approximate developable area is 0.31 acres.



APPROXIMATE SETBACKS AND BUFFERS
Buildable Area = 0.31 acres

BOARD MEMBERS

John Kruzan
John H. Culbreth, Sr.
Danny England
Jim Oliver

STAFF

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

**AGENDA OF ACTIONS
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
January 04, 2024
7:00 pm**

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
Danny England made a motion to approve the January 4th Agenda. John Culbreth seconded the motion. The motion passed 4-0. Arnold Martin submitted a letter of resignation as a board member for the Planning Commission on January 3, 2024, and therefore was not present.
4. Consideration of the Minutes of the meeting held on December 7, 2023.
John Culbreth made a motion to approve the minutes of the meeting held on December 7, 2023. Danny England seconded the motion. The motion passed 4-0.
5. Election of the Chairman.
Jim Oliver made the motion to elect John Culbreth, Sr. as the Chairman of the Planning Commission. Danny England seconded the motion. The motion passed 4-0.
6. Election of the Vice-Chairman.
Jim Oliver made the motion to elect John Kruzan as the Vice Chairman of the Planning Commission. John Culbreth seconded the motion. The motion passed 4-0.
7. Election of the Secretary.
Jim Oliver made the motion to elect Christina Barker as the Secretary of the Planning Commission. Danny England seconded the motion. The motion passed 4-0.

PUBLIC HEARING

8. Petition No. 1336-23 –Applicant proposes to rezone 1.3 acres from A-R to C-H for the purposes of developing commercial uses.

Jim Oliver made a motion to approve Petition No. 1336-23 subject to conditions. Danny England seconded the motion subject conditions. The motion passed, subject to conditions, 4-0. The conditions are as follows:

Staff recommends the following CONDITIONS:

- 1. The residential structures, primary and accessory, on the property shall be demolished within 180 days of approval of the rezoning.*
- 2. A site plan and appropriate permits are required before any commercial uses may be conducted on the property.*
- 3. A GDOT-approved commercial driveway is required before any commercial uses may be conducted on the property.*

9. Petition No. 1337-23 - Applicant proposes to rezone 2.40 acres from A-R to R-20 for the purposes of continuing a single-family home and accessory structures.

Danny England made a motion to approve Petition No. 1337-23 subject to conditions. John Kruzan seconded the motion.

RECOMMENDED CONDITIONS

- 1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet right of way as measured from the existing centerline of Hilo Road.*
- 2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.*
- 3. The existing driveway on the western side of the property that connects to the neighboring property shall be removed due to noncompliance with sight distance prior to building permit issuance.*

Meeting Minutes 1/04/24

THE FAYETTE COUNTY PLANNING COMMISSION met on January 04, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
Danny England made a motion to approve the January 4th Agenda. John Culbreth seconded the motion. The motion passed 4-0. Arnold Martin submitted a letter of resignation as a board member for the Planning Commission on January 3, 2024, and therefore was not present.
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7. Election of the Secretary.
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PUBLIC HEARING

8. Petition No. 1336-23 –Applicant proposes to rezone 1.3 acres from A-R to C-H for the purposes of developing commercial uses.

Deborah Bell states, “That since we don’t have a full board present as Christina mentioned, you have the option to table this until the following month. Ms. Bell asks petitioner if they would like to continue or table this petition. Ms. Bell states we have a quorum, but not a full board they have the option to table.”

Jim Culbreth makes a point of inquiry, “We have a full board in lieu of the fact that we’ve had a member resign, is that correct?”

Bell, “Ok.”

Danny England, “This is as full as we are going to get right now.”

Jim Oliver, “We are a board of four now.”

Deborah Bell presents the staff report for Petition No. 1336-23 which is a request to rezone the above parcel from A-R to C-H. The applicant proposes to rezone 1.3 acres from A-R to C-H for the purpose of developing commercial uses. As defined in the Fayette County Comprehensive Plan, property is designated for low-density residential at one unit per one acre. Therefore, the request for rezoning to C-H is not appropriate. Based on the investigation and staff analysis staff recommends denial of the request simply based on the land use plan. If the request is approved, staff recommends the following conditions:

Staff recommends the following CONDITIONS:

1. The residential structures, primary and accessory, on the property shall be demolished within 90 days of approval of the rezoning.
2. A site plan and appropriate permits are required before any commercial uses may be conducted on the property.
3. A GDOT-approved commercial driveway is required before any commercial uses may be conducted on the property.

The petitioner, Sheffey Cochran, states that the reason they are requesting the property be rezoned is that because everything around the property is zoned commercial. We have a storage unit next to us, next to them is a flooring company, and then a gas station. The other side of the property is where the trading place used to be. When you go down Hwy 85, there are a lot of properties getting rezoned commercial also, so we were trying to get it zoned commercial and have the building there and sell it with the building, not with blank land. The petitioner offers to get a new plat with the property shown if needed, and her buyer bought the old Stinchcomb Property, so we just want to get it zoned commercial because we think it is a better use.

John Culbreth asks if anyone else would like to speak on behalf of the petitioner or if anyone is against the proposed rezoning. Are there any questions?

Danny England asks, “So the property adjacent to you to the South. What is that parcel currently? There is a house on that one as well.”

Sheffey Cochran, “Yes.”

Danny England, “But that one is not occupied?”

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January 4, 2024
PC Meeting

Sheffey Cochran, "There are people living there because I sold them that house. We bought two houses with it and then I bought a house."

Danny England, "That property was one house and then further south we have the lake with the Stinchcomb house, part of Luis' development, the old Trading Post. I think this is one of those funny properties because you literally draw a line on the map and say commercial/residential. Sometimes we are able to use a road, a body of water, or a power line to make that transition from commercial to residential, but here it is literally you are in the commercial or you are not. You just happen to be the test case for should this be commercial or not."

Jim Oliver, "If this were to be commercial have you looked at all your setbacks? Do you have a use for it? Do you have an end user?"

Sheffey Cochran, "I spoke to the storage unit because they already have a list of people who want to rent the units. He said he might be willing if I can get it zoned commercial because he owns the property next to me."

Jim Oliver, "Did you look over the list of conditions? Do you have a copy?"

Sheffey Cochran stated she did.

Jim Oliver, "We are a recommending body, so you will be going before the Board of Commissioners. If you get a favorable response from the board. Are you comfortable with the condition that you will remove the structure within 90 days?"

Sheffey Cochran states, "We would rather not remove it. We would rather whoever uses it as commercial or remove it themselves."

Bell shows a current survey of the property. She states, "These buildings encroach on the current setbacks, and they would also encroach on the setbacks if zoned C-H. So, they are non-conforming structures. So, this diagram shows what the buffers and setbacks would be on the property, and they would definitely be encroaching on the buffers and setbacks if rezoned to C-H. This area on the interior of this box is about the only part of the property that is not located in a buffer or setback. It's a small parcel and for that reason, staff is recommending the demolition of existing structures."

Danny England, "And to be clear the setbacks you have shown on this diagram are the commercial setbacks."

Bell, "Yes, they are commercial setbacks and they do encroach on the residential setbacks. They may or may not be legal non-conforming, we did not investigate that."

Danny England, "Well, the house has been there forever."

Jim Oliver, "Have you thought about if you get approved, you have to go tear the house down within 90 days."

Sheffey Cochran, "Yes, well, it may cost more to tear it down than our return because it is a brick house."

Jim Oliver, "Well, I hate to state the obvious, but what do you want to do? We are a recommending body, I guess you can take our recommendation or leave it. I guess that would give you time to think about what you want to do. You have to think about now we have to tear it down and is that what you want to do? I want to make sure you are clear on that."

Danny England, "Actually the better statement is not what you want to do but are you willing to do it? If that is a stipulation to approval, you don't really have any choice."

John Culbreth, "You said yes you are willing to tear it down or no you are not?"

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PC Meeting

Sheffey Cochran, "Yes, we are willing to tear it down, we just will have to figure it out."

John Culbreth, "Is the issue 90 days?"

Sheffey Cochran, "Yes."

John Culbreth asked the staff why 90 days?

Deborah Bell stated, "We generally set some time of deadline, so we have a goal. And something like a demolition does not take long to permit. It is a quick item to permit. Because the driveway is nonconforming. The driveway is nonconforming, so that is a reason to not allow a commercial development within existing structures."

Jim Oliver, "You understand you are also putting on there a GDOT approval. That may take 6 months."

Deborah Bell, "That would be part of any new development process to get GDOT approval process to get the approval, but the demolition of the non-conforming structures is what we wanted to put a deadline on."

Sheffey Cochran states, "And we just remodeled the whole home. So why are they asking me to tear it down?"

Danny England, "Because if we don't put a stipulation on it, three years from now, one of us drives by and it is still up. That house that was supposed to be removed because it was nonconforming is still there. Now it becomes a legal issue with the county attorney and the Marshal's office. When you are asking for a rezoning, they have to amend it.

Especially when you are going from something like this from A-R to commercial, the only way for the county to know you are starting from scratch and this building will meet the intent of the new zoning is to remove everything on the property that doesn't meet that zoning, so, therefore, this house is a goner. So, you are not a special case, and it happens to everyone."

Sheffey, "So can we add to the home?"

Danny England, "No, not in this case. Your property is all over the setback. The existing structure has very little value as a commercial property. Unless you find someone, who wants to move right in there, like a chiropractor. The house should be removed and start fresh."

Jim Oliver, "You have time, you can pull your petition before this goes any further."

Sheffey, "Ok."

Jim Oliver made a motion to approve Petition No. 1336-23 subject to conditions.

Danny England seconded the motion subject conditions. The motion passed, subject to conditions, 4-0. The conditions are as follows:

Staff recommends the following CONDITIONS:

1. ***The residential structures, primary and accessory, on the property shall be demolished within 180 days of approval of the rezoning.***
 2. ***A site plan and appropriate permits are required before any commercial uses may be conducted on the property.***
 3. ***A GDOT-approved commercial driveway is required before any commercial uses may be conducted on the property.***
9. Petition No. 1337-23 - Applicant proposes to rezone 2.40 acres from A-R to R-20 for the purposes of continuing a single-family home and accessory structures.

Deborah Sims introduces the staff report for Petition No. 1337-23. This property was subdivided some time ago but after the November 13, 1980, timeframe so in order to build anything on it, it will need to come into compliance. It is not a legal nonconforming lot. So, this is just asking to zone it to R-20 which follows the Future Land Use Plan of Fayette County. It is also the same surrounding zoning in the area.

Jim Culbreth asks if the petitioner would like to present their case.

“Good evening, I am Nathan Dockery the G.C. for the petitioner. They are out of town for work, so I am here on their behalf. The short version is they bought two parcels, one with a house on it a long time ago and was torn down. It has an existing driveway on it. The other lot is also tiny. It is zoned A-R so technically this is a nonconforming lot. We are looking to combine the two lots into one lot so we can build a house. We are asking for the same zoning as the other lot. Nothing special.”

John Culbreth, “Is there anyone else in support of this petition?”

“Hello, my name is Dianne Herring and I live next door to the property. I am in favor. I have lived in my home for 38 years and I was just wondering about compliance as far as square footage of the house and how many structures can be on the property.”

Deborah Bell states, “As it is zoned now as A-R the minimum square footage is 1,200 square feet. The minimum square footage if rezoned is also 1,200 square feet. There would be allowed 2 accessory structures with a total footprint of 1,800 square feet. That is the standard allowance for any lot within the county.”

John Culbreth asks if anyone is in opposition. If not, we will bring it back to the board. Are there any questions or inquiries?

Nathan Dockery states, “Someone named Christian or Chris called him and said they didn’t want him moving the existing driveway that it had the best site distance on the property and because it was on a curve, and he wanted us to try to use that, so he said we didn’t need to do a driveway inspection at this time.”

Deborah Bell states, “So Christian Smith does the driveway inspections, and Chris Stanley is the reviewer. Typically, Chris and Christian review these. If I may suggest that for the present, you approve the conditions as presented and between now and the Board of Commissioners meeting, I will follow up with Chris and Christian and we will get some clarification on which driveway they would like for you to retain and which one they would like for you to remove.”

Nathan Dockery, “And if we can abandon that one and shift it over 50 feet, that is how our site plan was drawn. So, we love the new location, but we are fine. We will work through that with you guys.”

Danny England asked, “Nathan are you fine with the other two conditions?”

Nathan, “Yes, that’s fine.”

Danny England made a motion to approve Petition No. 1337-23 subject to conditions. John Kruzan seconded the motion.

RECOMMENDED CONDITIONS

1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet right of way as measured from the existing centerline of Hilo Road.

Page 6
January 4, 2024
PC Meeting

- 2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.*
- 3. The existing driveway on the western side of the property that connects to the neighboring property shall be removed due to noncompliance with sight distance prior to building permit issuance.*

ADJOURNMENT:

Danny England moved to adjourn the meeting. John Kruzan seconded. The motion passed 4-0.

The meeting adjourned at 7:31 p.m.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

JOHN CULBRETH, SR.
CHAIRMAN

ATTEST:

CHRISTINA BARKER
PLANNING COMMISSION SECRETARY

PLANNING COMMISSION RECOMMENDATION**DATE:** January 4, 2024**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1336-23, the application of Andres F. Gallo, Savanna Gallo, Curtis Thomas, Sheffy Cochran to rezone 1.3 acres from A-R to C-H, be:

4-0 ~~X~~ Approved _____ Withdrawn _____ Denied _____


_____ Tabled until _____

~~X~~ Approved with Conditions as amended _____

- | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> 1. The residential structures, primary and accessory, on the property shall be demolished within <u>180</u> 90 days of approval of the rezoning. 2. A site plan and appropriate permits are required before any commercial uses may be conducted on the property. 3. A GDOT-approved commercial driveway is required before any commercial uses may be conducted on the property. |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|


This is forwarded to you for final action.


JIM OLIVER, CHAIRMAN


JOHN H. CULBRETH, SR., VICE-CHAIRMAN

ARNOLD L. MARTIN III


DANNY ENGLAND


JOHN J. KRUZAN

Remarks:

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION**NO. 1336-23**

WHEREAS, Andres F. Gallo, Savanna Gallo, Curtis Thomas, Sheffy Cochran, having come before the Fayette County Planning Commission on January 4, 2024, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

WHEREAS, said request being as follows: Request to rezone 1.3 acres from A-R to C-H for the purposes of developing commercial uses, in the area of GA Hwy 85 South, Land Lot 69 & 70 of the 5th District; and

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

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

1. The residential structures, primary and accessory, on the property shall be demolished within ¹⁸⁰~~90~~ days of approval of the rezoning.
2. A site plan and appropriate permits are required before any commercial uses may be conducted on the property.
3. A GDOT-approved commercial driveway is required before any commercial uses may be conducted on the property.

This decision is based on the following reasons:

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

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:


DEBORAH BELL
PLANNING & ZONING DIRECTOR


JIM OLIVER, CHAIRMAN

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

PROPERTY INFORMATION:

Parcel No. 0510 024 Acreage: 1.3
 Land Lot: 69 ÷ 70 Land District: 5TH
 Address: 1009 Hwy 85S
 Existing Zoning: A-R Requested Zoning: C-H
 Zoning of Surrounding Properties: C-H, R-50, A-R : City of Fayetteville.
 Existing Use: A-R Proposed Use: C-H
 Total Number of Acres Requested to be Rezoned: 1.3
 Land Use Plan Designation: COMMERCIAL
 Name and Type of Access Road: STATE HIGHWAY
 Location of Nearest Water Line: Hwy 85

PROPERTY OWNER INFORMATION

ANDRES FELIPE GALLO, SAVANNA GALLO,
 Name CURTIS RYAN THOMAS & SHEFFY COCHRAN **AGENT/DEV**
 (If not owner)
 Email _____ Name _____
 Address 100 Mackenzie Ln. 30214 Address _____
 Phone _____ Phone _____

110 Mackenzie
Lane
Fayetteville
GA 30214

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: 1336-23

[] Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

[✓] Application and all required supporting documentation is Sufficient and Complete

by Staff: Debra M. Smith Date: 10/25/2023

DATE OF PLANNING COMMISSION HEARING: January 4, 2024

DATE OF COUNTY COMMISSIONERS HEARING: January 25, 2024

Received from Savanna M. Gallo a check in the amount of \$ 250.00 for application filing fee, and \$ 50.00 for deposit on frame for public hearing sign(s).

Date Paid: 10/25/2023 Receipt Number: 19475

Rezoning Application, Fayette County, GA

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:

ANDRES FELIPE GALLO, SAVANNA GALLO, CURTIS RYAN THOMAS & STEFFEN COCHRAN
Please Print NamesProperty Tax Identification Number(s) of Subject Property: 0510 024

(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) 69.70 of the 5th District, and (if applicable to more than one land district)Land Lot(s) _____ of the _____ District, and said property consists of a total of 1.3 acres

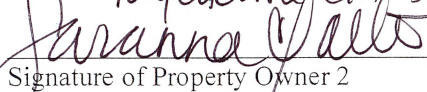
(legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to _____ 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.



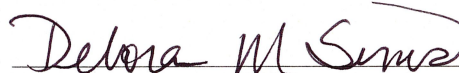
Signature of Property Owner 1

110 Mackenzie LaneAddress Fayetteville, GA 30214

Signature of Property Owner 2

110 Mackenzie LaneAddress Fayetteville, GA 30214

Signature of Property Owner 3

45 Grace HOPE CTAddress Schenoa, OR 97140_____
Signature of Authorized Agent_____
Address

Signature of Notary Public

10/13/2023

Date



Signature of Notary Public

10/13/2023

Date



Signature of Notary Public

10/13/2023

Date

Signature of Notary Public_____
Date

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

Page 64 of 195

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

ANDRES FELIPE GALLO, SAVANNA GALLO, CURTIS RYAN THOMAS & SHERREY COCHRAN
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0510 024

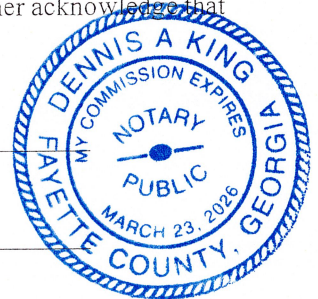
(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 69.70 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 1.3 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to _____ 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
45 Grace Hope Ct
Seneca Ga 30276
Address

[Signature]
Signature of Notary Public
SEP 12, 2023
Date



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

770-598-0819
shetley12@gmail.com

OWNER'S AFFIDAVIT

NAME: Andres P. Gallo, Saranna Gallo, Curtis Pym Thomas PETITION NUMBER: ~~4334~~ 23
 ADDRESS: 1009 Hwy 85 S, Fayetteville, GA 30215

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

see above affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) 5th Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 300.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to _____.

This property includes: (check one of the following)

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

☐ Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 7th day of Dec., 20 23 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 11th day of Jan, 20 24 at 5:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 13th DAY OF October, 20 23.

Andres Gallo
SIGNATURE OF PROPERTY OWNER

Saranna Gallo
SIGNATURE OF PROPERTY OWNER

Deborah M Sims
NOTARY PUBLIC

My Commission Expires 01/08/2027
 Coweta County, GEORGIA
 NOTARY PUBLIC
 Deborah M Sims

OWNER'S AFFIDAVIT

NAME: Shelley Cochran PETITION NUMBER: 1334-23ADDRESS: \$5 1009 Hwy 855 Fayetteville 30276

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

Shelley Cochran affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) 5th Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 300.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to _____.

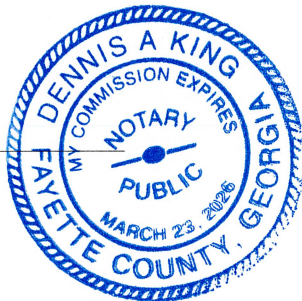
This property includes: (check one of the following)

☒ See attached legal description on recorded deed for subject property or☐ Legal description for subject property is as follows:PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 7th day of Dec., 20 23 at 7:00 P.M.PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 11th day of Jan, 20 24 at 5:00 P.M.SWORN TO AND SUBSCRIBED BEFORE ME THIS 12th DAY OF SEP., 20 23

Shelley Cochran
SIGNATURE OF PROPERTY OWNER

N/A
SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Adres Gallo, Savanna Gallo, Curtis Ryan Thomas, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, _____ feet of right-of-way along 1009 Hwy 85 S Fayetteville GA 30215 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 13th day of October, 20 23.

Adres Gallo

SIGNATURE OF PROPERTY OWNER

Savanna Gallo

SIGNATURE OF PROPERTY OWNER

Deborah M Sims

NOTARY PUBLIC

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

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

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

Local Street (Minor Thoroughfare)	60-foot right-of-way (30' measured from each side of road centerline)
Collector Street (Major Thoroughfare)	80-foot right-of-way (40' measured from each side of road centerline)
Arterial Street (Major Thoroughfare)	100-foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 16th day of October, 2023.

Shelley Cochran
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Deborah M Sims
NOTARY PUBLIC

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027

DISCLOSURE STATEMENT

(Please check one)

Campaign contributions: ☒ No ☐ Yes (see attached disclosure report)

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

Christina Barker

From: sheffey cochran <sheffey12@gmail.com>
Sent: Monday, October 16, 2023 4:22 PM
To: Planning & Zoning
Subject: 1009 Hwy 85 s Fayetteville 30215

You don't often get email from sheffey12@gmail.com. [Learn why this is important](#)

External Email Be cautious of sender, content, and links

Letter of intent

To whom it may concern

The current property is residential. I would like it to be rezoned due to the fact most of the properties next to my home are commercial and also a large storage unit facility.

Regards

Sheffey
Your Real Estate Expert

Return to:

EDGE & KIMBELL LAW, LLC

503 Commerce Drive
Peachtree City, GA 30269

File No.: PTC-22-2763

Parcel ID: 0510 024

Type: WD

Recorded: 4/4/2022 3:26:00 PM

Fee Amt: \$25.00 Page 1 of 3

Transfer Tax: \$0.00

Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID(s): 9035938284,
7067927936

BK 5475 PG 550 - 552

WARRANTY DEED

STATE OF GEORGIA, COUNTY OF FAYETTE

THIS INDENTURE, Made the 29th day of March, 2022 between

Andres Felipe Gallo and Curtis Ryan Thomas,

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

Andres Felipe Gallo and Curtis Ryan Thomas, Savanna Gallo and Sheffey Cochran,
as Tenants in Common

as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100 Dollars (\$10.00)** AND OTHER VALUABLE CONSIDERATION, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, convey and confirm unto the said Grantees, all that tract or parcel of land:

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

commonly known as **1009 Highway 85, Fayetteville, GA 30215**

SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoove of the said Grantees 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 Grantees against the claims of all persons owning whomsoever.

Limited Warranty Deed

File No.: PTC-22-2763

Page 1 of 3

Book: 5475 Page: 550 Seq: 1

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

Signed, sealed and delivered in the presence of:

Elise Kimbell
UNOFFICIAL WITNESS

Andres Felipe Gallo (SEAL)
Andres Felipe Gallo

Curtis Ryan Thomas (SEAL)
Curtis Ryan Thomas

[Signature]
Notary Public
My Commission Expires:
SEAL:

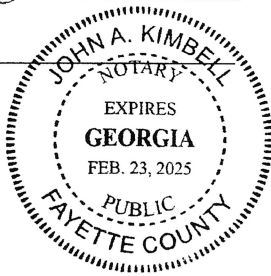


EXHIBIT "A"
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 69, 5th District, Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the northwesterly side of State Highway No. 85 (Having a 130 foot right of way), nine (9) feet northeasterly from the intersection of the northwesterly side of State Highway No. 85 with the south line of said Land Lot 69; running thence north 13 degrees 59 minutes east along the northwesterly side of State Highway No. 85 a distance of one hundred fifty (150) feet to an iron pin, running thence north 75 degrees 30 minutes west a distance of three hundred eighty-five and four-tenths (385.4) feet to an iron pin; running thence south 00 degrees 01 minute east a distance of one hundred fifty-four and eight-tenths (154.8) feet to an iron pin; running thence south 75 degrees 30 minutes east a distance of three hundred forty— eight (348) feet to an iron pin on the northwesterly side of State Highway No. 85 and the POINT OF BEGINNING, being improved property with a house located thereon, all as shown on survey prepared by Lee Engineering Co., dated March 28, 1975.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

Being the same property as conveyed from Dave C. Lee and Cheryl S. Lee to Cheryl Smith Lee at Deed Book 4370 Page 86; and Dave C. Lee and Cheryl S. Lee to 1009 Hwy 85 LLC at Deed Book 4137 Page 571; and Mickey J. Edwards to Cheryl S. Lee as Trustee of the Cheryl S. Lee Trust Dated 9/6/1991 at Deed Book 2346, Page 662; and Lanny M. Copeland AKA L. M. Copeland to Mickey J. Edwards at Deed Book 945, Page 629; and Karen A. Copeland to Lanny M. Copeland AKA L. M. Copeland at Deed Book 931, Page 501; and Lanny Michael Copeland to Karen A. Copeland at Deed Book 609, Page 142; and Sandra Stinchcomb Barge to L. M. Copeland and Karen Copeland at Deed Book 247, Page 22; and Geraldine A. Stinchcomb to Sandra Stinchcomb Barge at Deed Book 138, Page 654; and Hugh Gerald Stinchcomb Executor of the Last Will & Testament of Hugh M. Stinchcomb to Sandra Stinchcomb Barge at Deed Book 138, Page 63.

PARCEL#: 0510 024

Wednesday, December 20, 2023

B4 Fayette County News

**PETITION FOR REZONING
CERTAIN PROPERTIES IN
UNINCORPORATED AREAS OF
FAYETTE COUNTY, GEORGIA**

PUBLIC HEARING to be held before the Fayette County Planning Commission on Thursday, January 4, 2024, at 7:00 P.M., and before the Fayette County Board of Commissioners on Thursday, January 25, 2024, at 5:00 P.M., in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No.: 1336-23
Owner/Agent: Andres Felipe Gallo,
Savanna Gallo, Curtis Ryan Thomas

& Sheffey Cochran

Existing Zoning District: A-R

Proposed Zoning District: C-H

Parcel Number: 0510024

Area of Property: 1.3 acres

Proposed Use: C-H

Land Lot(s)/District: 69 & 70 of the
5th District

Fronts on: Hwy. 85 S

Legal Description:

EXHIBIT "A"

LEGAL DESCRIPTION

All that tract or parcel of land lying
and being in Land Lot 69, 5th District,
Fayette County,
Georgia, and being more particularly
described as follows:

BEGINNING at an iron pin on the
northwesterly side of State Highway
No. 85 (Having a 130 foot right
of way), nine (9) feet northeasterly
from the intersection of the north-
westerly side of State Highway No.
85 with the south line of said Land
Lot 69; running thence north 13
degrees 59 minutes east along the
northwesterly side of State Highway
No. 85 a distance of one hundred
fifty (150) feet to an iron pin,
running thence

north 75 degrees 30 minutes west
a distance of three hundred eighty-
five and four-tenths

(385.4) feet to an iron pin; running
thence south 00 degrees 01 minute
east a distance of

one hundred fifty-four and eight-
tenths (154.8) feet to an iron pin;
running thence south

75 degrees 30 minutes east a distance
of three hundred forty-eight
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pin on the northwesterly side of
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POINT OF BEGINNING,

being improved property with a
house located thereon, all as shown
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by Lee Engineering Co., dated
March 28, 1975.

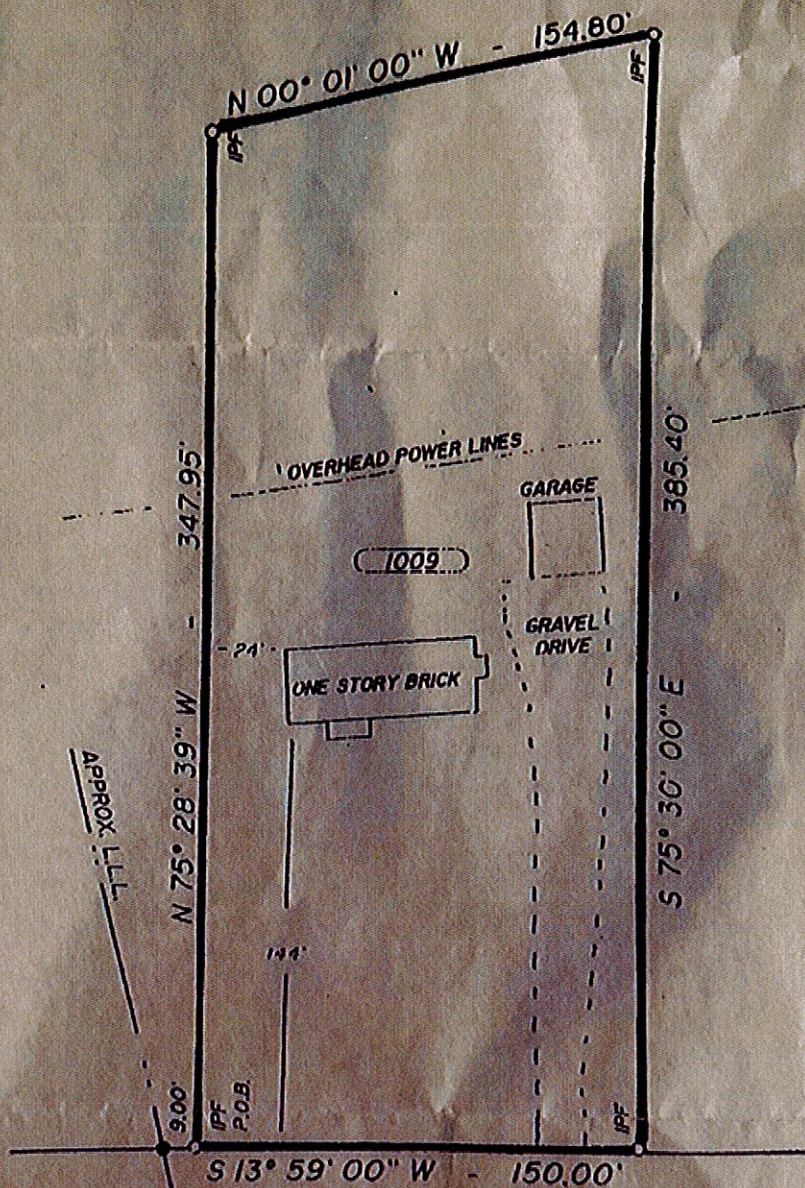
THIS CONVEYANCE is made subject
to all zoning ordinances, easements
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of record affecting said bargained
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Being the same property as conveyed
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Edwards to Cheryl S. Lee as Trustee of
the Cheryl S. Lee Trust Dated 9/6/1991
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to Karen A. Copeland at Deed Book
609, Page 142; and Sandra Stinchcomb
Barge to L. M. Copeland and
Karen Copeland at Deed Book 247,
Page 22; and Geraldine A. Stinchcomb
to Sandra Stinchcomb Barge at Deed
Book 138, Page 654; and Hugh Gerald
Stinchcomb Executor of the Last Will &
Testament of Hugh M. Stinchcomb to
Sandra Stinchcomb Barge at Deed Book
138, Page 63.

PARCEL#: 0510 024

12/20



LEGEND

- IPF = IRON PIN FOUND
- IPS = IRON PIN SET
- R/W = RIGHT OF WAY
- MAG. = MAGNETIC
- P.O.B. = POINT OF BEGINNING
- = BUILDING LINE
- D.E. = DRAINAGE EASEMENT

IN MY OPINION, THIS PROPERTY DOES NOT
LIE WITHIN A 100 YEAR FLOOD PLAIN
ACCORDING TO THE LATEST F.I.R.M. FLOOD
PLAIN MAP.



GEORGIA STATE HIGHWAY 85
130' R/W

L.L. 60

L.L. 69



COUNTY AGENDA REQUEST

Page 76 of 195

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1337-23, Javier Torres Fernandez, owner; Nathan Dockery, agent, request to rezone 2.40 acres from A-R to R-20 for the purposes of building a single-family residence; property located in Land Lot 55 of the 5th District and fronts on Hilo Road.

Background/History/Details:

The property is a nonconforming lot due to the parcel size. Mr. Fernandez purchased the property, not realizing it was a nonconforming parcel. He wishes to rezone it so it will be a legal conforming lot and eligible for a building permit.

On January 4, 2024, the Planning Commission voted 4-0 to recommend CONDITIONAL APPROVAL, subject to the following conditions:

1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet right of way as measured from the existing centerline of Hilo Road.
2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.

(STAFF NOTE: Condition 3 related to driveway location was removed - the builder met with Environmental Management and the issue has been resolved)

The staff recommendation for this request is CONDITIONAL APPROVAL based upon the Fayette County Future Land Use Map. The Planning Commission recommended CONDITIONAL APPROVAL.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1337-23, Javier Torres Fernandez, owner; Nathan Dockery, agent, request to rezone 2.40 acres from A-R to R-20 for the purposes of building a single-family residence; property located in Land Lot 55 of the 5th District and fronts on Hilo Road with two (2) conditions.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

PETITION NO: 1337-23**REQUESTED ACTION:** Rezone from A-R to R-20**PARCEL NUMBER:** 0512 003**PROPOSED USE:** Single-Family Residential**EXISTING USE:** Single-Family Residential**LOCATION:** 482 Hilo Road**DISTRICT/LAND LOT(S):** 5th District, Land Lot 55**ACREAGE:** 2.40 acres**OWNERS:** Javier Torres Fernandez**AGENT:** Nathan Dockery**PLANNING COMMISSION PUBLIC HEARING:** January 4, 2024**BOARD OF COMMISSIONERS PUBLIC HEARING:** January 25, 2024**APPLICANT'S INTENT**

Applicant proposes to rezone 2.40 acres from A-R to R-20 for the purposes of constructing a single-family home and accessory structures.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Low Density Residential is designated for this area, so the request for A-R zoning is appropriate. Based on the Investigation and Staff Analysis, Staff recommends **APPROVAL** of the request for a zoning of R-20, Single-Family Residential District.

RECOMMENDED CONDITIONS

1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet right of way as measured from the existing centerline of Hilo Road.
2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.
3. ~~The existing driveway on the western side of the property that connects to the neighboring property shall be removed due to noncompliance with sight distance prior to building permit issuance.~~ [Staff note: This condition has been removed; the builder consulted with Environmental Management and driveway issue has been resolved. This resolution was discussed with the Planning Commission at the 1st hearing and they concurred that it would stay in their formal recommendation but might be resolved prior to the BOC meeting.]

INVESTIGATION**A. GENERAL PROPERTY INFORMATION**

The property is a nonconforming lot. This property is not located in an Overlay Zone.

B. REZONING HISTORY:

There is no record of a prior rezoning.

C. CURRENT DEVELOPMENT HISTORY:

The property is currently vacant land.

B. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned A-R, R-20, and R-40. See the following table and the attached Zoning Map.

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

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	1.0	A-R	Single Family Residential	Low Density Residential – 1 unit/ 1 acre
East	3.25	R-20	Single Family Residential	Low Density Residential – 1 unit/ 1 acre
South (across Hilo Rd)	1.0; 0.5	R-40; A-R	Single Family Residential	Low Density Residential – 1 unit/ 1 acre
West	1.94	A-R	Undeveloped forested land	Low Density Residential – 1 unit/ 1 acre

C. COMPREHENSIVE PLAN

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

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on Hilo Road.

Site Plan: The applicant submitted a survey for the property. They do propose adding a new single-family home.

E. DEPARTMENTAL COMMENTS

- ☐ **Water System** - Water is available on the North side of Hilo Road in a 10-inch PVC900 water main.

- ☐ **Public Works** – No objections. Please refer to recommended conditions.
- ☐ Traffic Data
 - Hilo Road is classified as a Minor Arterial and requires a 100' Right of Way per the Fayette County Thoroughfare Plan. The posted speed limit is 35 mph.
 - Sight Distance
 - There ARE sight distance issues on the west side of the property due to the existing geometry of Hilo Road to the west of the property.
- ☐ **Environmental Management** - No objections.
 - Floodplain Management -- The site DOES NOT contain floodplain per FEMA FIRM panel 13113C0116E dated September 26, 2008, and the FC 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 state waters located on the subject property per Fayette County GIS.
 - Groundwater -- The property IS NOT within a groundwater recharge area.
 - Post Construction Stormwater Management -- Single family home construction of existing lots does not apply.
- ☐ **Environmental Health Department** – Dept. has no objections to proposed rezoning from A-R to R-20. However, this office does not guarantee this lot will have suitable soils for the installation of an on-site sewage septic system. To determine the suitability, an application must submit an application to this office prior to building. These items must be submitted with the initial application: the applicable fee, a properly scaled Level 3 soil report that bears the original soil scientist's stamp and signature, a copy of the soil scientist's Certificate of Liability Insurance, a floor plan of the structure, a site plan sketch, and a plat of the property.
- ☐ **Fire** – No objections to the requested rezoning.
- ☐ **GDOT** – Not applicable, not on State Route.

STANDARDS

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

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

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

STAFF ANALYSIS

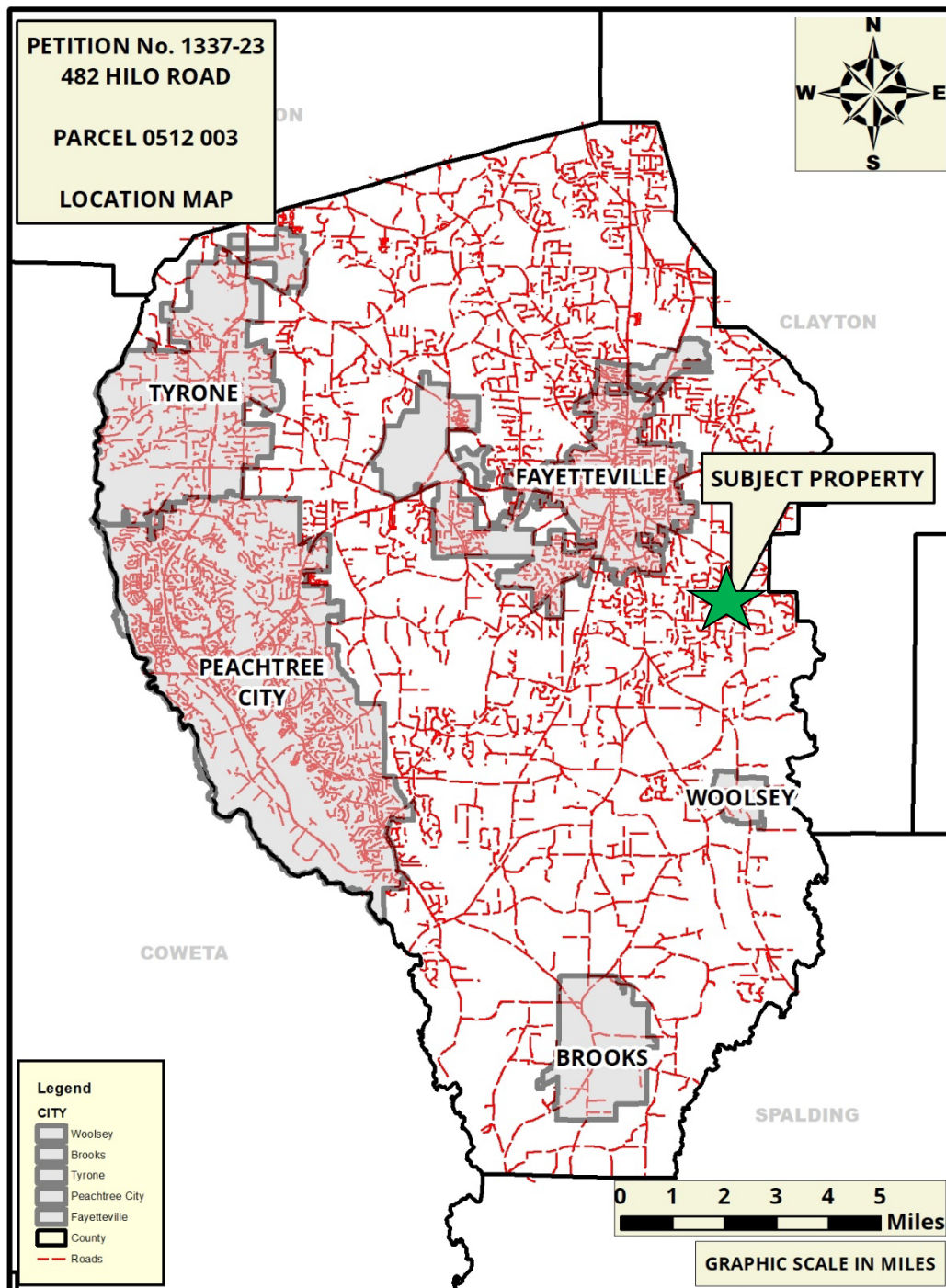
1. The subject property lies within an area designated for Low Density Residential Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use and proposed lot size.
2. The area around the subject property is an area that already has various residential and agricultural 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 agricultural and low density residential.

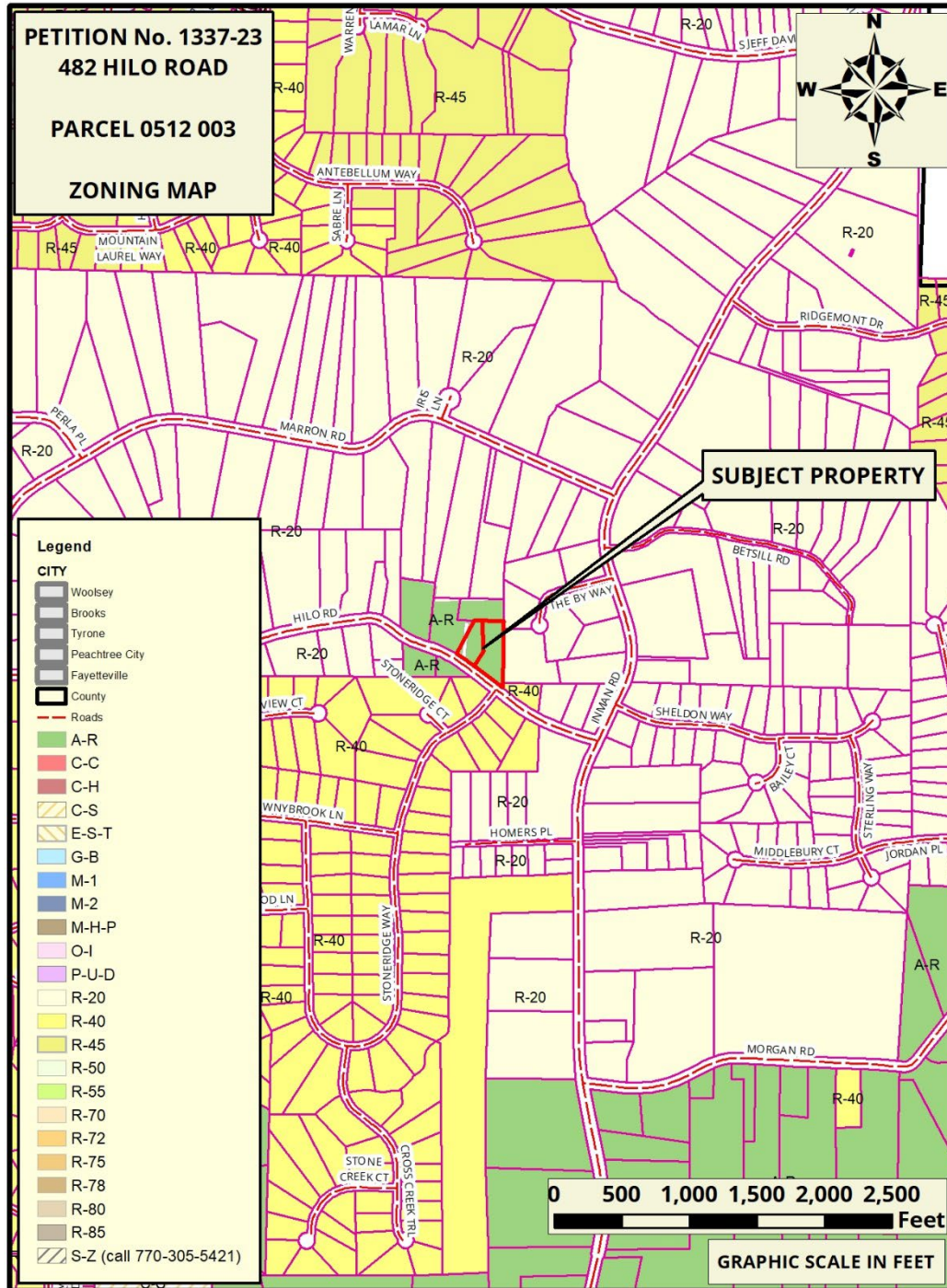
ZONING DISTRICT STANDARDS

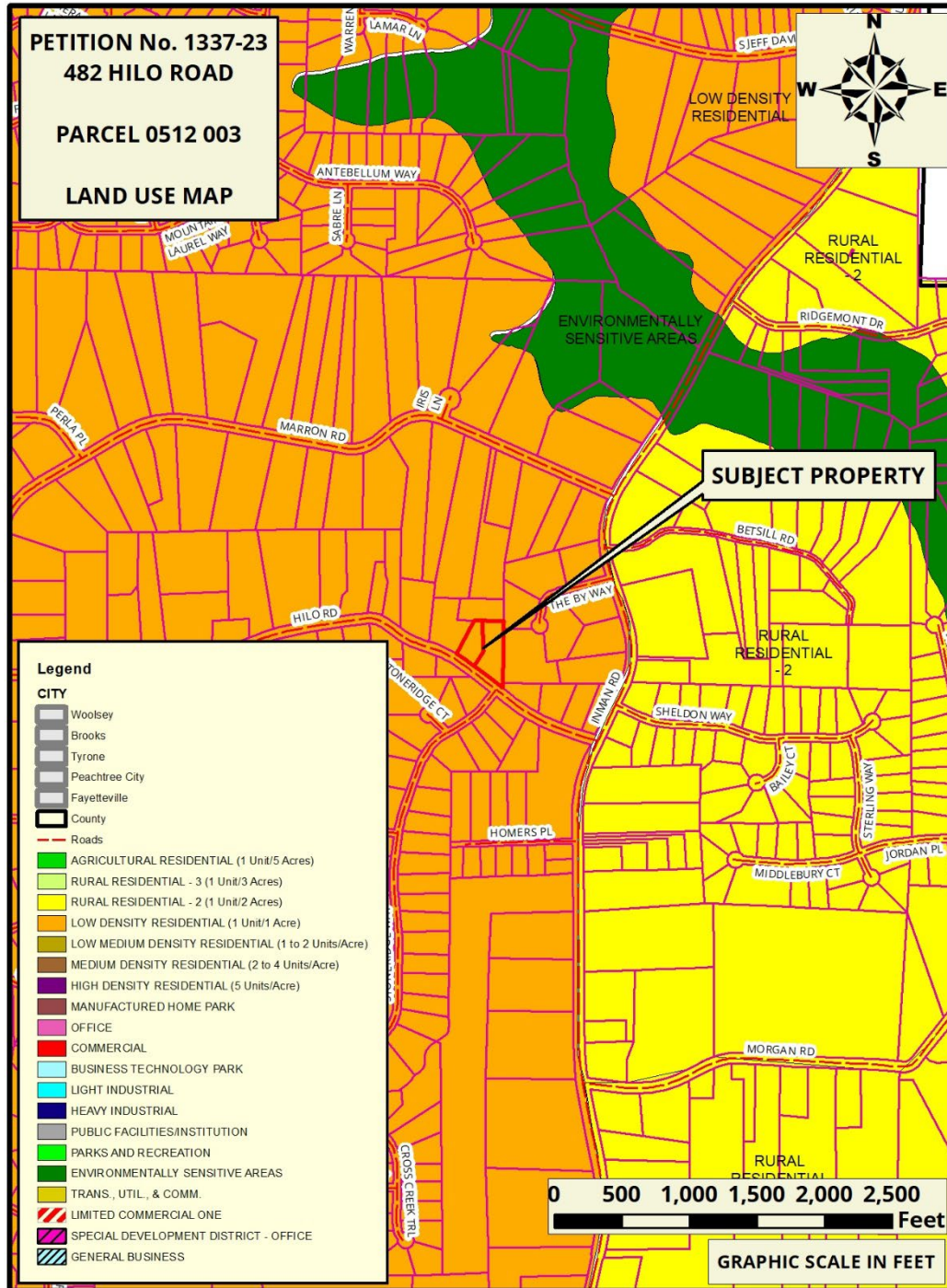
Sec. 110-138. R-20, Single-Family Residential District.

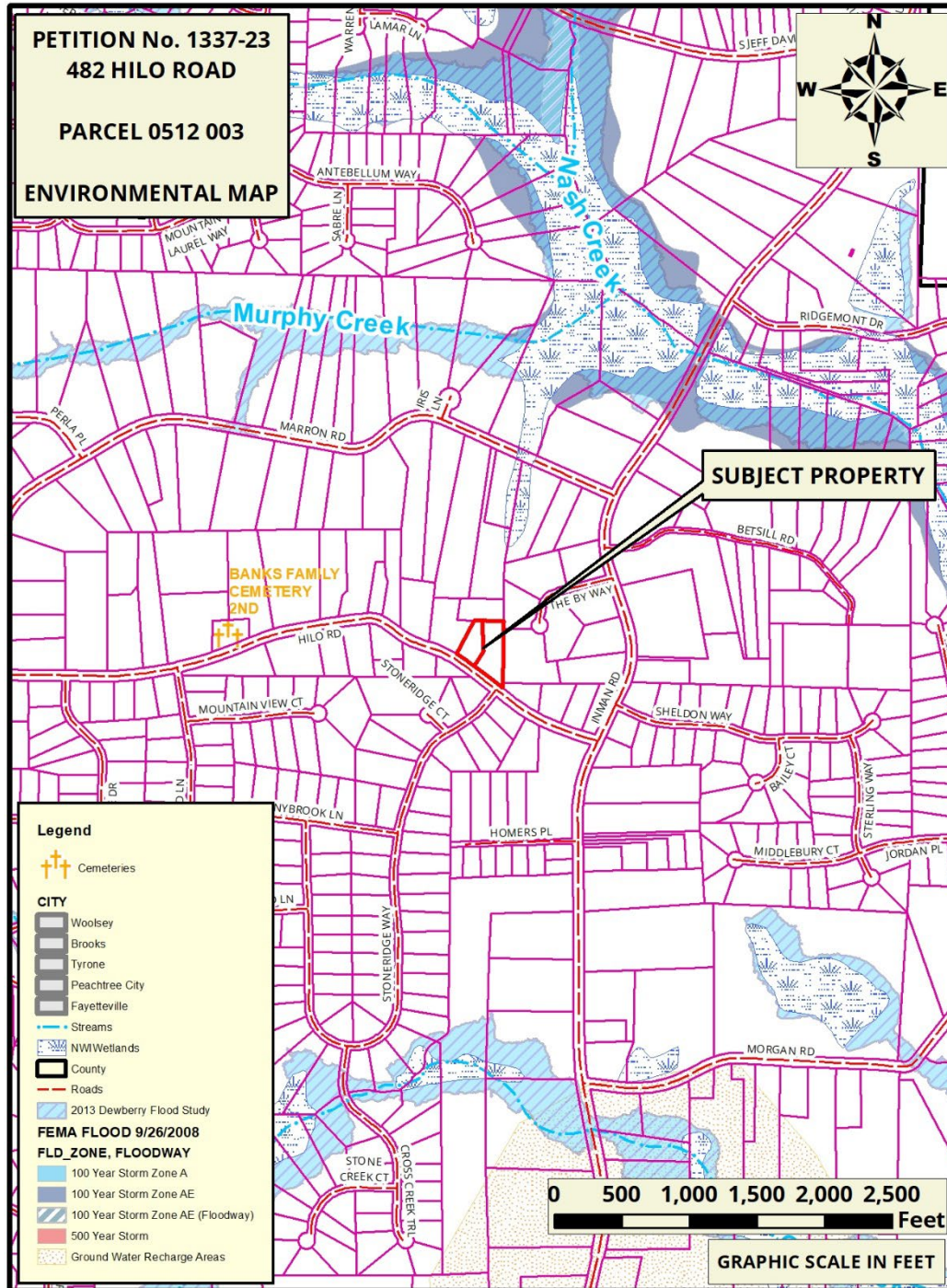
- (a) *Description of district.* This district is composed of certain lands and structures having a medium density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the R-20 zoning district:
 - (1) Single-family dwelling;
 - (2) Residential accessory structures and uses (see article III of this chapter); and
 - (3) Growing crops, gardens.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the R-20 zoning district provided that all conditions specified in article V of this chapter are met:
 - (1) Church and/or other place of worship;
 - (2) Developed residential recreational/amenity areas;
 - (3) Home occupation;

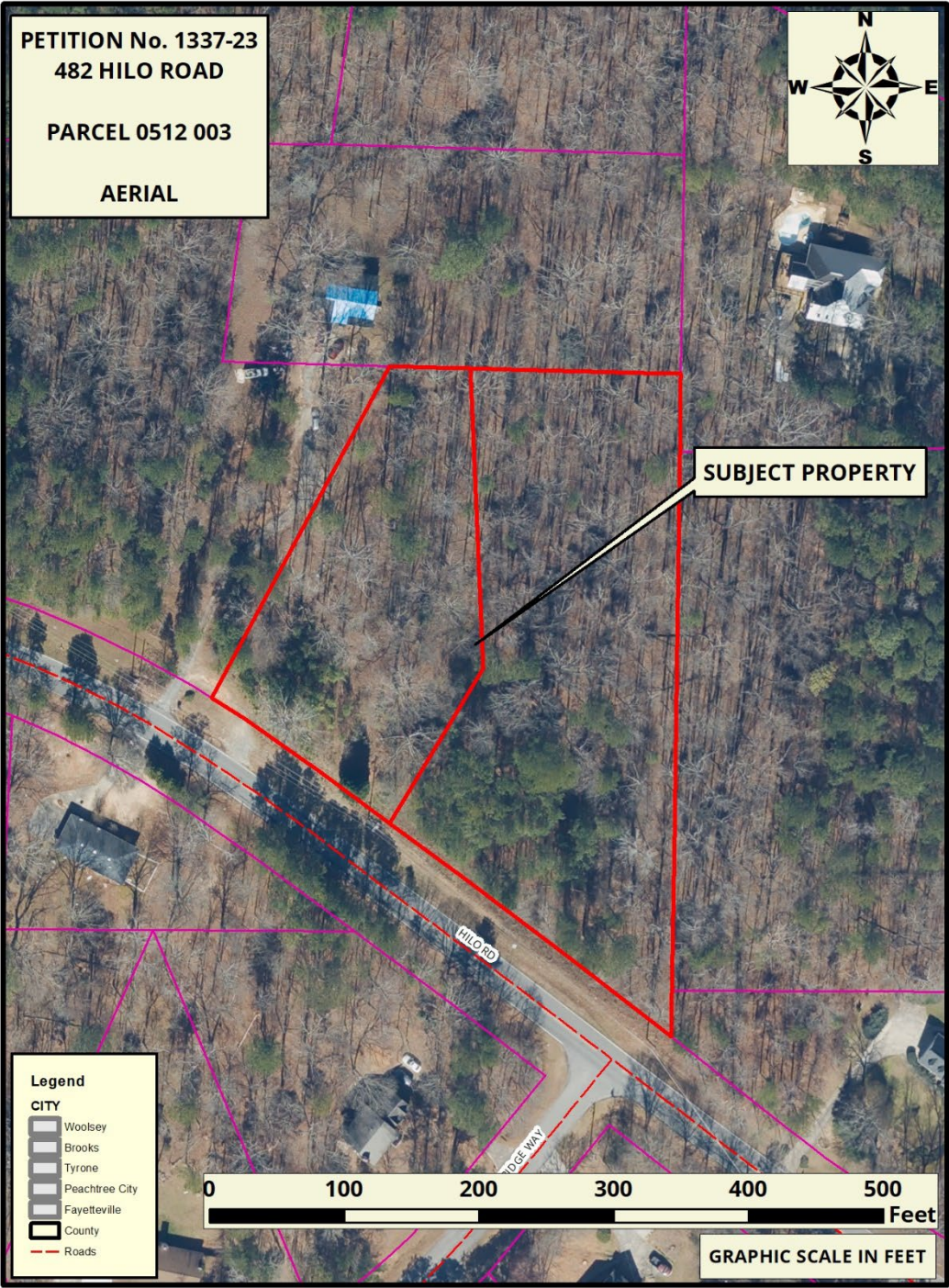
- (4) Horse quarters; and
 - (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the R-20 zoning district shall be as follows:
- (1) Lot area per dwelling unit:
 - a. Where a central sanitary sewage or a central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres).
 - (2) Lot width:
 - a. Major thoroughfare:
 - 1. Arterial: 150 feet.
 - 2. Collector: 150 feet.
 - b. Minor thoroughfare: 125 feet.
 - (3) Floor area: 1,200 square feet.
 - (4) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 60 feet.
 - 2. Collector: 60 feet.
 - b. Minor thoroughfare: 40 feet.
 - (5) Rear yard setback: 30 feet.
 - (6) Side yard setback: 15 feet.
 - (7) Height limit: 35 feet.
- (Code 1992, § 20-6-14; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)

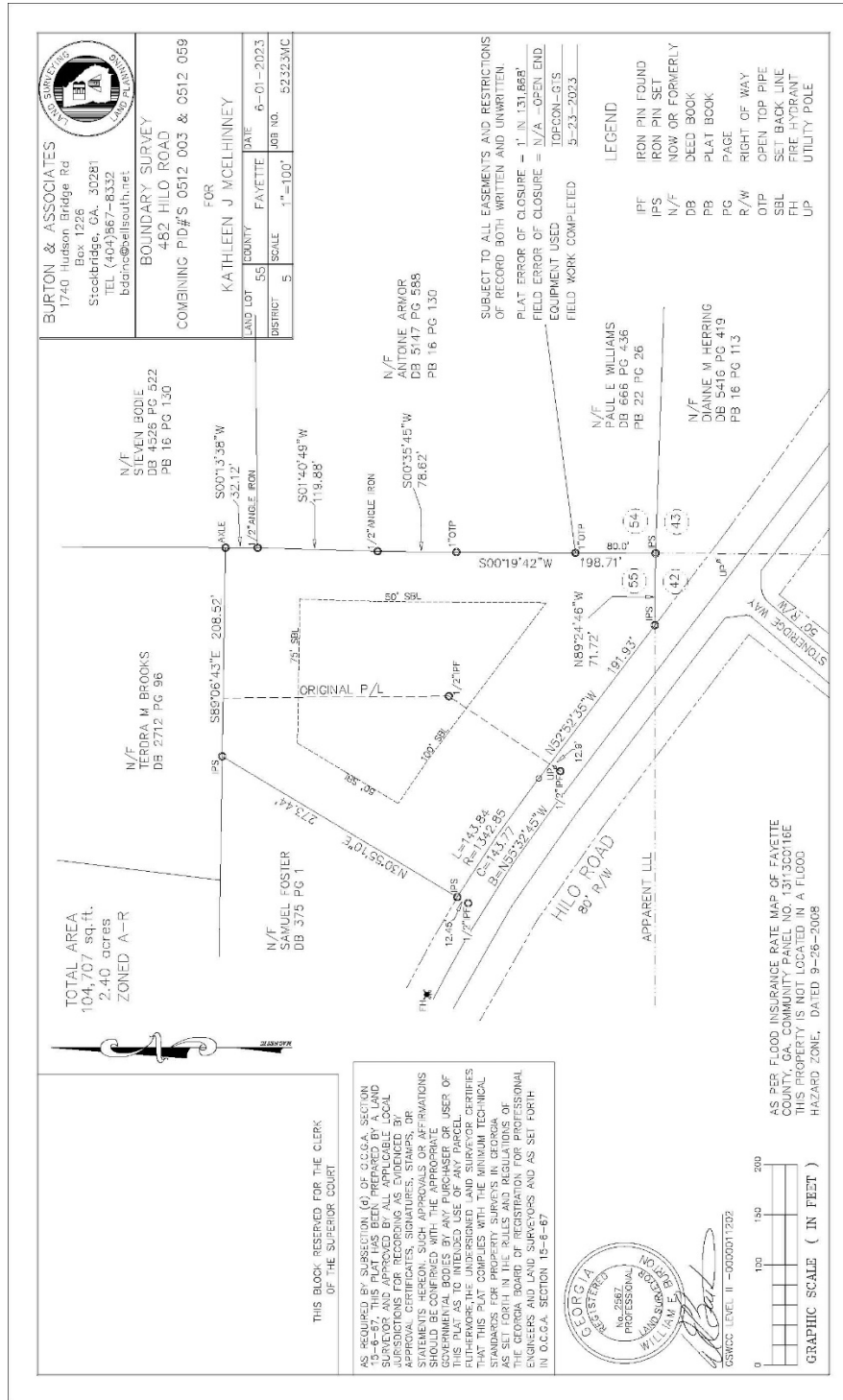












SURVEY

BOARD MEMBERS

John Kruzan
John H. Culbreth, Sr.
Danny England
Jim Oliver

STAFF

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

**AGENDA OF ACTIONS
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
January 04, 2024
7:00 pm**

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
Danny England made a motion to approve the January 4th Agenda. John Culbreth seconded the motion. The motion passed 4-0. Arnold Martin submitted a letter of resignation as a board member for the Planning Commission on January 3, 2024, and therefore was not present.
4. Consideration of the Minutes of the meeting held on December 7, 2023.
John Culbreth made a motion to approve the minutes of the meeting held on December 7, 2023. Danny England seconded the motion. The motion passed 4-0.
5. Election of the Chairman.
Jim Oliver made the motion to elect John Culbreth, Sr. as the Chairman of the Planning Commission. Danny England seconded the motion. The motion passed 4-0.
6. Election of the Vice-Chairman.
Jim Oliver made the motion to elect John Kruzan as the Vice Chairman of the Planning Commission. John Culbreth seconded the motion. The motion passed 4-0.
7. Election of the Secretary.
Jim Oliver made the motion to elect Christina Barker as the Secretary of the Planning Commission. Danny England seconded the motion. The motion passed 4-0.

PUBLIC HEARING

8. Petition No. 1336-23 –Applicant proposes to rezone 1.3 acres from A-R to C-H for the purposes of developing commercial uses.

Jim Oliver made a motion to approve Petition No. 1336-23 subject to conditions. Danny England seconded the motion subject conditions. The motion passed, subject to conditions, 4-0. The conditions are as follows:

Staff recommends the following CONDITIONS:

- 1. The residential structures, primary and accessory, on the property shall be demolished within 180 days of approval of the rezoning.*
- 2. A site plan and appropriate permits are required before any commercial uses may be conducted on the property.*
- 3. A GDOT-approved commercial driveway is required before any commercial uses may be conducted on the property.*

9. Petition No. 1337-23 - Applicant proposes to rezone 2.40 acres from A-R to R-20 for the purposes of continuing a single-family home and accessory structures.

Danny England made a motion to approve Petition No. 1337-23 subject to conditions. John Kruzan seconded the motion.

RECOMMENDED CONDITIONS

- 1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet right of way as measured from the existing centerline of Hilo Road.*
- 2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.*
- 3. The existing driveway on the western side of the property that connects to the neighboring property shall be removed due to noncompliance with sight distance prior to building permit issuance.*

PLANNING COMMISSION RECOMMENDATION**DATE:** January 4, 2024**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1337-23,
the application of Mr. Javier Torres Fernandez to rezone 2.4 acres from A-R to R-20, be:

_____ Approved _____ Withdrawn _____ Denied

_____ Tabled until _____

4-0 ~~X~~ Approved with Conditions _____

- | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> 1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet right of way as measured from the existing centerline of Hilo Road. 2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request. 3. The existing driveway on the western side of the property that connects to the neighboring property shall be removed due to noncompliance with sight distance prior to building permit issuance. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

This is forwarded to you for final action.


JIM OLIVER, CHAIRMAN


JOHN H. CULBRETH, SR., VICE-CHAIRMAN

ARNOLD L. MARTIN III


DANNY ENGLAND


JOHN J. KRUZAN

Remarks:

**STATE OF GEORGIA
COUNTY OF FAYETTE**

RESOLUTION

NO. 1337-23

WHEREAS, Mr. Javier Torres Fernandez, having come before the Fayette County Planning Commission on January 4, 2024, 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 2.4 acres from A-R to R-20 for the purposes for the purposes of constructing a single-family home and accessory structures, in the area of Hilo Road, Land Lot 55 of the 5th District; and

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

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

1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet right of way as measured from the existing centerline of Hilo Road.
2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.
3. The existing driveway on the western side of the property that connects to the neighboring property shall be removed due to noncompliance with sight distance prior to building permit issuance.

This decision is based on the following reasons:


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

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:



JIM OLIVER, CHAIRMAN



**DEBORAH BELL
PLANNING & ZONING DIRECTOR**

Meeting Minutes 1/04/24

THE FAYETTE COUNTY PLANNING COMMISSION met on January 04, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
Danny England made a motion to approve the January 4th Agenda. John Culbreth seconded the motion. The motion passed 4-0. Arnold Martin submitted a letter of resignation as a board member for the Planning Commission on January 3, 2024, and therefore was not present.
4. Consideration of the Minutes of the meeting held on December 7, 2023.
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7. Election of the Secretary.
Jim Oliver made the motion to elect Christina Barker as the Secretary of the Planning Commission. Danny England seconded the motion. The motion passed 4-0.

PUBLIC HEARING

8. Petition No. 1336-23 –Applicant proposes to rezone 1.3 acres from A-R to C-H for the purposes of developing commercial uses.

Deborah Bell states, “That since we don’t have a full board present as Christina mentioned, you have the option to table this until the following month. Ms. Bell asks petitioner if they would like to continue or table this petition. Ms. Bell states we have a quorum, but not a full board they have the option to table.”

Jim Culbreth makes a point of inquiry, “We have a full board in lieu of the fact that we’ve had a member resign, is that correct?”

Bell, “Ok.”

Danny England, “This is as full as we are going to get right now.”

Jim Oliver, “We are a board of four now.”

Deborah Bell presents the staff report for Petition No. 1336-23 which is a request to rezone the above parcel from A-R to C-H. The applicant proposes to rezone 1.3 acres from A-R to C-H for the purpose of developing commercial uses. As defined in the Fayette County Comprehensive Plan, property is designated for low-density residential at one unit per one acre. Therefore, the request for rezoning to C-H is not appropriate. Based on the investigation and staff analysis staff recommends denial of the request simply based on the land use plan. If the request is approved, staff recommends the following conditions:

Staff recommends the following CONDITIONS:

1. The residential structures, primary and accessory, on the property shall be demolished within 90 days of approval of the rezoning.
2. A site plan and appropriate permits are required before any commercial uses may be conducted on the property.
3. A GDOT-approved commercial driveway is required before any commercial uses may be conducted on the property.

The petitioner, Sheffey Cochran, states that the reason they are requesting the property be rezoned is that because everything around the property is zoned commercial. We have a storage unit next to us, next to them is a flooring company, and then a gas station. The other side of the property is where the trading place used to be. When you go down Hwy 85, there are a lot of properties getting rezoned commercial also, so we were trying to get it zoned commercial and have the building there and sell it with the building, not with blank land. The petitioner offers to get a new plat with the property shown if needed, and her buyer bought the old Stinchcomb Property, so we just want to get it zoned commercial because we think it is a better use.

John Culbreth asks if anyone else would like to speak on behalf of the petitioner or if anyone is against the proposed rezoning. Are there any questions?

Danny England asks, “So the property adjacent to you to the South. What is that parcel currently? There is a house on that one as well.”

Sheffey Cochran, “Yes.”

Danny England, “But that one is not occupied?”

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January 4, 2024
PC Meeting

Sheffey Cochran, "There are people living there because I sold them that house. We bought two houses with it and then I bought a house."

Danny England, "That property was one house and then further south we have the lake with the Stinchcomb house, part of Luis' development, the old Trading Post. I think this is one of those funny properties because you literally draw a line on the map and say commercial/residential. Sometimes we are able to use a road, a body of water, or a power line to make that transition from commercial to residential, but here it is literally you are in the commercial or you are not. You just happen to be the test case for should this be commercial or not."

Jim Oliver, "If this were to be commercial have you looked at all your setbacks? Do you have a use for it? Do you have an end user?"

Sheffey Cochran, "I spoke to the storage unit because they already have a list of people who want to rent the units. He said he might be willing if I can get it zoned commercial because he owns the property next to me."

Jim Oliver, "Did you look over the list of conditions? Do you have a copy?"

Sheffey Cochran stated she did.

Jim Oliver, "We are a recommending body, so you will be going before the Board of Commissioners. If you get a favorable response from the board. Are you comfortable with the condition that you will remove the structure within 90 days?"

Sheffey Cochran states, "We would rather not remove it. We would rather whoever uses it as commercial or remove it themselves."

Bell shows a current survey of the property. She states, "These buildings encroach on the current setbacks, and they would also encroach on the setbacks if zoned C-H. So, they are non-conforming structures. So, this diagram shows what the buffers and setbacks would be on the property, and they would definitely be encroaching on the buffers and setbacks if rezoned to C-H. This area on the interior of this box is about the only part of the property that is not located in a buffer or setback. It's a small parcel and for that reason, staff is recommending the demolition of existing structures."

Danny England, "And to be clear the setbacks you have shown on this diagram are the commercial setbacks."

Bell, "Yes, they are commercial setbacks and they do encroach on the residential setbacks. They may or may not be legal non-conforming, we did not investigate that."

Danny England, "Well, the house has been there forever."

Jim Oliver, "Have you thought about if you get approved, you have to go tear the house down within 90 days."

Sheffey Cochran, "Yes, well, it may cost more to tear it down than our return because it is a brick house."

Jim Oliver, "Well, I hate to state the obvious, but what do you want to do? We are a recommending body, I guess you can take our recommendation or leave it. I guess that would give you time to think about what you want to do. You have to think about now we have to tear it down and is that what you want to do? I want to make sure you are clear on that."

Danny England, "Actually the better statement is not what you want to do but are you willing to do it? If that is a stipulation to approval, you don't really have any choice."

John Culbreth, "You said yes you are willing to tear it down or no you are not?"

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January 4, 2024
PC Meeting

Sheffey Cochran, "Yes, we are willing to tear it down, we just will have to figure it out."

John Culbreth, "Is the issue 90 days?"

Sheffey Cochran, "Yes."

John Culbreth asked the staff why 90 days?

Deborah Bell stated, "We generally set some time of deadline, so we have a goal. And something like a demolition does not take long to permit. It is a quick item to permit. Because the driveway is nonconforming. The driveway is nonconforming, so that is a reason to not allow a commercial development within existing structures."

Jim Oliver, "You understand you are also putting on there a GDOT approval. That may take 6 months."

Deborah Bell, "That would be part of any new development process to get GDOT approval process to get the approval, but the demolition of the non-conforming structures is what we wanted to put a deadline on."

Sheffey Cochran states, "And we just remodeled the whole home. So why are they asking me to tear it down?"

Danny England, "Because if we don't put a stipulation on it, three years from now, one of us drives by and it is still up. That house that was supposed to be removed because it was nonconforming is still there. Now it becomes a legal issue with the county attorney and the Marshal's office. When you are asking for a rezoning, they have to amend it.

Especially when you are going from something like this from A-R to commercial, the only way for the county to know you are starting from scratch and this building will meet the intent of the new zoning is to remove everything on the property that doesn't meet that zoning, so, therefore, this house is a goner. So, you are not a special case, and it happens to everyone."

Sheffey, "So can we add to the home?"

Danny England, "No, not in this case. Your property is all over the setback. The existing structure has very little value as a commercial property. Unless you find someone, who wants to move right in there, like a chiropractor. The house should be removed and start fresh."

Jim Oliver, "You have time, you can pull your petition before this goes any further."

Sheffey, "Ok."

Jim Oliver made a motion to approve Petition No. 1336-23 subject to conditions.

Danny England seconded the motion subject conditions. The motion passed, subject to conditions, 4-0. The conditions are as follows:

Staff recommends the following CONDITIONS:

1. ***The residential structures, primary and accessory, on the property shall be demolished within 180 days of approval of the rezoning.***
 2. ***A site plan and appropriate permits are required before any commercial uses may be conducted on the property.***
 3. ***A GDOT-approved commercial driveway is required before any commercial uses may be conducted on the property.***
9. Petition No. 1337-23 - Applicant proposes to rezone 2.40 acres from A-R to R-20 for the purposes of continuing a single-family home and accessory structures.

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January 4, 2024
PC Meeting

Deborah Sims introduces the staff report for Petition No. 1337-23. This property was subdivided some time ago but after the November 13, 1980, timeframe so in order to build anything on it, it will need to come into compliance. It is not a legal nonconforming lot. So, this is just asking to zone it to R-20 which follows the Future Land Use Plan of Fayette County. It is also the same surrounding zoning in the area.

Jim Culbreth asks if the petitioner would like to present their case.

“Good evening, I am Nathan Dockery the G.C. for the petitioner. They are out of town for work, so I am here on their behalf. The short version is they bought two parcels, one with a house on it a long time ago and was torn down. It has an existing driveway on it. The other lot is also tiny. It is zoned A-R so technically this is a nonconforming lot. We are looking to combine the two lots into one lot so we can build a house. We are asking for the same zoning as the other lot. Nothing special.”

John Culbreth, “Is there anyone else in support of this petition?”

“Hello, my name is Dianne Herring and I live next door to the property. I am in favor. I have lived in my home for 38 years and I was just wondering about compliance as far as square footage of the house and how many structures can be on the property.”

Deborah Bell states, “As it is zoned now as A-R the minimum square footage is 1,200 square feet. The minimum square footage if rezoned is also 1,200 square feet. There would be allowed 2 accessory structures with a total footprint of 1,800 square feet. That is the standard allowance for any lot within the county.”

John Culbreth asks if anyone is in opposition. If not, we will bring it back to the board. Are there any questions or inquiries?

Nathan Dockery states, “Someone named Christian or Chris called him and said they didn’t want him moving the existing driveway that it had the best site distance on the property and because it was on a curve, and he wanted us to try to use that, so he said we didn’t need to do a driveway inspection at this time.”

Deborah Bell states, “So Christian Smith does the driveway inspections, and Chris Stanley is the reviewer. Typically, Chris and Christian review these. If I may suggest that for the present, you approve the conditions as presented and between now and the Board of Commissioners meeting, I will follow up with Chris and Christian and we will get some clarification on which driveway they would like for you to retain and which one they would like for you to remove.”

Nathan Dockery, “And if we can abandon that one and shift it over 50 feet, that is how our site plan was drawn. So, we love the new location, but we are fine. We will work through that with you guys.”

Danny England asked, “Nathan are you fine with the other two conditions?”

Nathan, “Yes, that’s fine.”

Danny England made a motion to approve Petition No. 1337-23 subject to conditions. John Kruzan seconded the motion.

RECOMMENDED CONDITIONS

1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet right of way as measured from the existing centerline of Hilo Road.

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January 4, 2024
PC Meeting

- 2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.*
- 3. The existing driveway on the western side of the property that connects to the neighboring property shall be removed due to noncompliance with sight distance prior to building permit issuance.*

ADJOURNMENT:

Danny England moved to adjourn the meeting. John Kruzan seconded. The motion passed 4-0.

The meeting adjourned at 7:31 p.m.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

JOHN CULBRETH, SR.
CHAIRMAN

ATTEST:

CHRISTINA BARKER
PLANNING COMMISSION SECRETARY

PETITION No (s): _____

STAFF USE ONLY

APPLICANT INFORMATION

Name NATHAN DOCKERY
 Address 906 FOREMAN TRACE - SUITE 283
 City NEWNAN
 State GA Zip 30265
 Email nathane.dockery@group.com
 Phone 770.789.7456

PROPERTY OWNER INFORMATION

Name JAVIER TORRES FERNANDEZ
 Address 779 GALVESTON WAY
 City MCDONOUGH
 State GA Zip 30253
 Email javier.torres2@delta.com
 Phone 939-313-5076

AGENT(S) (if applicable)

Name _____
 Address _____
 City _____
 State _____ Zip _____
 Email _____
 Phone _____

Name _____
 Address _____
 City _____
 State _____ Zip _____
 Email _____
 Phone _____

(THIS AREA TO BE COMPLETED BY STAFF)

[] Application Insufficient due to lack of:

Staff: _____ Date: _____

[] Application and all required supporting documentation is Sufficient and Complete

Staff: _____ Date: _____

DATE OF PLANNING COMMISSION HEARING: _____

DATE OF COUNTY COMMISSIONERS HEARING: _____

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

Date Paid: _____

Receipt Number: _____

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

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

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

- Local Street (Minor Thoroughfare) 60-foot right of way (30' measured from each side of road centerline)
- Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)
- Arterial Street (Major Thoroughfare) 100-foot right of way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 10th day of November, 2023.

[Signature]
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC

[Signature]

11-10-23



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:
JAVIER TORRES FERNANDEZ

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0512 059 & 0512 003

(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) 55 of the 5 District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 2.88 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to NATHAN DOCKERY 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.

(II) [Signature]
 Signature of Property Owner 1
779 Galveston way
 Address

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

[Signature]
 Signature of Notary Public
11-10-23

Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date



PETITION No.: _____

OWNER'S AFFIDAVIT

(Please complete an affidavit for each subdivision being rezoned)

NAME: JAVIER TORRES FERNANDEZADDRESS: 482 HILO RD, FAYETTEVILLE, GA 0512 003 - PARCEL ID

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

JAVIER TORRES FERNANDEZ

_____ attests that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) _____ Zoning District. He/She respectfully petitions the _____ to change the property from its present classification and tenders herewith the sum of 0.00 to cover all expenses of public hearing. He/She petitions the above named to change the classification to R20.

This property includes: (check one of the following)

- ☒ See attached legal description or recorded deed for subject property or
☐ Legal description for subject property as follows _____

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 4th
 day of January 2024 at 10:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 25th
 day of JANUARY 2024 at 3:00 P.M.

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

SIGNATURE OF PROPERTY OWNER SIGNATURE OF PROPERTY OWNER
 OWNER

SIGNATURE OF PROPERTY

NOTARY PUBLIC

[Signature] 11-10-23



PETITION No.: _____

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: JAVIER TORRES FERNANDEZADDRESS: 482 HILO RD, FAYETTEVILLE, GA PARCEL 0512-059

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

JAVIER TORRES FERNANDEZ

_____ affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 250.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to R20

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 4th day of JANUARY, 20 24 at 7:00 P.M.PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 25th day of JANUARY, 20 24 at 7:00 P.M.

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



SIGNATURE OF PROPERTY OWNER SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY

NOTARY PUBLIC

 11-10-23


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/1001.
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
- ☒ [X] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds.
- ☐ [] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 10th day of November, 2023.


APPLICANT'S SIGNATURE

DISCLOSURE STATEMENT

(Please check one)

Campaign contributions: ☒ No ☐ Yes (see attached disclosure report)

TITLE 36. LOCAL GOVERNMENT

PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS

CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

PETITION No.: _____ Fees Due: _____ Sign Deposit Due: _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0512 003 Acreage: 1.4 AC
 Land District(s): 5 Land Lot(s): 55
 Road Name/Frontage L.F.: 201.93 Road Classification: minor arterial
 Existing Use: AG/RES Proposed Use: RESIDENTIAL
 Structure(s): NA Type: - Size in SF: -
 Existing Zoning: _____ Proposed Zoning: R20
 Existing Land Use: _____ Proposed Land Use: _____
 Water Availability: PUBLIC Distance to Water Line: IN R.O.W. Distance to Hydrant: 400'

PETITION No.: _____ Fees Due: _____ Sign Deposit Due: _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0512 059 Acreage: 1.0
 Land District(s): 5 Land Lot(s): 55
 Road Name/Frontage L.F.: 133.84 Road Classification: minor arterial
 Existing Use: AG/RES Proposed Use: RES
 Structure(s): N/A Type: - Size in SF: -
 Existing Zoning: _____ Proposed Zoning: R20
 Existing Land Use: _____ Proposed Land Use: _____
 Water Availability: PUBLIC Distance to Water Line: IN R.O.W. Distance to Hydrant: 400'

PETITION No.: _____ Fees Due: _____ Sign Deposit Due: _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): _____ Acreage: _____
 Land District(s): _____ Land Lot(s): _____
 Road Name/Frontage L.F.: _____ Road Classification: _____
 Existing Use: _____ Proposed Use: _____
 Structure(s): _____ Type: _____ Size in SF: _____
 Existing Zoning: _____ Proposed Zoning: _____
 Existing Land Use: _____ Proposed Land Use: _____
 Water Availability: _____ Distance to Water Line: _____ Distance to Hydrant: _____

After Recording Return To:

Wessels & Gerber, P.C.
51 Jefferson Pkwy
Newnan, GA 30263
Debbie Slater
Order No.: 23NN-00685

Participant ID(s): 2919636848,
7067927936

BK 5632 PG 611 - 613

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF COWETA

THIS INDENTURE, made this 20th day of June, 2023, between Kathleen J. McElhinney and James Studdard, of the County of Fayette, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Javier Antonio Torres Fernandez, as party or parties of the second part, hereinafter called Grantee.

The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations, and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein.

WITNESSETH that: Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other good and valuable considerations 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,

See Exhibit A attached hereto and by this reference incorporated herein and made a part hereof.

SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and 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 owning, holding or claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, this 20th day of June, 2023.

Signed, sealed and delivered in the presence of:

Deborah Powell
Unofficial Witness

[Signature]
Notary Public
My Commission Expires: 8/6/23

Kathleen McElhinney (SEAL)
Kathleen McElhinney

[Signature] (SEAL)
James Studdard

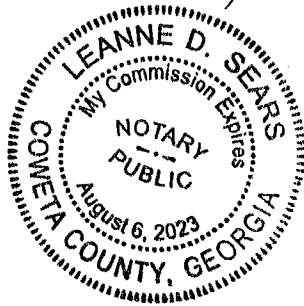


EXHIBIT "A"

All that tract or parcel of land lying and being Land Lot 55 of the 5th Land District of Fayette County, Georgia, and being more particularly shown as containing 2.40 acres on that plat of survey prepared for Kathleen J. McElhinney by William E. Burton, GLS No. 2567, dated June 1, 2023, and recorded at Plat Book 52, Page 127, Fayette County, Georgia records, which plat is hereby incorporated herein and made a part hereof by reference.

Parcel No.: 0512 003 and 0512 059

Wednesday, December 20, 2023

B4 Fayette County News

**PETITION FOR REZONING
CERTAIN PROPERTIES IN
UNINCORPORATED AREAS OF
FAYETTE COUNTY, GEORGIA**

PUBLIC HEARING to be held before the Fayette County Planning Commission on Thursday, January 4, 2024, at 7:00 P.M., and before the Fayette County Board of Commissioners on Thursday, January 25, 2024, at 5:00 P.M., in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No.: 1337-23
Owner/Agent: Javier T. Fernandez/
Nathan Dockery

Existing Zoning District:

A-R

Proposed Zoning District:

R-20

Parcel Number: 0512003

Area of Property: 1.4 & 1.0

Proposed Use: R-20

Land Lot(s)/District: 55 of the 5th
District

Fronts on:

Hilo Road

Legal Description:

EXHIBIT "A"

All that tract or parcel of land lying and being Land Lot 55 of the 5th Land District of Fayette County, Georgia, and being more particularly shown as containing 2.40 acres on that plat of survey prepared for Kathleen J. McElhinney by William E. Burton, GLS No. 2567, dated June 1, 2023, and recorded at Plat Book 52, page 127, Fayette County, Georgia records, which plat is hereby incorporated herein and made a part hereof by reference.

Parcel no.: 0512 003 and 0512 059
12/20

COUNTY AGENDA REQUEST

Page 111 of 195

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of an amendment to the Fayette County Zoning Ordinance, Chapter 110 - Zoning; Article V., Sec. 110-169. regarding conditional uses.

Background/History/Details:

As a result of discussions over the past few months, the Board of Commissioners instructed staff to develop a revised ordinance addressing special events.

July 6, 2023: Work session with Planning Commission

August 3, 2023: Work session with Planning Commission

September 28, 2023: General discussion of the ordinance with the BOC.

October 26, 2023: Revised proposal discussed with BOC.

December 7, 2023: 1st Public Hearing, Planning Commission recommended approval of the amendment, with some revisions as discussed during the hearing.

Staff recommends approval of the ordinance, with one minor addition made at the request of the County Engineer. Mr. Mallon asked that we include a requirement for an off-site traffic plan to ensure the best outcome for everyone traveling and living in the vicinity.

What action are you seeking from the Board of Commissioners?

Approval of an amendment to the Fayette County Zoning Ordinance, Chapter 110 - Zoning; Article V., Sec. 110-169. regarding conditional uses.

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:

ZONING ORDINANCE TEXT AMENDMENT

PURPOSE: To amend Sec. 110-169. Conditional use approval.

PLANNING COMMISSION PUBLIC HEARING: December 7, 2023

BOARD OF COMMISSIONERS PUBLIC HEARING: January 25, 2024

DISCUSSION: This amendment is proposed to provide for additional criteria for special event permits that may be held in the A-R and C-H zoning districts.

PLANNING COMMISSION RECOMMENDATION: On December 7, 2023, the Planning Commission recommended approval of the amendment, to include some changes discussed at the hearing. Those changes have been incorporated into the current redline version presented tonight.

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of this ordinance to provide additional criteria for special event permits.

HISTORY: As a result of discussions over the past few months, the Board of Commissioners instructed staff to develop a revised ordinance addressing special events.

- July 6, 2023: Work session with Planning Commission & public input
- August 3, 2023: Work session with Planning Commission & public input
- September 28, 2023: General discussion of the ordinance with the BOC.
- October 26, 2023: Revised proposal discussed with BOC.
- December 7, 2023: 1st Public Hearing, Planning Commission recommended approval of the amendment, with revisions as discussed during the hearing.
- January 4, 2024: Added off-site traffic management requirement at the request of the County Engineer.

BOARD MEMBERS

Arnold L. Martin - Absent
John Kruzan
John H. Culbreth, Sr.
Danny England
Jim Oliver

STAFF

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

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
December 7, 2023
7:00 pm

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
The agenda was amended to move item number 9 to item 5. Danny England made a motion to approve the agenda. John Culbreth seconded the motion. The motion passed 4-0. Arnold L. Martin was absent.
4. Consideration of the Minutes of the meeting held on November 2, 2023.
Danny England made a motion to approve the minutes from the November 2, 2023, meeting. John Kruzan seconded the motion. The motion passed 4-0.

PUBLIC HEARING

5. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-169.-Conditional use approval. 2) Conditional uses allowed. Bb. Horse show, rodeo, carnival, and/or community fair.
Danny England made a motion to approve the amendment to Sec. 110-169 of the Zoning Ordinance. John Kruzan seconded the motion. The motion passed 4-0.
6. Consideration of Petition No. 1335-23A, Veterans Pkwy and Lees Mill South, LLC, Owner; and Fayette County Development Authority, Agent; request to rezone 22.9674 acres from R-70 to A-R. The property is located in Land Lots 224 & 225 of the 5th District and fronts on Veterans Parkway.
John Culbreth made a motion to approve Petition No. 1335-23A with conditions. Danny England seconded the motion. The motion passed 3-1 with Jim Oliver voting in opposition.
7. Consideration of Petition No. 1335-23B, Veterans Pkwy and Lees Mill South, LLC, Owner; and Fayette County Development Authority, Agent; request to rezone 237.4382 acres from R-70 to A-R. The

property is located in Land Lots 13, 14, 18 & 19 of the 7th District and fronts on Veterans Parkway and Lees Mill Road.

John Culbreth made a motion to approve the Petition No. 1335-23B with conditions. John Kruzan seconded the motion. The motion passed 3-1 with Jim Oliver voting in opposition.

8. Consideration of Petition No. 1335-23C, Veterans Pkwy and Lees Mill South, LLC, Owner; and Fayette County Development Authority, Agent; request to rezone 39.6621 acres from R-70 to A-R. The property is located in Land Lots 15 of the 7th District and Land Lots 224 & 225 of the 5th District and fronts on Veterans Parkway and Lees Mill Road.

John Culbreth made a motion to approve the Petition No. 1335-23C with conditions. Danny England seconded the motion. The motion passed 3-1 with Jim Oliver voting in opposition.

9. Consideration of Petition No. 1335-23D, Veterans Pkwy and Lees Mill South, LLC, Owner; and Fayette County Development Authority, Agent; request to rezone 18.4863 acres from R-70 to A-R. The property is located in Land Lots 14 & 15 of the 7th District and fronts on Lees Mill Road.

John Culbreth made a motion to approve the Petition No. 1335-23D with conditions. Danny England seconded the motion. The motion passed 3-1 with Jim Oliver voting in opposition.

PLANNING COMMISSION

Consideration of Amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-169 Conditional Use Approval. 2) Conditional Uses Allowed. Bb. Horse show, rodeo, carnival, and/or community fair.

✓ Recommended for approval to the BOC

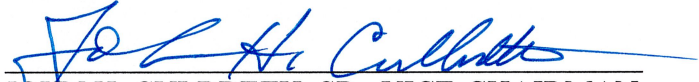
 Recommended for denial to the BOC

 Tabled until _____

Per the Fayette County Planning Commission on this 7th day of December 2023.




JIM OLIVER, CHAIRMAN

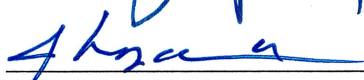


JOHN H. CULBRETH, SR., VICE-CHAIRMAN

ARNOLD L. MARTIN III



DANNY ENGLAND



JOHN J. KRUZAN

Remarks:

Meeting Minutes 12/7/23

THE FAYETTE COUNTY PLANNING COMMISSION met on December 7, 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 Sr., Vice Chairman
John Kruzan
Danny England

MEMBERS ABSENT: Arnold Martin

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
The agenda was amended to move item number 9 to item 5. Danny England made a motion to approve the agenda. John Culbreth seconded the motion. The motion passed 4-0. Arnold L. Martin was absent.
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Danny England made a motion to approve the minutes from the November 2, 2023, meeting. John Kruzan seconded the motion. The motion passed 4-0.

PUBLIC HEARING

5. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-169- Conditional use approval. 2) Conditional uses allowed. Bb. Horse show, rodeo, carnival, and/or community fair.

Deborah Bell introduced the first consideration of amendments 110-169. In the packet, there are redline amendments and one change was made after meeting with staff and the event coordinator. The event coordinator had many good suggestions. Highlighted in blue is one change concerning production and entertainment lighting to not be permitted after 10 p.m., but that restriction does not apply to safety and security lighting. If an event has ended at 10

Page 2**December 7, 2023****PC Meeting**

p.m. and people are leaving, you would want lights on to help escort the people out of the event safely. The other items were all a result of the work sessions we have had with the Planning Commission, the public, staff, and the Board of Commissioners.

Jim Oliver asked how public input was incorporated.

Deborah Bell stated there was a lot of good public input. Staff wanted to try and assist those concerned about Mr. Ross's car show, but at the same time, didn't want to penalize smaller events. This ordinance is written with some latitude for staff to make decisions about what is required for a specific event. Staff can look at the size and scope of the event, so it doesn't drastically impact some of the smaller events. This is to be presented to the Board of Commissioners at the January 25, 2024 meeting.

Rick Minter, CEO of Inman Farm Heritage Days, a 501-C3 corporation that hosts events celebrating the agricultural heritage of our community. Mr. Minter thanked staff and the Board of Commissioners, specifically Mrs. Bell. At one point, events went from fourteen (14) days to one (1) day, but now there are twelve (12) days. Inman Heritage Days had input in the rules and could work with the proposed revisions. They have hosted this event for twenty-six (26) years, and the goal is to work with people to make as little impact on our neighbors as possible. He requested to be kept in mind when rules are being made and would like to see more community support.

Bobby Ferrell from Old Ford Road, President of the North Fayette Community Association thanked Ms. Bell for her communication. The North Fayette Community Association has been allowed to offer input and there has been great communication. Mr. Ferrell didn't see anything referencing how many days prior to an event a schematic was required to be submitted. He is concerned applications will be submitted without ample time to review. He asked if the event didn't meet the requirements of the County Noise Control Ordinance, would it be denied. He would like to see penalties itemized in the ordinance and/or the ability of enforcement to shut down the event. He also requested a hard shut down time.

Deborah Bell said the Marshal's Office usually investigates and if a violation is found, the Marshal's would be the ones to issue citations. Citations are heard by State Court. The maximum fine is \$1,000, but that is the discretion of the judge.

Danny England said this is just the zoning portion. There is the application itself that governs the questions that Mr. Ferrell is asking.

Ms. Bell stated the application is just a form developed by the administration and used internally. It wouldn't create a cut-off time if there is not one within the ordinance. A cut-off time would need to be specified. The deadline for submittal would be an internal procedure and not something codified in the ordinance.

Danny England confirmed these are the only rules applicable to the special event.

Page 3
December 7, 2023
PC Meeting

Ms. Bell stated the Conditional Use Permit does not require a separate public hearing. The applicant must meet all criteria. All Fayette County Conditional Uses are designed that way. For a larger event, it would require staff review of the site plan. There are multiple departments reviewing the schematic site plan: Sheriff's Department, Marshal's Office, Fire Marshal, Department of Building Safety, Environmental Health, Environmental Management, and Planning & Zoning. All departments are involved in the approval process for a Conditional Use Permit for an event.

Danny England asked if the Noise Ordinance is an existing ordinance outside of the Conditional Use Permit.

Ms. Bell stated it was.

Danny England requested a "lights-out" time be specified in the ordinance.

Jim Oliver requested a deadline for submittal, such as ten (10) days prior to the event be added. He asked the County Attorney if there was existing regulation specifying required review periods.

Mr. Ferrell stated there should be a hard 30 to 60 days before the event for the review, penalties, and noise controls. He would like to have harder deadlines

Danny England inquired as to why no single event should exceed three days in duration and then another line states no event shall be more than 5 days consecutive days in duration.

Ms. Bell stated through discussions with County Attorney Dennis Davenport, it is a maximum of 3 calendar days per calendar quarter, but a possible maximum of 5 if someone timed it right.

Danny England made a motion to approve the amendment to Sec. 110-169 of the Zoning Ordinance. John Kruzan seconded the motion. The motion passed 4-0.

6. Consideration of Petition No. 1335-23A, Veterans Pkwy and Lees Mill South, LLC, Owner; and Fayette County Development Authority, Agent; request to rezone 22.9674 acres from R-70 to A-R. The property is located in Land Lots 224 & 225 of the 5th District and fronts on Veterans Parkway.

Debbie Bell explained agenda items 6 through 9 are a single project, but because it is 4 different parcels, it will be 4 separate hearings. Per Ordinance 110-297, if a full Board is not present at the public hearing, the petitioner may elect to table the petition to the next Planning Commission Public Hearing provided the petitioner requests this prior to the presentation and asked if the petitioner would like to table or continue with the hearing.

Petitioner, Niki Vanderslice, wished to proceed.

Wednesday, December 20, 2023

Fayette County News **B3**

FAYETTE COUNTY

**NOTICE OF PUBLIC HEARING
FOR THE AMENDMENT OF THE
FAYETTE COUNTY CODE OF
ORDINANCES, CHAPTER 110.**

ZONING ORDINANCE

PUBLIC HEARING to be held before the Fayette County Board of Commissioners on January 25, 2024 at 5:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

CONSIDERATION OF AMENDMENTS TO CHAPTER 110. ZONING ORDINANCE, REGARDING SEC. 110-169. - CONDITIONAL USE APPROVAL. (2) Conditional uses allowed. bb. Horse show, rodeo, carnival, and/or community fair.

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

This 15th day of December, 2023.

Deborah L. Bell, RLA
Planning & Zoning Director
12/20

SPECIAL EVENTS

Discussion Points (Community Review)

The verbiage of Horse show, rodeo, carnival and/or community fair should be completely removed from the ordinance because of its antiquated connotations and the many activities that can be held under each event or simply not allowed in A-R zones. Commercial events for profit should be held only in other appropriate commercial zones.

NOTE: Are you saying that there will be no “Public Hearings” or Board of Commissioner vote for approval for Conditional Use permits? If so, this cannot happen. Public Hearings or BOC votes must never be negated when it comes to impacting the public/community. These decisions should never be left solely up to the employees of the county.

Definition, Applicability & Location:

- Special Event meaning is too broad. This is saying Fayette County is OPEN to any major event anywhere in the county to include densely populated residential neighborhoods and A-R zones. Should be narrowed down to levels of patronage size, zoning area, type of event, time of day, public safety approval, noise nuisance, etc.
- Large Events (according to patronage size) that charge should be held in Commercial zones since you want to designate these events as commercial
- Events of fewer than 500 people (non-paying) could be allowed in A-R zones for existing permitted facilities and institutions. Events larger than 500 people (paying or not) shall be held in other appropriate commercial zone areas. These permitted areas shall follow the guidelines of their issued permit to include local and state ordinances.

Duration: OK

Application and Fees:

- **Side Note:** You want the Board of Commissioners to determine application fees, but not their approval of “Conditional Use” permits through Public Hearings? Please explain.
- An application fee schedule should be created according to size (number of expected patrons), hours of operation, type of event (non-profit or for profit). Alcohol or non-alcoholic beverages served.
- “Cash Bond?” Please explain? Is this for “IF” an event does not follow approval guidelines (permit)? So, if the promoter/organizer/host falls short of their requirements, do you mean that the “County” would step-in with workforce and equipment during the event and fulfill the balance of the requirements using the “Cash Bond” monies submitted upfront? An event that does not follow the guidelines of the permit should not receive final approval on final inspections. In addition, it should be shut down during the event and/or sanctioned for code and ordinance violations.

- **ADDITION:** An Event Monitor should be in place/on duty with access granted to ALL areas of the event. This monitor should have ABSOLUTE authority to request adherence to the permit or shut down event for public safety or noncompliance.

Requirement for all events:

- **Addition:** All of the following items shall be required, as determined by staff, **County Marshal, County Sheriff and Public Works.**
- **Noise abatement plan:** Stages erected requiring permits and electrical permits shall not be erected in densely populated residential communities (homes within .25 miles of stage) to include homes zoned A-R. Permitted event facilities zoned commercial shall operate according to issued permit and local ordinances to include state laws.
- **Communication plan:** Law Enforcement?? What role should Fayette County public safety officials play in this communication plan to the affected neighborhoods outside of public safety and enforcing laws?? I asked these questions because they are not detailed in your discussion points.
- Why should neighbors and adjacent businesses be notified if the event is held properly and officially within an area zoned commercial? “Proper” meaning an event held in a commercial area with roadways large enough to handle increased traffic and located as such to not create a nuisance. “Official” meaning they were approved via Public Hearings, Board of Commissioners, Public Safety Officials and staff.

Safety Plan: Why is this entire section more PROFOUNDLY defined and organized better than the previous sections of your Special Event Discussion Points? This section describes how the next “Rick Ross Car and Bike Show” in 2024 will take place. What is missing is the area where an event of this magnitude should take place. Nor anywhere in your discussion points did you talk about how to regulate an event hosting up to 7000 paying patrons. An event of this magnitude should not be approved in an A-R zoned area for the corrections I stated previously.

SANCTIONS: This is missing from your Discussion Points

- **Penalties:** Any violations that occur should have sanctions. A schedule of fines and/or imprisonment should be a part of the event application.

I am formally asking for and to be included in another work session concerning the replacement of Conditional Use 110-169bb Horse Show, rodeo, carnival and/or community fair. Please provide me with a date and time. On May 17, 2023, your office and County Commissioners received a very scathing letter from the lead attorney representing William Leonard Roberts II aka “Rick Ross” Leron E. Rogers, detailing why his client should move forward with the event according to Fayette County ordinances. He also informed officials that regardless of the official denial decision dated May 16, 2023 of the 2023 Rick Ross Car and Bike show, his client would still move forward with impunity with this event. After reading his complete breakdown of the Conditional Use ordinance, your office understood why he should move forward just like I did. Although local law enforcement and EMS reported no significant issues, the community was held hostage and disregarded yet another year. This year’s event encumbered two counties, paid

law enforcement officers to operate above the law (escorted event busses down reversible lanes that you nor I cannot travel in other than making turns), shut down state highways (small section of SR279 in front of Northridge Subdivision where residents were not allowed to turn left out of their subdivision) and delayed mass transit (MARTA). All these encumbrances happened because of the antiquated Conditional Use ordinance of Fayette County. I highly and respectfully expect a complete overhaul of this ordinance for the betterment of the community and to protect the county from future litigation.

Here are some background insights on me. I have worked the last 27 plus years in Public Safety. I was employed as a Deputy Sheriff for Fulton County for 7 seven years. I retired from the Atlanta Fire Rescue Department as a Fire Captain after 20 honorable years of service. While at the fire department, I served many roles from firefighter to Station Captain. My most notable assignment was working in the Fire Marshal office as a Lieutenant Fire Inspector for over two years and as a part time Fire Marshal at the Georgia World Congress center where I monitored events from concerts, major public city venues to major sporting events. Currently, I am a state certified Fire Inspector I and hold state certification for Life Safety Code. I also served on the City of Atlanta Special Events committee where we reviewed event organizers' applications for approval or denial. I have worked countless special events within the City of Atlanta that required fire code enforcement from private parties to major league games. I have also written many citations that resulted in court room testimony, fines, probation and/or fire code sanctions. Currently, I serve as a part time Deputy Sheriff at a neighboring county assigned to court services. Being a public servant has been my passion for almost 3 decades.



Deborah L. Bell, RLA
Director, Planning & Zoning
140 Stonewall Avenue West, STE 202
Fayetteville, Georgia 30214
July 22, 2023

Dear Mrs. Bell,

I am Bobby Ferrell, president of the North Fayette Community Association. I am writing this letter to you in response to the Special Events Discussion Points from your work session on July 6, 2023. Unfortunately, I was not able to attend that work session, but was able to obtain the discussion points from that work session. After reviewing and discussing it with other community leaders, I drafted a discussion/correction letter for your review that only addressed items of concern. Other points were not of concern and not addressed. Hopefully, you are planning another work session that entails community input now that we have information on the direction your office is going towards. Please see the attached 3-page Discussion Point community input correspondence accompanying this cover letter.

As always, I am available to you by phone, in person or email. I also look forward to your next visit to our quarterly North Fayette Community Association meeting on either August 19th or November 18th. Members enjoyed your last visit and learned a great deal of information about your office and information on “less known” ordinances.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. B. Ferrell', is placed below the 'Respectfully submitted,' text.

Bobby B. Ferrell, President
North Fayette Community Association

From: [Holly Longino](#)
To: [Deborah L Bell](#)
Cc: mintersfarm@aol.com; stephanie@mintersfarm.com
Subject: Working Session 8/3 - Special Events
Date: Wednesday, August 2, 2023 1:04:57 PM

***External Email* Be cautious of sender, content, and links**

Deborah,

Jeff and I would like to address some concerns during the work session tomorrow, but we are on vacation and unable to attend. I'm sending these in hopes that they can be used to address some specific concerns with the discussion points. Thank you for allowing us to give our input!

It's obvious that this ordinance is geared towards very large-scale events, and in several places it is clearly trying to exclude smaller types of events. I appreciate the specific mention of family reunions, parties, etc on A/R that do not advertise or charge admission. However, as a small business owner, I am concerned that, as it is currently worded in the discussion points, it may include events that it doesn't intend to include and negatively impact certain small businesses.

I run a small, working farm that strongly depends on an agritourism/agrieducation business model. In our modern times, it is very difficult for small farms to exist without engaging with the community with on-farm events that charge admission. For example, my farm offers educational tours and field trips for private and public schools, special needs groups, senior centers, etc. We also teach classes, host agri-education themed birthday parties, etc. Farms like mine pay insurance specifically for these types of agritourism events and have built infrastructure to accomodate such group events. Because of this, I am able to run a successful farm on only 10 acres.

Although I can see where wording attempts to exclude events within the "normal range of programs and activities of the sponsoring organization", I would like to make sure that such wording is careful in nature not to cause a problem with farms such as mine in our county.

Here are some potential changes that we believe may help address our concerns:

- Specifically exclude events of a certain size or less in A/R (For example: Events in A/R of 250 or less attendees are not covered by this ordinance)
- Specifically exclude small family farms that meet the USDA's definition (based on GCFI - Gross Cash Farm Income)
- Although this doesn't apply to me personally, it may be useful to include wording that caps the fees for non-profits so that they are able to comply and continue to host special events.

Thank you so much for your time,
 Holly Longino
freebirdfarm.com

PUBLIC COMMENT FORM

Planning & Zoning welcomes your comments and concerns related to the Rick Ross event. We will review them and share a summary with the event coordinator and the Board of Commissioners. You may share your contact information if you wish, but that is optional. Your comments will be included in the summary even if they are anonymous.

Thank you,

Debbie Bell, Director of Planning & Zoning

* Residents from the 5 affected subdivisions (North Fayette) should have been included in the planning process of large events.

Events of a certain number of participants should be at a specific venue equipped to handle a crowd of that size, 6,200 or above.

Q. Is a hearing required before a conditional use permit is awarded.

Contact Information (Optional):

Name: Mimi C. Phillips

Address: 295 North Drive

Phone: 770-460-9482 Email: north25611@comcast.net

Burton-Hughes
La Fayette Estates

Please be mindful of the citizenry as you prepare
for the upcoming planning session.
Thx.

Mr. Deborah Bell
Director, Planning and Zoning

My personal observations/shrub, also observations of others

OUR NEIGHBORHOOD

ON OLD NAT'L - 279

This re-written version of the Conditional Use 110-169 bb seems to be written to accommodate the "newest" property holder at Evander Holyfield Hwy. AND NOT for residents of the greater north Fayette Co. who have resided here for

some 30-40 yrs. or more... the Holyt. property was ^{originally} constructed to be a residence. However, the current resident as of 2022, is using it not as a residence, but as a commercial venture.

Neighbors have been told that the owner does not actually live ^{but} there, uses the property for fund-raising purposes. The initial event held in Aug., 2022, caused a total gridlock for a full day, but, was said to yield profit "in the millions" for the property owner with callous attitude



2.
and total disrespect for the surrounding community and with recklessness and nonchalance. Neighbors describe the activity and behavior as ^{an} example of extreme greed in place of any attempt to bring good will and positivity/respect to the neighborhood.

There would probably not be an event held in a private residence in the north Fayette area to which 1000 or more persons would be invited. The verbage ~~described~~ to accommodate the new neighbor at Evander Holyfield property is disappointing in that legacy residents cannot recall this degree of attention afforded ^{any of} their requests. Neighbors expect more of county staff and particularly since a large tax is exacted from north Fayette county.



Sec. 110-169.-Conditional use approval.

bb. *Horse show, rodeo, carnival, car show, and/or community fair or festival.* Allowed in the A-R and C-H zoning districts. Private social gatherings (i.e. birthday party, wedding reception) that do not charge admission or advertise to the general public are not subject to this section.

The following requirements apply:

1. Said horse show, rodeo, carnival, and/or community fair shall not be operated longer than 14 calendar days per year. No single event may exceed 3 days in duration and be conducted not more than once per calendar quarter, excluding preparation and cleanup. No events may be held at a location for more than 5 consecutive days.

2. Schematic site plan showing event activity areas, parking & traffic circulation must be included with the application. Off-street parking is required. Site plan shall also address noise abatement concerns by strategically locating noisy activities to minimize their impact on adjacent properties.

3. All events are subject to the County's Noise Control Ordinance.

4. Depending on the size and use of the element, tents, temporary structures such as stages and other elements may require building and electrical permits and/or Fire Marshal approval.

5. Outdoor lighting for activities shall not be permitted after 10:00 p.m.

5. Events and event activities, including all productions and shows, shall end at 10:00 PM.

6. Production and Entertainment lighting shall not be permitted after 10:00 PM. This restriction does not apply to safety and security lighting.

7. Safety plan, including emergency access points, on-site first aid station, fire safety plan, law enforcement communication and coordination, and off-site traffic management, as necessary.

8. Sanitation plan, including restroom facilities, trash collection and post-event cleanup.

9. Food services require approval from the Department of Environmental Health.

10. Events that charge admission fees or sell admission tickets shall be considered a commercial business activity and shall obtain an appropriate Occupational Tax Certificate with the County.

11. Applications for events shall be submitted at least 60 days prior to the proposed event, but not more than 6 months prior to the proposed event date.

2. Tents shall require the approval of the county fire marshal.

3. Off-street parking shall be required.

~~4. Outdoor lighting for activities shall not be permitted after 10:00 p.m.~~

COUNTY AGENDA REQUEST

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Department: Board of Commissioners

Presenter(s): Tameca P. Smith, County Clerk

Meeting Date: Thursday, January 25, 2024

Type of Request: Consent #6

Wording for the Agenda:

Approval of a request from the County Clerk for authorization to file the required Certificate of Appointment indicating that the Fayette County Democratic Party has appointed Zach Livsey to the Board of Elections for a four-year term commencing February 1, 2024 and expiring January 31, 2028.

Background/History/Details:

The Fayette County Board of Elections is made up of three appointees. Two of the seats are filled by the political parties of the top two parties having garnered the most votes in previous elections. Typically these are the Democratic and Republican Parties, respectively. The third seat is filled by an appointee of the Governing Authority (Board of Commissioners).

Members of the Board of Elections serve four-year terms. The term for Zach Livsey will expire on January 31, 2028. The Fayette County Democratic Party has appointed Mr. Livsey as its representative.

While the Board of Commissioners has no input or control on the appointees of the two political parties, the law does require that the Governing Authority (via the County Clerk) to file a Certificate of Appointment with the Clerk of Superior Court indicating that the appointments of the political parties was done in accordance with the law. Thus, this request is being made.

What action are you seeking from the Board of Commissioners?

Approval of a request from the County Clerk for authorization to file the required Certificate of Appointment indicating that the Fayette County Democratic Party has appointed Zach Livsey to the Board of Elections for a four-year term commencing February 1, 2024 and expiring January 31, 2028.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years? Yes

If so, when? Thursday, January 28, 2016

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:

State of Georgia;
County of Fayette

**CERTIFICATION OF APPOINTMENT TO THE
FAYETTE COUNTY BOARD OF ELECTIONS**

I, Tameca P. Smith, duly appointed Clerk of the Board of Commissioners of Fayette County, Georgia, and acting on behalf of said Board of Commissioners, do hereby certify that the following individual has been duly appointed to serve on the Fayette County Board of Elections by the Fayette County Democratic Party, as provided by the laws of Georgia and the local Act establishing said Fayette County Board of Elections:

Zachary (Zach) Livsey
1110 Twin Bridge Lane
Peachtree City, Georgia 30296

Mr. Livsey is an elector and resident of Fayette County and has been appointed to fill a four-year term which commenced on February 1, 2024 and will expire on January 31, 2028.

So certified this 25th day of January 2024 by

Tameca P. Smith, County Clerk
Board of Commissioners
Fayette County, Georgia

COUNTY AGENDA REQUEST

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Department: Board of Commissioners

Presenter(s): Tameca P. Smith, County Clerk

Meeting Date: Thursday, January 25, 2024

Type of Request: Consent #7

Wording for the Agenda:

Approval of a request from the County Clerk for authorization to file the required Certificate of Appointment indicating that the Fayette County Republican Party has appointed Sharlene Alexander to the Board of Elections for a four-year term commencing February 1, 2024 and expiring January 31, 2028.

Background/History/Details:

The Fayette County Board of Elections is made up of three appointees. Two of the seats are filled by the political parties of the top two parties having garnered the most votes in previous elections. Typically these are the Democratic and Republican Parties, respectively. The third seat is filled by an appointee of the Governing Authority (Board of Commissioners).

Members of the Board of Elections serve four-year terms. The term for Ms. Alexander will expire on January 31, 2028. The Fayette County Republican Party has appointed Sharlene Alexander as its representative.

While the Board of Commissioners has no input or control on the appointees of the two political parties, the law does require that the Governing Authority (via the County Clerk) to file a Certificate of Appointment with the Clerk of Superior Court indicating that the appointments of the political parties was done in accordance with the law. Thus, this request is being made.

What action are you seeking from the Board of Commissioners?

Approval of a request from the County Clerk for authorization to file the required Certificate of Appointment indicating that the Fayette County Republican Party has appointed Sharlene Alexander to the Board of Elections for a four-year term commencing February 1, 2024 and expiring January 31, 2028.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years? Yes

If so, when? Thursday, January 28, 2016

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:

State of Georgia;
County of Fayette

**CERTIFICATION OF APPOINTMENT TO THE
FAYETTE COUNTY BOARD OF ELECTIONS**

I, Tameca P. Smith, duly appointed Clerk of the Board of Commissioners of Fayette County, Georgia, and acting on behalf of said Board of Commissioners, do hereby certify that the following individual has been duly appointed to serve on the Fayette County Board of Elections by the Fayette County Republican Party, as provided by the laws of Georgia and the local Act establishing said Fayette County Board of Elections:

Sharlene Alexander
460 Anthony Drive
Tyrone, Georgia 30290

Ms. Alexander is an elector and resident of Fayette County and has been appointed to fill a four-year term which commenced on February 1, 2024 and will expire on January 31, 2028.

So certified this 25th day of January 2024 by

Tameca P. Smith, County Clerk
Board of Commissioners
Fayette County, Georgia

COUNTY AGENDA REQUEST

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Department: Legal

Presenter(s): County Attorney Dennis Davenport

Meeting Date: Thursday, January 25, 2024

Type of Request: Consent #8

Wording for the Agenda:

Approval of a disposition of tax refund, as requested by Patrick Murray, in the amount of \$284.24 for tax years 2020, 2021 and 2022.

Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

Refund requested on June 20, 2023 for a partial refund of taxes.

The request was based upon an error in the assessors' recording of residential building material. A site visit confirmed the error in assessing the exterior wall building material. The taxpayer is eligible under the refund statute for a partial refund for tax years 2022, 2021, 2020. Board of Assessors recommends approval.

Recommended refund for 2020, 2021, and 2022 of \$284.24.

What action are you seeking from the Board of Commissioners?

Approval of a disposition of tax refund, as requested by Patrick Murray, in the amount of \$284.24 for tax years 2020, 2021 and 2022.

If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

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 Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

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Department: Legal

Presenter(s): County Attorney Dennis Davenport

Meeting Date: Thursday, January 25, 2024

Type of Request: Consent #9

Wording for the Agenda:

Approval of a disposition of tax refund, as requested by Keshia Knight Pulliam, in the amount of \$77.37 for tax year 2022.

Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

Refund requested on June 30, 2023 for a partial refund of taxes.

The request was based upon an error in the application of homestead exemption. Research confirmed that the homestead exemption was not applied to tax year 2022. Although the application was added to the computer system, the exemption was not applied, likely due to error in marking the proper box at the point of input. The taxpayer is eligible under the refund statute for a partial refund for tax year 2022. Board of Assessors recommends approval.

Recommended refund for 2022 of \$77.37.

What action are you seeking from the Board of Commissioners?

Approval of a disposition of tax refund, as requested by Keshia Knight Pulliam, in the amount of \$77.37 for tax year 2022.

If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

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 Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

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Department: Legal

Presenter(s): County Attorney Dennis Davenport

Meeting Date: Thursday, January 25, 2024

Type of Request: Consent #10

Wording for the Agenda:

Approval of a disposition of tax refund, as requested by MIKLO IRA LLC, in the amount of \$237.44 for tax years 2022.

Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

Refund requested on July 19, 2023 for a partial refund of taxes.

The request was based upon an error in square footage calculation. A field visit confirmed error in square footage calculation. Taxpayer is eligible under the refund statute for a partial refund for tax year 2022. Board of Assessors recommends approval.

Recommended refund for 2022 of \$237.44.

What action are you seeking from the Board of Commissioners?

Approval of a disposition of tax refund, as requested by MIKLO IRA LLC, in the amount of \$237.44 for tax years 2022.

If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

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 Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

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Department: Legal

Presenter(s): County Attorney Dennis Davenport

Meeting Date: Thursday, January 25, 2024

Type of Request: Consent #11

Wording for the Agenda:

Approval of a disposition of tax refund, as requested by Antonio Wilkins, in the amount of \$409.92 for tax years 2020, 2021 and 2022.

Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

Refund requested on August 28, 2023 for a partial refund of taxes.

The request was based upon an error in acreage calculation. The acreage was corrected based upon confirmation with a Fayette County Plat filed at PB 24 Page 152 filed February 21, 1994, in the Fayette County Deed record. Taxpayer is eligible under the refund statute for a partial refund for tax years 2020, 2021 and 2022. Board of Assessors recommends approval.

Recommended refund for 2020, 2021 and 2022 is \$ 409.92.

What action are you seeking from the Board of Commissioners?

Approval of a disposition of tax refund, as requested by Antonio Wilkins, in the amount of \$409.92 for tax years 2020, 2021 and 2022.

If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

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 Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

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Department: Legal

Presenter(s): County Attorney Dennis Davenport

Meeting Date: Thursday, January 25, 2024

Type of Request: Consent #12

Wording for the Agenda:

Approval of a disposition of tax refund, as requested by Solomone Fukuoka, in the amount of \$454.87 for tax years 2021 and 2022.

Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

Refund requested on September 16, 2023 for a partial refund of taxes. Refund eligible for tax years 2021 and 2022.

The request was based upon an error in the removal of homestead exemption. Mr. Fukofuka purchased the property in March 2019 from Corey Maddock and filed for a homestead exemption at that time. The deed referred to a transfer of Parcel "2 AKA Tract 3" as the subject transfer. The reference was to a plat wherein tract 1 was divided into 2 parts called tract 1 and tract 2. The transfer was of Tract 3. In 2020 an additional deed was filed quit claiming Tract 4 to the original grantor. The 2020 deed resulted in erroneous removal of the homestead exemption from Tract 3 for tax year 2021 or 2022. The taxpayer is eligible under the refund statute for partial refund for tax years 2021 and 2022. Board of Assessors recommends approval.

Recommended refund for 2020, 2021 and 2022 is \$ 409.92.

What action are you seeking from the Board of Commissioners?

Approval of a disposition of tax refund, as requested by Solomone Fukuoka, in the amount of \$454.87 for tax years 2021 and 2022.

If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

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 Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of a disposition of tax refund, as requested by Carrilyn D. Strickland Arnold, in the amount of \$4,311.11 for tax years 2020, 2021 and 2022.

Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

Refund requested on October 12, 2023 for a partial refund of taxes.

The request was based upon an error in the removal of homestead exemption. A deed was recorded to split ownership between Ms. Arnold and her grown children. Although Ms. Arnold retained ownership, the deed triggered a homestead exemption removal. The homestead exemption was not applied to tax year 2020, 2021 or 2022. The taxpayer is eligible under the refund statute for a partial refund for tax years 2020, 2021 and 2022. Board of Assessors recommends approval.

Recommended refund for 2020, 2021 and 2022 is \$4,311.11.

What action are you seeking from the Board of Commissioners?

Approval of a disposition of tax refund, as requested by Carrilyn D. Strickland Arnold, in the amount of \$4,311.11 for tax years 2020, 2021 and 2022.

If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of a disposition of tax refund, as requested by Russell and Jacqueline Hall, in the amount of \$1,466.29 for tax years 2020, 2021 and 2022.

Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

Refund requested on October 24, 2023 for a partial refund of taxes.

The request was based upon an error in the application of homestead exemption. Russell Hall applied for an L1 exemption in 2018 with an application showing a new residential address in Fayetteville. The Assessors did not change their records to reflect the change in residential address from his previous residence in Newnan to his new residence in Fayetteville. Because the address was not changed, the exemption was identified as no longer applicable by the computer and the homestead was removed. Taxpayer is eligible under the refund statute for partial refund for tax years 2020, 2021 and 2022. Board of Assessors recommends approval.

Recommended refund for 2020, 2021 and 2022 is \$1,466.29.

What action are you seeking from the Board of Commissioners?

Approval of a disposition of tax refund, as requested by Russell and Jacqueline Hall, in the amount of \$1,466.29 for tax years 2020, 2021 and 2022.

If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

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Department: Legal

Presenter(s): County Attorney Dennis Davenport

Meeting Date: Thursday, January 25, 2024

Type of Request: Consent #15

Wording for the Agenda:

Approval of a disposition of tax refund, as requested by Hector Morales, in the amount of \$5,078.58 for tax years 2020, 2021 and 2022.

Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

Refund requested on October 24, 2023 for a partial refund of taxes.

The request was based upon an error in the application of homestead exemption. Mr. Morales was placed in medical care which triggered an erroneous removal of the homestead exemption for tax years 2020, 2021 or 2022. The taxpayer is eligible under the refund statute for a partial refund for tax years 2020, 2021 and 2022. Board of Assessors recommends approval.

Recommended refund for 2020, 2021 and 2022 is \$5,078.58.

What action are you seeking from the Board of Commissioners?

Approval of a disposition of tax refund, as requested by Hector Morales, in the amount of \$5,078.58 for tax years 2020, 2021 and 2022.

If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

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 Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of a disposition of tax refund, as requested by Jerry Knowles, in the amount of \$1,219.84 for tax years 2017, 2018 and 2019.

Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

It came to our attention that Jerry Knowles was being taxed on 0.70 acres. His survey, recorded in 1989 Plat Book 21 Page 15, states that his parcel is 0.33 acres. The BOA requested this refund on his behalf in November 2020. The request was based upon a mapping error. The error has been corrected for future tax years. The taxpayer is eligible under the refund statute for a partial refund for tax years 2017, 2018 and 2019. Board of Assessors recommends approval.

Recommended refund for 2017, 2018 and 2019 is \$1,219.84.

What action are you seeking from the Board of Commissioners?

Approval of a disposition of tax refund, as requested by Jerry Knowles, in the amount of \$1,219.84 for tax years 2017, 2018 and 2019.

If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to award Bid #2348-B: 2017 SPLOST; Stormwater Category II, Tier II; 19SBQ Downing Court Culvert Replacement to the lowest responsive, responsible bidder, F.S. Scarbrough, LLC, in the amount of \$117,706.35 and to transfer \$64,473 from 19SBO - Davis Road.

Background/History/Details:

On March 21, 2017, the citizens of Fayette County voted to enact a Special Purpose Local Option Sales Tax (SPLOST) to replace failing infrastructure throughout the unincorporated area of Fayette County. Downing Court Culvert Replacement is listed as a SPLOST Category II, Tier II project.

This project consists of removing the existing deteriorating 30-inch Corrugated Metal Pipe (CMP) and replacing it with 30-inch Reinforced Concrete Pipe (RCP) with headwalls. The culvert and headwalls are entirely contained within the existing 60-ft right-of-way.

What action are you seeking from the Board of Commissioners?

Approval to award Bid #2348-B: 2017 SPLOST; Stormwater Category II, Tier II; 19SBQ Downing Court Culvert Replacement to the lowest responsive, responsible bidder, F.S. Scarbrough, LLC, in the amount of \$117,706.35 and to transfer \$64,473 from 19SBO - Davis Road.

If this item requires funding, please describe:

Available funding in 2017 SPLOST; Stormwater Category II, Tier II; 19SBQ - Downing Court is \$53,233.35, \$64,473 from 19SBO - Davis Road.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



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

To: Steve Rapson

Through: Ted L. Burgess

From: Natasha M. Duggan

Date: January 25, 2024

Subject: Contract 2348-B: Downing Court Culvert Replacement

The Purchasing Department issued Invitation to Bid 2348-B to secure a contractor for the installation of drainage structures, grading, and paving on Downing Court. Notice of the opportunity was emailed to 100 companies. Another 373 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code 91339 (Construction, Pipe Culvert) and 21028 (Culverts, Concrete). The offer was also advertised through Georgia Local Government Access Marketplace, the Fayette County News, Channel 23, and the County website.

Nine companies submitted bids (Attachment 1). The available project funding is \$53,233.35. Environmental Management is requesting a budget transfer of \$64,473 from 19SBO Davis Road to fund the project.

Environmental Management recommends awarding to F. S. Scarbrough, LLC. A Contractor Performance Evaluation is not available since this is the first contract with F. S. Scarbrough. Environmental Management checked their references, and the results were satisfactory.

Specifics of the proposed contract are as follows:

Contract Name	2348-B: Downing Court Culvert Replacement	
Contractor	F. S. Scarbrough, LLC	
Contract Amount	\$117,705.68	
Budget:		
Fund	322	2017 SPLOST
Org Code	32240320	Stormwater
Object	541210	Other Improvements
Project	19SBQ	116 Downing Court
Available	\$ 53,233.35	As of 1/11/2024
Requested Transfer	<u>64,473.00</u>	from 19SBO Davis Road
Available	\$117,706.35	After BOC approval of transfer

Tally Sheet

ITB 2348-B: Downing Court Stormwater Replacement

PAY ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	Baldwin Paving Co. Inc.		Site Engineering, Inc.		Meriwether Site Solutions, Inc.		Crawford Grading and Pipeline, Inc.		Blount Construction Company, Inc.	
				UNIT PRICE	EXTENDED	UNIT PRICE	EXTENDED	UNIT PRICE	EXTENDED	UNIT PRICE	EXTENDED	UNIT PRICE	EXTENDED
150-1000	TRAFFIC CONTROL	1.00	LS	\$ 68,000.00	\$ 68,000.00	\$ 55,000.00	\$ 55,000.00	\$ 7,429.52	\$ 7,429.52	\$ 4,500.00	\$ 4,500.00	\$ 15,077.16	\$ 15,077.16
163-0232	TEMPORARY GRASSING	0.05	AC	\$ 850.00	\$ 42.50	\$ 100.00	\$ 5.00	\$ 705.60	\$ 35.28	\$ 5,000.00	\$ 250.00	\$ 5,150.00	\$ 257.50
163-0240	MULCH	0.10	TN	\$ 650.00	\$ 65.00	\$ 1,000.00	\$ 100.00	\$ 5,500.00	\$ 550.00	\$ 5,000.00	\$ 500.00	\$ 772.50	\$ 77.25
165-0010	MAINTENANCE OF TEMPORARY SILT FENCE, TP A	182.00	LF	\$ 3.50	\$ 637.00	\$ 0.01	\$ 1.82	\$ 1.75	\$ 318.50	\$ 2.00	\$ 364.00	\$ 1.96	\$ 356.72
171-0010	TEMPORARY SILT FENCE, TP A	182.00	LF	\$ 5.50	\$ 1,001.00	\$ 4.00	\$ 728.00	\$ 3.64	\$ 662.48	\$ 6.00	\$ 1,092.00	\$ 3.09	\$ 562.38
201-1500	CLEARING & GRUBBING-	1.00	LS	\$ 6,800.00	\$ 6,800.00	\$ 7,000.00	\$ 7,000.00	\$ 3,320.02	\$ 3,320.02	\$ 2,500.00	\$ 2,500.00	\$ 29,124.46	\$ 29,124.46
207-0203	FOUND BKILL MATL, TP II	46.00	CY	\$ 290.00	\$ 13,340.00	\$ 110.00	\$ 5,060.00	\$ 90.95	\$ 4,183.70	\$ 150.00	\$ 6,900.00	\$ 160.25	\$ 7,371.50
210-0100	GRADING COMPLETE-	1.00	LS	\$ 34,500.00	\$ 34,500.00	\$ 4,500.00	\$ 4,500.00	\$ 38,910.20	\$ 38,910.20	\$ 5,000.00	\$ 5,000.00	\$ 10,185.43	\$ 10,185.43
310-5060	GR AGGR BASE CRS, 6 INCH, INCL MATL	71.00	SY	\$ 210.00	\$ 14,910.00	\$ 25.00	\$ 1,775.00	\$ 28.63	\$ 2,032.73	\$ 30.00	\$ 2,130.00	\$ 53.28	\$ 3,782.88
402-3103	RECYCLED ASPH CONC 9.5 MM SUPERPAVE, TYPE II, GP 2 ONLY, INCL BITUM MATL & H LIME	5.94	TN	\$ 1,600.00	\$ 9,504.00	\$ 1,000.00	\$ 5,940.00	\$ 302.50	\$ 1,796.85	\$ 2,500.00	\$ 14,850.00	\$ 903.74	\$ 5,368.22
402-3190	RECYCLED ASPH CONC 19 MM SUPERPAVE, GP 1 OR 2, INCL BITUM MATL & H LIME	7.92	TN	\$ 1,300.00	\$ 10,296.00	\$ 1,000.00	\$ 7,920.00	\$ 302.50	\$ 2,395.80	\$ 2,000.00	\$ 15,840.00	\$ 663.99	\$ 5,258.80
413-0750	TACK COAT	3.52	GL	\$ 0.01	\$ 0.04	\$ 30.00	\$ 105.60	\$ 22.03	\$ 77.55	\$ 200.00	\$ 704.00	\$ 3.95	\$ 13.90
441-0600	CONCRETE HEADWALLS	2.00	EA	\$ 4,500.00	\$ 9,000.00	\$ 4,000.00	\$ 8,000.00	\$ 2,870.47	\$ 5,740.94	\$ 6,500.00	\$ 13,000.00	\$ 3,146.35	\$ 6,292.70
550-1300	STORM DRAIN PIPE, 30 IN, H 1-10	40.00	LF	\$ 370.00	\$ 14,800.00	\$ 850.00	\$ 34,000.00	\$ 529.48	\$ 21,179.20	\$ 800.00	\$ 32,000.00	\$ 244.44	\$ 9,777.60
603-2180	STN DUMPED RIP RAP, TP 3, 12 IN	16.00	SY	\$ 335.00	\$ 5,360.00	\$ 140.00	\$ 2,240.00	\$ 85.27	\$ 1,364.32	\$ 200.00	\$ 3,200.00	\$ 247.24	\$ 3,955.84
603-7000	PLASTIC FILTER FABRIC	132.00	SY	\$ 6.20	\$ 818.40	\$ 15.00	\$ 1,980.00	\$ 1.90	\$ 250.80	\$ 15.00	\$ 1,980.00	\$ 10.16	\$ 1,341.12
610-2365	REMOVE WATER MAIN, 6 IN	40.00	LF	\$ 50.00	\$ 2,000.00	\$ 100.00	\$ 4,000.00	\$ 44.98	\$ 1,799.20	\$ 100.00	\$ 4,000.00	\$ 51.50	\$ 2,060.00
670-1060	WATER MAIN, 6 IN, DIP	40.00	LF	\$ 170.00	\$ 6,800.00	\$ 200.00	\$ 8,000.00	\$ 430.20	\$ 17,208.00	\$ 500.00	\$ 20,000.00	\$ 309.00	\$ 12,360.00
670-2002	VALVE MARKER	2.00	EA	\$ 700.00	\$ 1,400.00	\$ 250.00	\$ 500.00	\$ 2,848.50	\$ 5,697.00	\$ 100.00	\$ 200.00	\$ 128.75	\$ 257.50
670-2060	GATE VALVE, 6 IN	2.00	EA	\$ 3,000.00	\$ 6,000.00	\$ 2,500.00	\$ 5,000.00	\$ 15,443.79	\$ 30,887.58	\$ 3,000.00	\$ 6,000.00	\$ 10,300.00	\$ 20,600.00
670-9245	STEEL CASING, 12 IN	16.00	LF	\$ 200.00	\$ 3,200.00	\$ 200.00	\$ 3,200.00	\$ 492.46	\$ 7,879.36	\$ 800.00	\$ 12,800.00	\$ 180.25	\$ 2,884.00
700-9300	SOD	203.00	SY	\$ 17.29	\$ 3,509.87	\$ 30.00	\$ 6,090.00	\$ 20.16	\$ 4,092.48	\$ 20.00	\$ 4,060.00	\$ 10.68	\$ 2,168.04
999-1000	ALLOWANCE	1.00	LS	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
TOTAL BASE BID FOR DOWNING COURT CULVERT REPLACEMENT					\$ 226,983.81		\$ 176,145.42		\$ 172,811.51		\$ 166,870.00		\$ 154,133.00

Red font indicates a calculation error that has been corrected

Tally Sheet
ITB 2348-B: Downing Court Stormwater Replacement

PAY ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	Piedmont Paving, Inc.		Helix Grading & Utility, LLC		Ryde Grading, Inc.		F. S. Scarbrough	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
150-1000	TRAFFIC CONTROL	1.00	LS	\$ 9,550.00	\$ 9,550.00	\$ 14,650.00	\$ 14,650.00	\$ 4,719.00	\$ 4,719.00	\$ 8,382.01	\$ 8,382.01
163-0232	TEMPORARY GRASSING	0.05	AC	\$ 5,000.00	\$ 250.00	\$ 7,200.00	\$ 360.00	\$ 850.00	\$ 42.50	\$ 949.96	\$ 47.50
163-0240	MULCH	0.10	TN	\$ 1,500.00	\$ 150.00	\$ 1,800.00	\$ 180.00	\$ 650.00	\$ 65.00	\$ 726.44	\$ 72.64
165-0010	MAINTENANCE OF TEMPORARY SILT FENCE, TP A	182.00	LF	\$ 6.00	\$ 1,092.00	\$ 2.50	\$ 455.00	\$ 1.15	\$ 209.30	\$ 1.29	\$ 234.78
171-0010	TEMPOARY SILT FENCE, TP A	182.00	LF	\$ 7.00	\$ 1,274.00	\$ 5.00	\$ 910.00	\$ 1.75	\$ 318.50	\$ 1.96	\$ 356.72
201-1500	CLEARING & GRUBBING-	1.00	LS	\$ 7,500.00	\$ 7,500.00	\$ 4,250.00	\$ 4,250.00	\$ 1,100.00	\$ 1,100.00	\$ 7,319.17	\$ 7,319.17
207-0203	FOUND BK FILL MATL, TP II	46.00	CY	\$ 165.00	\$ 7,590.00	\$ 125.00	\$ 5,750.00	\$ 59.60	\$ 2,741.60	\$ 60.88	\$ 2,800.48
210-0100	GRADING COMPLETE-	1.00	LS	\$ 57,390.00	\$ 57,390.00	\$ 27,500.00	\$ 27,500.00	\$ 59,138.41	\$ 59,138.41	\$ 8,000.34	\$ 8,000.34
310-5060	GR AGGR BASE CRS, 6 INCH, INCL MATL	71.00	SY	\$ 65.00	\$ 4,615.00	\$ 150.00	\$ 10,650.00	\$ 9.27	\$ 658.17	\$ 56.42	\$ 4,005.82
402-3103	RECYCLED ASPH CONC 9.5 MM SUPERPAVE, TYPE II, GP 2 ONLY, INCL BITUM MATL & H LIME	5.94	TN	\$ 550.00	\$ 3,267.00	\$ 1,100.00	\$ 6,534.00	\$ 1,145.66	\$ 6,805.22	\$ 1,783.22	\$ 10,592.33
402-3190	RECYCLED ASPH CONC 19 MM SUPERPAVE, GP 1 OR 2, INCL BITUM MATL & H LIME	7.92	TN	\$ 475.00	\$ 3,762.00	\$ 875.00	\$ 6,930.00	\$ 1,145.66	\$ 9,073.63	\$ 1,046.40	\$ 8,287.49
413-0750	TACK COAT	3.52	GL	\$ 25.00	\$ 88.00	\$ 15.00	\$ 52.80	\$ 21.20	\$ 74.62	\$ 6.91	\$ 24.32
441-0600	CONCRETE HEADWALLS	2.00	EA	\$ 2,850.00	\$ 5,700.00	\$ 2,500.00	\$ 5,000.00	\$ 2,413.32	\$ 4,826.64	\$ 3,106.73	\$ 6,213.46
550-1300	STORM DRAIN PIPE, 30 IN, H 1-10	40.00	LF	\$ 275.00	\$ 11,000.00	\$ 350.00	\$ 14,000.00	\$ 95.47	\$ 3,818.80	\$ 224.81	\$ 8,992.40
603-2180	STN DUMPED RIP RAP, TP 3, 12 IN	16.00	SY	\$ 105.00	\$ 1,680.00	\$ 325.00	\$ 5,200.00	\$ 31.29	\$ 500.64	\$ 86.76	\$ 1,388.16
603-7000	PLASTIC FILTER FABRIC	132.00	SY	\$ 4.00	\$ 528.00	\$ 4.50	\$ 594.00	\$ 1.75	\$ 231.00	\$ 6.87	\$ 906.84
610-2365	REMOVE WATER MAIN, 6 IN	40.00	LF	\$ 30.00	\$ 1,200.00	\$ 10.00	\$ 400.00	\$ 31.34	\$ 1,253.60	\$ 74.19	\$ 2,967.60
670-1060	WATER MAIN, 6 IN, DIP	40.00	LF	\$ 200.00	\$ 8,000.00	\$ 325.00	\$ 13,000.00	\$ 131.62	\$ 5,264.80	\$ 264.37	\$ 10,574.80
670-2002	VALVE MARKER	2.00	EA	\$ 350.00	\$ 700.00	\$ 35.00	\$ 70.00	\$ 45.00	\$ 90.00	\$ 30.49	\$ 60.98
670-2060	GATE VALVE, 6 IN	2.00	EA	\$ 2,200.00	\$ 4,400.00	\$ 2,850.00	\$ 5,700.00	\$ 3,421.50	\$ 6,843.00	\$ 4,533.30	\$ 9,066.60
670-9245	STEEL CASING, 12 IN	16.00	LF	\$ 175.00	\$ 2,800.00	\$ 225.00	\$ 3,600.00	\$ 75.03	\$ 1,200.48	\$ 530.58	\$ 8,489.28
700-9300	SOD	203.00	SY	\$ 16.00	\$ 3,248.00	\$ 15.00	\$ 3,045.00	\$ 6.67	\$ 1,354.01	\$ 19.32	\$ 3,921.96
999-1000	ALLOWANCE	1.00	LS	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
TOTAL BASE BID FOR DOWNING COURT CULVERT REPLACEMENT					\$ 150,784.00		\$ 143,830.80		\$ 125,328.92		\$ 117,705.68

COUNTY AGENDA REQUEST

Page 147 of 195

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to award Bid #2336-A for Lake Kedron Dam Intake Sluice Gate to Zion Marine Inc., in the amount of \$62,700 for replacement of Lake Kedron Dam exterior sluice gate and to transfer \$22,700 from CIP 8CSSC to CIP 24WSE.

Background/History/Details:

Lake Kedron is a 235-acre water supply reservoir that yields up to four million gallons per day for drinking water production. Kedron Dam is maintained and operated by Fayette County Water System and final repairs to the intake structure are required to ensure dam integrity. The intake structure is important for flood control purposes and controlling water release to ensure regulatory flow requirements.

To ensure functional operation of the Lake Kedron Dam, improvements of the intake structure were initiated in 2022. Items completed to date include spillway caulking, erosion control, and intake structure building (roof repair, new siding, new door, lighting, interior painting, remote valve actuator, and new control valve assembly) improvements.

This work will complete the necessary improvements of the Lake Kedron Dam Intake Structure with installation of the new 16-inch x 16-inch exterior sluice gate that is an essential component for controlling lake levels and flow.

What action are you seeking from the Board of Commissioners?

Approval of Bid #2336-A for Lake Kedron Dam Intake Sluice Gate to Zion Marine Inc., in the amount of \$62,700 for replacement of Lake Kedron Dam exterior sluice gate and to transfer \$22,700 from CIP 8CSSC to CIP 24WSE.

If this item requires funding, please describe:

Funding is available in CIP Project 24WSE \$40,000; the remaining \$22,700 from CIP Project 8CSSC (Camera Surveillance).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



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

To: Steve Rapson

Through: Ted L. Burgess

From: Natasha M. Duggan

Date: January 25, 2024

Subject: Contract 2336-A: Lake Kedron Dam Intake Sluice Gate

The Purchasing Department issued Request for Quotes 2336-A to secure a dive company to replace the Lake Kedron Dam intake structure sluice gate. Notice of the opportunity was emailed to two companies. Another 136 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code 96226 (Diving Services). The offer was also advertised through Georgia Local Government Access Marketplace, and the Fayette County website.

Four companies submitted quotes (Attachment 1). The available project funding is \$40,000. The Water System is requesting a budget transfer of \$22,700 from 8CSSC Camera Surveillance to 24WSE Lake Kedron Intake to fund the project.

The Water System recommends awarding to Zion Marine, Inc. The Purchasing Department checked their references, and the results were satisfactory.

Specifics of the proposed contract are as follows:

Contract Name	2336-A: Lake Kedron Dam Intake Sluice Gate	
Contractor	Zion Marine, Inc.	
Contract Amount	\$62,700.00	
Budget:		
Fund	507	Water CIP
Org Code	50740400	Water CIP
Object	542540	
Project	24WSE	Lake Kedron Intake
Available	\$40,000	As of 1/11/2024
Requested Transfer	<u>22,700</u>	from 8CSSC
Available	\$62,700	After BOC approval of transfer

Tally Sheet
RFQ 2336-A: Lake Kedron Dam Intake Sluice Gate

	In Depth, Inc.	Underwater Construction Corporation	SE Diving Services, LLC	Zion Marine, Inc.
Sluice Gate Repairs, per scope of work	\$ 140,000.00	\$ 107,790.00	\$ 74,114.88	\$ 57,700.00
Contingency Allowance	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Total Price	\$ 145,000.00	\$ 112,790.00	\$ 79,114.88	\$ 62,700.00

COUNTY AGENDA REQUEST

Page 150 of 195

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of Ironside Locates Contract 2258-B; Utility Locating change order with a not-to-exceed amount of \$105,000 to provide production utility locating of Water System infrastructure.

Background/History/Details:

The Water System is responsible for providing all utility line locating. Staff performs all "production locates" within 48 hours as required by state law. The Water System contracts out large-project locating since remarking of utility lines is required over an extended period of time and resources are currently not available to perform production locates in house in addition to the large locates.

Ironside Locates, LLC. is the current contractor for large project locates and provided a "production locate" cost per ticket of \$21.00. Staff estimates 5,000 tickets will need to be located for the remainder of FY2024. Ironside Locates, LLC. will provide the necessary labor, equipment, tools and supplies to perform underground locating and marking of Water System infrastructure to comply with O.C.G.A 25-9, the Georgia Utility Protection Act and PSC Subject 515-9-4.

What action are you seeking from the Board of Commissioners?

Approval of Ironside Locates Contract 2258-B; Utility Locating change order with a not-to-exceed amount of \$105,000 to provide production utility locating of Water System infrastructure

If this item requires funding, please describe:

Funding is available in M&O for transfer to 50544020-521316 from: 50544020-542140 (\$33,000), 50541017-522230 (\$32,000), 50541017-522235 (\$20,000), 50541017-522265 (\$10,000), and 50541017-522268 (\$10,000).

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:



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, 2024

**Subject: Contract 2258-B: Utility Locates
 Change Order 1: Add Production Utility Locating**

Fayette County awarded Contract 2258-B to Ironside Locates on June 8, 2023, for underground locating and marking services. Even though the original Invitation to Bid requested pricing for large project locates and 811 production locates, due to budget constraints, Ironside Locates was only awarded the large project locates.

Change Order 1 requests the addition of the 811 production locates to the contract. The bid requested pricing for 10,000 locates, but Fiscal Year 2024 is fifty percent over therefore the Water System is asking for 5,000 locates to be added by change order for the remainder of Fiscal Year 2024. The low bidder, Breakpoint Surveying & Underground, was unable to hold their bid price. The second low bidder, Ironside Locates, has agreed to honor their bid price of \$21.00 per locate (Attachment 1).

While funding is available in Field Operations Technical Services, a budget transfer is being requested to cover this change order and allow Field Operations to use the remaining funds for other projects.

Specifics of the proposed contract change order are as follows:

Contract Name	2258-B: Utility Locates	
Contractor	Ironside Locates	
Change Order	1: Add Production Utility Locating	
Not to Exceed Amount	\$110,500.00	
Change Order 1	<u>\$105,000.00 (5,000 locates/\$21 per ticket)</u>	
Revised Not to Exceed	\$215,500.00	
Budget:		
ORG	50544020	Field Operations
Object	521316	Technical Services
Requested Transfer	\$105,000.00	from M&O
Available	\$223,700.00	After BOC approval of transfer

**ITB# 2258-B: Utility Locating
Tally Sheet**

Type of Ticket	Estimated Tickets	Badger Daylighting Corp.		Topo Locating, LLC		Digital Concrete Imaging DBA Breakpoint Surveying & Underground		Ironside Locates LLC	
		Price per Ticked Located	Extended Price	Price per Ticked Located	Extended Price	Price per Ticked Located	Extended Price	Price per Ticked Located	Extended Price
Normal GA811 Locate Tickets	10,000	\$ 45.00	\$ 450,000.00	\$ 45.00	\$ 450,000.00	\$ 9.80	\$ 98,000.00	\$ 21.00	\$ 210,000.00
Emergency GA811 Locate Tickets	10	\$ 65.00	\$ 650.00	\$ 55.00	\$ 550.00	\$ 55.00	\$ 550.00	\$ 35.00	\$ 350.00
Subtotal GA811 Locate Tickets			\$ 450,650.00		\$ 450,550.00		\$ 98,550.00		\$ 210,350.00
Type of Ticket	Estimated Linear Feet (LF)	Price per LF Located	Extended Price	Price per LF Located	Extended Price	Price per LF Located	Extended Price	Price per LF Located	Extended Price
Large Project Locates	650,000	\$ 0.35	\$ 227,500.00	\$ 0.28	\$ 182,000.00	\$ 0.48	\$ 312,000.00	\$ 0.17	\$ 110,500.00
Total Price			\$ 678,150.00		\$ 632,550.00		\$ 410,550.00		\$ 320,850.00

BOARD OF COUNTY COMMISSIONERS

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

Consent #20



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

January 11, 2024

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

ORGANIZATIONAL SESSION:

Call to Order by County Attorney Dennis Davenport

County Attorney Dennis Davenport called the January 11, 2024 Organizational Meeting of the Board of Commissioners to order at 5:00 p.m. A quorum of the Board was present. He stated that according to Section 2-52 of the Fayette County Code, the county attorney had the duty and responsibility to open the first meeting of the year. He explained the process for electing the Chairman of the Board. Commissioner Edwards Gibbons was absent.

Election of Board Chairman for the year 2024

County Attorney Dennis Davenport opened the floor for nominations for Chairman of the Board of Commissioners.

Commissioner Eric Maxwell nominated Commissioner Lee Hearn as Chairman.

Commissioner Eric Maxwell moved to close the floor for nominations. Commissioner Charles Oddo seconded. The motion passed 4-0. Commissioner Edwards Gibbons was absent.

Commissioner Eric Maxwell moved to elect Commissioner Lee Hearn as Chairman. Commissioner Charles Rousseau seconded. The motion passed 4-0. Commissioner Edwards Gibbons was absent.

Mr. Davenport turned the nominations over to Chairman Hearn.

Election of Board Vice Chairman for the year 2024

Chairman Hearn asked for nominations for Vice Chairman.

Commissioner Charles Oddo nominated Commissioner Edward Gibbons as Vice Chairman.

Commissioner Eric Maxwell moved to close the floor for nominations. Commissioner Charles Oddo seconded. The motion passed 4-0. Commissioner Edwards Gibbons was absent.

Commissioner Eric Maxwell moved to elect Commissioner Edward Gibbons as Vice Chairman. Commissioner Charles Oddo seconded. The motion passed 4-0. Commissioner Edwards Gibbons was absent.

OFFICIAL SESSION:

Invocation and Pledge of Allegiance by Commissioner Edward Gibbons

Chairman Lee Hearn offered the Invocation and led the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Maxwell moved to accept the agenda, with the change of moving the discussion of item #14 before public hearings. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Edwards Gibbons was absent.

PROCLAMATION/RECOGNITION:

1. Recognition of the Fayette County Annual Merry Door and Wreath Decorating Contest winners.

County Administrator Steve Rapson recognized and presented trophies to the Fayette County Annual Merry Door and Wreath Decorating Contest winners as follows, 1st Place Door Decoration - Building Safety, 1st Place Wreath Decoration - Criminal Investigation Division-Sheriff's Office, and Best Overall - Criminal Investigation Division-Sheriff's Office. He stated that this was a highly anticipated annual event that helped build teamwork, creativity, comradery, and a little healthy competition amongst the departments during the holiday season and brought a festive appearance to the County Complex and offices.

PUBLIC HEARING:

Planning and Zoning Director Debbie Bell read the Introduction to Public Hearings.

2. **Consideration of Petition No.1335-23A, Veterans Parkway and Lee's Mill South, LLC, Owner; and Fayette County Development Authority, Agent, request to rezone 22.9674 acres from R-70 to A-R for a recreational facility; property located in Land Lot(s) 224 & 225 of the 5th District and fronts on Veterans Parkway.**

Ms. Bell stated that the following hearings were for four (4) parcels that were part of a single project. She continued stating that the hearing information would be presented collectively with Petition No. 1335-23A but each of the petitions would require its own hearing and vote. Ms. Bell stated that this request was for Petition No.1335-23A, Veterans Parkway and Lee's Mill South, LLC, Owner; and Fayette County Development Authority, Agent, request to rezone 22.9674 acres from R-70 to A-R for a recreational facility; property located in Land Lot(s) 224 & 225 of the 5th District and fronts on Veterans Parkway. She added that there were recommended conditions for each of the petitions that varied slightly and she would outline those with each applicable petition after she provided the presentation.

Mr. Davenport stated that there was less than a full Board and advised the petitioner that they would need to have at least three votes to approve the rezonings. He asked the Petitioner if they wished to defer consideration of the public hearings to the next meeting with a full Board.

Applicant representative with the Development Authority, Nikki Vanderslice, advised that they would like to proceed.

Ms. Bell stated that these hearings involved a series of four parcels identified as separate cases A, B, C, and D, located at the intersection of Veterans Parkway and Lee's Mill Road. She briefly outlined the location map as well as noted that as seen, there were some remnant parcels on the eastside of Veterans Parkway which would be consolidated in this project. She stated that most of the property within this area was zoned R-70, with some R-45 and C-S nearby. Ms. Bell stated that the Future Land Use Map showed the property as rural residential and conservation area. She outlined the environmental conditions which included: floodplain management and wetlands, the transportation overview which highlighted the right-of-way acquisition, traffic data, and sight distance requirements; and additional department comments from the Water System Environmental Health, Fire, and Georgia Department of Transportation (GDOT). Ms. Bell stated that the first public hearing for this series of petitions was held before the Fayette County Planning Commission on December 7, 2023. The Planning Commission recommended approval of the rezoning for all four (4) petitions.

Ms. Bell listed the recommended conditions for Petition No.1335-23A as follows:

1. The owner/developer shall prepare a Traffic Impact Study for review and approval by Fayette County. The study shall determine the traffic impacts caused by the development and identify transportation projects to mitigate the impacts. The owner/developer shall pay for the design, permitting, and construction of all mitigation projects identified in the study. The details of project identification, schedule, delivery, cost, etc. shall be determined by a Memorandum of Understanding between Fayette County and the owner/developer.
2. The project shall have a maximum of four curb cuts along the Veterans Parkway Road frontage: two serving the property on the west and two serving the property on the east. If two curb cuts are utilized for the property to the east (Parcel A), then at least one of the entrances shall be aligned with an entrance to the west.
3. All parcel remnants of parcels 0707 011 and 0708 042 located on the east side of Veterans Parkway shall be combined with Parcel 0542 005 within six (6) months of approval of rezoning, or prior to the submittal of a site plan or permit application for any phase of the project, whichever comes first.
4. For any parcel fronting Veterans Parkway that requires water service, the developer shall install a 16-in diameter water line on the east side of Veterans Parkway, beginning at the tie-in at Lee's Mill Road and Veterans Parkway intersection and extending to the northern boundary of the parcel on Veterans Parkway. All costs, including bores underneath roads, shall be the responsibility of the developer.

Nikki Vanderslice, with Fayette County Development Authority, stated that she was aware that each of the petitions would be discussed and voted on individually but made a few opening comments related to the request as a whole to help shed some light on what was before the Board. She highlighted a major Board decision made in 2008 that deemed the "road to nowhere", now a major thoroughfare in the County known as Veterans Parkway. She noted that the decision to approve Veterans Parkway was part of a vision and good for the long-term health of the community and set the stage for where the County stood today. Ms. Vanderslice discussed how the decision to approve Veterans Parkway led to Trilith Studios locating in Fayette County and it becoming home to the filming industry. As a result, the community has a more diverse dining, shopping, and residential experience. Ms. Vanderslice highlighted contributions gained via Trilith Studios to include a \$1.3M gain to the tax digest last year. She briefly outlined the new QTS project and its future benefits to the Fayette County community. Ms. Vanderslice advised that the items before the Board would be a major decision and would have a long-term effect on Fayette County. She stated that the United States Soccer Federation selected Fayette County for its national training center and corporate headquarters. She acknowledged that the selection process was not perfect and added that if there had not been a project announcement on December 7, 2023, because of none disclosure agreements (NDA), she would not been at liberty to discuss what the property was going to be used for and could only discuss the specific rezoning requests. Ms. Vanderslice stated that during the final selection process there were various round table meetings and unfortunately both Chairman Hearn and Mr. Rapson were out of town and unavailable to attend the day these were scheduled. She noted that the United States Soccer Federation were interested in becoming community partners and good neighbors. She stated that there would not be a stadium and would be a training facility for the 27 national teams, who currently trained all over the United States. Should these rezonings be approved these athletes would be training in Fayette County, Georgia. The United States Soccer Federation was working with an architect, an engineer, and developer to design a site that would meet their needs and was a positive addition to the community. She continued stating that the facility expected to have 12-14 fields to serve 27 national teams. She stated that there may be a cafeteria of sorts. There was no mention of alcohol sales at the facility. If done right, the potential sales tax revenue this facility could garner, not merely via property tax but as a result of the ripple effect this would have on the community at large. She stated the Fayette County Development Authority has included language in the Memorandum of Understanding (MOU) stipulating that the property was for United States Soccer Federation training facility and that there would be no sewer if not. In conclusion, Ms. Vanderslice, on behalf of the Development Authority, committed to providing an opportunity for neighbors to meet with the United States Soccer Federation prior to the finalization of any plans. She asked the Board not to constrain the ability to deliver this project on time, which is a timeline of built and delivery, prior to the 2026 World Cup, putting Fayette County on the world map. She asked the Board to take on a visionary leadership role in reviewing these petitions.

Commissioner Rousseau noted that although the Chairman and County Administrator were unavailable for the meetings with the United States Soccer Federation, he would have appreciated an invitation, and he would have made himself available for a meeting of such magnitude. He asked how many acres of wetlands were located on the property.

Ms. Vanderslice stated that the property totaled 321 acres and of that, there was about 120 acres in the 200-year floodplain.

Commissioner Rousseau asked about the wetlands specifically.

Ms. Vanderslice stated that the wetlands was incorporated in the floodplain acreage.

Commissioner Rousseau stated that this would leave a little over 200 acres available for development.

Ms. Vanderslice stated that was correct.

Commissioner Rousseau commended the Fayette County Development Authority for offering community neighbors and constituents the opportunity to meet with United States Soccer Federation, if approved. This would provide an opportunity to discuss some of the ancillary issues a project like this would create such as lighting and traffic. He extended an invitation to assist in any way he could. He stated that he would be interested in seeing plans regarding traffic as it related to school traffic specific and was concerned about environmental restrictions and protecting the wetlands, streams, and floodplains. He noted that some fields could be developed in some floodplains.

Ms. Vanderslice stated that was correct, depending on certain criteria.

Commissioner Rousseau stated that he would also be looking at and concerns about water runoff.

Ms. Vanderslice stated that they had been provided with some conceptual building ideas related to the design which included a 2-level 200,000 sq. ft. building, which means that most of what would happen on this property would not be impervious surfaces but fields.

Commissioner Rousseau stated that he also had concerns related to traffic on Veterans Parkway with plans for a roundabout in the area and potential for a 4-way stop at the intersection of Westbridge Road/ Veterans Parkway/ State Route 92 to mitigate issues when making a right turn. He noted that he hoped Georgia Department of Transportation was close to finishing their assessment and study.

The following citizens made comments in favor of this project: Alice Jones, Bryan McDermott, Steve Weeman, Charles Greaves

Citizen's comments in favor of this project stated that the US Soccer Federation was seeking a remote and quiet atmosphere for this facility, and this was an ideal location. Commenters also highlighted an opportunity for engagement and access on a global level for the local soccer community. Commenters stated that this project would put Fayette County on the international map and create job opportunity. Ms. Jones stated that she would like to see some education provided to citizens regarding how to approach roundabouts.

The following citizens made comments in opposition of this project: Doug Burcher, John Fonzo, Mike Iverson, and Ed Wyatt

Citizen's comments in opposition of this project included concerns regarding lighting, increase in traffic, and noise. Commenters also noted the need for privacy with potential buffers, concerns regarding facility access, and concerns regarding the need to increase alternative forms of transportation.

Ms. Vanderslice provided the Board an arial map highlighting the proposed property in response to citizen's comments. She noted that for current property owners, concerns about the wetland, nothing would change and for other property owners who relayed concerns regarding privacy and noise mitigation, they would not be looking at a building. She noted that if the rezoning

was approved, a traffic study would be done on Lee's Mill Road and any subsequent findings would be appropriately addressed. She reiterated that this rezoning was a step in the process and if approved without restrictive conditions would allow the developer the opportunity to thoroughly vet the land and create a suitable facility design.

Commissioner Maxwell noted that there were several citizens that did not squarely fit into either in favor or opposition of this project but had some concerns and was hesitant as to how this would work. He stated that this project put him in an unfamiliar position because usually there was coordination between the County and the developers. Commissioner Maxwell stated that he did not know anything about this project. However, he had begun to hear whispers and while attending a recent meeting, the Development Authority Chair, Darryl Hicks and other attendees knew more about the project than he did. He noted that this was not a project that was initiated via the Board of Commissioner but one that began with the Development Authority and or via an inquisition to the Development Authority. Commissioner Maxwell stated that he was on the Board back when the "road to nowhere" – Veterans Parkway was built. He noted that was a major decision and was put in place well before 2008. He continued stating that as a result of approving Veterans Parkway he and his fellow Board members were kicked out of office. Commissioner Maxwell recalled the comment "build the road they would come". He stated that he did not know then the ramifications that decision [to build Veterans Parkway] would have on the county. Commissioner Maxwell stated that he did not know Trilith, Georgia Military College or the United States Soccer Federation would seek to station facilities in Fayette County. He stated that while he was not against the United States Soccer Federation training facility he was frustrated with the lack of transparency and lack of information regarding this request. Commissioner Maxwell stated that it was difficult to make such a huge decision for the County with limited information because this type of facility would have a major long-term impact, specifically for resident who live in that area. He acknowledged that he was for the project but expressed his displeasure with receiving documents at the last minute. It made it difficult to process all the information to make an informed decision. He acknowledged that with previous applicants this was frowned upon and caused issues with county residents regarding transparency.

Ms. Vanderslice stated that her providing the documents today was in an effort to provide location visuals and clarity and not a presentation of additional information than what was originally included in the agenda package.

Commissioner Maxwell asked Mr. Davenport if the Board could require that the main entrance of this facility be located off Veterans Parkway as a condition of this rezoning.

Mr. Davenport stated that the current item being discussed was parcel A and only fronted on Veterans Parkway so any condition related to Lee's Mill would have no effect on this rezoning.

Commissioner Maxwell stated that he understood the technical aspect of his question. But reiterated that as it related to the project as a whole and for whichever applicable parcel, could the Board make a condition that required the facility entrance to be located on Veterans Parkway and not on Lee's Mill Road.

Mr. Davenport stated yes.

Commissioner Maxwell asked if buffers could also be required as a condition of the rezoning.

Mr. Davenport stated that would be more difficult because the request was to rezone from R-70 to A-R which was a less intense zoning district. He noted that typically when using buffers, the goal was to shield adjacent properties from a hostile use such as an M-1 or commercial zoning. He added that this request would simply be A-R butting up to residential using buffers in this instance was something the Board had never done before.

Commissioner Maxwell asked about stipulations regarding lighting.

Mr. Davenport stated that lighting was typically handled at the development phase and would be minimized with respect to adjacent property.

Commissioner Maxwell asked about fencing.

Mr. Davenport again noted that this rezoning was for A-R adjacent to residential and if a fence was required it typically was used to buffer or separate a hostile use from an adjacent residential which was not the case with this property.

Commissioner Maxwell asked if a fencing requirement was established where the fencing would be placed.

Mr. Davenport stated that that would be the decision of the property owner.

Commissioner Maxwell expressed his concern regarding the size of the facility and the number of fields located there and stated that he had heard varying numbers.

Ms. Vanderslice stated that as far as she knew they were wanting 12-14 fields and added that there had been a few conceptual designs circulating but nothing had been finalized.

Commissioner Maxwell expressed his concern related to grandstand and/or facility capacity. He asked if a condition could be placed that required a limit to capacity for the facility and no grandstands.

Mr. Davenport stated that if the vote was to approve this rezoning to A-R the property owner had the right to develop their property consistent with any use permitted in A-R and/or any conditional use permitted in A-R, without any additional restrictions. He added that any conditioning within A-R itself would probably not be supported legally.

Commissioner Maxwell stated that this was the basis of his concern. He did not know definitively what was going there and how it would impact traffic in the area. He stated it was a beautiful concept picture but there was a lot of unknown.

Ms. Vanderslice stated that this initial process was for the rezoning and as such focused strictly on if the requested zoning was appropriate. She stated that she was happy to be able to disclose the intended purpose of the property but reiterated that this development was in the early stages of the process and information on specifics was limited, especially until it was appropriately rezoned.

Commissioner Rousseau stated, as a point of clarification, that what was being discussed and considered was only a schematic design and until this development went through the process and performed the necessary surveys and analysis the Board was in the dark as to any specifics.

Ms. Bell stated that was correct.

Commissioner Rousseau stated with this in mind, what could fit on these 200 acres had not been decided. He noted that Ms. Vanderslice commented to, on behalf of the applicant, community involvement and engagement as this project went through the development phase, if the rezoning was approved. Commissioner Rousseau asked if this community meeting commitment could be added as a condition of the rezoning.

Mr. Davenport stated that this would imply that the commitment to meet would also have an accompanying commitment to implement what was heard during this meeting.

Commissioner Rousseau stated that would not be feasible because there was not a way to determine what the comments would be.

Mr. Davenport stated that there was no actual enforcement of this condition and outside of that, raise unnecessary questions on the backend regarding if the condition was met or not. He stated that typically prior to rezonings, property owners and developers would meet with the community, although not required, to create comradery establishing a smooth transition through the rezoning process.

Commissioner Rousseau reiterated his position stating that he fully expected community engagement with this developer and was anticipating community meetings that would open the door to dialogue and discussion between the two parties.

Ms. Vanderslice stated that Commissioner Rousseau had her word that the community meetings would take place.

Commissioner Rousseau reiterated previous comments related to receiving documents at the last minute and not having time to properly vet and review the information to make an informed decision.

Commissioner Oddo stated that from his analysis he did not feel there was any actual angst or disapproval of the soccer facility however there was a desire for the concerns of the community to be heard and the need for transparency and collaboration. He stated that he would like to support this project but was hesitant due to the lack of information.

Ms. Vanderslice stated that she was committed to hosting the community meetings as discussed and reiterated previous comments related to the US Soccer Federation wanting to be good partners and neighbors in the community. She also noted that the outcome of this meeting would determine next steps regarding development design.

Commissioner Hearn stated that in light of citizen concerns he fully supported developing a partnership with the US Soccer Federation and initiating conversation and discussion related to setbacks, buffers, curb cuts, fencing, traffic, etc.

Ms. Vanderslice concluded asking for Board approval of this rezoning.

Further discussion continued.

Commissioner Rousseau asked for the conditions for Petition No.1335-23A.

Mr. Rapson stated listed the applicable conditions as follows:

1. The owner/developer shall prepare a Traffic Impact Study for review and approval by Fayette County. The study shall determine the traffic impacts caused by the development and identify transportation projects to mitigate the impacts. The owner/developer shall pay for the design, permitting, and construction of all mitigation projects identified in the study. The details of project identification, schedule, delivery, cost, etc. shall be determined by a Memorandum of Understanding between Fayette County and the owner/developer.
2. The project shall have a maximum of four curb cuts along the Veterans Parkway Road frontage: two serving the property on the west and two serving the property on the east. If two curb cuts are utilized for the property to the east (Parcel A), then at least one of the entrances shall be aligned with an entrance to the west.
3. All parcel remnants of parcels 0707 011 and 0708 042 located on the east side of Veterans Parkway shall be combined with Parcel 0542 005 within 6 months of approval of rezoning, or prior to the submittal of a site plan or permit application for any phase of the project, whichever comes first.
4. For any parcel fronting Veterans Parkway that requires water service, the developer shall install a 16-in diameter water line on the east side of Veterans Parkway, beginning at the tie-in at Lee's Mill Road and Veterans Parkway intersection and extending to the northern boundary of the parcel on Veterans Parkway. All costs, including bores underneath roads, shall be the responsibility of the developer.

Commissioner Rousseau asked if the applicant was amenable to the outlined conditions.

Ms. Vanderslice stated, yes.

The Board recessed the meeting.

Chairman Hearn reconvened the BOC Meeting.

The Board continued with the following public hearing before making a vote.

Commissioner Rousseau moved to approve Petition No.1335-23A, Veterans Parkway and Lee's Mill South, LLC, Owner; and Fayette County Development Authority, Agent, request to rezone 22.9674 acres from R-70 to A-R for a recreational facility; property located in Land Lot(s) 224 & 225 of the 5th District and fronts on Veterans Parkway with the outlined conditions. Commissioner Oddo seconded.

Commissioner Oddo reiterated that his second was on the basis that the committed community engagement meetings would occur.

Commissioner Maxwell urged the Development Authority to ensure a member of the development team was present at future presentations.

Further discussion continued.

Commissioner Rousseau moved to approve Petition No.1335-23A, Veterans Parkway and Lee's Mill South, LLC, Owner; and Fayette County Development Authority, Agent, request to rezone 22.9674 acres from R-70 to A-R for a recreational facility; property located in Land Lot(s) 224 & 225 of the 5th District and fronts on Veterans Parkway with the outlined conditions. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Edwards Gibbons was absent.

3. Consideration of Petition No.1335-23B, Veterans Parkway and Lee's Mill South, LLC, Owner; and Fayette County Development Authority, Agent, request to rezone 237.4382 acres from R-70 to A-R for a recreational facility; property located in Land Lot(s) 224 of the 5th District and Land Lot(s) 13, 14, 18, and 19 of the 7th District and fronts on Veterans Parkway and Lee's Mill Road.

Ms. Bell stated that this was a request to rezone 237.4382 acres from R-70 to A-R for a recreational facility; property located in Land Lot(s) 224 of the 5th District and Land Lot(s) 13, 14, 18, and 19 of the 7th District and fronts on Veterans Parkway and Lee's Mill Road. She continued stating that the Planning Commission recommended conditional approval and staff recommended conditional approval with seven (7) conditions.

1. Lees Mill Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Lees Mill Road. Submittal of the warranty deed and legal descriptions shall be submitted to the Environmental Management Department prior to approval of a final plat for the properties.

2. The owner/developer shall prepare a Traffic Impact Study for review and approval by Fayette County. The study shall determine the traffic impacts caused by the development and identify transportation projects to mitigate the impacts. The owner/developer shall pay for the design, permitting, and construction of all mitigation projects identified in the study. The details of project identification, schedule, delivery, cost, etc. shall be determined by a Memorandum of Understanding between Fayette County and the owner/developer.

3. The project's primary construction entrance/exit shall be located on Veterans Parkway. A secondary temporary construction entrance, however, may be approved by Public Works if necessary for construction entrance/exit until completion of the installation of the stream crossing and entrance on Veterans Parkway. If approved, all construction traffic entering and leaving the Lees Mill Road construction entrance shall be to the east (i.e., towards Veterans Parkway). Once the entrance on Veterans Parkway and the stream crossing are constructed, all construction traffic shall be directed to use it for entrance and exit, and the temporary entrance shall be closed to daily use within 14 days of written notice from Public Works.

4. The project shall have a maximum of four curb cuts along the Veterans Parkway Road frontage: two serving the property on the west and two serving the property on the east. If two curb cuts are utilized for the property to the east (Parcel A), then at least one of the entrances shall be aligned with an entrance to the west.

5. The project shall have a maximum of one curb cut onto Lees Mill Road.

6. All parcels on the west side of Veterans Parkway shall be combined into a single parcel within 6 months of approval of rezoning, or prior to the submittal of a site plan or permit application for any phase of the project, whichever comes first.

7. For any parcel fronting Veterans Parkway that requires water service, the developer shall install a 16-in diameter water line on the east side of Veterans Parkway, beginning at the tie-in at Lee's Mill Road and Veterans Parkway intersection and extending to the northern boundary of the parcel on Veterans Parkway. All costs, including bores underneath roads, shall be the responsibility of the developer.

Ms. Vanderslice reserved her comments for rebuttal, if needed.

Commissioner Rousseau asked if the applicant was amenable to the outlined conditions.

Ms. Vanderslice stated, yes.

Chairman asked for comments in favor of this petition.

The following commenters made comments in favor of the rezoning: Michelle Iverson

Comments included concerns regarding understanding the conditions of the petition.

The following citizens made comments in opposition to the rezoning: Mike Iverson, Doug Burcher, John Fonzo, Ed Wyatt, Christian Jendrasac.

Comments in opposition included concerns regarding project transparency, lack of information, noise mitigation, the need for undisturbed natural buffer, the need for community meetings, environmental/wetland concerns, the need for Lee's Mill Road access restrictions, fencing requirement, the need for entrance gates, lighting concerns. Several citizens reiterated that they were not against the project but needed more information, clarity, and community engagement.

Ms. Vanderslice reiterated her commitment to the Board and the community to host a community engagement meeting to garner resident concerns, input, and insight.

Commissioner Rousseau moved to approve Petition No.1335-23B, Veterans Parkway and Lee's Mill South, LLC, Owner; and Fayette County Development Authority, Agent, request to rezone 237.4382 acres from R-70 to A-R for a recreational facility; property located in Land Lot(s) 224 of the 5th District and Land Lot(s) 13, 14, 18, and 19 of the 7th District and fronts on Veterans Parkway and Lee's Mill Road with outlined conditions. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Edwards Gibbons was absent.

4. Consideration of Petition No.1335-23C, Veterans Parkway and Lee's Mill South, LLC, Owner; and Fayette County Development Authority, Agent, request to rezone 39.6621 acres from R-70 to A-R for a recreational facility; property is located in Land Lot(s) 224 & 225 of the 5th District and Land Lot(s) 15 of the 7th District and fronts on Veterans Parkway and Lee's Mill Road.

Ms. Bell stated that this item was a request to rezone 39.6621 acres from R-70 to A-R for a recreational facility; property is located in Land Lot(s) 224 & 225 of the 5th District and Land Lot(s) 15 of the 7th District and fronts on Veterans Parkway and

Lee's Mill Road. She continued stating that the Planning Commissioner recommended conditional approval and staff recommended conditional approval with seven (7) conditions. Ms. Bell listed the conditions as follows:

1. Lees Mill Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Lees Mill Road. Submittal of the warranty deed and legal descriptions shall be submitted to the Environmental Management Department prior to approval of a final plat for the properties.
2. The owner/developer shall prepare a Traffic Impact Study for review and approval by Fayette County. The study shall determine the traffic impacts caused by the development and identify transportation projects to mitigate the impacts. The owner/developer shall pay for the design, permitting, and construction of all mitigation projects identified in the study. The details of project identification, schedule, delivery, cost, etc. shall be determined by a Memorandum of Understanding between Fayette County and the owner/developer.
3. The project's primary construction entrance/exit shall be located on Veterans Parkway. A secondary temporary construction entrance, however, may be approved by Public Works if necessary for construction entrance/exit until completion of the installation of the stream crossing and entrance on Veterans Parkway. If approved, all construction traffic entering and leaving the Lees Mill Road construction entrance shall be to the east (i.e., towards Veterans Parkway). Once the entrance on Veterans Parkway and the stream crossing are constructed, all construction traffic shall be directed to use it for entrance and exit, and the temporary entrance shall be closed to daily use within 14 days of written notice from Public Works.
4. The project shall have a maximum of four curb cuts along the Veterans Parkway Road frontage: two serving the property on the west and two serving the property on the east. If two curb cuts are utilized for the property to the east (Parcel A), then at least one of the entrances shall be aligned with an entrance to the west.
5. The project shall have a maximum of one curb cut onto Lees Mill Road.
6. All parcels on the west side of Veterans Parkway shall be combined into a single parcel within 6 months of approval of rezoning, or prior to the submittal of a site plan or permit application for any phase of the project, whichever comes first.
7. For any parcel fronting Veterans Parkway that requires water service, the developer shall install a 16-in diameter water line on the east side of Veterans Parkway, beginning at the tie-in at Lee's Mill Road and Veterans Parkway intersection and extending to the northern boundary of the parcel on Veterans Parkway. All costs, including bores underneath roads, shall be the responsibility of the developer.

Jeff Collins with Rochester and Associates civil engineering stated that this project was in the beginning stages of development with the first steps being the rezoning. He acknowledged that the applicant was aware of some of the concerns and mentioned that they were fully on board with meeting the necessary conditions as it related to performing a traffic study, facility access, curb cuts, and lighting mitigation.

Commissioner Rousseau asked if the applicant was amenable to the outlined conditions.

Ms. Vanderslice stated, yes.

Chairman Hearn asked for comments in favor of this petition.

The following commenters made comments in favor of the rezoning: Bryan McDermott

Commenters stated that this facility would probably not cause as much issue as residents are worried about.

The following citizens made comments in opposition to the rezoning: Christian Jendrasac, Allen Ham, Jamie Wyatt, Ed Wyatt

Comments in opposition included concerns regarding project transparency, lack of information, and the need for community engagement, the need for privacy, lighting concerns, buffer concerns, facility access.

Ms. Vanderslice expressed her hesitation for the Board to add conditions to the rezoning request and stated that the applicant was open to discussion as the development continued if the rezoning was approved.

Commissioner Rousseau moved to approve Petition No.1335-23C, Veterans Parkway and Lee's Mill South, LLC, Owner; and Fayette County Development Authority, Agent, request to rezone 39.6621 acres from R-70 to A-R for a recreational facility; property is located in Land Lot(s) 224 & 225 of the 5th District and Land Lot(s) 15 of the 7th District and fronts on Veterans Parkway and Lee's Mill Road with outlined conditions. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Edwards Gibbons was absent.

5. Consideration of Petition No.1335-23D, Veterans Parkway and Lee's Mill South, LLC, Owner; and Fayette County Development Authority, Agent, request to rezone 18.4863 acres from R-70 to A-R for a recreational facility; property is located in Land Lot(s) 14 & 15 of the 7th District and fronts on Lee's Mill Road.

Ms. Bell stated that this was a request to rezone 18.4863 acres from R-70 to A-R for a recreational facility; property is located in Land Lot(s) 14 & 15 of the 7th District and fronts on Lee's Mill Road. She continued stating that the Planning Commission recommended conditional approval and staff recommended conditional approval with five (5) conditions. Ms. Bell listed the conditions as follows:

1. Lees Mill Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Lees Mill Road. Submittal of the warranty deed and legal descriptions shall be submitted to the Environmental Management Department prior to approval of a final plat for the properties.
2. The owner/developer shall prepare a Traffic Impact Study for review and approval by Fayette County. The study shall determine the traffic impacts caused by the development and identify transportation projects to mitigate the impacts. The owner/developer shall pay for the design, permitting, and construction of all mitigation projects identified in the study. The details of project identification, schedule, delivery, cost, etc. shall be determined by a Memorandum of Understanding between Fayette County and the owner/developer.
3. The project's primary construction entrance/exit shall be located on Veterans Parkway. A secondary temporary construction entrance, however, may be approved by Public Works if necessary for construction entrance/exit until completion of the installation of the stream crossing and entrance on Veterans Parkway. If approved, all construction traffic entering and leaving the Lees Mill Road construction entrance shall be to the east (i.e., towards Veterans Parkway). Once the entrance on Veterans Parkway and the stream crossing are constructed, all construction traffic shall be directed to use it for entrance and exit, and the temporary entrance shall be closed to daily use within 14 days of written notice from Public Works.
4. The project shall have a maximum of one curb cut onto Lees Mill Road.
5. All parcels on the west side of Veterans Parkway shall be combined into a single parcel within 6 months of approval of rezoning, or prior to the submittal of a site plan or permit application for any phase of the project, whichever comes first.

Ms. Vanderslice had no additional comments.

Commissioner Rousseau asked if the applicant was in agreement of the conditions.

Ms. Vanderslice stated that she was in agreement to the conditions as outlined.

Chairman asked for comments in favor of this petition.

No one spoke in favor.

Fayette County Development Authority Chair Daryl Hicks reiterated his commitment to host the community engagement meeting between the citizens and the developer.

Mr. Rapson reiterated previous comment stating that this was only the beginning stages of this project and as the development work through the process more information would become available and provided to the Board for review, discussion and required approvals.

Commissioner Rousseau moved to approve Petition No.1335-23D, Veterans Parkway and Lee's Mill South, LLC, Owner; and Fayette County Development Authority, Agent, request to rezone 18.4863 acres from R-70 to A-R for a recreational facility; property is located in Land Lot(s) 14 & 15 of the 7th District and fronts on Lee's Mill Road with outlined conditions. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Edwards Gibbons was absent.

The Board recessed the meeting.

Chairman Hearn reconvened the meeting.

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:

Commissioner Oddo moved to approve the Consent Agenda as written. Commissioner Rousseau seconded. The motion passed 4-0. Commissioner Edwards Gibbons was absent.

6. **Approval of authorization to sign checks combining any of the following two signatures for transactions at or above \$5,000.00: Chairman, Vice-Chairman, County Administrator.**
7. **Approval of authorization to sign checks for transactions in the amount of \$4,999.99 or less: Chairman, Vice-Chairman, County Administrator.**
8. **Approval of the Chairman, Vice-Chairman, and the County Administrator to execute contracts, resolutions, agreements, or other documents approved by and on behalf of the Board of Commissioners.**
9. **Approval of Resolution 2024-01, establishing qualifying fees for the 2024 elections in Fayette County.**
10. **Approval for Fayette County Fire & Emergency Services to proceed with an emergency purchase in the amount of \$103,682 for one (1) Fire Squad vehicle.**
11. **Approval to accept the Enhancement and Innovation supplemental grant awarded to the Accountability State Court DUI program in the amount of \$6,000.**
12. **Approval of the December 14, 2023 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

13. Approval of Resolution 2023-11 to accept a donation of approximately 29.94 acres of property; 9.18 acres at Crimson Trace-Phase 3 subdivision and 20.76 acres at Yates Crossing-Phase 1 subdivision, located in Land Lots 12, 13, and 20 of the 7th District. This item was tabled at the December 14, 2023 Board of Commissioners meeting.

Public Works Director advised that the property was surveyed and there was no required maintenance need, the property was natural.

Mr. Davenport advised that in review of the legal description as recorded in the courts it was determined that there was an error in the legal description, related to the page number in the deed book, that needed to be corrected. He stated that his office was in the process of having the correction initiated.

Commissioner Rousseau moved to approve Resolution 2023-11 to accept a donation of approximately 29.94 acres of property; 9.18 acres at Crimson Trace-Phase 3 subdivision and 20.76 acres at Yates Crossing-Phase 1 subdivision, located in Land Lots 12, 13, and 20 of the 7th District. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Edwards Gibbons was absent.

NEW BUSINESS:

14. Request for authorization to issue the Fayette County Public Facilities Authority Revenue Bonds (Fayette County Projects), Series 2024, with an issuance amount of \$33,100,000.

Fayette County Chief Financial Officer Sheryl Weinman stated that before the Board was a request for approval for the issuance of Bonds, related to certain 2023 SPLOST projects, namely, financing the acquisition, construction and equipping of all or a portion of: a multi-use recreation facility, Justice Center renovations, Kozisek and Longview dam improvement projects, and a backup E-911 Center. She continued stating that staff's recommendations were to proceed with the bonds issuance and advised that they had met with the Public Facilities Authority to authorize to move forward with the bond yield of 2.24. She stated that before the Board was approval of the resolution which will authorize the intergovernmental agreement (IGA) between Fayette County and Fayette County Public Facilities Authority. These bonds will be issued for the benefit of the County to help move forward with some of the 2023 SPLOST projects. Approving this resolution will allow staff proceed with the bond issuance with a closing date of February 8, 2024. Ms. Weinman stated that as a part of this process staff had to met with rating agencies and in this case met with Moody's Investor Services, verify the County's rating. She proudly acknowledged the Fayette County AAA Bond rating was reaffirmed and Fayette County was one of only seven counties to achieve this level rating.

Mr. Rapson stated that during these discussions regarding the County's finances, budget, and debt with Moody's Investor Services they were amazed to see that the County was not only able to increase Public Safety salaries over 30% as well as remaining staff over 25%, and still maintain a AAA rating was unheard of. He added that this spoke volumes to the effort and dedication of our Finance Department and County Directors that help make this possible. Mr. Rapson concluded that he was very proud of this rating.

Commissioner Oddo asked how many years in row had the County achieved this rating.

Ms. Weinman stated that the County had been AAA rated since 2014.

Chairman Hearn stated that this was a great accomplishment and was one of the things that helped increase the County's borrowing power. He thanked staff for a job well done.

Mr. Rapson briefly outlined the bond issuance process and how it would work. He noted that with these bonds issuance the County was essentially borrowing \$35M to advance fund eligible 2023 SPLOST projects. These funds would be spent over the next three years. As a result of the bond issuance process the County would receive a potential investment earnings of \$2.0M.

County Attorney Dennis Davenport asked as a point of clarification for an insertion to this request to included approval of the resolution to issue these bonds and adopts the intergovernmental agreement and applicable documentation.

Commissioner Maxwell moved to approve to adopt the resolution for authorization to issue the Fayette County Public Facilities Authority Revenue Bonds (Fayette County Projects), Series 2024, with an issuance amount of \$33,100,000, with the condition that Stifel, Nicolaus & Company serve as Underwriters; Murray, Barnes, Finister, LLP serve as Bond Counsel; and McNally, Fox, Grant & Davenport P.C. serve as the County Attorney. Commissioner Oddo seconded. The motion passed 4-0. Commissioner Edwards Gibbons was absent.

ADMINISTRATOR'S REPORTS:

Hot Projects

Mr. Rapson stated that the Hot Projects report was forwarded to the Board and included updates on the Redwine Road multi-use path, Parks and Recreation multi-use facility, Redwine Road/Bernhard Road/Peachtree Parkway roundabout.

Happy Birth Birthday Human Resources Director Lewis Patterson

Mr. Rapson extended a Happy birthday to Mr. Patterson

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were two items for Executive Session. One item involving real estate acquisition and the review of the Executive Session minutes for December 14, 2023.

COMMISSIONERS' REPORTS:

Commissioner Rousseau

Commissioner Rousseau extended his thoughts to Vice Chairman Gibbons. He also encouraged participation in the upcoming Martin Luther King Day parade, happening on Monday January 15th in Fayetteville. He extended his condolence to surrounded counties and municipalities who have lost officers in the line of duty in recent weeks.

Chairman Hearn

Chairman Hearn thanked staff for the hanging in there at this extended meeting.

EXECUTIVE SESSION:

One item involving real estate acquisition and the review of the Executive Session minutes for December 14, 2023.

Commissioner Oddo moved to go into Executive Session. Chairman Hearn seconded. The motion passed 4-0. Commissioner Edwards Gibbons was absent.

The Board recessed into Executive Session at 9:00 p.m. and returned to Official Session at 9:12 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Commissioner Rousseau moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Chairman Hearn seconded the motion. The motion passed 4-0. Commissioner Edwards Gibbons was absent.

Approval of the December 14, 2023 Executive Session Minutes: Commissioner Oddo moved to approve the December 14, 2023 Executive Session Minutes. Commissioner Rousseau seconded the motion. The motion passed 4-0. Commissioner Edwards Gibbons was absent.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the January 12, 2024 Board of Commissioners meeting. Vice Chairman Gibbons seconded the motion. The motion passed 4-0. Commissioner Edwards Gibbons was absent.

The January 11, 2024 Board of Commissioners meeting adjourned at 9:13 p.m.

Marlena Edwards, Chief Deputy County Clerk

Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 25th day of January 2024. Attachments are available upon request at the County Clerk's Office.

Marlena Edwards, Chief Deputy County Clerk

COUNTY AGENDA REQUEST

Page 168 of 195

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Review the Impact Fee Ordinance update process and discuss possible amendments to Impact Fees and the Capital Improvement Element (CIE).

Background/History/Details:

The current Impact Fee program and its associated Capital Improvement Element (CIE) was adopted May 4, 2001. It has not been restudied or updated since that time. The current Impact Fee provides funding for Fire Services only. Ross and Associates is a consulting firm engaged to update the Impact Fee program. They were also asked to determine Impact Fees for new categories of CIE services so the County can consider adding Emergency Services (EMS) and Parks elements.

Staff would like to discuss whether the Board would like to expand the CIE to add EMS and Parks. Based on the Board's direction, staff will schedule the appropriate public hearings to amend and adopt the CIE, and to amend the Impact Fee Ordinance. We are not presenting a discussion of specific impact fee amounts at this time.

What action are you seeking from the Board of Commissioners?

Review the Impact Fee Ordinance update process and discuss possible amendments to Impact Fees and the Capital Improvement Element (CIE).

If this item requires funding, please describe:

No additional funding is required at this time. The funding for the study and update was approved in 2022.

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:

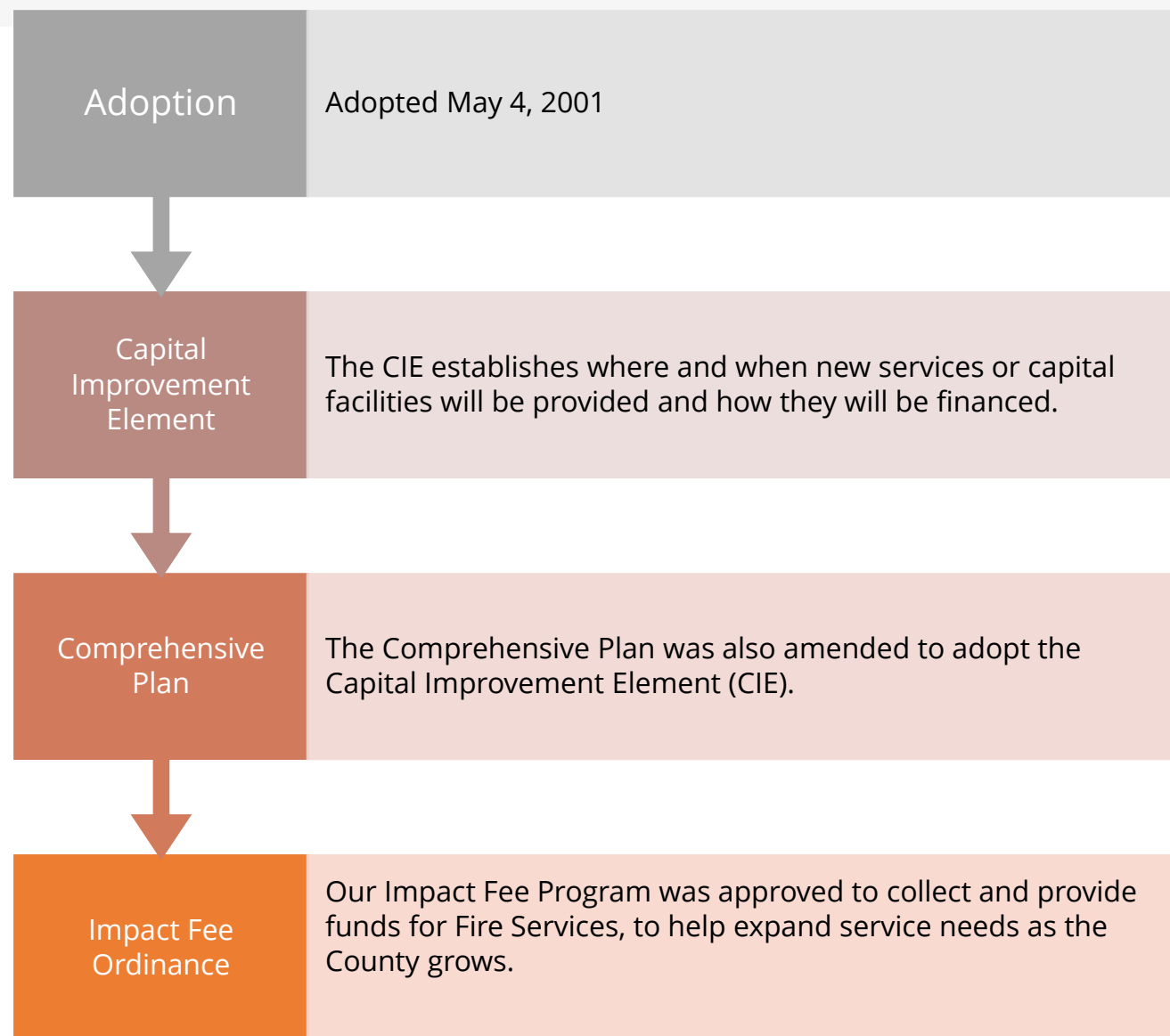
Impact Fee Ordinance 2024 Revision Discussion

January 25, 2024

Inception - May 4, 2001

HISTORY:

Fayette County Development Capital Improvements Element (CIE) & Impact Fee Ordinance



Impact Fee Basics

- Impact fees are one-time fees charged to new development to help defray the costs of expanding capital facilities to serve new growth (www.dca.ga.gov).
- Generally, fees are charged for NEW residential dwelling units and NEW nonresidential buildings.
- Certain types of development are **EXEMPT** from Impact Fees:
 - **Rebuilding or expansion of a residential dwelling** on the same parcel.
 - **Rebuilding or expansion of a nonresidential structures** as long as the size of the structures is not increased and there is no change in use.
 - Residential **accessory structures**

Impact Fee Development Process

Study

- A Methodology Report is a study addresses existing facilities that provide a public service, as well as associated service areas and levels of service; and it includes population, housing and employment forecasts.

Forecasts

- The forecasts provide info needed to calculate the demand for future services.
- Specifically, new or expanded facilities that are needed. These are called 'system improvements.'

Needed Improvements

- This information helps us update the Capital Improvement Element (CIE), which is part of the Comp Plan.
- The CIE provides an updated list of capital projects that can be implemented with impact fees.

Public Facility Categories

- The CIE also establishes public facility categories. Some categories that may be included (under State law) are Public Safety, Recreation, Roads, Libraries.
- The current 2001 CIE only addresses Fire Services.

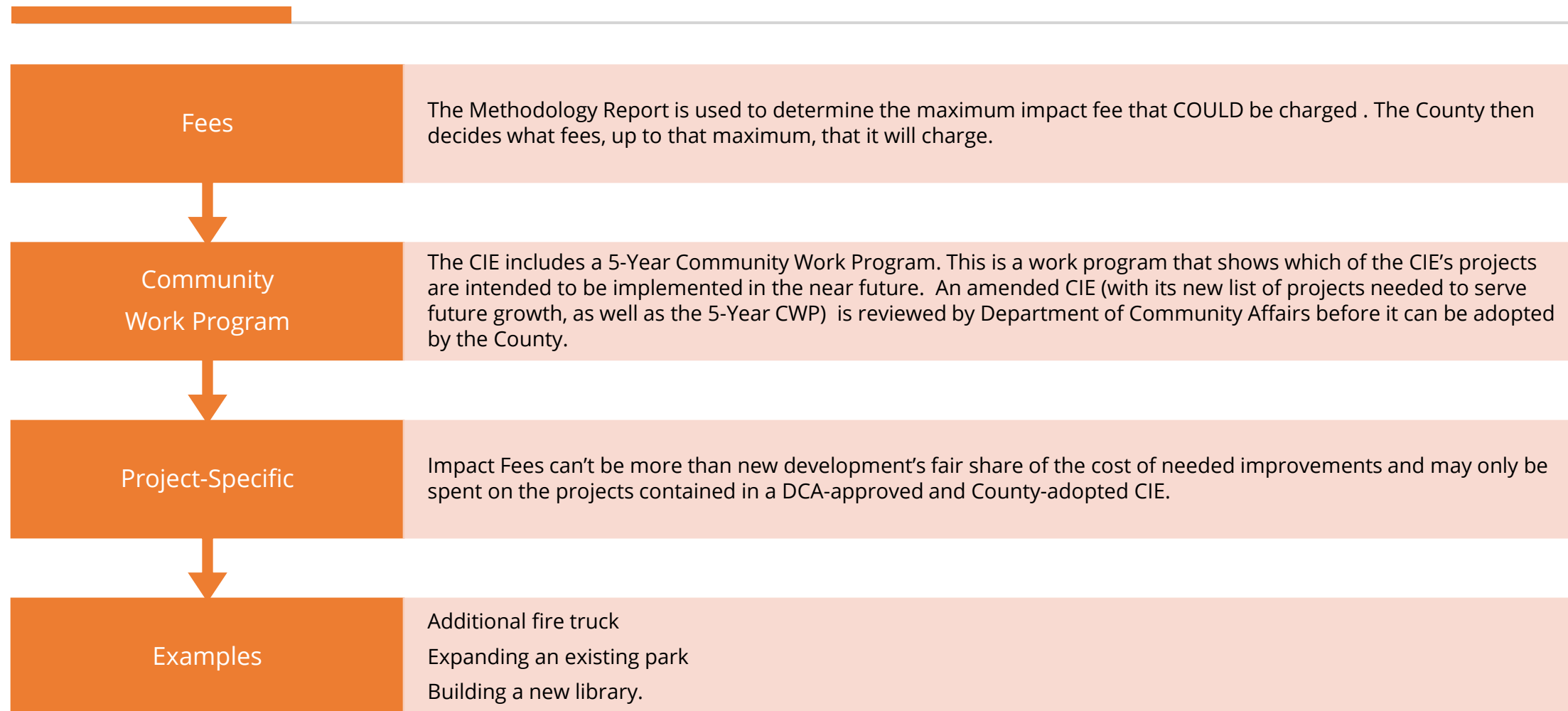
Methodology Report

The report forecasts population growth projections for a 20+ year period. In this instance, the projection date is the year 2045.

It also determines what the projected needs will be for this period. For example, how many **additional** fire stations and fire trucks will be needed to serve a larger population?

The forecasts and projected needs are used to develop the Capital Improvement Element (CIE) - what types of capital improvements will meet the anticipated need?

Determining Fees and Projects



UPDATING the CIE:



Ross and Associates was asked to determine potential projects and the maximum Impact Fees to support the following categories: Fire Services; EMS Services; Parks & Recreation Facilities



We would like the Board to consider whether they want to add service categories or continue to collect fees only for Fire Services.



The Methodology Study identifies the MAXIMUM fees that may be charged. The Board may consider any amount equal to or less than the maximum. The final fee schedule will be part of the Impact Fee Ordinance.



There will be subsequent Public Hearings to adopt the CIE and the amended Impact Fee Ordinance.

COUNTY AGENDA REQUEST

Page 176 of 195

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to approve the Planning Commission Selection Committee's recommendation to appoint Boris Thomas to the Planning Commission to fill an unexpired term ending December 31, 2024, and the subsequent term beginning January 1, 2025 and expiring December 31, 2027, per County Policy 100.19; Board Appointment.

Background/History/Details:

The Planning Commission consists of a body of members appointed by the Board of Commissioners to carry out the directives of the County ordinances and to carry out any other duties which may from time to time be assigned to the Planning Commission by the Board of Commissioners.

The Planning Commission consists of five (5) members residing within the County who shall be appointed by the Board of Commissioners. The appointment of Boris Thomas to the remainder of Arnold Martin's term will be for a period of less than one year. Per County Policy 100.19; Board Appointment, staff recommends that Boris Thomas also be appointed for the subsequent Planning Commission term beginning January 1, 2025 and expiring December 31, 2027.

The Selection Committee consisted of John Culbreth, Chairman of the Planning Commission, Deborah Bell, Director of Planning and Zoning, and Deborah Sims, Zoning Administrator.

What action are you seeking from the Board of Commissioners?

Approval to appoint Boris Thomas to the Planning Commission to fill an unexpired term expiring December 31, 2024, and the subsequent term beginning January 1, 2025 and expiring December 31, 2027, per County Policy 100.19; Board Appointment.

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:



APPLICATION FOR APPOINTMENT Fayette County Planning Commission



Thank you for your interest in being considered for appointment to the Fayette County Planning Commission.

Applicants must be a legal resident of the State of Georgia and have been a resident of Fayette County prior to the date an application is submitted.

The Planning Commission is comprised of five members appointed to three-year terms. Meetings are scheduled to be held twice monthly. Commission members are compensated \$75.00 per meeting but no more than \$150 per month. Said meetings take place at the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Please do not apply if you will be unable to attend a minimum of eighty percent (80%) of all meetings. **Applicants are encouraged to attend as many Planning Commission meetings as possible in an effort to become familiar with the responsibilities of the post.**

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca Smith, County Clerk, via email at tsmith@fayettecountyga.gov or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, November 3, 2023.**

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME Boris Thomas

ADDRESS 575 Birkdale Drive

Fayetteville, Ga 30215

TELEPHONE (cell) [REDACTED] (home) 770 460 5289

(email address) [REDACTED]

Signature

Date

10/31/23



APPLICATION FOR APPOINTMENT
Fayette County Board of Assessors

1. How long have you been a resident of Fayette County?
I have been a resident for 31 years.
2. Why are you interested in serving on the Fayette County Board of Tax Assessors?
I believe I can contribute to the County with my Knowledge and experience.
3. What qualifications and experience do you possess for appointment to the Board of Tax Assessors? Property valuation (HUD) pricing opinions for several financial institutions. Business management [Fortune 500]
4. List your recent employment experiences to include name of company and position.
Real estate Broker
5. Do you have any past experience relating to the Board of Tax Assessors? If so, please describe.
No
6. Are you currently serving on a commission/board/authority or in an elected capacity with any government? No
7. Have you attended any Board of Tax Assessors meetings in the past two years and, if so, how many? 2
8. Are you willing to attend seminars or continuing education classes at county expense?
Yes
9. What is your vision of the county's future related to the duties of the Board of Tax Assessors?
Assessing property, land, construction to benefit the profit base of Fayette County.
10. Would there be any possible conflict of interest between your employment or your family and you serving on the Board of Tax Assessors?
No
11. Are you in any way related to a County Elected Official or County employee? If so, please describe.
No



APPLICATION FOR APPOINTMENT
Fayette County Board of Assessors

12. Describe your current community involvement.

Volunteer in Community (Neighborhood HOA) Volunteer
High School (Treasurer 4 years) Church Volunteer

13. Have you been provided a copy of the county's Ethics Ordinance?

yes

14. Is there any reason you would not be able to comply with the Ethics Ordinance?

No

OTHER APPLICANT



APPLICATION FOR APPOINTMENT Fayette County Planning Commission



Thank you for your interest in being considered for appointment to the Fayette County Planning Commission.

Applicants must be a legal resident of the State of Georgia and have been a resident of Fayette County prior to the date an application is submitted.

The Planning Commission is comprised of five members appointed to three-year terms. Meetings are scheduled to be held twice monthly. Commission members are compensated \$75.00 per meeting but no more than \$150 per month. Said meetings take place at the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Please do not apply if you will be unable to attend a minimum of eighty percent (80%) of all meetings. **Applicants are encouraged to attend as many Planning Commission meetings as possible in an effort to become familiar with the responsibilities of the post.**

Please take a few minutes to complete the form and answer the questions below and return with a resume, if available, to Tameca Smith, County Clerk, via email at tsmith@fayettecountyga.gov or 140 Stonewall Avenue, West, Suite 100, Fayetteville, GA 30214 **no later than 5:00 p.m. on Friday, November 3, 2023.**

If you have any questions, please call (770) 305-5103.

NOTE: Information provided on this form is subject to disclosure as a public record under Georgia Open Records Law.

NAME Shenean Wilborn

ADDRESS 145 Chestlehurst Drive
Fayetteville, GA 30215

TELEPHONE (cell) [REDACTED] (home) Same as cell

(email address) [REDACTED]

[Signature] 11/02/2023
Signature Date



APPLICATION FOR APPOINTMENT Fayette County Planning Commission

1. How long have you been a resident of Fayette County?

I have been a resident for 15 years.

2. Why are you interested in serving on the Planning Commission?

I love living in this county & want to contribute to help it thrive for the next generation. I've wanted to do so for some time & now have the capacity.

3. What qualifications and experience do you possess that should be considered for appointment to the Planning Commission?

I have 11 years of corporate leadership experience in Operations & Program management. Strong skills in planning, budgets, Strategic Execution.

4. List your recent employment experiences to include name of company and position.

*9/2022 - Present: Senior Project Manager, Southwire Company.
11/2010 - 9/2022: Senior Operation Manager, Project Manager, Cooper Lighting*

5. Do you have any past experience related to this position? If so, please describe.

In addition to my corporate experience, I am also a realtor with experience with plats & property regulations.

6. Are you currently serving on a commission/board/authority or in an elected capacity with any government?

No, I am not serving on a commission/board/authority or in an elected government capacity.

7. Have you attended any Planning Commission meetings in the past two years and, if so, how many?

Yes, I've attended 5 meetings with the last two years.

8. Are you willing to attend seminars or continuing education classes at county expense?

Yes, I am an avid learner & welcome any growth that will help me make a valuable contribution in this role.

9. Would there be any possible conflict of interest between your employment or your family and you serving on the Planning Commission?

No, there wouldn't be any conflict of interest.

10. Are you in any way related to a County Elected Official or County employee? If so, please describe.

No, I am not related to any County official or employee.

11. Describe your current community involvement.

I attend community events, & vote.

12. Have been given a copy of the county's Ethics Ordinance?

Yes, I have been given a copy of it.

13. Is there any reason you would not be able to comply with the ordinance?

No, there isn't a reason I wouldn't be able to comply.

COUNTY AGENDA REQUEST

Page 183 of 195

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to award Contract 2337-P, Fayette County Fire & EMS Classroom Building and Training Tower Construction Manager at Risk, to MEJA Construction, Inc. for the initial contract amount of \$475,000 which includes General Conditions and General Requirements and the Construction Manager fee.

Background/History/Details:

The Fayette County Fire & EMS Classroom Building and Training Tower is the final phase of the development of a Public Safety Training Facility located at 340 Hewell Road, Jonesboro, on the same site as the Fayette County Sheriff's Office Training Center. The project delivery for the new Fire & EMS Classroom Building and Training Tower is through the appointment of a Construction Manager at Risk (CMAR). The CMAR provides professional services and acts as a consultant to the owner in the construction phases of the classroom and training tower construction. Mr. Tim Symonds of Morgan Mill Consulting is the Project Manager.

Fayette County requested firms submit technical proposals detailing their proposed team, their approach to the project and relevant work experience. An evaluation committee scored the responding firms' proposals based on technical merit. Initial price was scored using a variance weighted method. Proposed prices included General Conditions and General Requirements and was based on an estimated construction cost of \$5.5 million. Construction costs will be negotiated and added to the contract as a Guaranteed Maximum Price through a change order at a later date.

The evaluation committee recommends award to the highest scoring firm MEJA Construction, Inc.

What action are you seeking from the Board of Commissioners?

Approval to award Contract 2337-P, Fayette County Fire & EMS Classroom Building and Training Tower Construction Manager at Risk, to MEJA Construction, Inc. for the initial contract amount of \$475,000 which includes General Conditions and General Requirements and the Construction Manager fee.

If this item requires funding, please describe:

Funding is available in CIP 21AR4.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



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

To: Steve Rapson

Through: Ted L. Burgess

From: Natasha M. Duggan

Date: January 25, 2024

Subject: Contract 2337-P: Fayette County Fire & EMS Classroom Building and Training Tower Construction Manager at Risk

The Fayette County Fire & EMS Classroom Building and Training Tower is the final phase of the development of a Public Safety Training Facility at 340 Hewell Road, Jonesboro, on the same site as the Fayette County Sheriff's Office Training Center. The project consists of a one-story 9,750sf building with training classrooms, office space, restrooms, breakroom, and an apparatus bay and a 4-5 story prefabricated metal Training Tower specifically designed to assist in the training of fire recruits. The tower will replace the existing training tower located behind the 911 Center.

The construction of the classroom building, and the training tower will be through the appointment of a Construction Manager at Risk (CMAR). The CMAR provides construction advice during the pre-construction & design phase and develops a Guaranteed Maximum Price (GMP). The CMAR then engages and manages the sub-contractors during construction to deliver the project for the agreed GMP. The CMAR will work closely with the Project Manager, Morgan Mill Consulting, to develop construction documents and bid packages for sub-contractors.

The Purchasing Department issued Request for Proposals 2337-P to secure a Construction Manager at Risk (CMAR) for the construction of the Fire & EMS Classroom Building and the Training Tower Construction. Notice of the opportunity was emailed to 15 companies. Another 1,949 were contacted through the web-based Georgia Procurement Registry. The offer was also advertised through Georgia Local Government Access Marketplace, the Fayette County website, Channel 23, and the Fayette County News.

Five firms submitted proposals. The Evaluation Committee, comprised of members from Fire and EMS, Engineering, and the Project Manager scored the proposals based on the Technical Merit criteria documented in the RFP. The criteria included (1) firm history & capability, (2) relevant experience, (3) project personnel, (4) financial information, and (5) project approach. The prices were then scored and added to the Technical Merit scores (Attachment 1).

The Evaluation Committee recommends award of the contract to MEJA Construction, Inc. A Contractor Performance Evaluation is attached (Attachment 2).

MEJA's offered price of \$475,000 includes their General Contractor fee, pre-construction costs, and anticipated General Conditions and General Requirements Costs. These were calculated based on an estimated construction cost of \$5.5 million. The CMAR will competitively select construction subcontractors and suppliers, and then negotiate a Guaranteed Maximum Price with the County. At that point, the Board of Commissioners will be requested to approve the additional amounts, which will be added to the CMAR contract by change order.

Specifics of the proposed contract are as follows:

Contract Name	2337-P: Fayette County Fire & EMS Classroom Building and Training Tower Construction Manager at Risk	
Contractor	MEJA Construction, Inc.	
Contract Amount	\$475,000 excluding actual construction costs, which will be added by change order	
Budget:		
Fund	375	CIP
Org Code	37530550	Fire
Object	541210	Other Improvements
Project	21AR4	Fire Training Building
Available	\$1,650,000	As of 1/10/2024

Request for Proposals 2337-P: Fayette County Fire & EMS Classroom Building and Training Tower Construction Management at Risk

EVALUATION SCORING SHEET

Responder Name:		MAX POINTS	Albion General Contractors, Inc.	Cooper & Co. General Contractors, Inc.	MEJA Construction, Inc.	McLeRoy, Inc.	New South Construction
TECHNICAL MERIT:							
1	Firm History & Capability	10	7.0	8.2	9.8	5.8	9.2
2	Relevant Experience	20	11.2	18.6	11.8	9.8	19.0
3	Project Personnel	15	10.6	14.4	13.0	6.0	15.0
4	Financial Information	5	2.0	4.0	4.0	2.2	4.6
5	Project Approach	10	8.0	9.0	9.2	3.0	9.6
Technical Merit Score		60	38.8	54.2	47.8	26.8	57.4
Construction Estimate			\$ 5,500,000.00	\$ 5,500,000.00	\$ 5,500,000.00	\$ 5,500,000.00	\$ 5,500,000.00
Pre-Construction Fee			\$ 5,000.00	\$ 19,200.00	\$ -	\$ 62,330.00	\$ 45,150.00
GC&GR			\$ 446,672.00	\$ 473,800.00	\$ 310,000.00	\$ 541,502.00	\$ 573,670.00
Construction Management Fee %			4.8%	3.2%	3.0%	3.0%	4.8%
Proposed Price			\$ 712,922.00	\$ 669,000.00	\$ 475,000.00	\$ 768,832.00	\$ 880,070.00
Technical Merit Score		60	38.8	54.2	47.8	26.8	57.4
Proposed Price Score		20	10.0	11.8	20.0	7.6	2.9
Total Score			48.8	66.0	67.8	34.4	60.3

Maximum points available are as follows:

Technical Merit	60
Proposed Price	20
Presentation (Optional)	20
Total Points Available	100

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: MEJA Construction, Inc.	Contract Number: 2226-P
Mailing Address: 107 Guthrie Way	Contract Description or Title: Public Health Building – CMAR with Design
City, St, Zip Code: Peachtree City, GA 30269	Contract Term (Dates) From: May 2023 - Present
Phone Number: 770-775-1700	Task Order Number: n/a
Cell Number: N/A	Other Reference:
E-Mail Address: jasonrogers@meja.us	

DEFINITIONS

OUTSTANDING – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

EXCELLENT (Exc) - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.

UNSATISFACTORY (UnSat) - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule	X				
2. Condition of delivered products	X				
3. Quality of work	X				
4. Adherence to specifications or scope of work	X				
5. Timely, appropriate, & satisfactory problem or complaint resolution					X
6. Timeliness and accuracy of invoicing		X			
7. Working relationship / interfacing with county staff and citizens		X			
8. Service Call (On-Call) response time					X
9. Adherence to contract budget and schedule	X				
10. Other (specify):					
11. Overall evaluation of contractor performance	X				

EVALUATED BY

Signature: <i>T. Symonds</i>	Date of Evaluation: January 9 th 2024
Print Name: Tim Symonds	Department/Division:
Title: Consultant Project Manager	Telephone No: 404-392-5791

[illegible][illegible]

COUNTY AGENDA REQUEST

Page 189 of 195

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to award Bid #2344-B: Foxhall Farms Stormwater Replacement to the lowest responsive, responsible bidder, Hughes Site Works, LLC in the amount of \$309,281.38.

Background/History/Details:

This project consists of replacing eight (8) failing and deteriorating corrugated metal pipes (CMPs) with Reinforced Concrete Pipe (RCP), installation of three new manholes, reconstructing catch basin tops, and reconstructing or adjusting other miscellaneous roadway structures within the existing right-of-way ahead of the Road Department's resurfacing project in the Foxhall Farms subdivision.

1. 105 Gentle Doe Drive - (24SAA Gentle Doe Drive)
2. 175 Gentle Doe Drive - (194AA Environmental Management CIP)
3. 135 Lofty Eagle Lane - (194AA Environmental Management CIP)
4. 215 Lofty Eagle Lane - (194AA Environmental Management CIP)
5. 155 Lofty Eagle Lane - (24SAB Lofty Eagle Lane)
6. 100 Cardinal Ridge Court - (194AA Environmental Management CIP)
7. 110 Cardinal Ridge Court - (194AA Environmental Management CIP)
8. 120 Cardinal Ridge Court - (194AA Environmental Management CIP)

Two (2) of the eight (8) locations are 2017 Stormwater SPLOST Category III projects; 24SAA Gentle Doe Drive and 24SAB Lofty Eagle Lane. The other six (6) projects are an Environmental Management CIP project.

What action are you seeking from the Board of Commissioners?

Approval to award Bid #2344-B: Foxhall Farms Stormwater Replacement to the lowest responsive, responsible bidder, Hughes Site Works, LLC in the amount of \$309,281.38.

If this item requires funding, please describe:

Funding is available in 2017 SPLOST; Stormwater Category III; 24SAA Gentle Doe Drive (\$17,241.00), 24SAB Lofty Eagle Lane (\$17,725.00), and 194AA CIP Environmental Management (\$274,315.38).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



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

To: Steve Rapson

Through: Ted L. Burgess

From: Natasha M. Duggan

Date: January 25, 2024

Subject: Contract 2344-B: Foxhall Farms Stormwater Replacement

The Purchasing Department issued Invitation to Bid 2344-B to secure a contractor to install drainage structures in eight locations and reconstruct or adjust other miscellaneous roadway structures within the existing right-of-way of the Road Department's resurfacing project in Foxhall Farms subdivision.

Notice of the opportunity was emailed to 104 companies. Another 272 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code 21028 (Culverts, Concrete) and 91339 (Construction, Pipe Culvert). The offer was also advertised through Georgia Local Government Access Marketplace, Channel 23, the Fayette County website, and the Fayette County News.

Nine responsive companies submitted bids (Attachment 1). A tenth company submitted a bid but was disqualified due to not being pre-qualified in the required Georgia Department of Transportation Work Class. Funding is available in 2017 SPLOST 24SAA Gentle Doe, 24SAB Lofty Eagle, and 194AA CIP Environmental Management Non-SPLOST County-wide.

Environmental Management recommends awarding to Hughes Site Works, LLC. A Contractor Performance Evaluation is not available since this is the first time contracting with Hughes Site Works. Environmental Management checked their references, and the results were satisfactory.

Specifics of the proposed contract are as follows:

Contract Name	2344-B: Foxhall Farms Stormwater Replacement			
Contractor	Hughes Site Works, LLC			
Contract Amount	\$309,281.38			
Budget:				
	2017 SPLOST	2017 SPLOST	CIP ENV. MNGT	
Fund	322	322	375	Total
Org Code	32240320	32240320	37540250	
Object	541210	541210	541210	Other Improvements
Project	24SAA	24SAB	194AA	
	Gentle Doe	Lofty Eagle	Non-SPLOST	
Contract Amount	\$17,241.00	\$17,725.00	\$274,315.38	\$309,281.38
Available	\$17,241.00	\$17,725.00	\$768,501.02	\$803,467.02

Tally Sheet
ITB 2344-B: Foxhall Farms Stormwater Replacement

PAY ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	Meriwether Site Solutions, Inc.		Helix Grading & Utility LLC		Crawford Grading & Pipeline, Inc.		F. S. Scarbrough, LLC		McLeRoy, Inc.	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
150-1000	TRAFFIC CONTROL	1.00	LS	\$ 162,986.00	\$ 162,986.00	\$ 60,000.00	\$ 60,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,200.00	\$ 25,200.00	\$ 60,000.00	\$ 60,000.00
201-1500	CLEARING & GRUBBING	1.00	LS	\$ 162,986.00	\$ 162,986.00	\$ 51,000.00	\$ 51,000.00	\$ 1.00	\$ 1.00	\$ 72,817.80	\$ 72,817.80	\$ 117,000.00	\$ 117,000.00
207-0203	FOUND BK FILL MATL, TP II	427.00	CY	\$ 95.00	\$ 40,565.00	\$ 80.00	\$ 34,160.00	\$ 150.00	\$ 64,050.00	\$ 157.16	\$ 67,107.32	\$ 60.00	\$ 25,620.00
310-5060	GR AGGR BASE CRS, 6 INCH, INCL MATL	202.00	SY	\$ 15.00	\$ 3,030.00	\$ 65.00	\$ 13,130.00	\$ 75.00	\$ 15,150.00	\$ 58.33	\$ 11,782.66	\$ 42.50	\$ 8,585.00
441-0104	CONCRETE SIDEWALK, 4 IN	86.00	SY	\$ 100.00	\$ 8,600.00	\$ 80.00	\$ 6,880.00	\$ 160.00	\$ 13,760.00	\$ 74.40	\$ 6,398.40	\$ 51.00	\$ 4,386.00
441-0016	DRIVEWAY CONCRETE, 6 IN	14.00	SY	\$ 100.00	\$ 1,400.00	\$ 120.00	\$ 1,680.00	\$ 300.00	\$ 4,200.00	\$ 120.00	\$ 1,680.00	\$ 130.50	\$ 1,827.00
441-9999	CONCRETE CURB & GUTTER, MATCH EXISTING	40.00	LF	\$ 100.00	\$ 4,000.00	\$ 60.00	\$ 2,400.00	\$ 145.00	\$ 5,800.00	\$ 30.00	\$ 1,200.00	\$ 35.00	\$ 1,400.00
550-1150	STORM DRAIN PIPE, 15 IN, H 1-10	24.00	LF	\$ 1,250.00	\$ 30,000.00	\$ 685.00	\$ 16,440.00	\$ 550.00	\$ 13,200.00	\$ 293.33	\$ 7,039.92	\$ 86.00	\$ 2,064.00
550-1180	STORM DRAIN PIPE, 18 IN, H 1-10	72.00	LF	\$ 1,300.00	\$ 93,600.00	\$ 690.00	\$ 49,680.00	\$ 500.00	\$ 36,000.00	\$ 307.26	\$ 22,122.72	\$ 100.60	\$ 7,243.20
550-1240	STORM DRAIN PIPE, 24 IN, H 1-10	24.00	LF	\$ 1,400.00	\$ 33,600.00	\$ 720.00	\$ 17,280.00	\$ 550.00	\$ 13,200.00	\$ 329.15	\$ 7,899.60	\$ 127.50	\$ 3,060.00
550-1300	STORM DRAIN PIPE, 30 IN, H 1-10	96.00	LF	\$ 1,500.00	\$ 144,000.00	\$ 370.00	\$ 35,520.00	\$ 575.00	\$ 55,200.00	\$ 383.14	\$ 36,781.44	\$ 170.00	\$ 16,320.00
550-1420	STORM DRAIN PIPE, 42 IN, H 1-10	24.00	LF	\$ 1,500.00	\$ 36,000.00	\$ 950.00	\$ 22,800.00	\$ 610.00	\$ 14,640.00	\$ 660.91	\$ 15,861.84	\$ 232.00	\$ 5,568.00
550-1480	STORM DRAIN PIPE, 48 IN, H 1-10	48.00	LF	\$ 1,800.00	\$ 86,400.00	\$ 745.00	\$ 35,760.00	\$ 670.00	\$ 32,160.00	\$ 462.88	\$ 22,218.24	\$ 295.00	\$ 14,160.00
611-3000	RECONSTRUCT CATCH BASIN, GROUP 1	2.00	EA	\$ 750.00	\$ 1,500.00	\$ 4,750.00	\$ 9,500.00	\$ 100.00	\$ 200.00	\$ 2,400.00	\$ 4,800.00	\$ 7,500.00	\$ 15,000.00
611-9999	RECONSTRUCT CATCH BASIN TOP	12.00	EA	\$ 2,250.00	\$ 27,000.00	\$ 3,750.00	\$ 45,000.00	\$ 4,500.00	\$ 54,000.00	\$ 1,931.88	\$ 23,182.56	\$ 3,700.00	\$ 44,400.00
668-4300	STORM SEWER MANHOLE, TP 1	1.00	EA	\$ 10,780.00	\$ 10,780.00	\$ 11,000.00	\$ 11,000.00	\$ 6,000.00	\$ 6,000.00	\$ 8,751.53	\$ 8,751.53	\$ 6,200.00	\$ 6,200.00
668-4311	STORM SEWER MANHOLE, TP 1, ADDL DEPTH, CL 1	1.00	LF	\$ 1,000.00	\$ 1,000.00	\$ 500.00	\$ 500.00	\$ 300.00	\$ 300.00	\$ 817.68	\$ 817.68	\$ 1,375.00	\$ 1,375.00
668-4400	STORM SEWER MANHOLE, TP 2	2.00	EA	\$ 14,500.00	\$ 29,000.00	\$ 10,100.00	\$ 20,200.00	\$ 11,000.00	\$ 22,000.00	\$ 8,991.53	\$ 17,983.06	\$ 8,230.00	\$ 16,460.00
700-9300	SOD	60.00	SY	\$ 15.00	\$ 900.00	\$ 50.00	\$ 3,000.00	\$ 55.00	\$ 3,300.00	\$ 48.00	\$ 2,880.00	\$ 35.00	\$ 2,100.00
999-1000	PAVEMENT PATCHING, 1.5" TO 2.0", ASPHALT MILLINGS, INSTALL ONLY	202.00	SY	\$ 10.00	\$ 2,020.00	\$ 65.00	\$ 13,130.00	\$ 30.00	\$ 6,060.00	\$ 55.69	\$ 11,249.38	\$ 37.50	\$ 7,575.00
999-2000	ALLOWANCE	1.00	LS	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
TOTAL BASE BID FOR FOXHALL FARMS STORMWATER REPLACEMENT				\$ 894,367.00		\$ 464,060.00		\$ 399,221.00		\$ 382,774.15		\$ 375,343.20	

Red font indicates a calculation error that has been corrected

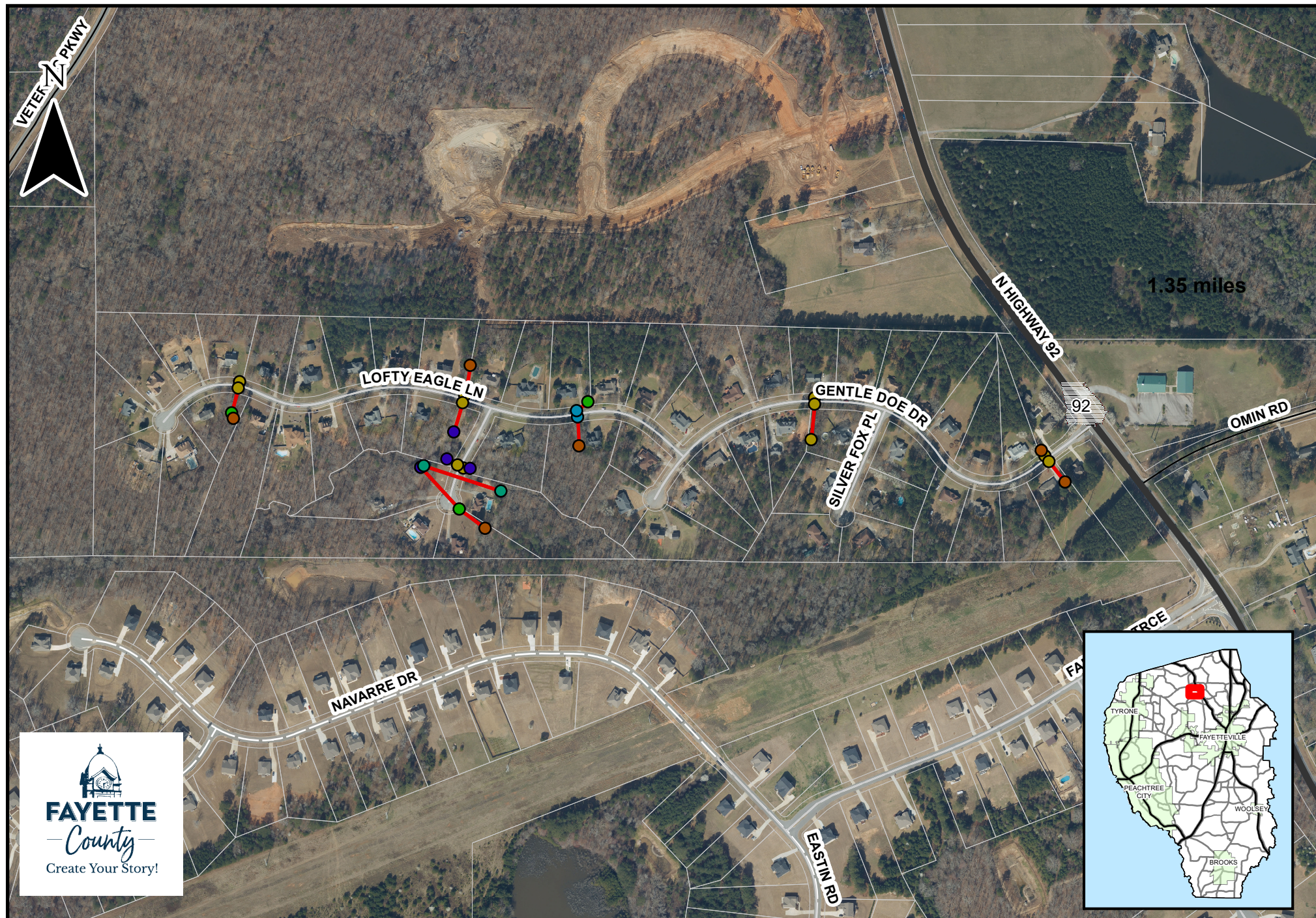
Tally Sheet
ITB 2344-B: Foxhall Farms Stormwater Replacement

PAY ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	Piedmont Paving, Inc.		Baldwin Paving Company, Inc.		Blount Construction Company, Inc.		Hughes Site Works LLC		DAF Concrete, Inc.	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
150-1000	TRAFFIC CONTROL	1.00	LS	\$ 28,928.86	\$ 28,928.86	\$ 72,000.00	\$ 72,000.00	\$ 26,285.73	\$ 26,285.73	\$ 10,500.00	\$ 10,500.00	D i s q u a l i f i e d	
201-1500	CLEARING & GRUBBING	1.00	LS	\$ 99,268.51	\$ 99,268.51	\$ 30,000.00	\$ 30,000.00	\$ 125,144.32	\$ 125,144.32	\$ 8,500.00	\$ 8,500.00		
207-0203	FOUND BK FILL MATL, TP II	427.00	CY	\$ 148.46	\$ 63,392.42	\$ 90.00	\$ 38,430.00	\$ 9.06	\$ 3,868.62	\$ 80.92	\$ 34,552.84		
310-5060	GR AGGR BASE CRS, 6 INCH, INCL MATL	202.00	SY	\$ 21.83	\$ 4,409.66	\$ 200.00	\$ 40,400.00	\$ 51.27	\$ 10,356.54	\$ 54.83	\$ 11,075.66		
441-0104	CONCRETE SIDEWALK, 4 IN	86.00	SY	\$ 89.44	\$ 7,691.84	\$ 130.00	\$ 11,180.00	\$ 93.15	\$ 8,010.90	\$ 109.24	\$ 9,394.64		
441-0016	DRIVEWAY CONCRETE, 6 IN	14.00	SY	\$ 140.25	\$ 1,963.50	\$ 350.00	\$ 4,900.00	\$ 184.94	\$ 2,589.16	\$ 685.11	\$ 9,591.54		
441-9999	CONCRETE CURB & GUTTER, MATCH EXISTING	40.00	LF	\$ 71.65	\$ 2,866.00	\$ 60.00	\$ 2,400.00	\$ 64.72	\$ 2,588.80	\$ 68.00	\$ 2,720.00		
550-1150	STORM DRAIN PIPE, 15 IN, H 1-10	24.00	LF	\$ 214.09	\$ 5,138.16	\$ 140.00	\$ 3,360.00	\$ 243.62	\$ 5,846.88	\$ 233.63	\$ 5,607.12		
550-1180	STORM DRAIN PIPE, 18 IN, H 1-10	72.00	LF	\$ 222.93	\$ 16,050.96	\$ 145.00	\$ 10,440.00	\$ 254.72	\$ 18,339.84	\$ 239.31	\$ 17,230.32		
550-1240	STORM DRAIN PIPE, 24 IN, H 1-10	24.00	LF	\$ 255.35	\$ 6,128.40	\$ 170.00	\$ 4,080.00	\$ 265.57	\$ 6,373.68	\$ 258.88	\$ 6,213.12		
550-1300	STORM DRAIN PIPE, 30 IN, H 1-10	96.00	LF	\$ 239.52	\$ 22,993.92	\$ 140.00	\$ 13,440.00	\$ 296.62	\$ 28,475.52	\$ 285.47	\$ 27,405.12		
550-1420	STORM DRAIN PIPE, 42 IN, H 1-10	24.00	LF	\$ 358.62	\$ 8,606.88	\$ 280.00	\$ 6,720.00	\$ 416.77	\$ 10,002.48	\$ 345.27	\$ 8,286.48		
550-1480	STORM DRAIN PIPE, 48 IN, H 1-10	48.00	LF	\$ 336.61	\$ 16,157.28	\$ 300.00	\$ 14,400.00	\$ 460.47	\$ 22,102.56	\$ 394.37	\$ 18,929.76		
611-3000	RECONSTRUCT CATCH BASIN, GROUP 1	2.00	EA	\$ 837.12	\$ 1,674.24	\$ 5,200.00	\$ 10,400.00	\$ 3,668.04	\$ 7,336.08	\$ 11,837.14	\$ 23,674.28		
611-9999	RECONSTRUCT CATCH BASIN TOP	12.00	EA	\$ 1,320.00	\$ 15,840.00	\$ 1,650.00	\$ 19,800.00	\$ 2,560.92	\$ 30,731.04	\$ 4,769.09	\$ 57,229.08		
668-4300	STORM SEWER MANHOLE, TP 1	1.00	EA	\$ 7,204.03	\$ 7,204.03	\$ 9,100.00	\$ 9,100.00	\$ 4,956.67	\$ 4,956.67	\$ 11,837.14	\$ 11,837.14		
668-4311	STORM SEWER MANHOLE, TP 1, ADDL DEPTH, CL 1	1.00	LF	\$ 597.32	\$ 597.32	\$ 3,700.00	\$ 3,700.00	\$ 1,094.84	\$ 1,094.84	\$ 450.00	\$ 450.00		
668-4400	STORM SEWER MANHOLE, TP 2	2.00	EA	\$ 13,054.92	\$ 26,109.84	\$ 9,150.00	\$ 18,300.00	\$ 6,593.81	\$ 13,187.62	\$ 11,837.14	\$ 23,674.28		
700-9300	SOD	60.00	SY	\$ 16.50	\$ 990.00	\$ 20.00	\$ 1,200.00	\$ 29.98	\$ 1,798.80	\$ 22.50	\$ 1,350.00		
999-1000	PAVEMENT PATCHING, 1.5" TO 2.0", ASPHALT MILLINGS, INSTALL ONLY	202.00	SY	\$ 24.46	\$ 4,940.92	\$ 90.00	\$ 18,180.00	\$ 10.53	\$ 2,127.06	\$ 30.00	\$ 6,060.00		
999-2000	ALLOWANCE	1.00	LS	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00		
TOTAL BASE BID FOR FOXHALL FARMS STORMWATER REPLACEMENT				\$ 355,952.74		\$ 347,430.00		\$ 346,217.14		\$ 309,281.38		\$	-

Red font indicates a calculation error that has been corrected

Disqualified: DAF Concrete, Inc. due to not being prequalified in required GDOT Work Class 550.

Foxhall Farms Culvert Replacement



Directory of Prequalified Contractors and Registered Subcontractors

Processed On: Jan-05-2024 02:01

00000000018581

HUGHES SITE WORKS LLC

LANDON HUGHES

Registered

Shipping Address: 17 HARMONY CT. JASPER, GA 30143

Phone Number: (404)769-9080

Email: landon@hughessiteworks.com

Prequalification Expiration Date: Sep-30-2025

Work Class: 209 - SUBGRADE CONSTRUCTION

Work Class: 310 - GRADED AGGREGATE CONSTRUCTION

Work Class: 441 - MISCELLANEOUS CONCRETE

Work Class: 550 - STRM DR PIPE, PIPE-ARCH CLVT, SD DR PIPE
