

BOARD OF COUNTY COMMISSIONERS

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FAYETTE COUNTY, GEORGIA

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Tameca P. Smith, County Clerk
Marlena Edwards, Chief Deputy County Clerk

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

AGENDA

February 22, 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 Lee Hearn

Acceptance of Agenda

PROCLAMATION/RECOGNITION:

1. Recognition of Arnold Martin for his seven (7) years of service on the Planning Commission. (page 3)

PUBLIC HEARING:

2. Consideration of Petition No.1338-24, Jerry Battle, Jr., and Melissa Battle, owners, Randy Boyd, agent, request to rezone 2.14 acres from A-R to R-72 for the purposes of creating a legal, conforming lot to build a single-family home; property located in Land Lot 252 of the 4th District and fronts on McBride Road. (pages 4-55)
3. Consideration of Petition No. 1339-24, Thomas Crossroads, LLC, owner, Richard Lindsey, agent, request to rezone 5.102 acres from R-70 to C-H (Highway Commercial) for the purposes of locating the septic field for the adjacent development, and for other commercial uses; property located in Land Lot 253 of the 4th District and fronts on State Route 85 South. (pages 56-106)
4. Consideration of Petition No.1340-24, Tommy O. Davis, owner, Darrell Baker, agent, request to rezone 4.03 acres from A-R to C-C (Community Commercial) for the purposes of developing a convenience store with fuel sales and retail space; property located in Land Lot 5 of the 5th District and fronts on SR 85 South, Harp Road and Old Senoia Road. (pages 107-165)
5. Consideration of Petition No. 1341-24, Veterans Parkway and Lees Mill North, LLC, owner, and Jeff Collins, agent, request to rezone 10.95 acres, which is a portion of parcel 0707011, from A-R to R-70, for the purpose of combining it with an existing single-family residential property; property located in Land Lots 14 and 19 of the 7th District. (pages 166-220)
6. Consideration of Resolution 2024-03 to Transmit the Fayette County 2023 Annual Report on Fire Services Impact Fees (FY2023), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2024-FY2028) to Atlanta Regional Commission (ARC) for review by Department of Community Affairs (DCA). (pages 221-232)

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:

7. Approval of staff's recommended Mid-Year Budget Adjustments to the fiscal year 2024 budget and approval to close completed Capital, Capital Improvement Plan (CIP) Projects, and Water System CIP Projects. (pages 233-240)
8. Approval to acquire all fee simple right-of-way for the proposed intersection improvement signalized intersection of SR 54 and Tyrone Road (2017 SPLOST 21TAA). (pages 241-244)
9. Approval of the February 8, 2024 Board of Commissioners Meeting Minutes. (pages 245-249)

OLD BUSINESS:

10. Request to review the Impact Fee Ordinance update process and discuss possible amendments to Impact Fees and the Capital Improvement Element (CIE). This item was tabled at the January 25, 2024 Board of Commissioners meeting. (pages 250-264)

NEW BUSINESS:

11. Request for approval to apply for a Georgia Governor's Office of Highway Safety grant in the amount of \$288,153.74. (pages 265-303)
12. Request to approve Task Order 4 for a Not to Exceed (NTE) amount of \$625,822.51, to Practical Design Partners (PDP) to develop Preliminary Roadway and Right of Way Plans and related deliverables for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD). (pages 304-306)

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST

Page 3 of 306

Department: Board of Commissioners

Presenter(s): Board of Commissioners

Meeting Date: Thursday, February 22, 2024

Type of Request: Proclamation/Recognition #1

Wording for the Agenda:

Recognition of Arnold Martin for his seven (7) years of service on the Planning Commission.

Background/History/Details:

Mr. Martin was appointed to the Planning Commission in 2015 and served until 2017. He rejoined the Planning Commission in 2019 and served until January 2024.

The Board of Commissioners and citizens of Fayette would like to thank him for his service.

What action are you seeking from the Board of Commissioners?

Recognition of Arnold Martin for his seven (7) years of service on the Planning Commission.

If this item requires funding, please describe:

Not applicable.

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

If so, when?

Is Audio-Visual Equipment Required for this Request?* No

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

Page 4 of 306

Department: Planning & Zoning

Presenter(s): Debbie Bell, Director

Meeting Date: Thursday, February 22, 2024

Type of Request: Public Hearing #2

Wording for the Agenda:

Consideration of Petition No.1338-24, Jerry Battle, Jr., and Melissa Battle, owners, Randy Boyd, agent, request to rezone 2.14 acres from A-R to R-72 for the purposes of creating a legal, conforming lot to build a single-family home; property located in Land Lot 252 of the 4th District and fronts on McBride Road.

Background/History/Details:

The property is nonconforming lot because it has less than 5 acres. Rezoning to R-72 will create a lot that meets the acreage requirements of its zoning district. Because it was built in 1901, the existing house does not meet current building setbacks or square footage requirements. Historic structures are generally considered to be legal nonconforming because they predate any ordinances but the rezoning requires that all issues be addressed. The applicants have expressed an interest in retaining this house as a guest house for their disabled son. This will require variances to the square footage and the building setbacks. The rezoning does align with the Future Land Use Plan. Staff has recommended several conditions to address these issues; the owners are aware of and have agreed to the conditions.

On February 1, 2024, the Planning Commission voted 5-0 to recommend CONDITIONAL APPROVAL of the request. Staff recommends CONDITIONAL APPROVAL, subject to the following conditions: 1. The owner/developer shall dedicate right-of-way, as needed, to provide 40 feet of right of way as measured from the existing centerline of McBride 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. Applicant must obtain variances for structures not in compliance with R-72 Zoning or remove the structures within 180 days of rezoning approval.

What action are you seeking from the Board of Commissioners?

Approval of Petition No.1338-24, Jerry Battle, Jr., and Melissa Battle, owners, Randy Boyd, agent, request to rezone 2.14 acres from A-R to R-72 for the purposes of creating a legal, conforming lot to build a single-family home; property located in Land Lot 252 of the 4th District and fronts on McBride Road with three (3) conditions.

If this item requires funding, please describe:

Not applicable.

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

If so, when?

Is Audio-Visual Equipment Required for this Request?* No

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

PETITION NO: 1338-24

REQUESTED ACTION: Rezone from A-R to R-72

PARCEL NUMBER: 0449 061

PROPOSED USE: Single-Family Residential

EXISTING USE: Single-Family Residential

LOCATION: 689 McBride Road

DISTRICT/LAND LOT(S): 4th District, Land Lot 252

ACREAGE: 2.14 acres

OWNERS: Jerry Battle, Jr. & Melissa Battle

AGENT: Randy M. Boyd

PLANNING COMMISSION PUBLIC HEARING: February 1, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: February 22, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 2.14 acres from A-R to R-72 for the purposes of a single-family home and accessory structures.

PLANNING COMMISSION RECOMMENDATION

On February 1, 2024, the Planning Commission voted 5-0 to recommend **CONDITIONAL APPROVAL** of the request to rezone from A-R to R-72.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Rural Residential - 2 is designated for this area, so the request for R-72 zoning is appropriate. Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of R-72, Single-Family Residential District.

RECOMMENDED CONDITIONS

1. The owner/developer shall dedicate right-of-way, as needed, to provide 40 feet of right of way as measured from the existing centerline of McBride 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. Applicant must obtain variances for structures not in compliance with R-72 Zoning or remove the structures within 180 days of rezoning approval.

INVESTIGATION**A. GENERAL PROPERTY INFORMATION**

The property is a nonconforming lot because it has less than 5 acres. It is a remnant parcel from a subdivision plat by a previous owner. Rezoning to R-72 will create a lot that meets the acreage requirements of its zoning district. Because it was built in 1901, the existing house does not meet current building setbacks or square footage requirements. Historic structures are generally considered to be legal nonconforming because they predate any ordinances but the rezoning requires that all issues be addressed. The applicants are aware of and have agreed to the recommended conditions.

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 Battles purchased the property in April 2023. At the time of purchase, there was an existing home constructed in 1901 with approximately 1,158 square feet, two (2) smaller sheds, one (1) 1,800 square foot metal building, and various debris. The sheds were never permitted. Mr. Battle applied for a building application for the 1,800 square foot shed in July 2023, however, staff was unable to approve the permit application because the lot was not a legal non-conforming lot. Rezoning is the first step in restoring the property to conforming status. The Battles understand variances and/or permits are also required if the existing structures are to remain.

The existing house may be converted into a guest house for their disabled son should the Zoning Board Appeals approve the variances for square footage and encroachment into the front yard setback. The Battles plan to construct a new primary residence that meets R-72 requirements once the non-conformances are cured.

B. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned A-R, R-40, and R-72. 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	4.151	R-40	Single Family Residential	Rural Residential – 1 unit/ 2 acres
East	5.75	A-R	Agricultural-Residential	Rural Residential – 1 unit/ 2 acres
South (across McBride Rd)	5.0; 19.55	A-R	Agricultural-Residential	Rural Residential – 1 unit/ 3 acres

West	2.49	R-72	Single Family Residential	Rural Residential – 1 unit/ 2 acres
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C. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Rural 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 McBride 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 not available in that area of McBride Rd. The option to extend the waterline is available at the homeowner's expense.
- ☐ **Public Works** - No objections. Please refer to recommended conditions.
 - McBride Road is classified as a Collector and requires a 80' Right of Way per the Fayette County Thoroughfare Plan. Owner has agreed to dedicate necessary right-of-way.
- ☐ **Environmental Management** - No objections.
 - Floodplain Management -- The site DOES NOT contain floodplain per FEMA FIRM panel 13113C0114E 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-72.
- ☐ **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 Rural Residential-2 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.

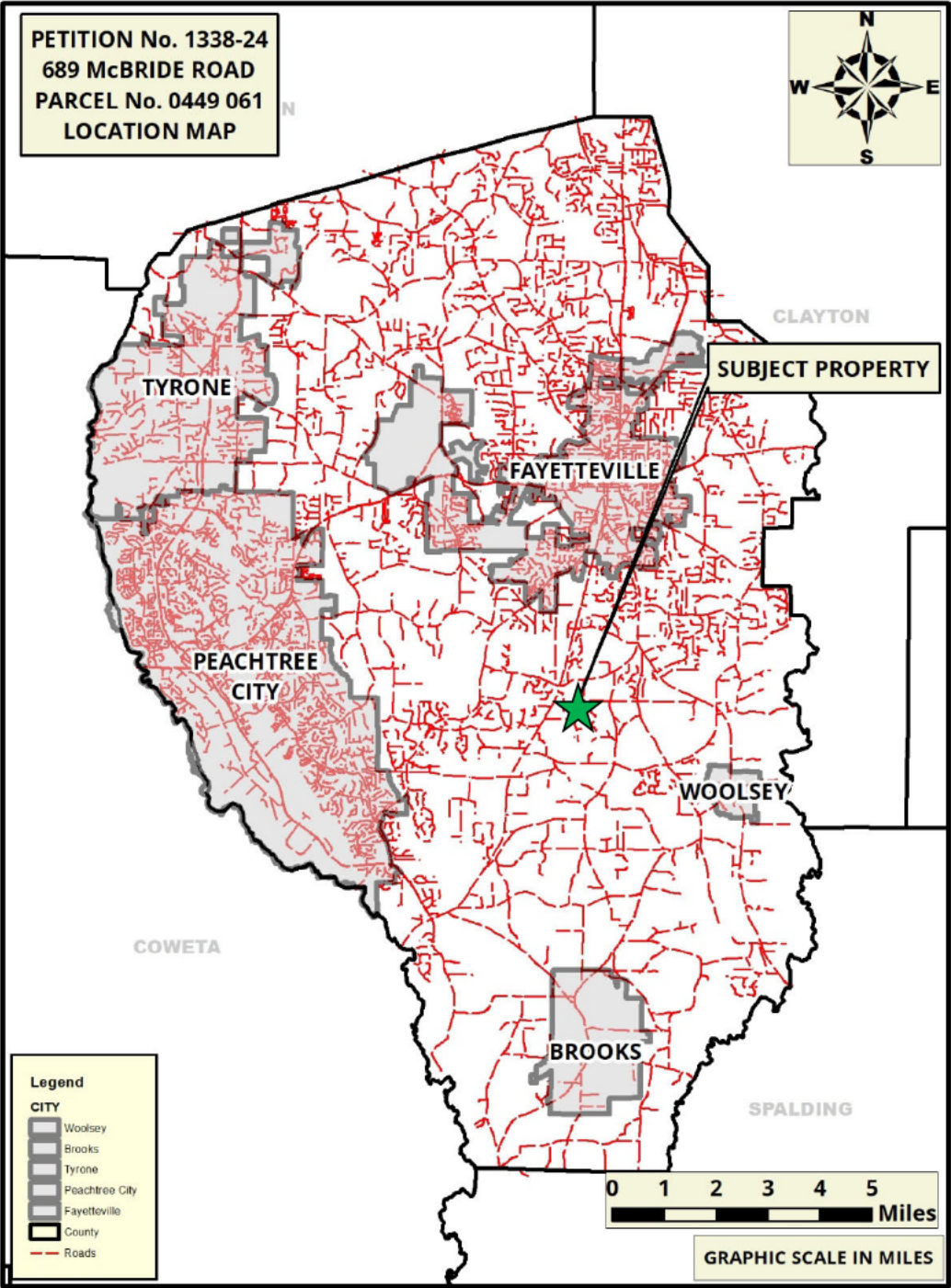
ZONING DISTRICT STANDARDS

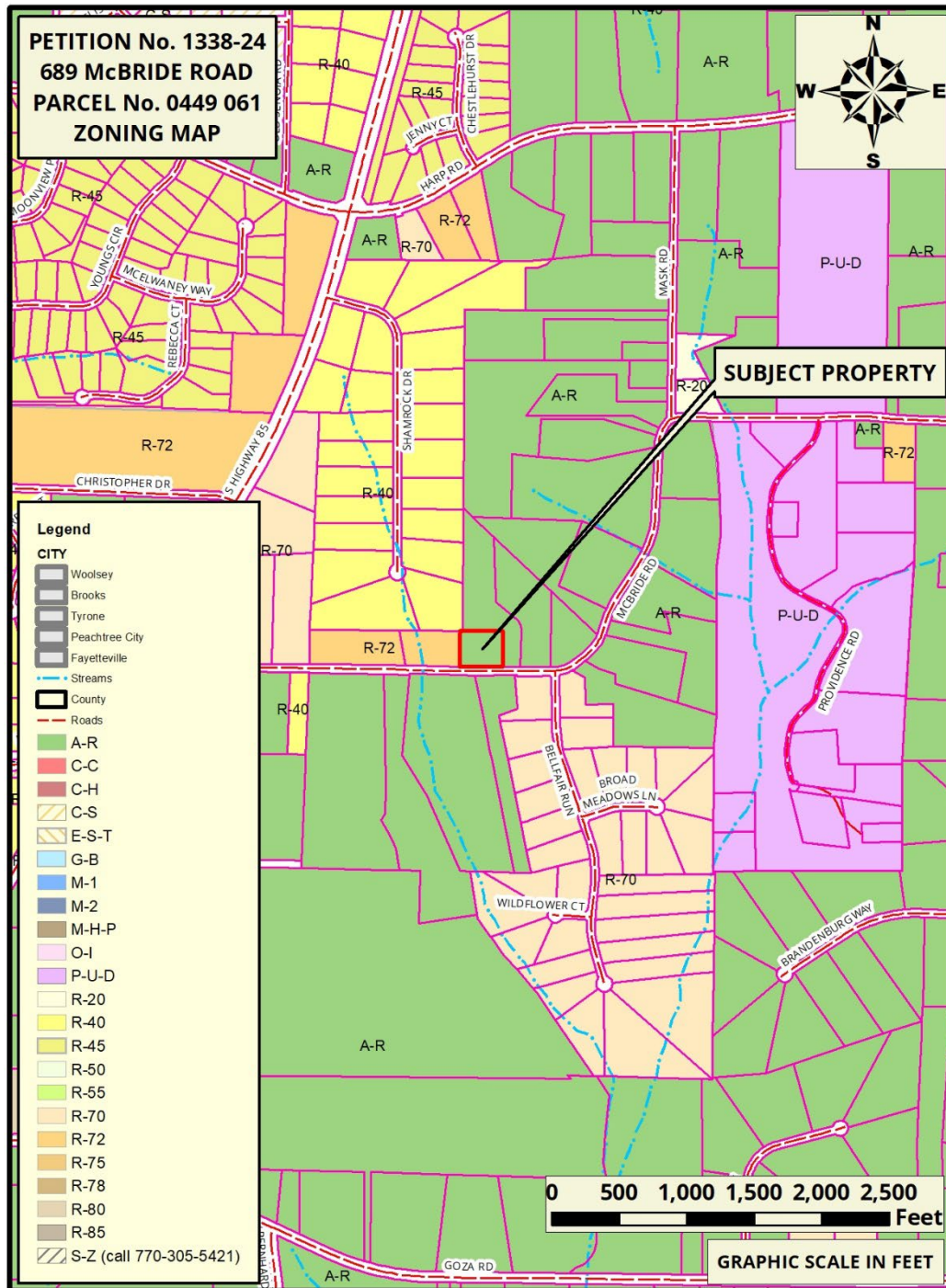
Sec. 110-132. R-72, Single-Family Residential District.

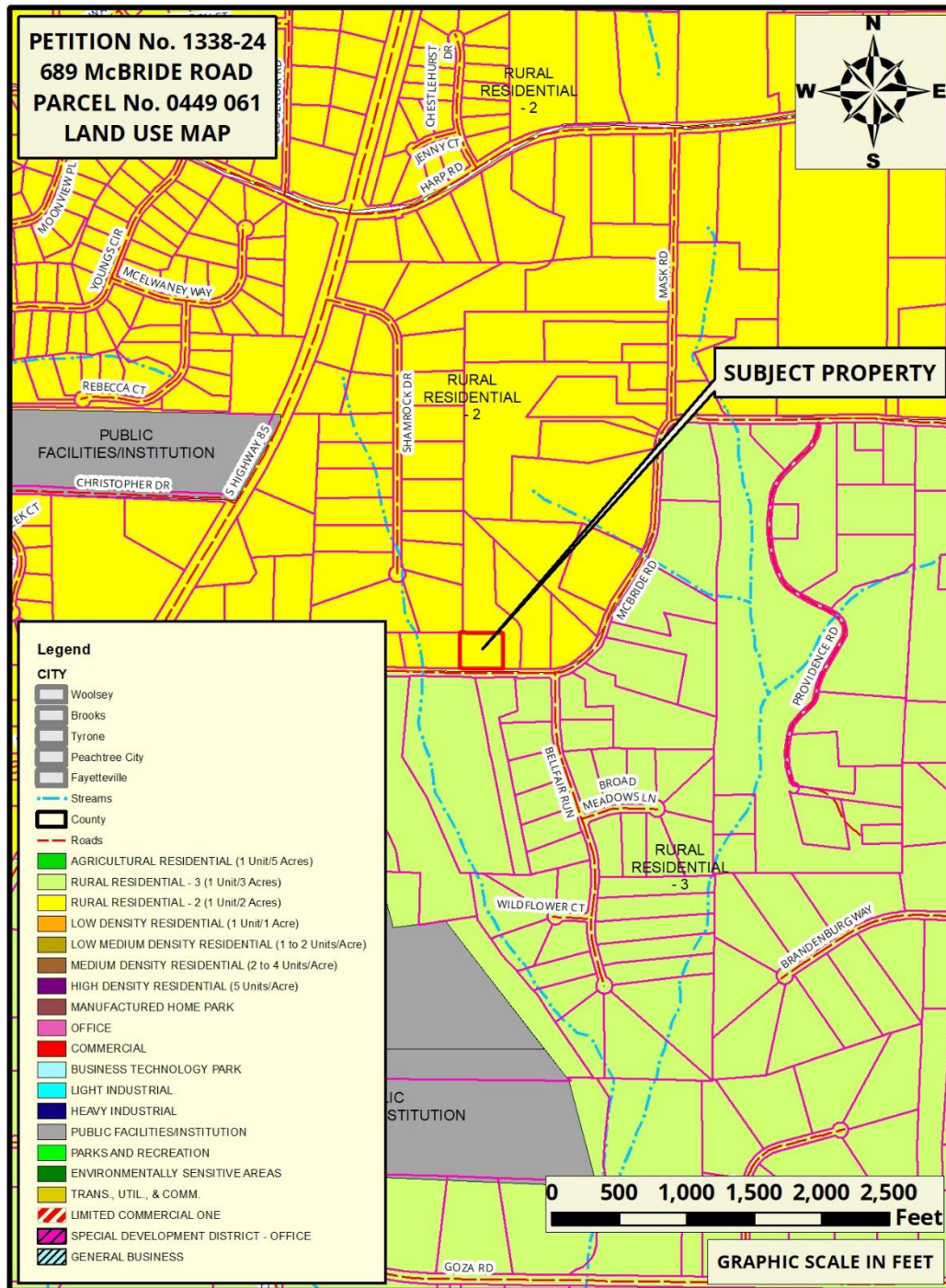
- (a) *Description of district.* This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the R-72 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-72 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;

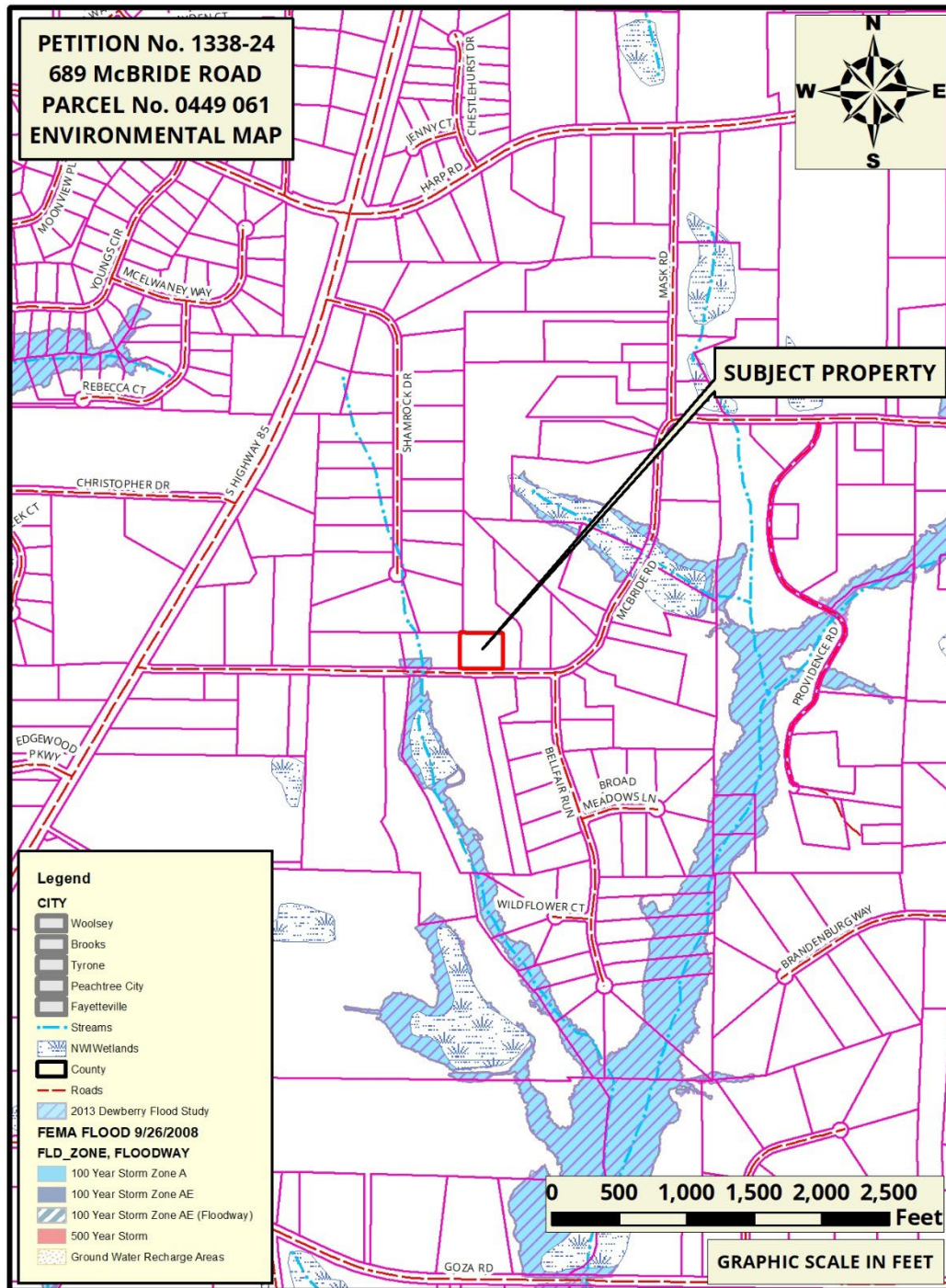
- (4) Horse quarters; and
 - (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the R-72 zoning district shall be as follows:
- (1) Lot area per dwelling unit: 87,120 square feet (two acres).
 - (2) Lot width:
 - a. Major thoroughfare:
 - 1. Arterial: 175 feet.
 - 2. Collector: 175 feet.
 - b. Minor thoroughfare: 150 feet.
 - (3) Floor area: 2,100 square feet.
 - (4) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 75 feet.
 - 2. Collector: 75 feet.
 - b. Minor thoroughfare: 50 feet.
 - (5) Rear yard setback: 50 feet.
 - (6) Side yard setback: 25 feet.
 - (7) Height limit: 35 feet.

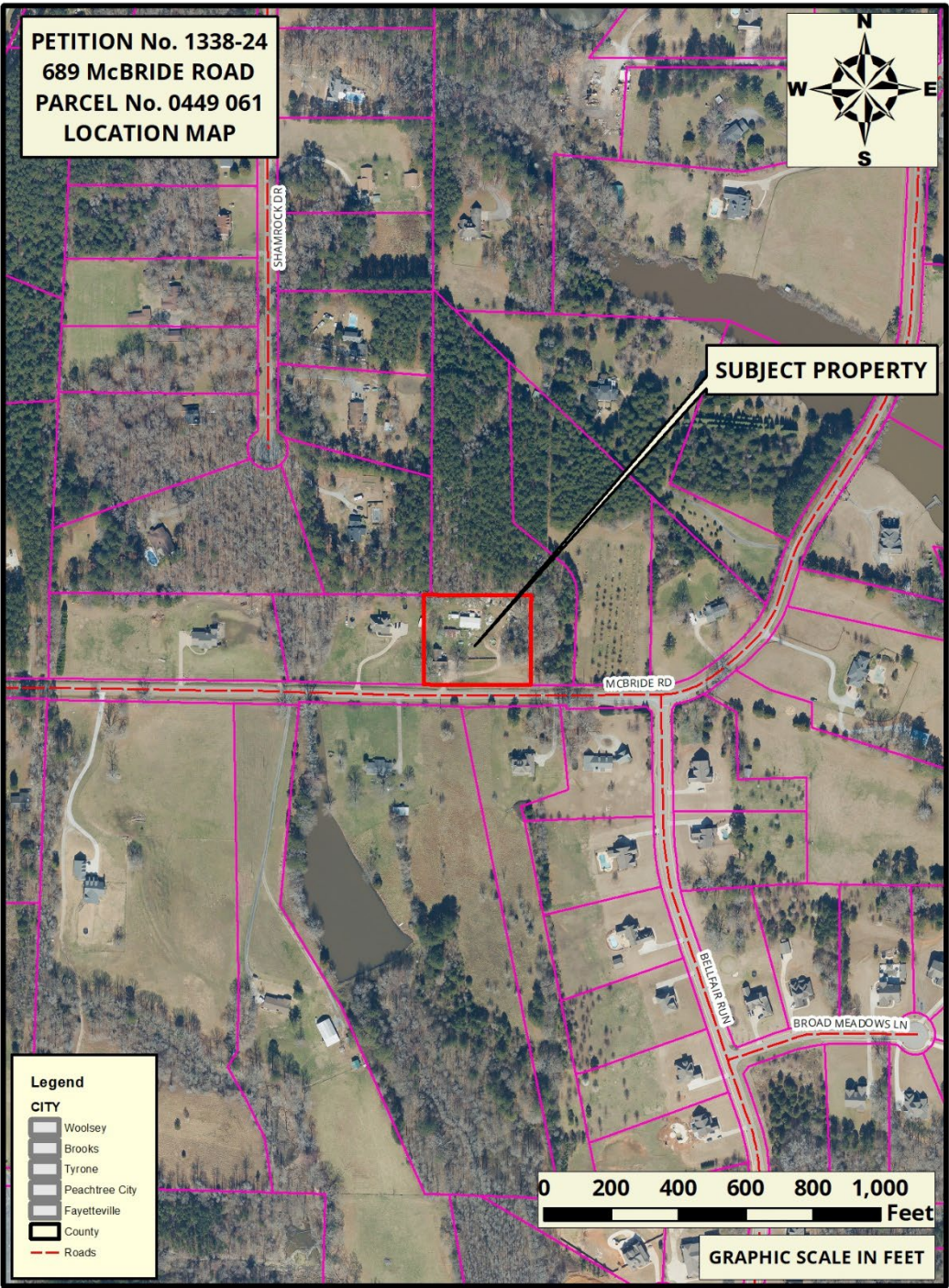
(Code 1992, § 20-6-8; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)

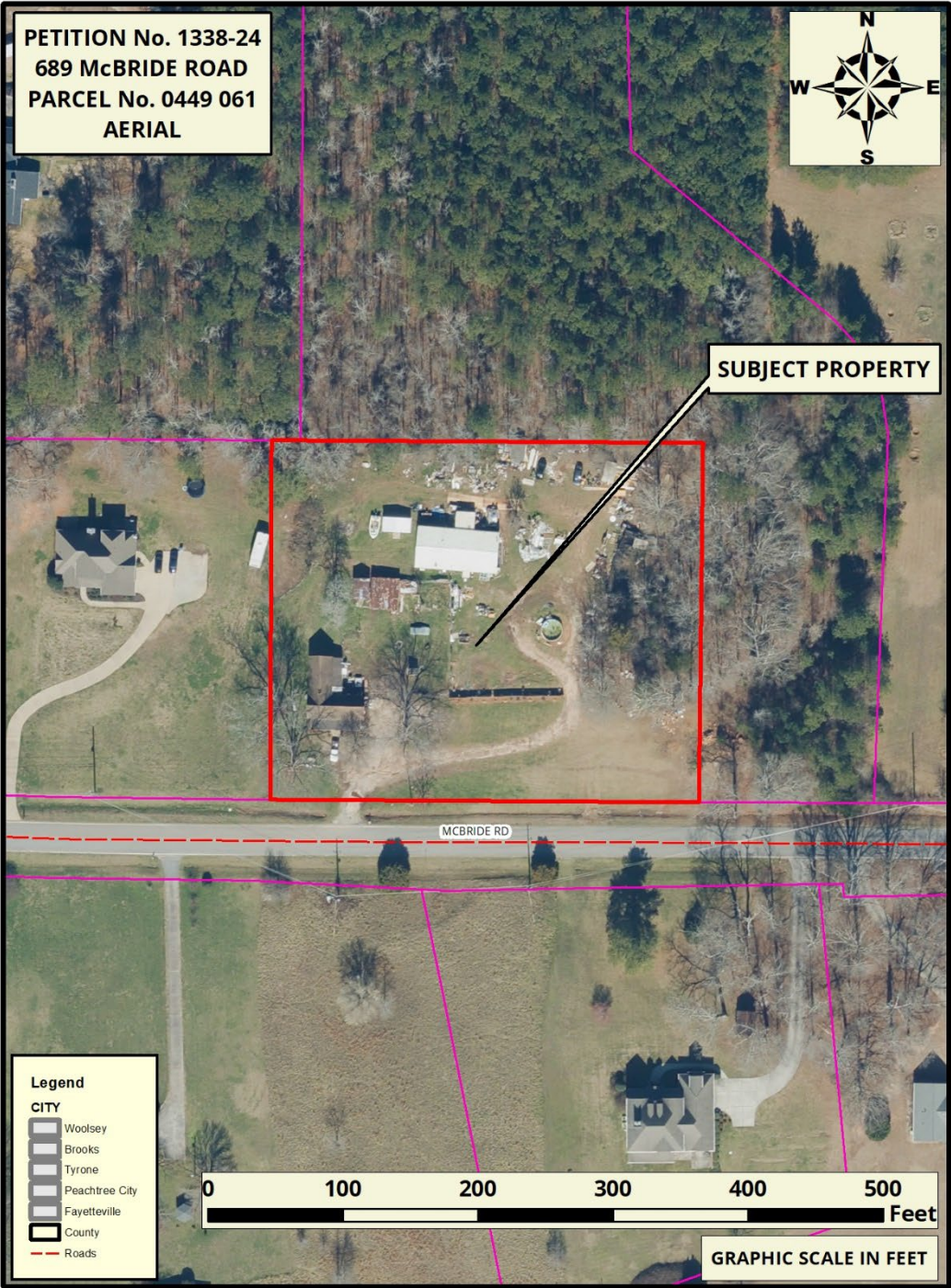


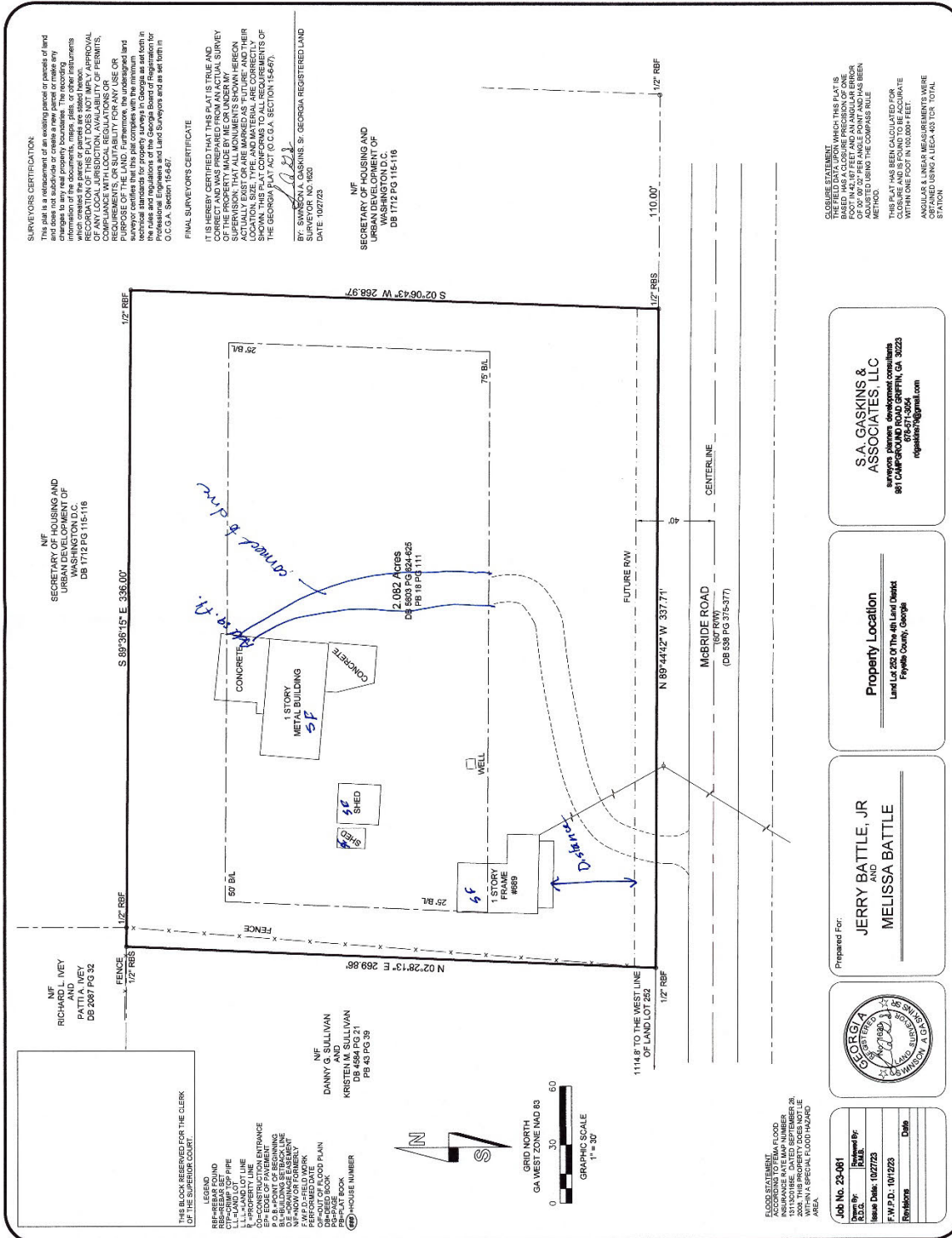












Meeting Minutes 0 0 0 4

THE FAYETTE COUNTY PLANNING COMMISSION met on February 1, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

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. Oath of Office for Boris Thomas.
4. Approval of Agenda.
5. Consideration of the Minutes of the meeting held on January 4, 2024,

PUBLIC HEARING

6. Petition No. 1338-24 - Applicant proposes to rezone 2.140 acres from A-R to R-72 for the purpose of constructing a single-family residence.

Deborah Bell reviewed the staff report for Petition 1338-24 to rezone 2.140 acres from A-R to R-72 for the purpose of constructing a single-family residence and accessory structures. The property is a nonconforming lot. It appears to be a remnant from some previous lot's subdivision. So, the fact that it is nonconforming is not the fault of the owner. However, rezoning it would cure the nonconformance and make this a legal nonconforming lot. The current owners purchased the property in April 2023. There is an existing much older home on the property which, if they are going to try to retain it, would require some variances. So, they will have to assess if they wish to proceed with that or to build something new. Staff recommends conditional approval.

RECOMMENDED CONDITIONS

1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet of right-of-way as measured from the existing centerline of McBride 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. Applicant must obtain variances for structures not in compliance with R-72 Zoning or remove the structures within 180 days of rezoning approval.

Randy Boyd represents the petitioner, Jerry and Melissa Battle. They purchased the property in April of 2023. You can see from the map that it has all sorts of issues with it. To get the rezoning we have to apply for and dedicate an additional right of way. Yes, we will absolutely do that. I would like to take the opportunity to thank Deborah Bell and Deborah Sims for working with us on this. I took this over there and they about passed out. Everything on this property has issues: too many buildings, they are not big enough, and the property lines pass through buildings. They both really stepped out and tried to help us with this and we appreciate the help. The Battles purchased it and cleaned it up substantially. They want to renovate the house for their special needs son. The one to the southwest corner, there is an existing garage back there they want to build another house. There are a lot of issues on there. The property was created Nov. 1987 as part of a farm which was 12 acres. What they did was peel off 2-acres on each side. That's this piece. Then what was left over, I got those rezoned in the past. I got one rezoned in 2006 and another one 3-4 years ago to R-72. The 2-acre zoning is compliant with the comprehensive land use plan. We have R-72 to the West, R-40 to the North, and then A-R to the East and the South. This does fit the land use plan. I have heard a lot of appeals over the years, and I have listened to a lot of issues that people have had. But this is one where the Battles just bought this piece of property and they didn't do any of this, they are just trying to clean it up. Then you might say well, they should do their due diligence. Yes, they should but if you see a good deal, you also got to jump on it real quick. I would just ask that you zone this for the 2-acres. That is the proper zoning. The staff suggested that, and we support the recommended conditions. We look forward to working with them and cleaning this property up, so they have a nice piece of property. Thank you.

John Culbreth asks if anyone else is in favor of this petition would like to speak.

George Sullivan speaks on behalf of the petitioner. He is the property owner of the property immediately to the west of the petitioner. He has owned the property since March 2017. I moved my family here from Connecticut. When we moved here, the property was owned by a different property owner. In the time between March 2017 and when the petitioner bought the property, I have witnessed no less than two search warrants executed on that property, and no less than 12 incidents that required law enforcement. Mind you I am at home with two small girls and my wife. At the time when we moved here, I was a federal law enforcement officer. I, myself, detained 3 individuals until law enforcement could get them. Because they were on my property. This was on 3 separate occasions. I lived through it up until the new owner purchased the property. Anyone who knows McBride Road knows it was the number one eyesore. That property led to McBride Road being called the Infamous McBride Road with law enforcement because everyone knew it so well. The new owner bought it and has increased the positive nature, the cleanliness, and everything having to do with improving that property 1000 times over. Before it looked like a

condemned piece of property. It was littered with all matter of trash, vehicles, and debris that I had to look at every day. When the new owners moved in, within a small period of time, that was all gone, and they did everything they could up until the point they realized that they had zoning issues. To my knowledge, they have attempted to respond to every code request and do everything they could do. So, they have already demonstrated that if given the opportunity to at least make that property where you can do anything. As I understand it, they really can't do any type of modification. Give them the opportunity to at least meet the codes of Fayette County. I support them, and I didn't know them before they bought the property. Thank you.

Alexander Garcia here to speak on behalf of the petitioner. I actually just moved to Fayette County about a year ago. I live 2-3 houses to the west of Mr. Battle's property purchased back in April. The property was a mess. Mr. Battle came in and gutted it out completely. He is doing great things for our community and our property values. He wants to renovate and build something new to improve the property and I am in favor of that. Anything to make our property better. I am a new Georgia native; he has my 100% support. I don't see why you shouldn't approve this rezoning for him. He is just going to make our county better and bring that positivity to our town. Thank you so much.

Mr. Culbreth asked if anyone was opposed to this petition who would like to speak.

Tim Thoms from 625 McBride Road. It's not my property anymore but if you see those trees in a line in the upper right corner. That is now my daughter and son, where they are building a house. So, we are a couple of lots down from Mr. Battle. My property and I am proud to say that I am one of the few remaining farmers in Fayette County and have farmed that property for almost 30 years since 1996. I grow trees for the landscape industry. My property is up and above and further east. I have been a citizen of this county since 1984. I have put a lot into this county, and I have sat where you sit now for many years. I appreciate your sacrifice and willingness to come up here twice a month to do what you do because it is a thankless job. But we have made Fayette County a better place because of our service. I don't have any ill will towards the applicant. I just spoke to him for the first time today and just met him for the first time tonight. I have spoken to other people who know him and from everything I have heard, he is a fine individual. I have no ill will, but what I have come here to do is to oppose the petition. I know it meets the land use plan, but that 2.1 acres is barely within the density of that land use plan. Even across the street, the density is higher at 3 acres. We are on the fringe. I have been working that area for 30 years and I wanted my kids and my grandkids to take advantage of that too. Again, Mr. Battle has done a tremendous job of cleaning that place up...it was a pig sty. There is a lot of nefarious activities that have gone on on McBride over the years, such as the chandelier that hung on the pole in the yard (just kidding). The concern I have is that I don't think Mr. Battle will be able to do what he wants to do on that property. That house. The paper I gave you that has the red line around the shed. That is a 1,900 s.f. building as it exists as an accessory structure. Zoned A-R, I think the former owner said they were using it for agriculture, but allegedly they were using it for other nefarious purposes. It is just not going to fly to build unless you take all of those accessory structures down and start from scratch. I feel for the man because I know what my children have gone through to build their house. It is not easy in Fayette County to do what you want to do, and we go by the law so that good actors can be good actors and bad actors can't get away with anything. It makes it tough on us, but we have laws for a reason, and it has helped Fayette County for many

years be Fayette County and not someplace else. I think it is in your judgment to recommend denial to the Board of Commissioners. If you so happen to wish it to be approved, I think you can condition it so that all the accessory structures have to be removed. Mr. Battle can come in and build a house because the one that is there.... I have not been in it...but I know how it has been treated and I think there isn't any question that it is going to take a lot of work. It is in bad shape. Not to mention, it is way outside of codes, setbacks, etc. He has a lot of things to figure out. Someone told me a long time ago from the Zoning Board of Appeals that whenever you grant those appeals, you are allowing someone to break the law. We have this process that asks for rezoning, but we are still asking you to change the law that applies to the rest of the county. So, I would like you to look over the situation. I mentioned the nefarious activities that have happened on McBride Road for the past two or three decades. I guess before Christmas we were back in my house, and we see all these red and blue lights and we thought Oh my Gosh something else is going on McBride Road. The blue and red lights were up in the shed area. There was no shooting going on, which happened on McBride Road. So, we figured it was not that bad. Mr. Battle does work with law enforcement. He equips our sheriff, and fire department with sirens and lights for patrol cars and emergency vehicles. It is done in that shop. That is an illegal activity. He told me he lived off Hilo Road and he did the same thing in a shop he built there. I know his intentions are good, I just don't know that he can do what he wants to do. He ought to be able to do that in a commercial or industrial area where that kind of business should be done and not in an A-R setting. I appreciate your time.

Mr. Culbreth asks if anyone else is opposed.

Mr. Randy Boyd requested to make a rebuttal. He stated that he has known Mr. Thoms for quite a few years. As far back as when he sat on the board. He has always been very fair, but I do think he is incorrect that if you grant a variance, you have broken the law. Because granting a variance is just part of the zoning process. It's the last chapter that you have a remedy, so you are not breaking the law, but you are just seeing if those can be applied to situations where you can make that work. Mr. Battle is trying to clean that up, so it is proper zoning. It is zoned for 1 unit for 2 acres. The final product will be right at 2 acres once we dedicate the right of way. Mr. Battle will apply for all the variances. He will work with Planning & Zoning. They have done an excellent job so far. When we get into the project, there will probably have to be some more variances that we will have to apply for. They have been kind to give us enough time to do that, and we would like to go through the process of the next meeting to see if we do get the zoning. We will work with them, and I believe he will go for the variances that go along with the rezoning. Thank you.

Mr. Culbreth asks if there are any questions or comments from the commission.

Mr. Oliver has a question for Mr. Boyd if he was o.k. with the conditions, specifically in item 3 the 180 days.

Mr. Boyd says yes sir we were going to try to present it at the next Zoning Board of Appeals deadline, which is February 3rd, which the staff has talked to us about. Then I was thinking that the 180 days would be from the rezoning which gives us the time to work on that. I am going to be working on it anyway. So, yes, we will apply shortly thereafter if we are approved, and we have the right of way deed. So, yes, we agree to the conditions. Thank you!

7. Petition No. 1339-24 - Applicant proposes to rezone 5 acres from R-70 to C-H for the purpose of developing as a commercial property.

Debbie Bell reads the staff report for Petition 1339-24 a rezoning from R-70 to C-H for the purposes of extending the septic line from neighboring parcel to the south and possible other commercial uses. Staff recommendation as defined in the Fayette County Comprehensive Plan; Rural Residential-2 is designated for this area so the request for C-H zoning is not appropriate. Based on investigation and staff analysis, staff recommends denial of the request for rezoning to C-H.

If the request is approved, the recommended conditions are as follows:

RECOMMENDED CONDITIONS

1. Parcel 0450 090 shall be combined with parcel 0450 070 in an approved minor subdivision plat within 180 days of the approval of the rezoning request. The revised plat must include the 50' buffer separating the C-H Zoning from the residential zoning.
2. The existing asphalt driveway shall be removed within 180 days of the approval of the rezoning request. Removal of the existing asphalt driveway is stipulated on the minor final plat recorded on January 8, 2015. This was also a stipulation from GDOT for rezoning petition 1145-05.
3. If the septic system for 1552 S Highway 85 encroaches into this property, a revised site plan shall be submitted for approval within 90 days of the minor subdivision plat being approved and recorded.

Staff would like to note that on November 27, 2023, the adjacent parcel, 1552 Highway 85 South, did apply and was granted a variance to allow the septic drain field to encroach into the zoning buffers within that parcel. The property is currently identified as tract two on the minor subdivision plat of U.S. Station. In 2005, the owners at that time applied to rezone the property from A-R to O-I to construct an office park but the Board of Commissioners approved rezoning of the property to R-70. In 2014 a plat was presented that created four approximately 5-acre lots that you see today. The parcel is in the center of the county on Highway 85 South. This is next to the old U.S. Station which is under a redevelopment plan. This is the parcel that is subject to the rezoning. The land use plan shows Rural Residential. There are no environmental factors affecting the property and it is currently an undeveloped property.

Mr. Culbreth says thank you and asks if the petitioner is present.

Hello, I am Rick Lindsey representing the owner. The owner is Thomas Crossroads, LLC. I have with me tonight, Ed Wyatt, John Cook, and Blake Wyatt all from Green Oil which is the parent company of the LLC, and contractor Neal Brown. If we have any technical questions, I will have Neal come up to answer the technical questions. As Debbie said, we are seeking a rezoning to C-H. The property she was speaking about, part of the old U.S. Station just to the South is zoned C-H. We would like to put the drain field for the septic system on this property. Back in November, a variance was granted by the Zoning Board of Appeals in case the rezoning didn't happen here, but a better plan really is to put the drain field for the septic on the southeast corner going away from HWY 85. It is a 5-acre

tract. It is currently zoned R-70, and you may remember at one time was part of the U.S. Station. The convenience store that is being redeveloped. Here is a photo from 1983 that shows the U.S. Station which expands three different lots. Each of these lots has different zoning R-40, C-H, and the property we are talking about this evening is R-70. If you can see those vertical towers, those are gas tanks. It was a truck stop which first came into operation in the 1960's. So, 60 years ago it was a truck stop and continued being used for fuel. The asphalt has remained on the site and has been used continually until my client shut down the property for redevelopment. He uses driveway access for the property. It has been used to park school buses, dump trucks, and other large vehicles, but never for residential. It has always been used commercially or in some commercial fashion. Debbie Bell displays an aerial of the property. Rick Lindsey says due to the nature of the shape of the property, it is not easily developed. It is bordered on the south by C-H and also R-40, and R-70 to the North, and across the street a church, middle school, and a vacant property owned by the Islamic Center of Atlanta. Whitewater Middle School, Whitewater High School, and Sarah Harp Minter, so a lot of heavy users of this highway are on this road. We are proposing to rezone this property to match the other property that is being redeveloped to C-H. So, they may be combined, and the septic system is put along the southern southeastern portion of that. Having the septic system will assist in the buffering of that property from the neighboring residential to the south. The properties to the east are all over 2 acres. They are all large deep properties. We will certainly want to keep the buffers from the residential property. This property is in the land use plan as low-density Rural-Residential 2. That is really a mistake. The property has never been used residentially and never will be. When the property was rezoned in 2005 it went from A-R to R-70. The applicant had sought O-I zoning. I am scratching my head as to how it ended up being R-70. R-70 is a little easier to zone residentially. If you recall A-R the minimum lot size is 5-acres. R-70 is 2. That was in 2005 and you can see it still has not been developed. Part of the parcel to the left has been used commercially for all these years, since the 1960s. So, what we are looking at getting a zoning on this property that meets reality. You can call it residential, but it is really a square peg in a round hole. I guess it is really a pentagon in a round hole. It doesn't fit. I have looked at all the properties on Hwy 85. There hasn't been a residential house that fronts on Hwy 85 in the last 40 years. It is a reality that this part of 85 is busy, and 4-laned if you count the turn lane. We also know that one day GDOT has plans to 4-lane 85. So, in reality, it is something other than residential. Back in 2005 the former property owner applied and was denied for O-I. So, what happens if this is developed commercial? For one, it really benefits the area. For one, you can increase buffers. The nice thing in Fayette County is that we have nice zoning here. We have the overlay district which will oversee the parking, architectural style, lighting, landscaping, and overall look. The zoning ordinances we have here will control the buffering so that we don't have properties on top of each other. And at least 40% have to be left where it is not covered with any impervious surfaces. So, we will be able to get rid of that asphalt in the front. So, we are proposing that it will look like commercial property. And if the asphalt is removed there will be no access onto 85. Which really screams that it should be combined with the property to the south. Ironically, if it gets put back to what it was years ago when it was the U.S. Station. So, my client wants to move the septic drain field. It will make it a much better drain field to the southeastern portion of the property and then in the future, develop it commercially. The small commercial center will come off of the convenience

store that is being redeveloped now. It is going to be nice because he wants it to fit with the higher-quality convenience center that he is going to be building. It is a uniquely shaped property, and it is a small property, particularly when you think what is going to be taken by the septic system and the buffers. So, it won't be a big box or medium box, it will just be a small neighborhood commercial property that will offer products and services for the residents and the people who would be commuting up and down HWY 85. The property really needs to be zoned in a realistic manner where it is commercial and matches the property to the south so they may be combined into one. The septic drain system is put where it needs to be so it will increase the buffers and it will be one cohesive commercial unit.

Mr. Culbreth asks if anyone else wishes to speak in favor of this petition. Is there anyone who would like to speak against? If not, we will bring it back to the board.

Again, I am Tim Thoms and I live on McBride Road. McBride Road is about 200 yards to the south of the U.S. Station. I used to visit the station long ago and when it was the U.S. Station, that is fine because it is a grandfathered commercial zoning. There is no commercial intentionally until you get to Starrs Mill. This is by intention design. I think you have every reason to deny this as it does not comply with the comprehensive land use plan at all. Besides that, the two properties at the bottom of the screen, those I believe front on McBride Road and one of them...the people have lived there for ten years. The zoning was denied for O-I. It was rezoned R-70. So as eloquently as Mr. Lindsey spoke in promoting this development, it is difficult to defend sometimes, and you have to grant a zoning that can be defended in court. That is why it is R-70 instead of A-R. This is not a spot to enlarge the commercial area and get that started on the south side of the county between Fayetteville and Starrs Mill. Fayetteville is already creeping down in terms of development and that is not, as I understand, what citizens of the south end of Fayette County would like. Thank you.

Next speaker against.

Hello, again I am Alex Garcia. I have a few documents that I want to show, but before I begin, I want to say I met Ed Wyatt today for the first time and I have nothing but good things to say about the gentleman. If you can bring up the image with the satellite picture. I am actually the owner of 757 McBride which is this house right here (unintelligible as he stepped away from the mic). There is a huge berm. You can't see the commercial property. Mr. Wyatt reached out to me that you guys were giving him a hard time with the septic system. The way he has been so communicative...I actually wanted to buy that property from him. To turn my 5-acres into 10-acres and build a farm. So, we can get a few horses for my little girl over here. Unfortunately, his septic system has to be there, and he has to rezone it commercially. My wife asked if they rezone it commercial will they put buildings on there? It is one thing to put the septic system but another to have a commercial building. It is a beautiful property. I am from California and Delta brought me out. I am a veteran and I have two tours under my belt. The people are amazing, and I love it here. When he told me that when they zone it commercially, and I asked when. Mr. Wyatt said that on the north side, he wanted to put some buildings on the lot. That changes everything for me. One thing you want to consider is that the current zoning is residential. If you develop this commercially, the surrounding area will not be consistent. That could impact my property values and my neighbors as well. The neighbor right next to me is also against it. He's not here right now but he is totally against it. It might impact my property value. It might go

up or down. It's one thing to add a buffer but zoning commercial without seeing the plan. If you let him zone it commercially without you seeing the plan (unintelligible as he steps away from the mic). If he zones commercial, I will see everything right there, the trees will be gone and I will see cars, parking, people, buildings. You might want to consider before approving this get the facts. Get the plan! If he needs a septic system for the BP, I am all in favor of this because I am going to go to Dunkin' Donuts in my golf cart. I am in favor of the BP gas station if he needs to get his septic, but there have to be other channels that can be taken without giving him zoning that is commercial. Thank you.

Mr. Culbreth says thank you is there anyone else who would like to speak against Petition 1339-24 if not we will bring it back to the board. Mr. Lindsey, do you have a rebuttal?

Rick Lindsey says yes, just a couple of comments. We have a commercial property that abuts a residential property and the key to making it work for my client, as Mr. Garcia said is a very honorable and honest man who will work with the buffers in the county. So, this is not an issue. We will work with the county so this will blend in and be an asset to this community. So, it will be a small community-based, and centered retail use.

Danny England, Rick, I know you just sat down but I have a question for you. So, the first thing that I thought is that there is no room on the existing U.S. Station site for a septic system. Has the developer approached the county Department of Health and spoken with them about options for septic systems on the existing property and were they told, no?

Rick Lindsey, "Yes, because of the long-term commercial use of the property, the soils had to be taken out. So, it is problematic. That is why we have the variance to get it into the buffer. So that is going to take out some trees and a much much better plan is to put the drain field on this site.

Danny England, "So, it can be done but it would be expensive, right?"

Rick Lindsey, "We have the variance to do that now. You are going to take out buffers to do that. As Mr. Garcia said, you open it up. The better plan is to marry the residential to the commercial. Let's put the septic drain field there. Does that answer your questions?

Yes, it does, Danny England stated.

Jim Oliver asked, "Also, there are some conditions that are staff recommendations that are for approval. Do you have any problems with those?"

"No, sir my client will agree to all of those conditions," stated Rick Lindsey.

Debbie Bell asks if she may clarify something and states that she was advised originally by Environmental Health that the drain field needed to be on the same parcel with the use. Our attorneys have educated me that the drain field could be on a separate parcel with a permanent easement. There would be a possibility of putting the drain field on there without combining the two parcels.

Danny England, "So, if that is the case, is the rezoning necessary or is it just an easement onto the current zoning as is?"

Allison Ivey Cox stated, "That because it is the same property owner getting the easement would be easy. It is a separate parcel. We need an easement, and it needs to be recorded, but that is simple enough just to pass from one to the other and the buffers that had been varied would remain whether there is a rezoning or not."

Danny England, "So, no rezoning of this property but there is an easement that would allow for..."

Allison Ivey Cox, "This property owner would need to create an easement in order to allow for the septic drain fields to be on the property indefinitely. That would be recorded in the

deed record, and it would be burdening that property for the purpose of the other.”

Danny England, “In the future?”

Allison Ivey Cox, “Yes.”

Mr. Culbreth asks given what was just said, “Mr. Lindsey is that a possibility rather than rezoning the entire parcel?”

Mr. Lindsey, “I would have to look at the ordinances to look and see if that is a possibility. And with all due respect to Elliott and Dennis.... I don’t have an answer to that, but I do have this response. If you put a permanent easement there, it now cuts off more of his property and makes it even more problematic to ever develop. So, you have taken even more use of this property. Like I said it has been at least 2005 it was rezoned R-70, and it has never been developed. If the access point on Hwy 85 is removed as requested by GDOT, now the property has no access to any road. So, we have taken away the complete value of the property. It needs to be combined with the redeveloped convenience center to have the proper use of the property and put it back together as it was when it was U.S. Station and make it work and make it blend in with the area. Did that answer your question?”

Danny England, "Something I am wrestling with here is where it says intent on the petition for rezoning. It says here that the purpose of the rezoning is to extend the septic line from the neighboring parcel to the south onto this property and possible other commercial uses. So really what we are looking at here is that we are solving the immediate problem, which is the septic line, and then there is the potential for maybe some commercial uses in the future.”

Mr. Culbreth, “Is that your intent?”

Rick Lindsey, “Correct.”

Danny England, “So we can solve the septic issue pretty easily, right? We can get an easement. You can run septic lines all day. You can put them wherever you want and do it in a way that would not encumber the future use of the property. On the flip side of that, we had a rezoning last month on Hwy 85 that was commercial, and I think your opening statement was that this is probably never going to be developed residentially. If you look across the street those are not houses. There is the school, churches, there is commercial further south there is a gas station there. It is a little bit of a balancing act for us to figure out the comprehensive plan vs. the reality of how people are going to use this thing on the open market and what makes sense. Just trying to look for answers to all of the questions to make a balanced decision.”

Mr. Culbreth, “You made a statement that there has been no residential development in the last 40 years.”

Rick Lindsey, "That front on Hwy 85. Right, and I was on the Fayette County tax map, and I went from Harp Road on both sides and looked for a house that fronts on 85. The most recent one I could find was built in 1982. The rest were in the 50's and 60's. Now if they have driveway access on some of the side roads, there has been more recent development, but the ones that front on 85...when Fayette County was a sleepy, slow, more rural county. It has been a long time since Fayette County has been sleepy. We moved in '87 and it was considerably sleepy compared to today. No one is going to build a home that fronts on 85 today. That is just the reality. We want to take this property and we have a use for it. Everyone has a right to have a use for their property and not have that taken away and make it blend, look nice, and be an amenity for the area. Not something that is a blight. I am not

saying this is blight, but having all that asphalt there is not attractive. Let's do something that makes it better than it is today. I hear not wanting commercial to march all the way down 85. Here you are in an area that has already been used commercially for 60 years. It would make it look much better. That's what we are trying to do."

Mr. Thomas, "Have you developed an impact study in regard to placing future use commercial there and how it would impact the traffic from the school daily and the ingress and the egress of the school right across the street and the proximity of it being so close to the new light on Harp Road. That light was not there before. Have you done any impact study or spoken with the Department of Transportation regarding the traffic light?"

Hello everyone, "I am Neal Brown with All-Span Builders. I have been handling the demolition of the old U.S. Station. Thank you to the Planning Commission and Deborah and Debbie for all the work that has gone on for this facility. To answer the question about the traffic study. I had a meeting with Stanford Taylor with DOT earlier this week and it is their wants to terminate the driveway across from the school and make the two driveways that are in place now, the active driveways. And do frontages approach to the left and the right, so yes it has been addressed but not on a formal study yet, but I did have meetings with DOT before this meeting tonight. So, we are in agreement to get rid of the driveway on the northern end and then your traffic will come in the two where they are already approved, and they would access that property on the frontage drive. I guess I have been through two pre-con meetings on this project, and everything has focused on the construction of the facility. This is the first time this option has been presented from legal stating that we could do this easement on this other piece. From the very beginning, Bonnie Turner, from Environmental Health said that the property owners' names had to match, and the zoning had to match. So, that is the reason we have got to this point. And I have multiple variances on this project because of the configuration. Honestly, I thought it was zoned incorrectly and we were going to find out why it had ever changed from the U.S. Station. The parking lot has four entrances in three different zones. It just doesn't make any sense. Your landmark or benchmarks have been there since the 60's that is why we are asking just to get the two pieces zoned the same and it will work a whole lot better on setbacks, septic, and the whole nine yards. Everyone is talking about the improvements. How about the man over there who is spending multi-million dollars to improve what we got now? So, some consideration needs to be given there. Thank you.

Mr. Oliver states, "Mr. Chairman, we all attended a wonderful seminar this week put on by the University of Georgia talking about dealing with zoning questions to ask and they gave us a rundown of what questions to ask to determine whether to approve or deny a rezoning. There are 6 criteria, and this petition meets all but one of the criteria. A lot of that has to do with the comprehensive plan. It doesn't quite fit what the comprehensive plan is, but it doesn't look like it was ever meant to, but one of the overriding factors that I see is whether the property affected by the zoning proposal has a reasonable economic use as currently zoned as R-70. I don't think it fits as currently zoned, the reasonable economic use criteria. I don't think anyone would want to be put in a home facing Georgia Highway 85 across from Whitewater School and across from the church. There have been a lot of residences and there is nothing surrounding it that is zoned other than residential. Well, right across the street there is not residential zoning. It is more in the commercial vein of zoning. I don't think this is an unreasonable request. The issue of an easement came up this evening, but the petition before us tonight is for a commercial zoning. We either

deal with it now or deal with it later. We are merely a recommending body, and the county fathers will have the final say. But I don't see anything unreasonable in this request. There is no doubt that this is a commercial type of zone and not a residential zone and it is something that needs to be addressed here and now.

Mr. Culbreth asks for any further comments. If not, we will entertain a motion. The staff has made their recommendations.

8. Petition No. 1340-24 - Applicant proposes to rezone 4.03 acres from A-R to C-C for the purpose of constructing a fuel station, convenience store, and retail.

Debbie Bell reviews the staff report for Petition 1340-24. The property is located in land lot 5 of the 5th district and fronts on Harp Road, Highway 85 South, and Old Senoia Road. According to the Fayette County Comprehensive Plan, the property Rural Residential-2 is designated for this area so the request for C-C is not appropriate. The planning & zoning staff recommends denial of the request for rezoning to C-C. However, if the request is approved, the recommended conditions are as follows:

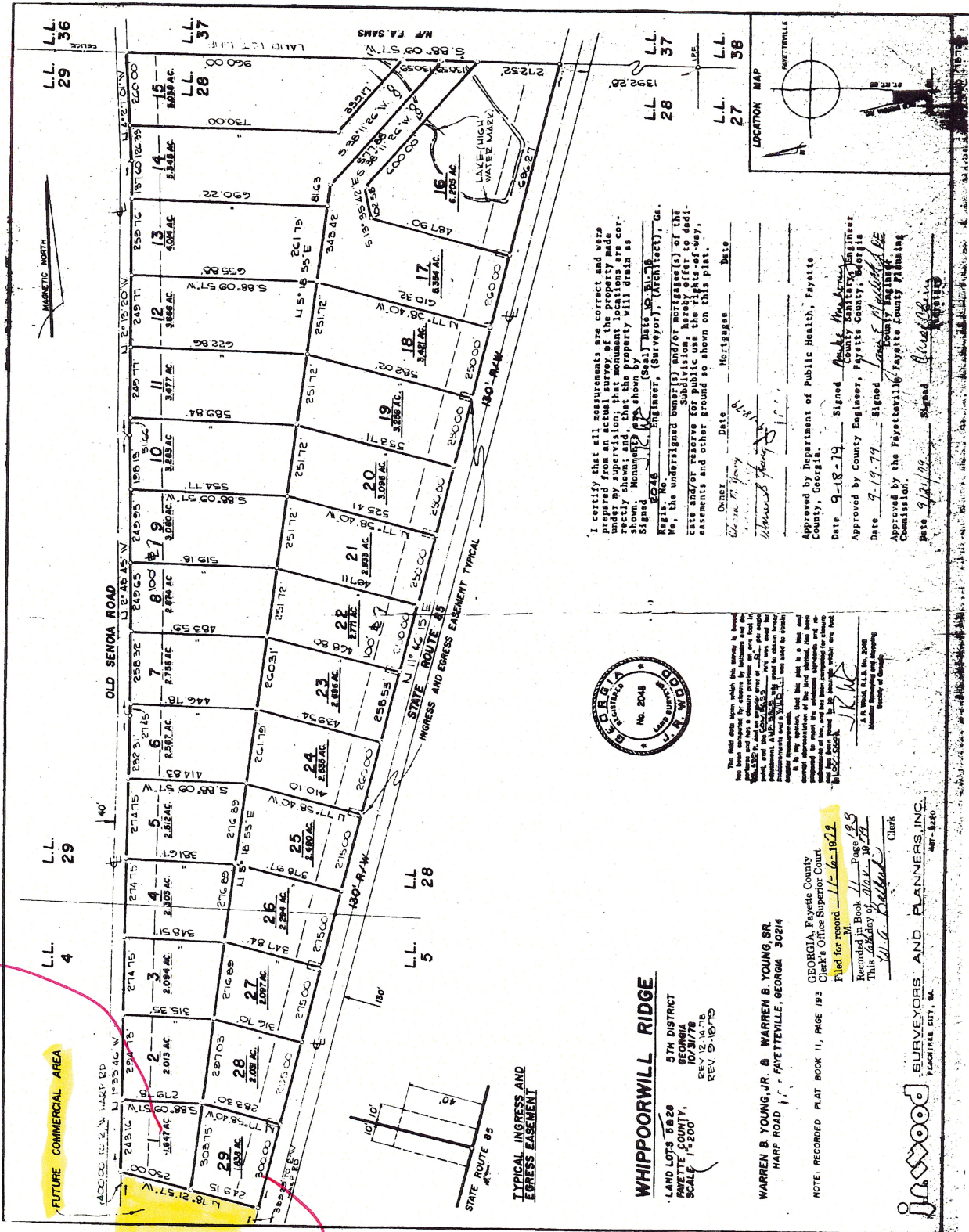
RECOMMENDED CONDITIONS

1. Harp Road is a minor arterial. The developer shall dedicate right of way, as needed, to provide 50 feet as measured from the existing centerline of Harp Road. The corner at the intersection of Harp Road and Old Senoia Road shall be chamfered 20 feet along tangent legs.
2. Submittal of the warranty deed and legal descriptions shall be provided to the County within 60 days of the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.

The property is a non-conforming lot because it does not contain the minimum required acreage for an A-R zoning district. It is located in a highway overlay zone, and it is just north of the highway we just looked at by half a mile. This parcel is bounded on three sides by the roads. You can see that it is A-R zoning and a lot of property in the area is A-R zoning or R-40, medium to low-density residential. Here is the land use plan which recommends rural residential to the south and low-density residential to the north of Harp Road. There are no significant environmental factors that appear to affect this site. Here is an aerial view of the undeveloped property.

Mr. Culbreth asks for the petitioner to come forward to speak.

Hello, my name is Darrell Baker and I represent the landowner and the potential future landowner of this site. I have asked Deborah to hand you a copy of the plat for this property that was recorded back in 1979. This plat and piece of land was divided by Mr. Young who was also a farmer and developer and who owned this land and the land where probably a lot of the citizens here tonight are from, and their homes are which is now called Rebecca Lakes. He subdivided that land and many of the streets in Rebecca Lakes are named after his family and his kids. I think if you look at that plat, this piece of property has been a concern since they platted. That plat specifically states, that when he platted with the county it says 'future commercial use' why do you think he would do that? As a farmer and a developer, he realized that the property was bordered on three sides by roads. You guys



hit the trifecta tonight because you are considering three commercial properties tonight in an area of the county which is growing. I get that a lot of people will stand up and discuss the county changes, and I get it, I was born here 60 years ago. I have watched this county change. Change is inevitable. I have farmed the land where Towne Center and Summit Point sit right now from the time, I was 9 to the time I was 18. So, you can imagine how much this county has changed in 60 years. I think Mr. Oliver made a good point, when the comp plans are considered, the question is do they look at every piece of land in the county? And the answer is no. If you look at this property, there is nothing other than houses around it that say it is a good piece of property for A-R residential. It is non-conforming; it is only 4.03 acres, and it doesn't even meet the 5-acre mark. It has been encroached by state highway improvement. It has been encroached upon by improvement along Harp Road. When Mr. Davis bought the property, Old Senoia Road was a gravel road. So, you now have the improvement of Old Senoia Road. So, through no fault of his own whether through road improvements or zoning updates which have made, this a non-conforming lot. All of these changes...he now has a piece of property that I don't think anyone in this room would build a house on. I could be wrong. I know that I wouldn't. I wouldn't want to be bordered by roads on three sides. I get that no one likes to change, and no one likes growth. Let's talk also about what is happening up the 85 corridor. I heard a comment by Mr. Thoms about commercial development. There is commercial development all up and down 85 South. If you look there are 4 signalized intersections up 85 South from the city limits all the way to where you go into Senoia. There is Ramah Road there is the Racetrack and even though it is in the city, it is also in the county. Then you get to Harp Road and that is the piece of property we are considering. Then the next piece of property is Bernhard, and you have fuel, retail, convenience, an office, a church, and a fire station at Bernhard Road and 85. The next intersection is Padgett Road, Hwy 74 and 85. What has been approved on two corners of this intersection is fuel and convenience. So, tell me what makes this property different than those pieces of property? Most of those properties are surrounded by residential. Most of those properties are parts of larger R-R tracts. So, I represent a gentleman who has owned this property for 41 years. He bought it from a gentleman who already knew that this property would probably never have a house on it due to the nature of the property. Through hardships not created by the landowner himself, he now has a non-conforming piece of property. I hate to say it but of the 60 years I have been here, I have been developing for 33 of those years. I have been a change agent here on things that people haven't liked. I have been a change agent on things that people have liked. I have friends who live adjacent to this property and friends in Rebecca Lakes. One of my friends growing up, his father is here, and he owns the immediate track to the north. There should be something said for landowner rights and there are certain things that have happened to this tract that have made it a non-conforming tract. The other four intersections the other three you have fuel. Let me give you another statistic. I went and looked at all the signal lights in Fayette County proper outside of the city limits. If you look at Hwy 85 N, 85S, 54E, 54W, 314, 92 N, 92S you have 22 signalized intersections. Of those 22 intersections, we have fuel and convenience on 13 of the 22 intersections. Of those 16 are commercial tracts with commercial uses. You have 5 tracts that don't have any commercial because when the signal was installed all tracts that touch that intersection were already zoned with residential houses. One tract that is totally different than the rest of them and that is the intersection of New Hope Road, 92 South, and Lees Mill where you have the historic

church, the community center, and Fayette County Water. So, the majority of signalized intersections throughout the county have all changed in the character of the piece of property. So, I represent an owner and a potential buyer who is a credible developer. He has done this a lot of times, and he is willing to conform to an overlay.

Ms. Bell states that the property is located in the state route overlay.

We are willing to develop to the standards of the overlay which would be residential in nature. We have potential elevations already...all brick, the gabled roof, it will have small retail just like Bernhard and 85 do. We will conform to the conditions. We will work with staff to mitigate the light transfer. There will be additional buffers required and any other conditions that staff may have. Again, we understand that this is not popular, and this is an issue, but I gave you the plat that was recorded. Those are addresses of homes in the area and when they were built. Based on when this land was platted. You can see most of these homes have been built from 1993 and out and have been platted since 1979 and it says future commercial use. We understand that this does not guarantee rezoning, and he did not go and get it rezoned at the time. Early on when he was discussing this with the county about making road improvements and they were talking about paving Old Senoia Road. He came to the realization as a developer that there was going to be no way that anyone was ever going to build a house on this piece of property. Look how old this property is and there has never been anything on it. It is just like the U.S. Station. It has been like that forever and with all the land around it, you are never going to get anyone to develop a lot and build a house. I am here to answer any questions. Change is hard and unpopular.

Mr. Culbreth asked if anyone else would like to speak in favor of the petition? Is anyone in opposition? OK, I see a lot of hands. Have you selected a speaking leader for you?

Hello, my name is Harry Sweatman. I live at 516 Old Senoia Road. I am next door to that lot. I have known Mr. Baker for 50 years or so. He made a statement that this lot was non-compliant. I assume it is non-compliant for someone building a house. Mr. Davis clear-cut that lot some 20 years ago which maybe made it non-compliant...I don't know. At the time, that was an old-growth forest almost. I don't think it was actually old growth, but it had some large, mature trees. Mr. Lindsey stated that there hadn't been any houses built facing 85. That's wrong. There has been plenty of houses, I believe from Perry Creek all the way to Harp Road. Some of them in the last 10 years or so. There is nothing but homes and churches. I don't know what he plans to do about light pollution because if he does do that my biggest hope is it would be something like a Dollar General because they do close. He is going to have light on there all the time. When I got there and heard it was going to be a service station, I was real upset about it. I also have one question, what happened when the county said that there would be no commercial development along the proposed west bypass? Have they changed that or changed the route? I have only lived here for about 40 years and in the county for about 50 years and all that growth is not pretty and doesn't justice to this county. Thank you.

Next speaker against.

Good evening, my name is Russell Blythe from Herons Landing. Commissioners, I am president of the Herons Landing HOA. We are a neighborhood of about 18 homes and the entrance is about 800 feet up Old Senoia Road from this proposed site. Many of our homeowners have school-aged children who attend Whitewater Schools and catch the bus right on Old Senoia. A number of our homeowners are here tonight, please raise your hands so we can see you. The planning and zoning staff has recommended denial and I think that

is the right decision. The subject property is surrounded on all sides by properties that are zoned residential. There are commercial properties about ½ mile to the south that we spoke about earlier tonight. This property is meaningfully different from the property we spoke about earlier tonight. The gas station that was there has been there for 6 decades. For the property of this petition, there has been nothing but trees and grass. There has not been anything on this property and that is the way it should stay. Unlike the other property too there is no access to the other property except on Hwy 85. On this property, there is access to Old Senoia Road and Harp Road in addition to Hwy 85. Regardless of what has happened on Hwy 85, there have been plenty of homes built on Old Senoia Road in the past 10 years. It is a perfectly reasonable use as a residential property. This is nothing like the property to the south. The nearest commercial property is nearly 2 miles away at the old Trading Post (1045 Highway 85 South). There is not a single property zoned commercial on Old Senoia Road. There is not a single property zoned commercial on Harp Road. Mr. Baker speaks with a silver tongue, and he is very persuasive. He mentioned that there are a lot of gas stations in town. I agree. There are a lot of gas stations in town. There is clearly no need, at this time to rezone an area that is clearly residential on all sides to put up another gas station. We don't need it. We are going to have another one ½ a mile away. We have one 2 miles in either direction. This is not a need for this county. The only need is for this owner who wants to transition this into commercial property to make some money off of it, but that is not going to be of benefit to the people who live in the area. There would be some significant hazardous impact. As I mentioned the residents in our area have a lot of children who catch the bus on Old Senoia Road. That is not intended to be a commercial artery. The last thing Old Senoia needs is more traffic, and it is sure to negatively impact the traffic on Harp Road as well. On behalf of the HOA at Herons Landing and the residents of the surrounding area who chose to live in a rural residential area, we request that you deny this petition.

Mr. Culbreth, "Anyone else wishing to speak against this petition?"

Good evening, my name is Paulette Roberts, and I am the President of the HOA at Rebecca Lakes yes, we have a large number of our residents that are here today. Our neighborhood has 100 homes, and we are right across the street to the proposed change. All the properties are zoned residential in the surrounding area. Although this is supposedly a non-conforming lot of 4-acres. The property just south of it was rezoned from A-R to R-70 changing a lot from 6 acres to 3 potential 2-acre lots. All residential. So, in keeping with the plan for this part of Fayette County. This is a very residential area and does not seem to fit that this particular property would be changed to commercial. The reason my husband and I were drawn to Fayette County was the comprehensive use plan and the respect for the residents who currently live there. By putting that as a commercial property, you are adversely affecting all the residents who live on those 4 corners. I don't believe that would be of the best use for all the residents who live in this area. As Mr. Blythe mentioned, there is economic use for this property if it stays residential. You could access it from Old Senoia Road or Harp and that is very possible. The way this change would adversely affect the property owners with a drop in property value, increased light, traffic, and possible water issues. We have 3 lakes in our neighborhood, and we don't need extra water heading our way. Finally, we have a lot of children and there are a lot of things sold in convenience stores that we don't want children to have easy access to. So, I would ask you to please consider the family aspect of Fayette County and how the southern part has always been

that way. We ask for the denial of this zoning change.

Thank you. We have 11 minutes left. Anyone else?

My name is Jessica Kennedy and I live on McElwaney in Rebecca Lakes. Paulette brought up a few of my points. The gentleman had spoken about not having driveways with road frontage and across from this, you guys approved a plan with a driveway to Harp and the other two are going to have driveways off of 85. So, I am not sure anyone would want to build a house knowing a gas station would be across from it. Paulette had brought up the ponds and the lakes. I actually own one of the ponds and the runoff comes from Harp and travels down the backs of McElwaney and Youngs. The runoff comes from there and drains into our pond. We do have fish and turtles. It actually drains down to the larger lakes. I have a concern if you were to take away all the grass and the soil and have concrete what the runoff would be? Also, down Old Senoia, you have the bird sanctuary, and I am sure that the runoff would affect that, and it is something that should be protected. I know someone said it was a triangular lot, but a triangular lot that you can put three homes feels a little more abnormal to build a home on. Like I said we have 99 homes in our neighborhood, we have Herons Landing, another neighborhood across from that area. It is going to devalue our home to have a 'stop and stab' there. I just can't imagine having a want or need especially if you guys just approved a vape store to go across from the middle school. I am not even really sure what you guys approved. I don't know how much business we would really want here. My husband and I chose our home based on the school system. If we start putting a gas station on every corner that can be robbed, now we have crime. Another thing to point out is there is a cut-through from the middle school to our neighborhood and I have actually sent two children back to the middle school during school hours. I don't think we want middle school children leaving school to walk through our neighborhood to go get their vape pods. That is just not conducive to the life I have built here in Fayette County. I grew up here. I lived on the north side of town. My mom still has a beautiful house there and she recently moved into our neighborhood. We don't want to turn into what was over there. I know we think we have a lot of homes, and we couldn't do that, but if we take every spare corner, we absolutely could! I am highly opposed to it! Thank you!

Mr. Culbreth, is there a rebuttal or another speaker?

Tim Thoms from McBride Road again. You bring three rezonings within a half mile of my house and I am going to come up here all three times. I hope I don't jinx these folks since I am 0 for 2 but I am up here batting with 2 strikes. I hope they talked to you at your seminar with the University of Georgia about spot zoning because this is the definition of spot zoning. If you approve this, you have practically tripled the commercial zoning in this area overnight if the Board of Commissioners approves it. And if you look at the other corners you are probably going to quadruple it. So, you are having a huge impact tonight, and I am extremely disappointed.

Thank you, sir.

Mr. Culbreth, ok sir. Thank you is there anyone else? Do we have a rebuttal?

Darrell Baker addressed the board for a rebuttal. The non-conforming lot piece is because the A-R zoning category requires 5-acres so that is why it is considered a non-conforming lot because it is only 4.03-acres. If you want to know how it got to 4.03 acres look at the roads around it. Look at the road expansions around it. So, we have had quite a few people talk about how commercial stops at the old Trading Post (1045 Highway 85 South). That's

not the case. If you go slightly south of that on the left side of the road, you have the Art of Landscape. That is a commercial business, not a residential use. So, you have more business beginning to move. Mr. Sweatman was concerned about it being open all night. The developer (Mr. Sing) who would be developing this would only propose being open from 6 am to 10 pm. I am sure that the county is going to require us to put cut-off shields on the lights that stay on, forcing the light straight down, which will aid in stopping light transfer across the property. And there will be required improved buffers that will be required by the county. On the new lots that were approved by the county. Only one of those lots (and it was the petitioner that got it approved) is bordered by two roads and that is the corner lot that was approved by Mr. Win Lee was approved. His lot borders Harp Road and 85. The rest of the lots front on 85 and the back of the lots are on Rebecca Lakes. So, they are not bordered on 3 sides and the majority are only bordered by one road. With regards to run-off, I would refer you to the staff report where the different departments weighed in if this were granted what would have to happen? I would refer you back to the statement that says this is not in a run-off area, it is not in a FEMA area, it is not in a wetland area. Any water that leaves the site will have to meet certain regulatory guidelines for water quality. We can't just develop anymore and let it run off into the detention ponds. We now need to spend a lot of money on water-quality structures. We now need to provide a rebound for additional water. Basically, when we develop a site, it has to drain like it did in an undeveloped state. Now the guidelines are even more stringent, where you have to clean the water even more before it leaves the site. The skeptic in me says I wish this were just about protecting property values because again these subdivisions were built after this land was platted. Whippoorwill Ridge was a piece where this was created. The homes subsequently were built after this lot was platted this way. Rebecca Lakes was subdivided and built much later than what happened down Old Senoia Road. Mr. Blythe spoke up from Herons Landing and if I remember correctly the first house built in there is the first house on the left and it was built in 2014. I asked the folks that are here when you come into an area and buy a home, how much research do you do? Do you look at the lots around you, do you look at the plats, do you see what people have designated to happen around you? When you buy a home one house off the state highway, do you ever think, the nature of this area could change? I have heard several people talk about how this is still a great residential lot, well, why didn't you build your house there? If it is a great residential lot, then why didn't you build there? Why did you move inward down to Harp Road or Old Senoia? The reality is this is not a residential lot and hasn't been one for a long time. If a lot is not allowed to be developed for something other than A-R, then it will never be developed, and you are taking away the landowner's rights of the man who has owned it for 40 years and the rights of the person before that.

I am Stan Parrott and I live off Harp Road on McElwaney. I have known the landowner for a long time. He is a very fine fellow. I don't want to inhibit a person from being able to achieve or buy land or develop it that they have paid taxes on for a long time. But well, a convenience store, my wife and I added a screen porch because of the mosquitos. We enjoy sitting outside in the evening. And I am all for the light that you put up there, but the noise increased substantially because people stop and then they take off. We do know that the noise, when they develop, the property is going to increase again substantially because of the elevation is higher up and I know that the sound is going to carry, I know some

neighbors when they were trying to sell their house the peoples' comments were how noisy it was due to Georgia 85. We are just adding to it and noise is my biggest concern. I don't know all of the dates, but our home was built in 1994. It wasn't the first house built in Rebecca Lakes. So, I know Mr. Warren Young who is now deceased, and any comment that he may have made about that being a commercial piece of property. It was quite rural back then, of course, if he was still if he was a neighbor like his son is I know he wouldn't approve of that land as a commercial property. As far as a business, if you have a business there that closes at normal business hours like 5 or 6 pm then that's fine, but to have a convenience store. One of the ladies who spoke about North Fayette County earlier. In North Fayette County there is a QT up there and if you go up there at certain times of day, you see people hanging out there and that is a busy station. We have grandchildren now and they stay with us at certain times of the week, and I look at what are you inviting there? People who hang around. You see some people just walking down Georgia 85. There are some homeless people I have even spoken to who just hang out there. The main thing is just the quality of the neighborhood. We all feel like this was a nice neighborhood. This was the border for going to Fayette County High School and then they built Whitewater High School and the lines changed. If someone was looking at our house, well we are going to add more noise. This is what we are concerned about for when we have to move. If a commercial use comes in, I don't think there is a future there for us. We love our neighbors. Thank you.

Mr. Culbreth asked, "We are going to bring it back to the board. Are there any questions?"

9. Petition No. 1341-24 - Applicant proposes to rezone 10.95 acres from A-R to R-70 for the purpose of combining this property with an existing single-family residential parcel.

Debbie Bell reviews the staff report for the above-referenced petition for the purpose of combining the property for a single-family residential parcel. As defined in the Fayette County Comprehensive Plan Rural-Residential-2 is designated for the request for R-70 is appropriate. Based on the staff investigation and analysis staff recommends conditional approval with the following recommended conditions:

RECOMMENDED CONDITIONS

1. Parcels 0708 067 and 0708 057 and this rezoned portion shall be combined into a single parcel within 6 months of approval of the rezoning, or prior to the approval of any additional building permits, whichever comes first.

Debbie Bell shows a display with an aerial of the previous United Soccer Training Complex property. It is now zoned so I did some creative coloring to illustrate. Mr. Ed Wyatt owns these two properties to the north. He is proposing to purchase 10.95 acres from the larger parcel. In order for him to combine that with his property it needs to be rezoned to match his property which is R-70. So, he is requesting to rezone this one from A-R back to R-70 which is consistent with the land use plan. It is undeveloped property. There is some floodplain, and he is aware of that. It does not affect the viability of doing the rezoning, but it is a factor on the lot. Debbie Bell projects an exhibit provided by a

surveyor that demonstrates the properties more clearly.

Mr. Culbreth asks if the petitioner is here.

Yes, sir, my name is Jeff Collins and I hope this doesn't take too long and it is less controversial. Ms. Bell did a fantastic job of explaining it, so I don't want to overdo it. The intent here today is to subdivide the 10.95 acres so it can be conveyed to Mr. Wyatt and in order to combine it, it must be like zoning. So, to have the same zoning as his property, which is R-70, we need to rezone to the same so he can have a little more space there.

Mr. Culbreth asks if anyone else is in favor. Is anyone against? If not, we will bring it back to the board for discussion and questions.

Danny England asks if there is a gas station on this property and says let the minutes reflect there is no gas station on this property. Our first rezoning without a gas station tonight.

Mr. Culbreth, discussion?

ADJOURNMENT:

Danny England moved to adjourn the meeting. Jim Oliver seconded. The motion passed 5-0.

The meeting adjourned at 8:55 p.m.

**PLANNING COMMISSION
OF
FAIRFAX COUNTY**

**JOHN CULBRETH, SR.
CHAIRMAN**

ATTEST:

**CHRISTINA ALKE
PLANNING COMMISSION SECRETARY**

OATH OF OFFICE


STATE OF GEORGIA COUNTY OF FAYETTE

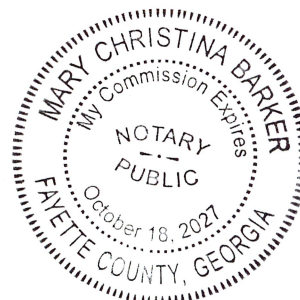
I, Boris Thomas, do solemnly swear that I will uphold and obey the Constitution and laws of the United States of America and the Constitution and laws of the State of Georgia, that I will uphold the planning and zoning regulations of Fayette County until they are legally changed, that I will perform my duties as a member of the Fayette County Planning Commission in a businesslike way, supporting at all times the actions that, in my opinion, will be for the best interest of Fayette County as a whole, so help me God.

Sworn to and subscribed before me this 1st day of February, 2024.


Boris Thomas


Witness


Notary Public



PLANNING COMMISSION RECOMMENDATION**DATE:** February 1, 2024**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1339-24, the application of Thomas Crossroads LLC to rezone 5 acres from R-70 to C-H, be:

_____ Approved _____ Withdrawn _____ Denied

_____ Tabled until _____

Fr-0 ☒ Approved with Conditions _____

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

1. Parcel 0450 090 be combined with parcel 0450 070 in an approved minor subdivision plat within 180 days of the approval of the rezoning request. Revised plat must include the 50' buffer separating the C-H Zoning from the residential zoning.
2. The existing asphalt driveway be removed within 180 days of the approval of the rezoning request. Removal of the existing asphalt driveway is stipulated on the minor final plat recorded on January 8, 2015. This was also a stipulation from GDOT for rezoning petition 1145-05.
3. If the septic system for 1552 S Highway 85 encroaches into this property, a revised site plan be submitted for approval within 90 days of the minor subdivision plat being approved and recorded.

This is forwarded to you for final action.


JOHN H. CULBRETH, SR., CHAIRMAN


JOHN J. KRUZAN, VICE CHAIRMAN


DANNY ENGLAND


JIM OLIVER


BORIS THOMAS

Remarks:

RESOLUTION

NO. 1339-24

WHEREAS, Thomas Crossroads, LLC, having come before the Fayette County Planning Commission on February 1, 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 5 acres from R-70 to C-H for the for the purpose of developing as a commercial property; 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**.

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

1. Parcel 0450 090 be combined with parcel 0450 070 in an approved minor subdivision plat within 180 days of the approval of the rezoning request. Revised plat must include the 50' buffer separating the C-H Zoning from the residential zoning.
2. The existing asphalt driveway be removed within 180 days of the approval of the rezoning request. Removal of the existing asphalt driveway is stipulated on the minor final plat recorded on January 8, 2015. This was also a stipulation from GDOT for rezoning petition 1145-05.
3. If the septic system for 1552 S Highway 85 encroaches into this property, a revised site plan be submitted for approval within 90 days of the minor subdivision plat being approved and recorded.

This decision is based on the following reasons:

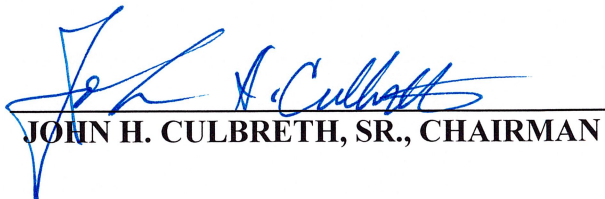
In compliance with the Fayette County Comprehensive Plan.
Compatible with the surrounding area.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:



**DEBORAH BELL
PLANNING & ZONING DIRECTOR**



JOHN H. CULBRETH, SR., CHAIRMAN

**STATE OF GEORGIA
COUNTY OF FAYETTE**

PETITION No (s): 1338-24

STAFF USE ONLY

APPLICANT INFORMATION

Name JERRY BATTLE, JR. & NEUSA
 Address 455 MEADOWDALE DRIVE
 City FAYETTEVILLE
 State GA. Zip 30215
 Email [REDACTED]
 Phone 770-776-9117

PROPERTY OWNER INFORMATION

Name SAME AS
 Address APPLICANT
 City INFORMATION
 State _____ Zip _____
 Email _____
 Phone _____

AGENT(S) (if applicable)

Name RANDY M. BOYD
 Address P.O. BOX 64
 City ZEBULON
 State GA. Zip 30295
 Email boyd2227@gmail.com
 Phone 404-275-1677

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

(THIS AREA TO BE COMPLETED BY STAFF)

[] Application Insufficient due to lack of:

Staff: _____ Date: _____

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

Staff: Debra M. Smith Date: 12/11/2023

DATE OF PLANNING COMMISSION HEARING: February 1, 2024

DATE OF COUNTY COMMISSIONERS HEARING: February 22, 2024

Received from Jerry Battle, Jr. 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: 12/11/2023 Receipt Number: _____

① updated survey
 ② notarized owners ✓

PETITION No.: 1338-24

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: JERRY BATTLE, JR. & MELISSA BATTLE
ADDRESS: 455 MERRYDALE DRIVE, FAYETTEVILLE, GA. 30215

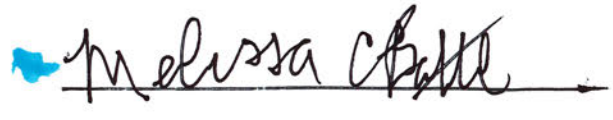
PETITION FOR REZONING CERTAIN PROPERTY IN THE UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA.

JERRY BATTLE, JR. & MELISSA BATTLE ^{they are} affirms that ~~he is~~ the owners or the specifically authorized agent of the property described below. Said property is located in a(n) AR Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$_____ to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-72.

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: SEE ATTACHEDPUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of 1st February, 2024 at 7:00 P.M.PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 22nd day of February, 2024 at 7:00 P.M.SWORN TO AND SUBSCRIBED BEFORE ME THIS 11TH DAY OF DECEMBER, 2023

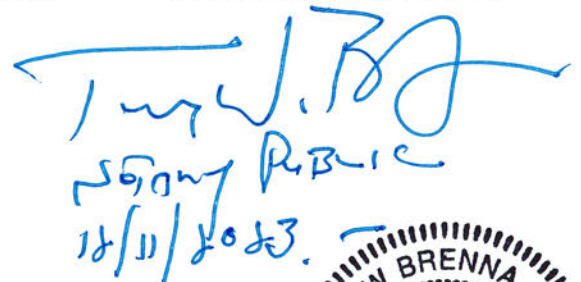
SIGNATURE OF PROPERTY OWNER



SIGNATURE OF PROPERTY OWNER



NOTARY PUBLIC

12/11/2023
Notary Public
12/11/2023

PETITION No.: 1338-24 Fees Due: _____ Sign Deposit Due: _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0449 061 Acreage: 2.082 ACRES
 Land District(s): 4th Land Lot(s): 252
 Road Name/Frontage L.F.: McBRIDE ROAD Road Classification: COLLECTOR
 Existing Use: RESIDENTIAL Proposed Use: RES., SHED, METAL BURG
 Structure(s): 3 Type: RESIDENTIAL, SHED, METAL BURG. Size in SF: 1158, 600, 1800
 Existing Zoning: AR Proposed Zoning: R-72
 Existing Land Use: RURAL RES. Proposed Land Use: RURAL RESIDENTIAL
 Water Availability: YES Distance to Water Line: 350' EAST Distance to Hydrant: 350' EAST ON NORTH SIDE OF McBRIDE RD.

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: _____

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: _____

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:

JERRY BATTLE, JR. & MELISSA BATTLE

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0449 061

(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) 252 of the 4th District, and (if applicable to more than one land district) Land Lot(s) — of the — District, and said property consists of a total of 2.082 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

(I) Melissa Battle

Signature of Property Owner 1

455 Merrydale Dr Fayetteville
30215

Address

Signature of Property Owner 2

455 Merrydale Dr Fayetteville
30215

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

P.O. Box 64
ZEBULON, GA.
30295

Signature of Notary Public

12/11/2023

Date

Signature of Notary Public

12/11/2023

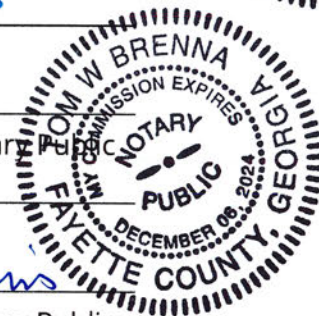
Date

Signature of Notary Public

Deborah M Sims

Signature of Notary Public

Date



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

REZONING APPLICATION - 5

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

We, JERRY BATTLE, JR. & MELISSA BATTLE, 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 40 FEET 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 11TH day of DECEMBER, 2023.

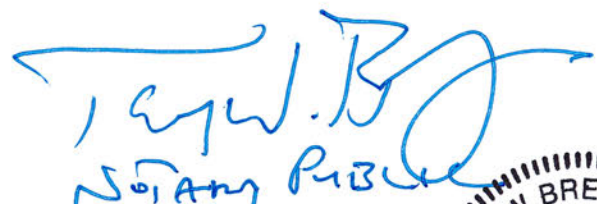

SIGNATURE OF PROPERTY OWNER


SIGNATURE OF PROPERTY OWNER


NOTARY PUBLIC

12/11/2023




NOTARY PUBLIC
12/11/2023



REZONING APPLICATION

DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

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

Signed this 11th day of DECEMBER, 2023.

 Melissa C. [Signature]
 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.

CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

(All applications/documentation must be complete at the time of application submittal or the application will not be accepted)

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

Type: WD Page 49 of 306
Recorded: 4/10/2023 12:18:00 PM
Fee Amt: \$230.00 Page 1 of 2
Transfer Tax: \$205.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Please return to:
Lawson, Beck & Sandlin, LLC
1125 Commerce Drive, Suite 300
Peachtree City, GA 30269
File # 23-LAW-0313

Participant ID(s): 1138094925,
7067927936

BK 5603 PG 624 - 625

STATE OF GEORGIA
COUNTY OF FAYETTE

3

LIMITED WARRANTY DEED

THIS INDENTURE made this 7th day of April, 2023 between

Janet C. Mask

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

Jerry Battle, Jr. and Melissa Battle as Joint Tenants With Right of Survivorship

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

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

All that tract or parcel of land lying and being in Land Lot 252 of the 4th Land District of Fayette County, Georgia, containing 2.140 acres, more or less, and being more particularly described as follows:

BEGINNING at an iron pin located 1,114.8 feet Eastwardly as measured along the Northerly margin of the right of way of a street or roadway known as McBride Road, from the West line of Land Lot 252 aforesaid; running thence North 1 degree 9 minutes 22 seconds East 227.17 feet to an iron pin; thence North 89 degrees 27 minutes 42 seconds East 336.0 feet to an iron pin; thence South 1 degree 9 minutes 6 seconds West 277.93 feet to an iron pin on the Northerly margin of the right of way of said McBride Road; thence South 89 degrees 35 minutes 33 seconds West as measured along the Northerly margin of said McBride Road 336 feet back to the iron pin at the point of beginning hereof. (See Plat Book 18, Page 111).

The above described realty being the same realty described by that certain Warranty Deed from J.G. Mask to Colleen M. Jones, et.al., filed for record November 9, 1987 and recorded in Deed Book 475 at page 498, records of Fayette County, Georgia.

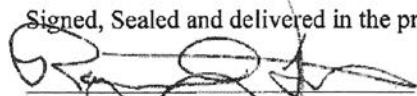
Subject to restrictive covenants and easements of record.

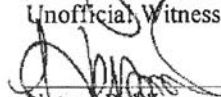
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.

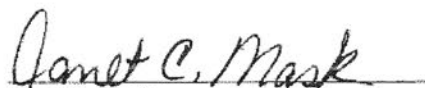
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, Sealed and delivered in the presence of:


Unofficial Witness


Notary Public




Janet C. Mask

AFTER RECORDING PLEASE RETURN TO:

**LAWSON, BECK & SANDLIN, LLC
1125 COMMERCE DRIVE, SUITE 300
PEACHTREE CITY, GEORGIA 30269
FILE NO. 23-LAW-02313**

Participant ID(s): 1138094925,
7067927936

BK 5626 PG 415 - 416

**Please Cross-Reference Deed Book 5603, page 624,
Fayette County, Georgia Records**

**Please Cross-Reference Deed Book 5603, page 626,
Fayette County, Georgia Records**

Space above to be used for recording purposes.

**STATE OF GEORGIA
COUNTY OF FAYETTE**

SCRIVENER'S AFFIDAVIT

BEFORE ME, the undersigned attesting authority in and for the said State and County, came the undersigned deponent, who being duly sworn deposes and says on oath that this Affidavit relates to the legal description contained in that certain *Limited Warranty Deed* between Janet C. Mask, on the one hand, and Jerry Battle, Jr. and Melissa Battle, on the other hand, dated April 7, 2023 and recorded April 10, 2023 at the Deed Book 5603, page 624, Fayette County, Georgia Records, as well as the legal description contained in that certain *Security Deed* between Jerry Battle, Jr. and Melissa Battle, on the one hand, and Mortgage Electronic Registration Systems, Inc., as nominee for Rocket Mortgage LLC, on the other hand, dated April 7, 2023 and recorded April 10, 2023 at Deed Book 5603, page 626, Fayette County, Georgia Records.

1. I certify that I am an attorney licensed to practice law in the State of Georgia, and I give this Affidavit based upon my own personal knowledge.
2. I certify that I prepared the legal description set forth in the *Limited Warranty Deed* and the *Security Deed* referenced above, and a scrivener's error was made with regard to the legal description set forth therein. A distance call in the metes and bounds description erroneously referenced a distance of "227.17 feet." The call should have been listed as "277.17 feet."
3. The correct legal description for the *Limited Warranty Deed* and the *Security Deed* should be as follows:

All that tract or parcel of land lying and being in Land Lot 252 of the 4th Land District of Fayette County, Georgia, containing 2.140 acres, more or less, and being more particularly described as follows:

BEGINNING at an iron pin located 1,114.8 feet Eastwardly as measured along the Northerly margin of the right of way of a street or roadway known as

McBride Road, from the West line of Land Lot 252 aforesaid; running thence North 1 degree 9 minutes 22 seconds East 277.17 feet to an iron pin; thence North 89 degrees 27 minutes 42 seconds East 336.0 feet to an iron pin; thence South 1 degree 9 minutes 6 seconds West 277.93 feet to an iron pin on the Northerly margin of the right of way of said McBride Road; thence South 89 degrees 35 minutes 33 seconds West as measured along the Northerly margin of said McBride Road 336 feet back to the iron pin at the point of beginning hereof. (See Plat Book 18, Page 111).

The above described realty being the same realty described by that certain Warranty Deed from J.G. Mask to Colleen M. Jones, et.al., filed for record November 9, 1987 and recorded in Deed Book 475 at page 498, records of Fayette County, Georgia.

I give this Affidavit for the purpose of explaining and clarifying the scrivener's error contained within the referenced instrument and with the understanding that it will be relied on by prospective purchasers and lenders now dealing with the property owners and title insurance companies insuring title to the same.

Further, Affiant sayeth not this 15 day of June, 2023.

Sworn to and subscribed before me,

this 15 day of June, 2023.

Ashley Ambury
Witness

Heather Dognazzi (Seal)
Heather Dognazzi, Affiant

Adriane L. Cagle
Notary Public



B3**Wednesday, January 17, 2024****Deadline: Each Friday by 10 a.m.****770-461-6317****legals@fayette-news.com****FAYETTE COUNTY**

PETITION FOR REZONING
CERTAIN PROPERTIES IN
UNINCORPORATED AREAS OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held be-
fore the Fayette County Planning
Commission on Thursday, Feb-
ruary 1, 2024, at 7:00 P.M., and
before the Fayette County Board
of Commissioners on Thursday,
February 22, 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.: 1338-24

Owner/Agent: Jerry Battle, Jr., Me-
lissa Battle/Randy Boyd

Existing Zoning District:

A-R

Proposed Zoning District:

R-72

Parcel Number: 0449061

Area of Property: 2.140 acres

Proposed Use: R-72

Land Lot(s)/District: 252 of the 4th
District

Fronts on: McBride Road

Legal Description:

All that tract or parcel of land lying
and being in Land Lot 252 of the
4th Land District of Fayette Coun-
ty, Georgia, containing 2.140 acres,
more or less, and being more par-
ticularly described as follows:

BEGINNING at an iron pin locat-
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of the right of way of a street or
roadway known as McBride Road,
from the West line of Land Lot 252
aforesaid; running thence North 1
degree 9 minutes 22 seconds East
227.17 feet to an iron pin; thence
North 89 degrees 27 minutes 42
seconds East 336.0 feet to an iron
pin; thence South 1 degree 9 min-
utes 6 seconds West 277.93 feet to
an iron pin on the Northerly mar-
gin of the right of way of said Mc-
Bride Road; thence South 89 de-
grees 35 minutes 33 seconds West
as measured along the Northerly
margin of said McBride Road 336
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certain Warranty Deed from J.G.
Mask to Colleen M. Jones, et.al.,
filed for record November 9, 1987
and recorded in Deed Book 475 at
page 498, records of Fayette Coun-
ty, Georgia. Subject to restrictive
covenants and easements of re-
cord.

01/17

George Sullivan
699 McBride Road
Fayetteville, GA 30215
404-973-5172

October 05, 2023

Fayette County Zoning Board
Fayetteville, GA 30215

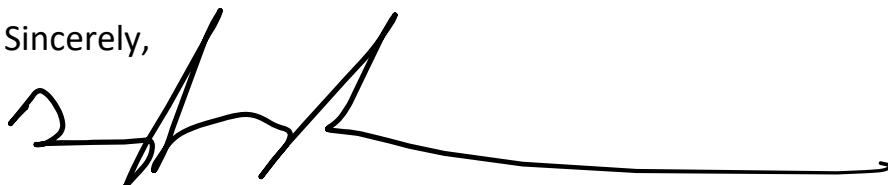
To whom it, may concern,

I am submitting this letter in support of Jerry Battle, Jr's Re-Zoning Invariance Request to allow improvements at 689 McBride Road, Fayetteville, 30215. I own Lot 2, Land Lot 252, 4th District, Fayette, Co, GA, also known as 699 McBride Road. The eastern edge of my property adjoins Mr. Battle's.

I've had the pleasure of knowing Mr. Battle since he bought that property, which, was a ransacked eyesore on McBride Road. Since owning it he has made drastic improvements to both its appearance and function but now needs a zoning variance to proceed with future improvements. Knowing his vision for its future use, I fully support his re-zoning request so that he can proceed with any further improvements he deems necessary.

Please don't hesitate to contact me if I can be of further assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'George Sullivan', written over a horizontal line.

George Sullivan

COUNTY AGENDA REQUEST

Page 56 of 306

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1339-24, Thomas Crossroads, LLC, owner, Richard Lindsey, agent, request to rezone 5.102 acres from R-70 to C-H (Highway Commercial) for the purposes of locating the septic field for the adjacent development, and for other commercial uses; property located in Land Lot 253 of the 4th District and fronts on State Route 85 South.

Background/History/Details:

The property is currently identified as Tract 2 on the Minor Subdivision Plat of U.S. Station. This property is located in the General State Route Overlay Zone. Reese Developers applied to rezone the property from A-R to O-I to construct an office park in 2005. On July 28, 2005, the Board of Commissioners approved rezoning the property to R-70. On November 27, 2023, the adjacent parcel applied for and received a variance to allow the septic drain field to encroach upon the zoning buffers. This is the same septic system noted in the application; the applicant would prefer to locate septic field on the current subject parcel rather than in the buffer of 1552 Hwy 85 S.

On February 1, 2024, the Planning Commission voted 5-0 to recommend CONDITIONAL APPROVAL of the request, subject to staff's recommended conditions. Staff recommends DENIAL based on the Future Land Use Map. If approved, staff recommends the following the following CONDITIONS: 1. Parcel 0450 090 shall be combined with parcel 0450 070 in an approved minor subdivision plat within 180 days of the approval of the rezoning request. Revised plat must include the 50' buffer separating the C-H Zoning from the residential zoning. 2. The existing asphalt driveway be removed within 180 days of the approval of the rezoning request. 3. If the septic system for 1552 S Highway 85 encroaches into this property, a revised site plan be submitted for approval within 90 days of the minor subdivision plat being approved and recorded.

What action are you seeking from the Board of Commissioners?

Consideration of Petition No. 1339-24, Thomas Crossroads, LLC, owner, Richard Lindsey, agent, request to rezone 5.102 acres from R-70 to C-H (Highway Commercial) for the purposes of locating the septic field for the adjacent development, and for other commercial uses; property located in Land Lot 253 of the 4th District and fronts on State Route 85 South.

If this item requires funding, please describe:

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

PETITION NO: 1339-24**REQUESTED ACTION:** Rezone from R-70 to C-H**PARCEL NUMBER:** 0450 090**PROPOSED USE:** Highway Commercial**EXISTING USE:** Vacant land zoned R-70, Single-Family Residential. The front portion of the property is paved and was previously used for ingress and egress at the U.S. Station.**LOCATION:** S Highway 85**DISTRICT/LAND LOT(S):** 4th District, Land Lot 253**ACREAGE:** 5.102 acres**OWNERS:** Thomas Crossroads, LLC**AGENT:** Richard P. Lindsey**PLANNING COMMISSION PUBLIC HEARING:** February 1, 2024**BOARD OF COMMISSIONERS PUBLIC HEARING:** February 22, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 5.000 acres from R-70 to C-H for the purposes of extending the septic lines from the neighboring parcel to the south onto this property and possible other commercial uses.

PLANNING COMMISSION RECOMMENDATION

On February 1, 2024, the Planning Commission voted 5-0 to recommend **CONDITIONAL APPROVAL** of the request to rezone from R-70 to C-H, with the conditions as recommended by staff.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Rural Residential - 2 is designated for this area, so the request for C-H zoning is not appropriate. Based on this analysis, staff recommends **DENIAL** of the request for a zoning of C-H, Highway Commercial District.

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

1. Parcel 0450 090 shall be combined with parcel 0450 070 in an approved minor subdivision plat within 180 days of the approval of the rezoning request. Revised plat must include the 50' buffer separating the C-H Zoning from the residential zoning.
2. The existing asphalt driveway shall be removed within 180 days of the approval of the rezoning request. Removal of the existing asphalt driveway is stipulated on the minor final plat recorded on January 8, 2015. This was also a stipulation from GDOT for rezoning petition 1145-05.

3. If the septic system for 1552 S Highway 85 encroaches into this property, a revised site plan be submitted for approval within 90 days of the minor subdivision plat being approved and recorded.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The property is currently identified as Tract 2 on the Minor Subdivision Plat of U.S. Station. This property is located in the General State Route Overlay Zone.

B. ZONING HISTORY:

Reese Developers applied to rezone the property from A-R to O-I to construct an office park in 2005. On July 28, 2005, the Board of Commissioners approved rezoning the property to R-70.

On November 27, 2023, the adjacent parcel applied for and received a variance to allow the septic drain field to encroach upon the zoning buffers. This is the septic field referenced in the applicant's narrative.

C. CURRENT DEVELOPMENT HISTORY:

The property is currently vacant land. A portion of the property has been covered with asphalt for several years even though the removal of the asphalt was requested in 2005 with the rezoning and 2014 on the minor final plat of U.S. Station.

B. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned A-R, C-H, R-40, and R-72. 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	5.00	R-70	Undeveloped	Rural Residential – 1 unit/ 2 acres
East	2.656; 2.691; 3.861	R-40	Single Family Residential	Rural Residential – 1 unit/ 2 acres
South	2.65; 5.34; 5.19	C-H; R-70	Highway Commercial & Single Family Residential	Rural Residential – 1 unit/ 2 acres
West (across S Hwy 85)	35.60; 5.55	R-72; A-R	Whitewater Middle School & Undeveloped Land	School; Rural Residential – 1 unit/ 2 acres

C. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Rural Residential on the Future Land Use Plan map. This request does not conform to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on S Highway 85. GDOT requested the two (2) northernmost existing drives be removed to allow the 350' driveway spacing requirement to be met during the 2005 rezoning.

Site Plan: The applicant submitted a survey for the property. The proposed development at this time is septic use for the commercial development under construction at 1552 S Highway 85. If septic is placed on this property, a revised site plan should be submitted.

E. DEPARTMENTAL COMMENTS

- ☐ **Water System** - Water is available on the west side of S Highway 85.
- ☐ **Public Works** - No objections.
 - S Highway 85 is classified as a Major Arterial. Right of Way requirements are per GDOT. Owner has agreed to dedicate necessary right-of-way.
- ☐ **Environmental Management** - No objections.
 - Floodplain Management -- The site DOES NOT contain floodplain per FEMA FIRM panel 13113C0113E 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.
- ☐ **Environmental Health Department** - Dept. has no objections to proposed rezoning from R-70 to C-H to use the septic drain line area for the property to the south.
- ☐ **Fire** - No objections to the requested rezoning.
- ☐ **GDOT** - Existing access (old driveway) should be removed if this parcel is to be combined with 1552 Hwy 85 S.

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 Rural Residential-2 Uses. This request **does not** 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 uses; residential, commercial, church, and school. It is staff's opinion that rezoning the parcel for septic area would not adversely affect the existing or future uses of nearby properties, however, new development that would be allowed in C-H zoning could adversely impact nearby properties.
3. It is staff's opinion that the zoning proposal could have an excessive or burdensome impact on streets.

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;

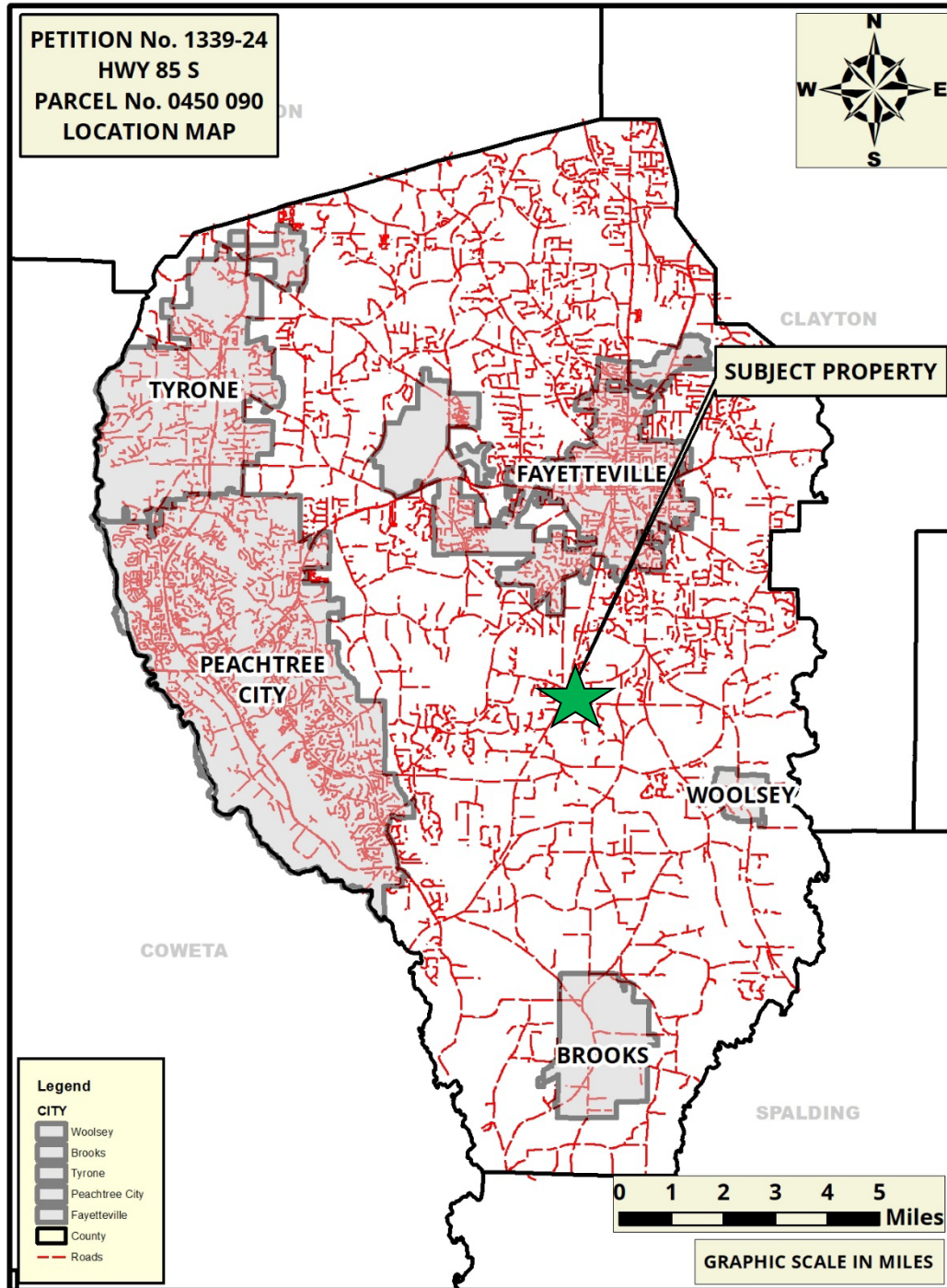
- (9) Banquet hall/event facility;
- (10) Bookbinding;
- (11) Building/development, contracting, and related activities (including, but not limited to: door and window sales and/or installation, electrical, flooring sales and/or installation, entertainment system sales and/or installation, general contractor, 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;

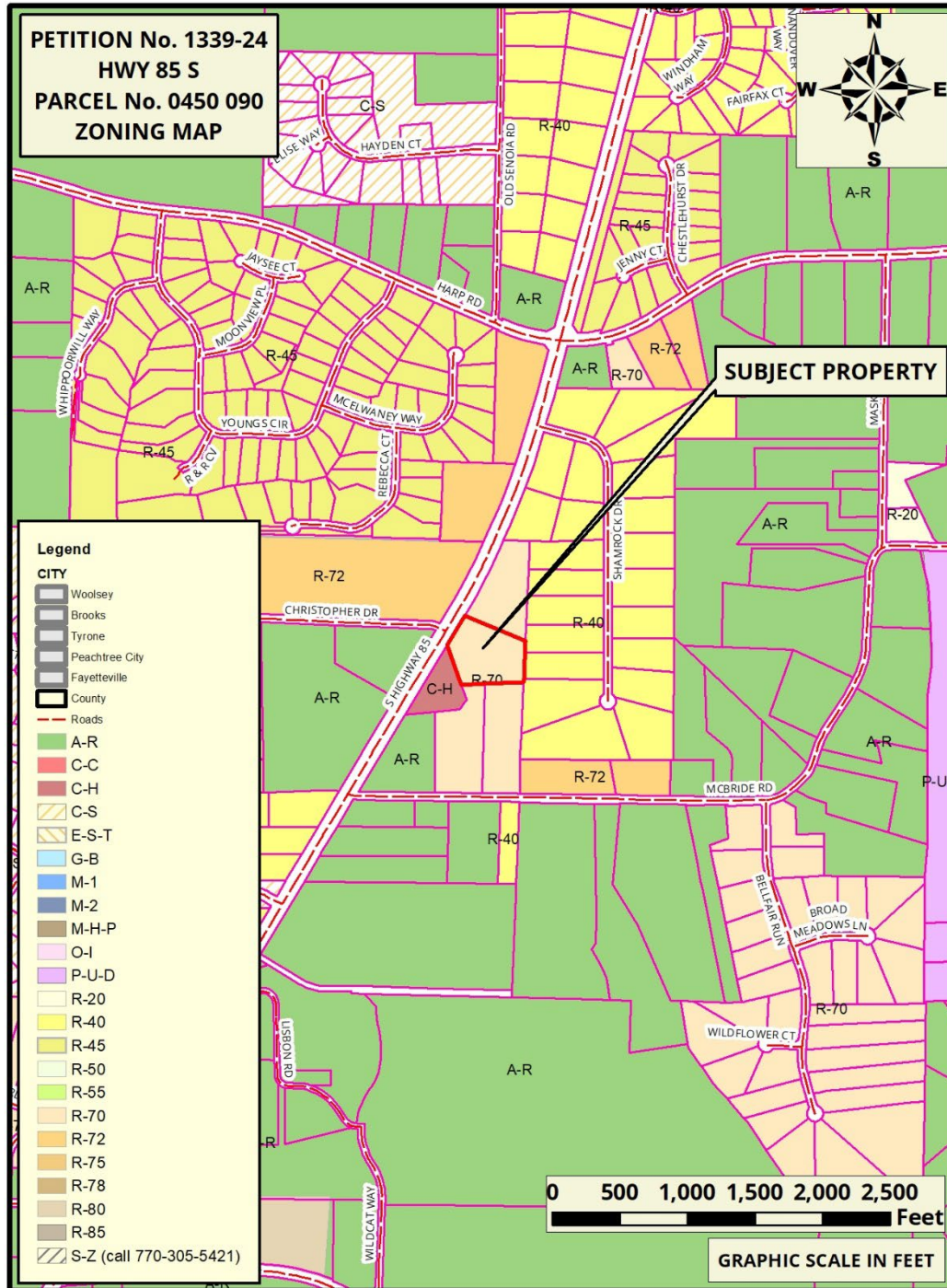
- (36) Grocery store;
- (37) Hardware store;
- (38) Health club and/or fitness center;
- (39) Hotel;
- (40) Jewelry shop;
- (41) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
- (42) Library;
- (43) Magazine publication and/or distribution;
- (44) Manufactured home and/or 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);

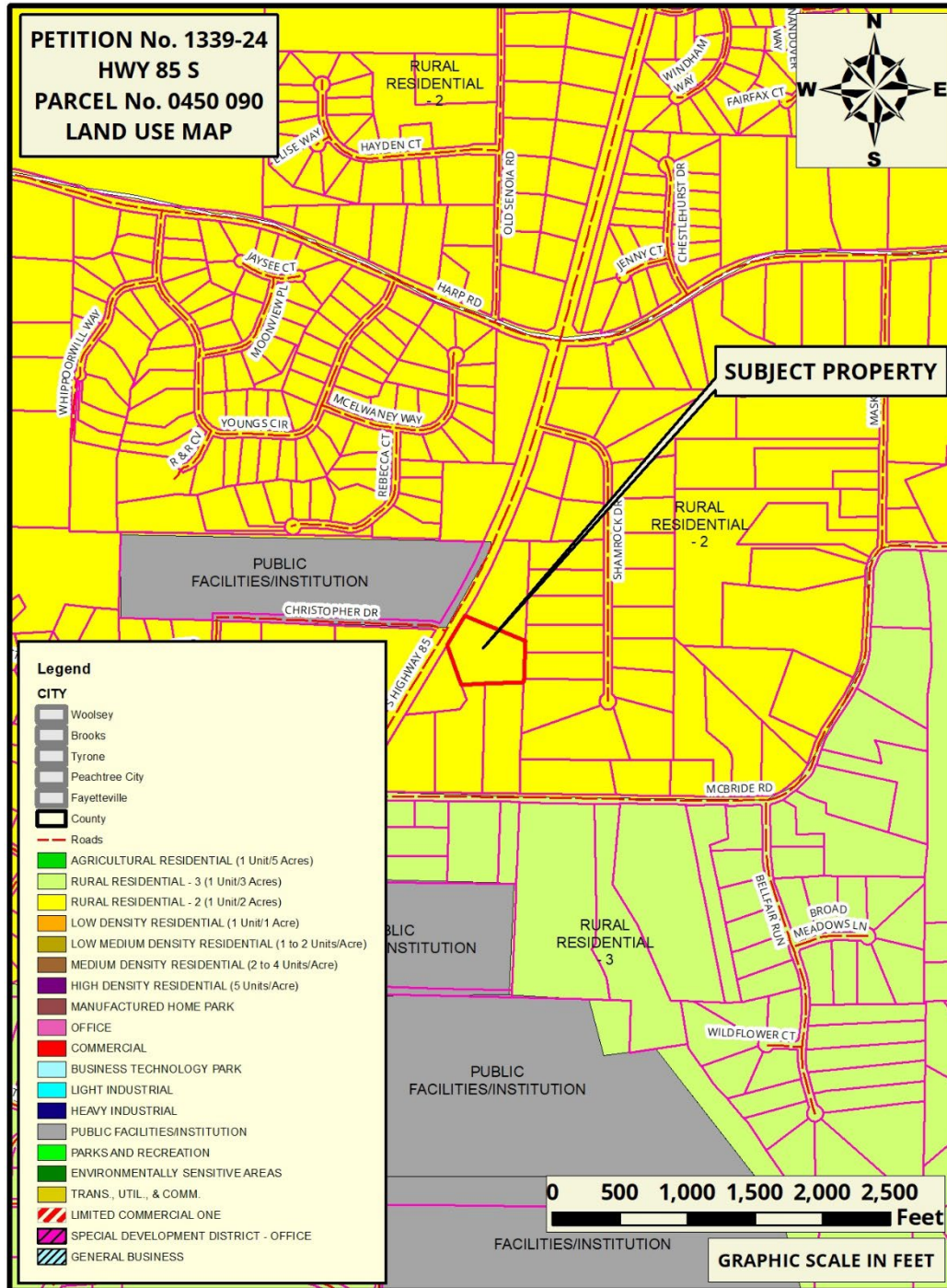
- (69) Tattoo parlor;
 - (70) Taxidermist;
 - (71) Taxi service/limousine service/shuttle service (no on-site maintenance and/or repair);
 - (72) Television/movie studio;
 - (73) Upholstery shop; and
 - (74) Utility trailers sales and/or rental.
- (c) *Conditional uses.* The following conditional uses 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);

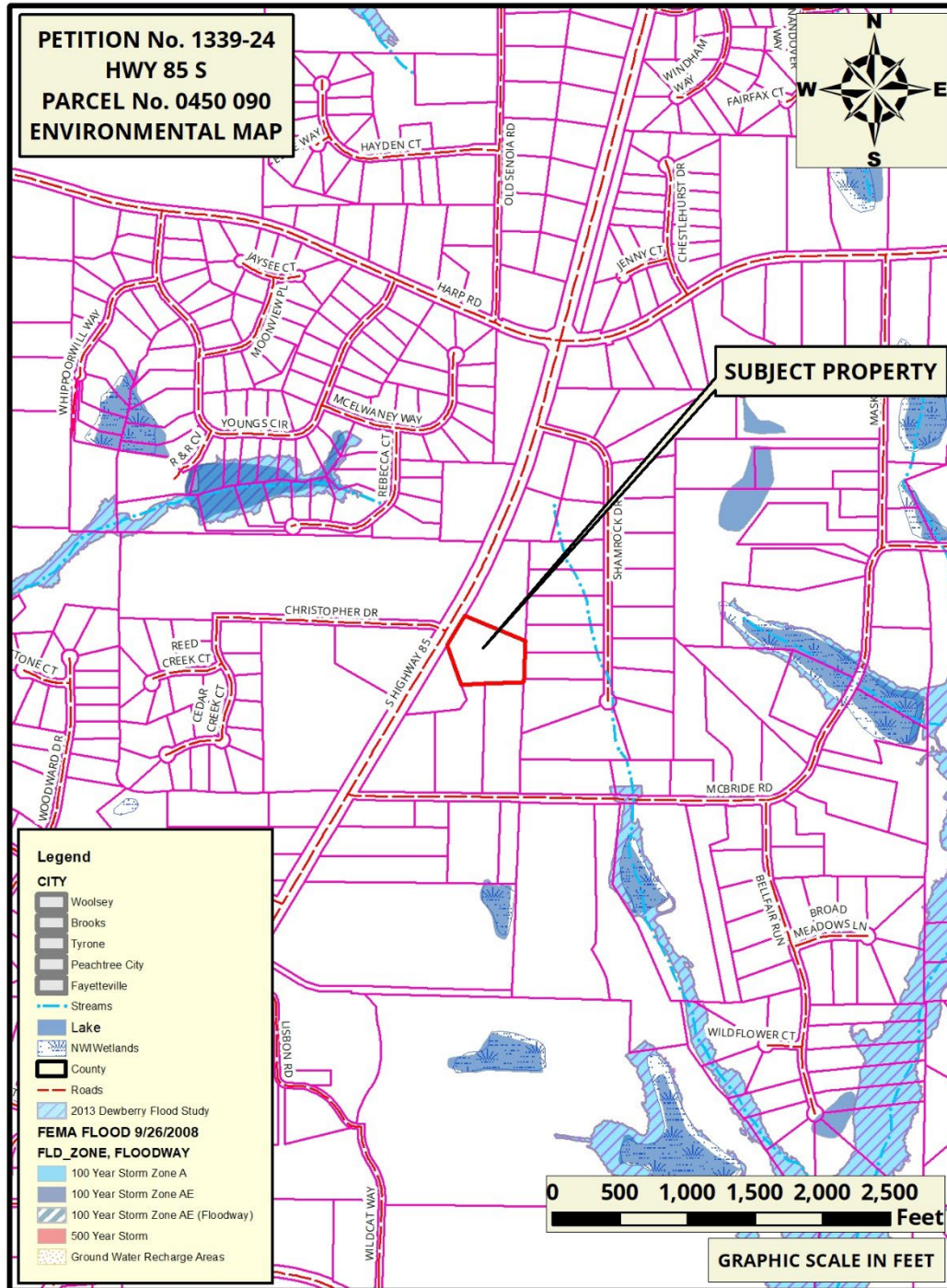
- (25) Single-family residence and residential accessory structures and/or uses (see article III of this chapter);
 - (26) Shooting range, indoor;
 - (27) Stadium, athletic; and
 - (28) Temporary tent sales.
 - (29) Vehicle/boat sales.
- (d) *Dimensional requirements.* The minimum dimensional requirements 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.

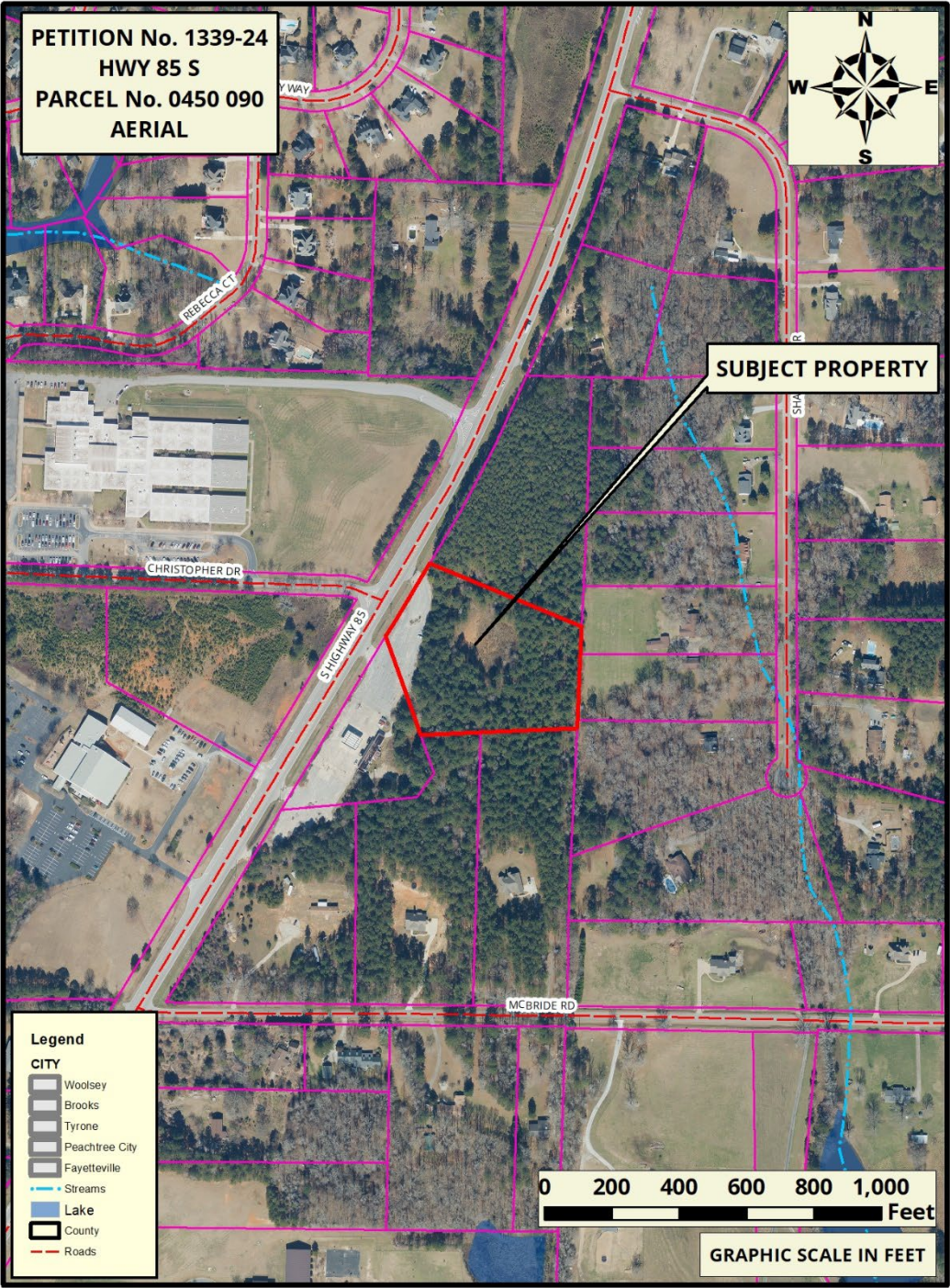
(Code 1992, § 20-6-20; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2017-04, §§ 5, 6, 3-23-2017; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2018-11, §§ 5, 6, 10-25-2018; Ord. No. 2020-02, §§ 10, 11, 5-28-2020; Ord. No. 2021-05, § 1, 3-25-2021; Ord. No. 2021-09, § 3, 5-27-2021; Ord. No. 2021-10, § 1, 5-27-2021)

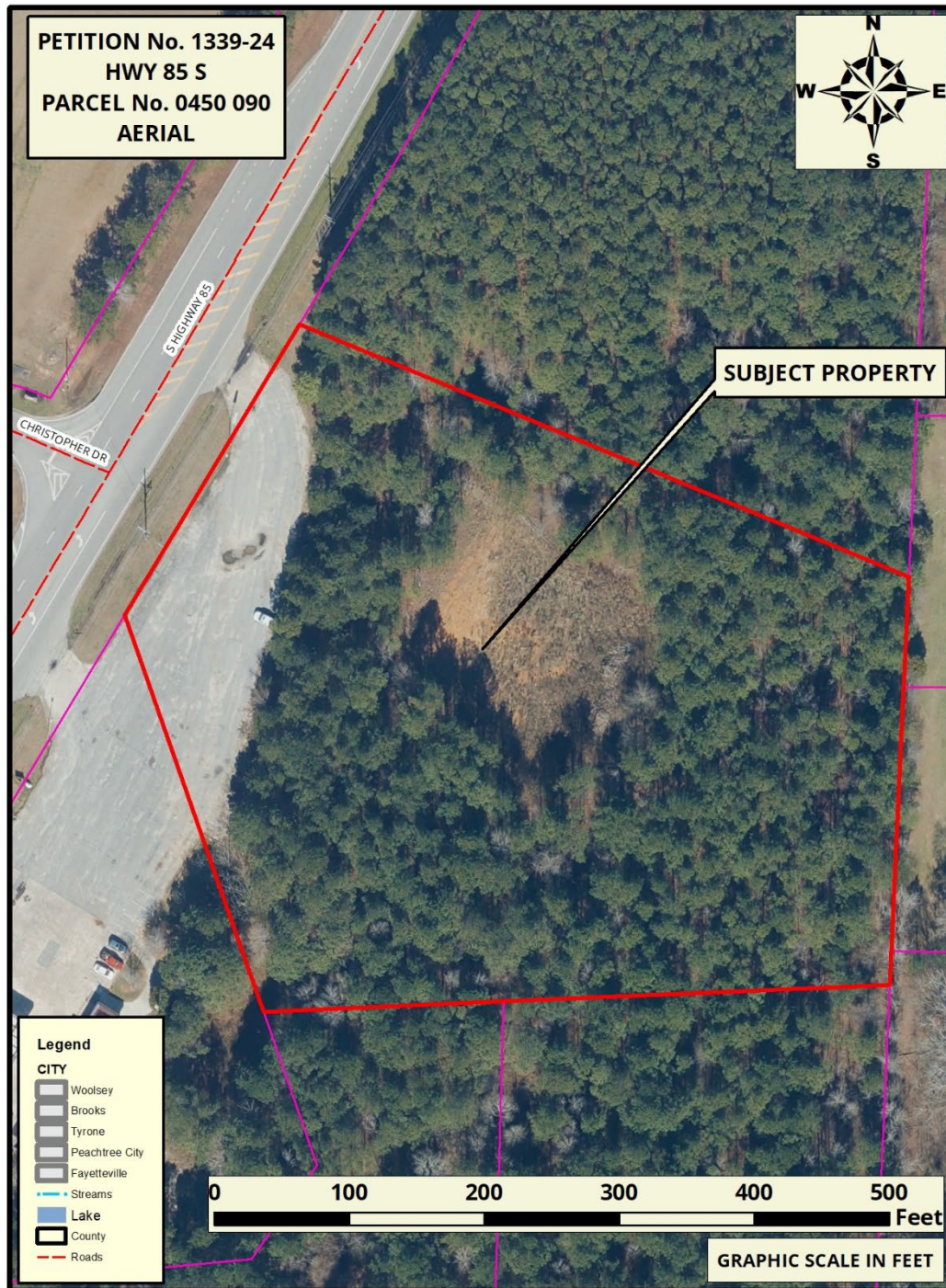


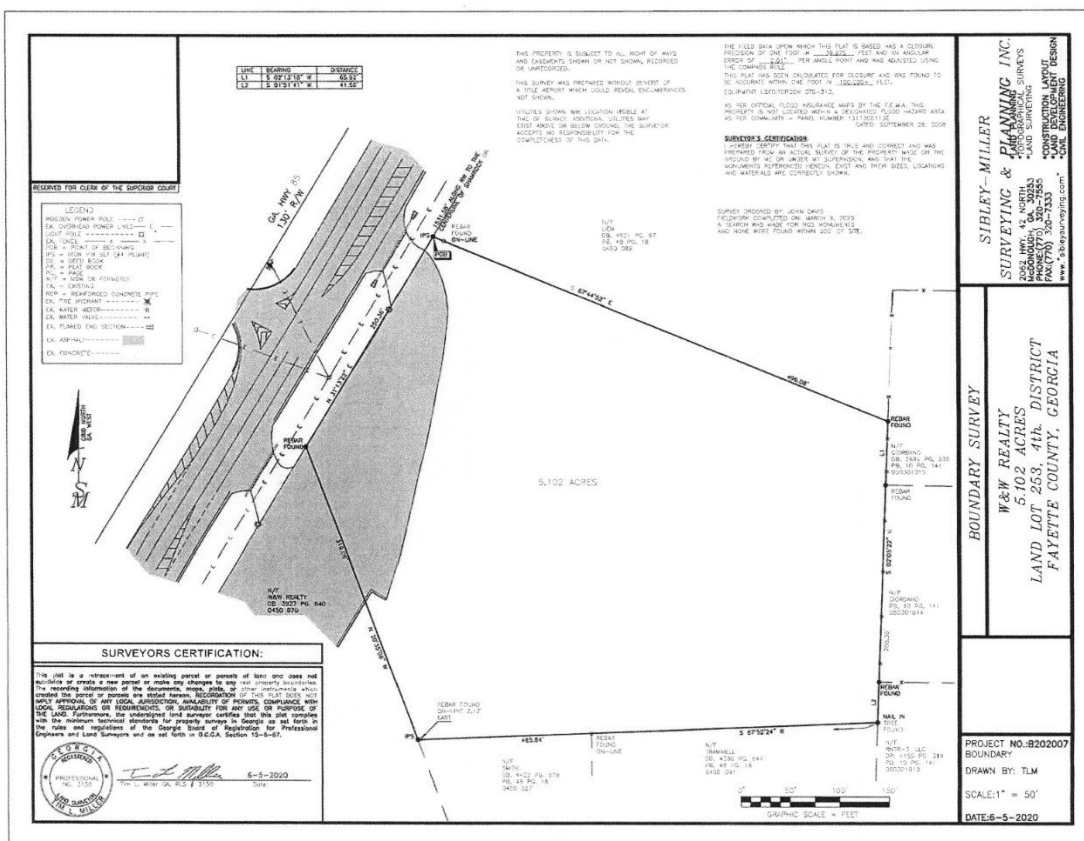












Meeting Minutes 0 0 0 4

THE FAYETTE COUNTY PLANNING COMMISSION met on February 1, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

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. Oath of Office for Boris Thomas.
4. Approval of Agenda.
5. Consideration of the Minutes of the meeting held on January 4, 2024,

PUBLIC HEARING

6. Petition No. 1338-24 - Applicant proposes to rezone 2.140 acres from A-R to R-72 for the purpose of constructing a single-family residence.

Deborah Bell reviewed the staff report for Petition 1338-24 to rezone 2.140 acres from A-R to R-72 for the purpose of constructing a single-family residence and accessory structures. The property is a nonconforming lot. It appears to be a remnant from some previous lot's subdivision. So, the fact that it is nonconforming is not the fault of the owner. However, rezoning it would cure the nonconformance and make this a legal nonconforming lot. The current owners purchased the property in April 2023. There is an existing much older home on the property which, if they are going to try to retain it, would require some variances. So, they will have to assess if they wish to proceed with that or to build something new. Staff recommends conditional approval.

RECOMMENDED CONDITIONS

1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet of right-of-way as measured from the existing centerline of McBride 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. Applicant must obtain variances for structures not in compliance with R-72 Zoning or remove the structures within 180 days of rezoning approval.

Randy Boyd represents the petitioner, Jerry and Melissa Battle. They purchased the property in April of 2023. You can see from the map that it has all sorts of issues with it. To get the rezoning we have to apply for and dedicate an additional right of way. Yes, we will absolutely do that. I would like to take the opportunity to thank Deborah Bell and Deborah Sims for working with us on this. I took this over there and they about passed out. Everything on this property has issues: too many buildings, they are not big enough, and the property lines pass through buildings. They both really stepped out and tried to help us with this and we appreciate the help. The Battles purchased it and cleaned it up substantially. They want to renovate the house for their special needs son. The one to the southwest corner, there is an existing garage back there they want to build another house. There are a lot of issues on there. The property was created Nov. 1987 as part of a farm which was 12 acres. What they did was peel off 2-acres on each side. That's this piece. Then what was left over, I got those rezoned in the past. I got one rezoned in 2006 and another one 3-4 years ago to R-72. The 2-acre zoning is compliant with the comprehensive land use plan. We have R-72 to the West, R-40 to the North, and then A-R to the East and the South. This does fit the land use plan. I have heard a lot of appeals over the years, and I have listened to a lot of issues that people have had. But this is one where the Battles just bought this piece of property and they didn't do any of this, they are just trying to clean it up. Then you might say well, they should do their due diligence. Yes, they should but if you see a good deal, you also got to jump on it real quick. I would just ask that you zone this for the 2-acres. That is the proper zoning. The staff suggested that, and we support the recommended conditions. We look forward to working with them and cleaning this property up, so they have a nice piece of property. Thank you.

John Culbreth asks if anyone else is in favor of this petition would like to speak.

George Sullivan speaks on behalf of the petitioner. He is the property owner of the property immediately to the west of the petitioner. He has owned the property since March 2017. I moved my family here from Connecticut. When we moved here, the property was owned by a different property owner. In the time between March 2017 and when the petitioner bought the property, I have witnessed no less than two search warrants executed on that property, and no less than 12 incidents that required law enforcement. Mind you I am at home with two small girls and my wife. At the time when we moved here, I was a federal law enforcement officer. I, myself, detained 3 individuals until law enforcement could get them. Because they were on my property. This was on 3 separate occasions. I lived through it up until the new owner purchased the property. Anyone who knows McBride Road knows it was the number one eyesore. That property led to McBride Road being called the Infamous McBride Road with law enforcement because everyone knew it so well. The new owner bought it and has increased the positive nature, the cleanliness, and everything having to do with improving that property 1000 times over. Before it looked like a

condemned piece of property. It was littered with all matter of trash, vehicles, and debris that I had to look at every day. When the new owners moved in, within a small period of time, that was all gone, and they did everything they could up until the point they realized that they had zoning issues. To my knowledge, they have attempted to respond to every code request and do everything they could do. So, they have already demonstrated that if given the opportunity to at least make that property where you can do anything. As I understand it, they really can't do any type of modification. Give them the opportunity to at least meet the codes of Fayette County. I support them, and I didn't know them before they bought the property. Thank you.

Alexander Garcia here to speak on behalf of the petitioner. I actually just moved to Fayette County about a year ago. I live 2-3 houses to the west of Mr. Battle's property purchased back in April. The property was a mess. Mr. Battle came in and gutted it out completely. He is doing great things for our community and our property values. He wants to renovate and build something new to improve the property and I am in favor of that. Anything to make our property better. I am a new Georgia native; he has my 100% support. I don't see why you shouldn't approve this rezoning for him. He is just going to make our county better and bring that positivity to our town. Thank you so much.

Mr. Culbreth asked if anyone was opposed to this petition who would like to speak.

Tim Thoms from 625 McBride Road. It's not my property anymore but if you see those trees in a line in the upper right corner. That is now my daughter and son, where they are building a house. So, we are a couple of lots down from Mr. Battle. My property and I am proud to say that I am one of the few remaining farmers in Fayette County and have farmed that property for almost 30 years since 1996. I grow trees for the landscape industry. My property is up and above and further east. I have been a citizen of this county since 1984. I have put a lot into this county, and I have sat where you sit now for many years. I appreciate your sacrifice and willingness to come up here twice a month to do what you do because it is a thankless job. But we have made Fayette County a better place because of our service. I don't have any ill will towards the applicant. I just spoke to him for the first time today and just met him for the first time tonight. I have spoken to other people who know him and from everything I have heard, he is a fine individual. I have no ill will, but what I have come here to do is to oppose the petition. I know it meets the land use plan, but that 2.1 acres is barely within the density of that land use plan. Even across the street, the density is higher at 3 acres. We are on the fringe. I have been working that area for 30 years and I wanted my kids and my grandkids to take advantage of that too. Again, Mr. Battle has done a tremendous job of cleaning that place up...it was a pig sty. There is a lot of nefarious activities that have gone on on McBride over the years, such as the chandelier that hung on the pole in the yard (just kidding). The concern I have is that I don't think Mr. Battle will be able to do what he wants to do on that property. That house. The paper I gave you that has the red line around the shed. That is a 1,900 s.f. building as it exists as an accessory structure. Zoned A-R, I think the former owner said they were using it for agriculture, but allegedly they were using it for other nefarious purposes. It is just not going to fly to build unless you take all of those accessory structures down and start from scratch. I feel for the man because I know what my children have gone through to build their house. It is not easy in Fayette County to do what you want to do, and we go by the law so that good actors can be good actors and bad actors can't get away with anything. It makes it tough on us, but we have laws for a reason, and it has helped Fayette County for many

years be Fayette County and not someplace else. I think it is in your judgment to recommend denial to the Board of Commissioners. If you so happen to wish it to be approved, I think you can condition it so that all the accessory structures have to be removed. Mr. Battle can come in and build a house because the one that is there.... I have not been in it...but I know how it has been treated and I think there isn't any question that it is going to take a lot of work. It is in bad shape. Not to mention, it is way outside of codes, setbacks, etc. He has a lot of things to figure out. Someone told me a long time ago from the Zoning Board of Appeals that whenever you grant those appeals, you are allowing someone to break the law. We have this process that asks for rezoning, but we are still asking you to change the law that applies to the rest of the county. So, I would like you to look over the situation. I mentioned the nefarious activities that have happened on McBride Road for the past two or three decades. I guess before Christmas we were back in my house, and we see all these red and blue lights and we thought Oh my Gosh something else is going on McBride Road. The blue and red lights were up in the shed area. There was no shooting going on, which happened on McBride Road. So, we figured it was not that bad. Mr. Battle does work with law enforcement. He equips our sheriff, and fire department with sirens and lights for patrol cars and emergency vehicles. It is done in that shop. That is an illegal activity. He told me he lived off Hilo Road and he did the same thing in a shop he built there. I know his intentions are good, I just don't know that he can do what he wants to do. He ought to be able to do that in a commercial or industrial area where that kind of business should be done and not in an A-R setting. I appreciate your time.

Mr. Culbreth asks if anyone else is opposed.

Mr. Randy Boyd requested to make a rebuttal. He stated that he has known Mr. Thoms for quite a few years. As far back as when he sat on the board. He has always been very fair, but I do think he is incorrect that if you grant a variance, you have broken the law. Because granting a variance is just part of the zoning process. It's the last chapter that you have a remedy, so you are not breaking the law, but you are just seeing if those can be applied to situations where you can make that work. Mr. Battle is trying to clean that up, so it is proper zoning. It is zoned for 1 unit for 2 acres. The final product will be right at 2 acres once we dedicate the right of way. Mr. Battle will apply for all the variances. He will work with Planning & Zoning. They have done an excellent job so far. When we get into the project, there will probably have to be some more variances that we will have to apply for. They have been kind to give us enough time to do that, and we would like to go through the process of the next meeting to see if we do get the zoning. We will work with them, and I believe he will go for the variances that go along with the rezoning. Thank you.

Mr. Culbreth asks if there are any questions or comments from the commission.

Mr. Oliver has a question for Mr. Boyd if he was o.k. with the conditions, specifically in item 3 the 180 days.

Mr. Boyd says yes sir we were going to try to present it at the next Zoning Board of Appeals deadline, which is February 3rd, which the staff has talked to us about. Then I was thinking that the 180 days would be from the rezoning which gives us the time to work on that. I am going to be working on it anyway. So, yes, we will apply shortly thereafter if we are approved, and we have the right of way deed. So, yes, we agree to the conditions. Thank you!

7. Petition No. 1339-24 - Applicant proposes to rezone 5 acres from R-70 to C-H for the purpose of developing as a commercial property.

Debbie Bell reads the staff report for Petition 1339-24 a rezoning from R-70 to C-H for the purposes of extending the septic line from neighboring parcel to the south and possible other commercial uses. Staff recommendation as defined in the Fayette County Comprehensive Plan; Rural Residential-2 is designated for this area so the request for C-H zoning is not appropriate. Based on investigation and staff analysis, staff recommends denial of the request for rezoning to C-H.

If the request is approved, the recommended conditions are as follows:

RECOMMENDED CONDITIONS

1. Parcel 0450 090 shall be combined with parcel 0450 070 in an approved minor subdivision plat within 180 days of the approval of the rezoning request. The revised plat must include the 50' buffer separating the C-H Zoning from the residential zoning.
2. The existing asphalt driveway shall be removed within 180 days of the approval of the rezoning request. Removal of the existing asphalt driveway is stipulated on the minor final plat recorded on January 8, 2015. This was also a stipulation from GDOT for rezoning petition 1145-05.
3. If the septic system for 1552 S Highway 85 encroaches into this property, a revised site plan shall be submitted for approval within 90 days of the minor subdivision plat being approved and recorded.

Staff would like to note that on November 27, 2023, the adjacent parcel, 1552 Highway 85 South, did apply and was granted a variance to allow the septic drain field to encroach into the zoning buffers within that parcel. The property is currently identified as tract two on the minor subdivision plat of U.S. Station. In 2005, the owners at that time applied to rezone the property from A-R to O-I to construct an office park but the Board of Commissioners approved rezoning of the property to R-70. In 2014 a plat was presented that created four approximately 5-acre lots that you see today. The parcel is in the center of the county on Highway 85 South. This is next to the old U.S. Station which is under a redevelopment plan. This is the parcel that is subject to the rezoning. The land use plan shows Rural Residential. There are no environmental factors affecting the property and it is currently an undeveloped property.

Mr. Culbreth says thank you and asks if the petitioner is present.

Hello, I am Rick Lindsey representing the owner. The owner is Thomas Crossroads, LLC. I have with me tonight, Ed Wyatt, John Cook, and Blake Wyatt all from Green Oil which is the parent company of the LLC, and contractor Neal Brown. If we have any technical questions, I will have Neal come up to answer the technical questions. As Debbie said, we are seeking a rezoning to C-H. The property she was speaking about, part of the old U.S. Station just to the South is zoned C-H. We would like to put the drain field for the septic system on this property. Back in November, a variance was granted by the Zoning Board of Appeals in case the rezoning didn't happen here, but a better plan really is to put the drain field for the septic on the southeast corner going away from HWY 85. It is a 5-acre

tract. It is currently zoned R-70, and you may remember at one time was part of the U.S. Station. The convenience store that is being redeveloped. Here is a photo from 1983 that shows the U.S. Station which expands three different lots. Each of these lots has different zoning R-40, C-H, and the property we are talking about this evening is R-70. If you can see those vertical towers, those are gas tanks. It was a truck stop which first came into operation in the 1960's. So, 60 years ago it was a truck stop and continued being used for fuel. The asphalt has remained on the site and has been used continually until my client shut down the property for redevelopment. He uses driveway access for the property. It has been used to park school buses, dump trucks, and other large vehicles, but never for residential. It has always been used commercially or in some commercial fashion. Debbie Bell displays an aerial of the property. Rick Lindsey says due to the nature of the shape of the property, it is not easily developed. It is bordered on the south by C-H and also R-40, and R-70 to the North, and across the street a church, middle school, and a vacant property owned by the Islamic Center of Atlanta. Whitewater Middle School, Whitewater High School, and Sarah Harp Minter, so a lot of heavy users of this highway are on this road. We are proposing to rezone this property to match the other property that is being redeveloped to C-H. So, they may be combined, and the septic system is put along the southern southeastern portion of that. Having the septic system will assist in the buffering of that property from the neighboring residential to the south. The properties to the east are all over 2 acres. They are all large deep properties. We will certainly want to keep the buffers from the residential property. This property is in the land use plan as low-density Rural-Residential 2. That is really a mistake. The property has never been used residentially and never will be. When the property was rezoned in 2005 it went from A-R to R-70. The applicant had sought O-I zoning. I am scratching my head as to how it ended up being R-70. R-70 is a little easier to zone residentially. If you recall A-R the minimum lot size is 5-acres. R-70 is 2. That was in 2005 and you can see it still has not been developed. Part of the parcel to the left has been used commercially for all these years, since the 1960s. So, what we are looking at getting a zoning on this property that meets reality. You can call it residential, but it is really a square peg in a round hole. I guess it is really a pentagon in a round hole. It doesn't fit. I have looked at all the properties on Hwy 85. There hasn't been a residential house that fronts on Hwy 85 in the last 40 years. It is a reality that this part of 85 is busy, and 4-laned if you count the turn lane. We also know that one day GDOT has plans to 4-lane 85. So, in reality, it is something other than residential. Back in 2005 the former property owner applied and was denied for O-I. So, what happens if this is developed commercial? For one, it really benefits the area. For one, you can increase buffers. The nice thing in Fayette County is that we have nice zoning here. We have the overlay district which will oversee the parking, architectural style, lighting, landscaping, and overall look. The zoning ordinances we have here will control the buffering so that we don't have properties on top of each other. And at least 40% have to be left where it is not covered with any impervious surfaces. So, we will be able to get rid of that asphalt in the front. So, we are proposing that it will look like commercial property. And if the asphalt is removed there will be no access onto 85. Which really screams that it should be combined with the property to the south. Ironically, if it gets put back to what it was years ago when it was the U.S. Station. So, my client wants to move the septic drain field. It will make it a much better drain field to the southeastern portion of the property and then in the future, develop it commercially. The small commercial center will come off of the convenience

store that is being redeveloped now. It is going to be nice because he wants it to fit with the higher-quality convenience center that he is going to be building. It is a uniquely shaped property, and it is a small property, particularly when you think what is going to be taken by the septic system and the buffers. So, it won't be a big box or medium box, it will just be a small neighborhood commercial property that will offer products and services for the residents and the people who would be commuting up and down HWY 85. The property really needs to be zoned in a realistic manner where it is commercial and matches the property to the south so they may be combined into one. The septic drain system is put where it needs to be so it will increase the buffers and it will be one cohesive commercial unit.

Mr. Culbreth asks if anyone else wishes to speak in favor of this petition. Is there anyone who would like to speak against? If not, we will bring it back to the board.

Again, I am Tim Thoms and I live on McBride Road. McBride Road is about 200 yards to the south of the U.S. Station. I used to visit the station long ago and when it was the U.S. Station, that is fine because it is a grandfathered commercial zoning. There is no commercial intentionally until you get to Starrs Mill. This is by intention design. I think you have every reason to deny this as it does not comply with the comprehensive land use plan at all. Besides that, the two properties at the bottom of the screen, those I believe front on McBride Road and one of them...the people have lived there for ten years. The zoning was denied for O-I. It was rezoned R-70. So as eloquently as Mr. Lindsey spoke in promoting this development, it is difficult to defend sometimes, and you have to grant a zoning that can be defended in court. That is why it is R-70 instead of A-R. This is not a spot to enlarge the commercial area and get that started on the south side of the county between Fayetteville and Starrs Mill. Fayetteville is already creeping down in terms of development and that is not, as I understand, what citizens of the south end of Fayette County would like. Thank you.

Next speaker against.

Hello, again I am Alex Garcia. I have a few documents that I want to show, but before I begin, I want to say I met Ed Wyatt today for the first time and I have nothing but good things to say about the gentleman. If you can bring up the image with the satellite picture. I am actually the owner of 757 McBride which is this house right here (unintelligible as he stepped away from the mic). There is a huge berm. You can't see the commercial property. Mr. Wyatt reached out to me that you guys were giving him a hard time with the septic system. The way he has been so communicative...I actually wanted to buy that property from him. To turn my 5-acres into 10-acres and build a farm. So, we can get a few horses for my little girl over here. Unfortunately, his septic system has to be there, and he has to rezone it commercially. My wife asked if they rezone it commercial will they put buildings on there? It is one thing to put the septic system but another to have a commercial building. It is a beautiful property. I am from California and Delta brought me out. I am a veteran and I have two tours under my belt. The people are amazing, and I love it here. When he told me that when they zone it commercially, and I asked when. Mr. Wyatt said that on the north side, he wanted to put some buildings on the lot. That changes everything for me. One thing you want to consider is that the current zoning is residential. If you develop this commercially, the surrounding area will not be consistent. That could impact my property values and my neighbors as well. The neighbor right next to me is also against it. He's not here right now but he is totally against it. It might impact my property value. It might go

up or down. It's one thing to add a buffer but zoning commercial without seeing the plan. If you let him zone it commercially without you seeing the plan (unintelligible as he steps away from the mic). If he zones commercial, I will see everything right there, the trees will be gone and I will see cars, parking, people, buildings. You might want to consider before approving this get the facts. Get the plan! If he needs a septic system for the BP, I am all in favor of this because I am going to go to Dunkin' Donuts in my golf cart. I am in favor of the BP gas station if he needs to get his septic, but there have to be other channels that can be taken without giving him zoning that is commercial. Thank you.

Mr. Culbreth says thank you is there anyone else who would like to speak against Petition 1339-24 if not we will bring it back to the board. Mr. Lindsey, do you have a rebuttal?

Rick Lindsey says yes, just a couple of comments. We have a commercial property that abuts a residential property and the key to making it work for my client, as Mr. Garcia said is a very honorable and honest man who will work with the buffers in the county. So, this is not an issue. We will work with the county so this will blend in and be an asset to this community. So, it will be a small community-based, and centered retail use.

Danny England, Rick, I know you just sat down but I have a question for you. So, the first thing that I thought is that there is no room on the existing U.S. Station site for a septic system. Has the developer approached the county Department of Health and spoken with them about options for septic systems on the existing property and were they told, no?

Rick Lindsey, "Yes, because of the long-term commercial use of the property, the soils had to be taken out. So, it is problematic. That is why we have the variance to get it into the buffer. So that is going to take out some trees and a much much better plan is to put the drain field on this site.

Danny England, "So, it can be done but it would be expensive, right?"

Rick Lindsey, "We have the variance to do that now. You are going to take out buffers to do that. As Mr. Garcia said, you open it up. The better plan is to marry the residential to the commercial. Let's put the septic drain field there. Does that answer your questions?

Yes, it does, Danny England stated.

Jim Oliver asked, "Also, there are some conditions that are staff recommendations that are for approval. Do you have any problems with those?"

"No, sir my client will agree to all of those conditions," stated Rick Lindsey.

Debbie Bell asks if she may clarify something and states that she was advised originally by Environmental Health that the drain field needed to be on the same parcel with the use. Our attorneys have educated me that the drain field could be on a separate parcel with a permanent easement. There would be a possibility of putting the drain field on there without combining the two parcels.

Danny England, "So, if that is the case, is the rezoning necessary or is it just an easement onto the current zoning as is?"

Allison Ivey Cox stated, "That because it is the same property owner getting the easement would be easy. It is a separate parcel. We need an easement, and it needs to be recorded, but that is simple enough just to pass from one to the other and the buffers that had been varied would remain whether there is a rezoning or not."

Danny England, "So, no rezoning of this property but there is an easement that would allow for..."

Allison Ivey Cox, "This property owner would need to create an easement in order to allow for the septic drain fields to be on the property indefinitely. That would be recorded in the

deed record, and it would be burdening that property for the purpose of the other.”

Danny England, “In the future?”

Allison Ivey Cox, “Yes.”

Mr. Culbreth asks given what was just said, “Mr. Lindsey is that a possibility rather than rezoning the entire parcel?”

Mr. Lindsey, “I would have to look at the ordinances to look and see if that is a possibility. And with all due respect to Elliott and Dennis.... I don’t have an answer to that, but I do have this response. If you put a permanent easement there, it now cuts off more of his property and makes it even more problematic to ever develop. So, you have taken even more use of this property. Like I said it has been at least 2005 it was rezoned R-70, and it has never been developed. If the access point on Hwy 85 is removed as requested by GDOT, now the property has no access to any road. So, we have taken away the complete value of the property. It needs to be combined with the redeveloped convenience center to have the proper use of the property and put it back together as it was when it was U.S. Station and make it work and make it blend in with the area. Did that answer your question?”

Danny England, "Something I am wrestling with here is where it says intent on the petition for rezoning. It says here that the purpose of the rezoning is to extend the septic line from the neighboring parcel to the south onto this property and possible other commercial uses. So really what we are looking at here is that we are solving the immediate problem, which is the septic line, and then there is the potential for maybe some commercial uses in the future.”

Mr. Culbreth, “Is that your intent?”

Rick Lindsey, “Correct.”

Danny England, “So we can solve the septic issue pretty easily, right? We can get an easement. You can run septic lines all day. You can put them wherever you want and do it in a way that would not encumber the future use of the property. On the flip side of that, we had a rezoning last month on Hwy 85 that was commercial, and I think your opening statement was that this is probably never going to be developed residentially. If you look across the street those are not houses. There is the school, churches, there is commercial further south there is a gas station there. It is a little bit of a balancing act for us to figure out the comprehensive plan vs. the reality of how people are going to use this thing on the open market and what makes sense. Just trying to look for answers to all of the questions to make a balanced decision.”

Mr. Culbreth, “You made a statement that there has been no residential development in the last 40 years.”

Rick Lindsey, "That front on Hwy 85. Right, and I was on the Fayette County tax map, and I went from Harp Road on both sides and looked for a house that fronts on 85. The most recent one I could find was built in 1982. The rest were in the 50's and 60's. Now if they have driveway access on some of the side roads, there has been more recent development, but the ones that front on 85...when Fayette County was a sleepy, slow, more rural county. It has been a long time since Fayette County has been sleepy. We moved in '87 and it was considerably sleepy compared to today. No one is going to build a home that fronts on 85 today. That is just the reality. We want to take this property and we have a use for it. Everyone has a right to have a use for their property and not have that taken away and make it blend, look nice, and be an amenity for the area. Not something that is a blight. I am not

saying this is blight, but having all that asphalt there is not attractive. Let's do something that makes it better than it is today. I hear not wanting commercial to march all the way down 85. Here you are in an area that has already been used commercially for 60 years. It would make it look much better. That's what we are trying to do."

Mr. Thomas, "Have you developed an impact study in regard to placing future use commercial there and how it would impact the traffic from the school daily and the ingress and the egress of the school right across the street and the proximity of it being so close to the new light on Harp Road. That light was not there before. Have you done any impact study or spoken with the Department of Transportation regarding the traffic light?"

Hello everyone, "I am Neal Brown with All-Span Builders. I have been handling the demolition of the old U.S. Station. Thank you to the Planning Commission and Deborah and Debbie for all the work that has gone on for this facility. To answer the question about the traffic study. I had a meeting with Stanford Taylor with DOT earlier this week and it is their wants to terminate the driveway across from the school and make the two driveways that are in place now, the active driveways. And do frontages approach to the left and the right, so yes it has been addressed but not on a formal study yet, but I did have meetings with DOT before this meeting tonight. So, we are in agreement to get rid of the driveway on the northern end and then your traffic will come in the two where they are already approved, and they would access that property on the frontage drive. I guess I have been through two pre-con meetings on this project, and everything has focused on the construction of the facility. This is the first time this option has been presented from legal stating that we could do this easement on this other piece. From the very beginning, Bonnie Turner, from Environmental Health said that the property owners' names had to match, and the zoning had to match. So, that is the reason we have got to this point. And I have multiple variances on this project because of the configuration. Honestly, I thought it was zoned incorrectly and we were going to find out why it had ever changed from the U.S. Station. The parking lot has four entrances in three different zones. It just doesn't make any sense. Your landmark or benchmarks have been there since the 60's that is why we are asking just to get the two pieces zoned the same and it will work a whole lot better on setbacks, septic, and the whole nine yards. Everyone is talking about the improvements. How about the man over there who is spending multi-million dollars to improve what we got now? So, some consideration needs to be given there. Thank you.

Mr. Oliver states, "Mr. Chairman, we all attended a wonderful seminar this week put on by the University of Georgia talking about dealing with zoning questions to ask and they gave us a rundown of what questions to ask to determine whether to approve or deny a rezoning. There are 6 criteria, and this petition meets all but one of the criteria. A lot of that has to do with the comprehensive plan. It doesn't quite fit what the comprehensive plan is, but it doesn't look like it was ever meant to, but one of the overriding factors that I see is whether the property affected by the zoning proposal has a reasonable economic use as currently zoned as R-70. I don't think it fits as currently zoned, the reasonable economic use criteria. I don't think anyone would want to be put in a home facing Georgia Highway 85 across from Whitewater School and across from the church. There have been a lot of residences and there is nothing surrounding it that is zoned other than residential. Well, right across the street there is not residential zoning. It is more in the commercial vein of zoning. I don't think this is an unreasonable request. The issue of an easement came up this evening, but the petition before us tonight is for a commercial zoning. We either

deal with it now or deal with it later. We are merely a recommending body, and the county fathers will have the final say. But I don't see anything unreasonable in this request. There is no doubt that this is a commercial type of zone and not a residential zone and it is something that needs to be addressed here and now.

Mr. Culbreth asks for any further comments. If not, we will entertain a motion. The staff has made their recommendations.

8. Petition No. 1340-24 - Applicant proposes to rezone 4.03 acres from A-R to C-C for the purpose of constructing a fuel station, convenience store, and retail.

Debbie Bell reviews the staff report for Petition 1340-24. The property is located in land lot 5 of the 5th district and fronts on Harp Road, Highway 85 South, and Old Senoia Road. According to the Fayette County Comprehensive Plan, the property Rural Residential-2 is designated for this area so the request for C-C is not appropriate. The planning & zoning staff recommends denial of the request for rezoning to C-C. However, if the request is approved, the recommended conditions are as follows:

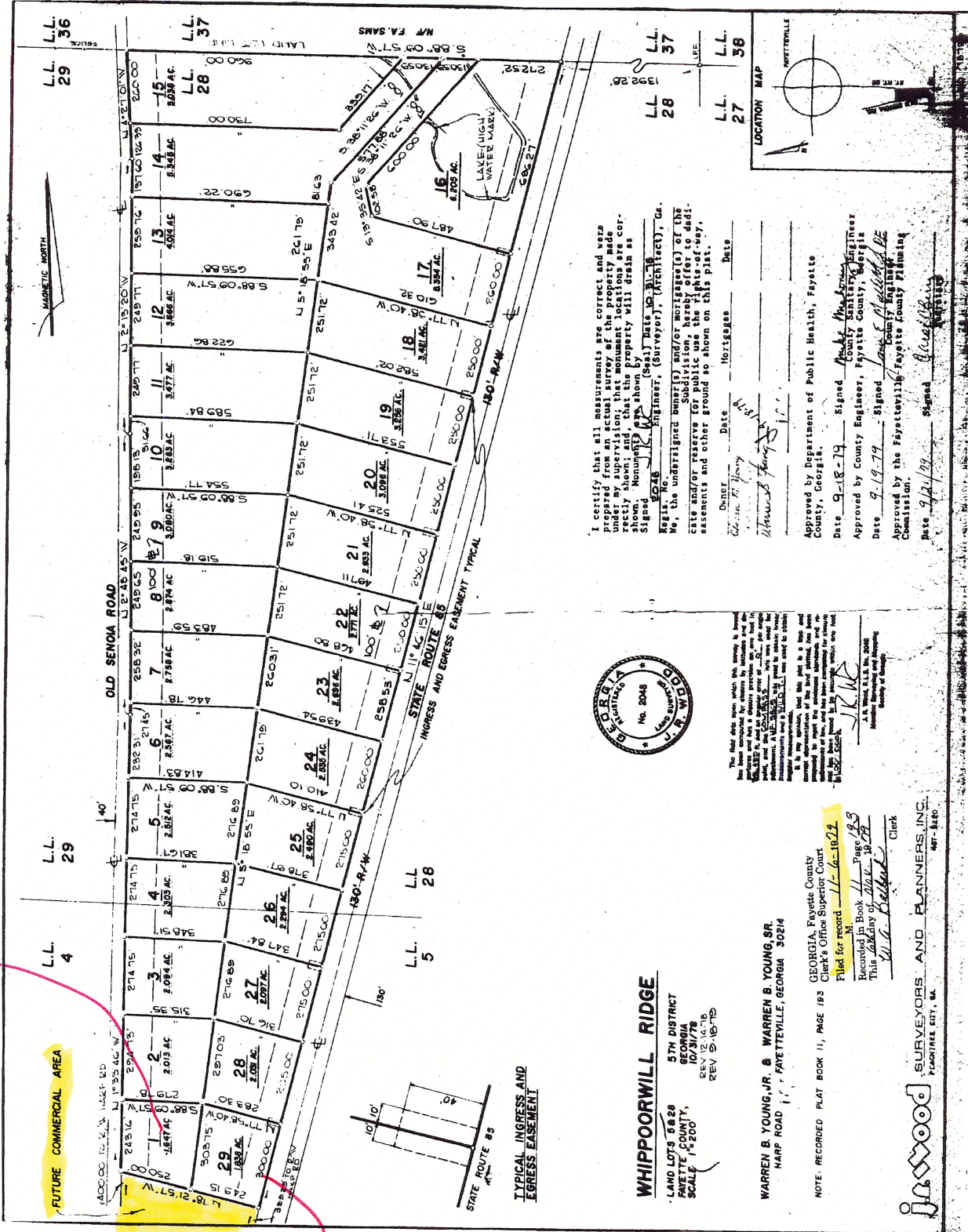
RECOMMENDED CONDITIONS

1. Harp Road is a minor arterial. The developer shall dedicate right of way, as needed, to provide 50 feet as measured from the existing centerline of Harp Road. The corner at the intersection of Harp Road and Old Senoia Road shall be chamfered 20 feet along tangent legs.
2. Submittal of the warranty deed and legal descriptions shall be provided to the County within 60 days of the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.

The property is a non-conforming lot because it does not contain the minimum required acreage for an A-R zoning district. It is located in a highway overlay zone, and it is just north of the highway we just looked at by half a mile. This parcel is bounded on three sides by the roads. You can see that it is A-R zoning and a lot of property in the area is A-R zoning or R-40, medium to low-density residential. Here is the land use plan which recommends rural residential to the south and low-density residential to the north of Harp Road. There are no significant environmental factors that appear to affect this site. Here is an aerial view of the undeveloped property.

Mr. Culbreth asks for the petitioner to come forward to speak.

Hello, my name is Darrell Baker and I represent the landowner and the potential future landowner of this site. I have asked Deborah to hand you a copy of the plat for this property that was recorded back in 1979. This plat and piece of land was divided by Mr. Young who was also a farmer and developer and who owned this land and the land where probably a lot of the citizens here tonight are from, and their homes are which is now called Rebecca Lakes. He subdivided that land and many of the streets in Rebecca Lakes are named after his family and his kids. I think if you look at that plat, this piece of property has been a concern since they platted. That plat specifically states, that when he platted with the county it says 'future commercial use' why do you think he would do that? As a farmer and a developer, he realized that the property was bordered on three sides by roads. You guys



527 Old Senoia Rd 1979 511 Old Senoia Rd 1972 Heron's Landing 2014

Rebecca Lakes
1993-2004

125 Jones Ct. 1995
130 Jenny Lane
1996

1984

1987

hit the trifecta tonight because you are considering three commercial properties tonight in an area of the county which is growing. I get that a lot of people will stand up and discuss the county changes, and I get it, I was born here 60 years ago. I have watched this county change. Change is inevitable. I have farmed the land where Towne Center and Summit Point sit right now from the time, I was 9 to the time I was 18. So, you can imagine how much this county has changed in 60 years. I think Mr. Oliver made a good point, when the comp plans are considered, the question is do they look at every piece of land in the county? And the answer is no. If you look at this property, there is nothing other than houses around it that say it is a good piece of property for A-R residential. It is non-conforming; it is only 4.03 acres, and it doesn't even meet the 5-acre mark. It has been encroached by state highway improvement. It has been encroached upon by improvement along Harp Road. When Mr. Davis bought the property, Old Senoia Road was a gravel road. So, you now have the improvement of Old Senoia Road. So, through no fault of his own whether through road improvements or zoning updates which have made, this a non-conforming lot. All of these changes...he now has a piece of property that I don't think anyone in this room would build a house on. I could be wrong. I know that I wouldn't. I wouldn't want to be bordered by roads on three sides. I get that no one likes to change, and no one likes growth. Let's talk also about what is happening up the 85 corridor. I heard a comment by Mr. Thoms about commercial development. There is commercial development all up and down 85 South. If you look there are 4 signalized intersections up 85 South from the city limits all the way to where you go into Senoia. There is Ramah Road there is the Racetrack and even though it is in the city, it is also in the county. Then you get to Harp Road and that is the piece of property we are considering. Then the next piece of property is Bernhard, and you have fuel, retail, convenience, an office, a church, and a fire station at Bernhard Road and 85. The next intersection is Padgett Road, Hwy 74 and 85. What has been approved on two corners of this intersection is fuel and convenience. So, tell me what makes this property different than those pieces of property? Most of those properties are surrounded by residential. Most of those properties are parts of larger R-R tracts. So, I represent a gentleman who has owned this property for 41 years. He bought it from a gentleman who already knew that this property would probably never have a house on it due to the nature of the property. Through hardships not created by the landowner himself, he now has a non-conforming piece of property. I hate to say it but of the 60 years I have been here, I have been developing for 33 of those years. I have been a change agent here on things that people haven't liked. I have been a change agent on things that people have liked. I have friends who live adjacent to this property and friends in Rebecca Lakes. One of my friends growing up, his father is here, and he owns the immediate track to the north. There should be something said for landowner rights and there are certain things that have happened to this tract that have made it a non-conforming tract. The other four intersections the other three you have fuel. Let me give you another statistic. I went and looked at all the signal lights in Fayette County proper outside of the city limits. If you look at Hwy 85 N, 85S, 54E, 54W, 314, 92 N, 92S you have 22 signalized intersections. Of those 22 intersections, we have fuel and convenience on 13 of the 22 intersections. Of those 16 are commercial tracts with commercial uses. You have 5 tracts that don't have any commercial because when the signal was installed all tracts that touch that intersection were already zoned with residential houses. One tract that is totally different than the rest of them and that is the intersection of New Hope Road, 92 South, and Lees Mill where you have the historic

church, the community center, and Fayette County Water. So, the majority of signalized intersections throughout the county have all changed in the character of the piece of property. So, I represent an owner and a potential buyer who is a credible developer. He has done this a lot of times, and he is willing to conform to an overlay.

Ms. Bell states that the property is located in the state route overlay.

We are willing to develop to the standards of the overlay which would be residential in nature. We have potential elevations already...all brick, the gabled roof, it will have small retail just like Bernhard and 85 do. We will conform to the conditions. We will work with staff to mitigate the light transfer. There will be additional buffers required and any other conditions that staff may have. Again, we understand that this is not popular, and this is an issue, but I gave you the plat that was recorded. Those are addresses of homes in the area and when they were built. Based on when this land was platted. You can see most of these homes have been built from 1993 and out and have been platted since 1979 and it says future commercial use. We understand that this does not guarantee rezoning, and he did not go and get it rezoned at the time. Early on when he was discussing this with the county about making road improvements and they were talking about paving Old Senoia Road. He came to the realization as a developer that there was going to be no way that anyone was ever going to build a house on this piece of property. Look how old this property is and there has never been anything on it. It is just like the U.S. Station. It has been like that forever and with all the land around it, you are never going to get anyone to develop a lot and build a house. I am here to answer any questions. Change is hard and unpopular.

Mr. Culbreth asked if anyone else would like to speak in favor of the petition? Is anyone in opposition? OK, I see a lot of hands. Have you selected a speaking leader for you?

Hello, my name is Harry Sweatman. I live at 516 Old Senoia Road. I am next door to that lot. I have known Mr. Baker for 50 years or so. He made a statement that this lot was non-compliant. I assume it is non-compliant for someone building a house. Mr. Davis clear-cut that lot some 20 years ago which maybe made it non-compliant...I don't know. At the time, that was an old-growth forest almost. I don't think it was actually old growth, but it had some large, mature trees. Mr. Lindsey stated that there hadn't been any houses built facing 85. That's wrong. There has been plenty of houses, I believe from Perry Creek all the way to Harp Road. Some of them in the last 10 years or so. There is nothing but homes and churches. I don't know what he plans to do about light pollution because if he does do that my biggest hope is it would be something like a Dollar General because they do close. He is going to have light on there all the time. When I got there and heard it was going to be a service station, I was real upset about it. I also have one question, what happened when the county said that there would be no commercial development along the proposed west bypass? Have they changed that or changed the route? I have only lived here for about 40 years and in the county for about 50 years and all that growth is not pretty and doesn't justice to this county. Thank you.

Next speaker against.

Good evening, my name is Russell Blythe from Herons Landing. Commissioners, I am president of the Herons Landing HOA. We are a neighborhood of about 18 homes and the entrance is about 800 feet up Old Senoia Road from this proposed site. Many of our homeowners have school-aged children who attend Whitewater Schools and catch the bus right on Old Senoia. A number of our homeowners are here tonight, please raise your hands so we can see you. The planning and zoning staff has recommended denial and I think that

is the right decision. The subject property is surrounded on all sides by properties that are zoned residential. There are commercial properties about ½ mile to the south that we spoke about earlier tonight. This property is meaningfully different from the property we spoke about earlier tonight. The gas station that was there has been there for 6 decades. For the property of this petition, there has been nothing but trees and grass. There has not been anything on this property and that is the way it should stay. Unlike the other property too there is no access to the other property except on Hwy 85. On this property, there is access to Old Senoia Road and Harp Road in addition to Hwy 85. Regardless of what has happened on Hwy 85, there have been plenty of homes built on Old Senoia Road in the past 10 years. It is a perfectly reasonable use as a residential property. This is nothing like the property to the south. The nearest commercial property is nearly 2 miles away at the old Trading Post (1045 Highway 85 South). There is not a single property zoned commercial on Old Senoia Road. There is not a single property zoned commercial on Harp Road. Mr. Baker speaks with a silver tongue, and he is very persuasive. He mentioned that there are a lot of gas stations in town. I agree. There are a lot of gas stations in town. There is clearly no need, at this time to rezone an area that is clearly residential on all sides to put up another gas station. We don't need it. We are going to have another one ½ a mile away. We have one 2 miles in either direction. This is not a need for this county. The only need is for this owner who wants to transition this into commercial property to make some money off of it, but that is not going to be of benefit to the people who live in the area. There would be some significant hazardous impact. As I mentioned the residents in our area have a lot of children who catch the bus on Old Senoia Road. That is not intended to be a commercial artery. The last thing Old Senoia needs is more traffic, and it is sure to negatively impact the traffic on Harp Road as well. On behalf of the HOA at Herons Landing and the residents of the surrounding area who chose to live in a rural residential area, we request that you deny this petition.

Mr. Culbreth, "Anyone else wishing to speak against this petition?"

Good evening, my name is Paulette Roberts, and I am the President of the HOA at Rebecca Lakes yes, we have a large number of our residents that are here today. Our neighborhood has 100 homes, and we are right across the street to the proposed change. All the properties are zoned residential in the surrounding area. Although this is supposedly a non-conforming lot of 4-acres. The property just south of it was rezoned from A-R to R-70 changing a lot from 6 acres to 3 potential 2-acre lots. All residential. So, in keeping with the plan for this part of Fayette County. This is a very residential area and does not seem to fit that this particular property would be changed to commercial. The reason my husband and I were drawn to Fayette County was the comprehensive use plan and the respect for the residents who currently live there. By putting that as a commercial property, you are adversely affecting all the residents who live on those 4 corners. I don't believe that would be of the best use for all the residents who live in this area. As Mr. Blythe mentioned, there is economic use for this property if it stays residential. You could access it from Old Senoia Road or Harp and that is very possible. The way this change would adversely affect the property owners with a drop in property value, increased light, traffic, and possible water issues. We have 3 lakes in our neighborhood, and we don't need extra water heading our way. Finally, we have a lot of children and there are a lot of things sold in convenience stores that we don't want children to have easy access to. So, I would ask you to please consider the family aspect of Fayette County and how the southern part has always been

that way. We ask for the denial of this zoning change.

Thank you. We have 11 minutes left. Anyone else?

My name is Jessica Kennedy and I live on McElwaney in Rebecca Lakes. Paulette brought up a few of my points. The gentleman had spoken about not having driveways with road frontage and across from this, you guys approved a plan with a driveway to Harp and the other two are going to have driveways off of 85. So, I am not sure anyone would want to build a house knowing a gas station would be across from it. Paulette had brought up the ponds and the lakes. I actually own one of the ponds and the runoff comes from Harp and travels down the backs of McElwaney and Youngs. The runoff comes from there and drains into our pond. We do have fish and turtles. It actually drains down to the larger lakes. I have a concern if you were to take away all the grass and the soil and have concrete what the runoff would be? Also, down Old Senoia, you have the bird sanctuary, and I am sure that the runoff would affect that, and it is something that should be protected. I know someone said it was a triangular lot, but a triangular lot that you can put three homes feels a little more abnormal to build a home on. Like I said we have 99 homes in our neighborhood, we have Herons Landing, another neighborhood across from that area. It is going to devalue our home to have a 'stop and stab' there. I just can't imagine having a want or need especially if you guys just approved a vape store to go across from the middle school. I am not even really sure what you guys approved. I don't know how much business we would really want here. My husband and I chose our home based on the school system. If we start putting a gas station on every corner that can be robbed, now we have crime. Another thing to point out is there is a cut-through from the middle school to our neighborhood and I have actually sent two children back to the middle school during school hours. I don't think we want middle school children leaving school to walk through our neighborhood to go get their vape pods. That is just not conducive to the life I have built here in Fayette County. I grew up here. I lived on the north side of town. My mom still has a beautiful house there and she recently moved into our neighborhood. We don't want to turn into what was over there. I know we think we have a lot of homes, and we couldn't do that, but if we take every spare corner, we absolutely could! I am highly opposed to it! Thank you!

Mr. Culbreth, is there a rebuttal or another speaker?

Tim Thoms from McBride Road again. You bring three rezonings within a half mile of my house and I am going to come up here all three times. I hope I don't jinx these folks since I am 0 for 2 but I am up here batting with 2 strikes. I hope they talked to you at your seminar with the University of Georgia about spot zoning because this is the definition of spot zoning. If you approve this, you have practically tripled the commercial zoning in this area overnight if the Board of Commissioners approves it. And if you look at the other corners you are probably going to quadruple it. So, you are having a huge impact tonight, and I am extremely disappointed.

Thank you, sir.

Mr. Culbreth, ok sir. Thank you is there anyone else? Do we have a rebuttal?

Darrell Baker addressed the board for a rebuttal. The non-conforming lot piece is because the A-R zoning category requires 5-acres so that is why it is considered a non-conforming lot because it is only 4.03-acres. If you want to know how it got to 4.03 acres look at the roads around it. Look at the road expansions around it. So, we have had quite a few people talk about how commercial stops at the old Trading Post (1045 Highway 85 South). That's

not the case. If you go slightly south of that on the left side of the road, you have the Art of Landscape. That is a commercial business, not a residential use. So, you have more business beginning to move. Mr. Sweatman was concerned about it being open all night. The developer (Mr. Sing) who would be developing this would only propose being open from 6 am to 10 pm. I am sure that the county is going to require us to put cut-off shields on the lights that stay on, forcing the light straight down, which will aid in stopping light transfer across the property. And there will be required improved buffers that will be required by the county. On the new lots that were approved by the county. Only one of those lots (and it was the petitioner that got it approved) is bordered by two roads and that is the corner lot that was approved by Mr. Win Lee was approved. His lot borders Harp Road and 85. The rest of the lots front on 85 and the back of the lots are on Rebecca Lakes. So, they are not bordered on 3 sides and the majority are only bordered by one road. With regards to run-off, I would refer you to the staff report where the different departments weighed in if this were granted what would have to happen? I would refer you back to the statement that says this is not in a run-off area, it is not in a FEMA area, it is not in a wetland area. Any water that leaves the site will have to meet certain regulatory guidelines for water quality. We can't just develop anymore and let it run off into the detention ponds. We now need to spend a lot of money on water-quality structures. We now need to provide a rebound for additional water. Basically, when we develop a site, it has to drain like it did in an undeveloped state. Now the guidelines are even more stringent, where you have to clean the water even more before it leaves the site. The skeptic in me says I wish this were just about protecting property values because again these subdivisions were built after this land was platted. Whippoorwill Ridge was a piece where this was created. The homes subsequently were built after this lot was platted this way. Rebecca Lakes was subdivided and built much later than what happened down Old Senoia Road. Mr. Blythe spoke up from Herons Landing and if I remember correctly the first house built in there is the first house on the left and it was built in 2014. I asked the folks that are here when you come into an area and buy a home, how much research do you do? Do you look at the lots around you, do you look at the plats, do you see what people have designated to happen around you? When you buy a home one house off the state highway, do you ever think, the nature of this area could change? I have heard several people talk about how this is still a great residential lot, well, why didn't you build your house there? If it is a great residential lot, then why didn't you build there? Why did you move inward down to Harp Road or Old Senoia? The reality is this is not a residential lot and hasn't been one for a long time. If a lot is not allowed to be developed for something other than A-R, then it will never be developed, and you are taking away the landowner's rights of the man who has owned it for 40 years and the rights of the person before that.

I am Stan Parrott and I live off Harp Road on McElwaney. I have known the landowner for a long time. He is a very fine fellow. I don't want to inhibit a person from being able to achieve or buy land or develop it that they have paid taxes on for a long time. But well, a convenience store, my wife and I added a screen porch because of the mosquitos. We enjoy sitting outside in the evening. And I am all for the light that you put up there, but the noise increased substantially because people stop and then they take off. We do know that the noise, when they develop, the property is going to increase again substantially because of the elevation is higher up and I know that the sound is going to carry, I know some

neighbors when they were trying to sell their house the peoples' comments were how noisy it was due to Georgia 85. We are just adding to it and noise is my biggest concern. I don't know all of the dates, but our home was built in 1994. It wasn't the first house built in Rebecca Lakes. So, I know Mr. Warren Young who is now deceased, and any comment that he may have made about that being a commercial piece of property. It was quite rural back then, of course, if he was still if he was a neighbor like his son is I know he wouldn't approve of that land as a commercial property. As far as a business, if you have a business there that closes at normal business hours like 5 or 6 pm then that's fine, but to have a convenience store. One of the ladies who spoke about North Fayette County earlier. In North Fayette County there is a QT up there and if you go up there at certain times of day, you see people hanging out there and that is a busy station. We have grandchildren now and they stay with us at certain times of the week, and I look at what are you inviting there? People who hang around. You see some people just walking down Georgia 85. There are some homeless people I have even spoken to who just hang out there. The main thing is just the quality of the neighborhood. We all feel like this was a nice neighborhood. This was the border for going to Fayette County High School and then they built Whitewater High School and the lines changed. If someone was looking at our house, well we are going to add more noise. This is what we are concerned about for when we have to move. If a commercial use comes in, I don't think there is a future there for us. We love our neighbors. Thank you.

Mr. Culbreth asked, "We are going to bring it back to the board. Are there any questions?"

9. Petition No. 1341-24 - Applicant proposes to rezone 10.95 acres from A-R to R-70 for the purpose of combining this property with an existing single-family residential parcel.

Debbie Bell reviews the staff report for the above-referenced petition for the purpose of combining the property for a single-family residential parcel. As defined in the Fayette County Comprehensive Plan Rural-Residential-2 is designated for the request for R-70 is appropriate. Based on the staff investigation and analysis staff recommends conditional approval with the following recommended conditions:

RECOMMENDED CONDITIONS

1. Parcels 0708 067 and 0708 057 and this rezoned portion shall be combined into a single parcel within 6 months of approval of the rezoning, or prior to the approval of any additional building permits, whichever comes first.

Debbie Bell shows a display with an aerial of the previous United Soccer Training Complex property. It is now zoned so I did some creative coloring to illustrate. Mr. Ed Wyatt owns these two properties to the north. He is proposing to purchase 10.95 acres from the larger parcel. In order for him to combine that with his property it needs to be rezoned to match his property which is R-70. So, he is requesting to rezone this one from A-R back to R-70 which is consistent with the land use plan. It is undeveloped property. There is some floodplain, and he is aware of that. It does not affect the viability of doing the rezoning, but it is a factor on the lot. Debbie Bell projects an exhibit provided by a

surveyor that demonstrates the properties more clearly.

Mr. Culbreth asks if the petitioner is here.

Yes, sir, my name is Jeff Collins and I hope this doesn't take too long and it is less controversial. Ms. Bell did a fantastic job of explaining it, so I don't want to overdo it. The intent here today is to subdivide the 10.95 acres so it can be conveyed to Mr. Wyatt and in order to combine it, it must be like zoning. So, to have the same zoning as his property, which is R-70, we need to rezone to the same so he can have a little more space there.

Mr. Culbreth asks if anyone else is in favor. Is anyone against? If not, we will bring it back to the board for discussion and questions.

Danny England asks if there is a gas station on this property and says let the minutes reflect there is no gas station on this property. Our first rezoning without a gas station tonight.

Mr. Culbreth, discussion?

ADJOURNMENT:

Danny England moved to adjourn the meeting. Jim Oliver seconded. The motion passed 5-0.

The meeting adjourned at 8:55 p.m.

**PLANNING COMMISSION
OF
FAIRFAX COUNTY**

**JOHN CULBRETH, SR.
CHAIRMAN**

ATTEST:

**CHRISTINA ALKE
PLANNING COMMISSION SECRETARY**

OATH OF OFFICE


STATE OF GEORGIA COUNTY OF FAYETTE

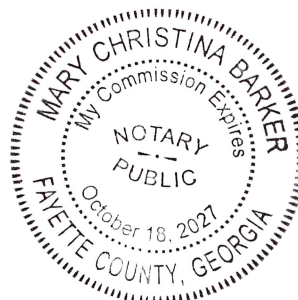
I, Boris Thomas, do solemnly swear that I will uphold and obey the Constitution and laws of the United States of America and the Constitution and laws of the State of Georgia, that I will uphold the planning and zoning regulations of Fayette County until they are legally changed, that I will perform my duties as a member of the Fayette County Planning Commission in a businesslike way, supporting at all times the actions that, in my opinion, will be for the best interest of Fayette County as a whole, so help me God.

Sworn to and subscribed before me this 1st day of February, 2024.


Boris Thomas


Witness


Notary Public



PLANNING COMMISSION RECOMMENDATION**DATE:** February 1, 2024**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1339-24, the application of Thomas Crossroads LLC to rezone 5 acres from R-70 to C-H, be:

_____ Approved _____ Withdrawn _____ Denied

_____ Tabled until _____

Fr-0 ☒ Approved with Conditions _____

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

1. Parcel 0450 090 be combined with parcel 0450 070 in an approved minor subdivision plat within 180 days of the approval of the rezoning request. Revised plat must include the 50' buffer separating the C-H Zoning from the residential zoning.
2. The existing asphalt driveway be removed within 180 days of the approval of the rezoning request. Removal of the existing asphalt driveway is stipulated on the minor final plat recorded on January 8, 2015. This was also a stipulation from GDOT for rezoning petition 1145-05.
3. If the septic system for 1552 S Highway 85 encroaches into this property, a revised site plan be submitted for approval within 90 days of the minor subdivision plat being approved and recorded.

This is forwarded to you for final action.


JOHN H. CULBRETH, SR., CHAIRMAN


JOHN J. KRUZAN, VICE CHAIRMAN


DANNY ENGLAND


JIM OLIVER


BORIS THOMAS

Remarks:

RESOLUTION

NO. 1339-24

WHEREAS, Thomas Crossroads, LLC, having come before the Fayette County Planning Commission on February 1, 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 5 acres from R-70 to C-H for the for the purpose of developing as a commercial property; 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**.

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

1. Parcel 0450 090 be combined with parcel 0450 070 in an approved minor subdivision plat within 180 days of the approval of the rezoning request. Revised plat must include the 50' buffer separating the C-H Zoning from the residential zoning.
2. The existing asphalt driveway be removed within 180 days of the approval of the rezoning request. Removal of the existing asphalt driveway is stipulated on the minor final plat recorded on January 8, 2015. This was also a stipulation from GDOT for rezoning petition 1145-05.
3. If the septic system for 1552 S Highway 85 encroaches into this property, a revised site plan be submitted for approval within 90 days of the minor subdivision plat being approved and recorded.

This decision is based on the following reasons:

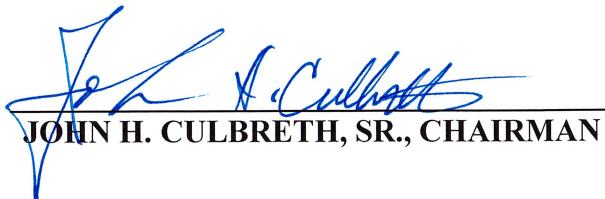
In compliance with the Fayette County Comprehensive Plan.
Compatible with the surrounding area.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:



**DEBORAH BELL
PLANNING & ZONING DIRECTOR**



JOHN H. CULBRETH, SR., CHAIRMAN

**STATE OF GEORGIA
COUNTY OF FAYETTE**

PETITION No (s): 1339-24
STAFF USE ONLY

APPLICANT INFORMATION

Name Thomas Crossroads, L.L.C.
 Address 362 Lees Mill Road
 City Fayetteville
 State Georgia Zip 30214
 Email edwyatt@greeneoilco.com
 Phone (770) 964-6125

PROPERTY OWNER INFORMATION

Name same as applicant
 Address _____
 City _____
 State _____ Zip _____
 Email _____
 Phone _____

AGENT(S) (if applicable)

Name Richard Lindsey
 Address 200 Westpark Court #280
 City Peachtree City
 State Georgia Zip 30269
 Email rick@11pta.com
 Phone (770) 486-8445

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: Deborah M. Smith Date: 12/11/2023

DATE OF PLANNING COMMISSION HEARING: February 1, 2024

DATE OF COUNTY COMMISSIONERS HEARING: February 22, 2024

Received from Geo H. Green Oil 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: 12/11/2023 Receipt Number: 19785

PETITION No.: 1339-24 Fees Due: \$250.00 Sign Deposit Due: \$50.00

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0450 090 Acreage: 5 acres
 Land District(s): 4th District Land Lot(s): 253
 Road Name/Frontage L.F.: Hwy 85 / 250.36 feet Road Classification: Major Arterial
 Existing Use: Parking Lot & Vehicle Access Proposed Use: Commercial
 Structure(s): None Type: _____ Size in SF: _____
 Existing Zoning: R-70 Proposed Zoning: C-H
 Existing Land Use: Rural Residential Proposed Land Use: Commercial
 Water Availability: Yes Distance to Water Line: Across Hwy 85 Distance to Hydrant: Across Hwy 85

PETITION No.: 1339-24 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: _____

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: _____

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:

Thomas Crossroads, L.L.C.

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0450 090

(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) 253 of the 4th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 5 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

(II) By: [Signature] _____
 Signature of Property Owner 1 Signature of Notary Public

342 Lees Mill Road, Fayetteville

Address

12-11-23

Date



Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Property Owner 3

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

PETITION No.: 1339-24**OWNER'S AFFIDAVIT**

(Please complete an affidavit for each parcel being rezoned)

NAME: Thomas Crossroads, L.L.C.ADDRESS: 362 Lees Mill Road, Fayetteville, GA 30214

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

Thomas Crossroads, L.L.C. by Ed Uygat affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) R-70 Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 250⁰⁰ to cover all expenses of public hearing. He/She petitions the above named to change its classification to C-H.

This property includes: (check one of the following)

☒ See attached legal description on recorded deed for subject property or☐ Legal description for subject property is as follows:PUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of February 1, 20 24 at 7:00 P.M.PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of February 22, 20 24 at 7:00 P.M.SWORN TO AND SUBSCRIBED BEFORE ME THIS 17th DAY OF December, 20 23Ed Uygat

SIGNATURE OF PROPERTY OWNER SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

[Signature]

NOTARY PUBLIC



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.

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Thomas Crossroads, L.L.C.
by Ed Wyatt, 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 Hwy 85 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 11th day of December
 2023.

Edmund Wyatt

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

[Signature]

NOTARY PUBLIC



Letter of Intent

The owner of the subject property seeks to rezone the property located along Hwy 85 S just north of the intersection with McBride Road. This 5-acre tract of land was used as, and was a part of, a truck stop that began operating in the early 1970's and has operated as a truck stop/gas station/convenience store. Following the closure of the truck stop, the subject property has continued to be used in a commercial capacity. A large portion of the property is covered with asphalt and is used for commercial access to GA Hwy 85, and for parking dump trucks and school buses. At some point, the county zoned the property R-70; however, it has not been used for residential purposes since the operation of the truck stop.

The property is located along busy Hwy 85. Across the street and to the west is Whitewater Middle School, a vacant lot, and a large church. Immediately to the south, the property is zoned C-H, which is currently under development for a convenience center, and two R-70 lots. The property to the east is zoned R-40. Finally, the property to the north is zoned R-70 and is undeveloped.

While the property is zoned and land use planned for low density residential use, it is not conducive for such use and will never be. As stated above, it is located directly on Hwy 85, which – counting the turn lanes – is a busy 5-lane state highway in this area. The owner seeks to have the zoning classification changed to reflect the reality of the continuous use of the subject property and of the many other nearby properties and the traffic that travels along Hwy 85 every day.

The property adjoining to the south is under construction for a convenience center. Due to the unique shape of that property, a variance was recently granted to place a septic system drain field in the side buffer. A better solution for that property and the surrounding properties is to locate the drain field in the southern area of the subject property. With a C-H zoning on this property, the drain field could be relocated on the subject property and out of the side buffer.

Granting the rezoning to C-H will increase the separation of the future use of the subject property from the neighboring residential properties. Buffers of 50 feet will be required along with setbacks of 15 feet. Current zoning only requires setbacks of 50 and 25 feet with no buffers.

The current zoning and land use plan are not reflective of the 50-year use and the true nature of the property or of the area immediately surrounding it. Being located along a busy state highway effectively prevents residential use. Commercial zoning, on the other hand, reflects the realities of the area. The required buffers along the boundaries shared with neighboring residential properties will provide greater protection than currently required. The property has been in use in a commercial use and not a residential one. And finally, rezoning to C-H offers a better way for the property located to the south to develop and not use the variance already granted for the location of the septic sewer drain line in the buffers.

Please return to:
Lawson & Beck, LLC
1125 Commerce Drive, Suite 300
Peachtree City, GA 30269
File # 20-LAW-0490

Type: WD
Recorded: 3/18/2020 1:15:00 PM
Fee Amt: \$185.00 Page 1 of 1
Transfer Tax: \$160.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID: 1138094925

BK 5004 PG 493

STATE OF GEORGIA
COUNTY OF FAYETTE

①

LIMITED WARRANTY DEED

THIS INDENTURE made this 17th day of March, 2020 between **Jorge Beltran and Nicole Uherek-Beltran**

as party or parties of the first part, hereinafter called Grantor, and **Thomas Crossroads, L.L.C.**
as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

ALL THAT TRACT or parcel of land lying and being in Land Lot 253 of the 4th District of Fayette County, Georgia, being Tract 2, containing 5.00 acres of Minor Subdivision Plat of U.S. Station, as shown on that certain plat of said subdivision recorded in Plat Book 48, Page 18, Fayette County, Georgia records, said plat being incorporated herein and made a part hereof by reference.

Subject to restrictive covenants and easements of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, Sealed and delivered in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

[Signature]
Jorge Beltran

[Signature]
Nicole Uherek-Beltran



B3

Wednesday, January 17, 2024

Deadline: Each Friday by 10 a.m.

770-461-6317

legals@fayette-news.com

**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, February 1, 2024, at 7:00 P.M., and before the Fayette County Board of Commissioners on Thursday, February 22, 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.: 1339-24

Owner/Agent: Thomas Crossroads, LLC/Richard Lindsey

Existing Zoning District:

R-70

Proposed Zoning District:

C-H

Parcel Number: 0450090

Area of Property: 5 acres

Proposed Use: C-H

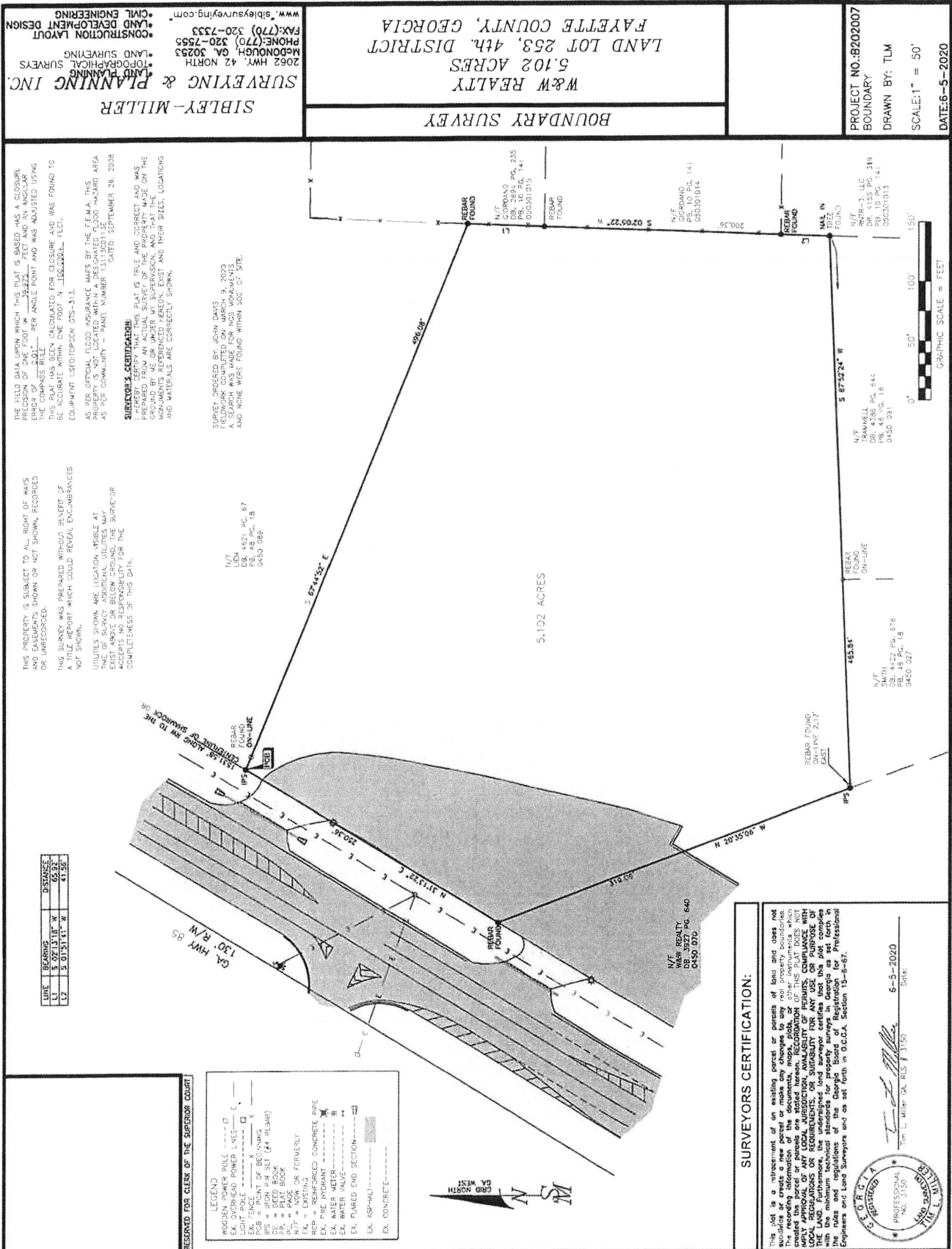
Land Lot(s)/District: 253 of the 4th District

Fronts on: Hwy 85

Legal Description:

ALL THAT TRACT or parcel of land lying and being in Land Lot 253 of the 4th District of Fayette County, Georgia, being Tract 2, containing 5.00 acres of Minor Subdivision Plat of U.S. Station, as shown on that certain plat of said subdivision recorded in Plat Book 48, Page 18, Fayette County, Georgia records, said plat being incorporated herein and made a part hereof by reference. Subject to restrictive covenants and easements of record.

01/17



C. 1983 photo provided by applicant showing U. S. Station - Truck Stop



COUNTY AGENDA REQUEST

Page 107 of 306

Department: Planning & Zoning

Presenter(s): Debbie Bell, Director

Meeting Date: Thursday, February 22, 2024

Type of Request: Public Hearing #4

Wording for the Agenda:

Consideration of Petition No.1340-24, Tommy O. Davis, owner, Darrell Baker, agent, request to rezone 4.03 acres from A-R to C-C (Community Commercial) for the purposes of developing a convenience store with fuel sales and retail space; property located in Land Lot 5 of the 5th District and fronts on SR 85 South, Harp Road and Old Senoia Road.

Background/History/Details:

This is an undeveloped property that has no prior rezonings. It is a legal, nonconforming lot and is zoned A-R (Agricultural-Residential). The applicant is requesting to rezone to C-C (Community Commercial) to develop a convenience store with fuel pumps and additional retail space, which is a conditional use in the C-C zoning district.

On February 1, 2024, the Planning Commission voted 5-0 to recommend DENIAL of the request. Per the Fayette County Comprehensive Plan, Rural Residential - 2 (1 unit/2 acres), is the designated use so the request for C-C zoning is not appropriate. Staff recommends DENIAL of the request for a zoning of C-C, Community Commercial District. If approved, staff recommends the following CONDITIONS:

1. Harp Road is a minor arterial. The developer shall dedicate right of way, as needed, to provide 50 feet as measured from the existing centerline of Harp Road. The corner at the intersection of Harp Road and Old Senoia Road shall be chamfered 20 feet along tangent legs. 2. Submittal of the warranty deed and legal descriptions shall be provided to the County within 60 days of the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.

What action are you seeking from the Board of Commissioners?

Denial of Petition No.1340-24, Tommy O. Davis, owner, Darrell Baker, agent, request to rezone 4.03 acres from A-R to C-C (Community Commercial) for the purposes of developing a convenience store with fuel sales and retail space; property located in Land Lot 5 of the 5th District and fronts on SR 85 South, Harp Road and Old Senoia Road.

If this item requires funding, please describe:

Not applicable.

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

If so, when?

Is Audio-Visual Equipment Required for this Request?* No

Backup Provided with Request? Yes

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

Approved by Finance Not Applicable

Reviewed by Legal Yes

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

PETITION NO: 1340-24

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

PARCEL NUMBER: 0503 036

PROPOSED USE: Convenience store with fuel pumps

EXISTING USE: Vacant land

LOCATION: Harp Road/Hwy 85 S/Old Senoia Road

DISTRICT/LAND LOT(S): 5th District, Land Lot5

ACREAGE: 4.03 acres

OWNER(S): Tommy O. Davis

AGENT: Darrell Baker

PLANNING COMMISSION PUBLIC HEARING: February 1, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: February 22, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 4.03 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store with fuel pumps.

PLANNING COMMISSION RECOMMENDATION

On February 1, 2024, the Planning Commission voted 5-0 to recommend **DENIAL** of the request to rezone from A-R to C-C.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Rural Residential - 2 (1 unit/2 acres) is designated for this area, so the request for C-C zoning is not appropriate. Based on the Investigation and Staff Analysis, Planning & Zoning Staff recommends **DENIAL** of the request for a zoning of C-C, Community Commercial District. If the rezoning is approved, staff recommends the following **CONDITIONS**.

RECOMMENDED CONDITIONS

1. Harp Road is a minor arterial. The developer shall dedicate right of way, as needed, to provide 50 feet as measured from the existing centerline of Harp Road. The corner at the intersection of Harp Road and Old Senoia Road shall be chamfered 20 feet along tangent legs.
2. Submittal of the warranty deed and legal descriptions shall be provided to the County within 60 days of the approval of the rezoning request, or prior to the submittal of a development site plan,

whichever comes first.

INVESTIGATION**A. GENERAL PROPERTY INFORMATION**

The property is a legal, nonconforming lot because it does not contain the minimum required acreage for the A-R zoning district. It is a legal lot of record based on the ordinance criteria.

This property is located in the General State Route 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	4.0	R-40	Single Family Residential	Rural Residential – 2 (1 Unit /2 acres)
East (across Hwy 85)	2.3	R-40	Single Family Residential	Rural Residential – 2 (1 Unit /2 acres)
South (across Harp Rd)	6.3	R-72	Single Family Residential	Rural Residential – 2 (1 Unit /2 acres)
West (across Old Senoia)	2.36	A-R	Single-Family Residential	Rural Residential – 2 (1 Unit /2 acres)

C. COMPREHENSIVE PLAN

Future Land Use Plan: The subject property lies within an area designated for Rural Residential 2 on the Future Land Use Plan map. This request does not conform to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

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

Site Plan: The applicant submitted a survey and a conceptual site plan for the property.

E. DEPARTMENTAL COMMENTS

- ☐ **Water System** - Water is available on the South side of Harp road and on the West side of Old Senoia Road.
- ☐ **Public Works**
 - Road Frontage & Right of Way Dedication
 - SR 85 is a Major Arterial roadway and the GADOT controls all entrances and exits onto the state route. Any proposed modifications to the site entrances and exits will be permitted through GADOT prior to any proposed development.
 - Old Senoia is an 80 ft ROW Collector roadway and the County already owns 40 ft. from centerline (deeded to the County in 1996 for this parcel, DB 1083 Pg 261).
 - Harp Road is a Minor Arterial roadway with a variable ROW along this parcel (deeded to the County for the Harp Rd/SR 85 intersection improvement project in 2014, per plans by Mallett Consulting, Inc 03/2014, DB 4253, Pg 146). There is a small portion of Harp Road in the SW corner of this property that does not already meet the required 50 ft. from centerline ROW.
 - Traffic Data -- According to the GDOT on-line traffic data, the annual average daily traffic for State Route 85 approximately 1 mile north of the site is 14,500 vehicles per day.
 - Sight Distance -- Minimum sight distances will have to be satisfied for any proposed new road intersections. GDOT will review sight distances along SR 85.
- ☐ **Environmental Management** - No objections.
 - Floodplain Management -- The site **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0113E 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 -- This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surface and be classified as a hotspot per the stormwater ordinances.
 - Landscape and Tree Replacement Plan -- This development **WILL BE** subject to the Nonresidential Development Landscape Requirements and Tree Retention, Protection and Replacement Ordinances.
- ☐ **Environmental Health Department** -- This office has no objection to the rezoning. This does not constitute approval or agreeance of usable soils for septic purposes.
- ☐ **Fire** -- No objections to the requested rezoning.
- ☐ **GDOT** -- The concept is acceptable to GDOT; however there will only be a variance granted for the subpar access spacing for the access to be located on SR 85 from GDOT, with that being stated the required 350' (250' – storage + 100' taper = 350') will have to be constructed and there will not be a variance granted for the decel lane, if the decel lane cannot be constructed access will have to be obtained from Harps Road only.

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 Rural Residential Uses. This request does not conform to the Fayette County Comprehensive Plan in terms of the use.
2. The area around the subject property is an area that already has various residential uses. It is staff's opinion that the zoning proposal might adversely affect the existing or future uses of nearby properties. However, the possibility of whether this site is truly a desirable residential site should be considered.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is not consistent in character and use with the surrounding uses as low density residential.

ZONING DISTRICT STANDARDS

Sec. 110-143. C-C, Community Commercial District.

- (a) *Description of district.* This district is composed of certain lands and structures providing for convenient community shopping facilities having a broad variety of sales and services.
- (b) *Permitted uses.* The following uses shall be permitted in the C-C zoning district:
 - (1) Amusement or recreational facility, indoor or outdoor (see chapter 18);
 - (2) Appliance sales and incidental repair;
 - (3) Art studio;
 - (4) Auto parts and/or tire sales and installation;
 - (5) Bakery;
 - (6) Bank and/or financial institution;
 - (7) Banquet hall/event facility;
 - (8) Catering service;

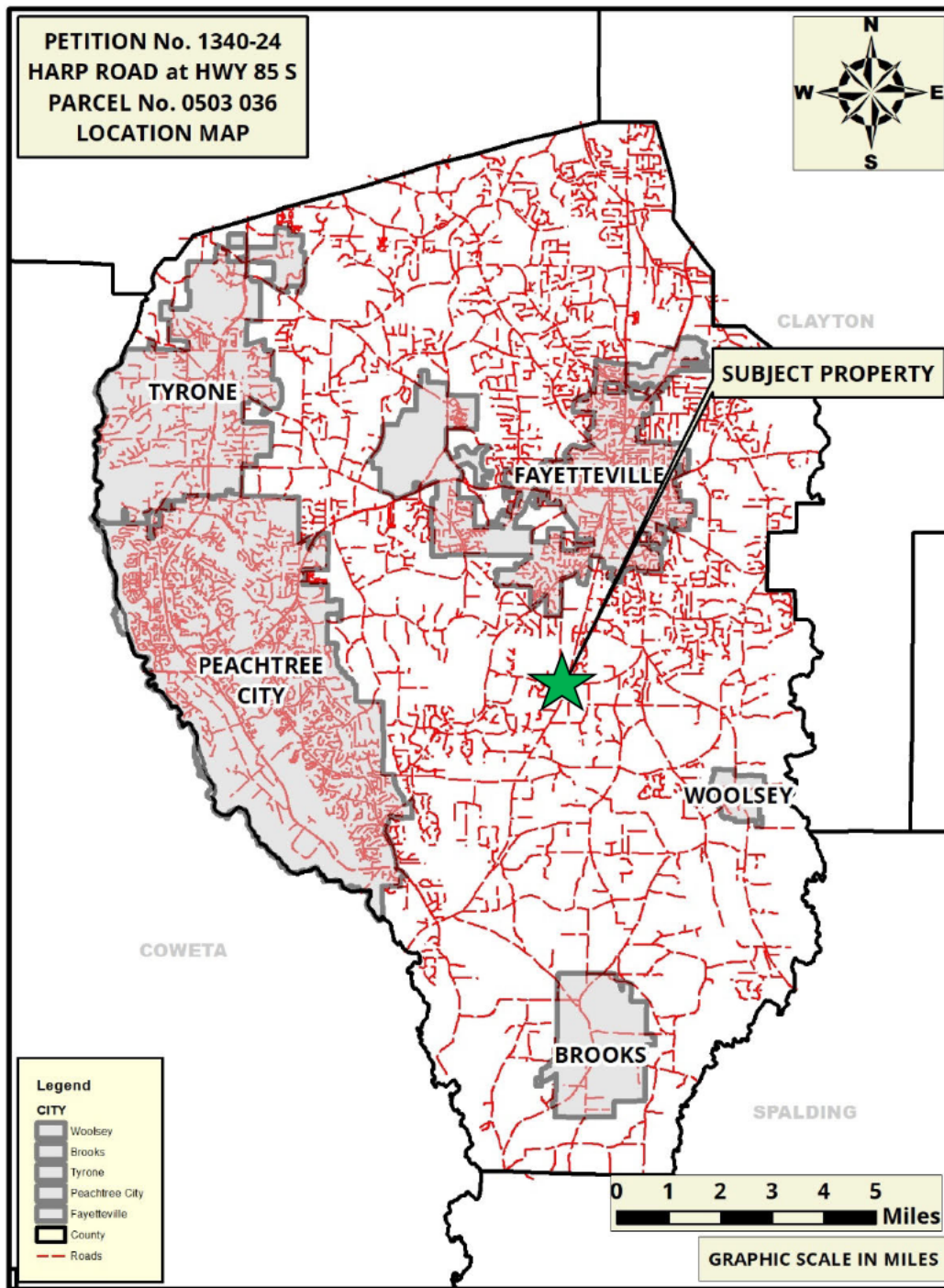
- (9) Church and/or other place of worship, excluding outdoor recreation, parsonage, and cemetery or mausoleum;
- (10) College and/or university, including classrooms and/or administration only;
- (11) Copy shop;
- (12) Cultural facility;
- (13) Day spa;
- (14) Department store, variety store, and/or clothing store;
- (15) Drug store;
- (16) Educational/instructional/tutoring facilities, including, but not limited to: academic, art, computer, dance, driving and/or DUI school, martial arts, music, professional/business/trade, and similar facilities;
- (17) Electronic sales and incidental repair;
- (18) Emission testing facility (inside only);
- (19) Firearm sales and/or gunsmith;
- (20) Florist;
- (21) Gift shop;
- (22) Grocery store;
- (23) Hardware store;
- (24) Health club and/or fitness center;
- (25) Jewelry shop;
- (26) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
- (27) Library;
- (28) Medical/dental office (human treatment);
- (29) Messenger/courier service;
- (30) Military recruiting office;
- (31) Movie theatre (excluding drive-in);
- (32) Museum;
- (33) Office;
- (34) Office equipment sales and/or service;
- (35) Parking garage/lot;
- (36) 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.
- (37) Plant nursery, growing crops/garden, and related sales;
- (38) Printing, graphics, and/or reproductions;
- (39) Private clubs and/or lodges;

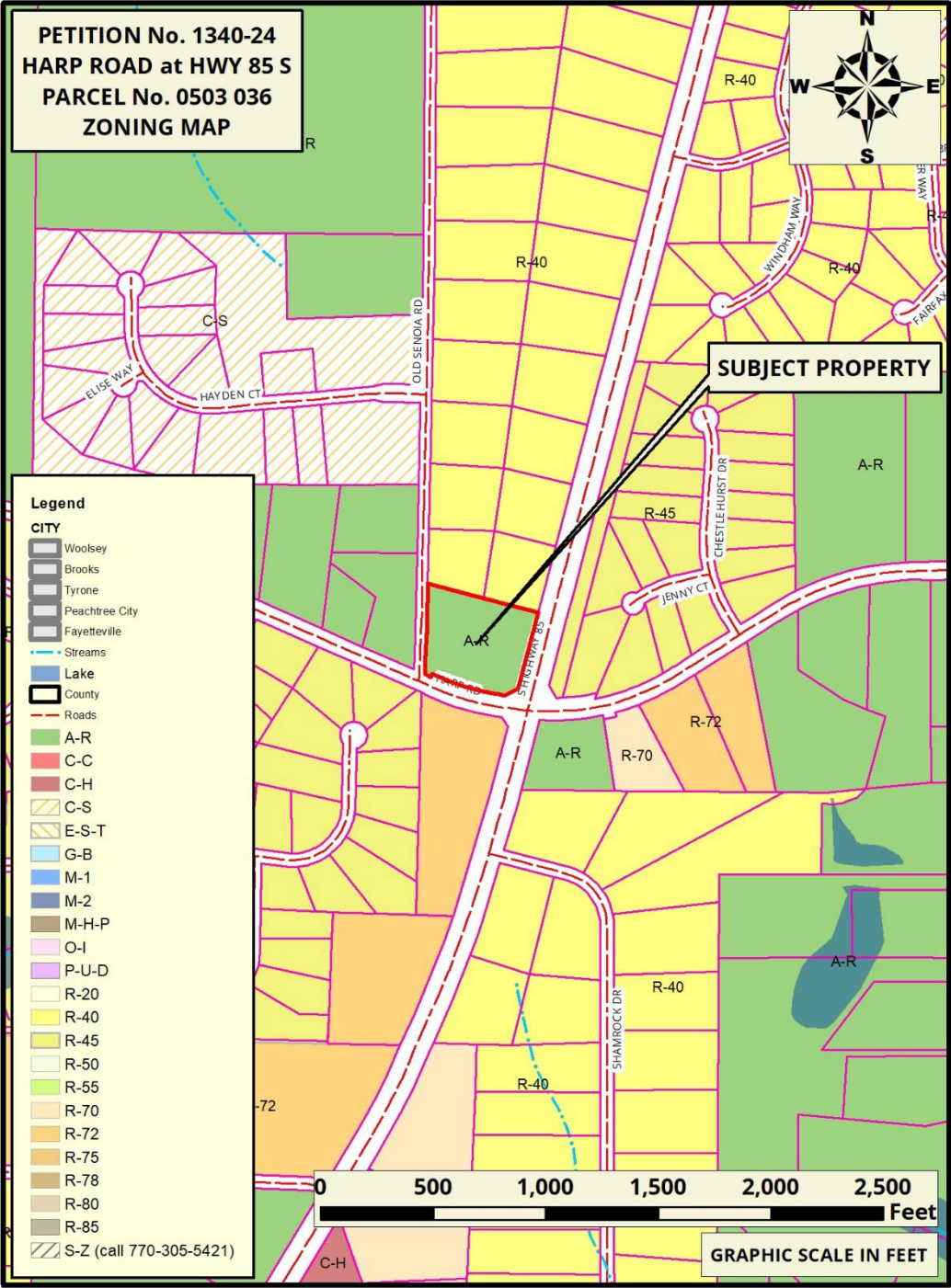
- (40) Private school, including, classrooms and/or administration only;
 - (41) Radio studio;
 - (42) Recording studio (audio and video);
 - (43) Restaurant, (including drive-in and/or drive-through);
 - (44) Retail establishment;
 - (45) Smoking lounge (subject to state and local tobacco sales and smoking laws);
 - (46) Taxidermist; and
 - (47) Television/movie studio.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-C zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
 - (2) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
 - (3) Automobile service station, including, gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store;
 - (4) Care home, convalescent center, and/or nursing home;
 - (5) Church and/or other place of worship;
 - (6) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (7) Commercial driving range and related accessories;
 - (8) Child care facility;
 - (9) Dry cleaning plant;
 - (10) Golf course (minimum 18-hole regulation) and related accessories;
 - (11) Home occupation;
 - (12) Hospital;
 - (13) Kennel (see animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic);
 - (14) Laundromat, self-service or otherwise;
 - (15) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;
 - (16) Religious tent meeting;
 - (17) Seasonal sales, outdoor;
 - (18) Single-family residence and residential accessory structures and/or uses (see article III of this chapter); and
 - (19) Temporary tent sales.
 - (20) Vehicle/boat sales.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the C-C zoning district shall be as follows:

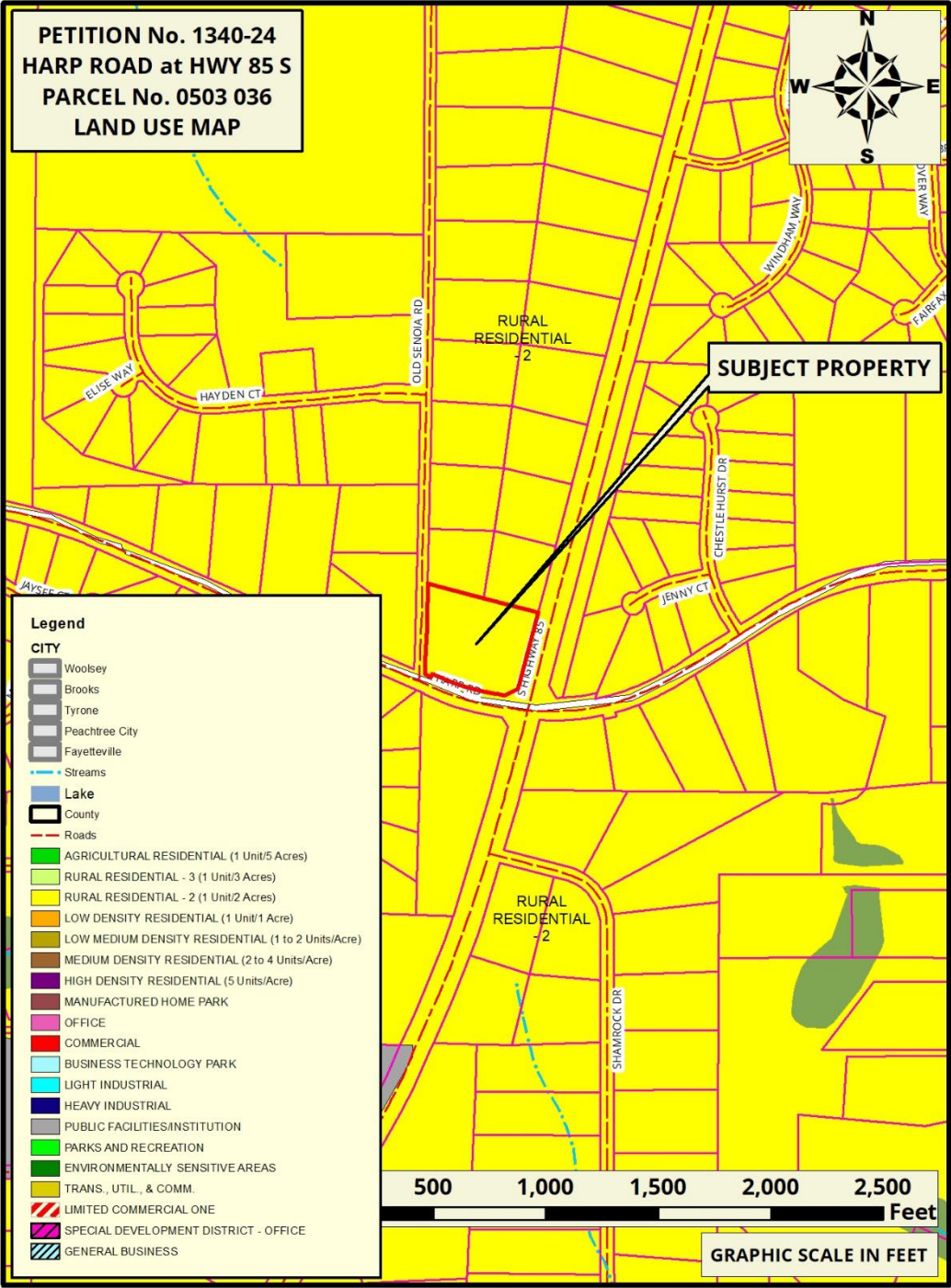
- (1) Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
 - (2) Lot width: 125 feet.
 - (3) Front yard setback:
 - a. Major thoroughfare:
 - 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, § 20-6-19; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2018-11, § 4, 10-25-2018; Ord. No. 2021-09, § 2, 5-27-2021)

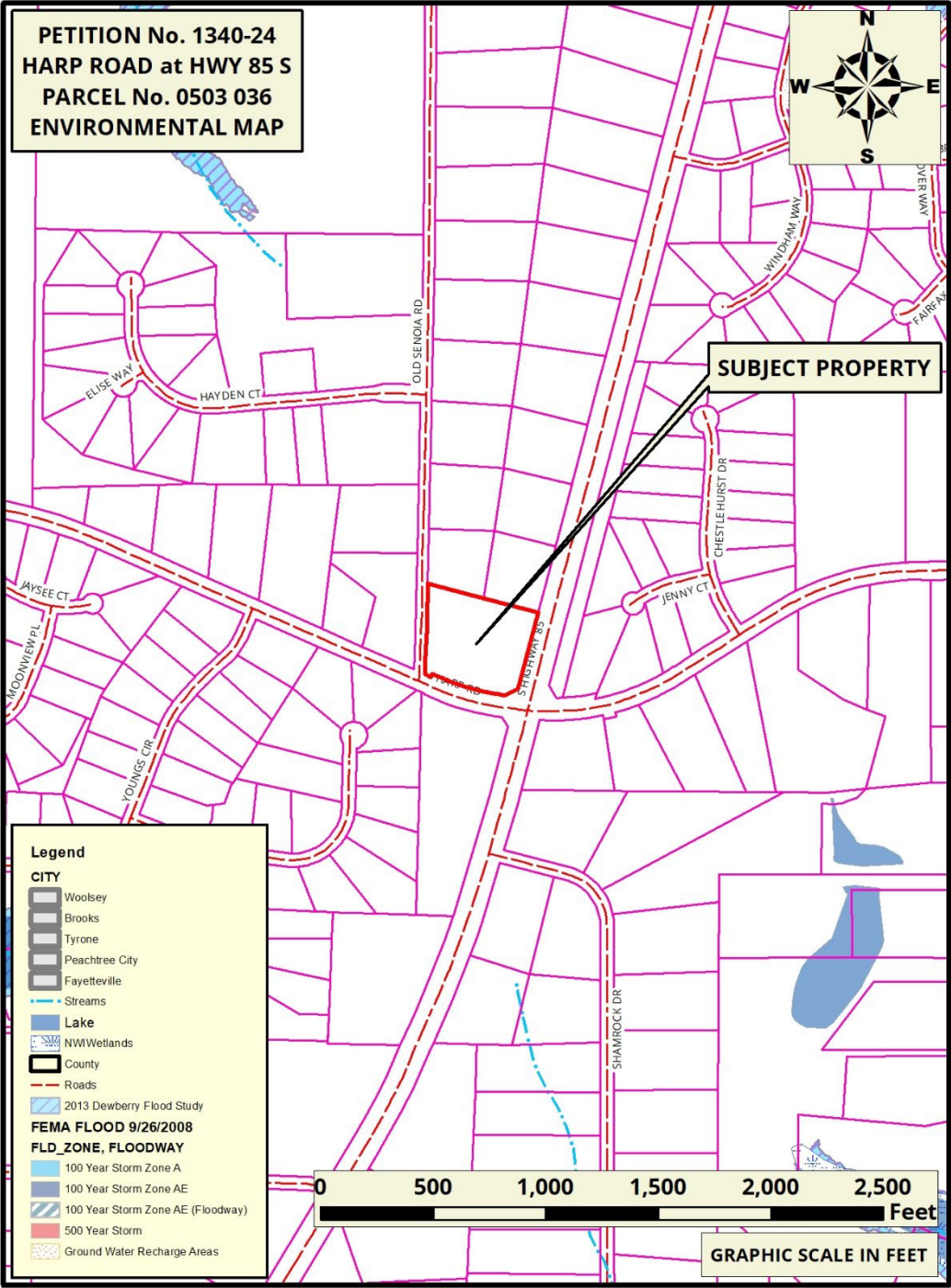
Sec. 110-169. Conditional use approval.

- h. *Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store.* Allowed in C-C and C-H zoning districts.
 - 1. Service areas, facilities, and gasoline pump islands shall not be located closer than 75 feet from a residential or A-R zoning district.
 - 2. Underground storage tanks shall be set back no closer than 20 feet from all property lines.
 - 3. A dynamometer shall not be utilized in conjunction with outside emission testing.











1. TAX PARCEL 0503 036.

2. REFERENCES FOR THE BOUNDARY INFORMATION SHOWN HEREON WERE MADE TO DEED BOOK 4:53, PAGE 146 OF FAYETTE COUNTY RECORDS.

3. DATE OF FIELDWORK: NOVEMBER 2022.

4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE; THEREFORE, THE UNDERSIGNED AND MCCLAIN SURVEYING, INC., MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS AND OTHER SIMILAR MATTERS.

5. THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY FEMA FLOOD INSURANCE RATE MAP NUMBER 13113C0113E WITH AN EFFECTIVE DATE OF SEPTEMBER 26, 2008.

LEGAL DESCRIPTION

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

Beginning at a point at the intersection of the northerly right of way of Harp Road (right of way varies) and the easterly right of way of Old Seneca Road (right of way varies), said point being the True Point of Beginning;

Thence North 01 Degrees 24 Minutes 58 Seconds East for a distance of 410.00

feet along the easterly right of way of Old Sencels Road to a 1 inch open top pipe found,

Thence South 75 Degrees 23 Minutes 13 Seconds East for a distance of 488.34 feet leaving the right of way of Old Sandoz Road to a 2 inch pipe found on the

Thence South 14 Degrees 43 Minutes 43 Seconds West for a distance of 345.10 feet along the westerly side of one of State Route 85 to a concrete monument

Thence South 64 Degrees 14 Minutes 38 Seconds West for a distance of 45.87 feet along the westerly right of way of said Road 60 to a concrete monument found,

feet along the westerly right of way of State Route 85 is a concrete monument found on the northerly right of way of Main Road (right of way varies)

Thence North 81 Degrees 03 Minutes 46 Seconds West for a distance of 25.93 feet along the northerly right of way of Hemp Road to a point;

Thence with a curve turning to the right with an arc length of 208.43 feet, a radius of 1074.72, a chord bearing of North 75 Degrees 31 Minutes 04 Seconds West and

a chord length of 208.10 feet along the northerly right of way of Harp Road to a point;

Thence North 68 Degrees 00 Minutes 00 Seconds West for a distance of 101.64 feet along the northerly right of way of Harp Road to a concrete monument found;

Thence South 23 degrees 02 minutes 20 seconds West for a distance of 15.02 feet along the right of way of Harp Road to a concrete monument found;

fence with a curve turning to the right on an arc height of 19.50 feet, a radius of 1050.97, a chord bearing of North 66 Degrees 04 Minutes 55 Seconds West and a chord length of 19.50 feet along the right of way of Main Road to a tied said

point being the True Point of Beginning.

Together with and subject to covenants, easements, and restrictions of record.

Sold property contains 4.00 acres more or less.



LINE	BEARING	DISTANCE
L 1	N 81° 03' 46" W	25.93'
L 2	S 23° 02' 28" W	15.02'

CLOSURE STATEMENT:

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS
CLOSE PRECISION OF ONE FOOT IN 25,000 FEET AND
AN ANGULAR ERROR OF 0" PER ANGLE POINT AND
WAS ADJUSTED USING LEAST SQUARE RULE.

THIS PLAY HAS BEEN CALCULATED FOR CLOSURE AND
FOUND TO BE ACCURATE WITHIN ONE FOOT (1.000 000).

McLAIN SURVEYING, INC.
LAND SURVEYING - LAND PLANNING - LAND DEVELOPMENT

6 MADISON STREET
NEWNAN, GEORGIA 30763
PHONE: 770-251-8523 - EMAIL: fmcclain339@earthlink.net



DR:

MANNY SINGH

TAX PARCEL 0503 036
LAND LOT 5 - 5TH. DISTRICT
SAVETTE COUNTY, GEORGIA

IN MY OPINION. THIS IS A TRUE AND

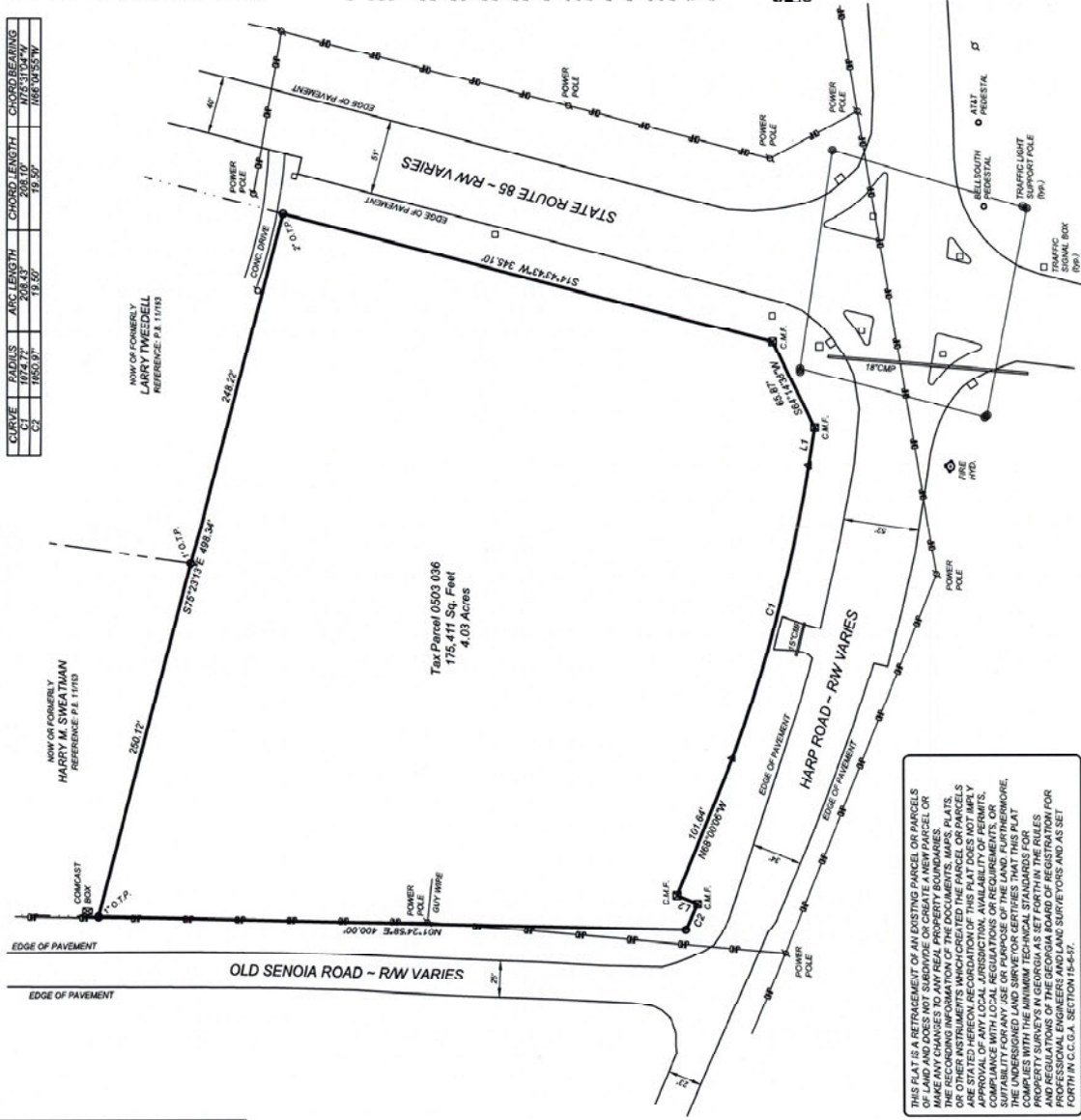
CORRECT REPRESENTATION OF THE PLATTED PROPERTY AND HAS BEEN PREPARED IN CONFORMITY WITH THE STANDARDS AND REQUIREMENTS OF

Randy McLain

GEORGIA W.L.S. 02700

DATE: OCT08E2 30, 2023		ISSUE	DATE
NO.	DESCRIPTION		
	INCREASE		
	EDIT:		
	DRAWN 3M		
	CHECKED RM		
PROJECT #: 23-341			

PROJECT #: 23-341



THIS PLAT IS A RETRAIMENT OF AN EXISTING GRANT OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL, OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENT, PARCELS, OR EXISTING GRANT OR PARCELS, IS STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE REQUIREMENTS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL SURVEYORS, GEORGIA'S SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, AND SET

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT.

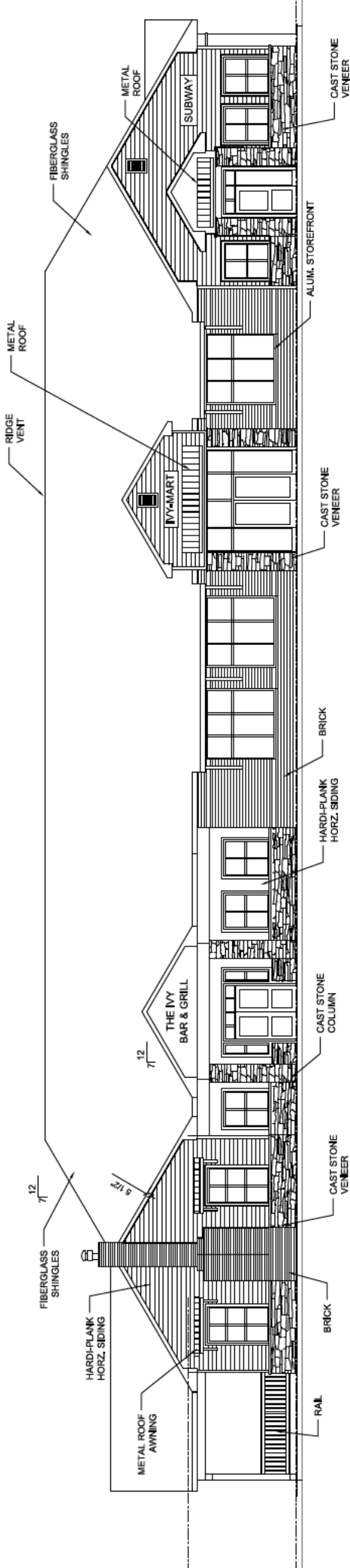


GRID NORTH
GEORGIA WEST ZONE

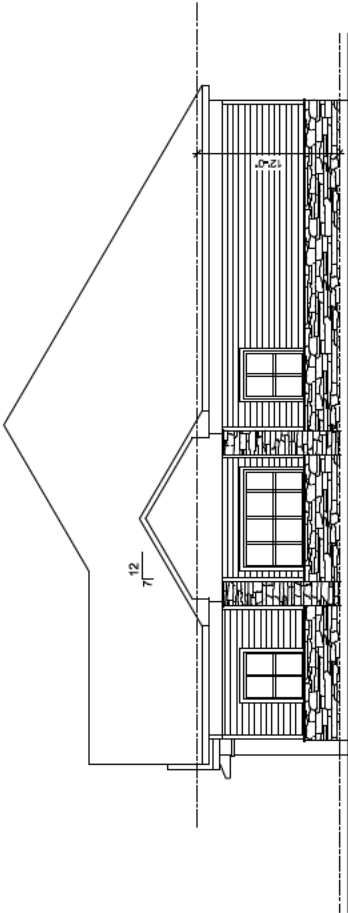
LEG 37

- [illegible]

ARCHITECTURAL ELEVATIONS (PROPOSED)



1 VETERANS PKW. ELEVATION
A-2 SCALE: 1/8"=1'-0"



1 RIGHT ELEVATION
A-2 SCALE: 1/8"=1'-0"

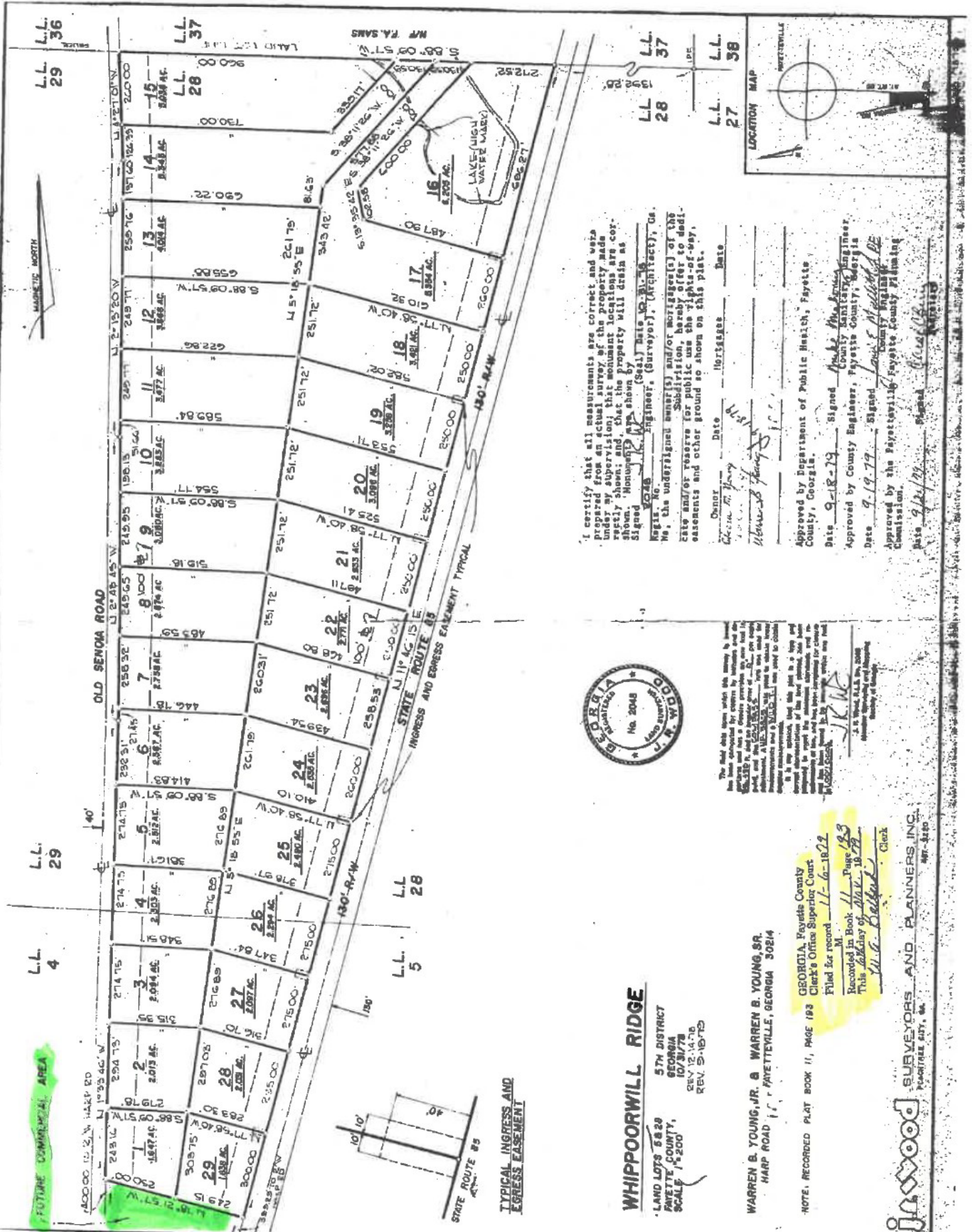




FINAL PLAT

1979

WHIPPOORWILL RIDGE



BOARD MEMBERS

John H. Culbreth, Sr., Chairman
John Kruzan, Vice-Chairman
Danny England
Jim Oliver
Boris Thomas

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
FAIRFAX COUNTY PLANNING COMMISSION MEETING
40 STONEWALL AVENUE WEST
February 1, 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.

Oath of Office for Boris Thomas.

Approval of Agenda.

Consideration of the Minutes of the meeting held on January 4, 2024,

PUBLIC HEARING

Petition No. 1338-24 - Applicant proposes to rezone 2.140 acres from A-R to R-72 for the purpose of constructing a single-family residence.

Petition No. 1339-24 - Applicant proposes to rezone 5 acres from R-70 to C-H for the purpose of developing as a commercial property.

8. Petition No. 1340-24 - Applicant proposes to rezone 4.03 acres from A-R to C-C for the purpose of constructing a fuel station, convenience store, and retail.

Petition No. 1341-24 - Applicant proposes to rezone 10.95 acres from A-R to R-70 for the purpose of combining this property with an existing single family residential parcel.

Meeting Minutes 0 0 0 4

THE FAYETTE COUNTY PLANNING COMMISSION met on February 1, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

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. Oath of Office for Boris Thomas.
4. Approval of Agenda.
5. Consideration of the Minutes of the meeting held on January 4, 2024,

PUBLIC HEARING

6. Petition No. 1338-24 - Applicant proposes to rezone 2.140 acres from A-R to R-72 for the purpose of constructing a single-family residence.

Deborah Bell reviewed the staff report for Petition 1338-24 to rezone 2.140 acres from A-R to R-72 for the purpose of constructing a single-family residence and accessory structures. The property is a nonconforming lot. It appears to be a remnant from some previous lot's subdivision. So, the fact that it is nonconforming is not the fault of the owner. However, rezoning it would cure the nonconformance and make this a legal nonconforming lot. The current owners purchased the property in April 2023. There is an existing much older home on the property which, if they are going to try to retain it, would require some variances. So, they will have to assess if they wish to proceed with that or to build something new. Staff recommends conditional approval.

RECOMMENDED CONDITIONS

1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet of right-of-way as measured from the existing centerline of McBride 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. Applicant must obtain variances for structures not in compliance with R-72 Zoning or remove the structures within 180 days of rezoning approval.

Randy Boyd represents the petitioner, Jerry and Melissa Battle. They purchased the property in April of 2023. You can see from the map that it has all sorts of issues with it. To get the rezoning we have to apply for and dedicate an additional right of way. Yes, we will absolutely do that. I would like to take the opportunity to thank Deborah Bell and Deborah Sims for working with us on this. I took this over there and they about passed out. Everything on this property has issues: too many buildings, they are not big enough, and the property lines pass through buildings. They both really stepped out and tried to help us with this and we appreciate the help. The Battles purchased it and cleaned it up substantially. They want to renovate the house for their special needs son. The one to the southwest corner, there is an existing garage back there they want to build another house. There are a lot of issues on there. The property was created Nov. 1987 as part of a farm which was 12 acres. What they did was peel off 2-acres on each side. That's this piece. Then what was left over, I got those rezoned in the past. I got one rezoned in 2006 and another one 3-4 years ago to R-72. The 2-acre zoning is compliant with the comprehensive land use plan. We have R-72 to the West, R-40 to the North, and then A-R to the East and the South. This does fit the land use plan. I have heard a lot of appeals over the years, and I have listened to a lot of issues that people have had. But this is one where the Battles just bought this piece of property and they didn't do any of this, they are just trying to clean it up. Then you might say well, they should do their due diligence. Yes, they should but if you see a good deal, you also got to jump on it real quick. I would just ask that you zone this for the 2-acres. That is the proper zoning. The staff suggested that, and we support the recommended conditions. We look forward to working with them and cleaning this property up, so they have a nice piece of property. Thank you.

John Culbreth asks if anyone else is in favor of this petition would like to speak.

George Sullivan speaks on behalf of the petitioner. He is the property owner of the property immediately to the west of the petitioner. He has owned the property since March 2017. I moved my family here from Connecticut. When we moved here, the property was owned by a different property owner. In the time between March 2017 and when the petitioner bought the property, I have witnessed no less than two search warrants executed on that property, and no less than 12 incidents that required law enforcement. Mind you I am at home with two small girls and my wife. At the time when we moved here, I was a federal law enforcement officer. I, myself, detained 3 individuals until law enforcement could get them. Because they were on my property. This was on 3 separate occasions. I lived through it up until the new owner purchased the property. Anyone who knows McBride Road knows it was the number one eyesore. That property led to McBride Road being called the Infamous McBride Road with law enforcement because everyone knew it so well. The new owner bought it and has increased the positive nature, the cleanliness, and everything having to do with improving that property 1000 times over. Before it looked like a

condemned piece of property. It was littered with all matter of trash, vehicles, and debris that I had to look at every day. When the new owners moved in, within a small period of time, that was all gone, and they did everything they could up until the point they realized that they had zoning issues. To my knowledge, they have attempted to respond to every code request and do everything they could do. So, they have already demonstrated that if given the opportunity to at least make that property where you can do anything. As I understand it, they really can't do any type of modification. Give them the opportunity to at least meet the codes of Fayette County. I support them, and I didn't know them before they bought the property. Thank you.

Alexander Garcia here to speak on behalf of the petitioner. I actually just moved to Fayette County about a year ago. I live 2-3 houses to the west of Mr. Battle's property purchased back in April. The property was a mess. Mr. Battle came in and gutted it out completely. He is doing great things for our community and our property values. He wants to renovate and build something new to improve the property and I am in favor of that. Anything to make our property better. I am a new Georgia native; he has my 100% support. I don't see why you shouldn't approve this rezoning for him. He is just going to make our county better and bring that positivity to our town. Thank you so much.

Mr. Culbreth asked if anyone was opposed to this petition who would like to speak.

Tim Thoms from 625 McBride Road. It's not my property anymore but if you see those trees in a line in the upper right corner. That is now my daughter and son, where they are building a house. So, we are a couple of lots down from Mr. Battle. My property and I am proud to say that I am one of the few remaining farmers in Fayette County and have farmed that property for almost 30 years since 1996. I grow trees for the landscape industry. My property is up and above and further east. I have been a citizen of this county since 1984. I have put a lot into this county, and I have sat where you sit now for many years. I appreciate your sacrifice and willingness to come up here twice a month to do what you do because it is a thankless job. But we have made Fayette County a better place because of our service. I don't have any ill will towards the applicant. I just spoke to him for the first time today and just met him for the first time tonight. I have spoken to other people who know him and from everything I have heard, he is a fine individual. I have no ill will, but what I have come here to do is to oppose the petition. I know it meets the land use plan, but that 2.1 acres is barely within the density of that land use plan. Even across the street, the density is higher at 3 acres. We are on the fringe. I have been working that area for 30 years and I wanted my kids and my grandkids to take advantage of that too. Again, Mr. Battle has done a tremendous job of cleaning that place up...it was a pig sty. There is a lot of nefarious activities that have gone on on McBride over the years, such as the chandelier that hung on the pole in the yard (just kidding). The concern I have is that I don't think Mr. Battle will be able to do what he wants to do on that property. That house. The paper I gave you that has the red line around the shed. That is a 1,900 s.f. building as it exists as an accessory structure. Zoned A-R, I think the former owner said they were using it for agriculture, but allegedly they were using it for other nefarious purposes. It is just not going to fly to build unless you take all of those accessory structures down and start from scratch. I feel for the man because I know what my children have gone through to build their house. It is not easy in Fayette County to do what you want to do, and we go by the law so that good actors can be good actors and bad actors can't get away with anything. It makes it tough on us, but we have laws for a reason, and it has helped Fayette County for many

years be Fayette County and not someplace else. I think it is in your judgment to recommend denial to the Board of Commissioners. If you so happen to wish it to be approved, I think you can condition it so that all the accessory structures have to be removed. Mr. Battle can come in and build a house because the one that is there.... I have not been in it...but I know how it has been treated and I think there isn't any question that it is going to take a lot of work. It is in bad shape. Not to mention, it is way outside of codes, setbacks, etc. He has a lot of things to figure out. Someone told me a long time ago from the Zoning Board of Appeals that whenever you grant those appeals, you are allowing someone to break the law. We have this process that asks for rezoning, but we are still asking you to change the law that applies to the rest of the county. So, I would like you to look over the situation. I mentioned the nefarious activities that have happened on McBride Road for the past two or three decades. I guess before Christmas we were back in my house, and we see all these red and blue lights and we thought Oh my Gosh something else is going on McBride Road. The blue and red lights were up in the shed area. There was no shooting going on, which happened on McBride Road. So, we figured it was not that bad. Mr. Battle does work with law enforcement. He equips our sheriff, and fire department with sirens and lights for patrol cars and emergency vehicles. It is done in that shop. That is an illegal activity. He told me he lived off Hilo Road and he did the same thing in a shop he built there. I know his intentions are good, I just don't know that he can do what he wants to do. He ought to be able to do that in a commercial or industrial area where that kind of business should be done and not in an A-R setting. I appreciate your time.

Mr. Culbreth asks if anyone else is opposed.

Mr. Randy Boyd requested to make a rebuttal. He stated that he has known Mr. Thoms for quite a few years. As far back as when he sat on the board. He has always been very fair, but I do think he is incorrect that if you grant a variance, you have broken the law. Because granting a variance is just part of the zoning process. It's the last chapter that you have a remedy, so you are not breaking the law, but you are just seeing if those can be applied to situations where you can make that work. Mr. Battle is trying to clean that up, so it is proper zoning. It is zoned for 1 unit for 2 acres. The final product will be right at 2 acres once we dedicate the right of way. Mr. Battle will apply for all the variances. He will work with Planning & Zoning. They have done an excellent job so far. When we get into the project, there will probably have to be some more variances that we will have to apply for. They have been kind to give us enough time to do that, and we would like to go through the process of the next meeting to see if we do get the zoning. We will work with them, and I believe he will go for the variances that go along with the rezoning. Thank you.

Mr. Culbreth asks if there are any questions or comments from the commission.

Mr. Oliver has a question for Mr. Boyd if he was o.k. with the conditions, specifically in item 3 the 180 days.

Mr. Boyd says yes sir we were going to try to present it at the next Zoning Board of Appeals deadline, which is February 3rd, which the staff has talked to us about. Then I was thinking that the 180 days would be from the rezoning which gives us the time to work on that. I am going to be working on it anyway. So, yes, we will apply shortly thereafter if we are approved, and we have the right of way deed. So, yes, we agree to the conditions. Thank you!

7. Petition No. 1339-24 - Applicant proposes to rezone 5 acres from R-70 to C-H for the purpose of developing as a commercial property.

Debbie Bell reads the staff report for Petition 1339-24 a rezoning from R-70 to C-H for the purposes of extending the septic line from neighboring parcel to the south and possible other commercial uses. Staff recommendation as defined in the Fayette County Comprehensive Plan; Rural Residential-2 is designated for this area so the request for C-H zoning is not appropriate. Based on investigation and staff analysis, staff recommends denial of the request for rezoning to C-H.

If the request is approved, the recommended conditions are as follows:

RECOMMENDED CONDITIONS

1. Parcel 0450 090 shall be combined with parcel 0450 070 in an approved minor subdivision plat within 180 days of the approval of the rezoning request. The revised plat must include the 50' buffer separating the C-H Zoning from the residential zoning.
2. The existing asphalt driveway shall be removed within 180 days of the approval of the rezoning request. Removal of the existing asphalt driveway is stipulated on the minor final plat recorded on January 8, 2015. This was also a stipulation from GDOT for rezoning petition 1145-05.
3. If the septic system for 1552 S Highway 85 encroaches into this property, a revised site plan shall be submitted for approval within 90 days of the minor subdivision plat being approved and recorded.

Staff would like to note that on November 27, 2023, the adjacent parcel, 1552 Highway 85 South, did apply and was granted a variance to allow the septic drain field to encroach into the zoning buffers within that parcel. The property is currently identified as tract two on the minor subdivision plat of U.S. Station. In 2005, the owners at that time applied to rezone the property from A-R to O-I to construct an office park but the Board of Commissioners approved rezoning of the property to R-70. In 2014 a plat was presented that created four approximately 5-acre lots that you see today. The parcel is in the center of the county on Highway 85 South. This is next to the old U.S. Station which is under a redevelopment plan. This is the parcel that is subject to the rezoning. The land use plan shows Rural Residential. There are no environmental factors affecting the property and it is currently an undeveloped property.

Mr. Culbreth says thank you and asks if the petitioner is present.

Hello, I am Rick Lindsey representing the owner. The owner is Thomas Crossroads, LLC. I have with me tonight, Ed Wyatt, John Cook, and Blake Wyatt all from Green Oil which is the parent company of the LLC, and contractor Neal Brown. If we have any technical questions, I will have Neal come up to answer the technical questions. As Debbie said, we are seeking a rezoning to C-H. The property she was speaking about, part of the old U.S. Station just to the South is zoned C-H. We would like to put the drain field for the septic system on this property. Back in November, a variance was granted by the Zoning Board of Appeals in case the rezoning didn't happen here, but a better plan really is to put the drain field for the septic on the southeast corner going away from HWY 85. It is a 5-acre

tract. It is currently zoned R-70, and you may remember at one time was part of the U.S. Station. The convenience store that is being redeveloped. Here is a photo from 1983 that shows the U.S. Station which expands three different lots. Each of these lots has different zoning R-40, C-H, and the property we are talking about this evening is R-70. If you can see those vertical towers, those are gas tanks. It was a truck stop which first came into operation in the 1960's. So, 60 years ago it was a truck stop and continued being used for fuel. The asphalt has remained on the site and has been used continually until my client shut down the property for redevelopment. He uses driveway access for the property. It has been used to park school buses, dump trucks, and other large vehicles, but never for residential. It has always been used commercially or in some commercial fashion. Debbie Bell displays an aerial of the property. Rick Lindsey says due to the nature of the shape of the property, it is not easily developed. It is bordered on the south by C-H and also R-40, and R-70 to the North, and across the street a church, middle school, and a vacant property owned by the Islamic Center of Atlanta. Whitewater Middle School, Whitewater High School, and Sarah Harp Minter, so a lot of heavy users of this highway are on this road. We are proposing to rezone this property to match the other property that is being redeveloped to C-H. So, they may be combined, and the septic system is put along the southern southeastern portion of that. Having the septic system will assist in the buffering of that property from the neighboring residential to the south. The properties to the east are all over 2 acres. They are all large deep properties. We will certainly want to keep the buffers from the residential property. This property is in the land use plan as low-density Rural-Residential 2. That is really a mistake. The property has never been used residentially and never will be. When the property was rezoned in 2005 it went from A-R to R-70. The applicant had sought O-I zoning. I am scratching my head as to how it ended up being R-70. R-70 is a little easier to zone residentially. If you recall A-R the minimum lot size is 5-acres. R-70 is 2. That was in 2005 and you can see it still has not been developed. Part of the parcel to the left has been used commercially for all these years, since the 1960s. So, what we are looking at getting a zoning on this property that meets reality. You can call it residential, but it is really a square peg in a round hole. I guess it is really a pentagon in a round hole. It doesn't fit. I have looked at all the properties on Hwy 85. There hasn't been a residential house that fronts on Hwy 85 in the last 40 years. It is a reality that this part of 85 is busy, and 4-laned if you count the turn lane. We also know that one day GDOT has plans to 4-lane 85. So, in reality, it is something other than residential. Back in 2005 the former property owner applied and was denied for O-I. So, what happens if this is developed commercial? For one, it really benefits the area. For one, you can increase buffers. The nice thing in Fayette County is that we have nice zoning here. We have the overlay district which will oversee the parking, architectural style, lighting, landscaping, and overall look. The zoning ordinances we have here will control the buffering so that we don't have properties on top of each other. And at least 40% have to be left where it is not covered with any impervious surfaces. So, we will be able to get rid of that asphalt in the front. So, we are proposing that it will look like commercial property. And if the asphalt is removed there will be no access onto 85. Which really screams that it should be combined with the property to the south. Ironically, if it gets put back to what it was years ago when it was the U.S. Station. So, my client wants to move the septic drain field. It will make it a much better drain field to the southeastern portion of the property and then in the future, develop it commercially. The small commercial center will come off of the convenience

store that is being redeveloped now. It is going to be nice because he wants it to fit with the higher-quality convenience center that he is going to be building. It is a uniquely shaped property, and it is a small property, particularly when you think what is going to be taken by the septic system and the buffers. So, it won't be a big box or medium box, it will just be a small neighborhood commercial property that will offer products and services for the residents and the people who would be commuting up and down HWY 85. The property really needs to be zoned in a realistic manner where it is commercial and matches the property to the south so they may be combined into one. The septic drain system is put where it needs to be so it will increase the buffers and it will be one cohesive commercial unit.

Mr. Culbreth asks if anyone else wishes to speak in favor of this petition. Is there anyone who would like to speak against? If not, we will bring it back to the board.

Again, I am Tim Thoms and I live on McBride Road. McBride Road is about 200 yards to the south of the U.S. Station. I used to visit the station long ago and when it was the U.S. Station, that is fine because it is a grandfathered commercial zoning. There is no commercial intentionally until you get to Starrs Mill. This is by intention design. I think you have every reason to deny this as it does not comply with the comprehensive land use plan at all. Besides that, the two properties at the bottom of the screen, those I believe front on McBride Road and one of them...the people have lived there for ten years. The zoning was denied for O-I. It was rezoned R-70. So as eloquently as Mr. Lindsey spoke in promoting this development, it is difficult to defend sometimes, and you have to grant a zoning that can be defended in court. That is why it is R-70 instead of A-R. This is not a spot to enlarge the commercial area and get that started on the south side of the county between Fayetteville and Starrs Mill. Fayetteville is already creeping down in terms of development and that is not, as I understand, what citizens of the south end of Fayette County would like. Thank you.

Next speaker against.

Hello, again I am Alex Garcia. I have a few documents that I want to show, but before I begin, I want to say I met Ed Wyatt today for the first time and I have nothing but good things to say about the gentleman. If you can bring up the image with the satellite picture. I am actually the owner of 757 McBride which is this house right here (unintelligible as he stepped away from the mic). There is a huge berm. You can't see the commercial property. Mr. Wyatt reached out to me that you guys were giving him a hard time with the septic system. The way he has been so communicative...I actually wanted to buy that property from him. To turn my 5-acres into 10-acres and build a farm. So, we can get a few horses for my little girl over here. Unfortunately, his septic system has to be there, and he has to rezone it commercially. My wife asked if they rezone it commercial will they put buildings on there? It is one thing to put the septic system but another to have a commercial building. It is a beautiful property. I am from California and Delta brought me out. I am a veteran and I have two tours under my belt. The people are amazing, and I love it here. When he told me that when they zone it commercially, and I asked when. Mr. Wyatt said that on the north side, he wanted to put some buildings on the lot. That changes everything for me. One thing you want to consider is that the current zoning is residential. If you develop this commercially, the surrounding area will not be consistent. That could impact my property values and my neighbors as well. The neighbor right next to me is also against it. He's not here right now but he is totally against it. It might impact my property value. It might go

up or down. It's one thing to add a buffer but zoning commercial without seeing the plan. If you let him zone it commercially without you seeing the plan (unintelligible as he steps away from the mic). If he zones commercial, I will see everything right there, the trees will be gone and I will see cars, parking, people, buildings. You might want to consider before approving this get the facts. Get the plan! If he needs a septic system for the BP, I am all in favor of this because I am going to go to Dunkin' Donuts in my golf cart. I am in favor of the BP gas station if he needs to get his septic, but there have to be other channels that can be taken without giving him zoning that is commercial. Thank you.

Mr. Culbreth says thank you is there anyone else who would like to speak against Petition 1339-24 if not we will bring it back to the board. Mr. Lindsey, do you have a rebuttal?

Rick Lindsey says yes, just a couple of comments. We have a commercial property that abuts a residential property and the key to making it work for my client, as Mr. Garcia said is a very honorable and honest man who will work with the buffers in the county. So, this is not an issue. We will work with the county so this will blend in and be an asset to this community. So, it will be a small community-based, and centered retail use.

Danny England, Rick, I know you just sat down but I have a question for you. So, the first thing that I thought is that there is no room on the existing U.S. Station site for a septic system. Has the developer approached the county Department of Health and spoken with them about options for septic systems on the existing property and were they told, no?

Rick Lindsey, "Yes, because of the long-term commercial use of the property, the soils had to be taken out. So, it is problematic. That is why we have the variance to get it into the buffer. So that is going to take out some trees and a much much better plan is to put the drain field on this site.

Danny England, "So, it can be done but it would be expensive, right?"

Rick Lindsey, "We have the variance to do that now. You are going to take out buffers to do that. As Mr. Garcia said, you open it up. The better plan is to marry the residential to the commercial. Let's put the septic drain field there. Does that answer your questions?

Yes, it does, Danny England stated.

Jim Oliver asked, "Also, there are some conditions that are staff recommendations that are for approval. Do you have any problems with those?"

"No, sir my client will agree to all of those conditions," stated Rick Lindsey.

Debbie Bell asks if she may clarify something and states that she was advised originally by Environmental Health that the drain field needed to be on the same parcel with the use. Our attorneys have educated me that the drain field could be on a separate parcel with a permanent easement. There would be a possibility of putting the drain field on there without combining the two parcels.

Danny England, "So, if that is the case, is the rezoning necessary or is it just an easement onto the current zoning as is?"

Allison Ivey Cox stated, "That because it is the same property owner getting the easement would be easy. It is a separate parcel. We need an easement, and it needs to be recorded, but that is simple enough just to pass from one to the other and the buffers that had been varied would remain whether there is a rezoning or not."

Danny England, "So, no rezoning of this property but there is an easement that would allow for..."

Allison Ivey Cox, "This property owner would need to create an easement in order to allow for the septic drain fields to be on the property indefinitely. That would be recorded in the

deed record, and it would be burdening that property for the purpose of the other.”

Danny England, “In the future?”

Allison Ivey Cox, “Yes.”

Mr. Culbreth asks given what was just said, “Mr. Lindsey is that a possibility rather than rezoning the entire parcel?”

Mr. Lindsey, “I would have to look at the ordinances to look and see if that is a possibility. And with all due respect to Elliott and Dennis.... I don’t have an answer to that, but I do have this response. If you put a permanent easement there, it now cuts off more of his property and makes it even more problematic to ever develop. So, you have taken even more use of this property. Like I said it has been at least 2005 it was rezoned R-70, and it has never been developed. If the access point on Hwy 85 is removed as requested by GDOT, now the property has no access to any road. So, we have taken away the complete value of the property. It needs to be combined with the redeveloped convenience center to have the proper use of the property and put it back together as it was when it was U.S. Station and make it work and make it blend in with the area. Did that answer your question?”

Danny England, "Something I am wrestling with here is where it says intent on the petition for rezoning. It says here that the purpose of the rezoning is to extend the septic line from the neighboring parcel to the south onto this property and possible other commercial uses. So really what we are looking at here is that we are solving the immediate problem, which is the septic line, and then there is the potential for maybe some commercial uses in the future.”

Mr. Culbreth, “Is that your intent?”

Rick Lindsey, “Correct.”

Danny England, “So we can solve the septic issue pretty easily, right? We can get an easement. You can run septic lines all day. You can put them wherever you want and do it in a way that would not encumber the future use of the property. On the flip side of that, we had a rezoning last month on Hwy 85 that was commercial, and I think your opening statement was that this is probably never going to be developed residentially. If you look across the street those are not houses. There is the school, churches, there is commercial further south there is a gas station there. It is a little bit of a balancing act for us to figure out the comprehensive plan vs. the reality of how people are going to use this thing on the open market and what makes sense. Just trying to look for answers to all of the questions to make a balanced decision.”

Mr. Culbreth, “You made a statement that there has been no residential development in the last 40 years.”

Rick Lindsey, "That front on Hwy 85. Right, and I was on the Fayette County tax map, and I went from Harp Road on both sides and looked for a house that fronts on 85. The most recent one I could find was built in 1982. The rest were in the 50's and 60's. Now if they have driveway access on some of the side roads, there has been more recent development, but the ones that front on 85...when Fayette County was a sleepy, slow, more rural county. It has been a long time since Fayette County has been sleepy. We moved in '87 and it was considerably sleepy compared to today. No one is going to build a home that fronts on 85 today. That is just the reality. We want to take this property and we have a use for it. Everyone has a right to have a use for their property and not have that taken away and make it blend, look nice, and be an amenity for the area. Not something that is a blight. I am not

saying this is blight, but having all that asphalt there is not attractive. Let's do something that makes it better than it is today. I hear not wanting commercial to march all the way down 85. Here you are in an area that has already been used commercially for 60 years. It would make it look much better. That's what we are trying to do."

Mr. Thomas, "Have you developed an impact study in regard to placing future use commercial there and how it would impact the traffic from the school daily and the ingress and the egress of the school right across the street and the proximity of it being so close to the new light on Harp Road. That light was not there before. Have you done any impact study or spoken with the Department of Transportation regarding the traffic light?"

Hello everyone, "I am Neal Brown with All-Span Builders. I have been handling the demolition of the old U.S. Station. Thank you to the Planning Commission and Deborah and Debbie for all the work that has gone on for this facility. To answer the question about the traffic study. I had a meeting with Stanford Taylor with DOT earlier this week and it is their wants to terminate the driveway across from the school and make the two driveways that are in place now, the active driveways. And do frontages approach to the left and the right, so yes it has been addressed but not on a formal study yet, but I did have meetings with DOT before this meeting tonight. So, we are in agreement to get rid of the driveway on the northern end and then your traffic will come in the two where they are already approved, and they would access that property on the frontage drive. I guess I have been through two pre-con meetings on this project, and everything has focused on the construction of the facility. This is the first time this option has been presented from legal stating that we could do this easement on this other piece. From the very beginning, Bonnie Turner, from Environmental Health said that the property owners' names had to match, and the zoning had to match. So, that is the reason we have got to this point. And I have multiple variances on this project because of the configuration. Honestly, I thought it was zoned incorrectly and we were going to find out why it had ever changed from the U.S. Station. The parking lot has four entrances in three different zones. It just doesn't make any sense. Your landmark or benchmarks have been there since the 60's that is why we are asking just to get the two pieces zoned the same and it will work a whole lot better on setbacks, septic, and the whole nine yards. Everyone is talking about the improvements. How about the man over there who is spending multi-million dollars to improve what we got now? So, some consideration needs to be given there. Thank you.

Mr. Oliver states, "Mr. Chairman, we all attended a wonderful seminar this week put on by the University of Georgia talking about dealing with zoning questions to ask and they gave us a rundown of what questions to ask to determine whether to approve or deny a rezoning. There are 6 criteria, and this petition meets all but one of the criteria. A lot of that has to do with the comprehensive plan. It doesn't quite fit what the comprehensive plan is, but it doesn't look like it was ever meant to, but one of the overriding factors that I see is whether the property affected by the zoning proposal has a reasonable economic use as currently zoned as R-70. I don't think it fits as currently zoned, the reasonable economic use criteria. I don't think anyone would want to be put in a home facing Georgia Highway 85 across from Whitewater School and across from the church. There have been a lot of residences and there is nothing surrounding it that is zoned other than residential. Well, right across the street there is not residential zoning. It is more in the commercial vein of zoning. I don't think this is an unreasonable request. The issue of an easement came up this evening, but the petition before us tonight is for a commercial zoning. We either

deal with it now or deal with it later. We are merely a recommending body, and the county fathers will have the final say. But I don't see anything unreasonable in this request. There is no doubt that this is a commercial type of zone and not a residential zone and it is something that needs to be addressed here and now.

Mr. Culbreth asks for any further comments. If not, we will entertain a motion. The staff has made their recommendations.

8. Petition No. 1340-24 - Applicant proposes to rezone 4.03 acres from A-R to C-C for the purpose of constructing a fuel station, convenience store, and retail.

Debbie Bell reviews the staff report for Petition 1340-24. The property is located in land lot 5 of the 5th district and fronts on Harp Road, Highway 85 South, and Old Senoia Road. According to the Fayette County Comprehensive Plan, the property Rural Residential-2 is designated for this area so the request for C-C is not appropriate. The planning & zoning staff recommends denial of the request for rezoning to C-C. However, if the request is approved, the recommended conditions are as follows:

RECOMMENDED CONDITIONS

1. Harp Road is a minor arterial. The developer shall dedicate right of way, as needed, to provide 50 feet as measured from the existing centerline of Harp Road. The corner at the intersection of Harp Road and Old Senoia Road shall be chamfered 20 feet along tangent legs.
2. Submittal of the warranty deed and legal descriptions shall be provided to the County within 60 days of the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.

The property is a non-conforming lot because it does not contain the minimum required acreage for an A-R zoning district. It is located in a highway overlay zone, and it is just north of the highway we just looked at by half a mile. This parcel is bounded on three sides by the roads. You can see that it is A-R zoning and a lot of property in the area is A-R zoning or R-40, medium to low-density residential. Here is the land use plan which recommends rural residential to the south and low-density residential to the north of Harp Road. There are no significant environmental factors that appear to affect this site. Here is an aerial view of the undeveloped property.

Mr. Culbreth asks for the petitioner to come forward to speak.

Hello, my name is Darrell Baker and I represent the landowner and the potential future landowner of this site. I have asked Deborah to hand you a copy of the plat for this property that was recorded back in 1979. This plat and piece of land was divided by Mr. Young who was also a farmer and developer and who owned this land and the land where probably a lot of the citizens here tonight are from, and their homes are which is now called Rebecca Lakes. He subdivided that land and many of the streets in Rebecca Lakes are named after his family and his kids. I think if you look at that plat, this piece of property has been a concern since they platted. That plat specifically states, that when he platted with the county it says 'future commercial use' why do you think he would do that? As a farmer and a developer, he realized that the property was bordered on three sides by roads. You guys

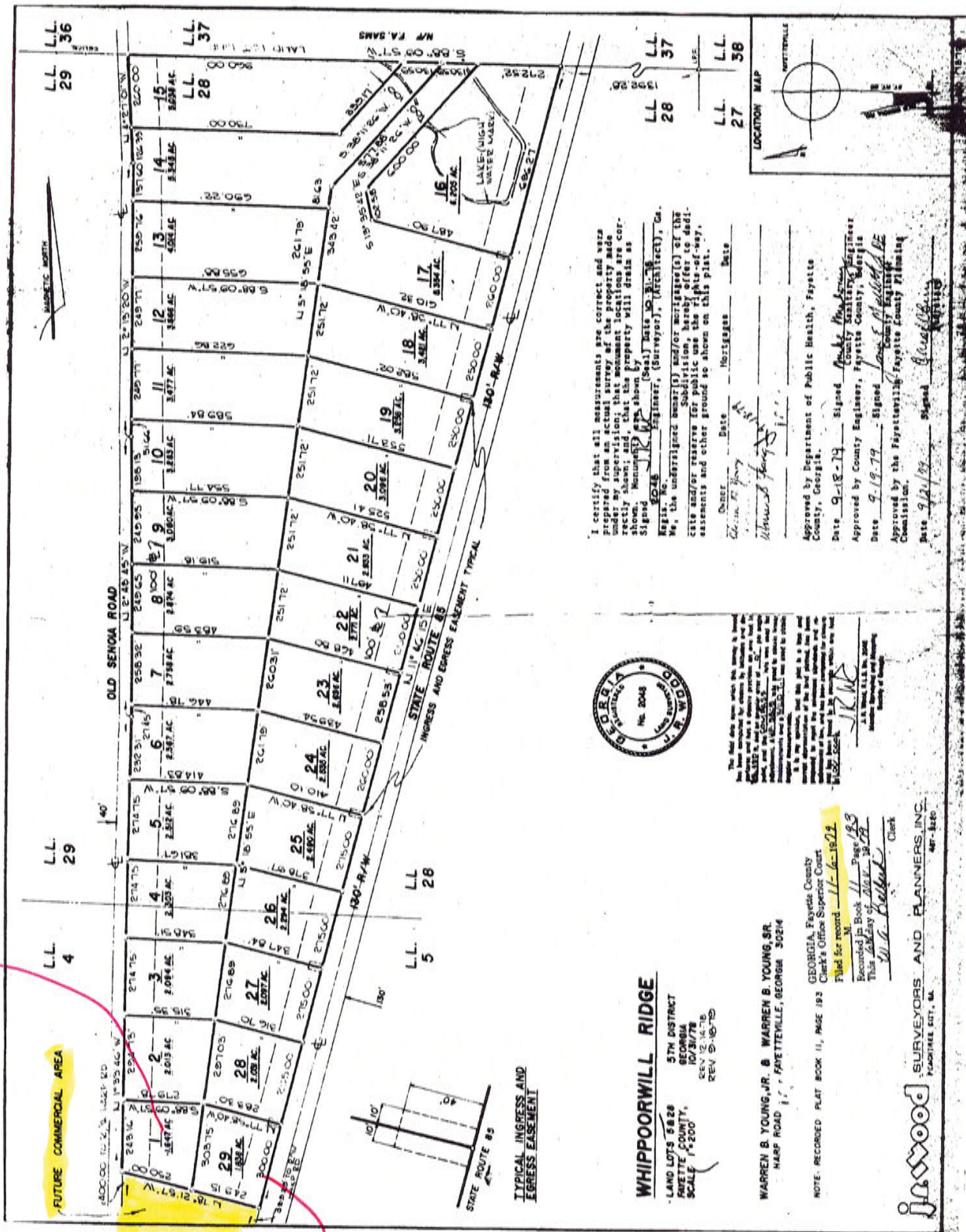
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130 Jenny Lane
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hit the trifecta tonight because you are considering three commercial properties tonight in an area of the county which is growing. I get that a lot of people will stand up and discuss the county changes, and I get it, I was born here 60 years ago. I have watched this county change. Change is inevitable. I have farmed the land where Towne Center and Summit Point sit right now from the time, I was 9 to the time I was 18. So, you can imagine how much this county has changed in 60 years. I think Mr. Oliver made a good point, when the comp plans are considered, the question is do they look at every piece of land in the county? And the answer is no. If you look at this property, there is nothing other than houses around it that say it is a good piece of property for A-R residential. It is non-conforming; it is only 4.03 acres, and it doesn't even meet the 5-acre mark. It has been encroached by state highway improvement. It has been encroached upon by improvement along Harp Road. When Mr. Davis bought the property, Old Senoia Road was a gravel road. So, you now have the improvement of Old Senoia Road. So, through no fault of his own whether through road improvements or zoning updates which have made, this a non-conforming lot. All of these changes...he now has a piece of property that I don't think anyone in this room would build a house on. I could be wrong. I know that I wouldn't. I wouldn't want to be bordered by roads on three sides. I get that no one likes to change, and no one likes growth. Let's talk also about what is happening up the 85 corridor. I heard a comment by Mr. Thoms about commercial development. There is commercial development all up and down 85 South. If you look there are 4 signalized intersections up 85 South from the city limits all the way to where you go into Senoia. There is Ramah Road there is the Racetrack and even though it is in the city, it is also in the county. Then you get to Harp Road and that is the piece of property we are considering. Then the next piece of property is Bernhard, and you have fuel, retail, convenience, an office, a church, and a fire station at Bernhard Road and 85. The next intersection is Padgett Road, Hwy 74 and 85. What has been approved on two corners of this intersection is fuel and convenience. So, tell me what makes this property different than those pieces of property? Most of those properties are surrounded by residential. Most of those properties are parts of larger R-R tracts. So, I represent a gentleman who has owned this property for 41 years. He bought it from a gentleman who already knew that this property would probably never have a house on it due to the nature of the property. Through hardships not created by the landowner himself, he now has a non-conforming piece of property. I hate to say it but of the 60 years I have been here, I have been developing for 33 of those years. I have been a change agent here on things that people haven't liked. I have been a change agent on things that people have liked. I have friends who live adjacent to this property and friends in Rebecca Lakes. One of my friends growing up, his father is here, and he owns the immediate track to the north. There should be something said for landowner rights and there are certain things that have happened to this tract that have made it a non-conforming tract. The other four intersections the other three you have fuel. Let me give you another statistic. I went and looked at all the signal lights in Fayette County proper outside of the city limits. If you look at Hwy 85 N, 85S, 54E, 54W, 314, 92 N, 92S you have 22 signalized intersections. Of those 22 intersections, we have fuel and convenience on 13 of the 22 intersections. Of those 16 are commercial tracts with commercial uses. You have 5 tracts that don't have any commercial because when the signal was installed all tracts that touch that intersection were already zoned with residential houses. One tract that is totally different than the rest of them and that is the intersection of New Hope Road, 92 South, and Lees Mill where you have the historic

church, the community center, and Fayette County Water. So, the majority of signalized intersections throughout the county have all changed in the character of the piece of property. So, I represent an owner and a potential buyer who is a credible developer. He has done this a lot of times, and he is willing to conform to an overlay.

Ms. Bell states that the property is located in the state route overlay.

We are willing to develop to the standards of the overlay which would be residential in nature. We have potential elevations already...all brick, the gabled roof, it will have small retail just like Bernhard and 85 do. We will conform to the conditions. We will work with staff to mitigate the light transfer. There will be additional buffers required and any other conditions that staff may have. Again, we understand that this is not popular, and this is an issue, but I gave you the plat that was recorded. Those are addresses of homes in the area and when they were built. Based on when this land was platted. You can see most of these homes have been built from 1993 and out and have been platted since 1979 and it says future commercial use. We understand that this does not guarantee rezoning, and he did not go and get it rezoned at the time. Early on when he was discussing this with the county about making road improvements and they were talking about paving Old Senoia Road. He came to the realization as a developer that there was going to be no way that anyone was ever going to build a house on this piece of property. Look how old this property is and there has never been anything on it. It is just like the U.S. Station. It has been like that forever and with all the land around it, you are never going to get anyone to develop a lot and build a house. I am here to answer any questions. Change is hard and unpopular.

Mr. Culbreth asked if anyone else would like to speak in favor of the petition? Is anyone in opposition? OK, I see a lot of hands. Have you selected a speaking leader for you?

Hello, my name is Harry Sweatman. I live at 516 Old Senoia Road. I am next door to that lot. I have known Mr. Baker for 50 years or so. He made a statement that this lot was non-compliant. I assume it is non-compliant for someone building a house. Mr. Davis clear-cut that lot some 20 years ago which maybe made it non-compliant...I don't know. At the time, that was an old-growth forest almost. I don't think it was actually old growth, but it had some large, mature trees. Mr. Lindsey stated that there hadn't been any houses built facing 85. That's wrong. There has been plenty of houses, I believe from Perry Creek all the way to Harp Road. Some of them in the last 10 years or so. There is nothing but homes and churches. I don't know what he plans to do about light pollution because if he does do that my biggest hope is it would be something like a Dollar General because they do close. He is going to have light on there all the time. When I got there and heard it was going to be a service station, I was real upset about it. I also have one question, what happened when the county said that there would be no commercial development along the proposed west bypass? Have they changed that or changed the route? I have only lived here for about 40 years and in the county for about 50 years and all that growth is not pretty and doesn't justice to this county. Thank you.

Next speaker against.

Good evening, my name is Russell Blythe from Herons Landing. Commissioners, I am president of the Herons Landing HOA. We are a neighborhood of about 18 homes and the entrance is about 800 feet up Old Senoia Road from this proposed site. Many of our homeowners have school-aged children who attend Whitewater Schools and catch the bus right on Old Senoia. A number of our homeowners are here tonight, please raise your hands so we can see you. The planning and zoning staff has recommended denial and I think that

is the right decision. The subject property is surrounded on all sides by properties that are zoned residential. There are commercial properties about ½ mile to the south that we spoke about earlier tonight. This property is meaningfully different from the property we spoke about earlier tonight. The gas station that was there has been there for 6 decades. For the property of this petition, there has been nothing but trees and grass. There has not been anything on this property and that is the way it should stay. Unlike the other property too there is no access to the other property except on Hwy 85. On this property, there is access to Old Senoia Road and Harp Road in addition to Hwy 85. Regardless of what has happened on Hwy 85, there have been plenty of homes built on Old Senoia Road in the past 10 years. It is a perfectly reasonable use as a residential property. This is nothing like the property to the south. The nearest commercial property is nearly 2 miles away at the old Trading Post (1045 Highway 85 South). There is not a single property zoned commercial on Old Senoia Road. There is not a single property zoned commercial on Harp Road. Mr. Baker speaks with a silver tongue, and he is very persuasive. He mentioned that there are a lot of gas stations in town. I agree. There are a lot of gas stations in town. There is clearly no need, at this time to rezone an area that is clearly residential on all sides to put up another gas station. We don't need it. We are going to have another one ½ a mile away. We have one 2 miles in either direction. This is not a need for this county. The only need is for this owner who wants to transition this into commercial property to make some money off of it, but that is not going to be of benefit to the people who live in the area. There would be some significant hazardous impact. As I mentioned the residents in our area have a lot of children who catch the bus on Old Senoia Road. That is not intended to be a commercial artery. The last thing Old Senoia needs is more traffic, and it is sure to negatively impact the traffic on Harp Road as well. On behalf of the HOA at Herons Landing and the residents of the surrounding area who chose to live in a rural residential area, we request that you deny this petition.

Mr. Culbreth, "Anyone else wishing to speak against this petition?"

Good evening, my name is Paulette Roberts, and I am the President of the HOA at Rebecca Lakes yes, we have a large number of our residents that are here today. Our neighborhood has 100 homes, and we are right across the street to the proposed change. All the properties are zoned residential in the surrounding area. Although this is supposedly a non-conforming lot of 4-acres. The property just south of it was rezoned from A-R to R-70 changing a lot from 6 acres to 3 potential 2-acre lots. All residential. So, in keeping with the plan for this part of Fayette County. This is a very residential area and does not seem to fit that this particular property would be changed to commercial. The reason my husband and I were drawn to Fayette County was the comprehensive use plan and the respect for the residents who currently live there. By putting that as a commercial property, you are adversely affecting all the residents who live on those 4 corners. I don't believe that would be of the best use for all the residents who live in this area. As Mr. Blythe mentioned, there is economic use for this property if it stays residential. You could access it from Old Senoia Road or Harp and that is very possible. The way this change would adversely affect the property owners with a drop in property value, increased light, traffic, and possible water issues. We have 3 lakes in our neighborhood, and we don't need extra water heading our way. Finally, we have a lot of children and there are a lot of things sold in convenience stores that we don't want children to have easy access to. So, I would ask you to please consider the family aspect of Fayette County and how the southern part has always been

that way. We ask for the denial of this zoning change.

Thank you. We have 11 minutes left. Anyone else?

My name is Jessica Kennedy and I live on McElwaney in Rebecca Lakes. Paulette brought up a few of my points. The gentleman had spoken about not having driveways with road frontage and across from this, you guys approved a plan with a driveway to Harp and the other two are going to have driveways off of 85. So, I am not sure anyone would want to build a house knowing a gas station would be across from it. Paulette had brought up the ponds and the lakes. I actually own one of the ponds and the runoff comes from Harp and travels down the backs of McElwaney and Youngs. The runoff comes from there and drains into our pond. We do have fish and turtles. It actually drains down to the larger lakes. I have a concern if you were to take away all the grass and the soil and have concrete what the runoff would be? Also, down Old Senoia, you have the bird sanctuary, and I am sure that the runoff would affect that, and it is something that should be protected. I know someone said it was a triangular lot, but a triangular lot that you can put three homes feels a little more abnormal to build a home on. Like I said we have 99 homes in our neighborhood, we have Herons Landing, another neighborhood across from that area. It is going to devalue our home to have a 'stop and stab' there. I just can't imagine having a want or need especially if you guys just approved a vape store to go across from the middle school. I am not even really sure what you guys approved. I don't know how much business we would really want here. My husband and I chose our home based on the school system. If we start putting a gas station on every corner that can be robbed, now we have crime. Another thing to point out is there is a cut-through from the middle school to our neighborhood and I have actually sent two children back to the middle school during school hours. I don't think we want middle school children leaving school to walk through our neighborhood to go get their vape pods. That is just not conducive to the life I have built here in Fayette County. I grew up here. I lived on the north side of town. My mom still has a beautiful house there and she recently moved into our neighborhood. We don't want to turn into what was over there. I know we think we have a lot of homes, and we couldn't do that, but if we take every spare corner, we absolutely could! I am highly opposed to it! Thank you!

Mr. Culbreth, is there a rebuttal or another speaker?

Tim Thoms from McBride Road again. You bring three rezonings within a half mile of my house and I am going to come up here all three times. I hope I don't jinx these folks since I am 0 for 2 but I am up here batting with 2 strikes. I hope they talked to you at your seminar with the University of Georgia about spot zoning because this is the definition of spot zoning. If you approve this, you have practically tripled the commercial zoning in this area overnight if the Board of Commissioners approves it. And if you look at the other corners you are probably going to quadruple it. So, you are having a huge impact tonight, and I am extremely disappointed.

Thank you, sir.

Mr. Culbreth, ok sir. Thank you is there anyone else? Do we have a rebuttal?

Darrell Baker addressed the board for a rebuttal. The non-conforming lot piece is because the A-R zoning category requires 5-acres so that is why it is considered a non-conforming lot because it is only 4.03-acres. If you want to know how it got to 4.03 acres look at the roads around it. Look at the road expansions around it. So, we have had quite a few people talk about how commercial stops at the old Trading Post (1045 Highway 85 South). That's

not the case. If you go slightly south of that on the left side of the road, you have the Art of Landscape. That is a commercial business, not a residential use. So, you have more business beginning to move. Mr. Sweatman was concerned about it being open all night. The developer (Mr. Sing) who would be developing this would only propose being open from 6 am to 10 pm. I am sure that the county is going to require us to put cut-off shields on the lights that stay on, forcing the light straight down, which will aid in stopping light transfer across the property. And there will be required improved buffers that will be required by the county. On the new lots that were approved by the county. Only one of those lots (and it was the petitioner that got it approved) is bordered by two roads and that is the corner lot that was approved by Mr. Win Lee was approved. His lot borders Harp Road and 85. The rest of the lots front on 85 and the back of the lots are on Rebecca Lakes. So, they are not bordered on 3 sides and the majority are only bordered by one road. With regards to run-off, I would refer you to the staff report where the different departments weighed in if this were granted what would have to happen? I would refer you back to the statement that says this is not in a run-off area, it is not in a FEMA area, it is not in a wetland area. Any water that leaves the site will have to meet certain regulatory guidelines for water quality. We can't just develop anymore and let it run off into the detention ponds. We now need to spend a lot of money on water-quality structures. We now need to provide a rebound for additional water. Basically, when we develop a site, it has to drain like it did in an undeveloped state. Now the guidelines are even more stringent, where you have to clean the water even more before it leaves the site. The skeptic in me says I wish this were just about protecting property values because again these subdivisions were built after this land was platted. Whippoorwill Ridge was a piece where this was created. The homes subsequently were built after this lot was platted this way. Rebecca Lakes was subdivided and built much later than what happened down Old Senoia Road. Mr. Blythe spoke up from Herons Landing and if I remember correctly the first house built in there is the first house on the left and it was built in 2014. I asked the folks that are here when you come into an area and buy a home, how much research do you do? Do you look at the lots around you, do you look at the plats, do you see what people have designated to happen around you? When you buy a home one house off the state highway, do you ever think, the nature of this area could change? I have heard several people talk about how this is still a great residential lot, well, why didn't you build your house there? If it is a great residential lot, then why didn't you build there? Why did you move inward down to Harp Road or Old Senoia? The reality is this is not a residential lot and hasn't been one for a long time. If a lot is not allowed to be developed for something other than A-R, then it will never be developed, and you are taking away the landowner's rights of the man who has owned it for 40 years and the rights of the person before that.

I am Stan Parrott and I live off Harp Road on McElwaney. I have known the landowner for a long time. He is a very fine fellow. I don't want to inhibit a person from being able to achieve or buy land or develop it that they have paid taxes on for a long time. But well, a convenience store, my wife and I added a screen porch because of the mosquitos. We enjoy sitting outside in the evening. And I am all for the light that you put up there, but the noise increased substantially because people stop and then they take off. We do know that the noise, when they develop, the property is going to increase again substantially because of the elevation is higher up and I know that the sound is going to carry, I know some

neighbors when they were trying to sell their house the peoples' comments were how noisy it was due to Georgia 85. We are just adding to it and noise is my biggest concern. I don't know all of the dates, but our home was built in 1994. It wasn't the first house built in Rebecca Lakes. So, I know Mr. Warren Young who is now deceased, and any comment that he may have made about that being a commercial piece of property. It was quite rural back then, of course, if he was still if he was a neighbor like his son is I know he wouldn't approve of that land as a commercial property. As far as a business, if you have a business there that closes at normal business hours like 5 or 6 pm then that's fine, but to have a convenience store. One of the ladies who spoke about North Fayette County earlier. In North Fayette County there is a QT up there and if you go up there at certain times of day, you see people hanging out there and that is a busy station. We have grandchildren now and they stay with us at certain times of the week, and I look at what are you inviting there? People who hang around. You see some people just walking down Georgia 85. There are some homeless people I have even spoken to who just hang out there. The main thing is just the quality of the neighborhood. We all feel like this was a nice neighborhood. This was the border for going to Fayette County High School and then they built Whitewater High School and the lines changed. If someone was looking at our house, well we are going to add more noise. This is what we are concerned about for when we have to move. If a commercial use comes in, I don't think there is a future there for us. We love our neighbors. Thank you.

Mr. Culbreth asked, "We are going to bring it back to the board. Are there any questions?"

9. Petition No. 1341-24 - Applicant proposes to rezone 10.95 acres from A-R to R-70 for the purpose of combining this property with an existing single-family residential parcel.

Debbie Bell reviews the staff report for the above-referenced petition for the purpose of combining the property for a single-family residential parcel. As defined in the Fayette County Comprehensive Plan Rural-Residential-2 is designated for the request for R-70 is appropriate. Based on the staff investigation and analysis staff recommends conditional approval with the following recommended conditions:

RECOMMENDED CONDITIONS

1. Parcels 0708 067 and 0708 057 and this rezoned portion shall be combined into a single parcel within 6 months of approval of the rezoning, or prior to the approval of any additional building permits, whichever comes first.

Debbie Bell shows a display with an aerial of the previous United Soccer Training Complex property. It is now zoned so I did some creative coloring to illustrate. Mr. Ed Wyatt owns these two properties to the north. He is proposing to purchase 10.95 acres from the larger parcel. In order for him to combine that with his property it needs to be rezoned to match his property which is R-70. So, he is requesting to rezone this one from A-R back to R-70 which is consistent with the land use plan. It is undeveloped property. There is some floodplain, and he is aware of that. It does not affect the viability of doing the rezoning, but it is a factor on the lot. Debbie Bell projects an exhibit provided by a

surveyor that demonstrates the properties more clearly.

Mr. Culbreth asks if the petitioner is here.

Yes, sir, my name is Jeff Collins and I hope this doesn't take too long and it is less controversial. Ms. Bell did a fantastic job of explaining it, so I don't want to overdo it. The intent here today is to subdivide the 10.95 acres so it can be conveyed to Mr. Wyatt and in order to combine it, it must be like zoning. So, to have the same zoning as his property, which is R-70, we need to rezone to the same so he can have a little more space there.

Mr. Culbreth asks if anyone else is in favor. Is anyone against? If not, we will bring it back to the board for discussion and questions.

Danny England asks if there is a gas station on this property and says let the minutes reflect there is no gas station on this property. Our first rezoning without a gas station tonight.

Mr. Culbreth, discussion?

ADJOURNMENT:

Danny England moved to adjourn the meeting. Jim Oliver seconded. The motion passed 5-0.

The meeting adjourned at 8:55 p.m.

**PLANNING COMMISSION
OF
FAIRFAX COUNTY**

**JOHN CULBRETH, SR.
CHAIRMAN**

ATTEST:

**CHRISTINA ALKE
PLANNING COMMISSION SECRETARY**

OATH OF OFFICE

STATE OF GEORGIA COUNTY OF FAYETTE

I, Boris Thomas, do solemnly swear that I will uphold and obey the Constitution and laws of the United States of America and the Constitution and laws of the State of Georgia, that I will uphold the planning and zoning regulations of Fayette County until they are legally changed, that I will perform my duties as a member of the Fayette County Planning Commission in a businesslike way, supporting at all times the actions that, in my opinion, will be for the best interest of Fayette County as a whole, so help me God.

Sworn to and subscribed before me this 1st day of February, 2024.


Boris Thomas


Witness


Notary Public



PLANNING COMMISSION RECOMMENDATION**DATE:** February 1, 2024**TO:** Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1340-24, the application of Mr. Tommy O. Davis to rezone 4.03 acres from A-R to C-C, be:

☐ Approved ☐ Withdrawn ☒ Denied 5-0
☐ Tabled until _____
☐ Approved with Conditions _____

RECOMMENDED CONDITIONS

1. Require Right of Way dedication as needed along to meet 50 ft from centerline for Harp Road and to chamfer (20 feet along tangent legs) the corner of the intersection of Harp Road and Old Senoia Road.
2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.

This is forwarded to you for final action.


 JOHN H. CULBRETH, SR., CHAIRMAN


 JOHN J. KRUZAN, VICE CHAIRMAN


 DANNY ENGLAND


 JIM OLIVER


 BORIS THOMAS

Remarks:

**STATE OF GEORGIA
 COUNTY OF FAYETTE**

RESOLUTION

NO. 1340-24

WHEREAS, Mr. Tommy O. Davis, having come before the Fayette County Planning Commission on February 1, 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 4.03 acres from A-R to C-C for the for the purpose of constructing a fuel station, convenience store, and retail; and **WHEREAS**, the Fayette County Planning Commission having duly convened, and considered said request;

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

This decision is based on the following reason: _____

Not compatible with the surrounding area.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

ATTEST:



JOHN H. CULBRETH, SR., CHAIRMAN



**DEBORAH BELL
PLANNING & ZONING DIRECTOR**

**STATE OF GEORGIA
COUNTY OF FAYETTE**

PETITION No (s): 1340-24
STAFF USE ONLY

APPLICANT INFORMATION

Name Darrell Baker, Agent / Randolph Williams, LLC
 Address 100 World Drive, Suite 105
 City Peachtree City
 State GA Zip 30269
 Email dbaker@rwcre.net
 Phone 404.977.2470 cell

PROPERTY OWNER INFORMATION

Name Tommy O. Davis
 Address 9288 Hwy 16 E
 City Senoia
 State GA Zip 30276
 Email [REDACTED]
 Phone [REDACTED] cell

AGENT(S) (if applicable)

Name Same As Applicant Above
 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: February 1, 2024

DATE OF COUNTY COMMISSIONERS HEARING: February 22, 2024

Received from _____ a check in the amount of \$ 250.00 for
 application filing fee, and \$ 150.00 for deposit on frame for public hearing sign(s).

Date Paid: _____ Receipt Number: _____

PETITION No.: 1340-24 Fees Due: \$250 Sign Deposit Due: \$/50
 STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0503 036 Acreage: 4.03
 Land District(s): 5th Land Lot(s): 5
 Road Name/Frontage L.F.: Ga Hwy 85 S Road Classification: _____
 Existing Use: Undeveloped A-R Parcel Proposed Use: Fuel / C- Store / Retail
 Structure(s): 2 Type: Multi-Tenant Retail Bldg / Gas Canopy Size in SF: 9,600
 Existing Zoning: A-R Proposed Zoning: CC, Community Commercial
 Existing Land Use: Agriculture Resident Proposed Land Use: Convenience Store
 Water Availability: Yes Distance to Water Line: On the site Distance to Hydrant: Currently on the front SE corner of the site

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: _____

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: _____

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:

Tommy O. Davis

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0503 036

(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) 5 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 4.03 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Darrell Baker 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) Tommy O. Davis
 Signature of Property Owner 1
9288 Hwy 16 E, Senoia, GA 30276
 Address

Address

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent
100 World Drive, Suite 105, PTC, GA 30269
 Address

Address

Courtney Lewis
 Signature of Notary Public
12/11/23
 Date

Date

Signature of Notary Public

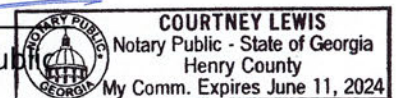
Date

Signature of Notary Public

Date

Signature of Notary Public
12/11/23
 Date

Date



PETITION No.: 1340 - 24**OWNER'S AFFIDAVIT**

(Please complete an affidavit for each parcel being rezoned)

NAME: Tommy O DavisADDRESS: 9288 Hwy 16 E, Senoia, GA 30276

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

Tommy O Davis 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 \$ \$400 to cover all expenses of public hearing. He/She petitions the above named to change its classification to CC, Community Commercial.

This property includes: (check one of the following)

[☒] See attached legal description on recorded deed for subject property or[☒] Legal description for subject property is as follows:PUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of Feb 1, 20 24 at 7:00 P.M.PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of Feb 22, 20 24 at 7:00 P.M.SWORN TO AND SUBSCRIBED BEFORE ME THIS 11th DAY OF December, 20 23,

Tommy O Davis
 SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Tommy O Davis, 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 Hwy 85 S & Harp 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 11th day of December, 2023.

Tommy O Davis
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC

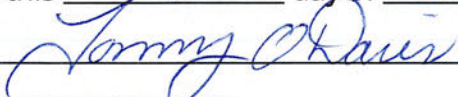


12/11/23

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

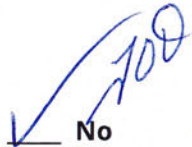
Signed this 11th day of December, 20 23.



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.

CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

(All applications/documentation must be complete at the time of application submittal or the application will not be accepted)

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

Form 10-8

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, Made the 28th day of March, in the year one thousand nine hundred eighty-seven, between

WARREN B. YOUNG, SR. and WARREN B. YOUNG, JR.

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

TOMMY O. DAVIS and CONNIE N. DAVIS

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

WITNESSETH that: Grantor, for and in consideration of the sum of Other valuable consideration and Ten----- (\$10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 5 of the 5th District of Fayette County, Georgia and being that 4.206 acres tract of land shown on a plat of survey dated 3-16-83, prepared by J. R. Wood, Registered Land Surveyor for Warren B. Young, Sr. and Warren B. Young, Jr. and being more particularly described as follows:

BEGINNING at a point located in the Northwest corner of the intersection of Harp Road and State Route 85; running thence Northwesterly along the North right-of-way of Harp Road and following the curvature thereof 409.4 feet to a point on the East right-of-way of Old Senoia Road; running thence North 01 degrees 33 minutes 46 seconds West along the East right-of-way of Old Senoia Road 400 feet to a point; running thence South 78 degrees 21 minutes 57 minutes East 499.15 feet to a point on the West right-of-way of State Route 85; running thence South 11 degrees 46 minutes 15 seconds West along the West right-of-way of State Route 85, 399.29 feet to the point of beginning.

GEORGIA, Fayette County
Clerk's Office Superior Court
Filed for record April 2, 1987
3:30 P.M.
Recorded in Book 439 Page 97
This 2 day of April 19 87
W. A. Ballard Clerk

Fayette County, Georgia
Real Estate Transfer Tax
Paid 21.50 Date 4-2-87
Clerk of Superior Court

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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

Signed, sealed and delivered in presence of:

BOOK 439 PAGE 97

Thom Jones
W. A. Ballard
MRS. MARY L. JONES
Notary Public Fayette County, Georgia
My Commission Expires Feb. 1, 1988

Warren B. Young, Sr. (Seal)
Warren B. Young, Jr. (Seal)
Warren B. Young, Jr. (Seal)
BOOK 439 PAGE 97



Doc ID: 009509850002 Type: RWD
 Recorded: 11/12/2014 at 01:20:00 PM
 Fee Amt: \$12.00 Page 1 of 2
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

BK 4253 PG 146-147

Return to: Dennis A. Davenport
 McNally, Fox, Grant & Davenport, P.C.
 100 Habersham Drive
 Fayetteville, Georgia 30214

GEORGIA, FAYETTE COUNTY

RIGHT OF WAY DEED

THIS INDENTURE, made this 12 day of November in the year of our Lord Two Thousand Fourteen, between, **Tommy O. Davis** of the first part, hereinafter referred to as "GRANTOR"; and **Fayette County, Georgia**, a political subdivision of the State of Georgia, as party of the second part, hereinafter referred to as "GRANTEE" ("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 no/100 (\$10.00) Dollars and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, alienated, conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alienate, convey and confirm unto the said GRANTEE the following:

All that tract or parcel of land lying and being in Land Lot 5 of the 5th District of Fayette County, Georgia, and being more particularly described in Exhibit "A" attached hereto.

Such Exhibit is, by this reference, incorporated herein and made a part hereof. This instrument shall be binding upon the heirs, successors and assigns of the GRANTOR herein, and shall inure to the benefit of the successors in interest of the GRANTEE herein.

IN WITNESS WHEREOF, the GRANTOR has hereunto set his hand and affixed his seal to this Right of Way Deed the day and year above written.

Signed, sealed, and delivered in the presence of:

Lisa Whittle
 WITNESS

Tommy O. Davis
 Tommy O. Davis

[Signature]
 NOTARY PUBLIC



Exhibit "A"

FC-6 Parcel 6 Right-of-way

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

Commencing at the point of intersection of the west right of way of Georgia State Route 85 and the north right of way of Harp Road, said point being the TRUE POINT OF BEGINNING;

Thence North 87 degrees 37 minutes 47 seconds West, 13.35 feet to a point;

Thence along a curve to the right, an arc distance of 330.40 feet, said curve having a radius of 1050.97 feet and being subtended by a chord of 329.04 feet, at North 75 degrees 37 minutes 25 seconds West, to a point;

Thence North 66 degrees 37 minutes 02 seconds West, 45.01 feet to a point;

Thence North 22 degrees 00 minutes 05 seconds East, 14.52 feet to a point;

Thence South 67 degrees 59 minutes 55 seconds East, 101.94 feet to a point;

Thence along a curve to the left, an arc distance of 208.43 feet, said curve having a radius of 1074.72 feet and being subtended by a chord of 208.10 feet, at South 75 degrees 31 minutes 04 seconds East, to a point;

Thence South 81 degrees 03 minutes 46 seconds East, 25.93 feet to a point;

Thence North 63 degrees 55 minutes 01 seconds East, 66.00 feet to a point;

Thence South 14 degrees 50 minutes 28 seconds West, 50.72 feet to a point;

said point being the TRUE POINT OF BEGINNING;

Said tract or parcel of land contains 0.158 acre (6,882 square feet) and is more accurately depicted in Right-of-Way plans prepared by Mallet Consulting, Inc., dated 03/2014.

B3
Wednesday, January 17, 2024
Deadline: Each Friday by 10 a.m.
770-461-6317
legals@fayette-news.com

**PETITION FOR REZONING
 CERTAIN PROPERTIES IN
 UNINCORPORATED AREAS OF
 FAYETTE COUNTY, GEORGIA**
PUBLIC HEARING to be held be-
 fore the Fayette County Planning
 Commission on Thursday, Feb-
 ruary 1, 2024, at 7:00 P.M., and
 before the Fayette County Board
 of Commissioners on Thursday,
 February 22, 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.: 1340-24
 Owner/Agent: Tommy Davis/Dar-
 rell Baker, Agent - Randolph Wil-
 liams, LLC

Existing Zoning District:
 A-R

Proposed Zoning District:
 C-C

Parcel Number: 0503036
 Area of Property: 4.03 acres

Proposed Use: C-C

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

Fronts on:

Hwy 85 South

Legal Description

All that tract or parcel of land lying
 and being in Land Lot 5 of the 5th
 District of Fayette County, Georgia
 and being that 4.206 acres tract
 of land shown on a plat of survey
 dated 3-16-83, prepared by J. R.
 Wood, Registered Land Survey-
 or for Warren B. Young, Sr. and
 Warren B. Young, Jr. and being
 more particularly described as fol-
 lows:

BEGINNING at a point located in
 the Northwest corner of the inter-
 section of Harp Road and State
 Route 85; running thence North-
 westerly along the North right-of-
 way of Harp Road and following
 the curvature thereof 409.4 feet to
 a point on the East right-of-way of
 Old Senoia Road; running thence
 North 01 degrees 33 minutes 46
 seconds West along the East right-
 of-way of Old Senoia Road 400 feet
 to a point; running thence South
 78 degrees 21 minutes 57 minutes
 East 499.15 feet to a point on the
 west right-of-way of State Route 85
 running thence South 11 degrees 46
 minutes 15 seconds West along the
 West right-of-way of State Route
 85, 399.29 feet to the point of be-
 ginning.

01/17

REZONING REQUEST

LETTER OF INTENT

DATE: 12/11/23

PROJECT: Harp's Corner Market
C-Store, Gas Canopy & Retail
Bldg SF 9,600 SF Plus Gas Canopy as Depicted on Attached Site Plan

ADDRESS: NW Corner of Hwy 85 S & Harp Road
Fayetteville, GA 30215

PARCEL INFO: Fayette County Tax Parcel: 0503 036
4.03 Acres

REQUEST: Rezone from A-R to CC, Community Commercial

PROJECT: Applicant is requesting a rezoning of A-R to CC, for the development of a 9,600 SF C-Store, additional retail and gas canopy. Parcel front on Hwy 85 and is commercial in nature. The highway intersection has a full signalized, divided median and was listed / recorded as commercial in the 1979 Whippoorwill Ridge Plat (attached). The contracted purchaser and their Agent has secured a verbal / email approval for an entry along Hwy 85 from GDOT and is also proposing an entrance along Harp Road as indicated in the attached Site Plan. The Owner, in the Application, has agreed in writing to the additional ROW dedication on both roads if required by Fayette County.

Rezoned use is consistent with the 2 other signalized intersections on Hwy 85 S at Barnard Rd and Padgett Rd / Hwy 74 E where either gas / retail exists or has been approved.

Based on the location of the property and the fact that it is boarded on three sides with roads, the use is no longer consistent with an agricultural / residential use.

COUNTY AGENDA REQUEST

Page 166 of 306

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1341-24, Veterans Parkway and Lees Mill North, LLC, owner, and Jeff Collins, agent, request to rezone 10.95 acres, which is a portion of parcel 0707011, from A-R to R-70, for the purpose of combining it with an existing single-family residential property; property located in Land Lots 14 and 19 of the 7th District.

Background/History/Details:

This request is to rezone a 10.95-acre tract that is currently part of parcel 0707011. The purpose is to combine this tract with Parcels 0708067 and 0708057, with all three tracts being combined into a single parcel. This property is part of the recently rezoned land designated for the National Soccer Training Facility. The request is consistent with the Future Land Use Plan.

On February 1, 2024, the Planning Commission voted 5-0 to recommend CONDITIONAL APPROVAL, with one (1) condition as recommended by staff. Staff recommends CONDITIONAL APPROVAL subject to the following:

1. Parcels 0708 067 and 0708 057 and this rezoned portion shall be combined into a single parcel within 6 months of approval of rezoning, or prior to the approval of any additional building permits, whichever comes first.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1341-24, Veterans Parkway and Lees Mill North, LLC, owner, and Jeff Collins, agent, request to rezone 10.95 acres, which is a portion of parcel 0707011, from A-R to R-70, for the purpose of combining it with an existing single-family residential property; property located in Land Lots 14 and 19 of the 7th District with one (1) condition.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

PETITION NO: 1341-24

REQUESTED ACTION: Rezone a portion of the parcel from A-R to R-70

PARCEL NUMBER: 0707 011

PROPOSED USE: Agricultural/Recreational

EXISTING USE: Vacant Land

LOCATION: Veterans Parkway & Lees Mill Road

DISTRICT/LAND LOT(S): 5th District, Land Lots 224; 7th District, Land Lots 13, 14, 18, and 19

AREA: 10.95 Acres is the portion requested for this zoning

OWNERS: Veterans Pkwy and Lees Mill South LLC

AGENT: Jeff Collins

PLANNING COMMISSION PUBLIC HEARING: February 1, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: February 22, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 10.95 acres, a portion of parcel 0707 011, from A-R to R-70 for the purpose of combining with an existing single-family residential lot.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Rural Residential-2 (1 Unit/2 Acres) is designated for this area, so the request for R-70 zoning is appropriate. Based on the Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of R-70, Single-Family Residential District.

RECOMMENDED CONDITIONS

1. Parcels 0708 067 and 0708 057 and this rezoned portion shall be combined into a single parcel within 6 months of approval of rezoning, or prior to the approval of any additional building permits, whichever comes first.

1. **INVESTIGATION**

A. **GENERAL PROPERTY INFORMATION**

The property is a portion of a legal lot of record. It is not located in an Overlay Zone

B. **REZONING HISTORY:**

This property was rezoned from A-R to R-70 in 1973 as part of a blanket rezoning.

C. **CURRENT DEVELOPMENT HISTORY:**

The property is currently used for agricultural purposes.

B. **SURROUNDING ZONING AND USES**

Near the subject property is land which is zoned R-70, R-45, and C-S. 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	44.73	R-70	Single-Family Residential	Rural Residential – 2 (1 Unit/2 Acres)
South & West	132.04; 13.45	R-70; R-45	Agricultural & Conservation; Single-family Residential	Rural Residential – 2 (1 Unit/2 Acres)
East	8.3 25.00	R-70 C-S & R-45	Conservation; Single-family Residential	Rural Residential – 2 (1 Unit/2 Acres)
West	24.62	R-70	Single-family Residential	Rural Residential – 2 (1 Unit/2 Acres)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Rural Residential – 2 (1 Unit/2 Acres).

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: The portion proposed for rezoning to R-70 does not have frontage as shown. However, the proposal includes the intent to combine with parcel 0708 067, which has frontage on Lees Mill Road.

E. DEPARTMENTAL COMMENTS

- ☐ **Water System** - Water is available on Lees Mill Rd in a 16-inch ductile iron water main.
- ☐ **Public Works & Environmental Management**
 - **County Road Frontage Right of Way Dedication**
Veterans Parkway is a **Minor Arterial** roadway per the Fayette County Thoroughfare Plan and requires and the Fayette County Thoroughfare Plan and requires a 100 foot right of way (50-ft from centerline). Fayette County Public Works controls access to the roadway. Proposed site access points on **Veterans Parkway** will be permitted through Fayette County. **Lees Mill Road** is a **Minor Arterial** per the Fayette County Thoroughfare Plan and requires a 100 foot right of way (50-ft from centerline). Any proposed site access points on **Lees Mill Road** will be permitted through Fayette County.
 - **Traffic Data**

According to a 2022 report from Pond Engineering the annual average daily traffic for Veterans Parkway is **8,285 vehicles per day**; the annual average daily traffic for **Lees Mill Road** per GDOT is approximately **2,300 vehicles per day** approximately 2 miles west of Veterans Parkway.

As part of the plan review and approval process, Public Works shall require a Traffic Impact Study for the proposed development.
 - **Sight Distance**

Minimum sight distances will have to be satisfied for any proposed new road intersections. Fayette County Public Works Department will review sight distances for any proposed access points to **Lees Mill Road** and **Veterans Parkway**.
 - **Floodplain Management**

The 321.34-acre request for rezoning **DOES** contain floodplain per FEMA FIRM panel 13113C0084E dated September 26, 2008. The property **DOES** contain additional floodplain delineated in the 2013 Dewberry Limited Flood Study for Fayette County.
 - **Wetlands**

The property **DOES** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. Proposed

development plans will be required to locate any existing wetland areas.

- **Watershed Protection**

There **ARE** known state waters located on the subject property. Watershed Protection Buffers shall apply.

- **Groundwater**

The property **IS** within a groundwater recharge area per Fayette County GIS.

- **Post Construction Stormwater Management**

This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces.

- **Landscape and Tree replacement Plan**

This development **WILL BE** subject to the Nonresidential Development Landscape Requirements and Tree Retention, Protection and Replacement Ordinances if rezoned.

- ☐ **Environmental Health Department** – This office has no objections to the proposed rezoning.
- ☐ **Fire** – No objections to the requested rezoning.
- ☐ **GDOT** – Not applicable.

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 Rural Residential-2 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 if conditions are approved, 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. 110-133. R-70, Single-Family Residential District.**

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

(b) *Permitted uses.* The following permitted uses shall be allowed in the R-70 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-70 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-70 zoning district shall be as follows:

(1) Lot area per dwelling unit: 87,120 square feet (two acres).

(2) Lot width:

a. Major thoroughfare:

1. Arterial: 175 feet.

2. Collector: 175 feet.

b. Minor thoroughfare: 150 feet.

(3) Floor area: 1,500 square feet.

(4) Front yard setback:

a. Major thoroughfare:

1. Arterial: 75 feet.

2. Collector: 75 feet.

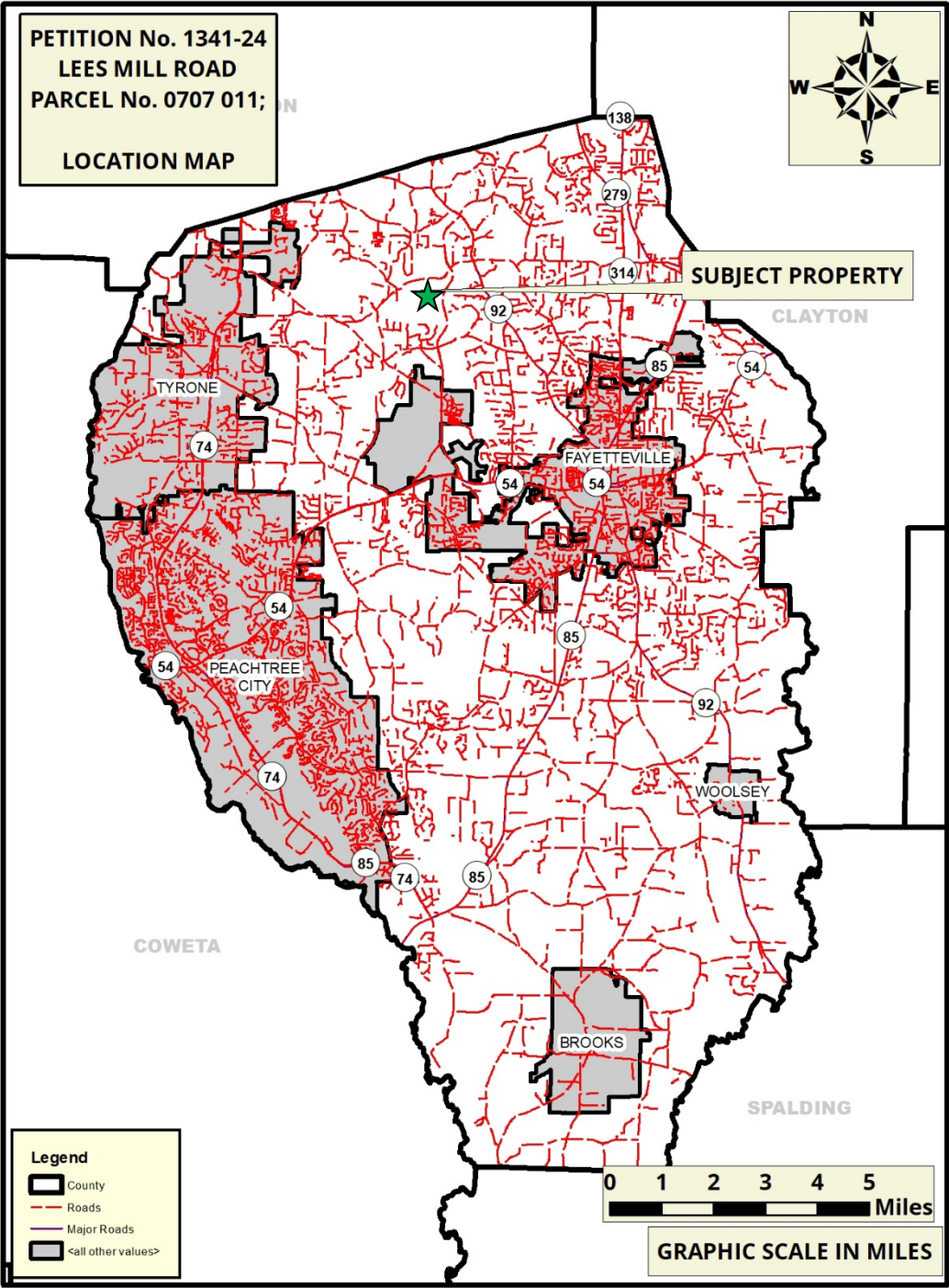
b. Minor thoroughfare: 50 feet.

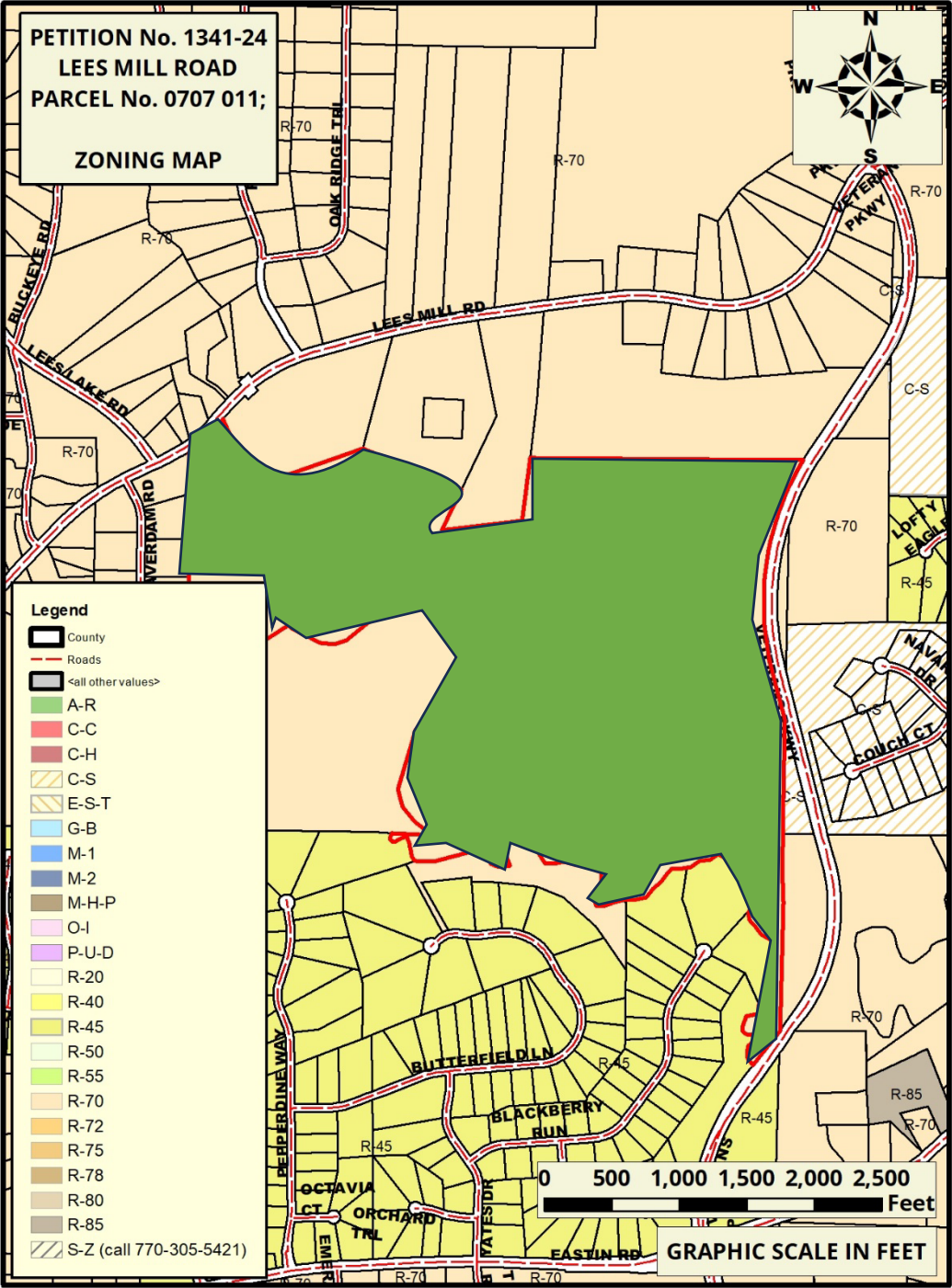
(5) Rear yard setback: 50 feet.

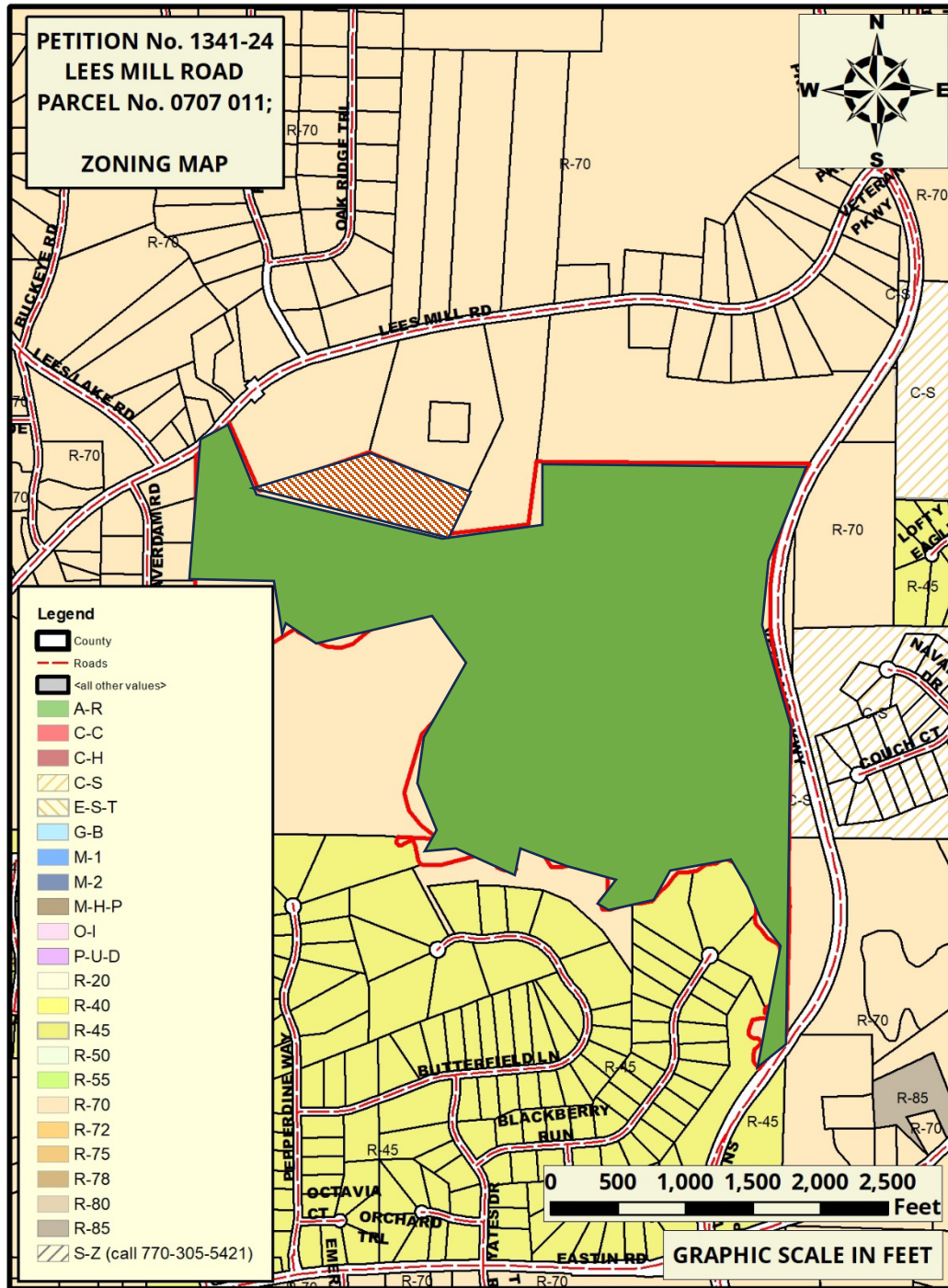
(6) Side yard setback: 25 feet.

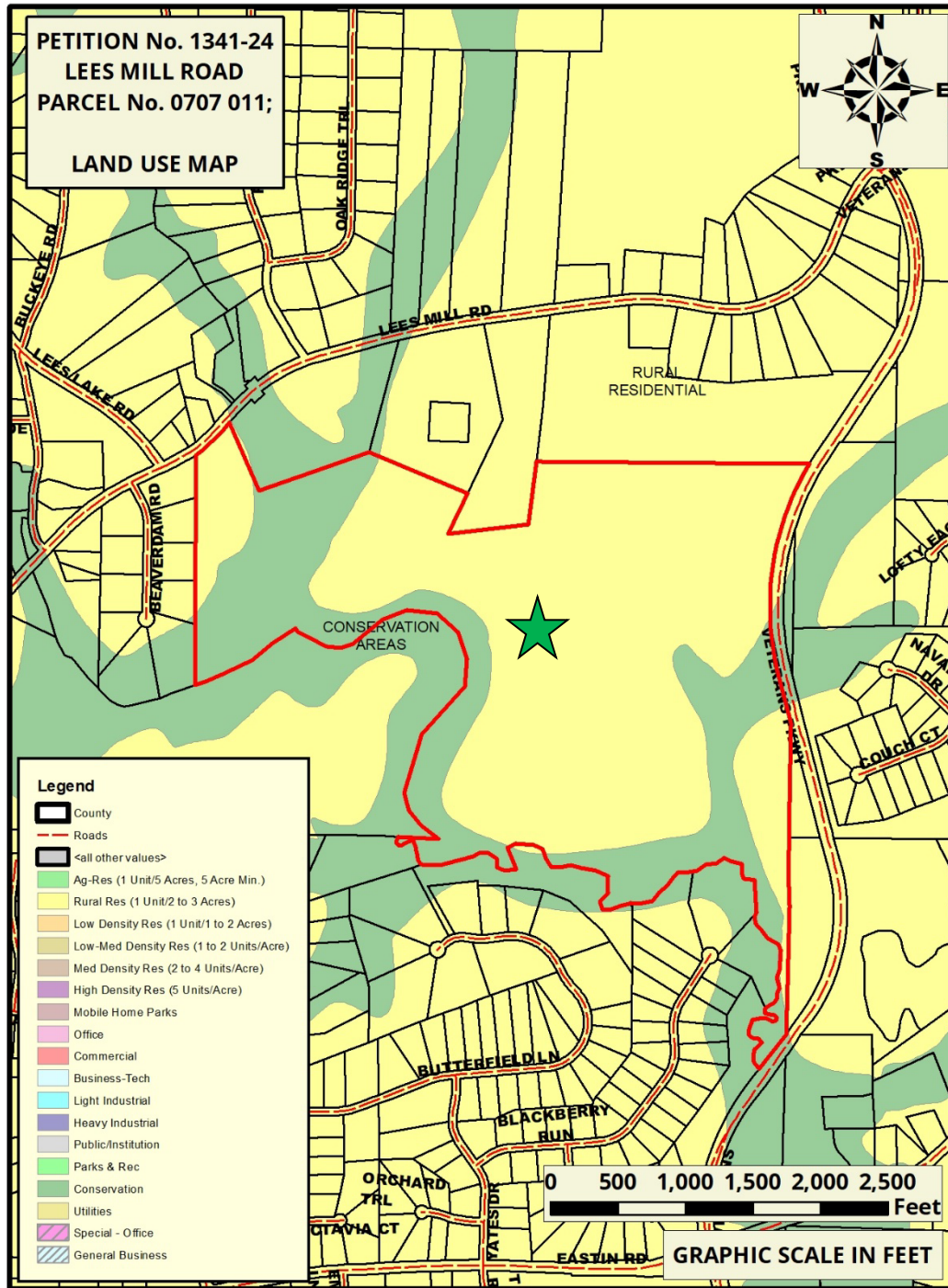
(7) Height limit: 35 feet.

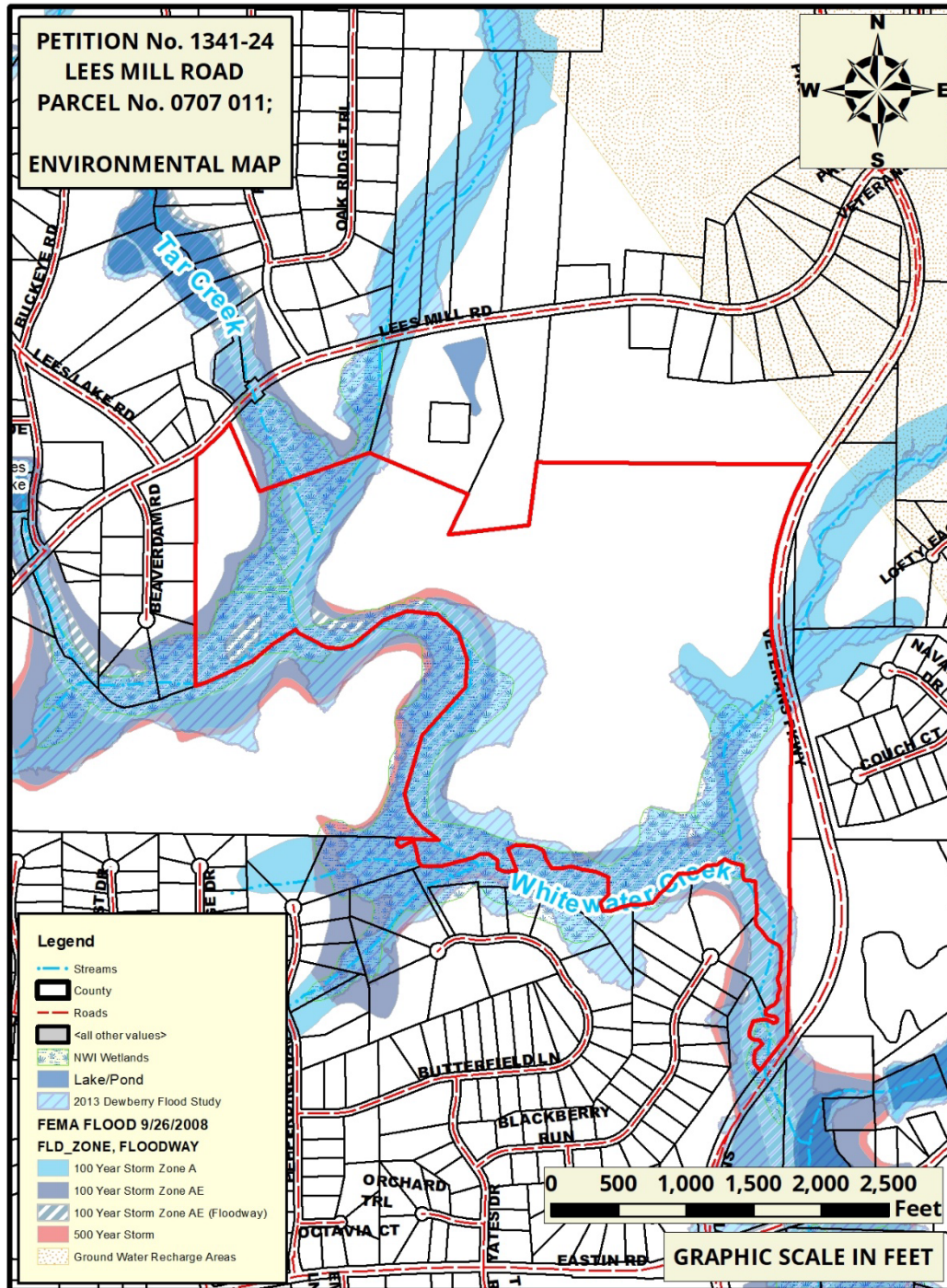
(Code 1992, § 20-6-9; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)

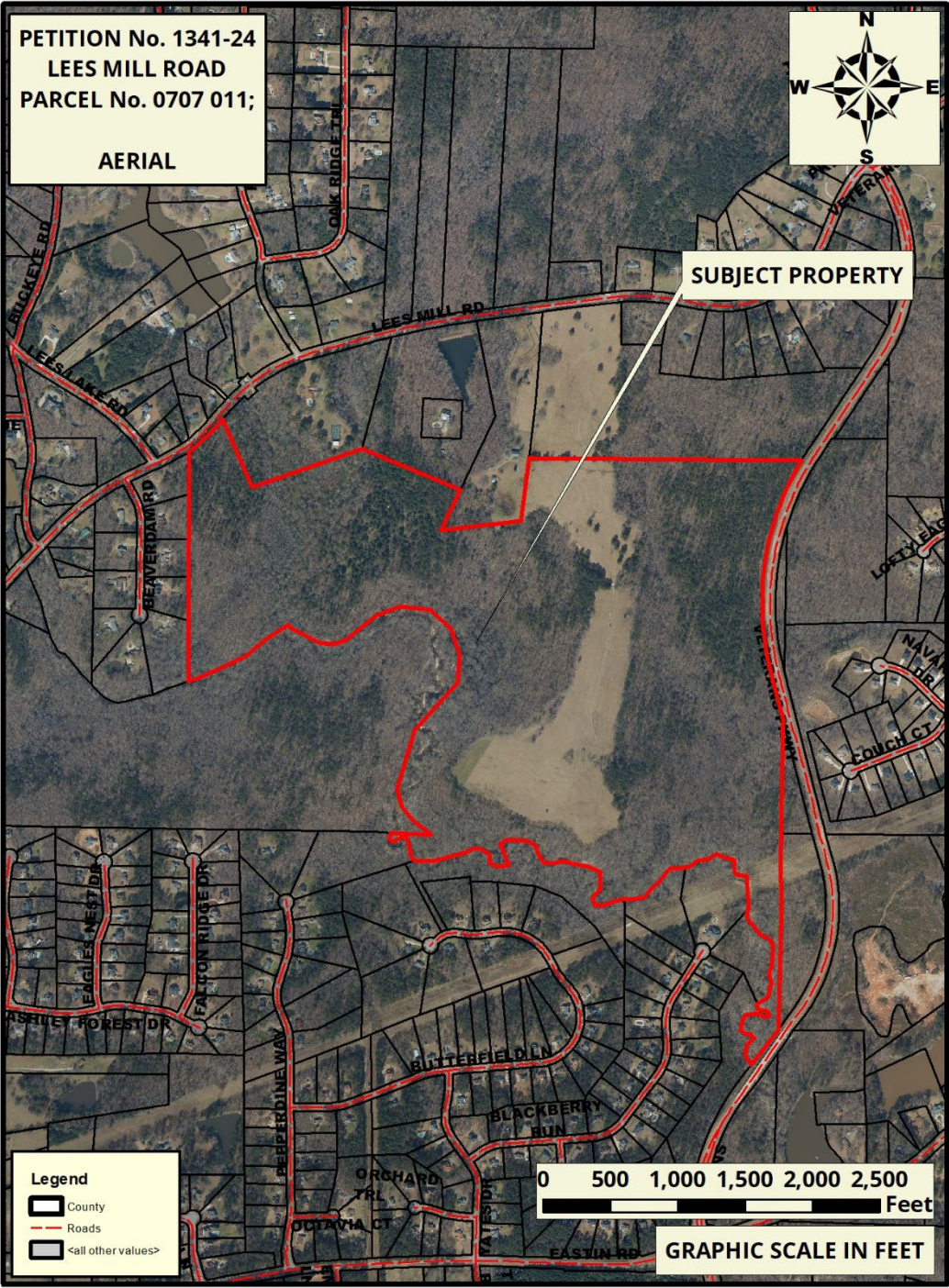












Meeting Minutes 0 0 0 4

THE FAYETTE COUNTY PLANNING COMMISSION met on February 1, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

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. Oath of Office for Boris Thomas.
4. Approval of Agenda.
5. Consideration of the Minutes of the meeting held on January 4, 2024,

PUBLIC HEARING

6. Petition No. 1338-24 - Applicant proposes to rezone 2.140 acres from A-R to R-72 for the purpose of constructing a single-family residence.

Deborah Bell reviewed the staff report for Petition 1338-24 to rezone 2.140 acres from A-R to R-72 for the purpose of constructing a single-family residence and accessory structures. The property is a nonconforming lot. It appears to be a remnant from some previous lot's subdivision. So, the fact that it is nonconforming is not the fault of the owner. However, rezoning it would cure the nonconformance and make this a legal nonconforming lot. The current owners purchased the property in April 2023. There is an existing much older home on the property which, if they are going to try to retain it, would require some variances. So, they will have to assess if they wish to proceed with that or to build something new. Staff recommends conditional approval.

RECOMMENDED CONDITIONS

1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet of right-of-way as measured from the existing centerline of McBride 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. Applicant must obtain variances for structures not in compliance with R-72 Zoning or remove the structures within 180 days of rezoning approval.

Randy Boyd represents the petitioner, Jerry and Melissa Battle. They purchased the property in April of 2023. You can see from the map that it has all sorts of issues with it. To get the rezoning we have to apply for and dedicate an additional right of way. Yes, we will absolutely do that. I would like to take the opportunity to thank Deborah Bell and Deborah Sims for working with us on this. I took this over there and they about passed out. Everything on this property has issues: too many buildings, they are not big enough, and the property lines pass through buildings. They both really stepped out and tried to help us with this and we appreciate the help. The Battles purchased it and cleaned it up substantially. They want to renovate the house for their special needs son. The one to the southwest corner, there is an existing garage back there they want to build another house. There are a lot of issues on there. The property was created Nov. 1987 as part of a farm which was 12 acres. What they did was peel off 2-acres on each side. That's this piece. Then what was left over, I got those rezoned in the past. I got one rezoned in 2006 and another one 3-4 years ago to R-72. The 2-acre zoning is compliant with the comprehensive land use plan. We have R-72 to the West, R-40 to the North, and then A-R to the East and the South. This does fit the land use plan. I have heard a lot of appeals over the years, and I have listened to a lot of issues that people have had. But this is one where the Battles just bought this piece of property and they didn't do any of this, they are just trying to clean it up. Then you might say well, they should do their due diligence. Yes, they should but if you see a good deal, you also got to jump on it real quick. I would just ask that you zone this for the 2-acres. That is the proper zoning. The staff suggested that, and we support the recommended conditions. We look forward to working with them and cleaning this property up, so they have a nice piece of property. Thank you.

John Culbreth asks if anyone else is in favor of this petition would like to speak.

George Sullivan speaks on behalf of the petitioner. He is the property owner of the property immediately to the west of the petitioner. He has owned the property since March 2017. I moved my family here from Connecticut. When we moved here, the property was owned by a different property owner. In the time between March 2017 and when the petitioner bought the property, I have witnessed no less than two search warrants executed on that property, and no less than 12 incidents that required law enforcement. Mind you I am at home with two small girls and my wife. At the time when we moved here, I was a federal law enforcement officer. I, myself, detained 3 individuals until law enforcement could get them. Because they were on my property. This was on 3 separate occasions. I lived through it up until the new owner purchased the property. Anyone who knows McBride Road knows it was the number one eyesore. That property led to McBride Road being called the Infamous McBride Road with law enforcement because everyone knew it so well. The new owner bought it and has increased the positive nature, the cleanliness, and everything having to do with improving that property 1000 times over. Before it looked like a

condemned piece of property. It was littered with all matter of trash, vehicles, and debris that I had to look at every day. When the new owners moved in, within a small period of time, that was all gone, and they did everything they could up until the point they realized that they had zoning issues. To my knowledge, they have attempted to respond to every code request and do everything they could do. So, they have already demonstrated that if given the opportunity to at least make that property where you can do anything. As I understand it, they really can't do any type of modification. Give them the opportunity to at least meet the codes of Fayette County. I support them, and I didn't know them before they bought the property. Thank you.

Alexander Garcia here to speak on behalf of the petitioner. I actually just moved to Fayette County about a year ago. I live 2-3 houses to the west of Mr. Battle's property purchased back in April. The property was a mess. Mr. Battle came in and gutted it out completely. He is doing great things for our community and our property values. He wants to renovate and build something new to improve the property and I am in favor of that. Anything to make our property better. I am a new Georgia native; he has my 100% support. I don't see why you shouldn't approve this rezoning for him. He is just going to make our county better and bring that positivity to our town. Thank you so much.

Mr. Culbreth asked if anyone was opposed to this petition who would like to speak.

Tim Thoms from 625 McBride Road. It's not my property anymore but if you see those trees in a line in the upper right corner. That is now my daughter and son, where they are building a house. So, we are a couple of lots down from Mr. Battle. My property and I am proud to say that I am one of the few remaining farmers in Fayette County and have farmed that property for almost 30 years since 1996. I grow trees for the landscape industry. My property is up and above and further east. I have been a citizen of this county since 1984. I have put a lot into this county, and I have sat where you sit now for many years. I appreciate your sacrifice and willingness to come up here twice a month to do what you do because it is a thankless job. But we have made Fayette County a better place because of our service. I don't have any ill will towards the applicant. I just spoke to him for the first time today and just met him for the first time tonight. I have spoken to other people who know him and from everything I have heard, he is a fine individual. I have no ill will, but what I have come here to do is to oppose the petition. I know it meets the land use plan, but that 2.1 acres is barely within the density of that land use plan. Even across the street, the density is higher at 3 acres. We are on the fringe. I have been working that area for 30 years and I wanted my kids and my grandkids to take advantage of that too. Again, Mr. Battle has done a tremendous job of cleaning that place up...it was a pig sty. There is a lot of nefarious activities that have gone on on McBride over the years, such as the chandelier that hung on the pole in the yard (just kidding). The concern I have is that I don't think Mr. Battle will be able to do what he wants to do on that property. That house. The paper I gave you that has the red line around the shed. That is a 1,900 s.f. building as it exists as an accessory structure. Zoned A-R, I think the former owner said they were using it for agriculture, but allegedly they were using it for other nefarious purposes. It is just not going to fly to build unless you take all of those accessory structures down and start from scratch. I feel for the man because I know what my children have gone through to build their house. It is not easy in Fayette County to do what you want to do, and we go by the law so that good actors can be good actors and bad actors can't get away with anything. It makes it tough on us, but we have laws for a reason, and it has helped Fayette County for many

years be Fayette County and not someplace else. I think it is in your judgment to recommend denial to the Board of Commissioners. If you so happen to wish it to be approved, I think you can condition it so that all the accessory structures have to be removed. Mr. Battle can come in and build a house because the one that is there.... I have not been in it...but I know how it has been treated and I think there isn't any question that it is going to take a lot of work. It is in bad shape. Not to mention, it is way outside of codes, setbacks, etc. He has a lot of things to figure out. Someone told me a long time ago from the Zoning Board of Appeals that whenever you grant those appeals, you are allowing someone to break the law. We have this process that asks for rezoning, but we are still asking you to change the law that applies to the rest of the county. So, I would like you to look over the situation. I mentioned the nefarious activities that have happened on McBride Road for the past two or three decades. I guess before Christmas we were back in my house, and we see all these red and blue lights and we thought Oh my Gosh something else is going on McBride Road. The blue and red lights were up in the shed area. There was no shooting going on, which happened on McBride Road. So, we figured it was not that bad. Mr. Battle does work with law enforcement. He equips our sheriff, and fire department with sirens and lights for patrol cars and emergency vehicles. It is done in that shop. That is an illegal activity. He told me he lived off Hilo Road and he did the same thing in a shop he built there. I know his intentions are good, I just don't know that he can do what he wants to do. He ought to be able to do that in a commercial or industrial area where that kind of business should be done and not in an A-R setting. I appreciate your time.

Mr. Culbreth asks if anyone else is opposed.

Mr. Randy Boyd requested to make a rebuttal. He stated that he has known Mr. Thoms for quite a few years. As far back as when he sat on the board. He has always been very fair, but I do think he is incorrect that if you grant a variance, you have broken the law. Because granting a variance is just part of the zoning process. It's the last chapter that you have a remedy, so you are not breaking the law, but you are just seeing if those can be applied to situations where you can make that work. Mr. Battle is trying to clean that up, so it is proper zoning. It is zoned for 1 unit for 2 acres. The final product will be right at 2 acres once we dedicate the right of way. Mr. Battle will apply for all the variances. He will work with Planning & Zoning. They have done an excellent job so far. When we get into the project, there will probably have to be some more variances that we will have to apply for. They have been kind to give us enough time to do that, and we would like to go through the process of the next meeting to see if we do get the zoning. We will work with them, and I believe he will go for the variances that go along with the rezoning. Thank you.

Mr. Culbreth asks if there are any questions or comments from the commission.

Mr. Oliver has a question for Mr. Boyd if he was o.k. with the conditions, specifically in item 3 the 180 days.

Mr. Boyd says yes sir we were going to try to present it at the next Zoning Board of Appeals deadline, which is February 3rd, which the staff has talked to us about. Then I was thinking that the 180 days would be from the rezoning which gives us the time to work on that. I am going to be working on it anyway. So, yes, we will apply shortly thereafter if we are approved, and we have the right of way deed. So, yes, we agree to the conditions. Thank you!

7. Petition No. 1339-24 - Applicant proposes to rezone 5 acres from R-70 to C-H for the purpose of developing as a commercial property.

Debbie Bell reads the staff report for Petition 1339-24 a rezoning from R-70 to C-H for the purposes of extending the septic line from neighboring parcel to the south and possible other commercial uses. Staff recommendation as defined in the Fayette County Comprehensive Plan; Rural Residential-2 is designated for this area so the request for C-H zoning is not appropriate. Based on investigation and staff analysis, staff recommends denial of the request for rezoning to C-H.

If the request is approved, the recommended conditions are as follows:

RECOMMENDED CONDITIONS

1. Parcel 0450 090 shall be combined with parcel 0450 070 in an approved minor subdivision plat within 180 days of the approval of the rezoning request. The revised plat must include the 50' buffer separating the C-H Zoning from the residential zoning.
2. The existing asphalt driveway shall be removed within 180 days of the approval of the rezoning request. Removal of the existing asphalt driveway is stipulated on the minor final plat recorded on January 8, 2015. This was also a stipulation from GDOT for rezoning petition 1145-05.
3. If the septic system for 1552 S Highway 85 encroaches into this property, a revised site plan shall be submitted for approval within 90 days of the minor subdivision plat being approved and recorded.

Staff would like to note that on November 27, 2023, the adjacent parcel, 1552 Highway 85 South, did apply and was granted a variance to allow the septic drain field to encroach into the zoning buffers within that parcel. The property is currently identified as tract two on the minor subdivision plat of U.S. Station. In 2005, the owners at that time applied to rezone the property from A-R to O-I to construct an office park but the Board of Commissioners approved rezoning of the property to R-70. In 2014 a plat was presented that created four approximately 5-acre lots that you see today. The parcel is in the center of the county on Highway 85 South. This is next to the old U.S. Station which is under a redevelopment plan. This is the parcel that is subject to the rezoning. The land use plan shows Rural Residential. There are no environmental factors affecting the property and it is currently an undeveloped property.

Mr. Culbreth says thank you and asks if the petitioner is present.

Hello, I am Rick Lindsey representing the owner. The owner is Thomas Crossroads, LLC. I have with me tonight, Ed Wyatt, John Cook, and Blake Wyatt all from Green Oil which is the parent company of the LLC, and contractor Neal Brown. If we have any technical questions, I will have Neal come up to answer the technical questions. As Debbie said, we are seeking a rezoning to C-H. The property she was speaking about, part of the old U.S. Station just to the South is zoned C-H. We would like to put the drain field for the septic system on this property. Back in November, a variance was granted by the Zoning Board of Appeals in case the rezoning didn't happen here, but a better plan really is to put the drain field for the septic on the southeast corner going away from HWY 85. It is a 5-acre

tract. It is currently zoned R-70, and you may remember at one time was part of the U.S. Station. The convenience store that is being redeveloped. Here is a photo from 1983 that shows the U.S. Station which expands three different lots. Each of these lots has different zoning R-40, C-H, and the property we are talking about this evening is R-70. If you can see those vertical towers, those are gas tanks. It was a truck stop which first came into operation in the 1960's. So, 60 years ago it was a truck stop and continued being used for fuel. The asphalt has remained on the site and has been used continually until my client shut down the property for redevelopment. He uses driveway access for the property. It has been used to park school buses, dump trucks, and other large vehicles, but never for residential. It has always been used commercially or in some commercial fashion. Debbie Bell displays an aerial of the property. Rick Lindsey says due to the nature of the shape of the property, it is not easily developed. It is bordered on the south by C-H and also R-40, and R-70 to the North, and across the street a church, middle school, and a vacant property owned by the Islamic Center of Atlanta. Whitewater Middle School, Whitewater High School, and Sarah Harp Minter, so a lot of heavy users of this highway are on this road. We are proposing to rezone this property to match the other property that is being redeveloped to C-H. So, they may be combined, and the septic system is put along the southern southeastern portion of that. Having the septic system will assist in the buffering of that property from the neighboring residential to the south. The properties to the east are all over 2 acres. They are all large deep properties. We will certainly want to keep the buffers from the residential property. This property is in the land use plan as low-density Rural-Residential 2. That is really a mistake. The property has never been used residentially and never will be. When the property was rezoned in 2005 it went from A-R to R-70. The applicant had sought O-I zoning. I am scratching my head as to how it ended up being R-70. R-70 is a little easier to zone residentially. If you recall A-R the minimum lot size is 5-acres. R-70 is 2. That was in 2005 and you can see it still has not been developed. Part of the parcel to the left has been used commercially for all these years, since the 1960s. So, what we are looking at getting a zoning on this property that meets reality. You can call it residential, but it is really a square peg in a round hole. I guess it is really a pentagon in a round hole. It doesn't fit. I have looked at all the properties on Hwy 85. There hasn't been a residential house that fronts on Hwy 85 in the last 40 years. It is a reality that this part of 85 is busy, and 4-laned if you count the turn lane. We also know that one day GDOT has plans to 4-lane 85. So, in reality, it is something other than residential. Back in 2005 the former property owner applied and was denied for O-I. So, what happens if this is developed commercial? For one, it really benefits the area. For one, you can increase buffers. The nice thing in Fayette County is that we have nice zoning here. We have the overlay district which will oversee the parking, architectural style, lighting, landscaping, and overall look. The zoning ordinances we have here will control the buffering so that we don't have properties on top of each other. And at least 40% have to be left where it is not covered with any impervious surfaces. So, we will be able to get rid of that asphalt in the front. So, we are proposing that it will look like commercial property. And if the asphalt is removed there will be no access onto 85. Which really screams that it should be combined with the property to the south. Ironically, if it gets put back to what it was years ago when it was the U.S. Station. So, my client wants to move the septic drain field. It will make it a much better drain field to the southeastern portion of the property and then in the future, develop it commercially. The small commercial center will come off of the convenience

store that is being redeveloped now. It is going to be nice because he wants it to fit with the higher-quality convenience center that he is going to be building. It is a uniquely shaped property, and it is a small property, particularly when you think what is going to be taken by the septic system and the buffers. So, it won't be a big box or medium box, it will just be a small neighborhood commercial property that will offer products and services for the residents and the people who would be commuting up and down HWY 85. The property really needs to be zoned in a realistic manner where it is commercial and matches the property to the south so they may be combined into one. The septic drain system is put where it needs to be so it will increase the buffers and it will be one cohesive commercial unit.

Mr. Culbreth asks if anyone else wishes to speak in favor of this petition. Is there anyone who would like to speak against? If not, we will bring it back to the board.

Again, I am Tim Thoms and I live on McBride Road. McBride Road is about 200 yards to the south of the U.S. Station. I used to visit the station long ago and when it was the U.S. Station, that is fine because it is a grandfathered commercial zoning. There is no commercial intentionally until you get to Starrs Mill. This is by intention design. I think you have every reason to deny this as it does not comply with the comprehensive land use plan at all. Besides that, the two properties at the bottom of the screen, those I believe front on McBride Road and one of them...the people have lived there for ten years. The zoning was denied for O-I. It was rezoned R-70. So as eloquently as Mr. Lindsey spoke in promoting this development, it is difficult to defend sometimes, and you have to grant a zoning that can be defended in court. That is why it is R-70 instead of A-R. This is not a spot to enlarge the commercial area and get that started on the south side of the county between Fayetteville and Starrs Mill. Fayetteville is already creeping down in terms of development and that is not, as I understand, what citizens of the south end of Fayette County would like. Thank you.

Next speaker against.

Hello, again I am Alex Garcia. I have a few documents that I want to show, but before I begin, I want to say I met Ed Wyatt today for the first time and I have nothing but good things to say about the gentleman. If you can bring up the image with the satellite picture. I am actually the owner of 757 McBride which is this house right here (unintelligible as he stepped away from the mic). There is a huge berm. You can't see the commercial property. Mr. Wyatt reached out to me that you guys were giving him a hard time with the septic system. The way he has been so communicative...I actually wanted to buy that property from him. To turn my 5-acres into 10-acres and build a farm. So, we can get a few horses for my little girl over here. Unfortunately, his septic system has to be there, and he has to rezone it commercially. My wife asked if they rezone it commercial will they put buildings on there? It is one thing to put the septic system but another to have a commercial building. It is a beautiful property. I am from California and Delta brought me out. I am a veteran and I have two tours under my belt. The people are amazing, and I love it here. When he told me that when they zone it commercially, and I asked when. Mr. Wyatt said that on the north side, he wanted to put some buildings on the lot. That changes everything for me. One thing you want to consider is that the current zoning is residential. If you develop this commercially, the surrounding area will not be consistent. That could impact my property values and my neighbors as well. The neighbor right next to me is also against it. He's not here right now but he is totally against it. It might impact my property value. It might go

up or down. It's one thing to add a buffer but zoning commercial without seeing the plan. If you let him zone it commercially without you seeing the plan (unintelligible as he steps away from the mic). If he zones commercial, I will see everything right there, the trees will be gone and I will see cars, parking, people, buildings. You might want to consider before approving this get the facts. Get the plan! If he needs a septic system for the BP, I am all in favor of this because I am going to go to Dunkin' Donuts in my golf cart. I am in favor of the BP gas station if he needs to get his septic, but there have to be other channels that can be taken without giving him zoning that is commercial. Thank you.

Mr. Culbreth says thank you is there anyone else who would like to speak against Petition 1339-24 if not we will bring it back to the board. Mr. Lindsey, do you have a rebuttal?

Rick Lindsey says yes, just a couple of comments. We have a commercial property that abuts a residential property and the key to making it work for my client, as Mr. Garcia said is a very honorable and honest man who will work with the buffers in the county. So, this is not an issue. We will work with the county so this will blend in and be an asset to this community. So, it will be a small community-based, and centered retail use.

Danny England, Rick, I know you just sat down but I have a question for you. So, the first thing that I thought is that there is no room on the existing U.S. Station site for a septic system. Has the developer approached the county Department of Health and spoken with them about options for septic systems on the existing property and were they told, no?

Rick Lindsey, "Yes, because of the long-term commercial use of the property, the soils had to be taken out. So, it is problematic. That is why we have the variance to get it into the buffer. So that is going to take out some trees and a much much better plan is to put the drain field on this site.

Danny England, "So, it can be done but it would be expensive, right?"

Rick Lindsey, "We have the variance to do that now. You are going to take out buffers to do that. As Mr. Garcia said, you open it up. The better plan is to marry the residential to the commercial. Let's put the septic drain field there. Does that answer your questions?

Yes, it does, Danny England stated.

Jim Oliver asked, "Also, there are some conditions that are staff recommendations that are for approval. Do you have any problems with those?"

"No, sir my client will agree to all of those conditions," stated Rick Lindsey.

Debbie Bell asks if she may clarify something and states that she was advised originally by Environmental Health that the drain field needed to be on the same parcel with the use. Our attorneys have educated me that the drain field could be on a separate parcel with a permanent easement. There would be a possibility of putting the drain field on there without combining the two parcels.

Danny England, "So, if that is the case, is the rezoning necessary or is it just an easement onto the current zoning as is?"

Allison Ivey Cox stated, "That because it is the same property owner getting the easement would be easy. It is a separate parcel. We need an easement, and it needs to be recorded, but that is simple enough just to pass from one to the other and the buffers that had been varied would remain whether there is a rezoning or not."

Danny England, "So, no rezoning of this property but there is an easement that would allow for..."

Allison Ivey Cox, "This property owner would need to create an easement in order to allow for the septic drain fields to be on the property indefinitely. That would be recorded in the

deed record, and it would be burdening that property for the purpose of the other.”

Danny England, “In the future?”

Allison Ivey Cox, “Yes.”

Mr. Culbreth asks given what was just said, “Mr. Lindsey is that a possibility rather than rezoning the entire parcel?”

Mr. Lindsey, “I would have to look at the ordinances to look and see if that is a possibility. And with all due respect to Elliott and Dennis.... I don’t have an answer to that, but I do have this response. If you put a permanent easement there, it now cuts off more of his property and makes it even more problematic to ever develop. So, you have taken even more use of this property. Like I said it has been at least 2005 it was rezoned R-70, and it has never been developed. If the access point on Hwy 85 is removed as requested by GDOT, now the property has no access to any road. So, we have taken away the complete value of the property. It needs to be combined with the redeveloped convenience center to have the proper use of the property and put it back together as it was when it was U.S. Station and make it work and make it blend in with the area. Did that answer your question?”

Danny England, "Something I am wrestling with here is where it says intent on the petition for rezoning. It says here that the purpose of the rezoning is to extend the septic line from the neighboring parcel to the south onto this property and possible other commercial uses. So really what we are looking at here is that we are solving the immediate problem, which is the septic line, and then there is the potential for maybe some commercial uses in the future.”

Mr. Culbreth, “Is that your intent?”

Rick Lindsey, “Correct.”

Danny England, “So we can solve the septic issue pretty easily, right? We can get an easement. You can run septic lines all day. You can put them wherever you want and do it in a way that would not encumber the future use of the property. On the flip side of that, we had a rezoning last month on Hwy 85 that was commercial, and I think your opening statement was that this is probably never going to be developed residentially. If you look across the street those are not houses. There is the school, churches, there is commercial further south there is a gas station there. It is a little bit of a balancing act for us to figure out the comprehensive plan vs. the reality of how people are going to use this thing on the open market and what makes sense. Just trying to look for answers to all of the questions to make a balanced decision.”

Mr. Culbreth, “You made a statement that there has been no residential development in the last 40 years.”

Rick Lindsey, "That front on Hwy 85. Right, and I was on the Fayette County tax map, and I went from Harp Road on both sides and looked for a house that fronts on 85. The most recent one I could find was built in 1982. The rest were in the 50's and 60's. Now if they have driveway access on some of the side roads, there has been more recent development, but the ones that front on 85...when Fayette County was a sleepy, slow, more rural county. It has been a long time since Fayette County has been sleepy. We moved in '87 and it was considerably sleepy compared to today. No one is going to build a home that fronts on 85 today. That is just the reality. We want to take this property and we have a use for it. Everyone has a right to have a use for their property and not have that taken away and make it blend, look nice, and be an amenity for the area. Not something that is a blight. I am not

saying this is blight, but having all that asphalt there is not attractive. Let's do something that makes it better than it is today. I hear not wanting commercial to march all the way down 85. Here you are in an area that has already been used commercially for 60 years. It would make it look much better. That's what we are trying to do."

Mr. Thomas, "Have you developed an impact study in regard to placing future use commercial there and how it would impact the traffic from the school daily and the ingress and the egress of the school right across the street and the proximity of it being so close to the new light on Harp Road. That light was not there before. Have you done any impact study or spoken with the Department of Transportation regarding the traffic light?"

Hello everyone, "I am Neal Brown with All-Span Builders. I have been handling the demolition of the old U.S. Station. Thank you to the Planning Commission and Deborah and Debbie for all the work that has gone on for this facility. To answer the question about the traffic study. I had a meeting with Stanford Taylor with DOT earlier this week and it is their wants to terminate the driveway across from the school and make the two driveways that are in place now, the active driveways. And do frontages approach to the left and the right, so yes it has been addressed but not on a formal study yet, but I did have meetings with DOT before this meeting tonight. So, we are in agreement to get rid of the driveway on the northern end and then your traffic will come in the two where they are already approved, and they would access that property on the frontage drive. I guess I have been through two pre-con meetings on this project, and everything has focused on the construction of the facility. This is the first time this option has been presented from legal stating that we could do this easement on this other piece. From the very beginning, Bonnie Turner, from Environmental Health said that the property owners' names had to match, and the zoning had to match. So, that is the reason we have got to this point. And I have multiple variances on this project because of the configuration. Honestly, I thought it was zoned incorrectly and we were going to find out why it had ever changed from the U.S. Station. The parking lot has four entrances in three different zones. It just doesn't make any sense. Your landmark or benchmarks have been there since the 60's that is why we are asking just to get the two pieces zoned the same and it will work a whole lot better on setbacks, septic, and the whole nine yards. Everyone is talking about the improvements. How about the man over there who is spending multi-million dollars to improve what we got now? So, some consideration needs to be given there. Thank you.

Mr. Oliver states, "Mr. Chairman, we all attended a wonderful seminar this week put on by the University of Georgia talking about dealing with zoning questions to ask and they gave us a rundown of what questions to ask to determine whether to approve or deny a rezoning. There are 6 criteria, and this petition meets all but one of the criteria. A lot of that has to do with the comprehensive plan. It doesn't quite fit what the comprehensive plan is, but it doesn't look like it was ever meant to, but one of the overriding factors that I see is whether the property affected by the zoning proposal has a reasonable economic use as currently zoned as R-70. I don't think it fits as currently zoned, the reasonable economic use criteria. I don't think anyone would want to be put in a home facing Georgia Highway 85 across from Whitewater School and across from the church. There have been a lot of residences and there is nothing surrounding it that is zoned other than residential. Well, right across the street there is not residential zoning. It is more in the commercial vein of zoning. I don't think this is an unreasonable request. The issue of an easement came up this evening, but the petition before us tonight is for a commercial zoning. We either

deal with it now or deal with it later. We are merely a recommending body, and the county fathers will have the final say. But I don't see anything unreasonable in this request. There is no doubt that this is a commercial type of zone and not a residential zone and it is something that needs to be addressed here and now.

Mr. Culbreth asks for any further comments. If not, we will entertain a motion. The staff has made their recommendations.

8. Petition No. 1340-24 - Applicant proposes to rezone 4.03 acres from A-R to C-C for the purpose of constructing a fuel station, convenience store, and retail.

Debbie Bell reviews the staff report for Petition 1340-24. The property is located in land lot 5 of the 5th district and fronts on Harp Road, Highway 85 South, and Old Senoia Road. According to the Fayette County Comprehensive Plan, the property Rural Residential-2 is designated for this area so the request for C-C is not appropriate. The planning & zoning staff recommends denial of the request for rezoning to C-C. However, if the request is approved, the recommended conditions are as follows:

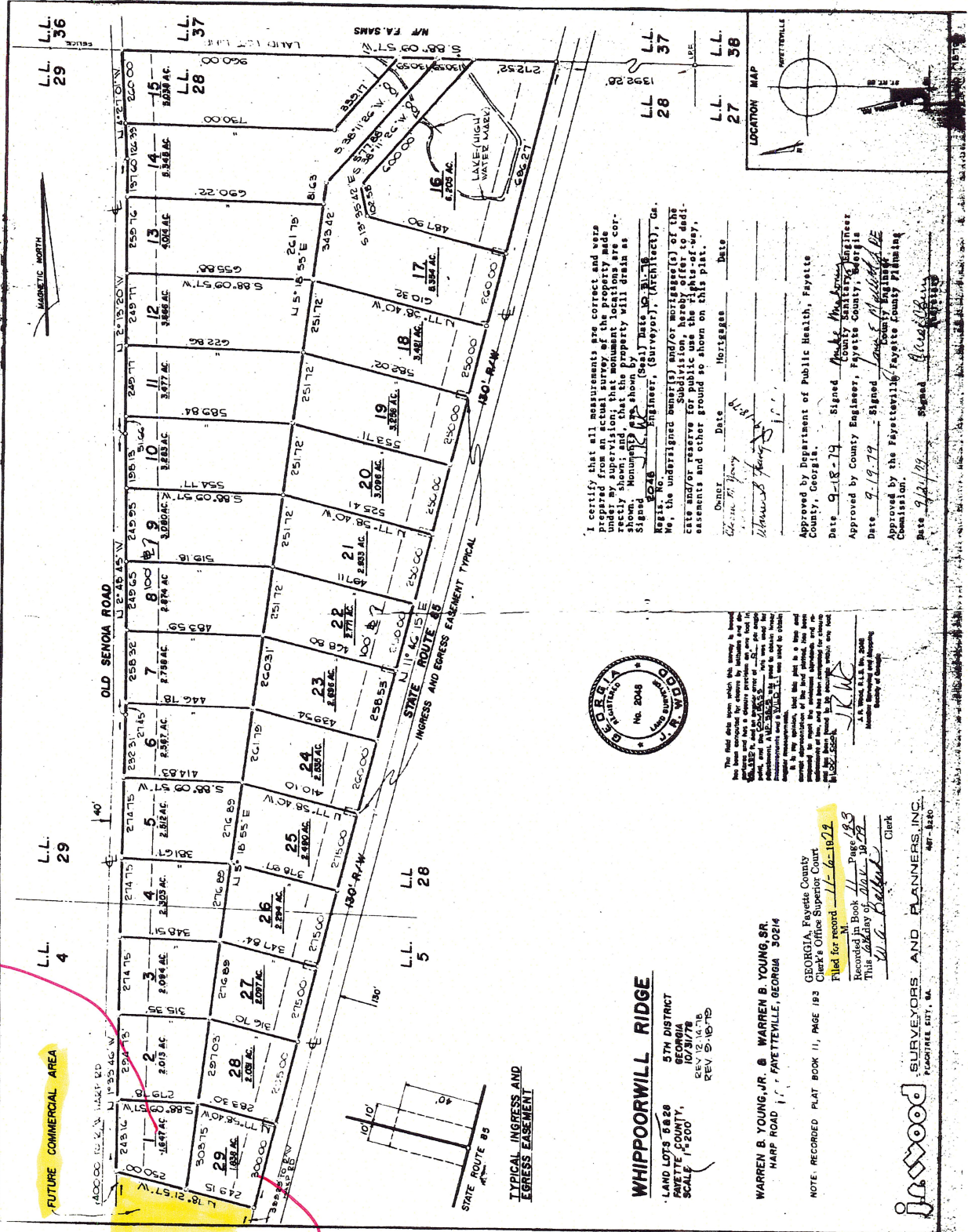
RECOMMENDED CONDITIONS

1. Harp Road is a minor arterial. The developer shall dedicate right of way, as needed, to provide 50 feet as measured from the existing centerline of Harp Road. The corner at the intersection of Harp Road and Old Senoia Road shall be chamfered 20 feet along tangent legs.
2. Submittal of the warranty deed and legal descriptions shall be provided to the County within 60 days of the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.

The property is a non-conforming lot because it does not contain the minimum required acreage for an A-R zoning district. It is located in a highway overlay zone, and it is just north of the highway we just looked at by half a mile. This parcel is bounded on three sides by the roads. You can see that it is A-R zoning and a lot of property in the area is A-R zoning or R-40, medium to low-density residential. Here is the land use plan which recommends rural residential to the south and low-density residential to the north of Harp Road. There are no significant environmental factors that appear to affect this site. Here is an aerial view of the undeveloped property.

Mr. Culbreth asks for the petitioner to come forward to speak.

Hello, my name is Darrell Baker and I represent the landowner and the potential future landowner of this site. I have asked Deborah to hand you a copy of the plat for this property that was recorded back in 1979. This plat and piece of land was divided by Mr. Young who was also a farmer and developer and who owned this land and the land where probably a lot of the citizens here tonight are from, and their homes are which is now called Rebecca Lakes. He subdivided that land and many of the streets in Rebecca Lakes are named after his family and his kids. I think if you look at that plat, this piece of property has been a concern since they platted. That plat specifically states, that when he platted with the county it says 'future commercial use' why do you think he would do that? As a farmer and a developer, he realized that the property was bordered on three sides by roads. You guys



hit the trifecta tonight because you are considering three commercial properties tonight in an area of the county which is growing. I get that a lot of people will stand up and discuss the county changes, and I get it, I was born here 60 years ago. I have watched this county change. Change is inevitable. I have farmed the land where Towne Center and Summit Point sit right now from the time, I was 9 to the time I was 18. So, you can imagine how much this county has changed in 60 years. I think Mr. Oliver made a good point, when the comp plans are considered, the question is do they look at every piece of land in the county? And the answer is no. If you look at this property, there is nothing other than houses around it that say it is a good piece of property for A-R residential. It is non-conforming; it is only 4.03 acres, and it doesn't even meet the 5-acre mark. It has been encroached by state highway improvement. It has been encroached upon by improvement along Harp Road. When Mr. Davis bought the property, Old Senoia Road was a gravel road. So, you now have the improvement of Old Senoia Road. So, through no fault of his own whether through road improvements or zoning updates which have made, this a non-conforming lot. All of these changes...he now has a piece of property that I don't think anyone in this room would build a house on. I could be wrong. I know that I wouldn't. I wouldn't want to be bordered by roads on three sides. I get that no one likes to change, and no one likes growth. Let's talk also about what is happening up the 85 corridor. I heard a comment by Mr. Thoms about commercial development. There is commercial development all up and down 85 South. If you look there are 4 signalized intersections up 85 South from the city limits all the way to where you go into Senoia. There is Ramah Road there is the Racetrack and even though it is in the city, it is also in the county. Then you get to Harp Road and that is the piece of property we are considering. Then the next piece of property is Bernhard, and you have fuel, retail, convenience, an office, a church, and a fire station at Bernhard Road and 85. The next intersection is Padgett Road, Hwy 74 and 85. What has been approved on two corners of this intersection is fuel and convenience. So, tell me what makes this property different than those pieces of property? Most of those properties are surrounded by residential. Most of those properties are parts of larger R-R tracts. So, I represent a gentleman who has owned this property for 41 years. He bought it from a gentleman who already knew that this property would probably never have a house on it due to the nature of the property. Through hardships not created by the landowner himself, he now has a non-conforming piece of property. I hate to say it but of the 60 years I have been here, I have been developing for 33 of those years. I have been a change agent here on things that people haven't liked. I have been a change agent on things that people have liked. I have friends who live adjacent to this property and friends in Rebecca Lakes. One of my friends growing up, his father is here, and he owns the immediate track to the north. There should be something said for landowner rights and there are certain things that have happened to this tract that have made it a non-conforming tract. The other four intersections the other three you have fuel. Let me give you another statistic. I went and looked at all the signal lights in Fayette County proper outside of the city limits. If you look at Hwy 85 N, 85S, 54E, 54W, 314, 92 N, 92S you have 22 signalized intersections. Of those 22 intersections, we have fuel and convenience on 13 of the 22 intersections. Of those 16 are commercial tracts with commercial uses. You have 5 tracts that don't have any commercial because when the signal was installed all tracts that touch that intersection were already zoned with residential houses. One tract that is totally different than the rest of them and that is the intersection of New Hope Road, 92 South, and Lees Mill where you have the historic

church, the community center, and Fayette County Water. So, the majority of signalized intersections throughout the county have all changed in the character of the piece of property. So, I represent an owner and a potential buyer who is a credible developer. He has done this a lot of times, and he is willing to conform to an overlay.

Ms. Bell states that the property is located in the state route overlay.

We are willing to develop to the standards of the overlay which would be residential in nature. We have potential elevations already...all brick, the gabled roof, it will have small retail just like Bernhard and 85 do. We will conform to the conditions. We will work with staff to mitigate the light transfer. There will be additional buffers required and any other conditions that staff may have. Again, we understand that this is not popular, and this is an issue, but I gave you the plat that was recorded. Those are addresses of homes in the area and when they were built. Based on when this land was platted. You can see most of these homes have been built from 1993 and out and have been platted since 1979 and it says future commercial use. We understand that this does not guarantee rezoning, and he did not go and get it rezoned at the time. Early on when he was discussing this with the county about making road improvements and they were talking about paving Old Senoia Road. He came to the realization as a developer that there was going to be no way that anyone was ever going to build a house on this piece of property. Look how old this property is and there has never been anything on it. It is just like the U.S. Station. It has been like that forever and with all the land around it, you are never going to get anyone to develop a lot and build a house. I am here to answer any questions. Change is hard and unpopular.

Mr. Culbreth asked if anyone else would like to speak in favor of the petition? Is anyone in opposition? OK, I see a lot of hands. Have you selected a speaking leader for you?

Hello, my name is Harry Sweatman. I live at 516 Old Senoia Road. I am next door to that lot. I have known Mr. Baker for 50 years or so. He made a statement that this lot was non-compliant. I assume it is non-compliant for someone building a house. Mr. Davis clear-cut that lot some 20 years ago which maybe made it non-compliant...I don't know. At the time, that was an old-growth forest almost. I don't think it was actually old growth, but it had some large, mature trees. Mr. Lindsey stated that there hadn't been any houses built facing 85. That's wrong. There has been plenty of houses, I believe from Perry Creek all the way to Harp Road. Some of them in the last 10 years or so. There is nothing but homes and churches. I don't know what he plans to do about light pollution because if he does do that my biggest hope is it would be something like a Dollar General because they do close. He is going to have light on there all the time. When I got there and heard it was going to be a service station, I was real upset about it. I also have one question, what happened when the county said that there would be no commercial development along the proposed west bypass? Have they changed that or changed the route? I have only lived here for about 40 years and in the county for about 50 years and all that growth is not pretty and doesn't justice to this county. Thank you.

Next speaker against.

Good evening, my name is Russell Blythe from Herons Landing. Commissioners, I am president of the Herons Landing HOA. We are a neighborhood of about 18 homes and the entrance is about 800 feet up Old Senoia Road from this proposed site. Many of our homeowners have school-aged children who attend Whitewater Schools and catch the bus right on Old Senoia. A number of our homeowners are here tonight, please raise your hands so we can see you. The planning and zoning staff has recommended denial and I think that

is the right decision. The subject property is surrounded on all sides by properties that are zoned residential. There are commercial properties about ½ mile to the south that we spoke about earlier tonight. This property is meaningfully different from the property we spoke about earlier tonight. The gas station that was there has been there for 6 decades. For the property of this petition, there has been nothing but trees and grass. There has not been anything on this property and that is the way it should stay. Unlike the other property too there is no access to the other property except on Hwy 85. On this property, there is access to Old Senoia Road and Harp Road in addition to Hwy 85. Regardless of what has happened on Hwy 85, there have been plenty of homes built on Old Senoia Road in the past 10 years. It is a perfectly reasonable use as a residential property. This is nothing like the property to the south. The nearest commercial property is nearly 2 miles away at the old Trading Post (1045 Highway 85 South). There is not a single property zoned commercial on Old Senoia Road. There is not a single property zoned commercial on Harp Road. Mr. Baker speaks with a silver tongue, and he is very persuasive. He mentioned that there are a lot of gas stations in town. I agree. There are a lot of gas stations in town. There is clearly no need, at this time to rezone an area that is clearly residential on all sides to put up another gas station. We don't need it. We are going to have another one ½ a mile away. We have one 2 miles in either direction. This is not a need for this county. The only need is for this owner who wants to transition this into commercial property to make some money off of it, but that is not going to be of benefit to the people who live in the area. There would be some significant hazardous impact. As I mentioned the residents in our area have a lot of children who catch the bus on Old Senoia Road. That is not intended to be a commercial artery. The last thing Old Senoia needs is more traffic, and it is sure to negatively impact the traffic on Harp Road as well. On behalf of the HOA at Herons Landing and the residents of the surrounding area who chose to live in a rural residential area, we request that you deny this petition.

Mr. Culbreth, "Anyone else wishing to speak against this petition?"

Good evening, my name is Paulette Roberts, and I am the President of the HOA at Rebecca Lakes yes, we have a large number of our residents that are here today. Our neighborhood has 100 homes, and we are right across the street to the proposed change. All the properties are zoned residential in the surrounding area. Although this is supposedly a non-conforming lot of 4-acres. The property just south of it was rezoned from A-R to R-70 changing a lot from 6 acres to 3 potential 2-acre lots. All residential. So, in keeping with the plan for this part of Fayette County. This is a very residential area and does not seem to fit that this particular property would be changed to commercial. The reason my husband and I were drawn to Fayette County was the comprehensive use plan and the respect for the residents who currently live there. By putting that as a commercial property, you are adversely affecting all the residents who live on those 4 corners. I don't believe that would be of the best use for all the residents who live in this area. As Mr. Blythe mentioned, there is economic use for this property if it stays residential. You could access it from Old Senoia Road or Harp and that is very possible. The way this change would adversely affect the property owners with a drop in property value, increased light, traffic, and possible water issues. We have 3 lakes in our neighborhood, and we don't need extra water heading our way. Finally, we have a lot of children and there are a lot of things sold in convenience stores that we don't want children to have easy access to. So, I would ask you to please consider the family aspect of Fayette County and how the southern part has always been

that way. We ask for the denial of this zoning change.

Thank you. We have 11 minutes left. Anyone else?

My name is Jessica Kennedy and I live on McElwaney in Rebecca Lakes. Paulette brought up a few of my points. The gentleman had spoken about not having driveways with road frontage and across from this, you guys approved a plan with a driveway to Harp and the other two are going to have driveways off of 85. So, I am not sure anyone would want to build a house knowing a gas station would be across from it. Paulette had brought up the ponds and the lakes. I actually own one of the ponds and the runoff comes from Harp and travels down the backs of McElwaney and Youngs. The runoff comes from there and drains into our pond. We do have fish and turtles. It actually drains down to the larger lakes. I have a concern if you were to take away all the grass and the soil and have concrete what the runoff would be? Also, down Old Senoia, you have the bird sanctuary, and I am sure that the runoff would affect that, and it is something that should be protected. I know someone said it was a triangular lot, but a triangular lot that you can put three homes feels a little more abnormal to build a home on. Like I said we have 99 homes in our neighborhood, we have Herons Landing, another neighborhood across from that area. It is going to devalue our home to have a 'stop and stab' there. I just can't imagine having a want or need especially if you guys just approved a vape store to go across from the middle school. I am not even really sure what you guys approved. I don't know how much business we would really want here. My husband and I chose our home based on the school system. If we start putting a gas station on every corner that can be robbed, now we have crime. Another thing to point out is there is a cut-through from the middle school to our neighborhood and I have actually sent two children back to the middle school during school hours. I don't think we want middle school children leaving school to walk through our neighborhood to go get their vape pods. That is just not conducive to the life I have built here in Fayette County. I grew up here. I lived on the north side of town. My mom still has a beautiful house there and she recently moved into our neighborhood. We don't want to turn into what was over there. I know we think we have a lot of homes, and we couldn't do that, but if we take every spare corner, we absolutely could! I am highly opposed to it! Thank you!

Mr. Culbreth, is there a rebuttal or another speaker?

Tim Thoms from McBride Road again. You bring three rezonings within a half mile of my house and I am going to come up here all three times. I hope I don't jinx these folks since I am 0 for 2 but I am up here batting with 2 strikes. I hope they talked to you at your seminar with the University of Georgia about spot zoning because this is the definition of spot zoning. If you approve this, you have practically tripled the commercial zoning in this area overnight if the Board of Commissioners approves it. And if you look at the other corners you are probably going to quadruple it. So, you are having a huge impact tonight, and I am extremely disappointed.

Thank you, sir.

Mr. Culbreth, ok sir. Thank you is there anyone else? Do we have a rebuttal?

Darrell Baker addressed the board for a rebuttal. The non-conforming lot piece is because the A-R zoning category requires 5-acres so that is why it is considered a non-conforming lot because it is only 4.03-acres. If you want to know how it got to 4.03 acres look at the roads around it. Look at the road expansions around it. So, we have had quite a few people talk about how commercial stops at the old Trading Post (1045 Highway 85 South). That's

not the case. If you go slightly south of that on the left side of the road, you have the Art of Landscape. That is a commercial business, not a residential use. So, you have more business beginning to move. Mr. Sweatman was concerned about it being open all night. The developer (Mr. Sing) who would be developing this would only propose being open from 6 am to 10 pm. I am sure that the county is going to require us to put cut-off shields on the lights that stay on, forcing the light straight down, which will aid in stopping light transfer across the property. And there will be required improved buffers that will be required by the county. On the new lots that were approved by the county. Only one of those lots (and it was the petitioner that got it approved) is bordered by two roads and that is the corner lot that was approved by Mr. Win Lee was approved. His lot borders Harp Road and 85. The rest of the lots front on 85 and the back of the lots are on Rebecca Lakes. So, they are not bordered on 3 sides and the majority are only bordered by one road. With regards to run-off, I would refer you to the staff report where the different departments weighed in if this were granted what would have to happen? I would refer you back to the statement that says this is not in a run-off area, it is not in a FEMA area, it is not in a wetland area. Any water that leaves the site will have to meet certain regulatory guidelines for water quality. We can't just develop anymore and let it run off into the detention ponds. We now need to spend a lot of money on water-quality structures. We now need to provide a rebound for additional water. Basically, when we develop a site, it has to drain like it did in an undeveloped state. Now the guidelines are even more stringent, where you have to clean the water even more before it leaves the site. The skeptic in me says I wish this were just about protecting property values because again these subdivisions were built after this land was platted. Whippoorwill Ridge was a piece where this was created. The homes subsequently were built after this lot was platted this way. Rebecca Lakes was subdivided and built much later than what happened down Old Senoia Road. Mr. Blythe spoke up from Herons Landing and if I remember correctly the first house built in there is the first house on the left and it was built in 2014. I asked the folks that are here when you come into an area and buy a home, how much research do you do? Do you look at the lots around you, do you look at the plats, do you see what people have designated to happen around you? When you buy a home one house off the state highway, do you ever think, the nature of this area could change? I have heard several people talk about how this is still a great residential lot, well, why didn't you build your house there? If it is a great residential lot, then why didn't you build there? Why did you move inward down to Harp Road or Old Senoia? The reality is this is not a residential lot and hasn't been one for a long time. If a lot is not allowed to be developed for something other than A-R, then it will never be developed, and you are taking away the landowner's rights of the man who has owned it for 40 years and the rights of the person before that.

I am Stan Parrott and I live off Harp Road on McElwaney. I have known the landowner for a long time. He is a very fine fellow. I don't want to inhibit a person from being able to achieve or buy land or develop it that they have paid taxes on for a long time. But well, a convenience store, my wife and I added a screen porch because of the mosquitos. We enjoy sitting outside in the evening. And I am all for the light that you put up there, but the noise increased substantially because people stop and then they take off. We do know that the noise, when they develop, the property is going to increase again substantially because of the elevation is higher up and I know that the sound is going to carry, I know some

neighbors when they were trying to sell their house the peoples' comments were how noisy it was due to Georgia 85. We are just adding to it and noise is my biggest concern. I don't know all of the dates, but our home was built in 1994. It wasn't the first house built in Rebecca Lakes. So, I know Mr. Warren Young who is now deceased, and any comment that he may have made about that being a commercial piece of property. It was quite rural back then, of course, if he was still if he was a neighbor like his son is I know he wouldn't approve of that land as a commercial property. As far as a business, if you have a business there that closes at normal business hours like 5 or 6 pm then that's fine, but to have a convenience store. One of the ladies who spoke about North Fayette County earlier. In North Fayette County there is a QT up there and if you go up there at certain times of day, you see people hanging out there and that is a busy station. We have grandchildren now and they stay with us at certain times of the week, and I look at what are you inviting there? People who hang around. You see some people just walking down Georgia 85. There are some homeless people I have even spoken to who just hang out there. The main thing is just the quality of the neighborhood. We all feel like this was a nice neighborhood. This was the border for going to Fayette County High School and then they built Whitewater High School and the lines changed. If someone was looking at our house, well we are going to add more noise. This is what we are concerned about for when we have to move. If a commercial use comes in, I don't think there is a future there for us. We love our neighbors. Thank you.

Mr. Culbreth asked, "We are going to bring it back to the board. Are there any questions?"

9. Petition No. 1341-24 - Applicant proposes to rezone 10.95 acres from A-R to R-70 for the purpose of combining this property with an existing single-family residential parcel.

Debbie Bell reviews the staff report for the above-referenced petition for the purpose of combining the property for a single-family residential parcel. As defined in the Fayette County Comprehensive Plan Rural-Residential-2 is designated for the request for R-70 is appropriate. Based on the staff investigation and analysis staff recommends conditional approval with the following recommended conditions:

RECOMMENDED CONDITIONS

1. Parcels 0708 067 and 0708 057 and this rezoned portion shall be combined into a single parcel within 6 months of approval of the rezoning, or prior to the approval of any additional building permits, whichever comes first.

Debbie Bell shows a display with an aerial of the previous United Soccer Training Complex property. It is now zoned so I did some creative coloring to illustrate. Mr. Ed Wyatt owns these two properties to the north. He is proposing to purchase 10.95 acres from the larger parcel. In order for him to combine that with his property it needs to be rezoned to match his property which is R-70. So, he is requesting to rezone this one from A-R back to R-70 which is consistent with the land use plan. It is undeveloped property. There is some floodplain, and he is aware of that. It does not affect the viability of doing the rezoning, but it is a factor on the lot. Debbie Bell projects an exhibit provided by a

surveyor that demonstrates the properties more clearly.

Mr. Culbreth asks if the petitioner is here.

Yes, sir, my name is Jeff Collins and I hope this doesn't take too long and it is less controversial. Ms. Bell did a fantastic job of explaining it, so I don't want to overdo it. The intent here today is to subdivide the 10.95 acres so it can be conveyed to Mr. Wyatt and in order to combine it, it must be like zoning. So, to have the same zoning as his property, which is R-70, we need to rezone to the same so he can have a little more space there.

Mr. Culbreth asks if anyone else is in favor. Is anyone against? If not, we will bring it back to the board for discussion and questions.

Danny England asks if there is a gas station on this property and says let the minutes reflect there is no gas station on this property. Our first rezoning without a gas station tonight.

Mr. Culbreth, discussion?

ADJOURNMENT:

Danny England moved to adjourn the meeting. Jim Oliver seconded. The motion passed 5-0.

The meeting adjourned at 8:55 p.m.

**PLANNING COMMISSION
OF
FAIRFAX COUNTY**

**JOHN CULBRETH, Sr.
CHAIRMAN**

ATTEST:

**CHRISTINA ALKE
PLANNING COMMISSION SECRETARY**

OATH OF OFFICE


STATE OF GEORGIA COUNTY OF FAYETTE

I, Boris Thomas, do solemnly swear that I will uphold and obey the Constitution and laws of the United States of America and the Constitution and laws of the State of Georgia, that I will uphold the planning and zoning regulations of Fayette County until they are legally changed, that I will perform my duties as a member of the Fayette County Planning Commission in a businesslike way, supporting at all times the actions that, in my opinion, will be for the best interest of Fayette County as a whole, so help me God.

Sworn to and subscribed before me this 1st day of February, 2024.


Boris Thomas


Witness


Notary Public



RESOLUTION

NO. 1341-24

WHEREAS, Veterans Parkway and Lees Mill North, LLC, having come before the Fayette County Planning Commission on February 1, 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 10.95 acres from A-R to R-70 for the purpose of combining this property with an existing single family residential parcel; 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**.

RECOMMENDED CONDITIONS


1. Parcels 0708 067 and 0708 057 and this rezoned portion shall be combined into a single parcel within 6 months of approval of rezoning, or prior to the approval of any additional building permits, whichever comes first.

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:



JOHN H. CULBRETH, SR., CHAIRMAN



**DEBORAH BELL
PLANNING & ZONING DIRECTOR**

**STATE OF GEORGIA
COUNTY OF FAYETTE**

PETITION No (s): _____*STAFF USE ONLY***APPLICANT INFORMATION**Name Veterans Pkwy and Lees Mill North, LLCAddress 3050 Peachtree Rd NW, Suite 740City AtlantaState GA Zip 30305Email vicky.burke@fourstonegrp.comPhone 678-994-8792**PROPERTY OWNER INFORMATION**Name Veterans Pkwy and Lees Mill North, LLCAddress 3050 Peachtree Rd NW, Suite 740City AtlantaState GA Zip 30305Email vicky.burke@fourstonegrp.comPhone 678-994-8792**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: _____

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

STAFF USE ONLY

PROPERTY INFORMATION *(please provide information for each parcel)*

Parcel # (Tax ID): Portion of Parcel 0707011 Acreage: 10.95
 Land District(s): 7th Land Lot(s): 14 & 19
 Road Name/Frontage L.F.: N/A Road Classification: _____
 Existing Use: Homestead Proposed Use: Homestead
 Structure(s): None Type: _____ Size in SF: _____
 Existing Zoning: Currently being rezoned to AR in larger rezone or parcel, was previously R70 Proposed Zoning: R70
 Existing Land Use: Rural Residential Proposed Land Use: Rural Residential
 Water Availability: N/A Distance to Water Line: _____ Distance to Hydrant: _____

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: _____

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: _____

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:
Veterans Pkwy and Lees Mill North, LLC

(Please Print)

Portion of Parcel 0707011

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

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 14 of the 7th District, and (if applicable to more than one land district) Land Lot(s) 19 of the 7th District, and said property consists of a total of 10.95 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.

<p>(II) _____ Signature of Property Owner 1 <u>3050 Peachtree Rd NW, Suite 710</u> Address <u>Atlanta, GA, 30306</u></p>	<p>_____ Signature of Notary Public <u>12/11/2023</u> Date</p>
<p>_____ Signature of Property Owner 2 _____ Address</p>	<p>_____ Signature of Notary Public _____ Date</p>
<p>_____ Signature of Property Owner 3 _____ Address</p>	<p>_____ Signature of Notary Public _____ Date</p>
<p>_____ Signature of Authorized Agent _____ Address</p>	<p>_____ Signature of Notary Public _____ Date</p>



PETITION No.: _____

OWNER'S AFFIDAVIT*(Please complete an affidavit for each parcel being rezoned)*NAME: Veterans Pkwy and Lees Mill North, LLCADDRESS: 3050 Peachtree Rd NW, Suite 740 Atlanta, Georgia 30305

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

Blake Goodman 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 \$ 350 to cover all expenses of public hearing. He/She petitions the above named to change its classification to R70.

This property includes: (check one of the following)

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

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of February 1, 2024 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of February 22, 2024 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 11th DAY OF December, 2023



SIGNATURE OF PROPERTY OWNER SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER


NOTARY PUBLIC

12/11/2023



DEVELOPMENTS OF REGIONAL IMPACT (DRI)**Rezoning Applicant:**

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

Signed this 11th day of December, 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.

CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

(All applications/documentation must be complete at the time of application submittal or the application will not be accepted)

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

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:
 Veterans Pkwy and Lees Mill North, LLC

(Please Print)

Property Tax Identification Number(s) of Subject Property: Portion of Parcel 0707011

(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) 14 of the 7th District, and (if applicable to more than one land district) Land Lot(s) 19 of the 7th District, and said property consists of a total of 10.95 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Jeff Collins 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
1180 W Peachtree St NW, Suite 1900,
Atlanta, GA 30309
 Address

Jordan Jenkins
 Signature of Notary Public
January 18, 2024
 Date

 Signature of Property Owner 2

 Address

 Signature of Notary Public

 Date

 Signature of Property Owner 3

 Address

 Signature of Notary Public

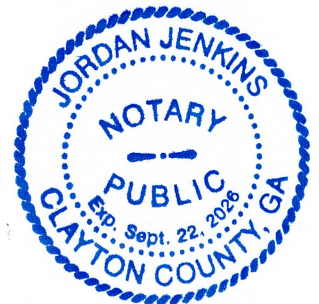
 Date

 Signature of Authorized Agent

 Address

 Signature of Notary Public

 Date



PROPERTY DESCRIPTION**(10.95 ACRE TRACT)**

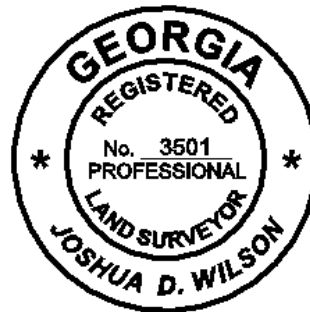
All that tract or parcel of land lying and being in Land Lots 14 & 19, 7th District, Fayette County, Georgia and being more particularly described as follows:

To find the Point of Beginning, commence at a tack found in a rock located at the Land Lot Corner common to Land Lots 13 & 14, 7th District, and Land Lots 193 & 224, 5th District; thence, leaving said point and the said land lot corner and running a direct tie of North 46° 35' 02" West, 3,172.76 feet to a ½ inch rebar with cap "LSF810" set, being the True Point of Beginning of the herein described tract or parcel of land; thence, leaving the said Point of Beginning and running

1. North 71° 58' 19" West, 1,611.45 feet to a ½ inch rebar with cap "LSF810" set; thence,
2. North 82° 24' 22" East, 858.95 feet to a ½ inch rebar found; thence,
3. South 78° 13' 04" East, 772.15 feet to a ½ inch rebar found; thence,
4. South 09° 21' 49" West, 460.70 feet to the Point of Beginning, containing 476,980 square feet or 10.9500 acres of land, more or less.

Prepared By: _____

Joshua D. Wilson, PLS
Georgia Registered Number: 3501



Type: WD
Recorded: 3/3/2023 11:44:00 AM
Fee Amt: \$6,879.10 Page 1 of 8
Transfer Tax: \$6,854.10
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID: 6405611605

BK 5592 PG 507 - 514

After recording return to:
Calloway Title and Escrow, LLC
4170 Ashford Dunwoody Rd. Ste. 525
Atlanta, GA 30319

2-42146

After Recording, Return to:

Cushing Morris Armbruster & Montgomery, LLP
191 Peachtree Street, N.E., Suite 4500
Atlanta, Georgia 30303
Attn: Elizabeth S. Harps

Parcel Nos.:

0542 005
0707 011
0708 042
0708 050

**STATE OF GEORGIA
COUNTY OF FAYETTE**

LIMITED WARRANTY DEED

THIS INDENTURE, made this 3rd day of March 2023, between GREEN PROPERTIES PARTNERS, L.L.L.P., a Georgia limited liability limited partnership (herein called "Grantor") and VETERANS PKWY AND LEES MILL SOUTH, LLC, a Delaware limited liability company (herein called "Grantee").

WITNESSETH that: for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid at and before the sealing and delivery of these presents, and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, Grantor has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THOSE TRACTS or parcels of land lying and being in Land Lots 13, 14, 15, 18 and 19 of the 7th District and Land Lots 224 and 225 of the 5th District of Fayette County, Georgia, being more particularly described on Exhibit "A" attached hereto and by this reference incorporated herein.

TO HAVE AND TO HOLD the said tracts or parcels of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, 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 lawful claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise, subject however, to those matters set forth on Exhibit B, attached hereto and incorporated herein by this reference.

4869-5971-5922, v. 1

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

Signed, sealed and delivered
in the presence of:

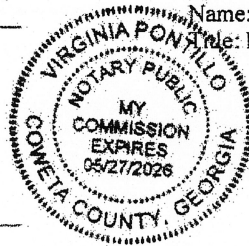
[Signature]
Unofficial Witness

[Signature]
Notary Public

(NOTARY SEAL)

My Commission Expires:

5.27.26



GRANTOR:

GREEN PROPERTIES PARTNERS, L.L.P.

By: [Signature] (SEAL)

Name: Edward C. Wyatt
Title: Managing General Partner

Signed, sealed and delivered
in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

(NOTARY SEAL)

My Commission Expires:

5.27.26



By: [Signature] (SEAL)

Name: John B. Green
Title: General Partner

4869-5971-5922, v. 1

EXHIBIT A
Legal Description

EXHIBIT "A"

TRACT 1:

All that tract or parcel of land lying and being in Land Lots 224 & 225, 5th District, Fayette County, Georgia and being more particularly described as follows:

To find the Point of Beginning, commence at a point at the intersection of the Northeastly Right-of-Way Line of Veteran's Parkway, (apparent 100 feet wide r/w) as per Fayette County Department of Public Works Right-of-Way Plans (West Fayetteville Bypass -- Phase II), and the Land Lot Line common to Land Lot 14 of the 7th District, and Land Lot 224 of the 5th District, said point being 1.59 feet northwest of a concrete r/w monument found; thence, leaving said point and the said line of Veteran's Parkway and running with the said land lot line, North 01° 28' 30" East, 358.02 feet to a nail found in stone being the True Point of Beginning of the herein described tract or parcel of land; thence, leaving the said Point of Beginning and continuing along the said land lot line

1. North 00° 54' 25" East, 694.56 feet to a point on the aforesaid line of Veteran's Parkway; thence, leaving the aforesaid land lot line and running with the said line of Veteran's Parkway
2. 583.43 feet along the arc of a curve deflecting to the right, having a radius of 1,950.00 feet and a chord bearing and distance of North 25° 19' 45" East, 581.25 feet to a point being 0.61 feet northwest of a concrete r/w monument found; thence,
3. North 33° 54' 01" East, 554.51 feet across the land lot line common to land lots 224 and 225; thence, leaving the aforesaid line of Veteran's Parkway and running
4. South 89° 06' 17" East, 191.29 feet to a 1 inch iron rod found; thence,
5. South 00° 55' 13" West, 739.81 feet across the aforesaid land lot line common to land lots 224 and 225 to a 1 inch pipe found; thence,
6. South 00° 50' 38" West, 944.77 feet to a ½ inch rebar found; thence,
7. North 89° 25' 56" West, 734.45 feet to the Point of Beginning, containing 1,000,459 square feet or 22.9674 acres of land, more or less.

TRACT 2 (INCLUDING GAP):

All that tract or parcel of land lying and being in Land Lot 15, 7th District, Fayette County, Georgia and being more particularly described as follows:

Beginning at a 1 inch open top pipe found at the northeast corner of Virginia Lake Estate -- Unit Two per plat recorded among the Land Records of Fayette County, Georgia in Plat Book 17, Page 154, said point being the Land Lot Corner common to Land Lots 15, 16, 17 & 18 of the 7th District as identified in Deed Book 4398, Page 25, Plat Book 8, Page 127 & Plat Book 17, Page 154, aforesaid records; thence, leaving said point and running along the said land lot line common to land lots 15 & 16

1. North 88° 54' 39" East, 237.95 feet; thence, leaving the aforesaid land lot line and running
2. South 00° 49' 15" West, 2,064.62 feet to a point on the Northerly Right-of-Way Line of Lee's Mill Road (f.k.a. Lee's Lake Road) (f.k.a. Ellington-Kenwood Road) (having an apparent 80 feet wide r/w); thence, running with the said line of Lee's Mill Road
3. 210.86 feet along the arc of a curve deflecting to the left, having a radius of 7,055.50 feet and a chord bearing and distance of South 77° 59' 38" West, 210.86 feet; thence,
4. South 77° 08' 16" West, 34.80 feet to a point on the aforesaid land lot line common to land lots 15 & 18; thence, leaving the aforesaid line of Lee's Mill Road and running with the said land lot line and partially along the aforesaid easterly subdivision line of Virginia Lake Estate -- Unit Two
5. North 00° 51' 51" East, 2,111.73 feet to the Point of Beginning, containing 498,074 square feet or 11.4343 acres of land, more or less.

4869-5971-5922, v. 1

TRACT 3A:

All that tract or parcel of land lying and being in Land Lots 13, 14, 15, 18 & 19 of the 7th District, and Land Lots 224 & 225 of the 5th District, Fayette County, Georgia and being more particularly described as follows:

Beginning at a tack found in rock at the Land Lot Corner common to Land Lots 13 & 14 of the 7th District, and Land Lots 193 & 224 of the 5th District; thence leaving the said Point of Beginning and running with the said land lot line common to land lots 13 & 193

1. South 00° 40' 30" West, 1,444.84 feet to a ½ inch rebar with cap "LSF810" set on the Northwestern Right-of-Way Line of Veteran's Parkway, (apparent 100 feet wide r/w) as per Fayette County Department of Public Works Right-of-Way Plans (West Fayetteville Bypass – Phase II), thence, running with the said line of Veteran's Parkway
2. South 35° 00' 07" West, 346.23 feet to a point in the centerline of Whitewater Creek; thence, running with the meanderings of the said creek centerline the following courses and distances
3. North 45° 26' 00" West, 52.34 feet; thence,
4. North 15° 05' 40" West, 61.60 feet; thence,
5. North 33° 40' 34" East, 68.06 feet; thence,
6. North 24° 05' 05" East, 53.32 feet; thence,
7. North 67° 02' 50" West, 61.54 feet; thence,
8. North 39° 47' 04" West, 58.96 feet; thence,
9. North 04° 25' 30" East, 81.78 feet; thence,
10. North 66° 19' 09" East, 75.19 feet; thence,
11. South 67° 56' 31" East, 80.42 feet; thence,
12. North 68° 39' 24" East, 64.82 feet; thence,
13. North 21° 33' 28" West, 43.65 feet; thence,
14. North 81° 08' 28" West, 73.51 feet; thence,
15. North 09° 02' 29" West, 42.06 feet; thence,
16. North 62° 39' 15" East, 94.52 feet; thence,
17. North 15° 03' 31" East, 76.25 feet; thence,
18. North 03° 26' 29" West, 125.78 feet; thence,
19. North 17° 33' 00" East, 102.77 feet; thence,
20. North 00° 56' 30" East, 96.75 feet; thence,
21. North 41° 20' 06" West, 37.61 feet; thence,
22. North 54° 40' 04" West, 77.14 feet; thence,
23. North 40° 14' 36" West, 144.79 feet; thence,
24. North 11° 15' 52" West, 69.06 feet; thence,
25. North 01° 06' 42" West, 238.14 feet; thence,
26. North 80° 07' 45" West, 44.04 feet; thence,
27. North 58° 51' 35" West, 58.42 feet; thence,
28. North 17° 26' 59" West, 116.95 feet; thence,
29. North 81° 13' 11" West, 116.28 feet; thence,
30. South 68° 06' 09" West, 215.77 feet; thence,
31. South 84° 49' 40" West, 107.71 feet; thence,
32. South 44° 29' 15" West, 204.77 feet; thence,
33. South 36° 37' 43" West, 96.46 feet; thence,
34. South 69° 44' 43" West, 122.68 feet; thence,
35. North 64° 58' 27" West, 78.08 feet; thence,
36. South 60° 44' 06" West, 108.13 feet; thence,
37. North 84° 50' 29" West, 115.56 feet; thence,
38. North 16° 49' 20" East, 74.95 feet; thence,
39. North 15° 39' 17" West, 80.38 feet; thence,
40. North 34° 16' 25" East, 93.39 feet; thence,
41. North 71° 01' 33" West, 194.53 feet; thence,
42. North 65° 03' 53" West, 102.99 feet; thence,

4869-5971-5922, v. 1

43. South 65° 12' 27" West, 94.55 feet; thence,
44. South 83° 17' 15" West, 64.59 feet; thence,
45. North 30° 00' 15" West, 49.05 feet; thence,
46. North 36° 18' 32" East, 39.82 feet; thence,
47. North 07° 35' 22" East, 42.86 feet; thence,
48. North 49° 44' 27" West, 96.42 feet; thence,
49. North 75° 48' 16" West, 84.65 feet; thence,
50. South 67° 48' 51" West, 145.31 feet; thence,
51. South 62° 20' 47" West, 44.73 feet; thence,
52. South 79° 37' 03" West, 68.08 feet; thence,
53. North 85° 56' 27" West, 133.35 feet; thence,
54. South 64° 19' 32" West, 132.92 feet; thence,
55. South 75° 08' 03" West, 95.65 feet; thence,
56. South 57° 22' 02" West, 84.02 feet; thence,
57. South 71° 54' 28" West, 48.62 feet; thence,
58. North 37° 38' 36" West, 111.11 feet; thence,
59. North 15° 39' 31" West, 143.31 feet; thence,
60. South 69° 54' 53" West, 127.48 feet; thence,
61. North 60° 47' 50" West, 53.74 feet; thence,
62. North 05° 29' 39" West, 28.72 feet; thence,
63. North 34° 35' 02" East, 74.66 feet; thence,
64. North 01° 34' 59" East, 112.94 feet; thence,
65. North 14° 00' 55" East, 139.98 feet; thence,
66. North 61° 45' 08" East, 101.74 feet; thence,
67. North 43° 52' 38" East, 172.86 feet; thence,
68. North 10° 51' 27" West, 118.23 feet; thence,
69. North 25° 16' 24" East, 96.62 feet; thence,
70. North 03° 15' 12" West, 116.30 feet; thence,
71. North 85° 38' 58" West, 74.75 feet; thence,
72. North 21° 54' 17" West, 88.51 feet; thence,
73. North 38° 24' 13" East, 69.87 feet; thence,
74. North 03° 18' 09" East, 107.80 feet; thence,
75. North 40° 03' 01" East, 54.25 feet; thence,
76. South 68° 03' 26" East, 78.30 feet; thence,
77. North 46° 32' 02" East, 49.39 feet; thence,
78. North 27° 07' 58" West, 124.11 feet; thence,
79. North 20° 49' 37" East, 113.43 feet; thence,
80. North 13° 19' 15" West, 152.30 feet; thence,
81. North 25° 08' 33" East, 68.82 feet; thence,
82. North 05° 05' 06" West, 54.49 feet; thence,
83. North 51° 45' 13" West, 78.77 feet; thence,
84. North 71° 21' 14" West, 90.14 feet; thence,
85. South 85° 31' 31" West, 108.82 feet; thence,
86. North 67° 39' 15" West, 74.46 feet; thence,
87. South 70° 04' 59" West, 49.64 feet; thence,
88. South 87° 20' 23" West, 80.80 feet; thence,
89. South 50° 30' 21" West, 199.13 feet; thence,
90. South 74° 58' 42" West, 288.14 feet; thence,
91. North 72° 04' 07" West, 118.00 feet; thence,
92. South 84° 20' 07" West, 122.08 feet; thence,
93. North 73° 31' 36" West, 90.81 feet; thence,
94. South 63° 12' 14" West, 167.50 feet; thence,
95. South 53° 54' 41" West, 226.91 feet; thence,
96. South 67° 35' 25" West, 366.69 feet; thence, leaving the aforesaid centerline of Whitewater Creek and running
97. North 00° 54' 44" East, 1,693.02 feet to a 5/8 inch rebar found; thence,

4869-5971-5922, v. 1

98. North 00° 54' 44" East, 10.02 feet to a ½ inch rebar with cap "LSF810" set on the Southeasterly Right-of-Way Line of Lee's Mill Road (f.k.a. Lee's Lake Road) (f.k.a. Ellington-Kenwood Road) (having an apparent 80 feet wide r/w); thence, running with the said line of Lee's Mill Road
99. 207.85 feet along the arc of a curve deflecting to the left, having a radius of 873.69 feet and a chord bearing and distance of North 49° 15' 42" East, 207.36 feet; thence,
100. North 42° 26' 46" East, 300.34 feet to a ½ inch rebar found; thence, leaving the aforesaid line of Lee's Mill Road and running
101. South 21° 25' 02" East, 546.56 feet to a ½ inch rebar found; thence,
102. North 82° 24' 22" East, 864.32 feet to a ½ inch rebar found; thence,
103. South 78° 13' 04" East, 772.15 feet to a ½ inch rebar found; thence,
104. South 09° 21' 49" West, 466.07 feet to a ½ inch rebar found inside pipe; thence,
105. North 76° 31' 18" East, 600.23 feet to a ½ inch rebar found; thence,
106. North 02° 34' 38" East, 894.88 feet to a ½ inch rebar found; thence,
107. North 03° 47' 35" West, 667.43 feet to a ½ inch rebar found on the aforesaid line of Lee's Mill Road; thence, running with the said line of Lee's Mill Road
108. 86.20 feet along the arc of a curve deflecting to the right, having a radius of 3,391.93 feet and a chord bearing and distance of North 81° 38' 00" East, 86.20 feet; thence,
109. North 82° 21' 41" East, 347.96 feet; thence,
110. 111.22 feet along the arc of a curve deflecting to the right, having a radius of 5,391.92 feet and a chord bearing and distance of North 82° 57' 09" East, 111.22 feet to a ½ inch rebar found; thence, leaving the aforesaid line of Lee's Mill Road and running
111. South 02° 22' 53" East, 309.13 feet to a ½ inch rebar found; thence,
112. South 89° 04' 48" East, 314.26 feet to a ½ inch rebar found; thence,
113. South 00° 51' 29" West, 199.88 feet to a ½ inch rebar found; thence,
114. South 86° 00' 41" East, 451.75 feet to a ½ inch rebar found; thence,
115. North 83° 34' 48" East, 723.13 feet to a ½ inch rebar found; thence,
116. South 89° 10' 31" East, 326.23 feet to a ½ inch rebar with cap "LSF810" set on the aforesaid line of Veteran's Parkway; thence, running with the said line of Veteran's Parkway
117. South 33° 54' 01" West, 767.11 feet to a point being 0.46' northwest of a concrete r/w monument found; thence,
118. 1,733.78 feet along the arc of a curve deflecting to the left, having a radius of 2,050.00 feet and a chord bearing and distance of South 09° 40' 18" West, 1,682.57 feet to a point being 1.16 feet northwest of a concrete r/w monument found; thence,
119. South 14° 33' 26" East, 361.19 feet to a ½ inch rebar with cap "LSF810" set at the intersection of the said line of Veteran's Parkway and the said land lot line common to land lots 14 and 224; thence, leaving the said line of Veteran's Parkway and running with the said land lot line
120. South 01° 00' 10" West, 833.74 feet to the Point of Beginning, containing 11,993,375 square feet or 275.3300 acres of land, more or less.

TRACT 3B:

All that tract or parcel of land lying and being in Land Lot 14, 7th District, Fayette County, Georgia and being more particularly described as follows:

Beginning at a point at the intersection of the Northeasterly Right-of-Way Line of Veteran's Parkway, (apparent 100 feet wide r/w) as per Fayette County Department of Public Works Right-of-Way Plans (West Fayetteville Bypass – Phase II), and the Land Lot Line common to Land Lot 14 of the 7th District, and Land Lot 224 of the 5th District, said point being 1.59 feet northwest of a concrete r/w monument found; thence, leaving said point and running with the said line of Veteran's Parkway

1. 1,065.78 feet along the arc of a curve deflecting to the right, having a radius of 1,950.00 feet and a chord bearing and distance of North 01° 06' 01" East, 1,052.56 feet; thence, leaving the aforesaid line of Veteran's Parkway and running
2. South 00° 54' 25" West, 694.56 feet to a nail found in stone; thence,

4869-5971-5922. v. 1

3. South 01° 28' 30" West, 358.02 feet to the Point of Beginning, containing 52,201 square feet or 1.1984 acres of land, more or less.

TRACT 3C:

All that tract or parcel of land lying and being in Land Lot 225, 5th District, Fayette County, Georgia and being more particularly described as follows:

To find the Point of Beginning, commence at a point at the intersection of the Northeasterly Right-of-Way Line of Veteran's Parkway, (apparent 100 feet wide r/w) as per Fayette County Department of Public Works Right-of-Way Plans (West Fayetteville Bypass – Phase II), and the Land Lot Line common to Land Lot 14 of the 7th District, and Land Lot 224 of the 5th District, said point being 1.59 feet northwest of a concrete r/w monument found; thence, leaving said point and the said land lot line and running with the said line of Veteran's Parkway, 1,065.78 feet along the arc of a curve deflecting to the right, having a radius of 1,950.00 feet and a chord bearing and distance of North 01° 06' 01" East, 1,052.56 feet; thence, 583.43 feet along the arc of a curve deflecting to the right, having a radius of 1,950.00 feet and a chord bearing and distance of North 25° 19' 45" East, 581.25 feet to a point being 0.61 feet northwest of a concrete r/w monument found; thence, North 33° 54' 01" East, 554.51 feet across the land lot line common to land lots 224 and 225 of the 5th District to the True Point of Beginning of the herein described tract or parcel of land; thence, leaving the said Point of Beginning and continuing along the said line of Veteran's Parkway

1. North 33° 54' 01" East, 277.73 feet to a ½ inch rebar with cap "LSF810" set; thence, leaving the aforesaid line of Veteran's Parkway and running
2. South 89° 10' 31" East, 39.44 feet to a ½ inch rebar found; thence,
3. South 00° 45' 21" West, 232.96 feet to a 1 inch iron rod found; thence,
4. North 89° 06' 17" West, 191.29 feet to the Point of Beginning, containing 26,871 square feet or 0.6169 of an acre of land, more or less.

4869-5971-5922, v. 1

EXHIBIT B
Permitted Encumbrances

1. All taxes for the year 2023 and subsequent years.
2. Right of Way Agreement recorded in Deed Book 32, Page 575, aforesaid Records.
3. Easement for Right-of-Way recorded in Deed Book 524, Page 338, aforesaid Records.
4. Permanent Construction/Slope Easement from Green Properties Partners, L.L.L.P. to Fayette County, recorded in Deed Book 3860, Page 136, aforesaid Records.
5. All matters as shown on that certain survey entitled "ALTA/NSPS Land Title Survey To: Veterans Pkwy and Lees Mill South, LLC & First American Title Insurance Company", prepared by TerraMark Land Surveying, Inc., bearing the seal and certification of Paul B. Cannon, Georgia Registered Land Surveyor No. 2928, dated December 22, 2022, last revised February 9, 2023, being designated as Project No. 2022-261.

4869-5971-5922, v. 1

B3**Wednesday, January 17, 2024****Deadline: Each Friday by 10 a.m.****770-461-6317****legals@fayette-news.com**

**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, February 1, 2024, at 7:00 P.M., and before the Fayette County Board of Commissioners on Thursday, February 22, 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.: 1341-24

Owner/Agent: Veterans Pkwy and Lees Mill North, LLC

Existing Zoning District:

A-R

Proposed Zoning District:

R-70

Parcel Number: Portion of Parcel Number 0707011

Area of Property: 10.95 acres

Proposed Use: R-70

Land Lot(s)/District: Land lot 14 & 19 of the 7th District

Fronts on:

PROPERTY DESCRIPTION

(10.95 ACRE TRACT)

All that tract or parcel of land lying and being in Land Lots 14 & 19, 7th District, Fayette County, Georgia and being more particularly described as follows:

To find the Point of Beginning, commence at a tack found in a rock located at the Land Lot Corner common to Land Lots 13 & 14, 7th District, and Land Lots 193 & 224, 5th District; thence, leaving said point and the said land lot corner and running a direct tie of North 46° 35' 02" West, 3,172.76 feet to a ½ inch rebar with cap "LSF810" set, being the True Point of Beginning of the herein described tract or parcel of land; thence, leaving the said Point of Beginning and running

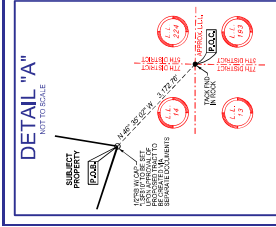
1. North 71° 58' 19" West, 1,611.45 feet to a ½ inch rebar with cap "LSF810" set; thence,

2. North 82° 24' 22" East, 858.95 feet to a ½ inch rebar found; thence,

3. South 78° 13' 04" East, 772.15 feet to a ½ inch rebar found; thence,

4. South 09° 21' 49" West, 460.70 feet to the Point of Beginning, containing 476,980 square feet or 10.9500 acres of land, more or less.

01/17



SPECIAL NOTES

1. CERTIFICATION AND DISCLOSURE IS MADE TO THE ENTIRETY AS LISTED IN THE TITLE.

2. SUBSURFACE AND ENVIRONMENTAL CONCERNS ARE NOT WARRANTED OR CONSIDERED. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS OBSERVED THE EXISTING CONDITIONS. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS OBSERVED THE EXISTING CONDITIONS. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS OBSERVED THE EXISTING CONDITIONS.

3. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS OBSERVED THE EXISTING CONDITIONS. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS OBSERVED THE EXISTING CONDITIONS. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS OBSERVED THE EXISTING CONDITIONS.

SITE AREA

476,980 SQ.FT.
OR
10,950 AC.

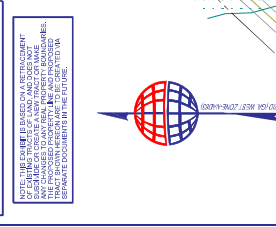
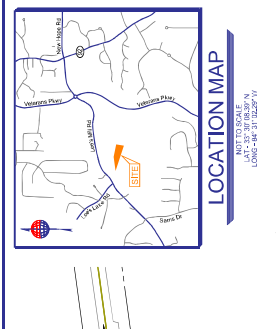
LEE'S MILL ROAD
(F.K.A. LEE'S MILL ROAD)
(APPARENT 80' RW)

TITLE NOTES

ACCORDING TO THE "FLOOD INSURANCE RATE MAP" OF FAYETTE COUNTY, ALABAMA, THE PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AND IS SHOWN THEREAS. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS OBSERVED THE EXISTING CONDITIONS. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS OBSERVED THE EXISTING CONDITIONS.

REFERENCE MATERIAL

1. CURVES AND DATA AS SHOWN HEREON



PROPERTY DESCRIPTION

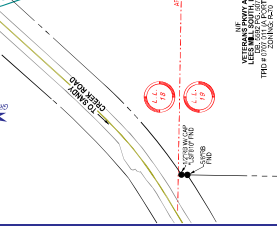
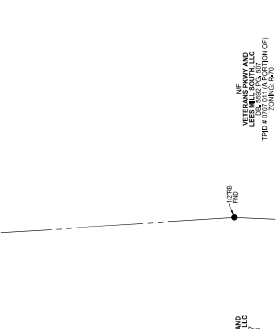
The property is located in Fayette County, Alabama, and is bounded by Lee's Mill Road to the north, Lee's Mill Road to the south, and Lee's Mill Road to the east. The property is bounded by Lee's Mill Road to the north, Lee's Mill Road to the south, and Lee's Mill Road to the east. The property is bounded by Lee's Mill Road to the north, Lee's Mill Road to the south, and Lee's Mill Road to the east.

EXHIBIT NOTES

1. THE EXHIBIT HAS BEEN PREPARED IN ACCORDANCE WITH THE ALABAMA ENGINEERING ACT AND THE ALABAMA ENGINEERING BOARD. THE EXHIBIT HAS BEEN PREPARED IN ACCORDANCE WITH THE ALABAMA ENGINEERING ACT AND THE ALABAMA ENGINEERING BOARD. THE EXHIBIT HAS BEEN PREPARED IN ACCORDANCE WITH THE ALABAMA ENGINEERING ACT AND THE ALABAMA ENGINEERING BOARD.

REZONING EXHIBIT

FOR
LEES MILL COUNTRY, LLC
LOCATED IN
FAYETTE COUNTY, ALABAMA
PAGES 14 & 19, 7TH DISTRICT



PROPERTY DESCRIPTION

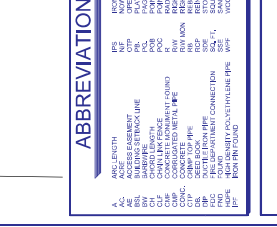
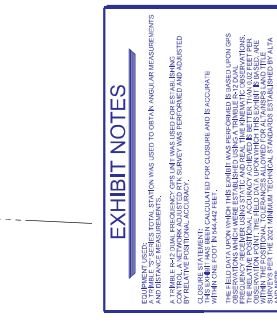
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REZONING EXHIBIT

FOR
LEES MILL COUNTRY, LLC
LOCATED IN
FAYETTE COUNTY, ALABAMA
PAGES 14 & 19, 7TH DISTRICT



PROPERTY DESCRIPTION

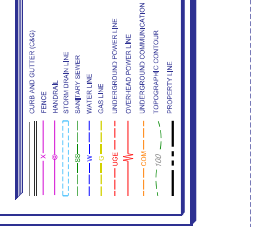
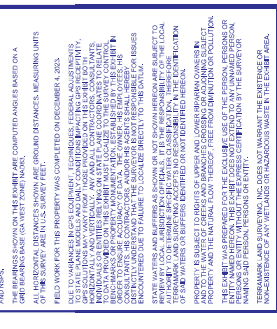
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REZONING EXHIBIT

FOR
LEES MILL COUNTRY, LLC
LOCATED IN
FAYETTE COUNTY, ALABAMA
PAGES 14 & 19, 7TH DISTRICT



PROPERTY DESCRIPTION

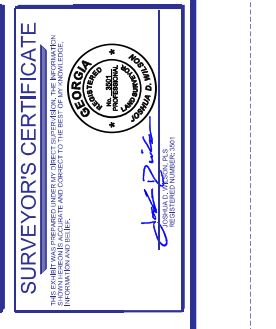
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REZONING EXHIBIT

FOR
LEES MILL COUNTRY, LLC
LOCATED IN
FAYETTE COUNTY, ALABAMA
PAGES 14 & 19, 7TH DISTRICT



COUNTY AGENDA REQUEST

Page 221 of 306

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Resolution 2024-03 to Transmit the Fayette County 2023 Annual Report on Fire Services Impact Fees (FY2023), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2024-FY2028) to Atlanta Regional Commission (ARC) for review by Department of Community Affairs (DCA).

Background/History/Details:

As required by the Georgia Development Impact Fee Act and the Minimum Planning Standards, Fayette County in collaboration with Tyrone, Brooks, and Woolsey, has prepared the Fayette County Annual Report on Fire Services Impact Fees (FY2023), including Comprehensive Plan amendments for updates to the Capital Improvements Element (CIE) and Short-Term Work Program (STWP - FY2024-FY2028.)

This is the public hearing to present the report for approval to transmit to ARC/DCA. Brooks, Tyrone and Woolsey approved the report for transmittal to ARC for coordination of state and regional review.

Once we receive notification of compliance from the Georgia Department of Community Affairs and the Atlanta Regional Commission for the 2023 Fire Services Impact Fee Report, including amendments to the Capital Improvements Element and Short Term Work Program of the Comprehensive Plan, the next step is for each local government to adopt this report and for the adopting Resolutions to be transmitted to ARC. The deadline for this adoption and transmittal of the adopting Resolutions to ARC is June 30, 2024. These actions are required for each government to retain its Qualified Local Government status.

What action are you seeking from the Board of Commissioners?

Approval of Resolution 2024-03 to transmit the Fayette County 2023 Annual Report on Fire Services Impact Fees (FY2023), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2024-FY2028) to Atlanta Regional Commission (ARC) for review by Department of Community Affairs (DCA).

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

NOTICE OF PUBLIC HEARING
FOR THE AMENDMENT OF
THE CAPITAL IMPROVEMENT
ELEMENT AND THE COMMU-
NITY WORK PROGRAM OF THE
FAYETTE COUNTY COMPRE-
HENSIVE PLAN REGARDING
FIRE SERVICE IMPACT FEES

Please be advised that a Public Hearing will be held by the Fayette County Board of Commissioners on February 22, 2024, at 5:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia, to consider the following:

AMENDMENT OF THE CAPITAL
IMPROVEMENT ELEMENT AND
THE COMMUNITY WORK PRO-
GRAM OF THE FAYETTE COUN-
TY COMPREHENSIVE PLAN
REGARDING FIRE SERVICE IM-
PACT FEES

Please be advised that a Public Hearing will be held by the Fayette County Board of Commissioners on February 22, 2024, at 5:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia, to consider the following:

CONSIDERATION OF THE
ADOPTION OF A RESOLUTION
TO TRANSMIT THE CAPITAL
IMPROVEMENT ELEMENT
AND THE COMMUNITY WORK
PROGRAM TO THE ATLANTA
REGIONAL COMMISSION AND
THE GEORGIA DEPARTMENT
OF COMMUNITY AFFAIRS FOR
REVIEW

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

02/07

**STATE OF GEORGIA
COUNTY OF FAYETTE**

RESOLUTION NO. 0403

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

WHEREAS the annual update of the Capital Improvements Element and Community Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on February 22, 2024.

BE IT THEREFORE RESOLVED that Fayette County, Georgia does hereby submit the annual update of the Capital Improvements Element and Community Work Program covering the five-year period of FY 2024 to FY 2028 to the Atlanta Regional Commission and Georgia Department of Community Affairs for regional review, as per the requirements of the Georgia Planning Act of 1989.

Adopted this 22nd day of February 2024.

BY:

ATTEST:

Fayette County and Towns of Brooks, Tyrone, and Woolsey Summary Impact Fee Financial Report FY2023 *	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2023 By Jurisdiction	
Fayette County	107,557.01
Brooks	1,201.14
Tyrone	3,002.85
Woolsey	-
Total	\$111,761.00
Accrued Interest	151.34
(Administrative Other Costs)	(3,254.94)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(108,657.40)
Impact Fee Fund Balance Ending FY 2023	\$0.00
Impact Fees Encumbered	\$0.00

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

Fayette County Impact Fee Financial Report FY2023	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2023 By Jurisdiction	
Fayette County	107,557.01
Accrued Interest	146.65
(Administrative Other Costs)	(3,132.51)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(104,571.15)
Impact Fee Fund Balance Ending FY 2023	\$0.00
Impact Fees Encumbered	\$0.00

Town of Brooks
RESOLUTION 2024-001
CIE & STWP TRANSMITTAL RESOLUTION


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

WHEREAS, the annual update of the Capital Improvements Element and Short Term Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on January 22, 2024.


BE IT THEREFORE RESOLVED that the Town of Brooks does hereby submit the annual update of the Capital Improvements Element and Short Term Work Program covering the five-year period of FY 2024 to FY 2028 to the Atlanta Regional Commission and Georgia Department of Community Affairs for regional review, as per the requirements of the Georgia Planning Act of 1989.

Adopted this 22 day of January 2024.

BY:


Daniel C. Langford, Jr.
Mayor, Town of Brooks

ATTEST:


Lorey Spohr
Town Clerk

Brooks Impact Fee Financial Report FY2023	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2023 By Jurisdiction	
Brooks	1,201.14
Accrued Interest	1.63
(Administrative Other Costs)	(34.98)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(1,167.79)
Impact Fee Fund Balance Ending FY 2023	\$0.00
Impact Fees Encumbered	\$0.00

Town of Tyrone

RESOLUTION 2024-02

CIE &STWP TRANSMITTAL RESOLUTION

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

WHEREAS, the annual update of the Capital Improvements Element and Short Term Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on (date) , 2024.

BE IT THEREFORE RESOLVED that the Town of Tyrone does hereby submit the annual update of the Capital Improvements Element and Short Term Work Program covering the five-year period of FY 2024 to FY 2028 to the Atlanta Regional Commission and Georgia Department of Community Affairs for regional review, as per the requirements of the Georgia Planning Act of 1989.

Adopted this 1st day of Feb, 2024

BY:



ATTEST:



Tyrone Impact Fee Financial Report FY2023	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2023 By Jurisdiction	
Tyrone	3,002.85
Accrued Interest	3.06
(Administrative Other Costs)	(87.45)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(2,918.46)
Impact Fee Fund Balance Ending FY 2023	\$0.00
Impact Fees Encumbered	\$0.00

Town of Woolsey
Fayette County, Georgia

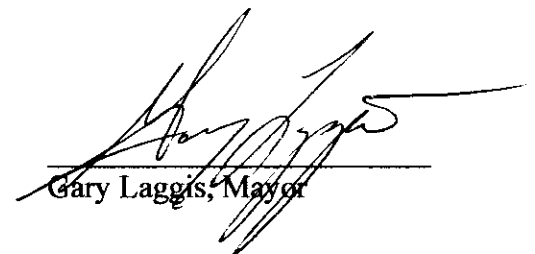
Resolution #2024-03

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

WHEREAS, the annual update of the Capital Improvements Element and Short-Term Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on January 8, 2024.

BE IT THEREFORE RESOLVED, that the Town of Woolsey does hereby submit the annual update of the Capital Improvements Element and Short-Term Work Program covering the five-year period of FY 2024 to FY 2028 to the Atlanta Regional Commission and Georgia Department of Community Affairs for regional review, as per the requirements of the Georgia Planning Act of 1989.

Adopted this 8th day of January, 2024.



Gary Laggis, Mayor

ATTEST: 

Stacey Collins, Town Clerk

Woolsey Impact Fee Financial Report FY2023	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2023 By Jurisdiction	
Woolsey	-
Accrued Interest	-
(Administrative Other Costs)	-
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	-
Impact Fee Fund Balance Ending FY 2023	\$0.00
Impact Fees Encumbered	\$0.00

SCHEDULE OF IMPROVEMENTS-STWP ADDENDUM

(1) Project Description	(2) Service Area	(3) Project Start Date	(4) Project Completion Date	(5) Estimated Project Cost	(6) Portion Chargeable to Impact Fees	(7) Sources of Funds (& Share)	(8) Responsible Party
Fire Training Center (In progress)	Unincorporated Fayette County; Brooks; Tyrone; Woolsey*	FY2018	FY2025	\$1,120,000	22.65%; \$253,680	Impact Fees; Balance of project funded from Fire Tax	Fayette County
Fire Station 14: Sandy Creek Road at Flat Creek Trail	Unincorporated Fayette County; Brooks; Tyrone; Woolsey*	FY2026	FY2028	\$1,613,773	100%	Impact Fees	Fayette County
Fire Station 15: Gingercake Road at Graves Road	Unincorporated Fayette County; Brooks; Tyrone; Woolsey*	FY2027	FY2029	\$2,061,333	100%	Impact Fees	Fayette County
Rescue Truck	Unincorporated Fayette County; Brooks; Tyrone; Woolsey*	FY2024	FY2026	\$224,334	100%	Impact Fees	Fayette County
Brush Truck	Unincorporated Fayette County; Brooks; Tyrone; Woolsey*	FY2025	FY2026	\$57,011	100%	Impact Fees	Fayette County
Engine Pumpers (8 total; 4 purchased since 2018)	Unincorporated Fayette County; Brooks; Tyrone; Woolsey*	FY2018	Future	\$3,252,082	100%	Impact Fees	Fayette County

* Fayette County provides Fire Services for unincorporated Fayette County, Town of Brooks, Town of Tyrone and Town of Woolsey. The Service Area for the Fire Impact Fee does not include Peachtree City or City of Fayetteville.

COUNTY AGENDA REQUEST

Page 233 of 306

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommended Mid-Year Budget Adjustments to the fiscal year 2024 budget and approval to close completed Capital, Capital Improvement Plan (CIP) Projects, and Water System CIP Projects.

Background/History/Details:

Staff is recommending mid-year adjustments to the fiscal year 2024 adopted budget.

The recommended mid-year adjustments include:

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

Detailed budget entries are shown on the attachment.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommended Mid-Year Budget Adjustments to the fiscal year 2024 budget and approval to close completed Capital, Capital Improvement Plan (CIP) Projects, and Water System CIP Projects.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

FAYETTE COUNTY, GEORGIA
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>DEPARTMENT / FUND</u>	<u>ACCOUNT DESCRIPTION</u>		<u>Expenditure</u> <u>Increase (Dec)</u>	<u>Revenue</u> <u>Increase (Dec)</u>	<u>Fund Balance</u> <u>Increase (Dec)</u>
VEHICLE REPLACEMENT FUND:								
A. On 9/14/23, the BOC approved to add to the county fleet of vehicles three new vehicles to be purchased by the Sheriff's Office to be used by School Resource Officers; and to accept the donation of \$174,384 from the Fayette County Board of Education to fund this purchase. The actual cost of the vehicles with add-ons is \$183,144. Recommend to increase the Contribution budget revenue line by the amount of the donation and to increase the Vehicles budget expense line by the total cost of the vehicles - decrease to the Vehicle Replacement Fund balance.								
61000004	371004		Vehicle Replacement Fund	Contribution			174,384.00	174,384.00
61030321	542200		CID Vehicles	Vehicles		183,144.00		(183,144.00)
						183,144.00	174,384.00	(8,760.00)
GRANTS:								
A. The actual LMIG (FY 2024) grant received is more than the amount included in the original budget. Grant revenue received is \$950,853 and grant revenue included in the budget is \$900,000. Grant expenditure included in the budget total \$1,170,000. Recommend to increase the grant revenue budget line and the expenditure budget line by the additional \$50,853 received - zero net effect to the General Fund balance.								
10040004	334311	LMG24	General Fund	Roads & Bridges Grants			50,853.00	50,853.00
10040220	521316	LMG24	Road Department	Technical Services		50,853.00		(50,853.00)
						50,853.00	50,853.00	-
2017 SPLOST:								
A. The following project has been completed. This project has residual funds. Recommend to transfer residual funds to the 2017 SPLOST Contingency line and to close the project.								
1. Project 20SAA 150 Lakeview Drive - total budget \$ 119,207								
32240320	541210	20SAA	Stormwater	Other Improvements		(3,572.07)		3,572.07
32240599	579000	STORM	Stormwater Contingency	Contingency		3,572.07	-	(3,572.07)
						-	-	-

FAYETTE COUNTY, GEORGIA
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>DEPARTMENT / FUND</u>	<u>ACCOUNT DESCRIPTION</u>		<u>Expenditure</u> <u>Increase (Dec)</u>	<u>Revenue</u> <u>Increase (Dec)</u>	<u>Fund Balance</u> <u>Increase (Dec)</u>
B. Recommend to utilize SPLOST project 17TAJ Bike Lanes & Multi Use Paths with available budget of \$246,310 to fund the following project:								
1. Project 24TAA Camp Creek Trail Phase I, total funding \$150,000								
32240220	541210	17TAJ	Road SPLOST	Other Improvements		(150,000.00)		150,000.00
32240220	541210	24TAA	Road SPLOST	Other Improvements		150,000.00		(150,000.00)
						-	-	-
C. Recommend to utilize SPLOST project 17TAC Paved & Gravel Roads/Bridges with available budget of \$2.2M to fund the following projects:								
1. Project 19TAH Palmetto Road Resurface, total funding \$184,660								
32240220	541210	17TAC	Road SPLOST	Other Improvements		(184,660.00)		184,660.00
32240220	541210	19TAH	Road SPLOST	Other Improvements		184,660.00		(184,660.00)
						-	-	-
2. Project 20TAA Camp Creek Timber Bridge Repair, total funding \$10,000								
32240220	541210	17TAC	Road SPLOST	Other Improvements		(10,000.00)		10,000.00
32240220	541210	20TAA	Road SPLOST	Other Improvements		10,000.00		(10,000.00)
						-	-	-
D. Recommend to utilize SPLOST project 19TAD with available budget of \$250k to fund the following project:								
1. Project 19TAE Camp Creek Bridge Evaluation, total funding \$20,000								
32240220	541210	19TAD	Road SPLOST	Other Improvements		(20,000.00)		20,000.00
32240220	541210	19TAE	Road SPLOST	Other Improvements		20,000.00		(20,000.00)
						-	-	-
E. Recommend to utilize SPLOST project 17TAG Intersection Improvements with available budget of \$500k to fund the following projects:								
1. Project 19TAI Antioch Hampton-Winn Way, total funding \$24,200								
32240220	541210	17TAG	Road SPLOST	Other Improvements		(24,200.00)		24,200.00
32240220	541210	19TAI	Road SPLOST	Other Improvements		24,200.00		(24,200.00)
						-	-	-

FAYETTE COUNTY, GEORGIA
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>DEPARTMENT / FUND</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure</u> <u>Increase (Dec)</u>	<u>Revenue</u> <u>Increase (Dec)</u>	<u>Fund Balance</u> <u>Increase (Dec)</u>
2. Project 23TAB Traffic Signal Pre-Empt Device, total funding 23,790.51							
32240220	541210	17TAG	Road SPLOST	Other Improvements	(23,790.51)		23,790.51
32240220	541210	23TAB	Road SPLOST	Other Improvements	23,790.51		(23,790.51)
					-	-	-
CAPITAL/CIP PROJECTS:							
A. The following project has been completed. This project has a budget overage. Recommend to transfer funds from General Fund Contingency Projects to cover the shortage and to close the projects.							
1. 231AJ Public Defender Renovation - total budget \$19,000							
37510599	579000		GF Projects Contingency	Contingency	(49.07)		49.07
37210565	541210	231AJ	Building & Grounds Projects	Other Improvements	49.07		(49.07)
					49.07	49.07	-
B. The following projects have been completed. These projects have residual funds. Recommend to transfer the residual funds to the respective Projects Contingency line and to close the projects.							
1. 233AU Lenco Bearcat G-3 - total budget \$331,898							
37530310	542200	233AU	Sheriff's Projects	Vehicles	(7,702.00)		7,702.00
37510599	579000		GF Projects Contingency	Contingency	7,702.00		(7,702.00)
					7,702.00	7,702.00	-
2. 231AI Roof Replacement - Historical Society - total budget \$16,700							
37210565	541210	231AI	B&G Projects	Other Improvements	(8,200.00)		8,200.00
37510599	579000		GF Projects Contingency	Contingency	8,200.00		(8,200.00)
					8,200.00	8,200.00	-

FAYETTE COUNTY, GEORGIA
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>DEPARTMENT / FUND</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure Increase (Dec)</u>	<u>Revenue Increase (Dec)</u>	<u>Fund Balance Increase (Dec)</u>
C. The following parking lot projects were contracted out. Due to increased labor and material costs, additional funds are needed to complete the parking lots. Recommending to transfer funding from the respective Projects Contingency accounts or other projects as needed.							
1. 236AB Library Parking Lot Repavement - original budget = \$150,655. (Phasing stages)							
37510599	579000		GF Projects Contingency	Contingency	(64,070.82)		64,070.82
37560500	541210	236AB	Library Projects	Other Improvements	64,070.82		(64,070.82)
					-	-	-
2. 233AI STATION 5 PARKING LOT RESURFACE - original budget = \$63,000.							
37510599	579000	FIRE	Fire Projects Contingency	Contingency	(25,731.56)		25,731.56
37530550	541210	233AI	Fire Services Projects	Other Improvements	25,731.56		(25,731.56)
					-	-	-
3. 233AJ STATION 6 PARKING LOT RESURFACE - original budget = \$55,000.							
37510599	579000	FIRE	Fire Projects Contingency	Contingency	(33,161.73)		33,161.73
37530550	541210	233AJ	Fire Services Projects	Other Improvements	33,161.73		(33,161.73)
					-	-	-
4. 233AL STATION 10 PARKING LOT RESURFACE - original budget = \$56,175.							
37510599	579000	FIRE	Fire Projects Contingency	Contingency	(10,732.97)		10,732.97
37530550	541210	233AL	Fire Services Projects	Other Improvements	10,732.97		(10,732.97)
					-	-	-
5. 243AK FIRE DEPOT (OLD STATION 2) PARKING LOT RESURFACE - original budget = \$41,000. (Concrete Pad)							
37510599	579000	FIRE	Fire Projects Contingency	Contingency	(71,624.48)		71,624.48
37530550	541210	243AK	Fire Services Projects	Other Improvements	71,624.48		(71,624.48)
					-	-	-

FAYETTE COUNTY, GEORGIA
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>DEPARTMENT / FUND</u>	<u>ACCOUNT DESCRIPTION</u>		<u>Expenditure</u> <u>Increase (Dec)</u>	<u>Revenue</u> <u>Increase (Dec)</u>	<u>Fund Balance</u> <u>Increase (Dec)</u>
6. 236AG MCCURRY PARK N SOCCER PARKING LOT RESURFACE - original budget \$265,388. (CIP projects residual funds)								
37560110	542140	206AN	Recreation Projects	Field Equipment		(28,601.87)		28,601.87
37560110	541210	226AI	Recreation Projects	Other Improvements		(16,130.44)		16,130.44
37560110	541210	236AG	Recreation Projects	Other Improvements		44,732.31		(44,732.31)
						-	-	-
D. The following project has been completed with no remaining funds. This project is for repairs and will not be capitalized. Recommending to close the project and move all expenditures to it's respective M&O.								
1. Project 246AB Field Lip Repairs at the Parks has been completed with no remaining funds. This project is for repairs and will not be capitalized. Recommending to close the project and to move all expenditures to the Recreation Department M&O.								
37260110	541210	246AB	Recreation Projects	Other Improvements		(35,000.00)		35,000.00
10060110	541210		Recreation	Other Improvements		35,000.00		(35,000.00)
						-	-	-
E. The following projects have been completed. These projects have no budget shortage or residual funds. Recommend to close the projects.								
1. 242AA State Court Judge-Copier (original budget = \$7,813)								
2. 231AB Library Windows & Door Replacement (original budget = \$57,800)								
F. The following project is requested to replace all systems of the entrance gate at Public Works, 115 McDonough Road. Funding for this project to be transferred from GF Projects Contingency.								
37510599	579000		GF Projects Contingency	Contingency		(40,000.00)		40,000.00
37240100	541210	244AB	Public Works Projects	Other Improvements		40,000.00		(40,000.00)
						-	-	-

FAYETTE COUNTY, GEORGIA
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>DEPARTMENT / FUND</u>	<u>ACCOUNT DESCRIPTION</u>	<u>Expenditure</u> <u>Increase (Dec)</u>	<u>Revenue</u> <u>Increase (Dec)</u>	<u>Fund Balance</u> <u>Increase (Dec)</u>
WATER SYSTEM:							
A. The following projects have been completed. These projects have either a budget overage or have residual funds. These projects have a net overage of \$0.17. Recommend to transfer funds from the Water System fund to cover the net overage and to close the projects.							
1. Project 1VPWE Veteran Parkway Waterline Extension has been completed and has a budget overage of \$0.42.							
50740400	542540	1VPWE	Water CIP	Water CIP Expense	0.42		(0.42)
2. Project 8SHDC Solids Handling (Sludge Collector) at Crosstown has been completed and has a budget overage of \$19,240.74 (original budget = \$553,013).							
50740400	542540	8SHDC	Water CIP	Water CIP Expense	19,240.74		(19,240.74)
3. Project 21WSA Solids Handling (Sludge Collector) at South Fayette has been completed. This project has residual funds.							
50740400	542540	21WSA	Water CIP	Water CIP Expense	(19,240.99)		19,240.99
				Net Overage	0.17	-	(0.17)
505	XXXXXX		Water System	Fund Balance	(0.17)		0.17
					(0.00)	-	0.00
B. The following projects have been completed. These projects do not have any residual funds. Recommend to close the projects.							
1. Project 22WSA Process Improvement - SAGES (original budget = \$22,000)							
2. Project 22WSB 3MG Clear Well Improvement - S. Fayette (original budget = \$150,000)							
3. Project 8NWEF North Waterline Enhancement (original budget = \$92,193)							
C. On 12/14/23, the BOC approved Contract #2349-S: Lake Horton Raw Water Pump 4 Repairs. The contract is with Goforth Williamson, Inc. (GWI) for an amount of \$79,225 to refurbish Water Pump #4 which has failed due to vibration caused by shaft damage. Recommendation to transfer \$76,000 from the Water System CIP project 22WSK Distribution Water Quality & Redundancy to project 9WSPR WS Pump Refurbishment Program to cover the contract cost.							
50740400	542540	22WSK	Water CIP	Distribution Water Quality & Redundancy	(76,000.00)		(76,000.00)
50740400	542540	9WSPR	Water CIP	WS Pump Refurbishment Program	76,000.00		76,000.00
					-	-	-
D. On 8/24/23, the BOC approved to transfer all funds in project 23WSC Lead Service Line Replacements to project 22WSI SR 85 Relocation GDOT PI 721290. There are no remaining funds in project 23WSC. Recommend closing the project.							
1. Project 23WSC Lead Service Line Replacements (original budget = \$105,000)							
					-		-

FAYETTE COUNTY, GEORGIA
RECOMMENDED MID-YEAR BUDGET ADJUSTMENTS TO THE ORIGINAL FY 2024 BUDGET
FOR FISCAL YEAR ENDED JUNE 30, 2024

<u>ORG</u>	<u>OBJ</u>	<u>Proj</u>	<u>DEPARTMENT / FUND</u>	<u>ACCOUNT DESCRIPTION</u>		<u>Expenditure</u> <u>Increase (Dec)</u>	<u>Revenue</u> <u>Increase (Dec)</u>	<u>Fund Balance</u> <u>Increase (Dec)</u>
E. A 2014 Ford F-150 (VIN #1FTMF1CF1EKF78285) belonging to the Water System was involved in an accident on June 29, 2023, and declared a total loss. A settlement check of \$10,631 was received from the insurance company. The Water System wants to purchase a Ford Explorer as replacement for the totaled vehicle. The current pricing for a Ford Explorer with standard options is \$38,025 leaving a shortfall of \$27,394. Recommendation to increase the revenue budget by the settlement amount received and increase the Vehicles budget expense line by the cost of the vehicle. Also, recommend to decrease the R&E expense line by the amount of the shortfall to maintain a Water System balanced budget.								
50540001	383000		Water System	INSURANCE REIMBURSEMENT			10,631.00	10,631.00
50544020	542200		Water System Field Ops	Vehicles		38,025.00		(38,025.00)
50541100	610915		Administrative - Debt/FA	Water R&E		(27,394.00)		27,394.00
						10,631.00	10,631.00	-

COUNTY AGENDA REQUEST

Page 241 of 306

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to acquire all fee simple right-of-way for the proposed intersection improvement signalized intersection of SR 54 and Tyrone Road (2017 SPLOST 21TAA).

Background/History/Details:

This intersection was approved by the Board of Commissioners for an intersection improvement project on August 13, 2020. Concept work and right-of-way (ROW) exhibit are completed. This agenda item helps provide the appropriate basis from which the land acquisition activities can be concluded.

This agenda item seeks approval for staff to acquire the land necessary for future construction.

A copy of Pond's ROW exhibit is provided as back-up to this request.

What action are you seeking from the Board of Commissioners?

Approval to acquire all fee simple right-of-way for the proposed intersection improvement signalized intersection of SR 54 and Tyrone Road (2017 SPLOST 21TAA).

If this item requires funding, please describe:

Funding is available from the 2017 SPLOST (21TAA).

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

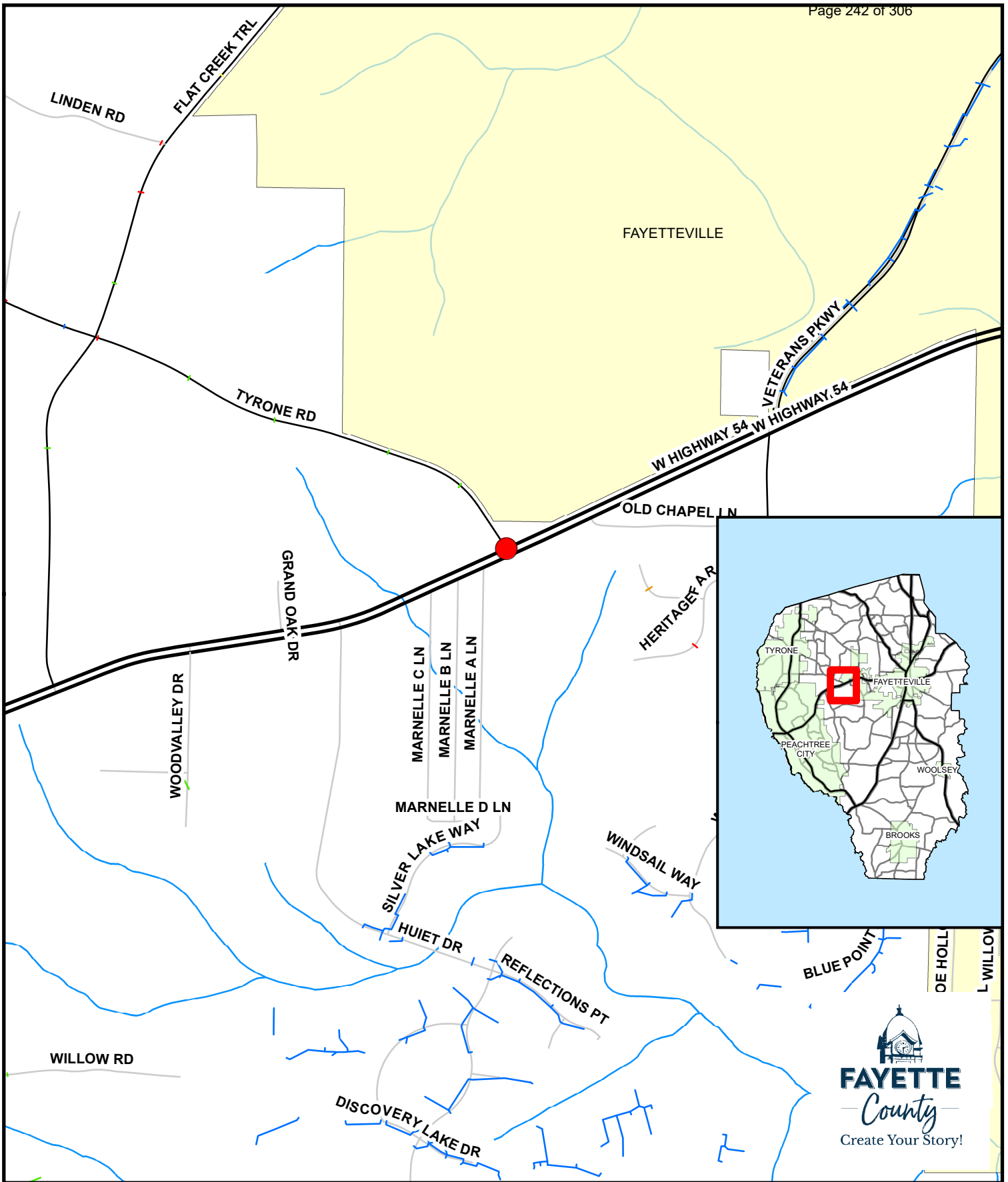
Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

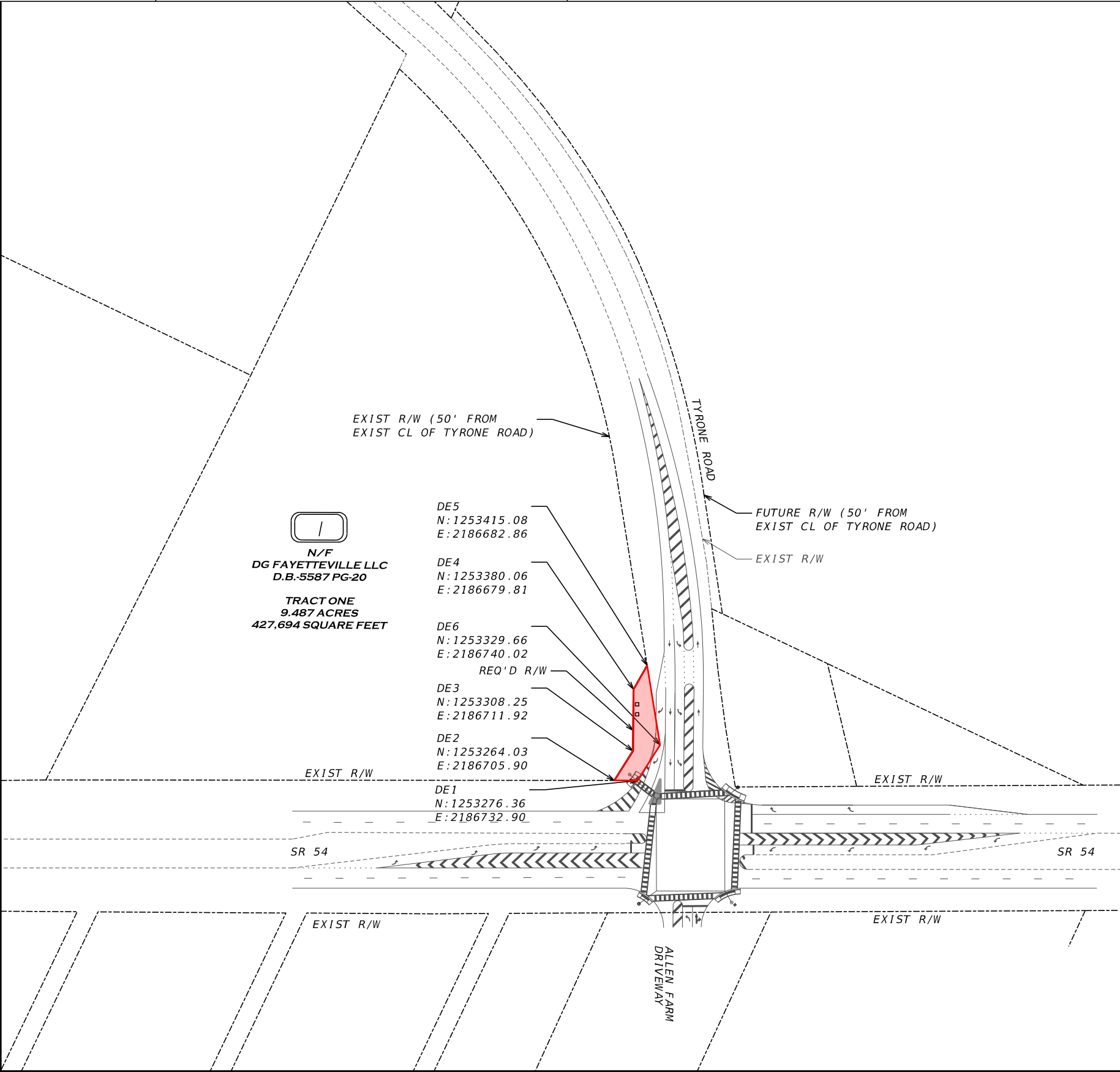
Staff Notes:



● Project Location

Fayette County 2017 SPLOST
21TAA Tyrone Road and SR 54
Inventory Map





PARCEL 1			
REQ'D R/W			

PNT	DISTANCE	BEARING	NORTHING/ EASTING

DE1	29.68	S 65°27'35.12" W	N:1253276.36 E:2186732.90
DE2	44.62	N 07°45'12.30" E	N:1253264.03 E:2186705.90
DE3	78.66	N 24°05'27.50" W	N:1253308.25 E:2186711.92
DE4	35.15	N 04°58'35.67" E	N:1253380.06 E:2186679.81
DE5	102.78	S 33°47'28.54" E	N:1253415.08 E:2186682.86
DE6	53.78	S 07°36'53.30" W	N:1253329.66 E:2186740.02
DE1			N:1253276.36 E:2186732.90

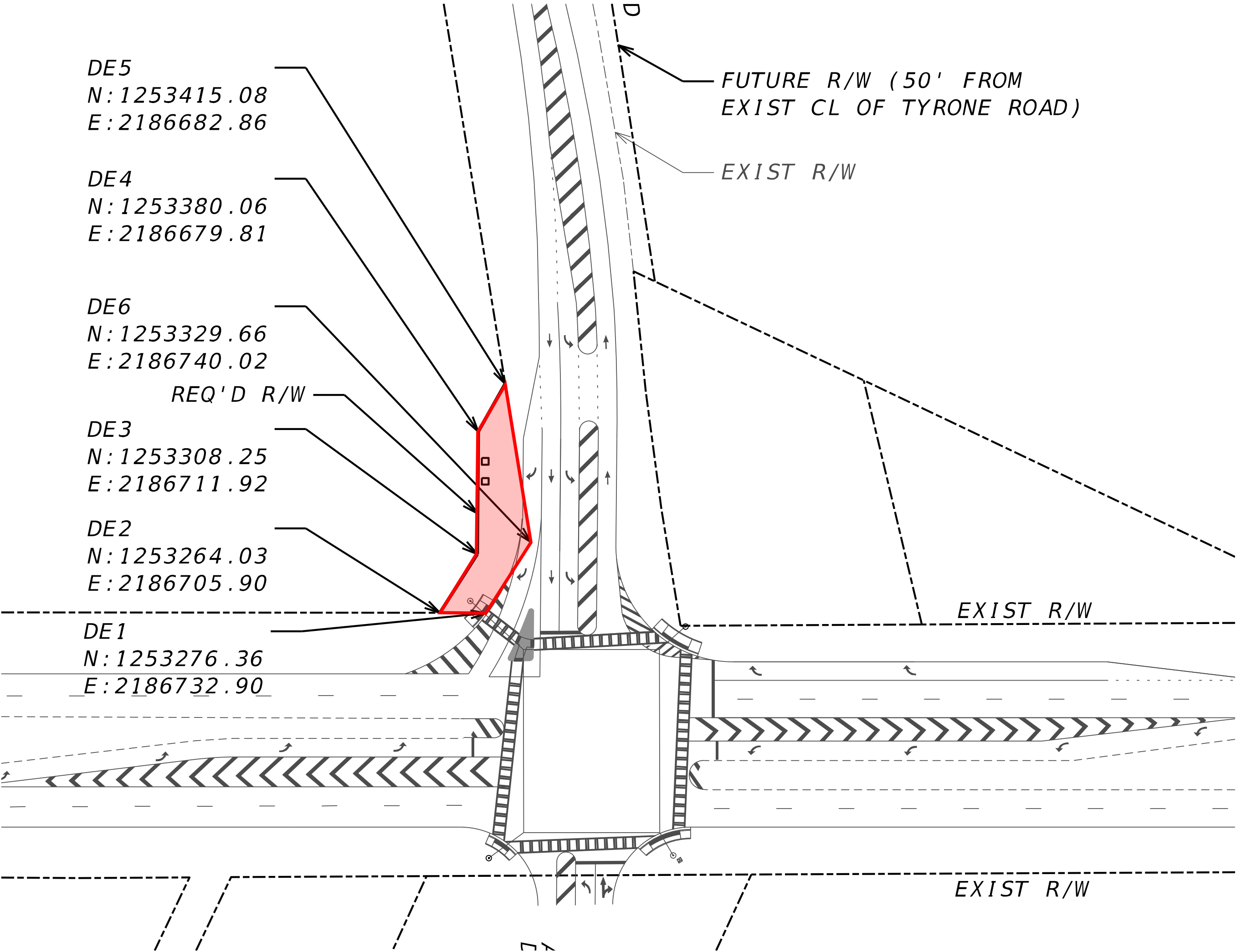
REQD R/W = 3716.37 SF
REQD R/W = 0.085 ACRES
REMAINDER = +/- 9.4 ACRES

PARCEL 1

REQ'D R/W

Commencing at DE1,
said point being the POINT OF BEGINNING;
thence S 65°27'35.12" W, 29.67 feet to a point DE2
thence N 07°45'12.30" E, 44.62 feet to a point DE3
thence N 24°05'27.50" W, 78.66 feet to a point DE4
thence N 04°58'35.67" E, 35.15 feet to a point DE5
thence S 33°47'28.54" E, 102.78 feet to a point DE6
thence S 07°36'53.30" W, 53.77 feet to a point DE1
and the POINT OF BEGINNING.

The above described parcel contains 0.085 acres (3716.37 sq. ft.)



**RIGHT OF WAY
MAP - CLOSE UP**

BOARD OF COUNTY COMMISSIONERS

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

Consent #9



FAYETTE COUNTY, GEORGIA

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

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

February 8, 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

Chairman Lee Hearn called the February 8, 2024 Board of Commissioners meeting to order at 5:00 p.m. All members of the Board were present.

Invocation and Pledge of Allegiance by Commissioner Charles Oddo

Commissioner Charles Oddo offered the invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda

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

PROCLAMATION/RECOGNITION:

1. Recognition of the Honorable Judge Ann Jackson for her 15 years of service to Fayette County as Probate Judge.

Chairman Hearn, on behalf, of the Board expressed his appreciation of Judge Ann Jackson for her hard work and dedication to Fayette County during her 15 years of service.

Judge Jackson stated that it had been a privilege to serve and thanked her staff, who kept her office running. She thanked the Board for their continued support.

2. Recognition of Darryl Hicks for his 13 years of service on the Board of Elections.

Chairman Hearn, on behalf, of the Board recognized Darryl Hicks for his 13 years of service on the Board of Elections. Chairman Hearn stated that though there had been some challenges regarding elections on a national level, he expressed his appreciation to Mr. Hicks for his leadership, dedication, and fairness shown during his tenure.

Mr. Hicks stated that it had been an honor to serve his community and stated that he would not have been able to do so without the support of the Board and staff over the years. He acknowledged the hard work of his peers on the Elections Board as well as Elections Office staff for their continued effort and hard work.

3. Recognition of Aaron Wright for his eight years of service on the Board of Elections.

Chairman Hearn, on behalf, of the Board recognized Aaron Wright for his eight years of service on the Board of Elections. He expressed his appreciation for his leadership and willingness to serve the community.

Mr. Wright stated that serving on the Elections Board was a great privilege and honor and thanked the Board for the opportunity. He expressed his appreciation to the Election Office staff for their hard work and diligence in serving the community. Mr. Wright relayed his respect and deep appreciation for Mr. Hicks for the example he set and his leadership.

4. Recognition of Arnold Martin for his seven years of service on the Planning Commission.

Mr. Arnold Martin will be presented at the February 22 Board of Commissioners meeting.

PUBLIC HEARING:

PUBLIC COMMENT:

CONSENT AGENDA:

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

- 5. Approval of the annual Budget Calendar for Fiscal Year 2025, which begins July 1, 2024 and ends June 30, 2025.**
- 6. Approval to amend the December 14, 2023 Board of Commissioners minutes to reflect the re-appointment of Walter Ponder to the Board of Assessor for a term beginning January 1, 2024 and expiring December 31, 2029, instead of December 31, 2026.**
- 7. Approval to award Quote #2354-A for Crosstown High Service Pump #1 Pump & Motor Repair to Cornerstone Mechanical in the not-to-exceed amount of \$91,826 for replacement of Pump #1 control valve and to transfer \$17,864.33 from 3MG Clearwell Improvement (22WSB) to Pump Refurbishment CIP (9WSPR).**
- 8. Approval of the January 25, 2024 Board of Commissioners Meeting Minutes.**

OLD BUSINESS:

NEW BUSINESS:

- 9. Consideration of an Annexation Notification from the Town of Tyrone regarding a request from the Fayette County Development Authority to annex two (2) parcels, approximately 99.88 acres, located along Hwy 74 N between Kirkley Road and the Fulton/Fayette County line, encompassing parcels 0725 027 and 0904 008.**

Planning and Zoning Director Debbie Bell stated that staff received annexation applications for two (2) parcels, approximately 99.88 acres, located along Hwy 74 N between Kirkley Road and the Fulton/Fayette County line, encompassing parcels 0725 027 and 0904 008. She stated that the proposed applications would not create an unincorporated island and noted that both subject properties have access to State Route 74. Ms. Bell provided a visual of the location of these properties. She stated that staff had no objection to the annexation and suggested discussion between Fayette County and the Town of Tyrone to determine if the project was feasible and desired.

Commissioner Eric Maxwell acknowledged Town of Tyrone Mayor, Eric Dial.

Mayor Dial stated that he was there to observe and be present for any questions, if needed.

Commissioner Maxwell asked if there were any plans for the property.

Mayor Dial stated that this was a project via the Fayette County Development Authority and not one initiated by the Town of Tyrone staff or Council. He noted that sediment/rock and wetland concerns did exist on the property and were being evaluated on how to address. He stated that he had limited knowledge on the project. Mayor Dial stated that this item had not been brought before his Council yet for consideration and he could not express an opinion but to his knowledge there were no objections. He added that this project was in alignment with the designated BTP (Business Technology Park) zoning of the area.

Commissioner Maxwell expressed his appreciation to the Town of Tyrone for the beautification of the area along State Route 74 traveling into Fayette County. He stated that as this project was developed, he hoped the Town maintained the same aesthetics and design. He hoped the Town of Tyrone continued to be a shining spot for Fayette County.

Commissioner Charles Rousseau asked as a point of clarification, what acreage this annexation included.

Mayor Dial stated that this annexation included two (2) parcels, approximately 99.88 acres, located along Hwy 74 N between Kirkley Road and the Fulton/Fayette County line.

Vice Chairman Gibbons moved to approve Annexation Notification from the Town of Tyrone regarding a request from the Fayette County Development Authority to annex two (2) parcels, approximately 99.88 acres, located along Hwy 74 N between Kirkley Road and the Fulton/Fayette County line, encompassing parcels 0725 027 and 0904 008. Commissioner Oddo seconded. The motion passed 5-0.

10. Consideration of a recommendation from the Selection Committee, comprised of Chairman Lee Hearn and Vice Chairman Edward Gibbons to re-appoint Dr. Loida Bonney, MD, MPH to the Fayette County Board of Health for a term beginning January 1, 2024 and expiring December 31, 2029.

Vice Chairman Gibbons moved to approve to re-appoint Dr. Loida Bonney, MD, MPH to the Fayette County Board of Health for a term beginning January 1, 2024 and expiring December 31, 2029. Commissioner Rousseau seconded.

Vice Chairman Gibbons asked Dr. Bonney if she would like to speak.

Dr. Bonney stated that it had been a pleasure to serve and be involved in the progress, specifically related to the health, of this community.

Vice Chairman Gibbons moved to approve to re-appoint Dr. Loida Bonney, MD, MPH to the Fayette County Board of Health for a term beginning January 1, 2024 and expiring December 31, 2029. Commissioner Rousseau seconded. The motion passed 5-0.

11. Request to award Contract #2378-S to Arcadis U.S., Inc. to perform engineering services on an as-needed basis for the Water System and Solid Waste departments for the 12-month term ending June 30, 2026, and with the provision for two one-year renewals, in amounts to be determined by each task order as assigned.

Water System Director Vanness Tigert stated that this item was seeking approval to award Contract #2378-S to Arcadis U.S., Inc. to perform engineering services on an as-needed basis for the Water System and Solid Waste departments for the 12-month term ending June 30, 2026, and with the provision for two one-year renewals, in amounts to be determined by each task order as assigned.

Chairman Hearn stated that he had been pleased at the work from Arcadis and was happy to support this.

Vice Chairman Gibbons moved to approve to award Contract #2378-S to Arcadis U.S., Inc. to perform engineering services on an as-needed basis for the Water System and Solid Waste departments for the 12-month term ending June 30, 2026, and with the provision for two one-year renewals, in amounts to be determined by each task order as assigned. Commissioner Oddo seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

A: Contract #2128-B: Annual Contract for Waterline Extension Task Order 24-06: Trilith Tank Water Main

B: Contract #2334-A Crack Sealing & Mastic One Services

C: Contract #2343-A Roadside Tree Pruning

Hot Projects

Mr. Rapson stated that the Hot Projects report was forwarded to the Board and included updates on the Parks and Recreation multi-use facility, Redwine Road multi-use path, Redwine Road/Bernhard Road/Peachtree Parkway roundabout, Coastline Bridge, and the Animal Shelter.

Region Six Mental Health Board

Mr. Rapson advised that a selection Committee was needed for the Region Six Mental Health Board.

Commissioner Oddo moved to appoint Vice Chairman Gibbons and Commissioner Rousseau to serve on the Region Six Mental Health Board selection committee. Chairman Hearn seconded. The motion passed 5-0.

Mr. Rapson recognized County Clerk Tameca Smith, Chief Deputy County Clerk Marlena Edwards, and Administrative Assistant Vicki Orr for their respective Georgia County Clerk Association appointment and receiving Clerk and Master Clerk Certification.

Mr. Rapson also stated that he and Human Resource Director Lewis Patterson were selected by ACCG Lifelong Learning Academy (LLA) which was a collegial and contractual partnership between ACCG and the Carl Vinson Institute of Government (CVIOG) at the University of Georgia, to participate in a 2-day, overnight retreat for a deep and comprehensive examination of the CORE (78 classes) certification curriculum.

Chairman Hearn stated that he appreciated the update regarding the Highway 85 bridge construction. He stated that staff had done an outstanding job getting this work completed. He stated that he had received great feedback with staff from Department of Transportation regarding working with Fayette County staff. He was extremely proud.

Mr. Rapson stated that this was a prime example of why building these types of partnerships was so important.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there were two items for Executive Session. One item involving threatened litigation and the review of the January 25, 2024 Executive Session Minutes.

COMMISSIONERS' REPORTS:

Vice Chairman Gibbons

Vice Chairman Gibbons expressed his appreciation to the recognized staff for their hard work and dedication.

Commissioner Rousseau

Commissioner Rousseau echoed Vice Chairman Gibbons comments regarding the accomplishments of County staff and expressed a job well done to those recognized during the meeting for serving on the various Boards and Offices within the community.

Chairman Hearn

Chairman Hearn stated that he would be part of a discussion panel showcasing Fayette regarding the soccer training facility at the upcoming Atlanta Regional Commission (ARC) meeting next week.

Commissioner Maxwell

Commissioner Maxwell stated that the “road to nowhere” truly became something for Fayette County. Approving it cost him and several of his colleagues their positions. But stated that the decision to approve Veterans Parkway was a bold but pivotal decision and was the right decision.

EXECUTIVE SESSION:

One item involving threatened litigation and the review of the January 25, 2024 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 5:37 p.m. and returned to Official Session at 5:47 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 January 25, 2024 Executive Session Minutes: Commissioner Oddo moved to approve January 25, 2024 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 4-0-1. Chairman Hearn abstained.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the February 8, 2024 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 5-0.

The January 25, 2024 Board of Commissioners meeting adjourned at 5:52 p.m.

Marlena M. Edwards, Chief Deputy County Clerk

Edwards Gibbons, Vice Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 22nd day of February 2024. Attachments are available upon request at the County Clerk’s Office.

Marlena Edwards, Chief Deputy County Clerk

COUNTY AGENDA REQUEST

Page 250 of 306

Department: Planning & Zoning

Presenter(s): Debbie Bell, Director

Meeting Date: Thursday, February 22, 2024

Type of Request: Old Business #10

Wording for the Agenda:

Request to review the Impact Fee Ordinance update process and discuss possible amendments to Impact Fees and the Capital Improvement Element (CIE). This item was tabled at the January 25, 2024 Board of Commissioners meeting.

Background/History/Details:

The current Impact Fee program and its associated Capital Improvement Element (CIE) was adopted May 4, 2001 and provides funding for Fire Services projects. It has not been restudied or updated since that time.

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.

At the January 25, 2024, meeting, the Board requested that staff present information about the potential fees for these new categories. The fees in the attached table are preliminary and represent the maximum fee that could be charged for each service category. The Methodology Report Update was presented to the Board at the September 28, 2023 meeting.

Regardless of whether the Board elects to amend the 2001 service areas/programs or fees, we recommend that we still proceed to update the text of the Impact Fee Ordinance. This is already part of the Consultant's contract and will ensure compliance with current State Law. This activity can be incorporated into any of these options.

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.

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? Yes

If so, when? Thursday, January 25, 2024

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:

Current Impact Fee charged for a new single-family home is \$600.57. Fees for new businesses vary depending on type. Please see attached copy of 2001 Fee Schedule.

Impact Fee Ordinance 2024 Study and Options

September 28, 2023 – Methodology Report Update, Paige Hatley

January 25, 2024 – Impact Fee Study Update, Debbie Bell & Paige Hatley

February 22, 2024 – Consideration of Service Areas

Impact Fee Options & Timelines

Current Impact Fee: \$600.57 for a new single-family home

A - Status Quo

No Changes to CIE – Project List

No Changes to Service Areas

No Changes to Fees

- Continue with the Annual CIE Update Report – Financial report and updated work program sent to DCA, as required.
- 1 Public Hearing at BOC meeting to approval transmittal to DCA.
- Review & Approval by DCA.
- Adoption of approved annual report at subsequent BOC meeting.

***Staff Note:** *Regardless of whether the Board elects to amend the 2001 service areas/programs or fees, we recommend that we still proceed to update the text of the Impact Fee Ordinance. This is already part of the Consultant's contract and will ensure compliance with current State Law. This activity can be incorporated into any of these options.*

B

Amend CIE – New Project List for

Fire Services

No Changes to Fees

- Review Methodology Report (includes Growth Projections & New Project List)
- Prepare Amendment (new document will replace 2001 CIE).
- 1 Public Hearing at BOC to transmit the amended CIE to DCA.
- Review & Approval by DCA.
- Adoption of amended CIE (project list) by BOC at subsequent meeting. This allows Impact Fees to be spent on new projects, such as an updated Fire Services project list.
- See *Staff Note.

C

Amend CIE - Fire Services Only

Amend Impact Fee Ordinance

Consider Amending Fee Schedule

- Review Methodology (includes Growth Projections & New Project List)
- Prepare CIE Amendment.
- 1 Public Hearing at BOC to transmit the amended CIE to DCA.
- Work session with consultants to review possible fees, comps from neighboring counties.
- Impact Fee Ordinance would be fully updated by consultant; new fee schedule would be part of the updated package.
- 2 Public Hearings to adopt Amended Impact Fee Ordinance – includes new Fee Schedule.
- Adopt CIE at same meeting as Ordinance.

D

Amend Fire CIE

Consider adding Parks & EMS

Consider Amending Fee Schedule

- Review Methodology, Growth Projections & Project List – proposed amendment to CIE.
- OPTIONAL – Advisory Committee Meetings to discuss service areas and fees; not required since we already have an Impact Fee Ordinance.
- 1 Public Hearing at BOC to transmit the amended CIE to DCA.
- Work session with consultants to review possible fees, comps from neighboring counties.
- Impact Fee Ordinance would be fully updated by consultant; new fee schedule would be part of the updated package.
- 2 Public Hearings to adopt Amended Impact Fee Ordinance – includes new Fee Schedule.
- Adopt CIE at same meeting as Ordinance.

ALPHABET SOUP:

CIE = Capital Improvement Element – capital projects authorized to be funded by Impact Fees

DCA = Department of Community Affairs

Summary Maximum Impact Fee Schedule

The ‘**Total Fee per Unit**’ shown in the last column is the **total maximum fee**—per unit of measure—that is allowed in each public facility category, by land use category. **The County cannot charge more than the maximum fees, only less.** Includes a 3% fee for administration of the Impact Fee Program and a charge for recoupment of the cost to prepare the CIE, as allowed under State law.

For any given public facility category (e.g. Fire Protection), the County may adopt the maximum fee or could adopt a lower fee by reducing all fees in that category by the same percentage, consistent with the Georgia Development Impact Fee Act requirements. Fees for specific land uses in a public facility category cannot be individually reduced or deleted

ITE Code	Land Use	Parks & Recreation	Fire Protection	EMS	Net Fee Per Unit	Admin.	CIE Prep	Total Fee per Unit	Unit of Measure
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Residential (200-299)

210	Single-Family Detached Housing	\$ 4,604.4966	\$ 1,566.2440	\$ 209.3803	\$ 6,380.1209	\$ 191.4036	\$ 95.7018	\$ 6,667.2263	per dwelling
215	Duplex or Townhouse 1-3 stories	\$ 4,604.4966	\$ 1,566.2440	\$ 209.3803	\$ 6,380.1209	\$ 191.4036	\$ 95.7018	\$ 6,667.2263	per dwelling
220	Multi-Family Low Rise 2-3 stories	\$ 4,604.4966	\$ 1,566.2440	\$ 209.3803	\$ 6,380.1209	\$ 191.4036	\$ 95.7018	\$ 6,667.2263	per dwelling
221	Mid-Rise Multi-Family 4-10 stories	\$ 4,604.4966	\$ 1,566.2440	\$ 209.3803	\$ 6,380.1209	\$ 191.4036	\$ 95.7018	\$ 6,667.2263	per dwelling

Industrial (100-199)

110	General Light Industrial	\$ -	\$ 0.8770	\$ 0.1135	\$ 0.9905	\$ 0.0297	\$ 0.0149	\$ 1.0351	per square foot
140	Manufacturing	\$ -	\$ 1.0764	\$ 0.1392	\$ 1.2156	\$ 0.0365	\$ 0.0182	\$ 1.2703	per square foot
150	Warehousing	\$ -	\$ 0.1926	\$ 0.0249	\$ 0.2175	\$ 0.0065	\$ 0.0033	\$ 0.2273	per square foot
154	High-Cube Warehouse, short term	\$ -	\$ 0.3716	\$ 0.0480	\$ 0.4196	\$ 0.0126	\$ 0.0063	\$ 0.4385	per square foot
155	High-Cube Warehouse, fulfillment center	\$ -	\$ 0.3716	\$ 0.0480	\$ 0.4196	\$ 0.0126	\$ 0.0063	\$ 0.4385	per square foot
156	High-Cube Hub Warehouse	\$ -	\$ 0.3890	\$ 0.0503	\$ 0.4393	\$ 0.0132	\$ 0.0066	\$ 0.4591	per square foot
180	Specialty Trade Contractor	\$ -	\$ 1.5387	\$ 0.1991	\$ 1.7378	\$ 0.0521	\$ 0.0261	\$ 1.8160	per square foot

Lodging (300-399)

310	Hotel or Conference Hotel	\$ -	\$ 316.9275	\$ 41.0123	\$ 357.9398	\$ 10.7381	\$ 5.3691	\$ 374.0470	per room
311	All Suites Hotel	\$ -	\$ 525.7848	\$ 68.0398	\$ 593.8246	\$ 17.8146	\$ 8.9073	\$ 620.5465	per room
320	Motel	\$ -	\$ 75.7048	\$ 9.7966	\$ 85.5014	\$ 2.5649	\$ 1.2825	\$ 89.3489	per room

Recreational (400-499)

445	Movie Theater	\$ -	\$ 0.8058	\$ 0.1042	\$ 0.9100	\$ 0.0273	\$ 0.0137	\$ 0.9510	per square foot
480	Amusement Park	\$ -	\$ 1.2648	\$ 0.1636	\$ 1.4284	\$ 0.0429	\$ 0.0214	\$ 1.4926	per acre
491	Racquet/Tennis Club	\$ -	\$ 0.2701	\$ 0.0349	\$ 0.3050	\$ 0.0091	\$ 0.0046	\$ 0.3187	per square foot
495	Recreational Community Center	\$ -	\$ 0.6016	\$ 0.0778	\$ 0.6794	\$ 0.0204	\$ 0.0102	\$ 0.7100	per square foot

Institutional (500-599)

520	Private Elementary School	\$ -	\$ 12.7981	\$ 1.6561	\$ 14.4542	\$ 0.4336	\$ 0.2168	\$ 15.1046	per employee
522	Private Middle School (Junior High)	\$ -	\$ 14.3054	\$ 1.8512	\$ 16.1566	\$ 0.4847	\$ 0.2423	\$ 16.8837	per employee
530	Private High School	\$ -	\$ 8.6003	\$ 1.1129	\$ 9.7132	\$ 0.2914	\$ 0.1457	\$ 10.1503	per employee
560	Church/Place of Worship	\$ -	\$ 0.2159	\$ 0.0279	\$ 0.2439	\$ 0.0073	\$ 0.0037	\$ 0.2549	per square foot
565	Day Care Center	\$ -	\$ 1.2669	\$ 0.1639	\$ 1.4309	\$ 0.0429	\$ 0.0215	\$ 1.4952	per square foot
566	Cemetery	\$ -	\$ 59.2935	\$ 7.6729	\$ 66.9664	\$ 2.0090	\$ 1.0045	\$ 69.9799	per acre

Medical (600-699)

610	Hospital	\$ -	\$ 1.6249	\$ 0.2102	\$ 1.8351	\$ 0.0551	\$ 0.0275	\$ 1.9177	per square foot
620	Nursing Home	\$ -	\$ 1.1599	\$ 0.1501	\$ 1.3100	\$ 0.0393	\$ 0.0197	\$ 1.3690	per square foot
630	Clinic	\$ -	\$ 1.5386	\$ 0.1991	\$ 1.7377	\$ 0.0521	\$ 0.0261	\$ 1.8159	per square foot
640	Veterinary Clinic	\$ -	\$ 0.9636	\$ 0.1247	\$ 1.0883	\$ 0.0326	\$ 0.0163	\$ 1.1373	per square foot

Summary Maximum Impact Fee Schedule

The ‘**Total Fee per Unit**’ shown in the last column is the **total maximum fee**—per unit of measure—that is allowed in each public facility category, by land use category. ***The County cannot charge more than the maximum fees, only less.*** Includes a 3% fee for administration of the Impact Fee Program and a charge for recoupment of the cost to prepare the CIE, as allowed under State law.

For any given public facility category (e.g. Fire Protection), the County may adopt the maximum fee or could adopt a lower fee by reducing all fees in that category by the same percentage, consistent with the Georgia Development Impact Fee Act requirements. Fees for specific land uses in a public facility category cannot be individually reduced or deleted

ITE Code	Land Use	Parks & Recreation	Fire Protection	EMS	Net Fee Per Unit	Admin.	CIE Prep	Total Fee per Unit	Unit of Measure
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Office (700-799)

710	General Office Building	\$ -	\$ 1.8516	\$ 0.2396	\$ 2.0912	\$ 0.0627	\$ 0.0314	\$ 2.1853	per square foot
712	Small Office Building	\$ -	\$ 1.0413	\$ 0.1347	\$ 1.1760	\$ 0.0353	\$ 0.0176	\$ 1.2289	per square foot
714	Corporate Headquarters Building	\$ -	\$ 1.9575	\$ 0.2533	\$ 2.2108	\$ 0.0663	\$ 0.0332	\$ 2.3103	per square foot
715	Single-Tenant Office Building	\$ -	\$ 1.9309	\$ 0.2498	\$ 2.1807	\$ 0.0654	\$ 0.0327	\$ 2.2788	per square foot
720	Medical-Dental Office Building	\$ -	\$ 2.3509	\$ 0.3042	\$ 2.6551	\$ 0.0797	\$ 0.0398	\$ 2.7746	per square foot
750	Office Park	\$ -	\$ 1.7787	\$ 0.2301	\$ 2.0088	\$ 0.0603	\$ 0.0301	\$ 2.0992	per square foot
760	Research and Development Center	\$ -	\$ 1.8701	\$ 0.2420	\$ 2.1121	\$ 0.0634	\$ 0.0317	\$ 2.2071	per square foot
770	Business Park	\$ -	\$ 1.7514	\$ 0.2266	\$ 1.9780	\$ 0.0593	\$ 0.0297	\$ 2.0670	per square foot

Retail (800-899)

812	Building Materials and Lumber Store	\$ -	\$ 0.3915	\$ 0.0506	\$ 0.4421	\$ 0.0133	\$ 0.0066	\$ 0.4620	per square foot
814	Variety Store	\$ -	\$ 0.3788	\$ 0.0490	\$ 0.4278	\$ 0.0128	\$ 0.0064	\$ 0.4471	per square foot
815	Free-Standing Discount Store	\$ -	\$ 1.2440	\$ 0.1609	\$ 1.4049	\$ 0.0421	\$ 0.0211	\$ 1.4681	per square foot
816	Hardware/Paint Store	\$ -	\$ 0.1657	\$ 0.0214	\$ 0.1871	\$ 0.0056	\$ 0.0028	\$ 0.1955	per square foot
817	Nursery (Garden Center)	\$ -	\$ 1.7744	\$ 0.2296	\$ 2.0040	\$ 0.0601	\$ 0.0301	\$ 2.0942	per square foot
818	Nursery (Wholesale)	\$ -	\$ 0.9480	\$ 0.1226	\$ 1.0706	\$ 0.0321	\$ 0.0161	\$ 1.1188	per square foot
820	Shopping Center	\$ -	\$ 1.2084	\$ 0.1563	\$ 1.3647	\$ 0.0409	\$ 0.0204	\$ 1.4260	per square foot
822	Strip Retail Plaza	\$ -	\$ 1.2084	\$ 0.1563	\$ 1.3647	\$ 0.0409	\$ 0.0204	\$ 1.4261	per square foot
840	Automobile Sales (New)	\$ -	\$ 1.4138	\$ 0.1829	\$ 1.5967	\$ 0.0479	\$ 0.0240	\$ 1.6686	per square foot
841	Automobile Sales Used	\$ -	\$ 1.2333	\$ 0.1595	\$ 1.3928	\$ 0.0417	\$ 0.0209	\$ 1.4554	per square foot
842	Recreation Vehicle Sales	\$ -	\$ 0.3609	\$ 0.0467	\$ 0.4076	\$ 0.0122	\$ 0.0061	\$ 0.4259	per square foot
843	Auto Parts Store	\$ -	\$ 0.5460	\$ 0.0706	\$ 0.6166	\$ 0.0185	\$ 0.0092	\$ 0.6443	per square foot
848	Tire Store	\$ -	\$ 0.7280	\$ 0.0942	\$ 0.8222	\$ 0.0247	\$ 0.0123	\$ 0.8592	per square foot
850	Supermarket	\$ -	\$ 1.2169	\$ 0.1574	\$ 1.3743	\$ 0.0412	\$ 0.0206	\$ 1.4361	per square foot
857	Discount Club	\$ -	\$ 0.7498	\$ 0.0970	\$ 0.8468	\$ 0.0254	\$ 0.0127	\$ 0.8849	per square foot
861	Sporting Goods Superstore	\$ -	\$ 3.0464	\$ 0.3942	\$ 3.4406	\$ 0.1032	\$ 0.0516	\$ 3.5954	per square foot
880	Pharmacy/Drugstore - no drive-through	\$ -	\$ 0.8914	\$ 0.1154	\$ 1.0068	\$ 0.0302	\$ 0.0151	\$ 1.0521	per square foot
881	Pharmacy/Drugstore w/drive-through	\$ -	\$ 0.9499	\$ 0.1229	\$ 1.0728	\$ 0.0322	\$ 0.0161	\$ 1.1211	per square foot
890	Furniture Store	\$ -	\$ 0.3278	\$ 0.0424	\$ 0.3702	\$ 0.0111	\$ 0.0056	\$ 0.3869	per square foot

Services (900-999)

912	Drive-in Bank	\$ -	\$ 1.7439	\$ 0.2256	\$ 1.9695	\$ 0.0591	\$ 0.0295	\$ 2.0581	per square foot
930	Fast Casual Restaurant	\$ -	\$ 2.8680	\$ 0.3711	\$ 3.2391	\$ 0.0971	\$ 0.0485	\$ 3.3848	per square foot
931	Fine Dining Restaurant	\$ -	\$ 2.8680	\$ 0.3711	\$ 3.2391	\$ 0.0971	\$ 0.0485	\$ 3.3848	per square foot
932	High-Turnover (Sit-Down) Restaurant	\$ -	\$ 2.8680	\$ 0.3711	\$ 3.2391	\$ 0.0971	\$ 0.0485	\$ 3.3848	per square foot
934	Fast-Food Restaurant	\$ -	\$ 5.9726	\$ 0.7729	\$ 6.7455	\$ 0.2024	\$ 0.1012	\$ 7.0490	per square foot
941	Quick Lubrication Vehicle Shop	\$ -	\$ 2.4732	\$ 0.3200	\$ 2.7932	\$ 0.0838	\$ 0.0419	\$ 2.9189	per square foot
943	Automobile Parts & Service	\$ -	\$ 0.8253	\$ 0.1068	\$ 0.9321	\$ 0.0280	\$ 0.0140	\$ 0.9740	per square foot
944	Gasoline/Service Station	\$ -	\$ 152.3013	\$ 19.7087	\$ 172.0100	\$ 5.1603	\$ 2.5802	\$ 179.7505	per pump
945	Convenience Store w/gas (< 5501 sf)	\$ -	\$ 227.6683	\$ 29.4617	\$ 257.1300	\$ 7.7138	\$ 3.8570	\$ 268.7008	per pump
945	Convenience Store w/gas (> 5500 sf)	\$ -	\$ 306.1343	\$ 39.6157	\$ 345.7500	\$ 10.3725	\$ 5.1863	\$ 361.3088	per pump
947	Self-Service Car Wash	\$ -	\$ 95.6255	\$ 12.3745	\$ 108.0000	\$ 3.2400	\$ 1.6200	\$ 112.8600	per stall
949	Car Wash & Detail Center	\$ -	\$ 138.3028	\$ 17.8972	\$ 156.2000	\$ 4.6860	\$ 2.3430	\$ 163.2290	per stall
950	Truck Stop	\$ -	\$ 198.3343	\$ 25.6657	\$ 224.0000	\$ 6.7199	\$ 3.3599	\$ 234.0798	per pump

Attachment A. Fayette County Impact Fee Schedule

Residential Impact Fee

The Development Impact Fee for residential Development is indicated in Table 1.

TABLE 1 FIRE SERVICES IMPACT FEE CALCULATION FOR HOUSEHOLDS (DWELLING UNITS)			
	Impact Fee	Administration (3%)	TOTAL
Household (dwelling unit)	\$583.08	\$17.49	\$600.57

Nonresidential Impact Fee

The Development Impact Fee for nonresidential Development is determined by Establishment Type as indicated in Table 2.

TABLE 2 FIRE SERVICES IMPACT FEE CALCULATION FOR NONRESIDENTIAL ESTABLISHMENTS						
Establishment Type	Number of Employees	Number of Establishments	Average Number of Employees	Impact Fee	Administration (3%)	TOTAL
Agricultural Services, Forestry & Fishing: agricultural services, landscape and horticultural services	252	50	5	\$1,060.15	\$31.80	\$1,091.95
Mining	30	3	10	\$2,120.30	\$63.61	\$2,183.91
Construction: general contractors, heavy construction, plumbing, HVAC, electrical, concrete, misc. special trade contractors.	2,081	298	7	\$1,484.21	\$44.53	\$1,528.74
Manufacturing: paper and allied products, printing and publishing, stone, clay and glass products, industrial machinery and equipment, electronic and other electronic equipment	2,985	90	33	\$6,996.99	\$209.91	\$7,206.90
Transportation & Public Utilities: Trucking and warehousing	676	79	9	\$1,908.27	\$57.25	\$1,965.52
Wholesale Trade	1,523	147	10	\$2,120.30	\$63.61	\$2,183.91
Retail Trade: building materials, garden supplies, general merchandise stores, grocery, automotive dealers, apparel and accessory stores, furniture, eating and drinking places, drug stores and miscellaneous shopping goods stores	5,445	358	15	\$3,180.45	\$95.41	\$3,275.86

TABLE 2 (Continued)

FIRE SERVICES IMPACT FEE CALCULATION FOR NONRESIDENTIAL ESTABLISHMENTS

Establishment Type	Number of Employees	Number of Establishments	Average Number of Employees	Impact Fee	Administration (3%)	TOTAL
Finance, Insurance, and Real Estate: depository institutions, commercial banks, insurance agents, brokers and service, real estate agents	1,026	176	6	\$1,272.18	\$38.17	\$1,310.35
Services: hotel, laundry, dry cleaner, beauty shop, business services, auto repair, movie theaters, amusement and recreation, health service, education services, social services, membership organizations, religious organizations, engineering and management services	6,470	664	10	\$2,120.30	\$63.61	\$2,183.91
Unclassified Establishments	73	19	4	\$848.12	\$25.44	\$873.56
Total	20,561	1,884				

Source of Number of Employees, Number of Establishments, and Average Number of Employees for Fayette County: County Business Patterns 1995.

For a single unit nonresidential building or structure with an unknown use, or a nonresidential building or structure with multiple units, the zoning of the parcel will determine the Establishment Type. Under the aforementioned circumstances, the following shall apply:

Parcel Zoning	Establishment Type
O-I	Services
L-C, C-C, or C-H	Retail Trade
M-1 or M-2	Manufacturing

COUNTY AGENDA REQUEST

Page 257 of 306

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:

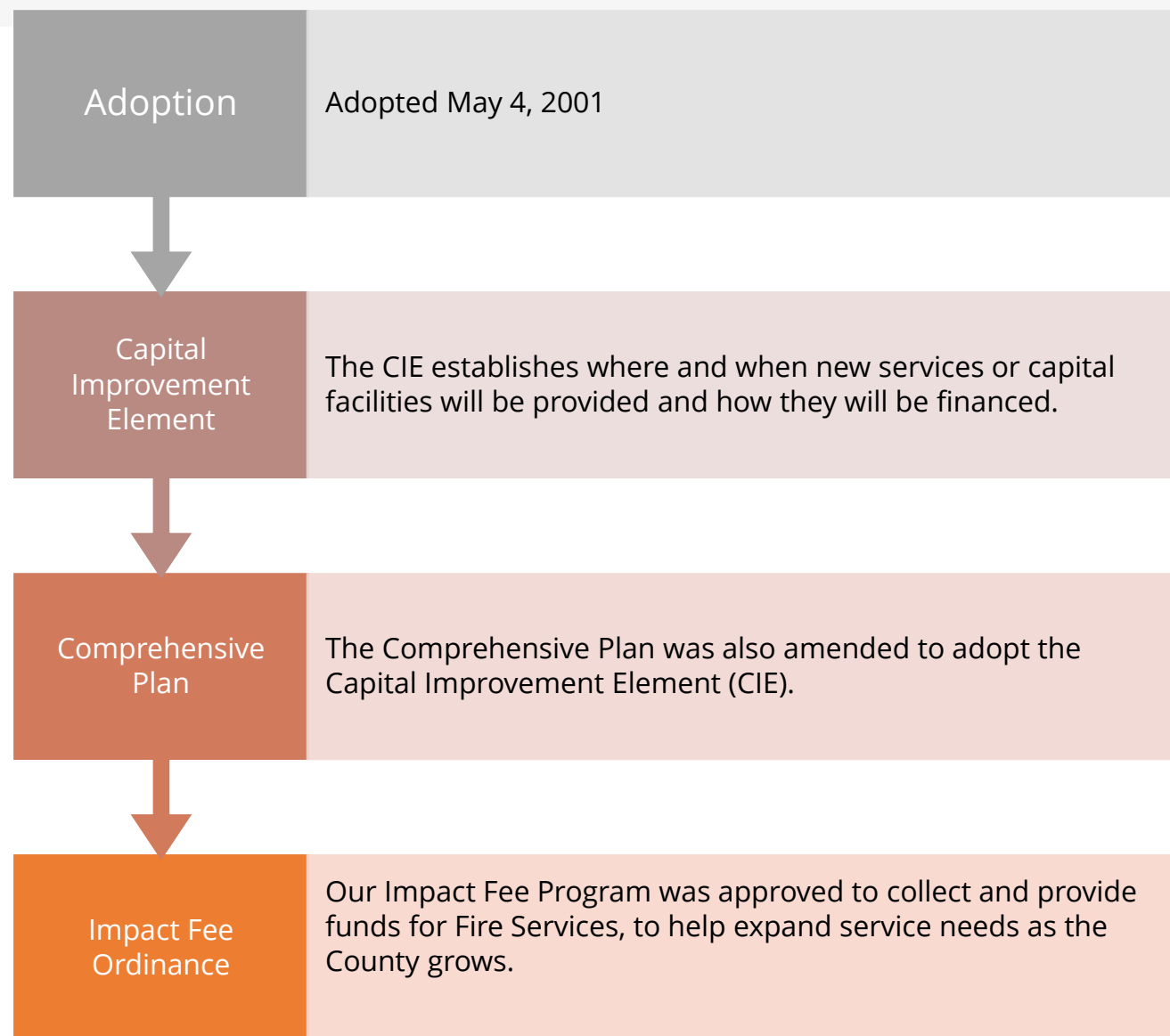
Impact Fee Ordinance 2024 Revision Discussion

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.

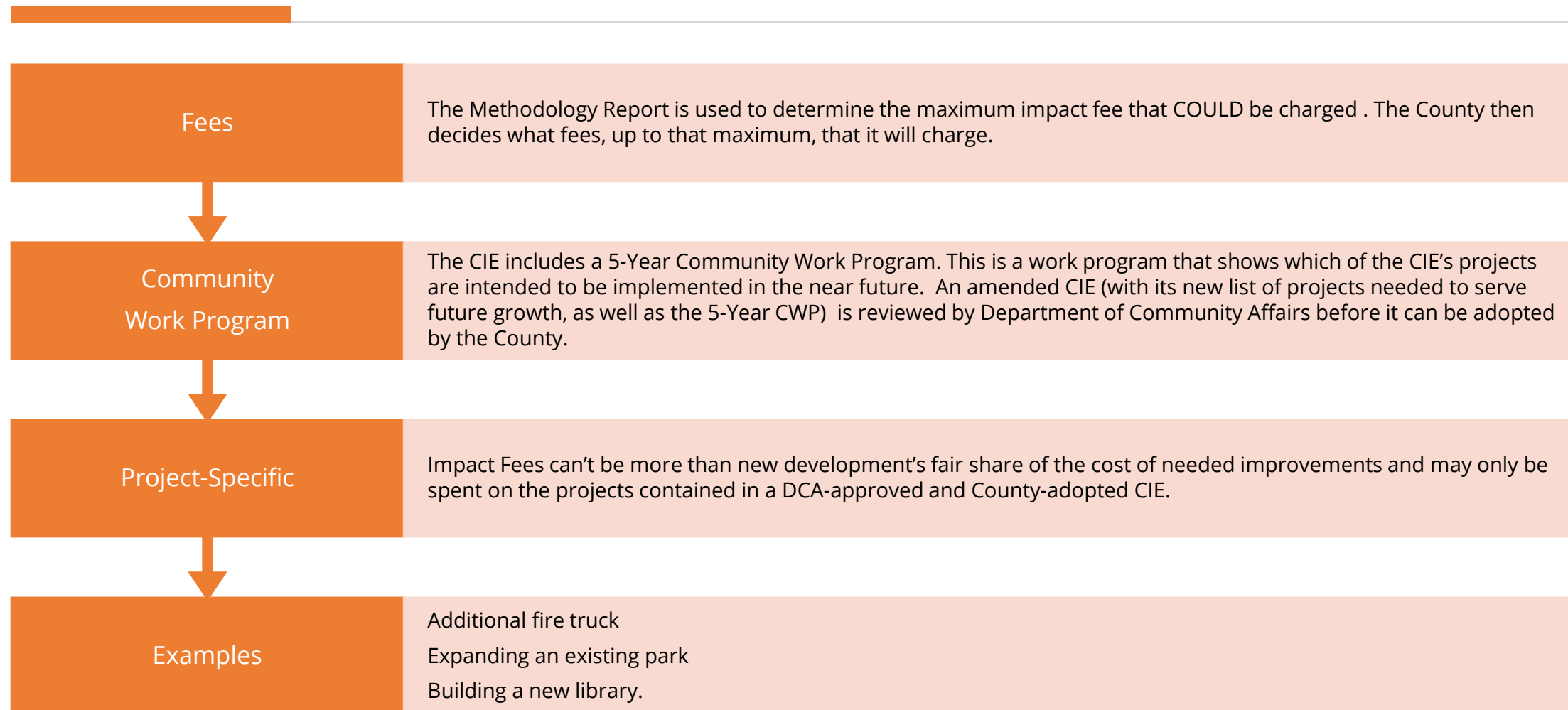
Methodology Report

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 265 of 306

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request for approval to apply for a Georgia Governor's Office of Highway Safety grant in the amount of \$288,153.74.

Background/History/Details:

The mission of the Georgia Governor's Office of Highway Safety (GOHS) is to educate the public on safe driving behaviors; to implement highway safety campaigns and programs that reduce crashes and eliminate injuries and fatalities on Georgia roadways.

Georgia Governor's Office of Highway Safety has been granted federal funds from the National Highway Traffic Safety Administration (NHTSA) under the Fixing America's Surface Transportation (FAST) Act and the new Bipartisan Infrastructure Law (BIL) to promote the development and implementation of innovative programs to address highway safety problems relating to alcohol/impaired driving, pedestrian & bicycle safety, motorcycle safety, occupant protection, and other highway safety programs.

GOHS is accepting applications for the Administrative Judges and DUI Court Programs, designed to remove repeated DUI offenders from Georgia's roadways through innovative prosecutorial/adjudication programs. This grant will provide funding for individual therapy, group therapy sessions, and drug testing lab services. Additionally, this grant, if approved, will fund the salary/benefits for the program coordinator and case manager.

What action are you seeking from the Board of Commissioners?

Approval to apply for a Georgia Governor's Office of Highway Safety grant in the amount of \$288,153.74.

If this item requires funding, please describe:

If awarded, funding will be available in FY25 M&O budget for Accountability State Court (fund 214). There is no match requirement for this grant.

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:

Total Project Cost	Pending Award Amount	Pending Matching Funds	Local Match %
\$288,153.74		\$0.00	0%

Cost Category Details

Cost Category Summary

Cost Category	Project Cost Amount	Pending Award Amount
Personnel Services - Salary	\$114,129.60	
Personnel Services - Fringe Benefits	\$41,874.14	
Regular Operating Expenses	\$0.00	
Travel	\$0.00	
Equipment Purchases	\$0.00	
Contractual Services	\$132,150.00	
Per Diem & Fees	\$0.00	
Computer Charges and Computer Equipment	\$0.00	
Telecommunication	\$0.00	
Motor Vehicle Purchase	\$0.00	
Rent/Real Estates	\$0.00	
Enforcement/Activity Hours	\$0.00	

12 items

**General Application 2025
Organization: Fayette County DUI/Drug Court
GA-2025-Fayette County DUI/Drug Court-00077
Certification and Signatures**

I certify that I understand and agree to comply with the general and fiscal year terms and conditions of this application including special conditions; to comply with provisions of the Act governing these funds and all other federal laws; that all information presented is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized by the applicant to perform the tasks as they relate to the terms and conditions of this grant application; that costs incurred prior to grant approval may result in the expenses being absorbed by the grantee; and, that the receipt of grantor funds through the Governor's Office of Highway Safety will not supplant state or local funds. **Monthly reimbursement claim submissions filed electronically are in effect, "electronically signed".**

Project Director*

Name: Christa Grayson
Agency: Fayette County DUI/Drug Court
Phone Number: (770)716-4328
Fax Number:
Signature:

Title: Program Coordinator
Address: 140 Stonewall Avenue west suite
100, Fayetteville , GA 30214
Email Address:
cgrayson@fayettecountyga.gov

Date:

Fiscal Staff*

Name: Sheryl Weinmann
Agency: Fayette County DUI/Drug Court
Phone Number: 7703055186
Fax Number:
Signature:

Title: Chief Financial Officer
Address: 140 Stonewall Avenue west suite
100, Fayetteville , GA 30214
Email Address:
sweinmann@fayettecountyga.gov

Date:

Authorized Official*

Name: Lee Hearn
Agency: Fayette County DUI/Drug Court
Phone Number: 7704010088
Fax Number:
Signature:

Title: Chair County Commissioner
Address: 140 Stonewall Avenue west suite
100, Fayetteville , GA 30214
Email Address:
lhearn@fayettecountyga.gov

Date:

*** NOTE: PROJECT DIRECTOR, FISCAL STAFF AND AUTHORIZED OFFICIAL CANNOT BE THE SAME PERSON WITHOUT GOHS APPROVAL. STAFF BEING FUNDED UNDER THIS GRANT MAY NOT BE ANY OF THE ABOVE OFFICIALS WITHOUT GOHS APPROVAL.**

2/12/2024 5:40 AM EST

“Innovative Grants” Request for Proposals (RFP) FFY2025 Initial Proposal



**The Georgia Governor's Office of Highway Safety
7 Martin Luther King Jr Drive, Suite 643
Atlanta, GA 30334**

Telephone: 404-656-6996 Toll Free: 1-888-420-0767

Fax: 404-651-9107

www.gahighwaysafety.org





TABLE OF CONTENTS

GOHS Mission Statement and Problem Identification.....	3
Program Areas	5
Program Parameters	8
Eligibility Criteria	10
Safe System Approach	12
Submission Procedures.....	13
Application Submissions	13
Grant Selection Types	13
Grant Period	14
Grant Application Workshop	14
Proposal Submission Deadline	15
Attachments	16
➤ Attachment A – Problem ID	
➤ Attachment B – Samples: Program Objectives, Activities & Evaluations	
➤ Attachment C – Allowable and Unallowable Costs	
➤ Attachment D – GOHS Requirements for Non-Profit Organizations	
➤ Attachment E – North Georgia Workshop	
➤ Attachment F – South Georgia Workshop	
➤ Attachment G – Agency Information Form	
➤ Attachment H – Vendor Maintenance Form	
➤ Attachment I – The Safe System Approach	

Grants to Develop “Innovative” Highway Safety Programs to Save Lives in Georgia

GOHS Mission Statement

The mission of the Georgia Governor’s Office of Highway Safety is to educate the public on safe driving behaviors; to implement highway safety campaigns and programs that reduce crashes and eliminate injuries and fatalities on Georgia roadways.

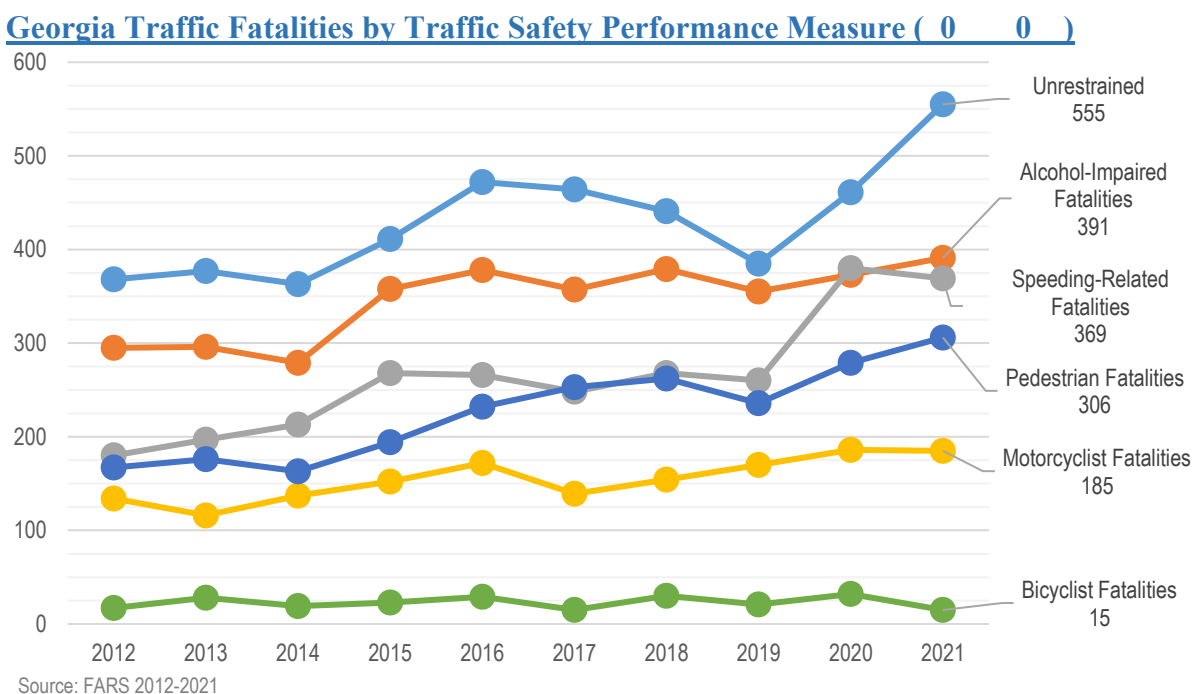
Description of Highway Safety Problems

In 2021, there were 1,797 fatalities and 8,937 serious injuries that occurred in motor vehicle traffic crashes on Georgia roadways – the largest number of traffic fatalities since 2006. The number of traffic-related fatalities increased by 8% from 1,664 fatalities in 2020. The main contributing factor to traffic crashes and injuries was drivers, passengers, and non-motorists engaging in risky behaviors. These behaviors include not using the appropriate restraint system (unrestrained), alcohol impairment, drug use, speeding, distracted driving, and drowsy driving. In 2021, 151 out of 159 Georgia counties experienced at least one traffic-related fatality.

- **Unrestrained Fatalities:** Between 2011 and 2021, Georgia’s observed seat belt usage rate was over 90% — 9 out of 10 front passenger occupants were observed wearing a seat belt. However, since 2015 the statewide observed seatbelt usage rate has steadily declined, falling below 90% usage in 2022, and the number of unrestrained fatalities has increased. In 2021 the number of unrestrained passenger vehicle fatalities increased by 94 fatalities (20%) from 461 in 2019 to 555 in 2021. Rural areas have a higher proportion of unrestrained seriously injured and fatally injured passenger vehicle occupants compared to other regions.
- **Alcohol-Related Fatalities:** In 2021 there were 391 fatalities in motor vehicle traffic crashes involving drivers with BACs of .08 g/dL or higher. This is a 5% increase (18 more fatalities) compared to 2020 and a 9% increase (36 more fatalities) compared to 2019. These alcohol- impaired driving fatalities accounted for 24% of all motor vehicle traffic fatalities in Georgia.
- **Speed-Related Fatalities:** In 2021, speeding-related fatalities decreased by 3% (11 fewer fatalities) compared to the previous. In 2020 (during the covid-19 public emergency response) speeding-related fatalities increased 46% compared to 2019. Twenty percent of all traffic fatalities (369 out of 1,797) were speeding-related in 2021, compared to 23% (380 out of 1,664) in 2020 and 17% (260 out of 1,492) in 2019.

- Pedestrian Fatalities:** Pedestrian fatalities remain a great concern in Georgia. In 2021, there were 306 pedestrian fatalities in the state of Georgia — a 10% increase from 279 pedestrian fatalities in 2020. Seventeen percent of all traffic fatalities were pedestrians in 2021. Preliminary data¹ shows that pedestrian fatalities continue to increase.
- Motorcyclist Fatalities:** In 2021, there were 185 motorcyclist fatalities in Georgia motor vehicle traffic crashes – one less fatality compared to 2020. Ten percent of all traffic fatalities were motorcyclists. The number of un-helmeted motorcyclist fatalities remains the same—an average of 14 un-helmeted fatalities per year.
- Bicyclist Fatalities:** In 2021, bicyclist fatalities decreased by nearly half—from 32 bicyclist fatalities in 2020 to 15 bicyclist fatalities in 2021. Less than one percent of all traffic fatalities were bicyclists in 2021.

The figure below shows the trend of each measure from 2012 to 2021.



NOTE: For more state and local data, please visit the GOHS website at <https://www.gahighwaysafety.org/> and then to the Traffic Data at the top of the page.

¹ Preliminary data from the Numetric. 20 June 2023.

Program Areas

Georgia Governor's Office of Highway Safety has been granted federal funds from the National Highway Traffic Safety Administration (NHTSA) under the Fixing America's Surface Transportation (FAST) Act and the new Bipartisan Infrastructure Law (BIL) to promote the development and implementation of **innovative** programs to address highway safety problems relating to alcohol/impaired driving, pedestrian & bicycle safety, motorcycle safety, occupant protection, and other highway safety programs. Proposed programs must be data driven and based on proven countermeasures (see a list of best practices at: [GOHS Best Practices](#) and must address one or more of the following issues:

Motorcycle Safety Education Program

- ◆ A program designed to promote public awareness and outreach programs to enhance driver's awareness of motorcyclists, such as Share-the-Road safety messages developed using Share-The-Road Model language available on the NHTSA website.
- ◆ A program designed to eliminate impaired related motorcyclist injuries and fatalities in identified high risk areas.

Occupant Protection Programs

- ◆ Education and training programs that increase safety belt usage and lead to increased use of properly installed child safety restraint systems. The program should be designed to reach areas with low safety belt and child safety seat usage, non-English speaking populations, low income, and underserved populations.

Teen Traffic Safety Programs

- ◆ Peer to peer education and prevention strategies in schools and communities designed to:
 1. Increase safety belt use
 2. Reduce speeding
 3. Reduce impaired and distracted driving
 4. Reduce underage drinking
- ◆ Programs designed to increase the public's awareness of the Teenage and Adult Drivers' Responsibility Act (TADRA) and safe and defensive driving techniques will also be considered.

Young Adult Traffic Safety Program

- ◆ A program designed to reduce the incidence of alcohol and/or drug -impaired driving or distracted driving by persons between the ages of 18 and 24, which must involve

at least one of the following components: 1) participation of employers, 2) participation of colleges and universities, or 3) participation of hospitality industry.

Law Enforcement Programs

- ◆ A program designed to implement innovative highly visible and highly publicized law enforcement strategies to eliminate injuries and fatalities which occur on the roadways of Georgia. Priority programs could include occupant protection, speed, impaired driving, distracted driving, a combination of, or any other focus area as identified in the problem ID.

Administrative Judges and DUI Court Programs

- ◆ A program designed to train judges and prosecutors on highway safety issues, including but not limited to: Standardized field sobriety testing techniques, innovative sentencing techniques, update on new traffic laws and license sanctioning procedures, effective prosecution of DUI offenders, and incorporating treatment as appropriate into judicial sentencing for drivers between the ages of 21 and 34 who have been convicted of first time DUI/DWI.
- ◆ A program designed to remove repeated DUI offenders from Georgia's roadways through innovative prosecutorial/adjudication programs.

Minority Highway Safety Programs

- ◆ Programs focused on minorities, particularly the populations of non-English as a primary language. Programs must focus on the awareness of the laws relating to safety belt and child restraint uses, impaired driving, or pedestrian safety initiatives.

Non-Motorized Safety Grants

Non-motorized road user means a pedestrian; an individual using a nonmotorized mode of transportation, including a bicycle, a scooter, or a personal conveyance; and an individual using a low-speed or low-horsepower motorized vehicle, including an electric bicycle, electric scooter, personal mobility assistance device, personal transporter, or all-terrain vehicle.

- ◆ Education and enforcement programs should be designed to eliminate nonmotorized injuries and fatalities within high-risk counties. The development and implementation of programs should focus on the non-motorized road user and motorist to enhance knowledge and skills via outreach, community base, awareness and etc.:
- ◆ Programs should focus on the following:
 1. Training of law enforcement officials relating to nonmotorized road user safety, State laws applicable to nonmotorized road user safety, and infrastructure designed to improve nonmotorized road user safety.

2. Enforcement mobilizations and campaigns designed to enforce State traffic laws applicable to nonmotorized road user safety.
3. Public Information and awareness programs designed to inform motorists and nonmotorized road users the importance of speed management to the safety of the nonmotorized road user, the value of safety equipment (lighting, conspicuity equipment, mirrors, helmets, etc.), and state or local laws regarding safety equipment.
4. Public Information and awareness programs designed to inform motorists and nonmotorized road users the state laws applicable to nonmotorized road user safety, including the responsibilities of motorists with respect to nonmotorized road users.

Older Drivers and Passengers

- ◆ The aging Georgia population is more susceptible to fatal injury than younger motor vehicle occupants. In 2020 there were 322 drivers ages 55-to-64 years and 172 drivers ages 65 and older that were involved in fatal crashes. Older drivers made up 26% of all drivers involved in fatal crashes in 2020. Programs targeting this age group need to be developed and implemented to reverse these alarming trends. The program should be a skill-based program for older drivers to enhance driving skills or educational programs that focus on relevant physical and cognitive changes of aging.

Unattended Passengers Program

- ◆ Programs should be designed to educate the public regarding the risks of leaving a child or unattended passenger in a vehicle after the vehicle motor is deactivated by the operator.

Evaluation and Survey Program

- ◆ **Evaluation Program** should be designed to evaluate GOHS grants and projects on a monthly and yearly basis. A database should be created and maintained to monitor monthly reporting and activity of grantees.

If you are interested in a **Students Against Destructive Decisions (SADD)** project for a high school or a **Young Adult Driver (YA)** program for a college or university, please contact Ms. Eshon Poythress directly at epohythress@gohs.ga.gov.

Program Parameters

For detailed information on completing the referenced program guidelines, applicants must complete each section in the grant management system. All proposals must include the following information:

1. **Problem Identification:** The problem ID statement is a detailed written narrative that must clearly define the highway safety issues in the community/jurisdiction. The statement must provide a concise description of the problem(s), where it is occurring, and the population affected, how and when the problem is occurring, etc. Include the 5 most recent consecutive years of crash data (2018-2022), including fatality and serious injury data, to establish the conditions and the extent of the problem(s). (Charts, graphs, and percentages are effective ways of displaying the required data). Refer to the GOHS website for state and county data and/or Attachment A for assistance.
2. **Program Assessment:** Identify “what” the community/jurisdiction is currently doing to address the problem(s) identified under the problem identification section. Review and note activities and results of past and current efforts, indicating what did or did not work. Assess resources to determine what is needed to address the problem(s) more effectively. Identify local laws, policies, safety advocate groups and organizations that may support/inhibit the success of the project.
3. **Project Objectives, Activities and Evaluation:** The objective(s) must indicate exactly what the project will accomplish to impact/correct the problem(s) identified in the Problem Identification section. Activities must clearly identify the steps needed to accomplish each objective. A comprehensive evaluation plan must be developed to explain how the outcomes will be measured for each proposed activity listed in this section. Must follow the **S.M.A.R.T. (Specific, Measurable, Attainable, Realistic, and Time Specific) model**. (See *Sample Objectives, Activities and Evaluation – Attachment B*)
4. **Milestone Chart:** This chart must provide a summary of the projected activities to be accomplished on a monthly basis. This section must reflect the activities described in the Project Objectives, Activities and Evaluation Section.
5. **Media Plan:** Describe the plan for announcing the award of this grant to the identified community. Identify the media outlets, including social media, available to your project. Discuss how the public will be informed of grant activities throughout the entire project period.
6. **Resource Requirements:** Statement must describe and explain the budget (resources) needed in order to accomplish the objectives listed above. Requirements may include but not be limited to personnel, enforcement hours,

equipment, supplies, training needs and public information/educational materials. A brief description of how and by whom the resources will be used is also required.

7. **Self Sufficiency:** This statement must reflect a plan of action that explains how the activities of the project will be continued after federal funds are no longer available to implement this project. The self-sufficiency plan must identify potential sources of non-federal funds.
8. **Budget:** Each budget item(s) must be allowable, reflect a reasonable cost, and be necessary to carry out the objectives and activities of the project.
 - a. Personnel Services (salaries and fringes – non law enforcement and prosecutors)
 - b. Enforcement/Activity Hours (law enforcement and prosecutors only)
 - c. Regular Operating Expenses (single item less than \$1,000) – see **NOTE** below
 - d. Travel of Employees (employees of grantee)
 - e. Equipment Purchases (items \$1,000 or more)
 - f. Contractual Services
 - g. Per Diem and Fees (travel for non-employees of grantee)
 - h. Computer Charges and Computer Equipment
 - i. Telecommunications
 - j. Motor Vehicle Purchases

See Attachment C for Allowable and Non-Allowable Expenses.

9. **Grant Terms and Conditions:** Applicants are required to meet all applicable federal/state laws and requirements.
10. **Certifications and Signatures:** Applicants must agree to abide by the Grant Terms and Conditions within this section. Certification signatures must be signed in “*blue ink*” and attached to the respective application within the GOHS grant management system.

NOTE: Purchase price of an item includes shipping and taxes. EX: If an item costs \$900 plus \$150 for shipping and taxes then this item should be included in the equipment category because the total pushed it over the \$1000 point.

Eligibility Criteria

1. Potential grantees/partners within the State of Georgia include but is not limited to: local law enforcement agencies, county health departments, high schools (*private and public*), colleges and universities (*private and public*), citizen groups, civic organizations, churches and faith-based communities, county councils, mayors, EMS, county agencies, not-for-profit organizations (i.e. Safe Kids of Georgia, MADD, etc. and others).
2. For FFY 2025, GOHS grant proposals to a single grantee must not be submitted for less than \$10,000 or greater than \$375,000 for this fiscal year for the General Application (GA). The grants award for colleges and universities will be based on student population.
3. Law enforcement grants should include “enforcement hours” rather than salary and fringe benefits.
4. Full time positions will be evaluated on a case-by-case basis for grants whose budget exceeds \$100,000. (Job descriptions must be attached for each personnel position required.)
5. Potential grantee(s) must demonstrate its willingness and ability to accept and implement the planned programs by showing staffing, equipment, office space and other resources that will be dedicated to this effort.
6. Potential grantee(s) must report in the grant application whether or not its organization collects and is willing to disseminate critical data necessary to demonstrate the effectiveness of a **before** and **after** project impact. Programs planned, implemented and evaluated **must be “specific” and focused on the issues of saving lives and reducing injuries**. Evaluation tools must measure outcomes and the potential grantees **MUST** be able to show that crash data was decreased or increased as applicable in all emphasis areas at the end of the grant period. All exceptions must be documented and explained. Potential grantees will be required to collect and report to GOHS required data on highway safety programs that are supported by this grant to demonstrate the required change.
7. Programs planned should be necessary programs that will reach the goals stated. Programs that are “nice,” or “feel good,” or evaluated by anecdotal comments should not be proposed. All evaluation plans must be well documented in the application and approved by GOHS.
8. The cost for developing the proposal, including any travel costs associated with the application is the sole responsibility of the potential grantee. GOHS will not provide reimbursement for such costs.
9. GOHS will reimburse awarded grantees based on monthly approved/implemented project activities and expenditures through an Automated Clearing House (ACH) payment.
10. In accordance with the Federal Funding Accountability and Transparency Act (FFATA) recipients of Federal grants and contracts must submit information on sub-grant awards to GOHS prior to implementation. Please contact your agency Accounting Department to obtain the SAM.gov Unique Entity Identifier (**UEI**) Number and Federal Employment Identification Number (**FEIN**). These numbers will be needed in order to complete the agency information form. (Attachment G)

11. Non-profit organizations

- Must be willing to adhere by GOHS requirements for Non-Profit Organizations (See Attachment D).
- Must include letters of support/references from at least two of the following: local law enforcement, school systems, local safety advocate organizations and/or medical organizations. These must be dated within 2 years of date of application (for example for the 2025 application, letters must be dated 2022, 2023, or 2024).

12. Applications must receive an average final rating of 70% or above to be considered for funding. Applicants receiving an average final rating of 69% and below will not be funded by GOHS.

13. GOHS reserves the right to reject any and all proposals submitted in response to this request.

14. **Awarded grantee(s) must be willing to submit monthly activity reports concurrent with a monthly claim for reimbursement report utilizing the GA grants management system by the 20th of the following month. The claim for reimbursement must be submitted and approved in order to be reimbursed for activities/services rendered.**

15. Catalog of Federal Domestic Assistance (CFDA) number

- 20.600 – 402 (State and Community Highway Safety)
- 20.616 – 405 (National Priority Safety Programs)

GOHS is committed to providing equal access for all participants. Persons with disabilities who require an accommodation and persons with limited English proficiency who require language access services should contact Jared Bohlander at 404-656-6996 or jbohlander@gohs.ga.gov no later than December 29, 2023, to request a reasonable accommodation and/or language access services.

The Georgia Governor's Office of Highway Safety, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprise will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

The Safe System Approach

The Governor's Office of Highway Safety recently updated their Mission Statement to show our dedication to eliminating serious injuries and fatalities on our roadways. We are encouraging applicants to incorporate the Safe System Approach within their proposed projects. What is the Safe System Approach? The Safe System Approach aims to eliminate fatal and serious injuries for all road users. It does so through a holistic view of the road system that first anticipates human mistakes and second keeps impact energy on the human body at tolerable levels. It incorporates 5 elements which include Safe Road Users, Safe Vehicles, Safe Speeds, Safe Roads, and Post-Crash Care. For a brief overview of The Safe System Approach, please see Attachment I.

Also, please refer to the Best Practices page of the GOHS website for more information on the Safe System Approach and other best practices.

<https://www.gahighwaysafety.org/best-practices/>

The Application Submission Procedures

Application Submissions

All grant applications must be submitted through GOHS electronic grants management system.

- The grant management website is: <https://gohs.appiancloud.com/suite/>
- **NEW PROCESS:** Certification signature page must be signed in “*blue ink*” and attached to the respective application within the GOHS grant management system.

Grant Selection Types

- **GA** = General Application (*All Applications except: TEN and YA*)
 - City Government
 - County Government
 - Emergency Medical Service
 - Individual Consultant/Contractor
 - Non-Profit Organization
 - Police Department
 - Public Health
 - Sheriff's Office
 - State Agency
- **YA** = Young Adult
 - Funds only available for State Universities/Colleges/Technical Schools (*private and public*).

NOTE: The most recent State of Georgia Vendor Maintenance Form is attached (Attachment H). Please complete this form and submit it to GOHS-Finance@gohs.ga.gov.

Grant Period – FFY2025

Federal Fiscal Year – October 1, 2024, to September 30, 2025.

Grant Application Workshop

To be eligible for funding, all **new applicants who wish to submit an application shall have a representative present at ONE of the grant application workshops. Current FFY2024 grantees are not required to attend.**

For FFY 2025, the workshops will be held in-person.
To register for the workshop, click on the appropriate link below for the workshop you plan to attend prior to January 5, 2024.

January 9, 2024

10:00am

Chattahoochee Tech North Metro Campus
5198 Ross Road, Bldg. D
Acworth, GA 30102
See Attachment E

[Click here to register for the north GA workshop.](#)

January 10, 2024

10:00am

Byron Police Department
401 Main Street
Byron, GA 31008
See Attachment F

[Click here to register for the south GA workshop.](#)

Once registered, you will receive notification of the workshop.

**The Agency Information Form should be completed and emailed to Mr. Jared Bohlander (jbohlander@gohs.ga.gov) prior to the workshop (or bring with you to the workshop).
(Attachment G)**

Grant Proposal Submission

Grant Applications must be submitted via the GOHS grant management system no later than 11:59 p.m. on **Wednesday, February 28, 2024.**

All questions must be addressed via email, letter or telephone to:
Mr. Jimmy Sumner, GOHS Deputy Director
Jimmy.sumner@gohs.ga.gov

or

Governor's Office of Highway Safety
ATTN: Mr. Jimmy Sumner
7 Martin Luther King Jr. Dr.; Suite 643
Atlanta, GA 30334
Office: (404)-656-6996 Toll Free: (888)-420-0767

Application DUE DATE: February 28, 2024
Don't forget to click "submit."

Current grantees are not required to attend the RFP workshop if you plan to submit a renewal application for 2025. Please refer to your renewal letter for due dates as they are different

Problem ID Worksheet

1 Name of applicant

2 Demographics/ Population (day vs. night)

Demographics (race, ethnicity, gender, age, education, profession, occupation, income level, and marital status)

3 Urban/Rural

Population less than 50,000 is considered Rural

4 Roadway description- Where are the crashes occurring?

Interstates Yes/no How much? List interstates

State Routes Yes/no How much? List State Routes

Local Roads How much? List interstates

Speed limits

Avg Speeds

5 Restaurants/ bars? Bar district? Number of bars? Concert venues?

Open container law with pedestrians? Ride Share?

6 Schools/Universities?- Name and Describe

Student population

Pedestrians

Bicycles

e-scooters

7 Business District

Pedestrians

To-Go Alcoholic Beverages

8 55 Plus Communities? yes/no

Describe (% of population)

9 Minority population yes/no

Describe (% of population)

10 Native American Communities yes/no

Describe (% of population)

11 Seatbelt usage rate

State rate

87.6%

2023 rate

Local rate

Date of survey

12 Local Crash Data

5 consecutive years of data - Use FARS Data where applicable

	2017	2018	2019	2020	2021	2022 (if available)
Crashes						
Injuries (FARS)						
Fatalities (FARS)						

13 Number of unrestrained fatalities (include years of data used)

Percentage of unrestrained fatalities vs. overall fatalities

14 Number of unrestrained injuries (include years of data used)

Percentage of unrestrained injuries.

15 Speed related fatalities -percent of overall fatalities

State rate

21%

2021

Local rate

what year of data?

16 Impaired related fatalities- percent of overall fatalities

State rate

22%

2021

Local rate

what year of data?

17 Pedestrian fatalities

State rate

17%

2021

Local rate

what year of data?

18 Bicycle fatalities

State rate

<1%

2021

Local rate

what year of data?

19 Motorcycle fatalities

State rate	10%	2021
Local rate		what year of data?

20 Drivers involved in Fatal Crashes

2021 State	2,617	2021 Local	
Young Drivers (15-20)	215	Young Drivers (15-20)	
Age 21 and over)	2,345	Age 21 and over)	

21 Are other languages are spoken in your community?

If so, what other languages are spoken? Percentage of individuals who speak

22 Document data sources

23 Data Sources for Grant Applications:

GOHS website: Crash Data Dashboard - https://www.gahighwaysafety.org/research/data-by-county/
GOHS website: Traffic Safety Facts Sheets - https://www.gahighwaysafety.org/highway-safety/shsp/
2021 NHTSA Countermeasures that work- https://www.ghsa.org/resources/countermeasures
FARS Data- https://www.nhtsa.gov/research-data/fatality-analysis-reporting-system-fars
GEARS (must be an approved agency) - https://www.gearsportal.com/Pages/Public/Home.aspx
NHTSA Tools, Publications, and Data - https://cdan.nhtsa.gov/
GA OASIS (This has different criteria then the FARS data)- https://oasis.state.ga.us/
CDC Motor Vehicle Safety - https://www.cdc.gov/transportationsafety/states/index.html
GHSA Publications- https://www.ghsa.org/resources/BTSCR
Children's Hospital of Philadelphia- https://injury.research.chop.edu/
County Health Rankings- https://www.countyhealthrankings.org/app/georgia/2021/downloads

SAMPLES OBJECTIVES, ACTIVITIES AND EVALUATIONS

OBJECTIVE:

- A. Grantee will provide educational programming on _____ [insert type of program] to _____ [number of participants] _____ [description of participants] in [location] during the grant year.

Example 1: (*Grantee*) will provide educational programming on the importance of wearing safety belts to 1200 students in local high schools in (*City/County*), Georgia by end of grant year.

Example 2: (*Grantee*) will provide educational programming on the importance of wearing safety belts to 120 Latino participants at community events in (*City/County*), Georgia by end of grant year.

ACTIVITY:

Important: if the educational program and supporting materials are already available, skip directly to activity "c".

- A. Develop an education curriculum/program by _____ [date] [reported on milestone chart].

Example 1: *Develop an educational program appropriate to high school students on the importance of wearing safety belts by the end of November 2021.*

Example 2: *Develop an educational program in Spanish on the importance of wearing safety belts by the end of November 2021.*

- B. Prepare educational materials appropriate for _____ [description of participants] by [date] [reported on milestone chart].

Example 1: *Prepare educational materials stressing the importance of wearing safety belts that are appropriate to high school students by the end of January 2022.*

Example 2: *Prepare educational materials in Spanish stressing the importance of wearing safety belts by the end of January 2022.*

- C. During the grant period, deliver educational curriculum/program to _____ [number of participants] per month in [location].

Example 1: *During the grant period, deliver the educational program on the importance of wearing safety belts to 100 high school students in (*City/County*), Georgia per month.*

Example 2: *During the grant period, deliver the educational program tailored for Latino populations to 10 students per month in (*City/County*), Georgia.*

EVALUATION

- A. Determine whether the appropriate number and type of students received the educational program during the grant period. This is an example of a process evaluation. Process evaluations measure if the program is being implemented as planned.

Example 1: Determine whether 1200 students in local high schools in (City/County), Georgia received educational programming on the importance of wearing safety belts during the grant period.

-keep a calendar of events conducted

-count attendees (use a sign-in sheet, observation, or use attendance sheet)

Example 2: Determine whether 120 Latino participants at community events in (City/County), Georgia received educational programming on the importance of wearing safety belts.

-keep a calendar of events conducted

-count attendees (use a sign-in sheet, observation, or use attendance sheet)

- B. Determine whether learning has occurred during the teen driving safety presentation during the grant period. This is an example of an impact evaluation. Impact evaluations measure the change in attitude, knowledge, skills, and behavior.

Example: Determine whether 1200 students in local high schools in (City/County), Georgia learned new traffic safety knowledge on the importance of wearing safety belts during the grant period.

- All participants take five question pre-test before the presentation begins and the same five question post-test after the presentation ends

- Average pre-test and post-test scores. If scores improved amongst participants, then learning has occurred and there is a change in knowledge.

EXAMPLES OF OBJECTIVES: OCCUPANT PROTECTION SAFETY BELT USAGE RATE

OBJECTIVE 1:

To assess changes in overall safety belt usage rate within the appropriate jurisdiction over the grant period.

Activities for Objective 1:

- a. Conduct a baseline observational safety belt survey within the appropriate jurisdiction
- b. Conduct a post-program observational safety belt survey within the appropriate jurisdiction.

Evaluation for Objective 1:

- a. Compare safety belt usage rates from the baseline survey to the survey at the end of the period, and report findings in Final Report to GOHS.
- b. Determine whether the seatbelt surveys were conducted on schedule.

OBJECTIVE 2:

To increase the safety belt usage rate in the jurisdiction by 5% from baseline by the end of the grant period. (To use percentages increase/decrease you must determine the baseline number)

Activities for Objective 2:

- a. Participate in all "Click It or Ticket" mobilizations initiated by GOHS.
- b. [insert other activities appropriate to Agency.]

Evaluation for Objective 2:

- a. Compare safety belt usage rates from the baseline survey to the survey at the end of the period and determine whether a 5% increase in safety belt usage rate has occurred.

Other Examples -

Objective: During the FFY25 grant period, (Grantee) will work with local partners to hold 4 kids bike safety classes featuring on-bike safety skills drills and 4 bike safety classes featuring a classroom presentation, with an emphasis on helmet safety, visibility, and rules of the road.

Activity: During the FFY25 grant year, (Grantee) will host 4 bike safety classes featuring a classroom presentation with an emphasis on helmet safety, visibility, and rules of the road. Class size is expected to be 20 children per class.

Evaluation: (Grantee) will supply the syllabus, pictures, and attendance sheets for each event in the monthly programmatic reports. By the end of the lesson, the students will be able to properly fit a helmet, know what clothes to wear, which lights to use, and the students will be able to know the most important age-specific bike traffic laws.

Objective: During the grant year, (Grantee) will implement a comprehensive, hands-on, program that will educate 1800 school aged motorists and pedestrians on required safety behaviors that will help reduce pedestrian fatalities.

Activity: (Grantee) will provide pedestrian education to 150 students each month during the grant period, either at a school or school affiliated summer program either at a school or at a school-based summer program.

Evaluation: (Grantee) will provide pre/post-test evaluations and document the number of participants of the education. (Grantee) will provide this information in a monthly report throughout the grant period.

ALLOWABLE AND UNALLOWABLE COSTS

ALLOWABLE COSTS

Payment for costs incurred shall be on a reimbursable basis. An advance of funding is not allowable for Highway Safety activities. Cost incurred means the grant must have established a liability for payment.

Items must meet all of the following criteria to be an admissible cost for reimbursement of an approved highway safety grant:

All items must:

- be an item or service approved in the grant.
- represent an actual expenditure and be chargeable to the grant.
- be incurred on or after the authorized effective date of the grant and on or before the ending date of the grant period.
- be necessary for proper and efficient administration of the project and be allocated to the activities in the grant
- be reasonable when compared to unit value.
- be reduced by all applicable credits.
- be in the pro-rata share of the approved project (when allowable costs are to be allocated or pro-rated to a project, an allocation or pro-ration worksheet must be prepared and retained by the agency for audit).
- be permissible under federal, state and local laws, regulations and practices.
- not result in a profit or other increment to the grantee, unless the profit is used to advance the project within the grant limits.
- not be allocated to, or included, as a cost of any other federally financed program.

UNALLOWABLE COSTS

- Promotional/ Incentive type items
- Compensation for time spent in court.
- Compensation for overtime paid at one and a half times pay unless the following conditions are met:
 - 1) Payments for overtime, which are clearly defined, and separately delineated in the grant application, exhibited as a separate cost category in the budget pages of the grant application, **and pre-approved by GOHS.**
 - 2) A plan for overtime payment, including the existing departmental or agency overtime policy for non-project personnel, must be submitted for review and approval by GOHS prior to expense being incurred.
- Employee's salary/enforcement hours while pursuing training nor to pay the salary of the employee's replacement, except where the employee's salary is supported with federal funds under an approved GOHS project.

GOHS REQUIREMENTS FOR NON PROFIT ORGANIZATIONS

Title 50. Chapter 20 of the Official Code of Georgia Annotated. **Relations with Non profit Contractors** requires State agencies entering into agreements with non-profit organizations to provide the following financial and compliance information:

1. Identification of any state funds included as part of the contract. Such identification should include the contract number.
2. Identification of any federal pass-through assistance included as part of the contract. Such identification should include the Catalog of Federal Domestic Assistance number.
3. Identification of requirements imposed by federal laws, regulations, and the provisions of contracts as well as any state or supplementary requirements imposed by state law or the contributing state organization.

In accordance with O.C.G.A. Section 50-20-3, **non profit organizations applying to contract for funds from the Governor's Office of Highway Safety (GOHS) must submit the following financial information to GOHS prior to entering into any financial agreement:**

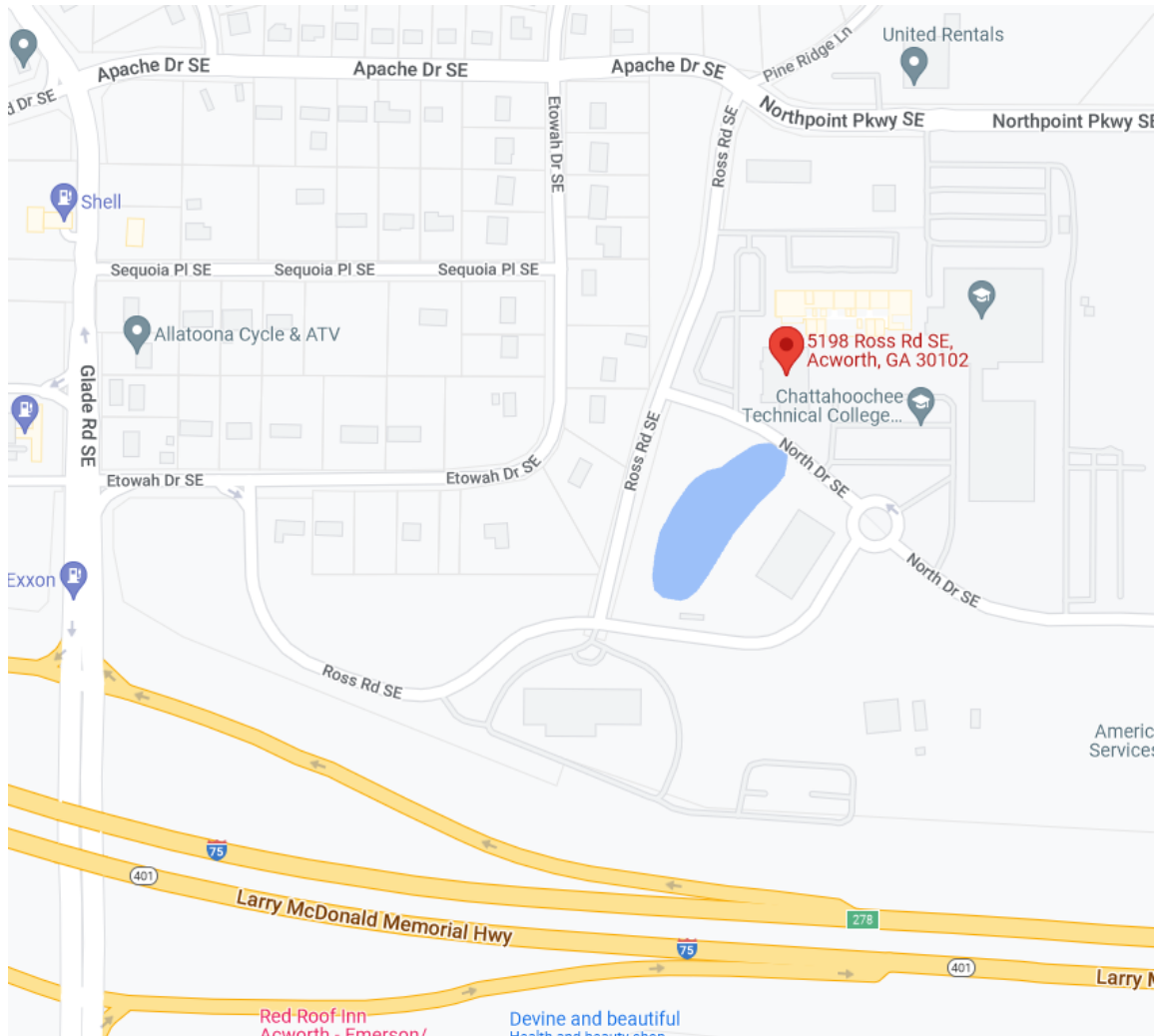
1. Listing of the source or sources of all public funds received by the non-profit contractor and the program for which funds were received.
2. A copy of the non-profit IRS status form 501 (c) (3).
3. A copy of the Secretary of State certification of Georgia non-profit status.
4. In cases where the non-profit contractor has been in existence for less than a full year, the financial statements must cover the non-profit contractor's operations year to date for the current year.
5. A non-profit organization, which has expended \$100,000 or more during its fiscal year in State Funds, must provide for and cause to be made annually an audit of the financial affairs and transactions of all of the non-profit organization's funds and activities. The audit shall be performed in accordance with generally accepted auditing standards.
6. A non-profit organization, which has expended less than \$100,000 during its fiscal year in State Funds, shall forward to the state auditor and each contracting state organization a copy of the nonprofit organization's financial statements. If the financial statements are reported upon by a public accountant, the accountant's report must accompany the financial statements. If not, the annual financial statements must be accompanied by the statement of the president or person responsible for the nonprofit organization's financial statements:
 - A. Stating the president's or other person's belief as to whether the statements were prepared on the basis of generally accepted accounting principles and, if not, describing the basis of preparation.
 - B. Describing any respects in which the statements were not prepared on a basis consistent with statements prepared for the preceding year.
7. A non-profit organization which receives funds from a state organization and which meets the federal audit requirements of the Single Audit Act Amendments of 1996 shall submit

audit reports and reporting packages in accordance with (Federal) Office of Management and Budget (OMB) Circular A-133.

8. Reporting packages or financial statements shall be forwarded to the state auditor and each contracting state organization within 180 days after the close of the nonprofit organization's fiscal year. The state auditor, for good cause, may waive the requirement for completion of an audit within 180 days. Such waiver shall be for an additional period of not more than 90 days, and no such waiver shall be granted for more than two successive years to the same nonprofit organization. The state auditor may prescribe an electronic format for financial statement and audit package submission purposes.
9. Non-profit organizations, which receive funds from state organizations, shall refrain from political activities including endorsement of any political candidate or party, use of machinery, equipment, postage, or personnel on behalf of any candidate or any question or public policy subject to public referendum.
10. Non-profit organizations must provide a letter of support from a local government official stating this program is needed.

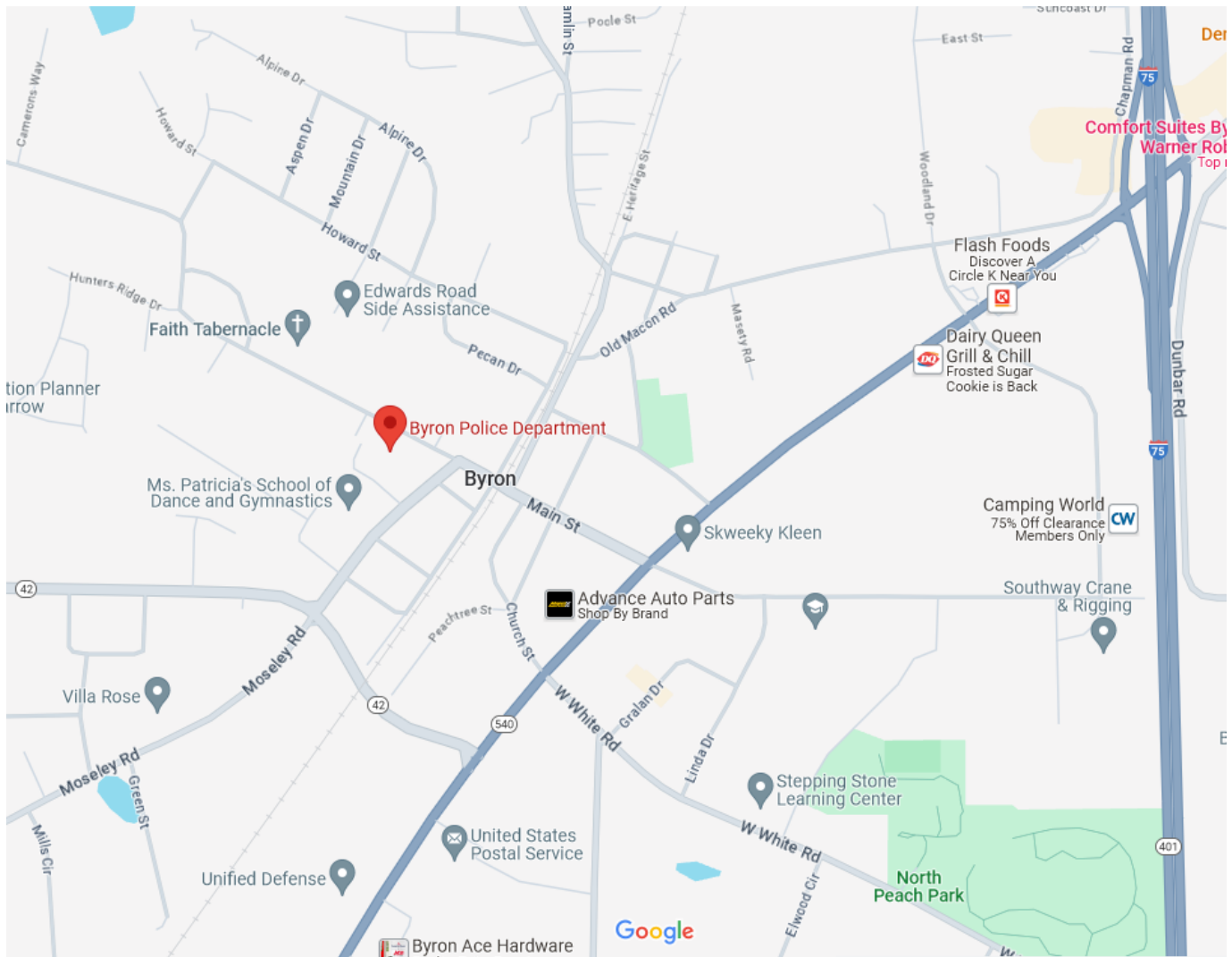
Attachment E

January 9, 2024
10:00am
Chattahoochee Tech North Metro Campus
5198 Ross Road, Bldg. D (Room 400)
Acworth, GA 30102



Attachment F

January 10, 2024
10:00am
Byron Police Department
401 Main Street
Byron, GA 31008





Governor's Office of Highway Safety
7 Martin Luther King Jr. Dr. SW
Suite 643
Atlanta, GA 30334

Agency Information

Agency Information

Agency Name: _____

Agency Address: _____
Street Address *Suite or Room #*

City *State* *ZIP Code*

Agency Phone: _____ Agency Fax #: _____

Agency Email: _____

Federal Tax ID # (FEIN): _____ SAM
UEI #: _____

County: _____ Website: _____

Agency Type*: _____

Agency Category+: _____

Project Director: _____ Project Director
Email Address: _____

*Agency Types: State / Education / County / City / Other

+ Agency Categories: Schools (K-12) / Non-Profit Organization / State Universities/Colleges/Tech Schools / Police Department
/ City Government / Sheriff's Office / Government Agency / Public Health / State Agency / Local

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ACCOUNTS RECEIVABLE NOTIFICATION

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

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

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

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

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

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

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

Liaison Name: _____ Agency BU#: _____
 Signature: _____ Date: _____
 Email: _____ Phone: _____

**INSTRUCTIONS FOR SUPPLIERS****SECTION 1- AGENCY LIAISON USE ONLY**

This section **MUST** be completed in its entirety unless otherwise indicated in the description boxes below.

New Assigned Supplier ID	Required, if the supplier is unapproved. Select the checkbox and enter the Supplier ID Number.
Existing TeamWorks Supplier ID	Required, if the supplier is approved or inactive. Select the checkbox and enter the Supplier ID Number.
Change Bank Acct – LOC#	Required, if the request is to change the supplier's existing bank information. Select the checkbox and enter the Location in TeamWorks to change.
Change Address - #	Required, if the request is to change the supplier's existing address. Select the checkbox and enter the Address ID number in TeamWorks to change.
Replace Invoicing Address	This option is required to change a Location's Invoice Address. Select the checkbox and enter the Location # and the new AddrID#
Replace Remittance Address	This option is required to change a Location's Remittance Address. Select the checkbox and enter the Location # and the new AddrID#
HCM Vendor	Required, if the request is for an HCM supplier. Select the checkbox.
Statewide Contract (DOAS Use Only)	This option is required for DOAS only. Select the checkbox if the supplier is under an SWC or to identify a supplier as an SWC vendor.
Classification Change	Required, if the request is to change the supplier's current Classification. Circle the new Classification.
Other	Only select this option if the request is not listed in Section 4. Must provide details in Section 6.

SECTION 2 – SUPPLIER IDENTIFICATION (SUPPLIER USE ONLY)

This section **MUST** be completed in its entirety unless otherwise indicated in the description boxes below.

SUPPLIER NAME	Required. If requesting a name change, enter the new supplier's name.
FEI/SSN/TIN	Required. If requesting a TIN change, enter the new FEI/TIN and include an updated W9.
PAYMENT ALT NAME	Optional. SUBMIT AS AN ADDRESS REQUEST <ol style="list-style-type: none"> 1. Complete if payments should use a different name than is indicated above. 2. If requesting to change the Payment ALT name, enter the new ALT name. 3. Do not add the same name that is in the Additional Name field in TeamWorks.
ADDRESS/CITY/STATE/ZIP/COUNTRY	Required. If requesting to change address, enter the new address.
DRIVER'S LICENSE #/DL STATE	Optional (For individuals only).
PHONE NUMBERS	Required. Enter the direct number to the authorized business contact person.
CONTACT EMAIL	Optional.

SECTION 3- BANK ACCOUNT INFORMATION (SUPPLIER USE ONLY)

This section **MUST** be completed in its entirety, for all new suppliers and banking changes/additions for existing suppliers. Payments will be made electronically via the Automated Clearing House (ACH).

ROUTING #	Required. Must be 9-digits.
BANK ACCOUNT #	Required.
GENERAL BANK ACCOUNT	Required. Select if <u>ALL PAYMENTS</u> from <u>ALL AGENCIES</u> should be deposited to the account provided.
SPECIFIC PURPOSE	Required. Select if bank account should be designated for <u>Specific Purpose</u> such as <u>grants, operating accts, Pre-K, etc.</u>
PYMT REMIT EMAIL	Optional, but Recommended to receive notification of payment(s) processed. Enter the email address where to send payment notifications. To add or change a payment remit email address for existing bank information, submit as a bank change request.
PRINTED NAME OF COMPANY OFFICER	Required.
SIGNATURE OF COMPANY OFFICER	Required. Must be the electronic signature embedded in the VMF or an ink signature. Stamps, script fonts, etc. are unacceptable.
DATE	Required. This date cannot be more than 60 days old from the date SAO receives the VMF.

SECTION 4- SPECIFY TYPE OF ACTION(S)

Select all items that pertain to this request. **If no selection is made, the form will be rejected.**

DEACTIVATE SUPPLIER PROFILE	Select if requesting to deactivate a supplier profile. A justification MUST be provided in Section 6.
REACTIVATE SUPPLIER PROFILE	Select if requesting to reactivate an inactive supplier profile. If the supplier was previously denied approval, select this option.
ADD NEW BANK ACCOUNT	Select when requesting to add bank account information to your profile. Must also complete Section 3 of the form.
CHANGE EXISTING BANK ACCOUNT	Select if requesting to change the current banking information on your profile. Must also complete Section 3 of the form with new bank information.
FEI/TIN CHANGE	Select if changing FEIN/TIN. Enter the new number in Section 2 and submit the current updated W9. <i>*If 1099 applicable, the FEI/TIN cannot be changed*</i>
SUPPLIER (Business) NAME CHANGE	Select if changing supplier/business name. Enter the new name in Section 2 and submit the current updated W9.
ADD ADDITIONAL ADDRESS	Select if adding an <i>additional</i> business address. Enter the additional address in Section 2 of the form.
CHANGE EXISTING ADDRESS	Select if changing current business address. Enter the new address in Section 2 of the form.
NON – 1099 APPLICABLE	Select to change a supplier that is currently 1099 applicable to non-1099 applicable.
1099 APPLICABLE	Select to change a supplier that is currently NOT 1099 applicable to a 1099 supplier.
1099-M/ENTER CODE	Required, if requesting to make a supplier 1099 applicable who will receive a 1099-M (excluding non-employee compensation). Enter the appropriate code in the Code field.
1099-N/CODE	Required, if requesting to make a supplier 1099 applicable who will receive a 1099-NEC for Non-employee Compensation. '01' is the only valid code the 1099-N.
1099 ADDR ID#	Enter the Addr ID number where to mail the Supplier's 1099.
OTHER	Select if the requested action is <i>not</i> listed in Section 4. Must provide request details in Section 6.

SECTION 5- TYPE OF BUSINESS

This section should only be completed if applicable. Please review the category definitions below.

BUSINESS CERTIFICATIONS	
SMALL BUSINESS	Based on Georgia law (OCGA 50-5-21) (3) "Small business" means any business which is independently owned and operated. Additionally, such business must have either less than 300 employees OR less than \$30 million in gross receipts per year.
GEORGIA RESIDENT BUSINESS	Based on Georgia law (OCGA 50-5-121) (2) "Georgia resident business" means any business that regularly maintains a place from which business is physically conducted in Georgia for at least one year prior to any bid or proposal to the state or a new business that is domiciled in Georgia and which regularly maintains a place from which business is physically conducted in Georgia; provided, however, that a place from which business is conducted shall not include a post office box, a leased private mailbox, site trailer, or temporary structure.
MINORITY BUSINESS CERTIFIED	Companies desiring to certify as a "minority business enterprise" or a "minority subcontractor" may do so by first submitting an application for the Disadvantaged Business Enterprise (DBE) Certification to GDOT. Only suppliers who have successfully completed the DBE certification process and registered in Team Georgia Marketplace are listed as a "Certified Minority Business Enterprises".
WOMEN-OWNED	Women-owned businesses are not considered minority businesses in the State of Georgia.

SECTION 6 -ADDITIONAL SUPPLIER COMMENTS

This section MUST be completed to "Deactivate" a profile or address if "Other" is selected in Section 4.

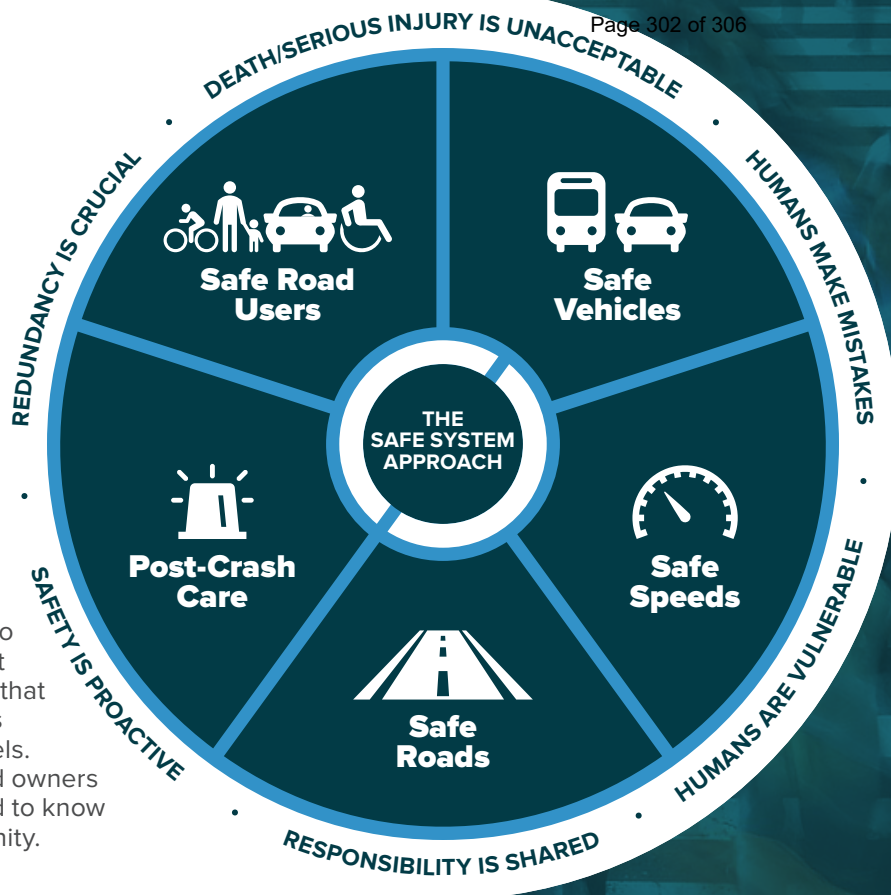
Liaison Name	Required. Enter only the name of the certified Agency Liaison submitting the request.
Agency B/U	Required. Enter the Agency's 5-digit Business Unit number.
Signature	Required. Must be the electronic signature embedded in the VMF or an ink signature. Stamps, script fonts, etc. are unacceptable.
Date	Required. The date entered is the date the Agency Liaison signed the VMF. This date cannot be prior to the signature date of the supplier in Section 3.
Email	Required. Enter the Agency Liaison's email address.
Phone	Required. Enter the Agency Liaison's phone number.

THE SAFE SYSTEM

APPROACH

Zero is our goal. A Safe System is how we will get there.

Imagine a world where nobody has to die from vehicle crashes. The Safe System approach aims to eliminate fatal & serious injuries for all road users. It does so through a holistic view of the road system that first anticipates human mistakes and second keeps impact energy on the human body at tolerable levels. Safety is an ethical imperative of the designers and owners of the transportation system. Here's what you need to know to bring the Safe System approach to your community.



SAFE SYSTEM PRINCIPLES



Death/Serious Injury is Unacceptable

While no crashes are desirable, the Safe System approach prioritizes crashes that result in death and serious injuries, since no one should experience either when using the transportation system.



Responsibility is Shared

All stakeholders (transportation system users and managers, vehicle manufacturers, etc.) must ensure that crashes don't lead to fatal or serious injuries.



Humans Make Mistakes

People will inevitably make mistakes that can lead to crashes, but the transportation system can be designed and operated to accommodate human mistakes and injury tolerances and avoid death and serious injuries.



Safety is Proactive

Proactive tools should be used to identify and mitigate latent risks in the transportation system, rather than waiting for crashes to occur and reacting afterwards.



Humans Are Vulnerable

People have limits for tolerating crash forces before death and serious injury occurs; therefore, it is critical to design and operate a transportation system that is human-centric and accommodates human vulnerabilities.



Redundancy is Crucial

Reducing risks requires that all parts of the transportation system are strengthened, so that if one part fails, the other parts still protect people.



U.S. Department of Transportation
Federal Highway Administration

FHWA-SA-20-015



Safe Roads for a Safer Future
Investment in roadway safety saves lives

Making a commitment to zero deaths means addressing every aspect of crash risks through the five elements of a Safe System, shown below. These layers of protection and shared responsibility promote a holistic approach to safety across the entire transportation system. The key focus of the Safe System approach is to reduce death and serious injuries through design that accommodates human mistakes and injury tolerances.



Safe Road Users

The Safe System approach addresses the safety of all road users, including those who walk, bike, drive, ride transit, and travel by other modes.



Safe Vehicles

Vehicles are designed and regulated to minimize the occurrence and severity of collisions using safety measures that incorporate the latest technology.



Safe Speeds

Humans are unlikely to survive high-speed crashes. Reducing speeds can accommodate human injury tolerances in three ways: reducing impact forces, providing additional time for drivers to stop, and improving visibility.



Safe Roads

Designing to accommodate human mistakes and injury tolerances can greatly reduce the severity of crashes that do occur. Examples include physically separating people traveling at different speeds, providing dedicated times for different users to move through a space, and alerting users to hazards and other road users.



Post-Crash Care

When a person is injured in a collision, they rely on emergency first responders to quickly locate them, stabilize their injury, and transport them to medical facilities. Post-crash care also includes forensic analysis at the crash site, traffic incident management, and other activities.

THE SAFE SYSTEM APPROACH VS. TRADITIONAL ROAD SAFETY PRACTICES

Traditional

- Prevent crashes —————> Prevent deaths and serious injuries
- Improve human behavior —————> Design for human mistakes/limitations
- Control speeding —————> Reduce system kinetic energy
- Individuals are responsible —————> Share responsibility
- React based on crash history —————> Proactively identify and address risks

Safe System

Whereas traditional road safety strives to modify human behavior and prevent all crashes, the Safe System approach also refocuses transportation system design and operation on anticipating human mistakes and lessening impact forces to reduce crash severity and save lives.

WHERE ARE
YOU ON THE
SAFE SYSTEM
JOURNEY?

Implementing the Safe System approach is our shared responsibility, and we all have a role. It requires shifting how we think about transportation safety and how we prioritize our transportation investments. Consider applying a Safe System lens to upcoming projects and plans in your community: put safety at the forefront and design to accommodate human mistakes and injury tolerances. Visit safety.fhwa.dot.gov/zerodeaths to learn more.

COUNTY AGENDA REQUEST

Page 304 of 306

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to approve Task Order 4 for a Not to Exceed (NTE) amount of \$625,822.51, to Practical Design Partners (PDP) to develop Preliminary Roadway and Right of Way Plans and related deliverables for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD).

Background/History/Details:

In March 24, 2022, the Board of Commissioners awarded Contract #1981-Q for preliminary engineering and design services to Practical Design Partners, LLC (PDP) for the Realignment of SR 279. The Contract is a "multi-phase, project-specific" type and the March 2022 award included approval of the first Task Order (TO#1). In the fall, TO#2 was awarded for public engagement and in February 23, 2023, TO #3 was awarded for the Concept Report.

To prepare for the next step of the project, County staff and PDP developed a scope for TO#4 and negotiated fees following the GDOT Plan Development Process. The schedule for completion of TO #4 is 18 months. Deliverables include approved Complete Preliminary Roadway Plans (including Signing and Marking Plans, Signal Plans, Staging Plans, Utility Coordination, Erosion Control Plans, Municipal Separate Storm Sewer System design, Signal Communication Plans if needed, and Wall Design if needed), Right of Way Plans, Perform NEPA Management and Coordination, Air and Noise surveys and reports, Subsurface Utility Engineering (SUE) Quality Level B, MS4 Report, and Under ground storage tanks (UST) Studies Phase 2.

Results of TO #4 will be used to finalize design work (TO #5).

What action are you seeking from the Board of Commissioners?

Approval of Task Order #4 for a Not to Exceed (NTE) amount of \$625,822.51, to develop Preliminary Roadway and Right of Way Plans and related deliverables for the SR 279 Realignment Project - GDOT PI 0017813 (17TAD).

If this item requires funding, please describe:

Funding for TO #4 is available from the Fund 326 and Fund 322 2017 SPLOST Project 17TAD - Realignment of SR 279 at Corinth Road. Up to 80% of the costs are eligible for federal aid reimbursement.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

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



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

To: Steve Rapson

Through: Ted L. Burgess *TB*

From: Sherry White *SW*

Date: February 8, 2024

**Subject: Contract #1981-Q: SR 279 Realignment - Engineering & Design
 Task Order 4: Preliminary Roadway Plans and Right of Way Plans**

Practical Design Partners, LLC is the current Public Works engineering and design team for the SR 279 and Corinth Road intersection project. The purpose of this task order is to provide Preliminary Roadway Plans and ROW Plans.

Fayette County staff met virtually with Practical Design Partners (PDP) to negotiate the Task Order 4 proposal under their #1981-Q contract on Monday, February 5, 2024. After consulting with subconsultants on various task, PDP submitted the Task Order 4 to provide Preliminary Roadway Plans and ROW Plans as stated in Attachment 1.

The Public Works Department finds the proposed fee in the amount \$625,822.51 acceptable and moves to approve Task Order 4 as submitted.

Specifics of the proposed Task Order are as follows:

Contract Name	#1981-Q: SR 279 Realignment - E&D
Task Order	#4: Preliminary Design and Right of Way (ROW) plans
Contractor	Practical Design Partners, LLC
Task Order Amount	\$625,822.51

Budget:

	322 - 17SPLOST	326 - 17SPLOST Grant
Fund	322 - 17SPLOST	326 - 17SPLOST Grant
Org Code	32240220 ROAD SPLOST	32640220 ROAD SPLOST
Object	541210 Other Improvements	541210 Other Improvements
Project	17TAD SR 279 & Corinth Rd	17TAD SR 279 & Corinth Rd
Project Amt.	\$125,164.50	\$500,658.01
Available	\$3,157,889.60	\$500,658.01 As of 2/6/2024

Contract #1981-Q: Realignment of SR 279**Consultant: Practical Design Partner, LLC****Task Order 4 – Preliminary Roadway Plans and Right of Way Plans****Summary Scope of Work and Fees**

Project Management – estimate based on 18 months	\$37,006.45
Roadway Design – work includes coordination meetings, prepare and participate in A3M, review Phase 2 UST Documents, coordinate utility meetings, prepare Preliminary Roadway Plans, prepare Right of Way Plans and Easements, prepare detailed cost estimates, prepare Design Variance Report, prepare and attend Constructability Review and PFPR, address GDOT comments.	\$264,203.12
Design Support – work includes coordination meetings, prepare accepted Post-Construction stormwater report for MS4 or Ecology, address GDOT Design Policy Office Review comments.	\$26,676.50
Environmental 1 (Pond & Company) – work includes meetings with multiple GDOT offices, perform all functions of A3M, update schedule, complete the NEPA document, prepare the Categorical Exclusion, complete Ecology reports, prepare and participate in PFPR, prepare Environmental Re-evaluation for R/W authorization.	\$95,420.26
Environmental 2 (ICF Jones & Stokes, Inc.) – work includes meeting with multiple GDOT offices, prepare Cultural Resources Assessment of Effects Report, site visits, complete Noise Model for Existing and Design Year No-Build, complete Validation Run, complete Noise Assessment.	\$58,743.97
Traffic Operations (Pond & Company) – work includes meetings with GDOT Offices of Planning and Traffic Operations, prepare 50% signal plans, complete preliminary signal plans, prepare preliminary signal communication plans, prepare and participate in PFPR, address comments from GDOT.	\$28,424.67
Survey (Platinum) – work includes project management, staking +/- 2,000 LF of the new alignment along Corinth Rd, staking the Right of Way and the Easements.	\$35,666.57
Utilities Investigation (Platinum) – work includes performing SUE Quality Level B along 78,300 LF, designating and marking all existing utilities, survey designated markings, utility surface features and poles, develop utility composite drawings and pole data table.	\$58,994.99
Geotechnical – work includes completion of Limited Phase II Environmental Site Assessment.	\$20,685.98
Sum:	\$625,822.51