

## BOARD OF COUNTY COMMISSIONERS

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



## FAYETTE COUNTY, GEORGIA

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

140 Stonewall Avenue West  
Public Meeting Room  
Fayetteville, GA 30214

## AGENDA

May 23, 2024

5:00 p.m.

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

### OFFICIAL SESSION:

Call to Order  
Invocation and Pledge of Allegiance by Chairman Lee Hearn  
Acceptance of Agenda

### PROCLAMATION/RECOGNITION:

### PUBLIC HEARING:

1. Consideration of Petition No. 1345-24-A, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 0.964 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road. (pages 3-41)
2. Consideration of Petition No. 1345-24-B, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 17.171 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road. (pages 42-72)
3. Consideration of Petition No. 1345-24-C, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 1.137 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road. (pages 73-100)
4. Consideration of Petition No. 1346-24, Allegiance Homes, LLC, owner; C. Mark McCullough, Agent, request to rezone 15.87 acres from A-R (Agricultural-Residential) to R-80 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 199 of the 4th District and fronts on Snead Road. (pages 101-130)
5. Consideration of Petition No. 1347-24, Luis Arango, owner; Jeff Lammes, Agent, request to rezone 1.446 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing an amenity area for a residential single-family neighborhood; property is located in Land Lot 60 of the 5th District. (pages 131-155)

**PUBLIC COMMENT:**

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

**CONSENT AGENDA:**

6. Approval of the renewal of a two-year contract from July 1, 2024 to June 30, 2026 with Midwest Employers Casualty Company, at an annual cost of \$152,929. (pages 156-161)
7. Approval for staff to acquire all fee simple right-of-way for the construction of the turn-around improvement on Crabapple Lane. (pages 162-164)
8. Approval for staff to acquire all fee simple right-of-way and easements for the replacement of a failed storm water culvert at 120 Oak Hill Drive. (pages 165-167)
9. Approval of the May 9, 2024 Board of Commissioners Meeting Minutes. (page 168-172)

**OLD BUSINESS:**

**NEW BUSINESS:**

**ADMINISTRATOR'S REPORTS:**

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1345-24-A, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 0.964 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road.

Background/History/Details:

Parcel 0722 003 is a legal lot of record in the A-R zoning district. As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 unit/1 acre) is designated for this area, so the request for R-50 zoning is appropriate. The existing house does not meet the dimensional requirements of the R-50 zoning district, so a condition for demolition of the house and all accessory structures on the property is recommended. The parcel will not meet the R-50 lot size, so a condition is included to require the combination of all parcels. On May 2, 2024, the Planning Commission voted 5-0 to recommend conditional approval of the request.

Staff recommends CONDITIONAL APPROVAL of Petition No. 1345-24-A, Parcel No. 0722 003; David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent; to rezone 0.964 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), subject to the following conditions:

1. Within 180 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on the parcel.
2. Within 120 days of approval of the rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1345-24-A, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 0.964 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road with two (2) conditions.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

**PETITION NO: 1345-24-A****REQUESTED ACTION:** Rezone from A-R to R-50**PARCEL NUMBER:** 1345-24-A: 0722 003 – 0.964 Acres**PROPOSED USE:** Single-Family Residential Subdivision**EXISTING USE:** Agricultural/Residential**LOCATION:** Ellison Road**DISTRICT/LAND LOT(S):** 7<sup>th</sup> District, Land Lot 85**ACREAGE:** 0.964 acres**OWNER(S):** David Asa Lamb**APPLICANT:** LDO Fayette, LLC**AGENT:** Randy Boyd**PLANNING COMMISSION PUBLIC HEARING:** May 2, 2024**BOARD OF COMMISSIONERS PUBLIC HEARING:** May 23, 2024

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**APPLICANT'S INTENT**

Applicant proposes to rezone 0.964 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes.

**STAFF SUMMARY & PLANNING COMMISSION RECOMMENDATION**

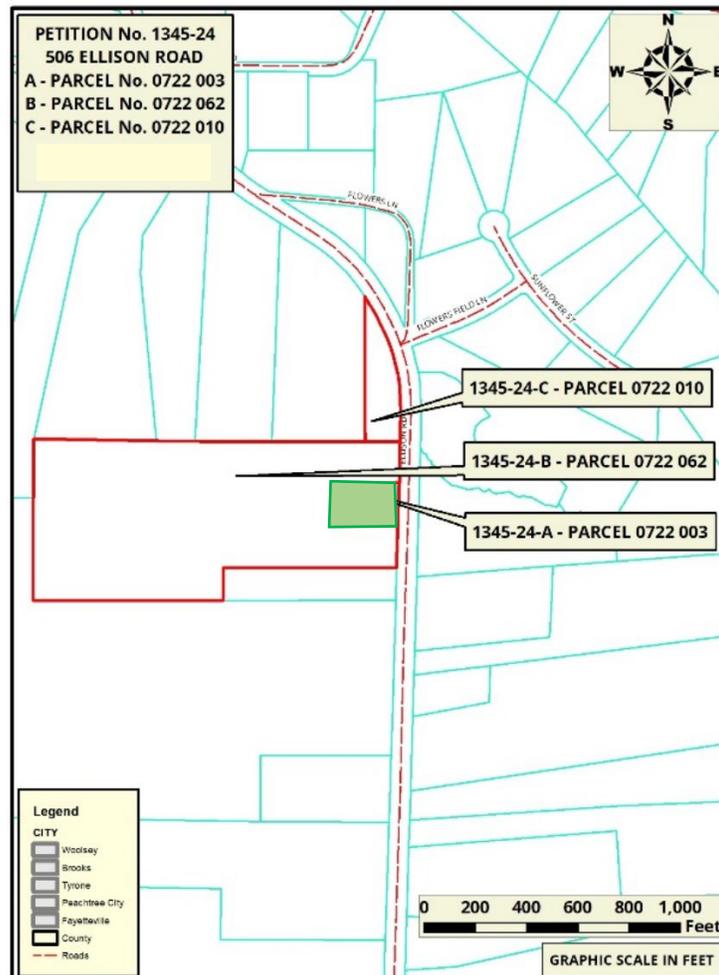
As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 unit/1 acre) is designated for this area, so the request for R-50 zoning is appropriate. This project consists of 3 parcels, with a total area of 19.272 acres. Parcels 0722 003 and 0722 010 are legal, nonconforming lots. Conditions are included to require combination of all parcels to address this issue. The existing house on parcel 0722 003 does not meet the dimensional requirements of the R-50 zoning district, so a condition for demolition of the house and all accessory structures on the property is recommended.

On May 2, 2024, the Planning Commission voted 5-0 to recommend Conditional Approval of Petition 1345-24-A, subject to the conditions below.

Staff recommends **CONDITIONAL APPROVAL** of Petition No. 1345-24-A, Parcel No. 0722 003; David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent; to rezone 0.964 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), subject to the following conditions:

**RECOMMENDED CONDITIONS FOR PETITION No. 1345-24 A** [Parcel No. 0722 003]

1. Within 180 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcel #0722 003.
2. Within 120 days of approval of the rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.



## **INVESTIGATION**

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

The parcel is a legal nonconforming lot of record in the A-R zoning district; it is less than 1 acre in size. Conditions are included to require combination of all parcels to address this issue.

The existing house on parcel 0722 003 does not meet the dimensional requirements of the R-50 zoning district, so a condition for demolition of the house and all accessory structures on the property is recommended. The barn on parcel 0722 062 does not meet requirements for an accessory structure under R-50, so a condition for demolition is recommended.

This property is not located in an overlay zone.

### **B. REZONING HISTORY:**

There is no record of a prior rezoning.

### **C. CURRENT DEVELOPMENT HISTORY:**

Parcel A contains a single-family residence.

### **D. SURROUNDING ZONING AND USES**

Near the subject property is land which is zoned A-R and R-70. See the following table and the attached Zoning Map.

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

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North	26	A-R	Single Family Residential	Low Density Residential (1 unit/1 acre)
East (across Ellison)	44	R-70	Undeveloped; Single Family Residential	Low Density Residential (1 unit/1 acre)
South	40	A-R	Undeveloped; Single Family Residential;	Low Density Residential (1 unit/1 acre)
West	20	A-R	Undeveloped; Single Family Residential; Agricultural	Low Density Residential (1 unit/1 acre)

## E. COMPREHENSIVE PLAN

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

## F. ZONING/REGULATORY REVIEW

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

**Site Plan:** The applicant submitted a survey for the property and a concept plan for a single-family detached residential subdivision.

## G. DEPARTMENTAL COMMENTS

- Water System** - Water is available on Ellison Rd in an 8' in water main. Every lot of a proposed subdivision shall be supplied with adequate water and wastewater facilities which shall be approved by the state commissioner of health. Septic tank drain field approval shall be on an individual lot basis. Where public water or wastewater facilities are available within the distance specified below, the subdivider shall assure that every lot of the subdivision shall be provided with public water.
- Public Works/Engineering**
  - **Road Frontage & Right of Way Dedication** - No dedication required, Ellison Road is already an 80 ft. R/W.
  - **Traffic Data** - There is no traffic data for Ellison Road
  - **Sight Distance** -- Minimum sight distances will have to be satisfied for the proposed new road intersection.
- Environmental Management** - No objections.
  - **Floodplain Management** -- The property DOES NOT contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. The property DOES NOT contain floodplain per FEMA FIRM panel 13113C0081E dated September 26, 2008.
  - **Wetlands** -- The property DOES NOT contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. The owner or developer will be responsible for submitting proper documentation during the development process.
  - **Watershed Protection** -- There ARE state waters located on the subject property and WILL BE subject to the Fayette County Watershed Protection Ordinance.
  - **Groundwater** -- The property IS 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 surfaces.

- Environmental Health Department** – This office has no objection to the proposed rezoning of this property. This does not constitute endorsement of the use or designation of one acre lots. For residential housing, septic systems will be required for this location.
- Fire** – Hydrants required due to number of lots and proximity to available water on Ellison Road.
- GDOT** – n/a

## **STANDARDS**

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

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

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

## **STAFF ANALYSIS**

1. The subject property lies within an area designated for Low Density Residential Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use.
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 is not likely to 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 low density residential.

## **ZONING DISTRICT STANDARDS**

### **Sec. 110-135. R-50, 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-50 zoning district:

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

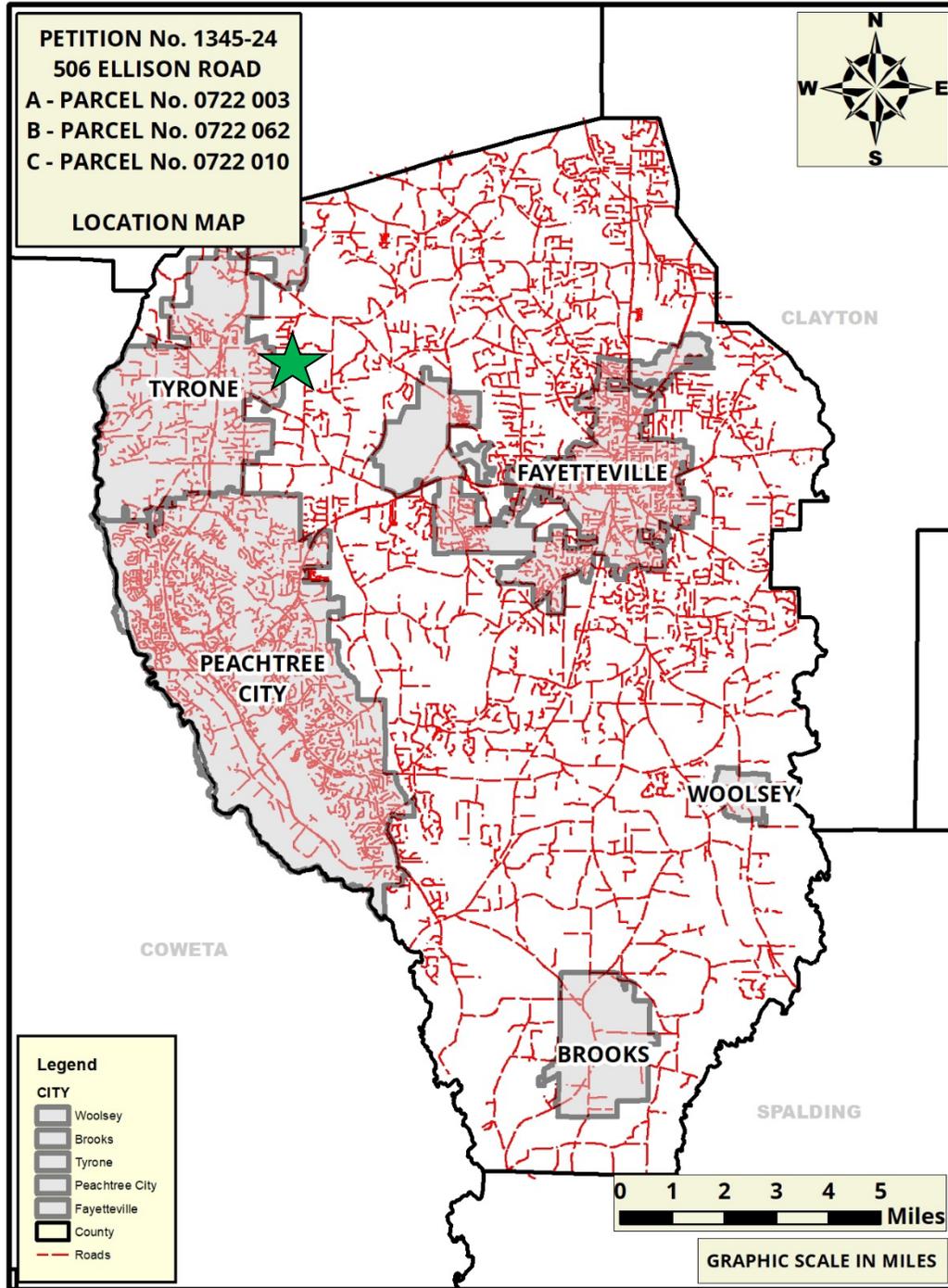
(c) *Conditional uses.* The following conditional uses shall be allowed in the R-50 zoning district provided that all conditions specified in article V of this chapter are met:

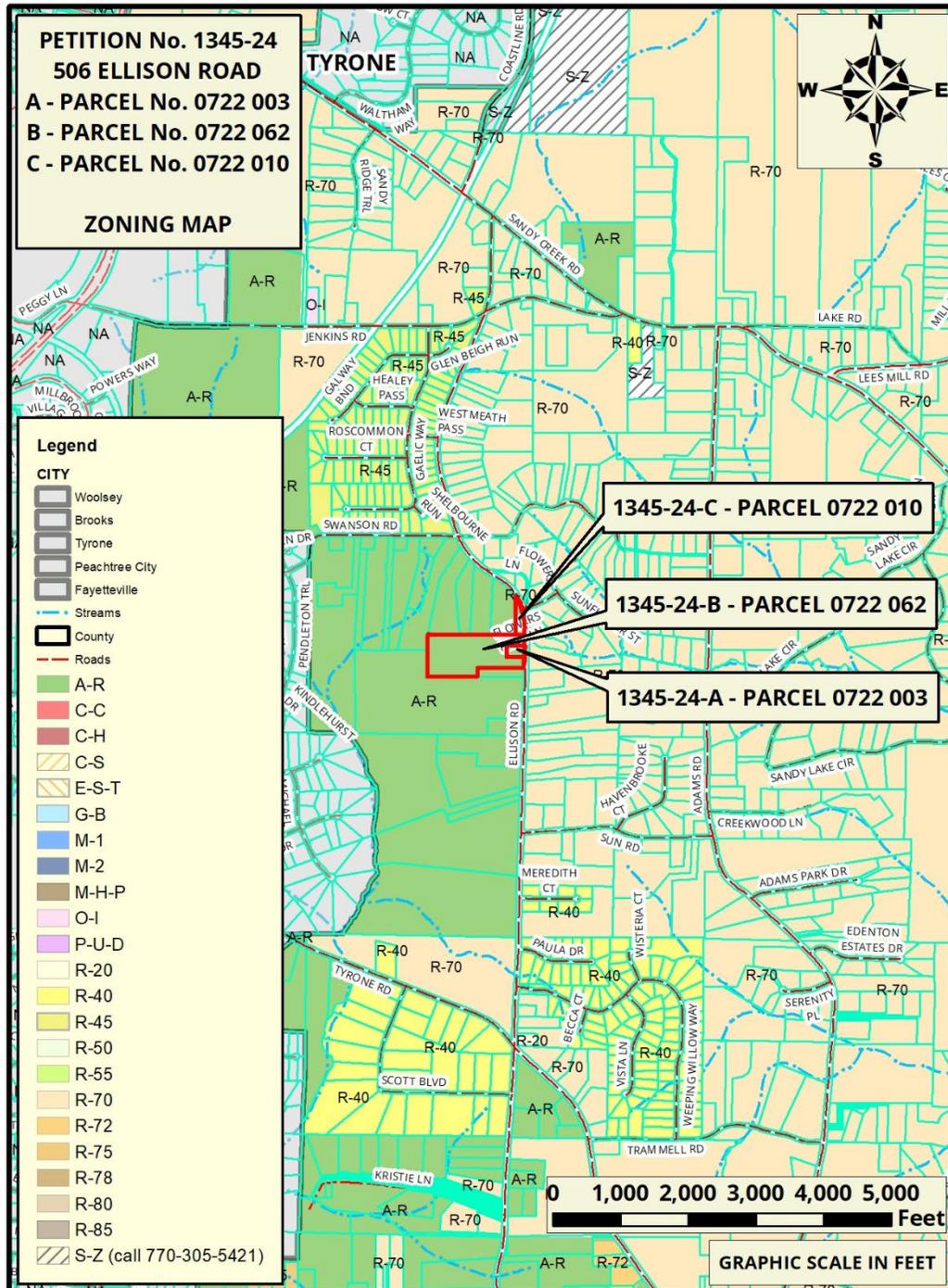
- (1) Church and/or other place of worship;
- (2) Developed residential recreational/amenity areas;
- (3) Home occupation;
- (4) Horse quarters; and
- (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

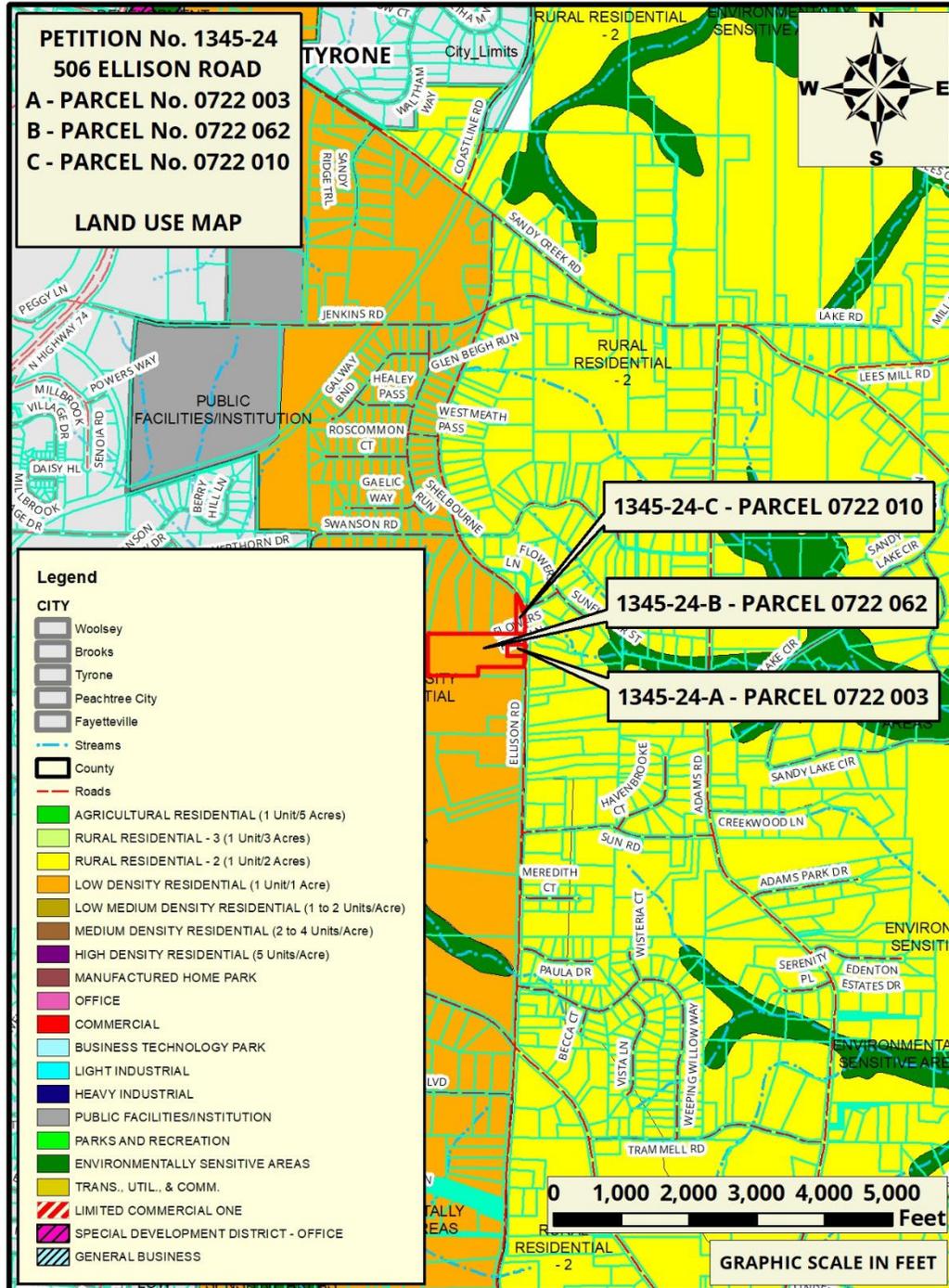
(d) *Dimensional requirements.* The minimum dimensional requirements in the R-50 zoning district shall be as follows:

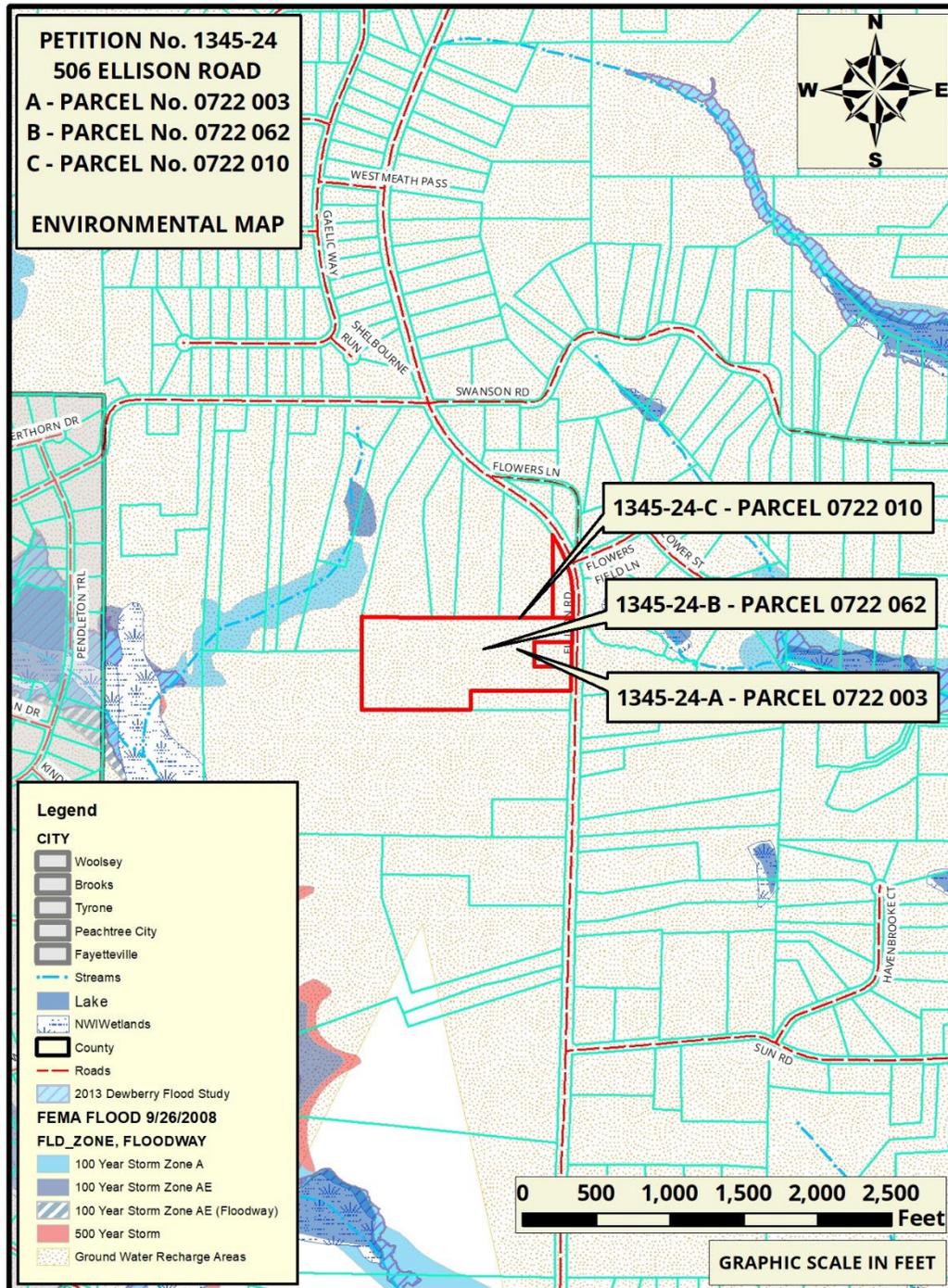
- (1) Lot area per dwelling unit:
  - a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one acre).
  - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres).
- (2) Lot width:
  - a. Major thoroughfare:
    1. Arterial: 150 feet.
    2. Collector: 150 feet.
  - b. Minor thoroughfare: 125 feet.
- (3) Floor area: 2,100 square feet.
- (4) Front yard setback:
  - a. Major thoroughfare:
    1. Arterial: 100 feet.
    2. Collector: 75 feet.
  - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 30 feet.
- (6) Side yard setback: 20 feet.
- (7) Height limit: 35 feet.

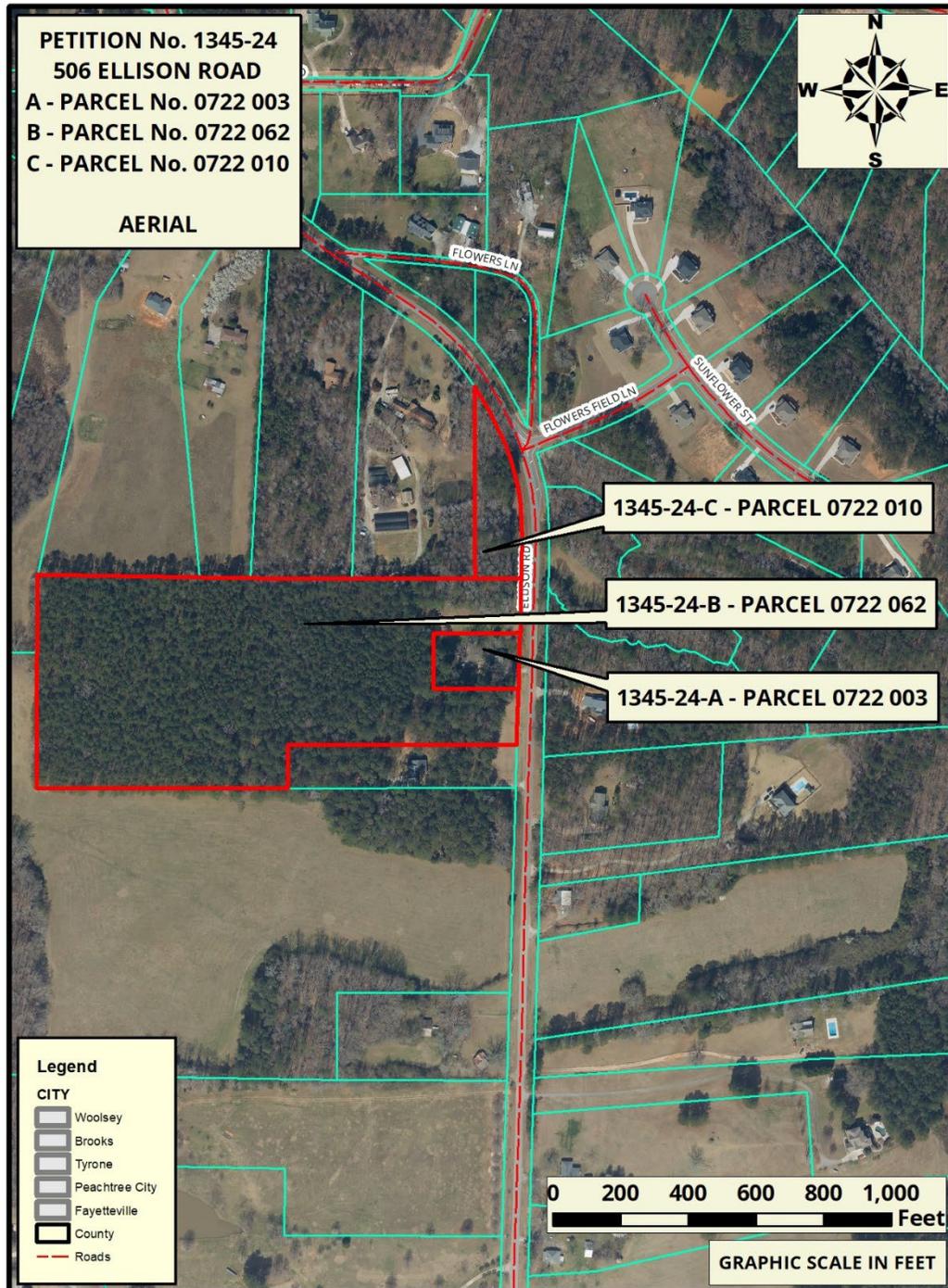
(Code 1992, § 20-6-11; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)

















**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  
  
 E. Allison Ivey Cox, County Attorney

**AGENDA OF ACTIONS  
 FAYETTE COUNTY PLANNING COMMISSION MEETING  
 140 STONEWALL AVENUE WEST  
 May 2, 2024  
 7:00 pm**

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

**NEW BUSINESS**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. *Danny England made a motion to approve the agenda with the addition of the Minor Final Plat of the Adams Farm 1805, LLC and William Jerry Cleveland Property as item number 5, Minor Final Plat of 405 Bankstown Road as item number 6, minor final plat for Veterans Pkwy and Lees Mill South, LLC as item number 7, and Veterans Parkway Tract 1 as item 8. Public Hearing items will now be items 9-13. John Kruzan seconded the motion. The motion carried 5-0.*
4. Consideration of the Minutes of the meeting held on April 4, 2024. *Danny England made a motion to approve the minutes of the meeting held on April 4, 2024. Jim Oliver seconded the motion. The motion passed unanimously.*
5. Approval of Minor Final Plat of the Adams Farm 1805, LLC and William Jerry Cleveland Property. *John Kruzan made the motion to approve the Minor Final Plat of the Adams Farm 1805, LLC and William Jerry Cleveland. Danny England seconded the motion. The motion passed unanimously.*
6. Approval of the Minor Final Plat for 405 Bankstown Road. *John Kruzan made a motion to approve the Minor Final Plat for 405 Bankstown Road. Danny England seconded the motion. The motion carried 5-0.*
7. Approval of the Minor Final Plat for Veterans Pkwy and Lees Mill South, LLC. *John Kruzan made the motion to approve the Minor Final Plat for Veterans Pkwy and Lees Mill South, LLC. Danny England seconded the motion. The motion passed unanimously.*

8. Approval of the Minor Final Plat for Veterans Parkway Tract 1. ***John Kruzan made the motion to approve the Minor Final Plat for Veterans Parkway Tract 1. Danny England seconded the motion. The motion passed unanimously.***

### **PUBLIC HEARING**

9. Consideration of Petition No. 1345-24-A, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 0.964 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7<sup>th</sup> District and fronts on Ellison Road. ***Jim Oliver made the motion to recommend approval of Petition 1345-24-A with the following conditions:***

1. ***Within 180 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcel 0722 003.***
2. ***Within 120 days of approval of rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.***

***Danny England seconded the motion. The motion carried 5-0.***

10. Consideration of Petition No. 1345-24-B, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 17.171 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7<sup>th</sup> District and fronts on Ellison Road. ***Jim Oliver made the motion to recommend approval of Petition 1345-24-B with the following conditions:***

1. ***Within 180 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcel 0722 062.***
2. ***Within 120 days of approval of rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.***

***Danny England seconded the motion. The motion carried 5-0.***

11. Consideration of Petition No. 1345-24-C, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 1.137 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7<sup>th</sup> District and fronts on Ellison Road. ***Jim Oliver made the motion to recommend approval of Petition 1345-24-C with the following conditions:***

1. ***Within 180 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcels***

**0722 003 and 0722 062.**

- 2. Within 120 days of approval of rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.**

**Danny England seconded the motion. The motion carried 5-0.**

12. Consideration of Petition No. 1346-24, Allegiance Homes, LLC, owner; C. Mark McCullough, Agent, request to rezone 15.87 acres from A-R (Agricultural-Residential) to R-80 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 199 of the 4<sup>th</sup> District and fronts on Snead Road. **Jim Oliver made the motion to recommend approval with the following conditions:**

- 1. Snead Road is a County Local on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 30 feet of right-of-way as measured from the existing centerline of Snead Road.**
- 2. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the county within 60 days fo the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.**

**Danny England seconded the motion. The motion carried 4-0. Boris Thomas abstained.**

13. Consideration of Petition No. 1347-24, Luis Arango, owner; Jeff Lammes, Agent, request to rezone 1.446 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing an amenity area for a residential single-family neighborhood; property is located in Land Lot 60 of the 5<sup>th</sup> District. **John Kruzan made the motion to recommend approval of Petion 1347-24. Boris Thomas seconded the motion. The motion carried 4-0. John Culbreth was absent.**

PETITION No (s): 1345-24

STAFF USE ONLY

**APPLICANT INFORMATION**

Name LDO Fayette, LLC  
Address 270 North Jeff Davis  
City Fayetteville  
State GA Zip 30214  
Email rferry@brethholdings.net  
Phone 678-251-5046

**PROPERTY OWNER INFORMATION**

Name DAVID ASA LAMB  
Address 365 CEDAR LANE  
City FAYETTEVILLE  
State GA Zip 30214  
Email boyd222@gmail.com  
Phone 404-215-1677

**AGENT(S) (if applicable)**

Name RANDY BOYD  
Address P.O. Box 64  
City ZEBULON  
State GA Zip 30295  
Email boyd222@gmail.com  
Phone 404-215-1677

Name RICHARD FERRY  
Address 270 NORTH JEFF DAVIS DR  
City FAYETTEVILLE  
State GA Zip 30214  
Email RFerry@BRETHOLDINGS.NET  
Phone 678-251-5046

**(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 L. Bell Date: 03/08/2024

DATE OF PLANNING COMMISSION HEARING: May 2, 2024

DATE OF COUNTY COMMISSIONERS HEARING: May 23, 2024

Received from Niskeytell, LLC a check in the amount of \$ 850.00 ~~1050.00~~ for application filing fee, and \$ 200 for deposit on frame for public hearing sign(s). 1050

Date Paid: 03/08/2024 Receipt Number: 20448

PETITION No.: 1345-24-C Fees Due: \_\_\_\_\_ Sign Deposit Due: \_\_\_\_\_

STAFF USE ONLY

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

Parcel # (Tax ID): 0722 010 Acreage: 1.137 ACRES  
Land District(s): 7th Land Lot(s): 85  
Road Name/Frontage L.F.: 569.14 (ELKSON RD.) Road Classification: COLLECTOR  
Existing Use: VACANT Proposed Use: RESIDENTIAL SUBDIVISION  
Structure(s): NONE Type: N/A Size in SF: N/A  
Existing Zoning: AR Proposed Zoning: R-50  
Existing Land Use: VACANT Proposed Land Use: RESIDENTIAL SUBDIVISION  
Water Availability: YES Distance to Water Line: 60 FT. Distance to Hydrant: 100 FT.

PETITION No.: 1345-24-B Fees Due: \_\_\_\_\_ Sign Deposit Due: \_\_\_\_\_

STAFF USE ONLY

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

Parcel # (Tax ID): 0722 062 Acreage: 17.171 ACRES  
Land District(s): 7th Land Lot(s): 85  
Road Name/Frontage L.F.: 324.18 (ELKSON ROAD) Road Classification: COLLECTOR  
Existing Use: VACANT Proposed Use: RESIDENTIAL SUBDIVISION  
Structure(s): 1 Type: BARN Size in SF: \_\_\_\_\_  
Existing Zoning: AR Proposed Zoning: R-50  
Existing Land Use: VACANT Proposed Land Use: RESIDENTIAL SUBDIVISION  
Water Availability: YES Distance to Water Line: 60 FT. Distance to Hydrant: 60 FT.

PETITION No.: 1345-24-A Fees Due: \_\_\_\_\_ Sign Deposit Due: \_\_\_\_\_

STAFF USE ONLY

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

Parcel # (Tax ID): 0722 003 Acreage: 0.964 ACRES  
Land District(s): 7th Land Lot(s): 85  
Road Name/Frontage L.F.: ELKSON RD. - 164.68 Road Classification: COLLECTOR  
Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL SUBDIVISION  
Structure(s): 2 Type: HOUSE - SHED Size in SF: ASE, 924 SQ. FT. SHED 150 SQ. FT.  
Existing Zoning: AR Proposed Zoning: R-50  
Existing Land Use: RESIDENTIAL Proposed Land Use: RESIDENTIAL SUBDIVISION  
Water Availability: YES Distance to Water Line: 60 FT. Distance to Hydrant: 170 FT.

**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:

\* ~~BARBARA REYNOLDS LAMB, DAVID ASA LAMB, BARBARA LUCILE MCWILLIAMS,~~  
(Please Print) \* ~~a/k/a BOBBE E. LAMB~~ RICHARD EMORY LAMB, JR.

Property Tax Identification Number(s) of Subject Property: 0722 010, 0722 062, 0722 003

~~(I am)~~ (We are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 85 of the 7A District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of 19.272 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

~~(I)~~ (We) hereby delegate authority to RANDY BOYD & RICHARD FERRY 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

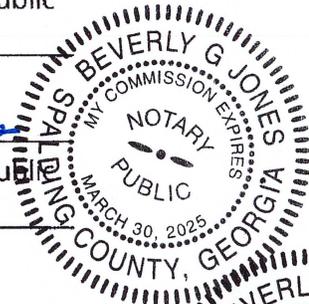
County in order to process this application  
(II) David Asa Lamb Linda M. Baxter  
Signature of Property Owner 1 Signature of Notary Public  
365 Cedar Lane Fayetteville GA March 7, 2024  
Address 30214 Date



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 Randy Boyd Signature of Notary Public Beverly G Jones  
Address P.O. Box 64 3/7/2024  
ZEBULON, GA. 30295 Date



Randy Boyd Signature of Notary Public Beverly G Jones  
SIGNATURE OF AUTHORIZED AGENT SIGNATURE OF NOTARY PUBLIC  
ADDRESS 270 N. JEFF DAVIS DATE 3/7/2024  
DRIVE, FAYETTEVILLE, GA. 30214



PETITION No.: 1345-24

**OWNER'S AFFIDAVIT**

*(Please complete an affidavit for each parcel being rezoned)*

NAME: DAVID ASA LAMB

ADDRESS: 506 Ellison Rd., Tyrone, GA 30290

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

DAVID ASA LAMB 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 \$ 1050 to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-50.

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 2nd day of MAY, 20 24 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 23rd day of MAY, 20 24 at 5:00PM P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 7 DAY OF March, 2024

David Asa Lamb

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Linda M. Baxter

NOTARY PUBLIC



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

I/We, DAVID ASA LAMB, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, <sup>40'</sup> feet of right-of-way along ELLISON 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 7 day of March, 2024.

David asa Lamb

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Linda M. Baxter

NOTARY PUBLIC



**DEVELOPMENTS OF REGIONAL IMPACT (DRI)**

**Rezoning Applicant:**

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

Signed this 2 day of March, 2024  
David Asa Lamb

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).

Doc ID: 010279880003 Type: ESTD  
 Recorded: 12/04/2017 at 12:15:00 PM  
 Fee Amt: \$14.00 Page 1 of 3  
 Transfer Tax: \$0.00  
 Fayette, Ga. Clerk Superior Court  
 Sheila Studdard Clerk of Court  
 BK **4684** PG **490-492**

After recording return to:

Robert A. Ruppenthal, P.C.  
 1044 Highway 74 West  
 Fayetteville, Georgia 30214

STATE OF GEORGIA  
 COUNTY OF FAYETTE

**ADMINISTRATOR'S DEED**

THIS INDENTURE, made this the 29 day of November, 2017, between **DAVID ASA LAMB**, as Administrator of the Last Will and Testament of **RICHARD EMORY LAMB, SR.**, late, of the State of Florida and County of Bay, deceased, (hereinafter called "Grantor") and **BARBARA REYNOLDS LAMB a/k/a BOBBIE R. LAMB** of the State of Florida and County of Bay, (hereinafter called "Grantee One"), **DAVID ASA LAMB** of the State of Georgia and County of Fayette, (hereinafter called "Grantee Two") **BARBARA LUCELE MCWILLIAMS** of the State of Georgia and County of Fayette, (hereinafter called "Grantee Three") and **RICHARD EMORY LAMB, JR.** of the State of Texas and County of Guadalupe, (hereinafter called "Grantee Four"); the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits:

WITNESSETH: that for and in consideration of the sum of TEN AND 00/100's (\$10.00) Dollars and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof being hereby acknowledged, the said Grantor (acting under and by virtue of the power and authority contained in that **Order Appointing Administrator and Letters of Administration** issued by the Probate Court of Fayette County, Georgia, **Estate No. 17-13872**), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantees any interest held by decedent, **RICHARD EMORY LAMB SR.**, in the property described in Exhibit "A" (the "Property") attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land and Property, 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 Grantees forever, but with the title to and interest in said Grantees to be limited and described as follows:

To **Grantee One**, title to and all rights in the Property during the lifetime of **Grantee One** (e.g., a life estate).

Upon the death of Grantee One, title to and all rights in the Property shall pass to Grantee Two, Grantee Three and Grantee Four or the heirs at law of Grantees with said Grantees to hold title to the Property as tenants in common.

IN WITNESS WHEREOF, Grantor herein has hereunto set his hand and seal, the day and year first above written.

*David Asa Lamb* (SEAL)  
**DAVID ASA LAMB**, Administrator for the  
Estate of **RICHARD EMORY LAMB, SR.**

Signed, sealed and delivered  
in the presence of:

*[Signature]*  
\_\_\_\_\_  
Witness

*[Signature]*  
\_\_\_\_\_  
Notary Public



**EXHIBIT "A"**

All that tract or parcel of land lying and being in Land Lot 85 of the 7<sup>th</sup> District of Fayette County, Georgia and being more particularly described as follows:

Beginning at an iron pin on the West side of Ellison Road 1184.50 feet North of the Land Lot line of Land Lot 85; running thence North 0 degrees 5 minutes west 165.0 feet to an iron pin; thence South 87 degrees 23 minutes West 255.0 feet to an iron pin; thence South 0 degrees 5 minutes east 165.0 feet to an iron pin; thence North 87 degrees 23 minutes east 255.0 feet to an iron pin and the point of beginning.

**LEGAL DESCRIPTION****Tract I - 0.964 Acres****Tax Parcel No. 0722 003**

**All that tract or parcel of land lying and being in Land Lot 85 of the 7<sup>th</sup> District of Fayette County, Georgia and being more particularly described as follows:**

**BEGINNING at a point on the westerly Right-of Way of Ellison Road (80' R/W) 1185.31 feet north of the intersection of the south line of Land Lot 85 and the westerly Right-of Way of Ellison Road, THENCE S 88° 54' 41" W 255.24 feet to a point, THENCE N 01° 26' 03" E 164.66 feet to a point, THENCE N 88° 54' 27" E 255.31 feet to a point on the westerly Right-of Way of Ellison Road, THENCE S 01° 27' 25" W 164.68 feet along the westerly Right-of-Way of Ellison Road to the POINT OF BEGINNING.**

**Said tract containing 0.964 acres and being the same property shown as Tract I on a survey prepared by Ronald T. Godwin, Georgia Registered Land Surveyor No. 2696, dated 9/22/2023.**

Prepared by: \_\_\_\_\_

**R.M. Boyd, Georgia Registered Land  
Surveyor No. 2227**



**B4 Fayette County News**

Wednesday, April 17, 2024

Continued from page B3

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, May  
2, 2024, at 7:00 P.M., and before  
the Fayette County Board of Com-  
missioners on Thursday, May 23,  
2024, at 5:00 P.M., in the Fayette  
County Administrative Complex,  
140 Stonewall Avenue West, Public  
Meeting Room, First Floor, Fay-  
etteville, Georgia.

Petition No.: 1345-24 A  
Owner/Agent: LDO Fayette, LLC,  
David Asa Lamb/  
Randy Boyd  
Existing Zoning District:  
A-R

Proposed Zoning District:

R-50

Parcel Number: 0722003

Area of Property: .964 acres

Proposed Use: R-50

Land Lot(s)/District: Land lot 85 of  
the 7th District

Fronts on: Ellison Rd.

**LEGAL DESCRIPTION**

Tract I - 0.964 Acres

Tax Parcel No. 0722 003

All that tract or parcel of land lying  
and being in Land Lot 85 of the 7th  
District of Fayette County, Georgia  
and being more particularly de-  
scribed as follows:

BEGINNING at a point on the  
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Road, THENCE S 88° 54' 41" W  
255.24 feet to a point, THENCE  
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point, THENCE N 88° 54' 27" E  
255.31 feet to a point on the west-  
erly Right-of Way of Ellison Road,  
THENCE S 01° 27' 25" W 164.68  
feet along the westerly Right-of-  
Way of Ellison Road to the POINT  
OF BEGINNING.

Said tract containing 0.964 acres  
and being the same property shown  
as Tract I on a survey prepared by  
Ronald T. Godwin, Georgia Regis-  
tered Land Surveyor No. 2696, dat-  
ed 9/22/2023.

04/17

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

May 16, 2024

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

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

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

Deborah Bell, RLA, Director, Community Development Department

140 Stonewall Avenue, West

Suite 100

Fayetteville, Georgia 30214

**Re: Fayette County Parcel Identification Numbers (“TPNs”): 0722 010, 0722 062, 0722 003 (collectively, the “Property”); Petition Nos. 1345-24-A, 1345-24-B, 1345-24-C (collectively, the “Application”) of LDO Fayette, LLC (the “Applicant”).**

Dear Mmes. Bell and Smith:

Our law firm represents the Applicant regarding the Applications.

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

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

Sincerely,  


Steven L. Jones

Enclosures

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

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

As applied to the real property of Barbara Reynolds Lamb a/k/a Bobbie R. Lamb, David Asa Lamb, Barbara Lucele McWilliams, and Richard Emory Lamb, Sr. (collectively the “Owner”), which is identified as Fayette County Tax Assessor Parcel Nos.: 0722 010, 0722 062, 0722 003 (the “Subject Property”) and is the subject of the previously-filed rezoning application styled as Petition Nos. 1345-24-A, 1345-24-B, 1345-24-C (collectively, the “Application”) of LDO Fayette, LLC, a Georgia limited liability company (the “Applicant”), and facially, the Zoning Ordinance of Fayette County, Georgia (the “Zoning Ordinance”), codified at Chapter 110 of the Code of Ordinances of Fayette County, Georgia (the “Code of Ordinances”) is unconstitutional in that the Applicant’s (and the Owner’s) property rights in and to the Subject Property have been destroyed without first receiving fair, adequate, and just compensation for such property rights. As applied to the Subject Property, the Zoning Ordinance deprives the Applicant (and the Owner) of constitutionally protected rights in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States of America.

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

**ATTACHMENT "A"**

United States of America thereby denying the Applicant (and the Owner) of an economically viable use of the Subject Property while not substantially advancing legitimate state interests.

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

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

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

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

**ATTACHMENT "A"**

Respectfully submitted this 16th day of May 2024.

**TAYLOR ENGLISH DUMA LLP**  
Counsel for Applicant

/s/ Steven L. Jones

Steven L. Jones

Georgia State Bar No.: 639038

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

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

As applied to LDO Fayette, LLC, a Georgia limited liability company (the “Applicant”) and the real property of Barbara Reynolds Lamb a/k/a Bobbie R. Lamb, David Asa Lamb, Barbara Lucele McWilliams, and Richard Emory Lamb, Sr. (collectively the “Owner”), which is identified as Fayette County Tax Assessor Parcel Nos.: 0722 010, 0722 062, 0722 003 (the “Subject Property”) and is the subject of the previously-filed rezoning application styled as Petition Nos. 1345-24-A, 1345-24-B, 1345-24-C (collectively, the “Application”) of the Applicant, any public hearing regarding, and any Board of Commissioners of Fayette County, Georgia (“BOC”) action (including, but not limited, any final action on the Application) on, the Application are objected to by Applicant based on, but not limited to, the reasons set forth herein (collectively the “York Objection” and each an “Objection”), in accordance with *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 821 S.E.2d 120 (Ga. Ct. App. 2018):

Contemporaneous with the filing of this *York* Objection, the Applicant is filing a Constitutional Objection to the current zoning district currently applied the Subject Property, and all Objections set forth therein are incorporated herein by reference as if fully restated.

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

**ATTACHMENT “B”**

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

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

**ATTACHMENT “B”**

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

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

WHEREFORE, the Applicant requests that the Board of Commissioners of Fayette County, Georgia approve the Application, as specified and designated therein and without any

**ATTACHMENT “B”**

conditions not consented to by the Applicant.

Respectfully submitted this 16th day of May 2024.

**TAYLOR ENGLISH DUMA LLP**  
Counsel for Applicant

/s/ Steven L. Jones

Steven L. Jones

Georgia State Bar No.: 639038

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

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1345-24-B, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 17.171 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road.

Background/History/Details:

Parcel 0722 062 is a legal lot of record in the A-R zoning district. As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 unit/1 acre) is designated for this area, so the request for R-50 zoning is appropriate. The existing barn will not meet the zoning requirements of the R-50 zoning district, so a condition for demolition is recommended. This parcel is part of a multi-parcel development, so a condition is included to require the combination of all parcels. On May 2, 2024, the Planning Commission voted 5-0 to recommend conditional approval of the request.

Staff recommends CONDITIONAL APPROVAL of Petition No. 1345-24-B, Parcel No. 0722 062; David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent; to rezone 17.171 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), subject to the following conditions:

- 1. Within 180 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on the parcel.
- 2. Within 120 days of approval of the rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1345-24-B, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 17.171 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road with two (2) conditions.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

**PETITION NO: 1345-24-B****REQUESTED ACTION:** Rezone from A-R to R-50**PARCEL NUMBER:** 1345-24-B: 0722 062 – 17.171 Acres**PROPOSED USE:** Single-Family Residential Subdivision**EXISTING USE:** Agricultural/Residential**LOCATION:** Ellison Road**DISTRICT/LAND LOT(S):** 7<sup>th</sup> District, Land Lot 85**ACREAGE:** 17.171 acres**OWNER(S):** David Asa Lamb**APPLICANT:** LDO Fayette, LLC**AGENT:** Randy Boyd**PLANNING COMMISSION PUBLIC HEARING:** May 2, 2024**BOARD OF COMMISSIONERS PUBLIC HEARING:** May 23, 2024

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**APPLICANT'S INTENT**

Applicant proposes to rezone 17.171 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes.

**STAFF SUMMARY & PLANNING COMMISSION RECOMMENDATION**

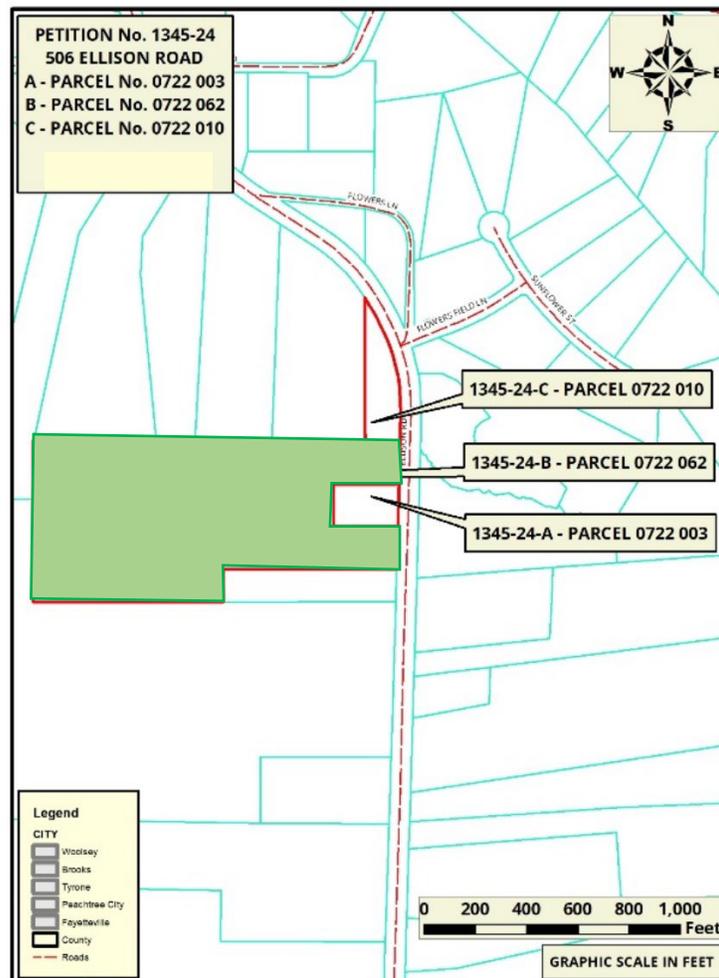
As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 unit/1 acre) is designated for this area, so the request for R-50 zoning is appropriate. This project consists of 3 parcels, with a total area of 19.272 acres. The barn on parcel 0722 062 does not meet requirements for an accessory structure under R-50, so a condition for demolition is recommended. Parcels 0722 003 and 0722 010 are legal, nonconforming lots. Conditions are included to require combination of all parcels to address this issue.

On May 2, 2024, the Planning Commission voted 5-0 to recommend Conditional Approval of Petition 1345-24-B, subject to the conditions below.

Staff recommends **CONDITIONAL APPROVAL** of Petition No. 1345-24-B, Parcel No. 0722 062; David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent; to rezone 17.171 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), subject to the following conditions:

**RECOMMENDED CONDITIONS FOR PETITION No. 1345-24 B [Parcel No. 0722 062]**

1. Within 180 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcel #0722 062.
2. Within 120 days of approval of the rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.



**INVESTIGATION****A. GENERAL PROPERTY INFORMATION**

The parcel is a legal lot of record in the A-R zoning district. The barn on parcel 0722 062 does not meet requirements for an accessory structure under R-50, so a condition for demolition is recommended.

This property is not located in an overlay zone.

**B. REZONING HISTORY:**

There is no record of a prior rezoning.

**C. CURRENT DEVELOPMENT HISTORY:**

Parcel B contains a barn.

**D. SURROUNDING ZONING AND USES**

Near the subject property is land which is zoned A-R and R-70. See the following table and the attached Zoning Map.

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

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North	26	A-R	Single Family Residential	Low Density Residential (1 unit/1 acre)
East (across Ellison)	44	R-70	Undeveloped; Single Family Residential	Low Density Residential (1 unit/1 acre)
South	40	A-R	Undeveloped; Single Family Residential;	Low Density Residential (1 unit/1 acre)
West	20	A-R	Undeveloped; Single Family Residential; Agricultural	Low Density Residential (1 unit/1 acre)

## E. COMPREHENSIVE PLAN

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

## F. ZONING/REGULATORY REVIEW

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

**Site Plan:** The applicant submitted a survey for the property and a concept plan for a single-family detached residential subdivision.

## G. DEPARTMENTAL COMMENTS

- Water System** - Water is available on Ellison Rd in an 8' in water main. Every lot of a proposed subdivision shall be supplied with adequate water and wastewater facilities which shall be approved by the state commissioner of health. Septic tank drain field approval shall be on an individual lot basis. Where public water or wastewater facilities are available within the distance specified below, the subdivider shall assure that every lot of the subdivision shall be provided with public water.
- Public Works/Engineering**
  - **Road Frontage & Right of Way Dedication** - No dedication required, Ellison Road is already an 80 ft. R/W.
  - **Traffic Data** - There is no traffic data for Ellison Road
  - **Sight Distance** -- Minimum sight distances will have to be satisfied for the proposed new road intersection.
- Environmental Management** - No objections.
  - **Floodplain Management** -- The property DOES NOT contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. The property DOES NOT contain floodplain per FEMA FIRM panel 13113C0081E dated September 26, 2008.
  - **Wetlands** -- The property DOES NOT contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. The owner or developer will be responsible for submitting proper documentation during the development process.
  - **Watershed Protection** -- There ARE state waters located on the subject property and WILL BE subject to the Fayette County Watershed Protection Ordinance.
  - **Groundwater** -- The property IS 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 surfaces.

- Environmental Health Department** – This office has no objection to the proposed rezoning of this property. This does not constitute endorsement of the use or designation of one acre lots. For residential housing, septic systems will be required for this location.
- Fire** – Hydrants required due to number of lots and proximity to available water on Ellison Road.
- GDOT** – n/a

## **STANDARDS**

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

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

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

## **STAFF ANALYSIS**

1. The subject property lies within an area designated for Low Density Residential Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use.
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 is not likely to 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 low density residential.

**ZONING DISTRICT STANDARDS****Sec. 110-135. R-50, 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-50 zoning district:

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

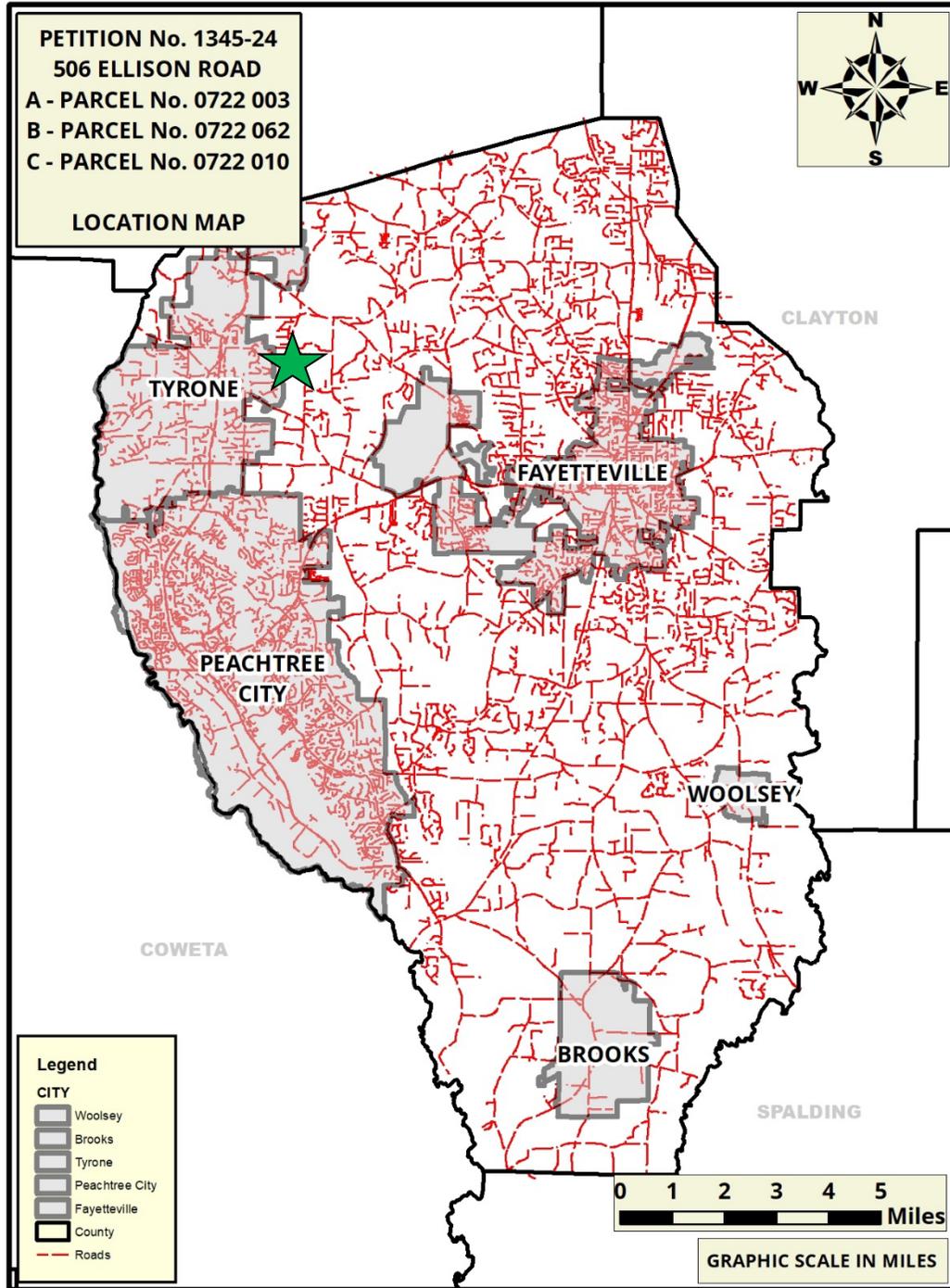
(c) *Conditional uses.* The following conditional uses shall be allowed in the R-50 zoning district provided that all conditions specified in article V of this chapter are met:

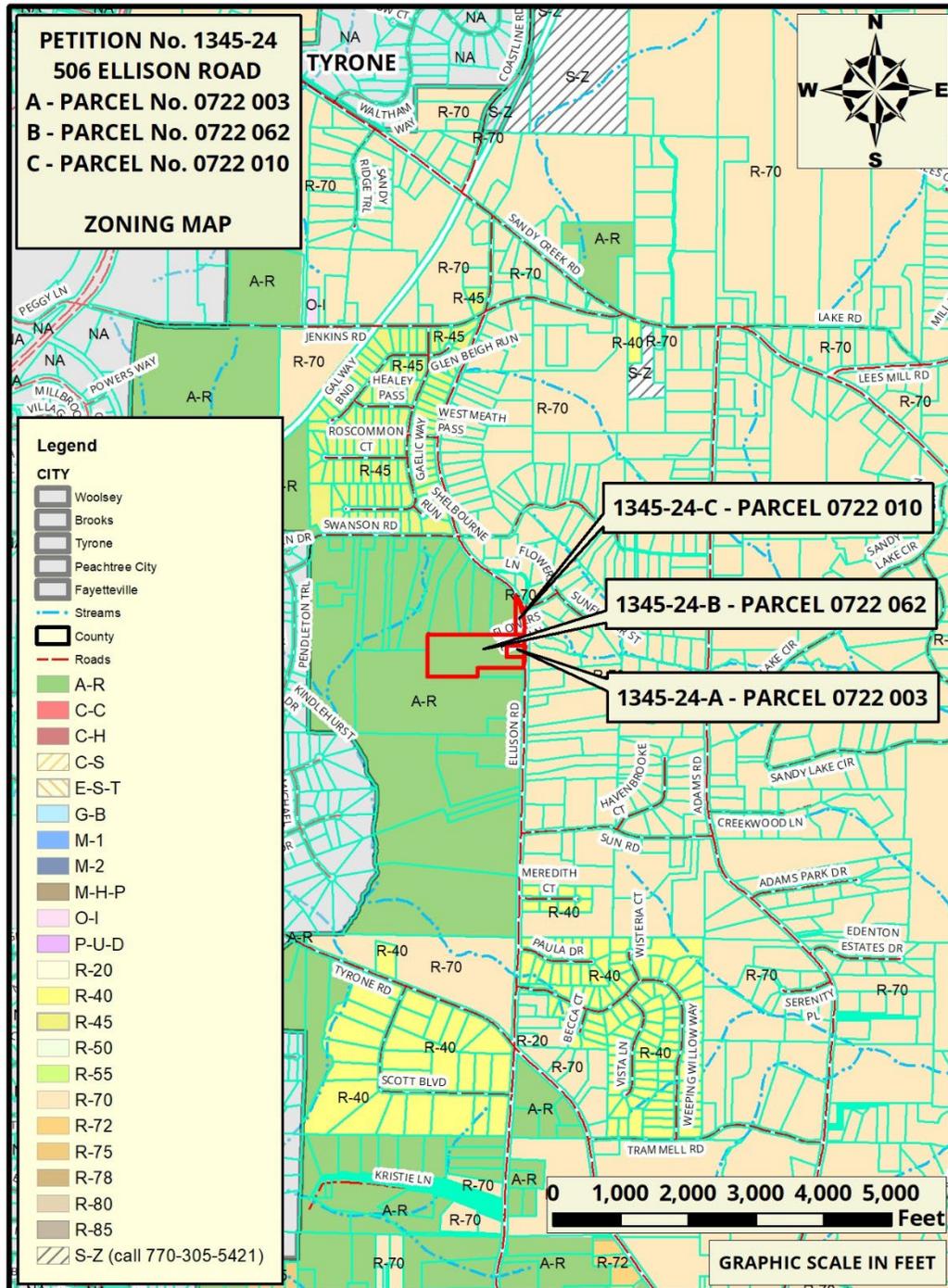
- (1) Church and/or other place of worship;
- (2) Developed residential recreational/amenity areas;
- (3) Home occupation;
- (4) Horse quarters; and
- (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

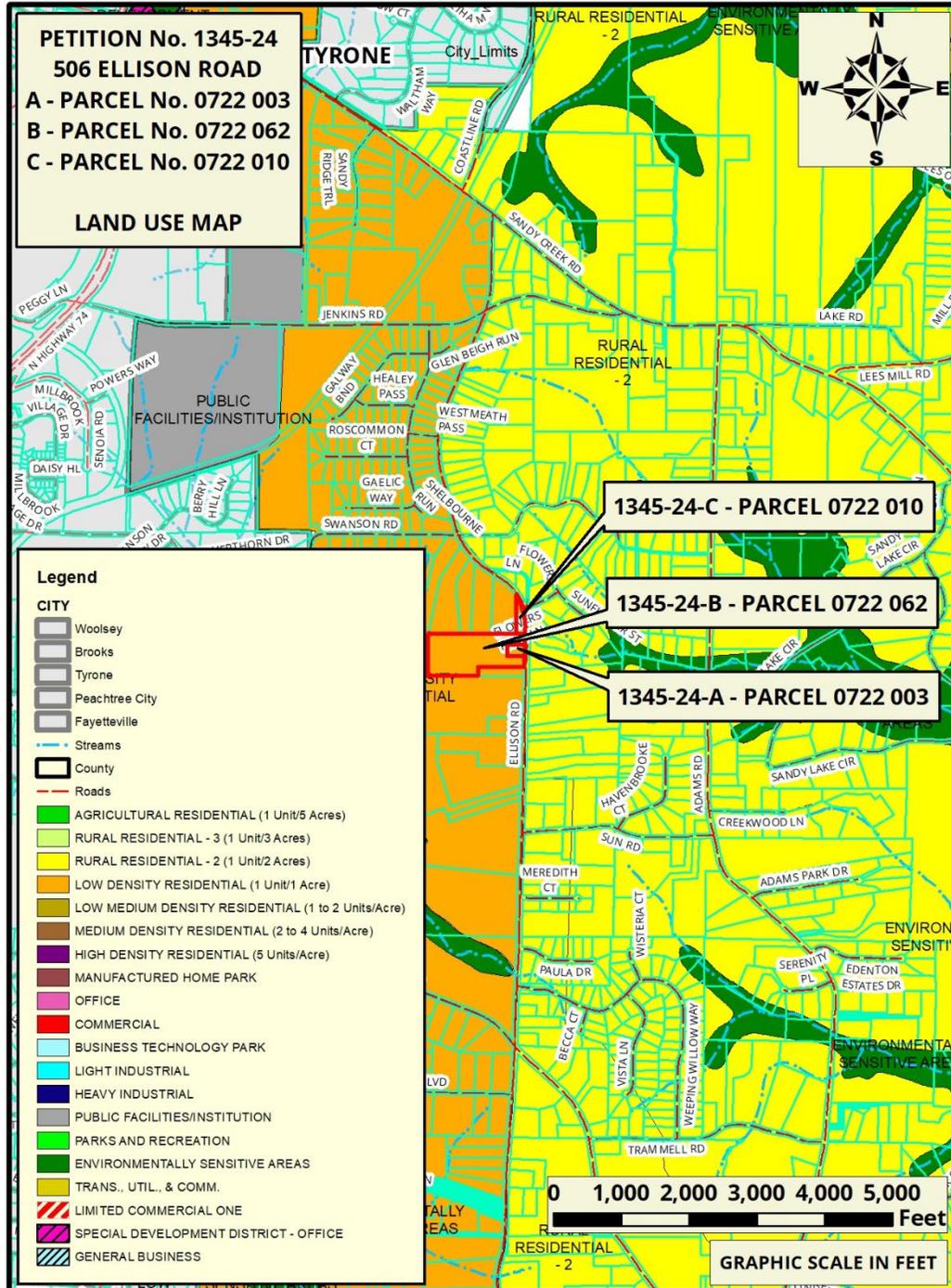
(d) *Dimensional requirements.* The minimum dimensional requirements in the R-50 zoning district shall be as follows:

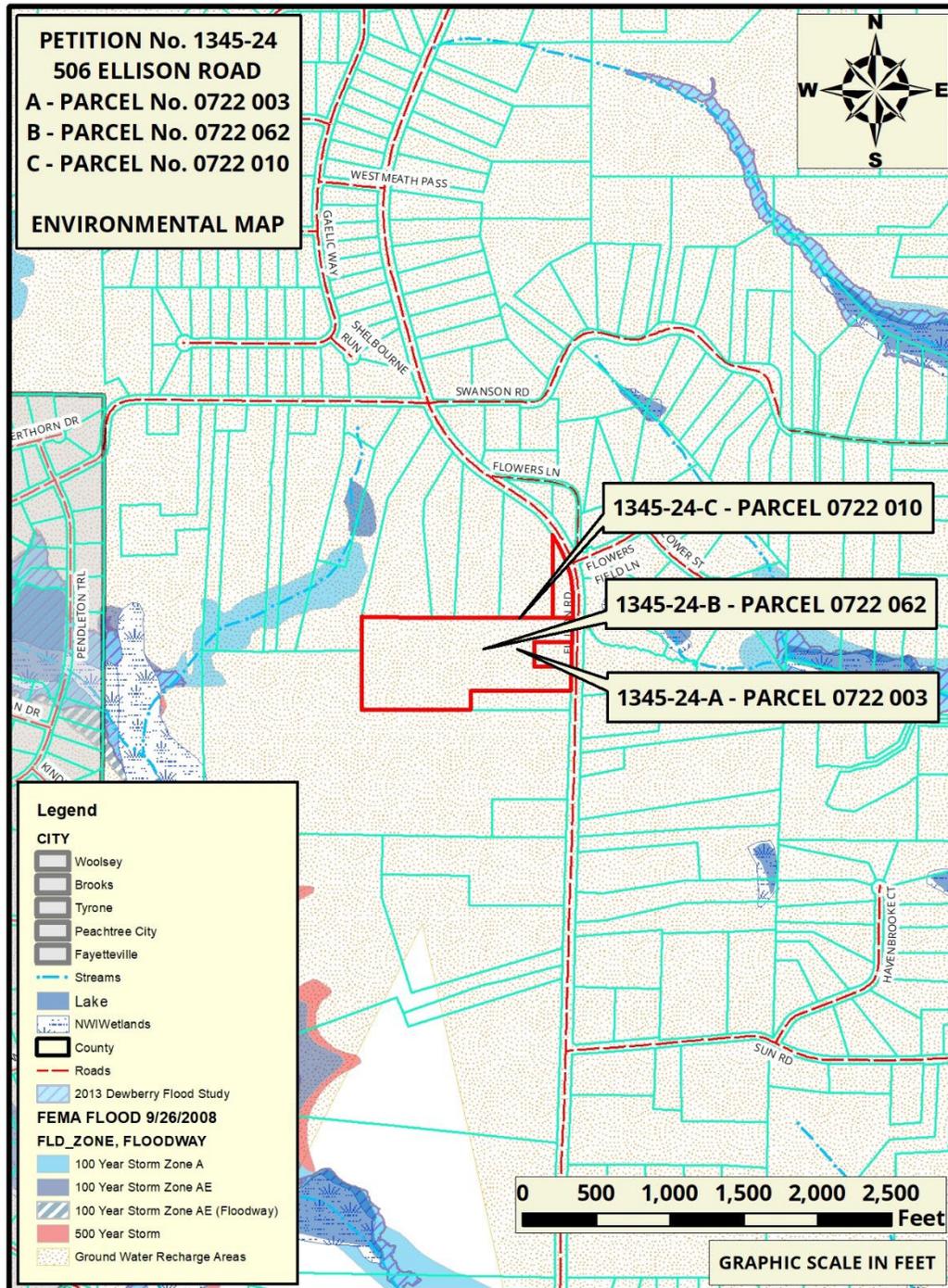
- (1) Lot area per dwelling unit:
  - a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one acre).
  - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres).
- (2) Lot width:
  - a. Major thoroughfare:
    1. Arterial: 150 feet.
    2. Collector: 150 feet.
  - b. Minor thoroughfare: 125 feet.
- (3) Floor area: 2,100 square feet.
- (4) Front yard setback:
  - a. Major thoroughfare:
    1. Arterial: 100 feet.
    2. Collector: 75 feet.
  - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 30 feet.
- (6) Side yard setback: 20 feet.
- (7) Height limit: 35 feet.

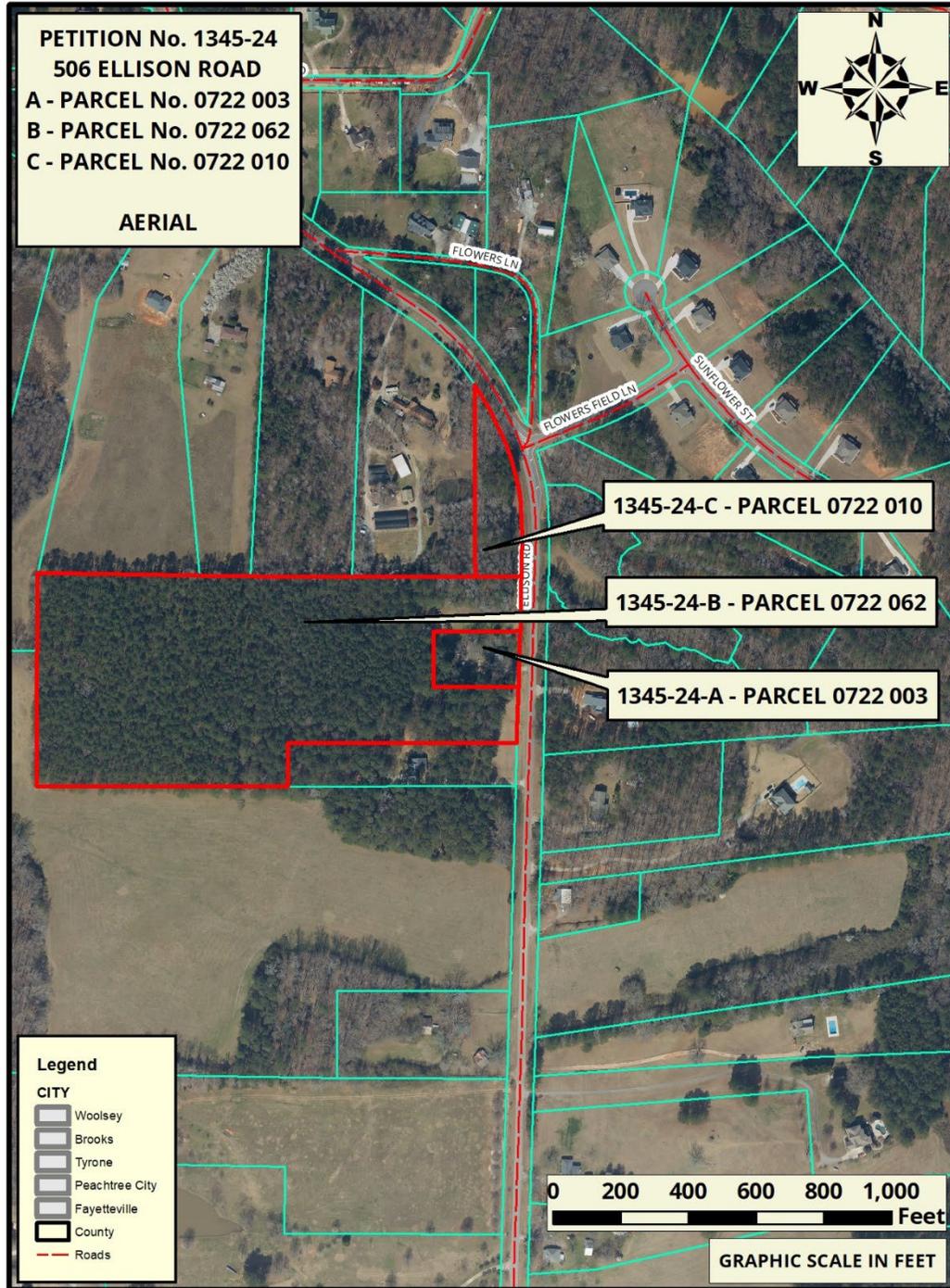
(Code 1992, § 20-6-11; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)

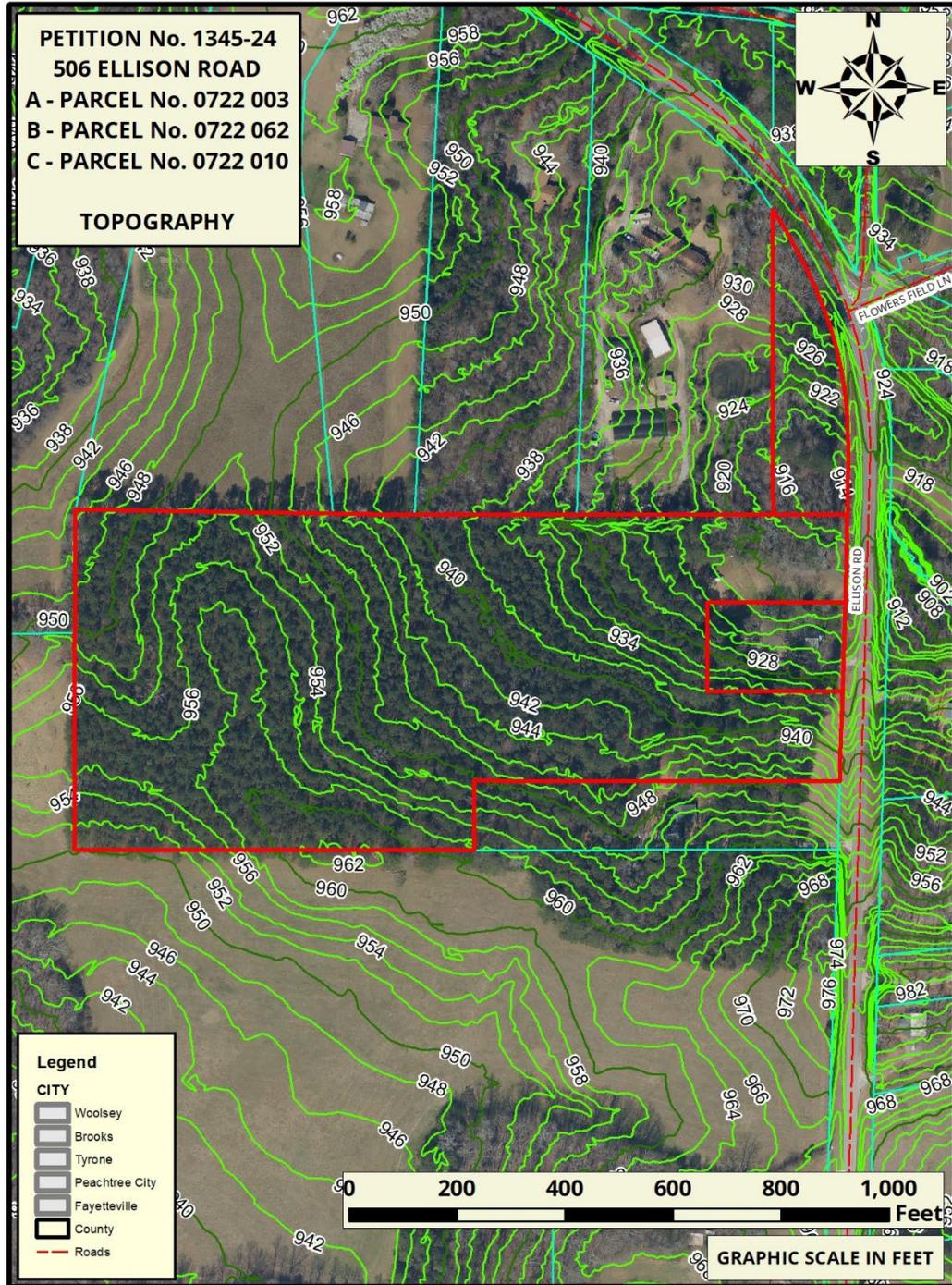


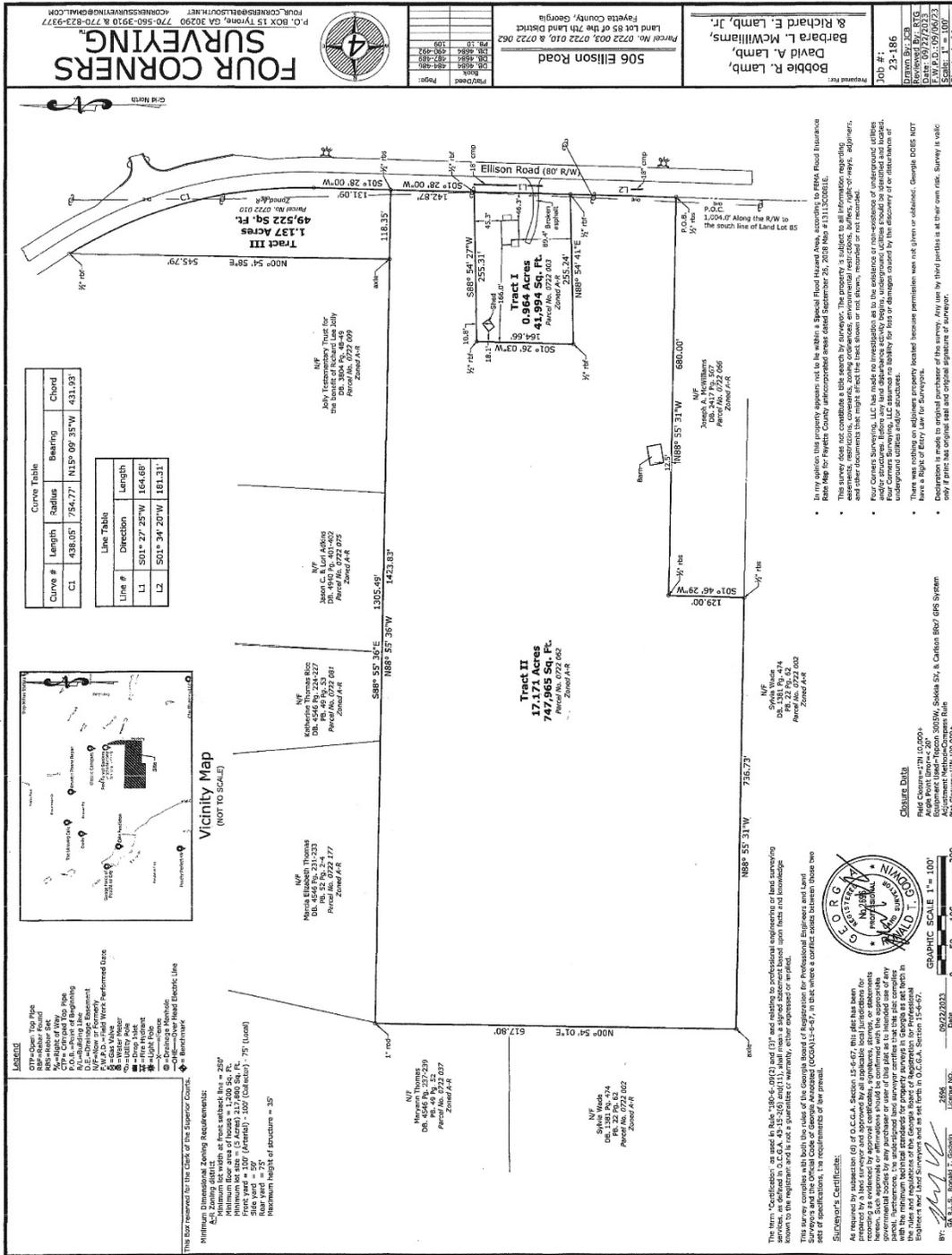












SURVEY



**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  
  
E. Allison Ivey Cox, County Attorney

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**AGENDA OF ACTIONS  
FAYETTE COUNTY PLANNING COMMISSION MEETING  
140 STONEWALL AVENUE WEST  
May 2, 2024  
7:00 pm**

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

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**NEW BUSINESS**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. *Danny England made a motion to approve the agenda with the addition of the Minor Final Plat of the Adams Farm 1805, LLC and William Jerry Cleveland Property as item number 5, Minor Final Plat of 405 Bankstown Road as item number 6, minor final plat for Veterans Pkwy and Lees Mill South, LLC as item number 7, and Veterans Parkway Tract 1 as item 8. Public Hearing items will now be items 9-13. John Kruzan seconded the motion. The motion carried 5-0.*
4. Consideration of the Minutes of the meeting held on April 4, 2024. *Danny England made a motion to approve the minutes of the meeting held on April 4, 2024. Jim Oliver seconded the motion. The motion passed unanimously.*
5. Approval of Minor Final Plat of the Adams Farm 1805, LLC and William Jerry Cleveland Property. *John Kruzan made the motion to approve the Minor Final Plat of the Adams Farm 1805, LLC and William Jerry Cleveland. Danny England seconded the motion. The motion passed unanimously.*
6. Approval of the Minor Final Plat for 405 Bankstown Road. *John Kruzan made a motion to approve the Minor Final Plat for 405 Bankstown Road. Danny England seconded the motion. The motion carried 5-0.*
7. Approval of the Minor Final Plat for Veterans Pkwy and Lees Mill South, LLC. *John Kruzan made the motion to approve the Minor Final Plat for Veterans Pkwy and Lees Mill South, LLC. Danny England seconded the motion. The motion passed unanimously.*

8. Approval of the Minor Final Plat for Veterans Parkway Tract 1. ***John Kruzan made the motion to approve the Minor Final Plat for Veterans Parkway Tract 1. Danny England seconded the motion. The motion passed unanimously.***

### **PUBLIC HEARING**

9. Consideration of Petition No. 1345-24-A, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 0.964 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7<sup>th</sup> District and fronts on Ellison Road. ***Jim Oliver made the motion to recommend approval of Petition 1345-24-A with the following conditions:***

1. ***Within 180 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcel 0722 003.***
2. ***Within 120 days of approval of rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.***

***Danny England seconded the motion. The motion carried 5-0.***

10. Consideration of Petition No. 1345-24-B, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 17.171 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7<sup>th</sup> District and fronts on Ellison Road. ***Jim Oliver made the motion to recommend approval of Petition 1345-24-B with the following conditions:***

1. ***Within 180 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcel 0722 062.***
2. ***Within 120 days of approval of rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.***

***Danny England seconded the motion. The motion carried 5-0.***

11. Consideration of Petition No. 1345-24-C, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 1.137 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7<sup>th</sup> District and fronts on Ellison Road. ***Jim Oliver made the motion to recommend approval of Petition 1345-24-C with the following conditions:***

1. ***Within 180 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcels***

**0722 003 and 0722 062.**

- 2. Within 120 days of approval of rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.**

**Danny England seconded the motion. The motion carried 5-0.**

12. Consideration of Petition No. 1346-24, Allegiance Homes, LLC, owner; C. Mark McCullough, Agent, request to rezone 15.87 acres from A-R (Agricultural-Residential) to R-80 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 199 of the 4<sup>th</sup> District and fronts on Snead Road. **Jim Oliver made the motion to recommend approval with the following conditions:**

- 1. Snead Road is a County Local on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 30 feet of right-of-way as measured from the existing centerline of Snead Road.**
- 2. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the county within 60 days fo the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.**

**Danny England seconded the motion. The motion carried 4-0. Boris Thomas abstained.**

13. Consideration of Petition No. 1347-24, Luis Arango, owner; Jeff Lammes, Agent, request to rezone 1.446 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing an amenity area for a residential single-family neighborhood; property is located in Land Lot 60 of the 5<sup>th</sup> District. **John Kruzan made the motion to recommend approval of Petion 1347-24. Boris Thomas seconded the motion. The motion carried 4-0. John Culbreth was absent.**

PETITION No (s): 1345-24  
STAFF USE ONLY

**APPLICANT INFORMATION**

Name LDO Fayette, LLC  
Address 270 North Jeff Davis  
City Fayetteville  
State GA Zip 30214  
Email rferry@brentholdings.net  
Phone 678-251-5046

**PROPERTY OWNER INFORMATION**

Name DAVID ASA LAMB  
Address 365 CEDAR LANE  
City FAYETTEVILLE  
State GA Zip 30214  
Email boyd2221@gmail.com  
Phone 404-215-1677

**AGENT(S) (if applicable)**

Name RANDY BOYD  
Address P.O. Box 64  
City ZEBULON  
State GA Zip 30295  
Email boyd2221@gmail.com  
Phone 404-215-1677

Name RICHARD FERRY  
Address 270 NORTH JEFF DAVIS DR.  
City FAYETTEVILLE  
State GA Zip 30214  
Email Rferry@BrentHoldings.net  
Phone 678-251-5046

**(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 L. Bell Date: 03/08/2024

DATE OF PLANNING COMMISSION HEARING: May 2, 2024

DATE OF COUNTY COMMISSIONERS HEARING: May 23, 2024

Received from Niskeytell, LLC a check in the amount of \$ 850.00 for application filing fee, and \$ 200 for deposit on frame for public hearing sign(s). 1050

Date Paid: 03/08/2024 Receipt Number: 20448

PETITION No.: 1345-24-C Fees Due: \_\_\_\_\_ Sign Deposit Due: \_\_\_\_\_

STAFF USE ONLY

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

Parcel # (Tax ID): 0722 010 Acreage: 1.137 ACRES  
Land District(s): 7th Land Lot(s): 85  
Road Name/Frontage L.F.: 569.14 (ELISON RD.) Road Classification: COLLECTOR  
Existing Use: VACANT Proposed Use: RESIDENTIAL SUBDIVISION  
Structure(s): NONE Type: N/A Size in SF: N/A  
Existing Zoning: AR Proposed Zoning: R-50  
Existing Land Use: VACANT Proposed Land Use: RESIDENTIAL SUBDIVISION  
Water Availability: YES Distance to Water Line: 60 FT. Distance to Hydrant: 100 FT.

PETITION No.: 1345-24-B Fees Due: \_\_\_\_\_ Sign Deposit Due: \_\_\_\_\_

STAFF USE ONLY

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

Parcel # (Tax ID): 0722 062 Acreage: 17.171 ACRES  
Land District(s): 7th Land Lot(s): 85  
Road Name/Frontage L.F.: 324.18 (ELISON ROAD) Road Classification: COLLECTOR  
Existing Use: VACANT Proposed Use: RESIDENTIAL SUBDIVISION  
Structure(s): 1 Type: BARN Size in SF: \_\_\_\_\_  
Existing Zoning: AR Proposed Zoning: R-50  
Existing Land Use: VACANT Proposed Land Use: RESIDENTIAL SUBDIVISION  
Water Availability: YES Distance to Water Line: 60 FT. Distance to Hydrant: 60 FT.

PETITION No.: 1345-24-A Fees Due: \_\_\_\_\_ Sign Deposit Due: \_\_\_\_\_

STAFF USE ONLY

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

Parcel # (Tax ID): 0722 003 Acreage: 0.964 ACRES  
Land District(s): 7th Land Lot(s): 85  
Road Name/Frontage L.F.: ELISON RD. - 164.68 Road Classification: COLLECTOR  
Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL SUBDIVISION  
Structure(s): 2 Type: HOUSE - SHED Size in SF: HOUSE 924 SQ. FT. SHED 150 SQ. FT.  
Existing Zoning: AR Proposed Zoning: R-50  
Existing Land Use: RESIDENTIAL Proposed Land Use: RESIDENTIAL SUBDIVISION  
Water Availability: YES Distance to Water Line: 60 FT. Distance to Hydrant: 170 FT.

**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:

\* ~~BARBARA REYNOLDS LAMB, DAVID ASA LAMB, BARBARA LUCILE MCWILLIAMS,~~  
(Please Print) \* a/k/a BOBBIE L. LAMB RICHARD EMORY LAMB, JR.

Property Tax Identification Number(s) of Subject Property: 0722 010, 0722 062, 0722 003

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 85 of the 7A District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of 19.272 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to RANDY BOYD & RICHARD FERRY 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) David Asa Lamb  
Signature of Property Owner 1  
365 Cedar Lane Fayetteville GA  
Address 30214

Linda M. Baxter  
Signature of Notary Public  
March 7, 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  
Randy Boyd  
Address P.O. Box 64  
ZEBULON, GA. 30295

Beverly G. Jones  
Signature of Notary Public  
3/7/2024  
Date



Randy Boyd  
SIGNATURE OF AUTHORIZED AGENT  
ADDRESS 270 N. JEFF DAVIS  
DRIVE, FAYETTEVILLE, GA. 30214

Beverly G. Jones  
SIGNATURE OF NOTARY PUBLIC  
3/7/2024  
DATE



PETITION No.: 1345-24

**OWNER'S AFFIDAVIT**

*(Please complete an affidavit for each parcel being rezoned)*

NAME: DAVID ASA LAMB

ADDRESS: 506 Ellison Rd., Tyrone, GA 30290

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

DAVID ASA LAMB 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 \$ 1050 to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-50.

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 2nd day of MAY, 20 24 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 23rd day of MAY, 20 24 at 5:00PM P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 7 DAY OF March, 2024

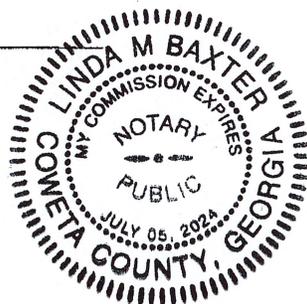
David Asa Lamb

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Linda M. Baxter

NOTARY PUBLIC



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

I/We, DAVID ASA LAMB, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, <sup>40'</sup> feet of right-of-way along ELLISON 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 7 day of March, 2024.

David Asa Lamb

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Linda M. Baxter

NOTARY PUBLIC



**DEVELOPMENTS OF REGIONAL IMPACT (DRI)**

**Rezoning Applicant:**

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

Signed this 7 day of March, 2024.  
David Asa Lamb

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).

Doc ID: 010279870003 Type: ESTD  
 Recorded: 12/04/2017 at 12:15:00 PM  
 Fee Amt: \$14.00 Page 1 of 3  
 Transfer Tax: \$0.00  
 Fayette, Ga. Clerk Superior Court  
 Sheila Studdard Clerk of Court  
 BK 4684 PG 487-489

After recording return to:  
 Robert A. Ruppenthal, P.C.  
 1044 Highway 74 West  
 Fayetteville, Georgia 30214

STATE OF GEORGIA  
 COUNTY OF FAYETTE

ADMINISTRATOR'S DEED

THIS INDENTURE, made this the 29 day of November, 2017, between DAVID ASA LAMB, as Administrator of the Last Will and Testament of RICHARD EMORY LAMB, SR., late, of the State of Florida and County of Bay, deceased, (hereinafter called "Grantor") and BARBARA REYNOLDS LAMB a/k/a BOBBIE R. LAMB of the State of Florida and County of Bay, (hereinafter called "Grantee One"), DAVID ASA LAMB of the State of Georgia and County of Fayette, (hereinafter called "Grantee Two") BARBARA LUCELE MCWILLIAMS of the State of Georgia and County of Fayette, (hereinafter called "Grantee Three") and RICHARD EMORY LAMB, JR. of the State of Texas and County of Guadalupe, (hereinafter called "Grantee Four"); the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits:

WITNESSETH: that for and in consideration of the sum of TEN AND 00/100's (\$10.00) Dollars and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof being hereby acknowledged, the said Grantor (acting under and by virtue of the power and authority contained in that Order Appointing Administrator and Letters of Administration issued by the Probate Court of Fayette County, Georgia, Estate No. 17-13872), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantees any interest held by decedent, RICHARD EMORY LAMB SR., in the property described in Exhibit "A" (the "Property") attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land and Property, 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 Grantees forever, but with the title to and interest in said Grantees to be limited and described as follows:

To Grantee One, title to and all rights in the Property during the lifetime of Grantee One (e.g., a life estate).

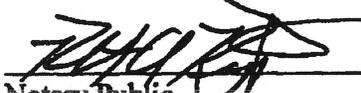
Upon the death of Grantee One, title to and all rights in the Property shall pass to Grantee Two, Grantee Three and Grantee Four or the heirs at law of Grantees with said Grantees to hold title to the Property as tenants in common.

IN WITNESS WHEREOF, Grantor herein has hereunto set his hand and seal, the day and year first above written.

 (SEAL)  
DAVID ASA LAMB, Administrator for the  
Estate of RICHARD EMORY LAMB, SR.

Signed, sealed and delivered  
in the presence of:

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Notary Public



**EXHIBIT "A"**

**All that tract or parcel of land lying and being in Land Lot 85 of the 7<sup>th</sup> District of Fayette County, Georgia and being more particularly described as follows:**

**Beginning on the West side of Ellison Road 875 feet North of the south Land Lot Line of Land Lot 85, running thence S 89 13' W 1416.6 to an iron pin, running thence N 0 50' W 618.6 feet to an iron pin, running thence N 89 18' E 1424.8 feet to an iron pin, running thence S 0 05' E 142.3 feet to an iron pin, running thence S 87 23' W 255.0 feet to an iron pin, running thence S 0 05' E 165.0 feet to an iron pin, running thence N 87 23' E 255.0 feet to an iron pin, running thence S 0 05' E 309.5 feet to an iron pin and the point of beginning.**

**LEGAL DESCRIPTION**

**Tract II - 17.171 Acres**

**Tax Parcel No. 0722 062**

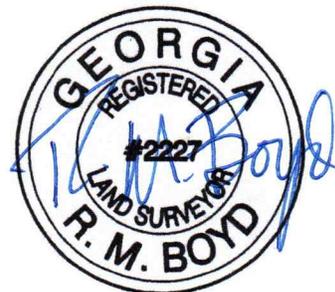
**All that tract or parcel of land lying and being in Land Lot 85 of the 7<sup>th</sup> District of Fayette County, Georgia and being more particularly described as follows:**

**BEGINNING at a point on the westerly Right-of Way of Ellison Road (80' R/W) 1004.0 feet north of the intersection of the south line of Land Lot 85 and the westerly Right-of Way of Ellison Road, THENCE N 88° 55' 31" W 680.00 feet to a point, THENCE S 01° 46' 29" W 129.00 feet to a point, THENCE N 88° 55' 31" W 736.73 feet to a point, THENCE N 00° 54' 01" E 617.80 feet to a point, THENCE S 88° 55' 36" E 1423.83 feet to a point on the westerly Right-of Way of Ellison Road, THENCE S 01° 28' 00" W 142.87 feet along the westerly Right-of-Way of Ellison Road to a point, THENCE S 88° 54' 27" W 255.31 to a point, THENCE S 01° 26' 03" W 164.66 feet to a point, THENCE N 88° 54' 41" E 255.24 feet to a point on the westerly Right-of Way of Ellison Road , THENCE S 01° 34' 20" W 181.31 feet along the westerly Right-of-Way of Ellison Road to the POINT OF BEGINNING.**

**Said tract containing 17.171 acres and being the same property shown as Tract II on a survey prepared by Ronald T. Godwin, Georgia Registered Land Surveyor No. 2696, dated 9/22/2023.**

Prepared by: \_\_\_\_\_

**R.M. Boyd, Georgia Registered Land  
Surveyor No. 2227**



**B4 Fayette County News**

Continued from page B3

Wednesday, April 17, 2024

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, May  
2, 2024, at 7:00 P.M., and before  
the Fayette County Board of Com-  
missioners on Thursday, May 23,  
2024, at 5:00 P.M., in the Fayette  
County Administrative Complex,  
140 Stonewall Avenue West, Public  
Meeting Room, First Floor, Fay-  
etteville, Georgia.

Petition No.: 1345-24 B  
Owner/Agent: LDO Fayette, LLC,  
David Asa Lamb/Randy Boyd  
Existing Zoning District:  
A-R

Proposed Zoning District:  
R-50

Parcel Number: 0722062  
Area of Property: 17.171 acres  
Proposed Use: R-50

Land Lot(s)/District: Land lot 85  
of the 7th District

Fronts on: Ellison Rd.

**LEGAL DESCRIPTION**

Tract II - 17.171 Acres

Tax Parcel No. 0722062

All that tract or parcel of land lying  
and being in Land Lot 85 of the 7th  
District of Fayette County, Georgia  
and being more particularly de-  
scribed as follows:

BEGINNING at a point on the  
westerly Right-of Way of Elli-  
son Road (80' R/W) 1004.0 feet  
north of the intersection of the  
south line of Land Lot 85 and the  
westerly Right-of Way of Ellison  
Road, THENCE N 88° 55' 31" W  
680.00 feet to a point, THENCE  
S 01° 46' 29" W 129.00 feet to a  
point, THENCE N 88° 55' 31" W  
736.73 feet to a point, THENCE  
N 00° 54' 01" E 617.80 feet to a  
point, THENCE S 88° 55' 36" E  
1423.83 feet to a point on the west-  
erly Right-of Way of Ellison Road,  
THENCE S 01° 28' 00" W 142.87  
feet along the westerly Right-of-  
Way of Ellison Road to a point,  
THENCE S 88° 54' 27" W 255.31 to  
a point, THENCE S 01° 26' 03" W  
164.66 feet to a point, THENCE N  
88° 54' 41" E 255.24 feet to a point  
on the westerly Right of Way of  
Ellison Road, THENCE S 01° 34'  
20" W 181.31 feet along the west-  
erly Right-of-Way of Ellison Road to  
the POINT OF BEGINNING.

Said tract containing 17.171 acres  
and being the same property shown  
as Tract II on a survey prepared by  
Ronald T. Godwin, Georgia Regis-  
tered Land Surveyor No. 2696, dat-  
ed 9/22/2023.

04/17

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1345-24-C, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 1.137 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road.

Background/History/Details:

Parcel 0722 010 is a legal lot of record in the A-R zoning district. As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 unit/1 acre) is designated for this area, so the request for R-50 zoning is appropriate. This parcel is part of a multi-parcel development, so a condition is included to require the combination of all parcels. On May 2, 2024, the Planning Commission voted 5-0 to recommend conditional approval of the request.

Staff recommends CONDITIONAL APPROVAL of Petition No. 1345-24-C, Parcel No. 0722 010; David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent; to rezone 1.137 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), subject to the following conditions:

- 1. Within 120 days of approval of the rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1345-24-C, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 1.137 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7th District and fronts on Ellison Road 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: 1345-24-C****REQUESTED ACTION:** Rezone from A-R to R-50**PARCEL NUMBER:** 1345-24-C: 0722 010 – 1.137 Acres**PROPOSED USE:** Single-Family Residential Subdivision**EXISTING USE:** Agricultural/Residential**LOCATION:** Ellison Road**DISTRICT/LAND LOT(S):** 7<sup>th</sup> District, Land Lot 85**ACREAGE:** 1.137 acres**OWNER(S):** David Asa Lamb**APPLICANT:** LDO Fayette, LLC**AGENT:** Randy Boyd**PLANNING COMMISSION PUBLIC HEARING:** May 2, 2024**BOARD OF COMMISSIONERS PUBLIC HEARING:** May 23, 2024

---

**APPLICANT'S INTENT**

Applicant proposes to rezone 1.137 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes.

**STAFF SUMMARY & PLANNING COMMISSION RECOMMENDATION**

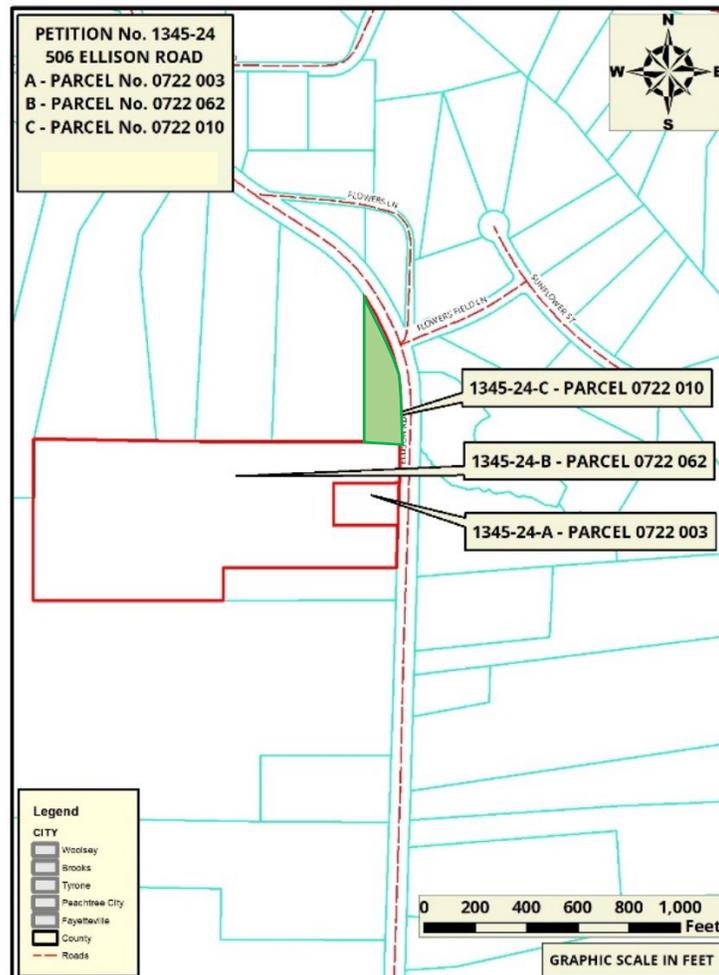
As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 unit/1 acre) is designated for this area, so the request for R-50 zoning is appropriate. This project consists of 3 parcels, with a total area of 19.272 acres. All three parcels are legal lots of record in the A-R zoning district. Parcels 0722 003 and 0722 010 are legal, nonconforming lots. Conditions are included to require combination of all parcels to address this issue.

On May 2, 2024, the Planning Commission voted 5-0 to recommend Conditional Approval of Petition 1345-24-C, subject to the condition below.

Staff recommends **CONDITIONAL APPROVAL** of Petition No. 1345-24-C, Parcel No. 0722 010; David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent; to rezone 1.137 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), subject to the following condition:

**RECOMMENDED CONDITION(S) FOR PETITION No. 1345-24-C [Parcel No. 0722 010]**

1. Within 120 days of approval of the rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.



## **INVESTIGATION**

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

This parcel is a legal nonconforming lot of record in the A-R zoning district because of the lot area. Conditions are included for all parcels that are the subject of this project to require combination of all project parcels to address potential nonconformances.

This property is not located in an overlay zone.

### **B. REZONING HISTORY:**

There is no record of a prior rezoning.

### **C. CURRENT DEVELOPMENT HISTORY:**

Parcel C is vacant.

### **D. SURROUNDING ZONING AND USES**

Near the subject property is land which is zoned A-R and R-70. See the following table and the attached Zoning Map.

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

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North	26	A-R	Single Family Residential	Low Density Residential (1 unit/1 acre)
East (across Ellison)	44	R-70	Undeveloped; Single Family Residential	Low Density Residential (1 unit/1 acre)
South	40	A-R	Undeveloped; Single Family Residential;	Low Density Residential (1 unit/1 acre)
West	20	A-R	Undeveloped; Single Family Residential; Agricultural	Low Density Residential (1 unit/1 acre)

## E. COMPREHENSIVE PLAN

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

## F. ZONING/REGULATORY REVIEW

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

**Site Plan:** The applicant submitted a survey for the property and a concept plan for a single-family detached residential subdivision.

## G. DEPARTMENTAL COMMENTS

- Water System** - Water is available on Ellison Rd in an 8' in water main. Every lot of a proposed subdivision shall be supplied with adequate water and wastewater facilities which shall be approved by the state commissioner of health. Septic tank drain field approval shall be on an individual lot basis. Where public water or wastewater facilities are available within the distance specified below, the subdivider shall assure that every lot of the subdivision shall be provided with public water.
- Public Works/Engineering**
  - **Road Frontage & Right of Way Dedication** - No dedication required, Ellison Road is already an 80 ft. R/W.
  - **Traffic Data** - There is no traffic data for Ellison Road
  - **Sight Distance** -- Minimum sight distances will have to be satisfied for the proposed new road intersection.
- Environmental Management** - No objections.
  - **Floodplain Management** -- The property DOES NOT contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. The property DOES NOT contain floodplain per FEMA FIRM panel 13113C0081E dated September 26, 2008.
  - **Wetlands** -- The property DOES NOT contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. The owner or developer will be responsible for submitting proper documentation during the development process.
  - **Watershed Protection** -- There ARE state waters located on the subject property and WILL BE subject to the Fayette County Watershed Protection Ordinance.
  - **Groundwater** -- The property IS 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 surfaces.

- Environmental Health Department** – This office has no objection to the proposed rezoning of this property. This does not constitute endorsement of the use or designation of one acre lots. For residential housing, septic systems will be required for this location.
- Fire** – Hydrants required due to number of lots and proximity to available water on Ellison Road.
- GDOT** – n/a

## **STANDARDS**

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

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

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

## **STAFF ANALYSIS**

1. The subject property lies within an area designated for Low Density Residential Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use.
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 is not likely to 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 low density residential.

**ZONING DISTRICT STANDARDS****Sec. 110-135. R-50, 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-50 zoning district:

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

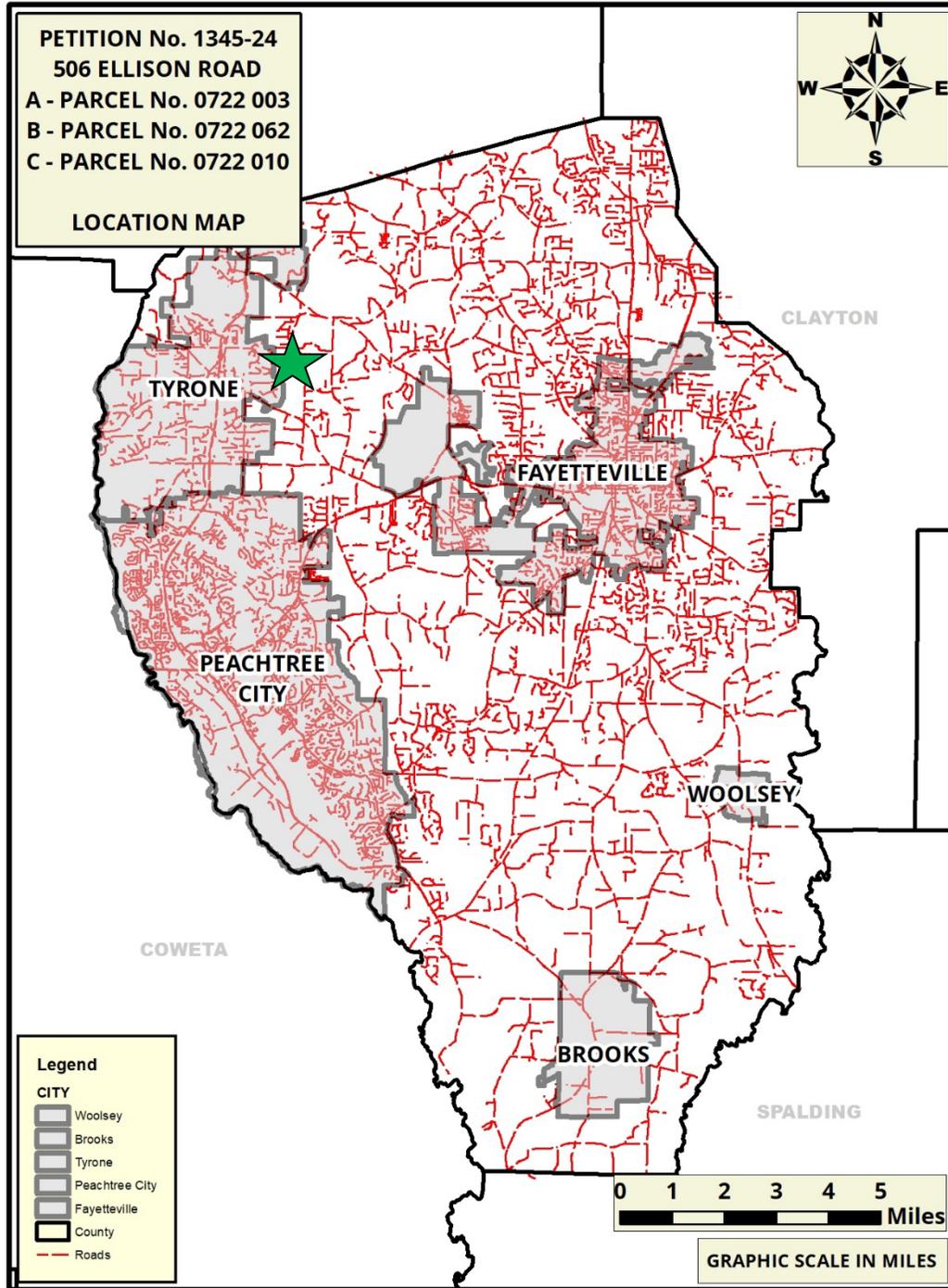
(c) *Conditional uses.* The following conditional uses shall be allowed in the R-50 zoning district provided that all conditions specified in article V of this chapter are met:

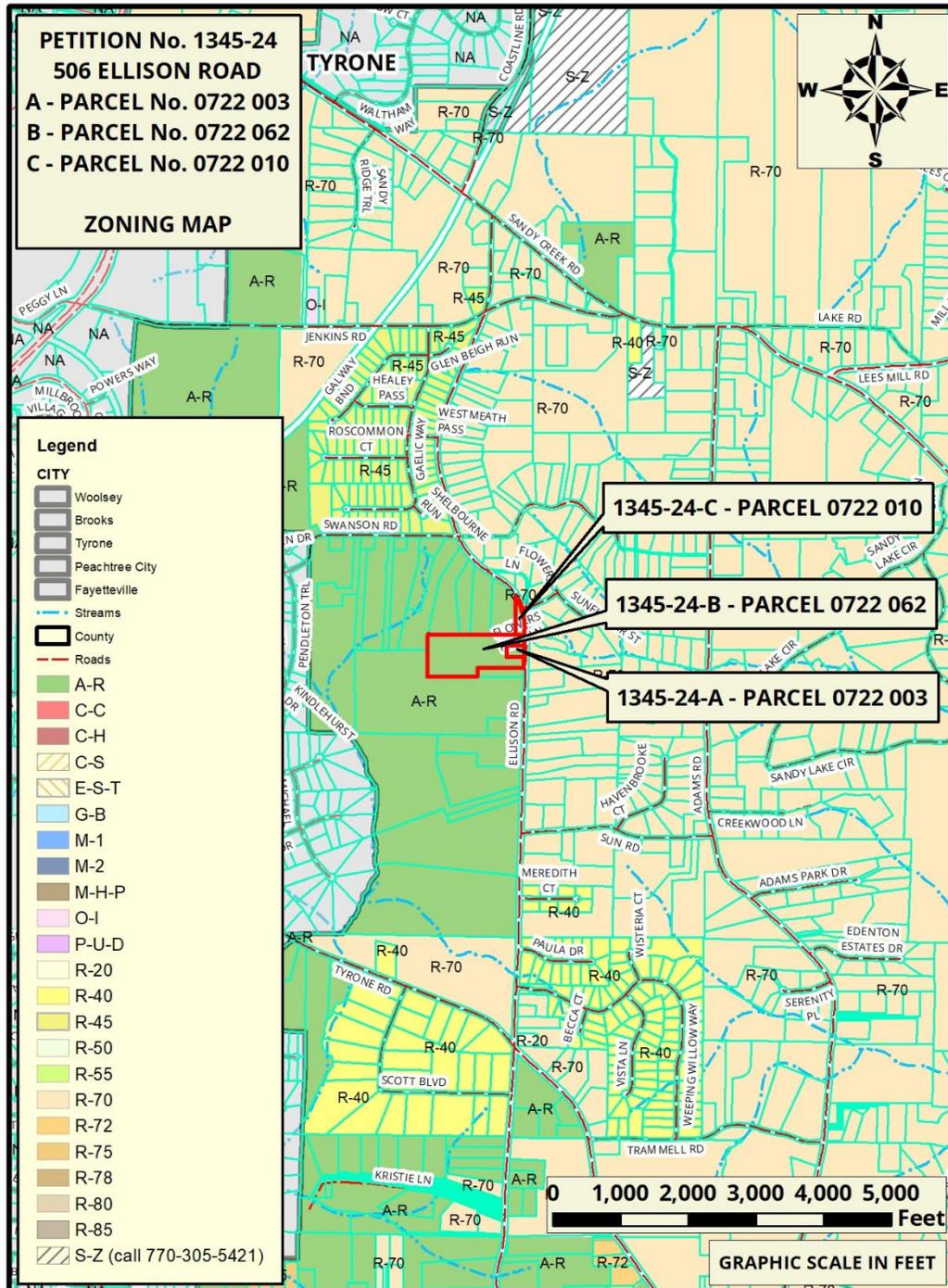
- (1) Church and/or other place of worship;
- (2) Developed residential recreational/amenity areas;
- (3) Home occupation;
- (4) Horse quarters; and
- (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

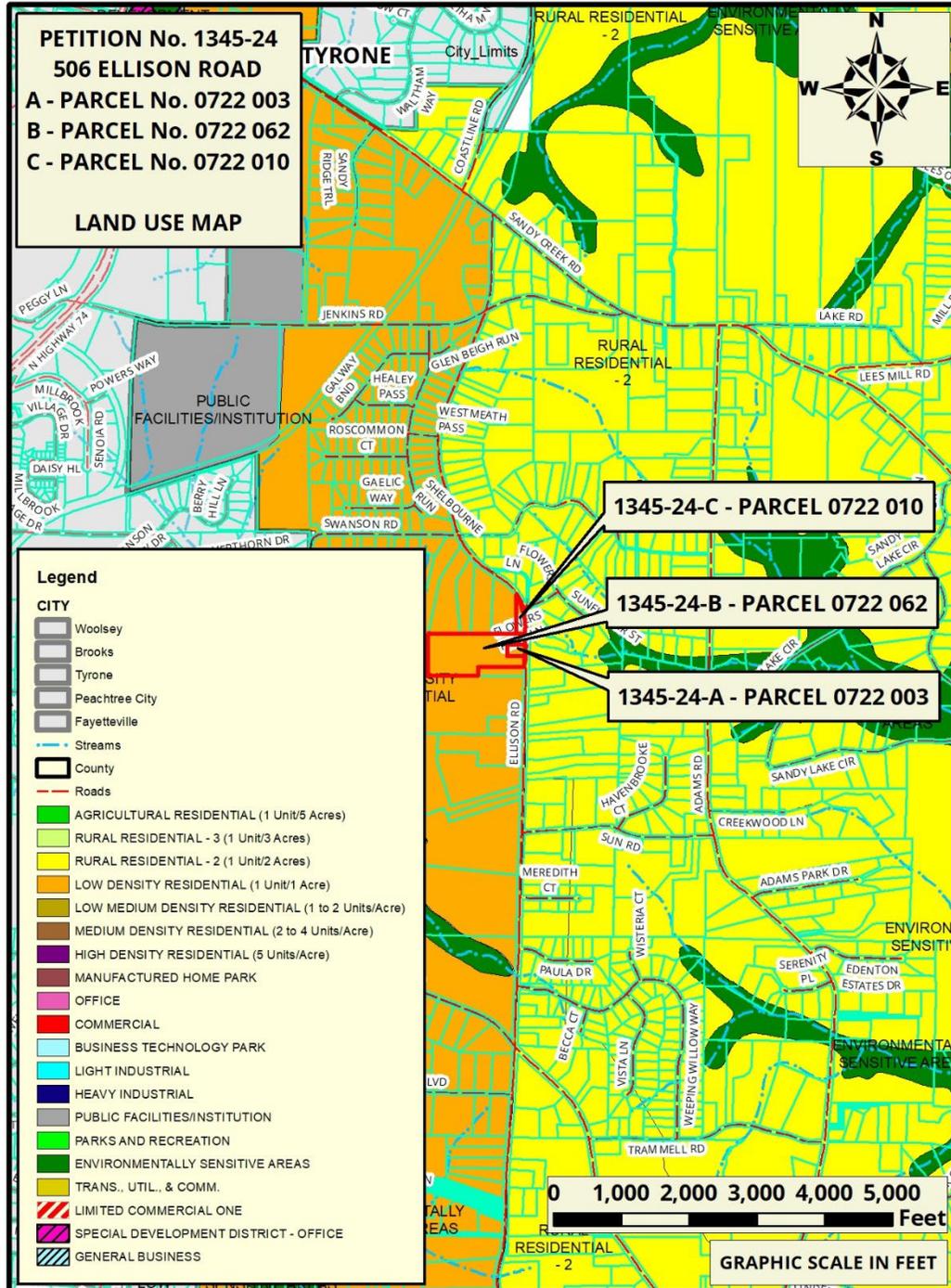
(d) *Dimensional requirements.* The minimum dimensional requirements in the R-50 zoning district shall be as follows:

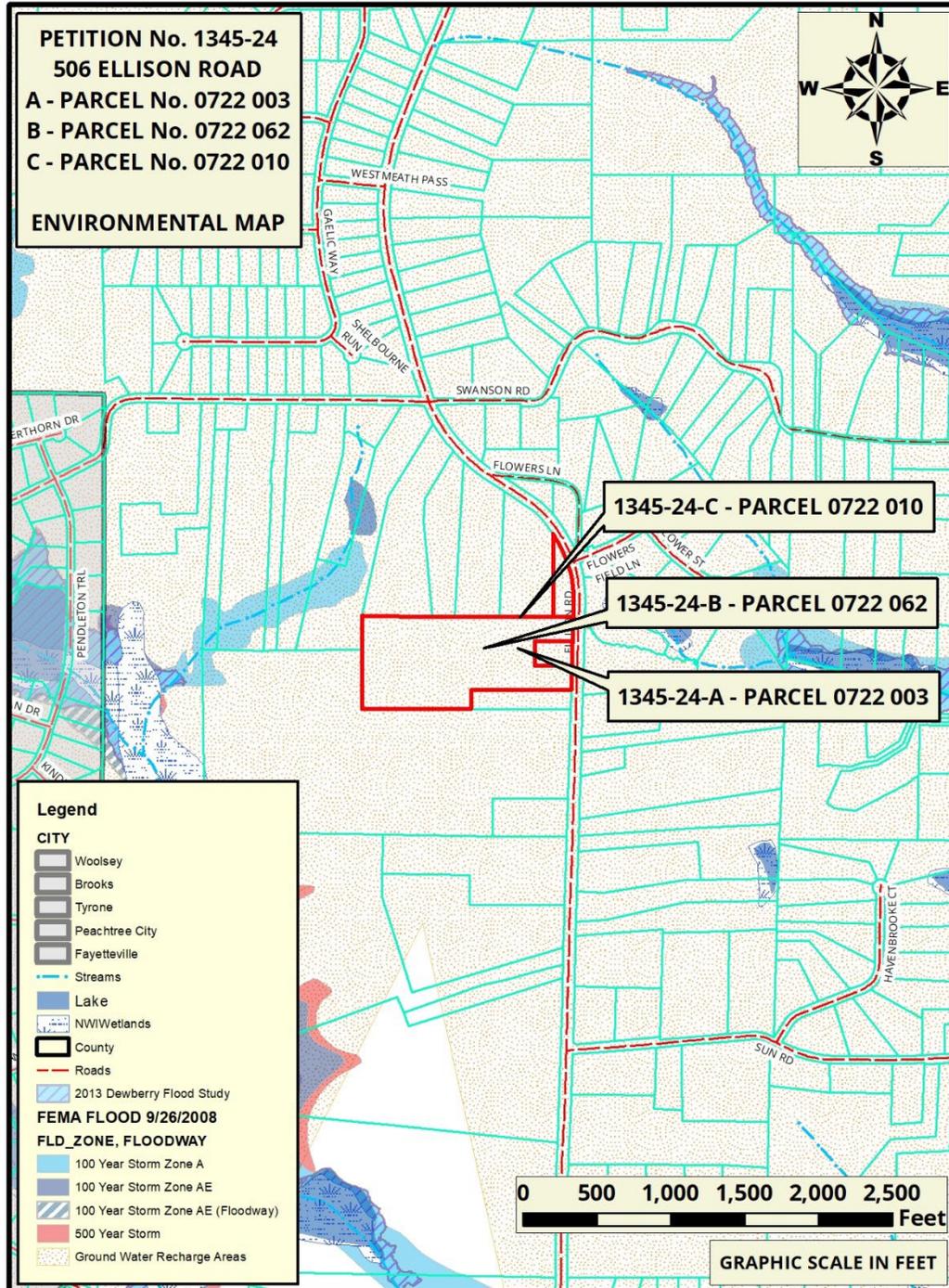
- (1) Lot area per dwelling unit:
  - a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one acre).
  - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres).
- (2) Lot width:
  - a. Major thoroughfare:
    1. Arterial: 150 feet.
    2. Collector: 150 feet.
  - b. Minor thoroughfare: 125 feet.
- (3) Floor area: 2,100 square feet.
- (4) Front yard setback:
  - a. Major thoroughfare:
    1. Arterial: 100 feet.
    2. Collector: 75 feet.
  - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 30 feet.
- (6) Side yard setback: 20 feet.
- (7) Height limit: 35 feet.

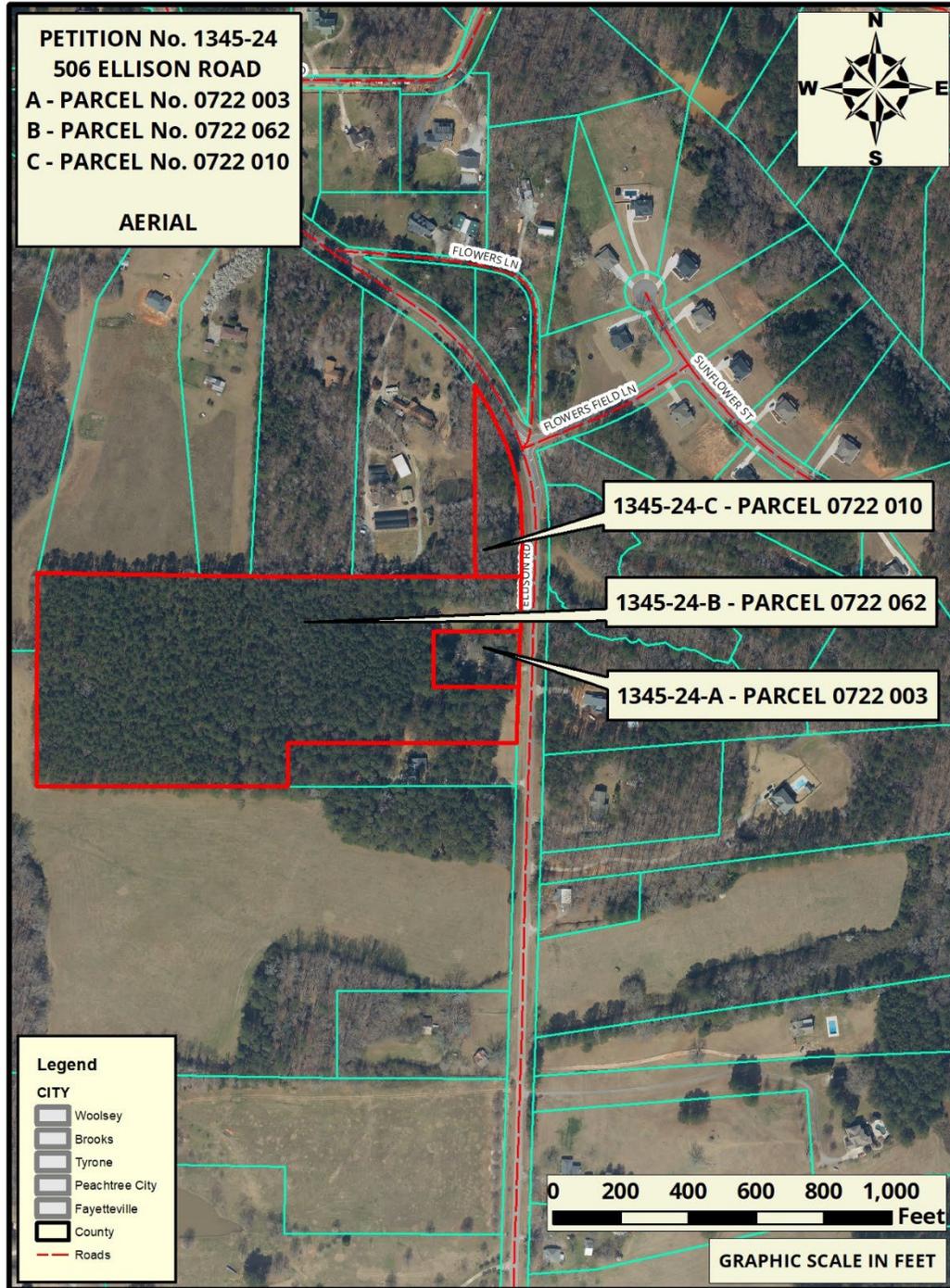
(Code 1992, § 20-6-11; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)

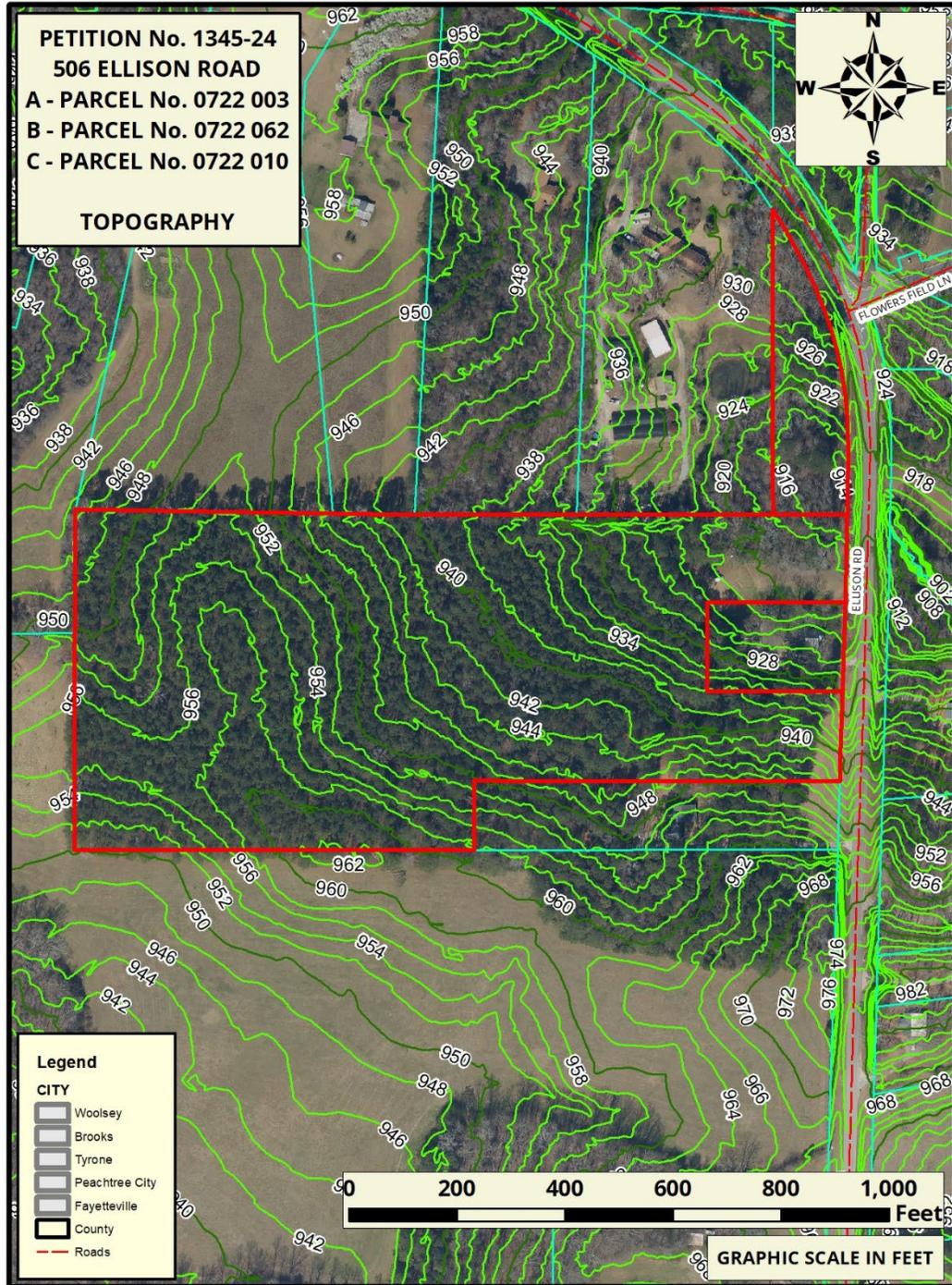
















PETITION No (s): 1345-24  
STAFF USE ONLY

**APPLICANT INFORMATION**

Name LDO Fayette, LLC  
Address 270 North Jeff Davis  
City Fayetteville  
State GA Zip 30214  
Email rferry@brethholdings.net  
Phone 678-251-5046

**PROPERTY OWNER INFORMATION**

Name DAVID ASA LAMB  
Address 365 CEDAR LANE  
City FAYETTEVILLE  
State GA Zip 30214  
Email boyd2221@gmail.com  
Phone 404-215-1677

**AGENT(S) (if applicable)**

Name RANDY BOYD  
Address P.O. Box 64  
City ZEBULON  
State GA Zip 30295  
Email boyd2221@gmail.com  
Phone 404-215-1677

Name RICHARD FERRY  
Address 270 NORTH JEFF DAVIS DR.  
City FAYETTEVILLE  
State GA Zip 30214  
Email Rferry@BRETHOLDINGS.NET  
Phone 678-251-5046

**(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 L. Bell Date: 03/08/2024

DATE OF PLANNING COMMISSION HEARING: May 2, 2024

DATE OF COUNTY COMMISSIONERS HEARING: May 23, 2024

Received from Niskeytell, LLC a check in the amount of \$ 850.00 for application filing fee, and \$ 200 for deposit on frame for public hearing sign(s). 1050

Date Paid: 03/08/2024 Receipt Number: 20448

PETITION No.: 1345-24-C Fees Due: \_\_\_\_\_ Sign Deposit Due: \_\_\_\_\_

STAFF USE ONLY

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

Parcel # (Tax ID): 0722 010 Acreage: 1.137 ACRES  
Land District(s): 7th Land Lot(s): 85  
Road Name/Frontage L.F.: 569.14 (ELISON RD.) Road Classification: COLLECTOR  
Existing Use: VACANT Proposed Use: RESIDENTIAL SUBDIVISION  
Structure(s): NONE Type: N/A Size in SF: N/A  
Existing Zoning: AR Proposed Zoning: R-50  
Existing Land Use: VACANT Proposed Land Use: RESIDENTIAL SUBDIVISION  
Water Availability: YES Distance to Water Line: 60 FT. Distance to Hydrant: 100 FT.

PETITION No.: 1345-24-B Fees Due: \_\_\_\_\_ Sign Deposit Due: \_\_\_\_\_

STAFF USE ONLY

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

Parcel # (Tax ID): 0722 062 Acreage: 17.171 ACRES  
Land District(s): 7th Land Lot(s): 85  
Road Name/Frontage L.F.: 324.18 (ELISON ROAD) Road Classification: COLLECTOR  
Existing Use: VACANT Proposed Use: RESIDENTIAL SUBDIVISION  
Structure(s): 1 Type: BARN Size in SF: \_\_\_\_\_  
Existing Zoning: AR Proposed Zoning: R-50  
Existing Land Use: VACANT Proposed Land Use: RESIDENTIAL SUBDIVISION  
Water Availability: YES Distance to Water Line: 60 FT. Distance to Hydrant: 60 FT.

PETITION No.: 1345-24-A Fees Due: \_\_\_\_\_ Sign Deposit Due: \_\_\_\_\_

STAFF USE ONLY

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

Parcel # (Tax ID): 0722 003 Acreage: 0.964 ACRES  
Land District(s): 7th Land Lot(s): 85  
Road Name/Frontage L.F.: ELISON RD. - 164.68 Road Classification: COLLECTOR  
Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL SUBDIVISION  
Structure(s): 2 Type: HOUSE - SHED Size in SF: HOUSE 924 SQ. FT. SHED 150 SQ. FT.  
Existing Zoning: AR Proposed Zoning: R-50  
Existing Land Use: RESIDENTIAL Proposed Land Use: RESIDENTIAL SUBDIVISION  
Water Availability: YES Distance to Water Line: 60 FT. Distance to Hydrant: 170 FT.

**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:

\* ~~BARBARA REYNOLDS LAMB, DAVID ASA LAMB, BARBARA LUCILE MCWILLIAMS,~~  
(Please Print) \* a/k/a ~~BOBBIE L. LAMB~~ RICHARD EMORY LAMB, JR.

Property Tax Identification Number(s) of Subject Property: 0722 010, 0722 062, 0722 003

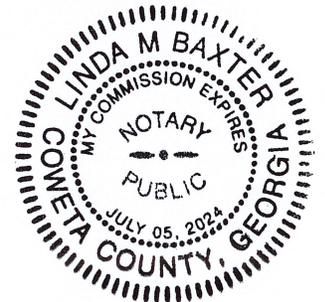
(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 85 of the 7A District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of 19.272 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to RANDY BOYD & RICHARD FERRY 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) David Asa Lamb  
Signature of Property Owner 1  
365 Cedar Lane Fayetteville GA  
Address 30214

Linda M. Baxter  
Signature of Notary Public  
March 7, 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  
Randy Boyd  
Address P.O. Box 64  
ZEBULON, GA. 30295

Beverly G. Jones  
Signature of Notary Public  
3/7/2024  
Date



Randy Boyd  
SIGNATURE OF AUTHORIZED AGENT  
ADDRESS 270 N. JEFF DAVIS  
DRIVE, FAYETTEVILLE, GA. 30214

Beverly G. Jones  
SIGNATURE OF NOTARY PUBLIC  
3/7/2024  
DATE



PETITION No.: 1345-24

**OWNER'S AFFIDAVIT**

*(Please complete an affidavit for each parcel being rezoned)*

NAME: DAVID ASA LAMB

ADDRESS: 506 Ellison Rd., Tyrone, GA 30290

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

DAVID ASA LAMB 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 \$ 1050 to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-50.

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 2nd day of MAY, 20 24 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 23rd day of MAY, 20 24 at ~~7:00~~ 5:00 PM P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 7 DAY OF March, 2024

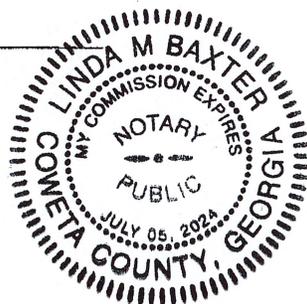
David Asa Lamb

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Linda M. Baxter

NOTARY PUBLIC



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

I/We, DAVID ASA LAMB, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, <sup>40'</sup> feet of right-of-way along ELLISON 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 7 day of March, 2024.

David Asa Lamb

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Linda M. Baxter

NOTARY PUBLIC



### DEVELOPMENTS OF REGIONAL IMPACT (DRI)

#### Rezoning Applicant:

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

Signed this 7 day of March, 2024.

\_\_\_\_\_  
 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).



Doc ID: 010279860003 Type: ESTD  
Recorded: 12/04/2017 at 12:15:00 PM  
Fee Amt: \$14.00 Page 1 of 3  
Transfer Tax: \$0.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court  
BK 4684 PG 484-486

After recording return to:  
Robert A. Ruppenthal, P.C.  
1044 Highway 74 West  
Fayetteville, Georgia 30214

STATE OF GEORGIA  
COUNTY OF FAYETTE

**ADMINISTRATOR'S DEED**

THIS INDENTURE, made this the 29 day of November, 2017, between **DAVID ASA LAMB**, as Administrator of the Last Will and Testament of **RICHARD EMORY LAMB, SR.**, late, of the State of Florida and County of Bay, deceased, (hereinafter called "Grantor") and **BARBARA REYNOLDS LAMB a/k/a BOBBIE R. LAMB** of the State of Florida and County of Bay, (hereinafter called "Grantee One"), **DAVID ASA LAMB** of the State of Georgia and County of Fayette, (hereinafter called "Grantee Two") **BARBARA LUCELE MCWILLIAMS** of the State of Georgia and County of Fayette, (hereinafter called "Grantee Three") and **RICHARD EMORY LAMB, JR.** of the State of Texas and County of Guadalupe, (hereinafter called "Grantee Four"); the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits:

WITNESSETH: that for and in consideration of the sum of TEN AND 00/100's (\$10.00) Dollars and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof being hereby acknowledged, the said Grantor (acting under and by virtue of the power and authority contained in that **Order Appointing Administrator and Letters of Administration** issued by the Probate Court of Fayette County, Georgia, Estate No. 17-13872), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantees any interest held by decedent, **RICHARD EMORY LAMB SR.**, in the property described in Exhibit "A" (the "Property") attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land and Property, 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 Grantees forever, but with the title to and interest in said Grantees to be limited and described as follows:

To **Grantee One**, title to and all rights in the Property during the lifetime of **Grantee One** (e.g., a life estate).

Upon the death of Grantee One, title to and all rights in the Property shall pass to Grantee Two, Grantee Three and Grantee Four or the heirs at law of Grantees with said Grantees to hold title to the Property as tenants in common.

IN WITNESS WHEREOF, Grantor herein has hereunto set his hand and seal, the day and year first above written.

  
**DAVID ASA LAMB**, Administrator for the  
Estate of **RICHARD EMORY LAMB, SR.**

Signed, sealed and delivered  
in the presence of:

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Notary Public



**EXHIBIT "A"**

**All that tract or parcel of land lying and being in Land Lot 85 of the 7<sup>th</sup> District and being more particularly described as follows:**

**Beginning at a point on the west side of Ellison Road 1491.8 feet north of the southeast corner of Land Lot 85, running thence west 200 feet to a point, said point being the southeast corner of David Brown's property; thence north 920 feet more or less to the southwest side of Flowers Lane; thence southeast along Flowers Lane 300 feet more or less to a point; thence south 730 feet more or less to the point of beginning.**

**Less and except that portion being in the right of way of Ellison Road.**

**LEGAL DESCRIPTION**

**Tract III – 1.137 Acres**

**Tax Parcel No. 0722 010**

**All that tract or parcel of land lying and being in Land Lot 85 of the 7<sup>th</sup> District of Fayette County, Georgia and being more particularly described as follows:**

**BEGINNING at a point on the westerly Right-of Way of Ellison Road (80' R/W) 1492.86 feet north of the intersection of the south line of Land Lot 85 and the westerly Right-of Way of Ellison Road, THENCE N 88° 55' 36" W 118.35 feet to a point, THENCE N 00° 54' 58" E 545.79 feet to a point on the westerly Right-of Way of Ellison Road, THENCE along the westerly Right-of Way of Ellison Road along a curve to the right for 438.05 feet, having a radius of 754.77 feet, a chord of 431.93 feet and a chord bearing of S 15° 09' 35" E, THENCE S 01° 28' 00" W 131.09 feet along the westerly Right-of-Way of Ellison Road to the POINT OF BEGINNING.**

**Said tract containing 1.137 acres and being the same property shown as Tract III on a survey prepared by Ronald T. Godwin, Georgia Registered Land Surveyor No. 2696, dated 9/22/2023.**

Prepared by: \_\_\_\_\_

**R.M. Boyd, Georgia Registered Land  
Surveyor No. 2227**



**B4 Fayette County News**

Continued from page B3

Wednesday, April 17, 2024

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, May  
2, 2024, at 7:00 P.M., and before  
the Fayette County Board of Com-  
missioners on Thursday, May 23,  
2024, at 5:00 P.M., in the Fayette  
County Administrative Complex,  
140 Stonewall Avenue West, Public  
Meeting Room, First Floor, Fay-  
etteville, Georgia.

Petition No.: 1345-24 C  
Owner/Agent:LDO Fayette, LLC,

David Asa Lamb/Randy Boyd  
Existing Zoning District:  
A-R  
Proposed Zoning District:  
R-50  
Parcel Number:0722010  
Area of Property: 1.137 acres  
Proposed Use: R-50  
Land Lot(s)/District:Land lot 85 of  
the 7th District

**LEGAL DESCRIPTION**

Tract III - 1.137 Acres  
Tax Parcel No. 0722010

All that tract or parcel of land lying  
and being in Land Lot 85 of the 7th  
District of Fayette County, Georgia  
and being more particularly de-  
scribed as follows:

BEGINNING at a point on the  
westerly Right-of Way of Elli-  
son Road (80' R/W) 1492.86 feet  
north of the intersection of the  
south line of Land Lot 85 and the  
westerly Right-of Way of Ellison  
Road, THENCE N 88° 55' 36" W  
118.35 feet to a point, THENCE N  
00° 54' 58" E 545.79 feet to a point  
on the westerly Right-of Way of  
Ellison Road, THENCE along the  
westerly Right-of Way of Ellison  
Road along a curve to the right  
for 438.05 feet, having a radius of  
754.77 feet, a chord of 431.93 feet  
and a chord bearing of S 15° 09' 35"  
E, THENCE S 01° 28' 00" W 131.09  
feet along the westerly Right-of  
Way of Ellison Road to the POINT  
OF BEGINNING.

Said tract containing 1.137 acres  
and being the same property shown  
as Tract III on a survey prepared by  
Ronald T. Godwin, Georgia Regis-  
tered Land Surveyor No. 2696, dat-  
ed 9/22/2023.

04/17

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition No. 1346-24, Allegiance Homes, LLC, owner; C. Mark McCullough, Agent, request to rezone 15.87 acres from A-R (Agricultural-Residential) to R-80 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 199 of the 4th District and fronts on Snead Road.

Background/History/Details:

Applicant proposes to rezone 15.87 acres from A-R (Agricultural-Residential) to R-80 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes. As defined in the Fayette County Comprehensive Plan, Rural Residential – 3 (1 unit/3 acre) is designated for this area, so the request for R-80 zoning is appropriate. The existing house on the parcel does not meet dimensional requirements of the R-80 zoning district, so a condition for demolition or expansion of the house is recommended. On May 2, 2024, the Planning Commission voted 4-0-1 to recommend conditional approval. Boris Thomas abstained.

Staff recommends CONDITIONAL APPROVAL of the request for a zoning of R-80, Single-Family Residential District, subject to the following conditions:

- 1. Snead Road is a County Local on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 30 feet of right-of-way as measured from the existing centerline of Snead Road.
- 2. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications 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?

Approval of Petition No. 1346-24, Allegiance Homes, LLC, owner; C. Mark McCullough, Agent, request to rezone 15.87 acres from A-R (Agricultural-Residential) to R-80 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 199 of the 4th District and fronts on Snead Road with two (2) conditions.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?\*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

**PETITION NO: 1346-24****REQUESTED ACTION:** Rezone from A-R to R-80**PARCEL NUMBER:** 0441 002**PROPOSED USE:** Single-Family Residential Subdivision**EXISTING USE:** Agricultural/Residential**LOCATION:** 385 Snead Road**DISTRICT/LAND LOT(S):** 4<sup>th</sup> District, Land Lot 199**ACREAGE:** 15.87**OWNER(S):** Allegiance Homes, LLC**APPLICANT:** Allegiance Homes, LLC**AGENT:** Mark McCullough**PLANNING COMMISSION PUBLIC HEARING:** May 2, 2024**BOARD OF COMMISSIONERS PUBLIC HEARING:** May 23, 2024

---

**APPLICANT'S INTENT**

Applicant proposes to rezone 15.87 acres from A-R (Agricultural-Residential) to R-80 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes.

**STAFF SUMMARY & PLANNING COMMISSION RECOMMENDATION**

As defined in the Fayette County Comprehensive Plan, Rural Residential – 3 (1 unit/3 acre) is designated for this area, so the request for R-80 zoning is appropriate. The existing house on the parcel does not meet the dimensional requirements of the R-80 zoning district, so a condition for demolition or expansion of the house is recommended.

On May 2, 2024, the Planning Commission voted 4-0-1 to recommend Conditional Approval of Petition 1346-24, subject to staff's recommended conditions. Planning Commissioner Boris Thomas abstained.

Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of R-80, Single-Family Residential District.

**RECOMMENDED CONDITIONS FOR PETITION No. 1346-24**

1. Snead Road is a County Local on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 30 feet of right-of-way as measured from the existing centerline of Snead Road.
2. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications 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 lot of record in the A-R zoning district.

This property is not located in an overlay zone.

**B. REZONING HISTORY:**

There is no record of a prior rezoning.

**C. CURRENT DEVELOPMENT HISTORY:**

The property currently has 1 single-family home.

**D. SURROUNDING ZONING AND USES**

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

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

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Future Land Use Plan</b>
North	132.50	A-R	Undeveloped; Forestry/Ag Uses	Rural Residential – 3 (1 unit/3 acres)
East	8.10	A-R	Single Family Residential	Rural Residential – 3 (1 unit/3 acres)
South (across Snead)	12	A-R	Single Family Residential	Agricultural-Residential
West	25	A-R	Single Family Residential	Rural Residential – 3 (1 unit/3 acres)

## E. COMPREHENSIVE PLAN

**Future Land Use Plan:** The subject property lies within an area designated for Rural Residential - 3 on the Future Land Use Plan map. This request does conform to the Fayette County Comprehensive Plan/Future Land Use Map.

## F. ZONING/REGULATORY REVIEW

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

**Site Plan:** The applicant submitted a survey for the property and a concept plan for a single-family detached residential subdivision.

## G. DEPARTMENTAL COMMENTS

- Water System** - Water is not available along Snead Rd. Address is currently outside of Fayette County Water System service area.
- Public Works/Engineering**
  - **Road Frontage & Right of Way Dedication** - Snead Road is classified as County Local Road and is a deeded 50 ft R/W per Fayette County records. A dedication of 5 ft of R/W will be required to meet the current requirement of 60 feet right of way as measured from the centerline Snead Road.
  - **Traffic Data** - There is no traffic data for Snead Road but it is a relatively low volume road and the addition of three to five homes is not expected to have an impact on traffic operations.
- Access Management**- As an effort to maximize safety, Public Works seeks to minimize the number of new homes accessing existing County local, collector, and arterial roads. As such, for rezonings Public Works recommends that the number of new homes with direct access to these types of roads be no greater than that possible under the existing zoning. For this project, the existing A-R has sufficient area (15 acres) and road frontage (>300 feet) to permit three homes and driveways, thus the condition is to limit the number of new homes with direct access to Snead Road to three. Additional homes may be provided with construction of an internal local road. **Environmental Management** - No objections.
  - **Floodplain Management** -- The property **DOES NOT** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. The property DOES NOT contain floodplain per FEMA FIRM panel 13113C0155E dated September 26, 2008.
  - **Wetlands** -- The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. The owner or developer will be responsible for submitting proper documentation during the development process.

- **Watershed Protection** -- There **ARE** state waters located on the subject property and **WILL BE** subject to the Fayette County Watershed Protection Ordinance.
- **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 surfaces.
- **Environmental Health Department** – This office has no objection to the rezoning of this parcel. This approval is only for rezoning and no other future requirements of this office.
- **Fire** – No comments from Fire Marshal's Office.
- **GDOT** – n/a

## **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 conform to the Fayette County Comprehensive Plan in terms of the use and the lot size.
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 is not likely to 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 low density residential.

**ZONING DISTRICT STANDARDS****Sec. 110-129. - R-80, Single-Family Residential District.**

(a) *Description of district.* This district is composed of certain lands and structures having a very 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-80 zoning district:

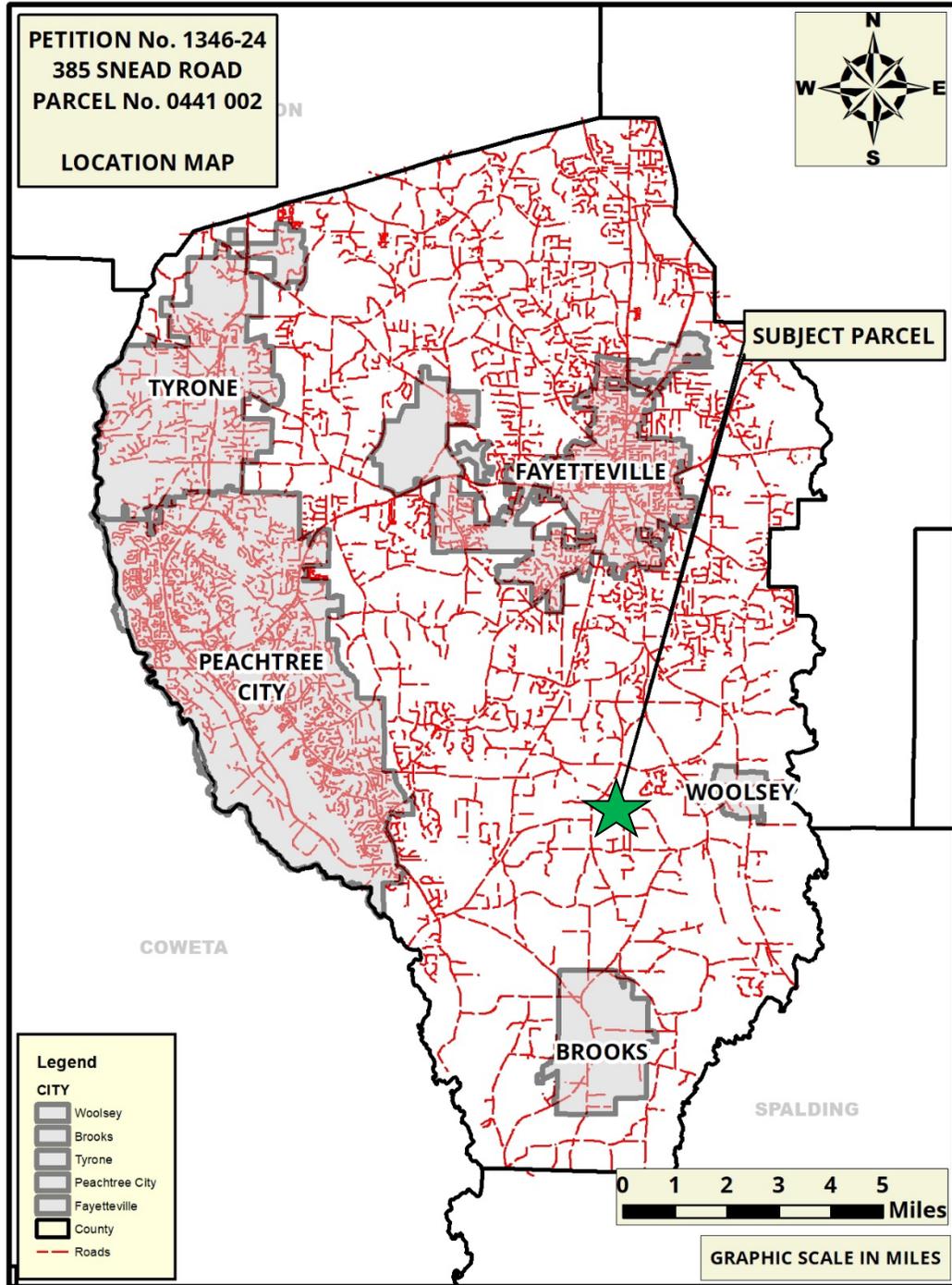
- (1) Single-family dwelling;
- (2) Residential accessory structures and uses (see article III of this chapter); and
- (3) Growing crops, gardens.

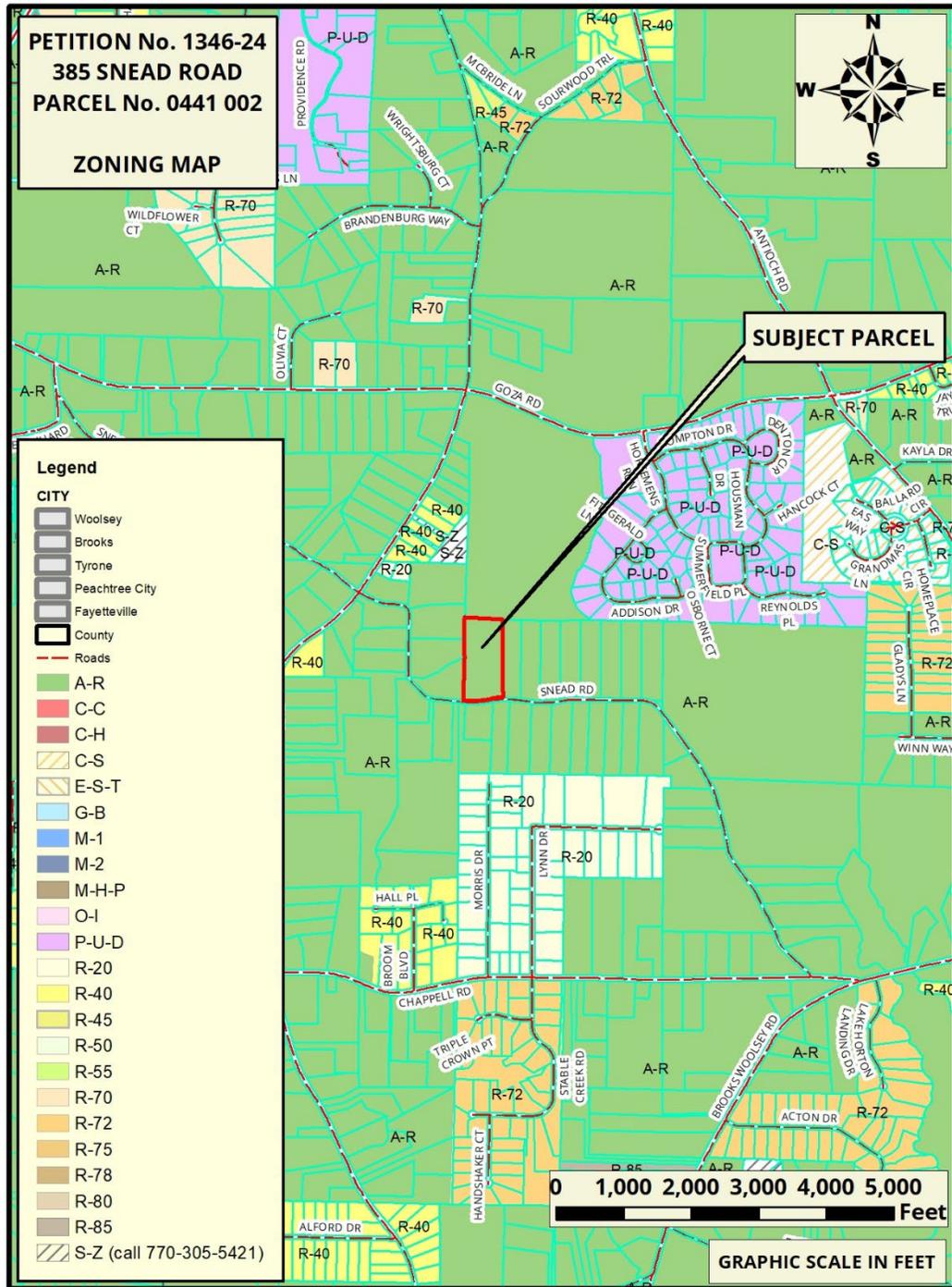
(c) *Conditional uses.* The following conditional uses shall be allowed in the R-80 zoning district provided that all conditions specified in article V of this chapter are met:

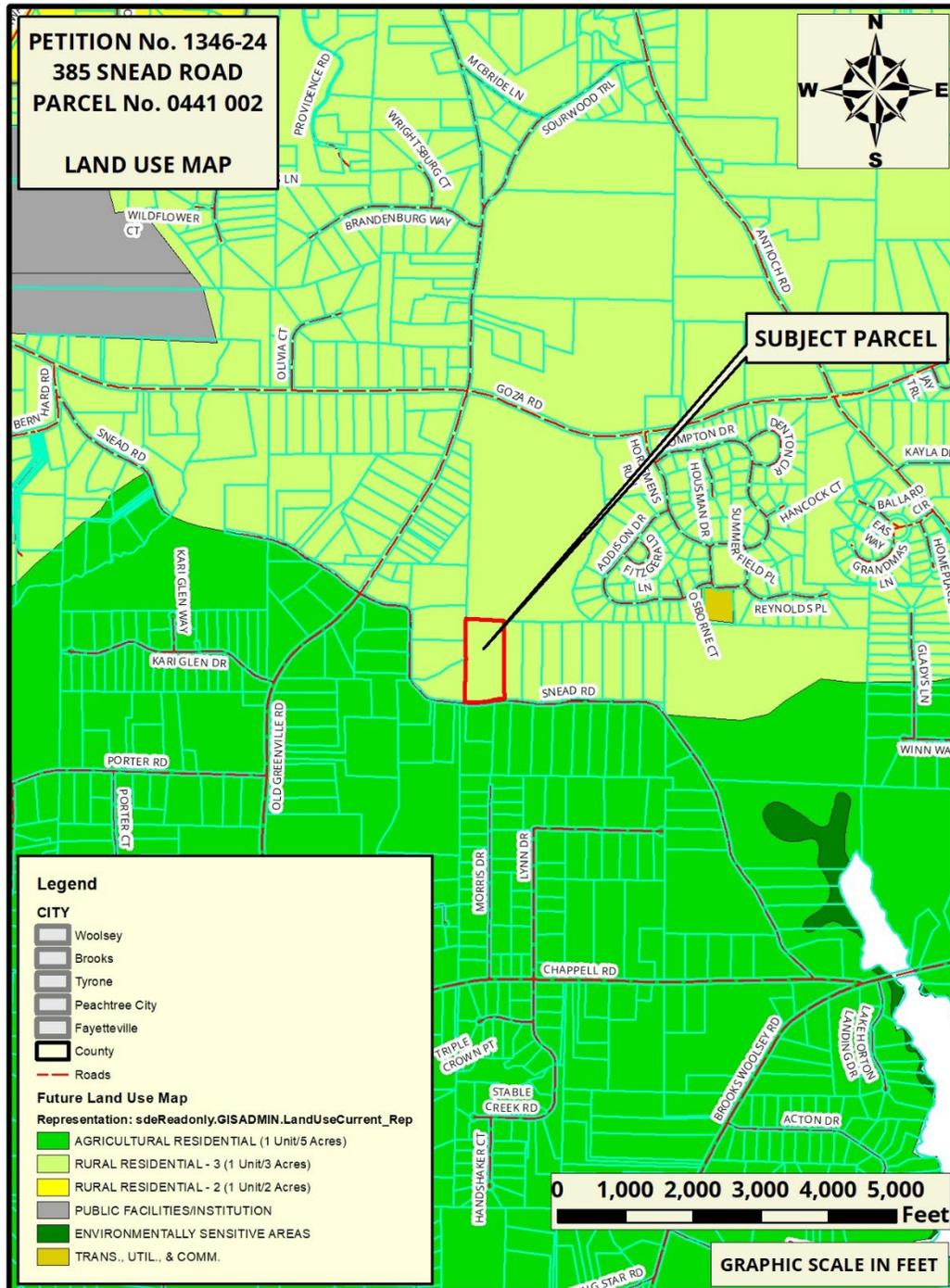
- (1) Church and/or other place of worship;
- (2) Developed residential recreational/amenity areas;
- (3) Home occupation;
- (4) Horse quarters; and
- (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

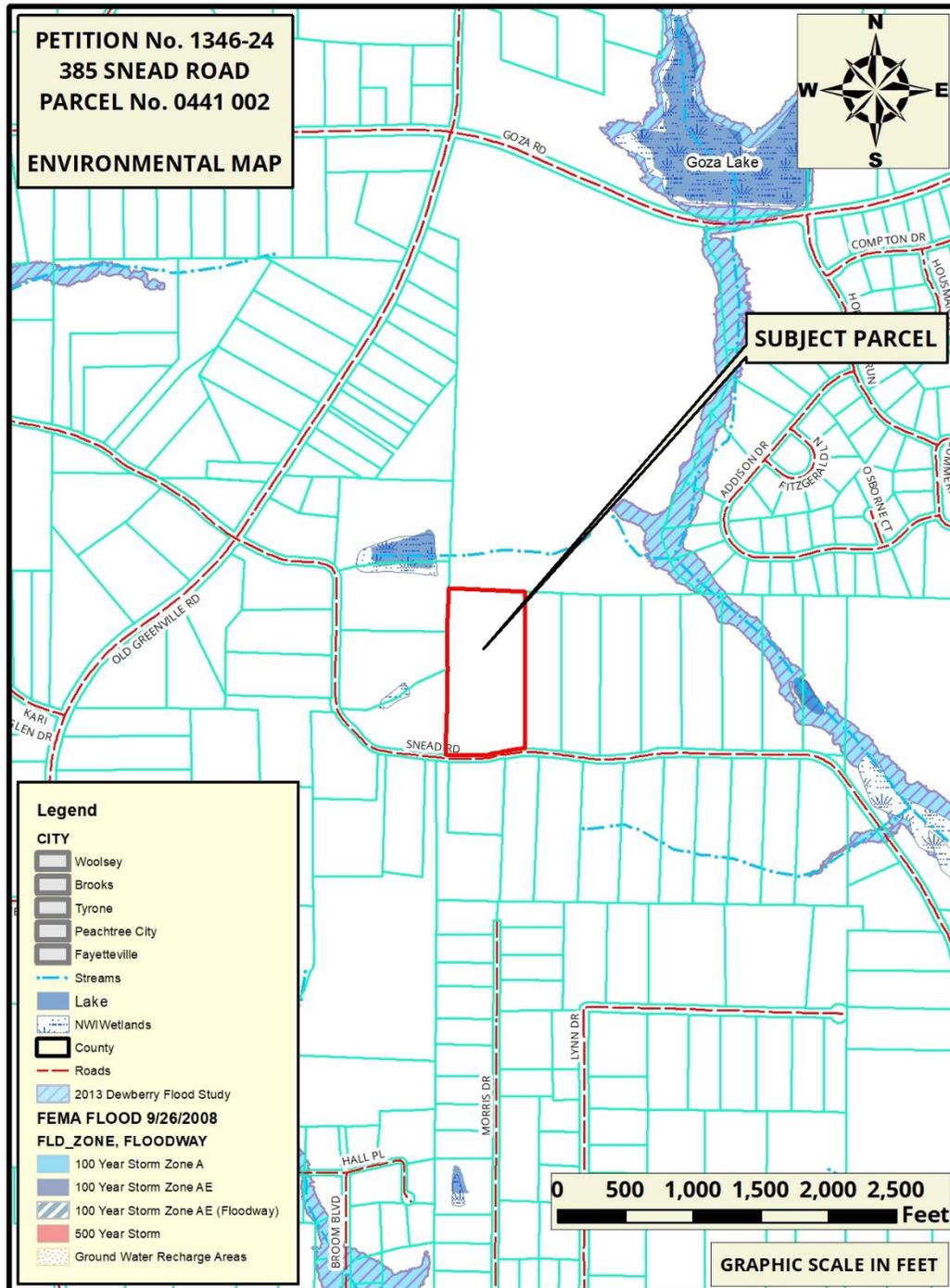
(d) *Dimensional requirements.* The minimum dimensional requirements in the R-80 zoning district shall be as follows:

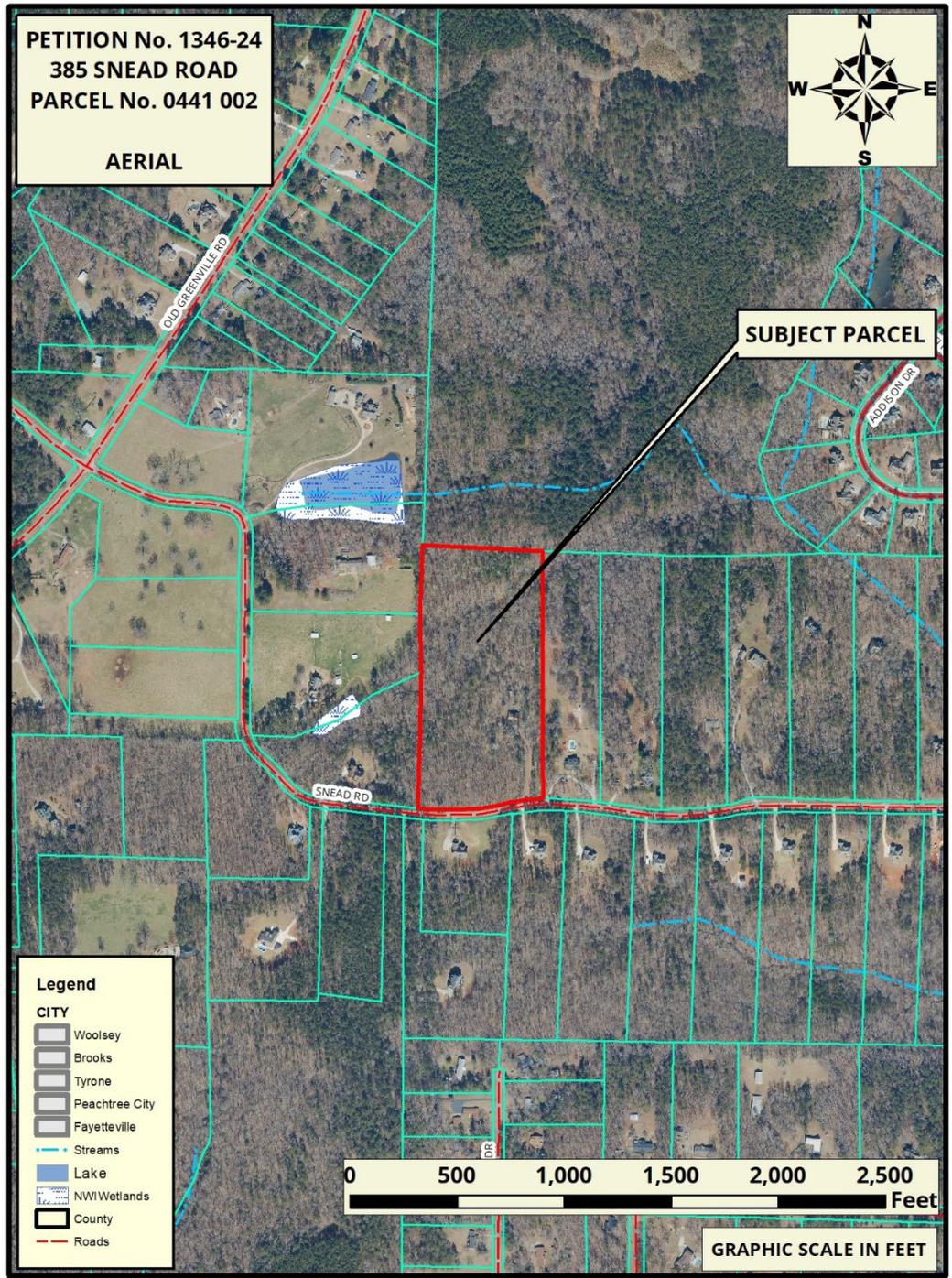
- (1) Lot area per dwelling: 130,680 square feet (three acres).
- (2) Lot width: 175 feet.
- (3) Floor area: 2,500 square feet.
- (4) Front yard setback:
  - a. Major thoroughfare:
    1. Arterial: 75 feet.
    2. Collector: 75 feet.
  - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 50 feet.
- (6) Side yard setback: 30 feet.
- (7) Height limit: 35 feet.

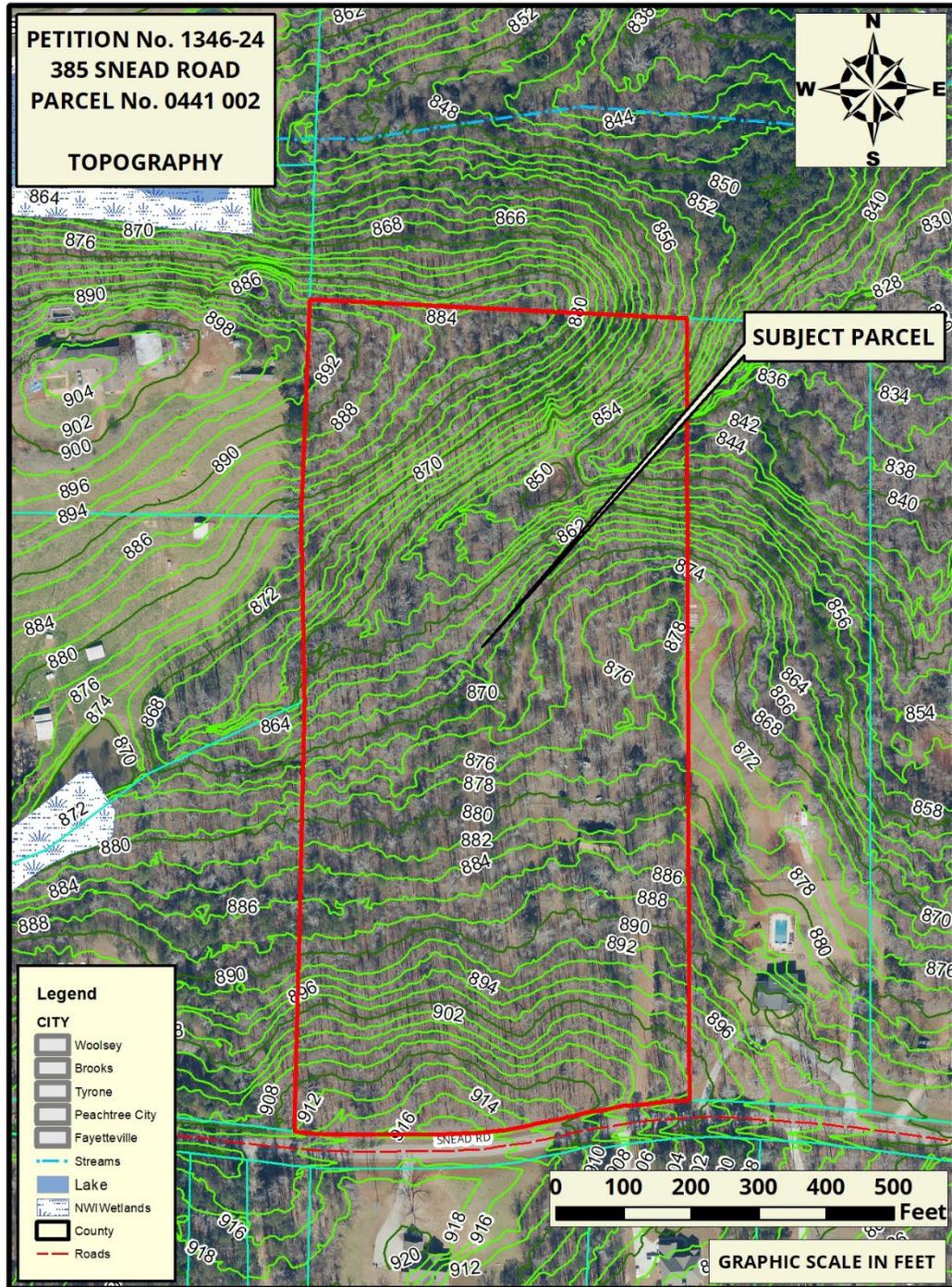


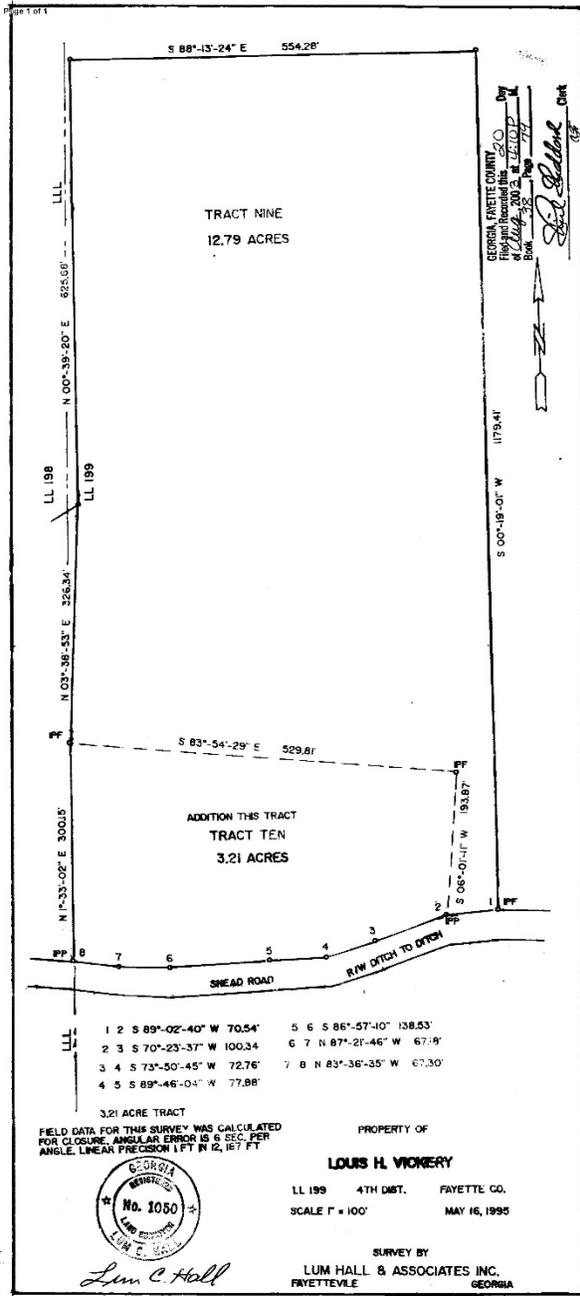












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SURVEY



**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  
  
 E. Allison Ivey Cox, County Attorney

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**AGENDA OF ACTIONS  
 FAYETTE COUNTY PLANNING COMMISSION MEETING  
 140 STONEWALL AVENUE WEST  
 May 2, 2024  
 7:00 pm**

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

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**NEW BUSINESS**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. *Danny England made a motion to approve the agenda with the addition of the Minor Final Plat of the Adams Farm 1805, LLC and William Jerry Cleveland Property as item number 5, Minor Final Plat of 405 Bankstown Road as item number 6, minor final plat for Veterans Pkwy and Lees Mill South, LLC as item number 7, and Veterans Parkway Tract 1 as item 8. Public Hearing items will now be items 9-13. John Kruzan seconded the motion. The motion carried 5-0.*
4. Consideration of the Minutes of the meeting held on April 4, 2024. *Danny England made a motion to approve the minutes of the meeting held on April 4, 2024. Jim Oliver seconded the motion. The motion passed unanimously.*
5. Approval of Minor Final Plat of the Adams Farm 1805, LLC and William Jerry Cleveland Property. *John Kruzan made the motion to approve the Minor Final Plat of the Adams Farm 1805, LLC and William Jerry Cleveland. Danny England seconded the motion. The motion passed unanimously.*
6. Approval of the Minor Final Plat for 405 Bankstown Road. *John Kruzan made a motion to approve the Minor Final Plat for 405 Bankstown Road. Danny England seconded the motion. The motion carried 5-0.*
7. Approval of the Minor Final Plat for Veterans Pkwy and Lees Mill South, LLC. *John Kruzan made the motion to approve the Minor Final Plat for Veterans Pkwy and Lees Mill South, LLC. Danny England seconded the motion. The motion passed unanimously.*

8. Approval of the Minor Final Plat for Veterans Parkway Tract 1. ***John Kruzan made the motion to approve the Minor Final Plat for Veterans Parkway Tract 1. Danny England seconded the motion. The motion passed unanimously.***

### **PUBLIC HEARING**

9. Consideration of Petition No. 1345-24-A, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 0.964 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7<sup>th</sup> District and fronts on Ellison Road. ***Jim Oliver made the motion to recommend approval of Petition 1345-24-A with the following conditions:***

1. ***Within 180 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcel 0722 003.***
2. ***Within 120 days of approval of rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.***

***Danny England seconded the motion. The motion carried 5-0.***

10. Consideration of Petition No. 1345-24-B, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 17.171 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7<sup>th</sup> District and fronts on Ellison Road. ***Jim Oliver made the motion to recommend approval of Petition 1345-24-B with the following conditions:***

1. ***Within 180 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcel 0722 062.***
2. ***Within 120 days of approval of rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.***

***Danny England seconded the motion. The motion carried 5-0.***

11. Consideration of Petition No. 1345-24-C, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 1.137 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7<sup>th</sup> District and fronts on Ellison Road. ***Jim Oliver made the motion to recommend approval of Petition 1345-24-C with the following conditions:***

1. ***Within 180 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcels***

**0722 003 and 0722 062.**

- 2. Within 120 days of approval of rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.**

**Danny England seconded the motion. The motion carried 5-0.**

12. Consideration of Petition No. 1346-24, Allegiance Homes, LLC, owner; C. Mark McCullough, Agent, request to rezone 15.87 acres from A-R (Agricultural-Residential) to R-80 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 199 of the 4<sup>th</sup> District and fronts on Snead Road. **Jim Oliver made the motion to recommend approval with the following conditions:**

- 1. Snead Road is a County Local on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 30 feet of right-of-way as measured from the existing centerline of Snead Road.**
- 2. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the county within 60 days fo the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.**

**Danny England seconded the motion. The motion carried 4-0. Boris Thomas abstained.**

13. Consideration of Petition No. 1347-24, Luis Arango, owner; Jeff Lammes, Agent, request to rezone 1.446 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing an amenity area for a residential single-family neighborhood; property is located in Land Lot 60 of the 5<sup>th</sup> District. **John Kruzan made the motion to recommend approval of Petion 1347-24. Boris Thomas seconded the motion. The motion carried 4-0. John Culbreth was absent.**

PETITION No (s): 1346-24  
STAFF USE ONLY

**APPLICANT INFORMATION**

Name Allegiance Homes, llc  
Address 825 Hwy 74 S, Suite 101  
City Peachtree City  
State GA Zip 30269  
Email trentfoster@allegiancedevgroup.com  
Phone \_\_\_\_\_

**PROPERTY OWNER INFORMATION**

Name Allegiance Homes, llc  
Address 825 Hwy 74 S, Suite 101  
City Peachtree City  
State GA Zip 30269  
Email trentfoster@allegiancedevgroup.com  
Phone \_\_\_\_\_

**AGENT(S) (if applicable)**

Name C Mark McCullough  
Address 100 Meeting House Rd  
City Fayetteville  
State GA Zip 30215  
Email cmarkmccullough@gmail.com  
Phone 678-878-7935

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): 0441 002 Acreage: 15.87  
 Land District(s): 4th Land Lot(s): 199  
 Road Name/Frontage L.F.: Snead Road Classification: \_\_\_\_\_  
 Existing Use: Residential Proposed Use: Residential  
 Structure(s): Yes Type: Single Family Home Size in SF: 1460 (To be removed)  
 Existing Zoning: A-R Proposed Zoning: R-80  
 Existing Land Use: Residential Proposed Land Use: Residential  
 Water Availability: No Distance to Water Line: N/A Distance to Hydrant: N/A

**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:  
Allegiance Homes, llc

(Please Print)

**Property Tax Identification Number(s) of Subject Property:** 0441 002

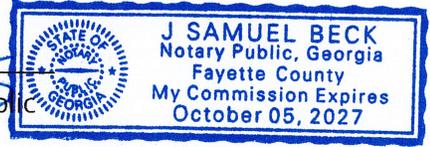
(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 199 of the 4th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of 15.87 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to C Mark McCullough 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  
PO 3852 PTC, GA 30226  
Address

[Signature]  
Signature of Notary Public  
3/25/24  
Date



Signature of Property Owner 2  
Address

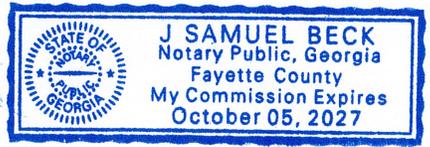
Signature of Notary Public  
Date

Signature of Property Owner 3  
Address

Signature of Notary Public  
Date

Signature of Authorized Agent  
100 Meeting House Rd Fayetteville Ga  
Address

[Signature]  
Signature of Notary Public  
3/25/24  
Date



PETITION No.: 1346-24

**OWNER'S AFFIDAVIT**

*(Please complete an affidavit for each parcel being rezoned)*

NAME: Allegiance Homes, llc

ADDRESS: 825 Hwy 74 S, Suite 101 PEachtree City Ga 30269

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

Allegiance Homes, llc affirms that she is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 250.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-80.

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 May 2, 2024 at 7:00 P.M.

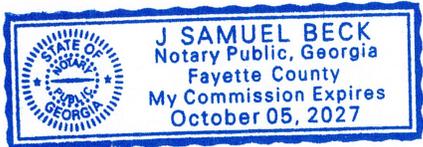
PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of May 23, 2024 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 25 DAY OF March, 2024.

[Signature]  
SIGNATURE OF PROPERTY OWNER

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

NOTARY PUBLIC



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

I/We, Allegiance Homes, llc, 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 Snead Rd as measured from the centerline of the road.

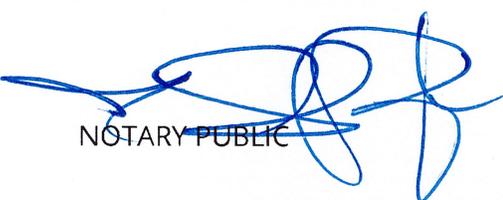
Based on the Future Thoroughfare Plan Map, streets have one of the following designations and the Fayette County Development Regulations require a minimum street width as specified below:

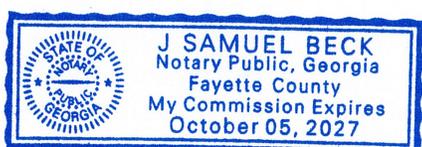
- Local Street (Minor Thoroughfare) 60-foot right-of-way (30' measured from each side of road centerline)
- Collector Street (Major Thoroughfare) 80-foot right-of-way (40' measured from each side of road centerline)
- Arterial Street (Major Thoroughfare) 100-foot right-of-way (50' measured from each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

Sworn to and subscribed before me this 25 day of March, 2024.

  
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

  
NOTARY PUBLIC

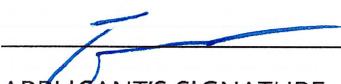


### DEVELOPMENTS OF REGIONAL IMPACT (DRI)

#### Rezoning Applicant:

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

Signed this 25 day of March, 2024.

  
 \_\_\_\_\_  
 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).

127 S 88°-13'-24" E 554.28'

TRACT NINE  
12.79 ACRES

GEORGIA, FAYETTE COUNTY  
Filed and Recorded this 20<sup>th</sup> Day  
of May, 2003, at 5:10 P.M.  
Book 38 Page 77  
*Lum C. Hall* Clerk

S 00°-19'-01" W 1179.41'

LLL

625.69'

N 00°-39'-20" E

LL 198

N 03°-38'-33" E 326.34'

N 1°-33'-02" E 300.15'

LLL

S 83°-54'-29" E 529.81'

ADDITION THIS TRACT  
TRACT TEN  
3.21 ACRES

S 06°-01'-11" W 193.87'

SNEAD ROAD

R/W DITCH TO OPEN

- |                             |                             |
|-----------------------------|-----------------------------|
| 1 2 S 89°-02'-40" W 70.54'  | 5 6 S 86°-57'-10" W 138.53' |
| 2 3 S 70°-23'-37" W 100.34' | 6 7 N 87°-21'-46" W 67.8'   |
| 3 4 S 73°-50'-45" W 72.76'  | 7 8 N 83°-36'-35" W 67.30'  |
| 4 5 S 89°-46'-04" W 77.88'  |                             |

3.21 ACRE TRACT

FIELD DATA FOR THIS SURVEY WAS CALCULATED FOR CLOSURE. ANGULAR ERROR IS 6 SEC. PER ANGLE. LINEAR PRECISION 1 FT IN 12,167 FT

PROPERTY OF

**LOUIS H. VICKERY**

LL 199 4TH DIST. FAYETTE CO.  
SCALE 1" = 100' MAY 16, 1995



*Lum C. Hall*

SURVEY BY  
**LUM HALL & ASSOCIATES INC.**  
FAYETTEVILLE GEORGIA

Please return to:  
Lawson, Beck & Sandlin, LLC  
1125 Commerce Drive, Suite 300  
Peachtree City, GA 30269  
File # 24-LAW-0291  
Att: Lexi Clarke  
Parcel Number: 0441 002

Participant ID(s): 1138094925,  
7067927936

**BK 5707 PG 301 - 302**

STATE OF GEORGIA  
COUNTY OF FAYETTE

**LIMITED WARRANTY DEED**

THIS INDENTURE made this 25th day of March, 2024 between

**Angie Crockett a/k/a Angela Dawn Crockett, Executor of Last Will & Testament of Martha Cawthon Vickery a/k/a Martha Vickery**

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

**Allegiance Homes, LLC**

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

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

All that tract or parcel of land lying and being in Land Lot 199 of the 4th District of Fayette County, Georgia, and being Tract Nine containing 12.79 acres and Tract Ten containing 3.21 acres as shown on a plat of survey prepared for Louis H. Vickery by Lum C. Hall, dated May 16, 1995, and being more particularly described as follows:

Beginning at the intersection of the Westerly Land Lot line of Land Lot 199 with the Northerly right-of-way of Snead Road, and running thence North 01 degree 33 minutes 02 seconds East a distance of 300.15 feet to a point; running thence North 03 degrees 38 minutes 53 seconds East a distance of 326.34 feet to a point; running thence North 00 degrees 39 minutes 20 seconds East a distance of 625.88 feet to a point; running thence South 88 degrees 13 minutes 24 seconds East a distance of 554.28 feet to a point; running thence South 00 degrees 19 minutes 01 seconds West a distance of 1,179.41 feet to a point, which point is located on the Northerly right-of-way of Snead Road; running thence in a Westerly, Southwesterly, and Westerly direction, and following along the right-of-way of Snead Road, the following courses and distances, to wit: South 89 degrees 02 minutes 40 seconds West a distance of 70.54 feet, South 70 degrees 23 minutes 37 seconds West a distance of 100.34 feet, South 73 degrees 50 minutes 45 seconds West a distance of 72.76 feet, South 89 degrees 46 minutes 04 seconds West a distance of 77.88 feet, South 86 degrees 57 minutes 10 seconds a distance of 138.53 feet, North 87 degrees 21 minutes 46 seconds West a distance of 67.18 feet, and North 83 degrees 36 minutes 35 seconds West a distance of 67.30 feet to a point and the POINT OF BEGINNING.

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:

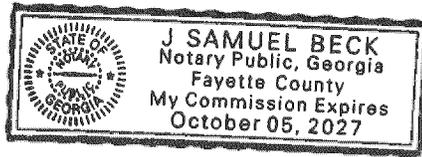
*[Handwritten signature]*

Unofficial Witness

*[Handwritten signature]*  
Notary Public

*Angie Crockett, Executor*

Angie Crockett a/k/a Angela Dawn Crockett,  
Executor of Last Will & Testament of Martha  
Cawthon Vickery a/k/a Martha Vickery



Krystina Elizabeth Garcia,  
Executor Estate of

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, May 2, 2024, at 7:00 P.M., and before the Fayette County Board of Commissioners on Thursday, May 23, 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.: 1346-24  
Owner/Agent: Allegiance Homes, LLC/ C. Mark McCullough  
Existing Zoning District: A-R  
Proposed Zoning District: R-80  
Parcel Number: 0441002  
Area of Property: 15.87 acres  
Proposed Use: R-80  
Land Lot(s)/District: Land lot 199 of the 4th District  
Fronts on: Snead

PROPERTY DESCRIPTION  
Legal Description

All that tract or parcel of land lying and being in Land Lot 199 of the 4th Land District of Fayette County, Georgia, and being more particularly described as follows:

Commence at a 1/2 inch rebar set located at the intersection of the westerly line of Land Lot 199 and the northerly right-of-way line of Snead Road (a 50 foot right-of-way), said point being the True Point of Beginning. From the True Point of Beginning thus established, run thence North 1 degree 29 minutes 23 seconds East a distance of 289.89 feet to an axle found; run thence North 3 degrees 35 minutes 20 seconds East a distance of 326.38 feet to an axle found; run thence North 00 degrees 42 minutes 1 second East a distance of 626.30 feet to a 1/2 inch rebar found; run thence South 88 degrees 16 minutes 4 seconds East a distance of 553.32 feet to a 1/2 inch rebar found; run thence South 00 degrees 11 minutes 46 seconds West a distance of 1,182.21 feet to a 1/2 inch capped rebar found located on the northerly right-of-way line of Snead Road (a 50 foot right-of-way); run thence South 89 degrees 53 minutes 13 seconds West a distance of 24.93 feet to a point; run thence along the arc of a curve to the left an arc distance of 149.70 feet to a point, said arc being subtended by a chord bearing South 81 degrees 18 minutes 34 seconds West a chord distance of 149.15 feet and having a radius of 500.97 feet; run thence South 72 degrees 43 minutes 55 seconds West a distance of 22.86 feet to a point; run thence along the arc of a curve to the right an arc distance of 137.31 feet to a point, said arc being subtended by a chord bearing South 81 degrees 00 minutes 49 seconds West a chord distance of 136.83 feet and having a radius of 475.00 feet; run thence South 89 degrees 17 minutes 42 seconds West a distance of 20.48 feet to a point; run thence along the arc of a curve to the right an arc distance of 235.04 feet to a 1/2 inch rebar set and the True Point of Beginning, said arc being subtended by a chord bearing North 88 degrees 00 minutes 49 seconds West a chord distance of 234.96 feet and having a radius of 2,501.99 feet;

Said tract or parcel of land containing 15.887 acres, more or less, and being depicted on that certain plat of survey prepared for Allegiance Development Group by Four Corners Surveying, Ronald T. Godwin, GA RLS No. 2695 dated March 20, 2024, reference to which plat is hereby made for a more complete and accurate description of the above-referenced property.

04/17

Department: Planning & Zoning

Presenter(s): Debbie Bell, Director

Meeting Date: Thursday, May 23, 2024

Type of Request: Public Hearing #5

Wording for the Agenda:

Consideration of Petition No. 1347-24, Luis Arango, owner; Jeff Lammes, Agent, request to rezone 1.446 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing an amenity area for a residential single-family neighborhood; property is located in Land Lot 60 of the 5th District.

Background/History/Details:

Applicant proposes to rezone 1.446 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing an amenity area for a residential single-family neighborhood.

As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 unit/1 acre) is designated for this area, so the request for R-50 zoning is appropriate. The parcel is a legal, nonconforming lot. The existing house on parcel 0510 039 does meet the dimensional requirements of the R-50 zoning district.

On May 2, 2024, the Planning Commission voted 4-0-1 to recommend approval. John Culbreth was absent.

Staff recommends APPROVAL of the request for a zoning of R-50, Single-Family Residential District.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1347-24, Luis Arango, owner; Jeff Lammes, Agent, request to rezone 1.446 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), for the purposes of developing an amenity area for a residential single-family neighborhood; property is located in Land Lot 60 of the 5th District.

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: 1347-24****REQUESTED ACTION:** Rezone from A-R to R-50**PARCEL NUMBER:** 0510 039**PROPOSED USE:** Single-Family Residential Subdivision/Amenity Area**EXISTING USE:** Single-Family Residential/Agricultural-Residential**LOCATION:** 1053 Hwy 85 S/Old Senoia Road**DISTRICT/LAND LOT(S):** 5<sup>th</sup> District, Land Lot 60**ACREAGE:** 1.446**OWNER(S):** Luis Arango**APPLICANT:** Jeff Lammes**AGENT:** Jeff Lammes**PLANNING COMMISSION PUBLIC HEARING:** May 2, 2024**BOARD OF COMMISSIONERS PUBLIC HEARING:** May 23, 2024

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**APPLICANT'S INTENT**

Applicant proposes to rezone 1.446 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing an amenity area for a residential single-family neighborhood.

**STAFF SUMMARY & PLANNING COMMISSION RECOMMENDATION**

As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 unit/1 acre) is designated for this area, so the request for R-50 zoning is appropriate. The parcel is a legal, nonconforming lot. The existing house on parcel 0510 039 does meet the dimensional requirements of the R-50 zoning district.

On May 2, 2024, the Planning Commission voted 4-0 to recommend approval. John Culbreth was absent.

Staff recommends **APPROVAL** of the request for a zoning of R-50, Single-Family Residential District.

## **INVESTIGATION**

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

This parcel is a legal lot of record in the A-R zoning district. It is a landlocked parcel that existed prior to November 13, 1980, so it qualifies as a nonconforming parcel. It has the required access easement to a public road. The existing house does meet the dimensional requirements of the R-50 zoning district.

This property is not subject to an overlay zone.

The applicant proposes to incorporate this parcel into the Eva Gardens subdivision, at which time it will be reconfigured to have the required road frontage, and to meet all other requirements of the Zoning Ordinance and Development Regulations.

### **B. REZONING HISTORY:**

There is no record of a prior rezoning.

### **C. CURRENT DEVELOPMENT HISTORY:**

Parcel contains a single-family residence and accessory buildings.

### **D. SURROUNDING ZONING AND USES**

Near the subject property is land which is zoned R-50. See the following table and the attached Zoning Map.

The subject property is bounded on all sides by the new subdivision called Eva Gardens, which is zoned R-50 and will be a single-family residential subdivision. The subject property will be incorporated into the subdivision.

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
All sides	42	R-50	Single Family Residential	Low Density Residential (1 unit/1 acre)

## E. COMPREHENSIVE PLAN

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

## F. ZONING/REGULATORY REVIEW

**Access & Right-of Way:** The property does not have road frontage in its current configuration. It is a legal lot of record with a recorded access easement. If it is approved for rezoning, the developer will revise the subdivision plan and provide the required road frontage on an interior subdivision street.

**Site Plan:** The applicant submitted a survey for the property and a concept plan for a single-family detached residential subdivision.

## G. DEPARTMENTAL COMMENTS

- Water System** – No comments.
- Public Works/Engineering**
  - **Road Frontage & Right of Way Dedication** - No dedication required.
  - **Traffic Data** – N/A
  - **Sight Distance** – N/A
- Environmental Management** - No objections.
  - **Floodplain Management** -- The property **DOES** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0112E dated September 26, 2008.
  - **Wetlands** -- The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. The owner or developer will be responsible for submitting proper documentation during the development process.
  - **Watershed Protection** -- There **ARE** state waters located on the subject property and WILL BE subject to the Fayette County Watershed Protection Ordinance.
  - **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 surfaces.
- Environmental Health Department** – This office has no objection to the proposed rezoning. This is not approval of future requirements of this office.
- Fire** – No comments.
- GDOT** – n/a

## **STANDARDS**

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

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

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

## **STAFF ANALYSIS**

1. The subject property lies within an area designated for Low Density Residential Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use.
2. The area around the subject property is an area that already has low density residential uses. It is staff's opinion that the zoning proposal is not likely to 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 low density residential.

## **ZONING DISTRICT STANDARDS**

### **Sec. 110-135. R-50, 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-50 zoning district:

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

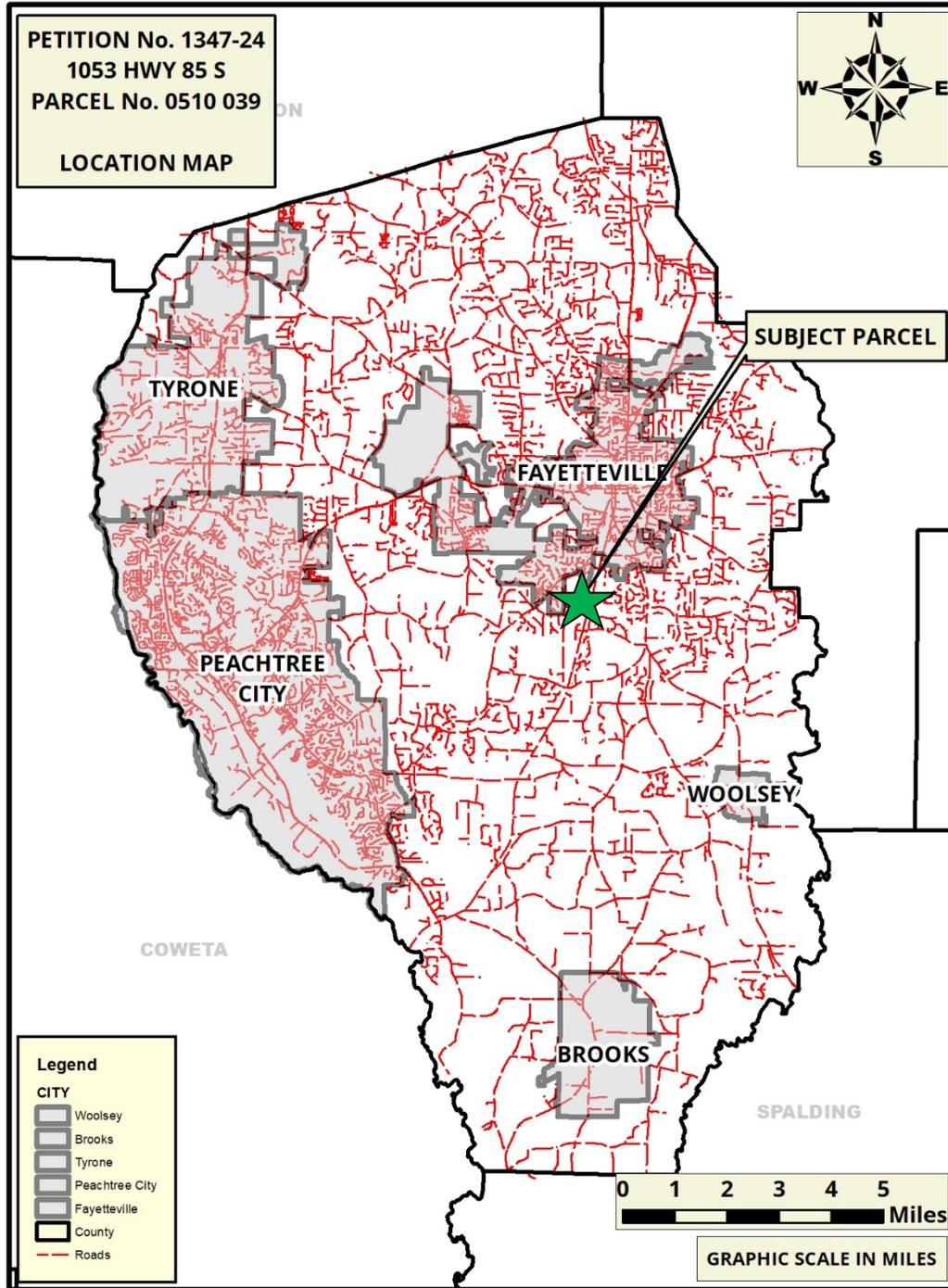
(c) *Conditional uses.* The following conditional uses shall be allowed in the R-50 zoning district provided that all conditions specified in article V of this chapter are met:

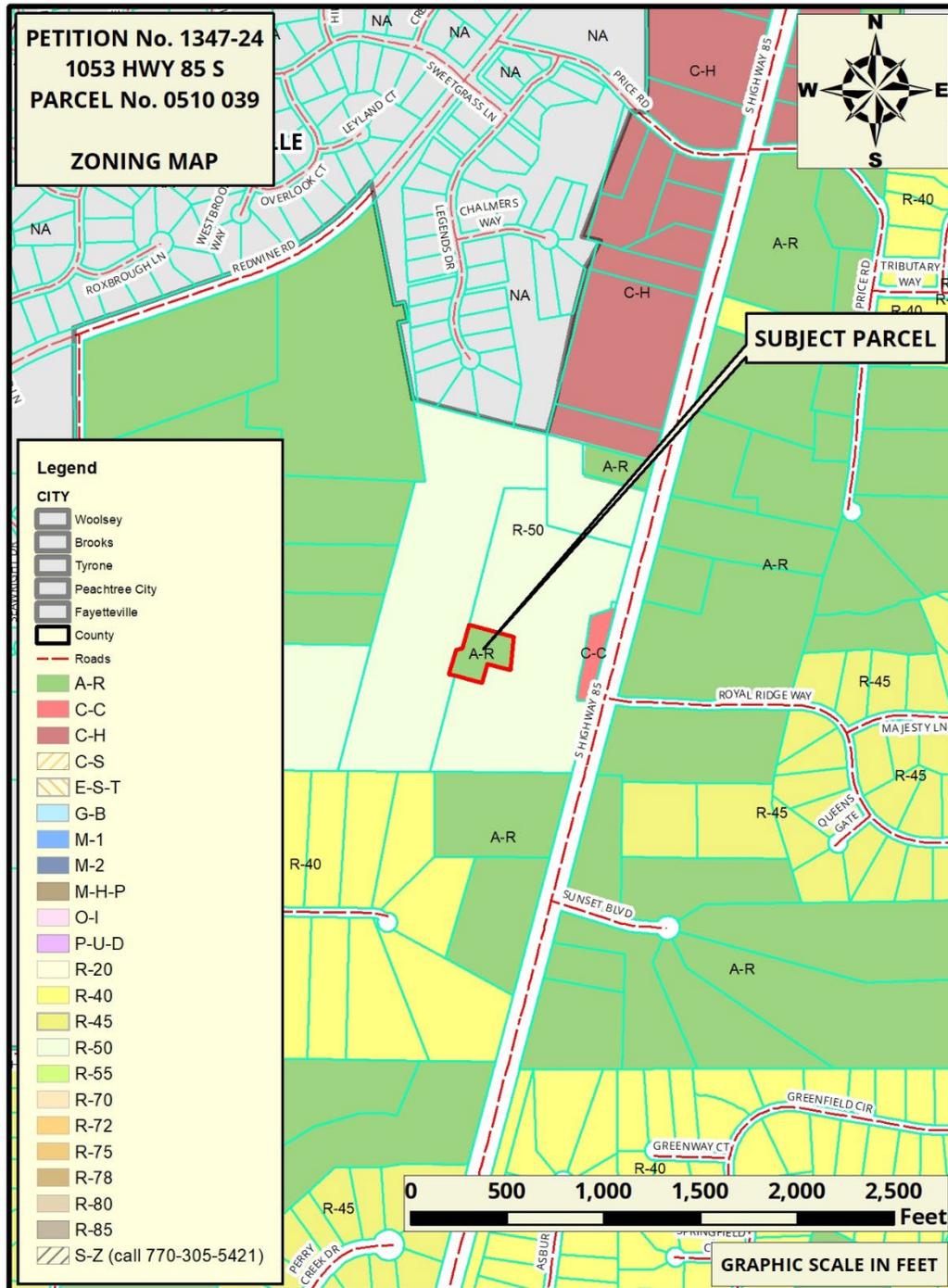
- (1) Church and/or other place of worship;
- (2) Developed residential recreational/amenity areas;
- (3) Home occupation;
- (4) Horse quarters; and
- (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

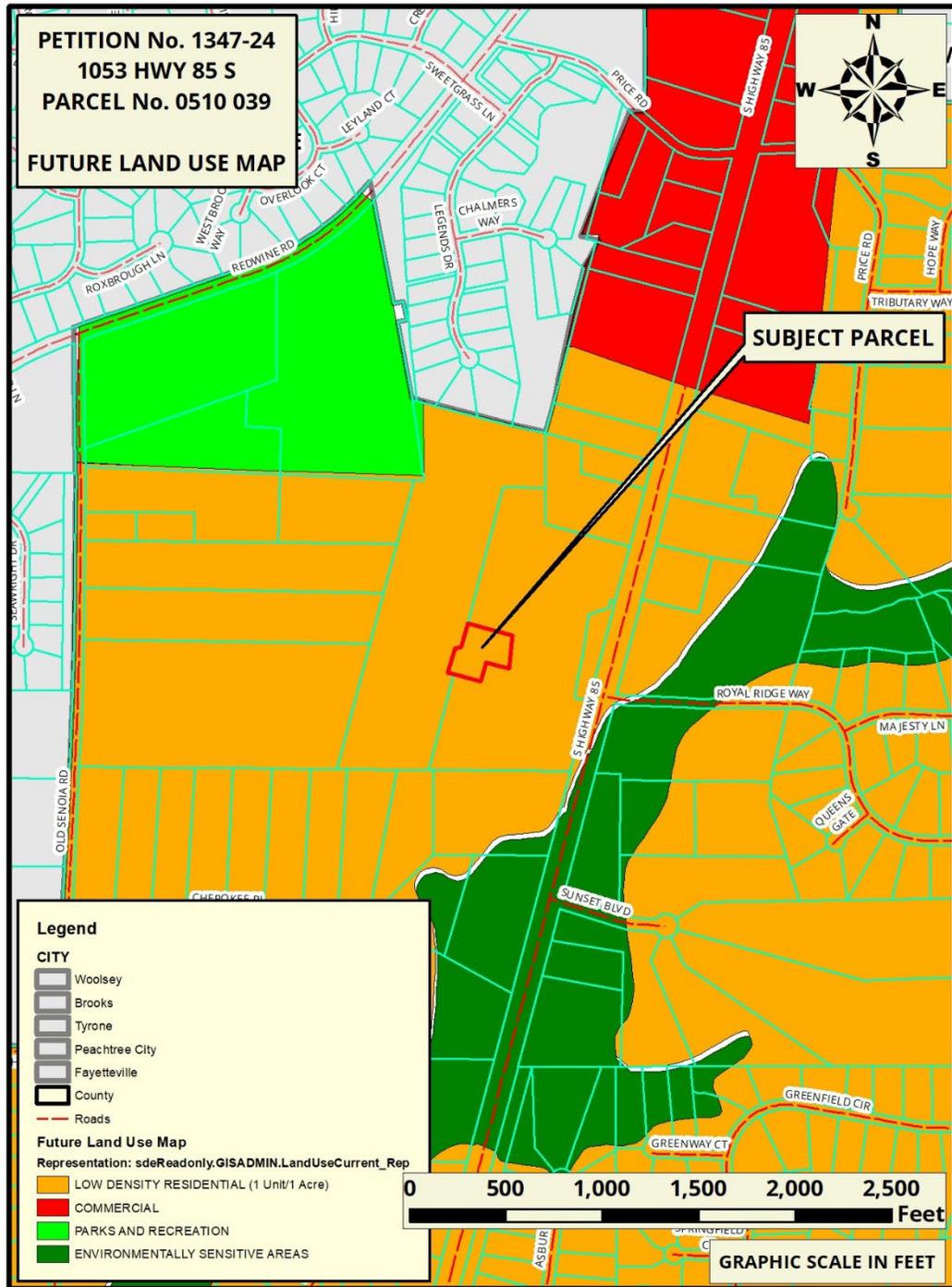
(d) *Dimensional requirements.* The minimum dimensional requirements in the R-50 zoning district shall be as follows:

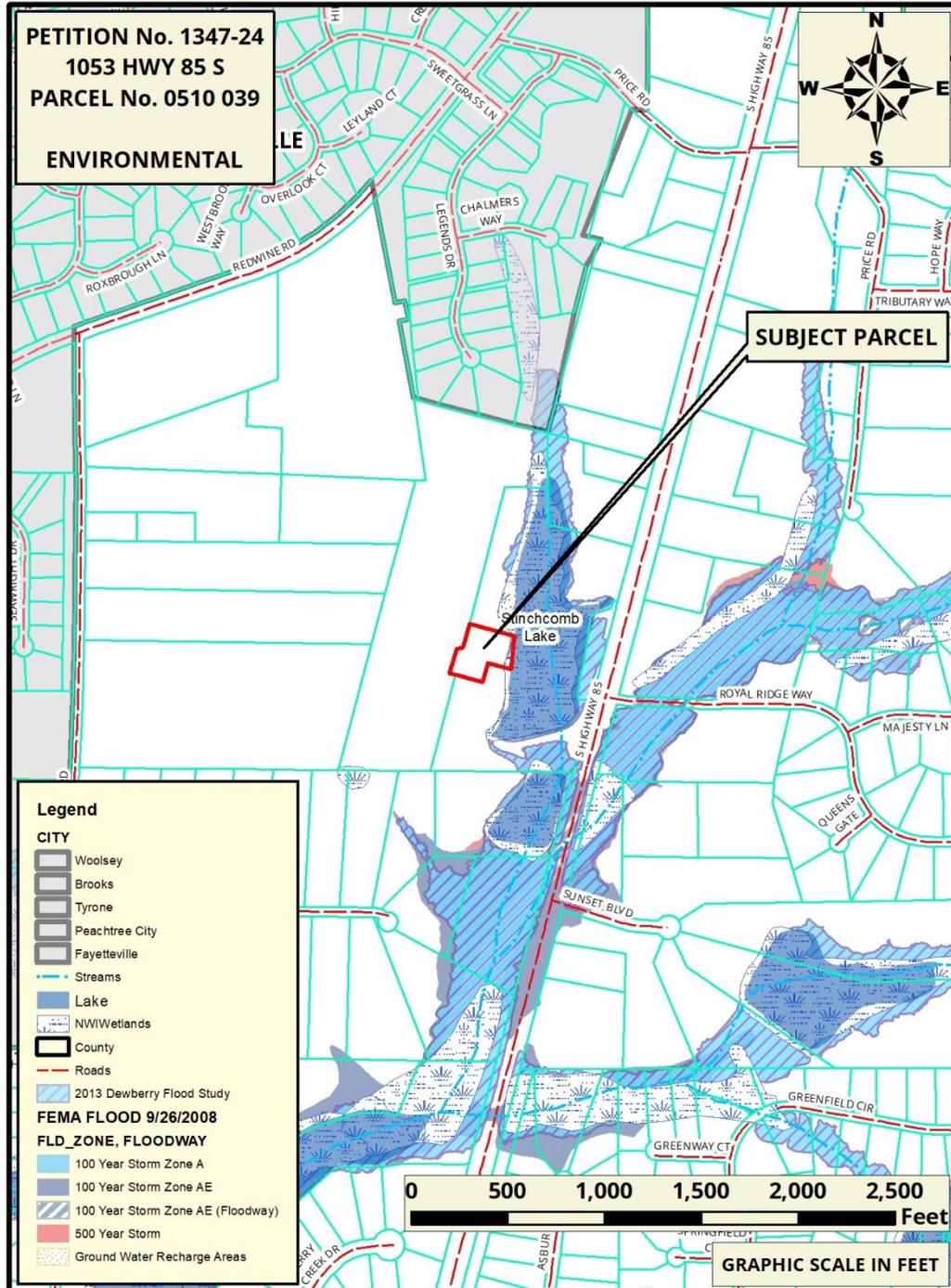
- (1) Lot area per dwelling unit:
  - a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one acre).
  - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres).
- (2) Lot width:
  - a. Major thoroughfare:
    1. Arterial: 150 feet.
    2. Collector: 150 feet.
  - b. Minor thoroughfare: 125 feet.
- (3) Floor area: 2,100 square feet.
- (4) Front yard setback:
  - a. Major thoroughfare:
    1. Arterial: 100 feet.
    2. Collector: 75 feet.
  - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 30 feet.
- (6) Side yard setback: 20 feet.
- (7) Height limit: 35 feet.

(Code 1992, § 20-6-11; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)















**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  
  
 E. Allison Ivey Cox, County Attorney

**AGENDA OF ACTIONS  
 FAYETTE COUNTY PLANNING COMMISSION MEETING  
 140 STONEWALL AVENUE WEST  
 May 2, 2024  
 7:00 pm**

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

**NEW BUSINESS**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. *Danny England made a motion to approve the agenda with the addition of the Minor Final Plat of the Adams Farm 1805, LLC and William Jerry Cleveland Property as item number 5, Minor Final Plat of 405 Bankstown Road as item number 6, minor final plat for Veterans Pkwy and Lees Mill South, LLC as item number 7, and Veterans Parkway Tract 1 as item 8. Public Hearing items will now be items 9-13. John Kruzan seconded the motion. The motion carried 5-0.*
4. Consideration of the Minutes of the meeting held on April 4, 2024. *Danny England made a motion to approve the minutes of the meeting held on April 4, 2024. Jim Oliver seconded the motion. The motion passed unanimously.*
5. Approval of Minor Final Plat of the Adams Farm 1805, LLC and William Jerry Cleveland Property. *John Kruzan made the motion to approve the Minor Final Plat of the Adams Farm 1805, LLC and William Jerry Cleveland. Danny England seconded the motion. The motion passed unanimously.*
6. Approval of the Minor Final Plat for 405 Bankstown Road. *John Kruzan made a motion to approve the Minor Final Plat for 405 Bankstown Road. Danny England seconded the motion. The motion carried 5-0.*
7. Approval of the Minor Final Plat for Veterans Pkwy and Lees Mill South, LLC. *John Kruzan made the motion to approve the Minor Final Plat for Veterans Pkwy and Lees Mill South, LLC. Danny England seconded the motion. The motion passed unanimously.*

8. Approval of the Minor Final Plat for Veterans Parkway Tract 1. ***John Kruzan made the motion to approve the Minor Final Plat for Veterans Parkway Tract 1. Danny England seconded the motion. The motion passed unanimously.***

### **PUBLIC HEARING**

9. Consideration of Petition No. 1345-24-A, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 0.964 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7<sup>th</sup> District and fronts on Ellison Road. ***Jim Oliver made the motion to recommend approval of Petition 1345-24-A with the following conditions:***

1. ***Within 180 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcel 0722 003.***
2. ***Within 120 days of approval of rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.***

***Danny England seconded the motion. The motion carried 5-0.***

10. Consideration of Petition No. 1345-24-B, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 17.171 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7<sup>th</sup> District and fronts on Ellison Road. ***Jim Oliver made the motion to recommend approval of Petition 1345-24-B with the following conditions:***

1. ***Within 180 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcel 0722 062.***
2. ***Within 120 days of approval of rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.***

***Danny England seconded the motion. The motion carried 5-0.***

11. Consideration of Petition No. 1345-24-C, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 1.137 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7<sup>th</sup> District and fronts on Ellison Road. ***Jim Oliver made the motion to recommend approval of Petition 1345-24-C with the following conditions:***

1. ***Within 180 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcels***

**0722 003 and 0722 062.**

- 2. Within 120 days of approval of rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.**

**Danny England seconded the motion. The motion carried 5-0.**

12. Consideration of Petition No. 1346-24, Allegiance Homes, LLC, owner; C. Mark McCullough, Agent, request to rezone 15.87 acres from A-R (Agricultural-Residential) to R-80 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 199 of the 4<sup>th</sup> District and fronts on Snead Road. **Jim Oliver made the motion to recommend approval with the following conditions:**

- 1. Snead Road is a County Local on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 30 feet of right-of-way as measured from the existing centerline of Snead Road.**
- 2. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the county within 60 days fo the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.**

**Danny England seconded the motion. The motion carried 4-0. Boris Thomas abstained.**

13. Consideration of Petition No. 1347-24, Luis Arango, owner; Jeff Lammes, Agent, request to rezone 1.446 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing an amenity area for a residential single-family neighborhood; property is located in Land Lot 60 of the 5<sup>th</sup> District. **John Kruzan made the motion to recommend approval of Petion 1347-24. Boris Thomas seconded the motion. The motion carried 4-0. John Culbreth was absent.**

PETITION No (s): 1347-2A

STAFF USE ONLY

**APPLICANT INFORMATION**

Name JEFF LAMMES  
Address 652 Sunflower Dr  
City Canton  
State GA Zip 30114  
Email jefflammes@gmail.com  
Phone 770 560 5195

**PROPERTY OWNER INFORMATION**

Name Mr. LOIS Arango  
Address 149 W85 Parkway Suite B  
City Fayetteville  
State GA Zip 30214  
Email Lois@arangoinsulation.com  
Phone 404 323 7397

**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: May 2, 2023

DATE OF COUNTY COMMISSIONERS HEARING: May 23, 2023

Received from Jeffrey A. Lammes a check in the amount of \$ 250.00 for application filing fee, and \$ 100.00 for deposit on frame for public hearing sign(s).

Date Paid: \_\_\_\_\_ Receipt Number: \_\_\_\_\_

3/11/2024

\$250.00

20477

3/13/2024

\$100.00

20479

PETITION No.: 1347-24 Fees Due: \_\_\_\_\_ Sign Deposit Due: \$100.00 Paid 3/13/24  
STAFF USE ONLY

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

Parcel # (Tax ID): 0510 021, 0510 002A Acreage: 1.09  
 Land District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_  
 Road Name/Frontage L.F.: \_\_\_\_\_ Road Classification: \_\_\_\_\_  
 Existing Use: AMMENITY Proposed Use: R-50  
 Structure(s): 0 Type: \_\_\_\_\_ Size in SF: 47,313  
 Existing Zoning: AMMENITY R50 Proposed Zoning: R50  
 Existing Land Use: AMMENITY Proposed Land Use: R-50 / AMMENITY  
 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): 0510 039 Acreage: 1.446  
 Land District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_  
 Road Name/Frontage L.F.: \_\_\_\_\_ Road Classification: \_\_\_\_\_  
 Existing Use: AR Proposed Use: R-50  
 Structure(s): 1 Type: Single Family Home Size in SF: 2550  
 Existing Zoning: AR Proposed Zoning: R-50  
 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:

Malveva Holdings LLC

*(Please Print)*

**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) \_\_\_\_\_ of the \_\_\_\_\_ District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of \_\_\_\_\_ 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.

X (I) [Signature]  
Signature of Property Owner 1

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of Property Owner 2

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of Property Owner 3

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Address

[Signature]  
Signature of Notary Public

03-11-24.  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



PETITION No.: \_\_\_\_\_

**OWNER'S AFFIDAVIT**

*(Please complete an affidavit for each parcel being rezoned)*

NAME: Luis Arango

ADDRESS: 149 N 85 Parkway

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

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

This property includes: (check one of the following)

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

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

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

SWORN TO AND SUBSCRIBED BEFORE ME THIS 11<sup>th</sup> DAY OF March, 2024

[Signature]

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

[Signature]

NOTARY PUBLIC



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

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

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

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

Sworn to and subscribed before me this 11<sup>th</sup> day of March, 2024.

[Signature]

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Maria Del Pilar Cordoba  
NOTARY PUBLIC



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

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: [www.dca.state.ga.us/DRI/](http://www.dca.state.ga.us/DRI/).
- C. I have reviewed and understand the attached "Thresholds: Developments of Regional Impact".
- [ ] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .
- [X] 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 11<sup>th</sup> day of March, 20204.

  
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.

# STATE OF GEORGIA

## Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

### Annual Registration

\*Electronically Filed\*

Secretary of State

Filing Date: 03/14/2024 10:48:45

#### BUSINESS INFORMATION

**BUSINESS NAME** : Malueva Holdings, LLC  
**CONTROL NUMBER** : 21292868  
**BUSINESS TYPE** : Domestic Limited Liability Company  
**ANNUAL REGISTRATION PERIOD** : 2024, 2025

#### BUSINESS INFORMATION CURRENTLY ON FILE

**PRINCIPAL OFFICE ADDRESS** : 149 N. 85 Parkway, Suite B, Fayetteville, GA, 30214, USA  
**REGISTERED AGENT NAME** : Luis G Arango  
**REGISTERED OFFICE ADDRESS** : 149 N. 85 Parkway, Suite B, Fayetteville, GA, 30214, USA  
**REGISTERED OFFICE COUNTY** : Fayette

#### UPDATES TO ABOVE BUSINESS INFORMATION

**PRINCIPAL OFFICE ADDRESS** : 643 Royer Court, Suite B, Atlanta, GA, 30342, USA  
**REGISTERED AGENT NAME** : Luis G Arango  
**REGISTERED OFFICE ADDRESS** : 149 N. 85 Parkway, Suite B, Fayetteville, GA, 30214, USA  
**REGISTERED OFFICE COUNTY** : Fayette

#### AUTHORIZER INFORMATION

**AUTHORIZER SIGNATURE** : Neftali Velez  
**AUTHORIZER TITLE** : Authorized Person



Department: Human Resources

Presenter(s): Lewis Patterson, Director

Meeting Date: Thursday, May 23, 2024

Type of Request: Consent #6

Wording for the Agenda:

Approval of the renewal of a two-year contract from July 1, 2024 to June 30, 2026 with Midwest Employers Casualty Company, at an annual cost of \$152,929.

Background/History/Details:

Fayette County's Workers Compensation coverage is a "self-insured" arrangement utilizing third parties for excess insurance and claims administration and uses Quadrant Insurance Managers as the broker. The County uses Georgia Administrative Services as the third party administrator for workers compensation claims administration, and Midwest Employee Casualty Company (MECC) for excess insurance and claims services.

Quadrant Insurance Managers contacted Midwestern Employers Casualty, American International Group (AIG) and Safety Mutual for quoting. Safety Mutual offered a quote with an increase in specific retention to \$1,000,000. The only viable quote received was from our current carrier, Midwest.

Staff's recommendation is to renew with Midwest for excess insurance with a two year contract, at an annual cost of \$152,929, as listed in the attached backup. This rate increase does not require an increase to our specific retention which will remain at \$750,000 per claim. Renewal rate specifics are attached for your review.

What action are you seeking from the Board of Commissioners?

Approval of the renewal of a two-year contract from July 1, 2024 to June 30, 2026 with Midwest Employers Casualty Company, at an annual cost of \$152,929.

If this item requires funding, please describe:

These funds reside in the Workers Compensation Self-Insurance Fund, 60110595-523182.

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

If so, when? Thursday, May 25, 2023

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

Backup Provided with Request? Yes

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

Approved by Finance Yes

Reviewed by Legal

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

24F921405



## QUOTATION QUADRANT INSURANCE MANAGERS<sup>SM</sup>

EPOCH UNDERWRITING MANAGEMENT AGENCY CORP  
501 W. SCHROCK RD., SUITE 301, WESTERVILLE, OHIO 43081  
PHONE: 614/841-1425 – FAX: 614/841-1426

**QUOTE NO.:** 24F921405

**DATE:** May 8, 2024

**TO:** Kenya Carter & Lewis Patterson / Fayette County BOC

**FROM:** Mark D. Harris, CIC

**INSURED:** Fayette County Board of Commissioners

**ADDRESS:** 140 Stonewall Ave. West, Suite 213, Fayetteville, GA 30214

**COVERAGE:** Excess Workers Compensation

**INSURER:** Midwest Employers Casualty Company (Admitted)

**AM BEST RATING:** A+ XV

**EXPIRING POLICY #:** EWC006548

**POLICY PERIOD:** Effective Date: July 1, 2024  
Term: One (1) and Two (2) Year Options available  
Starting at 12:01 a.m. Local Standard Time

### PREMIUM OPTIONS

	OPTION 1 YEAR TERM \$600,000 Retention	OPTION 2 YEAR TERM \$600,000 Retention
<b>ESTIMATED PREMIUM</b>	\$152,929	\$305,858

**SPECIFIC RETENTION:** (\$750,000) -Class 7710 GA – Firefighters & Drivers  
-Class 7720 GA – Policy Officers & Drivers

**COMMISSION:** -None

**CONDITIONS:** -MECC must be notified of any aircraft changes occurring during the Policy period.

**SUBJECT TO:** The Company's receipt, review and approval of the following items and additional information:  
-None



**Excess Workers Compensation  
Quotation Sheet**

Insurer: Midwest Employers Casualty Company

Policy Effective Date: 07/01/2024

Insured: Fayette County Board of Commissioners  
Policy #: EWC006548

POLICY TERMS	QUOTE OPTIONS			
	0250742	0250896		
<b>Named States</b>	GA	GA		
<b>SPECIFIC:</b>				
Specific Limit	STATUTORY	STATUTORY		
Specific Retention	\$600,000	\$600,000		
Specific Retention - 7710 GA	\$750,000	\$750,000		
Specific Retention - 7720 GA	\$750,000	\$750,000		
<b>EMPLOYERS LIABILITY:</b>				
Employers Liability Limit	\$1,000,000	\$1,000,000		
Employers Liability Retention	See Specific	See Specific		
<b>AGGREGATE:</b>				
Aggregate Limit	NA	NA		
Aggregate Retention	NA	NA		
Estimated Aggregate Retention	NA	NA		
Minimum Aggregate Retention	NA	NA		
<b>RATING BASE:</b>				
Est. Annual Payroll	\$51,963,795	\$51,963,795		
Est. Annual Manual Premium	\$1,045,717	\$1,045,717		
Length of Policy (Years)	1.000000	2.000000		
Est. Policy Normal Premium	\$1,045,717	\$2,091,434		
Rate per \$100 of Payroll	0.2943	0.2943		
<b>PREMIUM:</b>				
Total Est Policy Prd Premium (including Flat Charges)	\$152,929	\$305,858		
Policy Minimum Premium	\$137,637	\$275,273		
Deposit Premium	\$152,929	\$152,929		
Deposit Flat Charge(s)	NA	NA		
Total Deposit Due*	\$152,929	\$152,929		
<b>Terrorism Risk Ins Act of 2002 (incl in Total Deposit Due above)</b>	\$4,588	\$4,588		

\* The following states are subject to a premium surcharge: GA. The amount of the surcharge is not included in any premium amount shown above; it is in addition to the premium amount(s) above. The amount of the surcharge is subject to change as directed by the Department of Insurance and other agencies.

**CONDITIONS / COMMENTS:**

\* MECC must be notified of any aircraft changes occurring during the policy period.

**Endorsement Schedule  
Quotation**

Insurer: Midwest Employers Casualty Company

Policy Effective Date: 07/01/2024

Insured: Fayette County Board of Commissioners  
Policy #: EWC006548

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Quote Option(s) 0250896 Include(s) the following Endorsements:

CMB-187	Two Year Policy Short Rate Table
ISI-285	More Than One Premium Adjustment

The following endorsements apply to all quote options:

CMB-1	Amendment to Schedule Item 1
CMB-6-CLS	Amendment to Schedule Item 6
CMB-11	Amendment to Schedule Item 11
CMB-199	Policyholder Disclosure Notice of Terrorism Insurance
ISI-254-EXC	Aircraft Exclusion
ISI-261	Voluntary Compensation
ISI-GA (11-16)	Georgia

24F921405



***Higher limits may be available.***

***You must contact us in writing to bind. No binding authority is extended.***

***Payment is due 10 days after binding. Flat cancellation is not permitted.***

***This Quote is good until 07/01/2024.***

***All quotes, binders, policies, and endorsements to be provided via email unless otherwise requested in writing.***

The Quote embodies the terms, conditions and coverages the underwriters are willing to offer, regardless of what was requested in your submission. By receiving our Quote, you are acknowledging and accepting that the Quote may not be entirely consistent with your submission. Accordingly, we strongly encourage you to carefully read our Quote and compare our Quote to the coverages you requested in your submission. In addition, we strongly encourage you to carefully read the entire sample policy, if provided, to assist you in deciding whether or not you wish to accept the coverages offered by our Quote.

The sole purpose of this Quote is to facilitate your understanding of the proposed insurance program and is intended for reference only. Our Quote does not affirmatively or negatively amend, extend or alter the coverage afforded by any policy that may be issued to you. Please carefully read the actual policies for specific terms, conditions, limitations and exclusions that will govern in the event of a loss.

The information provided by our Quote has been provided to us by you and has not been verified by us. No representations or warranties, expressed or implied, have or will be made, and no responsibility or liability is or will be accepted by us or our broker, or by any of our respective subsidiaries, affiliates, officers, directors or agents as to, or in relation to, the accuracy or completeness of this Quote or any other written or oral information made available to you and any liability is hereby expressly disclaimed. In particular, no representation or warranty is given as to whether the coverage offered under the Quote or insurance policy covers all of your exposures to loss.

If there are certain exposures that need to be evaluated, please bring these exposures to our attention. Should any exposures change after coverage is bound, such as beginning new operations, hiring employees in new states, buying additional property, etc., please notify us immediately so proper coverage(s) can be discussed.

Please note that if between the date of your application and the effective date of binding coverage there exist any material changes in the information (including but not limited to claims or potential claims) originally submitted or subsequently requested by the Insurer, the applicant is required to advise the potential Insurer immediately and prior to binding the coverage. The potential Insurer fully reserves its rights with respect to the underwriting acceptance or denial of the account in the event of such a material change in information.

In order to complete the underwriting process, we require that you send us the additional information requested above. We are not required to bind coverage prior to our receipt, review and underwriting approval of the above information. However, if we do bind coverage prior to such approval, it shall be for a temporary period of not more than 30 days. Such temporary binding of coverage shall be void ab initio ("from the beginning") if we have not received, reviewed and approved in writing such materials within 30 days from the effective date of the temporary binder. Payment of premium shall not operate to extend the binding period or nullify the automatic voiding as described above.

**QUADRANT INSURANCE MANAGERS<sup>SM</sup>**  
EPOCH UNDERWRITING MANAGEMENT AGENCY CORP  
501 W. SCHROCK RD., SUITE 301  
WESTERVILLE, OHIO 43081



**Policyholder Disclosure  
Notice of Terrorism  
Insurance Coverage**

Coverage for acts of terrorism, as defined in the Terrorism Risk Insurance Act as amended, (the "Act"), is included in the quote for your policy.

As defined in Section 102(1) of the Act: The term "act of terrorism" means any act that is certified by the Secretary of the Treasury—in consultation with the Secretary of Homeland Security, and the Attorney General of the United States—to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property, or infrastructure; to have resulted in damage within the United States, or outside the United States in the case of certain air carriers or vessels or the premises of a United States mission; and to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion. Under your coverage, any losses resulting from certified acts of terrorism may be partially reimbursed by the United States Government under a formula established by the Act.

However, your policy may contain other exclusions which might affect your coverage, such as an exclusion for nuclear events. Under the formula, the United States Government generally reimburses 80% beginning on January 1, 2020 of covered terrorism losses exceeding the statutorily established deductible paid by the insurance company providing the coverage. The Act contains a \$100 billion cap that limits U.S. Government reimbursement as well as insurers' liability for losses resulting from certified acts of terrorism when the amount of such losses exceeds \$100 billion in any one calendar year. If the aggregate insured losses for all insurers exceed \$100 billion, your coverage may be reduced.

The portion of your annual premium that is attributable to coverage for acts of terrorism, as defined in the Act is shown below, and does not include any charges for the portion of losses covered by the United States government under the Act.

Quote Option	<u>0250742</u>	<u>0250896</u>
TRIA Charge:	\$4,588	\$4,588
	=====	=====

Name of Insurer: Midwest Employers Casualty Company

Name of Insured: Fayette County Board of Commissioners

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval for staff to acquire all fee simple right-of-way for the construction of the turn-around improvement on Crabapple Lane.

**Background/History/Details:**

Due to lack of turnaround access on Crabapple Lane, County staff seeks approval for staff to acquire the land necessary for future construction of a "T" shape turn-around intersection.  
  
A copy of the Right-Of-Way Exhibit is provided as back-up to this request.

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

Approval for staff to acquire all fee simple right-of-way for the construction of the turn-around improvement on Crabapple Lane.

**If this item requires funding, please describe:**

Funding is available from 234AE - Crabapple Cul-de-sac Construction CIP.

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



# Crabapple Lane Turnaround

RESERVED FOR COURT CLERK

N~F  
JOHN J. MAHER, III AND  
CYNTHIA M. MAHER et al  
DB 5568, Pg 87

N~F  
DEREK BRADFORD DOUGLAS  
DB 5415, Pg 226

N~F  
ALLEGIANCE DEVELOPMENT  
GROUP, LLC  
DB 5331, Pg 94



**GENERAL NOTES**

A GEOMAX ZOOM 90 ROBOTIC TOTAL STATION WITH A SOKIA SHC6000 DATA COLLECTOR WITH CARLSON SURV CE SOFTWARE WERE USED TO OBTAIN THE ANGULAR AND LINEAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THE HORIZONTAL CLOSURE OF THIS PLAT HAS BEEN CALCULATED TO BE 1:

THE HORIZONTAL AND VERTICAL DATUM FOR THIS SURVEY IS BASED ON GPS OBSERVATION WITH A STONEX S900 GPS RECEIVER ON THE "TOPNET" HARN NETWORK WITH REDUCTION TO GEORGIA STATE PLANE COORDINATES (WESTERN ZONE). NAD 1983/94 WEST & NAVD 1988.

UTILITIES SHOWN ON THIS PLAT ARE BASED ON READILY VISIBLE ABOVE GROUND EVIDENCE. UNDERGROUND UTILITIES MAY EXIST IN THIS SITE THAT ARE NOT SHOWN ON THIS SURVEY. UNDERGROUND UTILITIES SHOWN WERE MARKED AND MAPPED IN 2012.

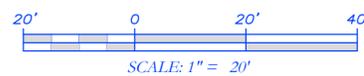
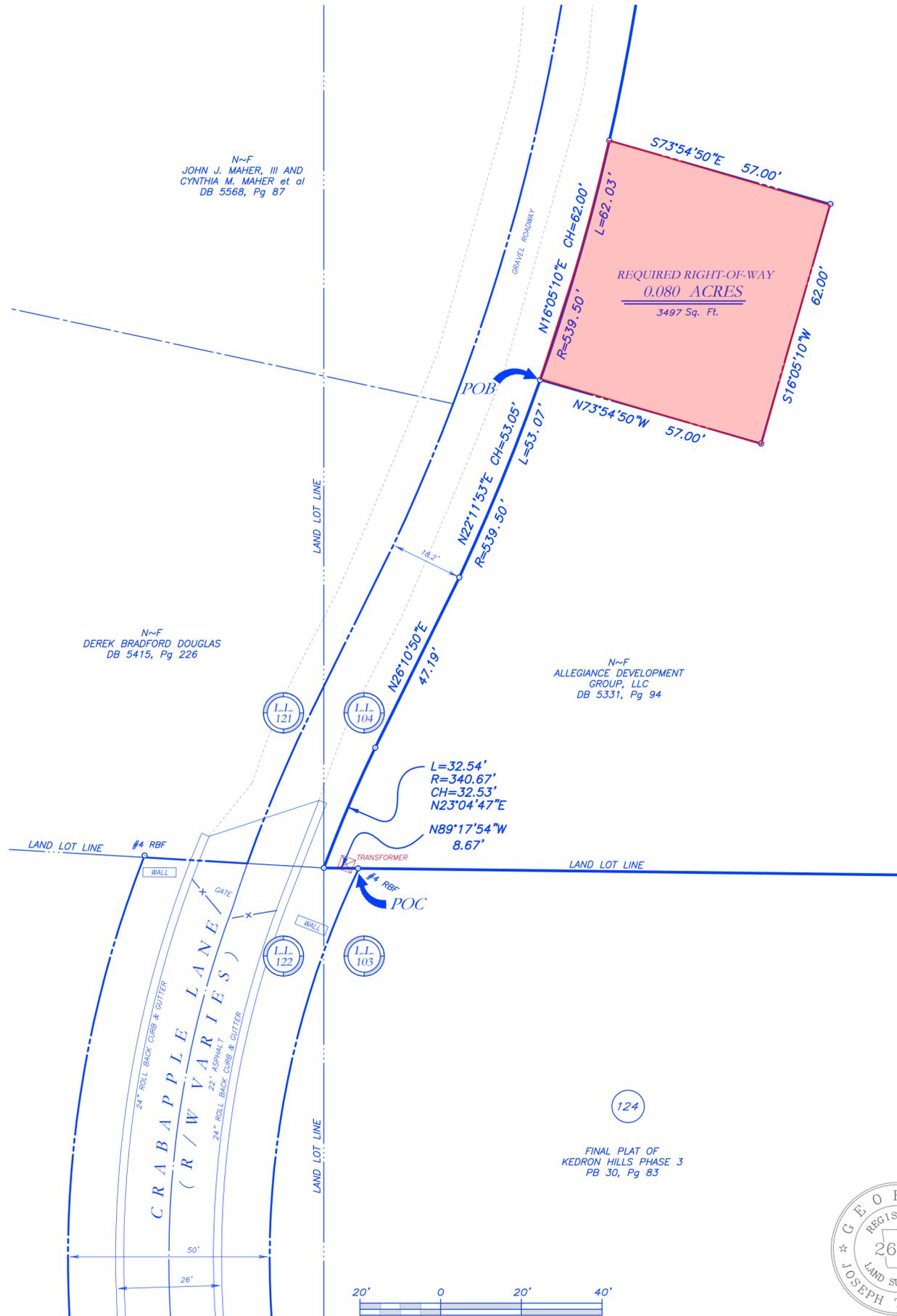
**SURVEY REFERENCES**

1. REFERENCE A LIMITED WARRANTY DEED TO ALLEGIANCE DEVELOPMENT GROUP LLC, DATED JUNE 18, 2021, RECORDED IN DEED BOOK 5331, PAGE 94 FAYETTE COUNTY RECORDS.
2. REFERENCE THE FINAL PLAT FOR KEDRON HILLS, PHASE 3, RECORDED IN PLAT BOOK 30, PAGE 83, FAYETTE COUNTY RECORDS.
3. REFERENCE THE FINAL PLAT FOR KEDRON HILLS, PHASE 2, RECORDED IN PLAT BOOK 29, PAGE 89, FAYETTE COUNTY RECORDS.

**SURVEYOR'S CERTIFICATION**

PER HB 76:  
THIS PROPERTY HEREON LIES COMPLETELY WITHIN A JURISDICTION WHICH DOES NOT REVIEW OR APPROVE ANY PLATS OR THIS TYPE OF PLAT PRIOR TO RECORDING. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION. AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS SET FORTH IN O.C.G.A. SECTION 15-6-17.

*J.T.B.*  
J. T. BAKER, LS 2674  
4/24/24  
DATE



LEGEND				
POB	POINT OF BEGINNING		FIRE HYDRANT	
POC	POINT OF COMMENCEMENT		WATER VALVE	
RBS	REBAR SET		WATER METER	
RBF	REBAR FOUND		GAS METER	
MNF	MAG NAIL FOUND		POWER METER	
MNS	MAG NAIL SET		ELECTRICAL BOX	
CRF	CAPPED REBAR FOUND		POWER POLE	
OTF	OPEN TOP PIPE FOUND		OVERHEAD ELECTRICAL	
CTF	CRIMP TOP PIPE FOUND		GUY WIRE	
CMF	CONCRETE MONUMENT FOUND		ROOF DRAIN	
DI	DROP INLET		DROP INLET	
CI	CATCH INLET		JUNCTION BOX	
YI	YARD INLET		SINGLE WING CATCH BASIN	
OCS	OUTLET CONTROL STRUCTURE		DOUBLE WING CATCH BASIN	
JB	JUNCTION BOX		HEAD WALL	
SWCB	SINGLE WING CATCH BASIN		SAFETY END SECTION	
DWCB	DOUBLE WING CATCH BASIN		UNDERGROUND GAS LINE	
HW	HEADWALL		UNDERGROUND WATER LINE	
FES	FLARED END SECTION		UNDERGROUND ELECTRIC LINE	
CMP	CORRUGATED METAL PIPE		UNDERGROUND TELECOM	
ROP	REINFORCED CONCRETE PIPE		SANITARY SEWER LINE	
SS	SANITARY SEWER		SANITARY SEWER MANHOLE	
F.M.E.	FORCE MAIN EASEMENT		CLEAN OUT	
S.S.E.	SANITARY SEWER EASEMENT		GREASE TRAP	
D.E.	DRAINAGE EASEMENT		FENCE	
W.E.	WATER EASEMENT		BOLLARD	

REVISIONS	DATE

JOB NO.	240409
DRAWN BY	STB
CHECKED	JTB
DATE	4/29/24
FIELD DATE	4/22/24
SCALE	1"=20'

**RIDGECREST SURVEYING COMPANY**  
234 DUCK HOLLOW DRIVE  
KENNESAW, GEORGIA 30152  
PHONE: (404) 255-0115

REQUIRED RIGHT-OF-WAY SURVEY FOR  
**FAYETTE COUNTY BOARD OF COMMISSIONERS**  
LOCATED IN LAND LOT 104 OF THE  
7TH DISTRICT OF FAYETTE COUNTY, GEORGIA

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval for staff to acquire all fee simple right-of-way and easements for the replacement of a failed storm water culvert at 120 Oak Hill Drive.

**Background/History/Details:**

On April 12, 2024, Public Works was notified of a failed storm water pipe on 120 Oak Hill Drive. Upon inspection, staff closed the road. Staff seeks approval to acquire the land necessary for future construction and replacement of the storm water culvert.

A copy of the Easement Exhibit is provided as back-up to this request.

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

Approval for staff to acquire all fee simple right-of-way and easements for the replacement of a failed storm water culvert at 120 Oak Hill Drive.

**If this item requires funding, please describe:**

Funding is available from 194AA - Environmental Management CIP.

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

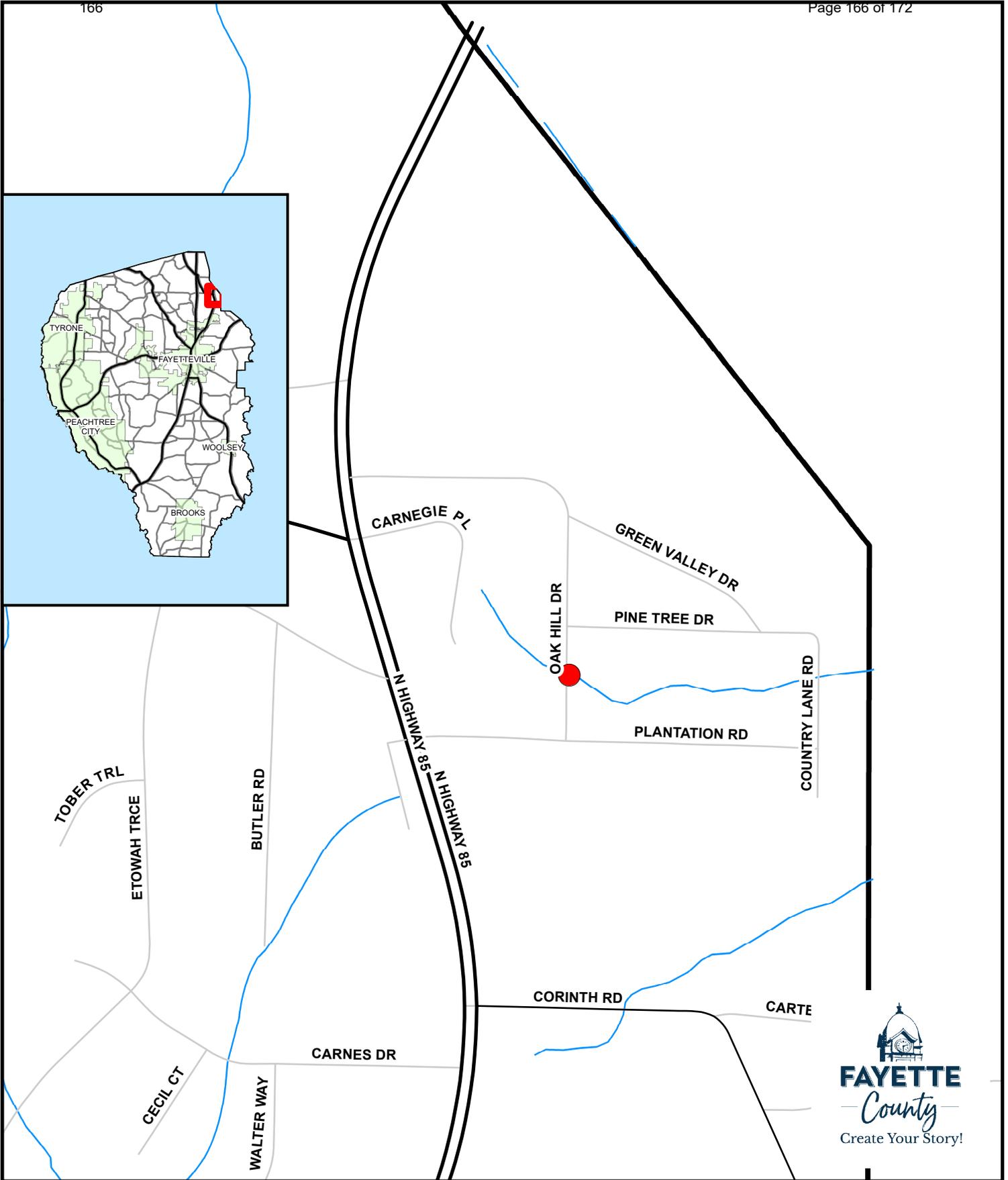
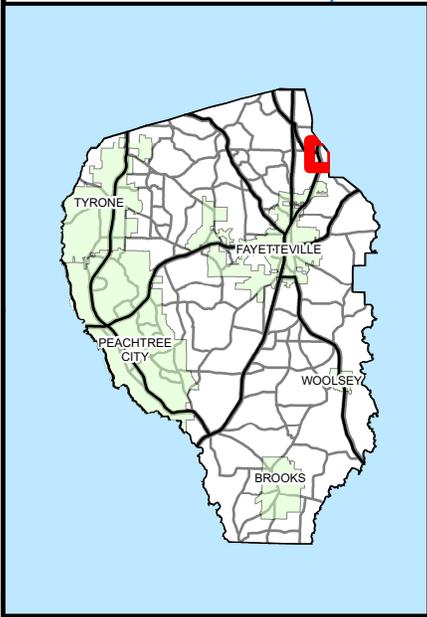
Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

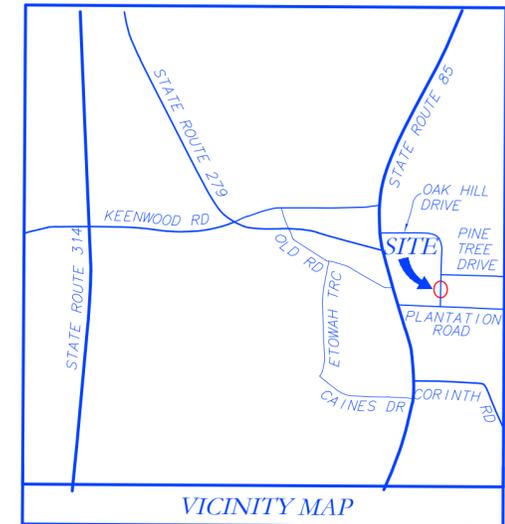


● Project Location



# 120 Oak Hill Dr Culvert Replacement

RESERVED FOR COURT CLERK



GENERAL NOTES

A GEOMAX ZOOM 90 ROBOTIC TOTAL STATION WITH A SOKIA SHC6000 DATA COLLECTOR WITH CARLSON SURV CE SOFTWARE WERE USED TO OBTAIN THE ANGULAR AND LINEAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THE HORIZONTAL CLOSURE OF THIS PLAT HAS BEEN CALCULATED TO BE 1:179.018

THE HORIZONTAL AND VERTICAL DATUM FOR THIS SURVEY IS BASED ON GPS OBSERVATION WITH A STONEX S900 GPS RECEIVER ON THE "TOPNET" HARN NETWORK WITH REDUCTION TO GEORGIA STATE PLANE COORDINATES (WESTERN ZONE). NAD 1983/94 WEST & NAVD 1988.

THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAPS FOR THIS AREA. THE MAP NUMBERS FOR THIS AREA ARE 13063C0068F AND THE DATE OF SAID MAP IS JUNE 7, 2017. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

UTILITIES SHOWN ON THIS PLAT ARE BASED ON VISIBLE ABOVE GROUND EVIDENCE. UNDERGROUND UTILITIES MAY EXIST IN THIS SITE THAT ARE NOT SHOWN ON THIS SURVEY. UNDERGROUND UTILITIES SHOWN WERE MARKED AND MAPPED IN 2012.

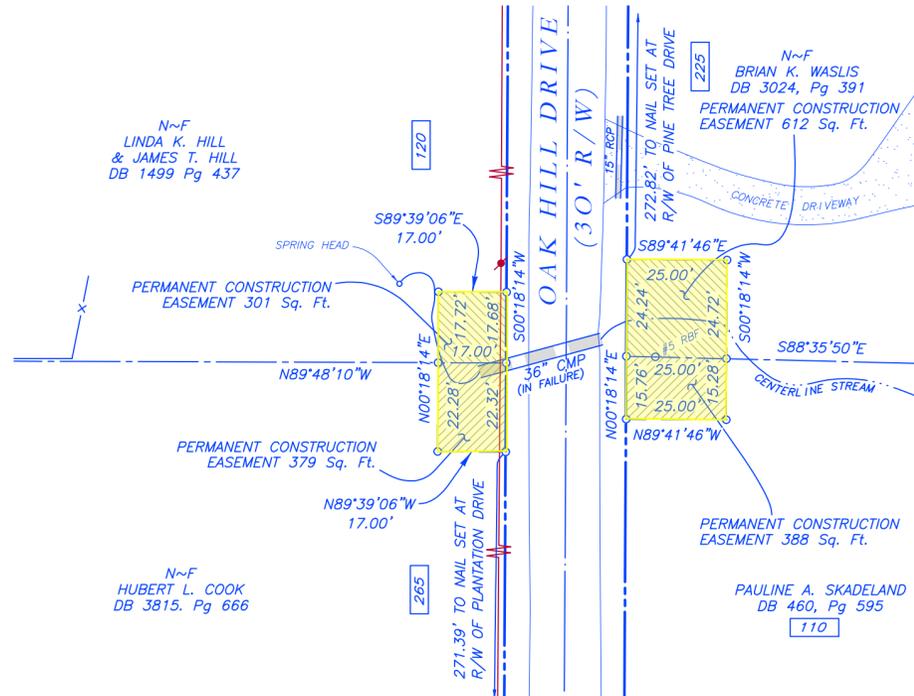
SURVEY REFERENCES

1. REFERENCE A SECURITY DEED TO LINDA K. HILL AND JAMES T. HILL, DATED MAY 2, 2000 AND BEING RECORDED IN DEED BOOK 1499, PAGE 437, FAYETTE COUNTY RECORDS.
2. REFERENCE A WARRANTY DEED TO HUBERT L. COOK, DATED SEPTEMBER 19, 2011 AND BEING RECORDED IN DEED BOOK 3815, PAGE 666, FAYETTE COUNTY RECORDS.
3. REFERENCE A QUIT CLAIM DEED TO BRIAN K. WASLIS, DATED MAY 16, 2006, RECORDED IN DEED BOOK 3024, PAGE 391, FAYETTE COUNTY RECORDS.
4. REFERENCE A WARRANTY DEED TO PAULINA A. SKADELAND, DATED JULY 15, 1987, RECORDED IN DEED BOOK 460, PAGE 595, FAYETTE COUNTY RECORDS

SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL 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 DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THAT PARCEL OR PARCELS ARE STATED HERE ON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA OF THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS SET FORTH IN O.C.G.A. SECTION 15-6-17.

*J.T.B.*  
 JOSEPH T. BAKER, LS 2674  
 DATE 11-24



GRID NORTH (GA WEST ZONE)

LEGEND			
POB	POINT OF BEGINNING	⊕	FIRE HYDRANT
POC	POINT OF COMMENCEMENT	⊙	WATER VALVE
RBS	REBAR SET	⊗	WATER METER
RBF	REBAR FOUND	⊘	GAS METER
MNF	MAG NAIL FOUND	⊙	POWER METER
MNS	MAG NAIL SET	⊗	ELECTRICAL BOX
CRF	CAPPED REBAR FOUND	⊘	POWER POLE
OTF	OPEN TOP PIPE FOUND	⊕	OVERHEAD ELECTRICAL
CTF	CRIMP TOP PIPE FOUND	⊙	GUY WIRE
CMF	CONCRETE MONUMENT FOUND	⊗	R.O.D.
DI	DROP INLET	⊘	ROOF DRAIN
CI	CATCH INLET	⊙	DROP INLET
YI	YARD INLET	⊗	JUNCTION BOX
OCS	OUTLET CONTROL STRUCTURE	⊘	SINGLE WING CATCH BASIN
JB	JUNCTION BOX	⊙	DOUBLE WING CATCH BASIN
SWCB	SINGLE WING CATCH BASIN	⊗	HEAD WALL
DWCB	DOUBLE WING CATCH BASIN	⊘	SAFETY END SECTION
HW	HEADWALL	⊙	UNDERGROUND GAS LINE
FES	FLARED END SECTION	⊗	UNDERGROUND WATER LINE
CMP	CORRUGATED METAL PIPE	⊘	UNDERGROUND ELECTRIC LINE
RCP	REINFORCED CONCRETE PIPE	⊙	UNDERGROUND TELECOM
SS	SANITARY SEWER	⊗	SANITARY SEWER LINE
F.M.E.	FORCE MAIN EASEMENT	⊘	SANITARY SEWER MANHOLE
S.S.E.	SANITARY SEWER EASEMENT	⊙	CLEAN OUT
D.E.	DRAINAGE EASEMENT	⊗	GREASE TRAP
W.E.	WATER EASEMENT	⊘	FENCE
		⊙	BOLLARD



**RIDGECREST SURVEYING COMPANY**  
 2234 DUCK HOLLOW DRIVE  
 KENNESAW, GEORGIA 30152  
 PHONE: (404) 295-0715

DATE	REVISIONS

TEMPORARY CONSTRUCTION EASEMENT PLAT FOR  
**FAYETTE COUNTY BOARD OF COMMISSIONERS**  
 LOCATED IN LAND LOT 233 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA AT 120, 225 & 265 OAK HILL RD AND 110 PLANTATION DR, FAYETTEVILLE, GEORGIA

**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**

May 9, 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 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month at 5:00 p.m.

**OFFICIAL SESSION:****Call to Order**

Chairman Lee Hearn called the May 9, 2024 Board of Commissioners meeting to order at 5:00 p.m. A quorum of the Board was present.

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

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

**Acceptance of Agenda**

Commissioner Maxwell moved to accept the agenda as written. He noted that State Senator Marty Harbin was present at the meeting and asked that he be given an opportunity to speak before the Board either before or after the presentations of the proclamations/recognitions portion of the meeting. Commissioner Oddo seconded. The motion passed 5-0.

**PROCLAMATION/RECOGNITION:**

- 1. Recognition of the Fire & Emergency Services Citizen Fire Academy graduates on their successful completion of the 10-week Citizen Fire Academy and presentation of certificates to the graduates.**

Fire Chief Jeff Hill recognized the Fire & Emergency Services Citizen Fire Academy graduates on their successful completion of the 10-week Citizen Fire Academy. Certificates were awarded to the members.

- 2. Recognition of National Public Works Week, May 19-25, 2024 in Fayette County.**

Transportation Engineer, Paola Kimbell, read the National Public Works Week proclamation recognizing the importance of public works in the community and how public works professionals contribute to and enhance the quality of life in all the communities they proudly serve.

State Senator Marty Harbin expressed his concern regarding Flat Creek Baptist Church- car show and ordinance updates that impact it. He noted that this car show was an extension of the churches worship and should be permissible as such. Senator Harbin urged the Board to reconsider exemptions to the ordinances that would allow for special circumstances and/or consideration for specific activities.

**PUBLIC HEARING:**

**PUBLIC COMMENT:**

The following residents made comments during public comments: Robin Sockness, Nelsonya Graves, Stacia Godwin, Anne Wittenburg, Bob Wittenburg, Cynthia Saracino, Susan Griffith, Lynn Lasher, and Laura Line.

Comments included, continued concerns and frustration regarding the animal shelter. Citizens expressed interest in having a cat enclosure, their disappointment with the size of the kennels, concerns regarding disease control/management at the facility, the lack of outdoor space, the lack of appropriate shade, interest in an advisory committee for community input, and concern regarding disclosing physical address as part of public comment during Board meetings.

**CONSENT AGENDA:**

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

3. **Approval of the Fire & Emergency Services Medical Director's agreement in the amount of \$23,000 effective July 1, 2024.**
4. **Approval to appoint Fayette County Fire Chief Jeffrey Hill to Position 2 of the Region 4 Emergency Medical Services (EMS) Advisory Council for a three-year term to expire June 30, 2027.**
5. **Acknowledgment of Sheriff Barry H. Babb's decision to accept one (1) 2024 Polaris Ranger Crew XD 1500 Multipurpose Off-Highway Motor Vehicle (Side By Side) from the inmate communications vendor, Securus.**
6. **Approval of the April 23, 2024 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

**NEW BUSINESS:**

7. **Request to approve Resolution 2024-04 to adopt 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.)**

Planning and Zoning Director, Debbie Bell, stated that she received notification that the Georgia Department of Community Affairs (DCA) approved the Fayette County 2023 Annual Report on Fire Services Impact Fees, including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2024-FY2028). The towns of Brooks, Woolsey and Tyrone had approved their resolutions to adopt as well. She continued stating that the next step was to adopt this report and for the adopting Resolutions to be transmitted to the Atlanta Regional Commission. This was required for each government to retain its Qualified Local Government status.

Vice Chairman Gibbons moved to approve Resolution 2024-04 to adopt 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). Commissioner Oddo seconded. The motion passed 5-0.

8. **Request to award Contract #2370-Q to Pond and Company for the Safe Streets and Roads for All (SS4A) Planning Study for a Not to Exceed (NTE) amount of \$390,000, for engineering and design services.**

Ms. Kimbell stated that this item was seeking approval to award the Safe Streets and Roads for All (SS4A) contract to Pond and Company for a Not to Exceed (NTE) amount of \$390,000, for engineering and design services.

Chairman Hearn asked for a brief overview of the Safe Streets and Roads for All (SS4A) Planning Study.

Ms. Kimbell stated that the Safe Streets and Roads for All (SS4A) program was to "improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and implementation focused on ALL users." Having an Action Plan was a prerequisite for submitting an Implementation Plan Grant application in subsequent years.

Chairman Hearn moved to approve to award Contract #2370-Q to Pond and Company for the Safe Streets and Roads for All (SS4A) Planning Study for a Not to Exceed (NTE) amount of \$390,000, for engineering and design services. Commissioner Oddo seconded.

Commissioner Rousseau expressed his concern for Helmer Road once a list was established for the Safe Streets and Roads for All (SS4A) program. He stated that it needed some safety improvements related to lighting and right-of-way concerns. He noted that he would be interested in reviewing the final list before it was approved.

Chairman Hearn moved to approve to award Contract #2370-Q to Pond and Company for the Safe Streets and Roads for All (SS4A) Planning Study for a Not to Exceed (NTE) amount of \$390,000, for engineering and design services. Commissioner Oddo seconded. The motion passed 5-0.

**9. Request to accept a Supplemental Local Maintenance and Improvement Grant (LMIG) in the amount of \$1,177,594.80 received from Georgia Department of Transportation (GDOT) and allow the Finance Department to amend FY24 revenue and expense budgets appropriately.**

Ms. Kimball stated that this item was seeking approval to accept a Supplemental Local Maintenance and Improvement Grant (LMIG) in the amount of \$1,177,594.80 received from Georgia Department of Transportation (GDOT) and to allow the Finance Department to amend FY24 revenue and expense budgets appropriately.

Chairman Hearn stated that this would include the purchase of asphalt for county roads and letting contracts for any resurfacing type of work.

Ms. Kimbell noted that there was no local match requirement with this grant.

Commissioner Oddo moved to approve to accept a Supplemental Local Maintenance and Improvement Grant (LMIG) in the amount of \$1,177,594.80 received from Georgia Department of Transportation (GDOT) and allow the Finance Department to amend FY24 revenue and expense budgets appropriately. Vice Chairman Gibbons seconded. The motion passed 5-0.

**10. Request to approve Contract #2000-P, Change Order No. 3, Badger Meter, Schedule of Values Adjustment, with a not-to-exceed amount of \$355,850, taken from contingency allowance, to provide additional adjustments for meter boxes, lids and large meter retrofit components.**

Water System Director, Vanessa Tigert, stated that this request was to approve contract #2000-P, Change Order No. 3, Badger Meter, Schedule of Values Adjustment, with a not-to-exceed amount of \$355,850, taken from contingency allowance, to provide additional adjustments for meter boxes, lids and large meter retrofit components.

Ms. Tigert stated that this change order would involve four (4) items:

- 1) The original contract prescribed 633-meter boxes to be replaced during this project. Based on deployment conditions in the field, a significantly higher volume of boxes was required. An additional 4,000 boxes needed to be purchased and installed totaling \$349,680.
- 2) The original contract prescribed replacing a 10-in meter for same. Analysis showed this meter should be an 8-inches meter requiring an additional reducer and flanged spool and labor to install, totaling \$2,830.
- 3) The original contract Statement of Values did not include 600 oval lid replacements totaling \$1,800.

4) Seven large Octave meters would be retrofitted and seven (7), 25 ft. Nicor cables were needed to connect the existing meter to new endpoint totaling \$1,540.

Vice Chairman Gibbons moved to approve Contract #2000-P, Change Order No. 3, Badger Meter, Schedule of Values Adjustment, with a not-to-exceed amount of \$355,850, taken from contingency allowance, to provide additional adjustments for meter boxes, lids and large meter retrofit components. Commissioner Oddo seconded.

Commissioner Rousseau asked why contingency funds were being used as opposed to M&O funding.

Ms. Tigert stated that contingency funds were included in the project for this exact reason because there were a lot of unknown factors that could not be determined until the project was underway and conditions could be evaluated.

Mr. Rapson added that all of this was currently funded within the AMI contract.

Vice Chairman Gibbons moved to approve Contract #2000-P, Change Order No. 3, Badger Meter, Schedule of Values Adjustment, with a not-to-exceed amount of \$355,850, taken from contingency allowance, to provide additional adjustments for meter boxes, lids and large meter retrofit components. Commissioner Oddo seconded. The motion passed 4-1, with Commissioner Rousseau voting in opposition.

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

##### **A: Contract #2411-A: Deer Forest Failing Pipe System Repairs**

##### **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 improvements, and a Water System update.

#### **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were four items for Executive Session. Two items involving threatened litigation, one item involving real estate acquisition, and the review of the April 23, 2024 Executive Session Minutes.

#### **COMMISSIONERS' REPORTS:**

##### **Commissioner Rousseau**

Commissioner Rousseau expressed appreciation for Public Works Week and recognized the public works professionals that contributed to and enhanced the quality of life here in our community proudly serving in all conditions.

He also expressed his appreciation to Interim Elections Director Beverly Daniel, extending a job well done to her and her team as they welcome the new Elections Director Briana Garrett as they enter the upcoming elections season.

Commissioner Rousseau invited all to attend the marker dedication for Ms. Nellie Mae Rowe on Wednesday, May 15<sup>th</sup> at 11 a.m.

##### **Chairman Hearn**

Chairman Hearn briefed the Board on conversations from his recent Atlanta Regional Commission (ARC) meeting where they discussed air pollution as it related to transportation planning and future growth/population, TIP amendment approval, and injury and car crash analysis.

#### **EXECUTIVE SESSION:**

**Two item involving threatened litigation, one item involving real estate acquisition, and the review of the April 23, 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 6:03 p.m. and returned to Official Session at 6:43 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 April 23, 2024 Executive Session Minutes:** Commissioner Oddo moved to approve the April 23, 2024 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

**ADJOURNMENT:**

Commissioner Oddo moved to adjourn the May 9, 2024 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 5-0.

The May 9, 2024 Board of Commissioners meeting adjourned at 6:43 p.m.

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Marlena M. Edwards, Chief Deputy County Clerk

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Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 23<sup>rd</sup> day of May 2024. Attachments are available upon request at the County Clerk's Office.

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Marlena Edwards, Chief Deputy County Clerk