

## 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

October 24, 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 Resolution 2024-11 adopting the 2024 Property Tax Millage Rate. (pages 3-7)
2. Consideration of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purpose of constructing a convenience store w/fuel pump; property located in Land Lot 151 of the 5th District, fronts on Banks Rd and Hwy 54. This petition was tabled at the September 26, 2024 Board of Commissioners meeting. (pages 8-82)
3. Consideration of Petition No. 1355-24, Andrea Pope Camp and Jordan Camp, Owners; Randy Board, Agent, request to rezone 41.78 acres from A-R to R-75 for the purpose of creating additional lots without any new infrastructure; property located in Land Lot 28 of the 7th District and fronts on Davis Road and Huiet Drive. This petition was tabled at the September 26, 2024 Board of Commissioners meeting. (pages 83-142)
4. Consideration of a Development Plan for a Manufactured Home Park for property consisting of three (3) parcels (#0704 002; #0704 004; 0704 052), with a combined area of 26.74 acres, located in Land Lot 26 of the 7th District and fronts State Route 54 West. (pages 143-186)

### 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:

5. Approval to award Change Order #8: Preventive Maintenance for Existing Radios to E.F. Johnson and to allocate \$144,841.95 from Contingencies and Enhancements in the Public Safety Radio System (#1428-P) to Maintenance and Support for additional preventative maintenance services to secure services and equipment for existing radios. (pages 187-195)

6. Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Joseph Redley, in the amount of \$354.89 for tax year(s) 2023. (page 196)
7. Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Steven Kruczek, in the amount of \$1,209.84 for tax year(s) 2021, 2022, 2023. (page 197)
8. Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by John Terrell (Terrick Holdings), in the amount of \$3,543.12 for tax year(s) 2021, 2022, 2023. (page 198)
9. Approval of disposition of tax refund, as requested by Joel P. Volle, in an adjusted amount of \$318.33 for tax year(s) 2021, 2022 and 2023. (page 199)
10. Approval of a supplemental federal grant for the DUI Accountability Court from the Governor's Office of Highway Safety, in the amount of \$35,000. (pages 200-202)
11. Approval to increase the current fee schedule allowing for the Fayette County Environmental Health Department to adjust fees comparable to surrounding counties. (pages 203-207)
12. Approval of the September 26, 2024 Board of Commissioners Meeting Minutes. (pages 208-214)

**OLD BUSINESS:**

**NEW BUSINESS:**

13. Request to approve the proposed Intergovernmental Agreement (IGA) between Fayette County and Clayton County for the Roundabout Project at South Jeff Davis, County Line, Inman, and North Bridge Roads (2004 SPLOST R-8A). (pages 215-227)
14. Request to award Bid #2428-B, Fayette County Resurfacing Program FY 2022 to the lowest responsive and responsible bidder, ER Snell Contractor Inc., for the amount of \$3,530,969.02 (2017 SPLOST 21TAC), contingent upon concurrence from the Georgia Department of Transportation (GDOT). (pages 228-232)
15. Request to award Contract #2461-B HA 5, High Density Mineral Bond to Holbrook Asphalt, Inc. in the amount of \$299,495.02. (pages 233-237)
16. Request to approve the revision to Fayette County Code Chapter 104-Development Regulations; Article IV. Floodplain Management; Sec. 104-87- Provisions for flood damage reduction to maintain the county's Federal Emergency Management Agency (FEMA) Community Rating Service level. (pages 238-242)

**ADMINISTRATOR'S REPORTS:**

A: Contract 2378-S: Water System Engineer of Record; Task Order 25-03: Trilith Booster Pump Station (page 243)

B: Contract 2378-S: Water System Engineer of Record; Task Order 25-04; Chlorine Disinfection Upgrade (page 244)

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

In accordance with the Americans with Disabilities Act, accommodations are available for those who are hearing impaired. The Board of Commissioners Agenda and supporting material for each item is available on-line through the County's website at [www.fayettecountyga.gov](http://www.fayettecountyga.gov). This meeting will be telecast on Comcast Cable Channel 23 and on the internet at <https://vimeo.com/user133262656>.



# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of Resolution 2024-11 adopting the 2024 Property Tax Millage Rate.

**Background/History/Details:**

Each year, the Board of Commissioners sets millage rates for the purpose of levying property taxes. Staff is requesting the Board to adopt Resolution 2024-11 to establish the 2024 property tax millage rates. This is a public hearing.

The proposed 2024 millage rates are as follows:

General Fund's Maintenance and Operations - 3.763 mills, (full millage rate rollback)

Fire Services - 3.070 mills, no change

EMS Services - 0.500 mills, no change

E-911 Services - 0.210 mills, no change

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

Adoption of Resolution 2024-11 adopting the 2024 Property Tax Millage Rate.

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

Not applicable.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

State of Georgia;  
County of Fayette

**RESOLUTION LEVYING COUNTY TAX  
FOR YEAR 2024  
No. 2024 - 11**

Upon motion duly made and unanimously passed, it is hereby ordered by the Board of Commissioners of Fayette County, Georgia, duly convened this 24th day of October 2024, that upon \$3,871,707,604 the value of all property taxable for County purposes in Fayette County, Georgia, as appears upon the digest thereof, and upon all other taxable property in unincorporated Fayette County, Georgia, there be levied and collected for County general maintenance and operations purposes as set forth in the Official Code of Georgia Annotated, Section 48-5-220, and as hereinafter amended and as otherwise authorized by law, a tax, ad valorem, for the year 2024, for all such purposes of \$3.763 per \$1,000.00 of assessed valuation, constituting a tax levy for County general maintenance and operations purposes of 3.763 mills.

Upon motion duly made and unanimously passed, it is hereby 24th day of October 2024, that upon \$6,373,776,851 the value of all property taxable for County purposes in Fayette County, Georgia, as appears upon the digest thereof, and upon all other taxable property in incorporated Fayette County, Georgia, there be levied and collected for County general maintenance and operation purposes, as set forth in the Official Code of Georgia Annotated, Section 48-5-220, as hereinafter amended and as otherwise authorized by law, ad valorem, for the year 2024, at the aggregated rate for all such purposes to be levied as follows:

1. All property located within the City of Fayetteville will be assessed at \$3.763 per \$1000.00 of assessed valuation, constituting an ad valorem tax levy for County general maintenance and operations purposes in Fayetteville of 3.763 mills;
2. All property located within the City of Peachtree City will be assessed at \$3.763 per \$1000.00 of assessed valuation, constituting an ad valorem tax levy for County general maintenance and operations purposes in Peachtree City of 3.763 mills;
3. All property located within the Town of Tyrone will be assessed at \$3.763 per \$1000.00 of assessed valuation, constituting an ad valorem tax levy for County general maintenance and operations purposes in Tyrone of 3.763 mills;
4. All property located within the Town of Brooks will be assessed at \$3.763 per \$1000.00 of assessed valuation, constituting an ad valorem tax levy for County general maintenance and operations purposes in Brooks of 3.763 mills;
5. All property located within the Town of Woolsey will be assessed at \$3.763 per \$1000.00 of assessed valuation, constituting an ad valorem tax levy for County general maintenance and operations purposes in Woolsey of 3.763 mills.

In accordance with provisions within the Constitution of the State of Georgia and the Official Code of Georgia, Fayette County has created a special tax district for the purpose of providing Fire Protection Services to its citizens, said special tax district encompassing all of Fayette County with the exception of that portion of Fayette County which constitutes the City of Peachtree City and the City of Fayetteville. Upon \$4,613,060,143 the value of all property taxable within the Special Fire District, as appears on the digest thereof, there shall be levied and collected a tax of \$3.070 per \$1,000.00 of assessed valuation, constituting a total tax levy for the Special Fire Tax District of 3.070 mills.

In accordance with provisions within Constitution of the State of Georgia and the Official Code of Georgia, Fayette County has created a special tax district for the purpose of providing Emergency Medical Services to its citizens, said special tax district encompassing all of Fayette County with exception of that portion of Fayette County which constitutes the City of Peachtree City. Upon \$6,343,240,541 the value of all property taxable within the Special EMS Tax District, as appears upon the digest thereof, there shall be levied and collected a tax of \$0.500 per \$1,000.00 of assessed valuation, constituting a total tax levy for the Special EMS Tax District of 0.500 mills.

In accordance with provisions within the Constitution of the State of Georgia and the Official Code of Georgia, Fayette County has created a special tax district for the purpose of providing 911 Communication Services to its citizens, said tax district encompassing all of Fayette County. Upon \$10,245,484,455 the value of all property within the Special 911 Tax District, as appears upon the digest thereof, there shall be levied and collected a tax of \$0.210 per \$1,000.00 of assessed valuation, constituting a total tax levy of the Special 911 Tax District of 0.210 mills.

Upon recommendation of the Fayette County Board of Education, it is ordered that upon \$7,172,988,872 the value of all property taxable for educational purposes in Fayette County as appears upon the digest thereof, and upon all other property in Fayette County, both real and personal, there be levied a tax, ad valorem, for the year 2024, for educational purposes in the amount of \$19.60 per \$1,000.00 of the assessed valuation on the digest as aforesaid, constituting a total tax levy for educational purposes of 19.600 mills.

It is further ordered that upon \$8,484,960,607 the value of all taxable property in said County as appears upon the digest thereof, computed by deducting only the special homestead exemption for certain persons 65 years of age and over, and upon all other taxable property in said County, both real and personal, there be levied and collected a tax, ad valorem, for the year 2024, for the purpose of providing a sinking fund for retiring bonded indebtedness and discharging interest thereof, of the Fayette County School District, in the amount of \$0.000 per \$1,000.00 of assessed valuation, constituting a total tax levy of 0.000 mills.

It is hereby ordered by the Board of Commissioners of Fayette County, Georgia, this 24th day of October 2024, that all taxes, as described and as levied by the adoption of this Resolution, shall be due and collected by the Tax Commissioner of Fayette County, by the close of the business day on January 15, 2025.

So, resolved this, the 24th day of October 2024, by the

BOARD OF COMMISSIONERS  
FAYETTE COUNTY, GEORGIA

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Lee Hearn, Chairman

Attest:

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Clerk/Deputy Clerk

## NOTICE OF PUBLIC MEETING TO SET 2024 MILLAGE RATES

The Fayette County Board of Commissioners does hereby announce that the 2024 millage rate will be set at a meeting to be held in the Public Meeting Room at the Fayette County Administrative Complex at 140 West Stonewall Avenue in Fayetteville on October 24, 2024 at 5:00 p.m. and pursuant to the requirements of O.C.G.A. Section 48-5-32 does hereby publish the following presentation of the current year's digest and levy, along with the history of the tax digest and levy for the past five years.

### FAYETTE COUNTY 2024 TAX DIGEST AND 5 YEAR HISTORY OF LEVY

<b>County Wide General Fund Maintenance &amp; Operations</b>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>
REAL & PERSONAL	6,593,185,713	6,967,532,050	7,478,217,442	8,728,907,267	9,835,827,426	10,675,916,891
MOTOR VEHICLES	76,126,340	64,266,750	52,387,510	47,767,920	47,826,250	44,771,670
MOBILE HOMES	3,538,585	3,538,585	4,259,768	4,738,316	5,640,735	13,719,410
TIMBER - 100%	27,660	34,130	74,979	0	0	0
HEAVY DUTY EQUIPMENT	554,624	1,200,161	636,602	475,216	381,081	360,477
GROSS DIGEST	6,673,432,922	7,036,571,676	7,535,576,301	8,781,888,719	9,889,675,492	10,734,768,448
LESS: M&O EXEMPTIONS	322,357,777	363,856,942	413,568,077	414,248,597	494,896,385	489,283,993
NET M&O DIGEST	6,351,075,145	6,672,714,734	7,122,008,224	8,367,640,122	9,394,779,107	10,245,484,455
GROSS M&O MILLAGE	6.356	6.242	6.000	5.889	5.843	5.511
LESS: ROLLBACKS	1.964	1.965	1.966	1.855	1.809	1.748
NET M&O MILLAGE	4.392	4.277	4.034	4.034	4.034	3.763
NET TAXES LEVIED	27,893,922.04	28,539,200.92	28,730,181.18	33,755,060.25	37,898,538.92	38,553,758.00
NET TAX \$ INCREASE	1,973,790.92	645,278.88	190,980.26	5,024,879.07	4,143,478.67	655,219.08
NET TAX % INCREASE	7.61%	2.31%	0.67%	17.49%	12.28%	1.73%

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purpose of constructing a convenience store w/fuel pumps; property located in Land Lot 151 of the 5th District, fronts on Banks Rd and Hwy 54. Tabled at the September 26, 2024 meeting.

**Background/History/Details:**

The property is a legal, nonconforming lot. It does not contain the minimum required acreage for the A-R zoning district, but it is a lot of record based on the ordinance criteria. The reduction in lot area was a result of right-of-way acquisitions for road improvements. The property was the subject of a request to rezone from A-R to C-H in 2009. On June 26, 2003, the Board voted, 5-0, to deny that request.

The Future Land Use Plan in the Comprehensive Plan indicates Low-Density Residential (1 unit / 1 acre) as the planned use for this area.

On September 5, 2024, the Planning Commission voted, 4-0, to recommend DENIAL of the request to rezone from A-R to C-C.

At the September 26, 2024, Board of Commissioners meeting, pursuant to Sec. 110-298, the petitioner was granted a request to table because a full board was not present.

Staff recommends DENIAL of the request because it is not in conformance with the Future Land Use Plan.

Should the Board approve this petition, there are 4 (four) conditions recommended by staff. Please refer to the staff report for the recommended conditions, which are related to right of way dedication and sidewalks.

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

Staff recommends DENIAL of the request to rezone form A-R to C-C because the C-C zoning does not conform with the Future Land Use plan.

**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:**

Staff has received a number of letters and emails from residents in the area who are opposed to the request. These letters are included in the agenda package.



**PETITION NO: 1353-24**

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

**PARCEL NUMBER:** 0532 023

**PROPOSED USE:** Convenience Store with fuel pumps

**EXISTING USE:** Vacant land

**LOCATION:** Banks Road and SR 54 East

**DISTRICT/LAND LOT(S):** 5<sup>th</sup> District, Land Lot 151

**ACREAGE:** 4.86 acres

**OWNER(S):** The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix

**APPLICANT(S):** Sudesh Dhingra

**AGENT(S):** Jim Kelly, Agent; Newton Galloway, Attorney

**PLANNING COMMISSION PUBLIC HEARING:** September 5, 2024

**BOARD OF COMMISSIONERS PUBLIC HEARING:** October 24, 2024

*Note: At the September 26, 2024, Board of Commissioners meeting, pursuant to Sec. 110-298, the petitioner was granted a request to table because a full board was not present.*

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**APPLICANT'S INTENT**

Applicant proposes to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store with fuel pumps.

**PLANNING COMMISSION RECOMMENDATION**

On September 5, 2024, the Planning Commission voted 4-0 to recommend **DENIAL** of the request to rezone from A-R to C-C.

**STAFF RECOMMENDATION**

As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 unit/1 acre) is designated for this area, so the request for C-C zoning is not appropriate. Based on the Investigation and Staff Analysis, Planning & Zoning Staff recommends **DENIAL** of the request for a zoning of C-C, Community Commercial District.

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

1. Applicant to provide a minimum of 40 feet of ROW as measured from the existing road

centerline or at least 10 feet beyond edge of payment for acceleration / deceleration lanes, whichever is greater.

2. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.
3. Entrance location on Banks Road shall be limited to a right in right out and as recommended by GDOT the driveway shall be a minimum of 200ft from the return radius of Banks Road and SR 54.
4. Applicant shall extend existing sidewalk along Banks Road for the length of the property.

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

The property is a legal, nonconforming lot. It does not contain the minimum required acreage for the A-R zoning district, but it is a legal lot of record based on the ordinance criteria. The reduction in lot area was a result of right-of-way acquisitions for road improvements.

The property has access on Banks Road and SR 54 East. Georgia DOT will review and approve access engineering & construction plans within their jurisdiction. Please refer to GDOT comments in the Departmental Comments section.

This property is located in the General State Route Overlay Zone. All developments are required to meet the Overlay criteria.

**B. REZONING HISTORY:**

The property was the subject of a rezoning application in 2003 (Petition No. 1109-03). The owner(s) requested to rezone from A-R to C-H. The Planning Commission recommended a rezoning to R-40 rather than C-H, as that was in alignment with the Future Land Use Plan. The Board of Commissioners heard the request to rezone to C-H on June 26, 2003, and voted 5-0 to deny the request.

**C. CURRENT DEVELOPMENT HISTORY:**

The property is currently vacant land.

**D. SURROUNDING ZONING AND USES**

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

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

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
Northwest	7.6	R-40	Single Family Residential	Low Density Residential (1 Unit /1 acre)
East (across Hwy 54)	2.0 3.75	R-40 A-R	Single Family Residential	Low Density Residential (1 Unit /1 acre)
Southwest (across Banks Rd)	2.8	R-45	Single Family Residential	Low Density Residential (1 Unit /1 acre)
South (across intersection)	1.1	R-40	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 NOT** conform to the Fayette County Comprehensive Plan.

## F. DEPARTMENTAL COMMENTS

- Water System** – FCWS has no objections to the rezoning.
- Public Works**
  - **Road Frontage Right of Way Dedication** -- Banks Road is a **collector road**. Applicant to provide a minimum of 40 feet of ROW as measured from the existing road centerline or at least 10 feet beyond edge of payment for acceleration / deceleration lanes, whichever is greater. Please refer to the Fayette County detail "Typical Decel Lane". SR 54 is a state route and GDOT controls right of way along the existing frontage.
  - **Traffic Data** -- According to the GDOT on-line traffic data, the annual average daily traffic for SR 54 is **16,660 vehicles per day (2023)**. Banks Road traffic data by Fayette County Public Works was **12,751 vehicles per day (2022)**.
  - **Sight Distance and access** -- Minimum sight distances will have to be satisfied for the proposed new road intersection on Banks Road. GDOT will provide access to SR 54 and sight distance requirements.
  - **GDOT Comments** -- The GDOT right way stops just beyond the radius of Banks Road; however, an access on Banks Road should be a minimum of 200' from the radius return of SR 54 and an access on SR 54 should be a minimum of 350' from the radius return of Banks Road. *Stanford Taylor*
- Environmental Management**
  - **Floodplain Management** -- The site **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0108E dated September 26, 2008, or in the FC Flood Study.
  - **Wetlands** -- The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
  - **Watershed Protection** -- There **ARE NO** state waters located on the subject property per Fayette County GIS.
  - **Groundwater** -- The property **IS NOT** within a groundwater recharge area.
  - **Post Construction Stormwater Management** -- This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surface and be classified as a hotspot per the stormwater ordinances.
  - **Landscape and Tree Replacement Plan** -- This development **WILL BE** subject to the Nonresidential Development Landscape Requirements and Tree Retention, Protection and Replacement Ordinances.
- Environmental Health Department** – This office has no objection to the rezoning. This does not constitute approval or agreeance of usable soils for septic purposes.
- Fire** – No objections to the requested rezoning.

## **STANDARDS**

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

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

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

## **STAFF ANALYSIS**

1. The subject property lies within an area designated for Low Density Residential Uses. This request does not conform to the Fayette County Comprehensive Plan in terms of the use.
2. The area around the subject property is an area that already has various residential uses. It is staff's opinion that the zoning proposal might adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that a commercial use would generate a greater number of daily vehicle trips than would a residential use situated on this same parcel. Staff does not think this development will have an adverse impact on utilities or schools.
4. The proposal is not consistent in character and use with the surrounding uses as low density residential.

## **ZONING DISTRICT STANDARDS**

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

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

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

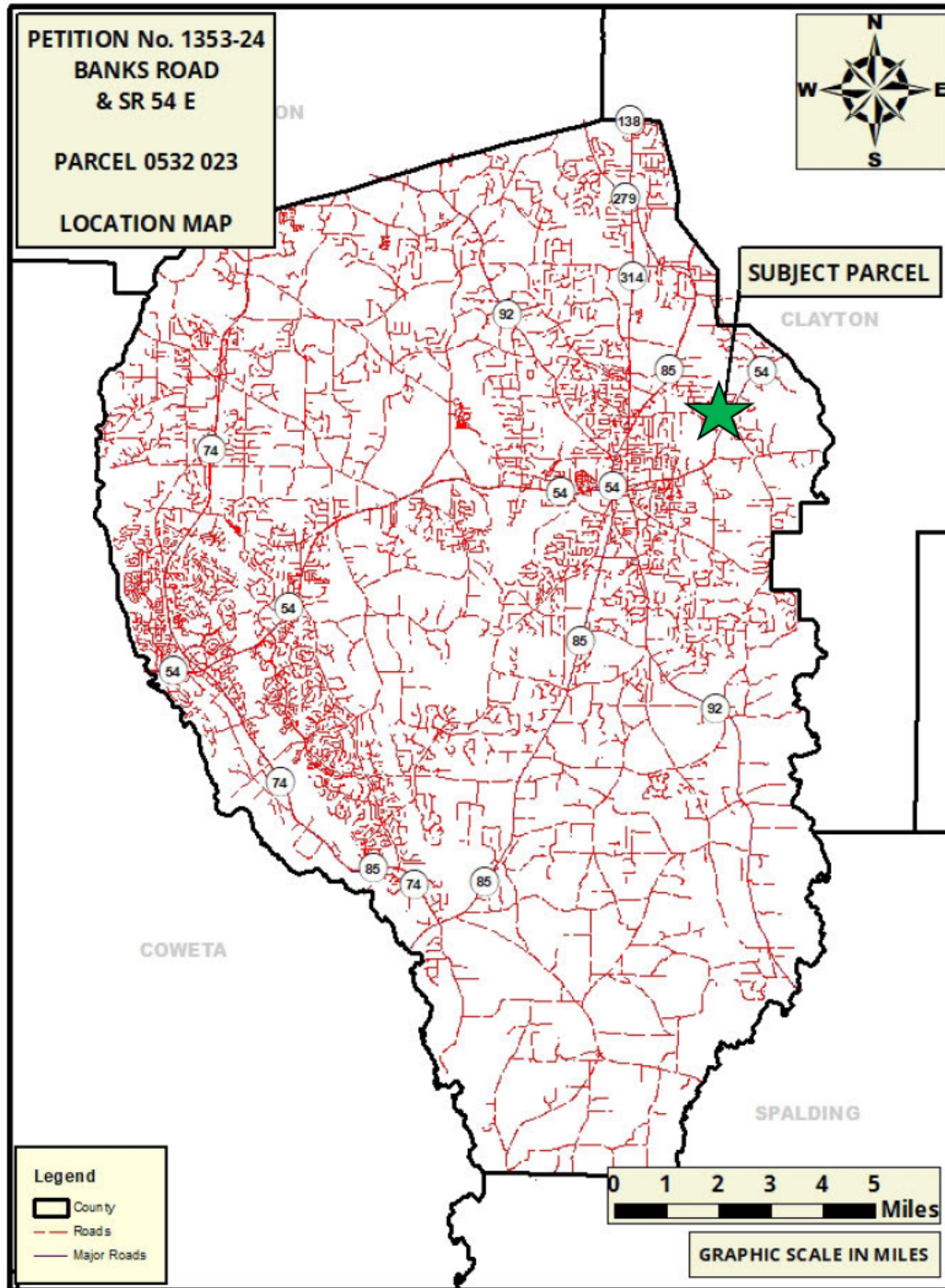


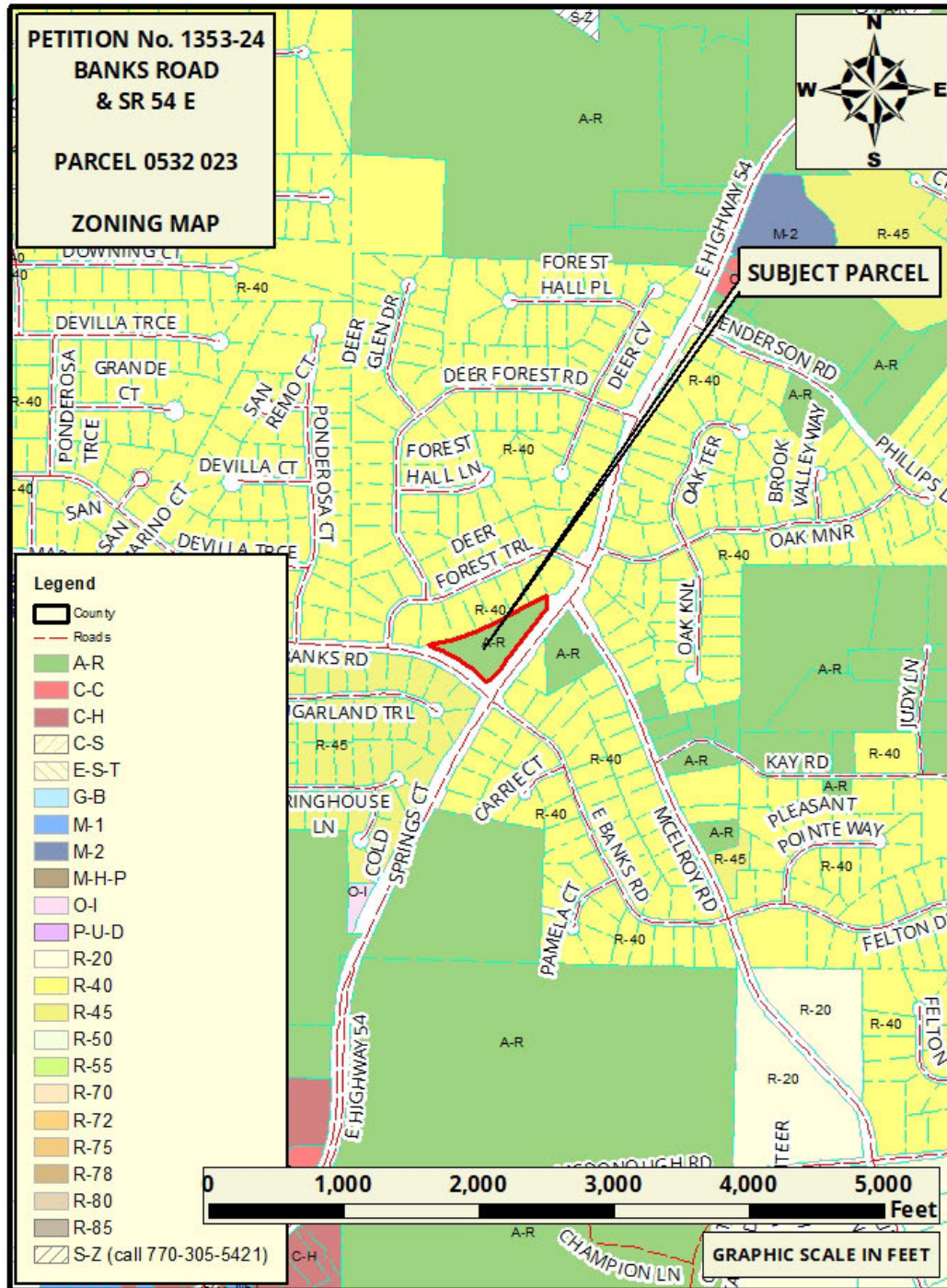
- (40) Private school, including, classrooms and/or administration only;
  - (41) Radio studio;
  - (42) Recording studio (audio and video);
  - (43) Restaurant, (including drive-in and/or drive-through);
  - (44) Retail establishment;
  - (45) Smoking lounge (subject to state and local tobacco sales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

- (1) Lot area:
    - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
    - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
  - (2) Lot width: 125 feet.
  - (3) Front yard setback:
    - a. Major thoroughfare:
      1. Arterial: 75 feet.
      2. Collector: 70 feet.
    - b. Minor thoroughfare: 65 feet.
  - (4) Rear yard setback: 15 feet.
  - (5) Side yard setback: 15 feet.
  - (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.
  - (7) Height limit: 35 feet.
  - (8) Screening dimensions for parking and service areas as provided in article III of this chapter and chapter 104.
  - (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.
- (Code 1992, § 20-6-19; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2018-11, § 4, 10-25-2018; Ord. No. 2021-09, § 2, 5-27-2021)

Sec. 110-169. Conditional use approval.

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







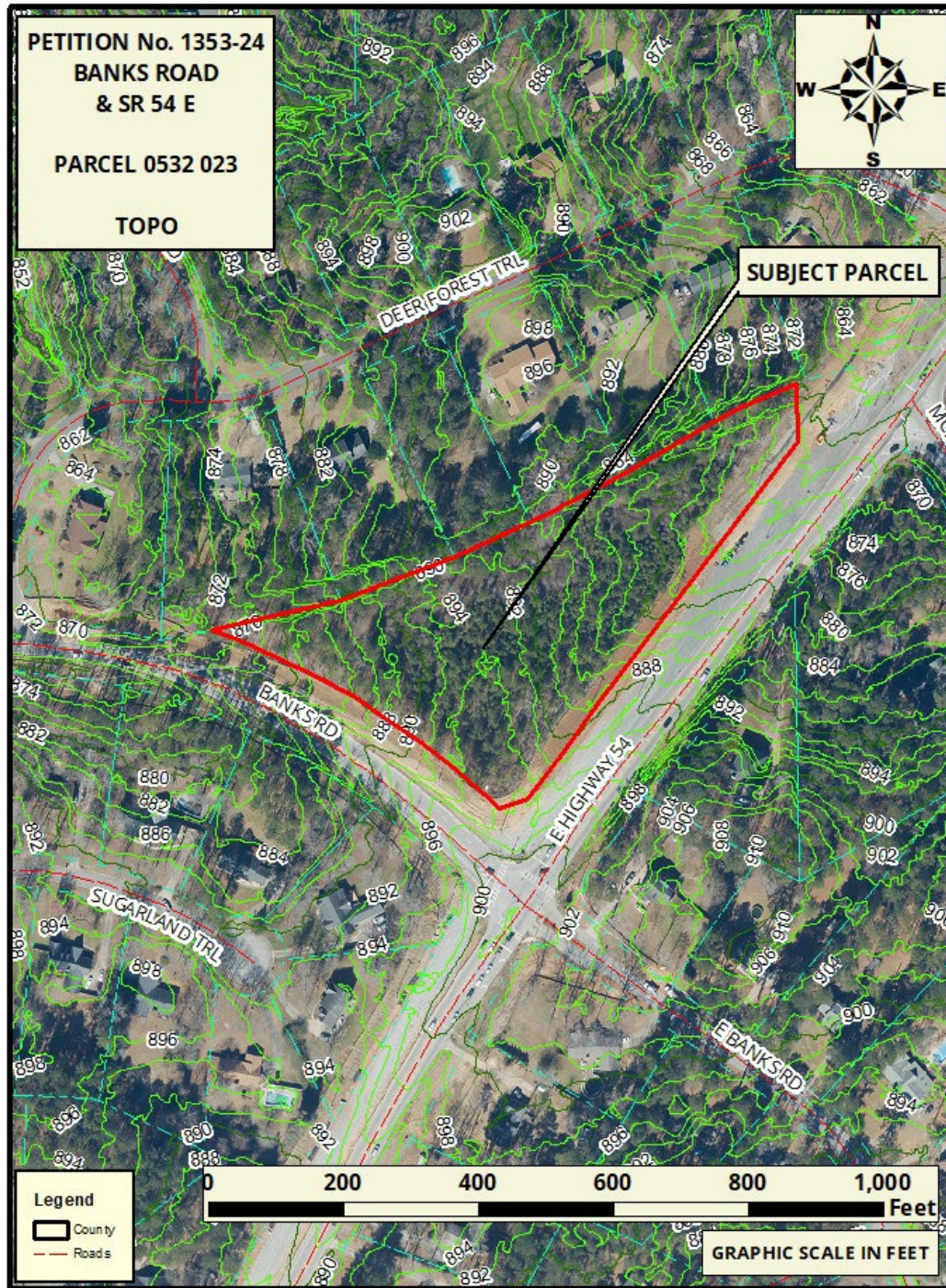




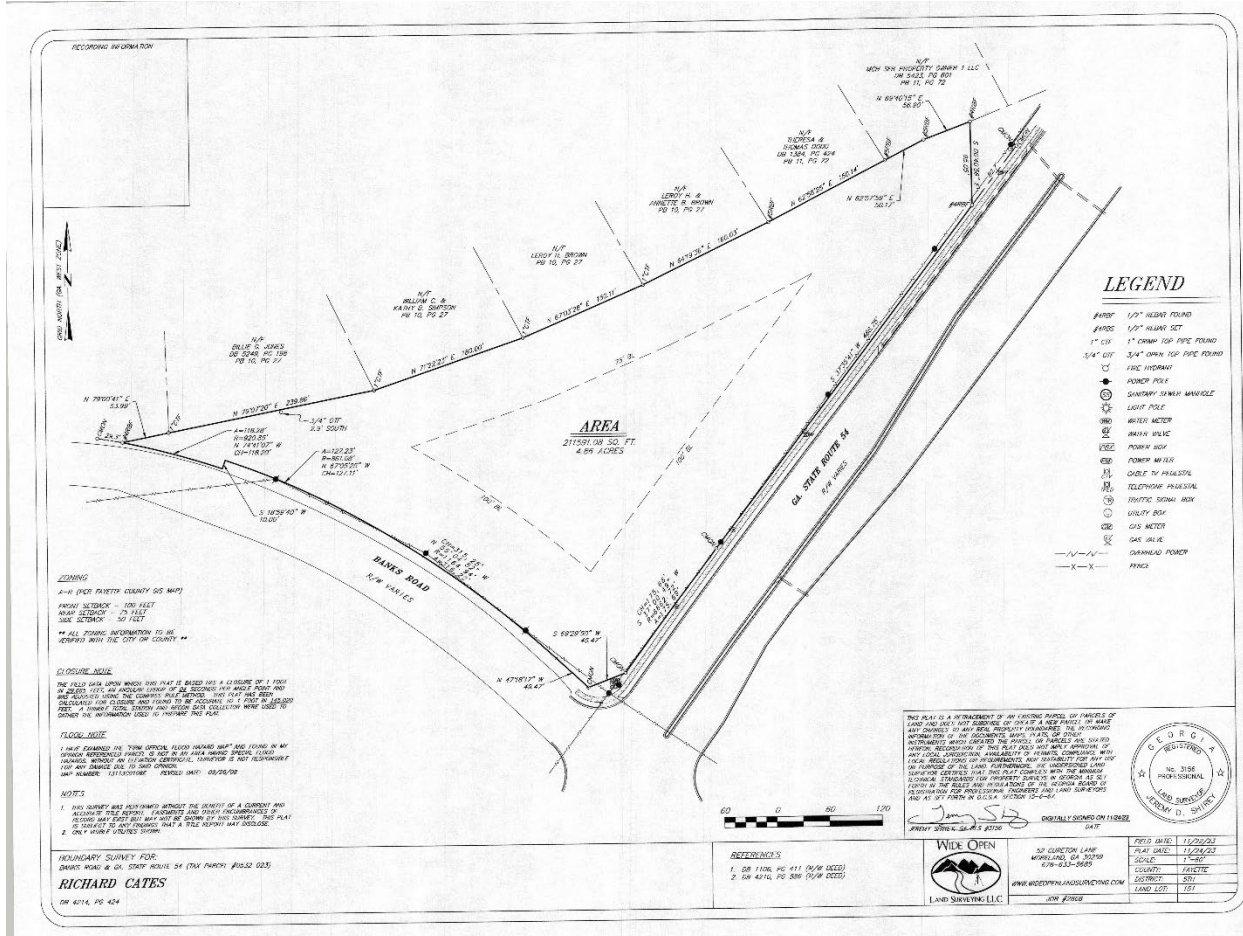












**SURVEY**



# Meeting Minutes 9/05/2024

THE FAYETTE COUNTY PLANNING COMMISSION met on September 5<sup>th</sup>, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

**STAFF PRESENT:** Debbie Bell, Planning and Zoning Director  
Deborah Sims, Zoning Administrator  
Maria Binns, Zoning Secretary  
E. Allison Ivey Cox, County Attorney

## NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. *Ms. Deborah Sims requested the board to amend the agenda to add item (d) Minor Final Plat for Liberty North. Danny England made a motion to approve the agenda with the addition of item (d) Minor Final Plat for Liberty North on the September 5<sup>th</sup> Agenda. Jim Oliver seconded the motion. The motion passed 4-0 John Kruzan was absent.*
4. Consideration of the Minutes of the meeting held on August 1, 2024. *Jim Oliver made a motion to approve the minutes of the meeting held on August 1, 2024. Boris Thomas seconded the motion. The motion carried 4-0.*
5. Plats
  - a. Final Plat for Wright Chancey McBride LLC. Approval of the Final Plat for Wright Chancey McBride LLC. Ms. Sims explained the first final plat is McBride Estates, Mr. Rod Wright is subdividing these lots on McBride Road. It has been reviewed and approved by staff, she showed the plat and explained he is making 5 lots and I think the board approved the rezoning so he could do the neighborhood in that area. Mr. John Culbreth asked the board if they had any questions.? Jim Oliver asked if staff had approved it.? Ms. Sims replied staff had reviewed and approved it. The plat shown on display was not the correct one, she apologized to the board, and they showed the plat before. Mr. Thomas asked if there were any conditions.? Ms. Sims responded no, there were no conditions on the final plat. *Jim Oliver made a motion to APPROVE the Final Plat for Wright Chancey McBride LLC. Boris Thomas*

*seconded the motion. The motion carried 4-0.*

- b. Minor Final Plat for 385 Snead Road. Approval of the Minor Final Plat for 385 Snead Road. Ms. Sims states the board also reviewed when we had the rezoning and these were discussed before, they had subdivided it into three lots, so you don't have the strangely configured lot, each lot is still the 5-acre. Mr. Culbreth asked what changes were made.? Ms. Sims responded this was one lot and subdivided into three, they just rezoned it, so they have weird lots so the line lots were way back. Mr. Culbreth asked the board for a motion. ***Danny England made a motion to APPROVE the Final Plat for 385 Snead Road. Jim Oliver seconded the motion. The motion carried 4-0.***
- c. Minor Final Plat for Riverbend Overlook Phase III. Ms. Sims commented to the board they already approved Phase I & Phase II; this is Phase III, and it has been reviewed and approved by staff. Mr. Culbreth asked the board if they had any questions.? No one responded. ***Jim Oliver made a motion to APPROVE the Minor Final Plat for Riverbend Overlook Phase III. Danny England seconded the motion. The motion carried 4-0.***
- d. Final Plat for Liberty North. Ms. Sims explained to the board they had seen this plat several times since 2006 with preliminary plats and staff had approved it. Mr. Culbreth asked the board if they had any questions.? No one responded. Then he asked for a motion. ***Danny England made a motion to APPROVE the Final Plat for Liberty North. Jim Oliver seconded the motion. The motion carried 4-0.***

## **PUBLIC HEARING**

- 6. Consideration of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store with fuel pumps. Property is located in Land Lot 151 of the 5<sup>th</sup> District and fronts on Banks Road and Highway 54. Ms. Sims asked the petitioner would like to proceed without a full board present, the petitioner said yes.

Ms. Sims stated that the property is located at the corner of Banks Road and Highway 54 staff is recommended denial. However, should the planning commission decide they would like to approve that, staff recommends the following CONDITIONS:

- 1. The applicant provides a minimum of 40 feet of ROW as measured from the existing road centerline or at least 10 feet beyond payment for acceleration/deceleration lanes whichever is greater.
- 2. Submit all Warranty deeds and Legal descriptions for ROW dedications shall be provided to the county within 90 days of the approval of the rezoning request or prior to the final plat approval whichever comes first.
- 3. Entrance location on Banks Road shall be limited to a right in right out and as recommended by GDOT the driveway shall be a minimum of 200ft from the return radius of Banks Road and SR 54.
- 4. Applicant shall extend the existing sidewalk along Banks Road for



the length of the property.

This is surrounded by residentially zoned properties there is not any floodplain or that concerned, they are asking to go to C-C (Community Commercial) so they can have a convenience store, the lot is located in the eastern part of the county. This is an A-R (Agricultural-Residential) is a legal lot of record, there are no rezonings that have been approved for this property.

Mr. Culbreth asked the petitioner to proceed with his presentation. Mr. Newton Galloway- Attorney, stated he was representing The Estate of Richard N Cates/Denise Mercer's daughter, Owner; Mr. Sudesh Dhingra is the applicant who desires to do the convenience store, and Mr. Jim Kelly, who is a real estate professional. They provided a printed PowerPoint presentation that staff distributed to the board, he said he worked with Ms. Bell in Spalding County with her before she came to work for Fayette County, but Ms. Bell was not present at tonight's meeting.

He explained in the presentation that the first page shows where the proposed store will be; the next page is a picture shown on qpublic.net lot diagram this is a request to go to Community Commercial from A-R on 4.6 acres and at its corner on Highway 54 and Banks Rd., which is a key element in this zoning. He explained how and where the building would be located, this is a triangular piece of property. Mr. Galloway said it is surrounded by residential zonings and it's been sitting there ever since Fayette County had a zoning ordinance. You condemn property, and the state condemns property, for the expansion of Highway 54 and also improvements on Banks Rd., so what started as a 5 acres tract it's now a 4.8 acre tract, a significant reduction.

He stated a real problem with this property is the traffic, it is at the corner of a thoroughfare. Traffic is a problem for a piece of property that has a funny shape and is sitting undeveloped in the middle of a residential developments around it. He stated another problem is the A-R zoning; everything else around changed except for that lot. He doesn't think you will be allowed to build since the lot doesn't have the A-R zoning acreage. You might be able to rezone to R-20 or R-40 one-acre lots, but people will not buy houses on a busy intersection. He states that the property in 2003 requesting a change in zoning to an R-20 or R-40; it went up to the BOC and they said no, they keep it as A-R. How long it has been zoned undeveloped? 21 years. Ms. Bell has covered some conditions if approved but there are other things you can do such as lighting, and the rear buffer and we will be open to discussion with staff in order to get this property functional and useful.

Mr. Jim Kelly has been with TrueMark Realty, the listing broker for the property since 2023 spoke. He stated when they listed the property over 300 prospects contacted them for commercial and were able to narrow it down to two offers. Both were convenience store operators and chose the lower offer amount. They chose someone local, Sam, owner of BP station west of town on Veterans Highway and Highway 54. We want to present this to the community and the neighbors to make the best attempt and best effort. He explained how they contracted to present the plans for this meeting and went to the neighbors on that street offering a copy of the plans and letting them know if they had any questions regarding the plans to contact him or the owners, they were very approachable.

Ms. Denise Mercer states she is the oldest daughter of Richard Cates, and she was born and raised in this county. She spoke about the property expansions, and they are left with a little bit over 4 acres, she said they will secure a 60-foot natural wooded buffer for the adjacent

homeowners, a buffer that will be lost if they do not develop this property and will be forced to sell off the timber in order to do so, that will eliminate that natural buffer.

Mr. Culbreth asked if anyone was in opposition.?

Arnold Martin has lived in the Deer Glen subdivision for over 20 years. He states he sent opposition letters, and that this convenience store will be very disruptive, this proposed zoning is not in the comprehensive plan, and the future land use plan and it's surrounded by residential zones. He spoke about traffic in the area and it's very dangerous for the community if they allow this convenience store.

Mr. Darryl Hicks lives at Oak Manor and he represents The Oaks HOA. He spoke about the environmental harm through soil, groundwater contamination, and air pollution given the proximity of the site to residential homes. He stated they are deeply concerned about the long-term impact on our community.

Mr. Griffin Root he is the secretary and treasurer for Wellington Place HOA. He has resided here for about 13 years, and he states they have 45 families in the subdivision. He has two concerns about this rezoning request. The first is the noise and light pollution we know if we put a gas station in that corner will be a lot more traffic, making it a lot noisier and a lot of light pollution in the evenings, especially for the neighbors across the street from where this property supposed to be built. Mr. Root added that if you look around there are already gas stations near our residential neighborhoods. It doesn't make any sense to add another one.

Ms. Sandra Lee Quiry lives 500 or 600 feet from the subject property. She talked about health concerns about living near a gas station. Ethanol is a compound in petroleum which is a solvent used to turn petroleum into something to use in your car to use gasoline and another associated with it and is carcinogenic. She explained different types of substances that will harm your health and the air. She asked the board to deny the petition to the danger to the people to reside in these homes.

Mr. Leroy Brown lives in Deer Glen Forrest subdivision, they own two of the 7 lots in the neighborhood, he states the value of the properties will devalue and the pace they have now will not be there anymore, and there will be a lot more foot traffic and crime concerns the neighbors.

Mr. Culbreth asked Mr. Galloway if he wanted to say anything in rebuttal. He said the owner has to be able to have that opportunity to use the property and have the use and have a reasonable economic return and there are no uses on that property that has developed as zoned in 21 years, which sends the signal that the zoning isn't appropriate. This is a difficult piece of property because of its size and location..

Anonymous opposition speaker stated that he has lived in Deer Forest Road since 2011 and explained if this petition is granted it will destroy this person's driveway. There is water that flows down the area where this will be located.

Mr. Culbreth stated to the public present that the planning commission's vote is a recommendation to the Board of Commissioners for final adoption, and they will need to follow up with the next meeting. Mr. Culbreth asked the board for any questions.

Mr. Jim Oliver asked Mr. Galloway how he would address the fact that the property presently doesn't comply with the comprehensive land use plan? Mr. Galloway responded that the comp plan is used as a guide and that there are sometimes oversights between what the comp plan should provide for a piece of property and what it does provide. The comp plan is not subject to constitutional standards; they apply to zoning because is it an action of the local government to affect land uses.

Mr. Oliver responded he did think no one is denying the use of the property and I have been on both sides, of the commissioners and attorneys. The comprehensive plan many times has been used as a sword both ways, “don’t come here and ask us to rezone this because it doesn’t apply” or “it’s only a guide.” There are, perhaps, other reasonable uses for the property, not necessarily C-C; O-I it comes to mind, some other less invasive less disrupted use. Mr. Galloway I will go back to what Mr. Kelley said the people who called all wanted a commercial property, that tells you what the market is. Since COVID, the Office uses have about died.

Mr. Boris Thomas added, referring to Mr. Galloway’s comments that the property wasn’t necessarily functional on certain returns but just depended upon the profit the owners wanted to make, it has over 47 uses other than a gas station and that can be quite commercial. We are not obstructing the ownership of the property from making a profit by selling the property, that will not stop them from selling the property.

Mr. Galloway responded he acknowledged there are 47 listed permitted uses and 20 conditional uses that are allowed but to get to those what do we have to do?

Mr. Thomas responded that is not our responsibility to make the property okay, but the owner’s responsibility to get the property set up.

Mr. Galloway explained that each one of those uses would require rezoning.

Mr. Danny England commented that they had more convenience store/gas station rezoning in the past 18 months, we approved all of them except for one, which was located at GA 85 S and a lot of the discussion was the same as this one. We voted to reject that proposal because it was surrounded by residential uses. We looked at the character of the area and the surrounding uses. The fact that this is located at a signalized intersection does not mean that a gas station is automatically the best use.

Mr. Culbreth asked for a motion after no further comments. ***Boris Thomas made the motion to deny Petition 1353-24. Danny England seconded the motion. The motion to DENY carried 4-0. Mr. England asked Ms. Sims for the BOC date meeting for follow-up on this petition, Ms. Sims responded on September 26<sup>th</sup> at 5 O’clock in this room.***

7. Consideration of Petition No. 1354-24, Marion L. Holt, owner; requests to rezone from A-R to R-45 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 148 of the 7<sup>th</sup> District and fronts on Palmetto Road. Ms. Sims explained the petition is located at 285 Palmetto Road, staff found a problem with this, and staff is recommending being withdrawn, we need the planning commission approval to withdraw so we can refund the applicant's money, it wasn’t going to meet all the requirements needed. Mr. Boris asked staff if the petitioner was aware of the withdrawal? Ms. Sims responded yes; we told them we were going to request withdrawal. ***WITHDRAWN BY PETITIONER, Danny England made a motion to allow the WITHDRAWAL of Petition 1354-24, Jim Oliver seconded the motion. The motion carried 4-0.***
  
8. Consideration of Petition No. 1355-24, Andrea Pope Camp & Jordan Camp, owners; request to rezone 41.78 acres from A-R to R-75 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 28 of the 7<sup>th</sup> District and fronts on Davis Road and Huiet Drive.

Ms. Sims explained the petition and said staff recommends conditional approval of this

request that does fit with the future land use plan. The recommended conditions are:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40 ft of right of way as measured from the existing centerline of Davis Road. 2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive. 3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County's Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.

5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.

6. Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto, the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in the subdivision. The water line extension shall be constructed to the standards outlined in, "Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants."

7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Ms. Sims explained on the map this is located by one side Canoe Club and on the other side they are constructing the new development Hunt Cliff Manor, Davis Road is a gravel, Road. Mr. Culbreth asked if the petitioner was present.

Mr. Randy Boyd, he represented Andrea Pope Camp that is the owner of this property, and her son Jordan Camp is the attorney in fact, Ms. Pope inherited this property back in 2011 her dad originally purchased 40 years ago and my request tonight to have rezoned to R-75 which consist in 2 acre lot with a minimum house size of 2,500 sq ft. To the north and east is a borderline subdivision of an R-40 zoning minimum house size of 1,500 sq ft. To the west and south is A-R and to the southeast is a piece of property that was zoned PUD back in 2016 it ended up going to litigation, there are 212 acres and 91 lots, and I request tonight's for R-75, I read over the recommended conditions, and I have been doing this for 41 years and I was shocked when I saw condition number "4", we agree with condition number 1,2 and 3, we will dedicate the appropriate ROW's for both of those streets, I don't even know where to start with that deal about donating \$1,105,000 million dollars to do what the county should be doing and also punishing this land owner by saying you going to go north 300 feet tying into a subdivision they should it brought down to that point back into 2007 that would it adequate

\$1,105,000 million dollars to it cost addition in our property \$69,000 dollars per lot if this zoning goes through we will put the water line in, I got different prices \$300,000 divided by 16 lots is another \$18,750 dollars if you add it the cost of the land in what their asking for the property it will be about \$10,000 dollars more than you can possible get for, under a current market analysis, it's just surrender that property absolutely where you can't do anything about it.

He explained another case from last month from Davis Road it should have been at right at 69-70K, I don't believe is legal, we'll consult it with an attorney on that, but I think is very improper to ask us one week later to donate over a million dollars for what the county should be doing, staff didn't even suggest that a month ago, they suggested donate ROW on Lester Road and Davis and will have 90 days to turn the deeds in.

We will agree with every bit of that in our street also, so will accept condition 1,2,3 and absolutely ask you to not impose number 4 and number 6 on the extension of the water line I be happy to do that, and we will dedicate ROW or easement whatever is the case but in the second sentence "Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto" I will ask that you eliminate that with the number of lots. He requested that on section 12-90 mandatory connection to the public water system, "is you have 5 lots you don't have to tie to the county water system" I will ask that be taken out to the number of lots and put in if they are "6 or more lots" and be more in compliance of section 12-90 of the existing ordinance. He asked the board to grant the petition without condition 4 and as per his request.

No one else spoke in support or opposition.

Mr. Culbreth brought the petition to the Board.

Mr. Boris Thomas made a comment saying I was going to say in addition to the million dollars there needs to be an extra 10% contingency because all oil prices and vendors changes. The impact in the county to have a paved road there is strong and wide enough for emergency vehicles, that location is going to cost even more at that intersection area and probably will need a traffic light.

Mr. Boyd responded that the staff is asking to go there 300 feet about our site and bring it down to the intersection and go over to the east about 1,500 feet so we wouldn't be paving the entire road we just are paving that section in front of this property, which to me is very demanding.

Mr. Culbreth asked staff if we have a president where we ask for a million dollars.?

Ms. Sims responded this was the first time I am aware that we have requested such funding to pave a road, is it an issue because Davis Road is a gravel road, and I don't believe the county owns enough ROW and this was the recommendation from the public works director to facilitate having this many homes, even though this goes along with the future land use plan it will put a lot more on Davis Road.

Mr. Culbreth asked Ms. Sims, is the county asking the developer to pave its road.? Ms. Sims responded, I am not sure the county owns all of the ROW, so part of is going to be to acquire all of that ROW so it could be paved and that's why they gave the alternative that they could pay the county and the county would do that they wouldn't have all their responsibility were they were offering those options.

Mr. Culbreth added he opposed to that, and Mr. Oliver asked why are you paying taxes for.? This is the responsibility of the county.

Ms. Allison Cox responded currently the county is not require paving or upgrade this

road at all and it's been asked in other to go through requires an upgrade and we just don't have in the county's budget. Mr. Oliver asked Ms. Cox why wasn't asked to Canoe Club.? I don't think I was here for the Canoe Club.

Mr. Boyd responded the Canoe Club is on the north side but even closer than that why wasn't even asked to the PUD that was taken to court, last month the same road at another intersection they didn't ask a penny for that, their assessment based on these values should be \$69,000 dollars for that one lot exactly what our is, so there is consistency here.

Ms. Cox responded that single lot doesn't cost the same impact than 16.

Mr. Boyd responded but if you take one lot at the time it does cost the same impact that a ridiculous argument.

Mr. Oliver said I was just trying to figure it out about the consistency.

Ms. Cox replied that with a single lot we have a house full of people who came in to tell you about the problems when they disrupt, that gravel road barely supports what's there so the single lot that was being to be put in is not going to add but one more car, 16 lots significantly increases the traffic and the area in front of the subdivision to be paved to support that sort of road where the county is not currently planning to invest in that infrastructure, so if this is the plan and the county is not planning to invest can't be developed until there is an infrastructure to support it.

Mr. Danny England state it that the rest of us has seen where that development has occurred without that infrastructure or investment, so is this going to be the policy coming forward? Every time someone develops something on a dirt road will have to pull out the checkbook?

Ms. Cox responded she thinks that is probably where you are as far as supporting something of this size.

Mr. England responded you can incrementally develop more than 16 lots on this road and be on the same boat that we ran last month where we didn't require funds, so 16 lots isn't a lot we have seen way more than that.

Mr. Thomas added that his neighborhood is considered private and got to pay \$3,000,000 dollars to get the road pave and we paid the millage rate as the sounding areas, but we are told that we use the main road so that why your millage will stay the same. We can't get any help from the county in repaving the roads or doing any of the infrastructure underneath sewage or anything like that.

Mr. Oliver asked Mr. Boyd about the other conditions, you said number 1,2,3...we are good, what about number 5.? Mr. Boyd responded that 5 is good, the only thing I would like to be more in line with the ordinance that exists and change it to prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in exits in six lots in the subdivision.

***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1355-24 subject to amended conditions. The conditions are as follows:***

***Recommended the following AMENDED CONDITIONS:***

***1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Davis Road.***

*2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive.*

*3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.*

*4. OMIT NUMBER 4 - “~~4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County’s Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.~~”*

*5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.*

*6. [Amended Condition #6] Prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in excess of six lots in the subdivision. The water line extension shall be constructed to the standards outlined in, “Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants.”*

*7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.*

*Danny England seconded the motion for conditional approval, subject to amended conditions. The motion for CONDITIONAL APPROVAL, subject to amended conditions, carried 3-1. Boris Thomas abstained.*

9. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property.

Ms. Cox explained that the next item three items kind of go together but we need three separate votes, did you remember Detox facility, not long ago in the last legislative session there was a new law passed it removed detox facilities from those items that require special use permit, we just need to amend our code to follow state law. And what we are doing here in number one, is removing it from the special use section entirely and replacing it with a small section that says reserved because we might have special uses in the future, that’s number 9.

*Danny England made the motion to recommend approval of Consideration of Amendments*

*to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property. Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.*

- 10. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval. Number 10 - is to be as going taking those detox facilities and making them conditional uses in the O-I section on our zoning ordinance.

*Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.*

- 11. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Number 11- We will remove them from our special use section and our O-I zoning ordinance.

*Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Boris Thomas seconded the motion. The motion to APPROVE carried 4-0.*

**ADJOURNMENT:**

Danny England moved to adjourn the meeting. Boris Thomas seconded. The motion passed 4-0.

The meeting adjourned at 8:37 p.m.

\*\*\*\*\*

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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

**\_\_\_\_\_  
DEBORAH BELL  
DIRECTOR, PLANNING & ZONING**



PETITION No (s): \_\_\_\_\_

STAFF USE ONLY

**APPLICANT INFORMATION**

Name Sudesh Dhingra

Address 535 Birkdale Dr.

City Fayetteville

State GA Zip 30215

Email [REDACTED]

Phone (678) 381-4131

**PROPERTY OWNER INFORMATION**

Name The Estate of Richard N Cates / Denise Mercer

Address 25 Pineview Dr.

City Sharpsburg

State GA Zip 30277

Email dmrn64@gmail.com

Phone (404) 597-2793

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

Name Newton Galloway - Attorney

Address 406 N Hill St

City Griffin

State GA Zip 30223

Email ngalloway@gallyn-law.com

Phone (770) 233-6230

Name Jim Kelly - TrueMark Realty

Address 106 Brookgrove LN

City Peachtree City

State GA Zip 30269

Email jkelly@TrueMarkRealty.com

Phone (404) 380-1289

**(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): 0532 023 Acreage: 4.86  
Land District(s): 5th Land Lot(s): 151  
Road Name/Frontage L.F.: GA Hwy 54 / 486.75' Road Classification: Median State Highway  
Existing Use: Vacant Land Proposed Use: Convenience Store  
Structure(s): None Type: N/A Size in SF: N/A  
Existing Zoning: A-R Proposed Zoning: C-C  
Existing Land Use: Vacant Land Proposed Land Use: Retail/C-Store  
Water Availability: Yes Distance to Water Line: 0' Distance to Hydrant: 0'

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:

The Estate of Richard N Cates / Denise Mercer (Executrix)

(Please Print)

**Property Tax Identification Number(s) of Subject Property:** 05-32-023

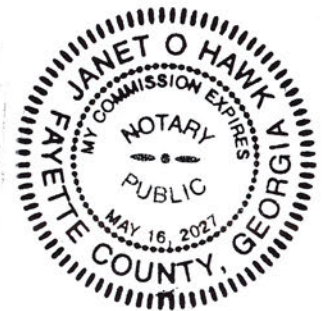
(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 151 of the 5th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of 4.86 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Newton Galloway 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) Carol Denise Cates Mercer  
Signature of Property Owner 1  
25 Pineview Dr., Sharpsburg, GA 30277  
Address

Janet O Hawk  
Signature of Notary Public  
July 8th, 2024  
Date



Signature of Property Owner 2  
Address

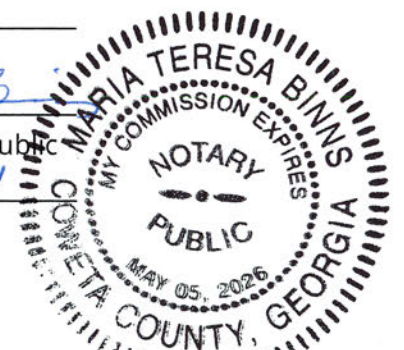
Signature of Notary Public  
Date

Signature of Property Owner 3  
Address

Signature of Notary Public  
Date

[Signature]  
Signature of Authorized Agent  
106 Bridgecreek Ln, Peachtree City GA 30269  
Address

Maria T. Binns  
Signature of Notary Public  
07/08/2024  
Date



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

**OWNER'S AFFIDAVIT**

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

NAME: The Estate of Richard N Cates / Denise Mercer (Executrix)

ADDRESS: 25 Pineview Dr., Sharpsburg, GA 30277

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

Denise Mercer (Executrix) 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 C-C.

This property includes: (check one of the following)

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

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of Thursday, September 5th, 20 24 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of Thursday, September 26th, 20 24 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 8th DAY OF July, 20 24

Carol Denise Cates Mercer

SIGNATURE OF PROPERTY OWNER SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC



Janet Hawk



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

I/We, The Estate of Richard N Cates, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, feet of right-of-way along Hwy 54 & Banks 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 8<sup>th</sup> day of July, 2024.

Carol Denise Cates Mercer

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC



Janet O Hawk

**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".
  - [ X ] The proposed project related to this rezoning request DOES NOT meet or exceed the established DRI thresholds .
  - [ ] The proposed project related to this rezoning request DOES meet or exceed the established DRI thresholds and documentation regarding the required DRI Request for Review Form is attached.

Signed this 8th day of July, 2024.  
[Signature]

APPLICANT'S SIGNATURE





### Developments of Regional Impact - Tiers and Development Thresholds

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

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**DISCLOSURE STATEMENT**

(Please check one)

Campaign contributions:      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:
  - X   a. The total area of the subject property to be rezoned (to the nearest one-hundredth of an acre), the existing zoning district(s) of the subject property, and the area within each zoning district if more than one district.
  - X   b. Approximate location and size of proposed structures, use areas and improvements (parking spaces, and aisles, drives, etc.) on the subject property for non-residential rezoning requests, including labeling the proposed use of each proposed structure/use area.
  - X   c. General layout of a proposed subdivision (residential or non-residential) including the delineation of streets and lots. The items of b. above are not required in this instance but may be included if known.
  - N/A   d. Approximate location and size of existing structures and improvements on the parcel, if such are to remain. Structures to be removed must be indicated and labeled as such.
  - X   e. Minimum zoning setbacks and buffers, as applicable.
  - X   f. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating type and width of existing and proposed easements and centerline of streets including width of right-of-way.
  - X   g. Location and dimensions of exits/entrances to the subject property.
  - X   h. Approximate location and elevation of the 100-year flood plain and Watershed Protection Ordinance requirements, as applicable.
  - X   i. Approximate location of proposed on-site stormwater facilities, including detention or retention facilities.
- A letter of intent for a non-residential rezoning request, including the proposed use(s).

## BANKS ROAD &amp; HIGHWAY 54

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 151 OF THE 5TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE RIGHT OF WAY MARKER FOUND AT THE SOUTHERN MOST MITERED CORNER OF THE NORTHEASTERLY RIGHT OF WAY OF BANKS ROAD (R/W VARIES) AND THE NORTHWESTERLY RIGHT OF WAY OF STATE HIGHWAY 54 (R/W VARIES); THENCE ALONG THE NORTHEASTERLY RIGHT OF WAY OF BANKS ROAD THE FOLLOWING CALLS: N 47°18'17" W 49.47' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 316.22', WITH A RADIUS OF 1164.94', WITH A CHORD BEARING OF N 55°04'52" W , WITH A CHORD LENGTH OF 315.25' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 127.23', WITH A RADIUS OF 861.08', WITH A CHORD BEARING OF N 67°05'25" W , WITH A CHORD LENGTH OF 127.11' TO A POINT; THENCE S 18°59'40" W 10.00' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 118.28', WITH A RADIUS OF 920.85', WITH A CHORD BEARING OF N 74°41'07" W , WITH A CHORD LENGTH OF 118.20' TO A 1/2" REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY N 79°00'41" E 53.99' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 79°07'20" E 239.86' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 71°22'23" E 180.00' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 67°03'28" E 150.11' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 64°19'36" E 160.03' TO A 5/8" REBAR FOUND; THENCE N 62°58'25" E 150.14' TO A 5/8" REBAR FOUND; THENCE N 62°57'59" E 50.17' TO A 5/8" REBAR FOUND; THENCE N 69°40'15" E 56.90' TO A 1/2" REBAR FOUND; THENCE S 00°40'56" E 95.05' TO A 1/2" REBAR FOUND ON THE NORTHWESTERLY RIGHT OF WAY OF STATE HIGHWAY 54; THENCE ALONG SAID RIGHT OF WAY S 37°35'41" W 486.75' TO A CONCRETE RIGHT OF WAY MARKER FOUND; THENCE CONTINUING ALONG SAID RIGHT OF WAY WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 175.69', WITH A RADIUS OF 8662.72', WITH A CHORD BEARING OF S 37°00'49" W , WITH A CHORD LENGTH OF 175.68' TO A CONCRETE RIGHT OF WAY MARKER FOUND AT THE NORTHERN MITERED CORNER OF THE NORTHEASTERLY RIGHT OF WAY OF BANKS ROAD AND THE NORTHWESTERLY RIGHT OF WAY OF STATE HIGHWAY 54; THENCE ALONG SAID MITER S 69°29'50" W 45.47' TO A CONCRETE RIGHT OF WAY MARKER FOUND, WHICH IS THE POINT OF BEGINNING.

HAVING AN AREA OF 211591.08 SQUARE FEET, OR 4.86 ACRES.





## REZONING APPLICATION \_\_\_\_\_

Estate of Richard N. Cates, Deceased, Owner  
Sudesh Dhingra, Applicant  
A-R to C-C  
4.86 acres  
Tracts 0532 023  
Georgia Highway 54/Banks Road

**LETTER OF INTENT**

Mr. Sudesh Dhingra (“Applicant”) submits this Letter of Intent in support of the above-styled Rezoning Application (the “Application”) in compliance with the Fayette County, Georgia Zoning Ordinance (the “Zoning Ordinance”), Section 110-296 seeking rezoning of certain real property located at the northeast corner of the intersection of Georgia Highway 54 and Banks Road, consisting of 4.86 acres located in the 5<sup>th</sup> Land District, Land Lot 151, and identified as parcel number: 0532 023, according to the current system of numbering used by the Fayette County Tax Assessor (the “Subject Property”) from Agricultural-Residential District (A-R) to Community-Commercial District (C-C).

The proposed development will consist of an approximate 6,600 square feet retail building located on a 2-acre portion of the Subject Property for the operation of a convenience store with gasoline service.

The proposed development on the Subject Property is not permitted in A-R zoning. C-C zoning, as requested, is intended for convenient community shopping and allows a wide variety of stores and services. This includes most retail stores expected in a community based shopping center like grocery stores, restaurants, and clothing stores. There are also a number of professional service uses allowed such as banks, medical and dental offices, and dry cleaners. The zoning district allows for some other uses with a conditional permit process, such car washes, gas stations, and childcare facilities. A site plan showing the proposed improvements on the Subject Property and concept buildings renderings are included with the Application and show the compatibility of the development with the surrounding community.

Pursuant to Zoning Ordinance, Section 110-143(C)(3), the proposed development is permitted in the C-C zoning district as a conditional use. Upon rezoning, conditional use approval is governed by Zoning Ordinance, Section 110-169(2)(h), subject to approval of the zoning administrator upon compliance with the requirements of the conditional use.



### LEGEND

- #RBF 1/2" REBAR FOUND
- #RBS 1/2" REBAR SET
- 1" OIF 1" CHAMP TOP PIPE FOUND
- 3/4" OIF 3/4" OPEN TOP PIPE FOUND
- FIRE HYDRANT
- POWER POLE
- SANITARY SEWER MANHOLE
- LIGHT POLE
- WHITE METER
- WATER VALVE
- POWER BOX
- POWER METER
- CABLE TV PEDESTAL
- TELEPHONE PEDESTAL
- TRAFFIC SIGNAL BOX
- UTILITY BOX
- GAS METER
- GAS VALVE
- — — OVERHEAD POWER
- X — X — FENCE

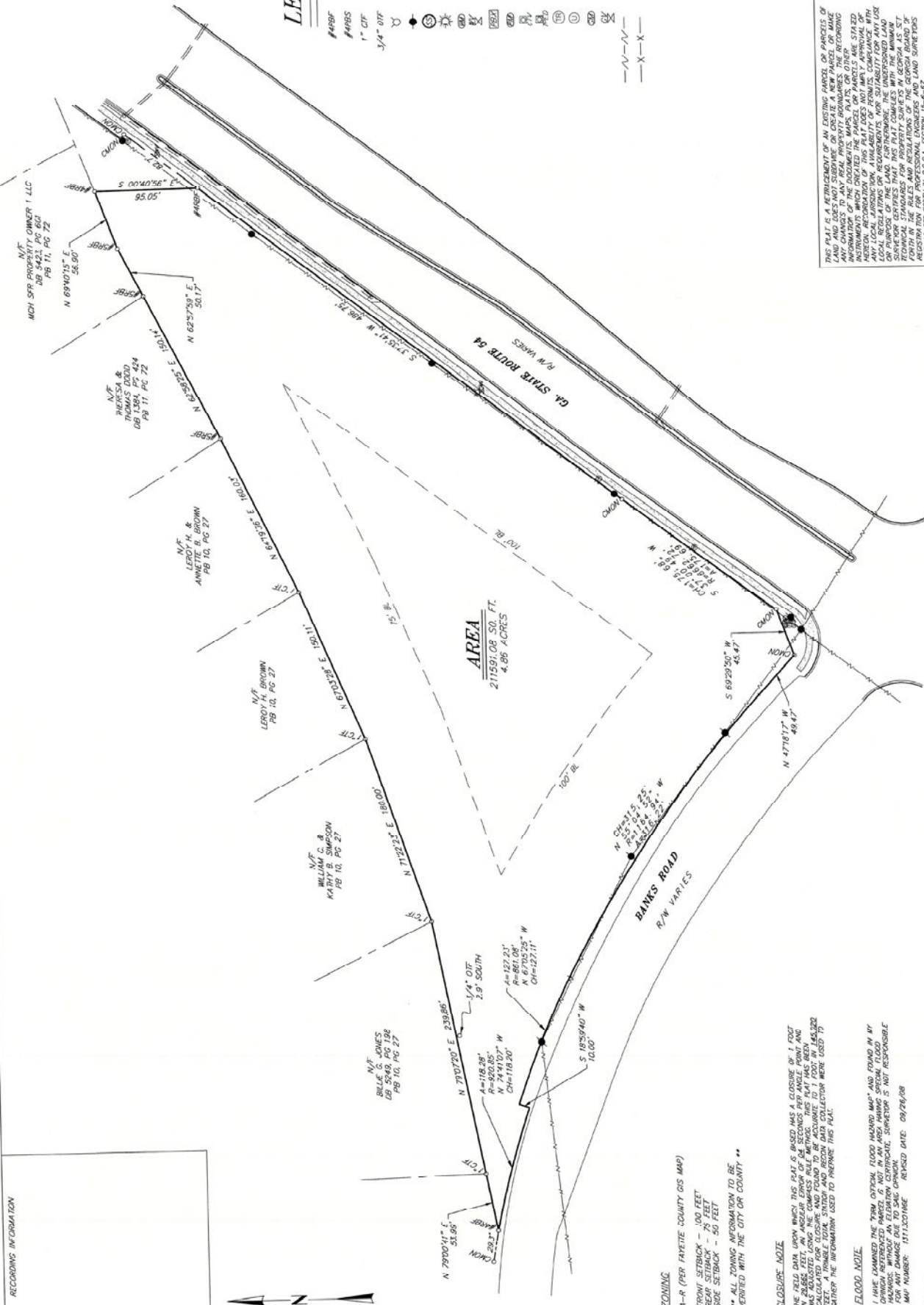
THIS PLAT IS A RETIREMENT OF AN EXISTING SURVEY OR PARTS OF IT AND DOES NOT REPRESENT A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, PARCELS OR PARTS ARE STATED IN THE ORIGINAL RECORDS. THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL LAWS OR REGULATIONS, NOR SUITABILITY FOR ANY USE ON PURPOSE OF THE LAND. THE UNDERSIGNED LAND SURVEYOR ASSUMES NO LIABILITY FOR ANY DAMAGE TO THE LAND OR PERSONS OR PROPERTY CAUSED BY THE USE OF THIS PLAT IN THE ABSENCE OF THE RULES AND REGULATIONS OF THE GEORGIA SURVEYORS BOARD AND THE RULES AND REGULATIONS OF THE GEORGIA SURVEYORS BOARD AS SET FORTH IN O.C.G.A. SECTION 15-6-87.

DEBITALLY SIGNED ON 11/24/21  
DAE

WIDE OPEN LAND SURVEYING LLC

555 CURETON LANE  
MARIETTA, GA 30067  
678-633-5665  
WWW.WIDEOPENLANDSURVEYING.COM

FIELD DATE: 11/22/21  
PLAT DATE: 11/24/21  
SCALE: 1"=60'  
COUNTY: FAYETTE  
SOUTH DISTRICT: 5TH  
LAND LOT: 151



- REFERENCES**
1. DB 1106, PG 411 (R/W DEED)
  2. DB 4216, PG 386 (R/W DEED)

BOUNDARY SURVEY FOR:  
BANKS ROAD & GA STATE ROUTE 54 (TAX PARCEL #0332 023)

**RICHARD CATES**  
DB 4214, PG 424





REZONING APPLICATION \_\_\_\_\_

Estate of Richard N. Cates, Deceased, Owner  
Sudesh Dhingra, Contract Purchaser/Applicant  
A-R to C-C  
4.86 acres  
Tracts 0532 023  
Georgia Highway 54/Banks Road

CONSTITUTIONAL OBJECTION TO RESTRICTIONS IN THE  
ZONING ORDINANCE OF FAYETTE COUNTY, GEORGIA

As applied to the following property:

Tax Parcel No.: 0532 023; 4.86 acres  
Estate of Richard N. Cates, Owner  
Sudesh Dhingra, Contract Purchaser/Applicant

located in unincorporated Fayette County, Georgia and as identified pursuant to the current parcel number assigned by the Fayette County Tax Assessor (the "Subject Property"), being zoned Agricultural-Residential (A-R), subject of the above-referenced Rezoning Application, the Fayette County, Georgia Zoning Ordinance ("Zoning Ordinance") is unconstitutional in that the Owner's and Contract Purchaser's (cumulatively, "Applicants") 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 Applicants of constitutionally protected rights in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

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 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph 1, and Article I, Section III, Paragraph 1 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 thereby denying the Applicants an economically viable use of the Subject Property while not substantially advancing legitimate state interests.

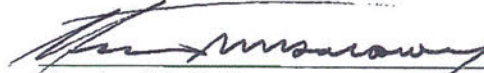
Inasmuch as it is impossible for the Applicants to use the Subject Property and simultaneously comply with the Zoning Ordinance, the Zoning Ordinance constitutes an arbitrary, capricious, and unreasonable act by Fayette County, Georgia without any rational basis therefore and constitutes an abuse of discretion in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Application of the Zoning Ordinance to the Subject Property is unconstitutional and discriminates against the Applicants in an arbitrary, capricious, and unreasonable manner between the Applicants and others similarly situated in violation of Article I, Section I, Paragraph 2 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.

WHEREFORE, Applicants request that Fayette County, Georgia approve this Rezoning Application and rezone the Subject Property to Community Commercial (C-C) as specified and requested herein.



GALLOWAY & LYNDALL, LLP  
Counsel for Applicants



Newton M. Galloway  
Georgia Bar No.: 283069

The Lewis-Mills House  
406 North Hill Street  
Griffin, Georgia 30223  
(770) 233-6230  
[ngalloway@gallyn-law.com](mailto:ngalloway@gallyn-law.com)

REZONING APPLICATION \_\_\_\_\_

Estate of Richard N. Cates, Deceased, Owner  
Sudesh Dhingra, Applicant  
A-R to C-C  
4.86 acres  
Tracts 0532 023  
Georgia Highway 54/Banks Road

EVIDENTIARY OBJECTIONS TO ZONING HEARING BASED ON  
YORK V. ATHENS COLLEGE OF MINISTRY, INC.

As applied to the following property:

Tax Parcel No.: 0532 023; 4.86 acres  
Estate of Richard N. Cates, Owner  
Sudesh Dhingra, Contract Purchaser/Applicant

located in unincorporated Fayette County, Georgia and as identified pursuant to the current parcel number assigned by the Fayette County Tax Assessor (the "Subject Property"), being zoned Agricultural-Residential (A-R), subject of the above-referenced Rezoning Application, Applicants give notice of the following evidentiary objections based on *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 632, 821 S.E.2d 120 (2018):

Simultaneously herewith, Applicants filed a Constitutional Objection to the denial of the above referenced Application which is incorporated herein by reference as if fully set forth.

Applicants object to comments provided by any and all members of the public presented before the Board of Commissioners of Fayette County, Georgia ("BOC") in opposition to the Rezoning Application to the extent that (but not limited to) such individuals lack standing to challenge the Rezoning Application because they: (a) do not satisfy the substantial interest-aggrieved citizen test; (b) are not under oath; (c) are not subject to cross-examination; (d) lack sufficient training or expertise to present evidence on and/or make statements that would otherwise require presentation by witness(es) constituting expert opinion without such individuals being


qualified as experts; (e) present evidence on and/or make statements that are irrelevant and/or immaterial to the factors for approval of rezoning under the Zoning Ordinance; and/or (f) present evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial and/or lay, nonexpert opinion and hearsay evidence.

Additionally, Applicants object to any action of the BOC that does not approve the Rezoning Application or approves rezoning subject to unreasonable conditions to the extent that (but not limited to) the same are: (a) in violation of O.C.G.A. § 50-13-19(h); (b) in violation of constitutional, statutory or ordinance provisions; (c) in excess of the statutory or constitutional authority of either the BOC; (d) made upon unlawful procedure; (e) affected by other error of law; (f) clearly erroneous in view of the reliable probative, and substantial evidence on the whole record; or (g) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; (h) founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, unsubstantiated and/or lay, nonexpert opinion evidence; and/or (i) contrary to the exclusive factors for approval of a variance set forth in the Zoning Ordinance.

By and through this *York* Objection, Applicants preserve all the above and incorporated Objections and assert them on and within the record before, and for consideration and resolution by, the BOC of Fayette County, Georgia.

WHEREFORE, Applicants request that Fayette County, Georgia approve the Rezoning Application set forth above.

GALLOWAY & LYNDALL, LLP.  
Counsel for Applicants



Newton M. Galloway  
Georgia Bar No.: 283069

The Lewis-Mills House  
406 North Hill St.  
Griffin, GA 30223  
(770) 233-6230  
[ngalloway@gallyn-law.com](mailto:ngalloway@gallyn-law.com)

Wednesday, August 14, 2024

Fayette County News B3

**FAYETTE COUNTY**

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, September 5, 2024, at 7:00 P.M., and before the Fayette County Board of Commissioners on Thursday, September 26, 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.: 1353-24

Owner/Agent: The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; Jim Kelly, Agent; Newton Galloway - Attorney  
Existing Zoning District: A-R  
Proposed Zoning District: C-C

Parcel Number: 0532 023

Area of Property: 4.86 acres

Proposed Use: Commercial

Land Lot(s)/District: Land lot 151 of the 5th District

Fronts on: Banks Road and Highway 54

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 151 OF THE 5TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A CONCRETE RIGHT OF WAY MARKER FOUND AT THE SOUTHERN MOST MITERED CORNER OF THE NORTHEASTERLY RIGHT OF WAY OF BANKS ROAD (R/W VARIES) AND THE NORTHWESTERLY RIGHT OF WAY OF STATE HIGHWAY 54 (R/W VARIES); THENCE ALONG THE NORTHEASTERLY RIGHT OF WAY OF BANKS ROAD THE FOLLOWING CALLS: N 47° 0' 18" W 49.47' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 316.22', WITH A RADIUS OF 1164.94', WITH A CHORD BEARING OF N 55° 00' 42" W, WITH A CHORD LENGTH OF 315.25' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 127.23', WITH A RADIUS OF 861.08', WITH A CHORD BEARING OF N 67° 00' 52" W, WITH A CHORD LENGTH OF 127.11' TO A POINT; THENCE S 18° 05' 40" W 10.00' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 118.28', WITH A RADIUS OF 920.85', WITH A CHORD BEARING OF N 74° 04' 10" W, WITH A CHORD LENGTH

OF 118.20' TO A 1/2" REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY N 79° 00' 41" E 53.99' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 79° 00' 20" E 239.86' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 71° 02' 23" E 180.00' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 67° 00' 32" E 150.11' TO A 1" CRIMP TOP PIPE FOUND; THENCE N 64° 19' 13" E 160.03' TO A 5/8" REBAR FOUND; THENCE N 62° 05' 58" E 150.14' TO A 5/8" REBAR FOUND; THENCE N 62° 05' 59" E 50.17' TO A 5/8" REBAR FOUND; THENCE N 69° 04' 15" E 56.90' TO A 1/2" REBAR FOUND; THENCE S 00° 04' 56" E 95.05' TO A 1/2" REBAR FOUND ON THE NORTHWESTERLY RIGHT OF WAY OF STATE HIGHWAY 54; THENCE ALONG SAID RIGHT OF WAY S 37° 35' 41" W 486.75' TO A CONCRETE RIGHT OF WAY MARKER FOUND; THENCE CONTINUING ALONG SAID RIGHT OF WAY WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 175.69', WITH A RADIUS OF 8662.72', WITH A CHORD BEARING OF S 37° 00' 49" W, WITH A CHORD LENGTH OF 175.68' TO A CONCRETE RIGHT OF WAY MARKER FOUND AT THE NORTHERN MITERED CORNER OF THE

NORTHEASTERLY RIGHT OF WAY OF BANKS ROAD AND THE NORTHWESTERLY RIGHT OF WAY OF STATE HIGHWAY 54; THENCE ALONG SAID MITER S 69° 02' 50" W 45.47' TO A CONCRETE RIGHT OF WAY MARKER FOUND, WHICH IS THE POINT OF BEGINNING.

HAVING AN AREA OF 211,591.08 SQUARE FEET, OR 4.86 ACRES.  
08/14



PETITION FOR REZONING  
CERTAIN PROPERTIES IN  
UNINCORPORATED AREAS OF  
FAYETTE COUNTY, GEORGIA  
PUBLIC HEARING to be held be-  
fore the Fayette County Board of  
Commissioners on Thursday, Oc-  
tober 24, 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.: 1353-24  
Owner/Agent: The Estate of Rich-  
ard N. Cates/Carol Denise Cates  
Mercer, Executrix; Jim Kelly,  
Agent; Newton Galloway - Attorney  
Existing Zoning District:

A-R  
Proposed Zoning District:  
C-C

Parcel Number: 0532 023  
Area of Property: 4.86 acres  
Proposed Use: Commercial  
Land Lot(s)/District: Land lot 151  
of the 5th District  
Fronts on: Banks Road and High-  
way 54  
Legal Description  
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FOUND; THENCE N 67° 00'32" E  
150.11' TO A 1" CRIMP TOP PIPE  
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FOUND; THENCE N 62° 05'25" E  
150.14' TO A 5/8" REBAR FOUND;  
THENCE N 62° 05'59" E 50.17'  
TO A 5/8" REBAR FOUND;  
THENCE N 69° 04'15" 1' E 56.90'  
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69° 02'50" W 45.47' TO A CON-  
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FOUND, WHICH IS THE POINT  
OF BEGINNING. HAVING AN  
AREA OF 211591.08 SQUARE  
FEET, OR 4.86 ACRES.  
10/02

**Wednesday, October 2, 2024**  
Deadline: Each Friday by 10 a.m.  
770-461-6311  
legals@fayette-news.net

## OPPOSITION LETTER TO RE-ZONING REQUEST, PETITION 1353-24 HWY 54 & BANKS RD

Arnold L. Martin, III  
130 Deer Glen Drive  
Fayetteville, GA 30214

August 29, 2024,

Dear Planning Commissioners;

My name is Arnold Martin and my family has resided on Deer Glen Drive, within the Deer Glen Forest subdivision for 26 years. Our community is filled with almost one hundred families, ranging from being brand new residents to those who have resided for over 40 years. Our community shares the border at the back of this land.

This letter is to represent the Deer Glen Forest residents' opposition to the re-zoning request of the 4.86 acres from A-R to C-C , for the development of a convenience store at the corner of Banks Rd and Hwy 54 in Fayetteville.

We oppose this request, because a convenience store, at this location, among many reasons would be harmful and completely disruptive to this residential area and neighborhoods. These additional reasons below are further reasons why we feel that this request should be denied.

- This property has always been zoned A-R and all owners who purchased this land were quite aware of the zoning.
- This request does not meet the Comprehensive and Future Land Use Plan of Fayette County.
- All of the surrounding neighborhoods are zoned for Residential R-40 or R-45
- The Comprehensive Plan/ Land Use Element on page L-11 states the following

### **Commercial**

This category identifies all property where business and trade are conducted, both retail and wholesale, and accessory use areas, such as parking. The Land Use Plan Map seeks to provide necessary commercial activity within a reasonable distance to unincorporated county residents. However, county policy recognizes that major commercial facilities should be located within incorporated areas where infrastructure is available and population densities are most concentrated. The county should attempt to discourage additional commercial development along major roadways, as strip commercial development is neither desirable from a safety standpoint nor attractive.

- The issues of Traffic and Safety- The traffic light at the corner of Hwy 54 and Banks Road is a continual bottleneck of traffic especially in the morning and evening traffic

- This bottleneck has caused cars to cut through Deer Glen Forest, usually at high rates of speed, of which we have complained to county officials.
- Daily traffic on Hwy 54 is 16,660 and on Banks Road it is 12,751. A convenience store and gas station, trying to handle the traffic of almost 30,000 cars would be an absolute nightmare and total disruption to the quality of life of all neighboring residents
- Crime- We are highly concerned of crime coming to our very safe neighborhoods that has never been there. Convenience Stores and Gas Stations attract crime and criminal element. A recent example is the Circle K being held up at gun point . See the attached article. We don't want this crime coming to our neighborhoods.

In summary, we are asking that you deny this change of zoning request, for all of the reasons I have identified and that this is a residential area that must remain this way. A similar request occurred in 2003 and it was denied 5-0 by the Commissioners. We ask that you do the same.

**PLEASE SEE THE ARTICLE ON THE NEXT PAGE**

# Man demands convenience store's money, walks away with roll of bills, is arrested for robbery

By Ben Nelms - March 21, 2022



*Mark F. Miller. Photo/Fayette County Jail.*

A Morrow man has been charged with robbery after demanding money from the store clerk at a gas station on Fayetteville's west side. He was detained by officers a short distance from the store while walking along Ga. Highway 54 West.

Fayetteville officers on March 12 were dispatched to a reported robbery at the Circle K gas station on Hwy. 54 West at Ginger Cake Road.

The dispatcher described the alleged suspect as an older white male wearing a blue coat, according to Fayetteville Police Department spokesperson Ann Marie Burdett.

Burdett said a Fayetteville police officer patrolling in the area observed a subject walking eastbound on Hwy. 54 West near Marquis Drive, fitting the description of the alleged suspect.

The officer stopped and detained the subject to conduct a brief investigation. The officer confirmed the subject he detained fit the description of the subject that robbed the Circle K gas station, Burdett added.

"The officer obtained the subject's name and date of birth, a search was conducted and a roll of U.S. currency was found on his person. The subject was identified as Mark F. Miller, 59, of Morrow," Burdett said.

Though Miller said the money was his, the complainant/store clerk told police that Miller demanded money from her, and she gave it to him, Burdett noted.

"Miller was returned to Circle K gas station, and the store clerk identified that he was the offender that robbed Circle K gas station," Burdett said.



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**Ben Nelms**

September 1, 2024

RE: Concerns regarding the rezoning request at the Banks Road/GA Hwy 54 intersection.

Dear Fayette County Planning Commissioners,

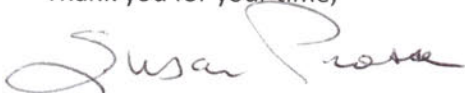
My name is Susan Prosser and my husband and I reside in the subdivision/area known as "Ponderosa" located on the north side of Banks Road near the proposed rezoning request. We do not have an HOA, so I am writing on behalf of my family and my neighbors with whom I have spoken, and those that signed the petition (also attached). We all oppose the proposed rezoning of the property located in Land Lot 151 of the 5th District and fronts on Banks Road and GA Hwy 54; (Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix) and the request to rezone the 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store with fuel pumps.

Although our subdivision/neighborhood is not physically adjacent to this property, our neighborhood will be impacted. I know that several neighborhood HOA representatives have reached out and provided, with detailed accounts, their concerns regarding this rezoning. To save time, I will not duplicate/reiterate those concerns here, but will just say, that we, too, agree with those concerns that have been stated/discussed:

- environmental impact;
- noise/light pollution;
- health concerns;
- property values;
- traffic and safety. I will add additional information regarding traffic. Regarding our subdivision, the first entrance (Ponderosa Court) is 3/10 of a mile from the intersection and the second entrance (Ponderosa Trace) is 7/10 of a mile. Traffic along Banks is already heavy and people tend to speed. (I have had cars pass me ignoring the double lines.) When you exit Ponderosa Trace there are "blind spots" which include a curve east of the subdivision entrance and a hill west of the entrance both impacting your sight as you try and get onto Banks Road. This is definitely a safety issue.

Finally, in reading the current Fayette County Land Use Plan, this rezoning would totally go against it. We in the Ponderosa Neighborhood respectfully urge the Commission to adhere to our county's existing land use plan and reject this proposed rezoning.

Thank you for your time,



Susan Prosser  
297 DeVilla Trace  
Fayetteville, GA 30214

**From:** [BUTCH PROSSER](#)  
**To:** [Deborah L Bell](#); [Deborah Sims](#)  
**Subject:** Opposition Letter and Signatures Regarding Rezoning of Land at Banks Road and GA Hwy 54 Intersection  
**Date:** Sunday, September 1, 2024 6:47:07 PM  
**Attachments:** [Letter to FC Planning Commission.pdf](#)  
[Petition Signatures Ponderosa .pdf](#)

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You don't often get email from [REDACTED]. [Learn why this is important](#)

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

Dear Ms. Bell and Ms. Sims,

My name is Susan Prosser and my husband and I reside in the subdivision/area known as "Ponderosa" located on the north side of Banks Road. Our neighborhood does not have an HOA, so I am writing on behalf of my family and neighbors with whom I have spoken, and those that signed the petition against the rezoning for the Banks Road/GA Hwy 54 parcel of land.

Attached to this email, please find a letter to the Fayette County Planning Commission explaining our concerns and opposition to the rezoning request for the above mentioned parcel of land. Also attached are signatures of neighbors/residents that signed our petition to oppose this rezoning. Please share this information with the Planning Commission and allow it to be entered into the official record.

Thank you so much,

Susan Prosser

297 DeVilla Trace

Fayetteville, Ga 30214

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

Name	Address
(2) Kimberly Harris	370 Devilla Trace Fayetteville GA 30214
Deborah Hughes	260 Huntcliff Ct Fayetteville GA 30214
Al Hahn	275 Huntcliff Ct Fayetteville GA
Elica Ojeda	215 Devilla Trace Fayetteville GA 30214
CAROLYN JACKSON	200 Oak Manor Fayetteville GA 30214
Slater L. Jackson, I <sup>st</sup>	200 Oak Manor Fayetteville, GA 30214
Patrick Hall	370 Devilla Trace Fayetteville - 30214
Barbara Martinez	370 Devilla Trace Fayetteville, GA 30214
Darryl Beere	115 Hunters Crk Fayetteville GA
(2) José & Mila Gros	105 Grande Ct
Laken Hurst	165 Huntington Ct, Fayetteville, GA 30214
ALEXANDRA TRAXLER	160 Downing Ct. 30214
Jake Acevedo	170 Downing Ct. Fayetteville, GA 30214
Halee Pokosz	170 Downing Ct. Fayetteville, GA 30214
Bob Beasley	155 Downing Ct Fayetteville 30214
Shirley Beasley	155 Downing Ct Fayetteville 30214
Victor A. Ortega	215 Devilla Trce Fayetteville GA 30214
Maria I. Perdomo	215 Devilla Trce Fayetteville GA 30214
Elica S. Ortega	100 San Marino Ct Fayetteville GA 30214
Denzel Felder	100 San Marino Ct Fayetteville GA 30214
DeMun Lewis	130 Hill Chase Ct Fayetteville GA 30214
Charlotte Rodriguez	315 DEVILLA TRACE Fayetteville GA 30214
Jim Prible	295 Devilla Trace "
Diiane Prible	295 DeVilla Trace "



By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

*[Handwritten scribbles and signatures on the left margin]*

	Name	Address
1	Kyle Howser	105 TAHOE DR. Fayetteville Ga
2	Helen Hickman	115 Hill Chase Ct. Fayetteville
3	Dean Nelson	108 Hill Chase Ct
4	MARY MURDAUGH	150 HUNTCIFF CT, Fayetteville GA
5	NEAL MURDAUGH	150 Huntcliff Ct "
6	Alfred Collins	184 Dawns Ct Fay.
7	Zakiyah Lewis	130 Hill Chase Ct
8	MARYELLEN HENDRICK	110 HILL CHASE CT
9	Stacie Huber	100 Hillchase ct.
10	Billy Huber	100 Hill chase Ct.
11	Oscar Ortiz	105 hill chase CT
12	Kelly Ortiz	105 hill chase CT
13	Alexandra Berain-Pino	110 Huntcliff ct. Fayetteville GA
14	Brandon Berain	110 Huntcliff ct " "
15	Denise Langley	225 Oxford Lane " "
	Jim Salvador	155 KAYLA RR
	Faye SALVADOR	155 KAYLA RR
	Chris Davis	125 Chandler Way
	Donny Murdaugh	150 Huntcliff Ct. Fay.



**SANDRA LEE QUIRY**  
140 Sugarland Trail  
Fayetteville, GA 30214  
(770)460-7690

Fayette County Planning Commission  
140 Stonewall Avenue West  
Fayetteville, GA  
30214

Re: Formal objection to rezoning Petition No. 1353-24 Banks Road and GA 54

August 31, 2024

Dear Commission Members and Staff:

As residents of Smokemont Subdivision we feel compelled to reach out to you. The Banks Road/GA 54 corridor is and has always been agricultural/residential, in accordance with the Comprehensive and Future Land Use Plan of Fayette County. It is comprised of five subdivisions with homes numbering in the hundreds, and custom built homes numbering in the dozens.

We strongly object to a proposal to rezone less than five acres at the corner of Banks Road and GA 54 to allow for a gasoline station and convenience store. Smokemont is the smallest and most humble of the neighborhoods in the corridor, but we are in very close proximity to this parcel. While there are many problems with this petition the related health concerns come top of mind.

Gasoline stations are documented producers of volatile organic compounds that attack by air and runoff. Some of them are heavier than air and would collect in the low lying area of the parcel which abuts homes in Deer Glen Forest. One, benzene, is a known carcinogen which attacks our cells and then our blood. The NIH has determined that there is no safe level of exposure to it. Naturally occurring ethyl benzene is a suspected carcinogen. Tuolene has not been linked to cancer but can damage the brain, heart, muscles and kidneys with repeated exposure. And of course there is carbon monoxide which is a pulmonary threat to us all, and particularly so to sensitive groups.

While the government and industry have tried to mitigate gaseous emissions there is evidence that Stage I vapor recovery systems and automobile onboard vapor recovery systems are less than ideal. Stage 1 systems are NOT effective the 99% of the time that the underground tanks are NOT being filled. And automobile OVRS have been shown in recent testing to leak around 88% of the time. Moreover, the virtual certainty of runoffs from refueling assures that these compounds, which dissolve only slightly in water, will be in the ditches, soil, grass and waterways of the surrounding area.

Ladies and gentlemen, I am not a pioneer resident of Smokemont. But in my 34 years here I have enjoyed watching two generations of kids at the bus stops. Won't you help us

**SANDRA LEE QUIRY**  
140 Sugarland Trail  
Fayetteville, GA 30214  
(770)460-7690

keep this area safe for them and us? We don't need another gas station here. We need peaceful enjoyment of our homes. Please stick to the Comprehensive Plan and vote AGAINST this petition.

Thank you for your consideration.

A handwritten signature in blue ink that reads "Sandra Lee Quiry". The signature is written in a cursive, flowing style.

Sandra Lee Quiry



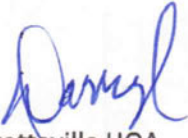
By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

Name	Address
Jandra Sue Jimmy Sandra Quire	140 Sugarland Trail Fayetteville
Shanna Sabed Shannon Wood	130 Hillsdale Dr. Fayetteville
Jan Couch	310 Woodgate Dr Fayetteville
Laura G. Perry	100 GRANDE CT, FAYETTEVILLE.
David W. Bior	150 Sugarland Trail, Fayetteville
Jay Little	155 SUGARLAND TR FAYETTEVILLE
Fancy Little	155 Sugarland Tr. Fayetteville
Remigia Norde	180 Sugarland Tr Fayetteville
Roger Norde	180 Sugarland Tr Fayetteville
Berneen Abbott	160 Springhouse Lane Fayetteville
Susan Fran	297 DeVill TR Fayetteville
Buts Fran	297 DEVILCA TR FAYETTEVILLE
Barbara Howard	115 Sugarland TR Fayetteville
Recky Lewis	105 Cold Springs Ct Fayetteville Ga
Genie Armstrong	130 Pamela Court - Fayetteville, GA 30214
MATT + DEBORAH DUNFEE	120 SPRINGHOUSE LN, FAYETTEVILLE, GA 30214
Claire Berge	130 Springhouse Ln, Fayetteville, GA
Kristin Rust	115 Pamela Ct Fayetteville GA 30214
Brian A. + Jantica Karfow	589 Banks Rd east Fayetteville GA
Hector F PALACIOS	165 FOREST HALL PL Fayetteville GA
Tom Dodd + Terry Dodd	175 Oak Forest TRL Fayetteville, GA
JANET SPECK	155 FOREST HALL LN, FAY
Katrina + Bobby Dean	140 Smokemont Dr Fayetteville, Ga
FRANK & Angelia Blackwell	810 SAN Remo CT. Fayetteville, GA 30214
Frank Blackwell	





DRAFT

  
Darryl A. Hicks, Sr  
President – The Oaks of Fayetteville HOA  
245 Oak Manor  
Fayetteville, GA 30214

Re: Rezoning Request  
Banks Road & Highway 54

August 30, 2024

Dear Planning Commissioners,

I am reaching out to you on behalf of the members of our Homeowners Association for The Oaks of Fayetteville. We oppose the rezoning of the property at Banks Road & Highway 54 from A-R to C-C. This property has always been zoned residential, and allowing commercial development, such as a gas station, would have a detrimental impact on our community in the following ways:

- **Traffic and safety:** The addition of a gas station at this location will increase traffic congestion in an already very dangerous intersection. There are many automobile accidents happening there already.
- **Environmental impact:** Gas stations have the potential to cause environmental harm through soil and groundwater contamination, air pollution, and hazardous waste. Given the proposed site's proximity to residential homes and parks, we are deeply concerned about the long-term environmental impact on our community.
- **Property values:** The presence of a gas station can negatively affect property values in the surrounding area. As homeowners, we are concerned about the potential devaluation of our homes, which represents a significant investment for many of us.
- **Noise and Light Pollution:** Gas stations typically operate late into the night or even 24/7, which can introduce unwanted noise and light pollution into the neighborhood, disrupting the quiet residential character of our community.
- **Health Concerns:** The emission of volatile organic compounds (VOCs) and other pollutants associated with gas stations can pose health risks to nearby residents, particularly children, the elderly, and those with pre-existing health conditions.
- **Land Use Plan:** The current land use plan states that this parcel has been designated as residential even back in 2003 when the last request was made by the landowners.

For these reasons, we oppose the rezoning request along with our neighboring HOAs and respectfully urge the Commission to reject it and adhere to the existing Land Use Plan.

Sincerely,

The Oaks for Fayetteville Homeowners Association



## The Oaks of Fayette HOA

### Rezoning Application Petition: GA Highway 54/Banks Rd for A-R to C-C

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

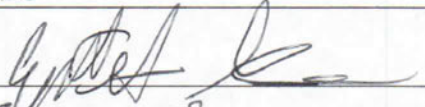

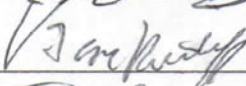
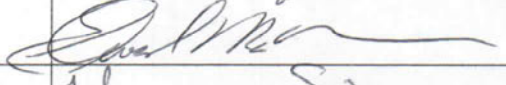
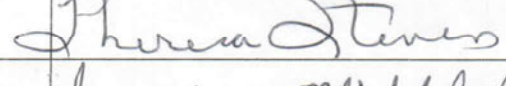
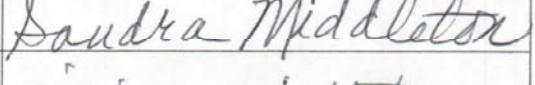
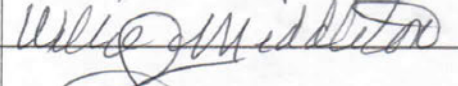
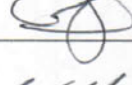
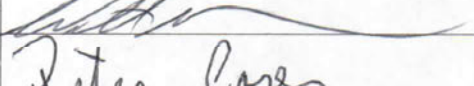
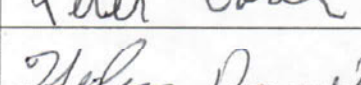
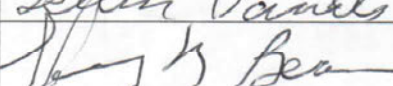
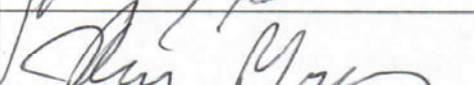
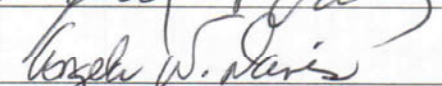
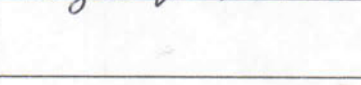
Printed Name	Address	Signature
Darryl Hicks	245 OAK MANOR, FAYETTEVILLE GA	Darryl Hicks
Shirelle Hicks	200 Oak Terrace, Fayetteville	Shirelle Hicks
C. Ann Banks	185 Oak Manor Fayetteville	C. Ann Banks
Slater L. Jackson	200 Oak Manor, Fayetteville GA 30214	Slater L. Jackson
Carolyn P. Jackson	200 Oak Manor Fayetteville GA 30214	Carolyn P. Jackson
Hung Nguyen	106 Oak Manor Fayetteville	Hung Nguyen
OSBOURNE WALKER	101 OAK MANOR 30214	Osborne Walker
ALTHEA WALKER	101 OAK MANOR 30214	Althea Walker
Brian Picone	105 OAK MANOR	Brian Picone
Tony Olive	140 OAK MANOR	Tony Olive
JOSEPH BROWN III	325 PHILLIPS	Joseph Brown III
ARCHIE & EMMA HALE	305 PHILLIPS DR	Archie Hale
Meloni Carter	315 Phillips Drive	Meloni Carter
Gregory Carter	315 Phillip Drive	Gregory Carter
Vincent Hicks	125 Brook Valley way	Vincent Hicks
Linda Hicks	185 OAK TER	Linda Hicks
Cliff Bell	220 OAK MANOR	Cliff Bell



## The Oaks of Fayette HOA

### Rezoning Application Petition: GA Highway 54/Banks Rd for A-R to C-C

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

Printed Name	Address	Signature
Cynthia Guess	155 oak knl, Fayetteville, GA 30214	
Julian Guess	155 oak knl, Fayetteville, GA	
Tom Rusty	165 Oak Knoll	
Edward McNease	140 OAK KnOLL	
Theresa Steves	120 Oak Knoll	
Sandra Middleton	110 OAK Knoll	
Willie Middleton	110 Oak Knoll	
Olayinka Adewusi	125 Oak Manor	
Wilbert Warren	240 oak Manor	
Peter Coen	335 Phillips Dr	
Helin Daniels	120 Brook Valley Way	
Theophilus Bean	190 Oak Manor	
Johnny Phillips	165 Oak Manor	
Angela W. Davis	230 OAK MANOR	

**From:** [Planning & Zoning](#)  
**To:** [Deborah L Bell](#)  
**Subject:** FW: rezoning  
**Date:** Wednesday, August 28, 2024 12:36:16 PM

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**From:** [REDACTED] >  
**Sent:** Wednesday, August 28, 2024 8:32 AM  
**To:** Lee Hearn <lhearn@fayettecountyga.gov>; Planning & Zoning <zoning@fayettecountyga.gov>  
**Subject:** rezoning

You don't often get email from [REDACTED] [Learn why this is important](#)

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

Good morning. My name is Kimberly Hearn and I live at 589 Banks Road East. It is my understanding there will be a meeting on September 5, 2024 regarding rezoning property at the intersection of Hwy 54 and Banks Road East.

I want to express my opposition to the construction of a gas station at the above intersection. My son was hit by a car on this street several years ago. The driver was cutting through the neighborhood. I live half-way down Banks Road East and I can see when people are just cutting through or live here. We've had speed bumps put in place (one was gone for a year, replaced about 2 months ago, and already torn up) and my next-door-neighbor's mailbox has been hit 3 times in the last few months.

I have to pick up trash out of my yard nearly every day.

A gas station will likely lead to congestion at an intersection that already has a long line of traffic at times.

I urge you to not allow the zoning for a gas station.

Thank you.

Kimberly B. Hearn  
678-548-1510

**From:** [Planning & Zoning](#)  
**To:** [Deborah L Bell](#)  
**Subject:** FW: Rezoning of Highway 54 and Banks road.  
**Date:** Tuesday, August 27, 2024 12:43:22 PM

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-----Original Message-----

From: Charles Wicker <[REDACTED]>  
Sent: Tuesday, August 27, 2024 11:58 AM  
To: Planning & Zoning <zoning@fayettecountyga.gov>  
Subject: Rezoning of Highway 54 and Banks road.

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

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

Good morning Ms. Bell.

My name is Charles Wicker and I am a member and resident of the Wellington Place neighborhood.

I want to start by thanking you for serving as Fayette County's Planning and Zoning Director and also that I am praying for you as well as all of our other elected officials.

I am contacting you today to express my concern and strong objection to the proposed plan to rezone the property on the corner of Highway 54 and Banks Road from Agricultural/Residential to Commercial with the purpose of constructing a gas station.

As a Father of 4 very young children I am very concerned for the safety of my family and absolutely do not want the extra traffic, auto accidents, light and noise pollution or potential crime to jeopardize my young family.

We also have 2 gas station's within 2 miles in either direction from my home, simply put we do not need another gas station in this location.

Thank you for your time and consideration Ms. Bell.

Charles Wicker.

**From:** [Griffin Root](#)  
**To:** [Deborah L Bell](#); [Deborah Sims](#)  
**Subject:** Opposition Letter to Zoning Request at Hwy 54 and Banks Road in Fayetteville - WPHOA  
**Date:** Friday, August 30, 2024 2:22:04 PM  
**Attachments:** [WPHOA - Planning commission letter 30AUG24.pdf](#)

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

Good afternoon Ms. Bell and Ms. Sims;

Attached is our letter, from the residents of the Wellington Place HOA subdivision, in opposition to the re-zoning request for the Hwy 54 and Banks Rd parcel of land to be reviewed by the Planning Commissioners on September 5th. We have also included images of the current petition we have circulated amongst our residents opposing same, and expect to have additional signatures prior to the BOC meeting on 26SEP24.

We respectfully request you please share the attached with the Planning Commissioners, for it also to be entered into the official record.

Should you have any questions or concerns, please do not hesitate to reach out.

Thank you for your assistance and consideration and we appreciate your attention to this matter.

Griffin Root

Treasury/Secretary - Wellington Place Homeowners Association

[REDACTED]



Griffin Root

Treasurer/Secretary – Wellington Place HOA

115 Pamela Court

Fayetteville, GA 30214

Re: Rezoning Request

Banks Road & Highway 54

August 30, 2024

My name is Griffin Root, my family resides on Banks Rd East, and we have been part of the Wellington Place subdivision for 13 years. Our community is filled with almost 45 families, ranging from some being brand new residents, to others who have lived here for over 35 years.

This letter is to represent the Wellington Place HOA residents' concern to the re-zoning request of the 4.86 acres at the corner of Banks Rd. and HWY 54 in Fayetteville from A-R to C-C , for the development of a gas station/convenience store. This property has a long history of being consistently zoned as residential, and in so being greatly assists in the promotion of the peaceful quality of life within our neighborhoods, which is precious to all of the members within the WPHOA.

We strongly oppose the request to rezone this property to C-C as a gas station/convenience store, at this location, would be undoubtably both physically/psychologically harmful and completely disruptive to this residential area and our associated neighborhoods. While there are many specific reasons, we would like to express our concerns based on:

- **Noise and Light Pollution:** Gas stations typically operate late into the night or even 24/7, which will introduce unwanted noise and light pollution into the neighborhood, disrupting the quiet residential qualities of our community. These aspects of pollution are a virtual certainty, and will have a significant negative impact on the tranquility that we hold dear to us here in the WPHOA. This would be most impactful on evenings and weekends, when our residents are working to unwind after that long day at work, or spending the weekend with family and friends. A loud brightly lit gas station adjacent to our development is not supportive to these aspects of our lives.
- **Quality of life:** The petitioner has stated that the creation of a convenience store would “bring much needed fuel and food options to a residential community.” We here at WPHOA disagree with that reasoning, given the fact that there is a gas station with attached convenience store food options within 1 mile on either side of Hwy 54 from the proposed development location. To build a third fuel/convenience store location between the two

existing gas stations ***does not make sense***, and would seriously degrade the peaceful quality of life we hold most dear in our neighborhoods.

For these reasons, we strongly oppose the rezoning request along with our neighboring HOAs and respectfully urge the Commission to reject the rezone request, adhere to the existing Land Use Plan, and protect the quality of life in our neighborhood that makes Fayette County the desirable place to live that it is. We thank the planning commission for taking our perspective into consideration, and hope for your support at the meeting on 05SEP24.

Sincerely,

*Griffin Root*

Wellington Place Homeowners Association, Fayetteville GA

cc. Tim O'Rourke – President WPHOA

By signing this petition, you are requesting the Fayette County Board of Commissioners not to rezone the property at the intersection of Banks Road and Highway 54 East from Agricultural to Commercial. You are requesting that they deny the proposed building of a gas station and convenience store at this location.

Name	Address
<del>Wanda J. Judd</del>	556 BANKS Rd S.
Robert Lohr	556 BANKS Rd S.
<del>Carl Lohr</del>	116 Currie Court
Charles Dye	512 Banks Rd
Jannica Kartchner	519 Banks Rd E
Fredely Concepcion	527 BANKS Rd E
N Kirk Erenshin	531 Banks Rd E
JACK TILTON	532 BANKS Rd E
RHONDA TILTON	532 BANKS Rd E
GRIFFIN ROY	115 Pamela Court
Jasmine Arnold	528 Banks Rd E
Jarrett Arnold	528 Banks Rd. E
CD & Nancy Kinnaird	591 BANKS Rd EAST
Jess	534 Banks Rd E
Carley Copland	559 Banks Rd E
Harry H. Cuebas	576 Banks Rd. E
Bobby Martin	578 BANK Rd E
Bruce Christie	578 Banks Rd E.
Che Vidal	105 Pamela Court
Kimberly Hearn	589 Banks Rd EAST







**From:** [Planning & Zoning](#)  
**To:** [Deborah L Bell](#)  
**Subject:** FW: HWY 54 & Banks Rd  
**Date:** Thursday, August 29, 2024 8:10:00 AM

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**From:** Vicky Veasey [REDACTED]  
**Sent:** Wednesday, August 28, 2024 2:35 PM  
**To:** Planning & Zoning <zoning@fayettecountyga.gov>  
**Subject:** HWY 54 & Banks Rd

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

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

Hi

I am sending you this email as a resident of Fayette County who strongly opposes the rezoning of this area. This intersection has enough traffic, in addition and even more importantly there are accidents that take place there often. Adding a gas station to an area like this will only cause more issues. Travelers including myself have two very close options for gas. One at the intersection of Corinth and Hwy 54 and another going in the other direction at the intersection of Hwy 54 and McDonough Rd. This seems to be a bit overkill in regards to adding another gas station in the area.

Please leave this area residential

Thank you

Vicky Veasey

**From:** [Great Gifts of Heritage The Tuckers](#)  
**To:** [Lee Hearn; Planning & Zoning](#)  
**Subject:** I Say No To Gas  
**Date:** Thursday, September 5, 2024 6:03:50 PM

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Some people who received this message don't often get email from music90.9@gmail.com. [Learn why this is important](#)

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

In our neighborhood ( Felton Drive and McElroy Road), we are opposed to the zoning change. We have enough gas stations and CONVENIENCE stores within a 5 mile radius.

There is nothing good to be gained by adding a gas station.

I oppose the added traffic congestion at the Banks Road intersection with state route 54, as well as the congested complex of lanes at the end of McElroy Road.

Residents of the neighborhood, sports participants, and folks passing through have numerous stations to select from.

I strongly oppose the developers' request to rezone.

J.B. Tucker

**From:** [Scott Barber](#)  
**To:** [Planning & Zoning](#)  
**Subject:** No to proposed gas station at intersection of 54 and Banks Rd  
**Date:** Thursday, September 19, 2024 1:17:44 PM

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

Fayette County Zoning and Planning Director,

I strongly disagree with the development of a proposed gas station at the corner of Hwy 54 and Banks Rd. Here are a few reasons why.

- This is a residential area
- From the location there is already a gas station at the intersection of McDonough Rd, less than a mile away
- In the other direction there is a gas station about a mile away
- This is already a busy intersection
- It will greatly affect property value in this residential area
- There are already enough gas stations in Fayetteville w/o the others mentioned

--

Scott S Barber  
678-603-5909



# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of Petition No. 1355-24, Andrea Pope Camp and Jordan Camp, Owners; Randy Board, Agent, request to rezone 41.78 acres from A-R to R-75 for the purpose of creating additional lots without any new infrastructure; property located in Land Lot 28 of the 7th District and fronts on Davis Road and Huiet Drive. This petition was tabled at the September 26, 2024 meeting.

**Background/History/Details:**

Applicant proposes to rezone 41.78 acres from A-R (Agricultural-Residential) to R-75 (Single-Family Residential) for the purpose of developing a residential neighborhood of single-family detached homes. As defined in the Fayette County Comprehensive Plan, Rural Residential – 2 (1 unit/2 acres) is designated for this area, so the request for R-75 zoning is appropriate.

On September 5, 2024, the Planning Commission voted, 4-0, to recommend CONDITIONAL APPROVAL, with AMENDED CONDITIONS. Please refer to the Staff Report for Amended Conditions, as recommended by the Planning Commission, and for the original staff recommendation for conditions.

At the September 26, 2024, Board of Commissioners meeting, pursuant to Sec. 110-298, the petitioner was granted a request to table because a full board was not present.

Staff recommends CONDITIONAL APPROVAL of the request to rezone from A-R to R-75.

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

Approval of Petition No. 1355-24, Andrea Pope Camp & Jordan Camp, owners; request to rezone 41.78 acres from A-R to R-75 for the purpose of creating additional lots without any new infrastructure; property located in Land Lot 28 of the 7th District and fronts on Davis Road and Huiet Drive with seven (7) 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: 1355-24**

**REQUESTED ACTION:** Rezone from A-R to R-75

**PARCEL NUMBER:** 0703 012

**PROPOSED USE:** Single-Family Residential Subdivision with No New Infrastructure

**EXISTING USE:** Agricultural/Residential

**LOCATION:** Davis Road & Huiet Drive

**DISTRICT/LAND LOT(S):** 7<sup>th</sup> District, Land Lot 28

**ACREAGE:** 41.78

**OWNER(S):** Andrea Pope Camp; Jordan Camp, Attorney-in-Fact

**APPLICANT:** Jordan Camp, Attorney-in-Fact

**AGENT:** Randy M. Boyd

**PLANNING COMMISSION PUBLIC HEARING:** September 5, 2024

**BOARD OF COMMISSIONERS PUBLIC HEARING:** October 24, 2024

*Note: At the September 26, 2024, Board of Commissioners meeting, pursuant to Sec. 110-298, the petitioner was granted a request to table because a full board was not present.*

---

**APPLICANT'S INTENT**

Applicant proposes to rezone 41.78 acres from A-R (Agricultural-Residential) to R-75 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes.

**PLANNING COMMISSION RECOMMENDATION**

On September 5, 2024, the Planning Commission voted 4-0 to recommend **CONDITIONAL APPROVAL, with the following AMENDED CONDITIONS:**

*[Notes: Condition #4 was omitted altogether. Condition #6 was amended to only follow Sec. 12-90., which removes the need for a condition related to installation of water lines. For clarity, staff has removed this condition, and the County Ordinance Sec. 12-90 shall be applied here.]*

1. The owner/developer shall dedicate land to Fayette County as needed to provide a

- minimum 40-ft of right of way as measured from the existing centerline of Davis Road.
2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive.
  3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.
  4. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.
  5. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

*[Original Staff Recommended Conditions as presented to the Planning Commission]*

### **STAFF RECOMMENDATION**

As defined in the Fayette County Comprehensive Plan, Rural Residential – 2 (1 unit/2 acres) is designated for this area, so the request for R-75 zoning is appropriate. Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of R-75, Single-Family Residential District. *(Please see conditions on next page.)*

### **STAFF RECOMMENDED CONDITIONS FOR PETITION No. 1355-24**

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Davis Road.
2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive.
3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.
4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County's Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.
5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.

6. Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto, the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in the subdivision. The water line extension shall be constructed to the standards outlined in, "Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants."
7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

**Staff Note from Public Works regarding Condition #4:**

*The potential traffic load from the parcel under the existing A-R zoning is approximately 72 trips per day. The trip estimate for the proposed zoning is 144 trip per day or greater if an internal local road is provided to increase lot yield beyond 16. This is a 100% increase, or greater. Although there are larger residential developments in the area, they have alternative access points so drivers can avoid travel on a gravel road. Conversely, all traffic for this development would be on one or both gravel roads and the start/destination points concentrated across the Davis Road and Huiet Drive frontages.*

*The design standard and level-of-service for these existing roads is low. They are gravel, narrow, and often with limited or no right-of-way. This limits Fayette County's ability to clear vegetation for sight distance, remove obstructions, and provide adequate ditches and cross-drains for drainage. In addition, some areas have substandard horizontal and vertical geometries. For these reasons, maintaining gravel roads is on-going challenge even at existing traffic volumes. The increased traffic and curb cuts would exceed what the roads are able to support. Improvements are needed to provide an adequate level-of-service for the proposed change in density.*

*The recommended dollar value payment is based on Fayette County's cost estimate to design and construct road improvements along the portion of Davis Road (1,403 ft +/-), Huiet Drive (1,495 ft +/-) fronting the parcel, plus an extension north along Huiet Drive to tie in with existing pavement (300 ft +/-). The scope of work includes the design, right-of-way acquisition, utility relocations, and construction work necessary to improve the road from its current condition to a paved Collector Road, that meets Fayette County's Development Regulations.*

*The cost estimate to improve 2,898 ft of existing gravel road to County Collector Standards is \$1,105,000.*

*This estimate includes design, surveying, right-of-way acquisition, and construction. It assumes all the work is outsourced and is based on today dollars (no inflation). It also assumes no stormwater*

*management features beyond culverts and ditches and no grading easements beyond the 80-ft ROW.*



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

The property is a legal lot of record in the A-R zoning district. There is a single-family home and barn on the property. 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 has a single-family home and a barn on it. The house does not meet the minimum requirements for R-75, so staff is recommending a condition for removal. The barn will not meet the minimum requirements for an accessory structure in R-75, so staff is recommending a condition for removal.

**D. SURROUNDING ZONING AND USES**

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

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

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Future Land Use Plan</b>
North	11	R-40	Single-Family Residential	Rural Residential – 2 (1 unit/2 acres)
East	10	R-40	Single Family Residential	Rural Residential – 2 (1 unit/2 acres)
South (across Davis Road)	48	A-R	Single Family Residential & Agricultural	Rural Residential – 3 (1 unit/3 acres)
West (across Huiet Drive)	60	A-R	Single Family Residential & Agricultural	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 Huiet Drive and Davis Road.

**Site Plan:** The applicant submitted a survey with concept plan for the property. A full site plan review (minor final plat) will be conducted when an application for development is submitted.

**G. DEPARTMENTAL COMMENTS**

- Fayette County Public Schools** -- This rezoning will not be an issue for the school system.
- Water System** -- No objections.
- Public Works & Environmental Management**
  - **Access Management**
    - Huiet Drive is a County Collector. There is no traffic data for Huiet Drive.
    - Davis Road is a County Collector. There is no traffic data for Davis Drive.
  - **Sight Distance** -- The speed limit on Huiet Drive and Davis Road is 25 MPH, requiring 280 ft. of sight distance. Sight distance has not been verified.
  - **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 13113C0092E 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 as to the existence or non-existence of wetlands.
  - **Watershed Protection** -- There **ARE NOT** state waters located on the subject property and the site **WILL NOT BE** subject to the Fayette County Watershed Protection Ordinance upon subdivision.
  - **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 rezoned and developed with more than 5,000 square feet of impervious surfaces for a major subdivision or commercial site plan.

- **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** – Due to the number of lots proposed and distance to the adjacent water line in Canoe Club S/D, water will be required to be ran to all proposed lots in this S/D, including installation of fire hydrants as stated below.
  - Sec. 12-90. - Mandatory connection to public water system.
    - (a) Every lot of a proposed subdivision shall be supplied with adequate water and waste water 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 waste water facilities are available within the distance specified below, the subdivider shall assure that every lot of the subdivision shall be provided with public water.
  - Number of Lots: 6 or more. Minimum Distance from Water Line: 2,500 feet.
  - For each additional lot after six, an additional 150 feet shall be added per lot to the minimum distance from a water line requiring connection thereto.
  - \*Measured along public right-of-way to closest point on property. Cost differentials based on line sizes and fire hydrants needed to serve a subdivision versus that needed as part of the overall system will be determined by the water system.
  - (b) Standard fire hydrants will be provided at the spacing defined under section 12-91. Design standards shall be as specified by the American Water Works Association.

(Code 1992, § 9-82; Ord. of 9-24-1987, § 5-2; Ord. No. 90-15, § 9-82, 9-27-1990; Ord. No. 2000-14A, § 1, 9-28-2000)

- **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 minimum 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 schools. The project does meet criteria that require extension of public water lines to serve the property. Staff has determined that the development would have an adverse impact on local roads.
4. The proposal is consistent in character and land use with the surrounding uses as low density residential.



**ZONING DISTRICT STANDARDS****Sec. 110-131. R-75, Single-Family Residential District.**

(a) *Description of district.* This district is composed of certain lands and structures, having a low density single-family character and is 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 uses shall be permitted in the R-75 zoning district:

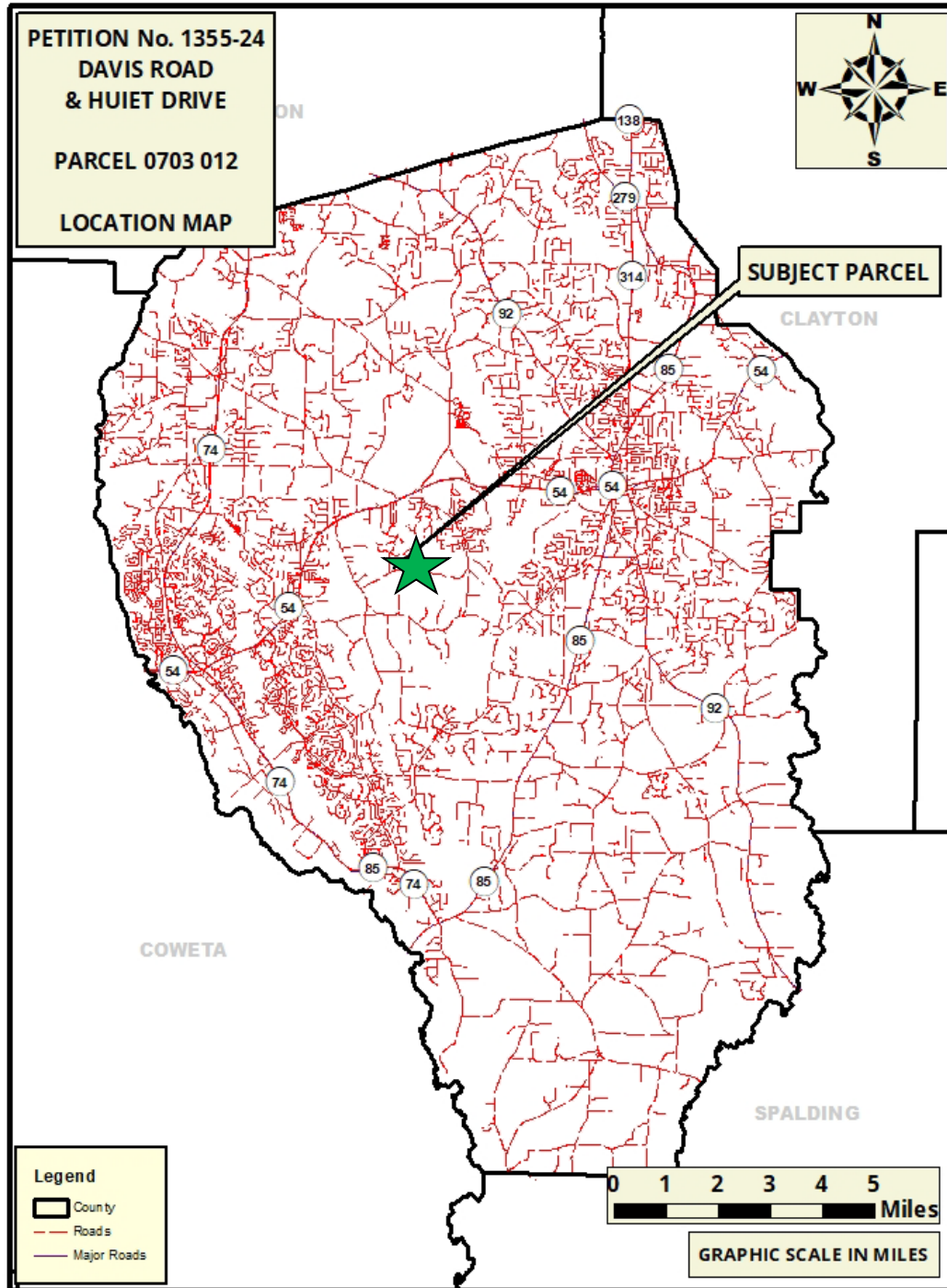
- (1) Single-family dwelling;
- (2) Residential accessory structures and uses (see article III of this chapter); and
- (3) Growing crops, gardens.

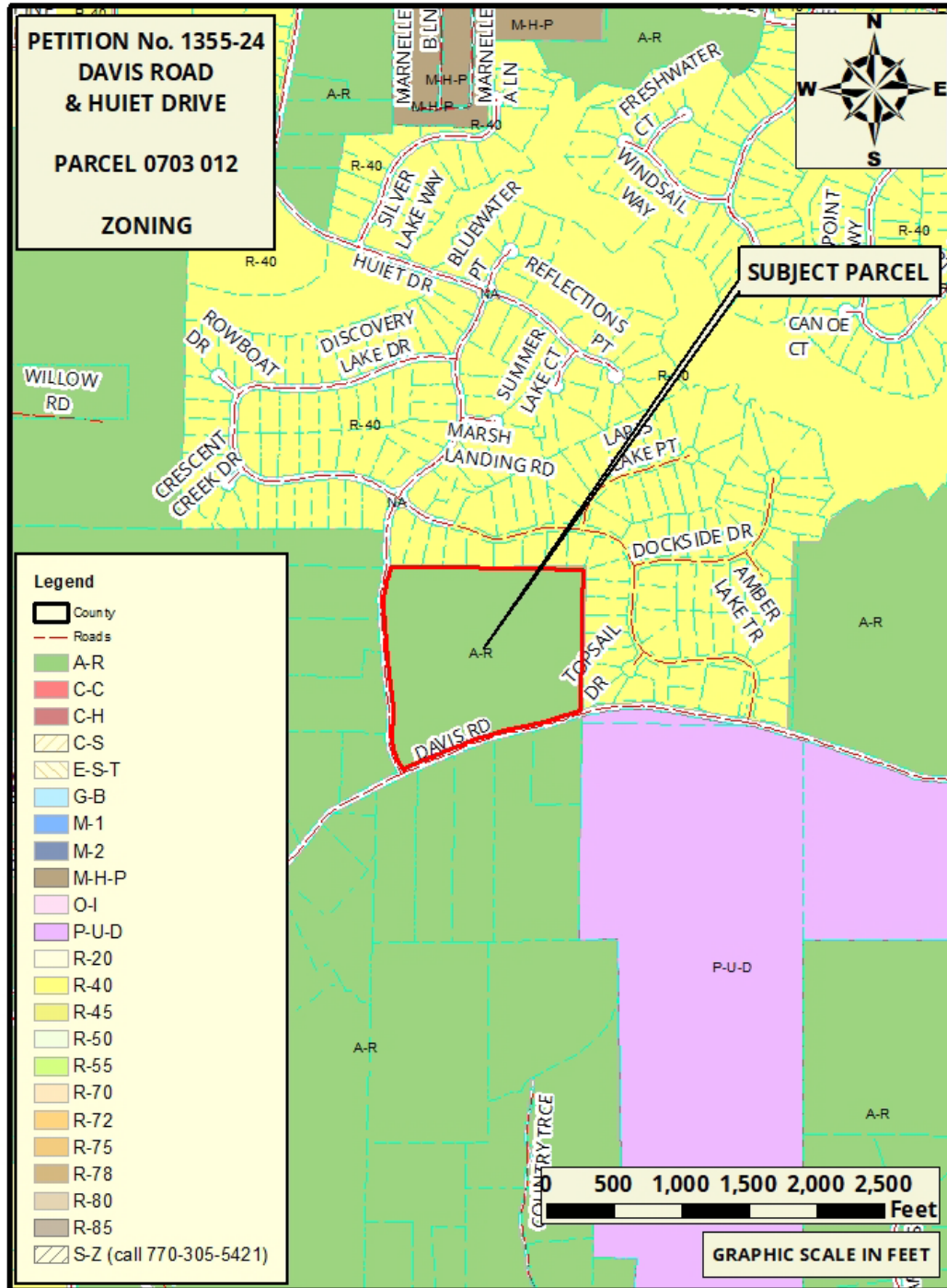
(c) *Conditional uses.* The following conditional uses shall be allowed in the R-75 zoning district provided that all conditions specified in article V of this chapter are met:

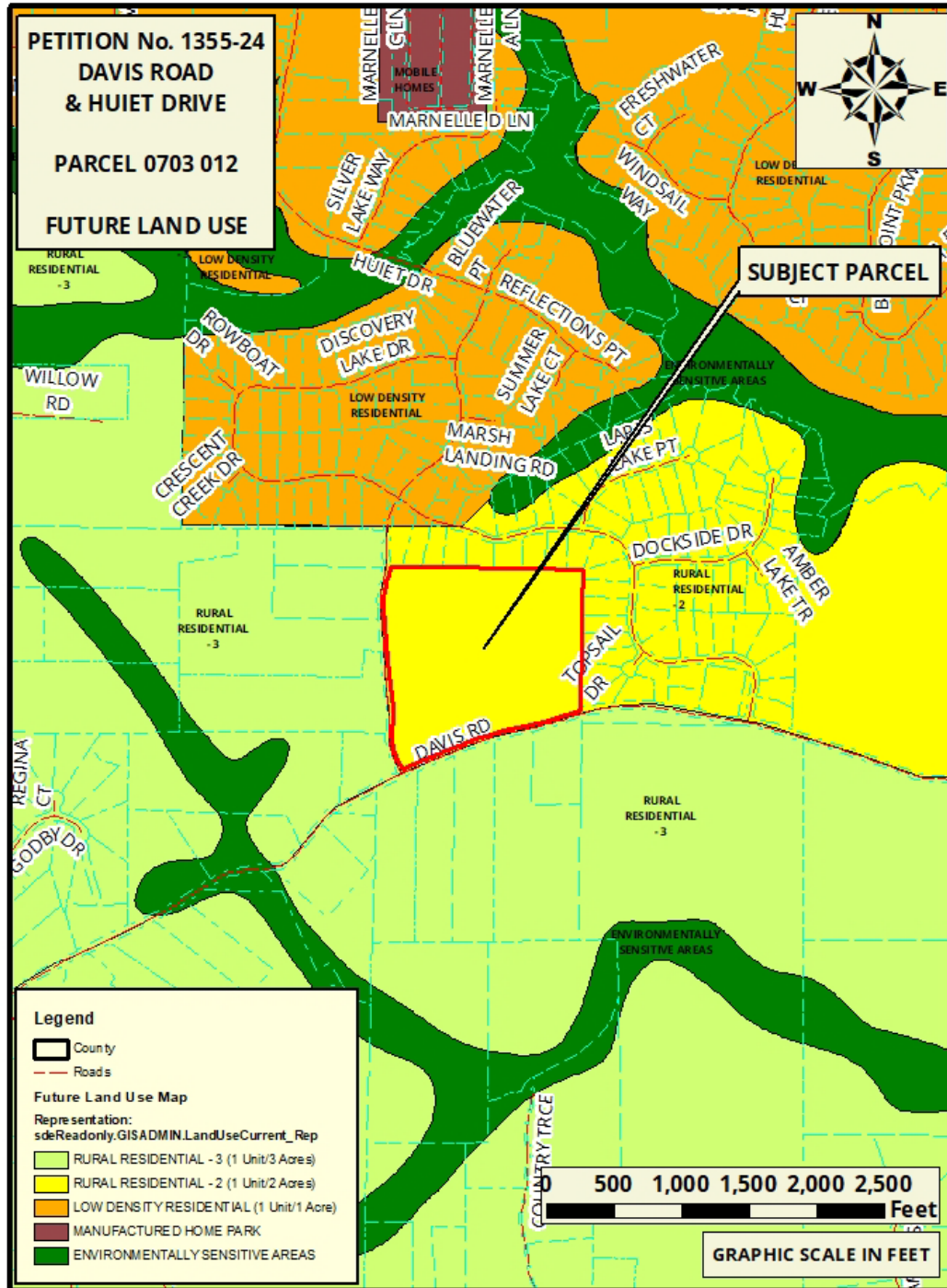
- (1) Church and/or other place of worship;
- (2) Developed residential recreational/amenity areas;
- (3) Home occupation;
- (4) Horse quarters; and
- (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

(d) *Dimensional requirements.* The minimum dimensional requirements in the R-75 zoning district shall be as follows:

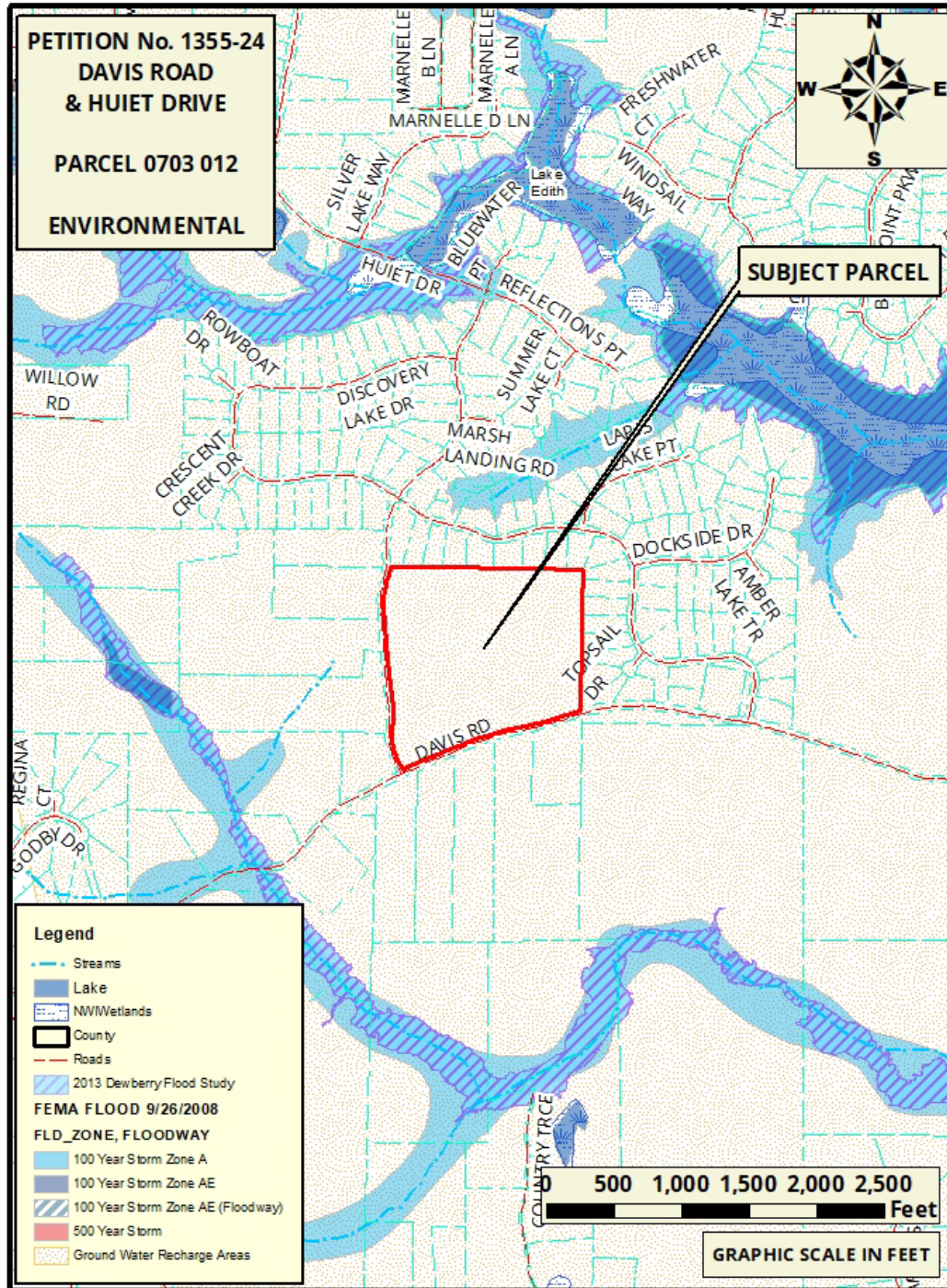
- (1) Lot area per dwelling unit: 87,120 square feet (two acres).
- (2) Lot width: 125 feet.
- (3) Floor area: 2,500 square feet.
- (4) Front yard setback:
  - a. Major thoroughfare:
    1. Arterial: 100 feet.
    2. Collector: 75 feet.
  - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 50 feet.
- (6) Side yard setback: 25 feet.
- (7) Height limit: 35 feet.



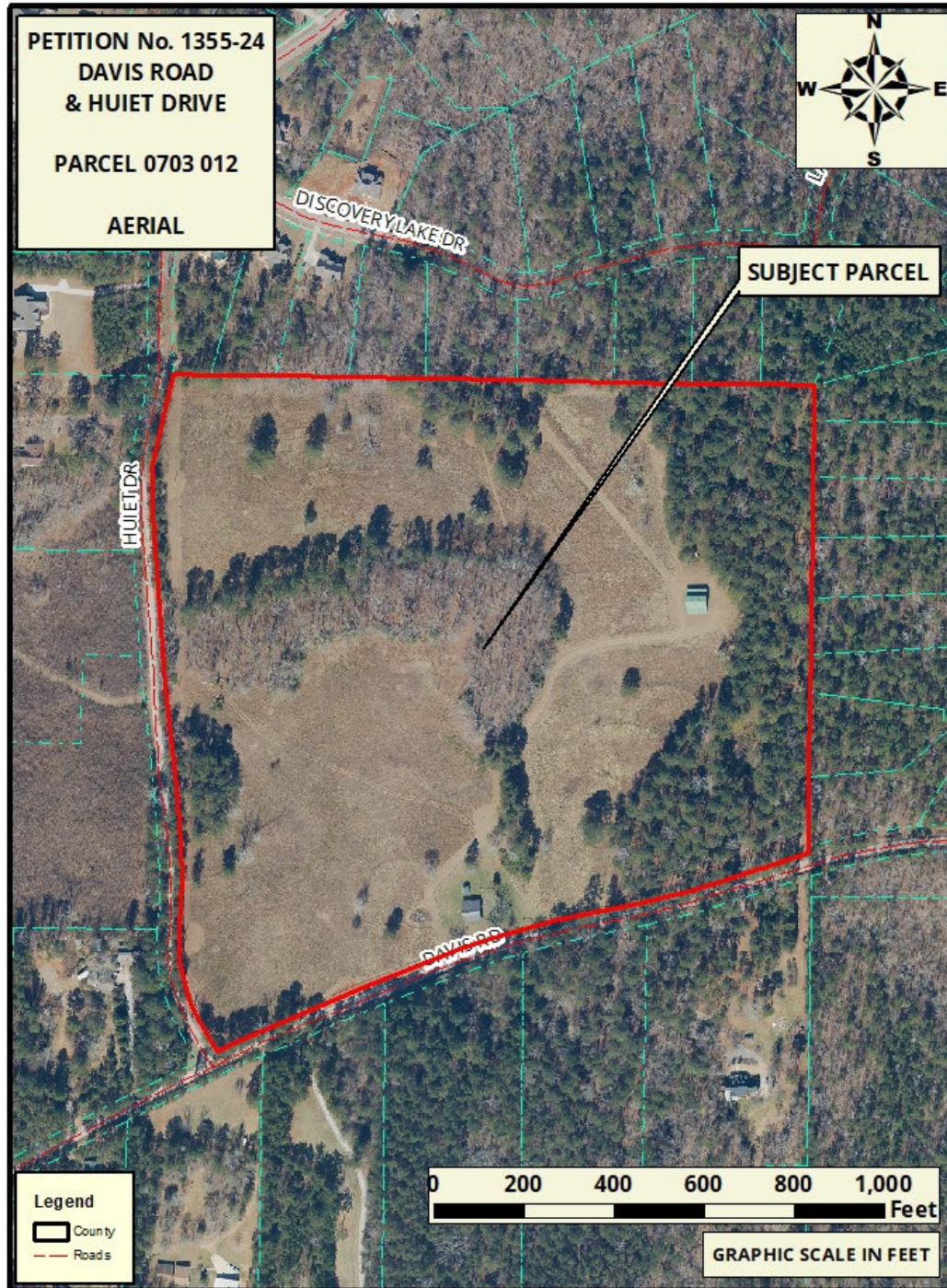




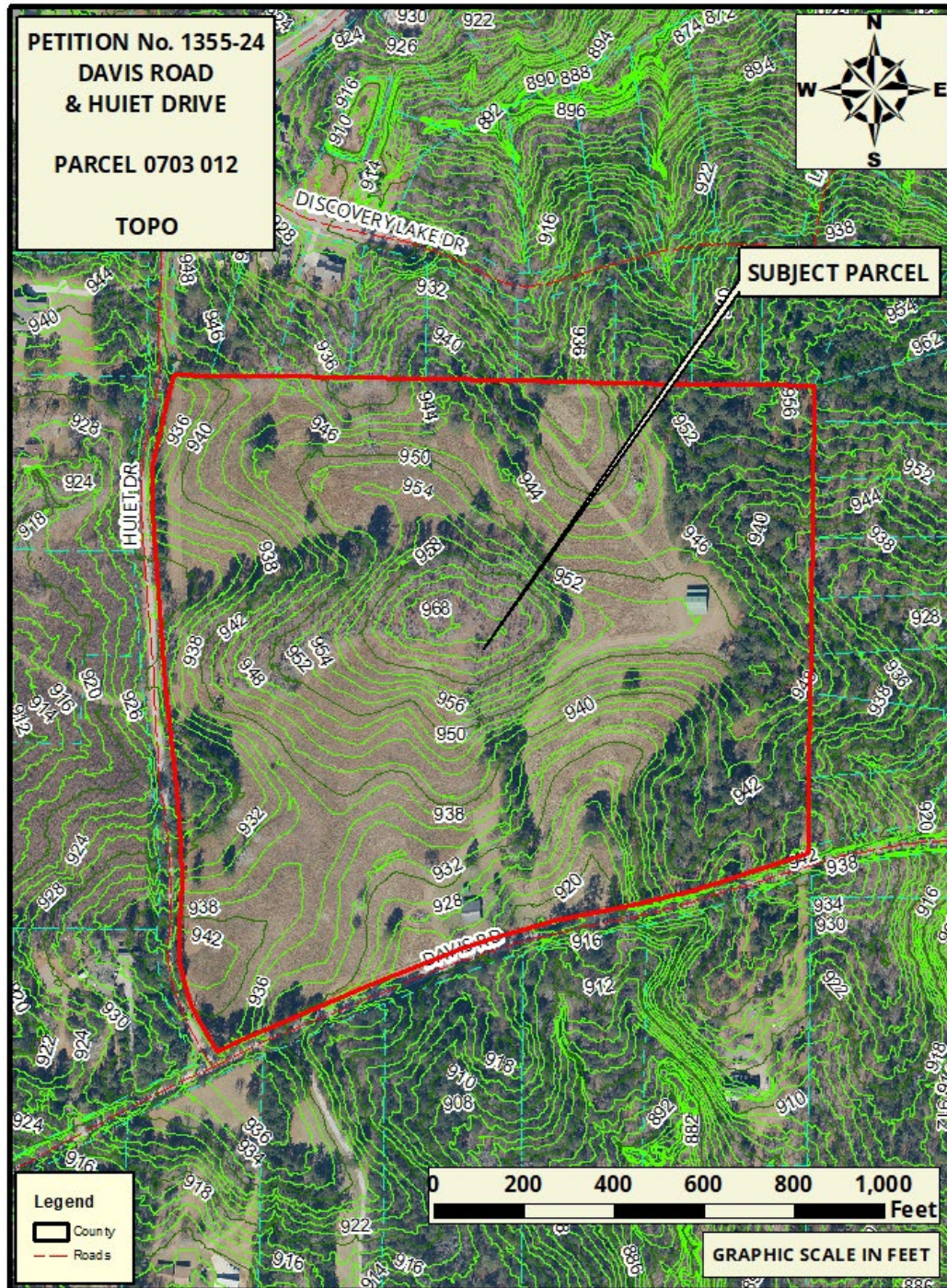
















# Meeting Minutes 9/05/2024

**THE FAYETTE COUNTY PLANNING COMMISSION** met on September 5<sup>th</sup>, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

**STAFF PRESENT:** Debbie Bell, Planning and Zoning Director  
Deborah Sims, Zoning Administrator  
Maria Binns, Zoning Secretary  
E. Allison Ivey Cox, County Attorney

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## NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. *Ms. Deborah Sims requested the board to amend the agenda to add item (d) Minor Final Plat for Liberty North. Danny England made a motion to approve the agenda with the addition of item (d) Minor Final Plat for Liberty North on the September 5<sup>th</sup> Agenda. Jim Oliver seconded the motion. The motion passed 4-0 John Kruzan was absent.*
4. Consideration of the Minutes of the meeting held on August 1, 2024. *Jim Oliver made a motion to approve the minutes of the meeting held on August 1, 2024. Boris Thomas seconded the motion. The motion carried 4-0.*
5. Plats
  - a. Final Plat for Wright Chancey McBride LLC. Approval of the Final Plat for Wright Chancey McBride LLC. Ms. Sims explained the first final plat is McBride Estates, Mr. Rod Wright is subdividing these lots on McBride Road. It has been reviewed and approved by staff, she showed the plat and explained he is making 5 lots and I think the board approved the rezoning so he could do the neighborhood in that area. Mr. John Culbreth asked the board if they had any questions.? Jim Oliver asked if staff had approved it.? Ms. Sims replied staff had reviewed and approved it. The plat shown on display was not the correct one, she apologized to the board, and they showed the plat before. Mr. Thomas asked if there were any conditions.? Ms. Sims responded no, there were no conditions on the final plat. *Jim Oliver made a motion to APPROVE the Final Plat for Wright Chancey McBride LLC. Boris Thomas*

*seconded the motion. The motion carried 4-0.*

- b. Minor Final Plat for 385 Snead Road. Approval of the Minor Final Plat for 385 Snead Road. Ms. Sims states the board also reviewed when we had the rezoning and these were discussed before, they had subdivided it into three lots, so you don't have the strangely configured lot, each lot is still the 5-acre. Mr. Culbreth asked what changes were made.? Ms. Sims responded this was one lot and subdivided into three, they just rezoned it, so they have weird lots so the line lots were way back. Mr. Culbreth asked the board for a motion. ***Danny England made a motion to APPROVE the Final Plat for 385 Snead Road. Jim Oliver seconded the motion. The motion carried 4-0.***
- c. Minor Final Plat for Riverbend Overlook Phase III. Ms. Sims commented to the board they already approved Phase I & Phase II; this is Phase III, and it has been reviewed and approved by staff. Mr. Culbreth asked the board if they had any questions.? No one responded. ***Jim Oliver made a motion to APPROVE the Minor Final Plat for Riverbend Overlook Phase III. Danny England seconded the motion. The motion carried 4-0.***
- d. Final Plat for Liberty North. Ms. Sims explained to the board they had seen this plat several times since 2006 with preliminary plats and staff had approved it. Mr. Culbreth asked the board if they had any questions.? No one responded. Then he asked for a motion. ***Danny England made a motion to APPROVE the Final Plat for Liberty North. Jim Oliver seconded the motion. The motion carried 4-0.***

## **PUBLIC HEARING**

6. Consideration of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purposes of constructing a convenience store with fuel pumps. Property is located in Land Lot 151 of the 5<sup>th</sup> District and fronts on Banks Road and Highway 54. Ms. Sims asked the petitioner would like to proceed without a full board present, the petitioner said yes.

Ms. Sims stated that the property is located at the corner of Banks Road and Highway 54 staff is recommended denial. However, should the planning commission decide they would like to approve that, staff recommends the following CONDITIONS:

1. The applicant provides a minimum of 40 feet of ROW as measured from the existing road centerline or at least 10 feet beyond payment for acceleration/deceleration lanes whichever is greater.

2. Submit all Warranty deeds and Legal descriptions for ROW dedications shall be provided to the county within 90 days of the approval of the rezoning request or prior to the final plat approval whichever comes first.

3. Entrance location on Banks Road shall be limited to a right in right out and as recommended by GDOT the driveway shall be a minimum of 200ft from the return radius of Banks Road and SR 54. 4. Applicant shall extend the existing sidewalk along Banks Road for

the length of the property.

This is surrounded by residentially zoned properties there is not any floodplain or that concerned, they are asking to go to C-C (Community Commercial) so they can have a convenience store, the lot is located in the eastern part of the county. This is an A-R (Agricultural-Residential) is a legal lot of record, there are no rezonings that have been approved for this property.

Mr. Culbreth asked the petitioner to proceed with his presentation. Mr. Newton Galloway- Attorney, stated he was representing The Estate of Richard N Cates/Denise Mercer's daughter, Owner; Mr. Sudesh Dhingra is the applicant who desires to do the convenience store, and Mr. Jim Kelly, who is a real estate professional. They provided a printed PowerPoint presentation that staff distributed to the board, he said he worked with Ms. Bell in Spalding County with her before she came to work for Fayette County, but Ms. Bell was not present at tonight's meeting.

He explained in the presentation that the first page shows where the proposed store will be; the next page is a picture shown on qpublic.net lot diagram this is a request to go to Community Commercial from A-R on 4.6 acres and at its corner on Highway 54 and Banks Rd., which is a key element in this zoning. He explained how and where the building would be located, this is a triangular piece of property. Mr. Galloway said it is surrounded by residential zonings and it's been sitting there ever since Fayette County had a zoning ordinance. You condemn property, and the state condemns property, for the expansion of Highway 54 and also improvements on Banks Rd., so what started as a 5 acres tract it's now a 4.8 acre tract, a significant reduction.

He stated a real problem with this property is the traffic, it is at the corner of a thoroughfare. Traffic is a problem for a piece of property that has a funny shape and is sitting undeveloped in the middle of a residential developments around it. He stated another problem is the A-R zoning; everything else around changed except for that lot. He doesn't think you will be allowed to build since the lot doesn't have the A-R zoning acreage. You might be able to rezone to R-20 or R-40 one-acre lots, but people will not buy houses on a busy intersection. He states that the property in 2003 requesting a change in zoning to an R-20 or R-40; it went up to the BOC and they said no, they keep it as A-R. How long it has been zoned undeveloped? 21 years. Ms. Bell has covered some conditions if approved but there are other things you can do such as lighting, and the rear buffer and we will be open to discussion with staff in order to get this property functional and useful.

Mr. Jim Kelly has been with TrueMark Realty, the listing broker for the property since 2023 spoke. He stated when they listed the property over 300 prospects contacted them for commercial and were able to narrow it down to two offers. Both were convenience store operators and chose the lower offer amount. They chose someone local, Sam, owner of BP station west of town on Veterans Highway and Highway 54. We want to present this to the community and the neighbors to make the best attempt and best effort. He explained how they contracted to present the plans for this meeting and went to the neighbors on that street offering a copy of the plans and letting them know if they had any questions regarding the plans to contact him or the owners, they were very approachable.

Ms. Denise Mercer states she is the oldest daughter of Richard Cates, and she was born and raised in this county. She spoke about the property expansions, and they are left with a little bit over 4 acres, she said they will secure a 60-foot natural wooded buffer for the adjacent

homeowners, a buffer that will be lost if they do not develop this property and will be forced to sell off the timber in order to do so, that will eliminate that natural buffer.

Mr. Culbreth asked if anyone was in opposition.?

Arnold Martin has lived in the Deer Glen subdivision for over 20 years. He states he sent opposition letters, and that this convenience store will be very disruptive, this proposed zoning is not in the comprehensive plan, and the future land use plan and it's surrounded by residential zones. He spoke about traffic in the area and it's very dangerous for the community if they allow this convenience store.

Mr. Darryl Hicks lives at Oak Manor and he represents The Oaks HOA. He spoke about the environmental harm through soil, groundwater contamination, and air pollution given the proximity of the site to residential homes. He stated they are deeply concerned about the long-term impact on our community.

Mr. Griffin Root he is the secretary and treasurer for Wellington Place HOA. He has resided here for about 13 years, and he states they have 45 families in the subdivision. He has two concerns about this rezoning request. The first is the noise and light pollution we know if we put a gas station in that corner will be a lot more traffic, making it a lot noisier and a lot of light pollution in the evenings, especially for the neighbors across the street from where this property supposed to be built. Mr. Root added that if you look around there are already gas stations near our residential neighborhoods. It doesn't make any sense to add another one.

Ms. Sandra Lee Quiry lives 500 or 600 feet from the subject property. She talked about health concerns about living near a gas station. Ethanol is a compound in petroleum which is a solvent used to turn petroleum into something to use in your car to use gasoline and another associated with it and is carcinogenic. She explained different types of substances that will harm your health and the air. She asked the board to deny the petition to the danger to the people to reside in these homes.

Mr. Leroy Brown lives in Deer Glen Forrest subdivision, they own two of the 7 lots in the neighborhood, he states the value of the properties will devalue and the pace they have now will not be there anymore, and there will be a lot more foot traffic and crime concerns the neighbors.

Mr. Culbreth asked Mr. Galloway if he wanted to say anything in rebuttal. He said the owner has to be able to have that opportunity to use the property and have the use and have a reasonable economic return and there are no uses on that property that has developed as zoned in 21 years, which sends the signal that the zoning isn't appropriate. This is a difficult piece of property because of its size and location..

Anonymous opposition speaker stated that he has lived in Deer Forest Road since 2011 and explained if this petition is granted it will destroy this person's driveway. There is water that flows down the area where this will be located.

Mr. Culbreth stated to the public present that the planning commission's vote is a recommendation to the Board of Commissioners for final adoption, and they will need to follow up with the next meeting. Mr. Culbreth asked the board for any questions.

Mr. Jim Oliver asked Mr. Galloway how he would address the fact that the property presently doesn't comply with the comprehensive land use plan? Mr. Galloway responded that the comp plan is used as a guide and that there are sometimes oversights between what the comp plan should provide for a piece of property and what it does provide. The comp plan is not subject to constitutional standards; they apply to zoning because is it an action of the local government to affect land uses.



Mr. Oliver responded he did think no one is denying the use of the property and I have been on both sides, of the commissioners and attorneys. The comprehensive plan many times has been used as a sword both ways, “don’t come here and ask us to rezone this because it doesn’t apply” or “it’s only a guide.” There are, perhaps, other reasonable uses for the property, not necessarily C-C; O-I it comes to mind, some other less invasive less disrupted use. Mr. Galloway I will go back to what Mr. Kelley said the people who called all wanted a commercial property, that tells you what the market is. Since COVID, the Office uses have about died.

Mr. Boris Thomas added, referring to Mr. Galloway’s comments that the property wasn’t necessarily functional on certain returns but just depended upon the profit the owners wanted to make, it has over 47 uses other than a gas station and that can be quite commercial. We are not obstructing the ownership of the property from making a profit by selling the property, that will not stop them from selling the property.

Mr. Galloway responded he acknowledged there are 47 listed permitted uses and 20 conditional uses that are allowed but to get to those what do we have to do?

Mr. Thomas responded that is not our responsibility to make the property okay, but the owner’s responsibility to get the property set up.

Mr. Galloway explained that each one of those uses would require rezoning.

Mr. Danny England commented that they had more convenience store/gas station rezoning in the past 18 months, we approved all of them except for one, which was located at GA 85 S and a lot of the discussion was the same as this one. We voted to reject that proposal because it was surrounded by residential uses. We looked at the character of the area and the surrounding uses. The fact that this is located at a signalized intersection does not mean that a gas station is automatically the best use.

Mr. Culbreth asked for a motion after no further comments. ***Boris Thomas made the motion to deny Petition 1353-24. Danny England seconded the motion. The motion to DENY carried 4-0. Mr. England asked Ms. Sims for the BOC date meeting for follow-up on this petition, Ms. Sims responded on September 26<sup>th</sup> at 5 O’clock in this room.***

7. Consideration of Petition No. 1354-24, Marion L. Holt, owner; requests to rezone from A-R to R-45 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 148 of the 7<sup>th</sup> District and fronts on Palmetto Road. Ms. Sims explained the petition is located at 285 Palmetto Road, staff found a problem with this, and staff is recommending being withdrawn, we need the planning commission approval to withdraw so we can refund the applicant's money, it wasn’t going to meet all the requirements needed. Mr. Boris asked staff if the petitioner was aware of the withdrawal? Ms. Sims responded yes; we told them we were going to request withdrawal. ***WITHDRAWN BY PETITIONER, Danny England made a motion to allow the WITHDRAWAL of Petition 1354-24, Jim Oliver seconded the motion. The motion carried 4-0.***
  
8. Consideration of Petition No. 1355-24, Andrea Pope Camp & Jordan Camp, owners; request to rezone 41.78 acres from A-R to R-75 for the purposes of creating additional lots without any new infrastructure. Property is located in Land Lot 28 of the 7<sup>th</sup> District and fronts on Davis Road and Huiet Drive.

Ms. Sims explained the petition and said staff recommends conditional approval of this

request that does fit with the future land use plan. The recommended conditions are:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40 ft of right of way as measured from the existing centerline of Davis Road. 2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive. 3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County's Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.

5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.

6. Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto, the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in the subdivision. The water line extension shall be constructed to the standards outlined in, "Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants."

7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.

Ms. Sims explained on the map this is located by one side Canoe Club and on the other side they are constructing the new development Hunt Cliff Manor, Davis Road is a gravel, Road. Mr. Culbreth asked if the petitioner was present.

Mr. Randy Boyd, he represented Andrea Pope Camp that is the owner of this property, and her son Jordan Camp is the attorney in fact, Ms. Pope inherited this property back in 2011 her dad originally purchased 40 years ago and my request tonight to have rezoned to R-75 which consist in 2 acre lot with a minimum house size of 2,500 sq ft. To the north and east is a borderline subdivision of an R-40 zoning minimum house size of 1,500 sq ft. To the west and south is A-R and to the southeast is a piece of property that was zoned PUD back in 2016 it ended up going to litigation, there are 212 acres and 91 lots, and I request tonight's for R-75, I read over the recommended conditions, and I have been doing this for 41 years and I was shocked when I saw condition number "4", we agree with condition number 1,2 and 3, we will dedicate the appropriate ROW's for both of those streets, I don't even know where to start with that deal about donating \$1,105,000 million dollars to do what the county should be doing and also punishing this land owner by saying you going to go north 300 feet tying into a subdivision they should it brought down to that point back into 2007 that would it adequate

\$1,105,000 million dollars to it cost addition in our property \$69,000 dollars per lot if this zoning goes through we will put the water line in, I got different prices \$300,000 divided by 16 lots is another \$18,750 dollars if you add it the cost of the land in what their asking for the property it will be about \$10,000 dollars more than you can possible get for, under a current market analysis, it's just surrender that property absolutely where you can't do anything about it.

He explained another case from last month from Davis Road it should have been at right at 69-70K, I don't believe is legal, we'll consult it with an attorney on that, but I think is very improper to ask us one week later to donate over a million dollars for what the county should be doing, staff didn't even suggest that a month ago, they suggested donate ROW on Lester Road and Davis and will have 90 days to turn the deeds in.

We will agree with every bit of that in our street also, so will accept condition 1,2,3 and absolutely ask you to not impose number 4 and number 6 on the extension of the water line I be happy to do that, and we will dedicate ROW or easement whatever is the case but in the second sentence "Prior to submission of any final plat(s) or amendments or revisions thereto, and irrespective of the number of lots in any final plat(s) or revision thereto" I will ask that you eliminate that with the number of lots. He requested that on section 12-90 mandatory connection to the public water system, "is you have 5 lots you don't have to tie to the county water system" I will ask that be taken out to the number of lots and put in if they are "6 or more lots" and be more in compliance of section 12-90 of the existing ordinance. He asked the board to grant the petition without condition 4 and as per his request.

No one else spoke in support or opposition.

Mr. Culbreth brought the petition to the Board.

Mr. Boris Thomas made a comment saying I was going to say in addition to the million dollars there needs to be an extra 10% contingency because all oil prices and vendors changes. The impact in the county to have a paved road there is strong and wide enough for emergency vehicles, that location is going to cost even more at that intersection area and probably will need a traffic light.

Mr. Boyd responded that the staff is asking to go there 300 feet about our site and bring it down to the intersection and go over to the east about 1,500 feet so we wouldn't be paving the entire road we just are paving that section in front of this property, which to me is very demanding.

Mr. Culbreth asked staff if we have a president where we ask for a million dollars.?

Ms. Sims responded this was the first time I am aware that we have requested such funding to pave a road, is it an issue because Davis Road is a gravel road, and I don't believe the county owns enough ROW and this was the recommendation from the public works director to facilitate having this many homes, even though this goes along with the future land use plan it will put a lot more on Davis Road.

Mr. Culbreth asked Ms. Sims, is the county asking the developer to pave its road.? Ms. Sims responded, I am not sure the county owns all of the ROW, so part of is going to be to acquire all of that ROW so it could be paved and that's why they gave the alternative that they could pay the county and the county would do that they wouldn't have all their responsibility were they were offering those options.

Mr. Culbreth added he opposed to that, and Mr. Oliver asked why are you paying taxes for.? This is the responsibility of the county.

Ms. Allison Cox responded currently the county is not require paving or upgrade this

road at all and it's been asked in other to go through requires an upgrade and we just don't have in the county's budget. Mr. Oliver asked Ms. Cox why wasn't asked to Canoe Club.? I don't think I was here for the Canoe Club.

Mr. Boyd responded the Canoe Club is on the north side but even closer than that why wasn't even asked to the PUD that was taken to court, last month the same road at another intersection they didn't ask a penny for that, their assessment based on these values should be \$69,000 dollars for that one lot exactly what our is, so there is consistency here.

Ms. Cox responded that single lot doesn't cost the same impact than 16.

Mr. Boyd responded but if you take one lot at the time it does cost the same impact that a ridiculous argument.

Mr. Oliver said I was just trying to figure it out about the consistency.

Ms. Cox replied that with a single lot we have a house full of people who came in to tell you about the problems when they disrupt, that gravel road barely supports what's there so the single lot that was being to be put in is not going to add but one more car, 16 lots significantly increases the traffic and the area in front of the subdivision to be paved to support that sort of road where the county is not currently planning to invest in that infrastructure, so if this is the plan and the county is not planning to invest can't be developed until there is an infrastructure to support it.

Mr. Danny England state it that the rest of us has seen where that development has occurred without that infrastructure or investment, so is this going to be the policy coming forward? Every time someone develops something on a dirt road will have to pull out the checkbook?

Ms. Cox responded she thinks that is probably where you are as far as supporting something of this size.

Mr. England responded you can incrementally develop more than 16 lots on this road and be on the same boat that we ran last month where we didn't require funds, so 16 lots isn't a lot we have seen way more than that.

Mr. Thomas added that his neighborhood is considered private and got to pay \$3,000,000 dollars to get the road pave and we paid the millage rate as the sounding areas, but we are told that we use the main road so that why your millage will stay the same. We can't get any help from the county in repaving the roads or doing any of the infrastructure underneath sewage or anything like that.

Mr. Oliver asked Mr. Boyd about the other conditions, you said number 1,2,3...we are good, what about number 5.? Mr. Boyd responded that 5 is good, the only thing I would like to be more in line with the ordinance that exists and change it to prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in exits in six lots in the subdivision.

***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1355-24 subject to amended conditions. The conditions are as follows:***

***Recommended the following AMENDED CONDITIONS:***

***1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Davis Road.***



*2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 40-ft of right of way as measured from the existing centerline of Huiet Drive.*

*3. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.*

*4. OMIT NUMBER 4 - “~~4. The owner/developer shall improve the gravel road segments fronting the parcel and extend the improvement north on Huiet Drive to meet existing pavement. The improvement shall meet County Standards for Collector Roads and be designed and constructed in accordance with Fayette County’s Development Regulations. Alternatively, the owner/developer may pay Fayette County \$1,105,000 so that Fayette County can make the improvements in the future. The work shall be completed, or the payment made, prior to Final Plat approval.~~”*

*5. The existing house and barn on the property shall be demolished, with the appropriate demolition permits, within 6 months of the approval of the rezoning; or prior to the submittal of a subdivision plat; or prior to the submittal of any permits, whichever comes first.*

*6. [Amended Condition #6] Prior to submission of any final plat(s) the developer shall be required to extend the public water line from adjacent subdivision to provide water service for each lot in excess of six lots in the subdivision. The water line extension shall be constructed to the standards outlined in, “Sec. 12-90. - Mandatory connection to public water system, including the installation of fire hydrants.”*

*7. The availability of water is conditioned upon, among other things, Fayette County, Georgia, receiving a recorded permanent easement prior to final plat approval if the Construction Plan review process determines a recorded easement is required. Alternatively, any future water infrastructure the County maintains shall be located within an accessible public right-of-way.*

*Danny England seconded the motion for conditional approval, subject to amended conditions. The motion for CONDITIONAL APPROVAL, subject to amended conditions, carried 3-1. Boris Thomas abstained.*

9. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property.

Ms. Cox explained that the next item three items kind of go together but we need three separate votes, did you remember Detox facility, not long ago in the last legislative session there was a new law passed it removed detox facilities from those items that require special use permit, we just need to amend our code to follow state law. And what we are doing here in number one, is removing it from the special use section entirely and replacing it with a small section that says reserved because we might have special uses in the future, that’s number 9.

*Danny England made the motion to recommend approval of Consideration of Amendments*

*to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-175.- Special Use of Property. Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.*

- 10. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval. Number 10 - is to be as going taking those detox facilities and making them conditional uses in the O-I section on our zoning ordinance.

*Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article V.- Conditional uses, nonconformances, and transportation corridor overlay zone. Sec.110-169.- Conditional use approval Jim Oliver seconded the motion. The motion to APPROVE carried 4-0.*

- 11. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Number 11- We will remove them from our special use section and our O-I zoning ordinance.

*Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article IV.- District use requirements. - Sec.110-142.- Office institutional district. Boris Thomas seconded the motion. The motion to APPROVE carried 4-0.*

**ADJOURNMENT:**

Danny England moved to adjourn the meeting. Boris Thomas seconded. The motion passed 4-0.

The meeting adjourned at 8:37 p.m.

\*\*\*\*\*

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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

**\_\_\_\_\_  
DEBORAH BELL  
DIRECTOR, PLANNING & ZONING**

PETITION No.: 1355-24 Fees Due: \_\_\_\_\_ Sign Deposit Due: \_\_\_\_\_

STAFF USE ONLY

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

Parcel # (Tax ID): 0703-012 Acreage: 41.78 ACRES  
 Land District(s): 7H Land Lot(s): 28  
 Road Name/Frontage L.F.: DAVIS RD. - 1387.5' Road Classification: DAVIS RD. & HUIST DR.  
 Existing Use: AGRICULTURAL - HUIST DR. 1352.4' Proposed Use: RESIDENTIAL SUBDIVISION (COLLECTOR)  
 Structure(s): 2 Type: HOUSE & BARN (TO BE REMOVED) Size in SF: HOUSE - 864 SQ. FT. BARN - 2400 SQ. FT.  
 Existing Zoning: AR Proposed Zoning: R-75  
 Existing Land Use: AGRICULTURAL Proposed Land Use: RESIDENTIAL SUBDIVISION  
 Water Availability: YES Distance to Water Line: AT NORTHWEST PROPERTY CORNER Distance to Hydrant: SAME

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: \_\_\_\_\_



PETITION No (s): 1355.24

STAFF USE ONLY

**POWER OF ATTORNEY FOR ANDREA CAMP**  
**APPLICANT INFORMATION**

Name JORDAN CAMP  
Address 1823 RIVER FOREST DR, N.W.  
City ATLANTA  
State GA. Zip 30327  
Email JORDAN.CAMP@PAYTEYREP.COM  
Phone 404-969-9487

**PROPERTY OWNER INFORMATION**

Name ANDREA POPE CAMP  
Address 341 PLANTATION CIRCLE  
City FAYETTEVILLE, GA.  
State GA. Zip 30214  
Email boyd2227@gmail.com  
Phone 404-275-1677

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

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

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip \_\_\_\_\_  
Email \_\_\_\_\_  
Phone \_\_\_\_\_

**(THIS AREA TO BE COMPLETED BY STAFF)**

[ ] Application Insufficient due to lack of:

Staff: \_\_\_\_\_ Date: \_\_\_\_\_

Application and all required supporting documentation is Sufficient and Complete

Staff: Heborah Y Bell Date: 07/10/2024

DATE OF PLANNING COMMISSION HEARING: Sept 5, 2024

DATE OF COUNTY COMMISSIONERS HEARING: Sept. 26, 2024

Received from Southeastern Sand & Gravel LLC a check in the amount of \$ 490<sup>00</sup> for application filing fee, and \$ 40<sup>00</sup> <sup>incl.</sup> for deposit on frame for public hearing sign(s).

Date Paid: 07/10/2024 Receipt Number: 21419



**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:

ANDREA POPE CAMP

*(Please Print)*

Property Tax Identification Number(s) of Subject Property: 0703 012

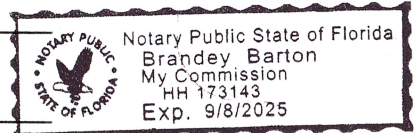
(I am) (~~we are~~) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 28 of the 7th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of 4.78 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

(II) [Signature]  
Signature of Property Owner, P.O.A.  
1823 RIVER FOREST RD. N.W.  
Address ATLANTA, GA. 30327

[Signature]  
Signature of Notary Public  
07/08/2021  
Date



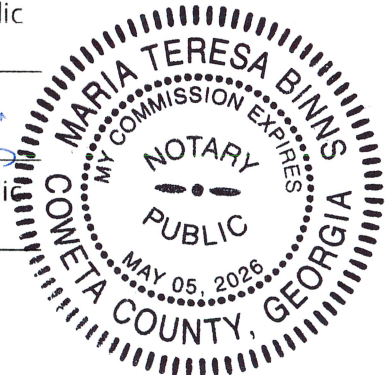
Signature of Property Owner 2  
\_\_\_\_\_  
Address \_\_\_\_\_

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

Signature of Property Owner 3  
\_\_\_\_\_  
Address \_\_\_\_\_  
[Signature]  
Signature of Authorized Agent  
P.O. Box 64

Signature of Notary Public  
\_\_\_\_\_  
Date \_\_\_\_\_  
[Signature]  
Signature of Notary Public  
07/10/24  
Date

Address Zerwon, GA.  
30295



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

**OWNER'S AFFIDAVIT**

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

NAME: ANDREA POPE CAMP

ADDRESS: 341 PLANTATION CIRCLE, FAYETTEVILLE, GA. 30214

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

ANDREA POPE CAMP affirms that she is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) AR Zoning District. ~~He~~/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 490.00 to cover all expenses of public hearing. ~~He~~/She petitions the above named to change its classification to R-75.

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 SEPTEMBER 5, 20 24 at 7:00 P.M.

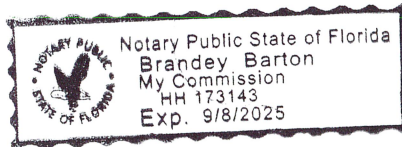
PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of SEPTEMBER 26, 20 24 at 500 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 8<sup>th</sup> DAY OF July, 20 24

[Signature]  
SIGNATURE OF PROPERTY OWNER, P.O.A.

SIGNATURE OF PROPERTY OWNER  
[Signature]

NOTARY PUBLIC





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

I/~~We~~, AUDREA POPE CAMP, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, 40 feet of right-of-way along HUIET ROAD AND DAVIS 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:

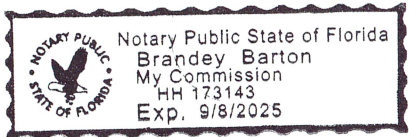
- Local Street (Minor Thoroughfare) 60-foot right-of-way (30' measured from each side of road centerline)
- Collector Street (Major Thoroughfare) 80-foot right-of-way (40' measured from each side of road centerline)
- Arterial Street (Major Thoroughfare) 100-foot right-of-way (50' measured from each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

Sworn to and subscribed before me this 5<sup>th</sup> day of July, 2024.

[Signature]  
SIGNATURE OF PROPERTY OWNER, P.O.A.

[Signature]  
SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC [Signature]



**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.

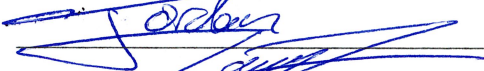
B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: [www.dca.state.ga.us/DRI/](http://www.dca.state.ga.us/DRI/).

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 8<sup>th</sup> day of July, 2024.



APPLICANT'S SIGNATURE



### Developments of Regional Impact - Tiers and Development Thresholds

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

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**DISCLOSURE STATEMENT**

(Please check one)

Campaign contributions:

 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.

N/A

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.

N/A

g. Location and dimensions of exits/entrances to the subject property.

N/A

h. Approximate location and elevation of the 100-year flood plain and Watershed Protection Ordinance requirements, as applicable.

N/A

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).

DURABLE POWER OF ATTORNEY  
FOR  
FINANCIAL MATTERS FOR  
ANDREA CAMP



State of Georgia  
County of Fulton

DURABLE POWER OF ATTORNEY FOR FINANCIAL MATTERS

IMPORTANT INFORMATION REGARDING THIS DOCUMENT:

***This power of attorney is consistent with and in compliance with the Georgia Standard form provided in O.C.G.A. §10-6B, the "Georgia Power of Attorney Act".***

*This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in O.C.G.A. §10-6B.*

*This power of attorney does not authorize the agent to make health care decisions for you.*

*You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke this power of attorney or the agent resigns or is unable to act for you.*

*Your agent is not entitled to any compensation unless you state otherwise in the Special Instructions. Your agent shall be entitled to reimbursement of reasonable expenses incurred in performing the acts required by you in your power of attorney.*

*This form provides for designation of one agent. If you wish to name more than one agent, you may name a successor agent or name a co-agent in the Special Instructions. Co-agents will not be required to act together unless you include that requirement in the Special Instructions.*

*If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.*

*This power of attorney shall be durable unless you state otherwise in the Special Instructions.*

*This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.*

***If you have questions about this power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.***

PART ONE

DESIGNATION OF AGENT(S)

I, ANDREA CAMP, name the following person as my agent:

My son, JORDAN CAMP

If my agent is unable or unwilling to act for me, I name as my successor-agent:

N/A

PART TWO

GRANT OF GENERAL AUTHORITY

I, ANDREA CAMP, grant my agent and any successor agent general authority, including but not limited to such authority described in O.C.G.A. §10-6B-40(c), to act for me with respect to the following subjects as defined in O.C.G.A. §10-6B:

*(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All preceding subjects" instead of initialing each subject.)*

\_\_\_\_\_ **(Initials) 1. Real Property.** To demand, buy, lease, receive, accept as a gift or as security for an extension of credit or otherwise acquire or reject an interest in real property or a right incident to real property. To sell; exchange; convey with or without covenants, representations or warranties; quitclaim; release; surrender; retain title for security; encumber; partition; consent to partitioning; subject to an easement or covenant; subdivide; apply for zoning or other governmental permits; plat or consent to platting; develop; grant an option concerning; lease; sublease; contribute to an entity in exchange for interest in that entity; or otherwise grant or dispose of an interest in real property or a right incident to real property. To pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of mine or a debt guaranteed by me. To release, assign, satisfy or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien or other claim to real property which exists or is asserted. To manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by me, including: insuring against liability or casualty or other loss; obtaining or regaining possession of or protecting the interest or right by litigation or otherwise; paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with such taxes or assessments; and purchasing supplies, hiring assistance or labor, and making repairs or alterations to the

real property. To use, develop, alter, replace, remove, erect, or install structures or other improvements upon real property in or incident to which I have, or claim to have, an interest or right. To participate in a reorganization with respect to real property or an entity that owns an interest in or right incident to real property and receive, and hold, and act with respect to stocks and bonds or other property received in a plan of reorganization, including: selling or otherwise disposing of them; exercising or selling an option, right of conversion, or similar right with respect to them. To change the form of title of an interest in or right incident to real property, and to dedicate to public use, with or without consideration, easements or other real property in which I have, or claim to have, an interest. To record a power of attorney in connection with a conveyance involving real property pursuant to the authority described in O.C.G.A. §10-6B-19.

\_\_\_\_\_ **(Initials) 2. Tangible Personal Property.** To demand, buy, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject ownership or possession of tangible personal property or an interest in tangible personal property. To sell; exchange; convey with or without covenants, representations, or warranties; quitclaim; release; surrender; create a security interest in; grant options concerning; lease; sublease; or otherwise dispose of tangible personal property or an interest in tangible personal property. To grant a security interest in tangible personal property or an interest in tangible personal property as security to borrow money or pay, renew, or extend the time of payment of a debt of mine or a debt guaranteed by me. To release, assign, satisfy, or enforce by litigation or otherwise, a security interest, lien, or other claim on behalf of me, with respect to tangible personal property or an interest in tangible personal property. To manage or conserve tangible personal property or an interest in tangible personal property on behalf of me, including: insuring against liability or casualty or other loss; obtaining or regaining possession of or protecting the property or interest by litigation or otherwise; paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with such taxes or assessments; moving the property from place to place; storing the property for hire or on a gratuitous bailment; and using and making repairs, alterations, or improvements to the property. To change the form of title of an interest in tangible personal property.

\_\_\_\_\_ **(Initials) 3. Stocks and Bonds.** To buy, sell, and exchange stocks and bonds. To establish, continue, modify, or terminate an account with respect to stocks and bonds. To pledge stocks and bonds as security to borrow, pay, renew or extend the time of payment of a debt of mine. To receive certificates and other evidences of ownership with respect to stocks and bonds.

\_\_\_\_\_ **(Initials) 4. Commodities and Options.** To buy, sell, exchange, assign, settle and exercise commodity futures contracts and call or put options on stocks or stock indexes traded on a regulated option exchange. To establish, continue, modify and terminate option accounts.

\_\_\_\_\_ **(Initials) 5. Banks and Other Financial Institutions.** To continue, modify, and terminate an account or other banking arrangement made by or on behalf of me. To establish, modify, and terminate an account or other banking arrangement with a bank,

trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by my agent. To contract for services available from a financial institution, including renting a safe deposit box or space in a vault. To withdraw, by check, order, electronic funds transfer, or otherwise, money or property of mine deposited with or left in the custody of a financial institution. To receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them. To enter a safe deposit box or vault and withdraw or add to the contents. To borrow money and pledge as security personal property of mine necessary to borrow money or pay, renew, or extend the time of payment of a debt of mine or a debt guaranteed by me. To make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts and other negotiable or nonnegotiable paper of mine or payable to me or my order, transfer money, receive the cash or other proceeds of those transactions, and accept a draft drawn by a person upon me and pay it when due. To receive for me and act upon a sight draft, warehouse receipt, or other document of title whether tangible or electronic, or other negotiable or nonnegotiable instrument. To apply for, receive, and use letters of credit, credit and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution and give an indemnity or other agreement in connection with letters of credit. To consent to an extension of the time of payment with respect to commercial paper or a financial transaction with a financial institution.

\_\_\_\_\_ **(Initials) 6. Operation of Entity or Business.** To operate, buy, sell, enlarge, reduce, or terminate an ownership interest. To perform a duty or discharge a liability and exercise in person or by proxy a right, power, privilege, or option that I have, may have or claim to have. To enforce the terms of an ownership agreement. To initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which I am a party because of an ownership interest. To exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or option I have or claim to have as the holder of stocks and bonds. To initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to litigation to which I am a party concerning stocks and bonds. With respect to an entity or business owned solely by me, to continue, modify, renegotiate, extend and terminate a contract made by or on behalf of me with respect to the entity or business before execution of this power of attorney; to determine the location of its operation, the nature and extent of its business, the methods of manufacturing, selling, merchandising, financing, accounting and advertising employed in its operation, the amount and types of insurance carried, and the mode of engaging, compensating and dealing with its employees and accountants, attorneys or other advisors; to change the name or form of organization under which the entity or business is operated and enter into an ownership agreement with other persons to take over all or part of the operation of the entity or business; and to demand and receive money due or claimed by me or on my behalf in the operation of the entity or business and control and disburse the money in the operation of the entity or business. To put additional capital into an entity or business in which I have an interest. To join in a plan of reorganization, consolidation, conversion, domestication or merger of the entity or business. To sell or liquidate all or part of an entity or business. To establish the value of an entity or



business under a buy-out agreement to which I am a party. To prepare, sign, file and deliver reports, compilations of information, returns or other papers with respect to an entity or business and make related payments. To pay, compromise or contest taxes, assessments, fines or penalties and perform any other act to protect me from illegal or unnecessary taxation, assessments, fines or penalties, with respect to an entity or business, including attempts to recover, in any manner permitted by law, money paid before or after the execution of this power of attorney. To exercise any fiduciary powers granted to me as they relate to any associated ownership interest, provided those powers are expressly and clearly identified in the Special Instructions herein and provided I specifically identify the individual(s), estate(s), trusts(s), or other legal or commercial entity or entities for whom I act as a fiduciary.

\_\_\_\_ (Initials) 7. **Insurance and Annuities.** To continue, pay the premium or make a contribution on, modify, exchange, rescind, release or terminate a contract procured by me, or on behalf of me, which insures or provides an annuity to either me or another person, whether or not I am a beneficiary under the contract. To procure new, different and additional contracts of insurance and annuities for me and my spouse, children and other dependents, and select the amount, type of insurance or annuity, and mode of payment. To pay the premium or make a contribution on, modify, exchange, rescind, release or terminate a contract of insurance or annuity procured by my agent. To apply for and receive a loan secured by a contract of insurance or annuity. To surrender and receive the cash surrender value on a contract of insurance or annuity. To exercise an election. To exercise investment powers available under a contract of insurance or annuity. To change the manner of paying premiums on a contract of insurance or annuity. To change or convert the type of insurance or annuity with respect to which I have or claim to have authority described in O.C.G.A. §10-6B-49. To apply for and procure a benefit or assistance under a law or regulation to guarantee or pay premiums of a contract of insurance on my life. To collect, sell, assign, hypothecate, borrow against or pledge my interest in a contract of insurance or annuity. To select the form and timing of the payment of proceeds from a contract of insurance or annuity. To pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with, a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or its proceeds or liability accruing by reason of such tax or assessment.

\_\_\_\_ (Initials) 8. **Estates, Trusts and Other Beneficial Interests.** To accept, receive, receipt for, sell, assign, pledge or exchange a share in or payment from an estate, trust, or other beneficial interest. To demand or obtain money or any other thing of value to which I am, may become or claim to be, entitled by reason of an estate, trust or other beneficial interest, by litigation or otherwise. To exercise for my benefit a presently exercisable general power of appointment held by me. To initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to litigation to ascertain the meaning, validity or effect of a deed, will, declaration of trust or other instrument or transaction affecting my interest. To initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to litigation to remove, substitute, or surcharge a fiduciary. To conserve, invest, disburse or use anything received for an authorized purpose. To create, amend, and/or

revoke a revocable trust so long as the terms of the trust only authorize distributions that would be allowable under a power of attorney if I held the trust assets outright and so long as the terms of the trust provide for the distribution of all trust assets to my estate upon my death. To transfer an interest of mine in real property, stocks and bonds, accounts with financial institutions or securities intermediaries, insurance, annuities and other property to the trustee of a revocable trust created by me as grantor or settlor. With respect to a bona fide dispute, to consent to a reduction in or modification of a share in or payment for an estate, trust or other beneficial interest.

\_\_\_\_\_ **(Initials) 9. Claims and Litigation.** To assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment or defense, including an action to recover property or any other thing of value, recover damages sustained by me, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief. To bring an action to determine adverse claims or intervene or otherwise participate in litigation. To seek an attachment, garnishment, order of arrest or other preliminary, provisional or intermediate relief and use an available procedure to effect or satisfy a judgment, order or decree. To make or accept a tender, offer of judgment or admission of facts; submit a controversy on an agreed statement of facts; consent to examination; and bind me in litigation. To submit to alternative dispute resolution, settle and propose or accept a compromise. To waive the issuance and service of process upon me; accept service of process; appear for me; designate persons upon which process directed to me may be served; execute and file or deliver stipulations on my behalf; verify pleadings; seek appellate review; procure and give surety and indemnity bonds; contract and pay for the preparation and printing of records and briefs; receive, execute and file or deliver a consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement or other instrument in connection with the prosecution, settlement, or defense of a claim or litigation. To act for me with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning me or some other person, or with respect to a reorganization, receivership or application for the appointment of a receiver or trustee which affects an interest of mine in property or any other thing of value. To pay a judgment, award or order against me or a settlement made in connection with a claim or litigation. To receive money or any other thing of value paid in settlement of or as proceeds of a claim or litigation.

\_\_\_\_\_ **(Initials) 10. Personal and Family Maintenance.** To perform the acts necessary to maintain my customary standard of living and the customary standard of living of my spouse and the following individuals, whether living when this power of attorney is executed or later born: my minor children, my adult children who are pursuing a postsecondary school education and are under twenty-five (25) years of age, my parents or my spouse's parents or my minor dependents who are not also my children, if I had established a pattern of such payments, my adult descendants who are not also my children who are pursuing a postsecondary school education and are under twenty-five (25) years of age provided I had established a pattern of such payments, and any other individuals legally entitled to be supported by me. To make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which I am a party. To provide living quarters for the individuals described

in this paragraph by purchase, lease or other contract; or paying the operating costs, including interest, amortization payments, repairs, improvements and taxes, for premises owned by me or occupied by those individuals. To provide normal domestic help, usual vacations and travel expenses, and funds for shelter, clothing, food, appropriate education, including postsecondary and vocational education, and other current living costs for individuals described in this paragraph to enable such individuals to maintain their customary standard of living. To pay expenses for necessary health care and custodial care on behalf of the individuals described in this paragraph. To act as my personal representative pursuant to the Health Insurance Portability and Accountability Act, §§1171-1179 of the Social Security Act, 42 U.S.C. §1320d, in effect on February 1, 2018, and applicable regulations in effect on February 1, 2018 (the "Act"), in making decisions related to the past, present or future payment for the provision of health care consented to by me or anyone authorized under the laws of this state to consent to health care on my behalf. To continue any provision made by me for automobiles or other means of transportation, including registering, licensing, insuring and replacing them, for the individuals described in this paragraph. To maintain credit and debit accounts for the convenience of the individuals described in this paragraph and open new accounts. To continue payments incidental to my membership or affiliation in a religious institution, club, society, order or other organization or to continue contributions to those organizations. Authority with respect to personal and family maintenance shall be neither dependent upon, nor limited by, authority that the agent may or may not have with respect to gifts under O.C.G.A. §10-6B-56.

\_\_\_\_\_ **(Initials) 11. Benefits from Governmental Programs or Civil or Military Service.**

To execute vouchers in my name for allowances and reimbursements payable by the United States or a foreign government or by a state or political subdivision of a state to me, including allowances and reimbursements for transportation of the individuals described in paragraph (1) of subsection (a) of O.C.G.A. §10-6B-52, and for shipment of their household effects. To take possession and order the removal and shipment of property of mine from a post, warehouse, depot, dock or other place of storage or safekeeping, either governmental or private, and execute and deliver a release, voucher, receipt, bill of lading, shipping ticket, certificate or other instrument for such purpose. To enroll in, apply for, select, reject, change, amend or discontinue, on my behalf, a benefit or program. To prepare, file, and maintain a claim of mine for a benefit or assistance, financial or otherwise, to which I may be entitled under a law or regulation. To initiate, participate in, submit to alternative dispute resolution, settle, oppose or propose or accept a compromise with respect to litigation concerning any benefit or assistance I may be entitled to receive under a law or regulation. To receive the financial proceeds of a claim described in paragraph (4) of O.C.G.A. §10-6B-53 and conserve, invest, disburse or use for a lawful purpose anything so received.

\_\_\_\_\_ **(Initials) 12. Retirement Plans.** To select the form and timing of payments under a retirement plan and withdraw benefits from a plan. To make a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan to another. To establish a retirement plan in my name. To make contributions to a retirement plan. To exercise

investment powers available under a retirement plan. To borrow from, sell assets to, or purchase assets from a retirement plan.

\_\_\_\_\_ **(Initials) 13. Taxes.** To prepare, sign and file federal, state, local, and foreign income, gift, payroll, property, Federal Insurance Contributions Act and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters and any other tax-related documents, including receipts, offers, waivers and consents, including consents and agreements under I.R.C. §2032A, 26 U.S.C. §2032A, in effect on February 1, 2018, closing agreements, and any power of attorney required by the Internal Revenue Service (the "IRS") or other taxing authority with respect to a tax year upon which the statute of limitations has not run and the following twenty-five (25) tax years. To pay taxes due, collect refunds, post bonds, receive confidential information and contest deficiencies determined by the IRS or other taxing authority. To exercise any election available to me under federal, state, local or foreign tax law. To act for me in all tax matters for all periods before the IRS, or other taxing authority.

\_\_\_\_\_ **(Initials) 14. All Preceding Subjects.**

### PART THREE

#### GRANT OF SPECIFIC AUTHORITY

My agent SHALL NOT have the power to do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

*(CAUTION: Granting any of the following powers will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent. You may give your agent specific instructions in the Special Instructions when you authorize your agent to make gifts.)*

\_\_\_\_\_ **(Initials) 1. Inter Vivos Trust.** To create, fund, amend, revoke, or terminate an inter vivos trust.

\_\_\_\_\_ **(Initials) 2. Gifts.** To make a gift, subject to the limitations of O.C.G.A. §10-6B-56 and any Special Instructions in this power of attorney. To make outright to, or for the benefit of, a person, a gift of any of my property, including by the exercise of a presently exercisable general power of appointment held by me, (a) in an amount per donee not to exceed the annual dollar limits of the federal gift tax exclusion under I.R.C. §2503(b), 26 U.S.C. §2503(b), in effect on February 1, 2018, without regard to whether the federal gift tax exclusion applies to the gift, or (b) in the event that my spouse agrees to consent to a split gift pursuant to I.R.C. §2513, 26 U.S.C. §2513, in effect on February 1, 2018, in an amount per donee not to exceed twice the annual federal gift tax exclusion limit; and to consent, pursuant to I.R.C. §2513, 26 U.S.C. §2513, in effect on February 1, 2018, to the



splitting of a gift made by my spouse in an amount per donee not to exceed the aggregate annual gift tax exclusions for both spouses.

\_\_\_\_\_ (Initials) 3. **Rights of Survivorship.** To create or change rights of survivorship.

\_\_\_\_\_ (Initials) 4. **Beneficiary Designation.** To create or change a beneficiary designation.

\_\_\_\_\_ (Initials) 5. **Authorization to Another Person.** To authorize another person to exercise the authority granted under this power of attorney.

\_\_\_\_\_ (Initials) 6. **Beneficiary Waiver.** To waive my right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan.

\_\_\_\_\_ (Initials) 7. **Electronic Communications.** To access the content of electronic communications.

\_\_\_\_\_ (Initials) 8. **Fiduciary Powers.** To exercise fiduciary powers that I have authority to delegate and that are expressly and clearly identified (including the identity of the each person for whom I act as a fiduciary) in the Special Instructions herein.

\_\_\_\_\_ (Initials) 9. **Interest in Property.** To disclaim or refuse an interest in property, including a power of appointment.

PART FOUR

LIMITATION ON AGENT'S AUTHORITY

An agent who is not my ancestor, spouse or descendant SHALL NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

PART FIVE

SPECIAL INSTRUCTIONS

*(You may give special instructions on the following lines. You may add lines or place your special instructions in a separate document and attach it to this power of attorney):*

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**Certain Policies of Life Insurance.** Notwithstanding any other provision herein, no powers stated or granted herein and conferred on my agent shall be construed to grant or transfer to said attorney any "incidents of ownership" within the meaning of that phrase under I.R.C. §2042 in a policy or policies of life insurance owned by me on said agent's life.

**Additional Powers.** In addition to the special instructions and powers granted in the preceding paragraphs of this page and in the preceding pages of this Durable Power of Attorney for Financial Matters, I expressly and specifically grant my agent the following powers. These powers are granted in addition to any powers conferred by the provisions of this Durable Power of Attorney for Financial Matters, by Georgia statutes and/or by general rules of law, and with the direction that a grant of a specific power shall not be construed as a limitation of any general power granted herein, by statute or by law, all of which may be exercised by my agent.

1. **Lend or borrow money.** To loan or borrow money and to give or take collateral therefor on such terms as my attorney may deem best, and to evidence the same by notes or other agreements containing such terms and conditions as my attorney may think fit.

2. **Exercise Limited Powers of Appointment.** To exercise any and all limited powers of appointment granted to me under any trust or trusts, without regard to whether the trust agreement or other governing instrument for such trust was executed before or after the date of this Durable Power of Attorney for Financial Matters, and to exercise any powers exercisable by me as the grantor of any trust, including, but not limited to, powers pursuant to I.R.C. §675(4)(C).

3. **Waiver of attorney-client privilege.** For me and in my name, place and stead, to seek and compel any attorney retained by me at anytime and on any matter whatsoever to release any information prepared for me or on my behalf or to divulge any communications by and between myself and said attorney which are protected by the attorney-client privilege, and to receive, retain and protect said information or communications under the attorney-client privilege.

4. **Waiver of physician-patient privilege.** For me and in my place and stead, to seek and compel any physician retained by me at anytime or on any matter whatsoever to release any information prepared for me or on my behalf or to divulge any communications by and between myself and said physician which are protected by the physician-client privilege, and to receive, retain and protect such information under the physician-client privilege. It is my intent that my attorney be treated as if said attorney were me with respect to my rights regarding the access, use and disclosure of my medical records or other health information. Specifically, my attorney shall be considered my personal representative to access, use and disclose any information governed by the Act. I authorize all medical personnel, health care providers, insurance companies and health care information clearing houses covered by the Act to release and disclose to my attorney without any restriction and without limitation all of my health information and medical records.

**PART SIX**

**EFFECTIVE DATE**

This power of attorney is effective immediately unless I have stated otherwise in the special instructions.

**PART SEVEN**

**NOMINATION OF CONSERVATOR**

If it becomes necessary for a court to appoint a conservator of my estate, I nominate my agent, as named herein, to be appointed as conservator.


**PART EIGHT**

**RELIANCE ON THIS POWER OF ATTORNEY**

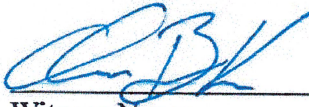
Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person has actual knowledge it has terminated or is invalid.

[SIGNATURES AND ACKNOWLEDGEMENTS ARE CONTAINED ON THE FOLLOWING PAGE.]

IN WITNESS WHEREOF, this Durable Power of Attorney for Financial Matters is executed under seal this 30 day of October, 2023.

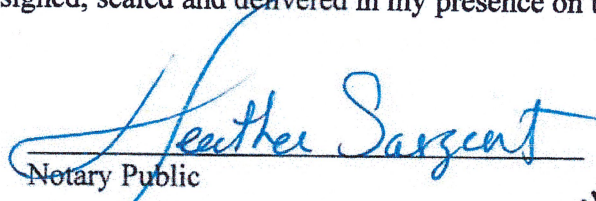
  
\_\_\_\_\_  
ANDREA CAMP (SEAL)

This document was signed, sealed and delivered in the presence of:

  
\_\_\_\_\_  
Witness Name:

State of Georgia  
County of Fulton

This document was signed, sealed and delivered in my presence on the date written above by ANDREA CAMP.

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

[NOTARY SEAL]



*This document was prepared by the firm of Smith, Gambrell & Russell, LLP.*



WARRANTY DEED - FORM 4 (2/67)

STATE OF GEORGIA



FULTON

County

THIS INDENTURE, made this 23rd day of November in the year of our Lord One Thousand Nine Hundred and Sixty Seven between NED E. WALKER of the State of Georgia and County of Fayette of the first part and STARR REALTY CORPORATION of the State of Georgia and County of Fayette of the second part,

WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS AND OTHER VALUABLE CONSIDERATIONS, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged has granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said part Y of the second part, itself, its successors and assigns, all that tract or parcel of land lying and being in Land Lot 28 of the 7th District of Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin found marking the Northeast intersection of Davis Road and Huiet Road; running thence Northerly along the Easterly side of Huiet Road and following the curvature thereof, 1554.4 feet to an iron pin found; thence North 89° 16' East, 1432 feet to an iron pin found; thence South 0° 59' East, 1045.7 feet to an iron pin found on the Northerly side of Davis Road; thence Southwesterly along the right of way of Davis Road, 1387.5 feet to Huiet Road and the point of beginning; containing 41.78 acres as per survey of Richard T. Conner, dated November 3, 1970.

Fayette County, Georgia
Real Estate Transfer Tax
Paid 36.60 Date 11-30-70
Clerk of Superior Court

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

And the said part Y of the first part, for himself, his heirs, executors and administrators will warrant and forever defend the right to the above described property unto the said part Y of the second part, itself, its successors and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said part Y of the first part has hereunto set his hand and affixed his seal, the day and year above written.

Signed, sealed and delivered in the presence of:

Jean J. Sammetto
Witness
Richard H. ...
Notary Public, Georgia State at Large
My Commission Expires: Dec. 27, 1970.

Ned E. Walker (SEAL)

(SEAL)

(SEAL)

FILED Nov 30 1970
RECORDED 12-1 1970
W. A. Ballard
CLERK SUPERIOR COURT

WARRANTY DEED - FORM 4 (2/71)



STATE OF GEORGIA

FULTON County

THIS INDENTURE, made this 27th day of May in the year of our Lord One Thousand Nine Hundred and Seventy One between STARR REALTY CORPORATION of the State of Georgia and County of Fulton of the first part and SHIRLEY ANNE STARR of the State of Georgia and County of Fayette of the second part,

WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS AND OTHER VALUABLE CONSIDERATIONS BOLLERS, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the said part Y of the second part, herself, her heirs and assigns, all that tract or parcel of land lying and being in Land Lot 28 of the 7th District of Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin found marking the Northeast intersection of Davis Road and Huiet Road; running thence Northerly along the Easterly side of Huiet Road and following the curvature thereof, 1554.4 feet to an iron pin found; thence North 89° 16' East, 1432 feet to an iron pin found; thence South 0° 59' East, 1045.7 feet to an iron pin found on the Northerly side of Davis Road; thence Southwesterly along the right of way of Davis Road, 1387.5 feet to Huiet Road and the point of beginning; containing 41.78 acres as per survey of Richard T. Conner, dated November 3, 1970.

Fayette County, Georgia
Real Estate Transfer Tax
Paid 3700 Date 5-29-71
Clerk of Superior Court

FILED May 29 1971
RECORDED 16-1 1971 10 30
W. B. Ballard AM
CLERK SUPERIOR COURT

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

And the said part Y of the first part, for itself, its successors and assigns, executors and administrators will warrant and forever defend the right to the above described property unto the said part Y of the second part, herself, her heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said part Y of the first part has hereunto set its hand and affixed its seal, the day and year above written.

Signed, sealed and delivered in the presence of:

Jean D. Lovorello, Witness
Notary Public, Georgia State at Large
My Commission Expires Dec. 28, 1974.
(SEAL)

STARR REALTY CORPORATION
By: Shirley Starr (SEAL)
President
(SEAL)

QUIT-CLAIM DEED - Form 7 (11/70)

STATE OF GEORGIA, \_\_\_\_\_ County.

THIS INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord One Thousand Nine Hundred and Seventy \_\_\_\_\_ Four between SHIRLEY ANNE STARR of the first part, and THOMAS I. POPE of the second part,

WITNESSETH: That the said part Y of the first part for and in consideration of the sum of ONE AND NO/100 - - - Dollars,

cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold and done by these presents bargain, sell, remise, release, and forever quit-claim to the said part Y of the second part, himself, his heirs and assigns, all the right, title, interest, claim or demand which the said part Y of the first part has or may have had in and to all that tract or parcel of land lying and being in Land Lot 28 of the 7th District of Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin placed on the East side of Huiet Road, said pin being located 1045.7 feet North of the Northeast intersection of Huiet Road and Davis Road as measured along the East side of Huiet Road; running thence Northerly along the East side of Huiet Road, Four Hundred Ninety Eight and Five-tenths (498.5) feet to an iron pin placed; thence North 89° 16' East, One Thousand Four Hundred Thirty Two (1432) feet to an iron pin found; thence South 00° 59' East, Four Hundred Ninety One and Eight-tenths (491.8) feet to an iron pin placed; thence South 89° 16' West, One Thousand Four Hundred Fifty Four and Four-tenths (1454.4) feet to an iron pin placed on the East side of Huiet Road and the Point of beginning.

with all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said described premises unto the said part Y of the second part himself, his heirs and assigns, so that neither the said part Y of the first part nor herself, her heirs, nor any other person or persons claiming under her shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

IN WITNESS WHEREOF, the said part Y of the first part has hereunto set her hand and affixed her seal the day and year above written.

Signed, sealed and delivered in presence of

Public Notary section with signatures of Shirley Anne Starr and Thomas I. Pope, dated 12-4-74 and 12-7-74.

FILED & RECORDED  
FAYETTE COUNTY, GA.  
99 DEC 22 AM 10 59  
W.A. BALLARD, CLERK

AFTER RECORDING RETURN TO:  
JOHN M. McCARTER  
Attorney at Law  
P. O. Box 45402-Airport Branch  
Atlanta, GA 30320-0402

WARRANTY DEED

STATE OF GEORGIA  
COUNTY OF CLAYTON

THIS INDENTURE, Made the 10th day of December, in the year one thousand nine hundred and ninety nine between

THOMAS T. POPE

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

MILDRED M. POPE & THOMAS T. POPE, as "Joint Tenants"

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 (\$10.00) DOLLARS AND OTHER VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land described on Exhibit "A" attached hereto and made a part hereof.

FAYETTE COUNTY, GEORGIA  
REAL ESTATE TRANSFER TAX 10  
PAID  
DATE 12-22-99  
W.A. Ballard  
CLERK OF SUPERIOR COURT

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

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

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

Signed, sealed and delivered in the presence of:

John D. Lebratto  
Witness

Thomas T. Pope (Seal)  
Thomas T. Pope

John M. McCarter  
Notary Public, Lamar County, Georgia  
My Commission expires: Jan. 16, 2003.  
(Seal)

\_\_\_\_\_  
(Seal)



BOOK 1458 PAGE 439



## BOOK 1458 PAGE 440

## EXHIBIT "A"

ALL THAT TRACT or parcel of land with all buildings and improvements thereon lying and being in Land Lot No. 218 of the 13th Land District of Fayette County, Georgia and being Lot No. 26, Block 201, Section Two of Newton Plantation as described upon a certain map or plat by C. E. Lee, Surveyor, recorded in Plat Book 4, page 43, Fayette County Deed Records and being more particularly described as follows:

BEGINNING at a point at the intersection of the South right of way line of Plantation Drive and the West right of way line of Plantation Circle as shown on the above described plat and from said point of beginning, running thence South along the West right of way line of said Plantation Circle a distance of 1482 feet to the line separating Lot No. 13 and Lot No. 14 of said block, section and subdivision; continuing along the same side of said right of way of Plantation Circle but in an Easternly direction at a right angle to the preceding course, 1625 feet to an iron pin at the Northeast corner of Lot No. 25 of said block, section and subdivision from the point of beginning thus determined; running thence South 265 feet along the East side of Lot No. 25 to an iron pin; thence East a distance of 200 feet to the West corner of Lot No. 27; thence Northwesterly 269.5 feet along the West side of Lot No. 27 to Plantation Circle; thence West along Plantation Circle a distance of 150 feet to the point of beginning.

ALL THAT TRACT or parcel of land lying and being in Land Lot 28 of the 7th District of Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin found marking the Northeast intersection of Davis Road and Huiet Road; running thence Northerly along the Easterly side of Huiet Road and following the curvature thereof, 1554.4 feet to an iron pin found; thence North  $89^{\circ} 16'$  East, 1432 feet to an iron pin found; thence South  $0^{\circ} 59'$  East, 1045.7 feet to an iron pin found on the Northerly side of Davis Road; thence Southwesterly along the right of way of Davis Road, 1387.5 feet to Huiet Road and the point of beginning; containing 41.78 acres as per survey of Richard T. Conner, dated November 3, 1970.

Doc ID: 008642670001 Type: ESTD  
 Recorded: 08/29/2011 at 08:00:00 AM  
 Fee Amt: \$10.00 Page 1 of 1  
 Transfer Tax: \$0.00  
 Fayette, Ga. Clerk Superior Court  
 Sheila Studdard Clerk of Court  
 BK **3788** PG **453**

**EXECUTOR'S DEED OF ASSENT**

James F. Biles  
245 Mimosa Drive  
Fayetteville, GA 30214

**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**THIS INDENTURE**, made this 27<sup>th</sup> day August, 2011, between **ANDREA POPE CAMP** as Executor of the Estate of **MILDRED MERONEY POPE**, deceased, of Fayette County, Georgia, Party of the First Part, and **ANDREA POPE CAMP**, hereinafter called Party of the Second Part.

**WITNESSETH:**

The First Party is the duly qualified and acting Executor of the Estate of **MILDRED MERONEY POPE**, who died seized and possessed of the property hereunder described. Said executor was appointed in the Probate Court of Fayette County, Georgia. The Order of the Probate Court admitted the Will to record in solemn form on July 19, 2011. Under the terms of the appointment the Executor is authorized to transfer said property to Party of the Second Part.

**NOW THEREFORE**, under and pursuant to the authority conferred upon her, and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the First Party hereby grants, bargains, sells and conveys unto the Second Party, her heirs and assigns, the deceased's interest in the following described real property situated in Fayette County, Georgia:

**ALL THAT TRACT** or parcel of land lying and being in Land Lot 28 of the 7<sup>th</sup> District of Fayette County, Georgia and being more particularly described as follows:

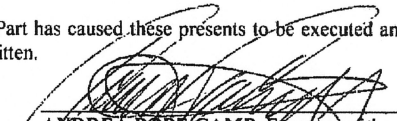
BEGINNING at an iron pin found marking the Northeast intersection of Davis Road and Huiet Road; running thence Northerly along the Easterly side of Huiet Road and following the curvature thereof, 1554.4 feet to an iron pin found; thence North 89 degrees 16 minutes East, 1432 feet to an iron pin found; thence 0 degrees 59 Minutes East, 1045.7 feet to an iron pin found on the Northerly side of Davis Road; thence Southwesterly along the right of way of Davis Road, 1387.5 feet to Huiet Road and the point of beginning; containing 41.78 acres as per survey of Richard T. Conner, dated November 3, 1970.

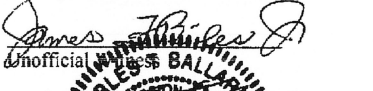

**TO HAVE AND TO HOLD** the same unto the Party of the Second Part, her heirs and assigns.

And the Party of the First Part does warrant that the deceased had good title to said property and does hereby warrant the title unto the Party of the Second Part, and will defend the same against the claims of all persons whomsoever.

**IN WITNESS WHEREOF**, the said Party of the First Part has caused these presents to be executed and has hereunto set her hand and seal, the day and year first above-written.

Signed, sealed and delivered  
In the presence of:

  
 \_\_\_\_\_  
**ANDREA POPE CAMP**, Executor of the  
 Estate of **MILDRED MERONEY POPE**,  
 Deceased

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


## **LEGAL DESCRIPTION**

**All that tract or parcel of land lying and being in Land Lot 28 of the 7<sup>th</sup> District of Fayette County, Georgia and being more particularly described as follows:**

**BEGINNING at an iron pin found marking the Northeast intersection of Davis Road and Huiet Road; running thence Northerly along the Easterly side of Huiet Road and following the curvature thereof, 1554.4 feet to an iron pin found; thence North 89° 16' East, 1432 feet to an iron pin found; thence South 0° 59' East, 1045.7 feet to an iron pin found on the Northerly side of Davis Road; thence Southwesterly along the right-of-way of Davis Road, 1387.5 feet to Huiet Road and the point of beginning; containing 41.78 acres as per survey of Richard T. Conner, dated November 3, 1970.**



# REZONING APPLICATION

## TO AMEND THE OFFICIAL ZONING MAP OF FAYETTE COUNTY, GA

**A COMPLETE REZONING APPLICATION MUST BE SUBMITTED TO THE PLANNING AND ZONING DEPARTMENT BY 12:00 NOON ON THE TENTH (10<sup>th</sup>) DAY OF THE MONTH 2 MONTHS PRIOR TO HEARING DATE.**

If the tenth day of the month is on a weekend or holiday, the application filing deadline is extended to the next business day (see Hearing Schedule on page 2).

**Yield Plan:** The Conservation Subdivision (C-S) and Estate Residential District (EST) zoning districts require a Yield Plan to be submitted prior to the Rezoning Application. The Yield Plan must be submitted via the County's online plan review program by 12:00 noon on the tenth day of the month. If the tenth day of the month is on a weekend or holiday, the application filing deadline is extended to the next business day. If a Yield Plan is in review and all departmental comments have not been addressed and approved by the advertising deadline, the application will be delayed until the next month for which it can be properly advertised. Please request a Yield Plan checklist.

Fayette County Planning and Zoning Department  
140 Stonewall Avenue West, Suite 202  
Fayetteville, GA 30214  
Phone: 770- 305-5421  
E-mail: [zoning@fayettecountyga.gov](mailto:zoning@fayettecountyga.gov)

### **REZONING APPLICATION FILING FEES (per parcel being rezoned)**

(based on number of acres to be rezoned)

0 to 5 Acres	\$250.00*
6 to 20 Acres	\$350.00*
21 to 100 Acres	\$450.00*
101 or more Acres	\$550.00*

*# 450*  
*# 40 (2x20)*  
*# 490*

\*An additional \$20.00 deposit is required (per public hearing sign posted on property). If the sign frame(s) is returned to the Planning and Zoning Department within five (5) working days of the last applicable public hearing, the sign deposit will be reimbursed to the applicant. **The application filing fee and sign deposit may be combined on one (1) check made payable to Fayette County.** Application filing fees may be refunded ONLY when an application request is withdrawn in writing by the applicant PRIOR TO placement of the legal advertisement for said public hearing request (at least 30 days before scheduled Planning Commission public hearing).

A submittal that is missing any required documents, or that has inaccurate or out-of-date documents, is not considered a complete application, and may be moved to a later meeting date. Please refer to the checklist on page 10 for a list of required documents.



**S.A. GASKINS & ASSOCIATES, LLC**  
 surveyors/planners/development consultants  
 P.O. BOX 303 BROOKS, GA 30205  
 678-571-3054  
 rdgaskins79@gmail.com

**CONCEPT PLAN**  
 Land Lot 28 Of The 7th Land District  
 Fayette County, Georgia



**HUIJET DRIVE**  
 20± WIDE DIRT/GRAVEL

- LEGEND**
- RRF=REBAR FOUND
  - CTP=CURB TOP OF PIPE
  - LL=LAND LOT
  - FL=FIELD LINE
  - PL=PROPERTY LINE
  - CO=CONSTRUCTION ENTRANCE
  - EP=EDGE OF PAVEMENT
  - P.O.B.=POINT OF BEGINNING
  - DL=DRIVING LEASUREMENT
  - DL=DRIVING LEASUREMENT
  - NF=NOW OR FORMERLY
  - F.W.P.D.=FIELD WORK PERFORMED DATE
  - CO=CONTOUR
  - DB=DEED BOOK
  - PG=PAGE
  - PS=PLAT BOOK
  - (#)=HOUSE NUMBER

OWNER: ANDREA POPE CAMP - DEED BOOK 3788, PAGE 433  
 SITE AREA = 41.78 ACRES  
 TAX PARCEL NO. 0703 012  
 EXISTING ZONING: AR - AGRICULTURAL RESIDENTIAL  
 LAND USE PLAN DESIGNATION: RURAL RESIDENTIAL - 2 (1 UNIT/7 ACRES)  
 PROPOSED ZONING: R-75 SINGLE-FAMILY RESIDENTIAL  
 MINIMUM LOT SIZE = 2.00 ACRES  
 SETBACKS: FRONT - 300' ARTERIAL  
 FRONT - 75' COLLECTOR  
 FRONT - 50' LOCAL  
 SIDE - 25'  
 REAR - 50'  
 MINIMUM HOUSE SIZE 2500 SQ. FT.  
 MINIMUM LOT WIDTH AT BUILDING LINE 125'  
 EXISTING WETLANDS LOCATED AT THE NORTHWEST CORNER  
 SECONDARY SURVEY INFORMATION TAKEN FROM DEED BOOK 3788, PAGE 433 AND FROM OPUBLIC.NET, FAYETTE COUNTY, GA. WEBSITE.  
 DAVIS ROAD AND HUIJET ROAD ARE CLASSIFIED AS A COLLECTOR ROAD ON THE FAYETTE COUNTY THROUGHFARE PLAN, PURSUANT TO CHAPTER 104, ARTICLE III, SECTION 104-52(b) OF THE CODE OF FAYETTE COUNTY, GA. A COLLECTOR ROAD IS THAT OF 100 FEET IS REQUIRED FOR A COLLECTOR ROAD.  
 THE FINAL DESIGN WILL BE BASED ON A CURRENT BOUNDARY SURVEY, A LEVEL III SOILS ANALYSIS AND A 2 FOOT CONTOUR TOPOGRAPHICAL SURVEY.



Job No. 19-047	Reviewed By:	Date
	RM.B.	
	Issue Date: 07/08/24	
	F.W.P.D.: N/A	
	Revisions	

Wednesday, August 14, 2024

Fayette County News 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, Sep-  
tember 5, 2024, at 7:00 P.M., and  
before the Fayette County Board of  
Commissioners on Thursday, Sep-  
tember 26, 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.: 1355-24

Owner/Agent: Andrea Pope Camp  
& Jordan Camp/

Randy M. Boyd, Agent

Existing Zoning District: A-R

Proposed Zoning District: R-75

Parcel Number: 0703 012

Area of Property: 41.78 acres

Proposed Use: Residential

Land Lot(s)/District: Land lot 28  
of the 7th District

Fronts on: Davis Road and Huiet  
Drive

Request: Rezone from A-R to R-75  
for the purposes of creating addi-  
tional lots without any new infra-  
structure.

#### PROPERTY DESCRIPTION

##### EXHIBIT "A"

ALL THAT TRACT or parcel of land  
lying and being In Land Lot 28 of  
the 7th District of Fayette County,  
Georgia, and being more particu-  
larly described as follows : BEGIN-  
NING at an iron pin found marking  
the Northeast intersection of Davis  
Road and Huiet Road; running  
thence Northerly along the Easterly  
side of Huiet Road and following  
the curvature thereof, 1554.4 feet to  
an iron pin found; thence North 89  
0 16 r East, 1432 feet to an Iron pin  
found; thence South 0 0 59' East,  
1045.7 feet to an iron pin found on  
Che Northerly side of Davis Road;  
thence Southwesterly along the  
right of way of Davis Road, 1387.5  
feet to Huiet Road and the point of  
beginning; containing 41.78 acres  
as per survey of Richard T. Conner,  
dated November 3, 1970.

08/14

#### BID NOTICE

Fayette County, Georgia invites you  
to submit a bid for construction of  
a multiuse tunnel under Redwine  
Road. Bids will be received until  
3:00pm on Wednesday, Septem-  
ber 4, 2024. For the complete list  
of specifications, requirements  
and other relevant information,  
Invitation to Bid #2455-B Starrs  
Mill School Tunnel Construction  
are available for download on the  
Fayette County website at: [http://  
www.fayettecountyga.gov/pur-  
chasing/quotes\\_and\\_proposals.  
htm](http://www.fayettecountyga.gov/purchasing/quotes_and_proposals.htm) or email Sherry White at

[swhite@fayettecountyga.gov](mailto:swhite@fayettecountyga.gov).

08/14,21

**B3**

**Wednesday, October 2, 2024**

**Deadline: Each Friday by 10 a.m.**

**770-461-6317**

**legals@fayette-news.net**

PETITION FOR REZONING  
CERTAIN PROPERTIES IN  
UNINCORPORATED AREAS OF  
FAYETTE COUNTY, GEORGIA  
PUBLIC HEARING to be held be-  
fore the Fayette County Board of  
Commissioners on Thursday, Oc-  
tober 24, 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.: 1355-24  
Owner/Agent: Andrea Pope Camp  
& Jordan Camp/  
Randy M. Boyd, Agent  
Existing Zoning District: A-R  
Proposed Zoning District: R-75  
Parcel Number: 0703 012  
Area of Property: 41.78 acres  
Proposed Use: Residential  
Land Lot(s)/District: Land lot 28 of  
the 7th District  
Fronts on: Davis Road and Huiet  
Drive  
Request: Rezone from A-R to R-75  
for the purposes of creating addi-  
tional lots without any new infra-  
structure.

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EXHIBIT "A"**

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the Northerly side of Davis Road;  
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right of way of Davis Road, 1387.5  
feet to Huiet Road and the point of  
beginning; containing 41.78 acres  
as per survey of Richard T. Conner,  
dated November 3, 1970.

10/02

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of a Development Plan for a Manufactured Home Park for property consisting of three (3) parcels (#0704 002; #0704 004; 0704 052), with a combined area of 26.74 acres, located in Land Lot 26 of the 7th District and fronts State Route 54 West.

**Background/History/Details:**

Pursuant to Sec. 110-141. - Manufactured Home Park District, (3)Approval. An application for approval of a manufactured home park will be considered administratively as a petition for rezoning, and will be subject to the procedures established in this chapter. After review and public hearing, the board of commissioners may disapprove, approve or approve with modifications to the site plan and/or letter of intent, after receiving the recommendation of the planning commission.

The applicant submitted a conceptual development site plan and other documentation, as required, for the public hearings. The Development Plan was then duly advertised for the required public hearings before the Planning Commission and Board of Commissioners.

On September 30, 2024, the applicant submitted a written request to WITHDRAW the Development Plan. At the regular Planning Commission meeting on October 3, 2024, the Planning Commission voted, 4-0, to recommend accepting the request to withdraw.

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

Approval of request to withdraw a Development Plan for a Manufactured Home Park for property consisting of three (3) parcels (#0704 002; #0704 004; 0704 052), with a combined area of 26.74 acres, located in Land Lot 26 of the 7th District and fronts State Route 54 West.

**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:**



**MHP-0001-24**

**REQUESTED ACTION:** Review the Development Plan for a Manufactured Home Park

**PARCEL NUMBER(S):** 0704 002; 0704 004; 0704 052

**ZONING:** MHP, Manufactured Home Park

**EXISTING USE:** Undeveloped, formerly Adams Farm

**PROPOSED USE:** Manufactured Home Park

**LOCATION:** 1486 Hwy 54 W

**PROJECT SIZE:** 26.74 Acres

**DISTRICT/LAND LOT(S):** 7<sup>th</sup> District, Land Lot 26

**OWNER(S):** Adams Farm 1805, LLC; William Jerry Cleveland

**APPLICANT:** Lake Chatuge, LLC

**AGENTS:** Randy Chancey

**PLANNING COMMISSION PUBLIC HEARING:** October 3, 2024

**BOARD OF COMMISSIONERS PUBLIC HEARING:** October 24, 2024

---

**REQUEST**

On September 30, 2024, the applicant submitted a request to **WITHDRAW** the Development Plan Application.

On October 3, 2024, the Planning Commission voted 4-0 to recommend approval of the request to withdraw the application.

~~The applicant is submitting a Development Plan for a Manufactured Home Park. Per **Sec. 110-141. - MHP, Manufactured Home Park District**, an application for approval of a manufactured home park will be considered administratively as a petition for rezoning and will be subject to the procedures established in this chapter. After review and public hearing, the board of commissioners may disapprove, approve or approve with modifications to the site plan and/or letter of intent, after receiving the recommendation of the planning commission.~~

This review of the Development Plan is the first of the two required public hearings.

## **STAFF ASSESSMENT**

The property is already zoned MHP, so a Manufactured Home Park is an appropriate use for the property. The lots are legal lots of record and, when combined by a revised final plat, will meet or exceed all the requirements of the MHP zoning district. The 3-acre tract may not be developed on its own, but it does appear as a lot of record on the 1975 tax parcel map. While development may not proceed until a recombination plat is recorded, for purposes of considering the Development Plan, such a plat is not required. The concept plan provides the basic information required at this stage of the proposed project.

## **INVESTIGATION**

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

The rezoning to MHP was approved by the Board of Commissioners on March 4, 1967. This acreage was not developed and remained in agricultural usage until recently.

### **B. ZONING AND FUTURE LAND USE**

The Future Land Use Map designates this area as Commercial, so a rezoning petition to a commercial zoning district would also be appropriate.

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 (across 54)	1.25	C-H	Commercial	Commercial
East	52	R-40	Single Family Residential	Low Density Residential (1 unit/1 acres)
South	14	MHP	Wastewater Treatment Ponds	Low Density Residential (1 unit/1 acres)
West	38	MHP	Manufactured Home Park	Mobile Homes

- Departmental reviews will take place when the site development plans are submitted. The concept plan submitted with this initial request is presented to demonstrate that the project is addressing the key criteria required by the ordinance.
- All access points on State Route 54 will be subject to review and permitting by Georgia Department of Transportation.

- Sanitary sewage disposal systems will be subject to review and permitting by Georgia Environmental Protection Division.
- All buildings will be reviewed by the Building Safety Department and will be required to meet all applicable building codes.

## **ZONING DISTRICT STANDARDS**

### **Sec. 110-141. MHP, Manufactured Home Park District.**

(a) *Description of district.* This district is composed of certain lands and structures for purpose of providing the proper development of manufactured home parks.

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

- (1) Manufactured home park;
- (2) Residential accessory structures and uses (see article III of this chapter);
- (3) Office trailer; and
- (4) Growing crops, gardens.

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

- (1) Child care facility; and
- (2) Home occupation.

(d) *Special regulations.* The following regulations shall apply to the MHP zoning district in addition to any other applicable regulations herein:

(1) *Development plan:* The applicant shall file a petition with the zoning administrator for approval of a manufactured home park. This application shall be supported by six copies of a written summary of the development planned, known as a letter of intent, which shall describe the proposed development in detail and a site plan. The site plan and letter of intent shall present the following information:

- a. A draft of the proposed rules and regulations which shall be established and enforced by the management of the manufactured home park;
- b. Existing topographic conditions, including where necessary, contour intervals of not less than two feet based on field surveys or photogrammetric methods at a minimum scale of one inch equals 100 feet;
- c. The existing and proposed land uses and the approximate location of all buildings and structures;
- d. The location of existing and proposed streets and parking areas;
- e. A legal description of the subject property;
- f. Typical elevation drawings, indicating general architectural style and building exterior materials, if possible, of all permanent buildings and structures to be constructed on the premises;
- g. A statement of the present ownership of all land within the proposed development;

h. A summary of acres, dwelling units, and gross density, as well as a statement of the number of acres devoted to buffer areas, and green belts or other amenities, such as lakes, etc.;

i. A description of the phases under which construction shall be programmed, depicting the geographical limits of each phase of construction; and

j. Specific plans for provision of central water and central sanitary sewage systems.

(2) *Pre-application conference.* Prior to filing a formal application for a manufactured home park the applicant is required to appear before the planning commission in a public hearing in order to provide for review of the general character of the proposed manufactured home park development (on the basis of a tentative land use sketch, if available), and to obtain information on projected programs or improvements, as well as county requirements.

(3) *Approval.* An application for approval of a manufactured home park will be considered administratively as a petition for rezoning, and will be subject to the procedures established in this chapter. After review and public hearing, the board of commissioners may disapprove, approve or approve with modifications to the site plan and/or letter of intent, after receiving the recommendation of the planning commission.

(4) *Use regulations.* In addition to the above listed permitted uses, the buildings or land shall only be used as follows:

a. Parking and inhabiting of manufactured homes in parks with a minimum of 50 spaces, provided all facilities shown on the site plan submitted to and approved by the board of commissioners are installed and maintained according to the schedule submitted with the site plan and stipulations of the letter of intent;

b. Recreation facilities, office and/or maintenance and storage buildings, for residents of the manufactured home park only. No repair facilities of any type including automobile repair shall be permitted;

c. Convenience food stores with a maximum of 1,500 square feet including inside and outside storage, as an accessory to a manufactured home park as designated on an approved site plan;

d. Laundromat, including coin operated dry cleaning, as an accessory to a manufactured home park as designated on an approved site plan, upon approval by the county health department;

e. The sale or display of a manufactured home, provided each such manufactured home offered for sale shall be located on its individual lot and connected to all utilities.

(5) *Perimeter requirements.*

a. A buffer zone having a minimum width of 150 feet shall be provided so as to provide a continuous buffer along all side and rear yards of any manufactured home park.

b. A buffer zone having a minimum depth of 100 feet shall extend along the entire frontage of any manufactured home park.

c. Where the existing foliage in the buffer zones is not sufficient to provide and maintain an evergreen visual screen between adjacent properties, landscaping



and planting shall be required sufficient to provide visual separation and privacy between a manufactured home park and adjacent properties and/or streets.

(6) *Storage requirements.* Each manufactured home park shall provide an area for the storage of boats, travel trailers and/or other vehicles which shall be at least ten percent of the gross area of the manufactured home park, provided, however, said ten percent is not located in a flood hazard area.

(7) *Circulation system.* Each manufactured home park shall have a minimum 200 feet of frontage and only access an arterial thoroughfare.

- a. Each manufactured home park over 20 acres in size shall have a minimum of two access streets or drives to provide ingress and egress for vehicular traffic.
- b. Provision shall be made for safe, all-weather pedestrian movement within the development.

(8) *Night lighting.* Streets, pedestrian walkways and parking areas shall be adequately lighted.

(9) *Garbage refuse collection facilities.* Garbage refuse collection shall be provided by the manufactured home park owner.

(10) *Utilities.* Each manufactured home shall be connected with water and sanitary facilities in a manner approved by the county health department and in compliance with the regulations of the county water system. Each manufactured home shall be served by electricity and gas. All utilities shall be placed underground.

(11) *Recreation facilities.* A minimum of ten percent of the gross acreage of the manufactured home park shall be provided for common facilities, open space, and recreation for the residents of the manufactured home park.

(e) *Dimensional requirements.* The minimum dimensional requirements in the MHP zoning district shall be as follows:

(1) No manufactured home park shall be constructed or maintained on a lot consisting of a total area of less than ten acres.

(2) Each manufactured home shall be located on a separate lot as follows:

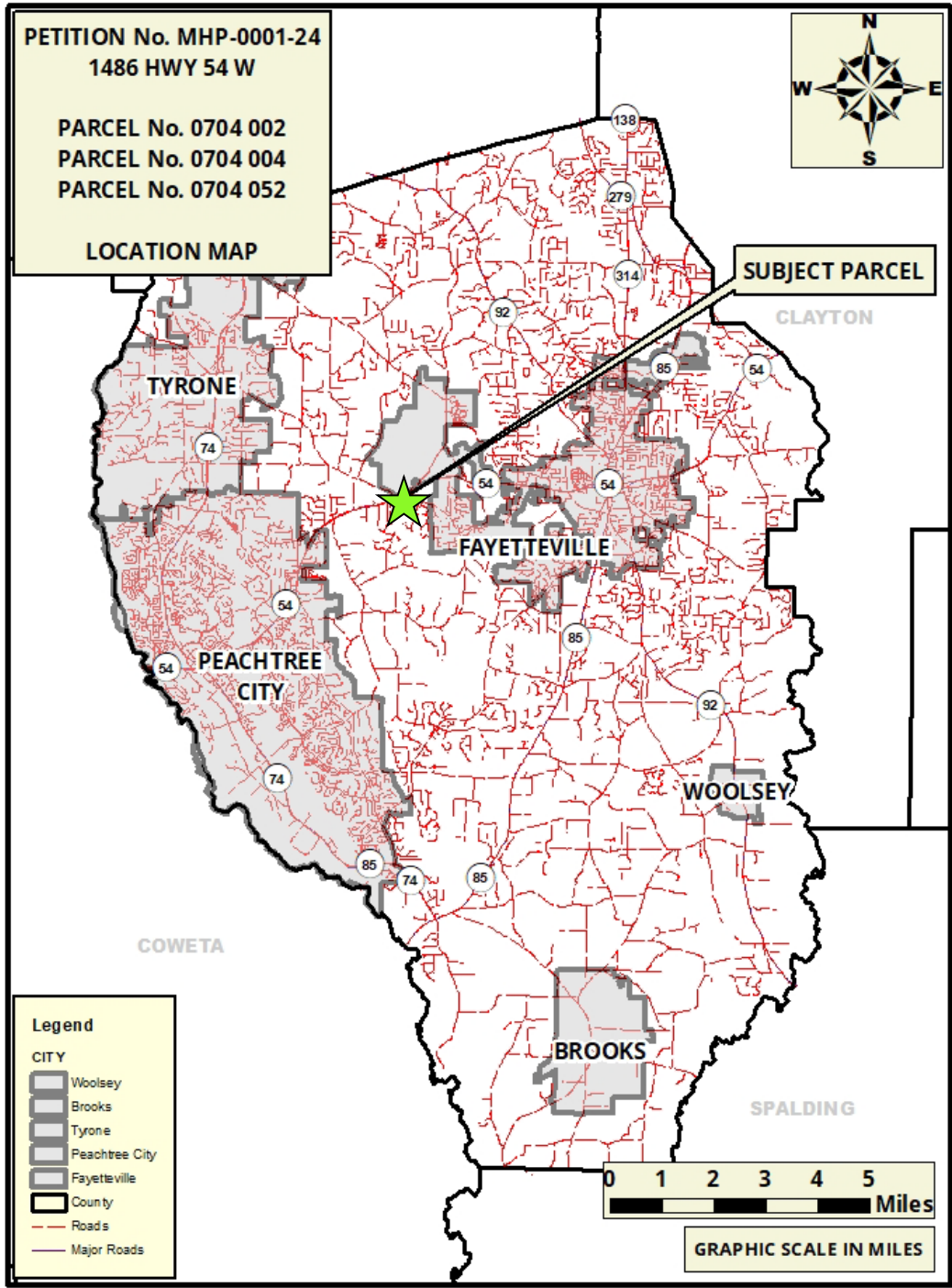
- a. Each lot shall have a minimum width of 60 feet.
- b. Each lot shall contain a minimum of 6,000 square feet.
- c. Each lot shall provide a paved concrete or all-weather patio area having a minimum area of 300 square feet.

(3) *Manufactured home citing requirements.* Within 60 days of the citing of a manufactured home on its lot, the undercarriage of the manufactured home shall be concealed from view, through the use of permanent nonflammable construction materials. No manufactured home or other structure shall be located within:

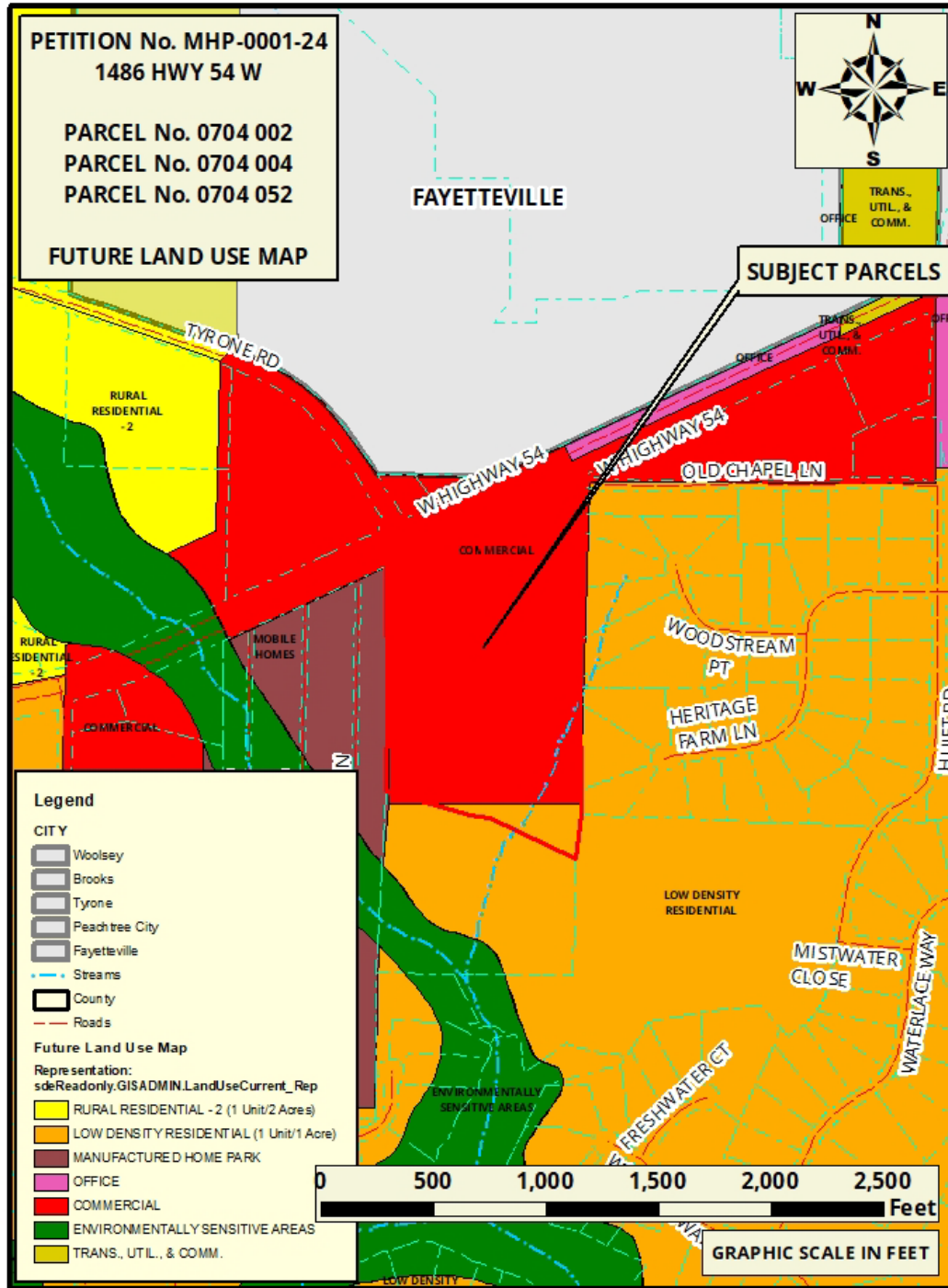
- a. Four feet of its individual lot line; or
- b. 15 feet of any street or drive within the manufactured home park.

(4) Height limit: 35 feet.

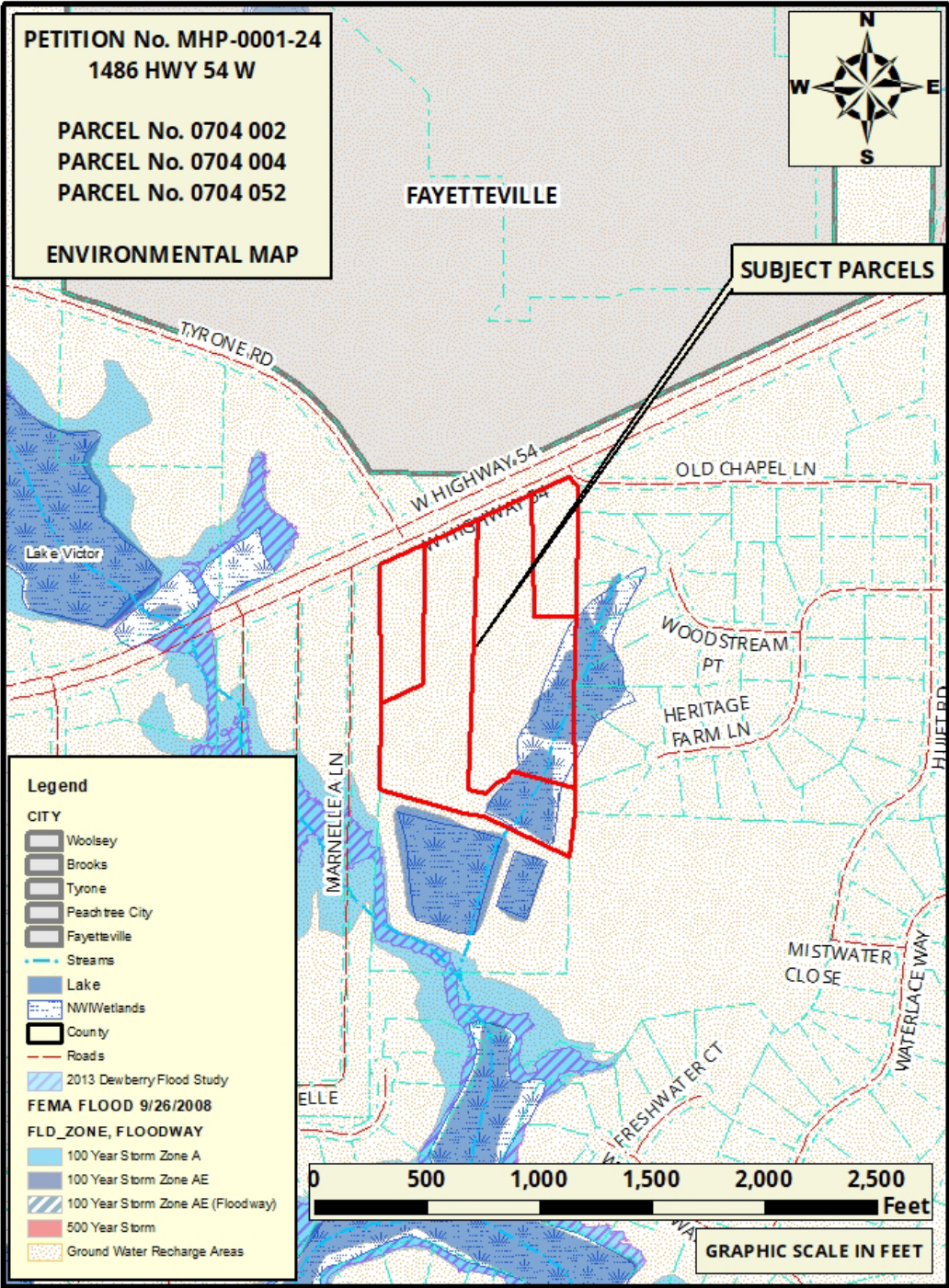
(Code 1992, § 20-6-17; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2018-03, § 13, 9-22-2018)



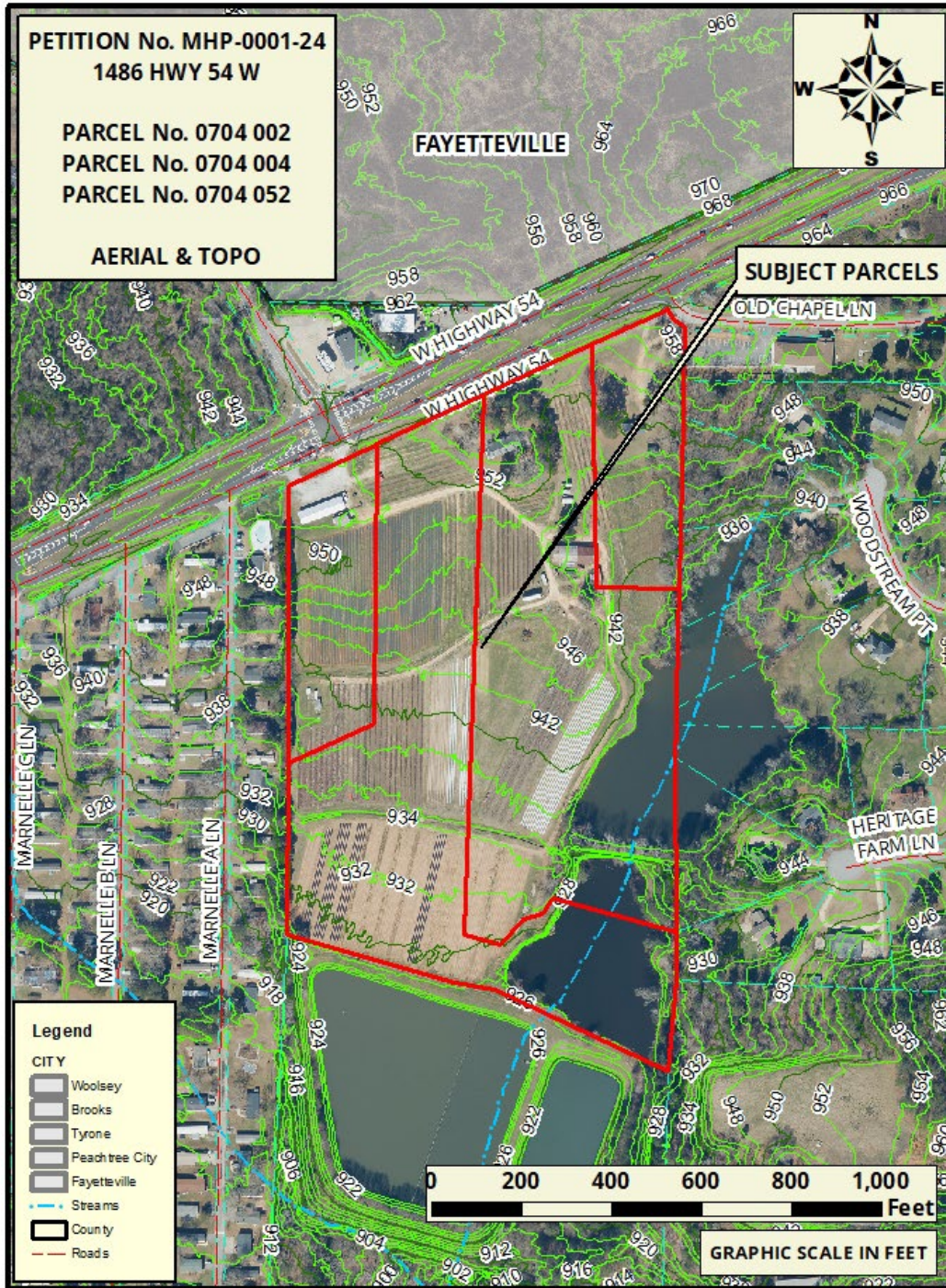


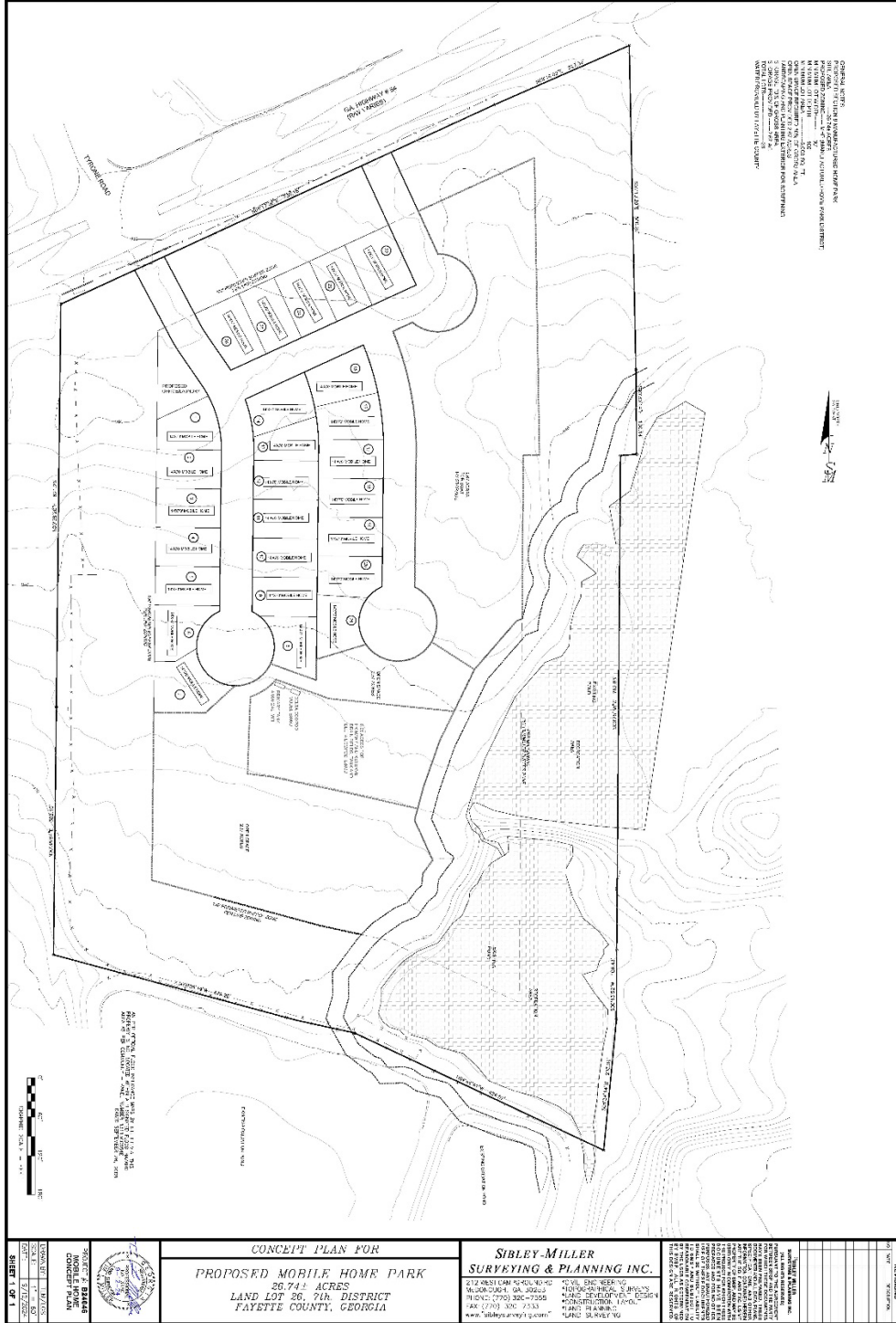












CONCEPT PLAN





CONCEPTUAL HOME CONFIGURATION (Not an approved plan, conceptual only.)



CONCEPTUAL OFFICE BUILDING (Not an approved structure. All structures shall be required to meet all zoning ordinances and building codes.)



# Meeting Minutes 10/03/2024

THE FAYETTE COUNTY PLANNING COMMISSION met on October 3<sup>rd</sup>, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

**STAFF PRESENT:** Debbie Bell, Planning and Zoning Director *[absent]*  
Deborah Sims, Zoning Administrator  
Maria Binns, Zoning Secretary  
E. Allison Ivey Cox, County Attorney

## NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. ***Jim Oliver made a motion to APPROVE the agenda with the addition of item (a) Minor Final Plat for Doggie Dale (501 Padgett Road) on the October 3<sup>rd</sup> Agenda. Boris Thomas seconded the motion. The motion passed 4-0. Danny England was absent.***
4. Consideration of the Minutes of the meeting held on September 5, 2024. ***Boris Thomas made a motion to APPROVE the minutes of the meeting held on September 5, 2024. Jim Oliver seconded the motion. The motion carried 3-0. John Kruzan abstained from voting as he was absent for the September 5, 2024, meeting.***
5. Plats
  - a. Final Plat Minor Final Plat for Doggie Dale (501 Padgett Road). ***John Kruzan made a motion to APPROVE the Final Plat for Doggie Dale (501 Padgett Road). Jim Oliver seconded the motion. The motion carried 4-0.***

## PUBLIC HEARING

1. Consideration of Petition MHP-0001-24, Review of the Development Plan for a Manufactured Home Park. The applicant is submitting a Development Plan for a Manufactured Home Park, Per Sec. 110-141. - MHP, Manufactured Home Park District, an application for approval of a manufactured home park will be considered administratively as a petition for rezoning and will be subject to the

procedures established in this chapter. After review and public hearing, the board of commissioners may disapprove, approve, or approve with modifications to the site plan and/or letter of intent after receiving the recommendation of the planning commission. This review of the development plan is the first of two required public hearings.

Ms. Bell advised that the **PETITIONER REQUESTED TO WITHDRAW** the petition to develop a Manufactured Home Park.

*Jim Oliver made a motion to ALLOW THE WITHDRAWAL of Petition MHP-0001-24, John Kruzan seconded the motion. The motion carried 4-0.*

Mr. John Culbreth asked Ms. Bell when would the petitioner be eligible to resubmit the Manufactured Home Park.? Ms. Bell responded there was no time restriction.

**ADJOURNMENT:**

John Kruzan moved to adjourn the meeting. Jim Oliver seconded. The motion passed 4-0.

The meeting adjourned at 7:08 p.m.

\*\*\*\*\*

**ATTEST:**

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

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

\_\_\_\_\_  
**DEBORAH BELL  
DIRECTOR, PLANNING & ZONING**

PETITION No (s): MHP-0001-24  
STAFF USE ONLY

PARCEL No(s): \_\_\_\_\_

**APPLICANT INFORMATION**

Name Lake Chatuge LLC  
Address 3460 Preston Ridge Rd  
City Alpharetta  
State Ga Zip 30005  
Email schancey@aquadesignsystems.com  
Phone 404-557-9977

**PROPERTY OWNER INFORMATION**

(must match deed(s) exactly)

Name William Jerry Cleveland  
Address 175 White Rd  
City Fayetteville  
State Ga Zip 30214  
Email \_\_\_\_\_  
Phone 678-618-7018

**AGENT(S) (if applicable) Property Owner**

Name Adams Farm 1805 LLC  
Address 1951 Lake Jodeco Rd  
City Jonesboro  
State Ga Zip 30236  
Email \_\_\_\_\_  
Phone 770-626-6400

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip \_\_\_\_\_  
Email \_\_\_\_\_  
Phone \_\_\_\_\_

**(THIS AREA TO BE COMPLETED BY STAFF)**

[ ] Application Insufficient due to lack of:

Staff: \_\_\_\_\_ Date: \_\_\_\_\_

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

Staff: Deborah L Bell Date: Aug 12, 2024

DATE OF PLANNING COMMISSION HEARING: Oct 3, 2024

DATE OF COUNTY COMMISSIONERS HEARING: Oct 24, 2024

Received from \_\_\_\_\_ a check in the amount of \$ 450.00 for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).

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



**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:

Adams Farm 1805 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) 26 of the 7<sup>th</sup> 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.

(I) Kevin R. Dancy  
Signature of Property Owner 1

1951 Lake Toderford  
Address Janesboro, Ga

Virginia J Adams  
Signature of Property Owner 2

Address \_\_\_\_\_

Signature of Property Owner 3

Address \_\_\_\_\_

Signature of Authorized Agent

Address \_\_\_\_\_

Leslie Potts  
Signature of Notary Public

Date \_\_\_\_\_

Signature of Notary Public

Date \_\_\_\_\_

Signature of Notary Public

Date \_\_\_\_\_

Signature of Notary Public

Date \_\_\_\_\_





Owner is not requesting a rezoning of the property.

WJ

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:

William Jerry Cleveland -

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0704 002 & 0704 004

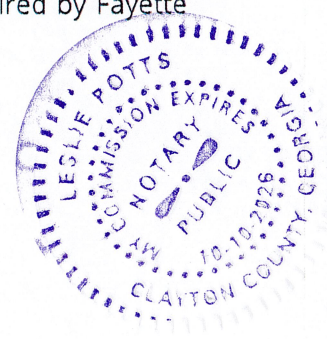
(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 26 of the 7th District, and (if applicable to more than one land district) Land Lot(s) 26 of the 7th District, and said property consists of a total of 13.65 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Lake Chazy LLC to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning which may be imposed by the Board. Lake Chazy LLC to have authorization to present Mobile Home Development Plans

(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) Signature of Property Owner 1
175 White Rd
Address Fayetteville, Ga 30214

Signature of Notary Public
Leslie Potts
8-12-24
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
Address

Signature of Notary Public
Date

Mobile Home Developments -Affordable living for upwards of 52 mobile homes ! Our concept revolves around creating vibrant communities of mobile homes that are flexible to meet the diverse needs of residents.

Imagine a beautifully landscaped neighborhood where mobile homes are nestled among green spaces and communal areas. These homes are designed to be customizable and adaptable, allowing residents to personalize their living spaces according to their preferences. From minimalist studios to spacious family homes, there is a mobile home for everyone.

Our mobile home developments are designed to foster a sense of belonging and connection among residents. Shared amenities such as community gardens, playgrounds

Accessibility and affordability are also key principles of our concept. By offering a range of mobile home sizes and prices, we ensure that individuals and families from diverse backgrounds can find a place to call home in our developments. Whether you're a first-time homebuyer, a downsizer, or someone looking for a more sustainable lifestyle, our mobile home developments provide a solution that fits your needs.

In conclusion, our mobile home development concept is about reimagining the way we live, combining innovation, , community, and affordability to create a new standard in modern living.

**LAKE Chatuge LLC**

**3460 Preston Ridge Rd**

**Alpharetta Ga 30005**



GEORGIA  
CORPORATIONS DIVISION

GEORGIA SECRETARY OF STATE  
BRAD RAFFENSPERGER

[HOME \(/\)](#)

## BUSINESS SEARCH

### BUSINESS INFORMATION

Business Name:	<b>Lake Chatuge, LLC</b>	Control Number:	<b>23032308</b>
Business Type:	<b>Domestic Limited Liability Company</b>	Business Status:	<b>Active/Compliance</b>
NAICS Code:	<b>Any legal purpose</b>	NAICS Sub Code:	
Principal Office Address:	<b>3460 Preston Ridge Road, Suite 150, Alpharetta, GA, 30005, USA</b>	Date of Formation / Registration Date:	<b>2/3/2023</b>
State of Formation:	<b>Georgia</b>	Last Annual Registration Year:	<b>2024</b>

### REGISTERED AGENT INFORMATION

Registered Agent Name: **Canopy Services, Inc.**  
 Physical Address: **3460 Preston Ridge Road, Suite 150, Alpharetta, GA, 30005, USA**  
 County: **Fulton**

[Back](#)

[Filing History](#)

[Name History](#)

[Return to Business Search](#)





## LEGAL DESCRIPTION OF REAL PROPERTY AND INTEREST THEREIN:

TRACT ONEFAYETTE COUNTY GEORGIA

**ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 26 OF THE 7<sup>TH</sup> DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT LOCATED ON THE EXISTING SOUTHERLY RIGHT-OF-WAY OF GEORGIA HIGHWAY NO. 54, WHICH POINT IS THE NORTHEAST CORNER OF ALL OF THE PROPERTY CURRENTLY OWNED BY THE GRANTORS, RUNNING THENCE SOUTH 02 DEGREES 00 MINUTE EAST ALONG THE BOUNDARY OF THE PROPERTY OF THE GRANTORS 630 FEET TO AN IRON PIN; RUNNING THENCE SOUTH 89 DEGREES 00 MINUTE WEST 210.00 FEET TO AN IRON PIN; RUNNING THENCE NORTH 2 DEGREES 00 MINUTE WEST 549 FEET TO A POINT LOCATED ON THE SOUTHERLY RIGHT-OF-WAY OF GEORGIA HIGHWAY NO. 54, WHICH POINT IS ALSO THE NORTHEAST CORNER OF THE TWO-ACRE TRACT UPON WHICH THE GRANTORS' CURRENT RESIDENCE IS LOCATED; RUNNING THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING; SAID TRACT CONTAINING APPROXIMATELY THREE ACRES AND HAVING A FRAME RENTAL HOUSE LOCATED THEREON, ACCORDING TO A PLAT OF SURVEY PREPARED BY LUM C. HALL; LESS AND EXCEPT ANY PORTION OF THE ABOVE DESCRIBED PROPERTY LYING WITHIN THE RIGHT-OF-WAY OF GEORGIA HIGHWAY NO. 54, AS WIDENED BY THE STATE DEPARTMENT OF TRANSPORTATION.**

**Being that parcel of land conveyed to BEVERLY ADAMS CLEVELAND AND JERRY W. CLEVELAND, EACH AN UNDIVIDED ONE-SIXTH INTEREST from MARVIN R. ADAMS AND INELLE E. ADAMS by that deed dated 1/9/1995 and recorded 1/11/1995 in Deed Book 962, at Page 373 of the FAYETTE County, GA Public Registry.**

**Being that parcel of land conveyed to BEVERLY ADAMS CLEVELAND AND JERRY W. CLEVELAND, EACH AN UNDIVIDED ONE-SIXTH INTEREST from MARVIN R. ADAMS AND INELLE E. ADAMS by that deed dated 1/4/1994 and recorded 1/6/1994 in Deed Book 883, at Page 657 of the FAYETTE County, GA Public Registry. Being that parcel of land conveyed to BEVERLY ADAMS CLEVELAND AND JERRY W. CLEVELAND, EACH AN UNDIVIDED ONE-SIXTH INTEREST from MARVIN R. ADAMS AND INELLE E. ADAMS by that deed dated**

**12/28/1993 and recorded 1/6/1994 in Deed Book 883, at Page 653 of the FAYETTE County, GA Public Registry. Tax Map Reference: 07-04-004**

**TRACT TWO****FULTON COUNTY GEORGIA**

**All that tract or parcel of land lying and being in Land Lot 76 of the 9th District of Fulton County, Georgia, being more particularly described as follows:**

**Beginning at a point on the west side of Gresham Street 50 feet south from the southwest corner of Gresham Street and Burdett Drive (which point is located 361 feet south from Dixie Lakes Drive); running thence south, along the west side of Gresham Street, 50 feet to a point; running thence west 179 feet to a point; running thence north 75 feet to a point located 76 feet south from Burdett Drive, and running thence easterly 180 feet to the west side of Gresham Street, the point of beginning; being improved property, having a one-story frame house thereon known as No. 6349 Gresham Street, according to the present numbering of houses in the City of Union City, Georgia**

**TRACT THREE****FULTON COUNTY GEORGIA**

**THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF FULTON, STATE OF GEORGIA AND IS DESCRIBED AS FOLLOWS:**

**ALL THAT PARCEL OF LAND IN FULTON COUNTY, STATE OF GEORGIA, AS MORE FULLY DESCRIBED IN DEED BOOK 111288, PAGE 480, 100 07362000930064, BEING KNOWN AND DESIGNATED AS:**

**ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 93 OF THE 7TH DISTRICT FULTON COUNTY GEORGIA BEING LOT 6 BLOCK C UNIT ONE PALMETTO FOREST SUBDIVISION AS PER PLAT RECORDED IN PLAT BOOK 143 PAGE 110 FULTON COUNTY TO WHICH REFERENCE IS MADE FOR THE PURPOSE OF INCORPORATING SAME AS A PART HEREIN.**

**KNOWN AS: 180/190 PINE TERRACE CT, PALMETTO, GA, 30268 BY FEE SIMPLE DEED FROM CONSTRUCTION TECHNOLOGY INC AS SET FORTH IN DEED BOOK 10288, PAGE 480 DATED 08/07/1986 AND RECORDED 08/22/1986, FULTON COUNTY RECORDS, STATE OF GEORGIA.**

**BY FEE SIMPLE DEED FROM CONSTRUCTION TECHNOLOGY INC AS SET FORTH IN DEED BOOK 10288, PAGE 480 DATED 08/07/1986 AND RECORDED 08/22/1986, FULTON COUNTY RECORDS, STATE OF GEORGIA.**

TRACT FOURSPALDING COUNTY GEORGIA

All that lot, tract or parcel of land situate, lying and being in Land Lot No. 114 of the Second Land District of originally Monroe, then Pike, now Spalding County, Georgia, and in the City of Griffin, and being more particularly designated as being a portion of Lot 11 and a portion of Lot 12, both in Block One, as shown on a plat of survey entitled, "Plat Showing Survey for Subdivision Property of J.W. Hammond and H.B. Montgomery" (said subdivision known and designated as "Brucewood Heights Subdivision"), made September 10, 1925, by N.S. Westbrook, Civil Engineer, a copy of which said plat is recorded in Plat Book 2, page 81, Spalding County, Georgia records. Said plat together with the metes, bounds, courses and distances as shown thereon is incorporated by reference and made a part hereof as fully as if set out herein; and, said property may be more particularly described as follows:

BEGINNING at a point on the East right-of-way line of Hammond Drive, which said beginning point lies 550 feet, as measured in a Southerly direction along said East right-of-way line of Hammond Drive from the point of intersection of the Southerly right-of-way line of the Griffin-Newnan Highway, being State Highway Route No. 16 and also known as Cherokee Road, with said East right-of-way line of Hammond Drive, which said point of beginning is the Southwest corner of aforesaid Lot 12; thence running from said beginning point in a Northerly direction, along said East right-of-way line of Hammond Drive, a distance of 60 feet; thence running in an Easterly direction and parallel to the North property line of said Lot 12, a distance of 172.62 feet, more or less, to the Northwest corner of Mrs. Marian B. Evans Homeplace property; thence running South along the Westerly property line of the said Mrs. Marian B. Evans Homeplace property, a distance of 60 feet to the South property line of said Lot 12; thence running West along the South property line of said Lot 12, a distance of 172.89 feet, more or less, to the aforesaid POINT OF BEGINNING.


**The above described property is bounded as follows: Northerly by a portion of Lot 11, formerly owned by the late R.M. Mitchell, deceased; Easterly by the aforesaid homeplace property of Marian B. Evans; Southerly by Lot 13 in said Block One, now or formerly owned by M. Douglas Hallberg; and Westerly by Hammond Drive, a public street; and situated on the above described property is the resident dwelling of the parties hereto, now known and designated as House No. 312 Hammond Drive, according to the present plan of house numbering used in the said City of Griffin. Being that parcel of land conveyed to William J. Cleveland and Beverly M. Cleveland from Mrs. Pauline P. Bryant by that deed dated 12/21/1999 and recorded 01/05/2000 in Deed Book 1723, page 200 of the Spalding County Georgia Public Registry**

Original Certificate delivered or mailed to Clerk of Superior Court of Fayette  
County on July 13, 2016

Certificate prepared by: [Signature]  
**Clarence L. Leathers, Jr.**  
SIGNATURE OF ATTORNEY State Bar # 442450

I do hereby certify that the above information is based on the Order of the Probate Court issued on the date set out above and that the above information is true and correct.

[Signature]  
Clerk/Deputy Clerk of the Probate Court



1 Center Drive  
Probate Court Return Mailing Address  
Fayetteville, GA 30214



**AFTER RECORDING RETURN TO:**

**J. SAMUEL BECK  
LAWSON, BECK & SANDLIN, LLC  
1125 COMMERCE DRIVE, SUITE 300  
PEACHTREE CITY, GEORGIA 30269**

Participant ID: 1138094925

**BK 5722 PG 628 - 629**

Map/Parcel Nos. 0704 002 & 0704 052

Space above to be used for recording purposes.

**LIMITED WARRANTY DEED**

\*\*\*Draw Deed Only – No Examination of Title\*\*\*

STATE OF GEORGIA  
COUNTY OF FAYETTE

**THIS INDENTURE**, made this 17<sup>th</sup> day of May, 2024, by, between, and among **MARVIN RUSSELL ADAMS, JR., VIRGINIA T. ADAMS, and ADAMS FARM 1805, LLC**, as parties of the first part, hereinafter referred to as the “Grantor,” and **ADAMS FARM 1805, LLC**, as party of the second part, hereinafter referred to as the “Grantee” (the words “Grantor” and “Grantee” to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

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 26 of the 7th District of Fayette County, Georgia, being Tract 1 containing 13.32 acres, more or less, as depicted on that certain plat of survey prepared for Adams Farm 1805, LLC and William Jerry Cleveland by W. D. Gray and Associates, Inc., Matthew J. Langley, GA RLS No. 3227, dated April 22, 2024 and recorded on May 7, 2024 at Plat book 101, pages 619-620, Fayette County, Georgia Records.**

**The purpose of this deed is to show that the above-referenced parcel is comprised of property described in that certain *Quitclaim Deed* recorded at Deed Book 5690, pages 685-686, Fayette County, Georgia Records and property described in that certain *Limited Warranty Deed* recorded at Deed Book 5695, page 468, Fayette County, Georgia Records. This deed is being recorded to show that the above-referenced properties are now conjoined in one contiguous tract per the survey recorded at Plat Book 101, pages 619-620, Fayette County, Georgia Records.**

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

Signed, sealed, and delivered in the presence of:

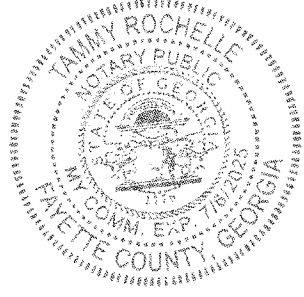
*[Handwritten signature]*

Unofficial Witness

*[Handwritten signature]*  
Marvin Russell Adams, Jr.

*[Handwritten signature]*  
Notary Public

*[Handwritten signature]*  
Virginia T. Adams



*[Handwritten signature]*  
Adams Farm 1805, LLC  
By: Marvin Russell Adams, Jr., President

CODI BUTLER  
SLEPIAN & SCHWARTZ, LLC  
42 EASTBROOK BEND  
PEACHTREE CITY, GEORGIA 30269

Type: QCD  
Recorded: 12/19/2023 4:00:00 PM  
Fee Amt: \$25.00 Page 1 of 2  
Transfer Tax: \$0.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court

Participant ID: 1232691668

BK 5680 PG 712 - 713

Space above to be used for recording purposes.

### QUITCLAIM DEED

STATE OF GEORGIA  
COUNTY OF FAYETTE

THIS INDENTURE, made this 1 day of December, 2023, by, between, and among **MARVIN R. ADAMS, individually and as the General Partner for the Marvin R. Adams Family Limited Partnership**, as party of the first part, hereinafter referred to as the "Grantor," and **WILLIAM JERRY CLEVELAND**, as party of the second part, hereinafter referred to as the "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 and 00/100 Dollars (\$10.00), and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the adequacy, receipt, and sufficiency of which is hereby acknowledged, by these presents does hereby remise, convey, and forever QUITCLAIM unto the said Grantee the following described property, to wit:

**See Exhibit "A" attached hereto and incorporated herein by this reference.**

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

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

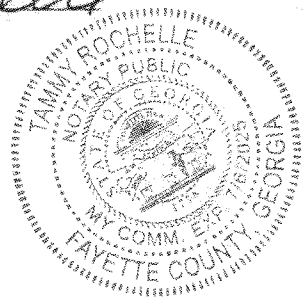
Signed, sealed, and delivered in the presence of:

Adrian L Cagle  
Unofficial Witness

Marvin R. Adams  
Marvin R. Adams, Individually

Tammy Rochelle  
Notary Public

Marvin R. Adams  
Marvin R. Adams, as General Partner of the Marvin R. Adams Family Limited Partnership



**EXHIBIT "A"****Legal Description**

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

To find the True Point of Beginning, begin at the point formed by the intersection of Land Lots 7, 8, 25, and 26 of the 7th District of Fayette County, Georgia; run thence North 89 degrees 25 minutes 37 seconds West a distance of 1,547.46 feet to a Parker Kalon nail found; run thence South 69 degrees 15 minutes 52 seconds West a distance of 223.41 feet to an iron pin set and the True Point of Beginning.

From the True Point of Beginning thus established, run thence South 65 degrees 08 minutes 15 seconds West a distance of 262.99 feet to an iron pin set; run thence South 02 degrees 09 minutes 17 seconds West a distance of 1,209.38 feet to an iron pin set; run thence South 74 degrees 31 minutes 17 seconds East a distance of 84.20 feet to an iron pin set; run thence North 42 degrees 44 minutes 48 seconds East a distance of 75.49 feet to an iron pin set; run thence North 71 degrees 52 minutes 44 seconds East a distance of 45.55 feet to an iron pin set; run thence North 31 degrees 05 minutes 26 seconds East a distance of 39.51 feet to an iron pin set; run thence South 74 degrees 32 minutes 56 seconds East a distance of 287.75 feet to an iron pin set; run thence North 00 degrees 24 minutes 27 seconds East a distance of 762.83 feet to a 1/2 inch rebar found; run thence North 89 degrees 19 minutes 53 seconds West a distance of 184.80 feet to an open top pipe found; run thence North 01 degrees 02 minutes 34 seconds West a distance of 549.90 feet to an iron pin set and the True Point of Beginning.

Said tract or parcel of land containing 10.68 acres, more or less, and being depicted as "Tract 2" on that certain plat of survey entitled "A Minor Final Plat for Marvin Russell Adams, Jr., Virginia T. Adams, Jerry Cleveland, and the Marvin R. Adams Family Limited Partnership" prepared by McCann Land Surveyors, Clayton Adam McCann, GA RLS No. 3481 dated November 8, 2023, reference to which plat is hereby made for a more complete and accurate description of the above-referenced tract or parcel of land.



### 1. RENT

The office is open Monday, Tuesday, Thursday, and Friday, 8 am to 4 pm. Please conduct business during office hours. Please issue all rental check or money orders to LLC.

**PAYMENT BY CHECK:** All checks for payment of funds owed to Park shall only be accepted if such checks are from the personal account of Tenant. Park shall not accept any check from any third party on tenant's behalf, nor shall Park accept a business check from Tenant, even if such business is exclusively owned by Tenant. Any such third party or business check tendered to Park shall be returned to Tenant. Park shall consider the date of receipt of such replacement payment to be the date of payment and shall impose any such late fee as is appropriate.

**MERCHANT TRANSACTIONS:** A convenience fee of \$25 will be charged for all rent payment paid by credit card.

**POST DATED CHECKS:** Must be dated the requested deposit date and have a post-it-note attached over the date of the check with the desired deposit date noted again. LLC holds no responsibility for overdraft fees on tenant bank account if the check is not dated or flagged properly. Late fees may still apply.

### 2. UTILITIES

Water, Septic and Storm Drain service is owned and provided . Tampering with any utility is strictly forbidden. In the event of utility problems, contact the office. Management reserves the right to enforce actions against any tenant who is negligent and causes harm to any utility. Management is the sole judge for such conditions and the need for corrective actions. Professionals contracted by resident are the liability of the resident. For water repairs, a fee of \$125 per hour during business hours and/or \$250 per hour after normal business hours will be assessed until system is fully restored. (1) Electrical, telephone and cable service has been provided to each lot by the utility companies furnishing such service. Tenant shall make arrangements directly with utility companies for connections to the service lines. Tenant is responsible for all utility charges made for service to Tenant's lot. (2) Tenants must supply Management with their phone number. (3) No posts of any kind are to be driven into the ground without consulting Management because of the danger to and from underground utilities. Tenants will be held responsible for any damage by them or their agents to property or underground utilities. (4) Management shall not be responsible for interruption of any utility service. Utilities may be disconnected temporarily from time to time for repair, alterations, or additions to any utility system. No one shall impede or obstruct access to any manhole, tank, pump, utility line or meter.

**GARBAGE DISPOSAL UNITS:** septic; therefore, no garbage disposal units allowed.

### 3. GARBAGE/YARD WASTE

**GARBAGE:** A weekly pick-up of one 30-gallon trash can, provided by resident is included in your monthly rental. Garbage and refuse shall be wrapped or bagged and covered tightly in garbage container. Garbage containers shall be suitably screened from view. If you wish additional pick-ups on a regular basis, please contact the garbage service directly and make arrangements for payment.

**YARD WASTE:** All grass clippings and weeds must be bagged, identified with lot number

and placed on curbside for pick-up every Friday morning. Do not place bagged yard waste on curbside until scheduled days.

- Tenant must make prior arrangements with Management for the disposal of large tree clippings and branches.
- All un-contained yard waste (tarps o.k.) placed at curbside will be removed at the expense of the Tenant. Such expense shall be a minimum of \$25 per incident or Management's cost, whichever is greater.
- Yard Waste pick-up is for grass clippings, weeds, bush clippings, and tree limbs only! Dirt, rocks, and other landscape refuse is the responsibility of Tenant.
- If trash, animal waste or other unacceptable materials are found in yard waste, Tenant will be charged. Such expense shall be a minimum of \$25 per incident or Management's cost, whichever is greater.
- No composting of yard waste on park property.

The dumpsters located next to our eight RV sites are for RV residents and management only!!!! All tenants must make arrangements with Waste Management for additional trash pick-up.

#### 4. PET CONTROL

All animals must have Management approval and be registered. Management reserves the right to demand the permanent removal of any unregistered or unacceptable animal(s) from park grounds. Only one dog per unit, this includes service animals and emotional support animals. Tenant agrees that if pet is a dog or cat, it must be spayed or neutered and must have all shots and vaccinations. Veterinarian records must be submitted with annual Lease renewal. Pets must be kept leashed and under control at all times, no excessive barking. No pet kennels or exterior dog runs. Cats are considered "indoor" only pets. The only outdoor animals allowed are dogs. Tenant agrees to pick up pet waste daily and never air their animal on another Tenant's space. Pet waste should be disposed of with garbage, not curbside yard waste. Unsupervised, free roaming animals are considered strays by management and animal control will be contacted.

#### 5. VEHICLE CONTROL

**PARKING.** No parking on roadway(s) at any time for any reason. Vehicles not moved after notice, will be subject to towing at vehicle owner's risk and expense. If you are expecting numerous guests or service vehicles, please use guest parking area. Speed limited to 10 miles per hour within park area. Parking is allowed on Tenant's driveway and in designated paved areas only. Parking on the grass or gravel in front or behind homes is not permitted.

**GUEST PARKING.** Vehicles of residents or guests that remain in designated guest parking areas for more than twelve (12) hours must be properly identified by placement of the name and lot number of the residence. Vehicles must have current licensing tabs.

**VEHICLES.** Only operative conventional automobiles are allowed. Motorcycles or minibikes are allowed only for transportation to and from the community. Joy riding through the community is prohibited. A maximum of two (2) vehicles shall be permitted for each household. All vehicles must be registered with Management with current licensing tabs. Vehicles not registered after notice, may be towed at owner's expense.

Motor vehicles of tenant and guests shall have properly maintained muffler systems and equipment.

Major repairs, major overhauling, or any other significant repairs to vehicles are not permitted in the park. The changing of oil which may involve the risk of leakage of petroleum products is specifically prohibited. Vehicles are not permitted to be on jacks or blocks.

Tenant will be charged for the actual cost to repair driveways, roadways or parking areas that have negligently or purposely been caused by their motor vehicle such as oil spillage, transmission fluid spillage or any other damage caused by tenants or guests vehicles.

RECREATIONAL VEHICLES. Parking of trailers, campers, motor homes, boats or other unusual vehicles at the Tenant's lot will be permitted

VEHICLE SALES. Tenants' vehicles, motor homes, boats, etc. may be posted for sale in front of Mobile Home Park in guest parking area on weekends only. All vehicles must be identified with the name and lot number of the resident.

## 8. COMMUNITY ACTIVITIES AND TENANT RELATIONS

The community maintains quiet hours from 10:00 p.m. through 8:00 a.m. during which time radios and other devices are to be operated at low volume so as not to disturb neighbors. Disorderly conduct, abusive language or activities which unreasonably disturb or interfere with the peaceful enjoyment of any part of the community, or which violates any government statute, ordinance, regulation, or rule shall not be permitted. Federal, state, and local laws and regulations shall be adhered to by tenants and guests. There shall be no trespassing on other home spaces. All Tenants shall be held responsible for any damage caused by themselves or their guests. Residents shall conduct recreational activities on their own lots or in park common areas. Recreational activities in the streets are not allowed.

FIREWORKS are not allowed on the premises.

FIREARMS: The discharge of any type of firearm or weapon is not allowed in the park. This includes pellet guns, BB guns, all firearms, bow and arrows, paint guns and all types of sling shots.

COMPLAINTS: All complaints must be submitted in writing before Management will take action.

GARAGE SALES: Due to traffic increase and congestion, no moving or garage-type sales are allowed to be conducted on leased mobile home spaces or adjacent property. Management organizes community sales in the recreation hall regularly and has a sign-up sheet in the office.

## 9. BUSINESSES

Public access, businesses, commercial enterprises, day care services or door-to-door solicitation shall not be permitted within the community.

## 10. NEW HOMES

Set up of homes, construction of appurtenances including fences and storage buildings will require the written approval of Management prior to installation. In granting such approval Management may require that reasonable conditions be met regarding height, size, construction, finish, etc., to provide for aesthetically pleasing exterior appearance of the improvements and for the safety, comfort and welfare of the community and its residents.

UTILITY HOOK-UP: Management must be present for all connections to Cedar Glen utilities.

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## ARCHITECTURAL

### REVIEW

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The Architectural Review is responsible for ensuring that any changes to the exterior of the home and lot conform to the standards set by the governing documents (i.e. Community Rules and Regulations, Lease, Bylaws). The purpose of this review process is to ensure no exterior modifications will be approved that will negatively impact the appearance or function of the community. The following items listed under Cedar Glen Mobile Home Park's rules and regulations are governed by our Architectural Review process:

Section 11 – Landscape and Lot Maintenance

Section 12 – Home Standards and Maintenance

A homeowner who does not obtain the required written authorization prior to the start of a project will be issued a \$250 fine and a Cease-and-Desist order to remain in effect until a proper request is received or a hearing date is scheduled by within thirty (30) business days. A project review will be denied until the Cease-and-Desist order fine is paid.

**FINES:** All fines are due and payable on notification of the fine. Late payment penalties of \$5 per day, to begin thirty (30) days after date of the notification. Liens will be placed on the home if payment is not received within sixty (60) days of the violation.

## 11. LANDSCAPING AND LOT MAINTENANCE

Tenant shall maintain the landscaping, yard, lawn, and driveway in good condition. Hedges must be trimmed regularly. Materials of any kind shall not be permitted to accumulate or be stored on any part of a lot outside of approved storage buildings. All refuse and debris must be picked up and disposed of on a regular basis.

**LANDSCAPING CHANGES:** Any modifications of the landscaping, including but not limited to the excessive pruning or cutting/removal of trees and shrubs on space or the planting of shrubs or trees requires prior written permission from Management. No fruit trees or trees that will grow in excess of 15 feet in height. For new home move-ins, landscaping plans must be submitted for approval prior to installation.

**POTTED PLANTS:** Shall not be displayed in the median between driveways and shall not appear cluttered or unkempt. No empty pots may be stored visible from roadway. A 20-



day notice to comply will be given, Management will then remove and dispose of all pots not in compliance with the above, at the risk and expense of tenant.

**PLAYGROUND EQUIPMENT:** Under no circumstances shall tenant erect swing sets, swimming pools, jungle gyms, slides, sandboxes, and similar equipment on lot.

**IRRIGATION SYSTEMS:** Underground Irrigation systems shall be approved by Management prior to installation. Double check valve assemblies must be installed at the service hook-up. Double check valve assemblies must be professionally inspected every 12 months and proof must be submitted to Management.

**LOT DRAINAGE:** All homes shall have rainwater gutters and downspouts. Drainage pipes must be concealed.

**LATTICE:** Can only be used for support of plants, not as screening material. Lattice panels must be made of plastic, no wood.

**ENFORCEMENT:** If the Tenant allows the lawn, landscaped beds, or driveway to become unsightly or allows accumulation of materials or debris, management will have such lawns mowed or trimmed, beds weeded, or unsightly materials or debris removed at the expense of the Tenant. A 20-day notice to comply will be given. Management will then bring lot into compliance with the above, at the risk and expense of tenant. Such expense shall be billed at a minimum of \$100.00 per hour, per incident or Management's cost, whichever is greater. There shall be an additional onetime fee per incident of \$25 for any yards with animal waste that needs picked up prior to completing yard maintenance.

**VACATIONS:** We must be advised of your plans for adequate space and home maintenance during vacations and prolonged leaves-of-absence. If you leave your home unoccupied for longer than a month management must have a local individual to contact for necessary maintenance and/or repairs.

**FENCING:** Tenant may fence their space, if desired, however; the Management must be notified as to height and type of material(s) used before approval is granted for construction. No fencing over 6 feet in height. No chain link, lattice panel or glass fences allowed. No temporary fencing of any kind, this includes privacy panels. Fencing shall be maintained annually to prevent mildew, discoloration and stained as needed to maintain a fresh appearance on both sides. Comprised wood panels, lattice inserts, posts and post caps shall be replaced as needed. Maintenance of the fencing structure shall not be placed on surrounding neighbors. Fencing must be sealed with a protective product on both sides; if painting, color must be neutral tone and be approved prior to full application on both sides.

**FIRE PITS:** No outdoor fires on lots except barbeques.

**SCREEN ROOMS & GAZEBO:** No detached screen rooms, gazebos or tents are permitted.

## 12. HOME STANDARDS AND MAINTENANCE

Tenant shall keep and maintain their home and accessory structures clean, sanitary and in good order and repair at all times. CEDAR GLEN has the right to restrict height, style, material, and color of any improvements on lot. Painted areas shall not be allowed to peel or become weather-beaten and shall be regularly repainted. Exteriors and roofing shall not

be allowed to become mildewed or stained. Windows shall not be allowed to be cracked, broken, or fogged due to sealant issues. Window screens must be free of tears. All damaged portions of the home and accessory structures including but not limited to carports, fences, steps, porches, decks, downspouts and drainage systems and storage units, shall present an attractive and eye pleasing appearance at all times and shall not be permitted to become unsightly. All Tenants must submit paint samples to Management for written approval prior to painting exterior of home.

**CONTRACTORS:** All contractors or handymen performing services on carports, awnings, patios, wheelchair ramps, sheds, fences, or other fixtures affixed to park grounds must be licensed and bonded. Proof of these certificates must be presented to Management, prior to work commencing.

**CODE ENFORCEMENT:** The home, all accessory structures including but not limited to fences, porches/decks, stairs and sheds and utility connections shall be constructed with quality workmanship and at all times in good condition. They shall comply with applicable laws, ordinances, and regulations.

**PAINTING OF HOME:** Requires Architectural Review approval for colors and contractor approval. Repainting of complete home & skirting must be completed in 14 days.

**EXTERIOR DOORS:** Shall have permanent stairs and porches with protective railing and be skirted to match home.

**PORCHES AND CARPORT STRUCTURES:** All structural connections (porches, carports) to manufactured home must be approved. Building permits are required and should be submitted to management for prior written approval regarding new or remodeling projects. No home additions or fully enclosed porch structures.

No temporary enclosures affixed to structures.

Only approved manufactured housing privacy panels for enclosing one side of carport.

**SKIRTING:** All homes must have skirting installed around the complete perimeter of home. All porches, decks and other attachments to the homes are to be skirted in a similar manner. Prior to installation, Tenant shall provide specifications of the type of material for Management approval.

**WHEELCHAIR RAMP:** Requires Architectural Review approval for design, location, materials, contractor and permit. Shall be constructed of cedar, with handrails and decorative railing supports, have a non-slip surface applied to ramp and Hardiebacker t1-11 skirting installed around exposed perimeter.

**HOME DRAINAGE:** Gutters, downspouts, and proper drainage for all structures on lot is the responsibility of the tenant. Detailed drawings with units of measurement to re-locate all drainage on lot must be specified. The installation or modification of any lot drainage requires prior written approval.

**SATELLITE DISHES:** Only one (1) dish per home is allowed. Exterior satellite dish shall be installed on back side of home. Prior to installation, Tenant shall provide specifications of location of satellite dish and obtain written approval from Management.

**WINTERIZING:** Winterizing of homes should be done no later than October of each year. (Wrapping pipes) Water must not be left running to prevent freezing of pipes.

**SEASONAL DÉCOR:** All holiday decorations including lights, figurines and ornamental displays must be removed within 30 days of the observance of the holiday.

**PROPANE/WOOD/PELLET STOVE:** Installation of a new or replacement wood stove requires Architectural Review approval for permit approval. Tenant must comply with the State of Washington Department of Ecology regulations. You cannot use in a way that causes detriment to the health, safety or welfare of people, plants and animals, or so that it causes damage to property. You must burn in a manner that minimizes odors that could affect others. All components of wood stove should be swept and serviced at least once a year.

**PROPANE TANKS:** Requires Architectural Review approval for placement, permit and contractor approval.

**HEAT PUMPS:** Requires Architectural Review approval for placement, permit and contractor approval.

**ROOFING:** Requires Architectural Review approval for color, material, permit and contractor approval.

**HOT TUBS:** Hot tubs are not permitted in a home or on the lot.

**CLOTHES LINES:** Clothes lines are not permitted.

**RIGHT OF ENTRY:** Pursuant to RCW 59.20.130(7), Management shall have the right to enter any lot within the community at any reasonable time for maintenance of utilities and to ensure compliance with applicable codes, statutes, ordinances, administrative rules, and the rental agreement and rules of the community.

### 13. EXCEPTIONS AND WAIVERS

Reasonable exceptions and waivers to these regulations may be allowed at the sole discretion of Park Owner for good cause shown. All requests for exceptions by tenant, and all exceptions granted, shall be in writing.

### 14. WRITTEN LEASE

Each tenant shall sign a written lease before occupying the home lot. Upon expiration of a term of a written lease each tenant shall sign a renewal lease prior to holding over. Refusal or failure to sign a written lease after 30 days or a 20-day notice is served shall constitute a substantial violation

### 15. SALE OF HOME

**SUBLETTING:** All homes must be owner-occupied. A copy of the homes title must be submitted to the office within 60 days of move-in to comply with this section.

**HOME TITLE;** Any changes to homes Legal or Registered owners requires prior written approval.

**REGISTERED OWNERS,** only authorized residents may reside on park property. Authorized residents must be registered owners of occupied home at time of application and shall be required to show proof of registered ownership on title. At all times the persons identified as residents on the rental agreement shall remain on title as the sole registered owners of the home. Management reserves the right to demand proof of registered ownership at any time.

**LEGAL OWNERS,** legal owners of any home on park property may be lenders or third parties with lawful right to retain a legal interest in the subject home. Legal owners are to

be identified at time of making application. It shall be the responsibility of the authorized resident to inform management if the legal owner on title changes. Transferring ownership without pre-approval of management is a violation of Washington law and grounds for eviction of any persons who obtained non-approval transfer of ownership.

**ASSIGNMENT:** It is a requirement of and of these rules that a Tenant who wishes to sell his/her home and leave it in the community must notify Management in writing of the intended sale at least fifteen (15) days in advance of such sale. The Lessee must also notify the prospective purchaser in writing of his/her responsibilities which includes arranging an interview for a credit/background check and obtaining written approval of the Landlord for rental agreement assignment prior to the execution of the sale. In addition, Lessee must verify in writing to the Landlord that all taxes, rent and reasonable expenses due on the home and lot including personal property taxes, have been paid. Approval of the prospective purchaser(s) will not be unreasonably withheld. However, no lease assignment will be allowed for homes on lots not in compliance with community rules or lease.

**MOVE-OUTS:** A thirty (30) day minimum notice is required on all move-in and move-outs. Management must be present.

**SIGNS:** Any sign advertising a home for sale shall not be larger than 18" x 24" only two signs permitted. Yard sign must be metal framed, no wood posts.

#### 16. CHARGES FOR NOTICES

To partially compensate for the administrative costs involved in serving delinquent rent, rules violations, or any other legal notices, each time such a notice is required; Tenant's will be charged a service fee of \$2.00 or the actual cost of the notice (if outside service is used), whichever is greater. This charge will be in addition to late charges, returned check charges, or any other fees incurred.

#### 17. ATTORNEY FEES

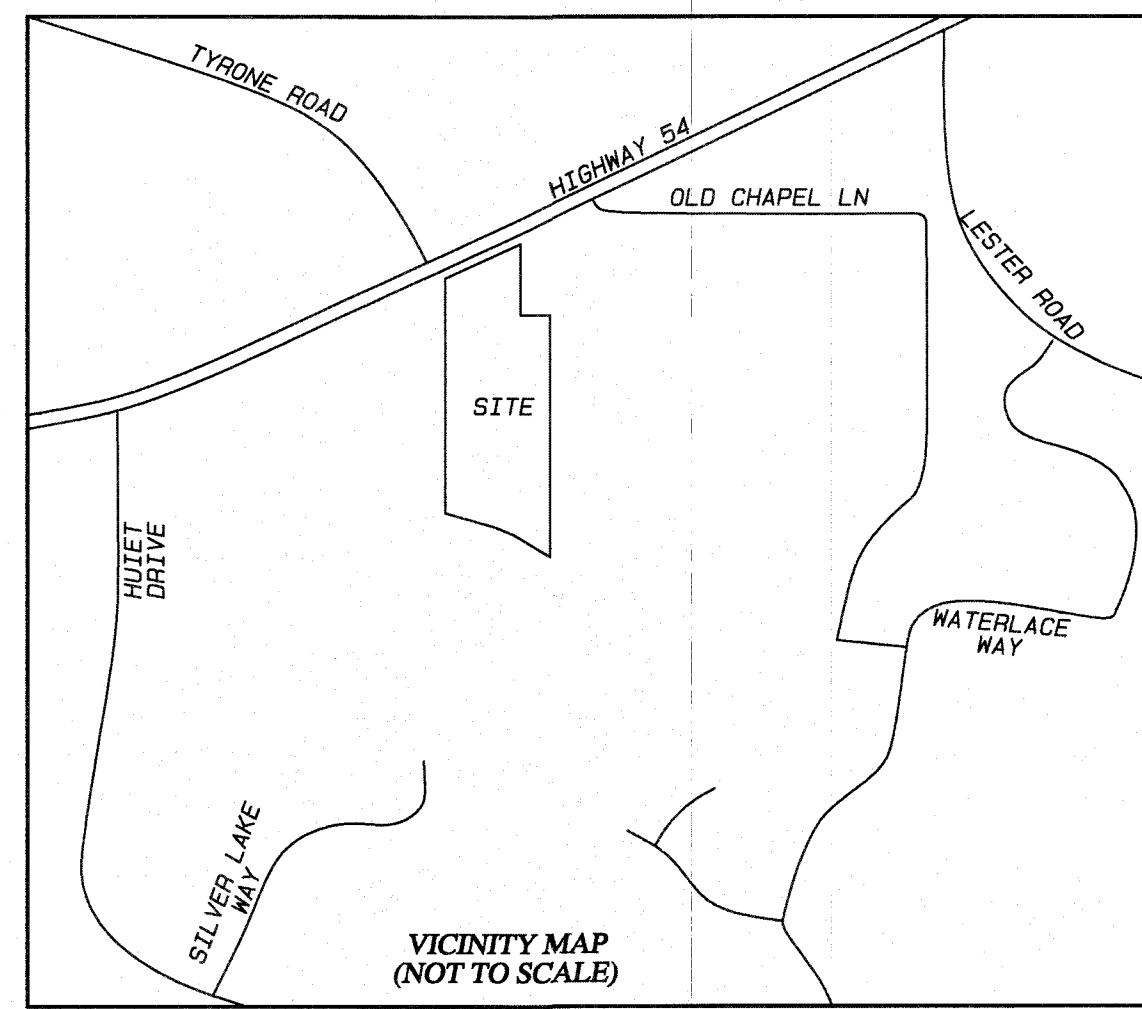
In the event Park is required to expend attorneys' fees or costs to enforce the rules and regulations of Park, Park may, at its election, charge some to the violating resident. In the event Park does assess such attorneys' fees and/or costs to the violating resident, such fees and costs shall be considered "additional rent" and shall be collected in the same means and manner as rent.

#### 19. AMENDMENTS

As permitted under the Mobile Home Landlord Tenant Act, Management shall have the right to amend these rules as may be required, provided adequate notice is given. Notice may be provided by (1) personal delivery of a copy of the Rules, as amended, to Lessee; or (2) if the tenant is absent from the mobile home, posting a copy of the Rules in a conspicuous place on the home and mailing a copy of the Rules, as amended, to Lessee.

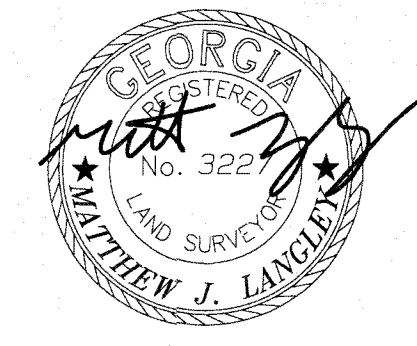


Type: PLAT FILED  
 Recorded: 5/7/2024 11:28:00 AM  
 Fee Amt: \$20.00 Page 1 of 2  
 Fayette, Ga. Clerk Superior Court  
 Sheila Studdard Clerk of Court  
 Participant ID: 0046697396  
 BK 101 PG 619 - 620



(1) As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. 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 and as set forth in O.C.G.A. Section 15-6-67.

DATE: 04/22/2024  
 MATTHEW J. LANGLEY GEORGIA PLS # 3227



**A MINOR FINAL PLAT OF THE  
 ADAMS FARM 1805, LLC AND  
 WILLIAM JERRY CLEVELAND  
 PROPERTY**

REFERENCE REZONING PETITION 067-67  
 APPROVED MARCH 4, 1967

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULE 180-6-.09 THE TERM CERTIFICATION RELATING TO LAND SURVEYING SERVICES, AS DEFINED IN O.C.G.A. 43-16-2(6) AND (11) SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. NO CERTIFICATION OR LIABILITY IS EXTENDED TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE UNDERSIGNED SURVEYOR AND W.D. GRAY AND ASSOCIATES, INC. MAKE NO GUARANTEES, REPRESENTATIONS, OR WARRANTY REGARDING INFORMATION SHOWN HEREON PERTAINING TO RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS, SETBACK LINES, BUFFERS, AND OTHER SIMILAR MATTERS. OTHER CONDITIONS OR DOCUMENTS MAY EXIST THAT WOULD AFFECT THIS PROPERTY. NO LIABILITY IS ASSUMED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS, ZONING ORDINANCES, ENVIRONMENTAL RESTRICTIONS, AND RIGHTS-OF-WAY SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

W.D. GRAY AND ASSOCIATES, INC. HAS MADE NO INVESTIGATION AS TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES. BEFORE ANY LAND DISTURBANCE ACTIVITY BEGINS, UNDERGROUND UTILITIES SHOULD BE IDENTIFIED AND LOCATED. W.D. GRAY AND ASSOCIATES, INC. ASSUMES NO LIABILITY FOR LOSS OR DAMAGES CAUSED BY THE DISCOVERY OF OR DISTURBANCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES.

WATERSHED BUFFERS, WATERSHED SETBACKS, AND OTHER RESTRICTIONS BASED OFF THE LIMITS OF WETTED VEGETATION AND/OR ESTABLISHED ELEVATIONS ARE SUBJECT TO CHANGE DUE TO NATURAL ACCRETION, EROSION AND AVULSION. DUE TO THE IRREGULAR NATURE OF WETTED BANKS, SHORES AND FIELD LOCATED ELEVATION AND COMPUTER SOFTWARE USED TO OFFSET THESE LINES, IT IS LIKELY THAT ANY OTHER SURVEYORS LOCATION OF BUFFERS/SETBACKS BASED OFF THESE NATURAL FEATURES WOULD DIFFER SLIGHTLY FROM WHAT IS SHOWN. THESE BUFFERS/SETBACKS SHOULD BE FIELD VERIFIED BEFORE ANY LAND DISTURBANCE ACTIVITY BEGINS.

APPROVALS:

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT:  
*Dorcas Jones* 4/25/24  
 ENVIRONMENTAL HEALTH SPECIALIST DATE

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT:  
*EM* 5/1/24  
 ENVIRONMENTAL MANAGEMENT DATE

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR  
*Dillon M. Sims* 4/30/2024  
 ZONING ADMINISTRATOR DATE

APPROVED BY FAYETTE COUNTY ENGINEERING DEPARTMENT  
*P. Mallo* 4/30/24  
 COUNTY ENGINEER DATE

APPROVED BY FAYETTE COUNTY FIRE MARSHAL  
*W. D. Gray* 4/21/24  
 FIRE MARSHAL DATE

APPROVED BY FAYETTE COUNTY PLANNING AND ZONING DEPARTMENT  
*Deborah L. Bell* 05/02/2024  
 PLANNING COMMISSION SECRETARY DATE

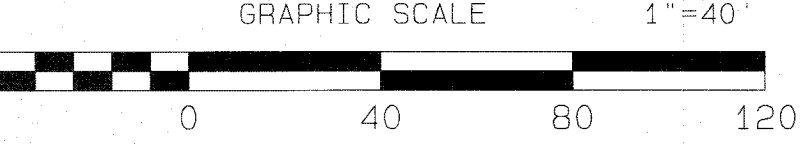
OWNER'S CERTIFICATE  
 I, WE HEREBY AUTHORIZE THE SUBMITTAL OF THIS FINAL PLAT FOR THE SUBDIVISION OF MY/OUR PROPERTY.

*William Jerry Cleveland*  
 OWNER DATE  
*Maria R. Jones*  
 OWNER DATE

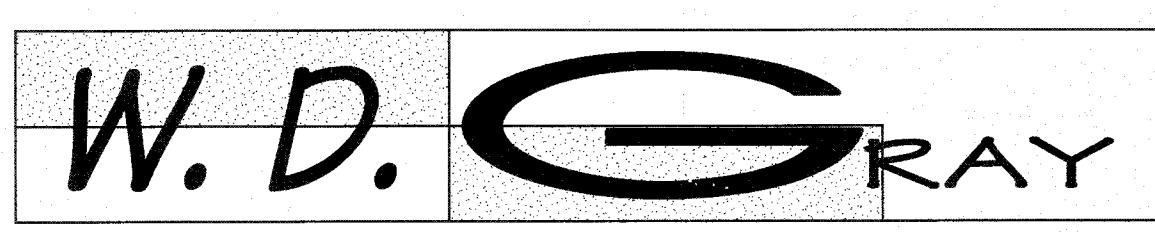
THE TYPE OF EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS OF ALL BOUNDARY FEATURES (CORNERS, EVIDENCE, ETC.) WAS A SODIMAX ZOOM 90 TOTAL STATION.  
 A GPS BAKY RECEIVER RUNNING ON THE EGPS REAL TIME NETWORK WAS USED TO DETERMINE STATE PLAIN COORDINATES AND NAVD 88 ELEVATIONS BY SHOOTING SEVERAL TRAVERSE POINTS SET BY THE TOTAL STATION.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 88,588 FEET, AND AN ANGULAR ERROR OF 3" PER ANGLE POINT, AND IS UNADJUSTED.

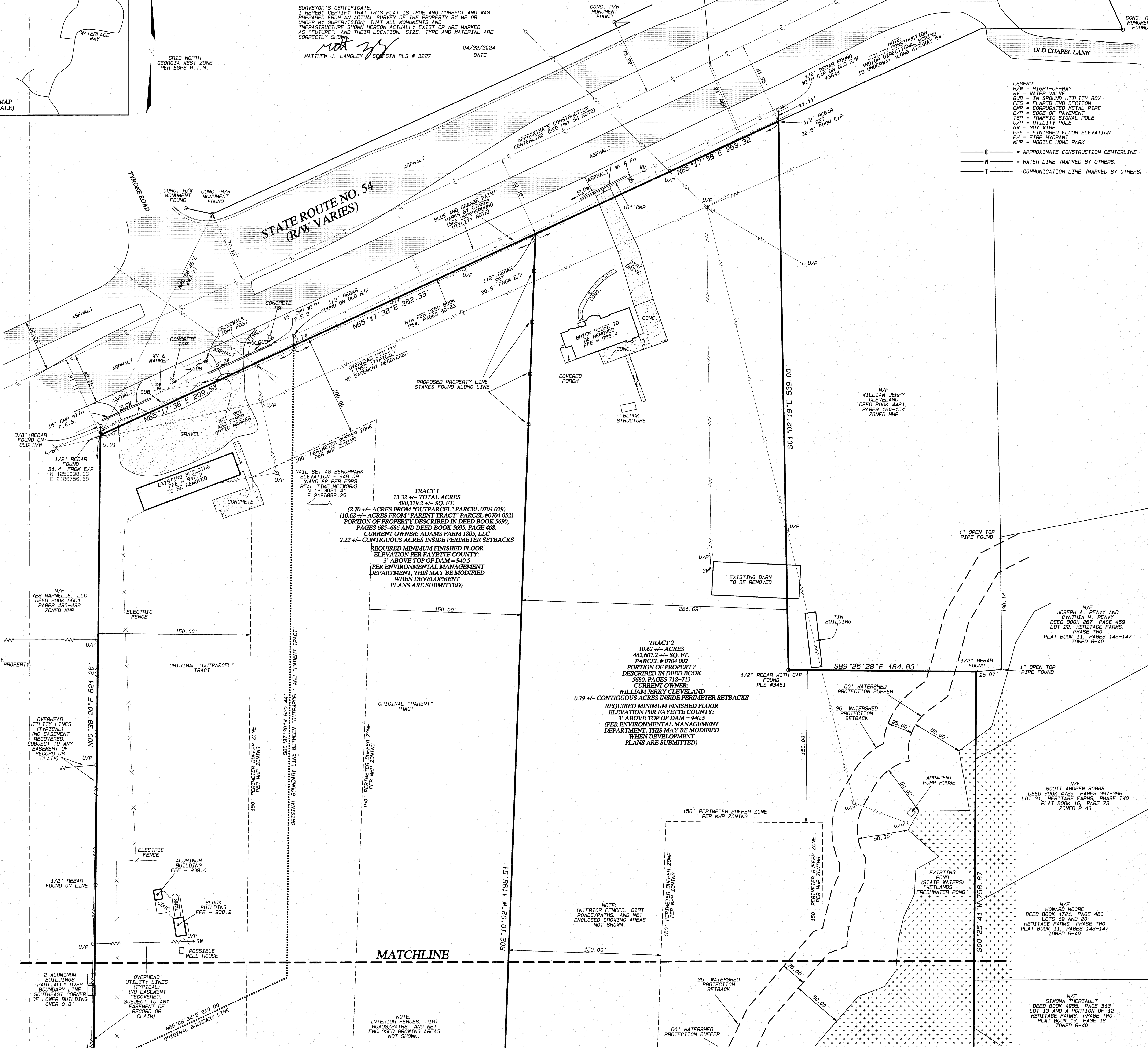
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 8,633.6 FEET FOR TRACT 1 AND ONE FOOT IN 746,680 FEET FOR TRACT 2



PREPARED FOR:  
**ADAMS FARM 1805, LLC AND  
 WILLIAM JERRY CLEVELAND**  
 LAND LOT 26, 7TH DISTRICT  
 FAYETTE COUNTY, GA.  
 SCALE: 1" = 40'  
 LAST DATE OF FIELD WORK: 03/05/2024  
 DATE OF DRAWING: 03/06/2024  
 REVISED 04/22/2024 PER FAYETTE  
 COUNTY COMMENTS



**W.D. GRAY  
 AND ASSOCIATES, INC.**  
 Land Surveyors - Planners  
 150 Greencastle Road Suite B Tyrone, 30290  
 PH. 770-486-7552 Fax: 770-486-0456  
 LSF000701

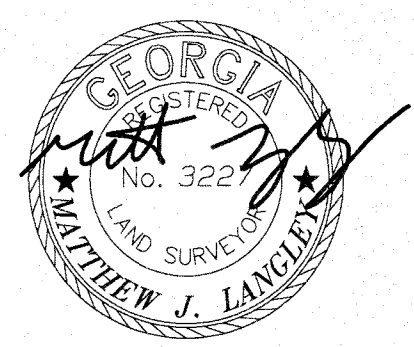


MATCHLINE

NOTE:  
 INTERIOR FENCES, DIRT  
 ROADS/PATHS, AND NET  
 ENCLOSED GROWING AREAS  
 NOT SHOWN.



# A MINOR FINAL PLAT OF THE ADAMS FARM 1805, LLC AND WILLIAM JERRY CLEVELAND PROPERTY



GRID NORTH  
GEORGIA WEST ZONE  
PER EGPS R.T.N.

**AREA SUMMARY:**  
**TOTAL AREA = 23.93 +/- ACRES**  
 1,042,390.8 +/- SQ. FT.  
**TOTAL NUMBER OF TRACTS: 2**  
**AREA TRACT 1: 13.32 +/- ACRES**  
 580,219.2 +/- SQ. FT.  
**AREA TRACT 2: 10.62 +/- ACRES**  
 462,607.2 +/- SQ. FT.

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULE 180-6-.09 THE TERM CERTIFICATION RELATING TO LAND SURVEYING SERVICES, AS DEFINED IN O.C.G. § 43-15-2 (b) AND (1) SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. NO CERTIFICATION OR LIABILITY IS EXTENDED TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE UNDERSIGNED SURVEYOR AND W.D. GRAY AND ASSOCIATES, INC. MAKE NO GUARANTEES, REPRESENTATIONS, OR WARRANTY REGARDING INFORMATION SHOWN HEREON PERTAINING TO RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS, SETBACK LINES, BUFFERS, AND OTHER SIMILAR MATTERS. OTHER CONDITIONS OR DOCUMENTS MAY EXIST THAT WOULD AFFECT THIS PROPERTY. NO LIABILITY IS ASSUMED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.

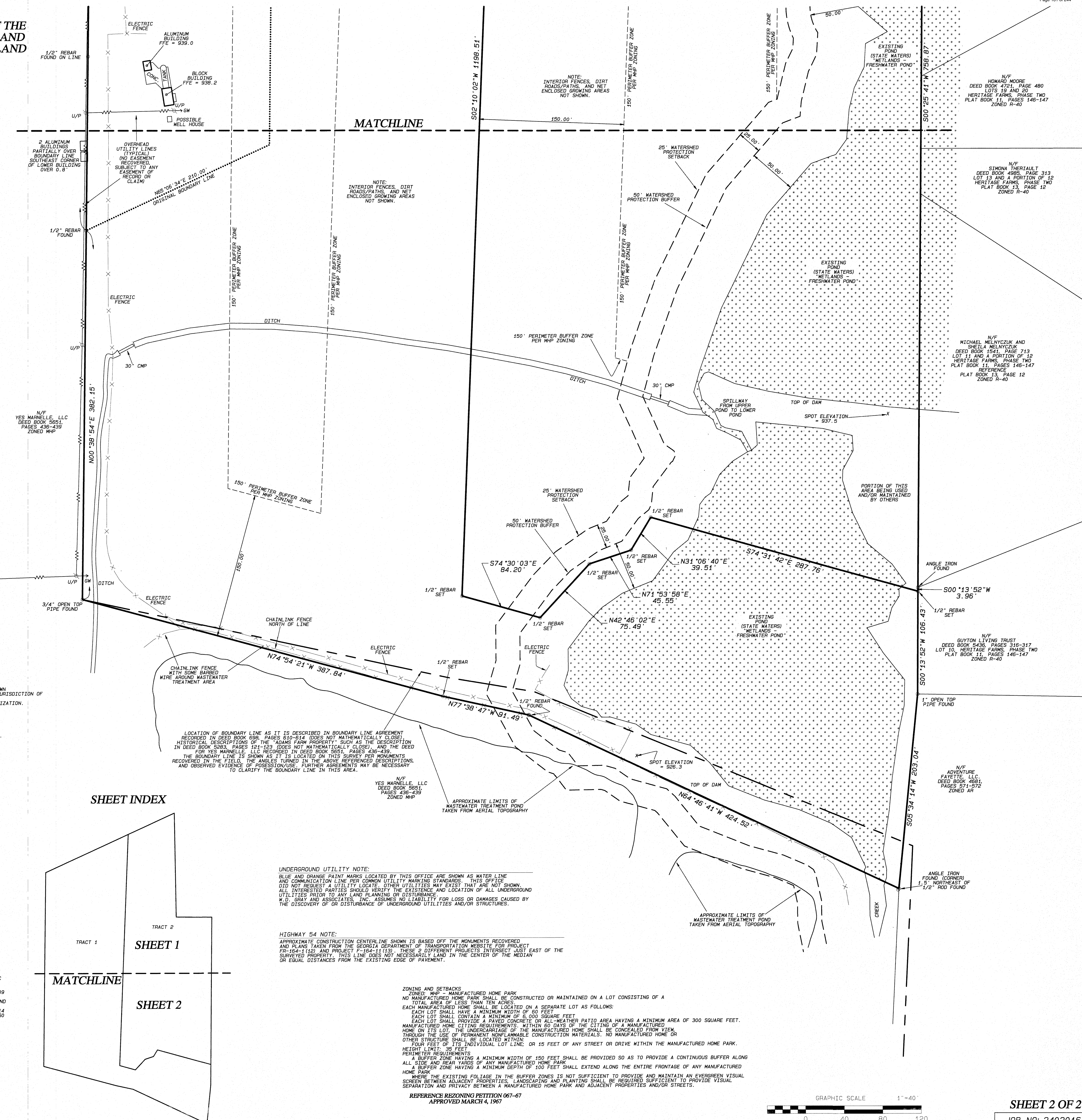
THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS, ZONING ORDINANCES, ENVIRONMENTAL RESTRICTIONS, AND RIGHTS-OF-WAY SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

W.D. GRAY AND ASSOCIATES, INC. HAS MADE NO INVESTIGATION AS TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES. BEFORE ANY LAND DISTURBANCE ACTIVITY BEGINS, UNDERGROUND UTILITIES SHOULD BE IDENTIFIED AND LOCATED. W.D. GRAY AND ASSOCIATES, INC. ASSUMES NO LIABILITY FOR LOSS OR DAMAGES CAUSED BY THE DISCOVERY OF OR DISTURBANCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES.

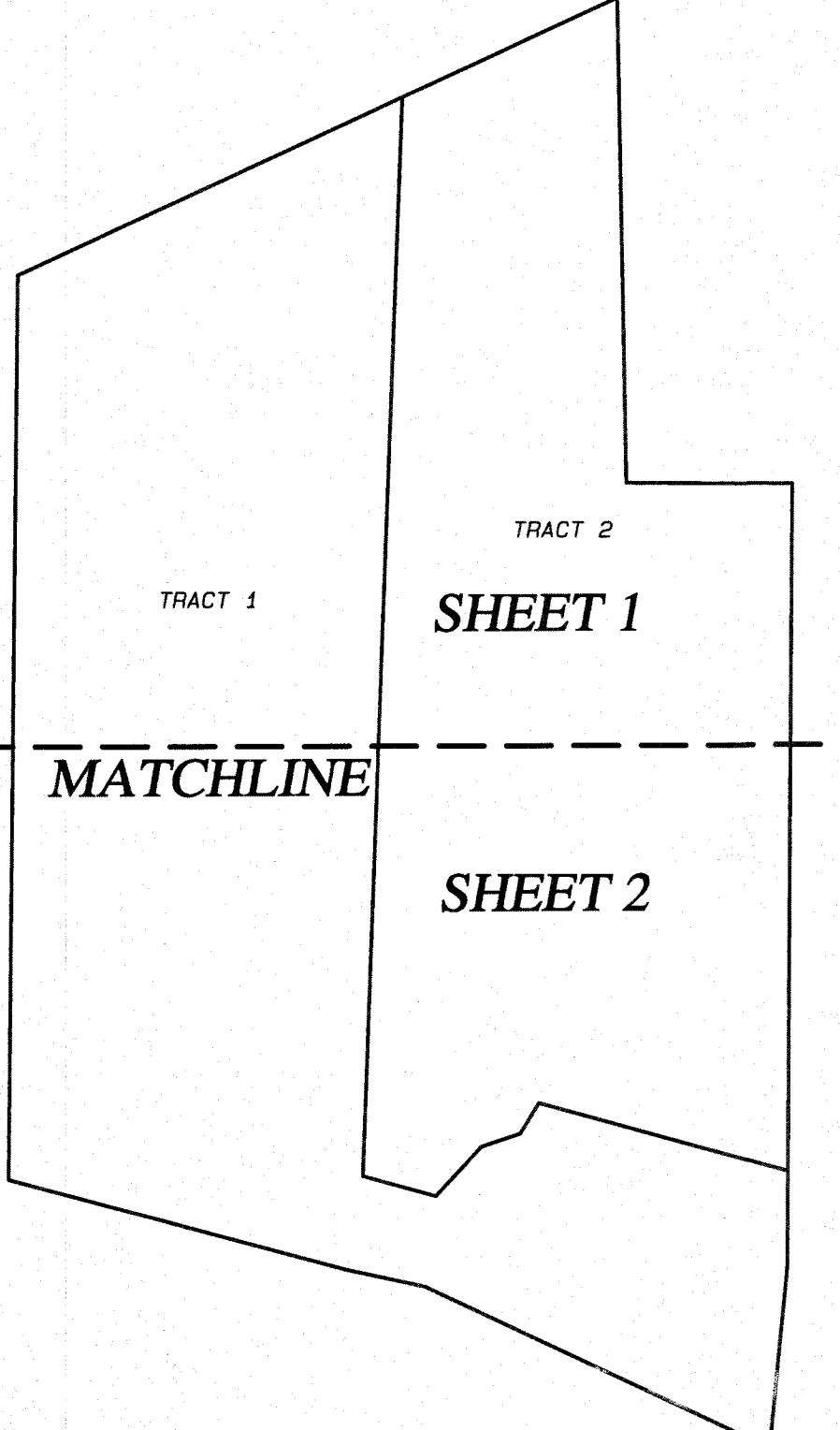
WATERSHED BUFFERS, WATERSHED SETBACKS, AND OTHER RESTRICTIONS BASED OFF THE LIMITS OF MATURED VEGETATION AND/OR ESTABLISHED ELEVATIONS ARE SUBJECT TO CHANGE DUE TO NATURAL ACCRETION, EROSION AND AVULSION. DUE TO THE IRREGULAR NATURE OF CREEK BANKS, SHORELINES, AND FIELD LOCATED ELEVATIONS, AND COMPUTER SOFTWARE USED TO OFFSET THESE LINES, IT IS LIKELY THAT ANY OTHER SURVEYORS LOCATION OF BUFFERS/SETBACKS BASED OFF THESE NATURAL FEATURES WOULD DIFFER SLIGHTLY FROM WHAT IS SHOWN. THESE BUFFERS/SETBACKS SHOULD BE FIELD VERIFIED BEFORE ANY LAND DISTURBANCE ACTIVITY BEGINS.

- NOTES:**
- THIS SURVEY WAS AUTHORIZED BY MATTHEW HYDE
  - ACCORDING TO FAYETTE COUNTY GIS (PUBLIC.NET), THIS PROPERTY DOES LIE WITHIN A GROUND WATER RECHARGE AREA
  - PER THE FAYETTE COUNTY GIS, THE SITE DOES CONTAIN JURISDICTIONAL WETLANDS (SHOWN AS "FRESHWATER POND"). ANY JURISDICTIONAL WETLANDS ON THE SITE ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. PROPERTY OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE JURISDICTIONAL WETLANDS WITHOUT PROPER AUTHORIZATION.
  - FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN, OR THE LACK OF ONE INDICATED ON THIS PLAT.
  - WATER TO BE PROVIDED BY FAYETTE COUNTY WATER SYSTEM.
  - SEWERAGE TO BE PROVIDED BY AN ON-SITE SEPTIC SYSTEM.
  - CONDEMNATIONS WERE OBSERVED ON THE COURSE OF THE SURVEY.
  - RECORDED EASEMENTS THAT WERE RECOVERED BY OR PROVIDED TO THIS OFFICE ARE SHOWN.

IN MY OPINION, THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP - 13113C 0084E DATED: SEPTEMBER 26, 2008



## SHEET INDEX

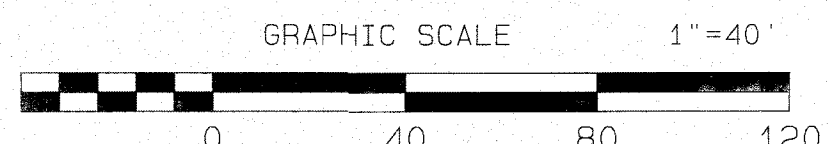


**UNDERGROUND UTILITY NOTE:**  
 BLUE AND ORANGE PAINT MARKS LOCATED BY THIS OFFICE ARE SHOWN AS WATER LINE AND COMMUNICATION LINE PER COMMON UTILITY MARKING STANDARDS. THIS OFFICE DID NOT REQUEST A UTILITY LOCATE. OTHER UTILITIES MAY EXIST THAT ARE NOT SHOWN. ALL INTERESTED PARTIES SHOULD VERIFY THE EXISTENCE AND LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO ANY LAND PLANNING OR DISTURBANCE.  
 W.D. GRAY AND ASSOCIATES, INC. ASSUMES NO LIABILITY FOR LOSS OR DAMAGES CAUSED BY THE DISCOVERY OF OR DISTURBANCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES.

**HIGHWAY 54 NOTE:**  
 APPROXIMATE CONSTRUCTION CENTERLINE SHOWN IS BASED OFF THE MONUMENTS RECOVERED AND PLANS TAKEN FROM THE GEORGIA DEPARTMENT OF TRANSPORTATION WEBSITE FOR PROJECT FH-164-1(12) AND PROJECT F-164-1(13). THESE 2 DIFFERENT PROJECTS INTERSECT JUST EAST OF THE SURVEYED PROPERTY. THIS LINE DOES NOT NECESSARILY LAND IN THE CENTER OF THE MEDIAN OR EQUAL DISTANCES FROM THE EXISTING EDGE OF PAVEMENT.

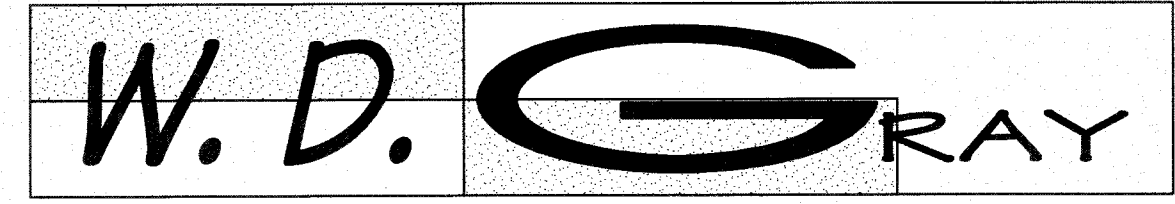
**ZONING AND SETBACKS**  
 ZONED: MHP - MANUFACTURED HOME PARK  
 NO MANUFACTURED HOME PARK SHALL BE CONSTRUCTED OR MAINTAINED ON A LOT CONSISTING OF A TOTAL AREA OF LESS THAN TEN ACRES.  
 EACH MANUFACTURED HOME SHALL BE LOCATED ON A SEPARATE LOT AS FOLLOWS:  
 EACH LOT SHALL HAVE A MINIMUM WIDTH OF 60 FEET  
 EACH LOT SHALL CONTAIN A MINIMUM OF 5,000 SQUARE FEET  
 EACH LOT SHALL PROVIDE A PAVED CONCRETE OR ALL-WEATHER PATIO AREA HAVING A MINIMUM AREA OF 300 SQUARE FEET.  
 MANUFACTURED HOME CITING REQUIREMENTS: WITHIN 60 DAYS OF THE CITING OF A MANUFACTURED HOME ON ITS LOT, THE UNDERPINNAGE OF THE MANUFACTURED HOME SHALL BE CONCEALED FROM VIEW THROUGH THE USE OF PERMANENT NONFLAMMABLE CONSTRUCTION MATERIALS. NO MANUFACTURED HOME OR OTHER STRUCTURE SHAL BE LOCATED WITHIN:  
 FOUR FEET OF ITS INDIVIDUAL LOT LINE; OR 15 FEET OF ANY STREET OR DRIVE WITHIN THE MANUFACTURED HOME PARK.  
 HEIGHT LIMIT: 35 FEET  
 PERIMETER REQUIREMENTS  
 A BUFFER ZONE HAVING A MINIMUM WIDTH OF 150 FEET SHALL BE PROVIDED SO AS TO PROVIDE A CONTINUOUS BUFFER ALONG ALL SIDE AND REAR YARDS OF ANY MANUFACTURED HOME PARK  
 A BUFFER ZONE HAVING A MINIMUM DEPTH OF 100 FEET SHALL EXTEND ALONG THE ENTIRE FRONTAGE OF ANY MANUFACTURED HOME PARK  
 WHERE THE EXISTING FOLIAGE IN THE BUFFER ZONES IS NOT SUFFICIENT TO PROVIDE AND MAINTAIN AN EVERGREEN VISUAL SCREEN BETWEEN ADJACENT PROPERTIES, LANDSCAPING AND PLANTING SHALL BE REQUIRED SUFFICIENT TO PROVIDE VISUAL SEPARATION AND PRIVACY BETWEEN A MANUFACTURED HOME PARK AND ADJACENT PROPERTIES AND/OR STREETS.

REFERENCE REZONING PETITION 067-67 APPROVED MARCH 4, 1967



PREPARED FOR:  
**ADAMS FARM 1805, LLC AND WILLIAM JERRY CLEVELAND**  
 LAND LOT 26, 7TH DISTRICT  
 FAYETTE COUNTY, GA.  
 SCALE: 1" = 40'  
 LAST DATE OF FIELD WORK: 03/05/2024  
 DATE OF DRAWING: 03/06/2024  
 REVISED 04/22/2024 PER FAYETTE COUNTY COMMENTS

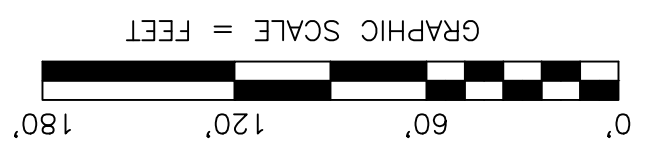
ADAMS FARM 1805, LLC  
 1591 JONESBORO ROAD  
 JONESBORO, GA 30236  
 CONTACT # 770-603-0609  
 WILLIAM JERRY CLEVELAND  
 175 WHITE ROAD  
 FAYETTEVILLE, GA 30214  
 CONTACT # 770-527-1450



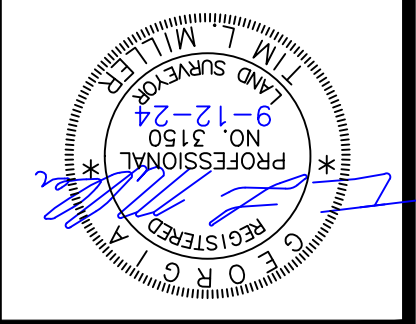
**W.D. GRAY AND ASSOCIATES, INC.**  
 Land Surveyors - Planners  
 160 Greencastle Road Suite B Tyrone, 30290  
 PH. 770-486-7552 Fax 770-486-0456  
 LSF000701



SHEET 1 OF 1  
DATE: 9/12/2024  
SCALE: 1" = 60'  
DRAWN BY: TLM/LGS



PROJECT #: B24046  
MOBILE HOME  
CONCEPT PLAN

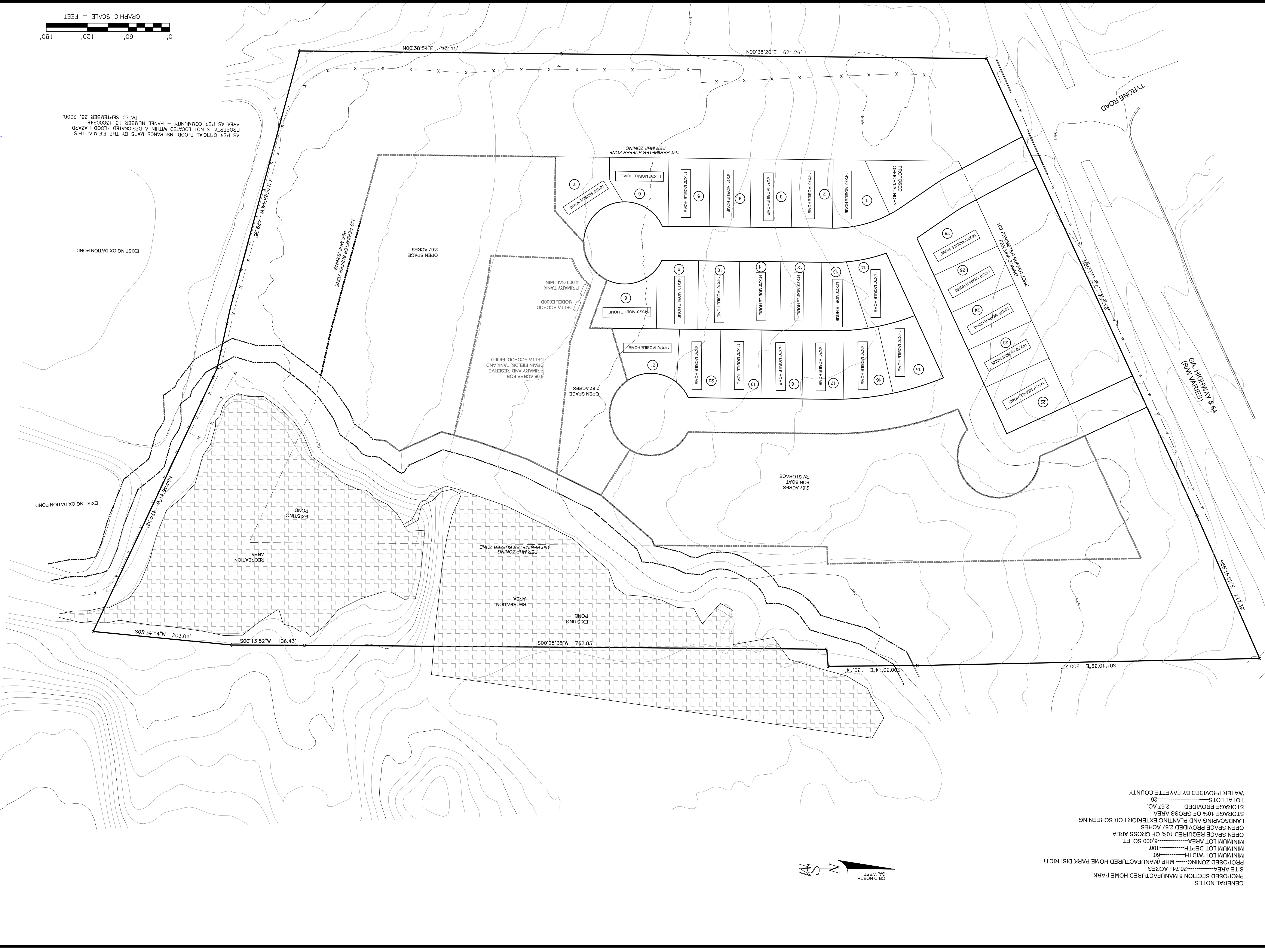


AS PER OFFICIAL FLOOD INSURANCE MAPS BY THE F.E.M.A. THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA AS PER COMMUNITY - PANEL NUMBER 1311300084E DATED SEPTEMBER 26, 2008.

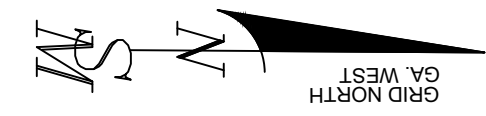
CONCEPT PLAN FOR  
PROPOSED MOBILE HOME PARK  
26.74± ACRES  
LAND LOT 26, 7th DISTRICT  
FAYETTE COUNTY, GEORGIA

SIBLEY & MILLER  
SURVEYING & PLANNING INC.  
212 WEST GAMINGROUND RD  
MC DONOUGH, GA. 30253  
PHONE: (770) 320-7555  
FAX: (770) 320-7333  
www.sibleysurveying.com

NO.	DATE	DESCRIPTION



- GENERAL NOTES:
- PROPOSED SECTION 8 MANUFACTURED HOME PARK
  - SITE AREA-----26.74± ACRES
  - PROPOSED ZONING-----MHP (MANUFACTURED HOME PARK DISTRICT)
  - MINIMUM LOT WIDTH-----60'
  - MINIMUM LOT DEPTH-----100'
  - MINIMUM LOT AREA-----6,000 SQ. FT.
  - OPEN SPACE PROVIDED 2.67 ACRES
  - LANDSCAPING AND PLANTING EXTERIOR FOR SCREENING
  - STORAGE 10% OF GROSS AREA
  - TOTAL LOTS-----28
  - STORAGE PROVIDED-----2.67 AC.
  - WATER PROVIDED BY FAYETTE COUNTY











**From:** [Randy Chancey](#)  
**To:** [Deborah L Bell](#)  
**Cc:** [Deborah Sims](#); [Steven L. Jones](#)  
**Subject:** RE: Adams Mobile Home site development Planning commission meeting  
**Date:** Monday, September 30, 2024 4:40:24 PM

---

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

Correct

Sent from my Galaxy

----- Original message -----

**From:** Deborah L Bell <[dbell@fayettecountyga.gov](mailto:dbell@fayettecountyga.gov)>  
**Date:** 9/30/24 4:32 PM (GMT-05:00)  
**To:** Randy Chancey <[rchancey@aquadesignsystems.com](mailto:rchancey@aquadesignsystems.com)>  
**Cc:** Deborah Sims <[dsims@fayettecountyga.gov](mailto:dsims@fayettecountyga.gov)>, "Steven L. Jones" <[sjones@taylorenghish.com](mailto:sjones@taylorenghish.com)>  
**Subject:** RE: Adams Mobile Home site development Planning commission meeting

Randy,

To confirm, you would like to formally withdraw this application?

Thank you,

Debbie

**Deborah L. Bell, RLA**

DIRECTOR, PLANNING & ZONING

FAYETTE COUNTY BOARD OF COMMISSIONERS

Office: 770-305-5421

Direct: 770-305-5160

140 Stonewall Avenue West, Suite 202

Fayetteville, GA 30214

[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

**Upcoming training:**

**Vacation scheduled:**

**Holiday scheduled closing: November 11, 2024**

---

**From:** Randy Chancey <[rchancey@aquadesignsystems.com](mailto:rchancey@aquadesignsystems.com)>  
**Sent:** Monday, September 30, 2024 3:27 PM  
**To:** Deborah L Bell <[dbell@fayettecountyga.gov](mailto:dbell@fayettecountyga.gov)>  
**Cc:** Deborah Sims <[dsims@fayettecountyga.gov](mailto:dsims@fayettecountyga.gov)>; Steven L. Jones <[sjones@taylorenghish.com](mailto:sjones@taylorenghish.com)>  
**Subject:** Adams Mobile Home site development Planning commission meeting

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

Please remove this project from the Oct 3<sup>rd</sup> meeting agenda.

Randy Chancey  
President

**Aqua Design Systems, Inc.**

207 - A Jeff Davis Place

Fayetteville, GA. 30214

Cell: 404-557-9977

Office: 770-716-5592

Fax: 770-716-5081

Email: [rchancey@aquadesignsystems.com](mailto:rchancey@aquadesignsystems.com)

On the web: [www.aquadesignsystems.com](http://www.aquadesignsystems.com)

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval to award Change Order #8: Preventive Maintenance for Existing Radios to E.F. Johnson and to allocate \$144,841.95 from Contingencies and Enhancements in the Public Safety Radio System (#1428-P) to Maintenance and Support for additional preventative maintenance services to secure services and equipment for existing radios.

**Background/History/Details:**

Fayette County, Georgia operates a Public Safety radio system which is housed at the 911 Communications Center, and provides services to the Cities of Fayetteville and Peachtree City, the Town of Tyrone, Fayette County Board of Education, Fayette County Sheriff's Office, Fayette County Marshal's Office, and Fayette Fire and Emergency Medical Services.

The Public Safety radio system is in heavy use 24 hours a day. Since this equipment is a responder's lifeline, conducting additional preventative maintenance will provide a baseline to determine whether current issues are due to worn out or faulty equipment. Radio One is the contracted local radio shop for the EF Johnson system and has provided a comprehensive quote in the amount of \$144,841.95 to ensure every radio will be checked, repaired as needed, and is performing at optimal levels.

Additionally, the quote includes a Viavi radio test set to allow county personnel to test and re-align radios in house, saving time and money moving forward. This equipment quote provides adapter cabling for all existing radio brands currently in use to be serviced on one machine, allowing the radio units to perform as required by public safety personnel.

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

Approval to award Change Order #8: Preventive Maintenance for Existing Radios to E.F. Johnson and to allocate \$144,841.95 from Contingencies and Enhancements in the Public Safety Radio System (#1428-P) to Maintenance and Support for additional preventative maintenance services to secure services and equipment for existing radios.

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

There are available funds in the existing contingency fund in Public Safety Radio System project 17PAA (contract #1428-P).

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:**



**911 Communication Center**

140 Stonewall Avenue West  
Fayetteville, GA 30214  
Phone: 770-305-5413  
[www.fayettecountyga.gov](http://www.fayettecountyga.gov)

To: Steve Rapson  
From: Katye Vogt  
Date: October 10, 2024  
Subject: Radio One PM Quote 9955

Fayette County operates a Public Safety radio system which is housed at the 911 Communications Center, providing services to the Cities of Fayetteville and Peachtree City, the Town of Tyrone, Fayette County Board of Education, the Sheriff's Office, the Marshal's Office, and Fire/EMS.

On November 8, 2018, the Board of Commissioners awarded contract #1428-P to EF Johnson to provide a P25 capable 800MHz radio system. The contract award included portable and mobile radios. Radio units were shipped to Fayette County but due to unavoidable delays in the project, sat mostly unused for a period of two years. Although there have been firmware updates and other spot inspections of equipment, broader and more in-depth preventative maintenance is required to ensure all units are operating at optimum levels.

Radio One is the local EF Johnson radio service shop and has been involved in the project from the beginning. They have observed issues with maintenance and tuning which are likely impacting the user experience. Given that this radio equipment is used daily by our public safety personnel, it is imperative that it performs up to the task to ensure responder safety. The proposed preventative maintenance would provide an inspection, onsite repairs (as needed), firmware updates, and resolution of any other issues with the radio units or accessories.

Also included in the quote is a Viavi 8800SX service monitor which would be retained by the Fayette County radio system manager. This would allow Fayette County personnel to quickly troubleshoot radios rather than waiting for a technician and/or sending the radio out for repair. The Viavi unit tests all parameters including power, frequency error, modulation accuracy, receiver sensitivity, and audio performance. Variables in any of these areas impact the performance of the radio unit, placing increased safety risks on first responders. Included with the service monitor quote are cables compatible with all brands of radios currently in use on the system.

The goal of the preventative maintenance in this quote is to eliminate any current issues with the radio units. In addition to improved responder safety, it enables EF Johnson to focus on system issues with minimal chance that radio unit performance or equipment is masking a system issue they need to identify and resolve.

Katye Vogt

A handwritten signature in black ink that reads "Katye Vogt".

Director

Fayette County 911 Communications



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

To: Steve Rapson

From: Ted L. Burgess 

Date: October 24, 2024

**Subject: Contract 1428-P: Public Safety Radio System  
 Change Order 8: Preventive Maintenance for Existing Radios**

Fayette County, GA operates a Public Safety radio system which serves the Cities of Fayetteville and Peachtree City, the Town of Tyrone, Fayette Board of Education, Fayette County Sheriff's Office and the Marshal's Office, and Fire and Emergency Services for Fayette County, the City of Fayetteville and Peachtree City. Contract 1428-P was awarded to E.F. Johnson to upgrade the radio system.

Change Order 8 requests the transfer of \$144,841.95 from Contingencies & Enhancements to the Maintenance & Support line-item. This will provide inspections, onsite repairs, firmware updates, and resolution of any other issues with the radio units or accessories. It will also provide a Viavi 8800SX service monitor which will allow county personnel to troubleshoot radio problems onsite. After the transfer, a balance of \$687,400.23 will remain in the contract's Contingencies & Enhancements line-item (Attachment 1).

Radio One, Inc., who is a subcontractor for the E.F. Johnson contract, will provide the services (Attachment 2).

Specifics of the proposed contract change order are as follows:

<b>Contract Name</b>	#1428-P: Public Safety Radio System
<b>Contractor</b>	E.F. Johnson
<b>Change Order</b>	#8: Preventive Maintenance for Existing Radios
<b>Contract Amount thru CO7</b>	\$14,412,893.56
<b>Change Order #8</b>	-0-
<b>Revised Contract</b>	\$14,412,893.56
<b>Budget:</b>	
	No Budget Impact

## Attachment 1

## 1428-P: Public Safety Radio System

Contractor: E.F. Johnson Company

	System, Infrastructure Subscribers, Maint & Supp	Contingency & Enhancements	Total
Initial contract	12,214,675.53	2,750,000.00	14,964,675.53
C.O.#1: New radios	768,277.85	(768,277.85)	-
C.O.#2: Additional needs	700,000.00	(700,000.00)	-
C.O.#3: 12 Workstations	-	(164,987.00)	(164,987.00)
C.O.#4: P25 Firmware upgrades	-	(284,492.97)	(284,492.97)
C.O.#5: Commence Warranty	-	-	-
C.O.#6: Grounding & lightning	(99,552.00)	-	(99,552.00)
C.O.#7: Tower structural analysis	(2,750.00)	-	(2,750.00)
C.O. #8: PM for Existing Radios	144,841.95	(144,841.95)	-
	<u>13,725,493.33</u>	<u>687,400.23</u>	<u>14,412,893.56</u>



Radio One, Inc.  
4405 International Blvd  
Suite B-118  
Norcross, GA 30093 US  
+16782189900  
www.kelrad.com

**ADDRESS**

Katy Vogt  
Fayette County 911  
Communications  
140 W. Stonewall Ave.  
Fayetteville, GA 30214

**SHIP TO**

Katy Vogt  
Fayette County 911  
Communications  
110 Volunteer Way  
Fayetteville, GA 30214

Estimate 9955

DATE 09/06/2024

PRODUCT / SERVICE

QTY

RATE

AMOUNT

## PRODUCT / SERVICE

QTY

RATE

AMOUNT

## Fayette County Public Safety Radio PM

Radio One's intent is to provide 2 technicians on site, 3 days per week at Fayette County to check, PM, test and repair (if possible) all Public safety radios in the county. We expect this project to take approx 947 hours.

(578) Portables @ 37 minutes each  
21,386 minutes

(214) Single deck mobiles @ 45 minutes each  
9,630 minutes

(155) Dual-deck mobile (includes 800 + VHF transceivers) @ 1 hour each  
9,300 minutes

(41) Base stations @ 2 Hours each (includes travel)  
4,920 minutes

Total transceivers 1,122 Transceivers 800 + VHF

Total Minutes 45,236

Total PM Hours 754 hours

Total repairs + wait time 113 hours

(+15% to cover repair times and wait times)

Project Management 80 hours

Total Hours 947 hours

30% Labor discount 95.00 per hour

Total labor 89,965.00

Radio One will try to send more techs when they are available and work additional days when possible - but there may also be occasions when we are short-handed due to customer emergencies, vacations, etc., and can only have one tech on site.

Our goal is to be complete within 6 months of the start date.



PRODUCT / SERVICE	QTY	RATE	AMOUNT
<b>RO Tech Services</b> Technical Services..	1	83,965.00	83,965.00
<b>Mobiles</b>  Ensure radio equipment and cabling is secure and cables neatly tied up  Verify A+, Ignition sense and ground connections are solid and secure.  Checking antenna systems with a watt meter and repairing or replacing antennas or coax kits if necessary  Verify that the microphone cords are not worn or intermittent and that the microphone audio sounds good to dispatch. Replace if necessary.  Run Viavi auto-test on mobiles. If autotest fails - run complete auto alignment. Perform any county-approved firmware upgrades.  Complete mobile tasks - per manufacturer recommendations  Complete documentation - per manufacturer recommendations			
<b>Portables</b>  Verify that the antenna is not physically damaged and the center pin connection is good  Verify that the radio is not physically damaged or has loose controls. Any damaged radios must be pulled and sent to EFJ for repair.  Verify that the Speaker mic is in good shape and not intermittent.  Read the radio and verify that the battery health is good. If the battery needs to be replaced, we will notify the department and provide replacement batteries - upon their request.  Verify TX audio sounds good at dispatch  Run Viavi auto-test on portables. If autotest fails - run complete auto alignment. Perform any county-approved firmware upgrades.  Complete portable tasks - per manufacturer recommendations  Complete documentation - per manufacturer recommendations			
<b>*** Physical Damaged radios ***</b> Radio One will repair everything that we possibly can in the field. However, charges will apply for radio (transceiver) repairs that are sent back to the factory due to physical or liquid damage.			
<b>*** Factory repairs ***</b> There will be no charge for any radios that are under warranty and must be sent to the factory. Charges will apply to any radios that are outside of the warranty.			

PRODUCT / SERVICE	QTY	RATE	AMOUNT
<b>RO Tech Services</b>	1	6,000.00	6,000.00
Project Management Project manager will oversee all aspects of the project. Work directly with Agency contacts to schedule and coordinate the PMs with various departments in the county. Coordinate and schedule Radio One techs, Oversee the project progress. Communicate with Todd Johnson on progress along the way and spend an expected 3 days with Todd reviewing results. Project Manager will provide final documentation to Fayette County and Todd Johnson.			
<b>Misc Accessories</b>	1	12,000.00	12,000.00T
Miscellaneous Accessories Budget  1/4 wave Antennas 1/4 wave Antenna kits Coax kits RF connectors microphones Speaker mics Speakers  *Battery replacements are not included in this budget. Each department will purchase replacement batteries as needed.  Radio One will provide these parts as needed during the PM.  If the required parts begin to exceed the 12,00.00 budget, we will notify the county and Todd.  If there is additional money left in the budget, we will provide spare mics, batteries, and antennas to fulfill the 12,000.00 budget.  All Kenwood OEM parts and accessories will be discounted 10% for the county			
<b>Misc Accessories</b>	1	42,536.95	42,536.95T
Viavi 8800SX Radio Test Set with Internal Precision Power Meter 8800OPT04 P25 Conventional 8800OPT10 Tracking Generator 8800OPT103 Motorola APX Series AutoTest and Align 8800OPT05 P25 Phase II 8800OPT128 Motorola APX8000 Auto-Test and Align 8800OPT129 Motorola APX B Series AutoTest and Align 8800OPT118 Kenwood Viking 5000/6000 Series AutoTest and Align 14478 Case; Soft-Sided Carrying RF Test cable Kenwood Mobile and Portable test cable Motorola APX Portable test cable			
<b>Shipping to Customer*</b>	1	340.00	340.00T
Shipping charges			
** EACH AGENCY MUST MAKE ALL RADIOS AVAILABLE TO TECHS DURING THE PM TIME PERIOD THAT EACH AGENCY IS SCHEDULED FOR **			

PRODUCT / SERVICE	QTY	RATE	AMOUNT
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Payment Terms

54,536.95 Due upon order to cover the Service Monitor and Accessory inventory.

14,994.16 will be billed monthly starting when the work begins for 6 months. 6 X 14,994.16 = 89,965.00 (Project Management and Labor)

We expect this project to take 6 months

Attached is your Radio One Estimate. We appreciate your business!

SUBTOTAL	144,841.95
TAX	0.00

Radio One, Inc. - Celebrating 27+ Years of providing the Southeast with the highest quality radio communications systems, products, engineering and technical services.

<b>TOTAL</b>	<b>\$144,841.95</b>
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Accepted By

Accepted Date

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Joseph Redley, in the amount of \$354.89 for tax year(s) 2023.

**Background/History/Details:**

When a taxpayer believes that an error has occurred, with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a refund under O.G.G.A. 48-5-380. This request is given to the Tax Assessor's Office for review of the details. Appropriate recommendation(s) are then forwarded to the Board of Commissioners' for final consideration of said requests.

Request made by Joseph Redley, for residential parcel 13-0108-011. On July 29, 2024, a request for a partial refund of taxes was received. The request was based on an error in applying the Board of Equalization (BOE) override value for tax year 2023 per a BOE decision for a tax year 2022 appeal. Taxpayer is eligible under the refund statute for a partial refund for tax year 2023.

Board of Assessors' recommend approval.

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

Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Joseph Redley, in the amount of \$354.89 for tax year(s) 2023.

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

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

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**



# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Steven Kruczek, in the amount of \$1,209.84 for tax year(s) 2021, 2022, 2023.

**Background/History/Details:**

When a taxpayer believes that an error has occurred, with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a refund under O.G.G.A. 48-5-380. This request is given to the Tax Assessor's Office for review of the details. Appropriate recommendation(s) are then forwarded to the Board of Commissioners' for final consideration of said requests.

Request made by Steven Kruczek, for residential parcel 07-3305-023. On August 16, 2024, a request for a partial refund of taxes was received. The request was based on an erroneous calculation of square footage of the residential structure. Taxpayer is eligible under the refund statute for a partial refund for tax years 2021, 2022 and 2023.

Board of Assessors' recommend approval.

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

Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Steven Kruczek, in the amount of \$1,209.84 for tax year(s) 2021, 2022, 2023.

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

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

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by John Terrell (Terrick Holdings), in the amount of \$3,543.12 for tax year(s) 2021, 2022, 2023.

**Background/History/Details:**

When a taxpayer believes that an error has occurred, with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a refund under O.G.G.A. 48-5-380. This request is given to the Tax Assessor's Office for review of the details. Appropriate recommendation(s) are then forwarded to the Board of Commissioners' for final consideration of said requests.

Request made by John Terrell (Terrick Holdings) for residential parcel 05-2303-043. On September 13, 2024, a request for a partial refund of taxes was received. The request was based on an erroneous calculation of square footage of the commercial structure. Taxpayer is eligible under the refund statute for a partial refund for tax years 2021, 2022 and 2023.

Board of Assessors' recommend approval.

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

Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by John Terrell (Terrick Holdings), in the amount of \$3,543.12 for tax year(s) 2021, 2022, 2023.

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

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

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of disposition of tax refund, as requested by Joel P. Volle, in an adjusted amount of \$318.33 for tax year(s) 2021, 2022 and 2023.

**Background/History/Details:**

Request made by Joel P. Volle for residential parcel 07-42-047. On August 8, 2024, a request for a partial refund of taxes was received. The request was based on an erroneous acreage calculation. Previous owner combined two lots showing a total of 4.8 acres. Current owner, Mr. Volle, split the property into the two originally platted lots. However, the total of the two lots is only 3.96 acres. Taxpayer is eligible under the refund statute for a partial refund for tax years 2021, 2022 and 2023.

The original refund amount of \$454.51 was erroneously calculated by the Tax Commissioner's office and approved by the Board of Commissioners at the September 12, 2024 meeting. The refund of \$454.51 has not yet been issued. This request is to approve the corrected amount of \$318.33.

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

Approval of a disposition of tax refund, as requested by Joel P. Volle, in the adjusted amount of \$318.33 for tax years 2021, 2022 and 2023.

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

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

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of a supplemental federal grant for the DUI Accountability Court from the Governor's Office of Highway Safety, in the amount of \$35,000.

**Background/History/Details:**

This grant will supplement part of the cost for drug screening participants in order to meet the CACJ certification requirements. This grant amount is \$35,000 with no match. The grant award period is October 1, 2024 - September 30, 2025.

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

Approval of a supplemental federal grant for the DUI Accountability Court from the Governor's Office of Highway Safety, in the amount of \$35,000.

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

This is a federal reimbursement grant. There will be a separate budget line created for these expenses until the County is fully reimbursed.

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:**



**Governor's Office of Highway Safety**

James H "Sloppy" Floyd Veterans Memorial Bldg.  
2 Martin Luther King Jr. Drive SE • Suite 370, East Tower • Atlanta, GA 30334  
Telephone: 404.656.6996 or 888.420.0767 • Facsimile: 404.651.9107  
www.gahighwaysafety.org

**Brian P. Kemp**  
GOVERNOR

**Allen Poole**  
DIRECTOR

**October 1, 2024**

Lee Hearn  
Fayette County DUI/Drug Court  
155 Johnson Avenue  
Fayetteville, Georgia 30214

**Re: Application : GA-2025-Fayette County DUI/Drug Court-00077**  
**Grant #: GA-2025-FayetteDUI-077**  
**Project Title: Fayette County DUI/Drug Court FY25**

Dear Lee Hearn,

Congratulations! It is my pleasure to inform you that your application in the amount of **\$35,000.00** federal funds has been approved. The effective date of the grant is October 1, 2024, through September 30, 2025. Allowed costs incurred within this period are reimbursable at a rate of 100% of the approved federal funds allocated above.

*The Grant Terms and Conditions\** have been updated and can be found within your grant application in the GOHS Grant Management System (GMS) or on the GOHS website. *Special Conditions\**, **General Grant**, associated with your grant can also be found on the GOHS website and both contain important information from GOHS. These documents clearly identify the guidelines and requirements governing your grant. Please note under Grant Terms and Conditions **all grant awards are contingent upon the availability of federal funds** and must be identified separately in your agency's account system.

GOHS and the National Highway Traffic Safety Administration (NHTSA) must provide written approval prior to the purchase of any equipment item costing \$10,000.00 or more. If applicable and approval is granted, you will receive notification of the equipment approval from GOHS. Please ensure your agency follows its local procurement policy as well as the Buy America Act requirements. If local policies are not available, your agency must use the State of Georgia procurement procedures. By policy, GOHS is required to maintain inventory of any item that costs \$10,000 or more. For purposes of this policy, "equipment items \$10,000 or more" include any item that has the capability of storing data, such as desktop computers, laptops, and I-pads. The \$10,000 threshold also includes items that may physically cost less than \$10,000 but with taxes and shipping costs added will equal over \$10,000.

If your project allows for **Safety Items for Public Distribution**, such as bike helmets, reflector belts, or similar items whose sole purpose is to improve highway safety, you will be required to read, sign, and submit the document titled *Acknowledgement form for Non-Motorized Projects\** to your grant manager at GOHS prior to distributing those items. This document should be signed by the project director and will be included in the grant file. If the Acknowledgement for Safety Items for Public Distribution document is not received prior to distribution, GOHS reserves the right to deny reimbursement.

GOHS is required to complete *Risk Assessments\** on each grantee prior to the award and notify the grantee of the outcome. The Risk Assessment is based upon prior grants, audit reports, and/or interaction during the application process. Your agency's Risk Assessment score for the FFY 2025 grant year is **Low**.



If your jurisdiction/agency (combined) receives federal funds of \$750,000.00 or more in a year, an audit is required in accordance with 2 CFR Part 200, Subpart F. A copy of the audit report must be submitted to the Governor's Office of Highway Safety (GOHS) prior to September 30, 2025.

Agencies awarded federal funds through GOHS are required to receive their reimbursement payments electronically. If your agency received funds in FFY 2024, please review the information previously submitted to GOHS. If no changes are needed, GOHS will continue to use this information to reimburse electronically unless we receive new information. If changes are needed or you are a new grantee, you will need to complete the "*Supplier Change Request*" form\*. Grantees need to include a copy of a Voided Check or a MICR letter for their Bank, stating their electronic account number and routing number. Signatures on the Supplier Change forms must be WET – no computer-generated signatures (Adobe). New grantees will also need to complete the *W-9 Tax form*\*. All financial forms should be emailed to Paula Wilbanks, GOHS Grants Specialist at, [gohs-finance@gohs.ga.gov](mailto:gohs-finance@gohs.ga.gov) no later than **October 15, 2024**, to prevent any delay in reimbursement.

**Award packet documents discussed above and identified in red and an asterisk (\*), are all located on the GOHS website at <http://www.gahighwaysafety.org/current-grantees/>.**

**SAM Unique Entity Identifier: CBMCEFY41D4**

**Assistance Listing Number: 20.616**

**Assistance Listing Title: National Priority Safety Programs**

**FAIN: 69A3752230000405DGAL**

**Subaward Period of Performance State and End Date: October 1, 2024 – September 30, 2025**

**Subaward Budget Period State and End Date: October 1, 2024 – September 30, 2025**

Should you have questions regarding the content of this letter, please contact your assigned grant manager, Eshon Poythress at (404) 656-6996. GOHS looks forward to your partnership in helping to make Georgia's roadways safer.

Sincerely,



Allen Poole  
Director

AP/sw

cc: Jourdan Crawford, Project Director  
Sheryl Weinmann, Financial Officer  
Eshon Poythress, Planner/Grant Manager



# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval to increase the current fee schedule allowing for the Fayette County Environmental Health Department to adjust fees comparable to surrounding counties.

**Background/History/Details:**

The Fayette County Environmental Health Manager, Bonnie Turner, reviewed the current Environmental Health (EH) fees and compared them to ten other metro counties. Some of the EH fees were increased to align with the other counties. The Fayette County Board of Health approved the proposed fees on September 10, 2024.

The list of fees is provided in the backup.

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

Approval to increase the current fee schedule allowing for the Fayette County Environmental Health Department to adjust fees comparable to surrounding counties.

**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:**

Fee Type	Current	Proposed	HENRY	COWETA	GWINNETT	ROCKDALE	FULTON	DEKALB	COBB & DOUGLAS	CHEROKEE	FORSYTH	
1. Operating without a permit	0	Double application fee	0	0	2(annual + plan review)	2(annual + plan review)	Double fees	Double fees	Double application fees (Plan review+ annual); double application fees (Installing septic without permit)		0 2(annual + plan review)	
2. Certification test	\$50	\$50	\$50	\$50	\$50	\$50	\$125	\$50	\$50	\$100	\$100	
3. Temporary/Guest Body Artist Fee	\$50	\$50			\$50	\$50	\$55	\$75/week	\$100/week	\$105	\$50	\$100( up to 7 days)
4. Temporary Body Art Studio	0	\$125		\$50/week		\$150 (1-4 days); \$400 (5-14 days)	\$130	\$400 (1-7 days)	\$150 (1-7 days)	\$105 (1-4 days); \$155 (5-7 days)	\$150	\$200
5. Mobile Food Service Establishment Authorization Fee	\$50	\$50- BOH requested review	\$50	\$50	no charge	no charge	Could not get in touch; not listed on fees		\$50	Did not respond to email	\$30	\$50
6. Training (Fayette-up to 2 hours)	\$100	\$125	\$100	N/A	\$125/hr		\$35	\$125 onsite consult	\$100	\$55/session (customized training); \$30/person (general training)		
7. Plan Review fee (all programs)	\$200	\$200										
8. Site visit	\$50	\$50										
9. Review of changes to plat	\$0	\$50										
10. Annual FDSV fee 0-50 seats	\$350	\$400	\$200		\$350	*\$500 (30 seats or less); \$700( 30+ Seats)	*\$360 (30 seats or less); \$440 (30+ seats)	\$450- Risk 1	\$500	\$250-\$325- Risk 1	\$325- (0-25 seats)	\$300- (0-20 seats)
11. Annual FDSV fee 51-100 seats	\$500	\$550	\$350		\$500	* Based on most common Risk 2 Restaurant (GNR fees break down by Risk and seats) : Gwinnett- \$500-\$700; Rockdale \$360-\$440.		\$600- Risk 2	Based on complexity of FDSV: fee for most common Risk 2: \$500-\$800	\$560-\$750- Risk 2	\$425- (26-75 seats)	\$375- (26-50 seats)
12. Annual FDSV fee 100+ seats	\$600	\$650	\$500		\$650	*\$700 (more than 30 seats)	*\$440 (more than 30 seats)	\$750- Risk 3	\$800	\$590-\$780- Risk 3	\$525 (76+ seats)	\$450 (51-100); \$525 (100+)
13. Body Art Studio Annual Fee	\$300	\$325	\$300		\$300	\$450	\$310	\$550	\$425	\$410	\$300	\$300
14. Plan Review (FDSV)	\$200	\$375	\$300- (0-50 seats); \$500 (51-100 seats); \$600- (100+ seats)	\$500; \$650; \$800 (based on annual fee seating)		\$350 (less than 30 seats); \$550 (more than 30)	\$260 (less than 30 seats); \$405 (more than 30)	same as annual fee schedule: \$450; \$600; \$750 (risk type)	\$300- Risk 1; \$350- Risk 2; \$500 Risk 3	\$270- Risk 1; \$355- Risk 2; \$435- Risk 3; remodel has different list of fees	\$250 (0-25 seats); \$275- (26-75 seats); \$300 (76+seats); remodel-\$125-\$225	\$300 (0-20 seats); \$375- (26-50); \$450 (51-100); \$525 (100+)
15. Plan Review (Swimming Pools)	\$200	\$375	\$300		\$400	\$350 (owner change); \$700-\$900 based on size and features	\$105-\$260 (owner change); \$260-\$360 based on size and features	\$250 (owner change); \$525-\$1200 (based on size) + \$150/feature	\$450	\$275; \$365; \$475-(based on square ft); \$55-\$205-(remodel/modification)	\$200-\$500 (based on square ft); modification fee separate	\$500



16. Plan Review (Tourist Accommodation)	\$200	\$375	\$300	\$450	\$300-(1-20 rooms); \$425-(21-50); \$525-(50+ rooms)	\$250- 1-20 rooms; \$300-21-50; \$400- over 50	\$250 (owner change); \$375-(1-20 rooms); \$525-(21-50); \$675-(51-100); \$825-(100+ rooms)	\$170 (owner change); \$300-(1-20 rooms); \$400-(21-50); \$500-(51-100); \$525-(100+ rooms)	\$170 (owner change); \$310-(1-20 rooms); \$380-(21-50); \$420-(51-100); \$520-(100+ rooms); \$170 (new owner/remodel)	50% of annual (remodel); \$225-(1-25 rooms); \$275-(26-75); \$325-(76+ rooms)	\$300 (0-50 rooms); \$400 (51+)
17. Plan Review (Body Art Studio)	\$200	\$375	\$500	\$500	\$300	\$260	\$300 (owner change); \$700 (new)	\$275	\$250; \$110-\$235(remodel/modification)	\$150 (remodel/owner change with minor changes); \$200 (major changes)	\$300
18. Annual Swimming Pool Fee	\$200	\$250	\$175	\$300	\$225-seasonal; \$ 450-annual	\$210-seasonal; \$410-annual	\$525-seasonal; \$ 700-annual	\$300-seasonal; \$450-annual	\$315-seasonal; \$450-annual	\$200-\$500 (based on square foot)	\$200
19. Tourist Accommodation Annual Fee	\$300	\$375	\$200	\$350	\$300- 1-20 rooms; \$425-21-50; \$675- over 50	\$260- 1-20 rooms; \$360-21-50; \$465- over 50	\$475-(1-20 rooms); \$650-(21-50); \$775-(51-100); \$900-(100+ rooms)	\$300-(1-20 rooms); \$425-(21-50); \$675-(51-100); \$700-(100+ rooms)	\$290-(1-20 rooms); \$405-(21-50); \$515-(51-100); \$625-(100+ rooms)	\$300-(1-25 rooms); \$350-(26-75 rooms) ; \$400-(76+ rooms)	\$400 (0-50 rooms); \$500 (50+ rooms)
UPDATE TEMP FEE AND GET SIGNATURE FOR POLICY BASED ON HC BOH TEMP EVENT PROCESS											



**Beverly Townsend, MD, MBA, FAAFP**  
**Acting District Health Director**

**Fayette County Environmental Health Department**  
140 Stonewall Ave. W., Ste. 200, Fayetteville, GA 30214  
Phone: (770) 305-5415 • Fax: (770) 305-5183  
[www.district4health.org](http://www.district4health.org)

**Proposal for Fees**

Some EH fees were updated approximately 2 years ago. However, a new comparison has been done and Fayette County EH is requesting a change in some fees. These increases are based on documented time it takes to complete the review in comparison to the hourly wages of the individuals completing the reviews. Other factors considered are fees for surrounding counties outside our District. The counties compared are other metro counties and include the following: Coweta, Henry, Gwinnett, Rockdale, Fulton, Dekalb, Cobb & Douglas, Cherokee, and Forsyth. The updated fees for Clayton Co. were requested, but I never received a response. This comparison is present on the Excel Worksheet.

The first fee listed in a new fee. We have a fee for a pool that operates without a permit, however, a request is being made for this fee to be across all programs. This will include a septic system that is installed or has repairs made without a permit. This fee will affect the septic contractor, not the homeowner. For all facilities, this will affect those that do a change ownership without notifying our office, ones we have difficulty with completing a plan review because they will not finish the process nor respond to our correspondences, and ones that open and operate without obtaining an opening/operational inspection and permit first.

The second fee listed is for a name change of a current fee to encompass the Body Artists and any future testing that will be required by the State. The current name of the fee is Septic Contractor testing. The updated name will be "Certification Test". This fee is per test given.

The third fee listed is also a name change request. The new Body Art Rules identify a temporary body artist and a guest artist. Our current fee only states "temporary". The updated name will encompass both.

The fourth fee listed is a new fee and is directly related to the updated Body Art Rules. Temporary Body Art facilities are now allowed in conjunction with a body art convention or body art trade show. This fee will cover the plan review and inspection for the temporary studio. This fee matches the amount for our food service temporary facilities.

The fifth fee is done in response to the request of the Board of Health when the fee for mobile authorizations was added to our schedule. The Board wanted to re-look at this fee once other counties had also adopted this fee. Based on this review, it appears as though we are in line with other metro counties.

The sixth fee is for training and includes 2 hours onsite and prep hours before. These trainings are done by either me or a Level IV inspector and the fee increase is to cover the time.

The seventh fee is a current fee we have for all plan reviews. Request to keep this fee with a name change to "Plan Review for Remodels or Minor Changes". This will include equipment relocation, resurfacing, menu/process change requiring minimum, additional equipment". Examples of this will be the addition of a dish machine, refinishing the floors, changing wall surfaces, switching out a water heater, changes in pool surfaces, updates to pool required facilities (Bathrooms, dressing rooms, etc.), minor changes in hotel rooms, changes in surfaces in a body art studio, changing the floor plan in a body art studio, etc.


The eighth fee is currently listed under our septic program only. Request to move this fee to all programs for any additional site visits made to facilities that exceed our normal inspections and processes. An example is for a "pop up authorization- vendor".

The ninth fee is a new fee for work that has been occurring within the office but has no associated fee currently. As part of the review process with Planning and Zoning, our office reviews changes in property lines to determine if it will impact the current and future septic areas. The requested fee is to cover the time associated with the reviews.

The subsequent fees are associated with the annual fees for Facilities. The increase on each aligns Fayette within a good average range in comparison to the other counties. Some comparisons are not exact due to fee structures in other counties and districts. To note, fee #14 is a plan review for Food Service facilities for anything other than minor changes as described in fee #7.

Fee Type	Proposed
1. Operating without a permit	Double application fee
2. Certification test	\$50
3. Temporary/Guest Body Artist Fee	\$50
4. Temporary Body Art Studio	\$125
6. Training (Fayette-up to 2 hours)	\$125
7. Plan Review fee (all programs)	\$200
8. Site visit	\$50
9. Review of changes to plat	\$50
10. Annual FDSV fee 0-50 seats	\$400
11. Annual FDSV fee 51-100 seats	\$550
12. Annual FDSV fee 100+ seats	\$650
13. Body Art Studio Annual Fee	\$325
14. Plan Review (FDSV)	\$375
15. Plan Review (Swimming Pools)	\$375
16. Plan Review (Tourist Accommodation)	\$375
17. Plan Review (Body Art Studio)	\$375
18. Annual Swimming Pool Fee	\$250
19. Tourist Accommodation Annual Fee	\$375

The listed addition and changes to fees for Fayette County Environmental Health are approved, this  
 10<sup>th</sup> day of Sept, 2024.

  
 Jack Bernard, Fayette County Board of Health Chairman



**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

**MINUTES**

September 26, 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**

Vice Chairman Edward Gibbons called the September 26, 2024 Board of Commissioners meeting to order at 5:00 p.m. A quorum of the Board was present. Chairman Lee Hearn and Commissioner Charles Rousseau were absent.

**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**

Vice Chairman Edward Gibbons moved to accept the agenda with the exception of moving Public Comment to the end of New Business. Commissioner Eric Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

**PROCLAMATION/RECOGNITION:** None.

**PUBLIC HEARING:**

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

- 1. Consideration of Petition No. 1353-24, The Estate of Richard N. Cates/Carol Denise Cates Mercer, Executrix; request to rezone 4.86 acres from A-R (Agricultural-Residential) to C-C (Community Commercial) for the purpose of constructing a convenience store with fuel pumps; property located in Land Lot 151 of the 5th District and fronts on Banks Road and Highway 54.**

Ms. Bell advised that because there was less than a full Board present, the petitioner elected to table the public hearing to the October 24, 2024 Board of Commissioners meeting.

Vice Chairman Gibbons moved to table this item to the October 24<sup>th</sup> BOC Meeting. Commissioner Oddo seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.



**2. Consideration of Petition No. 1354-24, Marion L. Holt, owner; requests to rezone 0.453 acres from A-R to R-45 for the purpose of adding this area to the adjacent parcel; property located in Land Lot 148 of the 7th District and fronts on Palmetto Road.**

Ms. Bell advised that the Petitioner requested this rezoning item be withdrawn.

Commissioner Oddo moved to allow the withdrawal of Petition No. 1354-24, Marion L. Holt, owner; requests to rezone 0.453 acres from A-R to R-45 for the purpose of adding this area to the adjacent parcel; property located in Land Lot 148 of the 7th District and fronts on Palmetto Road. Vice Chairman Gibbons seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

**3. Consideration of Petition No. 1355-24, Andrea Pope Camp & Jordan Camp, owners; request to rezone 41.78 acres from A-R to R-75 for the purposes of creating additional lots without any new infrastructure; property located in Land Lot 28 of the 7th District and fronts on Davis Road and Huiet Drive.**

Ms. Bell advised that because there was less than a full Board present, the petitioner elected to table this public hearing to the October 24, 2024 BOC meeting.

Vice Chairman Gibbons moved to table this item to the October 24<sup>th</sup> BOC Meeting. Commissioner Oddo seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

**4. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Article V. - Conditional uses, Nonconformances, and Transportation Corridor Overlay Zone. Sec. 110-175. - Special Use of Property.**

Ms. Bell stated that in accordance with amendments to the state zoning procedures law, with this request staff was presenting recommendation to delete section 110 -175 2a. Which would delete drug treatment facility as a special use of property in its entirety. She continued that this amendment would bring the County's ordinance into alignment with updated state requirements.

No one spoke in favor or opposition to this item.

Commissioner Oddo moved to approve amendments to Chapter 110. Zoning Ordinance, regarding Article V. - Conditional uses, Nonconformances, and Transportation Corridor Overlay Zone. Sec. 110-175. - Special Use of Property. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

**5. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Article V. - Conditional uses, Nonconformances, and Transportation Corridor Overlay Zone. Sec. 110-169. - Conditional Use Approval. to add Sec. 110-169, (2)s-1. drug abuse treatment facility as a conditional use in the O-I district.**

Ms. Bell stated that with the approval of the previous item, deleting drug abuse facility as a special use of property in the outlined section of the ordinance, this request would define an appropriate place for it in the ordinance. This request was to add Sec. 110-169, (2)s-1. drug abuse treatment facility as a conditional use in the O-I district, with the same requirements that it had before, other than the deletion of items that would be monitored by the state regarding state licensure.

No one spoke in favor or opposition to this item.

Commissioner Oddo moved to approve amendments to Chapter 110. Zoning Ordinance, regarding Article V. - Conditional uses, Nonconformances, and Transportation Corridor Overlay Zone. Sec. 110-169. - Conditional Use Approval. to add Sec. 110-169, (2)s-1. drug abuse treatment facility as a conditional use in the O-I district. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

- 6. Consideration of amendments to Chapter 110. Zoning Ordinance, regarding Article IV. - District Use Requirements. Sec. 11-142. - O-I, Office-Institutional District to delete Sec. 110-142. (i) (1)., deleting drug abuse treatment facility as a special use of property allowed in the O-I zoning district, to add (1) Reserved. by adding drug abuse facility as a conditional use in the O-I zoning district.**

Ms. Bell stated that this was a sister item to the previous request and was an amendment to Chapter 110. Zoning Ordinance, regarding Article IV. - District Use Requirements. Sec. 11-142. - O-I, Office-Institutional District to delete Sec. 110-142. (i) (1)., deleting drug abuse treatment facility as a special use of property allowed in the O-I zoning district, to add (1) Reserved. by adding drug abuse facility as a conditional use in the O-I zoning district.

Commissioner Oddo amendments to Chapter 110. Zoning Ordinance, regarding Article IV. - District Use Requirements. Sec. 11-142. - O-I, Office-Institutional District to delete Sec. 110-142. (i) (1)., deleting drug abuse treatment facility as a special use of property allowed in the O-I zoning district, to add (1) Reserved. by adding drug abuse facility as a conditional use in the O-I zoning district. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

**PUBLIC COMMENT:**

Michael Brantley of Fayetteville expressed his concern about a tree on and/or near his property that due to issues at his property and the pending bad weather, could fall on the neighboring play area and he wanted to make the Board aware of it. He asked if Commissioner Rousseau would be willing to come out and walk his property and review the concerns he had.

Cynthia Sacracino expressed her appreciation for County staff and the new programs at the animal shelter. She also suggested additional fencing around the property to maintain the safety of the animals.

**CONSENT AGENDA:**

Commissioner Oddo moved to approve the Consent Agenda. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

- 7. Approval to adopt final supplemental budget adjustments for the fiscal year ended June 30, 2024, and authorization to adjust and close capital projects, moving remaining funds to project contingency.**
- 8. Request to amend the Memorandum of Understanding (MOU) between Fayette County and the US Soccer Federation (USSF) to enhance five soccer fields at McCurry Park South Soccer for the shared use of USSF team training camps and the County.**
- 9. Approval of the September 12, 2024 Board of Commissioners Meeting Minutes.**

**OLD BUSINESS:**

**NEW BUSINESS:**

- 10. Request to approve the lease term acceptance to change the monthly fees for a tower site at Downtown Tyrone for Public Safety Radio System (#1428-P), as outlined in the terms and conditions.**

911 Communications Director Katye Vogt stated that this request was for approval to amend the lease terms changing the monthly fee for a tower site at Downtown Tyrone for Public Safety Radio System (#1428-P). She noted that equipment was being changed at the site and due to a change in leasable real estate on the tower, the monthly fee rate would increase.

Commissioner Oddo asked what were the changes that would be made to the equipment.

Ms. Vogt stated that basically they were updating to a bigger antenna and moving it higher on the tower.

Vice Chairman noted that these changes would improve connectivity for the county's first responders which included Fire, Emergency Management & Services, and Law Enforcement.

Ms. Vogt stated that was correct, this was a higher power transmit antenna.

Commissioner Oddo moved to approve the lease term acceptance to change the monthly fees for a tower site at Downtown Tyrone for Public Safety Radio System (#1428-P), as outlined in the terms and conditions. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

**11. Request to award Contract #2436-B, Sheriff Watch Office Renovation, to HEC Construction Solutions, LLC in the amount of \$891,038.18 to appoint a General Contractor.**

Project Manager, Tim Symonds, stated that this project would consist of the refurbishment and renovation of parts of the Fayette County Sheriff's Office premises. He noted that the current Watch Office was located to the rear of the offices. This project would create a public-facing entry way for visitors to the Sheriff's Office with the Watch Office Records department being realigned to provide a single-point public facing entry into the Sheriff's Office.

Commissioner Oddo asked if this project was being financed via SPLOST.

Mr. Symonds stated yes.

Commissioner Oddo moved to approve Contract #2436-B, Sheriff Watch Office Renovation, to HEC Construction Solutions, LLC in the amount of \$891,038.18 to appoint a General Contractor. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

**12. Request to approve the purchase of office furniture and equipment through the Georgia Statewide Contract for the new Public Health Facility at 245 Booker Avenue, Fayetteville, for a total of \$379,278.06.**

Mr. Symonds stated that this request was to purchase furniture for the new Public Health Facility. He noted that only minimal furniture currently used would be repurposed for the new facility. Additionally, both the size and scope of services being offered was being increased which meant more furniture. Mr. Symonds stated that in working with a Georgia state pricing contractor via Staples who sourced the furniture, there would be three (3) separate purchase orders that would be specified by company (HON, Kimball, and CME) and the type of furniture they provided office furniture, medical equipment/furniture, and medical exam tables. He stated that this phase of the project was on a tight timeline because state contracts get busy towards the end of the year. He stated that there was a 10–12-week lead time, which would put the County in good shape as long as the order was placed by the beginning of October, to ensure the furniture is available and ready once renovations are completed at the end of December.

Commissioner Oddo asked what would happen with the old furniture.

Mr. Symonds advised that most of the existing furniture would be disposed of with a minimal portion being repurposed at the new facility, and at the discretion of the Health Department since it was their furniture.

Commissioner Oddo moved to approve the purchase of office furniture and equipment through the Georgia Statewide Contract for the new Public Health Facility at 245 Booker Avenue, Fayetteville, for a total of \$379,278.06. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

**13. Request to approve Bid #2450-B, Annual Asphalt Contract to C.W. Matthews, Inc. in the not-to-exceed amount of \$342,007.82.**

Public Works Director Phil Mallon advised that this was a familiar request that was submitted annually to approve annual asphalt contract. This asphalt was used for in-house projects.

Commissioner Oddo moved to approve to award Bid #2450-B, Annual Asphalt Contract to C.W. Matthews, Inc. in the not-to-exceed amount of \$342,007.82. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

**14. Request to award Bid #2455-B to the lowest responsive, responsible bidder, Piedmont Paving, Inc, in the amount of \$3,887,451.28 for construction of a multi-use tunnel, retaining walls, and multi-use paths near the intersection of Robinson and Redwine Roads (2017 SPLOST project 17TAI).**

Mr. Mallon stated that this project was a long time coming and he was very excited to present it, for approval. He noted that a project of this magnitude took a lot of work behind the scenes and the efforts of many different departments. He thanked the Environmental Management Department, Finance Department, as well as the Purchasing Department for their assistance. Mr. Mallon stated that if approved, the expectation, as outlined in the contract, was to have the tunnel completed by the beginning of the 2025/2026 school year.

Commissioner Maxwell noted the cost of the project and asked what was included in the project to account for the expense.

Mr. Mallon stated in addition to roadway paving, the tunnel itself was a very expensive component of the project and there was also large-scale retaining walls on both sides of the road that contributed to the cost of the project.

Commissioner Maxwell asked about the drainage system of the tunnel.

Mr. Mallon stated that the tunnel would have a uniform grade and as a result, water should never pond. There would also be two drains at each entrance of the tunnel to mitigate water from entering the tunnel and routing water under Redwine Road to the receiving stream.

Commissioner Maxwell asked if the tunnel would be built on site.

Mr. Mallon stated that the tunnel would be pre-cast, being built off site, brought in and set in place. He noted that this was done in an effort to limit the amount of time the road would be closed.

Commissioner Maxwell asked about lighting for the tunnel.

Mr. Mallon stated that there would be pole lighting along the entrance to the path as you near the tunnel as well as lighting within the tunnel.

Commissioner Maxwell asked if there would be guard rails in place to prevent cars from running into the path to the tunnel.

Mr. Mallon stated that the large retaining wall could cause a significant hazard so there would be a concrete barrier over the tunnel itself, with guardrails in place beyond the tunnel.

Commissioner Oddo moved to approve to award Bid #2455-B to the lowest responsive, responsible bidder, Piedmont Paving, Inc, in the amount of \$3,887,451.28 for construction of a multi-use tunnel, retaining walls, and multi-use paths near the intersection of Robinson and Redwine Roads (2017 SPLOST project 17TAI). Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.



## **ADMINISTRATOR'S REPORTS:**

### **Hot Projects Update**

Mr. Rapson stated that the Hot Projects report was forwarded to the Board and included updates on the Parks and Recreation multi-use facility, Coastline Bridge improvements, and a Water System AMI project update.

### **Joint Development Authority**

Mr. Rapson that he needed a selection committee for an open position on the Joint Development Authority.

Commissioner Oddo moved to appoint Vice Chairman Gibbons to serve on the Joint Development Authority selection committee. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

Commissioner Maxwell moved to appoint Chairman Hearn to serve on the Joint Development Authority selection committee. Commissioner Oddo seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

### **October 10, 2024 BOC Meeting**

Vice Chairman Gibbons moved to cancel the October 10<sup>th</sup> Board of Commissioners Meeting. Commissioner Oddo seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

### **Hurricane Helene Inclement Weather County Closure**

Mr. Rapson advised that out of abundance of caution, because Hurricane Helene was approaching the area, County offices would be closed tomorrow, September 27<sup>th</sup> due to inclement weather.

## **ATTORNEY'S REPORTS:**

**Notice of Executive Session:** County Dennis Davenport stated that there were seven items for Executive Session. Five items involving threatened litigation, one item involving pending litigation and the review of the September 22, 2024, Executive Session Minutes.

## **COMMISSIONERS' REPORTS:**

### **Vice Chairman Gibbons**

Vice Chairman Gibbons urged everyone to keep our public safety and essential staff in prayer as the hurricane nears the area.

### **EXECUTIVE SESSION:**

**Five items involving threatened litigation, one item involving pending litigation and the review of the September 22, 2024, Executive Session Minutes.** Commissioner Oddo moved to go into Executive Session. Commissioner Maxwell seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

The Board recessed into Executive Session at 5:34 p.m. and returned to Official Session at 5:56 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 3-0. Chairman Hearn and Commissioner Rousseau were absent.

**Approval of the September 22, 2024 Executive Session Minutes:** Commissioner Oddo moved to approve September 22, 2024, Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

## **ADJOURNMENT:**

Commissioner Oddo moved to adjourn the September 26, 2024, Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 3-0. Chairman Hearn and Commissioner Rousseau were absent.

The September 26, 2024, Board of Commissioners meeting adjourned at 5:34 p.m.

\_\_\_\_\_  
Marlena Edwards, Chief Deputy County Clerk

\_\_\_\_\_  
Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 24<sup>th</sup> day of October 2024. Attachments are available upon request at the County Clerk's Office.

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Request to approve the proposed Intergovernmental Agreement (IGA) between Fayette County and Clayton County for the Roundabout Project at South Jeff Davis, County Line, Inman, and North Bridge Roads (2004 SPLOST R-8A).

**Background/History/Details:**

This roundabout was approved by the Board of Commissioners as part of the 2004 SPLOST. The project is in the Right-of-Way Acquisition Phase and will soon be ready for construction.

The IGA provided as backup gives the County permission to conduct work in the area, which includes Clayton County property. There is a reimbursement that would cover work conducted in Clayton County's jurisdiction, which is a small percentage of the overall project. Staff and Legal, from both counties, have reviewed the IGA, and Clayton County has signed the agreement.

A copy of the partially executed IGA is provided as back-up to this request.

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

Approval of the proposed Intergovernmental Agreement (IGA) between Fayette County and Clayton County for the Roundabout Project at South Jeff Davis, County Line, Inman, and North Bridge Roads (2004 SPLOST R-8A).

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

Funding is available from the 2004 SPLOST, project R-8A.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

**STATE OF GEORGIA**

**COUNTY OF FAYETTE**

**INTERSECTION ROUNDABOUT CONSTRUCTION AGREEMENT**

This Agreement entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
between CLAYTON COUNTY, GEORGIA, a political subdivision of the State of Georgia, acting  
by and through its Board of Commissioners, hereinafter referred to as “Clayton County,” and  
FAYETTE COUNTY, GEORGIA, a political subdivision of the State of Georgia, acting by and  
through its Board of Commissioners, hereinafter referred to as “Fayette County,” to provide for  
certain road improvements, sidewalk, curb and gutter, and right-of-way acquisition within the  
unincorporated limits of Clayton County, hereinafter referred to as the “Agreement.”

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

WHEREAS, the Board of Commissioners of Clayton County is the duly authorized governing  
authority of Clayton County possessing sufficient authority to enter into this Agreement; and

WHEREAS, the Board of Commissioners of Fayette County is the duly authorized governing  
authority of Fayette County possessing sufficient authority to enter into this Agreement; and

WHEREAS, Fayette County and Clayton County mutually agree to the needed  
reconfiguration of the 4-way stop control to a roundabout at the intersection of County Line Road,  
Inman Road, S. Jeff Davis Drive and Northbridge Road hereinafter referred to as the “Project;” and

WHEREAS, the Project is situated primarily in Fayette County, but a small portion of the  
Project lies in Clayton County; and



WHEREAS, the Project is being constructed for the purpose of promoting adequate and safe means of transportation in Fayette County and Clayton County; and

WHEREAS, Fayette County and Clayton County desire to coordinate their efforts to share the proportionate costs associated with the Project as reflected within the right-of-way plans developed by Mallett Consulting, Inc. with revision date 9/19/2021, attached hereto as Exhibit “A,” with said Exhibit “A” incorporated herein by this reference.

NOW THEREFORE, for and in consideration of the premises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Clayton County and Fayette County, Clayton County and Fayette County hereby mutually agree as follows:

1.

The Project consists of the reconfiguration of the 4-way stop control to a roundabout at the intersection of County Line Road, Inman Road, S. Jeff Davis Drive and Northbridge Road. This includes, but may not be limited to, all grading, paving, stormwater infrastructure, striping (including crosswalk striping), signage, landscaping, sidewalks, utility infrastructure and power/energy installation. Fayette County agrees to do the following: (1) survey, design and develop a set of construction plans and specifications; (2) secure the required right-of-way and easements, if needed, from the property owner(s) located in both Clayton and Fayette Counties; (3) title any required right-of-way and easements located in Clayton County in the name of “Clayton County, Georgia,”; (4) solicit bids to complete all work in accordance with the construction plans and specifications; (5) contract with the selected low bidder to construct the work; (6) secure all payment and performance bonds and insurance from the contractor for the work; (7) secure the work site and prevent the tampering, vandalism or theft of equipment, tools or materials left at the site by Fayette County, its agents or employees, at the close of each working day; and (8) manage the construction of this Project

through completion within the limits of the Project plans. Fayette County will be constructing that portion of the Project within Clayton County consistent with the Project plans.

2.

Fayette County shall pay for all Project costs, including but not limited to design, right-of-way acquisition, and construction except for the items listed in Table of Clayton County Costs, attached hereto as Exhibit "B," with said Exhibit "B" incorporated herein by this reference.

3.

For safe use of the roundabout at night, four (4) light poles are to be installed within Fayette County which shall be charged to, and paid by, Fayette County. No light poles are planned to be installed within Clayton County for this project.

4.

Clayton County agrees to: (1) assist in securing the required right-of-way and easements, if needed, from the property owner(s) located in Clayton County; (2) assist Fayette County where possible to secure the work site and prevent the tampering, vandalism or theft of equipment, tools or materials left at the site by Fayette County, its agents or employees, at the close of each working day.

5.

Fayette County agrees to use certified flaggers and to follow the Manual on Uniform Traffic Control Devices (MUTCD) for temporary traffic control on all roads impacted by the Project, including Northbridge Road.

6.

Clayton County and Fayette County agree that Northbridge Road is a part of the Clayton County Road system and, as such, shall be completely and solely within Clayton County's jurisdiction and control. The roadway improvements along the portion of Northbridge Road within Clayton County are to be in accordance with the approved construction plans for the Project. Fayette

County assumes no interest in the title of said portion of Northridge Road within Clayton County. In no manner shall the portion of Northridge Road within Clayton County be deemed a Fayette County Road. The maintenance and repair of the portion of Northridge Road within Clayton County, other than the Project requirements, is, and shall remain the sole responsibility of Clayton County.

## 7.

Clayton County warrants that it owns or has rights to make the required Project improvements to the portion of Northridge Road within Clayton County, and further warrants that the performance of work on that portion of Northridge Road within Clayton County will not violate any restrictions, covenants, local or state law.

## 8.

Fayette County shall make improvements to the portion of Northridge Road located within Clayton County in the same manner as Fayette County improves all other roads in unincorporated Fayette County.

## 9.

Upon completion of the portion of the Project in Clayton County, Fayette County will invoice Clayton County for its share of the work as stated above.

## 10.

To the fullest extent permitted by law, Clayton County agrees to and hereby does defend, hold harmless and indemnify Fayette County and its officers, directors, employees, agents and representatives from and against any and all claims, damages, demands, actions, judgments, losses, costs, penalties, liabilities, assessments and expenses including, but not limited to, attorney's fees incurred or suffered by Fayette County that arise out of, or result from, the performance of the Project, which are not incurred or suffered due to the negligence of Fayette County.

To the fullest extent permitted by law, Fayette County agrees to and hereby does defend, hold harmless and indemnify Clayton County and its officers, directors, employees, agents and representatives from and against any and all claims, damages, demands, actions, judgments, losses, costs, penalties, liabilities, assessments and expenses including, but not limited to, attorney's fees incurred or suffered by Clayton County that arise out of, or result from, the performance of the Project, which are not incurred or suffered due to the negligence of Clayton County.

11.

This Agreement is a full and complete statement of the agreement of the parties as to the subject matter hereof and has been authorized by proper action of the respective parties.

12.

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



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

FAYETTE COUNTY, GEORGIA

(SEAL)

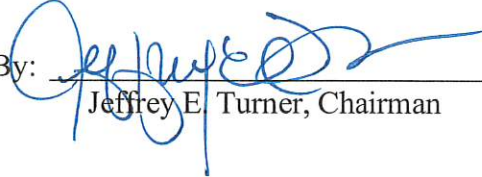
By: \_\_\_\_\_  
Lee Hearn, Chairman

Attest:

\_\_\_\_\_  
Tameca White, County Clerk

CLAYTON COUNTY, GEORGIA

(SEAL)

By:  \_\_\_\_\_  
Jeffrey E. Turner, Chairman

Attest:

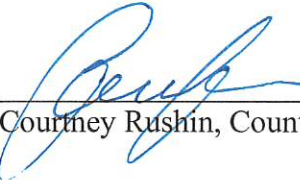
 \_\_\_\_\_  
Courtney Rushin, County Clerk



Exhibit "A"

Right-of-Way Plans

Roundabout at the Intersection of South Jeff Davis Drive, County Line Road,  
Inman Road, and Northbridge Road  
Revision Date 9-19-2021

## Exhibit "B"

## Table of Clayton County Costs

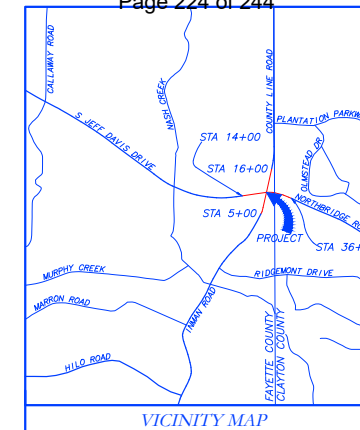
<b>ITEM</b>	<b>ESTIMATED COST</b>
1. Parcel 7: 556 square feet of required right-of-way.	\$6,000
2. Parcel 11: 1,855 square feet of required right-of-way.	\$4,000
3. Install approximately 190 ft. of 5-ft. wide concrete Sidewalk, including handicap ramp, from County line to existing R/W line at Entrance to Parcel 7.	\$20,000
4. Install approximately 190 ft. of curb & gutter.	\$6,000
<hr/>	
<u>Total:</u>	<u>\$36,000</u>

The above values are estimated costs. Clayton County agrees to pay the actual costs of the items above once they are completed. Additional Board of Commissioners approval will only be required if the actual value of the sum total exceeds the estimated value by a factor of two, i.e., more than \$72,000.

For fee simple right-of-way, the value will be based on a third party appraisal and the actual cost will be determined from the negotiated agreement. Clayton County is responsible for the cost of the fee simple right-of-way. Associated fees such as title reports, appraisals, legal, etc., shall be paid for by Fayette County.

RESERVED FOR COURT CLERK

# FAYETTE COUNTY DEPARTMENT OF PUBLIC WORKS RIGHT-OF-WAY PLANS EAST FAYETTEVILLE BY-PASS (SPLOST PROJECT R8-t1)

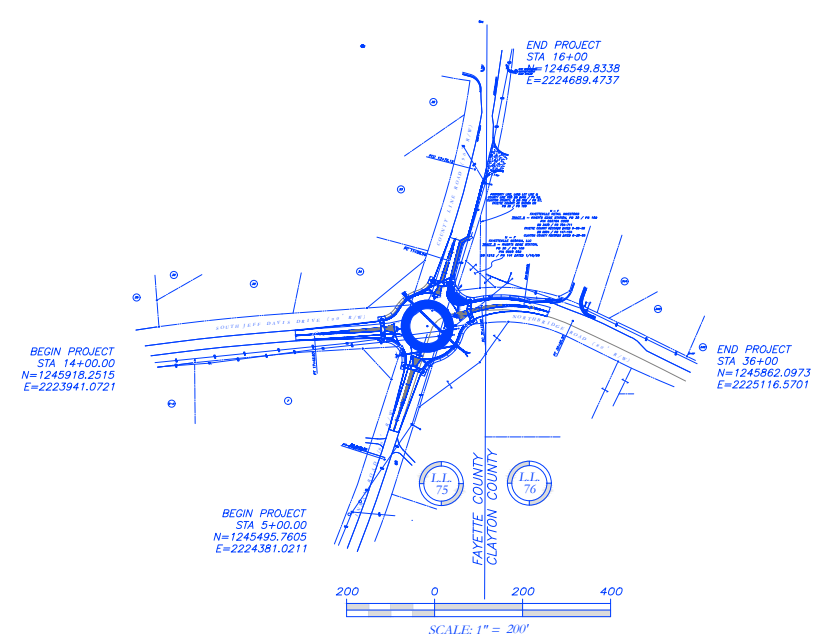


## ROUNDAABOUT AT THE INTERSECTION OF SOUTH JEFF DAVIS DRIVE, COUNTY LINE ROAD, INMAN ROAD AND NORTHBRIDGE ROAD

JUNE 1, 2018

- NOTES**
- NOTICE OF INTENT IS REQUIRED FOR THIS PROJECT.
  - THE DATA, TOGETHER WITH ALL OTHER INFORMATION SHOWN ON THESE PLANS, OR IN ANYWAY INDICATED THEREBY, WHETHER BY DRAWINGS OR NOTES, OR IN ANY OTHER MANNER, ARE BASED UPON FIELD INVESTIGATIONS AND ARE BELIEVED TO BE INDICATIVE OF ACTUAL CONDITIONS. HOWEVER, THE SAME ARE SHOWN AS INFORMATION ONLY, ARE NOT GUARANTEED, AND DO NOT BIND THE DEPARTMENT OF PUBLIC WORKS IN ANY WAY. THE ATTENTION OF BIDDER IS SPECIFICALLY DIRECTED TO SUBSECTIONS 102.04, 102.05 AND 104.03 OF THE GDOT SPECIFICATIONS.
  - ALL REFERENCES IN THIS DOCUMENT (WHICH INCLUDES ALL PAPERS, WRITINGS, DOCUMENTS, DRAWINGS, PHOTOGRAPHS USED OR TO BE USED IN CONNECTION WITH THIS DOCUMENT) TO "STATE HIGHWAY DEPARTMENT OF GEORGIA", "STATE HIGHWAY DEPARTMENT", "GEORGIA STATE HIGHWAY DEPARTMENT", "HIGHWAY DEPARTMENT" OR "DEPARTMENT" WHEN THE CONTEXT THEREOF SHALL BE DEEMED TO MEAN THE GEORGIA DEPARTMENT OF TRANSPORTATION.
  - HORIZONTAL DATUM IS BASED UPON NAD 83. VERTICAL DATUM IS BASED UPON NAVD 88.  
COORDINATES LISTED ARE GRID, BASED ON GEORGIA STATE PLANE, WEST ZONE.  
HORIZONTAL DATUM: NAD 83  
VERTICAL DATUM: NAVD 88  
THIS PROJECT IS IN ENGLISH UNITS.

GRID NORTH (GA WEST ZONE)



LENGTH OF PROJECT  
2277 FEET ~ .43 MILES

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

PLANS PREPARED UNDER THE SUPERVISION OF:

David W. Joeger P.E. #17887  
Mallett Consulting, Inc.  
115-B BRADFORD SQUARE FAYETTEVILLE, GEORGIA 30215  
PHONE: 770-719-3333 FAX: 770-719-3377

Donald Perryman R.L.S. #2133  
SURVEYS PLUS, INC.  
3565 South Cobb Drive Smyrna, Georgia 30080  
PHONE: 770-444-9736 FAX: 770-444-9739



**SURVEYS PLUS, INC.**  
3565 SOUTH COBB DRIVE  
SMYRNA, GEORGIA 30080  
PHONE: (770) 444-9736  
FAX: (770) 444-9739  
ALL TYPES OF SURVEYS PLUS ENGINEERING AND CONSTRUCTION MANAGEMENT

*Cobb County Surveyor*

REV. No.	DATE	DESCRIPTION	BY	APP'D	LAND LOT-75 & 76	DESIGN	SCALE
01	10-18-18	CALL CHANGES FOR PARCEL 12	JBD		DESIGN	MCI	SCALE NTS
02	2-13-19	ADDED DEED REFERENCES FOR TRACTS 2&3	JBD		DISTRICT - 5	DRAWN	DATE 6/1/18
03	9-19-21	UPDATE PLAN LAYOUT	JTB		SECTION -	CHECK	FILE NO. SPI 444.7F
					CITY - FAYETTEVILLE	APPROVED	SHEET NO. 1 of 2
					COUNTY - FAYETTE & CLAYTON		
					STATE - GEORGIA		

**811**  
Know what's below.  
Call before you dig.

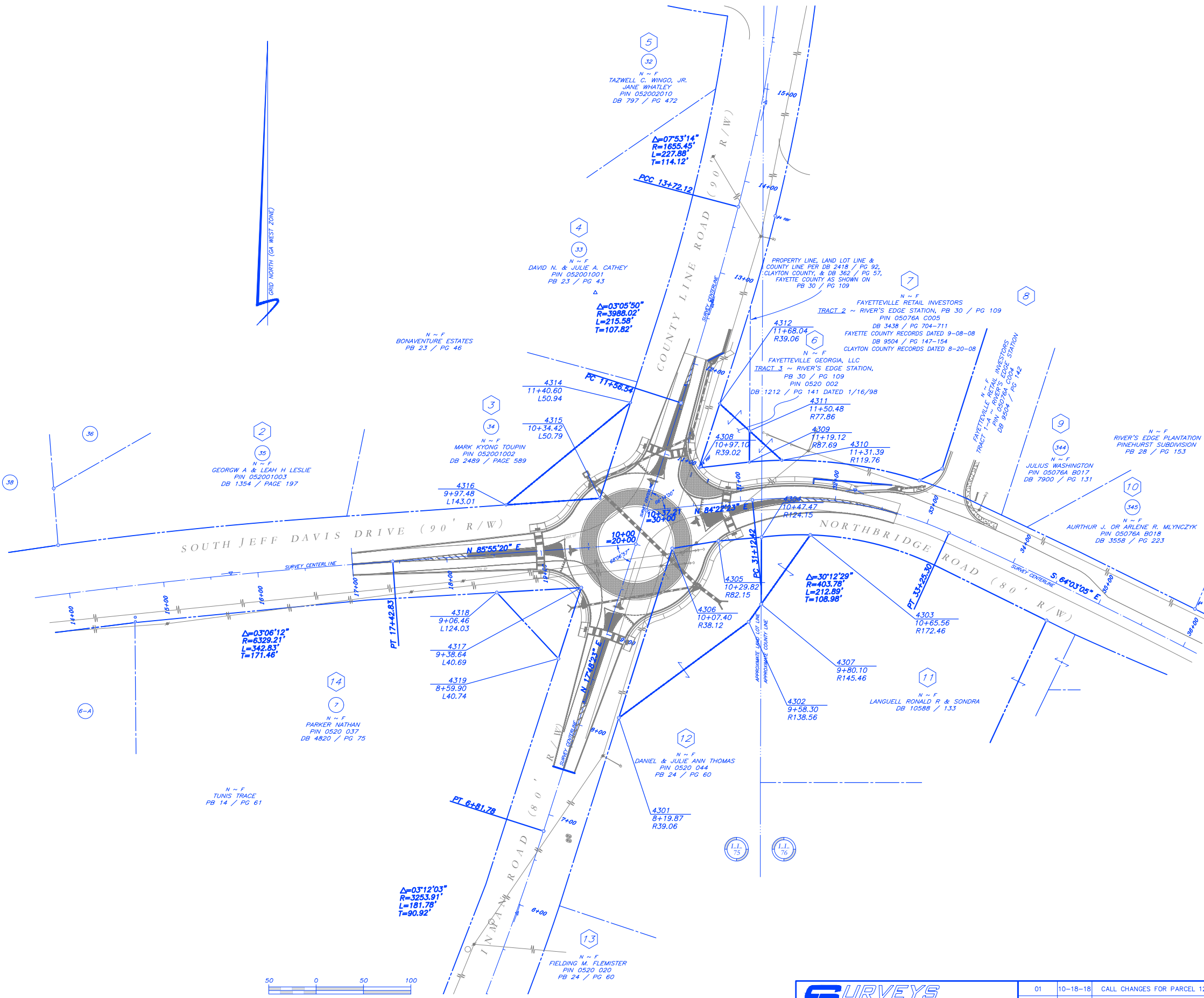
**Mallett Consulting, Inc.**  
101 DEVANT ST., SUITE 804 FAYETTEVILLE, GEORGIA 30214  
PHONE: 770-719-3333  
FAX: 770-719-3377

JEFF DAVIS ROUNDAABOUT  
FOR  
FAYETTE COUNTY PUBLIC WORKS

RIGHT-OF-WAY PLANS



PARCEL NO. 3 REQUIRED RIGHT-OF-WAY		4315 NORTH = 1246018.4726 EAST = 2224500.8958 STATION = 10+34.42 L50.79 S 85° 59' 32" W, 99.35'	4316 NORTH = 1246011.5003 EAST = 2224401.7963 STATION = 9+97.48 L143.01 N 50° 33' 36" E, 170.18'	4314 NORTH = 1246119.6087 EAST = 2224533.2218 STATION = 11+40.60 L50.94 S 17° 43' 30" W, 106.18'	4315 NORTH = 1246018.4726 EAST = 2224500.8958 STATION = 10+34.42 L50.79
PARCEL NO. 6 REQUIRED RIGHT-OF-WAY		4308 NORTH = 1246050.6831 EAST = 2224605.5724 STATION = 10+97.10 R39.02 N 17° 49' 36" E, 71.05'	4312 NORTH = 1246118.3241 EAST = 2224627.3242 STATION = 11+68.04 R39.06 S 47° 42' 29" E, 42.64'	4311 NORTH = 1246089.6292 EAST = 2224658.8684 STATION = 11+50.48 R77.86 S 00° 24' 02" W, 32.87'	4309 NORTH = 1246056.7611 EAST = 2224658.6386 STATION = 11+19.12 R87.69 S 83° 27' 57" W, 53.41'
PARCEL NO. 7 REQUIRED RIGHT-OF-WAY		4309 NORTH = 1246056.7611 EAST = 2224658.6386 STATION = 11+19.12 R87.69 N 00° 24' 02" E, 32.87'	4311 NORTH = 1246089.6292 EAST = 2224658.8684 STATION = 11+50.48 R77.86 S 47° 42' 29" E, 42.64'	4310 NORTH = 1246058.6423 EAST = 2224692.9322 STATION = 11+31.310 R119.76 LENGTH = 34.35' RADIUS = 453.85' CHORD = 34.35' - S 86° 51' 37" W	4309 NORTH = 1246056.7611 EAST = 2224658.6386 STATION = 11+19.12 R87.69
PARCEL NO. 11 REQUIRED RIGHT-OF-WAY		4304 NORTH = 1245977.3941 EAST = 2224671.4490 STATION = 10+47.47 R124.15 LENGTH = 51.64' RADIUS = 327.60' CHORD = 51.59' - N 87° 16' 26" E	4303 NORTH = 1245979.8477 EAST = 2224722.9776 STATION = 10+65.56 R172.46 S 35° 20' 45" W, 89.63'	4307 NORTH = 1245906.7424 EAST = 2224671.1285 STATION = 9+80.10 R145.46 N 00° 15' 36" W, 70.65'	4304 NORTH = 1245977.3941 EAST = 2224671.4490 STATION = 10+47.47 R124.15
PARCEL NO. 12 REQUIRED RIGHT-OF-WAY		4306 NORTH = 1245965.5510 EAST = 2224577.2855 STATION = 10+07.40 R38.12 N 80° 49' 00" E, 49.41'	4305 NORTH = 1245973.4367 EAST = 2224626.0622 STATION = 10+29.82 R82.15 N 85° 01' 01" E, 45.56'	4304 NORTH = 1245977.3941 EAST = 2224671.4490 STATION = 10+47.47 R124.15 S 00° 15' 36" W, 70.65'	4307 NORTH = 1245906.7424 EAST = 2224671.1285 STATION = 9+80.10 R145.46 S 35° 20' 45" W, 89.63'
PARCEL NO. 14 REQUIRED RIGHT-OF-WAY		4317 NORTH = 1245924.1885 EAST = 2224481.2211 STATION = 9+38.64 L40.69 S 17° 50' 37" W, 78.74'	4319 NORTH = 1245849.2330 EAST = 2224457.0939 STATION = 8+59.90 L40.74 N 42° 59' 14" W, 95.42'	4318 NORTH = 1245919.0350 EAST = 2224392.0326 STATION = 9+06.46 L124.03 N 86° 41' 37" E, 89.34'	4317 NORTH = 1245924.1885 EAST = 2224481.2211 STATION = 9+38.64 L40.69



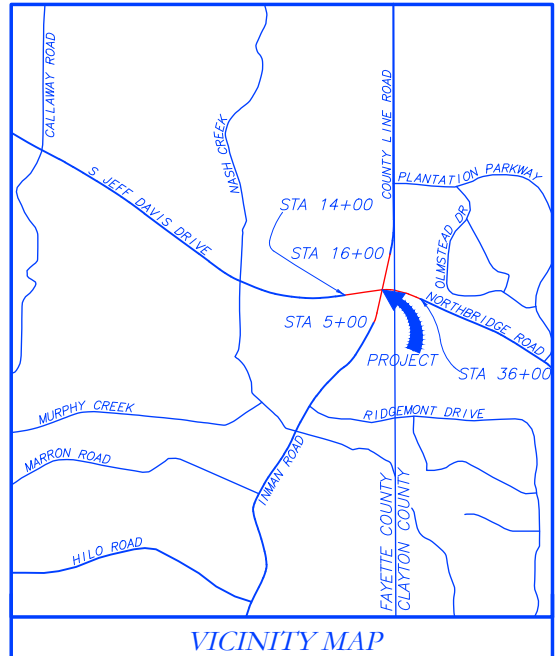
**Mallet Consulting, Inc.**  
 101 DEVANT ST., SUITE 804 FAYETTEVILLE, GEORGIA 30214  
 PHONE: 770-719-3333  
 FAX: 770-719-3377

JEFF DAVIS ROUNDABOUT  
 FOR  
 FAYETTE COUNTY PUBLIC WORKS

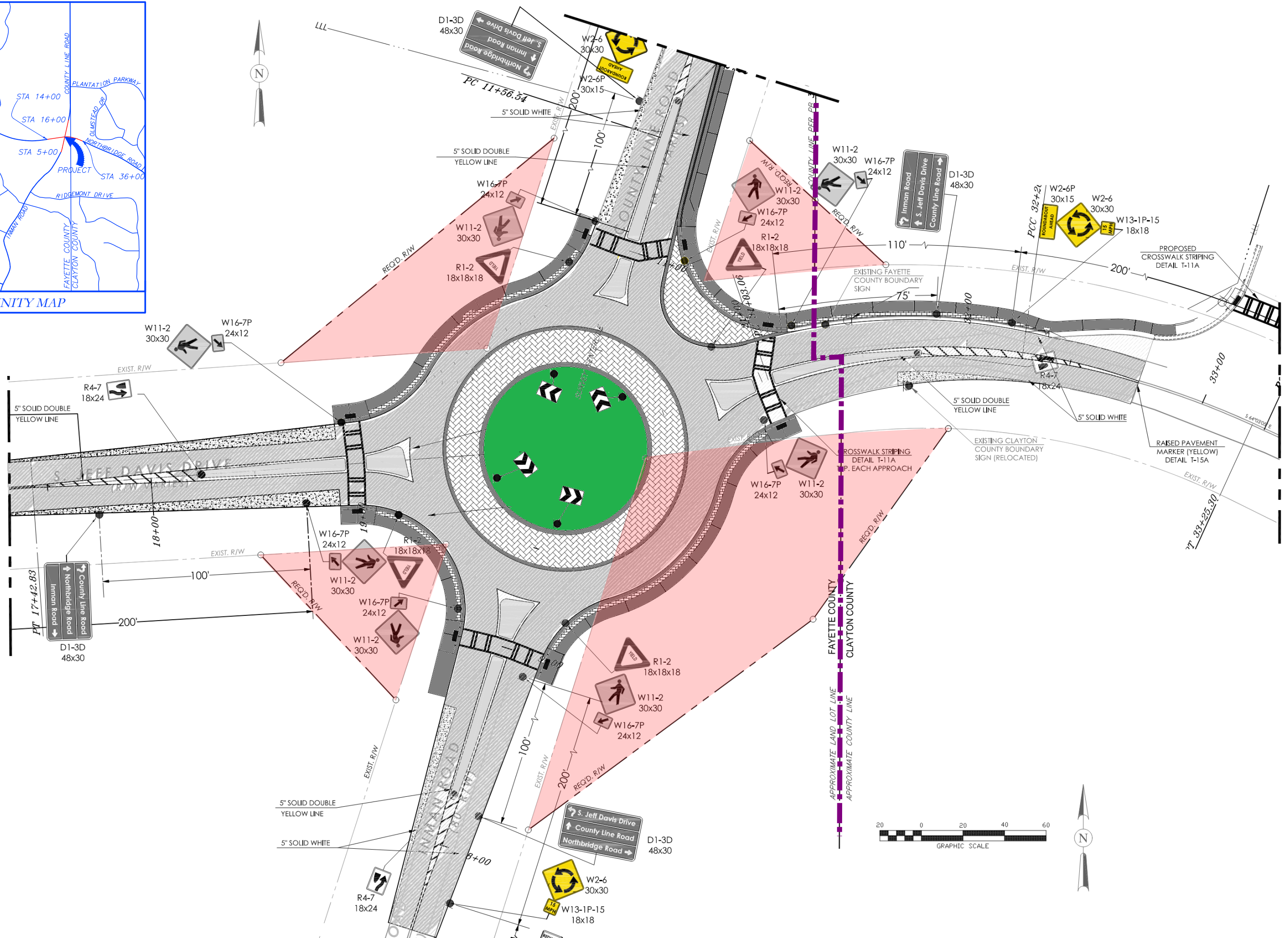
RIGHT-OF-WAY PLANS

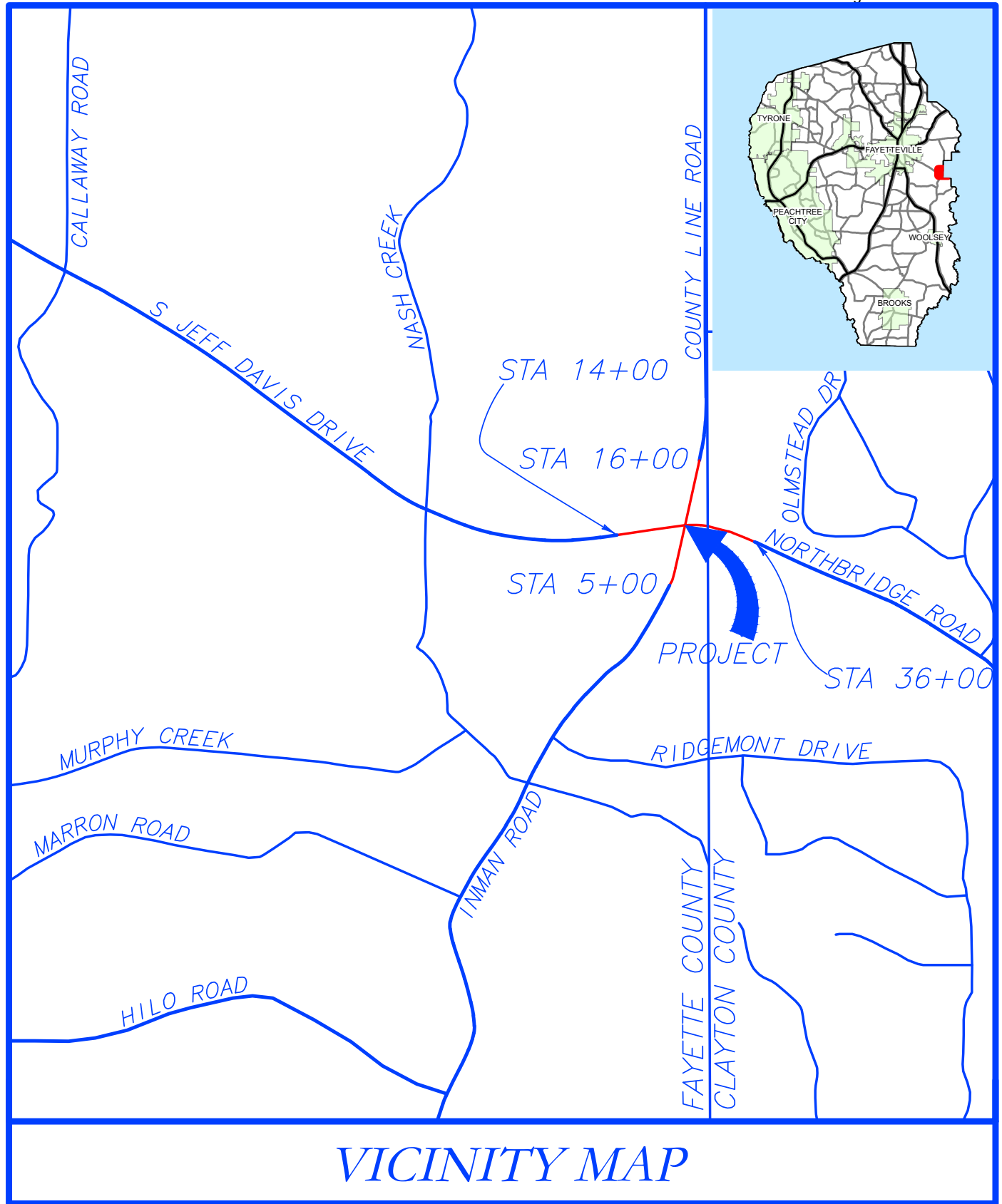
**SURVEYS PLUS, Inc.**  
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 SMYRNA, GEORGIA 30080  
 PHONE: (770) 444-9736  
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 ALL TYPES OF SURVEYS PLUS ENGINEERING AND CONSTRUCTION MANAGEMENT

01	10-18-18	CALL CHANGES FOR PARCEL 12	JBD	LAND LOT-75 & 76	DESIGN	MOI	SCALE	1" = 50'
02	2-13-19	ADDED DEED REFERENCES FOR TRACTS 2&3	JBD	DISTRICT - 5	DRAWN	RD, JB, JD	DATE	6/1/18
03	9-19-21	UPDATE PLAN LAYOUT	JTB	SECTION -	CHECK	DWJ	FILE NO.	SPI 4447F
REV. No.	DATE	DESCRIPTION	BY	APP'D	COUNTY - FAYETTE & CLAYTON	APPROVED	DWJ	SHEET NO.
					STATE - GEORGIA			2 of 2



VICINITY MAP





Fayette County 2004 SPLOST

R-8A Roundabout Project

South Jeff Davis, County Line, Inman, and North Bridge Roads





# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Request to award Bid #2428-B, Fayette County Resurfacing Program FY 2022 to the lowest responsive and responsible bidder, ER Snell Contractor Inc., for the amount of \$3,530,969.02 (2017 SPLOST 21TAC), contingent upon concurrence from the Georgia Department of Transportation (GDOT).

**Background/History/Details:**

In 2019, the Board approved staff to submit an application to the Atlanta Regional Commission (ARC) in response to their open solicitation for Transportation Improvement Program (TIP) projects. In addition, the Board approved the County's required local match (a minimum of 20%) to the project. The application was for a multi-jurisdictional resurfacing project for roads in unincorporated Fayette County, Peachtree City, Fayetteville and Tyrone. The Board approved to accept 2017 Transportation Improvement Program (TIP) grant award for SPLOST project 21TAC Fayette County Resurfacing Program FY 2022. The project includes 11.94 miles of resurfacing between the County, the City of Peachtree City, the City of Fayetteville, and the Town of Tyrone. The project has been advertised for bids in accordance with all federal requirements and staff is recommending award as noted above.

Reimbursement from the municipalities will be governed by the Intergovernmental Agreement fully executed April 10, 2023.

Per the ARC grant, 80% of construction costs will be reimbursed to Fayette County and the municipalities. The remaining 20%, \$706,193.80, is funded through the 2017 SPLOST 21TAC. The 80% amount of \$2,824,775.22 is the reimbursable portion of this contract.

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

Approval to award Bid #2428-B, Fayette County Resurfacing Program FY 2022 to the lowest responsive and responsible bidder, ER Snell Contractor Inc., for the amount of \$3,530,969.02 (2017 SPLOST 21TAC), contingent upon concurrence from the Georgia Department of Transportation (GDOT).

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

Funding for this project is available from the 2017 SPLOST - Fayette County Resurfacing Program FY2022 (21TAC) project. Reimbursement from the municipalities will be governed by the Intergovernmental Agreement fully executed April 10, 2023.

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:**

Staff will create a budget for the grant portion of this contract once approved.



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

To: Steve Rapson  
 Through: Ted L. Burgess *TLB*  
 From: Sherry White *SW*  
 Date: October 24, 2024  
 Subject: Contract #2428-B Fayette County Resurfacing FY2022 - Construction

In May 2023 the Purchasing Department issued an engineering and design contract to resurface county roads in Peachtree City, Fayetteville and Tyrone. With an Intergovernmental agreement and 80% funds from the accepted Transportation Improvement Program (TIP) 11.94 miles of roadway was identified for the program.

Purchasing issued Invitation to Bid 2428-B Fayette County Resurfacing FY2022 - Construction to secure a contractor for construction phase of the project. Notice of the opportunity was emailed to 28 companies. Another 227 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code #91395 (Paving and Resurfacing, Highway and Road) and #91396(Paving and Resurfacing, Streets, Major and Residential). The offer was also advertised through Fayette News, Georgia Local Government Access Marketplace, and the county website.

Ten (10) companies submitted bids (Attachment 1).

The Public Works Department recommends E.R. Snell Contractors Inc. A Contractor Performance Evaluations is attached (Attachment 2).

Specifics of the proposed contract are as follows:

<b>Contract Name</b>	#2428-B Fayette County Resurfacing FY2022 - Construction			
<b>Contractor</b>	E.R. Snell Contractors Inc.			
<b>Not-to-exceed amount</b>	\$3,530,969.02			
<b>Budget:</b>				

	<b>County Fund</b>		<b>Grant Fund</b>	
Fund	322	2017SPLOST	326	2017SPLOST
Org	32240220	Road SPLOST	32640220	Road SPLOST
Object	541210	Other Imp	541210	Other Imp
Project	21TAC	FY22 Resurfacing	21TAC	FY22 Resurfacing
Contract Amt.	\$706,193.80		\$2,824,775.22	
Available	\$764,936.90	As of 10/14/24	\$2,824,775.22	As of 1/2025



**ITB #2428-B Fayette County Resurfacing FY2022 - Construction**

**TALLY SHEET**

Tuesday, October 1, 2024

<b>Company Name</b>	<b>Total Bid Price</b>
Summit Construction	\$5,177,053.15
MHB Paving Inc.	\$4,716,431.57
Baldwin Paving	\$4,483,999.47
Stewart Brothers	\$4,247,816.15
CW Matthews	\$4,122,334.23
Blount Construction	\$3,975,473.31
Atlanta Paving	\$3,975,110.53
Magnum Paving LLC	\$3,913,150.93
McLeRoy Inc.	\$3,798,862.38
ER Snell Contractors Inc.	\$3,530,969.02

## FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: E. R. Snell Contractor, Inc.	Contract Number: 2319-B
Mailing Address: 1785 Oak Road	Contract Description or Title: Annual Asphalt Contract
City, St, Zip Code: Snellville, GA 30078	Contract Term (Dates) From: 8/1/2024-11/30/2024 (current)
Phone Number: 770-985-0600	Task Order Number:
Cell Number: N/A	Other Reference: For award of 2428-B Fayette County Resurfacing FY2022 - Construction
E-Mail Address: <a href="mailto:CJSNELL@ersnell.com">CJSNELL@ersnell.com</a>	

### DEFINITIONS

**OUTSTANDING** – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

**EXCELLENT (Exc)** - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

**SATISFACTORY (Sat)** - Vendor met minimum contractual requirements or performance expectations of the products/services.

**UNSATISFACTORY (UnSat)** - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

### EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule		X			
2. Condition of delivered products		X			
3. Quality of work		X			
4. Adherence to specifications or scope of work			X		
5. Timely, appropriate, & satisfactory problem or complaint resolution			X		
6. Timeliness and accuracy of invoicing		X			
7. Working relationship / interfacing with county staff and citizens		X			
8. Service Call (On-Call) response time					X
9. Adherence to contract budget and schedule			X		
10. Other (specify):					X
11. Overall evaluation of contractor performance		X			

### EVALUATED BY

Signature: <i>Bradley Klinger</i>	Date of Evaluation: 10-9-24
Print Name: Bradley Klinger	Department/Division: ROAD
Title: Assistant Director	Telephone No: 6039





# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Request to award Contract #2461-B HA 5, High Density Mineral Bond to Holbrook Asphalt, Inc. in the amount of \$299,495.02.

**Background/History/Details:**

HA5 is a High Density Bond pavement preservation treatment that significantly extends pavement life on residential roadways and parking surfaces. The following subdivisions and road pavement are structurally in good shape but in the early stages of showing the effects of age and weathering. HA5 is an unique tool that extends the life of low load/volume pavement at a lower cost than traditional asphalt overlay.

The following sub-divisions and roads (5.33 miles) will be treated under this contract:

- 1.) Northern Oaks Subdivision
- 2.) Northridge Subdivision
- 3.) Newton Plantation Subdivision
- 4.) Felton Court

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

Approval to award Contract #2461-B HA 5, High Density Mineral Bond to Holbrook Asphalt, Inc. in the amount of \$299,495.02.

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

There is funding available in the Road Department's M&O Technical Services account for this contract.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval


**Staff Notes:**






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

To: Steve Rapson

From: Ted L. Burgess 

Through: Sherry White 

Date: October 24, 2024

Subject: Contract #2461-B HA5 High Density Mineral Bond

HA5® is a high-density mineral bond road treatment that was developed by Holbrook Asphalt Company in St. George, Utah. It prevents cracking and loss of the bond between the aggregate and the binder, thus extending the life of the road. At this time, it is the only product that complies with a specification produced by the American Public Works Association. The Road Department seeks a contractor to apply HA5® to streets in the following subdivisions:

1. Northern Oaks Subdivision – Northern Oaks Drive, Elderberry Trail and Persimmon Point
2. Northridge Subdivision – North Drive, Benson Circle, Briarlake Court, Trail Point Circle, Heather Ridge, Largo Circle, Lawson Lane, Blackwood Circle.
3. Newton Plantation Subdivision – Smithstone Path, Travis Street, Dickson Street), Plantation Circle.
4. Felton Court

In the past, there was only one HA5® contractor in Georgia – Blount Construction Company, Inc. As of today, Holbrook Asphalt Company has acquired Blount Construction, and are the only distributors of HA5 in Georgia.

In hopes of attracting competition from neighboring states for a contract this size, the Purchasing Department issued Invitation to Bid #2461-B. Notice of the opportunity was emailed to 121 companies. Another 338 were contacted through the web-based Georgia Procurement Registry, who had registered under commodity code #91371 (Maintenance and Repair, Highway and Roads, Including Removal of Asphalt, Concrete, Bitumens, etc.), #91384 (Maintenance and Repair, Streets, Major and Residential), #91394 (Paving and Resurfacing, Alley and Parking Lot), #91396 (Paving and Resurfacing, Streets, Major and Residential). The offer was also advertised through Fayette News, Georgia Local Government Access Marketplace, and the county website.

One company, Holbrook Asphalt Company, submitted a bid (Attachment 1).

For the last six years, Blount Construction was the only bidder to respond to our invitations to bid. In 2018 a company from Alabama responded only to present a higher cost due to mobilization.

The Road Department recommends Holbrook Asphalt Company, currently the only supplier in Georgia. A Contractor Performance Evaluation is attached (Attachment 2).

Specifics of the proposed contract are as follows:

<b>Contract Name</b>	#2461-B HA5 High Density Mineral Bond		
<b>Contractor</b>	Holbrook Asphalt Company		
<b>Not-to-exceed amount</b>	\$299,495.02		
<b>Budget:</b>			
Fund	100	General Fund	
Org Code	40220	Road Department	
Object	521316	Technical Services	
Available	\$2,328,209.02	As of 9/20/2024	

**ITB #2461-B HA5 High Density Mineral Bond  
TALLY SHEET**

Wednesday, September 11, 2024

DESCRIPTION	UNIT OF MEASURE	ESTIMATED QUANTITY	UNIT PRICE	EXTENDED PRICE
HIGH DENSITY MINERAL BOND (2 COATS)	Square Yard	73,586	\$4.07	\$299,495.02

HOLBROOK ASPHALT LLC



## FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: Holbrook Asphalt LLC	Contract Number: #2330-B
Mailing Address: 1545 E Commerce Dr.	Contract Description or Title: HA5 High Density Mineral Bond
City, St, Zip Code: St. George, UT 84790	Contract Term (Dates) From: 1/9/24 – 6/30/24
Phone Number: 435-652-4427	Task Order Number:
Cell Number:	Other Reference: 2461-B HA5 High Density Mineral Bond
E-Mail Address: Keith@holbrookasphalt.com	

### DEFINITIONS

**OUTSTANDING** – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

**EXCELLENT (Exc)** - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

**SATISFACTORY (Sat)** - Vendor met minimum contractual requirements or performance expectations of the products/services.

**UNSATISFACTORY (UnSat)** - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

### EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule			X		
2. Condition of delivered products		X			
3. Quality of work		X			
4. Adherence to specifications or scope of work			X		
5. Timely, appropriate, & satisfactory problem or complaint resolution		X			
6. Timeliness and accuracy of invoicing		X			
7. Working relationship / interfacing with county staff and citizens		X			
8. Service Call (On-Call) response time					X
9. Adherence to contract budget and schedule			X		
10. Other (specify):					X
11. Overall evaluation of contractor performance		X			

### EVALUATED BY

Signature: <i>Bradley Kinger</i>	Date of Evaluation: 9/16/2024
Print Name: <i>Bradley Kinger</i>	Department/Division: ROAD
Title: <i>Assistant Director</i>	Telephone No: 9036



# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Request to approve the revision to Fayette County Code Chapter 104-Development Regulations; Article IV. Floodplain Management; Sec. 104-87- Provisions for flood damage reduction to maintain the county's Federal Emergency Management Agency (FEMA) Community Rating Service level.

**Background/History/Details:**

Fayette County participates in the FEMA Community Rating System program, which is commonly know as the CRS program. In order to meet the requirements of this program, an update to the current Floodplain code is required to maintain the county's current rating level of a 6, which affords a twenty percent (20%) discount on flood insurance to the citizens of Fayette County.

In section 104-87.4(b), Provisions for flood damage reduction, the language is required to remove the word "either" and to change the word "or" to "and" in order to clarify the requirements.

Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:

1. The lowest floor of the manufactured home is elevated no lower than three feet above the level of the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher; and
2. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

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

Approval to revise the Fayette County Code Chapter 104-Development Regulations; Article IV. Floodplain Management; Sec. 104-87- Provisions for flood damage reduction to maintain the county's Federal Emergency Management Agency (FEMA) Community Rating Service level.

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

None

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**

- b. Substantial improvement of any structure shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of subsection (a)(5) of this section. A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Environmental Management Department.
  - c. Accessory structures and facilities. Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, recreational facilities and other similar nonhabitable structures and facilities) which meet the requirements of sections 104-86(c), 104-88(e) and 104-87(g) and are permitted to be located within the limits of the future-conditions floodplain shall be constructed of flood-resistant materials and designed to provide adequate flood openings in accordance with subsection (a)(5)(a) of this section and be anchored to prevent flotation, collapse and lateral movement of the structure.
- (2) [Reserved.]
- (3) *Standards for recreational vehicles.* All recreational vehicles placed on sites must either:
- a. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
  - b. Meet all the requirements in subsection (b)(1) of this section, including the anchoring and elevation requirements.
- (4) *Standards for manufactured homes.*
- a. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of subsection (g) of this section and sections 104-86(e) and 104-88(e) have been met. If all the requirements of these sections have been met, all new construction and substantial improvement shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with section 104-87(5)a.
  - b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that ~~either~~:
    - 1. The lowest floor of the manufactured home is elevated no lower than three feet above the level of the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher; ~~or~~ (and)
    - 2. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
  - c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of subsection (a)(7) of this section.
- (c) *Building standards for structures and buildings authorized adjacent to the future-conditions floodplain.* For purposes of this article, the term "adjacent to the future-conditions floodplain" includes: all buildings and structures on a property that contains (partially or entirely) an area of special flood hazard; or all buildings and structures on a property that shares a common property line with another parcel that

**STATE OF GEORGIA**

**FAYETTE COUNTY**

**ORDINANCE**

**NO. 2024-\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO REVISE PROVISIONS PROVIDING FOR FLOOD DAMAGE REDUCTION STANDARDS FOR MANUFACTURED HOMES; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE: AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO FLOOD DAMAGE REDUCTION STANDARDS FOR MANUFACTURED HOMES, BE AMENDED AS FOLLOWS:**

**Section 1.** By deleting subpart (b) from part 4, pertaining to “Standards pertaining to Manufactured Homes, of sub section (b), pertaining to “Building standards for structures and buildings within the future-conditions floodplain,” of Section 104-87, pertaining to “Provisions for flood damage reduction,” from Article IV of Chapter 104, pertaining to “Development Regulations”, in its entirety and inserting in lieu thereof an entirely new subpart (b) in part 4, pertaining to “Standards pertaining to Manufactured Homes,” of sub section (b), pertaining to

“Building standards for structures and buildings within the future-conditions floodplain,” of Section 104-87, pertaining to “Provisions for flood damage reduction,” in Article IV of Chapter 104, pertaining to “Development Regulations”, to be read as follows:

- b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that:
  - 1. The lowest floor of the manufactured home is elevated no lower than three feet above the level of the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher; and
  - 2. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

**Section 2.** This ordinance shall become effective immediately upon its adoption by the Board of Commissioners of Fayette County.

**Section 3.** All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 4.** In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so



declared or adjudged invalid or unconstitutional were not a part thereof.  
The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

**(SIGNATURES ON FOLLOWING PAGE)**

**SO ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

**BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY**

(SEAL)

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

ATTEST:

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

Approved as to form:

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

Administrator's Report: A



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

To: Steve Rapson

Through: Ted L. Burgess *TB*

From: Colette Cobb *CC*

Date: August 28, 2024

Subject: Contract 2378-S: Water System Engineer of Record  
Task Order 25-03: Trilith Booster Pump Station

Arcadis U. S., Inc. was awarded Contract 2378-S on February 15, 2024, to serve as the Water System Engineer of Record. The contract award established hourly rates which each task order amount will be based on.

This Task Order will authorize Arcadis to provide professional engineering services for a booster pump station and associated infrastructure to be constructed as part of the Trilith Studios Elevated Storage Tank.

Specifics of the proposed task order are as follows:

<b>Contract Name</b>	2378-S: Water System Engineer of Record	
<b>Contractor</b>	Arcadis U.S., Inc.	
<b>Task Order 25-03</b>	Trilith Booster Pump Station	
<b>Not to Exceed Amount</b>	<u>\$112,271.00</u>	
<b>Budget:</b>		
Org Code	50740400	Water System CIP
Object	542540	Water CIP
Project	23WSH	
Available	\$899,324.08	

Approved by: *[Signature]* Date: 8/30/24

Administrator's Report: B



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

To: Steve Rapson  
Through: Ted L. Burgess *FB*  
From: Colette Cobb *CC*  
Date: August 30, 2024  
Subject: Contract 2378-S: Water System Engineer of Record  
Task Order 25-04: Chlorine Disinfection Upgrade

Arcadis U. S., Inc. was awarded Contract 2378-S on February 15, 2024, to serve as the Water System Engineer of Record. The contract award established hourly rates which each task order amount will be based on.

This Task Order will authorize Arcadis to provide detailed design engineering to upgrade the chlorine disinfection system at both Crosstown and South Fayette Water Treatment Plants.

Specifics of the proposed task order are as follows:

<b>Contract Name</b>	2378-S: Water System Engineer of Record	
<b>Contractor</b>	Arcadis U.S., Inc.	
<b>Task Order 25-04</b>	Chlorine Disinfection Upgrade	
<b>Not to Exceed Amount</b>	\$199,927.00	
<b>Budget:</b>		
Org Code	50740400	Water System CIP
Object	542540	Water CIP
Project	20WSF	
Available	\$211,621.54	

Approved by: *Steve Rapson* Date: 8/30/24