

## 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

March 27, 2025  
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 a new 2025 Retail Alcohol Beer and Wine License (M25-01501) for C4Whitewater Inc, doing business as Whitewater Amoco, located at 1552 Hwy 85 S, Fayetteville, GA 30215.(pages 3-22)
2. Consideration of Petition 1360-24, Brent Holdings, LLC, Applicant, Racetrac Petroleum, Inc, Owner, Daniel Fields and Steven Jones, Agents, proposes to rezone 55.800 acres from C-H Conditional to M-1 for the purpose of constructing a distributing warehouse; property located in Land Lot 233 of the 5th District and fronts on N. Highway 85, Corinth Road, Country Lane Road, and Carter Road. (pages 23-101)
3. Consideration of Petition 1361-25, Max Fuller, Applicant, After Hours Property Management, LLC, Owners, Christine Flanigan, Agent, propose to rezone 10.03 acres from A-R (Agricultural-Residential) to R-72 (Single-Family Residential) for the purpose of developing residential lots; property located in Land Lots 88 and 73 of the 5th District and fronts on John Street (abandoned) and Inman Road. (pages 102-149)

### **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:**

4. Acknowledgment of Sheriff Barry H. Babb's decision to accept one (1) vehicle with corrected VIN from the Town of Tyrone. (pages 150-161)

5. Approval of an emergency Supplemental Grant Award for the DUI Accountability Court for treatment services and drug testing expenses, in the amount of \$33,180.00 with no match required. (pages 162-164)
6. Approval of the March 13, 2025, Board of Commissioners Meeting Minutes. (pages 165-168)

**OLD BUSINESS**

**NEW BUSINESS:**

7. Request to enter into a Radio Communications Memorandum of Understanding (MOU) with Georgia Department of Public Safety for radio access. (pages 169-172)
8. Request to approve Contract #2000-P, Badger Meter, Change Order No. 08 for additional meter boxes, associated labor and additional allowance for labor with a not-to-exceed amount of \$210,964.56. (pages 173-183)
9. Discussion of the City of Peachtree City Recreation Program Intergovernmental Agreement between the City of Peachtree City and Fayette County effective October 1, 2025. (pages 184-187)

**ADMINISTRATOR'S REPORTS:**

**ATTORNEY'S REPORTS:**

**COMMISSIONERS' REPORTS:**

**EXECUTIVE SESSION:**

**ADJOURNMENT:**

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of a new 2025 Retail Alcohol Beer and Wine License (M25-01501) for C4Whitewater Inc, doing business as Whitewater Amoco, located at 1552 Hwy 85 S, Fayetteville, GA 30215.

**Background/History/Details:**

The applicant submitted an application to be reviewed and approved by county staff.

The applicant has met all requirements per the Fayette County Code of Ordinances.

The applicant has been approved by the following departments: Code Enforcement, Fire Marshal Office, and the Planning and Zoning Department.

There are no outstanding violations prohibiting this applicant from consideration before Board of Commissioners.

Staff recommends approval.

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

Approval a new 2025 Retail Alcohol Beer and Wine License (M25-01501) for C4Whitewater Inc, doing business as Whitewater Amoco, located at 1552 Hwy 85 S, Fayetteville, GA 30215.

**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:**

Case Number: 01501  
M25-1501

## Alcoholic Beverage License Application

### Fee Schedule

<p><u>Retail Package Sales</u> (Due at license issuance)</p> <p><input checked="" type="checkbox"/> Beer/Wine - \$1,000.00  <input type="checkbox"/> Beer Only - \$750.00  <input type="checkbox"/> Wine Only - \$400.00</p>	<p><u>On-Premise Sales</u> (Due at license issuance)</p> <p><input type="checkbox"/> Spirits/Beer/Wine - \$2,500.00  <input type="checkbox"/> Distilled Spirits - \$1,500.00  <input type="checkbox"/> Beer/ Wine - \$1,000.00  <input type="checkbox"/> Beer Only - \$750.00  <input type="checkbox"/> Wine Only - \$400.00</p>
<p><u>Alcohol Beverage Caterer</u> (Due at license issuance)</p> <p><input type="checkbox"/> Annual - \$250.00  <input type="checkbox"/> Beer/Spirit/Wine - \$75.00 per event  <input type="checkbox"/> Distilled Spirits - \$50.00 per event  <input type="checkbox"/> Beer/Wine - \$25.00 per event</p>	<p><u>Wholesaler</u> (Due at license issuance)</p> <p><input type="checkbox"/> Distilled Spirit - \$1000.00  <input type="checkbox"/> Malt/Wine - \$250.00</p>
<p><u>Other Fee</u> (Due with completed application)</p> <p><input type="checkbox"/> Administrative/Investigative fee - \$200.00  <input type="checkbox"/> Fingerprint Fee - \$42.25</p> <p>1,242.50</p>	

Fees may be paid by cash (exact change only), card (a processing fee may be charged), or check.

**Please return the complete application packet and corresponding documents to the:**

Fayette County Marshal's Office  
 140 West Stonewall Ave.  
 Suite 205  
 Fayetteville, GA 30214  
 770-305-5417  
 (Tuesday and Thursday 8 am to 11 am)

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Supporting Documentation Check List

**Please make sure all information requested is complete and included with the application packet before continuing to the departmental approval.**

- Completed Application
- Certified Survey Showing a Scaled Drawing of Location Showing Distances Required by Ordinance.
- Copy of Property Deed or Lease
- Copy of State Alcohol License *Pending*
- Copy of Georgia Secretary of State Registration

## Departmental Approval for Alcohol Permits

**Make sure to have the completed application and all required information before beginning the approval process.**

### 1. Planning and Zoning Department - Suite 202 - 770-305-5421

Print Name: Deborah L. Bell

Reviewed By: Deborah L. Bell Approved:  Denied:  N/A:

Date: 03/05/2025 420' to CCWW; 687' to WWMS

### 2. Fire Marshal's Office - Suite 214 - 770-305-5414

Print Name: V. P. P. P.

Reviewed By: [Signature] Approved:  Denied:  N/A:

Date: 7/5/2025

### 3. Marshal's Office - Suite 205 - 770-320-6070

Print Name: [Signature] Fingerprints:

Reviewed By: [Signature] OTC:

Date: 3/11/25 Approved:  Denied:  N/A:

**Alcoholic Beverage Permit Application**1. Occupational Tax Number: 9552

2. Trade name of the business for which license is applied:

~~GA~~ whitewater Amaco3. Business Name and Store Number: C4 whitewater Inc4. Business Street Address: 1552 Hwy 85City: Fayetteville State: GA Zip: 302155. Business Mailing Address: 1552 Hwy 85City: Fayetteville State: GA Zip: 302156. Business Phone Number: 678 882 43457. Business Email Address: chipolla@yahoo.com

8. Names and address of each person, firm, and corporation having any ownership interest in business and the amounts of such interest:

Satish Chipolla GA owner

Name	Residence	Interest

Name	Residence	Interest

Name	Residence	Interest

9. How much of the capital of this business is borrowed and from where?

Amount	Lender	Interest

Amount	Lender	Interest

10. Will this business be owned by the applicant as a sole proprietorship? yes

11. If this business will be owned in whole or in part by a partnership, list the names and addresses of all general partners.

N/A

<i>Name</i>	<i>Residence</i>	<i>Interest</i>
<i>Name</i>	<i>Residence</i>	<i>Interest</i>
<i>Name</i>	<i>Residence</i>	<i>Interest</i>

12. If this business is operated by a close corporation list names and addresses of all officers, directors, and stockholders, as well as the names and addresses of the permit holder and/or representative.

<i>Name</i>	<i>Residence</i>	<i>Title</i>
<i>Name</i>	<i>Residence</i>	<i>Title</i>
<i>Name</i>	<i>Residence</i>	<i>Title</i>

13. If the business is operated by a corporation, other than a close corporation, list the name of the corporation, the address of the corporate office the name and address of the registered agent, and the name and address of the permit older and/or representative:

N/A

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14. Has the applicant and/or licensee ever had its/his/her license to sell alcoholic beverages suspended during the past five years or revoked by any state or political subdivision hereof?

NO

15. Is the applicant the owner of the building where business is to be conducted? NO

16. Is the applicant the landowner of where the business is to be conducted? NO

17. If the answer is no to either question, state whether you lease, sub-lease, and/or rent the building and whether you lease, or sub-lease the land or both. Lease.

18. Has the applicant entered into an agreement or contract with either the owner or owners, leasers, or sub-leasers for either the building or land or both, which provides for the payment of rent on a percentage or profit-sharing basis? yes.

19. If the property is not owned by the applicant, state the full name and address of the owner of the building and land where the tourist accommodation will be conducted. State the name and address of all leasers and sub-leasers.

Green Oil Company / GEO. H. Green Oil, Inc.  
41 Dodd St.  
Fairburn GA 30213.

20. Name the manager of the business for which the application is filed and state how he/she is compensated.

Name	Residence	Interest
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*Compensation*

21. Has any place of business engaged in the sale of distilled spirits, wine, or beer with which you have been associated ever been cited or charged at any time with any violation of Georgia law or federal law or municipal law, or any rule or regulation or ordinance concerning the sale of such products?

Date	Authority Issuing Citation	Violation	Result
Date	Authority Issuing Citation	Violation	Result
Date	Authority Issuing Citation	Violation	Result
Date	Authority Issuing Citation	Violation	Result



Licensee/Operator Information

1. Last Name Chipolla First Satish Middle Kumar
2. List maiden name and all married names: \_\_\_\_\_
3. Age 50 Date of Birth 1/17/1974 Social Security Number [REDACTED]
4. Place of Birth City Hyderabad State Telangana Country India
5. US Citizen Yes  No  Alien Registration # \_\_\_\_\_
6. Date and Port of Entry 4/16/1999
7. If naturalized, when? 2004
8. Business name to be permitted C4 Whitewater Inc.  
 Business Address 1552 Hwy 85  
 City Fayetteville State CA Zip 30215
9. Position at place of employment owner
10. Personal Telephone Number: 678 882 4345
11. Personal Email Address: Chipolla@yahoo.com
12. Home Address: 2825 Red Rocks trail  
 City: Cumming State: CA Zip: 30041
13. Mailing Address: 2825 Red Rocks trail  
 City: Cumming State: CA Zip: 30041
14. Resident of FORSYTH County CA State
15. Is the above address your bona fide place of domicile? yes
16. How long have you lived there? 10 yrs.
17. If less than ten years, give your previous address and the length of time you resided at said address.
- \_\_\_\_\_
- \_\_\_\_\_

# Criminal History

***Do not sign unless in the presence of a notary.***

In the spaces provided below, list all convictions including pleas of nolo contendere, first offender, forfeiture of bond, etc., for any felony or misdemeanor, crimes of moral turpitude, gambling, sexual offenses, assault, battery, family violence, or illegal drugs within the five years prior to the date of application:

<i>Date of Offense</i>	<i>Place of Offense</i>	<i>Type</i>	<i>Disposition</i>
1.			
2.			
3.			

*If additional space is required, attach a sheet with the additional offenses and information.*


Under Georgia Criminal Code Section 16-10-20, any person who knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or device, makes a false, fictitious, or fraudulent statement or representation, shall, upon conviction, therefore, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one year nor more than five years, or both.

I have read and understand that any falsehood or half-truth submitted in this application is a felony and will render me ineligible to receive an alcoholic beverage license in this County. I also understand that any falsehood or half-truth discovered by investigators during the term of this permit (which is one year from the date of the application) is grounds for its revocation and my subsequent prosecution.

I hereby authorize the Fayette County Marshal's Office to receive any criminal history record information pertaining to me which may be in the files of any state or local criminal justice agency in Georgia.

12/6/24  
 \_\_\_\_\_  
 Signature of Applicant Date

Sworn and subscribed before me this 6 day of December, 2024.

  
 \_\_\_\_\_  
 Notary

**STEPHANIE R BARNETT**  
 NOTARY PUBLIC  
 Forsyth County  
 State of Georgia  
 My Comm. Expires Feb. 21, 2028

# Verification

**Do not sign unless in the presence of a notary.**

I, Satish Chippolla, applicant, do solemnly swear, subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for a Fayette County Alcoholic Beverage License are true, and no false or fraudulent statement or answer is made therein to procure the granting of such permit.

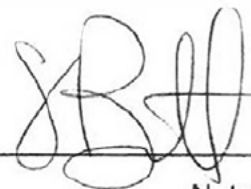
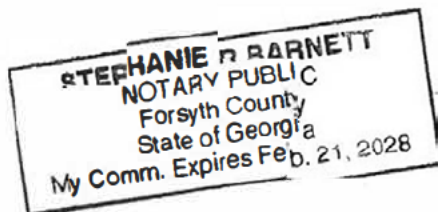


Applicant's Signature

I certify that the above signed has provided me with proper documentation as verification of his/her identity. I also certify that he/she signed his/her name to the foregoing application after stating to me that he/she knew and understood all statements and answers made therein, and under oath administered by me, has sworn that said statements and answers are true.

This: 12 day of: December, 2024

(Affix Seal)



Notary Public

## Alcoholic Beverage Ordinance

- My signature acknowledges that I have read and understand the Fayette County Alcoholic Beverage Ordinance.
- It is my responsibility to know its content.
- This ordinance is strictly enforced.

Should you have any questions, please call this office at 770-305-5417.

A handwritten signature in black ink, appearing to read "J. H. [unclear]", written over a horizontal line.

Applicant's Signature

Sec 4-36

(6) For the purposes of this section, distances shall be measured in the manner described below. Where the term "route of travel" is used, said term shall mean any means of travel on a paved or otherwise improved surface for public vehicular traffic.

(2) Wine  
+ malt  
beverages

100yds  
from  
school  
grounds

- a. To a school, school building, educational building, school grounds, child care facility, college campus, or any property containing 300 housing units or fewer owned or operated by a housing authority created by O.C.G.A. § 8-3-1 et seq., the state "Housing Authorities Law" distance shall be measured as follows:
  1. From the main public entrance of the structure from which any alcoholic beverage is sold or offered for sale;
  2. In a straight line to the nearest public route of travel;
  3. Along such public route of travel by the nearest route;
  4. To the nearest portion of the grounds of the school building, educational building, child care facility, college campus, or any property containing 300 housing units or fewer owned or operated by a housing authority created by O.C.G.A. § 8-3-1 et seq., the state "Housing Authorities Law."
- b. To an alcoholic treatment center owned and operated by this state or any county or municipal government therein, private residence, or church building, distance shall be measured as follows:
  1. From the main public entrance of the structure from which any alcoholic beverage is sold or offered for sale;
  2. In a straight line to the nearest public route of travel;
  3. Along such public route of travel by the nearest route;
  4. To the nearest entrance of the alcoholic treatment center owned and operated by this state or any county or municipal government therein, private residence, or church building.

WW Church/  
School  
420'

WWMS  
687'

**DISTANCE MEASUREMENTS**

CLOSEST POINT OF SCHOOL GROUNDS  
687'  
WHITEWATER MIDDLE SCHOOL  
1533 HWY 85 SOUTH  
FAYETTEVILLE, GA 30215

CHURCH/SCHOOL  
1,162' BUILDING  
420' PROPERTY LINE  
CHRIST'S CHURCH AT WHITEWATER  
1577 HWY 85 SOUTH  
FAYETTEVILLE, GA 30215

ALCOHOLIC TREATMENT CENTER  
1,180'  
CHRIST'S CHURCH AT WHITEWATER  
1577 HWY 85 SOUTH  
FAYETTEVILLE, GA 30215

PRIVATE RESIDENCE  
1,138.52'  
776 MCBIRDE RD.  
FAYETTEVILLE, GA 30215

METHOD OF MEASUREMENT  
PER CODE SEC. 4-36



WHITEWATER  
MIDDLE SCHOOL  
GROUNDS

GA. HWY 85  
130' R/W

PROPERTY LINE FOR  
CHRIST'S CHURCH AT  
WHITEWATER

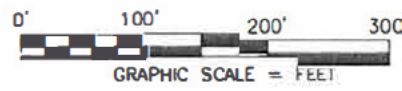
CHRIST'S CHURCH  
AT WHITEWATER

PROPOSED  
BUILDING FOR  
ALCOHOLIC  
SALES

N/F  
BELTRAN  
DB. 4393 PG. 453  
PB. 48 PG. 18  
0450 090  
ZONED R-70

N/F  
LAMB  
DB. 4476 PG. 682  
0450 087  
ZONED A-R

N/F  
SMITH  
DB. 4422 PG. 678  
PB. 48 PG. 18  
0450 027  
ZONED R-70



**SIBLEY-MILLER  
SURVEYING & PLANNING INC.**  
CIVIL ENGINEERING  
TOPOGRAPHICAL SURVEYS  
LAND DEVELOPMENT DESIGN  
CONSTRUCTION LAYOUT  
LAND PLANNING  
212 WEST CAMPGROUND RD  
MCDONOUGH, GA 30253  
PHONE: (770) 320-7555  
FAX: (770) 320-7333  
www.sibley-miller.com

**ALCOHOL SURVEY**  
**GREEN OIL**  
**1552 HWY 85 S**  
**LAND LOT 263, 4th DISTRICT**  
**FAYETTE COUNTY, GEORGIA**



PROJECT #: B19028  
**REVISED**  
**ALCOHOL SURVEY**  
DRAWN BY: TLM  
SCALE: 1" = 100'  
DATE: 12/12/2024

**COMMERCIAL REAL ESTATE LEASE**

This Commercial Real Estate Lease (this "Lease") made this DECEMBER, 2024, between GEO. H. GREEN OIL, INC., a Georgia corporation, hereinafter "Lessor", with a business address of (Mailing) P.O. BOX 127 (Street) 41 DODD STREET, FAIRBURN, GEORGIA 30213, and C4 Whitewater, INC., a Georgia Corporation, hereinafter "Lessee", with an address of 1552 HWY 85 South, Fayetteville, GA 30135,

**WITNESSETH:**

1. **Lease of Premises.** Pursuant to the terms of this Lease, Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor 1552 HWY 85 South, Fayetteville, GA 30215 (referred to hereinafter as the "Premises"), a portion of the entire property and improvements located at 1552 HWY 85 South, Fayetteville, GA 30215, (referred to hereinafter as the "Property"), more fully described in EXHIBIT "A" attached hereto and incorporated herein.
2. **Term.** The term of this Lease shall be Five (5) **YEARS**, commencing on DECEMBER 1, 2024 and expiring on NOVEMBER 30, 2029 (the "Term").

3. **Rent.**

3(a) **Rental Amount.** Lessee agrees to pay Lessor, by payments at Lessor's office, or at any other address as designated by Lessor in writing to Lessee, promptly on the fifth (5<sup>th</sup>) day of each month, in arrears, during the Term, rent calculated as set forth below. Such rent shall be payable without setoff, deduction, notice or demand. The monthly rent shall be equal to seven percent (7%) of Inside Sales from the Premises for the preceding month. For purposes of this Lease, "Inside Sales" shall mean the total amount of all sales of merchandise or services made in, upon or from the Premises during any given month, whether made by Lessee or any other person, at wholesale or at retail, whether for cash or on credit; provided, however, Inside Sales shall NOT include (i) lottery sales, (ii) petroleum sales, (iii) the amounts of all discounts, refunds, credits, allowances and adjustments made to customers, and (iv) the amount of all retail sales taxes which are charged to customers as retail sales taxes. Lessee shall submit to Lessor on or before the fifth (5<sup>th</sup>) day of each month a monthly statement for the preceding month showing the Inside Sales from the Premises for said month. Such monthly statement shall be signed by a principal executive of Lessee.

3(c) **Point-of-Sale Reports.** Lessee shall provide Lessor on a daily basis during the Term of this Lease a copy of the point-of-sale ("POS") report showing sales information for the day. Lessee's operation of any POS equipment at the Premises that does not report sales to Lessor or Lessee's failure to provide daily POS reports to Lessor shall constitute a default by Lessee under this Lease and grounds for immediate termination of this Lease by Lessor.

3(d) **Inspection and Audit.** Lessor or its agents may at reasonable times inspect and audit the POS reports. If any inspection or audit by Lessor or its agents of such reports reveals a deficiency in any payment of the rent amount due, Lessee shall immediately pay to Lessor the amount of the deficiency together with interest at the rate of ten percent (10%) per annum from the date when said payment should have been made. If the rent amount due should be understated by more than one percent (1%), then Lessee shall pay to Lessor, in addition to all other payments, the cost of Lessor's inspection and audit.

IN WITNESS WHEREOF, Lessor and Lessee have executed this Commercial Real Estate Lease under seal as of the day and year first above written. Signed, sealed, and delivered in the presence of:

**LESSOR:**

**GEO. H. GREEN OIL, INC.**  
a Georgia corporation

DocuSigned by:  
*John Cook* 776-234-12/4/2024 [SEAL]  
JOHN COOK 0168  
**Director of Wholesale Operations**

(Corporate Seal)

Signed, sealed, and delivered in the Presence of:

Witness:

*Jamie Magee*

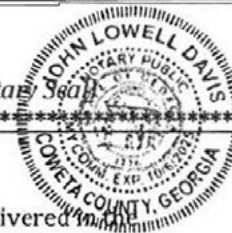
Notary Public:

*[Signature]*

My Commission Expires:

10/06/2025

(Notary Seal)



**LESSEE:**

**C4 Whitewater, INC.**

DocuSigned by:  
*Satish Chigalla* [SEAL]  
081050E240A4DB 12/3/2024

**OWNER**

(Seal)

Signed, sealed, and delivered in the presence of:

Witness:

*Jamie Magee*

Notary Public:

*[Signature]*

My Commission Expires:

10/06/2025





# STATE OF GEORGIA

Secretary of State  
Corporations Division  
313 West Tower  
2 Martin Luther King, Jr. Dr.  
Atlanta, Georgia 30334-1530

## CERTIFICATE OF INCORPORATION

I, **Brad Raffensperger**, the Secretary of State and the Corporation Commissioner of the State of Georgia, hereby certify under the seal of my office that

**C4whitewater INC**  
a Domestic Profit Corporation

has been duly incorporated under the laws of the State of Georgia on **11/14/2024** by the filing of articles of incorporation in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta  
and the State of Georgia on **11/26/2024**.



*Brad Raffensperger*

**Brad Raffensperger**  
Secretary of State

**ARTICLES OF INCORPORATION**

**\*Electronically Filed\***  
**Secretary of State**  
**Filing Date: 11/14/2024 11:45:51 AM**

**BUSINESS INFORMATION**

<b>CONTROL NUMBER</b>	24216922
<b>BUSINESS NAME</b>	C4whitewater INC
<b>BUSINESS TYPE</b>	Domestic Profit Corporation
<b>EFFECTIVE DATE</b>	11/14/2024
<b>SHARES</b>	100

**PRINCIPAL OFFICE ADDRESS**

<b>ADDRESS</b>	2825 red rocks trail, cumming, GA, 30041, USA
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**REGISTERED AGENT**

<b>NAME</b>	<b>ADDRESS</b>	<b>COUNTY</b>
satish chipulla	2825 red rocks trail, cumming, GA, 30041, USA	Forsyth

**INCORPORATOR(S)**

<b>NAME</b>	<b>TITLE</b>	<b>ADDRESS</b>
satish chipulla	INCORPORATOR	2825 red rocks trail, cumming, GA, 30041, USA

**OPTIONAL PROVISIONS**

N/A

**AUTHORIZER INFORMATION**

<b>AUTHORIZER SIGNATURE</b>	satish cbipulla
<b>AUTHORIZER TITLE</b>	Incorporator



# Fayette County Department of Building Safety

Phone: 770-305-5403

Fax: 770-305-5212

NO: CNEW-11-23-071799

## *CERTIFICATE OF OCCUPANCY* **COMMERCIAL**

In accordance with Chapter 5 of the Fayette County Code, the building or structure described below has been inspected for compliance with the requirements of the current state mandated version of the International Building Code® (IBC), in conjunction with the Georgia State Amendments for the occupancy, division of occupancy and the use for which the occupancy is classified, and no violations of the provisions of this code or other laws that are enforced by the Fayette County Department of Building Safety have been found.

Building Permit Number: **CNEW-11-23-071799**

Building/Structure Address: **1552 S HIGHWAY 85, Fayetteville, GA 30215**

Owner Name: **W&W Realty LLP**

Owner Address: **41 Dodd St / P O Box 127 - Fairburn, Georgia - 30213**

Description of the Structure (or portion thereof) for which this Certificate is Issued: **Commercial- Multi Suite- only one site approved with the finish**

Use and Occupancy Classification per Current adopted version of the IBC, Chapter 3: **Mercantile - M**

Use and Construction as defined in the Current adopted version of the IBC, Chapter 6: **III B**

Design Occupant Load: **184**

Automatic Sprinkler System Provided: **No**

Automatic Sprinkler System Required: **No**

Special Stipulations and Conditions of the Building Permit:

**Inspector: Peter Simmonds**

**Date & Time: 1/29 /2025**

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**Leslie Nieber**

**BUILDING OFFICIAL / DIRECTOR**

**FAYETTE COUNTY DEPARTMENT OF BUILDING SAFETY**



**Fayette County**  
Finance Department  
140 Stonewall Avenue  
Suite 101  
Fayetteville, GA 30214

BUSINESS LOCATION	OWNER ID
1552 HWY 85 S FAYETTEVILLE, GA 30215	149737

**NOTICE**

This certificate becomes null & void if ownership changes. We must be notified in writing within 5 days of such change or transfer. A fee of \$35.00 will apply.

BUSINESS NAME & MAILING ADDRESS
C4 WHITEWATER INC DBA: WHITEWATER AMACO 1552 HWY 85 S FAYETTEVILLE, GA 30215 770-964-6125

**POST IN A CONSPICUOUS PLACE**

**OCCUPATIONAL TAX CERTIFICATE**  
**2025**

Certificate Number	9552
Issue Date	02/21/2025
Expiration Date	12/31/2025
Category	RETAIL SALES
Type	CONVENIENCE STORE

Total Received	\$150.00
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*Tracy Taylor*  
Signature

**NON-TRANSFERABLE**



# Fayette County Sheriff's Office

**BARRY H. BABB  
SHERIFF**

Randall Johnson Law  
Enforcement Center  
155 Johnson Avenue  
Fayetteville, Georgia 30214  
(770) 461-6353  
EMERGENCY: 9-1-1

### AUTHORIZATION FOR RELEASE OF INFORMATION

I hereby authorize the Fayette County Sheriff's Office to receive any Georgia criminal history record information obtained through the Georgia Crime Information Center (G.C.I.C.) All information must be completely filled out.

Chippolla Satish Kumar  
 LAST FIRST MIDDLE MAIDEN

2825 Red Rocks Trc Cumming Ga 30041  
 STREET ADDRESS CITY STATE ZIP

█ █ 174 M █ █ █ █ █ █  
 DATE OF BIRTH SEX SOCIAL SECURITY NUMBER

RACE:  AMERICAN INDIAN  ASIAN  BLACK  WHITE  
(Per GCIC/NCIC guidelines, only the above races will be accepted for Criminal History purposes by the Georgia Crime Information Center.)

Name the person and company/organization that will be receiving this information.  
Please check N/A if this does not apply.

codeviolations@fayettecountyga.gov  
Name of Requestor

Fayette County Marshal's Office  
Name of Company/Organization

N/A

### Fingerprints and Georgia Criminal History

Please check all that applies:

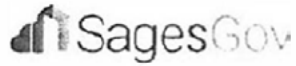
- Employment/volunteer work with children (Purpose code 'W')
- Employment/volunteer work with elder care (Purpose code 'N')
- Employment/volunteer work with mentally disabled (Purpose code 'M')

One of the following must be checked:

- This authorization is valid for 90/180 (circle one) days from date of signature.
- I, Satish Chippolla give consent to the above named to perform periodic criminal history background checks for the duration of my employment with this company.

SIGNATURE [Signature] DATE 12/6/24

\*\*\*\*\*



# Payment Receipt #023378

3/6/2025

Fayette County  
140 Stonewall Ave. West, Suite 201, Fayetteville,  
Georgia, 30214

Satish Chipulla

Item	Amount
Alcohol License Fee	\$242.25

Online payment transaction fee \$7.27

**Total \$249.52**

**Transaction Method:**

ACI Payment Gateway

**Reference #:**

041711-041711 / Approved(A)

**Transaction Date:**

3/6/2025

**Gateway Response:**

ACI - 041711-041711 / Approved(A)

**Notes**

For Misc. Payments - CE Application #MISC-03-2025-088883

Payment Approved

Generated on Mar 06, 2025 @ 11:17 AM

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Consideration of Petition 1360-24, Brent Holdings, LLC, Applicant, Racetrac Petroleum, Inc, Owner, Daniel Fields and Steven Jones, Agents, proposes to rezone 55.800 acres from C-H Conditional to M-1 for the purpose of constructing a distributing warehouse; property located in Land Lot 233 of the 5th District and fronts on N. Highway 85, Corinth Road, Country Lane Road, and Carter Road.

**Background/History/Details:**

Applicant proposes to rezone 55.800 acres from C-H Conditional (Highway Commercial) and to M-1 (Light Industrial) for the purpose of developing a distributing warehouse. As defined in the Fayette County Comprehensive Plan's Future Land Use Plan, Commercial Use is designated for this area, so the request for M-1 zoning is not appropriate.

Staff recommends DENIAL.

If the rezoning is approved, staff recommends the following CONDITIONS: 1. Corinth Road is an Arterial Road on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 50 feet of right-of-way as measured from the existing centerline of Corinth Road. The right-of-way dedication shall be completed within 180 days of rezoning. 2. Article XII. - Watershed Protection Ordinance shall apply to the tract(s) presented in the rezoning case.

On March 6, 2025, the Planning Commission voted 4-1 to recommend DENIAL.

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

Staff recommends DENIAL of Petition 1360-24, Brent Holdings, LLC, Applicant, Racetrac Petroleum, Inc, Owner, Daniel Fields and Steven Jones, Agents, proposes to rezone 55.800 acres from C-H Conditional to M-1 for the purpose of constructing a distributing warehouse; property located in Land Lot 233 of the 5th District and fronts on N. Highway 85, Corinth Road, Country Lane Road, and Carter Road.

**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: 1360-24**

**REQUESTED ACTION:** Rezone from C-H Conditional (Highway Commercial) to M-1 (Light Industrial)

**PARCEL NUMBER:** 0552 001

**PROPOSED USE:** Distributing Warehouse

**EXISTING USE:** Vacant land

**LOCATION:** Hwy 85 N

**DISTRICT/LAND LOT(S):** 5<sup>th</sup> District, Land Lot 2433

**ACREAGE:** 55.800 acres

**OWNER(S):** Racetrac Petroleum, Inc

**APPLICANT(S):** Brent Holdings, LLC

**AGENT(S):** Daniel Fields; Steven L. Jones, Attorney

**PLANNING COMMISSION PUBLIC HEARING:** March 6, 2025, 7:00 PM (Tabled from December 5, 2025)

**BOARD OF COMMISSIONERS PUBLIC HEARING:** March 27, 2025, 5:00 PM

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**APPLICANT'S INTENT**

Applicant proposes to rezone 55.800 acres from C-H Conditional (Highway Commercial) and to M-1 (Light Industrial) for the purposes of developing a distributing warehouse.

**PLANNING COMMISSION RECOMMENDATION**

On March 6, 2025, the Planning Commission voted 4-1 to recommend **DENIAL** of the petition to rezone from C-H to M-1.

**STAFF RECOMMENDATION**

As defined in the Fayette County Comprehensive Plan's Future Land Use Plan, Commercial Use is designated for this area, so the request for M-1 zoning is not appropriate. Based on the Investigation and Staff Analysis, Planning & Zoning Staff recommends **DENIAL** of the request for a zoning of M-1, Light Industrial District.

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

1. Corinth Road is an Arterial Road on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 50 feet of right-of-way as measured from the existing centerline of Corinth Road. The right-of-way dedication shall be completed within 180 days of rezoning.
2. Article XII. - Watershed Protection Ordinance shall apply to the tract(s) presented in the rezoning case.



## **INVESTIGATION**

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

#### **\*\*Corinth Road Intersection Improvements – Federal Aid Project**

Fayette County and GDOT are in the design phase of a federal-aid transportation project that will make improvements along Corinth Road, SR 85, and SR 279 (GDOT PI 0017813). Improvements along the subject parcel include reconstructing Corinth Road north of its existing alignment, installation of a new traffic signal, extending Corinth Road west across SR 85, adding turn lanes, providing shared-use paths, installing storm pipe, etc. A concept report for the project has been approved by GDOT and the project is in the design phase. Right of Way acquisition is authorized to begin in Fiscal Year 2026.

As shown on the provided images, there are impacts to the parcel along its SR 85 and Corinth Road frontages. One image shows the project in its entirety. The second image focuses on the Corinth Road realignment and is overlaid on the concept provided by the applicant for the rezoning. Both concepts (the rezoning and the transportation project) are draft and subject to change, but the overlay provides a sense of the transportation project's impact to the parcel.

#### **Zoning Information**

Parcel 0552 001 does contain the minimum required acreage for the current C-H zoning district and for the proposed M-1 zoning district.

The property is currently undeveloped. It is located on the northeast corner of the intersection of SR 85 and Corinth Road.

The County is currently in preliminary design for improvements to the intersection of Corinth Road and State Route 85. The County advises that they need to acquire additional right of way for the intersection improvements, and desires to work with the developer to ensure that sufficient space is left undeveloped to allow for the additional right of way as the road project progresses. The County and GDOT will support an access point on Corinth Road from the site, it must meet GDOT design standards.

### **B. ZONING & DEVELOPMENT HISTORY:**

Parcel 0552 001 has been the subject of rezoning and development site plan in the past, but the project was not built.

The development is subject to the State Route 85 North Overlay Zone. This provides architectural, parking, lighting and access controls; enhanced landscaping requirements; and increased building setbacks along SR 85. All developments are required to meet the Overlay criteria. One requirement under this Overlay is that all access points for a development shall be on the State Route or an arterial or collector. There shall be no access points on Carter Road or Country Lane Road due to the Overlay requirements.

There is a stream on the southwest area of the property; this is depicted on the attached Environmental Conditions Map.

The parcel was the subject of rezoning Petition No. 647-87, in which Joyce Faulkner, agent & Signa Investments, Inc., owner, requested to rezone from R-20 (Single-Family Residential) to C-H (Highway Commercial). A rezoning to C-H Conditional, was approved by the Board of Commissioners on September 24, 1987.

The original conditions are below. ***Many of these conditions are now addressed in the County's ordinances and development regulations and do not need to be carried over if the property is rezoned.***

1. *That the use of the front 300 feet of the subject property as measured from the right-of-way of State Route 85 shall be limited to office, retail trade, personal services, restaurants and entertainment.*  
[2025 Staff Recommendation is to omit this condition. It is more appropriate to allow the approved zoning district to control the list of permitted and conditional uses.]
2. *To provide an undisturbed buffer along that portion of the north property line adjoining Kenwood Forest Subdivision which is at least 65 feet deep adjoining the north property line (being a 50 foot buffer and a 15 foot undisturbed setback area).*  
[2025 Staff Recommendation is to omit this condition. Buffers and setbacks are prescribed by the zoning district requirements.]
3. *That there shall be no street tie-on to Country Lane Road.*  
[2025 Staff Recommendation is to omit this condition. Project access is restricted to SR 85 and Corinth Road by the State Route Overlay.]
4. *To provide and maintain off-street parking on the property during any construction project.*  
[2025 Staff Recommendation is to omit this condition. Development Regulations and GDOT do not allow construction parking in the right-of-way.]
5. *That exterior illuminating sources shall not be directly visible from adjoining residential properties.*  
[2025 Staff Recommendation is to omit this condition. Light spill is addressed under the Development Regulations.]
6. *That there will be no access cuts on Carter Road, no more than one access cut on Corinth Road, and no more than two access cuts on State Route 85 subject to the County Engineer's review.*  
[2025 Staff Recommendation is to omit this condition. Project access is restricted to SR 85 and Corinth Road by the State Route Overlay.]

**C. SURROUNDING ZONING AND USES**

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/Future Land Use Map</b>
North	4.3 14	C-H R-20	Commercial Single-Family Residential	Commercial Low Density Residential
East	N/A	N/A	N/A	Clayton County
South (across Corinth & Carter Roads)	1.6 1.25 3.4 7.2	C-H O-I R-72 A-R	1 Commercial parcel 3 Vacant parcels 1 Residential parcel 2 Residential parcels	Commercial Low Density Residential
Southwest (W side of intersection SR 85 & Corinth)	5.5	M-1	Paint & Body Shop	Commercial
West	20.0	C-H	Commercial Vacant	Commercial

## D. COMPREHENSIVE PLAN

**Future Land Use Plan:** The subject property lies within an area designated for Commercial uses on the Future Land Use Plan map. This request **DOES NOT** conform to the Fayette County Future Land Use Plan. However, the Land Use Element chapter of the Comprehensive Plan does discuss consideration of the Nonresidential Corridor Area as follows:

### **Commercial**

*This category identifies areas of commerce where both retail and wholesale are conducted. However, county policy recognizes that major commercial facilities should be located within incorporated areas where infrastructure is available and population densities are most concentrated. Generally, commercial development in the unincorporated County should be nodal in nature centered on an intersection to limit strip commercial development along major roadways. Strip commercial development is characterized by lots with broad road frontage, with multiple curb cuts and limited shared inter-parcel access, and limited accessibility for pedestrians. However, along nonresidential corridors, the County should adopt regulations to achieve quality commercial development.*

*The Land Use Plan Map illustrates the concentration of commercial land uses in various locations throughout the unincorporated area. The land used areas vary from smaller, neighborhood commercial areas to larger, concentrated areas of commercial activity. The following section provides a brief description of the major commercial areas.*

*SR 85 North of Fayetteville: A nonresidential corridor, this area extends from the city limits of Fayetteville north to the county line. It provides an area where a variety of nonresidential uses including commercial, office, and light industrial are appropriate. The area contains opportunity for infill, redevelopment and new development.*

The Land Use Element chapter continues by describing Industrial uses:

### **Industrial**

*This category designates all land dedicated to manufacturing facilities, processing plants, factories, warehousing and wholesale trade facilities, mining or mineral extraction activities, or other similar uses. For more descriptive purposes, industrial land use is subdivided into "Light" and "Heavy" categories:*

***Light Industrial:** Includes non-heavy manufacturing and uses such as service industries, assembly, warehousing, and other industrial uses.*

***Heavy Industrial:** Designates land uses which heavily impact adjacent land uses such as heavy manufacturing industries, rock quarries, and auto salvage yards.*

## E. DEPARTMENTAL COMMENTS

- Water System** – FCWS has no objections to the rezoning.
- Public Works** [Please see page 2 for detailed info about the Corinth Road/SR 85 GDOT Improvement project]
  - **Road Frontage Right of Way Dedication** – GA Hwy 85 is a **Major Arterial**

roadway and the GDOT controls all entrances and exits onto the state routes. The applicant proposes no access to Corinth Road. Fayette County Transportation Project 17TAD (GDOT PI 0017813) impacts the southwest corner of the site along Corinth Road.

- Per the Throughfare Plan Fayette County will require a ROW dedication along Corinth Road frontage to provide 50-feet of ROW as measured from the existing road centerline within 120 days of rezoning. Environmental Management Department to ensure proper files are submitted. Corinth Road is a **Minor Arterial** roadway.
- **Traffic Data** -- According to the GDOT on-line traffic data:
  - The annual average daily traffic for State Route 85:
    - approximately one (1) mile north from the site is **32,320 vehicles per day.**
    - approximately one (1) mile south from the site is **34,874 vehicles per day.**
  - The annual average daily traffic for Corinth Road is **10,351 vehicles per day.**
- **Sight Distance and Access** -- Minimum sight distances will have to be satisfied for any access to Corinth Road. Engineering has not verified sight distances at this time. The current site plan has no access from Corinth Road. However, if accesses are modified the owner should refer to current GDOT Encroachment manual when designing a commercial access.
- **GDOT** -- The proposed conceptual layout is acceptable to GDOT as long as the property owner meets the GDOT access spacing of the minimum of 350' from the return radius of Corinth Road. Advise the property owner to refer the current edition of the GDOT Encroachment Manual when designing a commercial access to a state route.
- **Environmental Management**
  - **Floodplain Management** -- The site **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0043E dated September 26, 2008, or in the FC Flood Study.
  - **Wetlands** -- The property **DOES** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map and per an independent consultant's report.
  - **Watershed Protection** -- There **ARE** 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 proposed rezoning.
- **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 Commercial 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 commercial and residential uses. It is staff's opinion that the zoning proposal might have an adverse effect the existing or future uses of nearby residential properties, although it is not likely to have an adverse impact on nearby nonresidential uses.
3. It is staff's opinion that a light industrial use would not generate a greater number of daily vehicle trips than would a commercial 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. However, it is consistent with adjacent commercial uses and some of the nearby light industrial uses on the southwest corner of the intersection of Corinth Road and SR 85.

**ZONING DISTRICT STANDARDS****Sec. 110-146. M-1, Light Industrial District.**

- (a) *Description of district.* This district is composed of certain lands and structures which are suitable for light industrial development, but where proximity to existing or proposed residential or commercial districts make it desirable to limit the manner and extent of industrial operations and thereby protect the nearby residential or commercial land.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the M-1 zoning district:
- (1) Ambulance service, including non-emergency medical transport service;
  - (2) Amusement and recreational facilities, indoor or outdoor (athletic/sports instruction facilities and recreation and athletic fields and facilities);
  - (3) Appliance sales and/or repair;
  - (4) Architectural and/or design firms;
  - (5) Armories, for meeting and training of military organizations;
  - (6) Blueprinting and/or graphics service;
  - (7) Bookbinding;
  - (8) Building construction/contracting and related activities;
  - (9) Building supply sales;
  - (10) Bus passenger station;
  - (11) Cabinet manufacturing, sales, repair, and/or installation;
  - (12) Carwash and/or detailing facility;
  - (13) Charter motor coach service;
  - (14) Copy shop;
  - (15) Dental laboratory;
  - (16) Delivery and/or courier service;
  - (17) Electronic sales and/or repair;
  - (18) Emission testing facility (inside only);
  - (19) Engineering firms;
  - (20) Engraving;
  - (21) Farmer's market;
  - (22) Feed and/or fertilizer sales;
  - (23) Firearm sales and/or gunsmith;
  - (24) Flooring sales and/or installation;
  - (25) Freezer locker service;
  - (26) Freight express office;
  - (27) Furniture store;
  - (28) Glass sales;

- (29) Grading service;
- (30) Greenhouse;
- (31) Home furnishings and accessories;
- (32) Horse show and equine activity facilities;
- (33) Ice storage;
- (34) Insecticide sales and/or storage;
- (35) Janitorial service and/or supply;
- (36) Land development firms;
- (37) Land surveying service;
- (38) Landscaping service;
- (39) Light manufacturing, including the following:
  - a. Appliance and/or electronic device assembly plant, including the manufacturing of parts for appliances and/or electronic devices;
  - b. Assembly of products from previously prepared materials;
  - c. Bottling and/or canning plant;
  - d. Ceramic products, provided that kilns shall only be by gas and/or electricity;
  - e. Construction of signs, including painted signs;
  - f. Cooperage;
  - g. Ice manufacturing;
  - h. Laundry, cleaning and/or dyeing plants;
  - i. Light sheet metal products such as ventilating ducts and eaves;
  - j. Manufacturing of food, cosmetic and pharmaceutical products, but not including fish and meat products, sauerkraut, vinegar, yeast and rendering plants;
  - k. Machine/welding shop and related activities;
  - l. Other manufacturing, processing, packaging, or handling of a similar nature which shall not emit or produce more smoke, noise, odor, dust, vibration, or fumes than the uses listed herein;
  - m. Production and/or sales of commercial/industrial hardware, such as tools, fasteners, fittings, machine parts, etc.;
  - n. Tinsmith and/or roofing service;
  - o. Concrete, gravel and/or mulch production and/or distribution;
- (40) Locksmith;
- (41) Magazine publication and/or distribution;
- (42) Medical laboratory;
- (43) Manufactured home and/or building assembly and/or sales;
- (44) Newspaper publication and/or distribution;
- (45) Office equipment service and repair;



- (46) Parking garage/lot;
- (47) Pest control;
- (48) Petroleum bulk plant (storage);
- (49) Photostating;
- (50) Planing and/or saw mill;
- (51) Plant nursery, growing crops/garden and related sales;
- (52) Printing plant;
- (53) Radio studio;
- (54) Railroad freight station;
- (55) Railroad passenger station;
- (56) Rent-alls;
- (57) Restaurants (drive-in/drive-through prohibited);
- (58) Restaurant supply;
- (59) Rodeo/rodeo facilities;
- (60) Seed sales and/or storage;
- (61) Security system service;
- (62) Shell home display;
- (63) Solar farm;
- (64) Taxidermist;
- (65) Taxi service/limousine service/shuttle service/charter motor coach service;
- (66) Television/movie studio/media productions;
- (67) Tire sales;
- (68) Trade school;
- (69) Uniform services;
- (70) Utility trailer sales and/or rentals;
- (71) Warehousing and/or distribution;
- (72) Wholesaling;
- (73) Wrecker, towing, impoundment, and/or automotive recovery/transport; and
- (74) Vehicle/boat sales and repairs, paint and/or body shop, parts store including rebuilding of parts, parking lot or garage, upholstery shop.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the M-1 zoning district provided that all conditions specified in article V of this chapter are met:
  - (1) Aircraft landing area;
  - (2) Amphitheatre;
  - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
  - (4) Experimental labs;

- (5) Feed lot and/or commercial barn;
  - (6) Home occupation;
  - (7) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to, bungee and parachute jumping;
  - (8) Recycling facility;
  - (9) Self-storage facility (external and/or internal access);
  - (10) Shooting range, indoor;
  - (11) Shooting range, outdoor;
  - (12) Single-family residence and residential accessory structures and uses (see article III of this chapter);
  - (13) Stadium, athletic; and
  - (14) Wind farm.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the M-1 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: 100 feet.
      - 2. Collector: 80 feet.
    - b. Minor thoroughfare: 65 feet.
  - (4) Rear yard setback: 25 feet.
  - (5) Side yard setback: 25 feet.
  - (6) Buffer: If the rear or side yard abuts a residential or A-R zoning district a minimum buffer of 75 feet shall be provided adjacent to the lot line in addition to the required setback. The setback shall be measured from the buffer.
  - (7) Height limit: 50 feet.
  - (8) Lot coverage limit, including structure and parking area: 70 percent of total lot area.
  - (9) Screening dimensions for storage areas, loading docks and parking (see article III of this chapter and chapter 104).
- (Code 1992, § 20-6-22; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2013-20, § 3, 11-14-2013; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2020-02, §§ 12, 13, 5-28-2020; Ord. No. 2021-05, § 2, 3-25-2021; Ord. No. 2021-09, § 5, 5-27-2021)

**Sec. 110-173. - Transportation corridor overlay zone.**

(3) *SR 85 North Overlay Zone.* All undeveloped property and property being totally redeveloped (i.e., where all of the existing principal structures have been demolished/removed) which has road frontage on SR 85 North where nonresidential development commenced after the effective date of the SR 85 North Overlay Zone (03/22/07) shall be subject to the requirements of the SR 85 North Overlay Zone. The intent of the overlay is to set standards specific to SR 85 North from the city limits of the City of Fayetteville north to the Fayette-Clayton county line.

a. *Purpose.* The purpose of the SR 85 North Overlay Zone is to achieve the following:

1. To establish and maintain a scenic gateway into the county, which projects an image of our quality lifestyle.
2. To promote and maintain orderly development and the efficient movement of traffic on SR 85 North.
3. To protect the aesthetics for existing and future development in this highway corridor.

b. *Access.* Access to each nonresidential property and/or development shall be from SR 85 North or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with [chapter 104](#).

c. *Dimensional requirements.*

1. All parking areas shall be located at least 50 feet from any state route right-of-way.
2. Setbacks will be as follows:
  - (i) Front yard setback on State Route 85 North: 100 feet.
  - (ii) Gasoline canopy: Front yard setback on State Route 85 North: 85 feet.
3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four feet in height and shall be placed to the inside of the applicable buffer.

d. *Architectural standards.*

1. All buildings shall be constructed of brick/brick veneer, fiber-cement siding (i.e., Hardiplank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), stucco (including synthetic stucco), wood siding and/or finished baked enamel metal siding which establishes a horizontal pattern.
2. The design of accessory/out lot buildings shall be consistent with and coordinate with the architectural style inherent in the principal structure on the property.

e. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:

1. *Street frontage landscape area.* Fifty feet along the right-of-way of SR 85 North. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground

stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multiuse path connections may be located anywhere within the landscape area.

2. *Side yard landscape area.* Ten feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.

f. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.

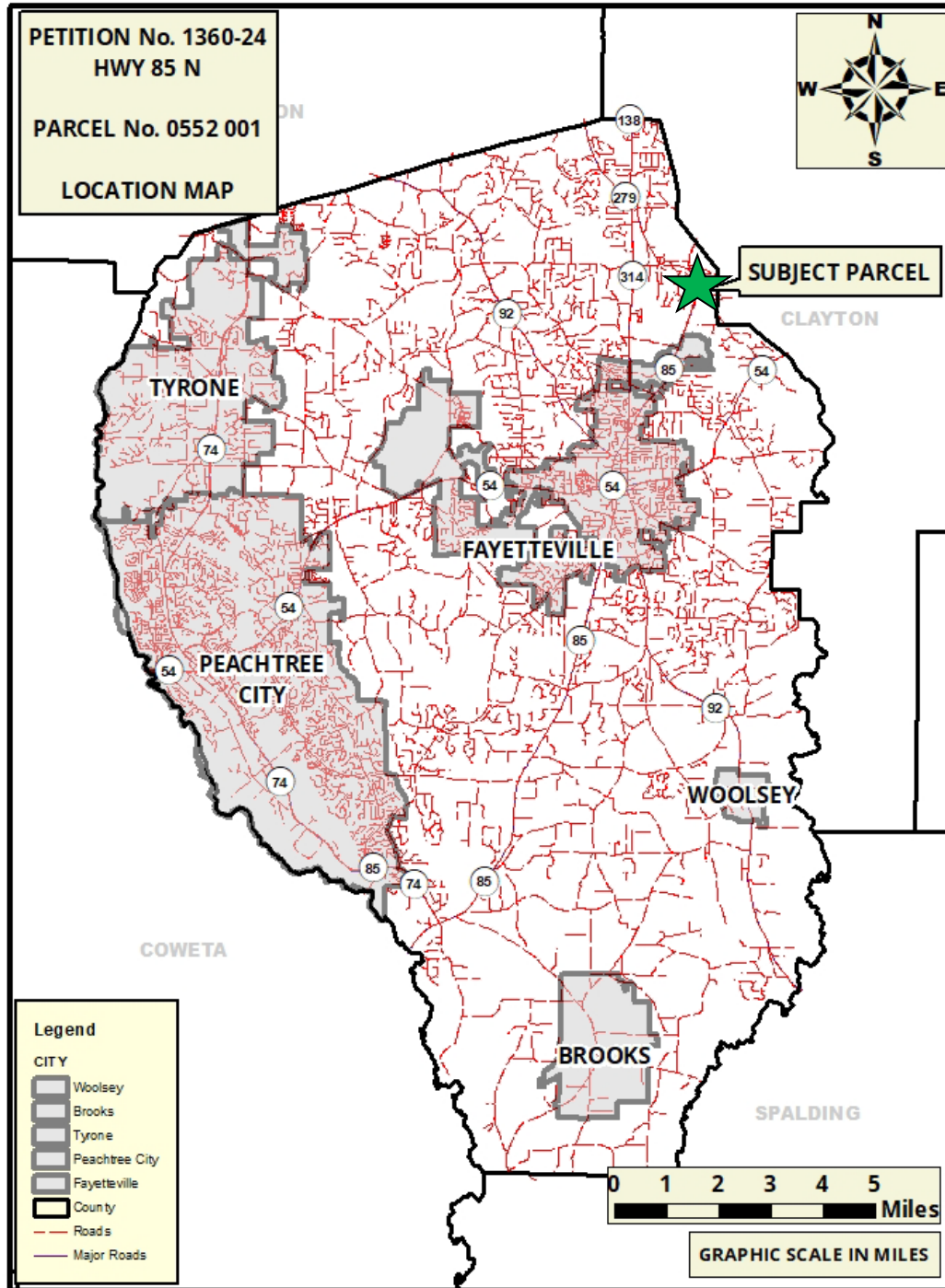
g. *Lighting and shielding standards.* Light shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.

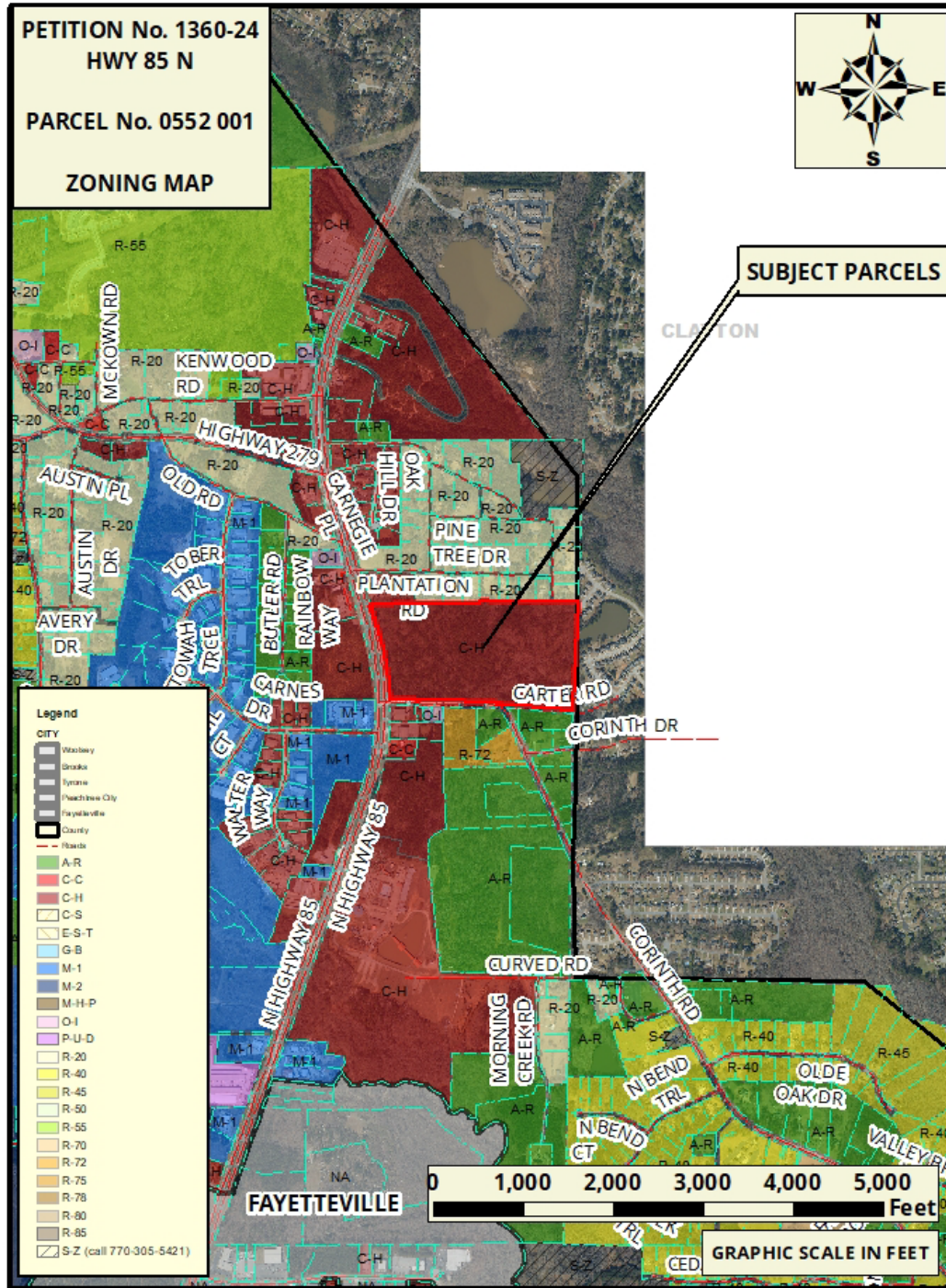
h. *Special locational and spatial requirements.*

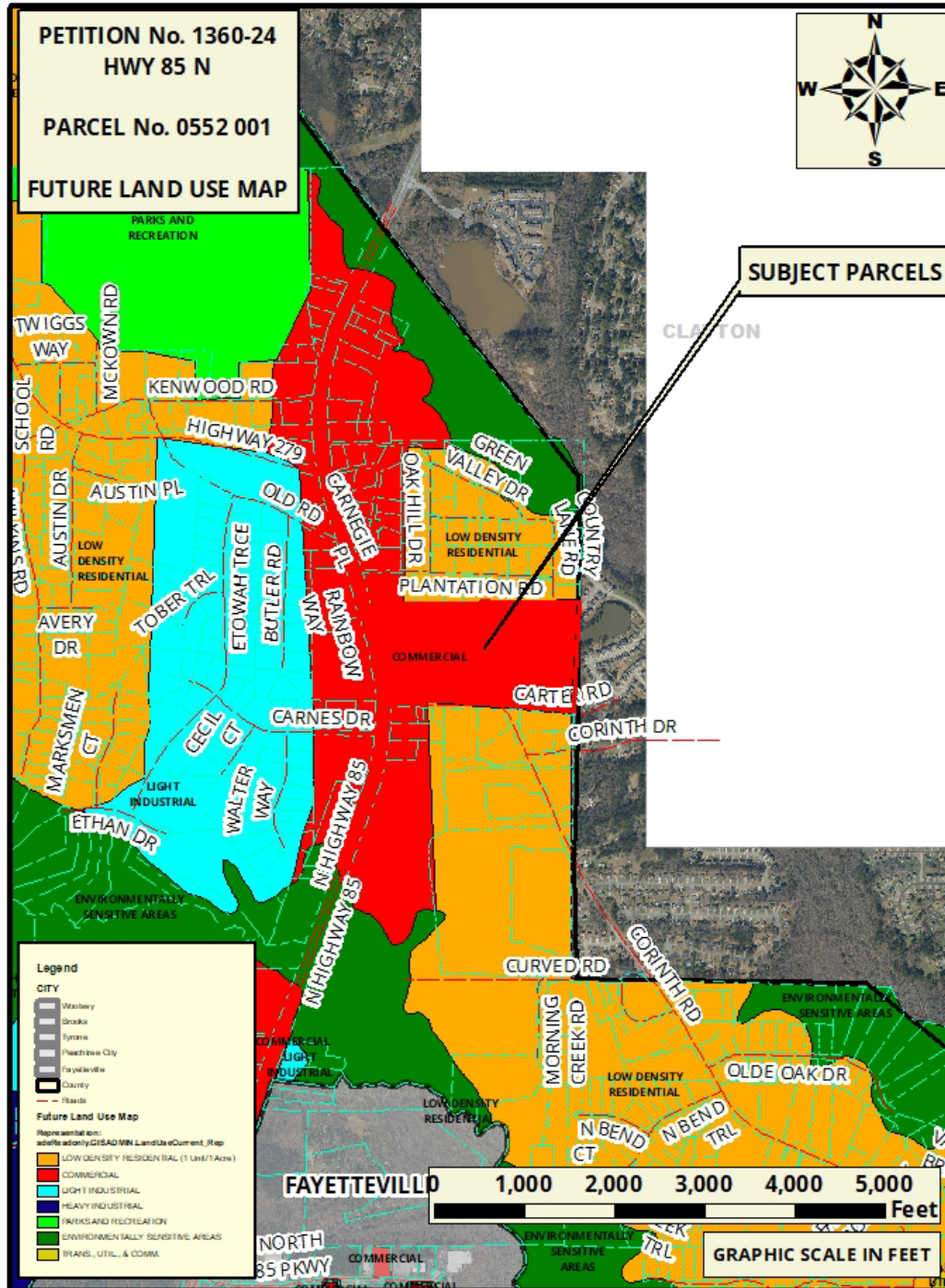
1. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.

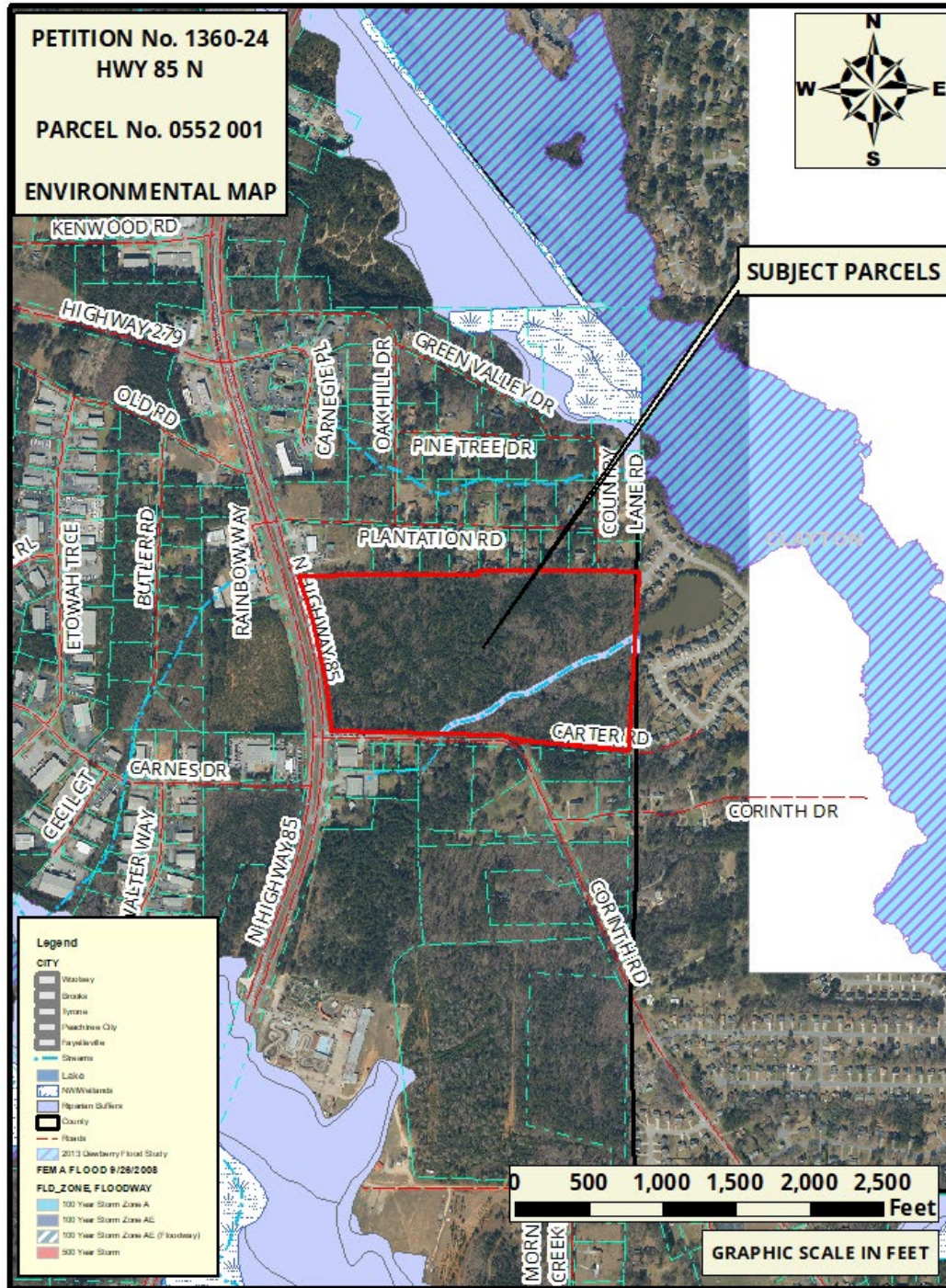
2. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.

3. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR 85.

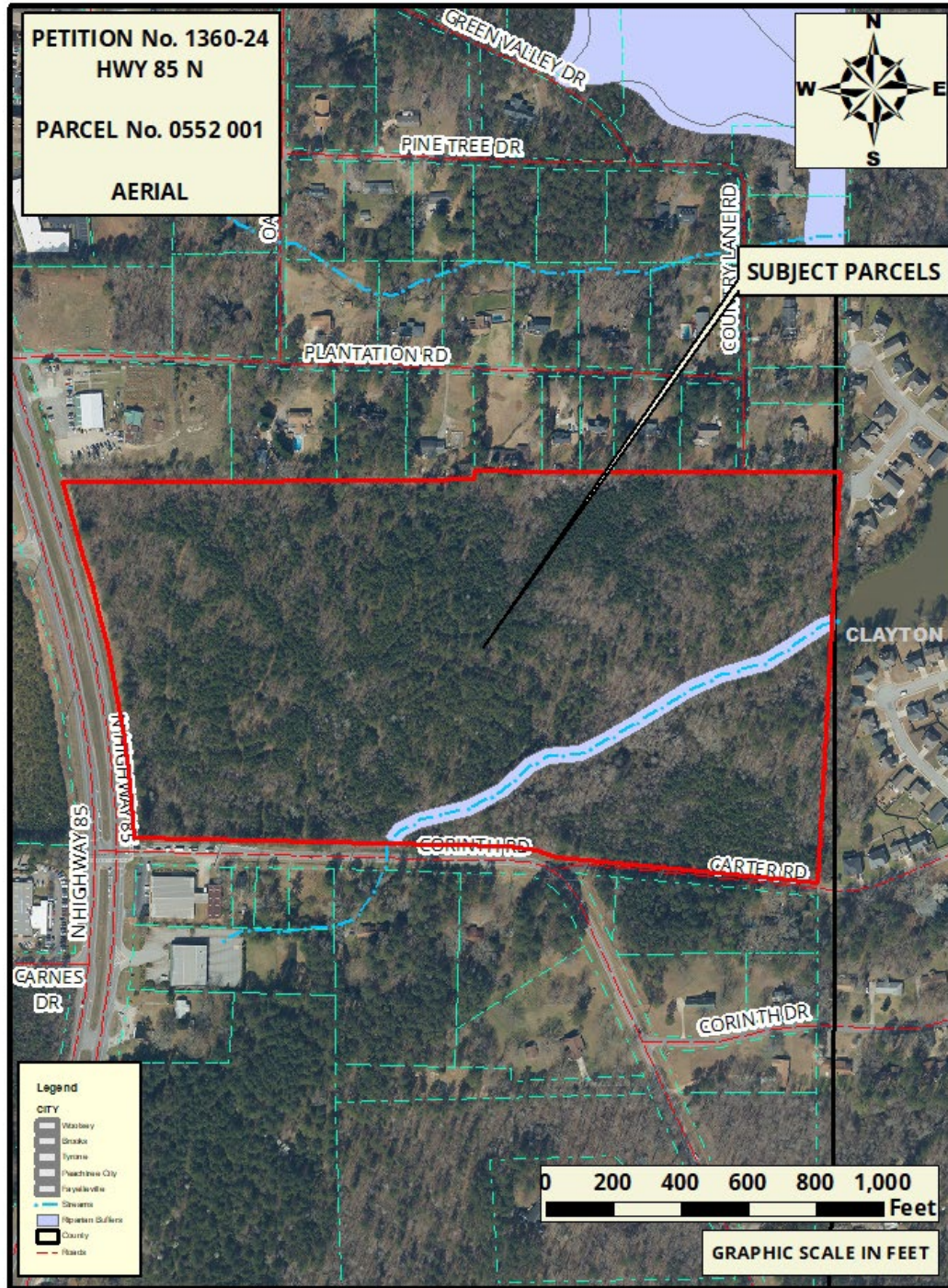


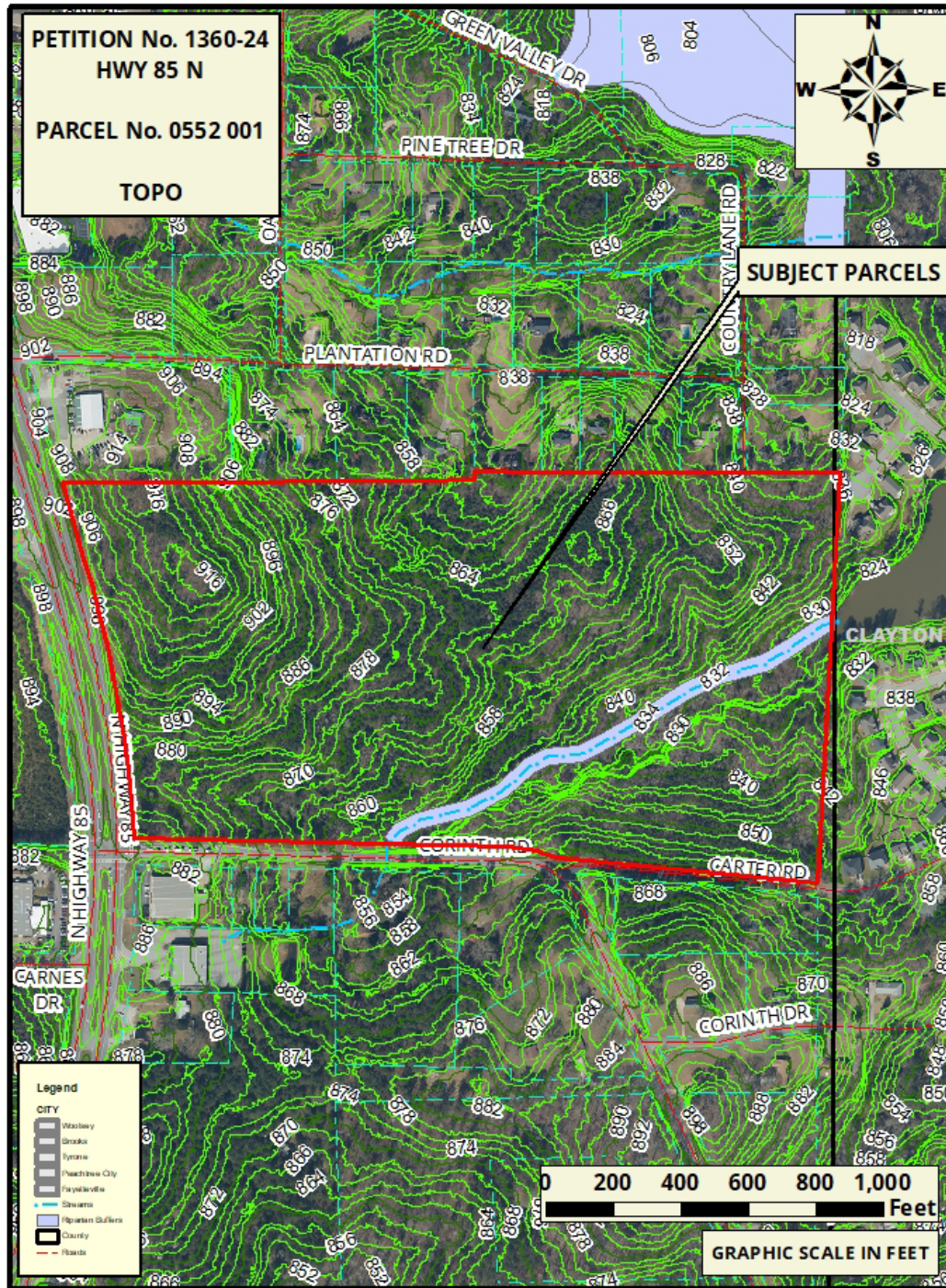


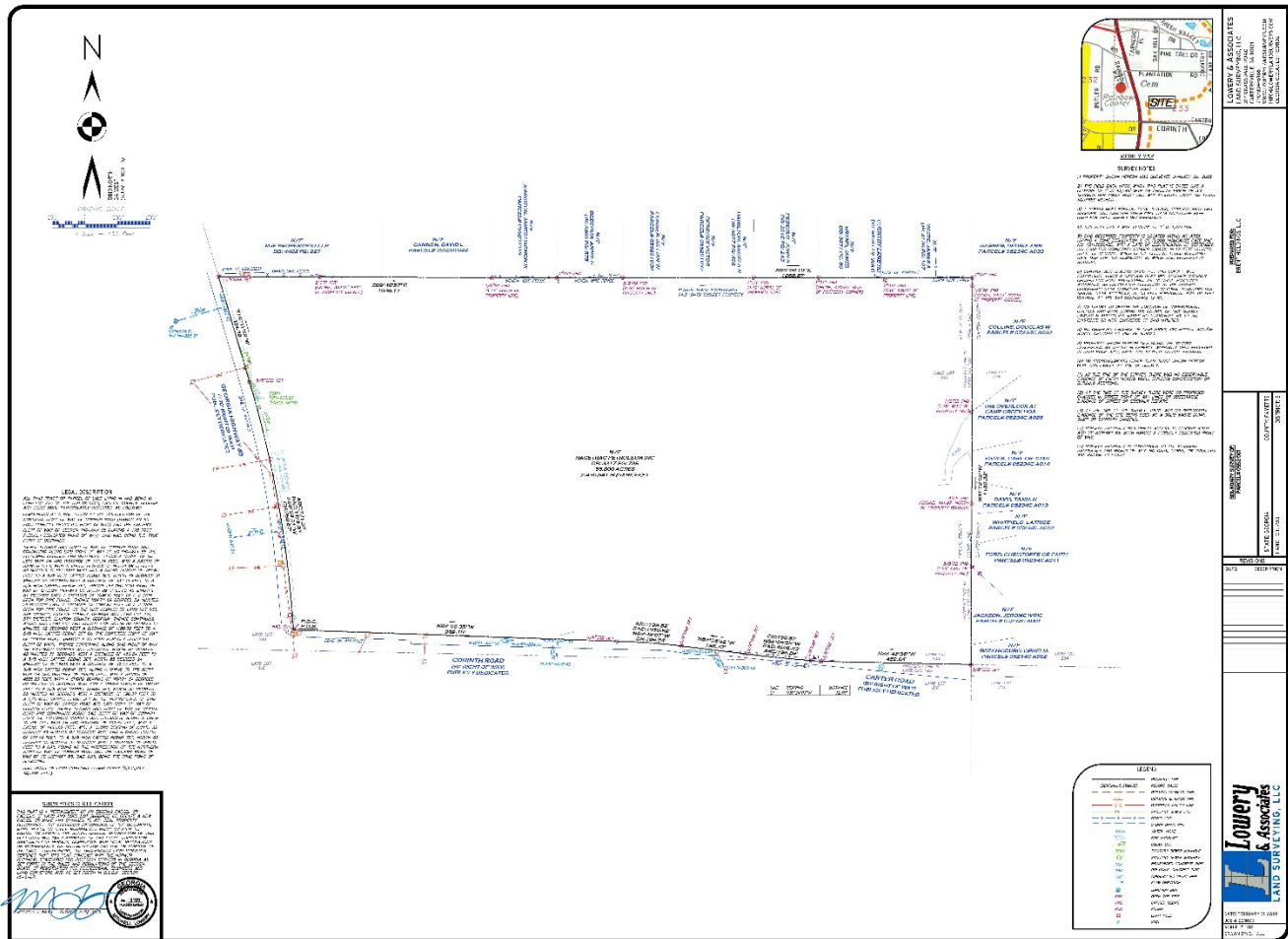




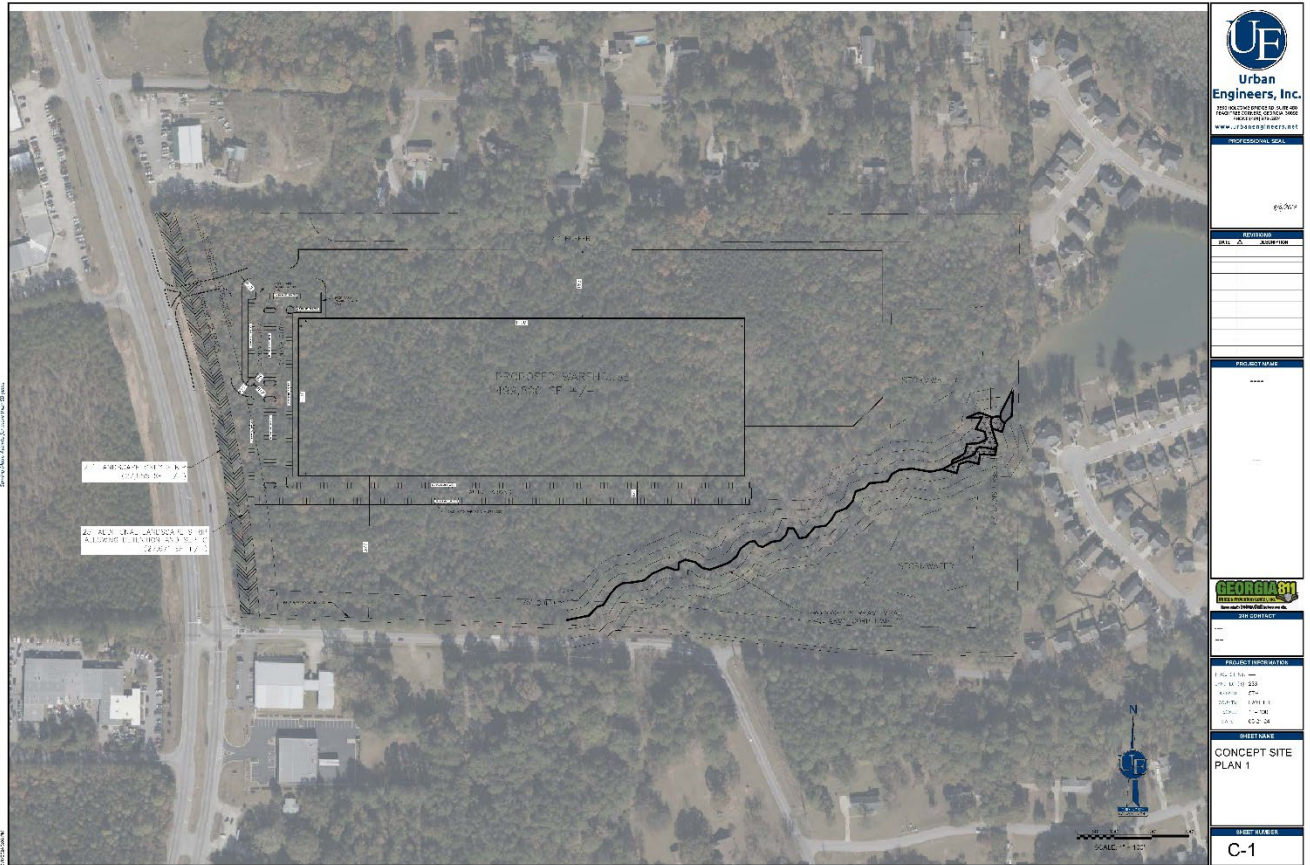






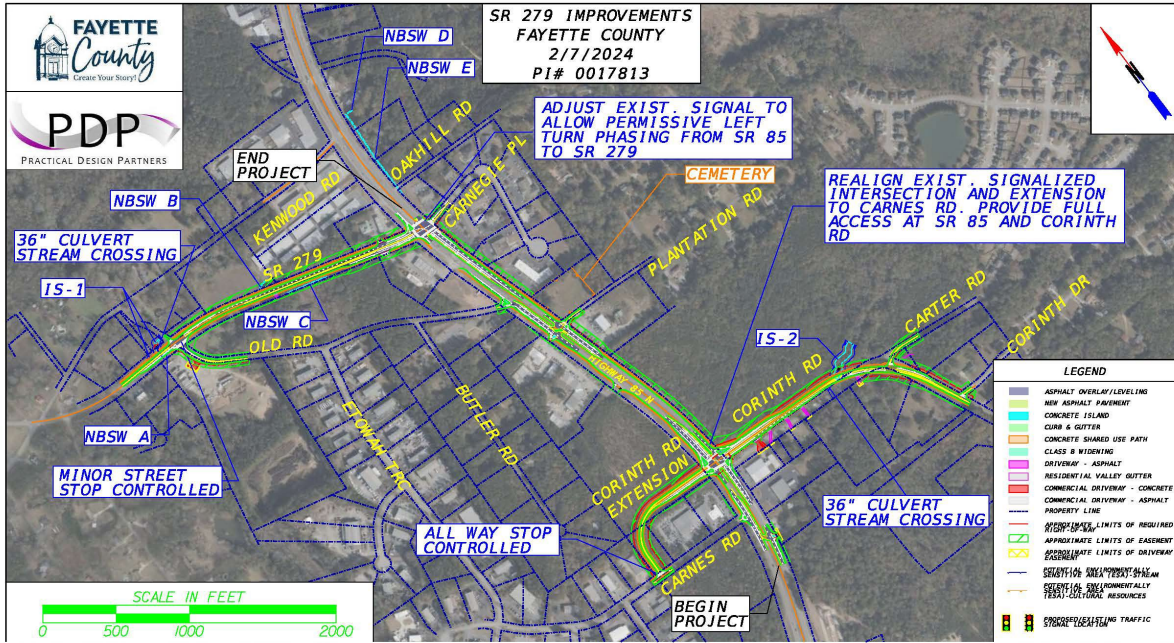


SURVEY

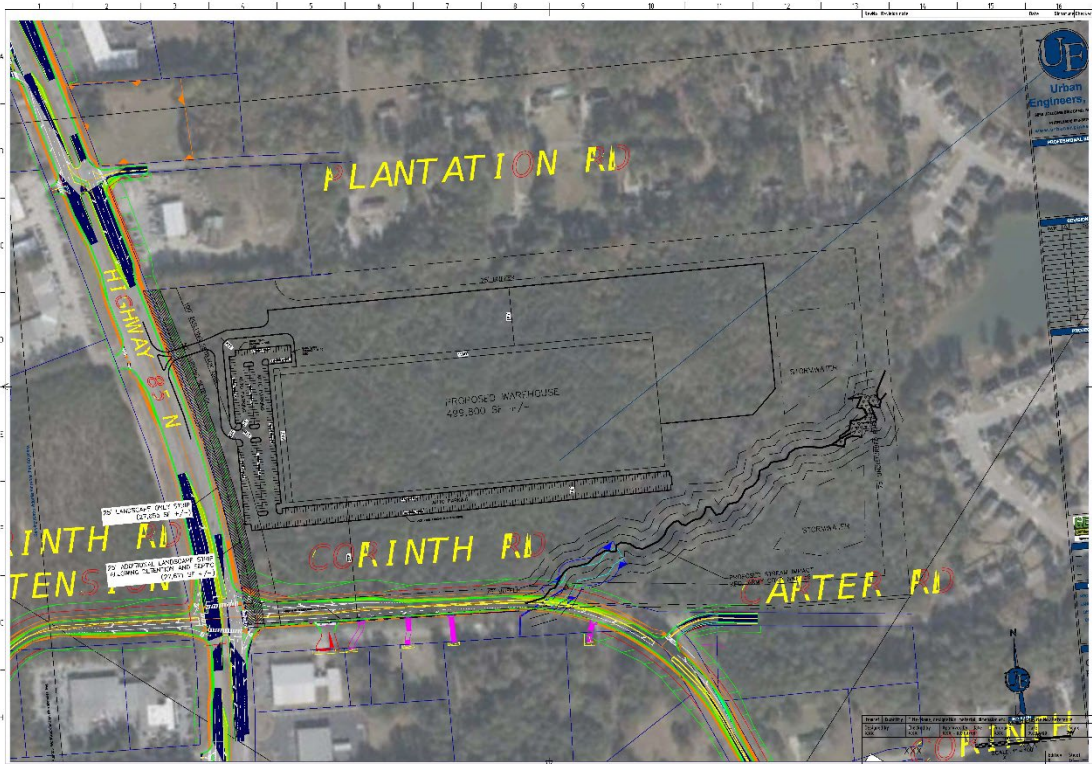


### SITE CONCEPT

Staff Note: This concept plan has not been reviewed by staff and may not meet all requirements of the ordinance. It is for conceptual purposes only.



### INTERSECTION IMPROVEMENTS - DRAFT



**BOARD MEMBERS**

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

**STAFF**

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

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**AGENDA OF ACTIONS  
FAYETTE COUNTY PLANNING COMMISSION MEETING  
140 STONEWALL AVENUE WEST  
March 6, 2025  
7:00 pm**

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

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**NEW BUSINESS**

1. Call to Order. *Chairman John Kruzan called the March 6, 2025, meeting to order at 7:05 pm.*
2. Pledge of Allegiance. *Chairman John Kruzan offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *John Culbreth, Sr. made a motion to approve the amended agenda. Jim Oliver seconded the motion. The motion carried 5-0.*
4. Consideration of the Minutes of the meeting held on January 16, 2025. *Danny England made a motion to approve the minutes of the meeting held on January 16, 2025. Boris Thomas seconded the motion. The motion carried 5-0.*

**PUBLIC HEARING**

5. Consideration of Petition 1360-24, Applicant proposes to rezone 55.8+/- acres from C-H (Highway Commercial) Conditional to M-1 (Light Industrial) for the purposes of constructing a commerce-industry complex. Property is located in Land Lots 233 of the 5<sup>th</sup> District and fronts on N. Highway 85, Corinth Road, County Lane Road, and Carter Road. *Danny England made the motion to recommend DENIAL of Petition 1360-25. John Culbreth seconded the motion. The motion carried 4-1. Jim Oliver Opposed.*

6. Consideration of Petition 1361-25, Applicant proposes to rezone 10.03 acres from A-R (Agricultural-Residential) to R-72 (Single-Family Residential) for the purposes of developing residential lots. Property is located in Land Lot 10 of the 5<sup>th</sup> District and fronts on Corner John Street and Inman Road. ***John Culbreth Sr. made the motion to recommend APPROVAL of Petition 1361-25. Danny England seconded the motion. The motion carried 5-0.***

*Danny England moved to Adjourned the March 6, 2025, Planning Commission meeting. Jim Oliver seconded. The motion passed 5-0.*

*The meeting adjourned at 8:07 pm.*

**BOARD MEMBERS**

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

**STAFF**

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

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**MINUTES  
FAYETTE COUNTY PLANNING COMMISSION MEETING  
140 STONEWALL AVENUE WEST  
March 6, 2025  
7:00 pm**

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

---

**NEW BUSINESS**

1. Call to Order. *Chairman John Kruzan called the March 6, 2025, meeting to order at 7:05 pm.*
2. Pledge of Allegiance. *Chairman John Kruzan led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *John Kruzan noted that staff requested the agenda be amended to delete Item #5, Plats, since there are no plats for staff to present. John Culbreth, Sr. made a motion to approve the amended agenda. Jim Oliver seconded the motion. The motion carried 5-0.*
4. Consideration of the Minutes of the meeting held on January 16, 2025. *Danny England made a motion to approve the minutes of the meeting held on January 16, 2025. Boris Thomas seconded the motion. The motion carried 5-0.*

**PUBLIC HEARING**

5. **Consideration of Petition 1360-24**, Applicant proposes to rezone 55.8+/- acres from C-H (Highway Commercial) Conditional to M-1 (Light Industrial) for the purposes of constructing a commerce-industry complex. Property is located in Land Lots 233 of the 5<sup>th</sup> District and fronts on N. Highway 85, Corinth Road, County Lane Road, and Carter Road.

Deborah Bell introduced the petition and noted that the request for M-1 is not consistent with the County's Future Land Use Map and Comprehensive Plan.



Therefore, staff recommends denial of the request to rezone to M-1.

IF the petition is approved, staff recommends the following CONDITIONS:

1. Corinth Road is an Arterial Road on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 50 feet of right-of-way as measured from the existing centerline of Corinth Road. The right-of-way dedication shall be completed within 180 days of rezoning. 2. Article XII. - Watershed Protection Ordinance shall apply to the tract(s) presented in the rezoning case.

Mr. Kruzan asked if anyone was present to speak in favor of the petition.

Steven Jones, Attorney, with the law firm of Taylor/English/Duma, introduced himself as the applicant's representative. He presented a series of slides to discuss details of the request. The first slide is a current zoning map of the subject property and the surrounding area. He noted that the property was rezoned to C-H in 1987, but it has not been developed. Mr. Jones thinks that this lack of development indicates that the property does not have a viable economic use under a commercial zoning district. Therefore, he is presenting an application for a zoning district which is more consistent with the zoning districts in the Highway 85 corridor, especially in this area.

Mr. Jones noted that the parcel is 55.8 acres in size. They are proposing for this site a single building that is almost 500,000 square feet that would be a manufacturing facility. They have been in talks with industries, the Development Authority and businesses, who indicate that there is no space for this type of business to locate in Fayette County. These businesses would like to locate in Fayette County and do not require direct access to the interstate. Mr. Jones pointed out that the area between Fayetteville and the Clayton County line is where industrial & manufacturing properties are already located. However, there are not many sites for large buildings, which can be occupied by one or multiple manufacturing companies.

He presented a conceptual site plan showing a single large building, with passenger parking on the south side, and truck circulation and parking on the north side; the proposal has a single entrance/exit on State Route 85. He acknowledged that the concept shows the apparent location of the stream but noted that all state and local buffer requirements will be met in the final site plan. He reviewed the basic requirements of the County's State Route Overlay, zoning buffer requirements, and the various residential and nonresidential properties around the property.

Mr. Jones discussed the County's Comprehensive Plan, which acknowledges that the SR 85 corridor is described as a nonresidential corridor. The Comp Plan anticipates a large amount of nonresidential development along this corridor. The subject property is a 55-acre tract that has sat fallow for 37 years since it was rezoned to commercial. He discussed the change to commercial market in the post-COVID era, transitioning to an e-commerce-based market. He contends that the site will not be developed as a commercial property and that the Comp Plan highlights that the 85 corridor anticipates that the corridor will be industrial. Even though the Future Land

Use Plan shows this area as commercial, when we dig into the text of the Comp Plan, it highlights that the corridor is a nonresidential corridor.

Mr. Jones reviewed recent development in the area. In mid-2020 there was a parcel that was rezoned to M-1; that application proposed an industrial complex. In the analysis of that application the staff report noted that nonresidential corridor in the Comp Plan and recommended approval of that petition. He then presented a copy of the site plan that accompanied the rezoning. He noted the proximity of his current subject property across the intersection to the M-1 property on the west side of SR 85.

Mr. Jones stated that in June of 2023, the BOC voted unanimously to approve the rezoning to M-1. *[Staff note: the rezoning of Parcel 0646 029 to M-1 was approved by the BOC on June 23, 2022.]* He also pointed out that the parcel on the opposite side of GA 85 was rezoned in 2022 for a truck parking facility, to C-H, which permits parking lots. *[Staff note: the rezoning of Parcel 0552 040 to C-H, with 9 conditions, was approved by the BOC on February 23, 2023.]* He said that even though this was rezoned to C-H, it was an acknowledgement that this is a nonresidential corridor ripe for industrial development. Mr. Jones discussed the site plan for the truck parking and the realignment of Corinth Road.

Mr. Jones then reviewed the various types of zoning and land uses in other parts of the 85 North corridor: Amusement Park; industrially zoned property south of the amusement park; auto repair facilities; self-storage facilities. The Comp Plan's notion that this is a nonresidential corridor with commercial and industrial type uses, as well as the industrial zoning of the Kenwood Industrial Park. In this corridor, the Comp Plan calls out three uses in the corridor: Commercial, Office and Industrial, there are only a few medical offices, a few small commercial developments, but no large-scale commercial development.

He stated that it takes us back to the request to extend the industrial type uses that are consistent with what the Comp Plan calls for in the area, what precedential rezonings have shown in the past 2 years, for uses that permit industry and light manufacturing. He reviewed a partial list of permitted uses in the M-1 zoning district. He states that this is something that, from an economic development standpoint, is needed in the County. He asks that the board fulfill what the Comp Plan calls for, what the precedential zonings calling for, and what we know the market is asking for. He asked to reserve the remainder of his time for any rebuttal and to answer questions.

Mr. Kruzan asked if there was anyone else who would like to speak in support of the petition. No one else had comments in support. Mr. Kruzan then asked if there was anyone to speak in opposition of the petition.

Christopher Dwayne Nash, 330 Country Lane Road, Fayetteville, GA 30214, is not exactly in disagreement with the project but has some questions. He asked what type of development would it be, because different types of developments cause more or

less noise. He has 2 acres in the woods because he wanted privacy. He thinks that, in addition to the vegetated buffer, the developer should build a sound barrier wall. If it is going to be manufacturing with increased occupational noise, he wants increased protection. If it is warehouse, with trucks coming in and out all night, there is not adequate separation between commercial and residential. We have lived here for 51 years and need to be protected.

David Cann, 125 Plantation Road. His property adjoins the subject property. We need some privacy and quiet from 24-hour warehouse. He thinks the 75-foot buffer is not much and would not help screen bright lights. Would like to know what kind of business would go there.

Juliana Terpstra, 110 Pine Tree Drive, Fayetteville. Not super opposed to the request but has the same concerns as her neighbors. Doesn't want the noise pollution. She also discussed the proposed improvements on Corinth Road, and concerns about the traffic flow at the 90\* turn in Corinth Road. She thinks no decisions should be made until they see what the traffic flow will be after the complete road project. She is also concerned about a cemetery in the area that might be damaged by the development. The cemetery was a slave cemetery associated with Kenwood Plantation, but she does not know the exact location.

Mr. Nash said he knew where the cemetery was, that it was located on the back of his parcel, and most of it had been on the property behind him [*to the east in Clayton County*] and was destroyed by the development of that subdivision [*Overlook at Camp Creek, Clayton County*].

Marlin Williams, 9274 Grady Drive – Overlook at Camp Creek. Has some questions that what is shown in the concept plan is not by anybody's residence. But we don't know what kind of development this is going to be. He is concerned if there will be an entrance on Corinth Road because traffic is a mess.

Ivory Jackson, 838 Chapman Street – Overlook at Camp Creek. He backs up to the woods and had his home built there because of the woods and the peace and quiet. When the construction was done to expand SR 54, it increased traffic into their neighborhood. He is concerned that the development will increase pollution into the subdivision pond that the HOA keeps stocked with fish. He is also concerned it will increase crime.

James Brand, 285 Plantation Road. He is concerned about the noise pollution and diesel smell and lighting from a development. He suggested that the truck parking be directed to the south side of the building, so only car parking is on the north side closest to the neighborhood.

Steven Jones came back to address the questions and concerns. He noted that the applicant is Brent Holdings, a developer that has been in the county for decades, since the 1980s. In terms of the residents concerns, he appreciates that the residents are not

opposed and acknowledge that it makes sense. The developer agrees to flip the design, so truck parking is on the south side of the building. The developer also offers to construct a berm to mitigate the sound concerns. He also heard concerns from the Clayton County residents. He noted those properties have an even larger gap, and that the required stream buffers will provide protection to the stream and lake. He noted that the County's ordinance should address concerns about lighting and noise. This is not a distribution warehouse, but a manufacturing facility. Distribution warehouses need close access to the interstate and would not consider this property. It is intended to be a manufacturing facility that does not need that type of access.

Mr. Kruzan brought the case back to the Planning Commission for discussion.

Planning Commissioner Danny England asked about the 2 rezoning cases that Mr. Jones mentioned. The BOC approved both 1319-22 and 1326-22. Mr. England asked what the Planning Commission recommended on both cases. He recalled that the PC voted to approve 1319-22 but voted to deny 1326-22. Mrs. Bell stated that she would look up this info. Mr. England acknowledged that this area of the county is a tricky area. The Kenwood Industrial Park only abuts a handful of homes, while the 55-acre subject parcel is adjacent to many more residential properties, so it has a much greater impact on residents. Also, he noted from the staff report, that the 1987 rezoning limited commercial uses to the first 300' of the development. If you look at the development pattern along 85, the commercial development tends to follow that pattern. The subject parcel extends much farther back than that and is inconsistent with the existing pattern of development. For the existing constituents, he agrees with their concerns. He also understands Mr. Jones explanation that no commercial development has taken place.

Planning Commissioner Boris Thomas noted that 1326-22 was approved with 9 conditions. He would like to know what the conditions were. He understands that county cannot regulate exactly what is developed, but that the conceptual plan shows over 400 to 450 parking spaces. He thinks this just kills the north end of Fayette County, on 314 and 279. He referred to the traffic around the construction of the QTS data center. He is concerned about the traffic impact.

Debbie Bell read the Planning Commission votes that Mr. England requested. For 1319-22, the PC voted 5-0 to recommend approval. For 1326-22, the vote was 3-1-0 to deny the request for rezoning. Mr. Haren was absent from that meeting.

Planning Commissioner John Culbreth noted that it is difficult when you have residential this close to industrial commercial zonings. One thing he believes that every county has a right to economic development initiatives. He asked Mr. Jones if they have had any meetings with any of the residents surrounding the property.

Mr. Jones said they had not, but they have heard their concerns tonight and have offered the changes mentioned in order to address those concerns. He said they would only have an access point on hwy. 85. The property doesn't feel right for any other

type of development. Mr. Culbreth asked what type of manufacturing they would have. Mr. Jones acknowledged that they don't know at this stage. Manufactureers look for already-built sites rather than raw land.

***Danny England made the motion to recommend DENIAL of Petition 1360-24. John Culbreth seconded the motion. The motion carried 4-1. Jim Oliver Opposed.***

6. Consideration of Petition 1361-25, Applicant proposes to rezone 10.03 acres from A-R (Agricultural-Residential) to R-72 (Single-Family Residential) for the purposes of developing residential lots. Property is located in Land Lot 10 of the 5<sup>th</sup> District and fronts on Corner John Street and Inman Road.

Debbie Bell introduced the petition and noted that the request for R-72 is consistent with the County's Future Land Use Map and Comprehensive Plan. Therefore, staff recommends CONDITIONAL APPROVAL of the request to rezone to R-72, subject to the following:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 50-ft of right of way as measured from the existing centerline of Inman Road for the full width of the parcel. Submittal of all warranty deed(s) and legal descriptions for said right-of-way dedication(s) 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.

Mr. Kruzan asked if the petitioner was here.

Max Fuller, , said the lots will be about 2.5 acres. They have already submitted the RW dedication documents.

Mr. Kruzan asked if anyone else was present to speak in favor of the petition. There was no one else to speak in favor of the petition. Mr. Kruzan then asked if anyone was present to speak in opposition to the petition. There was no one present to speak in opposition.

Planning Commissioner Jim Oliver asked if Mr. Fuller had any problems with the conditions as recommended by staff. He replied that he did not.

Hearing none, he brought the petition back to the board.

***John Culbreth Sr. made the motion to recommend APPROVAL of Petition 1361-25. Danny England seconded the motion. The motion carried 5-0.***

*Danny England moved to Adjourned the March 6, 2025, Planning Commission meeting. Jim Oliver seconded. The motion passed 5-0.*

*The meeting adjourned at 8:07 pm.*



# 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*

\*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.

## HEARING SCHEDULE FOR 2024 REZONING APPLICATIONS

(Dates are subject to change with notice. If a hearing falls on a holiday, a different hearing date will be scheduled.)

Deadline for application is the tenth (10th) of the 2nd month before the meeting, by noon. If the tenth day of the month is on a weekend or holiday, the application filing deadline is extended to the next business day. Rezoning applications require a total of two (2) public hearings: one by the Planning Commission (first Thursday of the month) and another public hearing by the Board of Commissioners (fourth Thursday of the month). The Meeting Schedule reflects adjustments for holidays. Both public hearings are held at the Fayette County Administrative Complex at Stonewall (located at the southwest corner of SR 54 and SR 85 in downtown Fayetteville) on the first floor in the Public Meeting Room (near the fountain). Planning Commission hearings begin at 7:00 p.m., and Board of Commissioners hearings begin at 5:00 p.m., unless otherwise noted.

<b>APPLICATION FILING DEADLINE – 12:00 PM</b>	<b>PLANNING COMMISSION HEARING DATE – 7:00 PM</b>	<b>BOARD OF COMMISSIONERS HEARING DATE – 5:00 PM*</b>
November 10, 2023	January 4, 2024	January 25, 2024
December 11, 2023	February 1, 2024	February 22, 2024
January 10, 2024	March 7, 2024	March 28, 2024
February 12, 2024	April 4, 2024	April 23, 2024++
March 11, 2024	May 2, 2024	May 23, 2024
April 10, 2024	June 6, 2024	June 27, 2024
May 10, 2024	July 18, 2024**	August 22, 2024**
June 10, 2024	August 1, 2024	August 22, 2024
July 10, 2024	September 5, 2024	September 26, 2024
August 12, 2024	October 3, 2024	October 24, 2024
✓September 10, 2024	November 7, 2024	December 12, 2024*
October 10, 2024	December 5, 2024	January 23, 2025
November 12, 2024	January 2, 2025	January 23, 2025
December 10, 2024	February 6, 2025	February 27, 2025

**++ BOC meeting is on Tuesday, April 23 due to the ACCG Conference.**

**\* November & December 2024 Board of Commissioners hearings begin at 2:00 PM.**

**\*\* 4<sup>th</sup> of July Holiday Schedule**

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

*STAFF USE ONLY*

**APPLICANT INFORMATION**

Name Brent Holdings, LLC

Address 9008 Highway 16

City Senoia

State GA Zip 30276

Email dfields@brentholdings.net

Phone 770-461-0478

**PROPERTY OWNER INFORMATION**

Name Racetrac Petroleum, Inc.

Address P.O. Box 2437

City Smyrna

State GA Zip 30081

Email \_\_\_\_\_

Phone \_\_\_\_\_

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

Name Daniel Fields (for Applicant)

Address 9008 Highway 16

City Senoia

State GA Zip 30276

Email dfields@brentholdings.net

Phone 770-461-0478

Steven L. Jones  
Name Partner, Taylor English Duma LLP (for Applicant)

Address 1600 Parkwood Circle, Suite 200

City Atlanta

State GA Zip 30339

Email sjones@taylorenghish.com

Phone 404-218-2756

***(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): 0552 001 Acreage: 55.8+/-

Land District(s): 233 Land Lot(s): 5th

Road Name/Frontage L.F.: Highway - SR 85/1,105.73' Road Classification: Major Arterial

Existing Use: Vacant Proposed Use: Distributing Warehouse

Structure(s): N/A Type: N/A Size in SF: N/A

Existing Zoning: C-H Proposed Zoning: M-1

Existing Land Use: Commercial Proposed Land Use: Industrial

Water Availability: Yes Distance to Water Line: 0' Distance to Hydrant: 0'

Road Frontage (additional): Corinth Road/1,188.97' (Minor Arterial); Carter Rd./887.13' (County Local)

**PETITION No.:** N/A **Fees Due:** N/A **Sign Deposit Due:** N/A

STAFF USE ONLY

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

Parcel # (Tax ID): N/A 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.:** N/A **Fees Due:** N/A **Sign Deposit Due:** N/A

STAFF USE ONLY

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

Parcel # (Tax ID): N/A 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:  
Racetrac Petroleum, Inc.

*(Please Print)*

**Property Tax Identification Number(s) of Subject Property:** 0552 001

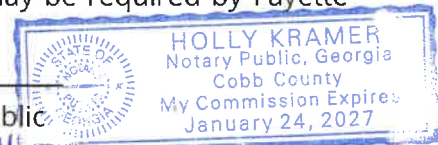
(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 233 of the 5th District, and (if applicable to more than one land district) Land Lot(s) N/A of the N/A District, and said property consists of a total of 55.8+/- acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

(II) [Signature]  
 Signature of Property Owner 1

[Signature]  
 Signature of Notary Public  
9-10-2024



Address  
N/A

Date  
N/A

Signature of Property Owner 2  
N/A

Signature of Notary Public  
N/A

Address  
N/A

Date  
N/A

Signature of Property Owner 3  
N/A

Signature of Notary Public  
N/A

Address  
N/A

Date  
N/A

Signature of Authorized Agent  
N/A

Signature of Notary Public  
N/A

Address

Date

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

**OWNER'S AFFIDAVIT**

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

NAME: Racetrac Petroleum, Inc.

ADDRESS: P.O. Box 2437, Smyrna, Georgia 30081

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

Racetrac Petroleum, Inc. 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 \$ 450.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to M-1, Light Industrial District.

This property includes: (check one of the following)

See attached legal description on recorded deed for subject property or

Legal description for subject property is as follows:

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

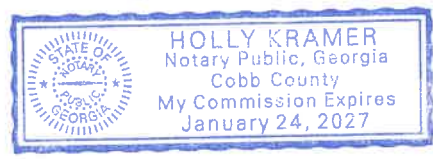
PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 12 day of December, 2024 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 10th DAY OF September, 2024

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

N/A  
\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

\_\_\_\_\_  
NOTARY PUBLIC



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

I/We, Racetrac Petroleum, Inc., 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 Corinth Road (10'); Carter Road (5'); SR/Highway 85 (N/A) 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:

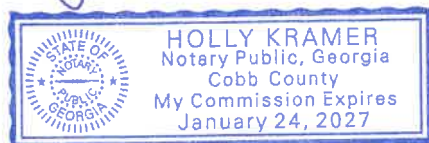
- Local Street (Minor Thoroughfare) 60-foot right-of-way (30' measured from each side of road centerline)
- Collector Street (Major Thoroughfare) 80-foot right-of-way (40' measured from each side of road centerline)
- Arterial Street (Major Thoroughfare) 100-foot right-of-way (50' measured from each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

Sworn to and subscribed before me this 10<sup>th</sup> day of September, 2024.

[Signature]  
SIGNATURE OF PROPERTY OWNER

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 10th day of September, 2024.

*Daniel Fields*

---

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

**DISCLOSURE STATEMENT****(Please check one)**

**Campaign contributions:**       X   **No**                                    **Yes (see attached disclosure report)**

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

## CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

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

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





Doc ID: 007468960004 Type: GLR  
 Filed: 04/23/2007 at 08:00:00 AM  
 Fee Amt: \$2,216.00 Page 1 of 4  
 Transfer Tax: \$2,200.00  
 Fayette, Ga, Clerk Superior Court  
 Sheila Studdard Clerk of Court

BK **3217** PG **728-731**

Prepared by and after  
recording, return to:  
 RaceTrac Petroleum, Inc.  
 3225 Cumberland Boulevard, Suite 100  
 Atlanta, Georgia 30339-6408  
 Attn: General Counsel

### LIMITED WARRANTY DEED

THIS INDENTURE, made this 18<sup>th</sup> day of April 2007, by and between **KENSINGTON BUSINESS PARK PARTNERSHIP**, a Georgia general partnership ("Grantor") and **RACETRAC PETROLEUM, INC.**, a Georgia corporation ("Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land lying in Fayette County, Georgia and being more particularly described on Exhibit A attached hereto.

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 persons holding by, through, or under the Grantor, but not as to matters listed on Exhibit B attached hereto.

(signatures on following page)

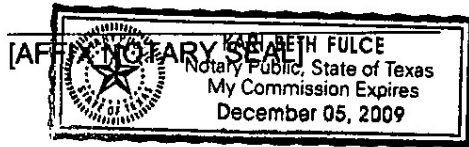
IN WITNESS WHEREOF, the Grantor, acting by and through its Managing Partner has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

[Signature]  
Unofficial Witness

[Signature]  
Notary Public

My Commission Expires: 12/05/09



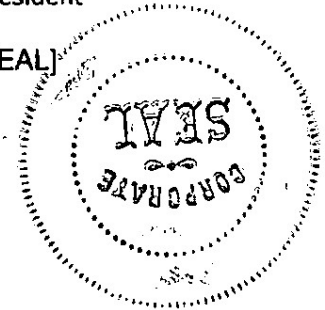
**GRANTOR:**

Kensington Business Park Partnership, a Georgia General Partnership

By: Impala Investments Corporation, established in Tortola, British Virgin Islands Managing General Partner:

By: [Signature]  
Roberto Segovia Kane, President

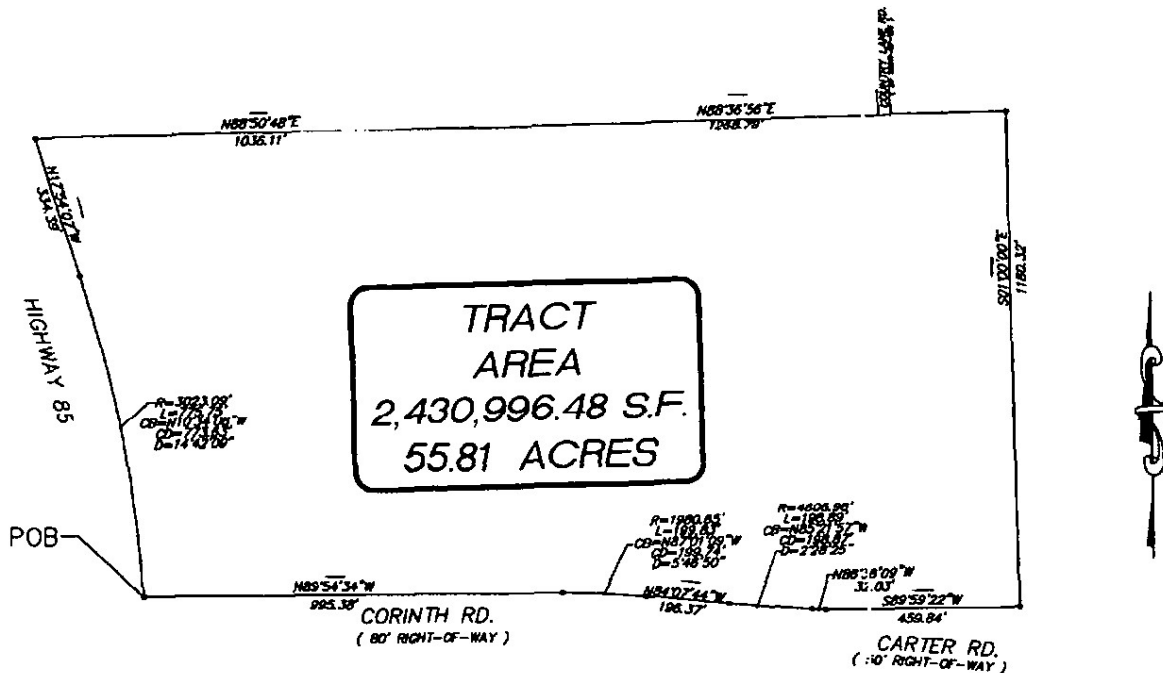
[AFFIX CORPORATE SEAL]



# EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 233 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, AS SHOWN ON PLAT OF SURVEY FOR AMIR VIRANI DATED 7/10/87, BY LANDMARK SURVEYING, INC., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERLY SIDE OF THE RIGHT-OF-WAY OF GEORGIA HIGHWAY 85 (170-FOOT RIGHT-OF-WAY) WITH THE NORTHERN SIDE OF THE RIGHT-OF-WAY OF CORINTH ROAD (80-FOOT RIGHT-OF-WAY), AND RUN THENCE IN A NORTHWESTERLY DIRECTION ALONG THE NORTHEASTERLY RIGHT-OF-WAY OF GEORGIA HIGHWAY 85 WITH A CURVE TO THE LEFT HAVING A RADIUS OF 3023.09 FEET, AN ARC LENGTH OF 775.75 FEET, THE CHORD OF WHICH BEARS NORTH 10 DEGREES 34 MINUTES 08 SECONDS WEST, A DISTANCE OF 773.63 FEET TO A POINT; CONTINUING THENCE ALONG SAID RIGHT-OF-WAY NORTH 17 DEGREES 54 MINUTES 07 SECONDS WEST, A DISTANCE OF 334.39 FEET TO A POINT; THENCE DEPARTING SAID RIGHT-OF-WAY AND RUNNING NORTH 88 DEGREES 50 MINUTES 48 SECONDS EAST A DISTANCE OF 1036.11 FEET TO A POINT; THENCE NORTH 88 DEGREES 36 MINUTES 56 SECONDS EAST A DISTANCE OF 1268.78 FEET TO A POINT ON THE EAST LINE OF LAND LOT 233, WHICH LAND LOT LINE IS THE DIVIDING LINE BETWEEN THE COUNTIES OF FAYETTE AND CLAYTON; RUN THENCE ALONG SAID LINE SOUTH 01 DEGREE 00 MINUTES 00 SECONDS EAST A DISTANCE OF 1180.32 FEET TO THE COMMON CORNER OF LAND LOTS 233, 234, 216 AND 215; RUN THENCE DEPARTING SAID COMMON CORNER, SOUTH 19 DEGREES 59 MINUTES 22 SECONDS WEST A DISTANCE OF 459.84 FEET TO A POINT; THENCE NORTH 86 DEGREES 36 MINUTES 09 SECONDS WEST A DISTANCE OF 32.03 FEET TO A POINT; THENCE IN A WESTERLY DIRECTION ALONG THE NORTHERN SIDE OF THE RIGHT-OF-WAY OF CARTER ROAD (50-FOOT RIGHT-OF-WAY) WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 4606.96 FEET, AN ARC LENGTH OF 198.89 FEET, THE CHORD OF WHICH BEARS NORTH 85 DEGREES 21 MINUTES 57 SECONDS WEST, A DISTANCE OF 198.87 FEET TO A POINT; CONTINUING THENCE ALONG SAID RIGHT-OF-WAY NORTH 84 DEGREES 07 MINUTES 44 SECONDS WEST A DISTANCE OF 196.37 FEET TO A POINT ON THE NORTHERN SIDE OF THE RIGHT-OF-WAY OF CORINTH ROAD (80-FOOT RIGHT-OF-WAY); RUN THENCE ALONG SAID RIGHT-OF-WAY IN A WESTERLY DIRECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1980.65 FEET, AN ARC LENGTH OF 199.83 FEET, THE CHORD OF WHICH BEARS NORTH 87 DEGREES 01 MINUTES 09 SECONDS WEST, A DISTANCE OF 199.74 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 89 DEGREES 54 MINUTES 34 SECONDS WEST A DISTANCE OF 995.38 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 55.81 ACRES.



**Exhibit B****Permitted Exceptions**

1. Ad valorem real property taxes for the year 2007 and subsequent years which are liens, but not yet due and payable.
2. Rights of upper and lower riparian owners in and to the waters of the branches or creeks traversing the subject property and the natural flow thereof, free from diminution or pollution.
3. Easement from Mrs. Tom Lester et al., to Georgia Power Company dated June 6, 1947, as recorded on October 10, 1947 in Deed Book 31, Page 325, aforesaid records.
4. Quitclaim Deed from Mrs. Mattie Lou Lester et al., to James M. Graves dated November \_\_, 1969, as recorded on November 13, 1969 in Deed Book 87, Page 206, aforesaid records.
5. Easement for anchors, guy poles and wires from Mattie L. Lester et al., to Georgia Power Company dated June 1, 1987, as recorded on July 23, 1987 in Deed Book 458, Pages 661, 662 & 663 aforesaid records.
6. Right-of-Way Easement from Signa Development Corporation, to Southern Bell and Telegraph Company dated September 15, 1988, as recorded on October 12, 1988 in Deed Book 524, Page 191, aforesaid records.
7. Deed of Easement in favor of Fayette County from Kensington Business Park Partnership dated October 19, 1994, as recorded on October 27, 1994 in Deed Book 949, Page 506, aforesaid records.

**Urban Engineers, Inc.**  
 1000 N. HIGHWAY 55, SUITE 100, FAYETTE, ALA 35892  
 PHONE: (205) 482-5288  
 FAX: (205) 482-5289  
 WWW: URBANENGINEERS.COM

PROFESSIONAL SEAL

DATE: 9/6/2024

REVISIONS	DATE	DESCRIPTION

PROJECT NAME



**Geological BT**

SM CONTACT

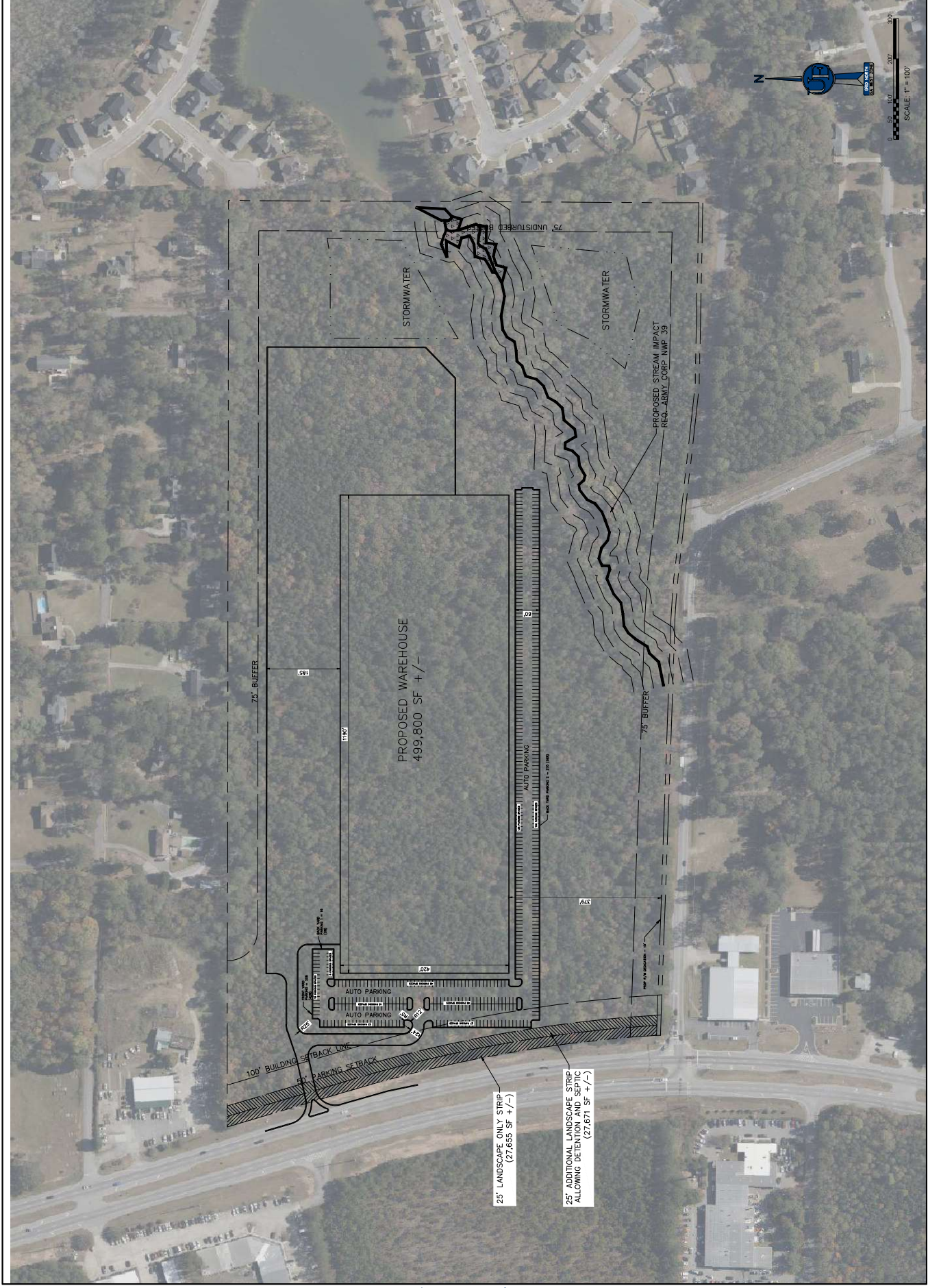
PROJECT INFORMATION

PROJECT No.	
LAND LOTS:	233
DISTRICT:	5TH
COUNTY:	FAYETTE
SCALE:	1" = 100'
DATE:	05/27/24

SHEET NUMBER

CONCEPT SITE  
 PLAN 1  
 Page 69 of 18

SHEET NUMBER  
**C-1**



North arrow pointing up with the Urban Engineers logo. A scale bar showing 0, 50, 100, 200, and 300 feet. Text below the scale bar reads "SCALE: 1" = 100'".

© 2024 Urban Engineers, Inc. All rights reserved. This drawing is the property of Urban Engineers, Inc. and is not to be used without written permission. Drawing created by: [Name]. Date: 9/6/2024.

Project: [Project Name], Site Plan 01, Worksheet/Concept Plan Sheet C-1



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

October 9, 2024

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

Board of Commissioner of Fayette County, Georgia (the “BOC”)  
c/o Tameca P. Smith, MBA, CMC, County Clerk &  
Deborah Bell, RLA, Director, Community Development Department  
140 Stonewall Avenue, West  
Suite 100  
Fayetteville, Georgia 30214

**Re: Fayette County Parcel Identification Number (“TPN”): 0552 001 (the “Property”) owned by Racetrac Petroleum, Inc. (the “Owner”); to-be-assigned Rezoning Petition Nos. (collectively, the “Application”) of Brent Holdings, LLC (the “Applicant”).**

Dear Mmes. Bell and Smith:

This letter serves to convey the enclosed letter of intent for the above-referenced Application as well as standard, and procedurally required, Constitutional and *York* objections. Please ensure that all enclosures are included with the files for the Application and presented to the Fayette County Board of Commissioners (the “BOC”) prior to their final vote on the Application.

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

Sincerely,



Steven L. Jones

Enclosures

cc: Applicant

**Letter of Intent**  
**Rezoning Application**

Highway 85 & Corinth Road  
Fayette County, Georgia

**Property:**

Fayette County Tax Parcel Number  
0552 001

**Applicant:**

Brent Holdings, LLC

c/o

Daniel Fields  
9008 East Highway 16  
Senoia, Georgia 30276  
(770) 461-0478  
dfields@brentholdings.net

&

Steven L. Jones  
Taylor English Duma LLP  
1600 Parkwood Circle  
Suite 200  
Atlanta, Georgia 30339  
(404) 218-2756  
sjones@taylorenghish.com



## I. INTRODUCTION

Brent Holdings, LLC (the “Applicant”) respectfully requests the rezoning of one (1) parcel (the “Property”) more particularly described in its Rezoning Application to Amend the Official Zoning Map of Fayette County, Georgia (the “Application”). The Applicant is the contract purchaser of the Property and will be acting as the agent on behalf of the owner, Racetrac Petroleum, Inc. (the “Owner”).

The Property is Fayette County Tax Parcel Identification Number 0552 001 and is 55.8 +/- acres. The Property fronts on Georgia State Route (i.e., “Highway”) 85 and Corinth Road across Highway 85 from the Kenwood Industrial Park.

The Property is currently zoned C-H, Highway Commercial District (“CH”). The Application seeks to rezone the Property to the M-1, Light Industrial District (“M-1”) to develop a commerce-industry building of approximately 499,800 square feet. The building will be accessed (i.e., have ingress and egress) via Highway 85 only. The building could be utilized by multiple businesses and industries or a single user, depending on the demand of the market and commerce.

The proposed development is shown on the illustrative concept plan submitted with the Application. Please note that the concept plan submitted with the Application and proposed improvements shown thereon are conceptual in nature and subject to final engineering as well as the requirements of the business and industries that desire to locate and operate in Fayette County on the Property.

In order to accomplish the proposed development, which will drive economic development, retain jobs in Fayette County, and locate industry on a state route, the Applicant has submitted the Application.

## II. ANALYSIS OF REZONING FACTORS

As demonstrated below, the Application satisfies the exclusive factors for rezoning set forth in Section 110-300 of The Zoning Ordinance of Fayette County, Georgia (the “Zoning Ordinance”), which is codified at Chapter 110 of The Code of Fayette County, Georgia. Below, each such factor is restated and is followed by the Applicant’s analysis of each factor.

***(1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;***

The Fayette County Comprehensive Plan 2017-2040 (the “Comp. Plan”) designates the Property as being within a “**Nonresidential Corridor Area**,” which generally fronts state routes north of Fayetteville, Georgia. (Comp. Plan pp. GC-11, GC-21). In this area, the Comp. Plan anticipates “a large amount of nonresidential development (office, commercial[,] and industrial) . . . on both sides of a roadway.” (Comp. Plan. P. GC-11). “[A]pplicable zoning districts for this area based on the underlying land use category depicted on the Future Land Use Plan include . . . **M-1, Light Industrial District.**” (*Id.*).

The Property is identified on the Future Land Use Map (“FLUM”) within the Comp. Plan as being within the Commercial FLUM designation. And, the Comp. Plan identifies a subset of properties within the Commercial FLUM designation that are along “SR 85 North of Fayetteville.” (*Id.*, p. L-11). **Specifically, this area on “SR 85 North of Fayetteville” and in which the Property is located, is “[a] nonresidential corridor [that] extends from the city limits of Fayetteville north to the county line. It provides an area where a variety of nonresidential uses including commercial, office, and light industrial are appropriate. The area contains opportunity for infill, redevelopment and new development.”** (*Id.*). Additionally, while “[t]he existing transportation pattern does not support large scale . . . warehousing or manufacturing uses, [which] traditionally, require more immediate access to an interstate systems, . . . **Fayette County will continue to receive interest from smaller commercial and industrial uses.**” (*Id.* at p. L-14). **Thus, the land use plan and polices therein support the zoning proposal presented by the Application.**

To that end, the vast majority of industrial property used for industrial purposes within unincorporated Fayette County is along Highway 85. (Comp. Plan, pg. L-4 to L-5 (“The majority of industrial activity is centered north of Fayetteville along SR 85 North (BFI Landfill property, numerous auto salvage facilities, and **Kenwood Business Park**) and SR 314 (Lee Center).”).

Unfortunately, the Property remains undeveloped under its current zoning classification. Given that the Property remains undeveloped in its current state, a commerce-industry building that is consistent with other uses along the corridor and the Comp. Plan would be appropriate and provide an opportunity for new development as service industries, small businesses, and industrial users are actively looking for space along the corridor given its access to Interstate 75. Although the Property’s Future Land Use Map (“FLUM”) designation of commercial does not typically correspond to the requested M-1 zoning district, the Comp. Plan makes clear that the Property is appropriate for the type of commerce-industrial development proposed by the Application. Additionally, a change in this zoning district, which is consistent with other zoning districts in the overall corridor and the Comp. Plan, would provide an opportunity for development on property that has remained undeveloped over a fifteen (15) year period in which economic tailwinds have encouraged development.

***(2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;***

As previously mentioned, the Comp. Plan identifies the corridor that extends from the city limits of Fayetteville north to the county line as non-residential with opportunities for both commercial and light industrial development. The Property is bordered to (a) the west by Highway 85; (b) the north by properties zoned CH and R-20; (c) the east by Clayton County; and (c) the south by Corinth Road and Carter Road.

Evaluating the overall mix of uses in the identified corridor and the area in unincorporated Fayette County around the Property, there exists light heavy commercial/industrial, low-density residential, and commercial uses. Along the Property’s northern, eastern, and southern borders there will be a seventy-five-foot (75’) undisturbed buffer that will ameliorate any incompatibility between the proposed use and residentially zoned property. Additionally, as shown on the concept

plan, activity areas of the development—i.e., the truck court and loading docks—generally face away and are on the side of the building opposite from any nearby low-density residential uses. Given the above, the Applicant’s proposed rezoning will complement, enhance, and be consistent with the current mixture of uses in that area. Thus, the requested rezoning will not decrease the value of surrounding properties. Rather, the development proposed by the Application will have a positive impact upon surrounding properties and their values.

***(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;***

The Application, if approved, would not result in a use which would or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools. As noted above, the Comp. Plan envisions properties within the Highway 85 corridor north of Fayetteville as being used for commercial and industrial uses and acknowledges that Highway 85 is intended and constructed for major thoroughfare traffic, including traffic towards interstate I-75. Given the extensive development along Highway 85 and the availability of utilities, the Application, if approved, would not create an excessive or burdensome use of existing or planned utilities. Finally, the use will not impact schools as it will not affect the number of students utilizing existing or planned 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.***

Based on its size and location, the Property is suitable for a commerce-industry building well situated for businesses and industries desiring to operate in Fayette County with convenient access to Interstate 75. The development trend around the Property, as noted by the Comp. Plan and above, is consistent with the development proposed by the Application.

However, the Property’s existing C-H zoning has historically and presently rendered the Property without a market for an economically viable development or use. Thus, the historical and changing market conditions show that the zoning proposal should be approved so that the Property may be used in an economically viable manner. Additionally, the proposed rezoning would provide an opportunity for development of a commerce-industry building that would generate economic benefits (i.e., jobs and tax revenue) to the County that are currently not being generated on the Property. On the other hand, the present C-H zoning assigned to, and the undeveloped state of, the Property does not benefit the County. Therefore, the existing and changing market conditions support approval of the zoning proposal. Moreover, the proposed rezoning would not pose a threat to the public health, safety, morals, or general welfare of the public, and there is no gain to the public for this property to continue to remain as presently zoned and undeveloped.

### **III. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that the Fayette County Board of Commissioners approve the Application as requested by the Applicant with only

conditions consented to by the Applicant. If there are any questions about this Application, you may contact me at 770-461-0478 or [dfields@brentholdings.net](mailto:dfields@brentholdings.net).

#### **IV. PRESERVATION OF RIGHTS**

Georgia law and the procedures of Fayette County require us to raise Federal and State constitutional and other objections during the public hearing application process. While the Applicant anticipates a smooth application process, failure to raise such objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to and hereby raise the objections set forth in Exhibit "A" and Exhibit "B" hereto at this time.

Sincerely,

/s/ Daniel Fields

DANIEL FIELDS &  
STEVEN L. JONES

**EXHIBIT “A”****CONSTITUTIONAL OBJECTION**

As applied to the real property of Racetrac Petroleum, Inc. (the “Owner”), which is identified as Fayette County Tax Assessor Parcel No(s): 0552 001 (the “Subject Property”) and is the subject of the previously-filed Rezoning Application to Amend the Official Zoning Map of Fayette County, Georgia (the “Application”) of Brent Holdings, LLC (the “Applicant”), and facially, the Zoning Ordinance of Fayette County, Georgia (the “Zoning Ordinance”), codified at Chapter 110 of the Code of Ordinances of Fayette County, Georgia (the “Code of Ordinances”) is unconstitutional in that the Applicant’s (and the Owner’s) property rights in and to the Subject Property have been destroyed without first receiving fair, adequate, and just compensation for such property rights. As applied to the Subject Property and facially, the Zoning Ordinance deprives the Applicant (and the Owner) of constitutionally protected rights in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States of America.

Application of the Zoning Ordinance to the Subject Property, and the Zoning Ordinance facially, are unconstitutional, illegal, arbitrary, capricious, null, and void, constituting takings of the Subject Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States of America thereby denying the Applicant (and the Owner) of an economically viable use of the Subject Property while not substantially advancing legitimate state interests.

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

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

Failure to approve the Application, with only those conditions consented to by the

**EXHIBIT "A"**

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

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

Respectfully submitted this 9th day of October 2024.

**TAYLOR ENGLISH DUMA LLP**  
Counsel for Applicant

/s/ Steven L. Jones

Steven L. Jones

Georgia State Bar No.: 639038

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

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

As applied to Brent Holdings, LLC (the “Applicant”) and the real property of Racetrac Petroleum, Inc. (the “Owner”), which is identified as Fayette County Tax Assessor Parcel No(s): 0552 001 (the “Subject Property”) and is the subject of the previously-filed Rezoning Application to Amend the Official Zoning Map of Fayette County, Georgia (the “Application”) of the Applicant, any and every public hearing regarding, and any Board of Commissioners of Fayette County, Georgia (“BOC”) action (including, but not limited, any final action) on, the Application, and the Zoning Ordinance of Fayette County, Georgia (the “Zoning Ordinance”), codified at Chapter 110 of the Code of Ordinances of Fayette County, Georgia (the “Code of Ordinances”) facially and as applied to the Subject Property, the Applicant, the Owner, and the Application, are objected to by the Applicant based on, but not limited to, the reasons set forth herein (collectively the “York Objection” and each an “Objection”), in accordance with *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 821 S.E.2d 120 (Ga. Ct. App. 2018):

Contemporaneous with the filing of this *York* Objection, the Applicant are filing a Constitutional Objection, and all Objections set forth therein are incorporated herein by reference as if fully restated. The Applicant objects to any and every public and other hearing(s) regarding the Application, including, but not limited to, those before the BOC and/or the Planning Commission of Fayette County Georgia (the “Planning Commission”), because the time limitation, if any, imposed on the presentation of evidence and testimony in support of, as well as in rebuttal to opposition evidence, comments, and/or testimony to, the Application deprive the Applicant of a meaningful opportunity to be heard and preserve issues, in violation of the Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of Georgia of 1983. Likewise, the Applicant objects to any and all members of the public (and/or other persons) who appear (or otherwise give testimony and/or opinion) at any and all public hearing(s) and other meetings, including, but not limited to, before the BOC and/or the Planning Commission to the extent that (but not limited to) said individuals (a) do not have standing to appeal the BOC’s decision on the Application (i.e., do not satisfy the substantial interest-aggrieved citizen test); (b) are not under oath; (c) are not subject to cross-examination; (d) present evidence on and/or make statements that qualify as (or must or should be assessed with the aid of) expert opinion testimony without any or all individuals being qualified as expert witnesses; (e) present evidence on and/or make statements that are not germane to the exclusive factors for consideration of the Application set forth in the Zoning Ordinance of Fayette County, Georgia (the “Zoning Ordinance”), codified at Chapter 110 of the Code of Ordinances of Fayette County, Georgia (the “Code of Ordinances”); (f) present evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, and/or lay, nonexpert opinion evidence; and/or (g) fail to disclose any and every campaign (or other) contribution to any member of the BOC.

Additionally, the Applicant objects to any BOC action that does not approve the Application or approves the Application with conditions not consented to by the Applicant and any other action of the County and/or the Planning Commission to the extent that (but not limited to) such action is: (a) in violation of Section 50-13-19(h) of the Official Code of Georgia Annotated or otherwise: (1) in violation of any constitutional, statutory, and/or ordinance provisions; (2) in

**EXHIBIT “B”**

excess of the constitutional, statutory, and/or ordinance authority of the Planning Commission and/or BOC; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; and/or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; (b) contrary to the report(s) and recommendation(s), to the extent the Applicant consents to the conditions thereof, of (1) the Fayette County, Georgia Department of Planning and Zoning (or any assigns thereof); (2) the Fayette County Planning Commission; and/or (3) any other Department or agency of Fayette County, Georgia or the State of Georgia; (c) founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, and/or lay, nonexpert opinion evidence; (d) contrary to, or based, in whole or in part, on factors or considerations other than, the exclusive factors or procedure for consideration of the Application set forth in the Zoning Ordinance; (e) based, in whole or in part, on evidence and/or information received by the BOC (1) outside of the public hearing on the Application; (2) by *ex parte* or other similar means; and/or (3) otherwise in a manner which does not afford the Applicant a right to respond to or otherwise confront all evidence considered by the BOC in its evaluation of the Application; (f) otherwise not made pursuant and in conformance with the Code of Ordinances; the Zoning Ordinance; the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*; and/or any other law, including the Constitutions of the State of Georgia or the United States of America; and/or (g) pursuant to an ordinance, resolution, zoning map, and/or the like not adopted in compliance with the Code of Ordinances; the Zoning Ordinance; the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*; and/or any other law, including the Constitutions of the State of Georgia or the United States of America, which the Applicant contends is the case for the applicable ordinances, resolutions, and maps, including, but not limited to, the Zoning Ordinance.

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

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

Respectfully submitted this 9th day of October 2024.

**TAYLOR ENGLISH DUMA LLP**  
Counsel for Applicant

/s/ Steven L. Jones

Steven L. Jones

Georgia State Bar No.: 639038

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



STATE OF GEORGIA  
 COUNTY OF FAYETTE

R E S O L U T I O N

No. 87 - 647

WHEREAS, Joyce Faulkner, agent for Signa Investments, Inc., owner, having coming before the Fayette County Board of Commissioners on the 24th day of September, 1987, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 1980"; and

WHEREAS, said request being as follows: To rezone 55 acres on State Route 85 North, Corinth Road and Carter Road, in Land Lot ~~223~~<sup>233</sup> of the 5th District, from R-20 to C-H for the purpose of developing a proposed business park; and

WHEREAS, the Fayette County Board of Commissioners having duly convened and considered said request;

BE IT RESOLVED that the decision of the Fayette County Board of Commissioners, that said request be approved C-H CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless specifically stipulated by the Board of Commissioners:

1. That the use of the front 300 feet of the subject property as measured from the right-of-way of State Route 85 shall be limited to office, retail trade, personal services, restaurants and entertainment.
2. To provide an undisturbed buffer along that portion of the north property line adjoining Kenwood Forest Subdivision which is at least 65 feet deep adjoining the north property line (being a 50 foot buffer and a 15 foot undisturbed setback area).
3. That there shall be no street tie-on to Country Lane Road.
4. To provide and maintain off-street parking on the property during any construction project.
5. That exterior illuminating sources shall not be directly visible from adjoining residential properties.
6. That there will be no access cuts on Carter Road, no more than one access cut on Corinth Road, and no more than two access cuts on State Route 85 subject to the County Engineer's review.

This decision is based on the recommendation of the Fayette County Planning Commission and County Planner.

SO RESOLVED, this 24th day of September, 1987.

BOARD OF COMMISSIONERS

OF  
FAYETTE COUNTY

ATTEST:

Margaret Malone  
MARGARET MALONE, CLERK

Chuck Watkins  
CHUCK WATKINS, CHAIRMAN

Wednesday, February 12, 2025

Fayette County News B5

Continued from page B4

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, March 6, 2025, at 7:00 P.M. and before the Fayette County Board of Commissioners on Thursday, March 27, 2025, at 5:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

Petition No.: 1360-24

Parcel No: 0552 001

Owner: Racetrac Petroleum, Inc

Applicant: Brent Holdings, LLC

Agent(s): Daniel Fields, Steven L.

Jones, Taylor English Duma, LLP

Zoning District: C-H Conditional

Area of Property: 55.8+/- acres

Land Lot(s)/District: Land Lot 233 of the 5th District

Fronts on: N. Highway 85, Corinth Road, Country Lane Road and Carter Road

Proposed: Applicant proposes to rezone 55.8+/- acres from C-H (Highway Commercial) Conditional to M-1 (Light Industrial) for the purposes of constructing a Distributing Warehouse.

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

Legal Description  
EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 233 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, AS SHOWN ON PLAT OF SURVEY FOR AMIR VIRANI DATED 7/10/87, BY LAND-MARK SURVEYING, INC., AND BEING MORE PARTICULARLY DESCRIBED AS

FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERLY SIDE OF RIGHT-OF-WAY OF GEORGIA HIGHWAY 85 (170-FOOT RIGHT-OF-WAY) WITH THE NORTHERN SIDE OF THE RIGHT-OF-WAY OF CORINTH ROAD (80-FOOT RIGHT-OF-WAY) AND RUN THENCE IN A NORTHWESTERLY DIRECTION ALONG THE NORTHEASTERLY RIGHT-OF-WAY OF GEORGIA HIGHWAY 85 WITH A CURVE TO THE LEFT HAVING A RADIUS OF 3023.09 FEET, AND ARC LENGTH OF 775.75 FEET, THE CHORD OF WHICH BEARS NORTH 10 DEGREES 34 MINUTES 08 SECONDS WEST, A DISTANCE OF 773.63 FEET TO A POINT; CONTINUING THENCE ALONG SAID RIGHT-OF-WAY 17 DEGREES 54 MINUTES 07 SECONDS WEST, A DISTANCE OF 334.39 FEET TO A POINT; THENCE DEPARTING SAID RIGHT-OF-WAY AND RUNNING NORTH 88 DEGREES 50 MINUTES 48 SECONDS EAST A DISTANCE OF 1036.11 FEET TO A POINT; THENCE NORTH 88 DEGREES 36 MINUTES 56 SECONDS EAST A DISTANCE OF 1268.78 FEET TO A POINT ON THE EAST LINE OF LAND LOT 233, WHICH LAND LOT LINE IS THE DIVIDING LINE BETWEEN THE COUNTIES OF FAYETTE AND CLAYTON; RUN THENCE ALONG SAID LINE SOUTH 01 DEGREE 00 MINUTES 00 SECONDS EAST A DISTANCE OF 1180.32 FEET TO THE COMMON CORNER OF LAND LOTS 233, 234, 216 AND 215; RUN THENCE DEPARTING SAID COMMON CORNER, SOUTH

89 DEGREES 59 MINUTES 22 SECONDS WEST A DISTANCE OF 459.84 FEET TO A POINT; THENCE NORTH 86 DEGREES 36 MINUTES 09 SECONDS WEST A DISTANCE OF 32.03 FEET TO A POINT; THENCE IN A WESTERLY DIRECTION ALONG THE NORTHERN SIDE OF THE RIGHT-OF-WAY OF CARTER ROAD (50-FOOT RIGHT-OF-WAY) WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 4606.96 FEET, AN ARC LENGTH 198.89 FEET, THE CHORD OF WHICH BEARS NORTH 85 DEGREES 21 MINUTES 57 SECONDS WEST, A DISTANCE OF 198.87 FEET TO A POINT; CONTINUING THENCE ALONG SAID RIGHT-OF-WAY NORTH 84 DEGREES 07 MINUTES 44 SECONDS WEST A DISTANCE OF 196.37 FEET TO A POINT ON THE NORTHERN SIDE OF THE RIGHT-OF-WAY PF CORINTH ROAD (80-FOOT RIGHT-OF-WAY); RUN THENCE ALONG SAID RIGHT-OF-WAY IN A WESTERLY DIRECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1980.65 FEET, AN ARC LENGTH OF 199.83 FEET, THE CHORD OF WHICH BEARS NORTH 87 DEGREES 01 MINUTES 09 SECONDS WEST, A DISTANCE OF 199.74 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 89 DEGREES 54 MINUTES 34 SECONDS WEST A DISTANCE OF 995.38 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 55.81 ACRES.

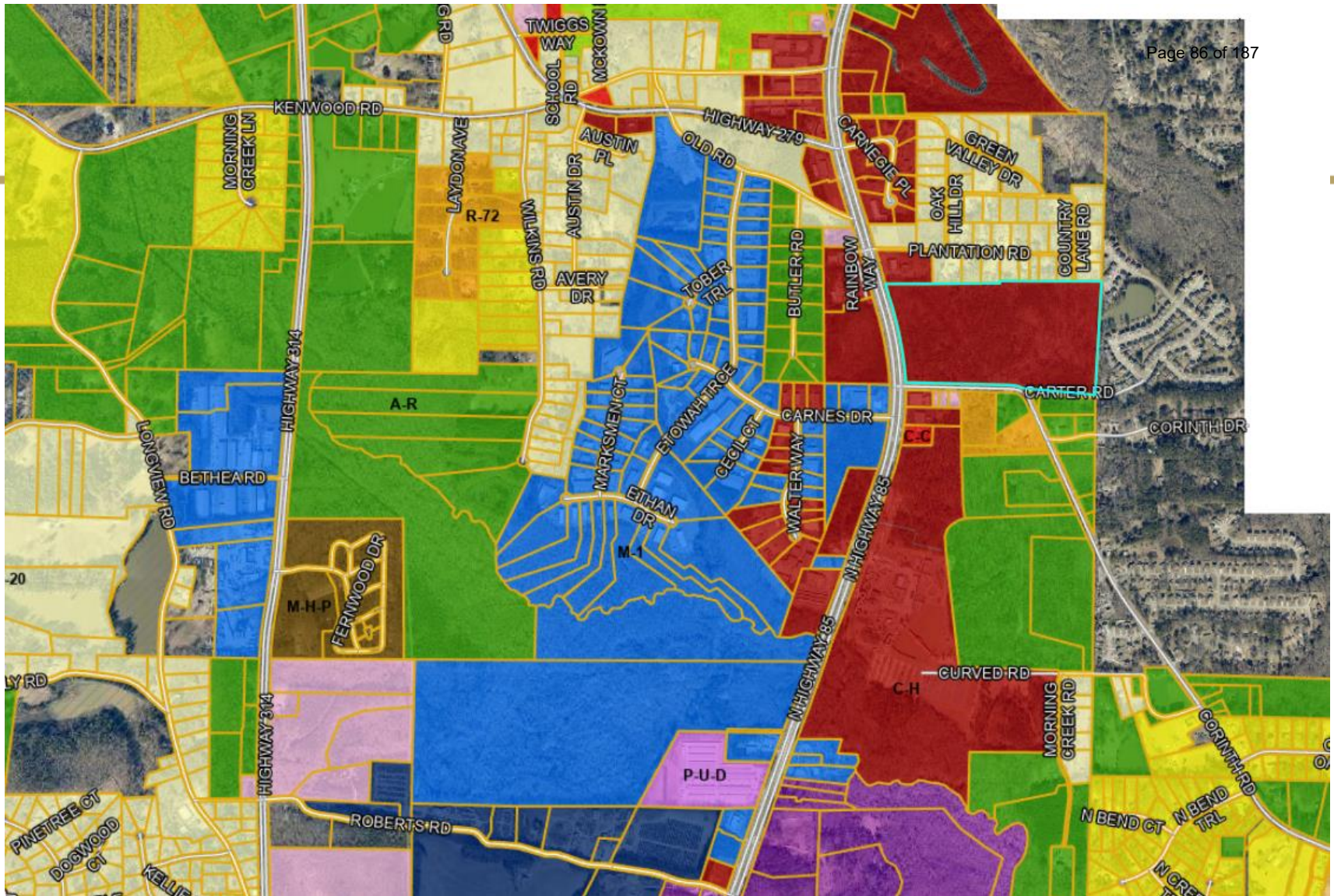
02/12

## Applicant's Supplement Documents

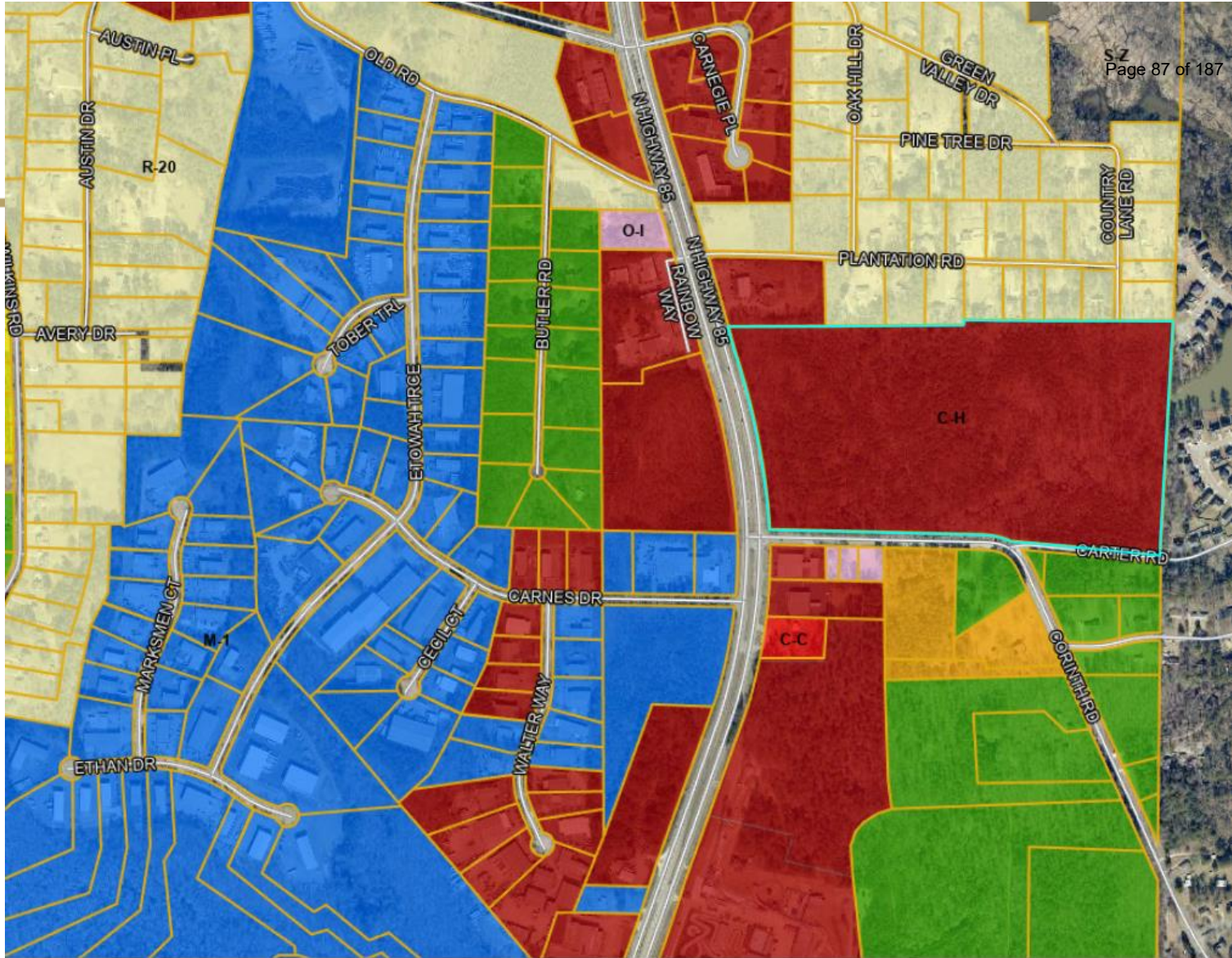
# Brent Holdings S.R. 85 & Corinth Road Commerce-Industry Building

By: Steven L. Jones  
sjones@taylorenghish.com  
(404) 218-2756

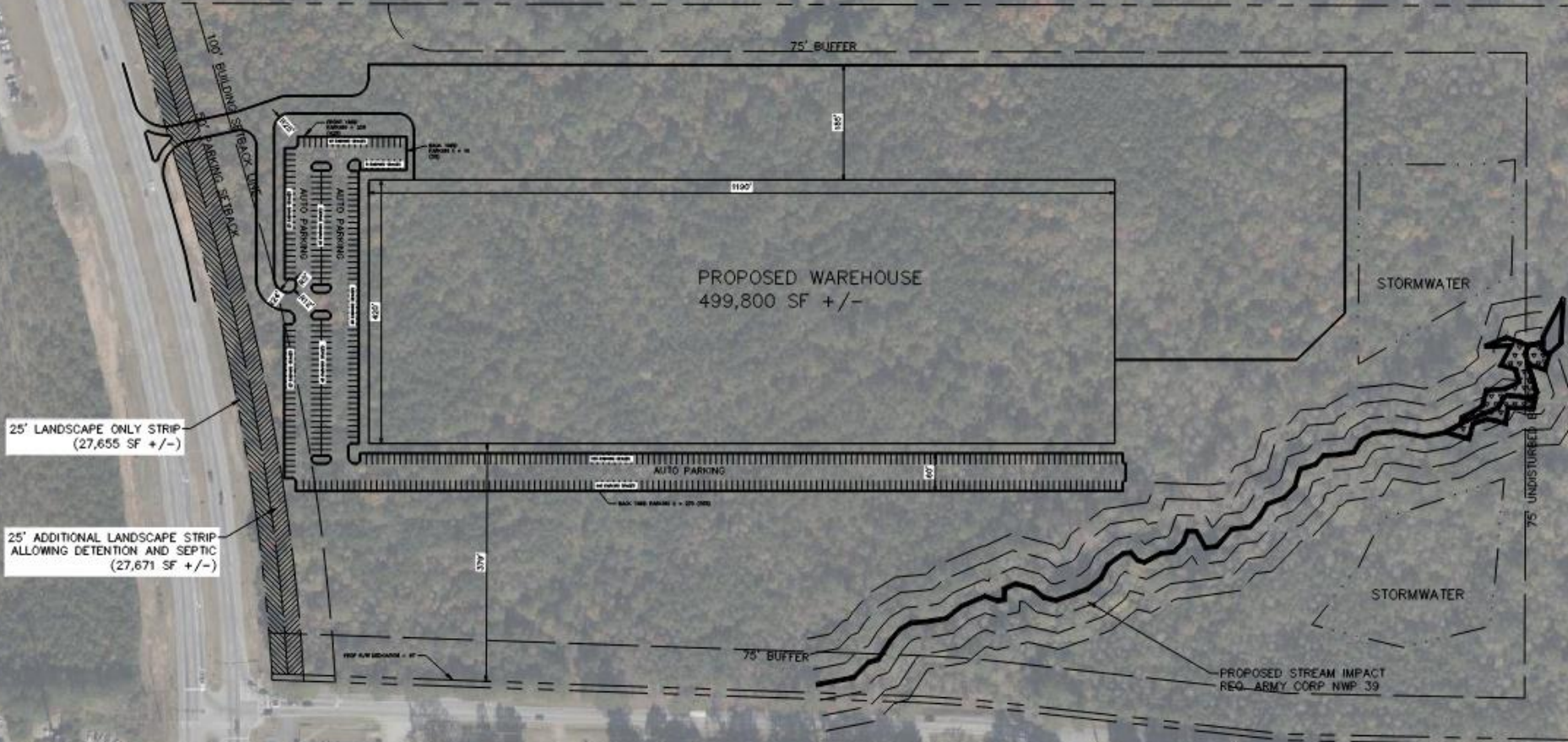
taylor | english



- TPNs 0552 001
- 55.8 +/- Acres



- TPNs 0552 001
- 55.8 +/- Acres





# Comp. Plan – Comm. & Non-Res. Corridor

- *Comp. Plan:*
  - *Nonresidential Corridor Area - SR 85 North of Fayetteville:*
    - *A nonresidential corridor, this area extends from the city limits of Fayetteville north to the county line. It provides an area where a variety of nonresidential uses including commercial, office, and **light industrial are appropriate**. The area contains opportunity for infill, redevelopment and new development. (p. GC-11, -21)*
    - *In this area, the Comp. Plan **anticipates “a large amount of nonresidential development (office, commercial and industrial) on both sides of [the] roadway.”** (p. GC-11)*
    - *“Applicable zoning districts . . . Include M-1, Light Industrial.” (p. GC-11)*

# Comp. Plan – Comm. & Non-Res. Corridor Prior Precedential Rezoning – No. 1

028

Page 28 of 166

PETITION NO: 1319-22

REQUESTED ACTION: O-I to M-1

PROPOSED USE: Multi Tenant Light Industrial

EXISTING USE: Undeveloped

LOCATION: S.R. 85 & Carnes Drive

DISTRICT/LAND LOT(S): 5<sup>th</sup> District, Land Lot 216

OWNER: Ann Kimbell

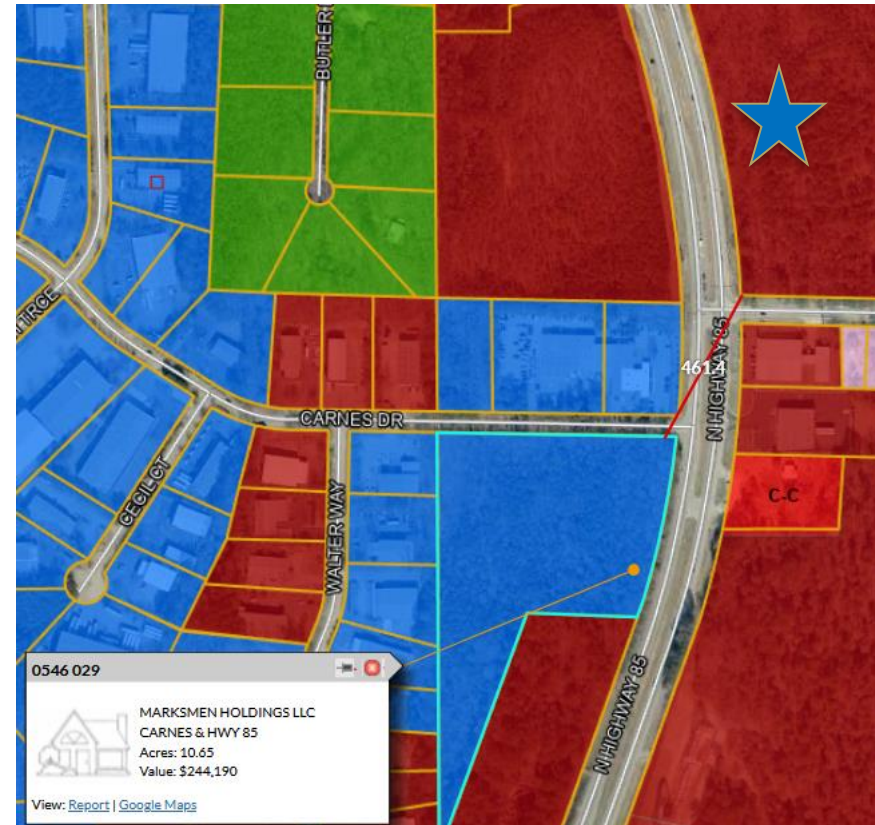
AGENT: David Weinstein

PLANNING COMMISSION PUBLIC HEARING: June 2, 2022

BOARD OF COMMISSIONERS PUBLIC HEARING: June 23, 2022

## APPLICANT'S INTENT

Applicant proposes to rezone 10.651 acres from O-I to M-1 for a multi-tenant light industrial facility.



# Comp. Plan – Comm. & Non-Res. Corridor Prior Precedential Rezoning – No. 1

## STAFF ANALYSIS

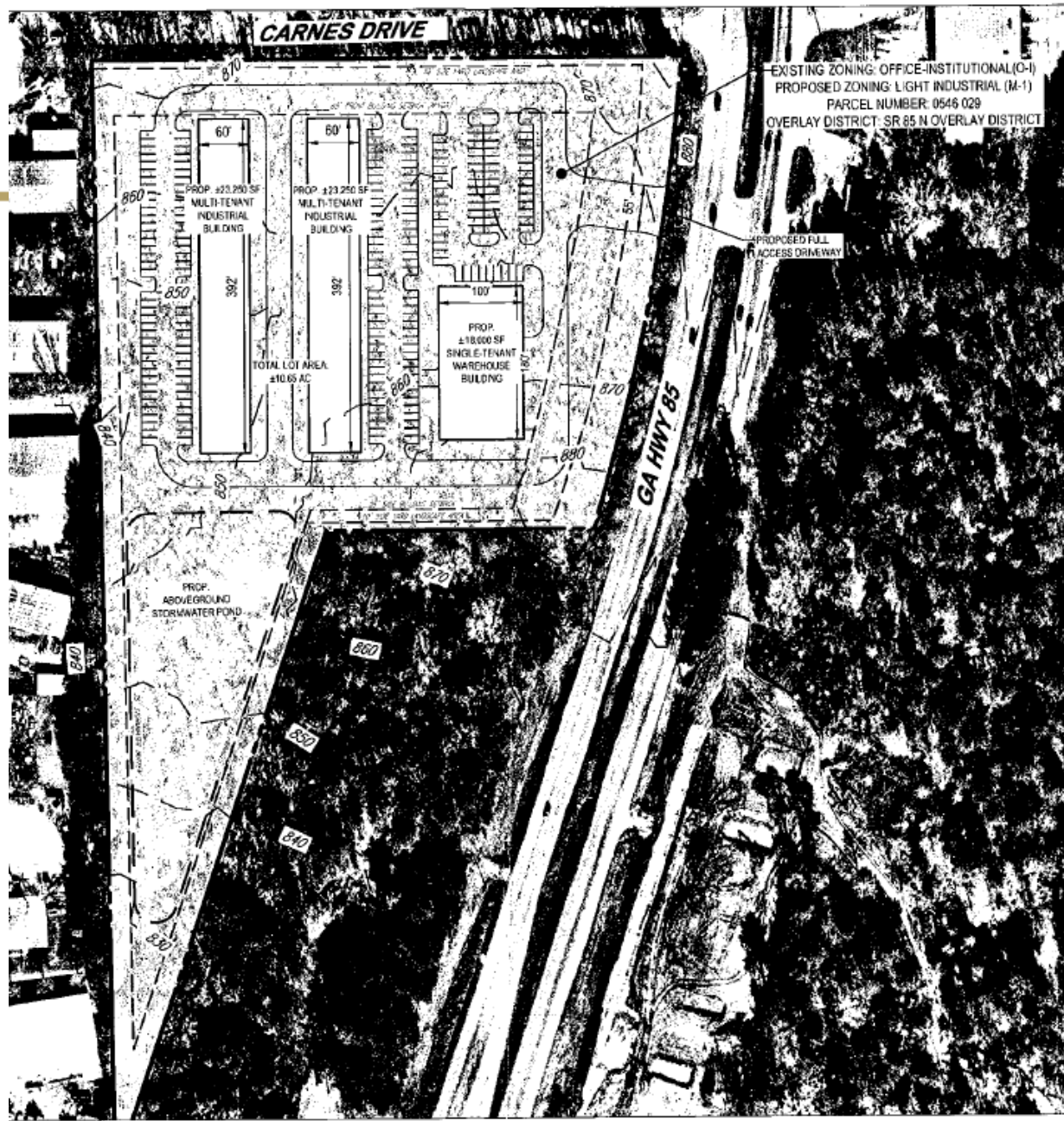
This request is based on the petitioner's intent to rezone said property from O-I to M-1 for the purpose of developing Light-Industrial. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated for Commercial. This request conforms to the Fayette County Comprehensive Plan in terms of the SR 85 North of Fayetteville commercial area description which states:

SR 85 North of Fayetteville: A nonresidential corridor, this area extends from the city limits of Fayetteville north to the county line. It provides an area where a variety of nonresidential uses including commercial, office, and light industrial are appropriate. The area contains opportunity for infill, redevelopment and new development.

2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. Existing conditions and the area's continuing development as a non-residential district support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL**.



EXISTING ZONING: OFFICE-INSTITUTIONAL (O-I)  
PROPOSED ZONING: LIGHT INDUSTRIAL (M-1)  
PARCEL NUMBER: 0546 029  
OVERLAY DISTRICT: SR 85 N OVERLAY DISTRICT

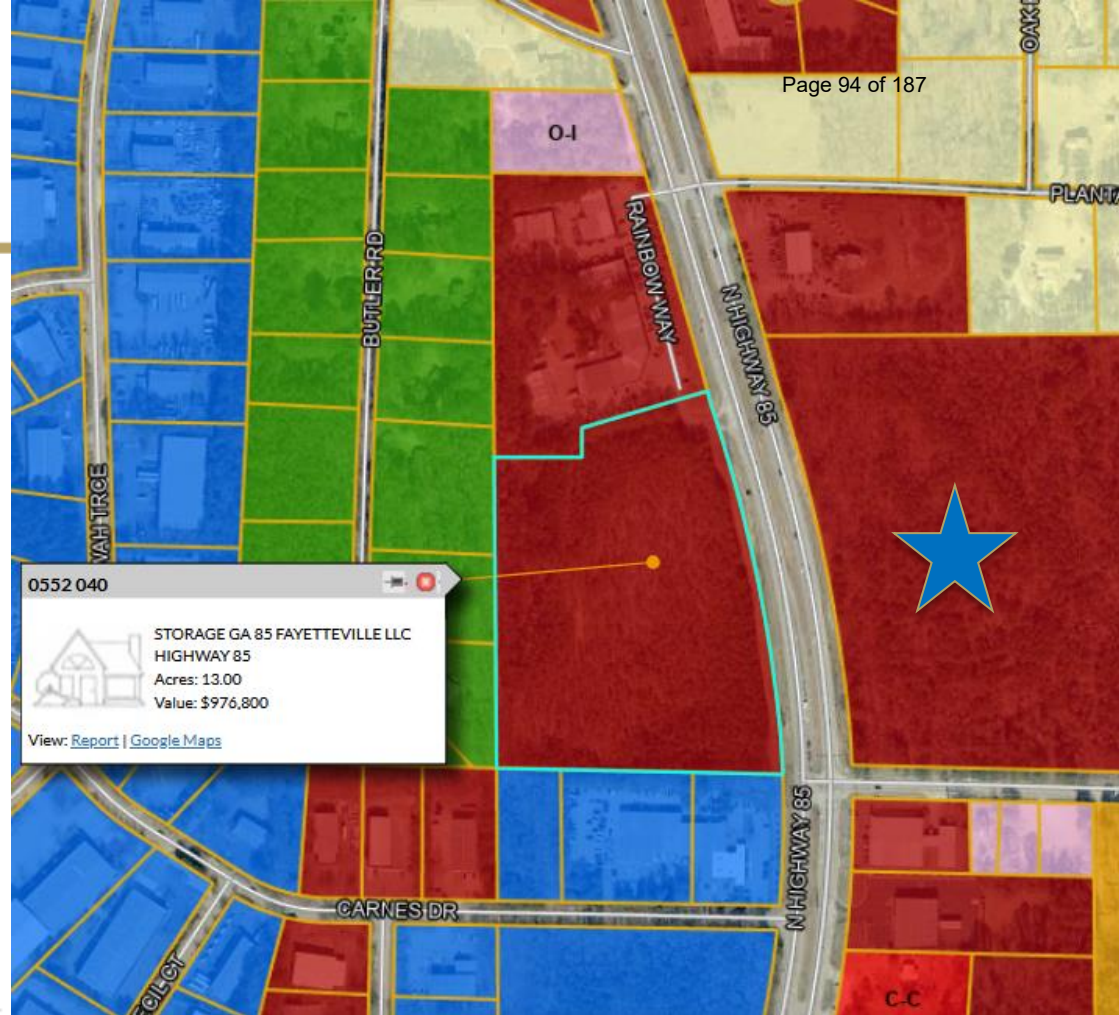
PROPOSED FULL ACCESS DRIVEWAY



# Comp. Plan – Comm. & Non-Res. Corridor Prior Precedential Rezoning - No. 2

- June 23, 2022 BOC Minutes
  - Commissioner Oddo moved to approve Petition No. 1319-22, Ann Kimbell, Owner and David Weinstein, Agent, request to rezone 10.651 acres from O-I to M-1 for a Multi-Tenant Light Industrial Facility; property located in Land Lot 216 of the 5th District and front(s) on S.R. 85 and Carnes Drive. Vice Chairman Gibbons seconded.
  - The motion passed 4-0. Commissioner Maxwell was absent.

# Industrial Corridor



**PETITION NO: 1326-22**

**REQUESTED ACTION:** O-I to C-H

**PROPOSED USE:** Truck Parking Facility

**EXISTING USE:** Vacant, undeveloped land

**LOCATION:** S.R. 85 north of Carnes Drive

**DISTRICT/LAND LOT(S):** 5<sup>th</sup> District, Land Lot 233

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

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

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

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



# Industrial Corridor

## STAFF RECOMMENDATION

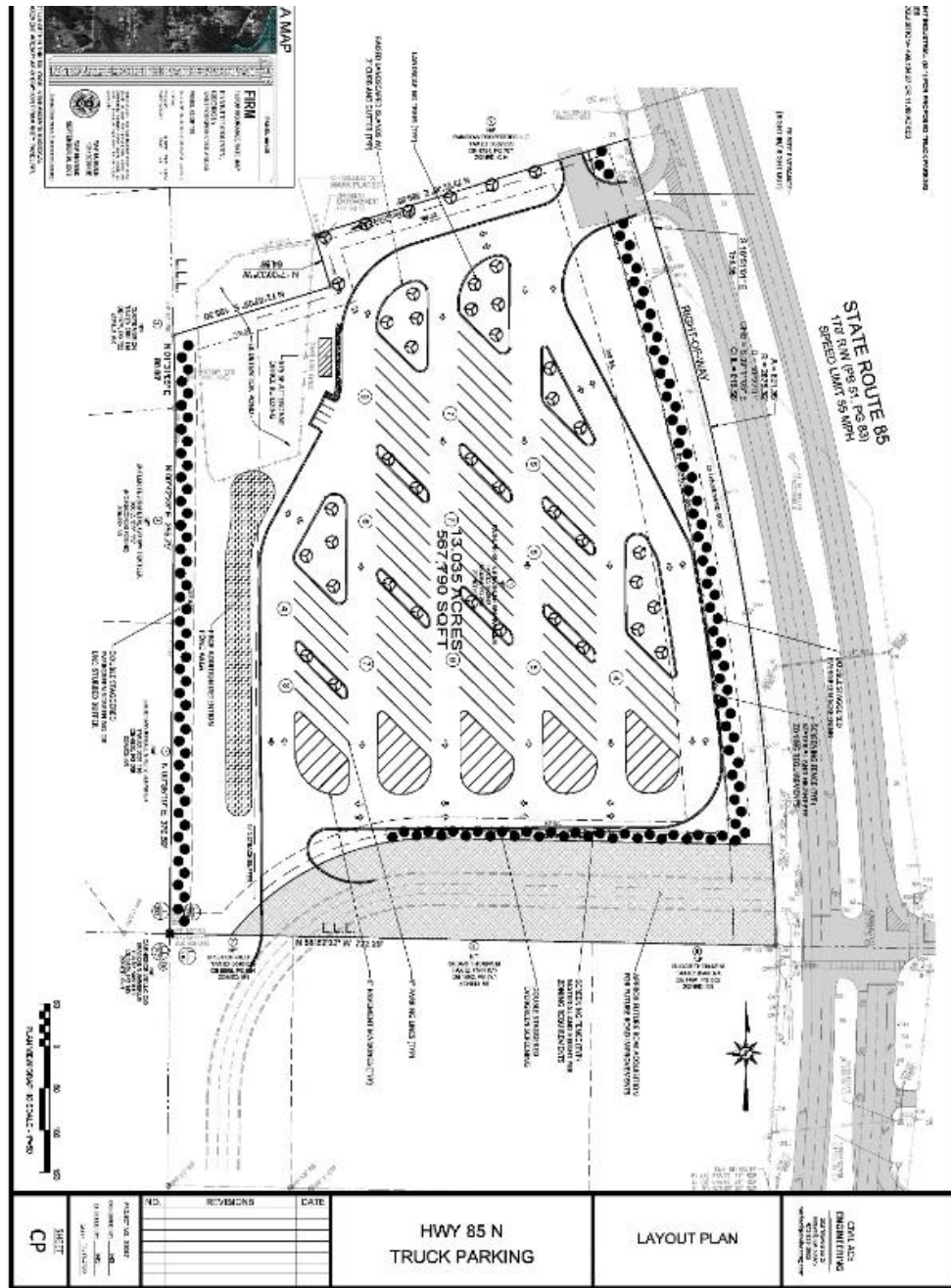
As defined in the Fayette County Comprehensive Plan, the C-H – Highway Commercial District - is designated for this area. Should this petition be approved, the owner/developer must submit a site development plan as required by Chapter 104, Development Regulations. Approval of this zoning petition does not constitute approval of the conceptual site plan.

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

## RECOMMENDED CONDITIONS

1. A 75-foot vegetated buffer shall be provided adjacent to residentially zoned parcel(s) to the west of the project. Additional planting should be added in areas where existing vegetation does not provide an adequate screen. This shall not prevent a septic system or the existing or future stormwater facilities from remaining or being located in this buffer, as prescribed by Sec. 110-93 and Sec. 110-94, respectively.
2. The full 50-foot front (east property line) buffer required by the SR 85 N Transportation Overlay shall be a vegetated buffer. Additional planting should be added in areas where existing vegetation does not provide an adequate screen. This area is not to be used for septic systems or other site utilities. This buffer shall not prevent use of the existing curb cut on SR 85; this access point is subject to GDOT approval.
3. A 200-foot x 10-foot linear strip on the south edge of the property along the proposed road extension shall be a planted evergreen buffer to screen the view of the lot from State Route 85.
4. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture. Fixtures shall be designed or shielded to prevent light trespass on other properties or roads.
5. The existing shared detention pond will require hydrological study to demonstrate it has sufficient design capacity to serve the addition of the proposed project.
6. The new development must continue to allow this pond to serve the stormwater detention requirements of the original commercial development to the north, with a site plan approved January 26, 1990.
7. The owner of the new project must provide a stormwater maintenance agreement since the detention pond is contained within this parcel. This agreement shall conform to the county's standard agreement for stormwater facility maintenance.
8. Omit tree island requirements for southernmost end of parking lot.

# Industrial Corridor

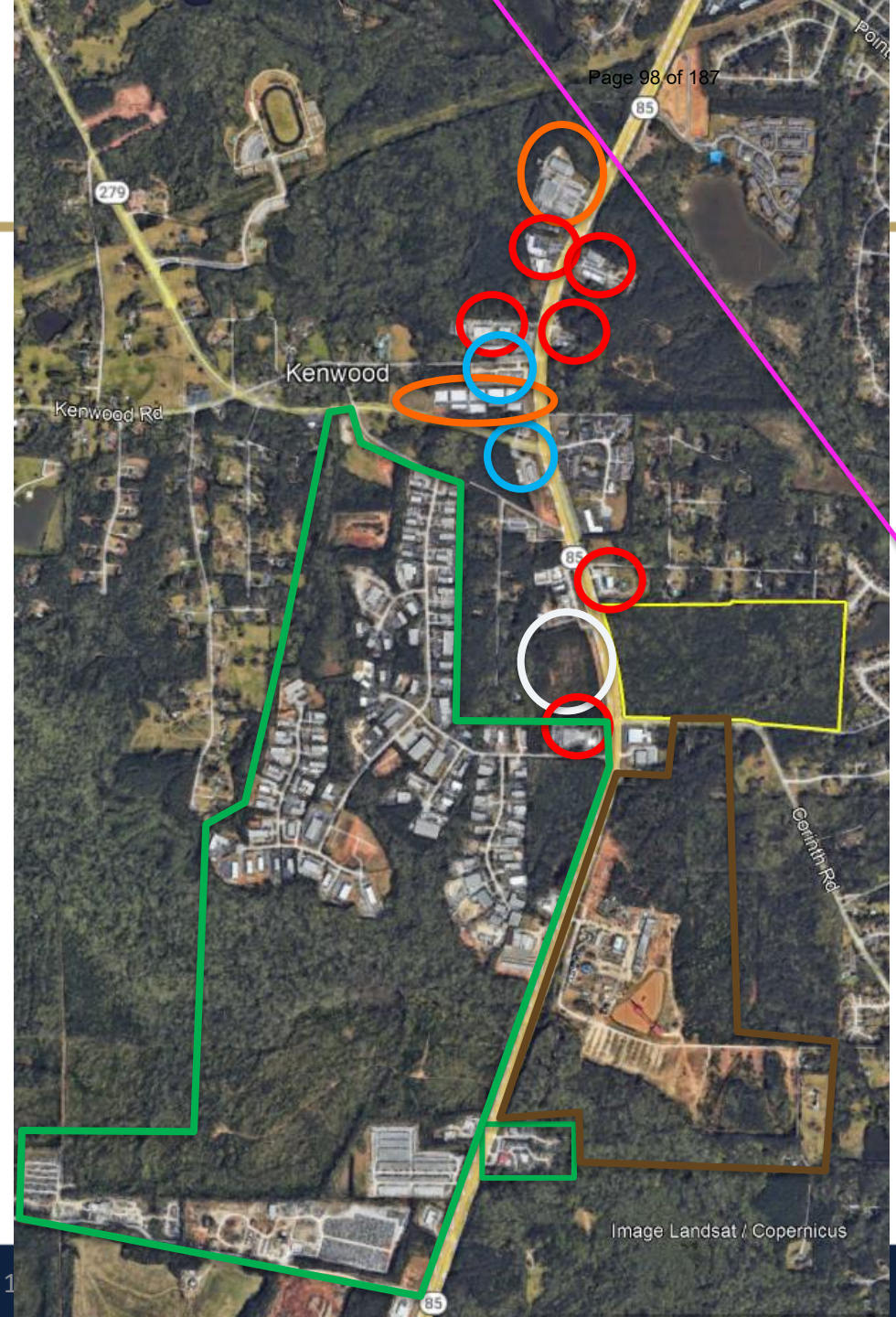


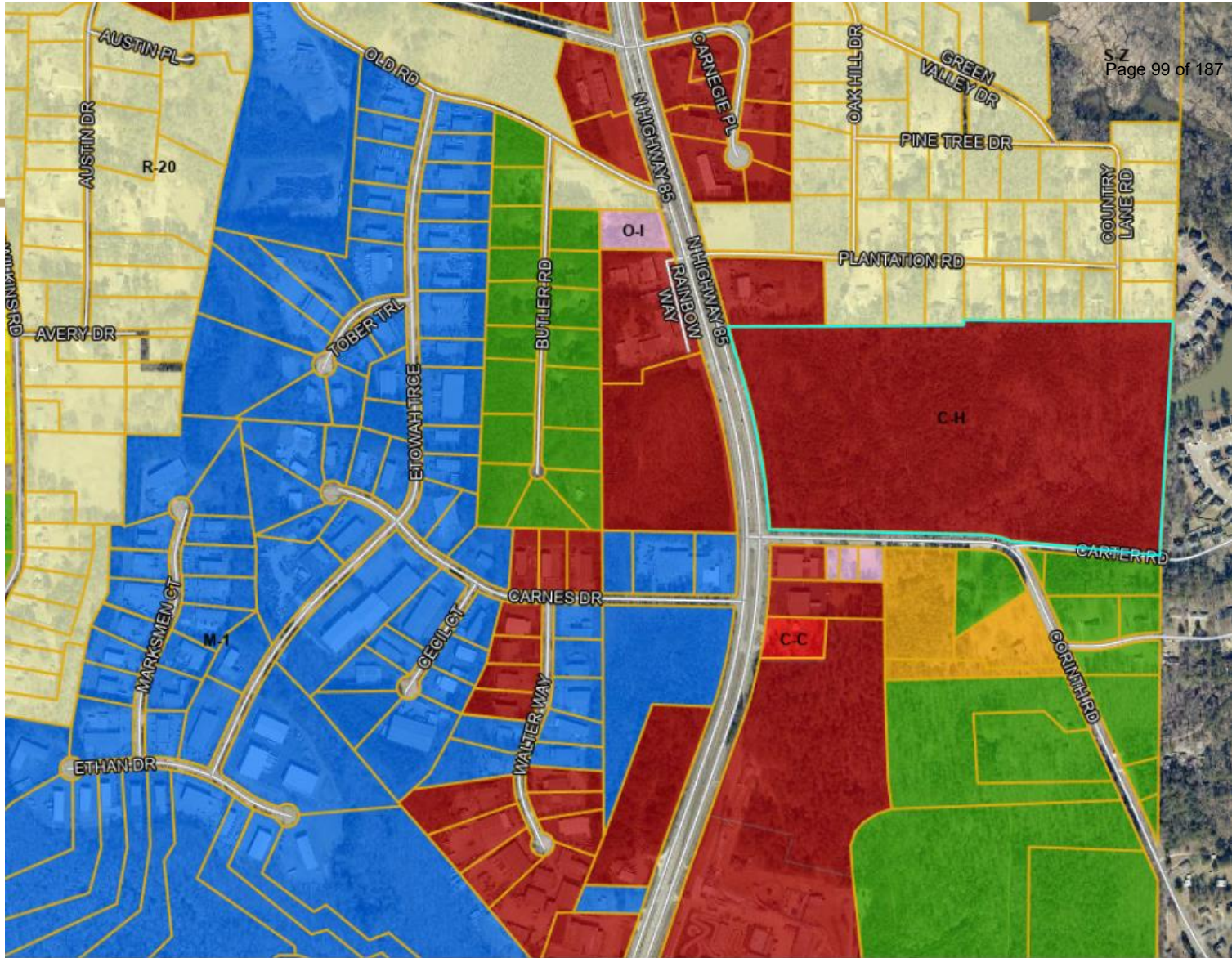


# Industrial Corridor

- February 23, 2023 BOC Minutes
  - Vice Chairman Gibbons moved to **approve** Petition No. 1326-22 . . . . to rezone 13.035 acres **from O-I to C-H to develop a truck parking facility** . . . with nine (9) conditions. Commissioner Eric Maxwell seconded.
  - **The motion passed 4-1.** Commissioner Charles Rousseau voted in opposition.

- Orange – Self Storage
- Red – Auto Repair/Service
- Blue – Gas Station
- Green – General Industrial or Heavy Commercial
- Brown – Amusement Park
- Gray – Truck Parking
- Purple – (approx.) County Line

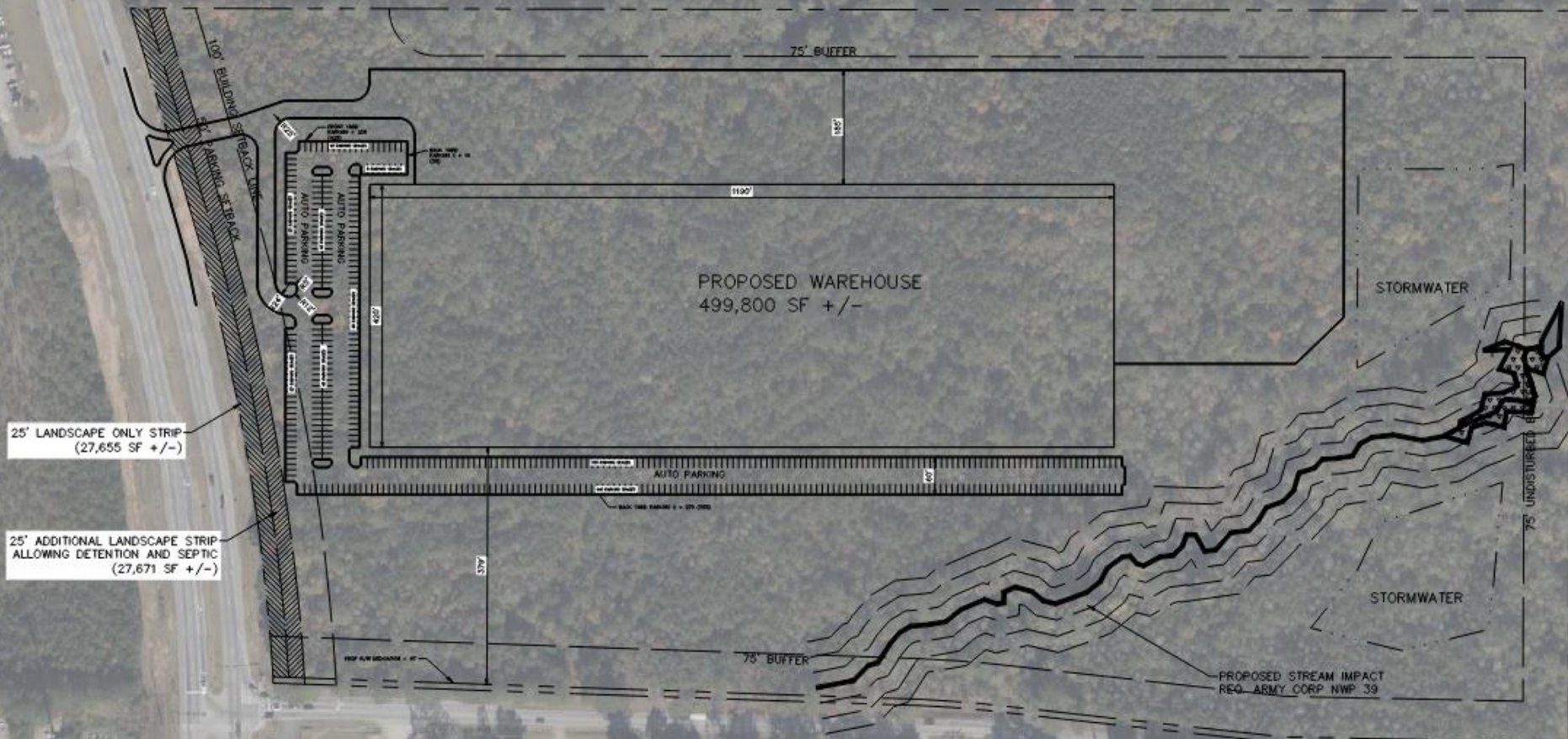




- TPNs 0552 001
- 55.8 +/- Acres

# M-1 Permitted Uses (examples)

- Light manufacturing, including
  - Electronic device assembly
  - Assembly of products from previously prepared materials
  - Bottling and/or canning plant
  - Ceramic products
  - Light sheet metal products
  - Manufacturing of food, cosmetics and pharmaceutical products
  - Machine/welding shop
  - Other manufacturing, processing, packaging or handling of similar nature (not noxious uses)
  - Production and/or sales of commercial/industrial hardware
- Medical laboratory
- Restaurant supply
- TV/movie/media production
- Blueprinting and/or graphics services
- Building construction/contracting and related activities
- Cabinet manufacturing, sales, repair, and/or installation
- Grading service
- Land development firms
- Landscaping service



# COUNTY AGENDA REQUEST

Department:	<input type="text" value="Planning &amp; Zoning"/>	Presenter(s):	<input type="text" value="Debbie Bell, Director"/>
Meeting Date:	<input type="text" value="Thursday, March 27, 2025"/>	Type of Request:	<input type="text" value="Public Hearing #3"/>

**Wording for the Agenda:**

Consideration of Petition 1361-25, Max Fuller, Applicant, After Hours Property Management, LLC, Owners, Christine Flanigan, Agent, propose to rezone 10.03 acres from A-R (Agricultural-Residential) to R-72 (Single-Family Residential) for the purpose of developing residential lots; property located in Land Lots 88 and 73 of the 5th District and fronts on John Street (abandoned) and Inman Road.

**Background/History/Details:**

Applicant proposes to rezone 10.03 acres from A-R (Agricultural-Residential) to R-72 (Single-Family Residential) for the purposes of developing as single-family residential lots. As defined in the Fayette County Comprehensive Plan's Future Land Use Plan, this area is designated as Rural Residential-2, so the request for R-72 zoning, which requires 2-acre lots, is appropriate.

Staff recommends CONDITIONAL APPROVAL subject to the following: 1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 50-ft of right of way as measured from the existing centerline of Inman Road for the full width of the parcel. Submittal of all warranty deed(s) and legal descriptions for said right-of-way dedication(s) 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.

On March 6, 2025, the Planning Comm. voted 5-0 to recommend CONDITIONAL APPROVAL.

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

Staff recommends CONDITIONAL APPROVAL of Petition 1361-25, Max Fuller, Applicant, After Hours Property Management, LLC, Owners, Christine Flanigan, Agent, propose to rezone 10.03 acres from A-R (Agricultural-Residential) to R-72 (Single-Family Residential) for the purpose of developing residential lots; property located in Land Lots 88 and 73 of the 5th District and fronts on John Street (abandoned) and Inman Road.

**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	<input type="text" value="Not Applicable"/>	Reviewed by Legal	<input type="text"/>
Approved by Purchasing	<input type="text" value="Not Applicable"/>	County Clerk's Approval	<input type="text" value="Yes"/>
Administrator's Approval	<input type="text"/>		

**Staff Notes:**

**PETITION No. 1361-25**

**REQUESTED ACTION:** Rezone 10.03 acres from A-R to R-72

**PARCEL NUMBER:** 0505 047

**EXISTING ZONING:** A-R

**PROPOSED ZONING:** R-72

**EXISTING USE:** Agricultural-Residential

**PROPOSED USE:** Single-Family Residential

**LOCATION:** Inman Road at John Street (abandoned)

**LOT SIZE:** 10.03 Acres

**DISTRICT/LAND LOT(S):** 5<sup>th</sup> District, Land Lots 88, 73

**OWNER(S):** After Hours Property Management, LLC

**APPLICANT(S):** Max Fuller

**AGENT(S):** Christine Flanigan

**PLANNING COMMISSION PUBLIC HEARING:** March 6, 2025, at 7:00 PM

**BOARD OF COMMISSIONERS PUBLIC HEARING:** March 27, 2025, at 5:00 PM

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**REQUEST**

The applicant is requesting to rezone the property from A-R to R-72.

**PLANNING COMMISSION RECOMMENDATION**

On March 6, 2025, the Planning Commission voted 5-0 to recommend **CONDITIONAL APPROVAL** of the petition to rezone from A-R to R-72, subject to staff's recommended conditions.

**STAFF ASSESSMENT & RECOMMENDATION**

The lot is a legal lot of record and meets or exceeds all the requirements of the A-R zoning district. The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre minimum

parcel size. Therefore, the request to rezone to the R-72 zoning district is appropriate and is consistent with the Future Land Use Map and the Comprehensive Plan. Staff recommends **CONDITIONAL APPROVAL** of the request to rezone to R-72, subject to the following:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 50-ft of right of way as measured from the existing centerline of Inman Road for the full width of the parcel. Submittal of all warranty deed(s) and legal descriptions for said right-of-way dedication(s) 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.

Staff has discussed these conditions with the applicant, and they accept these conditions.



## **INVESTIGATION**

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

The subject property is currently zoned A-R. It has not been rezoned. The property is currently undeveloped and is open pasture. There are no environmental issues that impact the property.

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

The parcels surrounding the subject property are zoned A-R. The Future Land Use Map for this property and all the surrounding properties is Rural Residential-2, 1 Unit/2 Acres. See the attached Zoning Map and Future Land Use Map.

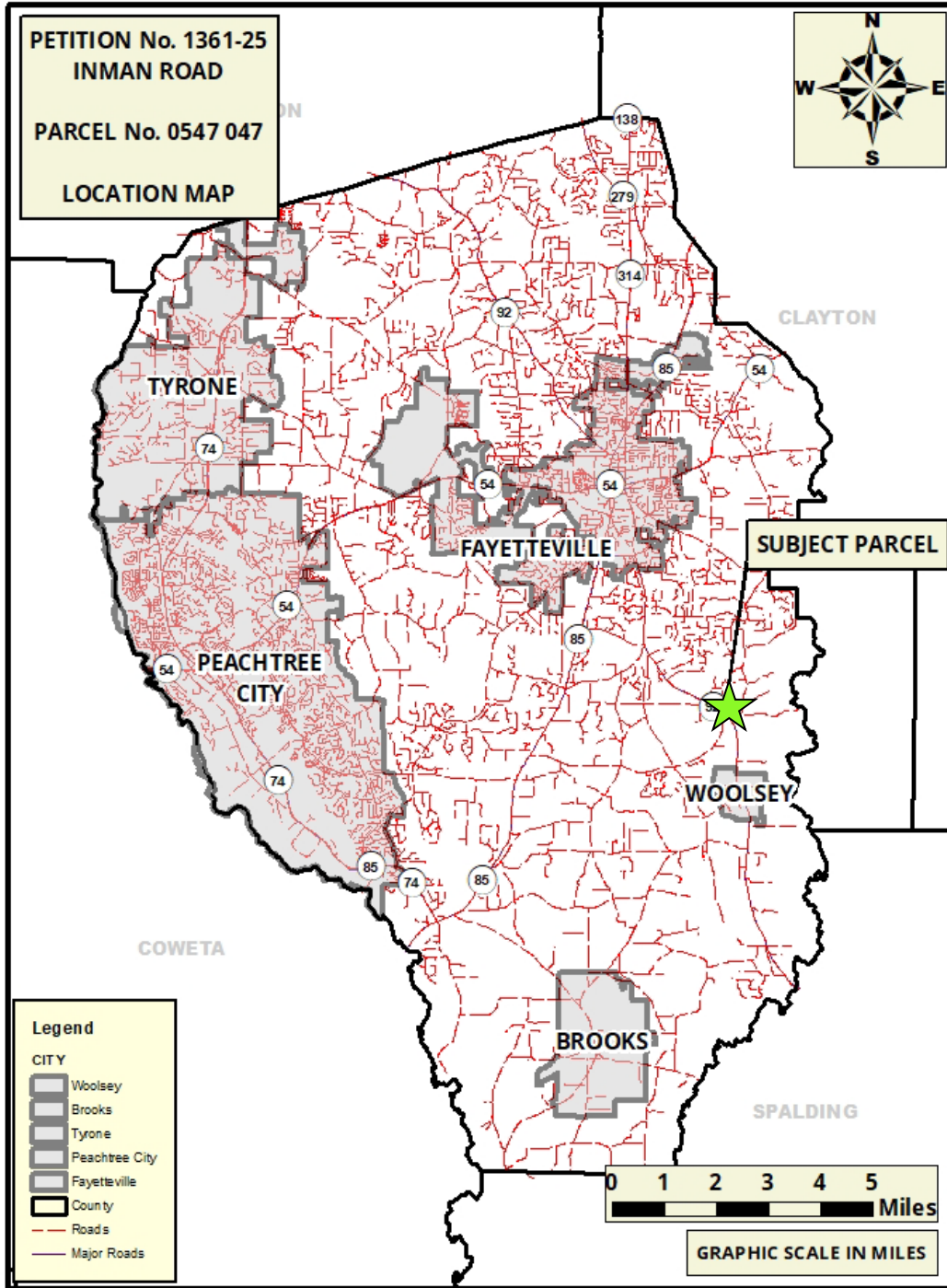
<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Future Land Use Plan</b>
North	36.28	A-R	Agricultural	Rural Residential-2 (1 unit /2 acres)
East	Same parcel as north	A-R	Single Family Residential & Agricultural	Rural Residential-2 (1 unit /2 acres)
South	7.52	A-R	Single Family Residential & Agricultural	Rural Residential-2 (1 unit /2 acres)
West	28.11	A-R	School	Rural Residential-2 (1 unit /2 acres)

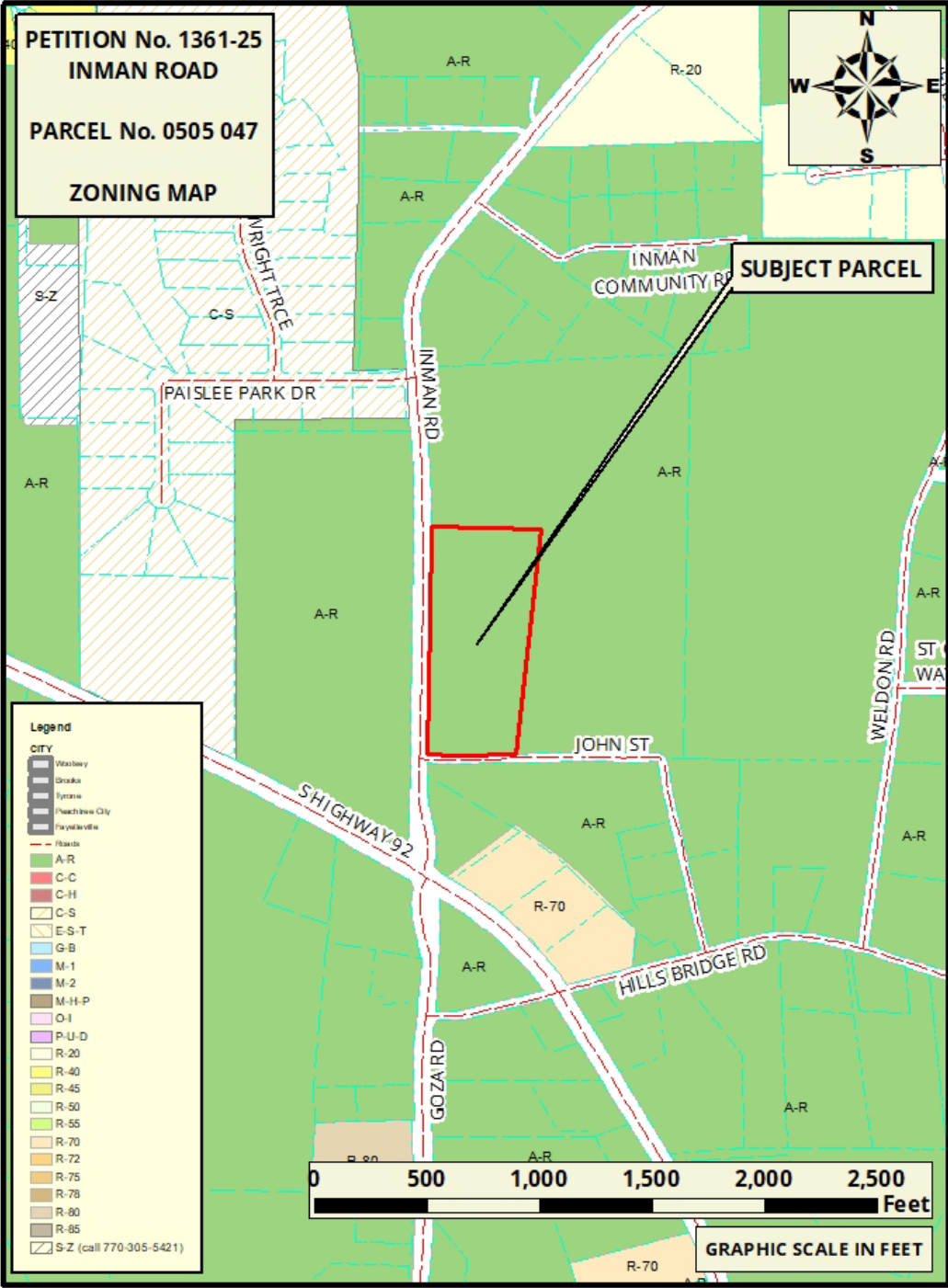
### **C. DEPARTMENTAL COMMENTS**

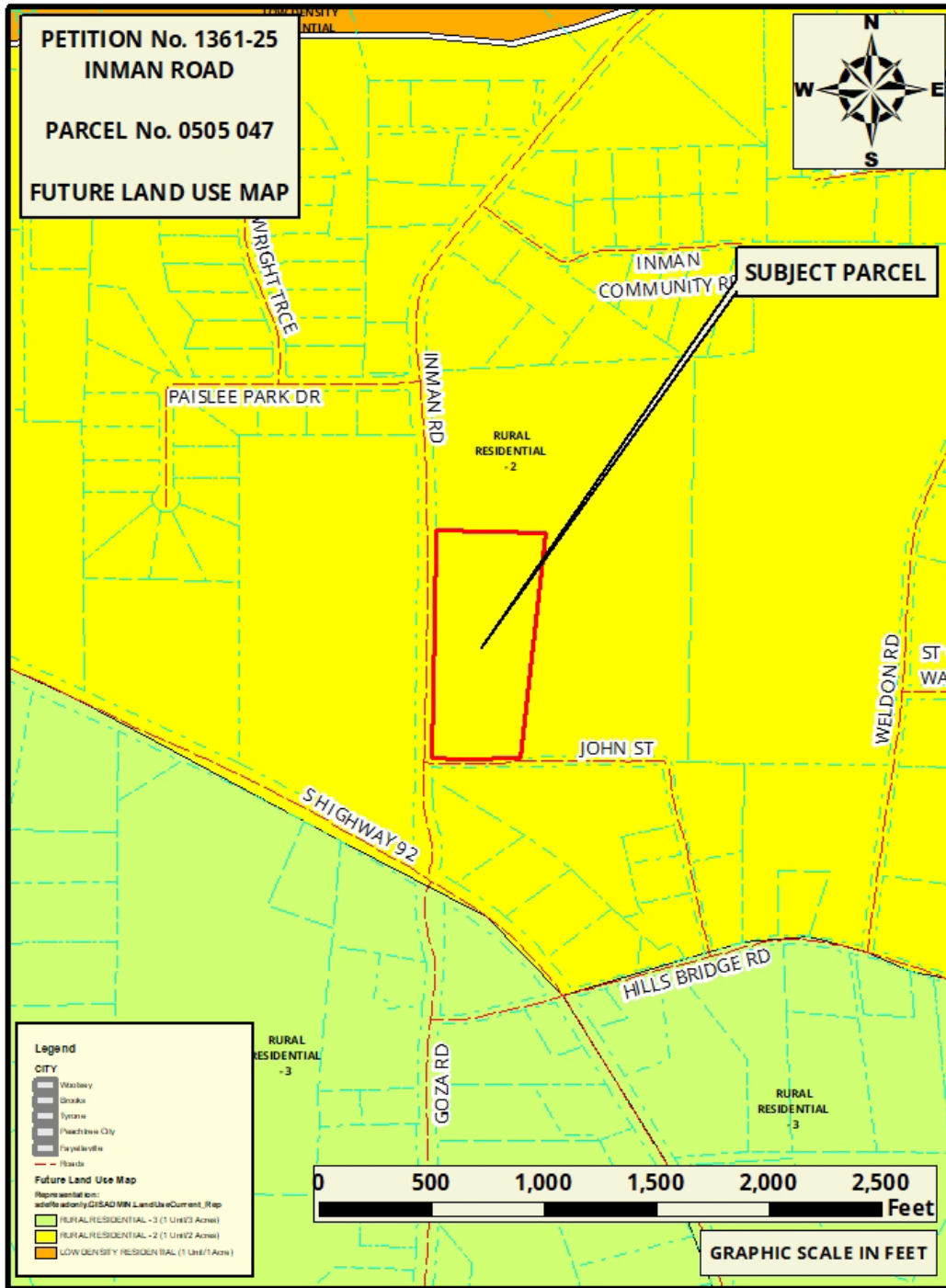
- Water System** – No objections.
- Public Works/Environmental Management** – No objections. There are no environmental factors that impact the site. All driveways require a permit from Fayette County.
- Fire** – No comments.
- Environmental Health** - This office has no objection to the proposed rezoning.
- GDOT** – Not applicable, not on State Route.

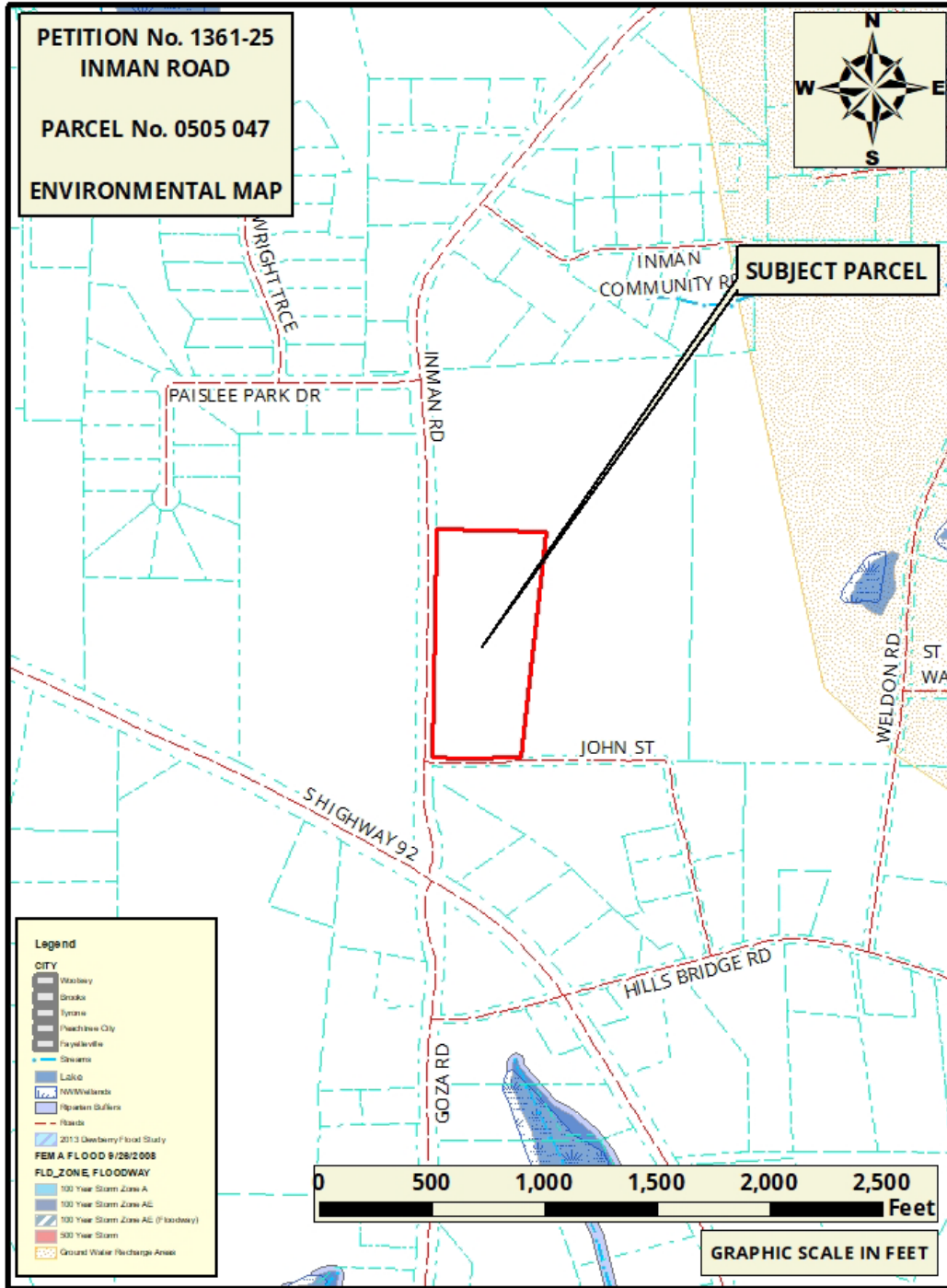
**ZONING DISTRICT STANDARDS****Sec. 110-132. R-72, Single-Family Residential District.**

- (a) *Description of district.* This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the R-72 zoning district:
- (1) Single-family dwelling;
  - (2) Residential accessory structures and uses (see article III of this chapter); and
  - (3) Growing crops, gardens.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the R-72 zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Church and/or other place of worship;
  - (2) Developed residential recreational/amenity areas;
  - (3) Home occupation;
  - (4) Horse quarters; and
  - (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the R-72 zoning district shall be as follows:
- (1) Lot area per dwelling unit: 87,120 square feet (two acres).
  - (2) Lot width:
    - a. Major thoroughfare:
      1. Arterial: 175 feet.
      2. Collector: 175 feet.
    - b. Minor thoroughfare: 150 feet.
  - (3) Floor area: 2,100 square feet.
  - (4) Front yard setback:
    - a. Major thoroughfare:
      1. Arterial: 75 feet.
      2. Collector: 75 feet.
    - b. Minor thoroughfare: 50 feet.
  - (5) Rear yard setback: 50 feet.
  - (6) Side yard setback: 25 feet.
  - (7) Height limit: 35 feet.
- (Code 1992, § 20-6-8; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)

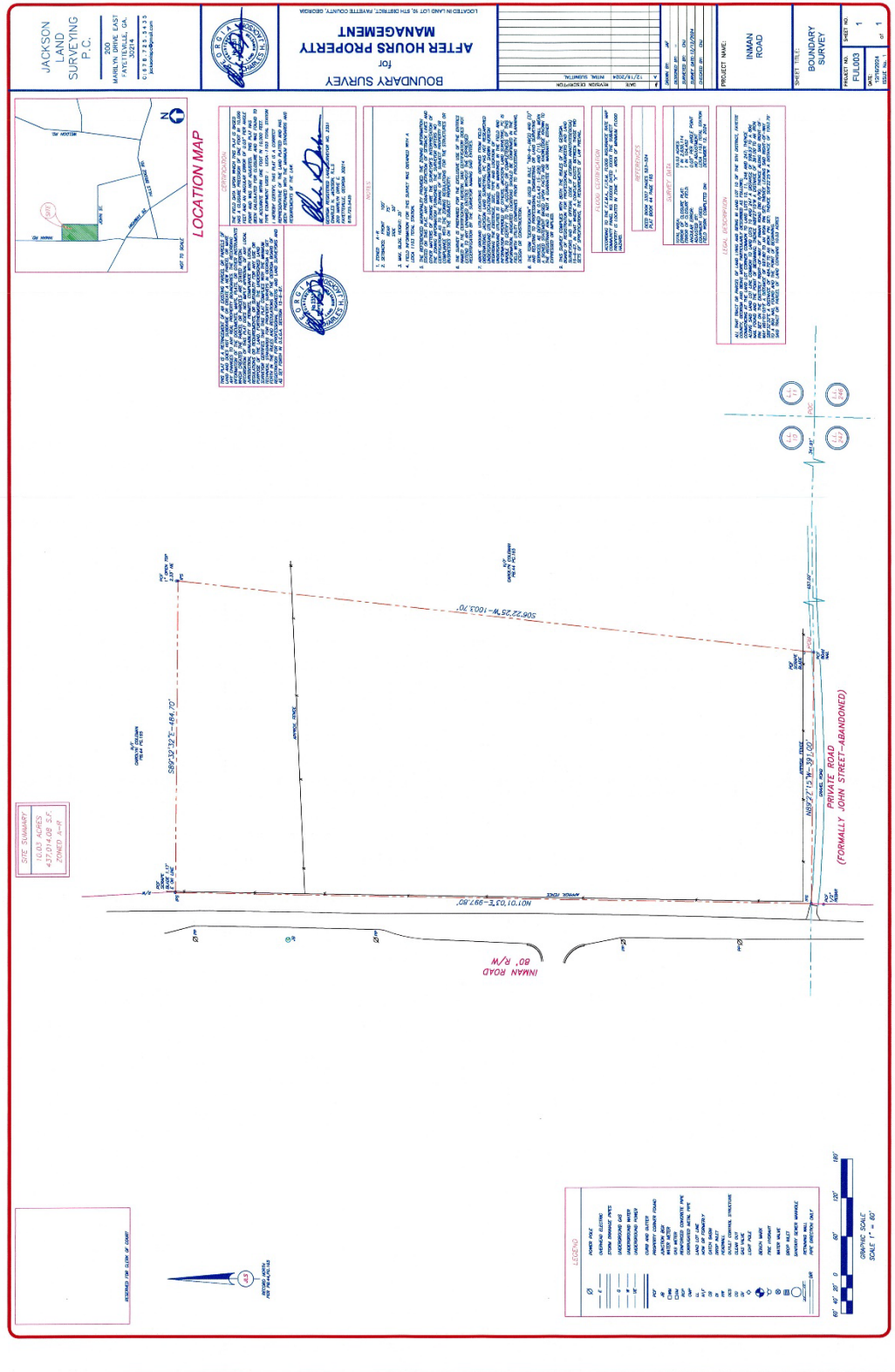






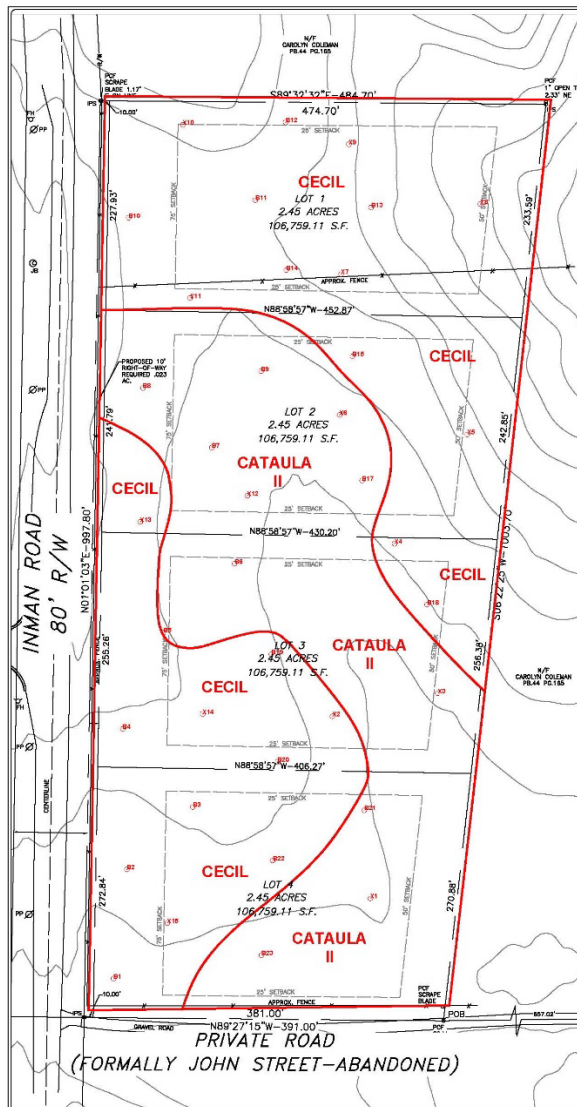






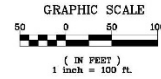
SURVEY





**SOIL SUITABILITY CODE LEGEND**

- A1 Soils are typically suitable for conventional absorption field with proper design, installation and maintenance.
- C1 Soils are unsuitable for conventional absorption fields due to perched water table conditions. Soils are generally suitable for alternative absorption fields with treatment system producing Class 1 effluent.



**MAP LEGEND**

	Soil Boundary
	Soil Boring
	Gully

**NOTES:**

- Topographic information should be considered approximate.
- Soil boundary lines should be considered transitional zones between different soil conditions or series rather than an exact boundary.
- System installation should not occur under saturated or wet soil conditions.
- Absorption fields should not be installed on concave slopes.
- Surface drainage should be diverted away from absorption field lines.
- Gutter downspouts should be discharged away from the vicinity of the on site wastewater system.
- Estimated percolation rates are based on full-sized system performance. However, no guarantee is given or implied as to the performance of any particular system installed.



**SOIL INTERPRETIVE DATA**

Soil Units	Depth to Bedrock (in)	Depth to Seasonal High Water Table Indicators (in)	Slope Gradient (percent)	Recommended Trench Depth (in)	Estimated Perc Rate (min/in)	Recommended Hydraulic Loading Rate (gal/day/sq.ft.)	Soil Suit. Code
Cataula II	>72	30-40 (PWT)	1-4	12-18	85	0.12	C1
Cecil	>72	>72	2-8	30-48	60	----	A1



**LEVEL 3 SOIL MAP**  
**INMAN ROAD TRACT**  
 PARCEL ID # 0505 047  
 LANDLOT 10, 5th DISTRICT  
 FAYETTE COUNTY, GEORGIA

DATE: 2-12-25  
 SCALE: 1" = 100'  
 CLIENT: MAX FULLER  
 BORING LOCATION METHOD: TRIMBLE GEO TX GPS  
 FIELD WORK BY: EAH  
 CHECKED BY: ERIC A. HAMILTON, DPH CSC #224

**CONCEPT PLAN**

**BOARD MEMBERS**

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

**STAFF**

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

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**AGENDA OF ACTIONS  
FAYETTE COUNTY PLANNING COMMISSION MEETING  
140 STONEWALL AVENUE WEST  
March 6, 2025  
7:00 pm**

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

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**NEW BUSINESS**

1. Call to Order. *Chairman John Kruzan called the March 6, 2025, meeting to order at 7:05 pm.*
2. Pledge of Allegiance. *Chairman John Kruzan offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *John Culbreth, Sr. made a motion to approve the amended agenda. Jim Oliver seconded the motion. The motion carried 5-0.*
4. Consideration of the Minutes of the meeting held on January 16, 2025. *Danny England made a motion to approve the minutes of the meeting held on January 16, 2025. Boris Thomas seconded the motion. The motion carried 5-0.*

**PUBLIC HEARING**

5. Consideration of Petition 1360-24, Applicant proposes to rezone 55.8+/- acres from C-H (Highway Commercial) Conditional to M-1 (Light Industrial) for the purposes of constructing a commerce-industry complex. Property is located in Land Lots 233 of the 5<sup>th</sup> District and fronts on N. Highway 85, Corinth Road, County Lane Road, and Carter Road. *Danny England made the motion to recommend DENIAL of Petition 1360-25. John Culbreth seconded the motion. The motion carried 4-1. Jim Oliver Opposed.*

6. Consideration of Petition 1361-25, Applicant proposes to rezone 10.03 acres from A-R (Agricultural-Residential) to R-72 (Single-Family Residential) for the purposes of developing residential lots. Property is located in Land Lot 10 of the 5<sup>th</sup> District and fronts on Corner John Street and Inman Road. ***John Culbreth Sr. made the motion to recommend APPROVAL of Petition 1361-25. Danny England seconded the motion. The motion carried 5-0.***

*Danny England moved to Adjourned the March 6, 2025, Planning Commission meeting. Jim Oliver seconded. The motion passed 5-0.*

*The meeting adjourned at 8:07 pm.*

**BOARD MEMBERS**

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

**STAFF**

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

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**MINUTES  
FAYETTE COUNTY PLANNING COMMISSION MEETING  
140 STONEWALL AVENUE WEST  
March 6, 2025  
7:00 pm**

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

---

**NEW BUSINESS**

1. Call to Order. *Chairman John Kruzan called the March 6, 2025, meeting to order at 7:05 pm.*
2. Pledge of Allegiance. *Chairman John Kruzan led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *John Kruzan noted that staff requested the agenda be amended to delete Item #5, Plats, since there are no plats for staff to present. John Culbreth, Sr. made a motion to approve the amended agenda. Jim Oliver seconded the motion. The motion carried 5-0.*
4. Consideration of the Minutes of the meeting held on January 16, 2025. *Danny England made a motion to approve the minutes of the meeting held on January 16, 2025. Boris Thomas seconded the motion. The motion carried 5-0.*

**PUBLIC HEARING**

5. **Consideration of Petition 1360-24**, Applicant proposes to rezone 55.8+/- acres from C-H (Highway Commercial) Conditional to M-1 (Light Industrial) for the purposes of constructing a commerce-industry complex. Property is located in Land Lots 233 of the 5<sup>th</sup> District and fronts on N. Highway 85, Corinth Road, County Lane Road, and Carter Road.

Deborah Bell introduced the petition and noted that the request for M-1 is not consistent with the County's Future Land Use Map and Comprehensive Plan.

Therefore, staff recommends denial of the request to rezone to M-1.

IF the petition is approved, staff recommends the following CONDITIONS:

1. Corinth Road is an Arterial Road on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 50 feet of right-of-way as measured from the existing centerline of Corinth Road. The right-of-way dedication shall be completed within 180 days of rezoning. 2. Article XII. - Watershed Protection Ordinance shall apply to the tract(s) presented in the rezoning case.

Mr. Kruzan asked if anyone was present to speak in favor of the petition.

Steven Jones, Attorney, with the law firm of Taylor/English/Duma, introduced himself as the applicant's representative. He presented a series of slides to discuss details of the request. The first slide is a current zoning map of the subject property and the surrounding area. He noted that the property was rezoned to C-H in 1987, but it has not been developed. Mr. Jones thinks that this lack of development indicates that the property does not have a viable economic use under a commercial zoning district. Therefore, he is presenting an application for a zoning district which is more consistent with the zoning districts in the Highway 85 corridor, especially in this area.

Mr. Jones noted that the parcel is 55.8 acres in size. They are proposing for this site a single building that is almost 500,000 square feet that would be a manufacturing facility. They have been in talks with industries, the Development Authority and businesses, who indicate that there is no space for this type of business to locate in Fayette County. These businesses would like to locate in Fayette County and do not require direct access to the interstate. Mr. Jones pointed out that the area between Fayetteville and the Clayton County line is where industrial & manufacturing properties are already located. However, there are not many sites for large buildings, which can be occupied by one or multiple manufacturing companies.

He presented a conceptual site plan showing a single large building, with passenger parking on the south side, and truck circulation and parking on the north side; the proposal has a single entrance/exit on State Route 85. He acknowledged that the concept shows the apparent location of the stream but noted that all state and local buffer requirements will be met in the final site plan. He reviewed the basic requirements of the County's State Route Overlay, zoning buffer requirements, and the various residential and nonresidential properties around the property.

Mr. Jones discussed the County's Comprehensive Plan, which acknowledges that the SR 85 corridor is described as a nonresidential corridor. The Comp Plan anticipates a large amount of nonresidential development along this corridor. The subject property is a 55-acre tract that has sat fallow for 37 years since it was rezoned to commercial. He discussed the change to commercial market in the post-COVID era, transitioning to an e-commerce-based market. He contends that the site will not be developed as a commercial property and that the Comp Plan highlights that the 85 corridor anticipates that the corridor will be industrial. Even though the Future Land

Use Plan shows this area as commercial, when we dig into the text of the Comp Plan, it highlights that the corridor is a nonresidential corridor.

Mr. Jones reviewed recent development in the area. In mid-2020 there was a parcel that was rezoned to M-1; that application proposed an industrial complex. In the analysis of that application the staff report noted that nonresidential corridor in the Comp Plan and recommended approval of that petition. He then presented a copy of the site plan that accompanied the rezoning. He noted the proximity of his current subject property across the intersection to the M-1 property on the west side of SR 85.

Mr. Jones stated that in June of 2023, the BOC voted unanimously to approve the rezoning to M-1. *[Staff note: the rezoning of Parcel 0646 029 to M-1 was approved by the BOC on June 23, 2022.]* He also pointed out that the parcel on the opposite side of GA 85 was rezoned in 2022 for a truck parking facility, to C-H, which permits parking lots. *[Staff note: the rezoning of Parcel 0552 040 to C-H, with 9 conditions, was approved by the BOC on February 23, 2023.]* He said that even though this was rezoned to C-H, it was an acknowledgement that this is a nonresidential corridor ripe for industrial development. Mr. Jones discussed the site plan for the truck parking and the realignment of Corinth Road.

Mr. Jones then reviewed the various types of zoning and land uses in other parts of the 85 North corridor: Amusement Park; industrially zoned property south of the amusement park; auto repair facilities; self-storage facilities. The Comp Plan's notion that this is a nonresidential corridor with commercial and industrial type uses, as well as the industrial zoning of the Kenwood Industrial Park. In this corridor, the Comp Plan calls out three uses in the corridor: Commercial, Office and Industrial, there are only a few medical offices, a few small commercial developments, but no large-scale commercial development.

He stated that it takes us back to the request to extend the industrial type uses that are consistent with what the Comp Plan calls for in the area, what precedential rezonings have shown in the past 2 years, for uses that permit industry and light manufacturing. He reviewed a partial list of permitted uses in the M-1 zoning district. He states that this is something that, from an economic development standpoint, is needed in the County. He asks that the board fulfill what the Comp Plan calls for, what the precedential zonings calling for, and what we know the market is asking for. He asked to reserve the remainder of his time for any rebuttal and to answer questions.

Mr. Kruzan asked if there was anyone else who would like to speak in support of the petition. No one else had comments in support. Mr. Kruzan then asked if there was anyone to speak in opposition of the petition.

Christopher Dwayne Nash, 330 Country Lane Road, Fayetteville, GA 30214, is not exactly in disagreement with the project but has some questions. He asked what type of development would it be, because different types of developments cause more or

less noise. He has 2 acres in the woods because he wanted privacy. He thinks that, in addition to the vegetated buffer, the developer should build a sound barrier wall. If it is going to be manufacturing with increased occupational noise, he wants increased protection. If it is warehouse, with trucks coming in and out all night, there is not adequate separation between commercial and residential. We have lived here for 51 years and need to be protected.

David Cann, 125 Plantation Road. His property adjoins the subject property. We need some privacy and quiet from 24-hour warehouse. He thinks the 75-foot buffer is not much and would not help screen bright lights. Would like to know what kind of business would go there.

Juliana Terpstra, 110 Pine Tree Drive, Fayetteville. Not super opposed to the request but has the same concerns as her neighbors. Doesn't want the noise pollution. She also discussed the proposed improvements on Corinth Road, and concerns about the traffic flow at the 90\* turn in Corinth Road. She thinks no decisions should be made until they see what the traffic flow will be after the complete road project. She is also concerned about a cemetery in the area that might be damaged by the development. The cemetery was a slave cemetery associated with Kenwood Plantation, but she does not know the exact location.

Mr. Nash said he knew where the cemetery was, that it was located on the back of his parcel, and most of it had been on the property behind him [*to the east in Clayton County*] and was destroyed by the development of that subdivision [*Overlook at Camp Creek, Clayton County*].

Marlin Williams, 9274 Grady Drive – Overlook at Camp Creek. Has some questions that what is shown in the concept plan is not by anybody's residence. But we don't know what kind of development this is going to be. He is concerned if there will be an entrance on Corinth Road because traffic is a mess.

Ivory Jackson, 838 Chapman Street – Overlook at Camp Creek. He backs up to the woods and had his home built there because of the woods and the peace and quiet. When the construction was done to expand SR 54, it increased traffic into their neighborhood. He is concerned that the development will increase pollution into the subdivision pond that the HOA keeps stocked with fish. He is also concerned it will increase crime.

James Brand, 285 Plantation Road. He is concerned about the noise pollution and diesel smell and lighting from a development. He suggested that the truck parking be directed to the south side of the building, so only car parking is on the north side closest to the neighborhood.

Steven Jones came back to address the questions and concerns. He noted that the applicant is Brent Holdings, a developer that has been in the county for decades, since the 1980s. In terms of the residents concerns, he appreciates that the residents are not

opposed and acknowledge that it makes sense. The developer agrees to flip the design, so truck parking is on the south side of the building. The developer also offers to construct a berm to mitigate the sound concerns. He also heard concerns from the Clayton County residents. He noted those properties have an even larger gap, and that the required stream buffers will provide protection to the stream and lake. He noted that the County's ordinance should address concerns about lighting and noise. This is not a distribution warehouse, but a manufacturing facility. Distribution warehouses need close access to the interstate and would not consider this property. It is intended to be a manufacturing facility that does not need that type of access.

Mr. Kruzan brought the case back to the Planning Commission for discussion.

Planning Commissioner Danny England asked about the 2 rezoning cases that Mr. Jones mentioned. The BOC approved both 1319-22 and 1326-22. Mr. England asked what the Planning Commission recommended on both cases. He recalled that the PC voted to approve 1319-22 but voted to deny 1326-22. Mrs. Bell stated that she would look up this info. Mr. England acknowledged that this area of the county is a tricky area. The Kenwood Industrial Park only abuts a handful of homes, while the 55-acre subject parcel is adjacent to many more residential properties, so it has a much greater impact on residents. Also, he noted from the staff report, that the 1987 rezoning limited commercial uses to the first 300' of the development. If you look at the development pattern along 85, the commercial development tends to follow that pattern. The subject parcel extends much farther back than that and is inconsistent with the existing pattern of development. For the existing constituents, he agrees with their concerns. He also understands Mr. Jones explanation that no commercial development has taken place.

Planning Commissioner Boris Thomas noted that 1326-22 was approved with 9 conditions. He would like to know what the conditions were. He understands that county cannot regulate exactly what is developed, but that the conceptual plan shows over 400 to 450 parking spaces. He thinks this just kills the north end of Fayette County, on 314 and 279. He referred to the traffic around the construction of the QTS data center. He is concerned about the traffic impact.

Debbie Bell read the Planning Commission votes that Mr. England requested. For 1319-22, the PC voted 5-0 to recommend approval. For 1326-22, the vote was 3-1-0 to deny the request for rezoning. Mr. Haren was absent from that meeting.

Planning Commissioner John Culbreth noted that it is difficult when you have residential this close to industrial commercial zonings. One thing he believes that every county has a right to economic development initiatives. He asked Mr. Jones if they have had any meetings with any of the residents surrounding the property.

Mr. Jones said they had not, but they have heard their concerns tonight and have offered the changes mentioned in order to address those concerns. He said they would only have an access point on hwy. 85. The property doesn't feel right for any other



type of development. Mr. Culbreth asked what type of manufacturing they would have. Mr. Jones acknowledged that they don't know at this stage. Manufactureers look for already-built sites rather than raw land.

***Danny England made the motion to recommend DENIAL of Petition 1360-24. John Culbreth seconded the motion. The motion carried 4-1. Jim Oliver Opposed.***

6. Consideration of Petition 1361-25, Applicant proposes to rezone 10.03 acres from A-R (Agricultural-Residential) to R-72 (Single-Family Residential) for the purposes of developing residential lots. Property is located in Land Lot 10 of the 5<sup>th</sup> District and fronts on Corner John Street and Inman Road.

Debbie Bell introduced the petition and noted that the request for R-72 is consistent with the County's Future Land Use Map and Comprehensive Plan. Therefore, staff recommends CONDITIONAL APPROVAL of the request to rezone to R-72, subject to the following:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 50-ft of right of way as measured from the existing centerline of Inman Road for the full width of the parcel. Submittal of all warranty deed(s) and legal descriptions for said right-of-way dedication(s) 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.

Mr. Kruzan asked if the petitioner was here.

Max Fuller, , said the lots will be about 2.5 acres. They have already submitted the RW dedication documents.

Mr. Kruzan asked if anyone else was present to speak in favor of the petition. There was no one else to speak in favor of the petition. Mr. Kruzan then asked if anyone was present to speak in opposition to the petition. There was no one present to speak in opposition.

Planning Commissioner Jim Oliver asked if Mr. Fuller had any problems with the conditions as recommended by staff. He replied that he did not.

Hearing none, he brought the petition back to the board.

***John Culbreth Sr. made the motion to recommend APPROVAL of Petition 1361-25. Danny England seconded the motion. The motion carried 5-0.***

*Danny England moved to Adjourned the March 6, 2025, Planning Commission meeting. Jim Oliver seconded. The motion passed 5-0.*

*The meeting adjourned at 8:07 pm.*

PETITION No (s): 1361-24 25

STAFF USE ONLY

**APPLICANT INFORMATION**

Name Max Fuller  
Address PO Box 1803  
City Newnan  
State GA Zip 30264  
Email Max@coastalpackaging.com  
Phone 770-301-4847

**PROPERTY OWNER INFORMATION**

Name After Hours Property Management, LLC  
Address PO Box 1803  
City Newnan  
State GA Zip 30264  
Email Jenni@coastalpackaging.com  
Phone 770-301-4847

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

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

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

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

[ ] Application Insufficient due to lack of:

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

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

Staff: Mia B... Date: 1/8/2025

DATE OF PLANNING COMMISSION HEARING: MARCH 6, 2025

DATE OF COUNTY COMMISSIONERS HEARING: MARCH 27, 2025

Received from MAX FULLER a check in the amount of \$ 350.<sup>00</sup> for application filing fee, and \$ 20.<sup>00</sup> for deposit on frame for public hearing sign(s).

Date Paid: 1/8/2025 Receipt Number: \_\_\_\_\_

PETITION No.: 1361-25 Fees Due: \_\_\_\_\_ Sign Deposit Due: \_\_\_\_\_

STAFF USE ONLY

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

parcel) Parcel # (Tax ID): 0505047 Acreage: 10 Acres

Land District(s): 5th Land Lot(s): 10

Existing Use/Frontage L.F. Inman Rd/997.80 Proposed Use/Road Classification: County

Structure(s): 4 Type: Residential Homes Size in SF: Min 2100 Sq Ft

Existing Zoning: Agriculture Proposed Zoning: R72

Existing Land Use: Agriculture Proposed Land Use: R72

Use: Water Yes Distance to Water Line: 50 ft Distance to Hydrant: 50 ft

Availability: \_\_\_\_\_

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:  
After Hours Property Management, LLC

(Please Print)

**Property Tax Identification Number(s) of Subject Property:** Parcel # 0505047

(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) 10 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 10 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.

(II) \_\_\_\_\_

Signature of Property Owner 1

[Signature]

Address

PO Box 1803 Newnan, GA 30264

Signature of Property Owner 2

[Signature]

Address

PO Box 1803 Newnan, GA 30264

Signature of Property Owner 3

[Signature]

Address

PO Box 1803 Newnan, GA 30264

Signature of Authorized Agent

Address

[Signature]

Signature of Notary Public

[Signature]

Date

01/08/2025

[Signature]

Signature of Notary Public

Date

01/08/2025

[Signature]

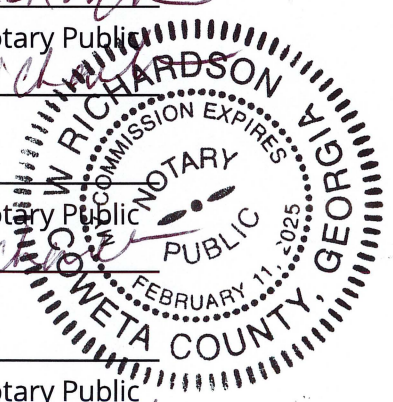
Signature of Notary Public

Date

01/08/2025

Signature of Notary Public

Date



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

**OWNER'S AFFIDAVIT**

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

NAME: After Hours Property Management, LLC

ADDRESS: PO Box 1803 Newnan, GA 30264

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

Max Fuller 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 \$ \_\_\_\_\_ to cover all expenses of public hearing. He/She petitions the above named to change its classification to R2.

This property includes: (check one of the following)

See attached legal description on recorded deed for subject property or

Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 6th day of March, 20 2025 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 27th day of March, 20 2025 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 8th DAY OF January, 20 25

Max Fuller

SIGNATURE OF PROPERTY OWNER

Tracy Brown

SIGNATURE OF PROPERTY OWNER

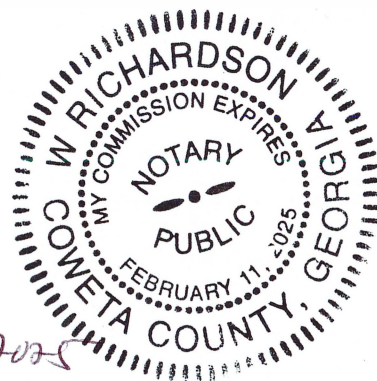
Julie Hobson

SIGNATURE OF PROPERTY OWNER

Walter Richardson

NOTARY PUBLIC

Exp. Feb. 11th, 2025



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

I/We, After Hours Property Management, LLC, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, feet of right-of-way along Inman 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 8th day of January 2025.

[Signature]

SIGNATURE OF PROPERTY OWNER

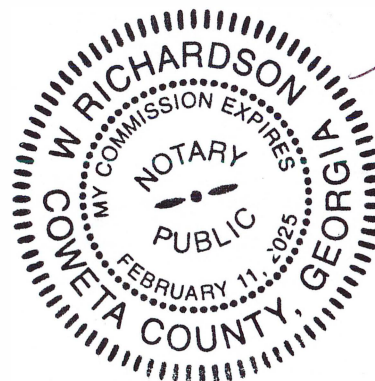
[Signature]

SIGNATURE OF PROPERTY OWNER

[Signature]

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC



Whitney Richardson  
Exp. Feb. 11th 2025

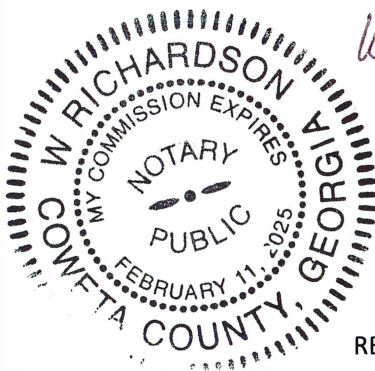
**DEVELOPMENTS OF REGIONAL IMPACT (DRI)**

**Rezoning Applicant:**

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

Signed this 8<sup>th</sup> day of January, 2025.  
[Signature] [Signature] [Signature]

APPLICANT'S SIGNATURE



*Whitney Richardson*  
 Exp. Feb. 11th 2025

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

**IMPORTANT INFORMATION FOR AGENT***Agent's Duties*

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

1. Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;
2. Act in good faith;
3. Do nothing beyond the authority granted in this power of attorney; and
4. Disclose your identity as an Agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "Agent" in the following manner:  
(Principal's name) by (Your signature) as Agent.

Unless the Special Instructions in this power of attorney state otherwise, you must also:

1. Act loyally for the principal's benefit;
2. Avoid conflicts that would impair your ability to act in the principal's best interest;
3. Act with care, competence, and diligence;
4. Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;
5. Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and
6. Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

*Termination of Agent's Authority*

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

1. Death of the principal;

*Power of Attorney*

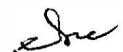
Page 11 of 11

2. The principal's revocation of your authority or the power of attorney;
3. The occurrence of a termination event stated in the power of attorney;
4. The purpose of the power of attorney is fully accomplished; or
5. If you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

*Liability of Agent*

The meaning of the authority granted to you is defined in O.C.G.A. Chapter 6B of Title 10. If you violate O.C.G.A. Chapter 6B of Title 10 or act outside the authority granted, you may be liable for any damages caused by your violation.

*If there is anything about this document or your duties that you do not understand, you should seek legal advice.*



**BK 5795 PG 242 - 255**

Return to:

**Edge & Kimbell Law, LLC**  
John A. Kimbell  
503 Commerce Drive  
Peachtree City, GA 30269

File No.: PTC-24-3814  
Parcel ID: 0505047

**LIMITED WARRANTY DEED**

STATE OF GEORGIA, COUNTY OF FAYETTE

**THIS INDENTURE**, Made the 6th day of January, 2025 between

**Carolyn Harp Coleman a/k/a Carolyn H Coleman,**

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

**After Hours Property Management, LLC, a Georgia Limited Liability Company,**

as party 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 **TWO HUNDRED NINETY FIVE THOUSAND FIVE HUNDRED AND 00/100 Dollars (\$295,500.00)** AND OTHER VALUABLE CONSIDERATION, 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:

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

commonly known as **John Street and Inman Road, Fayetteville, GA 30215**

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

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

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

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

Signed, sealed and delivered in the presence of:

[Signature]  
UNOFFICIAL WITNESS

Carolyn Harp Coleman (SEAL)  
Carolyn Harp Coleman a/k/a Carolyn H Coleman  
by Howard Daniel Coleman, her Attorney-In-Fact,  
Pursuant to Power of Attorney attached hereto as Exhibit "B"

[Signature]  
Notary Public John A. Kimbell  
My Commission  
Expires: February 23, 2025  
SEAL:



**EXHIBIT "A"**  
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 10 OF THE 5TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING THOSE LANDS DESCRIBED IN A PLAT OF SURVEY DATED 12/18/74, PREPARED BY LEE ENGINEERING COMPANY FOR DONALD HARP AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO ARRIVE AT A POINT OF BEGINNING HEREOF, START AT A POINT LOCATED IN THE CENTER OF THE INTERSECTION OF STATE HIGHWAY 92 AND INMAN ROAD, GO THENCE NORTHERLY ALONG THE CENTER OF INMAN ROAD 513 FEET TO A POINT, GO THENCE EASTERLY 30 FEET TO A POINT LOCATED IN THE CENTER OF A ROAD IN SAID PLAT, WHICH IS THE POINT OF BEGINNING, RUNNING THENCE NORTH 0 DEGREES 28 MINUTES EAST ALONG INMAN ROAD 997.8 FEET TO A POINT, RUNNING THENCE NORTH 89 DEGREES 30 MINUTES EAST 484.7 FEET TO A POINT, RUNNING THENCE SOUTH 5 DEGREES 49 MINUTES WEST 1003.7 FEET TO A POINT LOCATED IN THE CENTER OF SAID ROAD, RUNNING THENCE SOUTH 89 DEGREES 30 MINUTES WEST ALONG THE CENTER OF SAID ROAD 391 FEET TO THE POINT OF BEGINNING, THE SAID TRACT OF LAND CONTAINING 10 ACRES, MORE OR LESS.

PARCEL # 0505047

**STATUTORY FORM POWER OF ATTORNEY**

State of Georgia

County of Gwinnett**IMPORTANT INFORMATION**

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. Chapter 6B of Title 10.

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 in the Special Instructions, generally the agent's authority will continue until you die or revoke the 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 coagent in the Special Instructions. Coagents 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 (it will continue to be effective even if you become incapacitated) unless you state otherwise in the Special Instructions.

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

Page 1 of 11





Power of AttorneyPage 2 of 11

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

### DESIGNATION OF AGENT

I Carolyn H Coleman (the "Principal"), presently of 1691 Bentwood Drive SW, Lilburn, in the State of Georgia, on this 7 day of November, 2024 name the following person as my agent:

Name of agent: Howard Daniel Coleman

Agent's address: 125 John Street, Fayetteville, Georgia

Agent's telephone number: (404) 625-6537

Agent's e-mail address: d.coleman41@gmail.com

### GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in O.C.G.A. Chapter 6B of Title 10:

(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.)

- Real property
- Tangible personal property
- Stocks and bonds
- Commodities and options
- Banks and other financial institutions
- Operation of entity or business
- Insurance and annuities
- Estates, trusts, and other beneficial interests
- Claims and litigation
- Personal and family maintenance
- Benefits from governmental programs or civil or military service
- Retirements plans

*ehc*

Power of AttorneyPage 3 of 11~~(che)~~ TaxesX  All preceding subjects**GRANT OF SPECIFIC AUTHORITY (OPTIONAL)**

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

(**CAUTION:** Granting any of the following 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 should give your agent specific instructions in the Special Instructions when you authorize your agent to make gifts.)

X  Create, fund, amend, revoke, or terminate an inter vivos trustX  Make a gift, subject to the limitations of O.C.G.A. § 10-6B-56 and any Special Instructions in this power of attorney Create or change rights of survivorship Create or change a beneficiary designation Authorize another person to exercise the authority granted under this power of attorney Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan Exercise authority over the content of electronic communications sent or received by the principal Exercise fiduciary powers that the principal has authority to delegate and that are expressly and clearly identified (including the persons for which the principal acts as a fiduciary) in the Special InstructionsX  Renounce an interest in property, include a power of appointment**LIMITATION ON AGENT'S AUTHORITY**

An agent that 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.

**SPECIAL INSTRUCTIONS (OPTIONAL)***che*

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 the power of attorney):

### Gifts

1. My Agent's authority to make gifts is limited to:
  - a. Gifts to my spouse, children, grandchildren, great grandchildren, and other family members on special occasions, including birthdays and seasonal holidays, including cash gifts, and to such other persons with whom I have an established pattern of giving (or if it is appropriate to make such gifts for estate planning and/or tax purposes), in such amounts as my Agent may decide in his or her absolute discretion, having regard to all of the circumstances, including the gifts I made while I was capable of managing my own estate, the size of my estate and my income requirements; and
  - b. Continue to make gifts to charitable organizations with whom I have an established pattern of giving (or if it is appropriate to make such gifts for estate planning and/or tax purposes), in such amounts as my Agent may decide in his or her absolute discretion, having regard to all of the circumstances, including the gifts I made while I was capable of managing my own estate, the size of my estate and my income requirements.

### Employ Required Professionals

2. I grant my Agent the authority to appoint and employ any agents, servants, companions, or other persons, including nurses and other health care professionals for my care and the care of my spouse and dependent children, and accountants, attorneys, clerks, workers and others for the management, preservation and protection of my property and estate, at such compensation and for such length of time as my Agent considers advisable

### Rental Properties

3. I grant my Agent the authority to manage the property owned by me, or in which I have an interest, located at 125 John Street, Fayetteville, GA 30215, and municipally known as Tuner, GA. This power includes, but is not

*one*

limited to, the power to receive rents, make repairs, pay expenses including the insuring of the property and generally to deal with my property as effectually as I myself could do; to take all lawful proceedings by way of action or otherwise, for recovery of rent in arrears, or for eviction of tenants; and to commence, carry on and defend all actions, suits and other proceedings touching my property or any part of it.

### **Specific Financial Accounts**

4. I grant my Agent the authority to control my accounts with \_\_\_\_\_ Bank, located at \_\_\_\_\_, Account Number(s) \_\_\_\_\_. This power includes the authority to conduct any business with respect to any of my listed accounts, including, but not limited to, making deposits and withdrawals, negotiating or endorsing any cheques or other instruments with respect to any such accounts, obtaining bank statements, passbooks, drafts, money orders, warrants, and certificates or vouchers payable to me by any person, firm, corporation or political entity, and to perform any act necessary to deposit, negotiate, sell or transfer any note, security or draft.

### **Previous Power of Attorney**

5. **I REVOKE** any previous power of attorney granted by me.

### **Governing Law**

6. This document will be governed by the laws of the State of Georgia. Further, my Agent is directed to act in accordance with the laws of the State of Georgia at any time he or she may be acting on my behalf.

### **Liability of Agent**

7. My Agent will not be liable to me, my estate, my heirs, successors or assigns for any action taken or not taken under this document, except for willful misconduct or gross negligence.

*che*

**Effective Date**

8. This Power of Attorney will start immediately and will cease to be in effect upon a finding of my mental incapacity or mental infirmity which may occur after my execution of this Power of Attorney.

**Agent Compensation**

9. My Agent will receive no compensation except for the reimbursement of all out of pocket expenses associated with the carrying out of my wishes.

**Co-owning of Assets and Mixing of Funds**

10. My Agent may not mix any funds owned by him or her in with my funds and all assets should remain separately owned if at all possible.

**Personal Gain from Managing My Affairs**

11. My Agent is not allowed to personally gain from any transaction he or she may complete on my behalf.

**Agent Restrictions**

12. This Power of Attorney is not subject to any conditions or restrictions other than those noted above.

**Notice to Third Parties**

13. Any third party who receives a valid copy of this Power of Attorney can rely on and act under it. A third party who relies on the reasonable representations of my Agent as to a matter relating to a power granted by this Power of Attorney will not incur any liability to the Principal or to the Principal's heirs, assigns, or estate as a result of permitting the Agent to exercise the authority granted by this Power of Attorney up to the point of revocation of this Power of Attorney. Revocation of this Power of Attorney will not be effective as to a third party until the third party receives notice and has actual knowledge of the revocation.



**Severability**

14. If any part of any provision of this document is ruled invalid or unenforceable under applicable law, such part will be ineffective to the extent of such invalidity only, without in any way affecting the remaining parts of such provisions or the remaining provisions of this document.

**EFFECTIVE DATE**

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

**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.

**SIGNATURE AND ACKNOWLEDGMENT**

Carolyn H. Coleman  
Principal's signature

November 7, 2024  
Date

Carolyn H Coleman  
Principal's name printed

1691 Bentwood Drive SW, Lilburn, the State of Georgia  
Principal's address

(770) 972-6036  
Principal's telephone number

chcl234@aol.com  
Principal's email address

**Witnesses (second witness optional)**

This document was signed or acknowledged in my presence on this 7 day of Nov '2024, \_\_\_\_\_, by Carolyn H Coleman.

This document was signed or acknowledged in my presence on this 7 day of November, 2024, by Carolyn H Coleman.

*che*

Power of Attorney

Page 8 of 11

James Nally  
\_\_\_\_\_

Witness's signature

James Stanley  
\_\_\_\_\_

Witness's name printed

1227 Rockledge Rd Stone Mountain Ga 30087  
\_\_\_\_\_

Witness's address

770-921-7537  
\_\_\_\_\_

Witness's telephone number

stanw094@theupstate.com  
\_\_\_\_\_

Witness's e-mail address

Key Steel  
\_\_\_\_\_

Witness's signature

MOHAMMAD STORER  
\_\_\_\_\_

Witness's name printed

1227 Rockledge Rd Stone Mtn GA 30087  
\_\_\_\_\_

Witness's address

770-921-7537  
\_\_\_\_\_

Witness's telephone number

store6094@theupstate.com  
\_\_\_\_\_

Witness's e-mail address

*etc*

Power of Attorney

Page 9 of 11

**NOTARY ACKNOWLEDGMENT**

STATE OF GEORGIA

COUNTY OF Gwinnett

I, Abu Khair, a Notary Public, do hereby certify that Carolyn H Coleman personally appeared before me this 7 day of November, 2024 and acknowledged the due execution of the foregoing Power of Attorney.



\_\_\_\_\_  
Notary Public  
State of Georgia



My commission expires: 01/10/2026



**IMPORTANT INFORMATION FOR AGENT***Agent's Duties*

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

1. Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;
2. Act in good faith;
3. Do nothing beyond the authority granted in this power of attorney; and
4. Disclose your identity as an Agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "Agent" in the following manner:  
(Principal's name) by (Your signature) as Agent.

Unless the Special Instructions in this power of attorney state otherwise, you must also:

1. Act loyally for the principal's benefit;
2. Avoid conflicts that would impair your ability to act in the principal's best interest;
3. Act with care, competence, and diligence;
4. Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;
5. Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and
6. Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

*Termination of Agent's Authority*

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

1. Death of the principal;

Power of Attorney

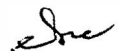
Page 11 of 11

2. The principal's revocation of your authority or the power of attorney;
3. The occurrence of a termination event stated in the power of attorney;
4. The purpose of the power of attorney is fully accomplished; or
5. If you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

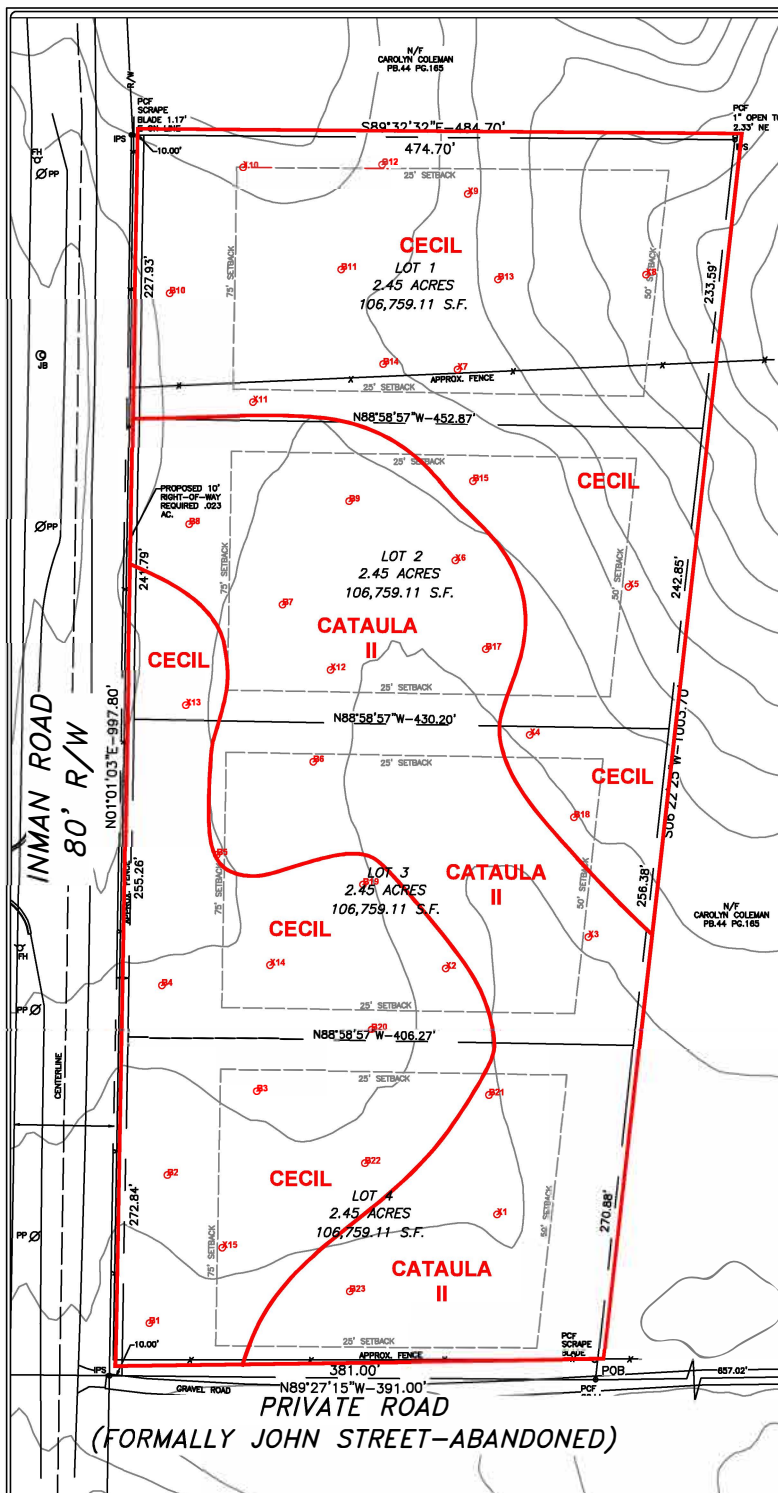
*Liability of Agent*

The meaning of the authority granted to you is defined in O.C.G.A. Chapter 6B of Title 10. If you violate O.C.G.A. Chapter 6B of Title 10 or act outside the authority granted, you may be liable for any damages caused by your violation.

*If there is anything about this document or your duties that you do not understand, you should seek legal advice.*



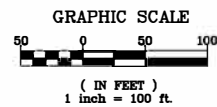




**SOIL SUITABILITY CODE LEGEND**

A1 Soils are typically suitable for conventional absorption field with proper design, installation and maintenance.

C1 Soils are unsuitable for conventional absorption fields due to perched water table conditions. Soils are generally suitable for alternative absorption fields with treatment system producing Class 1 effluent.



**MAP LEGEND**

	Soil Boundary
	Soil Boring
	Gully

**NOTES:**

- Topographic information should be considered approximate.
- Soil boundary lines should be considered transitional zones between different soil conditions or series rather than an exact boundary.
- System installation should not occur under saturated or wet soil conditions
- Absorption fields should not be installed on concave slopes.
- Surface drainage should be diverted away from absorption field lines.
- Gutter downspouts should be discharged away from the vicinity of the on site wastewater system.
- Estimated percolation rates are based on full-sized system performance. However, no guarantee is given or implied as to the performance of any particular system installed.

**SOIL INTERPRETIVE DATA**

Soil Units	Depth to Bedrock (in)	Depth to Seasonal High Water Table Indicators (in)	Slope Gradient (percent)	Recommended Trench Depth (in)	Estimated Perc Rate (min/in)	Recommended Hydraulic Loading Rate (gal/day/sq.ft.)	Soil Suit. Code
Cataula II	>72	30-40 (PWT)	1-4	12-18	85	0.12	C1
Cecil	>72	>72	2-8	30-48	60	—	A1



Applied Environmental Sciences, Inc.  
90-F Glenda Trace, #327 Newnan, Georgia 30265  
(678) 262-4020 (770) 883-4875 (fax) www.soilmapping.com

**LEVEL 3 SOIL MAP**  
**INMAN ROAD TRACT**  
PARCEL ID # 0505 047  
LANDLOT 10, 5th DISTRICT  
FAYETTE COUNTY, GEORGIA

DATE: 2-12-25	
SCALE: 1" = 100'	
CLIENT: MAX FULLER	
BORING LOCATION METHOD: TRIMBLE GEO 7X GPS	
FIELD WORK BY: EAH	
CHECKED BY: ERIC A. HAMILTON, DPH CSC #224	

Wednesday, February 12, 2025

Fayette County News B5

Continued from page B4

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, March 6, 2025, at 7:00 P.M. and before the Fayette County Board of Commissioners on Thursday, March 27, 2025, at 5:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No.: 1361-25  
Parcel No:0505 047  
Owner:After Hours Property Management, LLC  
Applicant:Max Fuller  
Zoning District: A-R  
Area of Property:10.03 acres  
Land Lot(s)/District:Land Lot 10 of the 5th District  
Fronts on: Corner John Street and Inman Road

Proposed: Applicant proposes to rezone 10.03 acres from A-R (Agricultural-Residential) to R-72 (Single-Family Residential) for the purposes of developing residential lots.

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

Legal Description  
EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 10 OF THE 5TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING THOSE LANDS DESCRIBED IN A PLAT OF SURVEY DATED 12/18/74, PREPARED BY LEE ENGINEERING COMPANY FOR DONALD HARP AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO ARRIVE AT A POINT OF BEGINNING HEREOF, START AT A POINT LOCATED IN THE CENTER OF THE INTERSECTION OF STATE HIGHWAY 92 AND INMAN ROAD, GO THENCE NORTHERLY ALONG THE CENTER OF INMAN ROAD 513 FEET TO A POINT, GO THENCE EASTERLY 30 FEET TO A POINT LOCATED IN THE CENTER OF A ROAD IN SAID PLAT, WHICH IS THE POINT OF BEGINNING, RUNNING THENCE NORTH 0 DEGREES 28 MINUTES EAST ALONG INMAN ROAD 997.8 FEET TO A POINT, RUNNING THENCE NORTH 89 DEGREES 30 MINUTES EAST 484.7 FEET TO A POINT, RUNNING THENCE SOUTH 5 DEGREES 49 MINUTES WEST 1003.7 FEET TO A POINT LOCATED IN THE CENTER OF SAID ROAD, RUNNING THENCE SOUTH 89 DEGREES 30 MINUTES WEST ALONG THE CENTER OF SAID ROAD 391 FEET TO THE POINT OF BEGINNING, THE SAID TRACT OF LAND CONTAINING 10 ACRES, MORE OR LESS.

PARCEL# 0505047  
02/12

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Acknowledgment of Sheriff Barry H. Babb's decision to accept one (1) vehicle with corrected VIN from the Town of Tyrone.

**Background/History/Details:**

Some local law enforcement agencies, with the implementation of the Fayette County Sheriff's Office Regional Training, have agreed to donate vehicles for training at the Driver's Training Course. The following vehicle, a 2018 Ford Explorer bearing VIN# 1FM5K8AR9KGA12607 valued at \$13,922.00. was originally accepted by the Fayette County Board of Commissioners from the Town of Tyrone (Tyrone Police Department) on the January 23, 2025. However Tyrone inadvertently listed the incorrect VIN # for the vehicle to be donated. The following vehicle is the vehicle that was donated:

2019 Ford Explorer bearing VIN# 1FM5K8AR9KGA12603.

This vehicle is accepted by the Sheriff's Office for training and should be placed on the master asset list and insurance.

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

Acceptance of Sheriff Babb's decision to accept vehicle with corrected VIN# from the Town of Tyrone (Tyrone Police Department).

**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:**

**TYRONE TOWN COUNCIL  
MEETING**

**ACTION AGENDA  
January 16, 2025 at 7:00 PM**

---

**Eric Dial, Mayor**  
**Gloria Furr, Mayor Pro Tem, Post 4**

**Jessica Whelan, Post 1**  
**Dia Hunter, Post 2**  
**Billy Campbell, Post 3**

**Brandon Perkins, Town Manager**  
**Dee Baker, Town Clerk**  
**Dennis Davenport, Town Attorney**

**Also present:**

Van Brock, Police Major  
Randy Mundy, Police Chief  
Eric DeLoose, Lieutenant  
Philip Nelson, Lieutenant  
Charles Clark, Corporal  
Tony Koranda, Corporal  
Andrea Johnson, Detective  
Cayla Banks, Certification Manager  
Doug Morris, Officer  
Jacob Hale, Officer  
Kyle Johns, Officer  
Planning Commissioners, Terry Noble and Jeff Duncan  
Sandy Beach, Finance Manager  
April Spradlin, Court Clerk  
Lindsey King, Assistant Court Clerk

**I. CALL TO ORDER**

**II. INVOCATION**

**III. PLEDGE OF ALLEGIANCE**

**IV. PUBLIC COMMENTS:** *Comments are limited to three (3) minutes. Please state your name & address. Comments that require a response may not be answered during this time. The Council or staff may respond at a later date.*

**V. APPROVAL OF AGENDA**

A motion was made to approve the agenda with the removal of item number six from consent for discussion.

Motion made by Council Member Furr, Seconded by Council Member Campbell.  
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan,  
Council Member Hunter.

**VI. CONSENT AGENDA:** *All matters listed under this item are considered to be routine by the Town Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.*

1. Approval of minutes from December 19, 2024.
2. Approval for the Police Department to surplus eight patrol vehicles, with corrected vehicle identifiers, and to donate them to the Fayette County Police Academy to be used for training.
3. Approval to re-appoint Mr. David Nebergall to Planning Commission Post 1.
4. Approval to re-appoint Mr. Jeff Duncan to Planning Commission Post 3.
5. Approval to re-appoint Mr. Terry Noble to Planning Commission Post 5.

A motion was made to approve the consent agenda with the change.

Motion made by Council Member Campbell, Seconded by Council Member Hunter.  
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan, Council Member Hunter.

Mayor Dial administered Commissioner's Noble and Duncan's oaths.

6. Approval of a site location and design option "A" for the Shamrock Park Pavillion project as presented by project architects, Context Design & Veridian Studios.

Council Member Campbell asked for clarification on the scope of the project. Mr. Trocquet shared that the scope included electricity, water, sound, and video. Tonight's vote was only for the site and design. Council Member Campbell shared that he was still not in favor of the location of the stage.

A motion was made to approve design Option A and the location as presented for the stage.

Motion made by Council Member Whelan, Seconded by Council Member Campbell.  
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan, Council Member Hunter.

**VII. PRESENTATIONS**

7. Recognition of Major Van Brock's 40 Years of Service to the Town. Brandon Perkins, Town Manager



Many were in attendance for the recognition of Major Van Brock. Mr. Perkins recognized him for his 40 years of service. He stated that it was an honor to recognize a very rare 40-year tenure. He added that Major Brock was constant and loyal and a good friend. Chief Mundy shared that for the six years he had worked with Major Brock you could count on him 10 out of 10 times, he appreciated his friendship.

8. Presentation from TSW Planning on the 2024 Streetscape & Mobility LCI (Livable Centers Initiative) project. Phillip Trocquet, Assistant Town Manager

## **VIII. PUBLIC HEARINGS**

9. Consideration to approve a Capital Improvements Element and Short-Term Work Program transmittal resolution to the Atlanta Regional Commission and the Georgia Department of Community Affairs. Phillip Trocquet, Assistant Town Manager

Mayor Dial opened the public hearing for anyone who wished to speak in favor. No one spoke.

Mayor Dial opened the public hearing for anyone who wished to speak in opposition. No one spoke.

A motion was made to approve the Capital Improvements Element and Short-Term Work Program resolution for the Fiscal Year term for 2025-2029 to the Atlanta Regional Commission and the Georgia Department of Community Affairs.

Motion made by Council Member Campbell, Seconded by Council Member Whelan.  
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan, Council Member Hunter.

## **IX. OLD BUSINESS**

## **X. NEW BUSINESS**

10. Consideration of adopting a Resolution establishing the date for the Town's municipal election and to establish qualifying dates and fees. Dee Baker, Town Clerk

A motion was made to approve the resolution establishing the date for the Town's municipal election and to establish qualifying dates and fees.

Motion made by Council Member Campbell, Seconded by Council Member Furr.  
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan, Council Member Hunter.

11. Consideration to Award the Pump Station 4 – Reserve Pump to Xylem Water System USA, Inc. Flygt Products in the amount of \$16,525.00. Scott Langford, Town Engineer/Public Works Director

A motion was made to award the Pump Station 4 - Reserve Pump to Xylem Water System USA, Inc. Flygt Products for \$16,525.00.

Motion made by Council Member Furr, Seconded by Council Member Hunter.  
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan, Council Member Hunter.

12. Consideration to Award the Handley Park Public Works Building PW-2022-14 to the Corbett Group, LLC in the amount of \$672,350.00 for the base bid, and bid alternates A1, A2, A3, A4, A5, and A6. Scott Langford, Town Engineer/Public Works Director

A motion was made to award the Handley Park Public Works Building PW-2022-14 to the Corbett Group, LLC for \$672,350.00 which includes \$61,450.00 for the restroom along with water and wastewater infrastructure.

Motion made by Council Member Campbell, Seconded by Council Member Whelan.  
Voting Yea: Council Member Campbell, Council Member Whelan.  
Voting Nay: Council Member Furr, Council Member Hunter  
Mayor Dial broke the tie approving the motion.

13. Consideration to award the 2025 Pavement Marking project PW-2025-05 to Mid State Construction & Striping, Incorporated for \$13,923. Scott Langford, Town Engineer/Public Works Director

A motion was made to award the 2025 Pavement Marking project PW-2025-05 to Mid State Construction & Stripin, Inc. for \$13,923.00.

Motion made by Council Member Hunter, Seconded by Council Member Campbell.  
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan, Council Member Hunter.

**XI. PUBLIC COMMENTS:** *The second public comment period is for any issue. Comments are limited to three (3) minutes. Please state your name & address. Comments that require a response may not be answered during this time. The Council or staff may respond at a later date.*

**XII. STAFF COMMENTS**

Mr. Perkins began a discussion regarding Shamrock Park dam. He spoke of the advice he received from Mallet Consulting Engineer, David Jaeger regarding the Spillway Improvement project as it relates to the Shamrock Park dam. He advised that for safety reasons, the trees should be removed from the earthen dam. Mr. Perkins also consulted with other engineers, and they gave the same advice.

A motion was made to direct staff to obtain a study for the cost of removing the trees and stabilizing the dam.

Motion made by Council Member Campbell.

Council Member Campbell amended his motion.

A motion was made to direct staff to consult engineering firms for the estimated costs of tree removal and mitigation for Shamrock dam.

Motion made by Council Member Campbell, Seconded by Council Member Whelan.  
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan,  
Council Member Hunter

### **XIII. COUNCIL COMMENTS**

Council Member Hunter, also a member of Leadership Fayette, presented Council with his 2024/2025 project proposal. He partnered with the local charity Bloom, in Fayetteville, that was a foster care organization. To promote Bloom's Denim Drive, he wished to host a Touch a Truck event at Shamrock Park on February 22nd from 11:00 a.m. to 1:00 p.m.

A motion was made to allow the Touch a Truck event at Shamrock Park in support of Bloom on February 22nd from 11:00 a.m. to 1:00 p.m.

Motion made by Council Member Campbell, Seconded by Council Member Whelan.  
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan,  
Council Member Hunter.

Mayor Dial shared that currently, the Town's flags were at half-staff for 30 days in honor of the recent passing of President Jimmy Carter. He proposed that they fly to full staff on Inauguration Day only.

A motion was made to fly the flags to full staff on January 20th for Inauguration Day.

Motion made by Council Member Campbell, Seconded by Council Member Whelan.  
Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan,  
Council Member Hunter.

### **XIV. EXECUTIVE SESSION**

**XV. ADJOURNMENT**

A motion was made to adjourn.

Motion made by Council Member Campbell.

Voting Yea: Council Member Campbell, Council Member Furr, Council Member Whelan,  
Council Member Hunter

The meeting adjourned at 8:56 p.m.

By: \_\_\_\_\_  
Eric Dial, Mayor

Attest: \_\_\_\_\_  
Dee Baker, Town Clerk



## COUNCIL AGENDA ITEM COVER SHEET

**Meeting Type:** Council - Regular

**Meeting Date:** January 16, 2025

**Agenda Item Type:** Consent Agenda

**Staff Contact:** Chief Randy Mundy

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### STAFF REPORT

**AGENDA ITEM:**

Surplussing of Patrol Vehicles (Correction)

**BACKGROUND:**

On December 19, 2024, Council approved the surplussing of eight police vehicles to be donated to the Fayette County Police Academy to be used for training. Following that approval, staff discovered clerical in the recording of vehicle identification numbers for some of the vehicles.

**FUNDING:**

Click or tap here to enter text.

**STAFF RECOMMENDATION:**

Staff recommends that Council approve the request to surplus these vehicles, with the corrected vehicle identifiers, and allow them to be donated to the Fayette County Police Academy to be used for training.

**ATTACHMENTS:**

Yes-Corrected vehicle list for surplus and donation

**PREVIOUS DISCUSSIONS:**

This item was originally introduced to Council during the Staff Comments portion of the December 5, 2024 Town Council Meeting and subsequently approved during the December 19, 2024 Town Council Meeting

<b>Fixed Asset #</b>	<b>Car #</b>	<b>Year</b>	<b>Make</b>	<b>Model</b>
0196	1401	2014	Dodge	Charger
0220	1602	2016	Ford	Explorer
0197	1402	2014	Dodge	Charger
0263	1901	<u>2019</u>	<u>Ford</u>	Explorer
0082	1	<u>2006</u>	Dodge	Charger
0221	1103	2011	Chevy	Tahoe
0218	1303	2013	Ford	Tarus
0178	1203	2012	Dodge	Charger

VIN #	Tag #
2C3CDXAT1EH290131	
1FM5K8AR1GGC67463	
2C3CDXAT3EH290132	
1FM5K8AR9KGA12603	GV6595M
2B3KA43G56H245386	GV68399
1GNSK2E07BR318422	
1FAHP2L89DG143687	
2C3CDXAT0CH282647	

# Georgia Certificate of Title

**DISCLAIMER: DO NOT ACCEPT THIS TITLE WITHOUT THE SECURITY THREAD LOCATED APPROXIMATELY TWO INCHES FROM LEFT EDGE.**

VEHICLE IDENTIFICATION NUMBER 1FM5K8AR9KGA12603	MAKE FORD	YEAR 2019	TYPE OF BODY MULTI-PURPOSE V	MODEL EXPLORER POLIC	CYL 6	DATE ISSUED 02/08/2019	
DATE VEHICLE PUR 01/29/2019	FUEL GASOLINE	NEW OR USED NEW	ODOMETER* 000010	PREVIOUS TITLE NBR : STATE OF ISSUE 376379190306963 /	NBR OF LIENS 1	COLOR BLK / BLK	CURRENT TITLE NUMBER 772146190364112

**OWNER**  
TOWN OF TYRONE  
881 SENOIA RD  
TYRONE GA 30290-2064

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**1ST LIEN OR SECURITY INTEREST**  
FORD MOTOR CREDIT  
1 AMERICAN RD  
DEARBORN MI 48126-2701


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**2ND LIEN OR SECURITY INTEREST**

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**3RD LIEN OR SECURITY INTEREST**

\* ODOMETER READING IS ACTUAL MILEAGE OF THE VEHICLE UNLESS OTHERWISE INDICATED BELOW

MAIL TO:  
 T18  
 FORD MOTOR CREDIT  
 1 AMERICAN RD  
 DEARBORN MI 48126-2701



**RELEASE OF LIEN OR SECURITY INTEREST**

DATE OF RELEASE	SECURITY INTEREST HOLDER	AUTHORIZED AGENT
1ST LIEN 4/1/22	Ford Motor Credit Company	BY O. Bauer
2ND LIEN		BY
3RD LIEN		BY

The Georgia Department of Revenue issued this title pursuant to the Motor Vehicle Certificate of Title Act and this title is subject to its provisions. The Department certifies that on application duly made, the person named herein is registered as the lawful owner of the vehicle described subject to any liens or security interests set forth and such liens or security interests as may subsequently be filed with the Commissioner.

046777220  
  
 STATE REVENUE COMMISSIONER

54245739



# COUNTY AGENDA REQUEST

Department:	<input type="text" value="Sheriff's Office"/>	Presenter(s):	<input type="text" value="Major Michelle Walker"/>
Meeting Date:	<input type="text" value="Thursday, January 23, 2025"/>	Type of Request:	<input type="text" value="Consent #4"/>

Wording for the Agenda:

Acceptance of Sheriff Babb's decision to accept eight vehicles from the Town of Tyrone (Tyrone Police Department).

Background/History/Details:

Some local law enforcement agencies, with the implementation of the Fayette County Sheriff's Office Regional Training, have agreed to donate vehicles for training at the Driver's Training Course. The following vehicles with Kelly Blue Book values listed have been donated by the Town of Tyrone (Tyrone Police Department):

- 2014 Dodge Charger bearing VIN# 2C3CDXAT1EH290131 valued at \$6,487.00.
- 2016 Ford Explorer bearing VIN# 1FM5K8AR1GGC67463 valued at \$10,155.00.
- 2014 Dodge Charger bearing VIN# 2C3CDXAT3EH290132 valued at \$6,421.00.
- 2018 Ford Explorer bearing VIN# 1FM5K8AR9KGA12607 valued at \$13,922.00.
- 2005 Dodge Charger bearing VIN# 283KA43G56H245386 valued at \$2,820.00.
- 2011 Chevrolet Tahoe bearing VIN# 1GNSK2E07BR318422 valued at \$9,640.00.
- 2011 Ford Taurus bearing VIN# 1FAHP2L890G143687 valued at \$3,806.00.
- 2012 Dodge Charger bearing VIN# 2C3CDXAT0CH282647 valued at \$6,508.00.

These vehicles are accepted by the Sheriff's Office for training and should be placed on the master asset list and insurance.

What action are you seeking from the Board of Commissioners?

Acceptance of Sheriff Babb's decision to accept eight vehicles from the Town of Tyrone (Tyrone Police Department).

If this item requires funding, please describe:

Not Applicable

Has this request been considered within the past two years?	<input type="text" value="No"/>	If so, when?	<input type="text"/>
Is Audio-Visual Equipment Required for this Request?*	<input type="text" value="No"/>	Backup Provided with Request?	<input type="text" value="Yes"/>

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

Approved by Finance	<input type="text" value="Yes"/>	Reviewed by Legal	<input type="text" value="Yes"/>
Approved by Purchasing	<input type="text" value="Not Applicable"/>	County Clerk's Approval	<input type="text" value="Yes"/>
Administrator's Approval	<input type="text" value=""/>		

Staff Notes:

Vehicles will be added to asset listing.

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Approval of an emergency Supplemental Grant Award for the DUI Accountability Court for treatment services and drug testing expenses, in the amount of \$33,180.00 with no match required.

**Background/History/Details:**

This supplemental grant covers expenses for April 1 to June 30, only as all funds from the FY25 Operating Grant have been fully utilized. These additional funds are essential to maintaining compliance with state standards, ensuring we meet the minimum requirements for treatment services and drug testing necessary for program certification.

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

Approval of an emergency Supplemental Grant Award for the DUI Accountability Court for treatment services and drug testing expenses, in the amount of \$33,180.00 with no match required.

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

Budget and expense will be adjusted in FY2025 as identified above.

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:**

**OFFICE OF THE GOVERNOR  
CRIMINAL JUSTICE COORDINATING COUNCIL  
EMERGENCY SUBGRANT AWARD ACCOUNTABILITY COURT GRANT**

**SUBGRANTEE: FAYETTE COUNTY BOARD OF COMMISSIONERS SUPPLEMENTAL STATE FUNDS: \$33,180**

**IMPLEMENTING AGENCY: Fayette County Board of Commissioners**

**PROJECT NAME: DUI Court**

**SUBGRANT NUMBER: A25-8-010**


**GRANT PERIOD: 04/01/25-6/30/25**

This award is made under the Accountability Courts State of Georgia Grant program. The purpose of the Accountability Court Grants program is to make grants to local courts and judicial circuits to establish specialty courts or dockets to address offenders arrested for drug charges or mental health issues. This grant program is subject to the administrative rules established by the Criminal Justice Coordinating Council.

This Subgrant shall become effective on the beginning date of the grant period, provided that a properly executed original of this "Subgrant Award" is returned to the Criminal Justice Coordinating Council by April 1, 2025.

**AGENCY APPROVAL**

**SUBGRANTEE APPROVAL**

  
\_\_\_\_\_  
Jay Neal, Director  
Criminal Justice Coordinating Council

\_\_\_\_\_  
Signature of Authorized Official

Date Executed: 04/01/25

\_\_\_\_\_  
Typed Name & Title of Authorized Official

\_\_\_\_\_  
Employer Tax Identification Number (EIN)

FY25 Emergency Grant Budget Award Worksheet

Court Name Fayette County DUI/Drug Court

Budget Worksheet Category	Line Item	Total Award
Personnel		
Contract Services	Treatment	\$10,955
Drug Testing Supplies	Drug Testing	\$22,225
Supplies /Other Costs		
Equipment		
In State Training and Travel		
Transportation Funding		
<b>Total Budget Award:</b>		<b>\$33,180</b>

Match: \$0

**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**

March 13, 2025  
 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**

Chairman Lee Hearn called the March 13, 2025, Board of Commissioners meeting to order at 5:00 p.m. A quorum of the Board was present.

**Invocation and Pledge of Allegiance by Commissioner Charles Rousseau**

Commissioner Charles Rousseau offered the invocation and led the audience in the Pledge of Allegiance.

**Acceptance of Agenda**

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

**PROCLAMATION/RECOGNITION:** None.

**PUBLIC HEARING:** None.

**PUBLIC COMMENT:**

**Elaine Kilgore** expressed her interest in Fayette County establishing a citizen informational/engagement class similar to the "101 Class" program initiated in the Town of Tyrone where citizens get a better understanding of "County" business and operations. This program would help familiarize the public with the on-goings and business functions of local government and elected officials. Ms. Kilgore also asked the Board to look into initiating a recycling program to encourage citizens to keep Fayette beautiful and maintain our community.

**Lynn Lasher** expressed her frustration with the County's Human Resource policy regarding leave of absences, specifically prolonged periods of leave. She stated that in her opinion there was room for improvement because there was a specific department that had been functioning insufficiently because key leadership staff was absent. She asked if this policy could be evaluated.

**CONSENT AGENDA:**

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

1. **Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Vicki Adams, in the amount of \$1,969.56 for tax year(s) 2022 and 2023.**
2. **Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Noah VanOosterhout, in the amount of \$2,206.77 for tax year 2023.**
3. **Approval of Board of Assessors' recommendation to approve a disposition of tax refund for Monica Realty Inc. in the amount of \$1,741.03 for tax year 2023.**
4. **Approval of Board of Assessors' recommendation to approve a disposition of tax refund, as requested by Kristin Smith, in the amount of \$2,511.88 for tax year 2024.**
5. **Approval of Board of Assessors' recommendation to deny tax refund submitted by Richard Moye based on retroactive homestead exemption request.**
6. **Approval of Intergovernmental Agreement with the City of Fayetteville allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in City of Fayetteville in 2025.**
7. **Approval of an Intergovernmental Agreement with the City of Peachtree City allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Peachtree City in 2025.**
8. **Approval of an Intergovernmental Agreement with the Town of Tyrone allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Town of Tyrone in 2025.**
9. **Approval of an Intergovernmental Agreement with the Town of Brooks allowing for the Fayette County Board of Elections to act as Superintendent of Elections for all elections held in Town of Brooks in 2025.**
10. **Approval of request from City of Fayetteville to grant a sewer easement across Fayette County property at 245 Booker Avenue (Parcel 0524 04001), to extend City sanitary sewer service to a new development located adjacent to Fayette County's property.**
11. **Acknowledgment of Sheriff Barry H. Babb's decision to liquidate county vehicles at auction.**
12. **Approval of the February 27, 2025, Board of Commissioners Meeting Minutes.**

### **OLD BUSINESS**

### **NEW BUSINESS:**

13. **Consideration to enter into an Intergovernmental Agreement between Fayette County and the City of Fairburn to supply potable water to residents and businesses within the City of Fairburn and for the City of Fairburn to pay an additional \$2,500,000 for supply this capacity.**

Water System Director Vanessa Tigert stated that in 2022, the Board adopted an IGA with Coweta County to sell water. The item before the Board was a similar agreement between Fayette County and the City of Fairburn to supply potable water to residents and businesses within the City of Fairburn and for the City of Fairburn to pay an additional \$2,500,000 for supply of this capacity. The City of Fairburn approached Fayette County Water System in early 2024 to explore the possibility of supplying the city with 1.5 million of gallons of water per day for a minimum of five years.

Chairman Hearn stated that the IGA would allow a line connection between FCWS and the City of Fairburn. Additionally, it would allow the City of Fairburn to pay one third the cost of installing a one-million-gallon elevated storage tank with their contribution not exceeding \$2,500,000.

Ms. Tigert noted that the one-million-gallon elevated storage tank was needed to fulfill the request.

Chairman Hearn continued that the County had property available to house the tank. He also asked how much revenue this IGA would generate.

Ms. Tigert stated that it would generate about \$1.74M in revenue annually.

Commissioner Oddo wanted it noted that the agreement included a clause that the County could activate to not sell the water.

Ms. Tigert stated that was correct. Initiation of that clause would be at Fayette County Water System's discretion.

Mr. Rapson stated that this agreement was calculated at the whole sale rate used with the City of Fayetteville as well as with Coweta County. He stated that the \$1.7M would be dovetailed into the 5-year capital improvement program, placing those funds into infrastructure, ensuring it is not used for operations. He stated that it was a pretty good agreement with \$2.5M coming from the City of Fairburn and \$2M from the Development Authority, because this was a Fayette County Development Authority project. He noted that the shortfall would be covered by the Water System with 67% being paid via the two contributions.

Commissioner Oddo moved to approve to enter into an Intergovernmental Agreement between Fayette County and the City of Fairburn to supply potable water to residents and businesses within the City of Fairburn and for the City of Fairburn to pay an additional \$2,500,000 for supply this capacity. Vice Chairman Gibbons seconded. The motion passed 5-0.

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

Mr. Rapson stated in response to comments regarding developing a citizen informational/engagement class that Commissioner Rousseau had requested the development of a "Citizen Academy" which would address those exact topics. He noted that a draft format of the academy would be present before the Board at the annual retreat in May.

Mr. Rapson advised that the Transfer Station was back operational as of March 13<sup>th</sup>.

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

**Notice of Executive Session:** County Attorney Dennis Davenport stated that there were two items for Executive Session. One item involving real estate acquisition, and the review of the February 27, 2025 Executive Session Minutes.

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

**Vice Chairman Gibbons** extended a kudos and job well done to Fire Chief Jeff Hill and his team. In review of the annual Fire Report, he was amazed and proud of the extensive work and dedication of Fayette County Fire and Emergency Services staff. He highlighted the number of calls, rescues, fires that was responded to throughout the County.

**Commissioner Rousseau** extended his appreciation to the library services and the initiation of the added feature with the Meals on Wheels program to extend the reach of reading to those who may be home bound. He thanked Mr. Rapson for mentioning the developing "Citizen Academy" that will be discussed during retreat.

**Chairman Hearn** stated that the Atlanta Regional Commission (ARC) sponsored a youth leadership program where they involved hundreds of students in experiential learning with the region's leaders and experts in transportation, natural resource

sustainability, community development, and more. He suggested Mr. Rapson reach out to the contact for the program for more information. He also noted that at the recent ARC meeting a highlighted topic was regarding trucking and its effects on the roadways and traffic. He concluded advising the Board of an upcoming "Regional Assembly" event in June for elected officials. Chairman noted as an FYI that there was a speaking card - QR code added to the meeting agendas for those interested in making public comments. He asked that staff add to the next agenda as an item to discuss Peachtree City Parks and Recreation non-residents fees.

**EXECUTIVE SESSION:**

**One item involving real estate acquisition, and the review of the February 27, 2025 Executive Session Minutes.**

Commissioner Oddo moved to go into Executive Session. Vice Chairman Gibbons seconded. The motion passed 5-0.

The Board recessed into Executive Session at 5:24 p.m. and returned to Official Session at 5:46 p.m.

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

**Approval of the February 27, 2025 Executive Session Minutes:** Commissioner Oddo moved to approve February 27, 2025 Executive Session Minutes. Vice Chairman Gibbons seconded the motion. The motion passed 5-0.

**ADJOURNMENT:**

Commissioner Oddo moved to adjourn the March 13, 2025 Board of Commissioners meeting. Chairman Hearn seconded. The motion passed 5-0.

The March 13, 2025 Board of Commissioners meeting adjourned at 5:46 p.m.

\_\_\_\_\_  
 Marlena M. Edwards, Chief Deputy County Clerk

\_\_\_\_\_  
 Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 27<sup>th</sup> day of March 2025. Attachments are available upon request at the County Clerk's Office.

\_\_\_\_\_  
 Marlena Edwards, Chief Deputy County Clerk



# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Request to enter into a Radio Communications Memorandum of Understanding (MOU) with Georgia Department of Public Safety for radio access.

**Background/History/Details:**

The Georgia Department of Public Safety (DPS) has requested permission to program Fayette County law enforcement talkgroups into DPS radios assigned to its agents and to patch their statewide LTE radio network with that of Fayette County for mutual events. This inter-operability would allow direct communication between their agency and law enforcement agencies within Fayette County. Approval from all agency heads has already been obtained for their primary talkgroup to be shared. This inter-operational capability would be critical should the services of the DPS be required in our county.

The approved talkgroups would only be used for mutual aid and cooperative reasons. They will not be used as primary talkgroups for the DPS.

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

Approval to enter into a Radio Communications Memorandum of Understanding (MOU) with Georgia Department of Public Safety for radio access.

**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 FULTON

**INTERGOVERNMENTAL AGREEMENT**  
**between**  
**Fayette County 911**  
**and the**  
**GEORGIA DEPARTMENT OF PUBLIC SAFETY**  
**for**  
**USE OF CERTAIN CHANNELS AND/OR TALK GROUPS**

This Intergovernmental Agreement ("Agreement") is made between Fayette County 911 ("Agency"), and the Georgia Department of Public Safety ("DPS"), on the 27<sup>th</sup> day of March, 2025. The Agency and DPS are each referred to as "Party", or, collectively, as "the Parties".

**1. PURPOSE**

This Agreement provides the framework for the Parties to share certain Party-designated radio frequencies, channels, talk groups, and mutual aid frequencies (referred to collectively as "Channels") that are granted to them by the Federal Communications Commission (referred to as "FCC"). The Channels are provided by each Party to the other at no cost and for the sole purpose of sharing law enforcement communications to enhance public safety in the State of Georgia.

**2. RESPONSIBILITIES OF THE PARTIES**

For the shared communications, each Party agrees to only utilize designated Channels specifically agreed upon by the Parties.

The Parties agree to use good faith efforts to limit the use of the Channels to matters involving law enforcement purposes, and to assist each other to identify and eliminate inappropriate use. Such purposes include emergency events being worked by the Parties, planned events, and good faith, mutual aid.

The Parties agree to assist each other with any necessary training for access, use, and proper operations of each other's Channels.

The Parties agree to abide by all rules and regulations of the Federal Communications Commission, as well as any other federal, state, or local laws, and the Parties' consistent policies and procedures.

**3. ACCESS TO MUTUAL AID FREQUENCIES**

The Parties agree that DPS will have access to the Channel(s) designated by Paragraph 9.

The Parties agree that, if the Agency has access to the State LTE Network, the Agency's designated sworn members, communications operators, and radio technicians will have access to the local GSP Post LTE talkgroup that is primary for DPS patrols of the Agency's community.

#### **4. TERM AND TERMINATION/ INTERFERENCE**

This Agreement becomes operational upon signatures of authorized representatives of both Parties and may be terminated by either Party at any time and for any reason with (14) fourteen days' notice to the other.

The Parties agree to cease transmission on permitted channels in the event of harmful radio interference on either Party's radio system. The Parties shall use good faith efforts to resolve any such harmful radio interference for any further use.

Use of Channels other than those designated by the Parties shall be considered a violation of this Agreement and may result in an automatic termination at the discretion of the Party whose system has been violated.

#### **S. CHANNEL AUTHORIZATIONS**

The Parties agree that DPS is authorized to program the Channels to DPS communication devices of OPS sworn law enforcement officers and communications operators.

The Parties agree that DPS is authorized to establish a communications patch or bridge ("Patch") for connecting and simulcasting designated Channels to the Statewide LTE radio network. Access to the Patch will be provided to DPS sworn members and Department of Natural Resources Game Wardens, and may be provided to DPS radio technicians or its contracted radio technicians for the purpose of radio maintenance only.

#### **6. LIABILITY**

This Agreement does not establish liability against the Parties for death, personal injury, or property damage of a non-Party or by any individual in the course of performing this Agreement.

#### **7. MODIFICATION**

This Agreement may be modified at any time with the mutual consent of the Parties, by a writing setting forth the amendment, and effective only with signature of the DPS Commissioner or his designee and Fayette County 911.

#### **8. NOTIFICATIONS**

Notices required by this Agreement shall be by hand delivery, or by registered or Certified Mail, return receipt requested, and provided to the receiving Party at the address set forth below.

**GEORGIA DEPARTMENT OF PUBLIC SAFETY:**

Lt. Brian Screws  
Director of Communications  
Post Office Box 1456  
Atlanta, GA 30371-1456  
[bscrews@gsp.net](mailto:bscrews@gsp.net)  
404-430-8354

**Fayette County 911**

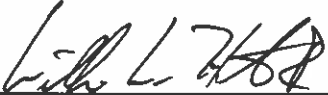
Director Katye Vogt  
140 West Stonewall Avenue  
Fayetteville, GA 30214  
770-461-4357

**9. CHANNEL/TALKGROUP**

Channel Name	System type	Tx	Tone	Rx	Tone
Fayette Co SO	800-P25				
Fayetteville PD	800-P25				
PeachtreeCity PD	800-P25				
Fayette Co MO	800-P25				

**IN WITNESS WHEREOF**, the Georgia Department of Public Safety and the Agency have executed this Intergovernmental Agreement which shall be effective as of the date first above written.

**FOR THE GEORGIA DEPARTMENT OF PUBLIC SAFETY:**

  
\_\_\_\_\_  
Colonel W. W. Hitchens, III  
Commissioner

**For Fayette Board of Commissioners:**

\_\_\_\_\_  
Chairman Lee Hearn  
Chairman, Fayette County Board of Commissioners

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Request to approve Contract #2000-P, Badger Meter, Change Order No. 08 for additional meter boxes, associated labor and additional allowance for labor with a not-to-exceed amount of \$210,964.56.

**Background/History/Details:**

The Badger Advanced Metering Infrastructure project began full deployment mid-January 2024. FCWS has surpassed the 80% completion milestone. As a result of identified conditions and installation usage trends, Badger Meter is proposing to:

1. Add 12" x 17" boxes and labor of \$174,900.00. This is the most common box used on the project, thus far roughly 28% of all meters have needed a replacement box in order for the lids to fit,
2. Adjust lids and box labor for a credit of \$600.00, and
3. Additional funding of \$36,664.56, as stated in Exhibit A, for extra work that will be needed to complete the project based on current projections.

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

Approval of Contract #2000-P, Badger Meter, Change Order No. 08 for additional meter boxes, associated labor and additional allowance for labor with a not-to-exceed amount of \$210,964.56.

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

Funds are available in project 50740400-542540-214BA. Request to transfer \$69,384.62 to project 50740400-541210-214BA.

Has this request been considered within the past two years?

If so, when?

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

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

**Staff Notes:**



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

To: Steve Rapson  
Through: Ted L. Burgess *TJB*  
From: Colette Cobb  
Date: March 27, 2025  
**Subject: Contract 2000-P: Advanced Metering Infrastructure  
Change Order 8: Miscellaneous Materials & Labor**

On March 9, 2023, the Board of Commissioners awarded contract 2000-P to Badger Meter, Inc. for Advanced Metering Infrastructure (AMI). Change Orders 1 through 7 approved the addition of 1.5" and 2" E-Series meters to the project Schedule of Values, the addition of spool charges and 4" flange adapter kits for large meters to the project, Schedule of Values, additional spool charges and flange adapters, rate tables and scope of work standardized solutions, meters, lids, and additional parts, the use of extra boxes and labor, and meters, endpoints, and additional components.

Change Order 8 requests the addition of \$210,964.56 for miscellaneous materials and labor. As a result of identified conditions, changing the quantities better reflects the scope of work based on what is known at this stage of the project.

The contract's contingency allowance has been used for previous change orders.

This Change Order displays the quantity changes in material & labor adjustment, and additional allowance (Attachment 1).

Specifics of the proposed contract change order are as follows:

<b>Contract Name</b>	2000-P: Advanced Metering Infrastructure
<b>Contractor</b>	Badger Meter, Inc.
<b>Change Order 8</b>	Meter Boxes, Lids, Labor, and Additional Work
<b>Not to Exceed Amount</b>	\$12,712,905.00
<b>Change Order 1:</b>	
1.5" & 2" Meters	59,723.50
Allowance	(59,723.50)
<b>Change Order 2:</b>	
Spool Charges/4" Flange	1,091.06
Allowance	(1,091.06)
<b>Change Order 3:</b>	
SOV Adjustment	355,850.00
Allowance	(355,850.00)

<b>Change Order 4:</b>		
<b>Work Standardization</b>		83,335.44
<b>Allowance</b>		<b>(83,335.44)</b>
<b>Change Order 5:</b>		
<b>Meters, Lids, and Additional Parts</b>		<b>(5,170.44)</b>
<b>Allowance</b>		5,170.44
<b>Change Order 6:</b>		
<b>Extra Boxes and Labor</b>		174,840.00
<b>Allowance</b>		<b>(5,170.44)</b>
<b>Change Order 7:</b>		
<b>Meters, End Points, and etc.</b>		250,790.50
<b>Change Order 8:</b>		
<b>Misc. Materials &amp; Labor</b>		<u>210,964.56</u>
<b>Not to Exceed Amount</b>		<b>\$13,344,329.62</b>

**Budget:**

Fund	507	507	Water CIP
Org Code	50740400	50740400	Water System CIP
Object	541210	542540	Other Imp. /Public Education
Project	214BA	214BA	AMI Water Meters
Available	\$165,539.94	\$82,649.62	\$248,189.46



## Change Order Request Form

Utility Name	Fayette County Water Systems		
Project Name	FCWS AMI Project		
Contract No.	2000-P	Purchase Order No.	
Change Requested By:	Erin Pinch PMP	Date of Request	1/2/2024
		Change Order No.	08

Description of Change Requested	The AMI project for the Fayette County Water System (FCWS) has surpassed the 75% complete progress milestone and variable or existing conditions have been identified during that process. As a result of identified conditions and usage trends, Badger Meter is proposing to (i) add boxes, (ii) adjust lids and box labor, and (iii) funding of \$36,664.56, as stated in Exhibit A, for extra work that is formally defined in Exhibit B, to more accurately reflect the scope of work that will need to be completed based on what is known at this stage of the project. The funds represented in Exhibit A will be applied to the project scope documents, including the monthly pay application. Quantities will be captured as a stand-alone column on the pay app for change management purposes The AMI project for the Fayette County
Reason Change is Required	The year-to-date value of extra work will exceed the current allowance designated to complete the extra work. Because of this, an additional allowance is needed to cover the remainder of labor and services to finish out the contract.
Support and Justification Documents Provided	Exhibit A and Exhibit B are attached

Change in Contract Price	
Original Price	\$12,212,905.00
Net Previous Change Orders	\$920,460.06
Delta this Change Order	\$210,964.56
Revised Contract Price	\$13,344,329.62

Change in Contract Time (Days)	
Original Time	0 Days
Net Previous Change Orders	0
Delta this Change Order	0 Days
Revised Contract Time	0 Days

Approver's Signature	Approver's Name	Approver's Title	Date of Approval
	Jessica O'Malley	Director Turnkey Operations	
	Vanessa Tigert	Director, FCWS	





**Fayette County Water System**  
 Advanced Metering Infrastructure Project  
**Change Order #08**  
**Exhibit A**

Materials			Original Scope		Proposed Adjustment		Net Change	
SOV Item #	Description	Unit Price	Original Quantity	Original Value Extended	Revised Quantity	Revised Value Extended	Net Qty Change	Net Total \$ Change
12	12"x17"x12" Box DFW1200-12-1T	\$ 19.26	6,633	\$ 127,751.58	8,633	\$ 166,271.58	2000	\$ 38,520.00
13	17"x30"x12" Box (Traffic) DFW1730-12-1T	\$ 106.25	633	\$ 67,256.25	633	\$ 67,256.25		
NEW	17"x30"x12" LID FW1730-12-1T	\$ 100.00	633	\$ 63,300.00	633	\$ 63,300.00	0	\$ -
A1	Subtotal for Meter Adjustment		7,899	\$ 258,307.83	9899	\$ 296,827.83		\$ 38,520.00

Labor			Original Scope		Proposed Adjustment		Net Change	
SOV Item #	Description	Unit Price	Original Quantity	Original Value Extended	Revised Quantity	Revised Value Extended	Net Qty Change	Net Total \$ Change
42	12"x17"x12" Box Replacement	\$ 68.16	6633	\$ 452,105.28	8633	\$ 588,425.28	2000	\$ 136,320.00
NEW	17"x30"x12" LID FW1730-12-1T Labor	\$ 3.00	0	\$ -	20	\$ 60.00	20	\$ 60.00
44	16"x11" Lid Replacement	\$ 3.00	500	\$ 1,500.00	300	\$ 900.00	(200)	\$ (600.00)
NEW	Additional Work Exhibit B	\$36,664.56	0	\$ -	1	\$ 36,664.56	1	\$ 36,664.56
C1	Subtotal for Labor Adjustment			\$ 453,605.28		\$ 626,049.84		\$ 172,444.56

**Total** \$ 210,964.56



## Exhibit B

### Categories of Work

The following categories capture a specific scope of work and line-item pricing as outlined within this document. Line items will be reflected accordingly on the schedule of values ("SOV").

1. **Landscape Mitigation (Minor)**
2. **Cut In Service**
3. **Concrete Work**
4. **Raise Service**
5. **Lower Service**
6. **Leak Repair (Existing)**
7. **Gate Valve Replacement (Large)**
8. **Direct Connect Conversion**

### Additional Documents

The documents referenced below shall be considered part of this agreement.

- **Exhibit A – Pricing Matrix**

### Scope of Work

#### 1. **Landscape Mitigation (Minor)**

The scope of the removal services includes removal *and* disposal of minor tree roots obstructing meter box access only. Such removal will be performed utilizing hand tools, not to exceed two (2) hours of labor. See *Figure 1.1* as reference for typical work related to this category. *Figure 1.2* represents a situation in which this category of work would not apply.

Exclusions: No additional landscaping or other work will be done other than to remove minor tree roots in direct proximity to a meter box to clear the obstructing root in order to provide access for a meter changeout



Figure 1.1: PVI Mitigatable Landscaping

Figure 1.2: Non-Mitigatable Landscaping



## 2. Cut In Services

In situations where tree roots are extensive and post damage to the tree, PVI may cut in a new service for small meters. Scope may include curb stops, meter couplings, customer side meter couplings, piping adapters. Due to the situational nature of this scope FCWS, BMI and PVI have agreed to review and assess each case to develop a remediation plan. During that assessment the team will determine if the obstructed original meter and meter box will be left in place and abandoned, or if original box and meter will be cut out and backfilled with compactable material.

Work will be performed at a Time & Material (T&M) rate as proposed in Exhibit A. See special note about third party contractors (if required).

### Clarifications:

- Scope above assumes that the service line is the same depth at the cut in point as it was at the original installation location.
- Clarification: (Material Spec): Fittings shall be domestic brass. Service line shall be Type K copper tubing.
- If there is a complex root system or if tree removal or major landscaping is required, then the account will be returned to FCWS to address.

Exclusions: Meter installation and/or box installation shall be provided as separate charges, using the existing line items appropriate for that work. Any of these additional labor prices would be added at a quantity of 1 and approved by FCWS prior to usage.

## 3. Concrete Work

In situations where a meter box is contained in concrete and requires replacement, Pedal Valves, Inc. (PVI) shall provide concrete cutting and concrete pouring when authorized. The concrete cutting shall be up to 6 inches around the existing box. New traffic rated box (box material billed separately) to replace the existing box. Standard sack mix concrete mixed onsite and poured to the directions and mix ratio listed on the manufacturer's bag. Concrete will be poured level with surrounding concrete and may match the pitch of surrounding areas. Finish to be edged and broomed.

Clarifications: This will not be certified concrete work performed by a third-party; rather, the Concrete Work will be performed directly by PVI. Additionally, this will not be certified or tested to any third-party standard (e.g. DOT).

Exclusions: Traffic box, permits/license requirements, decorative/patterned/custom concrete hard surfaces.

## 4. Raise Service ( $\geq 1''$ Meter)



## Badger Meter

Service may be raised in circumstances when service is deeper than 24" and no deeper than 36". Service includes labor and material.

### Clarification (Material Spec):

- 5/8" X 3/4" Meters: AY McDonald, 7" - 718-207WD
- 1" Meters: AY McDonald, 10" - 718-410WD
- DWF Plastics, 1200 extension

Clarification (general): See Exclusions section below regarding 1-1/2" or 2" Meters. Items matching that size description shall be reviewed and assessed in advance by FCWS, BMI and PVI. Assessed scope will be situational and performed at the T&M rates in Exhibit A if service is requested by FCWS.

### Exclusions:

- Rate excludes 1-1/2" & 2" Meters:

## 5. Lower Service ( $\geq 1$ " Meter)

In situations when a new meter and new endpoint does not fit in the existing box configuration, PVI will use low-rise resetter to install line and rotate the supply line for the meter side downwards and to the side.

### Clarification (Material Spec):

- 5/8" X 3/4" Meters: AY McDonald, Low Rise Resetter, 4" - 717-204XX
- 1" Meters: AY McDonald, Low Rise Resetter, 6" - 717-406XX
- DWF Plastics, 1200 extension

Clarification (general): See Exclusions section below regarding 1-1/2" or 2" Meters. Items matching that size description shall be reviewed and assessed in advance by FCWS, BMI and PVI. Assessed scope will be situational and performed at the T&M rates in Exhibit A if service is requested by FCWS.

### Exclusions:

- Rate excludes 1-1/2" & 2" Meters:

## 6. Leak Repair (Existing)

Rate is limited to existing leaks within two feet of the center of the meter.

Clarifications: If further issues are found during the repair, repair efforts will be halted and PVI will contact FCWS for further instruction.

## 7. Gate Valve Replacement (Large)

When authorized, PVI may replace defective/broken gate valves for 3" and larger meters that are located inside the existing meter vault. Pricing is for **labor only**.



Clarifications: In the event the existing valve is on the service side and under pressure, FCWS will assist PVI with shutting off water upstream of the valve. Pricing does not cover valves that are buried or exist outside a meter vault.

Exclusions:

All materials required for the Large Gate Valve Replacement are excluded and is assumed to be provided by FCWS. Materials provided by others may include, but not limited to:

- Large gate valve
- Hardware (nuts/bolts)
- Pipe adapters (if the valve is not flange to flange)

## 8. Direct Connect Conversion

For existing conditions where customer-side line is directly connected to the meter via a female PVC adapter, PVI shall cut the PVC piping, add a new PVC female adapter and AY McDonald Inline Dual Check.

# Authorization Workflow

This document merely outlines the scope of work and associated rates. Authorization to proceed shall be required for each individual case, unless specified otherwise within this document. The default (general) authorization workflow is highlighted below. Item specific requirements are also outlined.

General Authorization Workflow:

- A. PVI identifies situation fitting scope defined above
- B. PVI generates workorder (with pictures) in NIMs using the specific category as titled above.
- C. Workorder issued to FCWS for approval.
- D. FCWS formally marks work order as Approved or Rejected.

Exceptions/Additions to General Authorization Workflow:

1. Landscape Mitigation (Minor): PVI uploads picture(s) to NIMS -> PVI sends Work Order to FCWS and will provide a recommendation for either Minor Landscape Removal or Cut In Services -> FCWS reviews Work Order and will send a communication to homeowner requesting the homeowner to remove the landscaping obstruction to provide access to the meter in order to allow homeowner an opportunity to address directly -> If homeowner does not address the obstruction within one month of the date of communication from FCWS to homeowner, FCWS will send a Work Order back to PVI to perform the work as applicable in accordance with the original recommendation.



## **Badger Meter**

2. Cut In Services:
3. Concrete Work: None
4. Raise Service: PVI shall measure depth, capture with picture(s)
5. Lower Service: PVI shall measure depth, capture with picture(s)
6. Leak Repair (Existing): None
7. Gate Valve Replacement (Large): Work must be formally scheduled with FCWS Field Staff prior to starting work. PVI shall save any good valves being removed from large meters.
8. Direct Connect Conversion

# COUNTY AGENDA REQUEST

Department:

Presenter(s):

Meeting Date:

Type of Request:

**Wording for the Agenda:**

Discussion of the City of Peachtree City Recreation Program Intergovernmental Agreement between the City of Peachtree City and Fayette County effective October 1, 2025.

**Background/History/Details:**

In 2018, a Recreation Facility and Program Agreement was established between Fayette County and Peachtree City for the purpose of furthering recreational opportunities for County and City residents. The Agreement was established that Peachtree City would charge the County residents no greater program fees than charged to City Residents. In turn the County would pay the City \$150,000 to operate recreation facilities in the City.

A discussion to terminate this agreement was placed on the Peachtree City Council meeting agenda for March 20, 2025. The Council voted to approve the termination of the agreement.

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

Discussion of the City of Peachtree City Recreation Program Intergovernmental Agreement between the City of Peachtree City and Fayette County effective October 1, 2025.

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

Funding will not be included in future fiscal years.

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 OF FAYETTE

STATE OF GEORGIA

RECREATION PROGRAM AGREEMENT

This Recreation Facility and Program Agreement (the "Agreement") is entered into this 22<sup>nd</sup> day of February, 2018 by and between Fayette County, Georgia, a political subdivision of the State of Georgia acting by and through its Board of Commissioners (hereinafter referred to as the "County"), and the city of Peachtree City, a municipal corporation of the State of Georgia acting by and through its Mayor and Council (hereinafter referred to as the "City"), for the purpose of furthering recreational opportunities for County and City residents.

W I T N E S S E T H:

WHEREAS, the governing bodies of the County and the City are mutually interested in an adequate program of community recreation under the auspices of the County's and the City's respective Recreation Departments; and

WHEREAS, said governing bodies are authorized to enter into agreements to cooperate in the cultivation of citizenship by providing adequate programs for community recreation; and

WHEREAS, the County and the City have established Recreation Departments responsible for carrying out the purposes of community recreation in the County and the City; and

WHEREAS, in the interest of providing the best service with the least possible expenditure of public funds, full cooperation between the County and the City is necessary; and

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

acknowledged by the County and the City, the County and the City agree to cooperate with each other in carrying out the above purposes, and to that end, they agree as follows:

1.

The City will make general recreation programming available to County residents for community recreation activities. Any General Recreation Program Fees charged by the City to the County residents shall be no greater than the general recreation program fees charged to City Residents.

2.

The County agrees to pay to the City the sum of ONE HUNDRED FIFTY THOUSAND AND 00/100 (\$150,000.00) DOLLARS with said amount to be used by the City to operate recreation facilities in the City. Fayette County and Peachtree City shall review the allocation every three years to determine if an adjustment is warranted based upon changing operational costs. This Agreement shall be renewed automatically for additional one (1) year terms unless either party provides written notice of termination at least ninety (90) days prior to the end of the then current term. Subsequent renewals shall occur automatically absent proper written notice to terminate this Agreement

3.

It is further agreed that any permanent improvements or any equipment that is permanently affixed on City facilities as contemplated in this Agreement shall remain the property of the City.

[THIS SPACE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the date first above written.



(SEAL)

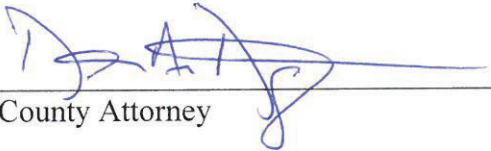
BOARD OF COMMISSIONERS OF  
FAYETTE COUNTY, GEORGIA

By:   
Eric K. Maxwell, Chairman


ATTEST:

  
Tameca P. White, County Clerk

Approved as to form:

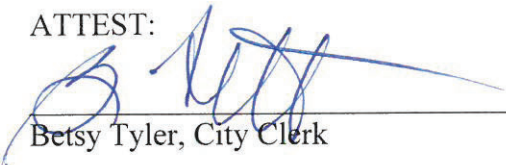
  
County Attorney

MAYOR AND COUNCIL OF THE  
CITY OF PEACHTREE CITY, GEORGIA

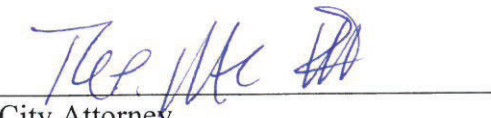
By:   
Vanessa Fleisch, Mayor

(SEAL)

ATTEST:

  
Betsy Tyler, City Clerk

Approved as to form:

  
City Attorney