

BOARD OF COUNTY COMMISSIONERS

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



FAYETTE COUNTY, GEORGIA

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

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214



AGENDA

May 22, 2025
5:00 p.m.

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

OFFICIAL SESSION:

Call to Order
Invocation and Pledge of Allegiance by Vice Chairman Edward Gibbons
Acceptance of Agenda

PROCLAMATION/RECOGNITION:

1. Request recognition of the Fire & Emergency Services Citizen Fire Academy graduates on their successful completion of the 10-week Citizen Fire Academy and presentation of certificates to the graduates. (page 3)
2. Recognition of Fayette County Water System's 2024 Gold Awards for Crosstown and South Fayette Water Treatment Plants presented by Georgia Association of Water Professionals Executive Director, Pam Burnett. (page 4)
3. Recognition of Johnny Hudson and presentation of the first Fayette County Water System Water Drop award for his tireless efforts that contributed to the success of the Advanced Metering Infrastructure project. (page 5)

PUBLIC HEARING:

4. Consideration of Petition 1360-24, RaceTrac Petroleum, Inc., Owner, Brent Holdings, LLC, Applicant, propose to rezone 55.800 acres from C-H (Highway Commercial) Conditional to M-1 (Light Industrial) 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, County Lane Road, and Carter Road. This item was tabled at the March 27, 2025 Board of Commissioners Meeting. (pages 6-85)
5. Consideration of Petition 1363-25, Primitivo P. Diaz & Shawn Morales & Christian Diaz, Owners, and Damon Free, Agent, propose to rezone 2.79 acres from R-40 (Single-Family Residential) to R-70 (Single-Family Residential) for the purpose of developing residential lots, combining this parcel with an adjacent parcel; property located in Land Lot 77 of the 7th District fronting on Sandy Creek Road. (pages 86-111)

6. First of Two Public Hearings to consider amendments to Chapter 104. Development Regulations, regarding Article XII. - DEVELOPMENT IMPACT FEE, to provide compliance with changes in the State Regulations governing Development Impact Fees. (pages 112-149)

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:

7. Approval to move funding to and from the appropriate Capital Project Contingency account and to close the projects as identified on the attached list. (pages 150-151)
8. Acknowledgment of Sheriff's decision to dispose of county property. (pages 152-160)
9. Approval of May 8, 2025 Board of Commissioners Meeting Minutes. (pages 161-167)

OLD BUSINESS

NEW BUSINESS:

10. Request to approve Resolution 2025-03 to adopt and transmit the Fayette County 2024 Annual Report on Fire Services Impact Fees (FY2024), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2025-FY2029). (pages 168-180)

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

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

Background/History/Details:

Fire & Emergency Services hosted the 2025 Citizen Fire Academy (CFA). This course began on March 13, 2025, and will be completed on May 22, 2025, with this presentation of certificates. Members of the class had the unique opportunity to experience the behind-the-scenes operations and the training of department members.

Class members received their heart saver CPR certification, were trained in First Aid, to use a fire extinguisher, and completed EMA preparedness training. CFA members observed department members performing vehicle extrication with the "Jaws of Life," toured the Fire Safety Education Bus, toured fire stations and had dinner at a fire station with the on-duty crew, toured the 911 Center and Emergency Operations Center (EOC), and learned first hand about thermal imaging cameras, cardiac monitors, LUCAS devices, and self-contained breathing apparatus.

Members from each shift presented a variety of Fire and EMS demonstrations including fire truck and ambulance demonstrations, flowing hose lines for firefighting purposes, ladder truck operations, and a full scale operation demonstrating a house fire response.

This class was attended by 13 members of the community from 6:30 p.m. to 9:00 p.m. each evening at the EOC or off-site at various locations.

What action are you seeking from the Board of Commissioners?

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

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:

Fire & Emergency Services will provide certificates and bring them to the meeting. PowerPoint with pictures of the academy will also be provided to play during the presentation.

COUNTY AGENDA REQUEST

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Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Recognition of Fayette County Water System's 2024 Gold Awards for Crosstown and South Fayette Water Treatment Plants presented by Georgia Association of Water Professionals Executive Director, Pam Burnett.

Background/History/Details:

Each year the Georgia Association of Water Professionals recognizes water facilities that have had no permit violations for MCLs (Maximum Contaminant Levels) during the preceding calendar year. Considering that over 50,000 individual samples are analyzed by your Fayette County Water Professionals each year, this is quite an achievement!

The Operations and Laboratory professionals are on the job 24 hours per day, 365 days per year to assure the highest levels of safety and quality of drinking water for Fayette County Water System (FCWS) customers. This level of service is supported by the entirety of FCWS including the professionals in Field Operations, Customer Service, and Maintenance as well as leadership's consistent support of education and professional development.

What action are you seeking from the Board of Commissioners?

Recognition of Fayette County Water System's 2024 Gold Awards for Crosstown and South Fayette Water Treatment Plants presented by Georgia Association of Water Professionals Executive Director, Pam Burnett.

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?*

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Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

Page 5 of 180

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Recognition of Johnny Hudson and presentation of the first Fayette County Water System Water Drop award for his tireless efforts that contributed to the success of the Advanced Metering Infrastructure project.

Background/History/Details:

The Advanced Metering Infrastructure (AMI) Project, is nearing completion. This \$13-million multi-year initiative marks a significant milestone for the Fayette County Water System, modernizing aging meters and operational efficiencies.

Throughout this project, Johnny Hudson, a 38-year employee of the Water System, has consistently gone above and beyond. Mr. Hudson devoted countless weekends and long evening hours ensuring that Field Operations completed pending work before being passed to County's metering subcontractor. This work directly contributed to the successful implementation of the AMI Project. His willingness to take initiative reflects the highest standards of public service and speaks to his reliability and dedication to the Water System's mission.

To honor his extraordinary efforts, Mr. Hudson has been selected as the inaugural recipient of the Water Drop Award - an internal recognition created to highlight exceptional performance and service within the department. This recognition honors not only his contributions to the AMI Project, but also the example he sets for others within the Water System.

What action are you seeking from the Board of Commissioners?

Recognition of Johnny Hudson and presentation of the first Fayette County Water System Water Drop award for his tireless efforts that contributed to the success of the Advanced Metering Infrastructure project.

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?

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Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

COUNTY AGENDA REQUEST

Page 6 of 180

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition 1360-24, Racetrac Petroleum, Inc., Owner, Brent Holdings, LLC, Applicant, propose to rezone 55.800 acres from C-H (Highway Commercial) Conditional to M-1 (Light Industrial) 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, County Lane Road, and Carter Road.

Background/History/Details:

This request was tabled at the March 27, 2025, Commissioners' meeting due to a lack of a full board.

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, Racetrac Petroleum, Inc., Owner, Brent Holdings, LLC, Applicant, to rezone 55.800 acres from C-H (Highway Commercial) Conditional to M-1 (Light Industrial) 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, County 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): 5th District, Land Lot 233

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, 2024)

BOARD OF COMMISSIONERS PUBLIC HEARING: May 22, 2025, 5:00 PM

(This petition was tabled at the March 27, 2025, meeting due to a lack of a full board.)

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:

Direction	Acreage	Zoning	Use	Comprehensive Plan/Future Land Use Map
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.

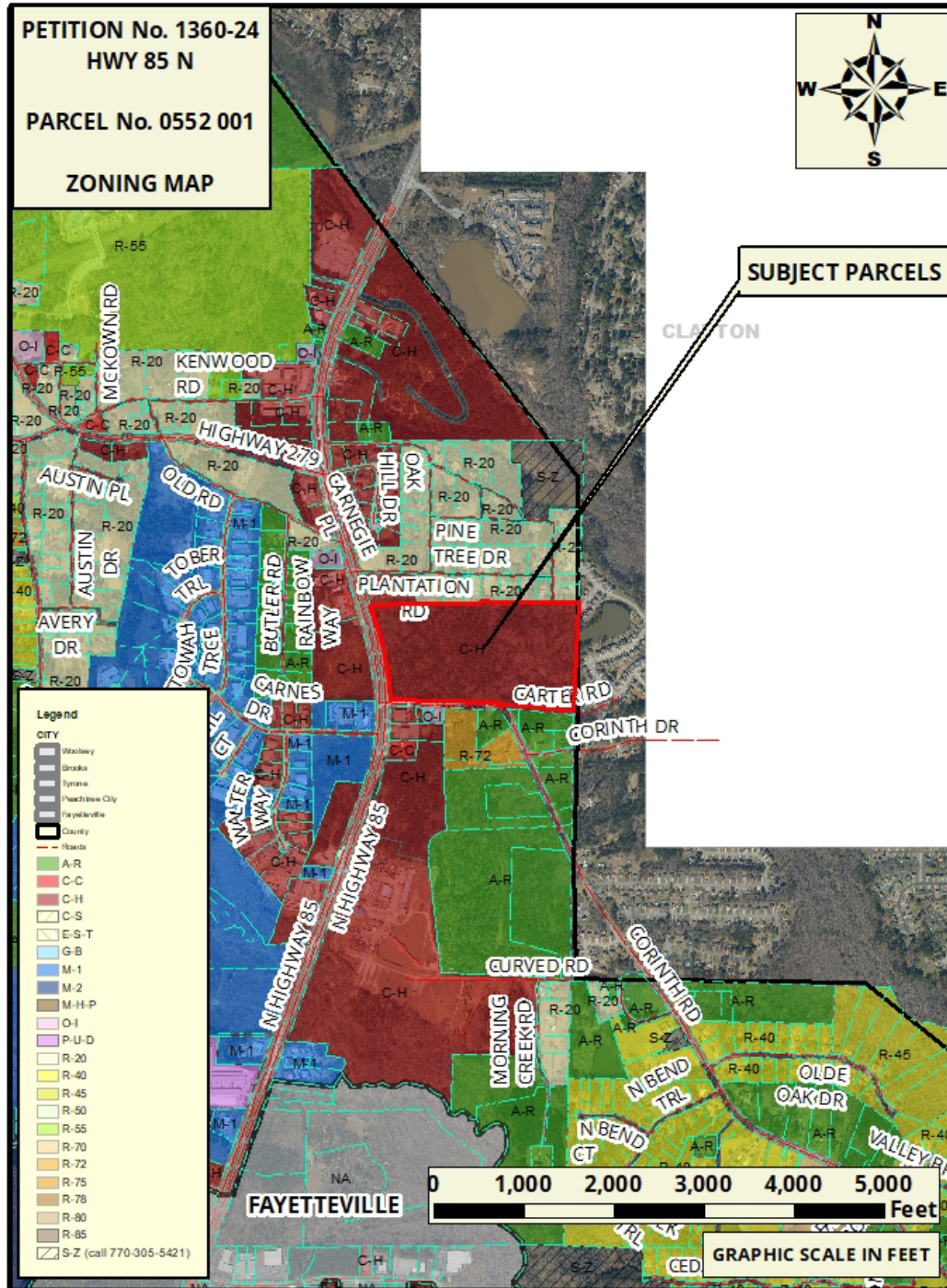
g. *Lighting and shielding standards.* Light shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.

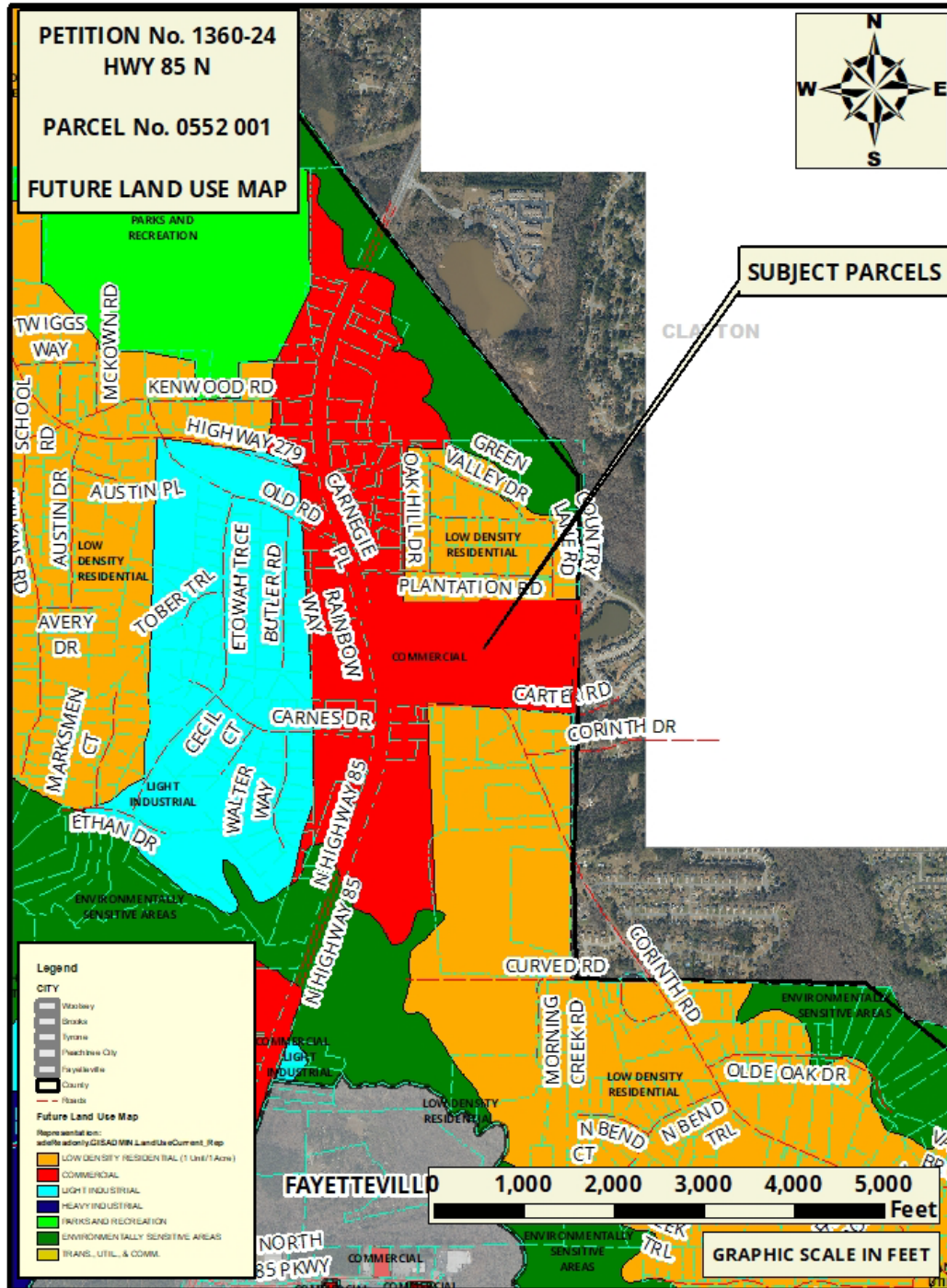
h. *Special locational and spatial requirements.*

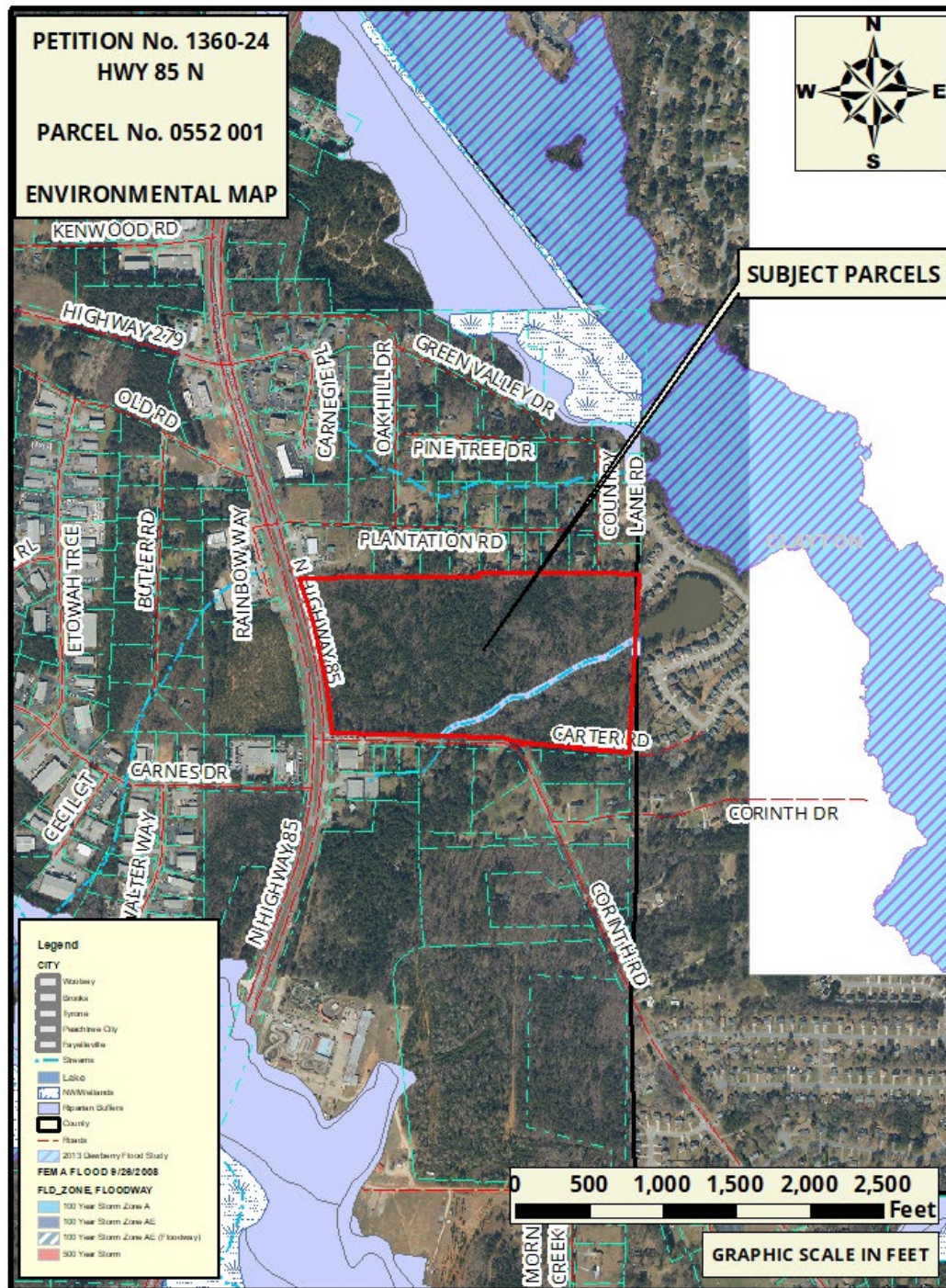
1. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.

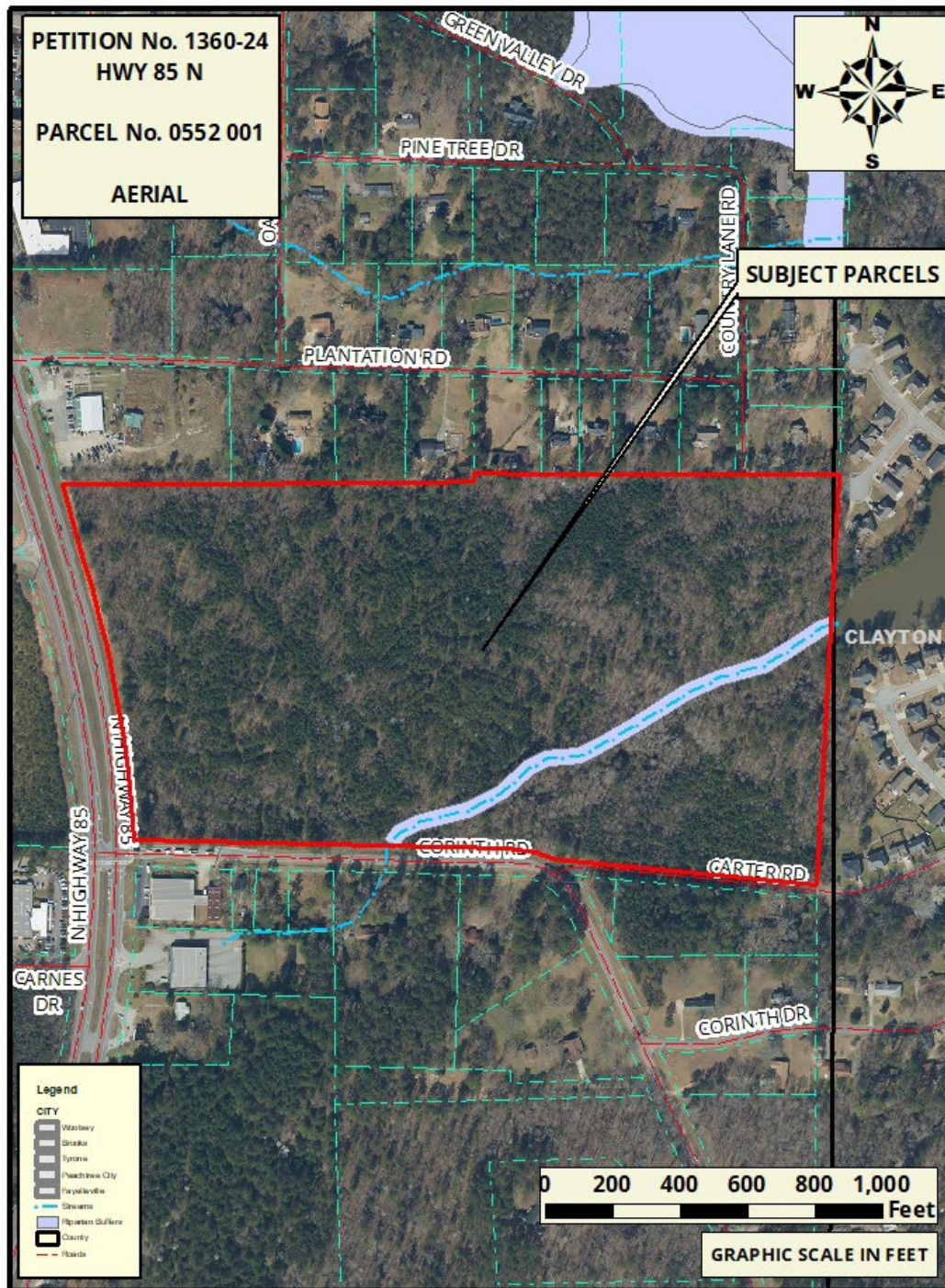
2. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.

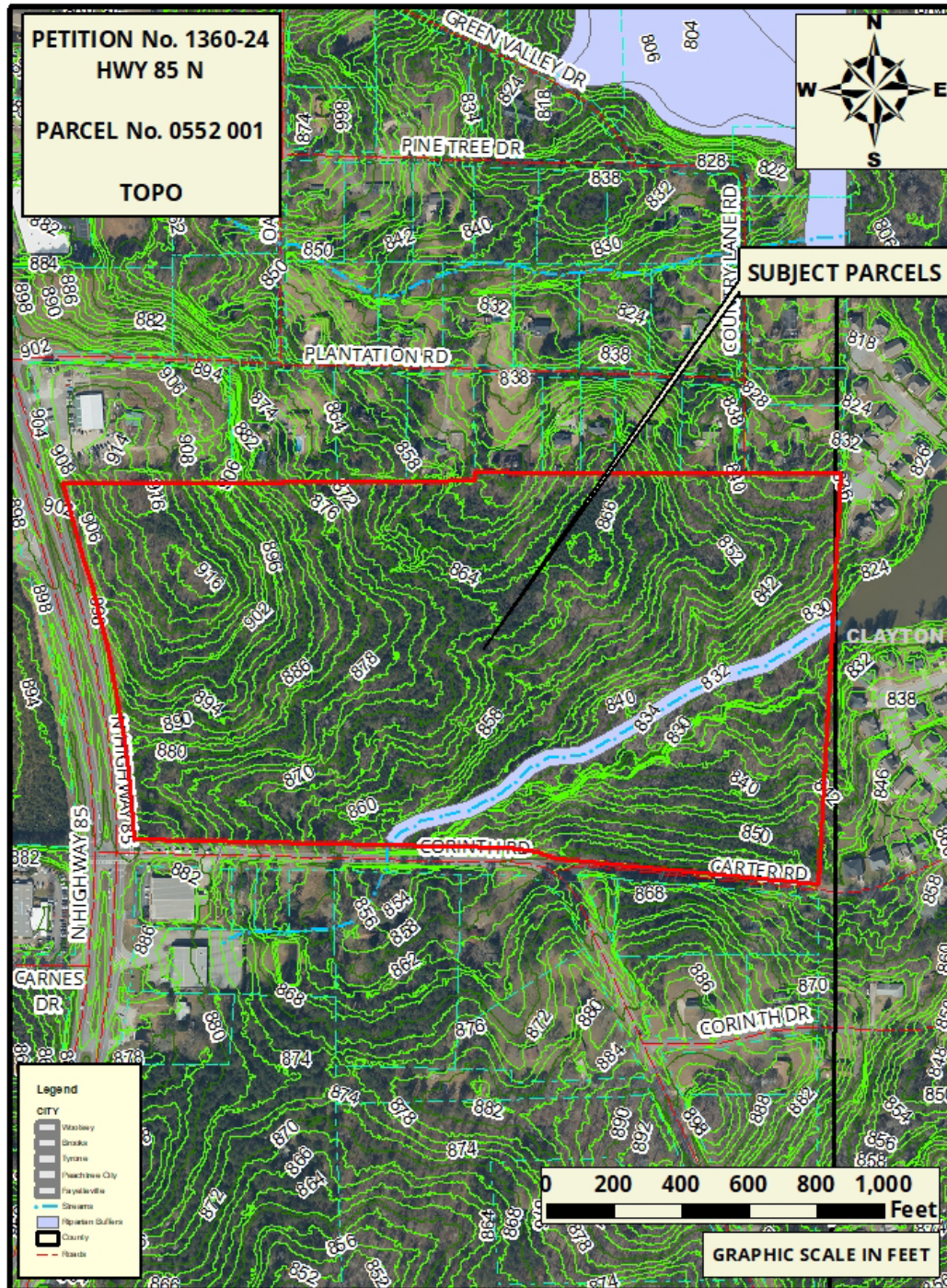
3. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR 85.

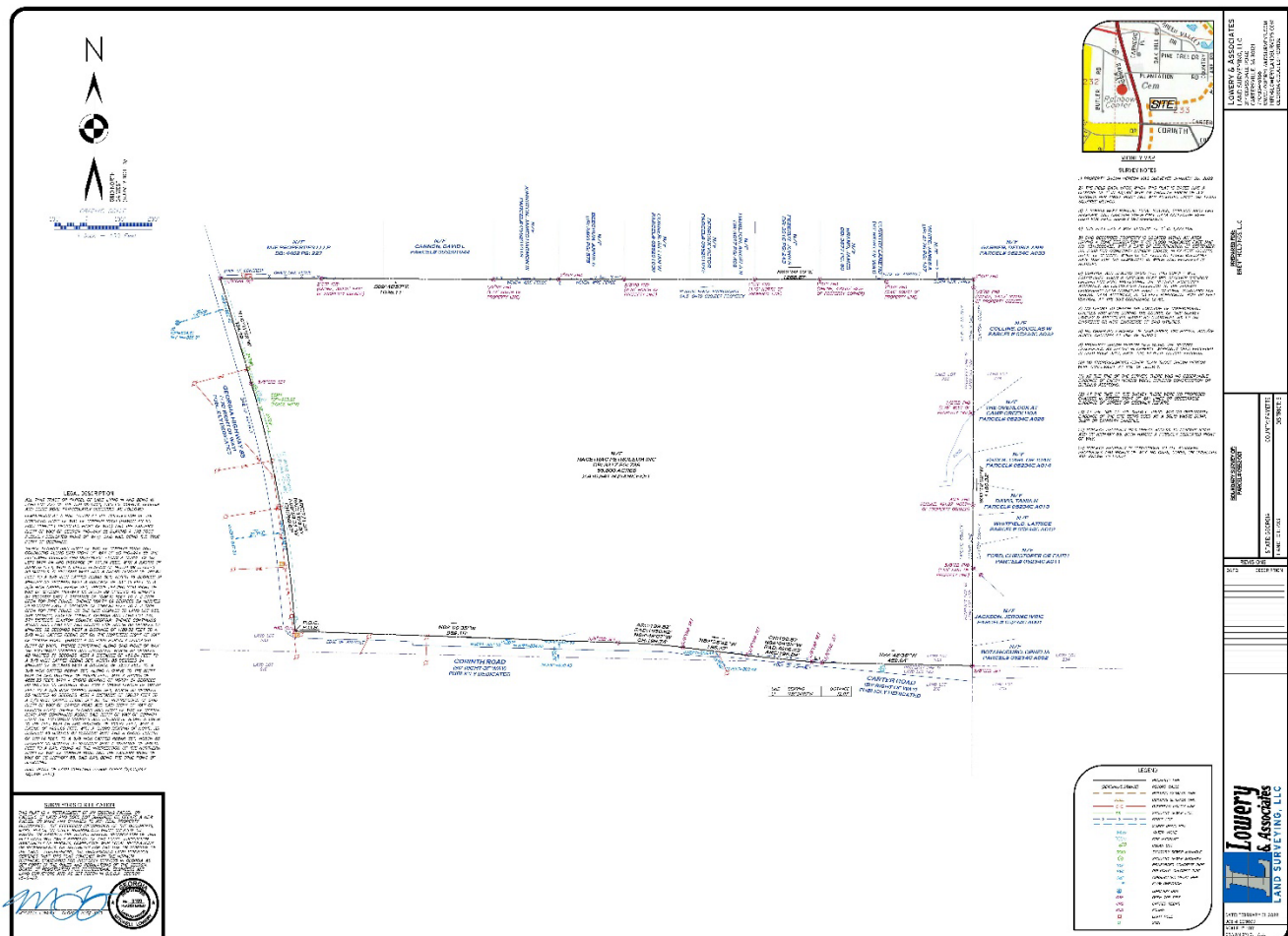




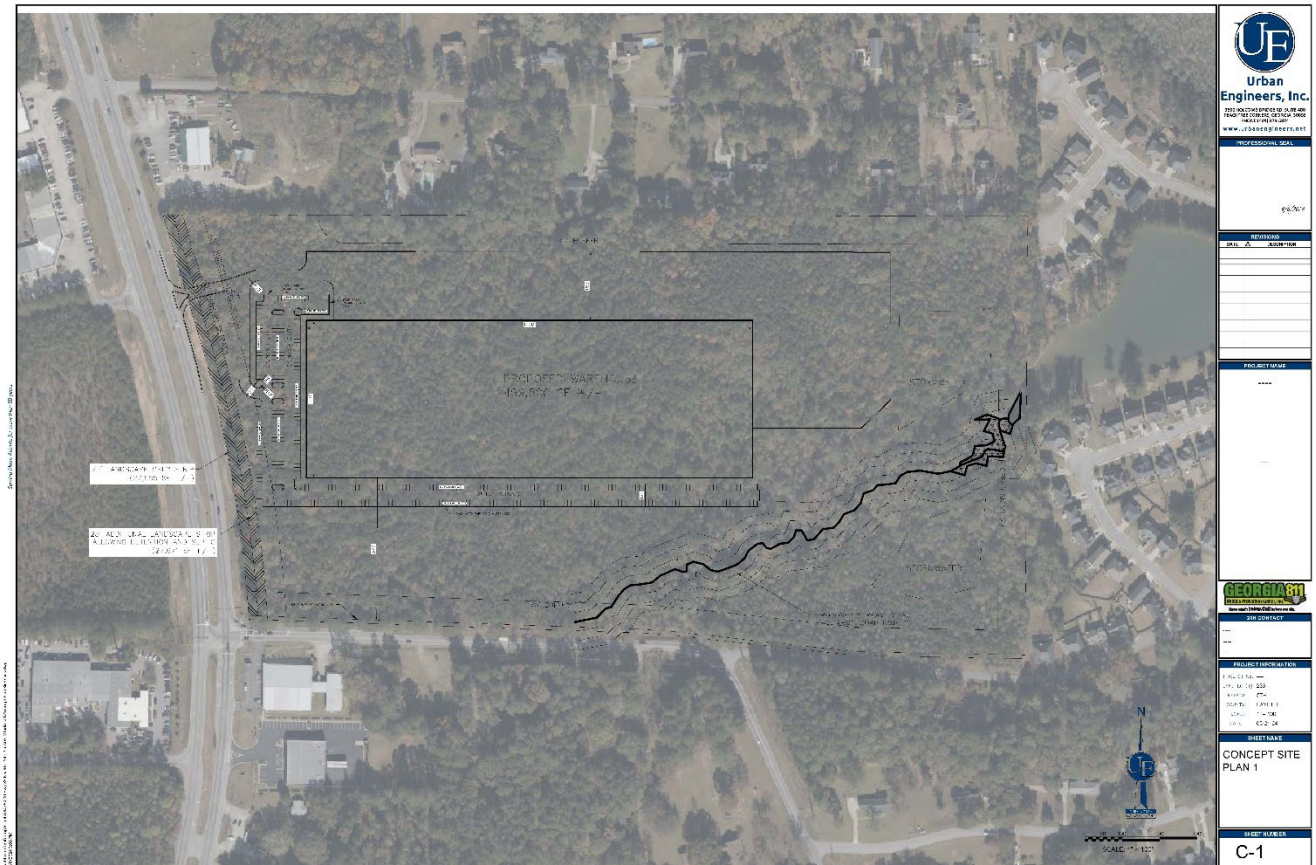








SURVEY



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.

[illegible]

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

**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**

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 5th 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 5th 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.

Meeting Minutes 03/06/2025

THE FAYETTE COUNTY PLANNING COMMISSION met on March 6th, 2025, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

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

NEW BUSINESS

1. Call to Order. *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 5th 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 arts 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 corrido, 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 fulfil 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 it would 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. Manufacturers 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 5th 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.

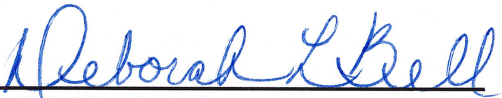
John Culbreth Sr. made the motion to recommend APPROVAL of Petition 1361-25. Danny England seconded the motion. The motion carried 5-0.

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

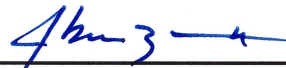
The meeting adjourned at 8:07 pm.

ATTEST:

**PLANNING COMMISSION
OF
FAYETTE COUNTY**



**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**



JOHN KRUZAN, CHAIRMAN



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 (10th) 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

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.

APPLICATION FILING DEADLINE – 12:00 PM	PLANNING COMMISSION HEARING DATE – 7:00 PM	BOARD OF COMMISSIONERS HEARING DATE – 5:00 PM*
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.**

**** 4th of July Holiday Schedule**

PETITION No (s): _____*STAFF USE ONLY***APPLICANT INFORMATION**Name Brent Holdings, LLCAddress 9008 Highway 16City SenoiaState GA Zip 30276Email dfields@brentholdings.netPhone 770-461-0478**PROPERTY OWNER INFORMATION**Name Racetrac Petroleum, Inc.Address P.O. Box 2437City SmyrnaState GA Zip 30081

Email _____

Phone _____

AGENT(S) (if applicable)Name Daniel Fields (for Applicant)Address 9008 Highway 16City SenoiaState GA Zip 30276Email dfields@brentholdings.netPhone 770-461-0478Steven L. Jones
Name Partner, Taylor English Duma LLP (for Applicant)Address 1600 Parkwood Circle, Suite 200City AtlantaState GA Zip 30339Email sjones@taylorenghish.comPhone 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

Address

N/A

Signature of Property Owner 2

N/A

Address

N/A

Signature of Property Owner 3

N/A

Address

N/A

Signature of Authorized Agent

N/A

Address

[Signature]
 Signature of Notary Public

Date

N/A

Signature of Notary Public

N/A

Date

N/A

Signature of Notary Public

N/A

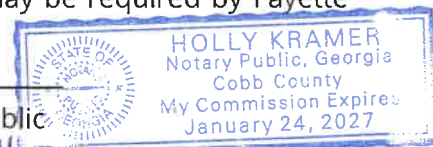
Date

N/A

Signature of Notary Public

N/A

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.

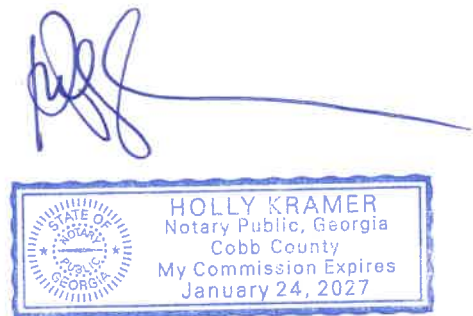
SWORN TO AND SUBSCRIBED BEFORE ME THIS 10th DAY OF September, 2024

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 10th day of September, 2024.

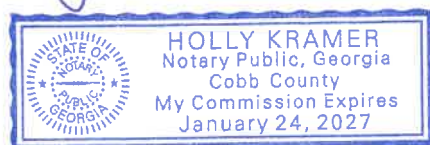


SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC





DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

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

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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 18th 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.

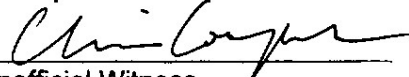
To have and to hold the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in fee simple.

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)

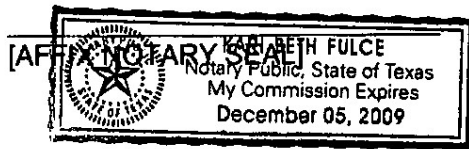
IN WITNESS WHEREOF, the Grantor, acting by and through its Managing Partner has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered
in the presence of:


Unofficial Witness


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: 
Roberto Segovia Kane, President

[AFFIX CORPORATE SEAL]

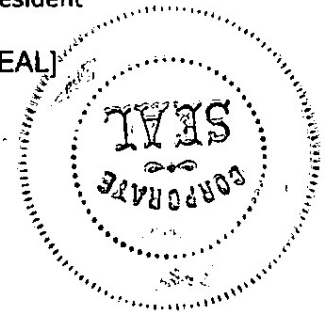


EXHIBIT A

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 VRANI 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.

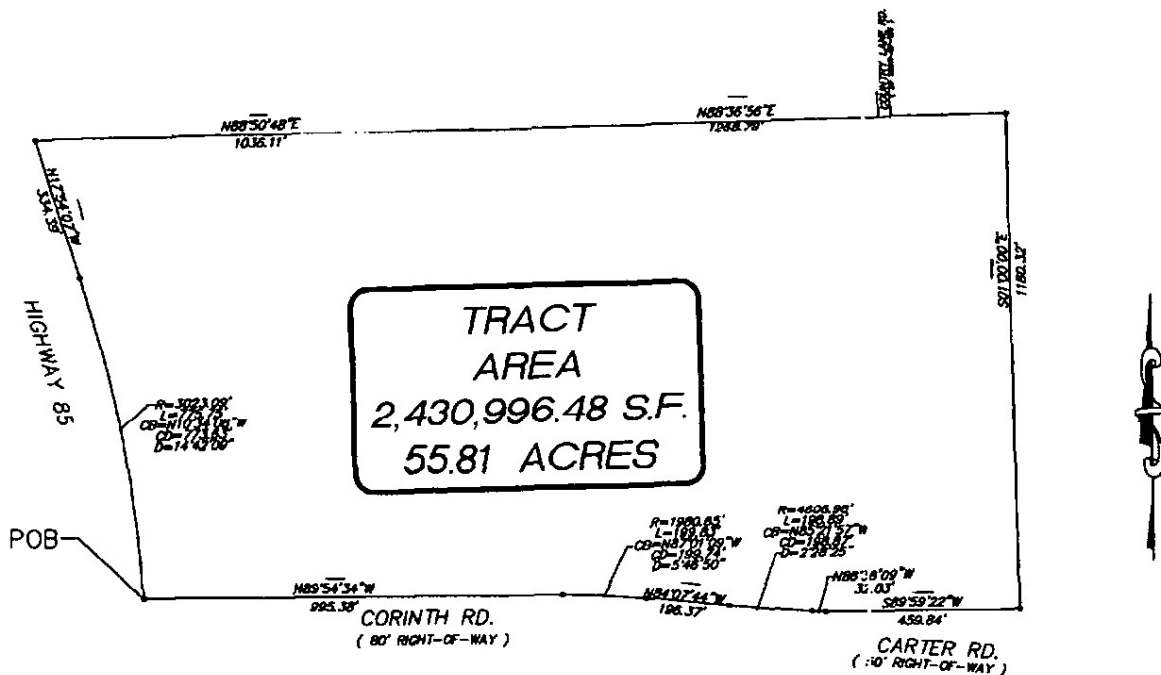

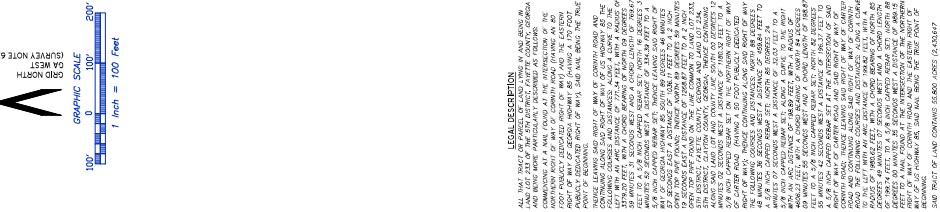


Exhibit B**Permitted Exceptions**

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.

[illegible][illegible][illegible]

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 policies 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.

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

1600 Parkwood Circle
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~~²³³ 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

Continued from page B4

Fayette County News B5

PETITION FOR REZONING
CERTAIN PROPERTIES IN
UNINCORPORATED AREAS OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held be-
fore the Fayette County Planning
Commission on Thursday, March
6, 2025, at 7:00 P.M. and before
the Fayette County Board of Com-
missioners on Thursday, March
27, 2025, at 5:00 P.M. in the Fay-
ette County Administrative Com-
plex, 140 Stonewall Avenue West,
Public Meeting Room, First Floor,
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 Car-
ter Road

Proposed: Applicant proposes to
rezone 55.8+/- acres from C-H
(Highway Commercial) Condition-
al to M-1 (Light Industrial) for the
purposes of constructing a Distrib-
uting 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 VI-
RANI DATED 7/10/87, BY LAND-
MARK SURVEYING, INC., AND
BEING MORE PARTICULARLY
DESCRIBED AS

FOLLOWS: BEGINNING AT
THE POINT OF INTERSEC-
TION OF THE EASTERLY SIDE
OF RIGHT-OF-WAY OF GEOR-
GIA 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 MIN-
UTES 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 MIN-
UTES 48 SECONDS EAST A DIS-
TANCE OF 1036.11 FEET TO A
POINT; THENCE NORTH 88
DEGREES 36 MINUTES 56 SEC-
ONDS 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 SEC-
ONDS 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

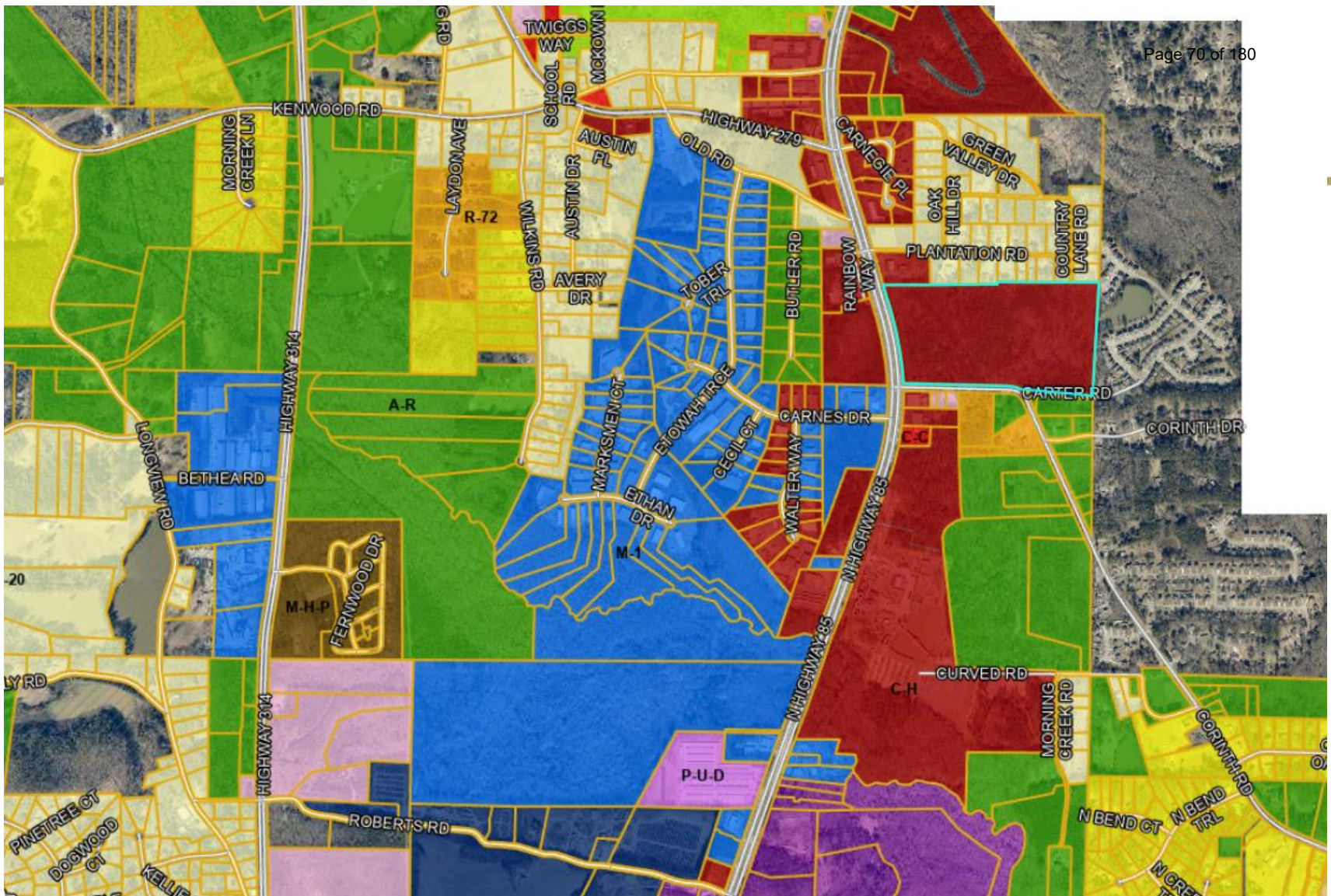
89 DEGREES 59 MINUTES 22
SECONDS WEST A DISTANCE
OF 459.84 FEET TO A POINT;
THENCE NORTH 86 DEGREES
36 MINUTES 09 SECONDS WEST
A DISTANCE OF 32.03 FEET TO
A POINT; THENCE IN A WEST-
ERLY DIRECTION ALONG THE
NORTHERN SIDE OF THE RIGHT-
OF-WAY OF CARTER ROAD
(50-FOOT RIGHT-OF -WAY)
WITH A CURVE TO THE 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 MIN-
UTES 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 MIN-
UTES 09 SECONDS WEST, A
DISTANCE OF 199.74 FEET TO
A POINT; THENCE CONTINU-
ING 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

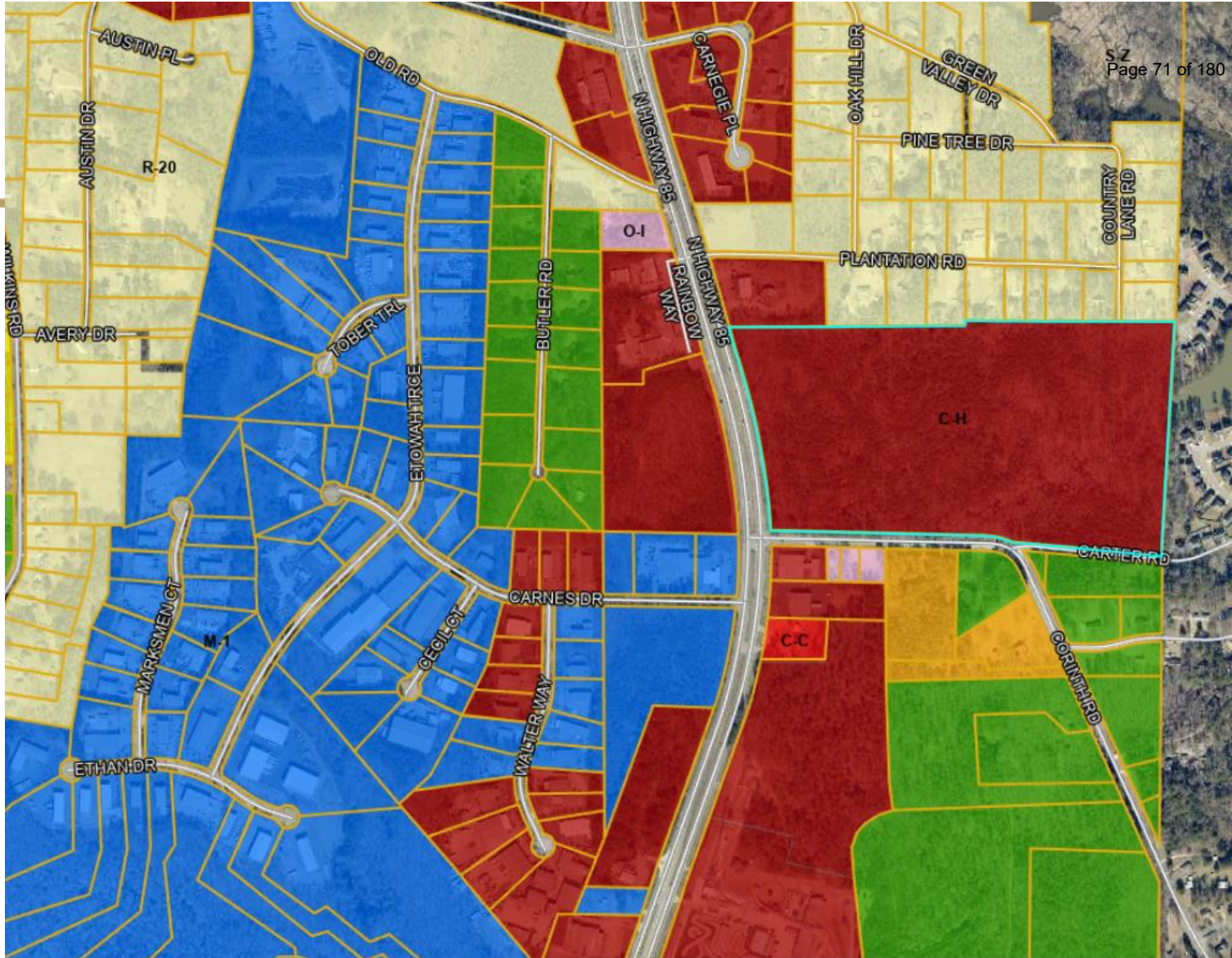
Brent Holdings S.R. 85 & Corinth Road Commerce-Industry Building

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

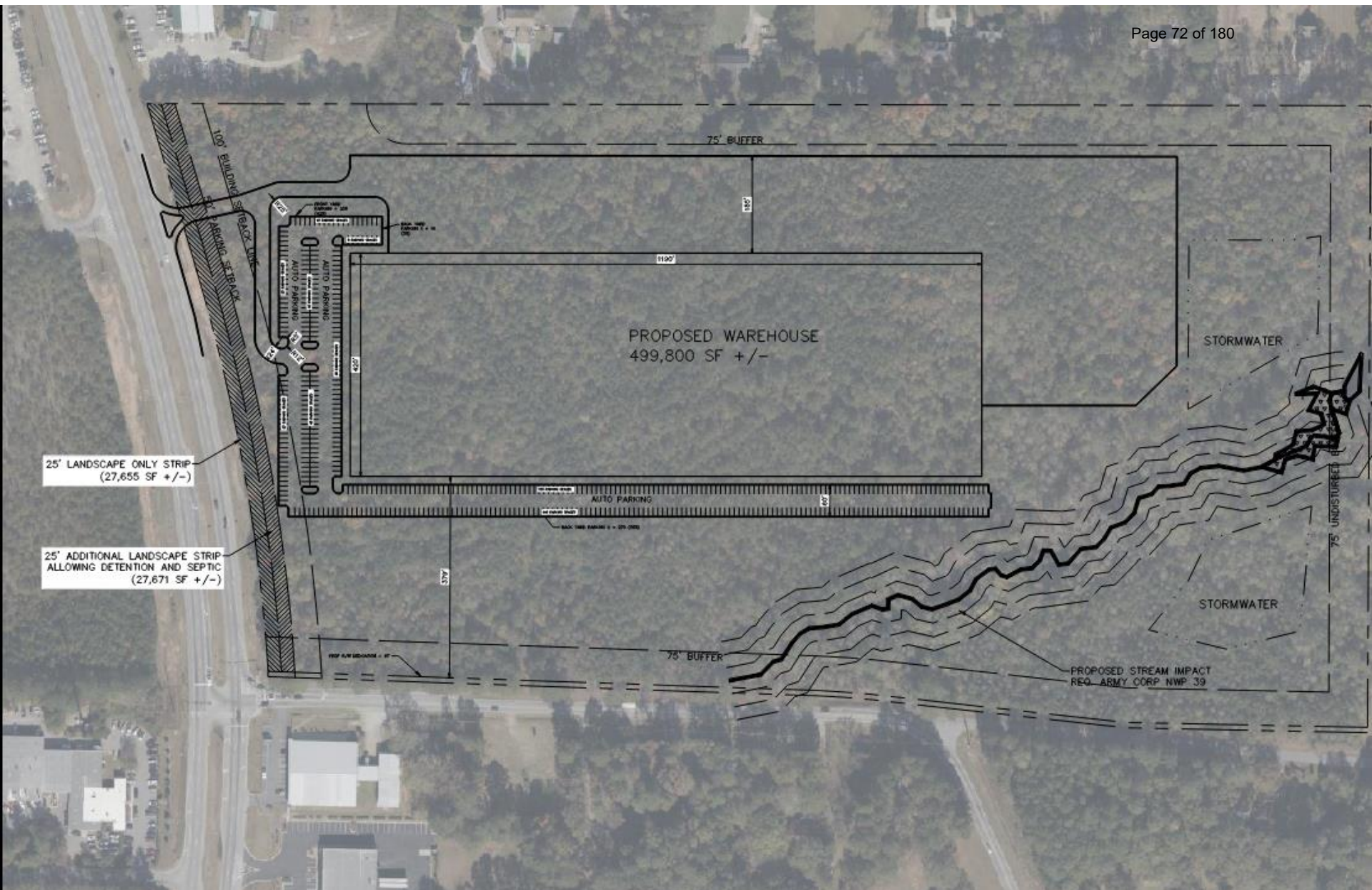
taylor | english



- 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

Page 74 of 180

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): 5th District, Land Lot 216

OWNER: Ann Kimbell

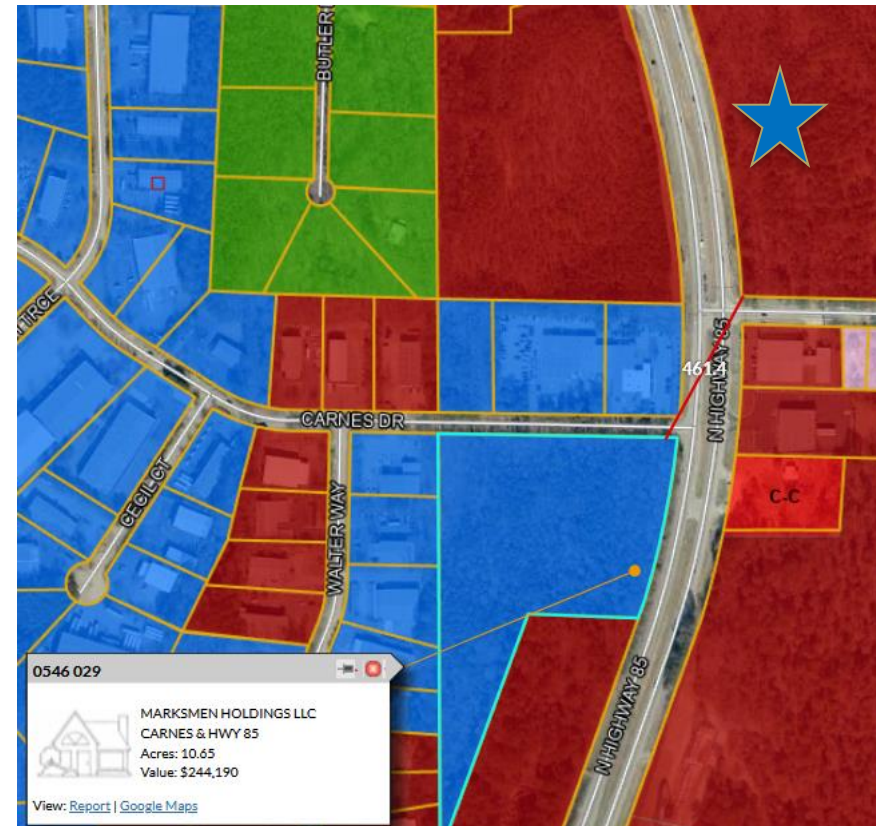
AGENT: David Weinstein

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

Page 75 of 180

034

Page 34 of 166

STAFF ANALYSIS

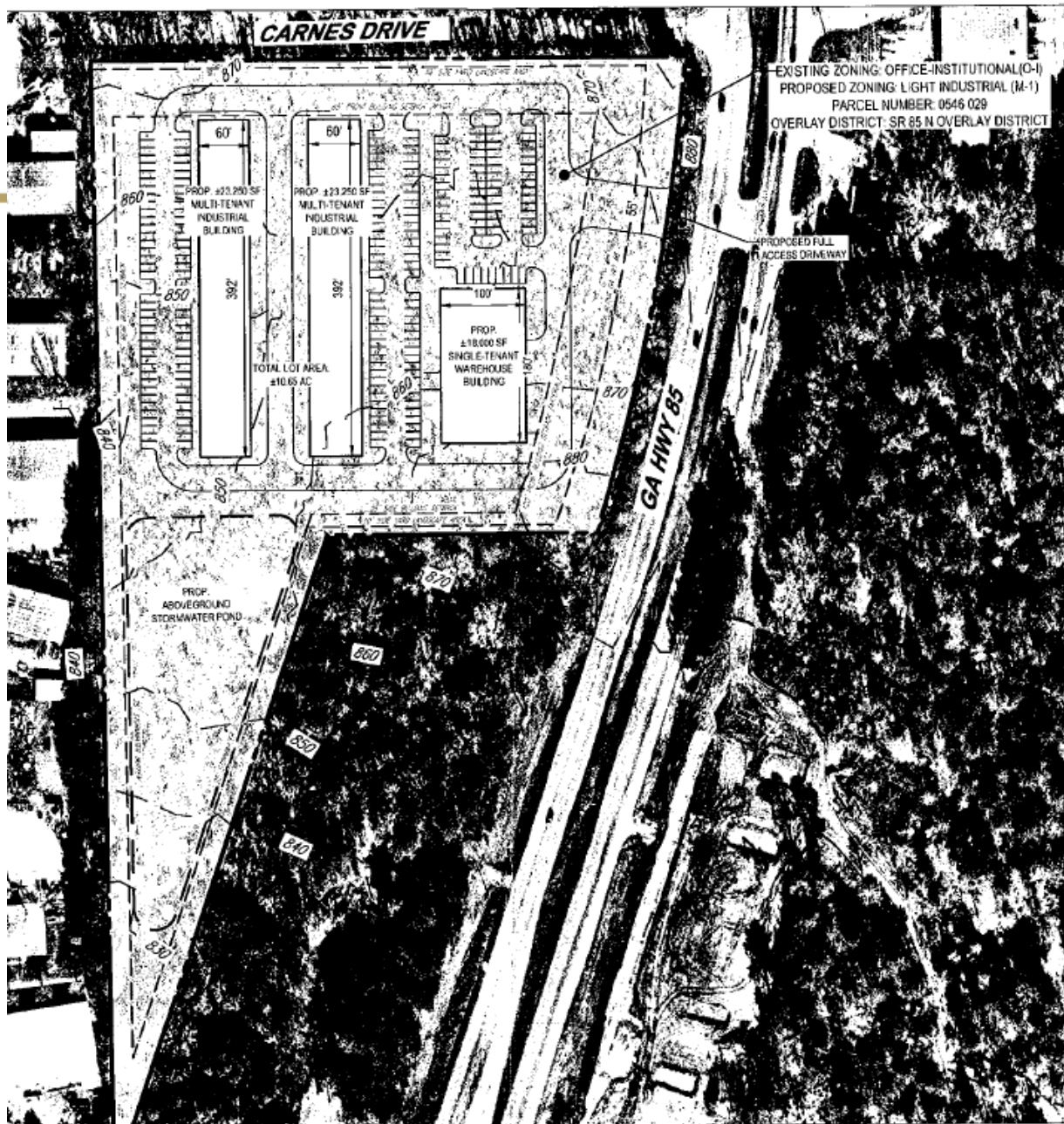
This request is based on the petitioner's intent to rezone said property from O-I to M-1 for the purpose of developing Light-Industrial. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

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**.



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

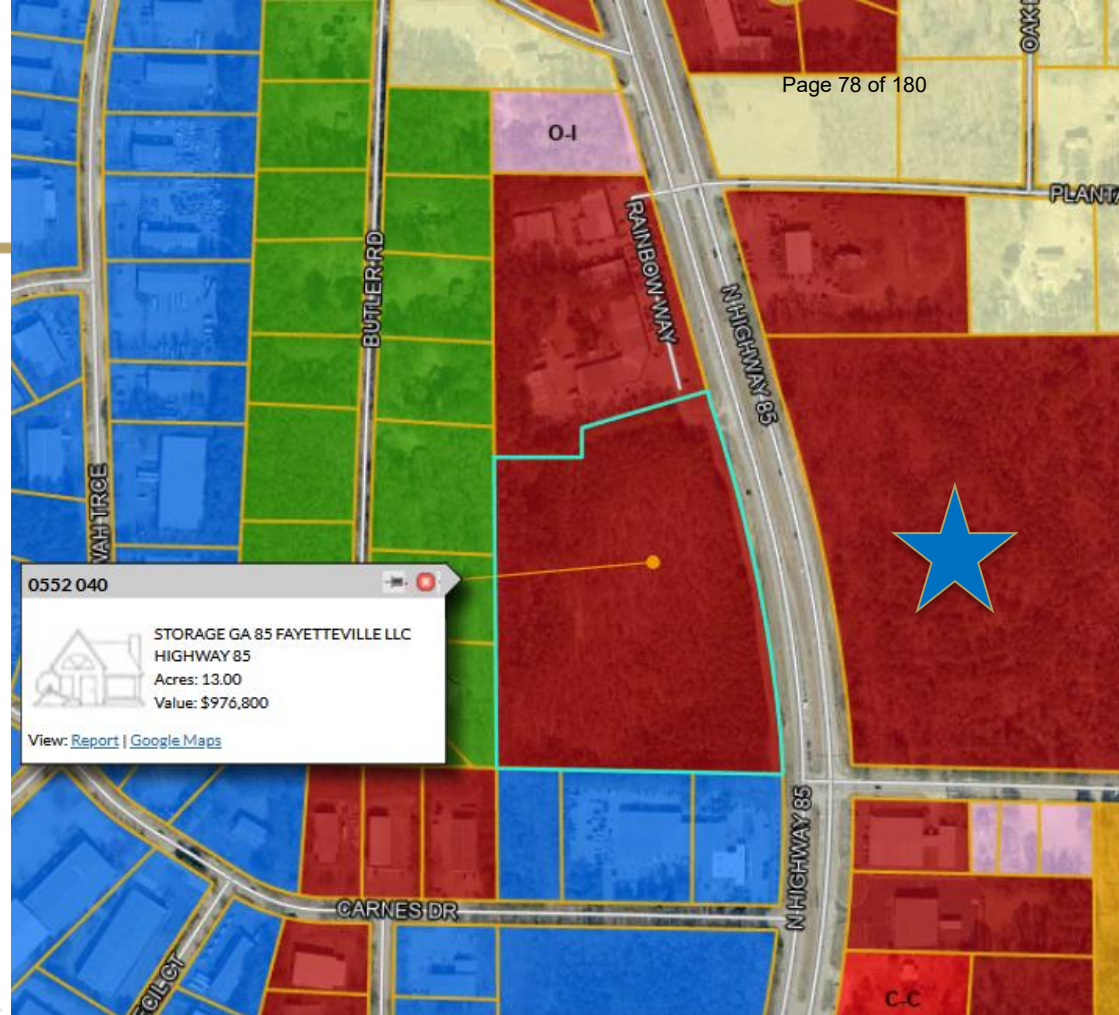
DISTRICT/LAND LOT(S): 5th District, Land Lot 233

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

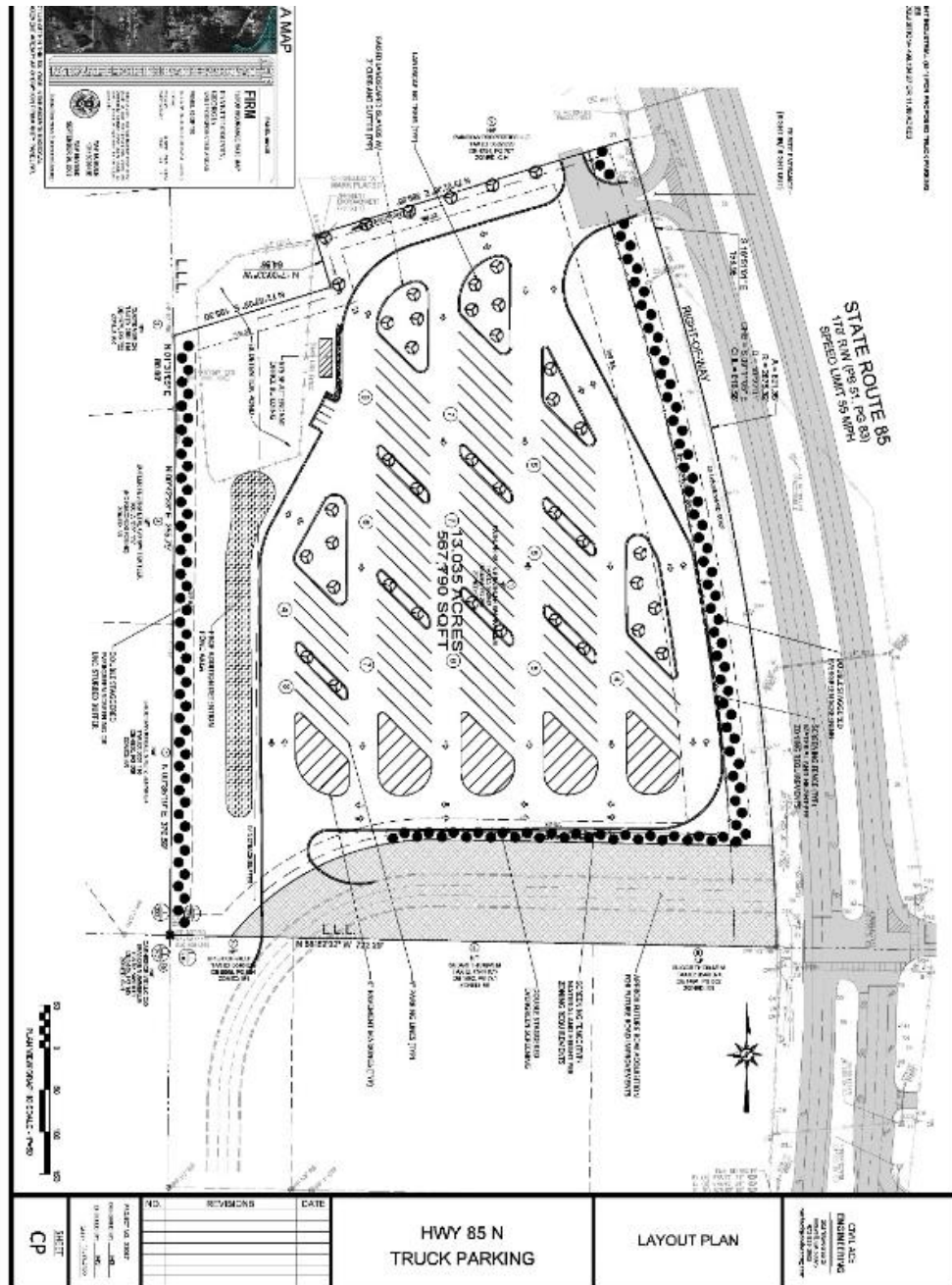
As defined in the Fayette County Comprehensive Plan, the C-H – Highway Commercial District - is designated for this area. Should this petition be approved, the owner/developer must submit a site development plan as required by Chapter 104, Development Regulations. Approval of this zoning petition does 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.

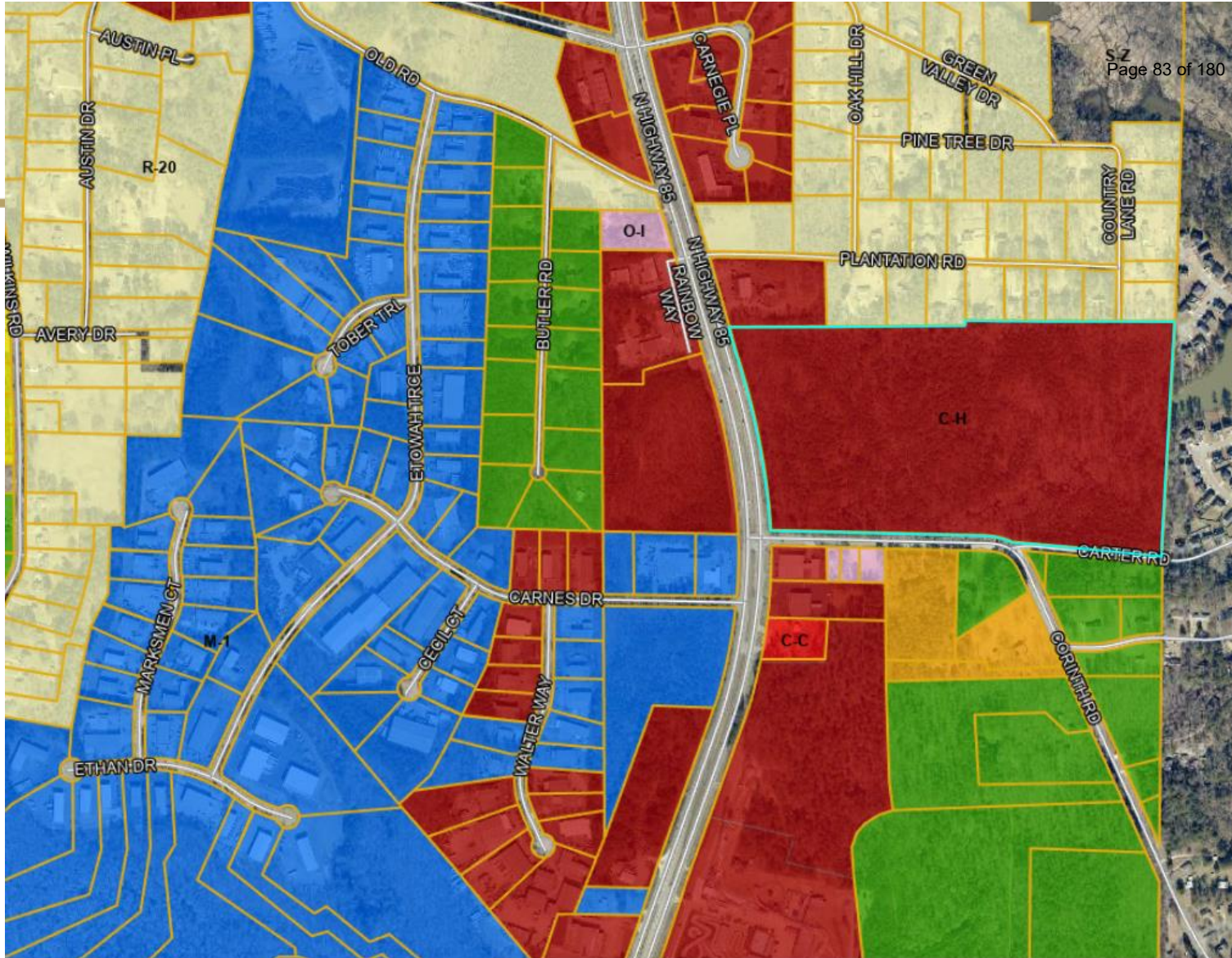
Kenwood

Kenwood Rd

Gerritt Rd

Image Landsat / Copernicus

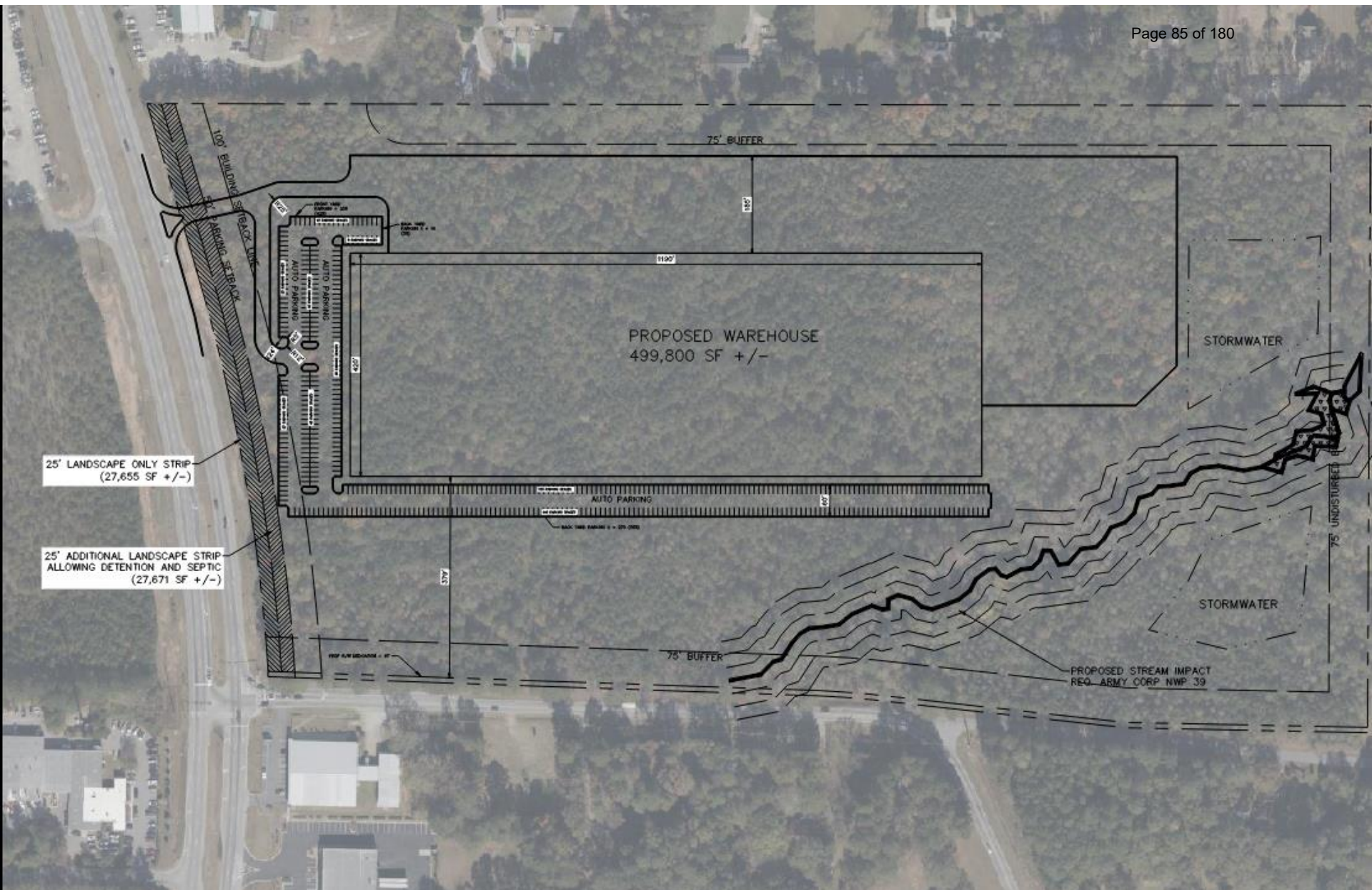
- Orange – Self Storage
- Red – Auto Repair/Service
- Blue – Gas Station
- Green – General Industrial or Heavy Commercial
- Brown – Amusement Park
- Gray – Truck Parking
- Purple – (approx.) County Line



- 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

Page 86 of 180

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of Petition 1363-25, Primitivo P. Diaz & Shawn Morales & Christian Diaz, Owners, and Damon Free, Agent, propose to rezone 2.79 acres from R-40 (Single-Family Residential) to R-70 (Single-Family Residential) for the purpose of developing residential lots, combining this parcel with an adjacent parcel; property located in Land Lot 77 of the 7th District fronting on Sandy Creek Road.

Background/History/Details:

The lot is a legal lot of record and, even after the 2.79-acre piece is rezoned and sold, will meet or exceed all the requirements of the R-40 zoning district. The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre minimum parcel size. Since R-70 is the same density zoning, the request to rezone to the R-70 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-70, subject to the following:

1. Within 90 days of approval of the rezoning, the rezoned portion of Parcel #0723 028 shall be combined into a single parcel with Parcel #0723 017 with an approved recorded plat.

On May 1, 2025, the Planning Commission voted 5-0 to recommend CONDITIONAL APPROVAL, subject to conditions as read by staff.

What action are you seeking from the Board of Commissioners?

Staff recommends CONDITIONAL APPROVAL of Petition 1363-25, Primitivo P. Diaz & Shawn Morales & Christian Diaz, Owners, and Damon Free, Agent, propose to rezone 2.79 acres from R-40 (Single-Family Residential) to R-70 (Single-Family Residential) for the purpose of developing residential lots, combining this parcel with an adjacent parcel; property located in Land Lot 77 of the 7th District fronting on Sandy Creek Road with one (1) condition.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

PETITION No. 1363-25

REQUESTED ACTION: Rezone 2.79 acres from R-40 to R-70

PARCEL NUMBER: A portion of Parcel #0723 028; this portion is to be combined with Parcel #0723 017.

EXISTING ZONING: R-40

PROPOSED ZONING: R-70

EXISTING USE: Single-Family Residential

PROPOSED USE: Single-Family Residential

LOCATION: 1062 Sandy Creek Road

LOT SIZE: 7.94 Acres, total. The remainder of Parcel #0723 028 will be 5.15. acres, which still meets the requirements for the R-40 zoning district.

DISTRICT/LAND LOT(S): 7th District, Land Lot(s) 77

OWNER(S): Primitivo P. Diaz

APPLICANT(S): Damon M. Free

AGENT(S): Damon M. Free

PLANNING COMMISSION PUBLIC HEARING: May 1, 2025, at 7:00 PM

BOARD OF COMMISSIONERS PUBLIC HEARING: May 22, 2025, at 5:00 PM

REQUEST

The applicant is requesting to rezone the property from R-40 to R-70 for the purpose of combining with his existing property, Parcel #0723 017.

PLANNING COMMISSION RECOMMENDATION

On May 1, 2025, the Planning Commission voted 5-0 to recommend CONDITIONAL APPROVAL, with conditions as read by staff.

STAFF ASSESSMENT & RECOMMENDATION

The lot is a legal lot of record and, even after the 2.79-acre piece is rezoned and sold, will meet or exceed all the requirements of the R-40 zoning district. The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre minimum parcel size. Since R-70 is the same density zoning, the request to rezone to the R-70 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-70, subject to the following:

1. Within 90 days of approval of the rezoning, the rezoned portion of Parcel #0723 028 shall be combined into a single parcel with Parcel #0723 017 with an approved recorded plat.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject property is currently zoned R-40. It was rezoned from R-70 to R-40 on June 25, 1987. The property is currently part of a single-family residential lot.

B. ADJACENT ZONING AND FUTURE LAND USE

Most of the parcels surrounding the subject property are zoned R-70, having been part of the blanket rezoning in 1973. 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.

Direction	Acreage	Zoning	Use	Future Land Use Plan
North	20+; 5	R-70; R-40	Single Family Residential	Rural Residential-2 (1 unit /2 acres)
East	20+	R-70	Single Family Residential	Rural Residential-2 (1 unit /2 acres)
South	20+	R-70	Single Family Residential	Rural Residential-2 (1 unit /2 acres)
West	20+	R-70	Single Family Residential	Rural Residential-2 (1 unit /2 acres)

C. DEPARTMENTAL COMMENTS

- ☐ **Water System** – No objections.
- ☐ **Public Works/Environmental Management** – No objections.
- ☐ **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. 110-133. R-70, Single-Family Residential District.

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

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

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

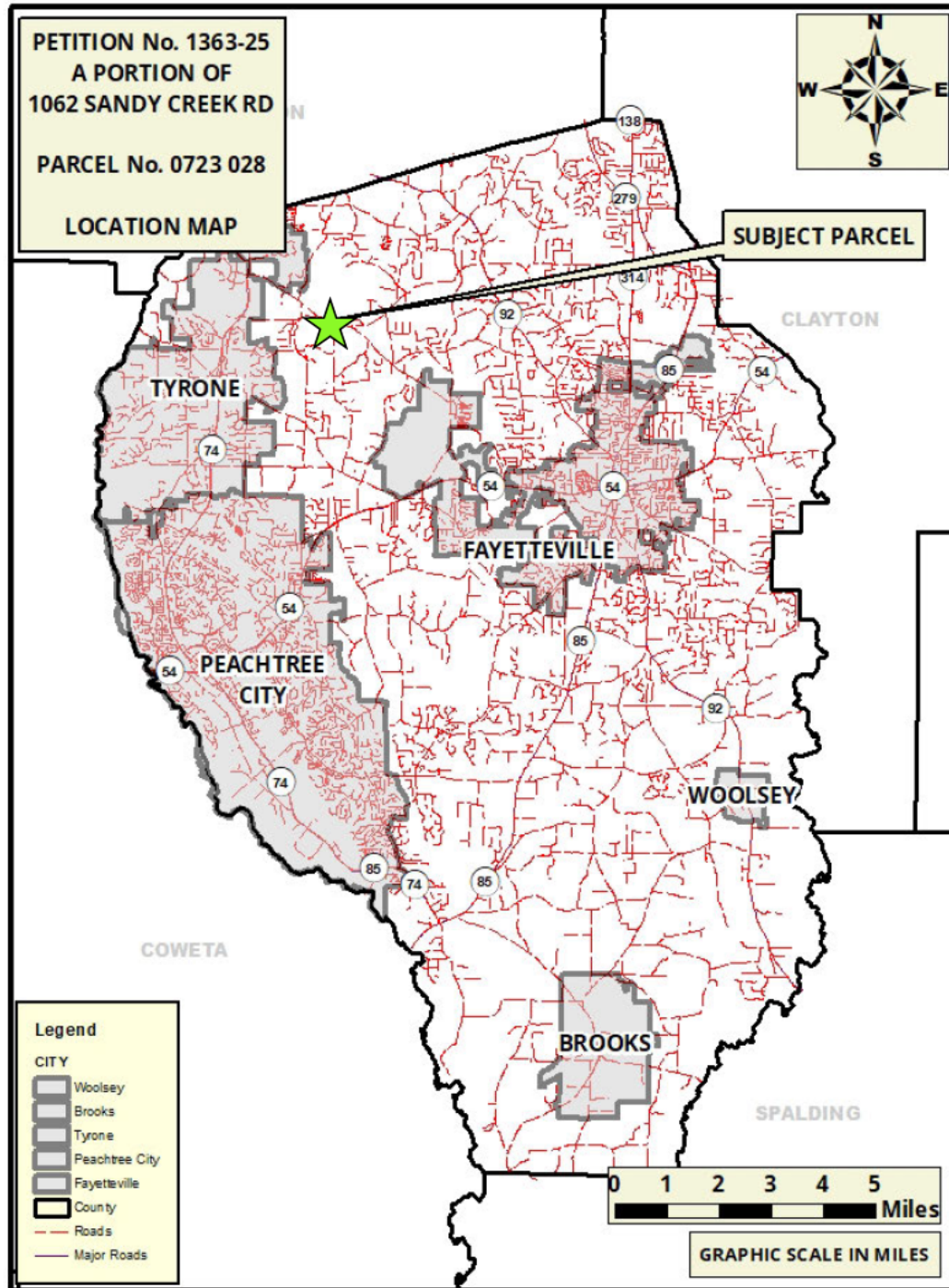
(c) *Conditional uses.* The following conditional uses shall be allowed in the R-70 zoning district provided that all conditions specified in article V of this chapter are met:

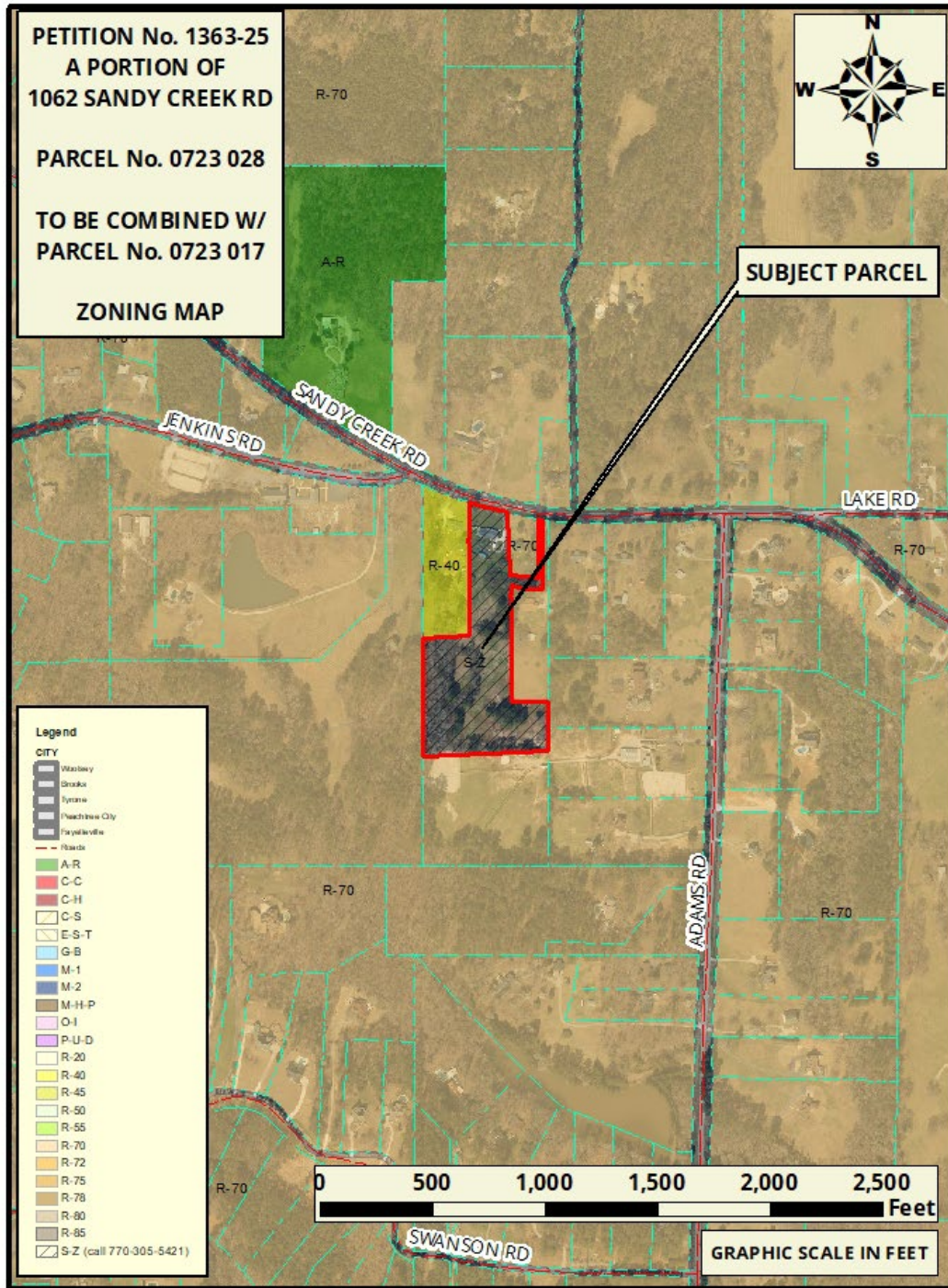
- (1) Church and/or other place of worship;
- (2) Developed residential recreational/amenity areas;
- (3) Home occupation;
- (4) Horse quarters; and
- (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

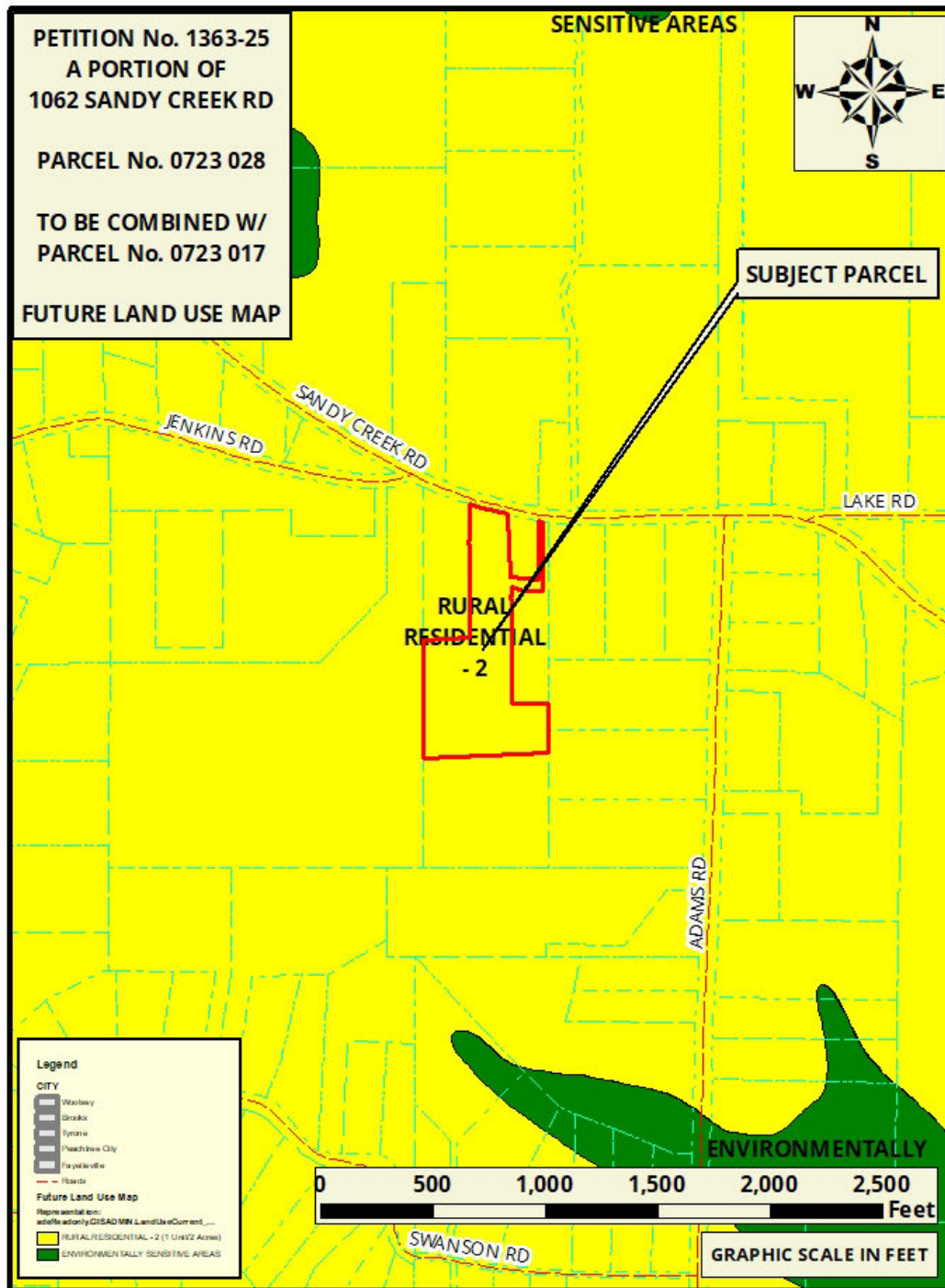
(d) *Dimensional requirements.* The minimum dimensional requirements in the R-70 zoning district shall be as follows:

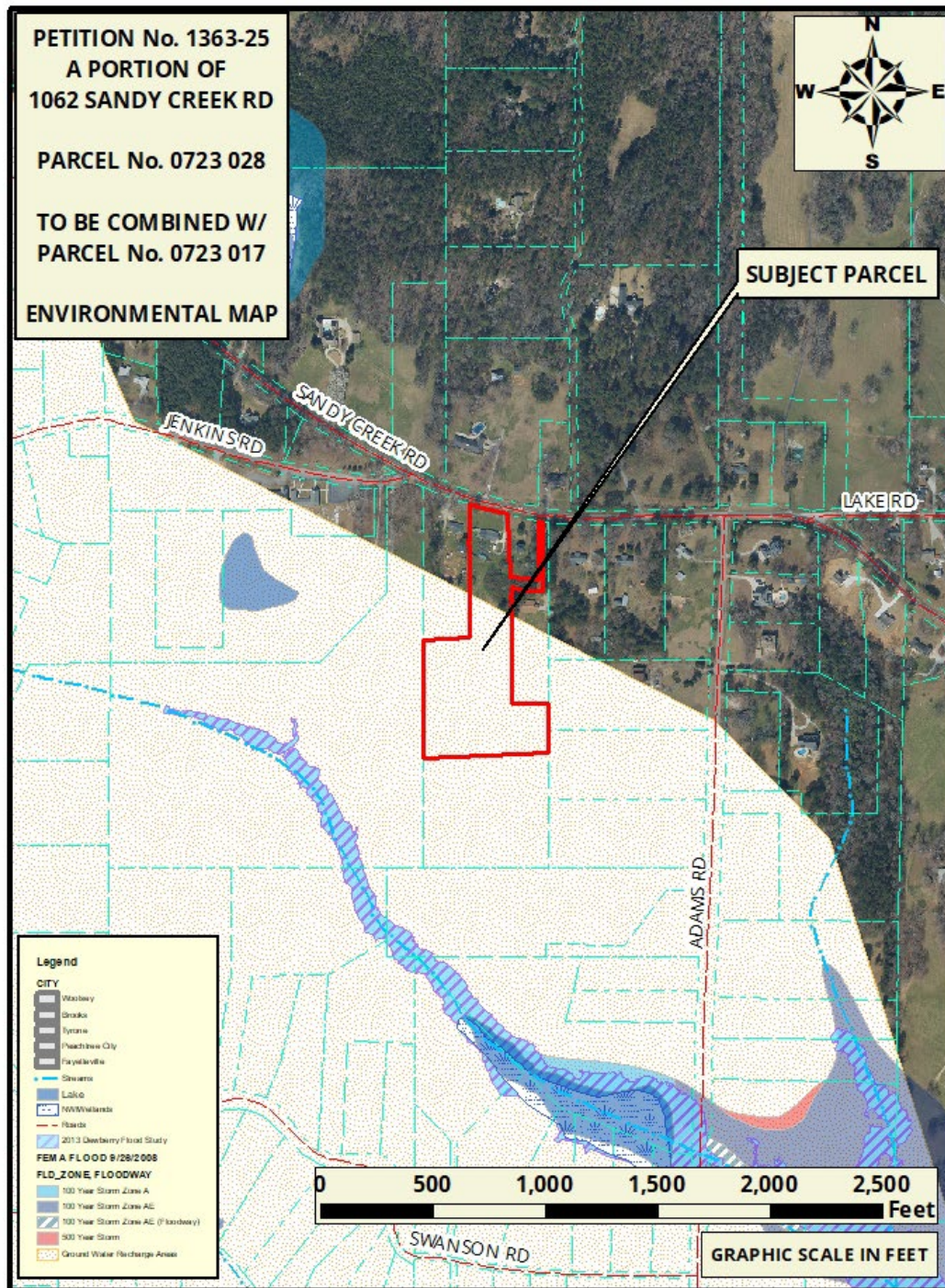
- (1) Lot area per dwelling unit: 87,120 square feet (two acres).
- (2) Lot width:
 - a. Major thoroughfare:
 1. Arterial: 175 feet.
 2. Collector: 175 feet.
 - b. Minor thoroughfare: 150 feet.
- (3) Floor area: 1,500 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 75 feet.
 2. Collector: 75 feet.
 - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 50 feet.
- (6) Side yard setback: 25 feet.
- (7) Height limit: 35 feet.

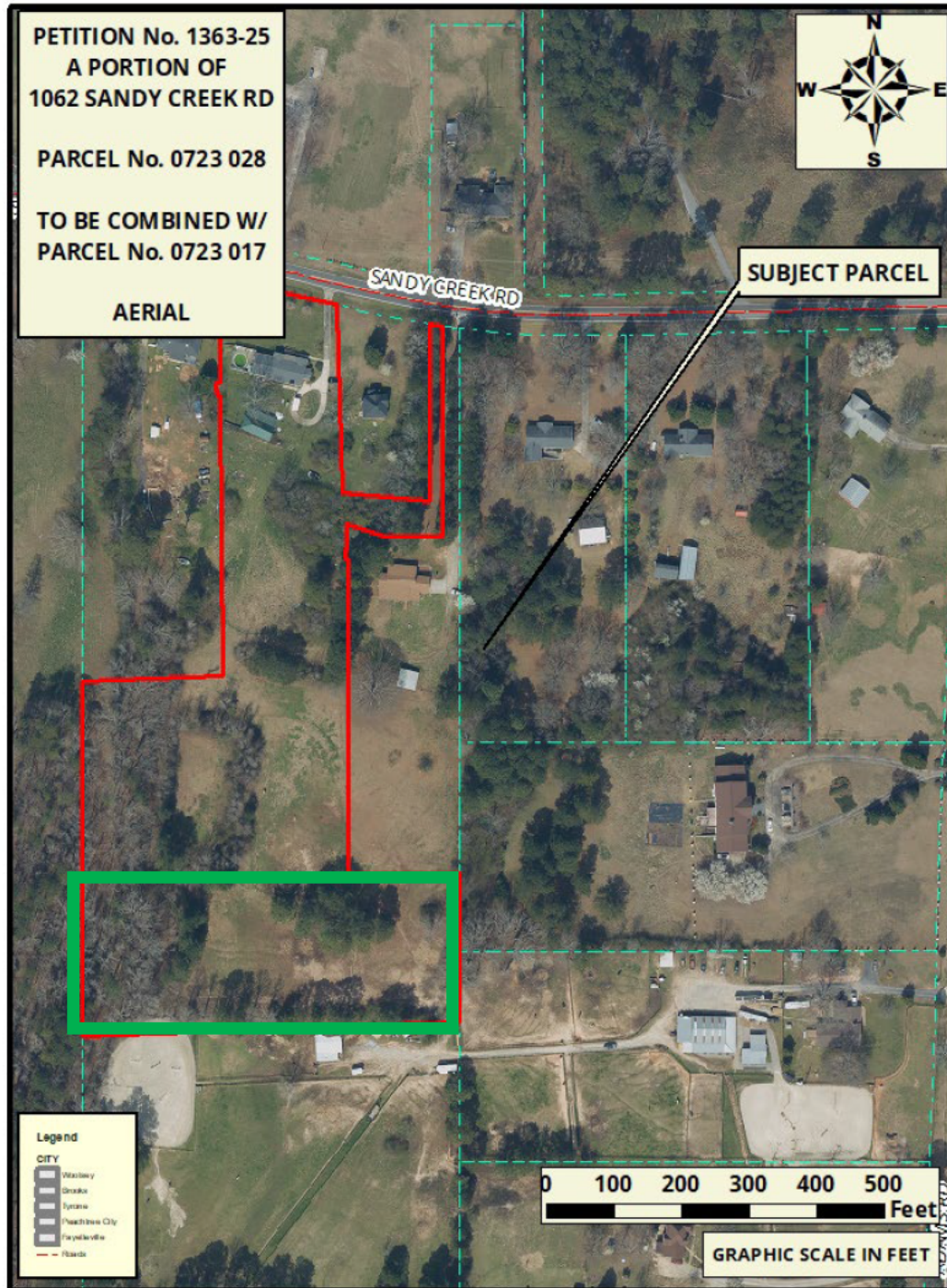
(Code 1992, § 20-6-9; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)

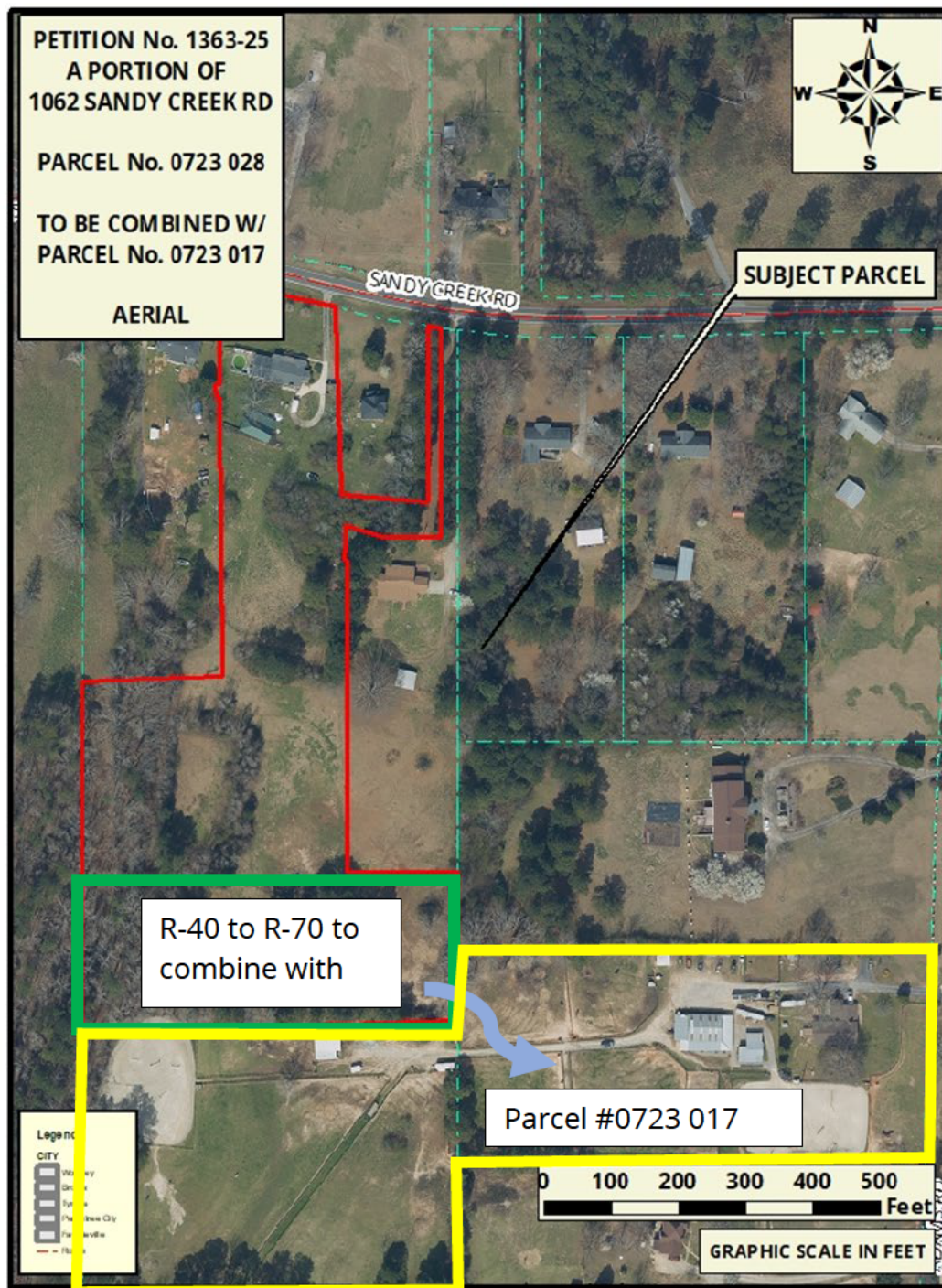




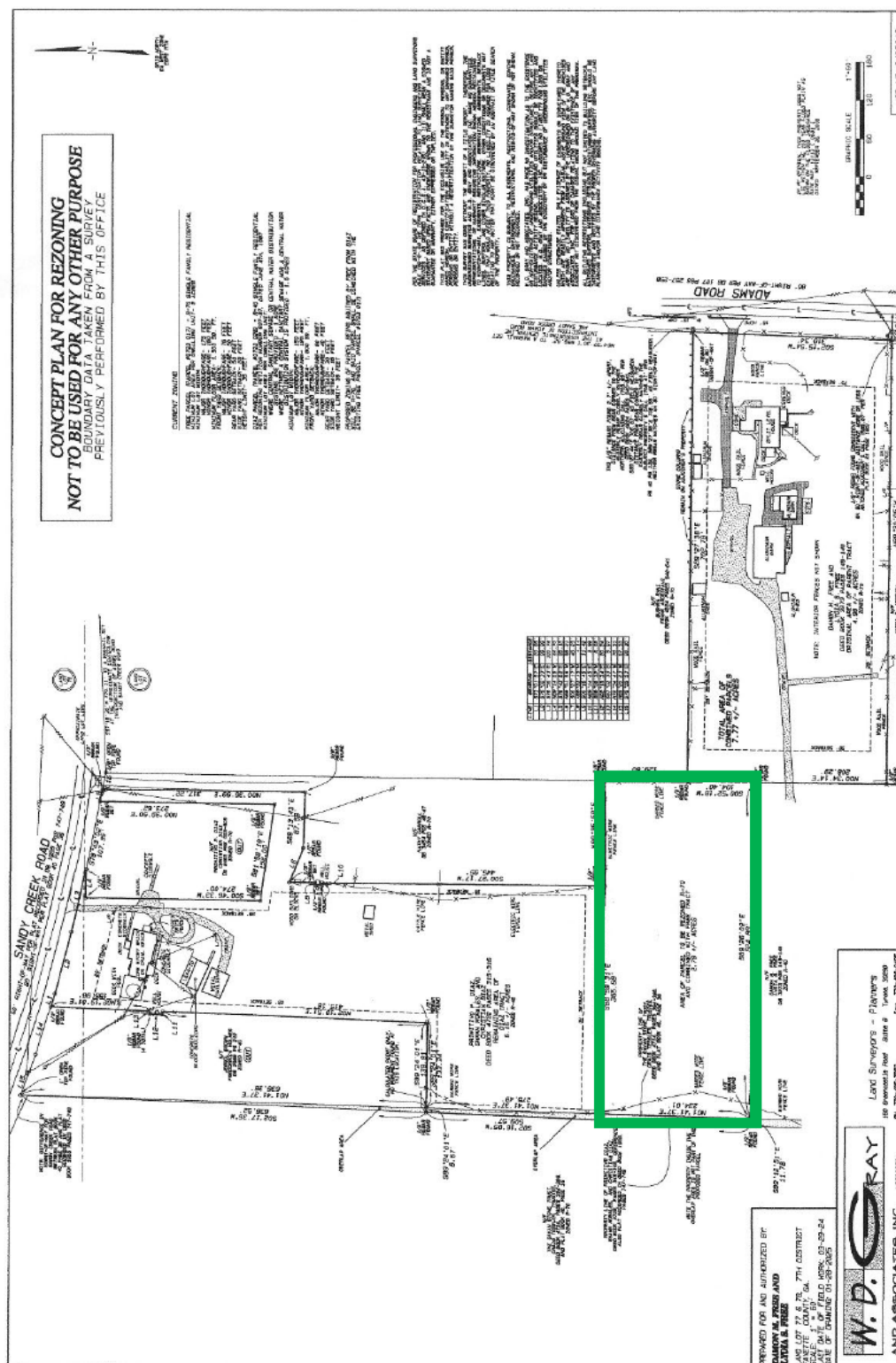








RECOMBINATION PROPOSAL IF REZONED



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 [Absent]

**AGENDA OF ACTIONS
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
May 1, 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 May 1, 2025, meeting to order at 7:02 pm.*
2. Pledge of Allegiance. *Chairman John Kruzan offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Danny England made a motion to approve the agenda. John Culbreth, Sr., seconded the motion. The motion carried 5-0.*
4. Consideration of the Minutes of the meeting held on April 3, 2025. *John Culbreth, Sr., made a motion to approve the minutes of the meeting held on April 3, 2025. Danny England seconded the motion. The motion carried 5-0.*
5. Plats
 - a. Minor Subdivision Plat of Dogwood Farms. *Jim Oliver made a motion to approve the Minor Subdivision Plat of Dogwood Farms. John Culbreth, Sr., seconded the motion. The motion passed 5-0.*
 - b. Minor Final Plat of The Estate of Adine L. Mask & Webb W. Mask, Jr. (North). *John Culbreth Sr. made a motion to approve the Minor Final Plat of The Estate of Adine L. Mask & Webb W. Mask, Jr. (North). Danny England seconded the motion. The motion passed 5-0.*
 - c. Minor Final Plat of The Estate of Adine L. Mask & Webb W. Mask, Jr. (South). *Danny England made a motion to approve the Minor Final Plat of The Estate of Adine L. Mask & Webb W. Mask, Jr. (South). Jim Oliver seconded the motion. The motion passed 5-0.*

PUBLIC HEARING

6. Consideration of Petition 1363-25, Applicant proposes to rezone 2.79 acres from R-40 (Single-Family Residential) to R-70 (Single-Family Residential) for the purposes of developing residential lots. Property is located in Land Lots 77 of the 7th District and fronts Sandy Creek Road. ***John Culbreth Sr. made the motion to recommend CONDITIONAL APPROVAL of Petition 1363-25. Danny England seconded the motion. The motion carried 5-0.***

CONDITION:

- 1. Within 90 days of approval of the rezoning, the rezoned portion of Parcel # 0723 028 shall be combined into a single parcel with Parcel #0723 017 with an approved recorded plat.***

John Culbreth Sr. moved to adjourn the May 1, 2025, Planning Commission meeting. Danny England seconded. The motion passed 5-0.

The meeting adjourned at 7:18 pm

Meeting Minutes 05/01/2025

THE FAYETTE COUNTY PLANNING COMMISSION met on May 1st, 2025, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

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

NEW BUSINESS

1. Call to Order. *Chairman John Kruzan called the May 1, 2025, meeting to order at 7:02 pm.*
2. Pledge of Allegiance. *Chairman John Kruzan offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Danny England made a motion to approve the agenda. John Culbreth, Sr., seconded the motion. The motion carried 5-0.*
4. Consideration of the Minutes of the meeting held on April 3, 2025. *John Culbreth, Sr., made a motion to approve the minutes of the meeting held on April 3, 2025. Danny England seconded the motion. The motion carried 5-0.*
5. Plats

a. Minor Subdivision Plat for Dogwood Farms (fronts on Dogwood Trail).

Ms. Debbie Bell presented the revised Minor Subdivision Plat for Dogwood Farms, located on Dogwood Trail. She stated this will create four parcels and has been reviewed and approved by staff.

Chairman John Kruzan asked if anyone had any questions, hearing none, he asked for a motion.

Jim Oliver made a motion to approve the Minor Subdivision Plat of Dogwood Farms. John Culbreth, Sr., seconded the motion. The motion passed 5-0.

b. Minor Final Plat of The Estate of Adine L. Mask & Webb W. Mask, Jr. (North) fronts on Highway 92.

Ms. Bell confirmed that the Minor Final Plat of The Estate of Adine L. Mask & Webb W. Mask, Jr. (North), a property on Highway 92, which will result in four lots, has been reviewed and approved by staff. She added applicant has provided appropriate supporting documents.

Chairman John Kruzan asked if anyone had any questions, hearing none, he asked for a motion.

John Culbreth Sr. made a motion to approve the Minor Final Plat of The Estate of Adine L. Mask & Webb W. Mask, Jr. (North). Danny England seconded the motion. The motion passed 5-0.

c. Minor Final Plat of The Estate of Adine L. Mask & Webb W. Mask, Jr. (South) fronts on Highway 92.

Ms. Bell confirmed that the Minor Final Plat of The Estate of Adine L. Mask & Webb W. Mask, Jr. (South), also fronts on Highway 92, which will result in three lots, has been reviewed and approved by staff.

Mr. Jim Oliver commented that it will be on the other side of the road.?

Ms. Bell replied, Yes.

Chairman John Kruzan asked if anyone had any questions, hearing none, he asked for a motion.

Danny England made a motion to approve the Minor Final Plat of The Estate of Adine L. Mask & Webb W. Mask, Jr. (South). Jim Oliver seconded the motion. The motion passed 5-0.

PUBLIC HEARING

6. **Consideration of Petition 1363-25**, Applicant proposes to rezone 2.79 acres from R-40 (Single-Family Residential) to R-70 (Single-Family Residential). Property is located in Land Lots 77 of the 7th District and fronts Sandy Creek Road.

Ms. Bell explained that the applicants are requesting to rezone the property from R-40 to R-70 for the purpose of combining with their existing property. A portion of Parcel #0723 028 will be combined with Parcel # 0723017. The lot is a legal lot of

PC Minutes
May 1, 2025
Page 3

record, and by selling this amount of acreage, the property will meet all the requirements of the R-40 zoning district. Staff recommended conditional approval.

Chairman John Kruzan asked if the applicant was present.

Mr. Damon Free spoke in favor and stated that twenty years ago, they had acquired five acres from Mr. Diaz, and now they are purchasing 2.97 more acres for their single-family property.

Chairman John Kruzan asked if anyone else was in support of the petition, hearing none, he asked if anyone was in opposition. Hearing none, the Chairman brought the item back to the board for questions or to make a motion.

John Culbreth Sr. made the motion to recommend CONDITIONAL APPROVAL of Petition 1363-25. Danny England seconded the motion. The motion carried 5-0.

CONDITIONS:

- 1. Within 90 days of approval of the rezoning, the rezoned portion of Parcel # 0723 028 shall be combined into a single parcel with Parcel # 0723 017 with an approved recorded plat.***

John Culbreth Sr. moved to adjourn the May 1, 2025, Planning Commission meeting. Danny England seconded. The motion passed 5-0.

The meeting adjourned at 7:18 pm

ATTEST:

PLANNING COMMISSION
OF
FAYETTE COUNTY

JOHN KRUZAN, CHAIRMAN

DEBORAH BELL
DIRECTOR, PLANNING & ZONING

PETITION No (s): 1363-25

STAFF USE ONLY

SAGES REFERENCE No.: _____

APPLICANT INFORMATION

Name Damon M. Free
 Address 710 Adams Rd
 City Fayetteville,
 State Ga Zip 30214
 Email Dfreeconstruction@gmail.com
 Phone 678-794-4831

PROPERTY OWNER INFORMATION

Name Primitivo P DIAZ
 Address 1062 Sandy Creek Rd
 City Fayetteville GA 3
 State GA Zip 30214
 Email [REDACTED]
 Phone 678-933 8085

AGENT(S) (if applicable)

Name <u>Damon Free</u>	Name _____
Address <u>710 ADAMS RD</u>	Address _____
City <u>Fayetteville</u>	City _____
State <u>GA</u> Zip <u>30214</u>	State _____ Zip _____
Email <u>DFreeConstruction@gmail.com</u>	Email _____
Phone <u>678 794 4831</u>	Phone _____

(THIS AREA TO BE COMPLETED BY STAFF)

[] Application Insufficient due to lack of:

Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and CompleteStaff: Maria Bins Date: 02/18/2025DATE OF PLANNING COMMISSION HEARING: PC May 1, 2025DATE OF COUNTY COMMISSIONERS HEARING: BOC May 22, 2025

Received from DAMON M. FREE a check in the amount of \$ 250.00 for
 application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).

Date Paid: 02/20/2025 Receipt Number: 023262

PETITION No.: 1363-25 **Fees Due:** _____ **Sign Deposit Due:** _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0723028 Acreage: 2.79
 Land District(s): 7 Land Lot(s): 77
 Road Name/Frontage L.F.: SANDY CREEK Road Classification: _____
 Existing Use: RAW land Proposed Use: Raw land
 Structure(s): _____ Type: _____ Size in SF: _____
 Existing Zoning: R 40 Proposed Zoning: R70
 Existing Land Use: RAW land Proposed Land Use: RAW land
 Water Availability: NA Distance to Water Line: _____ Distance to Hydrant: _____

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

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

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

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

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

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

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

Primitivo P DIAZ
 (Please Print)

Property Tax Identification Number(s) of Subject Property: 0723-028

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) _____ of the _____ District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 2.79 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Damon Free 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) Primitivo P Diaz
 Signature of Property Owner 1

1062 Sandy Creek Rd

Address

Chattanooga

Signature of Property Owner 2

1062 Sandy Creek Rd

Address

1062 Sandy Creek Rd

Signature of Property Owner 3

1062 Sandy Creek Rd

Address

1062 Sandy Creek Rd

Signature of Authorized Agent

710 ADAMS RD

Address

Jessica Boyd
 Signature of Notary Public

2-17-2025

Date

Maria Teresa Binns

Signature of Notary Public

05/06/2025

Date

Maria Teresa Binns

Signature of Notary Public

05/05/2026

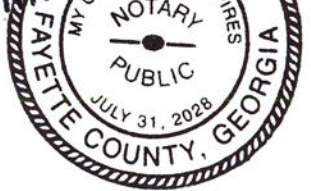
Date

Jessica Boyd

Signature of Notary Public

2-17-2025

Date



PETITION No.: _____

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned; ALL property owners must sign.)

NAME: Primitivo P DiazADDRESS: 1062 Sandy Creek Rd

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

PRimitivo P DIAZ 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 R70.

This property includes: (check one of the following)

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

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

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

SWORN TO AND SUBSCRIBED BEFORE ME THIS 17th DAY OF February, 2025

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, PRIMITIVO P DIAZ, 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 n/a Debe & Bell 02/18/2025 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:

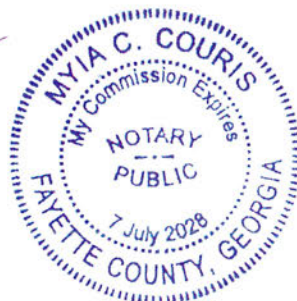
- Local Street (Minor Thoroughfare) 60-foot right-of-way (30' measured from each side of road centerline)
- Collector Street (Major Thoroughfare) 80-foot right-of-way (40' measured from each side of road centerline)
- Arterial Street (Major Thoroughfare) 100-foot right-of-way (50' measured from each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

Sworn to and subscribed before me this 18 day of FEBRUARY, 2025.

Primitivo P Diaz
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Myia C. Couris
NOTARY PUBLIC



DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: www.dca.state.ga.us/DRI/.
- 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 FEB day of 18, 2025.

APPLICANT'S SIGNATURE



After recording, return to:
Slepian, Schwartz & Landgaard
42 Eastbrook Bend
Peachtree City, GA. 30269

Doc ID: 010323710001 Type: QCD
Recorded: 02/13/2018 at 10:30:00 AM
Fee Amt: \$10.00 Page 1 of 1
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 4708 PG 377

Return recorded deed to:
1062 Sandy Creek Road
Fayetteville, GA 30214

DRAW DEED ONLY

STATE OF: GEORGIA
COUNTY OF: FAYETTE

QUITCLAIM DEED

THIS INDENTURE, made the 12th day of February, in the year two thousand eighteen, between **Primitivo P. Diaz and Shawn Morales**, as party or parties of the first part, hereinafter called "Grantor", and **Primitivo P. Diaz, Shawn Morales, and Christian Diaz as Joint Tenants with Right of Survivorship**, as party or parties of the second part, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH, Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto said Grantee the following property to wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 77 AND 78 OF THE 7TH DISTRICT, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

Property Address: 1062 Sandy Creek Road, Fayetteville, GA 30214
Map Parcel #: 07 23 028

This conveyance is made subject to all zoning ordinances, easements and restrictions of record affecting subject property.

TO HAVE AND TO HOLD the said described property to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said property or appurtenances, or any rights thereto.


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

Signed, sealed and delivered in presence of:



Witness


Primitivo P. Diaz



Notary Public
(Seal)


Shawn Morales



Wednesday, April 9, 2025

Continued from page B4

Fayette County News B5

PETITION FOR REZONING
CERTAIN PROPERTIES IN
UNINCORPORATED AREAS OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held be-
fore the Fayette County Planning
Commission on Thursday, May 1,
2025, at 7:00 P.M., and before
the Fayette County Board of Com-
missioners on Thursday, May 22,
2025, at 5:00 P.M., in the Fayette
County Administrative Complex,
140 Stonewall Avenue West, Public
Meeting Room, First Floor, Fay-
etteville, Georgia.

Petition No.: 1363-25

Parcel No: 0723 028

Owner: Primitivo P. Diaz &
Christian Morales Shawn

Agent(s): Damon M. Free &
Lydia S. Free

Zoning District: R-40

Area of Property: 2.79 +/- acres

Land Lot(s)/District: Land Lot 77 of
the 7th District

Fronts on: Sandy Creek Road

Proposed: Applicant proposes to
rezone 2.79 acres from R-40 (Sin-
gle-Family Residential) to R-70
(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

All that Tract or Parcel of land ly-
ing and being in Land Lot 77 of
the 7th District of Fayette County,
Georgia, and being more particu-
larly described as follows; To find
the True Point of Beginning, Com-
mence at a magnail set at the ap-
proximate centerline intersection
of Adams Road and Sandy Creek
Road; thence South 04 degrees 37
minutes 30 seconds West a dis-
tance of 959.92 feet to a 1/2" rebar
set on the Westerly Right-of-Way
of Adams Road, having an 80 foot
Right-of-Way; Thence leaving said
Right-of-Way North 89 degrees 27
minutes 38 seconds West a dis-
tance of 702.78 feet to a 1/2" rebar
found, and the True Point of Be-
ginning; Thence South 00 degrees
52 minutes 18 seconds West a dis-
tance of 104.40 feet to a 1/2" rebar
found; Thence North 89 degrees
26 minutes 02 seconds West a dis-
tance of 524.89 feet to a 1/2" rebar
found; Thence North 01 degrees 41
minutes 37 seconds East a distance
of 234.01 feet to a point; Thence
South 88 degrees 59 minutes 31
seconds East a distance of 355.68
feet to a 1/2" rebar found; Thence
North 89 degrees 35 minutes 59
seconds East a distance of 165.05
feet to a 3/8" rebar found; Thence
South 00 degrees 30 minutes 05
seconds West a distance of 129.60
feet to a 1/2" rebar found, and the
True Point of Beginning; said Tract
containing 2.79 acres, more or less,
and being shown on a rezoning ex-
hibit prepared for Damon M. Free
and Lydia S. Free by W.D. Gray and
Associates, dated 01-28-2025, said
exhibit by this reference hereby in-
corporated herein and made a part
hereof.

04/09

COUNTY AGENDA REQUEST

Page 112 of 180

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

First of Two Public Hearings to consider amendments to Chapter 104. Development Regulations, regarding Article XII. - DEVELOPMENT IMPACT FEE, to provide compliance with changes in the State Regulations governing Development Impact Fees.

Background/History/Details:

In accordance with amendments to the State Development Impact Fee Act , staff is presenting a recommendation to delete Chapter 104. Development Regulations, ARTICLE XII. - DEVELOPMENT IMPACT FEE, in its entirety, to be replaced by: Chapter 104, Development Regulations, ARTICLE XII. - DEVELOPMENT IMPACT FEE.

The intent of the Act is to: 1. Ensure that adequate public facilities are available to serve new growth and development; 2. Promote orderly growth and development by establishing uniform standards by which municipalities and counties may require that new growth and development pay a proportionate share of the cost of new public facilities needed to serve new growth and development; 3. Establish minimum standards for the adoption of development impact fee ordinances by municipalities and counties; and 4. Ensure that new growth and development is required to pay no more than its proportionate share of the cost of public facilities needed to serve new growth and development.

The Fayette County Development Impact Fee Ordinance & Community Improvement Element (CIE) were adopted May 4, 2001. This text amendment to the Impact Fee Ordinance updates it to ensure the ordinance encompasses changes made to the State's Development Impact Fee Act. This text amendment DOES NOT change the fee structure of the County's Impact Fee program. This is the first of two required Public Hearings.

What action are you seeking from the Board of Commissioners?

Staff recommends APPROVAL of amendments to Chapter 104. Development Regulations, regarding Article XII. - DEVELOPMENT IMPACT FEE, to provide compliance with changes in the State Regulations governing Development Impact Fees.

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:

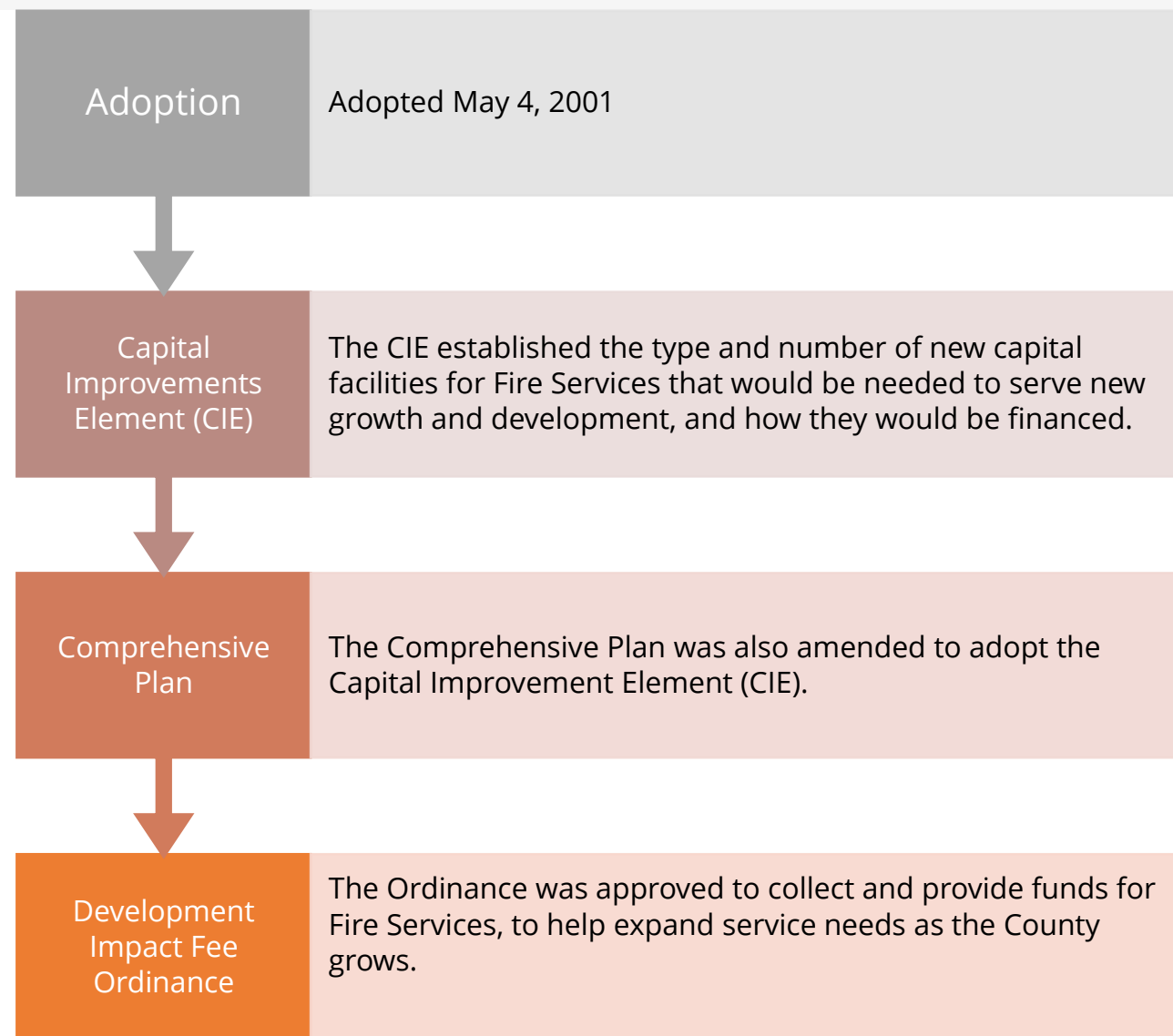
1st PUBLIC HEARING

Impact Fee Ordinance Amendment

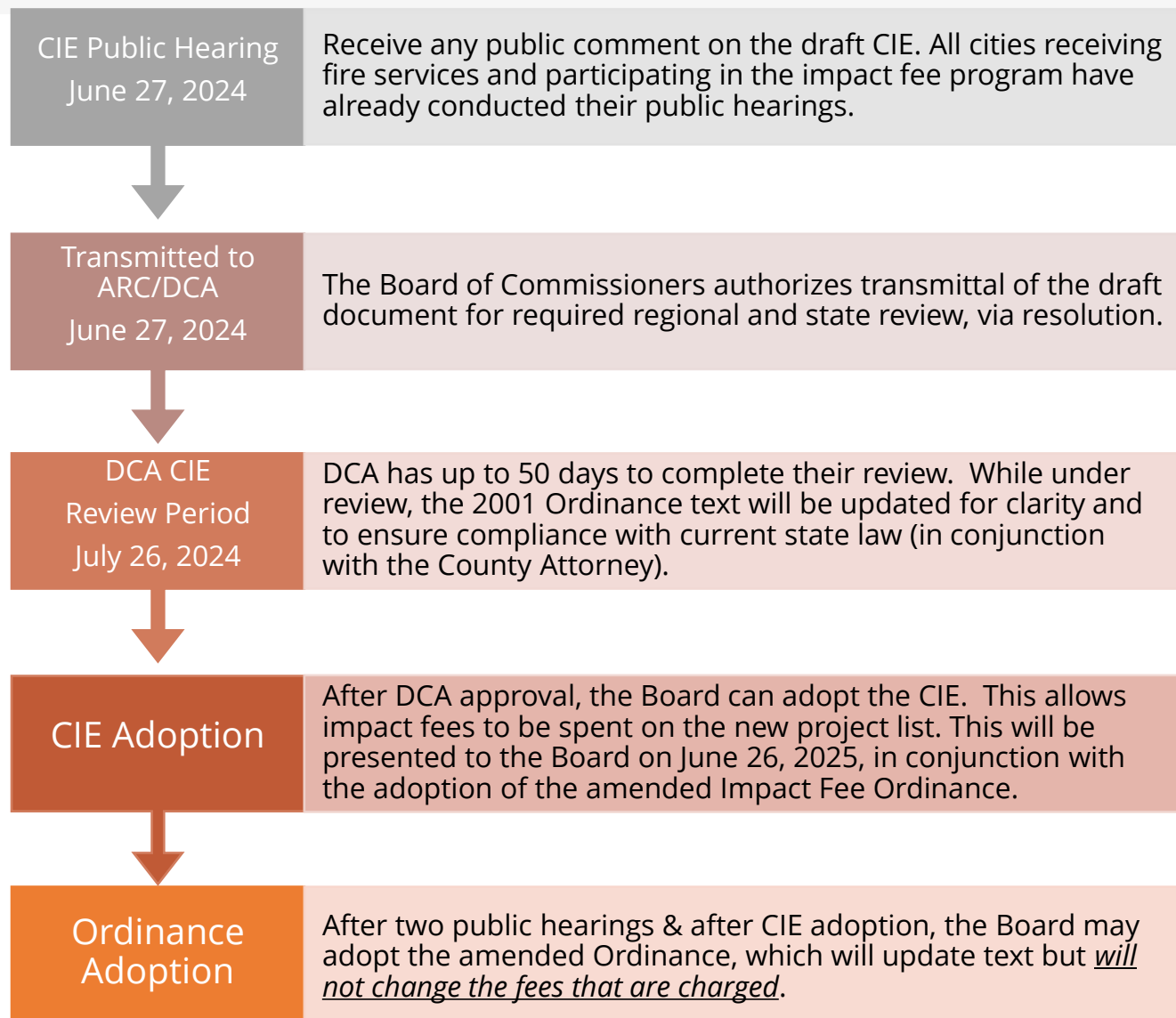
May 22, 2025

HISTORY:

Fayette County Impact Fee Program (CIE & Ordinance)



CIE (Capital Improvement Element) and Impact Fee Ordinance Amendment Process



Impact Fee Ordinance Amendment Highlights

	2001	2025
Sec. 110-486. – Short title, authority and applicability. (d) This article shall apply to all unincorporated areas of the county.	Clarifies use of IGAs	Sec. 104-486. Generally. (2) This article shall apply to all areas under the regulatory control and authority of the board of commissioners of Fayette County, <u>and such other areas as may be included by intergovernmental agreement.</u>
(b) Notwithstanding any other provision of this article contained herein, that portion of a project for which a valid building permit has been issued prior to effective date of the ordinance from which this article is derived shall not be subject to ... impact fees, so long as the building permit remains valid and construction is commenced and is pursued according to the terms of the permit.	Provides additional criteria for grandfathering & for projects not subject to Impact Fees	Grandfathered work. Notwithstanding any other provision ...work for which a valid building permit has been issued for a platted and recorded lot prior to the effective date, shall not be subject to any increased fees ...so long as the permit remains valid ...
Sec. 104-493. – Individual assessment determination Sec. 104-494. – Credits	Updates process for Individual Assessments and Credits	Sec. 104-489. – Fee assessment and payment. – This section includes process for individual assessments. Sec. 104-492. – Credits
Sec. 104-495. – Deposit and expenditure of fees.	Updates process for Deposits, Expenditures and Refunds	Sec. 104-491. – Deposit and expenditure of fees. Sec. 104-493. - Refunds
Sec. 104-497. – Appeals.	Reduces window to file and appeal from 30 days to 15 days.	Sec. 104-489. – Appeals are part of this section.

STAFF NOTE: This document is for comparative purposes ONLY. Sections of this text do not have the exact ordinance sections and paragraphs formatted with the section enumeration. The properly formatted version is included in the public hearing documents.

2001 – Currently adopted ordinance.

2025 – Proposed amended version, to replace the previous ordinance in its entirety.

ARTICLE XII. DEVELOPMENT IMPACT FEE

~~Sec. 104-486. Short title, authority and applicability.~~

~~(a) This article shall be known and may be cited as the "Development Impact Fee Ordinance of Fayette County, Georgia."~~

~~(b) This article has been prepared and adopted by the board of commissioners of the county in accordance with the authority provided by article IX, section II, paragraph IV of the constitution of the state and the Georgia Development Impact Fee Act (O.C.G.A. § 36-71-1 et seq.).~~

~~(c) The provisions of this article shall not be construed to limit the power of the county to adopt such an ordinance pursuant to any other source of local authority or to use any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this article.~~

~~(d) This article shall apply to all unincorporated areas of the county.~~

~~Sec. 104-487. Intent and purpose.~~

~~(a) This article is intended to implement and be consistent with the county comprehensive growth management plan (hereinafter the comprehensive plan) and specifically the capital improvements element included therein.~~

~~(b) The purpose of this article is to regulate the use and development of real property so that new growth and development bears a proportionate share of the cost of new public facilities needed to serve new growth and development through the imposition of impact fees.~~

Article XII. - DEVELOPMENT IMPACT FEE

Sec. 104-486. - Generally.

Short title. This article shall be known and may be cited as the "Development Impact Fee Ordinance of Fayette County, Georgia," or the "Impact Fee Ordinance."

This article has been prepared and adopted by the board of commissioners of Fayette County, in accordance with the authority provided by Article 9, Section 2, Paragraph IV of the Constitution of the State of Georgia, the Georgia Development Impact Fee Act (O.C.G.A. 36-71-1 *et seq.* as amended), and such other laws as may apply to the provision of public facilities and the power to charge fees for such facilities.

The provisions of this article shall not be construed to limit the power of the county, to use any other legal methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this article.

This article shall apply to all areas under the regulatory control and authority of the board of commissioners of Fayette County, and such other areas as may be included by intergovernmental agreement.

~~Sec. 104 488. Findings.~~

~~The board of commissioners of the county finds and declares that:~~

- ~~(1) Land development shall not be allowed unless adequate public facilities are available or are assured;~~
- ~~(2) New land development in identified service areas shall bear a proportionate share of the cost of new public facilities to serve new growth and development;~~
- ~~(3) The imposition of impact fees is the preferred method of regulating land development in order to assure that it bears a proportionate share of the cost of the new public facilities necessary to accommodate the new growth and development, and to promote and protect the public health, safety, and general welfare of the citizens of the county; and~~
- ~~(4) The county must expand its public facilities in order to maintain current levels of service if new development and growth is to be accommodated without decreasing the level of service.~~

~~Sec. 104 489. Intent.~~

~~The intent of this article in granting credits and/or refunds is to make such grants to persons or entities who actually paid or will pay fees.~~

Findings. The board of commissioners of Fayette County finds and declares:

That an equitable program for planning and financing public facilities to serve new growth and development is necessary to promote and accommodate orderly growth and development and to protect the public health, safety, and general welfare of the citizens of Fayette County; and

That certain public facilities as herein defined have been and must be further expanded if new growth and development is to be accommodated at the same level of service available to existing development; and

That it is fair and equitable that new growth and development shall bear a proportionate share of the cost of such public facilities necessary to serve new growth and development.

~~Purpose.~~

The purpose of this article is to impose impact fees, as hereinafter set forth, for certain public facilities, as hereinafter defined.

It is also the purpose of this article to ensure that adequate public facilities are available to serve new growth and development in the county and to provide that new growth and development bears a proportionate share of the cost of new public facilities needed to serve them.

Intent. This article is intended to implement and be consistent with the Fayette County Comprehensive Plan, as it may be adopted or amended in accord with the Georgia Comprehensive planning Act (O.C.G.A. 50-8-1 et seq.); and the applicable Minimum Standards and Procedures for Local Comprehensive Planning and the Development Impact Fee Compliance Requirements, both as adopted by the Georgia Department of Community Affairs and amended from time to time.

Provisions. The provisions of this article shall be construed to effectively carry out its purpose in the interest of the public health, safety, and general welfare of the citizens of Fayette County.

Sec. 104-487 - Rules of construction and definitions.

Rules of construction. Unless otherwise stated in this article, the following rules of construction shall apply to the text of this article:

In the case of any difference of meaning or implication between words or phrases as used in this article and as used in other codes, regulations, or laws of the county, such difference shall not affect the meaning or implication of such words or phrases as used in this article.

In the case of any difference of meaning or implication between the text of this article and any caption, illustration, summary table, or illustrative table, the text shall control.

The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

Words used in the present tense shall include the future, and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.

The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other legal or similar entity.

The conjunction "and" indicates that all the connected terms, conditions, provisions, or events shall apply.

The conjunction "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

The use of "either . . . or" indicates that the connected items, conditions, provisions, or

Sec. 104-490. Definitions.

~~The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Building permit* means the permit required for new construction pursuant to the county building code. The term shall not include permits required for remodeling, rehabilitation, or other improvements to an existing structure provided there is no increase the number of units resulting therefrom.~~

~~*Capital improvement* means an improvement with a useful life of ten years or more, by new construction or other action, which increases the service capacity of public facility.~~

~~*Capital improvements element* means that portion of the comprehensive plan which sets out projected needs for system improvements during a planning horizon established in the comprehensive plan, a schedule of capital improvements that will meet the anticipated need for system improvements, and a description of anticipated funding sources for each required improvement.~~

~~*Commencement of construction or commenced construction* means expenditure of any funds, whether they be development impact fee funds or not, for a public facilities project, marshaling of forces to undertake a public facilities project, or advertising of bids to undertake a public facilities project, or any action normally found to proceed subsequent to these actions in a typical flow of project construction activities.~~

~~*Developer* means any person or legal entity undertaking development.~~

events shall apply singly and not in combination.

The word “includes” or “including” shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

The section and paragraph headings and enumerations used in this article are included solely for convenience and shall not affect the interpretation of this article.

Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Administrator means the planning and zoning director of Fayette County, or the director’s designee, who is hereby charged with implementation and enforcement of this article.

Annual update report means the annual update to the capital improvements element that includes an annual financial report for the last completed fiscal year and a schedule of improvements (i.e., community work program or short-term work program) for the current year plus the next four years, in accordance with the Development Impact Fee Compliance Requirements of the Georgia Department of Community Affairs. Also referred to as the “annual CIE update”.

Board of commissioners means the elected governing body of Fayette County.

Building permit means the document issued by the county authorizing new construction, completion of construction, an interior finish, repair, alteration, or addition to a structure, or authorizing the installation of a manufactured home or recreational vehicle. As used in this article, the term shall not include permits required for remodeling, rehabilitation, or other improvements to an existing structure provided there is no increase in the demand placed on those public facilities as defined herein. For the purposes of this article, a

<p><i>Development</i> means any construction of a building or structure.</p> <p><i>Development approval</i> means any written authorization from the county which allows the commencement of construction.</p> <p><i>Development exaction</i> means a requirement attached to a development approval compelling the payment, dedication, or contribution of goods, services, land, or money as a condition of approval.</p> <p><i>Development impact fee</i> means a payment of money imposed upon development as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve new growth and development.</p> <p><i>Encumber</i> means to legally obligate by contract, or otherwise commit to use by appropriation, or other official act of the county.</p> <p><i>Excess capacity</i> means capacity of a public facility or system of public facilities which is beyond that necessary to provide service at a specified level of service.</p> <p><i>Fee payor</i> means that person who pays a development impact fee, or his successor in interest, where the right or entitlement to any refund of previously paid development impact fees has been expressly transferred or assigned to the successor in interest. In the absence of an express transfer or assignment of the right or entitlement to any fund of previously paid development impact fees, the right or entitlement shall be deemed "not to run with the land."</p> <p><i>Individual assessment study</i> means the engineering and/or economic documentation prepared by a fee payor to allow determination of a development impact fee other than by use of an applicable fee schedule, as required by O.C.G.A. § 36-71-4(g).</p> <p><i>Level of service</i> means a measure of the relationship between service capacity and service demand for public facilities in terms of demand to capacity ratios or the comfort and convenience of use or service of public facilities or both.</p> <p><i>Present value</i> means the current value of past, present, or future payments, contributions or dedication of goods, services, materials, construction, or money.</p>	<p>building permit also means a change of use permit.</p> <p><i>Capital improvement</i> means an improvement with a useful life of ten years or more, by new construction or other action, which increases the service capacity of a public facility.</p> <p><i>Capital improvements element</i> means a component of the county's comprehensive plan that sets out projected needs for system improvements during the planning horizon established therein, a schedule of capital improvements that will meet the anticipated need for system improvements, and a description of anticipated funding sources for each required improvement, as most recently adopted or amended by the board of commissioners.</p> <p><i>Commencement of construction</i>, for private development, means initiation of physical construction activities as authorized by a development or building permit and leading to completion of a foundation inspection or other initial inspection and approval by a building inspector charged with such duties; and for public projects, means expenditure or encumbrance of any funds, whether they be development impact fee funds or not, for a public facilities project, or advertising of bids to undertake a public facilities project.</p> <p><i>Completion of construction</i> means the issuance of the final certificate of occupancy by a building inspector charged with such duties. The date of completion is the date on which such certificate is issued.</p> <p><i>Community work program</i> means the component of the comprehensive plan that lays out the specific activities the county plans to undertake during the five years following adoption of the plan and is updated every year in accordance with the Development Impact Fee Requirements of the Georgia Department of Community Affairs. See also <i>Annual update report</i>.</p> <p><i>Comprehensive plan</i> means the county's plan or planning elements as adopted or amended in accordance with the Georgia comprehensive planning act (O.C.G.A. 50-8-1 et seq.) and the applicable minimum</p>
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<p><i>Project</i> means a particular development on an identified parcel of land.</p> <p><i>Project improvements</i> means site improvements and facilities that are planned and designed to provide service for a particular development project, and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. The character of the improvement shall control a determination of whether an improvement is a project improvement or system improvement, and the physical location of the improvement on-site or off-site shall not be considered determinative. If an improvement or facility provides, or will provide, more than incidental service or facilities capacity to persons other than users or occupants of a particular project, the improvement or facility is a system improvement and shall not be considered a project improvement. No improvement or facility included in a plan for public facilities approved by the governing body of the county shall be considered a project improvement.</p> <p><i>Proportionate share</i> means that portion of the cost of system improvements which is reasonably related to the service demands and needs of the project within the defined service area.</p> <p><i>Public facilities</i> means:</p> <p>(1) Water supply production, treatment, and distribution facilities;</p> <p>(2) Wastewater collection, treatment, and disposal facilities;</p> <p>(3) Roads, streets, and bridges, including rights-of-way, traffic signals, landscaping and any local components of state or federal highways;</p> <p>(4) Stormwater collection, retention, detention, treatment, and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements;</p> <p>(5) Parks, open space, and recreation areas and related facilities;</p> <p>(6) Public safety facilities, including police, fire, emergency medical, rescue, and jail facilities; and</p> <p>(7) Libraries and other related facilities.</p>	<p>standards and procedures for local comprehensive planning as adopted by the Georgia Department of Community Affairs.</p> <p><i>County</i> means Fayette County, a legal subdivision of the state of Georgia, and also refers to the board of commissioners or to the appropriate county official appointed by the board of commissioners, whenever official action is taken or required.</p> <p><i>Day</i> means a calendar day, unless otherwise specifically identified as a "work" day or other designation when used in the text of this article.</p> <p><i>Developer</i> means any person or legal entity undertaking development.</p> <p><i>Development</i> means any construction or expansion of a building, structure, or use; any change in use of a building or structure; or any change in the use of land; any of which creates additional demand and need for public facilities, as defined herein.</p> <p><i>Development activity</i> means any construction or expansion of a building or structure, any change in the use of a building or structure, or any change in the use of land requiring issuance of a building permit.</p> <p><i>Development approval</i> means written authorization, such as issuance of a building permit, land disturbance permit or other approval for grading or site development, or other forms of official action required by local law or regulation which authorizes the commencement of construction.</p> <p><i>Development impact fee</i> means a payment of money imposed upon development as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve new growth and development.</p> <p><i>Development impact fee district</i> means a geographic area identified by the county in which a defined county-provided service is provided.</p> <p><i>Encumber</i> means to legally obligate by contract or otherwise commit to use by appropriation or by other official act of the board of commissioners.</p>
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~~*Service area* means a geographic area determined by the county in which a defined set of public facilities provides service to development within the area. Service areas shall be designated on the basis of sound planning or engineering principles, or both.~~

~~*System improvement costs* means costs incurred to provide additional public facilities capacity needed to serve new growth and development for planning, design and construction, land acquisition, land improvement, design and engineering related thereto, including the cost of constructing or reconstructing system improvements or facility expansions, including but not limited to the construction contract price, surveying and engineering fees, related land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees), and expenses incurred for qualified staff or any qualified engineer, planner, architect, landscape architect, or financial consultant for preparing or updating the capital improvement element, and administrative costs, provided that such administrative costs shall not exceed three percent of the total amount of the costs. Projected interest charges and other finance costs may be included if the impact fees are to be used for the payments of principal and interest on bonds, notes, or other financial obligations issued by or on behalf of the county to finance the capital improvements element, but such costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.~~

~~*System improvements* means capital improvements that are public facilities and are designed to provide service to the community at large, in contrast to project improvements.~~

~~*Unused or excess impact fee* means any individual impact fee payment paid to the county from which no amount of money has been encumbered or expended according to the requirements of section 104-495(d) within the time specified in section 104-496(a).~~

Excess capacity means that portion of the capacity of a public facility or system of public facilities which is beyond that necessary to provide adequate service to existing development at the adopted level-of-service standard.

Feepayer means that person or entity who pays a development impact fee, or his or her legal successor in interest where the right or entitlement to any refund of previously paid development impact fees has been expressly transferred or assigned to the successor in interest. In the absence of an express transfer or assignment of the right or entitlement to any refund of previously paid development impact fees, the right or entitlement shall be deemed "not to run with the land."

Individual assessment determination means a finding by the administrator that an individual assessment study does or does not meet the requirements for such a study as established by this article or, if the requirements are met, the fee calculated therefrom.

Individual assessment study means the engineering, financial, or economic documentation prepared by a feepayer or applicant to allow individual determination of a development impact fee other than by use of the fee schedule adopted as part of this article.

Level of service means a measure of the relationship between service capacity and service demand for public facilities as established by the county, in terms of demand to capacity ratios, the comfort and convenience of use or service of such public facilities, or both.

Methodology report means a report that provides an analysis and methodology for the determination of development impact fees based on the impact of new development activity on the needs and costs of additional facilities and/or infrastructure to maintain the level of service for all existing and future development.

	<p><i>Present value</i> means the current value of past, present, or future payments, contributions, or dedications of goods, services, materials, construction, or money, as calculated using accepted methods of financial analysis for determination of "net present value."</p> <p><i>Project</i> means a particular development on an identified parcel of land.</p> <p><i>Project improvements</i> means site improvements and facilities that are planned, designed, or built to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project and that are not "system" improvements. The character of the improvement shall control a determination of whether an improvement is a "project" improvement or a "system" improvement, and the physical location of the improvement on-site or off-site shall not be considered determinative of whether an improvement is a "project" improvement or a "system" improvement. If an improvement or facility provides or will provide more than incidental service or facility capacity to persons other than users or occupants of a particular project, the improvement or facility is a system improvement and shall not be considered a project improvement. No improvement or facility included in a plan for public facilities and approved for public funding by the county shall be considered a project improvement.</p> <p><i>Property owner</i> means that person or entity that holds legal title to property.</p> <p><i>Proportionate share</i> means that portion of the cost of system improvements that is reasonably related to the service demands and needs of a project.</p> <p><i>Public facilities</i> means those capital improvements owned and operated by the county, and specifically those facilities for which impact fees are assessed, which include fire protection vehicles and facilities.</p>
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	<p><i>Regional commission</i> means the Atlanta Regional Commission as designated by the Georgia Department of Community Affairs.</p> <p><i>Service area</i> means a geographic area defined by the board of commissioners, in which a defined set of public facilities provide service to development within the area.</p> <p><i>System improvement</i> means capital improvements that are public facilities designed to provide service to more than one project or to the community at large, in contrast to "project" improvements.</p> <p><i>System improvement costs</i> means costs incurred to provide additional public facilities capacity to serve new growth and development for planning, design and construction, land acquisition, land improvement, and design and engineering related thereto, including the cost of constructing or reconstructing system improvements or facility expansions. System improvement costs include but are not limited to the construction contract price, surveying and engineering fees, related land acquisition costs (including land purchases, court awards and costs, attorneys' fees, and expert witness fees); and expenses incurred for qualified staff or any qualified engineer, planner, architect, landscape architect, or financial consultant for preparing or updating the capital improvements element; and administrative costs, provided that such administrative costs shall not exceed three (3%) percent of the total amount of the costs. Projected interest charges and other finance costs may be included if the impact fees are to be used for the payment of principal and interest on bonds, notes, or other financial obligations issued by or on behalf of the county to finance the capital improvements element. System improvement costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.</p> <p><i>Unit of development</i> means the standard incremental measure of land development activity for a specific type of land use upon which the rate of demand for public service and facilities is based, such as a dwelling</p>
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Sec. 104-491. Imposition of development impact fees.

~~(a) Any person who engages in development shall pay a development impact fee in the manner and amount set forth in this article.~~

~~(b) Notwithstanding any other provision of this article contained herein, that portion of a project for which a valid building permit has been issued prior to the effective date of the ordinance from which this article is derived shall not be subject to development impact fees, so long as the building permit remains valid and construction is commenced and is pursued according to the terms of the permit.~~

~~(c) Except as otherwise provided herein, the development impact fee shall be collected at the time of issuance of a building permit.~~

~~(d) Development impact fees for stormwater collection, retention, detention, treatment, and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements, shall be collected at the time of issuance of a land disturbance permit.~~

unit, square foot of floor area, motel room, etc.

Unused or excess impact fees means any individual impact fee payment from which no amount of money or only a portion thereof has been encumbered or expended according to the requirements of this article.

Sec. 104-488. - Imposition of development impact fees.

Any person who engages in development shall pay a development impact fee in the manner and amount set forth in this article.

Construction not subject to impact fees. The following projects and construction activities do not constitute "development" as defined in this article, and are therefore not subject to the imposition of impact fees:

Rebuilding no more than the same number of units of development (as defined in this article) that were removed by demolition, or destroyed by fire or other catastrophe, on the same lot or property.

Remodeling or repairing a structure that does not result in an increase in the number of units of development.

Replacing a residential housing unit with another housing unit on the same lot or property.

Placing or replacing a manufactured home in a manufactured home park on a prepared manufactured home pad in existence and operation prior to the effective date of this article.

Placing a temporary transportable construction office or a temporary transportable sales office on a lot during the period of construction or build-out of a development project.

Constructing an addition to or expansion of a residential housing unit that does not increase the number of housing units.

Adding uses that are typically accessory to residential uses and intended for the personal use of the residents, such as a deck or patio, satellite antenna, pet enclosure, or

<p>Sec. 104-492. Calculation of development impact fees.</p> <p>(a) Any development impact fee imposed pursuant to this article shall not exceed a proportionate share of the cost of system improvements.</p> <p>(b) Development impact fees shall be calculated on the basis of service areas as provided in the comprehensive plan.</p>	<p>private recreational facilities such as a swimming pool.</p> <p>A person claiming to not be subject to impact fees under Subsection a) of this Section, above, shall submit to the administrator information and documentation sufficient to permit the administrator to determine whether such claim is correct.</p> <p><i>Grandfathered work.</i></p> <p>Notwithstanding any other provision of this article, work for which a valid building permit has been issued for a platted and recorded lot prior to the effective date of this article, shall not be subject to any increased fees as set forth in this article so long as the permit remains valid and construction has commenced and is pursued according to the terms of the permit.</p> <p>Said work shall be commenced, pursued, and completed within the allowable time established by the building permit. Any extension or re-issuance shall require the applicant to pay the increased amount of the new development impact fee imposed by this article, if any.</p> <p>Work shall be considered as having commenced on the date of the first required inspection as determined by the county's building official.</p> <p>Work for which a valid permit has been issued shall continue with this status until the permit expires, at which time the renewal of the permit or the issuance of a new permit for the same work or additional work on the same property shall incur the applicable impact fee increase. Such fee shall be the amount of the increase over the amount previously paid, if any.</p> <p><i>Method of calculation.</i> Any development impact fee imposed pursuant to this article shall not exceed a project's proportionate share of the cost of system improvements and shall be calculated on the basis of levels of service for public facilities that are the same for existing development as for new growth and development, as established in the county's capital improvements element of the comprehensive plan.</p>
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~~(c) Development impact fees shall be calculated on the basis of levels of service for public facilities adopted in the comprehensive plan.~~

~~(d) To determine the development impact fee for a residential dwelling unit or for a single nonresidential building or structure with a known use, see the impact fee schedule in attachment A. For a single nonresidential building or structure with an unknown use, or for a nonresidential building or structure with multiple units, the zoning of the parcel will determine the development impact fee by establishment type (see attachment A to Ord. No. 2001-03). The following types of development are not subject to the imposition of a development impact fee:~~

~~(1) Rebuilding of a residential dwelling unit on the same parcel.~~

~~(2) Rebuilding of a nonresidential building or structure so long as the number of nonresidential buildings or structures is not increased.~~

~~(3) The construction of an accessory structure which is allowed pursuant to chapter 110, zoning.~~

~~(4) The expansion of a residential dwelling which does not increase the number of dwelling units.~~

~~(5) The expansion of a nonresidential building or structure.~~

~~(e) Individual assessments of development impact fees are permitted at the option of applicants for development approval under guidelines established in this article. (See section 104-493.)~~

~~(f) A developer may receive certification of the development impact fee schedule or individual assessment for a particular project which shall establish the development impact fee for a period of 180 days from the date of certification.~~

~~(g) The developer shall have the right to elect to pay a project's proportionate share of system improvement costs by payment of development impact fees according to the fee schedule as full and complete payment of the development project's proportionate share of system improvement costs.~~

Notwithstanding anything to the contrary in this article, the calculation of impact fees shall be net of credits for the present value of ad valorem taxes, sales taxes, or other revenues as established in the capital improvements element of the comprehensive plan, and which:

Are reasonably expected to be generated by new growth and development; and

Are reasonably expected based on historical funding patterns to be made available to pay for system improvements of the same category and in the same service area for which an impact fee is imposed.

The method of calculating impact fees for public facilities under this article shall be maintained for public inspection as a part of the official records of the county and may be amended from time to time by official act of the board of commissioners.

In addition to the cost of new or expanded system improvements needed to be built to serve new development, the cost basis of a development impact fee may also include the proportionate cost of existing system improvements to the extent that such public facilities have excess service capacity and new development will be served by such facilities, as established in the capital improvements element of the comprehensive plan.

Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs, as set forth in the capital improvements element of the comprehensive plan.

Sec. 104-489. - Fee assessment and payment.

Fee schedule.

Payment of a development impact fee pursuant to the fee schedule attached hereto and incorporated herein as Attachment A shall constitute full and complete payment of the project's proportionate share of system improvements as individually levied by the

~~(h) Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs.~~

~~Sec. 104-493. Individual assessment determination.~~

~~Individual assessments of development impact fees may be established as follows:~~

~~(1) In the event that a developer elects an individual assessment, the developer shall submit an individual assessment study. Any such study is to be presented to the county administrator. If the county administrator finds that the data, information, and assumptions used in such an individual assessment study satisfy the requirements of this article, then that study shall be used to calculate the individual assessment for that project.~~

~~(2) Each individual assessment study must:~~

~~a. Be based on relevant and credible information from an accepted standard source, or engineering or planning data; or be based on actual, relevant and credible studies or surveys of facility demand conducted in the Atlanta Metropolitan Statistical Area carried out by qualified engineers or planners pursuant to accepted methodology; and~~

~~b. Be based on any other specifications required in this article.~~

~~(3) Any fee calculated in accordance with this provision shall have standing for 180 days following the date of a formal response from the county administrator to the applicant. Following such a period, a new application must be made.~~

~~(4) A determination by the county administrator that any individual assessment study does not satisfy the requirements of this article may be appealed by the applicant to the board of commissioners subject to the procedures, rules, and regulations set forth in section 104-497.~~

~~Sec. 104-494. Credits.~~

~~(a) In the calculation of development impact fees for a particular project, credits shall be given for the present value of any construction of improvements, or contribution, or dedication of land, or money required or accepted by the county from a developer, or his predecessor in title or interest, for system~~

county and shall be deemed to be in compliance with the requirements of this article.

When a land development activity for which an application for a building permit has been made includes two or more buildings, structures, or other land uses in any combination, including two or more uses within a building or structure, the total development impact fee shall be the sum of the fees for each building, structure, or use, including each use within a building or structure.

If an applicant contends that the land use category of a proposed development is not shown on the fee schedule or fits within a different category, then the administrator in his or her sole discretion shall decide as to the appropriate land use designation and the appropriate development impact fee.

In making such determination, the administrator may require such additional information from the applicant as necessary to form a logical fee determination relative to the impact fees shown on the adopted fee schedule, attached hereto as Attachment A.

If the land use of the proposed development is not similar to a land use category listed on Attachment A of this article, then:

an appropriate fee may be determined by the administrator as an individual assessment in accordance with the individual assessment section of this article; or

an appropriate new category may be added by the administrator and an appropriate fee established under the county's current impact fee methodology, subject to annual confirmation by the board of commissioners.

Appeals from the decision of the administrator shall be made to the board of commissioners in accordance with the

~~improvements of the category for which the development impact fee is being collected. Credits shall not be given for project improvements.~~

~~(b) Credits under subsection (a) of this section shall be valued using the following guidelines:~~

~~(1) For the present value of the construction of any system improvements required or accepted, in conjunction with the project for which approval is being sought, by the county from the developer or predecessor in title or interest for the category of system improvements in the service area for which the development impact fee is being collected, the developer must present evidence of the cost and age of the improvement from which present value may be calculated using the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent) as estimates of inflation and depreciation.~~

~~(2) For the present value of any contribution or dedication of land required or accepted for system improvements, in conjunction with the project for which approval is being sought by the county from the developer or predecessor in title or interest for the category of system improvements in the service area for which the development impact fee is being collected, the value for contributed land shall be the same as that attributed to the property by the current validated the county tax appraisal at the time of dedication; present value shall be calculated from the time of dedication using the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent).~~

~~(3) For the present value of any contribution or dedication of money required or accepted, in conjunction with the project for which approval is being sought, by the county from the developer or predecessor in title or interest for the system improvements in the service area for which the development impact fee is being collected, the value of contributed money shall be the same as that at the time of contribution or dedication; present value shall be calculated from time of contribution or dedication using the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent).~~

~~(c) Upon submission of adequate evidence that a development impact fee was previously paid and that the building permit has expired, credit for the present value of the development impact fee shall be in the amount of the development impact fee paid, inflated from the date of payments using the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent) and shall be applied against that parcel of land. Should the~~

administrative appeals procedures of this article.

Timing of assessment and payment. Development impact fees shall be assessed at the time of application for a building permit.

If the final use of a building cannot be determined at the time of issuance of the initial building permit, the administrator shall have the authority to assess a development impact fee based on the most likely use of the building in order for the building permit to be issued and may adjust the fee assessment prior to issuance of a certificate of completion (if applicable) or certificate of occupancy.

Impact fees may be reassessed based on actual construction prior to issuance of a certificate of completion (if applicable) or a certificate of occupancy and shall be paid prior to the release of the certificate of occupancy.

An adjustment may result in a refund to the fee payor or payment of the marginal increase of the adjusted fee over the amount already paid.

Impact fees may be collected any time a building permit is active but shall be collected no later than the final building permit inspection is completed and prior to issuance of a certificate of occupancy for the building, interior building space or development project for which the building permit was issued.

Impact fees collected as part of the final building permit inspection shall be paid in the form of cash or certified check or other certified funds prior to the release of the certificate of occupancy.

For projects not involving issuance of a building permit, all development impact fees shall be collected at the time of approval of the development permit or such other authorization to commence construction or to commence use of a property.

Notwithstanding any other provision of this article, any future change in demand for public facilities more than the average demand anticipated at the time of issuance of the previously approved building permit

~~development impact fee be less than the amount credited, under the circumstances previously mentioned herein, the excess credit shall remain with the county. Should the development impact fee be greater than the amount credited, under the circumstances previously mentioned herein, the developer shall pay the difference to the county.~~

~~(d) In the event that a developer enters into an agreement with the county to construct, fund, or contribute system improvements such that the amount of credit created by such construction, funding, or contribution exceeds the development impact fee calculated for the project, the developer shall be compensated for such excess contribution by the county or, at the county's option, from development impact fees paid by other developments located in the service area benefitted by such improvements. The present value of any such construction or contribution shall be established by:~~

~~(1) Use of documented prices actually paid by the developer for the system improvements with such prices inflated by use of the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent); or~~

~~(2) Use of documented prices which would have been paid by the county for such system improvements with such prices inflated by use of the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent), whichever is less.~~

~~The county is under no obligation to make immediate compensation, but will make compensation if funds are available.~~

~~(e) Except as provided in subsection (f) of this section, no credits shall be given for construction, contribution, or dedication of any system improvement or funds for system improvements made before the effective date of this article, nor shall credit be given for system improvements or funds for system improvements constructed, contributed, or dedicated after the effective date of the ordinance from which this article is derived if an agreement to do so was entered into before the effective date of the ordinance from which this article is derived for projects which have already received a building permit.~~

~~(f) In the event that a fee payor has, under previously established conditions of zoning, constructed, contributed, or dedicated system improvements or funds when receiving permits to proceed with only a portion or phase of a project as defined by a particular~~

shall result in such project being assessed such additional fee as would otherwise have been due. Future changes in demand may result from a change in the land use category of the occupant of the building or property, the expansion of a building or use on a property that results in an increase in the units of development (as defined herein), or the subsequent discovery of facts unknown or misrepresented at the time of issuance of the building permit.

Individual assessment determinations. Individual assessments of development impact fees may be established as follows:

At their option, an applicant for development approval may petition the administrator for an individual assessment determination of development impact fees due for their project in lieu of the fee established on the fee schedule attached hereto and incorporated herein as Attachment A.

If an applicant elects an individual assessment, the applicant shall submit an individual assessment study. Each individual assessment study shall:

Be based on relevant and credible information from an accepted standard source of engineering or planning data; or,

Be based on actual, relevant, and credible studies or surveys of facility demand conducted in the county or its region, carried out by qualified engineers or planners pursuant to an accepted methodology; and,

Provide any other written specifications as may be reasonably required by the administrator to substantiate the individual assessment determination.

The administrator in his or her sole discretion shall determine whether the content of an individual assessment study satisfies the requirements of the preceding subsection (c)(2). A negative determination by the administrator may be appealed to the board of commissioners in accordance with the administrative appeals procedures of this article.

~~zoning case, where the construction, contribution, or dedication is in excess of that required by the portion or phase permitted, the excess construction, contribution, or dedication shall be credited against future development impact fees which shall be required as additional portions or phases of the zoned projects seek building permits.~~

~~(g) The developer must present adequate evidence of the cost and age of the improvement from which present value may be calculated using the Bloomberg AAA GO Municipal Bond Yield Index (or equivalent), estimates of inflation and depreciation.~~

~~(h) Credits required under subsection (b) of this section, shall be automatically given at the time of fee~~

~~imposition. Any other credits shall be given only upon request by the developer to the county administrator. To receive consideration for such other credits, a developer must present adequate evidence or proposals for creditable activities and adequate evidence of value to the county administrator at or before the time of application for a building permit.~~

~~(i) The county administrator shall review all claims for allowance and valuation of credits and make determinations regarding:~~

~~(1) Allowance of any claimed credit.~~

~~(2) Value of any allowed credit.~~

~~(j) Any credits shall be acknowledged in writing and calculated at the time of imposition of the development impact fee. A developer may appeal any such determination by following the guidelines established in section 104-497.~~

~~Sec. 104-495. Deposit and expenditure of fees.~~

~~(a) All development impact fee funds shall be maintained in one or more interest bearing accounts. Restrictions on the investment of such funds shall be the same that apply to investment of all county funds generally.~~

~~(b) Accounting records shall be maintained for each category of system improvements in the service area in which the fees are collected.~~

~~(c) Interest earned on development impact fees shall be considered funds of the account on which it is earned~~

Any fee approved as an individual assessment determination shall have standing for 180 days following the date of approval. Payment of such an approved individual assessment determination shall constitute full and complete payment of the project's proportionate share of system improvements and shall be deemed to be in compliance with the requirements of this article.

Fee certification.

Upon application to the administrator, a developer may receive a certification of the development impact fee schedule attached hereto and incorporated herein as Attachment A or a certified fee for a particular project, as applicable.

Such certified schedule or fee shall establish the development impact fee due for a period of 180 days from the date of certification, even if new or revised impact fee rate schedules are adopted by the board of commissioners in the interim.

Notwithstanding the issuance of any certification of an individual fee determination, any additions to a particular project different from that identified in the original application for fee certification shall negate any such certification.

Administrative appeals.

Eligibility to file an appeal. Only applicants or feepayors who have already been assessed an impact fee by the county or who have already received a written determination of individual assessment, refund, or credit amount shall be entitled to an appeal.

and shall be subject to all restrictions placed on the use of development impact fees under this article.

(d) Expenditures of development impact fees shall be made only for the category of system improvements and in the service area for which the development impact fee was imposed as shown by the capital improvements element and as authorized by this article.

(e) Development impact fees shall not be used to pay for any purpose that does not involve system improvements that create additional service available to serve new growth and development.

(f) The county administrator shall prepare an annual report describing the amount of any development impact fees collected, encumbered, and used during the preceding year by category of public facility and service area.

(a) Upon the request for a refund by a fee payor, development impact fees are eligible to be refunded under the following circumstances:

(1) If capacity is available and service is denied; or

(2) The county has failed to timely encumber the development impact fee or has failed to commence construction within six years after the date the fee was collected.

(b) In determining whether development impact fees have been encumbered, development impact fees shall be considered encumbered on a first in, first out (FIFO) basis.

(c) When the right to a refund exists due to a failure to encumber development impact fees, the county shall provide written notice of entitlement to a refund to the fee payor who has provided a mailing address. Such notice shall also be published in the legal organ of the county within 30 days after the expiration of the six year period after the date that the development impact fees were collected and shall contain the heading: "Notice of Entitlement to Development Impact Fee Refund."

(d) All requests for refunds shall be made in writing to the county administrator within one year of the time such refund becomes payable under subsections (a) through (c) of this section, or within one year of

~~publication of the notice of entitlement to a refund, whichever is later.~~

~~(e) A refund shall include a refund of a pro rata share of interest actually earned on the unused or excess development impact fee collected.~~

~~(f) All refunds shall be made to the fee payor within 60 days after it is determined that a sufficient proof of claim for a refund has been made.~~

~~(g) The fee payor shall have standing to sue for a refund if there has been a timely and complete application (including, but not necessarily limited to, proof that a development impact fee has been paid, proof that the applicant for the refund is the fee payor entitled to the refund, and that the conditions specified in subsection (a) of this section have been met) for a refund and the refund has been denied or has not been made within one year of submission of the application for refund to the county.~~

~~Sec. 104-497. Appeals.~~

~~(a) Any person aggrieved by any administrative determination made under this article, or by the application of any provision of this article, may appeal such determination or provision under this section.~~

~~(b) A notice of appeal must be filed with the board of commissioners within 30 days following the receipt of a written determination of the amount of the development impact fee to be paid or entitlement to a refund, credit, or exemption.~~

~~(c) All appeals shall be made to the board of commissioners following the county administrator's decision on the applicability or amount of the development impact fee, or eligibility for or amount of a refund, credit, or exemption. Upon filing of an appeal, the county administrator shall forthwith transmit to the board of commissioners all papers constituting the record upon which the appeal is taken. The board of commissioners shall thereafter establish a reasonable date and time for the hearing on the appeal, give~~

~~notice thereof to the parties in interest, and decide the same within a reasonable time following the hearing. Any party taking an appeal shall have the right to appear at the hearing to present evidence and may be represented by counsel. Any person aggrieved by a decision of the board of commissioners may take an appeal to the superior court of the county within 30~~

Appeals process.

The aggrieved applicant or fee payor must file a written appeal with the administrator within 15 days of the receipt of written determination of the amount of the development impact fee due, or entitlement to an amount of a refund or credit. Such written appeal shall be of sufficient content to clearly and unequivocally set forth the basis for the appeal and the relief sought.

Such written appeal shall state the basis for the appeal and the relief sought, and shall include:

The basis for the appeal and the relief sought;

The name and address of the aggrieved applicant or fee payor;

The location of the affected property; and,

A copy of any applicable written decision or determination made by the administrator from which the appeal is taken.

Within 15 days after receipt of the appeal, the administrator shall make a written

~~days after the decision by the board of commissioners is rendered.~~

~~(d) A developer may pay a development impact fee under protest in order to obtain a development approval or building permit, as the case may be. A developer making such payment shall not be estopped from exercising his right of appeal, nor shall such developer be estopped from receiving a refund of any amount deemed to have been illegally collected.~~

~~(e) The filing of an appeal shall not stay the collection of a development impact fee as a condition to issuance of development approval or a building permit.~~

~~Sec. 104 498. Intergovernmental agreements.~~

~~For the provision of fire services, the county has entered into intergovernmental agreements with the Town of Brooks, the Town of Tyrone and the Town of Woolsey (see attachment B to Ord. No. 2001-03).~~

~~Sec. 104 499. Private agreements.~~

~~(a) The county may require a developer to construct reasonable project improvements in conjunction with a development project.~~

~~(b) Private agreements may exist between property owners or developers and the county with regard to the construction or installation of system improvements in providing for credits or reimbursements for system improvement costs incurred by a developer including inter-project transfers of credits or providing for reimbursement for project improvement costs which are used or shared by more than one development project.~~

~~(c) A private agreement may include, but shall not be limited to, provisions which:~~

~~(1) Modify the estimates of impact on public facilities according to the methods and provisions concerning the calculation of development impact fees, provided that any such agreement allows the county to assess additional development impact fees after completion of construction according to the schedule set forth in this article.~~

~~(2) Permit construction of, dedication of property for, or other in-kind contribution for specific public facilities of the type for which a development impact~~

decision with respect to the appeal. Such decision shall be of sufficient content to set forth the basis for the determination.

Appeals from the decision of the administrator shall be made to the board of commissioners within 30 days of receipt by the aggrieved applicant or feepayor of the administrator's decision. Delivery by hand or certified mail to, or posting upon the property, at the address given by the aggrieved applicant or feepayor in the application for relief shall constitute receipt by the aggrieved applicant or feepayor under this provision.

The board of commissioners shall thereafter establish a reasonable date and time for a hearing on the appeal, give written notice thereof to the applicant or feepayor, and decide the issue within a reasonable time following the hearing. Any party making an appeal shall have the right to appear at the hearing to present evidence and may be represented by counsel.

Payment of impact fee during appeal.

The filing of an appeal shall not stay the assessment of a development impact fee as a condition to the issuance of a building permit or other development approval (as defined herein).

An applicant or feepayor may pay a development impact fee to obtain a building permit or other development approval, and by making such payment shall not be estopped from exercising the right of appeal or receiving a refund of any amount deemed to have been collected in excess.

~~fee would be imposed in lieu of, or with a credit against, applicable development impact fees.~~

~~(3) Permit a schedule and method of payment of development impact fees in a manner appropriate to particular and unique circumstances of a proposed project in lieu of the requirements for payment under this article, provided that security acceptable to the county is posted ensuring payment of the development impact fees. Forms of security which may be acceptable to the county include a cash bond, a surety bond, irrevocable letter of credit, negotiable certificate of deposit or escrow account, or lien or mortgage on land to be covered by the building permit.~~

~~(d) Any private agreement proposed by an applicant pursuant to this subsection shall be submitted to the county administrator for review, negotiation, and submission to the board of commissioners. Any such agreement must be presented to and approved by the board of commissioners prior to the issuance of a building permit. Any such agreement shall provide for execution by mortgagees, lien holders or contract purchasers in addition to the land owner, and shall require the applicant to submit such agreement to the clerk of the superior court of the county for recording. The board of commissioners shall approve such agreement only if it finds that the agreement will apportion the burden of expenditure for new facilities proportionately, consistent with the principles set forth in title 36, chapter 71, Official Code of Georgia Annotated (O.C.G.A. title 36, ch. 71), and this article.~~

~~Sec. 104-500. Exemptions.~~

~~Pursuant to the provisions of O.C.G.A. § 36-71-4(l), the public policies expressed in the comprehensive plan, and in accordance with the policies of the board~~

Sec. 104-490. - Exemptions.

Upon application, the board of commissioners may exempt all or part of a particular development project from development impact fees if the board finds that such project is determined to create extraordinary economic development and employment growth or affordable housing, in accordance with exemption criteria adopted by the board of commissioners.

In the absence of adopted applicable exemption criteria for either extraordinary economic development and employment growth or for affordable housing, no applicable exemption shall be approved.

It is recognized that the Georgia Development Impact Fee Act (under O.C.G.A. 36-74-4(h)(3)) requires that any amount of money granted as an exemption must be reimbursed by the county into the county's impact fee accounts from revenue sources other than impact fees.

~~of commissioners, exemptions from development impact fees may be available if:~~

~~(1) Such projects are determined to create extraordinary economic development and employment growth or affordable housing;~~

~~(2) The public policy which supports the exemption is contained in the comprehensive plan; and~~

~~(3) The exempt development's proportionate share of the system improvement is funded through a revenue source other than development impact fees.~~

~~Sec. 104-501. Review.~~

~~(a) As part of its annual capital improvement program process, or as part of any other planning process which causes the county to evaluate development potential in any area, the county may review the development potential of any area within the county, whether it be a previously designated service area or not, or the county as a whole. Based on such review of development potential, the county may adjust boundaries of service areas or create new service areas.~~

~~(b) As part of its annual review process, or as part of any other planning process which causes the county to evaluate development potential in any area, the county may review capital facilities plans in service areas and modify such plans as a result of development occurring in the previous year and/or requests for permission to develop, e.g., applications for rezoning, applications for land disturbance permits, and applications for building permits. Plans may also be modified as a result of:~~

~~(1) Capital facilities actually constructed.~~

~~(2) Changes in capital facility needs and/or standards.~~

~~(3) Revised cost estimates for capital facilities.~~

~~(4) Changes in availability of other funds applicable to public facility projects.~~

~~(5) Other relevant factors.~~

~~(c) As a result of modifications to service area boundaries and/or capital facilities plans, the county may modify development impact fee schedules as~~

Sec. 104-491. - Deposit and expenditure of fees.

Maintenance of funds.

All development impact fee funds collected for future expenditure on construction or expansion of facilities pursuant to this article shall be maintained in one or more interest-bearing accounts until expended. Restrictions on the investment of development impact fee funds shall be the same that apply to investment of all such funds generally.

Separate accounting records shall be maintained for each public facility category of system improvements.

Interest earned on development impact fees shall be considered funds of the account on which it is earned and shall be subject to all restrictions placed on the use of development impact fees under this article. Interest earned each fiscal year shall be distributed among the various funds in proportion to their end-of-year balances on hand.

Expenditures; restrictions.

Expenditures from the impact fee accounts shall be made only for the system improvements in the public facility category for which the development impact fee was assessed and collected.

Expenditures from the impact fee account for a particular public facility category shall be made only for projects that are listed for that category in the most recently adopted capital improvements element.

Such expenditures for a specific project may be based on the amount of the actual cost of the project. However, such expenditures may not exceed the percentage of impact fee eligibility established for such project in the capital improvements element.

Expenditures for projects not listed in the capital improvements element may be made only after they have been included in the capital improvements element by amendment adopted by the board of

~~appropriate and adopt such revised schedules through official action of the board of commissioners.~~

~~(d) As part of its annual comprehensive plan review process, the county may revise the provisions specified in section 104-500.~~

~~(e) Failure by the county to undertake such a review shall result in the continued use and application of the existing fee schedule and other data. The failure to review such structure shall not invalidate this article.~~

~~Sec. 104-502. Penalty provision.~~

~~(a) A violation of this article shall be a misdemeanor punishable according to law. However, in addition to or in lieu of, any criminal prosecution, the county shall have the power to sue in law or equity for relief in civil court to enforce this article. Recourse to such civil and criminal remedies in law and equity as may be necessary are available to ensure compliance with the provisions of this article, including injunctive relief to enjoin and restrain any person from violating the provisions of the article and to recover such damages as may be incurred by the implementation of specific corrective actions.~~

~~(b) Knowingly furnishing false information to the county on any matter relating to the administration of this article shall constitute a violation thereof.~~

~~(c) The county administrator may withhold the issuance of any building permit or other development permits if the provisions of this article have been violated by the feepayor or his assigns, on any property within the unincorporated county until the provisions of this article, including the conditions on any permit issued thereunder, have been fully met.~~

~~(d) The county administrator shall have the right to inspect the lands affected by this article and shall have the right to issue cease and desist orders and citations for violations. Refusal of written notice of violation under this article shall constitute legal notice of service.~~

~~(e) For any violation, the county administrator shall have the authority to issue a citation. The citation shall be in the form of a written official notice issued in person or by certified mail to the owner of the property, or to his agent, or to the person performing the work. The receipt of a citation shall require that corrective action be taken within 30 working days unless otherwise extended at the discretion of the~~

commissioners and reviewed and approved by the Georgia Department of Community Affairs.

Notwithstanding anything to the contrary in this article, the following shall be considered general revenue of the county, and may be expended accordingly:

Impact fees collected to recover the present value of excess capacity in existing system improvements;

Any portion of an impact fee collected as a repayment for previous expenditures made by the county for system improvements intended to be funded by such impact fee; and,

Any portion of an impact fee collected for administration of the impact fee program, and any such additional amount assessed for repayment of the cost of preparing the capital improvements element of the comprehensive plan.

Sec. 104-492. - Credits.

When eligible, feepayors shall be entitled to a credit against impact fees under the circumstances and in the manner set forth in this section.

Credits; restrictions.

Except as provided in subsection (c), granting of credits, below, no credit shall be given for construction, contribution, or dedication of any system improvement or funds for system improvements made before the effective date of this article as originally first adopted, unless this restriction is waived by the board of commissioners.

If the value of any construction, dedication of land, or contribution of money made by a developer (or his or her predecessor in title or interest) prior to the effective date of this article, as originally adopted, is greater than the impact fee that would otherwise have been paid for the project, then the developer shall be entitled to a credit for such excess construction, dedication, or funding. Notwithstanding anything to the contrary in this article, any credit due under this section shall not constitute a liability of the county and shall accrue to the developer only to the extent of impact fees

~~county administrator. If the required corrective action is not taken within the time allowed, the county administrator may use any available civil or criminal remedies to secure compliance, including revoking a permit.~~

~~Sec. 104-503. Enforcement provision.~~

~~The enforcement of this article will be the responsibility of the county administrator and such county personnel as the county administrator may designate from time to time.~~

~~Sec. 104-504. Effect on other regulations.~~

~~This article shall not affect in any manner the permissible use of property, density of development, design, improvements, or any other requirements or aspect of the development of land, or provision of capital improvements subject to zoning and subdivision regulations, or other regulations of the county. All such regulations and requirements shall be operative and shall remain in full force and effect without limitation with respect to all development. Application and imposition of development impact fees is additional and supplemental to, and not in substitution of, any other requirements imposed by the county on the development of land or the issuance of building permits.~~

~~Secs. 104-505—104-531. Reserved.~~

assessed for new development for the same category of system improvements within the same service area.

In no event shall credit be given for project improvements, or for system improvements not included for impact fee funding in the most recently adopted capital improvements element of the comprehensive plan.

Granting of credits. Credit shall be given for the present value of any construction of improvements, contribution or dedication of land, or payment of money by a developer or his or her predecessor in title or interest for system improvements of the same public facilities category and in the same service area for which a development impact fee is imposed, provided that:

The system improvement is included for impact fee funding in the most recently adopted capital improvements element of the comprehensive plan; and,

The amount of the credit does not exceed the portion of the system improvement's cost that is eligible for impact fee funding, as shown in the most recently adopted capital improvements element; and,

The credit allowed pursuant to this section shall not exceed the impact fee due for such system improvement unless a greater credit is authorized under a private contractual agreement executed under the provisions of Sec. 104-495.

Guidelines for credit valuation. Credits under this article shall be valued using the following guidelines:

For the construction of any system improvements by a developer or his or her predecessor in title or interest and accepted by the county, the developer must present evidence satisfactory to the administrator of the original cost of the improvement, from which present value may be calculated.

For any contribution or dedication of land for system improvements by a developer or his or her predecessor in title or interest and accepted by the county, the original value of the land shall be the same as that attributed to the property by the validated

	<p>tax appraisal at the time of dedication, from which present value may be calculated.</p> <p>For any contribution of capital equipment that qualifies as a system improvement by a developer or his or her predecessor in title or interest and accepted by the county, the value shall be the original cost to the developer of the capital equipment or the cost that the county would normally pay for such equipment, whichever is less.</p> <p>For any contribution of money for system improvements from a developer or his or her predecessor in title or interest accepted by the county, the original value of the money shall be the same as that at the time of contribution, from which present value may be calculated.</p> <p>In making a present value calculation, the discount rate used shall be the net of the interest returned on a State of Georgia, AA rated or better municipal bond less average annual inflation, or such other discount rate as the board of commissioners in its sole discretion may deem appropriate.</p> <p><i>Credits; application.</i></p> <p>Credits shall be given only upon written request of the developer to the administrator. A developer must present written evidence satisfactory to the administrator at or before the time of development impact fee assessment.</p> <p>The administrator, in his or her sole discretion, shall review all claims for credits and make determinations regarding the allowance of any claimed credit, and the value of any allowed credit.</p> <p>Any credit approved by the administrator shall be acknowledged in writing by the administrator and calculated at the time of impact fee assessment.</p> <p>Credit denials by the administrator may be appealed to the board of commissioners in accordance with the provisions for administrative appeals in this article.</p> <p><i>Credits; abandoned building permits.</i> If an impact fee is paid but the building permit is abandoned, credit shall be given for the present value of the impact fee against future impact fees for the same parcel</p>
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of land, upon submission of adequate evidence to the administrator that an impact fee was received by the county, the amount paid, and that the building permit was abandoned.

Sec. 104-493. - Refunds.

Eligibility for a refund.

Upon the request of a feepayor regarding a property on which a development impact fee has been paid, the development impact fee shall be refunded if:

Capacity is available in the public facilities for which the fee was collected but service to the property is permanently denied; or,

The development impact fee has not been encumbered or construction has not been commenced within six years after the date the fee was collected.

In determining whether development impact fees have been encumbered, development impact fees shall be considered encumbered on a first-in, first-out (FIFO) basis. In addition, impact fees may be encumbered by the board of commissioners through adoption of the annual impact fee update report each year.

Notice of entitlement to a refund.

When the right to a refund exists due to a failure to encumber the development impact fees, the administrator shall provide written notice of entitlement to a refund to the feepayor who paid the development impact fee at the address shown on the application for development approval or to a successor in interest who has given adequate notice to the administrator of a legal transfer or assignment of the right to entitlement to a refund and who has provided a mailing address.

Such notice shall also be published in a newspaper of general circulation in the county within 30 days after the expiration of the six-year period after the date that the development impact fee was collected and shall contain a heading "Notice of Entitlement to Development Impact Fee Refund." No refund shall be made for a

	<p>period of 30 days from the date of said publication.</p> <p><i>Filing a request for a refund.</i></p> <p>All requests for refunds shall be made in writing to the administrator within one year of the time the refund becomes payable or within one year of publication of the notice of entitlement to a refund, whichever is later.</p> <p>Failure to make a claim for a refund within the applicable one-year time period shall result in a waiver of all claims to said funds. Such funds together with the accrued interest thereon shall be transferred to the general revenue account of the county.</p> <p><i>Payment of refunds.</i></p> <p>All refunds shall be made to the feepayor within 60 days after it is determined by the administrator that a sufficient proof of claim for refund has been made, but no sooner than 30 days after publication of the notice of entitlement to the refund.</p> <p>A refund shall include a refund of a pro rata share of interest earned on the unused or excess impact fee collected.</p> <p>In no event shall a feepayor be entitled to a refund for impact fees assessed and paid to recover the cost of excess capacity in existing system improvements, for any portion of an impact fee collected as a repayment for expenditures made by the county for system improvements intended to be funded by such impact fee, or for that portion of the fee payment that was assessed for administration of the impact fee program, or for recovery of the cost of preparation of the capital improvements element of the comprehensive plan.</p> <p>Sec. 104-494. - Intergovernmental agreements.</p> <p>For the provision of services, the county has entered into intergovernmental agreements with the Town of Brooks, the Town of Tyrone and the Town of Woolsey in accordance with attachment B to Ord. 2001-03.</p>
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Sec. 104-495. - Private contractual agreements.

Private agreements; authorized.

Nothing in this article shall prohibit the voluntary mutual approval of a private contractual agreement between the board of commissioners and any developer or property owner or group of developers and/or property owners in regard to the construction or installation of system improvements and providing for credits or reimbursement for system improvement costs incurred by a developer, including interproject transfers of credits or providing for reimbursement for project improvement costs which are used or shared by more than one development project, provided that:

The system improvements are included for impact fee funding in the most recently adopted capital improvements element of the comprehensive plan; and,

The amount of any credit or reimbursement granted shall not exceed the portion of the system improvement's cost that is eligible for impact fee funding, unless the amount of the credit created is in excess of the impact fee which would otherwise have been assessed for the development project. The developer shall retain such excess credit and may apply it to other impact fee assessments for the same public facility category for which the credit was allowed.

Private agreements; provisions.

A private contractual agreement for system improvements may include, but shall not be limited to, provisions that:

Modify the estimates of impact on public facilities according to the methods and provisions concerning the calculation of impact fees, provided that any such agreement shall allow the county to assess additional development impact fees after the completion of construction according to the fee schedule set forth as Attachment A to this article.

	<p>Permit construction of, dedication of property for, or other in-kind contribution for specific public facilities of the type for which development impact fees would be imposed in lieu of or with a credit against applicable development impact fees.</p> <p>Permit a schedule and method of payment appropriate to particular and unique circumstances of a proposed project in lieu of the requirements for payment under this article, provided that security acceptable to the county is posted ensuring payment of the development impact fees. Forms of security that may be acceptable to the county, in its sole discretion, include a cash bond, irrevocable Letter of Credit from a bank authorized to do business within the State of Georgia, a surety bond, or lien or mortgage on lands to be covered by the building permit or development approval.</p> <p><i>Private agreements; procedure.</i></p> <p>Any private agreement proposed by an applicant pursuant to this article shall be submitted to the administrator for review, negotiation, and submission to the board of commissioners.</p> <p>Any private agreement proposed by an applicant pursuant to this Section shall be reviewed and approved by the county attorney as to form and sufficiency prior to consideration by the board of commissioners.</p> <p>Any such agreement must be presented to and approved by the board of commissioners prior to the issuance of a building permit, unless this requirement is revised or waived by the board of commissioners as part of the private agreement.</p> <p>Any such agreement shall provide for execution by mortgagees, lien holders or contract purchasers in addition to the landowner and shall require the applicant to submit such private contractual agreement to the clerk of superior court for recording. A copy of</p>
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the recorded document shall be provided to the administrator.

Sec. 104-496. - Periodic review and amendments.

Amendments to this article.

This article may be amended from time to time as deemed appropriate or desirable. Any such amendment to this article, including an amendment to the development impact fee schedule (Attachment A hereto), shall follow the procedures for adoption of an ordinance imposing a development impact fee as set out and required under the Georgia Development Impact Fee Act (O.C.G.A. § 36-71-1 et seq., as amended).

Interim amendments to the impact fee schedule regarding the establishment of new land use categories by the administrator are expressly authorized and shall be confirmed by the board of commissioners when this article is subsequently amended.

Impact fee program annual review.

Once each year, the county shall prepare an "annual update report" for submission to the Regional Commission and the Georgia Department of Community Affairs. The report must include a financial report for the impact fee program based on the latest adopted audit. In addition, the report must update the community work program to maintain, at a minimum, a schedule of system improvements to be undertaken for each of the subsequent five years.

The financial report is to include the beginning balances in each public facility category (such as fire protection.), the impact fees collected in each public facility category, interest earned on the funds on hand, refunds made, funds expended, and the ending balances.

The community work program is to be updated by adding a future year and deleting the past year, such that a total of five years is always shown. Impact fee-funded projects that are anticipated to be undertaken are to be listed individually, the year of

	<p>implementation indicated, the cost of the project shown along with the source of funds, and the department responsible for implementation.</p> <p>The annual update report may include changes in funding sources or project costs, or changes in the scheduling of projects. However, new projects not included in the list of impact fee eligible projects contained in the most recently adopted capital improvements element itself cannot be added in the annual update report.</p> <p>The annual update report is to be submitted to the regional commission for their review, in accordance with the Development Impact Fee Compliance Requirements as adopted by the Georgia Department of Community Affairs.</p> <p>Upon approval of the annual update report, the report shall be adopted by the board of commissioners and a copy sent to the regional commission.</p> <p><i>Impact fee program amendment.</i></p> <p>From time to time, the board of commissioners may amend the capital improvements element, fee calculation methodology, and development impact fee schedule as deemed appropriate and necessary.</p> <p>Amendments to the capital improvements element shall comply with the procedures of the Development Impact Fee Compliance Requirements as adopted by the Georgia Department of Community Affairs, and shall be required for any change to the capital improvements element that would:</p> <ul style="list-style-type: none"> Change the list of system improvement projects by adding, deleting, or substantially modifying the projects; Redefine or extend growth projections, land development assumptions, or goals or objectives that would affect system improvements proposed in the capital improvements element; Add new public facility categories for impact fee funding; Change service levels established for an existing impact fee public facility category; or
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Make any other revisions needed to keep the capital improvements element up to date.

Sec. 104-497. - Enforcement and penalties.

Enforcement authority.

The enforcement of this article shall be the responsibility of the administrator and such personnel as the administrator may designate from time to time.

The administrator shall have the right to inspect the lands affected by this article and shall have the right to issue cease and desist orders and citations for violations. Refusal of written notice of violation under this article shall constitute legal notice of service.

The administrator may suspend or revoke any building permit or withhold the issuance of other development approvals if the provisions of this article have been violated by the developer or the owner or their assigns.

For any violation, the administrator shall have the authority to issue a citation. The citation shall be in the form of a written official notice issued in person or by certified mail to the owner of the property, or to his or her agent, or to the person performing the work.

The citation shall cite the specific provision of this article that is being violated and shall include, as an attachment, the text of the specific provision excerpted from this article.

The receipt of a citation shall require that corrective action be taken within 30 days unless otherwise extended at the discretion of the administrator. In the case of an emergency as determined by the administrator, the time in which corrective action must be taken may be appropriately shorter than 30 days. If the required corrective action is not taken within the time allowed, the administrator may use any available civil or criminal remedies to secure

	<p>compliance, including revoking a permit.</p> <p><i>Violations.</i></p> <p>Knowingly furnishing false information on any matter relating to the administration of this article shall constitute an actionable violation.</p> <p>Proceeding with construction of a project that is not consistent with the project's impact fee assessment, such as the use category claimed or units of development indicated, shall constitute an actionable violation.</p> <p>Failure to take corrective action following the receipt of a citation shall constitute an actionable violation.</p> <p>A violation of this article shall be a misdemeanor punishable according to law. However, in addition to or in lieu of criminal prosecution, the board of commissioners shall have the power to sue in law or equity for relief in civil court to enforce this article, including recourse to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions of this article, including but not limited to injunctive relief to enjoin and restrain any person from violating the provisions of this article and to recover such damages as may be incurred by the implementation of specific corrective actions.</p> <p>Sec. 104-498. - Severability and effective date.</p> <p><i>Severability.</i> If any sentence, clause, part, paragraph, section, or provision of this article is declared by a court of competent jurisdiction to be invalid, the validity of the article as a whole or any other part hereof shall not be affected.</p> <p><i>Incorporation by reference of Georgia law.</i> It is the intent of the board of commissioners that this article shall comply with the terms and provisions of the Georgia Development Impact Fee Act (O.C.G.A. 36-71-1 <i>et seq.</i> as amended). To the extent that any provision of this article is inconsistent with the provisions of said Article 36-71, the latter shall control. Furthermore, to the extent that this article is silent as to any provision</p>
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	<p>of said Article 36-71 that is otherwise made mandatory by said Article 36-71, such provision shall control and shall be binding upon the county.</p> <p><i>Effect.</i> This ordinance or any amendment thereto shall take effect upon adoption, or on such date as the board of commissioners shall specify as part of the motion to adopt this ordinance.</p> <p>ATTACHMENT A – IMPACT FEE SCHEDULE to be inserted</p>
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COUNTY AGENDA REQUEST

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Department:

Presenter(s): 

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval to move funding to and from the appropriate Capital Project Contingency account and to close the projects as identified on the attached list.

Background/History/Details:

As part of the budget process, Administration reviews all outstanding CIP projects for any additional needs or funds that are available for use in another project. Attached is the list of the FY2025 CIP Realignment.

The FY2025 realignment list is presented separately so realignment funds used to fund new projects can move forward quickly and to close any \$0 balance projects.

General Fund, Fire Services and Water System have a zero impact on their respective contingency accounts.

What action are you seeking from the Board of Commissioners?

Approval to move funding to and from the appropriate Capital Project Contingency account and to close the projects as identified on the attached list.

If this item requires funding, please describe:

Funds will be transferred to and from the Project Contingency for General Fund, Fire, and Water System, as described in the attached.

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:

Need to close projects as soon as possible and ensure no additional charges are made.

Project #	Project Fund	Project Description	Project Transfers (to)/from Contingency
203AR	375	Animal Control Building Phase I	\$50,000
Total	Animal Control		\$50,000
231AA	375	FC Buildings Roof Repairs	(\$8,329)
241AF	375	Justice Center Parking Lot - Seal & Restripe	(\$124,991)
251AC	372	Heritage House Refurbishment	(\$13,189)
251AI	372	Library Exterior Painting	(\$39,026)
251AJ	375	Roof Replacement Justice Center	\$230,535
NEW	375	Public Defender Flooring Project	\$25,000
Total	Building & Grounds		\$70,000
187AB	375	SAGES - Computer Software & Upgrades	(\$16,088)
NEW	372	*Bldg. Safety Office Upgrade	\$4,500
Total	Building Safety		(\$11,588)
257AC	372	Marshal Renovation Old Courthouse	\$12,600
Total	Code Enforcement		\$12,600
241AH		Countywide Sign Replacements	(\$25,000)
Total	Commissioners		(\$25,000)
241AB	375	Elections Storage Building	(\$25,000)
NEW	375	Elections Copier Machine	\$10,000
Total	Elections		(\$15,000)
NEW		Large Format Plotter/Scanner for EMD and P&Z	\$13,195
Total	EMD		\$13,195
NEW		*Finance Conference Room	\$950
Total	Finance		\$950
205AA	375	Public Health Building	(\$218,539)
NEW	375	Public Health Building - Mural	\$20,000
Total	Health Department		(\$198,539)
NEW	372	*Human Resources Upgrade - Nurse's Office / Meeting Area	\$1,100
NEW	372	Copier	\$8,555
Total	Human Resources		\$9,655
6535B	375	Phone System Revitalization & Conversion	\$14,200
211AG	375	Systemwide Consolidate/Redesign	(\$14,200)
NEW	372	*IT Relocation Suite 107	\$47,825
Total	Information Systems		\$47,825
NEW	375	Library Flooring - Carpeting Project	\$19,596
Total	Library		\$19,596
NEW	372	*Purchasing Additional Space	\$16,637
Total	Purchasing		\$16,637
246AC	375	Christmas Tree Replacement	(\$51,167)
246AD	375	Drainage Repair at Parks	(\$78,200)
256AC	372	Brooks Park Sidewalk and Curb Installation	\$8,000
256AG	372	Park Scoreboard Repl at Kiwanis Park & McCurry Park	(\$26,710)
246AE	375	East Fayette Gym Ceiling Tile Replacement	(\$25,000)
246AF	375	Kiwanis Replacement Center Ceiling Tile Refurbishment	(\$25,000)
256AI	372	East Fayette Gym Pipe Replacement and Parking Lot Access	(\$1,923)
NEW	372	McCurry Park Parking Lot Striping	\$10,000
NEW	372	McCurry Park Softball and Football Entrance Resurfacing	\$15,000
NEW	372	North McCurry Park Walking Trails	\$145,000
NEW	372	South McCurry Park Walking Trails Refurbishment	\$30,000
Total	Recreation		\$0
234AE	372	Crabapple Road Cul-De-Sac Construction	(\$8,331)
Total	Road Department		(\$8,331)
243AE	375	Roof Replacement for all Sheriff's Office Facilities	(\$95,024)
243AF	372	Watch Guard WIFI Camera Station	(\$11,367)
253AE	375	Gate Controllers - Jail	\$18,008
253AH	372	Replacement Body-Dash & Interview Camera Systems	(\$45,000)
NEW	375	Replacement Body-Dash Camera Systems	\$133,383
Total	Sheriff's Office		\$0
NEW		*Tax Assessor Office Additional Space	\$18,000
Total	Tax Assessor		\$18,000
193AH	375	Links Training Facility Concept Design & Site Development	\$10,282
21AR5	375	Fire Classroom & Training Facility	\$131
253AL	375	Fire Station 1 Remodel	(\$10,413)
Total	Fire		\$0
214BA	507	Advanced Metering Infrastructure - Public Education	(\$6,115)
21WSB	507	Private Water System Improvements	(\$156,043)
22WSH	507	SR 74/54 Relocation GDOT	(\$287,989)
24WSE	507	Lake Kedron Intake	\$37,321
24WSC	507	Crosstown WTP Painting	(\$14,167)
9WPMS	507	Water Plant Maintenance & Storage Building Improvements	(\$167,544)
NEW	507	Highway 74 Storage Tank	\$125,739
NEW	507	Drying Bed Replacement Crosstown	\$287,989
NEW	507	Dams Structural Rehabilitation	\$80,809
NEW	507	Lake Horton Trail Rebuild Contribution	\$100,000
Total	Water System		\$0
P23AA	SPLOST	Fire EMS Training Center Phase II	(\$1,107,829)
P23AE	SPLOST	Ambulance Replacement	\$1,107,829
Total	SPLOST		\$0

Project to be Closed

COUNTY AGENDA REQUEST

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Department: Sheriff's Office

Presenter(s): Major Michelle Walker

Meeting Date: Thursday, May 22, 2025

Type of Request: Consent #8

Wording for the Agenda:

Acknowledgment of Sheriff's decision to dispose of county property.

Background/History/Details:

The Fayette County Sheriff's Office will be selling one hundred ninety-four (194) Sig Sauer WE-320 Full and Carry weapons which were originally purchased with Equitable Sharing Funds. These weapons will be sold and monies will be deposited into the originating Equitable Sharing Funds account for law enforcement use.

What action are you seeking from the Board of Commissioners?

Acknowledgment of Sheriff's decision to sell one hundred ninety-four (194) weapons.

If this item requires funding, please describe:

Not applicable.

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

If so, when?

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

Backup Provided with Request? Yes

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

Approved by Finance Yes

Reviewed by Legal No

Approved by Purchasing Not Applicable

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

Serial Number	Make	Model	Cal.	Frame	Class	Purchase	Fund
148 Total W-320 FULL							
58H164207	Sig	W-320	9mm	Full	Pistol-semi	10/24/2019	Federal
58H164218	Sig	W-320	9mm	Full	Pistol-semi	10/24/2019	Federal
58H164219	Sig	W-320	9mm	Full	Pistol-semi	10/24/2019	Federal
58H164223	Sig	W-320	9mm	Full	Pistol-semi	10/24/2019	Federal
58H164224	Sig	W-320	9mm	Full	Pistol-semi	10/24/2019	Federal
58H200000	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200001	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200002	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200003	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200004	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200005	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200006	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200007	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200008	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200009	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200010	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200011	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200012	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200013	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200014	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200015	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200016	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200017	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200018	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200019	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200080	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200081	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal

58H200082	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200083	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200084	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200085	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
Serial Number	Make	Model	Cal.	Frame	Class	Purchase	Fund
58H200086	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200087	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200088	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200089	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200090	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200091	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200092	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200093	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200094	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200095	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200096	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200097	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200100	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200101	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200102	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200103	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200104	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200105	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200106	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200107	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200108	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200109	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200110	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200111	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal

58H200112	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200113	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200114	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200115	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200116	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200117	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200118	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200119	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal

Serial Number	Make	Model	Cal.	Frame	Class	Purchase	Fund
58H200120	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200121	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200122	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200123	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200124	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200125	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200126	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200127	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200128	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200129	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200130	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200131	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200132	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200133	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200134	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200135	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200136	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200137	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200138	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200139	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal

58H200140	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200141	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200142	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200143	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200144	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200145	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200146	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200147	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200148	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200149	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200150	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200151	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal

Serial Number	Make	Model	Cal.	Frame	Class	Purchase	Fund
58H200152	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200153	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200154	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200155	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200156	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200157	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200158	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200159	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200160	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200161	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200162	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200163	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200164	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200165	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200166	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal

58H200167	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200168	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200169	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200170	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200171	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200172	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200173	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200174	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200175	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200176	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200177	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200178	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200179	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200180	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200181	Sig	W-320	9mm	Full	Pistol-semi	1/1/2020	Federal

Serial Number	Make	Model	Cal.	Frame	Class	Purchase	Fund
58H200182	Sig	P-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200183	Sig	P-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200184	Sig	P-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200185	Sig	P-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200186	Sig	P-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200187	Sig	P-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200188	Sig	P-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200189	Sig	P-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200190	Sig	P-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200191	Sig	P-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200192	Sig	P-320	9mm	Full	Pistol-semi	1/1/2020	Federal
58H200193	Sig	P-320	9mm	Full	Pistol-semi	1/1/2020	Federal

Serial Number	Make	Model	Cal.	Frame	Class	Purchase	Fund
46 Total W320 Carry							
58H199201	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58H199202	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58H199203	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58H199208	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016763	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016764	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016765	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016766	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016767	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016768	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016769	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016770	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016771	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016772	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016773	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016774	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016775	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016776	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016777	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016778	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016779	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016780	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016781	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016782	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016783	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016784	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016785	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016786	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016787	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal
58J016788	Sig	W-320	9mm	Carry	Pistol-semi	1/24/2020	Federal

BOARD OF COUNTY COMMISSIONERS

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

Consent #9

FAYETTE COUNTY, GEORGIA

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

140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214



MINUTES

May 8, 2025
5:00 p.m.

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

OFFICIAL SESSION:

Call to Order

Chairman Lee Hearn called the May 8, 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 Oddo

Commissioner Charles Oddo gave the Invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda

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

PROCLAMATION/RECOGNITION:

1. Recognition of Fayette County 4-H's achievements at the District Project Achievement event.

Youth Development Agent Cara Rhoad, with Fayette County Extension Office, recognized Fayette County 4-H's achievements at the District Project Achievement event. Project Achievement was the cornerstone of the 4-H program. She explained that participants were tasked with developing and presenting a demonstration on a topic of interest. The participants practiced public speaking, writing, research, independence, responsibility, belonging, and processing information. This program promoted all the essential elements of youth development: belonging, mastery, independence, and generosity. Ms. Rhoads noted that the program was offered to fifth through twelfth graders, and learning opportunities increased with age.

2. Recognition of National Public Works Week Proclamation.

Public Works Director, Phil Mallon, on behalf of the Board, recognized the week of May 18 - 24, 2025 as National Public Works Week. Mr. Mallon read the National Public Works Week Proclamation, which outlined that this year's theme, "People, Purpose, Presence," highlighted three cornerstone ideals that motivate public works professionals to serve in their communities every day.

PUBLIC HEARING:

PUBLIC COMMENT:

Victoria Brozales expressed her concerns regarding fair pay for Public Safety and education professionals e.g. police, sheriffs, and teachers.

Commissioner Maxwell thanked young Ms. Brozales for her bravery in speaking and her forethought and interest in community issues.

County Administrator Steve Rapson outlined past initiatives the County put in place, specifically related to increased pay for public safety staff. And stated that there were plans to discuss the possibility for merit/pay increases as we enter the budget season.

CONSENT AGENDA:

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

3. **Approval of the re-appointment of Kevin Baggett to Position 3 of the Region 04 Emergency Medical Services Advisory Council (REMSAC) for a three-year term to expire June 30, 2028.**
4. **Approval of the re-appointment of Scott Roberts to Position 4 of the Region 04 Emergency Medical Services Advisory Council (REMSAC) for a three-year term to expire June 30, 2028.**
5. **Approval of April 22, 2025 Board of Commissioners Meeting Minutes.**

OLD BUSINESS

NEW BUSINESS:

6. **Request to approve Ordinance 2025-02, to revise Fayette County Code of Ordinance, Chapter 104 - Development Regulations, Article III. - Street Design Standards and Specifications; Sec. 104-58. - Utilities, to establish and adopt a Utility Permit Fee Schedule.**

Utility Manager Matt Bergan noted that items #6 & #7 were related. He stated that this item was requesting adoption of the revised Ordinance which would allow staff to utilize the new permit fees. Mr. Bergan requested that the effective date be updated to June 1st. He stated that the utility contractors have been advised of the proposed effective date.

Vice Chairman Gibbons moved to approved Ordinance 2025-02, to revise Fayette County Code of Ordinance, Chapter 104 - Development Regulations, Article III. - Street Design Standards and Specifications; Sec. 104-58. - Utilities, to establish and adopt a Utility Permit Fee Schedule, effective June 1st. Commissioner Oddo seconded.

Commissioner Maxwell asked if someone was doing utility work within a neighborhood, would they receive one permit that would cover the entire neighborhood or would they have to get a permit for each lot.

Mr. Bergan stated that the requirement was one permit per project.

Commissioner Maxwell asked if there was a comparison chart available that outlined current permit rates as well as rates for neighboring Counties.

Mr. Bergan outlined past permit rates and the proposed rates. He noted that currently the permit fee was \$25 and \$12.50 per mile. He highlighted that the first mile was included in the permit fee, which would change with the proposed revisions. Mr. Bergan outlined various permit fees from surrounding jurisdictions in the Metro Atlanta area.

Commissioner Maxwell highlighted that with this permit fee revision, the goal was only to cover costs and not to make a profit.

Mr. Bergan stated that it was the goal but acknowledged that because this would be the first year with the revised fees, there would be some fluctuations. He also noted that staff discovered there may be issues that would require resolution and that may affect overall cost coverage.

Chairman Hearn asked if this would cover underground or overheard work.

Mr. Bergan stated both underground and overhead work.

Chairman Hearn asked how much revenue this would generate.

Mr. Rapson stated that this would generate about \$45k.

Commissioner Rousseau stated, as a point of clarification, that a couple of years ago there were concerns that the legislature allowed Utility [companies] to do what they wanted without any say or input from the County or local jurisdiction.

Mr. Bergan stated that was correct and if the utility was regulated by the Public Service Commission, (e.g. large power/electric services and natural gas) that still was the case.

Commissioner Rousseau asked if issues related to non-coordination with utilities, were the norm.

Mr. Bergan stated that with this being the first year of the revised fee schedule that could not be determined yet. However, he stated that he did believe this would assist with future coordination with heightened exceptions from the County.

Commissioner Rousseau stated that one of the things he would want staff to pay close attention to was when the DRI's (Development of Regional Impact) were done. To be able to provide adequate input garnering a higher level of scrutiny and influence, specifically as it related to utilities such as power/electricity, as projects were proposed and developed throughout the County.

Vice Chairman Gibbons moved to approved Ordinance 2025-02, to revise Fayette County Code of Ordinance, Chapter 104 - Development Regulations, Article III. - Street Design Standards and Specifications; Sec. 104-58. - Utilities, to establish and adopt a Utility Permit Fee Schedule, effective June 1st. Commissioner Oddo seconded. The motion passed 5-0.

7. Request to approve Resolution 2025-02 to adopt a Utility Permit Fee Schedule for Utility Permits.

Vice Chairman Gibbons moved to approve Resolution 2025-02 to adopt a Utility Permit Fee Schedule for Utility Permits, effective June 1st. Commissioner Rousseau seconded. The motion passed 5-0.

8. Request for approval to submit the County's 2024 Maintenance & Operations millage rate of 3.763 for the Notice of Assessment to be sent in May 2025 by the Assessor's Office.

Chief Finance Officer, Sheryl Weinmann, stated that due to the newly enacted HB 581, a new Notice of Assessment (NOA) would be sent by the Assessor's Office to the taxpayers of Fayette County. She stated that the new NOA would include the County's Maintenance & Operations (M&O), as well as the M&O millage rates for each levying authority in Fayette County, including Fayette, Town of Brooks, City of Fayetteville, City of Peachtree City, Town of Tyrone and the Fayette County Board of Education. She stated that the rate on the NOA had to be either the estimated rollback rate or the existing millage rate for that municipality. After discussions with all municipalities, each jurisdiction decided to use the existing millage rate on the NOA. If the existing rate is chosen, there would be a note on the NOA stating that no estimated rollback rate was provided. In either case, if the final millage calculation was higher than the rate on the NOA, there will be another note stating that the millage rate was higher than provided on the NOA. Also, if the municipality's existing rate was on the NOA, then the NOA would reflect a dollar amount of the bill. If the municipality's estimated rollback rate is on the NOA, then only the millage rate would be reflected. She noted that this will be confusing for taxpayers. Ms. Weinmann advised that also, the NOA would not include special service districts so the NOA would not reflect a full tax bill for each. Each municipality can select the millage rate they choose to provide on the NOA. She stated that she provided the millage rate of 3.763 to the Assessor's Office in accordance with the law and would be printed on the NOA.

Commissioner Oddo asked if under this new law, the base year, would be this year.

Ms. Weinmann stated that 2024 values would be used as the base year, however the mileage rate could change.

Mr. Rapson stated that this was a state law requiring us to handle it this way. As mentioned, the options were to either provide an estimated rollback rate or the existing millage rate. The approach for the County was to use the current milage rate.

Commissioner Rousseau asked Ms. Weinmann if she could create a millage rate/ Notice of Assessment (NOA) cheat sheet including information that could be easily explained to confused taxpayers.

Commissioner Rousseau moved to approve to submit the County's 2024 Maintenance & Operations millage rate of 3.763 for the Notice of Assessment to be sent in May 2025 by the Assessor's Office. Commissioner Oddo seconded. The motion passed 5-0.

9. Request to approve Local Road Assistance (LRA) project list for unincorporated Fayette County, authorize the Chairman to sign the application and related documents, and to accept \$1,188,974.20 in LRA funds to be received from Georgia Department of Transportation (GDOT) and allow the Finance Department to amend FY25 / FY26 revenue and expenditures budget appropriately.

Public Works, Phil Mallon, stated that in March the Governor and Legislature amended the state budget for Fayette County to receive an additional \$1,188,974.20 in FY 2025 for roadway maintenance. These funds would require no local match. He advised that in accordance with LMIG program guidelines, County staff had prepared a project list in excess of this amount. The continued focus of the 2025 list was on roadway pavement maintenance: including asphalt resurfacing, milling, patching, micro surfacing and striping. Fayette County LRA application and project list must be submitted to Georgia Department of Transportation (GDOT) by June 15, 2025. A check for the grant funds, up to \$1,188,974.20, would be sent to Fayette County. He noted that the Tyrone Road project was being targeted for these funds.

Commissioner Oddo moved to approve the Local Road Assistance (LRA) project list for unincorporated Fayette County, authorize the Chairman to sign the application and related documents, and to accept \$1,188,974.20 in LRA funds to be received from Georgia Department of Transportation (GDOT) and allow the Finance Department to amend FY25 / FY26 revenue and expenditures budget appropriately. Vice Chairman Gibbons seconded.

Commissioner Maxwell stated that in reviewing the project list which noted Tyrone Road as the project of focus, amongst a few other roads, if this was a priority list, or a list established by the Board.

Mr. Mallon stated that County staff had prepared a project list, which they created for every LMIG program grant application. He noted that he was hesitant to deem it a priority list but stated that the roads outlined are the most in need of repair.

Commissioner Maxwell expressed his concern asking if this was the best time to start this type of project highlighting the current construction work and traffic from QTS. He asked, if approved, when would this tentative project start.

Mr. Mallon stated that if approved the goal was to start this project this summer. He agreed that this would be a tasking few days while the project was ongoing. He noted that the work would be well-coordinated to try and minimize impacts and added that because this would not be a full-depth reformation, it should be a quick turnaround.

Mr. Rapson stated that as part of the FY26 budget that budget line item as allocated for \$1.310M and from this grant the County would receive \$1.188M. As a result, the difference would be funded in this year's budget. With that in mind, the intent was to prioritize Tyrone Road.

Commissioner Maxwell stated that he was not disputing that work was needed on Tyrone Road, however, his concern was that this may not be the best time to conduct this type of project considering the type of work going on in that area, on that road specifically. He stated that he did not want to start receiving phone calls related to traffic due to road work from constituents in the middle of his district.

Mr. Rapson stated that if approved, the projects outlined on the list would be the projects the grants funds were used for. If Tyrone Road was not selected to complete, he was confident they could get close to completing all the other projects listed.

Commissioner Maxwell stated he was not suggesting, not working on Tyrone Road but was concerned about whether this was the best time for that work to be done.

Mr. Mallon stated that it was a valid concern and stated that he would reach out to staff and QTS to determine an appropriate plan. He noted that their construction schedule extended out several years so waiting for QTS construction to be completed would be 5-6 years and Tyrone Road needed repairs now. Waiting that long was not a viable option.

Commissioner Oddo moved to approve the Local Road Assistance (LRA) project list for unincorporated Fayette County, authorize the Chairman to sign the application and related documents, and to accept \$1,188,974.20 in LRA funds to be received from Georgia Department of Transportation (GDOT) and allow the Finance Department to amend FY25 / FY26 revenue and expenditures budget appropriately. Vice Chairman Gibbons seconded. The motion passed 5-0.

10. Request to enter into an Agreement with QTS Fayetteville I LLC, related to Contract #2567-B QTS; Traffic Signal and Guardrail on Tyrone Road project.

Mr. Mallon stated that items #10 and #11 were correlated. This item was seeking approval to fully execute an agreement with QTS Fayetteville I LLC, for the construction of a traffic signal and guardrail on the Tyrone Road project. He noted that the agreement was developed via County staff and vetted through and approved by both County and QTS legal departments. Mr. Mallon briefly outlined details of the agreement and related project. He noted that QTS did the design work and the County took that design package and placed it out for bid. The County would let the contract for construction and oversee the project since it was in the County's right-of-way and QTS would reimburse the County 100% for all costs associated with construction. Mr. Mallon noted that the agreement also discussed how the operation of the signal would be monitored over time and included a sunset period for re-evaluation. Once QTS construction was completed it may be determined that the signal was no longer needed once a study was conducted, with the County making the final decision.

Vice Chairman Gibbons moved to approve to enter into an Agreement with QTS Fayetteville I LLC, related to Contract #2567-B QTS; Traffic Signal and Guardrail on Tyrone Road project. Commissioner Oddo seconded. The motion passed 4-1, with Commissioner Rousseau voting in opposition.

11. Request to award Bid #2567-B to the lowest responsive, responsible bidder, NGT Group LLC, in the amount of \$145,047.59 for installation of a traffic signal, supporting equipment, and guardrail at the QTS Data Center driveway on Tyrone Road.

Mr. Mallon stated that this item was seeking approval to Bid #2567-B to the lowest responsive, responsible bidder, NGT Group LLC, in the amount of \$145,047.59 for installation of a traffic signal, supporting equipment, and guardrail at the QTS Data Center driveway on Tyrone Road. Mr. Mallon extended a thank you to QTS and expressed his appreciation in working with them as a partner within the County.

Vice Chairman Gibbons moved to approve to award Bid #2567-B to the lowest responsive, responsible bidder, NGT Group LLC, in the amount of \$145,047.59 for installation of a traffic signal, supporting equipment, and guardrail at the QTS Data Center driveway on Tyrone Road. Commissioner Oddo seconded. The motion passed 5-0.

ADMINISTRATOR'S REPORTS:

Hot Project Report

Mr. Rapson updated the Board on the projects including the Stormwater and Transportation project, Parks and Recreation Multi-Use Facility, Starr's Mill Tunnel, Coastline Bridge Improvements, Cedar Trail Culvert Replacement, Old Ivey Stormwater replacement, and Water System Update on the AMI project.

Mr. Rapson acknowledged and congratulated the following staff and elected officials who recently received ACCG certifications: Amanda Schoonover, Deborah Bell, Steve Hoffman, Lee Ann Bartlett, Leslie Neiber, Lewis Patterson and Commissioner Charles Oddo

Mr. Rapson reminded the Board and those in attendance that the County would be hosting the Annual Retreat, Friday, May 9, 2025, at Fayette County Chamber of Commerce, with breakfast starting at 7:30 a.m.

ATTORNEY'S REPORTS:

Notice of Executive Session: Assistant County Patrick Stough stated that there were two items for Executive Session. One item involving pending litigation, and the review of the April 22, 2025 Executive Session Minutes.

COMMISSIONERS' REPORTS:

Commissioner Rousseau recognized National Nurses Week, thanking them for all they do. And in recognition of the Fayette County Fire and EMS Training Facility, he extended his appreciation and thanked the family of those serving in that capacity.

EXECUTIVE SESSION:

One item involving pending litigation, and the review of the April 22, 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 5:47 p.m. and returned to Official Session at 5:54 p.m.

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

Approval of the April 22, 2025 Executive Session Minutes: Vice Chairman Gibbons moved to approve April 22, 2025 Executive Session Minutes. Commissioner Oddo seconded the motion. The motion passed 5-0.

Workers Compensation Settlement

Mr. Stough advised the Board of a workers compensation settlement for Reginald Jordan, stating that a proposed settlement agreement with Mr. Jordan was in the amount of \$115K. Mr. Stough stated that the agreement included the standard release documents including a confidentially provision, non-disparagement agreement and agreement not to seek employment again with Fayette County, along with the termination agreement.

Vice Chairman Gibbons moved to approve settlement agreement for Reginald Jordan in the amount of \$115,000, with the standard release documents. Commissioner Oddo seconded. The motion passed 5-0.

ADJOURNMENT:

Commissioner Oddo moved to adjourn the May 8, 2025 Board of Commissioners meeting. Vice Chairman Gibbons seconded. The motion passed 5-0.

The May 8, 2025, Board of Commissioners meeting adjourned at 5:56 p.m.

Marlena Edwards, Chief Deputy County Clerk

Lee Hearn, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 22nd day of May 2025. Attachments are available upon request at the County Clerk's Office.

COUNTY AGENDA REQUEST

Page 168 of 180

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Request to approve Resolution 2025-03 to adopt and transmit the Fayette County 2024 Annual Report on Fire Services Impact Fees (FY2024), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2025-FY2029).

Background/History/Details:

As required by the Georgia Development Impact Fee Act and the Minimum Planning Standards, Fayette County in collaboration with Tyrone, Brooks, and Woolsey, has prepared the Fayette County 2024 Annual Report on Fire Services Impact Fees (FY2024), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2025-FY2029.) This is the public hearing to present the report for approval to transmit to ARC/DCA. Brooks, Tyrone and Woolsey approved the report for transmittal to ARC for coordination of state and regional review.

We received notification of compliance from the Georgia Department of Community Affairs and the Atlanta Regional Commission for the 2024 Fire Services Impact Fee Report including amendment to the Capital Improvements Element and Short Term Work Program of the Comprehensive Plan. The BOC approved the Resolution to Transmit the report to DCA on February 27, 2025.

The next step is for each local government to adopt the Report and for the adopting Resolutions to be transmitted to ARC. The Towns of Brooks, Tyrone and Woolsey each passed a resolution to adopt the 2024 Report. The deadline for this adoption and transmittal of the adopting Resolutions to ARC is June 30, 2025. These actions are required for each government to retain its Qualified Local Government status.

What action are you seeking from the Board of Commissioners?

Approval of Resolution 2025-03 to adopt and transmit the Fayette County 2023 Annual Report on Fire Services Impact Fees (FY2024), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2025-FY2029).

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

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

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:

**COUNTY OF FAYETTE
STATE OF GEORGIA**

RESOLUTION NO. 2025-

A RESOLUTION TO ADOPT THE FAYETTE COUNTY 2024 ANNUAL REPORT ON FIRE SERVICES IMPACT FEES (FY2024), INCLUDING COMPREHENSIVE PLAN AMENDMENTS FOR UPDATES TO THE CAPITAL IMPROVEMENTS ELEMENT AND SHORT-TERM WORK PROGRAM (FY2025 - FY2029)

WHEREAS, Fayette County has in collaboration with the towns of Tyrone, Brooks, and Woolsey prepared the “Fayette County 2024 Annual Report on Fire Services Impact Fees (FY2024), Including, Comprehensive Plan Amendments for Updates to the Capital Improvements Element and the Short-Term Work Program (FY2025-FY2029),” and

WHEREAS, the annual update was prepared in accordance with requirements of the Georgia Development Impact Fee Act and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989; and

WHEREAS, on the 27th day of February 2025, the Fayette County Board of Commissioners conducted a public hearing on the 2024 Fire Services Impact Fee Report and proposed Comprehensive Plan amendments; approved that report and authorized transmittal to the Atlanta Regional Commission for coordination of regional and state review; and

WHEREAS, the Regional and State reviews have been completed and a notification of compliance has been received from ARC.

BE IT THEREFORE RESOLVED THAT the Fayette County Board of Commissioners does hereby adopt the “Fayette County 2024 Annual Report on Fire Services Impact Fees (FY2024) Including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and the Short-Term Work Program (FY2025-FY2029).”

ADOPTED by the Fayette County Board of Commissioners on this 22nd day of May 2025.

**FAYETTE COUNTY
BOARD OF COMMISSIONERS**

Lee Hearn, Chairman
Board of Commissioners

ATTEST:

Clerk/Deputy Clerk

Fayette County and Towns of Brooks, Tyrone, and Woolsey Summary Impact Fee Financial Report FY2024 *	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2024 By Jurisdiction	
Fayette County	74,197.79
Brooks	4,203.99
Tyrone	13,267.16
Woolsey	600.57
Total	\$92,269.51
Accrued Interest	142.23
(Administrative Other Costs)	(2,687.16)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(89,724.58)
Impact Fee Fund Balance Ending FY 2024	\$0.00
Impact Fees Encumbered	
	\$0.00

* The service area for the Fire Impact Fee does not include Peachtree City and Fayetteville.

Fayette County Impact Fee Financial Report FY2024	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2024 By Jurisdiction	
Fayette County	74,197.79
Accrued Interest	114.37
(Administrative Other Costs)	(2,160.86)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(72,151.30)
Impact Fee Fund Balance Ending FY 2024	\$0.00
Impact Fees Encumbered	\$0.00

**TOWN OF BROOKS
STATE OF GEORGIA**

RESOLUTION NO. 2025-003

A RESOLUTION TO ADOPT THE FAYETTE COUNTY 2024 ANNUAL REPORT ON FIRE SERVICES IMPACT FEES (FY 2024), INCLUDING COMPREHENSIVE PLAN AMENDMENTS FOR UPDATES TO THE CAPITAL IMPROVEMENTS ELEMENT AND SHORT-TERM WORK PROGRAM (FY2025- FY2029) – BROOKS SUBSECTION

WHEREAS, Fayette County has in collaboration with the towns of Tyrone, Brooks, and Woolsey prepared the “Fayette County 2024 Annual Report on Fire Services Impact Fees (FY2024), Including, Comprehensive Plan Amendments for Updates to the Capital Improvements Element and the Short-Term Work Program (FY2025-FY2029),” and

WHEREAS, the annual update was prepared in accordance with requirements of the Georgia Development Impact Fee Act and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989; and

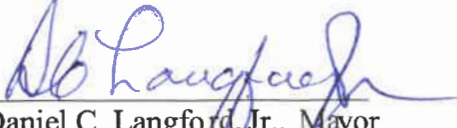
WHEREAS, on the 27th day of January 2025, the Brooks Town Council conducted a public hearing on the 2024 Fire Services Impact Fee Report and proposed Comprehensive Plan amendments; approved that report and authorized transmittal to the Atlanta Regional Commission for coordination of regional and state review; and

WHEREAS, the Regional and State reviews have been completed and a notification of compliance has been received from ARC.

BE IT THEREFORE RESOLVED THAT the Brooks Town Council does hereby adopt the “Fayette County 2024 Annual Report on Fire Services Impact Fees (FY2024) Including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and the Short-Term Work Program (FY2025-FY2029)” – Brooks Subsection.

ADOPTED by the Brooks Town Council on this 21st day of April 2025.

BROOKS, GEORGIA


Daniel C. Langford, Jr., Mayor,

ATTEST:


Town Clerk

Brooks Impact Fee Financial Report FY2024	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2024 By Jurisdiction	
Brooks	4,203.99
Accrued Interest	6.48
(Administrative Other Costs)	(122.43)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(4,088.04)
Impact Fee Fund Balance Ending FY 2024	\$0.00
Impact Fees Encumbered	\$0.00

**TOWN OF TYRONE
STATE OF GEORGIA**

RESOLUTION NO. 2025- 03

A RESOLUTION TO ADOPT THE FAYETTE COUNTY 2024 ANNUAL REPORT ON FIRE SERVICES IMPACT FEES (FY 2024), INCLUDING COMPREHENSIVE PLAN AMENDMENTS FOR UPDATES TO THE CAPITAL IMPROVEMENTS ELEMENT AND SHORT-TERM WORK PROGRAM (FY2025- FY2029) – TYRONE SUBSECTION

WHEREAS, Fayette County has in collaboration with the towns of Brooks, Tyrone, and Woolsey prepared the “Fayette County 2024 Annual Report on Fire Services Impact Fees (FY2022), Including, Comprehensive Plan Amendments for Updates to the Capital Improvements Element and the Short-Term Work Program (FY2025-FY2029),” and

WHEREAS, the annual update was prepared in accordance with requirements of the Georgia Development Impact Fee Act and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989; and


WHEREAS, on the 16th day of January 2025, the Tyrone Town Council conducted a public hearing on the 2024 Fire Services Impact Fee Report and proposed Comprehensive Plan amendments; approved that report and authorized transmittal to the Atlanta Regional Commission for coordination of regional and state review; and

WHEREAS, the Regional and State reviews have been completed and a notification of compliance has been received from ARC.


BE IT THEREFORE RESOLVED THAT the Tyrone Town Council does hereby adopt the “Fayette County 2024 Annual Report on Fire Services Impact Fees (FY2024) Including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and the Short-Term Work Program (FY2025-FY2029)” – Tyrone Subsection.

ADOPTED by the Tyrone Town Council this 1 day of May, 2025.

TYRONE, GEORGIA


Eric Dial, Mayor,

ATTEST:


Town Clerk

Tyrone Impact Fee Financial Report FY2024	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2024 By Jurisdiction	
Tyrone	13,267.16
Accrued Interest	20.45
(Administrative Other Costs)	(386.38)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(12,901.23)
Impact Fee Fund Balance Ending FY 2024	\$0.00
Impact Fees Encumbered	\$0.00

**TOWN OF WOOLSEY
STATE OF GEORGIA**

RESOLUTION NO. 2025- 05

A RESOLUTION TO ADOPT THE FAYETTE COUNTY 2024 ANNUAL REPORT ON FIRE SERVICES IMPACT FEES (FY 2024), INCLUDING COMPREHENSIVE PLAN AMENDMENTS FOR UPDATES TO THE CAPITAL IMPROVEMENTS ELEMENT AND SHORT-TERM WORK PROGRAM (FY2025- FY2029) – WOOLSEY SUBSECTION

WHEREAS, Fayette County has in collaboration with the towns of Brooks, Tyrone, and Woolsey prepared the “Fayette County 2024 Annual Report on Fire Services Impact Fees (FY2023), Including, Comprehensive Plan Amendments for Updates to the Capital Improvements Element and the Short-Term Work Program (FY2025-FY2029),” and

WHEREAS, the annual update was prepared in accordance with requirements of the Georgia Development Impact Fee Act and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989; and

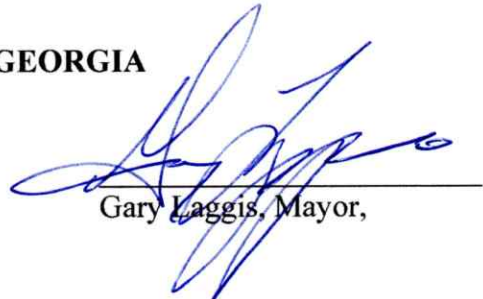
WHEREAS, on the 13th day of January 2025, the Woolsey Town Council conducted a public hearing on the 2024 Fire Services Impact Fee Report and proposed Comprehensive Plan amendments; approved that report and authorized transmittal to the Atlanta Regional Commission for coordination of regional and state review; and

WHEREAS, the Regional and State reviews have been completed and a notification of compliance has been received from ARC.

BE IT THEREFORE RESOLVED THAT the Woolsey Town Council does hereby adopt the “Fayette County 2024 Annual Report on Fire Services Impact Fees (FY2024) Including Comprehensive Plan Amendments for Updates to the Capital Improvements Element and the Short-Term Work Program (FY2025-FY2029)” – Woolsey Subsection.


ADOPTED by the Woolsey Town Council this 14th day of April, 2025.

WOOLSEY, GEORGIA



Gary Laggis, Mayor,

ATTEST:



Stacey Collins, Town Clerk

Woolsey Impact Fee Financial Report FY2024	
	Fire Services
Total Impact Fee Balance From Previous Fiscal Year	\$0.00
Impact Fees Collected in FY 2024 By Jurisdiction	
Woolsey	600.57
Accrued Interest	0.93
(Administrative Other Costs)	(17.49)
(Impact Fee Refunds)	\$0.00
(Impact Fee Expenditures)	(584.01)
Impact Fee Fund Balance Ending FY 2024	\$0.00
Impact Fees Encumbered	\$0.00

Fayette County Comprehensive Plan Amendment - Capital Improvement Element - Project Update FY2025 - FY2029

Public Facility - Fire Services

Project Description	FY Project Start	FY Project End	Actual / Estimated Cost of Project	Funding from Impact Fees	Percent By Impact Fees	Other Funding Sources	Current Year Impact Fee Applied	Impact Fee Applied Previous Years	Remaining amount to be funded from impact fees	Status / Remarks
Construct Fire Station 1: SR 279	FY 2002	FY 2002	\$ 872,836	\$ 471,331	54.00%	Fire Tax	na	\$471,331	\$0	Completed in FY 2002
Construct Fire Station 10: Seay Road	FY 2002	FY 2002	\$ 838,295	\$ 687,402	82.00%	Fire Tax	na	\$687,402	\$0	Completed in FY 2002
Construct Fire Station 5: SR 85 South	FY 2002	FY 2003	\$ 1,191,565	\$ 369,385	31.00%	Fire Tax	na	\$369,385	\$0	Completed in FY 2003
Construct Fire Station 7: Hampton Road	FY 2003	FY 2003	\$ 1,066,472	\$ 586,559	55.00%	Fire Tax	na	\$586,559	\$0	Completed in FY 2003
Purchase Acreage for Future Fire Station - McElroy Road	FY 2004	FY 2004	\$ 25,000	\$ 25,000	100.00%	None	na	\$25,000	\$0	Completed in FY 2004
Purchase two (2) Quints	FY 2006	FY 2007	\$ 675,000	\$ 675,000	100.00%	None	na	\$675,000	\$0	Purchased in FY 2007
Emergency Operations Center	FY 2012	FY 2015	\$ 1,107,921	\$ 131,864	83.50%	Fire Tax / Grant	na	\$131,864	\$0	Completed in FY15
Construct Fire Training Center (Burn Building)	FY 2018	Future	\$ 1,120,000	\$ 253,680	22.65%	Fire Tax	na	\$253,680	\$0	Estimated FY2024
Construct FS2: S.R. 92N	FY 2018	FY2021	\$ 1,644,000	\$ 164,400	10.00%	Fire Tax	na	\$164,400	\$0	Completed in FY2021
Construct FS14: Sandy Creek/Flat Ck	Future	Future	\$ 1,613,773	\$ 1,613,773	100.00%	None	\$89,582	\$293,591	\$1,230,600	Future/Planned
Construct FS15: Ginger Cake/Graves	Future	Future	\$ 2,061,333	\$ 2,061,333	100.00%	None	\$0	\$0	\$2,061,333	Future/Planned
Rescue Truck (1)	Future	Future	\$ 224,334	\$ 224,334	100.00%	None	\$0	\$0	\$224,334	Estimated FY2023
Brush Truck (1)	Future	Future	\$ 57,011	\$ 57,011	100.00%	None	\$0	\$0	\$57,011	Estimated FY2025
Engine/Pumpers (8) - 2 Purchased in FY2018; 1 Purchased in FY2019; 1 purchased in FY2020;	FY 2018	Future	\$ 3,252,082	\$ 3,252,082	100.00%	None	\$0	\$0	\$3,252,082	In Progress
Totals			\$ 15,749,622	\$ 10,573,155			\$ 89,582	\$ 3,658,212	\$6,825,360	

From: [Donald Shockey](#)
To: [Deborah L Bell](#)
Cc: [Andrew Smith](#)
Subject: FW: Fayette County & Cities CIE Update: Approved
Date: Friday, April 11, 2025 1:14:03 PM
Attachments: [image726010.png](#)
[image981306.png](#)
[image970062.png](#)
[image656375.png](#)
[image206585.png](#)
[image680926.png](#)
[RSImage-106592.png](#)
[RSImage-106597.png](#)
[RSImage-106595.png](#)
[RSImage-106596.png](#)
[RSImage-106594.png](#)

External Email Be cautious of sender, content, and links

Hi Debbie,

Per the below, the DCA has approved the Update. No comments were received from any regional stakeholders. The County can now proceed with finalizing and adopting the Update. Please submit the adoption resolution and final version once that's done and we'll follow up as needed with the DCA.

Best,

Donald Shockey AICP-CUD, LEED GA, CNU-A
 Senior Planner
 Community Development



(O) 470.378.1531 | DShockey@atlantaregional.org



Atlanta Regional Commission | 229 Peachtree Street, NE | Suite 100
 Atlanta, Georgia 30303

CONFIDENTIALITY NOTICE: This message and all attachments, sent from DShockey@atlantaregional.org to dbell@fayettecountyga.gov on Fri Apr 11 13:13:49 EDT 2025, are covered by the [Electronic Communications Privacy Act, 18 U.S.C. 2510-2521](#) and may contain legally privileged, confidential, or otherwise protected by law information intended solely for the addressee. If you are not the intended recipient dbell@fayettecountyga.gov you should immediately stop reading this message and delete it from your system. Any unauthorized reading, distribution, copying, or other use of this message or its attachments is strictly prohibited. Any views or opinions presented in this email are solely those of the author. If you received this message in error, please notify the sender and delete the message immediately.

From: Juli M. Yoder <juli.yoder@gadca.onmicrosoft.com>
Sent: Thursday, April 10, 2025 10:48 AM

To: Andrew Smith <ASmith@atlantaregional.org>
Cc: Planning <planning@dca.ga.gov>; Donald Shockey <DShockey@atlantaregional.org>
Subject: Fayette County & Cities CIE Update: Approved

Andrew,

Our staff has reviewed the Annual Capital Improvement Element (CIE) Update for Fayette County and the Towns of Brooks, Tyrone, and Woolsey and finds that it adequately addresses applicable requirements. The next step is for the local governments to adopt the CIE Update. As soon as your office provides written notice that the CIE Update has been adopted and provides DCA with a digital copy of the final adopted version of this document, we will notify the local government that its Qualified Local Government status has been extended. If you have any questions, please contact us at 404-679-5279.

Thanks,



**GEORGIA DEPARTMENT
of COMMUNITY AFFAIRS**

[Learn more about our commitment to *fair housing*.](#)



Juli M. Yoder, AICP
Principal Planner | Manager
Direct: [404-327-6860](tel:404-327-6860)
dca.georgia.gov