

BOARD MEMBERS

John H. Culbreth, Sr., Chairman
Danny England, Vice-Chairman
Al Gilbert
Brian Haren
Arnold L. Martin, III

STAFF

Peter A. Frisina, Director of Community Services
Chanelle N. Blaine, Zoning Administrator
Howard Johnson, Planning & Zoning Coordinator

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
July 2, 2019
7:00 pm

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

1. Consideration of Minutes of the Planning Commission meeting held on Thursday June 20, 2019.

PUBLIC HEARING

2. Consideration of Petition No. 1286-19, Danny B. Dougherty, Jr & Patricia Nolde, Owners, request to rezone 6.833 acres from R-40 to A-R. This property is located in Land Lot 65 of the 5th District, and fronts on Lester Road.
3. Consideration of Petition No. 1287-19, Eric Thomas, Owner, request to rezone 9.66 acres from A-R to R-70. This property is located in Land Lot 254 of the 5th District, and fronts on S. Kite Lake Road.
4. Consideration of Petition No. RP-072-19, Cindy Sims Estate, request to add 1.388 acres of property from an adjacent tract to an existing 11.892 acre lot and to add one lot to the subdivision by subdividing the lot into two separate lots. This property is located in Land Lot(s) 72, 73, 88, & 89 of the 7th District, and fronts on Ellison Road.

REQUESTED ACTION: R-40 to A-R

PROPOSED USE: Residential/Agricultural

EXISTING USE: Residential

LOCATION: Lester Road & Red Fox Run

DISTRICT/LAND LOT(S): 5th District, Land Lot(s) 65

OWNER: Danny B. Dougherty, Jr & Patricia Nolde

PLANNING COMMISSION PUBLIC HEARING: July 2, 2019

BOARD OF COMMISSIONERS PUBLIC HEARING: July 25, 2019



APPLICANT'S INTENT

Applicant proposes to rezone 6.833 acres from R-40 to A-R.

STAFF RECOMMENDATION

APPROVAL

1.

1286-19

[Type here]

INVESTIGATION

A. PROPERTY SITE

The subject property is a 6.833 acre tract fronting on Lester Road and Red Fox Run in Land Lot 65 of the 5th District. Lester Road is classified as a Minor Arterial road and Red Fox Run an Internal Local road on the Fayette County Thoroughfare Plan. The subject property contains a single-family residence and airplane hangar.

B. SURROUNDING ZONING AND USES

The general situation is a 6.833 acres tract that is zoned R-40. In the vicinity of the subject property is land which is zoned R-40, R-70 and A-R. See the following table and also the attached Zoning Location Map.

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

Direction	Acreage	Zoning	Use	Comprehensive Plan
North & East (across Red Fox Run)	4.8	R-40	Single-family Residential	Rural Residential – 2 (1 Unit/2 Acres)
	4.6	R-40	Single-family Residential	
	4.4	R-40	Single-family Residential	
South	20.4	R-40	Single-family Residential	Rural Residential – 3 (1 Unit/3 Acres)
West (across Lester Road)	6.44	A-R	Single-family Residential	Rural Residential – 3 (1 Unit/3 Acres)
	5.4	R-70	Single-family Residential	

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Rural Residential - 3 (1 Unit/3 Acres). This request conforms to the residential density in the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone from R-40 to A-R for agricultural use. The survey submitted with the rezoning indicates that an existing accessory structure labeled as 1 story metal hanger is within the 100 foot A-R front yard setback. Staff will recommend a condition that all necessary variances be approved by the Zoning Board of Appeals within 180 days of the approval of this rezoning petition. Also, the survey indicates a 50 foot A-R front yard setback along Red Fox Run. The actual A-R setback is 75 feet.

E. DEPARTMENTAL COMMENTS

Water System

No Conflict

Public Works/Engineering

This is for the rezoning of one lot from R-40 to A-R. No R/W dedication is required. There are no Engineering/Public Work comments.

Environmental Management

No Comment

Environmental Health Department

No Objections

Fire

The bureau of fire prevention will neither approve nor deny requests that fall outside the scope of Fire Prevention Code Requirements.

This request is based on the petitioner's intent to rezone said property from R-40 to A-R for the purpose of developing Residential/Agricultural. 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 Rural Residential – 3 (1 Unit/3 Acres). This request conforms to the residential density in the Fayette County Comprehensive Plan.
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 single-family residential district support this petition.

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

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved **A-R CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. That all necessary variances related to the existing accessory structure be approved by the Zoning Board of Appeals within 180 days from the approval of this rezoning petition.

SYMBOL LEGEND

- IRON PIN FOUND
- 1/2" REBAR SET
- ⊕ UTILITY POLE
- ⊙ WELL
- OVERHEAD UTILITY
- PROPERTY LINE
- - - ADJACENT LOT LINE
- ▒ ASPHALT AREA
- ▒ CONCRETE AREA

REFERENCES:

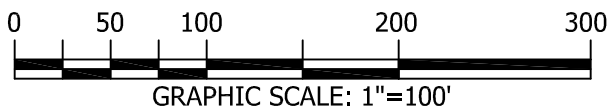
CURRENT OWNER:
JOHN A. CARROLL, JR.

DEEDS:
DB 1685 PG 144

This survey was prepared in conformity with The Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Engineers and Land Surveyors as set forth in the Georgia Plat Act O.C.G.A 15-6-67.

PLAT CERTIFICATION:

The field data, completed on 5/13/2015, upon which this plat is based has a closure precision of one foot in 20,081 feet and an angular error of 02" per angle point and was not adjusted. This plat has been calculated for closure and is found to be accurate within one foot in 322,257 feet. The linear and angular measurements shown on this plat were obtained using a Geomax Robotic total station and Trimble R8 Dual Frequency GPS.



THE UTILITIES SHOWN ON THIS PLAT WERE TAKEN FROM INFORMATION AVAILABLE AT THE TIME OF THE SURVEY AND MAY OR MAY NOT BE ACCURATE AS TO THE EXTENT AND OR LOCATION OF SAID UTILITIES.

THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.

LESTER ROAD (60 R/W AS PRESENTLY LOCATED-ORIGINAL 30' R/W)

N10°43'43"W
C=134.09'
L=134.14'
R=1339.28'

N06°31'22"E
C=216.20'
L=216.36'
R=1623.43'

N18°34'29"E
C=146.84'
L=146.90'
R=1542.56'

N10°20'27"E
121.47'

N21°18'10"E
180.68'

452.46'
N85°07'02"W

1/2" RBF (POB)
S67°33'57"E
55.69'

ORIGINAL 30' R/W

PROPANE TANK

1 STORY METAL

DECK
1 STORY FRAME #498

6.833 ACRES

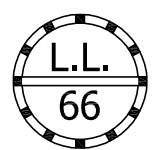
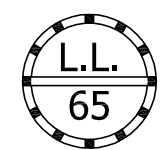
S43°55'48"E
749.88'

RED FOX RUN (50 R/W)

1/2" RBF (DIST.)

357.46'
S44°26'50"W
75' AIRCRAFT TAXIWAY INGRESS/EGRESS ESMT.

N/F
DAVID GERALD STOUT BRYAN
DB 4223 PG 405



APPROX. LAND LOT LINE



"THIS DRAWING IS THE PROPERTY OF SCANLON ENGINEERING SERVICES, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN, AND IS NOT TO BE USED ON OTHER PROJECTS OR EXTENSIONS TO THIS PROJECT, OR REPRODUCED IN WHOLE OR IN PART, EXCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION."

SCANLON ENGINEERING SERVICES, INC.

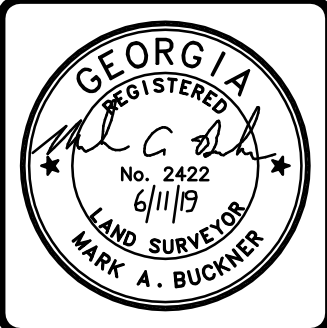
216 E. SOLOMON STREET, SUITE A
GRIFFIN, GEORGIA 30223
PHONE: (678) 967-2051 FAX: (678) 967-2053
★ LSF 000859 ★

Rev.	Description	Date
1	Correct call on Lester Road R/W	6/11/19
2	---	---
3	---	---

Project #:	Date:	Scale:	Drawn by:
S15042339	05/14/2015	1" = 100'	RES

BOUNDARY/AS-BUILT SURVEY FOR
NORMAN L. NOLDE, SYLVIA A. NOLDE & STEWART TITLE GUARANTY

LOCATED IN LAND LOT 65 OF THE 5th DISTRICT, FAYETTE COUNTY, GEORGIA



SHEET DESCRIPTION
BOUNDARY/
AS-BUILT
SURVEY
SHEET NUMBER
289B

**1286-19
Zoning**

A-R

R-40

Davis Road

A-R

Red Fox Run

**SUBJECT
PROPERTY**

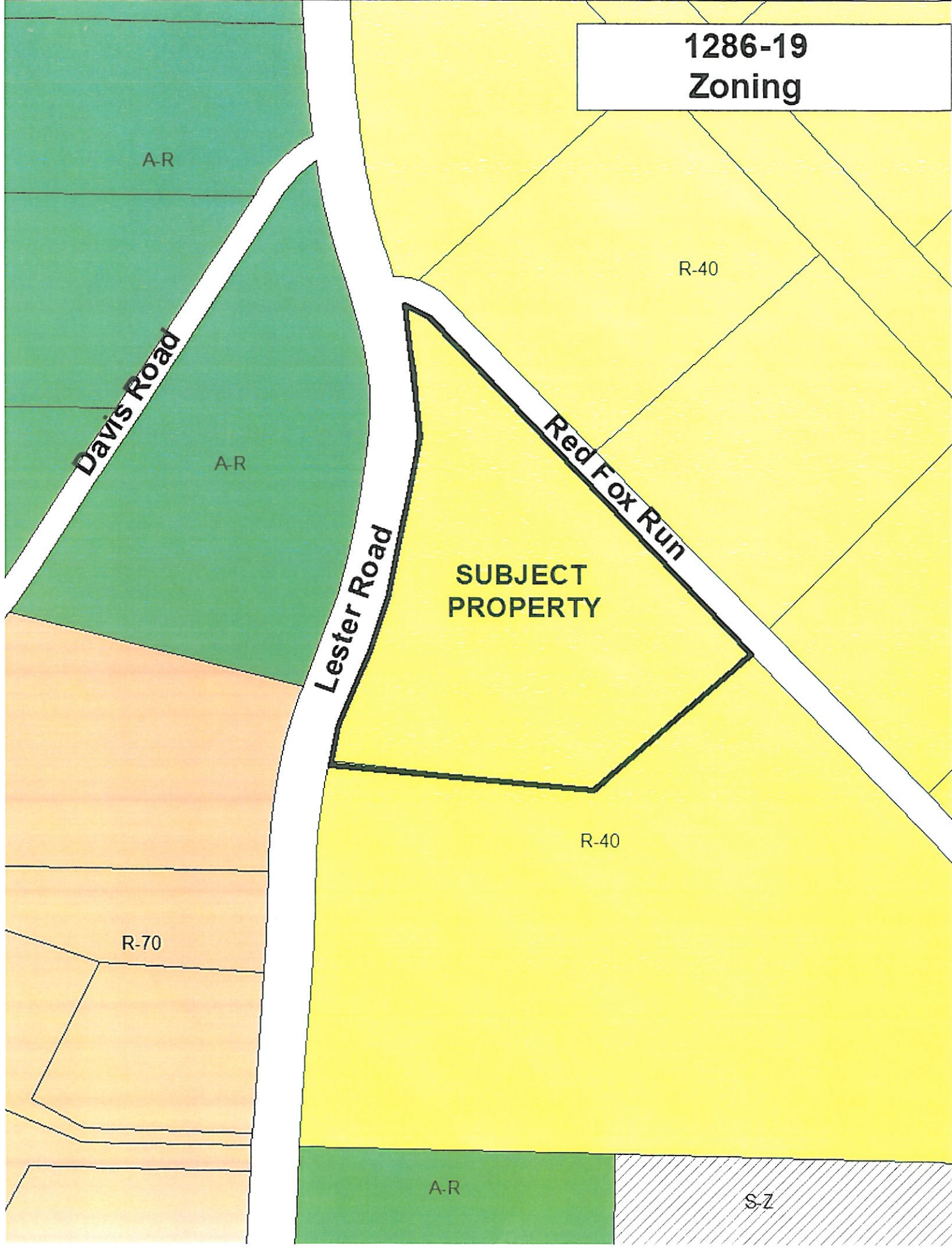
Lester Road

R-40

R-70

A-R

S-1



**1286-19
Land Use Plan**

RURAL
RESIDENTIAL
- 2

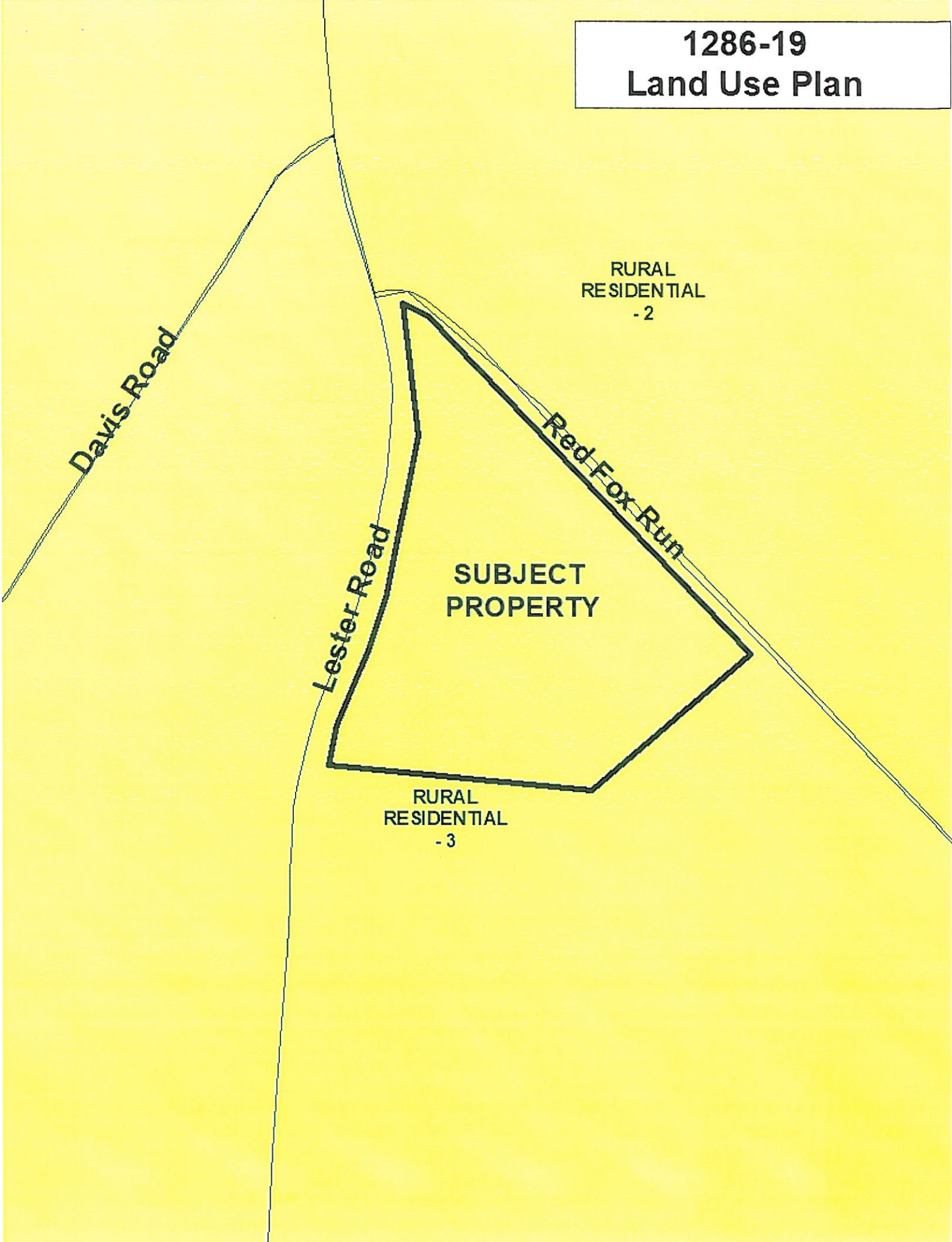
Davis Road

Lester Road

Red Fox Run

**SUBJECT
PROPERTY**

RURAL
RESIDENTIAL
- 3



**1286-19
Aerials**



Davis Road

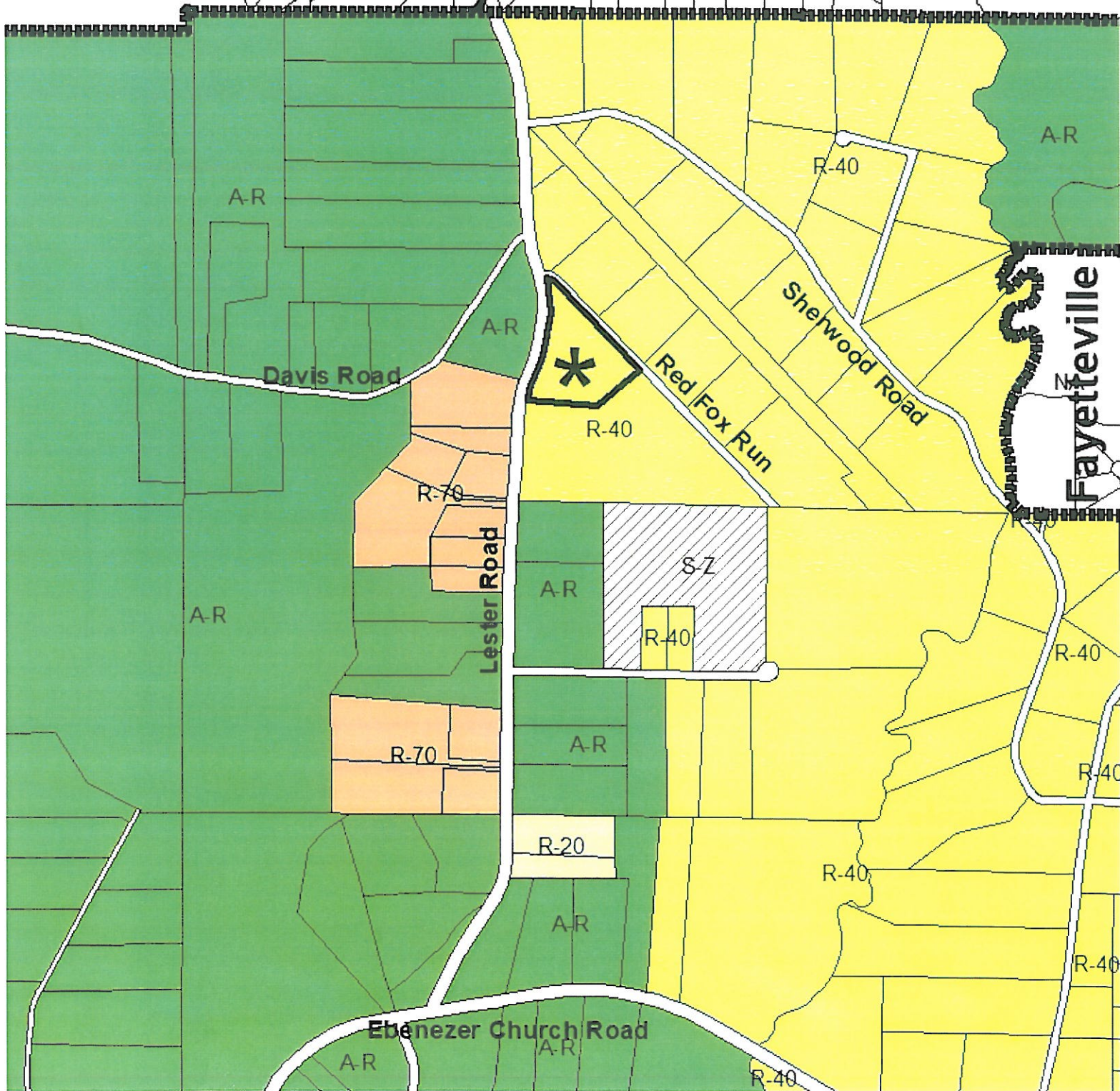
Lester Road

Red Fox Run

SUBJECT
PROPERTY

1286-19
Zoning Proximity

Fayetteville



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

PROPERTY OWNERS: Danny B. Dougherty, Jr and Patricia Nolde

MAILING ADDRESS: 498 Lester Rd, Fayetteville, GA 30215

PHONE: 678-709-7545 E-MAIL: frishn@mindspring.com

AGENT FOR OWNERS: Patricia Nolde

MAILING ADDRESS: 498 Lester Rd, Fayetteville, GA 30215

PHONE: 678-709-7545 E-MAIL: _____

PROPERTY LOCATION: LAND LOT 65 LAND DISTRICT 05 PARCEL 0515055
LAND LOT _____ LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 6.833

EXISTING ZONING DISTRICT: R-40 PROPOSED ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: R-40 & A-R

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Residential / Agricultural

LAND USE PLAN DESIGNATION: _____

NAME AND TYPE OF ACCESS ROAD: Lester Rd

LOCATION OF NEAREST WATER LINE: N/A - no municipal water

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1286-19

Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF PLANNING COMMISSION HEARING: July 2ND, 2019

DATE OF COUNTY COMMISSIONERS HEARING: July ~~19th~~, 2019 July 25, 2019

Received from PATRICIA NOLDE a check in the amount of \$ 350.00 for application filing fee, and \$ 40.00 for deposit on frame for public hearing sign(s).

Date Paid: 5/31/2019 Receipt Number: 682024/682027

NAME: Danny B Dougherty and Patricia Nolde PETITION NUMBER: _____

ADDRESS: 498 Lester Rd, Fayetteville, GA 30215

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

_____ affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) R-40 Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 350 to cover all expenses of public hearing. He/She petitions the above named to change its classification to A-R.

This property includes: (check one of the following)

See attached legal description on recorded deed for subject property or

Legal description for subject property is as follows:

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the 2ND day of July, 20 19 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 25th day of July, 20 19 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 31ST DAY OF MAY, 20 19

Howard L. Johns
NOTARY PUBLIC



Patricia Nolde
APPLICANT'S SIGNATURE

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:

Danny B Dougherty, Jr and Patricia Nolde
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0515055

(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) 65 of the 05 District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of _____ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Patricia Nolde 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.

<u>[Signature]</u> Signature of Property Owner 1	<u>[Signature]</u> Signature of Notary Public
<u>498 Lester Rd, Fayette</u> Address	<u>5/31/2019</u> Date
<u>[Signature]</u> Signature of Property Owner 2	<u>[Signature]</u> Signature of Notary Public
<u>498 Lester Rd, Fayette</u> Address	<u>5/31/2019</u> Date

_____ Signature of Property Owner 3	_____ Signature of Notary Public
_____ Address	_____ Date
_____ Signature of Authorized Agent	_____ Signature of Notary Public
_____ Address	_____ Date

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, Danay B Dougherty + Patricia Nolde, 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 Lester Road as measured from the centerline of the road.

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

Local Street (Minor Thoroughfare) 60 foot right-of-way (30' measured from each side of road centerline)

Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)

Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 31st day of May, 2019.

[Signature]
SIGNATURE OF PROPERTY OWNER

[Signature]
SIGNATURE OF PROPERTY OWNER

[Signature]
NOTARY PUBLIC


Doc ID: 009698530002 Type: WD
 Recorded: 07/28/2015 at 10:00:00 AM
 Fee Amt: \$352.00 Page 1 of 2
 Transfer Tax: \$340.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 4346 PG 735-736

Return Recorded Document to:
 D.B. Cox Law Group LLC
 2650 Holcomb Bridge Road Suite 420
 Alpharetta, Georgia 30022

Warranty Deed

STATE OF GEORGIA
 COUNTY OF FULTON

File No.: 150501P

This Indenture made this 22nd day of July, 2015 between John A. Carroll, Jr., of the County of Fayette and State of Georgia, as party or parties of the first part, hereinafter called Grantor(s), and Danny B. Dougherty, Jr. and Patricia R. Nolde, as joint tenants with survivorship and not as tenants in common as parties of the second part, hereinafter called Grantees (the words "Grantor(s)" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH: Grantor(s), for and in consideration of the sum of **TEN and 00/100 (\$10.00) Dollars** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipts 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 Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

See Attached Ex A.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

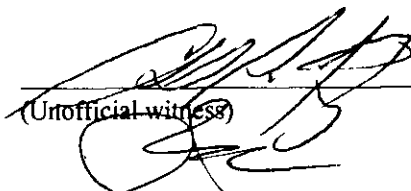
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoove of the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in **FEE SIMPLE**, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

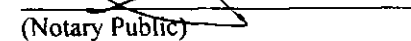
AND THE SAID Grantor(s) will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor(s) (has) (have) signed and sealed this deed, the day and year first above-written.

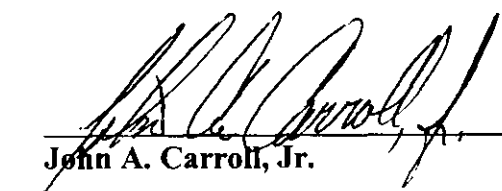
Signed, sealed and delivered in the presence of:



 (Unofficial witness)



 (Notary Public)


 _____ (Seal)
 John A. Carroll, Jr.

My Commission Expires: 4/6/15



Exhibit A

THE FOLLOWING REAL PROPERTY SITUATE IN COUNTY OF FAYETTE AND STATE OF GEORGIA, DESCRIBED AS FOLLOWS:

TRACT 1

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 65 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY SIDE OF LESTER ROAD, WHICH POINT IS 430.62 FEET SOUTH OF THE INTERSECTION OF THE EASTERLY SIDE OF LESTER ROAD WITH THE SOUTHWESTERLY SIDE OF REDFOX RUN ROAD (A 50' RIGHT-OF-WAY); THENCE CONTINUING ALONG THE EASTERLY SIDE OF LESTER ROAD FOLLOWING THE CURVATURE THEREOF A DISTANCE OF 150 FEET TO A POINT; THENCE RUNNING SOUTH 86 DEGREES 31 MINUTES 17 SECONDS EAST, A DISTANCE OF 330.13 FEET TO A POINT; THENCE RUNNING NORTH 11 DEGREES 07 MINUTES 33 SECONDS EAST, A DISTANCE OF 143.14 FEET TO A POINT; THENCE RUNNING NORTH 86 DEGREES 31 MINUTES 17 SECONDS WEST, A DISTANCE OF 300 FEET TO A POINT ON THE EASTERLY SIDE OF LESTER ROAD AND THE POINT OF BEGINNING, BEING 1 ACRE AS PER PLAT OF SURVEY PREPARED BY CHARLES C. JONES FOR JOHN A. CARROLL, JR., DATED FEBRUARY 20, 1978, AND BEING THE SAME PROPERTY AS CONVEYED BY WARRANTY DEED DATED OCTOBER 25, 1984, FROM JOHN A. CARROLL, JR., AS GRANTOR, TO KAREN S. CARROLL, AS GRANTEE, RECORDED AT BOOK 334 PAGE 700, FAYETTE COUNTY RECORDS.

TRACT 2

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 65 AND LAND LOT 66 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION FORMED BY THE SOUTHWESTERLY SIDE OF REDFOX RUN (50-FOOT RIGHT-OF-WAY) WITH THE NORTHEASTERLY SIDE OF LESTER ROAD (30-FOOT RIGHT OF WAY); RUNNING THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG THE SOUTHWESTERLY SIDE OF REDFOX RUN, 751.18 FEET TO AN IRON PIN; RUNNING THENCE SOUTH 44 DEGREES 27 MINUTES 15 SECONDS WEST 356.73 FEET TO AN IRON PIN; RUNNING THENCE NORTH 88 DEGREES 13 MINUTES 35 SECONDS WEST 498.05 FEET TO THE EASTERLY SIDE OF LESTER ROAD AS MARKED BY AN IRON PIN (SAID IRON PIN ALSO BEING LOCATED 680 FEET NORTHERLY AS MEASURED ALONG THE EASTERLY SIDE OF LESTER ROAD FROM THE SOUTH LINE OF LAND LOT 65); RUNNING THENCE IN A NORTHERLY DIRECTION, ALONG THE EASTERLY SIDE OF LESTER ROAD, FOLLOWING THE CURVATURE THEREOF, 807.41 FEET TO THE INTERSECTION OF REDFOX RUN AND LESTER ROAD AT THE POINT OF BEGINNING, BEING A PARCEL OF LAND COMPRISING 6.73 ACRES, TOGETHER WITH ALL EASEMENT RIGHTS APPERTAINING TO SUCH TRACT, ALL AS SHOWN ON THE PLAT OF SURVEY DATED FEBRUARY 20, 1978, AS REVISED MARCH 21, 1978, PREPARED BY CHARLES C. JONES, REGISTERED LAND SURVEYOR, FOR JOHN A. CARROLL, JR, SAID PROPERTY BEING THE SAME AS THAT CONVEYED BY WARRANTY DEED DATED APRIL 4, 1978, FROM JAMES E. BASS AND ELLA M. BASS, AS GRANTORS, TO JOHN A. CARROLL, JR., AS GRANTEE, RECORDED AT BOOK 178 PAGE 35, FAYETTE COUNTY RECORDS.

PROPERTY ADDRESS: 498 LESTER RD



PETITION NO: 1287-19

REQUESTED ACTION: A-R to R-70

PROPOSED USE: Residential

EXISTING USE: Residential

LOCATION: S. Kite Lake Rd.

DISTRICT/LAND LOT(S): 5th District, Land Lot 254

OWNER: Eric Thomas

PLANNING COMMISSION PUBLIC HEARING: July 2, 2019

BOARD OF COMMISSIONERS PUBLIC HEARING: July 25, 2019

APPLICANT'S INTENT

Applicant proposes to develop sing family-family residential subdivision consisting of 2 lots on 9.66 acres.

STAFF RECOMMENDATION

APPROVAL

1.

1287-19

INVESTIGATION

A. PROPERTY SITE

The subject property is a 9.66 acre tract fronting on S. Kite Lake Road in Land Lot 254 of the 5th District. S. Kite Lake Road is classified as a Collector road on the Fayette County Thoroughfare Plan. The subject property contains a single-family residence.

B. SURROUNDING ZONING AND USES

The general situation is a 9.66 tract that is zoned A-R. In the vicinity of the subject property is land which is zoned A-R, R-40, R-50, and R-70. See the following table and also the attached Zoning Location Map.

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

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	5.0	A-R	Single-family Residential	Low Density Residential (1 Unit/1 Acre)
South	1.8 8.6	R-50	Single-family Residential Single-family Residential	Low Density Residential (1 Unit/1 Acre)
East	Six one acre plus lots in Franklin farms Subdivis ion	R-40	Single-family Residential	Low Density Residential (1 Unit/1 Acre)
West (across S. Kite Lake Road)	7.72 3.8 3.8	A-R R-70 R-70	Single-family Residential Single-family Residential Single-family Residential	Rural Residential - 2 (1 Unit/2 Acres)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Low Density Residential (1 Unit/1 Acre). This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone A-R from to R-70 for the purpose of developing a residential subdivision. The applicant's Concept Plan indicates two (2) lots.

Platting

Should this request be approved, the applicant is reminded that before any lots can be sold or building permits issued for the proposed subdivision, the subject property must be platted per the Fayette County Subdivision Regulations, as applicable.

Right-of-Way

The Concept Plan indicates 60 feet of right-of-way along S. Kite Lake Road. S. Kite Lake Road is classified as a Collector and requires 80 feet of right-of-way. Dedication of 10 feet of additional right-of-way at no cost to the County is required by Sec. 104.598 of the Subdivision Regulations (see Public Works/Engineering comments below).

Access

The Concept Plan submitted indicates one (1) access from S. Kite Lake Rd. See Public Works/Engineering comments 3 and 4 below.

E. REVIEW OF CONCEPT PLAN

The applicant is advised that the Concept Plan is for illustration purposes only. Any deficiencies must be addressed at the time of submittal of the Preliminary Plat, Final Plat, and/or Site Plan, as applicable.

F. DEPARTMENTAL COMMENTS

Water System

Water Available

Public Works/Engineering

1. New Trips & Distribution – The addition of one residential lot would have no substantial impact to S. Kite Lake Road or proximate intersections.
2. S. Kite Lake Road is a Collector. A right-of-way dedication shall be made to provide 40-ft of R/W as measured from centerline of existing road. Based on the Rezoning plat it appears a 10-ft dedication is required from both tracts.
3. A permanent cross-access easement shall be recorded, and the easement reflected on the plat and deed of both properties, if the existing driveway is to be left as-is.
4. The existing, or any new driveway, shall meet all County standards for residential driveways prior to Final Plat approval.

Environmental Management

EMD has no comment

Environmental Health Department

No objections

Fire

The bureau of fire prevention will neither approve nor deny requests that fall outside the scope of Fire Prevention Code Requirements.

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to R-70 for the purpose of developing Residential. 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 Low Density Residential (1 Unit/1 Acre). This request conforms to the Fayette County Comprehensive Plan.
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 single-family residential district support this petition.

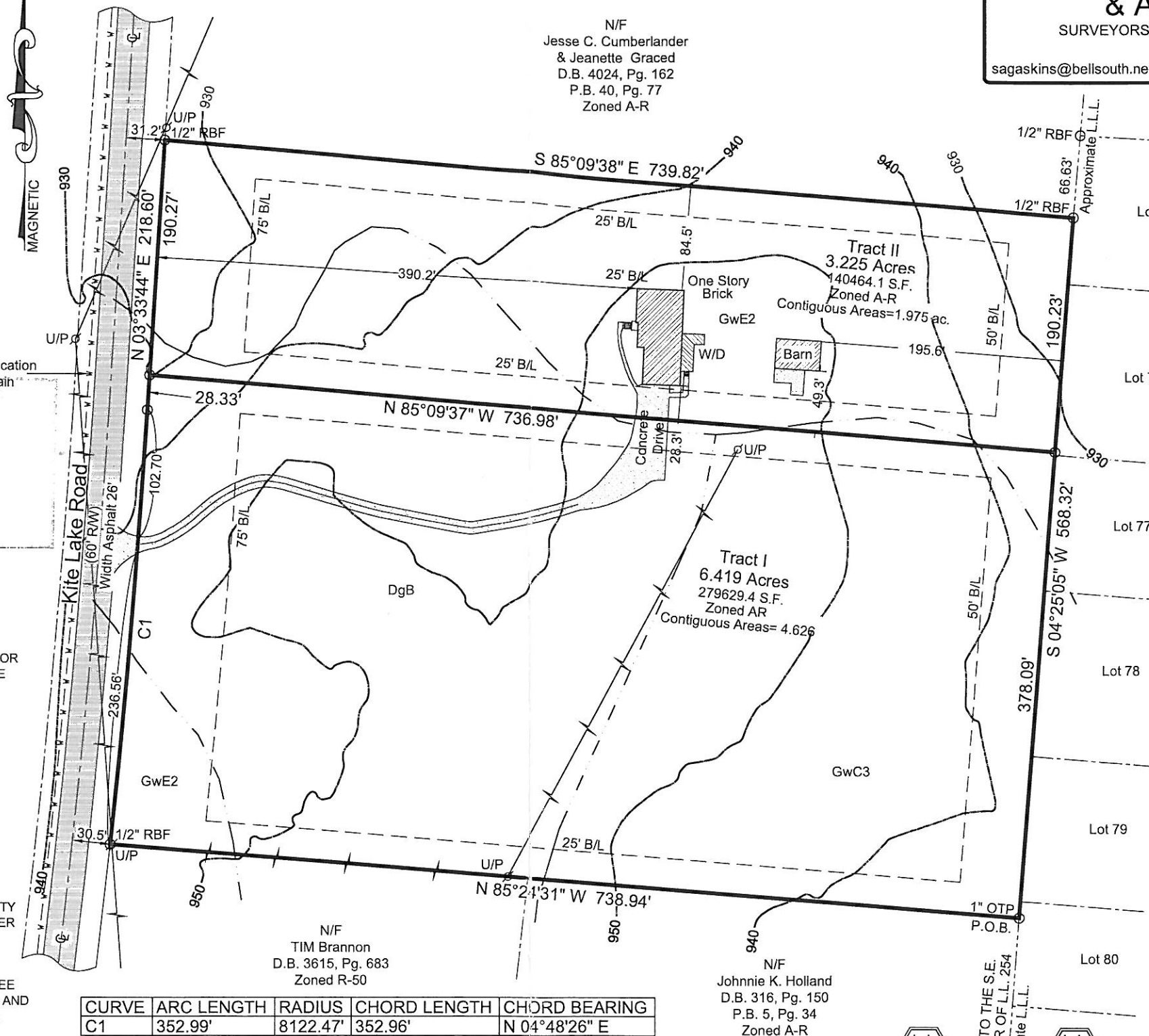
Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVAL**.

GENERAL NOTES

- OWNER:
ERIC THOMAS
135 S. KITE LAKE ROAD
FAYETTEVILLE, GA 30214
PHONE: 404-702-0076
- SURVEYOR:
S. A. GASKINS & ASSOCIATES, LLC.
P.O. BOX 321
BROOKS, GA 30205
678-571-3054
sagaskins55@gmail.com
- TOTAL ACREAGE: 9.644 **ACRES**
2 LOTS - ZONED A-R, APPLYING FOR R-70
MINIMUM DIMENSIONAL REQUIREMENTS FOR R-70 ZONING DISTRICT
LOT AREA: 2 ACRES
LOT WIDTH: 250 FT
MAJOR THOROUGHFARE
Arterial: 175 feet.
Collector: 175 feet.
Minor thoroughfare: 150 feet.
FLOOR AREA: 1,500 SQ FT
FRONT YARD SETBACK:
MAJOR THOROUGHFARE
ARTERIAL: 75 FEET
COLLECTOR: 75 FEET
MINOR THOROUGHFARE: 50 FEET
REAR YARD SETBACK: 50 FT
SIDE YARD SETBACK: 25 FT
- SEWER TO BE AN ON-SITE SEWAGE DISPOSAL SYSTEM.
- WATER PROVIDED BY FAYETTE COUNTY WATER AUTHORITY.
- FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN OR THE LACK OF ONE INDICATED ON THIS PLAT.
- THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTION SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.
- THERE ARE NO RECORDED EASEMENTS FOUND ASSOCIATED WITH THE PROPERTY.
- THERE ARE NO GROUNDWATER RECHARGE AREAS ON SUBJECT PROPERTIES.
- 1/2" REINFORCING RODS SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.
- ACCORDING TO FEMA FLOOD INSURANCE RATE MAP OF FAYETTE COUNTY AND UNINCORPORATED AREAS DATED SEPTEMBER 26, 2008 MAP NUMBER 13113C0038E, NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA.
- EACH RESIDENTIAL LOT HAS A MINIMUM CONTIGUOUS AREA THAT IS FREE AND CLEAR OF ZONING SETBACKS, WATERSHED PROTECTION BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS OF ANY KIND.
- THERE IS NO VISIBLE CEMETERY OR BURIAL GROUNDS ON THIS PROPERTY.
- THERE ARE NO STATE WATERS ON THIS SITE AS SHOWN.
- THERE WERE NO WETLANDS SHOWN ON THE FAYETTE COUNTY GIS MAPS.
- TOPOGRAPHICAL INFORMATION TAKEN FROM FAYETTE COUNTY GIS MAP.
- SOIL CLASSIFICATION TAKEN FROM FAYETTE COUNTY GIS MAP.

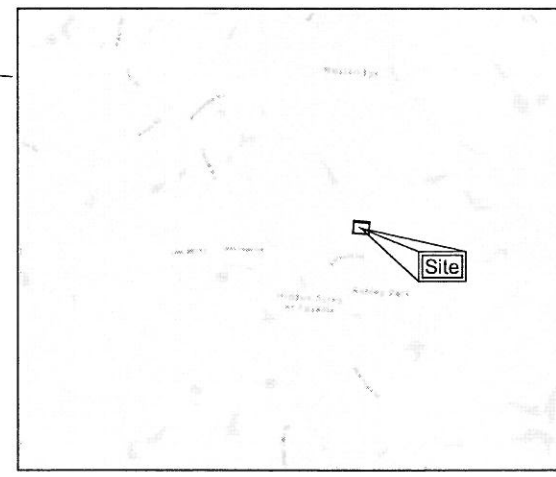


REZONING PLAT FOR 135 S. KITE LAKE ROAD



S.A. GASKINS & ASSOCIATES, LLC.
SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS
P.O. BOX 321 Brooks, Ga. 30205
sagaskins@bellsouth.net 770-460-9342 JOHN 3:16

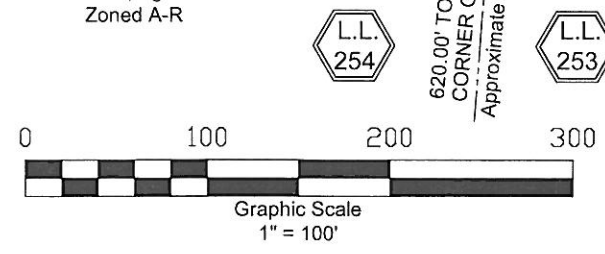
- LEGEND**
- B/L=BUILDING LINE
 - C/L=CENTERLINE
 - CTP=CRIMP TOP PIPE
 - D.B.=DEED BOOK
 - D.E.=DRAINAGE EASEMENT
 - ESMT.=EASEMENT
 - EP=EDGE OF PAVEMENT
 - F.W.P.D.=FIELD WORK PERFORMED DATE
 - L.L.=LAND LOT
 - L.L.L.=LAND LOT LINE
 - N/F=NOW OR FORMERLY
 - N.T.S.=NOT TO SCALE
 - OTP=OPEN TOP PIPE
 - P.B.=PLAT BOOK
 - PG.=PAGE
 - P.O.B.=POINT OF BEGINNING
 - RBF=REBAR FOUND
 - RBS=REBAR SET
 - R/W=RIGHT OF WAY
 - U/P=UTILITY POLE
 - W/D=WOOD DECK



CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	352.99'	8122.47'	352.96'	N 04°48'26" E

Prepared For:
Eric Thomas

F.W.P.D.: 05/29/19	Date: 05/30/19
Scale: 1" = 100'	Job No: SA19-069A
County: Fayette, GA	Land Lot: 254
	District: 5th

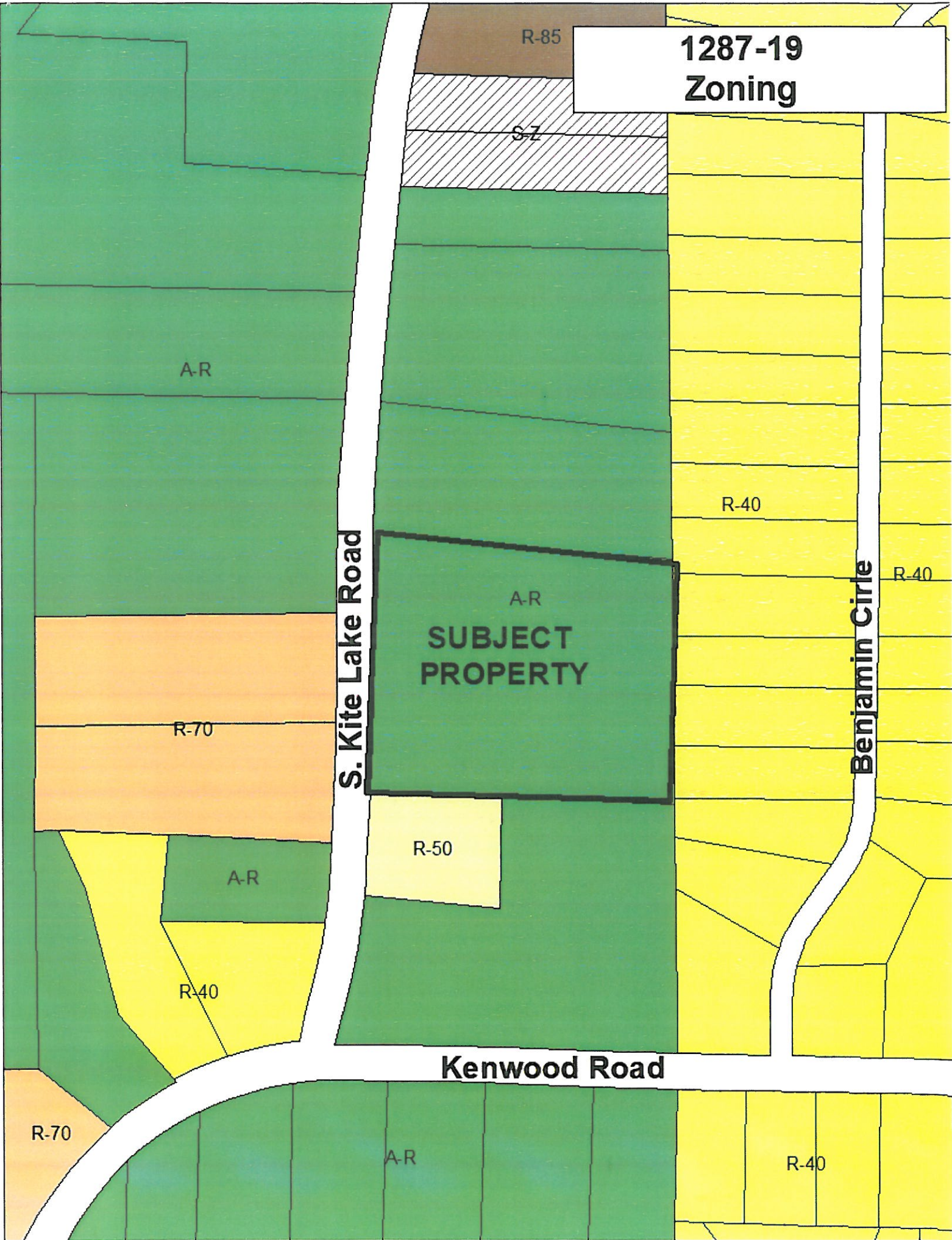


CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 33,124 FEET AND AN ANGULAR ERROR OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LIECA TS02 TOTAL STATION & GEOMAX CHAMPION PRO GPS ON THE TRIMBLE NETWORK.

**1287-19
Zoning**



**1287-19
Land Use Plan**

RURAL
RESIDENTIAL
- 2

S. Kite Lake Road

**SUBJECT
PROPERTY** LOW DENSITY
RESIDENTIAL

Benjamin Circle

Kenwood Road

**1287-19
Aerials**

S. Kite Lake Road

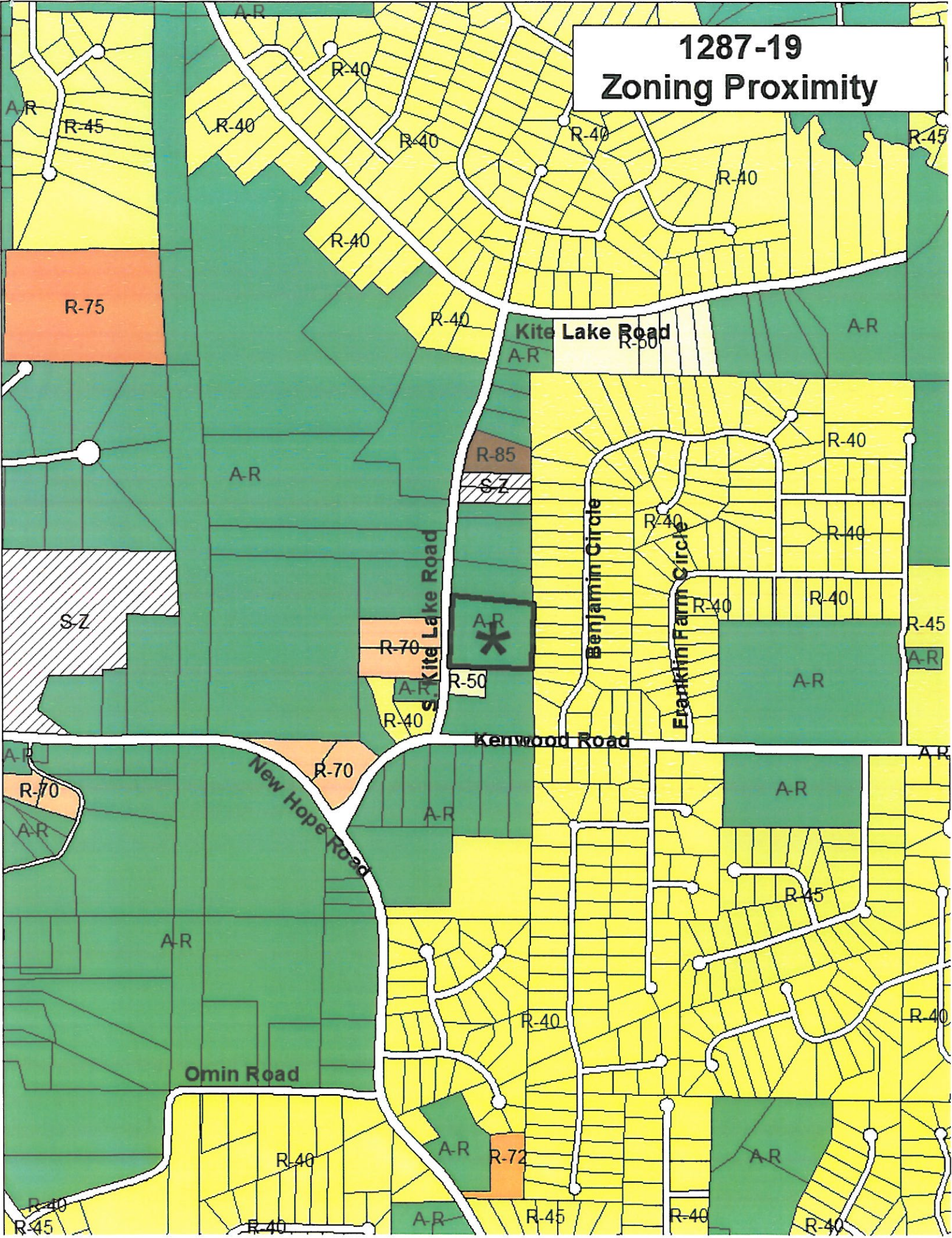
**SUBJECT
PROPERTY**

Benjamin Circle

Kenwood Road



1287-19 Zoning Proximity



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

PROPERTY OWNERS: Eric Thomas

MAILING ADDRESS: 135 South Kite Lake Rd.

PHONE: 404.702.0076 FAX: _____

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ FAX: _____

E-MAIL: thomaseric@bellsouth.net

PROPERTY LOCATION: LAND LOT 254 LAND DISTRICT 5 PARCEL 0519018
LAND LOT _____ LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 9.66

EXISTING ZONING DISTRICT: A-R PROPOSED ZONING DISTRICT: R-70

ZONING OF SURROUNDING PROPERTIES: A-R, R50, R70, R40

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Residential

LAND USE PLAN DESIGNATION: Residential

NAME AND TYPE OF ACCESS ROAD: South Kite Lake Rd

LOCATION OF NEAREST WATER LINE: _____

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 128719

Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: 6/3/19

DATE OF PLANNING COMMISSION HEARING: July 2, 2019

DATE OF COUNTY COMMISSIONERS HEARING: July 25, 2019

Received from Mrs. Thomas ^{Robin} a check in the amount of \$ 195⁰⁰ for application filing fee, and \$ 175⁰⁰ for deposit on frame for public hearing sign(s). 20⁰⁰

Date Paid: June 3, 2019 Receipt Number: _____

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

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

Eric Thomas

Please Print Names

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

(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 254 of the 5 District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of _____ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to N/A 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.

DONALD TANNER
NOTARY PUBLIC
Fayette County
State of Georgia
My Comm. Expires July 30, 2022

[Signature]
Signature of Property Owner 1
135 South Kate Lake Rd.,
Address Fayetteville, GA 30214

[Signature]
Signature of Notary Public
6-1-19
Date

Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Property Owner 3

Address

Signature of Notary Public

Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date

NAME: Eric Thomas PETITION NUMBER: _____

ADDRESS: 135 South Kite Lake Rd, Fayetteville, GA. 30214

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

_____ 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 _____.

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 1 DAY OF June, 2019


NOTARY PUBLIC


APPLICANT'S SIGNATURE

DONALD TANNER
NOTARY PUBLIC
Fayette County
State of Georgia
My Comm. Expires July 30, 2022

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

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

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

Local Street (Minor Thoroughfare) 60 foot right-of-way (30' measured from each side of road centerline)

Collector Street (Major Thoroughfare) 80 foot right-of-way (40' measured from each side of road centerline)

Arterial Street (Major Thoroughfare) 100 foot right-of-way (50' measured from each side of road centerline)

Sworn to and subscribed before me this 1~~8~~ day of June, 2019.

[Signature]
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

[Signature]
NOTARY PUBLIC

DONALD TANNER
NOTARY PUBLIC
Fayette County
State of Georgia
My Comm. Expires July 30, 2022

DISCLOSURE STATEMENT

Please check one:

Campaign contributions - No Yes (see attached disclosure report)

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR REZONING REQUEST

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

1. Application form and all required attachments completed, signed, and notarized, as applicable.
2. Copy of latest recorded deed, including legal description of the boundaries of the subject property to be rezoned.
3. Boundary Survey (1 copy if separate from Conceptual Plan), drawn to scale, showing north arrow, land lot and district, dimensions, and street location of the property, prepared (signed & sealed) by a land surveyor. The Boundary Survey and Concept Plan may be combined.
4. Conceptual Plan (20 copies if larger than 11" x 17"). 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.
5. A letter of intent for a non-residential rezoning request, including the proposed use(s).



Doc ID: 006528500001 Type: GLR
 Filed: 12/08/2004 at 10:32:35 AM
 Fee Amt: \$282.10 Page 1 of 1
 Transfer Tax: \$272.10
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 2662 PG 124

AFTER RECORDING RETURN TO:
 EDGE & KIMBELL, P.C.

File No. 04F0977
 psj

160 BASTILLE WAY, SUITE B
 FAYETTEVILLE, GA 30214

WARRANTY DEED

STATE OF GEORGIA
 COUNTY OF FAYETTE

This Indenture made this 30th day of November, in the year 2004, between HOWARD GRAHAM and MARLENE T. GRAHAM, of the County of FAYETTE, State of Georgia, as party or parties of the first part, hereinunder called Grantor, and ERIC ALLEN THOMAS, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 254 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, CONTAINING 9.66 ACRES, AS PER SURVEY PREPARED FOR HOWARD GRAHAM DATED 8/16/2004 BY ROLAND MCCANN, GA RLS#1752 AND RECORDED IN PLAT BOOK 40, PAGE 77, FAYETTE COUNTY RECORDS, WHICH PLAT I INCORPORATED HEREIN AND MADE A PART HEREOF BY THIS REFERENCE FOR A MORE COMPLETE AND ACCURATE DESCRIPTION.

This Deed is given subject to all easements and restrictions of record, if any.

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

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

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

Signed, sealed and delivered in the presence of:

 Witness

_____ (Seal)
 HOWARD GRAHAM *attorney in fact*

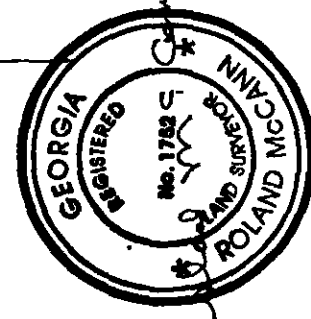
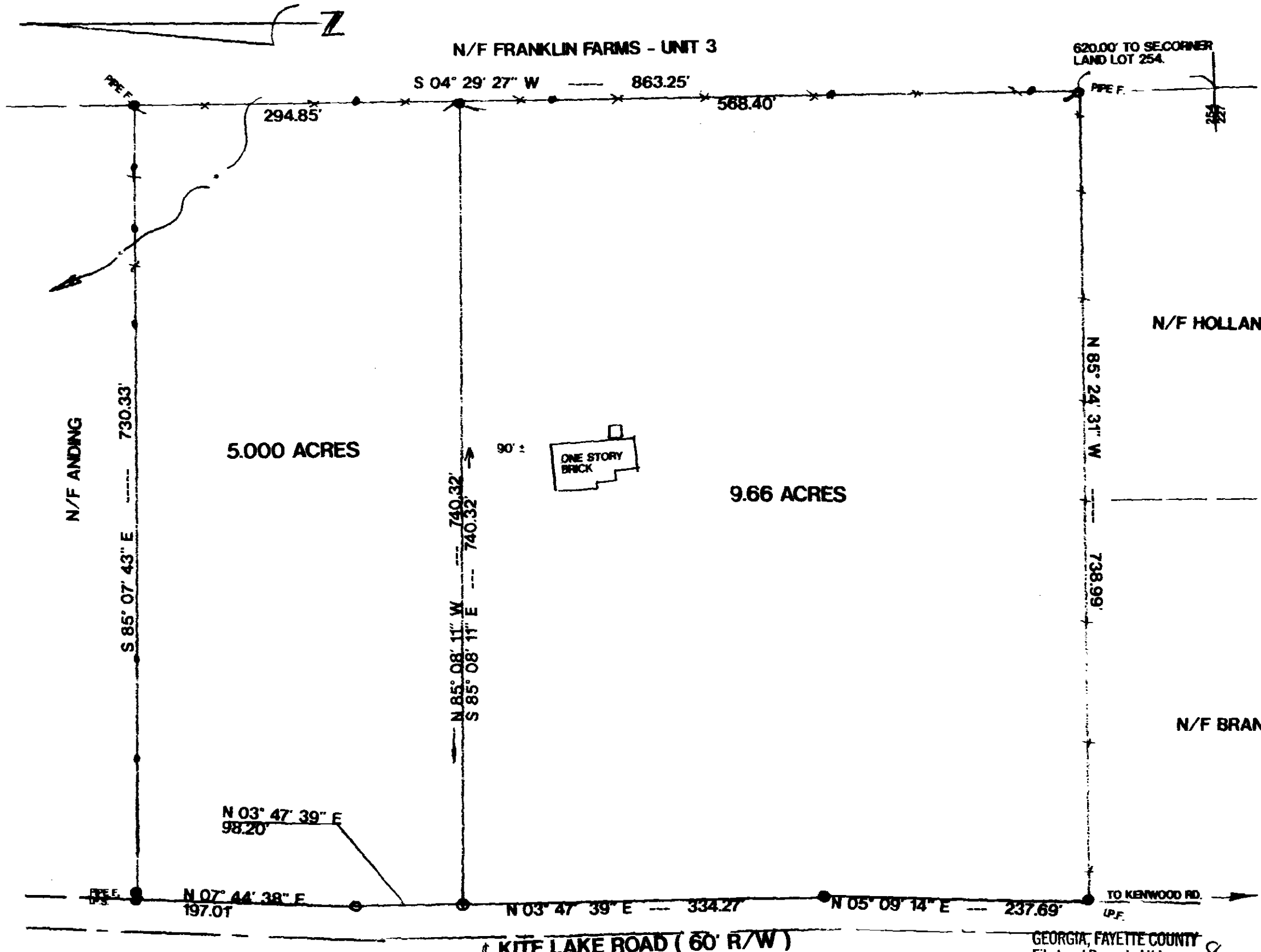
_____ (Seal)
 MARLENE T. GRAHAM

 Notary Public

 (Seal)

 (Seal)





SURVEY FOR		HOWARD GRAHAM	
SCALE: 1" = 100'	APPROVED BY:		
DATE: 8-18-04	REVISED:		
LAND LOT 254 - 5th DISTRICT FAYETTE COUNTY, GEORGIA			
ROLAND MCCANN GA. RLS#1752		DRAWING NUMBER	

ERROR OF FIELD CLOSURE: 1:40,000
 ERROR OF PLAT CLOSURE: 1:100,000
 ADJUSTED USING: NO. 10
 EQUIP. USED: TOPCON 301

NONE OF THIS PROPERTY LIES WITHIN AN AREA DESIGNATED AS A FLOOD HAZARD AREA AS PER F.I.R.M. COMMUNITY PANEL NO. COUNTY, DATED: FOR

IN MY OPINION THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND PLATTED AND WAS PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE GA
 Roland M. McCann
 GEORGIA PROFESSIONAL LAND SURVEYOR # 17525

GEORGIA, FAYETTE COUNTY
 Filed and Recorded this 8 Day
 of DEC, 2004 at 10:04 A.M.
 Book 40, Page 77

Sheila Studdard Clerk

Doc ID: 006528430001 Type: PLT
 Filed: 12/08/2004 at 10:04:21 AM
 Fee Amt: \$10.00 Page 1 of 1
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

PETITION NUMBER: RP-072-19

REQUESTED ACTION: Request approval to revise the Minor Subdivision Plat of Cindy Sims Estate by adding 1.388 acres of property from an adjacent tract to an existing 11.892 acre lot and to add one lot to the subdivision by subdividing the lot into two separate lots.

EXISTING USE: Single-Family Residential

ZONING DISTRICT: A-R

LOCATION: 125 Ellison Road

LAND LOT/DISTRICT: Land Lot(s) 72, 73, 88, & 89 of the 7th District

APPLICANT: Cindy Sims

INVESTIGATION

The Minor Subdivision Plat of Cindy Sims Estate was recorded on January 9, 2015.

Subdivision Regulations

Sec. 104-595. - Approval of subdivisions.

(2) **Final plat or minor subdivision plat**

j. **Revision to a recorded final plat.**

Revision to a recorded final plat. A revision to a recorded final plat shall show the name, phase (if any), date of the recorded subdivision plat being revised, and the exact citation with regard to the clerk of superior court records and the book and page number wherein said plat is recorded. See [section 104-596](#) for requirements to be indicated on the revised final plat, as applicable. In addition, proposed revisions to a recorded final plat that substantially changes the street and/or utility layout, unless initiated by the county, shall require a revised preliminary plat in accordance with this section. Proposed revisions to a recorded final plat of any existing residential or agricultural-residential subdivisions which add property to, increases the number of platted lots, or changes the principal use on a lot will be considered in public hearings before the planning commission and the board of commissioners. The legal notice shall be advertised at least seven calendar days prior to the public hearing before the planning commission, but not more than 45 calendar days, nor less than 15 calendar days prior to the public hearing before the board of commissioners. In the event that the timeframes above cannot be met with one advertisement, the notice shall be published twice. As applicable, a revised final plat shall comply with the revised preliminary plat and shall be approved by the planning commission.

Final Plat

Should this request be approved, a revised Minor Subdivision Plat must be submitted, approved, and recorded.

Department Comments

Planning and Zoning: The request meets the dimensional requirements of the A-R zoning district.

Water System: No conflict

Environmental Health Dept.: No objection

STAFF ANALYSIS

Staff recommends **APPROVAL** of this request so the revision to the Minor Subdivision Plat procedure can begin.

Legal AM
RP-072-19

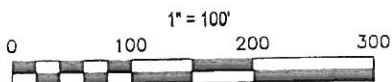
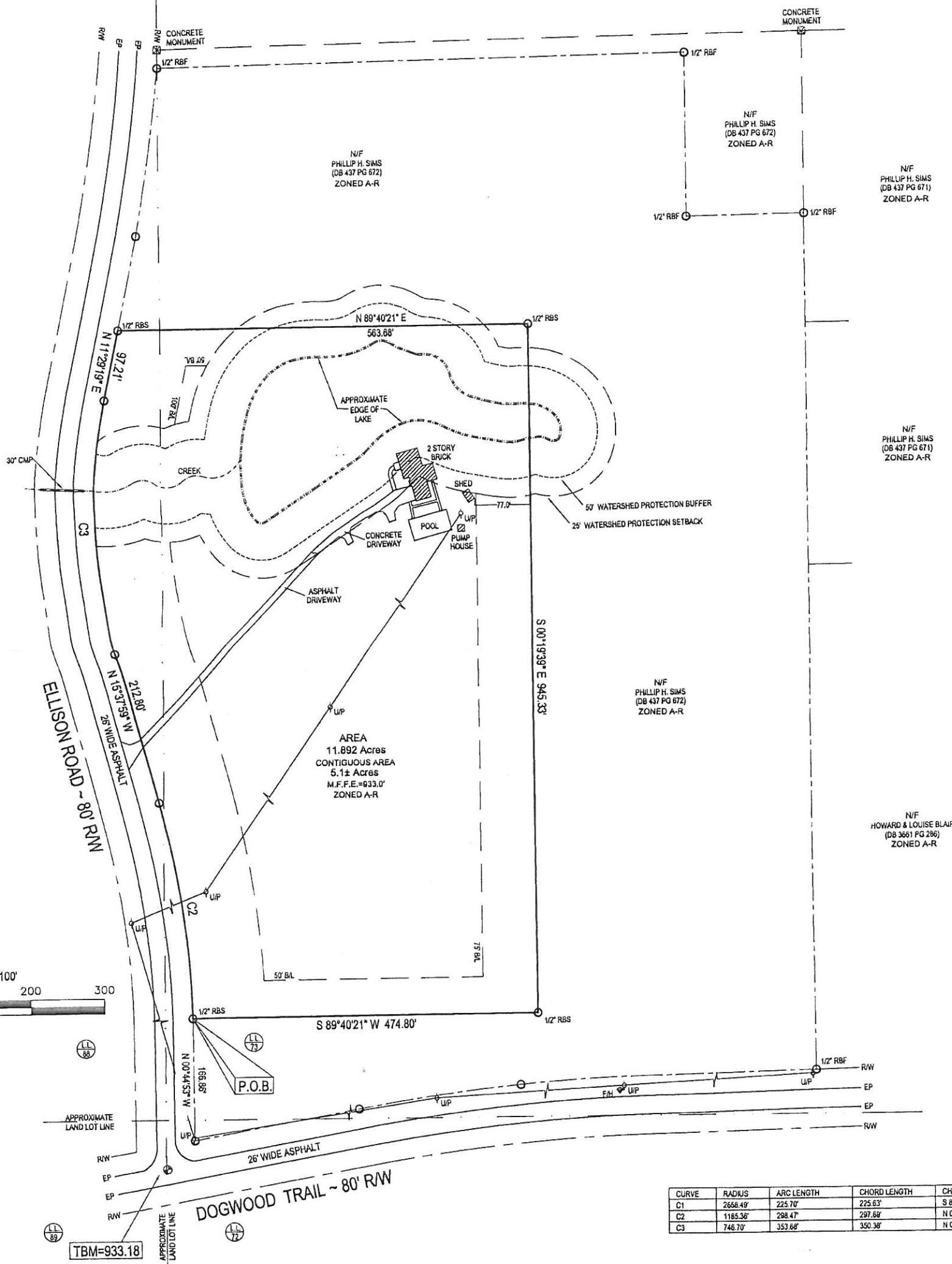
Current

MINOR SUBDIVISION PLAT OF
CINDY SIMS ESTATE

Doc ID: 005642330002 Type: PLAT
Recorded: 01/09/2015 at 02:20:00 PM
Fee Amt: \$18.00 Page 1 of 2
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK48 PG20-21



- LEGEND
- RBF=REBAR FOUND
 - RBS=REBAR SET
 - L.L.=LAND LOT
 - L.L.L.=LAND LOT LINE
 - P.L.=PROPERTY LINE
 - CL=CENTERLINE
 - EP=EDGE OF PAVEMENT
 - R/W=RIGHT OF WAY
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 - D.E.=DRAINAGE EASEMENT
 - N/F=NOW OR FORMERLY
 - EOG=EDGE OF GRAVEL
 - FH=FIRE HYDRANT
 - F.W.P.D.=FIELD WORK PERFORMED DATE



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	2658.49'	225.70'	225.63'	S 82°09'13" W
C2	1185.36'	288.47'	297.68'	N 08°25'06" W
C3	746.70'	353.68'	350.38'	N 02°04'46" W

Job No. SA14-008MSP
 Drawn By: R.D.G.
 Reviewed By: s.a.g.
 Issue Date: 11/25/14
 F.W.P.D.: 02/25/14
 Revisions: _____ Date: _____
 COUNTY COMMENTS: 12/03/14



Prepared For:

CINDY SIMS

Property Location
 Land Lot 72,73,888 Of The 7th Land District
 Fayette County, Georgia

S.A. GASKINS & ASSOCIATES, LLC
 surveyors planners development consultants
 P.O. BOX 321 BROOKS, GA 30205
 770-460-9342
 sagaskins@bellsouth.net

Proposed

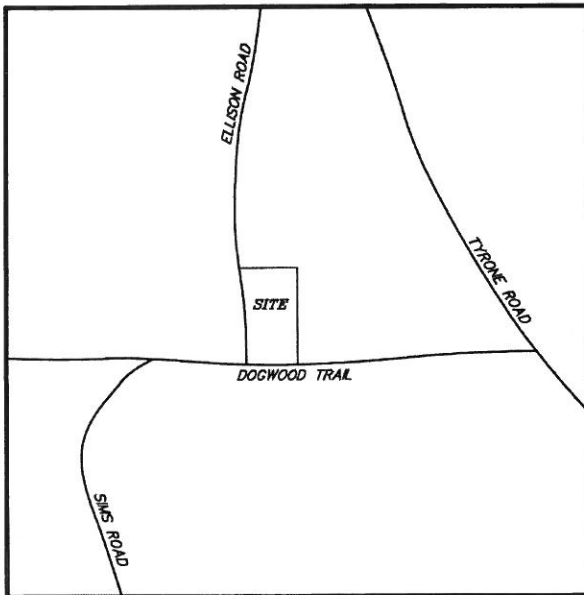
**MINOR SUBDIVISION PLAT
OF CINDY SIMS ESTATE**

THE PURPOSE OF THIS MINOR SUBDIVISION PLAT IS TO
DIVIDE THIS PARCEL OF LAND INTO TWO LOTS. THIS
PLAT WAS PREVIOUSLY RECORDED IN PLAT BOOK 48, PAGES 20-21

NOTE:
WETLANDS SHOWN ON THIS PLAT ARE
UNDER THE JURISDICTION OF THE
U.S. ARMY CORPS OF ENGINEERS.
LOT OWNERS MAY BE SUBJECT TO
PENALTY BY LAW FOR DISTURBANCE
TO THESE WETLANDS WITHOUT PROPER
AUTHORIZATION.

NOTE: ALL 1/2" REBARS SET ARE
18" IN LENGTH WITH YELLOW
PLASTIC CAP STAMPED
GA. LSF 000701

JUN 18 2019



VICINITY MAP (NOT TO SCALE)

RESERVED FOR CLERK OF SUPERIOR COURT

ZONED: A-R

MINIMUM LOT AREA = 5.00 ACRES
MINIMUM LOT WIDTH AT BUILDING LINE = 250 FEET
MINIMUM HOUSE SIZE = 1,200 SQUARE FEET
FRONT YARD SETBACK = 100 FEET
SIDE YARD SETBACK = 50 FEET
REAR YARD SETBACK = 75 FEET

NUMBER OF LOTS = 2
TOTAL ACRES = 13.28 ACRES+/-

NOTES:

- THIS IS A RECONFIGURATION OF EXISTING TRACTS AS RECORDED ON DEED BOOK 4181, PAGE 596, DEED BOOK 4712, PAGES 560-561 AND PLAT BOOK 47, PAGE 143 AND PLAT BOOK 48, PAGES 20-21, FAYETTE COUNTY, GEORGIA RECORDS.
- CURRENT OWNERS:
THE CYNTHIA THERESA SIMS REVOCABLE LIVING TRUST
PER DEED BOOK 4712, PAGES 560-561, FAYETTE COUNTY, GEORGIA RECORDS AS OF 11-30-2017.

PHILLIP H. SIMS PER DEED BOOK 4181, PAGE 596, FAYETTE COUNTY, GEORGIA RECORDS AS OF 04-04-2014.
- THIS SURVEY WAS AUTHORIZED BY CYNTHIA SIMS.
- ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
- RECORD BEARING APPLIED TO NORTH PROPERTY LINE OF LOT 1.
- THERE ARE WETLANDS ON THIS PROPERTY PER FAYETTE COUNTY G.S. WEBSITE MAP.
- FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN, OR THE LACK OF ONE INDICATED ON THIS PLAT.
- THIS PROPERTY IS NOT IN A GROUNDWATER RECHARGE AREA.
- THERE WERE NO RECORDED EASEMENTS FOUND ASSOCIATED WITH THIS PROPERTY BY THIS OFFICE.
- EACH RESIDENTIAL LOT HAS A MINIMUM CONTIGUOUS AREA OF 2.0 ACRES THAT IS FREE AND CLEAR OF ZONING SETBACKS, WATERSHED PROTECTION BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS ON ANY KIND.
- NO VISIBLE CEMETERY OR BURIAL GROUNDS WERE OBSERVED ON THIS PROPERTY BY THE SURVEYOR AT THE TIME OF THE SURVEY.
- ALL STRUCTURES ARE TO REMAIN.
- STATE WATERS SHOWN ON PLAT.
- WATER TO BE PROVIDED BY AN ON-SITE WELL.
- SEWERAGE TO BE PROVIDED BY AN ON-SITE SEPTIC SYSTEM.

FINAL SURVEYOR'S CERTIFICATE:

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist or are marked as "future" and their location, size, type and material are correctly shown. This plat conforms to all requirements of the Georgia Plat Act.

By: Georgia Professional Land Surveyor
No. 2343

Date: _____

APPROVALS:

Approved by Fayette County Environmental Health Department
Date _____ Signed _____
Environmental Health Specialist

Approved by Fayette County Environmental Management Department
Date _____ Signed _____
Environmental Management

Approved by the Fayette County Engineer
Date _____ Signed _____
County Engineer

Approved by the Fayette County Planning Commission on: ___/___/___
Date _____ Signed _____
Secretary

Approved by Fayette County Zoning Administrator.
Date _____ Signed _____
Zoning Administrator

Approved by Fayette County Fire Marshal. All fire hydrant(s) located as shown.
Date _____ Signed _____
Fire Marshal

OWNER'S CERTIFICATE

We, the undersigned owner(s) and/or mortgagee(s) of the _____ Subdivision, hereby offer to dedicate and/or reserve for public use the rights-of-way, easements and other grounds shown on this plat.

Owner	Date	Mortgagee	Date
_____	_____	_____	_____

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULE 180-6-.09 THE TERM CERTIFICATION AS USED IN BOARD RULE 180-6-.09(2) AND (3) AND RELATING TO PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESS OR IMPLIED.

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS, ZONING ORDINANCES, ENVIRONMENTAL RESTRICTIONS, BUFFERS, AND RIGHTS-OF-WAY SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

W.D. GRAY AND ASSOCIATES, INC. HAS MADE NO INVESTIGATION AS TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES. BEFORE ANY LAND DISTURBANCE ACTIVITY BEGINS, UNDERGROUND UTILITIES SHOULD BE IDENTIFIED AND LOCATED. W.D. GRAY AND ASSOCIATES, INC. ASSUMES NO LIABILITY FOR LOSS OR DAMAGES CAUSED BY THE DISCOVERY OF OR DISTURBANCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES.

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE UNDERSIGNED SURVEYOR AND W.D. GRAY AND ASSOCIATES, INC. MAKE NO GUARANTEES, REPRESENTATIONS, OR WARRANTY REGARDING INFORMATION SHOWN HEREON PERTAINING TO RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS, SETBACK LINES, BUFFERS, AND OTHER SIMILAR MATTERS. NO LIABILITY IS ASSUMED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-87.

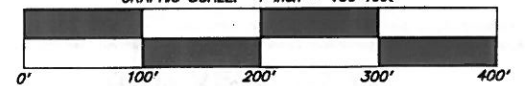
FOR REVIEW

Larry C. Shimshick, Ga. PLS No. 2343 _____ Date _____



The field data upon which this survey is based has been computed for closure by latitudes and departures and has a closure precision of one foot in 26,668 ft. and an angular error of 4 seconds per angle point, and is UNADJUSTED. A GEOMAX ZOOM 90 was used to obtain linear and angular measurements. It is my professional opinion, that this plat is true and correct representation of the land platted, has been prepared to meet the minimum standards and requirements of law, and has been computed for closure and has been found to be accurate within one foot in 3,531,450 feet.

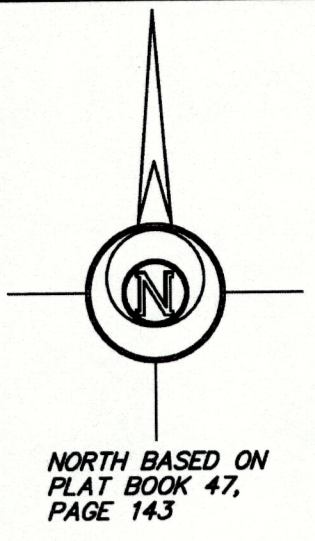
GRAPHIC SCALE: 1 inch = 100 feet



This plat was prepared for the exclusive use of the person, persons or entity named hereon. Said plat does not extend to any unnamed person, persons or entity without a recertification by the surveyor naming said person, persons or entity.

In my professional opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP. Map Number: 13113C0083E Dated: SEPTEMBER 26, 2008

<p>W.D. Gray and Associates, Inc. LSF000701 land surveyors - planners 160 GREENCASTLE ROAD SUITE B TYRONE GEORGIA 30290 PH. 770-486-7552 FAX 770-486-0496</p>	OWNER/DEVELOPER	LAND LOTS: 72, 73, 88 & 89	DATE OF SURVEY: 02-08-18 TO 02-11-19
	CYNTHIA SIMS	7th DISTRICT	DATE OF DRAWING: 04-22-19
	125 ELLISON ROAD TYRONE, GA. 30290 PHONE: 770-316-2400	FAYETTE COUNTY, GA.	SHEET 1 OF 2
		SCALE: 1" = 100'	JOB No. 1902004



CURVE TABLE

#	Radius	Delta	Length	Chord	Tangent	Chord Bearing
1	2230.78'	01°18' 07"	50.70'	50.69'	25.35'	S 84°56' 58" W
2	2717.68'	04°58' 03"	235.62'	235.55'	117.89'	S 81°28' 21" W
3	10286.94'	01°04' 27"	192.86'	192.85'	96.43'	S 79°26' 18" W
4	1319.20'	08°50' 01"	203.39'	203.19'	101.90'	N 04°00' 53" W
5	2174.80'	02°50' 00"	107.55'	107.54'	53.78'	N 11°51' 54" W
6	2174.80'	03°22' 49"	128.30'	128.29'	64.17'	N 14°58' 18" W
7	1400.45'	05°33' 18"	135.78'	135.72'	67.94'	N 13°20' 55" W
8	798.13'	12°07' 25"	168.88'	168.57'	84.76'	N 02°11' 59" W
9	939.69'	07°21' 45"	120.75'	120.67'	60.46'	N 08°31' 18" E

RESERVED FOR CLERK OF SUPERIOR COURT

LEGEND

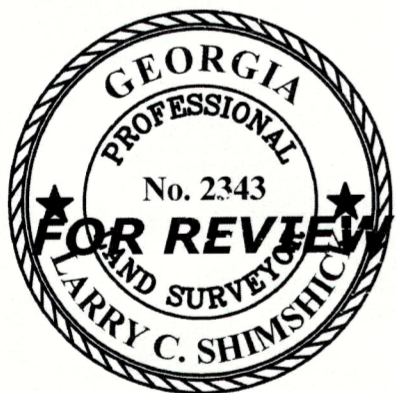
- B/L = BUILDING LINE
- CMP = CORRUGATED METAL PIPE
- LL = LAND LOT
- N/F = NOW OR FORMERLY
- OH-U = OVERHEAD UTILITIES
- P.B. = POWER BOX
- R/W = RIGHT-OF-WAY
- U/P = UTILITY POLE

SWAMP AND/OR STANDING WATER AT THE TIME OF SURVEY. NO OBVIOUS CREEK BANKS OR CREEK CENTERLINE WAS OBSERVED.

NOTE: WATERSHED BUFFERS AND SETBACKS SHOWN PER PLAT BOOK 48, PAGES 20-21.

N/F PHILLIP H. SIMS
DEED BOOK 4181, PAGE 596
PLAT BOOK 47, PAGE 143
ZONED: AR

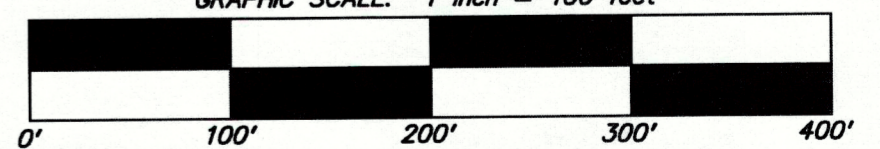
MINOR SUBDIVISION PLAT OF CINDY SIMS ESTATE



S 39°08' 00" W 62.47' TO A MAGNETIC NAIL SET AT THE APPROXIMATE CENTERLINE INTERSECTION OF DOGWOOD TRAIL AND ELLISON ROAD

DOGWOOD TRAIL (80' R/W)
ASPHALT PAVEMENT

GRAPHIC SCALE: 1 inch = 100 feet



This plat was prepared for the exclusive use of the person, persons or entity named herein. Said plat does not extend to any unnamed persons, persons or entity without a recertification by the surveyor naming said person, persons or entity.

In my professional opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP.
Map Number: 13113C0083E
Dated: SEPTEMBER 26, 2008

W.D. Gray and Associates, Inc. LSF000701
land surveyors - planners

160 GREENCASTLE ROAD SUITE B TYRONE
GEORGIA 30290
PH. 770-486-7552 FAX 770-486-0496

OWNER/DEVELOPER

CYNTHIA SIMS
125 ELLISON ROAD
TYRONE, GA. 30290
PHONE: 770-316-2400

LAND LOTS: 72, 73, 88 & 89

7th DISTRICT

FAYETTE COUNTY, GA.

SCALE: 1" = 100'

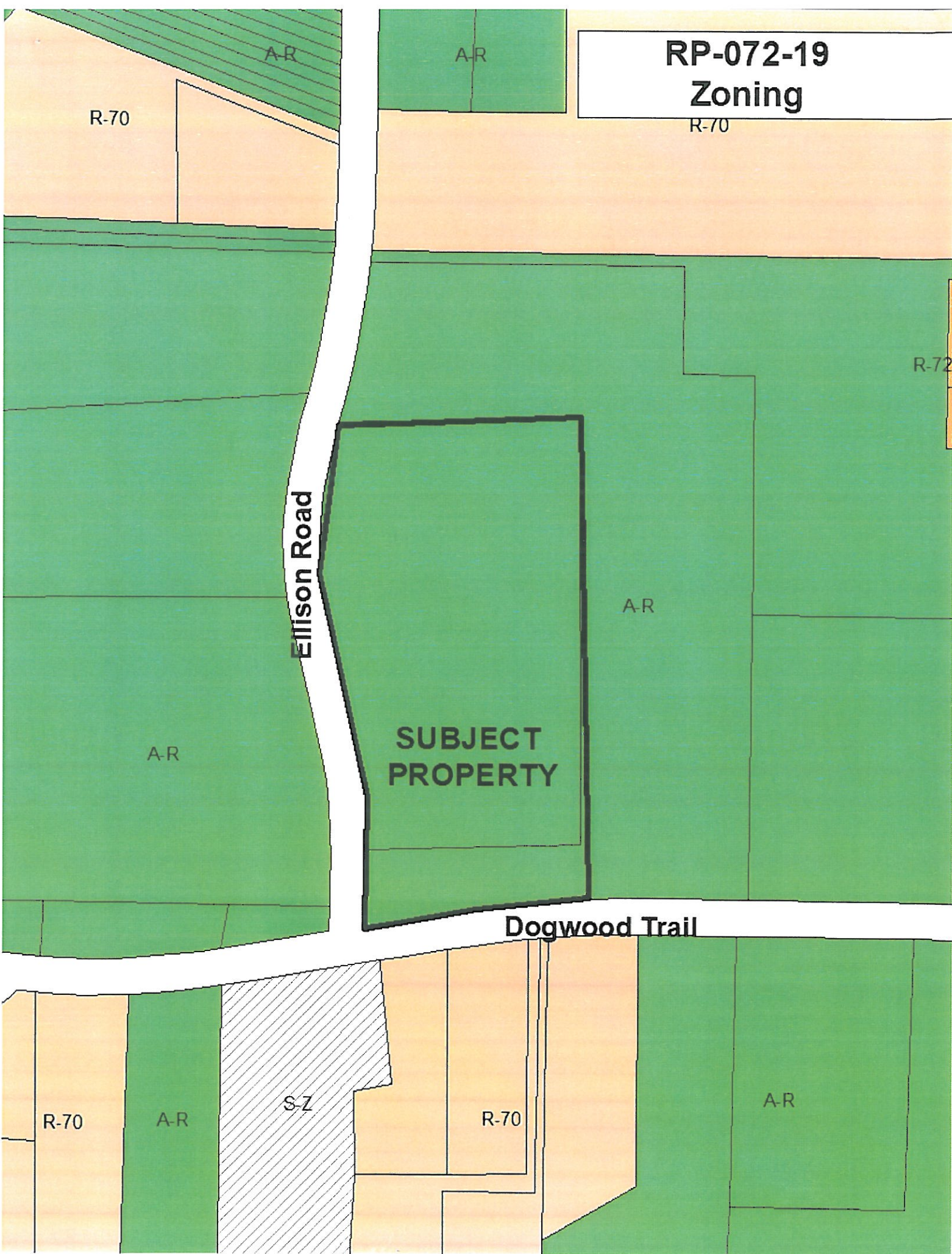
DATE OF SURVEY: 02-08-18
TO 02-11-19

DATE OF DRAWING: 04-22-19

SHEET 2 OF 2

JOB NO. 1902004

**RP-072-19
Zoning**



**RP-072-19
Aerials**

Scott Blvd

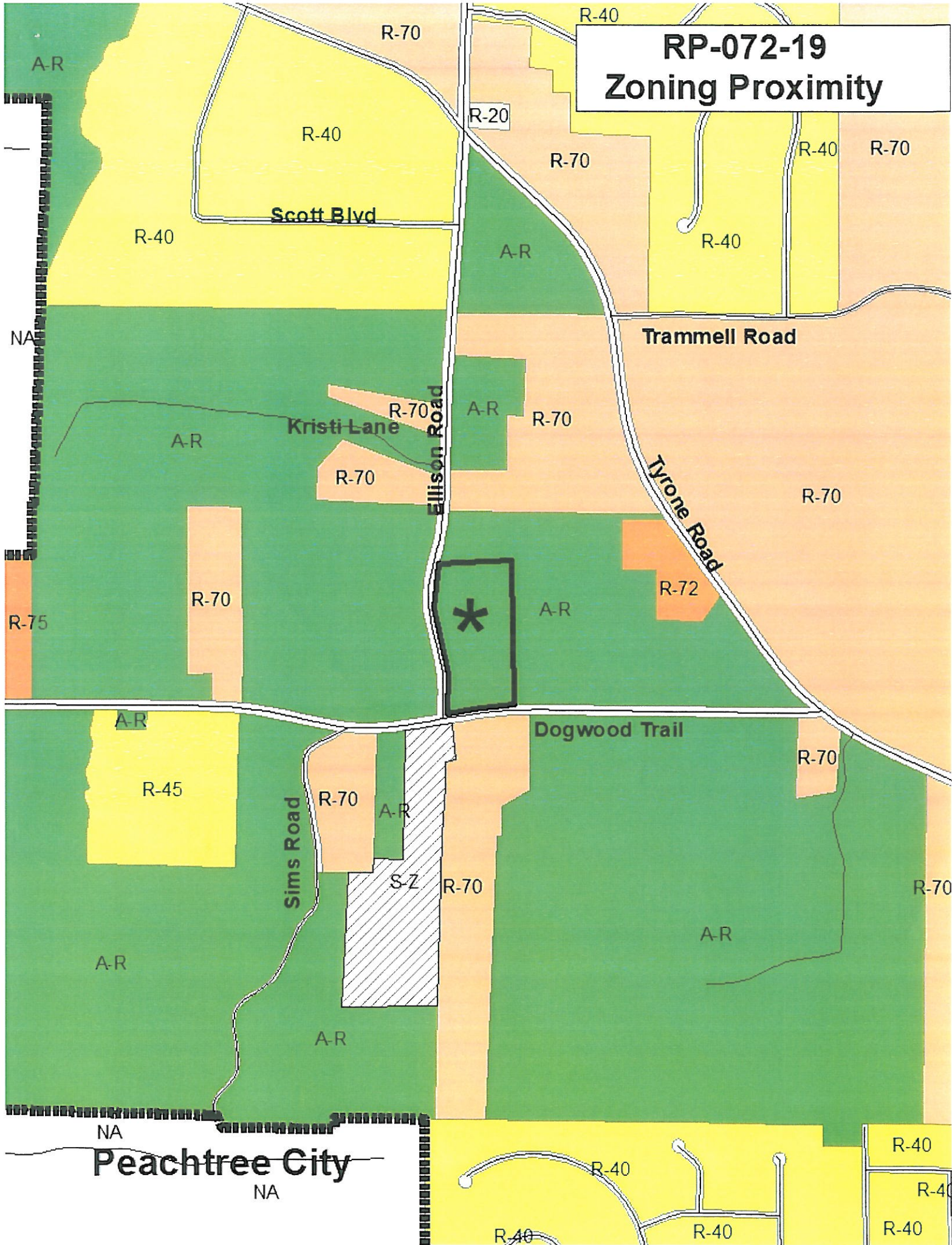
Ellison Road

**SUBJECT
PROPERTY**

Dogwood Trail



RP-072-19 Zoning Proximity



Peachtree City
NA

APPLICATION TO REVISE A RECORDED PLAT
(PUBLIC HEARING)

PETITION NO: RP-072 - 19

NAME OF RECORDED PLAT: Cindy Sims Estate

OWNER OF PROPERTY: Cynthia Sims Living Trust

MAILING ADDRESS: 125 Ellison Road Tyrone, GA 30290

PHONE: 770-316-2400

E-MAIL: C+sims01@gmail.com

AGENT FOR OWNER: none

MAILING ADDRESS: _____

PHONE: _____

E-MAIL: _____

LOCATION: LAND LOT(S) 72, 13 DISTRICT 7th ROAD Ellison / Dogwood

LEGAL DESCRIPTION ATTACHED: _____ ZONING: A-R

FIFTEEN COPIES OF CONCEPT PLAN ATTACHED: _____

TOTAL NUMBER OF LOTS: 2 TOTAL NUMBER OF ACRES: 13.28

DATE OF PLANNING COMMISSION HEARING: July 2, 2019

DATE OF COUNTY COMMISSIONERS HEARING: July 25, 2019

REASON FOR REVISION: Remove strip of land on Dogwood Trail from plat for Phillip Sims. This strip was originally moved to Phillip's ownership to bring 40 year old pool on side of house into compliance.
I would also like to subdivide my lot into two lots.

I respectfully submit this application and certify that the above information is correct and true to the best of my knowledge. I further certify that I am the owner or the specifically authorized agent of the above-referenced property.

June 26, 2019

June 26, 2019

Cynthia J. Sims
OWNER/AGENT'S SIGNATURE
[Signature]
NOTARY PUBLIC

SIGN FEE

Received from _____ the amount of \$ _____ to cover the cost of the sign deposit. Applicant will be billed later for the cost of advertising.

Date Paid: _____

Receipt No. _____

Cash: _____

Check No. _____



Doc ID: 010331850002 Type: WD
 Recorded: 02/28/2018 at 11:00:00 AM
 Fee Amt: \$12.00 Page 1 of 2
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

BK **4712** PG **560-561**

After Recording Return to:

**Cynthia Theresa Sims
 125 Ellison Road
 Tyrone, GA 30290**

STATE OF GEORGIA

COUNTY OF Fayette

WARRANTY DEED

ON THIS 30 day of November, 2017, for and in consideration of Ten Dollars (\$10.00) in hand paid, and other good and valuable consideration the receipt of which is hereby acknowledged, CYNTHIA T. SIMS (the Grantor) does hereby grant, bargain and sell an undivided interest unto CYNTHIA THERESA SIMS as Trustee of "THE CYNTHIA THERESA SIMS REVOCABLE LIVING TRUST" (the Grantee) under trust agreement dated the 30th of November, 2017, including the successor trustees of said trust and the assigns of said trust, all of the rights, title, interest, and equity, Grantor owns and has, in and to, the following described property, subject to all prior transfers, easements, rights-of-way, riders and restrictive covenants of record, to wit:

See Exhibit "A" for Legal Description

This transfer is to a revocable living trust and is not subject to transfer tax pursuant to O.C.G.A. § 48-6-2(a)(9).

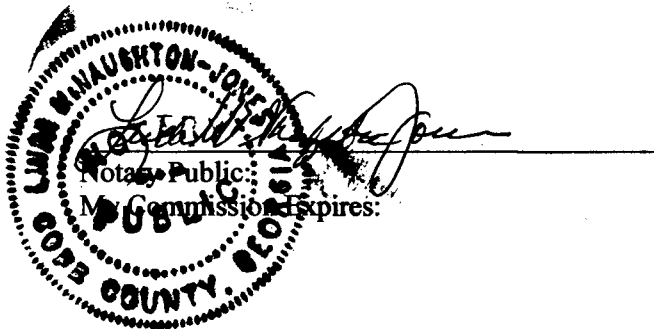
TO HAVE AND TO HOLD said property, so that neither the Grantor, nor Grantor's heirs, administrators, assigns, nor any other person holding them, shall have any right, title, interest, or equity in same. Grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set hand and seal and delivered these presents the day and year first above written.

Signed, sealed, and delivered in the presence of:

Marisa White
 Witness

Cynthia T. Sims
 CYNTHIA T. SIMS, Grantor



(NOTARY SEAL) 5/1/20

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lots 72, 73, and 88 of the 7th District of Fayette County, Georgia (hereinafter referred to as the "Land"), as more particularly described as Tract 1 on a survey for Cindy Sims by S.S. Gaskins & Associated, LLC dated 1/3/14, and recorded in Plat Book 47, Page 143, Fayette County, Georgia Records, said plat being incorporated herein and made a part hereof by reference.

Said property is commonly known as:
125 Ellison Road, Tyrone, GA 30290