

BOARD MEMBERS

Arnold L. Martin
John Kruzan
John H. Culbreth, Sr.
Danny England
Jim Oliver

STAFF

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

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
June 1, 2023
7:00 pm

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the meeting held on May 18, 2023.

PUBLIC HEARING

5. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3. Definitions; Sec. 110-241. – Public Hearing; Sec. 110-292. – Public Hearing; Sec. 110-295. – Appeal.
6. Consideration of Petition No. RDP-016-23, To revise the development plan for Morning Falls Subdivision - to remove parcel# 1308 021 (48.472 acres) from Morning Falls subdivision. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.
7. Consideration of Petition No. 1329-23 CG & PH, LLC, Owner, and John K. Pell, Agent, request to rezone 48.472 acres from C-S to A-R. This property is located in Land Lot 224 of the 13th District, and fronts on Gadson Drive.

Meeting Minutes 5/18/23

THE FAYETTE COUNTY PLANNING COMMISSION met on May 18th, 2023 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Jim Oliver, Chairman
John H. Culbreth Sr., Vice Chairman
John Kruzan
Arnold Martin

MEMBERS ABSENT: Danny England

STAFF PRESENT: Deborah Sims, Zoning Administrator
Chelsie Boynton, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.

John Culbreth Sr. made a motion to approve the agenda, removing item number 6. John Kruzan seconded the motion. The motion passed 4-0. Danny England was absent.

4. **Consideration of the Minutes of the meeting held on May 4, 2023.**

Deborah Sims, Zoning Administrator, stated item number six (6) needed to be removed from the agenda due to not having the needed amount of dedicated right of way.

John Culbreth Sr. made a motion to approve the Minutes of the meeting held on May 4, 2023. John Kruzan seconded the motion. The motion passed 3-0-1. Arnold Martin abstained. Danny England was absent.

5. **Consideration of a Minor Final Plat of The Johnnie K. Holland Estate.**

Deborah Sims stated this plat has been approved by staff.

Randy Boyd stated this was rezoned and finalized right before Christmas. He stated there was an issue with a guesthouse that was over the maximum square footage of 700 square feet. He stated they received a variance and proceeded to turn in the Minor Final Plat. He stated that they have submitted all revisions and documents, and Debbie Bell has recommended approval.

Chairman Oliver asked if there were any questions from the Board. There were none.

Arnold Martin made a motion to approve the Minor Final Plat of The Johnnie K. Holland Estate. John Culbreth Sr. seconded the motion. The motion passed 4-0. Danny England was absent.

6. Consideration of a Minor Final Plat of Phillips & Suren Property.

Item was removed from discussion. There was no action taken.

7. Discuss amendments to the procedures for approval of a minor final plat.

Chairman Oliver discussed the possibility of when there are minor final plats, the chairman having the authority to sign off without the need for an official meeting. He discussed how the plats are already approved by staff and mentioned how there have been meetings where the consideration of plats have been their only business.

Attorney Cox stated she would need to make sure it's not in the code.

Chairman Oliver stated that was his next question and if it is County code, could it be changed? He asked for the Board's thoughts.

John Culbreth Sr. stated he would like to know what the code says to it. He stated if something occurs after the fact and they say, 'it went through the Planning Commission' and the code says it must go through the Planning Commission then they need to look at that. He added to change that they would need to go through the Board of Commissioners.

Attorney Cox stated that she would look into it but it may be that the code specifies that a plat would need to come through Planning Commission and without a vote of the members, it isn't an action taken by the Planning Commission. She stated the vote authorizes the signature.

Arnold Martin stated he doesn't recall ever having a plat that came before them that they sent back or disagreed with.

Chairman Oliver stated when he served on City of Fayetteville's Planning Commission, there was not a meeting, they would just call the Chairman to come by and sign off on the plats. He stated it's something that could be looked into and he thinks it would be easier for everybody, save time, and save the County some money.

Arnold Martin asked if it were part of the code, what would they do to change it?

Attorney Cox stated it would go before the Board of Commissioners to have it revised. She stated it is an exercise of authority that one wouldn't recognize as an issue until it is an issue. She stated it's a rubber stamp but you never know.

Arnold Martin gave the example of some years ago there was a problem with appointing people to some of the Boards. Some people had applied after the time frame had closed who had been appointed and there were people who were not happy about that. He stated the Commissioners had rubber stamped it and they had no idea.

Attorney Cox stated this could cause a problem 20 years from now.

Randy Boyd gave a history of how this came about. He stated there was an attorney who said they hadn't been putting the plats on record properly. He stated it was an unofficial opinion by the Attorney General and he stated it's based on Plat Act 15-6-67. Randy Boyd read a paragraph from the Plat Act. "Whenever the municipal planning commission, the county planning commission, the municipal-county planning commission, or, if no such planning commission exists, the appropriate municipal or county governing authority prepares and adopts subdivision regulations or land use regulations, or both, then no plat of a subdivision of land within the municipality or the county shall be presented for filing with the office of the clerk of superior court of a county without the approval of the municipal planning commission, county planning commission, municipal-county planning commission, or appropriate municipal or county governing authority."

Attorney Cox stated this is the Planning Commission and in order to have the approval of the Planning Commission there needs to be a vote.

Arnold Martin asked if there isn't too much delay could they wait until they have a public hearing?

Chairman Oliver stated he thought of that too but as a petitioner, time is of the essence, and they don't want to wait a month for the next meeting. He asked when the Plat Act was passed?

Randy Boyd said 1994 or 1996.

Chairman Oliver stated he was in Fayetteville in 1986 and 1987 so things were different at that time.

Randy Boyd stated not all Counties do this and asked if the plat is on record improperly if it's not reviewed by a Planning Commission?

John Culbreth asked if they were legally challenged, is that the state law?

Randy Boyd stated yes.

8. Discuss amendments to the zoning ordinance.

Deborah Sims stated this is a housekeeping issue. They need to amend how non-residential site plans speak to doing paper submittals and the county no longer does that. They are submitted electronically. She also stated zoning compliance expires 12 months after it's issued. She asked if there is a particular reason why it's 12 months or if it can be realigned to two years to give applicants longer to get their construction drawings.

Chairman Oliver stated these days 12 months is not long enough to get curb cuts and everything.

Deborah Sims stated she feels it would align things better. She stated they ran into a situation where someone's zoning compliance was dated May 17th, 2022. It states it would expire if they didn't have their building permit. She stated they didn't have their architectural or their affidavit so they couldn't get the building permit to be accepted. She continued they don't want to re review the site plan and cost the county more time and money when they're ready to break ground. She added the Land Disturbance Permit is good for two (2) years.

Chairman Oliver agreed on extending the Zoning Compliance from 12 months to two (2) years.

PUBLIC HEARING

No Public Hearings.



John Culbreth Sr. made a motion to adjourn. Arnold Martin seconded. The motion passed 4-0. Danny England was absent.

The meeting adjourned at 7:25pm.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

JIM OLIVER, CHAIRMAN

ATTEST:

**CHELSIE BOYNTON
PC SECRETARY**

PLANNING COMMISSION

Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-3. Definitions, is hereby:

Approval of Boundary Line
TABLE *Rejection of Drug Abuse Treatment Facility*
Recommended for approval to the BOC Recommended for denial to the BOC

 Tabled until *JUNE 1, 2023*

Per the Fayette County Planning Commission on this 4th day of May 2023.

Jim Oliver

JIM OLIVER, CHAIRMAN

John H. Culbreth

JOHN H. CULBRETH, SR., VICE-CHAIRMAN

ABSENT

ARNOLD L. MARTIN III

Danny England

DANNY ENGLAND

John J. Kruzan

JOHN J. KRUZAN

Remarks:

Sec. 110-3. Definitions.

Words and terms not explicitly defined in this chapter shall have the meaning given by common and ordinary use as defined in Webster's New Collegiate Dictionary. The term "shall" is always mandatory while the term "may" is merely discretionary. The following specific definitions shall apply:

Accessory means a use or structure customarily incidental and subordinate to the principal use or structure and located on the same lot as such principal use or structure.

Acquisition of property for a public purpose means the acquisition of property by an entity with the power of eminent domain.

Acre, gross, means a measure of land equal to 43,560 square feet.

Acre, net, means a gross acre less: street rights-of-way, both public and private; all land located within the 100-year floodplain; all water/stormwater impoundments; and all lands proposed to be dedicated to a governing authority.

Adult day care facility means adult day care facilities shall include any building, or portion thereof, used to house four or more adults requiring care, maintenance, and supervision for part of a day.

Agriculture means the raising of soil crops, including forestry and landscape planting materials, and/or livestock in a customary manner on lots of land at least five acres in size, including all associated activities.

Aircraft means any machine, whether heavier or lighter than air, used or designated for navigation of, or flight in the air.

Aircraft hangar means a fully enclosed structure with operational doors designed to store aircraft and the associated equipment or supplies needed for the operation and maintenance of the aircraft.

Aircraft landing area means areas designed for safe landing and departures, including runways and heliports.

Airplane means a fixed-winged aircraft that is supported in flight by dynamic reaction of the air against its wings.

Alteration means any construction or renovation to an existing structure, other than repair.

Amphitheater means an open-air facility primarily used for entertainment purposes, commonly with tiers of seats facing a performance stage.

Animal means either a domestic dog (*Canis familiaris*) or domestic cat (*Felis catus*) This term shall not include livestock or household pets (see *Household pet*, see *Livestock*).

Animal, wild, includes any species or family or breed (including hybrids) of wild animals listed by the Georgia Department of Natural Resources (DNR) as being wild per O.C.G.A. title 27, ch. 5 (O.C.G.A. § 27-5-1 et seq.).

Antenna means a device used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas.

Apiary means a place where honeybees and beehives are kept. (Adopted 7-28-2011)

Aquaculture means the hatching, raising, and breeding of fish and/or aquatic plants for food or fiber.

Art and/or crafts studio means an establishment where an artist's works are created and sold, where pieces by various artists are displayed for sale in a gallery, where customers purchase then create their own works (canvas, pottery, glass pieces, sculpture, etc.), a studio with classes and/or an art supply store.

Artist studio means a structure accommodating the practice of the full spectrum of the arts including, but not limited to: fine arts, visual arts, and performing arts.

Athletic facility means an area designated for athletic activity.

Automobile service station means a land use where gasoline, oils, greases, batteries, tires, and general automobile accessories may be provided, but where no part of the premises is used for the storage or dismantling of wrecked or junked vehicles.

Auxiliary structure means a structure which is allowed incidental and secondary to a residence.

Bakery means an establishment engaged in the preparation and production of baked goods for sale and consumption both on and off the premises.

Banquet hall/event facility, means a facility which is rented by individuals or groups to accommodate private functions including, but not limited to: banquets, parties, meetings, weddings and/or wedding receptions, anniversaries, and other similar assemblies.

Basement means that portion of a building that is partially or completely below grade as defined and regulated in the International Residential Code.

Bed and breakfast inn, A-R, means a bed and breakfast inn allowed as a conditional use in the A-R zoning district.

Beehive means a structure intended for the housing of bees.

Boat house means a structure built in or over a waterway to house a boat.

Breezeway means a roofed, open-sided or screened passageway connecting two structures, such as a house and a garage.

Buffer means a portion of a lot which is set aside to provide a separation of uses from abutting lots.

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure for any person, animal, livestock, process, equipment, goods or property of any kind.

Building height means the vertical distance of a building measured from the median height of the basement level or crawl space to the midpoint of the highest roof. The midpoint shall be measured from the ceiling joist of the highest floor level or from where the truss rests on the highest wall for open roof structures. For structures constructed without a basement or crawl space, the measurement will be taken beginning at the ground floor level. (See also section 110-75, Structures Permitted above the Height Limit.)

Building line, front, means a line running parallel to the street which touches the nearest point of the principal structure to the street.

Building line, front (corner lot), means, on a corner lot, a line running parallel to the principal structure front, extending the full width of the lot.

Building, principal, means a building in which the principal use of the lot is conducted.

Cabana/pool house means an open, partially, or totally enclosed structure used in conjunction with a pool or lake/pond, commonly containing a changing area, and/or seating area, and/or a restroom.

Campground facilities means any lot where two or more recreational vehicles and/or tents (which are normally associated with outdoor camping) are parked and/or erected for short-term occupancy.

Card, gift, and/or stationery shop means an establishment which sells products such as greeting cards, wrapping paper, photo albums, picture frames, items that are suitable as gifts or souvenirs, desktop office products, paper, calendars, pencils, pens, briefcases, and art/graphic supplies.

Care home means a convalescent center, nursing home, rest home, home for the aged, assisted living facility, or similar use established and operated on a profit or nonprofit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill, or convalescent persons.

Carport, attached, means a roofed, open-sided motor vehicle shelter, formed by extension of a roof from a building in a residential zoning district.

Carport, detached, means a roofed, open-sided motor vehicle shelter.

Cemetery means a burial ground.

Cemetery or burial ground, legal nonconforming, means an existing cemetery or burial ground established before the effective date of November 13, 1980, or subsequent amendments which fail to comply with the provisions herein. These cemeteries or burial grounds could be active, inactive, or abandoned.

Check cashing means an establishment that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose.

Child care facility means an agency, organization, or individual providing care for four or more children not related by blood or marriage or not the legal wards of the attendant adult and would include those providers that offer pre-primary, pre-K, and/or kindergarten instruction.

Child care, in-home, means a custodial care business, conducted as a home occupation in a residential dwelling, where not more than three children, not related to the operator, are received for temporary care during the day only, whether for compensation, reward, or otherwise, and in full compliance with all applicable state requirements and/or certifications. The children of the owner are not included in the count.

Church or other place of worship means a building used for public worship, including, but not limited to: temple, synagogue, pagoda, shrine, cathedral, tabernacle, and mosque/masjid.

Clapboard siding means a siding with horizontal boards or the appearance of horizontal boards.

Clinic means an establishment where medical or dental patients are admitted for examination and treatment, but where there is no overnight lodging.

Club or lodge, private, means all incorporated or unincorporated associations for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated for the benefit of the members and not open to the general public.

Common area means any part of a development that is not part of a building lot and is designated for the common usage of the development. (See *Open space*.)

Convenience commercial establishment means an establishment that primarily stocks a range of groceries, snack foods, freshly-prepared foods for on and off-site consumption, and beverages, and may also provide household items, toiletries, tobacco products, newspapers, and the sale of fuel.

Convenience store means a small retail establishment that offers convenience goods for sale, such as prepackaged food items, beverages, tobacco, personal care items, and other household goods.

County engineer means the official to whom the responsibilities normally associated with this title has been delegated.

Copy and/or print shop means an establishment engaged in duplicating and printing services to individuals and businesses.

Cornice means a projecting feature surrounding the upper portion of a structure, dividing it horizontally for compositional purposes.

Covered patio or covered deck, detached, means an open or partially enclosed structure consisting of a roof with supporting posts/columns commonly containing a seating/dining area, and/or outdoor kitchen, and/or spa/hot tub.

Cultural facility means a facility for social, intellectual, artistic and/or scientific exposition such as museums, performing arts theaters, botanical gardens, and zoological parks.

Curb cut means the point at which vehicular access is provided to a lot from an adjoining street.

Day spa means an establishment offering massage therapy performed by a licensed massage therapist pursuant to Georgia Massage Therapy Practice Act (O.C.G.A. § 43-24A-1 et seq.) that in addition may also offer beauty care, body treatments, and the retail sales of related products.

Daylight hours means that period of time beginning 30 minutes before sunrise and ending 30 minutes after sunset.

Deer processing facility means a facility where deer is processed into various cuts of venison.

Density means the number of dwelling units per net acre.

Density, high, means high density is defined as more than four dwelling units per net acre.

Density, low, means low density is one dwelling unit or fewer per two net acres.

Density, medium, means medium density is one to three dwelling units per net acre.

Dog pen/run means, for the purposes of Section 110-79, pertaining to "Residential accessory structures and their uses," an outside open air enclosure, consisting of 400 square feet or less of space per animal, used for the purpose of containing animals.

Drive-in means a retail or service enterprise wherein service is provided to customers who remain in their vehicles.

Drive-through means an opening in the wall of a building or structure designed and intended to be used to provide service to customers who remain in their vehicles.

Drive-up facility means a structure or device designed and intended to provide service to customers who remain in their vehicles.

Drug abuse treatment facility, means a residential treatment facility staffed by professional and/or paraprofessional persons offering treatment and/or therapeutic programs for drug-dependent person who reside on the premises. This is a special use of property requiring the grant of a permit after two (2) public hearings. A drug abuse treatment facility must also be approved and licensed by the Georgia Department of Community Health.

Dwelling means a building or portion of a building, designed for, or occupied for residential purposes constituting a residence.

Dwelling, multifamily, means a dwelling designed for three or more families living independently of each other.

Dwelling, single-family, means a detached dwelling designed for a single family.

Dwelling, townhouse, means one of a series of three or more attached dwelling units on separate lots which are separated from each other by party wall partitions extending at least from the lowest floor level to the roof.

Dwelling, two-family, means a building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

Dwelling unit means any building which contains living facilities, including provisions for sleeping, eating, and sanitation for not more than one family.

Educational/instructional facility means a specialized training establishment.

FAA means the federal aviation administration.

Facility means the area established to serve a particular use or purpose.

Family means one or more persons occupying a single dwelling unit, provided that all persons are related by blood or marriage, or are lawful wards, and shall also include a group of persons, not exceeding four, living and cooking together as a single, nonprofit housekeeping unit. The members of said group need not be related by blood or marriage or be lawful wards, where said group is occupying a single dwelling unit.

Farm means a lot devoted to the raising of agricultural products and/or livestock.

FCC means the Federal Communications Commission.

Fence means structures made of posts, columns, boards, wire, pickets, wrought iron, or rails.

Financial institution means any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company or other business association, which is chartered under federal or state law, solicits, receives or accepts money or its equivalent on deposit and loans money as a regular business.

Floor area, accessory structure, means the sum of the horizontal areas of several floors of the structure under roof, excluding any space where the floor-to-ceiling height is less than six feet.

Floor area, principal structure, means the area of a dwelling exclusive of unheated space shall be measured from the face of the exterior walls. Unheated space shall include, but not be limited to: attic, basement, garage, carport, patios, and open porches.

Footprint means the area of the foundation upon which a structure or building sits and would include the area beneath a supported or cantilevered lean-to attached to the structure or building.

Foundation means an in-ground masonry or poured concrete support for a structure.

Front door means the main entrance to a residence or building which is normally oriented to a street.

Funeral services means the observances, services, or ceremonies held for dead human bodies and includes any service relating to the transportation, embalming, cremation, observances, and interment of a dead human body.

Gazebo means a freestanding, circular roofed structure open on all sides, but enclosed by a railing, and used for outdoor seating in residential zoning districts.

Governing authority means the county board of commissioners.

Greenhouse, temporary means a structure constructed with a metal, plastic or wood framing (bent in a half round or hoop shape in the case of a hoop house), with a plastic sheet or cloth covering that is not mounted on a foundation and used for the purpose of growing or storing plants.

Greenhouse, permanent means a structure typically constructed with wood or metal framing and covered by glass or Plexiglas that is mounted on a foundation used for the purpose of growing or storing plants.

Grocery store means a retail establishment which primarily sells food and household goods, but is substantially larger and carries a broader range of merchandise than a convenience store.

Guestroom means a room occupied or intended, arranged or designed for occupancy by one or more occupants and used for that purpose and where overnight occupancy is allowed.

Helicopter means a rotary winged aircraft that depends principally upon the lift generated by one or more engine-driven rotors rotating on a substantially vertical axis for its primary means of propulsion.

Heliport means an area of land, water, or structure used for the sole purpose of landing and takeoff of helicopters.

Hobby breeder means a breeder of animals who sells less than 30 animals per year.

Home occupation means an occupation operated within a dwelling by residents of the dwelling.

Horse quarters means a structure used to house horses in the residential zoning districts.

Horse stable means a structure used to house and/or board horses in an A-R zoning district.

Hospital means any institution receiving in-patients, providing a staffed 24-hour emergency care facility, and authorized under the state law to render medical, surgical, and/or obstetrical care. The term "hospital" includes a sanitarium, with an approved certificate of need (CON) from the state health planning agency, for the treatment and care of various forms of mental illness, but shall not include office facilities for the private practice of medicine, dentistry or psychiatry.

Hotel means a building in which overnight accommodations are provided to the public and the innkeeper. The term "hotel" includes the terms "bed and breakfast inn" and "motel".

Household pet means a household pet shall include rodent pets, such as gerbils, hamsters, mice, rats, and guinea pigs; small mammal pets such as rabbits, hares, and ferrets; avian pets, such as canaries, parakeets, and parrots; reptile pets, such as turtles, lizards and snakes; and aquatic pets, such as tropical fish and frogs that is customarily kept for personal use or enjoyment primarily within a principal residence.

Industrialized building means any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a nonresidential building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof.

Junk/auto grave yard means property used for outdoor storage, keeping, abandonment, sale or resale of junk, including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

Junked automobile. (See *Vehicle, abandoned.*)

Kennel means an establishment for the boarding, breeding and/or sale of animals for commercial gain that may in addition provide grooming and/or training services, and a pet rescue operation where the animals are primarily housed or kept outside of the principal residence in accessory structures, pens, or enclosures. A hobby breeder, as defined herein, shall not be considered a kennel.

Kindergarten. (See *School, private.*)

Landscape areas means a maintained area of grass and/or ornamental planting materials.

Livestock means animals including, but not limited to: horses, cattle, goats, sheep, pigs, potbellied pigs, chickens, ducks, geese, mules, rabbits, emu/ostrich, buffalo, chinchilla, fox, mink or other fur-bearing animal, and llamas. This term shall be deemed to specifically exclude animals (See *Animal* and *Household pet.*)

Loading space means space logically and conveniently located for pickup and delivery service, scaled to the vehicles expected to be used, and accessible to such vehicles at all times.

Lot means a tract of land of varying size which is designated as a single unit of property.

Lot, corner, means a lot located at the intersection of two or more streets.

Lot depth, means the distance between the front and rear lot lines.

Lot, flag, means a lot shaped like a flag on a pole with the pole portion of the lot fronting on a street and the flag portion being where the lot width is met.

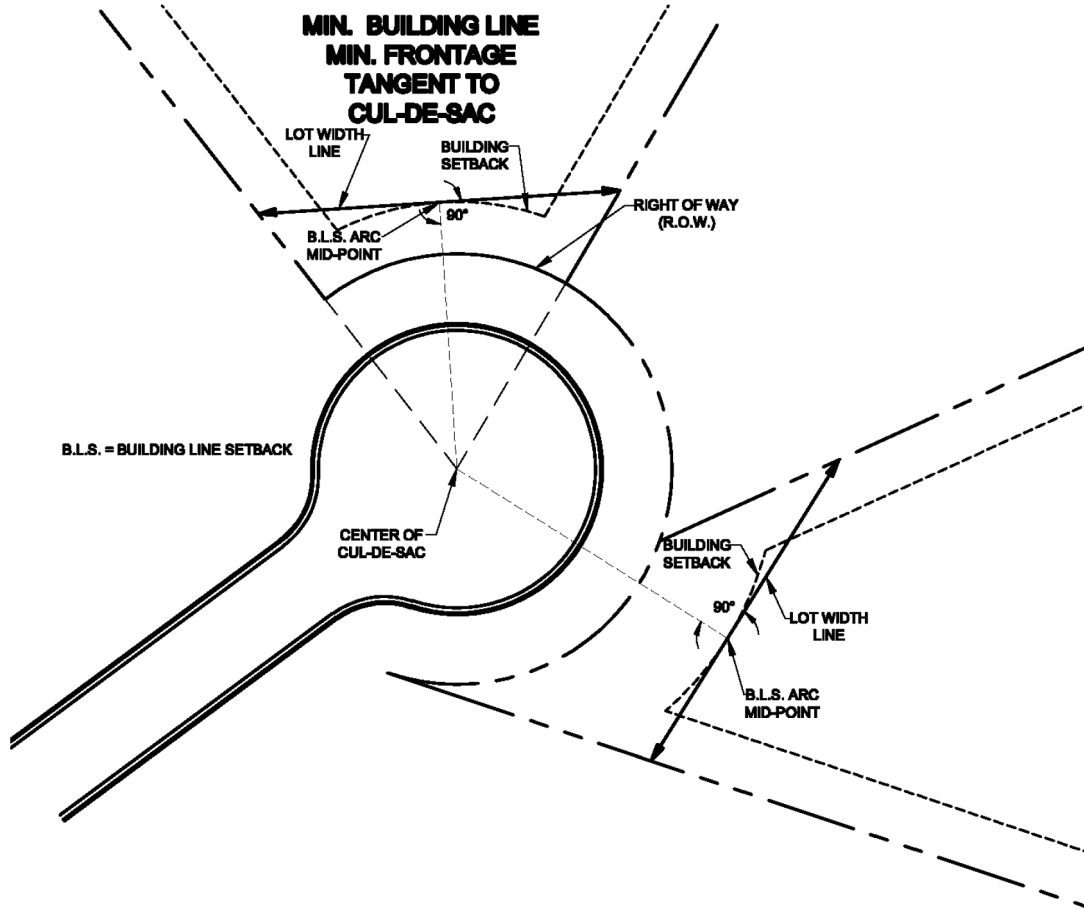
Lot, interior, means a lot which has frontage on only one street.

Lot, landlocked, means a lot having no frontage on a street.

Lot, through, means a lot, other than a corner lot, having frontage on more than one street.

Lot width means the required width of a lot as specified by a zoning district.

Lot width, minimum, means the minimum distance between side lot lines either measured in a straight line parallel to the street right-of-way or tangent and perpendicular to the mid-point of the right-of-way in the case of the turn around portion of a cul-de-sac along the front minimum building line (see graphic).



Lot of record means an area designated as a separate and distinct lot of land on a recorded subdivision plat approved in accordance with chapter 104, article XV subdivision regulations, or in a legally recorded deed.

Mail services store means an establishment that provides packaging and mail services (both U.S. Postal and private service), provides mailboxes for lease and retail sale of office and stationery products.

Manufactured home park means any lot where two or more manufactured homes are installed for living purposes, including any land or structure used by occupants of manufactured homes on such premises.

Manufactured home space means a plot of ground within a manufactured home park designed to accommodate a single manufactured home.

Manufactured housing means a structure, transportable in one or more sections, which, in the traveling mode, is 320 or more square feet and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For the purposes of this chapter, the term "mobile home" means "manufactured housing" or "manufactured home."

Massage therapy means massage therapy performed by a licensed massage therapist pursuant to the Georgia Massage Therapy Practice Act (O.C.G.A. § 43-24A-1 et seq.).

Mini-storage facility means storage facilities which are leased to the public.

Motel. (See *Hotel.*)

Mullion means a heavy vertical or horizontal divider between windows and/or doors.

Muntin means a narrow strip that divides or gives the appearance of individual panes of glass in a traditional sash.

Museum means a permanent institution in the service of society and of its development, open to the public, which acquires, conserves, researches, communicates, and exhibits the tangible and intangible heritage of humanity and its environment, for the purpose of education, study, and enjoyment.

Nonconformance, illegal, means a lot, use, building, or structure established after the effective date of November 13, 1980, or subsequent amendments which fail to comply with the provisions herein.

Nonconformance, legal, means a legally existing lot, use, building or structure which fails to comply with the provisions herein, as of the effective date of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance.

Nonemergency medical transport service means a service licensed by the state under O.C.G.A. title 31, ch. 11, arts. 1—4 (O.C.G.A. § 31-11-1 et seq.) as applicable and as administered by the department of human resources providing prearranged non-emergency medical transport.

Open space means land within and related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate. (See *Common area.*)

Overlay zone means a zone that imposes a set of requirements in addition to those set out by the underlying zoning district.

Parapet wall means a wall at the edge of a roof.

Parking garage/lot means a structure, lot or any portion thereof which is open to the public in which one or more vehicles are housed or kept, not intending exhibition or showroom or storage or cars for sale.

Parking space means an area for off-street motor vehicle parking.

Pavilion means a freestanding roofed structure generally supported by poles and open on the sides with a permanent foundation that is used for picnic/social gatherings.

Pay-day loan agency means an establishment providing loans to individuals in exchange for personal checks as collateral.

Pawn establishment means any business that loans money on deposit of personal property and/or a title of ownership.

Pet rescue means a nonprofit organization or individual providing temporary welfare, protection, and humane treatment of animals while searching for permanent adoptive homes.

Pet store means a retail establishment engaged in the sale of household pets and/or associated accessories and supplies, and may in addition provide grooming and/or training services.

Planning commission means the commission to which the responsibilities associated with the planning commission has been delegated.

Playhouse means a small house-like structure designed for children to play in.

Pole barn means a large structure consisting of a roof supported by poles for the storage of farm products, feed, or the housing of farm animals or farm equipment, in agricultural zoning districts.

Pool house. (See *Cabana/pool house.*)

Porte cochere means an extension of the roof projecting over a driveway at an entrance of a building and sheltering those getting in or out of vehicles; also called a carriage porch.

Principal structure front means the wall/plane of the principal structure in which the front door is located.

Public utility facility means a location of or for public utilities, such as an electric substation or a location where a business organization (as an electric company) performing a public service and subject to special governmental regulation and the public service commission.

Public water facilities means mains and service lines owned and operated by the county water system, or, when approved by the county commissioners, a private water system operating under the direct supervision of the department of natural resources.

Recycling facility means a facility engaged in the collection, separation, storage and processing (baling, compacting, grinding, or shredding) of household and office type recyclable materials only (aluminum and tin cans, cardboard, glass containers, magazines, newspaper, paper, plastic containers and telephone books) to facilitate the shipment of such materials to an industrial end-user.

Runway safety area means a cleared, drained, graded, and stable area symmetrically located about the runway, the dimensions of which include the runway width, and which is suitable for an airplane to overrun should it accidentally veer off the pavement.

Sales, garage/yard, includes all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "moving sale," or "estate sale."

School, private, means an elementary (kindergarten thru sixth grade that may, in conjunction, provide pre-primary and pre-K instruction), middle or high school, supported with private funds, providing a curriculum that meets state board of education requirements, including schools serving school age children with special needs.

School, trade/vocational. (See *Educational/institutional facility.*)

Service area means a designated space, generally out-of-doors, utilized for utility areas, storage and pickup, and for the delivery of goods and services to any building or land use.

Setback means a required open space on a lot that is left unoccupied by structures and facilities, except as otherwise permitted herein.

Sewer system, central sanitary, means collection of sanitary sewage via a pipe network, transportation to a common collection point and treatment to required department of natural resources criteria prior to release.

Shooting range, indoor, means an indoor facility for the safe shooting of firearms, including both facilities which are open to the general public or open only to private membership.

Shooting range, outdoor, means an outdoor facility for the safe shooting of firearms, including both facilities which are open to the general public or open only to private membership.

Smoking lounge means an establishment dedicated, in whole or in part, to the sale and/or smoking of legal substances, including but not limited to, establishments known commonly as cigar stores/lounges, hookah lounges, tobacco clubs, etc.

Solar farm means any lot where more than three ground-mounted solar panels exceeding 200 cumulative square feet, or where more than 900 cumulative square feet of ground-mounted solar panels are located.

Solar panel means a device consisting of an array of connected solar cells or photovoltaic cells that convert solar energy (light from the sun) into heat or electricity.

Soundstage means a room or building used for the shooting of film and video content.

Special event means a temporary, short-term event commonly held by a religious, educational, or community organization or a promotional event to attract attention to a place of business.

Split zoning means a lot divided by more than one zoning district.

Stadium, athletic, means an open-air facility, primarily for the viewing of athletic events, usually with tiers of seats rising around a field or court.

Story means the portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it.

Street means a public or private thoroughfare or road, often paved, used for vehicular access to other streets and/or properties. Streets may be:

- (1) Owned and operated/maintained by the county (i.e., those within a public right-of-way);
- (2) Privately owned but open for public use and maintained by the county (i.e., those within a prescriptive easement); or
- (3) Privately owned and maintained (i.e., a private road) public streets are designated by type on the county thoroughfare plan.

Street, access, means a street that provides for access to lots.

Street, private, means a street used for access that is not owned or maintained by a governmental agency such as the county, a municipality, the state or federal government.

Street, public, means a street that is used for travel by the general public, that is owned or maintained by a governmental agency such as the county, a municipality, the state or federal government.

Structure means a combination of materials assembled for use or occupancy, whether installed on, above, or below the surface of land or water. For the purposes of this chapter, structures include, but not limited to: buildings, manufactured homes, towers, recreational courts, and swimming pools, but do not include driveways, signs, septic systems, walls, or fences.

Subdivision means all divisions of a lot or land into a minimum of two or more lots.

Swimming pool screened enclosure means a structure or part thereof, in whole or in part, self-supporting and having walls of insect screening and a roof of insect screening, commonly made of plastic, aluminum, or similar lightweight material.

Taxi service means a service that offers transportation in passenger vehicles to persons in return for remuneration. This does not include charter motor coach service.

Thoroughfare, major, means a street designated on the thoroughfare plan as a major arterial, minor arterial, proposed minor arterial, collector, and proposed collector.

Thoroughfare, minor, means a street designated on the thoroughfare plan as a county local or internal local.

Tot lot means an improved and equipped play area which may consist of swings, slides, sandboxes, climbing apparatus, and/or benches for small children, usually up to elementary school age.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

Tower facility means the area containing a tower, antennas, all accessory equipment cabinets or buildings, and required security fencing, excluding tower anchors. (Amended 5-26-2011)

Tower height means when referring to a tower or tower facilities, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna (see *building height*.)

Tower, planned, means any tower that is in the public hearing procedure, site application review process, site plan revision process, or has been approved, but not yet constructed (see article V of this chapter).

Tower structure, alternative, means tower structures designed to diminish, camouflage, or conceal the appearance of antennas or towers including: monopine (man-made pine trees), free standing clock towers, and bell towers, light poles, flag poles, internal antenna towers (a/k/a "slick stick") including cylindrical unicells and/or similar alternative design tower structures.

Towers and antennas, pre-existing, means any tower or antenna permitted prior to December 10, 1998.

Townhouse. (See *Dwelling, townhouse*.)

Trailer, temporary means a vehicle designed for towing, not intended for use as a dwelling, and restricted to such uses as a construction office/storage facility, real estate sales office, and operations office or classrooms pending construction of a permanent facility.

Training center means a facility used for business or professional conferences, seminars, and training programs.

Training facility, indoor, means a structure used for indoor training.

Transom means a horizontal opening over a door or window.

Tutoring means the provision of instruction.

Uses, conditional, means those uses that are allowed in a particular zoning district, but only under certain specified conditions.

Uses, permitted, means those uses that are allowed in a particular zoning district as a matter of right.

Uses, principal, means the main purpose for which a lot is intended and for which it may be used.

Variance means a modification of the terms of this chapter granted by the zoning board of appeals in accordance with criteria as set forth herein.

Vehicle, abandoned, means a vehicle which does not bear a license plate with a current decal affixed thereto, if required, unless said vehicle is stored within a completely enclosed building, stored on a permitted auto sales lot and is in satisfactory operating condition, or stored at a junk yard and/or auto grave yard (see article V of this chapter).

Vehicle/boat sales means a business establishment primarily involved in the sale and incidental repair of automobiles, trucks, farm equipment, heavy construction equipment, motorcycles, ATVs, boats/watercraft, recreational vehicles or utility trailers, or other vehicles, excluding manufactured homes.

Vehicle, business, means any vehicle used for business purposes, whether or not the owner is a private or governmental entity, except that school buses shall be excluded.

Vehicle, passenger, means a wheeled motor vehicle for transporting passengers which is designed to run primarily on roads, principally for the transport of people rather than goods, and shall exclude a charter motor coach.

Vehicle, recreational, means a self-propelled or towed vehicle used as a temporary dwelling for travel and recreational purposes.

Walkway means a passage to provide walking access, such as walks, paths, and steps.

Wall means structures made of masonry or concrete, commonly used as an enclosure for a lot.

Warehouse means a building devoted to retention of goods, merchandise, supplies or other materials produced on site or received in shipment for ultimate sale or shipment elsewhere.

Water distribution system, central, means mains and service lines owned and operated by the county water system, or when approved by the county commissioners, a private water system operating under the direct supervision of the Department of Natural Resources.

Water impoundment means a body of water confined by a dam, dike, floodgate, or other barrier.

Wedding/event facility means a facility where weddings and other events are held.

Weight, curb, means the total weight of a vehicle with standard equipment, all necessary operating consumables (e.g., motor oil and coolant), a full tank of fuel, while not loaded with either passengers or cargo.

Wind farm means any lot where more than one wind turbine for the purpose of generating electricity is located.

Wind turbine means a freestanding alternate energy device which converts wind energy into electrical energy. A windmill shall also be deemed a wind turbine when used in association with an agricultural operation.

Yard means a required open space on a lot that is left unoccupied with structures and facilities, except as otherwise permitted herein.

Yard, front, means the area between the property line adjacent to a street and the front building line, extending the full width of the lot.

Yard, primary front, means, on a corner lot, the area between a property line adjacent to a street and a line running parallel to the principal structure front, extending the full width of the lot.

Yard, rear, means the area between the rear property line and the rear of the principal structure, extending the full width of the lot.

Yard, secondary front, means, on a corner lot, the area parallel to the street between a property line adjacent to a street and the principal structure outside of the primary front yard.

Yard, side, means the area between the side property line and the side of the principal structure, extending from the front yard to the rear yard or extending from the front yard to the side yard in the case of a corner lot.

Zoning administrator means the person who has been designated by the board of commissioners to administer the enforcement of this chapter.

Zoning board of appeals means the board to which the responsibilities associated with the zoning board of appeals has been delegated.

(Code 1992, § 20-3-1; Ord. of 5-26-2011; Ord. of 7-28-2011; Ord. No. 2012-09, § 1, 5-24-2012; Ord. No. 2012-13, §§ 1, 2, 12-13-2012; Ord. No. 2013-02, § 1, 4-25-2013; Ord. No. 2013-05, §§ 1, 2, 7-25-2013; Ord. No. 2013-20, § 1, 11-14-2013; Ord. No. 2014-19, § 1, 12-11-2014; Ord. No. 2015-05, § 1, 3-26-2015; Ord. No. 2016-12, § 1, 7-28-2016; Ord. No. 2016-15, § 1, 7-28-2016; Ord. No. 2017-04, § 1, 3-23-2017; Ord. No. 2017-16, § 1, 10-26-17; Ord. No. 2018-03, § 1, 9-22-2018; Ord. No. 2018-11, § 1, 10-25-2018; Ord. No. 2021-06, § 1, 3-25-2021; Ord. No. 2021-09, § 1, 5-27-2021)

PLANNING COMMISSION

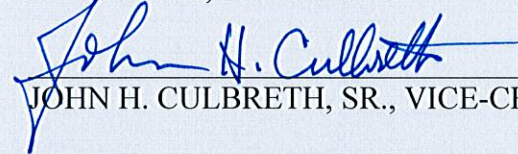
Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-241. Public Hearing, is hereby:

Recommended for approval to the BOC _____ Recommended for denial to the BOC
_____ Tabled until _____

Per the Fayette County Planning Commission on this 4th day of May 2023.




JIM OLIVER, CHAIRMAN




JOHN H. CULBRETH, SR., VICE-CHAIRMAN

ABSENT

ARNOLD L. MARTIN III



DANNY ENGLAND



JOHN J. KRUZAN

Remarks:

Sec. 110-241. Public hearing.

(a) *Place, time, and date.* The public hearings shall be conducted as follows:

- (1) Place: the county administrative complex.
- (2) Time and Date: Fourth Monday, at the time designated for its regular meetings.

Any changes from the standard schedule for public hearings will be published in the newspaper which carries legal advertisements for the county in compliance with the requirements for public notification as provided herein.

- (b) *Conduct of hearing.* Public hearings shall be conducted with 20-10 minutes provided for the appellant/petitioner and proponents and 20-10 minutes provided for the opponents of an appeal/petition. An appellant/petitioner may reserve part of the allotted time for rebuttal.
- (c) *Notice of hearing shall be given.* Before making its decision on an appeal, a request for a variance, or any other matter within the zoning board of appeals' purview, the zoning board of appeals shall hold a public hearing thereon. A notice of the date, time and place of such hearing shall be sent to the appellant/petitioner by certified U.S. mail to the appellant/petitioner's last known address.
- (d) *Public notice in newspaper.* The zoning board of appeals shall cause public notice of the hearing to be published in the legal organ of the county, at least 15 calendar days but not more than 45 calendar days, 30 calendar days prior to the date of the public hearing. The notice shall state the time, place, and purpose of the hearing.
- (e) *Posting of signs.*
 - (1) A sign shall be posted on property. One sign is required for each street frontage of said property. The sign shall be posted consistent with the requirements for newspaper notification.
 - (2) Signs used for posting property shall be a minimum of 18 inches by 18 inches and shall indicate the appeal/petition number, the time, date, and place of the hearing.
 - (3) A refundable sign deposit shall be required for each sign at the time of filing the appeal/petition.
- (f) *Who may appear.* Any party may appear at the public hearing in person or by agent or attorney.
- (g) *Zoning board of appeals' decision.* The zoning board of appeals shall approve, deny, or table each appeal/petition by a public vote. An action to table shall include justification of such action and a specific meeting date at which the appeal/petition is to be reconsidered. If there is not a full zoning board of appeals board present at the public hearing, the appellant/petitioner may request to table the appeal/petition to the next zoning board of appeals public hearing, provided the appellant/petitioner requests to table the agenda item prior to the presentation. A new legal advertisement will be required with an announcement to a specific meeting date if an appeal/petition is tabled. The property shall be reposted with new signage indicating the new public hearing dates.
- (h) *Time limit on zoning board of appeals decision.* The zoning board of appeals shall reach a decision following a public hearing within 45 calendar days or the appeal/petition shall be deemed approved.
- (i) "Writ of certiorari" (appeal)-Appellate review. An appellant/petitioner has 30 calendar days from the date of the zoning board of appeals' decision to seek a "writ of certiorari" (appeal) with the superior court of the county. Decisions of the zoning board of appeals made pursuant to this article shall be subject to appellate review by the superior court pursuant to its appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition for such review as provided in Title 5 of the Official Code of Georgia Annotated. Such matters shall be reviewed on the record which shall be brought to the superior court as provided in said Title 5. Such appeals shall be brought within 30 days of the written decision of the appealed action. The zoning administrator shall have authority, without additional action of the zoning board of appeals, to

approve or issue any form or certificate necessary to perfect any petition required by Title 5 of the Official Code of Georgia Annotated for review of lower judicatory bodies. Service of any such petition may be effected on or accepted by the zoning administrator on behalf of the zoning board of appeals, during normal business hours, at the offices of the planning and zoning department. Service of any such petition on the board of commissioners may be effected on or accepted by the chairman of the board of commissioners, or his or her designee, at the offices of the board of commissioners during normal business hours.

(Ord. No. 2015-06, § 1, 3-26-2015; Ord. No. 2017-11, § 1, 6-22-2017)

PLANNING COMMISSION

Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-292. Public Hearing, is hereby:


X Recommended for approval to the BOC _____ Recommended for denial to the BOC

_____ Tabled until _____

Per the Fayette County Planning Commission on this 4th day of May 2023.



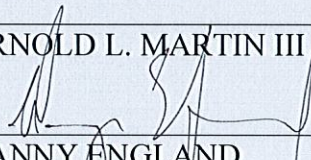
JIM OLIVER, CHAIRMAN



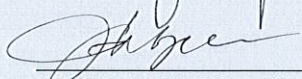
JOHN H. CULBRETH, SR., VICE-CHAIRMAN

ABSENT

ARNOLD L. MARTIN III



DANNY ENGLAND



JOHN J. KRUZAN

Remarks:

Sec. 110-292. Public hearings.

(a) *Place, time, and date.* The public hearings shall be conducted as follows:

- (1) Place: the county administrative complex.
- (2) Time and date:
 - a. Planning commission: First Thursday, at the time designated for its regular meetings.
 - b. Board of commissioners: Second and fourth Thursdays, at the time designated for its regular meetings.

Any changes from the standard schedule for public hearings will be published in the newspaper which carries legal advertisements for the county in compliance with the requirements for public notification as provided herein.

(b) *Conduct of hearing.* Public hearings on amendments shall be conducted with the opportunity for the applicant and proponents and the opponents of an amendment to speak. An applicant shall be given the opportunity for rebuttal. The board of commissioners and planning commission may establish time limits through their individual adopted rules of procedure and such time limit shall not be less than ten minutes per side.

- (1) *Decisions.* Recommendations of the planning commission and decisions of the board of commissioners on applications for rezonings shall be made subsequent to the public hearings.
- (2) *Minutes.* The minutes of any public hearing shall be maintained with the zoning decision entered thereon. The minutes shall be kept as public records.

(Ord. No. 2015-06, § 2, 3-26-2015; Ord. No. 2017-11, §§ 5, 6, 6-22-2017)

Sec. 110-295. Appeal.

An applicant has 30 calendar days from the date of the board of commissioners rezoning decision to file an appeal with the superior court of the county. Text amendment or map amendment decisions made subject to this article shall be subject to direct constitutional challenge regarding the validity of said decisions in the superior court pursuant to its original jurisdiction over declaratory judgments and equity jurisdiction. Such challenges shall be by way of de novo review by the superior court wherein such review brings up the whole record from the board of commissioners and all competent evidence shall be admissible in the trial thereof, whether adduced in the process before the board of commissioners or not and employing the presumption that the decision of the board of commissioners is valid and can be overcome substantively by a petitioner showing clear and convincing evidence that the zoning classification is a significant detriment to the petitioner and is insubstantially related to the public health, safety, morality, or general welfare. Such challenge shall be brought within 30 days of the written decision of the challenged action.

(Ord. No. 2015-06, § 2, 3-26-2015)

RDP-016-23

PETITION NO: 1329-23

REQUESTED ACTION: Revise the Development Plan for Morning Falls Subdivision
Rezone from C-S to A-R

PARCEL NUMBER: 1308 021

PROPOSED USE: Agricultural-Residential

EXISTING USE: Undeveloped land

LOCATION: Gadson Drive

DISTRICT/LAND LOT(S): 13th District, Land Lot 224

OWNERS: CG & PH, LLC

AGENT: John K. Pell

PLANNING COMMISSION PUBLIC HEARING: June 1, 2023

BOARD OF COMMISSIONERS PUBLIC HEARING: June 22, 2023

APPLICANT'S INTENT

Applicant proposes to revise the development plan for Morning Falls Subdivision by removing the tract, which was originally slated to be Phase II of Morning Falls. The applicant wishes to remove this tract of 48.472 acres from the development plan.

Applicant proposes to rezone 48.472 acres from C-S to A-R for the purposes of creating one 5-acre parcel for a single-family home and maintaining the balance in a conservation use for wildlife.

STAFF RECOMMENDATION

Phase II of the subdivision was never developed and the current ownership has no wish to develop the property into a major subdivision. Staff recommends **APPROVAL** of the request to revise the development plan.

As defined in the Fayette County Comprehensive Plan, Low Density Residential is designated for this area, so the request for A-R zoning is appropriate. Based on the Investigation and Staff Analysis, Staff recommends **APPROVAL** of the request for a zoning of A-R, Agriculture-Residential District.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject property is currently zoned C-S (Conservation Subdivision) on August 25th, 2005. It is labeled Phase II of Morning Falls Subdivision in a Final Plat recorded May 16, 2008.

This property is not located in an Overlay Zone.

Rezoning History:

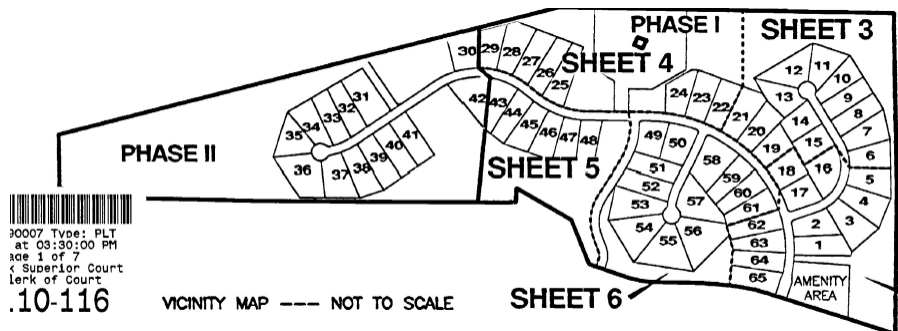
On August 25, 2005, the Board of Commissioners approved Petition No. 1149-05 to rezone 164.22 acres from A-R to C-S, for the purposes of developing a single-family subdivision.

The developer received a Land Disturbance Permit to begin construction on September 21, 2006. They proceeded to build Phase I but did not complete the project. The property was subject of a foreclosure and on May 16, 2008, First City Bank recorded the plat for Phase I as Owner/Developer.

Phase II was never developed. The original plan indicated 13 additional lots in Phase II.

John Pell purchased most of the Phase II property from First City Bank on March 17, 2011 (deed Book 3740 Page 649). A 5.725-acre parcel was retained by the developer for the purposes of providing the required conservation acreage needed for the Conservation Subdivision status of Phase I.

On November 3, 2011, Mr. Pell deeded the land to CG & PH, LLC, of which he is a part. On March 8, 2012, they placed the property into a conservation easement for the purpose of preserving it as a wildlife habitat. This CUVA was renewed in 2022.



B. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned C-H, M-1 and A-R. See the following table and the attached Zoning Map. The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	5.72	C-S	Conservation Area	Low Density Residential – 2-acre minimum
South	156 (2 parcels)	A-R	Agriculture , timber & 1 Single-family residence	Low Density Residential – 2-acre minimum
East	122	C-S	Single-Family Residential	Low Density Residential – 2-acre minimum
West	3.6 (3 parcels)	A-R	Single-Family Residential	Low Density Residential – 2-acre minimum

C. COMPREHENSIVE PLAN

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

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on Gadson Drive.

Site Plan: The applicant submitted a final plat for the property. It meets the requirements for the A-R Zoning District.

F. DEPARTMENTAL COMMENTS

- Water System** - FCWS has no objection to the proposed rezoning. Water is available in a 6" PVC watermain along south side of Gadson Dr.
- Public Works/Environmental Management**
 - **Transportation** – The appropriate right-of-way dedication is provided in the proposed site plan. Existing access is acceptable.
 - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0017E dated September 26, 2008, or the FC 2013 Future Conditions Flood Study.
 - **Wetlands** - The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
 - **Watershed Protection** - There **ARE** known state waters located on the subject property.
 - **Groundwater** – The property **IS NOT** within a groundwater recharge area.
 - **Stormwater Management** – There is no stormwater management facility on the Phase II parcel.
- Environmental Health Department** – This office has no objections to the proposed rezoning of the parcel #1308021. If this is going to be developed in residential properties then a level III soils report also needs to be conducted.
- Fire** – No objections to the requested rezoning.
- GDOT** – Not applicable, not on State Route.

STANDARDS

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

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

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

STAFF ANALYSIS

1. The subject property lies within an area designated for Low Density Residential Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use and proposed lot size.
2. The area around the subject property is an area that already has various residential and agricultural uses. It is staff's opinion that the zoning proposal would not adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is consistent in character and use with the surrounding uses as agricultural and low density residential. Staff is not aware of other changes that would have an adverse impact on this type of development in the general area.

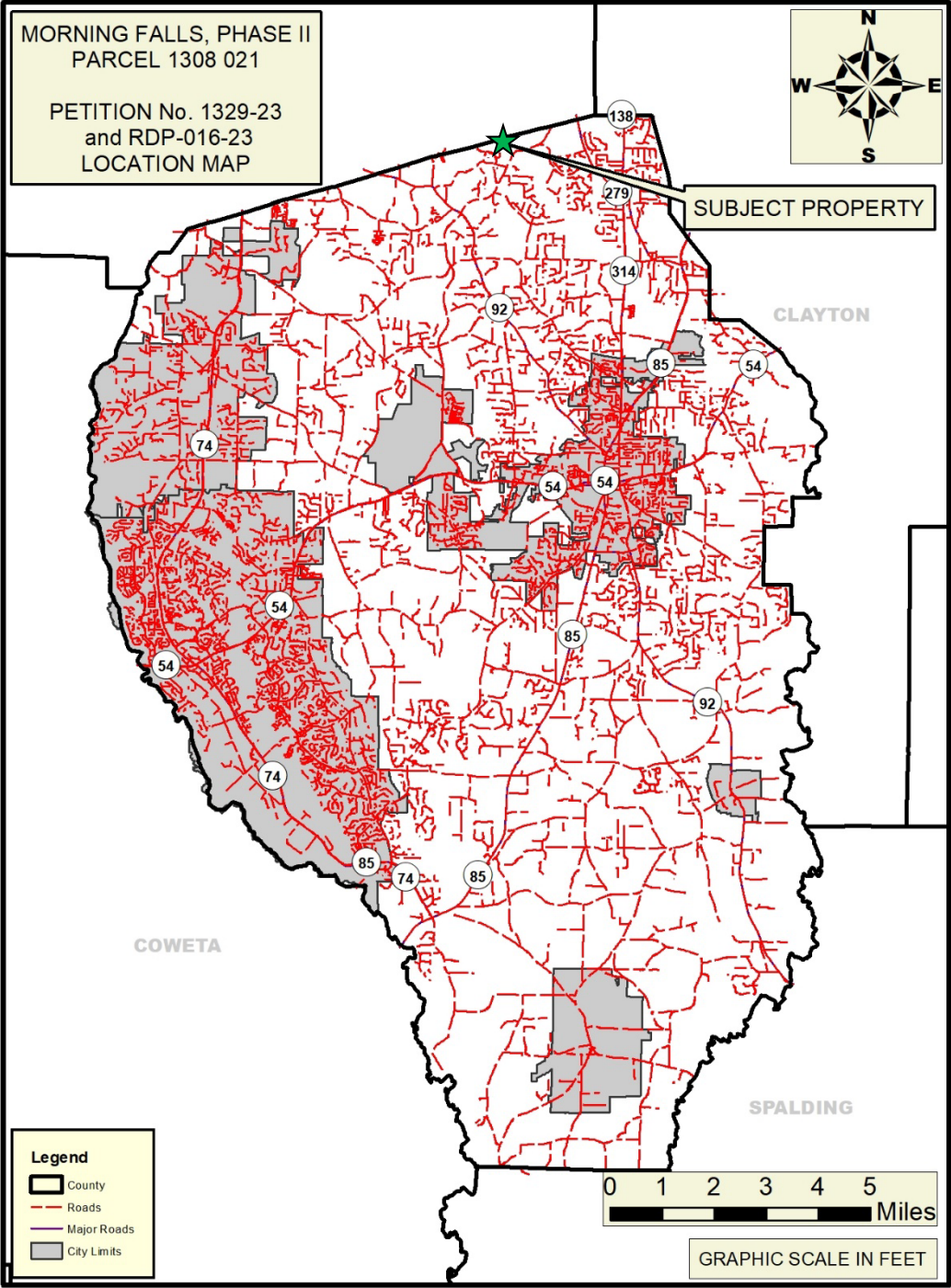
ZONING DISTRICT STANDARDS

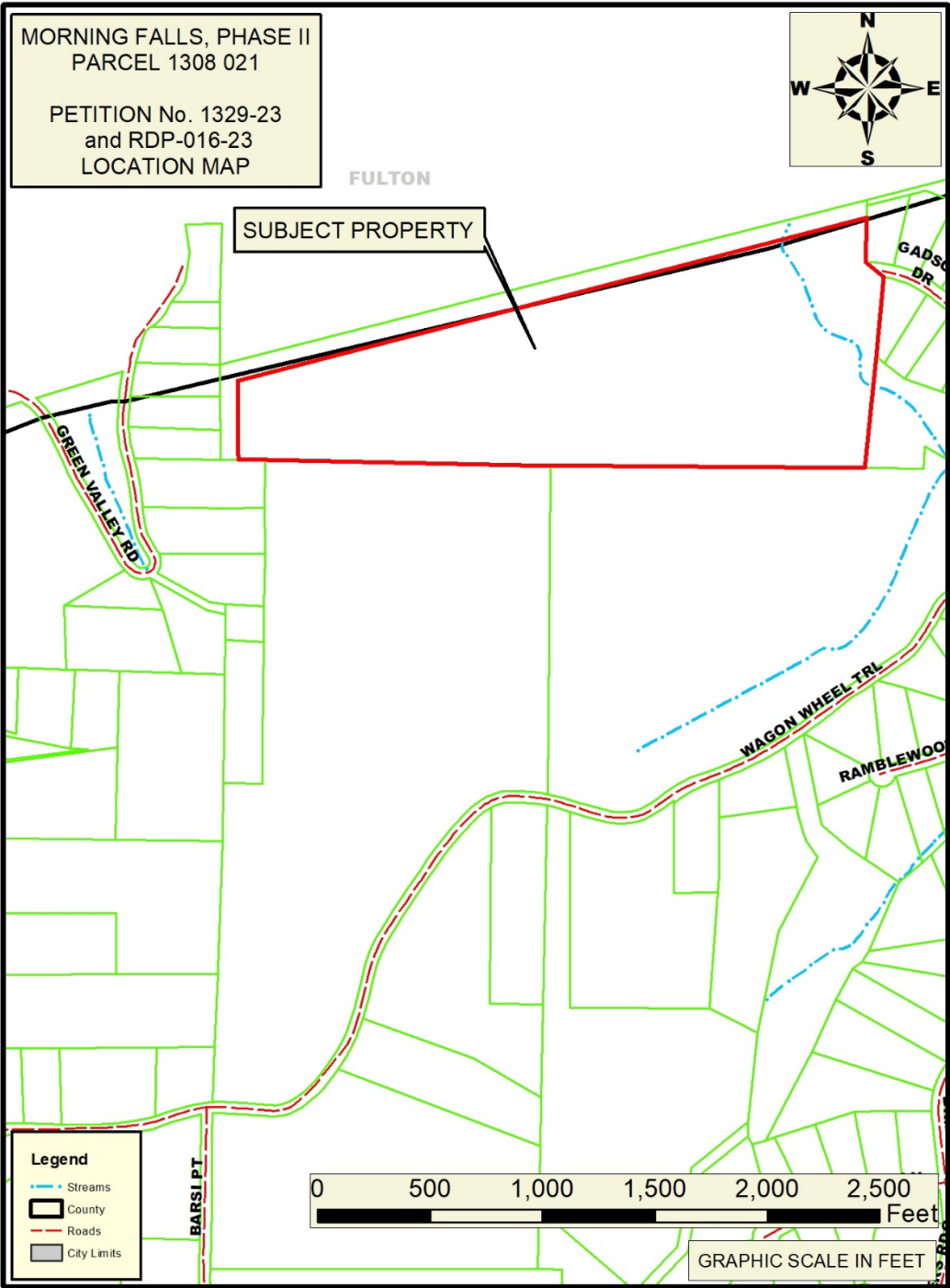
Sec. 110-125. A-R, Agricultural-Residential District.

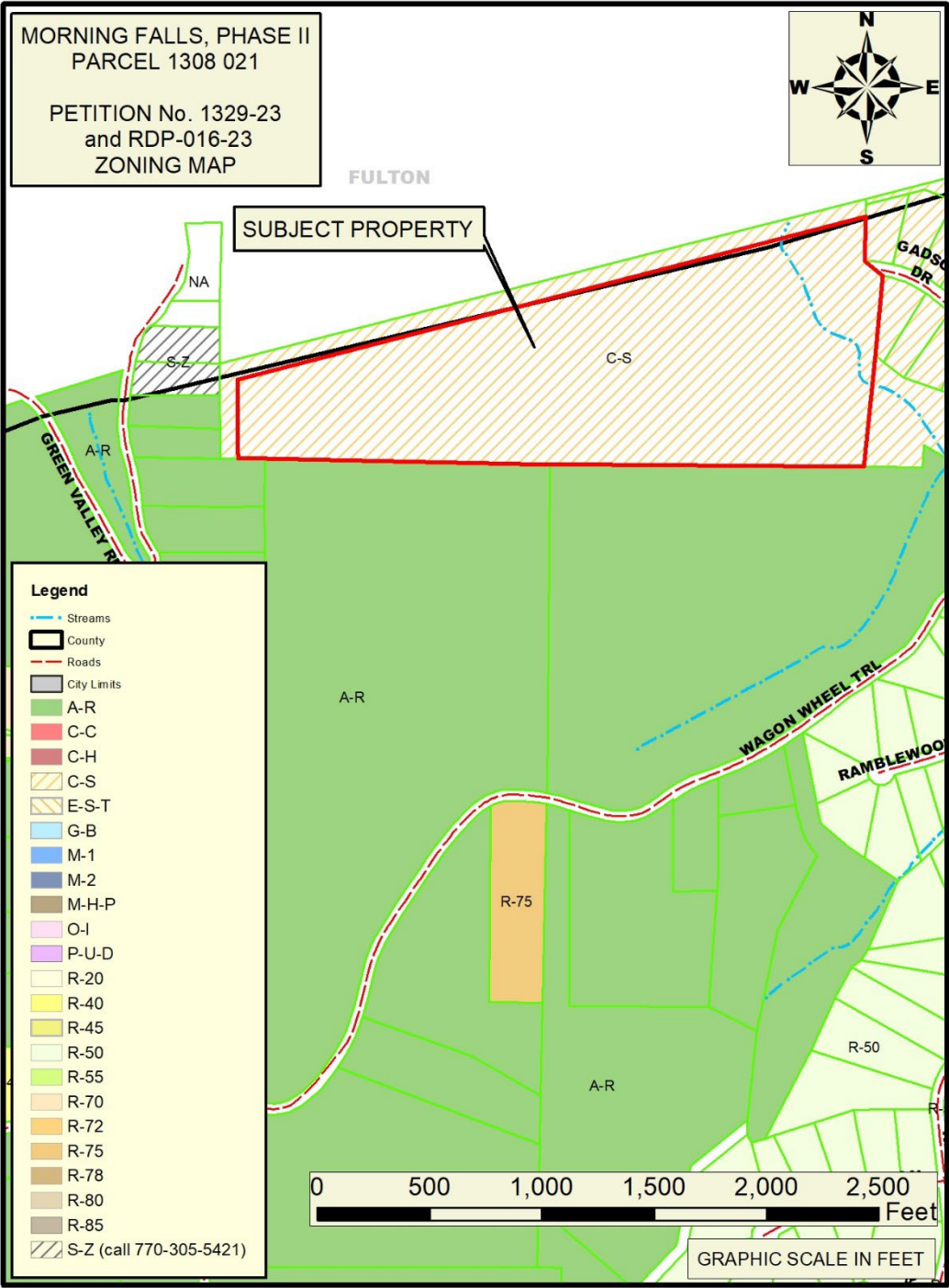
- (a) *Description of district.* This district is composed of certain lands and structures having a very low density single-family residential and agricultural character and designed to protect against the depreciating effects of small lot, residential development and those uses which are incompatible with such a residential and agricultural environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the A-R zoning district:
- (1) Single-family dwelling;
 - (2) Residential accessory structures and uses (see article III of this chapter);
 - (3) Growing of crops and the on-premises sale of produce and agricultural products, provided 50 percent of the produce/products sold shall be grown on-premises;
 - (4) Plant nurseries and greenhouses (no sales of related garden supplies);
 - (5) Raising of livestock; aquaculture, including pay fishing; apiary (all beehives shall comply with the required setbacks); and the sale thereof; and
 - (6) One semi-trailer/box truck utilized as a farm outbuilding, provided the property is a minimum of five acres and the semi-trailer/box truck is only used to store agricultural items.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the A-R zoning district provided that all conditions specified in article VII of this chapter. Conditional uses, nonconformances, transportation corridor overlay zone, and commercial development standards are met:
- (1) Aircraft landing area;
 - (2) Animal hospital, kennel or veterinary clinic;
 - (3) A-R bed and breakfast inn;
 - (4) A-R wedding/event facility;
 - (5) Cemetery;
 - (6) Church and/or other place of worship;
 - (7) Colleges and university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (8) Commercial driving range and related accessories;
 - (9) Child care facility;
 - (10) Deer processing facility.
 - (11) Developed residential recreational/amenity areas;
 - (12) Farm outbuildings, including horse stables, auxiliary structures, and greenhouses (permanent or temporary);
 - (13) Golf course (minimum 18-hole regulation) and related accessories;
 - (14) Home occupation;
 - (15) Horse show, rodeo, carnival, and/or community fair;
 - (16) Hospital;
 - (17) Kennel (see animal hospital, kennel, and/or veterinary clinic);
 - (18) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;

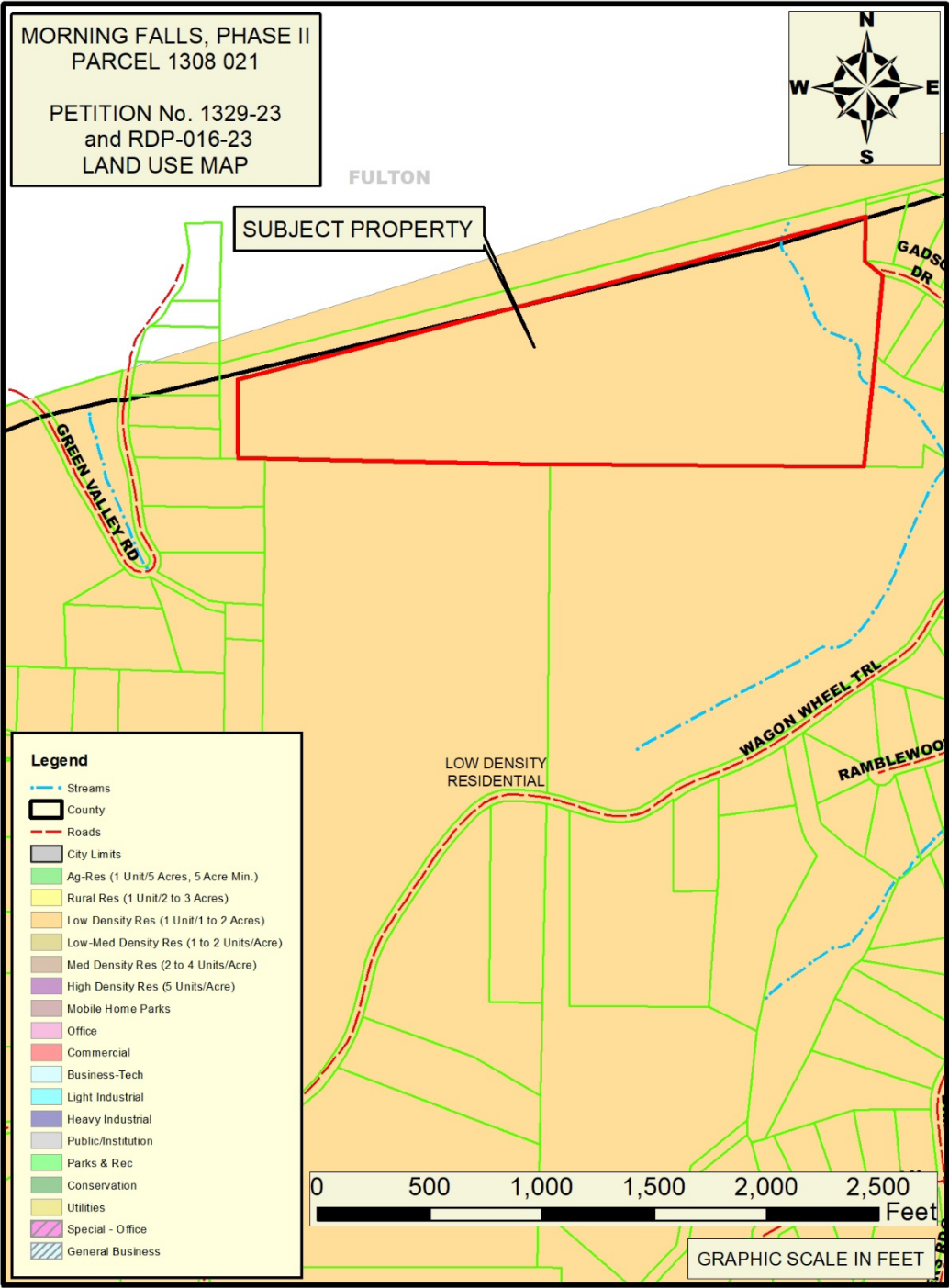
- (19) Processing, packaging, or handling of perishable agricultural products (i.e. fruits and vegetables) which are grown on premises;
 - (20) Recreation centers and similar institutions owned by nonprofit organizations as so registered with the state secretary of state office;
 - (21) Religious tent meeting; and
 - (22) Shooting range, outdoor.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the A-R zoning district shall be as follows:
- (1) Lot area: 217,800 square feet (five acres).
 - (2) Lot width: 250 feet.
 - (3) Floor area: 1,200 square feet.
 - (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
 - (5) Rear yard setback: 75 feet.
 - (6) Side yard setback: 50 feet.
 - (7) a. 35 feet as defined in article III of this chapter.
 - b. The limitation on height shall not apply to agricultural structures such as storage barns, silos, or other types of structure not normally designed for human occupation except that when an agricultural structure exceeds the maximum building height the minimum distance from property lines to any building shall be increased one foot for every two feet or part thereof of building height over 35 feet.
- (e) *Special regulations.* Prior to the issuance of development and/or building permits, a site plan, as applicable, shall be submitted to the zoning administrator and approved by the appropriate county officials. This requirement shall apply to all permitted uses and conditional uses allowed in the AR zoning district except single-family dwellings; residential accessory structures; growing crops and the on-premises sale of produce at agricultural stands of 100 square feet or less of floor area; growing and seasonal sale of Christmas trees; plant nursery, landscape tree farm, or greenhouse operations existing prior to the effective date of June 26, 2003; and the raising and/or selling of livestock.

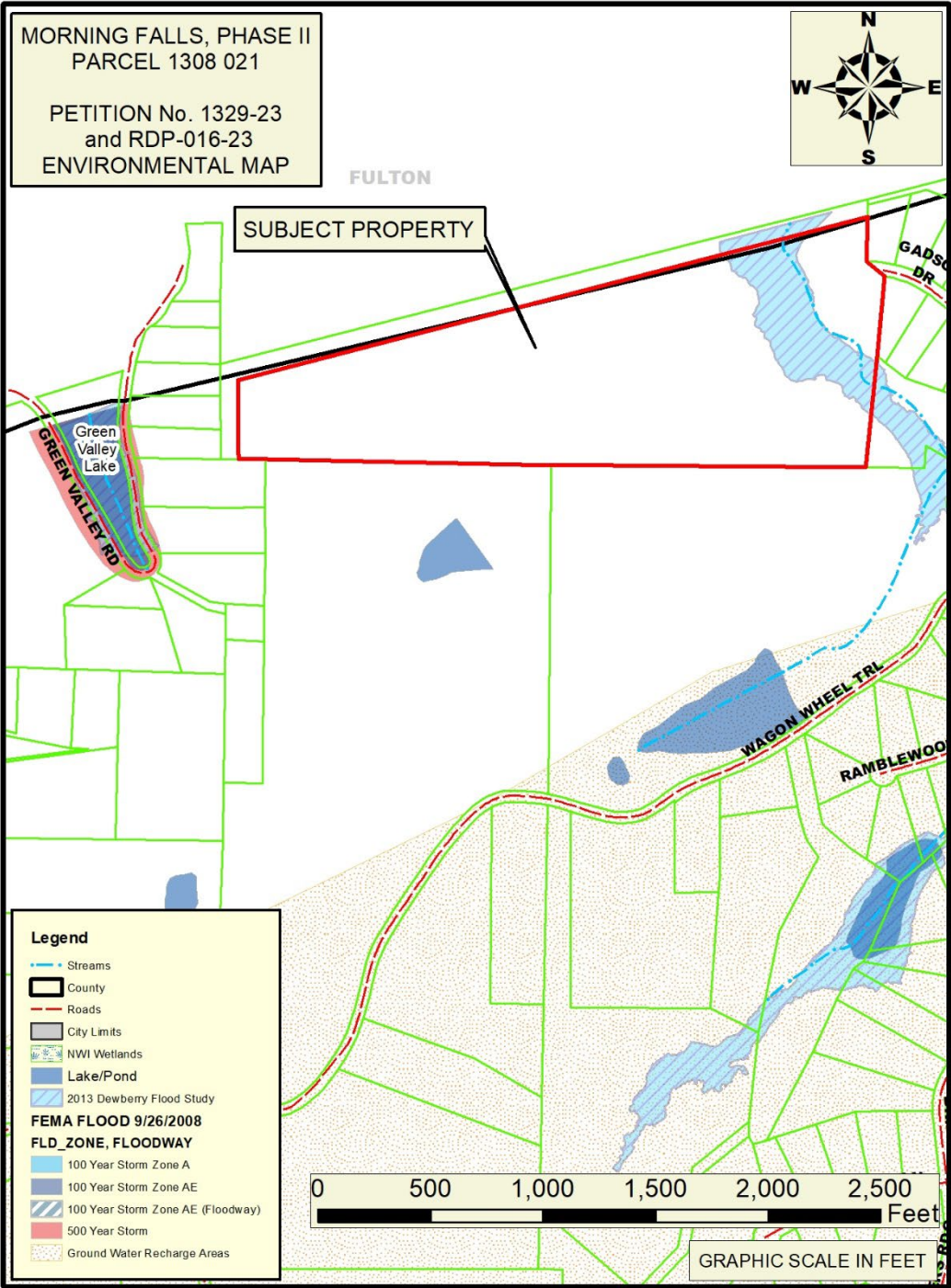
(Code 1992, § 20-6-1; Ord. of 7-28-2011; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-13, § 4, 12-13-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2014-19, § 6,7, 12-11-2014; Ord. No. 2015-05, § 2, 3-26-2015; Ord. No. 2016-12, § 3, 7-28-2016; Ord. No. 2017-04, § 2, 3-23-2017; Ord. No. 2018-03, §§ 11, 12, 9-22-2018)

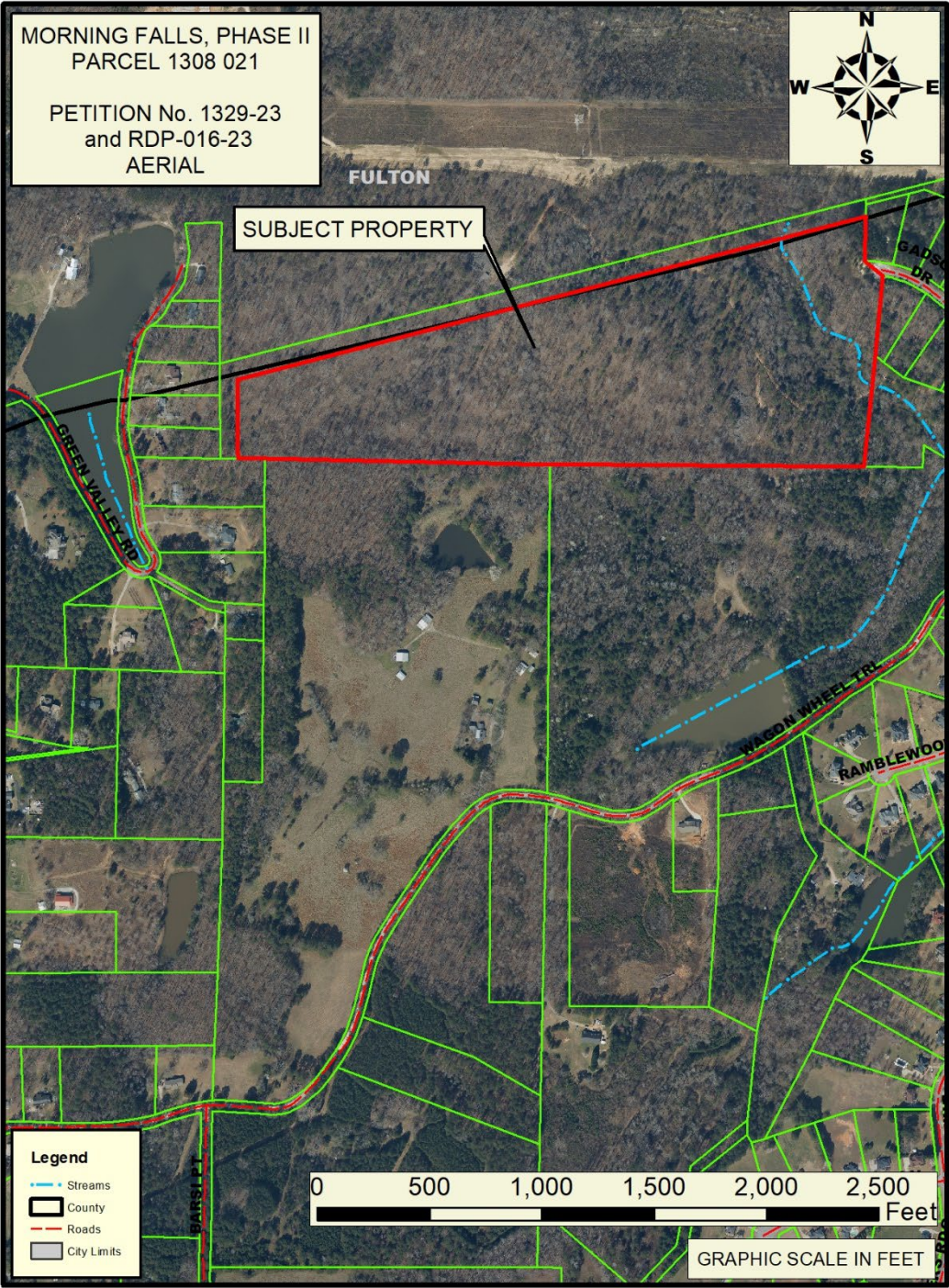














JOHN K. PELL
PLAT OF SURVEY FOR

LOCATED IN LAND LOT(S) - 224
13TH DISTRICT,
FAYETTE COUNTY, GEORGIA

PROJECT NO. 04-073
DATE: 10-27-10
DRAWN BY: W.C.R.3
APPROVED BY: W.C.R.
REGISTERED LAND SURVEYORS
2230 HARBETTA HWY
DALLAS, GEORGIA 30157
PHONE: 770-443-2200 FAX: 770-443-2200
CARLTON HAKESTRAM & ASSOCIATES



BY GRAPHIC PLATING ONLY SUBJECT PROPERTY LIES WITHIN AREAS DESIGNATED AS ZONES "R-1" & "R-2" ON COMMUNITY DEVELOPMENT MAP FOR FAYETTE COUNTY PREPARED BY F.E.M.A. DATED MARCH 18, 1996.

DISCLAIMERS
1) ALL MATTERS OF TITLE ARE EXCEPTED. THIS SURVEY WAS MADE FROM THE RECORDS OF THE COUNTY CLERK OF FAYETTE COUNTY, GEORGIA.
2) EASEMENTS AND RIGHTS-OF-WAY MAY EXIST THAT ARE NOT SHOWN ON THIS PLAT.
3) IMPROVEMENTS MAY EXIST THAT ARE NOT SHOWN ON THIS PLAT.
4) LOCATIONS OF UTILITIES STRUCTURES MAY VARY FROM THIS PLAT.
5) UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE UTILITIES.
6) NO ADDITIONAL FIELD WORK WAS COMPLETED BY CRA FOR THE PREPARATION OF THIS PLAT.

CURVE TABLE

CURVE	LENGTH	BEARING	CHORD	BEARING
C1	111.03	S61.13	85.81	S33.5117°E

LINE TABLE

LINE	LENGTH	BEARING
L1	35.89	N70°42'12"W
L2	88.48	S52°45'35"W
L3	22.37	S52°42'42"W

- LEGEND**
- 1/4" IRON PIPE
 - 2" IRON PIPE
 - 4" IRON PIPE
 - 6" IRON PIPE
 - 8" IRON PIPE
 - 12" IRON PIPE
 - 18" IRON PIPE
 - 24" IRON PIPE
 - 30" IRON PIPE
 - 36" IRON PIPE
 - 42" IRON PIPE
 - 48" IRON PIPE
 - 54" IRON PIPE
 - 60" IRON PIPE
 - 66" IRON PIPE
 - 72" IRON PIPE
 - 78" IRON PIPE
 - 84" IRON PIPE
 - 90" IRON PIPE
 - 96" IRON PIPE
 - 102" IRON PIPE
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 - 4890" IRON PIPE</



RDP 016-23 – Gadson Drive



RDP 016-23 – Gadson Drive

REVISED DEVELOPMENT PLAN APPLICATION

1. NAME OF DEVELOPMENT PLAN: CG & PH, LLC

2. APPLICANT'S NAME: JOHN K. PELL
 Ms. Mr. Mrs. Mr. & Mrs.

3. APPLICANT'S ADDRESS: JKP 373 WESTBRIDGE ROAD

4. APPLICANT'S ADDRESS: FAYETTEVILLE, GA 30214

5. APPLICANT'S E-MAIL: jkandbeckypell@gmail.com

6. APPLICANT'S PHONE: 770-964-7935

7. LAND LOT(S): 224

8. DISTRICT(S): 13th

9. FRONTS ON: GADSON DRIVE

10. ZONING: CS to AR

11. PLANNING COMMISSION HEARING DATE: JUNE 1, 2023

12. BOARD OF COMMISSIONERS HEARING DATE: JUNE 22, 2023

13. AGENT'S NAME: JOHN K. PELL
 Ms. Mr. Mrs. Mr. & Mrs.

14. AGENT'S ADDRESS: 373 WESTBRIDGE ROAD

15. AGENT'S ADDRESS: FAYETTEVILLE, GA 30214

16. AGENT'S E-MAIL: jkandbeckypell@gmail.com

17. AGENT'S PHONE: 770-964-7935

18. EXPLANATION OF REVISION: PLEASE REMOVE OUR
48.472 ACRES FROM MORNING FALLS SUBDIVISION.

I respectfully submit this application and certify that the above information is correct and true to the best of my knowledge.

March 10, 2023

[Signature]
APPLICANT'S SIGNATURE

March 10, 2023

Deborah M Sims
NOTARY PUBLIC

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027



Doc ID: 008690700002 Type: WD
Recorded: 11/03/2011 at 10:35:00 AM
Fee Amt: \$12.00 Page 1 of 2
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **3815** PG **522-523**

RETURN TO: *JKP*
WESSELS & DEKON, P.C.
175 CORPORATE CENTER DR., STE A
STOCKBRIDGE, GA 30281

JOHN K. PELL
373 WESTBRIDGE
ROAD
FAYETTEVILLE, GA
30214

DRAW DEED ONLY-NO TITLE SEARCH

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HENRY

Note: Scrivener drafted Deed only at the request of the parties, did not perform a title search and therefore does not warranty in any manner whatsoever the chain of title including but not limited to the following, to wit: the record title holder, liens, judgments, easements or rights of persons in possession thereof.

THIS INDENTURE, made this 25th day of October in the year of our Lord Two Thousand Eleven between John K. Pell, of the State of GA and County of FAYETTE of the first part and CG & PH, LLC, of the State of GA and County of FAYETTE of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other goods 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 and conveyed and by these presents does grant, sell and convey unto the said party of the second part his heirs and assigns:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 224 of the 13th District of Fayette County, Georgia and being more particularly described on Exhibit "A" attached hereto and made a part of this description.

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

And the said party of the first part, for his heirs, successors, executors and administrators will warrant and forever defend the right and title to the above described property subject to permitted exceptions, unto the said party of the second part, his heirs, successors and assigns, against the lawful claims of all persons owning, holding or claiming by, through or under the party of the first part.

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

Signed, sealed and delivered in the presence of

[Signature]
Unofficial Witness
[Signature]
Notary Public
[Signature] (SEAL)
[Signature] (SEAL)
JERRY L. HARRINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
MAY 9, 2014
FAYETTE COUNTY, GEORGIA

EXHIBIT A-1

PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 224, 13th District, Fayette County, Georgia and being more particularly described as follows:

Commencing at the point of the intersection of the northerly right-of-way of Wagon Wheel Trail and the westerly right-of-way of Salma Drive; Thence running North 70 degrees 42 minutes 12 seconds West a distance of 35.98 feet to a point; Thence running North 22 degrees 08 minutes 43 seconds West a distance of 326.88 feet to a 1/2" shaft found; Thence running North 59 degrees 51 minutes 54 seconds West a distance of 430.80 feet to a "T" bar found on the easterly line of Land Lot 224; Thence running along the easterly line of Land Lot 224, South 09 degrees 46 minutes 35 seconds West a distance of 98.46 feet to a 1" square tube found; Thence running North 89 degrees 34 minutes 55 seconds West a distance of 259.77 feet to a point and the **TRUE POINT OF BEGINNING**; Thence running North 89 degrees 34 minutes 55 seconds West, a distance of 1387.56 feet to a 1/2 inch reinforcing rod found; Thence running North 88 degrees 50 minutes 04 seconds West a distance of 1280.10 feet to a nail found at rock; Thence running South 89 degrees 53 minutes 45 seconds West a distance of 123.01 feet to a point; Thence running North 00 degrees 37 minutes 59 seconds West a distance of 365.70 feet to a point; Thence running North 75 degrees 43 minutes 27 seconds East a distance of 2892.02 feet to a point on the westerly property line of Lot 29, Phase I, Morning Falls subdivision; Thence running South 01 degrees 06 minutes 44 seconds West along said property line a distance of 199.52 feet to a point; Thence running South 50 degrees 32 minutes 32 seconds East a distance of 27.67 feet to a point on the westerly right-of-way of Gadsden Drive; Thence running along a curve to the right along the right-of-way of Gadsden Drive an arc distance of 111.03 feet (said arc being subtended by a chord bearing of South 35 degrees 53 minutes 12 seconds East, a chord distance of 95.91 feet and having a radius of 60.13 feet) to a point; Thence running South 05 degrees 42 minutes 17 seconds West a distance of 824.07 feet to a point and the **TRUE POINT OF BEGINNING**;

Said tract or parcel of land containing 48.472 acres according to a Plat of Survey prepared for John K. Pail by Carlton Rakestraw & Associates, Registered Land Surveyors dated October 27, 2010.

RDP-016-23

PETITION NO: 1329-23

REQUESTED ACTION: Revise the Development Plan for Morning Falls Subdivision
Rezone from C-S to A-R

PARCEL NUMBER: 1308 021

PROPOSED USE: Agricultural-Residential

EXISTING USE: Undeveloped land

LOCATION: Gadson Drive

DISTRICT/LAND LOT(S): 13th District, Land Lot 224

OWNERS: CG & PH, LLC

AGENT: John K. Pell

PLANNING COMMISSION PUBLIC HEARING: June 1, 2023

BOARD OF COMMISSIONERS PUBLIC HEARING: June 22, 2023

APPLICANT'S INTENT

Applicant proposes to revise the development plan for Morning Falls Subdivision by removing the tract, which was originally slated to be Phase II of Morning Falls. The applicant wishes to remove this tract of 48.472 acres from the development plan.

Applicant proposes to rezone 48.472 acres from C-S to A-R for the purposes of creating one 5-acre parcel for a single-family home and maintaining the balance in a conservation use for wildlife.

STAFF RECOMMENDATION

Phase II of the subdivision was never developed and the current ownership has no wish to develop the property into a major subdivision. Staff recommends **APPROVAL** of the request to revise the development plan.

As defined in the Fayette County Comprehensive Plan, Low Density Residential is designated for this area, so the request for A-R zoning is appropriate. Based on the Investigation and Staff Analysis, Staff recommends **APPROVAL** of the request for a zoning of A-R, Agriculture-Residential District.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

The subject property is currently zoned C-S (Conservation Subdivision) on August 25th, 2005. It is labeled Phase II of Morning Falls Subdivision in a Final Plat recorded May 16, 2008.

This property is not located in an Overlay Zone.

Rezoning History:

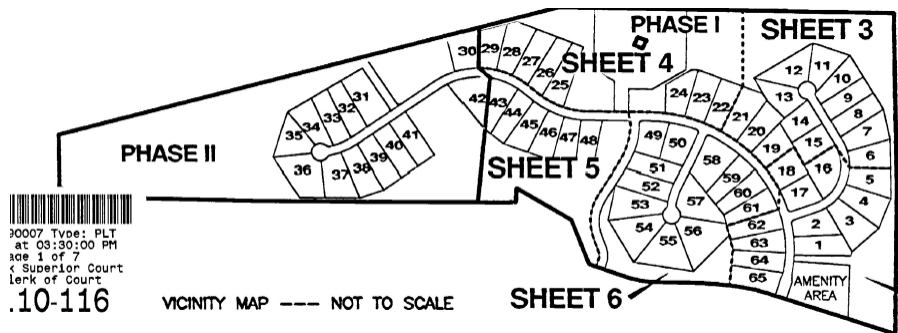
On August 25, 2005, the Board of Commissioners approved Petition No. 1149-05 to rezone 164.22 acres from A-R to C-S, for the purposes of developing a single-family subdivision.

The developer received a Land Disturbance Permit to begin construction on September 21, 2006. They proceeded to build Phase I but did not complete the project. The property was subject of a foreclosure and on May 16, 2008, First City Bank recorded the plat for Phase I as Owner/Developer.

Phase II was never developed. The original plan indicated 13 additional lots in Phase II.

John Pell purchased most of the Phase II property from First City Bank on March 17, 2011 (deed Book 3740 Page 649). A 5.725-acre parcel was retained by the developer for the purposes of providing the required conservation acreage needed for the Conservation Subdivision status of Phase I.

On November 3, 2011, Mr. Pell deeded the land to CG & PH, LLC, of which he is a part. On March 8, 2012, they placed the property into a conservation easement for the purpose of preserving it as a wildlife habitat. This CUVA was renewed in 2022.



B. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned C-H, M-1 and A-R. See the following table and the attached Zoning Map. The subject property is bounded by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	5.72	C-S	Conservation Area	Low Density Residential – 2-acre minimum
South	156 (2 parcels)	A-R	Agriculture , timber & 1 Single-family residence	Low Density Residential – 2-acre minimum
East	122	C-S	Single-Family Residential	Low Density Residential – 2-acre minimum
West	3.6 (3 parcels)	A-R	Single-Family Residential	Low Density Residential – 2-acre minimum

C. COMPREHENSIVE PLAN

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

D. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on Gadson Drive.

Site Plan: The applicant submitted a final plat for the property. It meets the requirements for the A-R Zoning District.

F. DEPARTMENTAL COMMENTS

- Water System** - FCWS has no objection to the proposed rezoning. Water is available in a 6" PVC watermain along south side of Gadson Dr.
- Public Works/Environmental Management**
 - **Transportation** – The appropriate right-of-way dedication is provided in the proposed site plan. Existing access is acceptable.
 - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0017E dated September 26, 2008, or the FC 2013 Future Conditions Flood Study.
 - **Wetlands** - The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.
 - **Watershed Protection** - There **ARE** known state waters located on the subject property.
 - **Groundwater** – The property **IS NOT** within a groundwater recharge area.
 - **Stormwater Management** – There is no stormwater management facility on the Phase II parcel.
- Environmental Health Department** – This office has no objections to the proposed rezoning of the parcel #1308021. If this is going to be developed in residential properties then a level III soils report also needs to be conducted.
- Fire** – No objections to the requested rezoning.
- GDOT** – Not applicable, not on State Route.

STANDARDS

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

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

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

STAFF ANALYSIS

1. The subject property lies within an area designated for Low Density Residential Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use and proposed lot size.
2. The area around the subject property is an area that already has various residential and agricultural uses. It is staff's opinion that the zoning proposal would not adversely affect the existing or future uses of nearby properties.
3. It is staff's opinion that the zoning proposal will not have an excessive or burdensome impact on streets, utilities, or schools.
4. The proposal is consistent in character and use with the surrounding uses as agricultural and low density residential. Staff is not aware of other changes that would have an adverse impact on this type of development in the general area.

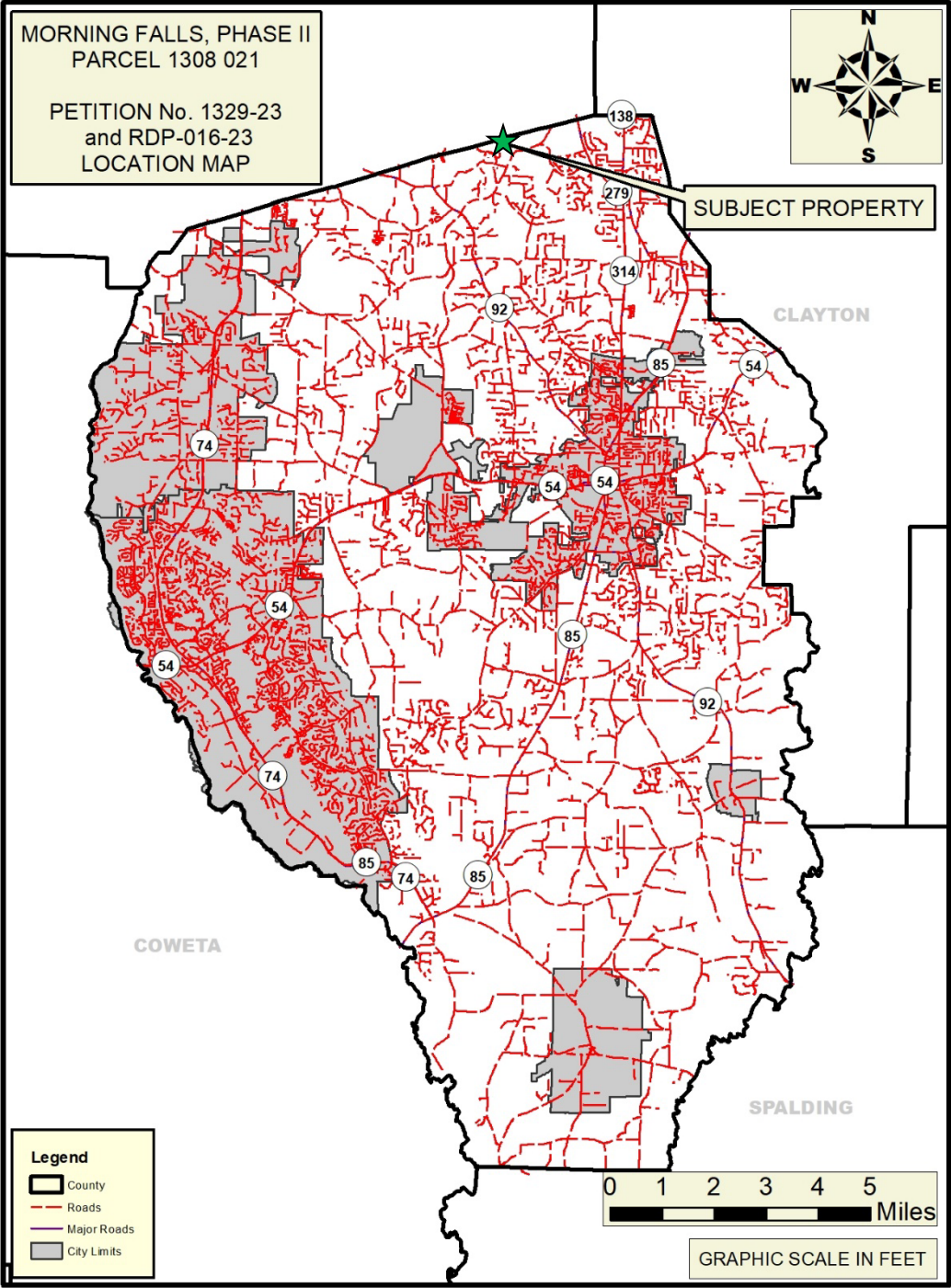
ZONING DISTRICT STANDARDS

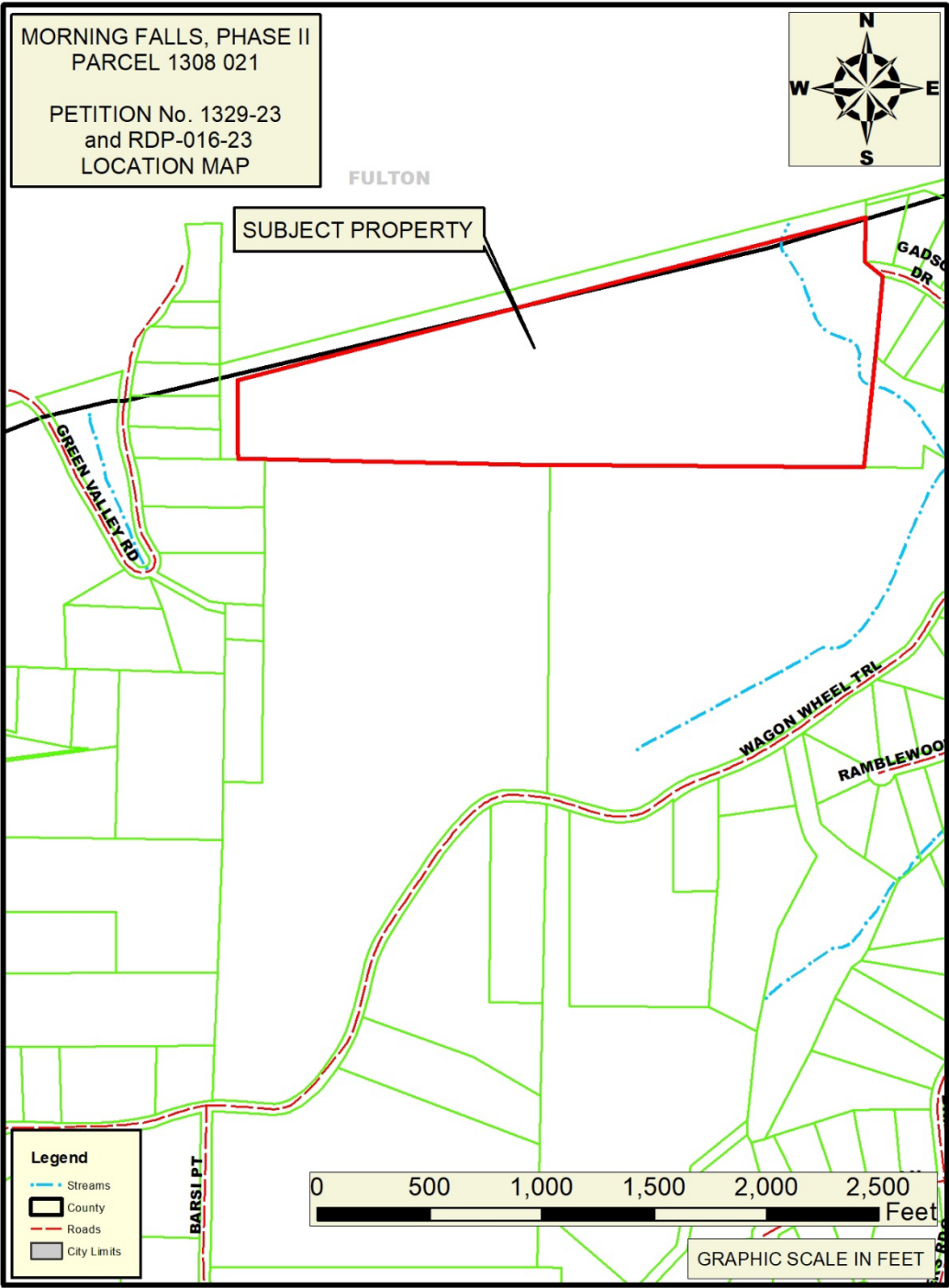
Sec. 110-125. A-R, Agricultural-Residential District.

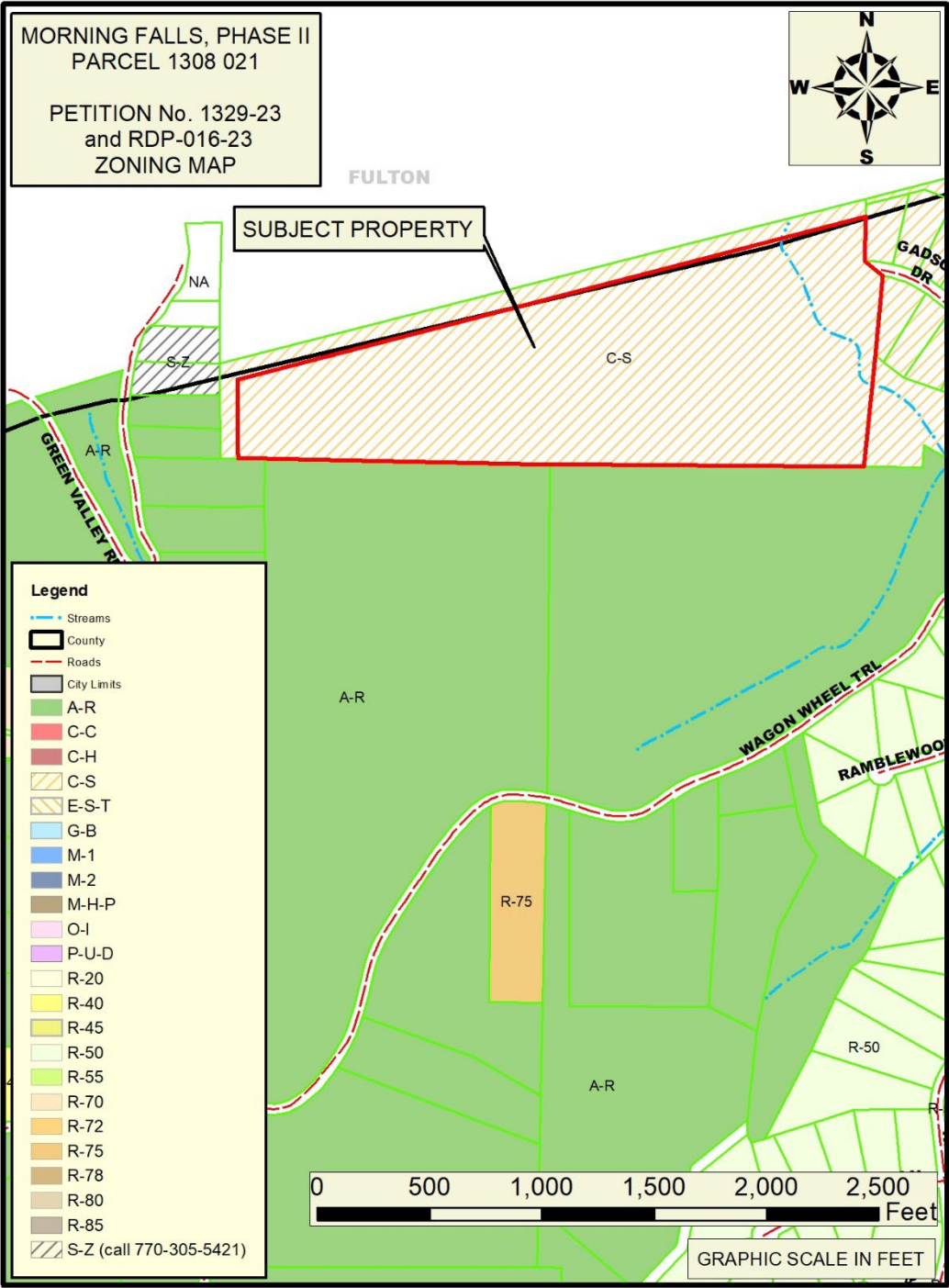
- (a) *Description of district.* This district is composed of certain lands and structures having a very low density single-family residential and agricultural character and designed to protect against the depreciating effects of small lot, residential development and those uses which are incompatible with such a residential and agricultural environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the A-R zoning district:
- (1) Single-family dwelling;
 - (2) Residential accessory structures and uses (see article III of this chapter);
 - (3) Growing of crops and the on-premises sale of produce and agricultural products, provided 50 percent of the produce/products sold shall be grown on-premises;
 - (4) Plant nurseries and greenhouses (no sales of related garden supplies);
 - (5) Raising of livestock; aquaculture, including pay fishing; apiary (all beehives shall comply with the required setbacks); and the sale thereof; and
 - (6) One semi-trailer/box truck utilized as a farm outbuilding, provided the property is a minimum of five acres and the semi-trailer/box truck is only used to store agricultural items.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the A-R zoning district provided that all conditions specified in article VII of this chapter. Conditional uses, nonconformances, transportation corridor overlay zone, and commercial development standards are met:
- (1) Aircraft landing area;
 - (2) Animal hospital, kennel or veterinary clinic;
 - (3) A-R bed and breakfast inn;
 - (4) A-R wedding/event facility;
 - (5) Cemetery;
 - (6) Church and/or other place of worship;
 - (7) Colleges and university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (8) Commercial driving range and related accessories;
 - (9) Child care facility;
 - (10) Deer processing facility.
 - (11) Developed residential recreational/amenity areas;
 - (12) Farm outbuildings, including horse stables, auxiliary structures, and greenhouses (permanent or temporary);
 - (13) Golf course (minimum 18-hole regulation) and related accessories;
 - (14) Home occupation;
 - (15) Horse show, rodeo, carnival, and/or community fair;
 - (16) Hospital;
 - (17) Kennel (see animal hospital, kennel, and/or veterinary clinic);
 - (18) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;

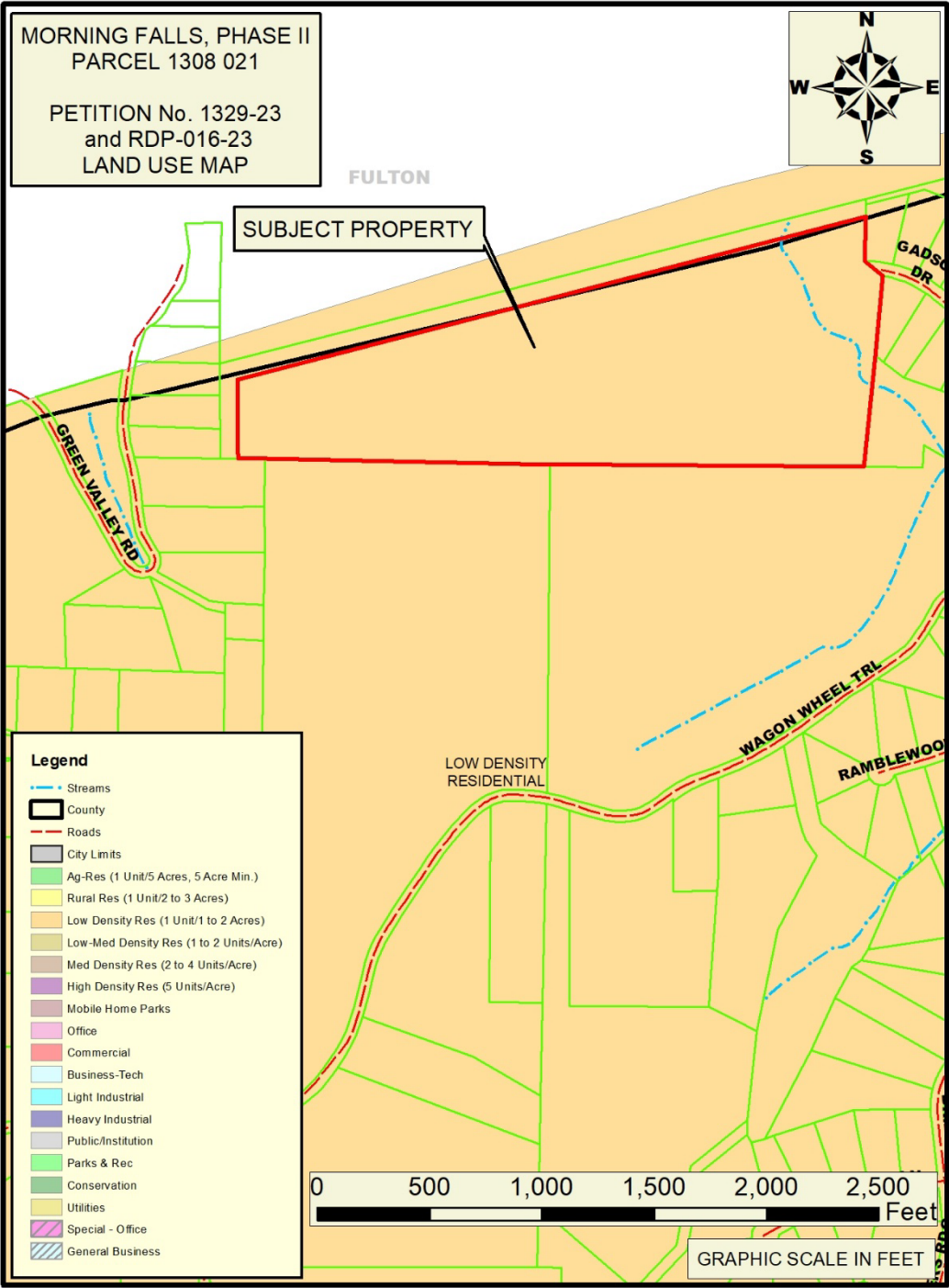
- (19) Processing, packaging, or handling of perishable agricultural products (i.e. fruits and vegetables) which are grown on premises;
 - (20) Recreation centers and similar institutions owned by nonprofit organizations as so registered with the state secretary of state office;
 - (21) Religious tent meeting; and
 - (22) Shooting range, outdoor.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the A-R zoning district shall be as follows:
- (1) Lot area: 217,800 square feet (five acres).
 - (2) Lot width: 250 feet.
 - (3) Floor area: 1,200 square feet.
 - (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
 - (5) Rear yard setback: 75 feet.
 - (6) Side yard setback: 50 feet.
 - (7) a. 35 feet as defined in article III of this chapter.
 - b. The limitation on height shall not apply to agricultural structures such as storage barns, silos, or other types of structure not normally designed for human occupation except that when an agricultural structure exceeds the maximum building height the minimum distance from property lines to any building shall be increased one foot for every two feet or part thereof of building height over 35 feet.
- (e) *Special regulations.* Prior to the issuance of development and/or building permits, a site plan, as applicable, shall be submitted to the zoning administrator and approved by the appropriate county officials. This requirement shall apply to all permitted uses and conditional uses allowed in the AR zoning district except single-family dwellings; residential accessory structures; growing crops and the on-premises sale of produce at agricultural stands of 100 square feet or less of floor area; growing and seasonal sale of Christmas trees; plant nursery, landscape tree farm, or greenhouse operations existing prior to the effective date of June 26, 2003; and the raising and/or selling of livestock.

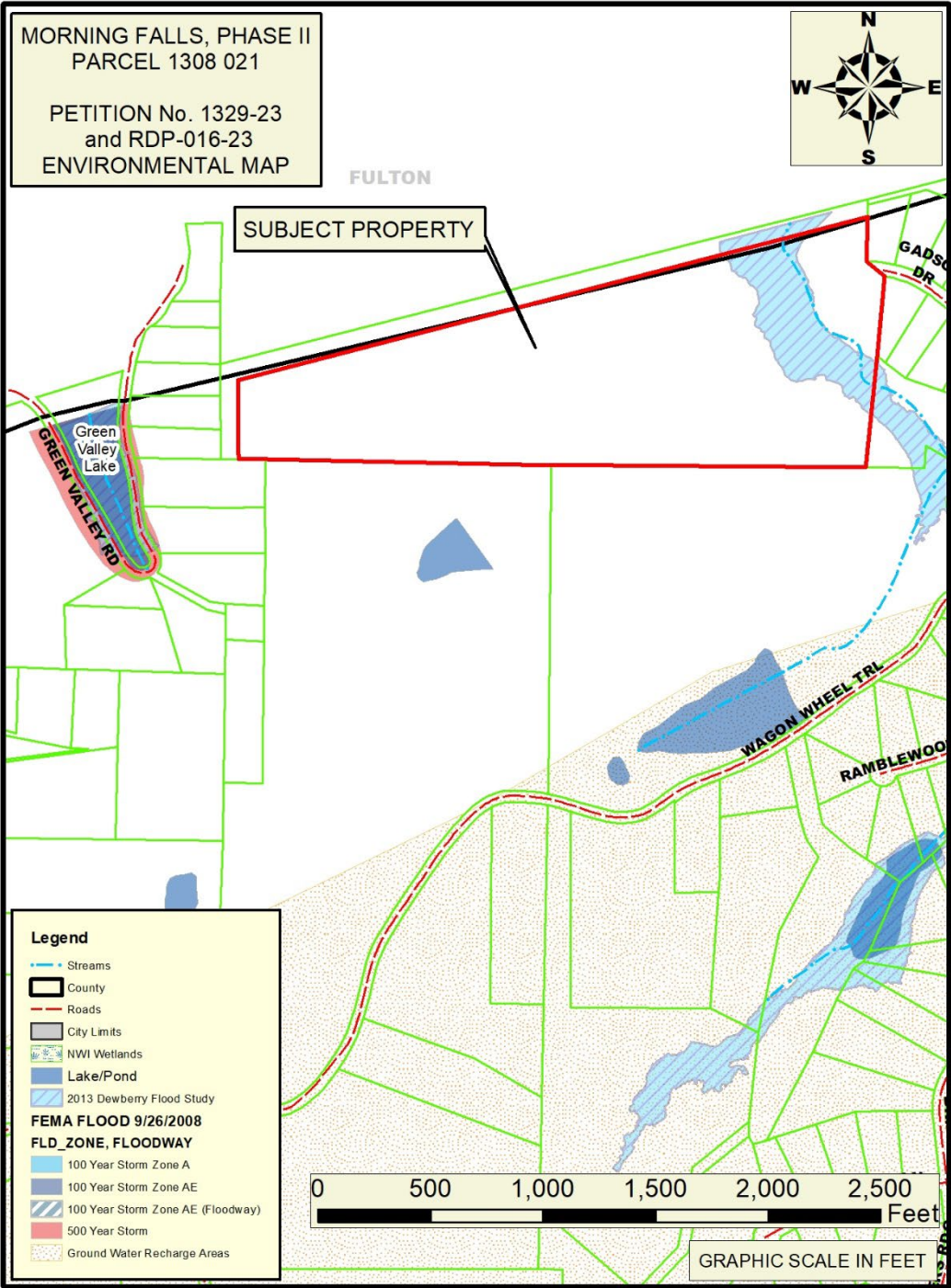
(Code 1992, § 20-6-1; Ord. of 7-28-2011; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-13, § 4, 12-13-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2014-19, § 6,7, 12-11-2014; Ord. No. 2015-05, § 2, 3-26-2015; Ord. No. 2016-12, § 3, 7-28-2016; Ord. No. 2017-04, § 2, 3-23-2017; Ord. No. 2018-03, §§ 11, 12, 9-22-2018)

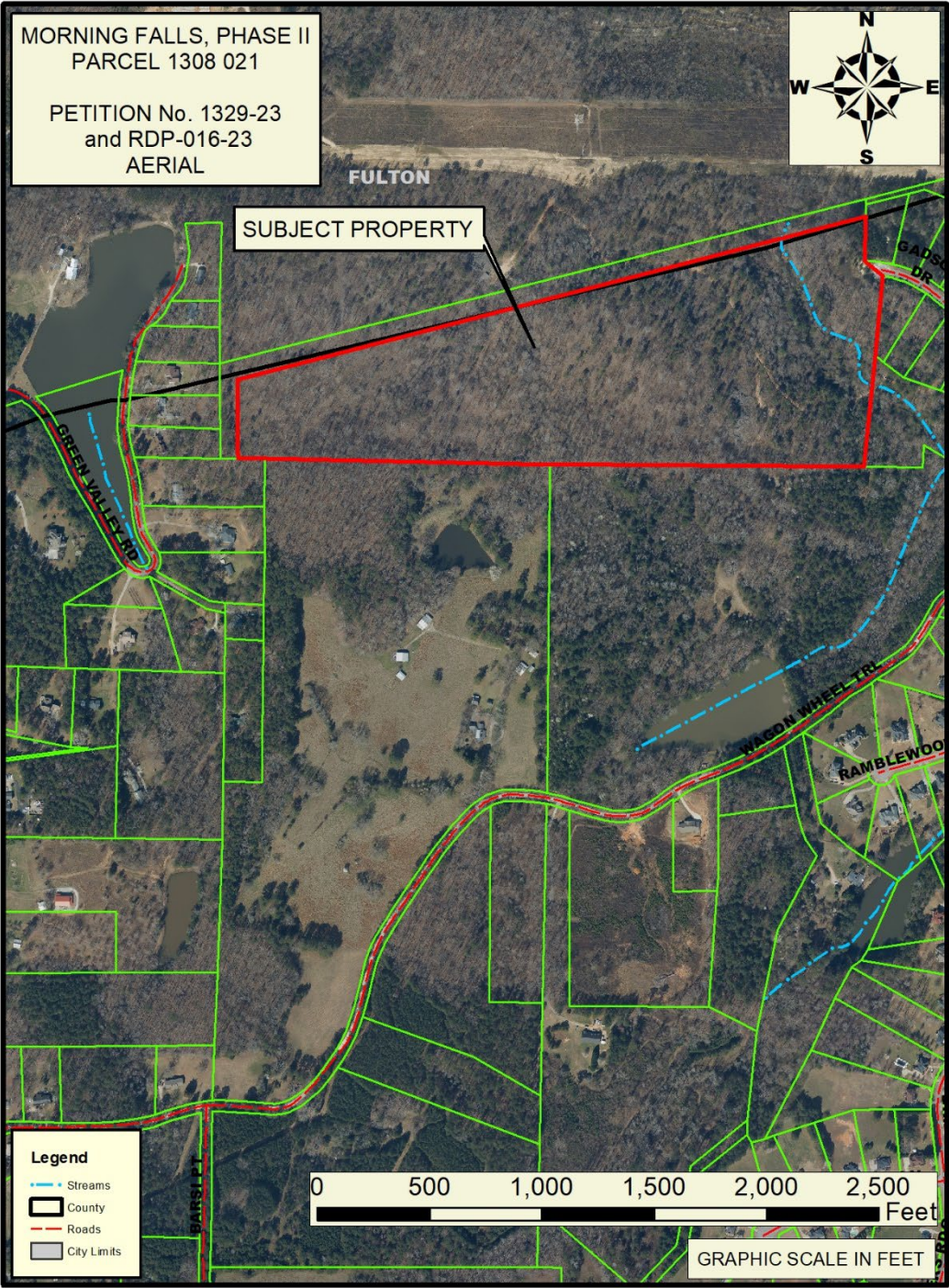


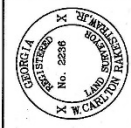
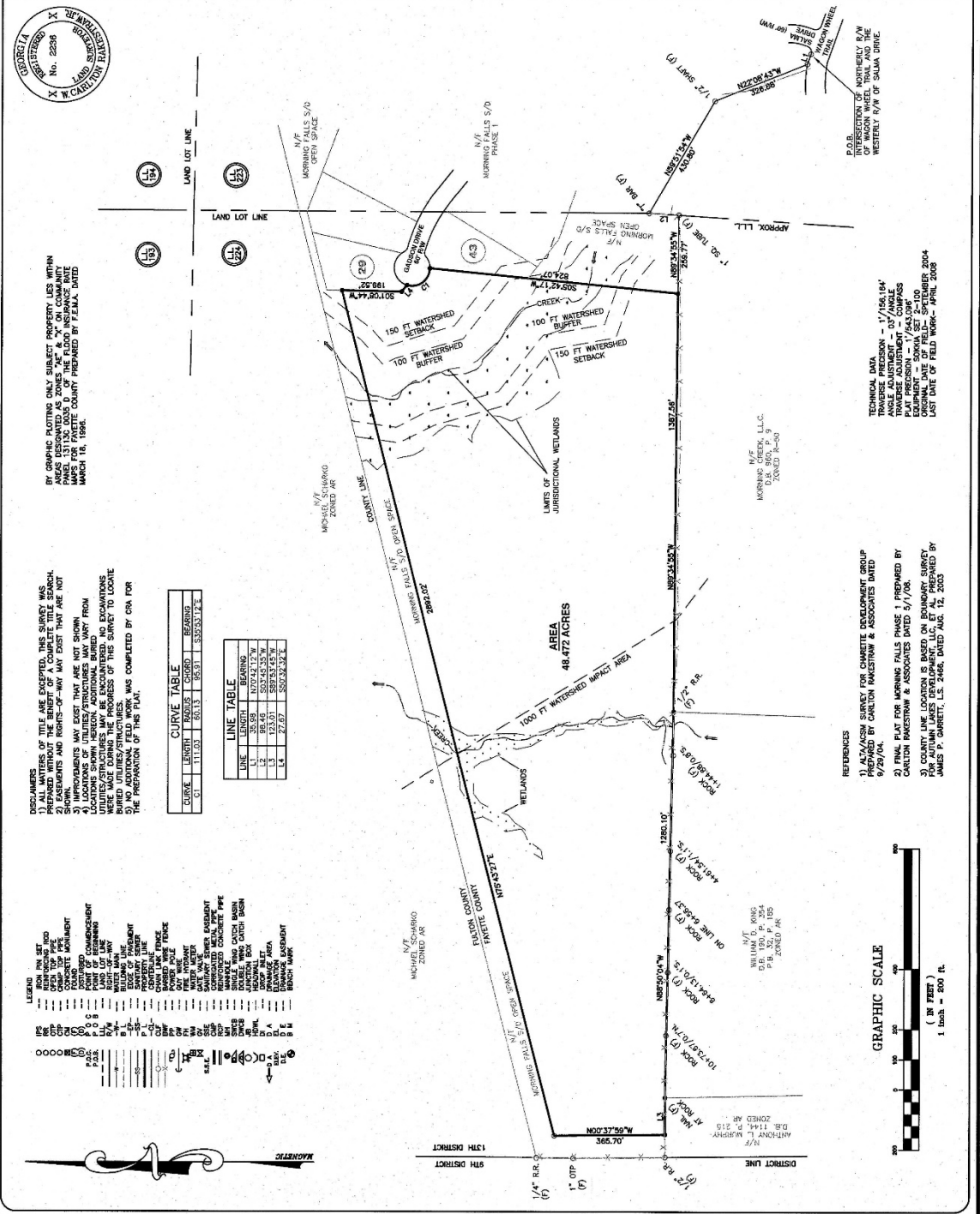












BY GRAPHIC PLATING ONLY SUBJECT PROPERTY LIES WITHIN AREAS DESIGNATED AS ZONES "R-1" & "R-2" ON COMMUNITY DEVELOPMENT MAP FOR FAYETTE COUNTY PREPARED BY F.E.M.A. DATED MARCH 18, 1996.

DISCLAIMERS
 1) ALL MATTERS OF TITLE ARE DECEPTED. THIS SURVEY WAS MADE BY THE SURVEYOR AND HIS RIGHTS-OF-WAY MAY EXIST THAT ARE NOT SHOWN.
 2) IMPROVEMENTS MAY EXIST THAT ARE NOT SHOWN.
 3) LOCATIONS OF UTILITIES STRUCTURES MAY VARY FROM THIS SURVEY.
 4) UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE UTILITIES.
 5) NO ADDITIONAL FIELD WORK WAS COMPLETED BY CRK FOR THE PREPARATION OF THIS PLAT.

CURVE TABLE

CURVE	LENGTH	ANGLES	CHORD	BEARING
C1	111.03	50.13	95.91	S32°51'17.2\"/>

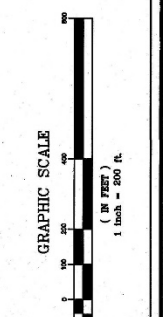
LINE TABLE

LINE	LENGTH	BEARING
L1	35.59	N70°42'11.2\"/>
L2	88.48	S02°45'35.3\"/>
L3	22.97	S52°42'43.2\"/>

- LEGEND
- 1/4\"/>

TECHNICAL DATA
 TRVERSE PRECISION - 1/161,184'
 TRVERSE ADJUSTMENT OF COMPASS
 PLAT PRECISION - 1/54,036'
 ORIGINAL DATE OF FIELD - SPITZMUR 2004
 LAST DATE OF FIELD WORK - APRIL 2008

- REFERENCES
- 1) ACCESS DEEDS FOR BARNETTE RESUBDIVISION GROUP PREPARED BY CARLTON HAKESTRAW & ASSOCIATES DATED 9/29/04.
 - 2) FINAL PLAT FOR MORNING FALLS PHASE 1 PREPARED BY CARLTON HAKESTRAW & ASSOCIATES DATED 5/1/04.
 - 3) COUNTY LINE LOCATION IS BASED ON BOUNDARY SURVEY BY JAMES P. GARNETT, L.S. 2448, DATED JULY 12, 2003.





1329-23 Gadson Drive



1329-23 Gadson Drive

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

SUBJECT PROPERTY PARCEL # 1308-021

PROPERTY OWNERS: CG & PH LLC

MAILING ADDRESS: 373 WESTBRIDGE ROAD FAYETTEVILLE, GA 30214

PHONE: 770-964-7935 E-MAIL: jkandbeckypell@gmail.com

AGENT FOR OWNERS: JOHN K. PELL

MAILING ADDRESS: 373 WESTBRIDGE ROAD FAYETTEVILLE, GA 30214

PHONE: 770-964-7935 E-MAIL: jkandbeckypell@gmail.com

PROPERTY LOCATION: LAND LOT 224 LAND DISTRICT 13TH PARCEL 1308 021
LAND LOT _____ LAND DISTRICT _____ PARCEL _____

TOTAL NUMBER OF ACRES REQUESTED TO BE REZONED: 48.472

EXISTING ZONING DISTRICT: CS PROPOSED ZONING DISTRICT: AR

ZONING OF SURROUNDING PROPERTIES: CS and A.R.

PRESENT USE OF SUBJECT PROPERTY: UNDEVELOPED LAND

PROPOSED USE OF SUBJECT PROPERTY: Single family residential

LAND USE PLAN DESIGNATION: LOW DENSITY RESIDENTIAL

NAME AND TYPE OF ACCESS ROAD: GADSON DRIVE, LOCAL

LOCATION OF NEAREST WATER LINE: 255 GADSON DRIVE

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: 1329-23

[] Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: MARCH 13, 2023

DATE OF PLANNING COMMISSION HEARING: Nov 1, 2023

DATE OF COUNTY COMMISSIONERS HEARING: June 22, 2023

Received from John K. Rebecca Z Pell a check in the amount of \$ 550.00 for application filing fee, and \$ 100.00 for deposit on frame for public hearing sign(s).

Date Paid: MARCH 10, 2023 Receipt Number: 017419

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:

CG + PH LLC

Please Print Names

Property Tax Identification Number(s) of Subject Property: 13 08 021

(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) 224 of the 13 District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 48.472 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to JOHN K. PELL 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.

Signature of Property Owner 1

Signature of Notary Public

Address

Date

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Property Owner 3

Signature of Notary Public

Address

Date

John K. Pell
Signature of Authorized Agent

Deborah M Sims
Signature of Notary Public

Address

March 10, 2023
Date

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027

OWNER'S AFFIDAVIT

NAME: JOHN K. PELL PETITION NUMBER: 1329-23
ADDRESS: 373 WESTBRIDGE ROAD FAYETTEVILLE, GA 30214

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

JOHN K. PELL affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) 13TH Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 550⁰⁰ to cover all expenses of public hearing. He/She petitions the above named to change its classification to AR.

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 4 day of MAY, 20 23 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 25 day of MAY, 20 23 at 5:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 10th DAY OF March, 20 23

[Signature] SIGNATURE OF PROPERTY OWNER
[Signature] SIGNATURE OF PROPERTY OWNER

Deborah M Sims
NOTARY PUBLIC

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027

AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, JOHN K. TELL, 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 COMPLETED PORTION OF CUL-DE-SAC 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 March, 20 23.


SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER


NOTARY PUBLIC

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027

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 9th day of MARCH, 20 23.


APPLICANT'S SIGNATURE 

**Developments of Regional Impact
Tiers and Development Thresholds**

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

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DISCLOSURE STATEMENT

(Please check one)

Campaign contributions:



No

Yes (see attached disclosure report)

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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



Doc ID: 008690700002 Type: WD
Recorded: 11/03/2011 at 10:35:00 AM
Fee Amt: \$12.00 Page 1 of 2
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **3815** PG **522-523**

RETURN TO: *JKP*
WESSELS & DEKON, P.C.
175 CORPORATE CENTER DR., STE A
STOCKBRIDGE, GA 30281

JOHN K. PELL
373 WESTBRIDGE
ROAD
FAYETTEVILLE, GA
30214

DRAW DEED ONLY-NO TITLE SEARCH

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HENRY

Note: Scrivener drafted Deed only at the request of the parties, did not perform a title search and therefore does not warranty in any manner whatsoever the chain of title including but not limited to the following, to wit: the record title holder, liens, judgments, easements or rights of persons in possession thereof.

THIS INDENTURE, made this 25th day of October in the year of our Lord Two Thousand Eleven between John K. Pell, of the State of GA and County of FAYETTE of the first part and CG & PH, LLC, of the State of GA and County of FAYETTE of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other goods 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 and conveyed and by these presents does grant, sell and convey unto the said party of the second part his heirs and assigns:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 224 of the 13th District of Fayette County, Georgia and being more particularly described on Exhibit "A" attached hereto and made a part of this description.

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

And the said party of the first part, for his heirs, successors, executors and administrators will warrant and forever defend the right and title to the above described property subject to permitted exceptions, unto the said party of the second part, his heirs, successors and assigns, against the lawful claims of all persons owning, holding or claiming by, through or under the party of the first part.

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

Signed, sealed and delivered in the presence of

[Signature]
Unofficial Witness
[Signature]
Notary Public
[Signature] (SEAL)
[Signature] (SEAL)
JERRY L. HARRINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
MAY 9, 2014
FAYETTE COUNTY, GEORGIA

EXHIBIT A-1

PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 224, 13th District, Fayette County, Georgia and being more particularly described as follows:

Commencing at the point of the intersection of the northerly right-of-way of Wagon Wheel Trail and the westerly right-of-way of Salma Drive; Thence running North 70 degrees 42 minutes 12 seconds West a distance of 35.98 feet to a point; Thence running North 22 degrees 08 minutes 43 seconds West a distance of 326.88 feet to a 1/2" shaft found; Thence running North 59 degrees 51 minutes 54 seconds West a distance of 430.80 feet to a "T" bar found on the easterly line of Land Lot 224; Thence running along the easterly line of Land Lot 224, South 09 degrees 46 minutes 35 seconds West a distance of 98.46 feet to a 1" square tube found; Thence running North 89 degrees 34 minutes 55 seconds West a distance of 259.77 feet to a point and the **TRUE POINT OF BEGINNING**; Thence running North 89 degrees 34 minutes 55 seconds West, a distance of 1387.56 feet to a 1/2 inch reinforcing rod found; Thence running North 88 degrees 50 minutes 04 seconds West a distance of 1280.10 feet to a nail found at rock; Thence running South 89 degrees 53 minutes 45 seconds West a distance of 123.01 feet to a point; Thence running North 00 degrees 37 minutes 59 seconds West a distance of 365.70 feet to a point; Thence running North 75 degrees 43 minutes 27 seconds East a distance of 2892.02 feet to a point on the westerly property line of Lot 29, Phase I, Morning Falls subdivision; Thence running South 01 degrees 06 minutes 44 seconds West along said property line a distance of 199.52 feet to a point; Thence running South 50 degrees 32 minutes 32 seconds East a distance of 27.67 feet to a point on the westerly right-of-way of Gadsden Drive; Thence running along a curve to the right along the right-of-way of Gadsden Drive an arc distance of 111.03 feet (said arc being subtended by a chord bearing of South 35 degrees 53 minutes 12 seconds East, a chord distance of 95.91 feet and having a radius of 60.13 feet) to a point; Thence running South 05 degrees 42 minutes 17 seconds West a distance of 824.07 feet to a point and the **TRUE POINT OF BEGINNING**;

Said tract or parcel of land containing 48.472 acres according to a Plat of Survey prepared for John K. Pail by Carlton Rakestraw & Associates, Registered Land Surveyors dated October 27, 2010.