

**BOARD MEMBERS**

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

**STAFF**

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

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**AGENDA**  
**FAYETTE COUNTY PLANNING COMMISSION MEETING**  
**140 STONEWALL AVENUE WEST**  
**May 2, 2024**  
**7:00 pm**

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

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**NEW BUSINESS**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the meeting held on April 4, 2024

**PUBLIC HEARING**

5. Consideration of Petition No. 1345-24-A, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 0.964 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7<sup>th</sup> District and fronts on Ellison Road.
6. Consideration of Petition No. 1345-24-B, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 17.171 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7<sup>th</sup> District and fronts on Ellison Road.
7. Consideration of Petition No. 1345-24-C, David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent, request to rezone 1.137 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 85 of the 7<sup>th</sup> District and fronts on Ellison Road.

8. Consideration of Petition No. 1346-24, Allegiance Homes, LLC, owner; C. Mark McCullough, Agent, request to rezone 15.87 acres from A-R (Agricultural-Residential) to R-80 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes; property is located in Land Lot 199 of the 4<sup>th</sup> District and fronts on Snead Road.
  
9. Consideration of Petition No. 1347-24, Luis Arango, owner; Jeff Lammes, Agent, request to rezone 1.446 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing an amenity area for a residential single-family neighborhood; property is located in Land Lot 60 of the 5<sup>th</sup> District.

# Meeting Minutes 4/4/24

**THE FAYETTE COUNTY PLANNING COMMISSION** met on April 4, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

**STAFF PRESENT:** Debbie Bell, Planning and Zoning Director  
Deborah Sims, Zoning Administrator  
Christina Barker, Zoning Coordinator

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## NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.  
Ms. Debbie Bell requested to amend the agenda to add the Preliminary Plat Renewal for Bernhard Farms.  
***Danny England made a motion to approve the agenda with the following item number 6 changed to read Approval of a Preliminary Plat for Bernhard Farms. The motion passed 5-0.***
4. Consideration of the Minutes of the meeting held on March 7, 2024  
John Culbreth called for a motion.  
***Danny England made a motion to approve the minutes of the meeting held on March 7, 2024. Jim Oliver seconded the motion. The motion passed 5-0.***
5. Approval of Minor Final Plat for Sterling Ridge  
Debbie Bell reviews that this is a request to approve a Minor Final Plat on Ebenezer Road and Ebenezer Church Road. This property was rezoned to A-R. Mr. Wright is proposing this development and staff has reviewed and approved this development.  
Hello, I am Rod Wright, and I am requesting the approval of the Minor Final Plat for Sterling Ridge.  
Danny England asks, "Debbie is this the same plat that Rod was in for last time and we had to table it for some right of way dedication?"  
Yes, it was on the agenda and there were some utilities that were in the process of being installed and that took a little longer than anticipated.  
Danny England stated, "Ok, from the county side we are good to go, and we can just move forward."  
Debbie Bell, "Yes, everything is completed."  
Danny England, "Ok, good deal."  
John Culbreth asks for further questions by the commissioners and there are none. Mr. Culbreth requests a motion.  
***Danny England made a motion to approve the Minor Final Plat for Sterling Ridge. John Kruzan seconded the motion. The motion passed 5-0.***

6. Approval of Preliminary Plat for Bernhard Farms

Debbie Bell discussed the Preliminary Plat for Bernhard Farms. It is a subdivision off Bernhard Road that is under construction and in progress, but they haven't quite gotten to the point of meeting the criteria to where they are allowed to continue, so this needs to be renewed. They are presenting this to you tonight to request the renewal of Preliminary Plat for two years.

Mr. Culbreth asked if the petitioner was present.

Ms. Bell stated that they were not present.

Mr. Culbreth asked if the commissioners had any questions on this Preliminary Plat approval.

Jim Oliver asked if there was any problem with the staff, or is everything good?

Ms. Bell stated that everything is good, and nothing has changed. In fact, they have submitted the construction drawings and that is underway but just hasn't been completed. So, this is more of a housekeeping item than anything else.

Mr. Culbreth requested a motion.

***John Kruzan made a motion to approve the Preliminary Plat for Bernhard Farms. Jim Oliver seconded the motion. The motion passed 5-0.***

## **PUBLIC HEARING**

7. Consideration of Revised Development Plan RDP-017-24 Xavier Hill, owner; requests to remove Lot 10A from Lafayette Estates Subdivision. 119 Lafayette Dr. is 0.481 undeveloped acres. The property is located in Land Lot 219 of the 13th District and fronts on Lafayette Dr. – WITHDRAWN BY PETITIONER

Debbie Bell states, "Item 6 (now item 7 due to the addition of item 6 - Approval of Preliminary Plat for Bernhard Farms) was to be a Revised Development Plan RDP-017-24 to remove a lot from the Lafayette Estate Subdivision. The petitioner has withdrawn the application, so we have no public hearing tonight.

Mr. Culbreth asks do we need a motion to approve the withdrawal?

Ms. Bell, "Yes sir."

***Danny England made a motion to allow the withdrawal of item 7 Revised Development Plan RDP-017-24. Boris Thomas seconded the motion. The motion passed 5-0.***

**ADJOURNMENT:**

Danny England moved to adjourn the meeting. Jim Oliver seconded. The motion passed 5-0.

The meeting adjourned at 7:07 p.m.

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**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

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**JOHN CULBRETH, SR.  
CHAIRMAN**

**ATTEST:**

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**DEBBIE BELL  
DIRECTOR, PLANNING & ZONING**





**PETITION NO: 1345-24 -A-B-C**

**REQUESTED ACTION:** Rezone from A-R to R-50

**PARCEL NUMBER:** 1345-24 A: 0722 003 – 0.964 Acres  
1345-24 B: 0722 062 – 17.171 Acres  
1345-24 C: 0722 010 – 1.137 Acres

**PROPOSED USE:** Single-Family Residential Subdivision

**EXISTING USE:** Agricultural/Residential

**LOCATION:** Ellison Road

**DISTRICT/LAND LOT(S):** 7<sup>th</sup> District, Land Lot 85

**ACREAGE:** 19.272 acres, total of 3 parcels

**OWNER(S):** David Asa Lamb

**APPLICANT:** LDO Fayette, LLC

**AGENT:** Randy Boyd

**PLANNING COMMISSION PUBLIC HEARING:** May 2, 2024

**BOARD OF COMMISSIONERS PUBLIC HEARING:** May 23, 2024

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**APPLICANT'S INTENT**

Applicant proposes to rezone 19.272 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes.

**STAFF RECOMMENDATION**

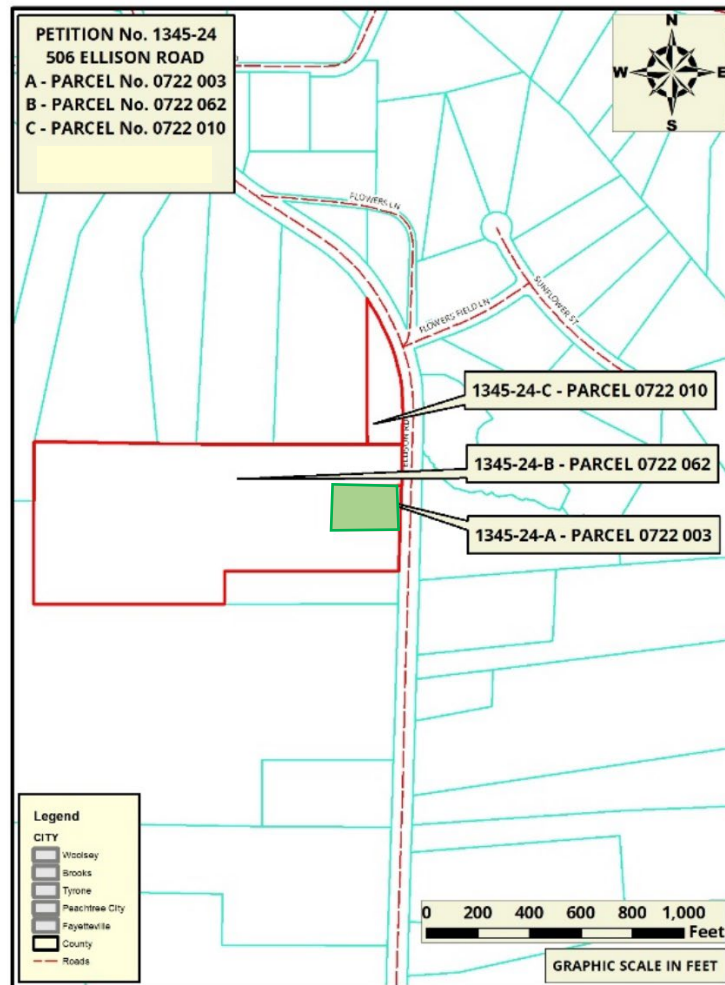
As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 unit/1 acre) is designated for this area, so the request for R-50 zoning is appropriate. All three parcels are legal lots of record in the A-R zoning district. Parcels 0722 003 and 0722 010 are legal, nonconforming lots. Conditions are included to require combination of all parcels to address this issue. The existing house on parcel 07220 003 does not meet the dimensional requirements of the R-50 zoning district, so a condition for demolition of the house and all accessory structures on the property is recommended. The barn on parcel 0722 062 does not meet requirements for an accessory structure under R-50, so a condition for demolition is recommended. Please refer to pages 2 – 4 for parcel-specific recommendations.



Staff recommends **CONDITIONAL APPROVAL** of Petition No. 1345-24-A, Parcel No. 0722 003; David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent; to rezone 0.964 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), subject to the following conditions:

**RECOMMENDED CONDITIONS FOR PETITION No. 1345-24 A** [Parcel No. 0722 003]

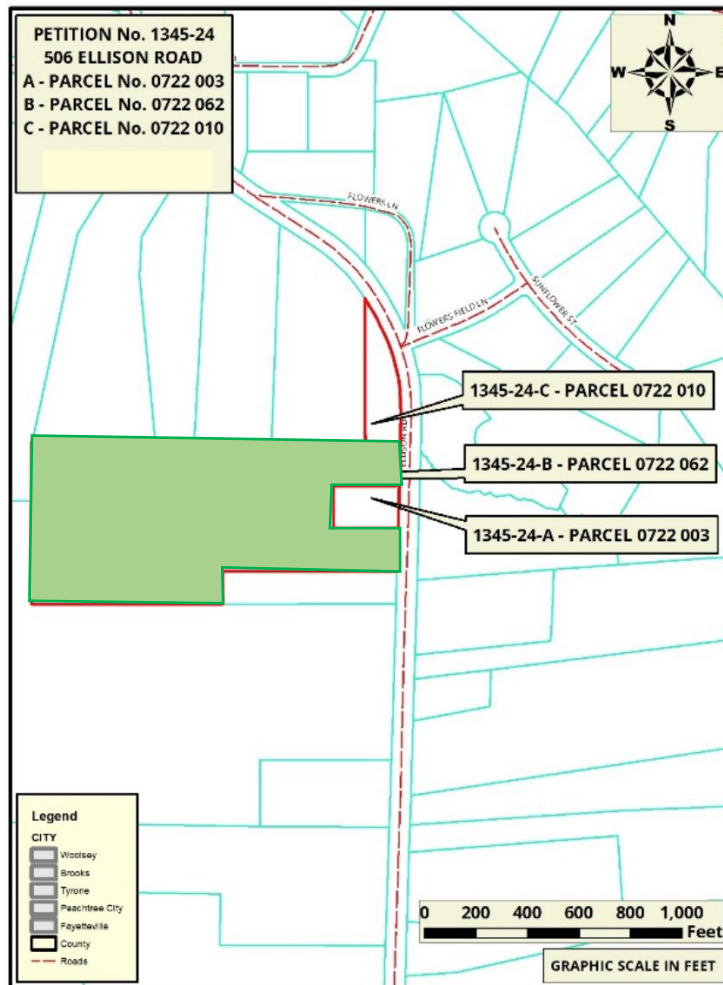
1. Within 90 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcel #0722 003.
2. Within 90 days of approval of the rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.



Staff recommends **CONDITIONAL APPROVAL** of Petition No. 1345-24-B, Parcel No. 0722 062; David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent; to rezone 17.171 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), subject to the following conditions:

**RECOMMENDED CONDITIONS FOR PETITION No. 1345-24 B** [Parcel No. 0722 062]

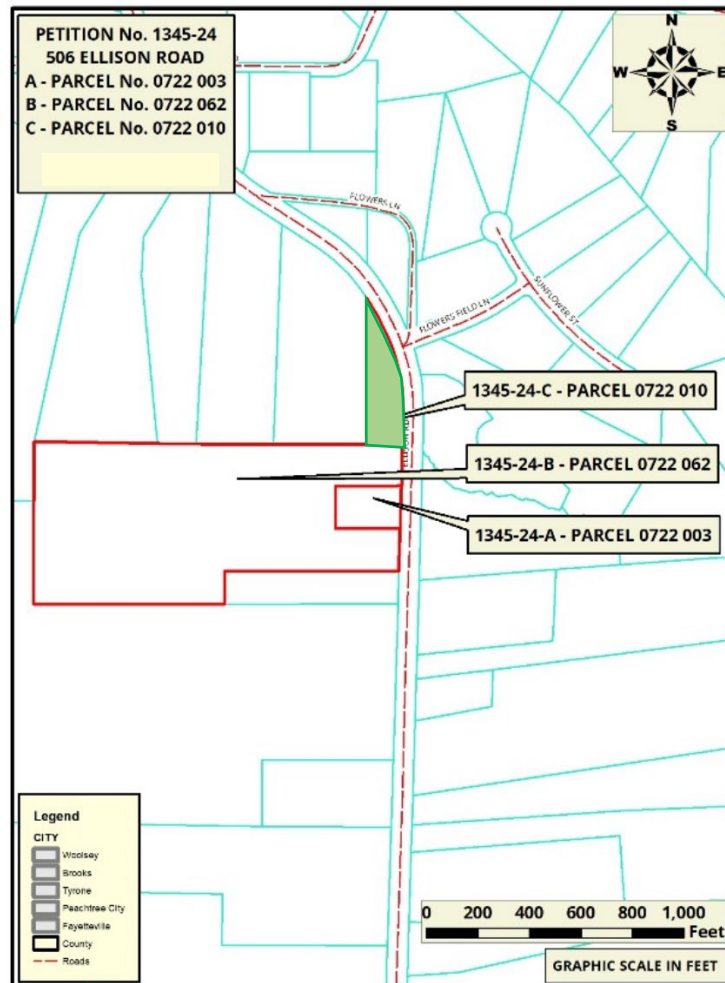
1. Within 90 days of approval of the rezoning, the developer shall obtain the appropriate permit and demolish or remove the existing structures on parcel #0722 062.
2. Within 90 days of approval of the rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.



Staff recommends **CONDITIONAL APPROVAL** of Petition No. 1345-24-C, Parcel No. 0722 010; David Asa Lamb, owner; LDO Fayette, LLC, applicant; Randy Boyd, Agent; to rezone 1.137 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential), subject to the following conditions:

**RECOMMENDED CONDITION(S) FOR PETITION No. 1345-24 C** [Parcel No. 0722 010]

1. Within 90 days of approval of the rezoning, all parcels that are a subject of this petition shall be combined into a single parcel with an approved recorded plat.



## **INVESTIGATION**

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

All three parcels are legal lots of record in the A-R zoning district. Parcels 0722 003 and 0722 010 are legal, nonconforming lots. Conditions are included to require combination of all parcels to address this issue.

The existing house on parcel 07220 003 does not meet the dimensional requirements of the R-50 zoning district, so a condition for demolition of the house and all accessory structures on the property is recommended. The barn on parcel 0722 062 does not meet requirements for an accessory structure under R-50, so a condition for demolition is recommended.

This property is not located in an overlay zone.

### **B. REZONING HISTORY:**

There is no record of a prior rezoning.

### **C. CURRENT DEVELOPMENT HISTORY:**

Parcel A contains a single-family residence.

Parcel B contains a barn.

Parcel C is vacant.

### **D. SURROUNDING ZONING AND USES**

Near the subject property is land which is zoned A-R and R-70. See the following table and the attached Zoning Map.

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

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
North	26	A-R	Single Family Residential	Low Density Residential (1 unit/1 acre)
East (across Ellison)	44	R-70	Undeveloped; Single Family Residential	Low Density Residential (1 unit/1 acre)
South	40	A-R	Undeveloped; Single Family Residential;	Low Density Residential (1 unit/1 acre)
West	20	A-R	Undeveloped; Single Family Residential; Agricultural	Low Density Residential (1 unit/1 acre)

**E. COMPREHENSIVE PLAN**

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

**F. ZONING/REGULATORY REVIEW**

**Access & Right-of Way:** The property has existing access on Ellison Road.

**Site Plan:** The applicant submitted a survey for the property and a concept plan for a single-family detached residential subdivision.

**G. DEPARTMENTAL COMMENTS**

- Water System** - Water is available on Ellison Rd in an 8' in water main. Every lot of a proposed subdivision shall be supplied with adequate water and wastewater facilities which shall be approved by the state commissioner of health. Septic tank drain field approval shall be on an individual lot basis. Where public water or wastewater facilities are available within the distance specified below, the subdivider shall assure that every lot of the subdivision shall be provided with public water.
- Public Works/Engineering**
  - **Road Frontage & Right of Way Dedication** - No dedication required, Ellison Road is already an 80 ft. R/W.
  - **Traffic Data** - There is no traffic data for Ellison Road
  - **Sight Distance** -- Minimum sight distances will have to be satisfied for the proposed new road intersection.
- Environmental Management** - No objections.
  - **Floodplain Management** -- The property DOES NOT contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. The property DOES NOT contain floodplain per FEMA FIRM panel 13113C0081E dated September 26, 2008.
  - **Wetlands** -- The property DOES NOT contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. The owner or developer will be responsible for submitting proper documentation during the development process.
  - **Watershed Protection** -- There ARE state waters located on the subject property and WILL BE subject to the Fayette County Watershed Protection Ordinance.
  - **Groundwater** -- The property IS within a groundwater recharge area.
  - **Post Construction Stormwater Management** -- This development WILL BE subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces.

- Environmental Health Department** – This office has no objection to the proposed rezoning of this property. This does not constitute endorsement of the use or designation of one acre lots. For residential housing, septic systems will be required for this location.
- Fire** – Hydrants required due to number of lots and proximity to available water on Ellison Road.
- GDOT** – n/a

## **STANDARDS**

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

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

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

## **STAFF ANALYSIS**

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

## **ZONING DISTRICT STANDARDS**

### **Sec. 110-135. R-50, Single-Family Residential District.**

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

(b) *Permitted uses.* The following permitted uses shall be allowed in the R-50 zoning district:

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

(c) *Conditional uses.* The following conditional uses shall be allowed in the R-50 zoning district provided that all conditions specified in article V of this chapter are met:

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

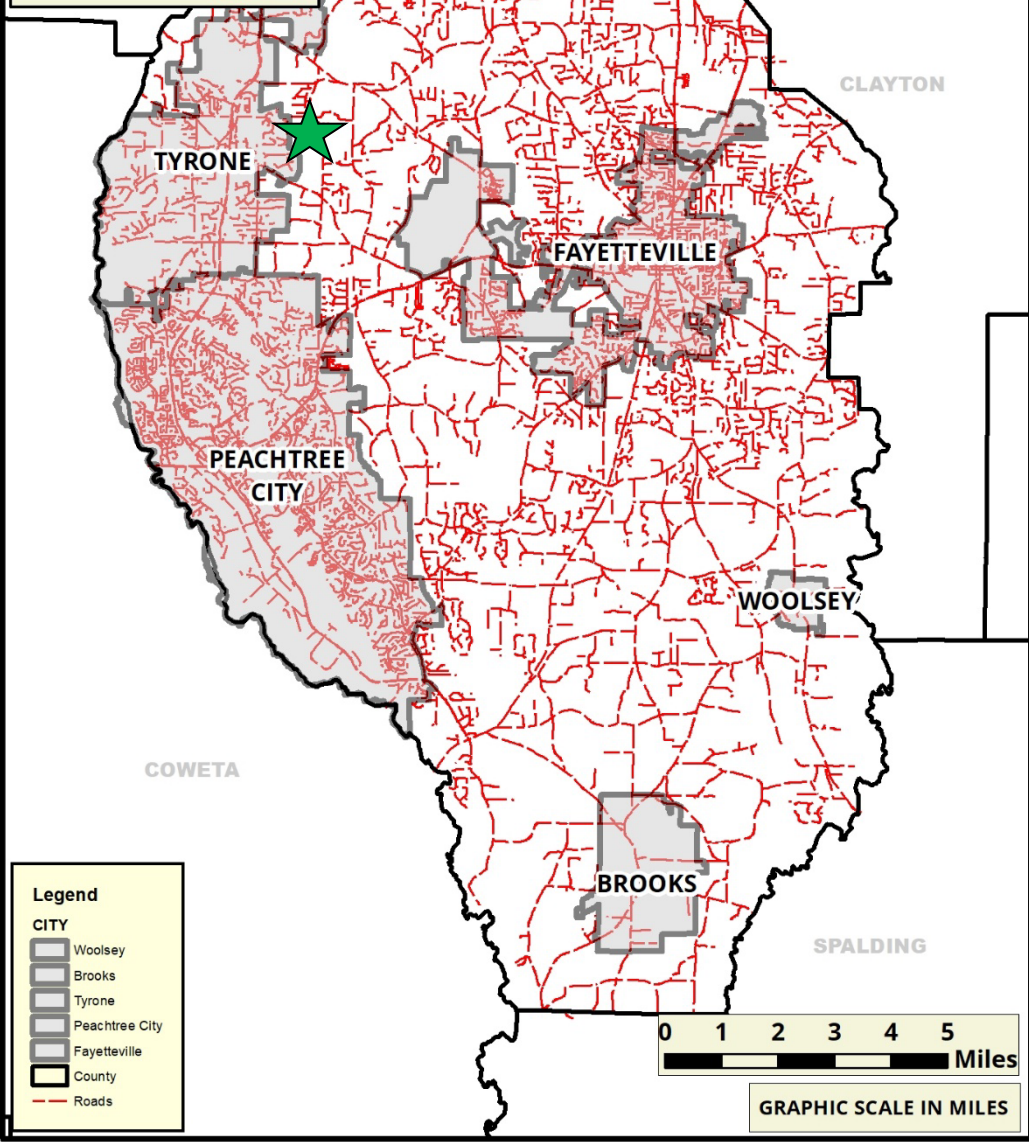
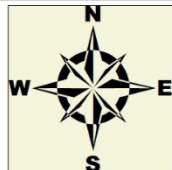
(d) *Dimensional requirements.* The minimum dimensional requirements in the R-50 zoning district shall be as follows:

- (1) Lot area per dwelling unit:
  - a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one acre).
  - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres).
- (2) Lot width:
  - a. Major thoroughfare:
    1. Arterial: 150 feet.
    2. Collector: 150 feet.
  - b. Minor thoroughfare: 125 feet.
- (3) Floor area: 2,100 square feet.
- (4) Front yard setback:
  - a. Major thoroughfare:
    1. Arterial: 100 feet.
    2. Collector: 75 feet.
  - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 30 feet.
- (6) Side yard setback: 20 feet.
- (7) Height limit: 35 feet.

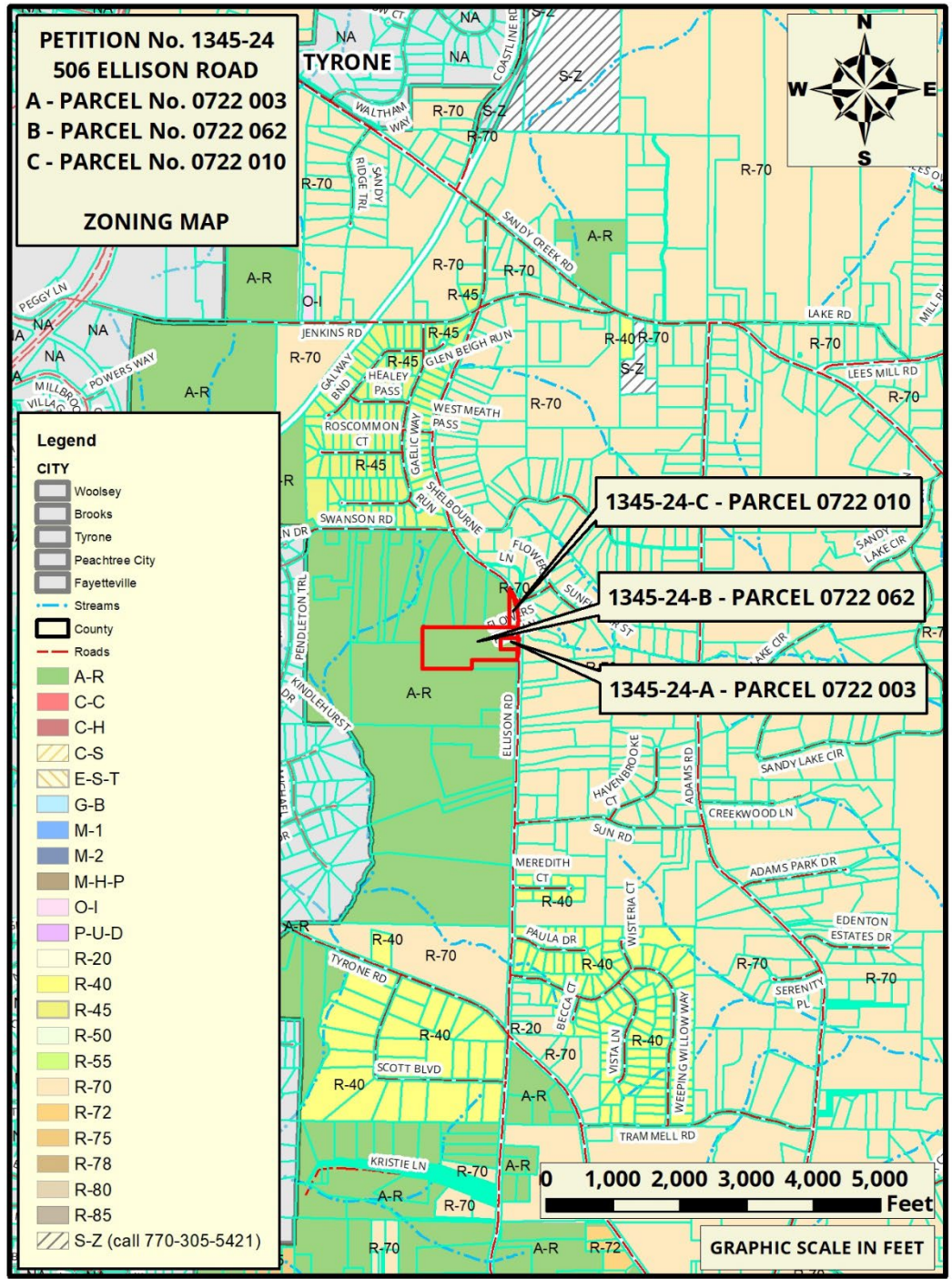
(Code 1992, § 20-6-11; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)

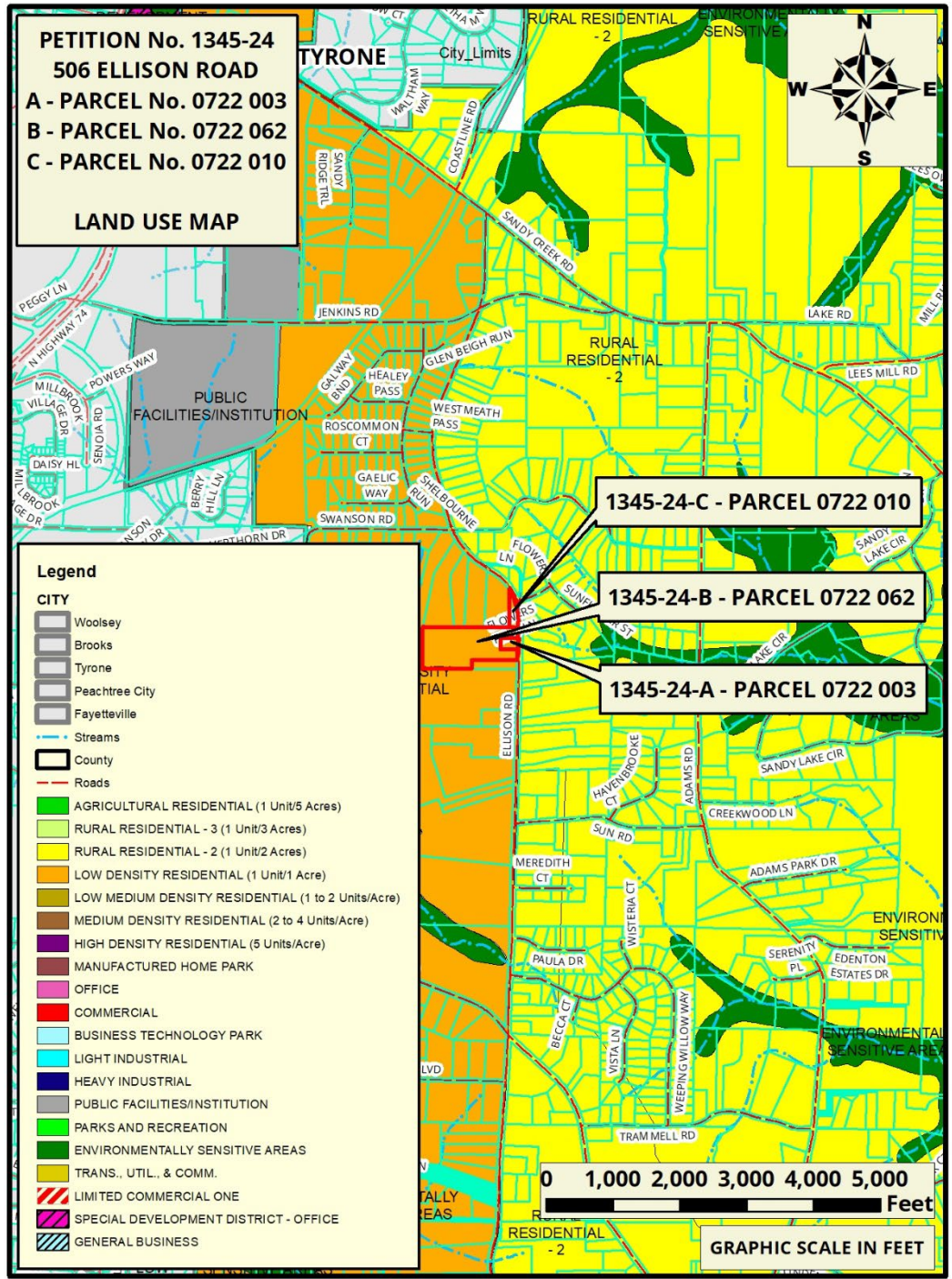
PETITION No. 1345-24  
506 ELLISON ROAD  
A - PARCEL No. 0722 003  
B - PARCEL No. 0722 062  
C - PARCEL No. 0722 010

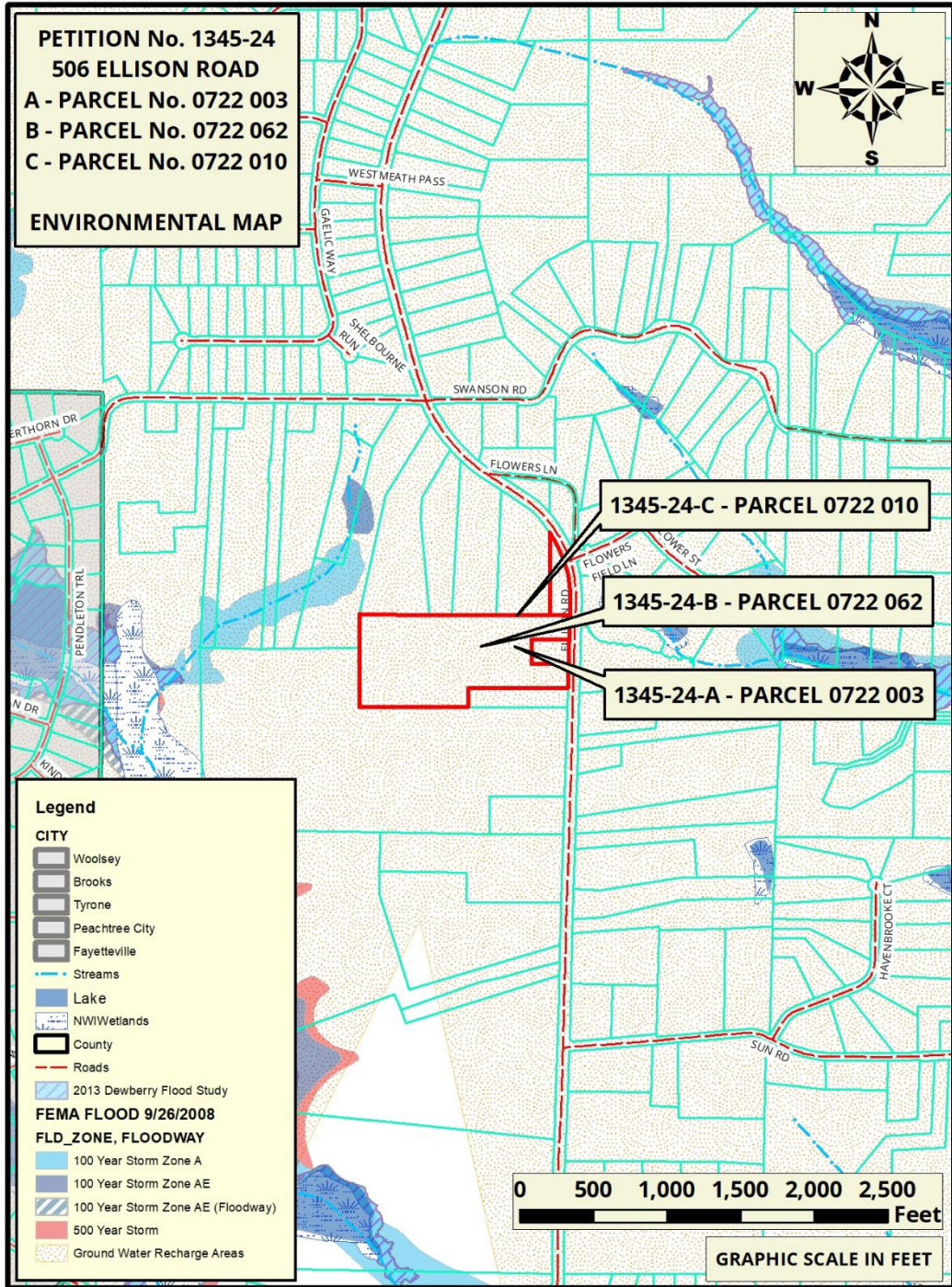
LOCATION MAP

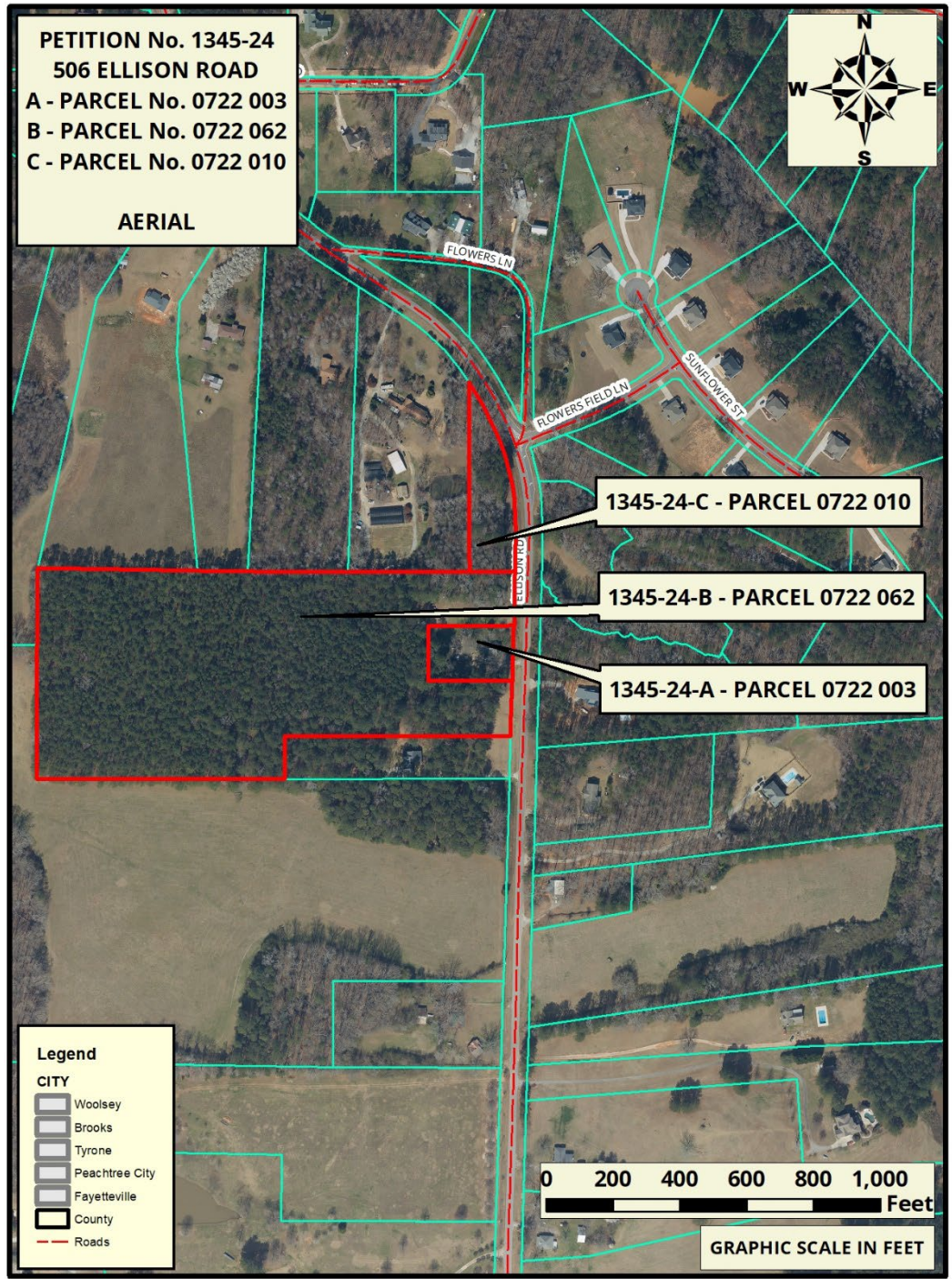


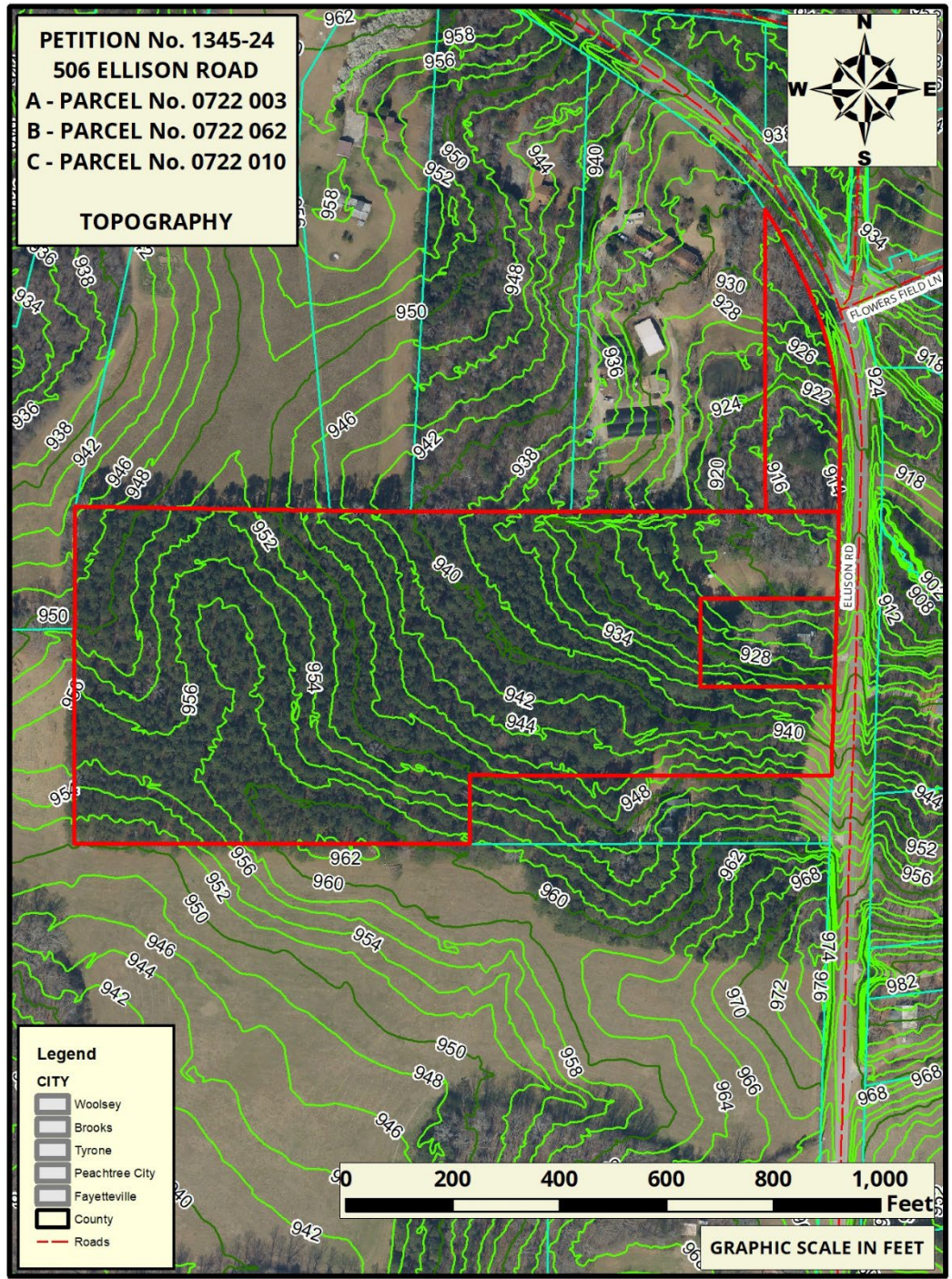


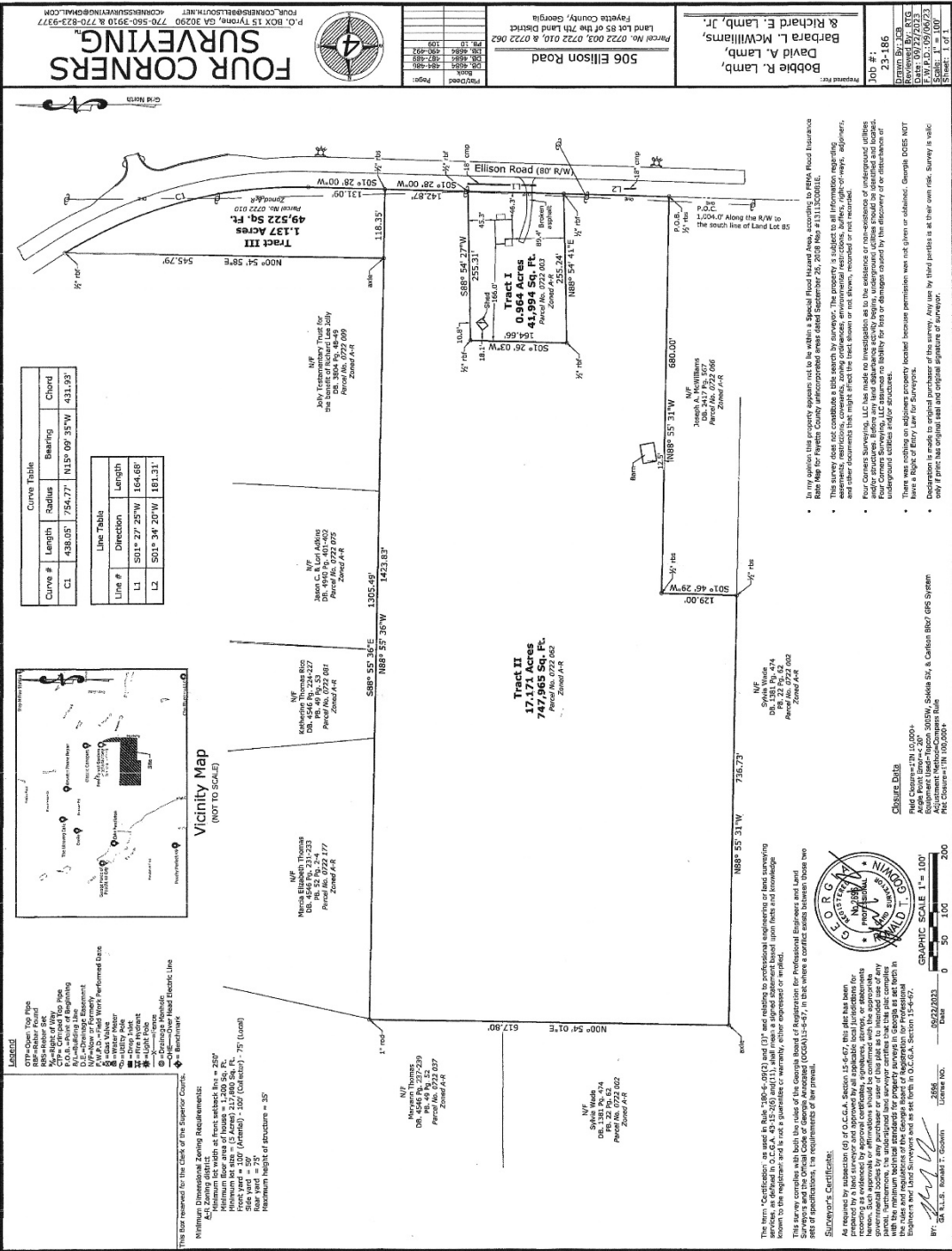












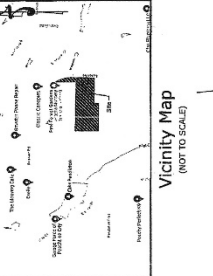
**SURVEY**

Prepared For:  
**David A. Lamb, Bobbie R. Lamb, & Richard E. Lamb, Jr.**  
 506 Ellison Road  
 Fayette County, Georgia  
 Parcel No. 0722 003, 0722 010, & 0722 002

Order No. 23-184  
 License No. 2666  
 Date: 09/27/2023  
 P.L.P.D.: 09/06/23  
 E.P.C.: 10/10/23  
 Sheet: 1 of 1

Curve #	Length	Radius	Bearing	Chord
C1	438.05'	754.77'	N15° 09' 35"W	431.93'

Line #	Direction	Length
L1	S01° 27' 25"W	164.68'
L2	S01° 34' 20"W	101.31'



**FOUR CORNERS SURVEYING**  
 P.O. BOX 15 TYNAN, GA 30250 770-560-9310 & 770-823-9373  
 FOURCORNERS@GMAIL.COM FOURCORNERS@OUTLOOK.COM

North Arrow  
 Scale: 1" = 100'

**LEGEND**  
 This Plat Shows: The Plat  
 1" = 100' Scale  
 1" = 100' Scale  
 City of Fayette County  
 All existing utility lines  
 All existing structures  
 All existing easements  
 All existing encroachments  
 All existing encroachments  
 All existing encroachments  
 All existing encroachments  
 All existing encroachments

**PROPERTY INFORMATION**  
 Tract I  
 0.964 Acres  
 Parcel No. 0722 003  
 Zone: R1-100  
 Tract II  
 17.171 Acres  
 Parcel No. 0722 010  
 Zone: R1-100  
 Tract III  
 49,522 Sq. Ft.  
 Parcel No. 0722 002  
 Zone: R1-100

**ADJACENT OWNERS**  
 Name: [Owner Name]  
 Parcel No.: [Parcel No.]  
 Zone: [Zone]

**DISCLAIMER**  
 The surveyor warrants only the accuracy of the plat. He does not warrant the accuracy of any information regarding easements, restrictions, covenants, zoning ordinances, environmental restrictions, surveys, rights-of-way, adjoiners, or other matters that may affect the land. The surveyor is not responsible for any errors or omissions in the original survey or plat. The surveyor is not responsible for any errors or omissions in the original survey or plat. The surveyor is not responsible for any errors or omissions in the original survey or plat.

Minimum lot width at front setback line = 20'  
 Minimum lot width at side setback line = 5'  
 Minimum lot area = 5,200 sq. ft. (including driveway)  
 Minimum height of structure = 5'

**NOTICE TO CONTRACTORS**  
 The plat is prepared for the use of the Superior Court.  
 Minimum plat size = 5,200 sq. ft. (including driveway)  
 Minimum height of structure = 5'

**REMARKS**  
 This plat shows the plat, 1" = 100' scale, of the four corners survey.  
 The survey was conducted on September 15, 2023.

**ADJACENT OWNERS**  
 Name: [Owner Name]  
 Parcel No.: [Parcel No.]  
 Zone: [Zone]

**ADJACENT OWNERS**  
 Name: [Owner Name]  
 Parcel No.: [Parcel No.]  
 Zone: [Zone]

**ADJACENT OWNERS**  
 Name: [Owner Name]  
 Parcel No.: [Parcel No.]  
 Zone: [Zone]

**ADJACENT OWNERS**  
 Name: [Owner Name]  
 Parcel No.: [Parcel No.]  
 Zone: [Zone]

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 Zone: [Zone]

**ADJACENT OWNERS**  
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 Parcel No.: [Parcel No.]  
 Zone: [Zone]

**ADJACENT OWNERS**  
 Name: [Owner Name]  
 Parcel No.: [Parcel No.]  
 Zone: [Zone]

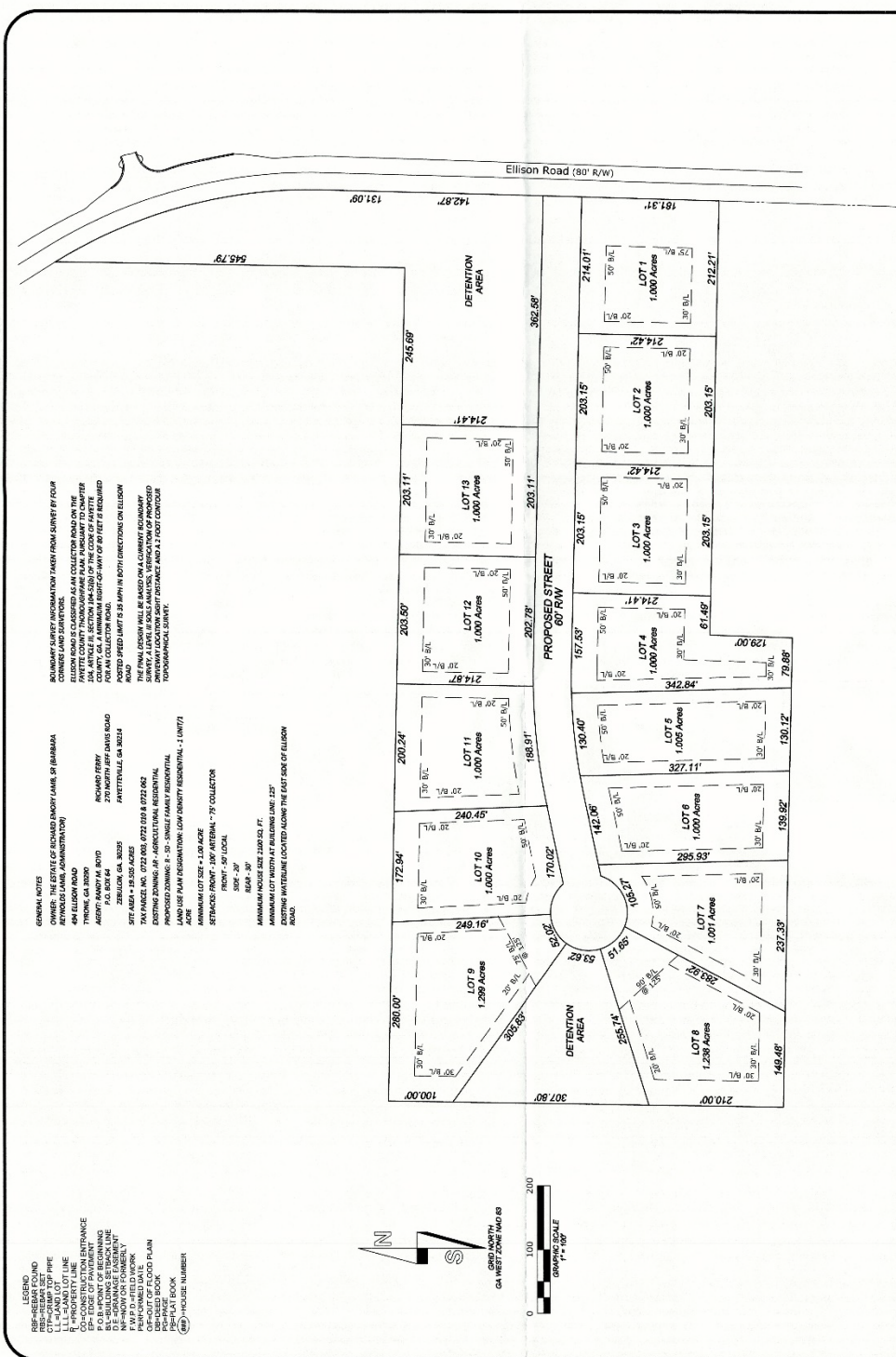
**ADJACENT OWNERS**  
 Name: [Owner Name]  
 Parcel No.: [Parcel No.]  
 Zone: [Zone]

**ADJACENT OWNERS**  
 Name: [Owner Name]  
 Parcel No.: [Parcel No.]  
 Zone: [Zone]

**ADJACENT OWNERS**  
 Name: [Owner Name]  
 Parcel No.: [Parcel No.]  
 Zone: [Zone]

**ADJACENT OWNERS**  
 Name: [Owner Name]  
 Parcel No.: [Parcel No.]  
 Zone: [Zone]

**ADJACENT OWNERS**  
 Name: [Owner Name]  
 Parcel No.: [Parcel No.]  
 Zone: [Zone]



**GENERAL NOTES**

BOUNDARY SURVEY INFORMATION TAKEN FROM SURVEY BY FOUR CORNER LAND SURVEYORS.

THE STATE OF GEORGIA HAS ADOPTED THE 2011 EDITION OF THE INTERNATIONAL FIRE CODE (IFC) AS A MODEL CODE. THE IFC IS A MODEL CODE AND IS NOT A LAW. THE IFC IS A MODEL CODE AND IS NOT A LAW. THE IFC IS A MODEL CODE AND IS NOT A LAW.

THE FINAL DESIGN SHALL BE BASED ON A CURRENT BOUNDARY SURVEY AND A CURRENT ENGINEERING SURVEY. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

**OWNER:** THE ESTATE OF RICHARD EMORY LAMB, SR. BARBARA REYNOLDS LAMB, ADMINISTRATOR

**ADDRESS:** 506 ELLISON ROAD TYRONNE, GA 30224

**PREPARED FOR:** THE ESTATE OF RICHARD EMORY LAMB, SR. BARBARA REYNOLDS LAMB, ADMINISTRATOR

**PROPOSED ZONING:** R-35 SINGLE-FAMILY RESIDENTIAL

**PROPOSED LOT SIZE:** 1.00 ACRE

**MINIMUM LOT WIDTH AT BUILDING LINE:** 225'

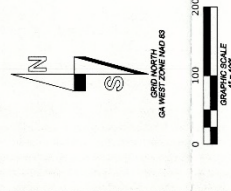
**SETBACKS:** FRONT - 100' ARTERIAL - 75' COLLECTOR - 50' LOCAL

**MINIMUM LOT WIDTH AT BUILDING LINE:** 225'

**SETBACKS:** FRONT - 100' ARTERIAL - 75' COLLECTOR - 50' LOCAL

**LEGEND:**

- REB=REBAR FOUND
- CTP=CORNER TIE PIPE
- LL=LAND LOT LINE
- CH=CONSTRUCTION ENTRANCE
- EP=EDGE OF PAVEMENT
- BL=BUILDING SETBACK LINE
- MF=MOVING FORMERLY
- PC=PARTIALLY COVERED PLAIN
- PS=POST
- PH=PHONE
- HN=HOUSE NUMBER



**S.A. GASKINS & ASSOCIATES, LLC**

surveyors, planners, development consultants

181 CAMPBELL ROAD, SUITE 100, WYRONNE, GA 30223

770.571.3334

regaskins@gmail.com

**506 Ellison Road**

**Tyronne, Ga**

Parcel 18 of 85 of the 7th Land District

Fayette County, Georgia

Prepared For:

**THE ESTATE OF RICHARD EMORY LAMB, SR.**

(BARBARA REYNOLDS LAMB, ADMINISTRATOR)



Job No. 24-016	Revised By:
Drawn By: S.E.S.	RMH
Issue Date: 03/05/24	
F.W.P.D.: N/A	Date:
Revisions:	

**CONCEPT PLAN**

Doc ID: 010279880003 Type: ESTD  
 Recorded: 12/04/2017 at 12:15:00 PM  
 Fee Amt: \$14.00 Page 1 of 3  
 Transfer Tax: \$0.00  
 Fayette, Ga. Clerk Superior Court  
 Sheila Studdard Clerk of Court  
 BK **4684** PG **490-492**

After recording return to:  
 Robert A. Ruppenthal, P.C.  
 1044 Highway 74 West  
 Fayetteville, Georgia 30214

STATE OF GEORGIA  
 COUNTY OF FAYETTE

**ADMINISTRATOR'S DEED**

THIS INDENTURE, made this the 29 day of November, 2017, between **DAVID ASA LAMB**, as Administrator of the Last Will and Testament of **RICHARD EMORY LAMB, SR.**, late, of the State of Florida and County of Bay, deceased, (hereinafter called "Grantor") and **BARBARA REYNOLDS LAMB a/k/a BOBBIE R. LAMB** of the State of Florida and County of Bay, (hereinafter called "Grantee One"), **DAVID ASA LAMB** of the State of Georgia and County of Fayette, (hereinafter called "Grantee Two") **BARBARA LUCELE MCWILLIAMS** of the State of Georgia and County of Fayette, (hereinafter called "Grantee Three") and **RICHARD EMORY LAMB, JR.** of the State of Texas and County of Guadalupe, (hereinafter called "Grantee Four"); the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits:

WITNESSETH: that for and in consideration of the sum of TEN AND 00/100's (\$10.00) Dollars and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof being hereby acknowledged, the said Grantor (acting under and by virtue of the power and authority contained in that **Order Appointing Administrator and Letters of Administration** issued by the Probate Court of Fayette County, Georgia, **Estate No. 17-13872**), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantees any interest held by decedent, **RICHARD EMORY LAMB SR.**, in the property described in Exhibit "A" (the "Property") attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land and Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantees forever, but with the title to and interest in said Grantees to be limited and described as follows:

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IN WITNESS WHEREOF, Grantor herein has hereunto set his hand and seal, the day and year first above written.

*David Asa Lamb* (SEAL)  
DAVID ASA LAMB, Administrator for the  
Estate of RICHARD EMORY LAMB, SR.

Signed, sealed and delivered  
in the presence of:

*[Signature]*  
\_\_\_\_\_  
Witness

*[Signature]*  
\_\_\_\_\_  
Notary Public



EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 85 of the 7<sup>th</sup> District of Fayette County, Georgia and being more particularly described as follows:

Beginning at an iron pin on the West side of Ellison Road 1184.50 feet North of the Land Lot line of Land Lot 85; running thence North 0 degrees 5 minutes west 165.0 feet to an iron pin; thence South 87 degrees 23 minutes West 255.0 feet to an iron pin; thence South 0 degrees 5 minutes east 165.0 feet to an iron pin; thence North 87 degrees 23 minutes east 255.0 feet to an iron pin and the point of beginning.

**LEGAL DESCRIPTION**

**Tract I – 0.964 Acres**

**Tax Parcel No. 0722 003**

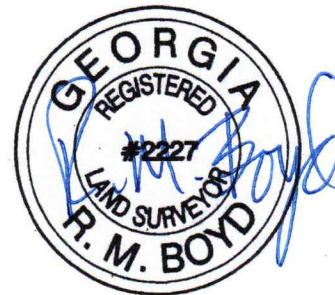
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**Said tract containing 0.964 acres and being the same property shown as Tract I on a survey prepared by Ronald T. Godwin, Georgia Registered Land Surveyor No. 2696, dated 9/22/2023.**

Prepared by: \_\_\_\_\_

**R.M. Boyd, Georgia Registered Land Surveyor No. 2227**



2

Doc ID: 010279870003 Type: ESTD  
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 (SEAL)  
DAVID ASA LAMB, Administrator for the  
Estate of RICHARD EMORY LAMB, SR.

Signed, sealed and delivered  
in the presence of:

  
\_\_\_\_\_  
Witness

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



**EXHIBIT "A"**

**All that tract or parcel of land lying and being in Land Lot 85 of the 7<sup>th</sup> District of Fayette County, Georgia and being more particularly described as follows:**

**Beginning on the West side of Ellison Road 875 feet North of the south Land Lot Line of Land Lot 85, running thence S 89 13' W 1416.6 to an iron pin, running thence N 0 50' W 618.6 feet to an iron pin, running thence N 89 18' E 1424.8 feet to an iron pin, running thence S 0 05' E 142.3 feet to an iron pin, running thence S 87 23' W 255.0 feet to an iron pin, running thence S 0 05' E 165.0 feet to an iron pin, running thence N 87 23' E 255.0 feet to an iron pin, running thence S 0 05' E 309.5 feet to an iron pin and the point of beginning.**

**LEGAL DESCRIPTION**

**Tract II - 17.171 Acres**

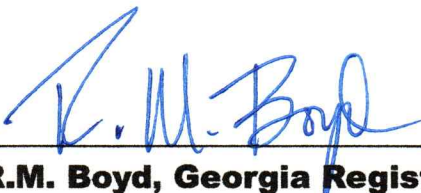
**Tax Parcel No. 0722 062**

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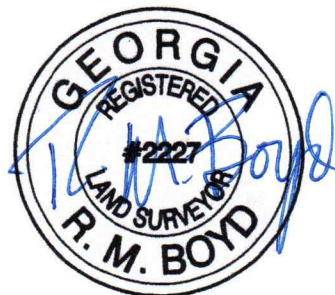
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Said tract containing 17.171 acres and being the same property shown as Tract II on a survey prepared by Ronald T. Godwin, Georgia Registered Land Surveyor No. 2696, dated 9/22/2023.

Prepared by:



**R.M. Boyd, Georgia Registered Land Surveyor No. 2227**



C



Doc ID: 010279860003 Type: ESTD  
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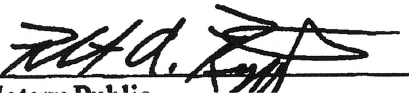
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**DAVID ASA LAMB**, Administrator for the  
Estate of **RICHARD EMORY LAMB, SR.**

Signed, sealed and delivered  
in the presence of:

  
\_\_\_\_\_  
Witness

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



**EXHIBIT "A"**

**All that tract or parcel of land lying and being in Land Lot 85 of the 7<sup>th</sup> District and being more particularly described as follows:**

**Beginning at a point on the west side of Ellison Road 1491.8 feet north of the southeast corner of Land Lot 85, running thence west 200 feet to a point, said point being the southeast corner of David Brown's property; thence north 920 feet more or less to the southwest side of Flowers Lane; thence southeast along Flowers Lane 300 feet more or less to a point; thence south 730 feet more or less to the point of beginning.**

**Less and except that portion being in the right of way of Ellison Road.**

**LEGAL DESCRIPTION**

**Tract III – 1.137 Acres**

**Tax Parcel No. 0722 010**

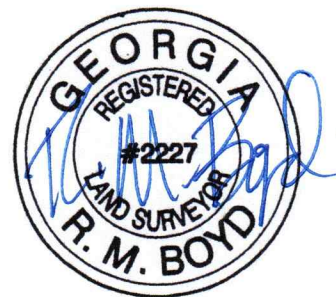
**All that tract or parcel of land lying and being in Land Lot 85 of the 7<sup>th</sup> District of Fayette County, Georgia and being more particularly described as follows:**

**BEGINNING at a point on the westerly Right-of Way of Ellison Road (80' R/W) 1492.86 feet north of the intersection of the south line of Land Lot 85 and the westerly Right-of Way of Ellison Road, THENCE N 88° 55' 36" W 118.35 feet to a point, THENCE N 00° 54' 58" E 545.79 feet to a point on the westerly Right-of Way of Ellison Road, THENCE along the westerly Right-of Way of Ellison Road along a curve to the right for 438.05 feet, having a radius of 754.77 feet, a chord of 431.93 feet and a chord bearing of S 15° 09' 35" E, THENCE S 01° 28' 00" W 131.09 feet along the westerly Right-of Way of Ellison Road to the POINT OF BEGINNING.**

**Said tract containing 1.137 acres and being the same property shown as Tract III on a survey prepared by Ronald T. Godwin, Georgia Registered Land Surveyor No. 2696, dated 9/22/2023.**

Prepared by: \_\_\_\_\_

**R.M. Boyd, Georgia Registered Land  
Surveyor No. 2227**



Petition No: 1345-24 A  
Ad to Run: April 17, 2024

**PETITION FOR REZONING CERTAIN PROPERTIES  
IN UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA**

**PUBLIC HEARING** to be held before the Fayette County Planning Commission on **Thursday, May 2, 2024**, at 7:00 P.M., and before the Fayette County Board of Commissioners on **Thursday, May 23, 2024**, at 5:00 P.M., in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No.:	1345-24 A
Owner/Agent:	LDO Fayette, LLC, David Asa Lamb/ Randy Boyd
Existing Zoning District:	A-R
Proposed Zoning District:	R-50
Parcel Number:	0722003
Area of Property:	.964 acres
Proposed Use:	R-50
Land Lot(s)/District:	Land lot 85 of the 7 <sup>th</sup> District
Fronts on:	Ellison Rd.

**LEGAL DESCRIPTION**

**Tract I - 0.964 Acres  
Tax Parcel No. 0722 003**

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Petition No: 1345-24 B

Ad to Run: April 17, 2024

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Petition No.:	1345-24 B
Owner/Agent:	LDO Fayette, LLC, David Asa Lamb/Randy Boyd
Existing Zoning District:	A-R
Proposed Zoning District:	R-50
Parcel Number:	0722062
Area of Property:	17.171 acres
Proposed Use:	R-50
Land Lot(s)/District:	Land lot 85 of the 7 <sup>th</sup> District
Fronts on:	Ellison Rd.

**LEGAL DESCRIPTION  
Tract II - 17.171 Acres  
Tax Parcel No.0722062**

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Petition No.:	1345-24 C
Owner/Agent:	LDO Fayette, LLC, David Asa Lamb/Randy Boyd
Existing Zoning District:	A-R
Proposed Zoning District:	R-50
Parcel Number:	0722010
Area of Property:	1.137 acres
Proposed Use:	R-50
Land Lot(s)/District:	Land lot 85 of the 7 <sup>th</sup> District

**LEGAL DESCRIPTION  
Tract III - 1.137 Acres  
Tax Parcel No. 0722010**

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**PETITION NO: 1346-24**

**REQUESTED ACTION:** Rezone from A-R to R-80

**PARCEL NUMBER:** 0441 002

**PROPOSED USE:** Single-Family Residential Subdivision

**EXISTING USE:** Agricultural/Residential

**LOCATION:** 385 Snead Road

**DISTRICT/LAND LOT(S):** 4<sup>th</sup> District, Land Lot 199

**ACREAGE:** 15.87

**OWNER(S):** Allegiance Homes, LLC

**APPLICANT:** Allegiance Homes, LLC

**AGENT:** Mark McCullough

**PLANNING COMMISSION PUBLIC HEARING:** May 2, 2024

**BOARD OF COMMISSIONERS PUBLIC HEARING:** May 23, 2024

---

**APPLICANT'S INTENT**

Applicant proposes to rezone 15.87 acres from A-R (Agricultural-Residential) to R-80 (Single-Family Residential) for the purposes of developing a residential neighborhood of single-family detached homes.

**STAFF RECOMMENDATION**

As defined in the Fayette County Comprehensive Plan, Rural Residential – 3 (1 unit/3 acre) is designated for this area, so the request for R-80 zoning is appropriate. The existing house on the parcel does not meet the dimensional requirements of the R-80 zoning district, so a condition for demolition or expansion of the house is recommended.

Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of R-80, Single-Family Residential District.

**RECOMMENDED CONDITIONS FOR PETITION No. 1346-24**

1. Snead Road is a County Local on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 30 feet of right-of-way as measured from the existing centerline of Snead Road.
2. Submittal of all warranty deed(s) and legal descriptions for right-of-way dedications shall be provided to the County within 60 days of the approval of the rezoning request, or prior to the submittal of a development site plan, whichever comes first.



**INVESTIGATION**

**A. GENERAL PROPERTY INFORMATION**

The property is a legal lot of record in the A-R zoning district.

This property is not located in an overlay zone.

**B. REZONING HISTORY:**

There is no record of a prior rezoning.

**C. CURRENT DEVELOPMENT HISTORY:**

The property currently has 1 single-family home.

**D. SURROUNDING ZONING AND USES**

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

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

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Future Land Use Plan</b>
North	132.50	A-R	Undeveloped; Forestry/Ag Uses	Rural Residential – 3 (1 unit/3 acres)
East	8.10	A-R	Single Family Residential	Rural Residential – 3 (1 unit/3 acres)
South (across Snead)	12	A-R	Single Family Residential	Agricultural-Residential
West	25	A-R	Single Family Residential	Rural Residential – 3 (1 unit/3 acres)

## E. COMPREHENSIVE PLAN

**Future Land Use Plan:** The subject property lies within an area designated for Rural Residential - 3 on the Future Land Use Plan map. This request does conform to the Fayette County Comprehensive Plan/Future Land Use Map.

## F. ZONING/REGULATORY REVIEW

**Access & Right-of Way:** The property has existing access on Snead Road.

**Site Plan:** The applicant submitted a survey for the property and a concept plan for a single-family detached residential subdivision.

## G. DEPARTMENTAL COMMENTS

- Water System** - Water is not available along Snead Rd. Address is currently outside of Fayette County Water System service area.
- Public Works/Engineering**
  - **Road Frontage & Right of Way Dedication** - Snead Road is classified as County Local Road and is a deeded 50 ft R/W per Fayette County records. A dedication of 5 ft of R/W will be required to meet the current requirement of 60 feet right of way as measured from the centerline Snead Road.
  - **Traffic Data** - There is no traffic data for Snead Road but it is a relatively low volume road and the addition of three to five homes is not expected to have an impact on traffic operations.
- Access Management**- As an effort to maximize safety, Public Works seeks to minimize the number of new homes accessing existing County local, collector, and arterial roads. As such, for rezonings Public Works recommends that the number of new homes with direct access to these types of roads be no greater than that possible under the existing zoning. For this project, the existing A-R has sufficient area (15 acres) and road frontage (>300 feet) to permit three homes and driveways, thus the condition is to limit the number of new homes with direct access to Snead Road to three. Additional homes may be provided with construction of an internal local road. **Environmental Management** - No objections.
  - **Floodplain Management** -- The property **DOES NOT** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. The property DOES NOT contain floodplain per FEMA FIRM panel 13113C0155E dated September 26, 2008.
  - **Wetlands** -- The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. The owner or developer will be responsible for submitting proper documentation during the development process.

- **Watershed Protection** -- There **ARE** state waters located on the subject property and **WILL BE** subject to the Fayette County Watershed Protection Ordinance.
- **Groundwater** -- The property **IS NOT** within a groundwater recharge area.
- **Post Construction Stormwater Management** -- This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces.
- **Environmental Health Department** – This office has no objection to the rezoning of this parcel. This approval is only for rezoning and no other future requirements of this office.
- **Fire** – No comments from Fire Marshal's Office.
- **GDOT** – n/a

## **STANDARDS**

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

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

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

## **STAFF ANALYSIS**

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

## **ZONING DISTRICT STANDARDS**

### **Sec. 110-129. - R-80, Single-Family Residential District.**

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

(b) *Permitted uses.* The following permitted uses shall be allowed in the R-80 zoning district:

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

(c) *Conditional uses.* The following conditional uses shall be allowed in the R-80 zoning district provided that all conditions specified in article V of this chapter are met:

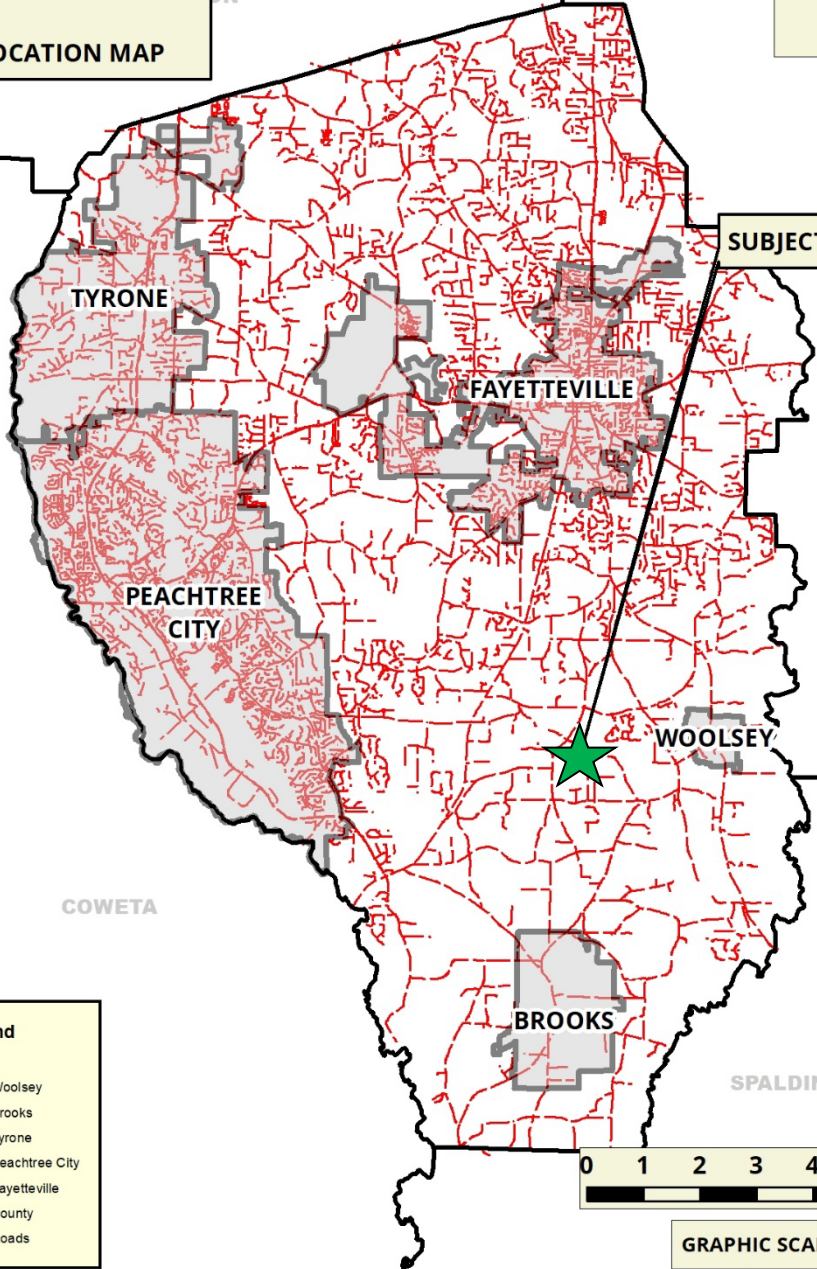
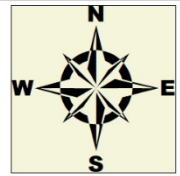
- (1) Church and/or other place of worship;
- (2) Developed residential recreational/amenity areas;
- (3) Home occupation;
- (4) Horse quarters; and
- (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.

(d) *Dimensional requirements.* The minimum dimensional requirements in the R-80 zoning district shall be as follows:

- (1) Lot area per dwelling: 130,680 square feet (three acres).
- (2) Lot width: 175 feet.
- (3) Floor area: 2,500 square feet.
- (4) Front yard setback:
  - a. Major thoroughfare:
    1. Arterial: 75 feet.
    2. Collector: 75 feet.
  - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 50 feet.
- (6) Side yard setback: 30 feet.
- (7) Height limit: 35 feet.

PETITION No. 1346-24  
385 SNEAD ROAD  
PARCEL No. 0441 002

LOCATION MAP



SUBJECT PARCEL

TYRONE

FAYETTEVILLE

PEACHTREE CITY

WOOLSEY


COWETA

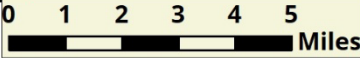
BROOKS

SPALDING

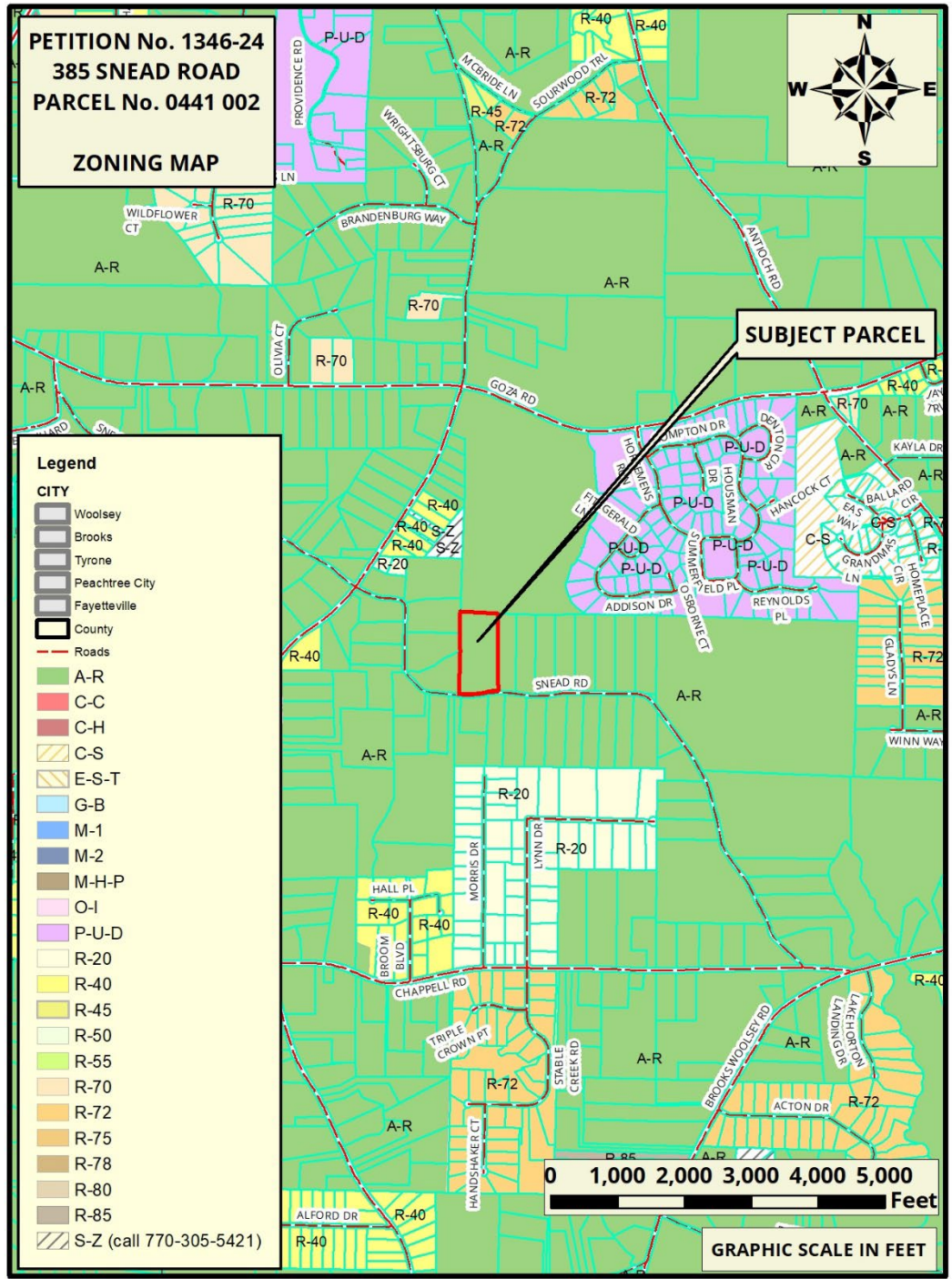
Legend

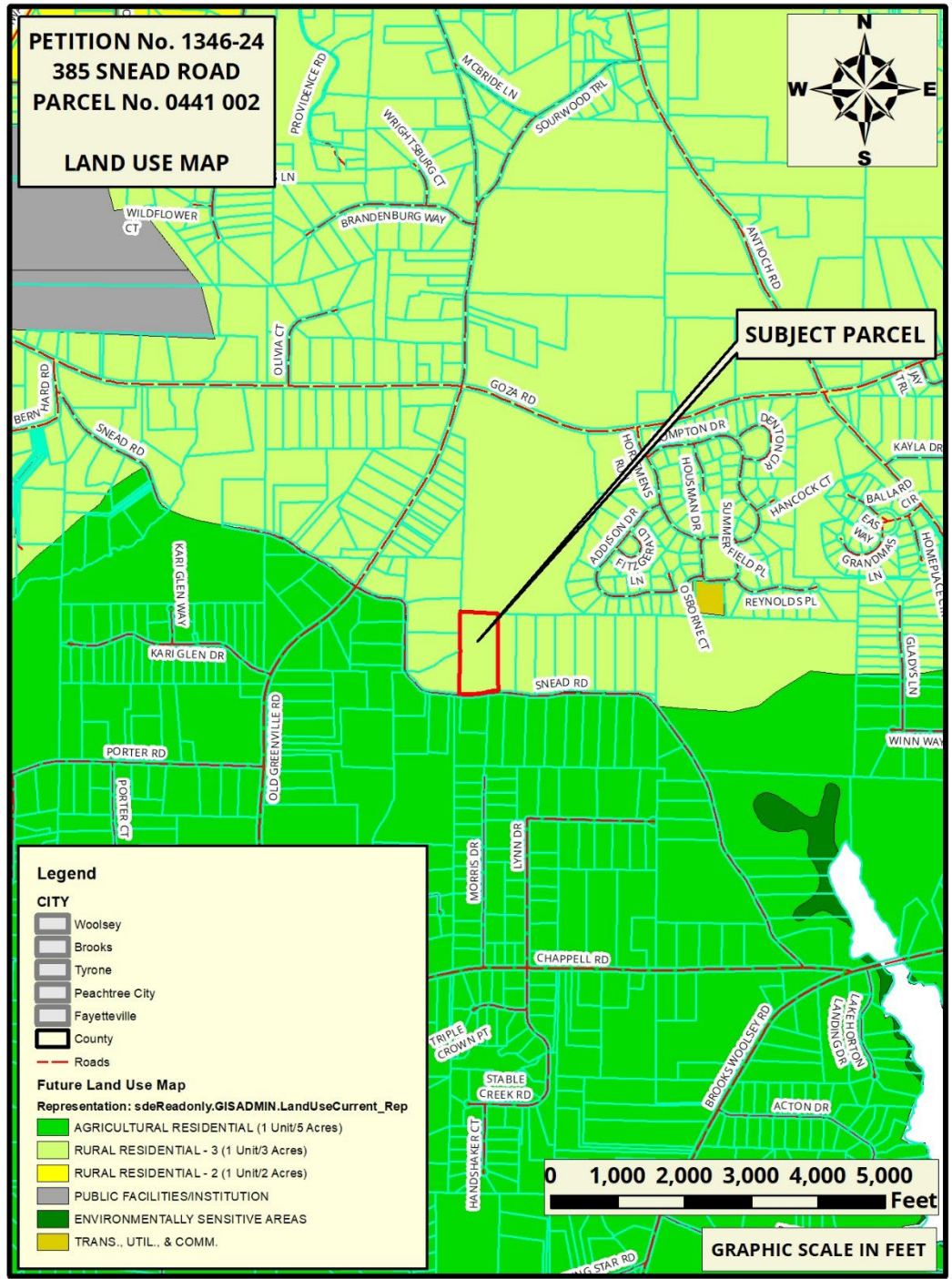
CITY

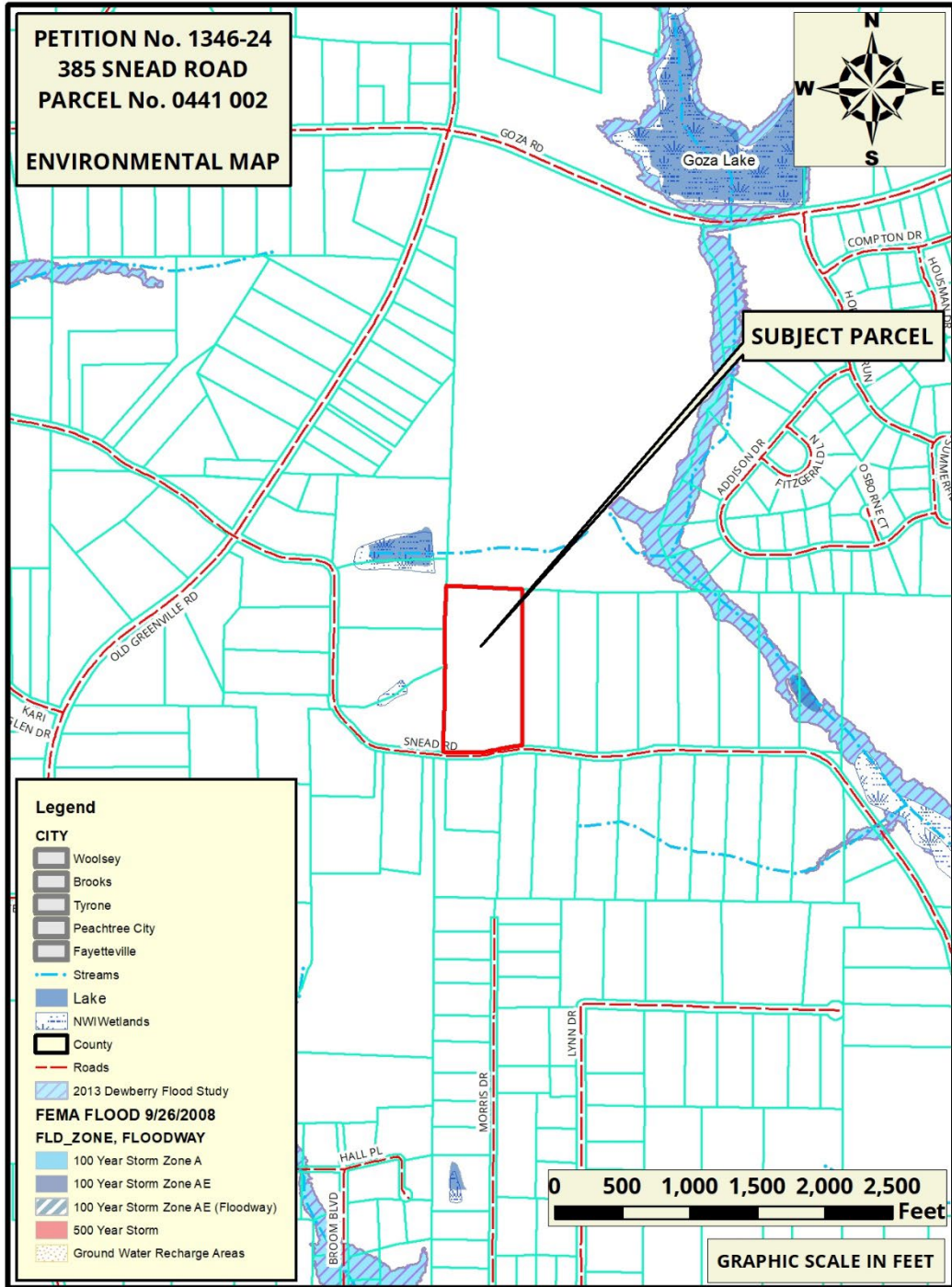
-  Woolsey
-  Brooks
-  Tyrone
-  Peachtree City
-  Fayetteville
-  County
-  Roads



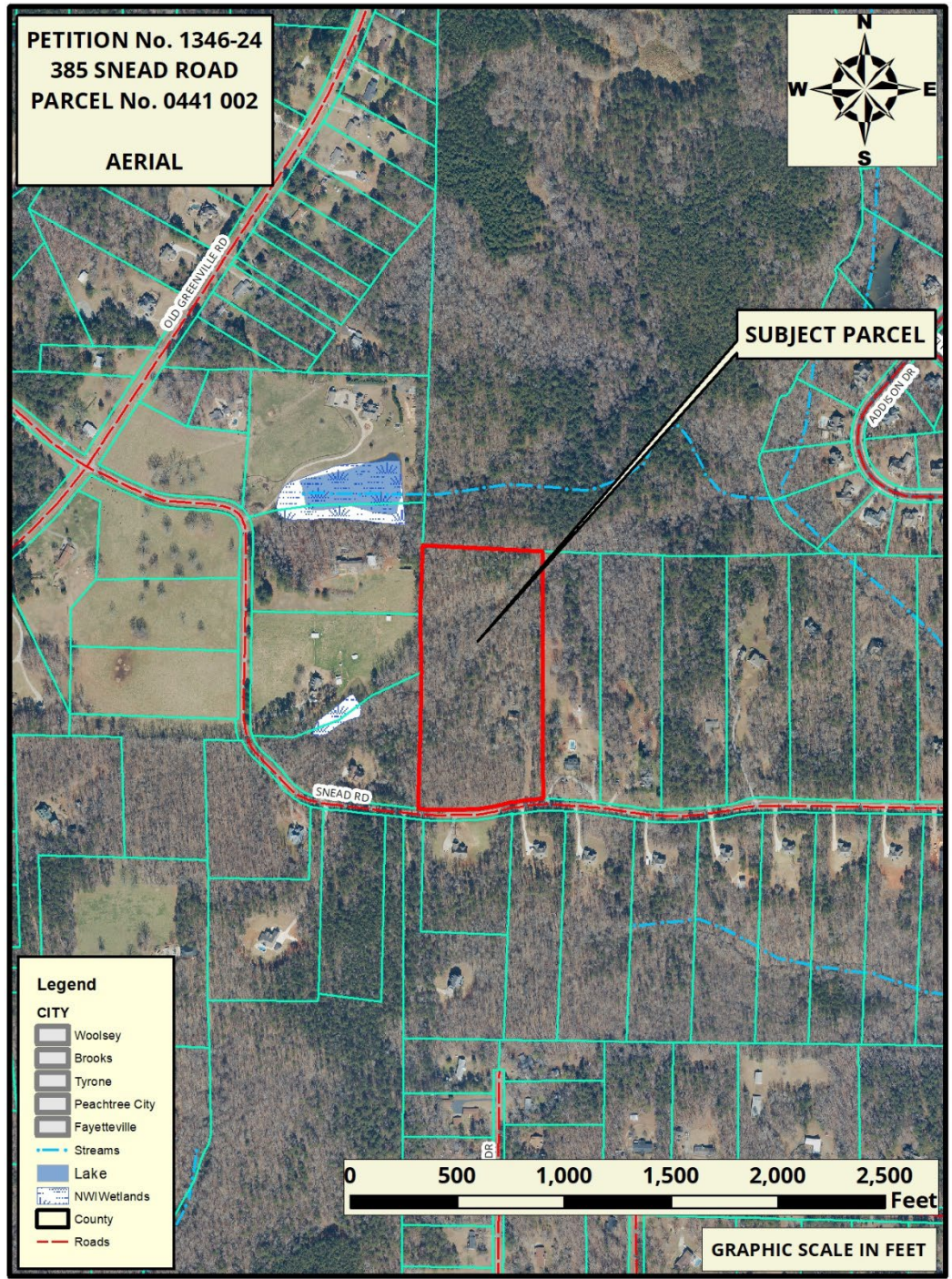
GRAPHIC SCALE IN MILES

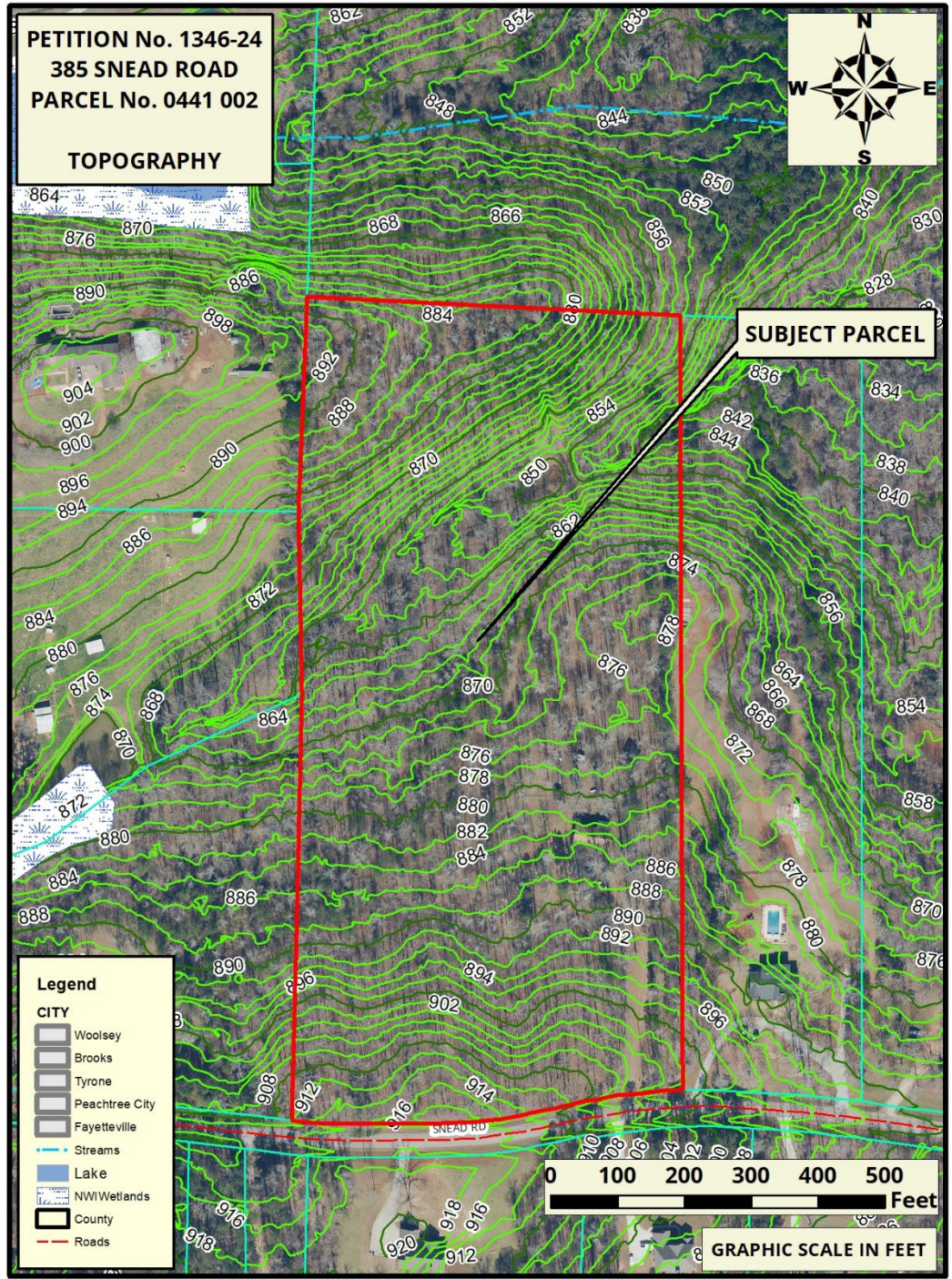


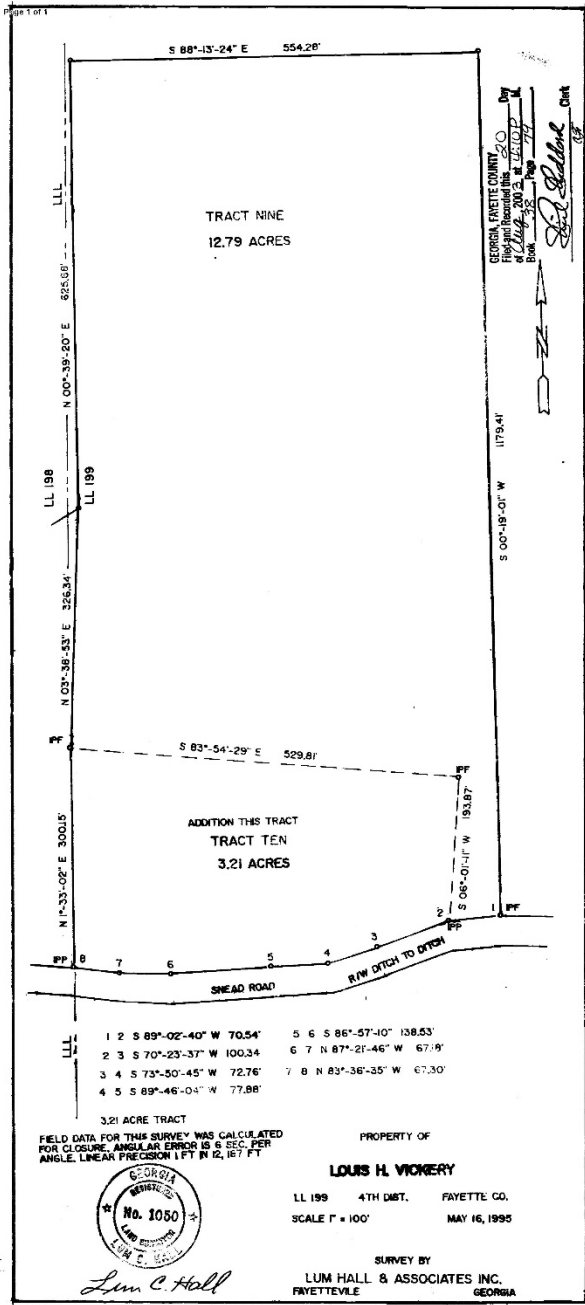












Book: 38 Page: 79 Seq: 1

SURVEY



PETITION No (s): 1346-24  
STAFF USE ONLY

**APPLICANT INFORMATION**

Name Allegiance Homes, llc  
Address 825 Hwy 74 S, Suite 101  
City Peachtree City  
State GA Zip 30269  
Email trentfoster@allegiancedevgroup.com  
Phone \_\_\_\_\_

**PROPERTY OWNER INFORMATION**

Name Allegiance Homes, llc  
Address 825 Hwy 74 S, Suite 101  
City Peachtree City  
State GA Zip 30269  
Email trentfoster@allegiancedevgroup.com  
Phone \_\_\_\_\_

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

Name C Mark McCullough  
Address 100 Meeting House Rd  
City Fayetteville  
State GA Zip 30215  
Email cmarkmccullough@gmail.com  
Phone 678-878-7935

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

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

Application Insufficient due to lack of:

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

Application and all required supporting documentation is Sufficient and Complete

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

DATE OF PLANNING COMMISSION HEARING: \_\_\_\_\_

DATE OF COUNTY COMMISSIONERS HEARING: \_\_\_\_\_

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

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

**PETITION No.:** \_\_\_\_\_ **Fees Due:** \_\_\_\_\_ **Sign Deposit Due:** \_\_\_\_\_

STAFF USE ONLY

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

Parcel # (Tax ID): 0441 002 Acreage: 15.87  
Land District(s): 4th Land Lot(s): 199  
Road Name/Frontage L.F.: Snead Road Classification: \_\_\_\_\_  
Existing Use: Residential Proposed Use: Residential  
Structure(s): Yes Type: Single Family Home Size in SF: 1460 (To be removed)  
Existing Zoning: A-R Proposed Zoning: R-80  
Existing Land Use: Residential Proposed Land Use: Residential  
Water Availability: No Distance to Water Line: N/A Distance to Hydrant: N/A

---

**PETITION No.:** \_\_\_\_\_ **Fees Due:** \_\_\_\_\_ **Sign Deposit Due:** \_\_\_\_\_

STAFF USE ONLY

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

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

---

**PETITION No.:** \_\_\_\_\_ **Fees Due:** \_\_\_\_\_ **Sign Deposit Due:** \_\_\_\_\_

STAFF USE ONLY

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

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

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

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

*(Please Print)*

**Property Tax Identification Number(s) of Subject Property:** 0441 002

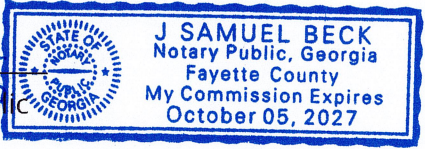
(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 199 of the 4<sup>th</sup> District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of 15.87 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

(II) [Signature]  
 Signature of Property Owner 1  
PO 3852 PTC, GA 30265  
 Address

[Signature]  
 Signature of Notary Public  
3/25/24  
 Date



Signature of Property Owner 2  
 Address

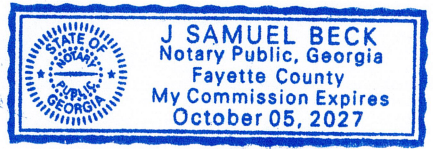
Signature of Notary Public  
 Date

Signature of Property Owner 3  
 Address

Signature of Notary Public  
 Date

Signature of Authorized Agent  
100 Meeting House Rd Fayetteville Ga  
 Address

[Signature]  
 Signature of Notary Public  
3/25/24  
 Date



PETITION No.: 1346-24

**OWNER'S AFFIDAVIT**

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

NAME: Allegiance Homes, llc

ADDRESS: 825 Hwy 74 S, Suite 101 PEachtree City Ga 30269

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

Allegiance Homes, llc affirms that she is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 250.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to R-80.

This property includes: (check one of the following)

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

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of May 2, 2024 at 7:00 P.M.

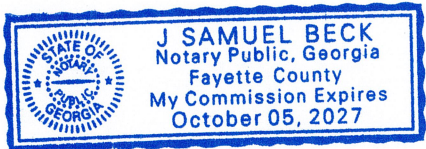
PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of May 23, 2024 at 7:00 P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 25 DAY OF March, 2024.

[Signature]  
SIGNATURE OF PROPERTY OWNER

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

[Signature]  
NOTARY PUBLIC





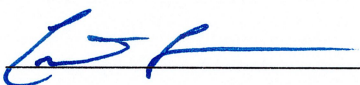
**AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY**

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

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

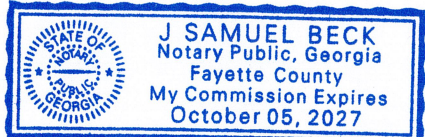
- Local Street (Minor Thoroughfare) 60-foot right-of-way (30' measured from each side of road centerline)
- Collector Street (Major Thoroughfare) 80-foot right-of-way (40' measured from each side of road centerline)
- Arterial Street (Major Thoroughfare) 100-foot right-of-way (50' measured from each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

Sworn to and subscribed before me this 25 day of March, 2024.

  
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

  
NOTARY PUBLIC




**DEVELOPMENTS OF REGIONAL IMPACT (DRI)**

**Rezoning Applicant:**

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

Signed this 25 day of March, 2024.

  
\_\_\_\_\_  
APPLICANT'S SIGNATURE

**DISCLOSURE STATEMENT**

(Please check one)

Campaign contributions:     No                       Yes (see attached disclosure report)

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

## CHECKLIST OF ITEMS REQUIRED FOR REZONING REQUEST

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

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

Type: WD  
Recorded: 3/28/2024 9:40:00 AM  
Fee Amt: \$475.00 Page 1 of 2  
Transfer Tax: \$450.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court

Please return to:  
Lawson, Beck & Sandlin, LLC  
1125 Commerce Drive, Suite 300  
Peachtree City, GA 30269  
File # 24-LAW-0291  
Att: Lexi Clarke  
Parcel Number: 0441 002

Participant ID(s): 1138094925,  
7067927936

**BK 5707 PG 301 - 302**

STATE OF GEORGIA  
COUNTY OF FAYETTE

**LIMITED WARRANTY DEED**

THIS INDENTURE made this 25th day of March, 2024 between

**Angie Crockett a/k/a Angela Dawn Crockett, Executor of Last Will & Testament of Martha Cawthon Vickery a/k/a Martha Vickery**

as party or parties of the first part, hereinafter called Grantor, and

**Allegiance Homes, LLC**

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

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

All that tract or parcel of land lying and being in Land Lot 199 of the 4th District of Fayette County, Georgia, and being Tract Nine containing 12.79 acres and Tract Ten containing 3.21 acres as shown on a plat of survey prepared for Louis H. Vickery by Lum C. Hall, dated May 16, 1995, and being more particularly described as follows:

Beginning at the intersection of the Westerly Land Lot line of Land Lot 199 with the Northerly right-of-way of Snead Road, and running thence North 01 degree 33 minutes 02 seconds East a distance of 300.15 feet to a point; running thence North 03 degrees 38 minutes 53 seconds East a distance of 326.34 feet to a point; running thence North 00 degrees 39 minutes 20 seconds East a distance of 625.88 feet to a point; running thence South 88 degrees 13 minutes 24 seconds East a distance of 554.28 feet to a point; running thence South 00 degrees 19 minutes 01 seconds West a distance of 1,179.41 feet to a point, which point is located on the Northerly right-of-way of Snead Road; running thence in a Westerly, Southwesterly, and Westerly direction, and following along the right-of-way of Snead Road, the following courses and distances, to wit: South 89 degrees 02 minutes 40 seconds West a distance of 70.54 feet, South 70 degrees 23 minutes 37 seconds West a distance of 100.34 feet, South 73 degrees 50 minutes 45 seconds West a distance of 72.76 feet, South 89 degrees 46 minutes 04 seconds West a distance of 77.88 feet, South 86 degrees 57 minutes 10 seconds a distance of 138.53 feet, North 87 degrees 21 minutes 46 seconds West a distance of 67.18 feet, and North 83 degrees 36 minutes 35 seconds West a distance of 67.30 feet to a point and the POINT OF BEGINNING.

Subject to restrictive covenants and easements of record.


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

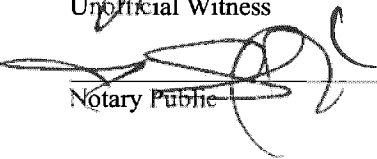
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.

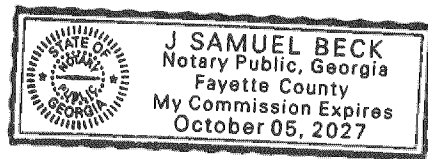
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, Sealed and delivered in the presence of:

  
\_\_\_\_\_  
Unofficial Witness

  
\_\_\_\_\_  
Angie Crockett a/k/a Angela Dawn Crockett,  
Executor of Last Will & Testament of Martha  
Cawthon Vickery a/k/a Martha Vickery

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



Petition No: 1346-24

Ad to Run: April 17, 2024

**PETITION FOR REZONING CERTAIN PROPERTIES  
IN UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA**

**PUBLIC HEARING** to be held before the Fayette County Planning Commission on **Thursday, May 2, 2024**, at 7:00 P.M., and before the Fayette County Board of Commissioners on **Thursday, May 23, 2024**, at 5:00 P.M., in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No.:	1346-24
Owner/Agent:	Allegiance Homes, LLC/ C. Mark McCullough
Existing Zoning District:	A-R
Proposed Zoning District:	R-80
Parcel Number:	0441002
Area of Property:	15.87 acres
Proposed Use:	R-80
Land Lot(s)/District:	Land lot 199 of the 4 <sup>th</sup> District
Fronts on:	Snead

**PROPERTY DESCRIPTION**

**Legal Description**

All that tract or parcel of land lying and being in Land Lot 199 of the 4th Land District of Fayette County, Georgia, and being more particularly described as follows:

Commence at a 1/2 inch rebar set located at the intersection of the westerly line of Land Lot 199 and the northerly right-of-way line of Snead Road (a 50 foot right-of-way), said point being the True Point of Beginning. From the True Point of Beginning thus established, run thence North 1 degree 29 minutes 23 seconds East a distance of 289.89 feet to an axle found; run thence North 3 degrees 35 minutes 20 seconds East a distance of 326.38 feet to an axle found; run thence North 00 degrees 42 minutes 1 second East a distance of 626.30 feet to a 1/2 inch rebar found; run thence South 88 degrees 16 minutes 4 seconds East a distance of 553.32 feet to a 1/2 inch rebar found; run thence South 00 degrees 11 minutes 46 seconds West a distance of 1,182.21 feet to a 1/2 inch capped rebar found located on the northerly right-of-way line of Snead Road (a 50 foot right-of-way); run thence South 89 degrees 53 minutes 13 seconds West a distance of 24.93 feet to a point; run thence along the arc of a curve to the left an arc distance of 149.70 feet to a point, said arc being subtended by a chord bearing South 81 degrees 18 minutes 34 seconds West a chord distance of 149.15 feet and having a radius of 500.07 feet; run thence South 72 degrees 43 minutes 55 seconds West a distance

of 22.86 feet to a point; run thence along the arc of a curve to the right an arc distance of 137.31 feet to a point, said arc being subtended by a chord bearing South 81 degrees 00 minutes 49 seconds West a chord distance of 136.83 feet and having a radius of 475.00 feet; run thence South 89 degrees 17 minutes 42 seconds West a distance of 20.48 feet to a point; run thence along the arc of a curve to the right an arc distance of 235.04 feet to a 1/2 inch rebar set and the True Point of Beginning, said arc being subtended by a chord bearing North 88 degrees 00 minutes 49 seconds West a chord distance of 234.96 feet and having a radius of 2,501.99 feet;

Said tract or parcel of land containing 15.887 acres, more or less, and being depicted on that certain plat of survey prepared for Allegiance Development Group by Four Corners Surveying, Ronald T. Godwin, GA RLS No. 2695 dated March 20, 2024, reference to which plat is hereby made for a more complete and accurate description of the above-referenced property.



**PETITION NO: 1347-24**

**REQUESTED ACTION:** Rezone from A-R to R-50

**PARCEL NUMBER:** 0510 039

**PROPOSED USE:** Single-Family Residential Subdivision/Amenity Area

**EXISTING USE:** Single-Family Residential/Agricultural-Residential

**LOCATION:** 1053 Hwy 85 S/Old Senoia Road

**DISTRICT/LAND LOT(S):** 5<sup>th</sup> District, Land Lot 60

**ACREAGE:** 1.446

**OWNER(S):** Luis Arango

**APPLICANT:** Jeff Lammes

**AGENT:** Jeff Lammes

**PLANNING COMMISSION PUBLIC HEARING:** May 2, 2024

**BOARD OF COMMISSIONERS PUBLIC HEARING:** May 23, 2024

---

**APPLICANT'S INTENT**

Applicant proposes to rezone 1.446 acres from A-R (Agricultural-Residential) to R-50 (Single-Family Residential) for the purposes of developing an amenity area for a residential single-family neighborhood.

**STAFF RECOMMENDATION**

As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 unit/1 acre) is designated for this area, so the request for R-50 zoning is appropriate. The parcel is a legal, nonconforming lot. The existing house on parcel 0510 039 does meet the dimensional requirements of the R-50 zoning district.

Staff recommends **APPROVAL** of the request for a zoning of R-50, Single-Family Residential District.

## **INVESTIGATION**

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

This parcel is a legal lot of record in the A-R zoning district. It is a landlocked parcel that existed prior to November 13, 1980, so it qualifies as a nonconforming parcel. It has the required access easement to a public road. The existing house does meet the dimensional requirements of the R-50 zoning district.

This property is not subject to an overlay zone.

The applicant proposes to incorporate this parcel into the Eva Gardens subdivision, at which time it will be reconfigured to have the required road frontage, and to meet all other requirements of the Zoning Ordinance and Development Regulations.

### **B. REZONING HISTORY:**

There is no record of a prior rezoning.

### **C. CURRENT DEVELOPMENT HISTORY:**

Parcel contains a single-family residence and accessory buildings.

### **D. SURROUNDING ZONING AND USES**

Near the subject property is land which is zoned R-50. See the following table and the attached Zoning Map.

The subject property is bounded on all sides by the new subdivision called Eva Gardens, which is zoned R-50 and will be a single-family residential subdivision. The subject property will be incorporated into the subdivision.

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan</b>
All sides	42	R-50	Single Family Residential	Low Density Residential (1 unit/1 acre)

**E. COMPREHENSIVE PLAN**

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

**F. ZONING/REGULATORY REVIEW**

**Access & Right-of Way:** The property does not have road frontage in its current configuration. It is a legal lot of record with a recorded access easement. If it is approved for rezoning, the developer will revise the subdivision plan and provide the required road frontage on an interior subdivision street.

**Site Plan:** The applicant submitted a survey for the property and a concept plan for a single-family detached residential subdivision.

**G. DEPARTMENTAL COMMENTS**

- Water System** – No comments.
- Public Works/Engineering**
  - **Road Frontage & Right of Way Dedication** - No dedication required.
  - **Traffic Data** – N/A
  - **Sight Distance** – N/A
- Environmental Management** - No objections.
  - **Floodplain Management** -- The property **DOES** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study. The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0112E dated September 26, 2008.
  - **Wetlands** -- The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. The owner or developer will be responsible for submitting proper documentation during the development process.
  - **Watershed Protection** -- There **ARE** state waters located on the subject property and WILL BE subject to the Fayette County Watershed Protection Ordinance.
  - **Groundwater** -- The property **IS NOT** within a groundwater recharge area.
  - **Post Construction Stormwater Management** -- This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces.
- Environmental Health Department** – This office has no objection to the proposed rezoning. This is not approval of future requirements of this office.
- Fire** – No comments.
- GDOT** – n/a

## **STANDARDS**

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

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

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

## **STAFF ANALYSIS**

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

## **ZONING DISTRICT STANDARDS**

### **Sec. 110-135. R-50, Single-Family Residential District.**

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

(b) *Permitted uses.* The following permitted uses shall be allowed in the R-50 zoning district:

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

(c) *Conditional uses.* The following conditional uses shall be allowed in the R-50 zoning district provided that all conditions specified in article V of this chapter are met:

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

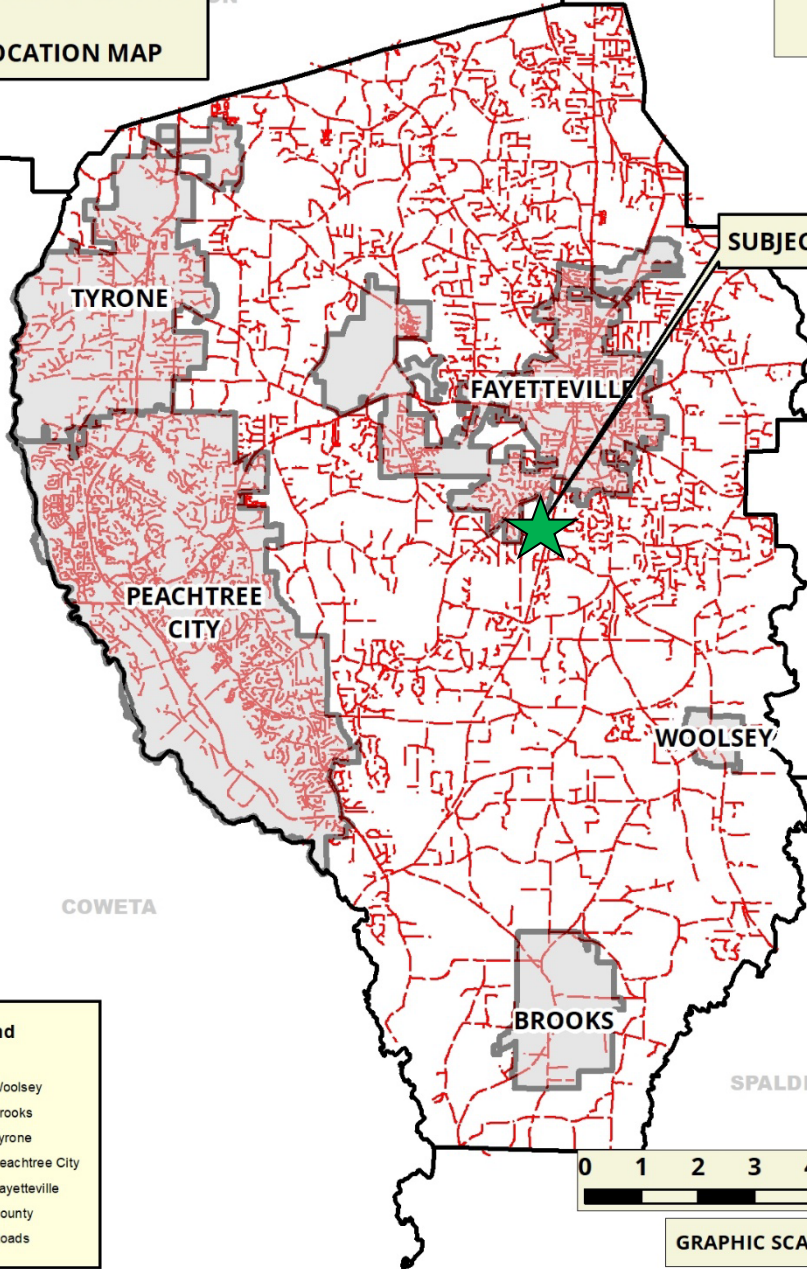
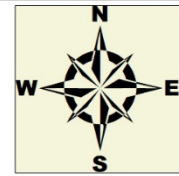
(d) *Dimensional requirements.* The minimum dimensional requirements in the R-50 zoning district shall be as follows:

- (1) Lot area per dwelling unit:
  - a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one acre).
  - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres).
- (2) Lot width:
  - a. Major thoroughfare:
    1. Arterial: 150 feet.
    2. Collector: 150 feet.
  - b. Minor thoroughfare: 125 feet.
- (3) Floor area: 2,100 square feet.
- (4) Front yard setback:
  - a. Major thoroughfare:
    1. Arterial: 100 feet.
    2. Collector: 75 feet.
  - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 30 feet.
- (6) Side yard setback: 20 feet.
- (7) Height limit: 35 feet.

(Code 1992, § 20-6-11; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)

PETITION No. 1347-24  
1053 HWY 85 S  
PARCEL No. 0510 039

LOCATION MAP

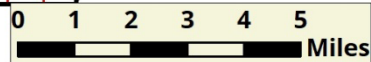


SUBJECT PARCEL

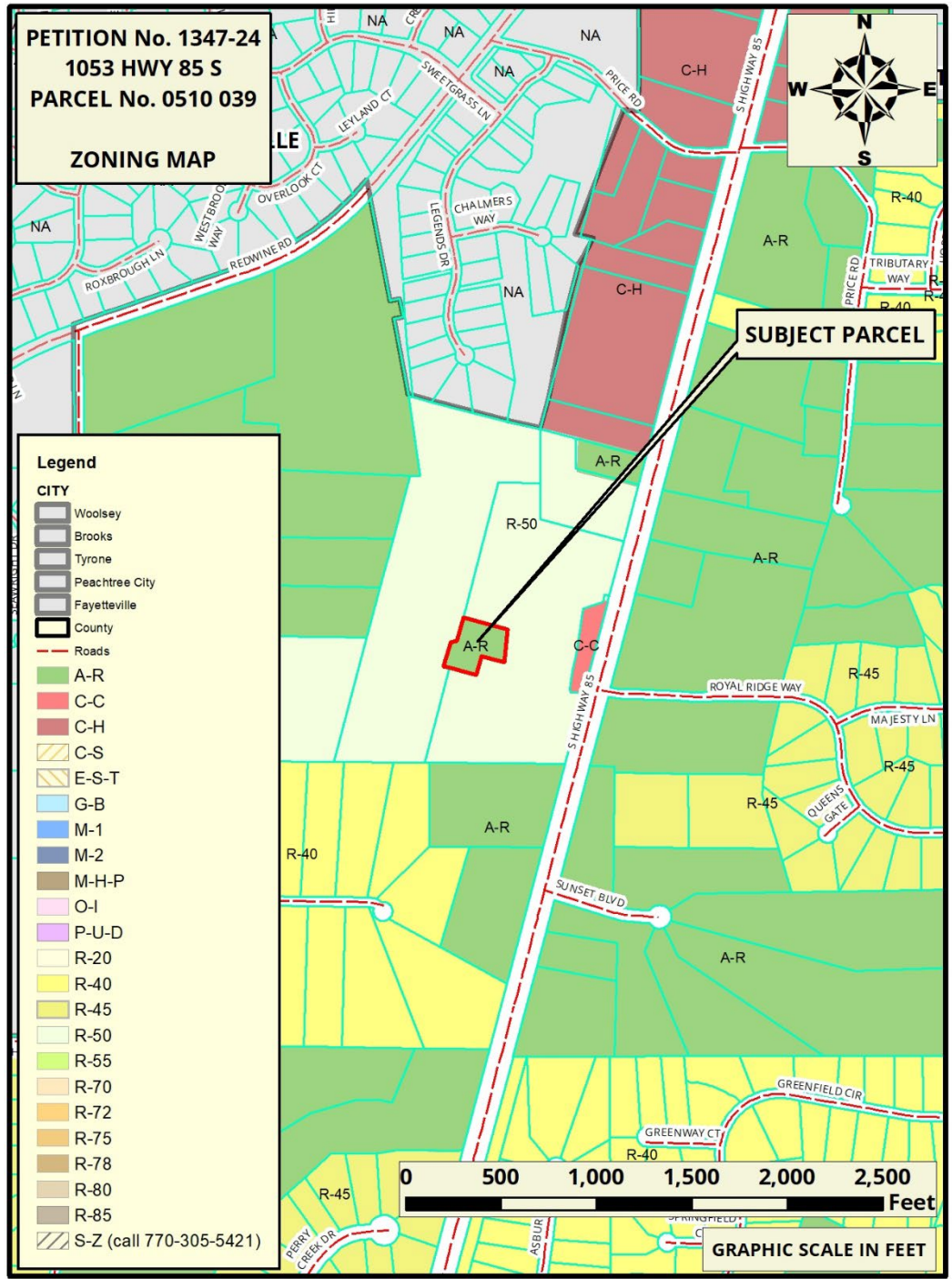
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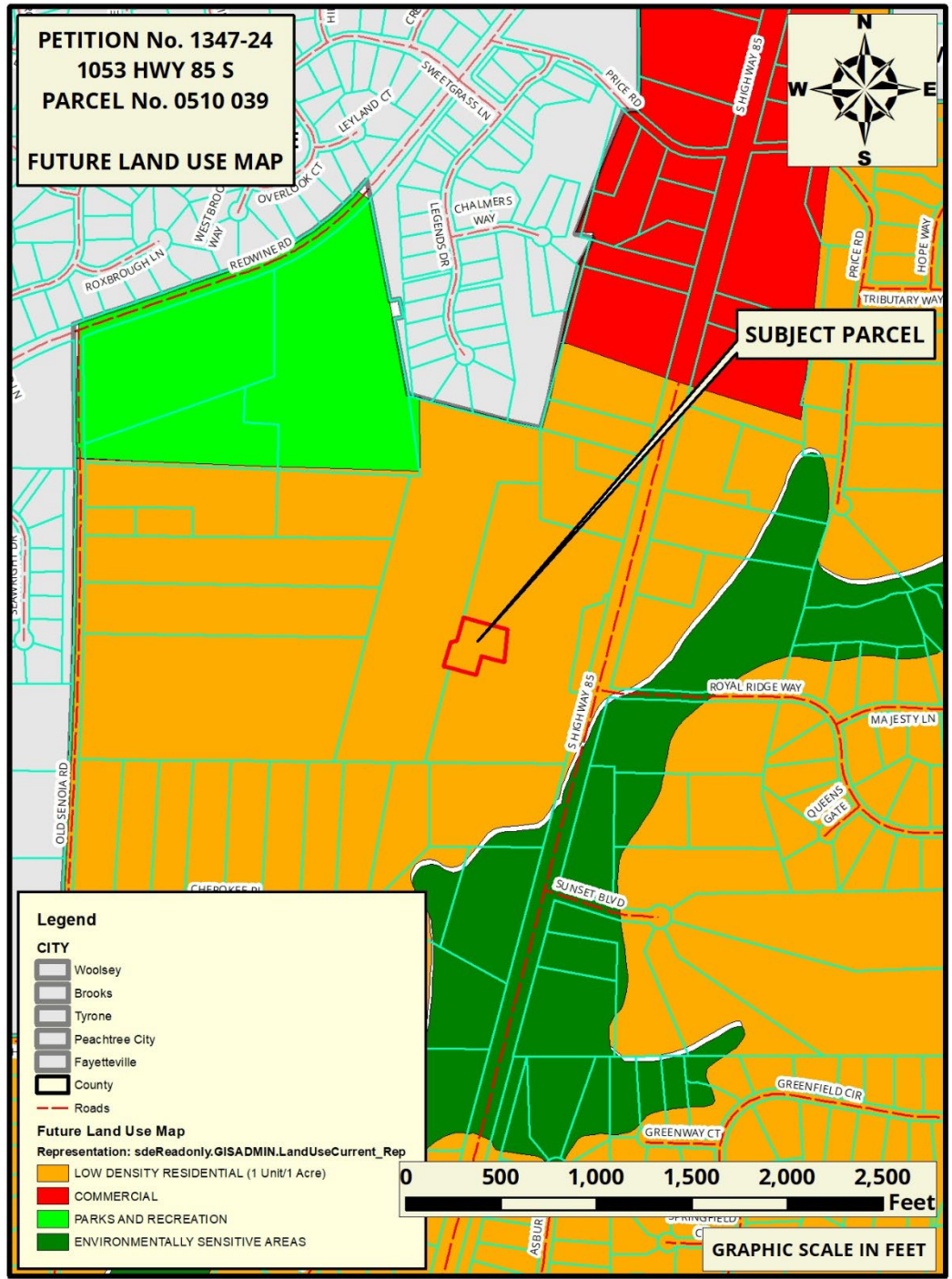
**CITY**

-  Woolsey
-  Brooks
-  Tyrone
-  Peachtree City
-  Fayetteville
-  County
-  Roads

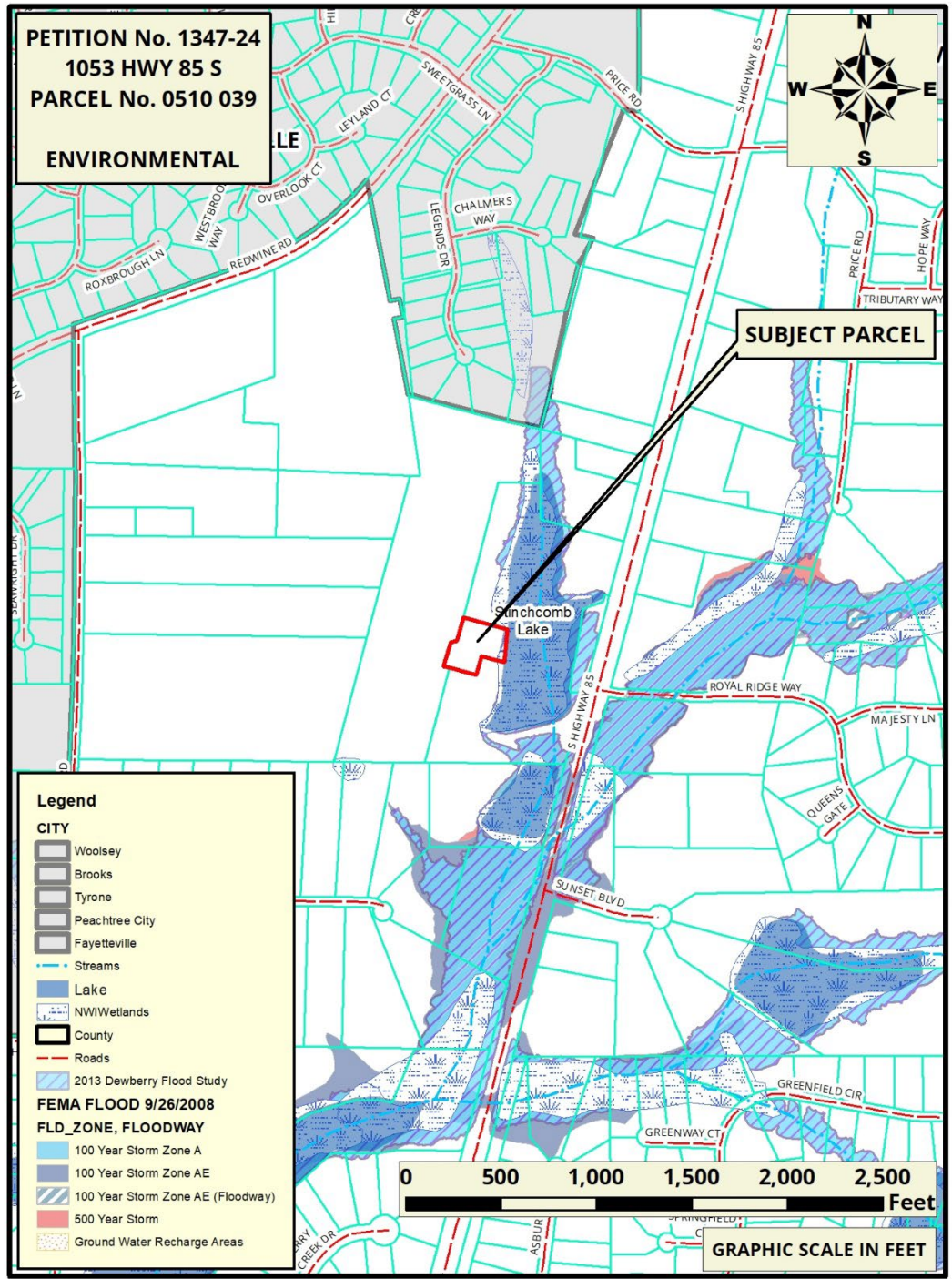


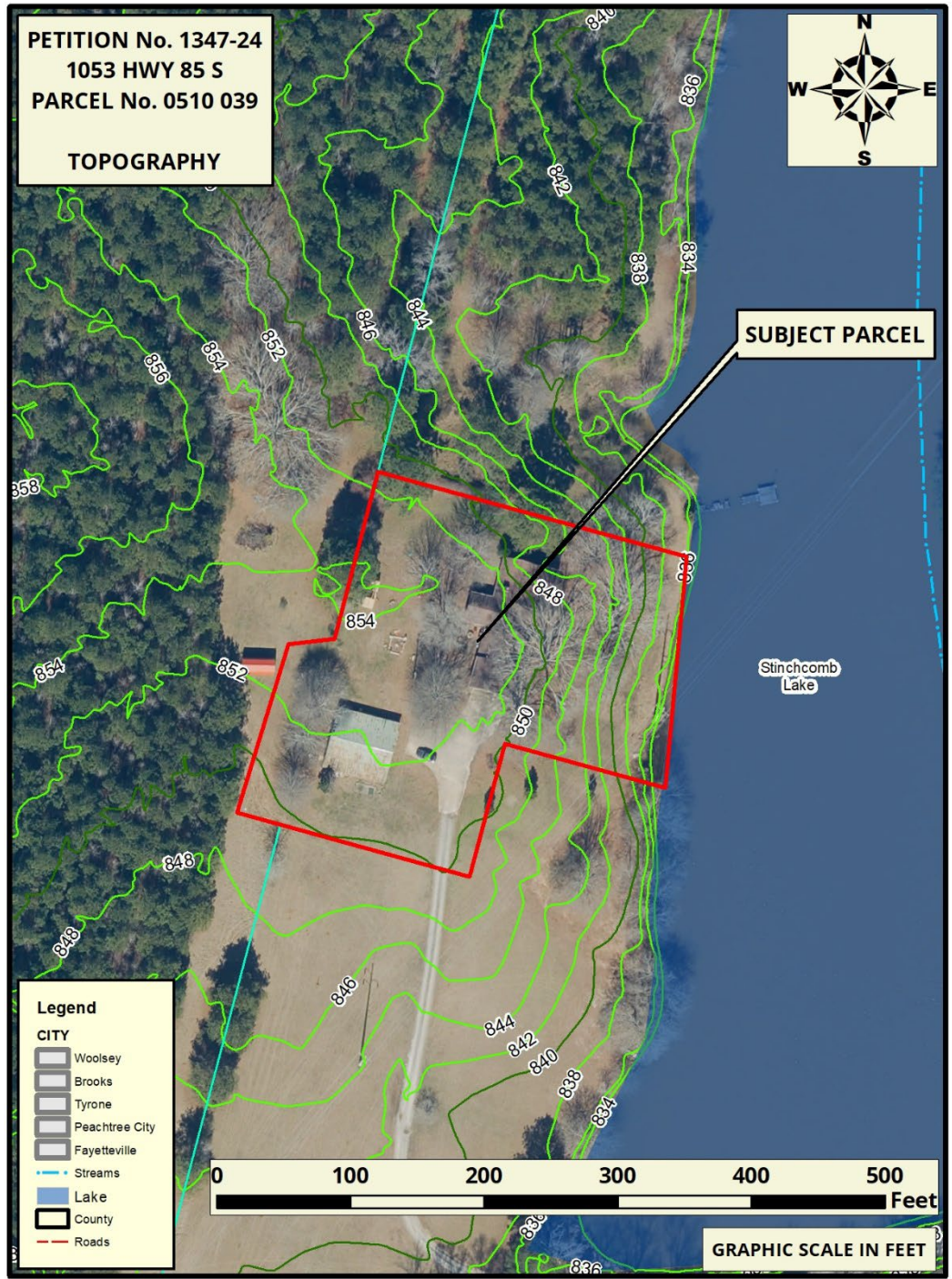
GRAPHIC SCALE IN MILES



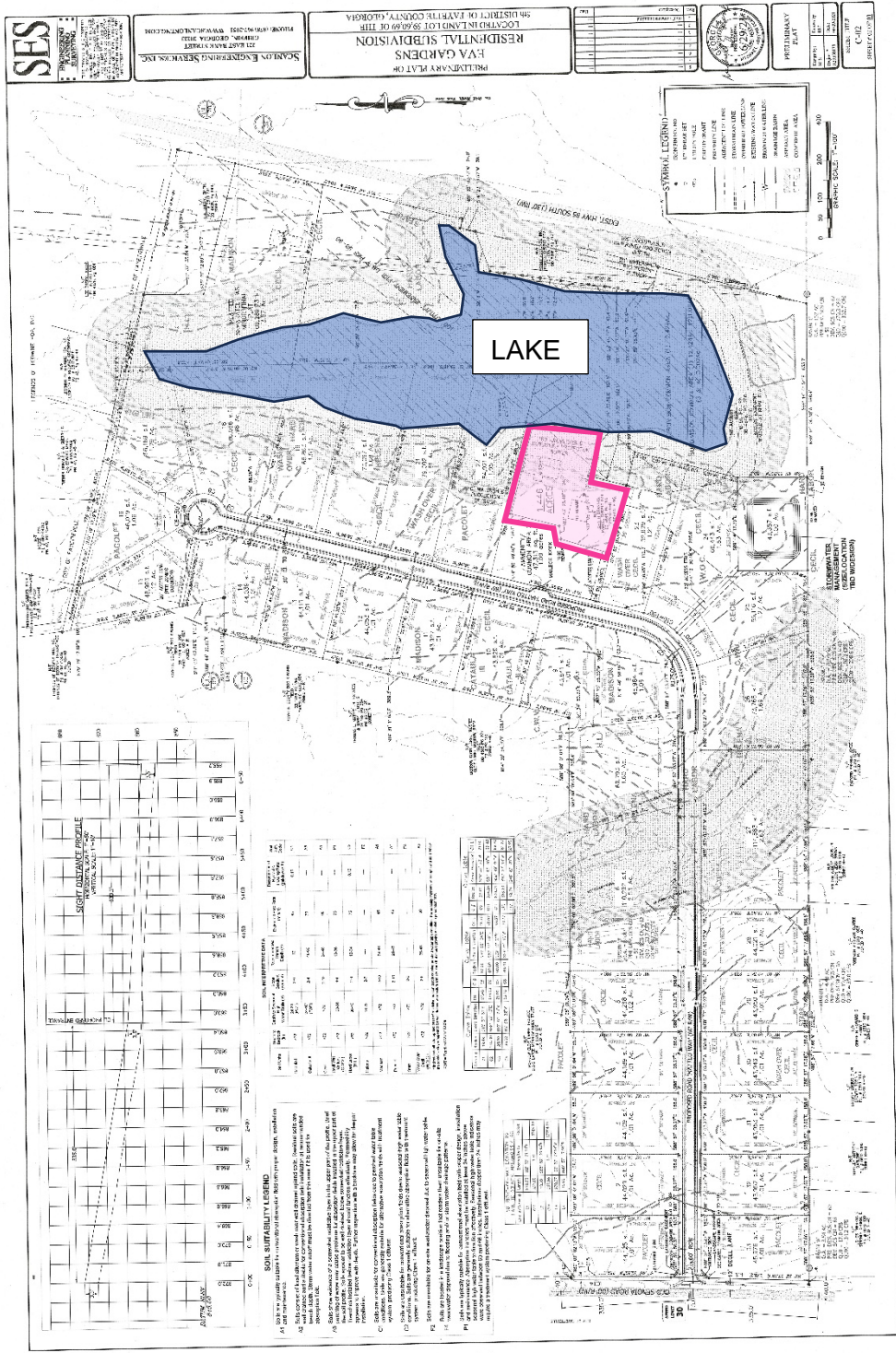












CONCEPT PLAN

PETITION No (s): 1347-2A

STAFF USE ONLY

**APPLICANT INFORMATION**

Name JEFF LAMMES  
Address 652 Sunflower Dr  
City Canton  
State GA Zip 30114  
Email jefflammes@gmail.com  
Phone 770 560 5195

**PROPERTY OWNER INFORMATION**

Name Mr. LOIS Arango  
Address 149 N85 Parkway Suite B  
City Fayetteville  
State GA Zip 30214  
Email Lois@arangoinsulation.com  
Phone 404 323 7397

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

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

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

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

[ ] Application Insufficient due to lack of:  
Staff: \_\_\_\_\_ Date: \_\_\_\_\_

[ ] Application and all required supporting documentation is Sufficient and Complete  
Staff: \_\_\_\_\_ Date: \_\_\_\_\_

DATE OF PLANNING COMMISSION HEARING: May 2, 2023

DATE OF COUNTY COMMISSIONERS HEARING: May 23, 2023

Received from Jeffrey A. Lammes a check in the amount of \$ 250.00 for application filing fee, and \$ 100.00 for deposit on frame for public hearing sign(s).

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

3/11/2024

\$250.00

20477

3/13/2024

\$100.00

20479

PETITION No.: B47-24 Fees Due: \_\_\_\_\_ Sign Deposit Due: \$100.00 Paid 3/13/24  
STAFF USE ONLY

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

Parcel # (Tax ID): 0510 021, 0510 002A Acreage: 1.09  
Land District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_  
Road Name/Frontage L.F.: \_\_\_\_\_ Road Classification: \_\_\_\_\_  
Existing Use: AMMENITY Proposed Use: R-50  
Structure(s): 0 Type: \_\_\_\_\_ Size in SF: 47,313  
Existing Zoning: Amenity R50 Proposed Zoning: R50  
Existing Land Use: Amnenily Proposed Land Use: R-50 / Amnenily  
Water Availability: \_\_\_\_\_ Distance to Water Line: \_\_\_\_\_ Distance to Hydrant: \_\_\_\_\_

PETITION No.: \_\_\_\_\_ Fees Due: \_\_\_\_\_ Sign Deposit Due: \_\_\_\_\_

STAFF USE ONLY

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

Parcel # (Tax ID): 0510 039 Acreage: 1.446  
Land District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_  
Road Name/Frontage L.F.: \_\_\_\_\_ Road Classification: \_\_\_\_\_  
Existing Use: AR Proposed Use: R-50  
Structure(s): 1 Type: Single Family Home Size in SF: 2550  
Existing Zoning: AR Proposed Zoning: R-50  
Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_  
Water Availability: \_\_\_\_\_ Distance to Water Line: \_\_\_\_\_ Distance to Hydrant: \_\_\_\_\_

PETITION No.: \_\_\_\_\_ Fees Due: \_\_\_\_\_ Sign Deposit Due: \_\_\_\_\_

STAFF USE ONLY

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

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

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

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

Malveva Holdings LLC

*(Please Print)*

**Property Tax Identification Number(s) of Subject Property:** \_\_\_\_\_

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

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

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

X (II) [Signature]  
 Signature of Property Owner 1

Address

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Signature of Authorized Agent

Address

[Signature]  
 Signature of Notary Public

03-11-24.  
 Date

Signature of Notary Public

Date

Signature of Notary Public

Date

Signature of Notary Public

Date



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

**OWNER'S AFFIDAVIT**

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

NAME: Luis Arango

ADDRESS: 149 N 85 Parkway

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

Luis Arango affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) \_\_\_\_\_ Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 250.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to \_\_\_\_\_.

This property includes: (check one of the following)

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

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

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

SWORN TO AND SUBSCRIBED BEFORE ME THIS 11<sup>th</sup> DAY OF March, 2024

[Signature]

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

[Signature]

NOTARY PUBLIC





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

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

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

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

Sworn to and subscribed before me this 11<sup>th</sup> day of March, 2024.

[Signature]

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

Maria Del Pilar Cordoba  
NOTARY PUBLIC



**DEVELOPMENTS OF REGIONAL IMPACT (DRI)**

**Rezoning Applicant:**

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

Signed this 11<sup>th</sup> day of March, 2020.



APPLICANT'S SIGNATURE

**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.



Type: WD  
Recorded: 12/3/2021 11:16:00 AM  
Fee Amt: \$355.80 Page 1 of 3  
Transfer Tax: \$330.80  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court

Return to:  
**Edge & Kimbell Law, LLC**  
503 Commerce Drive  
Peachtree City, GA 30269

Participant ID: 9035938284

**BK 5413 PG 545 - 547**

File No.: PTC-21-2632  
Parcel ID: 0510 039

### **LIMITED WARRANTY DEED**

STATE OF GEORGIA, COUNTY OF FAYETTE

**THIS INDENTURE**, Made the 24th day of November, 2021 between

**John H. Brannan and Dana L. Brannan,**

of the State of Georgia, as parties of the first part, hereinafter called Grantors and

**Malueva Holdings, LLC, a Georgia Limited Liability Company,**

as party of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

**WITNESSETH** that: Grantors, for and in consideration of the sum of **THREE HUNDRED THIRTY THOUSAND EIGHT HUNDRED AND 00/100 Dollars (\$330,800.00)** AND OTHER VALUABLE CONSIDERATION, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land:

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

commonly known as **1053 Highway 85 S, Fayetteville, GA 30215**

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

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

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

IN WITNESS WHEREOF, the Grantors have signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

Glenn Dumbell  
UNOFFICIAL WITNESS

[Signature] (SEAL)  
John H. Brannan

[Signature] (SEAL)  
Dana L. Brannan

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



**EXHIBIT "A"**  
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 60 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, AS SHOWN ON THAT CERTAIN SURVEY PREPARED FOR BILLY RAY POSEY AND DEBORAH S. POSEY BY MATTHEW J. LANGLEY, GA RLS 3227, OF W.D GRAY AND ASSOCIATES, INC, GEORGIA LAND SURVEYORS DATED DECEMBER 20, 2018, AS RECORDED AT PLAT BOOK 51, PAGE 192, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF BY REFERENCE.

TOGETHER WITH THAT EXISTING 50' ACCESS EASEMENT PER PLAT BOOK 11, PAGE 101, FAYETTE COUNTY RECORDS.

PARCEL #: 0510 039

# STATE OF GEORGIA

## Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

### Annual Registration

\*Electronically Filed\*

Secretary of State

Filing Date: 03/14/2024 10:48:45

#### BUSINESS INFORMATION

**BUSINESS NAME** : Malueva Holdings, LLC  
**CONTROL NUMBER** : 21292868  
**BUSINESS TYPE** : Domestic Limited Liability Company  
**ANNUAL REGISTRATION PERIOD** : 2024, 2025

#### BUSINESS INFORMATION CURRENTLY ON FILE

**PRINCIPAL OFFICE ADDRESS** : 149 N. 85 Parkway, Suite B, Fayetteville, GA, 30214, USA  
**REGISTERED AGENT NAME** : Luis G Arango  
**REGISTERED OFFICE ADDRESS** : 149 N. 85 Parkway, Suite B, Fayetteville, GA, 30214, USA  
**REGISTERED OFFICE COUNTY** : Fayette

#### UPDATES TO ABOVE BUSINESS INFORMATION

**PRINCIPAL OFFICE ADDRESS** : 643 Royer Court, Suite B, Atlanta, GA, 30342, USA  
**REGISTERED AGENT NAME** : Luis G Arango  
**REGISTERED OFFICE ADDRESS** : 149 N. 85 Parkway, Suite B, Fayetteville, GA, 30214, USA  
**REGISTERED OFFICE COUNTY** : Fayette

#### AUTHORIZER INFORMATION

**AUTHORIZER SIGNATURE** : Neftali Velez  
**AUTHORIZER TITLE** : Authorized Person







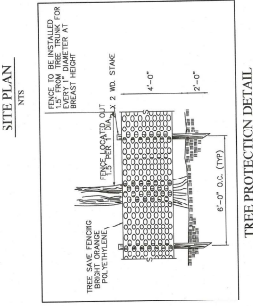
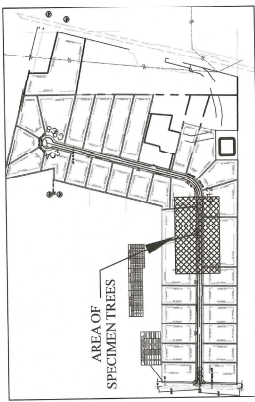


NO.	REVISION	DATE
1	ISSUED FOR PERMIT	09/21/11
2	REVISED PER COMMENTS	09/21/11



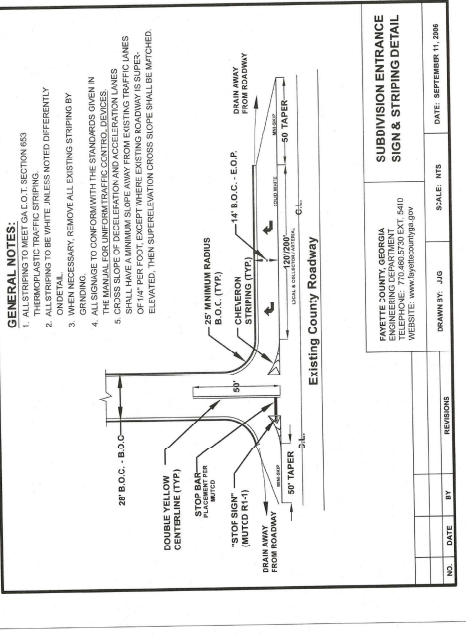
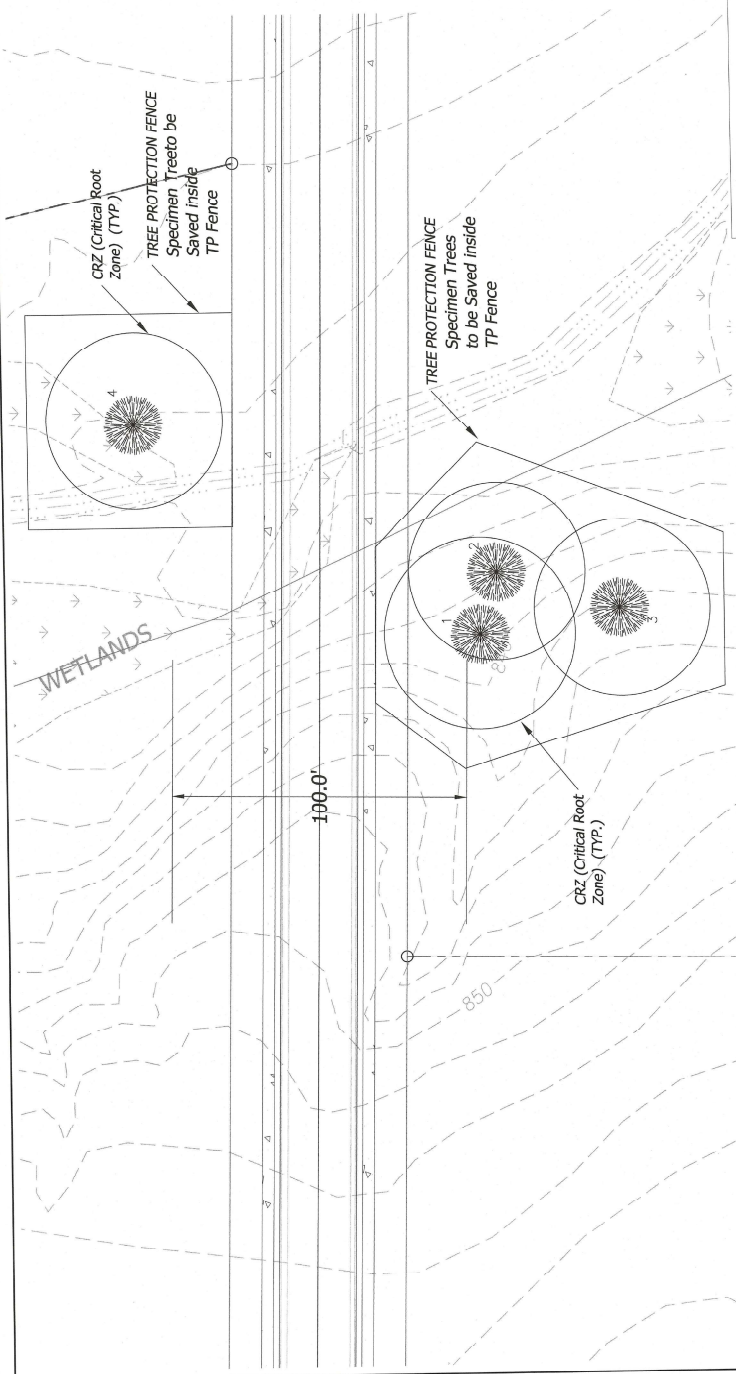
PROJECT  
PROTECTION  
PLAN

DATE: SEPTEMBER 11, 2011  
SCALE: NTS  
DRAWN BY: JIG  
CHECKED BY: JIG  
PROJECT NO.: 11111  
SHEET # 02 OF 03



TOTAL SPECIMEN TREES

Plant Number	Plant Identification	Quantity
1	24KAV	2
2	24KAV	2
3	24KAV	2
4	24KAV	2



**GENERAL NOTES:**

- ALL STRIPING TO MEET GA C.O.T. SECTION 603.
- THERMOPLASTIC STRIPING TO BE WHITE UNLESS NOTED OTHERWISE.
- WHEN NECESSARY, REMOVE ALL EXISTING STRIPING BY GRINDING.
- THE MANUAL FOR LINE CONFORMANCE STANDARDS GIVEN IN THE MANUAL FOR LINE CONFORMANCE STANDARDS, DEVICES.
- CROSS SLOPE OF 2% RECELERATION AND ACCELERATION LINES.
- ALL PER FOOT EXCEPT WHERE EXISTING ROADWAY IS SUPER-ELEVATED, THEN SUPER-ELEVATION CROSS SLOPE SHALL BE MATCHED.

**ENGINEERS' NOTE:**

AS THE ENGINEER IN RESPONSIBLE CHARGE OF THE DESIGN/PERMITTING OF EVA GARDENS SUBDIVISION, IT IS MY PROFESSIONAL OPINION THAT ARTICLE VI, SECTION D, NUMBERS 1 THROUGH 5 ARE NOT NEEDED FOR THIS SITE.

NO SPECIMEN TREES WILL BE REMOVED.

MICHAEL J. SCANLON, P.E.  
ENGINEER

**NOTES:**

- THIS PLAN IS FOR LOCATION OF SPECIMEN TREES FOR PROTECTION. PRELIMINARY TREE PROTECTION FENCE PLACEMENT SHALL BE PLANNED IN ACCORDANCE WITH THE DEVELOPMENT PLANS. TREE PROTECTION FENCES SHALL BE PLACED AT THE CLEARING LIMITS AND CRZ WHERE APPLICABLE.
- NO LAND DISTURBANCE CONSTRUCTION PROCESSES OR STORAGE OF EQUIPMENT OR MATERIALS SHALL TAKE PLACE WITHIN A DESIGNATED TREE PROTECTION AREA IN ORDER TO PREVENT DIRECT PHYSICAL ROOT DAMAGE OR OCCURRENCE OF OTHER ROOT DAMAGE. ROOT DAMAGE IS OCCURRED WHEN ROOTS ARE CUT, TORN OR REMOVED. INDIRECT ROOT DAMAGE CAUSED FROM GRADE CHANGES; AND TRUNK AND CROWN DAMAGE CAUSED BY DIRECT CONTACT WITH LAND CLEARING MACHINERY OR GALLING OF ADJACENT TREES.

**ENGINEERS' NOTE:**

AS THE ENGINEER IN RESPONSIBLE CHARGE OF THE DESIGN/PERMITTING OF EVA GARDENS SUBDIVISION, IT IS MY PROFESSIONAL OPINION THAT ARTICLE VI, SECTION D, NUMBERS 1 THROUGH 5 ARE NOT NEEDED FOR THIS SITE.

NO SPECIMEN TREES WILL BE REMOVED.

MICHAEL J. SCANLON, P.E.  
ENGINEER

LANDSCAPE PLAN BY:  
MICHAEL J. SCANLON, P.E.  
SCANLON ENGINEERING SERVICES, INC.  
GRIFIN, GA. 30223  
PH. 678-967-2051  
email: JOE@SCANLON.COM

NO PARKING, STORAGE, OR OTHER CONSTRUCTION SITE ACTIVITIES ARE TO OCCUR WITHIN TREE PROTECTION AREAS.

ALL REQUIRED REPLACEMENT VEGETATION MUST BE MAINTAINED FOR TWO GROWING SEASONS AFTER THE DATE OF FINAL INSPECTION.

ALL TREE PROTECTION AREAS TO BE PROTECTED FROM SEDIMENTATION.

SITE VISIT BY LANDSCAPE ARCHITECT ON 7-16-21 TO FIELD LOCATE AND IDENTIFY SPECIMEN TREES WITHIN 100' EACH SIDE CENTERLINE AS STAKED IN FIELD.

Petition No: 1347-24

Ad to Run: April 17, 2024

**PETITION FOR REZONING CERTAIN PROPERTIES  
IN UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA**

**PUBLIC HEARING** to be held before the Fayette County Planning Commission on **Thursday, May 2, 2024**, at 7:00 P.M., and before the Fayette County Board of Commissioners on **Thursday, May 23, 2024**, at 5:00 P.M., in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No.:	1347-24
Owner/Agent:	Luis Arango/Jeff Lammes
Existing Zoning District:	A-R
Proposed Zoning District:	R-50
Parcel Number:	0510039
Area of Property:	1.446
Proposed Use:	R-50
Land Lot(s)/District:	Land lot 60 of the 5 <sup>th</sup> District
Fronts on:	Old Senoia Road

**LEGAL DESCRIPTION  
EXHIBIT "A"**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 60 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, AS SHOWN ON THAT CERTAIN SURVEY PREPARED FOR BILLY RAY POSEY AND DEBORAH S. POSEY BY MATTHEW J. LANGLEY, GA RLS 3227, OF W.D GRAY AND ASSOCIATES, INC, GEORGIA LAND SURVEYORS DATED DECEMBER 20, 2018, AS RECORDED AT PLAT BOOK 51, PAGE 192, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF BY REFERENCE.

TOGETHER WITH THAT EXISTING 50' ACCESS EASEMENT PER PLAT BOOK 11, PAGE 101, FAYETTE COUNTY RECORDS.

PARCEL #: 0510 039