

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
Maria Binns, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

AGENDA
FAYETTE COUNTY PLANNING COMMISSION MEETING
140 STONEWALL AVENUE WEST
July 18, 2024
7:00 pm

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

NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the meeting held on June 6, 2024
5. Final Plats

PUBLIC HEARING

6. Consideration of Petition No. 1350-24, Yvonne C. Kendrick, owner; Randy Boyd, agent; requests to rezone 1.91 acres from C-H (Highway Commercial) Conditional to C-H (Highway Commercial) for the purposes of developing as a commercial property. Property is located in Land Lots 69 & 70 of the 5th District and fronts South of 961 Highway 85 S.

Meeting Minutes 6/6/2024

THE FAYETTE COUNTY PLANNING COMMISSION met on June 6, 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
E. Allison Ivey Cox, County Attorney

NEW BUSINESS

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

Debbie Bell requested to amend two items in the agenda will be to add item number 5 election of secretary and item number 6 to amend the agenda to add the following Final plats; the Minor Final Plat for Charles W. Johnson Estates and Douglas G. Johnson, Fizzolio Estates, Starr's Mill Corner Store, Arborvale- Phase One and Huntcliff Manor -Phase One. ***Danny England made a motion to approve the agenda with the addition of Election of Secretary as item number 5 and the amendment of the agenda to add the following Final plats; the Minor Final Plat for Charles W. Johnson Estates and Douglas G. Johnson, Fizzolio Estates, Starr's Mill Corner Store, Arborvale- Phase One and Huntcliff Manor -Phase One as item number 6. Public Hearing items will now be items 10-12. Jim Oliver seconded the motion. The motion carried 5-0.***

4. Consideration of the Minutes of the meeting held on May 2, 2024. ***Jim Oliver made a motion to approve the minutes of the meeting held on May 2, 2024. Danny England seconded the motion. The motion carried 5-0.***
5. Election of the Secretary. ***Jim Oliver nominated Maria Binns as the Secretary to the Planning Commission. Danny England seconded the nomination. There were no other nominations. The board voted and the vote to elect Maria Binns carried 5-0.***
6. Approval of the Minor Final Plat of Charles W. Johnson Estates and Douglas G. Johnson. Deborah Sims stated this is simply a plat to subdivide one parcel into two parcels. It has been

reviewed and approved by staff. John Culbreth asked for a motion. ***John Kruzan made a motion to approve the Minor Final Plat for Charles W. Johnson Estates and Douglas G. Johnson. Danny England seconded the motion. The motion carried 5-0.***

7. Approval of the Minor Final Plat for Fizzolio Estates. Deborah Sims stated that is subdividing a lot on Davis Rd called Fizzolio Estates it has been reviewed and approved by staff. John Culbreth asked if anyone had any questions, but no one responded. Then he asked for a motion. ***John Kruzan made the motion to approve the Minor Final Plat for Fizzolio Estates. Danny England seconded the motion. The motion carried 5-0.***
8. Approval of Minor Final Plat for Starr's Mill Corner Store. This plat has been reviewed and approved by staff. Debra Sims stated this is the third Starr's Mill convenience store, again it has been approved by staff. This is simply combining the five tracks into one to develop the convenience store there, any questions she asked, there were none. John Culbreth asked for a motion and after he asked if this was the plat, Ms. Sims responded this was a combination plat, there were five plats there were non-confirming and part of their conditions they have to have the minor plat approved before they can proceed with getting site plan approved. Danny England asked if this was the site that had the power line easement from two years ago. Ms. Sims responded was the one with all the little houses, abjection to new hope south. ***Danny England made the motion to approve the Minor Final Plat for Starr's Mill Corner Store. John Kruzan seconded the motion. The motion carried 5-0.***
9. Approval of the Final Plat for Arborvale- Phase One. Formerly known as "The Grange". Debra Sims explained the location of the plat being on 92 N just outside the city limits, staff has reviewed and approved this plat, she asked for any specific questions. Jim Oliver asked if this was phase one or phase two. Ms. Sims responded this is phase one they will be finishing phase two later on. John Culbreth asked for motion if there were no further questions. ***John Kruzan made the motion to approve the Minor Final Plat for Arborvale -Phase One. Jim Oliver seconded the motion. The motion carried 5-0.***
10. Approval of the Final Plat for Huntcliff Manor -Phase One. Debra Sims explained this has been reviewed and approved by staff and its off Ebenezer Church Road and expands all the way to Davis Road but phase one is the area on Ebenezer church road, John Culbreth asked if this property was held up with the road expansion; Ms. Sims responded this property had all the litigation going on about the rezoning. ***Danny England made the motion to approve the Minor Final Plat for Huntcliff Manor -Phase One. John Kruzan seconded the motion. The motion carried 5-0.***

PUBLIC HEARING

1. Consideration of Petition No. 1348-24, Mark Wurster, II, owner; request to rezone 7.972 acres from A-R (Agricultural-Residential) to C-H (Highway Commercial) for the purposes of developing as a commercial property. Property is located in Land Lot 70 of the 5th District and fronts on SR 85 and Price Road. John Culbreth asked what are the staff recommendations.?

Ms. Bell responded as found on the Fayette County comprehensive plan, commercial use is designated for this area the request for C-H zoning is appropriate, based on the staff analysis planning and zoning recommends approval of their request for the zoning C-H highway commercial, currently is zoned A-R and it is a legal lot of record it has not been rezoned in the past; all of the other departments have reviewed and approved with no conditions to add. Ms. Bell showed the parcel on the map and added that the property is south of Fayetteville and Highway 85 south at Price Road, and appointed at the land use map that designate that area for commercial zoning any buffers will get addressed at the time of development. The parcel had a house on top of the hill that had been demolished for some time, she shows there was some commercial development across the street on each corner and she is in the process of reviewing a commercial project on Price Road, there are also some residential lots behind it. John H. Culbreth asked if anyone in the audience was in favor of the petition, and no one responded, he also asked if there was anyone in opposition, no one responded. Once the petition was brought to the board for discussion, Jim Oliver asked if there was a designated use, Ms. Bell responded they had not proposed a use at that point. Ms. Sims added that Mr. Wurster had other properties he had sold and reinvesting that money on this property. John H. Culbreth asked the board if they had any questions and if not, he asked for a motion. ***Danny England made the motion to recommend approval of Petition 1348-24 with no conditions and John Kruzan seconded the motion. The motion carried 5-0.***

11. Consideration of Revised Development Plan RDP-018-24, Andrew and Catherine Mask, owners; request to revise the development plan for Bakersfield Farms to allow Tract 11, a 20.000-acre tract, to be subdivided into two (2) tracts. The property is located in Land Lot 213 of the 4th District and fronts on Old Farm Rd. Ms. Bell states the applicant proposed to revise the development plan simply to create two lots, staff assessment explained it is a legal lot of record and the proposed lots will meet the zoning requirements for their respective sizes, setbacks, and other stuff. She also showed the final plat of the original subdivision and their proposal on how to subdivide the lots, lot 11 will be subdivided into two parcels. Ms. Bell states the lot is located just outside Woolsey off Highway 92 and is zoned A-R, the land use plan is rural residential and there is a minimum impact in the lower corner with some FEMA floodplain that the subdivision will not be impacted by. On the aerial of the property, there is an existing home in the center and they are proposing 100 foot width and width wide not to inappropriate width back for home construction. John H. Culbreth asked if the petitioner was present, Ms. Bell responded yes. Ms. Catherine Mask states she was the owner of the 20 acre residence, she explained her daughter and son-in-law built their house there, they both grew up in Fayette County. Jim Oliver asked the owner if she had talked to her neighbors, and she stated yes, she had spoken to the immediate neighbors, and they were okay with her petition. Jim Oliver asked if she checked if the protected covenants have their own laws and to make sure that's okay to subdivide and that was not part of the county ordinances, it's separate. John H. Culbreth asked if anyone in the audience was in favor of the petition, and no one responded, he also asked if there was anyone in opposition, and no one responded. ***Jim Oliver made the motion to recommend approval of Petition RDP-018-24. Danny England seconded the motion. The motion carried 5-0.***

12. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Sec. 110-169.- Conditional use approval. 2) Conditional uses allowed. mm. Recreation centers owned by nonprofit organizations as so registered with the Georgia Secretary of State Office. Ms. Bell explained recreation centers and similar institutions owned by nonprofit organizations registered with the secretary of state are allowed as a conditional use in the A-R zoning, this zoning also allows athletic fields associated with private schools to have lights in the athletic fields until 10:00 pm currently there is not a provision for the lighting of the athletic fields associated with recreation centers, so this revision is to create continuity in the ordinance and these are the conditions/items that are part of the conditional use approval for recreational centers, this is a proposed amendment is simply to add the same language that applies to other recreation centers in A-R; lighting for outdoor athletic facilities should not be permitted after 10:00 pm. John H. Culbreth asked if that was the time the recreational centers closed, right? The Parks closed it? Ms. Bell responded this would not be related to county parks, just recreation centers, like the soccer center and it's the same requirement that it's associated with athletic fields associated with private schools. John H. Culbreth asked if this would apply to nonprofit organizations or for-profit organizations as well? Ms. Bell responded these recreation centers must be non-profits. Jim Oliver discussed whether is this specific to the soccer center? We were told that the soccer center is for-profit. He states that they would have to operate for one year as according to the county manager as a for-profit and then could apply for a 501(c) (3). Allie Cox responded what we are doing is making sure the provision is there because is there for churches, and we are adding that together to make sure that lighting is allow at all right now, because there is no provision for lighting and that's the goal, we are not trying to narrow anything to for these specific group. If they are going to be for-profit this will not apply to them at all. John H. Culbreth asked if we need a vote on this? ***Danny England made the motion to recommend approval of Consideration of Amendments to Chapter 110. Zoning Ordinance. John Kruzan seconded the motion. The motion carried 5-0.***

ADJOURNMENT:

Danny England moved to adjourn the meeting. John Kruzan seconded. The motion passed 5-0.

The meeting adjourned at 7.29 p.m.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**

**JOHN CULBRETH, SR.
CHAIRMAN
ATTEST:**

**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

DRAFT

PETITION NO: 1350-24

REQUESTED ACTION: Rezone from C-H (Conditional) to C-H

PARCEL NUMBER: 0517 095

PROPOSED USE: Highway Commercial

EXISTING USE: Undeveloped

LOCATION: South of 961 Highway 85 S

DISTRICT/LAND LOT(S): 5th District, Land Lot 69 & 70

ACREAGE: 1.9 acres

OWNERS: Yvonne C. Kendrick

AGENT: Randy M. Boyd

PLANNING COMMISSION PUBLIC HEARING: July 18, 2024

BOARD OF COMMISSIONERS PUBLIC HEARING: August 22, 2024

APPLICANT'S INTENT

Applicant proposes to rezone 1.9 acres from C-H (Conditional) to C-H for the purposes of developing under the C-H (Highway Commercial) zoning with no conditions.

STAFF RECOMMENDATION

As defined in the Fayette County Comprehensive Plan, Commercial is designated for this area, so the request for C-H zoning is appropriate. Staff recommends **APPROVAL** of the request for C-H (Highway Commercial) zoning. There are no recommended conditions.

INVESTIGATION

A. GENERAL PROPERTY INFORMATION

This property is located in the General State Route Overlay Zone. It is undeveloped land.

B. REZONING HISTORY:

The property was rezoned from A-R to C-H Conditional on December 10, 1987, Petition No. 87-655. It was rezoned to C-H with the following conditions (*with current staff notes after, in italics*):

1. That the use of the subject property shall be limited to office, retail trade, and personal service uses.
 - *This is in conflict with C-H zoning and staff recommends deletion of this condition.*
2. To provide an undisturbed buffer measuring at least fifty (50) feet in depth along the south (side) property line.
 - *The zoning ordinance requires a fifty-foot buffer when nonresidential zoning abuts a residential district, so this condition is not needed. Staff recommends deletion of this condition.*
3. To provide and maintain off-street parking on the property during any construction project.
 - *Georgia DOT would not allow construction traffic to park on the right of way, so this condition is not necessary. Staff recommends deletion of this condition.*
4. That exterior illuminating sources shall not be directly visible from adjoining street properties.
 - *Exterior lighting is addressed in the Development Regulations, Sec. 104-217. – Design Standards. (6) Adequate lighting shall be provided if the facilities are to be used at night. Such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties. Staff recommends deletion of this condition. However, if there is still concern about exterior lighting, the condition may be amended to specify that all lighting shall be cutoff type fixtures.*

The property was later subdivided and the 10-acre parcel to the south was rezoned from C-H Conditional to C-H Conditional on Petition No. 1317-22. The original conditions were dropped in this request, with 2 conditions added addressing a power line easement and some special stormwater management requirements; these conditions are not relevant to the parcel up for consideration today. The 10-acre parcel has been developed as a self-storage facility.

C. CURRENT DEVELOPMENT HISTORY:

The property is undeveloped.

D. SURROUNDING ZONING AND USES

Near the subject property is land which is zoned A-R, R-40, and C-H. See the following table and the attached Zoning Map.

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

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	4.3	C-H	Commercial	Commercial
East (across SR 85)	8.0 2.0	C-H R-40	Vacant Vacant	Commercial Commercial
South	10.0	C-H	Commercial	Commercial
West	1.0	City of FVL	Greenspace for S/D	City of Fayetteville

E. COMPREHENSIVE PLAN

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

F. ZONING/REGULATORY REVIEW

Access & Right-of Way: The property has existing access on State Route 85.

Site Plan: The applicant submitted a survey and a conceptual site plan for the property. All development requires site plans prepared by an engineer, so the concept plan is simply a proposal of the applicant’s plan and may change.

G. DEPARTMENTAL COMMENTS

- Water System** - Parcel 0517 095 is within the City of Fayetteville water service area.
- Public Works** - No objections.
- Environmental Management** - No objections.
- Environmental Health Department** - This office has no objection to the proposed rezoning. This is not approval of any business or septic. There is no septic information available for this location.
- Fire** - No objections to the requested rezoning.
- GDOT** - GDOT will review plans when development is initiated and issue their own driveway permit.

STANDARDS

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

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

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

STAFF ANALYSIS

1. The subject property lies within an area designated for Commercial Uses. This request does conform to the Fayette County Comprehensive Plan in terms of the use.
2. The area around the subject property is an area that already has various commercial uses. There are some residential uses to the east, but staff does not anticipate that a commercial use within this area will have an adverse impact on the adjacent parcels.
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 highway commercial.

ZONING DISTRICT STANDARDS

Sec. 110-144. C-H, Highway Commercial District.

- (a) *Description of district.* This district is composed of certain lands and structures to provide and encourage proper grouping and development of roadside uses, which include a wide variety of sales and services that will best accommodate the needs of the county and the traveling public, reducing traffic congestion, hazards and blight along the public streets.
- (b) *Permitted uses.* The following uses shall be permitted in the C-H zoning district:
- (1) Ambulance service, including non-emergency medical transport service;
 - (2) Amusement or recreational facility, indoor or outdoor;
 - (3) Appliance sales, installation and/or repair;
 - (4) Armories, for meetings and training military organizations;
 - (5) Art studio;
 - (6) Auto/vehicle repair. All service, repairs and diagnostics, with the exception of emissions testing, shall be conducted within an enclosed building;
 - (7) Bakery;
 - (8) Bank and/or financial institution;
 - (9) Banquet hall/event facility;
 - (10) Bookbinding;
 - (11) Building/development, contracting, and related activities (including, but not limited to: door and window sales and/or installation, electrical, flooring sales and/or installation, entertainment system sales and/or installation, general contractor, grading, gutter sales and/or installation, insulation sales and/or installation, landscaping, lighting sales and/or installation, painting, pressure washing, plumbing, remodeling, roofing sales and/or installation, siding sales and/or installation, sales and storage of building supplies and materials, security system sales, installation and service, solar and wind equipment sales and/or installation, and incidental contractor equipment maintenance);
 - (12) Bus passenger station (pick-up and drop-off only);
 - (13) Cabinet manufacturing, sales, repair and/or installation;
 - (14) Car wash and/or detailing facility;
 - (15) Catering service;
 - (16) Church and/or other place of worship excluding outdoor recreation, parsonage, and cemetery or mausoleum;
 - (17) Clothing store and/or variety store;
 - (18) College and/or university, including classrooms and/or administration only;
 - (19) Copy shop;
 - (20) Cultural facility;
 - (21) Day spa;
 - (22) Department store;

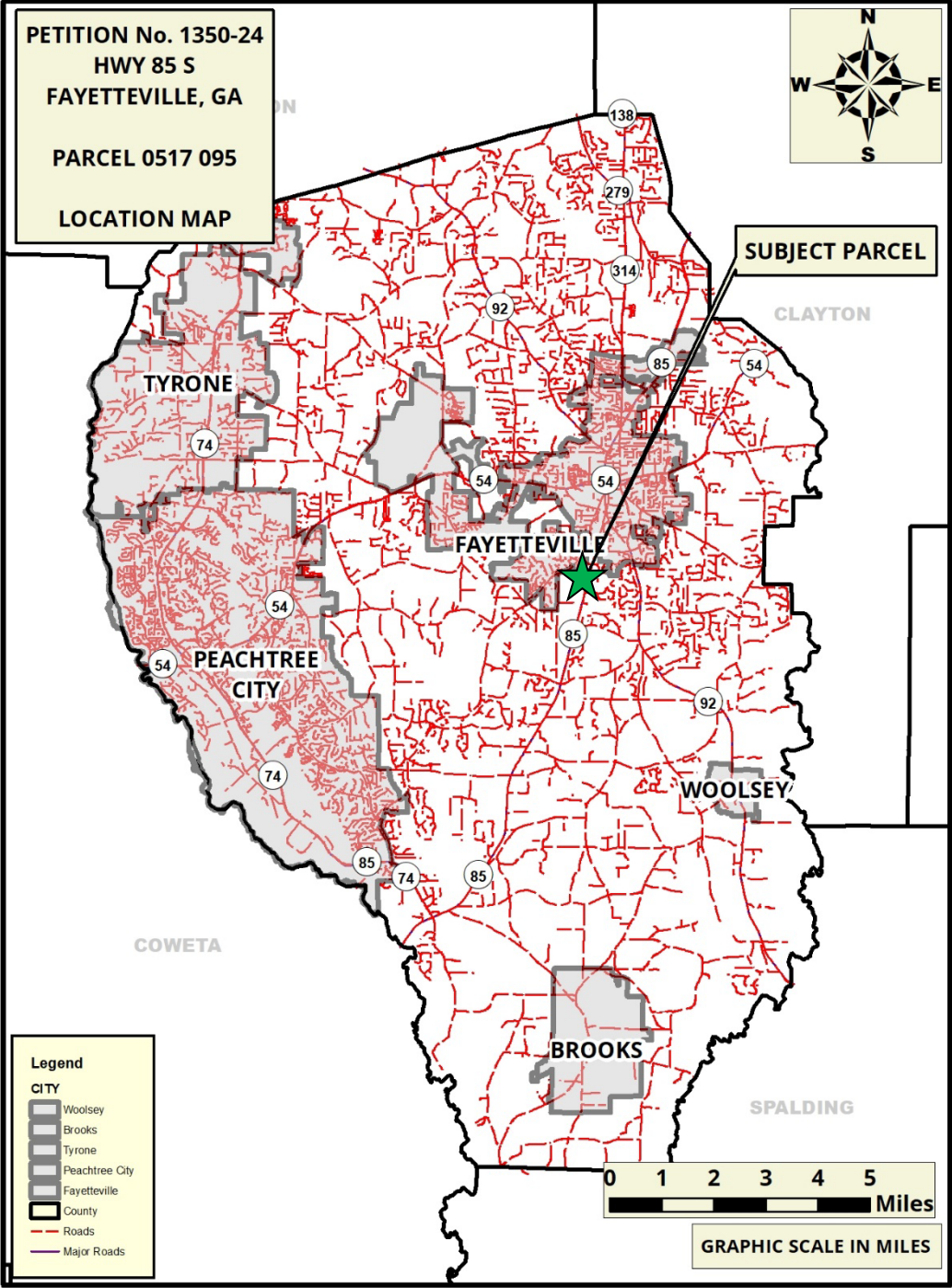
- (23) Drug store;
- (24) Educational/instructional/tutoring facilities, including, but not limited to: academic; art; computer; dance; driving and/or DUI; music; professional/business/trade; martial arts; and similar facilities;
- (25) Electronic sales and/or repair;
- (26) Emission testing facility (inside only);
- (27) Engraving;
- (28) Firearm sales and/or gunsmith;
- (29) Flea market, indoor;
- (30) Florist shop;
- (31) Freezer locker service, ice storage;
- (32) Freight express office;
- (33) Funeral establishment (where funeral services, excluding a crematorium, may be provided);
- (34) Gift shop;
- (35) Glass sales;
- (36) Grocery store;
- (37) Hardware store;
- (38) Health club and/or fitness center;
- (39) Hotel;
- (40) Jewelry shop;
- (41) Laboratory serving professional requirements, (e.g., medical, dental, etc.);
- (42) Library;
- (43) Magazine publication and/or distribution;
- (44) Manufactured home and/or building sales;
- (45) Medical/dental office (human treatment);
- (46) Messenger/courier service;
- (47) Military recruiting office;
- (48) Movie theatre and/or drive-in;
- (49) Museum;
- (50) Music teaching studio;
- (51) Newspaper publication and/or distribution;
- (52) Office;
- (53) Office equipment sales and/or service;
- (54) Parking garage/lot;
- (55) Pawn shops;

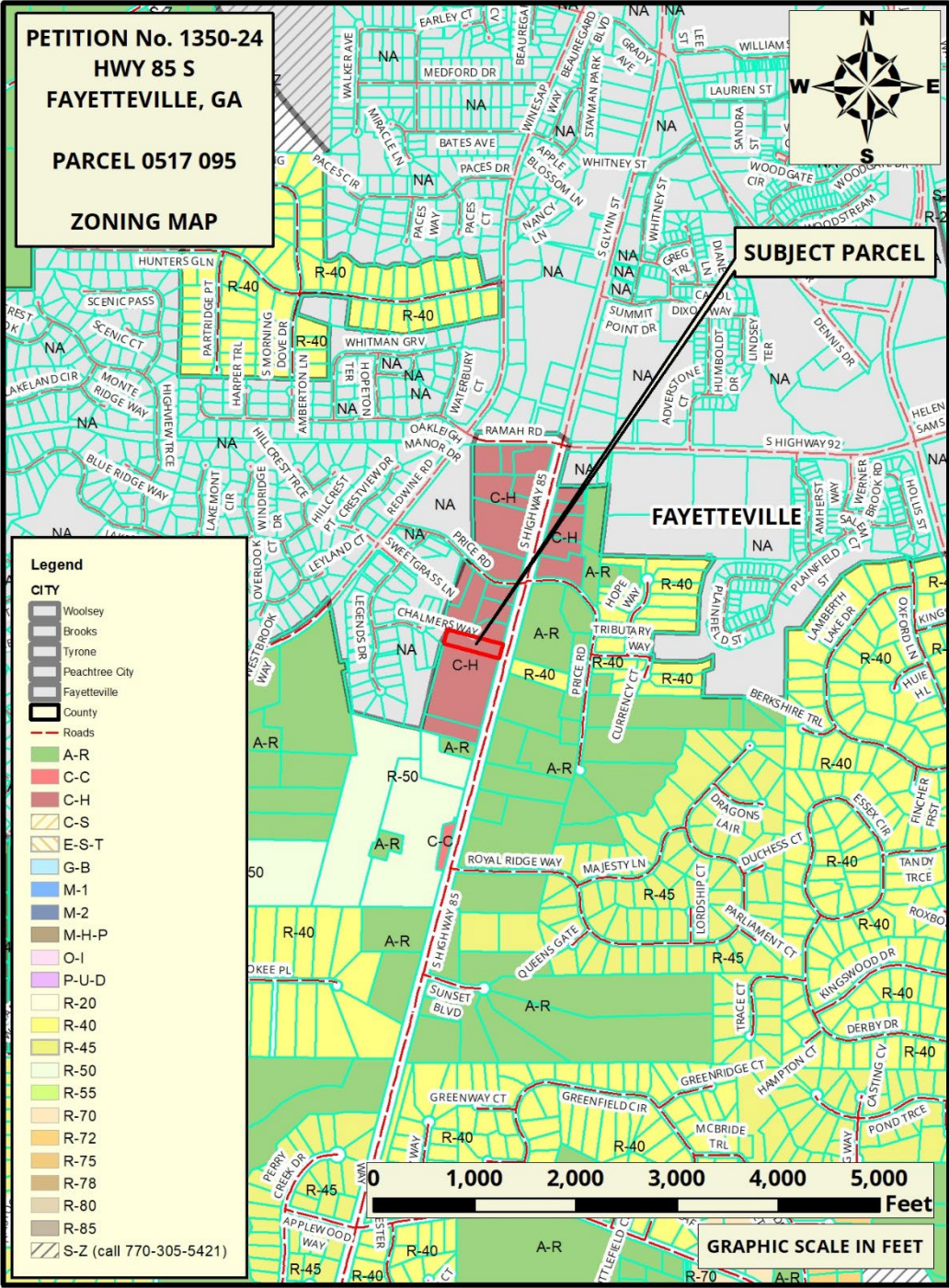
- (56) Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; counseling services; electrolysis and/or hair removal; fitness center; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;
 - (57) Pest control;
 - (58) Plant nursery, growing crops/garden, and/or related sales;
 - (59) Printing, graphics, and/or reproductions;
 - (60) Private clubs and/or lodges;
 - (61) Private school, including classrooms and/or administration only;
 - (62) Recording studio (audio and video);
 - (63) Radio studio;
 - (64) Railroad station;
 - (65) Rent-alls;
 - (66) Restaurant, including drive-in and/or drive-through;
 - (67) Retail establishment;
 - (68) Smoking lounge (subject to state and local tobacco sales and smoking laws);
 - (69) Tattoo parlor;
 - (70) Taxidermist;
 - (71) Taxi service/limousine service/shuttle service (no on-site maintenance and/or repair);
 - (72) Television/movie studio;
 - (73) Upholstery shop; and
 - (74) Utility trailers sales and/or rental.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the C-H zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Adult day care facility;
 - (2) Amphitheater;
 - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
 - (4) Automobile service station, including gasoline sales and/or inside or outside emission testing, in conjunction with a convenience store;
 - (5) Campground facilities;
 - (6) Care home, convalescent center, and/or nursing home;
 - (7) Cemetery;
 - (8) Charter motor coach service;
 - (9) Church and/or other place of worship;
 - (10) College and/or university, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and/or stadium;
 - (11) Commercial driving range and related accessories;

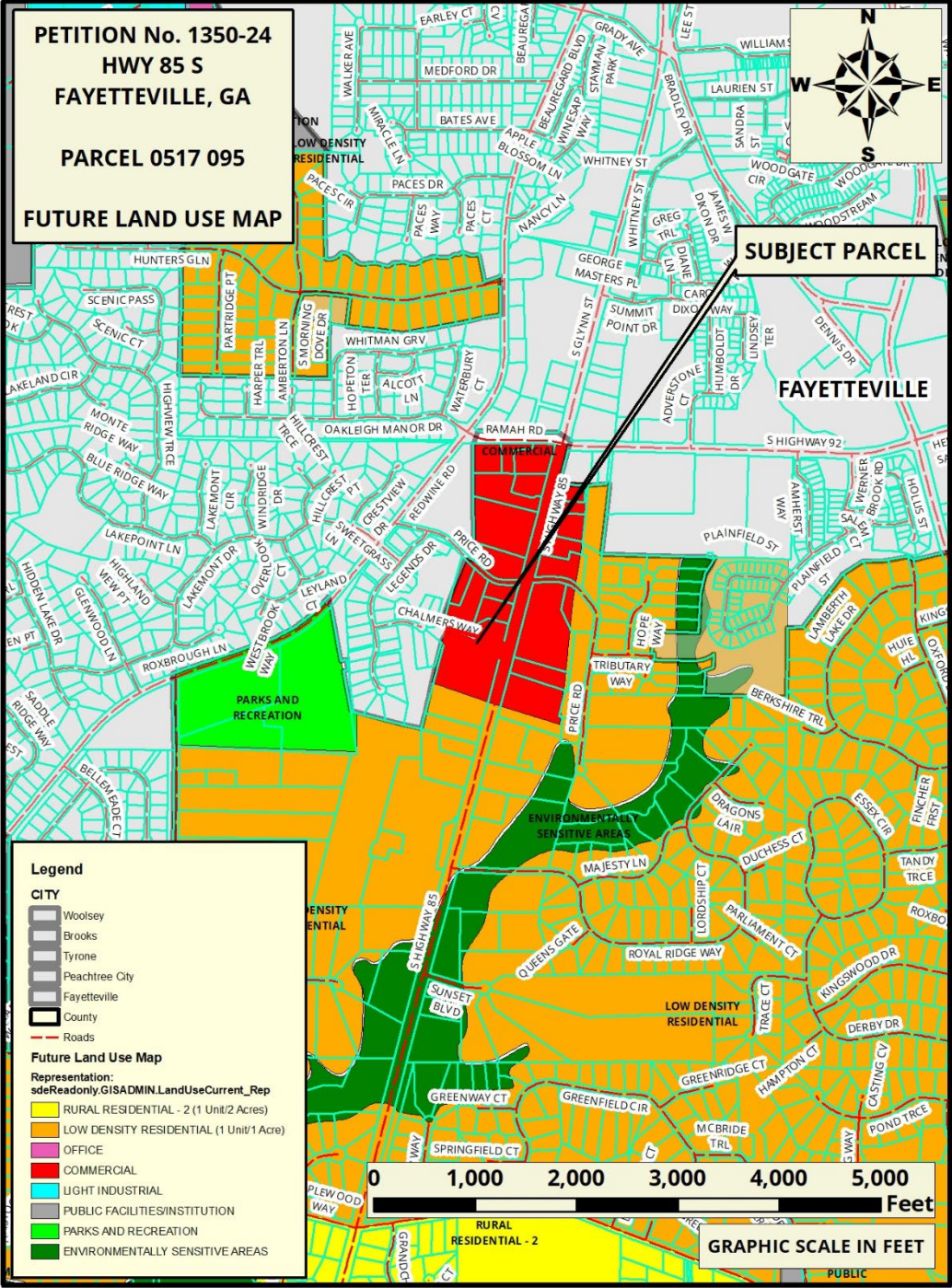
- (12) Child care facility;
 - (13) Dry cleaning plant;
 - (14) Experimental laboratory;
 - (15) Golf course (minimum 18-hole regulation) and related accessories;
 - (16) Home occupation;
 - (17) Horse show, rodeo, carnival, and/or community fair;
 - (18) Hospital;
 - (19) Laundromat, self-service or otherwise;
 - (20) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to bungee and parachute jumping;
 - (21) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and/or stadium;
 - (22) Religious tent meeting;
 - (23) Seasonal sales, outdoor;
 - (24) Self-storage facility (external and/or internal access);
 - (25) Single-family residence and residential accessory structures and/or uses (see article III of this chapter);
 - (26) Shooting range, indoor;
 - (27) Stadium, athletic; and
 - (28) Temporary tent sales.
 - (29) Vehicle/boat sales.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the C-H zoning district shall be as follows:
- (1) Lot area:
 - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
 - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
 - (2) Lot width: 125 feet.
 - (3) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 75 feet.
 2. Collector: 70 feet.
 - b. Minor thoroughfare: 65 feet.
 - (4) Rear yard setback: 15 feet.
 - (5) Side yard setback: 15 feet.
 - (6) Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.

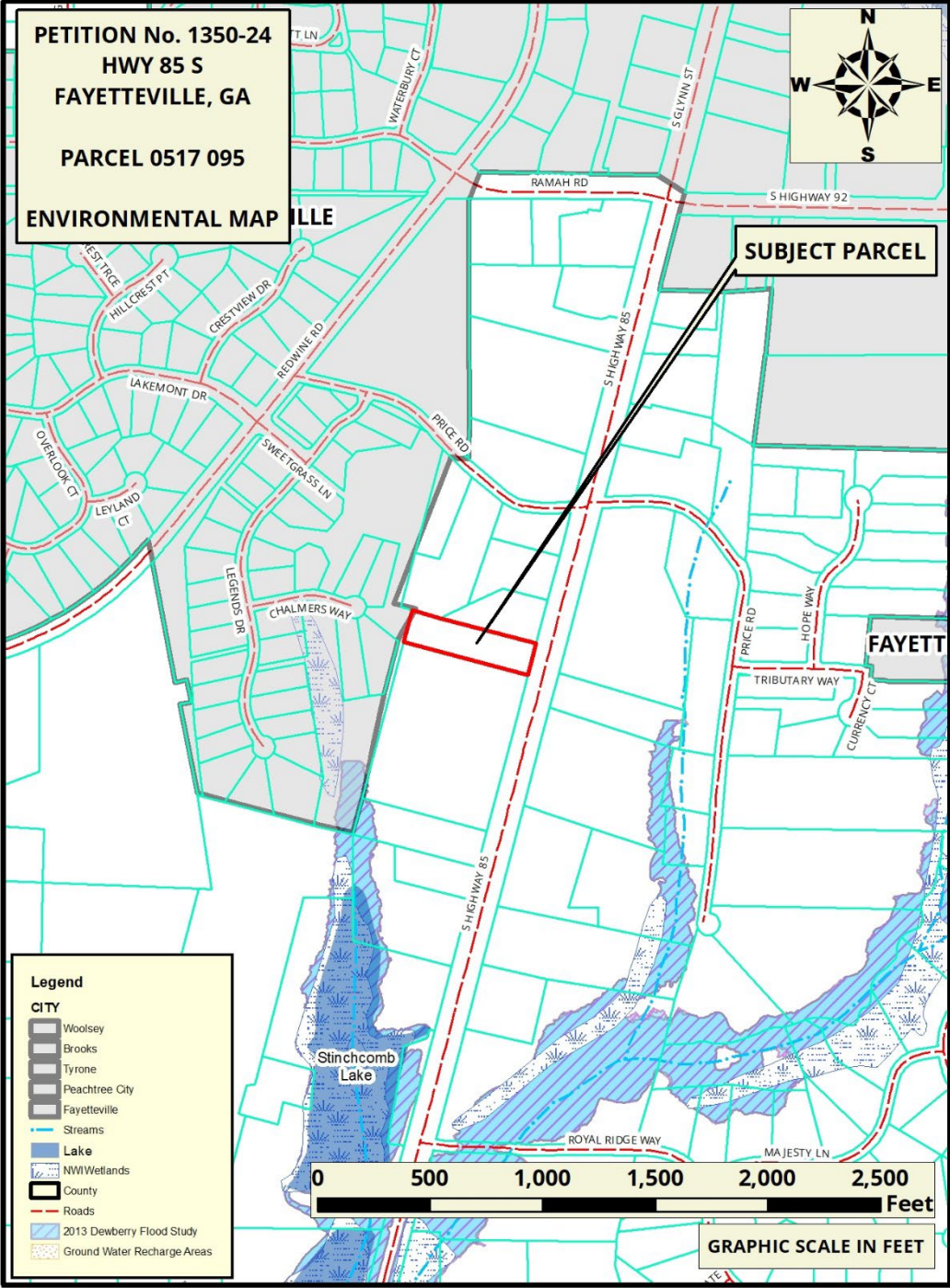
- (7) Height limit: 35 feet.
- (8) Screening dimensions for parking and service areas as provided in article III of this chapter and chapter 104.
- (9) Lot coverage limit, including structure and parking area: 60 percent of total lot area.

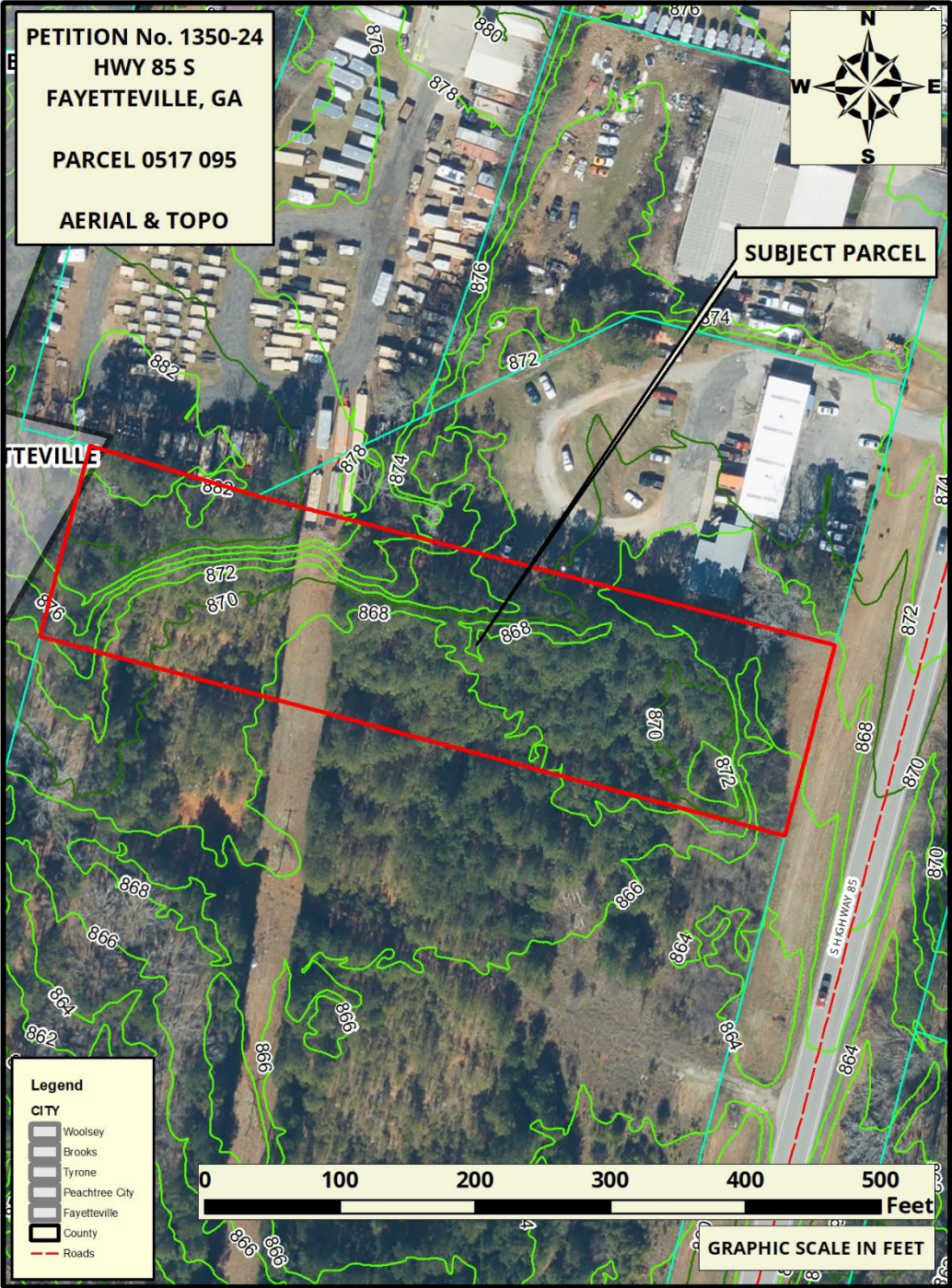
(Code 1992, § 20-6-20; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2012-14, § 3, 12-13-2012; Ord. No. 2017-04, §§ 5, 6, 3-23-2017; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2018-11, §§ 5, 6, 10-25-2018; Ord. No. 2020-02, §§ 10, 11, 5-28-2020; Ord. No. 2021-05, § 1, 3-25-2021; Ord. No. 2021-09, § 3, 5-27-2021; Ord. No. 2021-10, § 1, 5-27-2021)











PETITION No (s): 1350-24

STAFF USE ONLY

APPLICANT INFORMATION (JERRY BATTLE)

Name SEEL & HEARD, LLC
Address 455 MERRYDALE DRIVE
City FAYETTEVILLE
State GA. Zip 30215
Email policecarman@gmail.com
Phone 770-776-9117

PROPERTY OWNER INFORMATION

Name YVONNE C. KENDRICK
Address 4172 AVID PARK, NE
City MARIETTA
State GA. Zip 30062
Email jyx.yck@gmail.com
Phone 770-757-3288

AGENT(S) (if applicable)

Name RANDY M. BOYD
Address P.O. Box 64
City ZEBULON
State GA. Zip 30295
Email boyd2227@gmail.com
Phone 404-275-1677

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 Yvonne C. Kendrick a check in the amount of \$ 250.00 for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).

Date Paid: 5/10/2024 Receipt Number: 20941

PETITION No.: 1350-24 Fees Due: _____ Sign Deposit Due: _____

STAFF USE ONLY

PROPERTY INFORMATION (please provide information for each parcel)

Parcel # (Tax ID): 0517 095 Acreage: 1.91 ACRES
Land District(s): 5TH Land Lot(s): 69 & 70
Road Name/Frontage L.F.: GA. Hwy. 855 - 145.19 Road Classification: ARTERIAL
Existing Use: VACANT Proposed Use: COMMERCIAL
Structure(s): N/A Type: _____ Size in SF: _____
Existing Zoning: CH - CONDITIONAL Proposed Zoning: CH
Existing Land Use: VACANT Proposed Land Use: BUSINESS TO INSTALL EMERGENCY DEVICES FOR FIRE RESPONDER VEHICLES
Water Availability: YES Distance to Water Line: 50' Distance to Hydrant: 200'

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:

YVONNE C. KENDRICK

(Please Print)

Property Tax Identification Number(s) of Subject Property: 0517 095

(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) 69 of the 5TH District, and (if applicable to more than one land district) Land Lot(s) 70 of the 5TH District, and said property consists of a total of 1.91 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (~~We~~) hereby delegate authority to RANDY M. BOYD 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.

(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, (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. (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) Yvonne C. Kendrick
 Signature of Property Owner 1

4172 AVID PARK, NE
 Address MARIETTA, GA.
30062

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Randy M. Boyd
 Signature of Authorized Agent
P.O. Box 64

Address

ZEBULON, GA.
30295

[Signature]
 Signature of Notary Public

Date 05/02/2024

Signature of Notary Public

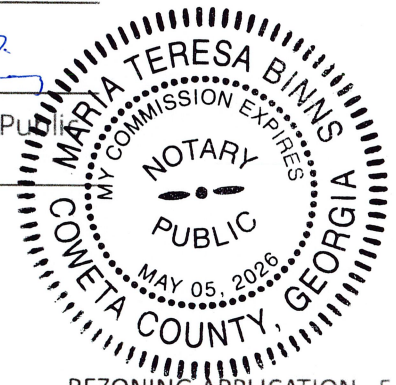
Date

Signature of Notary Public

Date

[Signature]
 Signature of Notary Public
05/10/24.

Date



SURVEYOR'S CERTIFICATE
I hereby certify that this plat is true and correct and was prepared from an actual survey of the land shown hereon and that all measurements and infractions shown hereon actually exist or are marked as "future" and their location, size, type and material are correctly shown.

GA Registered Land Surveyor
Date: 8-29-06

ENGINEER'S CERTIFICATE
I hereby certify that accepted engineering practices and design methods were used to establish the layout of this development; that the streets, drainage structures and other design features have been constructed according to the development's approved Construction Drawings; and that all applicable requirements of Fayette County's Development Regulations and Subdivision Regulations have been fully complied with.

GA Professional Engineer
Date:

OWNER'S CERTIFICATE
We, the undersigned owner of "TRACT 1", hereby offer to dedicate end/or reserve for public use the rights-of-way, easements and other ground shown on this plat.
Date:

We, the undersigned owner of "TRACT 2", hereby offer to dedicate end/or reserve for public use the rights-of-way, easements and other ground shown on this plat.
Date:

We, the undersigned owner of "TRACT 3", hereby offer to dedicate end/or reserve for public use the rights-of-way, easements and other ground shown on this plat.
Date:

According to owner's property is zoned C-4 (conditional) See Zoning Resolution No. 87-635 (revised December 10, 1987) with the following conditions:
1. That the use of the subject property shall be limited to office, retail trade, and personal service uses.
2. To provide an undisturbed buffer measuring at least fifty (50) feet in depth along the south (side) property line.
3. To provide on and multi-street off-street parking on the property during any construction project.
4. That exterior illuminating sources shall not be directly visible from adjoining street properties.

Dimensional Requirements. The minimum dimensional requirements in the C-4 Zoning District and "General State route Overlay Zone" shall be as follows:
1. Lot area:
a. Where a central water distribution system is provided 43,980 square feet (one [1] acre)
b. Where a central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half [1/2] acre)
2. Front setback: 125 feet
3. 50' Impervious Setback
4. 100' Building Setback
5. Rear yard setback: 50' Buffer and 25' Building Setback from buffer
6. Side yard setback: 25' Building Setback
7. Buffer: If the rear or side yard abuts a residential or A-F Zoning District, a minimum buffer of fifty (50) feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the lot line.
8. Height limit: thirty-five (35) feet
9. Screening dimensions for parking and service areas as provided in Section 5-18, 5-19, and the Development Regulations 6-26
10. Lot coverage limit, including structures and parking area: sixty percent (60%) of total lot area (Adopted 06/28/01)

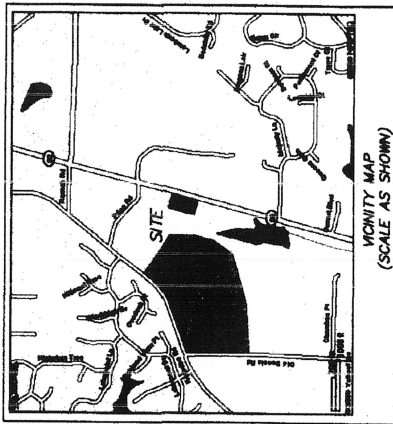
"ALL MATTERS OF TITLE ARE EXCEPTED"
Total Area: 591,272 Sq.Ft. (13,574 acres)
Tract 1: 433,569 Sq.Ft. (10,000 acres)
Tract 2: 83,432 Sq.Ft. (1,919 acres)
Tract 3: 72,971 Sq.Ft. (1,655 acres)

Approved by Department of Public Health, Fayette County Health Department
Date: 9/21/06 Signed: [Signature] (Approved for plat already prepared only)
Environmental Health Specialist (Amended 8/27/87)
Final plat approved by County Engineer of Fayette County. All as-built construction plans have been approved. 9-19-06 Signed: P. Mallon
County Engineer (Amended 8/27/87)
Approved by the Fayette County Planning Commission. (Amended 6/23/94)
Date: 9/22/06 Signed: [Signature]
Secretary
Approved by the Fayette County Zoning Administrator. (Amended 6/23/94)
Date: 9/27/06 Signed: [Signature]
Zoning Administrator
Approved by Fayette County Fire Marshal. All fire hydrant(s) located as shown. (Amended 8/23/94)
Date: 9/20/2006 Signed: [Signature]
Fire Marshal

Fayette County does not accept the ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plan.

KEVIN THAMES-AWCI
Professional Engineer
Applied Methods
Engineering Inc.
290 Cahoon Rd. Newton
Company Address & Telephone
770.333.1878

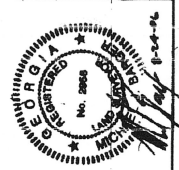
LARRY E. McEER
Professional Engineer
Resource Engineers Inc.
1439 Hwy 92 N. Ste C
Tomball, TX 77481
713.284.7833

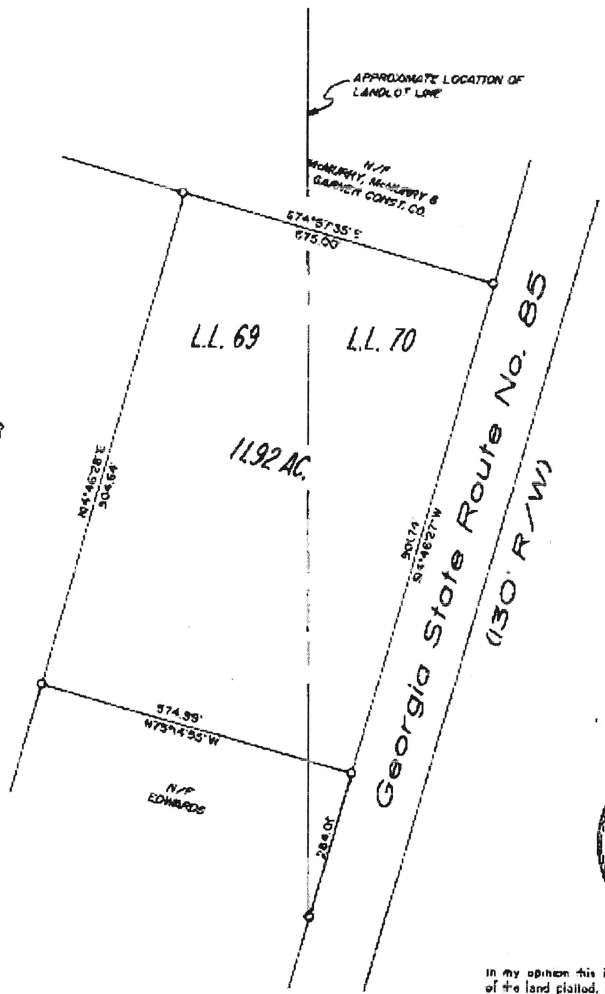


VICINITY MAP (SCALE AS SHOWN)
Survey Notes:
1. The equipment used to perform the survey from which this map or plat is based included a Topcon GTS-223 total station
2. The field notes upon which this map or plat is based has a closure precision of one foot in 46,325 feet and an angular error of 0.1 seconds per angle point and was adjusted using Composite Rule. Original field work performed June 6, 2004.
3. This map or plat has been calculated for closure and is found to be within the limits of accuracy.
4. The Base of Bearing for this survey is based on monuments found on the northeast line of survey for Thomas I. Adams & Wynne Ingram prepared by Cowles-Lane & Associates, as recorded in Plat Book 30, Page 145, Fayette County records.
5. According to Flood Insurance Rate Map dated March 18, 1998 the property depicted herein is NOT within a DESIGNATED Flood Hazard area.
6. The surveyor is not responsible for the correctness or utility of the location and arrangement of underground utilities shown on this plat. Utility records may be encountered. The contractor shall ascertain the TRUE location of any underground utility or structure.
7. The surveyor has made no investigation or independent search for encumbrances of record, encumbrances, restrictive covenants, easements, or other facts that may affect the accuracy and current title search may disclose.
8. It is not the responsibility of the surveyor to certify or verify any zoning requirements or restrictions. The owner or contractor should contract the appropriate zoning authority for any zoning requirements.
9. Subsurface and other conditions were not ascertained or considered as a part of this survey. No statement is made concerning the existence of underground or overhead facilities that may affect the use or development of this tract.

POSTWICK, DUKE, HARPER & WORTHY, INC.
LAND SURVEYING
377 SOUTH ATLANTA STREET
ROSWELL, GEORGIA 30075
770-552-0804

FINAL PLAT FOR:
FAVETTE PROMENADE SOUTH
LAND LOT 69 & 70
DISTRICT 5
FAVETTE COUNTY, GEORGIA
DRAWN BY: TCB
SCALE: 1 inch = 60 feet
DATE: 04/19/06
JOB NO: 04075



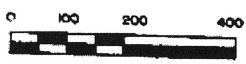


In my opinion this is a correct representation of the land platted, and was prepared in conformity with the minimum requirements of the law from a survey of the property under my supervision.

Tim Conkle

Ge. Reg. Land Surveyor No. 2008

1" = 200'



GEORGIA, FAYETTE COUNTY
Filed and Recorded this 7th day
of July, 1978, 4:35 P.M.
Book 30 Page 145
W. O. Ballard Clerk

prepared by
Conkle-lane & associates
planning consultants - land surveyors
p.o. box 845 - griffin, georgia
770-228-8400

Linear measurements made with E.I.M.
angular measurements made with 10"
theodolite instrument and a error of 0.1"
per angle point. no adjustment made
error of closure 1/2" 3/32"

PROPERTY SURVEY FOR
**THOMAS I. ADAMS &
WAYNE INGRAM**
LOCATED IN LAND LOT 69 & 70
OF THE 5TH LAND DISTRICT
FAYETTE COUNTY, GEORGIA
SCALE 1" = 200' -x- DATE JUNE 3, 1998

2B

PETITION No.: 1350-24

OWNER'S AFFIDAVIT

(Please complete an affidavit for each parcel being rezoned)

NAME: YVONNE C. KENDRICK

ADDRESS: 4172 AVID PARK, NE, MARIETTA, GA 30062

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

YVONNE C. KENDRICK 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 \$ 270.00 to cover all expenses of public hearing. ~~He~~/She petitions the above named to change its classification to CH

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: SEE ATTACHED LEGAL DESCRIPTION.

PUBLIC HEARING to be held by the Planning Commission of Fayette County on the day of JULY 18, 20 24 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the day of AUGUST 22, 20 24 at ~~7:00~~ P.M.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 2nd DAY OF May, 2024,
Yvonne C. Kendrick

SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

[Signature]

NOTARY PUBLIC



AGREEMENT TO DEDICATE PROPERTY FOR FUTURE RIGHT-OF-WAY

I/We, YVONNE C. KENDRICK, 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 GA. HWY. 85 SOUTH 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 2nd day of May, 2024.

Yvonne C. Kendrick
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC

Brandon Lynch



DEVELOPMENTS OF REGIONAL IMPACT (DRI)

Rezoning Applicant:

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

Signed this 2nd day of May, 2024.

Yvonne C. Kendrick

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. *N/A*
 - 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. *N/A*
 - 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. *N/A*
 - 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).

LEGAL DESCRIPTION

Tract 2 – Fayette Promenade South

1.919 Acres

Tax Parcel No. 0517 095

All that tract or parcel of land lying and being in Land Lots 69 and 70 of the 5th District of Fayette County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence at the intersection of the Easterly Land Lot Line of Land Lot 69 (also being the Westerly Land Lot Line of Land Lot 70) with the westerly right-of-Way of Georgia State Route 85 (130 foot right-of-way); running thence in a Northeasterly direction along the Westerly right-of-Way of Georgia State Route 85 a distance of 1040.34 feet to the TRUE POINT OF BEGINNING. From said TRUE POINT OF BEGINNING, running thence N 75° 00' 39" W, and entering into Land Lot 69, a distance of 574.99 feet; running thence N 14° 46' 28" E a distance of 145.45 feet; running thence S 75° 00' 39" E a distance of 574.99 feet to the westerly right-of-Way of Georgia State Route 85; running thence S 14° 46' 27" W a distance of 145.45 feet to the TRUE POINT OF BEGINNING.

Said tract containing 1.919 acres and being shown as Tract 2 on the Final Plat of Fayette Promenade South prepared by Michael J. Barger, Georgia Registered Land Surveyor No. 2958, dated 4/19/2006 and recorded in plat book 43, pages 67 & 68, Fayette County Clerk of the Superior Court Records.

Prepared by:

R.M. Boyd 5/10/2024
**R.M. Boyd, Georgia Registered Land
Surveyor No. 2227**



THIS INSTRUMENT PREPARED BY:
EDWARD DANOWITZ, P.C.
300 GALLERIA PARKWAY
SUITE 960
ATLANTA, GA 30330

FILED & RECORDED
FAYETTE COUNTY, GA.

FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID 1,000.00
DATE 1-14-02
Sheila Studdard
CLERK OF SUPERIOR COURT

'02 JAN 14 PM 2 56
WARRANTY DEED
SHEILA STUDDARD, CLERK

BOOK 1788 PAGE 314

THIS WARRANTY DEED made the 4th Day of January, 2002 by WAYNYE INGRAM, hereinafter called the Grantor, to JOHN K. KENDRICK AND YVONNE C. KENDRICK, as joint tenants with right of survivorship, hereinafter called the Grantee

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in FAYETTE COUNTY, GEORGIA, to wit:

SEE EXHIBIT A ANNEXED HERETO AND INCORPORATED HEREIN

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2001.

Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed sealed and delivered
in our presence:

James P. Ponder
WITNESS:

Wayne Ingram
WAYNE INGRAM

Rory J. White
WITNESS:

EDWARD DANOWITZ
Notary Public
Sworn to and subscribed
before me this 14th day
of January, 2002.

Notary Public, Cobb County, Georgia
My Commission Expires March 18, 2003

EXHIBIT "A" - LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 69 and 70 of the 5th Land District of Fayette County, Georgia and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, BEGIN at the intersection of the West Land Lot Line of Land Lot 70 and the West right-of-way of Georgia Highway 85 and run North 14 degrees 46 minutes 27 seconds East along the West right-of-way line of Georgia Highway 85 a distance of 284.01 feet to an iron pin, which is THE POINT OF BEGINNING: FROM THE POINT OF BEGINNING thus established, run North 75 degrees 14 minutes 55 seconds West a distance of 574.99 feet to an iron pin; running thence North 14 degrees 46 minutes 28 seconds East a distance of 904.64 feet to an iron pin; running thence South 74 degrees 57 minutes 35 seconds East a distance of 575 feet to an iron pin on the West right-of-way of Georgia Highway 85; running thence South 14 degrees 46 minutes 27 seconds West along the West right-of-way line of Georgia Highway 95 a distance of 901.74 feet to an iron pin which is THE POINT OF BEGINNING.

The above described property is more particularly shown as a Tract containing 11.92 acres on a Plat of Survey for Thomas I. Adams & Wayne Ingram by G. Tim Conkle (GRLS No. 2001) dated 3 June 1998 and recorded in Plat Book 30, Page 145, Fayette County Records.

BOOK 1788 PAGE 315

Doc ID: 006603920002 Type: GLR
 Filed: 02/17/2005 at 10:07:51 AM
 Fee Amt: \$1,312.00 Page 1 of 2
 Transfer Tax: \$1,300.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 2709 Pg 570-571

WARRANTY DEED

FILE #05-093
STATE OF GEORGIA
COUNTY OF FAYETTE

please return to:
 J. C. Murphy III, P.C.
 P.O. Box 26
 Fayetteville, GA 30214-0026

This Indenture made this **15th** day of **February**, in the year **2005**, between **JOHN K. KENDRICK and YVONNE C. KENDRICK**, of the County of **FAYETTE**, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **HWG LIMITED PARTNERSHIP NO. 1** as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

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

FOR A FULL AND COMPLETE LEGAL DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

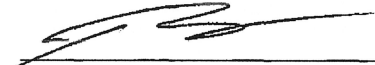
This Deed is given subject to all easements and restrictions of record, if any.

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

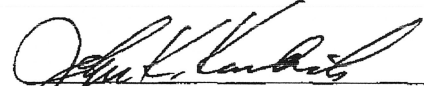
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.


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

Signed, sealed and delivered in the presence of:



 Witness


 _____ (Seal)
JOHN K. KENDRICK


 _____ (Seal)
YVONNE C. KENDRICK



 Notary Public

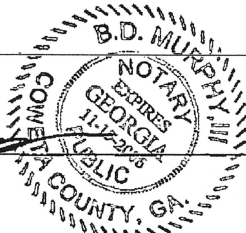


EXHIBIT "A"

ALL THAT TRACT OR PARCEL of land lying and being in Land Lots 69 and 70 of the 5th District of Fayette County, Georgia, containing 10.000 acres of land, as per plat dated 7/13/2004, prepared by Bostwick, Duke, Harper & Worthy, INC. for HWG, LLLP, and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence at the intersection of the Easterly Land Lot Line of Land Lot 69 (also being the Westerly Land Lot Line of Land Lot 70) with the Westerly right of way of Georgia State Route 85 (130 foot right of way); running thence in a Northeasterly direction along the Westerly right of way of Georgia State Route 85 a distance of 284.01 feet to a point and the TRUE POINT OF BEGINNING. From said TRUE POINT OF BEGINNING, running thence North 75 degrees 14 minutes 55 seconds West, and entering into Land Lot 69, a distance of 574.99 feet to a point; running thence North 14 degrees 46 minutes 28 seconds East a distance of 758.72 feet to a point; running thence North 75 degrees 00 minutes 39 seconds West a distance of 574.99 feet to a point, which point is located on the Westerly right of way of Georgia State Route 85; running thence South 14 degrees 46 minutes 27 seconds West a distance of 756.33 feet to a point and the TRUE POINT OF BEGINNING.

STATE OF GEORGIA
COUNTY OF FAYETTE

R E S O L U T I O N

No. 87 - 655

WHEREAS, Mr. Mickey J. Edwards, owner and agent, having come before the Fayette County Board of Commissioners on the 10th day of December, 1987, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 1980"; and

WHEREAS, said request being as follows: To rezone 13.59 acres on State Route 85 South, in Land Lots 69 and 70 of the 5th District, from C-C and A-R to C-H for the purpose of developing a retail shopping center; and

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

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

1. That the use of the subject property shall be limited to office, retail trade, and personal service uses.
2. To provide an undisturbed buffer measuring at least fifty (50) feet in depth along the south (side) property line.
3. To provide and maintain off-street parking on the property during any construction project.
4. That exterior illuminating sources shall not be directly visible from adjoining street properties.

This decision is based on reasons contained in the minutes of this meeting which are attached.

SO RESOLVED, this 10th day of December, 1987.

BOARD OF COMMISSIONERS

OF

FAYETTE COUNTY

ATTEST:

Margaret Malone
MARGARET MALONE, CLERK

Chuck Watkins
CHUCK WATKINS, CHAIRMAN



05/10/2024

Letter of Intent:

Fayette County GA. Parcel 0517 095

Seen & Heard Inc. is an emergency vehicle upfitting business where we take new and occasionally used automobiles and convert them into first responder vehicles with the occasional construction or heavy haul vehicle or pretty much any vehicle that needs emergency or safety warning devices installed or repaired. We currently do all installations and repairs for both the City of Fayetteville police department as well as the Fayette County Sheriff's Dept. We also serve many other municipalities and federal law enforcement agencies located in the Atlanta metro area.

Seen & Heard, Inc. currently has a contract for the purchase of the 1.919 acre tract (tax parcel no. 0517 095) and is the applicant for this rezoning petition. We respectfully request that this parcel be rezoned from CH Conditional to CH to allow for the development of this property with a 3000 square foot building to provide the services referenced above.

Respectfully Submitted,

Jerry (J.J.) Battle

145.45'

50' Residential Buffer

25' Set Back

15' Set Back

15' Set Back

Tract 2
1.919
Acres

Power Line

574.99'

574.99'

*Concept Plan of
Tract 2
Fayette Promenade
South
Land lot 69 & 70
5th District
Fayette County, Ga.*

Concrete under dumpster

Asphalt

Asphalt

100'
Building
Setback

Asphalt

50' Impervious
Setback

Drain
to retention

Proposed
retention

Driveway

145.45'

Northern access for
Smith Auto Truck

Ga. State Route 85 (130' R/W)

Continued from page B4

PETITION FOR REZONING
CERTAIN PROPERTIES IN
UNINCORPORATED AREAS OF

FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held be-
fore the Fayette County Planning
Commission on Thursday, July 18,
2024, at 7:00 P.M., and before the
Fayette County Board of Commis-
sioners on Thursday, August 22,
2024, at 5:00 P.M., in the Fayette
County Administrative Complex,
140 Stonewall Avenue West, Public
Meeting Room, First Floor, Fay-
etteville, Georgia.

Petition No.: 1350-24
Owner/Agent: Yvonne C. Kendrick/
Randy Boyd
Existing Zoning District:
C-H (Conditional)
Proposed Zoning District:
C-H
Parcel Number: 0517095
Area of Property: 1.9 acres
Proposed Use: C-H
Land Lot(s)/District: Land lot 69 &
70 of the 5th District
Fronts on: South of 961 Highway
85 S

LEGAL DESCRIPTION
EXHIBIT "A"

All that tract or parcel of land lying
and being in Land Lot 69 and 70
of the 5th Land District of Fayette
County, Georgia and being more
particularly described as follows:
TO FIND THE POINT OF BEGIN-
NING, BEGIN at the intersection
of the West Land Lot Line of Land
Lot 70 and the West right-of-way
of Georgia Highway 85 and run
North 14 degrees 46 minutes 27
seconds East along the West right-
of-way line of Georgia Highway
85 a distance of 284.01 feet to an
iron pin, which is THE POINT OF
BEGINNING: FROM THE POINT
OF BEGINNING thus established,
run North 75 degrees 14 minutes 55
seconds West a distance of 574.99
feet to an iron pin; running thence
North 14 degrees 46 minutes 28
seconds East a distance of 904.64
feet to an iron pin; running thence
South 74 degrees 57 minutes 35
seconds East a distance of 575 feet
to an iron pin on the West right-of-
way of Georgia Highway 85; run-
ning thence South 14 degrees 46
minutes 27 seconds West along the
West right-of-way line of Georgia
Highway 95 a distance of 901.74
feet to an iron pin which is THE
POINT OF BEGINNING.

The above described property is
more particularly shown as a Tract
containing 11.92 acres an a Plat
of Survey for Thomas I. Adams &
Wayne Ingram by G. Tim Conkle
(GRLS No. 2001) dated 3 June
1998 and recorded in Plat Book 30,
Page 145, Fayette County Records.
PARCEL #: 0517 095