

**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

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**AGENDA  
FAYETTE COUNTY PLANNING COMMISSION MEETING  
140 STONEWALL AVENUE WEST  
December 5, 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 November 7, 2024
5. Plats

**PUBLIC HEARING**

6. Consideration of Petition 1360-24, Applicant proposes to rezone 55.8+/- acres from C-H (Highway Commercial) Conditional to M-1 (Light Industrial) for the purposes of constructing a Distributing Warehouse. Property is located in Land Lots 233 of the 5<sup>th</sup> District and fronts N. Highway 85, Corinth Road and Carter Road.
7. Consideration of the Fayette County Planning Commission 2025 Calendar Schedule.

# Meeting Minutes 11/07/2024

THE FAYETTE COUNTY PLANNING COMMISSION met on November 7<sup>th</sup>, 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 *[absent]*  
Maria Binns, Zoning Secretary  
E. Allison Ivey Cox, County Attorney

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## NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. Ms. Deborah Bell requested to amend the agenda by adding item 6; Draft 2025 Planning Commission Meeting Calendar. ***Danny England made a motion to approve the agenda with the addition of item 6; Draft 2025 Planning Commission Meeting Calendar on the November 7th Agenda. Public Hearing items will now be items 7-11. John Kruzan seconded the motion. The motion carried 5-0.***
4. Consideration of the Minutes of the meeting held on October 3, 2024. ***Jim Oliver made a motion to approve the minutes of the meeting held on October 3, 2024. John Kruzan seconded the motion. The motion carried 4-0. Danny England abstained from voting as he was absent for the October 3, 2024, meeting.***
5. Plats
  - a. Minor Final Plat for The Estate of Dan Victor Stinchcomb (218 Ebenezer Road).  
Mr. Jim Oliver asked about the location of the plat.  
Ms. Bell responded was located on Ebenezer Road and it is creating three parcels out of one parcel.  
***John Kruzan made the motion to approve the Minor Final Plat for The Estate of Dan Victor Stinchcomb (218 Ebenezer Road). Danny England seconded the motion. The motion passed 5-0.***

6. Discussion of Draft Meeting Calendar for the 2025 Planning Commission Meetings. The calendar to be adopted at the next meeting.

Ms. Bell explained the dates for the next calendar dates as she added they are getting applications at the end of December and the changes will be reflected on the next meeting for approval.

***John Kruzan made a motion to approve Draft Meeting Calendar for the 2025 Planning Commission Meetings. Danny England seconded the motion. The motion carried 5-0.***

## **PUBLIC HEARING**

7. Consideration of Petition 1357-24, request to rezone 3.65 acres from R-40 to A-R for the purpose of reconfiguring parcels between family members. The property is located in Land Lot(s) 254 of the 13th District and fronts on Kite Lake Road.

Ms. Bell stated the larger parcels were originally planned to be a residential subdivision, so they do not have the appropriate road frontage. By rezoning this 3.65-acre parcel, they will be able to reconfigure the existing parcels to provide the necessary road frontage. There is also a guest house on one parcel that was modified and exceeds the maximum allowable Square Footage for guest houses. The proposed reconfiguration will provide a separate parcel for this structure, thereby bringing it into compliance. No additional parcels will be created at this time, it will be a reconfiguration. As defined in the Fayette County Comprehensive Plan, Low Density Residential (1 Unit/1 Acre) is designated for this area, so the request for A-R zoning is appropriate because it is a less intensive use. Staff recommends Conditional Approval of the request for a zoning of A-R, Agricultural-Residential District, subject to the following: 1. The recombination plat for parcels 1302-051, 1302-046 and 1302-036 shall be submitted for staff review and approved and recorded within 90 days of approval of the rezoning.

Mr. John Culbreth asked if the petitioner was present.?

Mr. George Richard Moore, he states is recommending approval of the petition.

Mr. Jim Oliver asked if he was doing for family members.? And how many lots are you adding.? Ms. Bell responded its three lots now and will be three lots at the end of the process.

Mr. Moore added that the original property was sold to him and had access to sixty-five plus acres but only two entrances had only sixty feet, now the needed road frontage is 100' for each of the structures. They bought 3.6 acres in 1987 more after the original purchase, and he thinks this will satisfy the property's needs to get approved.

Mr. Culbreth asked the audience if there was anyone in opposition to the petition.? No one responded and the chairman brought it back to the board. After any of the

board members had any more questions, they proceeded to make a motion.

***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1357-24 with the following condition:***

- 1. The recombination plat for parcels 1302-051, 1302-046, and 1302-036 shall be submitted for staff review and approved and recorded within 90 days of approval of the rezoning.***

***Danny England seconded the motion. The motion carried 5-0.***

8. Consideration of Petition 1358-24-A, request to rezone 2.242 acres from A-R to M-1 for the purposes of developing a distribution warehouse. The property is located in Land Lot(s) 248 of the 5th District and fronts on State Route 85 N.

Ms. Bell explained the petition is for two parcels and will be done as one presentation, but the board will have to vote separately on items A and B.

She stated Petition 1358-24-A is requesting to be rezoned from A-R (Agricultural-Residential) and C-H (Highway Commercial) to M-1 (Light Industrial) for the purposes of developing a commerce-industry complex with small buildings and as defined in the Fayette County Comprehensive Plan's Future Land Use Plan, Commercial Use is designated for this area, so the request for M-1 zoning is not appropriate. Staff recommends denial, if the rezoning is approved staff recommends the following conditions:

1. All parcels that are the subject of this petition shall be combined by a recorded final plat within 90 days of the approval of the petition or prior to the submittal of a site development plan, whichever comes first.
2. Oak Hill Road is a County Local Road 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 Oak Hill Road. The Right of way dedication shall be completed within 90 days of rezoning.
3. Article XII. - Watershed Protection Ordinance shall apply to the tracts presented in the rezoning case 1358-24 and these new buffers will be applied during development.

Ms. Bell discussed Parcel 0552 014 and its rezoning and development proposals, but none have been implemented. Petition 126-70 and Petition No. 572-86 were approved for rezoning but never developed. The conditions on the northeastern part of the property, including flood plain and Cartecay and Wehadkee soil complexes, make it undevelopable. The development is subject to the State Route 85 North Overlay Zone, which provides architectural, parking, and access controls, enhanced landscaping requirements, and increased building setbacks. In 2019, there was discussion about developing the area as a recreational complex, but that was not realized. These conditions are now addressed in the County's ordinances and development regulations.

Mr. John Culbreth asked if the petitioner was present and to state if you are the owner or representative.

Mr. Steven Jones with the law firm of Taylor English Duma, showed a PowerPoint presentation and explained to the board the property location and that there is a need for manufacturing uses and data center. He explained the type of buildings that will be on the property from large to small and that the county anticipates a large amount of nonresidential for this area, M-1 zoning is appropriate according to Mr. Jones, and is next to Clayton County which will be good for business. He asked the board for approval.

Mr. Culbreth asked the audience if there was anyone in favor of the petition.? With no response from the audience then he asked if there was anyone in opposition to the petition.?

Ms. Julianna Terpstra states she is in the neighborhood touching where they want to develop where there are only two ways out and for the last seven years, she has been there she would like not to have the extra traffic, strangers, and keep the silence for her family.

Mr. Culbreth asked for any more opposition audience that wants to express their concerns.? No one responded and he brought the petition back to the board.

Mr. Jones spoke on how to resolve the concerns of the opposition questions, where he stated they really would like to target a data center, he wasn't sure what type of user would be there right now, but those users are not heavy on traffic. The property to the south he is proposing a seventy five foot buffer on Oak Hill Road and the building itself to deal with noise and site screening. For the strangers they are not proposing any additional entrances onto Oak Hill Road, they will be two point access on Highway 85.

Mr. Culbreth asked Mr. Jones about the data center and what the specific plans will be, but do you have any clients/potential candidates for the use should the rezoning occur.?

Mr. Jones responded there has been interest but the way the manufacturing and technology infrastructure companies look for something you can put on the ground because the need is there.

Mr. Jim Oliver added a rough piece of property where the petitioner will probably be losing two thirds of it into the swamp. He then asked if they would need more commercial pieces here in the county where some of them have been sitting vacant for a long time and if not, this kind of use then what.? Another commercial strip center.? What exactly what type of light industrial you are talking about.? If it goes against the land use plan you will need to address that.

Mr. Jones asked to go back to his presentation on page four to show his plan where the land use plan contemplates industrial uses in this corridor of north 85 into your other point across the street a commercial was redeveloped into a self storage and that shows that the market is trending away from highway commercial uses to other uses. There is not

potential commercial uses for this property, where the co-plan said commercial area requires visibility which this property doesn't have and that's why is perfect for this type of use, also the majority of the acres lay behind which gives it a vision screen from 85. The zoning issues of this property and the present zoning of it show there is no other what. We don't want a heavy manufacturer we want a light manufacturer. He states the co-plan contemplates such uses where it says light industrial are appropriate. So, from an economic liability perspective which the constitution promises a property owner, we haven't seen that since Fayette County enacted the ordinance, that's why he thinks the co-plan and the lack of liability of the property supposedly zoned really dictate and indicate that it should be rezoned to light industrial.

Mr. Jim Oliver responded he didn't think it unconstitutional if you had not been denied a rezoning, you can't develop as it is in preceding years you are not being denied a development you are asking for a change in the zoning.

Mr. Jones replied this is correct, but the argument is that the market has not brought users to this property as presently zoned otherwise it would it been developed and used as presently zoned.

Mr. Oliver asked the petitioner on each of these petitions you have conditions, do you have any problems regarding these conditions.? The applicant responded no.

Mr. Chairman asked staff originally recommended denial of this petition.?

Mrs. Bell responded they recommended denial of the petition because it does not align with the land use plan but if the petition is approved, we provided three recommended conditions.

Mr. Boris Thomas asked Mr. Jones a couple of things that you said are conflicting, the board does not know what the in use will be but it if is not attracting consumers that leads us to believe that can only be used for a distribution center or a place where vehicles are coming in and out, shifts changes if it a small warehouse where will impact upon the traffic and shopping that is already crowded. If we open the zoning it will impact northern Fayette in a negative way, we are not stopping you from being developed we are not allowing a change in the zoning. If you don't have a consumer plan it can only be a warehouse/ distribution center and that will increase the traffic.

Mr. Jones replied this would be more appropriate for light manufacturing for a company that does not require that direct interstate access.

Mr. John Kruzan asked about the size of the buildings like the one specified on the application's intent 260,000 sf distribution center.

Mr. Jones responded if you look at our LOI we proposed a commerce center, from the market perspective distribution is not a viable option at this property.

Mr. Culbreth asked for a motion for petition 1358-24-A.?

***Boris Thomas made the motion to recommend DENIAL of Petition 1358-24-A. John Kruzan seconded the motion. Jim Oliver and Danny England, the Opposed motion carried 3-2.***

9. Consideration of Petition 1358-24-B, request to rezone 55.066 acres from C-H to M-1 for the purposes of developing a distribution warehouse. The property is located in Land Lot(s) 248 of the 5<sup>th</sup> District and fronts on State Route 85 N and Oak Hill Road.

Ms. Bell asked to have a separate public hearing for petition 1358-24-B.

Chairman Culbreth stated the petitioner was present and to come back in the representation of both items 1358-24-A and B.

Mr. Jones added it was acceptable for the chairman and the commissioners to reincorporate by reference the comments and the presentation I made.

Mr. Culbreth asked the audience if anyone opposed the petition.?

Mrs. Julianna Terpstra added she doesn't want the traffic.

Chairman Culbreth brought the petition back to the board and asked for a motion.

***John Kruzan made the motion to recommend DENIAL of Petition 1358-24-B. Boris Thomas seconded the motion. Jim Oliver and Danny England opposed, the motion carried 3-2.***

10. Consideration of Revised Development Plan RDP-020-24, The Woodlands, request approval of a Revised Development Plan for The Woodlands as depicted in the Preliminary Master Plan approved on November 9, 2006. The request is to remove an undeveloped phase, consisting of 28.450 acres, from the development. Property is located in Land Lot 88 & 73 of the 5<sup>th</sup> District and fronts Dixon Circle and S. Jeff Davis Drive.

Ms. Bell read the petition and added that the applicant is requesting a revision to the Development Plan for The Woodlands Subdivision to remove the undevelopment phase from the original development plan. **Per Sec. 104-595.(2)h.2.**, proposed revisions to a recorded major final plat shall, after prescribed public notice, be considered in public hearings before the planning commission and board of commissioners. The staff recommends approving the revised plan due to the area remaining undeveloped and having independent road access points. The Woodlands subdivision was developed in phases between 1988 and 2006, with Tract D, which contains 28.45 acres, being the last piece of the original plan. The parcel is located southeast of Fayetteville on Jeff David Drive. She showed the location of the lot on the maps.

Mr. John Culbreth asked if the petitioner was present.?

Ms. Christine Flanigan introduced herself as a representative of Jerry Gable who is the owner of the property and stated this is a revised development plan on Mr. Gable's property it was never owned or part of the woodlands because he never sold that parcel to them, his intention is to sell the parcel.

Mr. Culbreth asked if there was anyone in support of the petition.? With no response from the audience, then he asked if anyone was in opposition to please come forward.

Mr. Charles Bennett stated he resided at the adjacent parcel to the subject property and had been there for thirty three years which we purchased from the father of Jerry Gable, the property is not usable, and the only road access from South Jeff Davis and Dixon Circle ends at our driveway. He stated he was fine if they wanted to subdivide the parcel and asked the county would be a good idea to buy it for refugee animals.

The chairman asked if anyone else was in opposition.?

Mr. Mike Jorgensen resides on the woodlands, he is a lake property owner. I was told the house on South Jeff Davis was not included in the sale of those twenty acres, if that's true there is no access to that property on South Jeff Davis, there is a trail that you can walk to but can not drive to. How do we get to know what is going to be built on it.? The other issue he asked is whether the lake has to be maintained by the new owner, the size of the homes, and access to S. Jeff Davis. The last time the project was approved the county commissioners had major concerns about only one entrance in/out of the woodlands.

The chairman thanked Mr. Mike for his comment and asked if anyone else was in opposition.

Mr. Barry Hitechen, has lived in Dixon Circle for thirty three years and states their concerns about what's going to happen to this property, how many houses are going in, what will be the access points, and adding more traffic to our street. Dixon is a very narrow street, a dead end, there are no sidewalks, and we have to deal with a lot of delivery trucks. He thinks is best to rezone to A-R which will limit the number of houses and traffic in our street.

Ms. Christine Flanigan stated she is aware of their concerns, and they had no offers on the table at the moment, the rezoning will come up later, the owner just wants to be able to sell it the lots.

Mr. Culbreth asked Ms. Flanigan is there was no road access to the property.?

Ms. Flanigan there is a car width access to the Dixon roadside and Mr. Bennett is thinking of selling his property maybe whoever buys the property will buy that too.

Chairman Culbreth added to the statements that came up twice about what going



on about the property, which we cannot control. And asked for a motion for the petition.

***Jim Oliver made the motion to recommend APPROVAL of Petition RDP-020-24. John Krizan seconded the motion. The motion carried 5-0.***

11. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding article VII.- Zoning Board of Appeals. – Sec. 110-242. – Powers and Duties.

Ms. Bell explained Staff is presenting a recommendation to amend Sec. 110-242. Powers and Duties. This amendment addresses the powers and duties of the Zoning Board of Appeals. It provides criteria for variances for unimproved nonconforming lots and clarification regarding variances allowed for improved illegal lots. Staff recommends approval of the amendments as presented. We had a number of nonconforming and illegal lots come up recently and various cases specially the zoning board of appeals and before this board and the attorneys had work with us to give us some guidance on when variances will be allowed and there are some very specific criteria. Previously no lot is illegible for a variance as it stands now for reduction in lot size, lot width or road frontage unless is for an improved illegal lot. What this amendment does is it provides at an unimproved nonconforming lot will have some criteria where it would be eligible for a variance and an improved illegal lot also have some criteria where it would be eligible for consideration by the zoning board of appeals. We had several lots where we trying to consider their less than the minimum district is or its zoned A-R but its been in that consideration since 1965, the problem is that it doesn't meet the 250' lot width building line and this will allowed to be approve for a variance to the lot width at building line for that lot up to a certain point but it would it take it down to zero. For example a lot that a lot width of 200 feet wide and it have 3 acres wouldn't meet A-R zoning requirement because its not 250' is 200' but they can get a variance to make it a buildable lot. There is similar criteria for road frontage we have some lots maybe 30-40 feet of road frontage so the same standards that applies to existing nonconforming lots or land lot properties are require if it a legal nonconforming lot to have a 20 foot recorder access easement. This will allow for a variance for those older existing lots as long as they have at least 20 feet of road frontage so it's the same standard we are applying their to this nonconforming lots.

Mr. Oliver asked does this help to address when sometimes people have a piece of property that have an older house that its going to be nonconforming and we were trying to let them live on the old house while they were building the new house.?

Ms. Allison Cox responded this will not impact that at all, the ZBA grant variances of several different sources. If you look at the section that you are considering it their powers as it is currently drafted the ZBA has no power to even consider a variance to lot width, road frontage or size. So, what we are trying to do is in these nonconforming lots that exist in the county for whatever reason to another in other for them to be buildable at all most of them needs to be consider for a variance in their size, if they are an A-R and they are 3.5 they are not buildable as currently is drafted. What you are amending is their authority.

Mr. Danny England added three years ago they were trying to address this issue.

Mr. Culbreth replied this would allow the ZBA to vote on it.

Ms. Cox responded once the ZBA looked at these and if they are granted then if other variances are necessary the property owner will come back at a later time and ask for those sizes yard variances or wood variances as far as the back, but these have to be address first because you can do anything if your lot is not big enough. This will put in place the minimums and the maximums, if you look at letter C which is what we are amending you will never be allowed to go lest than an acre and if you need a well is acre and a half so now the ZBA have some guidepost to look at when they are trying to grant the variances the impact the way the county looks.

Mr. Oliver and Danny England asked if he really thought that we have a power of theirs.

Ms. Cox the ZBA will hear these and then they will go on a later date for variance.

Mr. Culbreth asked if anyone was in favor of the petition.? No one responded, then he asked for anyone in opposition, but no one responded. The chairman asked for a motion for the petition.

***Danny England made the motion to recommend APPROVAL of Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding article VII.- Zoning Board of Appeals. – Sec. 110-242. – Powers and Duties. Jim Oliver seconded the motion. The motion carried 4-0-1. Boris Thomas abstained from voting.***

**ADJOURNMENT:**

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

The meeting adjourned at 8:20 p.m.

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**ATTEST:**

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**\_\_\_\_\_  
JOHN H. CULBRETH, SR., CHAIRMAN**

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**DEBORAH BELL**  
**DIRECTOR, PLANNING & ZONING**

DRAFT

**PETITION NO: 1360-24**

**REQUESTED ACTION:** Rezone from C-H Conditional (Highway Commercial) to M-1 (Light Industrial)

**PARCEL NUMBER:** 0552 001

**PROPOSED USE:** Commerce-Industry Complex

**EXISTING USE:** Vacant land

**LOCATION:** Hwy 85 N

**DISTRICT/LAND LOT(S):** 5<sup>th</sup> District, Land Lot 2433

**ACREAGE:** 55.800 acres

**OWNER(S):** Racetrac Petroleum, Inc

**APPLICANT(S):** Brent Holdings, LLC

**AGENT(S):** Daniel Fields; Steven L. Jones, Attorney

**PLANNING COMMISSION PUBLIC HEARING:** December 5, 2024, 7:00 PM

**BOARD OF COMMISSIONERS PUBLIC HEARING:** January 23, 2025, 5:00 PM

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**APPLICANT'S INTENT**

Applicant proposes to rezone 55.800 acres from C-H Conditional (Highway Commercial) and to M-1 (Light Industrial) for the purposes of developing a commerce-industry complex.

**STAFF RECOMMENDATION**

As defined in the Fayette County Comprehensive Plan's Future Land Use Plan, Commercial Use is designated for this area, so the request for M-1 zoning is not appropriate. Based on the Investigation and Staff Analysis, Planning & Zoning Staff recommends **DENIAL** of the request for a zoning of M-1, Light Industrial District.

If the rezoning is approved, staff recommends the following **CONDITIONS**:

1. Corinth Road is an Arterial Road on the Fayette County Thoroughfare Plan. The developer shall dedicate land, as needed, to provide 50 feet of right-of-way as measured from the existing centerline of Corinth Road. The right-of-way dedication shall be completed within 180 days of rezoning.
2. Article XII. - Watershed Protection Ordinance shall apply to the tract(s) presented in the rezoning case.

## **INVESTIGATION**

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

#### **\*\*Corinth Road Intersection Improvements – Federal Aid Project**

*Fayette County and GDOT are in the design phase of a federal-aid transportation project that will make improvements along Corinth Road, SR 85, and SR 279 (GDOT PI 0017813). Improvements along the subject parcel include reconstructing Corinth Road north of its existing alignment, installation of a new traffic signal, extending Corinth Road west across SR 85, adding turn lanes, providing shared-use paths, installing storm pipe, etc. A concept report for the project has been approved by GDOT and the project is in the design phase. Right of Way acquisition is authorized to begin in Fiscal Year 2026.*

*As shown on the provided images, there are impacts to the parcel along its SR 85 and Corinth Road frontages. One image shows the project in its entirety. The second image focuses on the Corinth Road realignment and is overlaid on the concept provided by the applicant for the rezoning. Both concepts (the rezoning and the transportation project) are draft and subject to change, but the overlay provides a sense of the transportation project's impact to the parcel.*

Parcel 0552 001 does contain the minimum required acreage for the current C-H zoning district and for the proposed M-1 zoning district.

The property is currently undeveloped. It is located on the northeast corner of the intersection of SR 85 and Corinth Road.

The County is currently in preliminary design for improvements to the intersection of Corinth Road and State Route 85. The County advises that they need to acquire additional right of way for the intersection improvements, and desires to work with the developer to ensure that sufficient space is left undeveloped to allow for the additional right of way as the road project progresses. The County and GDOT will support an access point on Corinth Road from the site, it must meet GDOT design standards.

### **B. ZONING & DEVELOPMENT HISTORY:**

Parcel 0552 001 has been the subject of rezoning and development site plan in the past, but the project was not built.

The development is subject to the State Route 85 North Overlay Zone. This provides architectural, parking, lighting and access controls; enhanced landscaping requirements; and increased building setbacks along SR 85. All developments are required to meet the Overlay criteria. One requirement under this Overlay is that all access points for a development shall be on the State Route or an arterial or collector. There shall be no access points on Carter Road or Country Lane Road due to the Overlay requirements.

The parcel was the subject of rezoning Petition No. 647-87, in which Joyce Faulkner, agent & Signa Investments, Inc., owner, requested to rezone from R-20 (Single-Family Residential) to C-H (Highway Commercial). A rezoning to C-H Conditional, was approved by the Board of Commissioners on September 24, 1987.

The original conditions are below. *Many of these conditions are now addressed in the County's*

ordinances and development regulations and do not need to be carried over if the property is rezoned. The ones that are covered by current ordinances are marked with an asterisk.

1. That the use of the front 300 feet of the subject property as measured from the right-of-way of State Route 85 shall be limited to office, retail trade, personal services, restaurants and entertainment. [2024 Staff Recommendation if this condition is retained is to amend these restrictions to only those uses that are included in the M-1 Zoning District list of permitted uses.]
2. To provide an undisturbed buffer along that portion of the north property line adjoining Kenwood Forest Subdivision which is at least 65 feet deep adjoining the north property line (being a 50 foot buffer and a 15 foot undisturbed setback area).\*
3. That there shall be no street tie-on to Country Lane Road.\*
4. To provide and maintain off-street parking on the property during any construction project.\*
5. That exterior illuminating sources shall not be directly visible from adjoining residential properties.\*
6. That there will be no access cuts on Carter Road\*, no more than one access cut on Corinth Road, and no more than two access cuts on State Route 85 subject to the County Engineer's review.

There is a stream on the southwest area of the property; this is depicted on the attached Environmental Conditions Map.

**C. SURROUNDING ZONING AND USES**

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

Direction	Acreage	Zoning	Use	Comprehensive Plan/Future Land Use Map
North	4.3 14	C-H R-20	Commercial Single-Family Residential	Commercial Low Density Residential
East	N/A	N/A	N/A	Clayton County
South (across Corinth & Carter Roads)	1.6 1.25 3.4 7.2	C-H O-I R-72 A-R	1 Commercial parcel 3 Vacant parcels 1 Residential parcel 2 Residential parcels	Commercial Low Density Residential
Southwest (SW corner of intersection SR 85 & Corinth)	5.5	M-1	Paint & Body Shop	Commercial
West	20.0	C-H	Commercial Vacant	Commercial

## D. COMPREHENSIVE PLAN

**Future Land Use Plan:** The subject property lies within an area designated for Commercial uses on the Future Land Use Plan map. This request **DOES NOT** conform to the Fayette County Future Land Use Plan. However, the Land Use Element chapter of the Comprehensive Plan does discuss consideration of the Nonresidential Corridor Area as follows:

### ***Commercial***

*This category identifies areas of commerce where both retail and wholesale are conducted. However, county policy recognizes that major commercial facilities should be located within incorporated areas where infrastructure is available and population densities are most concentrated. Generally, commercial development in the unincorporated County should be nodal in nature centered on an intersection to limit strip commercial development along major roadways. Strip commercial development is characterized by lots with broad road frontage, with multiple curb cuts and limited shared inter-parcel access, and limited accessibility for pedestrians. However, along nonresidential corridors, the County should adopt regulations to achieve quality commercial development.*

*The Land Use Plan Map illustrates the concentration of commercial land uses in various locations throughout the unincorporated area. The land used areas vary from smaller, neighborhood commercial areas to larger, concentrated areas of commercial activity. The following section provides a brief description of the major commercial areas.*

*SR 85 North of Fayetteville: A nonresidential corridor, this area extends from the city limits of Fayetteville north to the county line. It provides an area where a variety of nonresidential uses including commercial, office, and light industrial are appropriate. The area contains opportunity for infill, redevelopment and new development.*

The Land Use Element chapter continues by describing Industrial uses:

### ***Industrial***

*This category designates all land dedicated to manufacturing facilities, processing plants, factories, warehousing and wholesale trade facilities, mining or mineral extraction activities, or other similar uses. For more descriptive purposes, industrial land use is subdivided into "Light" and "Heavy" categories:*

***Light Industrial:*** *Includes non-heavy manufacturing and uses such as service industries, assembly, warehousing, and other industrial uses.*

***Heavy Industrial:*** *Designates land uses which heavily impact adjacent land uses such as heavy manufacturing industries, rock quarries, and auto salvage yards.*

## E. DEPARTMENTAL COMMENTS

- Water System** – FCWS has no objections to the rezoning.
- Public Works**
  - **Road Frontage Right of Way Dedication** – Corinth Road is a Minor Arterial on the Thoroughfare Plan. Applicant to provide a minimum of 50 feet of ROW

- as measured from the existing road centerline. SR 85 is a state route and GDOT controls right of way along the existing frontage.
  - **Traffic Data** -- According to the GDOT on-line traffic data, the annual average daily traffic for SR 85 is **32,000 vehicles per day (2023)**.
  - **Sight Distance and Access** -- Minimum sight distances will have to be satisfied for any access to Corinth Road. Engineering has not verified sight distances at this time. The current site plan has no access from Corinth Road. However, if accesses are modified the owner should refer to current GDOT Encroachment manual when designing a commercial driveway.
- **Environmental Management**
  - **Floodplain Management** -- The site **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0043E dated September 26, 2008, or in the FC Flood Study.
  - **Wetlands** -- The property **DOES** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map and per an independent consultant's report.
  - **Watershed Protection** -- There **ARE** state waters located on the subject property per Fayette County GIS.
  - **Groundwater** -- The property **IS NOT** within a groundwater recharge area.
  - **Post Construction Stormwater Management** -- This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surface and be classified as a hotspot per the stormwater ordinances.
  - **Landscape and Tree Replacement Plan** -- This development **WILL BE** subject to the Nonresidential Development Landscape Requirements and Tree Retention, Protection and Replacement Ordinances.
- **Environmental Health Department** -- This office has no objection to the proposed rezoning.
- **Fire** -- No objections to the requested rezoning.
- **GDOT** -- The proposed conceptual layout is acceptable to GDOT as long as the property owner meets the GDOT access spacing of the minimum of 350' from the return radius of Corinth Road. Advise the property owner to refer the current edition of the GDOT Encroachment Manual when designing a commercial access to a state route.



## **STANDARDS**

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

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

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

## **STAFF ANALYSIS**

1. The subject property lies within an area designated for Commercial Uses. This request does not conform to the Fayette County Comprehensive Plan in terms of the use.
2. The area around the subject property is an area that already has various commercial and residential uses. It is staff's opinion that the zoning proposal might have an adverse effect the existing or future uses of nearby residential properties, although it is not likely to have an adverse impact on nearby nonresidential uses.
3. It is staff's opinion that a light industrial use would not generate a greater number of daily vehicle trips than would a commercial use situated on this same parcel. Staff does not think this development will have an adverse impact on utilities or schools.
4. The proposal is not consistent in character and use with the surrounding uses as low density residential. However, it is consistent with adjacent commercial uses and some of the nearby light industrial uses on the southwest corner of the intersection of Corinth Road and SR 85.

## **ZONING DISTRICT STANDARDS**

### **Sec. 110-146. M-1, Light Industrial District.**

- (a) *Description of district.* This district is composed of certain lands and structures which are suitable for light industrial development, but where proximity to existing or proposed residential or commercial districts make it desirable to limit the manner and extent of industrial operations and thereby protect the nearby residential or commercial land.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the M-1 zoning district:
- (1) Ambulance service, including non-emergency medical transport service;
  - (2) Amusement and recreational facilities, indoor or outdoor (athletic/sports instruction facilities and recreation and athletic fields and facilities);
  - (3) Appliance sales and/or repair;
  - (4) Architectural and/or design firms;
  - (5) Armories, for meeting and training of military organizations;
  - (6) Blueprinting and/or graphics service;
  - (7) Bookbinding;
  - (8) Building construction/contracting and related activities;
  - (9) Building supply sales;
  - (10) Bus passenger station;
  - (11) Cabinet manufacturing, sales, repair, and/or installation;
  - (12) Carwash and/or detailing facility;
  - (13) Charter motor coach service;
  - (14) Copy shop;
  - (15) Dental laboratory;
  - (16) Delivery and/or courier service;
  - (17) Electronic sales and/or repair;
  - (18) Emission testing facility (inside only);
  - (19) Engineering firms;
  - (20) Engraving;
  - (21) Farmer's market;
  - (22) Feed and/or fertilizer sales;
  - (23) Firearm sales and/or gunsmith;
  - (24) Flooring sales and/or installation;
  - (25) Freezer locker service;
  - (26) Freight express office;
  - (27) Furniture store;
  - (28) Glass sales;

- (29) Grading service;
- (30) Greenhouse;
- (31) Home furnishings and accessories;
- (32) Horse show and equine activity facilities;
- (33) Ice storage;
- (34) Insecticide sales and/or storage;
- (35) Janitorial service and/or supply;
- (36) Land development firms;
- (37) Land surveying service;
- (38) Landscaping service;
- (39) Light manufacturing, including the following:
  - a. Appliance and/or electronic device assembly plant, including the manufacturing of parts for appliances and/or electronic devices;
  - b. Assembly of products from previously prepared materials;
  - c. Bottling and/or canning plant;
  - d. Ceramic products, provided that kilns shall only be by gas and/or electricity;
  - e. Construction of signs, including painted signs;
  - f. Cooperage;
  - g. Ice manufacturing;
  - h. Laundry, cleaning and/or dyeing plants;
  - i. Light sheet metal products such as ventilating ducts and eaves;
  - j. Manufacturing of food, cosmetic and pharmaceutical products, but not including fish and meat products, sauerkraut, vinegar, yeast and rendering plants;
  - k. Machine/welding shop and related activities;
  - l. Other manufacturing, processing, packaging, or handling of a similar nature which shall not emit or produce more smoke, noise, odor, dust, vibration, or fumes than the uses listed herein;
  - m. Production and/or sales of commercial/industrial hardware, such as tools, fasteners, fittings, machine parts, etc.;
  - n. Tinsmith and/or roofing service;
  - o. Concrete, gravel and/or mulch production and/or distribution;
- (40) Locksmith;
- (41) Magazine publication and/or distribution;
- (42) Medical laboratory;
- (43) Manufactured home and/or building assembly and/or sales;
- (44) Newspaper publication and/or distribution;
- (45) Office equipment service and repair;

- (46) Parking garage/lot;
- (47) Pest control;
- (48) Petroleum bulk plant (storage);
- (49) Photostating;
- (50) Planing and/or saw mill;
- (51) Plant nursery, growing crops/garden and related sales;
- (52) Printing plant;
- (53) Radio studio;
- (54) Railroad freight station;
- (55) Railroad passenger station;
- (56) Rent-alls;
- (57) Restaurants (drive-in/drive-through prohibited);
- (58) Restaurant supply;
- (59) Rodeo/rodeo facilities;
- (60) Seed sales and/or storage;
- (61) Security system service;
- (62) Shell home display;
- (63) Solar farm;
- (64) Taxidermist;
- (65) Taxi service/limousine service/shuttle service/charter motor coach service;
- (66) Television/movie studio/media productions;
- (67) Tire sales;
- (68) Trade school;
- (69) Uniform services;
- (70) Utility trailer sales and/or rentals;
- (71) Warehousing and/or distribution;
- (72) Wholesaling;
- (73) Wrecker, towing, impoundment, and/or automotive recovery/transport; and
- (74) Vehicle/boat sales and repairs, paint and/or body shop, parts store including rebuilding of parts, parking lot or garage, upholstery shop.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the M-1 zoning district provided that all conditions specified in article V of this chapter are met:
  - (1) Aircraft landing area;
  - (2) Amphitheatre;
  - (3) Animal hospital, kennel (commercial or noncommercial), and/or veterinary clinic;
  - (4) Experimental labs;

- (5) Feed lot and/or commercial barn;
- (6) Home occupation;
- (7) Outdoor amusement facilities, rides, structures over 35 feet in height, including, but not limited to, bungee and parachute jumping;
- (8) Recycling facility;
- (9) Self-storage facility (external and/or internal access);
- (10) Shooting range, indoor;
- (11) Shooting range, outdoor;
- (12) Single-family residence and residential accessory structures and uses (see article III of this chapter);
- (13) Stadium, athletic; and
- (14) Wind farm.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the M-1 zoning district shall be as follows:
  - (1) Lot area:
    - a. Where a central water distribution system is provided: 43,560 square feet (one acre).
    - b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half acre).
  - (2) Lot width: 125 feet.
  - (3) Front yard setback:
    - a. Major thoroughfare:
      - 1. Arterial: 100 feet.
      - 2. Collector: 80 feet.
    - b. Minor thoroughfare: 65 feet.
  - (4) Rear yard setback: 25 feet.
  - (5) Side yard setback: 25 feet.
  - (6) Buffer: If the rear or side yard abuts a residential or A-R zoning district a minimum buffer of 75 feet shall be provided adjacent to the lot line in addition to the required setback. The setback shall be measured from the buffer.
  - (7) Height limit: 50 feet.
  - (8) Lot coverage limit, including structure and parking area: 70 percent of total lot area.
  - (9) Screening dimensions for storage areas, loading docks and parking (see article III of this chapter and chapter 104).

(Code 1992, § 20-6-22; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2013-20, § 3, 11-14-2013; Ord. No. 2018-03, § 13, 9-22-2018; Ord. No. 2020-02, §§ 12, 13, 5-28-2020; Ord. No. 2021-05, § 2, 3-25-2021; Ord. No. 2021-09, § 5, 5-27-2021)

**Sec. 110-173. - Transportation corridor overlay zone.**

(3) *SR 85 North Overlay Zone.* All undeveloped property and property being totally redeveloped (i.e., where all of the existing principal structures have been demolished/removed) which has road frontage on SR 85 North where nonresidential development commenced after the effective date of the SR 85 North Overlay Zone (03/22/07) shall be subject to the requirements of the SR 85 North Overlay Zone. The intent of the overlay is to set standards specific to SR 85 North from the city limits of the City of Fayetteville north to the Fayette-Clayton county line.

a. *Purpose.* The purpose of the SR 85 North Overlay Zone is to achieve the following:

1. To establish and maintain a scenic gateway into the county, which projects an image of our quality lifestyle.
2. To promote and maintain orderly development and the efficient movement of traffic on SR 85 North.
3. To protect the aesthetics for existing and future development in this highway corridor.

b. *Access.* Access to each nonresidential property and/or development shall be from SR 85 North or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with [chapter 104](#).

c. *Dimensional requirements.*

1. All parking areas shall be located at least 50 feet from any state route right-of-way.
2. Setbacks will be as follows:
  - (i) Front yard setback on State Route 85 North: 100 feet.
  - (ii) Gasoline canopy: Front yard setback on State Route 85 North: 85 feet.
3. Berms for nonresidential zoning districts: Berms when required as a condition of zoning shall be a minimum of four feet in height and shall be placed to the inside of the applicable buffer.

d. *Architectural standards.*

1. All buildings shall be constructed of brick/brick veneer, fiber-cement siding (i.e., Hardiplank), rock, stone, cast-stone, split-face concrete masonry unit (rough textured face concrete block), stucco (including synthetic stucco), wood siding and/or finished baked enamel metal siding which establishes a horizontal pattern.
2. The design of accessory/out lot buildings shall be consistent with and coordinate with the architectural style inherent in the principal structure on the property.

e. *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the overlay zone:

1. *Street frontage landscape area.* Fifty feet along the right-of-way of SR 85 North. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground

stormwater detention systems; and the following stormwater management facilities/structures, if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels. Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the environmental health department and the county engineer. Utilities (including underground stormwater piping) and multiuse path connections may be located anywhere within the landscape area.

2. *Side yard landscape area.* Ten feet in depth along side property lines unless adjacent to a residential district where buffer requirements will apply.

f. *Use of existing structure.* When property containing legally conforming structures, under the current zoning, is rezoned to O-I the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.

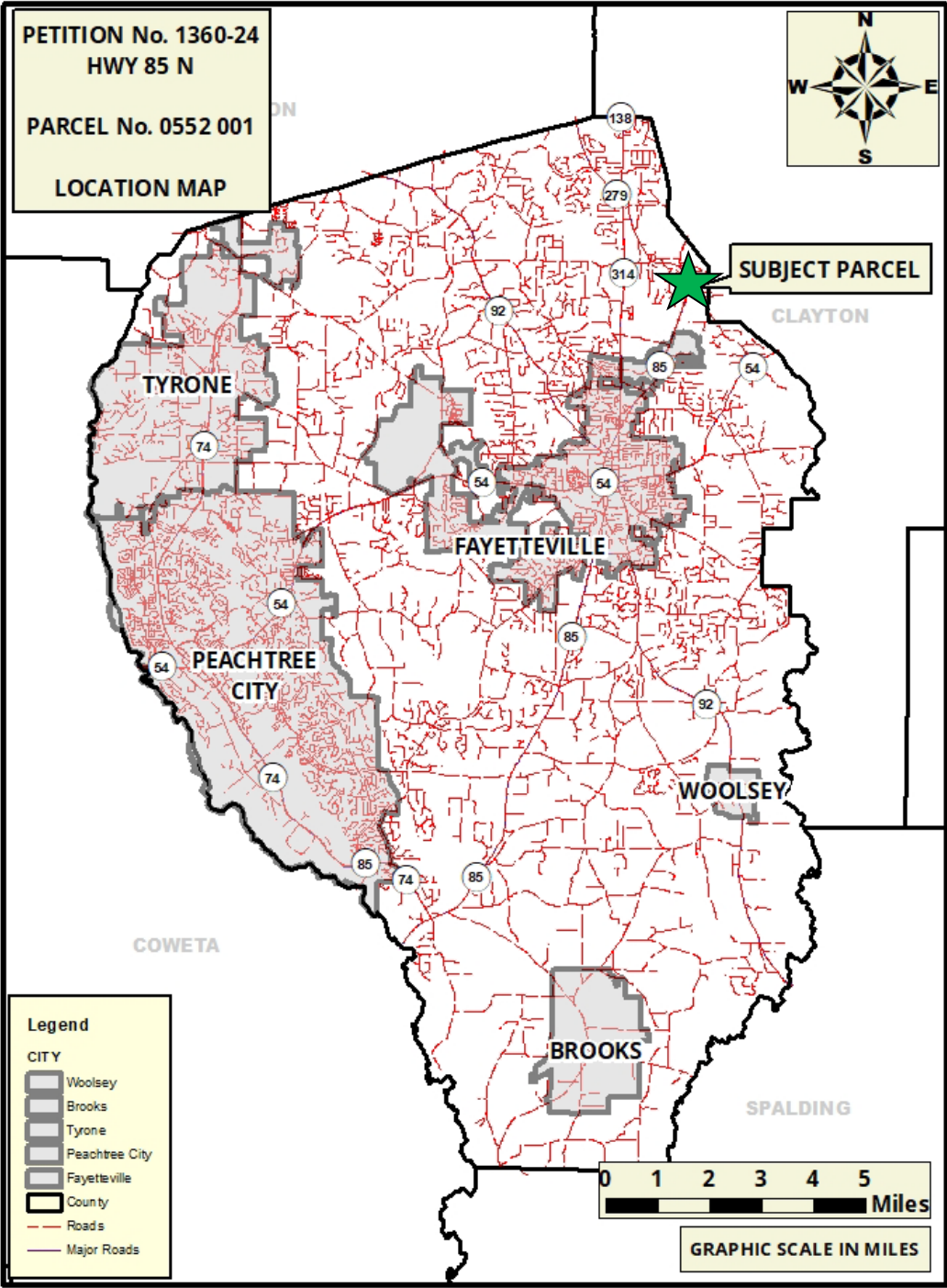
g. *Lighting and shielding standards.* Light shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.

h. *Special locational and spatial requirements.*

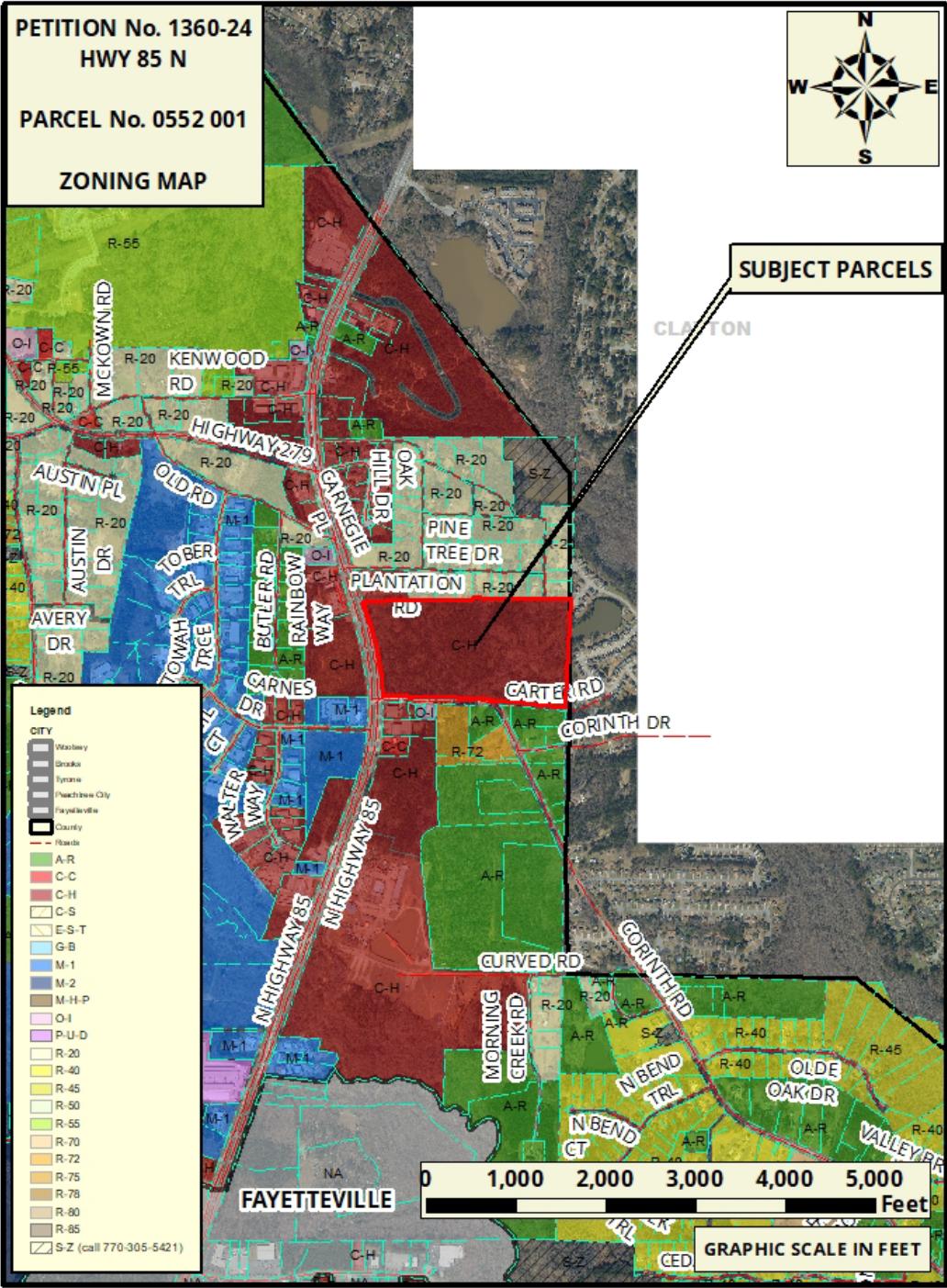
1. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.

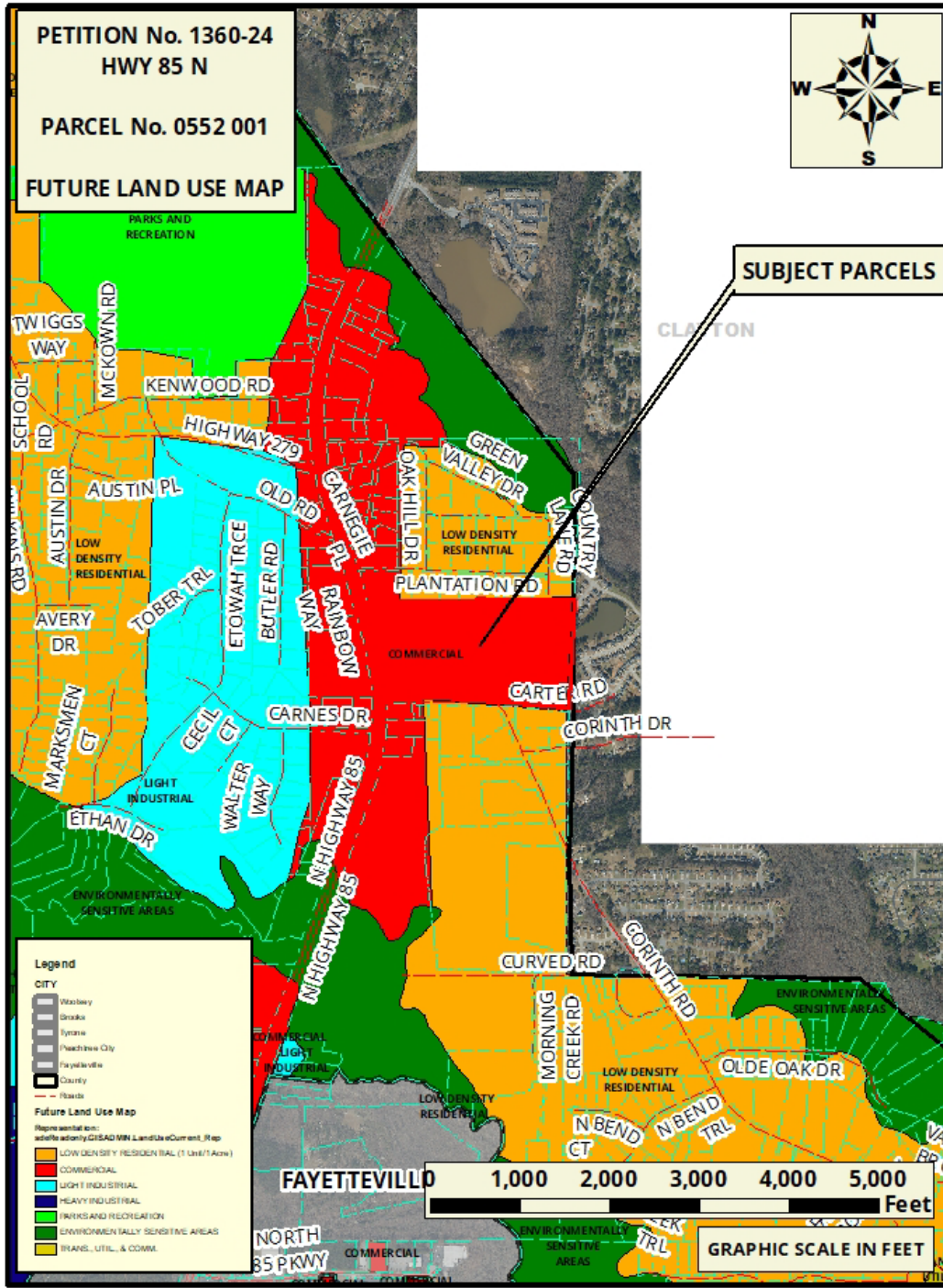
2. All roof-top heating, ventilation, and air conditioning equipment and satellite/communications equipment shall be visually screened from adjacent roads and property zoned residential or A-R. The screen shall extend to the full height of the objects being screened.

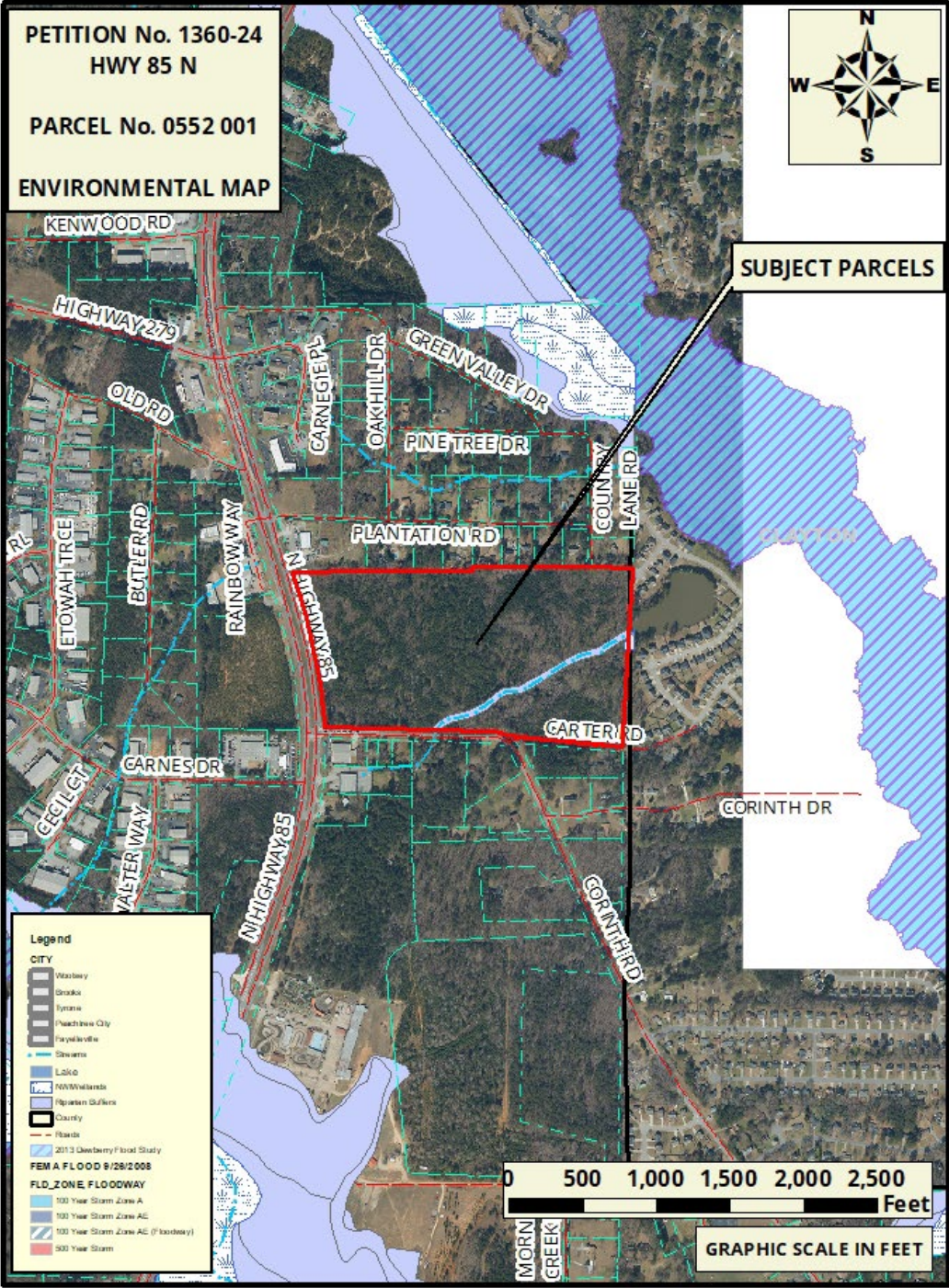
3. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR 85.

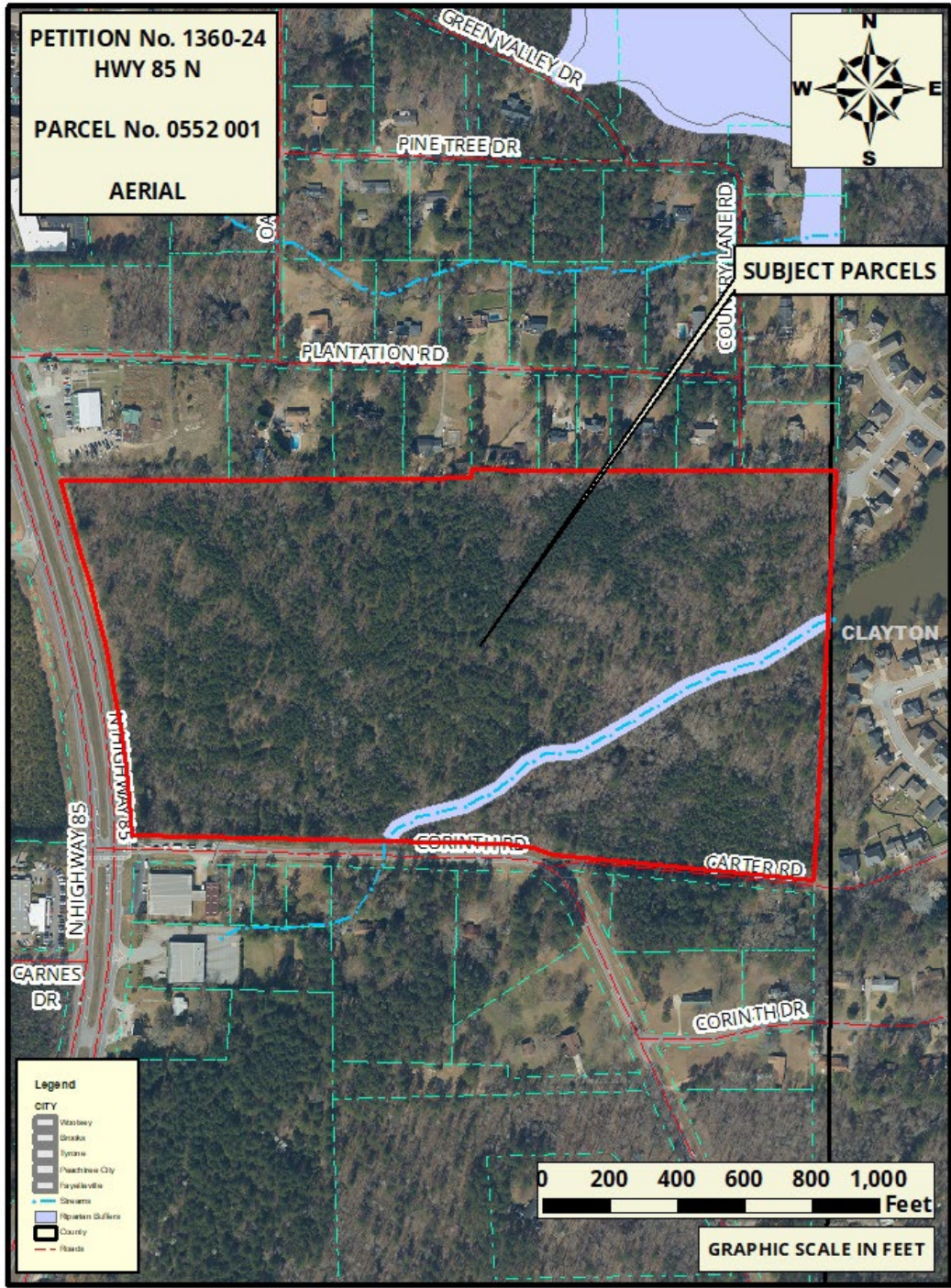


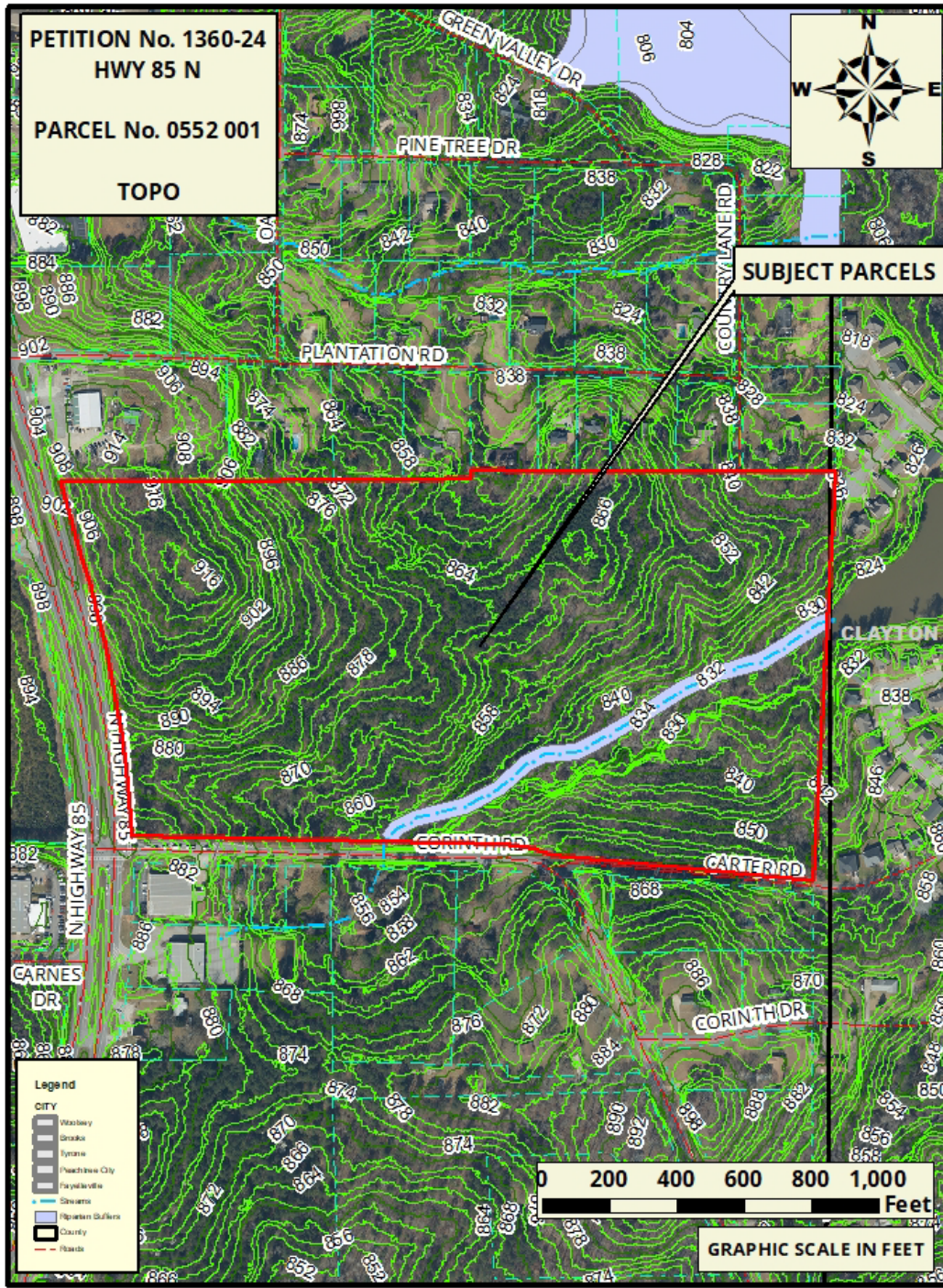




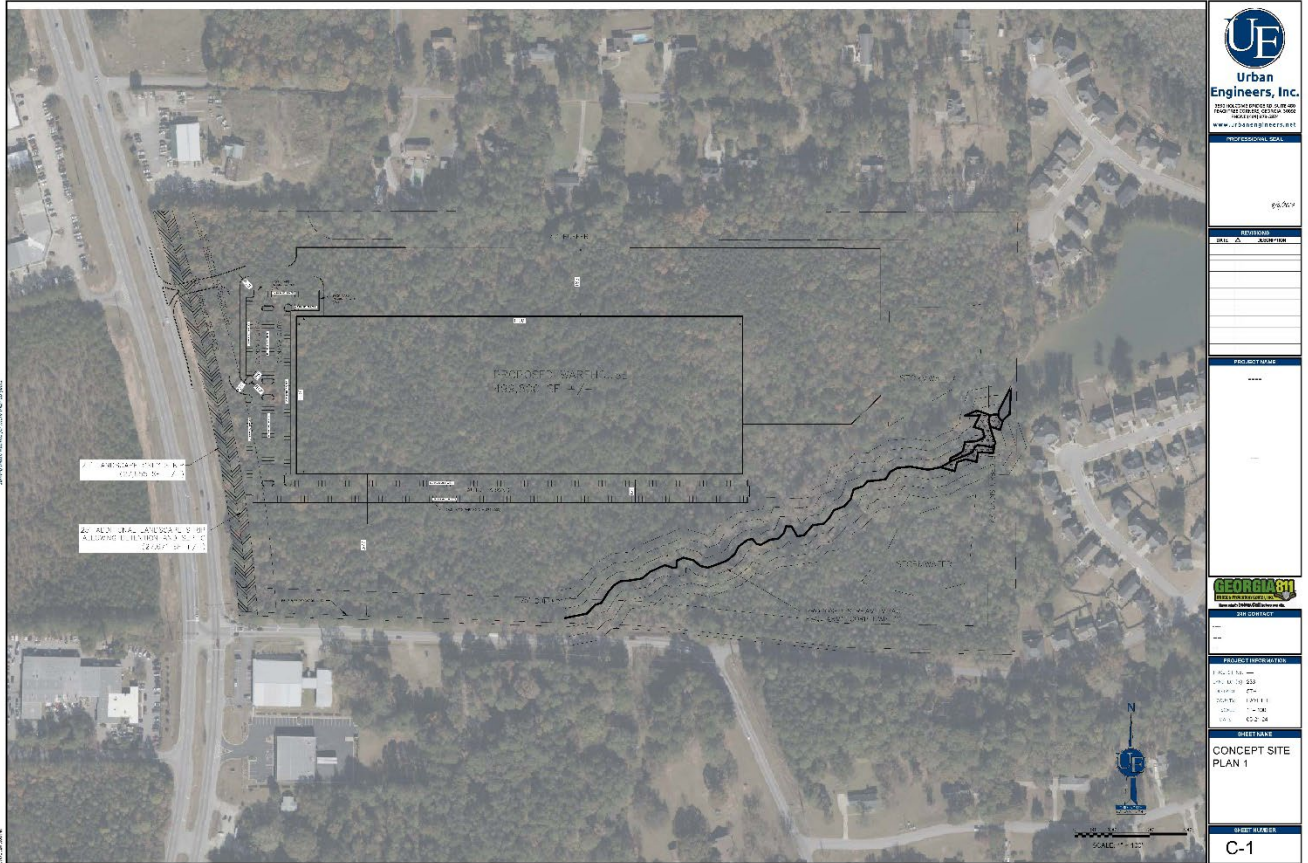






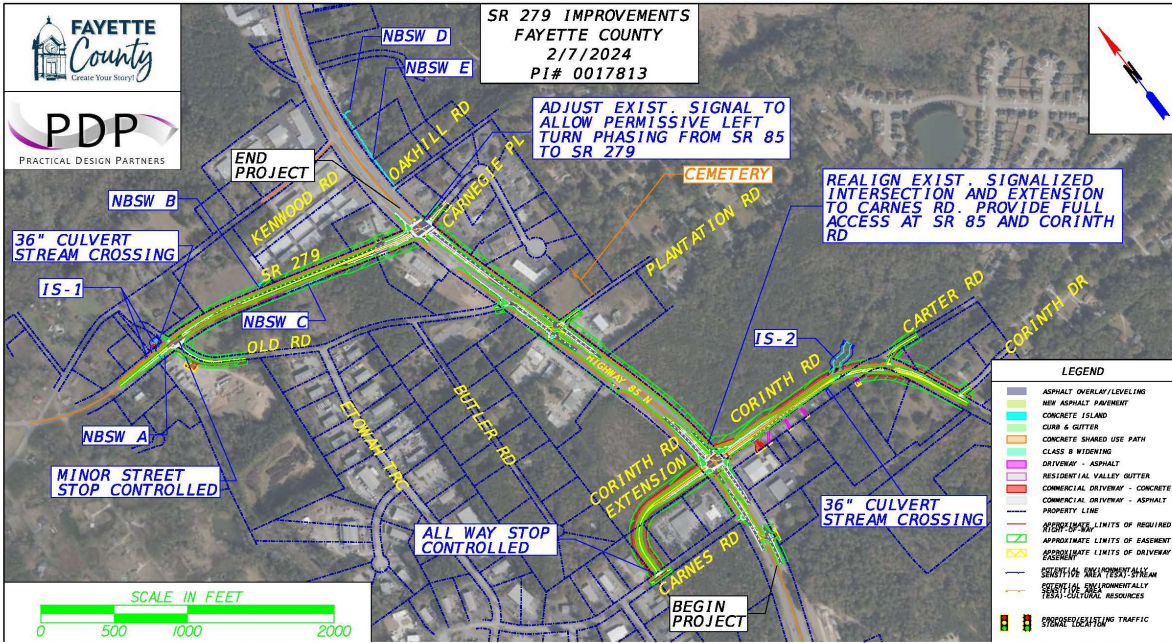




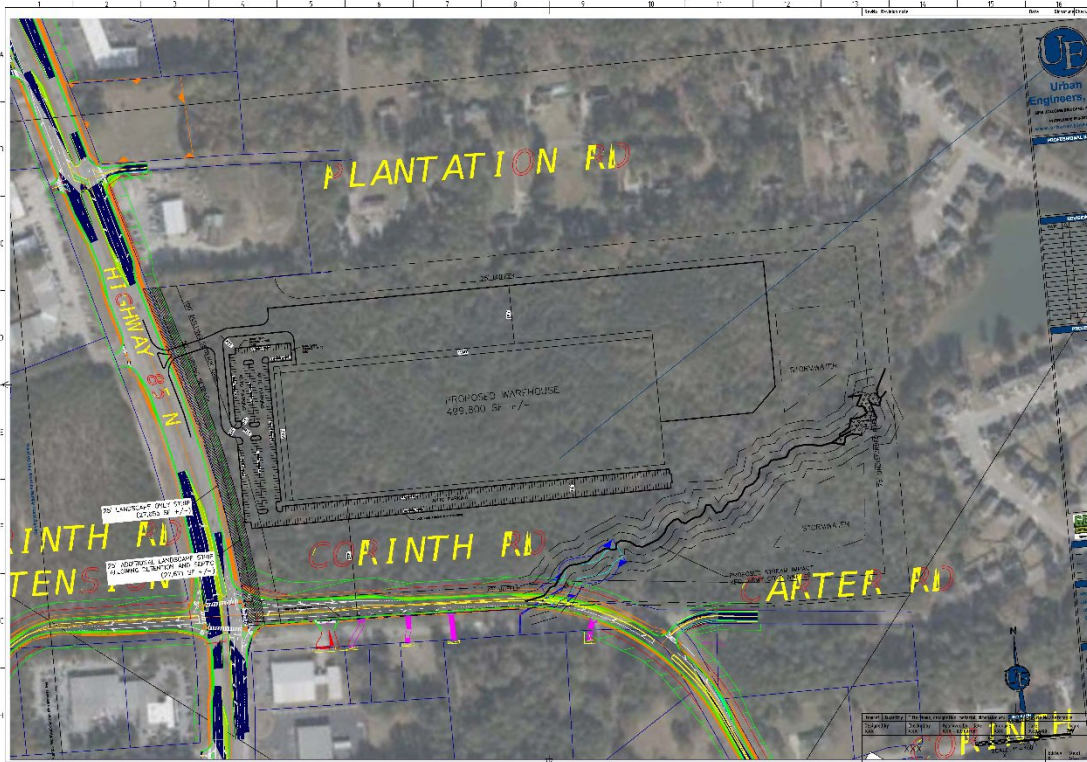


**SITE CONCEPT**

Staff Note: This concept plan has not been reviewed by staff and may not meet all requirements of the ordinance. It is for conceptual purposes only.



INTERSECTION IMPROVEMENTS - DRAFT







# REZONING APPLICATION

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

**A COMPLETE REZONING APPLICATION MUST BE SUBMITTED TO THE PLANNING AND ZONING DEPARTMENT BY 12:00 NOON ON THE TENTH (10<sup>th</sup>) DAY OF THE MONTH 2 MONTHS PRIOR TO HEARING DATE.**

If the tenth day of the month is on a weekend or holiday, the application filing deadline is extended to the next business day (see Hearing Schedule on page 2).

**Yield Plan:** The Conservation Subdivision (C-S) and Estate Residential District (EST) zoning districts require a Yield Plan to be submitted prior to the Rezoning Application. The Yield Plan must be submitted via the County's online plan review program by 12:00 noon on the tenth day of the month. If the tenth day of the month is on a weekend or holiday, the application filing deadline is extended to the next business day. If a Yield Plan is in review and all departmental comments have not been addressed and approved by the advertising deadline, the application will be delayed until the next month for which it can be properly advertised. Please request a Yield Plan checklist.

Fayette County Planning and Zoning Department  
140 Stonewall Avenue West, Suite 202  
Fayetteville, GA 30214  
Phone: 770- 305-5421  
E-mail: [zoning@fayettecountyga.gov](mailto:zoning@fayettecountyga.gov)

### **REZONING APPLICATION FILING FEES (per parcel being rezoned)**

(based on number of acres to be rezoned)

0 to 5 Acres	\$250.00*
6 to 20 Acres	\$350.00*
21 to 100 Acres	\$450.00*✓
101 or more Acres	\$550.00*

\*An additional \$20.00 deposit is required (per public hearing sign posted on property). If the sign frame(s) is returned to the Planning and Zoning Department within five (5) working days of the last applicable public hearing, the sign deposit will be reimbursed to the applicant. **The application filing fee and sign deposit may be combined on one (1) check made payable to Fayette County.** Application filing fees may be refunded ONLY when an application request is withdrawn in writing by the applicant PRIOR TO placement of the legal advertisement for said public hearing request (at least 30 days before scheduled Planning Commission public hearing).

A submittal that is missing any required documents, or that has inaccurate or out-of-date documents, is not considered a complete application, and may be moved to a later meeting date. Please refer to the checklist on page 10 for a list of required documents.

## HEARING SCHEDULE FOR 2024 REZONING APPLICATIONS

(Dates are subject to change with notice. If a hearing falls on a holiday, a different hearing date will be scheduled.)

Deadline for application is the tenth (10th) of the 2nd month before the meeting, by noon. If the tenth day of the month is on a weekend or holiday, the application filing deadline is extended to the next business day. Rezoning applications require a total of two (2) public hearings: one by the Planning Commission (first Thursday of the month) and another public hearing by the Board of Commissioners (fourth Thursday of the month). The Meeting Schedule reflects adjustments for holidays. Both public hearings are held at the Fayette County Administrative Complex at Stonewall (located at the southwest corner of SR 54 and SR 85 in downtown Fayetteville) on the first floor in the Public Meeting Room (near the fountain). Planning Commission hearings begin at 7:00 p.m., and Board of Commissioners hearings begin at 5:00 p.m., unless otherwise noted.

<b>APPLICATION FILING DEADLINE – 12:00 PM</b>	<b>PLANNING COMMISSION HEARING DATE – 7:00 PM</b>	<b>BOARD OF COMMISSIONERS HEARING DATE – 5:00 PM*</b>
November 10, 2023	January 4, 2024	January 25, 2024
December 11, 2023	February 1, 2024	February 22, 2024
January 10, 2024	March 7, 2024	March 28, 2024
February 12, 2024	April 4, 2024	April 23, 2024++
March 11, 2024	May 2, 2024	May 23, 2024
April 10, 2024	June 6, 2024	June 27, 2024
May 10, 2024	July 18, 2024**	August 22, 2024**
June 10, 2024	August 1, 2024	August 22, 2024
July 10, 2024	September 5, 2024	September 26, 2024
August 12, 2024	October 3, 2024	October 24, 2024
✓September 10, 2024	November 7, 2024	December 12, 2024*
October 10, 2024	December 5, 2024	January 23, 2025
November 12, 2024	January 2, 2025	January 23, 2025
December 10, 2024	February 6, 2025	February 27, 2025

**++ BOC meeting is on Tuesday, April 23 due to the ACCG Conference.**

**\* November & December 2024 Board of Commissioners hearings begin at 2:00 PM.**

**\*\* 4<sup>th</sup> of July Holiday Schedule**

**PETITION No (s):** \_\_\_\_\_

*STAFF USE ONLY*

**APPLICANT INFORMATION**

Name Brent Holdings, LLC

Address 9008 Highway 16

City Senoia

State GA Zip 30276

Email dfields@brentholdings.net

Phone 770-461-0478

**PROPERTY OWNER INFORMATION**

Name Racetrac Petroleum, Inc.

Address P.O. Box 2437

City Smyrna

State GA Zip 30081

Email \_\_\_\_\_

Phone \_\_\_\_\_

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

Name Daniel Fields (for Applicant)

Address 9008 Highway 16

City Senoia

State GA Zip 30276

Email dfields@brentholdings.net

Phone 770-461-0478

Steven L. Jones  
Name Partner, Taylor English Duma LLP (for Applicant)

Address 1600 Parkwood Circle, Suite 200

City Atlanta

State GA Zip 30339

Email sjones@taylorenghish.com

Phone 404-218-2756

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

Application Insufficient due to lack of:

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

Application and all required supporting documentation is Sufficient and Complete

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

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

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

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

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

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

STAFF USE ONLY

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

Parcel # (Tax ID): 0552 001 Acreage: 55.8+/-  
Land District(s): 233 Land Lot(s): 5th  
Road Name/Frontage L.F.: Highway - SR 85/1,105.73' Road Classification: Major Arterial  
Existing Use: Vacant Proposed Use: Distributing Warehouse  
Structure(s): N/A Type: N/A Size in SF: N/A  
Existing Zoning: C-H Proposed Zoning: M-1  
Existing Land Use: Commercial Proposed Land Use: Industrial  
Water Availability: Yes Distance to Water Line: 0' Distance to Hydrant: 0'  
Road Frontage (additional): Corinth Road/1,188.97' (Minor Arterial); Carter Rd./887.13' (County Local)

**PETITION No.:** N/A **Fees Due:** N/A **Sign Deposit Due:** N/A

STAFF USE ONLY

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

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

**PETITION No.:** N/A **Fees Due:** N/A **Sign Deposit Due:** N/A

STAFF USE ONLY

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

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

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

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:  
Racetrac Petroleum, Inc.

*(Please Print)*

**Property Tax Identification Number(s) of Subject Property:** 0552 001

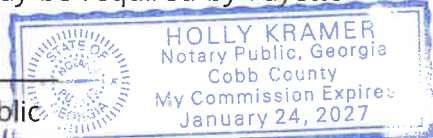
(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 233 of the 5th District, and (if applicable to more than one land district) Land Lot(s) N/A of the N/A District, and said property consists of a total of 55.8+/- acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

(II) [Signature]  
 Signature of Property Owner 1

[Signature]  
 Signature of Notary Public  
9-10-2024



Address  
N/A

Date  
N/A

Signature of Property Owner 2  
N/A

Signature of Notary Public  
N/A

Address  
N/A

Date  
N/A

Signature of Property Owner 3  
N/A

Signature of Notary Public  
N/A

Address  
N/A

Date  
N/A

Signature of Authorized Agent  
N/A

Signature of Notary Public  
N/A

Address

Date

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

**OWNER'S AFFIDAVIT**

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

NAME: Racetrac Petroleum, Inc.

ADDRESS: P.O. Box 2437, Smyrna, Georgia 30081

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

Racetrac Petroleum, Inc. affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) \_\_\_\_\_ Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ 450.00 to cover all expenses of public hearing. He/She petitions the above named to change its classification to M-1, Light Industrial District.

This property includes: (check one of the following)

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

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

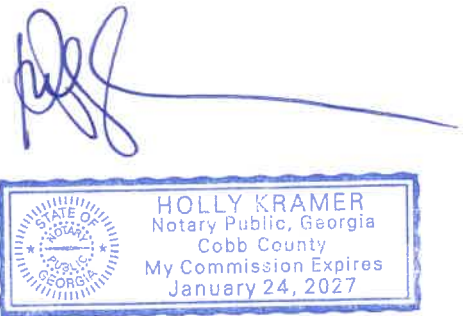
PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 12 day of December, 2024 at 7:00 P.M.

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

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

N/A  
\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

[Signature]  
\_\_\_\_\_  
NOTARY PUBLIC



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

I/We, Racetrac Petroleum, Inc., said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, feet of right-of-way along Corinth Road (10'); Carter Road (5'); SR/Highway 85 (N/A) as measured from the centerline of the road.

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

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

Sworn to and subscribed before me this 10<sup>th</sup> day of September, 2024.

  
SIGNATURE OF PROPERTY OWNER

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC 



## DEVELOPMENTS OF REGIONAL IMPACT (DRI)

### Rezoning Applicant:

- A. Please review the attached "Developments of Regional Impact Tiers and Development Thresholds" established by the Georgia Department of Community Affairs (DCA) to determine if the proposed project meets or exceeds these thresholds. If the proposed project does not meet the established thresholds (is less than those listed) then skip to section C. below and complete.
- B. If the project does meet or exceed the established thresholds for the type of development proposed, the Georgia Department of Community Affairs (DCA) "Developments of Regional Impact: Request for Review Form" is available online at the following website address: [www.dca.state.ga.us/DRI/](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 10th day of September, 2024.

*Daniel Fields*

---

APPLICANT'S SIGNATURE



## Developments of Regional Impact - Tiers and Development Thresholds

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

## 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).

**Steven L. Jones | Partner**  
**Direct Dial:** 678.336.7282  
**Cell Phone:** 404.218.2756  
**E-mail:** sjones@taylorenglish.com

October 9, 2024

**VIA EMAIL: tsmith@fayettecountyga.gov & dbell@fayettecountyga.gov**

Board of Commissioner of Fayette County, Georgia (the “BOC”)  
c/o Tameca P. Smith, MBA, CMC, County Clerk &  
Deborah Bell, RLA, Director, Community Development Department  
140 Stonewall Avenue, West  
Suite 100  
Fayetteville, Georgia 30214

**Re: Fayette County Parcel Identification Number (“TPN”): 0552 001 (the “Property”) owned by Racetrac Petroleum, Inc. (the “Owner”); to-be-assigned Rezoning Petition Nos. (collectively, the “Application”) of Brent Holdings, LLC (the “Applicant”).**

Dear Mmes. Bell and Smith:

This letter serves to convey the enclosed letter of intent for the above-referenced Application as well as standard, and procedurally required, Constitutional and *York* objections. Please ensure that all enclosures are included with the files for the Application and presented to the Fayette County Board of Commissioners (the “BOC”) prior to their final vote on the Application.

Should you have any questions/concerns regarding this letter, its attachments/enclosures, and/or the Application, please do not hesitate to contact me.

Sincerely,



Steven L. Jones

Enclosures

cc: Applicant

**Letter of Intent**  
**Rezoning Application**

Highway 85 & Corinth Road  
Fayette County, Georgia

**Property:**

Fayette County Tax Parcel Number  
0552 001

**Applicant:**

Brent Holdings, LLC

c/o

Daniel Fields  
9008 East Highway 16  
Senoia, Georgia 30276  
(770) 461-0478  
dfields@brentholdings.net

&

Steven L. Jones  
Taylor English Duma LLP  
1600 Parkwood Circle  
Suite 200  
Atlanta, Georgia 30339  
(404) 218-2756  
sjones@taylorenghish.com

## I. INTRODUCTION

Brent Holdings, LLC (the “Applicant”) respectfully requests the rezoning of one (1) parcel (the “Property”) more particularly described in its Rezoning Application to Amend the Official Zoning Map of Fayette County, Georgia (the “Application”). The Applicant is the contract purchaser of the Property and will be acting as the agent on behalf of the owner, Racetrac Petroleum, Inc. (the “Owner”).

The Property is Fayette County Tax Parcel Identification Number 0552 001 and is 55.8 +/- acres. The Property fronts on Georgia State Route (i.e., “Highway”) 85 and Corinth Road across Highway 85 from the Kenwood Industrial Park.

The Property is currently zoned C-H, Highway Commercial District (“CH”). The Application seeks to rezone the Property to the M-1, Light Industrial District (“M-1”) to develop a commerce-industry building of approximately 499,800 square feet. The building will be accessed (i.e., have ingress and egress) via Highway 85 only. The building could be utilized by multiple businesses and industries or a single user, depending on the demand of the market and commerce.

The proposed development is shown on the illustrative concept plan submitted with the Application. Please note that the concept plan submitted with the Application and proposed improvements shown thereon are conceptual in nature and subject to final engineering as well as the requirements of the business and industries that desire to locate and operate in Fayette County on the Property.

In order to accomplish the proposed development, which will drive economic development, retain jobs in Fayette County, and locate industry on a state route, the Applicant has submitted the Application.

## II. ANALYSIS OF REZONING FACTORS

As demonstrated below, the Application satisfies the exclusive factors for rezoning set forth in Section 110-300 of The Zoning Ordinance of Fayette County, Georgia (the “Zoning Ordinance”), which is codified at Chapter 110 of The Code of Fayette County, Georgia. Below, each such factor is restated and is followed by the Applicant’s analysis of each factor.

***(1) Whether the zoning proposal is in conformity with the land use plan and policies contained therein;***

The Fayette County Comprehensive Plan 2017-2040 (the “Comp. Plan”) designates the Property as being within a “**Nonresidential Corridor Area,**” which generally fronts state routes north of Fayetteville, Georgia. (Comp. Plan pp. GC-11, GC-21). In this area, the Comp. Plan anticipates “a large amount of nonresidential development (office, commercial[,] and industrial) . . . on both sides of a roadway.” (Comp. Plan. P. GC-11). “[A]pplicable zoning districts for this area based on the underlying land use category depicted on the Future Land Use Plan include . . . M-1, Light Industrial District.” (*Id.*).

The Property is identified on the Future Land Use Map (“FLUM”) within the Comp. Plan as being within the Commercial FLUM designation. And, the Comp. Plan identifies a subset of properties within the Commercial FLUM designation that are along “SR 85 North of Fayetteville.” (*Id.*, p. L-11). **Specifically, this area on “SR 85 North of Fayetteville” and in which the Property is located, is “[a] nonresidential corridor [that] extends from the city limits of Fayetteville north to the county line. It provides an area where a variety of nonresidential uses including commercial, office, and light industrial are appropriate. The area contains opportunity for infill, redevelopment and new development.”** (*Id.*). Additionally, while “[t]he existing transportation pattern does not support large scale . . . warehousing or manufacturing uses, [which] traditionally, require more immediate access to an interstate systems, . . . **Fayette County will continue to receive interest from smaller commercial and industrial uses.**” (*Id.* at p. L-14). **Thus, the land use plan and polices therein support the zoning proposal presented by the Application.**

To that end, the vast majority of industrial property used for industrial purposes within unincorporated Fayette County is along Highway 85. (Comp. Plan, pg. L-4 to L-5 (“The majority of industrial activity is centered north of Fayetteville along SR 85 North (BFI Landfill property, numerous auto salvage facilities, and **Kenwood Business Park**) and SR 314 (Lee Center).”).

Unfortunately, the Property remains undeveloped under its current zoning classification. Given that the Property remains undeveloped in its current state, a commerce-industry building that is consistent with other uses along the corridor and the Comp. Plan would be appropriate and provide an opportunity for new development as service industries, small businesses, and industrial users are actively looking for space along the corridor given its access to Interstate 75. Although the Property’s Future Land Use Map (“FLUM”) designation of commercial does not typically correspond to the requested M-1 zoning district, the Comp. Plan makes clear that the Property is appropriate for the type of commerce-industrial development proposed by the Application. Additionally, a change in this zoning district, which is consistent with other zoning districts in the overall corridor and the Comp. Plan, would provide an opportunity for development on property that has remained undeveloped over a fifteen (15) year period in which economic tailwinds have encouraged development.

***(2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;***

As previously mentioned, the Comp. Plan identifies the corridor that extends from the city limits of Fayetteville north to the county line as non-residential with opportunities for both commercial and light industrial development. The Property is bordered to (a) the west by Highway 85; (b) the north by properties zoned CH and R-20; (c) the east by Clayton County; and (c) the south by Corinth Road and Carter Road.

Evaluating the overall mix of uses in the identified corridor and the area in unincorporated Fayette County around the Property, there exists light heavy commercial/industrial, low-density residential, and commercial uses. Along the Property’s northern, eastern, and southern borders there will be a seventy-five-foot (75’) undisturbed buffer that will ameliorate any incompatibility between the proposed use and residentially zoned property. Additionally, as shown on the concept

plan, activity areas of the development—i.e., the truck court and loading docks—generally face away and are on the side of the building opposite from any nearby low-density residential uses. Given the above, the Applicant’s proposed rezoning will complement, enhance, and be consistent with the current mixture of uses in that area. Thus, the requested rezoning will not decrease the value of surrounding properties. Rather, the development proposed by the Application will have a positive impact upon surrounding properties and their values.

***(3) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools;***

The Application, if approved, would not result in a use which would or could cause an excessive or burdensome use of existing or planned streets, utilities, or schools. As noted above, the Comp. Plan envisions properties within the Highway 85 corridor north of Fayetteville as being used for commercial and industrial uses and acknowledges that Highway 85 is intended and constructed for major thoroughfare traffic, including traffic towards interstate I-75. Given the extensive development along Highway 85 and the availability of utilities, the Application, if approved, would not create an excessive or burdensome use of existing or planned utilities. Finally, the use will not impact schools as it will not affect the number of students utilizing existing or planned schools.

***(4) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.***

Based on its size and location, the Property is suitable for a commerce-industry building well situated for businesses and industries desiring to operate in Fayette County with convenient access to Interstate 75. The development trend around the Property, as noted by the Comp. Plan and above, is consistent with the development proposed by the Application.

However, the Property’s existing C-H zoning has historically and presently rendered the Property without a market for an economically viable development or use. Thus, the historical and changing market conditions show that the zoning proposal should be approved so that the Property may be used in an economically viable manner. Additionally, the proposed rezoning would provide an opportunity for development of a commerce-industry building that would generate economic benefits (i.e., jobs and tax revenue) to the County that are currently not being generated on the Property. On the other hand, the present C-H zoning assigned to, and the undeveloped state of, the Property does not benefit the County. Therefore, the existing and changing market conditions support approval of the zoning proposal. Moreover, the proposed rezoning would not pose a threat to the public health, safety, morals, or general welfare of the public, and there is no gain to the public for this property to continue to remain as presently zoned and undeveloped.

### **III. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that the Fayette County Board of Commissioners approve the Application as requested by the Applicant with only



conditions consented to by the Applicant. If there are any questions about this Application, you may contact me at 770-461-0478 or [dfields@brentholdings.net](mailto:dfields@brentholdings.net).

#### **IV. PRESERVATION OF RIGHTS**

Georgia law and the procedures of Fayette County require us to raise Federal and State constitutional and other objections during the public hearing application process. While the Applicant anticipates a smooth application process, failure to raise such objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to and hereby raise the objections set forth in Exhibit "A" and Exhibit "B" hereto at this time.

Sincerely,

/s/ Daniel Fields

DANIEL FIELDS &  
STEVEN L. JONES

## EXHIBIT "A"

### CONSTITUTIONAL OBJECTION

As applied to the real property of Racetrac Petroleum, Inc. (the "Owner"), which is identified as Fayette County Tax Assessor Parcel No(s): 0552 001 (the "Subject Property") and is the subject of the previously-filed Rezoning Application to Amend the Official Zoning Map of Fayette County, Georgia (the "Application") of Brent Holdings, LLC (the "Applicant"), and facially, the Zoning Ordinance of Fayette County, Georgia (the "Zoning Ordinance"), codified at Chapter 110 of the Code of Ordinances of Fayette County, Georgia (the "Code of Ordinances") is unconstitutional in that the Applicant's (and the Owner's) property rights in and to the Subject Property have been destroyed without first receiving fair, adequate, and just compensation for such property rights. As applied to the Subject Property and facially, the Zoning Ordinance deprives the Applicant (and the Owner) of constitutionally protected rights in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States of America.

Application of the Zoning Ordinance to the Subject Property, and the Zoning Ordinance facially, are unconstitutional, illegal, arbitrary, capricious, null, and void, constituting takings of the Subject Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States of America thereby denying the Applicant (and the Owner) of an economically viable use of the Subject Property while not substantially advancing legitimate state interests.

Inasmuch as it is impossible for the Applicant (and/or the Owner) to use the Subject Property and simultaneously comply with the Zoning Ordinance, the Zoning Ordinance, as applied to the Subject Property, and the Zoning Ordinance facially, constitute arbitrary, capricious, and unreasonable acts by Fayette County, Georgia without any rational basis therefor and constitute abuses of discretion in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States of America.

Application of the Zoning Ordinance to the Subject Property and the Zoning Ordinance facially are unconstitutional and discriminate against the Applicant (and the Owner) in arbitrary, capricious, and unreasonable manners between the Applicant (and the Owner) and others similarly situated in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States of America.

Failure to approve the Application, with only those conditions consented to by the

**EXHIBIT "A"**

Applicant, would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia of 1983.

WHEREFORE, the Applicant respectfully requests that the Board of Commissioners of Fayette County, Georgia approve the Application, as specified and designated therein, with only conditions consented to by the Applicant.

Respectfully submitted this 9th day of October 2024.

**TAYLOR ENGLISH DUMA LLP**

Counsel for Applicant

/s/ Steven L. Jones

Steven L. Jones

Georgia State Bar No.: 639038

1600 Parkwood Circle  
Suite 200  
Atlanta, Georgia 30339  
(678) 336-7282  
sjones@taylorenghish.com

## EXHIBIT “B”

### **OBJECTION TO AND FOR ZONING HEARING BASED ON YORK V. ATHENS COLLEGE OF MINISTRY, INC.**

As applied to Brent Holdings, LLC (the “Applicant”) and the real property of Racetrac Petroleum, Inc. (the “Owner”), which is identified as Fayette County Tax Assessor Parcel No(s): 0552 001 (the “Subject Property”) and is the subject of the previously-filed Rezoning Application to Amend the Official Zoning Map of Fayette County, Georgia (the “Application”) of the Applicant, any and every public hearing regarding, and any Board of Commissioners of Fayette County, Georgia (“BOC”) action (including, but not limited, any final action) on, the Application, and the Zoning Ordinance of Fayette County, Georgia (the “Zoning Ordinance”), codified at Chapter 110 of the Code of Ordinances of Fayette County, Georgia (the “Code of Ordinances”) facially and as applied to the Subject Property, the Applicant, the Owner, and the Application, are objected to by the Applicant based on, but not limited to, the reasons set forth herein (collectively the “York Objection” and each an “Objection”), in accordance with *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 821 S.E.2d 120 (Ga. Ct. App. 2018):

Contemporaneous with the filing of this *York* Objection, the Applicant are filing a Constitutional Objection, and all Objections set forth therein are incorporated herein by reference as if fully restated. The Applicant objects to any and every public and other hearing(s) regarding the Application, including, but not limited to, those before the BOC and/or the Planning Commission of Fayette County Georgia (the “Planning Commission”), because the time limitation, if any, imposed on the presentation of evidence and testimony in support of, as well as in rebuttal to opposition evidence, comments, and/or testimony to, the Application deprive the Applicant of a meaningful opportunity to be heard and preserve issues, in violation of the Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of Georgia of 1983. Likewise, the Applicant objects to any and all members of the public (and/or other persons) who appear (or otherwise give testimony and/or opinion) at any and all public hearing(s) and other meetings, including, but not limited to, before the BOC and/or the Planning Commission to the extent that (but not limited to) said individuals (a) do not have standing to appeal the BOC’s decision on the Application (i.e., do not satisfy the substantial interest-aggrieved citizen test); (b) are not under oath; (c) are not subject to cross-examination; (d) present evidence on and/or make statements that qualify as (or must or should be assessed with the aid of) expert opinion testimony without any or all individuals being qualified as expert witnesses; (e) present evidence on and/or make statements that are not germane to the exclusive factors for consideration of the Application set forth in the Zoning Ordinance of Fayette County, Georgia (the “Zoning Ordinance”), codified at Chapter 110 of the Code of Ordinances of Fayette County, Georgia (the “Code of Ordinances”); (f) present evidence and/or make statements that are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, and/or lay, nonexpert opinion evidence; and/or (g) fail to disclose any and every campaign (or other) contribution to any member of the BOC.

Additionally, the Applicant objects to any BOC action that does not approve the Application or approves the Application with conditions not consented to by the Applicant and any other action of the County and/or the Planning Commission to the extent that (but not limited to) such action is: (a) in violation of Section 50-13-19(h) of the Official Code of Georgia Annotated or otherwise: (1) in violation of any constitutional, statutory, and/or ordinance provisions; (2) in

## EXHIBIT “B”

excess of the constitutional, statutory, and/or ordinance authority of the Planning Commission and/or BOC; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; and/or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; (b) contrary to the report(s) and recommendation(s), to the extent the Applicant consents to the conditions thereof, of (1) the Fayette County, Georgia Department of Planning and Zoning (or any assigns thereof); (2) the Fayette County Planning Commission; and/or (3) any other Department or agency of Fayette County, Georgia or the State of Georgia; (c) founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, and/or lay, nonexpert opinion evidence; (d) contrary to, or based, in whole or in part, on factors or considerations other than, the exclusive factors or procedure for consideration of the Application set forth in the Zoning Ordinance; (e) based, in whole or in part, on evidence and/or information received by the BOC (1) outside of the public hearing on the Application; (2) by *ex parte* or other similar means; and/or (3) otherwise in a manner which does not afford the Applicant a right to respond to or otherwise confront all evidence considered by the BOC in its evaluation of the Application; (f) otherwise not made pursuant and in conformance with the Code of Ordinances; the Zoning Ordinance; the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*; and/or any other law, including the Constitutions of the State of Georgia or the United States of America; and/or (g) pursuant to an ordinance, resolution, zoning map, and/or the like not adopted in compliance with the Code of Ordinances; the Zoning Ordinance; the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*; and/or any other law, including the Constitutions of the State of Georgia or the United States of America, which the Applicant contends is the case for the applicable ordinances, resolutions, and maps, including, but not limited to, the Zoning Ordinance.

By and through this *York* Objection, the Applicant hereby preserves all the above and incorporated Objections, and any and all evidence, arguments, and objections made and/or tendered at any hearing, and/or prior to the BOC’s final action, on the Application, and asserts them on and within the record before, and for consideration and resolution (prior to any formal decision) by, the BOC.

WHEREFORE, the Applicant respectfully requests that the Board of Commissioners of Fayette County, Georgia approve the Application, as specified and designated therein, with only conditions consented to by the Applicant.

Respectfully submitted this 9th day of October 2024.

**TAYLOR ENGLISH DUMA LLP**  
Counsel for Applicant

/s/ Steven L. Jones

Steven L. Jones

Georgia State Bar No.: 639038

1600 Parkwood Circle  
Suite 200  
Atlanta, Georgia 30339  
(678) 336-7282  
sjones@taylorenghish.com



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Filed: 04/23/2007 at 08:00:00 AM  
Fee Amt: \$2,216.00 Page 1 of 4  
Transfer Tax: \$2,200.00  
Fayette, Ga, Clerk Superior Court  
Sheila Studdard Clerk of Court

BK **3217** PG **728-731**

Prepared by and after recording, return to:  
RaceTrac Petroleum, Inc.  
3225 Cumberland Boulevard, Suite 100  
Atlanta, Georgia 30339-6408  
Attn: General Counsel

**LIMITED WARRANTY DEED**

THIS INDENTURE, made this 18<sup>th</sup> day of April 2007, by and between **KENSINGTON BUSINESS PARK PARTNERSHIP**, a Georgia general partnership ("Grantor") and **RACETRAC PETROLEUM, INC.**, a Georgia corporation ("Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land lying in Fayette County, Georgia and being more particularly described on Exhibit A attached hereto.

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

And the said Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of persons holding by, through, or under the Grantor, but not as to matters listed on Exhibit B attached hereto.

(signatures on following page)

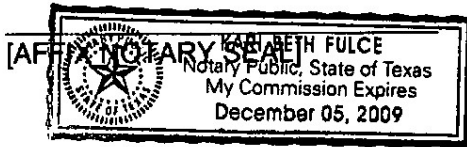
IN WITNESS WHEREOF, the Grantor, acting by and through its Managing Partner has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

[Signature]  
Unofficial Witness

[Signature]  
Notary Public

My Commission Expires: 12/05/09



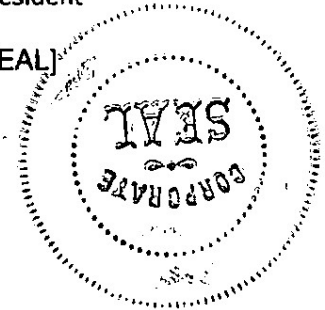
**GRANTOR:**

Kensington Business Park Partnership, a Georgia General Partnership

By: Impala Investments Corporation, established in Tortola, British Virgin Islands Managing General Partner:

By: [Signature]  
Roberto Segovia Kane, President

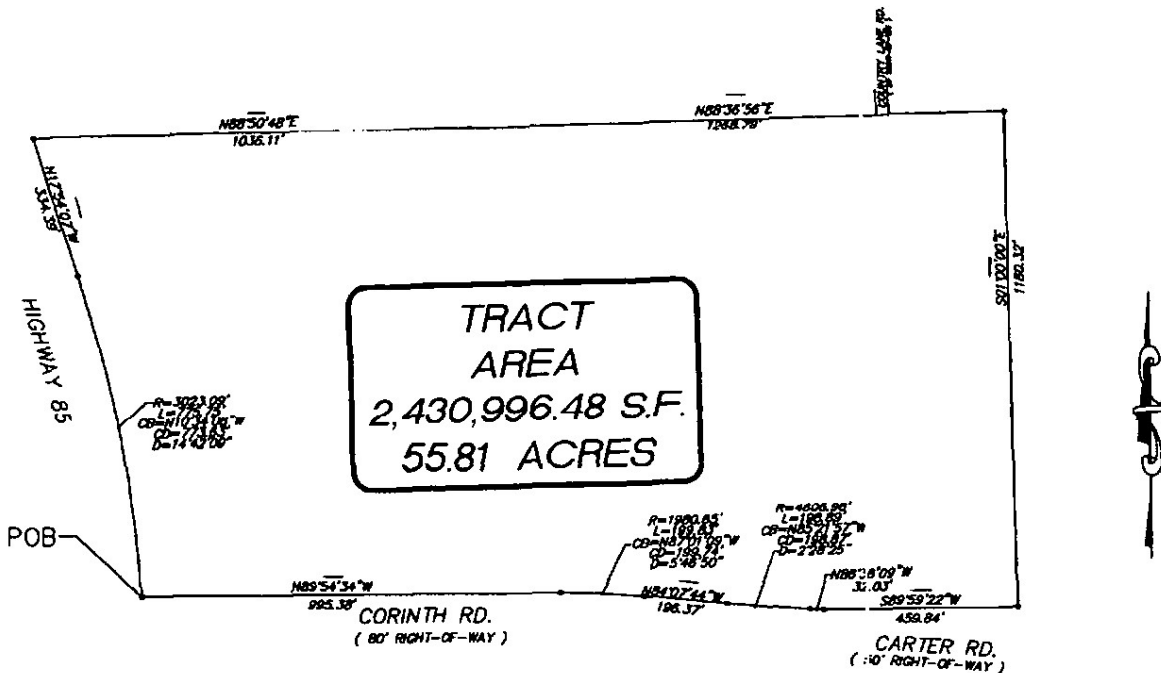
[AFFIX CORPORATE SEAL]



# EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 233 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, AS SHOWN ON PLAT OF SURVEY FOR AMIR VIRANI DATED 7/10/87, BY LANDMARK SURVEYING, INC., AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERLY SIDE OF THE RIGHT-OF-WAY OF GEORGIA HIGHWAY 85 (170-FOOT RIGHT-OF-WAY) WITH THE NORTHERN SIDE OF THE RIGHT-OF-WAY OF CORINTH ROAD (80-FOOT RIGHT-OF-WAY), AND RUN THENCE IN A NORTHWESTERLY DIRECTION ALONG THE NORTHEASTERLY RIGHT-OF-WAY OF GEORGIA HIGHWAY 85 WITH A CURVE TO THE LEFT HAVING A RADIUS OF 3023.09 FEET, AN ARC LENGTH OF 775.75 FEET, THE CHORD OF WHICH BEARS NORTH 10 DEGREES 34 MINUTES 08 SECONDS WEST, A DISTANCE OF 773.63 FEET TO A POINT; CONTINUING THENCE ALONG SAID RIGHT-OF-WAY NORTH 17 DEGREES 54 MINUTES 07 SECONDS WEST, A DISTANCE OF 334.39 FEET TO A POINT; THENCE DEPARTING SAID RIGHT-OF-WAY AND RUNNING NORTH 88 DEGREES 50 MINUTES 48 SECONDS EAST A DISTANCE OF 1036.11 FEET TO A POINT; THENCE NORTH 88 DEGREES 36 MINUTES 56 SECONDS EAST A DISTANCE OF 1268.78 FEET TO A POINT ON THE EAST LINE OF LAND LOT 233, WHICH LAND LOT LINE IS THE DIVIDING LINE BETWEEN THE COUNTIES OF FAYETTE AND CLAYTON; RUN THENCE ALONG SAID LINE SOUTH 01 DEGREE 00 MINUTES 00 SECONDS EAST A DISTANCE OF 1180.32 FEET TO THE COMMON CORNER OF LAND LOTS 233, 234, 216 AND 215; RUN THENCE DEPARTING SAID COMMON CORNER, SOUTH 19 DEGREES 59 MINUTES 22 SECONDS WEST A DISTANCE OF 459.84 FEET TO A POINT; THENCE NORTH 86 DEGREES 36 MINUTES 09 SECONDS WEST A DISTANCE OF 32.03 FEET TO A POINT; THENCE IN A WESTERLY DIRECTION ALONG THE NORTHERN SIDE OF THE RIGHT-OF-WAY OF CARTER ROAD (50-FOOT RIGHT-OF-WAY) WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 4606.96 FEET, AN ARC LENGTH OF 198.89 FEET, THE CHORD OF WHICH BEARS NORTH 85 DEGREES 21 MINUTES 57 SECONDS WEST, A DISTANCE OF 198.87 FEET TO A POINT; CONTINUING THENCE ALONG SAID RIGHT-OF-WAY NORTH 84 DEGREES 07 MINUTES 44 SECONDS WEST A DISTANCE OF 196.37 FEET TO A POINT ON THE NORTHERN SIDE OF THE RIGHT-OF-WAY OF CORINTH ROAD (80-FOOT RIGHT-OF-WAY); RUN THENCE ALONG SAID RIGHT-OF-WAY IN A WESTERLY DIRECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1980.65 FEET, AN ARC LENGTH OF 199.83 FEET, THE CHORD OF WHICH BEARS NORTH 87 DEGREES 01 MINUTES 09 SECONDS WEST, A DISTANCE OF 199.74 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 89 DEGREES 54 MINUTES 34 SECONDS WEST A DISTANCE OF 995.38 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 55.81 ACRES.





**Exhibit B**

**Permitted Exceptions**

1. Ad valorem real property taxes for the year 2007 and subsequent years which are liens, but not yet due and payable.
2. Rights of upper and lower riparian owners in and to the waters of the branches or creeks traversing the subject property and the natural flow thereof, free from diminution or pollution.
3. Easement from Mrs. Tom Lester et al., to Georgia Power Company dated June 6, 1947, as recorded on October 10, 1947 in Deed Book 31, Page 325, aforesaid records.
4. Quitclaim Deed from Mrs. Mattie Lou Lester et al., to James M. Graves dated November \_\_, 1969, as recorded on November 13, 1969 in Deed Book 87, Page 206, aforesaid records.
5. Easement for anchors, guy poles and wires from Mattie L. Lester et al., to Georgia Power Company dated June 1, 1987, as recorded on July 23, 1987 in Deed Book 458, Pages 661, 662 & 663 aforesaid records.
6. Right-of-Way Easement from Signa Development Corporation, to Southern Bell and Telegraph Company dated September 15, 1988, as recorded on October 12, 1988 in Deed Book 524, Page 191, aforesaid records.
7. Deed of Easement in favor of Fayette County from Kensington Business Park Partnership dated October 19, 1994, as recorded on October 27, 1994 in Deed Book 949, Page 506, aforesaid records.

Fayetteville, GA. 30214  
(770) 716-4223

PETITION FOR REZONING  
CERTAIN PROPERTIES IN  
UNINCORPORATED AREAS OF  
FAYETTE COUNTY, GEORGIA  
PUBLIC HEARING to be held be-

Legals continued page B6

Continued from page B5

fore the Fayette County Planning Commission on December 5, 2024, at 7:00 P.M. and before the Fayette County Board of Commissioners on January 23, 2025, at 5:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

Petition No.: 1360-24  
Parcel No.:0552 001  
Owner:Racetrac Petroleum, Inc  
Applicant:Brent Holdings, LLC  
Agent(s): Daniel Fields, Steven L. Jones, Taylor English Duma, LLP  
Zoning District: C-H Conditional  
Area of Property:55.8+/- acres  
Land Lot(s)/District:Land Lot 233 of the 5th District  
Fronts on: N. Highway 85, Corinth Road and Carter Road  
Proposed: Applicant proposes to rezone 55.8+/- acres from C-H (Highway Commercial) Conditional to M-1 (Light Industrial) for the purposes of constructing a Distributing Warehouse.

A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia.

Legal Description  
EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 233 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, AS SHOWN ON PLAT OF SURVEY FOR AMIR VIRANI DATED 7/10/87, BY LANDMARK SURVEYING, INC., AND BEING MORE PARTICULARLY DESCRIBED AS

FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERLY SIDE OF RIGHT-OF-WAY OF GEORGIA HIGHWAY 85 (170-FOOT RIGHT-OF-WAY) WITH THE NORTHERN SIDE OF THE RIGHT-OF-WAY OF CORINTH ROAD (80-FOOT RIGHT-OF-WAY) AND RUN THENCE IN A NORTHWESTERLY DIRECTION ALONG THE NORTHEASTERLY RIGHT-OF-WAY OF GEORGIA HIGHWAY 85 WITH A CURVE TO THE LEFT HAVING A RADIUS OF 3023.09 FEET, AND ARC LENGTH OF 775.75 FEET, THE CHORD OF WHICH BEARS NORTH 10 DEGREES 34 MINUTES 08 SECONDS WEST, A DISTANCE OF 773.63 FEET TO A POINT; CONTINUING THENCE ALONG SAID RIGHT-OF-WAY 17 DEGREES 54 MINUTES 07 SECONDS WEST, A DISTANCE OF 334.39 FEET TO A POINT; THENCE DEPARTING SAID RIGHT-OF-WAY AND RUNNING NORTH 88 DEGREES 50 MINUTES 48 SECONDS EAST A DISTANCE OF 1036.11 FEET TO A POINT; THENCE NORTH 88 DEGREES 36 MINUTES 56 SECONDS EAST A DISTANCE OF 1268.78 FEET TO A POINT ON THE EAST LINE OF LAND LOT 233, WHICH LAND LOT LINE IS THE DIVIDING LINE BETWEEN THE COUNTIES OF FAYETTE AND CLAYTON; RUN THENCE ALONG SAID LINE SOUTH 01 DEGREE 00 MINUTES 00 SECONDS EAST A DISTANCE OF 1180.32 FEET TO THE COMMON CORNER OF LAND LOTS 233, 234, 216 AND 215; RUN THENCE DEPARTING SAID COMMON CORNER, SOUTH 89 DEGREES 59 MINUTES 22 SECONDS WEST A DISTANCE OF 459.84 FEET TO A POINT; THENCE NORTH 86 DEGREES 36 MINUTES 09 SECONDS WEST A DISTANCE OF 32.03 FEET TO A POINT; THENCE IN A WESTERLY DIRECTION ALONG THE NORTHERN SIDE OF THE RIGHT-OF-WAY OF CARTER ROAD (50-FOOT RIGHT-OF-WAY) WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 4606.96 FEET, AN ARC LENGTH 198.89 FEET, THE CHORD OF

WHICH BEARS NORTH 85 DEGREES 21 MINUTES 57 SECONDS WEST, A DISTANCE OF 198.87 FEET TO A POINT; CONTINUING THENCE ALONG SAID RIGHT-OF-WAY NORTH 84 DEGREES 07 MINUTES 44 SECONDS WEST A DISTANCE OF 196.37 FEET TO A POINT ON THE NORTHERN SIDE OF THE RIGHT-OF-WAY OF CORINTH ROAD (80-FOOT RIGHT-OF-WAY); RUN THENCE ALONG SAID RIGHT-OF-WAY IN A WESTERLY DIRECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1980.65 FEET, AN ARC LENGTH OF 199.83 FEET, THE CHORD OF WHICH BEARS NORTH 87 DEGREES 01 MINUTES 09 SECONDS WEST, A DISTANCE OF 199.74 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 89 DEGREES 54 MINUTES 34 SECONDS WEST A DISTANCE OF 995.38 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 55.81 ACRES.

11/13



# 2025 HEARING SCHEDULE FOR REZONINGS

## Fayette County, Georgia

140 Stonewall Avenue West, Suite 202, Fayetteville, GA 30214  
770-305-5421

(Dates are subject to change with notice. If a hearing falls on a holiday, a different hearing date will be scheduled.)

Deadline for application is the tenth (10<sup>th</sup>) of the 2<sup>nd</sup> month before the meeting, by noon. If the tenth day of the month is on a weekend or holiday, the application filing deadline is extended to the next business day. Rezoning applications require a total of two (2) public hearings: one by the Planning Commission (first Thursday of the month) and another public hearing by the Board of Commissioners (fourth Thursday of the month). The Meeting Schedule reflects adjustments for holidays. Both public hearings are held at the Fayette County Administrative Complex at Stonewall (located at the southwest corner of SR 54 and SR 85 in downtown Fayetteville) on the first floor in the Public Meeting Room (near the fountain). Planning Commission hearings begin at 7:00 p.m., and Board of Commissioners hearings begin at 5:00 p.m. unless otherwise noted.

<b>Application Filing Deadline (Noon)</b>	<b>Planning Commission Hearing Date</b>	<b>Board of Commissioners Hearing Date</b>
November 12, 2024	January 2, 2025	January 23, 2025
December 10, 2024	February 6, 2025	February 27, 2025
January 10, 2025	March 6, 2025	March 27, 2025
February 10, 2025	April 3, 2025	April 22, 2025++
March 10, 2025	May 1, 2025	May 22, 2025
April 10, 2025	June 5, 2025	June 26, 2025
May 12, 2025	July 17, 2025*	August 28, 2025
June 10, 2025	August 7, 2025	August 28, 2025
July 10, 2025	September 4, 2025	September 25, 2025
August 11, 2025	October 2, 2025	October 23, 2025
September 10, 2025	November 6, 2025	Dec. 11, 2025, <b>2:00 PM*</b>
October 10, 2025	December 4, 2025	Jan. 22, 2026*
November 10, 2025	January 2, 2026	January 22, 2026
December 10, 2025	February 5, 2026	February 26, 2026

++ *BOC meeting is on Tuesday, April 22 due to the ACCG Conference.*

\**Holiday Schedule*

Wednesday, November 20, 2024

Continued from page B4

Fayette County News B5

NOTICE OF PUBLIC HEARING  
FOR THE FAYETTE COUNTY  
PLANNING COMMISSION 2025  
CALENDAR

PUBLIC HEARING to be held before  
the Fayette County Planning  
Commission on December 5th,  
2024

at 7:00 P.M. and in the Fayette  
County Administrative Complex,  
140 Stonewall Avenue West, Public  
Meeting Room, First Floor, Fayetteville,  
Georgia.

Consideration of the Fayette County  
Planning Commission 2025  
Calendar. A copy of the above is  
available in the office of the Fayette  
County

Planning and Zoning Department,  
140 Stonewall Avenue West, Suite  
202, Fayetteville, Georgia.

This 20th day of November 2024.

Deborah L. Bell, RLA  
Planning & Zoning Director

11/20