

**BOARD MEMBERS**

John Kruzan, Chairman  
Danny England, Vice-Chairman  
John H. Culbreth, Sr.  
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  
March 6, 2025  
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 January 16, 2025
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 commerce-industry complex. Property is located in Land Lots 233 of the 5<sup>th</sup> District and fronts on N. Highway 85, Corinth Road, County Lane Road, and Carter Road.
7. Consideration of Petition 1361-25, Applicant proposes to rezone 10.03 acres from A-R (Agricultural-Residential) to R-72 (Single-Family Residential) for the purposes of developing residential lots. Property is located in Land Lot 10 of the 5<sup>th</sup> District and fronts on Corner John Street and Inman Road.

# Meeting Minutes 1/16/2025

**THE FAYETTE COUNTY PLANNING COMMISSION** met on January 16<sup>th</sup>, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

**STAFF PRESENT:** Debbie Bell, Planning and Zoning Director  
Deborah Sims, Zoning Administrator  
Maria Binns, Zoning Secretary  
E. Allison Ivey Cox, County Attorney

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## **NEW BUSINESS**

1. Call to Order. *Chairman John H. Culbreth, Sr. called the January 16, 2025, meeting to order at 7:00 pm. Chairman John H. Culbreth, Sr. called to entertain motions to amend the agenda, the first suggested amendment is the election of officers for the 2025 Fayette County Planning Commission. Danny England made a motion to approve the amended agenda with the addition of items to elect new officers on the 2025 Fayette County Planning Commission. Boris Thomas seconded the motion. The motion passed 5-0.*
2. Approval of Agenda. *John Culbreth, Sr. made a motion to approve the amended agenda. Danny England seconded the motion. The motion carried 5-0.*
3. Election of the Chairman. *Jim Oliver made the motion to elect John Kruzan as the Chairman of the 2025 Fayette County Planning Commission. Danny England seconded the motion. The motion passed 5-0.*
4. Election of the Vice-Chairman. *Jim Oliver made the motion to elect Danny England as the Vice Chairman of the 2025 Fayette County Planning Commission. John Kruzan seconded the motion. The motion passed 5-0.*
5. Election of the Secretary. *Jim Oliver made the motion to elect Maria Binns as the Secretary of the 2025 Fayette County Planning Commission. Danny England seconded the motion. The motion passed 5-0.*
6. Pledge of Allegiance. *Elected Chairman John Kruzan offered the invocation and led the audience in the Pledge of Allegiance.*
7. Consideration of the Minutes of the meeting held on December 05, 2024. *John Culbreth made a motion to approve the minutes of the meeting held on December 05, 2024. Danny England*

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

8. Plats

- a. Preliminary Plat of Beckton Woods (fronts on Ellison Road).

Ms. Bell explained this plat was a rezoning that came before the planning commission several months ago, now parcels have been consolidated and they are presenting their preliminary plat, it's been reviewed and approved by staff to meet all requirements.

Chairman John Kruzan asked the board for questions.? No one responded. Then he asked for a motion.

***Jim Oliver made a motion to approve the Preliminary Plat of Beckton Woods. John Culbreth seconded the motion. The motion passed 5-0.***

- b. Preliminary Plat of Blissful Meadows (fronts on Kenwood Road & Longview Road).

Ms. Bell the presented plat location and stated has been reviewed and approved by staff.

Chairman John Kruzan asked the board for any questions.? Having no response, the chairman then asks for a motion.

***Jim Oliver made a motion to approve the Preliminary Plat of Blissful Meadows. John Culbreth seconded the motion. The motion passed 5-0.***

**PUBLIC HEARING**

9. Consideration of Petition 1359-24, Applicant proposes to rezone 31.144 acres from R-45 Conditional to A-R Agricultural Residential for the purposes of developing a residential neighborhood of single-family detached homes. Property is located in Land Lots 73 & 88 of the 5<sup>th</sup> District and fronts S Jeff Davis Drive and Dixon Circle.

Ms. Bell presented the staff assessment stating the lot is a legal lot of record and meets or exceeds all the requirements of the A-R zoning district. The Future Land Use Map designates this area as Low-Density Residential, which has a 1-acre minimum parcel size. A-R has a 5-acre minimum parcel size so it will be a less intensive zoning than R-45. Staff recommends conditional approval of the request to rezone from R-45 Conditional to A-R.

Ms. Bell read the accepted conditions by the applicant's agent she had previously discussed with as follows:

1. The existing house on the parcel does not meet the building setback

requirements for A-R and shall be demolished within 90 days of approval of the rezoning or prior to application for any future rezonings or minor final plats, whichever comes first.

2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 50-ft of right of way as measured from the existing centerline of South Jeff Davis Road for the full width of the parcel.
3. No new parcels may be created unless and until a paved road, constructed to County Standards and with a 60' dedicated right-of-way, is constructed at the present end of Dixon Circle as shown on the survey provided with the application.

Ms. Bell stated the subject property was rezoned previously back in 1987 from A-R to R-45, where she explained there were some prior development conditions.

Ms. Bell added staff notes regarding the relationship of the prior conditions to the current rezoning request if it is zoned A-R, due to the shape of the property no more than 2 lots can be developed with frontage on South Jeff Davis. Regarding the frontage on Dixon Circle, the applicant is aware that all required road frontages must be satisfied before the parcel can be subdivided.

Mr. Jim Oliver asked staff under the present zoning (31.144 acres) of R-45 they could put in five acres lot if desired.

Ms. Bell responded if it remains as R-45 the conditions that applied for that original zoning, currently still applying and will have to be amended.

Mr. Oliver agreed to Ms. Bell response.

Mr. Ron Godwin asked the board if they had any questions.? He stated they are trying to rezone from R-45 to A-R. He did the boundary survey.

Mr. Jim Oliver asked Mr. Godwin was doing the work and if he understood the previous question he had asked staff.?

Mr. Godwin responded he did and honestly, the owners just want to change the zoning from one to another and will create fewer homes possible.

Mr. Oliver asked the agent if they had any issues demolishing the existing house within ninety days.?

Mr. Godwin responded none was expressed to me.

Mr. Boris Thomas asked Mr. Godwin if is it a motive to change the zoning.? Is there a lake ownership.?

Mr. Godwin responded the woodlands does not own the entire lake and this property does not own the lake. If you look at the boundaries you will see it runs through the lake, each property owns a part of it.

***Danny England made the motion to recommend CONDITIONAL APPROVAL of Petition 1359-24. Jim Oliver seconded the motion, John Culbreth opposed it. The motion carried 4-1.***

**CONDITIONS:**

- 4. The existing house on the parcel does not meet the building setback requirements for A-R and shall be demolished within 90 days of approval of the rezoning or prior to application for any future rezonings or minor final plats, whichever comes first.***
- 5. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 50-ft of right of way as measured from the existing centerline of South Jeff Davis Road for the full width of the parcel.***
- 6. No new parcels may be created unless and until a paved road, constructed to County Standards and with a 60' dedicated right-of-way, is constructed at the present end of Dixon Circle as shown on the survey provided with the application.***

- 10. Consideration of Revised Development Plan RDP-021-24 Brechin Park, request approval of a Revised Development Plan to allow the subdivision of Parcel 0604 011 into 2 parcels, within the Brechin Park Subdivision. Property is located in Land Lot 16 & 17 of the 6th District and fronts Brechin Drive. **WITHDRAWN BY PETITIONER, Danny England made a motion to ACCEPT THE WITHDRAWAL BY PETITIONER of Petition RDP-021-24 Brechin Park, John Culbreth, Sr. seconded the motion. The motion carried 5-0.*****

**ADJOURNMENT:**

*Danny England moved to adjourn the January 16, 2025, Planning Commission meeting. John Culbreth seconded. The motion passed 5-0.*

*The meeting adjourned at 7:42 p.m.*

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**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

**ATTEST:**

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**JOHN KRUZAN, 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:** Distributing Warehouse

**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:** March 6, 2025, 7:00 PM  
Tabled from December 5, 2025

**BOARD OF COMMISSIONERS PUBLIC HEARING:** March 27, 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 distributing warehouse.

**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.

#### **Zoning Information**

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.

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



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.***

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.*  
[2025 Staff Recommendation is to omit this condition. It is more appropriate to allow the approved zoning district to control the list of permitted and conditional 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).*  
[2025 Staff Recommendation is to omit this condition. Buffers and setbacks are prescribed by the zoning district requirements.]
3. *That there shall be no street tie-on to Country Lane Road.*  
[2025 Staff Recommendation is to omit this condition. Project access is restricted to SR 85 and Corinth Road by the State Route Overlay.]
4. *To provide and maintain off-street parking on the property during any construction project.*  
[2025 Staff Recommendation is to omit this condition. Development Regulations and GDOT do not allow construction parking in the right-of-way.]
5. *That exterior illuminating sources shall not be directly visible from adjoining residential properties.*  
[2025 Staff Recommendation is to omit this condition. Light spill is addressed under the Development Regulations.]
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.*  
[2025 Staff Recommendation is to omit this condition. Project access is restricted to SR 85 and Corinth Road by the State Route Overlay.]

**C. SURROUNDING ZONING AND USES**

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

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Comprehensive Plan/Future Land Use Map</b>
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** [Please see page 2 for detailed info about the Corinth Road/SR 85 GDOT Improvement project]
  - **Road Frontage Right of Way Dedication** – GA Hwy 85 is a **Major Arterial**

- roadway and the GDOT controls all entrances and exits onto the state routes. The applicant proposes no access to Corinth Road. Fayette County Transportation Project 17TAD (GDOT PI 0017813) impacts the southwest corner of the site along Corinth Road.
- Per the Throughfare Plan Fayette County will require a ROW dedication along Corinth Road frontage to provide 50-feet of ROW as measured from the existing road centerline within 120 days of rezoning. Environmental Management Department to ensure proper files are submitted. Corinth Road is a **Minor Arterial** roadway.
  - **Traffic Data** -- According to the GDOT on-line traffic data:
    - The annual average daily traffic for State Route 85:
      - approximately one (1) mile north from the site is **32,320 vehicles per day.**
      - approximately one (1) mile south from the site is **34,874 vehicles per day.**
    - The annual average daily traffic for Corinth Road is **10,351 vehicles per day.**
  - **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 access.
- **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.
- **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.

## **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.

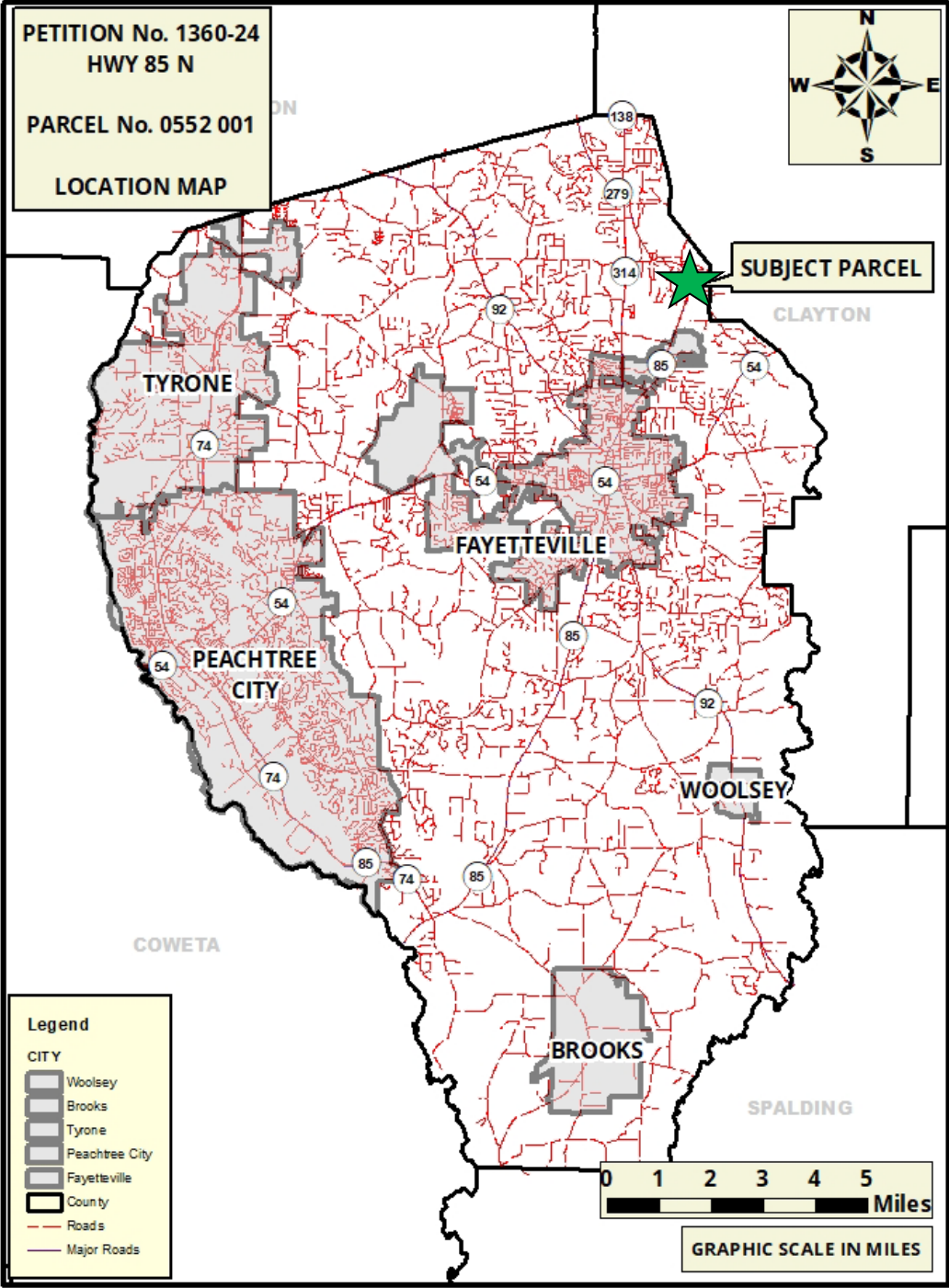
g. *Lighting and shielding standards.* Light shall be placed in a manner to direct light away from any adjacent roadways or nearby residential areas.

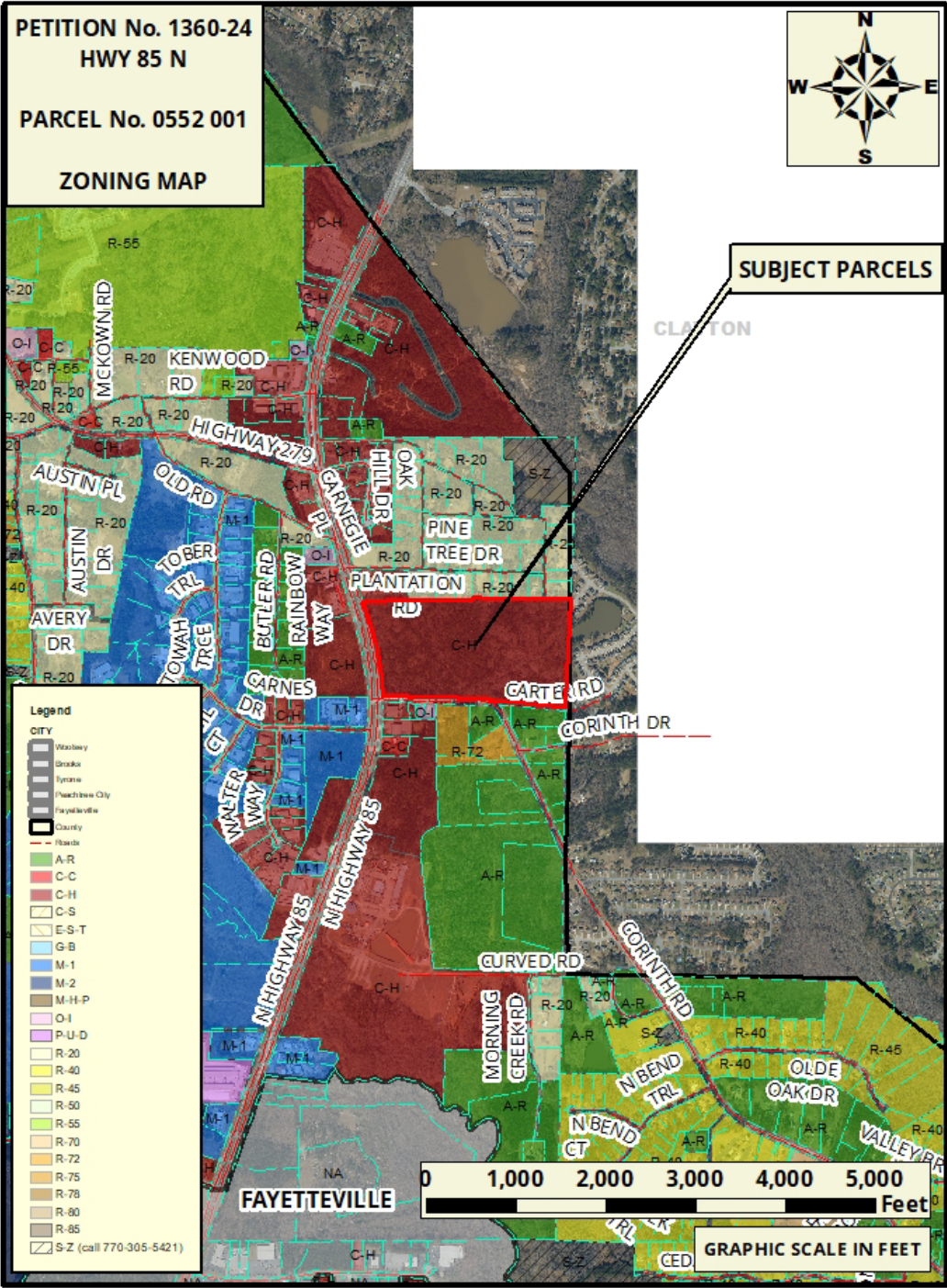
h. *Special locational and spatial requirements.*

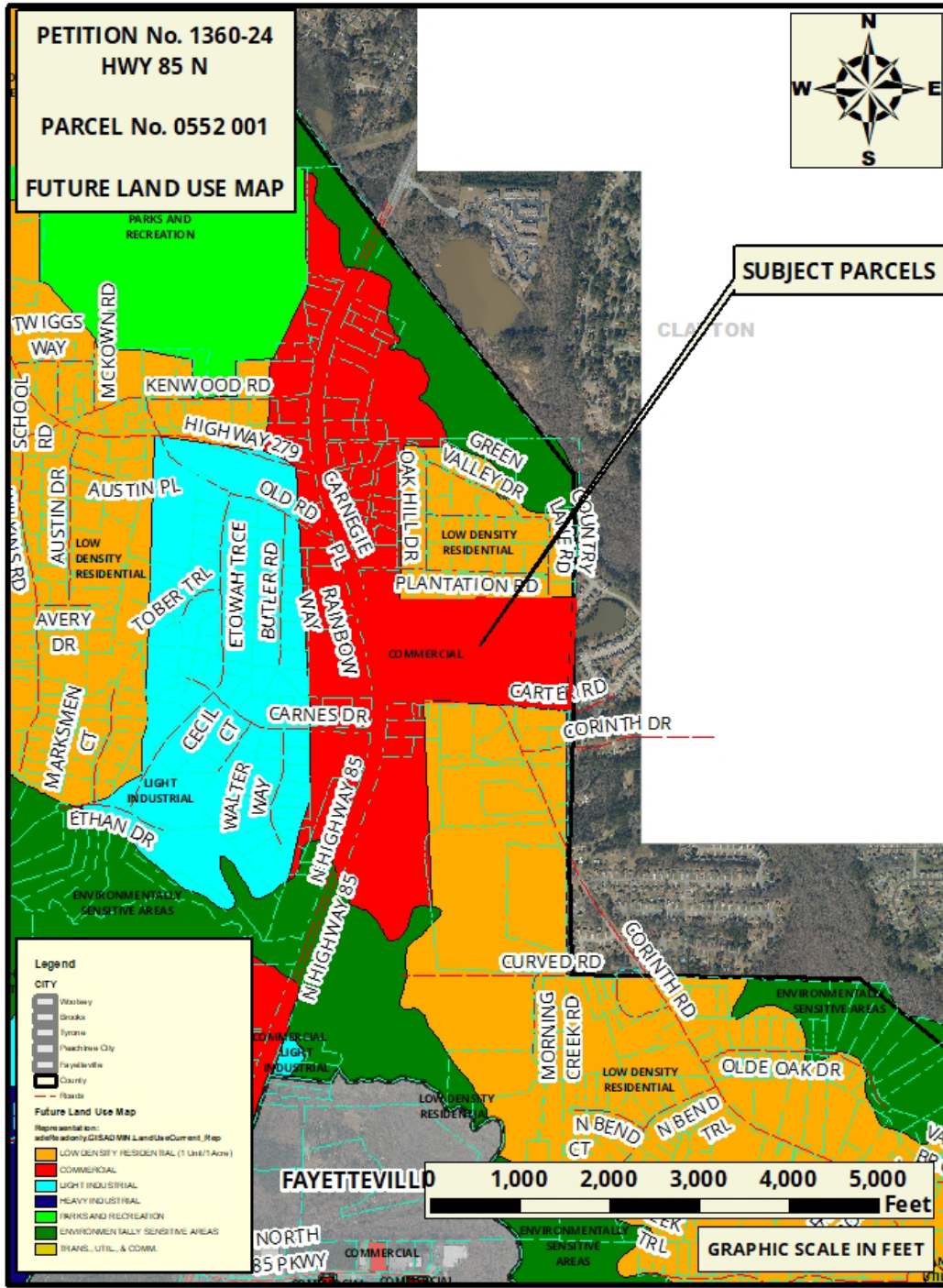
1. Outside storage of merchandise or equipment and parts shall be allowed in the rear yards only, subject to minimum screening, setback and buffer requirements. Outside storage shall not exceed 25 percent of the gross floor area of all structures per lot.

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.

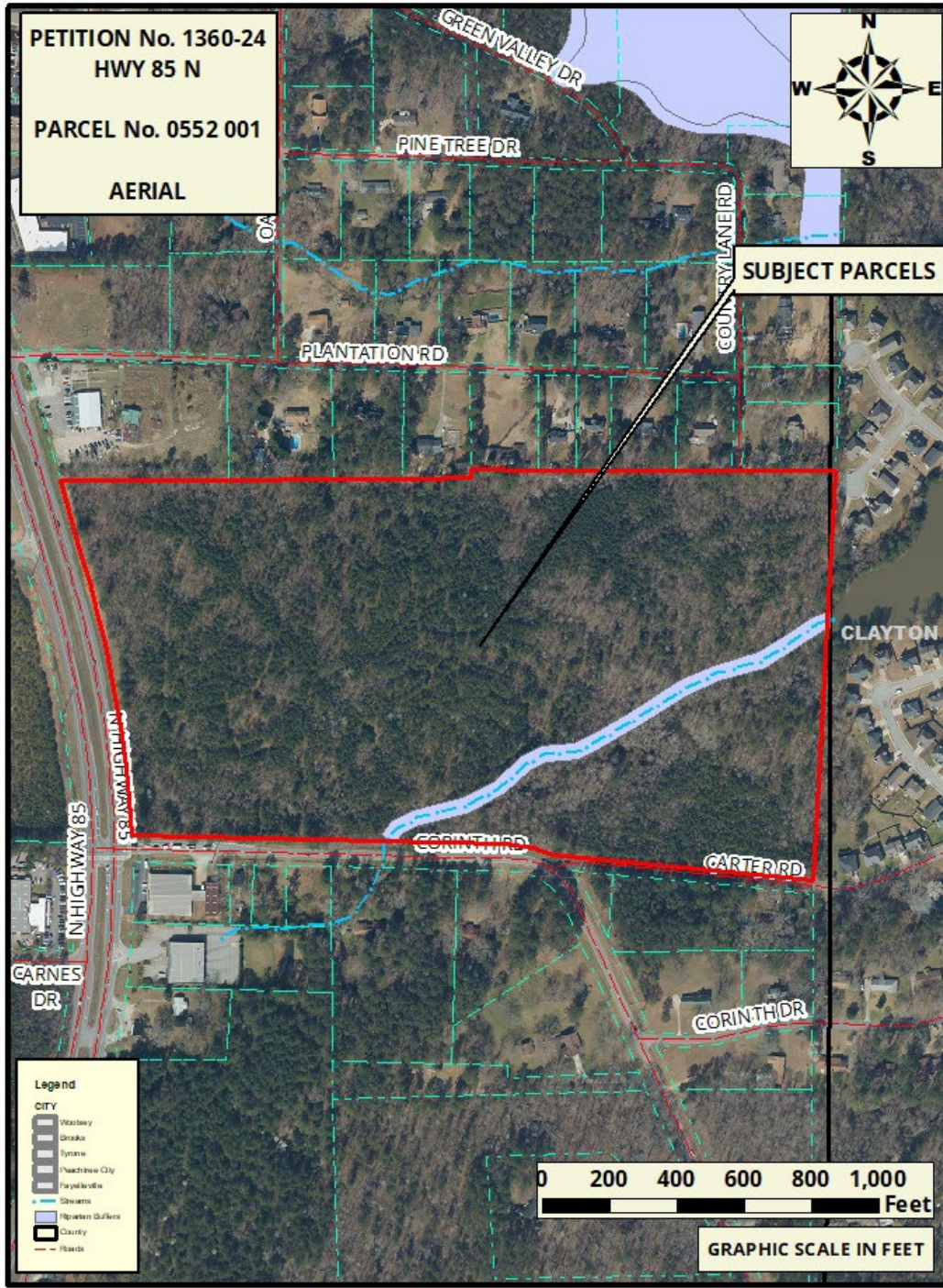
3. For all new construction, garage doors and bays associated with any use within the district shall be located on the side or rear of the principal building, and not facing SR 85.



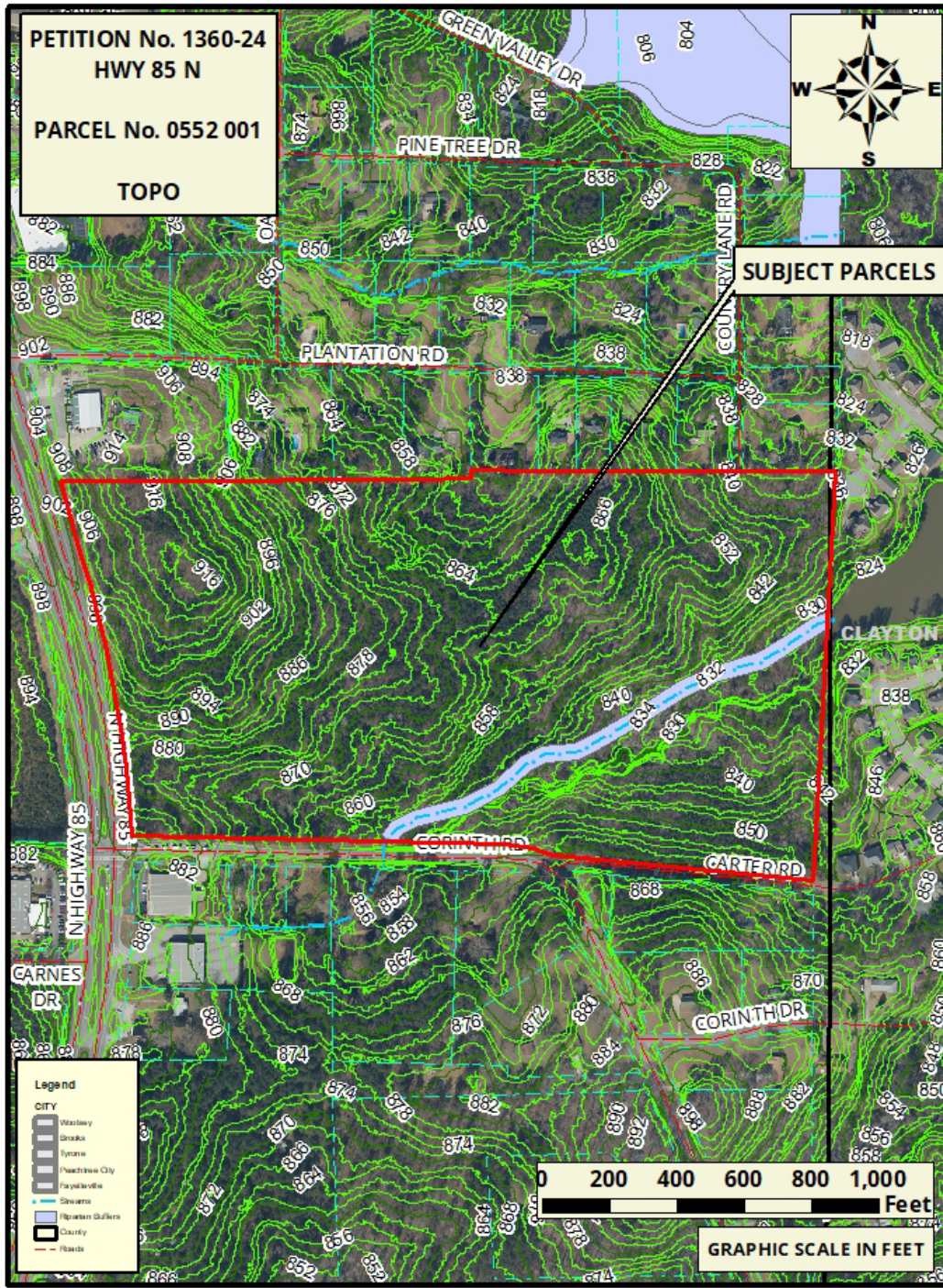


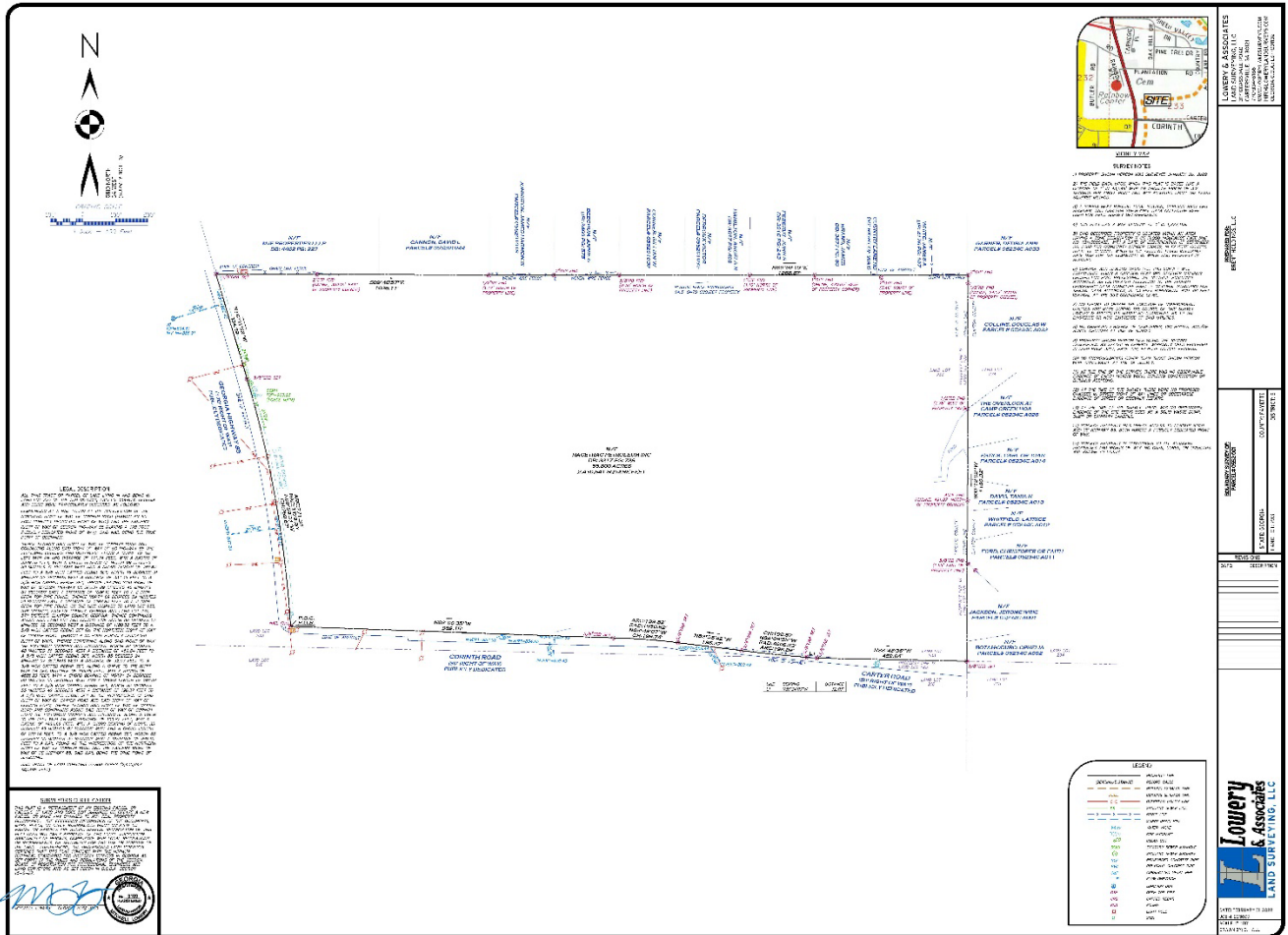




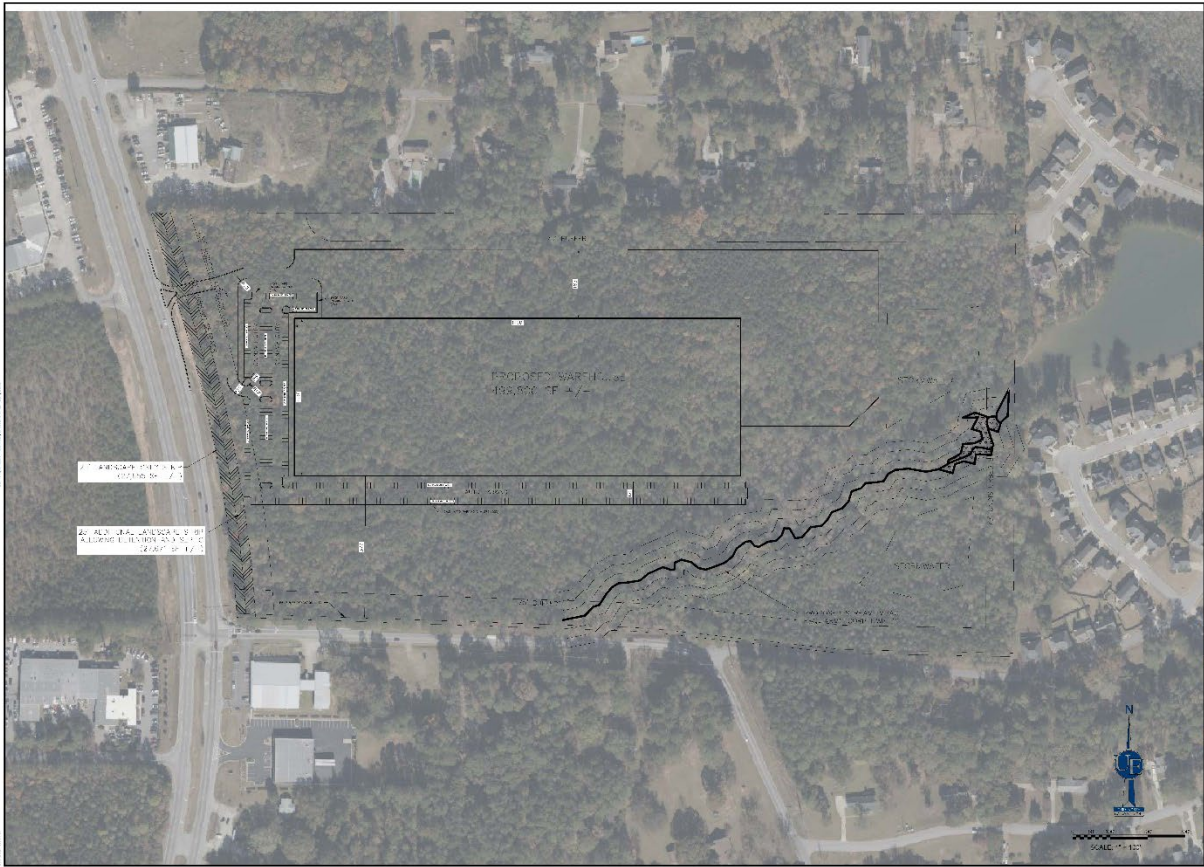








SURVEY



**JE**  
**Urban Engineers, Inc.**  
 2100 WILSON BLVD, SUITE 200  
 FARMINGTON, CT 06031  
 (860) 676-1111  
 WWW.URBANENGINEERS.COM  
 PROFESSIONAL SEAL

DATE: 10/1/2024

PROJECT NAME: [REDACTED]

**GEORGIA**  
 REGISTERED PROFESSIONAL ENGINEER  
 2024 CONTRACT: [REDACTED]

PROJECT INFORMATION:  
 PROJECT NO: 1360-24  
 CLIENT: [REDACTED]  
 DATE: 10/1/24  
 SHEET: C-1

SHEET NAME:  
**CONCEPT SITE PLAN 1**

SHEET NUMBER:  
**C-1**

**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.



**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

---

***(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

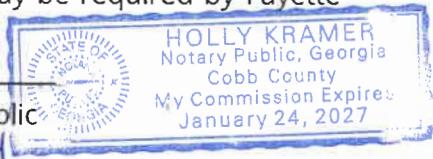
(I am) (we are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in Land Lot(s) 233 of the 5th District, and (if applicable to more than one land district) Land Lot(s) N/A of the N/A District, and said property consists of a total of 55.8+/- acres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

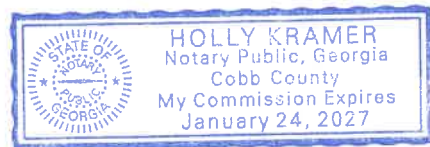
\_\_\_\_\_  
SIGNATURE OF PROPERTY OWNER

N/A

SIGNATURE OF PROPERTY OWNER  
[Signature]

NOTARY PUBLIC

[Signature]





**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

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**DISCLOSURE STATEMENT**

**(Please check one)**

**Campaign contributions:**      **No**                              **Yes (see attached disclosure report)**

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

O.C.G.A. § 36-67A-3 (2011)

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

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

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

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

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

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

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

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

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

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

## 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

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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)



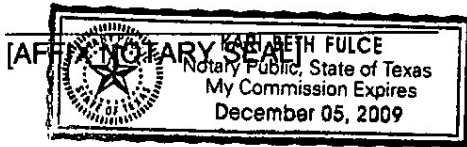
IN WITNESS WHEREOF, the Grantor, acting by and through its Managing Partner has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

[Signature]  
Unofficial Witness

[Signature]  
Notary Public

My Commission Expires: 12/05/09



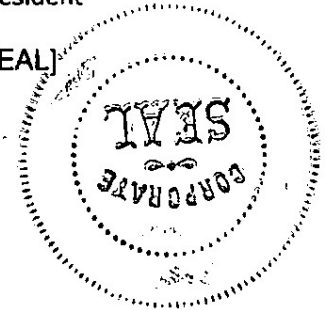
**GRANTOR:**

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

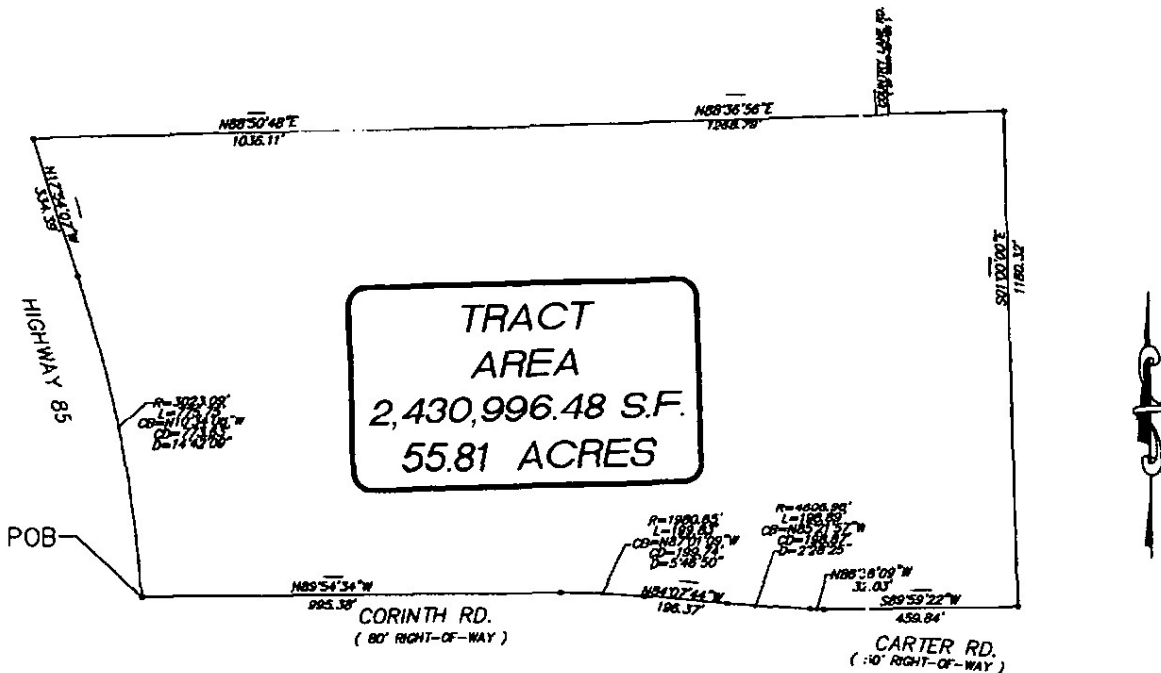
[AFFIX CORPORATE SEAL]



# 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.





PETITION FOR REZONING CERTAIN PROPERTIES IN UNINCORPORATED AREAS OF FAYETTE COUNTY, GEORGIA PUBLIC HEARING to be held before the Fayette County Planning Commission on Thursday, March 6, 2025, at 7:00 P.M. and before the Fayette County Board of Commissioners on Thursday, March 27, 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, Country Lane 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 LAND-MARK 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 PF 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.

02/12

**PETITION No. 1361-25**

**REQUESTED ACTION:** Rezone 10.03 acres from A-R to R-72

**PARCEL NUMBER:** 0505 047

**EXISTING ZONING:** A-R

**PROPOSED ZONING:** R-72

**EXISTING USE:** Agricultural-Residential

**PROPOSED USE:** Single-Family Residential

**LOCATION:** Inman Road at John Street (abandoned)

**LOT SIZE:** 10.03 Acres

**DISTRICT/LAND LOT(S):** 5<sup>th</sup> District, Land Lots 88, 73

**OWNER(S):** After Hours Property Management, LLC

**APPLICANT(S):** Max Fuller

**AGENT(S):** Christine Flanigan

**PLANNING COMMISSION PUBLIC HEARING:** March 6, 2025, at 7:00 PM

**BOARD OF COMMISSIONERS PUBLIC HEARING:** March 27, 2025, at 5:00 PM

---

**REQUEST**

The applicant is requesting to rezone the property from A-R to R-72.

**STAFF ASSESSMENT & RECOMMENDATION**

The lot is a legal lot of record and meets or exceeds all the requirements of the A-R zoning district. The Future Land Use Map designates this area as Rural Residential-2, which has a 2-acre minimum parcel size. Therefore, the request to rezone to the R-72 zoning district is appropriate and is consistent with the Future Land Use Map and the Comprehensive Plan. Staff recommends **CONDITIONAL APPROVAL** of the request to rezone to R-72, subject to the following:

1. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 50-ft of right of way as measured from the existing centerline of Inman Road for the full width of the parcel. Submittal of all warranty deed(s) and legal descriptions for said right-of-way dedication(s) shall be provided to the County within 90 days of the approval of the rezoning request, or prior to the final plat approval, whichever comes first.

Staff has discussed these conditions with the applicant, and they accept these conditions.



## **INVESTIGATION**

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

The subject property is currently zoned A-R. It has not been rezoned. The property is currently undeveloped and is open pasture. There are no environmental issues that impact the property.

### **B. ADJACENT ZONING AND FUTURE LAND USE**

The parcels surrounding the subject property are zoned A-R. The Future Land Use Map for this property and all the surrounding properties is Rural Residential-2, 1 Unit/2 Acres. See the attached Zoning Map and Future Land Use Map.

<b>Direction</b>	<b>Acreage</b>	<b>Zoning</b>	<b>Use</b>	<b>Future Land Use Plan</b>
North	36.28	A-R	Agricultural	Rural Residential-2 (1 unit /2 acres)
East	Same parcel as north	A-R	Single Family Residential & Agricultural	Rural Residential-2 (1 unit /2 acres)
South	7.52	A-R	Single Family Residential & Agricultural	Rural Residential-2 (1 unit /2 acres)
West	28.11	A-R	School	Rural Residential-2 (1 unit /2 acres)

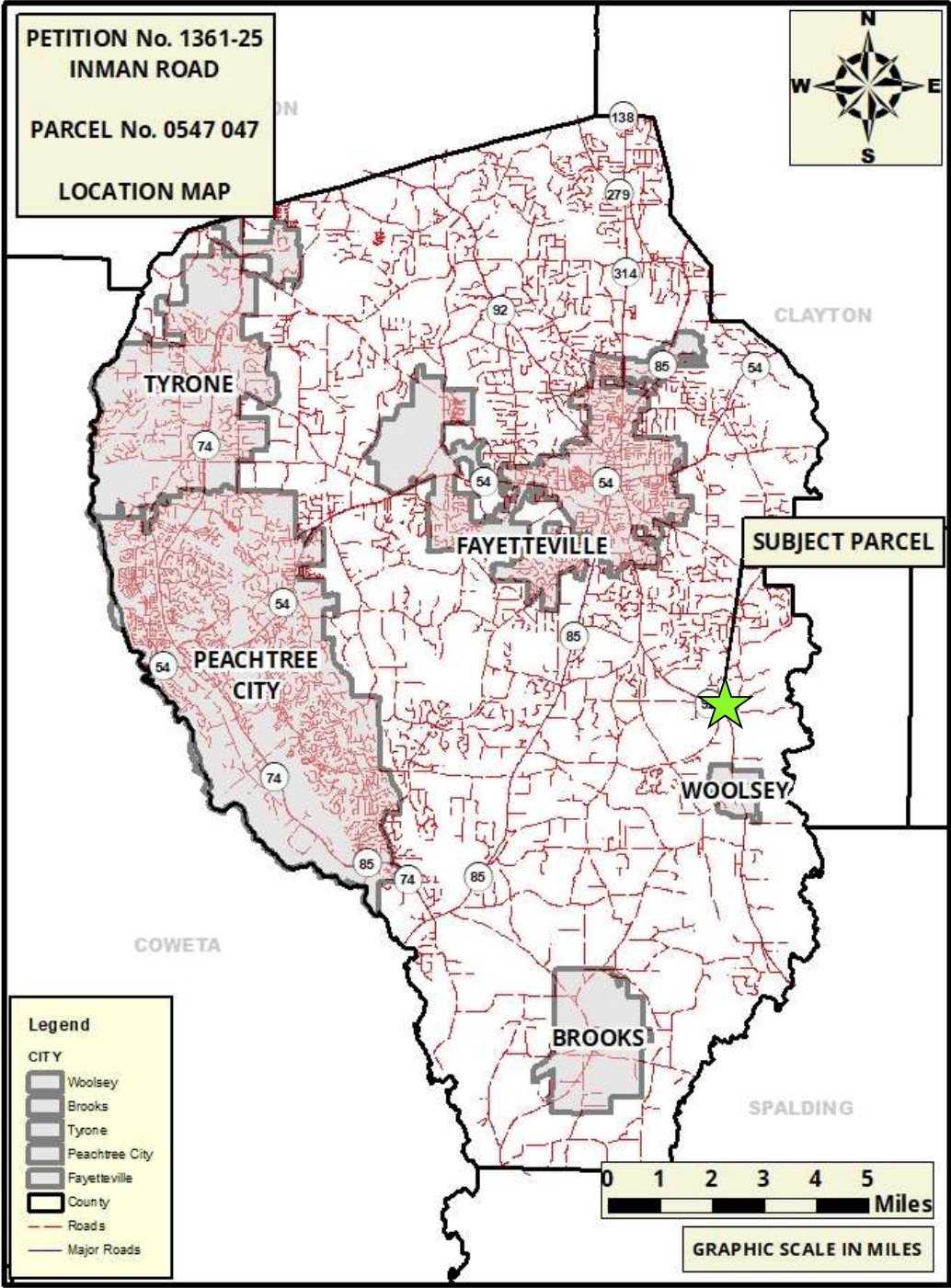
### **C. DEPARTMENTAL COMMENTS**

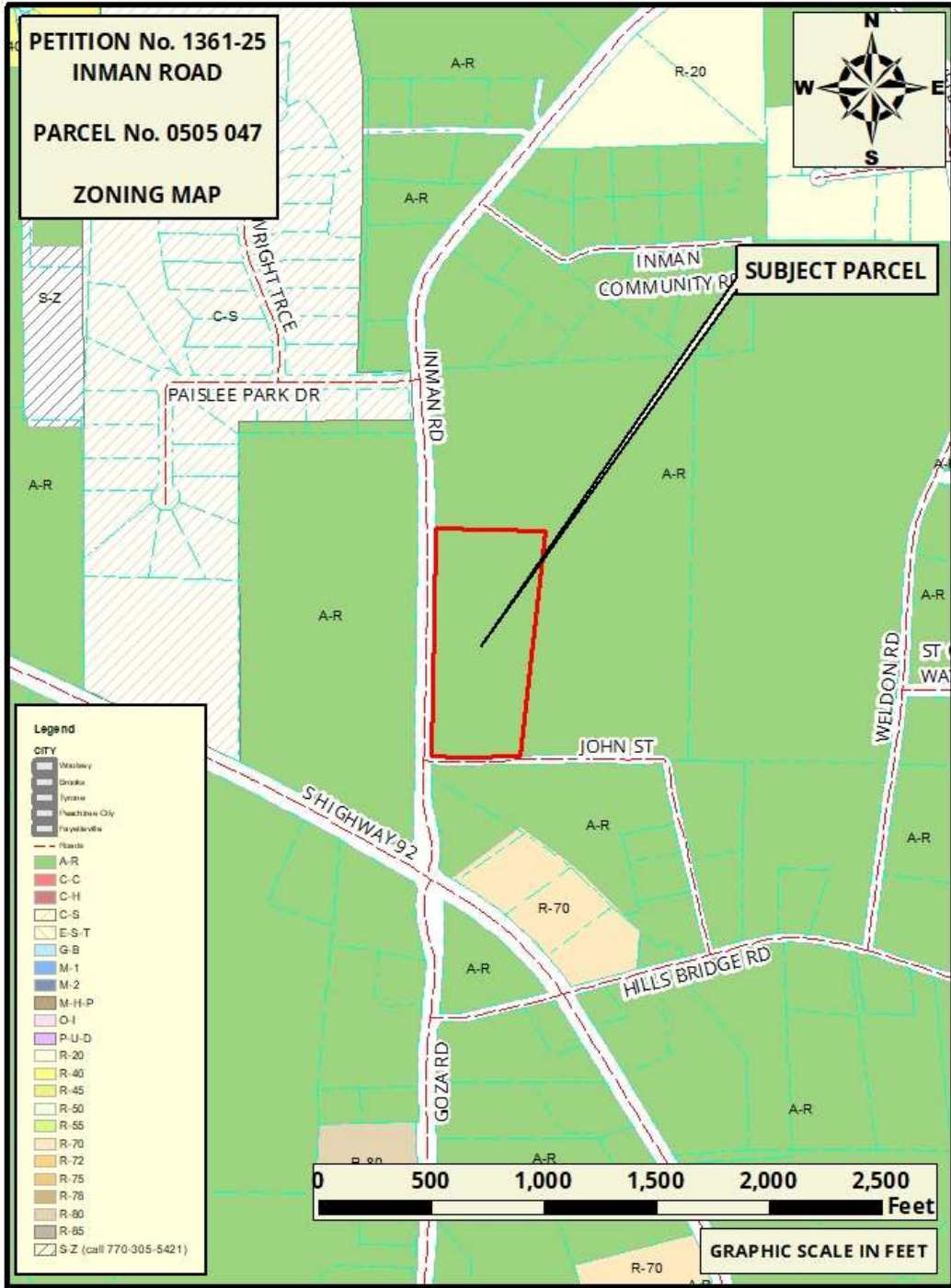
- Water System** – No objections.
- Public Works/Environmental Management** – No objections. There are no environmental factors that impact the site. All driveways require a permit from Fayette County.
- Fire** – No comments.
- Environmental Health** - This office has no objection to the proposed rezoning.
- GDOT** – Not applicable, not on State Route.

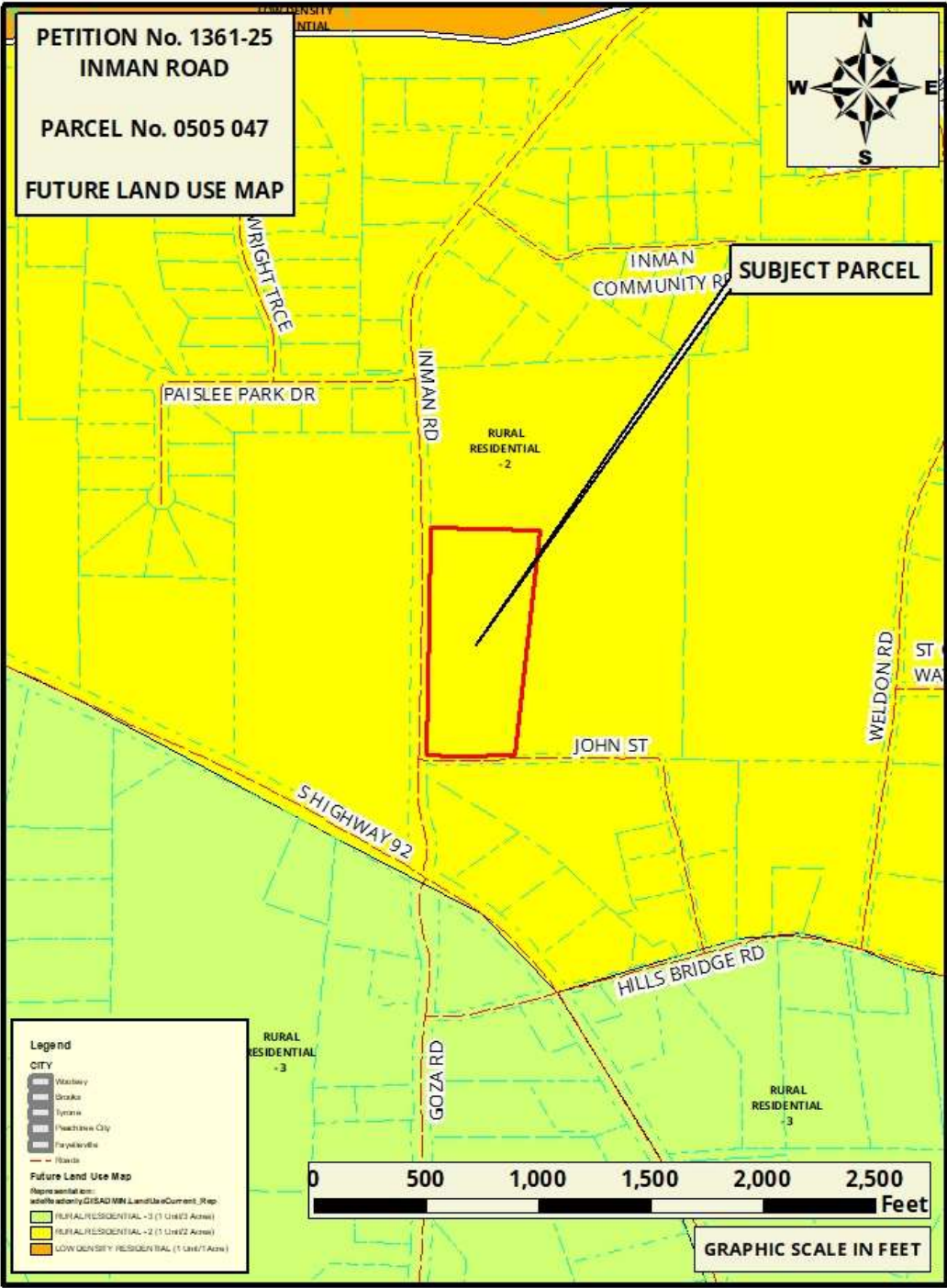
## **ZONING DISTRICT STANDARDS**

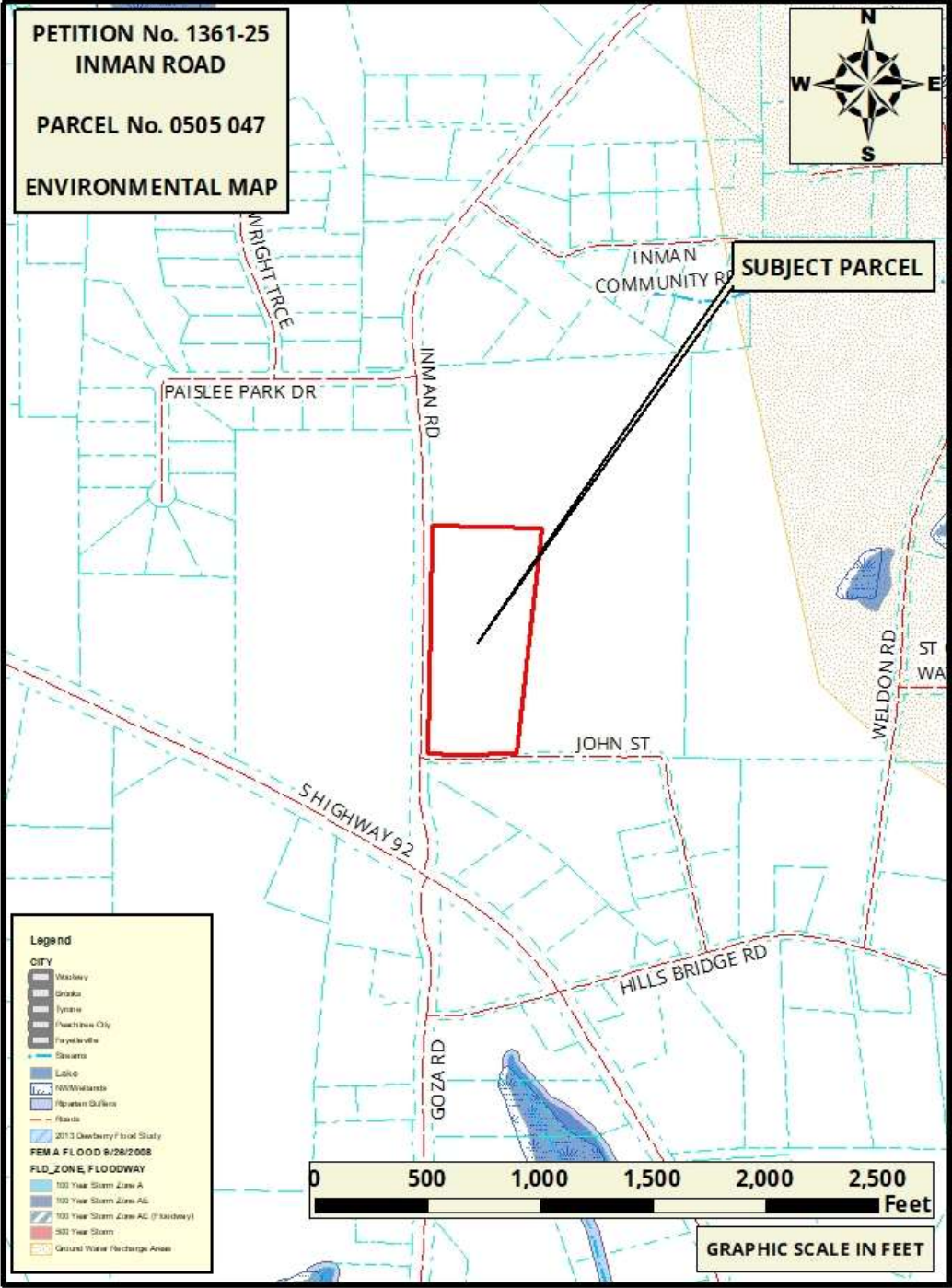
### **Sec. 110-132. R-72, Single-Family Residential District.**

- (a) *Description of district.* This district is composed of certain lands and structures having a low density single-family residential character and designed to protect against the depreciating effects of small lot development and those uses incompatible with such a residential environment.
- (b) *Permitted uses.* The following permitted uses shall be allowed in the R-72 zoning district:
- (1) Single-family dwelling;
  - (2) Residential accessory structures and uses (see article III of this chapter); and
  - (3) Growing crops, gardens.
- (c) *Conditional uses.* The following conditional uses shall be allowed in the R-72 zoning district provided that all conditions specified in article V of this chapter are met:
- (1) Church and/or other place of worship;
  - (2) Developed residential recreational/amenity areas;
  - (3) Home occupation;
  - (4) Horse quarters; and
  - (5) Private school, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium.
- (d) *Dimensional requirements.* The minimum dimensional requirements in the R-72 zoning district shall be as follows:
- (1) Lot area per dwelling unit: 87,120 square feet (two acres).
  - (2) Lot width:
    - a. Major thoroughfare:
      1. Arterial: 175 feet.
      2. Collector: 175 feet.
    - b. Minor thoroughfare: 150 feet.
  - (3) Floor area: 2,100 square feet.
  - (4) Front yard setback:
    - a. Major thoroughfare:
      1. Arterial: 75 feet.
      2. Collector: 75 feet.
    - b. Minor thoroughfare: 50 feet.
  - (5) Rear yard setback: 50 feet.
  - (6) Side yard setback: 25 feet.
  - (7) Height limit: 35 feet.
- (Code 1992, § 20-6-8; Ord. No. 2012-09, § 4, 5-24-2012; Ord. No. 2018-03, § 13, 9-22-2018)





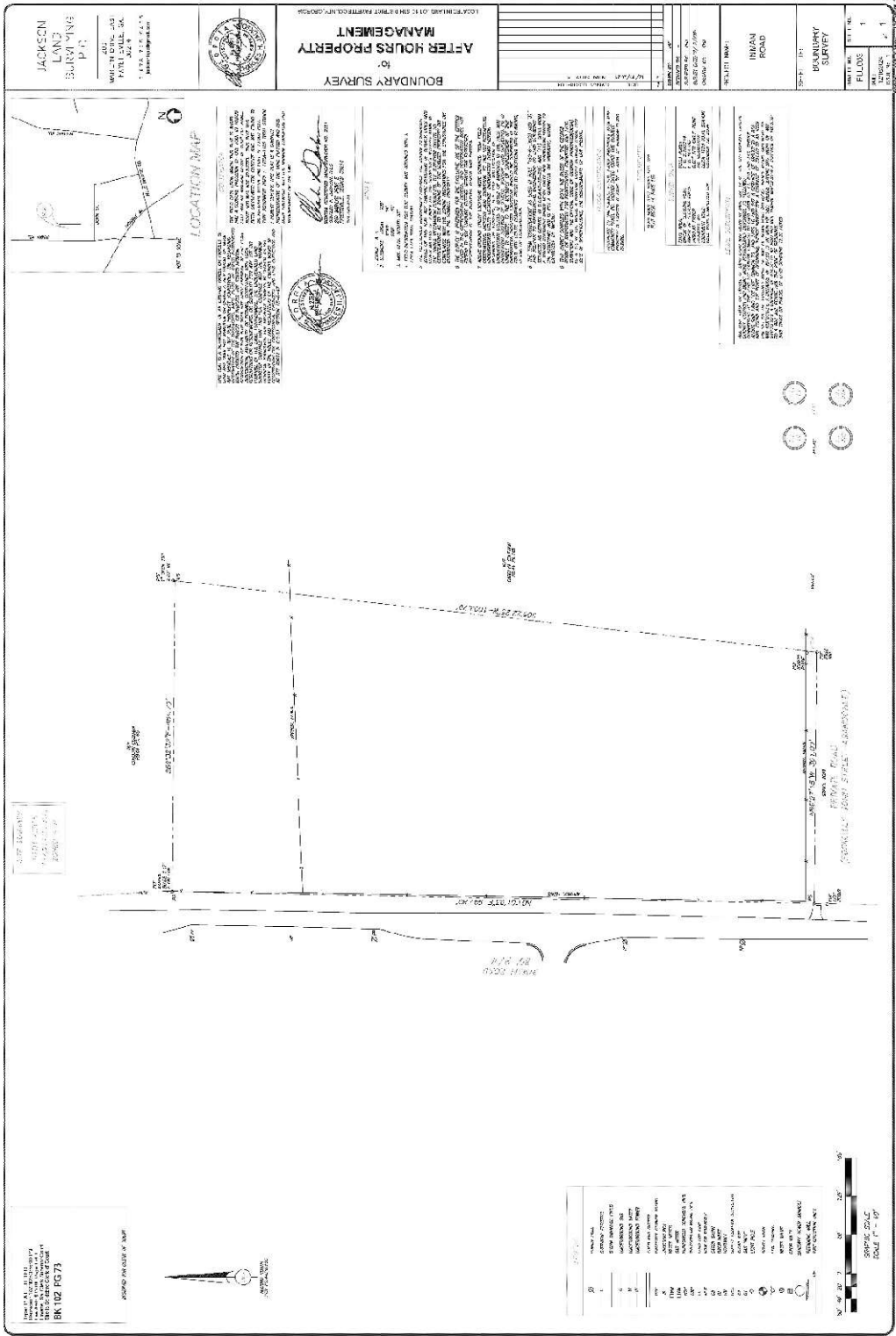












PETITION No (s): 1361-24 25

STAFF USE ONLY

**APPLICANT INFORMATION**

Name Max Fuller  
Address PO Box 1803  
City Newnan  
State GA Zip 30264  
Email Max@coastalpackaging.com  
Phone 770-301-4847

**PROPERTY OWNER INFORMATION**

Name After Hours Property Management, LLC  
Address PO Box 1803  
City Newnan  
State GA Zip 30264  
Email Jenni@coastalpackaging.com  
Phone 770-301-4847

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

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

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

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

[ ] Application Insufficient due to lack of:

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

[x] Application and all required supporting documentation is Sufficient and Complete

Staff: Maria B... Date: 1/8/2025

DATE OF PLANNING COMMISSION HEARING: MARCH 6, 2025

DATE OF COUNTY COMMISSIONERS HEARING: MARCH 27, 2025

Received from MAX FULLER a check in the amount of \$ 350.00 for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).

Date Paid: 1/8/2025 Receipt Number: \_\_\_\_\_

PETITION No.: 1361-24 Fees Due: \_\_\_\_\_ Sign Deposit Due: \_\_\_\_\_

STAFF USE ONLY

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

parcel) Parcel # (Tax ID): 0505047 Acreage: 10 Acres  
Land District(s): 5th Land Lot(s): 10  
Road Name/Frontage L.F: Inman Rd/997.80 Road Classification: County  
Existing Use: Agriculture Proposed Use: R72  
Structure(s): 4 Type: Residential Homes Size in SF: Min 2100 Sq Ft  
Existing Zoning: Agriculture Proposed Zoning: R72  
Existing Land Use: Agriculture Proposed Land Use: R72  
Use: Water Yes Distance to Water Line: 50 ft Distance to Hydrant: 50 ft  
Availability: \_\_\_\_\_

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

STAFF USE ONLY

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

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

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

STAFF USE ONLY

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

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

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

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:  
After Hours Property Management, LLC

(Please Print)

**Property Tax Identification Number(s) of Subject Property:** Parcel # 0505047

(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) 10 of the 5th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the \_\_\_\_\_ District, and said property consists of a total of 10 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

(II) \_\_\_\_\_

Signature of Property Owner 1

[Signature]

Address

PO Box 1803 Newnan, GA 30264

Signature of Property Owner 2

[Signature]

Address

PO Box 1803 Newnan, GA 30264

Signature of Property Owner 3

[Signature]

Address

PO Box 1803 Newnan, GA 30264

Signature of Authorized Agent

\_\_\_\_\_

Address

[Signature]

Signature of Notary Public

[Signature]

Date

01/08/2025

[Signature]

Signature of Notary Public

Date

01/08/2025

[Signature]

Signature of Notary Public

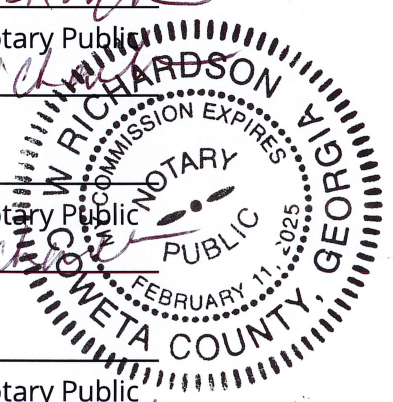
Date

01/08/2025

Signature of Notary Public

\_\_\_\_\_

Date



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

**OWNER'S AFFIDAVIT**

(Please complete an affidavit for each parcel being rezoned)

NAME: After Hours Property Management, LLC

ADDRESS: PO Box 1803 Newnan, GA 30264

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

Max Fuller affirms that he is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) \_\_\_\_\_ Zoning District. He/She respectfully petitions the County to rezone the property from its present classification and tenders herewith the sum of \$ \_\_\_\_\_ to cover all expenses of public hearing. He/She petitions the above named to change its classification to R2.

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 6th day of March, 20 2025 at 7:00 P.M.

PUBLIC HEARING to be held by the Board of Commissioners of Fayette County on the 27th day of March, 20 2025 at 7:00 P.M.

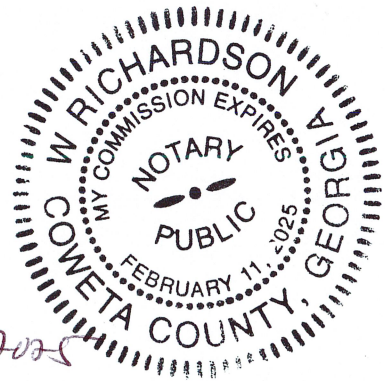
SWORN TO AND SUBSCRIBED BEFORE ME THIS 8th DAY OF January, 20 25

Max Fuller  
SIGNATURE OF PROPERTY OWNER

Tracy Brown  
SIGNATURE OF PROPERTY OWNER

Julie Hobson  
SIGNATURE OF PROPERTY OWNER

Walter Richardson  
NOTARY PUBLIC



Exp. Feb. 11th, 2025

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

I/We, After Hours Property Management, LLC, said property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to Fayette County, feet of right-of-way along Inman Road as measured from the centerline of the road.

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

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

Sworn to and subscribed before me this 8<sup>th</sup> day of January, 2025.

[Signature]

SIGNATURE OF PROPERTY OWNER

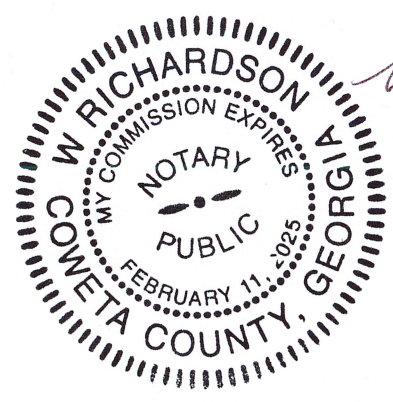
[Signature]

SIGNATURE OF PROPERTY OWNER

Jennifer Hobson

SIGNATURE OF PROPERTY OWNER

NOTARY PUBLIC



Whitney Richardson  
Exp. Feb. 11th 2025

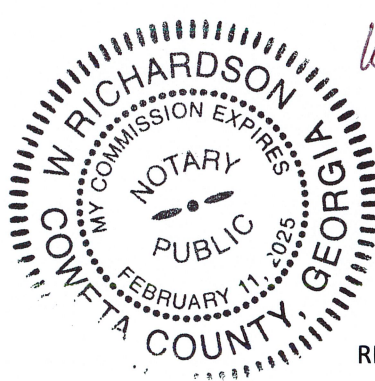
DEVELOPMENTS OF REGIONAL IMPACT (DRI)

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 .
  - [ X] 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 8<sup>th</sup> day of January, 2025.  
Max Hahn Trae Johnson Janie Johnson

APPLICANT'S SIGNATURE



*Whitney Richardson*  
 Exp. Feb. 11th 2025

## Developments of Regional Impact - Tiers and Development Thresholds

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

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**DISCLOSURE STATEMENT**

**(Please check one)**

**Campaign contributions:**       X   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).

Return to:

**Edge & Kimbell Law, LLC**

John A. Kimbell  
503 Commerce Drive  
Peachtree City, GA 30269

File No.: PTC-24-3814

Parcel ID: 0505047

### **LIMITED WARRANTY DEED**

STATE OF GEORGIA, COUNTY OF FAYETTE

**THIS INDENTURE**, Made the 6th day of January, 2025 between

**Carolyn Harp Coleman a/k/a Carolyn H Coleman,**

of the State of Georgia, as party of the first part, hereinafter called Grantor and

**After Hours Property Management, LLC, a Georgia Limited Liability Company,**

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

**WITNESSETH** that: Grantor, for and in consideration of the sum of **TWO HUNDRED NINETY FIVE THOUSAND FIVE HUNDRED AND 00/100 Dollars (\$295,500.00)** AND OTHER 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:

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

commonly known as **John Street and Inman Road, Fayetteville, GA 30215**

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

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

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

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

[Signature]  
UNOFFICIAL WITNESS

Carolyn Harp Coleman a/k/a Carolyn H Coleman (SEAL)  
by Howard Daniel Coleman, her Attorney-In-Fact,  
Pursuant to Power of Attorney attached hereto as Exhibit "B"

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



**EXHIBIT "A"**  
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 10 OF THE 5TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING THOSE LANDS DESCRIBED IN A PLAT OF SURVEY DATED 12/18/74, PREPARED BY LEE ENGINEERING COMPANY FOR DONALD HARP AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO ARRIVE AT A POINT OF BEGINNING HEREOF, START AT A POINT LOCATED IN THE CENTER OF THE INTERSECTION OF STATE HIGHWAY 92 AND INMAN ROAD, GO THENCE NORTHERLY ALONG THE CENTER OF INMAN ROAD 513 FEET TO A POINT, GO THENCE EASTERLY 30 FEET TO A POINT LOCATED IN THE CENTER OF A ROAD IN SAID PLAT, WHICH IS THE POINT OF BEGINNING, RUNNING THENCE NORTH 0 DEGREES 28 MINUTES EAST ALONG INMAN ROAD 997.8 FEET TO A POINT, RUNNING THENCE NORTH 89 DEGREES 30 MINUTES EAST 484.7 FEET TO A POINT, RUNNING THENCE SOUTH 5 DEGREES 49 MINUTES WEST 1003.7 FEET TO A POINT LOCATED IN THE CENTER OF SAID ROAD, RUNNING THENCE SOUTH 89 DEGREES 30 MINUTES WEST ALONG THE CENTER OF SAID ROAD 391 FEET TO THE POINT OF BEGINNING, THE SAID TRACT OF LAND CONTAINING 10 ACRES, MORE OR LESS.

PARCEL # 0505047

# Exhibit "B"

## STATUTORY FORM POWER OF ATTORNEY

State of Georgia

County of Gwinnett

### IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in O.C.G.A. Chapter 6B of Title 10.

This power of attorney does not authorize the agent to make health care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise in the Special Instructions, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agent is not entitled to any compensation unless you state otherwise in the Special Instructions. Your agent shall be entitled to reimbursement of reasonable expenses incurred in performing the acts required by you in your power of attorney.

This form provides for designation of one agent. If you wish to name more than one agent, you may name a successor agent or name a coagent in the Special Instructions. Coagents will not be required to act together unless you include that requirement in the Special Instructions.

If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney shall be durable (it will continue to be effective even if you become incapacitated) unless you state otherwise in the Special Instructions.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

Page 1 of 11

*cha*

*If you have questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.*

### DESIGNATION OF AGENT

I Carolyn H Coleman (the "Principal"), presently of 1691 Bentwood Drive SW, Lilburn, in the State of Georgia, on this 7 day of November, 2024 name the following person as my agent:

Name of agent: Howard Daniel Coleman

Agent's address: 125 John Street, Fayetteville, Georgia

Agent's telephone number: (404) 625-6537

Agent's e-mail address: d.coleman41@gmail.com

### GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in O.C.G.A. Chapter 6B of Title 10:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant **general authority** over all of the subjects you may initial "**All preceding subjects**" instead of initialing each subject.)

- Real property
- Tangible personal property
- Stocks and bonds
- Commodities and options
- Banks and other financial institutions
- Operation of entity or business
- Insurance and annuities
- Estates, trusts, and other beneficial interests
- Claims and litigation
- Personal and family maintenance
- Benefits from governmental programs or civil or military service
- Retirements plans

*ehc*

~~(che)~~ Taxes

X  All preceding subjects

**GRANT OF SPECIFIC AUTHORITY (OPTIONAL)**

My agent **SHALL NOT** do any of the following specific acts for me **UNLESS** I have **INITIALED** the specific authority listed below:

(**CAUTION:** Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. **INITIAL ONLY** the specific authority you **WANT** to give your agent. You should give your agent specific instructions in the Special Instructions when you authorize your agent to make gifts.)

X  Create, fund, amend, revoke, or terminate an inter vivos trust

X  Make a gift, subject to the limitations of O.C.G.A. § 10-6B-56 and any Special Instructions in this power of attorney

Create or change rights of survivorship

Create or change a beneficiary designation

Authorize another person to exercise the authority granted under this power of attorney

Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan

Exercise authority over the content of electronic communications sent or received by the principal

Exercise fiduciary powers that the principal has authority to delegate and that are expressly and clearly identified (including the persons for which the principal acts as a fiduciary) in the Special Instructions

X  Renounce an interest in property, include a power of appointment

**LIMITATION ON AGENT'S AUTHORITY**

An agent that is not my ancestor, spouse, or descendant **SHALL NOT** use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

**SPECIAL INSTRUCTIONS (OPTIONAL)**

*che*



You may give special instructions on the following lines (you may add lines or place your special instructions in a separate document and attach it to the power of attorney):

**Gifts**

1. My Agent's authority to make gifts is limited to:
  - a. Gifts to my spouse, children, grandchildren, great grandchildren, and other family members on special occasions, including birthdays and seasonal holidays, including cash gifts, and to such other persons with whom I have an established pattern of giving (or if it is appropriate to make such gifts for estate planning and/or tax purposes), in such amounts as my Agent may decide in his or her absolute discretion, having regard to all of the circumstances, including the gifts I made while I was capable of managing my own estate, the size of my estate and my income requirements; and
  - b. Continue to make gifts to charitable organizations with whom I have an established pattern of giving (or if it is appropriate to make such gifts for estate planning and/or tax purposes), in such amounts as my Agent may decide in his or her absolute discretion, having regard to all of the circumstances, including the gifts I made while I was capable of managing my own estate, the size of my estate and my income requirements.

**Employ Required Professionals**

2. I grant my Agent the authority to appoint and employ any agents, servants, companions, or other persons, including nurses and other health care professionals for my care and the care of my spouse and dependent children, and accountants, attorneys, clerks, workers and others for the management, preservation and protection of my property and estate, at such compensation and for such length of time as my Agent considers advisable

**Rental Properties**

3. I grant my Agent the authority to manage the property owned by me, or in which I have an interest, located at 125 John Street, Fayetteville, GA 30215, and municipally known as Inman, GA. This power includes, but is not

*che*

limited to, the power to receive rents, make repairs, pay expenses including the insuring of the property and generally to deal with my property as effectually as I myself could do; to take all lawful proceedings by way of action or otherwise, for recovery of rent in arrears, or for eviction of tenants; and to commence, carry on and defend all actions, suits and other proceedings touching my property or any part of it.

### Specific Financial Accounts

4. I grant my Agent the authority to control my accounts with \_\_\_\_\_ Bank, located at \_\_\_\_\_, Account Number(s) \_\_\_\_\_. This power includes the authority to conduct any business with respect to any of my listed accounts, including, but not limited to, making deposits and withdrawals, negotiating or endorsing any cheques or other instruments with respect to any such accounts, obtaining bank statements, passbooks, drafts, money orders, warrants, and certificates or vouchers payable to me by any person, firm, corporation or political entity, and to perform any act necessary to deposit, negotiate, sell or transfer any note, security or draft.

### Previous Power of Attorney

5. **I REVOKE** any previous power of attorney granted by me.

### Governing Law

6. This document will be governed by the laws of the State of Georgia. Further, my Agent is directed to act in accordance with the laws of the State of Georgia at any time he or she may be acting on my behalf.

### Liability of Agent

7. My Agent will not be liable to me, my estate, my heirs, successors or assigns for any action taken or not taken under this document, except for willful misconduct or gross negligence.

*che*

**Effective Date**

8. This Power of Attorney will start immediately and will cease to be in effect upon a finding of my mental incapacity or mental infirmity which may occur after my execution of this Power of Attorney.

**Agent Compensation**

9. My Agent will receive no compensation except for the reimbursement of all out of pocket expenses associated with the carrying out of my wishes.

**Co-owning of Assets and Mixing of Funds**

10. My Agent may not mix any funds owned by him or her in with my funds and all assets should remain separately owned if at all possible.

**Personal Gain from Managing My Affairs**

11. My Agent is not allowed to personally gain from any transaction he or she may complete on my behalf.

**Agent Restrictions**

12. This Power of Attorney is not subject to any conditions or restrictions other than those noted above.

**Notice to Third Parties**

13. Any third party who receives a valid copy of this Power of Attorney can rely on and act under it. A third party who relies on the reasonable representations of my Agent as to a matter relating to a power granted by this Power of Attorney will not incur any liability to the Principal or to the Principal's heirs, assigns, or estate as a result of permitting the Agent to exercise the authority granted by this Power of Attorney up to the point of revocation of this Power of Attorney. Revocation of this Power of Attorney will not be effective as to a third party until the third party receives notice and has actual knowledge of the revocation.



**Severability**

14. If any part of any provision of this document is ruled invalid or unenforceable under applicable law, such part will be ineffective to the extent of such invalidity only, without in any way affecting the remaining parts of such provisions or the remaining provisions of this document.

**EFFECTIVE DATE**

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

**RELIANCE ON THIS POWER OF ATTORNEY**

Any person, including my Agent, may rely upon the validity of this power of attorney or a copy of it unless that person has actual knowledge it has terminated or is invalid.

**SIGNATURE AND ACKNOWLEDGMENT**

Carolyn H. Coleman

Principal's signature

November 7, 2024

Date

Carolyn H Coleman

Principal's name printed

1691 Bentwood Drive SW, Lilburn, the State of Georgia

Principal's address

(770) 972-6036

Principal's telephone number

chc1234@aol.com

Principal's email address

**Witnesses (second witness optional)**

This document was signed or acknowledged in my presence on this 7 day of Nov'2024, \_\_\_\_\_, by Carolyn H Coleman.

This document was signed or acknowledged in my presence on this 7 day of November, 2024, by Carolyn H Coleman.

*chc*

James Nelly  
 Witness's signature

James Stanley  
 Witness's name printed

1227 Rockledge Rd Stone Mountain Ga 30087  
 Witness's address

770-921-7537  
 Witness's telephone number

stone6094@theupstate.com  
 Witness's e-mail address

Wesley S. Reed  
 Witness's signature

MOHAMMAD CHOER  
 Witness's name printed

1227 Rockledge Rd Stone Mtn GA 30087  
 Witness's address

770-921-7537  
 Witness's telephone number

Stone6094@theupstate.com  
 Witness's e-mail address

*etc*

**NOTARY ACKNOWLEDGMENT**

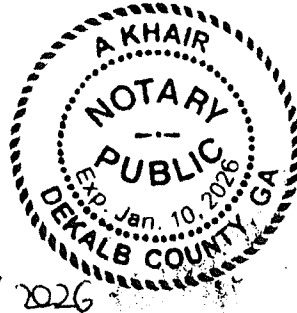
STATE OF GEORGIA

COUNTY OF Gwinnett

I, Abu Khair, a Notary Public, do hereby certify that Carolyn H Coleman personally appeared before me this 7 day of November, 2024 and acknowledged the due execution of the foregoing Power of Attorney.



\_\_\_\_\_  
Notary Public  
State of Georgia



My commission expires: 01/10/2026

**IMPORTANT INFORMATION FOR AGENT***Agent's Duties*

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

1. Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;
2. Act in good faith;
3. Do nothing beyond the authority granted in this power of attorney; and
4. Disclose your identity as an Agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "Agent" in the following manner:  
(Principal's name) by (Your signature) as Agent.

Unless the Special Instructions in this power of attorney state otherwise, you must also:

1. Act loyally for the principal's benefit;
2. Avoid conflicts that would impair your ability to act in the principal's best interest;
3. Act with care, competence, and diligence;
4. Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;
5. Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and
6. Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

*Termination of Agent's Authority*

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:


1. Death of the principal;

2. The principal's revocation of your authority or the power of attorney;
3. The occurrence of a termination event stated in the power of attorney;
4. The purpose of the power of attorney is fully accomplished; or
5. If you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

*Liability of Agent*

The meaning of the authority granted to you is defined in O.C.G.A. Chapter 6B of Title 10. If you violate O.C.G.A. Chapter 6B of Title 10 or act outside the authority granted, you may be liable for any damages caused by your violation.

*If there is anything about this document or your duties that you do not understand, you should seek legal advice.*







Wednesday, February 12, 2025

Continued from page B4

Fayette County News B5

PETITION FOR REZONING  
CERTAIN PROPERTIES IN  
UNINCORPORATED AREAS OF  
FAYETTE COUNTY, GEORGIA  
PUBLIC HEARING to be held be-  
fore the Fayette County Planning  
Commission on Thursday, March  
6, 2025, at 7:00 P.M. and before  
the Fayette County Board of Com-  
missioners on Thursday, March 27,  
2025, at 5:00 P.M. in the Fayette  
County Administrative Complex,  
140 Stonewall Avenue West, Public  
Meeting Room, First Floor, Fay-  
etteville, Georgia.

Petition No.: 1361-25  
Parcel No:0505 047  
Owner:After Hours Property Man-  
agement, LLC  
Applicant:Max Fuller  
Zoning District: A-R  
Area of Property:10.03 acres  
Land Lot(s)/District:Land Lot 10  
of the 5th District  
Fronts on: Corner John Street and  
Inman Road

Proposed: Applicant proposes to  
rezone 10.03 acres from A-R (Ag-  
ricultural-Residential) to R-72  
(Single-Family Residential) for the  
purposes of developing residential  
lots.

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 10 OF THE 5TH LAND  
DISTRICT OF FAYETTE COUNTY,  
GEORGIA, AND BEING THOSE  
LANDS DESCRIBED IN A PLAT  
OF SURVEY DATED 12/18/74,  
PREPARED BY LEE ENGINEER-  
ING COMPANY FOR DONALD  
HARP AND BEING MORE PAR-  
TICULARLY DESCRIBED AS  
FOLLOWS:

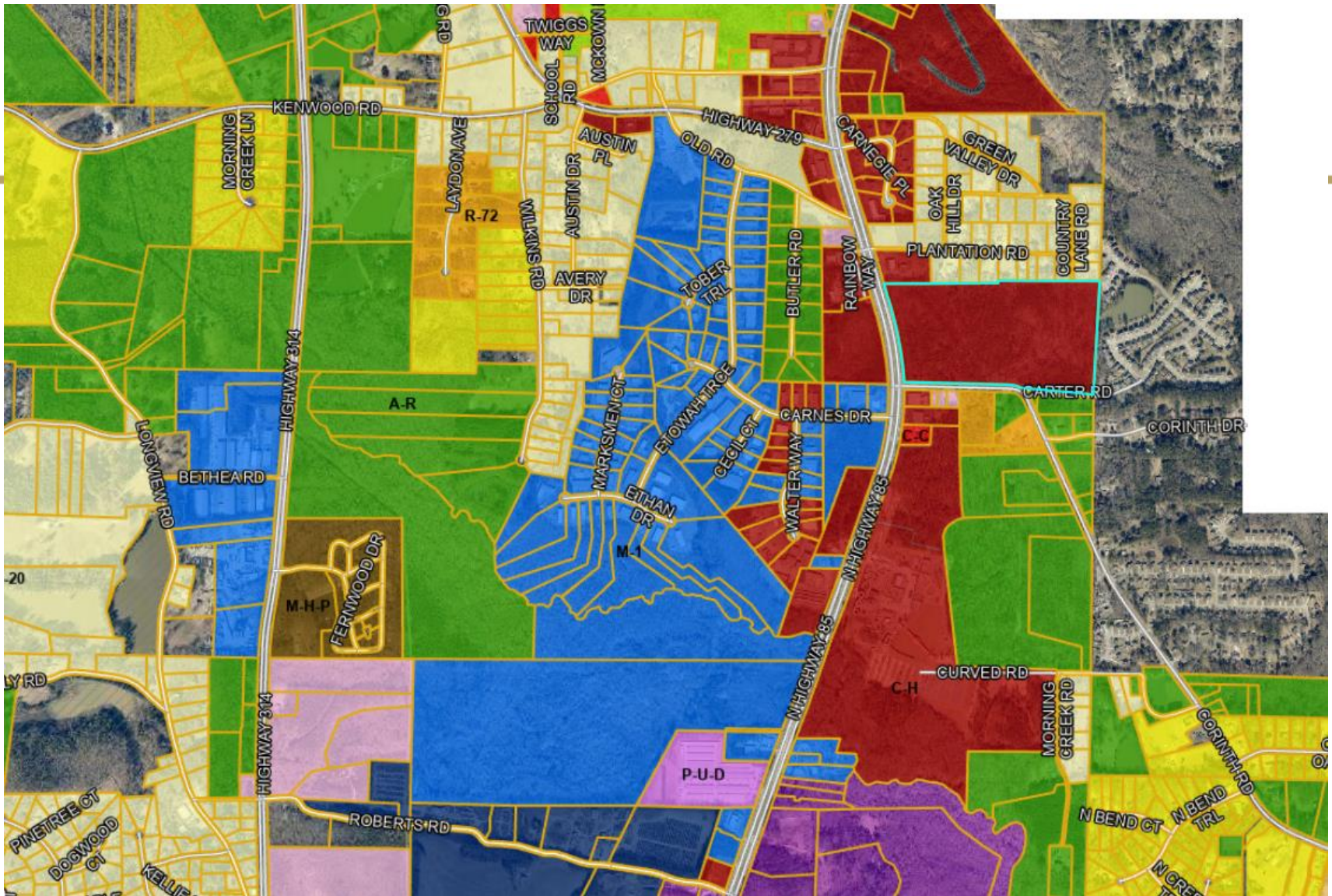
TO ARRIVE AT A POINT OF BE-  
GINNING HEREOF, START AT A  
POINT LOCATED IN THE CEN-  
TER OF THE INTERSECTION  
OF STATE HIGHWAY 92 AND  
INMAN ROAD, GO THENCE  
NORTHERLY ALONG THE CEN-  
TER OF INMAN ROAD 513 FEET  
TO A POINT, GO THENCE EAST-  
ERLY 30 FEET TO A POINT LO-  
CATED IN THE CENTER OF A  
ROAD IN SAID PLAT, WHICH  
IS THE POINT OF BEGINNING,  
RUNNING THENCE NORTH 0  
DEGREES 28 MINUTES EAST  
ALONG INMAN ROAD 997.8  
FEET TO A POINT, RUNNING  
THENCE NORTH 89 DEGREES  
30 MINUTES EAST 484.7 FEET  
TO A POINT, RUNNING THENCE  
SOUTH 5 DEGREES 49 MINUTES  
WEST 1003.7 FEET TO A POINT  
LOCATED IN THE CENTER OF  
SAID ROAD, RUNNING THENCE  
SOUTH 89 DEGREES 30 MIN-  
UTES WEST ALONG THE CEN-  
TER OF SAID ROAD 391 FEET  
TO THE POINT OF BEGINNING,  
THE SAID TRACT OF LAND CON-  
TAINING 10 ACRES, MORE OR  
LESS.

PARCEL# 0505047  
02/12

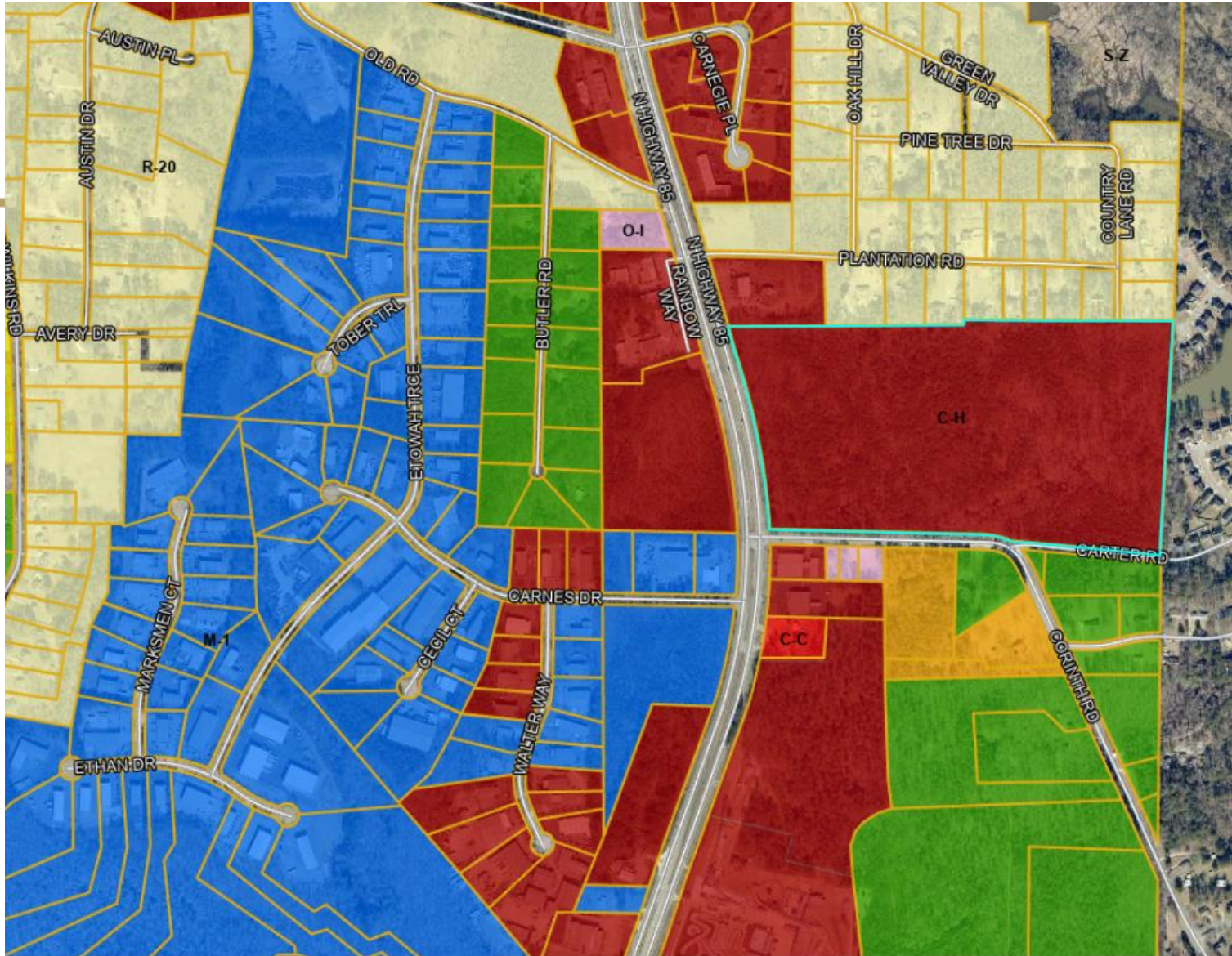
Brent Holdings  
S.R. 85 & Corinth Road  
Commerce-Industry Building

By: Steven L. Jones  
sjones@taylorenghish.com  
(404) 218-2756

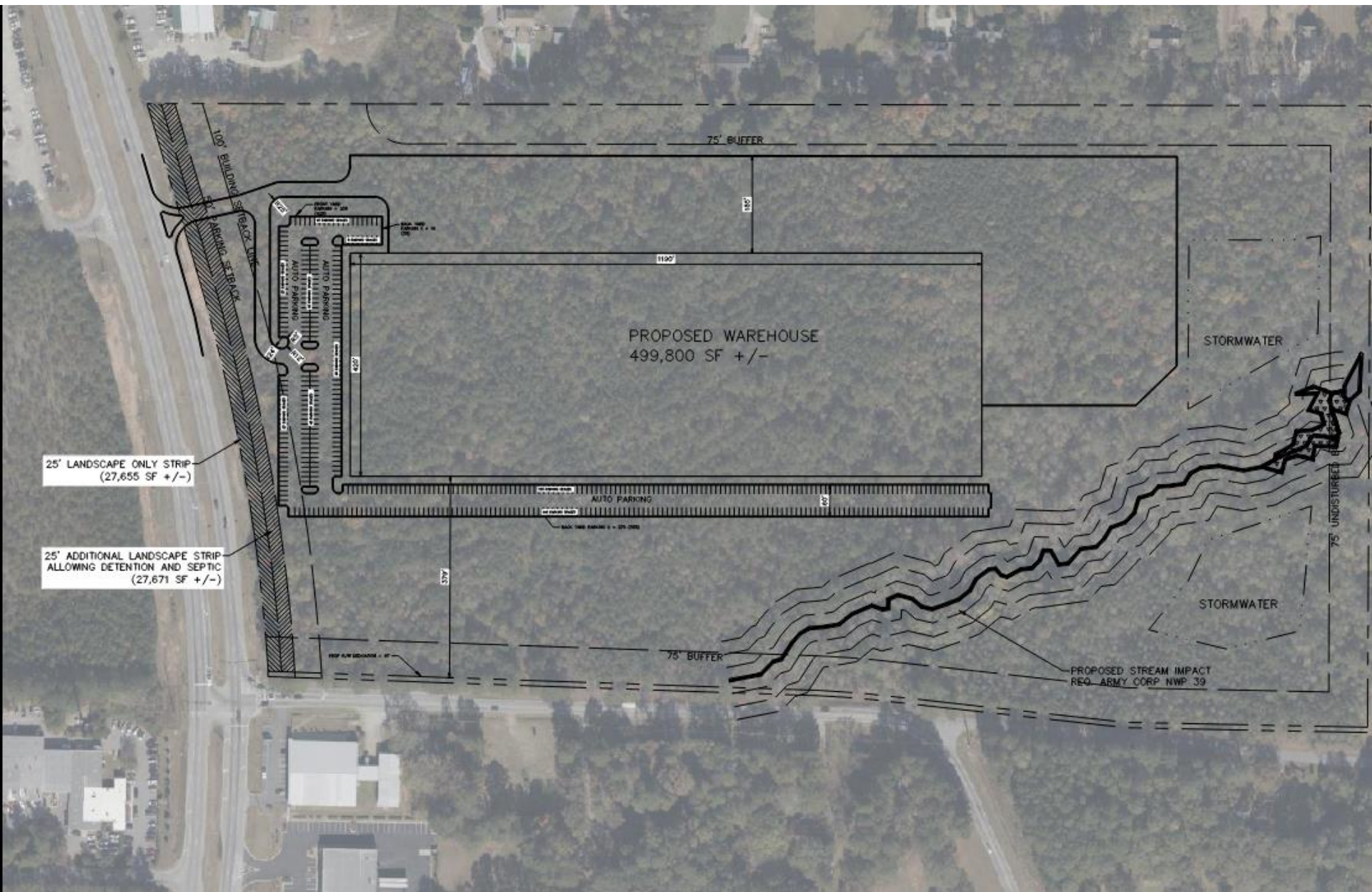
taylor | english



- TPNs 0552 001
- 55.8 +/- Acres



- TPNs 0552 001
- 55.8 +/- Acres



25' LANDSCAPE ONLY STRIP  
(27,655 SF +/-)

25' ADDITIONAL LANDSCAPE STRIP  
ALLOWING DETENTION AND SEPTIC  
(27,671 SF +/-)

PROPOSED WAREHOUSE  
499,800 SF +/-

STORMWATER

STORMWATER

PROPOSED STREAM IMPACT  
REQ. ARMY CORP NWP 39

75' UNDISTURBED

75' BUFFER

75' BUFFER

100' BUILDING SETBACK

100' PARKING SETBACK

AUTO PARKING

AUTO PARKING

1190'

185'

629'

377'

# Comp. Plan – Comm. & Non-Res. Corridor

- *Comp. Plan:*
  - *Nonresidential Corridor Area - 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. (p. GC-11, -21)*
    - *In this area, the Comp. Plan **anticipates “a large amount of nonresidential development (office, commercial and industrial) on both sides of [the] roadway.”** (p. GC-11)*
    - *“Applicable zoning districts . . . Include M-1, Light Industrial.” (p. GC-11)*

# Comp. Plan – Comm. & Non-Res. Corridor Prior Precedential Rezoning – No. 1

028

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PETITION NO: 1319-22

REQUESTED ACTION: O-I to M-1

PROPOSED USE: Multi Tenant Light Industrial

EXISTING USE: Undeveloped

LOCATION: S.R. 85 & Carnes Drive

DISTRICT/LAND LOT(S): 5<sup>th</sup> District, Land Lot 216

OWNER: Ann Kimbell

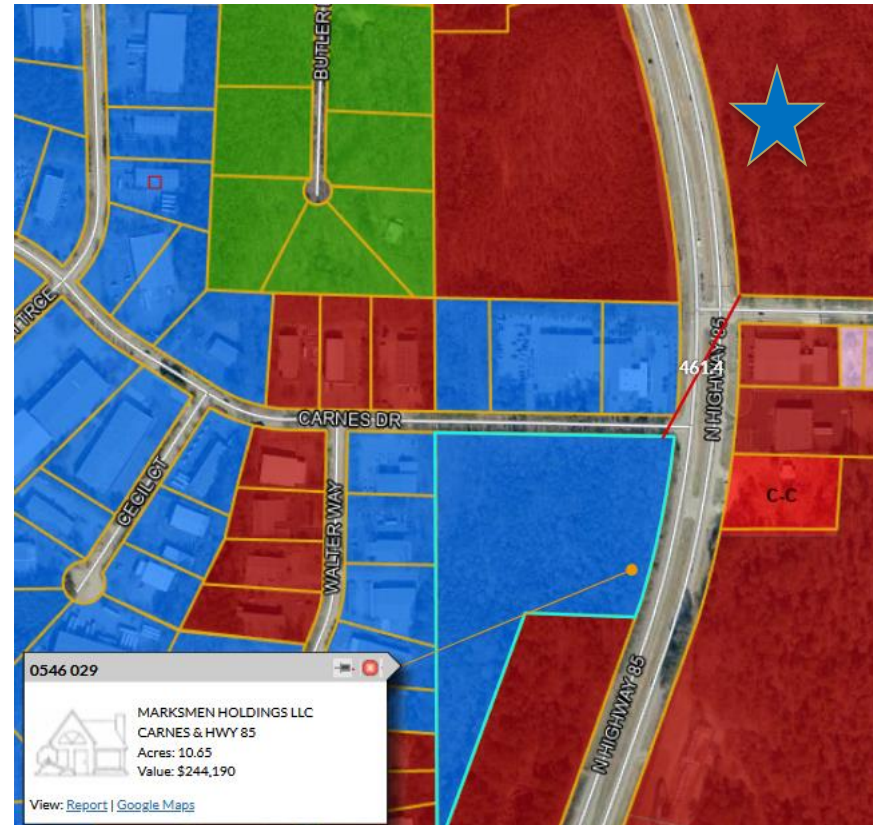
AGENT: David Weinstein

PLANNING COMMISSION PUBLIC HEARING: June 2, 2022

BOARD OF COMMISSIONERS PUBLIC HEARING: June 23, 2022

## APPLICANT'S INTENT

Applicant proposes to rezone 10.651 acres from O-I to M-1 for a multi-tenant light industrial facility.





# Comp. Plan – Comm. & Non-Res. Corridor Prior Precedential Rezoning – No. 1

034

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## STAFF ANALYSIS

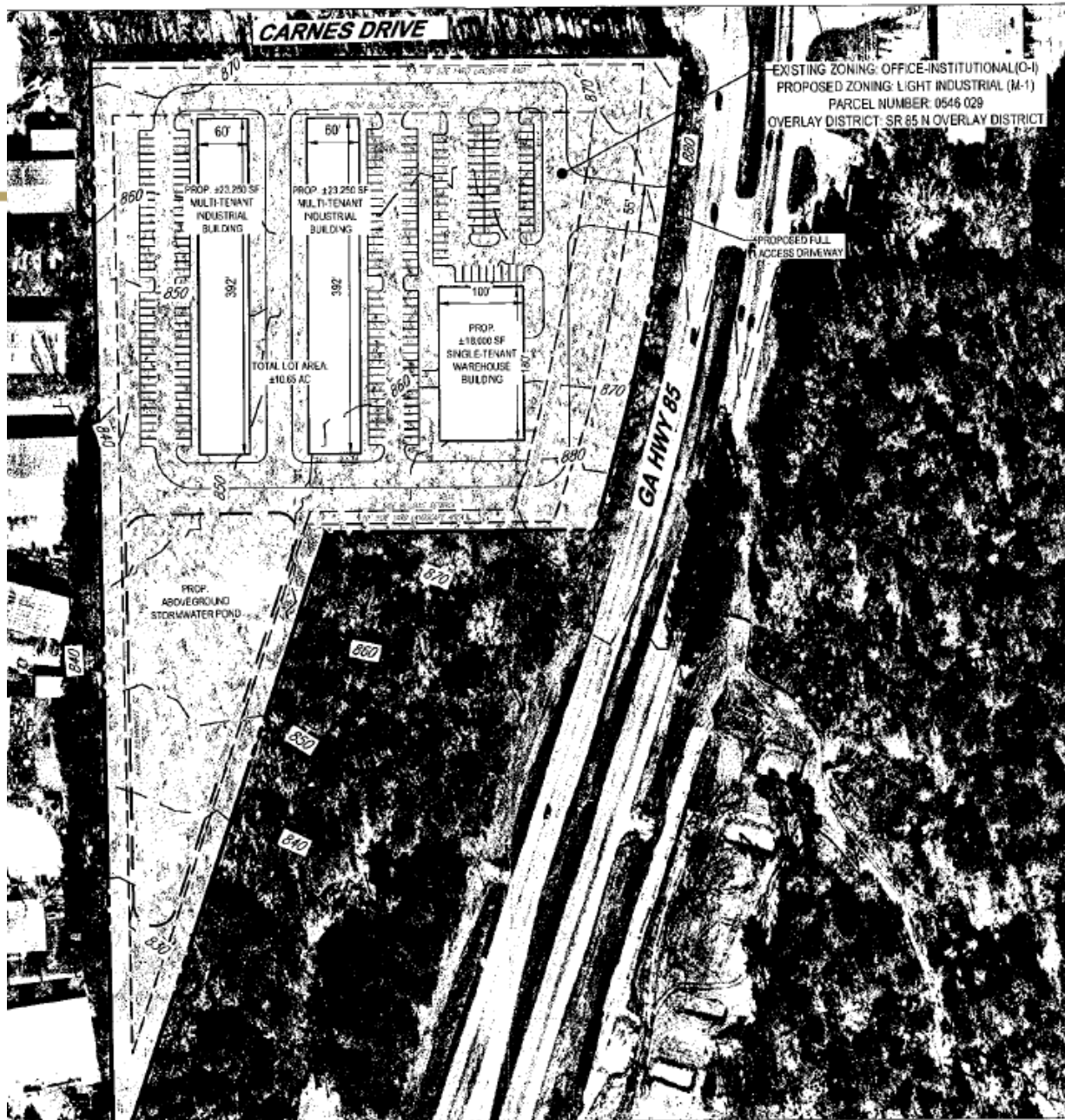
This request is based on the petitioner's intent to rezone said property from O-I to M-1 for the purpose of developing Light-Industrial. Per Section 110-300 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The subject property lies within an area designated for Commercial. This request conforms to the Fayette County Comprehensive Plan in terms of the SR 85 North of Fayetteville commercial area description which states:

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.

2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.
3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.
4. Existing conditions and the area's continuing development as a non-residential district support this petition.

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



EXISTING ZONING: OFFICE-INSTITUTIONAL (O-I)  
PROPOSED ZONING: LIGHT INDUSTRIAL (M-1)  
PARCEL NUMBER: 0546 029  
OVERLAY DISTRICT: SR 85 N OVERLAY DISTRICT

PROPOSED FULL ACCESS DRIVEWAY

# Comp. Plan – Comm. & Non-Res. Corridor Prior Precedential Rezoning - No. 2

- June 23, 2022 BOC Minutes
  - Commissioner Oddo moved to approve Petition No. 1319-22, Ann Kimbell, Owner and David Weinstein, Agent, request to rezone 10.651 acres from O-I to M-1 for a Multi-Tenant Light Industrial Facility; property located in Land Lot 216 of the 5th District and front(s) on S.R. 85 and Carnes Drive. Vice Chairman Gibbons seconded.
  - The motion passed 4-0. Commissioner Maxwell was absent.

# Industrial Corridor

**PETITION NO: 1326-22**

**REQUESTED ACTION:** O-1 to C-H

**PROPOSED USE:** Truck Parking Facility

**EXISTING USE:** Vacant, undeveloped land

**LOCATION:** S.R. 85 north of Carnes Drive

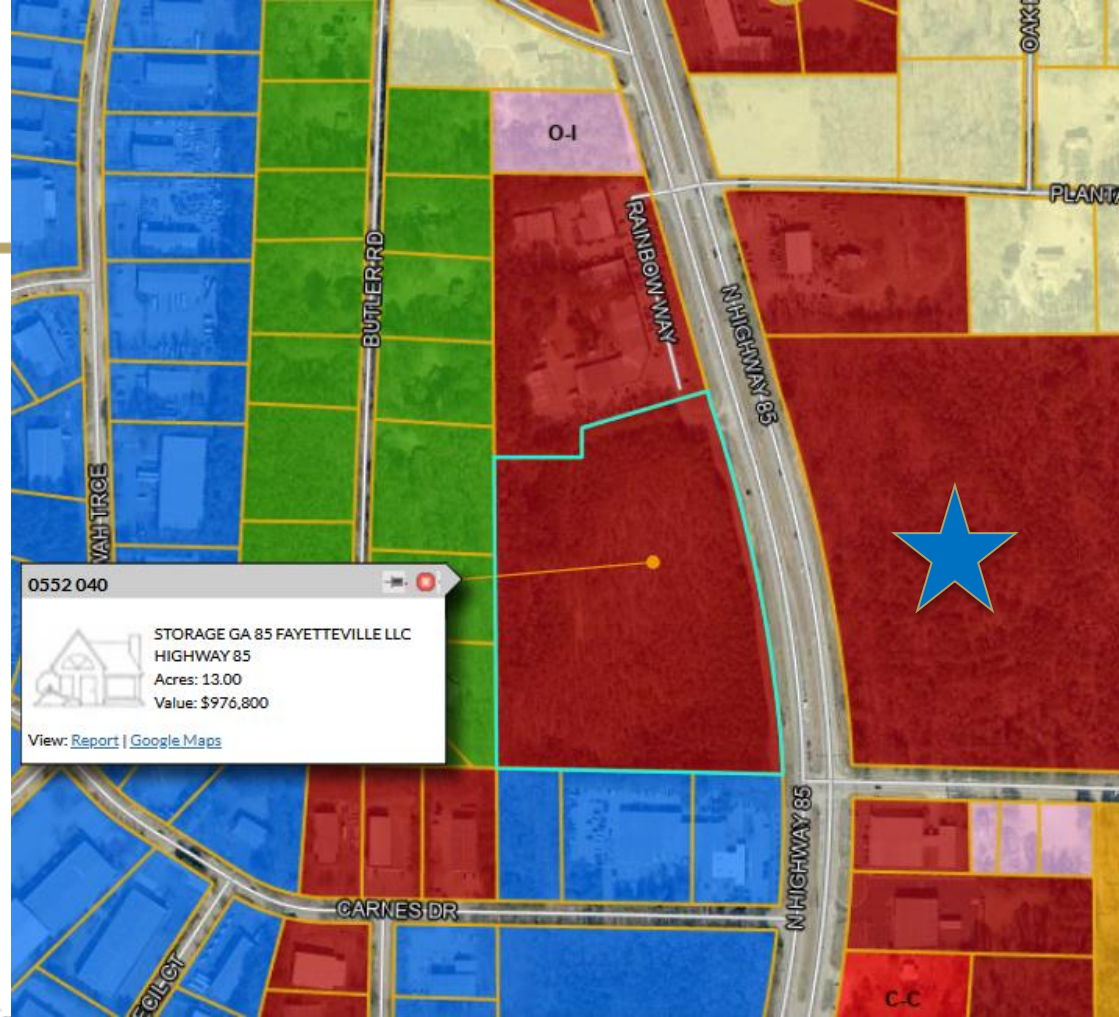
**DISTRICT/LAND LOT(S):** 5<sup>th</sup> District, Land Lot 233

**OWNERS:** Amina Zakaria, Omar Zakaria, Saed Zakaria and Hassan Zakaria

**AGENT:** Steven L. Jones, representing Nizam Khan

**PLANNING COMMISSION PUBLIC HEARING:** November 3, 2022

**BOARD OF COMMISSIONERS PUBLIC HEARING:** December 8, 2022 (Tabled)  
January 26, 2023



# Industrial Corridor

## STAFF RECOMMENDATION

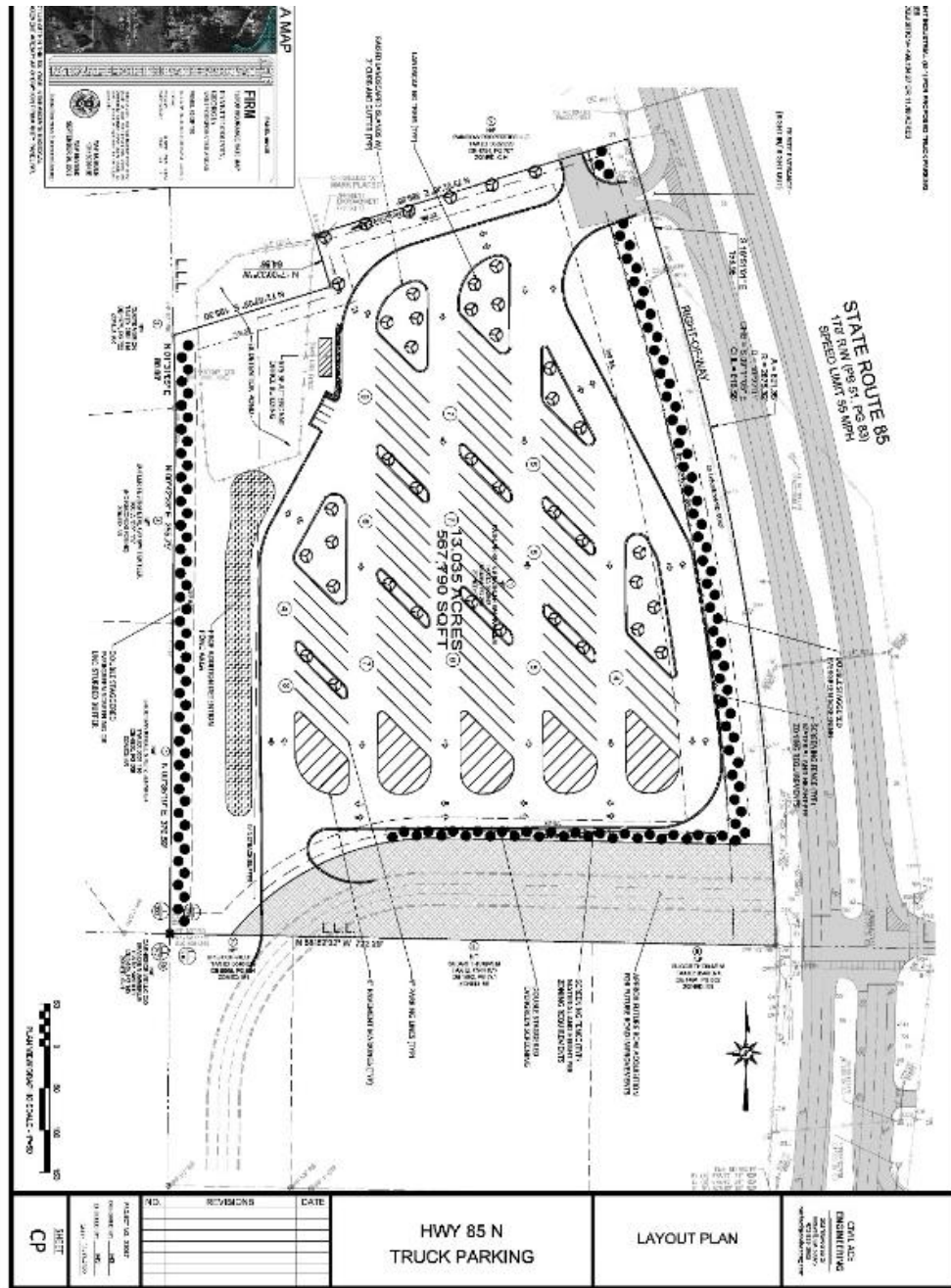
As defined in the Fayette County Comprehensive Plan, the C-H – Highway Commercial District - is designated for this area. Should this petition be approved, the owner/developer must submit a site development plan as required by Chapter 104, Development Regulations. Approval of this zoning petition does not constitute approval of the conceptual site plan.

Based on the Investigation and Staff Analysis, Staff recommends **CONDITIONAL APPROVAL** of the request for a zoning of C-H – Highway Commercial District.

## RECOMMENDED CONDITIONS

1. A 75-foot vegetated buffer shall be provided adjacent to residentially zoned parcel(s) to the west of the project. Additional planting should be added in areas where existing vegetation does not provide an adequate screen. This shall not prevent a septic system or the existing or future stormwater facilities from remaining or being located in this buffer, as prescribed by Sec. 110-93 and Sec. 110-94, respectively.
2. The full 50-foot front (east property line) buffer required by the SR 85 N Transportation Overlay shall be a vegetated buffer. Additional planting should be added in areas where existing vegetation does not provide an adequate screen. This area is not to be used for septic systems or other site utilities. This buffer shall not prevent use of the existing curb cut on SR 85; this access point is subject to GDOT approval.
3. A 200-foot x 10-foot linear strip on the south edge of the property along the proposed road extension shall be a planted evergreen buffer to screen the view of the lot from State Route 85.
4. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture. Fixtures shall be designed or shielded to prevent light trespass on other properties or roads.
5. The existing shared detention pond will require hydrological study to demonstrate it has sufficient design capacity to serve the addition of the proposed project.
6. The new development must continue to allow this pond to serve the stormwater detention requirements of the original commercial development to the north, with a site plan approved January 26, 1990.
7. The owner of the new project must provide a stormwater maintenance agreement since the detention pond is contained within this parcel. This agreement shall conform to the county's standard agreement for stormwater facility maintenance.
8. Omit tree island requirements for southernmost end of parking lot.

# Industrial Corridor

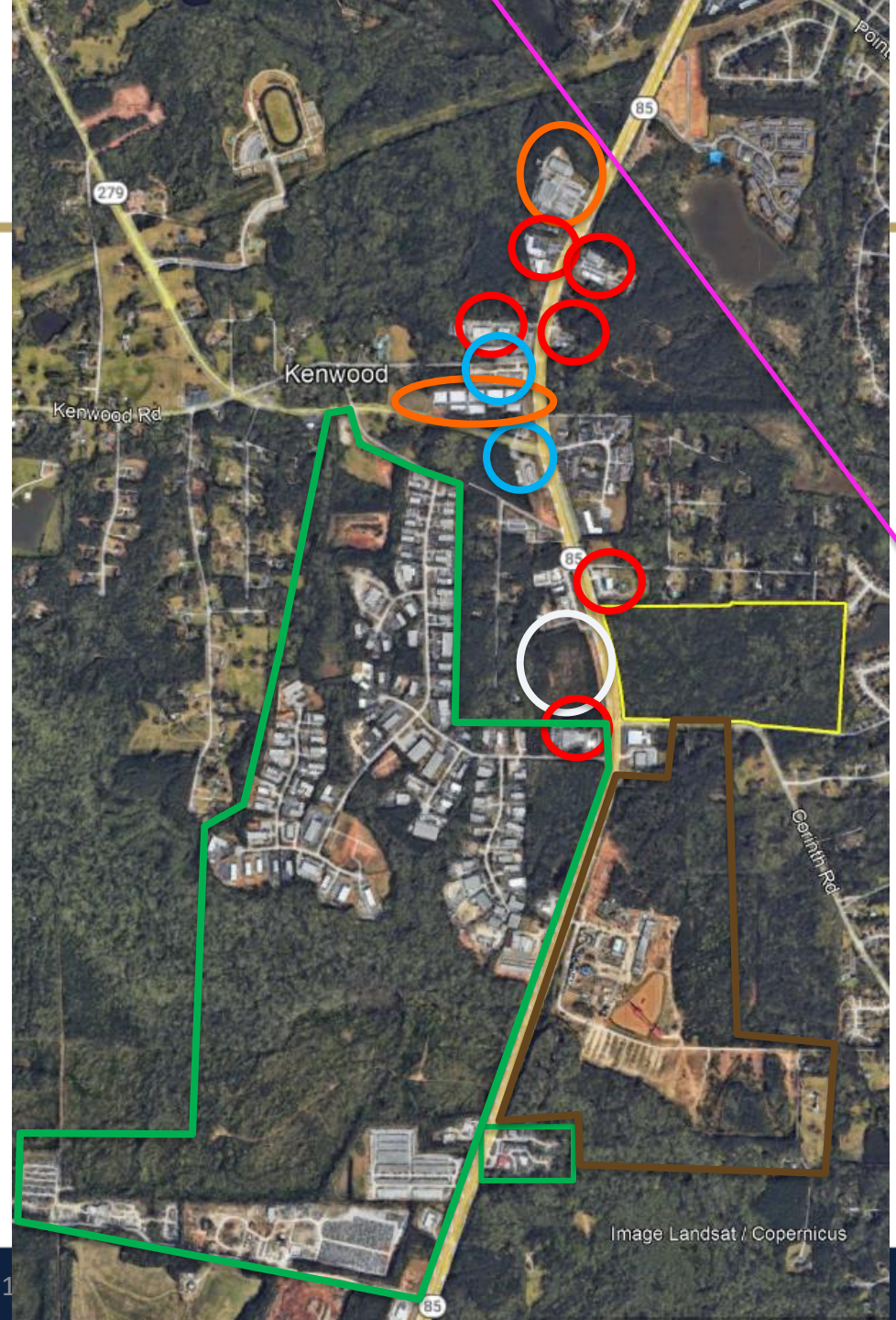


# Industrial Corridor

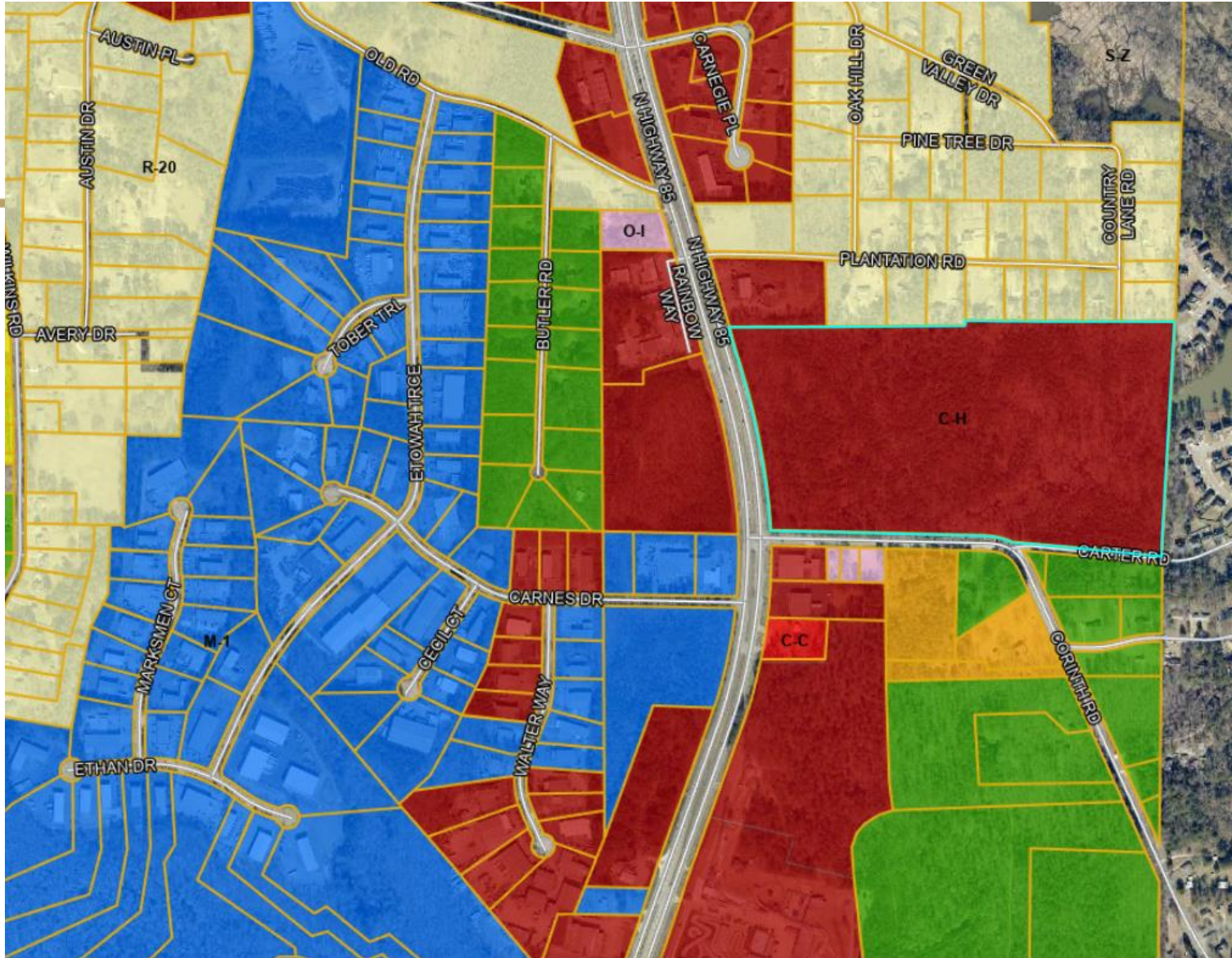
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- February 23, 2023 BOC Minutes
  - Vice Chairman Gibbons moved to **approve** Petition No. 1326-22 . . . . to rezone 13.035 acres **from O-I to C-H to develop a truck parking facility** . . . with nine (9) conditions. Commissioner Eric Maxwell seconded.
  - **The motion passed 4-1.** Commissioner Charles Rousseau voted in opposition.

- Orange – Self Storage
- Red – Auto Repair/Service
- Blue – Gas Station
- Green – General Industrial or Heavy Commercial
- Brown – Amusement Park
- Gray – Truck Parking
- Purple – (approx.) County Line







- TPNs 0552 001
- 55.8 +/- Acres

# M-1 Permitted Uses (examples)

- Light manufacturing, including
  - Electronic device assembly
  - Assembly of products from previously prepared materials
  - Bottling and/or canning plant
  - Ceramic products
  - Light sheet metal products
  - Manufacturing of food, cosmetics and pharmaceutical products
  - Machine/welding shop
  - Other manufacturing, processing, packaging or handling of similar nature (not noxious uses)
  - Production and/or sales of commercial/industrial hardware
- Medical laboratory
- Restaurant supply
- TV/movie/media production
- Blueprinting and/or graphics services
- Building construction/contracting and related activities
- Cabinet manufacturing, sales, repair, and/or installation
- Grading service
- Land development firms
- Landscaping service

