



Tyrone Planning Commission Agenda

July 8, 2021

7:00 PM

Planning Commission

David Nebergall
Chairman

Dia Hunter
Vice-Chairman

Carl Schouw
Commissioner

Jeff Duncan
Commissioner

Scott Bousquet
Commissioner

Staff

Phillip Trocquet
Town Planner

Patrick Stough
Town Attorney

Meeting Information

2nd & 4th Thursday
of each month

950 Senoia Road
Tyrone, Ga 30290
770-487-4038
www.tyrone.org

I. Call to Order

II. Approval of Agenda

III. Approval of Minutes from June 10th, 2021

IV. Public Hearing

V. New Business

1. Consideration to approve a revised final plat for a 7.2 acre tract from applicant Jerry Crozier for Parcel 0725 039. **Phillip Trocquet, Town Planner**

VI. Staff Comments

VII. Commission Comments

VIII. Adjournment

**Town of Tyrone
Planning Commission Meeting Minutes
June 10, 2021
7:00PM**

Present:

Chairman, David Nebergall
Vice-Chairman, Dia Hunter
Commission Member, Carl Schouw
Commission Member, Scot Bousquet
Town Attorney, Patrick Stough
Town Planner, Phillip Trocquet

Absent:

Commission Member, Jeff Duncan

Call to Order:

Commission Chair, Nebergall called the meeting to order at 7:00pm.

Approval of Agenda:

Vice-Chairman Hunter made a motion to approve the agenda.
Commissioner Duncan seconded the motion. Motion was approved 3-0.

Commissioner Schouw made a motion to approve the May 27th, 2021 minutes.
Vice-Chairman Hunter seconded the motion. Motion was approved 3-0.

Public Hearing:

*1. Consideration of a rezoning from applicant Fayette County Board of Education of a 3.4 acre tract with parcel number 073802022 from R-12 (Residential 1,200 s.f. min home size) to Downtown Commercial (C-1). **Phillip Trocquet, Town Planner***

Mr. Trocquet presented the item. He stated that The Fayette County Board of Education has submitted rezoning requests for the abovementioned parcels where the Tyrone Elementary school building is located. The expressed intent of the applicant is to bring the commercial activity occurring on the parcels into compliance with zoning regulations. Currently, the properties are zoned as R-12 (Residential 1,200 s.f. minimum). Despite this, the properties were previously used for educational purposes for decades until the elementary school shutdown. Since the shutdown, businesses have used the school facilities for their operations: these include a dance studio and a catering company. The applicant would like the properties rezoned to C-1 (Downtown commercial).

He continued that the petition to C-1 was compatible with the comprehensive plan and the Future Development map as the properties lie within the Town Center character area which allows for C-1 zoning.

The properties are also adjacent to other C-1 zoned properties. Mr. Trocquet did state that there was a staff recommendation to combine each of the parcels being rezoned for land use consistency within 120 days after the approval of the rezoning of each parcel.

Regarding compatibility with the zoning ordinance, Mr. Trocquet responded to the following ordinance standards:

- *Will Zoning permit suitable uses with surrounding properties?* The proposed zoning would permit suitable uses with surrounding residential properties to the west and commercial properties to the east and south.
- *Will Zoning adversely affect adjacent properties?* No, the proposed zoning is unlikely to pose any harm to surrounding properties. The preexisting buffer between the school facilities and adjacent residential property limits adverse effects. Additionally, the existing parking capacity of the properties limits any potential spillover parking effects on adjacent residential properties.
- *Does the property have reasonable economic use as currently zoned?* No. Because the school's facilities are being preserved for a future return to educational use, R-12 housing development is implausible. Without allowing business use of current school facilities, there is no reasonable economic use for the properties.
- *Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure?* No, current infrastructure (parking, sewer, water) was designed to handle a higher intensity of people.

Mr. Trocquet reiterated his staff recommendation to approve with conditions that the properties in question be combined within 120 days of the approval of their rezoning to C-1.

Chairman Nebergall opened the public hearing for anyone in favor of the public hearing.

Mr. Hank Sanek of 2035 Castle Lake drive approached the podium and stated that he could not hear anything in the audience and that the volume from the microphones needed to be turned up or members of the commission need to speak up. Mr. Sanek asked if we were loosing the school. Mr. Trocquet stated that he would let the applicant address that question when he addressed the Commission.

The applicant, Mr. Mike Sanders, Assistant Superintendent of Operations for the Fayette County Board of Education approached the podium. Mr. Sanders stated that it was not the School Board's intent to close the building or sell it. He stated that their long term plan was to reopen the school once the numbers supported it. He continued that the public health crisis moved the reopening schedule back temporarily, but that they would like to continue their partnership with the current tenants of the school so that they can continue to maintain the building through its occupancy.

Chairman Nebergall closed the public hearing for anyone in favor and opened the hearing for those in opposition of the rezoning. No one spoke.

Chairman Nebergall closed the hearing for anyone in opposition to the rezoning.

Vice-Chairman Hunter stated that they understood the FCBOE was asking for C-1 (Downtown Commercial) zoning, but was wondering if there was a more appropriate institutional zoning available to the School Board. Mr. Trocquet responded that there were institutional zoning districts in the Town's ordinance, but that the businesses currently operating out of the school would not be able to function under those zoning classifications.

Town Attorney Patrick Stough stated that the School Board had an exemption from local zoning regulations in regards to operating the building as a public school, so the institutional zoning would not be relevant in the long term for the school. Mr. Trocquet added that the current zoning change was more for the businesses occupying the school than it was for the School Board itself so that they could continue to operate out of the building in conformity with the Town's ordinances.

Commissioner Schouw asked why the School Board did not rezone all of their parcels and why they could not combine all of their properties. Mr. Trocquet responded that they would not be able to combine properties of different zoning classifications and that the School Board only sent in petitions for those properties that the building was physically situated upon.

Vice-Chairman Hunter asked the applicant if they intended to add on to the building and if they would be leasing the building during any additions. Mr. Sanders stated that when the time came to add onto or renovate the building, they would discontinue any lease agreements with tenants. Commissioner Bousquet asked what the lease arrangements were currently. Mr. Sanders responded that they were on a month-to-month lease agreement with their tenants.

Commissioner Schouw motioned to recommend approval of the rezoning with staff's recommended conditions. Commissioner Bousquet seconded the motion. Motion Carried 3-0.

*2. Consideration of a rezoning from applicant Fayette County Board of Education of a .6 acre tract with parcel number 073802036 from R-12 (Residential 1,200 s.f. min home size) to Downtown Commercial (C-1). **Phillip Trocquet, Town Planner***

Chairman Nebergall opened the public hearing for anyone in favor of the public hearing.

A resident approached the podium and asked if any more tenants would be occupying the building. Mr. Sanders responded that they would not be leasing additional space.

Michael Server of 100 Winfair Drive approached the podium and stated that he had concerns that the School Board was not going to open up Tyrone Elementary. Mr. Sanders responded that the School Board's long term plan was to open Tyrone Elementary and connect it to sewer. He stated that the pandemic has effected public school attendance numbers, but that as soon as the numbers began to increase, the School Board would move to start opening the school.

Chairman Nebergall closed the public hearing for anyone in favor and opened the hearing for those in opposition of the rezoning. No one spoke.

Chairman Nebergall closed the hearing for anyone in opposition to the rezoning.

Vice Chairman Hunter motioned to recommend approval of the rezoning with staff's recommended conditions. Commissioner Bousquet seconded the motion. Motion Carried 3-0.

*3. Consideration of a rezoning from applicant Fayette County Board of Education of a .6 acre tract with parcel number 073802034 from R-12 (Residential 1,200 s.f. min home size) to Downtown Commercial (C-1). **Phillip Trocquet, Town Planner***

Chairman Nebergall opened the public hearing for anyone in favor of the public hearing.

Chairman Nebergall closed the public hearing for anyone in favor and opened the hearing for those in opposition of the rezoning. No one spoke.

Chairman Nebergall closed the hearing for anyone in opposition to the rezoning.

Commissioner Bousquet motioned to recommend approval of the rezoning with staff's recommended conditions. Vice-Chairman Hunter seconded the motion. Motion Carried 3-0.

*4. Consideration of a rezoning from applicant Fayette County Board of Education of a .6 acre tract with parcel number 073802033 from R-12 (Residential 1,200 s.f. min home size) to Downtown Commercial (C-1). **Phillip Trocquet, Town Planner***

Chairman Nebergall opened the public hearing for anyone in favor of the public hearing.

Chairman Nebergall closed the public hearing for anyone in favor and opened the hearing for those in opposition of the rezoning. No one spoke.

Chairman Nebergall closed the hearing for anyone in opposition to the rezoning.

Commissioner Schouw motioned to recommend approval of the rezoning with staff's recommended conditions. Commissioner Bousquet seconded the motion. Motion Carried 3-0.

New Business

Staff Comments

Mr. Trocquet recognized the Town's Planning and Zoning intern, Ethan Knight-Scott. Mr. Trocquet stated that Ethan had been working with the Town as a paid intern for the past few months via a University of Georgia internship scholarship and that he did an excellent job. Mr. Trocquet congratulated Ethan for completing his internship as well as his acceptance into Georgia Tech's Masters of Urban and Regional Planning program.

Commission Comments

Commissioner Schouw thanked the citizens in attendance and stated that he enjoyed seeing citizens attending the Planning Commission meetings again.

Adjournment

Commissioner Schouw made a motion to adjourn.

The meeting adjourned at 7:29pm.

Chairman David Nebergall

Phillip Trocquet, Town Planner

DOCKET/CASE/APPLICATION NUMBER

PC 07082021

APPLICANT/PROPERTY OWNER

Jerry Crozier, Accent Property Solutions

PLANNING COMMISSION MEETING DATE

July 8th, 2021

TOWN COUNCIL MEETING DATE

ADDRESS/LOCATION

Parcel 0725 039

Summary

Applicant has applied to revise a plat to subdivide parcel 0725039 into 2 tracts. It was the stated intent of the applicant to construct two single-family homes on the property.

The property is zoned DR (Duplex Residential) as it was originally part of the River Crest subdivision. This zoning is DR Conditional with the condition that single family homes could be constructed in May of 2005.

It is recommended that these properties perhaps be rezoned to AR for consistency, but the proposed lot split would be consistent with either zoning category if this is done later.

Staff recommends approval with conditions that any outstanding TRC comments be addressed.



MAP SOURCE: Fayette County Q- Public

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
DR Conditional	Undeveloped	North: DR & AR South: AR East: DR West: AR		7.2 acres

COMPATIBILITY WITH FUTURE DEVELOPMENT MAP & COMPREHENSIVE PLAN

This submission is compatible with both the Comp Plan and the Future Development Map. This property lies within Estate Residential character area which promotes the development of single-family homes on a minimum of 1 acre lots.

PROPERTY HISTORY

This property was included in a John Wieland Development proposal for River Crest Subdivision back in 2005.

COMPATABILITY WITH ZONING ORDINANCE

This plat submission is compatible with the Town's Zoning ordinance. Staff recommends approval with conditions that any outstanding TRC comments be addressed.

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

Minor Final Plat of **Mann Road**

Land Lot 143 of the 7th District
Town of Tyrone
Fayette County, Georgia



Vicinity Map

(NOT TO SCALE)

Final Plat Approval

This complies with the Zoning Regulations, the Land Development Ordinance and all other regulations governing the Land Development for the Town of Tyrone.

Town Engineer: _____ Date: _____

Town Mayor: _____ Date: _____

Owner: _____ Date: _____

Town Clerk: _____ Date: _____

Approved by Department of Public Health,
Fayette County, Georgia

This plat has been reviewed by a representative of the Fayette County Health Department and based on soils information, the lay of the land, etc., this land appears suitable for the installation of septic tanks and drain fields. However, each lot will have to be inspected to determine location of structure, style of structure, etc. before a final approval and individual septic system permit can be issued.

Environmental Health Specialist
Date

LEVEL III SOIL SURVEY

I, J. Shannon Hudgins do hereby certify that the Level III Soil Survey information provided on this plat was performed by Soil Profiles Inc. in accordance with the procedures specified in the Georgia Department of Human Resources' current Manual for On-Site Sewage Management Systems.

Soil Classifier Professional
Professional Engineer
Registration No.
Registration Number/License Numbers
Soil Profiles Inc.
P.O. Box 248 Covington, GA 30015
(770) 000-0000

Georgia DHR Soil Classifier,
#147

GENERAL NOTES:

1. OWNER/DEVELOPER:
Jerry Crozier, Beneficiary IRA
105 Retreat Point
Peachtree City, GA 30269
Contact: Jerry Crozier (770)310-8320
2. SURVEYOR:
Four Corners Surveying, L.L.C.
P.O. Box 15
Tyrone, GA 30290
770-560-3910
770-823-9377
four_corners@bellsouth.net
3. CLOSURE DATA:
Field Closure=1'IN 10,000+
Angle Point Error=< 20"
Equipment Used=Topcon 3005W, Sokkia SX, & Topcon Hyper GA GPS System
Adjustment Method=Compass Rule
Plat Closure=1' IN 100,000+
4. Tax parcel ID# 0725 039
5. MINIMUM DIMENSIONAL ZONING REQUIREMENTS: For DR (Duplex Residential) Zoning district
Minimum lot width at front setback line = 125'
Minimum square footage of principal structure—2,000 square feet, with a minimum of 1,000 square feet per side.
Minimum lot size = (1 Acres) 43,560 Sq. Ft.
Front yard = 80' (Major or Minor Thoroughfare), 65' (Residential Street)
Side yard = 15'
Rear yard = 30'
Maximum height of structure = 35'
Maximum lot coverage = 25%
Where lot adjoins a single-family residential or the AR zoning district—25-foot buffer
6. Capped ½" re-bar to be set at all lot corners unless otherwise noted.
7. In my opinion a portion of this property appears to lie within a 100 year flood plain according to Fayette County's MNGWPD 2013 Limited Detail Study. (F.I.R.M. #13113C0014E Dated 09/26/2008)
8. There are no Wetlands on this site as per The U.S. Fish & Wildlife Service National Wetlands Inventory Wetlands Mapper. All wetlands are under the jurisdiction of the U.S. Army Corps of Engineers and/or the state of Georgia Department of Natural Resources. Lot owners are subject to penalty by law for disturbance to these protected areas without the proper permit application and approval.
9. Lots water service to be provided by individual Well.
10. Lots sanitary sewer to be provided by individual septic tanks and drain field systems.
11. Horizontal Datum is Georgia State Plane West Zone Coordinate System, North American Datum of 1983 (NAD83)
12. Vertical Datum is North American Vertical Datum of 1988 (NAVD88)
13. Declaration is made to original purchaser of the survey. Any use by third parties is at their own risk.
Survey is valid only if print has original seal and original signature of surveyor.

MAINTENANCE GUARANTEE:

The undersigned, its successors and assigns, hereby warrants and guarantees to the town of tyrone the full and complete maintenance of a certain improvement known as _____ and more particularly shown in Plat Book____,Page(s)_____ of the Fayette County Records.

This warranty and guarantee is made in accordance with the Tyrone Land Development ordinance. This guarantee includes not only paving but all other appurtenant structures and amenities lying within the right-of-way of said road and in the greenbelt including but not limited to all curbing, drainage pipes, culverts, catch basins, drainage ditches, bike paths, cart paths, pedestrian paths and other public improvements. Utilities owned and operated by a governmental body or public utility company, with the exception of privately owned facilities, shall be the responsibility of said governmental body or public utility company and not the developer.

The developer shall correct and repair or cause to be corrected and repaired all damages to said improvements resulting from any cause whatsoever. In the event the developer fails to correct any damages within thirty (30) days after written notice thereof, then said damages may be corrected by the Town and all costs and charges billed to and paid by the developer; but this remedy shall not be limited to the Town, and it shall also have any remedies available to it as approved by law.

The terms of this Agreement shall be for a period of two (2) years beginning on the date of the written acceptance of said improvements by the Town as evidenced by the final plat approval of said completed improvements.

After the termination of said two (2) year period the Town shall be responsible to the citizens of Tyrone for the maintenance of said improvements as provided by law. Provided, however, any damages which occurred prior to the end of said two (2) year period and which still are unrepaired at the termination of said period shall remain the responsibility of the developer (written notice of said damages must be given prior to the time the two (2) year period ends.

IN WITNESS WHEREOF, the developer has caused this agreement to be executed by its duly authorized officers this ____ day of _____, 2020.

By: _____

Title: _____

CERTIFICATE OF DEDICATION, STATE OF GEORGIA, COUNTY OF FAYETTE:

The owner of the land shown on this plat acknowledges that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, does hereby convey in fee simple to the Town of Tyrone, Georgia, and further dedicate to the use of the public forever all streets and rights-of-way shown hereon alleys, cart paths, greenbelts and public places hereon shown on plat except those easements designated on plat as other utility company's easements and privately owned easements.

In consideration of the approval of this final plat and other valuable considerations. The owner does hereby agree to hold the Town of Tyrone, Georgia, harmless from any and all monetary liabilities which may arise from any and all claims, damages, or demands arising on account of the design and construction of public improvements of the property shown herein, to include but not limited to the roads, streets, fills, embankments, ditches, cross drains, culverts and bridges outside or within the proposed right-of-way shown, resulting from any and all causes other than by an act of the Town of Tyrone, Georgia.

And further, the owner warrants that it owns fee simple title to the property shown heron and agrees that the Town of Tyrone shall not be liable to the undersigned or subsequent owners in title for any claim of damages resulting from negligence in exercising engineering.

Techniques and due caution in the construction of cross drains extension, drives, structures or buildings, the changing of courses of streams and rivers, flooding from natural creeks and rivers and any other matter whatsoever on private property, any and all monetary liability occurring under this paragraph shall be the liability of the owner. The owner further warrants that it has the right to convey said land according to this plat and does hereby bind itself and the owners.

Subsequent in title to defend the covenants and agreements set out.

IN WITNESS THEREOF, I have hereunto set by hand and affixed my seal this ____ day of _____, 2020.

_____(SEAL)
Owner

Notary Public, State of Georgia



Prepared For:

Job #:
20-179

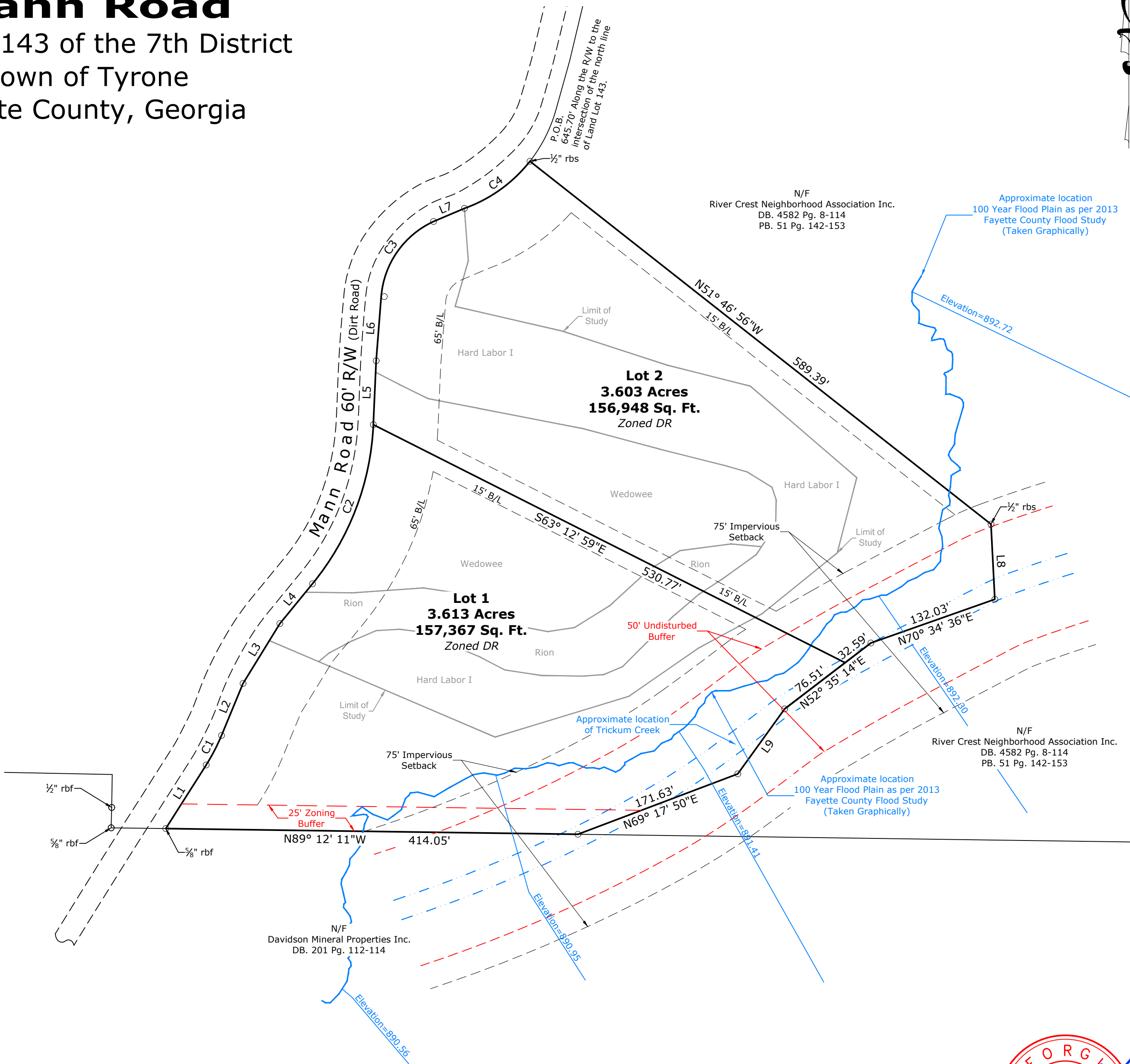
Drawn By: JCB
Reviewed By: RTG
Date: 05/24/2021
F.W.P.D.: 08/26/20
Scale: 1" = 80'
Sheet: 1 of 2

Minor Final Plat of
Mann Road
Land Lot 143 of the 7th District
Town of Tyrone
Fayette County, Georgia

This Box reserved for the Clerk of the Superior Courts.

Curve Table				
Curve #	Length	Radius	Bearing	Chord
C1	33.44'	192.90'	N27° 27' 56"E	33.40'
C2	174.22'	271.19'	N20° 55' 01"E	171.23'
C3	96.35'	90.88'	N34° 52' 00"E	91.90'
C4	82.16'	146.02'	N54° 15' 03"E	81.08'

Line Table		
Line #	Direction	Length
L1	N32° 25' 31"E	75.69'
L2	N22° 29' 37"E	56.56'
L3	N31° 35' 52"E	70.56'
L4	N39° 19' 17"E	51.72'
L5	N02° 30' 49"E	64.14'
L6	N04° 29' 43"E	64.81'
L7	N67° 00' 35"E	33.72'
L8	N02° 57' 13"W	75.58'
L9	N35° 45' 55"E	80.44'

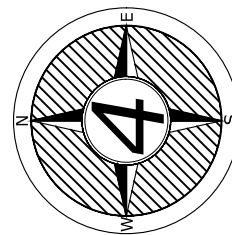


- Legend**
- OTP=Open Top Pipe
 - RBF=Rebar Found
 - RBS=Rebar Set
 - R/W=Right of Way
 - IPF= Iron Pin Found
 - P.O.B.=Point of Beginning
 - B/L=Building Line
 - D.E.=Drainage Easement
 - N/F=Now or Formerly
 - F.W.P.D.=Field Work Performed Date
 - ⊗=Gas Valve
 - ⊗=Water Meter
 - ⊗=Utility Pole
 - ⊗=Drop Inlet
 - ⊗=Fire Hydrant
 - ⊗=Light Pole
 - ⊗=Fence
 - ⊗=Drainage Manhole
 - OHE—=Over Head Electric Line



Grid North

**FOUR CORNERS
SURVEYING™**



Plat/Deed	Page:
Book	621-623
DB. 5004	142-153
PB. 51	

Mann Road
Land Lot 143 of the 7th Land District
Town of Tyrone
Fayette County, Georgia

Jerry Crozier

Prepared For:

Job #:	20-179
Drawn By:	JCB
Reviewed By:	RTG
Date:	05/24/2021
F.W.P.D.:	08/26/20
Scale:	1" = 80'
Sheet:	2 of 2

P.O. BOX 15 Tyrone, GA 30290 770-560-3910 & 770-823-9377
FOUR_CORNERS@BELLSOUTH.NET

Exhibit 1

Application & Supporting Documentation



Read & Approved: _____

Date: 6.17.21

Property Owner Consent & Agent Authorization Form

(Application requires authorization by ALL property owners of a subject property)

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

United Bank as Custodian for Jerry Crozier, Beneficiary IRA

(Please Print Names)

Property Tax Identification Number(s) of Subject Property: 0725039

(I am) (We are) the sole owner(s) of the above-referenced property requested to be re-platted. Subject property is located in the Land Lot(s) 143 of the 7th District, and (if applicable to more than one land district) Land Lot(s) _____ District, and said property consists of a total of acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Jerry Crozier to act as (my) (our) Agent in this matter.

(I) (We) certify that all of the information filed with this application including written statements or showing made in an paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (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 the Town of Tyrone in order to process this application.

Daniel B. Searcy III
Signature of Property Owner 1
By: Daniel B. Searcy, III, Vice President

525 S. Hill Street, P.O. Box 1438, Griffin, GA 30224
Address

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address

Morgan Mangrum
Signature of Notary Public
By: Morgan Mangrum

6-18-2021
Date

Signature of Notary Public

Date

Signature of Notary Public

Date



Letter of intent 6-11-21

This submission is simply to take the current existing 7.23 acres and divide it in half, making #2 approximately 3.6 acre lots. See survey

Jerry Crozier
770-310-8320
jerry@accentpropertysolutions.com

United Bank Custodian for Jerry Crozier Beneficiary IRA
770-412-4948
udirect@unitedbank.net
525 S HILL STREET
GRIFFIN GA 30224 4227

Type: QCD
Recorded: 9/10/2020 11:59:00 AM
Fee Amt: \$25.00 Page 1 of 3
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID: 1138094925

BK 5106 PG 667 - 669

Record and Return to:
Lawson & Beck, LLC
1125 Commerce Drive, Suite 300
Peachtree City, GA 30269
20-LAW-0923

②

Quitclaim Deed

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made the 1st day of September, 2020, between **Pulte Home Company, LLC, a Michigan limited liability company fka Pulte Home Corporation** of the County of Fulton, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **United Bank as Custodian for Jerry Crozier, Beneficiary IRA**, of the County of Spalding, and State of Georgia, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said grantee,

That certain parcel of land located on the eastern side of Mann Road in Land Lot 143 of the 7th District of Fayette County, GA, identified as Fayette County Tax Map Parcel Number 0725-039 and being a portion of the land described at that Limited Warranty Deed from John Wieland Homes and Neighborhoods, Inc., a Georgia Corporation to JW Land Investments, LLC, a Delaware limited liability company, dated November 15, 2012, and recorded at Deed Book 3973, Page 635, Fayette County, Georgia Records, and also in that Quitclaim Deed (To Clear Title) from John Wieland Homes and Neighborhoods, Inc., a Georgia corporation to JW Land Investments, LLC, a Delaware limited liability company, dated November 15, 2012, and recorded in Deed Book 3973, Page 659, aforesaid Records.

Subject property is bordered on the north and west by Mann Road, on the north and east by Fayette County Tax Map Parcel Number 0725-03020 (now or formerly owned by Pulte Home Company, LLC, a Michigan limited liability company), and on the south by Fayette County Tax map Parcel Number 0740-016, (now or formerly owned by Davidson Mineral Properties, Inc.).

Book: 5106 Page: 667 Seq: 1

BUYER ACKNOWLEDGES AND AGREES: THAT THE PROPERTY IS SOLD AS/IS PURSUANT TO THE TERMS ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

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

Signed, sealed and delivered in the presence of:

Kayla Botterson
Unofficial Witness

Jennifer Bojda
Notary Public

Pulte Home Company, LLC, a Michigan limited liability company fka Pulte Home Corporation

By: [Signature] [SEAL]
Brian Suker, Division Vice President Finance

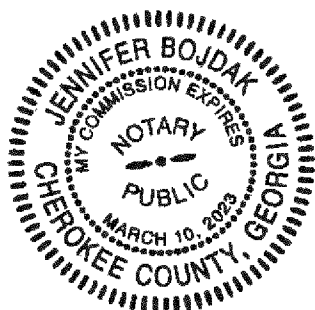


Exhibit A

AS-IS CONDITION

GRANTEE ACKNOWLEDGES AND AGREES:

- (i) THAT EXCEPT FOR THE LIMITED WARRANTY OF TITLE CONTAINED IN THIS LIMITED WARRANTY DEED, NEITHER GRANTOR NOR ANY AGENT, EMPLOYEE, ATTORNEY, CONTRACTOR OR REPRESENTATIVE OF GRANTOR HAS MADE ANY, AND GRANTOR SPECIFICALLY DISCLAIMS ANY, REPRESENTATION OR WARRANTY, STATUTORY, EXPRESS OR IMPLIED, REGARDING THE PROPERTY OR ANY PART THEREOF, INCLUDING, WITHOUT LIMITATION, ANY REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE PHYSICAL NATURE OR CONDITION, ACCESS, SIZE, PERMITS, ZONING, UTILITY SERVICES, WATER, SANITARY OR STORM SEWER CAPACITY, OR WASTEWATER CAPACITY OF THE PROPERTY OR THE VALUE, CONDITION, MERCHANTABILITY, MARKETABILITY, SUITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY OR THE COMPLIANCE OF THE PROPERTY OR ITS USE WITH ANY LAWS OR REGULATIONS PROMULGATED BY ANY GOVERNMENTAL AUTHORITY;
- (ii) THAT IN ACCEPTING THIS LIMITED WARRANTY DEED, GRANTEE DOES NOT RELY UPON ANY ORAL STATEMENT TO WHOMSOEVER GIVEN, DIRECTLY OR INDIRECTLY, BY GRANTOR OR ANY AGENT, EMPLOYEE, ATTORNEY, CONTRACTOR, OR OTHER REPRESENTATIVE OF GRANTOR;
- (iii) THAT GRANTEE HAD AMPLE OPPORTUNITY TO CONDUCT ALL INSPECTIONS, ENGINEERING STUDIES, SOIL TESTS, ENVIRONMENTAL STUDIES, REPORTS, FEASIBILITY STUDIES, REVIEWS AND EXAMINATIONS OF THE PROPERTY, AND OTHER MATTERS RELEVANT TO THE PROPERTY AS DEEMED NECESSARY OR DESIRABLE BY GRANTEE;
- (iv) THAT EXCEPT FOR THE LIMITED WARRANTY OF TITLE CONTAINED IN THIS LIMITED WARRANTY DEED, GRANTEE HAS RELIED SOLELY UPON ITS OWN INSPECTIONS, ENGINEERING STUDIES, SOIL TESTS, FOUNDATION DESIGNS, ENVIRONMENTAL STUDIES, REVIEWS AND EXAMINATIONS OF THE PROPERTY, AND OTHER MATTERS RELEVANT TO THE PROPERTY IN MAKING THE DECISION TO PURCHASE THE PROPERTY;
- (v) TO TAKE THE PROPERTY IN ITS CURRENT PHYSICAL CONDITION, "AS IS" AND "WHERE IS" WITH ALL FAULTS ON THE CLOSING DATE, WITHOUT ANY REPRESENTATION OR WARRANTY EXCEPT FOR THE LIMITED WARRANTY OF TITLE CONTAINED IN THIS LIMITED WARRANTY DEED;
- (vi) THAT GRANTOR MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, WITH RESPECT TO AVAILABILITY, CAPACITY, LOCATION AND/OR CONDITION OF ANY UTILITIES WHICH MAY AFFECT THE PROPERTY; AND
- (vii) THAT THE PURCHASE PRICE OF THE PROPERTY REFLECTS ITS EXISTING CONDITION ON THE DATE OF THE CLOSING.

P.O.BOX 248
COVINGTON GA 30015

soilprofiles@gmail.com
PH 770-842-9895

J. SHANNON HUDGINS
GA DHR SOIL CLASSIFIER #147

LEVEL: 3 (1=RECON, 2=PRELIMINARY, 3=HIGH INTENSITY, 4=SPECIAL STUDY)

DATE MAPPED : OCTOBER 27, 2020

COUNTY: FAYETTE

SCALE: 1"=60'

CLIENT: JERRY CROZIER

PROJECT: MANN RD 7.23 AC

SOILS INTERPRETATION TABLE

SOIL SERIES AND CODE		SLOPE	Depth to BEDROCK	Depth to Seasonal High WATER TABLE	Estimated PERC RATE @ Recommended Installation/Trench Depth	Recommended INSTALLATION/TRENCH DEPTH	COMMENTS
		(%)	(inches)	(inches)	(minutes/inch)	(inches)	
HARD LABOR I	C	2-10%	>72	36	90-ATU	12-24-ATU	SEASONAL HIGH SATURATION
RION	A	2-10%	>72	>72	45	24-48	
WEDOWEE	A	2-10%	>72	>72	65	24-48	

A=THIS SOIL SERIES SHOULD HAVE ABILITY TO FUNCTION AS A SUITABLE ABSORPTION FIELD WITH PROPER DESIGN, INSTALLATION AND MAINTENANCE.

C=DUE TO SHALLOW WATER TABLE CONDITIONS THIS SOIL IS SUITABLE FOR ALTERNATIVE ABSORPTION FIELDS ONLY.

AREAS WHICH FLOOD, HAVE FLOODING POTENTIAL, OR WHICH SERVE AS DRAINAGEWAYS SHOULD NOT BE USED.

AREAS WITH SLOPE GREATER THAN 25% MAY BE USABLE FOR SEPTIC SYSTEMS IF SLOPE LIMITATIONS ARE OVERCOME BY SYSTEM DESIGN, OR BY SITE MODIFICATION (e.g. BENCHING).

SAMPLE POINTS, SURFACE FEATURES, AND SURVEY CONTROL WERE LOCATED BY GPS (TRIMBLE MODEL PRO XRS).

sample point (auger)
sample point (backhoe)

TIF	Tank in first
NSI	Needs (additional) site investigation
NR	Not recommended
L4	Level 4 soils test recommended



NORTH 1"=60'

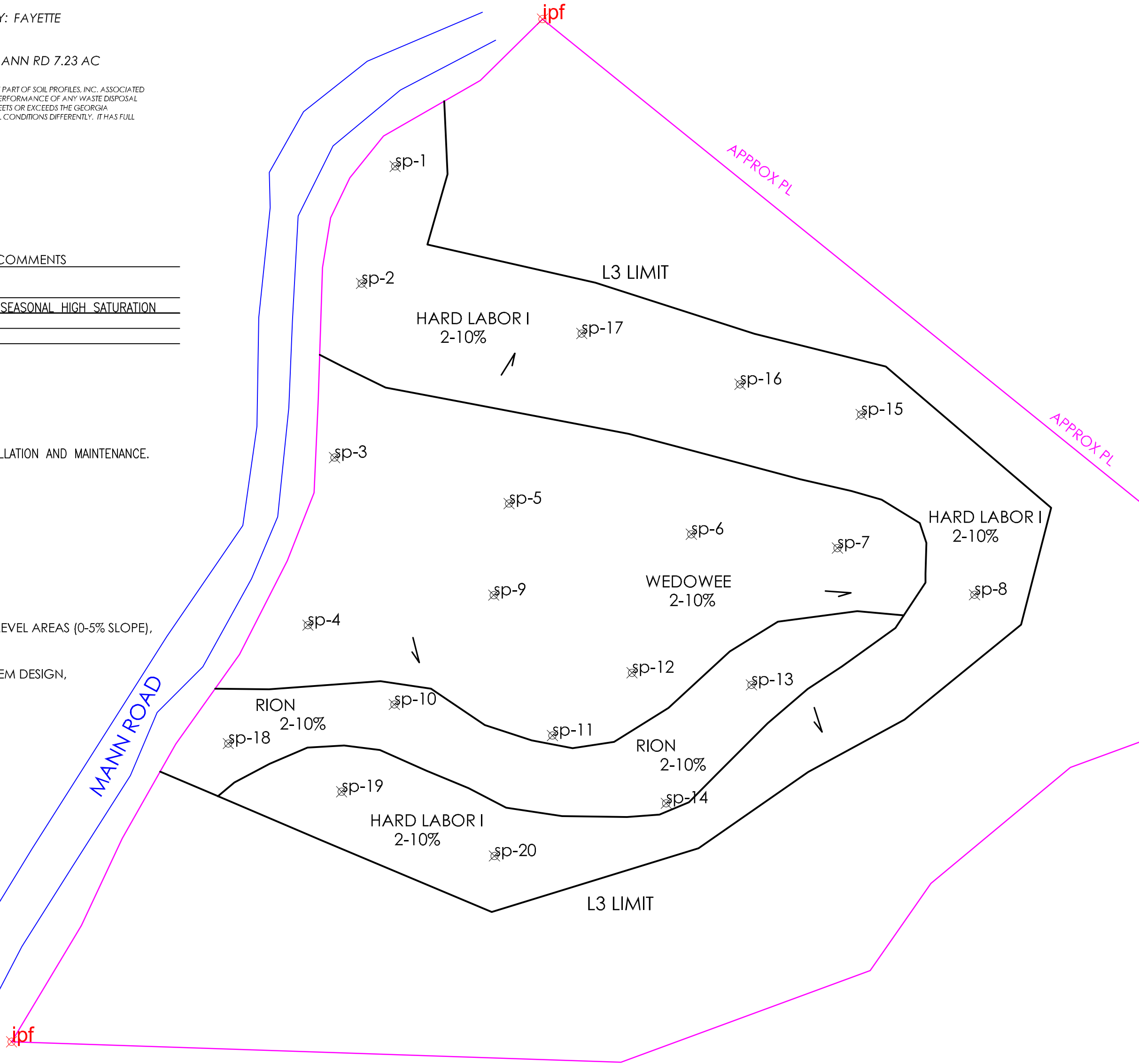
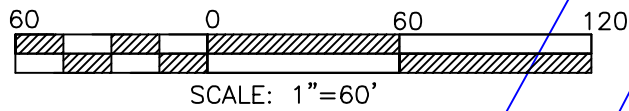


Exhibit 2

2005 Council Minutes

MINUTES
TYRONE TOWN COUNCIL

MAY 19, 2005

The Tyrone Town Council held its regularly scheduled meeting on Thursday May 19, 2005, at Town Hall. Mayor Sheryl Lee called the meeting to order at 7:03 PM.

PRESENT - Mayor Lee, Council Members Lyn Redwood, Lisa Richardson, Paul Letourneau, and Mike Smola. Also present were Town Manager Barry Amos, Assistant Town Manager Valerie Fowler, and Town Attorney Brad Sears.

The invocation was given by Mr. Amos, followed by the pledge.

PUBLIC COMMENTS - Gordon Furr, 565 Laurelwood Drive, inquired why the setback off Line Creek for Fayette County did not match up to Tyrone's required setbacks. He stated he would like to adopt the same setbacks to protect Line Creek and their water supply. Councilman Letourneau asked for the difference in setbacks. Mr. Furr answered it was 450 feet for Fayette County and 25 feet for Tyrone. Councilwoman Redwood questioned whether the state required certain setbacks. Town Manager Amos stated there was a minimum of 25-foot setback determined by the state.

TYRONE SOCCER ASSOCIATION - Mr. Chip Gibson introduced himself as the representative for the Tyrone Soccer League as voted at last night's meeting. He stated they would like to have soccer this fall contingent on cooperation of the town. He said they had a very good turn out at the recreation center last night, and already selected the president, vice president, and treasurer. He explained they were in the process of setting up a corporate entity established as a non-profit organization. He told council they would be affiliated with the Georgia Youth Soccer Association that would provide health coverage for their players. He informed council he had spoken with the coach at Sandy Creek High School and he, along with his players, had agreed to help coach and referee games. He stated he was currently researching available grants as many cities, such as Jonesboro and Roswell, had received grants to build fields. He asked that the town reconfigure Shamrock Park to a multi use field, and requested a park use agreement similar to the baseball/softball fields. He stated they wanted to provide a recreation opportunity for the children of Tyrone to create a stronger family connection. He said pre-registration had already begun and in the last 30 days they had 70-75 children sign up with the season beginning in August. He continued to say their treasurer was Mr. Scott Hams who was also a member of the Georgia Youth Soccer Association. Councilman Letourneau asked who would be the competition. Mr. Gibson answered that they would play intramural between their 8 teams and they would also play teams from Fayette and Peachtree City that were also members of the Georgia Youth Soccer Association. He stated the goal was to begin as a recreation league with hopes of developing some select

teams at a later date. He stated the basic fee would be \$7.85, which would cover their insurance and approximately \$10 for a jersey. He told council they wanted to keep the prices very low in order to encourage as many citizens as possible to join. Councilwoman Richardson questioned whether it would be coed. Mr. Gibson responded it would be. Councilwoman Redwood remarked she was glad to see soccer coming to Tyrone and looked forward to working with the soccer association. Councilman Smola inquired whether the Town had impact fees available and how long the process would take to build soccer fields. Mr. Amos said they currently have \$40,000 for a soccer field, but they also have sufficient funds in the bank, and they could have a soccer field by next spring.

PUBLIC HEARING ON LAND USE MAP AMENDMENT AND REZONING OF A 2 ACRES SITE LOCATED AT 1410 SENOIA ROAD – APPLICANT BURT CLARK IS REQUESTING A LAND USE MAP AMENDMENT FROM 2.1 (COMMERCIAL) TO 2.3 (OFFICE) AND REZONING FROM LUC (LIMITED USE COMMERCIAL) TO OI (OFFICE INSTITUTIONAL) - Burt Clark, TCG Holdings, informed council this site was at the very end of Senoia Road in a new business park named Powers Court. He stated a local doctor wanted to build in the park but under the current zoning of LUC, doctor's offices were not allowed. He stated they wanted to down-zone to OI. He presented a picture of the typical offices he builds and said the doctor currently had offices in Peachtree City. Mr. Clark informed council they wanted this land to be developed as a business park and not an industrial park. Councilman Letourneau asked what type of structure this would be. Mr. Clark answered it would be a single structure. No one spoke in favor or opposition. Mayor Lee closed the public hearing. Town Manager Amos stated this property was zoned as LUC a couple of years ago, and very little development had occurred. He told council the applicant wanted to down zone to OI, and this would attract more office in the future as it would also attract more rezoning applications. He stated this would be a less intense use and have a smaller impact on traffic. Ginger Blackstone, representing the Planning Commission, concurred that it would be a less intense use and said the Planning Commission had voted unanimously in support. Councilwoman Redwood remarked she was in favor of this plan of offices instead of commercial. Councilwoman Richardson agreed and stated it was great to have a less intense use on Highway 74. Motion to approve the land use map amendment from 2.1 (commercial) to 2.3 (office) was made by Councilman Smola, seconded by Councilwoman Redwood, and unanimously approved. Motion to approve the rezoning from LUC (limited use commercial) to OI (office institutional) was made by Councilman Letourneau, seconded by Councilwoman Redwood, and unanimously approved.

PUBLIC HEARING ON LAND USE MAP AMENDMENT AND REZONING OF 217 ACRES BORDERED BY SR 74 , KIRKLEY ROAD, MANN ROAD AND DAVIDSON MINERAL PRODUCTS SUBMITTED BY JOHN WIELAND HOMES – APPLICANT IS REQUESTING LAND USE MAP AMENDMENT FROM 1.1 (CONSERVATION) TO 1.1, 1.4 (MULTI-FAMILY) AND 6 (PARKS/RECREATION CONSERVATION) AND REZONING FROM AR (AGRICULTURAL RESIDENTIAL) TO DR-15 (MULTI-FAMILY)

CONDITIONED UPON DEVELOPMENT AS SINGLE FAMILY RESIDENTIAL

Scott Auer stated he was the President of the South Region of John Wieland Homes located at 1950 Sullivan Road. He explained this was a 219-acre site located on the west of SR 74, near Kirkley Road, and they were calling it Tyrone II. Mr. Auer stated he had taken feedback from the council and commission and assembled a plan sensitive to the environment, containing substantial open space, and protecting the rural character of the Town. He informed council there was a 1:1 ratio of open space to home sites, as there was 99.5 acres of open space. He reiterated this was an environmentally friendly plan and took advantage of the model conservation plan to protect wetlands, water recharge areas, water quality, and lakes and streams. He stated it surpassed the green space required by the state. He explained the plan had left 30 acres of green space along Mann Road and had 1200 feet before any homes would be built. He told the council that the pastureland along Kirkley Road would have a 30-foot buffer from the development and they would plant trees and shrubs for a privacy buffer. He promised to preserve the four lakes on the property, and leave much of the area unchanged and protected. He continued to say the plan called for single family detached homes ranging from 300-450,000 dollars and 2800 square feet. Mr. Auer stated they would have a very appealing streetscape, it would be uncrowded and very open to enhance the natural character of the land. He said there would be an amenity area at the beginning of the development. He expressed that Tyrone was twenty minutes from the airport and was therefore a very desirable place to live. He concluded by saying this was a smart growth plan that protects open space, rural character, water quality, and takes advantage of the model conservation plans. No one spoke in favor of the development. William Curlee, Crestwood Road, asked Mr. Amos how many houses in Tyrone were on .5 acre lots because he thought that there was an ordinance restricting lots to a 1-acre minimum. He said this plan is letting the citizens of Tyrone down, as elderly people built their homes long ago. He said that schools are overcrowded, and the police department and fire department already need help. He also stated the traffic on SR 74 was horrible and he strongly recommended denial. Heather Russell, 140 Ridge Road, suggested council look at police reports from April 2002 and April 2005 to compare the amount of crime as more police have to patrol behind Publix and recently the CVS pharmacy was robbed. She suggested the cause of this was over development. She stated the infrastructure was not ready, and she saw 74 becoming the next Tara Boulevard or Memorial Drive. She told council she wanted the children she teaches to be able to see live woodpeckers and birds and not have to go to the Museum of Natural History to see birds. She urged Mayor Lee to keep her promise of limited development. John Woody, 215 Chimney Springs, stated 74 was becoming a disaster, and he did not want to set a precedent of .5 acre lots. He told council this would open the floodgates for more .5 acre lot development. He reiterated that schools are overcrowded and this development would have a big impact. Cary Klarl, 203 Mann Road, said she appreciated the developer's exclusion of the wetlands as this was a significant groundwater recharge area, but she strongly opposed the plan. She reminded council the land use plan had just been changed last July and that should have been indicative of how the town intended it to be developed. She stated citizens have to have confidence in the land use plan. She said as zoned the applicant could development a more rural, low-density project. She reminded council the Planning Commission had denied the request. She stated she did not want the Sandy Creek Road extension as Fayette County had

removed it from its future transportation plan and the Georgia Department of Transportation had denied it because it was not viable. She concluded by saying the project was not adaptive to the surrounding area and she recommended denial of the request. Gordon Furr, 565 Laurelwood, asked where the sewage would be sent because this was in the wetlands, and he also questioned the air quality near the rock quarry. He asked why we sent our sewage to Fulton County instead of Peachtree City. He also said he could not see this development going on .5 acre lots. Anne Miller, 8565 Bohannon Road remarked she was representing the Line Creek Community Association and they wanted to preserve Mann Road, and were against a land use plan change. Claire White, 165 E. Crestwood Road, stated changes to the land use plan were bad and it should not be changed just because a developer wants it changed. She did not want to set a precedent, and noted when 47 homes were built near her it caused significant traffic increases. She stated Highway 74 was already crowded, and she wanted clarification on why the developer was asking for multi-family zoning. Councilman Letourneau explained that the multi-family zoning was contingent upon single family residential. Ms. White concurred with the previous people she did not want .5 acre lots. She stated the water resources in Fayette County were precious, and she did not want to see an increase in water payments. She also noted everyone that spoke in opposition had received loud applause and this showed how the citizens felt about this plan. Mayor Lee closed the public hearing and asked for staff comments. Town Manager Barry Amos stated this property has been before council three times since 2003. The first proposal was a R-48 zoning with 265 lots, which was denied by Planning Commission. The second proposal met the green space model ordinance and had 205 lots, which was approved by Planning Commission but the developer withdrew. The third proposal was R-48 zoning with 149 lots with no green space that was denied by Planning Commission. Mr. Amos stated this fourth proposal was 160 lots of single family detached homes on DR-15 zoning with 99.6 acres of green space. Mr. Amos stated this was compatible with residential development. Ginger Blackstone of the Planning Commission stated five people spoke in opposition at the Planning Commission meeting and they had unanimously denied the land use plan change. She stated they thought the land use plan was appropriate as it was and they did not think this plan was in the best interest of the town as it did protect water resources and did not fit in with surrounding land uses. Councilman Smola asked how many houses could be developed under the current land use map. John Gillespie of John Wieland Homes responded that it was in the 100-lot range, which was economically a disaster for them. He stated this plan was less of impact on everybody and the development started 1200 feet from Mann Road. He explained SR 74 would be developed at some point and they would do a good job of development and expected a 5-6 year buildout. Councilman Letourneau asked if they could limit the lots along Kirkley Road. Mr. Gillespie answered they could, and he also explained that they had included the Sandy Creek Extension at a request from years ago. Mr. Letourneau stated they were not interested in that, and Mr. Gillespie concurred they were not either. Mr. Letourneau also questioned whether he could get a curb cut into the subdivision. Mr. Gillespie said they could, but requested consideration of relocation of the lots. Councilwoman Redwood stated that while the green space on the plan looks pretty the reality is they would not build on that land anyway. She agreed with the citizens that the land use plan should stay as is to protect the environment. Mr. Gillespie stated this plan did use the good land but they also kept the

creeks and wetlands areas as open space. Ms. Redwood responded this was over development and she could not support it. Councilman Letourneau remarked this was the toughest rezoning they had seen. He stated this project had started with 276 homes and now they were down to 160 lots. He stated his primary objections were the septic issues and no green space but now those concerns had been addressed. He informed citizens that Highway 74 would be developed and he thought this was a viable project for SR 74. Ms. Redwood reminded council they had stated sewer would not be used to foster higher density. Councilwoman Richardson agreed they had said no more density and she wanted to keep the land use plan as is. Councilman Smola stated the developer had been responsive to the community and with the project being 1200 feet from Mann Road this was the best we could ask for. He explained with the open space this was a lesser environmental impact, and with some provision we should allow this development. Motion to approve the land use map amendment of 217 acres bordered by SR 74, Kirkley Road, Mann Road and Davidson Mineral Products submitted by John Wieland Homes from 1.1 (conservation to 1.1, 1.4 (multi-family) and 6 (parks/recreation conservation) was made by Mr. Smola and seconded by Mr. Letourneau. Upon call of the question the vote was 2-2 with Council members Redwood and Richardson voting in opposition, and Letourneau and Smola voting in favor. The motion passed 3-2 with Mayor Lee breaking the tie and voting in favor. **ORD. # _____**. Motion to approve the rezoning of the property from AR (agricultural residential) to DR-15 (multi-family) conditioned upon development of single family residential, as presented, removing the lots along Kirkley Road, removing the easement for the Sandy Creek Extension, and no development or land disturbance permits shall be issued until the developer and Town arrive at an agreement for an alternative treatment and disposal system for sanitary sewerage satisfactory to and subject to the approval of the Mayor and Town Council was made by Mr. Letourneau and seconded by Mr. Smola. Upon call of the question, the vote was 2-2 with Council members Redwood and Richardson voting in opposition and Council members Letourneau and Smola voting in favor. The motion passed 3-2 with Mayor Lee breaking the tie and voting in favor. **ORD # _____**

REZONING REPORTS – COUNCILWOMAN REDWOOD - Ginger Blackstone, representing the Planning Commission, stated they had recommended adopting some of the reports, and thought some were duplicates. She was also concerned with the cost burden placed on individuals requesting rezoning. Councilwoman Redwood explained she wanted a checklist so that when staff went through the packets they would make sure all concerns were addressed, such as the number of wetlands on a piece of property. Ms. Blackstone commented they thought the review by the Fayette County water was an excellent idea, and they would try to continue to review traffic, and remarked the aerial maps were on the Fayette County web site. Councilwoman Redwood thanked the Commission for taking the time to review the reports.

REVISIONS TO SIGN ORDINANCE – COUNCILMAN SMOLA - Councilman Smola stated he was concerned with the pick up truck advertising as they now had three signs advertising a housing development, hair removal, and arts and crafts. He remarked these signs were aesthetically unacceptable, and they need to strengthen to ordinance to ban these signs. Mr. Amos responded he had been talking with Town Attorney Brad

Sears to restrict the sign ordinance, and the new ordinance should be ready for review next month. Councilwoman Redwood questioned whether the issue at the CVS pharmacy had been addressed in the ordinance. Burt Clark stated the truck with the housing development sign had been moved last week and it was only done in frustration to how restrictive the sign ordinance was. Councilman Smola stated the truck was back. Mr. Sears informed Mr. Clark the truck was probably in violation because when it was parked it becomes a stationary sign and therefore must adhere to the sign ordinance. Mr. Clark said if the sign was in violation he would get the truck moved.

ADOPTION OF CONSENT AGENDA - Motion to approve the consent agenda was made by Councilman Letourneau, seconded by Councilman Smola, and unanimously approved.

Items Approved:

- ❑ Approval of Minutes of Meetings held 4/21/05 and 5/12/05
- ❑ Appointment of Ken Matthews to fill unexpired term on Planning Commission
- ❑ Appointment of Caram & Associates, Inc. as Town Planner

PUBLIC COMMENTS - Cary Klarl, 203 Mann Road, expressed her extreme disappointment for the utter lack of regard for the citizens of Tyrone in the Wieland decision. She said nobody expects the land to stay agricultural, but that it was a shame the council did not listen to the Planning Commission recommendations or the citizens. Marge Garrett, 105 Whitney Court, stated she was disappointed with the decision as the elementary schools are already full, and everything will have to be redistricted. She told council Tyrone was losing its community feel. Claire White stated she saw the Mayor's flyers advertising limited development during the campaign, and now by virtue of her vote, she had abandoned those who voted for her. She stated the Mayor should not go back on promises and she would never forget it.

STAFF COMMENTS - Mr. Amos reminded the Council that Monday was the start of the summer reading program, and that local businesses had donated \$900 including \$400 from the Daybreak Rotary Club. He stated Dr. Deckman had funded the library staff tee-shirts. He said Ms. Digby was very happy and she wanted to start building the new library.

COUNCIL COMMENTS - Councilwoman Redwood asked Mr. Amos about the emails they had received regarding drainage issues. Mr. Amos responded that at 2100 Castle Lake Drive a silt fence and hay bales had been put up. Mr. Amos stated that at the Southfork subdivision the Fayette County Health Department had been to check out the septic issue and the homeowner had thirty days to correct the problem to ensure no raw sewage was draining into the lake. Councilwoman Redwood inquired whether the Town could offer any assistance with the drainage issue. Mr. Amos answered that in 2003 they had a citizens drainage program and at that time the town did offer to help and the homeowners declined. Ms. Redwood stated she would like to arrange a meeting with the

homeowners, town, developer, and representatives from the council. Mr. Amos stated he would begin to schedule that and requested council email him with available dates.

There being no further business, motion to adjourn was made by Councilman Letourneau, seconded by Councilman Smola and unanimously approved. 8:28 PM.

Lindsay Wood