



Tyrone Planning Commission Agenda

January 28th, 2021

7:00 PM

Planning Commission

David Nebergall
Chairman

Carl Schouw
Commissioner

Dia Hunter
Vice-Chairman

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

I. Call to Order

II. Approval of Agenda

III. Approval of Minutes from December 10th, 2020

IV. Appointments

1. Appointment of the Chairman position for a term through December 31, 2021
2. Appointment of the Vice-Chairman position for a term through December 31, 2021

V. Public Hearing

1. The consideration of a petition from applicant Brian Selleck for the rezoning of a 1-acre tract with parcel number 072604001 at property address 1415 Senoia Road. The proposed rezoning is from C-1 (Downtown Commercial) to C-2 (Highway Commercial). **Phillip Trocquet, Town Planner**
2. The consideration of a petition from applicant Brian Selleck for the rezoning of a 1-acre tract with parcel number 072604002 at property address 1425 Senoia Road. The proposed rezoning is from C-1 (Downtown Commercial) to C-2 (Highway Commercial). **Phillip Trocquet, Town Planner**
3. The consideration of a petition from applicant Anil Midha for the rezoning of a 1-acre tract with parcel number 07382604002 at property address 105 Howell Road. The proposed rezoning is from C-1 (Downtown Commercial) to TCMU (Town-Center Mixed Use). **Phillip Trocquet, Town Planner**
4. To consider an update and readoption of the Town of Tyrone's official zoning map.

VI. New Business

VII. Staff Comments

VIII. Commission Comments

IX. Adjournment

Town of Tyrone
Planning Commission Meeting Minutes
December 10th, 2020
7:00PM

Present:

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

Commission Chair, Nebergall called the meeting to order.

Approval of Agenda

Chairman, Nebergall made a motion to approve the agenda.
Commissioner Bousquet seconded the motion. Motion was approved 4-0.

Vice-Chairman, Hunter made a motion to approve the September 10, 2020 minutes.
Commissioner Schouw seconded the motion. Motion was approved 4-0.

New Business

1. *Consideration of rezoning petition RZ-2020-002 from applicant John Kaufman for the rezoning of a 1 acre tract with parcel number 0738036 at property address 993 Senoia Road from C-1 to Town Center Mixed Use (TCMU).*
Phillip Trocquet, Town Planner

Mr. Trocquet started the conversation by stating that the rezoning would be for 993 Senoia Road as well as other addresses associated with the property. He stated that the petition appeared before the commission earlier in 2020, but was withdrawn due to some conflicts. He stated that the applicant was coming before the commission today to retry for rezoning with some of the conflicts resolved and in the process of being resolved.

Trocquet stated that the applicant was coming before the commission with the intent of rezoning the one-acre tract to eliminate the existing non-conforming and illegal conditions present on the property.

The stated intent was to construct an addition to the pre-existing main structure. He stated that a survey showed there were issues proceeding forward with the rezoning process. The survey and conceptual plat showed existing structures over the property line, conflicting with the Dollar General and CSX properties' right of way. The structures being over the property line made them illegal, but the property owner did obtain legal easement from Dollar General for the building being on that property. He stated that they are currently working with CSX to obtain easement for the building encroaching on their right of way. Trocquet stated that the property owner did receive an official letterhead from CSX showing good faith, but that more legal documentation was needed granting them the right to be on CSX property.

Trocquet stated that the process with CSX attorneys has been brought to the staff's attention. Aside from these issues, the petition does not present an adverse effect to neighboring property owners and staff does recommend a conditional approval of this rezoning until the second easement is granted for the CSX property. Trocquet then recognized the neighboring property's zoning as C1 and O&I. He stated that site improvements included water and multi-tenant commercial structures and that the property was one acre.

Trocquet stated that in terms of compatibility, the rezoning petition to TCMU is consistent with the future development map and comprehensive plan. He stated that the TCMU zoning district was designed to be a district that would best facilitate the desired development pattern in the downtown area, specifically the town center.

Mr. Trocquet continued to answer the rezoning compatibility questions listed in the Town's ordinance:

- Will Zoning permit suitable uses with surrounding properties? Yes, the uses allowed in TCMU are designed to be compatible with other commercial districts in the Town Center District (downtown) are.
- Will Zoning adversely affect adjacent properties? No, TCMU's intensity should not adversely affect nearby properties in the C-1 district.
- Does the property have reasonable economic use as currently zoned? Property is currently locked into a state of nonconformity with the current ordinance regulations of the C-1 district. Economic use is limited as a result of this nonconformity.
- Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure? No, the intensity of TCMU is similar to C-1 and the Town is currently pursuing a development strategy downtown consistent with TCMU's development standards.

Mr. Trocquet continued that this rezoning petition as presented is currently not fully compatible with the zoning ordinance. The structures circled in red on the attached survey are situated over property lines. These are considered illegal structures without legal easement granted to their placement. A legal easement has been given from the southern property owner (Dollar General) and staff has been made aware of efforts with CSX for legal easement on their R/W with productive communication already made (see attached letter). Staff recommends conditional approval of the rezoning with the stipulation that a 90-day reversionary clause be applied to give the owner an opportunity to resolve the remaining illegal zoning situations. If said illegal zoning situations are not resolved in the given time-frame, the Town Council will hold a public hearing to revert the property to its previous zoning of C-1. During this time, the

property may not undergo any changes that would expand its C-1 nonconformity. He stated that staff does recommend approval with those conditions.

Town Attorney Stough recommended that any conditions placed on the property needed to be specific about what is expected from the property owner. He also stated that nothing less than an easement from CSX giving the property owner the right to have buildings over the property line, similar to what they received from Dollar General, should be required. If the easement is cannot be obtained then steps should be taken so that the building is not interfering with the property line. If none of those things are done then the Town Council will come back in 90 days and determine an outcome.

Commissioner Bousquet asked what the status of the CSX letter is if it is not considered an easement. Attorney Stough stated that because it is not a recorded document that gives the property owner the right to be there it is illegal for the building to be over the property line.

Chairman Nebergall opened the floor for anyone who wished to speak in favor of the petition. No one spoke.

Chairman Nebergall closed the public hearing for those in favor and opened the public hearing for those opposed to the petition. No one spoke.

Chairman Nebergall then opened the floor to commission questions or comments. Vice-Chairman Hunter then stated that he had a question for staff regarding architectural requirements if the property was rezoned to TCMU. Town Planner Trocquet stated that there would be some architectural requirements if there were sufficient alterations of the pre-existing structure happening. He stated that it does depend on the nature of what the property owner is doing to expand in terms of expanding or renovating the structure.

Commissioner Hunter asked if those architectural requirements would be something the commission would have to state if they were to approve the petition with conditions. Trocquet stated that the architectural requirements would happen by default if changes to the property were made. He stated that the property as it is situated is currently in the Town Center Overlay District, which has the architectural requirements being discussed. He stated that regardless of the property taking on a new zoning classification those architectural standards would apply universally so if anything were to happen, those conditions would apply.

Commissioner Bousquet asked if any Town property buildings would have to also conform to the architectural requirements. Trocquet stated that as it stands now, it would be the same conditions that apply for the architectural overlay.

Vice-Chairman Hunter then asked if the suites that were in question on the property that are about to be altered, if there is something stating that there is a certain material required on the frontage of the building, would the rest of the frontage of the building have to be changed as well. Trocquet stated that it depends on the percentage of the building that is altered. If there is a significant enough percentage of

the building as a result of the alterations made then the rest of the building would have to be changed to fit that frontage change as well.

Commissioner Hunter stated that his concern was not allowing the change to happen, but if it does happen, are they going to have something that looks very new with something that looks the same or older right next to it. Trocquet stated that an addition to a commercial structure goes through the Site Plan procedure and that the front of the building is taken into consideration during that process.

Commission Bousquet asked about the modifications that would need to take place to the existing building to make it legal. He asked that once the building is modified, what standards are going to apply to that since it appears to be a stand-alone building. He went on to say that it would obviously have to conform to code standards inside and outside of the building. He asked how the permitting procedure would take place for any alterations made to the building. Trocquet stated that the permitting process for those types of alterations and changes are relatively small and would not necessarily come before the commission for approval, but that it would go through the building permitting process.

Chairman Nebergall asked if those changes could be accomplished by the property owner while they were waiting on the easement from CSX or if the easement needed to come before changes could be made. Trocquet stated that there were certain items and structures that could be permitted from a construction standpoint to happen on the property. He stated that in general, anything that would not bring the property further into a state of non-conformity would fall into the category of work that would be permitted to continue. He gave the example of interior renovations, parking lot resurfacing, and septic tank maintenance, as the limit of what could be done while awaiting the CSX easement. He stated that the expansion of the building would not be permitted until the legal easement has been received from CSX.

Commissioner Bousquet asked if there was any kind of time frame for receiving the easement from CSX and any alterations made to the building. Trocquet stated that the staff recommendation was a 90-day period to either receive a legal easement from CSX or to alter the structure so that it is no longer illegal. He stated that he has been in communication with the applicant who stated that they are approximately a month away from receiving a legal easement from CSX.

Vice-Chairman Hunter asked Mr. Trocquet to remind him what would happen if the Town Council had to come back and revert the property to its previous zoning of C1. Is there going to be a time frame for the property owner to reapply for rezoning again. Mr. Trocquet stated that would come down to the Town ordinances that state there is a one year time period before reapplying for a rezoning. Mr. Trocquet stated that state law is a 6 month period, but the Town ordinance is a one year period.

Chairman Nebergall then asked why the Town would want to rezone the property back even if there were no changes made considering a rezone is what is planned to be done in the future anyway. Trocquet stated that the reason the 90-day clause is a measure meant to ensure and incentivize compliance. He stated that the intention would be to bring the property back to its original state as the Town would not want to create an added layer of potential issues.

Commissioner Hunter asked if the easement that the property owner would receive from CSX, would it apply to the property itself or it is applied to the owner of the property, so in the future if the owner decided to sell the property, does the easement become voided. Mr. Trocquet stated that the easement would be applied to the property no matter who owned it.

Commissioner Duncan made a motion to approve the rezoning of 993 Senoia Road from C1 to TCMU, with staff conditions. He stated that the condition would be the legal easement from CSX or they can alter the structure that is over the property line. The condition would last 90 days starting December 10, 2020.

Commissioner Hunter seconded the motion. The motion was approved 4-0

Staff Comments

Town Planner Trocquet offered to answer questions about the LCI. He stated that the POND presentation was brought tonight for the Commission to look at. He stated that they were the Town's choice for the LCI study. He stated that they did a great presentation and we are excited to start working with them. He also stated that on December 17th, the same day as the council public hearing for the rezoning, the LCI contract will be approved and they will get started almost immediately after that. He stated that the Town was a little behind the schedule that was planned, but are still within the regional commission's schedule for starting the project.

Trocquet stated that the first step in the process is public engagement. He stated that POND is working on creating a website and getting public engagement marketing materials. He stated that they were getting some interviews started with downtown business owners, residents, and elected officials as well. He stated that the first step is approximately 2-3 months, but there will be other public engagement activities scheduled throughout the entire year-long process.

Commissioner Bousquet asked what POND would be providing throughout the process. Trocquet stated that the big items they are going to be providing are an existing conditions assessment of what is present downtown. He continued that they would conduct a walk audit of the entire downtown district. Trocquet stated that they would note infrastructure, right of way width, what buildings we have as a Town, and vacant lots during the first phase. The second phase is public engagement which will constitute some big public engagement events, COVID-19 permitting, and will also include online participation or online virtual engagement sessions as an alternative to in person one. He stated that POND will also perform market studies and analysis and look at absorption rates in the rental market for commercial and residential demand.

The project will then go to the master plan with sign recommendations for some streetscaping plans, some elevation and cross sections for what the town needs to do with our right of way, multi-use path analysis, and different things like that. POND will also give some additional zoning ordinance recommendations because they are very important in terms of being able to guide and execute what the plan is going to come to.

Commissioner Bousquet asked what the expectations were as far as when the project will be completed. Trocquet stated that the LCI plan process is a year-long process, approximately 10 months, so possible October or November of 2021 for completion. Trocquet stated that the town hopes to have a downtown development authority and the LCI will be the DDA's guiding document. He stated that within approximately a year or so after the completion of the LCI, the DDA will hopefully have obtained some different grants.

Commissioner Duncan asked how the progress on the sewer was going. Trocquet stated that the new deadline is the end of January 2021. He stated that the company hit some utility complications off of Commerce Drive. Trocquet stated that there were likely utility conduits that they hit and that they were unmarked, or it was incorrectly marked. He stated that there is a ton of utilities in the Commerce Drive right of way; most of it goes to a little utility outpost that is in front of the library as well as the cell tower that is behind the cemetery. Commissioner Hunter asked if the January deadline was for all phases of the project and Trocquet confirmed that everything for the phase from Commerce Drive going north should be done by January 2021. He stated that the second phase, from Commerce Drive to Castlewood Road, is going to be separate, but the company is going to continue working on that area.

Commissioner Duncan asked if the Fayette County School System still wanted to re-open Tyrone Elementary and Trocquet stated that as far as he knew, yes, but COVID-19 may have impacted the changes in the school.

Commissioner Bousquet asked what company was doing the utility work and Trocquet stated that he believed it was WOW, also known as New Link.

Commissioner Hunter stated that he is always grateful that members of the Town Council show up to the Planning Commission meetings and that he wanted to acknowledge the newest council member, Billy Campbell.

Adjournment

Chairman Nebergall made a motion to adjourn. Motion was approved 4-0.

The meeting adjourned at 7:34 pm.

Chairman David Nebergall

Phillip Trocquet, Town Planner

Staff Report

Town of Tyrone, Department of Planning & Zoning
950 Senoia Road, Tyrone GA 30290

Phillip Trocquet, Planning & Zoning Coordinator
ptrocquet@tyrone.org (770) 487-4038 ex. 108

Date: January 28, 2021

DOCKET/CASE/APPLICATION NUMBER

RZ-2021-001 & RZ-2021-002

APPLICANT/PROPERTY OWNER

Applicant: Brian Selleck

PLANNING COMMISSION MEETING DATE

January 28, 2021

TOWN COUNCIL MEETING DATE

February 4, 2021

ADDRESS/LOCATION

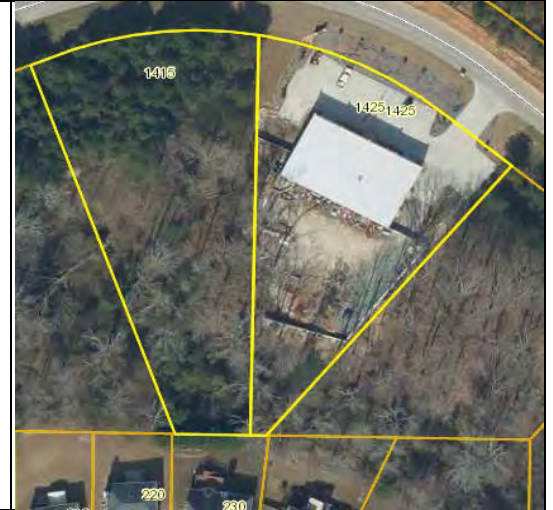
1415 & 1425 Senoia Road

Summary

Applicant Brian Selleck has submitted a petition to rezone two of his properties located at 1415 and 1425 Senoia Road from C-1 (Downtown Commercial) to C-2 (Highway Commercial). The stated intent is to increase the flexibility of what can be done on the property.

The surrounding area and business park has developed with a "light industrial" character although most of the properties are zoned C-1 and C-2. Millbrook Village Subdivision is located directly to the south, but the new zoning will still require a 75' buffer. Certain C-2 zoning uses also incur extra conditions when abutting residential districts designed to protect residential owners from potential nuisances.

Staff recommends approval of both rezoning requests.



MAP SOURCE: Fayette County Tax Assessor

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
C-1 (Downtown Commercial)	1415: Vacant Lot 1425: Multi-tenant Commercial	North: O-1 South: R-12 East: C-1 & C-2 West: C-1	Public Water Multi-Tenant Commercial Structure	1415: 1 Acre 1425: 1 Acre
PROPOSED ZONING				
C-2 (Highway Commercial)				

COMPATIBILITY WITH FUTURE DEVELOPMENT MAP & COMPREHENSIVE PLAN	PROPERTY HISTORY
The petition to C-2 is consistent with the Future Development Map and Comprehensive plan. These properties lie within the Town's Commercial Corridor character area which permits C-2 Zoning. The property is also located in a business park with other C-2 Zoned properties.	None of record.
COMPATABILITY WITH ZONING ORDINANCE & IMPACT ASSESSMENT	
Will Zoning permit suitable uses with surrounding properties? Yes, the uses allowed in C-2 are compatible with the surrounding commercial properties. The residential properties to the south will retain protections from our ordinance including buffers and conditional uses. Will Zoning adversely affect adjacent properties? No, It is staff's opinion that this rezoning will not increase a negative impact on surrounding properties. More intense uses come with conditions and existing buffers will be left in place. Does the property have reasonable economic use as currently zoned? The property does have reasonable economic use as currently zoned, however other properties have been zoned C-2 within the business park in similar situations. Denying this rezoning would deny the applicant to economic opportunities enjoyed by others similarly situated. Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure? No, the intensity of C-2 uses, although higher than C-1, have been accommodated for in the development of the business park. Other developed and un-developed C-2 properties exist in the park with the intent that the present infrastructure could handle the park at a build-out scenario.	

STAFF RECOMMENDATION

APPROVE WITH CONDITIONS

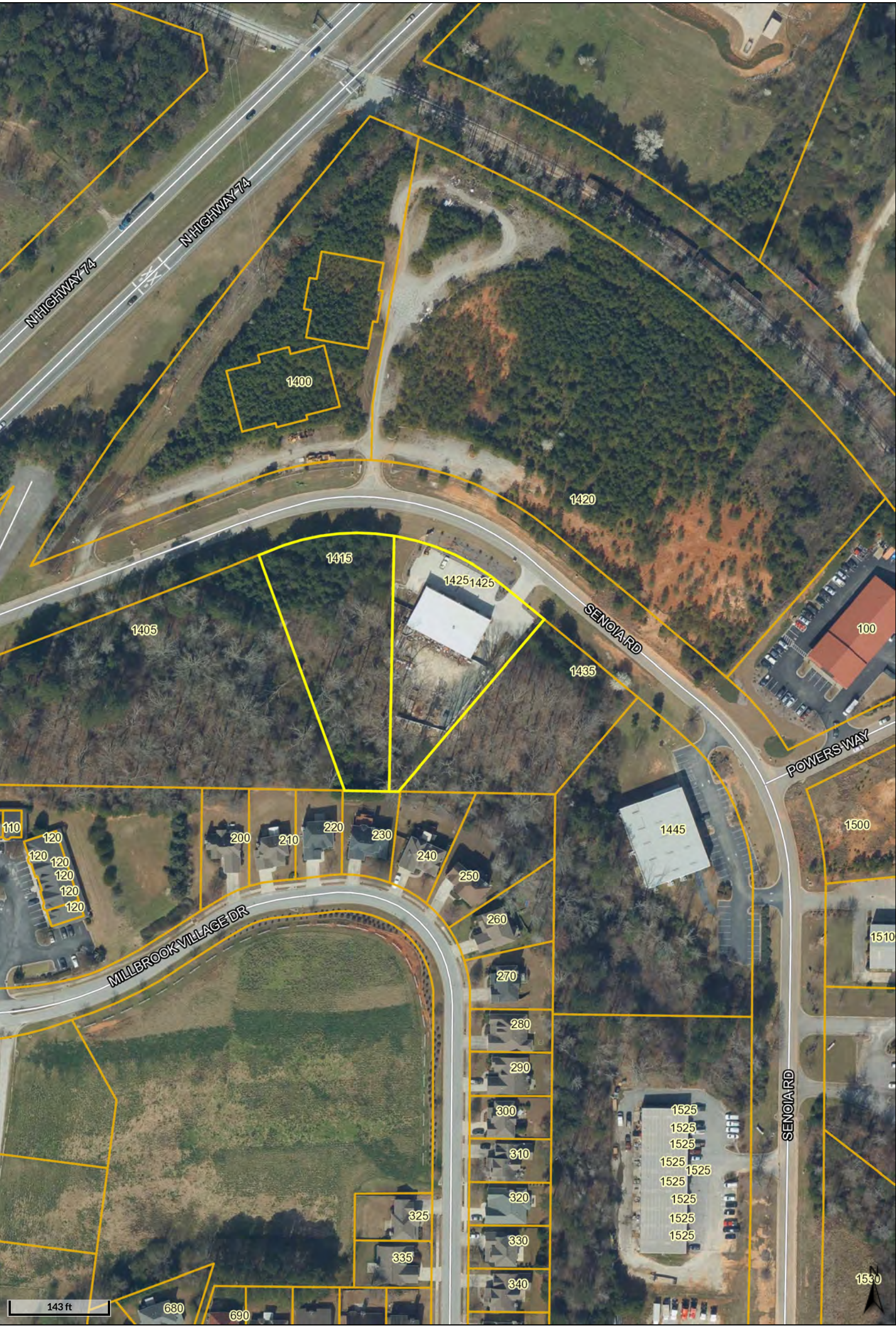
APPROVE

DENY

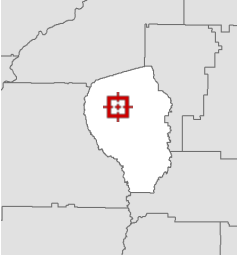
1415 & 1425 Senoia Road

C-1 to C-2 Rezoning Request

Created by: Town of Tyrone Planning Department



Overview



Legend

 Parcels

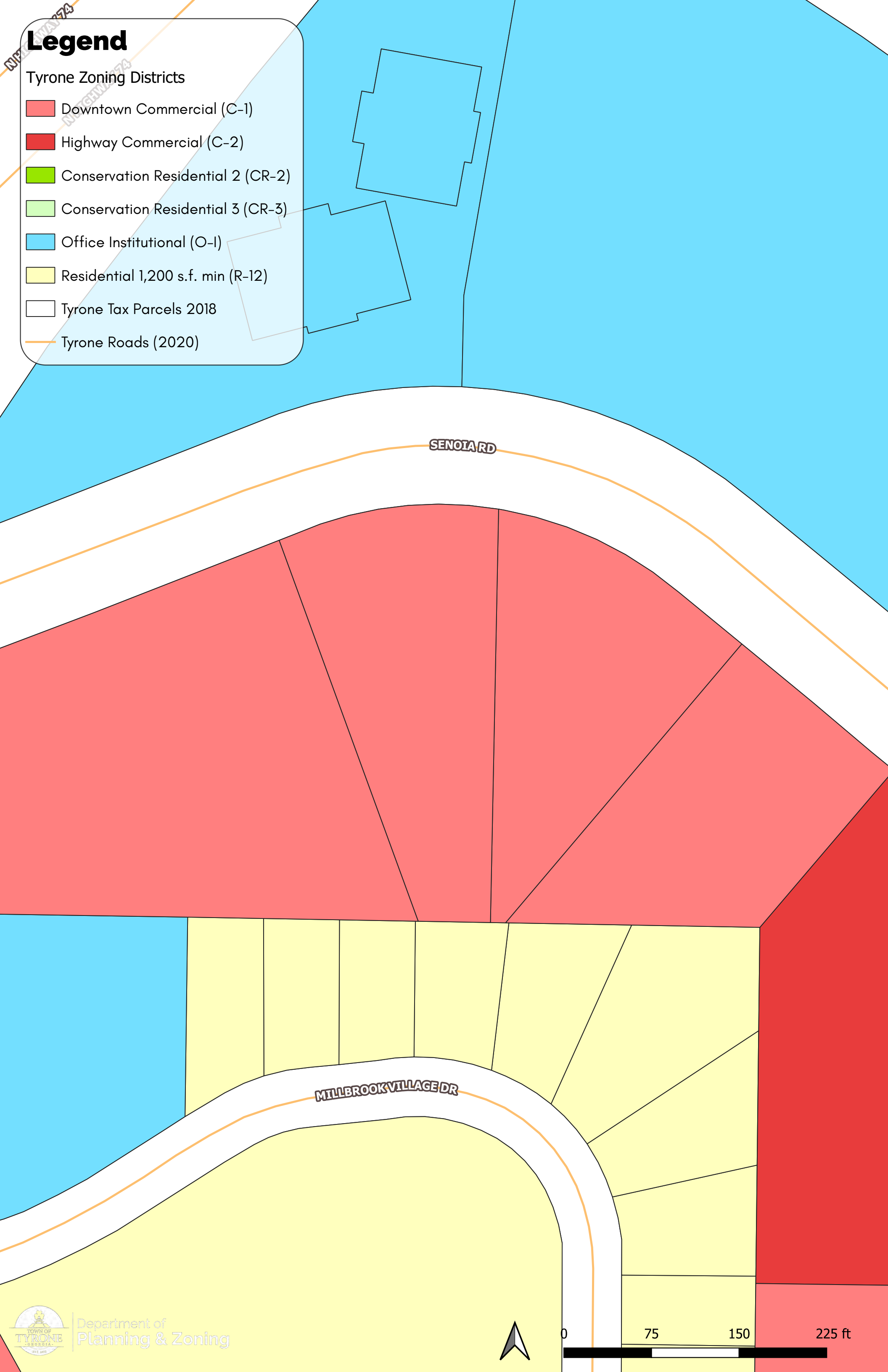
 Addresses

 Roads

Legend

Tyrone Zoning Districts

- Downtown Commercial (C-1)
- Highway Commercial (C-2)
- Conservation Residential 2 (CR-2)
- Conservation Residential 3 (CR-3)
- Office Institutional (O-I)
- Residential 1,200 s.f. min (R-12)
- Tyrone Tax Parcels 2018
- Tyrone Roads (2020)

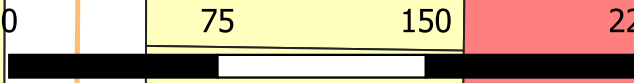


SENOIARD

MILLBROOKVILLAGE DR



Department of
Planning & Zoning



225 ft

Staff Report

Date: January 28th, 2021

Town of Tyrone, Department of Planning & Zoning
950 Senoia Road, Tyrone GA 30290Phillip Trocquet, Planning & Zoning Coordinator
ptrocquet@tyrone.org (770) 487-4038 ex. 108**DOCKET/CASE/APPLICATION NUMBER**

RZ-2021-003

APPLICANT/PROPERTY OWNER

Anil Midha

PLANNING COMMISSION MEETING DATE

January 28th, 2021

TOWN COUNCIL MEETING DATE

February 4th, 2021

ADDRESS/LOCATION

105 Howell Road

Summary

Applicant Anil Midha has submitted a petition to rezone a .9 acre tract from C-1 (Downtown Commercial) to TCMU (Town Center Mixed Use). The expressed intent for this petition is to position the property for future development consistent with the goals of the Comprehensive Plan for the Town Center District. There is not currently a development plan or proposed project for the property.

Staff Recommends Approval of this rezoning request.



MAP SOURCE

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
C-1				
PROPOSED ZONING	Vacant Lot	North: C-1 South: OS East: OS West: O-I	Water Sewer upon completion of line	.97 Acres
TCMU				

COMPATIBILITY WITH FUTURE DEVELOPMENT MAP & COMPREHENSIVE PLAN	PROPERTY HISTORY
The petition to TCMU is consistent with the Future Development Map and Comprehensive plan. TCMU was designed to be a zoning district that would best facilitate the desired development pattern in the Downtown area.	
COMPATABILITY WITH ZONING ORDINANCE	
Will Zoning permit suitable uses with surrounding properties? Yes, the uses allowed in TCMU are designed to be compatible with other commercial districts in the Town Center District (downtown).	
Will Zoning adversely affect adjacent properties? No, TCMU's intensity should not adversely affect nearby properties in the C-1 district.	
Does the property have reasonable economic use as currently zoned? Property is severely restricted by C-1 setback requirements. Property is also below 1-acre which is not permitted in the C-1 district thereby leaving the property virtually un-buildable. TCMU setbacks are zero-lot line on the sides and significantly reduced towards the street.	
Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure? No, the intensity of TCMU is similar to C-1 and the Town is currently pursuing a development strategy downtown consistent with TCMU's development standards	

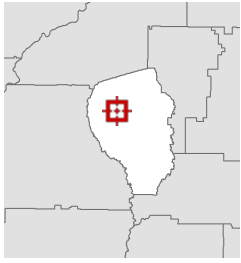
APPROVESTAFF RECOMMENDATION
APPROVE WITH CONDITIONS**DENY**

105 Howell Rd.
C-1 to TCMU Rezoning Request

Created by: Town of Tyrone Planning Department



Overview



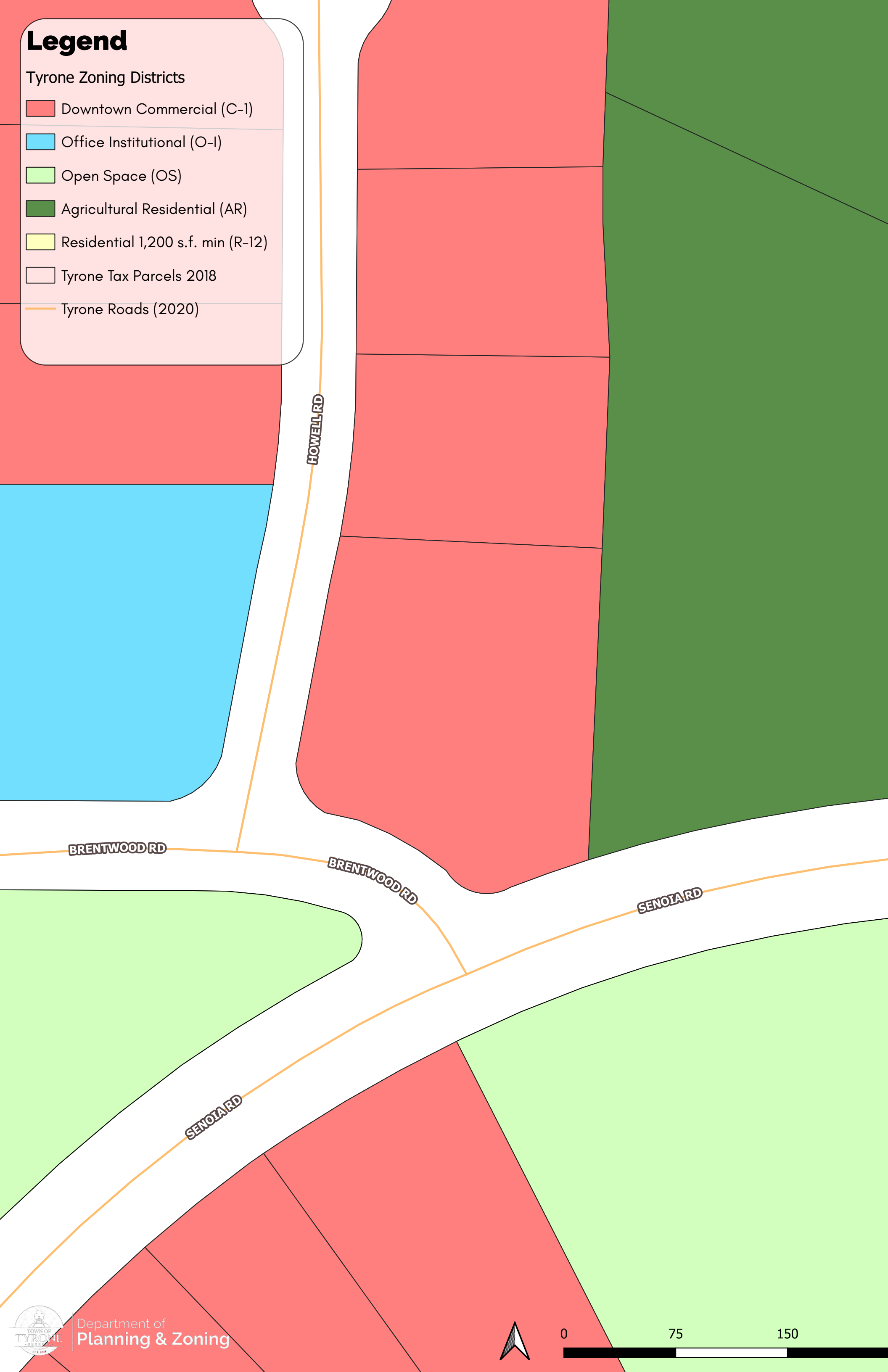
Legend

-  Parcels
-  Addresses
-  Roads

Legend

Tyrone Zoning Districts

- Downtown Commercial (C-1)
- Office Institutional (O-I)
- Open Space (OS)
- Agricultural Residential (AR)
- Residential 1,200 s.f. min (R-12)
- Tyrone Tax Parcels 2018
- Tyrone Roads (2020)



Phillip Trocquet

Town Planner

Tyrone Planning & Zoning Department

950 Senoia Road

Tyrone, GA 30290

(770) 487-4038



MEMORANDUM

To: Mayor, Town Council, & Town Planning Commission

From: Phillip Trocquet, Town planner

Subject: Re-Adoption of the Town of Tyrone Official Zoning Map

Date: 01/28/2021

A. Background: The Town was awarded ARC's Community Development Assistance Project (CDAP) grant for the 2020 year. This service grant offered the Town professional GIS services to recreate the Town's official zoning map in a GIS format.

B. Summary: The recreation of the zoning layers in GIS has yielded staff the ability to update this map on a more frequent basis. It is staff's recommendation that these updates ideally occur after every rezoning petition. Updates should happen quarterly at a minimum. Along with a new static PDF map, the CDAP project has also created a digital online version that can be accessed by the public. This map is interactive and has the ability to give users additional information as they click on a particular property. The online interactive map will be a tool, but the official zoning map will be the static PDF map accessible on the website and hung in the lobby of the Town Hall.

C. Recommendation: Staff recommends approval to submit the new zoning map to Council.

D. Attachments: Proposed Zoning Map

Thank you,

Phillip Trocquet, Town Planner

Town of Tyrone

Official Zoning Map

Revised: _____

Adopted: _____

Legend

Tyrone Zoning Districts

- Town Center Mixed Use (TCMU)
- Agricultural Residential (AR)
- Downtown Commercial (C-1)
- Highway Commercial (C-2)
- Community Mixed-Use (CMU)
- Conservation Residential 2 (CR-2)
- Conservation Residential 3 (CR-3)
- Duplex Residential (DR)
- Educational Institutional (E-I)
- SR-74 Quality Growth Corridor Overlay
- Limited Use Residential (LUR)
- Light Industrial (M-1)
- Heavy Industrial (M-2)
- Planned Industrial Park (PIP) Overlay
- Mobile Home Park (MHP)
- Office Institutional (O-I)
- Open Space (OS)
- Residential 1,800 s.f. min (R-18)
- Residential 1,200 s.f. min (R-12)
- Residential 2,000 s.f. min (R-20)
- Residential Multi-Family (RMF)

Other Features

- Town Boundary
- Tyrone Roads (2020)
- Ponds & Lakes
- Tyrone Rail
- Streams and Creeks





Supporting Documentation:

**Conflict of Interest Forms
Rezoning Applications
Warranty Deeds
Petitions**



Rezoning Request Application

Petition#:

Applicant & Property Owner Information

Applicant Name: Brian Selleck Email: brian@bossconcrete.com
Applicant Address: 1425 Senoia road Suite A Phone: (770) 652 6996
Company Name: Boss Concrete/Construction LLC

Property
Owner Name: Brian Selleck Email: 11
Property
Owner Address: 313 Roundstone road Phone: (770) 652 6996

Property Details

Property
Address: 1425 Senoia road Suite A Tyrone Lot# 2
Reason Requesting Rezoning: Was previously C2
Allows tenant flexibility
Current Zoning of Property: C1 Proposed Zoning of Property: C2
Parcel #: 0726041002 Total Number of Acres to be Rezoned: ~~1.07~~ 1.07
Present Use of Subject Property: Specialty Sub Contractor - Construction
Proposed Use of Subject Property: Various expanded uses within C2
Land Use Plan Designation: Commercial
Name & Type of Access Road: Senoia Road
Location of Nearest Water Line: at street

(This Area to be Completed by Staff)

☐ Application Insufficient due to lack of: _____
☐ Application & all required supporting documentation is sufficient and complete.
By Staff _____ Date _____
Received from _____ a check in the amount of \$ _____
Date of Planning Commission Hearing: _____ Date of Town Council Hearing: _____



Rezoning Request Checklist

Petition#:

Map amendment application. A map amendment (rezoning) application shall include the following:

- ☒ A legal description of the tract to be rezoned.
- ☒ Three (3) copies of a plat, drawn to scale, showing north arrow, land lot and district, dimensions, acreage and location of the tract prepared by an architect, engineer, landscape architect, or land surveyor whose state registration is current and valid. The preparer's seal shall be affixed to the plat. *-WD Gray*
- ☒ The present and proposed zoning district for the tract.
- ☒ Existing and intermediate regional flood plain and structures. *-WD Gray*
- ☒ The names and addresses of the owners of the land and their agents, if any, and abutting land owners.
- ☒ A written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:
 - a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
 - b. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby properties;
 - c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
 - d. Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools;
 - e. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Land Use Plan; and
 - f. 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.
- ☒ Disclosures. The applicant shall file all disclosures required by the Conflict of Interest in Zoning Actions Act, O.C.G.A. Title 36, Chapter 67 A.
- ☐ One (1) original and eight (8) copies of completed application form.



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:

Brian Selleck

(Please Print Names)

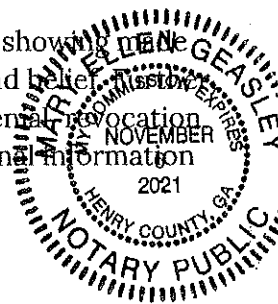
Property Tax Identification Number(s) of Subject Property: 07-2604-001

(I am) (We are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in the Land Lot(s) 116 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 Brian Selleck 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 showing made in an paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief.

(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.



[Signature]
Signature of Property Owner 1

313 Randelone Rock Tyrone
Address

Mary Ellen Geasley
Signature of Notary Public

11-5-2020
Date

Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Property Owner 3

Address

Signature of Notary Public

Date



Petition for Rezoning

Petition#:

Name: Brian Selleck Email: brian@bassoncrete.com

Petition Number: _____

Address: 1425 Sencia Road Suite A Phone#: 770-652-6996

PETITION FOR REZONING CERTAIN PROPERTY IN THE INCORPORATED AREA OF TYRONE, GEORGIA.

Brian Selleck affirms that he/she is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) C1 Zoning District. He/She respectfully petitions the Town to rezone the property from its present classification and tenders herewith the sum of \$ 500.00 to cover all expenses of the public hearing. He/She petitions the above named to change its classification to C2

This property includes (Check one of the following):

- ☒ See attached legal description on recorded Warranty Deed for subject property
- ☐ Legal Description for subject property is as follows:



By: [Signature]
Owner/Agent

SWORN TO AND SUBSCRIBED BEFORE ME THIS 5th DAY OF November 2020.

PUBLIC HEARING to be held by the Town of Tyrone Planning Commission on the _____ day of _____, _____ at 7:00 p.m.

PUBLIC HEARING to be held by the Tyrone Town Council on the _____ day of _____, _____ at 7:00 p.m.

Mary Ellen Geasley
NOTARY PUBLIC

[Signature]
APPLICANT'S SIGNATURE

Please return to:
Lawson & Beck, LLC
1125 Commerce Drive, Suite 300
Peachtree City, GA 30269
File # 19-LAW-1069

Doc ID: 010644670001 Type: WD
Recorded: 05/28/2019 at 09:50:00 AM
Fee Amt: \$130.00 Page 1 of 1
Transfer Tax: \$120.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4876 PG 634

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 20th day of May, 2019 between

Laura T. Burney

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

626 Group, LLC

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

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

All that tract or parcel of land lying and being in Land Lot 116 of the 7th District of Fayette County, Georgia, being Lot 1 of Powers Court Subdivision, as shown on that certain plat of said subdivision recorded in Plat Book 42, Page 8-10, Fayette County, Georgia Records, said plat being incorporated herein and made a part hereof by reference.

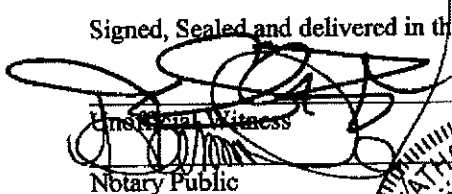
Subject to restrictive covenants and easements of record.

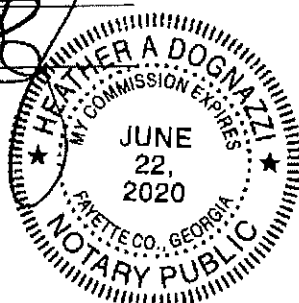
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

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

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

Signed, Sealed and delivered in the presence of:


Notary Public



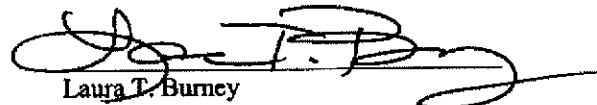

Laura T. Burney

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 116 of the 7th District of Fayette County, Georgia, being Lot 2 of Powers Court Subdivision, as per plat in Plat Book 40, Pages 124-126, Fayette County, Georgia Records, to which plat reference is made for a more detailed description. Being improved property known as 1425 Senoia Road according to the present system of numbering property in Fayette County, Georgia.

EXHIBIT "B"

N/A



Agreement to Dedicate Property for Future Right-of-Way (ROW)

Petition#:

I/We, Brian Selbeck said
property owner(s) of subject property requested to be rezoned, hereby agree to dedicate, at no cost to
the Town of Tyrone, _____ feet of right-of-way along _____
as measured from the centerline of the road. Based on the Future Thoroughfare Plan Map streets in the
Town of Tyrone require a minimum street width as specified below:

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

Sworn and subscribed before me this 5th day of November, 2020.



[Signature]
Signature of Property Owner 1

313 Roundstone Rock Tyrone
Address

Mary Ellen Geasley
Signature of Notary Public

11-5-2020
Date

Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Property Owner 3

Address

Signature of Notary Public

Date



Conflict of Interest in Zoning Actions Application Form

(Please Complete for each Property Owner)

Petition#:

The undersigned, making application for rezoning, variance, or special exception, has compiled with the Official Code of Georgia Section 36-64 A01, et seq., Conflict of Interest in Zoning Actions and has submitted or attached the required information on the forms provided.


Signature of Property Owner

Brian Seltzer owner
Type or Print Name and Title

Signature of Owner's Attorney or Representative

Type or Print Name and Title

Mary Ellen Geasley
Signature of Notary Public

11-5-20
Date



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Tyrone Planning Commission or member of the Tyrone Town Council?

☐ YES

☒ NO


Signature of Applicant

If the answer is yes, please complete the following section:

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250.00 or more)	Date Contribution was made (Within last 2 years)

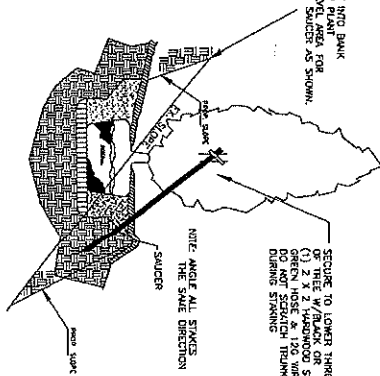
Attach additional sheets if necessary to disclose or describe all contributions

GENERAL PLANTING NOTES:

1. ALL AREAS NOT DESIGNATED FOR STRUCTURES, SITE DEVELOPMENT, FEATURES, AND NATURAL VEGETATION SHALL BE PLANTED WITH APPROPRIATE SPECIES.
2. ALL LANDSCAPING SHALL BE MAINTAINED IN A HORTICULTURALLY HEALTHY AND AESTHETICALLY PLEASING MANNER.

SITE DATA CALCULATIONS:

- 1) Total site area = 1.079 acres
- 2) Area primarily disturbed = 10,553.91 SF
- 3) From driveway and parking = 6,000 SF
- 4) Proposed Warehouse Building = 6,000 SF
- 5) Total area primarily disturbed = 16,553.91 SF
- 6) 25% canopy coverage of 7% (approximately four inches from the ground) for every 1,000 square feet of primarily disturbed area on the site
- 7) Total Canopy trees required = 16,553.91 / 1,000 = 16.55 trees or 17 Canopy trees
- 8) One understory tree with a minimum trunk caliper of one inch (at four inches from the ground) for every 1,000 square feet of primarily disturbed area on the site.
- 9) Total Canopy trees required = 16,553.91 / 1,000 = 16.55 trees or 17 Understory trees

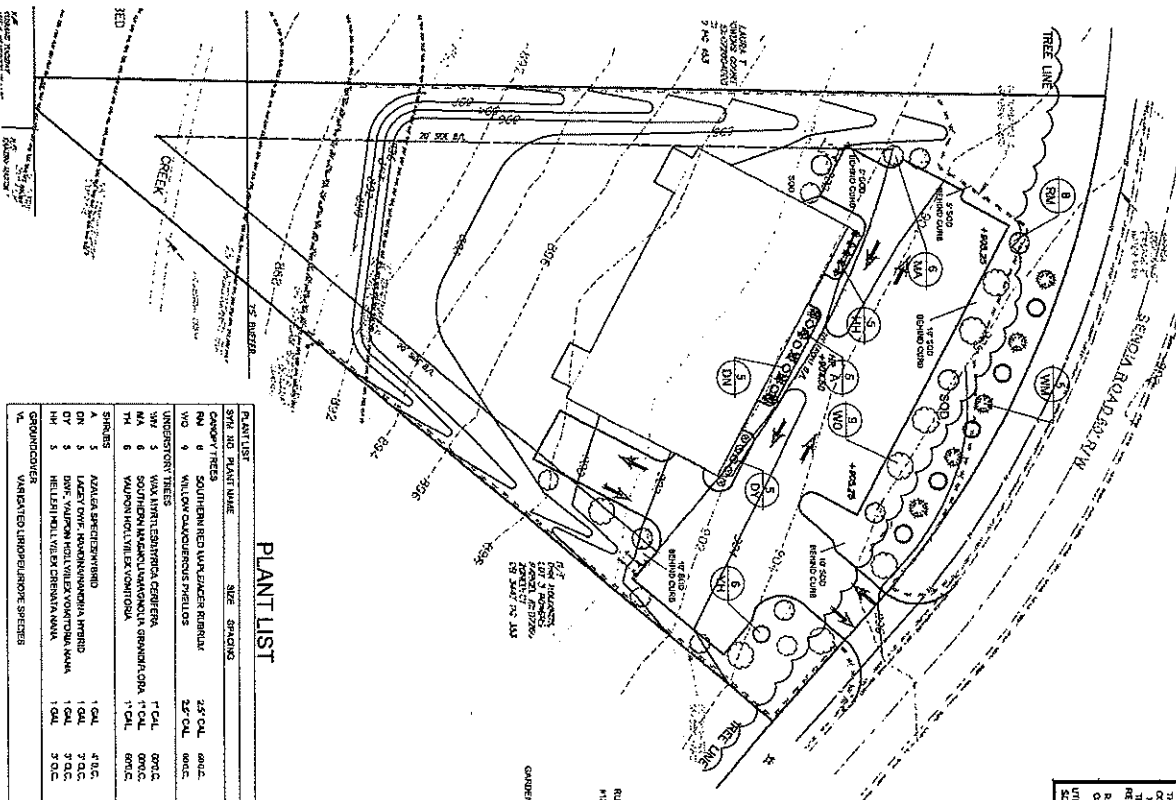


CONIFER TREE STAKING

N.T.S.

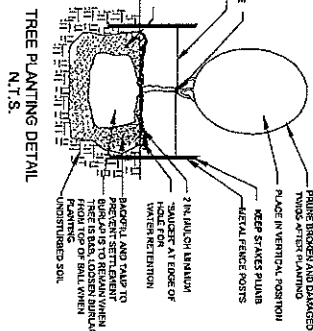
OWNER:
GEORGIA BUSINESS
CITY, INC.
6180 POWERS FERRY ROAD
ATLANTA, GA 30349
24 HRS CONTACT:
BRIAN SELICK
Phone: (770) 599-3800
Fax: (770) 652-8995

DEVELOPER:
BOSS CONSTRUCTION
2188 STANDING ROCK ROAD
SENOGA, GA 30276
24 HRS CONTACT:
BRIAN SELICK
Phone: (770) 599-3800
Fax: (770) 652-8995



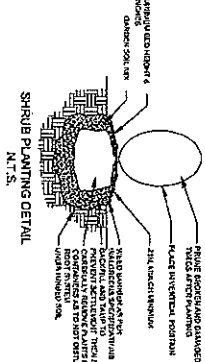
PLANT LIST

SYM. NO.	PLANT NAME	SIZE	SPACING
1	SHRUBS		
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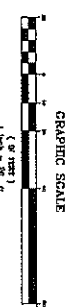
TREE PLANTING DETAIL

N.T.S.



SHRUB PLANTING DETAIL

N.T.S.



CAUTION
THE USE OF THIS PLAN FOR THE CONSTRUCTION OF A BUILDING OR OTHER STRUCTURE IS THE RESPONSIBILITY OF THE USER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION, DEPTH, AND DIRECTION OF ALL UTILITIES WITHIN THE LIMITS OF THE SITE. THE USER SHALL BE RESPONSIBLE FOR THE LOCATION, DEPTH, AND DIRECTION OF ALL UTILITIES WITHIN THE LIMITS OF THE SITE.



SYMBOL	DESCRIPTION
1	SHRUBS
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100	SHRUBS

GENERAL PLANTING NOTES:

1. ALL AREAS NOT INDICATED TO STRUCTURE, SITE DEVELOPMENT FEATURE, AND NATURAL VEGETATION SHALL BE MAINTAINED.
2. ALL PLANTINGS SHALL BE MAINTAINED IN A HORIZONTAL, VERTICAL, AND AESTHETICALLY PLEASING MANNER.

SITE DATA CALCULATIONS:

- 1) Total site area = 1.079 acres
- 2) Area permanently disturbed = 10,653.91 SF
- 3) Front driveway and parking = 6,000 SF
- 4) Proposed Warehouse Building = 6,000 SF

Total area permanently disturbed = 10,653.91 SF

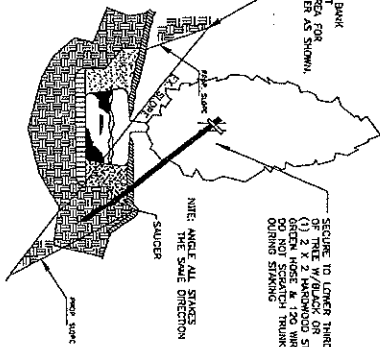
3) One Canopy tree with a minimum trunk caliper of 2 1/2" (measured four inches from the trunk) shall be planted for every 1,000 square feet of permanently disturbed area on the site.

4) One Understory tree with a minimum trunk caliper of one inch (at four inches from the ground) for every 1,000 square feet of permanently disturbed area on the site.

5) Total Canopy trees required = 10,653.91 / 1,000 = 10.65 trees or 17 Understory trees

NOTE: ON SLOPES, CUTTING BANK AND FILL, BELOW PLANTING, PLANTING SHALL BE MAINTAINED AS SHOWN.

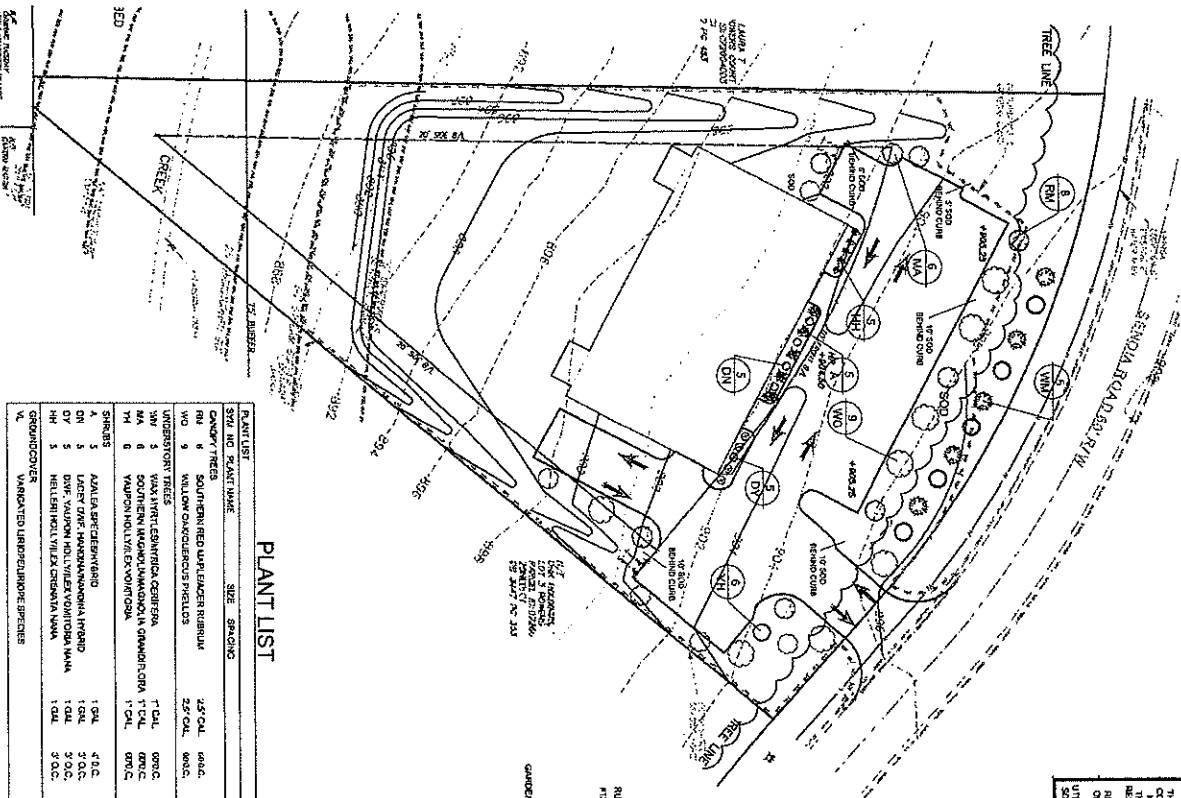
NOTE: ANGLE ALL STAKES THE SAME DIRECTION DO NOT STRETCH TENSION DURING STAKING



CONIFER TREE STAKING N.T.S.

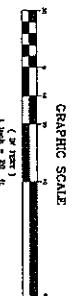
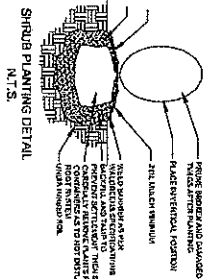
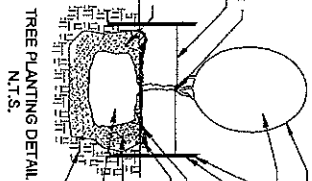
OWNER:
GEORGIA BUSINESS CAPITAL, INC.
2188 STANDING ROCK ROAD
ATLANTA, GA 30346
24 HRS CONTACT:
BRYAN SELLECK
Phone: (770) 599-3900
Fax: (770) 652-6995

DEVELOPER:
BOSS CONSTRUCTION
2188 STANDING ROCK ROAD
SENOGA, GA 30276
24 HRS CONTACT:
Bryan Selleck
Phone: (770) 599-3900
Fax: (770) 652-6995



PLANT LIST

SYMBOL	PLANT NAME	SIZE	SPACING
1	CANYON TREES	25' CAL.	60'x60'
2	SOUTHERN RED BELLIED SQUIRREL	25' CAL.	60'x60'
3	WILLOW DOUGLASS PINE	25' CAL.	60'x60'
4	UNDERSTORY TREES	1" CAL.	60'x60'
5	WAX MYRTLE, SPANISH CERESEA	1" CAL.	60'x60'
6	WAX MYRTLE, SPANISH CERESEA	1" CAL.	60'x60'
7	WAX MYRTLE, SPANISH CERESEA	1" CAL.	60'x60'
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80	WAX MYRTLE, SPANISH CERESEA	1" CAL.	60'x60'
81	WAX MYRTLE, SPANISH CERESEA	1" CAL.	60'x60'
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100	WAX MYRTLE, SPANISH CERESEA	1" CAL.	60'x60'



CAUTION

THE USER OF THIS PLAN FOR THE CONSTRUCTION OF THE BUILDING SHALL BE RESPONSIBLE FOR THE LOCATION, SIZE, AND TYPE OF ALL PLANTINGS SHOWN ON THIS PLAN. THE USER SHALL BE RESPONSIBLE FOR THE LOCATION, SIZE, AND TYPE OF ALL PLANTINGS SHOWN ON THIS PLAN. THE USER SHALL BE RESPONSIBLE FOR THE LOCATION, SIZE, AND TYPE OF ALL PLANTINGS SHOWN ON THIS PLAN.

SYMBOL	PLANT NAME	SIZE	SPACING
1	CANYON TREES	25' CAL.	60'x60'
2	SOUTHERN RED BELLIED SQUIRREL	25' CAL.	60'x60'
3	WILLOW DOUGLASS PINE	25' CAL.	60'x60'
4	UNDERSTORY TREES	1" CAL.	60'x60'
5	WAX MYRTLE, SPANISH CERESEA	1" CAL.	60'x60'
6	WAX MYRTLE, SPANISH CERESEA	1" CAL.	60'x60'
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BOSS CONSTRUCTION BUILDING LANDSCAPING PLAN		REV. DATE: 12/01/2015	DESCRIPTION: ADDRESS COMMENTS	WHITLEY ENGINEERING INC.	38 E. MAIN STREET N. ATLANTA, GA 30228 TEL: (770) 946-0256	
LAND LOT 116	FAYETTE COUNTY, GA	SCALE: 1"=20'	DATE: 8/9/2015	38 E. MAIN STREET N. ATLANTA, GA 30228 TEL: (770) 946-0256		
THESE DRAWINGS ARE THE PROPERTY OF WHITLEY ENGINEERING, INC. AND MAY NOT BE USED, REPRODUCED AND OR INCORPORATED INTO ANOTHER WORK FOR ANY REASON WITHOUT THE WRITTEN CONSENT OF THE DESIGN PROFESSIONAL.						

1. ALL AREAS NOT DEVOTED TO STRUCTURES, SITE DEVELOPMENT FEATURES, AND NATURAL VEGETATION SHALL BE LANDSCAPED
2. ALL LANDSCAPING SHALL BE MAINTAINED IN A HORTICULTURALLY HEALTHY AND AESTHETICALLY PLEASING MANNER.

-) Front driveway and parking = 10,553.91 SF
-) Proposed Warehouse Building = 6,000 SF

Total canopy trees disturbed = 18,553.91 SF
 3) One Canopy tree with a minimum root caliper of 24 inches at butt inches from the ground for every 1,000 square feet of permanently disturbed area on the site
 4) Total Canopy trees required = 18,553.91 / 1,000 = 18.55 trees or 17 Canopy trees
 4) One understory tree with a minimum trunk caliper of one inch at its base from the ground for every 1,000 square feet of permanently disturbed area on the site.
 5) Total Canopy trees required = 18,553.91 / 1,000 = 18.55 trees or 17 Understory trees

NOTE: ON SLOPES, CUT INTO BANK
AND FILL BELOW PLANT
TO CREATE A LEVEL AREA FOR
PLANTING. FORD SAUCER AS SHOWN.

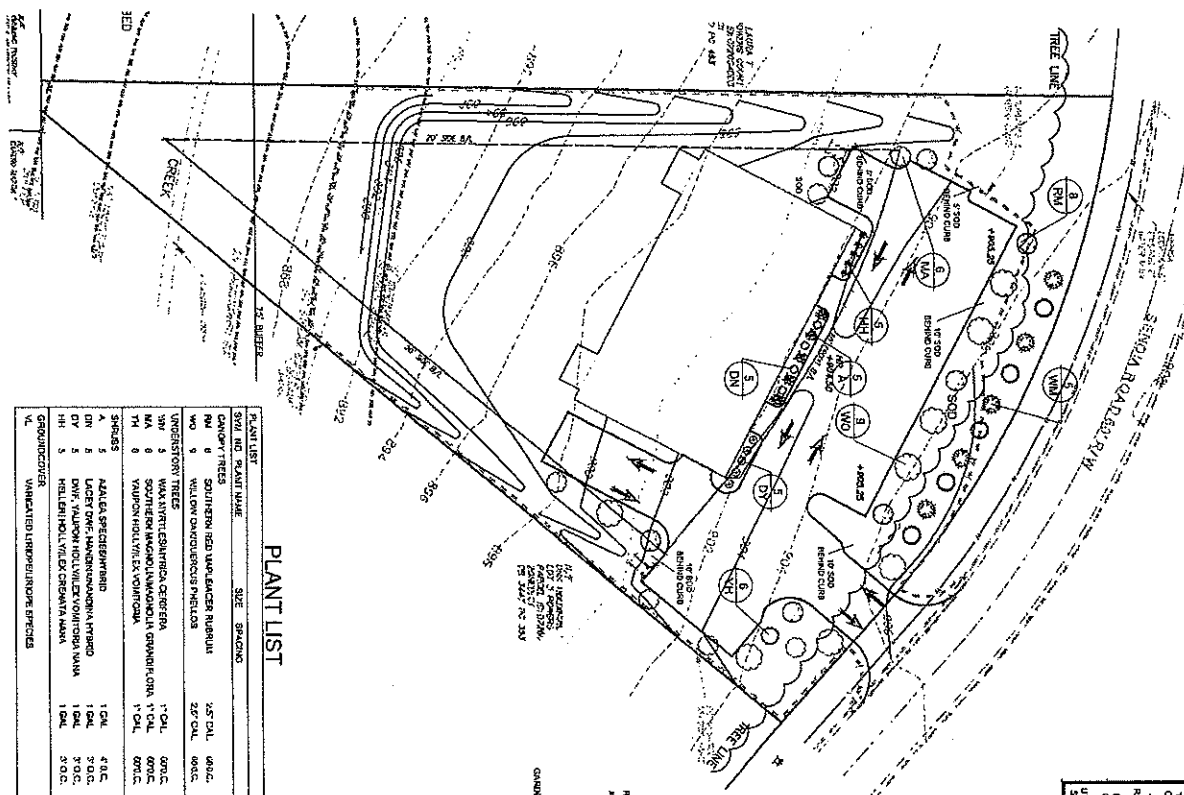
— SECURE TO LOWER THIRD
OF TREE W/BLACK OR
(1) 3 x 2 HARDWOOD ST
GREEN HOSE & 120 WIRE
DO NOT SCRATCH TRUNK
DURING STAKING

NOTE: ANGLE ALL STAKES
THE SAME DIRECTION

CONIFER TREE STAKING
N.T.S.

OWNER
GEORGIA BUSINESS
CAPITAL, INC.
6190 POWERS FERRY ROAD
ATLANTA, GA 30349
24 HRS CONTACT:
BRIAN SELLECK
Phone: (770) 599-3800
Fax: (770) 652-6886

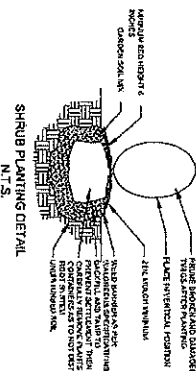
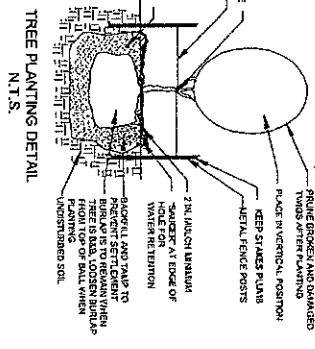
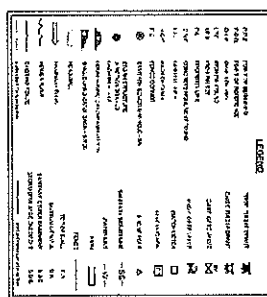
DEVELOPER:
BOSS CONSTRUCTION
2108 STANDING ROCK ROAD
SENOGA, GA 30276
24 HRS CONTACT:
Brien Sellack
Phone: (770) 599-3800
Fax: (770) 652-6995



PLANT LIST

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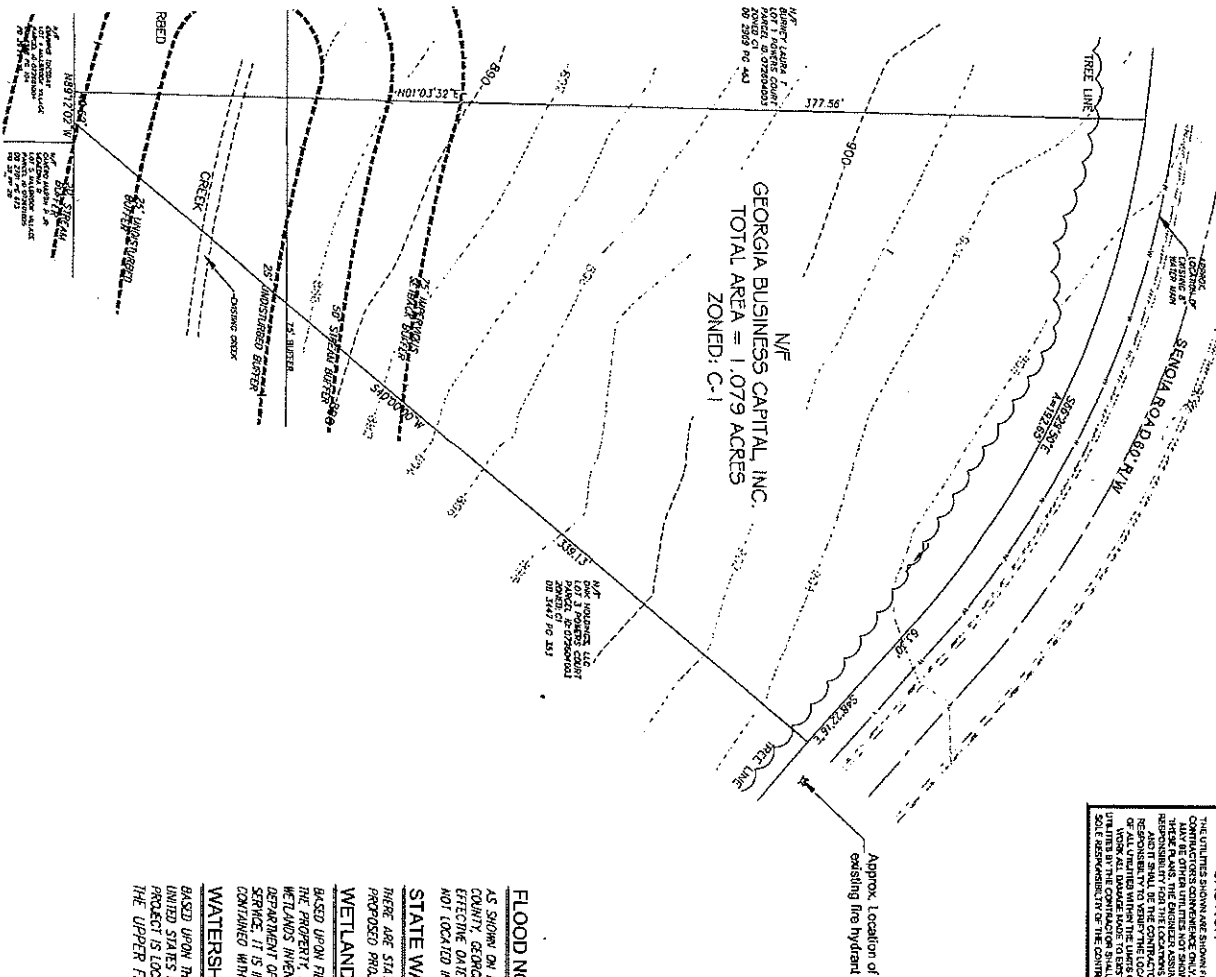
THESE PLANS, THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN THEREIN AND IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



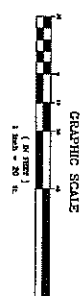
OWNER:
GEORGIA BUSINESS
CAPITAL INC.
 6190 POWERS FERRY ROAD
 ATLANTA, GA 30348
24 HRS CONTACT:
BRINN SELUECK
 Phone: (770) 552-8800
 Fax: (770) 552-8995

DEVELOPER:
BOSS CONSTRUCTION
 2185 STANDING ROCK ROAD
 SENOIA, GA 30276
24 HRS CONTACT:
Brian Schlock
 Phone: (770) 559-3800
 Fax: (770) 652-4886

LEGEND	NOTES
1. ALL DIMENSIONS ARE IN FEET AND INCHES.	
2. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.	
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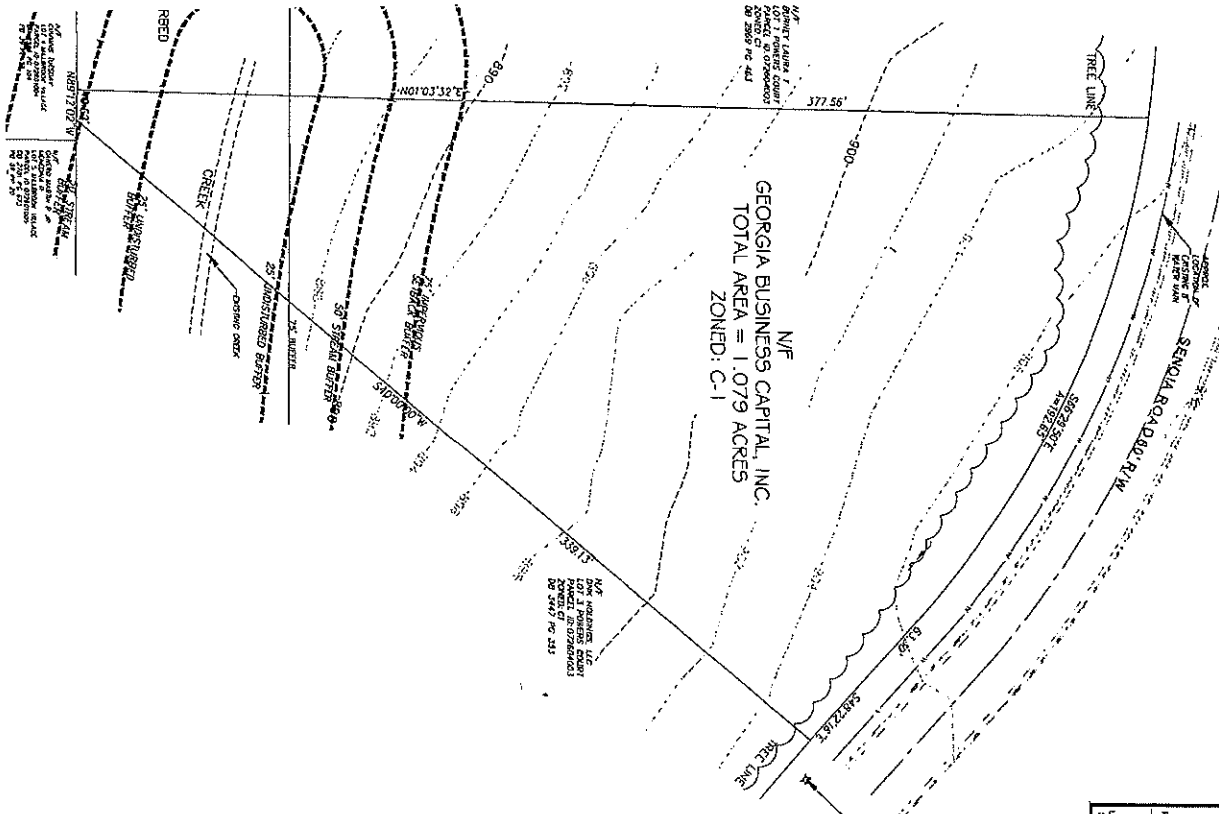
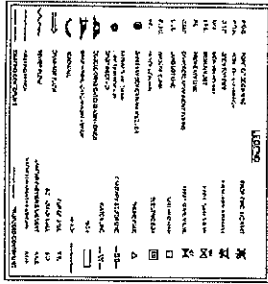


CAUTION
 THE UTILITIES SHOWN ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE ARE NO WARRANTIES OR GUARANTEES MADE BY THESE PLANS. THE DESIGNER ASSUMES NO RESPONSIBILITY FOR THE LOCATION, DEPTH, OR ALL UTILITIES WITHIN THE LIMITS OF THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION, DEPTH, AND ALL UTILITIES WITHIN THE LIMITS OF THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION, DEPTH, AND ALL UTILITIES WITHIN THE LIMITS OF THE SITE.



BOSS CONSTRUCTION BUILDING SITE SURVEY/ EXISTING CONDITIONS LAND LOT 118 FAYETTE COUNTY, GA 7TH DISTRICT CITY OF TYRONE SCALE: 1"=20' DATE: 6/2/2015				REV. DATE: 12/01/2015 DESCRIPTION: ADDRESS COMMENTS	WHITLEY ENGINEERING INC. 38 E. MAIN STREET N. GAITHER, GA 30228 TEL: (770) 946-0256	GSWOC MARK G. WHITLEY, P.E. 0000001010 LEVEL I A CERTIFIED PERSONNEL LEVEL II CERTIFIED INSPECTOR LEVEL III CERTIFIED DESIGN PROF.
THESE DRAWINGS ARE THE PROPERTY OF WHITLEY ENGINEERING, INC. AND MAY NOT BE USED, REPRODUCED, COPIED, OR IN ANY MANNER INCORPORATED INTO ANY OTHER WORK FOR ANY REASON WITHOUT THE WRITTEN CONSENT OF THE DESIGN PROFESSIONAL.				☒ Not Released For Construction ☐ Released For Construction		

DEVELOPER:
BOSS CONSTRUCTION
2168 STANDING ROCK ROAD
SENOA, GA 30276
24 HRS CONTACT:
Brian Sallack
Phone: (770) 599-3800
Fax: (770) 652-6986



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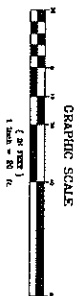


FLOOD NOTE:
AS SHOWN ON FLOOD INSURANCE RATE MAP OF FAYETTE COUNTY, GEORGIA COMMUNITY PANEL NUMBER 3313007E, FLOOD ZONE 1A, SUBAREA 28, 2008, THIS PROPERTY IS NOT LOCATED IN FLOOD HAZARD ZONE X.

STATE WATER NOTE:
THERE ARE STATE WATERS LOCATED WITHIN THE PROPOSED PROJECT SITE.

WETLANDS NOTE:
BASED UPON FIELD INSPECTION AND OBSERVATIONS OF THE PROPERTY, AND SUPPORTED BY THE NATIONAL WETLANDS INVENTORY MAPPING, PRODUCED BY THE U.S. DEPARTMENT OF THE INTERIOR / FISH AND WILDLIFE SERVICE, IT IS IN MY OPINION THERE ARE NO WETLANDS LOCATED WITHIN THE PROJECT LIMITS OF THIS SITE.

WATERSHED NOTE:
BASED UPON THE WATERSHED MAPPING PROVIDED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, THIS PROJECT IS LOCATED IN THE UPPER FLINT WATERSHED --- 031300005



SHEET 2	BOSS CONSTRUCTION BUILDING			REV. DATE: 1	DESCRIPTION:	WHITLEY ENGINEERING INC.		MARK D. WHITLEY, P.E. 0000001658 LEVEL I CERTIFIED PERSONNEL LEVEL II CERTIFIED INSPECTOR LEVEL II CERTIFIED DESIGN PROF.	
	SITE SURVEY/ EXISTING CONDITIONS			1	12/01/2015				ADDRESS COMMENTS:
	LAND LOT 116	FAYETTE COUNTY, GA	SCALE: 1"=20'	DATE 04/24/2015					
	7TH DISTRICT	CITY OF TYRONE				PLANNED NOTES PROJECT MANAGEMENT			
THESE DRAWINGS ARE THE PROPERTY OF WHITLEY ENGINEERING, INC. AND MAY NOT BE USED, REPRODUCED AND OR INCORPORATED INTO ANOTHER WORK FOR ANY PERSON WITHOUT THE WRITTEN CONSENT OF THE DESIGN PROFESSIONAL.						38 E. MAIN STREET N. HAVFLION, GA 30225 TEL: (770)346-0256			
☒ Not Released For Construction ☐ Released For Construction									

11/5/2020

To whom it may concern,

I, Brian Selleck, am the sole owner of 1425 Senoia Road, a commercial warehouse property located in Tyrone GA in the Powers Court Subdivision. I would like to rezone this property, which is currently C1, to C2.

Adjacent land owners:

Lot #1 (1415 Senoia road) – 626 Group LLC (also owned by me)

Lot #3 (1435 Senoia road) – Blue Crystal IRA LLC, 140 Old Alabama Pl. Roswell GA 30076

Purpose of Rezoning:

As a commercial structure with tenancy, I would like to be able to offer commercial space for lease to more local businesses which qualify for C2 but not C1, and to be consistent with other nearby properties which are currently C2.

Rezoning Impact:

Will C2 zoning permit a use that is suitable in view of the use and development of adjacent and nearby properties?

- Yes. Powers Court has more of a secluded business park feel than that of Downtown Tyrone. Many of the business categories listed on C1 are location based and pedestrian friendly, while Powers court patrons are coming here for a purpose...most people don't even know this area exists. C2 fits that classification better, in my opinion.

Would C2 zoning adversely affect the existing use or usability of adjacent or nearby properties?

- No, in my opinion it would increase values of surrounding properties because it is less restrictive for tenancy. Many of the properties are undeveloped in Powers Court, and one could argue that C1 zoning decreases the appeal of such properties because the restrictive zoning makes commercial development less viable for such a secluded area.

Does my property have a reasonable economic use as currently zoned?

- To a certain extent, but C1 is self-described as 'downtown commercial per article IV Sec. 113-90, the neighborhood and it's properties are far from the city center, and more aligned with a commercial business park that would allow various business uses defined in C2 or C3, instead of the stricter C1.

Would C2 zoning result in a use which will or could cause excessive or burdensome use of existing streets, facilities, utilities or schools?

- I don't believe so, because other similar properties in our neighborhood are already zoned C2. We have just had a similar property rezone to C2 and the traffic flow slowed dramatically as a result. I don't think schools would be impacted at all, and sewer would not be affected because the sites are on septic.

Would the change to C2 zoning conform with the policy and intent of the Comprehensive Land Use Plan?

- Yes, because we are located within the Commercial Corridor of the Tyrone Future Development Map. On page 19 of the Tyrone Comprehensive Plan it states "This is an opportunity of the Town to diversify its economic base and offer services to this industry in order to spur development in the creation of a local economy of scale for the studio industry." Rezoning to C2 allows me as a building owner to service many Production Service Industries at Pinewood that may not be allowed under C1. It allows me as a landowner to attract more welcome industry to the Town.

Are there 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?

- No, I know of no reason to discourage rezoning this property from C1 to C2. I see only a benefit to the neighborhood and the Town.



Rezoning Request Application

Petition#:

Applicant & Property Owner Information

Applicant Name: Anil Midha Email: midha30a@gmail.com
Applicant Address: 124 North Cove Drive Phone: (678) 591 5516
Company Name: N/A

Property
Owner Name: Anil Midha Email: midha30a@gmail.com
Property
Owner Address: 124 North Cove Drive Phone: (678) 591 5516

Property Details

Property
Address: 105 Howell Road Lot# 10

Reason Requesting Rezoning:
Commence planning activities for the design and development of a mixed-use (retail/residential) building.

Current Zoning of Property: C1 Proposed Zoning of Property: TCMU

Parcel #: 073812010 Total Number of Acres to be Rezoned: 0.9

Present Use of Subject Property: Vacant Land

Proposed Use of Subject Property: Retail w/ Residential Lofts

Land Use Plan Designation: Commercial

Name & Type of Access Road: Howell Road &/or Senoia Road

Location of Nearest Water Line: Howell Rd &

(This Area to be Completed by Staff)

☐ Application Insufficient due to lack of: _____

☐ Application & all required supporting documentation is sufficient and complete.

By Staff _____ Date _____

Received from _____ a check in the amount of \$ _____

Date of Planning Commission Hearing: _____ Date of Town Council Hearing: _____



Conflict of Interest in Zoning Actions Application Form

(Please Complete for each Property Owner)

Petition#:

The undersigned, making application for rezoning, variance, or special exception, has compiled with the Official Code of Georgia Section 36-64 A01, et seq., Conflict of Interest in Zoning Actions and has submitted or attached the required information on the forms provided.


Signature of Property Owner

Anil Midha
Type or Print Name and Title

Signature of Owner's Attorney or Representative

Type or Print Name and Title

Signature of Notary Public

Date

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Tyrone Planning Commission or member of the Tyrone Town Council?

☐ YES

☒ NO


Signature of Applicant

If the answer is yes, please complete the following section:

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250.00 or more)	Date Contribution was made (Within last 2 years)

Attach additional sheets if necessary to disclose or describe all contributions



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:

Anil Midha
(Please Print Names)

Property Tax Identification Number(s) of Subject Property: 073812010

(I am) (We are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in the Land Lot(s) 10 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 _____ 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 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 Fayette County in order to process this application.

[Signature]
Signature of Property Owner 1

124 North Cove Drive
Address Peachtree City, GA 30269

Signature of Notary Public

Date

Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Property Owner 3

Address

Signature of Notary Public

Date



Petition for Rezoning

Petition#:

Name: Anil Midha Email: midha30a@gmail.com

Petition Number: _____

Address: 124 N. Cobb Dr. Tyrone, GA Phone#: 678-591-5516
105 Howell Rd
Dacula, GA 30269

PETITION FOR REZONING CERTAIN PROPERTY IN THE INCORPORATED AREA OF TYRONE, GEORGIA.

Anil Midha affirms that he/she is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) C1 Zoning District. He/She respectfully petitions the Town to rezone the property from its present classification and tenders herewith the sum of \$ 500 to cover all expenses of the public hearing. He/She petitions the above named to change its classification to TCMU

This property includes (Check one of the following):

- ☐ See attached legal description on recorded Warranty Deed for subject property
- ☒ Legal Description for subject property is as follows:

see attachment

By: _____
Owner/Agent

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____ 20____.

PUBLIC HEARING to be held by the Town of Tyrone Planning Commission on the _____ day of _____, _____ at 7:00 p.m.

PUBLIC HEARING to be held by the Tyrone Town Council on the _____ day of _____, _____ at 7:00 p.m.

NOTARY PUBLIC

APPLICANT'S SIGNATURE

After recording return to:
Lawson & Beck, LLC
1125 Commerce Drive, Suite 300
Peachtree City, Georgia 30269
File No.: 19-NWN-1045

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE, made and entered into this 6th day of December, 2019 by and between **PANGAEA HOLDINGS, LLC**, a Georgia limited liability company (herein referred to as "Grantor"), and **ANIL MIDHA**, a Georgia resident (herein referred to as "Grantee").

WITNESSETH THAT, the said Grantor, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, and other good and valuable consideration, in hand paid at or before the delivery of this deed, the receipt and sufficiency of which are hereby acknowledged, and pursuant to proper authority, has granted, bargained, sold and conveyed and by these presents does hereby grant, bargain, sell and convey to the said Grantee, and its successors and assigns, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Land Lot 140 of the 7th District, Fayette County, Georgia being more particularly described on **Exhibit "A"** attached hereto and incorporated herein by this reference.

TOGETHER WITH all fixtures, structures and improvements located on such property and the easements, rights, members and appurtenances thereunto appertaining.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, privileges, easements, members and appurtenances belonging or thereunto appertaining, to the only proper use and benefit of the Grantee and its successors and assigns forever in FEE SIMPLE.

AND EXCEPT for those matters set forth on **Exhibit "B"** attached hereto and incorporated herein by reference, Grantor will warrant and defend the title to said premises against the claims of all persons claiming by, through or under Grantor, but not otherwise.

EXHIBIT A

LEGAL DESCRIPTION

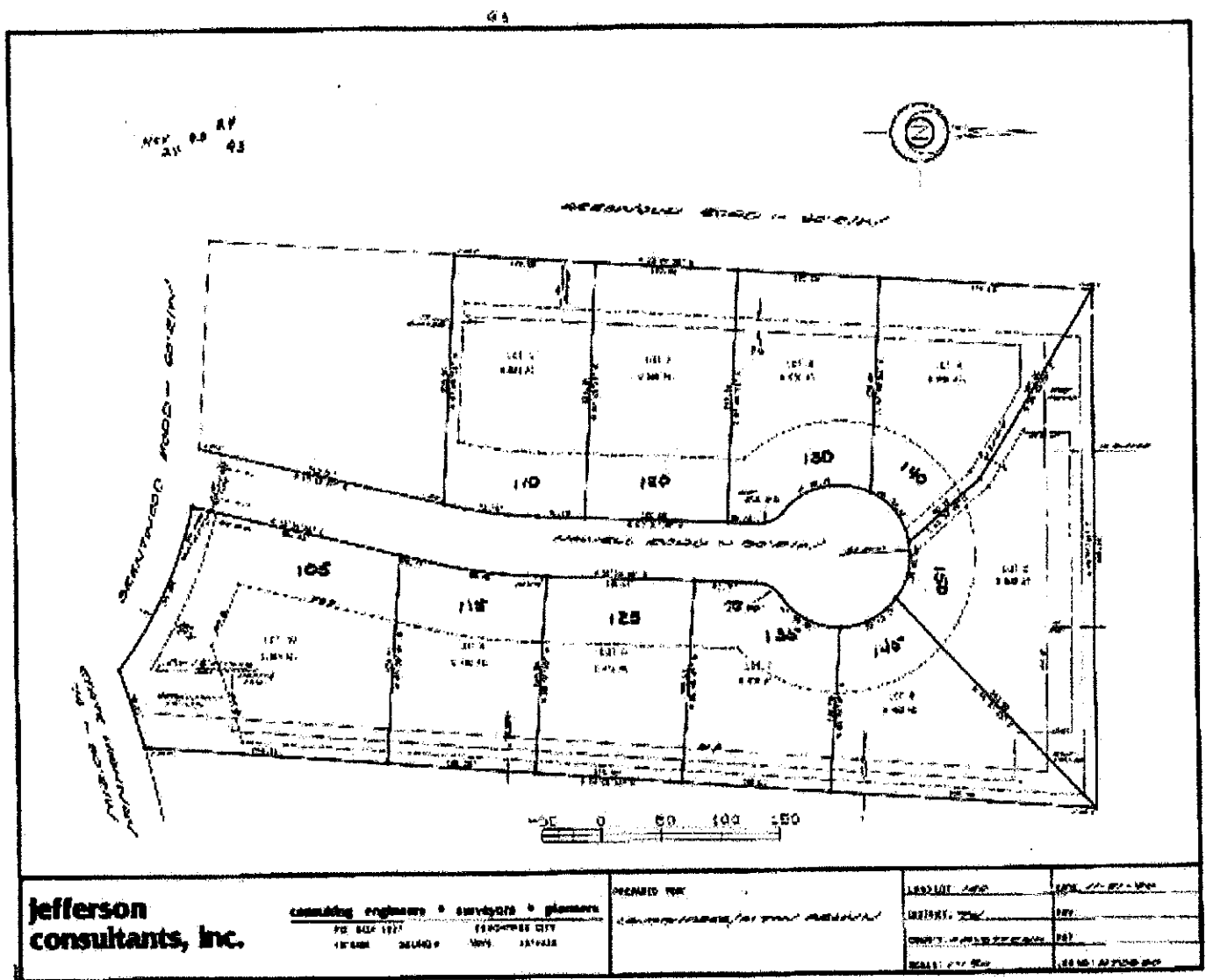
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 140 of the 7th District of Fayette County, Georgia, and being Lot 10 of the Howell Park Subdivision, as per plat recorded at Plat Book 24, Pages 92-93, Fayette County, Georgia records, which reference to said plat is hereby made for a more complete and accurate description of the metes and bounds of said Lot 10.

Tax Parcel #073812010.

EXHIBIT B

PERMITTED EXCEPTIONS

1. All taxes for the year 2020 and subsequent years, not yet due and payable.
2. All matters as shown on that certain plat recorded in Plat Book 24, Page 92-93, as recorded in Fayette County, Georgia records.



Rezoning Application: 105 Howell Road

Applicant (Owner): Anil Midha, midha30a@gmail.com, 678.591.5516

Requested Reclassification: C1 to TCMU

Applicant response on impact of the proposed rezoning with respect to the following matters:

- a) Whether the zoning proposal will permit a use that is suitable in view of the use and development adjacent and nearby properties:**

Following the development and completion of the new Tyrone Town Hall facility (adjacent to property), and in direct alignment with the Tyrone Comprehensive Plan, and with specific reference to the Town's intent for the Town Center Mixed Use zoning designation, the subject parcel presents a fantastic opportunity to serve as a focus location for local retail and residential (loft) in the heart of Tyrone walkable to parks, greenspace, restaurants and other public and commercial properties.

- b) Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby properties:**

With the architectural standards and conformance to building guidance and restrictions set forth in the comprehensive plan, applicant envisions only strengthening the values of adjacent and nearby properties.

- c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:**

The property undoubtedly has value in its current C1 designation. However, the property converted to TCMU extracts more value by way of functional purpose, but more importantly, has the opportunity upon development to serve as a real catalyst to executing the vision of the TCMU classification – "The Town Center District was identified as the top favorite place within the Town as well as the area most in need of change." (pg. 15 Comprehensive Plan)

- d) Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools:**

The TCMU reclassification would be accompanied by thoughtful planning measures ranging lot coverage, density, parking, etc. that would deter any opportunity for negative or unintended consequences with respect to existing resources.

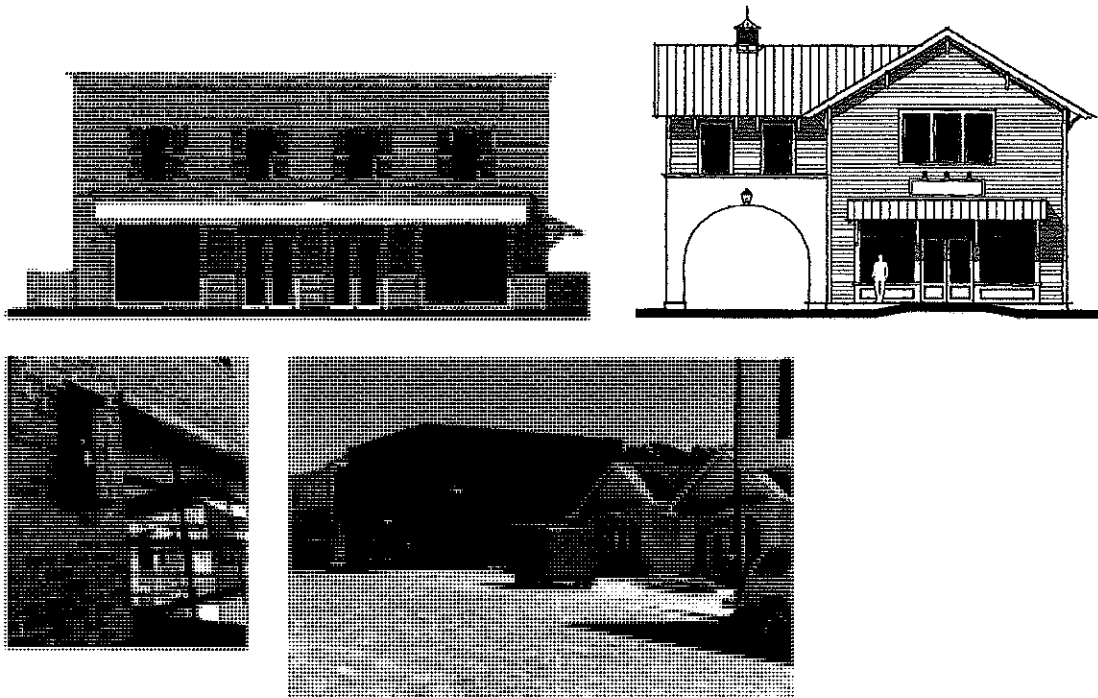
- e) Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Land Use Plan:**

The Comprehensive Land Use Plan is quite literally the motivation and inspiration for applicant's submission to reclassification.

- f) 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 zoning proposal.**

Given the outcomes surrounding the execution of other municipalities development plans – Sugar Hill, Suwanee, Serenbe as example – the Comprehensive Land Use Plan is on point. This application merely seeks to execute one property towards that vision.

In terms of visualizing potential constructs, I've attached visual images of current project considerations subject application approval and working with the Town's Planning and Zoning Coordinator (source: Allison Ramsey Architecture).





Summary

Parcel Number 0738 162
 Location Address SENOIA RD
 Legal Description SENOIA ROAD 3.47 ACRES
 Property Class E1 - Exempt - Public Property
 Neighborhood 07A07530
 Tax District 03
 Zoning
 Acres 3.47
 Homestead N
 Exemptions

Adjacent
Property

[View Map](#)

Owner

TOWN OF TYRONE PUBLIC FACILITIES AUTH
 881 SENOIA ROAD
 TYRONE GA 30290

Assessment

	2021 Working	2020 Certified
LUC	100	100
Class	E1	E1
+ Land Value	\$73,640	\$73,640
+ Building Value	\$0	\$0
= Total Value	\$73,640	\$73,640
Assessed Value	\$0	\$0

Land

Description	Land Type	Land Code	Square Feet	Acres	Price
COMBINED	A	CO1	22,216	0.510	6,820
ROAD ACRES	A	RO1	128,938	2.960	66,820

Total Acres:
 3.4700
 Total Land-Value:
 73,640

Sales

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Sales Validity	Owner	Previous Owner	Instrument Number	Recording
11/1/2019	\$0		4954	0451	TO/FROM EXEMPT INSTITUTION	TOWN OF TYRONE PUBLIC FACILITIES AUTH	TOWN OF TYRONE	4954	0451
3/5/2019	\$310,000		4846	0663	TO/FROM EXEMPT INSTITUTION	THE TOWN OF TYRONE	HARLIE C. DEYTON, INDIVIDUALLY AND AS EX	4846	0663

No data available for the following modules: Assessment Notices, Residential Improvement Information, Additions, Commercial Improvement Information, Interior/Exterior Information, Accessory Information, Other Features, Photos, Sketches.

Fayette County makes every effort to produce and publish the most current and accurate information possible. However, the maps and data are produced for information purposes only, and are NOT surveys nor legal records. No warranties, expressed or implied, are provided for the data and information herein, their use, or their interpretation.

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[GDPR Privacy Notice](#)

Developed by

Last Data Upload: 1/15/2021, 6:13:55 AM

Version 2.3.102



Summary

Parcel Number 073812009
 Location Address 115 HOWELL RD
 Legal Description LOT 9 HOWELL PARK HOWELL PARK SUBDIVISION
 Property Class C3 - Commercial Lots
 Neighborhood 03
 Tax District 03
 Zoning C C2
 Acres 0.5
 Homestead N
 Exemptions

Adjacent
 Property

[View Map](#)

Owner

SAMSON STEPHEN D
 AMY H
 P O BOX 206
 TYRONE GA 30290

Assessment

	2021 Working	2020 Certified	2019 Certified	2018 Certified	2017 Certified
LUC	999	999	999	999	999
Class	C3	C3	C3	C3	C3
+ Land Value	\$43,560	\$43,560	\$43,560	\$43,560	\$43,560
+ Building Value	\$331,900	\$331,900	\$314,900	\$267,400	\$263,100
= Total Value	\$375,460	\$375,460	\$358,460	\$310,960	\$306,660
Assessed Value	\$150,184	\$150,184	\$143,384	\$124,384	\$122,664

Assessment Notices

[2020 Assessment Notice \(PDF\)](#)

Land

Description	Land Type	Land Code	Square Feet	Acres	Price
COMMERCIAL	5	C	21,780	0.500	43,560

Total Acres:
0.5000
 Total Land-Value:
43,560

Commercial Improvement Information

Card 1
 Building No 1
 Structure WAREHOUSE
 Units 0
 Year Built 1995
 Total Sq Footage 6000

Interior/Exterior Information

Card 1

Line	SC	From	To	Sec	Occ	Descr	Class	Yr Built	Eff Year	Area	Perim	Height	Base RCN	Feat RCN	RCN	% Good	% Comp	RCNLD
1	1	01	01	14	406	Storage Warehouse	D	1995	0	4000	300	20	196,720	0	196,720	63	0	123,934
2	2	01	02	15	344	Office Building	D	1995	0	1000	130	10	227,960	0	227,960	71	0	161,852

Accessory Information

Card 1

Description	Year Built	Area	Grade	Value
PAVE CONC	1995	4,800		15,230

Sketches