

Planning & Development
 153 Willowbend Rd, Peachtree City, GA 30269
 P: (770) 487-5731
WWW.PEACHTREE-CITY.ORG

Office Use	Date Filed: ___/___/___	
	Found Complete: ___/___/___	Staff Initials: _____
	File #: _____	

Instructions: The applicant shall complete the following checklist of submittal requirements. If the applicant answers "No" to any of the questions, a written explanation must accompany the negative response to the checklist question. The City Planner shall include the applicant's checklist and written explanations, if any, along with the submittal requirements to the Planning Commission.

SUBMITTAL REQUIREMENTS:

Fees: \$750 + \$50/acre	<input type="checkbox"/>
Rezoning Application: This rezoning application must be fully completed and signed by the property owner or duly authorized agent.	<input checked="" type="checkbox"/>
Boundary Survey: One (1) copy of each property included in the rezoning application, prepared by a certified land surveyor or licensed civil engineer. The plans should be clearly and accurately drawn to include:	
Address, boundaries, distances, date, north arrow, and (<1"=100') scale.	<input type="checkbox"/>
The seal of the preparing engineer, surveyor or landscape architect.	<input type="checkbox"/>
Existing lot lines, easements, and rights-of-way, including area in acres or square feet, and abutting land uses or zoning district categories.	<input type="checkbox"/>
Geographic parcel identification number (GPIN) or Property tax number.	<input type="checkbox"/>
Property Deeds: One (1) copy of the Property Deed(s) for all parcels.	<input checked="" type="checkbox"/>
Legal Description: One (1) copy of the full legal description of the boundaries of the property or properties on which the rezoning is sought.	<input checked="" type="checkbox"/>
Disclosure of Campaign Contributions: One (1) signed and notarized copy of the Campaign Contributions & Gifts Disclosure form.	<input checked="" type="checkbox"/>
Nearby Properties: One (1) map and list of all properties within 200 feet of the rezoning parcel boundary. Include current property owner name & mailing address for each property, per the Fayette County Tax Assessor website.	<input checked="" type="checkbox"/>
Utilities and Services Letters: One (1) copy of a letter from each utility provider indicating that their services can support development at the proposed zoning intensity.	<input checked="" type="checkbox"/>
Schematic Land Use Plan: master plan showing proposed land uses, buffers, open space, building setbacks and density.	<input type="checkbox"/>
Written Narrative: a description of how the proposal relates to the relevant chapters of the comprehensive plan and should address the six (6) rezoning review criteria (See attached Written Narrative Reference).	<input checked="" type="checkbox"/>
Supporting Documents: Any supporting documentation you wish to be considered as a part of the rezoning application. These may include:	
<i>Architectural Program:</i> identifies the proposed architectural design, building materials and other aesthetic components of the overall development.	<input type="checkbox"/>
<i>Streetscape and Landscape Plan:</i> demonstrates the streetscape and landscape concepts intended to be implemented within the proposed development.	<input type="checkbox"/>
<i>Master Sign Program:</i> include a description of proposed wall, monument, and directional signs, including location and design.	<input type="checkbox"/>
<i>Community Facilities and Infrastructure Plan:</i> identify impacts on community facilities, infrastructure, utilities, and how these impacts will be mitigated.	<input type="checkbox"/>
Electronic Copy: Submit one (1) electronic version with all above referenced material in electronic format (.pdf or .doc).	<input checked="" type="checkbox"/>



REZONING APPLICATION

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LOCATION	Address <u>Robison Road / Hwy 54</u>		ZONING & LAND USE	Zoning <u>R-43</u> <u>GC</u>
	Parcel #(s): <u>0718-098</u>	Property Size: <u>0.46 acre</u>		Land Use Map <u>Official</u> Existing <u>Commercial</u> Proposed
APPLICANT	Name <u>Habiba Investments, LLC</u>		OWNER	Name <u>Cygnus Peachtree LLC</u>
	Address <u>118 Century Park Place</u>			Address <u>3060 Peachtree Rd #1042</u>
City, State, Zip <u>Peachtree City, GA 30264</u>		City, State, Zip <u>Atlanta, GA 30305</u>	Phone # _____	
Phone # _____		Email _____		Email _____
OPEN SPACE & PUBLIC	Open Space <u>0</u> Acres <u>0</u> %	MULTI-USE PATH	Distance to nearest multi-use path: <u>60</u> ft.	
	Land Dedicated for Public Use <u>0</u> (school, emergency response, public park, greenbelt, etc.)		Linear feet of multi-use path to be provided: <u>0</u> ft.	
TRANSPORTATION	Name of access or adjacent street		# of access points	
	<u>Robison Court</u>		<u>1</u>	
	<u>Hwy 54</u>		<u>1</u>	
	Estimated trip generation (Bases on ITE ratios)		ADT	
	Vehicle Type: _____		<u>1042</u>	
FIRE SUPPRESSION	Automatic Fire Sprinklers: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, why? _____		Briefly describe daily operations: (Number of employees, etc. A separate detailed explanation may be included in the Written Narrative) <u>The applicant requests a rezoning to establish a small restaurant with a drive through component. See narrative</u>	
	Automatic Fire Alarm: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, why? _____			
	Hazardous Material On Site? (If yes, describe type and method of storage to the right)	<input type="checkbox"/> Yes <input type="checkbox"/> No	Material(s): _____	Storage: _____

With the signing and submital of this application, the property owner authorizes the Peachtree City Staff to enter onto the property to collect data. By signing below, I certify that the above listed information and the accompanying materials are accurate.

Applicant Signature: _____ Date: _____

Property Owner Signature: John Lyons, Sr. Asset Manager, Cygnus Peachtree LLC Date: 7-30-2020



Doc ID: 008974020003 Type: WD
 Recorded: 11/16/2012 at 03:00:00 PM
 Fee Amt: \$90.00 Page 1 of 3
 Transfer Tax: \$76.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

BK 3972 PG 452-454

12013059
 CRM CENTRAL PROPERTIES, LLC
 ATLANTA, GA 30308

After recording return to:
 Sites & Harbison, PLLC
 303 Peachtree Street, NE, Suite 2800
 Atlanta, Georgia 30308
 Attn: Charles B. Waters, Jr., Esq.

LIMITED WARRANTY DEED

THIS INDENTURE, made effective as of this 16th day of November, 2012, by and between CRM CENTRAL PROPERTIES, LLC, a Georgia limited liability company ("Grantor"), and CYGNUS PEACHTREE, LLC, a Georgia limited liability company ("Grantee").

WITNESSETH:

That for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, Grantor has granted, bargained, sold, aliened, conveyed and confirmed and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee all of that certain tract or parcel of land lying and being in Fayette County, Georgia, being more particularly described in Exhibit A attached hereto and by this reference made a part hereof (hereinafter referred to as the "Property").

This conveyance is made subject to (i) the lien of real estate taxes, taxes imposed by special assessment and water, sewer, vault, public space and other public charges which are not yet due and payable, (ii) all applicable laws (including zoning, building ordinances and land use regulations), (iii) all easements, restrictions, covenants, agreements, conditions, and other matters of record, (iv) all matters that may be revealed by a current and accurate survey or inspection of the property, and (v) all matters known to Grantee.

TO HAVE AND TO HOLD said Property, together 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 Grantee forever IN FEE SIMPLE.

SI124081731:281304:1:ATLANTA

AND THE SAID Grantor shall warrant and forever defend the right and title to said Property unto the Grantee against the lawful claims of all persons claiming by, through or under Grantor but not otherwise.

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


GRANTOR:

CRM CENTRAL PROPERTIES, LLC, a
Georgia limited liability company (SEAL)

By: CRM Properties Manager, LLC, its
sole member

Signed, sealed and delivered
in the presence of:


Unofficial Witness


Notary Public

My Commission Expires

[NOTARY SEAL]



By: 

Name: Adam Oates

Title: V.P.

SU1240S1731:281804:1:ATLANTA

Exhibit A
Legal Description
Robinson Road

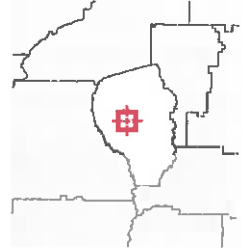
Tract 13 (Robinson Road)

ALL THAT TRACT or parcel of land lying and being in Land Lots 93 and/or 68 of the 7th Land District of Fayette County, Georgia and being a parcel of land roughly in the shape of a triangle and containing approximately .865 acres which is bound on the west by the easterly right of way line of Georgia Highway 54, bound on the south by the northerly right of way line of Robinson Road after the relocation of said right of way line to intersect with Georgia Highway 54 at a location directly across Highway 54 from the northeasterly end of Prime Point, and bound on the northeast by the current and former westerly right of way line of Robinson Road as it existed before the relocation described above.

SU'124:05U'81:281304:1:ATLANTA



Overview



Legend

-  Parcels
-  Roads
- City Limits**
-  BROOKS
-  FAYETTEVILLE
-  PEACHTREE CITY
-  TYRONE
-  WOOLSEY

Date created: 6/15/2020
Last Data Uploaded: 6/15/2020 5:49:48 AM

Developed by  **Schneider**
GEOSPATIAL

Property owned by Cygnus Peachtree, LLC

All that tract or parcel of land lying and being in Land Lots 68 and 93 of the 7th District, within the City of Peachtree City, Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at a 5/8-inch rebar set located at the intersection of the Easterly right-of-way line of Floy Farr Parkway, a.k.a. Georgia Hwy 54 (150-foot right-of-way) with the Northerly right-of-way line of relocated Robinson Road (100-foot right-of-way), said point being the TRUE POINT OF BEGINNING; Thence along said right-of-way line of Floy Farr Parkway North 16 degrees 18 minutes 43 seconds East, a distance of 173.20 feet to a point; Thence along a curve to the left having an arc length of 124.05 feet, with a radius of 2073.39 feet, being subtended by a chord bearing of North 12 degrees 09 minutes 58 seconds East,, for a distance of 124.04 feet to a 5/8-inch rebar set located at the intersection with Southwesterly right-of-way of Robinson Road (80-foot right-of-way); Thence along said right-of-way line South 23 degrees 30 minutes 12 seconds East, a distance of 337.16 feet to a point; Thence South 23 degrees 30 minutes 12 seconds East, a distance of 114.65 feet to a 5/8-inch rebar set at the Northerly right-of-way line of relocated Robinson Road (100-foot right-of-way); Thence along said right-of-way line and following along a curve to the left having an arc length of 200.22 feet, with a radius of 753.96 feet, being subtended by a chord bearing of North 60 degrees 23 minutes 02 seconds West,, for a distance of 199.63 feet to a point; Thence North 70 degrees 53 minutes 52 seconds West, a distance of 86.17 feet to a 5/8-inch rebar set, said point being the TRUE POINT OF BEGINNING.

Said tract of land contains 0.874 Acres.



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DISCLOSURE OF CAMPAIGN CONTRIBUTIONS & GIFTS

The undersigned below, making application for rezoning action, has complied with the Official Code of Georgia Section 36-67A-1, et. seq. *Conflict of Interest in Zoning Actions*, and has submitted or attached the required information on this form as provided.

All individuals, business entities¹, or other organizations² having a property interest, financial interest, or other interests³ in property subject of this application are as follows (attach additional if necessary):

Abid Khutliwala, Habiba Investments, LLC
Richard Lindsey, Lindsey & Lacy, PC

Have you as applicant or anyone associated with this application or property, within the last two (2) years immediately preceding this application, made campaign contributions aggregating \$250 or more to a member of the Peachtree City Planning Commission or the Peachtree City Mayor and City Council? Please circle your response:

YES

NO

IF YES: Please complete the following section (attach additional sheets if necessary).

Name and Official Position of Government Official	Contribution Description and Dollar Amount	Date of Contribution

I do hereby certify the information provided herein is both complete and accurate to the best of my knowledge.

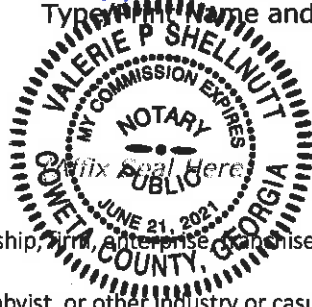
[Signature]
 Signature of Applicant

Abid Khutliwala
 Type/Print Name and Title

[Signature]
 Signature of Applicant's Representative

Richard P. Lindsey, Attorney
 Type/Print Name and Title

[Signature]
 Signature of Notary Public



¹ Business entity may be a corporation, partnership, limited partnership, firm, enterprise, joint venture, association, trade organization, or trust.
² Other organization means non-profit organization, labor union, lobbyist, or other industry or casual representative, church, foundation, committee, club, charitable organization, or educational organization.
³ Property interest means the direct ownership of real property and includes any percentage of ownership. Financial interest means direct ownership of 10% or more of the total assets or capital stock of a business entity.

NEARBY PROPERTY OWNERS

Tax Parcel #	Owner's Name	Owner's Mailing Address
71802001	GRAY, THOMAS H. GRAY, BOBBIE A.	202 FERN VALE PEACHTREE CITY, GA 30269
71802011	GRAY, THOMAS H. GRAY, BOBBIE A.	202 FERN VALE PEACHTREE CITY, GA 30269
71801013	GRAY, THOMAS H. GRAY, BOBBIE A.	202 FERN VALE PEACHTREE CITY, GA 30269
71801012	CALHOUN, BRANTLEY J. AND TERRI L.	200 ROBINSON COURT PEACHTREE CITY, GA 30269
71801011	WALDROP HOLDINGS, INC.	P.O. BOX 2468 PEACHTREE CITY, GA 30269
71801001	BULLDOG ENVIRO, LLC	130 WHIPPORWILL WAY FAYETTEVILLE GA 30215
71801002	COWART, LARRY SR	1202 WILLIAMS CIR PEACHTREE CITY GA 30269
71801003	GARNER JAMES P ESTATE	1203 WILLIAMS CIR PEACHTREE CITY GA 30269
71801010	DEMUYNCK, RICHARD J DEMUYNCK, TERRI S	222 MASTERS DR. S PEACHTREE CITY, GA 30269
71801009	SELLECK, BRIAN N	1425 SENOIA RD SUITE A TYRONE, GA 30290
71801008	MESSER, MICHAEL	P.O. BOX 632 TYRONE, GA 30290
71816003	SHAHENAZ INVESTMENTS LLC	2000 SHAKERAG HILL PEACHTREE CITY GA 30269
0718 001	PEACHTREE CITY	P O BOX 2371 PEACHTREE CITY GA 30269
0718 055	BULLARD INVESTMENTS LLC	238 STOCKBRIDGE ROAD JONESBORO GA 30236
0718 020	AOA PARISH REAL ESTATE TRUST ARCHBISHOP WILTON D GREGORY TRUSTEE	101 WALT BANKS DR PEACHTREE CITY GA 30269
0718 050	CARL J. MOWELL, JR.	180 N. JEFF DAVIS DRIVE FAYETTEVILLE, GA 30214



Atlanta Gas Light

Bill Barnes
New Business Coordinator

10 Peachtree Pl
Atlanta, GA 30309
404 584 3690 tel
bbarnes@southern.com

#

6/15/20

Steven Rowland
Rowland Engineering, Inc.
318 Corporate Parkway, Suite 301 Macon GA, 31210

RE: Popeye's Louisiana Restaurant – Highway 54 and Robinson Road Peachtree City, GA 31210

Dear Steven,

This is to advise you that natural gas is presently available to serve the residential project located at the intersection of Highway 54 and Robinson Road in Peachtree City, GA 31210

This is to further advise you that natural gas service will be made available to the above referenced project in accordance with the Rules and Regulations governing our operations on file with the Georgia Public Service Commission at the time said service is requested.

Please contact Justin Hancock at 404-558-5746 regarding gas installation.

Sincerely,

A handwritten signature in cursive script that reads "Bill Barnes".

Bill Barnes

#



***Coweta-Fayette
Electric Membership Corporation***

807 Collinsworth Road • Palmetto, Georgia 30268-9442 • Phone 770-502-0226 • www.utility.org

June 12, 2020

Pam Hughes
Rowland Engineering Company
318 Corporate Pkwy., Suite 301
Macon, Ga.31210

RE: Robinson Rd /Hwy 54
District 5 Parcel # 0718098
Fayette County Ga.

Dear Pam

In response to your recent request concerning the availability and capacity for Coweta Fayette EMC to supply electric service to the above project, please consider the following:

1. Electric service, as provided by Coweta Fayette EMC, is available to the site either at the property line or within the public right-of-way adjacent to the property.
2. We at Coweta Fayette EMC can serve the project with adequate and sufficient capacity.
3. This site falls in Coweta Fayette EMC electric service territory.

If you have any questions or concerns, please feel free to call.

Sincerely,

A handwritten signature in blue ink that reads 'Curtis Camp'.

Curtis Camp
Supervisor of Staking
770-252-7425

16 June 2020

Ms. Pam Hughes
Rowland Engineering, Inc.
318 Corporate Pkwy, Suite 301
Macon, Georgia 31210

Re: Popeye's Fried Chicken- Parcel ID 0718098 - .86 acres- Water Availability

Dear Ms. Hughes:

Fayette County Water System provides and maintains water service in this area along the west side SR 54 with a 16" DIP water main. There is also a 6" Class 200 PVC water main on the north side of Robinson Road at this location.

If you have any questions or concerns, please contact this office at your convenience

Kind Regards,



John F. Caldwell, PE
Water System Engineer

cc: Vanessa Tigert, Director FCWS



PEACHTREE CITY
Water and Sewerage Authority

1127 Highway 74 South
Peachtree City, GA 30269
Phone: 770-487-7993 • FAX: 770-631-5380

June 16, 2020

Pam Hughes
Rowland Engineering, Inc.
318 Corporate Pkwy, Suite 301
Macon, GA 31210

RE: Sanitary Sewer Capacity and Availability – Parcel # 0718098

Dear Ms. Hughes,

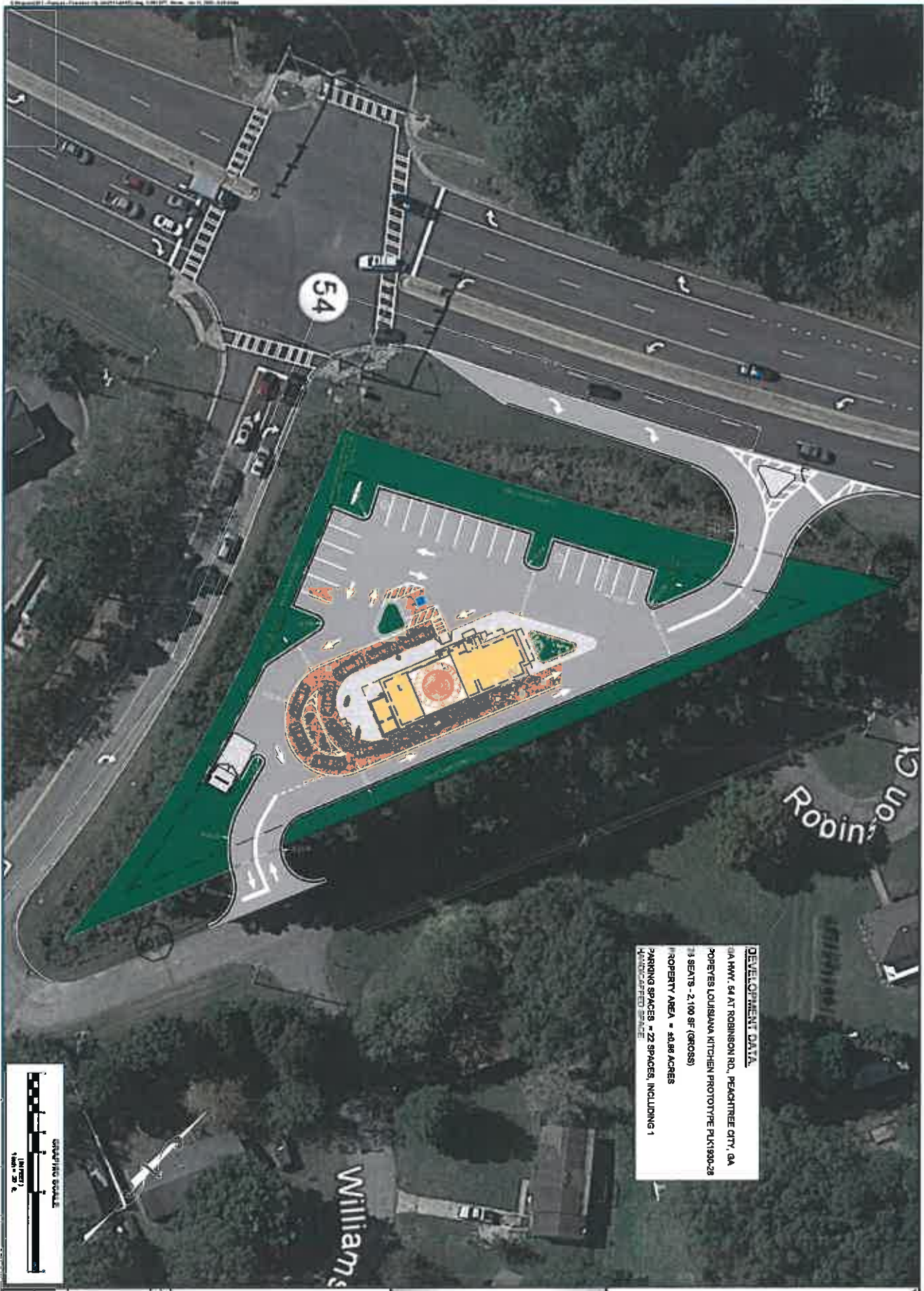
Presently there is adequate capacity in the Authority's Wastewater Treatment Plants for the proposed project, and the property is adjacent to and existing 8" gravity line.

If you have any questions, please feel free to call.

Sincerely,

Nathan B. Brooks

Nathan B. Brooks, CPII
Construction Coordinator
Peachtree City Water and Sewerage Authority



DEVELOPMENT DATA:
 1/4 HWY. 54 AT ROBINSON RD., PEACHTREE CITY, GA
 POPEYE'S LOUISIANA KITCHEN PROTOTYPE PLAN 1900-28
 73 SEATS - 2,100 SF (GROSS)
 1/4 PROPERTY AREA = 40.88 ACRES
 PARKING SPACES = 22 SPACES, INCLUDING 1
 HANDICAPPED SPACE



CONCEPTUAL
 SITE PLAN

DATE: 05-29-2008
 DRAWN BY: [illegible]



**ROWLAND
 ENGINEERING**
 211 Corporate Plaza, Ste. 201
 Marietta, GA 30067
 (404) 516-2900
 www.rowlandengineering.com

POPEYE'S LOUISIANA KITCHEN
 PEACHTREE CITY, GEORGIA
 FOR
 QFC CORPORATION, INC.



**NARRATIVE SUPPORTING REQUEST TO REZONE PROPERTY FROM R-1, R-43
AND ER TO LUC**

The property is located between Hwy 54, Robinson Road, and Robinson Court (Tax Parcel 0718-098) and consists of approximately 0.86 acre. Parcel # 0718-098 is currently zoned R-43. This parcel of land has never developed.

The applicant is requesting a rezoning of the parcel from low density residential (R-43) to general commercial (GC) to permit the development of a restaurant with drive-through.

The applicant has obtained permission from GDOT to construct a deceleration/acceleration lane along Hwy 54 with right-in/right-out access onto Hwy 54. The applicant requests a second access from Robinson Court and proposes that there is no direct access onto Robinson Road.

(1) The zoning proposal is in conformity with the policy and intent of the land use plan.

The future land use plan calls for this parcel to be office. The zoning districts compatible with this land use designation include OI office institutional and LUC limited use commercial. The property located directly across Robinson Road is zoned LUC. The proposed use of the property is for a restaurant that has a drive-through component. The drive-through component converts the use to one permitted in GC. The applicant is willing to restrict the use of the property to a restaurant with a drive-through component so that no other GC use is permitted on the property. This parcel is one of the problematic parcels that remains scattered about in the City. Because of its small size, less than one acre, and unique triangular shape, some flexibility in the development constraints is needed. The applicant is also requesting two variances due to the small size of the property which are addressed separately.

The developer will work with the Fire Department to ensure that the structure is properly and safely designed and situated on the property.

County water is available to the site as is sanitary sewer. Electricity and natural gas are also available. WASA, Coweta/Fayette EMC, and Atlanta Gaslight have provided confirmation that each is accessible to the property. WASA has the capacity needed for the proposed development.

Access to the property is along Robinson Court and Hwy. 54.

(2) The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The requested rezoning is suitable in view of the use and development of adjacent and nearby property. It is bordered by property zoned Open Space, Limited Use Commercial, Office, Estate Residential and R-1. Robinson Court separates the parcel from the residential lots. The applicant will increase the landscaping along Robinson Court and ensure the lighting package is designed to minimize the impact on the residential property. The property fronts on two busy traffic

corridors – Robinson Road and Hwy. 54. The proposed use is compatible with the busy traffic corridors and will be a welcome addition to Peachtree City commuters who travel those roads.

(3) The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

The requested rezoning will not impact the areas to the west and south. The residential area to the east is separated from this parcel by Robinson Court. In addition, the applicant will increase the density of the plantings along Robinson Court and ensure that the lighting package is designed to prevent the spill-over of light from the parking lot into the residential area. The construction of a deceleration/acceleration lane couple with a restricted right-in/right-out access off of Hwy 54 will ensure that this development does not impede the traffic in this area of the City.

(4) The property to be affected by the zoning proposal has limited economic use as currently zoned.

The subject property is currently undeveloped and has never been developed. As currently zoned, the property can only be developed residentially. Because the property fronts on both Hwy 54 and Robinson Road, it is highly unlikely that it will develop as currently zoned.

(5) The zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

The requested rezoning will not add any students to the schools. The restricted right-in/right-out access onto Hwy 54 coupled with the addition of the deceleration/acceleration lane will prevent disruption of the traffic along Hwy 54. There will be no direct access onto Robinson Road and all traffic will be directed onto Robinson Court to safely access Robinson Road. All utilities are available to the property and WASA has stated it has the capacity for this proposed development.

(6) There are existing conditions affecting the use and development of the property which give supportive grounds for approval of the zoning proposal.

As stated previously, the surrounding high-volume traffic corridors pose a challenge for developing the property. The small lot size and unique shape of the property add to the challenge.

Additionally, the current governmental restrictions on dine-in restaurants and the widespread public concern and fear of dining-in have changed the dynamics of the restaurant industry. Those restaurants without drive-through service are suffering terribly. Many will fail. This is especially true for those restaurants that predominantly serve breakfast and lunch. Unfortunately, there is no indication of when the pandemic might end. Likewise, there is no barometer to test the feelings and future actions of the general public. When will the public feel comfortable dining-in? While some folks are fine with eating in restaurants, many do not. A casual observation of the restaurants in our area certainly tell the tale of what is happening in that industry. A drive-through window is no longer a nice addition to a restaurant, it has become the life-line for the business to survive.