



FAYETTEVILLE

NO LIMITS ON IMAGINATION

P&Z COMMISSION

Sarah Murphy, Chairman
Ken Collins, Vice-Chair
Debi Renfroe
Toby Spencer
David Hilderbrandt
Kelly Brown

DATE:
02/27/2024

PLANNING & ZONING COMMISSION AGENDA

Approval of Agenda

Approval of Minutes

Approval of Minutes of the December 19, 2023 Planning and Zoning Commission Meeting.

Appointment of Planning and Zoning Commission Members.

- Kelly Brown
- Chris Key
- Lori Mideau

Election of 2024 Chair and Vice Chair.

Approval of 2024 P&Z Meeting schedule.

Public Hearings

1. Consider a request from Kirae Walker for a conditional use permit to allow a daycare in a Downtown Mixed Use – Gateway Commercial zoning district under section 95-207.52. Property located at 125 East Georgia Avenue (Parcel no. 052301003). **To be Tabled.**
2. Consider requests from Crescent Acquisitions, LLC as they relate to the development of property located on Highway 54 East between Weatherly Drive and Knight Way (parcel 053116006). In order to develop the property as proposed, the applicant is requesting the following:
 - a. To amend the Future Land Use Map from Neighborhood Center to Mixed Residential.
 - b. To rezone the property from Neighborhood Commercial (NC) to Residential Townhouse Condominium (R-THC).

COMMUNITY AND ECONOMIC DEVELOPMENT STAFF:

David Rast, Director Community and Economic Development | Julie Brown, Planning & Zoning Manager |
Nicole Gilbert, Planner | Katherine Prickett, Planner

210 Stonewall Avenue West • Fayetteville, Georgia 30214
Telephone (770) 461-6029 • Facsimile (770) 460-4238

www.fayetteville-ga.gov

3. Consider requests from Rochester | DCCM as they relate to the development of property located at the corner of Highway 54 West and Gingercake Road (parcel nos. 0522 003, 0522 033, and 0522 048). In order to develop the property as proposed, the applicant is requesting the following:
 - a. To amend the Future Land Use Map from Neighborhood Center to Neighborhood Residential 2.
 - b. To rezone the property from Neighborhood Commercial (NC) to Residential Multi-family (RMF-15)

4. Consider requests from Darrell Baker of Randolph Williams Development, LLC as they relate to the development of property located at 135 and 145 Walker Parkway and 1373 Highway 85 North (Parcel no. 0538 081, 0538 092, & 0538 026).
 - a. Approval of a conceptual site plan for three (3) parcels for ADC Fayetteville, LLC
 - b. A conditional use permit to allow outdoor storage facility in a Neighborhood Commercial zoning district under section 95-207.71.

5. Consider Staff initiated requests as they relate to the property located on North 85 Parkway (Parcel No. 053911004).
 - a. To amend the Future Land Use Map from Business Park to Industrial.
 - b. To rezone the property from Neighborhood Commercial (NC) to Light Industrial (LI).

Old Business

New Business

6. Update to the Planning and Zoning Commission bylaws.

Reports and Comments

Announcements



FAYETTEVILLE

NO LIMITS ON IMAGINATION

P&Z COMMISSION

Sarah Murphy, Chairman
Ken Collins, Vice-Chair
Debi Renfroe
Toby Spencer
David Hilderbrandt
Kelly Brown

DATE:
12/19/2023

PLANNING & ZONING COMMISSION AGENDA

MINUTES

Present: Planning and Zoning Commissioners Sarah Murphy, Ken Collins, Toby Spencer, Kelly Brown, and Debra Renfroe. Absent: David Hilderbrandt

Staff members present: Director of Community and Economic Development David Rast, Planning & Zoning Manager Julie Brown, Planner Katherine Prickett, and Planner Nicole Gilbert.

Approval of Agenda

Chair Murphy called for a motion on the approval of the agenda for December 19, 2023.

Motion to approve the December 19, 2023 agenda – Collins, second – Renfroe. **Approved unanimously**

Approval of Minutes

Chair Murphy called for a motion on the approval of Minutes of the November 14, 2023 Planning and Zoning Commission Meeting.

Motion to approve the minutes – Collins, second – Brown. For – Collins, Brown, & Spencer. Abstained – Renfroe. **Motion carried 3-0-1.**

Public Hearings

1. Consider requests from Rochester | DCCM as they relate to the development of property located at the corner of Highway 54 West and Gingercake Road (parcel nos. 0522 003, 0522 033, and 0522 048). In order to develop the property as proposed, the applicant is requesting the following:
 - a. To amend the Future Land Use Map from Neighborhood Center to Neighborhood Residential 2.
 - b. To rezone the property from Neighborhood Commercial to Residential Townhouse Condominium (R-THC)
 - c. A variance from section 95-403.40 to reduce the required buffer between dissimilar zoning from 50' to 25' on the west side of the property.

COMMUNITY AND ECONOMIC DEVELOPMENT STAFF:

David Rast, Director Community and Economic Development | Julie Brown, Planning & Zoning Manager |
Nicole Gilbert, Planner | Katherine Prickett, Planner

- d. A variance from section 95-202.20 to reduce the minimum area dwelling for one, two, and three-bedroom houses.

Mr. Rast reported NexMetro Communities, LLC has assembled five tracts of land (+/-30 acres) within the northwest quadrant of the HWY 54/ Gingercake RD intersection. The Applicant desires to develop a gated, 266-unit single-family detached rental community consisting of one story one-, two- and three-bedroom homes.

The property is currently zoned NC Neighborhood Commercial and designated as Neighborhood Center within the 2022 Comprehensive Plan Update and the associated Future Land Use Map. In order for the project to move forward, the Applicant is requesting an amendment to the Comprehensive Plan and the Future Land Use Map. Should that request receive a favorable recommendation then the Commission will hear the rezoning request. If the Commission also makes a favorable recommendation for rezoning, then they will hear the variance requests.

The subject properties are surrounded by the Villas at Gingercake to the north, Gingercake Road to the east, Highway 54 to the south, and the Lakeview Estates subdivision within unincorporated Fayette County to the west.

The Comprehensive Plan and Future Land Use Map designate the subject tracts and the surrounding parcels as a Neighborhood Center. The Comprehensive Plan states these areas *“are primarily located on major thoroughfares and near concentrations of existing or planned residential neighborhoods. Current developments and uses include smaller strip centers, shopping centers with grocery stores, storage facilities, offices, retail establishments, restaurants, and services.”*

The Applicant is requesting the subject tracts be rezoned from NC Neighborhood Commercial to R-THC Residential Townhouse and Condominium to allow for a 266-unit single-family detached rental community. Mr. Rast shared the proposed site plan and elevations. Because the proposed use is not consistent with the Comprehensive Plan or the Future Land Use Map designation, the Applicant must first request an amendment to both the Comprehensive Plan and the Future Land Use Map. The Applicant is requesting to change the Future Land Use designation from Neighborhood Center to Neighborhood Residential 2.

Section 104.13.B.2.e. of the Unified Development Ordinance (UDO) states *“Where an application to amend the future land use map and an application to amend the zoning map each affect the same property and are scheduled to be heard at the same hearing, the application to amend the future land use map shall be heard first and action authorized by this UDO taken before the application to amend the zoning map is heard and action taken with respect thereto.”*

Staff reviewed the request based on the criteria listed in the UDO and found that the proposed use would be suitable to the use of adjacent properties and is unlikely to adversely affect the adjacent properties.

Both the Comprehensive Plan and the associated Future Land Use Map were developed with a significant amount of public involvement as well as input from the Planning and Zoning Commission and City Council. Both of these documents are used as “guides” as we evaluate existing and proposed developments and should be re-evaluated on a regular basis to ensure they are consistent with changes and development patterns within the community.

Staff is of the opinion the request to amend the Comprehensive Plan and Future Land Use Map be forwarded to City Council with a favorable recommendation with the understanding this recommendation is limited to these documents only.

This recommendation is based on the belief that a residential use would be more compatible and less intrusive on the established residential developments to the north and west and, if designed properly, could help to establish a defined gateway into the city from the west as opposed to more retail and commercial development along the Highway 54 corridor.

Mr. Rast stated the Commission would need to make a motion of this request before moving forward. If the motion is favorable then he would move on to the next request but if the motion is unfavorable then the other requests would not be considered.

Chair Murphy clarified that they would not hear the Applicant discuss the rezoning request until after the Commission has acted on the amendment request. Mr. Rast confirmed.

Chair Murphy called for public comment on amending the Land Use map. A citizen asked for clarification about the procedure for the requests. The representative for the Building and Grounds at the Villas asked a question in relation to the land use designation for the Villas. She then went on to comment about the rezoning request. Murphy asked the woman to hold her comment for the rezoning request as they are currently discussing whether the land use designation should be changed or remain the same. The attendees responded as one voice to leave it.

Chair Murphy called for Commissioner comments. Brown was concerned about changing the map after so much work was put into it by the City. It seems too soon to amend the map. Spencer echoed Brown’s concern.

Chair Murphy called for a motion on the amendment to the Future Land Use Map.

Motion to forward the request to amend the Future Land Use Map from Neighborhood Center to Neighborhood Residential 2 for parcel nos. 0522 003, 0522 033, and 0522 048 to City Council with a recommendation that it not be approved – Brown, second Spencer. **Approved unanimously.**

Due to an unfavorable recommendation related to the request to amend the Future Land Use Map, there was no further discussion or action taken regarding the rezoning and variance requests.

Old Business

New Business

2. Consider conceptual site plan and building elevations from St. Stephen's Investment Holdings, LLC for Jay's Package Store. Property located at 325 South Glynn Street (Parcel No. 052304006).

Mrs. Prickett reported the 0.837-acre parcel is located between South Glynn Street, Beauregard Blvd and is directly south of Advanced Auto Parts. The undeveloped and partially wooded lot is within the Downtown Mixed-Use District and zoned DMU-MUC.

The Applicant is requesting approval of the conceptual site plan and accompanying building elevations to construct an 11,200 square foot retail package store with all associated infrastructure.

The proposed package store meets the distance requirements of 100 yards from a church, 200 yards from a school, and 500 yards from another licensed package store. The requirement of 100 yards from a residence does not apply to properties located within the Downtown Mixed-Use District.

The project was tabled earlier this year at the request of the Applicant. After initially being denied a 12-month time extension by City Council on February 16, 2023, the Applicant's alcohol license was granted a 12-month license extension at the October 19th City Council meeting under Resolution 48-23. Since then, staff has received and reviewed an updated site plan.

The vision for the future of this parcel is dictated by the comprehensive plan as well as the future land use map. The comprehensive plan designation for this parcel is part of the Downtown Core. The proposed use, a standalone retail store, is consistent with recommendations of the comprehensive plan.

Staff reviewed the proposed conceptual site plan based on the criteria listed in section 407.17 of the UDO and found the site plan meets all the criteria. The Applicant is proposing to eliminate the existing curb cut on the parcel and utilize the Advanced Auto Part curb cut which requires an encroachment permit from GDOT. GDOT has approved the concept but has not issued a permit.

The Applicant is proposing a 4-sided brick building with the queen size brick, the soldier course and the herringbone pattern in Café Breve or a similar light color. To enhance visual appeal and protection from the elements, a black canvas awning will be placed above the entry. Metal coping and glass doors will trim out the building.

After review of this Application in accordance with the conceptual site plan review criteria established in Section 407.17 of the UDO, Staff recommends the revised conceptual site plan and

the schematic building elevations be approved subject to the following understandings and conditions:

1. The Applicant will acquire the encroachment permit requested by GDOT which includes language stating the existing curb cut will be closed off and primary access to the site will be provided via the existing access for Advanced Auto Parts on Highway 85 South.
2. The Applicant will provide a shared access and parking agreement from the Advanced Auto Parts property owner.
3. Any changes to the building elevations, exterior materials and / or color scheme may result in the applicant having to resubmit these items to the Planning and Zoning Commission for review and approval.

Chair Murphy called for the applicant to speak. Mark Whitley with Whitley Engineering representing the property owner stated the size of the project and talked about working with Staff on the site plan. They are currently working with Advanced Auto Parts on a shared access and parking agreement. He could answer any questions about the site and the architect was present to answer any questions about the elevations.

Chair Murphy called for public comment. Steve Gulas, owner of one of the seven package stores, was concerned about this site adhering to the parking requirements of the previous ordinance not the current UDO like the previously approved package stores. He also questioned whether a commercial entrance could be placed on Beauregard. Rast responded that the concerns were forwarded to the City attorney and the attorney deemed the proposed site project was compliant.

A citizen spoke out against the use. Murphy explained this site was previously approved as a package store and they were only debating on the look of the building.

Caroline Creel with Southern Crescent Trust requested a visual buffer so visiting students do not have to see the package store. She also asked if there was a traffic study for Beauregard.

Chair Murphy called for Commissioner comments. Collins stated the back of the building needed to be embellished as it would be visible from Highway 85. Renfro asked if it was possible to obscure the package store from SCT property.

Chair Murphy called for a motion on the conceptual site plan and elevations.

Motion to approve the conceptual site plan and building elevations for Jay's Package Store to be located at 325 South Glynn Street with the following conditions and understandings:

1. The Applicant will acquire the encroachment permit requested by GDOT which includes language stating the existing curb cut will be closed off and primary access to the site will be provided via the existing access for Advanced Auto Parts on Highway 85 South.

2. The Applicant will provide a shared access and parking agreement from the Advanced Auto Parts property owner.
3. Any changes to the building elevations, exterior materials and / or color scheme may result in the applicant having to resubmit these items to the Planning and Zoning Commission for review and approval.
4. The Applicant will work with staff to add architectural elements to the rear elevation.
5. The Applicant will work with staff to identify areas for landscaping and other types of buffer material along the property line adjoining Beauregard Boulevard with the intent being to buffer the subject tract from the Southern Conservation Trust property.

Motion – Collins, second – Renfroe. **Approved unanimously.**

Reports and Comments

Announcements

Chair Murphy called for a motion to adjourn.

Motion to adjourn – Collins, second – Brown. **Approved unanimously.**

Respectfully submitted,

Nicole Gilbert

Planner

2024 City of Fayetteville Planning and Zoning Meeting Schedule

Meeting Month	Deadline To Send Legal Ad	Legal Ad Run Date	Post Signs	P&Z Scan Distribution	P&Z Meeting Date	Deadline to Send CC Legal Ad (if needed)	CC Legal Ad Run Date (if needed)	City Council Hearing Date (if needed)
January	December 28	January 3	January 2	January 16	January 23	January 26	January 31	February 15, 2024
February	Jan 19/ Feb 2	Jan 24/ Feb 7	Jan 26/ Feb 6	February 20	February 27	March 1	March 6	March 21, 2024
March	Feb 16/ Mar 1	Feb 21/ Mar 6	Feb 23/ Mar 5	March 19	March 26	March 29	April 3	April 18, 2024
April	Mar 15/ Mar 29	Mar 20/ Apr 3	Mar 22/ Apr 2	April 16	April 23	April 26	May 1	May 16, 2024
May	Apr 19/ May 3	Apr 24/ May 8	Apr 26/ May 7	May 21	May 28	May 31	June 5	June 20, 2024
June	May 17/ May 31	May 22/ June 5	May 24/ June 4	June 18	June 25	June 28	July 3	July 18, 2024
July	Jun 14/ Jun 28	Jun 19/ July 3	Jun 21/ July 2	July 16	July 23	July 26	Jul 31	August 15, 2024
August	July 19/ Aug 2	July 24/ Aug 7	Jul 26/ Aug 6	August 20	August 27	August 30	September 4	September 19, 2024
September	Aug 16/ Aug 30	Aug 21/ Sept 4	Aug 23/ Sept 3	September 17	September 24	September 27	October 2	October 17, 2024
October	Sept 13/ Sept 27	Sept 18/ Oct 2	Sept 20/ Oct 1	October 15	October 22	November 1	November 6	November 21, 2024
November	Oct 11/ Oct 25	Oct 16/ Oct 30	Oct 18/ Oct 29	November 12	November 19	November 29	December 4	December 19, 2024
December	Nov 8/ Nov 22	Nov 13/ Nov 27	Nov 15/ Nov 26	December 10	December 17	December 27	January 1	January 16, 2025
January 2023	Dec 20/ Jan 3	Dec 25/ Jan 8	Dec 27/ Jan 7	January 21	January 28	January 31	February 5	February 20, 2025

Note: Meeting Dates subject to change based on Holiday, inclement weather, or lack of a quorum.



FAYETTEVILLE

NO LIMITS ON IMAGINATION

FAYETTEVILLE CITY HALL
210 Stonewall Avenue West
Fayetteville, Georgia 30214
770-461-6029 Telephone
770-460-4238 Facsimile
www.Fayetteville-GA.gov

TO: Planning and Zoning Commission

FROM: Julie Brown, Planning and Zoning Manager

VIA: David Rast, Director of Community and Economic Development

DATE: February 19, 2024

SUBJECT: Consider requests from Crescent Communities as they relate to the property located at Hwy 54 East/Weatherly Drive and Knight Way (Parcel No. 053116006). In order to develop the property as proposed, the Applicant is requesting:

- a. To amend the Future Land Use Map from Neighborhood Center to Mixed Residential.
- b. To rezone the property from Neighborhood Commercial to Residential Townhouse and Condominium (R-THC).

Project overview

The Applicant proposes to develop a 273-unit multi-family apartment community consisting of five residential buildings, a clubhouse with indoor and outdoor amenity space and all associated infrastructure. Four of the five residential buildings are proposed at four-stories and will offer one-, two- and three-bedroom apartments ranging from 720 to 1,375 square feet in size. Access to the development will be provided via new entrances from Weatherly Drive and Knight Way. There will be no direct access to the development from Hwy 54 East.



The property is currently zoned NC Neighborhood Commercial and designated as Neighborhood Center on the Future Land Use Map. In order to develop the property as proposed, the Applicant is requesting to amend the Future Land Use Map from Neighborhood Center to Mixed Residential, and to rezone the property from NC Neighborhood Commercial to R-THC Residential Townhome Condominium. Should the first two requests be approved and the project move forward, the Applicant would return to the Planning and Zoning Commission at a later date for conceptual site plan review, and to request a height variance from 35' to 60' to allow the proposed three- and four-story structures.

Existing conditions

Location	Hwy 54 East/ Weatherly Drive and Knight Way
Parcel Number	053116006
Acreage	12.27 acres
Zoning	NC Neighborhood Commercial
Future Land Use Designation	Neighborhood Center
Current use	Undeveloped
Utilities	Water and sewer

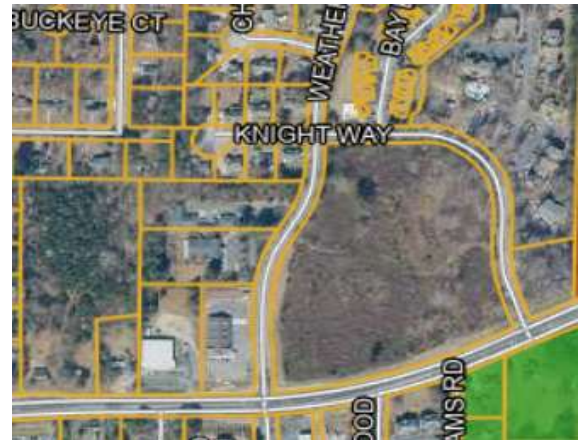
Existing zoning

The subject tract and many of the surrounding parcels are zoned NC Neighborhood Commercial. There is also a mixture of different residential zoning designations to the north, south and west.

City Zoning



Fayette County A-R zoning



Direction	Parcel Number	Acreage	Address	Zoning	Current use
North	0531032	7.74	Bay Branch Blvd.	RMF-15 Multi-family Residential	Residential
South	0524 154	0.70	775 E Lanier	NC Neighborhood Commercial	Commercial
South	0524 158	1.30	795-805 E Lanier	NC Neighborhood Commercial	Commercial
South (FC)	052405001	0.61	855 E Lanier	AR -Agricultural Residential	Residential
South (FC)	052405006	2.00	865 Hwy 54 E	AR -Agricultural Residential	Residential
East	0531 124	18.00	100 Knight Way	RMF-15 Multi-family Residential	Residential
West	052101013	1.18	110 Knight Way	R-15 Single-family Residential	Residential
West	053116005	1.44	140 Knight Way	NC Neighborhood Commercial	Commercial
West	053116012	3.91	190 Knight Way	NC Neighborhood Commercial	Commercial

Should the zoning remain NC Neighborhood Commercial, some of the uses currently allowed by right include but are not limited to:

Animal services, fitness club, non-emergency medical transport services, professional office, research and testing facilities, Self-storage facilities and general retail less than 16,000 SF.

The Comprehensive Plan and Future Land Use Map designate the subject tract and many of the surrounding parcels as a Neighborhood Center. The Comprehensive Plan states these areas “are primarily located on major thoroughfares and near concentrations of existing or planned residential neighborhoods. Current developments and uses include smaller strip centers, shopping centers with grocery stores, storage facilities, offices, retail establishments, restaurants, and services.”

This future land use category includes small-scale neighborhood supporting retail, office and service uses which preserve the residential character through building scale, building appearance, landscaping and signage. With close proximity to the Downtown Core and adjacent residential developments, the neighborhood centers will include some infill. Mixed-use developments are envisioned to revitalize aging shopping centers and help buffer the quieter residential neighborhoods. New development and redevelopment in these areas should be compact in form, with free-standing commercial structures and/or some vertical mixed-use structures. These areas should include a network of pedestrian-friendly and well-designed streetscapes with a distinctive sense of place.



Request 1: Consider amendment to Comprehensive Plan and Future Land Use Map

The Applicant is requesting the subject tract be rezoned from NC Neighborhood Commercial to R-THC Residential Townhouse and Condominium to allow for a 273-unit multi-family community. Because that use is not consistent with the Comprehensive Plan or the Future Land Use Map designation, the Applicant must first request an amendment to both the Comprehensive Plan and the Future Land Use Map.

Section 104.13.B.2.e. of the Unified Development Ordinance (UDO) states “Where an application to amend the future land use map and an application to amend the zoning map each affect the same property and are scheduled to be heard at the same hearing, the application to amend the future land use map shall be heard first and action authorized by this UDO taken before the application to amend the zoning map is heard and action taken with respect thereto.”

Section 104.13.E. of the UDO establishes criteria for evaluating requests to rezone property and to amend the comprehensive plan and/or future land use map as follows:

2. Amendments to the comprehensive plan and/or future land use map.

The following standards and factors are found to be relevant and shall be used for evaluating applications for amendments to the comprehensive plan and/or future land use map:

- a. Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties;**

The proposed three and four-story buildings would not be considered suitable for the surrounding commercial buildings found along the Hwy 54 East corridor which are mainly single-story structures with a few two-story buildings located sporadically within the corridor. The Comprehensive Plan calls for compact free-standing commercial structures with some vertical mixed-use structures in this area.

b. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties;

The land use change may not negatively affect the adjoining properties, however the proposed three and four-story building heights would adversely affect existing uses and nearby properties. As currently zoned the subject tract could be developed for office, retail or a combination of similar uses which already exist along the Hwy 54 East corridor.

c. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

There is no evidence the proposed development would burden existing schools or infrastructure. As a part of their submittal package the Applicant provided a letter from the Board of Education stating the development would have minimal impact to Spring Hill Elementary, Bennett's Mill Middle and Fayette County High Schools. City of Fayetteville Director of Public Services stated there is enough capacity for water and sewer service to accommodate the development.

d. Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies;

The proposed amendment is not consistent with the vision adopted as a part of the Neighborhood Center land use designation within the Comprehensive Plan, which states:

This future land use category includes small-scale neighborhood supporting retail, office and service uses which preserve the residential character through building scale, building appearance, landscaping and signage. With close proximity to the Downtown Core and adjacent residential developments, the neighborhood centers will include some infill. Mixed-use developments are envisioned to revitalize aging shopping centers and help buffer the quieter residential neighborhoods. New development and redevelopment in these areas should be compact in form, with free-standing commercial structures and/or some vertical mixed-use structures. These areas should include a network of pedestrian-friendly and well-designed streetscapes with a distinctive sense of place.

e. Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near municipal boundary lines;

The proposed three and four-story structures will potentially impact adjoining properties because of the height difference. There are two properties zoned AR -Agricultural Residential located across Hwy 54 East that are in the adjoining Fayette County governmental jurisdiction. Most homes or businesses located near or abutting AR zoned property are free-standing single-story structures.

- f. **Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use.**

Although the subject tract has been vacant for several years, as currently zoned the subject tract could be developed for office, retail or a combination of similar uses which already exist along the Hwy 54 East corridor. Existing conditions support denial of the proposed land use.

- g. **Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change.**

There would be no impact on historic buildings, sites, districts or archaeological resources associated with the change in land use designation.

Staff recommendation: Amendments to Comprehensive Plan and Future Land Use Map

Both the Comprehensive Plan and the associated Future Land Use Map were developed with a significant amount of public involvement as well as input from the Planning and Zoning Commission and City Council. Both of these documents are used as “guides” as we evaluate existing and proposed developments and should be re-evaluated on a regular basis to ensure they are consistent with changes and development patterns within the community.

Staff is of the opinion the request to amend the Comprehensive Plan and Future Land Use Map be forwarded to City Council with an unfavorable recommendation as it does not meet the objectives of the current plan.

Request 2: Consider rezoning of Parcel No. 053116006

Overview

The Applicant desires to rezone the subject parcel from NC Neighborhood Commercial to R-THC Residential Townhouse and Condominium to allow for the development of a 273-unit multi-family community. As proposed, primary access would be provided by new entrances from Weatherly Drive and Knight Way. There will be no direct access to the development from Hwy 54 East.

The community would include five residential buildings and will offer one-, two- and three-bedroom apartments ranging from 720 to 1,375 square feet in size. Proposed amenities include a pool, clubhouse and dog park.

The Applicant submitted a schematic site plan and building elevations with the rezoning request; however, these plans are representative of the Applicant’s intent and vision for the property only and are not being formally reviewed in detail and/or considered as a part of the rezoning request. Should the rezoning be approved, Staff will work with the Applicant to ensure all conditions of approval and those provided by the Planning and Zoning and/or City Council are incorporated into the revised site plan. That plan, along with the schematic building elevations would then be submitted to the Planning and Zoning Commission for formal consideration along with a variance request to permit a building height of sixty feet.

UDO - current zoning

The **NC Neighborhood Commercial** zoning district was established to create a strong emphasis on development and redevelopment of commercial, retail and residential land uses at a higher intensity than historically created in the Downtown Mixed-Use District. The district is intended to provide and protect areas for community shopping and service facilities convenient to residential neighborhoods, to delineate the boundary of the neighborhood commercial and retail districts, and to promote infill development that creates vibrant, pedestrian-friendly streetscapes through a variety of commercial uses.

UDO - proposed zoning

The **R-THC Residential Townhouse and Condominium** zoning district was established for single-family attached and/or detached dwellings on smaller urban-scale lots, and allows for limited, but complementary, civic, institutional, and recreational uses. Developments within these districts typically have a more traditional and denser urban street and block grid in an effort to promote walkability. The R-THC district permits multiple-family dwelling, townhomes and two-family dwellings as permitted uses.

Rezoning criteria

Section 104.13.E. of the UDO establishes criteria for evaluating requests to rezone property and to amend the comprehensive plan and/or future land use map as follows:

1. The following standards are relevant and shall be used in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of zoning power:

a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Although there are other multi-family developments located near the subject property, they do not front Hwy 54 East. Structures located along the Hwy 54 East corridor are mainly single-story with a few two-story buildings located sporadically within the corridor. The Comprehensive Plan calls for compact free-standing commercial structures with some vertical mixed-use structures in this area. Rezoning the property to allow multi-family community with three and four-story structures would not permit a use suitable to adjacent and nearby properties.

b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

The proposed rezoning would negatively affect the existing or nearby properties as all of the surrounding properties fronting Hwy 54 East are currently zoned NC Neighborhood Commercial.

c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The subject tract has a reasonable economic use as currently zoned. It could be developed for office, retail or a combination of similar uses which already exist along the Hwy 54 East corridor.

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

There is no evidence the proposed development would burden existing schools or infrastructure. The Applicant provided letters from the Board of Education stating the development would have minimal impact to Fayetteville Elementary, Bennett's Mill Middle and Fayette County High Schools. City of Fayetteville Director of Public Services stated there is enough capacity for water and sewer service to accommodate the development.

e. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

The proposed zoning is not in conformity with the policy and intent of the Comprehensive Plan, which states:

This future land use category includes small-scale neighborhood supporting retail, office and service uses which preserve the residential character through building scale, building appearance, landscaping and signage. With close proximity to the Downtown Core and adjacent residential developments, the neighborhood centers will include some infill. Mixed-use developments are envisioned to revitalize aging shopping centers and help buffer the quieter residential neighborhoods. New development and redevelopment in these areas should be compact in form, with free-standing commercial structures and/or some vertical mixed-use structures. These areas should include a network of pedestrian-friendly and well-designed streetscapes with a distinctive sense of place.

The **NC Neighborhood Commercial** zoning district is intended to provide and protect areas for community shopping and service facilities convenient to residential neighborhoods, to delineate the boundary of the neighborhood commercial and retail districts, and to promote infill development that creates vibrant, pedestrian-friendly streetscapes through a variety of commercial uses.

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.

Although the subject tract has been vacant for several years, as currently zoned the subject tract could be developed for office, retail or a combination of similar uses which already exist along the Hwy 54 East corridor. Existing conditions support denial of the rezoning request.

Staff recommendation: Request to rezone the subject parcels from NC to R-THC

Staff is of the opinion the subject tract has a reasonable economic use as currently zoned and does not meet the review criteria established within Sec. 104.13.E.1. of the UDO. Therefore, Staff recommends the rezoning request not be approved and forwarded to City Council with an unfavorable recommendation.



December 15, 2023

City of Fayetteville
Department of Planning & Development
210 Stonewall Avenue West
Fayetteville, GA 30214

Letter of Intent for Rezoning

Please let this document serve as the letter of intent for the Rezoning of parcel # 053116006 located approximately 1 mile east of Downtown along Highway 54 and bound by Weatherly Drive and Knight Way. The applicant requests rezoning from NC to RTHC for the development of a multifamily project totaling 272 residences. The subject site totals approximately 12.27 acres. The proposed project will consist of five residential buildings, a clubhouse for amenity space and a leasing office, outside amenity spaces, stormwater and utility infrastructure. Four of the residential buildings will be 4-story containing more urban characteristics such as elevators and closed corridors. The proposed project will contain two access points into the property including Weatherly Drive and Knight Way with no immediate access to Hwy 54. The project will be constructed in one phase and our intention is to commence mid-2024. Overall construction duration is anticipated to be 24 months.

Crescent views this currently vacant parcel as a unique opportunity to establish the eastern "Gateway" into Downtown Fayetteville. As such, the applicant would like to create a public park amenity at the corner of Weatherly Drive and Hwy 54. Totalling approximately 1/3 of an acre, this public amenity would be designed and constructed by applicant and intended to include enhanced landscaping and seating opportunities to not only serve as an elevated visual connection into Downtown but also facilitate and promote pedestrian transportation from the eastern neighborhoods into Downtown. We would also like to propose establishing enhanced "Welcome to Historic Fayetteville" signage further emphasizing the arrival into the Downtown district.

Crescent Communities is pleased to continue our track record of developing best-in-class communities and Bettering People's Lives. The City of Fayetteville is a highly desirable community to live / work / play with an exciting trajectory of growth. We are thrilled to invest in the creation of high-quality diversified housing options for the existing and future residents of Fayetteville and to serve as a catalyst for future investment in the eastern corridor.

Please contact me at (404)239-7262 or eliebendorfer@crescentcommunities.com should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Eric Liebendorfer". The signature is fluid and cursive, written in a professional style.

Eric Liebendorfer
Director of Development
Crescent Communities

CITY OF FAYETTEVILLE
PROPERTY OWNERS REPRESENTATIVE AUTHORIZATION FORM

PROPERTY OWNER INFORMATION	
Project Name	Render Fayetteville
Project Address	E Highway 54 (Bound by Weatherly Drive and Knight Way)
Project Parcel Numbers	053116006
Date	12/22/23

PROPERTY OWNER INFORMATION (OWNER #1)	
Name	54 Development, Inc. (Chris Knight)
Mailing Address	1481 Hwy 85 Conn., Brooks, GA 30205
Telephone	(770)616-9969
Email	chris@templar-dev.com
Type of Request	<input checked="" type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Conditional Use <input checked="" type="checkbox"/> Future Land Use Map (Check all that apply)

_____ (sign name) I affirm that I am the owner of the tract or parcels of land identified above under the project information section and I will serve as the primary contact for this application.

OR

I hereby designate Eric Liebendorfer (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application. If this relationship changes at any time prior to the completion of this project, it is my sole responsibility to notify the City of Fayetteville Community Development Department of said change in writing

PROPERTY OWNER INFORMATION (OWNER #2)	
Name	
Mailing Address	
Telephone	
Email	
Type of Request	<input type="checkbox"/> Rezoning <input type="checkbox"/> Variance <input type="checkbox"/> Conditional Use <input type="checkbox"/> Future Land Use Map (Check all that apply)

PROPERTY OWNERS REPRESENTATIVE AUTHORIZATION

_____ (sign name) I affirm that I am the owner of the tract or parcels of land identified above under the project information section and I will serve as the primary contact for this application.

OR

I hereby designate _____ (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application. If this relationship changes at any time prior to the completion of this project, it is my sole responsibility to notify the City of Fayetteville Community Development Department of said change in writing

CITY OF FAYETTEVILLE
PART 2: LAND USE AMENDMENT APPLICATION AND AUTHORIZATION FORM

SITE INFORMATION			
Project Name	Render Fayetteville	Project Address	E Highway 54
Parcel ID	053116006	Property Size	12.27
Date	12/22/23		
Type of Request (Check all that apply)	<input checked="" type="checkbox"/> Zoning Amendment <input type="checkbox"/> Conditional Use	<input checked="" type="checkbox"/> Future Land Use Amendment <input checked="" type="checkbox"/> Variance	
REQUEST OVERVIEW			
Zoning Amendment Request (If Applicable)			
Impact Form A (Required)			
Existing Zoning	NC	Proposed Zoning	R-THC
Future Land Use Amendment Request (If Applicable)			
Impact Form B (Required)			
Existing Land Use	Neighborhood Center	Proposed Land Use	Mixed Residential
Conditional Use Request (If Applicable)			
Impact Form C (Required)			
Current Zoning		Type of Use Request	
Variance Request(S) (If Applicable)			
Impact Form D (Required)			
Request 1	Request to change Max. height (ft.) to 60 fr. to allow for 3-story and 4-story buildings		
Article/Section	202.20 - Chart, R-THC Max. height (ft.)		
Request 2			
Article/Section	<i>Use additional sheets if necessary</i>		
Request 3			
Article/Section			
OTHER INFORMATION			
Are there Existing Deed Restrictions or Easements?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Are utilities available on site:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Existing Land Use: check all that apply	<input type="checkbox"/> Residential <input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Vacant/Undeveloped	<input type="checkbox"/> Mixed Use <input type="checkbox"/> Agricultural/Parks/Conservation <input type="checkbox"/> Public/Institutional
Proposed Land Use: check all that apply	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial <input type="checkbox"/> Vacant/Undeveloped	<input type="checkbox"/> Mixed Use <input type="checkbox"/> Agricultural/Parks/Conservation <input type="checkbox"/> Public/Institutional

PART 3: IMPACT ANALYSIS REVIEW

IMPACT FORM - B	
Analyze the impact of the proposed amendments to the comprehensive plan and/or future land use map and answer the following questions:	
1. Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties;	
The proposed land use change would allow for uses that are suitable and complementary to the use and development of adjacent / nearby properties. The proposed development would be complimentary to the surrounding properties which are commercial and residential uses.	
2. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties;	
The proposed land use change would not adversely affect the existing use or future usability of adjacent properties. The proposed plan would be benefit neighboring commercial properties and the land use change would actually reduce impacts to commercial such as traffic.	
3. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;	
The proposed land use change would not result in excessive or burdensome use of existing infrastructure. Water / Sewer / Electricity is already adjacent to the site and traffic impacts would be less than the current by-right uses. The Board of Education has also provided a support / capacity letter.	
4. Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies;	
The proposed amendment is consistent.	
5. Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near municipal boundary lines;	
There will be no impacts on property or properties in any adjoining jurisdiction.	
6. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change; and	
There are no other existing or changing conditions affecting the subject land.	
7. Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change.	
There will be no impact on historic buildings, sites, districts or archaeological resources from this change.	



FAYETTEVILLE

NO LIMITS ON IMAGINATION

FAYETTEVILLE CITY HALL
210 Stonewall Avenue West
Fayetteville, Georgia 30214
770-461-6029 Telephone
770-460-4238 Facsimile
www.Fayetteville-GA.gov

REZONING APPLICATION

FOR PLANNING & ZONING DEPT. USE ONLY	
File number: _____	Legal ad (send to paper): _____
Application fee: _____	Legal ad (published): _____
0-20 acres \$900.00 + \$25 per acre	Post property: _____
20+ acres: \$900 + \$15 per acre	P&Z meeting: _____
Date Paid: _____	City Council meeting: _____
Complete application received: _____	(Official Date Stamp)

Project name: Render Fayetteville

Project address: E Highway 54 (Bound by Weatherly Drive and Knight Way)

Parcel Number(s): 053116006

Description of project: Best-in-class multifamily development consisting of 273 units

Applicant Name: Crescent Acquisitions, LLC (Eric Liebendorfer)

E-Mail Address: eliebendorfer@crescentcommunities.com

Mailing address: 3340 Peachtree Road NE, Suite 2500, Atlanta, GA 30326

Applicant phone number: (703)629-8102

Eric Liebendorfer affirms that he is/she is/they are the owners/specifically authorized agent of the subject property legally described as follows:

Parcel #053116006 located on E Highway 54 (Bound by Weatherly Drive and Knight Way)

Said property is located in the NC zoning district. I respectfully petition the Planning and Zoning Commission and Mayor and City Council to rezone this property from its present zoning classifications(s) to R-THC.

Applicant signature:  Date: 12-18-23

REZONING CHECKLIST

Return this CHECKLIST with submittal. Incomplete submittals will not be reviewed.

- Rezoning application**
- Application fee**
- Letter of Intent**
 - Narrative describing nature & scope of project.
- Utility availability letters:**
 - *Letter of capability & commitment to serve water.*
 - *Letter of capability & commitment to serve sewer.*
- Board of Education Letter** – If request includes residential component.
- Conceptual site plan:**
 - *Vicinity map showing project location, north arrow, graphic scale & date.*
 - *General location of existing Floodplain*
 - *Topographic information (GIS, field run or LIDAR is acceptable).*
 - *Proposed building locations.*
 - *Proposed access to existing roads, circulation routes, parking spaces layout and dimensions.*
 - *Proposed setbacks, buffers, open space areas.*
 - *General location of Storm Water Management areas.*
 - *Locations of wetlands and streams as delineated by environmental scientist.*
- Boundary survey:**
 - *Must be prepared by a Registered Land Surveyor in the State of Georgia and completed within five (5) years of submittal date.*
- Schematic building elevations/images of proposed development**
 - *Schematic full-color representative examples of proposed buildings showing detail all four (4) sides of proposed buildings (photos are acceptable).*

The City shall have five (5) business days in order to check applications for completeness.

Applications will not be considered complete until all items have been provided. Incomplete applications will NOT be placed on the Planning and Zoning Commission agenda and will be returned to the applicant.

All items shall be reviewed and approved by Staff and must comply with current City Ordinances.

PART 3: IMPACT ANALYSIS REVIEW

IMPACT FORM - A	
Analyze the impact of the proposed REZONING and answer the following questions:	
1.	Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
<i>The proposed zoning would allow for a use that is suitable and complementary to the use of adjacent and nearby properties.</i>	
2.	Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
<i>The proposed zoning will not adversely affect existing use or usability of adjacent properties. Support of the rezoning would positively impact neighboring properties through improved public spaces and the addition of potential customers for nearby commercial properties should help incentivize further investment.</i>	
3.	Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
<i>The property is current vacant and undeveloped providing no economic use. Under current zoning, commercial uses could be developed but the site location, characteristics and market conditions make this economically unviable.</i>	
4.	Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
<i>The proposed zoning would not result in excessive or burdensome use of existing infrastructure. Water / Sewer / Electricity is already adjacent to the site and traffic impacts would be less than the current by-right uses. The Board of Education has also provided a support / capacity letter.</i>	
5.	Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan; and
<i>The proposed zoning is consistent.</i>	
6.	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.
<i>There are no other existing or changing conditions affecting the subject property.</i>	

SURVEY ORDERED BY:
SCOTT KNIGHT
404-557-5726

FLOOD NOTES

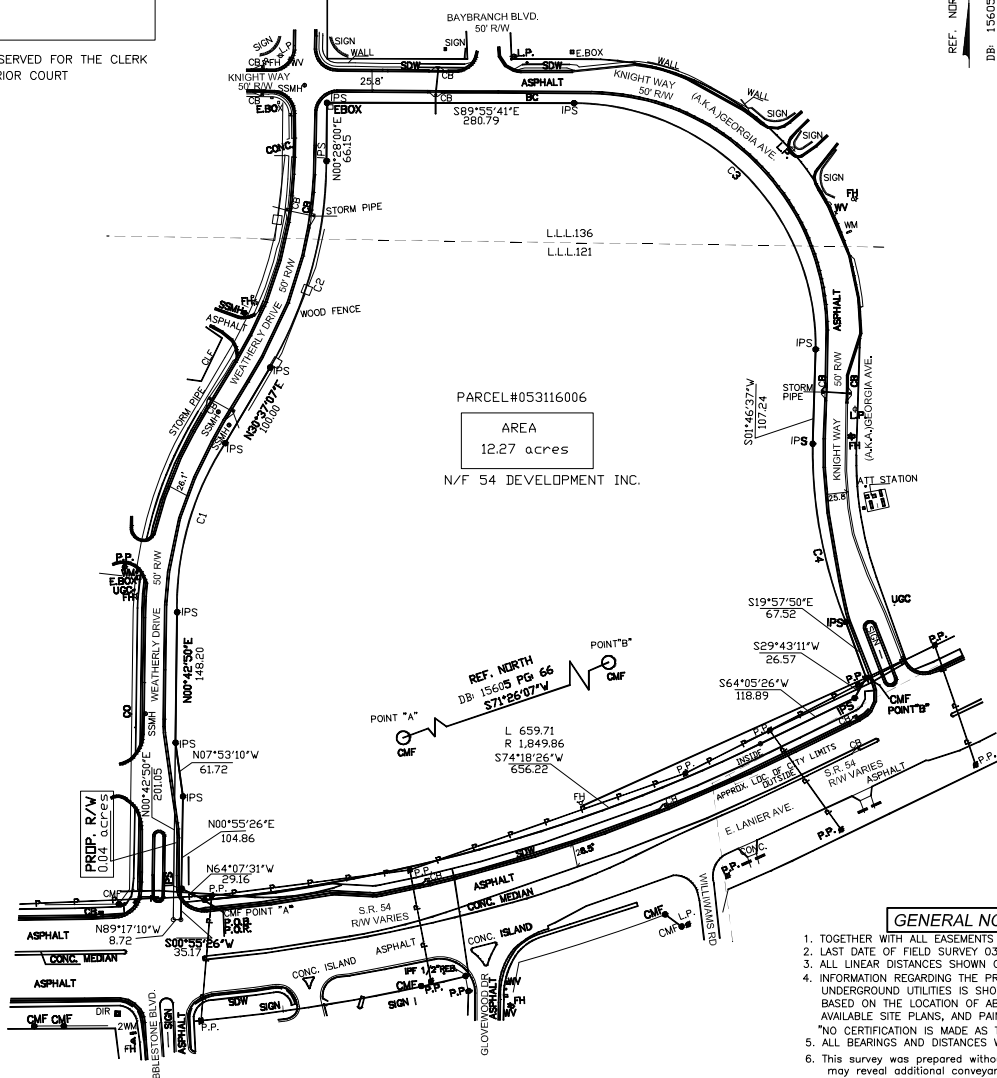
BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY FEMA, IT IS MY OPINION THAT THE PROPERTY SHOWN HEREON OUTSIDE THE 100-YEAR FLOOD HAZARD AREA.
PARCEL# 13113C0108E DATED 09/26/2008

CURVE	LENGTH	RADIUS	CHORD	CHORD DIRECTION
C1	202.73	338.08	199.73	N13°54'02"E
C2	246.06	463.57	243.18	N15°15'37"E
C3	436.30	275.33	392.06	S44°27'18"E
C4	207.21	530.43	205.90	S10°33'25"E

LEGENDS OF SYMBOLS

- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- GM GAS MARKER/GAS METER
- O.T.P. OPEN TOP PIPE
- O.I.P.F. IRON PIN FOUND
- S/G CURB AND GUTTER
- R.O.W. RIGHT-OF-WAY
- P/L PROPERTY LINE
- N/W CURB LINE
- LL.L. LAND LOT LINE
- CMF CONCRETE MONUMENT FOUND
- P.O.L. POINT ON LINE
- B.O.C. BACK OF CURB
- F.N.C. FENCE CORNER
- E.P. EDGE OF PAVEMENT
- P.C. PROPERTY CORNER
- L.P. LIGHT POLE
- W.P. WATER METER
- W.M. WATER METER
- W.L. WATERLINE
- W.S. SANITARY SEWER LINE
- U.P. UNDERGROUND POWERLINE
- U.F.O. UNDERGROUND FIBER OPTICS
- G. GASLINE
- L. LANDSCAPING
- PKS (F) PK NAIL SET (FOUND)
- EX-MH EXISTING SANITARY SEWER MANHOLE
- SMH SANITARY SEWER MANHOLE
- S.S.E. SANITARY EASEMENT
- C/O CLEAN-OUT
- F.D.C. FIRE DEPARTMENT CONNECTOR
- C.L.F. CHAIN LINK FENCE
- D.E. DRAINAGE EASEMENT
- R.R.E. RAIL ROAD EASEMENT
- H. HEIGHT
- U.E. UNDERGROUND ELECTRIC
- AC AIRCONDITION UNITS

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT



PARCEL#053116006
AREA
12.27 acres
N/F 54 DEVELOPMENT INC.

GENERAL NOTES

- TOGETHER WITH ALL EASEMENTS RECORDED OR UNRECORDED.
 - LAST DATE OF FIELD SURVEY 03/03/2021.
 - ALL LINEAR DISTANCES SHOWN ON PLAT SHALL BE HORIZONTAL.
 - INFORMATION REGARDING THE PRESENCE, SIZE, AND LOCATION OF UNDERGROUND UTILITIES IS SHOWN HEREON. THE INFORMATION IS BASED ON THE LOCATION OF ABOVE GROUND APPEARANCES, AVAILABLE SITE PLANS, AND PAINT PLACED BY UNDERGROUND SERVICES. "NO CERTIFICATION IS MADE AS TO THE ACCURACY"
 - ALL BEARINGS AND DISTANCES WERE MEASURED AND USED.
 - This survey was prepared without benefit of a title report which may reveal additional conveyances, easements or rights-of-way not shown hereon.
- ** PURSUANT TO RULE 180-6.09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE TERM "CERTIFY" OR "CERTIFICATION" MEANS TO DECLARE A PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 65,381 FEET, AND AN ANGULAR ERROR OF 02" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 41,152 FEET.
EQUIPMENT USED GTS 220
ROBOTIC GEOMAX ZOOM 90

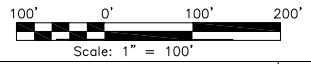
This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Angel M. Marrero



A'NGEL M. MARRERO P.L.S. #2642
Certified Design Professional # 4479

03/10/2021



REV.	DESCRIPTION	DATE
1	SOUTH SIDE SURVEYING & PLANNING LSF000831	#205F CORPORATE CENTER DR., STUCKBRIDGE, GA 30281 Phone: (770) 320-8009 Fax: (770) 320-8098
RETRACEMENT SURVEY FOR: 54 DEVELOPMENT, INC. CITY OF FAYETTEVILLE		
Land LotS 121,136 5TH Dist. FAYETTE County, GA		
Drawn By: AMM JR.	Scale: 1"=100'	
Dwg No: 2-210237	Date: 03/10/2021	

JURISDICTION: FAYETTEVILLE, GEORGIA
LAND LOT: 121 & 136 | DISTRICT: 5
PARCEL ID#: 053116006

CURRENT SITE DATA

TOTAL ACREAGE	12.27 AC
CURRENT ZONING	NC NEIGHBORHOOD COMMERCIAL
CURRENT FUTURE LAND USE	NEIGHBORHOOD CENTER
PROPOSED ZONING	R-THC RESIDENTIAL TOWNHOUSE CONDOMINIUM
PROPOSED FUTURE LAND USE	MIXED RESIDENTIAL

R-THC ZONING SUMMARY

TOTAL ACREAGE	12.27
NET ACREAGE	12.27
TOTAL UNITS	273
CROSS DENSITY	22.2 UNITS PER AC
NET DENSITY	22.2 UNITS PER AC

LOT AREA & BUILDING PLACEMENT

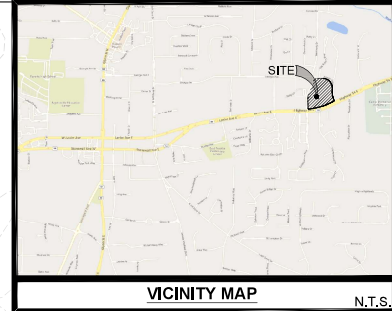
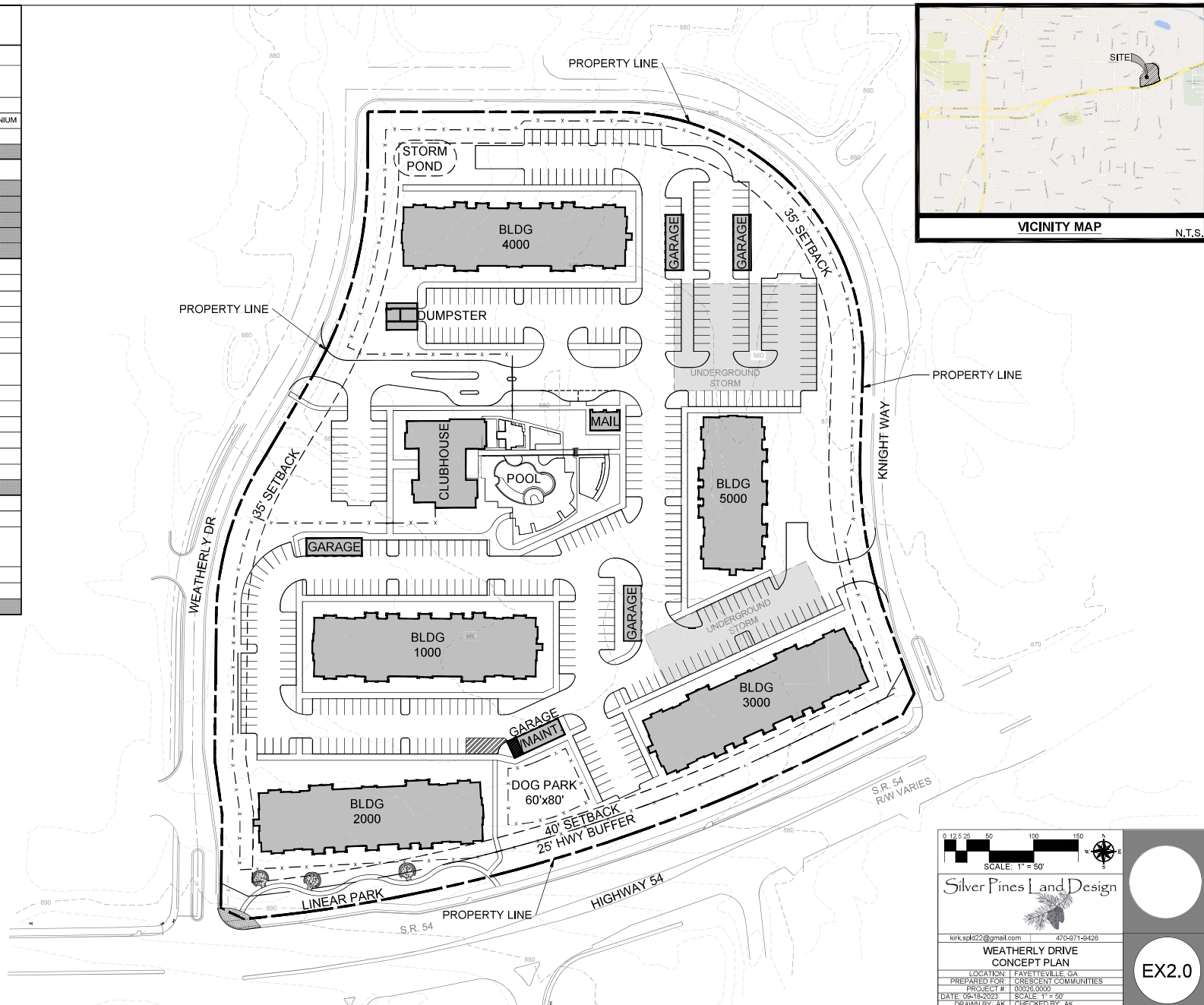
	REQUIRED	PROVIDED
MIN. LOT AREA (SF)	217,600	534,481
MIN. AREA (SF) PER DWELLING	5,445	N/A
MIN. LOT WIDTH (FT)	80	N/A
FRONT YARD SETBACK - MAJOR STREET (FT)	40	45
FRONT YARD SETBACK - COLLECTOR STREET (FT)	35	40
FRONT YARD SETBACK - MINOR STREET (FT)	30	N/A
MIN. SIDE YARD SETBACK (FT)	20	N/A
MIN. REAR YARD SETBACK (FT)	30	N/A
MAX. IMPERVIOUS SURFACE (%)	75%	59%
MIN. FRONT GARAGE SETBACK (FT)	20 FROM FRONT PL	N/A
MIN. GREENSPACE AREA (SF)	40%	41%
MAX. PARKING SPACES	1.5 PER BED	1.0 PER BED

BUILDINGS

	REQUIRED	PROVIDED
MIN. FLOOR AREA (SF)	1200	720 (1 BDR)
(ASSISTED LIVING)	200	1,044 (2 BDR)
		1,376 (3 BDR)
MAX. HEIGHT (FT)	35	56
MAX. UNITS PER ACRE	NONE	22.2

CONTACT INFORMATION

PROPERTY OWNER	NAME	54 DEVELOPMENT INC.
	PHONE	770-616-9999
	EMAIL	chris@templar-dev.com
DEVELOPER (CRESCENT COMMUNITIES)	NAME	ERIC LIEBENDORFER
	PHONE	404-239-7262
	EMAIL	ELiebendorfer@crescentcommunities.com



0 12.5 25 50 100 150
 SCALE: 1" = 50'

Silver Pines Land Design

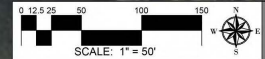
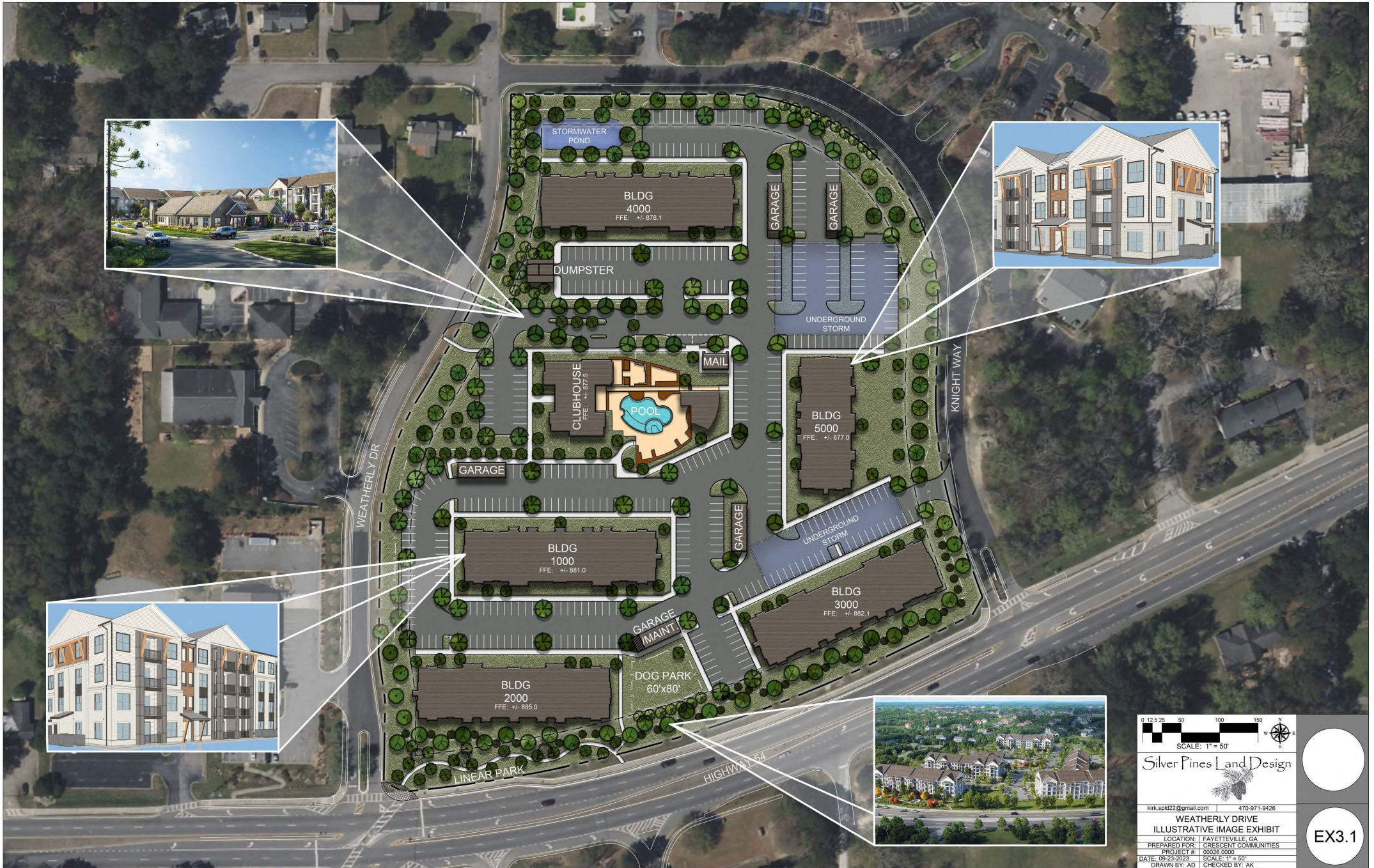
krk.spld2@gmail.com | 470-971-9425

**WEATHERLY DRIVE
 CONCEPT PLAN**

LOCATION: FAYETTEVILLE, GA
 PREPARED FOR: CRESCENT COMMUNITIES
 PROJECT #: 00326-0000
 DATE: 06-18-2023 SCALE: 1" = 50'
 DRAWN BY: AK | CHECKED BY: AK



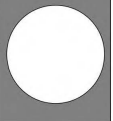
EX2.0



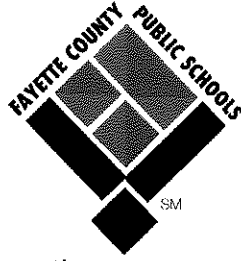
Silver Pines Land Design

kirk.spltd2@gmail.com | 470-971-9426

WEATHERLY DRIVE
ILLUSTRATIVE IMAGE EXHIBIT
 LOCATION: FAYETTEVILLE, GA
 PREPARED FOR: CRESCENT COMMUNITIES
 PROJECT #: 00026 0000
 DATE: 09-23-2023 SCALE: 1" = 50'
 DRAWN BY: AD CHECKED BY: AK



EX3.1



Where Excellence and Creativity Merge

Superintendent

Jonathan S. Patterson, Ph.D.

Board of Education:

Roy Rabold, Chairman
Scott Hollowell, Vice-Chairman
Brian Anderson
Dr. Regina Daigre
Randy Hough

July 20, 2023

RE: 12.5 acres
Weatherly Drive
Fayetteville, GA

Dear Mr. Eric Liebendorfer,

Per your request, the Fayette County School System has reviewed your request to rezone 12.5 acres in the city of Fayetteville to construct 250-300 multi-family apartments. We have confirmed that this property is in the Spring Hill Elementary School, Bennett's Mill Middle School, and Fayette County High School attendance zone. Based upon historical data of similar projects, we feel that your project would produce approximately 125-150 new students in this attendance area and would have minimal impact to Spring Hill Elementary School, Bennett's Mill Middle School, and Fayette County High School. If you have any questions or need additional information, please do not hesitate to contact our office.

Sincerely,

Mike Satterfield
Director of Facilities Services
Fayette County School System

Cc: Steve Cole
Tom Gray
Adam Kirk



205 LaFayette Avenue
Fayetteville, GA 30214



770-460-3535



www.fcboe.org

Parcel Id# 053116006

Written Description

All that tract or parcel of land lying and being in Land Lots 121 & 136 of the 5th District of Fayette County, Georgia and being more particularly described as follows:

Commencing at the existing intersection of the Northerly R/W of Ga.SR54 (R/W varies) and the Easterly R/W of Weatherly Drive (50' R/W and Miter), this point being **THE POINT OF BEGINNING (P.O.B)**.

FROM THE POINT OF BEGINNING (P.O.B).

Thence N 64°07'31"W a distance of 29.16' to an (IPS) ½" rebar; Thence N 00°55'26" E a distance of 104.86' to an (IPS) 1/2" rebar; Thence N 07°53'10" W a distance of 61.72' to a (IPS) ½" rebar; Thence N 00°42'50"E a distance of 148.20' to an (IPS) ½" rebar; Thence around a curve to the right having a radius of 338.08' a length of 202.75' a chord bearing of N 15°54'02" E a distance of 199.73' to an (IPS) 1/2" rebar; Thence N 30°37'07" E a distance of 100.00' to a (IPS) ½" rebar; Thence around a curve to the left having a radius of 463.57' a length of 246.06' a chord bearing of N 15°15'57" E a distance of 243.18' to an (IPS) 1/2" rebar; Thence N 00°28'00"E a distance of 66.15' to an (IPS) ½" rebar on the Southerly R/W of Knight Way (50' R/W); Thence S 89°55'41" E a distance of 280.79' to an (IPS) ½" rebar Thence around a curve to the right having a radius of 275.33' a length of 436.30' a chord bearing of S 44°27'18" E a distance of 392.06' to an (IPS) 1/2" rebar; Thence S 01°46'37" W a distance of 107.24' to a (IPS) ½" rebar; Thence around a curve to the left having a radius of 530.43' a length of 207.21' a chord bearing of S 10°33'25" E a distance of 205.90' to an (IPS) 1/2" rebar; Thence S 19°57'50"E a distance of 67.52' to a (CMF) concrete monument found; Thence S 29°43'11" W a distance of 26.57' to an (IPS) ½" rebar; Thence S 64°05'26" W a distance of 118.86' to a point; Thence around a curve to the right having a radius of 1,849.86' a length of 659.71' a chord bearing of S 74°18'26" W a distance of 656.22' to a (CMF) concrete monument found, this point being **THE POINT OF BEGINNING (P.O.B.)**.

Said property contains 12.27 acres.

Also granted all easements recorded or unrecorded.

MAYOR
Edward J. Johnson, Jr.
CITY MANAGER
Ray Gibson
CITY CLERK
Valerie Glass



FAYETTEVILLE
NO LIMITS ON IMAGINATION

COUNCIL
Niyah Glover,
Mayor Pro Tem
Richard J. Hoffman
Darryl Langford
Scott Stacy
Joe Clark

6-26-2023

Eric Liebendorfer
Crescent Communities
3340 Peachtree Road, NE, Suite 1560
Atlanta, GA 30326

Re: Water and Sewer availability

The property located in Land Lots 121 and 136 in the 5th District of Fayette County, in the Fayetteville City limits, located at parcel 05-31-16-006 as shown in the Fayette County Tax database, will be furnished with enough capacity for water and sewer service to provide for the needs required as requested for the proposed development. The owner or developer will be responsible for any additions or changes that will be made to the City's water and sanitary sewer systems.

The owner/developer is responsible for providing all engineering details to accomplish this tie-in to the City's water and sanitary sewer system. All work done shall comply with the City's Developmental Standards.

If you have any questions feel free to call me at (770) 460-4664.

Thank you,
Chris Hindman
Chris Hindman
Director of Public Services



FAYETTEVILLE

NO LIMITS ON IMAGINATION

FAYETTEVILLE CITY HALL
210 Stonewall Avenue West
Fayetteville, Georgia 30214
770-461-6029 Telephone
770-460-4238 Facsimile
www.Fayetteville-GA.gov

TO: Planning and Zoning Commission

FROM: David Rast, Director of Community and Economic Development

DATE: February 16, 2024 **(REVISED)**

SUBJECT: Consider request from Rochester | DCCM as they relate to the property located at the northwest quadrant of the Highway 54 West/Gingercake Road intersection (Parcel Nos. 0522 003, 0522 033, and 0522 048).

In order to develop the property as proposed, the Applicant is requesting:

- to amend the Future Land Use Map from Neighborhood Center to Neighborhood Residential 2
- to rezone the property from Neighborhood Commercial to Residential Multi-family (RMF-15).

Introduction

This item was initially presented at the December 19, 2023 Planning and Zoning Commission, at which time there was a motion and unanimous vote to forward the request to amend the Future Land Use Map to City Council with a recommendation that it not be approved. Because of this recommendation, Staff felt the remainder of the requests could not move forward and there was no further discussion.

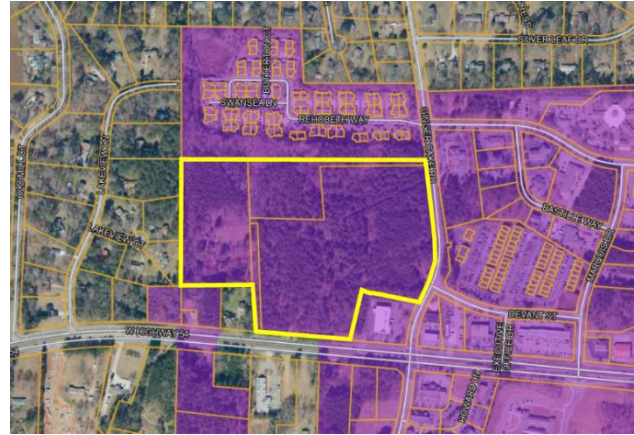
Following that meeting the City Attorney contacted Staff and said, in his opinion, the Planning and Zoning Commission as a recommending body should have considered each request separately before forwarding motions to City Council.

Since the initial meeting the Applicant submitted a revised application and site plan, to include a reduction in the total number of units, to eliminate the variance requests, and to request a zoning designation of RMF-15 (Residential Multi-family) as opposed to R-THC (Residential Townhouse Condominium).

Project overview

NexMetro Communities, LLC assembled five parcels of land (+/-30 acres) within the northwest quadrant of the HWY 54/ Gingercake RD intersection with the desire to develop a gated, 254-unit horizontal multi-family community consisting of one-, two- and three-bedroom cottage homes.

The property is currently zoned NC Neighborhood Commercial and designated as Neighborhood Center within the 2022 Comprehensive Plan Update and the associated Future Land Use Map. In order for the project to move forward, the Applicant is requesting an amendment to the Comprehensive Plan and the Future Land Use Map. Should that request be approved, the Applicant is requesting the property be rezoned to allow for residential purposes.



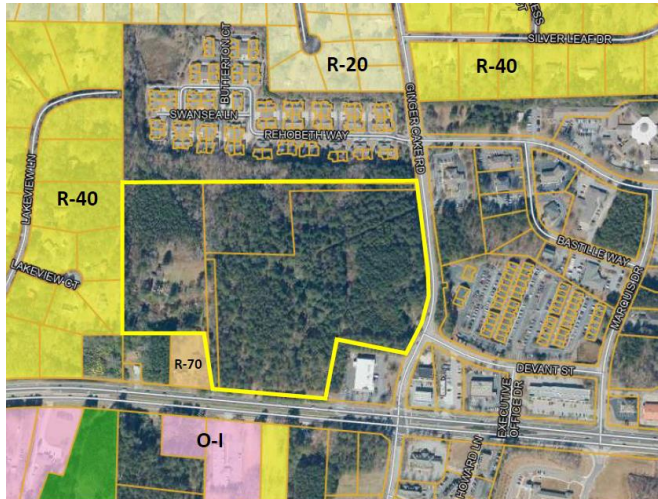
Existing conditions

The following table identifies the current zoning, land use designation and current use of the subject tracts.

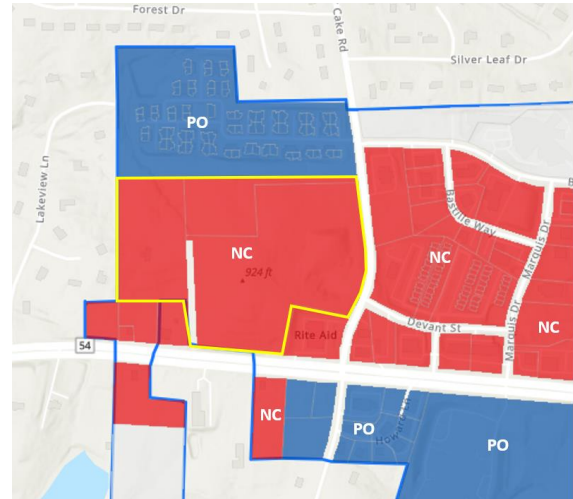
	Tract 1	Tract 2	Tract 3A	Tract 3B	Tract 3C
Parcel Number	0522 003	0522 048	0522 033		
Acreage	3.896	18.493	3.202	4.037	0.392
Zoning	NC Neighborhood Commercial				
Future Land Use	Neighborhood Center				
Current use	Residential	Undeveloped			
Utilities	Water and sewer				

Existing zoning

The subject properties abut the Villas at Gingercake to the north, Gingercake Road to the east, Highway 54 to the south, and the Lakeview Estates subdivision (unincorporated Fayette County) to the west.



Zoning - unincorporated Fayette County



Zoning - City of Fayetteville

Direction	Parcel Number	Acreage	Address	Zoning	Current use
North	0522 035	17.02	Gingercake RD	PO Professional Office*	Residential
East	052209004	2.75	131 Gingercake RD	NC Neighborhood Commercial	Commercial
East	052219012	7.61	Devant ST	NC Neoghborhood Commercial	Office
East	0522 045	0.68	973 HWY 54 W	NC Neighborhood Commercial	Commercial
East	0522 059	1.35	975 HWY 54 W	NC Neighborhood Commercial	Commercial
South	052218010	1.10	100 Burch RD	PO Professional Office	Office
South	0522 009	2.40	998 HWY 54 W	NC Neighborhood Commercial	Undeveloped
South (FC)	0522 040	6.90	1000 HWY 54 W	R-40 Single-family Residential	Institutional
South (FC)	0522 007	3.09	1008 HWY 54 W	O-I Office Institutional	Commercial
South	0522 002	1.10	1019 HWY 54 W	R-70 Single-family Residential	Residential
South	0522 032	1.00	1027 HWY 54 W	NC Neighborhood Commercial	Residential
West (FC)	0520101014	0.86	125 Lakeview CT	R-40 Single-family Residential	Residential
West (FC)	052101013	1.18	120 Lakeview CT	R-40 Single-family Residential	Residential
West (FC)	052101011	2.23	135 Lakeview CT	R-40 Single-family Residential	Residential

* The Villas at Gingercake development was permitted under the former MO Medical Office zoning district in accordance with Sec. 94-164(b)(19):

(19) Single-family, two-family and multi-family dwelling units for older persons may be allowed by special exception only. A special exception application requesting a permit for a single-family, two-family or a multi-family dwelling unit(s) for older persons may only be granted if such development complies with 42 U.S.C.A. § 3607(b)(1)(B) or 42 U.S.C.A. § 3607(b)(1)(C), as the same may be amended or modified from time to time, and the regulations applicable thereto, however; a proposed development's compliance with 42 U.S.C.A. § 3607(b)(1)(B) or 42 U.S.C.A. § 3607(b)(1)(C) does not give rise to any right to develop a multi-family residential facility for older persons on property zoned Medical/office.

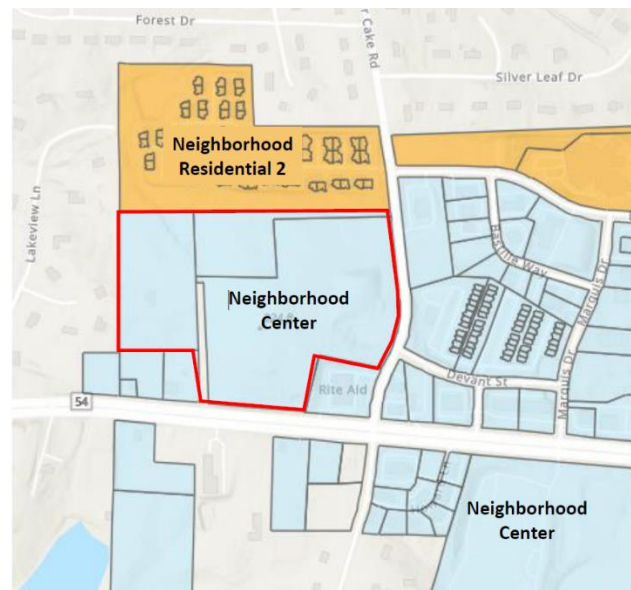
As a part of the pending 2024 update to the Future Land Use Map and Official Zoning Map, Staff will be proposing a city-initiated change to both the existing land use and zoning designations of these parcels to a more compatible district.

Existing land use

The Comprehensive Plan and Future Land Use Map designate the subject parcels as Neighborhood Center, which “are primarily located on major thoroughfares and near concentrations of existing or planned residential neighborhoods. Current developments and uses include smaller strip centers, shopping centers with grocery stores, storage facilities, offices, retail establishments, restaurants, and services.”

The Comprehensive Plan states:

This future land use category includes small-scale neighborhood supporting retail, office and service uses which preserve the residential character through building scale, building appearance, landscaping and signage. With close proximity to the Downtown Core and adjacent residential developments, the neighborhood centers will include some infill. Mixed-use developments are envisioned to revitalize aging shopping centers and help buffer the quieter residential neighborhoods. New development and redevelopment in these areas should be compact in form, with free-standing commercial structures and/or some vertical mixed-use structures. These areas should include a network of pedestrian-friendly and well-designed streetscapes with a distinctive sense of place.



Request 1: Consider amendment to Comprehensive Plan and Future Land Use Map

The Applicant is seeking to rezone the subject parcels from NC Neighborhood Commercial to RMF-15 Residential Multi-family to allow for a 254-unit horizontal multi-family development. Because the intended use and zoning are not compatible with the recommendations within the Comprehensive Plan or the Future Land Use Map designation, the Applicant must first request an amendment to both the Comprehensive Plan and the Future Land Use Map.

Section 104.13.B.2.e. of the Unified Development Ordinance (UDO) states *“Where an application to amend the future land use map and an application to amend the zoning map each affect the same property and are scheduled to be heard at the same hearing, the application to amend the future land use map shall be heard first and action authorized by this UDO taken before the application to amend the zoning map is heard and action taken with respect thereto.”*

Section 104.13.E. of the UDO establishes criteria for evaluating requests to rezone property and to amend the comprehensive plan and/or future land use map as follows:

2. Amendments to the comprehensive plan and/or future land use map.

The following standards and factors are found to be relevant and shall be used for evaluating applications for amendments to the comprehensive plan and/or future land use map:

a. Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties;

The subject parcels adjoin the Villas at Gingercake residential development to the north which is designated as **Neighborhood Residential 2** within the Comprehensive Plan and on the Future Land Use Map. The 17.02-acre tract includes a total of 68-units with a density of 4 units per acre.

The subject parcels adjoin three lots within the Lakeview Estates subdivision (unincorporated Fayette County) to the west, which is designated as Low Density Residential (1 unit/1 acre) on the Fayette County Land Use Map. These lots range in size from 1 to 2.2-acres.

The site plan as proposed identifies 254 residential units on the combined 30-acre tract which equates to a density of 8.5 units per acre.

b. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties;

The land use change as proposed would allow a residential use to abut existing residential uses within the city and within unincorporated Fayette County. However, the rezoning as proposed would allow for a more intensive use than the existing residential developments to the north and west.

It should be noted the current NC Neighborhood Commercial zoning would allow a variety of office, retail or a combination of similar uses which may or may not negatively impact the adjoining residential properties.

- c. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;**

There is no evidence the proposed development would burden existing schools or infrastructure. The Applicant provided letters from the Board of Education stating the development would have minimal impact to Fayetteville Elementary, Bennett's Mill Middle and Fayette County High Schools; the City of Fayetteville stating sanitary service capacity was available; and from the Fayette County Water Department stating water capacity is sufficient to accommodate the development.

While a conceptual site plan was provided, it is not being reviewed and/or approved as a part of this process. In addition to an Encroachment Permit from the Georgia Department of Transportation, the Applicant is aware a traffic study would be required prior to permitting vehicular access and/or improvements to Highway 54 and/or Gingercake Road, and that any improvements to these roadways would be the sole responsibility of the Applicant.

- d. Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies;**

The amendment as proposed would be consistent with the vision adopted as a part of the Neighborhood Residential 2 land use designation within the Comprehensive Plan, which states:

This land use designation is intended to allow for smaller single-family detached residences, duplexes, quadplexes, condominiums and townhouses. Public and institutional uses such as parks, schools or churches may also be built within this designation. The scale and height of revitalization projects and future development should be compatible with the surrounding community's existing and planned character which could include a mix of smaller single-family lots and/or a mix of attached residential. Regardless of the type and density of housing, there is a high standard of product provided. Neighborhoods should be well lit, with attractive landscaping, amenities, and aesthetics.

- e. Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near municipal boundary lines;**

The western boundary of the proposed development adjoins three lots within the Lakeview Estates subdivision which is located within unincorporated Fayette County and approved with a density of one unit per acre. The density of the proposed development as proposed equates to 8.5 units per acre.

It should be noted the Villas at Gingercake development immediately to the north also abuts three lots within the Lakeview Estates subdivision and was approved with a density of 4 units per acre.

- f. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change; and**

Staff is not aware of any existing or changing conditions affecting the use and development of the subject properties. The property has been zoned for commercial use for many years, which would permit a variety of uses that may or may not be compatible with the adjoining residential uses to the north and west and could possibly increase traffic generation within the area more so than residential use.

g. Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change.

There will be no impact on historic buildings, sites, districts or archaeological resources associated with the change in land use designation.

Staff recommendation: Amendments to Comprehensive Plan/Future Land Use Map

Both the Comprehensive Plan and the associated Future Land Use Map were developed with a significant amount of public involvement as well as input from the Planning and Zoning Commission and City Council. Both of these documents are used as “guides” to analyze existing and proposed developments and are intended to be re-evaluated from time-to-time to ensure they are consistent with changes and development patterns within the community.

Because there has been no further evaluation of land uses and/or development patterns within the Highway 54 West Corridor, specifically to change parcels designated for commercial purposes to residential use, Staff is of the opinion the request to amend the Comprehensive Plan and Future Land Use Map be forwarded to City Council with a recommendation that it not be approved.

Request 2: Consider rezoning of Parcel Nos. 0522 003, 0522 033, and 0522 048

Overview

Should the amendment to the Comprehensive Plan and Future Land Use Map be approved, the Applicant desires to rezone the subject parcels from NC Neighborhood Commercial to RMF-15 Residential Multi-family to allow for the development of a gated, 254-unit horizontal multi-family community consisting of one-, two- and three-bedroom cottage homes. Vehicular access would be provided from both Highway 54 and Gingercake Road, with a secondary emergency-only access drive on Gingercake Road. The gated community would include private streets and amenities along with 78 one-bedroom units (min. 650 SF), 99 two-bedroom units (min. 950 SF) and 77 three-bedroom units (min. 1,200 SF).

The Applicant submitted a schematic site plan and building elevations with the rezoning request which are representative of the intent and vision for the property only and are not being formally reviewed in detail and/or considered as a part of the rezoning request. Should the rezoning be approved, Staff will work with the Applicant to ensure all conditions of approval and those provided by the Planning and Zoning and/or City Council are incorporated into the revised site plan. That plan, along with the schematic building elevations, would then be submitted to the Planning and Zoning Commission for formal consideration.

UDO - current zoning

The **NC Neighborhood Commercial** zoning district was established to create a strong emphasis on development and redevelopment of commercial, retail and residential land uses at a higher intensity than

historically created in the Downtown Mixed Use District. The district is intended to provide and protect areas for community shopping and service facilities convenient to residential neighborhoods, to delineate the boundary of the neighborhood commercial and retail districts, and to promote infill development that creates vibrant, pedestrian-friendly streetscapes through a variety of commercial uses.

UDO - proposed zoning

The **RMF-15 Residential Multi-family** zoning district was established for single-family attached and/or detached dwellings on smaller urban-scale lots, and allows for limited, but complementary, civic, institutional, and recreational uses. Developments within these districts typically have a more traditional and denser urban street and block grid in an effort to promote walkability. The RMF-15 district permits multiple-family dwelling units.

Spatial requirements	RMF-15	AS PROPOSED
Min. lot area (SF)	15,000	30.02 x 43,560 = 1,307,671 SF
Min. area per dwelling (SF)	8,000 (1 st unit) 5,000 (each additional unit)	1,307,671 - 8,000 = 1,299,671 1,299,671 ÷ 5,000 = 260 units
Min. lot width (ft.)	100	1,383.45
Front yard setback – major street (ft.)	45	HWY 54 - +/-50' provided
Front yard setback – collector (ft.)	40	Gingercake RD - +/-50' provided
Min. side yard setback (ft.)	15	+/-30' provided
Min. rear yard setback (ft.)	30	+/-30' provided
Max. imp. surface (% of lot)	75	TBD
Min. floor area (SF)	600 (studio) 700 (1 bdr.) 900 (2 bdr.) 1,100 (3 bdr.) 1,300 (4 bdr.)	650 SF (studio/1 bdr.) 950 SF (2 bdr.) 1,200 SF (3 bdr.)
Max. height (ft.)	40	One level (+/-24')
Max. units per acre	16	30.02 ÷ 254 = 8.5 units per acre

Rezoning criteria

Section 104.13.E. of the UDO establishes criteria for evaluating requests to rezone property and to amend the comprehensive plan and/or future land use map as follows:

1. **The following standards are relevant and shall be used in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of zoning power:**
 - a. **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

The subject parcels adjoin the Villas at Gingercake duplex residential development to the north which is currently zoned PO Professional Office. At the time the property was zoned, single-family, two-family and multi-family dwelling units for older persons were permitted by special exception within the MO district subject to specific requirements.

As a part of the amendments to the Comprehensive Plan, Future Land Use Map and Official Zoning Map that will be presented to the Planning and Zoning Commission and City Council for adoption in 2024, Staff will be recommending city-initiated amendments to zone this property to an appropriate zoning classification. Should those amendments be approved, the proposed use of the property would be consistent with the use of the adjoining property to the north.

While the 17.02-acre Villas at Gingercake development includes a total of 68-units, resulting in an overall density of 4 units per acre, the 30-acre Avilla development as proposed would include 265 residential units, resulting in an overall density of 8.5 units per acre.

b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

It is not believed the rezoning would negatively affect the adjoining properties as it would allow for a residential use abutting existing residential uses within the city and within unincorporated Fayette County. The current zoning (NC Neighborhood Commercial) permits a number of retail and commercial uses that would be compatible located on a major thoroughfare but may not be compatible abutting established residential developments.

c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The subject parcels have been zoned for retail and commercial use for many years. It is unknown why they have not been developed.

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

There is no evidence the proposed development would burden existing schools or infrastructure. The Applicant provided letters from the Board of Education stating the development would have minimal impact to Fayetteville Elementary, Bennett's Mill Middle and Fayette County High Schools; from the City of Fayetteville stating sanitary service capacity was available; and from the Fayette County Water Department stating water capacity is sufficient to accommodate the development.

It should be noted the conceptual site plan and schematic building elevations are for discussion purposes only and are not being formally reviewed and/or approved as a part of the rezoning request. Any conditions imposed by the Planning and Zoning Commission and by City Council would be incorporated into a revised conceptual site plan which would be presented at a subsequent Planning and Zoning Commission for consideration. That plan would also consider any comments from City Staff and the Georgia Department of Transportation.

e. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

The rezoning request does not conform to the Comprehensive Plan or Future Land Use Map as currently adopted. Should the amendments to these documents be approved, the rezoning

request would be consistent with the vision adopted as a part of the Neighborhood Residential 2 land use designation within the Comprehensive Plan, which states:

This land use designation is intended to allow for smaller single-family detached residences, duplexes, quadplexes, condominiums and townhouses. Public and institutional uses such as parks, schools or churches may also be built within this designation. The scale and height of revitalization projects and future development should be compatible with the surrounding community's existing and planned character which could include a mix of smaller single-family lots and/or a mix of attached residential. Regardless of the type and density of housing, there is a high standard of product provided. Neighborhoods should be well lit, with attractive landscaping, amenities, and aesthetics.

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.

There are no existing or changing conditions affecting the use and development of the subject properties as currently zoned, other than the fact as currently zoned, the property could be developed with retail and commercial outparcels facing the highway and perhaps introducing additional curb cuts and traffic on the roadway. The current zoning would also permit a variety of uses that may or may not be compatible with the established residential uses to the north and west.

Staff recommendation: Request to rezone the subject parcels from NC to R-THC

Should the request to amend the Comprehensive Plan and Future Land Use Map not be approved, Staff is of the opinion the subject tract has a reasonable economic use as currently zoned and does not meet the review criteria established within Sec. 104.13.E.1. of the UDO. Staff is of the opinion the rezoning request be forwarded to City Council with a recommendation that it not be approved.

Should the request to amend the Comprehensive Plan and Future Land Use Map be approved, and based on the review criteria established within Sec. 104.13.E.1. of the UDO, Staff is of the opinion the rezoning should be forwarded to City Council with a recommendation that it be approved subject to the following understandings and conditions:

1. The land use designation of the subject parcels shall be changed to Neighborhood Residential 2 on the Future Land Use Map.
2. The zoning designation of the subject parcels shall be changed to RMF-15 Residential Multi-Family.
3. No more than 254 residential units shall be permitted on the property, which equates to 8.5 dwelling units per acre.
4. The minimum building setback between adjoining units shall be no less than 10' as measured from the closest point of the unit (i.e. wall, chimney, eaves, or roof structure). A clear pedestrian path between individual units shall be maintained for emergency access.
5. It is understood the conceptual site plan and schematic building elevations are illustrative only and are not approved as a part of the rezoning request. Should the rezoning be approved, the Applicant shall revise the plan based on any conditions of approval and resubmit the conceptual

site plan and building elevations for review by City Staff prior to being considered by the Planning and Zoning Commission.

6. The Applicant shall extend the existing concrete sidewalk on the Villas at Gingercake development south on Gingercake Road to the southernmost property corner of the development.
7. In addition to the requirements of an Encroachment Permit from GDOT, the Applicant shall conduct an Intersection Control Evaluation (ICE) to refine the location and design of the entrances to the development from Gingercake Road.
8. It is understood clearing, grading and removal of existing vegetation within required buffers abutting the Villas at Gingercake and Lakeview Landings subdivision shall be limited to utility crossings only which, to the greatest extent practicable, shall be perpendicular to the property line.
9. Residential units facing a public street (HWY 54 and Gingercake Road) shall be oriented such that the front or side of the buildings faces the road.

**CITY OF FAYETTEVILLE
PROPERTY OWNERS REPRESENTATIVE AUTHORIZATION FORM**

PROPERTY OWNER INFORMATION	
Project Name	Avilla Fayetteville
Project Address	Ginger Cake Rd/Highway 54, Fayetteville, GA 30214
Project Parcel Numbers	0522-048, 0522 003, 0522 033
Date	10/30/23
PARCEL 0522 048 PROPERTY OWNER INFORMATION (OWNER #1)	
Name	Vincent T Peng Revocable Trust/Elsahy Nabil ETAL
Mailing Address	203 Montrose Drive, McDonough, GA 30253
Telephone	
Email	
Type of Request	<input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Variance <input type="checkbox"/> Conditional Use <input checked="" type="checkbox"/> Future Land Use Map (Check all that apply)
<p><u>Vincent T Peng, MD</u> (sign name) I affirm that I am the owner of the tract or parcels of land identified above under the project information section and I will serve as the primary contact for this application.</p> <p style="text-align: center;">_____ OR _____</p> <p>I hereby designate <u>HFG Development, LLC</u> (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application. If this relationship changes at any time prior to the completion of this project, it is my sole responsibility to notify the City of Fayetteville Community Development Department of said change in writing</p>	
PARCEL 0522 003 PROPERTY OWNER INFORMATION (OWNER #2)	
Name	Fayetteville Gingercake Rd. LLC
Mailing Address	1760 Peachtree St., Suite 100, Atlanta, GA 30309
Telephone	
Email	
Type of Request	<input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Variance <input type="checkbox"/> Conditional Use <input checked="" type="checkbox"/> Future Land Use Map (Check all that apply)
PROPERTY OWNERS REPRESENTATIVE AUTHORIZATION	
<p>_____ (sign name) I affirm that I am the owner of the tract or parcels of land identified above under the project information section and I will serve as the primary contact for this application.</p> <p style="text-align: center;">_____ OR _____</p> <p>I hereby designate <u>HFG Development, LLC</u> (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application. If this relationship changes at any time prior to the completion of this project, it is my sole responsibility to notify the City of Fayetteville Community Development Department of said change in writing</p>	

**CITY OF FAYETTEVILLE
PROPERTY OWNERS REPRESENTATIVE AUTHORIZATION FORM**

PROPERTY OWNER INFORMATION	
Project Name	Avilla Fayetteville
Project Address	Ginger Cake Rd/Highway 54, Fayetteville, GA 30214
Project Parcel Numbers	0522-048, 0522 003, 0522 033
Date	10/30/23

PARCEL 0522 048	PROPERTY OWNER INFORMATION (OWNER #1)
Name	Vincent T Peng Revocable Trust/Elsahy Nabil ETAL
Mailing Address	203 Montrose Drive, McDonough, GA 30253
Telephone	
Email	
Type of Request	<input checked="" type="checkbox"/> Rezoning ___ Variance ___ Conditional Use ___ <input checked="" type="checkbox"/> Future Land Use Map (Check all that apply)


_____ (sign name) I affirm that I am the owner of the tract or parcels of land identified above under the project information section and I will serve as the primary contact for this application.

OR

I hereby designate HFG Development, LLC (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application. If this relationship changes at any time prior to the completion of this project, it is my sole responsibility to notify the City of Fayetteville Community Development Department of said change in writing

PARCEL 0522 003	PROPERTY OWNER INFORMATION (OWNER #2)
Name	Fayetteville Gingercake Rd. LLC
Mailing Address	1760 Peachtree St., Suite 100, Atlanta, GA 30309
Telephone	
Email	
Type of Request	<input checked="" type="checkbox"/> Rezoning ___ Variance ___ Conditional Use ___ <input checked="" type="checkbox"/> Future Land Use Map (Check all that apply)

PROPERTY OWNERS REPRESENTATIVE AUTHORIZATION

 (sign name) I affirm that I am the owner of the tract or parcels of land identified above under the project information section and I will serve as the primary contact for this application.

OR

I hereby designate HFG Development, LLC (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application. If this relationship changes at any time prior to the completion of this project, it is my sole responsibility to notify the City of Fayetteville Community Development Department of said change in writing

CITY OF FAYETTEVILLE
PROPERTY OWNERS REPRESENTATIVE AUTHORIZATION FORM

PROPERTY OWNER INFORMATION	
Project Name	Avilla Fayetteville
Project Address	Ginger Cake Rd./Highway 54, Fayetteville, GA 30214
Project Parcel Numbers	0522 048, 0522 003, 0522 033
Date	10/30/23

PARCEL 0522 033 PROPERTY OWNER INFORMATION (OWNER #3)	
Name	Charles W. Hensley
Mailing Address	1013 Highway 54 W, Fayetteville, GA 30214
Telephone	
Email	
Type of Request	<input checked="" type="checkbox"/> Rezoning <input type="checkbox"/> Variance <input type="checkbox"/> Conditional Use <input checked="" type="checkbox"/> Future Land Use Map (Check all that apply)

* Charles Hensley (sign name) I affirm that I am the owner of the tract or parcels of land identified above under the project information section and I will serve as the primary contact for this application.

February 1, 2024

7:36 AM _____ OR _____

I hereby designate HFG Development, LLC (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application. If this relationship changes at any time prior to the completion of this project, it is my sole responsibility to notify the City of Fayetteville Community Development Department of said change in writing

PROPERTY OWNER INFORMATION (OWNER #4)	
Name	
Mailing Address	N/A
Telephone	
Email	
Type of Request	<input type="checkbox"/> Rezoning <input type="checkbox"/> Variance <input type="checkbox"/> Conditional Use <input type="checkbox"/> Future Land Use Map (Check all that apply)

PROPERTY OWNERS REPRESENTATIVE AUTHORIZATION

_____ (sign name) I affirm that I am the owner of the tract or parcels of land identified above under the project information section and I will serve as the primary contact for this application.

_____ OR _____

I hereby designate _____ (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application. If this relationship changes at any time prior to the completion of this project, it is my sole responsibility to notify the City of Fayetteville Community Development Department of said change in writing

CITY OF FAYETTEVILLE
PART 2: LAND USE AMENDMENT APPLICATION AND AUTHORIZATION FORM

SITE INFORMATION			
Project Name	Avilla Fayetteville	Project Address	Ginger Cake Rd./Highway 54
Parcel ID	0522 048, 0522 003, 0522 033	Property Size	Total 30.02 AC
Date	10/24/23 (Amended 2/1/24)		
Type of Request (Check all that apply)	<input checked="" type="checkbox"/> Zoning Amendment <input checked="" type="checkbox"/> Future Land Use Amendment <input type="checkbox"/> Conditional Use <input type="checkbox"/> Variance		
REQUEST OVERVIEW			
Zoning Amendment Request (If Applicable)			
Impact Form A (Required)			
Existing Zoning	NC (Neighborhood Commercial)	Proposed Zoning	RMF-15 (Multi-Family Residential)
Future Land Use Amendment Request (If Applicable)			
Impact Form B (Required)			
Existing Land Use	Neighborhood Center	Proposed Land Use	Neighborhood Residential 2
Conditional Use Request (If Applicable)			
Impact Form C (Required)			
Current Zoning	N/A	Type of Use Request	N/A
Variance Request(S) (If Applicable)			
Impact Form D (Required)			
Request 1	N/A		
Article/Section			
Request 2			
Article/Section	<i>Use additional sheets if necessary</i>		
Request 3			
Article/Section			
OTHER INFORMATION			
Are there Existing Deed Restrictions or Easements?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Esmts shown on survey)	Are utilities available on site:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Existing Land Use: check all that apply	<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Mixed Use <input type="checkbox"/> Public/Institutional <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Vacant/Undeveloped <input type="checkbox"/> Agricultural/Parks/Conservation		
Proposed Land Use: check all that apply	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Mixed Use <input type="checkbox"/> Public/Institutional <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant/Undeveloped <input type="checkbox"/> Agricultural/Parks/Conservation		

PART 3: IMPACT ANALYSIS REVIEW

IMPACT FORM - A

Analyze the impact of the proposed **REZONING** and answer the following questions:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The proposed use will be compatible with the existing residential uses to the north and west, and serve as a transition to the light commercial uses to the east and south.

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

The adjacent properties to the north, east, and south are mostly developed and no adverse affect is expected by the proposed use. The property to the west is well buffered and should not be adversely impacted.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The property is currently zoned as Neighborhood Commercial. The largest portion of this assemblage has been marketed continuously since its acquisition by the current Owners in 1983, with no offers other than the sale of the current Walgreen's location. The topographic conditions are inconsistent with commercial uses. There is no reasonable economic use for this property.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

The proposed use should produce less traffic than current zoning. The demographics of Avilla residents show nationally 20% or less households have school aged children, therefore it should not burden existing schools.

5. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan; and

The proposal seeks an amendment to the Comprehensive Plan from Neighborhood Center to Neighborhood Residential 2. This proposal matches the vision of the NR2 character area for a range of single family detached and/or attached residential. Since this property is the western edge of the Neighborhood Center, a reclassification to residential would not be unusual or change the policy and intent of the comprehensive plan. Additionally, its proximity to the Medical Center will provide housing opportunities for one of the City's largest employers.

6. 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.

The job and population growth of Fayetteville has created a demand for a variety of housing options beyond traditional fee-simple homes and multi-family apartments. The Avilla development will offer a desirable alternative and support the need for housing demand in the target demographic.

PART 3: IMPACT ANALYSIS REVIEW

IMPACT FORM - B

Analyze the impact of the proposed **amendments to the comprehensive plan and/or future land use map** and answer the following questions:

1. Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties;

The proposed use will be compatible with the existing residential uses to the north and west, and serve as a transition to the light commercial uses to the east and south.

2. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties;

The adjacent properties to the north, east, and south are mostly developed and no adverse affect is expected by the proposed use. The property to the west is well buffered and should not be adversely impacted.

3. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

The proposed use should produce less traffic than current zoning. The demographics of Avilla residents show nationally 20% or less households have school aged children, therefore it should not burden existing schools.

4. Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies;

The amendment is consistent with many of the comp plan's goals including: ensuring appropriate density transitions between incompatible uses, supporting demand for innovative, high quality housing that is sensitive to surrounding residential areas, maintaining property standards to ensure that neighborhoods and buildings remain safe, livable, and promoting high architectural and site design standards.

5. Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near municipal boundary lines;

The western boundary is the city limits line. The proposed use should be far less intense than the current zoning and therefore have less impact.

6. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change; and

The viability of commercial use of this property is nonexistent. The current Owners of the majority of this assemblage (over 18 of the approximate 30 acres) have owned this property for over 40 years. They have marketed this property continuously since their acquisition of it, with only one small sale off of the original tract. The topographic conditions of this property are not consistent with commercial uses, and therefore there is no reasonable economic use for this property as it is currently zoned as Neighborhood Commercial.

7. Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change.

There are no known cultural resources within the property.

1105 W. Peachtree St. NE, Suite 1000
Atlanta, Georgia 30309-9813
Tel: 404 815-3500
www.sgrlaw.com



Kathryn M. Zickert
Direct Tel: 404-815-3704
Direct Fax: 404-685-7004
kzickert@sgrlaw.com

February 2, 2024

Via Email: drast@fayetteville-ga.gov

Mr. David Rast
Director of Community and Economic
Development
City of Fayetteville
210 Stonewall Avenue West
Fayetteville, Georgia 30214

**RE: Land Use Plan and Rezoning Application Amendments; 30.02 Acres at
Highway 54 and Gingercake Road (Tax Parcels 0522 003, 033 and 048)**

Dear Mr. Rast:

Please be advised that I represent HFG Development, LLC (“HFG”), now a co-applicant for this request. Enclosed you will find an amended application which adds HFG as Applicant. It is accompanied by an amended site plan, which reduces the number of units to 254 and eliminates the need for any variances. It also includes an amendment to the required Impact Analysis, since I discovered that there is no reasonable economic use for the property as currently zoned. Also enclosed are letters from the property owners detailing their efforts to sell this land for the past 40 years without success. Finally, my client has elected to seek an RMF-15 zoning instead of R-THC as originally requested.

I also need to put the City on notice that the denial of this Application would be a denial of the Constitutional rights of my client and the property owner. A more detailed objection is also enclosed.

As always, I look forward to working with you as this matter proceeds.

Sincerely,

A handwritten signature in blue ink that reads "Kathryn M Zickert".

Kathryn M. Zickert

KMZ/rjc
Enclosures
Cc: Al Hosford

NOTICE OF LEGAL AND CONSTITUTIONAL OBJECTIONS

On behalf of itself and as agent for the owners of the property, HFG Development, LLC (the “Applicant”) on behalf of itself and the owners of the tracts of land at issue in this Rezoning Application, respectfully submit that the current FLUM designation and zoning classification of and rules relative to the Subject Property owner’s right to use the Property established in the Fayetteville Code of Ordinances, to the extent they prohibit this use, are unconstitutional and constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to grant the Land Use Plan Change requested rezoning would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that the City’s failure to approve the requested Land Use Plan Change and rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property’s owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of

the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

A refusal to approve the Land Use Plan Change and rezoning in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to approve the Land Use Plan Change and rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

Opponents to this request lack standing, have failed to exhaust administrative remedies, and have waived their rights to appeal by failing to assert legal and constitutional objections.

Avilla Fayetteville

Project Narrative & Intent

LOCATION – Highway 54 & Ginger Cake Road (parcels 0522 048, 0522 003, 0522 033)

ACREAGE – 30.02 acres +/-

APPLICANT – HFG Development, LLC




Summary

The accompanying application seeks a comp plan amendment from Neighborhood Center to Neighborhood Residential 2 and a zoning district change from (NC) Neighborhood Commercial to (RMF-15) Multi-Family Residential for 30.02 +/- of undeveloped property located at the intersection of Ginger Cake Road and Highway 54 West in Fayetteville, GA. The intent is to develop a 254-unit luxury leased cottage community at a density of 8.46 dwelling units per acre. The site is within walking distance of nearby retail centers, restaurants, office, and within 1-mile of The Ridge Nature Preserve conservation area. The proposed development will provide additional housing opportunities to people employed by major employers in the area including the Piedmont Fayette Hospital (1.2 miles away) and Trilith Studios (2.3 miles away). The proposed use is appropriate for the City of Fayetteville's intent for this location.

Planned Development

The proposed community will consist of a combination of individual one bedroom attached duplexes as well as two- and three-bedroom cottages. The community will be designed specifically as luxury cottages for lease with no fee-simple ownership of any individual homes. Professional and on-site management for the community will be provided by the developer/owner and will be responsible for all building and landscape maintenance. The proposed amenities for this community will offer multiple gathering areas including a resort-style pool, fenced dog park, game lawn, fire pit, pickle ball court, and grill pavilion. There will be limited garage parking, but non-designated surface parking will serve most of the units, similar to other for lease communities.

LAND USE SUMMARY

	1 Bedroom Unit	78 units	30.71 %
	2 Bedroom Unit	99 units	38.98 %
	3 Bedroom Unit	77 units	30.31 %
Unit Total:		254 units	

Site Description

The site has approximately 595 feet of frontage along the northern right-of-way Highway 54 W. The east end of the site has 938 feet of frontage along Ginger Cake Road. There are no homes or buildings located on the three parcels that form the site. There are no jurisdictional streams on the property. Domestic water will be served by Fayette County Water Systems through a 16" Ductile iron pipe water main located in the Highway 54 right-of-way and an 8-inch PVC pipe on Ginger Cake Road. Sanitary sewer will be served by the City of Fayetteville. Availability letters from each of these departments are attached. All other dry utilities are located within a reasonable distance for service extensions. There are no known impediments to its successful development for the purposes intended.

Adjacencies

The property to the west is zoned R-40 and R-70 (Fayette County, Single-family Residential). The Villas at Ginger Cake property to the north is zoned PO (Professional Office). The Walgreens property and other parcels to the south is zoned NC (Neighborhood Commercial).

Access

Access to the property is proposed from Highway 54 (major street) and Ginger Cake Road (collector street). The main entrance is planned off of Highway 54 just west of Walgreens. A secondary entrance is planned off Ginger Cake Road just behind the Walgreens and adjacent to Deviant Street. A gated entrance, at both entrances, will provide access control onto the property.

Comprehensive Plan Consistency

The proposed development is consistent with the Neighborhood Residential 2 land use based on the City of Fayetteville's Comprehensive Plan. Primary Future Land Uses include "primarily small lot single family residential and attached residential" with development characteristics to include "single-family detached residential", "well-connected and dense street network and short blocks encourage walking, bicycling, and driving", and "privately owned, common space and small parks, greenways and open space".

Proposed Minimum Area, Setback and Buffer Requirements

- Buffer from Highway 54 (major street) – 25'
- Buffer from Ginger Cake Rd. (collector street) – 25'
- Buffer from Lakeview Estates (Legacy/Urban Residential) – 50'
- Buffer from Villas at Ginger Cake (Commercial and Business/Urban Residential) – 25'
- Front Setback from Highway 54 (major street) – 40'
- Front Setback from Ginger Cake Rd. (collector street) – 35'
- Side Setback from Lakeview Estates – 20' (proposing 30')
- Rear Setback from Villas at Ginger Cake – 30'
- Building Separation – 10' (foundation to foundation)
- Minimum Floor Area – 1 bedroom – 700 SF, 2 bedroom – 984 SF, 3 bedroom – 1265 SF
- Maximum Height – 35'
- Minimum Open Space – 30%
- Exterior Undisturbed/Enhanced Buffer – 25' (north, east, and south side), 50' (west side)



Product Mix

The homes within this community are planned for single-story with a variety of architectural treatments. The approximate proposed mix of unit types include 30.71% - one bedroom, 38.98% - two bedroom and 30.31% - three bedroom.

Typical Resident Demographics

Typical residents are "renters by choice" and most have the financial resources to buy a home but choose not to currently. The majority are professional millennials, mid-life singles, dual income couples and empty nesters, with an average HHI's of \$132,000+. The age distribution is typically 19% under 35, 58% are 35 to 55 and 23% are over 55. On average, only 20% of the residents have minor children.

Lighting, Signage & Graphics

All outdoor lighting and signage will follow the guidelines and requirements of City of Fayetteville code.

Landscaping & Hardscaping

Appropriate landscaping will be required including sodded turf areas, shade trees and foundation plantings. Parking lot landscaping will include tree islands and breaks to soften long runs of paved areas and parking spaces.

Amenities

Professional and on-site management for the community will be provided by the developer/owner and will be responsible for all building and landscape maintenance. The proposed amenities for this community will offer multiple gathering areas including a resort-style pool, fenced dog park, game lawn, fire pit, pickle ball court, and grill pavilion.

Parking

The Planning and Zoning Commission may determine a minimum number of parking spaces be required based on the size of the development; Drive aisles are planned for a 26' width back of stall to back of stall or 26' face of curb to face of curb in non-parking areas. There are 502 uncovered parking spaces and 75 garage parking spaces totaling 577. The development seeks to achieve a parking ratio of 2.0 spaces per unit. The parking ratio is based on the unit mix, evaluation of their customers age demographics and a comprehensive study based on over 10 years of historical data. Parking spaces include garage spaces and uncovered open spaces.

Architecture & Materials

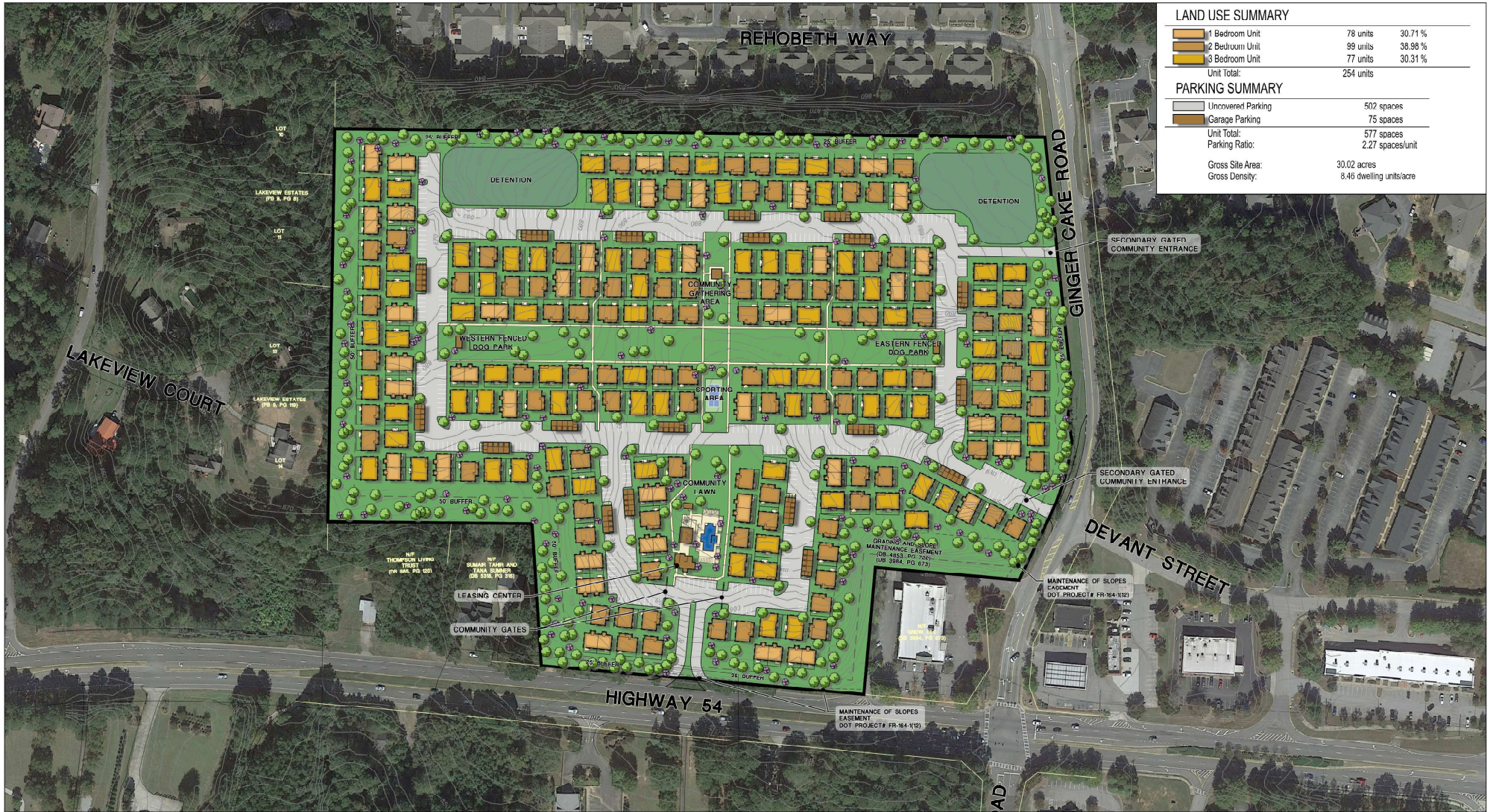
See attached exhibits for typical architectural style and materials.

Sales and Construction Trailers

The applicant is requesting permission to install one leasing trailer and one construction trailer with associated parking areas in locations to be determined at the time of street paving and possibly ahead of final plat approval.

Conceptual Master Plan

The development of the community shall be controlled by the Conceptual Master Plan (the "Plan") attached as exhibit "A". The plan is considered conceptual in nature, and as such may require minor modifications during the engineering and development process. Modifications to the locations and arrangement of lots, roads, amenities, and other improvements that do not conflict with specific standards and requirements of these conditions may be made by the Developer, so long as such modifications do not change the land use, increase the overall density of the project, or reduce any established exterior buffers or setbacks.

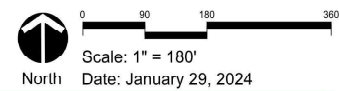


LAND USE SUMMARY		
1 Bedroom Unit	78 units	30.71 %
2 Bedroom Unit	99 units	38.98 %
3 Bedroom Unit	77 units	30.31 %
Unit Total:	254 units	

PARKING SUMMARY		
Uncovered Parking	502 spaces	
Garage Parking	75 spaces	
Unit Total:	577 spaces	
Parking Ratio:	2.27 spaces/unit	
Gross Site Area:	30.02 acres	
Gross Density:	8.46 dwelling units/acre	

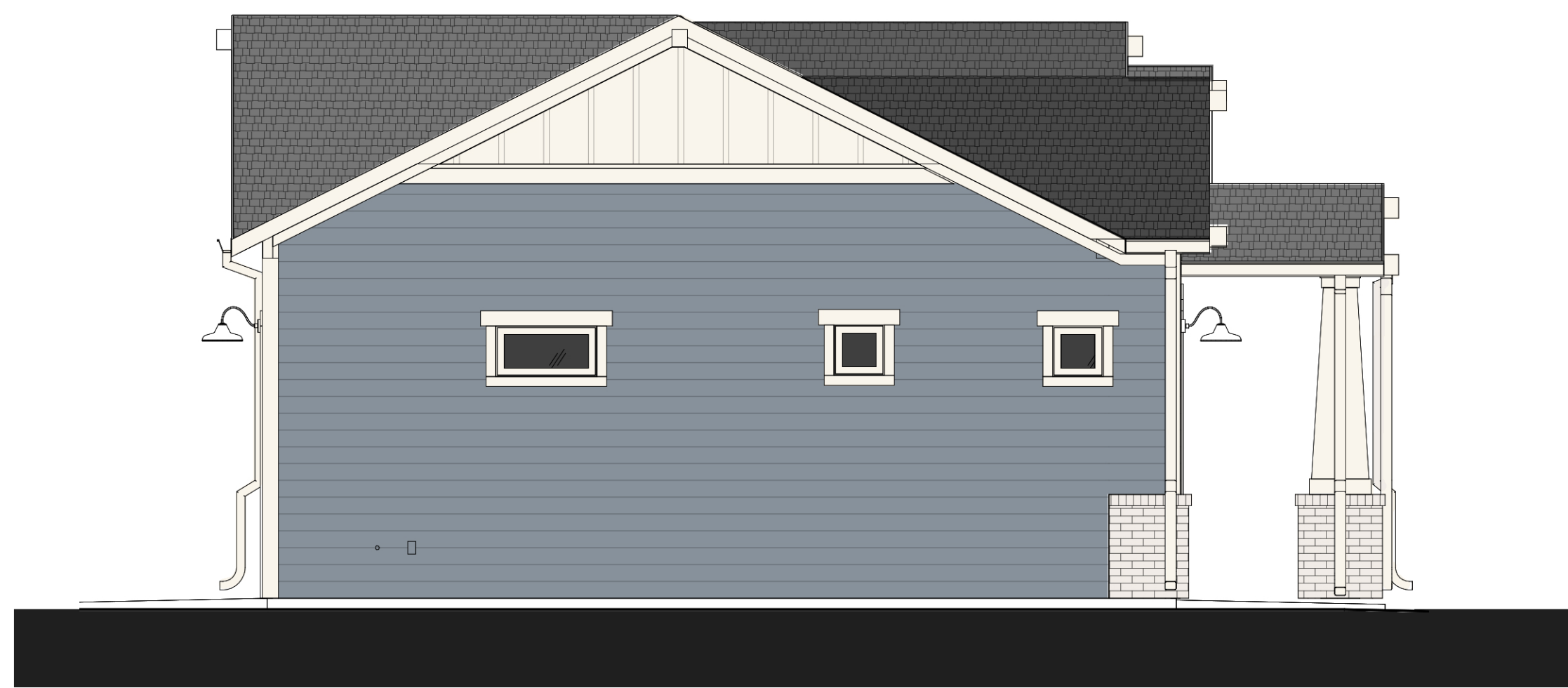
ALTERNATIVE F
AVILLA FAYETTEVILLE

NexMetro Communites LLC
FAYETTEVILLE, GEORGIA

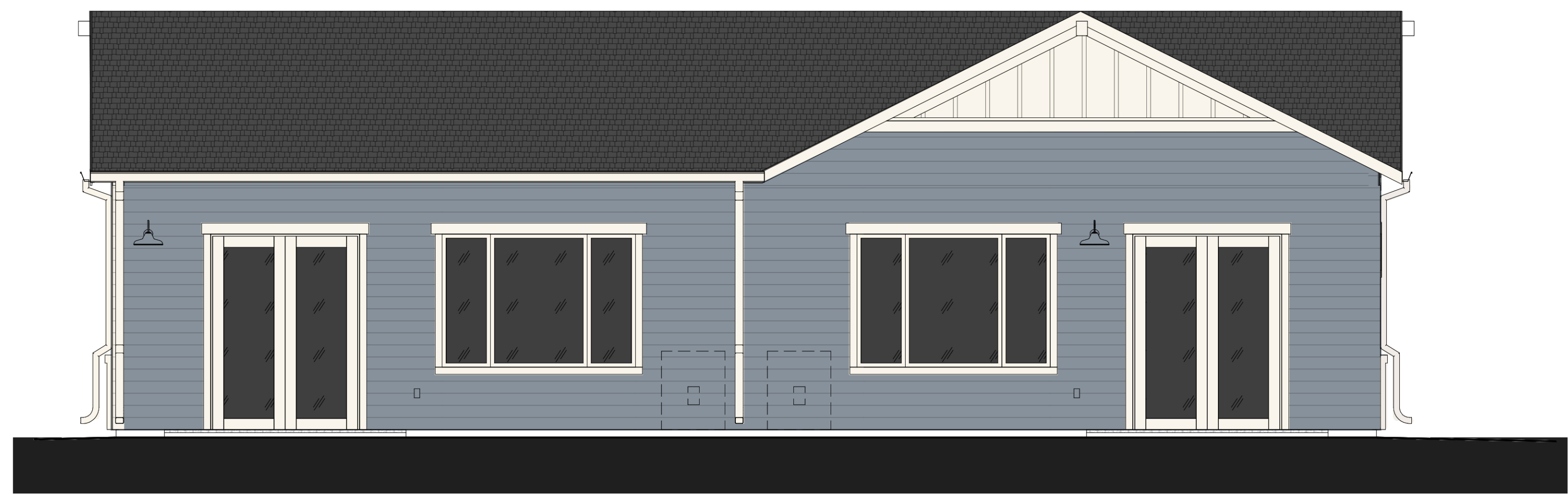


SEC Planning, LLC
Land Planning + Landscape Architecture +
Community Branding
AUSTIN, TEXAS
1.512.246.7003
www.secplanning.com • info@secplanning.com

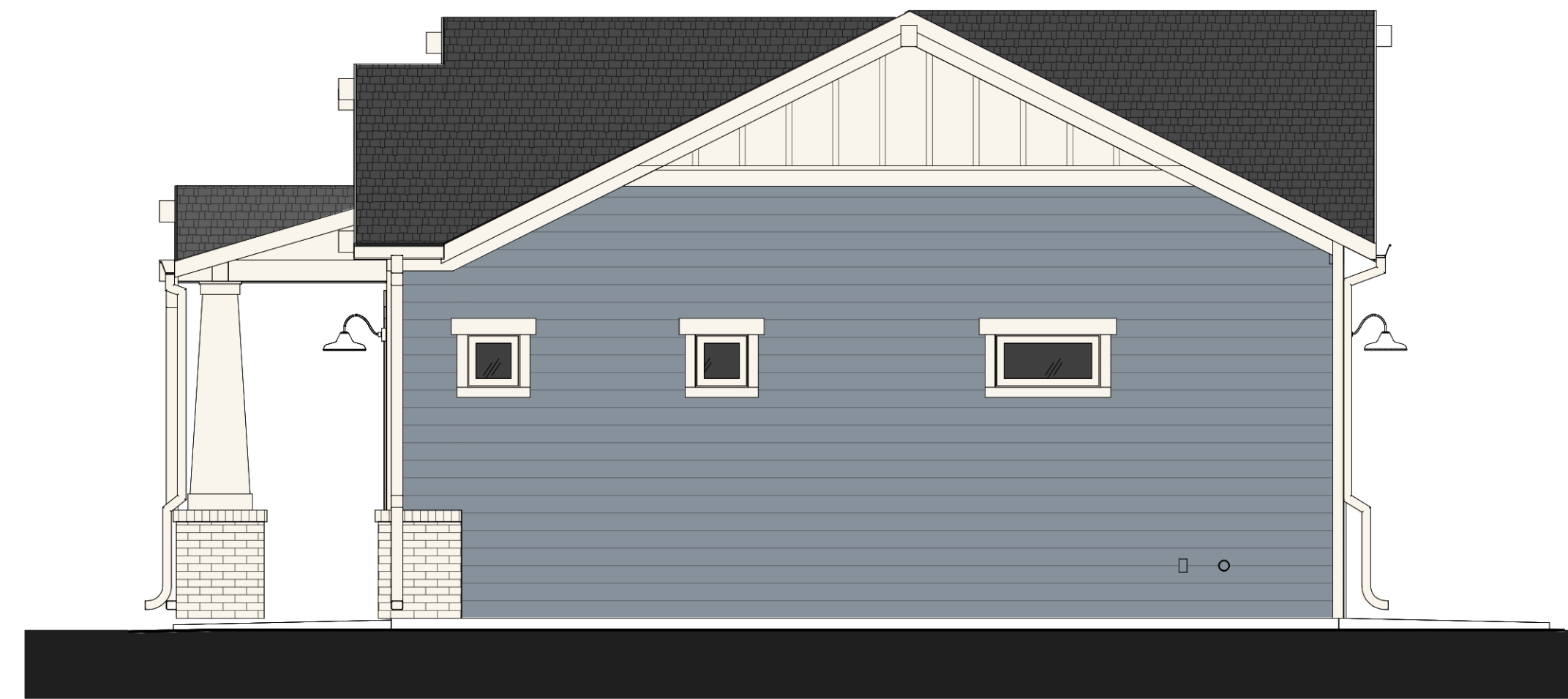
SHEET FILE: K:\230130-NEXM\Cadfiles\PLANNING\Site Planning\Alternative F.dwg
Base mapping compiled from best available information. All map data should be considered as preliminary, in need of verification, and subject to change. This land plan is conceptual in nature and does not represent any regulatory approval. Plan is subject to change.



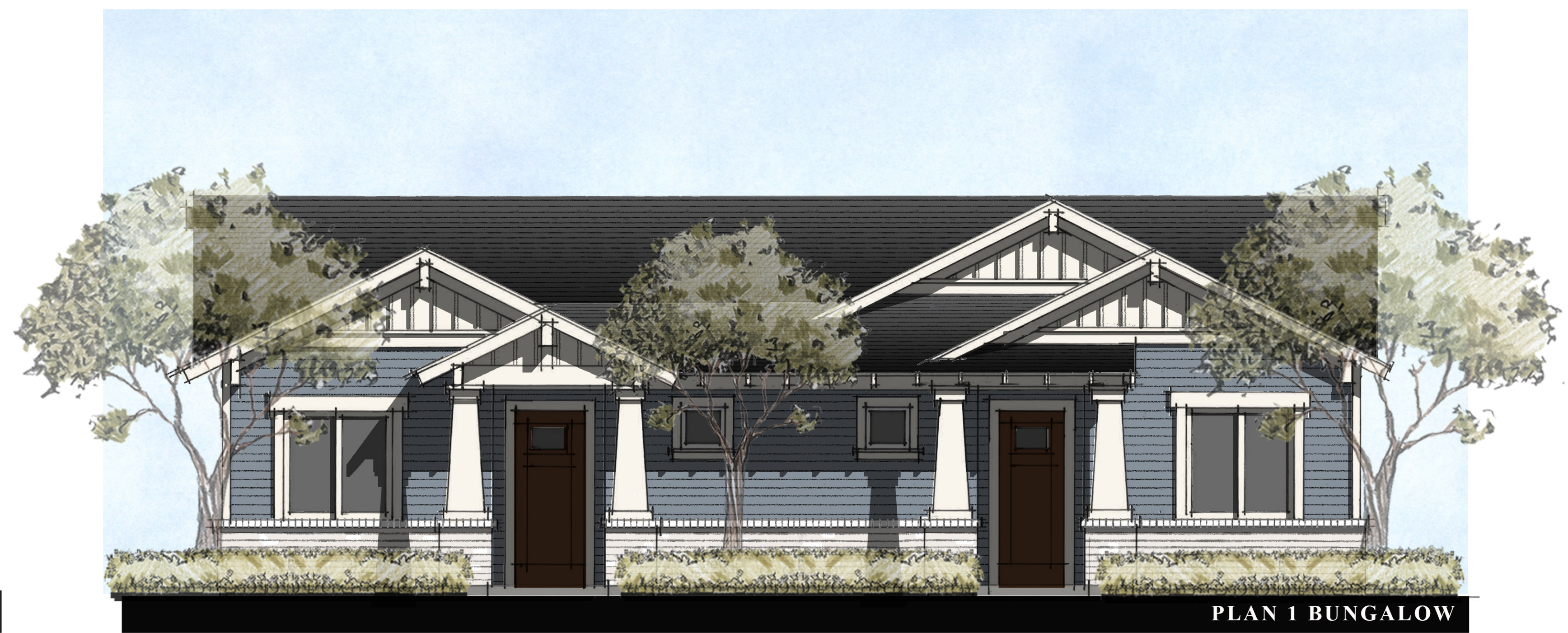
4 BUNGALOW LEFT ELEVATION
A201-B SCALE: 1/4" = 1'-0"



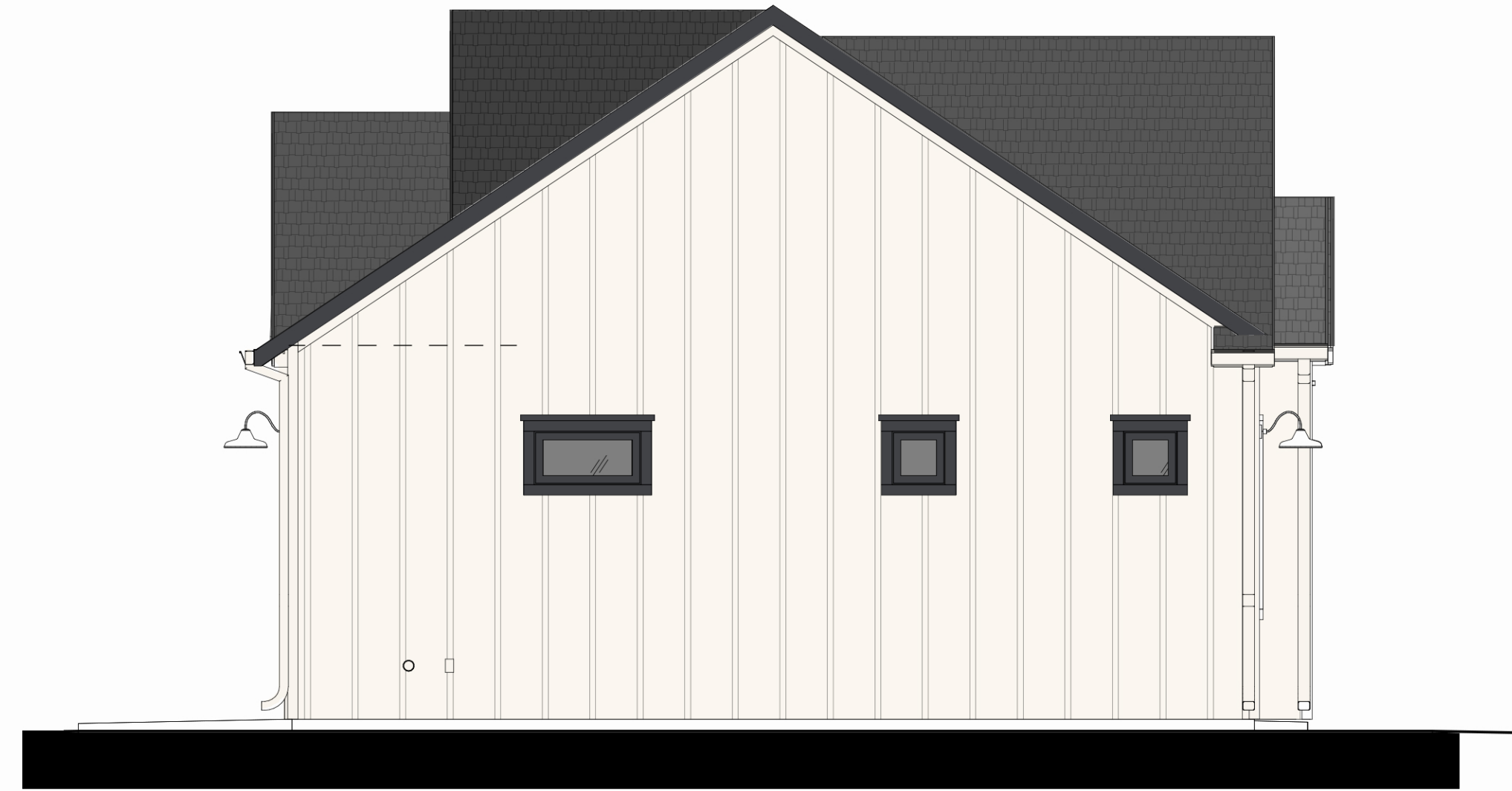
2 BUNGALOW REAR ELEVATION
A201-B SCALE: 1/4" = 1'-0"



3 BUNGALOW RIGHT ELEVATION
A201-B SCALE: 1/4" = 1'-0"



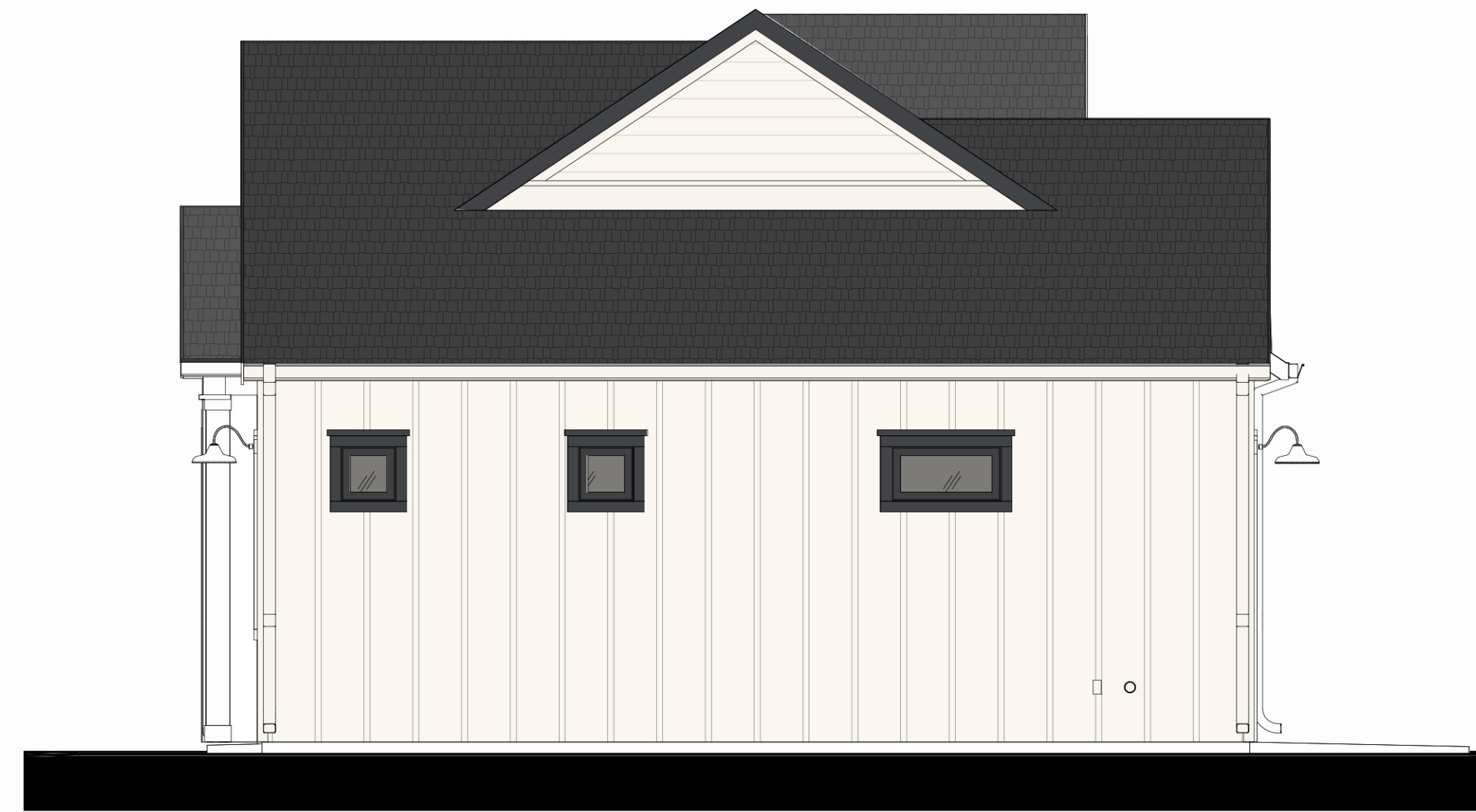
1 BUNGALOW FRONT ELEVATION
A201-B SCALE: 1/4" = 1'-0"



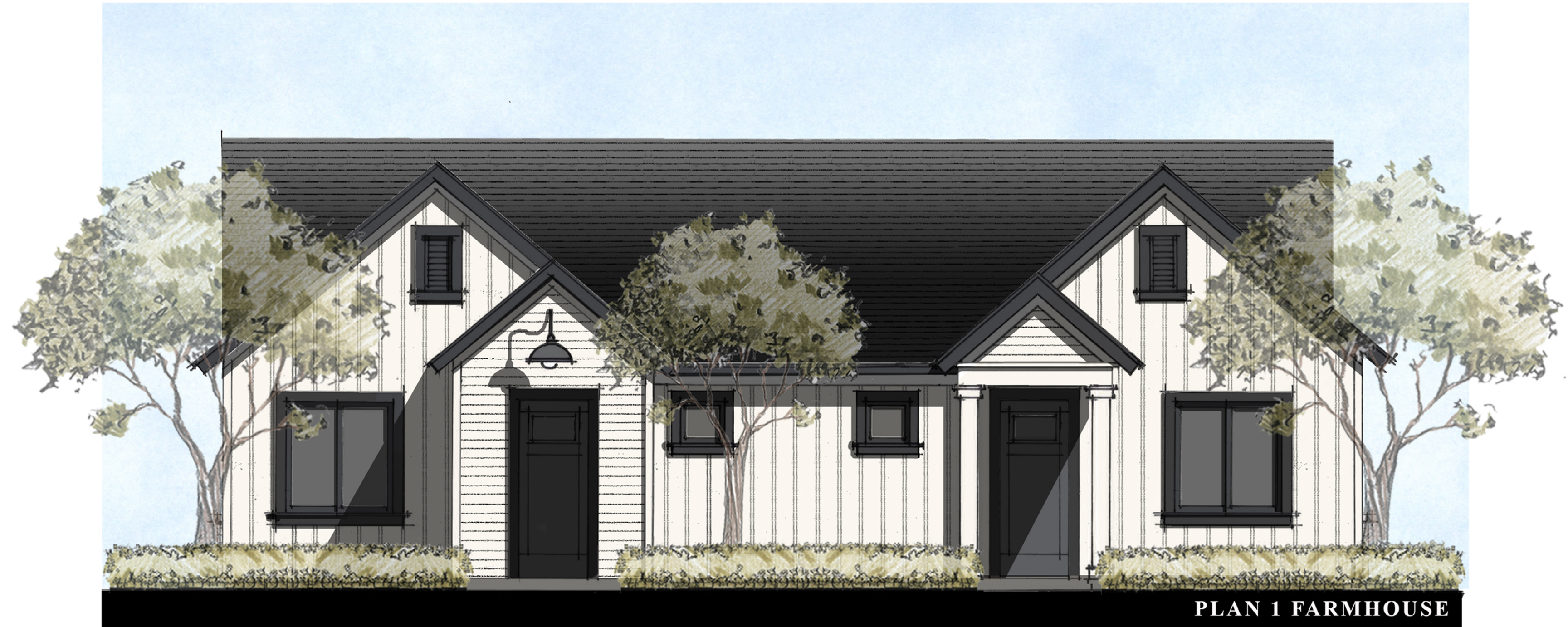
4 FARMHOUSE LEFT ELEVATION
A201-FH SCALE: 1/4" = 1'-0"



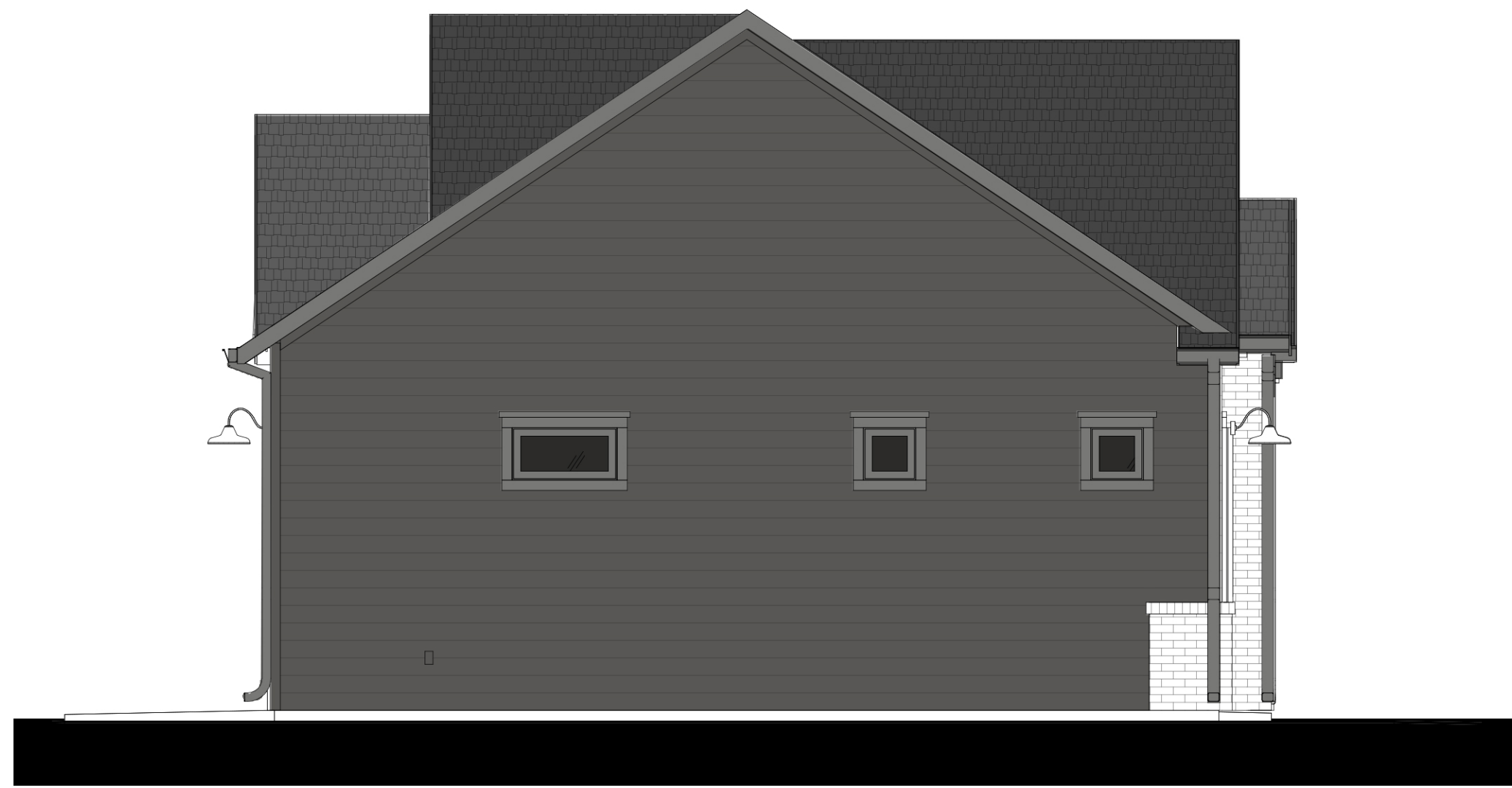
2 FARMHOUSE REAR ELEVATION
A201-FH SCALE: 1/4" = 1'-0"



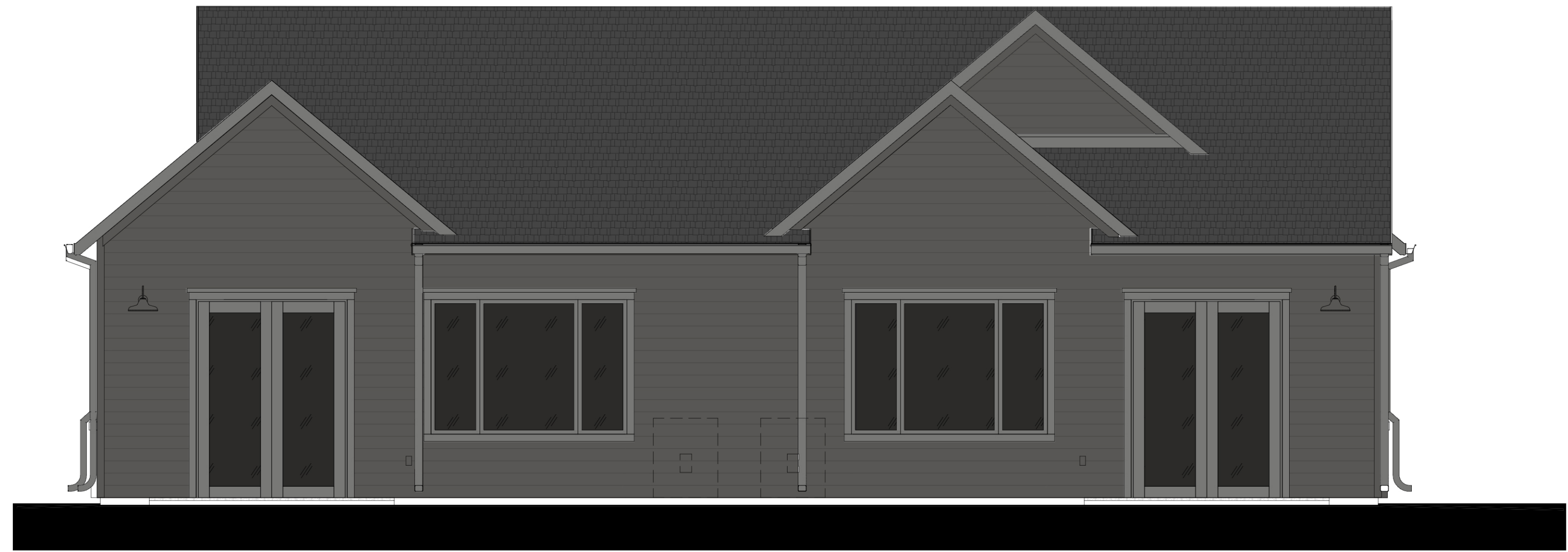
3 FARMHOUSE RIGHT ELEVATION
A201-FH SCALE: 1/4" = 1'-0"



1 FARMHOUSE FRONT ELEVATION
A201-FH SCALE: 1/4" = 1'-0"



4 MODERN FARMHOUSE LEFT ELEVATION
A201-MF SCALE: 1/4" = 1'-0"



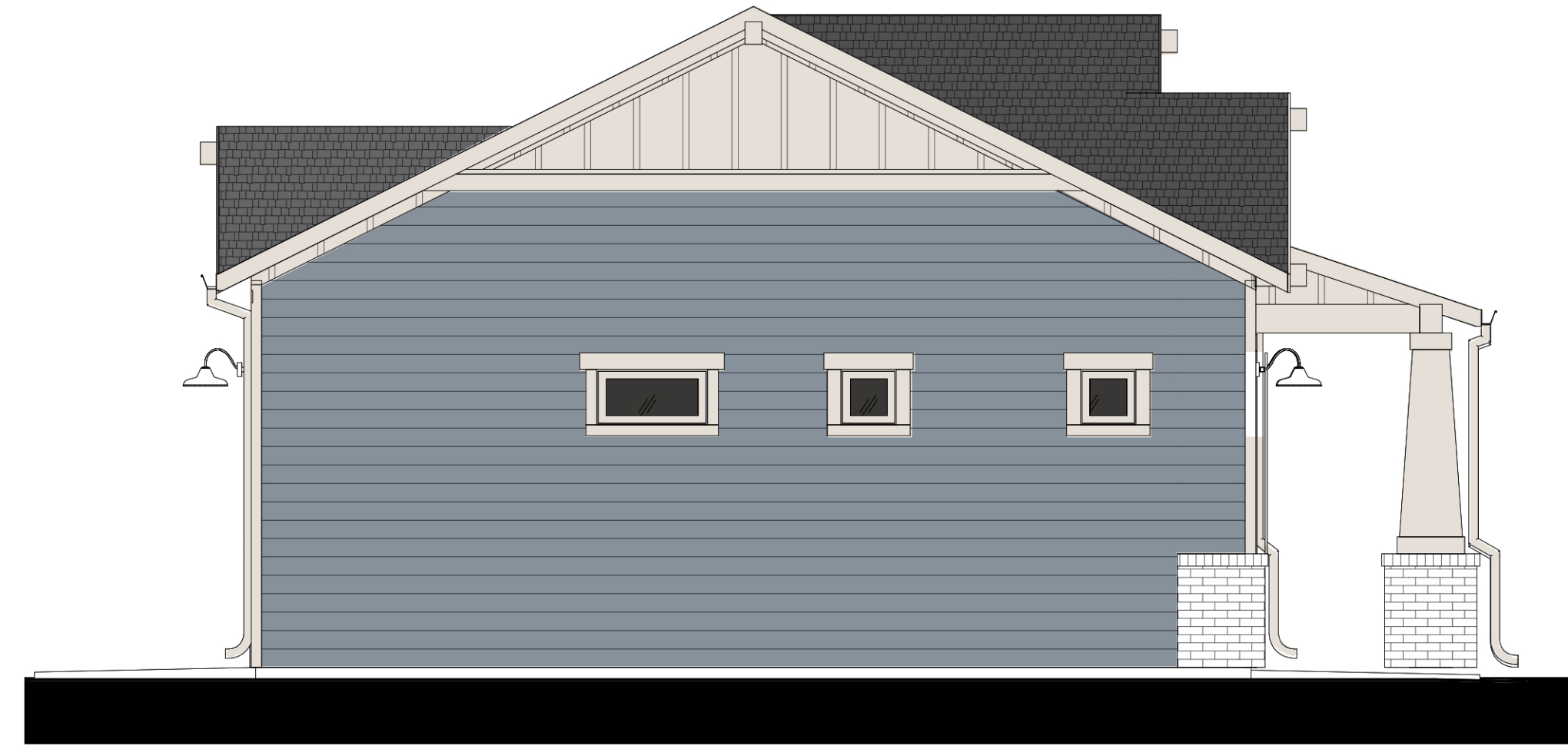
2 MODERN FARMHOUSE REAR ELEVATION
A201-MF SCALE: 1/4" = 1'-0"



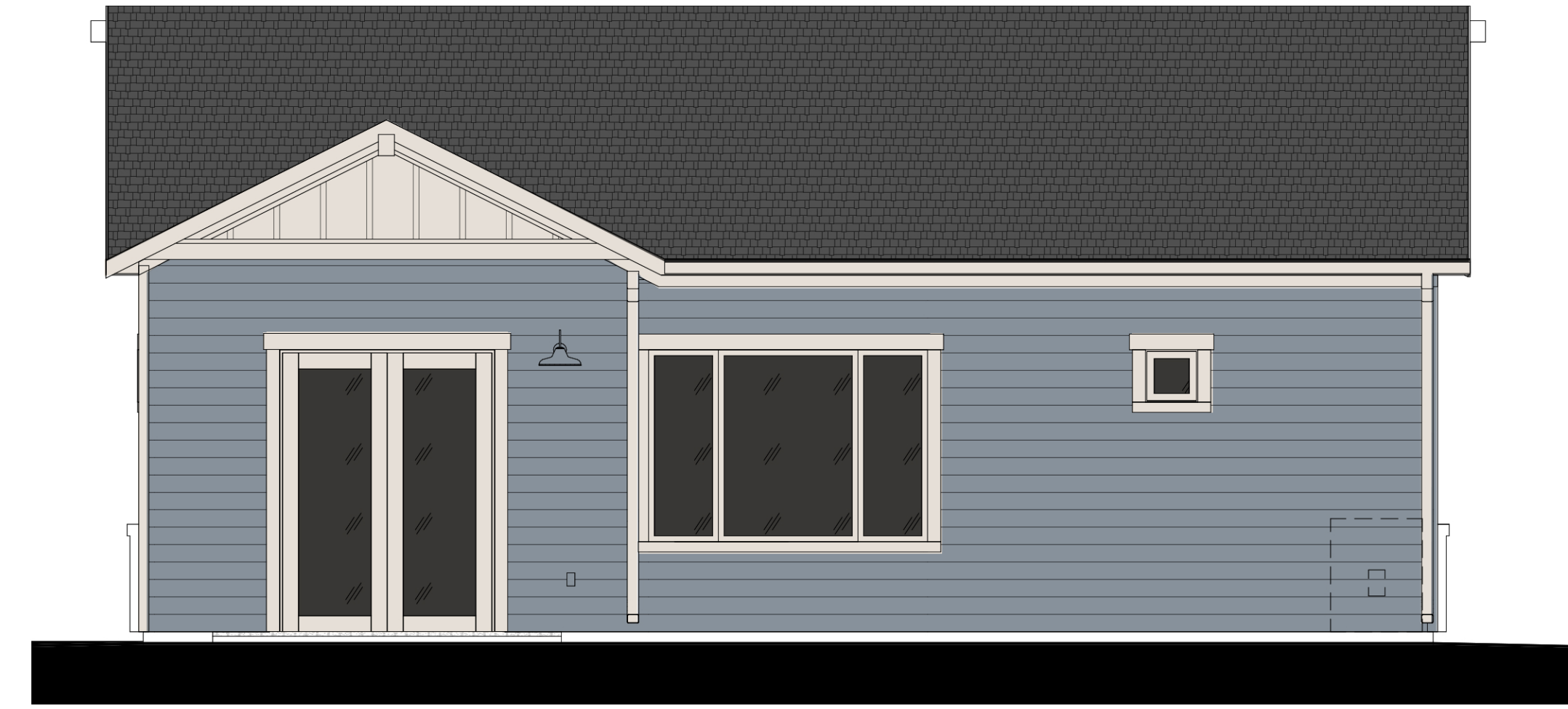
43 MODERN FARMHOUSE RIGHT ELEVATION
A201-MF SCALE: 1/4" = 1'-0"



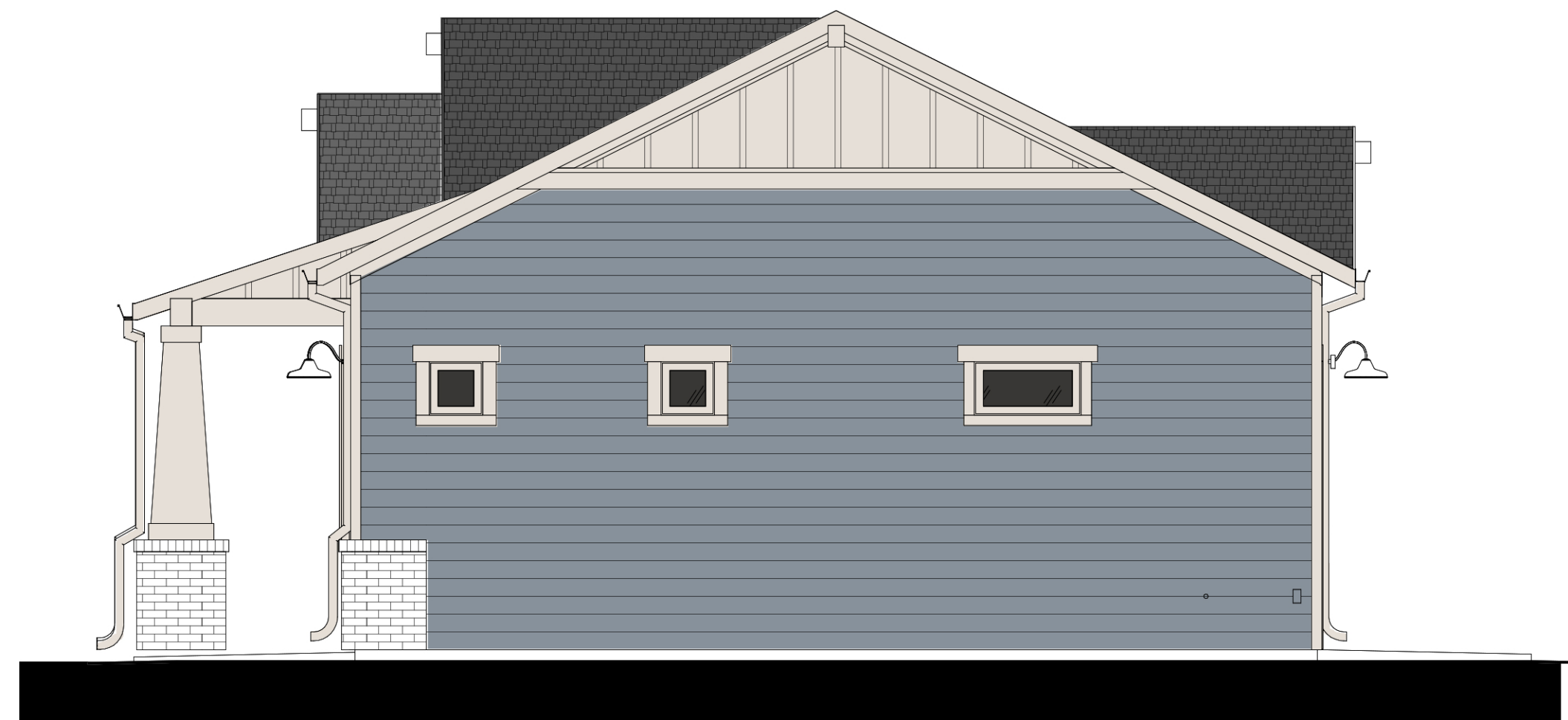
1 MODERN FARMHOUSE FRONT ELEVATION
A201-MF SCALE: 1/4" = 1'-0"



4 BUNGALOW LEFT ELEVATION
A201-B SCALE: 1/4" = 1'-0"



2 BUNGALOW REAR ELEVATION
A201-B SCALE: 1/4" = 1'-0"

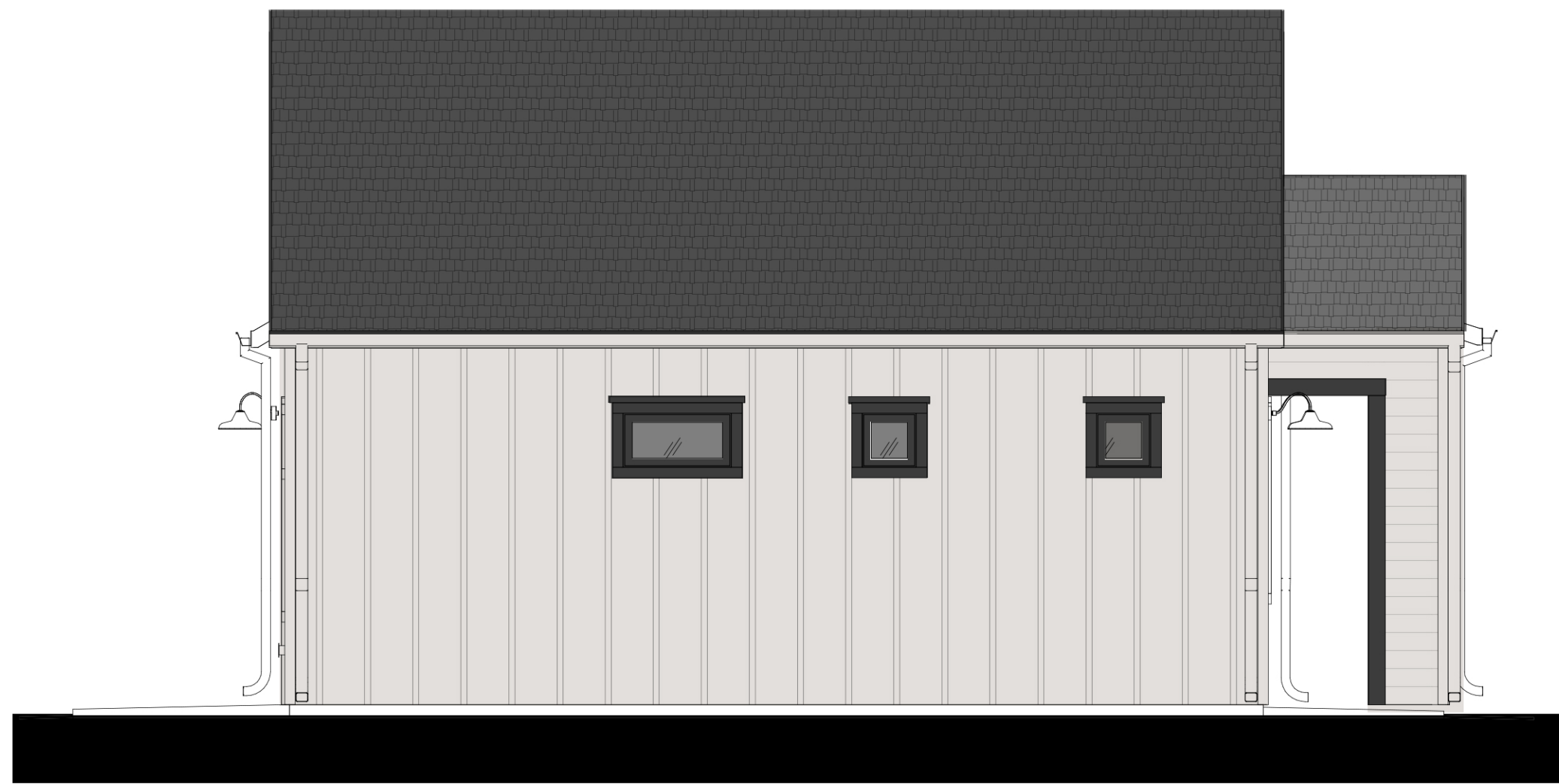


3 BUNGALOW RIGHT ELEVATION
A201-B SCALE: 1/4" = 1'-0"



1 BUNGALOW FRONT ELEVATION
A201-B SCALE: 1/4" = 1'-0"

PLAN 2 BUNGALOW



4 FARMHOUSE LEFT ELEVATION
A201-FH SCALE: 1/4" = 1'-0"



2 FARMHOUSE REAR ELEVATION
A201-FH SCALE: 1/4" = 1'-0"

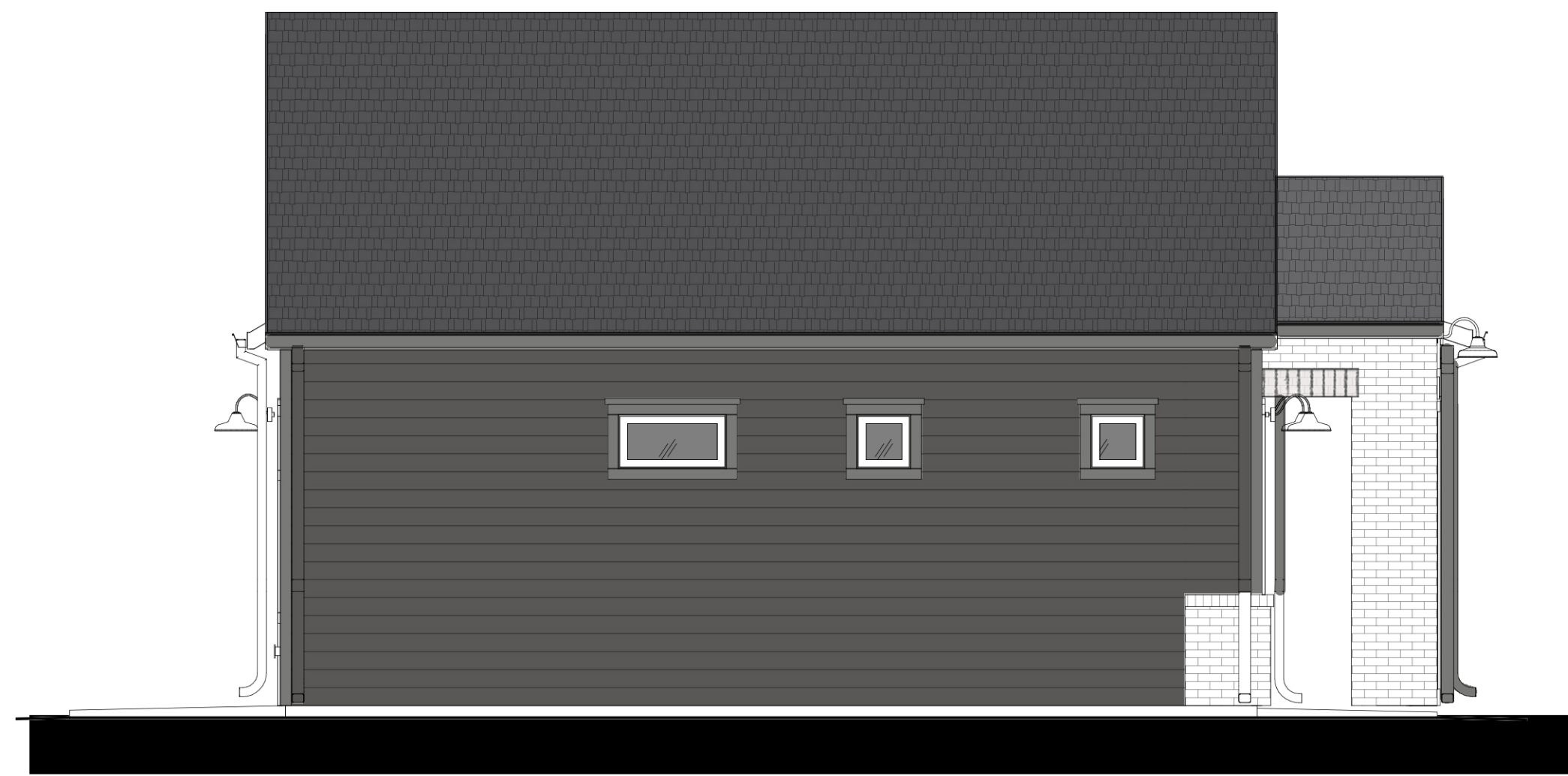
1



3 FARMHOUSE RIGHT ELEVATION
A201-FH SCALE: 1/4" = 1'-0"



1 FARMHOUSE FRONT ELEVATION
A201-FH SCALE: 1/4" = 1'-0"



4 MODERN FARMHOUSE LEFT ELEVATION
A201-HC SCALE: 1/4" = 1'-0"



2 MODERN FARMHOUSE REAR ELEVATION
A201-HC SCALE: 1/4" = 1'-0"



3 MODERN FARMHOUSE RIGHT ELEVATION
A201-HC SCALE: 1/4" = 1'-0"

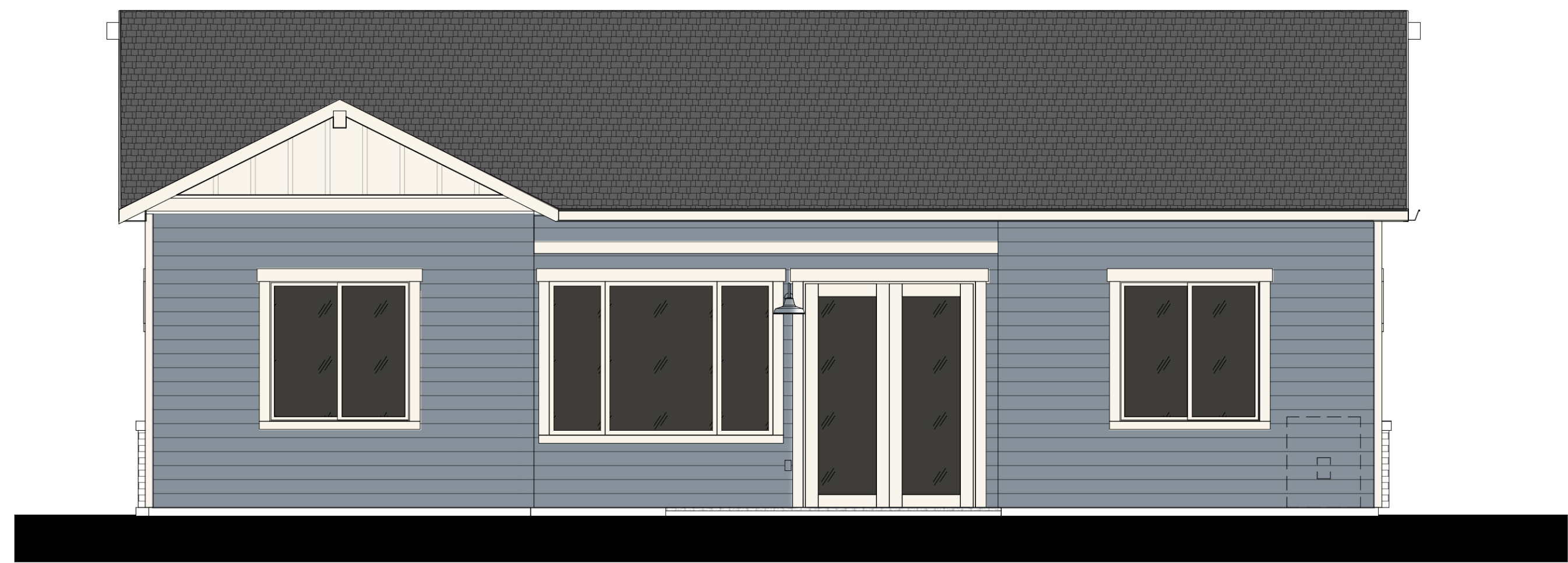


1 MODERN FARMHOUSE FRONT ELEVATION
A201-HC SCALE: 1/4" = 1'-0"

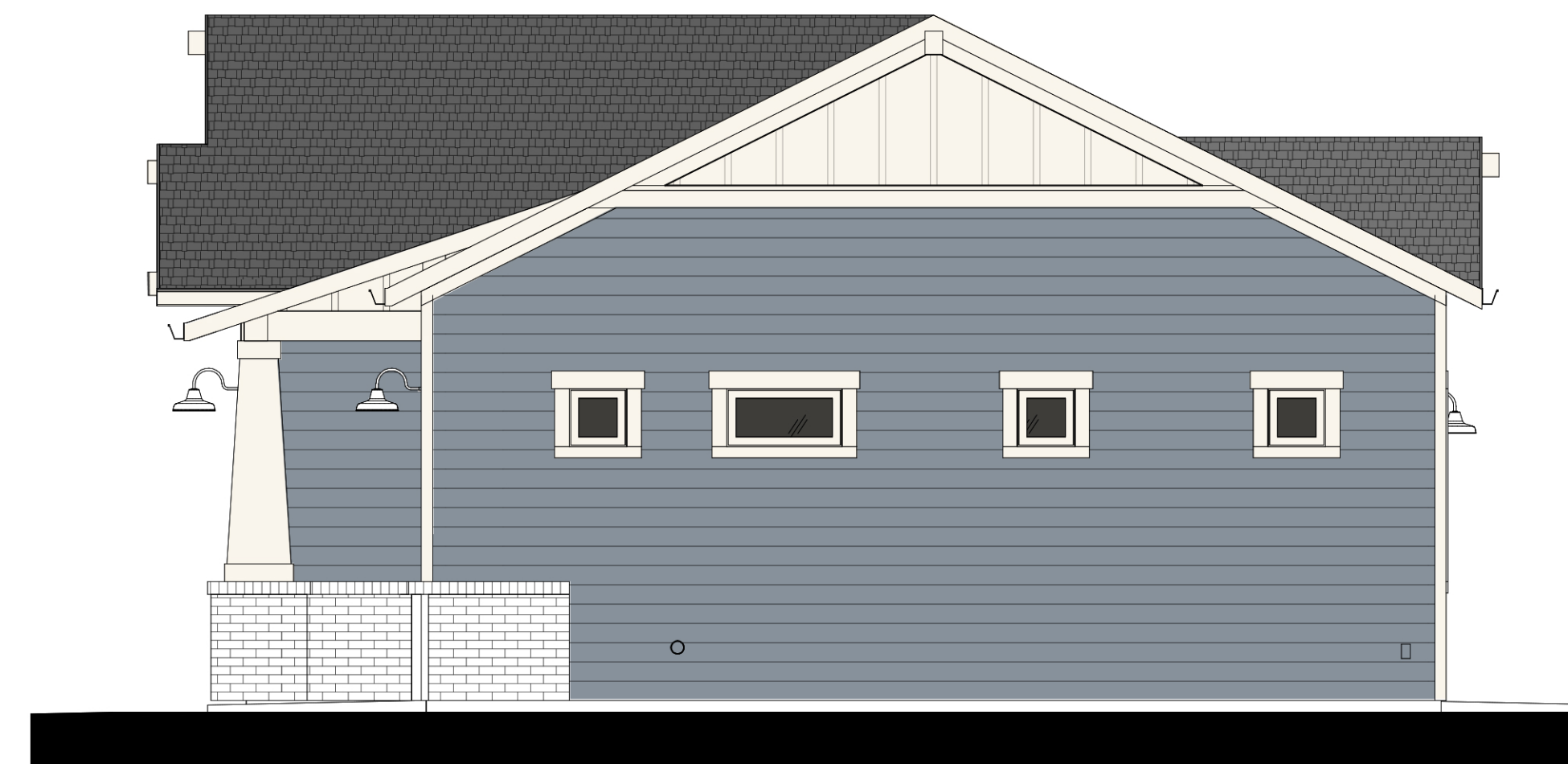
PLAN 2 MODERN FARMHOUSE



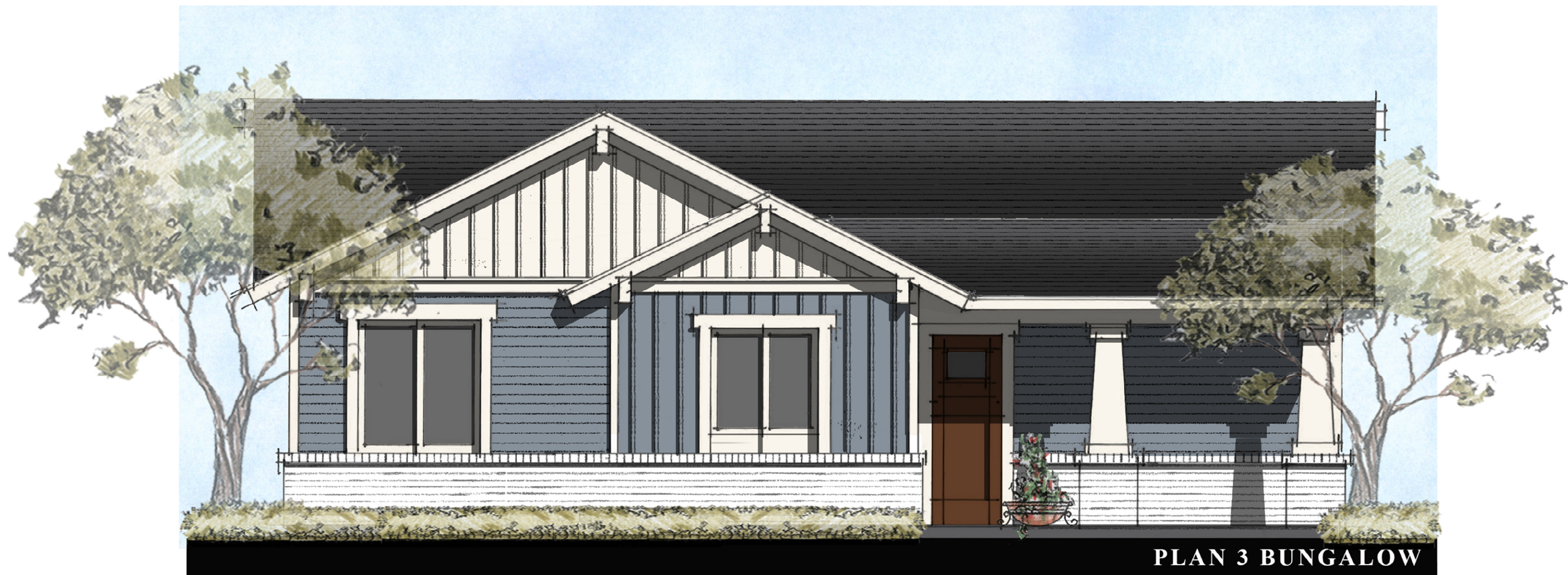
4 BUNGALOW LEFT ELEVATION
A201-B SCALE: 1/4" = 1'-0"



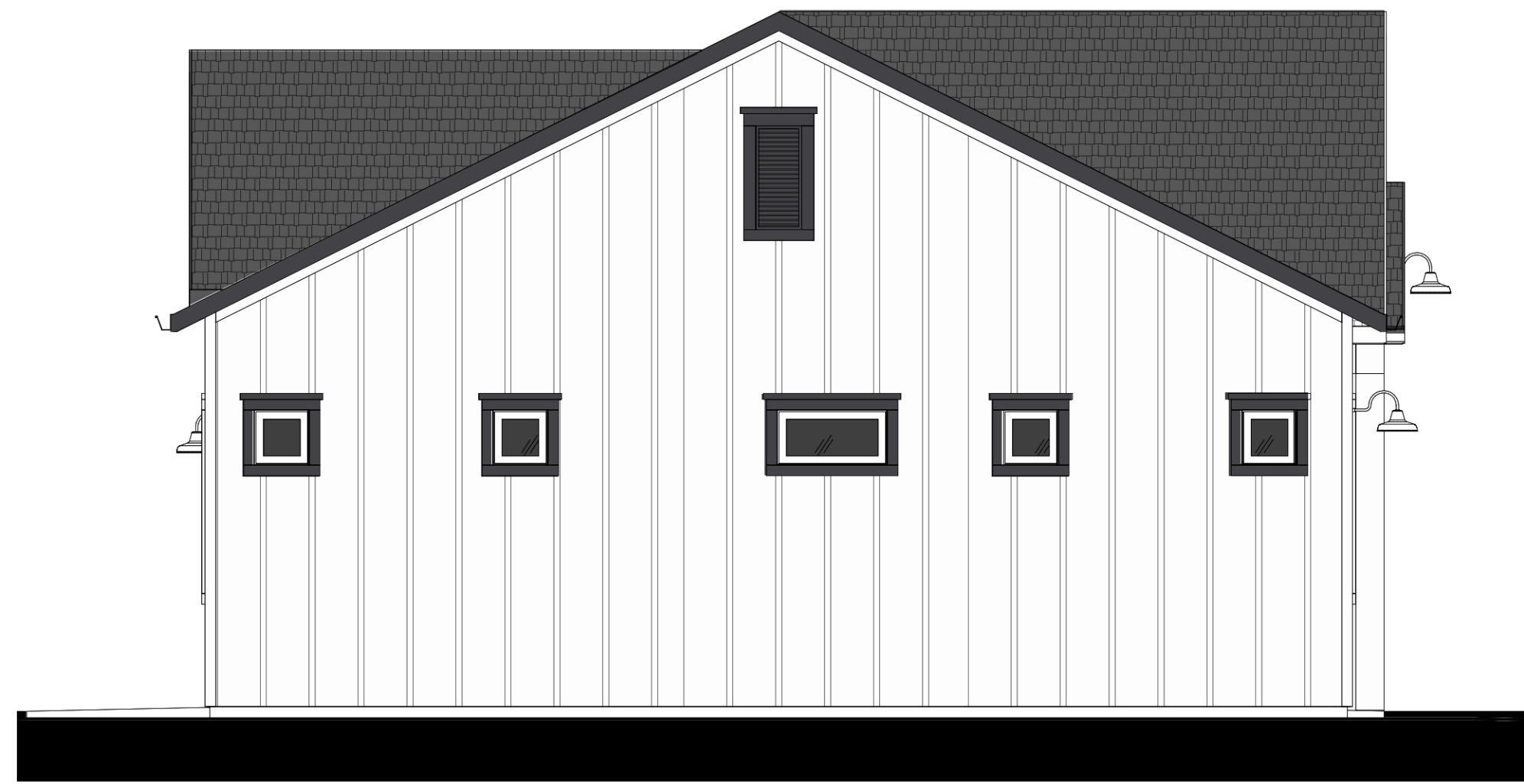
2 BUNGALOW REAR ELEVATION
A201-B SCALE: 1/4" = 1'-0"



3 BUNGALOW RIGHT ELEVATION
A201-B SCALE: 1/4" = 1'-0"



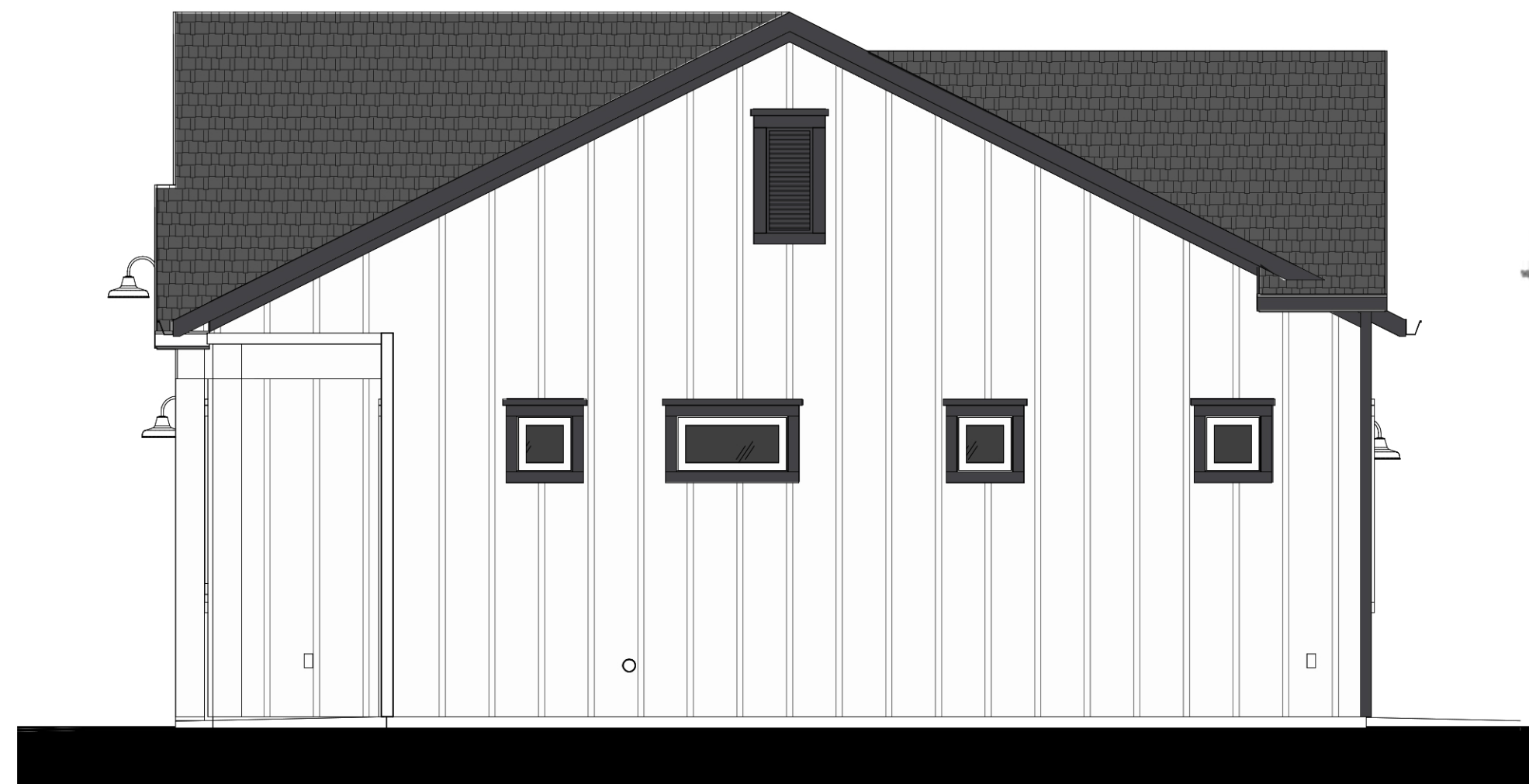
1 BUNGALOW FRONT ELEVATION
A201-B SCALE: 1/4" = 1'-0"



4 FARMHOUSE LEFT ELEVATION
201-FH SCALE: 1/4" = 1'-0"



2 FARMHOUSE REAR ELEVATION
A201-FH SCALE: 1/4" = 1'-0"



3 FARMHOUSE RIGHT ELEVATION
A201-FH SCALE: 1/4" = 1'-0"



1 FARMHOUSE FRONT ELEVATION
A201-FH SCALE: 1/4" = 1'-0"



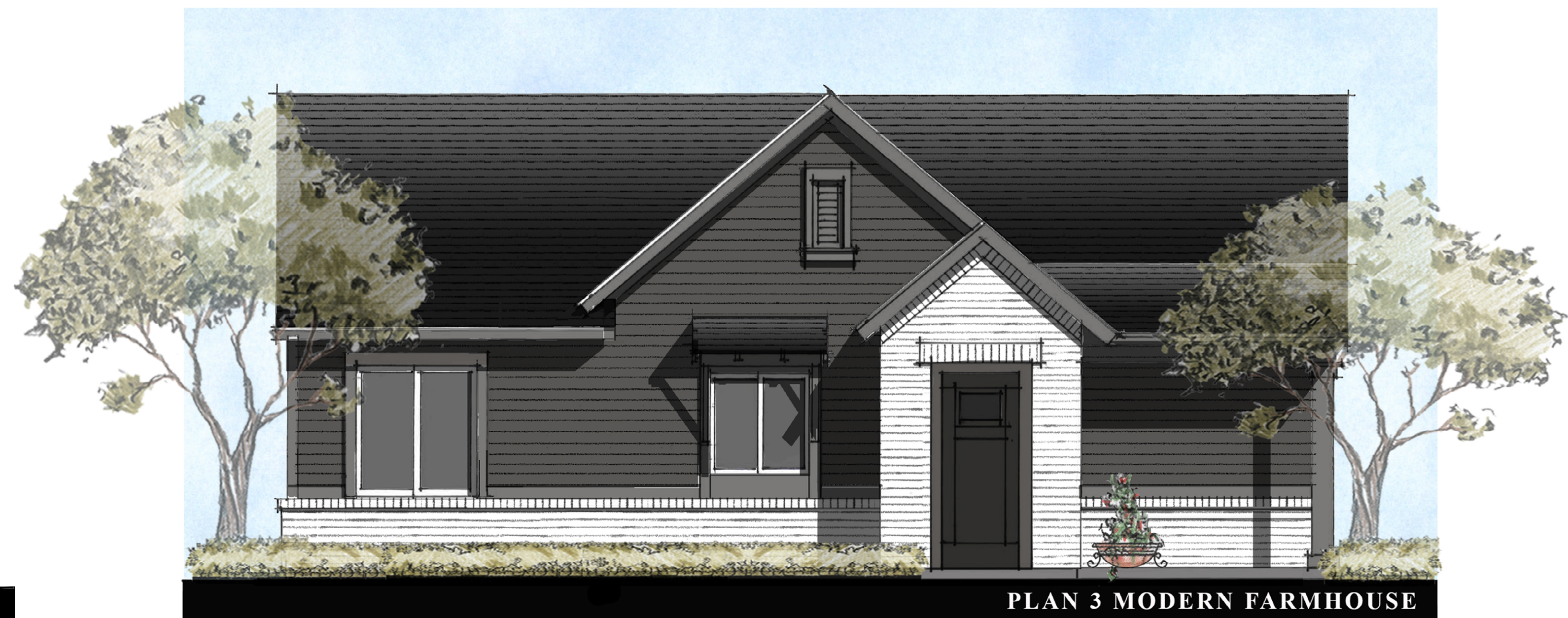
4 MODERN FARMHOUSE LEFT ELEVATION
A201-MF SCALE: 1/4" = 1'-0"



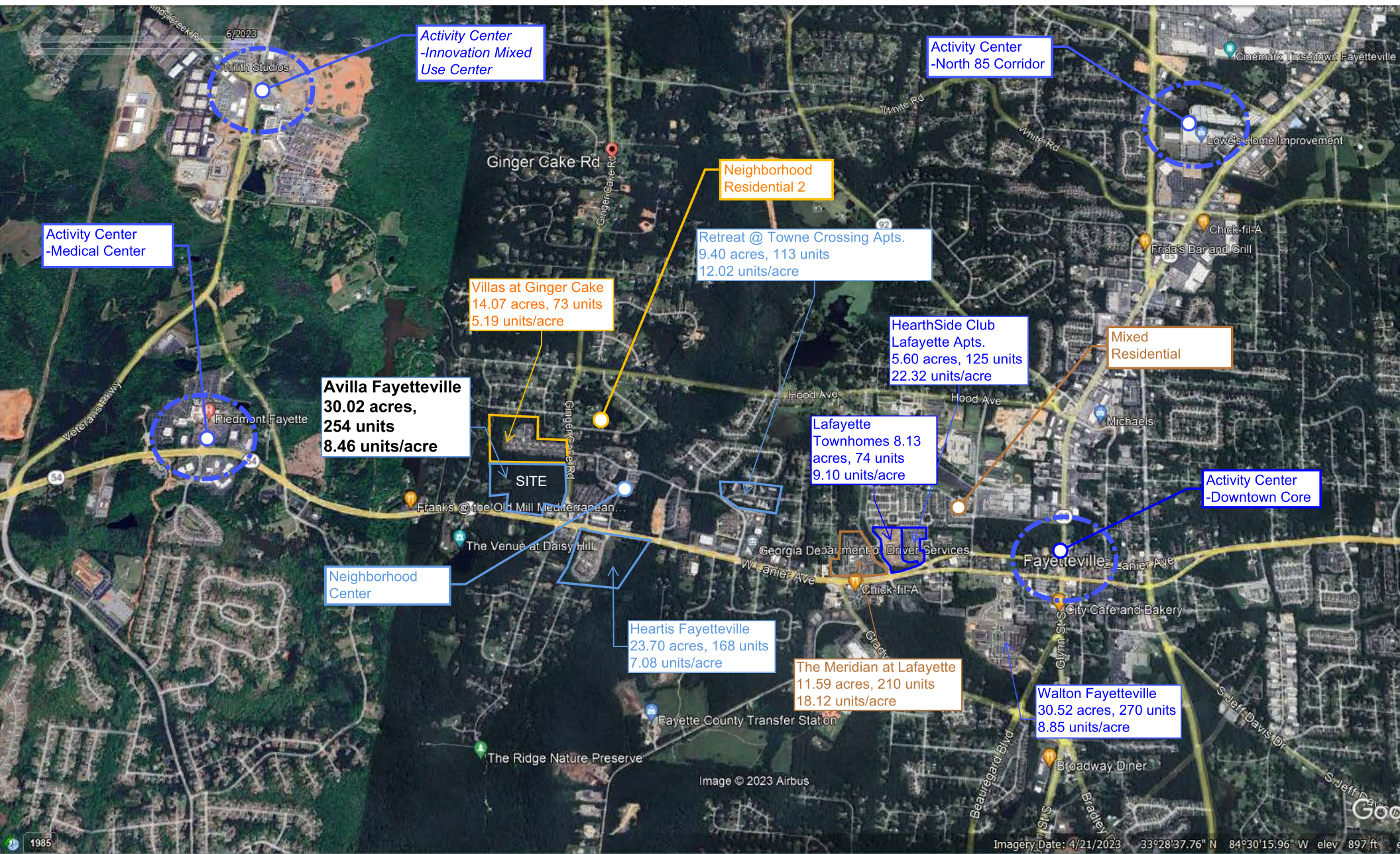
2 MODERN FARMHOUSE REAR ELEVATION
A201-MF SCALE: 1/4" = 1'-0"



3 MODERN FARMHOUSE RIGHT ELEVATION
A201-MF SCALE: 1/4" = 1'-0"



1 MODERN FARMHOUSE FRONT ELEVATION
A201-MF SCALE: 1/4" = 1'-0"



January 18, 2024

City of Fayetteville
Mayor Ed Johnson and City Council Members
210 Stonewall Avenue West
Fayetteville, GA 30214

Dear Mayor Johnson and City Council:

My name is Dr. Vincent T. Peng and I am one of the property owners of the 18.32 acre parcel located near the intersection of Highway 54 and Gingercake Rd. in Fayetteville. My ownership group purchased this property back in 1983 as an investment opportunity. Since purchasing it the ownership group has continuously and actively marketed the property for sale for commercial use (for which it is zoned) and thus far has only been able to sell the corner lot which was originally an Eckerd's drug store. It is now operated as a Walgreens. No one has been interested in any other commercial use for the property.

We have consistently attempted to be good neighbors by maintaining the property and paying our property taxes without fail. We have done all within our power to sell this property under its current zoning designation of neighborhood commercial, but we have had no interest for this use. When the current rezoning applicant came to us with the idea of having this property rezoned for a multifamily use we felt this would be an even better use for the site. We anticipate that it would be a less intensive use than some of the available uses under the current zoning, and the neighbors would much prefer to have it developed in this manner compared to some of the other available options. The traffic, noise, and lighting would be much less than if it were developed as a Quik Trip, Lowes, Racetrack, or other similar use.

Based on the time period of our ownership and our inability to sell the property based on its current zoning we feel that the current zoning designation is not appropriate for this property and is, in fact, unconstitutional. We have diligently attempted to sell the property since acquisition, but have had no success other than the 1.35 acre lot that was sold in July of 1996 that is mentioned above. We feel that the proposed use as a multi-family community will be the best future use of the property, and that if this zoning is not approved that you will be taking away our constitutional rights of landownership.

We humbly ask for your approval of this rezoning application, and hope to not be required to engage litigation on this request in order to protect our constitutional rights.

Sincerely,



Dr. Vincent T. Peng
Owner - Fayette Tax Parcel # 0522 048

January 24, 2024

City of Fayetteville
Mayor Ed Johnson and City Council Members
210 Stonewall Avenue West
Fayetteville, GA 30214

Dear Mayor Johnson and City Council:

My name is KM Mathew and I am one of the property owners of the 3.9 acre parcel with access to Gingercake Rd. near its intersection with Highway 54 in Fayetteville. My ownership group purchased this property in 2007 as an investment opportunity. Since purchasing it the ownership group has continuously and actively marketed the property for sale for commercial use (for which it is zoned). We have had no luck in getting any interest for this commercial use thus far.

Our property is adjacent to the Villas at Gingercake residential neighborhood which sits just North of our property. We have always attempted to be a good neighbor to this project, attempting to ensure that the development of our site would not have a negative impact on their homes. We have been concerned that if our project was developed for a commercial use, the constant traffic, heavy lighting, and routine noise generated by these businesses could hurt these property owners at the Villas. Unfortunately the current (and future) zoning designation for commercial use gave us no choice but to market this property for commercial development.

When the current applicant NexMetro came and spoke with us about using our property as one of an assemblage for a luxury apartment community we felt this would be a superb use for the site. It will be more similar to the adjoining Villas property than a true commercial project, and should have much less impact than if developed commercially.

My ownership group has owned this property for over 16 years, and we have done our best to sell it based on its current zoning for commercial use. It has been actively marketed with no sales since our acquisition of it. It is readily apparent that the most proper future use of this property is for a different use other than commercial. We feel that the proposed rezoning for multi-family would be most beneficial for both the neighborhood and community at large based primarily on traffic concerns, among other factors. If this property is not rezoned based on the current application we believe that the City of Fayetteville will be violating our rights of constitutional landownership, and we will have no other choice but to consider employing legal counsel to protect our rights. We ask for your approval of NexMetro's request.

Sincerely,



Fayetteville Gingercake Rd. LLC/KM Mathew
Owner – Fayette Tax Parcel # 0522 003

January 22, 2024

City of Fayetteville
Mayor Ed Johnson and City Council Members
210 Stonewall Avenue West
Fayetteville, GA 30214

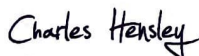
Dear Mayor Johnson and City Council:

My name is Charles Hensley and I own the property located at 1013 Highway 54 W in Fayetteville. I have owned this property since December of 1970 and it was my personal residence for over many years. I have now relocated to Tennessee, and kept this home as an investment property. I have been actively marketing this property for potential commercial use based on its proximity to the larger tracts near Gingercake Road and Highway 54. I was aware that those tracts were zoned for commercial use, and although they have not been successful at all in selling them for commercial use, I believed that with my only access being a narrow strip of property with no frontage on Highway 54, that it would be best for my property to be sold with the other 2 larger tracts for whatever final use they were sold for.

I have always paid my taxes when due, and I have attempted to be a good citizen. It is now time for my property to be sold as I am 92 years old. When the current rezoning applicant NexMetro came to me wanting to put my property with the other 2 properties I thought it was an answered prayer. When I found out that they were attempting to rezone this property for residential apartments I could not have been happier, as I know this will be a better use for the property than if it was developed commercially. There will be less traffic being developed this way, and it will be much better for my neighbors that abut my property to the West since won't be any large trucks, heavy lighting, people coming in and out at all times of the day, etc.

I have owned this property for over 53 years. It is now time to sell and for it to be developed in a more appropriate manner. I have not been able to sell this property based on its current zoning because no one wants a single-family home whose only access is directly on Highway 54. I have employed a professional real estate agent that has worked diligently trying to sell this property. He has not been successful based on its current zoning, and it will need to be rezoned to an appropriate use. If you don't approve this rezoning request for this apartment use, you will be taking away my constitutional rights of landownership. I ask that you approve this rezoning application, and that I won't be required to hire an attorney in order to protect my constitutional rights.

Sincerely,



Charles T. Hensley
Owner - Fayette Tax Parcel # 0522 033



FAYETTEVILLE

NO LIMITS ON IMAGINATION

FAYETTEVILLE CITY HALL
210 Stonewall Avenue West
Fayetteville, Georgia 30214
770-461-6029 Telephone
770-460-4238 Facsimile
www.Fayetteville-GA.gov

TO: Planning and Zoning Commission

FROM: Katherine Prickett, Planner

VIA: David Rast, Director of Community and Economic Development

DATE: February 9, 2024

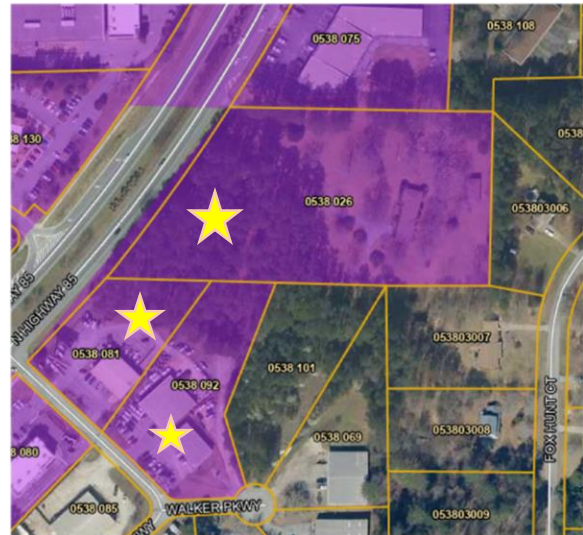
SUBJECT: Consider requests from Darrell Baker of Randolph Williams Development, LLC as they relate to the development of property located at 135 and 145 Walker Parkway and 1373 Highway 85 North (Parcel nos. 0538 081, 0538 092, and 0538 026):

- a. Approval of conceptual site plan for three (3) parcels for ADC Fayetteville, LLC
- b. A conditional use permit to allow outdoor storage facility in a Neighborhood Commercial zoning district under section 95-207.71

Project Background: Annexation and Rezoning

The subject parcels along Hwy 85 N and Walker Parkway were annexed (#0-29-22) and rezoned (#0-30-22) on November 11, 2022 subject to the following understandings and conditions:

1. The subject parcels shall be designated as Neighborhood Center on the Future Land Use Map.
2. It is understood this annexation and rezoning does not include approval of the schematic site plan submitted as a part of the rezoning application.
3. No less than a 75' undisturbed buffer shall be provided along the property lines separating the annexed parcels from residentially-zoned properties within unincorporated Fayette County.



At the September 15, 2022 City Council meeting, there was considerable discussion related to the existing billboard on the property and whether or not it could be removed. While not included as a formal condition of approval, the Applicant committed to notifying the billboard company the ground lease would not be renewed as soon as feasibly possible. He then offered to add this as a condition or incorporate this requirement as a deed restriction.

Current Request and Project Summary

ADC Fayetteville, LLC is requesting Conceptual Site Plan approval for the combined property with the intent of establishing a 3.40-acre tract for the development of a freestanding parking lot. The remaining acreage will be subdivided as each outparcel is developed. In order to develop the parking lot for the intended use, the Applicant is also requesting a Conditional Use Permit to allow for an outdoor storage facility in NC Neighborhood Commercial zoning district.

This will be a multi-phased development. The first phase will include pre-clearing and pre-grading the entire 5.874-acre site, construction of internal roads and utilities, and the construction of a 308-space parking facility with utilities, site lighting, storm and water quality, paving, striping and landscaping. The parking lot will be utilized for overflow storage associated with the automobile dealership across HWY 85. There will be no structures on the property and sales will not be conducted from this site. All vehicle prep will be done at the Tesla Maintenance Facility.

Phase 2 includes prepping the remainder of the site to establish two (2) pad-ready outparcels. Each future-use Applicant will submit their individual Conceptual Site Plan for approval.

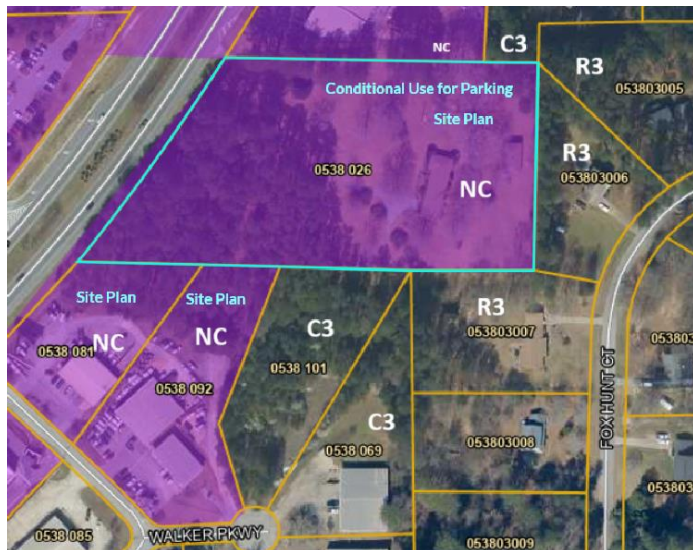
Existing Site Conditions

Address	135 Walker Pkwy	145 Walker Pkwy	1371 HWY 85 N
Parcel Number	0538 092	0538 081	0538 026
Acreage	1.51	0.899	5.874
Zoning	Neighborhood Commercial		
Future Land Use	Neighborhood Center		
Current use	Developed		Partially developed
Utilities	Water and Sewer		

Existing Zoning

The three subject properties are zoned NC Neighborhood Commercial and designated as Neighborhood Center within the 2022 Comprehensive Plan Update and the associated Future Land Use Map.

City Zoning Districts



County Zoning Districts

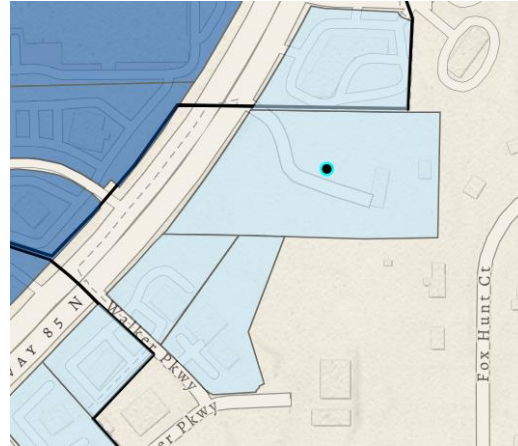
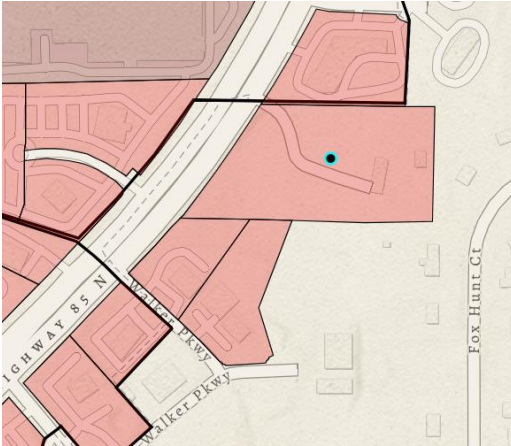


Adjoining Property Zoning

The subject properties have Neighborhood Commercial (NC) zoning to the North and South as well as county commercial (C3) zoning to the south and three residential properties zoned (R3) that share an

Current Zoning: NC Neighborhood Commercial

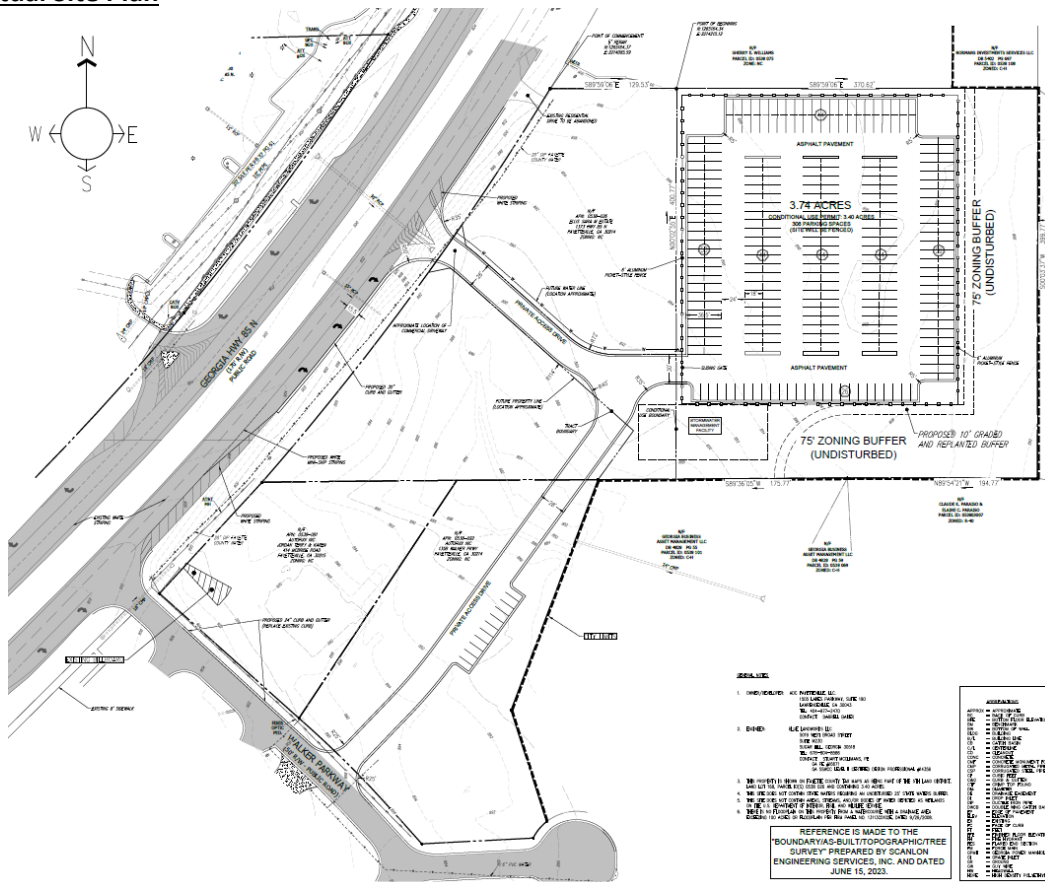
Future Land Use: Neighborhood Center



eastern and partial southern border.

The Unified Development Ordinance requires a Conditional Use Permit for outdoor storage in NC Neighborhood Commercial zoning.

Conceptual Site Plan



Conceptual Site Plan review criteria

Section 407.17.B. of the UDO establishes criteria for evaluating conceptual site plans.

Does the proposed development meet all requirements of this and any other applicable ordinances?

a. Does the proposed development meet all of the requirements of state and federal law?

- Yes.

b. Will the proposed development be consistent with the comprehensive plan?

- Possibly. The Comprehensive Plan and Future Land Use Map designate the subject tracts as Neighborhood Center. The Comprehensive Plan states these areas *“are primarily located on major thoroughfares and near concentrations of existing or planned residential neighborhoods. Current developments and uses include smaller strip centers, shopping centers with grocery stores, storage facilities, offices, retail establishments, restaurants, and services.”* If approved, the development as proposed would allow the existing Tesla dealership to expand.

c. Will the proposed development interfere with or obstruct the flow of traffic, or create any traffic or safety hazards upon the street system of the city?

- No. Staff believes with the addition of a new road; the traffic flow could improve as it is an added connection all citizens can use. However, the loading and unloading of vehicles with carrier trailers should be restricted to the new road to mitigate any traffic issues on HWY 85 N.

d. Will the proposed development restrict or otherwise interfere with any future street or thoroughfare plan?

- No. Staff is unaware of any future street or thoroughfare that would be impacted by the proposed site plan or conditional use.

e. Is the proposed development designed and laid out so as to accommodate fire and other emergency vehicles?

- Yes. During the technical review plan distribution, the Fire Marshal approved the plans.

f. Will the proposed development harmonize with neighboring properties?

- Possibly. With the implementation of 75' undisturbed buffer along the residential bordering properties as well as a proposed fence, Staff believes the proposed development can work well at this location. The properties to the north and south have complimentary zoning for commercial uses. While the proposed use should not create a nuisance, it will be imperative to monitor lighting and security lighting on the property to protect adjoining residential properties as well as the HWY 85 Corridor.

g. Will the proposed development or any logical extension thereof have any adverse environmental impact?

- Unlikely. As any development may have an environmental impact, there are state regulations that shall be followed to mitigate negative results. In addition to the buffers, there are soil and erosion control measures required by the city and state to be kept in place throughout all phases of construction - with the goal being to minimize any environmental impact.

Conditional Use Permit review criteria

Section 104.18.C.7 of the UDO establishes standards and factors governing review of conditional use.

The following standards and factors are found to be relevant and shall be used for evaluating applications for a conditional use:

- a. Whether the policies and objectives of the comprehensive plan, particularly in relationship to the proposed site and surrounding area align and support the proposal;**
 - The Comprehensive Plan defines Neighborhood Centers (the Future Land Use designation for this site) as *“strategically located at intersections to maximize access, visibility and economic viability...”* Additionally, Staff believes the Conditional Use Permit for this project aligns with the vision of the Comprehensive plan as it would allow an existing business to expand and avoid the need to relocate.
 -
- b. Whether the proposed use is suitable in view of the use and development of adjacent and nearby property;**
 - Staff believes this is a suitable use with adjacent and nearby properties as there appears to be a low potential for nuisance, is possibly a better use than what currently is nearby and aligns with the existing Neighborhood Commercial zoning.
- c. Whether the proposed use is consistent with the requirements of the zoning district in which the use is proposed to be located;**
 - The proposed use, outdoor storage for a parking facility, is consistent with the requirements of the zoning district. The facility may not become an automotive sales facility at any point as this would be inconsistent with the zoning.
- d. Whether the proposed use results in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or other public facilities;**
 - No. The applicant’s proposal includes constructing an internal road which will ultimately serve as access for the outparcels. This road may offset excessive use of existing streets and possibly limit traffic on Ellis Road and Walker Parkway. The Applicant is also proposing to install utilities for future use of two parcels.
- e. Whether there is adequate ingress and egress to the subject property, including evaluation of the traffic impact of the proposed use relative to street capacity and safety of public streets and nearby pedestrian uses;**
 - With the development of the proposed road, there will be adequate ingress and egress to the site.
- f. Whether there are other existing or changing conditions which, because of their impact on the public health, safety, morality and general welfare of the community, give supporting grounds for either approval or disapproval of the proposed use.**
 - There are no conditions to support grounds for either approval or disapproval of the proposed use.

Staff Recommendation

Based on the review criteria for Conceptual Site Plan and Conditional Use Permits established in Sections **407.17.B** and **104.18.C.7** of the UDO, Staff is of the opinion the Conceptual Site Plan and Conditional Use Permit be approved subject to the following understandings and conditions:

1. Approval of the conceptual site plan and the conditional use permit is contingent upon removal of the existing billboard prior to the issuance of a Land Disturbance or Building Permit for any portion of this property.
2. Approval from GDOT to widen the existing residential curb cut to accommodate commercial traffic as well as close off the residential curb cut north of the site.
3. It is understood loading and unloading of vehicles shall be limited to the new internal road and no trucks shall park on or adjacent to HWY 85.
4. Maintain 75' undisturbed buffer between each county residential property.
5. Fence materials and height shall conform to the requirements set forth in the UDO and reviewed by staff prior to installation.
6. Site lighting shall comply with the city's Lighting Ordinance. The use of security lighting or directional floodlighting along the access road or within the car storage area shall not be permitted.

CITY OF FAYETTEVILLE
PART 1: CONCEPTUAL SITE PLAN AUTHORIZATION


Project Name **ADC Fayetteville, LLC HWY 85 N 145 CSP**
Project Address **145 Walker Parkway, Fayetteville, GA 30214**

PROPERTY OWNER INFORMATION

Applicants Name **Darrell Baker, Agent / Randolph Williams, LLC**
Applicants Mailing Address **100 World Drive, Suite 105, Peachtree City, GA 30269**
Applicants Telephone **404.977.2470 Cell**
Email **dbaker@rwcre.net**

PROPERTY OWNERS AUTHORIZATION

Property Owners Name **Terry & Karen Jordan**

 (sign name) I affirm that I am the owner of the tract or parcels of land identified above and I will serve as the primary contact for this application

OR

I hereby designate **Darrell Baker of Randolph Williams** (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application. If this relationship changes at any time prior to the completion of this project, it is my sole responsibility to notify the City of Fayetteville Community Development Department of said change in writing.

ALL APPLICABLE ITEMS ARE DUE AT THE TIME OF SUBMISSION

ITEM#	REQUIRED NUMBER	CHECK
1	Conceptual Site Plan Authorization and Application	<input checked="" type="checkbox"/>
2	Review Fees (Application Fee is \$500.00, each resubmittal is \$250)	<input checked="" type="checkbox"/>
3	Project Narrative	<input checked="" type="checkbox"/>
4	Boundary Survey	<input checked="" type="checkbox"/>
5	Site Plan	<input checked="" type="checkbox"/>
6	Building Elevations N/A	<input type="checkbox"/>
7	Water and Sewer Utility letters	<input checked="" type="checkbox"/>

Digital Submittal (in order for an application to be deemed complete a digital copy of the site plan and survey must also be submitted via USB, CD, or email to PlanningDesk@fayetteville-ga.gov)

INTERNAL USE

AMOUNT RECEIVED :

DATE PAID :

BS&A FILE NUMBER

DATE COMPLETED

P&Z MEETING DATE:

APPLICATION WAS RECEIVED :

CITY OF FAYETTEVILLE

PART 2: CONCEPTUAL SITE PLAN APPLICATION

SITE INFORMATION						
Project Name	ADC Fayetteville, LLC HWY 85 N 145 CSP					
Project Address	145 Walker Pkwy, Fayetteville	Parcel ID	0538 081			
Zoning District	C-3	Property Size	39,160.44	0.899		
			Sq. ft.	Acres		
PROJECT INFORMATION						
Disturbed Area:	39,160.44	0.899	Is the project located in the Main Street District?		___ Yes ___ <input checked="" type="checkbox"/> No	
	Sq. ft.	Acres				
Number of Existing Lots/Parcels:	3		Number of Proposed Lots/Parcels	1 until future subdivision		
If the project is for multifamily development, what is the estimated number of units?	N/A		Is this a phased development?	___ <input checked="" type="checkbox"/> Yes ___ No If yes, how many phases? ___ 4-5		
Are there existing deed restrictions or easements?	___ Yes ___ <input checked="" type="checkbox"/> No		Are utilities available on site:	___ <input checked="" type="checkbox"/> Yes ___ No		
Does the proposed use consist of a restaurant facility?	___ Yes ___ <input checked="" type="checkbox"/> No Future - yes		Will the project include a fire sprinkler system/ or fire walls?	___ Yes ___ <input checked="" type="checkbox"/> No Future - yes		
If so, do you plan to serve alcohol?	___ Yes ___ <input checked="" type="checkbox"/> No, If you plan to serve alcohol, what is the distance from the nearest: ___ Church ___ School ___ Residence (Review the Fayetteville code of ordinances for details on the measuring the distance)					
Existing Land Use: check all that apply	___ Residential ___ <input checked="" type="checkbox"/> Commercial ___ Mixed Use ___ Public/Institutional ___ Industrial ___ Vacant/Undeveloped ___ Agricultural/Parks/Conservation					
Proposed Land Use : check all that apply	___ Residential ___ <input checked="" type="checkbox"/> Commercial ___ Mixed Use ___ Public/Institutional ___ Industrial ___ Vacant/Undeveloped ___ Agricultural/Parks/Conservation					
PROJECT TEAM (IF KNOWN OR RETAINED)						
PRIMARY CONTACT						
Name	Darrell Baker		Company	Randolph Williams	Phone	404.977.2470
Address	100 World Dr, 105, PTC 30269		Email	dbaker@rwcre.net		
PROPERTY OWNER (IF DIFFERENT)						
Name	Terry & Karen Jordan		Company	Autofixx, Inc	Phone	770.652.7012
Address	414 McBride Rd, Fayetteville, 32015		Email	aut141@aol.com		
ENGINEER						
Name	Stuart McClimans, PE		Company	Blue Landworks, LLC	Phone	678.804.8586
Address	5019 W Broad St, M320, Sugar Hill		Email	sam@bluelandworks.com		
	GA, 30518					
ARCHITECT						
Name	N/A		Company		Phone	
Address			Email			
SIGNATURE						

With the signing and submittal of this application, the property owner or authorized representative petitions the City of Fayetteville Planning and Zoning Commission to consider the proposed conceptual site development plans at the above listed property address. By signing below, I hereby certify that the above listed information and the accompanying materials as requested are accurate.

Applicant Signature:



Date

12/21/23

OF
PART 1: CONCEPTUAL SITE PLAN AUTHORIZATION

Project Name ADC Fayetteville, LLC 1373 HWY 85 N CSP / CUP
Project Address 1373 Hwy 85 N Fayetteville, GA 30214

PROPERTY OWNER INFORMATION

Applicants Name Darrell Baker, Agent / Randolph Williams, LLC
Applicants Mailing Address 100 World Drive, Suite 105, Peachtree City, GA 30269
Applicants Telephone 404.977.2470 cell
Email dbaker@rwcre.net

PROPERTY OWNERS AUTHORIZATION

Vary Kathryn McCoy

dotloop verified
12/21/23 5:16 PM EST
ULBE-7MRE-UJSB-YMU4

the owner of the tract or parcels of land identified above

and I will serve as the primary contact for this application

OR

I hereby designate Darrell Baker of Randolph Williams (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application. If this relationship changes at any time prior to the completion of this project, it is my sole responsibility to notify the City of Fayetteville Community Development Department of said change in writing.

ALL APPLICABLE ITEMS ARE DUE AT THE TIME OF SUBMISSION

ITEM#	REQUIRED NUMBER	CHECK
1	Conceptual Site Plan Authorization and Application	<input checked="" type="checkbox"/>
2	Review Fees (Application Fee is \$500.00, each resubmittal is \$250)	<input checked="" type="checkbox"/>
3	Project Narrative	<input checked="" type="checkbox"/>
4	Boundary Survey	<input checked="" type="checkbox"/>
5	Site Plan	<input checked="" type="checkbox"/>
6	Building Elevations N/A	<input type="checkbox"/>
7	Water and Sewer Utility letters	<input checked="" type="checkbox"/>

Digital Submittal (in order for an application to be deemed complete a digital copy of the site plan and survey must also be submitted via USB, CD, or email to PlanningDesk@fayetteville-ga.gov)

INTERNAL USE

AMOUNT RECEIVED :

DATE PAID :

BS&A FILE NUMBER

DATE COMPLETED

P&Z MEETING DATE:

APPLICATION WAS RECEIVED :

CITY OF FAYETTEVILLE

PART 2: CONCEPTUAL SITE PLAN APPLICATION

SITE INFORMATION						
Project Name	ADC Fayetteville, LLC 1373 HWY 85 N CSP / CUP					
Project Address	1373 Hwy 85 N, Fayetteville 30214	Parcel ID	0538 026			
Zoning District	C-3		Property Size	255,871.44	5.874	
			Sq. ft.	Acres		
PROJECT INFORMATION						
Disturbed Area:	255,871.44	5.874	Is the project located in the Main Street District?	___ Yes <input checked="" type="checkbox"/> No		
	Sq. ft.	Acres				
Number of Existing Lots/Parcels:	3		Number of Proposed Lots/Parcels	1 until future subdivision		
If the project is for multifamily development, what is the estimated number of units?	N/A		Is this a phased development?	___ Yes <input checked="" type="checkbox"/> No If yes, how many phases? ___ Future - yes		
Are there existing deed restrictions or easements?	___ Yes <input checked="" type="checkbox"/> No		Are utilities available on site:	___ <input checked="" type="checkbox"/> Yes ___ No		
Does the proposed use consist of a restaurant facility?	___ Yes <input checked="" type="checkbox"/> No Future - yes		Will the project include a fire sprinkler system/ or fire walls?	___ Yes ___ <input checked="" type="checkbox"/> No Future - yes		
If so, do you plan to serve alcohol?	___ Yes <input checked="" type="checkbox"/> No, If you plan to serve alcohol, what is the distance from the nearest: ___ Church ___ School ___ Residence <small>(Review the Fayetteville code of ordinances for details on the measuring the distance)</small>					
Existing Land Use: check all that apply	___ Residential <input checked="" type="checkbox"/> Commercial ___ Mixed Use ___ Public/Institutional ___ Industrial ___ Vacant/Undeveloped ___ Agricultural/Parks/Conservation					
Proposed Land Use : check all that apply	___ Residential <input checked="" type="checkbox"/> Commercial ___ Mixed Use ___ Public/Institutional ___ Industrial ___ Vacant/Undeveloped ___ Agricultural/Parks/Conservation					
PROJECT TEAM (IF KNOWN OR RETAINED)						
PRIMARY CONTACT						
Name	Darrell Baker		Company	Randolph Williams	Phone	404.977.2470
Address	100 World Dr, 105, PTC 30269		Email	dbaker@rwcre.net		
PROPERTY OWNER (IF DIFFERENT)						
Name	Sara M Ellis Estate		Company	Tom Fulton / Agent	Phone	770.329.1410
Address	1373 Hwy 85 N, Fayetteville 30214		Email	tfulton@cbsbullard.net		
ENGINEER						
Name	Stuart McClimans, PE		Company	Blue Landworks, LLC	Phone	678.804.8586
Address	5019 W Broad St, M320, Sugar Hill GA, 30518		Email	sam@bluelandworks.com		
ARCHITECT						
Name	N/A		Company		Phone	
Address			Email			
SIGNATURE						

With the signing and submittal of this application, the property owner or authorized representative petitions the City of Fayetteville Planning and Zoning Commission to consider the proposed conceptual site development plans at the above listed property address. By signing below, I hereby certify that the above listed information and the accompanying materials as requested are accurate.

Applicant Signature:



Date 12/21/23

CITY OF FAYETTEVILLE

PART 1: CONCEPTUAL SITE PLAN AUTHORIZATION

Project Name ADC Fayetteville, LLC Hwy 85 N 135 CSP
 Project Address 135 Walker Parkway, Fayetteville, GA 30214

PROPERTY OWNER INFORMATION

Applicants Name Darrell Baker, Agent / Randolph Williams, LLC
 Applicants Mailing Address 100 World Drive, Suite 105, Peachtree City, GA 30269
 Applicants Telephone 404.977.2470 cell
 Email dbaker@rwcre.net

PROPERTY OWNERS AUTHORIZATION

Property Owners Name Terry & Karen Jordan / Autofixx Inc



(sign name) I affirm that I am the owner of the tract or parcels of land identified above and I will serve as the primary contact for this application

OR

I hereby designate Darrell Baker of Randolph Williams (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application. If this relationship changes at any time prior to the completion of this project, it is my sole responsibility to notify the City of Fayetteville Community Development Department of said change in writing.

ALL APPLICABLE ITEMS ARE DUE AT THE TIME OF SUBMISSION

ITEM#	REQUIRED NUMBER	CHECK
1	Conceptual Site Plan Authorization and Application	<input checked="" type="checkbox"/>
2	Review Fees (Application Fee is \$500.00, each resubmittal is \$250)	<input checked="" type="checkbox"/>
3	Project Narrative	<input checked="" type="checkbox"/>
4	Boundary Survey	<input checked="" type="checkbox"/>
5	Site Plan	<input checked="" type="checkbox"/>
6	Building Elevations N/A	<input type="checkbox"/>
7	Water and Sewer Utility letters	<input checked="" type="checkbox"/>

Digital Submittal (in order for an application to be deemed complete a digital copy of the site plan and survey must also be submitted via USB, CD, or email to PlanningDesk@fayetteville-ga.gov)

INTERNAL USE

AMOUNT RECEIVED :

DATE PAID :

BS&A FILE NUMBER

DATE COMPLETED

P&Z MEETING DATE:

APPLICATION WAS RECEIVED :

CITY OF FAYETTEVILLE

PART 2: CONCEPTUAL SITE PLAN APPLICATION

SITE INFORMATION						
Project Name	ADC Fayetteville, LLC 135 Walker Parkway CSP					
Project Address	135 Walker Pkwy, Fayetteville	Parcel ID	0538 092			
Zoning District	C-3	Property Size	65,819.16	1.511		
			Sq. ft.	Acres		
PROJECT INFORMATION						
Disturbed Area:	68819.16	1.511	Is the project located in the Main Street District?		___ Yes <input checked="" type="checkbox"/> No	
	Sq. ft.	Acres				
Number of Existing Lots/Parcels:	3		Number of Proposed Lots/Parcels		1 until future subdivision	
If the project is for multifamily development, what is the estimated number of units?	N/A		Is this a phased development?		<input checked="" type="checkbox"/> Yes ___ No If yes, how many phases? ___ 4-5	
Are there existing deed restrictions or easements?	___ Yes <input checked="" type="checkbox"/> No		Are utilities available on site:		<input checked="" type="checkbox"/> Yes ___ No	
Does the proposed use consist of a restaurant facility?	___ Yes <input checked="" type="checkbox"/> No Future - yes		Will the project include a fire sprinkler system/ or fire walls?		___ Yes <input checked="" type="checkbox"/> No Future yes	
If so, do you plan to serve alcohol?	___ Yes <input checked="" type="checkbox"/> No, If you plan to serve alcohol, what is the distance from the nearest: ___ Church ___ School ___ Residence <small>(Review the Fayetteville code of ordinances for details on the measuring the distance)</small>					
Existing Land Use: check all that apply	___ Residential <input checked="" type="checkbox"/> Commercial ___ Mixed Use ___ Public/Institutional ___ Industrial ___ Vacant/Undeveloped ___ Agricultural/Parks/Conservation					
Proposed Land Use : check all that apply	___ Residential <input checked="" type="checkbox"/> Commercial ___ Mixed Use ___ Public/Institutional ___ Industrial ___ Vacant/Undeveloped ___ Agricultural/Parks/Conservation					
PROJECT TEAM (IF KNOWN OR RETAINED)						
PRIMARY CONTACT						
Name	Darrell Baker		Company	Randolph Williams	Phone	404.977.2470
Address	100 World Dr. Ste 195, PTC 30269		Email	dbaker@rwcre.net		
PROPERTY OWNER (IF DIFFERENT)						
Name	Terry & Karen Jordan		Company	Autofixx, Inc	Phone	770.652.7012
Address	414 McBride Rd, Fayetteville, 30215		Email	aut141@aol.com		
ENGINEER						
Name	Stuart McClimans, PE		Company	Blue Landworks, LLC	Phone	678.804.8586
Address	5019 W Broad St, M230, Sugar Hill		Email	sam@bluelandworks.com		
ARCHITECT						
Name	N/A		Company		Phone	
Address			Email			
SIGNATURE						

With the signing and submittal of this application, the property owner or authorized representative petitions the City of Fayetteville Planning and Zoning Commission to consider the proposed conceptual site development plans at the above listed property address. By signing below, I hereby certify that the above listed information and the accompanying materials as requested are accurate.

Applicant Signature:



Date

12/21/23



FAYETTEVILLE

NO LIMITS ON IMAGINATION

FAYETTEVILLE CITY HALL
210 Stonewall Avenue West
Fayetteville, Georgia 30214
770-461-6029 Telephone
770-460-4238 Facsimile
www.Fayetteville-GA.gov

CONDITIONAL USE APPLICATION

FOR PLANNING & ZONING DEPT. USE ONLY

File No. PSPEX24-0001

Legal Ad Date: _____

Posting Notice Date: _____

Amount Received: _____

Date Paid: _____

Staff Signature: _____

P&Z Meeting Date: _____

Date Completed Application Was Received: _____

(Official Date Stamp)

Application Fee \$500.00

- ◆ Applications will not be considered complete until all items have been submitted. **Incomplete applications Will NOT be placed on the Planning & Zoning Commission agenda and will be returned to the applicant.**
- ◆ All items must be reviewed and approved by Staff and must be in compliance with current City Ordinances. **The City shall have five (5) business days in order to review applications for completeness**

Project Name: -- Outdoor Display and Storage

Project Address: 3.40 acres out of 5.874 acres located at 1373 Hwy 85N, Fayetteville, GA 30214

Parcel(s) #: 0538 026

Description of project: 308 space storage parking lot for new Tesla's for delivery. Cars will be prepped and delivered to clients from the SSD across the street

Applicant Name: Darrell Baker of Randolph Williams Development, LLC - Agent

Applicant Address: 100 World Drive, Suite 105, Peachtree City, GA 30269

Applicant Phone Number: 404.977.2470 Fax Number: N/A

Applicant Email: dbaker@rwcre.net

Darrell Baker, Agent affirms that he is/ she is/ they are the owners/ specifically authorized agent of the property located at: 1373 Hwy 85 N

Fayetteville, GA 30214

Darrell Baker, Agent petitions the City of Fayetteville Planning and Zoning Commission to consider a request for a conditional use permit from Section # 207.71, of the City of Fayetteville Zoning Ordinance to allow a Tesla Parking Lot in

a NC zoning district.

Applicant Signature:  Date: 12/21/23

CONDITIONAL USE APPLICATION/CHECKLIST

Return this APPLICATION/CHECKLIST with submittal. Incomplete submittals will not be reviewed.

PDF or JPEG file of site plan & color elevations Site Plan Attached / No Elevations Based on Scope of Project
 Narrative describing nature & scope of project

1. Building Dept. (Paul Hardy) 770-355-2133
2. Finance Dept. (Mike Bush) 770-461-6029

PART 3: IMPACT ANALYSIS REVIEW

IMPACT FORM - C	
Analyze the impact of the proposed CONDITIONAL USE and provide a written point-by-point response to the following questions:	
1. Does the proposed use align or support the policies and objectives of the comprehensive plan, particularly in relationship to the proposed site and surrounding area?	Site is consistent with the comprehensive plan for the current zoning allowing retail storage. The proposed use is less intense than retail / restaurant allowed currently in C-3
2. Is the proposed use suitable in view of the use and development of adjacent and nearby property?	The majority of the properties on 3 sides and most of the rear of the property are Highway Commercial with 2 residential tracts bordering the rear. Again, this is a less intense use verses other retail uses allowed in the current zoning category.
3. Is the proposed use consistent with the requirements of the zoning district in which the use is proposed to be located?	The proposed use is consistent with the current C-3 zoning.
4. Will the proposed use cause an excessive or burdensome use to existing streets, transportation facilities, utilities or other public facilities?	The used is less burdensome than other uses in C-3 and the only utilities to be use would be electricity for site lighting and basic charging and potentially water for landscaping / parking lot maintenance
5. Is there adequate ingress and egress to the subject property, including evaluation of the traffic impact of the proposed use relative to street capacity and safety of public streets and nearby pedestrian uses?	The internal roads to the planned development have been designed to support the use and will be less intense than normal retail traffic and deliveries.
6. Are there other existing or changing conditions which, because of their impact on the public health, safety, morality and general welfare of the community, give supporting grounds for either approval or disapproval of the proposed use?	There are no negative impacts to the surrounding businesses or residences and the use is the least impactful of those allowed in the current c-3 zoning category.

**NARRATIVE FOR
ADC FAYETTEVILLE, LLC
CONCEPTUAL SITE PLAN APPROVAL &
CONDITIONAL USE PERMIT FOR NEW
TRACT TO BE SUB-DIVIDED**

Project Name: ADC Fayetteville, LLC Hwy 85 N CSP / CUP

Parcel Info: 0538 092 1.51 Acres 135 Walker Parkway / CSP
0538 081 0.899 Acres 145 Walker Parkway / CSP
0538 026 5.874 Acres 1373 Hwy 85 N /CSP
New Parcel 3.40 Acres out of 1373 Hwy 85 N / CSP, CUP

Current Zoning: ~~C-3~~(NC, edited by Katherine Prickett)

Request: Conceptual Site Plan Approval for All Parcels &
Conditional Use Permit for a Newly Parcel to Be Sub-divided
From 0538 026 for General Outdoor Display / Storage

Narrative: Applicant is requesting Conceptual Site Plan Approval for the three original parcels and new CUP parcel being created for a outdoor storage facility. The request is to gain approval for mass grading, utility install, detention / retention / water quality install for the master site as well as internal road construction. The application for the Conditional Use Permit and Conceptual Site Plan Approval for the details the proposed fully constructed facility layout to be engineered for LDP and full site delivery to the use. This approval will allow the applicant to deliver pad ready sites with access and utilities to the end users. Each future use will apply for their own CSP approval as requested by the City of Fayetteville when the land was annexed and rezoned.

Regarding the CUP for the outdoor storage facility, the applicant plans to construct and deliver a fully developed, 308 space parking / storage facility with utilities, site lighting, storm and water quality, paving, striping, fencing, landscaping and any other requirements stipulated by the City

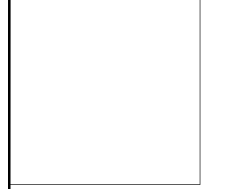
of Fayetteville. All car prep for delivery of cars will be done across the street at the Tesla Maintenance Facility.

Table with 4 columns: Station, Description, Distance, and Remarks. It lists various points and bearings along the survey lines.



RECORD LEGAL DESCRIPTION:
ALL THAT TRACT OR PARCEL OF land lying and being in Land Lots 168 and 185 of the 4th District of Fayette County, Georgia, and being more particularly described as follows:
TO FIND THE POINT OF BEGINNING, begin at a monument located on the northeastern right-of-way line of Ellis Road (80 feet right-of-way) at the point of intersection with the easterly right-of-way line of Georgia State Highway Route 85 (170 feet right-of-way), running thence northeasterly and northerly along the southeasterly right-of-way line of Georgia State Highway Route 85 (50 feet right-of-way) 501.13 feet to an iron pin, marking the TRUE POINT OF BEGINNING, running thence and following the bearing of North 89 degrees 51 minutes East, a distance of 787.8 feet to an iron pin, running thence and following a bearing of North 89 degrees 29 minutes West, a distance of 400.00 feet to an iron pin, running thence and following the bearing of South 88 degrees 44 minutes West, a distance of 500 feet to an iron pin located on the southeasterly right-of-way line of Georgia State Highway Route 85 (50 feet right-of-way), running thence southeasterly along the southeasterly right-of-way line of Georgia State Highway Route 85 (50 feet right-of-way) a distance of 500.00 feet, more or less, to an iron pin at the POINT OF BEGINNING, said tract is a four added tract of land comprising 5.874 acres, more or less, and being known as 1373 Georgia Highway 85 North, according to the present system of numbering houses in Fayette County, Georgia.

SURVEY LEGAL DESCRIPTION:
Tract A - 5.874 Georgia Highway 85 N
All that tract or parcel of land lying and being in Land Lots 168 & 185 of the 5th District, City of Fayetteville, Fayette County, Georgia, and being more particularly described as follows:
BEGINNING at a point on the easterly right-of-way of Georgia Highway 85 N (170 feet right-of-way) 153.54 feet westerly from a 12 inch red iron found at the intersection of the easterly right-of-way of Georgia Highway 85 N and the southeasterly right-of-way of Walnut Parkway (50 feet right-of-way), thence along said right-of-way 93.18 feet along a curve to the left, said curve having a chord of North 89°14'42" East 500.15 feet and a radius of 250.075 feet to a 1/2 inch red iron found thence bearing South 89°19'19" East, a distance of 500.15 feet to a 1/2 inch red iron found thence South 89°17'17" West, a distance of 199.77 feet to a 1/2 inch red iron found thence North 89°42'11" West, a distance of 194.77 feet to a 1/2 inch red iron found thence South 89°14'14" West, a distance of 144.96 feet to a 1/2 inch red iron found thence South 89°28'22" West, a distance of 199.77 feet to a point on the easterly right-of-way of Georgia Highway 85 N, being the POINT OF BEGINNING.
Said tract contains 5.874 acres of land.



- SYMBOL LEGEND**
- IRON PIN FOUND
 - 1/2" REBAR SET
 - CONCRETE MONUMENT FOUND
 - UTILITY POLE
 - LIGHT POLE
 - FIRE HYDRANT
 - CLEAN OUT
 - UTILITY METER
 - WOOD FENCE LINE
 - CHAINLINK FENCE LINE
 - CREEK LINE
 - FIBER OPTIC LINE
 - SANITARY SEWER LINE
 - TREE LINE
 - WATER LINE
 - OVERHEAD POWER LINE
 - UNDERGROUND POWER LINE
 - PROPERTY LINE
 - ADJACENT LOT LINE
 - LAND LOT LINE
 - ASPHALT AREA
 - CONCRETE AREA
 - GRAVEL AREA
 - DIRT AREA
- TREE LEGEND**
- B = BIRCH
 - BE = BEECH
 - D = DOGWOOD
 - E = ELM
 - H = HICKORY
 - JC = JAPANESE CHERRY
 - JM = JAPANESE MAPLE
 - K = OAK
 - L = LOCUST
 - M = MAGNOLIA
 - MP = MAPLE
 - P = PINE
 - PE = PECAN
 - PP = POPLAR
 - SG = SWEET GUM
 - W = WALNUT
 - WK = WATER OAK
 - # = OAK

REFERENCES & NOTES

CURRENT OWNER:
SARA M. ELLIS ESTATE (TRACT A)
AUTORIX INC (TRACT B)
AUTORIX INC (TRACT C)

DEEDS:
DB 2256 PG 133 (TRACT A)
DB 1436 PG 504 (TRACT A)
DB 3213 PG 414 (TRACT C)

PARCEL IDS:
0538 002 (TRACT A)
0538 001 (TRACT B)
0538 002 (TRACT C)

No portion of this property is located within a 100 year flood hazard area per FEMA Flood Map 1311C02006B & 1311C01006E, dated 9/26/2006.

There was no evidence of current earth moving work, building construction or building additions observed in the process of conducting this survey.

There have been no recent changes in street right-of-way lines. There was no evidence of recent street or sidewalk construction or repairs observed in the process of conducting this survey.

Property Zoned: NC (Neighborhood Commercial)
Building Setbacks:
Front: 20'
Side: 10'
Rear: 12'
Max. Building Height: 60'
Max. Impervious Surface: 60%
Fencing Requirements by Use, See Sec. 402.8
Buffers: See Sec. 403.6A

ENCUMBRANCES & EASEMENTS

Change Title Insurance Company
Commitment Number: 240695
Date: 03/31/2023

#1373 Georgia Highway 85

1. Easement from J. M. Ellis to Southern Bell Telephone & Telegraph Co. dated March 16, 1948 recorded in Deed Book 31, Page 572, Fayette County, Georgia records.
(Location of easement cannot be determined from the record document)

2. Right of way deed from J. M. Ellis, Jr. to State Highway Department of Georgia dated August 29, 1955 recorded in Deed Book 38, Page 356, above record.
(As noted on survey)

3. Boundary Line Agreement from John M. Ellis, Jr. to R. M. Banks et al dated September 12, 1973 recorded in Deed Book 125, Page 316, above record. (South, East & South property lines)

4. Deed of Easement from J. M. Ellis, Jr. to Fayette County dated October 12, 1994 recorded in Deed Book 647, Page 483, above record.
(As shown on survey)

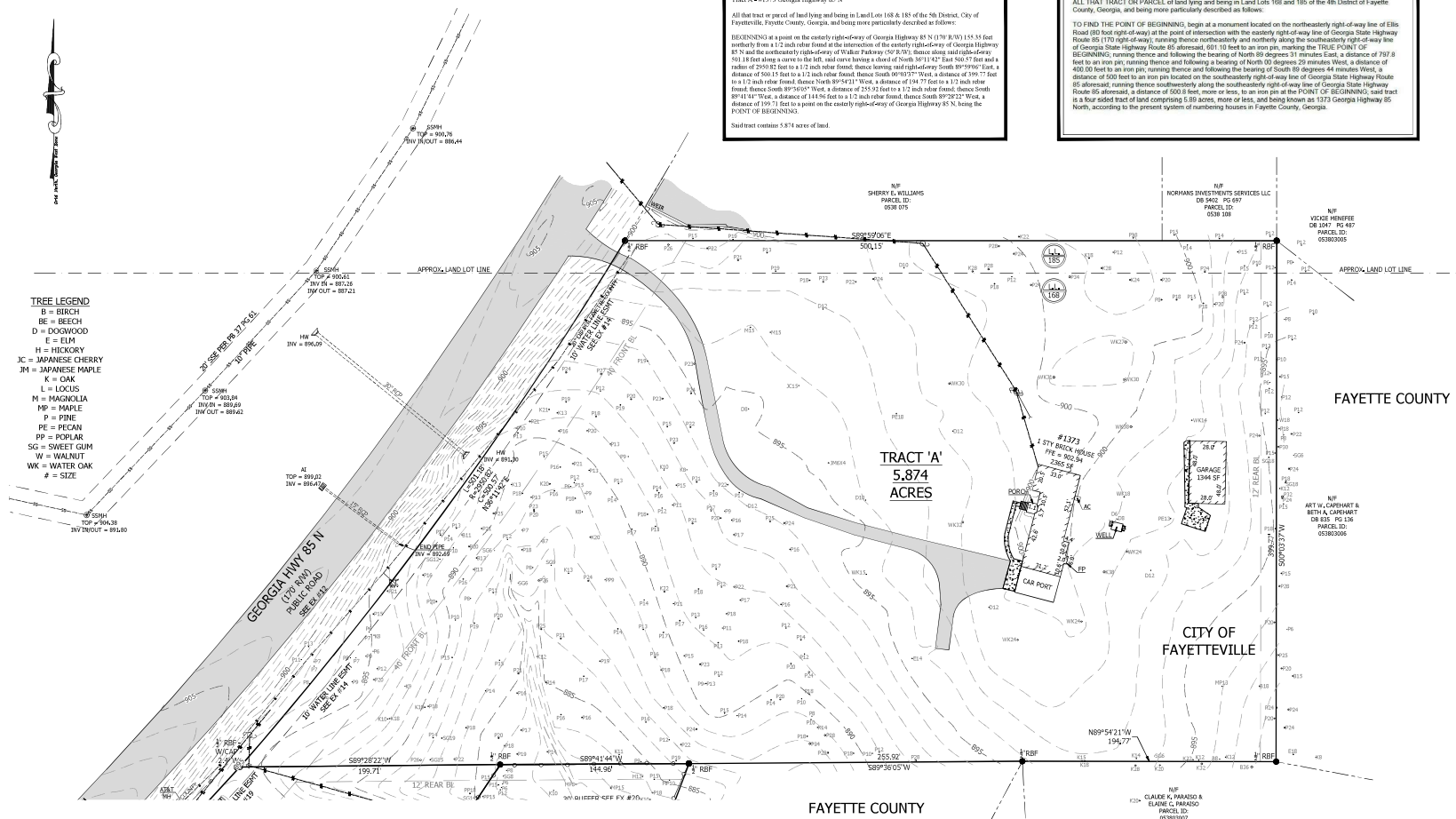
5. Servient Easement from J. M. Ellis, Jr. to City of Fayetteville dated January 16, 1995 recorded in Deed Book 190, Page 456, above record.
(Does not affect subject property)

UTILITIES SHOWN ON THIS PLAT WERE TAKEN FROM INFORMATION AVAILABLE AT THE TIME OF THE SURVEY AND MAY OR MAY NOT BE ACCURATE AS TO THE EXTENT AND OR LOCATION OF SAID UTILITIES.

THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.

PLAT CERTIFICATION:

The field data (approximately 75%) upon which this plat is based, and completed on 5/17/2023 & 6/12/2023, was obtained using a Leica 5308 and the HiMm Smartnet network (network adjusted real time method). The average relative positional accuracy is 0.070 feet. The remainder of the field work, linear and angular measurements, was completed using a Geomatics Robotic Total Station. This data has been calculated for closure and is found to be accurate within one foot in (TRACT A) 222,111 feet.



SURVEY LEGAL DESCRIPTION:

Tract B - 145 Walker Parkway
All that tract or parcel of land lying and being in Land Lot 168 of the 5th District, City of Fayetteville, Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at a 1/2 inch rebar found at the intersection of the westerly right-of-way of Georgia Highway 85 N. (170 R/W) and the westerly right-of-way of Walker Parkway (50' R/W), thence along the easterly right-of-way of Georgia Highway 85 N. (170 R/W) East, a distance of 195.14 feet to a point, thence bearing and right-of-way North 89°28'22" East, a distance of 199.71 feet to a 1/2 inch rebar found, thence South 33°12'10" West, a distance of 201.94 feet to a 3/4 inch rebar found on the southerly right-of-way of Walker Parkway, thence along said right-of-way North 89°09'34" West, a distance of 192.07 feet to a 1/2 inch rebar found, being the POINT OF BEGINNING.

Said tract contains 0.899 acres of land.

Tract C - 135 Walker Parkway

All that tract or parcel of land lying and being in Land Lot 168 of the 5th District, City of Fayetteville, Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at a 3/4 inch rebar found on the southerly right-of-way of Walker Parkway (50' R/W) 152.07 feet westerly from a 1/2 inch rebar found at the intersection of the westerly right-of-way of Walker Parkway (50' R/W) and the easterly right-of-way of Georgia Highway 85 N. (170 R/W), thence bearing said right-of-way North 89°09'34" East, a distance of 144.96 feet to a 1/2 inch rebar found, thence South 29°09'22" West, a distance of 255.04 feet to a 1/2 inch rebar found, thence South 17°22'32" East, a distance of 119.97 feet to a 1/2 inch rebar found on the southerly right-of-way of Walker Parkway, thence along said right-of-way the following: 31.95 feet along a curve to the left, said curve having a chord of South 39°18'53" West 21.73 feet and a radius of 40.00 feet to a ring nail found, thence South 87°00'23" West, a distance of 314.36 feet to a point, thence North 41°05'51" West, a distance of 46.42 feet to a point, thence North 131°32'42" East, a distance of 40.00 feet to a ring nail found, thence North 11°14'31" East and a distance of 199.29 feet to a 3/4 inch rebar found, being the POINT OF BEGINNING.

Said tract contains 1.511 acres of land.

RECORD LEGAL DESCRIPTION:

Property 1:
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 168 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA AS SHOWN ON SURVEY PREPARED BY LUM HALL & ASSOCIATES, INC. DATED JULY 3, 1980 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point at the Northeast intersection of State Route 85 with Walker Parkway and running thence North 42 degrees 1 minute 17 seconds East along the Southeast side of State Route 85, 153.77 feet to a point, running thence North 89 degrees 24 minutes 52 seconds East, 200.00 feet to a point, running thence South 33 degrees 3 minutes 54 seconds West, 200.00 feet to a point on the Northeast side of Walker Parkway, running thence North 47 degrees 59 minutes 40 seconds West along Walker Parkway, 191.74 feet to the POINT OF BEGINNING.

Property 2:
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 168 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING LOT 8 OF NORTH HUNTINGTON PARK, AS PER REVISED PLAT RECORDED IN PLAT BOOK 17, PAGE 21, AS REVISED AT PLAT BOOK 18, PAGE 38, ON THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF FAYETTE COUNTY, GEORGIA, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE.

SYMBOL LEGEND

- IRON NAIL FOUND
- 1/2" REBAR SET
- CONCRETE MONUMENT FOUND
- UTILITY POLE
- LIGHT POLE
- FIRE HYDRANT
- CLEAN OUT
- UTILITY METER
- WOOD FENCE LINE
- CHAINLINK FENCE LINE
- CREEK LINE
- FIBER OPTIC LINE
- SANITARY SEWER LINE
- TREE LINE
- WATER LINE
- OVERHEAD POWER LINE
- UNDERGROUND POWER LINE
- PROPERTY LINE
- ADJACENT LOT LINE
- LAND LOT LINE
- ASPHALT AREA
- CONCRETE AREA
- GRAVEL AREA
- DIRT AREA

REFERENCES & NOTES

CURRENT OWNER:
SARNA ELITE ESTATE (TRACT A)
AUTOFAX, INC. C/O TERRY & KAREN JORDAN (TRACT B)
AUTOFAX, INC. (TRACT C)

DEEDS:
DG 3256 PG 153 (TRACT A)
DG 1436 PG 504 (TRACT B)
DG 3213 PG 444 (TRACT C)

PARCEL IDS:
0538 026 (TRACT A)
0538 081 (TRACT B)
0538 092 (TRACT C)

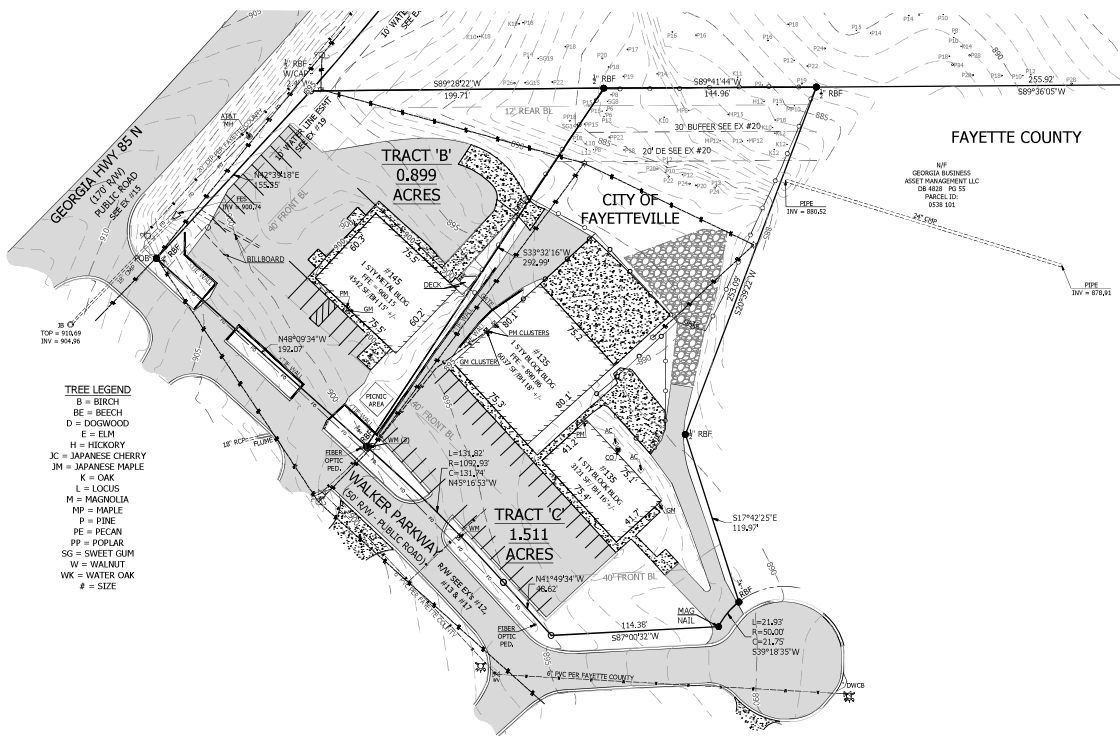
Parking Spaces: Tract B - 17
Tract C - 23

No portion of this property is located within a 100 year flood hazard area per FEMA/FIRM Map 13112D0102E & 13113D0106E, dated 9/26/2006.

There was no evidence of current earth moving work, building construction or building additions observed in the process of conducting this survey.

There have been no recent changes in street right-of-way lines. There was no evidence of recent street or sidewalk construction or repairs observed in the process of conducting this survey.

Property Zoned: NC (Neighborhood Commercial)
Building Setbacks:
Front: 40'
Side: ---
Rear: 12'
Max. Building Height: 60'
Max. Impervious Surface: 60%
Parking Requirement: By Use. See Sec. 402.8
Buffers: See Sec. 402.80



TREE LEGEND

- B = BIRCH
- BE = BEECH
- D = DOGWOOD
- E = ELM
- H = HICKORY
- JC = JAPANESE CHERRY
- JM = JAPANESE MAPLE
- K = OAK
- L = LOCUST
- M = MAGNOLIA
- MP = MAPLE
- P = PINE
- PE = PECAN
- PP = POPLAR
- SG = SWEET GUM
- W = WALNUT
- WK = WATER OAK
- # = SIZE

EXCEPTIONS & EASEMENTS

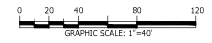
Chicago Title Insurance Company
Commitment Number: 276-0001
Dated: 01/24/2023

- Right of all matters as shown on that certain plat recorded in Plat Book 12, Page 56, Fayette County, Georgia records. (Property 1 & 2) (As noted on survey)
- Right of all matters as shown on that certain plat recorded in Plat Book 12, Page 64, Fayette County, Georgia records. (Property 1) (As noted on survey)
- Right of all matters as shown on that certain plat recorded in Plat Book 13, Page 15, Fayette County, Georgia records. (Property 1 & 2) (As noted on survey)
- Right of Way Easement from J. M. Ellis to Southern Bell Telephone & Telegraph Co. dated March 16, 1948 recorded in Deed Book 31, Page 572, aforesaid records. (Property 1 & 2) (Location of easement cannot be determined from the record document)
- Right of way deed from J. M. Ellis, Jr. to State Highway Department of Georgia dated August 29, 1955 recorded in Deed Book 38, Page 316, aforesaid records. (Property 1 & 2) (As noted on survey)
- Boundary Line Agreement from John M. Ellis, Jr. to R. M. Banks & Marie White Banks dated September 12, 1973 recorded in Deed Book 125, Page 136, aforesaid records. (Property 1 & 2) (North property line)
- Right of Way in Warranty Deed from Harold Walker to Fayette County dated November 1, 1980 recorded in Deed Book 152, Page 474, aforesaid records. (Property 1 & 2) (As noted on survey)
- Right of Way Deed from John M. Ellis, Jr. to County of Fayette dated July 6, 1969 recorded in Deed Book 45, Page 309, aforesaid records. (Property 1 & 2) (Location of right-of-way cannot be determined from the record document)
- Deed of Easement from Jerry C. Frye & Lynda W. Frye to Fayette County dated October 24, 1994 recorded in Deed Book 340, Page 515, aforesaid records. (Property 1) (As shown on survey)
- Subject to all matters as shown on that certain plat recorded in Plat Book 17, Page 21, as revised at Plat Book 18, Page 38, aforesaid records. (Property 2) (As shown on survey)

The field data (approximately 75%) upon which this plat is based, and compiled on 5/17/2023 at 8:02:02, was obtained using a Leica GS16 and the HCN30 GNSS receiver network (network adjusted real time kinematic). The average relative positional accuracy is 0.270 feet. The remainder of the field notes, linear and angular measurements, was completed using a Geomatics Total Station. This plat has been dated for closure and is found to be accurate within one foot in (TRACT B) 295.548 feet, (TRACT C) 162.861 feet.

PLAT CERTIFICATION:

THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.



This plat is a restatement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any change to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are relied upon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL RESTRICTIONS, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land-surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. section 15-6-67.

M.A. Buckner 4/16/23
Mark A. Buckner, GA RLS 2422 Date

ALTA CERTIFICATION:
TRC: RETAIL DEVELOPMENT PARTNERS, LLC & CHICAGO TITLE INSURANCE COMPANY

This is to certify that the map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(A), 6(B), 7(A), 7(B)(1), 7(C), 8, 9, 11, 13, 15, 17 & 20 (tree locations) of Table A thereof. The field work was completed on 5/17/2023 at 8:02:02.

M.A. Buckner 4/16/23
Mark A. Buckner, GA RLS 2422 Date

SES
ENGINEERING
PLANNING
SURVEYING

SCANTON ENGINEERING SERVICES, INC.
231 EAST BANK STREET
GRIFFIN, GEORGIA 30223
PHONE: (770) 407-8881 www.scantonses.com

ALTA / NSPS LAND TITLE SURVEY FOR
RETAIL DEVELOPMENT PARTNERS, LLC &
CHICAGO TITLE INSURANCE COMPANY
LOCATED IN LAND LOTS 168 & 185 OF THE 5TH DISTRICT,
CITY OF FAYETTEVILLE, FAYETTE COUNTY, GEORGIA

NO.	DESCRIPTION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		

REVISION BY: [Signature]
DATE: 5/16/23

GEORGIA
REGISTERED
LAND SURVEYOR
MARK A. BUCKNER
NO. 2422

ALTA / NSPS LAND TITLE SURVEY

Review by: [Signature]
DATE: 5/16/23

Project #: 22229297
8/15/2023

SHEET TITLE: 526D
SHEET # 02 OF 02

MAYOR
Edward J. Johnson Jr.
CITY MANAGER
Ray Gibson
CITY CLERK
Anne Barksdale



FAYETTEVILLE
NO LIMITS ON IMAGINATION

COUNCIL
T. Joe Clark,
Mayor Pro Tem
Niyah Glover
Richard J. Hoffman
Darryl Langford
Scott Stacy

9/27/2022

Re: Sewer availability

The properties located in Land Lot 168 in the 5th District of Fayette County, in unincorporated Fayette County, parcels 0538-081, 0538-092 and 0538-026 as shown in the Fayette County Tax database, will be furnished with enough capacity for sewer service to provide for the needs required as requested for the proposed developments if the properties are annexed into the City. The owner or developer will be responsible for any additions or changes that will be made to the City's sanitary sewer systems.

The owner/developer is responsible for providing all engineering details and easements to accomplish any tie-in to the City's sanitary sewer system. All work done shall comply with the City's Developmental Standards.

If you have any questions feel free to call me at (770) 460-4664.

Thank you,

Chris Hindman

Chris Hindman
Director of Public Services



Availability Letter

Darrell Baker
Randolph Williams
900 Westpark Dr, Suite 210
Peachtree City, Georgia 30269

9/27/2022

Availability #: 2022.09.0068

Attn: Darrell Baker

Thank you for your inquiry regarding the availability of water. Water service is available at the address chosen.

Sincerely,

Fayette County Water System
245 McDonough Road, Fayetteville, GA 30214
770-461-1146



Availability Number: 2022.09.0068

Request Received On: 9/27/2022

Project Information

Name:

Address: 135 WALKER PKWY, Fayetteville, GA 30215

Parcel Number: 0538 092

Location: NE Corner of Walker Pkwy & Hwy 85N

Description:

REVIEW TYPE: Water System Review

REVIEW #: REV-22-024988

REVIEW RESULT: Approved

REVIEWED BY: Lindsey Choisnet

REVIEWED ON: 9/27/2022

REVIEW COMMENTS: Water service is available at parcels 0538 092 (135 Walker Pkwy) and 0538 081 (145 Walker Pkwy) via a 6-inch watermain located on Walker Parkway and at parcel 0538 026 (1373 Hwy 85 N) via a 20-inch watermain located on N Highway 85.

No comments have been provided.

MARKUPS:

No markups have been provided.



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

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

September 27, 2022

Randolph Williams
900 Westpark Dr., Ste. 210 | Peachtree City, GA 30269
o: 770.632.4000 | c: 404.977.2470 |
dbaker@rwcre.net

RE: 145 Walker Parkway, Fayetteville Ga.
135 Walker Parkway, Fayetteville Ga.
1373 Ga Hwy 85 N., Fayetteville Ga.

Dear Darrell,

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



FAYETTEVILLE

NO LIMITS ON IMAGINATION

FAYETTEVILLE CITY HALL
210 Stonewall Avenue West
Fayetteville, Georgia 30214
770-461-6029 Telephone
770-460-4238 Facsimile
www.Fayetteville-GA.gov

TO: Planning and Zoning Commission

FROM: Nicole Gilbert, Planner

CC: David Rast, Director of Community and Economic Development

DATE: February 8, 2024

SUBJECT: Consider Staff initiated requests as they relate to the property located on North 85 Parkway (Parcel No. 053911004).

- a. To amend the Future Land Use Map from Business Park to Industrial.
- b. To rezone the property from Neighborhood Commercial (NC) to Light Industrial (LI).

Site Information

Address	North 85 Parkway
Parcel Number	053911004
Acreage	1.83
Zoning	NC Neighborhood Commercial
Future Land Use	Business Park
Current use	Undeveloped
Utilities	Water and sewer

Parcel 053911004 is 1.8 acres and located on North 85 Parkway east of 124 North 85 Parkway. The property is zoned Neighborhood Commercial. The Future Land use designation is Business Park. The properties along North 85 Parkway are zoned a mixture of Neighborhood Commercial and Light Industrial. Uses range from beauty and wellness to junk removal.

The Applicant, Arango Insulation, is requesting the property be rezoned from Neighborhood Commercial (NC) to Light Industrial (LI) to construct a warehouse in order to expand the existing business and prevent the need to relocate. Arango Insulation has owned and operated from their location at 149 North 85 Parkway since 2009. The company is an insulation contracting company. Their current location is zoned LI Light Industrial and located across 85 Parkway and south of the subject property. Arango has outgrown their current location and needs more space.



Surrounding Property:

Direction	Zoning	Current use	Future Land Use
North	BP Business Park	Vacant	Business Park
East	NC Neighborhood Commercial	Vacant	Business Park
South	LI Light Industrial	Warehouse	Business Park
South	NC Neighborhood Commercial	Retail – specialty equipment	Business Park
West	NC Neighborhood Commercial	Bowling alley	Business Park

Zoning Map



Future Land Use Map



The Comprehensive Plan and Future Land Use Map designate the subject tract and surrounding parcels as Business Park. According to the Comprehensive plan, *“this category is for land dedicated to maximize the potential for job creation. This classification is for land dedicated to offices, research and development, healthcare and education. It will be supportive of other related uses such as hotels, restaurants, and small-scale retail. Business park sites will typically be over five acres and master planned to have easy internal circulation in a planned campus atmosphere.”*

Request 1: Consider amendment to Comprehensive Plan and Future Land Use Map

The Applicant is requesting the subject tract be rezoned from NC Neighborhood Commercial to LI Light Industrial to allow for a warehouse. Because that use is not consistent with the Comprehensive Plan or the Future Land Use Map designation, the Applicant must first request an amendment to both the Comprehensive Plan and the Future Land Use Map.

For this request, the Future Land Use designation would need to be changed from Business Park to Industrial. This land use is *“located to minimize impact on surrounding uses, the industrial classification is for land dedicated to manufacturing facilities, processing plants, factories, warehousing and wholesale trade facilities, and any other uses with significant truck traffic or any use that has detrimental visual (or other sensory) impact that cannot be concealed by its building and landscaping. Sites have a traditional industrial design and appearance.”*

Section 104.13.B.2.e. of the Unified Development Ordinance (UDO) states *“Where an application to amend the future land use map and an application to amend the zoning map each affect the same property and are scheduled to be heard at the same hearing, the application to amend the future land use map shall be heard first and action authorized by this UDO taken before the application to amend the zoning map is heard and action taken with respect thereto.”*

Section 104.13.E. of the UDO establishes criteria for evaluating requests to rezone property and to amend the comprehensive plan and/or future land use map as follows:

2. Amendments to the comprehensive plan and/or future land use map.

The following standards and factors are found to be relevant and shall be used for evaluating applications for amendments to the comprehensive plan and/or future land use map:

- a. Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties;**

The proposed land use change will permit uses that are suitable to the use and development of nearby properties.

- b. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties;**

The proposed land use change will not adversely affect the use of adjacent properties. However, if the land use designation is changed then it will not match the surrounding properties. It is the intent of staff to update the surrounding properties to the same land use designation when the Future Land Use Map and comprehensive plan are updated.

- c. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;**

The proposed land use change for one property would not be a burden to the existing infrastructure.

- d. Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies;**

Manufacturing is the City's 5th largest employer yet the percentage of property designated or zoned for the use is minimal and they are almost fully occupied. When the Future Land Use Map and Comprehensive plan were updated in 2022, the need for additional industrial properties was not adequately addressed. Staff has since determined the land use designation and zoning of several of the parcels within the 85 North Business Park should be changed to allow for industrial use and will be making those recommendations as a part of the update to the Future Land Use Map.

- e. Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near municipal boundary lines;**

The proposed change is not near municipal boundary lines.

- f. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use.**

There are limited industrial areas within the city and most are fully occupied. To meet the demand, it is Staff's opinion more property needs to be zoned for industrial use. We will be making these recommendations as a part of the update to the Future Land Use Map, with the intent of reclassifying and rezoning each parcel along 85 North Parkway for industrial purposes.

- g. Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change.**

The proposed change will not impact any historic sites or archaeological resources.

Staff recommendation: Amendments to Comprehensive Plan and Future Land Use Map

Based on the need for additional properties, Staff is of the opinion the subject tract is compatible with the surrounding industrial uses and recommends the request to amend the Comprehensive Plan and the Future Land Use Map be forwarded to City Council with a recommendation that it be approved.

Request 2: Consider rezoning of Parcel No. 053911004

The Applicant is requesting the property be rezoned from NC Neighborhood Commercial to LI Light Industrial to build a warehouse for an existing business.

Rezoning Criteria

Under section 104.13.E of the UDO, a rezoning will be reviewed based on the following standards:

- 1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;**

Yes, the proposed zoning will permit a use that is suitable to the surrounding properties.

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

Given the existing development patterns and uses within the North 85 Industrial Park, the proposed zoning designation would be compatible with the adjoining land uses and would not adversely affect the nearby property.

- 3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;**

Due to the irregular shape of the property, its location and limited exposure, it is unlikely the property would be utilized for commercial use.

- 4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;**

The proposed zoning will not cause a burden to the existing infrastructure.

- 5. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan;**

As it is currently adopted, the proposed zoning does not conform with the Future Land Use map. Should the Future Land Use Map designation be approved the use would be compatible with the land use designation and the use of surrounding properties. The proposed zoning aligns with at least one economic goal of the Comprehensive plan. The rezoning of the property would allow a local business to expand.

- 6. 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.**

The subject parcel is irregularly shaped and borders a stream which reduces the usability of the property. The site will be designed in such a manner as to protect the associated stream buffers while causing minimal impact on surrounding businesses or properties.

Staff recommendation: Request to rezone the subject parcels from NC to LI

Staff finds that the proposed rezoning will have little impact on the surrounding area and will be consistent with other industrial businesses along 85 North Parkway. Should the amendment to the Future Land Use Map be approved, Staff is of the opinion the rezoning should be forwarded to City Council with a recommendation that it be approved subject to the following understanding and condition:

Approval of the rezoning request does not include approval of the conceptual site plan or building elevations.

To:
David Rast
City of Fayetteville
Planning and Zoning Department
Fayetteville, GA 302147


From: John A. Minor
P.O. Box 54
Andersonville, GA 31711

RE: Permission for Zoning Change; BSNA #PRZ 24-003.

Mr. Rast,

Mr. Luis Arango, of Arango Insulation, is purchasing this property and applying for the re-zoning of a parcel of property (Fayette County Tax Identification Number 053911004) from NC (Neighborhood Commercial) to LI (Light Industrial) .

This letter will grant the permission of the current owner, John A. Minor, for Mr. Arango to apply for the re-zoning process.


Best Regards,
John A. Minor



FAYETTEVILLE

NO LIMITS ON IMAGINATION

FAYETTEVILLE CITY HALL
210 Stonewall Avenue West
Fayetteville, Georgia 30214
770-461-6029 Telephone
770-460-4238 Facsimile
www.Fayetteville-GA.gov

TO: Planning and Zoning Commission

FROM: Julie Brown, Planning and Zoning Manager

DATE: February 14, 2024

SUBJECT: Amendments to Planning and Zoning Commission By-Laws and Rules of Procedure.

After review of the Planning and Zoning Commission By-Laws and Rules of Procedures, Staff is recommending minor amendments to the document to clarify training and attendance requirements, and to align the language in the P&Z By-Laws with the language found in the recently adopted Unified Development Ordinance (UDO).

Staff presented the proposed changes to City Council on January 30, 2024 and received approval to present the proposed amendments to the Planning and Zoning Commission for adoption.

Thank you for your consideration of this matter.

CITY OF FAYETTEVILLE
PLANNING & ZONING COMMISSION
BYLAWS AND RULES OF PROCEDURE

I. Mission Statement and Values

It is the mission of the City of Fayetteville Planning and Zoning Commission (hereinafter the “Planning Commission”) to ensure that the city’s current, as well as future, quality of life is guided by a community planning process that is anticipatory, comprehensive and equitable. The Planning Commission will be guided by the following values:

A. To discharge its duties and responsibilities without favor or prejudice toward any person or group.

B. To remain vigilant against deviations from the city plan that would compromise the integrity of the plan or citizens served by the plan.

C. To recommend changes to the comprehensive plan when those changes would serve the general public interest, and not to recommend changes for any individual, group, or organization for purely personal convenience, caprice, or gain.

D. To discharge its duties in a fair, even-handed and consistent manner.

E. To treat all members of the public, city staff, and commission members with respect.

F. To exercise its public trust in a forthright and honorable manner consistent with all relevant codes, statutes, laws, and rules.

II. Powers and Duties

A. The powers and duties of the Planning Commission are established in Section 2-172 and other appropriate sections of the Code of the City of Fayetteville, Georgia (“Code”). As set forth in Section 2-172, the Planning Commission shall hear and act upon applications pursuant to procedures and standards established by the City Council. The Planning Commission shall act upon applications for preliminary plat approval, phase conceptual site plan approval, architectural and landscape plan exterior building elevation approval, variances, conditional use permits of commercial and extension, the enlargement, or continuation of nonconforming use, architectural and landscape plans, subject to Council’s right to review said decision and the applicant’s right to appeal the action of the Planning Commission to City Council. The Planning Commission shall review, conduct public hearings, and make recommendations to

Council on applications for amendments to the comprehensive plan, future land use map, zoning ordinance, annexations and rezoning. The Planning Commission shall further have such other powers and duties as City Council may, from time to time, establish.

B. The Planning Commission shall, in the consideration of zoning and planning decisions and recommendations and in the administration thereof, follow the procedures established in relevant sections of the Code and the procedures set forth in these bylaws.

III. Composition of the Planning Commission

A. Members: ~~the~~The Planning Commissions shall be composed of six (6) members, to be appointed by the Mayor and approved by Council as set forth in Section 2-167 of the Code. Members are required to successfully complete the Atlanta Regional Commission Community Planning Academy or other training for Planning Officials as approved by the city within the first year of their appointment ~~or reappointment~~ to the commission.

B. Terms: The term of office of each member of the Planning Commission shall be two (2) years, or until his/her successor is appointed. The Mayor shall appoint the members at the December first Council meeting in January, and each member's term shall continue until the next appointment, or until the member is removed from office. Commissioners # 1, #3, and #5 shall be appointed to begin their terms at the first Planning and Zoning meeting in January during odd-numbered years. Commissioners #2, #4, and #6 shall be appointed during even-numbered years to begin their terms at the first Planning and Zoning meeting in January.

C. Vacancies and Removal: Resignations from the Planning Commission must be submitted in writing to the Mayor and Council. Commission members may be removed, with or without cause, upon a vote in favor of removal by four members of the Council at a public meeting. The Mayor shall appoint a commissioner to fill any unexpired term upon resignation or removal as per Section 2-167 of the Code.

D. Eligibility: Members of the Planning Commission must be residents of the City of Fayetteville. Members may not hold any other public office, including public office within the City of Fayetteville, Fayette County, the State of Georgia, or federal government.

E. Compensation to the Planning Commission members: Members of the Planning Commission shall receive such compensation for their services to the city as determined by and established from time to time by the Mayor and Council.

F. Attendance at meetings: In order for the Planning Commission to conduct its business efficiently, members need to be present for meetings punctually and consistently. Members shall notify planning and zoning staff if they are unable to attend a meeting in person. When advance notice is provided, members may attend two (2)

meetings per year remotely and shall not be considered absent for remote attendance. In the event that any member is absent from or tardy for four or more meetings within any twelve-month period from January- December, such absences shall be deemed to be cause for the review of that member's continued service as a Planning Commissioner. In such event, the Chair or staff shall submit the attendance issue to Mayor and City Council for their review.

IV. Officers, Quorum and Affirmation of Motions:

A. Officers: Elections for officers will occur at the Planning Commission's first regular voting meeting of each calendar year.

1. Chair: The Planning Commission shall elect one of its members as Chair, who will serve for one year or until a successor is elected. The Chair shall preside over meetings and shall decide all points of order and procedure, unless otherwise directed by a majority of the Planning Commission, subject to these bylaws and to any relevant provision of the Code. Any points of order not determined thereby shall be decided in accordance with the rules set forth in Webster's New World Robert's Rules of Order: Simplified and Applied, 2nd Edition. The Chair shall appoint any committees found necessary to facilitate any business before the Planning Commission. The Chair shall direct the city planning department staff ("Staff") to prepare the agenda for each meeting.

2. Vice Chair: The Planning Commission shall elect one of its members as Vice Chair, who will serve for one year or until a successor is elected. The Vice Chair shall serve as acting chair of the Planning Commission in the absence of the Chair. Upon the resignation or disqualification of the Chair, the Vice Chair shall assume the position of Chair for the remainder of the unexpired term. In such event, the Planning Commission shall elect a new Vice Chair at its next regular meeting.

3. If neither the Chair nor the Vice Chair is present for a meeting, then the Planning Commission shall elect on the record at such meeting, a member who is present to serve as temporary acting chair for that meeting only.

B. Quorum: To constitute a quorum for the transaction of business, there shall be required to be present at any meeting of the Planning Commission at least four (4) members, which may include the Chair. If said quorum is not present, the Planning Commission may not take action on any matter.

C. Decisions of the Planning Commission: The decisions of the Planning Commission shall be by majority vote of the members present and voting, a quorum being present. The Chair can make and/or second motions and shall only vote, in cases of a tie vote by the other commissioners. If the Vice-Chair is presiding over a meeting, the same rule shall apply. In the event of a member's abstention based on a conflict of

interest or other disqualification, the abstention shall count as if that member were absent and the number of persons necessary for a majority shall be reduced accordingly without affecting the quorum. Recommendations to the Mayor and Council shall be for the approval, approval with conditions, or denial of an application. Final decisions on applications or matters before the Planning Commission shall be approved, approved with conditions, or denied. Items may be tabled and, when tabled, shall be held until the next regularly scheduled voting meeting unless otherwise specified in the vote to table such item. Decisions of the Planning Commission shall be made in accordance with the standards established in the Code and by applicable state and federal laws.

V. Bylaws and Rules of Procedure:

The membership of the Planning Commission may adopt rules of procedure and by-laws not in conflict with the provisions of Sections 2-167 through Section 2-174, or any other applicable provision, of the Code. Such rules and bylaws shall be submitted to and approved by City Council prior to their adoption. Notice of intent to adopt or amend rules of procedure and by-laws, together with the content of the proposed rules and/or amendment, shall be distributed in writing to each member of the Planning Commission no less than three (3) days prior to the meeting at which the vote to adopt or amend is taken. Adoption by majority of the membership of the Planning Commission shall be required to amend or adopt rules of procedure and bylaws.

VI. Meetings:

The Chair shall establish the day, time and place for the Planning Commission's regularly scheduled monthly meeting. All meetings of the Planning Commission shall be open to the public. However, members of the public shall not address the Planning Commission until invited to do so by the Chair. Regular meetings of the Planning Commission shall be held monthly. Called meetings may be held, as needed, pursuant to the provisions of Section VI.B. of these bylaws.

A. The regular meeting schedule for the Planning Commission, as established by the Chair, are held at Council Chambers, Fayetteville City Hall, **21040 Stonewall Avenue West, Glynn Street**, Fayetteville, GA 30214.

B. Called meetings may be held as needed at the call of the Chair, or in the Chair's absence the Vice-Chair. Notice of a called meeting shall be given to all members not less than twenty-four (24) hours prior to the time set for the meeting. Any member may, however, waive notice of a meeting in writing. The Staff shall also notify the newspaper which serves as the legal organ of any called meeting at the same time as the members are notified. A notice shall be placed in a public location at the meeting site indicating the time, date, location and agenda for the called meeting. Only those items listed on the published agenda shall be considered at the called meeting.

C. Emergency Meetings may be called by the Chair when special circumstances occur and are so declared by the Planning Commission. The first item of business at an emergency meeting shall be to establish special circumstances for the meeting. The Planning Commission may hold a meeting with less than twenty-four (24) hours notice upon giving such notice of the meeting and subjects expected to be considered at the meeting as is reasonable under the circumstances, including notice to the newspaper serving as the legal organ or other newspaper. The Planning Commission shall immediately make the information available upon inquiry to any member of the public. Reasonable attempts shall be made to notify all members by **at their home** telephone **and/or email** as soon as possible of an emergency meeting. Nature of notice and reason for emergency shall be recorded in the minutes.

D. Cancellation of meetings: Whenever there is no business before the Planning Commission, the Chair may dispense with a regular meeting by giving reasonable notice to all members. The newspaper which serves as the legal organ shall be notified of any cancellation of meetings at the same time as members are notified. A notice shall be placed in a public location at the meeting site indicating that the meeting has been cancelled. Whenever the City of Fayetteville has closed its governmental offices due to inclement weather, then any meetings of the Planning Commission for that day shall be cancelled.

E. Adjourned meetings: Should the Planning Commission not complete the business before it, the Chair may adjourn a meeting and schedule a continuation of the same meeting until the agenda has been completed. However, the continuation of an adjourned meeting must meet the same requirements for notice of a special called meeting.

F. Committee Meetings and Special Work Sessions: Committee meetings and work sessions of the Planning Commission may be called by the Chair of the Planning Commission or, in the case of committee meetings, by the chair of the committee. These meetings, while informal in nature, shall be open to the public and shall meet the same requirements for notice and posting of the agenda or announcement of the meeting as for voting meetings. Minutes of committee meetings are not required.

G. Minutes and Agendas:

1. Minutes: The Planning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. Minutes shall, at a minimum, include the decisions of the Planning Commission, a statement of the subject matter being considered, a record of all votes, and the grounds for the decision of the Planning Commission. Minutes will be prepared by the Staff, and, after adoption by the Planning Commission, said minutes shall be filed with the clerk of the city and shall be public record no later than immediately following the next regular meeting.

2. Agenda: The Secretary, at the direction of the Chair, shall prepare the agenda for each meeting. Members of the Planning Commission and the Mayor and Council shall receive copies of the agenda of a regularly scheduled meeting no less than twenty-four (24) hours prior to such meeting. The normal order of business at each regularly scheduled meeting will be:

- i. Determination of quorum
- ii. Election of acting chair, if necessary
- iii. Approval of minutes of the previous meetings(s)
- iv. Old business
- v. New business
- vi. Other business
- vii. Staff reports
- viii. Adjournment

All agendas are subject to change. No prepared agenda ensures public review of any particular item, nor does an agenda necessarily represent a full listing of projects to be reviewed. The Agendas shall be available upon request and shall be posted at the meeting site, as far in advance of the meeting as reasonably possible, but shall not be required to be available more than two (2) weeks prior to the meeting and shall be posted at a minimum, at some time during the two-week period immediately prior to the meeting. Failure to include an item on the agenda which becomes necessary to address during the course of a meeting shall not preclude considering and acting upon such item.

VII. Conflict of Interest:

The Planning Commission shall be governed by the provisions of the Official Code of Georgia Section 36-67A-1 et seq., and as follows:

A. Definitions: As used in this section the following definitions shall apply:

1. “Applicant” means any person who appears before the Planning Commission and any attorney or other person representing or acting on behalf of a person who applies for an appeal, a variance, or any other action that the Planning Commission has the duty to consider in the application of its powers.

2. “Business entity” means any corporation, partnership, limited partnership, firm, limited liability company, franchise, association, trust, or other entity organized under the laws of the State of Georgia or any other state.

3. “Campaign contribution” means a “contribution” as defined in paragraph (6) of O.C.G.A. Section 21-5-3 et seq.

4. "Financial interest" means any direct ownership interest of the total assets or capital stock of a business entity where such ownership interest is ten percent (10%) or more.

5. "Member of the family" means the spouse, mother, father, brother, sister, son, or daughter of a Planning Commission member.

6. "Opponent" means any person who opposes an application request or any attorney or other person representing or acting on behalf of a person who opposes a proposed Planning Commission action.

7. "Oppose" means to appear before, discuss with, or contact, orally or in writing or by other means, any local government or local government official and argue against any item under consideration by the commission.

8. "Person" means an individual, partnership, committee, association, corporation, labor organization, business entity, or any other organization or group of persons.

9. "Property interest" means the direct ownership of real property and includes any percentage of ownership less than total ownership.

10. "Real property" means any tract or parcel of land and, if developed, any buildings or structures located on such land.

B. A Planning Commission member who knows or reasonably should know that he or she has one or more of the following interests shall immediately disclose the nature and extent of such writing, to the Chair:

1. Has a property interest in any real property affected by a Planning Commission action which the Planning Commission will have the duty to consider and or make recommendation on; or

2. Has a financial interest in any business entity which has a property interest in any real property affected by a Planning Commission action which the Planning Commission has the duty to consider and/or make recommendation on-; or

3. Has a member of the family having any interest described in paragraph 1 or 2 of this subsection?

A Planning Commission member who has one or more of the interests defined in paragraph 1, 2 or 3 of this subsection shall disqualify himself or herself from voting on the agenda item under consideration. The disqualified Planning Commission member shall not take any other action on behalf of himself or herself, or any other person, to influence action on that application. To that end, the disqualified Planning

Commission member shall not make presentations to the Planning Commission, speak to the Planning Commission on behalf of or in opposition to an item under consideration, or present written argument in favor of or in opposition to members of the Planning Commission, with the exception of any materials contained as part of the official application. The disqualified Planning Commission member shall further exclude himself or herself from the portion of the meeting in which the matter is discussed, considered and voted upon by the Planning Commission. The disclosures provided for in this subsection shall be a public record and available for public inspection at any time during normal working hours.

If a motion cannot be passed because one or more Planning Commission members have a conflict of interest, then the item shall be sent to the Mayor and Council without prejudice, recommendation or decision.

VIII. Code of Conduct:

Each member of the Planning Commission shall adhere to the following code of conduct:

A. Uphold the Constitution, laws, and regulations of the United States, the State of Georgia, and all governments therein and never be a party to their evasion;

B. Never discriminate by the dispensing of special favors or privileges to any one, whether or not for remuneration;

C. Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his or her duties as a Planning Commission member;

D. Never use any information coming to him or her confidentially in the performance of governmental duties as a means for making private profit;

E. Expose corruption wherever discovered;

F. Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the member's official duties;

G. Never accept any economic opportunity under circumstances where he or she knows or should know that there is a substantial possibility that the opportunity is being afforded him or her with intent to influence his or her conduct in the performance of his or her official duties;

H. Never engage in other conduct that is unbecoming to a member or that constitutes a breach of public trust;

I. Never take any official action with regard to any matter under circumstances in which he or she knows or should know that he or she has a direct or indirect monetary interest in the matter or in the outcome of such official action.

IX. Planning Commission Policy Regarding Site Visits and Communications Received Outside the Hearing or Decision-Making Process:

A. Members of the Planning Commission shall not decide how they will vote on a matter pending before the Planning Commission until after the conclusion of the evidentiary proceeding on the application.

B. Planning Commission members shall avoid the appearance of premature decision-making by adhering to the following rules of conduct. If by virtue of a site visit or communications outside the meeting, a Planning Commission member obtains what he or she considers to be pertinent information concerning a matter under review and such information is not presented at the hearing or meeting on the matter, such Planning Commission member shall disclose such information on the record, at the Planning Commission meeting, and all parties present shall be given a chance to respond.

X. Hearings.

A. Public Notice of Hearings. The Planning Commission shall give public notice of a hearing to consider ~~a preliminary or phase approval of planned neighborhood development, zoning applications for variance, conditional use permit, annexations and rezoning, extension, the enlargement, or continuance of nonconforming use, and special exception, amendments to the comprehensive plan, future land use map, zoning ordinance, zoning applications,~~ or on any other matter which the City Council or the law requires public notice, in a newspaper designated as the official organ for the City of Fayetteville, at least fifteen (15) days prior to the date of the public hearing, or in accordance with legal advertising requirements.

B. Who May Appear? Any party may appear at the public hearing in person or by agent or by attorney.

C. Decision. The decision of the Planning Commission shall be made by a public vote and shall constitute a recommendation to the City Council, unless the City Council provides otherwise in its ordinances. The Planning Commission shall reach a decision following a public hearing by the next regularly scheduled meeting.

XI. Rules of Procedure:

The Planning Commission shall use such rules of procedure associated with a particular matter as set forth in any applicable section of the Code of the City of Fayetteville. In the absence of specific rules of procedure, the following will be utilized:

A. At Planning Commission meetings, the following procedure will be followed regarding items before the Planning Commission that are not part of an official administrative hearing:

1. City staff will present their report and recommendations on each request and application.

2. The applicant or petitioner will be given an opportunity to present the matter and respond to any issues raised by staff.

3. Public input will be received from any individuals or groups that wish to speak in favor of a request.

4. Public input will be received from any individuals or groups that wish to speak in opposition to a request.

5. The City Staff shall be given an opportunity to respond to any issues raised by any member of the public.

6. The applicant or petitioner will be provided an opportunity to respond to any issues raised by a member of the public.

7. The public input session will close and no additional public comments will be accepted unless requested by the Planning Commission.

8. The Planning Commission members will discuss the request and ask questions, if any, of the applicant or city staff. At the discretion of the Chair, Planning Commission members may ask for further information from members of the public who spoke during the public input session.

9. The Planning Commission will then entertain a motion and take a vote on the application or request.

10. Motions can be for approval, approval with conditions, to table, or to deny the application or request.

11. ~~Change this paragraph to reflect the full content of the required notice per 36-67.~~ As required by O.C.G.A. Section 36-67A-3c, any person wishing to speak in opposition to a rezoning who has, within two years immediately preceding the

filing of the rezoning being opposed, made campaign contributions aggregating \$250.00 or more to a local government official of the City of Fayetteville, that person shall have the duty to file a disclosure with the City showing: (1) the name and official position of the local government official to whom the campaign contribution was made; and (2) the dollar amount and description of each campaign contribution made by such person to the local government official and the date of each such contribution. Such disclosure shall be filed at least five calendar days prior to the first hearing on the rezoning application by the Planning Commission.

12. A sign-in sheet will be prepared for each meeting. Any person speaking to the Planning Commission shall state his or her name and address for the record and shall write that name and address on the sign-in sheet. Speakers will address all comments to the Planning Commission and not to the applicant or other members of the audience.

13. The following time limits for speakers shall be observed unless extended at the discretion of the Chair:

i. The applicant and representatives of the applicant – no more than ten (10) minutes.

ii. A specified interest group shall have a total of no more than ten (10) minutes.

iii. Any individual who wishes to speak for or against an application or issue shall have a maximum of three (3) minutes to address the Planning Commission.

iv. The applicant will be allowed to clarify any issues during public comment and shall have a minimum of two (2) minutes and maximum of 10 minutes to do so.