

MAYOR
Edward J. Johnson, Jr.

CITY MANAGER
Ray Gibson

INTERIM CITY CLERK
Chelsea Siemen



FAYETTEVILLE
NO LIMITS ON IMAGINATION

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

DATE:
3/21/2024
6:00 PM

CITY COUNCIL AGENDA

Call to Order

Opening Prayer

The Pledge of Allegiance to the Flag

Approval of Agenda

1. Approval of the Minutes from the February 8, 2024, City Council Retreat
2. Approval of the Minutes from the February 9, 2024, City Council Retreat
3. Approval of the Minutes from the February 15, 2024, Regular City Council Meeting
4. Approval of the Minutes from the February 27, 2024 City Council Work Session

RECOGNITIONS AND PRESENTATIONS

5. VFW Public Safety Employees of the Year Award: ***Presented by Larry Dell***

PUBLIC HEARINGS

6. Consider #0-02-24 and #0-03-24 - Requests from Crescent Communities, for the property located at Hwy 54 East/Weatherly Drive/Knight Way (Parcel No. 053116006), to amend the Future Land Use Map from Neighborhood Center to Mixed Residential and to rezone the property from Neighborhood Commercial to Residential Townhouse and Condominium (R-THC): ***REQUEST TO TABLE BY APPLICANT***
7. Consider #0-04-24 and #0-05-24 - Requests from Rochester | DCCM, for the property located at the northwest quadrant of the Highway 54 West and Gingercake Road Intersection (Parcel Nos. 0522 003, 0522 033, and 0522 048), to amend the Future Land Use Map from Neighborhood Center to Neighborhood Residential 2: ***Presented by Director of Community and Economic Development David Rast***

8. Consider #0-06-24 and #0-07-24 - Staff Initiated requests, for the property located on North 85 Parkway (Parcel No. 0539 11 004), to amend the Future Land Use Map from Business Park to Industrial and rezone the property from Neighborhood Commercial (NC) to Light Industrial (LI): ***Presented by Planner Nicole Gilbert***
9. Consider R-16-24 - Authorizing staff to transmit the Capital Improvements Element 2024 Annual Update for FY2023: ***Presented by Director of Community and Economic Development David Rast***

CONSENT AGENDA

10. R-9-24 - Amendments to the Planning and Zoning Commission ByLaws
11. R-14-24 - 2024 Georgia Cities Week
12. R-15-24 – Job Additions and Reclassifications

REPORTS AND COMMENTS

City Manager & Staff Reports

City Council and Committee Reports

Mayors Comments & Public Comments

EXECUTIVE SESSION

13. Executive Session to discuss Potential Litigation

ANNOUNCEMENTS

**City of Fayetteville
Mayor and City Council
Retreat – Day One
Minutes
February 8, 2024**

The Mayor and City Council of Fayetteville held a Council Retreat on February 8, 2024, at the Embassy Suites by Hilton Alpharetta Halcyon. Council Members present: Darryl Langford, Joe Clark, Rich Hoffman, and Scott Stacy. Niyah Glover was absent.

Staff members present were City Manager Ray Gibson, Assistant City Manager Alan Jones, Interim City Clerk Chelsea Siemen, I.T. Director Kelvin Joiner, Finance Director Mike Bush, Community and Economic Director David Rast, Planning and Zoning Manager Julie Brown, Public Service Director Chris Hindman, Police Chief Scott Gray, Fire Chief Linda Black, City Engineer Adam Price, and City Attorney Patrick Jaugstetter.

Guest Speakers present: Lamar Wakefield, Senior Vice President of Nelson; Ben Burdett, Consultant at Kai Consulting; Don Bolia, Consultant at Peachtree Government Relations; Brian Robinson, Consultant at Robinson Republic; Niki Vanderslice, President, and CEO of FCDA; and Amanda Fields, Work Force Coordinator for FCDA.

Mayor Johnson and City Manager Ray Gibson gave opening remarks and briefed the agenda for the two-day retreat.

Discussion Items:

FY2024 Mid-Year Budget Overview:

Director of Finance and Administrative Services Mike Bush reviewed the current standing of the FY2024 budget. He informed the Mayor and Council that the city did not receive either of the personnel grants that had been applied for, which resulted in adjustments to the budget. He then reviewed the 2017 and 2023 SPLOST project funds list, updating the Mayor and Council on the status of each priority area.

Council Member Stacy stated his areas of concern for street resurfacing include the Forest Parkway/Easterbrook Intersection and Veterans Parkway.

Mr. Gibson answered that there is a priority list that must be followed for the street resurfacing projects. He also stated that it would not be beneficial to resurface Veterans Parkway until construction is complete at Trilith because they would be ruined again by the construction vehicles.

Stacy agreed but suggested we explore options to partner with Trilith for patch work to be done until the road can be resurfaced. But then questioned the long-term cost benefit of patch work versus a whole resurface.

Mr. Gibson stated that the City is working with GDOT and LMIG to get additional funds to allocate to the street project fund. GDOT is also looking into ways to create a better traffic flow at the Highway 314/ Jeff Davis / Highway 85 intersection.

Mayor Johnson asked if there was a priority list for sidewalks.

Mr. Gibson answered yes, sidewalk priorities were included in the trail study.

Mr. Gibson then asked the Mayor and Council if they wanted to move forward with the roundabout for Ramah Road. He stated that there has been push back from Oakleigh Manor due to concerns about accessibility to the neighborhood entrance.

Mayor Johnson stated that he believes the roundabout would improve the traffic flow in that area. He does not believe it will affect the residents' ability to enter and exit their neighborhood.

Council Member Stacy agreed that we should move forward with the project if it is needed to improve safety in that area.

Consensus: Move forward with the Ramah Road roundabout.

Council Member Langford inquired about the money allocated for Police Vehicle purchases and asked the average lifespan for the cars.

Mr. Bush answered the average lifespan for the patrol cars was approximately five years.

Stacy asked if the additional fire truck and equipment purchases would be inventory for the new Fire Station 93 or if there would need to be further purchases after it is built.

Assistant City Manager Alan Jones stated that the purchases included inventory needed for the new Fire Station.

Mr. Bust addressed the Wastewater Treatment Plant upgrades project fund which has been amended to include the purchase of a Hopper that was not originally included in the budget for the upgrades.

The Mayor and Council reviewed the Downtown Development Authority budget and discussed the future of the Holiday-Dorsey Fife house.

Stacy stated that the house is a historical landmark of the city, and he would like to see it remain under the city's ownership.

Langford agreed with Stacy and added that it would be beneficial to remain in control of the property with all the future development coming to that area.

City Attorney Patrick Jaugstetter stated that the house could be sold with specific restrictions on the future use of the property and house, if ever the City wanted to sell it, but cannot set restrictions or requirements for the quality or maintenance of the property.

Consensus: Mayor and Council do not want to risk the deterioration of the property and believe it is in the best interest of preserving it under the control of the city.

Department Needs:

Ray Gibson listed the following Department needs to consider for the FY2025 Budget:

- Police: 3 School Resource Officers (SRO) with the FCBOE proving all the funding for the first year.
- Fire: (a) Purchase FireWorks Software that will help with the following:
 - Records Management for Training and Inspections
 - Incident Reporting
 - Staffing and Associated Scheduling
 - National Accreditation and ISO(b) Purchase security cameras for Station 91.
- Community & Economic Development: Senior Planner and Economic Development Director
- Public Services: Add a Crew Lead and 3 Maintenance Techs.
- City Administration: Graphic Designer (consultant or on staff)

The Mayor and Council would like to explore renegotiations options with the School Board as it relates to the School Resource Officers. They support the need for them but have concerns about paying the salaries for officers that the city cannot utilize outside of the school system.

AchieveIt Software:

Ray Gibson introduced performance management software called AchieveIt that would help the city maintain updates on projects that are linked to the strategic plan. The software would also generate dashboards and reports to summarize status and recent updates for the Mayor and Council to review and stay informed.

2024 Concert Series:

Ray Gibson informed council on the upcoming Concert Series for 2024:

- 5/4/24 - Joe Nichols
- 5/18/24 - JAZZFEST Featuring Bob Baldwin, Ken Ford, Ragan Whiteside, PJ Spraggins, Carol Albert
- 6/8/24 - Mothers Finest
- 6/22/24 - Corey Smith
- 7/12/24 – Chicago w/ Earth Wind Fire Tributes
- 8/2/24 - Unkle Kracker
- 8/17/24 – Tom Petty w/ .38 Special/ARS Tributes

- 9/14/24 - Arrested Development (Confirmed) w/Nappy Roots (Pending)

Mr. Gibson also stated that season passes will once again be available for purchase.

Open Discussion:

Council Member Hoffman discussed potential code violation on Georgia Avenue to be monitored.

Mr. Jones agreed that there have been run-off issues created in this area due to lack of upkeep of certain properties.

Hoffman then addressed concerns regarding the current requirements and procedures for the DDA Facade Grant, stating he believes the grant program maybe being utilized outside the intended criteria.

Mr. Gibson stated that we should set strict requirements for the Façade Grant program and investigate creating another program that assists small businesses with other types of improvements.

City Attorney Patrick Jaugstetter also suggested passing a resolution outlining specific guidelines and duties for board members to help keep the boards and committees aligned with the city's vision.

City Goals Update:

Ray Gibson gave a summary of the City Goals updates for Future Ready actions items.

Creating and implementing department developmental plans and succession plans. Currently succession plans for eight job positions within the city have been completed and the process is ongoing.

Developing and implementing management and leadership training programs. Ongoing strategy to enhance Employee Development through training programs such as Supervisor Training, Emerging Leaders, and ICMA High Performance Academy.

Maintain programs to aggressively seek out grants and alternative revenue streams to supplement local government funding. To achieve this goal, we have created a grants committee to focus on available grant opportunities that align with the City's goals.

City's Cybersecurity Plan:

Kelvin Joiner stated that our current cybersecurity plan has remained successful. KnowBe4 training will continue and prepare employees for potential cyberattacks. Most successful attacks come from internal users that are not vigilant or trained on what to look for. Keeping strong firewalls and training software can be expensive but Mr. Joiner thinks the money is being spent wisely and has been effective in protecting our databases.

Fire Station 93 and Future Plans for Police Department and Court Buildings:

Mr. Gibson gave an update on Fire Station 93 stating that the city is still currently working on site location with Trilith. Current funding available includes \$1,000,000 from SPLOST 2017 and \$4,600,000 from Impact fees. Giving a total available fund of \$5,600,000 based on the 11,200 sq. ft. outlined annexation agreement.

He then walked through options for the Police Department Headquarters and Municipal Court Renovations. CPL assessment options include build a new court building on current property and renovate current police and court space for police; build a new police and court building on existing property and demo current building for parking; or build a new police and court building on new property and sell current building to offset costs. Other options would be to find and renovate an existing building for court and renovate current building for Police Headquarters expansion or build new police building on current property and renovate existing building to expand court and house other city functions or police.

Consensus: Mayor and Council would like to see three different options presented with associated cost to get a better understanding and idea of which option would be the most effective and cost efficient for long-term planning.

City Hall Security Plan:

I.T. Director Kelvin Joiner and Public Services Director Chris Hindman explained to Council that they have been looking into solutions to improve the safety and security of the customer service desks in the Water Department and Community and Economic Development Department. Currently, the front counters do not have any barriers to prevent customers from leaning over the front counter into the employee workspace; for protection of both our records and the employees it is advised that glass windows be installed to prevent that from occurring. Mr. Joiner and Mr. Hindman stated that they have also explored options to relocate the receptionist desk into the open space in the Customer Service department that is currently being used as a gift shop. Where the receptionist desk is currently located, there is no access to emergency exits or evacuations; this leaves the receptionist exposed in cases of emergency.

Consensus: Mayor and Council would like to move forward with installing bulletproof glass at the front desk counters and advised that we get quotes for relocating the receptionist desk.

38 Acres Future Plans:

Lamar Wakefield presented a development model for the city-owned 38 acres. The model was a mix-use development for retail, restaurants, office space, and residential. The development would include parking garages to maximize parking in the area. Mr. Wakefield suggested that the council consider adding a hotel to the development to prepare for an influx of travelers that will come to the area because of the QTS data center and the new Soccer Institution.

Consensus: Council supports the presented plans for the land but would like to explore funding options for the parking garages and they will continue to discuss the option of adding a hotel to the development.

FCDA Updates:

Niki Vanderslice gave an update on current FCDA projects and future projects that they are working to bring to Fayette County.

Ms. Vanderslice then introduced Amanda Fields, who handles school outreach for the FCDA and will be launching a program to encourage alternative work force paths for High School graduates. Ms. Fields explained that with the studio growth and new QTS Data center, career opportunities are also growing. It is her goal to introduce career fairs to the local schools to help encourage additional career path options outside of college. Not only would this help retain generations within Fayette County, but it would benefit our school systems.

Kai Consulting Update:

Ben Burdett & Team gave an overview on project updates for the City of Fayetteville.

Mr. Gibson delivered closing statements and adjourned the meeting.

Respectfully submitted,

Chelsea Siemen, Interim City Clerk

**City of Fayetteville
Mayor and City Council
Retreat – Day Two
Minutes
February 9, 2024**

The Mayor and City Council of Fayetteville held a Council Retreat on February 9, 2024, at the Embassy Suites by Hilton Alpharetta Halcyon. Council Members present: Darryl Langford, Joe Clark, Rich Hoffman, and Scott Stacy. Niyah Glover was absent.

Staff members present were City Manager Ray Gibson, Assistant City Manager Alan Jones, Interim City Clerk Chelsea Siemen, I.T. Director Kelvin Joiner, Finance Director Mike Bush, Community and Economic Director David Rast, Planning and Zoning Manager Julie Brown, Public Service Director Chris Hindman, Police Chief Scott Gray, Fire Chief Linda Black, City Engineer Adam Price, and City Attorney Patrick Jaugstetter.

Guest Speakers present: Danny Brewington, Managing Partner at Ed Innovations Partners, LLC, and team.

Discussion Items:

Travis Alleyway Project:

Director of Public Services Chris Hindman presented material modifications to the Travis Alleyway project plans which included: modification to light sources in certain areas, modification in material used for benches and other seating areas, and modification to signage at the entry points of the alleyway. These changes were made to help reduce the cost of the project and reduce future maintenance costs.

The Mayor and Council approved of the material modifications and asked that Mr. Hindman continue to keep them informed if any other changes come about.

Housing Study:

City Manager Ray Gibson reviewed the 2022 Housing Market Analysis which indicated a need for more townhomes and conventional single-family dwellings to stay consistent with the demand level through 2026. The study also showed a high demand level for rent options in the city; estimating a need of 400 additional apartment units to meet the demand. Mr. Gibson stated that the current housing summary for 2024 is 248 new single-family detached units and 127 single-family attached units. With current development projects in motion, we are on track to meet the projected demand for single-family, but our area of concern would be apartments.

Mayor Johnson asked the status of the Meridian on the Square apartment project.

Mr. Gibson stated that he will be meeting with them to discuss their plans for moving forward. He has concerns that they might withdraw when they find out about the plans for the 38-acre project. If that is the case, we will go back to the drawing board for that property. He also stated that he would prefer to see a more historical look develop in that area to prevent the downtown area from becoming too modernized.

Council Member Stacy agreed that he would also like to see a more historical development incorporated in the downtown area.

Mayor Johnson stated that if MOTs withdraws, it might be a good area for a hotel.

Charter School Guest Speakers:

Managing Partner at Ed Innovation Partners, LLC, Danny Brewington gave a presentation on Charter Schools and the positive effects they have on the community. Mr. Brewington and his team discussed the obstacles Charter Schools often face during the initial establishment as well as the long-term benefits they've seen, from an educational standpoint, for the students and the communities they've worked in.

Stormwater:

Chris Hindman explained that the city has explored numerous options to assist private property owners with the storm water repair issues, but every option presents both financial and legal obstacles. The city has no viable avenue to provide any direct assistance except through some limited ARPA funding that may be reprogrammed. The City hired ISE to inspect and provide a report of private and public stormwater infrastructure conditions. These inspections occurred between September 2020 and July 2022, providing a snapshot of these systems. The report provided estimates of repair costs based on the type of pipe, size, length, and option to reline or replace. The report will be made available to the private property owners to help them know their inventory and better plan for needed repairs.

Trilith Updates:

Julie Brown gave a rundown of current updates for Trilith Studios and Town at Trilith.

Trilith Studios is currently back up and operating after the writers' strike, but the comeback has been slow. They are possibly facing another strike from the Teamsters Union but are hoping the issues can be resolved before a strike occurs. The Teamster Union is made up by the International Alliance of Theatrical Stage Employees (behind the scenes entertainment workers) also known as IATSE. Also on the studio side, the water tower is currently under construction and expected to be 146 feet tall.

Town at Trilith updates include: the opening of the new hotel known as Trilith Guesthouse which opened January 18, 2024, with 192 rooms; The Forest School opened February 1, 2024; and Trilith Live is being constructed with stages opening May 24, 2024, Parking Deck opening July 24, 2024, and Auditorium and Cinema opening October 25, 2024.

For residential updates: Capstone Phase 2 was approved in July of 2022 but has not yet moved forward. Phase 2 is expected to have 337 residential units with commercial on the bottom floor. Palmyra Townhomes is under construction and will have 187 units total. There are already 95 occupied and 92 units still to be constructed. And for Micro Homes, there are currently 24 constructed and sold to date with a total number of 100 permitted.

Christmas Decorations:

David Rast proposed selling Christmas decorations from last year and replacing them with new decorations. Mr. Rast explained that some of the larger outside decorations were not built for quality and others did not go with the city's vision. Mainstreet has proposed replacing these decorations with a more classic look and focusing more on decorating the downtown square.

Consensus: Move forward with selling decorations that are no longer needed or wanted and present council with quotes and pictures for the new decorations.

Mr. Gibson delivered closing statements and adjourned the meeting.

Respectfully submitted,

Chelsea Siemen, Interim City Clerk

City of Fayetteville
Mayor and City Council
Regular Meeting
Minutes
February 15, 2024

Call to Order

The Mayor and City Council of Fayetteville met in regular session on February 15, 2024, in the Council Chambers at City Hall. Council Members present: Darryl Langford, Joe Clark, Niyah Glover, Rich Hoffman, and Scott Stacy. The City Attorney present was Patrick Jaugstetter. Staff members present were City Manager Ray Gibson and City Clerk Valerie Glass. Mayor Ed Johnson called the meeting to order at 6:00 p.m.

Opening prayer was delivered by Council Member Hoffman followed by the Pledge of Allegiance

Stacy moved to approve the agenda as presented. Hoffman seconded the motion. The motion carried unanimously.

Clark moved to approve the minutes from the January 18, 2024, Regular City Council Meeting. Langford seconded the motion. The motion carried unanimously.

Hoffman moved to approve the minutes from the January 30, 2024, City Council Work Session Meeting. Stacy seconded the motion. Glover abstained. The motion carried 4-0-1.

Recognitions and Presentations:

Present of Southern Crescent Technical College Dr. Clark gave an informational presentation on the schools current strategic plan, program growth, and enrollment data.

Mayor Johnson presented the 2024 Arbor Day Proclamation.

Mayor Johnson and Mayor Pro Tem Hoffman recognized Debi Renfroe and Ken Collins for 11 years of service on the City of Fayetteville Planning and Zoning Commission.

Consent Agenda:

Mayor Johnson read the Consent Agenda item(s) and called for a vote.

- R-10-24 - Items to be declared surplus
- R-11-24 - Travis Alley Improvements Project Bid Award

Hoffman moved to approve the Consent Agenda as presented. Stacy seconded the motion. The motion carried unanimously.

City Manager and Staff Reports:

City Manager, Ray Gibson announced the upcoming events:

- HOA Quarterly Bootcamp – Saturday, February 17th in the City Hall Council Chambers from 9:30 AM – 11:00 AM
- Galentines Day Event – Saturday, February 24th – All day event to support the local women-owned businesses.
- Market on the Square – Saturday, March 9th from 11:00Am – 4:00PM

Mr. Gibson then wished Council Member Langford a Happy Early Birthday and a Happy Belated Birthday to Mayor Johnson’s wife Venessa.

Clark moved to adjourn the meeting. Langford seconded the motion. The motion carried unanimously.

Respectfully submitted,

Chelsea Siemen, Interim City Clerk

**City of Fayetteville
Mayor and City Council
Work Session Meeting
Minutes
February 27, 2024**

Call to Order

The Mayor and City Council of Fayetteville met for Work Session on February 27, 2024, in the Training Room at City Hall. Council Members present were Joe Clark, Niyah Glover, Rich Hoffman, and Scott Stacy. Council Member Darryl Langford was absent. The city Attorney present was Patrick Jaugstetter. Staff members present were City Manager Ray Gibson and Interim City Clerk Chelsea Siemen. Mayor Ed Johnson called the meeting to order at 9:00 a.m.

City Manager Ray Gibson asked for discussion item two to be presented last due to the length of the presentation for the item.

Hoffman moved to approve the agenda with Mr. Gibson's recommended amendment. Stacy seconded the motion. Motion carried unanimously.

Discussion Items:

Mayor Johnson called for discussion item one: Possible Extension of the Downtown Entertainment District.

Planning and Zoning Manager Julie Brown stated that the city recently received a request from Johnny's Pizza and the Frozen Rooster to be included in the Downtown Entertainment District. Extending the district to include these restaurants would allow them to participate in open container guidelines. If the Mayor and Council supported this request, Ms. Brown could incorporate this extension in the amended Alcohol Ordinance that is currently underway.

Stacy stated that he is not opposed to the extension and suggested exploring options of requiring a designated cup rather than the use of stickers. This is something he has seen work well in other jurisdictions.

Ms. Brown stated that she would look into the cost difference and bring back the information for Mayor and Council to review.

Mr. Gibson asked if it would be better to extend the entire district to include other businesses within walking distance of downtown and the amphitheater to reduce the number of changes to the map or if we should extend the district on a case-by-case basis.

Consensus: Mayor and Council supports the request to extend the Downtown Entertainment District to include the Frozen Rooster and Johnny's Pizza in the amendments to the Alcohol Ordinance.

Mayor Johnson moved on to discussion item three: SAFEbuilt Agreement.

Community and Economic Director David Rast explained that SAFEbuilt is a third party that has been running our Building Department services since 2020. The city has not had any complaints with their performance but recent concerns have arose surrounding the current fee schedule. The city met with SAFEbuilt to negotiate certain terms in the contract and are now reviewing their new proposal with an adjusted fee schedule and adjusted fee percentage distributions between the city and SAFEbuilt.

Consensus: The Mayor and Council support moving forward with the new proposal if it rectifies all of the concerns the city had with the previous agreement.

New Business:

Mayor Johnson called for the consideration of R-12-24 – 90-day Moratorium in the Downtown Mixed-Use District.

Mr. Gibson stated that following the discussion had at the City Council Retreat regarding concerns about the blanket zoning of the Downtown Mixed-Use District, he is proposing to impose a 90-day moratorium for that district. This will allow the City Council and Staff time to review the UDO and make necessary changes that would be in the best interest of the city and the residents regarding future development in this district.

Hoffman stated that he supports this suggestion and believes that while analyzing this district; they should review the zoning street by street to make sure that they do not blanket zone of residential areas that would not benefit from a mixed-use zoning.

There were no public comments.

Hoffman moved to approve R-12-24. Stacy seconded the motion. Motion carried unanimously.

Mayor Johnson called: Consideration of R-13-24 – LCI Grant Application.

Mr. Rast explained that ARC has called for projects to be submitted to the 2024 LCI Program for funding support and after discussion with the City Manager; they have selected areas that meet the criteria of the application. The request would be submitted for \$200,000.00 and would have a 20% local match. The project areas would include Art Strategies for the future Art District, Path Connectivity, Street Scape Enhancement, and Downtown Mixed-Use Study. Staff is in support of this program.

There were no public comments.

Stacy moved to approve R-13-24. Clark seconded the motion. Motion carried unanimously.

Discussion Items:

Mayor Johnson called for discussion item two: Mental Health Advisory Board.

Mr. Gibson stated that the purpose of the board would be to develop policies to promote mental health and well-being for all residents of Fayetteville. The policies would establish a framework for accessible, culturally competent, and inclusive mental health services and support. Some of the services that would be developed include training and development, language access, community outreach, and crisis intervention and response programs. Mr. Gibson stated that there is Federal Funding available for these types of programs that are not yet being taken advantage. However, the effectiveness of the board would be entirely dependent on active engagement with the community, collaboration with relevant organizations, and a commitment to promoting mental well-being at the local level.

Consensus: Mayor and Council encourage the city to continue exploring options for the establishment of such a board by ensuring that there will be community and organizational buy in from our city residents and businesses. They also ask that research be thoroughly done to ensure that outside funding will be available so that it will not fall solely on the city.

Stacy moved to adjourn the meeting. Glover seconded the motion. The motion carried unanimously.

Respectfully submitted,

Chelsea Siemen, Interim City Clerk

Chelsea Siemen

From: Julie Brown
Sent: Monday, March 18, 2024 2:51 PM
To: Chelsea Siemen; David Rast
Cc: nicole gilbert
Subject: FW: Request to Table Items #0-02-24 and 0-03-24 - Crescent Communities FLUM Amendment and Rezoning for Parcel No. 053116006

Render Fayetteville would like to table to the April 18 council meeting.

Thanks,
JB

From: Jon Jordan <jon@hnmhlaw.com>
Sent: Monday, March 18, 2024 2:29 PM
To: Julie Brown <jbrown@fayetteville-ga.gov>
Cc: Eric Liebendorfer <ELiebendorfer@crescentcommunities.com>; Adam Kirk <kirk.spld22@gmail.com>; Greg Hecht <greg@hnmhlaw.com>
Subject: Request to Table Items #0-02-24 and 0-03-24 - Crescent Communities FLUM Amendment and Rezoning for Parcel No. 053116006

Ms. Brown,

Good afternoon. I appreciated speaking with you Friday regarding the above zoning requests and confirming that they were not subject to the recent moratorium. I did check back with my client Crescent Acquisitions, LLC (Crescent Communities) and we would like to request that consideration of the above-referenced zoning applications be tabled at the City Council meeting on March 21 for 30 days (to the following City Council meeting). I understand that we do not need to attend the meeting to request that in person, but please do not hesitate to let me know if that changes, or if we need to do anything else as part of the tabling request.

Also, just to make sure, the tabling request wouldn't somehow subject the applications to the moratorium would it? If you wouldn't mind confirming that as well as the tabling of the rezoning applications, I would greatly appreciate it. Thank you for all of your help!

Thanks again,
Jon

Jon W. Jordan
Hecht Walker Jordan, P.C.
Attorneys at Law
Phone: 404-348-4881
Fax: 678-884-1257

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FAYETTEVILLE

NO LIMITS ON IMAGINATION

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Fayetteville, Georgia 30214
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770-460-4238 Facsimile
www.Fayetteville-GA.gov

TO: Mayor and City Council

VIA: Ray Gibson, City Manager

CC: Chelsea Siemen, City Clerk

FROM: Julie Brown, Planning and Zoning Manager

DATE: March 5, 2024

SUBJECT: Consider Ordinance Nos. 0-02-24 and 0-03-24 - Requests from Crescent Communities as they relate to the property located at Hwy 54 East/Weatherly Drive/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 |

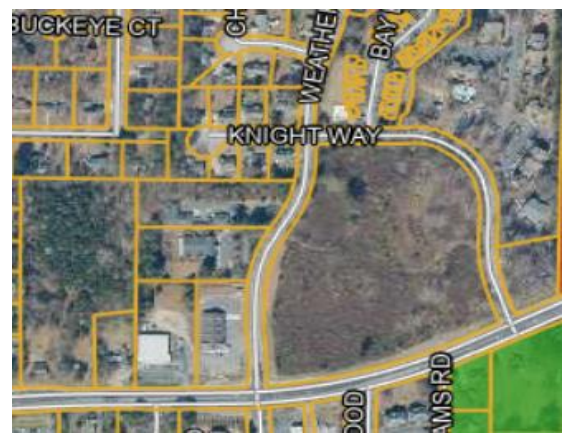
Existing zoning

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 | | 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 does not meet the objectives of the current plan and recommends the request be denied.

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 be denied.

Planning and Zoning Commission recommendation:

At their meeting on February 27, 2024, the Planning and Zoning Commission voted unanimously to forward the request to amend the Comprehensive Plan and Future Land Use Map, and the request to rezone the subject parcel from NC to R-THC to the Mayor and City Council with a recommendation that it not be approved.

Proposed Ordinance # 0-02-24
Subject Matter: Future Land Use Map Amendment - Render Fayetteville
Parcel Number: 053116006
Date of Published Notice in Fayette County News: 02-07-24
Date of Public Hearing Before Planning & Zoning Commission: 02-27-24
Date of Published Notice in Fayette County News: 03-06-24
Date of City Council Public Hearing and Adoption: 03-21-24

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-02-24

CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

The City of Fayetteville (the “City”) has received an application to amend the Future Land Use Map from Crescent Acquisitions, LLC for property located on Highway 54 East between Weatherly Drive and Knight Way, Fayetteville GA (Parcel Nos. 053116006) as described in EXHIBIT "A". Said parcel of property is presently designated as Neighborhood Center on the FLU Map and the Applicant desires to change the designation to Mixed Residential.

The City has given notice to the public of this proposed land use change as required by law and public hearings have been conducted as required by law. The City complied with the requirements of O.C.G.A. § 36-36-4 and § 36-36-5 prior to the adoption of this Ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE AS FOLLOWS:

ARTICLE I

The land use classification of the property described in Exhibit “A” attached hereto and incorporated herein, shall be, and is hereby established as Mixed Residential pursuant to the City of Fayetteville’s Comprehensive Plan and Future Land Use Map and in accordance with the understandings and conditions imposed by the Mayor and City Council.

The City’s new land use classification upon the described property shall become immediately effective. The City’s Future Land Use Map is hereby amended to reflect this change.

ARTICLE II

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

ARTICLE III

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

ARTICLE IV

This ordinance shall become immediately effective upon its adoption, subject to the any conditions contained in the minutes of the City Council, which are part of this ordinance; any representations submitted by the applicant to the City Council, accepted by the City Council, and reflected in the minutes of the City Council; all of which representations shall be an amendment to the land use map amendment application and a part of this ordinance.

BE IT RESOLVED, that the Mayor and Council of the City of Fayetteville, Georgia do hereby adopt the attached City of Fayetteville

SO RESOLVED, this _____ Day of _____ 2024.

Edward J. Johnson, Jr., Mayor

Richard J. Hoffman, Mayor Pro Tem

Attest:

T. Joe Clark, Councilmember

Chelsea Siemen, City Clerk

Niyah Glover, Councilmember

Darryl Langford, Councilmember

Scott Stacy, Councilmember

Exhibit "A"
Legal Description

PARCEL NO. 053116006

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.



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 over a white background.

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. | |

Proposed Ordinance # 0-03-24
Subject Matter: Rezoning - Render Fayetteville
Parcel Number: 053116006
Date of Published Notice in Fayette County News: 02-07-24
Date of Public Hearing Before Planning & Zoning Commission: 02-27-24
Date of Published Notice in Fayette County News: 03-06-24
Date of City Council Public Hearing and Adoption: 03-21-24

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-03-24
CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

The City of Fayetteville (the “City”) has received an application for rezoning from Crescent Acquisitions, LLC for property located on Highway 54 East between Weatherly Drive and Knight Way, Fayetteville GA (Parcel Nos. 053116006) as described in EXHIBIT "A". Said parcel of property is presently zoned NC Neighborhood Commercial and the Applicant desires to rezone the property to R-THC Residential Townhouse Condominium.

The City has given notice to the public of this proposed rezoning as required by law and public hearings have been conducted as required by law. The City complied with the requirements of O.C.G.A. § 36-36-4 and § 36-36-5 prior to the adoption of this Ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE AS FOLLOWS:

ARTICLE I

The zoning classification of the property as described in Exhibit “A” attached hereto and incorporated herein, shall be, and is hereby established as R-THC Residential Townhouse Condominium pursuant to the City of Fayetteville’s Unified Development Ordinance and in accordance with the understandings and conditions imposed by the Mayor and City Council as described in Exhibit “B”.

The City’s new ordinance classification upon the described property shall become immediately effective. The City’s Official Zoning Map is hereby amended to reflect this rezoning.

ARTICLE II

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

ARTICLE III

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

ARTICLE IV

This ordinance shall become immediately effective upon its adoption, subject to the any conditions contained in the minutes of the City Council, which are part of this ordinance; any representations submitted by the applicant to the City Council, accepted by the City Council, and reflected in the minutes of the City Council; all of which representations shall be an amendment to the rezoning application and a part of this ordinance.

BE IT RESOLVED, that the Mayor and Council of the City of Fayetteville, Georgia do hereby adopt the attached City of Fayetteville

SO RESOLVED, this _____ Day of _____ 2024.

Edward J. Johnson, Jr., Mayor

Richard J. Hoffman, Mayor Pro Tem

Attest:

T. Joe Clark, Councilmember

Chelsea Siemen, City Clerk

Niyah Glover, Councilmember

Darryl Langford, Councilmember

Scott Stacy, Councilmember

Exhibit "A"
Legal Description

PARCEL NO. 053116006

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.

Exhibit “B”

UNDERSTANDINGS AND CONDITIONS

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> | |



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

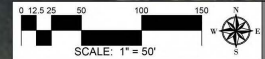
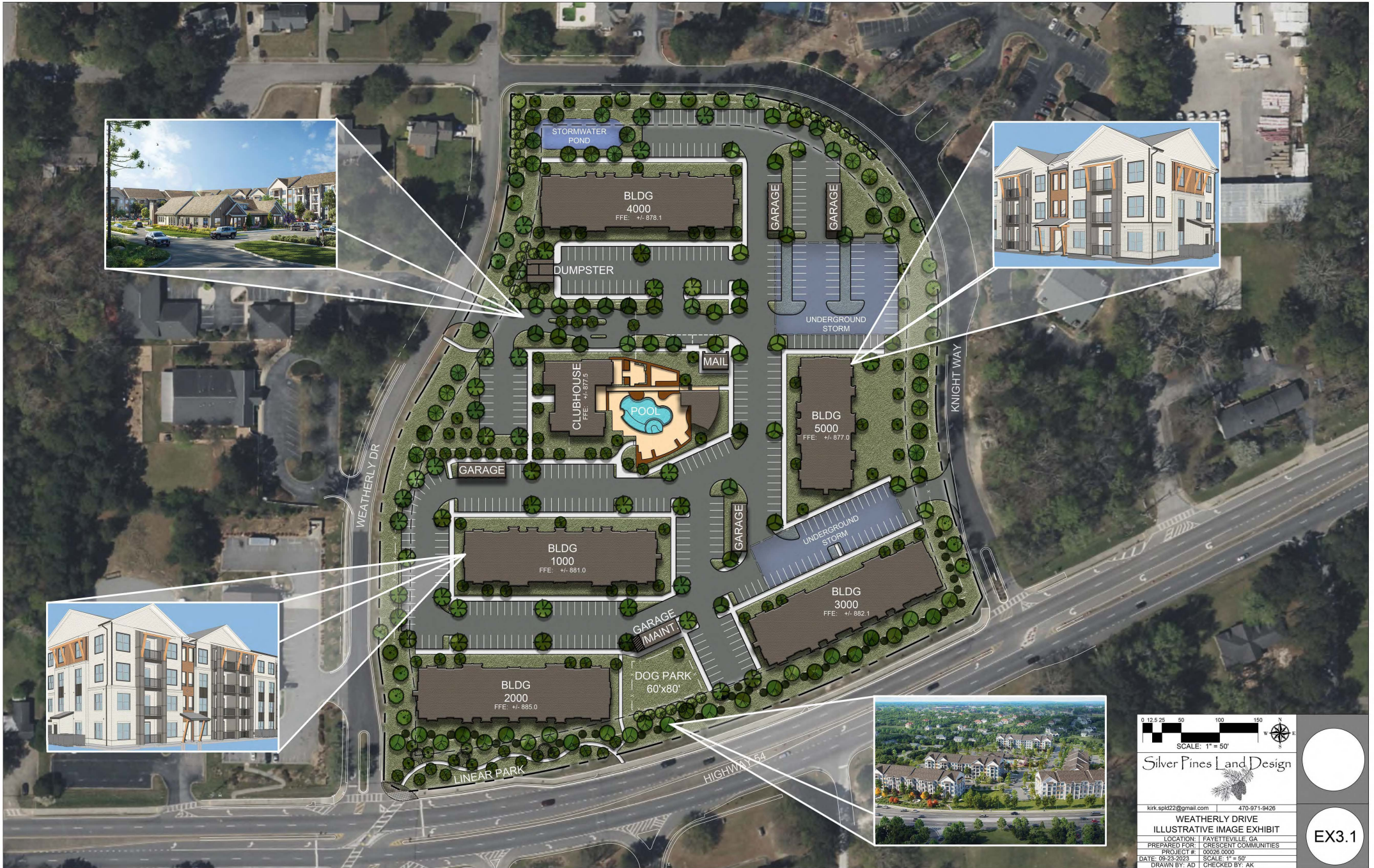
Return this CHECKLIST with submittal. Incomplete submittals will not be reviewed.

- 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.

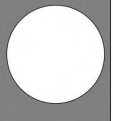


Silver Pines Land Design



kirk.spld22@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



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: Mayor and City Council

VIA: Ray Gibson, City Manager

CC: Chelsea Siemen, City Clerk

DATE: March 6, 2024

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:

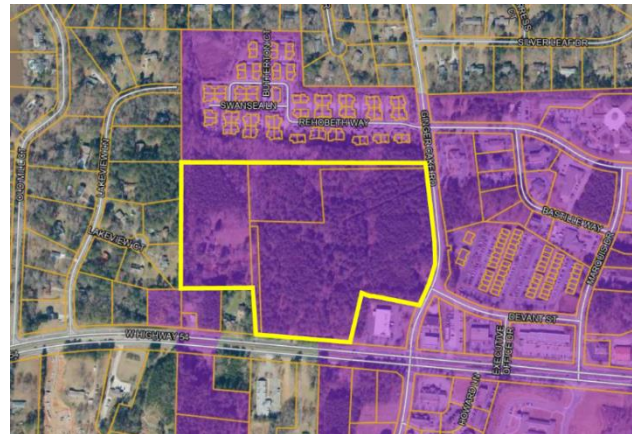
- to amend the Future Land Use Map from Neighborhood Center to Neighborhood Residential 2
- to rezone the property from Neighborhood Commercial to Residential Multi-family (RMF-15).

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.

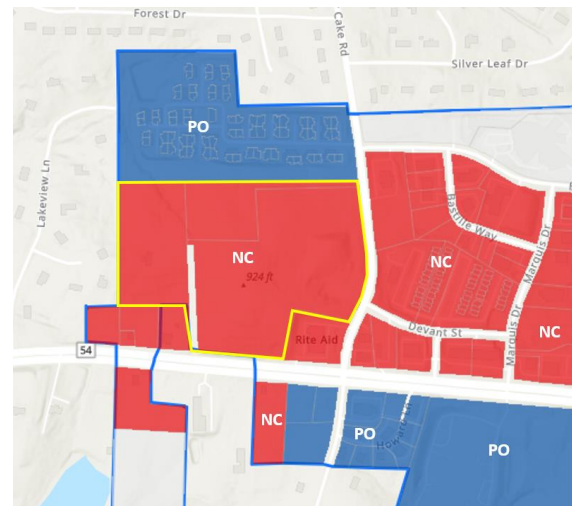
| | Tract 1 | Tract 2 | Tract 3A | Tract 3B | Tract 3C |
|-----------------|-----------------------------------|-------------|----------|----------|----------|
| Parcel Number | 0522 003 | 0522 048 | 0522 033 | | |
| Acreage | 3.896 | 18.493 | 3.202 | 4.037 | 0.392 |
| Zoning | NC Neighborhood Commercial | | | | |
| 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 Neoghorhood 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.

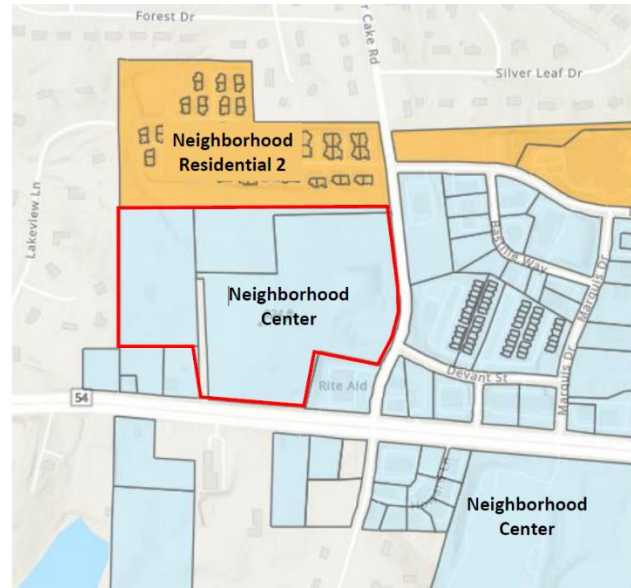
As a part of the pending 2024 update to the Future Land Use Map and Official Zoning Map, Staff will be proposing a city-initiated change to both the existing land use and zoning designations of these parcels to a more compatible district.

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 bedroom) 900 (2 bedrooms) 1,100 (3 bedrooms) 1,300 (4 bedrooms) | 650 SF (studio/1 bedroom) 950 SF (2 bedrooms) 1,200 SF (3 bedrooms) |
| 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.

Planning and Zoning Commission Recommendation

At their meeting on February 27, 2024, the Planning and Zoning Commission voted unanimously to forward the request to amend the Comprehensive Plan and Future Land Use Map, and the request to rezone the subject parcel from NC to RMF-15 to the Mayor and City Council with a recommendation that it not be approved.

Proposed Ordinance # 0-04-24
Subject Matter: Future Land Use Map Amendment – Avilla Fayetteville
Parcel Number: 0522 003, 0522 033, and 0522 048
Date of Published Notice in Fayette County News: 02-07-24
Date of Public Hearing Before Planning & Zoning Commission: 02-27-24
Date of Published Notice in Fayette County News: 03-06-24
Date of City Council Public Hearing and Adoption: 03-21-24

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-04-24

CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

The City of Fayetteville (the “City”) has received an application to amend the Future Land Use Map from NexMetro Communities, LLC for property located at the intersection of Highway 54 West and Gingercake Road, Fayetteville GA (Parcel Nos. 0522 003, 0522 033, and 0522 048) as described in EXHIBIT "A". Said parcels of property are presently designated as Neighborhood Center on the FLU Map and the Applicant desires to change the designation to Neighborhood Residential 2.

The City has given notice to the public of this proposed land use change as required by law and public hearings have been conducted as required by law. The City complied with the requirements of O.C.G.A. § 36-36-4 and § 36-36-5 prior to the adoption of this Ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE AS FOLLOWS:

ARTICLE I

The land use classification of the property described in Exhibit “A” attached hereto and incorporated herein, shall be, and is hereby established as Neighborhood Residential 2 pursuant to the City of Fayetteville’s Comprehensive Plan and Future Land Use Map and in accordance with the understandings and conditions imposed by the Mayor and City Council.

The City's new land use classification upon the described property shall become immediately effective. The City's Future Land Use Map is hereby amended to reflect this change.

ARTICLE II

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

ARTICLE III

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

ARTICLE IV

This ordinance shall become immediately effective upon its adoption, subject to the any conditions contained in the minutes of the City Council, which are part of this ordinance; any representations submitted by the applicant to the City Council, accepted by the City Council, and reflected in the minutes of the City Council; all of which representations shall be an amendment to the land use map amendment application and a part of this ordinance.

BE IT RESOLVED, that the Mayor and Council of the City of Fayetteville, Georgia do hereby adopt the attached City of Fayetteville

SO RESOLVED, this _____ Day of _____ 2024.

Edward J. Johnson, Jr., Mayor

Richard J. Hoffman, Mayor Pro Tem

Attest:

T. Joe Clark, Councilmember

Chelsea Siemen, City Clerk

Niyah Glover, Councilmember

Darryl Langford, Councilmember

Scott Stacy, Councilmember

Exhibit "A"
Legal Description

PARCEL NO. 0522 003

ALL THAT TRACT OR PARCEL OF LAND LOCATED IN LAND LOT 126, 5th DISTRICT, CITY OF FAYETTEVILLE, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY") ON THE WEST RIGHT-OF-WAY OF GINGER CAKE ROAD (R/W VARIES); THENCE ALONG SAID RIGHT-OF-WAY, SOUTH 06°16'08" EAST, A DISTANCE OF 30.13 FEET TO AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY"); THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE PROPERTY NOW OR FORMERLY OF VINCENT T. PENG, MD, NORTH 89°01'46" WEST, A DISTANCE OF 573.17 FEET TO A POINT; THENCE SOUTH 03°13'41" EAST, A DISTANCE OF 317.96 FEET TO A POINT; THENCE NORTH 89°09'24" WEST, A DISTANCE OF 439.49 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF CHARLES W. HENSLEY, NORTH 03°13'18" WEST, A DISTANCE OF 347.80 FEET TO AN IRON PIN FOUND (1/2" PIPE); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF VILLAS AT GINGER CAKE COMMON AREA, SOUTH 89°12'12" EAST, A DISTANCE OF 439.49 FEET TO A POINT; THENCE SOUTH 89°00'24" EAST, A DISTANCE OF 571.53 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 3.896 ACRES.

PARCEL NO. 0522 048

ALL THAT TRACT OR PARCEL OF LAND LOCATED IN LAND LOT 126, 5th DISTRICT, CITY OF FAYETTEVILLE, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY") ON THE WEST RIGHT-OF-WAY OF GINGER CAKE ROAD (R/W VARIES); THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING COURSES AND DISTANCES: SOUTH 06°16'08" EAST, A DISTANCE OF 30.13 FEET TO AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY") AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 06°18'04" EAST, A DISTANCE OF 467.72 FEET TO A POINT; THENCE SOUTH 14°02'52" WEST, A DISTANCE OF 31.66 FEET TO AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY"); THENCE SOUTH 00°38'00" EAST, A DISTANCE OF 24.43 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE SOUTH 09°52'27" EAST, A DISTANCE OF 41.56 FEET TO A POINT; THENCE 146.13 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 437.46 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 16°04'18" WEST, 145.45 FEET TO AN IRON PIN FOUND (3/4" REBAR); THENCE SOUTH 25°36'18" WEST, A DISTANCE OF 145.45 FEET TO AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY"); THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE PROPERTY NOW OR FORMERLY OF GNDW, LLC, NORTH 84°52'37" WEST, A DISTANCE OF 280.31 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE SOUTH 05°04'10" WEST, A DISTANCE OF 247.96 FEET TO A MAG NAIL FOUND ON THE NORTH RIGHT-OF-WAY OF GEORGIA HIGHWAY 54 (R/W VARIES); THENCE ALONG SAID RIGHT-OF-WAY, NORTH 84°56'33" WEST, A DISTANCE OF 566.73 FEET TO AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY"); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF CHARLES W. HENSLEY THE FOLLOWING COURSES AND DISTANCES: NORTH 04°16'25" WEST, A DISTANCE OF 688.26 FEET TO AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY"); THENCE NORTH 89°57'14" WEST, A DISTANCE OF 24.80 FEET TO AN IRON PIN FOUND (1" ROD); THENCE NORTH 02°58'09" WEST, A DISTANCE OF 16.28 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF GINGERCake ROAD, LLC, SOUTH 89°09'24" EAST, A DISTANCE OF 439.49 FEET TO A POINT; THENCE NORTH 03°13'41" WEST, A DISTANCE OF 317.96 FEET TO A POINT; THENCE SOUTH 89°01'46" EAST, A DISTANCE OF 573.17 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 18.493 ACRES.

PARCEL NO. 0522 033 – Tract A

ALL THAT TRACT OR PARCEL OF LAND LOCATED IN LAND LOT 126, 5th DISTRICT, CITY OF FAYETTEVILLE, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY") ON THE WEST RIGHT-OF-WAY OF GINGER CAKE ROAD (R/W VARIES); THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE PROPERTY NOW OR FORMERLY OF VILLAS AT GINGER CAKE COMMON AREA, NORTH 89°00'24" WEST, A DISTANCE OF 571.53 FEET TO A POINT; THENCE NORTH 89°12'12" WEST, A DISTANCE OF 439.49 FEET TO AN IRON PIN FOUND (1/2" PIPE) AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE PROPERTY NOW OR FORMERLY OF FAYETTEVILLE GINGERCAGE ROAD, LLC, SOUTH 03°13'18" EAST, A DISTANCE OF 347.80 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF VINCENT T. PENG, MD, SOUTH 02°58'09" EAST, A DISTANCE OF 16.28 FEET TO AN IRON PIN FOUND (1" ROD); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF CHARLES W. HENSLEY, NORTH 89°05'50" WEST, A DISTANCE OF 396.60 FEET TO AN IRON PIN SET (1/2" REBAR WITH YELLOW PLASTIC CAP STAMPED "ROCHESTER LSF000484"); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF LAKEVIEW ESTATES, NORTH 00°47'28" EAST, A DISTANCE OF 363.56 FEET TO AN IRON PIN FOUND (1" PIPE); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF VILLAS AT GINGER CAKE COMMON AREA, SOUTH 89°02'01" EAST, A DISTANCE OF 371.19 FEET TO A POINT TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 3.202 ACRES.

PARCEL NO. 0522 033 – Tract B

ALL THAT TRACT OR PARCEL OF LAND LOCATED IN LAND LOT 126, 5th DISTRICT, CITY OF FAYETTEVILLE, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY") ON THE WEST RIGHT-OF-WAY OF GINGER CAKE ROAD (R/W VARIES); THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE PROPERTY NOW OR FORMERLY OF GINGER CAKE COMMON AREA, NORTH 89°00'24" WEST, A DISTANCE OF 571.53 FEET TO A POINT; THENCE NORTH 89°12'12" WEST, A DISTANCE OF 439.49 FEET TO AN IRON PIN FOUND (1/2" PIPE); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF GINGERCAGE ROAD, LLC, SOUTH 03°13'18" EAST, A DISTANCE OF 347.80 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF VINCENT T. PENG, MD, SOUTH 02°58'09" EAST, A DISTANCE OF 16.28 FEET TO AN IRON PIN FOUND (1" ROD) AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 04°15'04" EAST, A DISTANCE OF 686.37 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF GEORGIA HIGHWAY 54 (R/W VARIES); THENCE ALONG SAID RIGHT-OF-WAY, NORTH 85°42'48" WEST, A DISTANCE OF 40.13 FEET TO AN IRON PIN SET (1/2" REBAR WITH YELLOW PLASTIC CAP STAMPED "ROCHESTER LSF000484"); THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE PROPERTY NOW OR FORMERLY OF SUMAIR TAHIR AND TANA SUMNER, NORTH 03°13'42" WEST, A DISTANCE OF 283.45 FEET TO AN IRON PIN FOUND (1" ROD); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF SUMAIR TAHIR AND TANA SUMNER AND THE PROPERTY NOW OR FORMERLY OF THOMPSON LIVING TRUST, NORTH 89°15'23" WEST, A DISTANCE OF 397.00 FEET TO AN IRON PIN SET (1/2" REBAR WITH YELLOW PLASTIC CAP STAMPED "ROCHESTER LSF000484"); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF LAKEVIEW ESTATES, NORTH 00°47'28" EAST, A DISTANCE OF 399.61 FEET TO AN IRON PIN SET (1/2" REBAR WITH YELLOW PLASTIC CAP STAMPED "ROCHESTER LSF000484"); THENCE SOUTH 89°05'50" EAST, A DISTANCE OF 396.60 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 4.037 ACRES.

PARCEL NO. 0522 033 – Tract C

ALL THAT TRACT OR PARCEL OF LAND LOCATED IN LAND LOT 126, 5th DISTRICT, CITY OF FAYETTEVILLE, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY") ON THE WEST RIGHT-OF-WAY OF GINGER CAKE ROAD (R/W VARIES); THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE PROPERTY NOW OR FORMERLY OF GINGER CAKE COMMON AREA, NORTH 89°00'24" WEST, A DISTANCE OF 571.53 FEET TO A POINT; THENCE NORTH 89°12'12" WEST, A DISTANCE OF 439.49 FEET TO AN IRON PIN FOUND (1/2" PIPE); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF GINGERCKAE ROAD, LLC, SOUTH 03°13'18" EAST, A DISTANCE OF 347.80 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF VINCENT T. PENG, MD THE FOLLOWING COURSES AND DISTANCES: SOUTH 02°58'09" EAST, A DISTANCE OF 16.28 FEET TO AN IRON PIN FOUND (1" ROD) AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 89°57'14" EAST, A DISTANCE OF 24.80 FEET TO AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY"); THENCE SOUTH 04°16'25" EAST, A DISTANCE OF 688.26 FEET TO AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY") ON THE NORTH RIGHT-OF-WAY OF GEORGIA HIGHWAY 54; THENCE ALONG SAID RIGHT-OF-WAY, NORTH 85°42'48" WEST, A DISTANCE OF 25.28 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY, NORTH 04°15'04" WEST, A DISTANCE OF 686.37 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 17,090 SQUARE FEET OR 0.392 ACRES.

Proposed Ordinance # 0-05-24
Subject Matter: Rezoning - Avilla Fayetteville
Parcel Number: 0522 003, 0522 033, and 0522 048
Date of Published Notice in Fayette County News: 02-07-24
Date of Public Hearing Before Planning & Zoning Commission: 02-27-24
Date of Published Notice in Fayette County News: 03-06-24
Date of City Council Public Hearing and Adoption: 03-21-24

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-05-24

CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

The City of Fayetteville (the “City”) has received an application for rezoning from NexMetro Communities, LLC for property located at the intersection of Highway 54 West and Gingercake Road, Fayetteville GA (Parcel Nos. 0522 003, 0522 033, and 0522 048) as described in EXHIBIT "A". Said parcels of property are presently zoned NC Neighborhood Commercial and the Applicant desires to rezone the property to RMF-15 Residential Multi-Family.

The City has given notice to the public of this proposed rezoning as required by law and public hearings have been conducted as required by law. The City complied with the requirements of O.C.G.A. § 36-36-4 and § 36-36-5 prior to the adoption of this Ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE AS FOLLOWS:

ARTICLE I

The zoning classification of the property as described in Exhibit “A” attached hereto and incorporated herein, shall be, and is hereby established as RMF-15 Residential Multi-family pursuant to the City of Fayetteville’s Unified Development Ordinance and in accordance with the understandings and conditions imposed by the Mayor and City Council as described in Exhibit “B”.

The City’s new ordinance classification upon the described property shall become immediately effective. The City’s Official Zoning Map is hereby amended to reflect this rezoning.

ARTICLE II

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

ARTICLE III

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

ARTICLE IV

This ordinance shall become immediately effective upon its adoption, subject to the any conditions contained in the minutes of the City Council, which are part of this ordinance; any representations submitted by the applicant to the City Council, accepted by the City Council, and reflected in the minutes of the City Council; all of which representations shall be an amendment to the rezoning application and a part of this ordinance.

BE IT RESOLVED, that the Mayor and Council of the City of Fayetteville, Georgia do hereby adopt the attached City of Fayetteville

SO RESOLVED, this _____ Day of _____ 2024.

Edward J. Johnson, Jr., Mayor

Richard J. Hoffman, Mayor Pro Tem

Attest:

T. Joe Clark, Councilmember

Chelsea Siemen, City Clerk

Niyah Glover, Councilmember

Darryl Langford, Councilmember

Scott Stacy, Councilmember

Exhibit "A"
Legal Description

PARCEL NO. 0522 003

ALL THAT TRACT OR PARCEL OF LAND LOCATED IN LAND LOT 126, 5th DISTRICT, CITY OF FAYETTEVILLE, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY") ON THE WEST RIGHT-OF-WAY OF GINGER CAKE ROAD (R/W VARIES); THENCE ALONG SAID RIGHT-OF-WAY, SOUTH 06°16'08" EAST, A DISTANCE OF 30.13 FEET TO AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY"); THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE PROPERTY NOW OR FORMERLY OF VINCENT T. PENG, MD, NORTH 89°01'46" WEST, A DISTANCE OF 573.17 FEET TO A POINT; THENCE SOUTH 03°13'41" EAST, A DISTANCE OF 317.96 FEET TO A POINT; THENCE NORTH 89°09'24" WEST, A DISTANCE OF 439.49 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF CHARLES W. HENSLEY, NORTH 03°13'18" WEST, A DISTANCE OF 347.80 FEET TO AN IRON PIN FOUND (1/2" PIPE); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF VILLAS AT GINGER CAKE COMMON AREA, SOUTH 89°12'12" EAST, A DISTANCE OF 439.49 FEET TO A POINT; THENCE SOUTH 89°00'24" EAST, A DISTANCE OF 571.53 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 3.896 ACRES.

PARCEL NO. 0522 048

ALL THAT TRACT OR PARCEL OF LAND LOCATED IN LAND LOT 126, 5th DISTRICT, CITY OF FAYETTEVILLE, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY") ON THE WEST RIGHT-OF-WAY OF GINGER CAKE ROAD (R/W VARIES); THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING COURSES AND DISTANCES: SOUTH 06°16'08" EAST, A DISTANCE OF 30.13 FEET TO AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY") AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 06°18'04" EAST, A DISTANCE OF 467.72 FEET TO A POINT; THENCE SOUTH 14°02'52" WEST, A DISTANCE OF 31.66 FEET TO AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY"); THENCE SOUTH 00°38'00" EAST, A DISTANCE OF 24.43 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE SOUTH 09°52'27" EAST, A DISTANCE OF 41.56 FEET TO A POINT; THENCE 146.13 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 437.46 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 16°04'18" WEST, 145.45 FEET TO AN IRON PIN FOUND (3/4" REBAR); THENCE SOUTH 25°36'18" WEST, A DISTANCE OF 145.45 FEET TO AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY"); THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE PROPERTY NOW OR FORMERLY OF GNDW, LLC, NORTH 84°52'37" WEST, A DISTANCE OF 280.31 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE SOUTH 05°04'10" WEST, A DISTANCE OF 247.96 FEET TO A MAG NAIL FOUND ON THE NORTH RIGHT-OF-WAY OF GEORGIA HIGHWAY 54 (R/W VARIES); THENCE ALONG SAID RIGHT-OF-WAY, NORTH 84°56'33" WEST, A DISTANCE OF 566.73 FEET TO AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY"); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF CHARLES W. HENSLEY THE FOLLOWING COURSES AND DISTANCES: NORTH 04°16'25" WEST, A DISTANCE OF 688.26 FEET TO AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY"); THENCE NORTH 89°57'14" WEST, A DISTANCE OF 24.80 FEET TO AN IRON PIN FOUND (1" ROD); THENCE NORTH 02°58'09" WEST, A DISTANCE OF 16.28 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF GINGERCAGE ROAD, LLC, SOUTH 89°09'24" EAST, A DISTANCE OF 439.49 FEET TO A POINT; THENCE NORTH 03°13'41" WEST, A DISTANCE OF 317.96 FEET TO A POINT; THENCE SOUTH 89°01'46" EAST, A DISTANCE OF 573.17 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 18.493 ACRES.

PARCEL NO. 0522 033 – Tract A

ALL THAT TRACT OR PARCEL OF LAND LOCATED IN LAND LOT 126, 5th DISTRICT, CITY OF FAYETTEVILLE, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY") ON THE WEST RIGHT-OF-WAY OF GINGER CAKE ROAD (R/W VARIES); THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE PROPERTY NOW OR FORMERLY OF VILLAS AT GINGER CAKE COMMON AREA, NORTH 89°00'24" WEST, A DISTANCE OF 571.53 FEET TO A POINT; THENCE NORTH 89°12'12" WEST, A DISTANCE OF 439.49 FEET TO AN IRON PIN FOUND (1/2" PIPE) AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE PROPERTY NOW OR FORMERLY OF FAYETTEVILLE GINGERCAGE ROAD, LLC, SOUTH 03°13'18" EAST, A DISTANCE OF 347.80 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF VINCENT T. PENG, MD, SOUTH 02°58'09" EAST, A DISTANCE OF 16.28 FEET TO AN IRON PIN FOUND (1" ROD); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF CHARLES W. HENSLEY, NORTH 89°05'50" WEST, A DISTANCE OF 396.60 FEET TO AN IRON PIN SET (1/2" REBAR WITH YELLOW PLASTIC CAP STAMPED "ROCHESTER LSF000484"); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF LAKEVIEW ESTATES, NORTH 00°47'28" EAST, A DISTANCE OF 363.56 FEET TO AN IRON PIN FOUND (1" PIPE); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF VILLAS AT GINGER CAKE COMMON AREA, SOUTH 89°02'01" EAST, A DISTANCE OF 371.19 FEET TO A POINT TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 3.202 ACRES.

PARCEL NO. 0522 033 – Tract B

ALL THAT TRACT OR PARCEL OF LAND LOCATED IN LAND LOT 126, 5th DISTRICT, CITY OF FAYETTEVILLE, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY") ON THE WEST RIGHT-OF-WAY OF GINGER CAKE ROAD (R/W VARIES); THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE PROPERTY NOW OR FORMERLY OF GINGER CAKE COMMON AREA, NORTH 89°00'24" WEST, A DISTANCE OF 571.53 FEET TO A POINT; THENCE NORTH 89°12'12" WEST, A DISTANCE OF 439.49 FEET TO AN IRON PIN FOUND (1/2" PIPE); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF GINGERCKAE ROAD, LLC, SOUTH 03°13'18" EAST, A DISTANCE OF 347.80 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF VINCENT T. PENG, MD, SOUTH 02°58'09" EAST, A DISTANCE OF 16.28 FEET TO AN IRON PIN FOUND (1" ROD) AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 04°15'04" EAST, A DISTANCE OF 686.37 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF GEORGIA HIGHWAY 54 (R/W VARIES); THENCE ALONG SAID RIGHT-OF-WAY, NORTH 85°42'48" WEST, A DISTANCE OF 40.13 FEET TO AN IRON PIN SET (1/2" REBAR WITH YELLOW PLASTIC CAP STAMPED "ROCHESTER LSF000484"); THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE PROPERTY NOW OR FORMERLY OF SUMAIR TAHIR AND TANA SUMNER, NORTH 03°13'42" WEST, A DISTANCE OF 283.45 FEET TO AN IRON PIN FOUND (1" ROD); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF SUMAIR TAHIR AND TANA SUMNER AND THE PROPERTY NOW OR FORMERLY OF THOMPSON LIVING TRUST, NORTH 89°15'23" WEST, A DISTANCE OF 397.00 FEET TO AN IRON PIN SET (1/2" REBAR WITH YELLOW PLASTIC CAP STAMPED "ROCHESTER LSF000484"); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF LAKEVIEW ESTATES, NORTH 00°47'28" EAST, A DISTANCE OF 399.61 FEET TO AN IRON PIN SET (1/2" REBAR WITH YELLOW PLASTIC CAP STAMPED "ROCHESTER LSF000484"); THENCE SOUTH 89°05'50" EAST, A DISTANCE OF 396.60 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 4.037 ACRES.

PARCEL NO. 0522 033 – Tract C

ALL THAT TRACT OR PARCEL OF LAND LOCATED IN LAND LOT 126, 5th DISTRICT, CITY OF FAYETTEVILLE, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY") ON THE WEST RIGHT-OF-WAY OF GINGER CAKE ROAD (R/W VARIES); THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE PROPERTY NOW OR FORMERLY OF GINGER CAKE COMMON AREA, NORTH 89°00'24" WEST, A DISTANCE OF 571.53 FEET TO A POINT; THENCE NORTH 89°12'12" WEST, A DISTANCE OF 439.49 FEET TO AN IRON PIN FOUND (1/2" PIPE); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF GINGERCKAE ROAD, LLC, SOUTH 03°13'18" EAST, A DISTANCE OF 347.80 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE ALONG THE PROPERTY NOW OR FORMERLY OF VINCENT T. PENG, MD THE FOLLOWING COURSES AND DISTANCES: SOUTH 02°58'09" EAST, A DISTANCE OF 16.28 FEET TO AN IRON PIN FOUND (1" ROD) AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 89°57'14" EAST, A DISTANCE OF 24.80 FEET TO AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY"); THENCE SOUTH 04°16'25" EAST, A DISTANCE OF 688.26 FEET TO AN IRON PIN FOUND (1/2" REBAR WITH ORANGE PLASTIC CAP STAMPED "GEOSURVEY") ON THE NORTH RIGHT-OF-WAY OF GEORGIA HIGHWAY 54; THENCE ALONG SAID RIGHT-OF-WAY, NORTH 85°42'48" WEST, A DISTANCE OF 25.28 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY, NORTH 04°15'04" WEST, A DISTANCE OF 686.37 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 17,090 SQUARE FEET OR 0.392 ACRES.

Exhibit “B”
Understandings and Conditions

Approval of the rezoning as requested is 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.

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.

**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) |

Vincent T Peng, MD (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 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.

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

LEGEND

- AIF - ANGLE IRON FOUND
- AKA - ALSO KNOWN AS
- BC - BACK OF CURB
- BL - BUILDING SETBACK LINE
- BLDG - BUILDING
- BWF - BARBED WIRE FENCE
- C&G - CURB & GUTTER
- CBX - CABLE BOX
- CON - CONCRETE NAIL
- CTP - CRIMP TOP PIPE
- CI - CURB INLET
- CL - CENTER LINE
- CLF - CHAIN LINK FENCE
- CMF - CONCRETE MONUMENT FOUND
- CMP - CORRUGATED METAL PIPE
- CO - CLEANOUT
- CONC - CONCRETE
- CTF - CRIMP TOP PIPE FOUND
- DB, PG - DEED BOOK, PAGE
- DE - DRAINAGE EASEMENT
- DI - DROP INLET
- DIP - DUCTILE IRON PIPE
- DIR - DIRECTION
- DWCB - DOUBLE-WING CATCH BASIN
- EP - EDGE OF PAVEMENT
- FES - FLARED END SECTION
- FFE - FINISHED FLOOR ELEVATION
- FI - FIRE HYDRANT
- GL - GAS LINE
- GM - GAS METER
- GP - GUY PILE
- GT - GREASE TRAP
- GV - GAS VALVE
- GW - GUY WIRE
- HC - HANDICAP PARKING SPACE
- HW - HEADWALL
- INV - INVERT
- IPF - IRON PIN FOUND
- IPS - IRON PIN SET (1/2" REBAR)
- JB - JUNCTION BOX
- LL - LAND LOT
- LLL - LAND LOT LINE
- LP - LIGHT POLE
- MH - MANHOLE
- MON - MONUMENT
- N/F - NOW OR FORMERLY
- OC - OVERHEAD COMMUNICATION LINE
- OCS - OUTLET CONTROL STRUCTURE
- OE - OVERHEAD POWER LINE
- OTP - OPEN TOP PIPE
- OP - POWER LINE
- PT - POWER & TELEPHONE LINE
- PBX - POWER BOX
- PF - PIPE FOUND
- P/L - PROPERTY LINE
- PM - POWER METER
- POB - POINT OF BEGINNING
- PP - POWER POLE
- PS - PARKING SPACES
- PLP - POWER & LIGHT POLE
- PTLP - POWER, TELEPHONE & LIGHT POLE
- PTP - POWER & TELEPHONE POLE
- PVC - POLYVINYLCHLORIDE PIPE
- PMT - PAVEMENT
- RB - REBAR
- RCP - REINFORCED CONCRETE PIPE
- RET - RETAINING
- R/W - RIGHT OF WAY
- S - SANITARY SEWER LINE
- SE - SANITARY SEWER EASEMENT
- S/W - SIDEWALK
- SWCB - SINGLE-WING CATCH BASIN
- TBM - TEMPORARY BENCHMARK
- TBX - TELEPHONE BOX
- TR - TRANSFORMER
- TMH - TELEPHONE MANHOLE
- TP - TELEPHONE POLE
- TPOB - TRUE POINT OF BEGINNING
- TSP - TRAFFIC SIGNAL POLE
- T - TELEPHONE LINE
- UC - UNDERGROUND COMMUNICATION
- UE - UNDERGROUND ELECTRIC
- UP - UNDERGROUND POWER
- UT - UNDERGROUND TELEPHONE
- WI - WEIR INLET
- W - WATER LINE
- WFL - WETLAND FLAG
- WM - WATER METER
- WMH - WATER MANHOLE
- WV - WATER VALVE
- # - PARKING SPACE NUMBER

SYMBOLOLOGY

- ⊕ - MISCELLANEOUS
- ⊙ - BENCHMARK
- ⊕ - BOUNDARY EVIDENCE FOUND
- ⊕ - CATCH BASIN LID
- ⊕ - CURB INLET
- ⊕ - CLEAN OUT STORM
- ⊕ - CLEAN OUT SANITARY
- ⊕ - COMMUNICATION MANHOLE
- ⊕ - DROP INLET
- ⊕ - FIRE DEPARTMENT CONNECTION
- ⊕ - FIRE HYDRANT
- ⊕ - FLARED END SECTION
- ⊕ - GAS METER
- ⊕ - GAS REGULATOR
- ⊕ - GAS VALVE
- ⊕ - GENERATOR
- ⊕ - GREASE TRAP
- ⊕ - HEADWALL
- ⊕ - IRRIGATION CONTROL VALVE
- ⊕ - JUNCTION BOX
- ⊕ - LIGHT POLE
- ⊕ - MAILBOX
- ⊕ - MONUMENT
- ⊕ - OVERFLOW CONTROL STRUCTURE
- ⊕ - POWER BOX
- ⊕ - POWER METER
- ⊕ - POWER POLE
- ⊕ - SANITARY MANHOLE
- ⊕ - SIGN
- ⊕ - TELEPHONE BOX
- ⊕ - TRANSFORMER
- ⊕ - TRAFFIC SIGNAL POLE
- ⊕ - TRAVERSE SET
- ⊕ - WATER MANHOLE
- ⊕ - WATER METER
- ⊕ - WATER VALVE
- ⊕ - WATER VAULT
- ⊕ - WEIR INLET

SURVEY NOTES

1. THE FIELD DATA DATED 10/13/2023 - 10/14/2023 UPON WHICH THIS PLAT IS BASED UPON GPS OBSERVATIONS WHICH WERE ESTABLISHED USING A TRIMBLE R-12I RECEIVER USING REAL TIME KINEMATIC OBSERVATIONS. THE RELATIVE POSITIONAL ACCURACY ACHIEVED IS BETTER THAN 0.03 FEET PER OBSERVATION POINT. THE FIELD DATA UPON WHICH THIS SURVEY IS BASED ARE WITHIN THE POSITIONAL TOLERANCES ALLOWED FOR ALTA/NSPS LAND TITLE SURVEYS PER THE 2021 MINIMUM TECHNICAL STANDARDS ESTABLISHED BY ALTA AND NSPS.
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 319,575+ FEET.
3. THE HORIZONTAL DATUM FOR THIS SURVEY IS THE NORTH AMERICAN DATUM OF 1983 (NAD 83 GEORGIA WEST ZONE) AS DETERMINED BY UTILIZING GPS. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A DUAL FREQUENCY TRIMBLE R12I GNSS GPS RECEIVER WITH A TRIMBLE TSC7 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A WIRELESS NETWORK FROM BASE STATIONS OPERATED BY TRIMBLE NAVIGATION.
4. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RESERVATIONS, RIGHTS OF WAY, OR RESTRICTIONS, WHICH ARE NOT RECORDED OR NOT DISCLOSED BY THE TITLE COMMITMENT OR OTHERWISE UNKNOWN TO THE SURVEYOR; THEREFORE EXCEPTION IS TAKEN TO ANY SUCH ITEMS.
5. THE UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN MARKED BY RHD SERVICES, INC. (404-874-8585) AND FIELD LOCATED BY ROCHESTER & ASSOCIATES, LLC. PERSONNEL. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
6. THIS PROPERTY MAY OR MAY NOT CONTAIN WETLAND AREAS. NO EFFORTS HAVE BEEN MADE BY THIS SURVEYOR TO IDENTIFY OR LOCATE ANY WETLAND AREAS ON THIS PROPERTY. A QUALIFIED WETLAND SPECIALIST OR BIOLOGIST, PRIOR TO ANY LAND DISTURBANCE, SHOULD PERFORM WETLAND IDENTIFICATION AND DELINEATION.
7. THIS PROPERTY IS LOCATED IN FLOOD HAZARD ZONE "X" AS PER F.E.M.A. INSURANCE RATE MAP OF FAYETTE COUNTY, GEORGIA, MAP NO. 13113C0103E, EFFECTIVE DATE SEPTEMBER 6, 2008.
8. DURING THE FIELD SURVEY PERFORMED ON THIS SITE THERE WERE NO VISIBLE ABOVE GROUND EVIDENCE OF A HUMAN BURIAL AREA OR CEMETERY OBSERVED. HOWEVER, THIS SURVEYOR DID NOT PERFORM A THOROUGH INSPECTION OF THE INTERIOR OF THIS SITE. THEREFORE EXCEPTION IS MADE HEREIN TO ANY HUMAN AREAS OR CEMETERIES THAT MAY EXIST WITHIN THE BOUNDARIES OF THIS SITE.
9. ALL PROPERTY CORNERS REFERENCED AS "IPS" INDICATES A 1/2" REBAR PLACED WITH A YELLOW PLASTIC CAP STAMPED "ROCHESTER-LSF000484", UNLESS OTHERWISE NOTED.
10. THIS PLAT IS FOR THE EXCLUSIVE USE OF THE ENTITIES SHOWN HEREON; ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
11. ALL DISTANCES AS SHOWN ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET (39.37 INCHES = 1 METER)
12. DURING THE COURSE OF THIS SURVEY NO EVIDENCE OR RECENT EARTH-MOVING WORK WAS OBSERVED.

TRACT 1

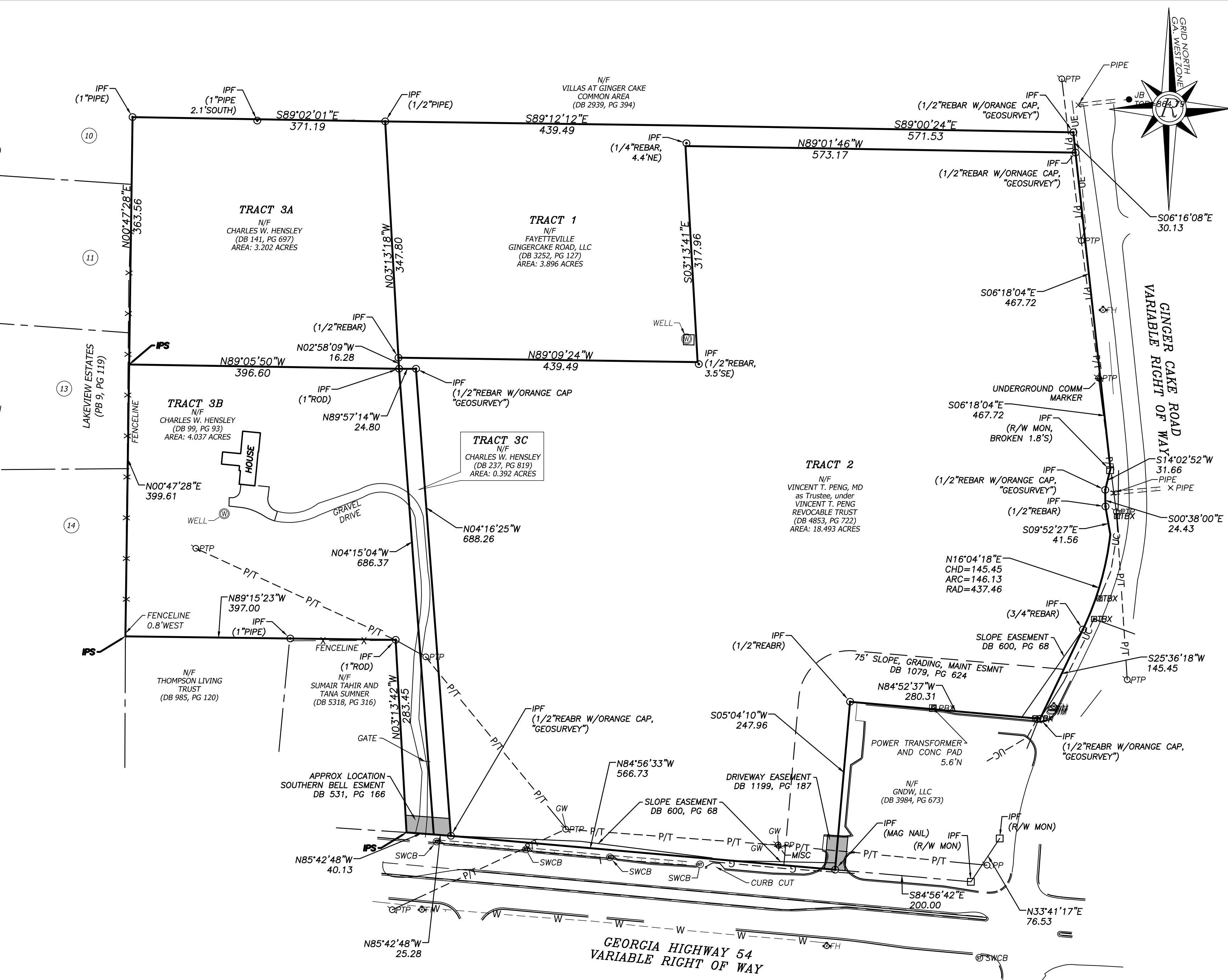
NOTES PERTAINING TO FIRST AMERICAN TITLE INSURANCE COMPANY TITLE COMMITMENT POLICY NO.23-2443
 COMMITMENT DATE: 09/26/2023 SCHEDULE B, SECTION II:
 9. Right of Way Deed in favor of the Department of Transportation dated April 4, 1990 and recorded in Deed Book 600, Page 68 aforesaid records. AFFECTS SUBJECT PROPERTY AS SHOWN.
 10. Easement in favor of Southern Bell dated October 29, 1990 and recorded in Deed Book 628, page 250, aforesaid records. DOES NOT AFFECT SUBJECT PROPERTY.
 11. Easement and Declaration of Restriction Agreement (Joint Driveway) with Century-Lenze Development, LLC dated July 12, 1996 and recorded in Deed Book 1199, Page 187, aforesaid records.
 12. Perpetual Easement in favor of Century-Lenze Development, LLC for grading, slope and maintenance as granted in that certain limited warranty deed dated July 12, 1996 and recorded in Deed Book 1079, Page 624, aforesaid records.

TRACT 2

NOTES PERTAINING TO FIRST AMERICAN TITLE INSURANCE COMPANY TITLE COMMITMENT POLICY NO.23-2444
 COMMITMENT DATE: 09/26/2023 SCHEDULE B, SECTION II:
 9. Right of Way Deed in favor of the Department of Transportation dated April 4, 1990 and recorded in Deed Book 600, Page 68 aforesaid records. AFFECTS SUBJECT PROPERTY AS SHOWN.
 10. Easement in favor of Southern Bell dated October 29, 1990 and recorded in Deed Book 628, page 250, aforesaid records. DOES NOT AFFECT SUBJECT PROPERTY.
 11. Easement and Declaration of Restriction Agreement (Joint Driveway) with Century-Lenze Development, LLC dated July 12, 1996 and recorded in Deed Book 1199, Page 187, aforesaid records.
 12. Perpetual Easement in favor of Century-Lenze Development, LLC for grading, slope and maintenance as granted in that certain limited warranty deed dated July 12, 1996 and recorded in Deed Book 1079, Page 624, aforesaid records.

TRACT 3A, 3B & 3C

NOTES PERTAINING TO FIRST AMERICAN TITLE INSURANCE COMPANY TITLE COMMITMENT POLICY NO.23-2458
 COMMITMENT DATE: 09/26/2023 SCHEDULE B, SECTION II:
 9. Right of Way Deed in favor of the Department of Transportation dated May 22, 1990 and recorded in Deed Book 605, Page 352 aforesaid records. DOES NOT AFFECT SUBJECT PROPERTY.
 10. Easement in favor of Southern Bell dated November 29, 1988 and recorded in Deed Book 531, page 166, aforesaid records. AFFECTS SUBJECT PROPERTY AS SHOWN.
 11. Right of Way Deed in favor of Fayette County dated December 2, 1955 and recorded in Deed Book 39, Page 6 aforesaid records. DOES NOT AFFECT SUBJECT PROPERTY.



2021 SURVEYORS ALTA CERTIFICATION

SURVEYORS ALTA CERTIFICATION
 TO (NAME OF INSURED, IF KNOWN), (NAME OF LENDER, IF KNOWN), (NAME OF INSURER, IF KNOWN)
 (NAMES OF OTHERS AS NEGOTIATED WITH THE CLIENT):
 THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR THE ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 8, 13 & 16 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON 10/13/2023-10/14/2023.

B. Register
 10/30/2023
 BRANDON C. REGISTER, PLS # 3135 DATE
 bregister@rochester-assoc.com
 Rochester and Associates, LLC.
 LSF-000484 EXPIRATION 6/30/2024
 www.rochester-assoc.com

SURVEYORS CERTIFICATION

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, 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.

B. Register
 10/30/2023
 BRANDON C. REGISTER, PLS # 3135 DATE
 bregister@rochester-assoc.com
 Rochester and Associates, LLC.
 LSF-000484 EXPIRATION 6/30/2024
 www.rochester-assoc.com

Rochester **BEEM**
 Rochester and Associates, LLC
 286 Highway 314, Suite A, Fayetteville, GA 30214
 770.718.0600 p | www.rochester-assoc.com

NEXMETRO DEVELOPMENT, LLC
GINGER CAKE ROAD TRACTS
 ALTA/NSPS LAND TITLE SURVEY FOR
 LAND LOT 126, 5TH DISTRICT
 CITY OF FAYETTEVILLE
 FAYETTE COUNTY, GEORGIA

| NO. | DATE | DESCRIPTION | REVISIONS |
|-----|------|-------------|-----------|
| | | | |
| | | | |



SHEET 1 OF 1
 DATE: 10/24/2023
 SCALE: 1" = 100'
 JOB NO.: 6223132.NEX
 DRAWN BY: BCR
 DWG NO.: ALTA

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.

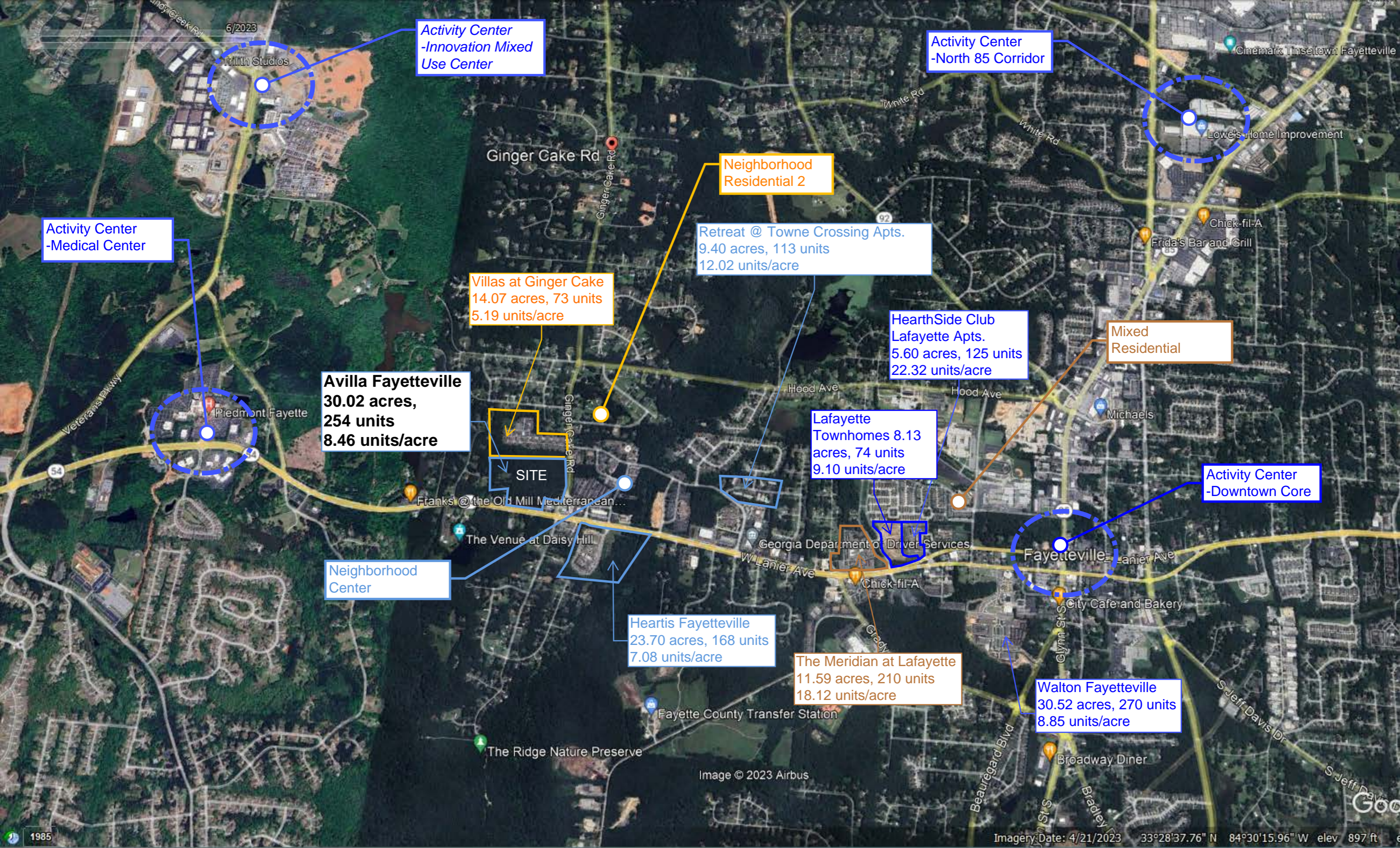
I have always paid my taxes when due, and I have attempted to be a good citizen. It is now time for my property to be sold as I am 92 years old. When the current rezoning applicant NexMetro came to me wanting to put my property with the other 2 properties I thought it was an answered prayer. When I found 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 Hensley

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



6/2023

Activity Center
-Innovation Mixed
Use Center

Activity Center
-North 85 Corridor

Activity Center
-Medical Center

Neighborhood
Residential 2

Retreat @ Towne Crossing Apts.
9.40 acres, 113 units
12.02 units/acre

Villas at Ginger Cake
14.07 acres, 73 units
5.19 units/acre

HearthSide Club
Lafayette Apts.
5.60 acres, 125 units
22.32 units/acre

Mixed
Residential

Avilla Fayetteville
30.02 acres,
254 units
8.46 units/acre

SITE

Lafayette
Townhomes 8.13
acres, 74 units
9.10 units/acre

Activity Center
-Downtown Core

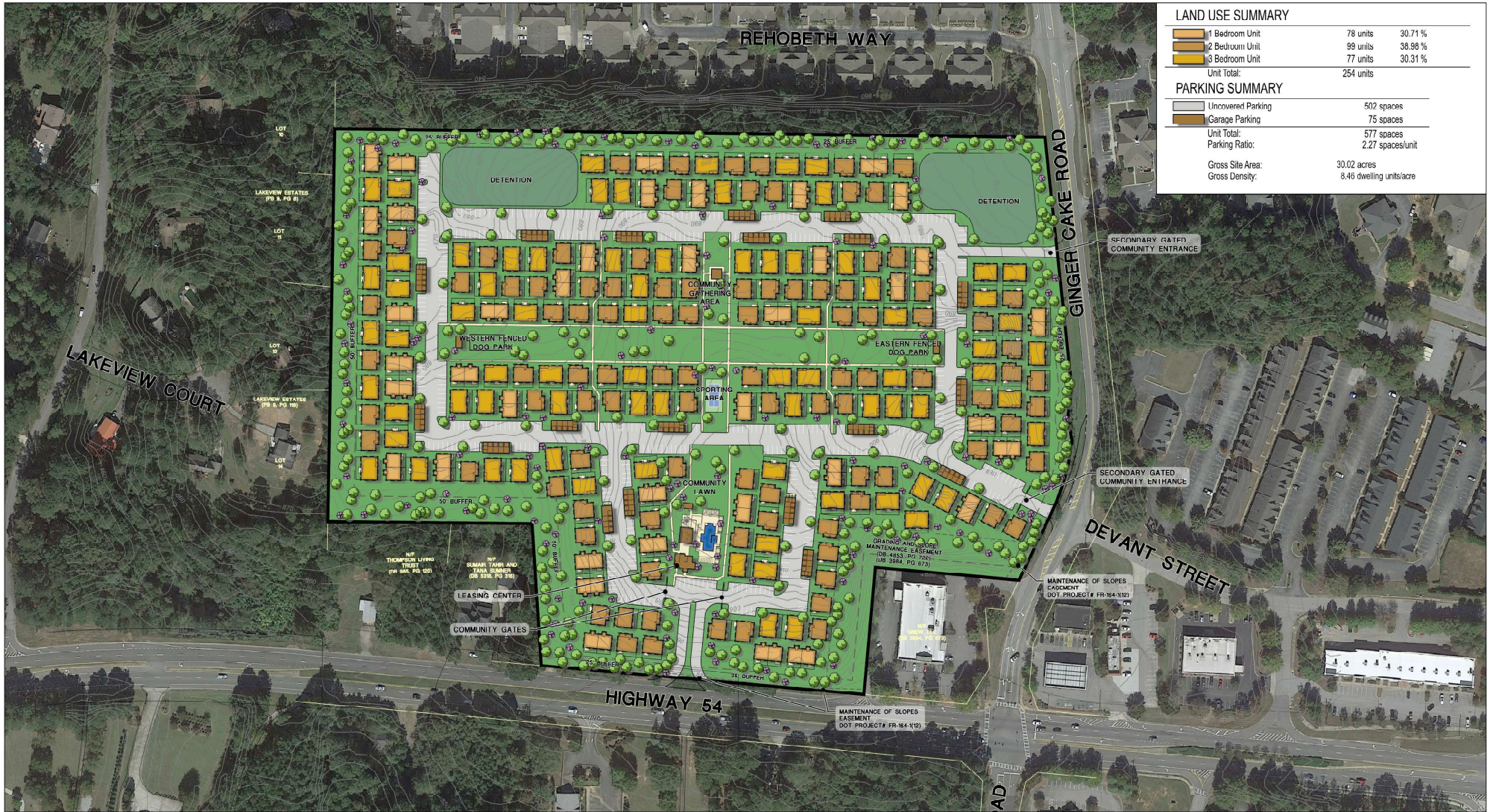
Neighborhood
Center

Heartis Fayetteville
23.70 acres, 168 units
7.08 units/acre

The Meridian at Lafayette
11.59 acres, 210 units
18.12 units/acre

Walton Fayetteville
30.52 acres, 270 units
8.85 units/acre

Image © 2023 Airbus

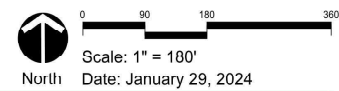


| LAND USE SUMMARY | | |
|------------------|-----------|---------|
| 1 Bedroom Unit | 78 units | 30.71 % |
| 2 Bedroom Unit | 99 units | 38.98 % |
| 3 Bedroom Unit | 77 units | 30.31 % |
| Unit Total: | 254 units | |

| 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.

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

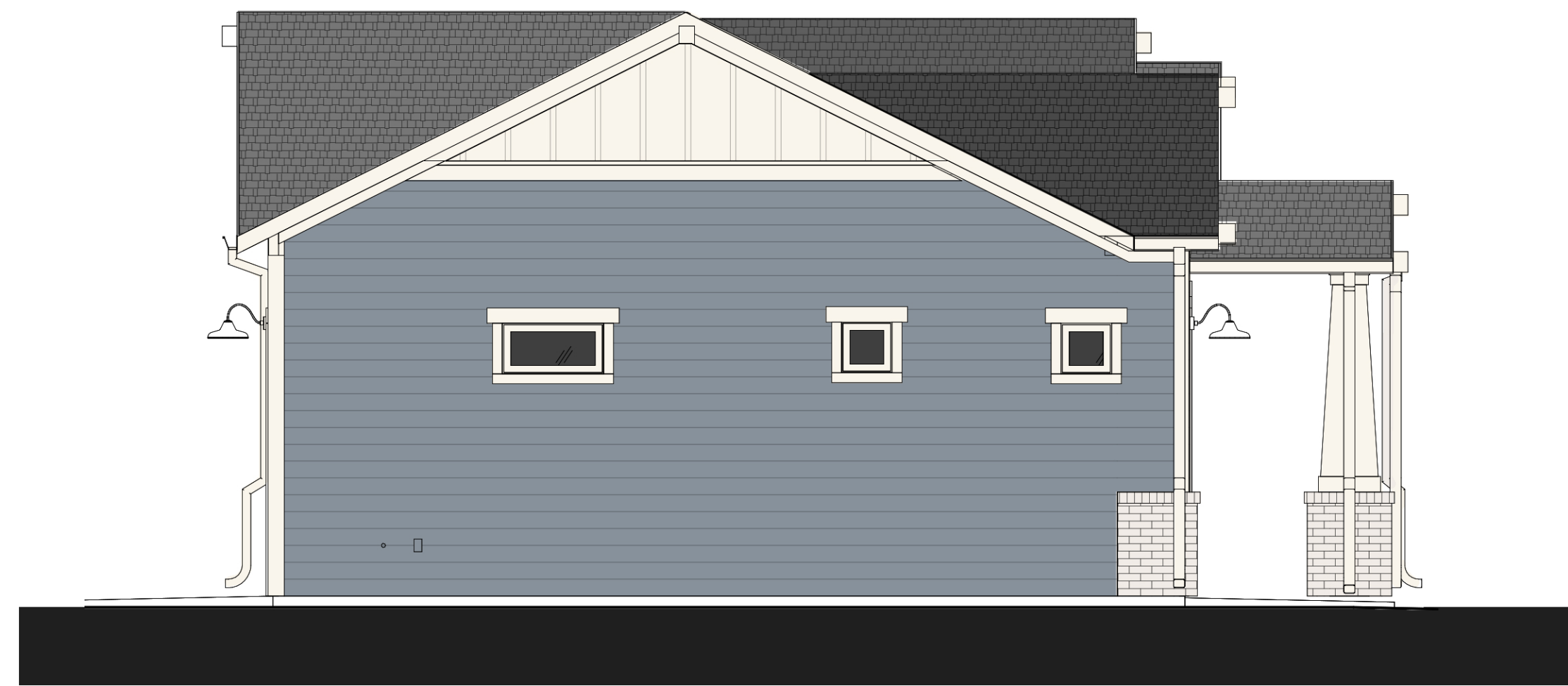
See attached exhibits for typical architectural style and materials.

Sales and Construction Trailers

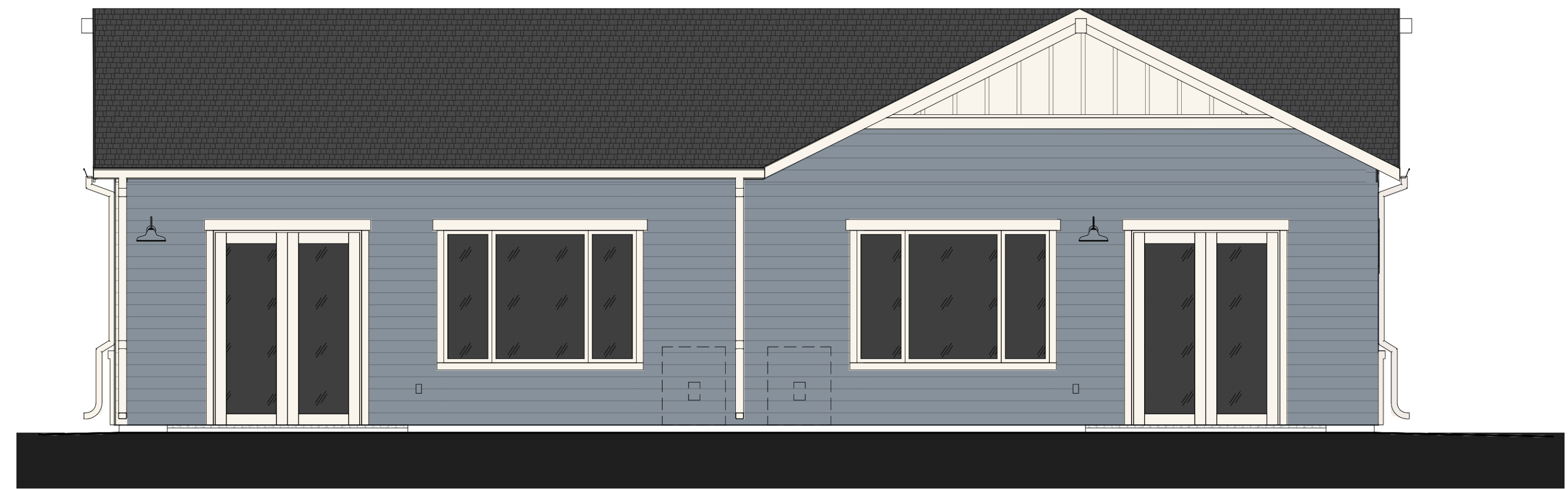
The applicant is requesting permission to install one leasing trailer and one construction trailer with associated parking areas in locations to be determined at the time of street paving and possibly ahead of final plat approval.

Conceptual Master Plan

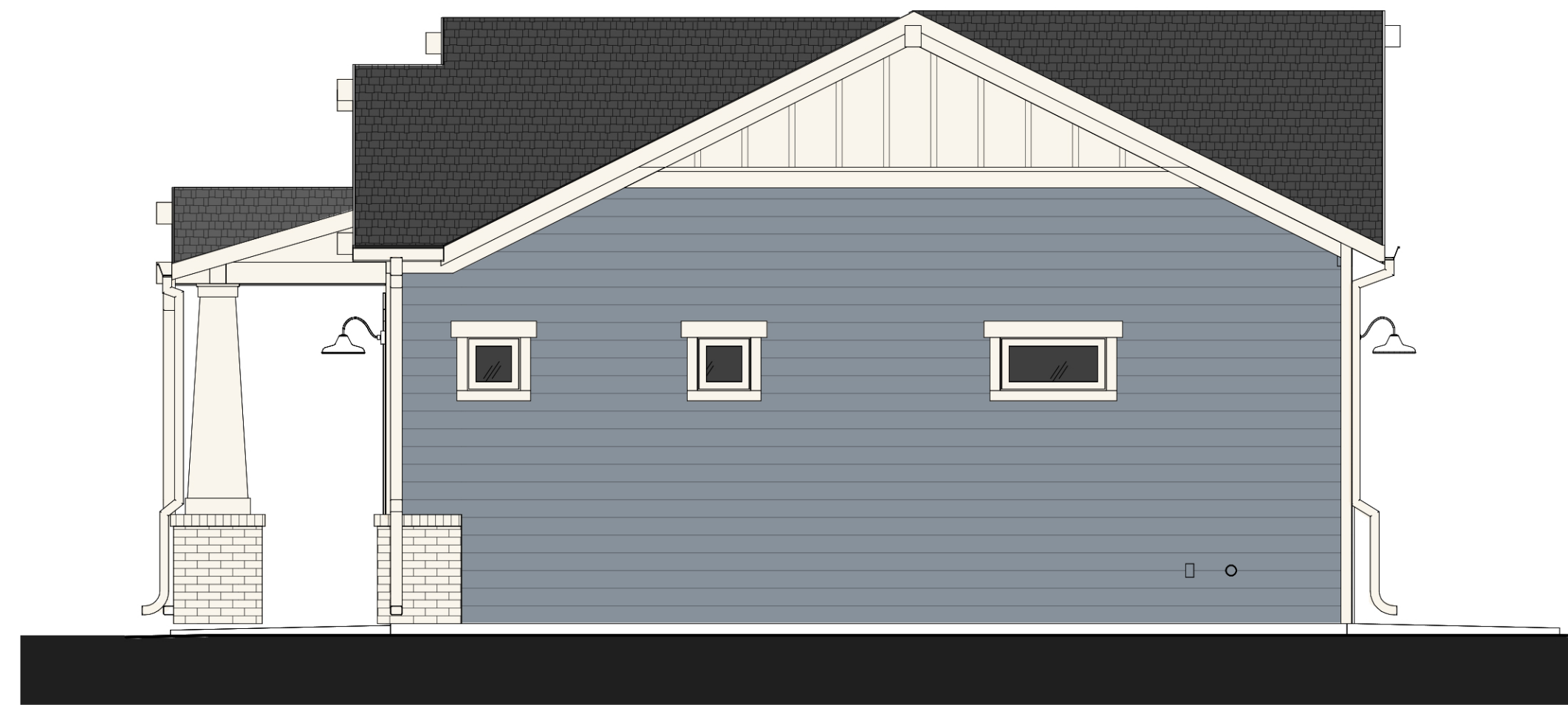
The development of the community shall be controlled by the Conceptual Master Plan (the "Plan") attached as exhibit "A". The plan is considered conceptual in nature, and as such may require minor modifications during the engineering and development process. Modifications to the locations and arrangement 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.



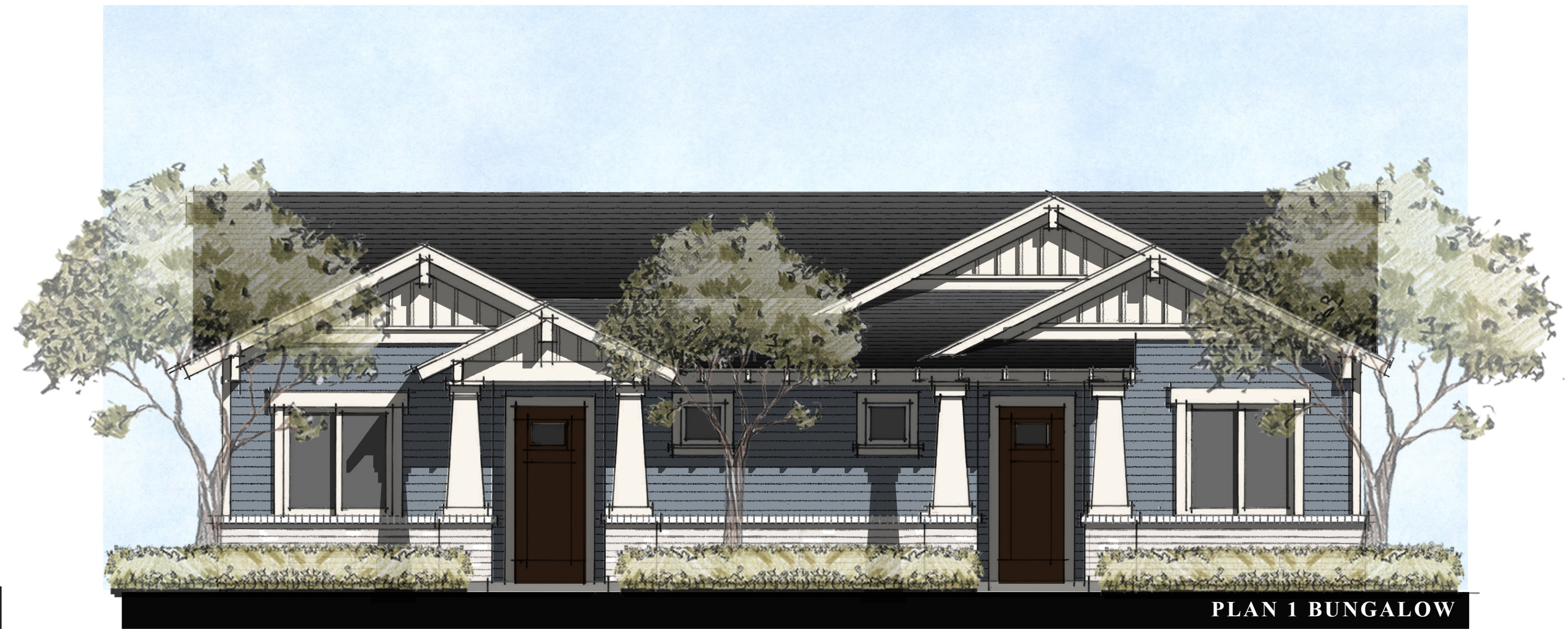
4 BUNGALOW LEFT ELEVATION
A201-B SCALE: 1/4" = 1'-0"



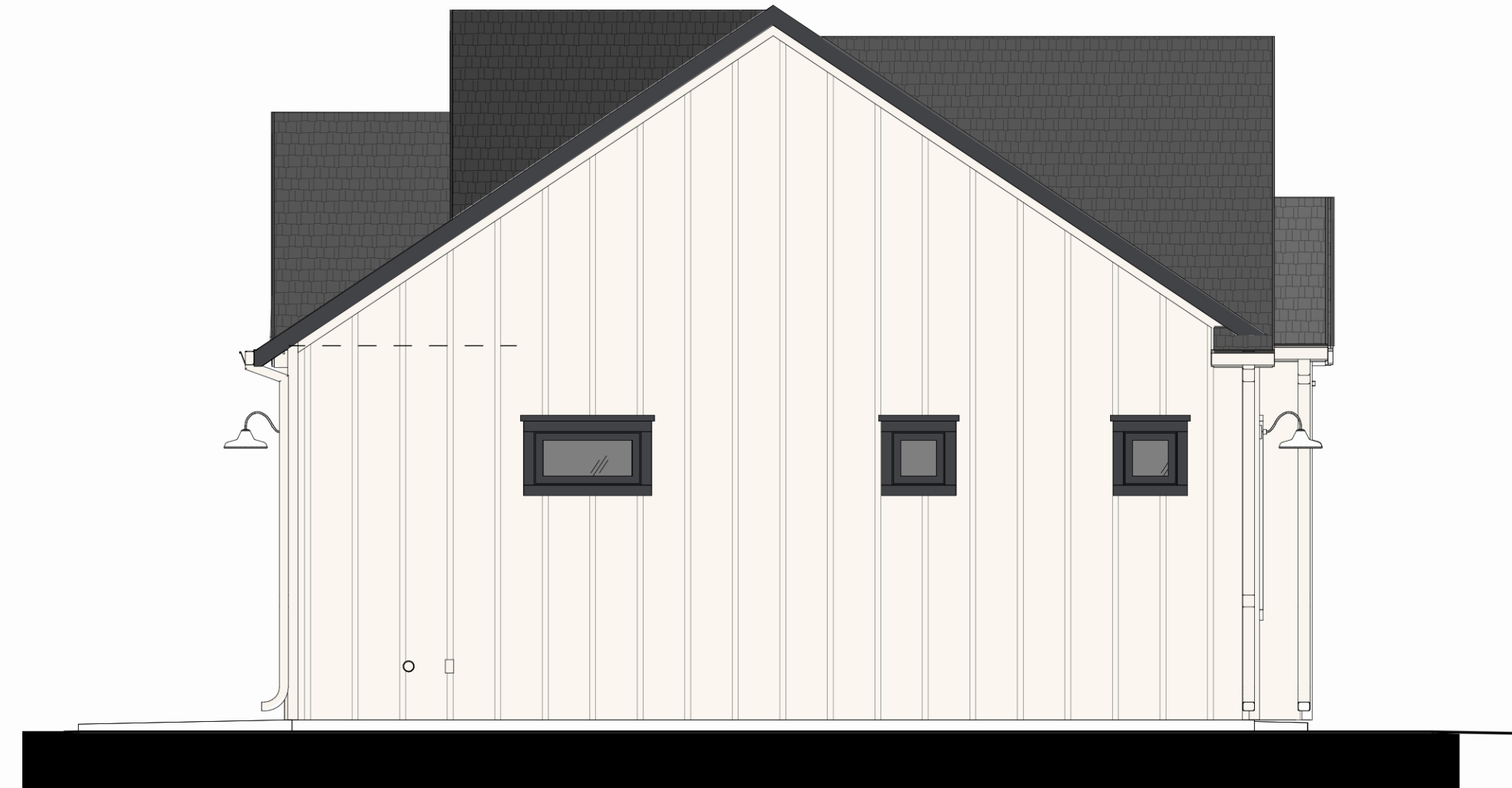
2 BUNGALOW REAR ELEVATION
A201-B SCALE: 1/4" = 1'-0"



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



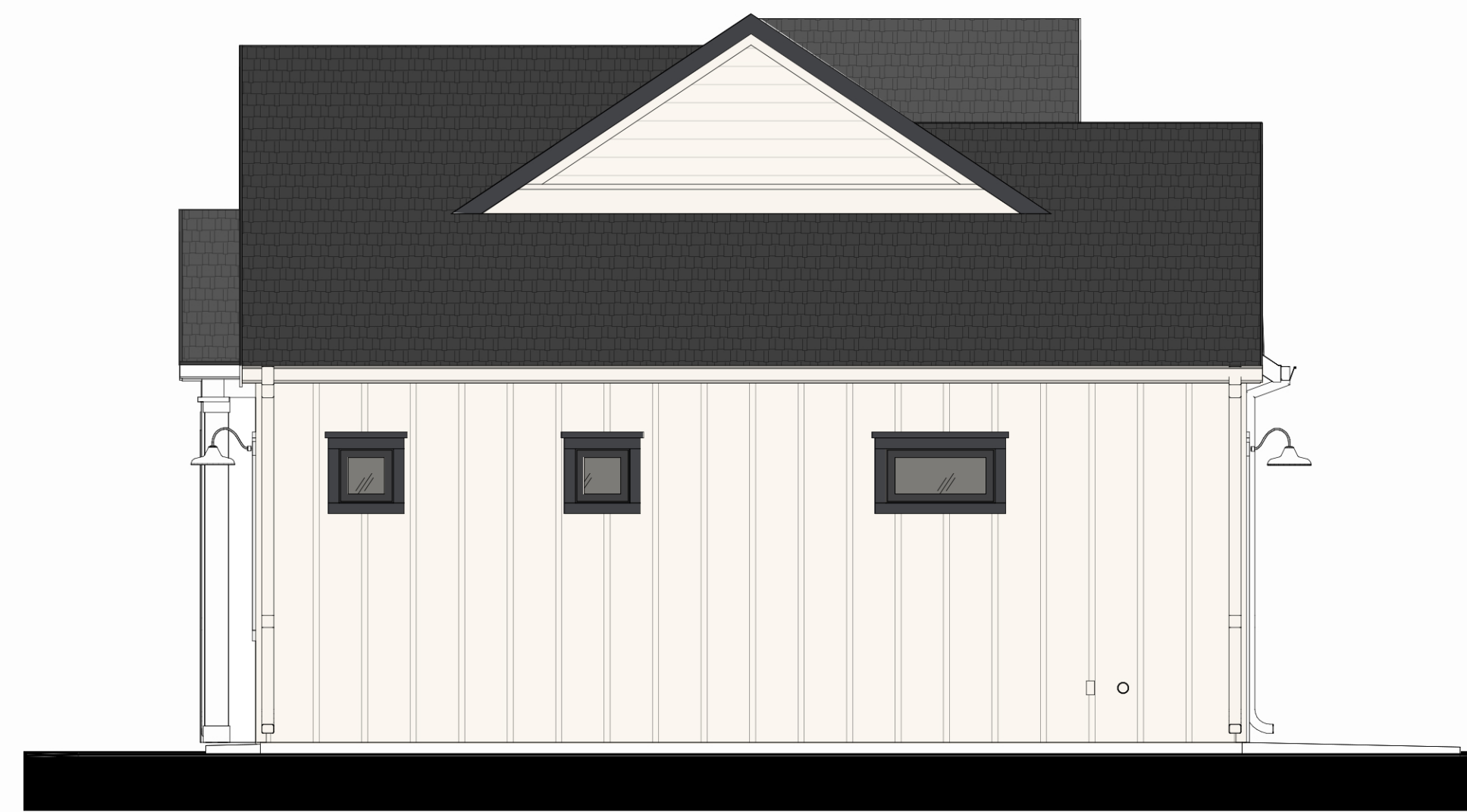
1 BUNGALOW FRONT ELEVATION
A201-B SCALE: 1/4" = 1'-0"



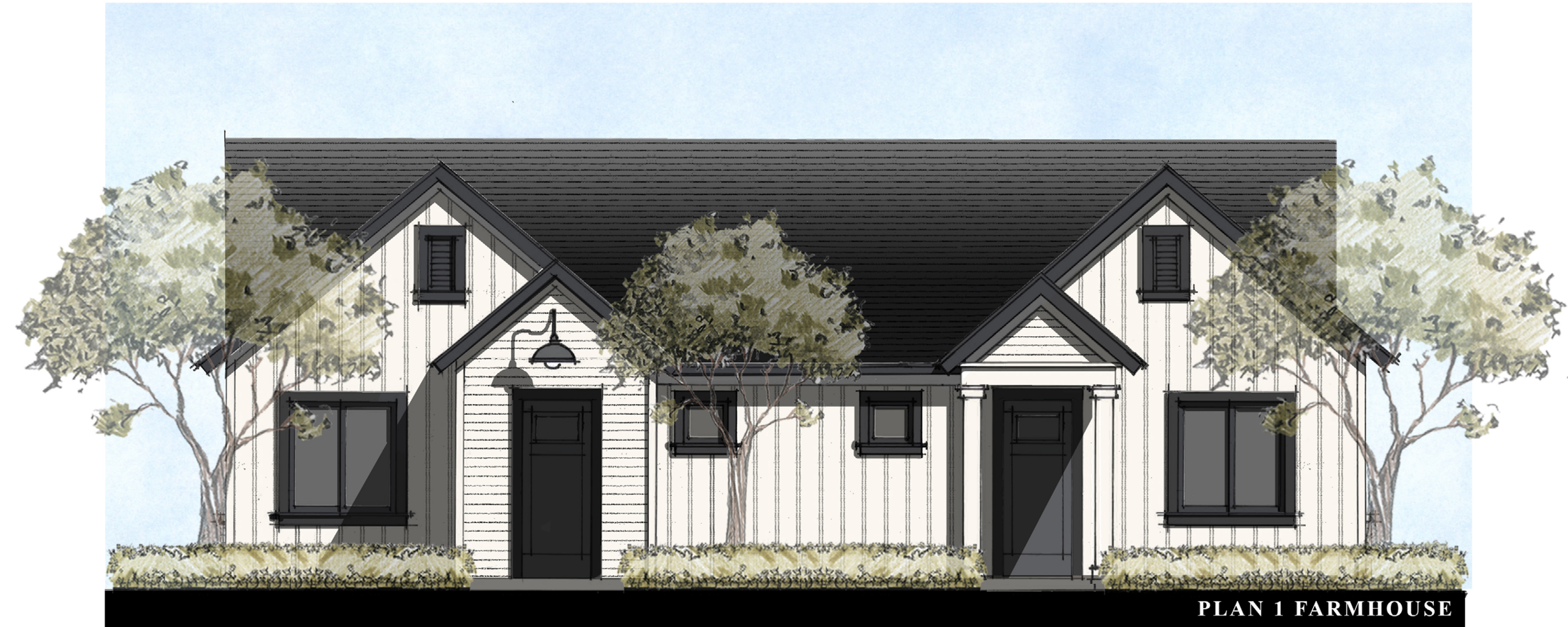
4 FARMHOUSE LEFT ELEVATION
A201-FH SCALE: 1/4" = 1'-0"



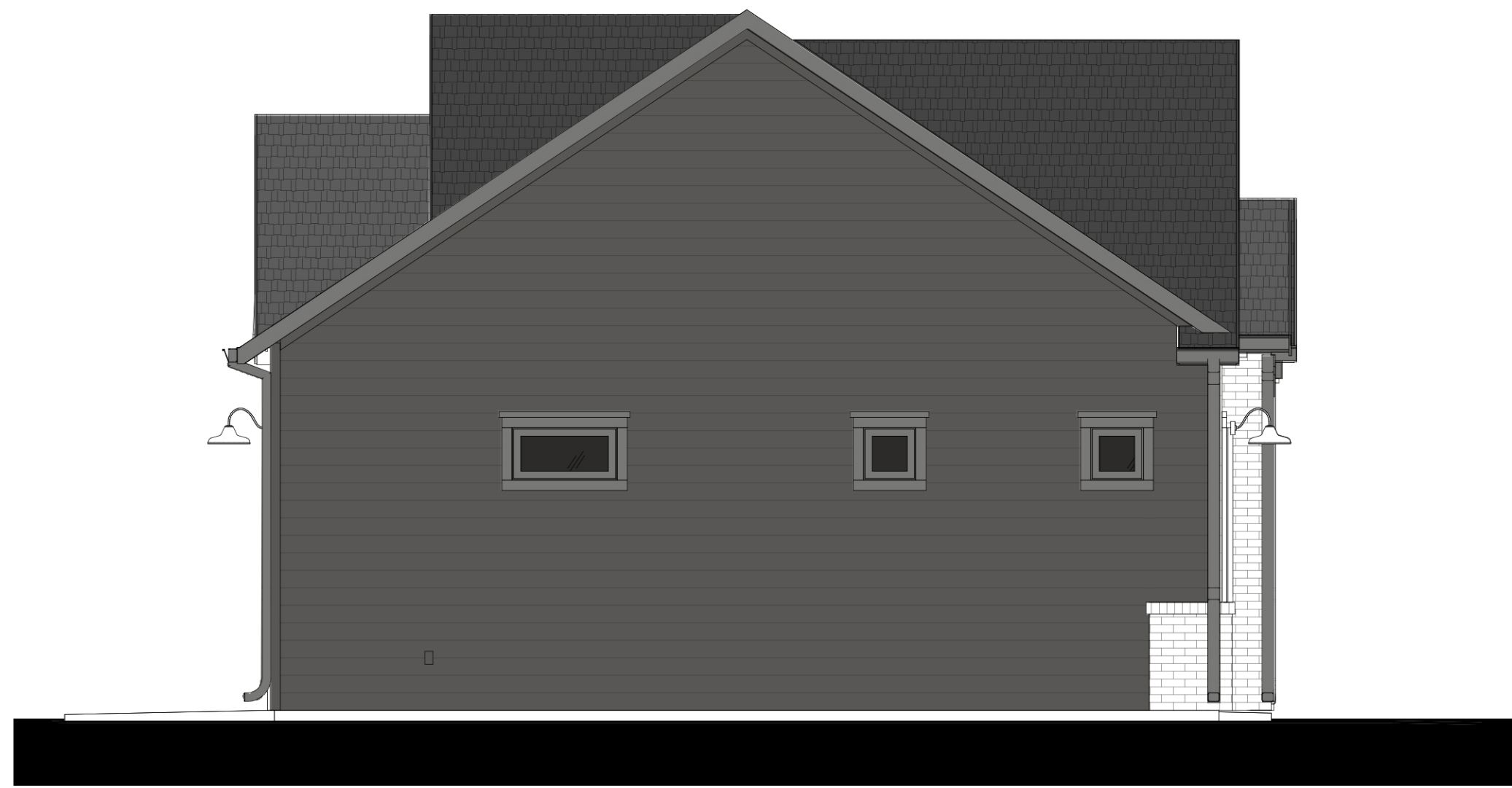
2 FARMHOUSE REAR ELEVATION
A201-FH SCALE: 1/4" = 1'-0"



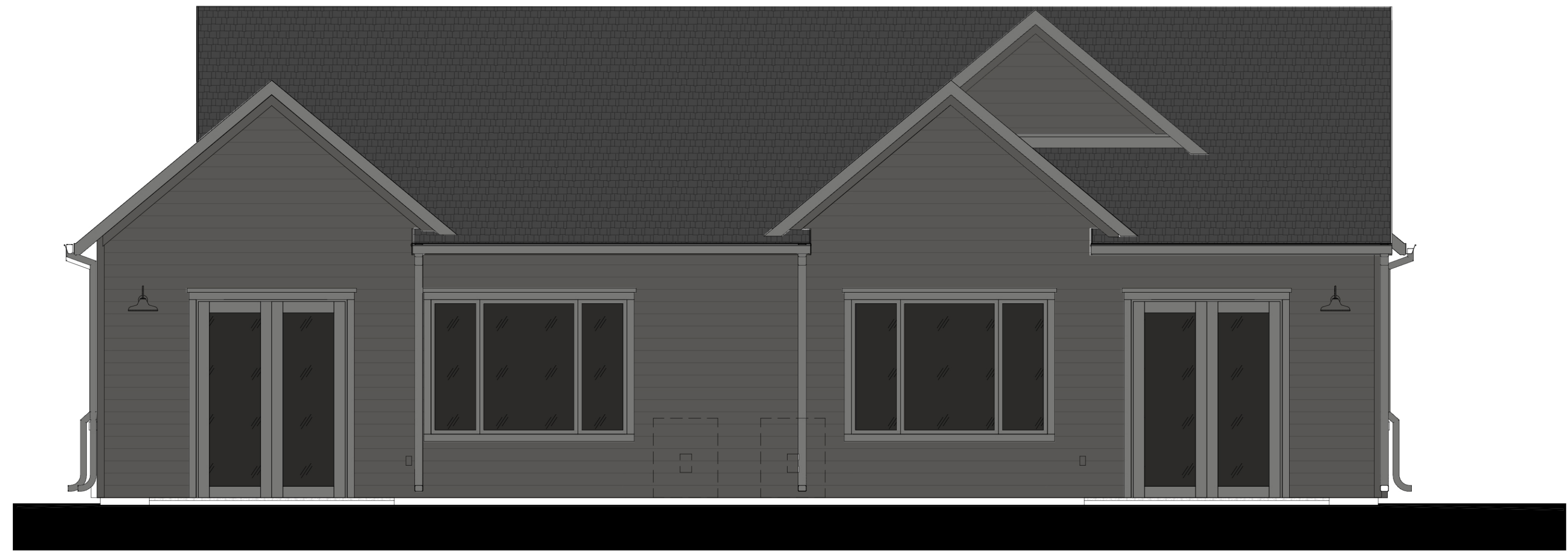
3 FARMHOUSE RIGHT ELEVATION
A201-FH SCALE: 1/4" = 1'-0"



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



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



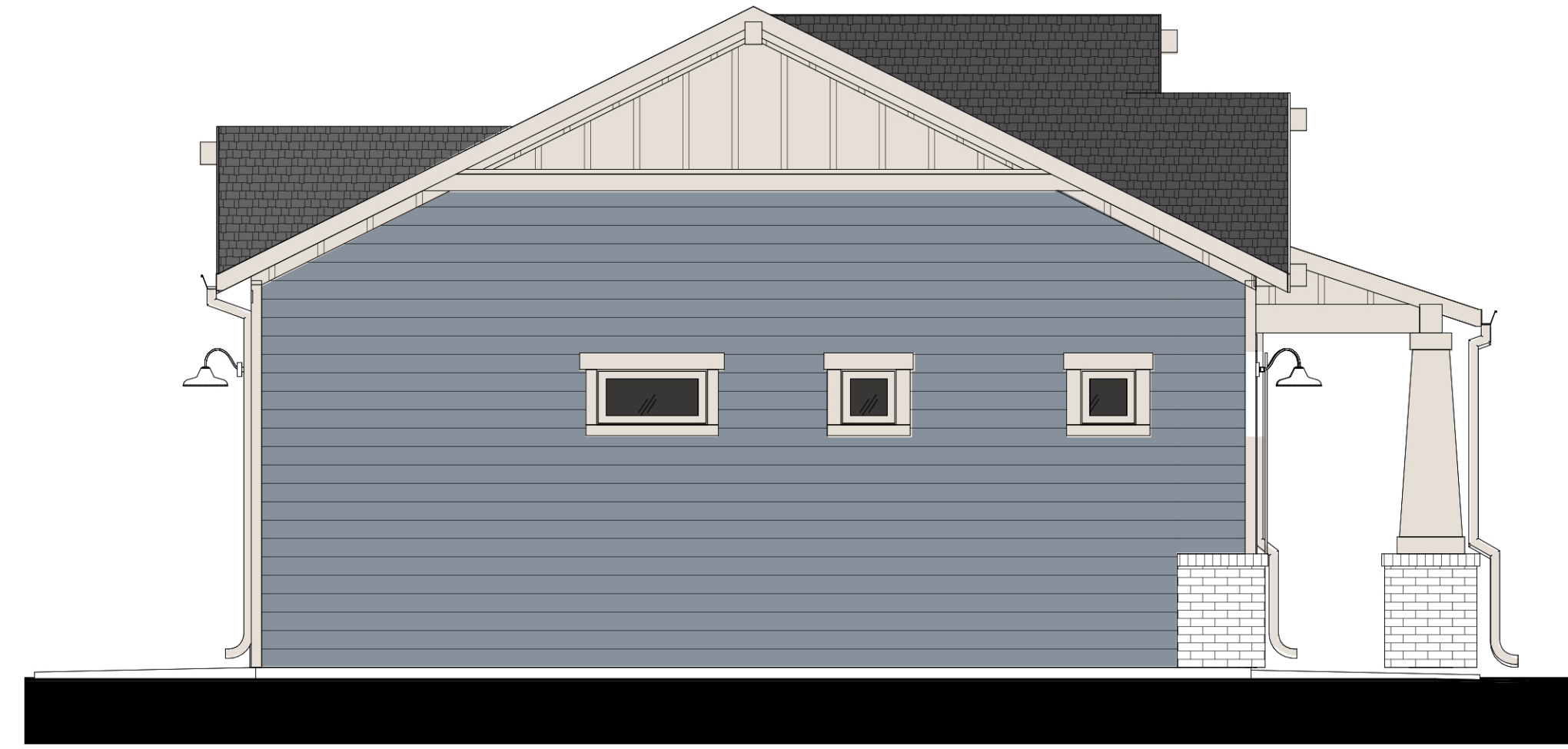
2 MODERN FARMHOUSE REAR ELEVATION
A201-MF SCALE: 1/4" = 1'-0"



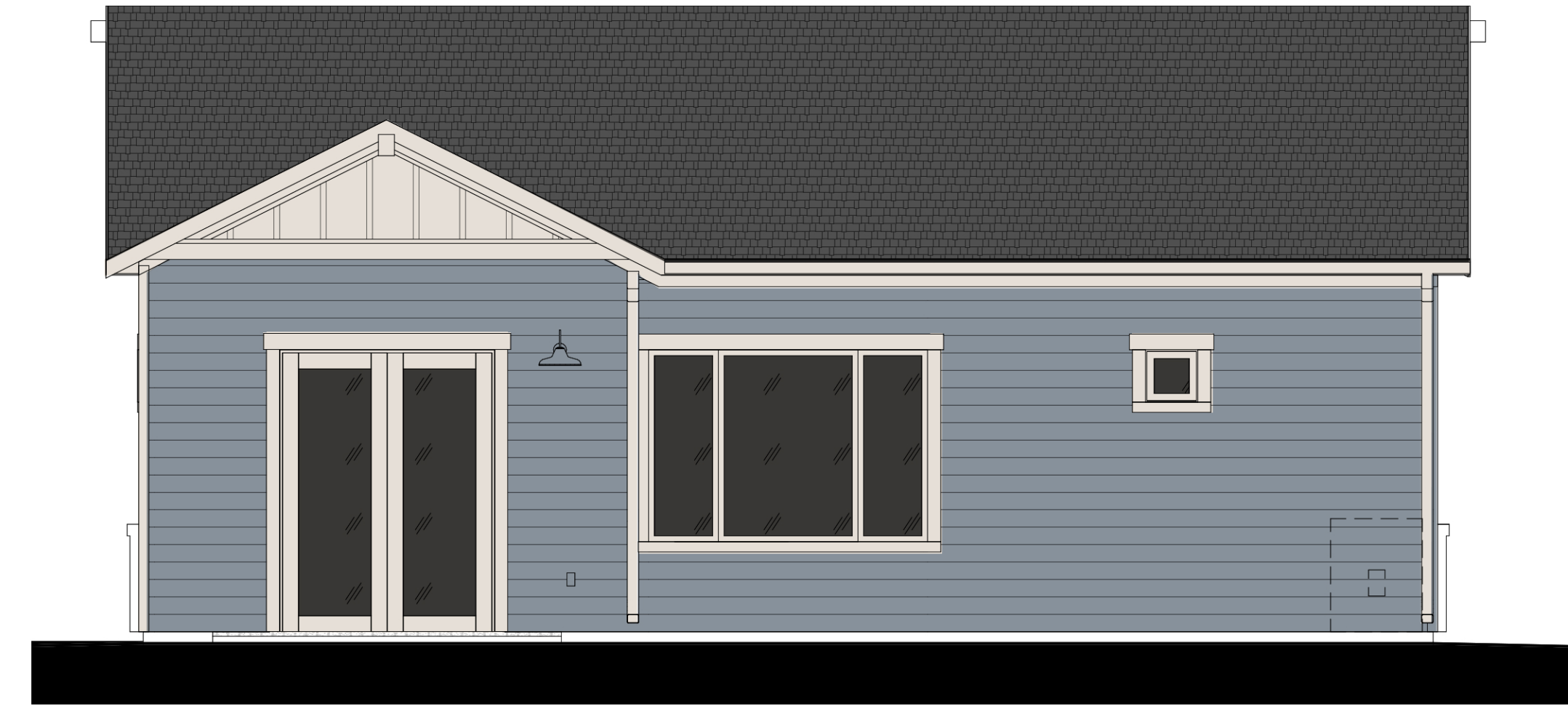
43 MODERN FARMHOUSE RIGHT ELEVATION
A201-MF SCALE: 1/4" = 1'-0"



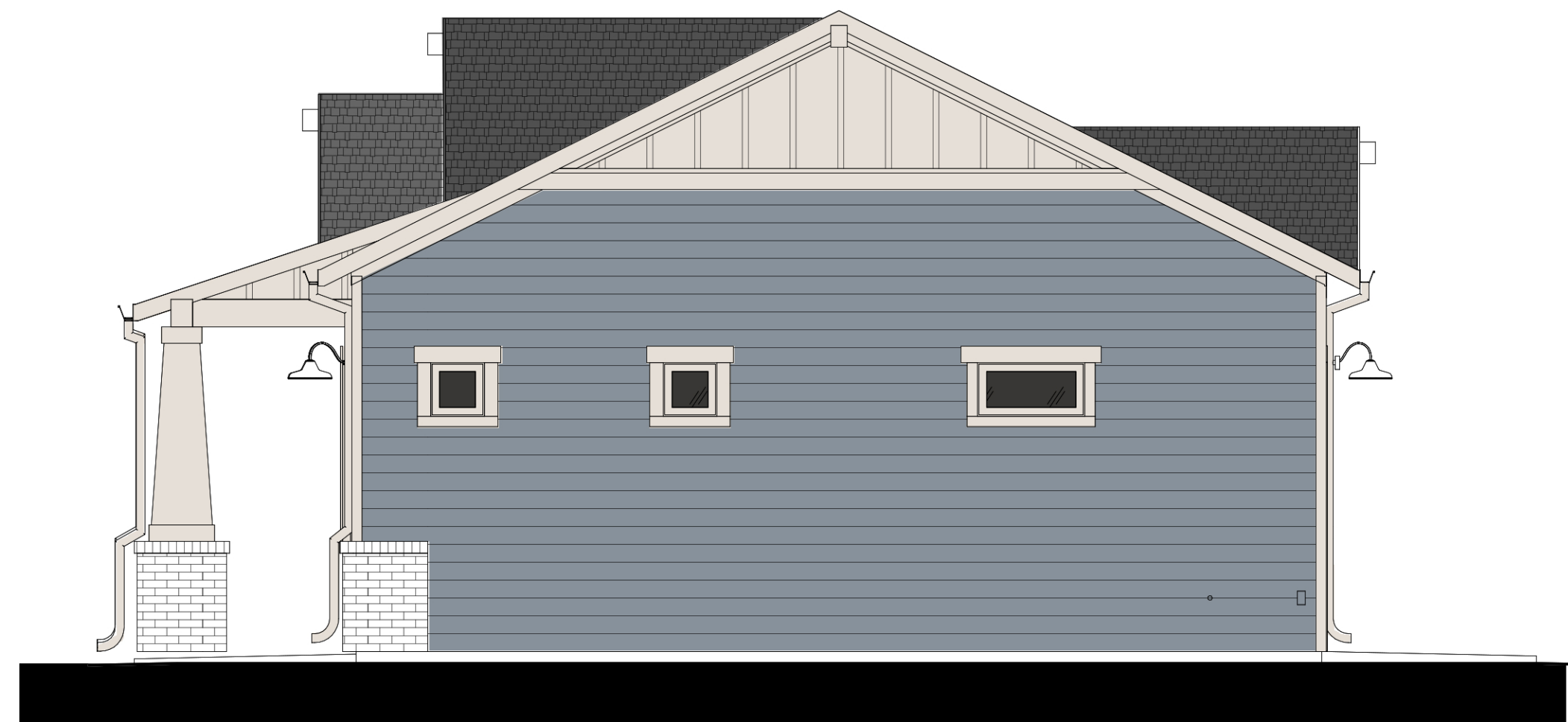
1 MODERN FARMHOUSE FRONT ELEVATION
A201-MF SCALE: 1/4" = 1'-0"



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



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

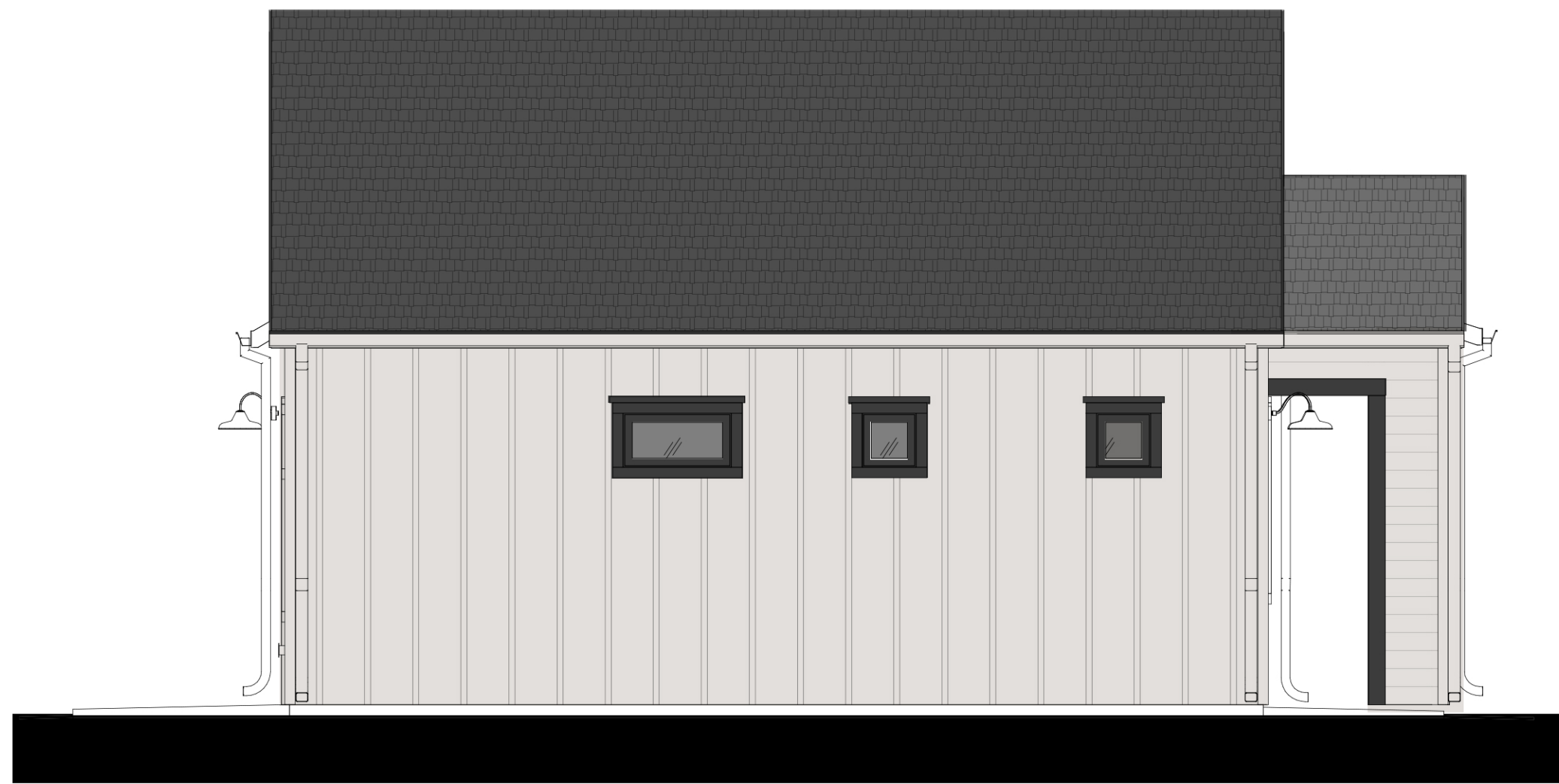


3 BUNGALOW RIGHT ELEVATION
A201-B SCALE: 1/4" = 1'-0"



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"

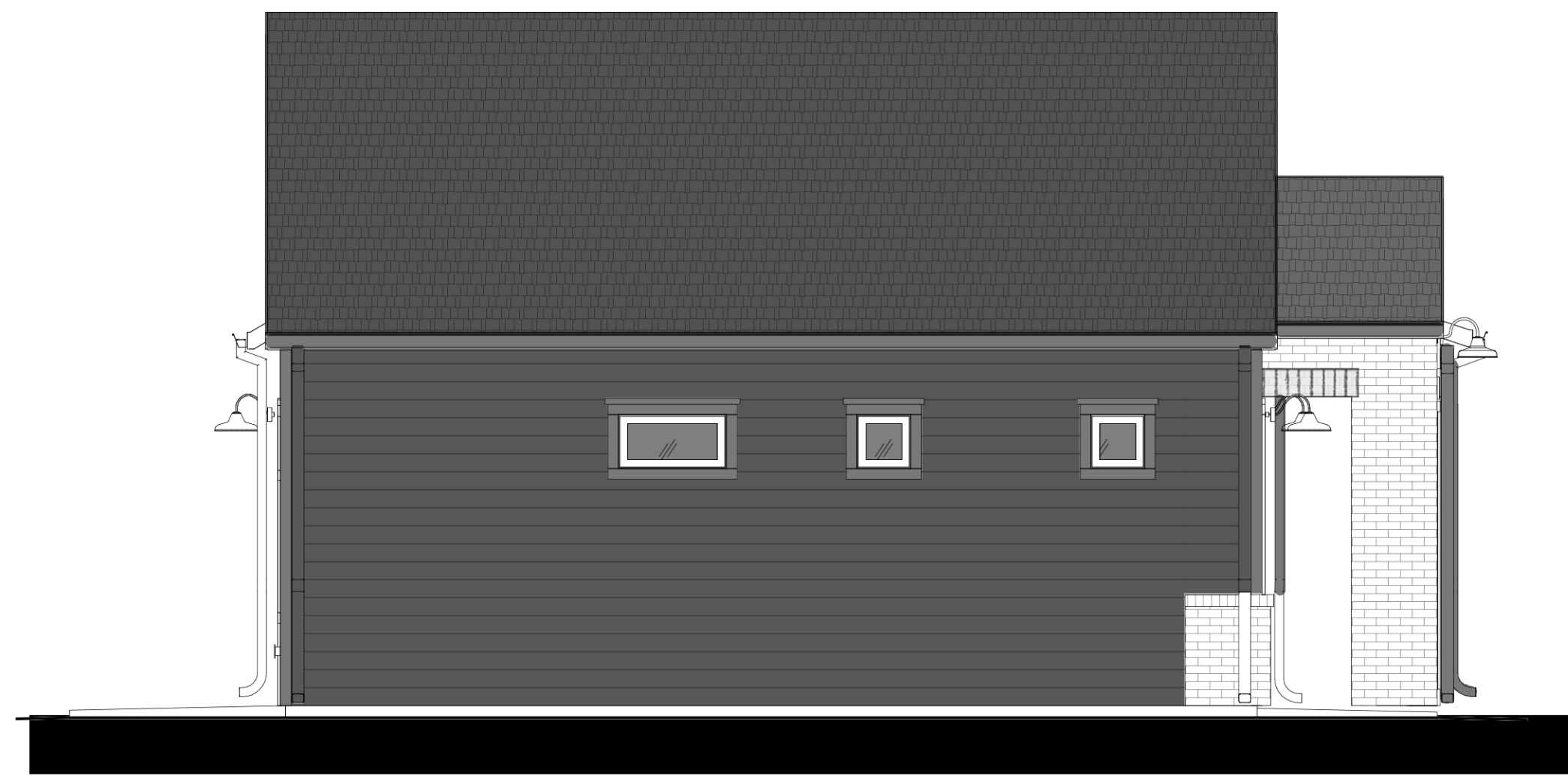
1



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"

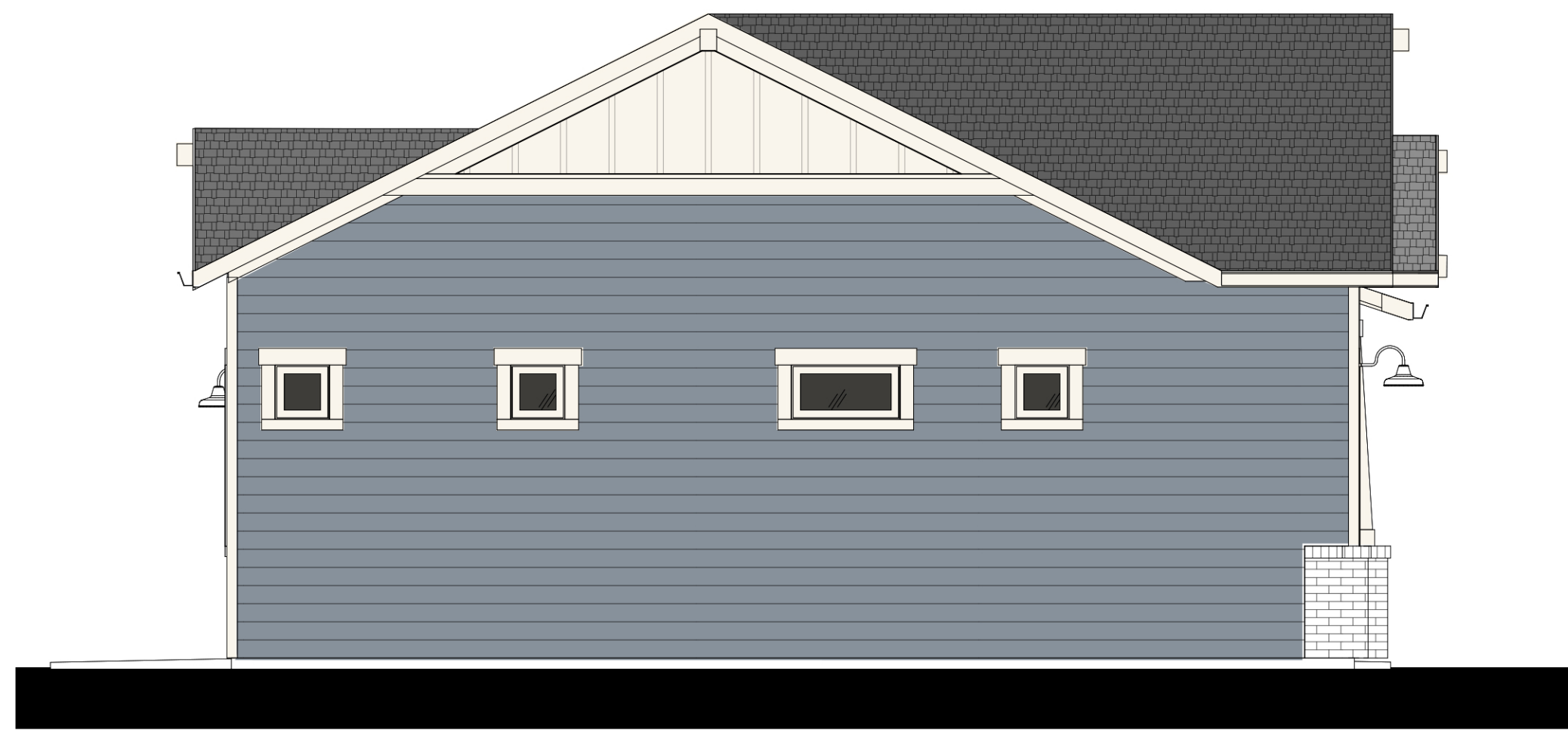


3 MODERN FARMHOUSE RIGHT ELEVATION
A201-HC SCALE: 1/4" = 1'-0"

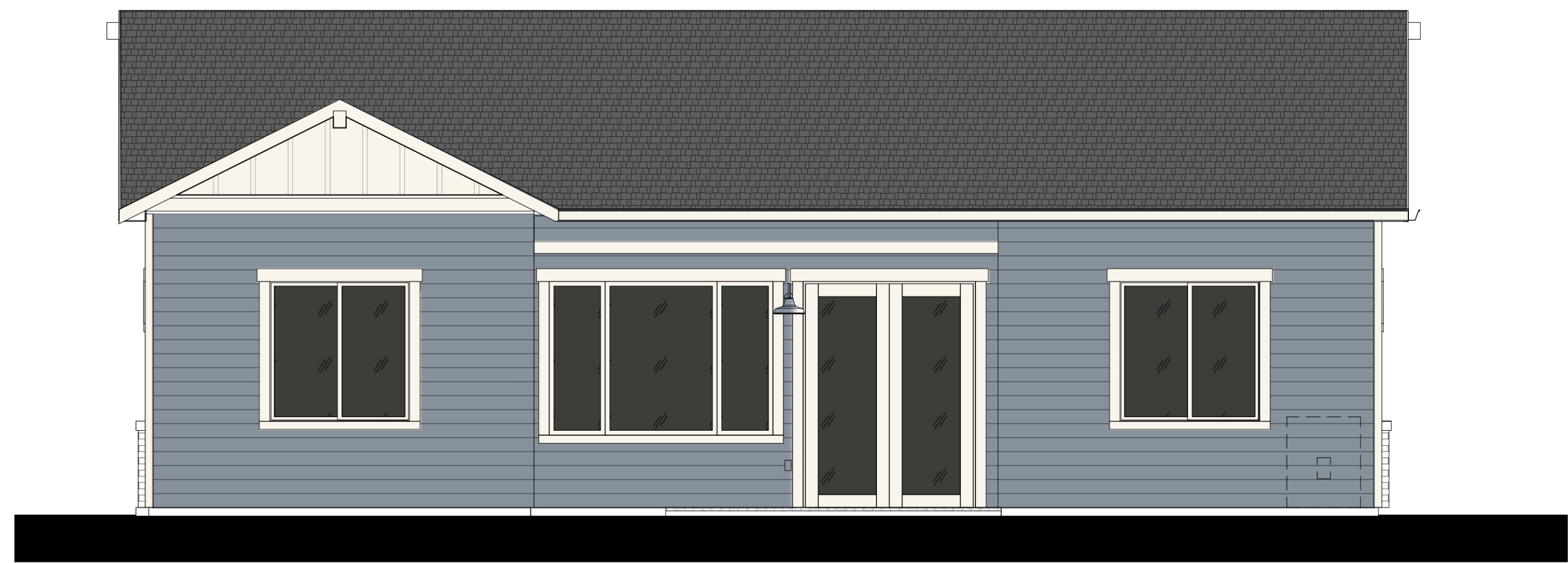


1 MODERN FARMHOUSE FRONT ELEVATION
A201-HC SCALE: 1/4" = 1'-0"

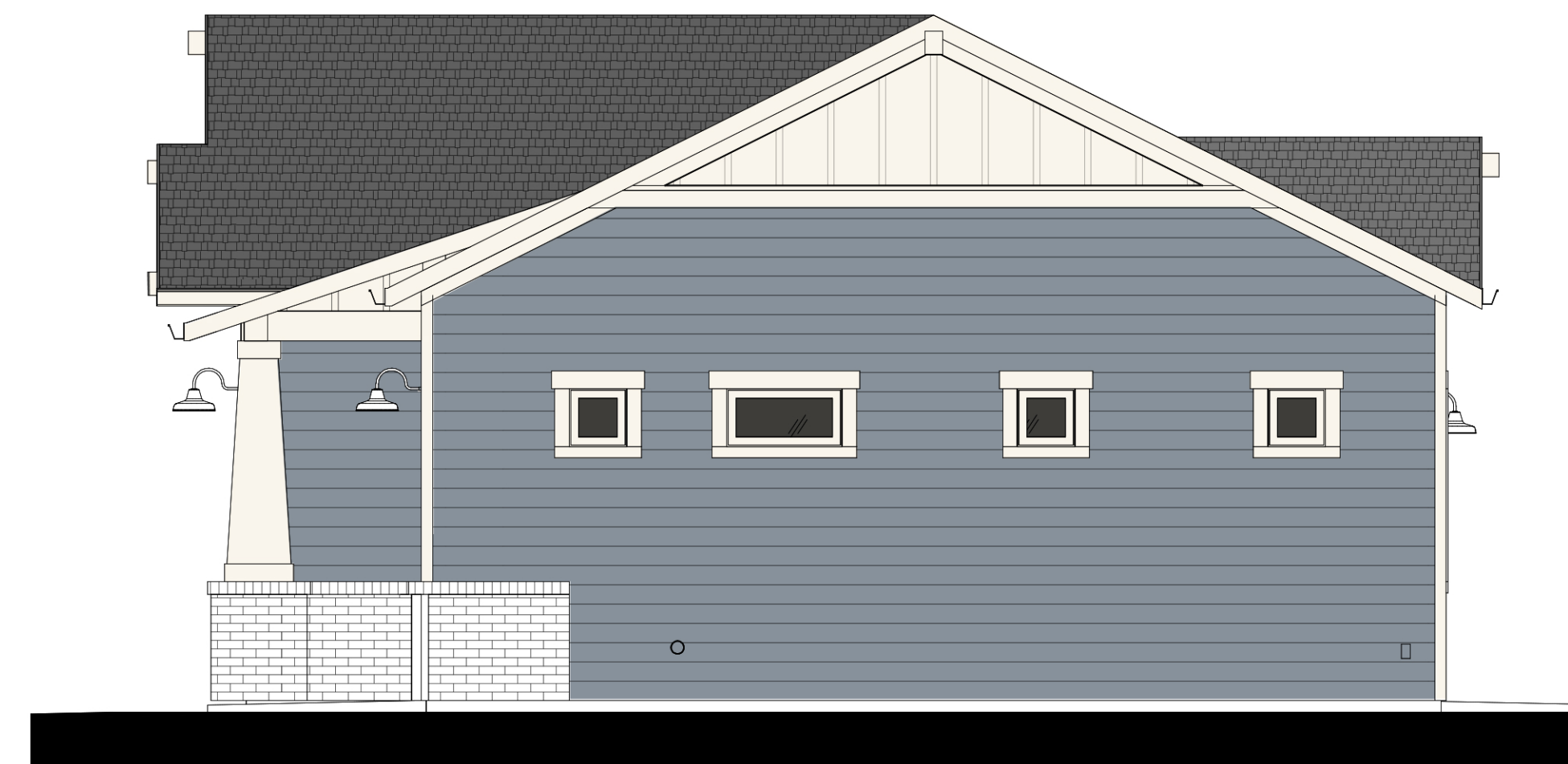
PLAN 2 MODERN FARMHOUSE



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



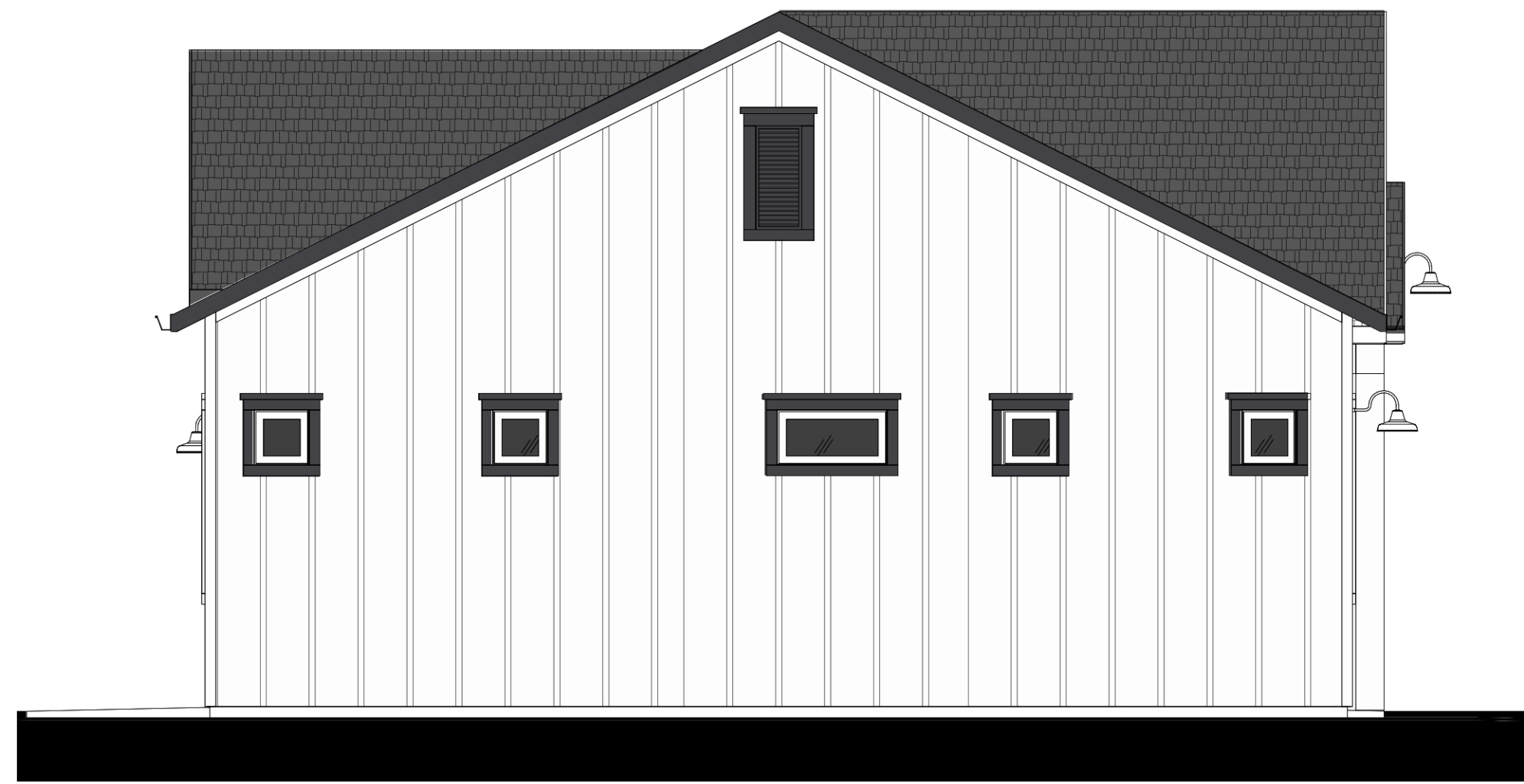
2 BUNGALOW REAR ELEVATION
A201-B SCALE: 1/4" = 1'-0"



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



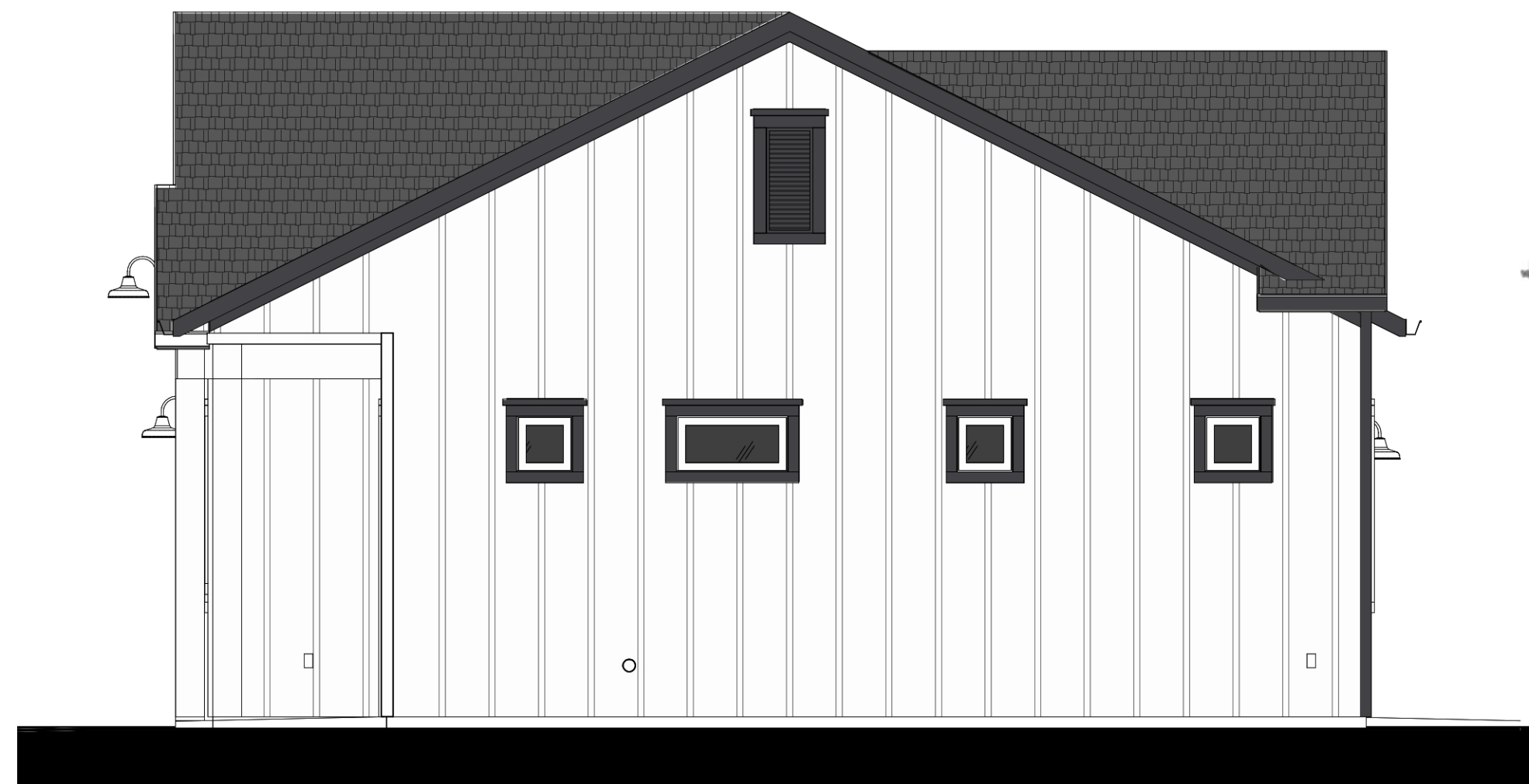
1 BUNGALOW FRONT ELEVATION
A201-B SCALE: 1/4" = 1'-0"



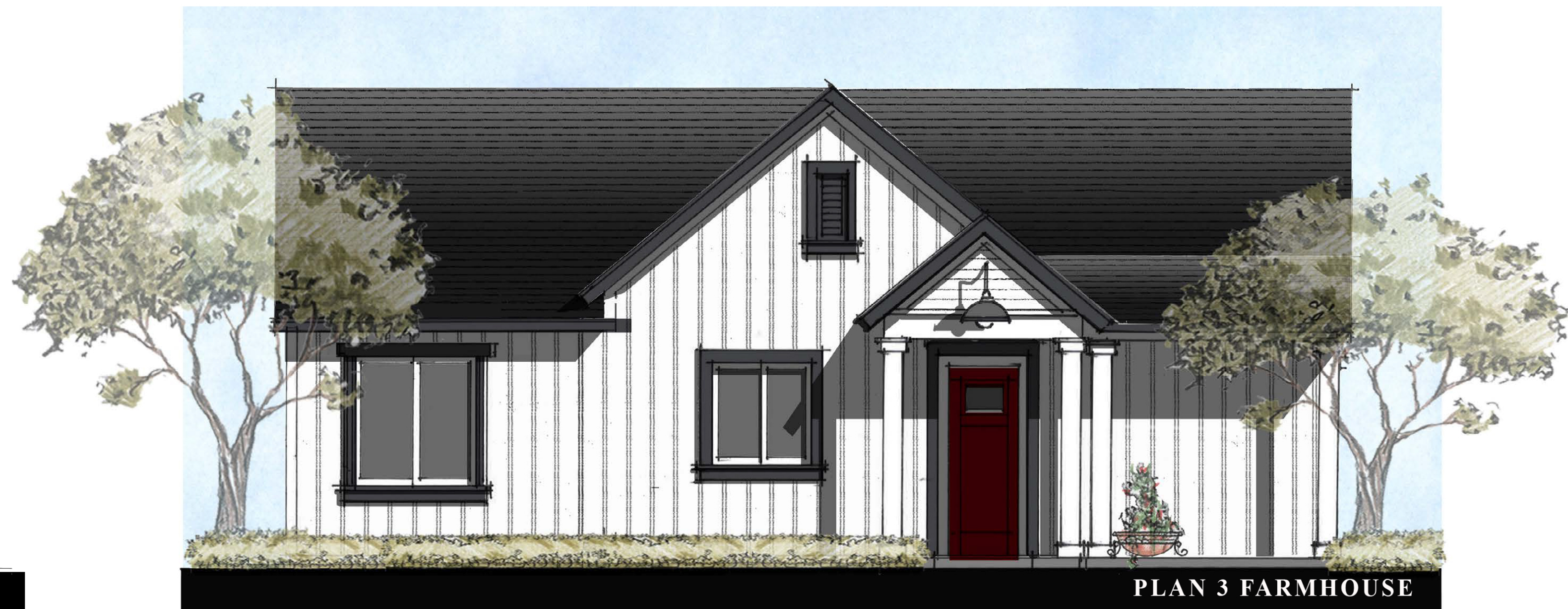
4 FARMHOUSE LEFT ELEVATION
201-FH SCALE: 1/4" = 1'-0"



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"



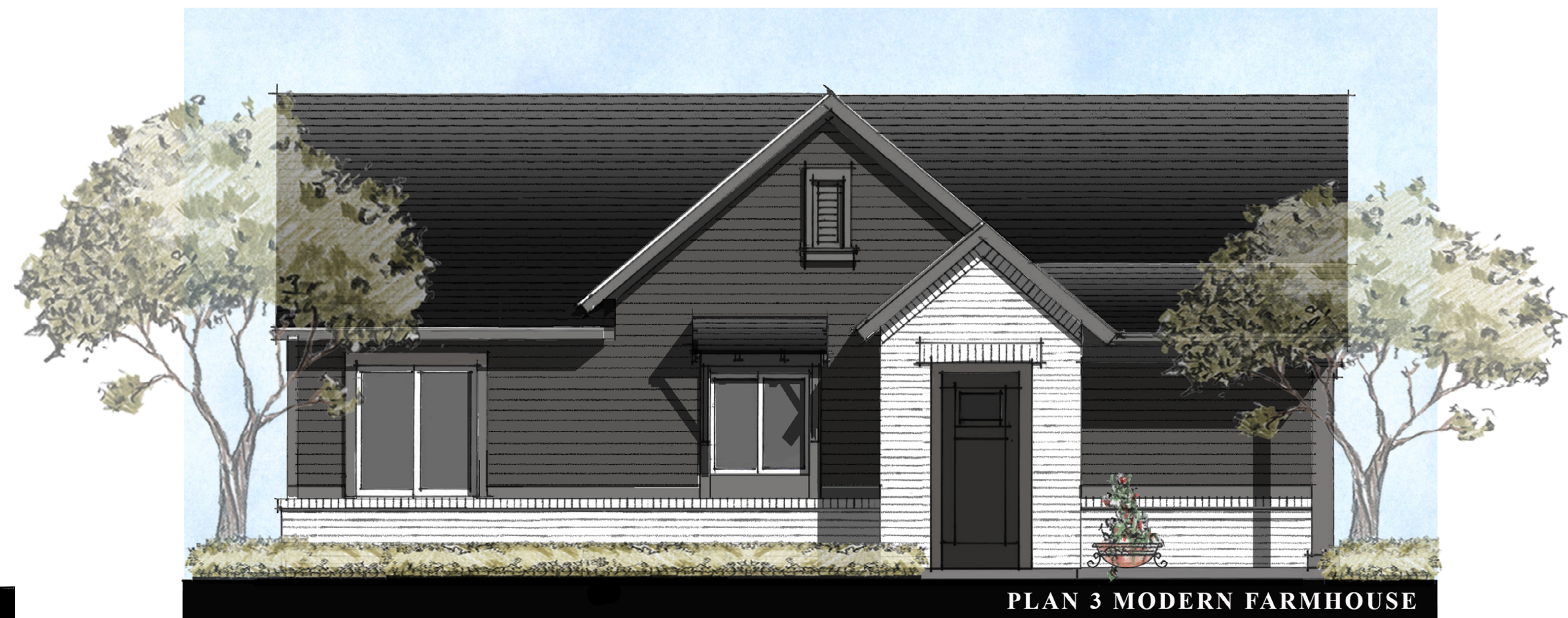
4 MODERN FARMHOUSE LEFT ELEVATION
A201-MF SCALE: 1/4" = 1'-0"



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"



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.

Planning and Zoning Commission recommendation:

At their meeting on February 27, 2024, the Planning and Zoning Commission voted unanimously to forward the request to amend the Comprehensive Plan and Future Land Use Map, and the request to rezone the subject parcel from NC to LI to Mayor and City Council with a recommendation that it be approved.

Proposed Ordinance # 0-06-24
Subject Matter: Future Land Use Map Amendment – North 85 Parkway
Parcel Number: 053911004
Date of Published Notice in Fayette County News: 02-07-24
Date of Public Hearing Before Planning & Zoning Commission: 02-27-24
Date of Published Notice in Fayette County News: 03-06-24
Date of City Council Public Hearing and Adoption: 03-21-24

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-06-24

CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

The City of Fayetteville (the “City”) seeks to amend the Future Land Use Map for property located on North 85 Parkway, Fayetteville GA (Parcel No. 053911004) as described in EXHIBIT "A". Said parcel of property is presently designated as Business Park on the FLU Map and the Applicant desires to change the designation to Industrial.

The City has given notice to the public of this proposed land use change as required by law and public hearings have been conducted as required by law. The City complied with the requirements of O.C.G.A. § 36-36-4 and § 36-36-5 prior to the adoption of this Ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE AS FOLLOWS:

ARTICLE I

The land use classification of the property described in Exhibit “A” attached hereto and incorporated herein, shall be, and is hereby established as Business Park pursuant to the City of Fayetteville’s Comprehensive Plan and Future Land Use Map and in accordance with the understandings and conditions imposed by the Mayor and City Council.

The City’s new land use classification upon the described property shall become immediately effective. The City’s Future Land Use Map is hereby amended to reflect this change.

ARTICLE II

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

ARTICLE III

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

ARTICLE IV

This ordinance shall become immediately effective upon its adoption, subject to the any conditions contained in the minutes of the City Council, which are part of this ordinance; any representations submitted by the applicant to the City Council, accepted by the City Council, and reflected in the minutes of the City Council; all of which representations shall be an amendment to the land use map amendment application and a part of this ordinance.

BE IT RESOLVED, that the Mayor and Council of the City of Fayetteville, Georgia do hereby adopt the attached City of Fayetteville

SO RESOLVED, this _____ Day of _____ 2024.

Edward J. Johnson, Jr., Mayor

Richard J. Hoffman, Mayor Pro Tem

Attest:

T. Joe Clark, Councilmember

Chelsea Siemen, City Clerk

Niyah Glover, Councilmember

Darryl Langford, Councilmember

Scott Stacy, Councilmember

Exhibit "A"
Legal Description

PARCEL NO. 053911004

ALL THAT TRACT or parcel of land being in Land Lots 184 and 185 of the 5th District of Fayette County, Georgia, being Tract "Q" "1" (containing 1.837 acres) of North 85 Business Park as per plat recorded in Plat Book 17, page 177, Records of Fayette County, Georgia, which plat is incorporated herein be reference.

Exhibit “B”
Understandings and Conditions

Proposed Ordinance # 0-07-24
Subject Matter: Rezoning – North 85 Parkway
Parcel Number: 053911004
Date of Published Notice in Fayette County News: 02-07-24
Date of Public Hearing Before Planning & Zoning Commission: 02-27-24
Date of Published Notice in Fayette County News: 03-06-24
Date of City Council Public Hearing and Adoption: 03-21-24

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-07-24

CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

The City of Fayetteville (the “City”) seeks to change the zoning of property located on North 85 Parkway, Fayetteville GA (Parcel No. 053911004) as described in EXHIBIT "A". Said parcel of property is presently zoned NC Neighborhood Commercial and the Applicant desires to rezone the property to LI Light Industrial.

The City has given notice to the public of this proposed rezoning as required by law and public hearings have been conducted as required by law. The City complied with the requirements of O.C.G.A. § 36-36-4 and § 36-36-5 prior to the adoption of this Ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE AS FOLLOWS:

ARTICLE I

The zoning classification of the property as described in Exhibit “A” attached hereto and incorporated herein, shall be, and is hereby established as LI Light Industrial pursuant to the City of Fayetteville’s Unified Development Ordinance.

The City’s new ordinance classification upon the described property shall become immediately effective. The City’s Official Zoning Map is hereby amended to reflect this rezoning.

ARTICLE II

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

ARTICLE III

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

ARTICLE IV

This ordinance shall become immediately effective upon its adoption, subject to the any conditions contained in the minutes of the City Council, which are part of this ordinance; any representations submitted by the applicant to the City Council, accepted by the City Council, and reflected in the minutes of the City Council; all of which representations shall be an amendment to the rezoning application and a part of this ordinance.

BE IT RESOLVED, that the Mayor and Council of the City of Fayetteville, Georgia do hereby adopt the attached City of Fayetteville

SO RESOLVED, this _____ Day of _____ 2024.

Edward J. Johnson, Jr., Mayor

Richard J. Hoffman, Mayor Pro Tem

Attest:

T. Joe Clark, Councilmember

Chelsea Siemen, City Clerk

Niyah Glover, Councilmember

Darryl Langford, Councilmember

Scott Stacy, Councilmember

Exhibit "A"
Legal Description

PARCEL NO. 053911004

ALL THAT TRACT or parcel of land being in Land Lots 184 and 185 of the 5th District of Fayette County, Georgia, being Tract "Q" "1" (containing 1.837 acres) of North 85 Business Park as per plat recorded in Plat Book 17, page 177, Records of Fayette County, Georgia, which plat is incorporated herein be reference.

Exhibit "B"

Understandings and Conditions

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

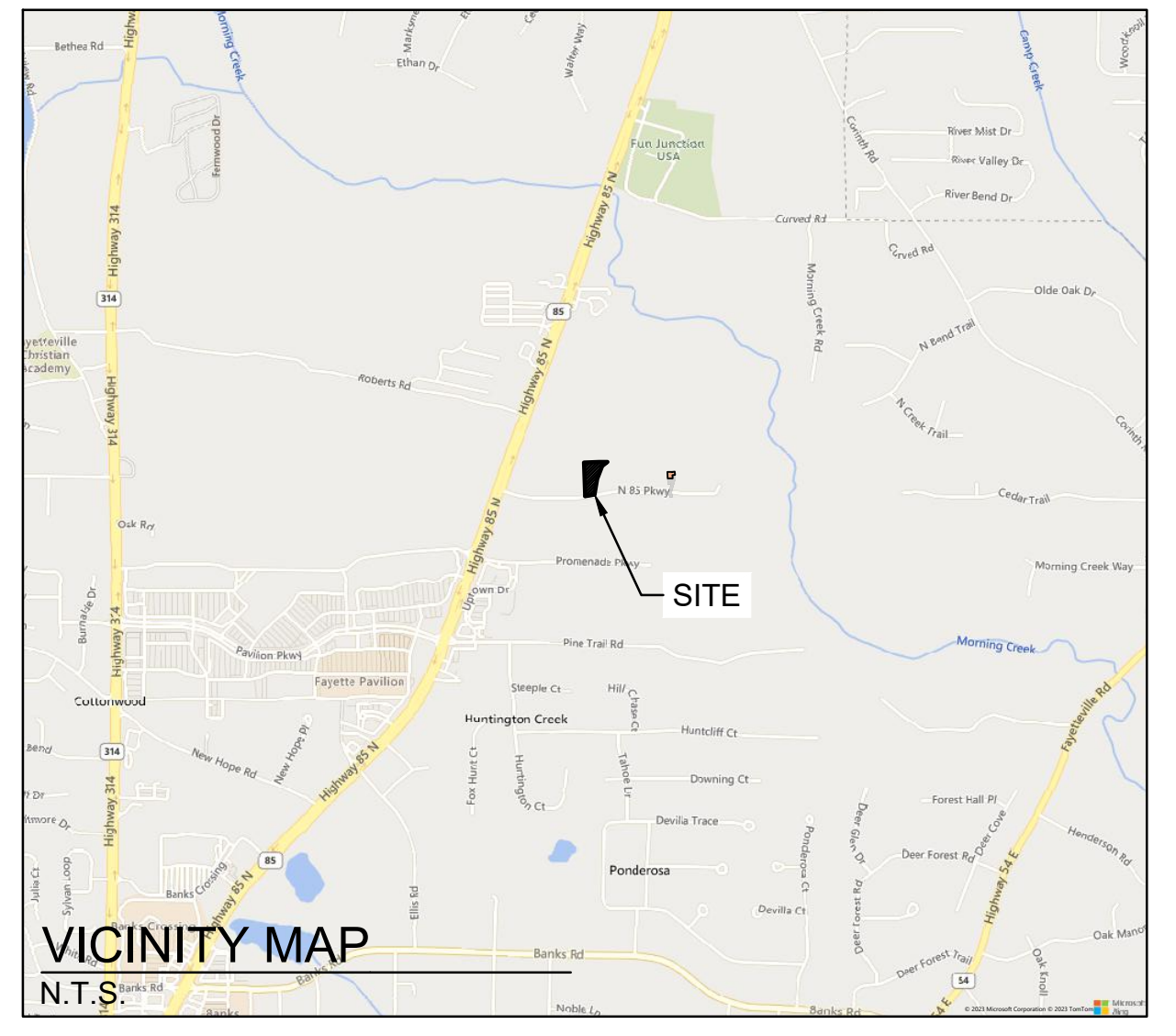
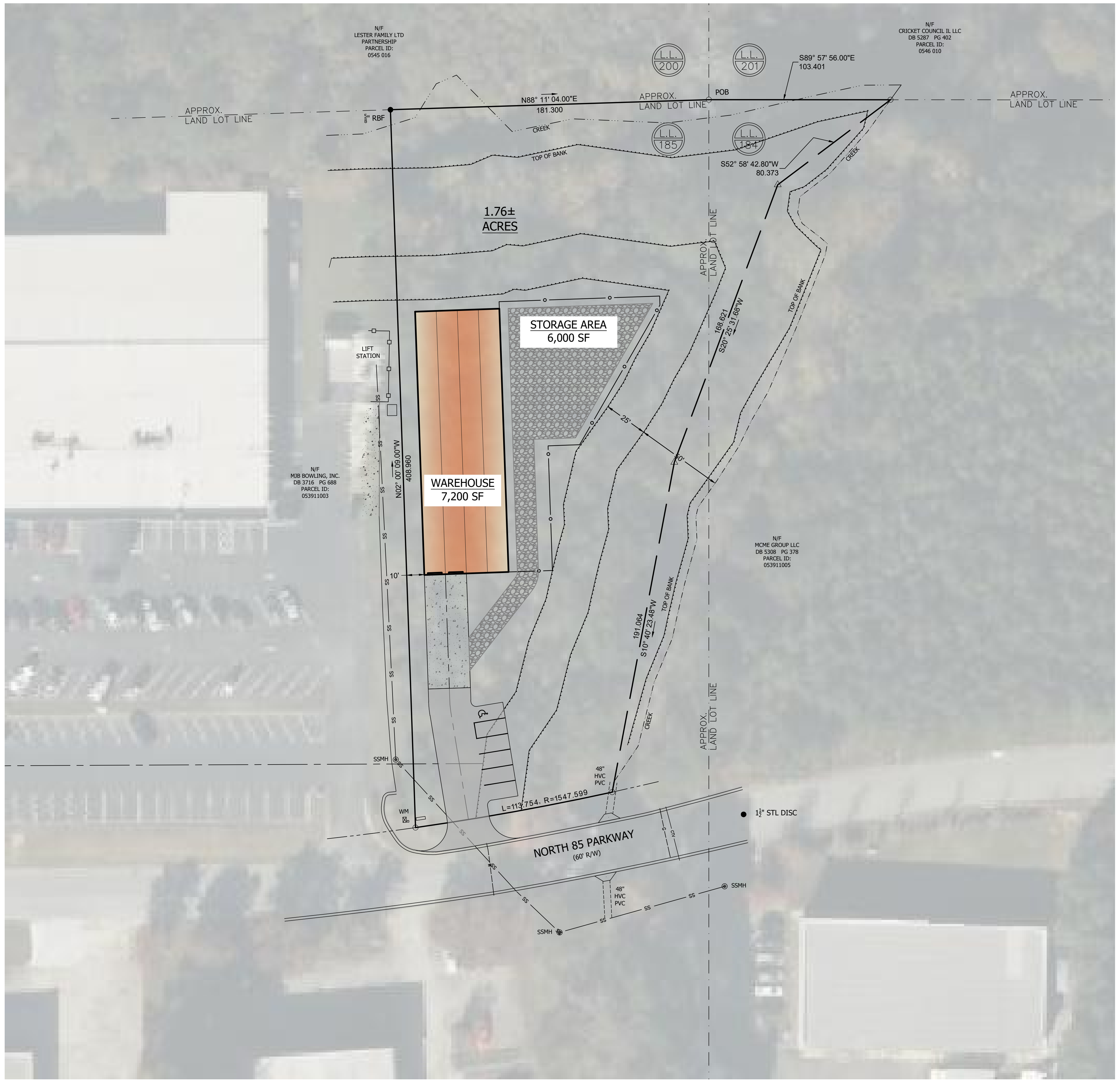
RE: Permission for Zoning Change; BSNA #PRZ 24-003.

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



SITE PLAN NOTES:

- OWNER/APPLICANT:
ARANGO INSULATION
149 NORTH 85 PARKWAY
FAYETTEVILLE, GA 30214
CONTACT: JEFF LAMMES
EMAIL: JEFFLAMMES@GMAIL.COM
PHONE: (770) 560 - 5195
- ENGINEER:
HIGHLAND LAND PLANING, LLC.
201 PROSPECT PARK
PEACHTREE CITY, GA 30269
CONTACT: JASON L. WALLS, P.E.
EMAIL: JWALLS@HIGHLANDLP.US
PHONE: (770) 560 - 7040
- SITE DATA:
SITE ADDRESS: TRACT Q1
SITE AREA: 1.76 ACRES
TAX PARCEL ID NUMBER: 0539 11004
ZONING: NC (NEIGHBORHOOD COMMERCIAL)
USE: WAREHOUSING (to SUPPLEMENT AN EXISTING BUSINESS)
SITE PARKING: 6 SPACES
MAX. IMPERVIOUS: 60%
MAX HEIGHT: 60 FT
- SETBACKS:
40 FEET (FRONT BUILDING SETBACK)
0 FEET (SIDE BUILDING SETBACK)
12 FEET (REAR BUILDING SETBACK)
- BUFFERS:
FOUNDATION: 8 FEET AROUND BUILDING
LANDSCAPE STRIP: 10 FEET ADJACENT AT NON-RESIDENTIAL
- BUILDING AREA:
BUILDING 1: 7200 SF (WAREHOUSE)
- IMPERVIOUS SURFACE CALCULATIONS:
IMPERVIOUS SURFACE AREA = 60% (ALLOWABLE)
76,100 SF (EXISTING) AND 164,500 SF (PROPOSED) = 240,600 SF TOTAL IMPERVIOUS SURFACES
TOTAL IMPERVIOUS SURFACE CALCULATION = +/- 72% (LESS THAN ALLOWABLE)
- PARKING SUMMARY:
REQUIRED SPACES: 1 PER 500 SF (MAX) = 14 SPACES
TOTAL PROVIDED = 5 SPACES
- PROJECT NARRATIVE:** ARANGO INSULATION LOCATED AT 149 N 85 PARKWAY IN THE NORTH 85 BUSINESS PARK IS LOOKING TO EXPAND ITS WAREHOUSING AND COMPANY VEHICLE STORAGE AREA TO SUPPLEMENT ITS EXPANDING BUSINESS. THE PROJECT IS PROPOSED ON LOT Q1 LOCATED ACROSS THE PARKWAY FROM ARANGO INSULATION'S CURRENT BUSINESS, AND INCLUDES A TOTAL OF 1.79 ACRES OF UNDISTURBED WOODED LAND OF WHICH LESS THAN 0.9 ACRES IS LOCATED OUTSIDE OF THE CREEK BUFFERS. AS SUCH, THE PROPOSED PROPERTY IS LIMITED IN SHAPE AND SIZE FOR ANY POTENTIAL DEVELOPMENT. THIS NEW PROJECT INCLUDES A 7200 SF WAREHOUSE FACILITY WITH TWO FORWARD FACING LOADING DOCKS AND A FENCED VEHICULAR STORAGE LOT. ASSOCIATED PARKING FACILITIES, UTILITY SERVICE CONNECTIONS, STORMWATER MANAGEMENT, LANDSCAPING AND OTHER IMPROVEMENTS AS NECESSARY WILL ALSO BE PROVIDED.
- NO PORTION OF THIS PROPERTY LIES WITHIN A FLOOD ZONE OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL #13113C0106E DATED SEPTEMBER 26, 2008. HOWEVER A SMALL PORTION OF LAND CONTAINED WITHIN THE CURRENT CREEK BUFFERS DOES LIE WITHIN THE 2013 FAYETTE COUNTY FUTURE CONDITIONS FLOOD PLAIN. NO PORTIONS OF THE FUTURE CONDITIONS FLOODPLAIN WILL BE DISTURBED BY THIS DEVELOPMENT.
- WETLANDS AND STATE WATERS ARE PRESENT ON THE PROPERTY AT THE EXISTING CREEK, HOWEVER ARE CONTAINED WITHIN THE CREEK BUFFERS AND WILL NOT BE AFFECTED BY THIS WORK EFFORT.
- UTILITIES:** WATER SERVICE PROVIDED BY THE FAYETTE COUNTY WATER SYSTEM. SEWER SERVICE PROVIDED BY THE CITY OF FAYETTEVILLE WATER AND SEWER DEPARTMENT. BUILDING UTILITIES SUCH AS HVAC UNITS TO BE GROUND MOUNTED AND SCREENED FROM VIEW.
- STORMWATER MANAGEMENT NARRATIVE:** STORMWATER MANAGEMENT PROVIDED BY ONISITE PER THE CITY LOCATION DESIGN MANUAL AND THE GEORGIA STORMWATER MANAGEMENT MANUAL. IT IS ANTICIPATED THAT A SERIES OF SMALL ABOVE GROUND PONDS OR UNDERGROUND DETENTION CHAMBER SYSTEMS WILL BE PROVIDED FOR THE ATTENUATION OF ALL REQUIRED STORM EVENTS, WITH WATER QUALITY TREATMENT VIA RUNOFF REDUCTION WILL BE PROVIDED IF SITE CONSTRAINTS ALLOW.
- FIRE PROTECTION PLAN:** THIS DEVELOPMENT WILL INCLUDE BUILDING SPRINKLER SYSTEM (AS REQUIRED BY CODE) AND ONSITE HYDRANT SPACING PER CODE TO PROVIDED FIRE PROTECTION TOT HE PROPSOED FACILITY. A LIFE SAFETY PLAN WILL BE PROVIDED BY THE PROJECT ARCHITECT.

| | | | | |
|------------------------------------------------------------------------------------------|-----------|----------|------|--------------|
| Drawn By: | Check By: | Date: | Rev: | Description: |
| JLW | | 11/15/23 | | |
| CONCEPT PLAN FOR ARANGO INSULATION 2 | | | | |
| LAND LOTS 184 AND 185 OF THE 5TH DISTRICT, CITY OF FAYETTEVILLE, FAYETTE COUNTY, GEORGIA | | | | |
| ##### | | | | |
| DRAWING NO. ##### | | | | |



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: Mayor and City Council

VIA: Ray Gibson, City Manager

CC: Chelsea Siemen, City Clerk

FROM: David Rast, Director of Community and Economic Development

DATE: March 7, 2024

SUBJECT: Consider Resolution R-16-24 authorizing staff to transmit the Capital Improvements Element 2024 Annual Update for fiscal year 2023.

Background

To maintain our status as a Qualified Local Government (QLG), the city is required to submit an annual update to our adopted Capital Improvements Element (CIE) and the Annual Impact Fee Financial Report to the Atlanta Regional Commission (ARC) and the Georgia Department of Community Affairs (DCA) for review. The submittal is in accordance with the “Development Impact Fee Compliance Requirements” and the “Minimum Planning Standards and Procedures for Local Comprehensive Planning” adopted by the Board of Community Affairs pursuant to the Georgia Planning Act of 1989.

Staff will be notified once ARC and DCA complete their review, at which time we will bring the document back to the Mayor and City Council for formal adoption.

Recommendation

That Council adopt Resolution #R-16-24 authorizing Staff to transmit the Capital Improvements Element 2024 Annual Update to the Atlanta Regional Commission for review.

R-16-24

TRANSMITTAL RESOLUTION

**CAPITAL IMPROVEMENTS ELEMENT 2024 ANNUAL UPDATE
CITY OF FAYETTEVILLE, GEORGIA**

WHEREAS, The City of Fayetteville has adopted a Capital Improvements Element as an amendment to the *City of Fayetteville Comprehensive Plan*; and

WHEREAS, a Capital Improvements Element 2024 Annual Update for fiscal year 2023 was prepared in accordance with the “Development Impact Fee Compliance Requirements” and the “Minimum Planning Standards and Procedures for Local Comprehensive Planning” adopted by the Georgia Department of Community Affairs pursuant to the Georgia Planning Act of 1989; and

WHEREAS, a duly advertised Public Hearing in accordance with Section (9)(a) of Chapter 110-12-2-04 of the Development Impact Fee Compliance Requirements was held on March 21, 2024, at 7:00 p.m. at the Fayetteville City Hall;

BE IT THEREFORE RESOLVED that the Mayor and City Council of Fayetteville does hereby submit the Capital Improvements Element 2024 Annual Update to the Atlanta Regional Commission for Regional and State review, as per the requirements of the Development Impact Fee Compliance Requirements.

SO RESOLVED, this _____ Day of _____ 2024.

Edward J. Johnson, Jr., Mayor

Richard J. Hoffman, Mayor Pro Tem

Attest:

T. Joe Clark, Councilmember

Chelsea Siemen, City Clerk

Niyah Glover, Councilmember

Darryl Langford, Councilmember

Scott Stacy, Councilmember



Capital Improvements Element

2024 Annual Update

FY 2023 Financial Report & 2024-2028 Community Work Program

Fayetteville, Georgia

3.11.24 Draft

This Capital Improvements Element Annual Update has been prepared based on the rules and regulations pertaining to impact fees in Georgia, as specified by the *Development Impact Fee Act* (DIFA) and the Department of Community Affairs (DCA) documents *Development Impact Fee Compliance Requirements* and *Standards and Procedures for Local Comprehensive Planning*. These three documents dictate the essential elements of an Annual Update, specifically the inclusion of a financial report and a schedule of improvements.

According to DCA's Compliance Requirements, the Annual Update:

"... must include: 1) the Annual Report on impact fees required under O.C.G.A. 36-71-8; and 2) a new fifth year schedule of improvements, and any changes to or revisions of previously listed CIE projects, including alterations in project costs, proposed changes in funding sources, construction schedules, or project scope." (Chapter 110-12-2-.03(2)(c))

The Annual Update Financial Report covers FY 2023, while the Community Work Program is based on the most recent City

¹ Note that DCA's Compliance Requirements specify that the work program is to meet the requirements of Chapter 110-12-1-.04(7)(a), which is a reference to the work program requirements in a previous version

of Fayetteville *Capital Improvements Element*, which was adopted July 19, 2018.

Financial Report

The Financial Report included in this document is based on the requirements of DIFA, specifically:

"As part of its annual audit process, a municipality or county shall prepare an annual report describing the amount of any development impact fees collected, encumbered, and used during the preceding year by category of public facility and service area." (O.C.G.A. 36-71-8(c))

The required FY 2023 financial information for each public facility category appears in the main financial table (page 2); each of the public facility categories has a single, city-wide service area. The status of all impact fee projects, by public facility category, is shown on the tables on pages 3, 4 and 5.

The City's fiscal year runs from August 1 to July 31.

of the *Standards and Procedures for Local Comprehensive Planning*. The correct current description is found at Chapter 110-12-1-.04(2)(b)1.

Schedule of Improvements

In addition to the financial report, the City has prepared a five-year schedule of improvements—a community work program (CWP)—as specified in DCA's Compliance Requirements (Chapter 110-12-2-.03(2)(c)), which states that local governments that have a CIE must "update their entire Short Term [i.e., Community] Work Programs annually."¹

According to DCA's requirements,² the CWP must include:

- A brief description of the activity;
- Legal authorization, if applicable;
- Timeframe for undertaking the activity;
- Responsible party for implementing the activity;
- Estimated cost (if any) of implementing the activity; and,
- Funding source(s), if applicable.

All of this information appears in the Community Work Program portion of this document, beginning on page 6.

² Chapter 110-12-1-.03(3).

| | |
|---------------------------------|--------------------------------------------------------------|
| City of Fayetteville, GA | Annual Impact Fee Financial Report - Fiscal Year 2023 |
|---------------------------------|--------------------------------------------------------------|

| Public Facility | Parks & Recreation | Fire Protection | Police | Roads | Admin- istration | TOTAL |
|---------------------------------------------------------------------|--------------------|-----------------|---------------|-----------------|---------------------|-----------------|
| Service Area | City-wide | City-wide | City-wide | City-wide | | |
| Impact Fee Fund Balance August 1, 2022 | \$ 499,946.29 | \$ 1,584,533.88 | \$ 640,748.63 | \$ 1,284,210.66 | \$ 102,725.19 | \$ 4,112,164.65 |
| Impact Fees Collected (August 1, 2022 through July 31, 2023) | \$ 90,030.55 | \$ 386,982.36 | \$ 263,724.45 | \$ 691,308.73 | \$ 42,962.06 | \$ 1,475,008.15 |
| Accrued Interest | \$ 5,960.58 | \$ 25,620.64 | \$ 17,460.20 | \$ 45,768.95 | \$ 2,844.36 | \$ 97,654.73 |
| Subtotal: Fee Accounts | \$ 595,937.42 | \$ 1,997,136.88 | \$ 921,933.28 | \$ 2,021,288.34 | \$ 148,531.61 | \$ 5,684,827.53 |
| (Impact Fee Refunds) | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| (Expenditures) | \$ - | \$ (75,500.00) | \$ - | \$ - | \$ (23,740.00) | \$ (99,240.00) |
| Impact Fee Fund Balance July 31, 2023 | \$ 595,937.42 | \$ 1,921,636.88 | \$ 921,933.28 | \$ 2,021,288.34 | \$ 124,791.61 | \$ 5,585,587.53 |
| | | | | | | |
| Impact Fees Encumbered | \$ 595,937.42 | \$ 1,921,636.88 | \$ 921,933.28 | \$ 2,021,288.34 | | |

PROJECT FINANCIAL TABLES: Fiscal Year 2023

| Public Facility: | | Parks & Recreation | | | | | | | | |
|-------------------------------------|---------------------------|-------------------------------|-------------------------------|-------------------------------------------------------|--------------------------------------------------|-------------------------------------|----------------------------------------------|-------------------------------------------|-------------------------------|-----------------------|
| Responsible Party: | | Public Services Department | | | | | | | | |
| Service Area: | | City-wide | | | | | | | | |
| Project Description | Project Start Date | Project End Date | Local Cost of Project* | Maximum Percentage of Funding from Impact Fees | Maximum Funding Possible from Impact Fees | FY 2023 Impact Fees Expended | Impact Fees Expended (Previous Years) | Total Impact Fees Expended to Date | Impact Fees Encumbered | Status/Remarks |
| Carry-Over Projects** | | | | | | | | | | |
| P.K. Dixon Park (219 acres) | 2003 | 2023 | \$ 499,265.64 | 44.0% | \$ 248,763.62 | \$ - | 51,838.00 | \$ 51,838.00 | \$ - | Complete |
| Holiday Dorsey Fife House | 2003 | 2023 | \$ 1,564,823.95 | 100.0% | \$ 1,826,287.00 | \$ - | 411,604.35 | \$ 411,604.35 | \$ - | Complete |
| Amphitheater | 2003 | 2023 | \$ 2,560,364.00 | 49.7% | \$ 1,365,726.17 | \$ - | 519,910.18 | \$ 519,910.18 | \$ - | Complete |
| Total Carry-Over Projects | | | \$ 4,624,453.59 | | \$ 3,440,776.79 | \$ - | \$ 983,352.53 | \$ 983,352.53 | \$ - | |
| New Park Lands | | | | | | | | | | |
| Park Acres | 2019 | 2040 | \$ 2,759,071.89 | 100.0% | \$ 2,759,071.89 | \$ - | \$ - | \$ - | \$ 595,937.42 | |
| New Recreation Facilities | | | | | | | | | | |
| Picnic Pavilion | 2016 | 2022 | \$ 24,663.74 | 76.07% | \$ 18,763.09 | \$ - | \$ - | \$ - | \$ - | Complete |
| Playground (Tot Lot) | 2016 | 2022 | \$ 10,276.56 | 76.07% | \$ 7,817.96 | \$ - | \$ - | \$ - | \$ - | Complete |
| Gazebo | 2018 | 2022 | \$ 10,223.03 | 76.07% | \$ 7,776.66 | \$ - | \$ - | \$ - | \$ - | Complete |
| Community Building | 2025 | 2025 | \$ 1,465,058.54 | 76.07% | \$ 1,114,470.03 | \$ - | \$ - | \$ - | \$ - | |
| Splash Pad | 2019 | 2022 | \$ 1,078,698.55 | 43.21% | \$ 466,056.64 | \$ - | 466,056.64 | \$ 466,056.64 | \$ - | Complete |
| Other Improvements 1*** | 2016 | 2030 | \$ 193,815.89 | 76.07% | \$ 147,446.65 | \$ - | \$ - | \$ - | \$ - | |
| Other Improvements 2*** | 2018 | 2030 | \$ 95,074.16 | 76.07% | \$ 72,322.91 | \$ - | \$ - | \$ - | \$ - | |
| New Trails | | | | | | | | | | |
| The Ridge Trails 1 | 2016 | 2040 | \$ 3,699.83 | 100.0% | \$ 3,699.83 | \$ - | \$ - | \$ - | \$ - | |
| The Ridge Trails 2 | 2018 | 2040 | \$ 10,631.95 | 100.0% | \$ 10,631.95 | \$ - | \$ - | \$ - | \$ - | |
| The Ridge Boardwalk | 2018 | 2040 | \$ 205,278.40 | 100.0% | \$ 205,278.40 | \$ - | \$ - | \$ - | \$ - | |
| Other Trails | 2025 | 2040 | \$ 99,591.01 | 100.0% | \$ 99,591.01 | \$ - | \$ - | \$ - | \$ - | |
| Total New Projects | | | \$ 5,956,083.54 | | \$ 4,912,927.02 | \$ - | \$ 466,056.64 | \$ 466,056.64 | \$ 595,937.42 | |
| Total Parks & Recreation | | | \$ 10,580,537.13 | | \$ 8,353,703.81 | \$ - | \$ 1,449,409.17 | \$ 1,449,409.17 | \$ 595,937.42 | |

* Actual figures related to impact fee funding shown for completed projects. See CIE for Maximum Funding calculation. All figures are shown in Net Present Value. (When impact fees were initially calculated for the carry-over projects, their actual construction costs were already known. Because each project created capacity to serve future growth and development, the percentage of the cost that is impact fee eligible was calculated based on the Level of Service standards in the Capital Improvements Element, which yielded the proportion of the project that was required to meet the needs of future growth and development.)

** The noted projects are eligible for impact fee funding but were initially financed through the issuance of GO bonds. Over time, the City recouped the impact fee share of the portion of the debt service attributable to the projects, to the extent of the percentage of the costs that created new capacity to serve new growth and development, but limited to the extent of impact fee collections and accumulations on hand.

*** Development costs for The Ridge (P.K. Dixon Property) not included in the recreation facilities above or for the The Ridge Trails, below.

NOTE: For projects that are not 100% impact fee funded, funding may be provided from the General Fund, the Capital Projects Fund, SPLOST or other local taxation sources, as determined each year during the annual budget adoption process.

| Public Facility: | | Fire Protection | | | | | | | | |
|----------------------------|---------------------------|-------------------------|-------------------------------|-------------------------------------------------------|--------------------------------------------------|-------------------------------------|----------------------------------------------|-------------------------------------------|-------------------------------|-----------------------|
| Responsible Party: | | Fire Department | | | | | | | | |
| Service Area: | | City-wide | | | | | | | | |
| Project Description | Project Start Date | Project End Date | Local Cost of Project* | Maximum Percentage of Funding from Impact Fees | Maximum Funding Possible from Impact Fees | FY 2023 Impact Fees Expended | Impact Fees Expended (Previous Years) | Total Impact Fees Expended to Date | Impact Fees Encumbered | Status/Remarks |
| New Fire Truck (Quint)* | 2016 | 2024 | \$ 1,005,779.06 | 100% | \$ 1,005,779.06 | \$ 75,500.00 | \$ 751,292.63 | \$ 826,792.63 | \$ 178,986.44 | Lease-Purchase |
| New Station 93 | 2025 | 2025 | \$ 7,454,430.00 | 83.8% | \$ 6,248,292.56 | \$ - | \$ - | \$ - | \$ 616,861.76 | |
| New Fire Engine* | 2018 | 2025 | \$ 606,889.41 | 100.00% | \$ 606,889.41 | \$ - | \$ 302,805.33 | \$ 302,805.33 | \$ 304,084.08 | Lease-Purchase |
| Station 91 Expansion | 2025 | 2025 | \$ 126,247.08 | 100.00% | \$ 126,247.08 | \$ - | \$ - | \$ - | \$ 126,247.08 | |
| New Station 94 | 2026 | 2028 | \$ 2,203,386.00 | 43.9% | \$ 967,022.56 | \$ - | \$ - | \$ - | \$ - | |
| New Fire Trucks (2) | 2025 | 2028 | \$ 1,390,915.05 | 100.00% | \$ 1,390,915.05 | \$ - | \$ - | \$ - | \$ 695,457.52 | |
| | | | \$ 11,781,867.54 | | \$ 9,339,366.66 | \$ 75,500.00 | \$ 1,054,097.96 | \$ 1,129,597.96 | \$ 1,921,636.88 | |

* The Quint and Engine were purchased in 2016 and 2018, respectively, with lease-purchase financing, and are included in the impact fee calculations for recoupment. All dollar figures are shown in Net Present Value.

NOTE: For projects that are not 100% impact fee funded, funding may be provided from the General Fund, the Capital Projects Fund, SPLOST or other local taxation sources, as determined each year during the annual budget adoption process.

| Public Facility: | | Police Department | | | | | | | | |
|-----------------------------------|---------------------------|--------------------------|-------------------------------|-------------------------------------------------------|--------------------------------------------------|-------------------------------------|----------------------------------------------|-------------------------------------------|-------------------------------|-----------------------|
| Responsible Party: | | Police Department | | | | | | | | |
| Service Area: | | City-wide | | | | | | | | |
| Project Description | Project Start Date | Project End Date | Local Cost of Project* | Maximum Percentage of Funding from Impact Fees | Maximum Funding Possible from Impact Fees | FY 2023 Impact Fees Expended | Impact Fees Expended (Previous Years) | Total Impact Fees Expended to Date | Impact Fees Encumbered | Status/Remarks |
| Carry-Over Police Project (HQ)** | 2006 | 2023 | \$ 6,746,135.00 | 38.1% | \$ 1,817,803.74 | \$ - | \$ 1,603,440.13 | \$ 1,603,440.13 | \$ - | Complete |
| Crime Scene Vehicle | 2024 | 2024 | \$ 101,148.24 | 68.1% | \$ 68,925.18 | \$ - | \$ - | \$ - | \$ 68,925.18 | |
| Office space expansion (6,218 sf) | 2026 | 2026 | \$ 626,796.27 | 100.0% | \$ 626,796.27 | \$ - | \$ - | \$ - | \$ 626,796.27 | |
| Expansion (7,372 sf) | 2027 | 2030 | \$ 3,391,932.23 | 100.0% | \$ 3,391,932.23 | \$ - | \$ - | \$ - | \$ 226,211.83 | |
| | | | \$ 6,746,135.00 | | \$ 5,905,457.42 | \$ - | \$ 1,603,440.13 | \$ 1,603,440.13 | \$ 921,933.28 | |

* Actual figures related to impact fee funding shown for completed projects. See CIE for Maximum Funding calculation. All dollar figures are shown in Net Present Value.

** The previously constructed Police Headquarters is eligible for impact fee funding but was initially financed and constructed through the issuance of a GO bond. Over time, the City recouped the impact fee share of the portion of the debt service attributable to the project, to the extent of the percentage of the cost that created new capacity to serve new growth and development, but limited to the extent of impact fee collections and accumulations on hand.

NOTE: The portion of the Police Headquarters project that is not eligible for impact fee funding was provided from taxes levied and applied to the bond issue sinking fund.

NOTE: For projects that are not 100% impact fee funded, funding may be provided from the General Fund, the Capital Projects Fund, SPLOST or other local taxation sources, as determined each year during the annual budget adoption process.

| Public Facility: | | Road Improvements | | | | | | | | |
|-------------------------------------------|---------------------------|----------------------------|------------------------------|-------------------------------------------------------|--------------------------------------------------|-------------------------------------|----------------------------------------------|-------------------------------------------|-------------------------------|-----------------------|
| Responsible Party: | | Public Services Department | | | | | | | | |
| Service Area: | | City-wide | | | | | | | | |
| Project Description | Project Start Date | Project End Date | Local Cost of Project | Maximum Percentage of Funding from Impact Fees | Maximum Funding Possible from Impact Fees | FY 2023 Impact Fees Expended | Impact Fees Expended (Previous Years) | Total Impact Fees Expended to Date | Impact Fees Encumbered | Status/Remarks |
| Lafayette Ave Extension | Ongoing | 2027 | \$ 952,090.12 | 37.437% | \$ 356,436.87 | \$ - | \$ 8,873.37 | \$ 8,873.37 | \$ - | |
| Lafayette/Glynn Street | Ongoing | 2027 | \$ 257,622.51 | 37.437% | \$ 96,446.92 | \$ - | \$ 8,873.37 | \$ 8,873.37 | \$ - | |
| Jeff Davis Shoulder | Ongoing | 2025 | \$ 492,786.47 | 37.437% | \$ 184,485.97 | \$ - | \$ 20,820.25 | \$ 20,820.25 | \$ 163,665.72 | |
| Stonewall/85 Left Turn | Ongoing | 2026 | \$ 142,234.04 | 37.437% | \$ 53,248.59 | \$ - | \$ 8,873.38 | \$ 8,873.38 | \$ - | |
| LaFayette/Tiger Trail | Ongoing | 2026 | \$ 1,228,345.38 | 37.437% | \$ 459,859.39 | \$ - | \$ 50,307.07 | \$ 50,307.07 | \$ - | |
| Highway 54/Gingercake | Ongoing | 2024 | \$ 11,752.53 | 37.437% | \$ 4,399.83 | \$ - | \$ - | \$ - | \$ 4,399.83 | |
| Hood Ave Conn/SR92 | Done | 2017 | \$ 7,709,121.05 | 37.437% | \$ 2,886,087.05 | \$ - | \$ 676,574.68 | \$ 676,574.68 | \$ - | Complete |
| Highway 85 Median Design | Ongoing | 2026 | \$ 80,130.88 | 37.437% | \$ 29,998.84 | \$ - | \$ - | \$ - | \$ - | |
| Highway 85 Medians Phase 1 | Ongoing | 2026 | \$ 89,054.60 | 37.437% | \$ 33,339.64 | \$ - | \$ - | \$ - | \$ - | |
| Highway 85 Medians Phase 2 | Ongoing | 2026 | \$ 89,054.60 | 37.437% | \$ 33,339.64 | \$ - | \$ - | \$ - | \$ - | |
| Highway 85 Medians Phase 3 | Ongoing | 2026 | \$ 89,054.60 | 37.437% | \$ 33,339.64 | \$ - | \$ - | \$ - | \$ - | |
| Highway 85 Streetscape | Ongoing | 2026 | \$ 30,231.78 | 37.437% | \$ 11,317.96 | \$ - | \$ - | \$ - | \$ - | |
| Redwine/Ramah Rd. Roundabout | Ongoing | 2025 | \$ 1,282,094.04 | 37.437% | \$ 479,981.44 | \$ - | \$ - | \$ - | \$ 479,981.44 | |
| Veterans Pkwy Large Roundabout | Done | 2022 | \$ 1,451,580.34 | 37.437% | \$ 543,432.54 | \$ - | \$ - | \$ - | \$ - | Complete |
| Veterans Pkwy Small Roundabout (Sndy Crk) | Ongoing | 2025 | \$ 1,004,940.23 | 37.437% | \$ 376,222.53 | \$ - | \$ - | \$ - | \$ 376,222.53 | |
| Veterans Pkwy 4-lane expansion (1.5 mile) | Ongoing | 2025 | \$ 8,932,802.07 | 37.437% | \$ 3,344,200.23 | \$ - | \$ - | \$ - | \$ 997,018.82 | |
| Habersham Extension | Ongoing | 2026 | \$ 1,004,940.23 | 37.437% | \$ 376,222.53 | \$ - | \$ - | \$ - | \$ - | |
| Fischer Road Extension (Downtown Expan.) | Ongoing | 2026 | \$ 16,026,175.47 | 37.437% | \$ 5,999,767.97 | \$ - | \$ - | \$ - | \$ - | |
| Highway 54/Grady Avenue | Ongoing | 2026 | \$ 783,827.24 | 37.437% | \$ 293,443.78 | \$ - | \$ - | \$ - | \$ - | |
| | | | \$ 41,657,838.17 | | \$ 15,595,571.36 | \$ - | \$ 774,322.12 | \$ 774,322.12 | \$ 2,021,288.34 | |

NOTE: All dollar figures are shown in Net Present Value.

NOTE: For projects that are not 100% impact fee funded, funding may be provided from the General Fund, the Capital Projects Fund, SPLOST or other local taxation sources, as determined each year during the annual budget adoption process.

**2024-2028 COMMUNITY WORK PROGRAM³
Impact Fee Projects only**

| Project | Start Year | Comp. Year | Cost Estimate | Funding Source(s) | Responsible Party |
|---------------------------------------|------------|------------|---------------|-------------------------------------------------------------|-------------------|
| Impact Fee Related Projects | | | | | |
| FIRE PROTECTION | | | | | |
| New Fire Truck (Quint) | 2016 | 2024 | \$1,005,779 | 100% Impact Fees | Fire Department |
| Design/Construct New Fire Station 93 | 2025 | 2025 | \$7,454,430 | 83.8% Impact Fees; 16.2% SPLOST | Fire Department |
| Fire Apparatus - Engine | 2018 | 2025 | \$606,889 | 100% Impact Fees | Fire Department |
| Fire Station 91 Expansion | 2025 | 2025 | \$126,247 | 100% Impact Fees | Fire Department |
| Construct Fire Station 94 | 2026 | 2028 | \$967,023 | 43.9% Impact Fees; 56.1% SPLOST | Fire Department |
| Fire Apparatus - 2 Engines | 2025 | 2028 | \$1,390,915 | 100% Impact Fees | Fire Department |
| POLICE DEPARTMENT | | | | | |
| Crime Scene Vehicle | 2024 | 2024 | \$101,148 | 68.1% Impact Fees; 31.9% General Fund (CP) | Police Department |
| Police Dept. Office Space Expansion | 2026 | 2026 | \$626,796 | 100% Impact Fees | Police Department |
| Future Expansion | 2027 | 2030 | \$3,391,932 | 100% Impact Fees | Police Department |
| PARKS & RECREATION | | | | | |
| Park Land Acquisitions | 2019 | 2040 | \$2,759,071 | 100% Impact Fees | Public Services |
| Park improvements: Community Building | 2025 | 2025 | \$1,465,059 | 76.1% Impact Fees; 23.9% General Fund (CP) | Public Services |
| Park improvements: The Ridge Phase 1 | 2016 | 2030 | \$193,816 | 76.1% Impact Fees; 23.9% SPLOST and/or General Fund (CP) | Public Services |
| Park improvements: The Ridge Phase 2 | 2018 | 2030 | \$95,074 | 76.1% Impact Fees; 23.9% SPLOST and/or General Fund (CP) | Public Services |

³ Projects included in the most recently adopted Capital Improvements Element (7/19/18).

| Project | Start Year | Comp. Year | Cost Estimate | Funding Source(s) | Responsible Party |
|-------------------------------|------------|------------|---------------|-----------------------------------------------|-------------------|
| The Ridge Trails 1 | 2016 | 2040 | \$3,700 | 100% Impact Fees | Public Services |
| The Ridge Trails 2 | 2018 | 2040 | \$10,632 | 100% Impact Fees | Public Services |
| The Ridge Boardwalk | 2018 | 2040 | \$205,278 | 100% Impact Fees | Public Services |
| Other Trails | 2025 | 2040 | \$99,591 | 100% Impact Fees | Public Services |
| ROAD IMPROVEMENTS | | | | | |
| Lafayette Ave Extension | On-going | 2027 | \$952,090 | 37.4% Impact Fees; 62.6% General Fund (CP) | Public Services |
| Lafayette/Glynn Street | On-going | 2027 | \$257,623 | 37.4% Impact Fees; General Fund (CP) | Public Services |
| Jeff Davis Shoulder | On-going | 2025 | \$492,786 | 37.4% Impact Fees; 62.6% General Fund (CP) | Public Services |
| Stonewall/85 Left Turn | On-going | 2026 | \$142,234 | 37.4% Impact Fees; 62.6% General Fund (CP) | Public Services |
| Lafayette/Tiger Trail | On-going | 2026 | \$1,228,345 | 37.4% Impact Fees; 62.6% General Fund (CP) | Public Services |
| Highway 54/Gingercake | On-going | 2024 | \$11,753 | 37.4% Impact Fees; 62.6% General Fund (CP) | Public Services |
| Highway 85 Median Design | On-going | 2026 | \$80,131 | 37.4% Impact Fees; 62.6% General Fund (CP) | Public Services |
| Highway 85 Medians Phase 1 | On-going | 2026 | \$89,055 | 37.4% Impact Fees; 62.6% General Fund (CP) | Public Services |
| Highway 85 Medians Phase 2 | On-going | 2026 | \$89,055 | 37.4% Impact Fees; 62.6% General Fund (CP) | Public Services |
| Highway 85 Medians Phase 3 | On-going | 2026 | \$89,055 | 37.4% Impact Fees; 62.6% General Fund (CP) | Public Services |
| Highway 85 Streetscape | On-going | 2026 | \$30,232 | 37.4% Impact Fees; 62.6% General Fund (CP) | Public Services |
| Redwine/Ramah Road Roundabout | On-going | 2025 | \$1,282,094 | 37.4% Impact Fees; 62.6% General Fund (CP) | Public Services |

| Project | Start Year | Comp. Year | Cost Estimate | Funding Source(s) | Responsible Party |
|----------------------------------------------|------------|------------|---------------|-----------------------------------------------|-------------------|
| Veterans Pkwy Small Roundabout (Sandy Creek) | On-going | 2025 | \$1,004,940 | 37.4% Impact Fees; 62.6% General Fund (CP) | Public Services |
| Veterans Pkwy 4-lane expansion (1.5 mile) | On-going | 2025 | \$8,932,803 | 37.4% Impact Fees; 62.6% General Fund (CP) | Public Services |
| Habersham Extension | On-going | 2026 | \$1,004,940 | 37.4% Impact Fees; 62.6% General Fund (CP) | Public Services |
| Fischer Road Extension (Downtown Expansion) | On-going | 2026 | \$16,026,175 | 37.4% Impact Fees; 62.6% General Fund (CP) | Public Services |
| Highway 54/Grady Avenue | On-going | 2026 | \$783,827 | 37.4% Impact Fees; 62.6% General Fund (CP) | 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: Mayor and City Council

VIA: Ray Gibson, City Manager

CC: Chelsea Siemen, Interim City Clerk

FROM: Julie Brown, Planning and Zoning Manager

DATE: March 5, 2024

SUBJECT: R-9-24 -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 submitted the proposed changes to City Council at the January 30, 2024 work session and to the Planning and Zoning Commission at their February 27, 2024 meeting. The only change to the document was the addition to allow members to attend two (2) meetings per year remotely and not be considered absent for remote attendance.

The Planning and Zoning Commission approved the By-Laws and Rules of Procedure on February 27, 2024 and staff is now requesting final adoption of Resolution R-9-24 from City Council.

RESOLUTION

R-9-24

**AMENDMENTS TO PLANNING AND ZONING COMMISSION BY-LAWS AND
RULES OF PROCEDURE**

WHEREAS, the Mayor and Council of the City of Fayetteville, Georgia shall have full power and authority to provide for the execution of all powers, functions, rights, privileges, duties and immunities of the city, its officers, agencies, or employees granted by the City of Fayetteville’s Charter or state law; and

WHEREAS, the municipal government of the City of Fayetteville (hereinafter “City”) and all powers of the City shall be vested in the Mayor and Council. The Mayor and Council shall be the legislative body of the City; and

WHEREAS, the governing authority of the City finds it desirable to amend the Planning and Zoning By-Laws and Rules of Procedure; and

BE IT RESOLVED, that the Mayor and Council of the City of Fayetteville, Georgia do hereby approve proposed amendments to Planning and Zoning By-Laws and Rules of Procedure.

SO RESOLVED, this 21st Day of March 2024.

Edward J. Johnson, Jr., Mayor

Attest:

Chelsea Siemen, City Clerk

Richard J. Hoffman, Mayor Pro Tem

T. Joe Clark, Councilmember

Niyah Glover, Councilmember

Darryl Langford, Councilmember

Scott Stacy, Councilmember

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 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.

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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 , applications for variance, conditional use permit, annexations and rezoning, the enlargement, or continuance of nonconforming use, ,amendments to the comprehensive plan, future land use map, zoning ordinance, 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. 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.

R-14-24

**A RESOLUTION OF THE CITY OF FAYETTEVILLE RECOGNIZING
GEORGIA CITIES WEEK, APRIL 21-27, 2024, AND ENCOURAGING
ALL RESIDENTS TO SUPPORT THE CELEBRATION AND
CORRESPONDING ACTIVITIES.**

WHEREAS, city government is the closest to most citizens, and the one with the most direct daily impact upon its residents; and

WHEREAS, city government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

WHEREAS, city government officials and employees share the responsibility to pass along their understanding of public services and their benefits; and

WHEREAS, Georgia Cities Week is a very important time to recognize the important role played by city government in our lives; and

WHEREAS, this week offers an important opportunity to spread the word to all the citizens of Georgia that they can shape and influence this branch of government which is closest to the people; and

WHEREAS, the Georgia Municipal Association and its member cities have joined together to teach students and other citizens about municipal government through a variety of different projects and information; and

WHEREAS, Georgia Cities Week offers an important opportunity to convey to all the citizens of Georgia that they can shape and influence government through their civic involvement.

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY OF FAYETTEVILLE
DECLARES APRIL 21-27, 2024, AS GEORGIA CITIES WEEK.**

**BE IT FURTHER RESOLVED THAT THE CITY OF FAYETTEVILLE
ENCOURAGES ALL CITIZENS, CITY GOVERNMENT OFFICIALS AND
EMPLOYEES TO DO EVERYTHING POSSIBLE TO ENSURE THAT THIS WEEK
IS RECOGNIZED AND CELEBRATED ACCORDINGLY.**

PASSED AND ADOPTED by the City of Fayetteville, this ____ day of _____, 2024.

Edward J. Johnson, Jr., Mayor

Richard J. Hoffman, Mayor Pro Tem

Attest:

T. Joe Clark, Councilmember

Chelsea Siemen, Interim City Clerk

Niyah Glover, Councilmember

Darryl Langford, Councilmember

Scott Stacy, Councilmember



FAYETTEVILLE

INTEROFFICE MEMORANDUM

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

TO: Mayor and Council

VIA: Ray Gibson, City Manager

CC: Chelsea Siemen

FROM: Nella Cooper

DATE: March 13, 2024

SUBJECT: Resolution R-15-24: Addition – one Fire Department - Fire Battalion Chief-Fire Prevention Division; Police Department - three Police School Resource Officer positions; Public Works - three Maintenance Technician positions and one Maintenance Crew Leader position. Grade Adjustment for Human Resources – Human Resources Analyst position.

To clearly define and align the job duties with the positions discussed below, I am requesting the following:

Fire Department:

- Add one Fire Battalion Chief – Fire Prevention Division at Grade 116 (Salary Range \$81,284.43 - \$125,990.86). The employee that is currently the Fire Training Officer will be promoted into the new position and the Fire Training Officer position will be frozen until a later date. The Salary from the Fire Prevention Officer position will be used for the Battalion Chief position and there will be an additional increase in salary and benefits of approximately \$25,000.

Police Department:

- Add three additional School Resource Officer positions at Grade 108 (Salary Range \$55,016.50 - \$85,275.58). The total compensation package is estimated at \$100,000 annually per position. The estimated increase to the current budget is approximately \$34,000 per position for the remainder of this fiscal year.

Public Works:

- Add three additional Maintenance Technician positions at Grade 101 (Salary Range \$39,099.20 - \$60,603.76). The total compensation package is estimated at \$63,500 per year. The estimated increase for the current budget is approximately \$21,200 per position for the remainder of this fiscal year.
- Add one additional Maintenance Crew Leader position at Grade 106 (Salary Range \$49,901.59 - \$77,347.46). The total compensation package is estimated at \$84,500. The

estimated increase to the current budget is approximately \$28,200 for the remainder of this fiscal year.

Human Resources:

In reviewing the Pay Scale and the responsibilities, the Human Resources Analyst position was not placed in the correct Pay Grade. The Human Resources Analyst position will be adjusted and moved from Grade 105 (Salary Range \$47,525.32 - \$73,664.25) to Grade 106 (\$49,901.59 - \$77,347.46). This will not generate additional pay for the employees currently in this position and will not affect the current budget.

Approval of this Resolution will allow for the Budget to be amended to fund the additional positions.

CITY OF FAYETTEVILLE

Pay Scale 01/12/2024

| GRADE | JOB CODE | CLASSIFICATION | ANNUAL SALARY | | | HOURLY RATE | | |
|-------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------|-------------|-------------|-----------|-----------|
| | | | MIN | MID | MAX | MIN | MID | MAX |
| 100 | | Part-Time Clerical Positions | | | | 14.4217 | 18.7482 | 23.0747 |
| 101 | | Administrative Clerk Maintenance Tech Municipal Clerk Customer Service Rep PD Records Clerk | \$39,099.20 | \$49,851.48 | \$60,603.76 | \$18.7977 | \$23.9671 | \$29.1364 |
| 102 | | | \$41,054.16 | \$52,344.05 | \$63,633.95 | \$19.7376 | \$25.1654 | \$30.5932 |
| 103 | | Administrative Assistant Billing Coordinator Deputy Court Clerk TAC/Records Clerk Accounting Clerk | \$43,106.87 | \$54,961.26 | \$66,815.65 | \$20.7245 | \$26.4237 | \$32.1229 |
| 104 | | | \$45,262.21 | \$57,709.32 | \$70,156.43 | \$21.7607 | \$27.7449 | \$33.7291 |
| 105 | | Accounting Specialist Crime Scene Technician Human Resources Analyst Heavy Equipment Operator Business License Specialist Senior Parks Maintenance Worker | \$47,525.32 | \$60,594.79 | \$73,664.25 | \$22.8487 | \$29.1321 | \$35.4155 |
| 106 | | Code Enforcement Officer Human Resources Analyst Senior Accounting Specialist Senior Deputy Clerk of Court Crew Leader - Public Works Crew Leader - Maintenance | \$49,901.59 | \$63,624.52 | \$77,347.46 | \$23.9911 | \$30.5887 | \$37.1863 |

| | | | | | | | | |
|-----|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------|--------------|-----------|-----------|-----------|
| 107 | | Clerk of Court Events Specialist Planning Specialist Crime Scene Evidence Manager Police Office Manager Public Services Office Manager Public Relations Specialist I | \$52,396.67 | \$66,805.75 | \$81,214.83 | \$25.1907 | \$32.1181 | \$39.0456 |
| 108 | | Deputy City Clerk Senior Code Enforcement Officer | \$55,016.50 | \$70,146.04 | \$85,275.58 | \$26.4502 | \$33.7241 | \$40.9979 |
| 109 | | | \$57,767.33 | \$73,653.34 | \$89,539.36 | \$27.7728 | \$35.4103 | \$43.0478 |
| 110 | | Development Inspector GIS Analyst Payroll Coordinator/Accountant Purchasing Coordinator/Accountant Benefits Coordinator | \$60,655.69 | \$77,336.01 | \$94,016.32 | \$29.1614 | \$37.1808 | \$45.2002 |
| 111 | | IT Systems Specialist Program and Events Specialist Public Relations Specialist II Senior Planner Utility Billing Manager | \$63,688.48 | \$81,202.81 | \$98,717.14 | \$30.6195 | \$39.0398 | \$47.4602 |
| 112 | | IT Operations Coordinator | \$66,872.90 | \$85,262.95 | \$103,653.00 | \$32.1504 | \$40.9918 | \$49.8332 |
| 113 | | Public Information Officer | \$70,216.55 | \$89,526.10 | \$108,835.65 | \$33.7580 | \$43.0414 | \$52.3248 |
| 114 | | City Clerk | \$73,727.37 | \$94,002.40 | \$114,277.43 | \$35.4459 | \$45.1935 | \$54.9411 |
| 117 | | Accounting Manager Public Works Operations Manager Planning and Zoning Manager | \$85,348.65 | \$108,819.53 | \$132,290.41 | \$41.0330 | \$52.3171 | \$63.6012 |
| 118 | | | \$89,616.08 | \$114,260.51 | \$138,904.93 | \$43.0847 | \$54.9329 | \$66.7812 |
| 119 | | | \$94,096.89 | \$119,973.53 | \$145,850.17 | \$45.2389 | \$57.6796 | \$70.1203 |
| 120 | | Deputy Dir. of Finance/Admin Deputy Director of Public Services Dir. of Downtown Devel. Director of IT Director of Human Resources & Risk Mgt | \$98,801.73 | \$125,972.21 | \$153,142.68 | \$47.5008 | \$60.5636 | \$73.6263 |

| | | | | | | | | |
|------------|--|----------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------|---------------------|------------------|------------------|-------------------|
| 121 | | | \$103,741.82 | \$132,270.82 | \$160,799.82 | \$49.8759 | \$63.5917 | \$77.3076 |
| 122 | | | \$108,928.91 | \$138,884.36 | \$168,839.81 | \$52.3697 | \$66.7713 | \$81.1730 |
| 123 | | Director of Finance and Administrative Services Director of Community and Economic Development Director of Public Services | \$114,375.35 | \$145,828.58 | \$177,281.80 | \$54.9882 | \$70.1099 | \$85.2316 |
| 124 | | | \$120,094.12 | \$153,120.01 | \$186,145.89 | \$57.7376 | \$73.6154 | \$89.4932 |
| 125 | | | \$126,098.83 | \$160,776.01 | \$195,453.18 | \$60.6244 | \$77.2962 | \$93.9679 |
| 126 | | Assistant City Manager | \$132,403.77 | \$168,814.81 | \$205,225.84 | \$63.6557 | \$81.1610 | \$98.6663 |
| 131 | | City Manager | \$150,887.00 | \$192,368.00 | \$233,859.00 | \$72.5418 | \$92.4846 | \$112.4322 |

CITY OF FAYETTEVILLE
Pay Scale Effective 01/12/2024

| GRADE | JOB CODE | CLASSIFICATION | ANNUAL SALARY | | | REGULAR HOURLY RATE | | | PATROL HOURLY RATE | | | FIRE HOURLY RATE | | |
|-------|----------|----------------------------------------------------------------------------------------------------------------------------|---------------|--------------|--------------|---------------------|-----------|-----------|--------------------|-----------|-----------|------------------|-----------|-----------|
| | | | MIN | MID | MAX | MIN | MID | MAX | MIN | MID | MAX | MIN | MID | MAX |
| 106 | | Police Recruit Firefighter Recruit | \$49,901.59 | \$63,624.52 | \$77,347.46 | \$23.9911 | \$30.5887 | \$37.1863 | \$22.8278 | \$29.1055 | \$35.3831 | \$18.1065 | \$23.0858 | \$28.0651 |
| 107 | | | \$52,396.67 | \$66,805.75 | \$81,214.83 | \$25.1907 | \$32.1181 | \$39.0456 | \$23.9911 | \$30.5887 | \$37.1863 | \$19.0119 | \$24.2401 | \$29.4684 |
| 108 | | Certified Firefighter Certified Police Officer Police Bailiff (PT) | \$55,016.50 | \$70,146.04 | \$85,275.58 | \$26.4502 | \$33.7241 | \$40.9979 | \$25.1907 | \$32.1181 | \$39.0456 | \$19.9624 | \$25.4521 | \$30.9418 |
| 109 | | Firefighter/EMT Police Officer III | \$57,767.33 | \$73,653.34 | \$89,539.36 | \$27.7728 | \$35.4103 | \$43.0478 | \$26.4502 | \$33.7241 | \$40.9979 | \$20.9606 | \$26.7247 | \$32.4889 |
| 110 | | Firefighter /Paramedic Master Police Officer Detective | \$60,655.69 | \$77,336.01 | \$94,016.32 | \$29.1614 | \$37.1808 | \$45.2002 | \$27.7728 | \$35.4103 | \$43.0478 | \$22.0086 | \$28.0610 | \$34.1133 |
| 111 | | | \$63,688.48 | \$81,202.81 | \$98,717.14 | \$30.6195 | \$39.0398 | \$47.4602 | \$29.1614 | \$37.1808 | \$45.2002 | \$23.1090 | \$29.4640 | \$35.8190 |
| 112 | | Accreditation Manager Fire Lieutenant Police Corporal | \$66,872.90 | \$85,262.95 | \$103,653.00 | \$32.1504 | \$40.9918 | \$49.8332 | \$30.6195 | \$39.0398 | \$47.4602 | \$24.2645 | \$30.9372 | \$37.6099 |
| 113 | | Police Training Officer Fire Training Officer Community Risk Reduction Officer Fire Captain Police Sergeant | \$70,216.55 | \$89,526.10 | \$108,835.65 | \$33.7580 | \$43.0414 | \$52.3248 | \$32.1504 | \$40.9918 | \$49.8332 | \$25.4777 | \$32.4841 | \$39.4904 |
| 114 | | | \$73,727.37 | \$94,002.40 | \$114,277.43 | \$35.4459 | \$45.1935 | \$54.9411 | \$33.7580 | \$43.0414 | \$52.3248 | \$26.7516 | \$34.1083 | \$41.4650 |
| 115 | | | \$77,413.74 | \$98,702.52 | \$119,991.30 | \$37.2181 | \$47.4531 | \$57.6881 | \$35.4459 | \$45.1935 | \$54.9411 | \$28.0892 | \$35.8137 | \$43.5382 |
| 116 | | Fire Battalion Chief Police Lieutenant | \$81,284.43 | \$103,637.65 | \$125,990.86 | \$39.0791 | \$49.8258 | \$60.5725 | \$37.2181 | \$47.4531 | \$57.6881 | \$29.4936 | \$37.6044 | \$45.7151 |
| 117 | | Fire Division Chief Fire Marshal Police Captain | \$85,348.65 | \$108,819.53 | \$132,290.41 | \$41.0330 | \$52.3171 | \$63.6012 | \$39.0791 | \$49.8258 | \$60.5725 | \$30.9683 | \$39.4846 | \$48.0009 |
| 118 | | | \$89,616.08 | \$114,260.51 | \$138,904.93 | \$43.0847 | \$54.9329 | \$66.7812 | \$41.0330 | \$52.3171 | \$63.6012 | \$32.5167 | \$41.4588 | \$50.4009 |
| 119 | | | \$94,096.89 | \$119,973.53 | \$145,850.17 | \$45.2389 | \$57.6796 | \$70.1203 | \$43.0847 | \$54.9329 | \$66.7812 | \$34.1426 | \$43.5318 | \$52.9210 |
| 120 | | Deputy Fire Chief Deputy Police Chief | \$98,801.73 | \$125,972.21 | \$153,142.68 | \$47.5008 | \$60.5636 | \$73.6263 | \$45.2389 | \$57.6796 | \$70.1203 | \$35.8497 | \$45.7083 | \$55.5670 |
| 121 | | | \$103,741.82 | \$132,270.82 | \$160,799.82 | \$49.8759 | \$63.5917 | \$77.3076 | \$47.5008 | \$60.5636 | \$73.6263 | \$37.6422 | \$47.9938 | \$58.3454 |
| 122 | | | \$108,928.91 | \$138,884.36 | \$168,839.81 | \$52.3697 | \$66.7713 | \$81.1730 | \$49.8759 | \$63.5917 | \$77.3076 | \$39.5243 | \$50.3935 | \$61.2626 |
| 123 | | Fire Chief Police Chief | \$114,375.35 | \$145,828.58 | \$177,281.80 | \$54.9882 | \$70.1099 | \$85.2316 | \$52.3697 | \$66.7713 | \$81.1730 | \$41.5005 | \$52.9131 | \$64.3258 |

RESOLUTION

R-15-24

JOB RECLASSIFICATION AND ADDITIONS

BE IT RESOLVED, that the Mayor and Council of the City of Fayetteville, Georgia do hereby adopt the attached addition of a Fire Battalion Chief in Fire Prevention Services; the addition of three School Resource Officer positions in the Police Department; the addition of three Maintenance Technician positions and one Maintenance Crew Leader position in Public Works; and the Pay Scale correction for the Human Resources Analyst position.

SO RESOLVED, this ____ Day of _____, 2024.

Edward J. Johnson, Jr., Mayor

Attest:

Chelsea Siemen, Interim City Clerk

Richard J. Hoffman, Mayor Pro Tem

T. Joe Clark, Councilmember

Niyah Glover, Councilmember

Darryl Langford, Councilmember

Scott Stacy, Councilmember

