

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:
4/18/2024
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 March 21, 2024, Regular City Council Meeting
2. Approval of the Minutes from the March 26, 2024, City Council Work Session

PUBLIC HEARINGS

3. 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**
4. Consider #0-8-24 - Fiscal Year 2024 Mid-Year Budget Amendment: **Presented by Director of Finance and Administration Mike Bush**

NEW BUSINESS

5. Consider Step One Annexation Request from the Fayette County Development Authority for a 177.81-acre tract south of Banks Road and abutting Highway 54 East (Parcel 0532 008): **Presented by Director of Community and Economic Development David Rast**

CONSENT AGENDA

6. R-18-24 - Adoption of Capital Improvements Element (CIE) 2024 Annual Update for Fiscal Year 2023

- [7.](#) R-19-24 - Adoption of Local Amendments to the Georgia State Minimum Standard Plumbing Code
- [8.](#) R-20-24 - Severance Policy
- [9.](#) #0-9-24 - Amendments to Purchasing Policy
- [10.](#) #0-10-24 - Public Hearing Procedures
- [11.](#) #0-11-24 - Work Session Procedures

REPORTS AND COMMENTS

City Manager & Staff Reports

City Council and Committee Reports

Mayors Comments & Public Comments

ANNOUNCEMENTS

**City of Fayetteville
Mayor and City Council
Regular Meeting
Minutes
March 21, 2024**

Call to Order

The Mayor and City Council of Fayetteville met in regular session on March 21, 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 Interim City Clerk Chelsea Siemen. Mayor Ed Johnson called the meeting to order at 6:00 p.m.

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

Stacy made a motion to approve the agenda with the amendment to table item #6 – Consideration of #0-2-24 and #0-3-24. Glover seconded the motion. The motion carried unanimously.

Clark moved to approve the minutes from the February 8, 2024, City Council Retreat. Hoffman seconded the motion. Glover abstained. The motion carried 4-0-1.

Hoffman moved to approve the minutes from the February 9, 2024, City Council Retreat. Langford seconded the motion. Glover Abstained. The motion carried 4-0-1.

Clark moved to approve the minutes from the February 15, 2024, Regular City Council Meeting. Langford seconded the motion. The motion carried unanimously.

Stacy moved to approve the minutes from the February 27, 2024, City Council Work Session. Clark seconded the motion. Langford abstained. The motion carried 4-0-1.

Recognitions and Presentations:

Commander of VFW Post 3650 Larry Dell presented the VFW Public Safety Employee of the Year Awards to Fire Fighter Josh Collins and Police Officer Kenneth Marcucci.

Public Hearing:

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) – **TABLED**

Mayor Johnson called: 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.

Director of Community and Economic Development David Rast stated that the applicant, NextMetro Communities, LLC, assembled five parcels of land 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 from Neighborhood Center to Neighborhood Residential 2 to allow for residential purposes.

The Planning and Zoning Commission and City Staff do not recommend approval of either of these requests. However, if the Council were to move forward with approval, City Staff has multiple conditions they would like Council to consider applying to the approval.

Den Webb from Smith, Gambrell, & Russell, LLP. spoke in representation of the applicant, NextMetro. Mr. Webb stated that the 30 acres, in which they are requesting a FLU map amendment and rezoning on, have been commercially zoned for years with no development. With the current zoning, a chain retail store, such as Lowes, could come develop that land. The applicants feel that this development would complement that area better and believe that residents would rather have residential built on the land, rather than a store like Lowes. Mr. Webb also stated that at the beginning of this process, City Staff supported the project and recommended approval of their requests.

Richard Moses, a resident that lives off Rehobeth Way, read online reviews from residents that live at established Avilla developments built by NextMetro in other states. Mr. Moses stated that there are endless negative reviews about the cheap quality and terrible property management of these developments, and he does not want to see them develop here.

Mike Loper, another resident from Rehobeth Way, spoke of his concerns surrounding the disruption of land stabilization that this development would create if they were allowed to move forward with this project.

Monk Robinson, a resident of Swansea Lane, voiced his displeasure at the high prices that this development is wanting to rent these properties for and feels that it does not cater to the City of Fayetteville residents or the young families that are trying to settle here.

Melody Goodrich, resident at Creekside Trail, gave her support for this development; stating that it would be ideal for nurses that work at Piedmont Hospital and other young adults who grew up in Fayette County and want to remain in the area.

Shandry Hembree, another resident from Swansea Lane, spoke of her concerns about the traffic that this development would add to the already congested area.

Wilfred Moody, resident on Braymont Road, echoed concerns about the danger of that intersection and traumatic effect it would have on kids riding a school bus if they were to witness some of the accidents that have taken place there.

Hoffman moved to deny #0-4-24 (Amend the FLU Map). Langford seconded the motion. The motion carried unanimously.

Hoffman moved to deny #0-5-24 (Rezoning Request). Clark seconded the motion. The motion carried unanimously.

Mayor Johnson called: 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).

Planning and Zoning Planner Nicole Gilbert stated that City Staff is initiating a request for amendment to the Future Land Use Map for the property located on North 85 Parkway, as well as a rezoning request for this property. The request for the FLU map would change the current use of the property from Business Park to Industrial and the rezoning would change the property from Neighborhood Commercial to Light Industrial. Mrs. Gilbert stated that Manufacturing is the City's 5th largest employer, yet the percentage of property designated or zoned for this use is minimal and almost fully occupied.

There were no public comments.

Stacy moved to approve #0-6-24 (Amend FLU Map). Clark seconded the motion. The motion carried unanimously.

Hoffman moved to approve #0-7-24 (Rezoning Request). Clark seconded the motion. The motion carried unanimously.

Mayor Johnson called: Consider R-16-24 - Authorizing staff to transmit the Capital Improvements Element 2024 Annual Update for FY2023

Mr. Rast explained to maintain the city's 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.

There were no public comments.

Clark moved to approve R-16-24. Stacy seconded the motion. The motion carried unanimously.

Consent Agenda:

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

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

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

City Manager and Staff Reports:

City Manager, Ray Gibson wish Council Member Hoffman a belated Happy Birthday.

City Manager, Ray Gibson announced the upcoming events:

- Summer Concert Series, tickets are now available for purchase.
- April Coffee with a Cop will be Wednesday April 10th from 10:00 – 11:00 a.m. at City Center Park and will be honoring Autism Awareness Month (April)
- The city has started a City Podcast which can be found on the City's website.

City Council and Committee Reports:

Council Member Langford gave a summary of the Economic and Community Development Committee meeting that was held to discuss a potential Smokefree Ordinance for the City of Fayetteville.

Public Comments:

Edith Underwood, a resident of Rehobeth Way, commented about the lack of street lighting along Veterans Parkway as it leads to Trilith.

Joe Walker, resident off N. Georgia Ave., voiced his concerns about on going issues that he has been facing with stormwater run off and other issues that have developed since the ditches in the front of his property were filled in by neighboring residents in his area.

Executive Session:

Mayor Johnson called for a vote to convey in Executive Session to discuss potential litigation.

Hoffman motioned to proceed into Executive Session. Stacy seconded. The motion carried unanimously.

Hoffman moved to conclude Executive Session and return to Regular Session. Stacy seconded the motion. The motion carried unanimously.

Hoffman moved to adjourn the meeting. Glover 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
March 26, 2024

Call to Order

The Mayor and City Council of Fayetteville met for Work Session on March 26, 2024, in the Council Chambers at City Hall. Council members present were 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 Interim City Clerk Chelsea Siemen. Mayor Ed Johnson called the meeting to order at 9:00 a.m.

Stacy moved to approve the agenda as presented. Langford seconded the motion. Motion carried unanimously.

Discussion Items:

Mayor Johnson announced the first discussion item: Amendments to the UDO.

Director of Community and Economic Development gave a short review of each chapter of the UDO. He addressed the many concerns that have arisen since the UDO was passed and made suggestions that might rectify them.

Consensus: The Mayor and City Council would Like David to compare the ADU square footage requirement to Fayette County's requirement to make sure they are the same. They also asked that there be future discussion on buffer options and alternatives. Lastly, they want to consider modifying the UDO so that there is a step that brings development plans to Council prior to Planning and Zoning Commission meetings.

Mayor Johnson moved onto the next discussion item: Date change for the June City Council Regular Meeting.

City Manager Ray Gibson explained that the 2024 Annual City Summit hosted by Georgia Municipal Association is scheduled for June 21, 2024 – June 25, 2024, which is the same week as the City Council Regular Meeting. Therefore, it is in the best interest of the Mayor and Council to change the date of the June meeting to June 6, 2024, since many of the Council Members will need to use June 20, 2024, as a travel day to get to the Annual City Summit.

Consensus: The Mayor and Council agreed that changing the date of the June Regular City Council meeting to June 6, 2024, would be the best solution.

Mayor Johnson called the last discussion item: Cemetery Tree Removal and Bid options.

Director of Public Service Chris Hindman gave an overview of a request from the Friends of the Fayetteville Cemetery to install a fence around the cemetery. To do so, the removal of trees on Highway 54 side of the cemetery would be necessary. Mr. Hindman stated that if the Mayor and Council were in support of removing the trees to install the fence, it is recommended that the city take lead on the hiring and overseeing of the project.

Consensus: The Mayor and Council like the idea of installing a fence around the cemetery but are hesitant about the removal of the trees. They have asked for a before and after model of what the street would look like with the trees removed and the fence installed before they decide to move forward with the project.

New Business:

Mayor Johnson called for voting item: R-17-24 - Amendments to Professional Services Agreement with SAFEbuilt Georgia, LLC.

Director of Community and Economic Development David Rast stated that, as previously discussed, SAFEbuilt has offered an amended Service Agreement with a modified fee schedule that is both a benefit to the City of Fayetteville and developers within the city limits. It is the staff's recommendation that the amended Service Agreement be executed.

There were no public comments.

Hoffman moved to approve R-17-24. Glover seconded the motion. Motion carried unanimously.

Public Comments:

Angela Knight, a City of Fayetteville business owner, voiced her concerns surrounding the tampering of the mural painted on the side of the Twisted Taco building in town square.

Mayor Johnson and City Manger Ray Gibson assured Ms. Knight there are no plans to remove the mural entirely but there has been discussion about the need to install a door on that side of the building. If a door is installed, they promise to do all they can to preserve it.

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

Respectfully submitted,

Chelsea Siemen, Interim City Clerk



FAYETTEVILLE

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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

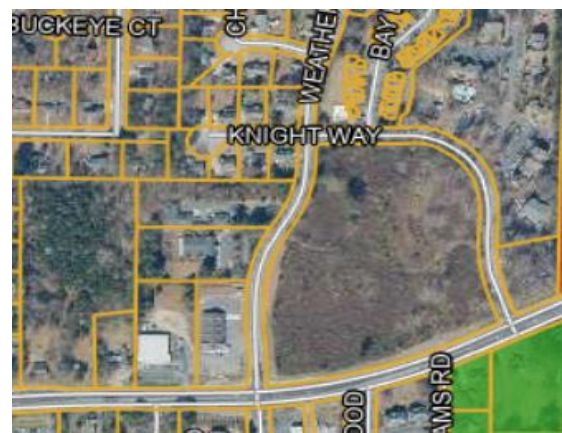
Existing zoning

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.

Chelsea Siemen

From: Julie Brown
Sent: Tuesday, April 16, 2024 3:11 PM
To: Chelsea Siemen
Cc: Ray Gibson; David Rast
Subject: FW: [EXTERNAL] Render Fayetteville- parcel 053116006

Render Fayette is requesting to table until the May 16 council meeting.

Thanks,
JB

From: Eric Liebendorfer <ELiebendorfer@crescentcommunities.com>
Sent: Tuesday, April 16, 2024 3:08 PM
To: Julie Brown <jbrown@fayetteville-ga.gov>
Cc: Adam Kirk <kirk.spld22@gmail.com>; Jon Jordan <jon@hmhwlaw.com>
Subject: RE: [EXTERNAL] Render Fayetteville- parcel 053116006

Thank you, Julie.

ERIC LIEBENDORFER
Crescent Communities
M: 703-629-8102

From: Julie Brown <jbrown@fayetteville-ga.gov>
Sent: Tuesday, April 16, 2024 3:07 PM
To: Eric Liebendorfer <ELiebendorfer@crescentcommunities.com>
Cc: Adam Kirk <kirk.spld22@gmail.com>; Jon Jordan <jon@hmhwlaw.com>
Subject: Re: [EXTERNAL] Render Fayetteville- parcel 053116006

Eric,
Thank you. We will table the project until the May 16 council meeting.
Julie

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From: Eric Liebendorfer <ELiebendorfer@crescentcommunities.com>
Sent: Tuesday, April 16, 2024 2:14 PM
To: Julie Brown <jbrown@fayetteville-ga.gov>
Cc: Adam Kirk <kirk.spld22@gmail.com>; Jon Jordan <jon@hmhwlaw.com>
Subject: RE: [EXTERNAL] Render Fayetteville- parcel 053116006

Hi Julie – Thanks for the patience and sorry for missing you as I was out yesterday. We would like to table one more meeting. I believe the land owner is having another conversation with David this week so we'd like to react and try to accommodate any further input.

Thanks, Julie. Please give me a call if there are any questions / issues and thanks again.

Eric

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

Northside Office
Platinum Tower
400 Interstate N Parkway SC
Suite 860
Atlanta, Georgia 30339

Southside Office
205 Corporate Center Dr.
Suite B
Stockbridge, Georgia 30281

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Parcel Id# 053116006

Written Description

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

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

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

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

Said property contains 12.27 acres.

Also granted all easements recorded or unrecorded.

PART 3: IMPACT ANALYSIS REVIEW

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

SURVEY ORDERED BY:
SCOTT KNIGHT
404-557-5726

FLOOD NOTES

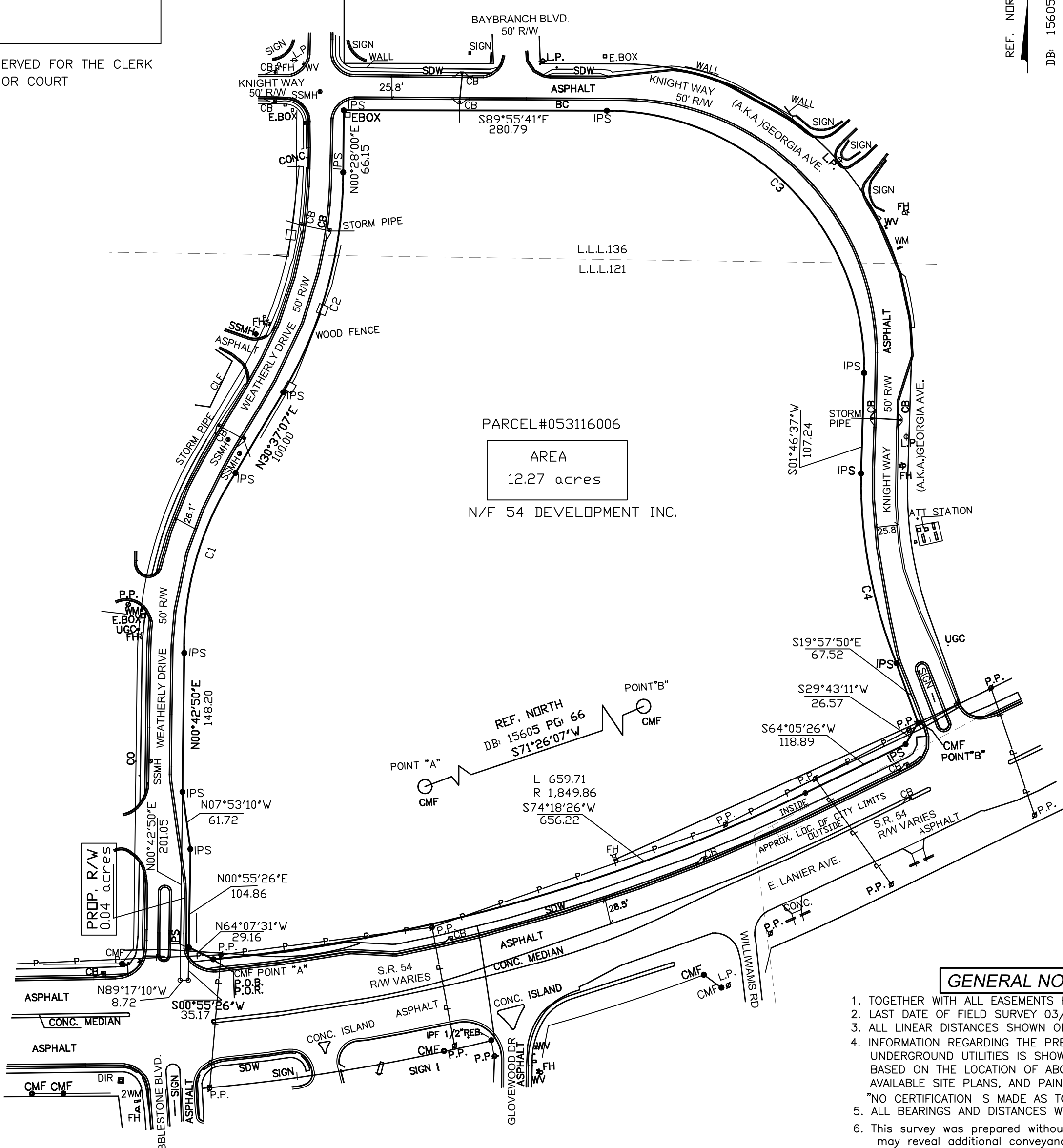
BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY FEMA, IT IS MY OPINION THAT THE PROPERTY SHOWN HEREON OUTSIDE THE 100-YEAR FLOOD HAZARD AREA.
PANEL# 13113C0108E DATED 09/26/2008

CURVE	LENGTH	RADIUS	CHORD	CHORD DIRECTION
C1	202.75	338.08	199.73	N15°54'02"E
C2	246.06	463.57	243.18	N15°15'57"E
C3	436.30	275.33	392.06	S44°27'18"E
C4	207.21	530.43	205.90	S10°33'25"E

LEGENDS OF SYMBOLS

- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- GM GAS MARKER/GAS METER
- OATP OPEN TOP PIPE
- OIPF IRON PIN FOUND
- OIPS IRON PIN SET 1/2"Ø REBAR W/ CAP
- C/G CURB AND GUTTER
- P/L PROPERTY LINE
- R/W RIGHT-OF-WAY
- LLL LAND LOT LINE
- CMF CONCRETE MONUMENT FOUND
- POL POINT ON LINE
- B.O.C. BACK OF CURB
- FNC FENCE CORNER
- EP EDGE OF PAVEMENT
- PC PROPERTY CORNER
- LP LIGHT POLE
- PP POWER POLE
- GW GUY WIRE
- JB EXISTING JUNCTION BOX
- WV EXISTING WATER VALVE
- FH EXISTING FIRE HYDRANT
- T.B.M. TEMPORARY BENCH MARK
- B.F.E. BASE FLOOD ELEVATION
- M.F.E. MINIMUM FLOOR ELEVATION
- HW HEADWALL
- SWCB SINGLE WALL CATCH BASIN
- DWCB DOUBLE WALL CATCH BASIN
- OS OUTLET STRUCTURE (RISER)
- DI DROP INLET
- WM WATER METER
- W WATERLINE
- SS SANITARY SEWER LINE
- OVP OVERHEAD POWERLINE
- UFO UNDERGROUND FIBER OPTICS
- G GASLINE
- LS LANDSCAPING
- PKS (F) PK NAIL SET (FOUND)
- EX-MH EXISTING SANITARY SEWER MANHOLE
- SSMH SANITARY SEWER MANHOLE
- S.S.E. SANITARY EASEMENT
- C/O CLEAN-OUT
- FDC FIRE DEPARTMENT CONNECTOR
- C.L.F. CHAIN LINK FENCE
- D.E. DRAINAGE EASEMENT
- R.R.E. RAIL ROAD EASEMENT
- H HEIGHT
- UE UNDERGROUND ELECTRIC
- AC AIRCONDITION UNITS

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT



PARCEL#053116006
AREA
12.27 acres

N/F 54 DEVELOPMENT INC.

GENERAL NOTES

1. TOGETHER WITH ALL EASEMENTS RECORDED OR UNRECORDED.
2. LAST DATE OF FIELD SURVEY 03/03/2021
3. ALL LINEAR DISTANCES SHOWN ON PLAT SHALL BE HORIZONTAL.
4. INFORMATION REGARDING THE PRESENCE, SIZE, AND LOCATION OF UNDERGROUND UTILITIES IS SHOWN HEREON. THE INFORMATION IS BASED ON THE LOCATION OF ABOVE GROUND APPURTENANCES, AVAILABLE SITE PLANS, AND PAINT PLACED BY UNDERGROUND SERVICES. "NO CERTIFICATION IS MADE AS TO THE ACCURACY"
5. ALL BEARINGS AND DISTANCES WERE MEASURED AND USED.
6. This survey was prepared without benefit of a title report which may reveal additional conveyances, easements or rights-of-way not shown hereon.

** PURSUANT TO RULE 180-6.09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE TERM "CERTIFY" OR "CERTIFICATION" MEANS TO DECLARE A PROFESSIONAL OPINION REGARDING THOSE FACTS OR FINDINGS AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESSED OR IMPLIED.

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

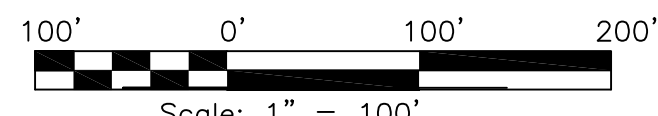
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 41,152 FEET.
EQUIPMENT USED GTS 220
ROBOTIC GEOMAX ZOOM 90

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

Angel M. Marrero
ANGEL M. MARRERO P.L.S. #2642
Certified Design Professional # 4479

03/10/2021

GEORGIA PROFESSIONAL LAND SURVEYOR No. 2642



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



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.

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.

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



FAYETTEVILLE
NO LIMITS ON IMAGINATION

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

6-26-2023

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

Re: Water and Sewer availability

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

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

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

Thank you,
Chris Hindman
Chris Hindman
Director of Public Services

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

CURRENT SITE DATA

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

R-THC ZONING SUMMARY

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

LOT AREA & BUILDING PLACEMENT

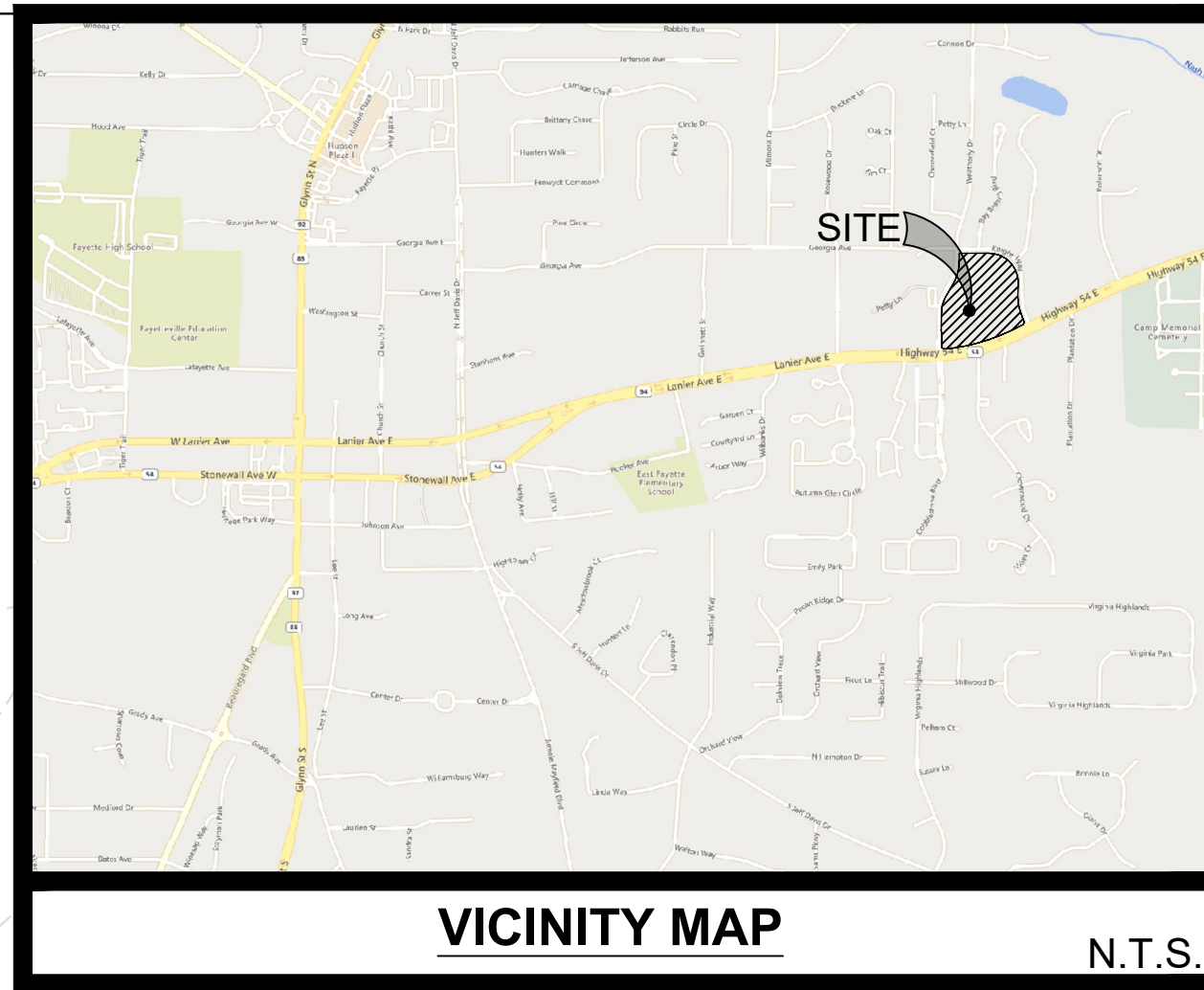
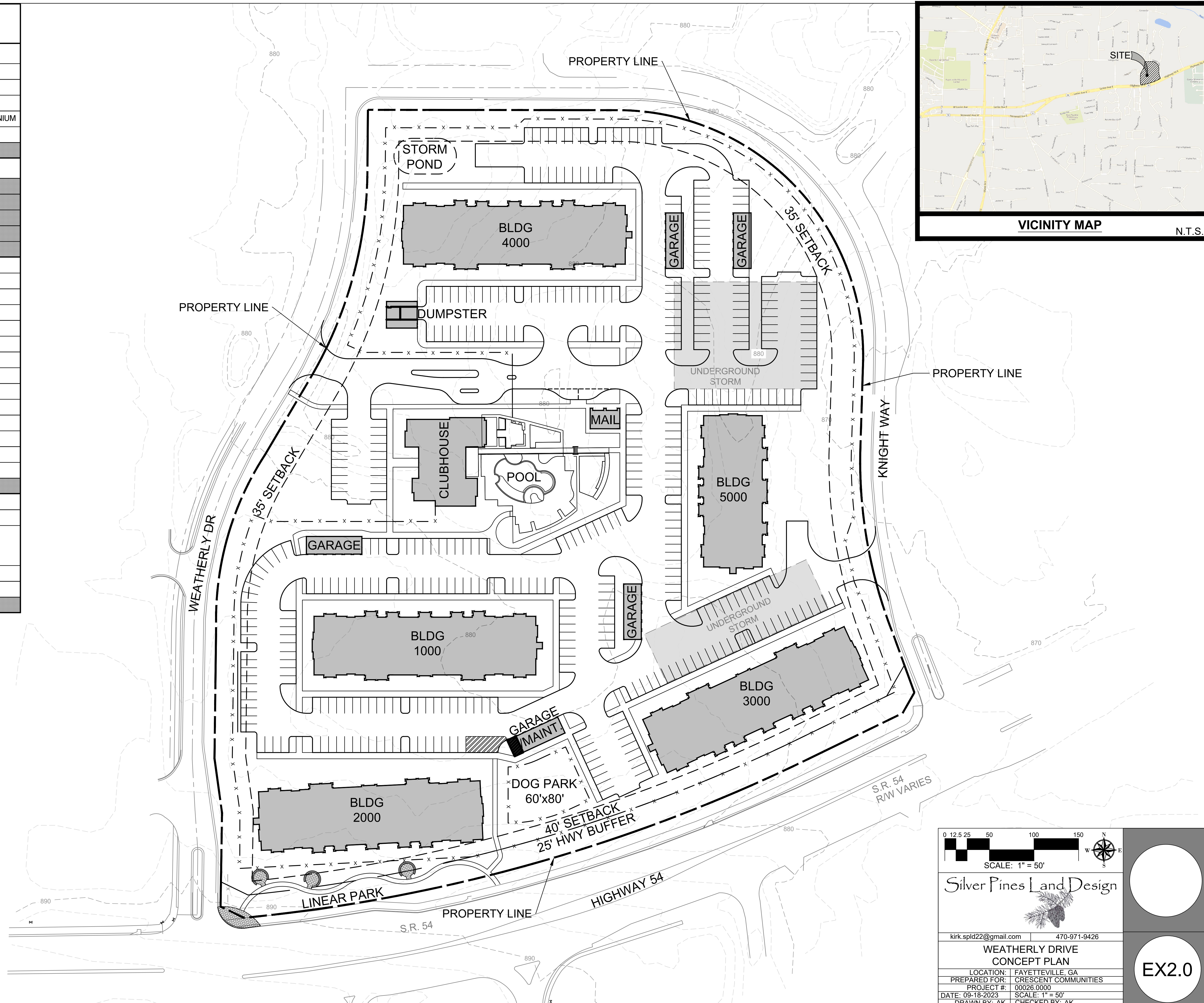
	REQUIRED	PROVIDED
MIN. LOT AREA (SF)	217,800	534,481
MIN. AREA (SF) PER DWELLING	5,445	N/A
MIN. LOT WIDTH (FT)	80	N/A
FRONT YARD SETBACK - MAJOR STREET (FT)	40	45
FRONT YARD SETBACK - COLLECTOR STREET (FT)	35	40
FRONT YARD SETBACK - MINOR STREET (FT)	30	N/A
MIN. SIDE YARD SETBACK (FT)	20	N/A
MIN. REAR YARD SETBACK (FT)	30	N/A
MAX IMPERVIOUS SURFACE (%)	75%	59%
MIN. FRONT GARAGE SETBACK (FT)	20 FROM FRONT PL	N/A
MIN. GREENSPACE AREA (SF)	40%	41%
MAX PARKING SPACES	1.5 PER BED	1.0 PER BED

BUILDINGS

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

CONTACT INFORMATION

PROPERTY OWNER	NAME	54 DEVELOPMENT INC.
	PHONE	770-616-9969
	EMAIL	chris@templar-dev.com
DEVELOPER (CRESCENT COMMUNITIES)	NAME	ERIC LIEBENDORFER
	PHONE	404-239-7262
	EMAIL	ELiebendorfer@crecentcommunities.com



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

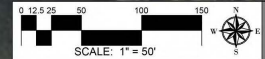
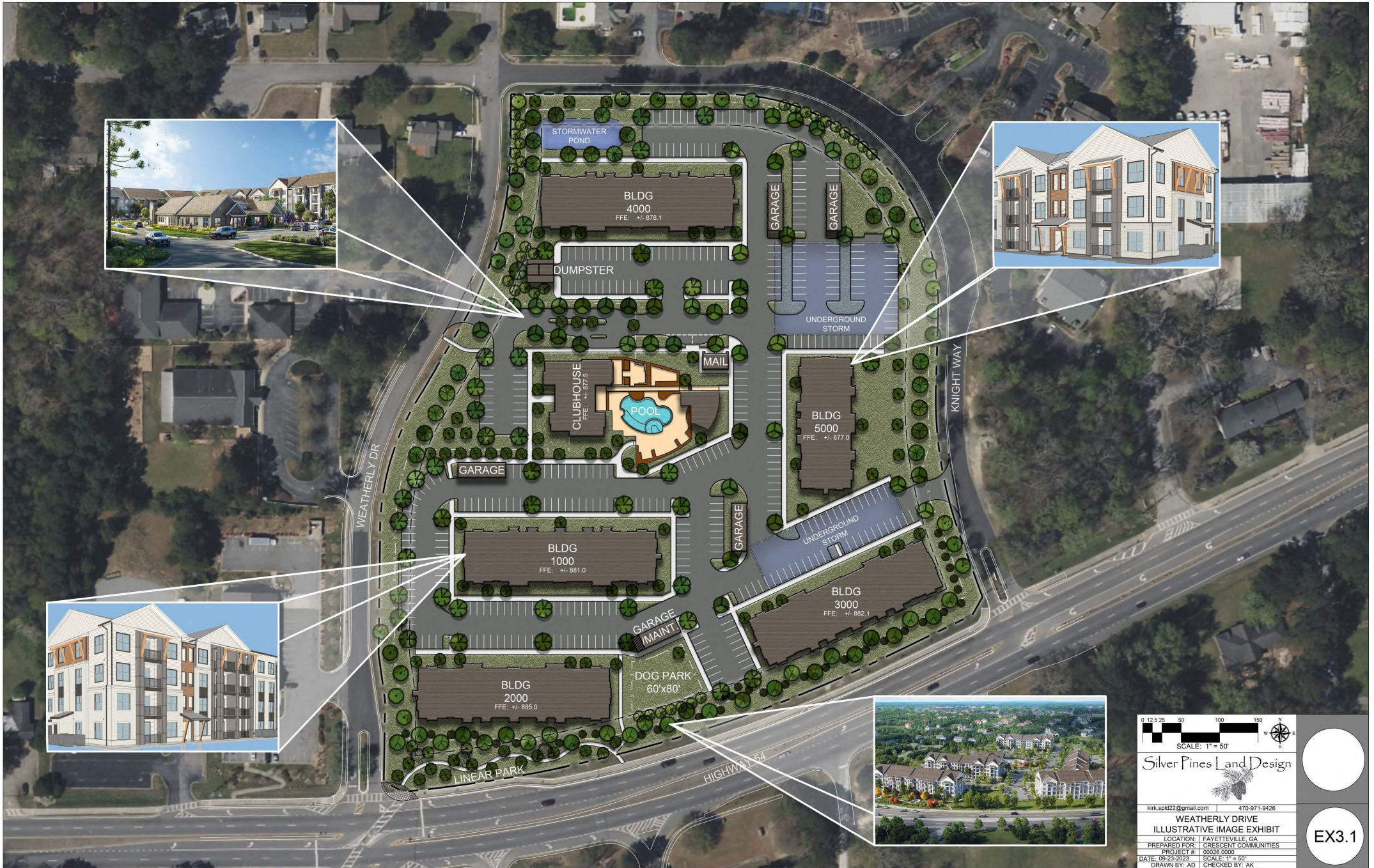
Silver Pines Land Design

kirk.spd22@gmail.com | 470-971-9426

**WEATHERLY DRIVE
 CONCEPT PLAN**

LOCATION: FAYETTEVILLE, GA
 PREPARED FOR: CRESCENT COMMUNITIES
 PROJECT #: 00026.0000
 DATE: 09-18-2023 SCALE: 1" = 50'
 DRAWN BY: AK | CHECKED BY: AK

EX2.0

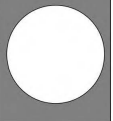


SCALE: 1" = 50'

Silver Pines Land Design

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

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



EX3.1

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

CURRENT SITE DATA

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

R-THC ZONING SUMMARY

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

LOT AREA & BUILDING PLACEMENT

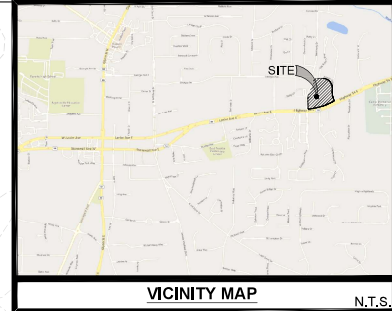
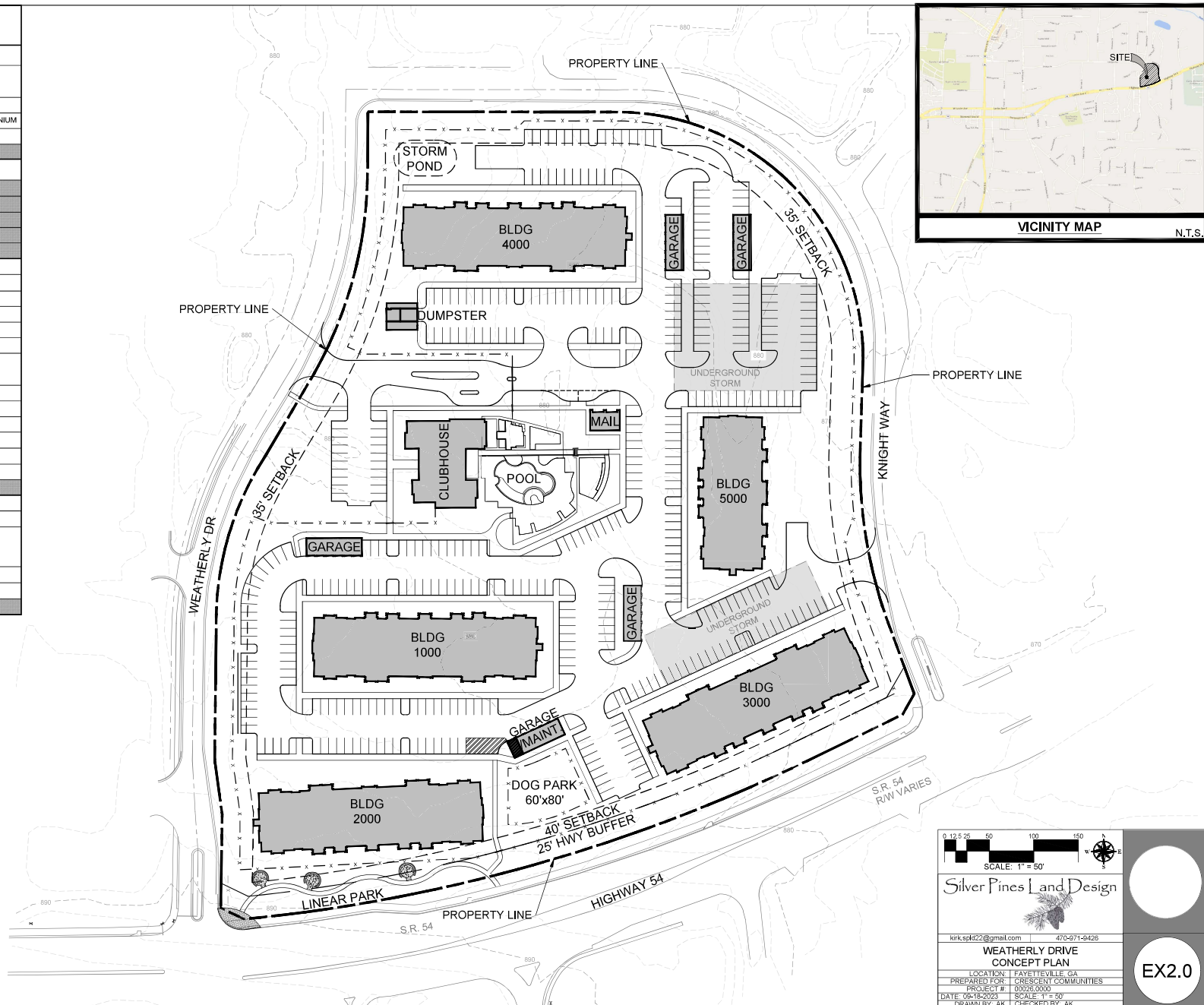
	REQUIRED	PROVIDED
MIN. LOT AREA (SF)	217,600	534,481
MIN. AREA (SF) PER DWELLING	5,445	N/A
MIN. LOT WIDTH (FT)	80	N/A
FRONT YARD SETBACK - MAJOR STREET (FT)	40	45
FRONT YARD SETBACK - COLLECTOR STREET (FT)	35	40
FRONT YARD SETBACK - MINOR STREET (FT)	30	N/A
MIN. SIDE YARD SETBACK (FT)	20	N/A
MIN. REAR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

BUILDINGS

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

CONTACT INFORMATION

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



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

Silver Pines Land Design

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

**WEATHERLY DRIVE
 CONCEPT PLAN**

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





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.

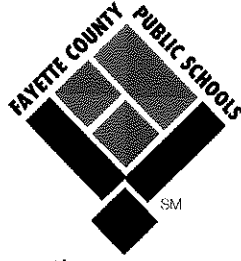
Crescent Communities is pleased to continue our track record of developing best-in-class communities and Bettering People's Lives. The City of Fayetteville is a highly desirable community to live / work / play with an exciting trajectory of growth. We are thrilled to invest in the creation of high-quality 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".

Eric Liebendorfer
Director of Development
Crescent Communities



Where Excellence and Creativity Merge

Superintendent

Jonathan S. Patterson, Ph.D.

Board of Education:

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

July 20, 2023

RE: 12.5 acres
Weatherly Drive
Fayetteville, GA

Dear Mr. Eric Liebendorfer,

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

Sincerely,

Mike Satterfield
Director of Facilities Services
Fayette County School System

Cc: Steve Cole
Tom Gray
Adam Kirk

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 and 04-03-24
Date of City Council Public Hearing and Adoption: 04-18-24

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.

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 and 04-03-24
Date of City Council Public Hearing and Adoption: 04-18-24

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.)**.

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Said property contains 12.27 acres.

Also granted all easements recorded or unrecorded.

Exhibit “B”

UNDERSTANDINGS AND CONDITIONS



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

FROM: Mike Bush, Director of Finance and Administrative Services

DATE: 10/26/232

SUBJECT: #0-8-24 Mid-year Budget Amendment for all funds,

At the mid-point of Fiscal Year 2024, we have done an extensive look at all accounts for all funds to adjust the one that need adjustment. We have prepared a power point presentation to provide the reason for the change to each line item.

If you have any questions, please feel free to contact me at 770-719-4169.

Proposed Ordinance 0-8-24

Subject Matter: FY 2024 Mid-year Budget Amendment

Date of Public Hearing Before City Council: 04/18/24 6:00 PM

Date of Notice Published in Fayette County News: 1/09/24

**CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA**

ORDINANCE NUMBER #0-8-24

CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

An Ordinance to Provide for Adoption of a Budget Amendment Containing Estimates of Revenue and Expenditure Changes for The City of Fayetteville, Georgia for The Fiscal Year Beginning August 1, 2023 And Ending July 31, 2024.

Be It Ordained by the Mayor and Council of the City of Fayetteville, Georgia:

Section 1. That for Revenues and Expenditures of the Government and Its Activities for The Fiscal Year, Beginning August 1, 2023 And Ending July 31, 2024 The Amounts in The Following Sections Are Hereby Amended.

Section 2. That for Said Fiscal Year the General Fund, Capital Project Fund, Impact Fee Fund, Building Fund, TAD Fund, Water & Sewer Fund, Solid Waste Fund, DDA Fund, Main Street Fund, Veterans Memorial Fund, the SPLOST 2017 fund, the SPLOST 2023 fund, and the Self-Funded Insurance Plan fund is Hereby Amended as Follows:

		2024	PROPOSED	2024
	FUNDS	ADOPTED	BUDGET	AMENDED
		BUDGET	AMENDMENT	BUDGET
100	GENERAL FUND	24,286,759	12,490,850	36,777,609
351	CAPITAL PROJECTS	1,701,009	50,000	1,751,009
352	IMPACT FEES	497,540	550,000	1,047,540
353	BUILDING FUND	286,200	600,000	886,200
355	TAD FUND	610,000	245,000	855,000
505	W&S FUND	9,872,053	640,000	10,512,053
560	DDA FUND	314,513	192,742	507,255
565	MAINSTREET FUND	1,248,871	97	1,248,968
605	SELF FUNDED INSURANCE	1,810,055	442,000	2,252,055
	TOTALS	40,627,000	15,210,689	55,837,689

Section 3. This Ordinance Shall Become Effective Upon Its Passage and Adoption.

All Ordinances, Or Parts of Ordinances, Inconsistent with This Ordinance Are Hereby Repealed.

Approved by the Mayor and Council of the City of Fayetteville, by the following vote.

BE IT RESOLVED, that the Mayor and Council of the City of Fayetteville, Georgia do hereby adopt the attached City of Fayetteville FY 2024 Mid-Year Budget Amendment.

SO RESOLVED, this 18th Day of April, 2024.

Edward J. Johnson, Jr., Mayor

Richard J. Hoffman, Mayor Pro Tem

Chelsea Sieman, Interim City Clerk

Darryl Langford, Council Member

Nyia Glover, Council Member

T. Joe Clark, Council Member

Scott Stacy, Council Member

MAYOR
Edward J. Johnson, Jr.
CITY MANAGER
Ray Gibson
INTERIM CITY CLERK
Chelsea Siemen



FAYETTEVILLE
NO LIMITS ON IMAGINATION

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

TO: Mayor and City Council

VIA: Ray Gibson, City Manager

CC: Chelsea Siemen, Interim City Clerk

FROM: David Rast, Director of Community and Economic Development

DATE: April 10, 2024

SUBJECT: Consider Step One Annexation Request from the Fayette County Development Authority for a 177.81-acre tract south of Banks Road and abutting Highway 54 East (Parcel 0532 008).

Request

The Fayette County Development Authority (FCDA) desires to annex a ~177.81-acre tract of land on the east side of the city into the city limits. Their application does not identify the intended zoning classification or the proposed use of the property.

A copy of the complete application and supporting documentation is attached.

Background

Annexation requests within the city are reviewed using a two-step process. Step One is intended to allow the applicant an opportunity to provide a general overview of the proposed annexation and identify how the request complies with the established goals of the city's Comprehensive Plan. Approval of a Step One application does not indicate City Council support of the proposed annexation; it simply allows an applicant to proceed with submitting their Step Two application.

The request complies with the Georgia Annexation Law 100% method and the following two requirements:

- The annexation territory must meet the definition of contiguous.
- The annexation petition must be signed by owners of 100% of the land area.

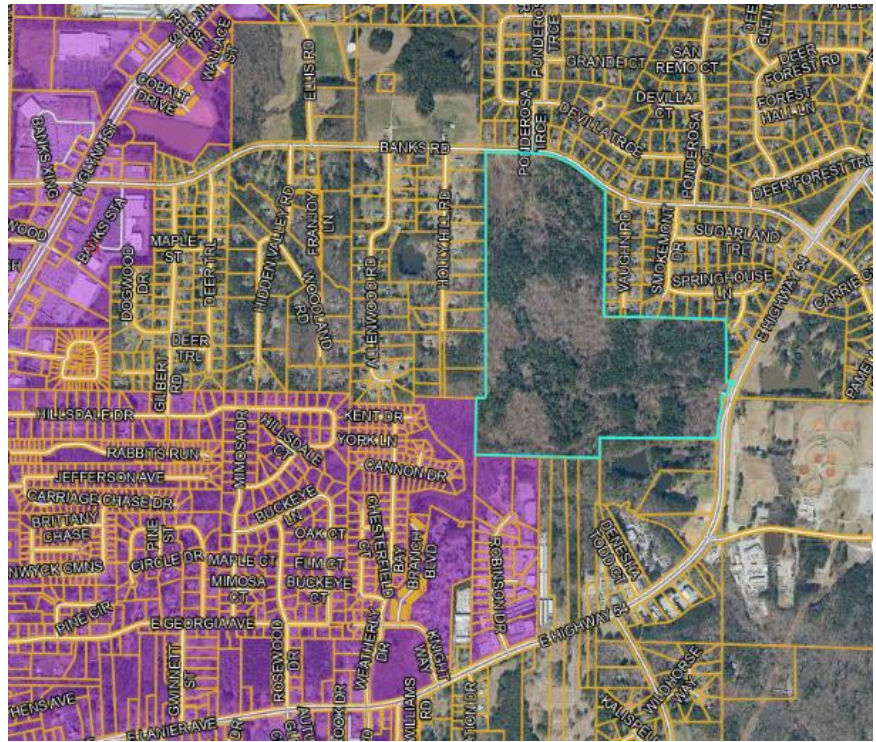
Property location

The property is currently undeveloped and zoned A-R Agricultural Reserve.

The northern property boundary (~1,500 LF) abuts Banks Road. The parcels north of Banks Road are zoned R-40 Low Density Residential and utilized for residential purposes.

The eastern and western boundaries abut properties within unincorporated Fayette County. These parcels are zoned R-40 Low Density Residential and utilized for residential purposes

A portion of the eastern border (~650 LF) abuts Highway 54 East. The parcels across Highway 54 are located within unincorporated Fayette County and zoned A-R Agricultural Reserve.



The southern boundary abuts land within the city and within unincorporated Fayette County. The city tracts are zoned LI Light Industrial and utilized for light industrial purposes, and the parcels within unincorporated Fayette County are zoned M-1 Industrial (Industrial) and A-R Agricultural Reserve and utilized for industrial and residential purposes.

Recommendation

The city’s two-step annexation process does not allow for Staff to make a recommendation on a Step One annexation request. Staff is therefore not providing a detailed analysis or a formal recommendation.



ANNEXATION APPLICATION



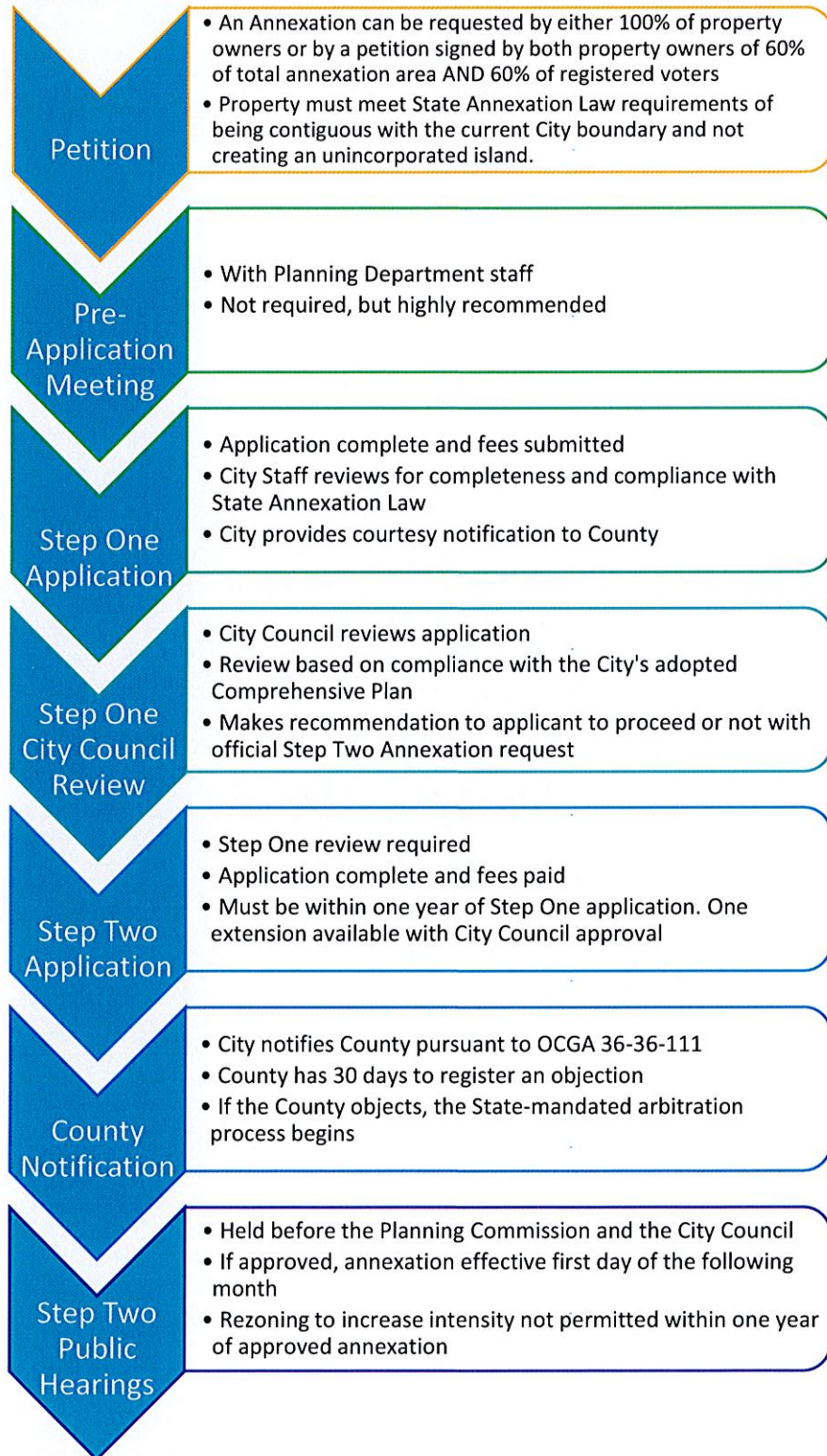
City of Fayetteville
Planning & Zoning Department
210 Stonewall Avenue West
Fayetteville, Georgia 30214



ANNEXATION PROCESS FLOW CHART

210 Stonewall Avenue West
Fayetteville, GA 30214
770-719-4177

WWW.FAYETTEVILLE-GA.GOV





STEP ONE ANNEXATION APPLICATION

210 Stonewall Avenue West
Fayetteville, GA 30214
770-719-4177

WWW.FAYETTEVILLE-GA.GOV

Fee: \$250

Date Filed ___ / ___ / ___

Date Accepted ___ / ___ / ___

Notification Sent ___ / ___ / ___

Office Use Only

Overview: The Annexation Review Process is a two-step process to evaluate annexation requests into the City of Fayetteville. Step One is a review of how the existing and/ or proposed development may or may not be compatible with the established goals within the City of Fayetteville Comprehensive Plan. City Council shall evaluate the application and determine if they recommend the applicant to proceed with a Step Two application. Step Two requires the submittal of detailed information as identified in the established rezoning process and the State Annexation Law. The recommendation that the annexation request continue to Step Two does not imply that the City Council will approve the annexation application.

Instructions: All items identified below must be provided before a Step One application is deemed complete. If the answer to any question is "No," a written explanation must be provided to explain the negative response. Once staff has deemed the application is complete and complies with the State Annexation Law, the request shall be considered in a Public Hearing at the next available City Council meeting.

SUBMITTAL REQUIREMENTS:

		YES	NO
1	A completed and signed Step One application	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Application fee paid	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Legal Description: An electronic version (.doc) of the full legal description of the subject tract(s) being considered for annexation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Boundary Survey: One electronic (.pdf) copy of a survey prepared by a licensed and registered land surveyor that shall identify the extent of the property being considered for annexation. Must be scale no greater than 1"=50' and include: In-Progress	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(a)	Parcel Tax ID number and owner name for each annexation parcel	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Existing lot lines, easements, rights-of-way, including the area in acres and abutting land uses or zoning district categories	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	A clear delineation of the existing and proposed city limits boundary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Property Deeds: One (1) copy of the property deed(s) for each parcel	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Supporting Narrative: one (1) electronic (.pdf) document stating how the proposed annexation meets the vision, goals and policies of the City's adopted Comprehensive Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	DRI: See DRI website at https://cdn.atlantaregional.org/wp-content/uploads/2017/03/lu-dri-alternative-requirements-arc.pdf (page 8) to determine if this rezoning request warrants a DRI study. (For further assistance contact ARC at 470-378-1645.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	**Note: City Engineer may require a traffic study.		

With the signing and submittal of this application, the applicant authorizes the City of Fayetteville Staff to enter onto the subject property to collect data in order to prepare reports for review by the City Council. By signing below, I hereby certify that the listed information and the accompanying materials as requested are accurate.

Applicant Signature:  Date: 3-20-24

** (If you are acting as project representative, property owner's authorization must be submitted.)



STEP ONE ANNEXATION APPLICATION

210 Stonewall Avenue West
Fayetteville, GA 30214
770-719-4177

WWW.FAYETTEVILLE-GA.GOV

ANNEXATION METHOD	<input checked="" type="checkbox"/> 100% Methodology		<input type="checkbox"/> 60% Methodology			
	<ul style="list-style-type: none"> Application requires signatures or signed letters of approval of all current property owners. 		<ul style="list-style-type: none"> Required signatures or signed letters of approval by property owners of at least 60% of the total annexation acreage. Requires signed petition by 60% of registered voters in the annexation area. Signatures must include the address and be dated within one (1) year of the Step Two application submittal. 			
ANNEXATION PARCEL(S)	Parcel ID#:	Address:	Signature:	Indicate signee's role at the address:		Date:
	0532 008	1262 Highway 54 E	See Attached	Owner <input checked="" type="checkbox"/>	Voter <input type="checkbox"/>	
				Owner <input type="checkbox"/>	Voter <input type="checkbox"/>	
				Owner <input type="checkbox"/>	Voter <input type="checkbox"/>	
				Owner <input type="checkbox"/>	Voter <input type="checkbox"/>	
				Owner <input type="checkbox"/>	Voter <input type="checkbox"/>	
				Owner <input type="checkbox"/>	Voter <input type="checkbox"/>	
				Owner <input type="checkbox"/>	Voter <input type="checkbox"/>	
<i>You may attach a separate list of parcels/ signatures, or provide a copy of individual signed and dated letters</i>						
APPLICANT OR PROJECT REPRESENTATIVE	Name <u>Niki Vanderslice, FCDA</u>		ATTORNEY	Name <u>Matt Ramsey</u>		
	Address <u>200 Courthouse Square</u>			Address <u>101 World Drive, Suite 325</u>		
	Phone # <u>(770)461-5253</u>			Phone # <u>770-487-4494</u>		
	Email <u>nvanderslice@fayettega.org</u>			Email <u>mramsey@warnerlawfirm.net</u>		
OWNERS	Name <u>Edna Cochran Jackson Trustee</u>					
	Address <u>135 Corinth Road</u>					
	City, State, Zip <u>Jonesboro, Georgia 30238</u>					
	Phone # _____					
	Email _____					
PROPOSED DEVELOPMENT	Potential Zoning Category Request:					
	Undetermined Brief Description: The proposed development is undetermined at this time.					

From:
Edna Cochran Jackson
135 Cornith Road
Jonesboro, Georgia 30238

To:
City of Fayetteville
210 Stonewall Avenue West
Fayetteville, GA 30214

Date:

Subject: Authorization for Annexation and Rezoning Application Submittal

Dear City of Fayetteville:

I Edna Cochran Jackson, hereby authorize the Fayette County Development Authority to act as a representative on our behalf to submit the annexation and rezoning application for parcel 0532008.

Sincerely,


Edna Cochran Jackson

Supporting Narrative

Transportation

The overall development is undetermined for parcel 0532 008. The property fronts Highway 54 and Banks Road. The development will likely warrant a DRI when plans are developed and will ensure that the road infrastructure meets the proposed development.

Housing

There are no proposed residential housing units.

Economic Development

The total of capital expenditure over the life of the project is projected is currently undetermined, but given that the property currently only generates \$3,129 annually in tax revenue, we expect a significant increase tax revenue for the City of Fayetteville once the property is developed.

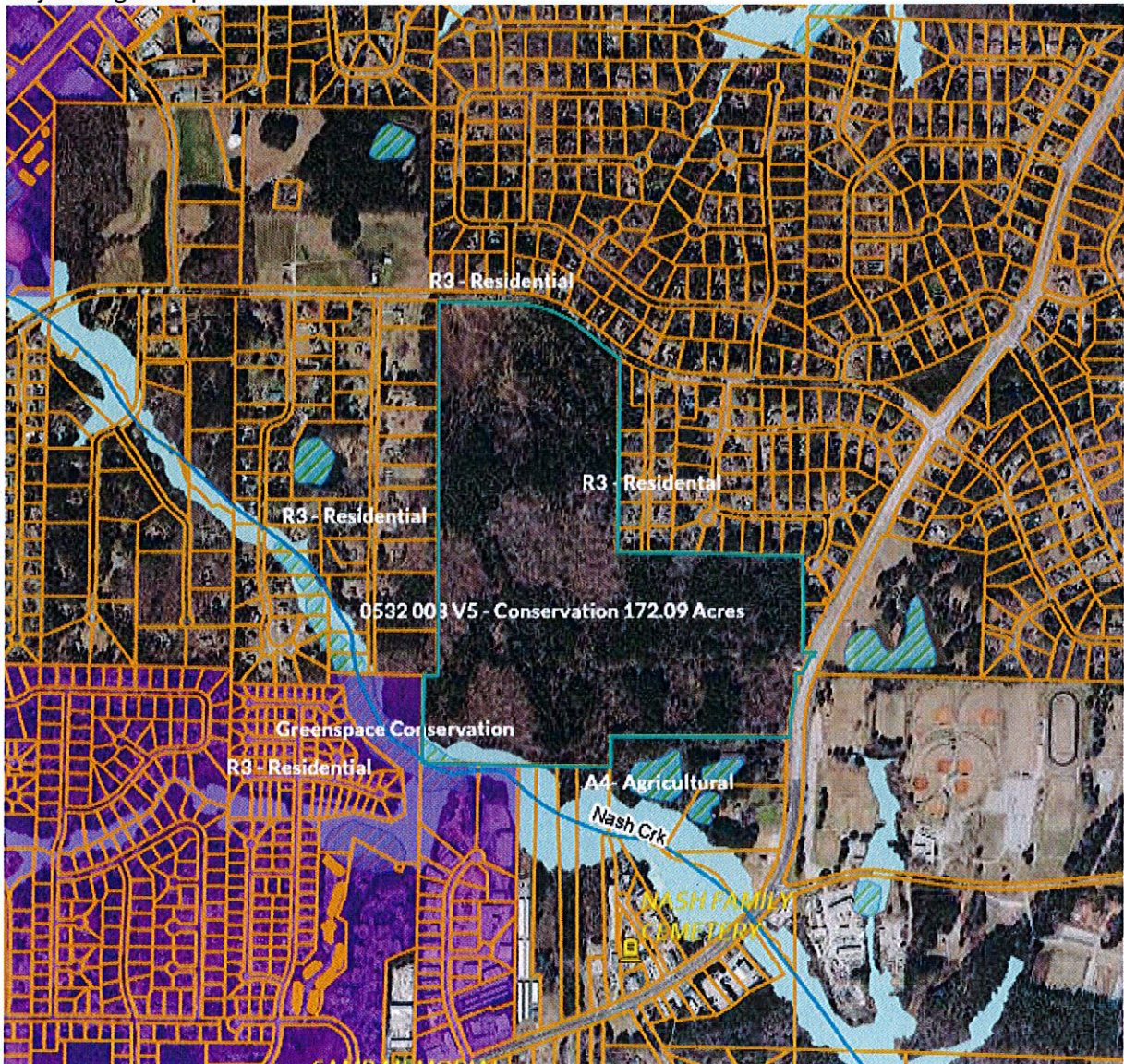
Land Use

The proposed land use is currently undetermined, but if rezone is required it will be brought before planning and zoning at the appropriate time. impacts to the natural environment will be mitigated as required by City of Fayetteville ordinances.

Survey

Below is the parcel ID, acreage, surrounding uses, and existing/proposed city limits. The parcel will be surveyed as part of the proposed development's due diligence when a project is determined.

Regarding natural, geological, and/or cultural resources, there is currently nothing noted on any contiguous parcels.



Legal Description

Below is the legal description for parcel 0532 008.

All that tract or parcel of land lying and being Land Lots 137, 151 and 152 of the 5th District of Fayette County, Georgia, being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference.

BOOK 1466 PAGE 246

FILED & RECORDED
FAYETTE COUNTY, GA.

'00 JAN 19 PM 12 12

W.A. BALLARD, CLERK

Return to:
Warner Law Firm
400 Westpark Court - Suite 230
Peachtree City, Georgia 30269

STATE OF GEORGIA

COUNTY OF FAYETTE

FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
P. D. 0
DATE 1-19-00
Clerk of Superior Court

EXECUTOR'S DEED

THIS INDENTURE, made this the 2nd day of November, 1999, between EDNA COCHRAN JACKSON, AS EXECUTOR UNDER THE LAST WILL AND TESTAMENT OF JESSIE HUGH JACKSON, late of the State of Georgia, and County of Fayette, deceased, of the First Part, (hereinafter called "Grantor") and EDNA COCHRAN JACKSON, INDIVIDUALLY, and EDNA COCHRAN JACKSON AND GAIL COCHRAN BURFORD, AS TRUSTEES OF THE JESSIE HUGH JACKSON TESTAMENTARY TRUST, of the second Part, (hereinafter called "Grantees"); the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits:

WITNESSETH:

That the said Grantor, acting under and by virtue of the power and authority contained in the said Will, the same having been duly probated and recorded in the Probate Court of Fayette County, Georgia, to assent to the devise in said Will, does hereby convey and transfer a 55.571 per cent undivided interest to Edna Cochran Jackson, individually, and a 44.429 per cent undivided interest to Edna Cochran Jackson and Gail Cochran Burford, as Trustees of the Jessie Hugh Jackson Testamentary Trust, in the following described property:

All that tract or parcel of land lying and being Land Lots 137, 151 and 152 of the 5th District of Fayette County, Georgia, being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference.

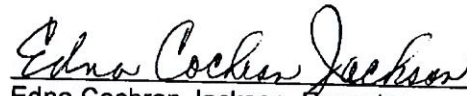
Edna Jackson Cochran executed and delivered a Qualified Disclaimer and Renunciation, disclaiming a 44.429 per cent interest in the above-described property based upon said property being appraised at \$1,463,000.00 on the date of death of Jessie Hugh Jackson. In the event that the Internal Revenue Service fails to accept the estate tax return regarding the valuation of said property, the percentage of ownership conveyed to the testamentary trust shall be adjusted such that it is equal to the maximum unified credit of \$650,000.00.

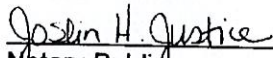
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantees forever, IN FEE SIMPLE, in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed by the said deceased.

IN WITNESS WHEREOF, Grantor herein has hereunto set her hand and seal, the day and year first above written.

Signed, sealed and delivered
in the presence of:


Unofficial witness

 (SEAL)
Edna Cochran Jackson, Executor
under the Last Will and Testament of
Jessie Hugh Jackson


Notary Public

Date: 11/2/99

JOSLIN H. JUSTICE
Notary Public, State of Georgia
County of Fayette
Commission Expires July 20, 2003

BOOK 1466 PAGE 247

EXHIBIT "A"

Legal Description

All that tract or parcel of land lying and being in Land Lots 137, 151, and 152 of the 5th District of Fayette County, Georgia, beginning at a point formed by the intersection of the existing southerly right-of-way of Banks Roads with the west land lot line of Land Lot 152; running thence easterly along said right-of-way of Banks Road 765 feet to a point; running thence southeasterly along said right-of-way 820 feet to a point; running thence south along the west boundaries of various subdivision lots located on Vaughn Road a distance of 1,515 feet to a point; running thence east along the south boundaries of subdivision lots located on Vaughn Road a distance of 450 feet to a point; continuing thence east 1,034 feet to the east land lot line of Land Lot 152; running thence south along said land lot line 1,480 feet to the intersection of said land lot line with the existing northwesterly right-of-way of Georgia State Highway No. 54; running thence southerly along said right-of-way of Georgia State Highway No. 54 approximately 200 feet to the north boundary of the property of the adjacent owner designated as Parcel No. 6 (20.1 acres) on the current tax plat; running thence west 1,500.87 feet to a point; running thence south 170 feet to a point; running thence west 1,440 feet to a point located on the west land lot line of Land Lot 137; running thence north along said land lot line, and along the east boundary of various subdivision lots located on Holly Hill Road a distance of 3,615 feet to a point located on the existing southerly right-of-way of Banks Road; running thence east along said right-of-way approximately 75 feet to the point of beginning; said tract containing approximately 177.81 acres, as shown on that certain tax plat maintained by the Tax Commissioner of Fayette County, Georgia, as Parcel 8 in Land Lots 137 and 152 of the 5th District. This legal description is drafted solely from the existing tax plat, as the scrivener has not been provided with deeds, legal descriptions, or surveys sufficient to dictate an exact legal description of the property described herein. This description is given for the purpose of approximating the boundaries of the property being disclaimed hereunder, and is made in contemplation of a future survey and more exact legal description of the property.

To: Steve Rapson, County Manager

From: Debbie Bell

Date: April 17, 2024

Re: Fayetteville Annexation Request for Parcel #0532 008 at Banks Road and Hwy. 54 East

GENERAL DESCRIPTION

Fayetteville has received a Step One Annexation Application of the above-referenced property. The annexation application indicates that the total property is 177.81 acres. The property is currently zoned A-R, Agricultural-Residential, and the Fayette County Future Land Use Plan designates the area as Low Density Residential (1 Unit/1 Acre). The applicant has not indicated what city zoning district will be requested, nor have they indicated what Future Land Use will be proposed.

Subject Parcel

Location	Parcel ID	Acreage	Current Zoning	County Land Use Designation	Proposed City Zoning & Land Use
Banks Rd/Hwy 54 E	0532 008	177.81	A-R	Low-Density Residential	Unknown

The proposed annexation would not create an island. The subject property has access to Banks Road and SR 54. The annexation application does not include a concept plan. It only states that there are no proposed residential housing units.

The parcel is bounded by the following uses and zoning:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North & East	63.69	R-40	Residential	Low-Density Residential – 1 Unit/1 Acre
South	33 20 42	M-1 A-R City of Fvl.	Industrial Residential Residential	County: Industrial; Residential City of Fayetteville: Residential
East	105 25 1	A-R A-R O-I	McCurry Park Residential Vacant Office	Recreation Low Density Residential – 1 Unit/1 Acre Office
West	43	City of Fvl.	Residential	City of Fayetteville

HISTORY

The property has not been the subject of a previous rezoning request or annexation application.

DEPARTMENTAL COMMENTS

Planning and Zoning:

Planning and Zoning staff cannot properly assess the potential impact of annexation because no proposed zoning or use is offered. Should the property be developed for commercial or industrial uses, these would almost certainly have a profound negative impact on surrounding residential properties. Such uses would be inconsistent with the County's Future Land Use Map & Comprehensive Plan.

The subject property is currently zoned A-R; no proposed zoning for City of Fayetteville is noted in the application package. The subject property is currently designated Low Density Residential on the Fayette County Future Land Use Plan map. Because no prospective zoning or use is indicated in the application, it is unknown whether the project is consistent with the County's Comprehensive Plan.

The county governing authority may by majority vote to object to the annexation because of a material increase in burden upon the county. The material increase in burden upon the county must be directly related to any one or more of the following:

- (1) The proposed change in zoning or land use;
- (2) Proposed increase in density; and
- (3) Infrastructure demands related to the proposed change in zoning or land use.

The objection shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection. Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in (1), (2), and (3) above.

In order for an objection to be valid, the proposed change in zoning or land use must:

- (1) Result in:
 - (A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or
 - (B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and
- (2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use or permitted for the property pursuant to the county's

zoning ordinance or its land use ordinances.

Fire/EMS: The issue from the Fire & Emergency Services perspective is the loss of revenue to the County fire services from an annexation of these properties into the City. The EMS Tax District includes everything within the City of Fayetteville, so the annexation would be of minimal impact to our EMS revenue.

Water System: Parcel 0532 008 has water availability through Fayette County Water System by connection(s) to a 10" water main on GA Hwy 54 E and by connection(s) to an 8" water main or a 24" water main on Banks Rd. Connections to existing water main(s) shall be at the future developer's expense and are conditioned upon FCWS plan review and approval.

Environmental Health: No objections.

Public Works/Engineering Comments:

- A corridor study was completed for Banks Road in 2019 that identified multiple capacity, safety, and operational needs along the road. These recommendations resulted in Fayette County seeking federal-aid for a capacity project along the corridor (the grant was not awarded). Fayette County asks that development decisions be made aware of the study's recommendations and that transportation improvements be provided, as appropriate, by the developer to mitigate impacts caused or worsened by the project.
- As a condition of rezoning, Fayette County requests a dedication of right-of-way along Banks Road to provide 50 feet as measured from the existing road centerline.
- During the last Comprehensive Transportation Plan (CTP) update, there was discussion of extending McDonough Road across Parcel 0532008 to Banks Road. Depending on the proposed development, this should be considered in conjunction with project.
- The development should facilitate future path construction along its road frontages and/or include connection paths as part of the development.
- Access to Banks Road (if requested) would be subject to review and permitting by Fayette County.
- If a Traffic Impact Study is required for the project, Fayette County would like to be included in the review and approval process.
- Without information on the proposed development, no comment can be provided on possible safety, operational, or congestion impacts to traffic.

SUMMARY & RECOMMENDATIONS:

The subject property is currently zoned A-R in the County. Staff cannot offer an opinion on the impacts that development of the site may have because no prospective use or zoning is offered in the Step One Application Package.

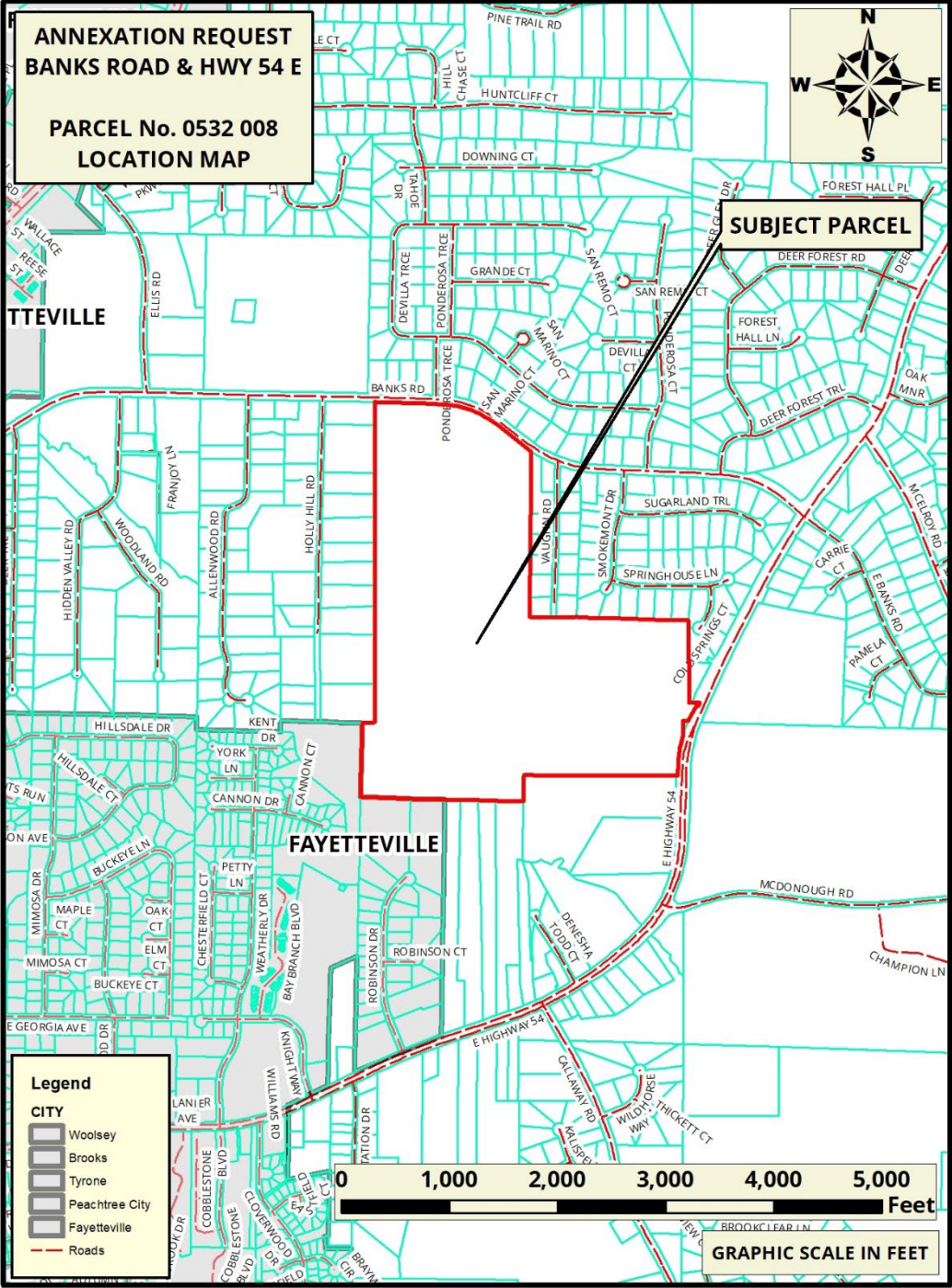
Fire is opposed to the annexation due to the loss of Fire Tax revenues.

Public Works has concerns about the impact of any project on traffic, and whether a development will consider the County's Comprehensive Transportation Plan but cannot offer a proper analysis without additional information regarding the intent of the annexation request.

Environmental Management, Environmental Health and the Fayette County Water System have no objections to the request.

Planning and Zoning staff has concerns about the impact of any future development on surrounding residential properties but cannot properly assess the potential impacts without further information.

If the property is developed in a Low-Density Residential pattern consistent with the County's Future Land Use Plan, the Planning staff have no objections to the annexation. However, should the property be developed for commercial or industrial uses or for high-density residential uses, these would almost certainly have a profound negative impact on surrounding residential properties. Such uses would be inconsistent with the County's Future Land Use Map & Comprehensive Plan. Without knowing the intent of the request, staff cannot correctly assess the request.



STATE LAW

TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO MUNICIPAL CORPORATIONS ONLY CHAPTER 36. ANNEXATION OF TERRITORY ARTICLE 7. PROCEDURE FOR RESOLVING ANNEXATION DISPUTES

36-36-113. Objection to annexation; grounds and procedures

- (a) The county governing authority may by majority vote to object to the annexation because of a material increase in burden upon the county directly related to any one or more of the following:
- (1) The proposed change in zoning or land use;
 - (2) Proposed increase in density; and
 - (3) Infrastructure demands related to the proposed change in zoning or land use.
- (b) Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in paragraphs (1), (2), and (3) of subsection (a) of this Code section.
- (c) The objection provided for in subsection (a) of this Code section shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection and shall be delivered to the municipal governing authority by certified mail or statutory overnight delivery to be received not later than the end of the thirtieth calendar day following receipt of the notice provided for in Code Section 36-36-111.
- (d) In order for an objection pursuant to this Code section to be valid, the proposed change in zoning or land use must:
- (1) Result in:
 - (A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or
 - (B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and
 - (2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use or permitted for the property pursuant to

the county's zoning ordinance or its land use ordinances.

36-36-114. Arbitration panel; composition and membership

- (a) Not later than the fifteenth calendar day following the date the municipal corporation received the first objection provided for in Code Section 36-36-113, an arbitration panel shall be appointed as provided in this Code section.
- (b) The arbitration panel shall be composed of five members to be selected as provided in this subsection. The Department of Community Affairs shall develop three pools of arbitrators, one pool which consists of persons who are currently or within the previous six years have been municipal elected officials, one pool which consists of persons who are currently or within the previous six years have been county elected officials, and one pool which consists of persons with a master's degree or higher in public administration or planning and who are currently employed by an institution of higher learning in this state, other than the Carl Vinson Institute of Government. The pool shall be sufficiently large to ensure as nearly as practicable that no person shall be required to serve on more than two panels in any one calendar year and serve on no more than one panel in any given county in any one calendar year. The department is authorized to coordinate with the Georgia Municipal Association, the Association County Commissioners of Georgia, the Council of Local Governments, and similar organizations in developing and maintaining such pools.
- (c) Upon receiving notice of a disputed annexation, the department shall choose at random four names from the pool of municipal officials, four names from the pool of county officials, and three names from the pool of academics; provided, however, that none of such selections shall include a person who is a resident of the county which has interposed the objection or any municipal corporation located wholly or partially in such county. The municipal corporation shall be permitted to strike or excuse two of the names chosen from the county officials pool; the county shall be permitted to strike or excuse two of the names chosen from the municipal officials pool; and the county and municipal corporation shall each be permitted to strike or excuse one of the names chosen from the academic pool.
- (d) Prior to being eligible to serve on any of the three pools, persons interested in serving on such panels shall receive joint training in alternative dispute resolution together with zoning and land use training, which may be designed and overseen by the Carl Vinson Institute of Government in conjunction with the Association County Commissioners of Georgia and the Georgia Municipal Association, provided such training is available.
- (e) At the time any person is selected to serve on a panel for any particular annexation dispute, he or she shall sign the following oath: "I do solemnly swear or affirm that I will faithfully perform my duties as an arbitrator in a fair and impartial manner without favor or affection to any party, and that I have not and will not have any ex

parte communication regarding the facts and circumstances of the matters to be determined, other than communications with my fellow arbitrators, and will only consider, in making my determination, those matters which may lawfully come before me."

36-36-115. Meetings of arbitration panel; duties; findings and recommendations; compensation

(a) (1) The arbitration panel appointed pursuant to Code Section 36-36-114 shall meet as soon after appointment as practicable and shall receive evidence and argument from the municipal corporation, the county, and the applicant or property owner and shall by majority vote render a decision which shall be binding on all parties to the dispute as provided for in this article not later than the sixtieth day following such appointment. The meetings of the panel in which evidence is submitted or arguments of the parties are made shall be open to the public pursuant to Chapter 14 of Title 50. The panel shall first determine the validity of the grounds for objection as specified in the objection. If an objection involves the financial impact on the county as a result of a change in zoning or land use or the provision of maintenance of infrastructure, the panel shall quantify such impact in terms of cost. As to any objection which the panel has determined to be valid, the panel, in its findings, may establish reasonable zoning, land use, or density conditions applicable to the annexation and propose any reasonable mitigating measures as to an objection pertaining to infrastructure demands.

(2) In arriving at its determination, the panel shall consider:

- (A) The existing comprehensive land use plans of both the county and city;
- (B) The existing land use patterns in the area of the subject property;
- (C) The existing zoning patterns in the area of the subject property;
- (D) Each jurisdiction's provision of infrastructure to the area of the subject property;
- (E) Whether the county has approved similar changes in intensity or allowable uses on similar developments in other unincorporated areas of the county;
- (F) Whether the county has approved similar developments in other unincorporated areas of the county which have a similar impact on infrastructure as complained of by the county in its objection; and
- (G) Whether the infrastructure or capital outlay project which is claimed adversely impacted by the county in its objection was funded by a county-wide tax.

- (3) The county shall provide supporting evidence that its objection is consistent with its land use plan and the pattern of existing land uses and zonings in the area of the subject property.
 - (4) The county shall bear at least 75 percent of the cost of the arbitration. The panel shall apportion the remaining 25 percent of the cost of the arbitration equitably between the city and the county as the facts of the appeal warrant; provided, however, that if the panel determines that any party has advanced a position that is substantially frivolous, the costs shall be borne by the party that has advanced such position.
 - (5) The reasonable costs of participation in the arbitration process of the property owner or owners whose property is at issue shall be borne by the county and the city in the same proportion as costs are apportioned under paragraph (4) of this subsection.
 - (6) The panel shall deliver its findings and recommendations to the parties by certified mail or statutory overnight delivery.
- (b) If the decision of the panel contains zoning, land use, or density conditions, the findings and recommendations of the panel shall be recorded in the deed records of the county with a caption describing the name of the current owner of the property, recording reference of the current owner's acquisition deed and a general description of the property, and plainly showing the expiration date of any restrictions or conditions.
 - (c) The arbitration panel shall be dissolved on the tenth day after it renders its findings and recommendations but may be reconvened as provided in Code Section 36-36-116.
 - (d) The members of the arbitration panel shall receive the same per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.
 - (e) If the panel so agrees, any one or more additional annexation disputes which may arise between the parties prior to the panel's initial meeting may be consolidated for the purpose of judicial economy if there are similar issues of location or similar objections raised to such other annexations or the property to be annexed in such other annexations is within 2,500 feet of the subject property.

36-36-116. Appeal

The municipal or county governing authority or an applicant for annexation may appeal the decision of the arbitration panel by filing an action in the superior court of the county within ten calendar days from receipt of the panel's findings and

recommendations. The sole grounds for appeal shall be to correct errors of fact or of law, the bias or misconduct of an arbitrator, or the panel's abuse of discretion. The superior court shall schedule an expedited appeal and shall render a decision within 20 days from the date of filing. If the court finds that an error of fact or law has been made, that an arbitrator was biased or engaged in misconduct, or that the panel has abused its discretion, the court shall issue such orders governing the proposed annexation as the circumstances may require, including remand to the panel. Any unappealed order shall be binding upon the parties. The appeal shall be assigned to a judge who is not a judge in the circuit in which the county is located.

36-36-117. Annexation after conclusion of procedures; remedies for violations of conditions

If the annexation is completed after final resolution of any objection, whether by agreement of the parties, act of the panel, or court order as a result of an appeal, the municipal corporation shall not change the zoning, land use, or density of the annexed property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. Following the conclusion of the dispute resolution process outlined in this article, the municipal corporation and an applicant for annexation may either accept the recommendations of the arbitration panel and proceed with the remaining annexation process or abandon the annexation proceeding. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such conditions have expired as provided in this Code section.

36-36-118. Abandonment of proposed annexation; remedies for violations of conditions

If at any time during the proceedings the municipal corporation or applicant abandons the proposed annexation, the county shall not change the zoning, land use, or density affecting the property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties. A violation of the conditions set forth in this Code section may be enforced thereafter at law or in equity until such period has expired. After final resolution of any objection, whether by agreement of the parties, act of the panel, or any appeal from the panel's decision, the terms of such decision shall remain valid for the one-year period and such annexation may proceed at any time during the one year without any further action or without any further right of objection by the county.

MAYOR
Edward J. Johnson, Jr.
CITY MANAGER
Ray Gibson
INTERIM CITY CLERK
Chelsea Siemen



FAYETTEVILLE
NO LIMITS ON IMAGINATION

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

TO: Mayor and City Council

VIA: Ray Gibson, City Manager

CC: Chelsea Siemen, Interim City Clerk

FROM: David Rast, Director of Community and Economic Development

DATE: April 10, 2024

SUBJECT: Consider Resolution R-18-24 to adopt the Capital Improvements Element (CIE) 2024 Annual Update for Fiscal Year 2023.

Background

The 2024 Annual Update to the Capital Improvements Element (CIE) and the associated Impact Fee Financial Report were submitted to and reviewed by the Atlanta Regional Commission (ARC) and the Georgia Department of Community Affairs (DCA) 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.

We were notified via e-mail that DCA completed their review on April 3rd and the regional review and comment period will close on April 16th, at which time we can officially adopt the CIE Update. Once the CIE Update is adopted and forwarded to ARC, they will notify DCA and DCA will notify the city that our status as a Qualified Local Government (QLG) has been extended.

Recommendation

That City Council adopt Resolution R-18-24 and authorize Staff to forward the signed Resolution and the approved CIE Update to ARC for their records.

RESOLUTION

R-18-24

**ADOPTION OF CAPITAL IMPROVEMENTS ELEMENT (CIE) 2024
ANNUAL UPDATE FOR FISCAL YEAR 2023**

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

WHEREAS, the City of Fayetteville has prepared its Capital Improvements Element (CIE) 2024 Annual Update; and

WHEREAS, the Capital Improvements Element (CIE) 2024 Annual Update was prepared, submitted and reviewed 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; and

WHEREAS, the Atlanta Regional Commission and the Georgia Department of Community Affairs have reviewed the Capital Improvements Element (CIE) 2024 Annual Update and have found it to be consistent with all State and Regional requirements.

BE IT THEREFORE RESOLVED, the Mayor and City Council of Fayetteville does hereby adopt the Capital Improvements Element (CIE) 2024 Annual Update in accordance with 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, Interim City Clerk

Niyah Glover, Councilmember

Darryl Langford, Councilmember

Scott Stacy, Councilmember

MAYOR
Edward J. Johnson, Jr.
CITY MANAGER
Ray Gibson
INTERIM CITY CLERK
Chelsea Siemen



FAYETTEVILLE
NO LIMITS ON IMAGINATION

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

TO: Mayor and City Council

VIA: Ray Gibson, City Manager

CC: Chelsea Siemen, Interim City Clerk

FROM: David Rast, Director of Community and Economic Development

DATE: April 10, 2024

SUBJECT: Consider Resolution R-19-24 to adopt Local Amendments to the Georgia State Minimum Standard Plumbing Code.

Background

The Metropolitan North Georgia Water Planning District (“Metro Water District”) recently released their Water Resources Management Plan (“Plan”) which presents an integrated approach to water resource management for the 15-county Metro Water District. The Plan recommends that each jurisdiction within the 15-county Metro Water District adopt local amendments to the Georgia State Minimum Standard Plumbing Code. These amendments were presented to City Council on September 19, 2023 (R-41-23)

as identified in the attached Resolution R-41-23. In accordance with O.C.G.A. Section 8-2-25(c), we must first submit the proposed local amendments to the Georgia Department of Community Affairs (DCA) for review and approval no less than sixty (60) days prior to adoption. Should they be approved, the Water Efficiency Code Requirements would become effective January 1, 2024.

Recommendation

That City Council adopt Resolution R-18-24 and authorize Staff to forward the signed Resolution and the approved CIE Update to ARC for their records.

RESOLUTION

R-19-24

ADOPTION OF LOCAL AMENDMENTS TO PLUMBING CODE FOR WATER EFFICIENCY

WHEREAS, the current minimum water efficiency requirements for buildings in the City of Fayetteville’s jurisdiction is the Georgia State Minimum Standard Plumbing Code (“Georgia Plumbing Code”) as approved and adopted by the Georgia Department of Community Affairs (“DCA”) from time to time;

WHEREAS, the City of Fayetteville, like all local governments in the State of Georgia, is authorized under O.C.G.A. § 8-2-25(c) to adopt local requirements that are more stringent than the Georgia Plumbing Code based on local climatic, geologic, topographic, or public safety factors;

WHEREAS, the City of Fayetteville has followed the required procedures in O.C.G.A. § 8-2-25(c) for local adoption of the Local Amendments to Plumbing Code for water efficiency, and DCA has recommended that they be adopted.

WHEREAS, the long-term availability, reliability, and resiliency of water supplies is a critical need of the City of Fayetteville and water efficiency is essential to meeting this need;

WHEREAS, the City of Fayetteville is adopting the Local Amendments to Plumbing Code to meet this critical need and to comply the requirements of Metropolitan North Georgia Water Planning District’s 2022 Water Resources Plan in the WSWC-8 Action Item on Metro Water District – Water Efficiency Code Requirements.

BE IT THEREFORE RESOLVED, the Mayor and City Council of Fayetteville does hereby adopt the local amendments to the Plumbing Code for Water Efficiency as shown in Exhibit “A” and in accordance with the Metropolitan North Georgia Water Planning District’s 2022 Water Resources Plan in the WSWC-8 Action Item on Metro Water District – Water Efficiency Code Requirements based on the following:

1. The governing body of the City of Fayetteville finds that, based on local climatic, geographic, topographic, and public safety factors, it is justified in adopting the water efficiency requirements in the Local Amendments to Plumbing Code that are more stringent than the Georgia Plumbing Code;
2. The City of Fayetteville has followed the required procedures in O.C.G.A. § 8-2-25(c).
3. The City of Fayetteville hereby adopts the Local Amendments to Plumbing Code, which will be effective immediately upon adoption of this Resolution.

SO RESOLVED, 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

Attachment “A”

Local Amendment to Georgia State Minimum Plumbing Code as it relates to Water Efficiency

REDLINES AS PROPOSED

Amendment to [Section 501.3.A.4. and Section 501.10.A.5. of the Unified Development Ordinance \(UDO\)](#). Effective January 1, 2024, the Georgia State Minimum Standard Plumbing Code has been amended by the [City of Fayetteville](#) as follows:

Chapter 2, Section 202 General Definitions. Add in alphabetical order and revise, as applicable, the following definitions:

KITCHEN FAUCET OR KITCHEN FAUCET REPLACEMENT AERATOR. A kitchen faucet or kitchen faucet replacement aerator that allows a flow of no more than 1.82-0 gallons of water per minute at a pressure of 60 pounds per square inch and conforms to the applicable requirements in ASME A112.18.1/CSA B125.1.

LAVATORY FAUCET OR LAVATORY FAUCET REPLACEMENT AERATOR. A lavatory faucet or lavatory faucet replacement aerator that allows a flow of no more than 1.25 gallons per minute at a pressure of 60 pounds per square inch and is listed to the WaterSense High Efficiency Lavatory Faucet Specification.

LANDSCAPE IRRIGATION.

Flow sensor. An inline device in a landscape irrigation system that produces a repeatable signal proportional to flow rate.

Lawn or Landscape Irrigation system. An assembly of component parts that is permanently installed for the controlled distribution of water to irrigate landscapes such as ground cover, trees, shrubs, and other plants. Lawn and Landscape Irrigation System refer to the same system.

Master shut-off valve. An automatic valve such as a gate valve, ball valve, or butterfly valve) installed as part of the landscape irrigation system capable of being automatically closed by the WaterSense controller. When this valve is closed water will not be supplied to the landscape irrigation system.

Pressure regulating device. A device designed to maintain pressure within the landscape irrigation system at the manufacturer’s recommended operating pressure and that protects against sudden spikes or drops from the water source.

Rain sensor shut-off. An electric device that detects and measures rainfall amounts and overrides the cycle of a landscape irrigation system so as to turn off such system when a predetermined amount of rain has fallen.

WaterSense irrigation controller. Is a weather-based or soil moisture-based irrigation controllers labeled under the U.S. Environmental Protection Agency’s WaterSense program, which includes standalone controllers, add-on devices, and plug-in devices that use current weather data as a basis for scheduling irrigation.

WaterSense spray sprinkler bodies. A sprinkler body with integral pressure regulation, generating optimal water spray and coverage labeled under the U.S. Environmental Protection Agency’s WaterSense program.

SHOWER HEAD. A shower head that allows a flow of no more than the average of 2.05 gallons of water per minute at 860 pounds per square inch of pressure, ~~and is listed in the WaterSense Specification for Showerheads, and meets the US Department Definition of Energy definition of showerhead.~~

Chapter 6, Section 604.4 Maximum Flow and Water Consumption.

Revise Section 604.4 to read as follows:

Consistent with the general approach taken in Georgia, these Maximum Flow and Water Consumption requirements and related definitions in Section 604.4 of the plumbing code shall apply to all plumbing systems, including those in one- and two-family dwellings. The maximum water consumption flow rates and quantities for all plumbing fixtures and fixture fittings shall be in accordance with Table 604.4.

Exceptions:

1. Blowout design water closets having a water consumption not greater than 3¹/₂ gallons (13 L) per flushing cycle.
2. Vegetable sprays.
3. Clinical sinks having a water consumption not greater than 4¹/₂ gallons (17 L) per flushing cycle.
4. Laundry tray sinks and service sinks.
5. Emergency showers and eye wash stations.

TABLE 604.4
MAXIMUM FLOW RATES AND CONSUMPTION FOR
PLUMBING FIXTURES AND FIXTURE FITTINGS

PLUMBING FIXTURE OR FIXTURE FITTING	MAXIMUM FLOW RATE OR QUANTITY ^b
Lavatory <u>faucet and replacement aerators</u> , private	<u>WaterSense Labeled & 1.25</u> gpm at 60 psi ^f
Lavatory faucet, public (metering)	0.25 gallon per metering cycle
Lavatory, public (other than metering)	0.5 gpm at 60 psi

Showerhead ^a	<u>WaterSense Labeled & 2.5</u> 2.0 gpm at 80 60 psi ^f
<u>Kitchen Sink faucet and replacement aerators</u>	<u>2.0</u> 1.8 gpm at 60 psi ^{f, g}
Urinal	0.5 gallon per flushing cycle ^f
Water closet	1.28 gallons per flushing cycle ^{c, d, e, f}

For SI: 1 gallon = 3.785 L, 1 gallon per minute = 3.785 L/m, 1 pound per square inch = 6.895 kPa.

- a. A hand-held shower spray is a shower head. As point of clarification, multiple shower heads may be installed in a single shower enclosure so long as each shower head individually meets the maximum flow rate, the WaterSense requirements, and the US Department of Energy definition of showerhead. However, multiple shower heads are not recommended for water efficiency purposes.
- b. Consumption tolerances shall be determined from referenced standards.
- c. For flushometer valves and flushometer tanks, the average flush volume shall not exceed 1.28 gallons.
- d. For single flush water closets, including gravity, pressure assisted and electro-hydraulic tank types, the average flush volume shall not exceed 1.28 gallons.
- e. For dual flush water closets, the average flush volume of two reduced flushes and one full flush shall not exceed 1.28 gallons.
- f. See 2014 GA Amendment to Section 301.1.2 'Waiver from requirements of high efficiency plumbing fixtures'.

Kitchen faucets are permitted to temporarily increase the flow above the maximum rate, but not to exceed 2.2 gpm (8.3 L/m) at 60 psi (414 kPa) and must revert to a maximum flow rate of 1.8 gpm (6.8 L/m) at 60 psi (414 kPa) upon valve closure.

604.4.1 Clothes Washers. Residential clothes washers shall be in accordance with the Energy Star program requirements.

604.4.2 Cooling Tower Water Efficiency.

604.4.2.1 Once-Through Cooling. Once-through cooling using potable water is prohibited.

604.4.2.2 Cooling Towers and Evaporative Coolers. Cooling towers and evaporative coolers shall be equipped with makeup water and blow down meters, conductivity controllers and overflow alarms. Cooling towers shall be equipped with efficiency drift eliminators that achieve

drift reduction to 0.002 percent of the circulated water volume for counterflow towers and 0.005 percent for crossflow towers.

604.4.2.3 Cooling Tower Makeup Water. Water used for air conditioning, cooling towers shall not be discharged where the hardness of the basin water is less than 1500 mg/L. **Exception:** Where any of the following conditions of the basin water are present: total suspended solids exceed 25 ppm, CaCO₃ exceeds 600 ppm, chlorides exceed 250 ppm, sulfates exceed 250 ppm, or silica exceeds 150 ppm.

604.4.3 Landscape Irrigation System Efficiency Requirements. The requirements in Section 604.4.3 apply to all new landscape irrigation systems connected to the public water system except those (a) used for agricultural operations as defined in the Official Code of Georgia Section 1-3-3, (b) used for golf courses, and (c) dependent upon a nonpublic water source. Nothing in this Code or this Section 604.4.3 is intended to require that landscape irrigation systems must be installed at all premises. The landscape irrigation efficiency requirements in this Section 604.4.3 apply only when someone voluntarily chooses, or is otherwise required by some requirement beyond this Code, to install a landscape irrigation system on premises.

604.4.3.1 Avoiding Water Waste Through Design. All new landscape irrigation systems shall adhere to the following design standards:

1. Pop-up type sprinkler heads shall pop-up to a height above vegetation level of not less than four (4) inches above the soil level when emitting water.
2. Pop-up spray heads or rotary sprinkler heads must direct flow away from any adjacent surfaces and must not be installed closer than four inches from impervious surfaces.
3. Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or by other means that produces no overspray or runoff.
4. Narrow or irregular shaped landscaped areas, less than four (4) feet in any direction across opposing boundaries shall not be irrigated by any irrigation emission device except subsurface or low flow emitters with flow rates not to exceed 6.3 gallons per hour.

604.4.3.2 Landscape Irrigation System Required Components.

All new landscape irrigation systems shall include the following components:

1. A rain sensor shut-off installed in an area that is unobstructed by trees, roof over hangs, or anything else that might block rain from triggering the rain sensor shutoff.
- 1.2. A master shut-off valve for each controller installed as close as possible to the point of connection of the water but downstream of the backflow prevention assembly.
3. Pressure-regulating devices such as valve pressure regulators, sprinkler head pressure regulators, inline pressure regulators, WaterSense spray sprinkler bodies, or other devices shall be installed as needed to achieve the manufacturer's recommended pressure range at the emission devices for optimal performance.
4. Except for landscape irrigation systems serving a single-family home, all other systems must also include:

- a. a WaterSense irrigation controller; and
- b. at least one flow sensor, which must be installed at or near the supply point of the landscape irrigation system and shall interface with the control system, that when connected to the WaterSense controller will detect and report high flow conditions to such controller and automatically shut master valves. The flow sensor serves to aid in detecting leaks or abnormal flow conditions by suspending irrigation. High flow conditions should be consistent with manufacturers' recommendations and specifications.

Chapter 13 NONPOTABLE WATER SYSTEMS, Section 1304 Reclaimed Water Systems.

Revise Section 1304.3.2 to read as follows:

1304.3.2 Connections to water supply. Reclaimed water provided from a reclaimed wastewater treatment ~~system~~facility permitted by the Environmental Protection Division may be used to supply water closets, urinals, trap primers for floor drains and floor sinks, water features and other uses approved by the Authority Having Jurisdiction, in motels, hotels, apartment and condominium buildings, and commercial, industrial, and institutional buildings, where the individual guest or occupant does not have access to plumbing. Also, other systems that may use a lesser quality of water than potable water such as water chillers, carwashes or an industrial process may be supplied with reclaimed water provided from a reclaimed wastewater treatment facility permitted by the Environmental Protection Division. The use of reclaimed water sourced from any new private reclaimed wastewater treatment system for outdoor irrigation shall be limited to golf courses and agriculture operations as defined in the Official Code of Georgia Section 1-3-3, and such reclaimed water shall not be approved for use for irrigating any other outdoor landscape such as ground cover, tree, shrubs, or other plants. These limitations do not apply to reclaimed water sourced from existing private reclaimed water systems or from existing or new, governmentally-owned reclaimed wastewater treatment systems.

Appendix E, Section E101.1.2.

Revise Section E.101.1.2 to read as follows:

Because of the variable conditions encountered in hydraulic design, it is impractical to specify definite and detailed rules for sizing of the water piping system. Accordingly, other sizing or design methods conforming to good engineering practice standards are acceptable alternatives to those presented herein. Without limiting the foregoing, such acceptable design methods may include for multi-family buildings the Peak Water Demand Calculator from the IAPMO/ANSI 2020 Water Efficiency and Sanitation Standard for the Built Environment, which accounts for the demands of water-conserving plumbing fixtures, fixture fittings, and appliances. If future versions of the Peak Water Demand Calculator including other building types, such as commercial, such updated version shall be an acceptable design method.



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 City Council

FROM: Ray Gibson, City Manager

DATE: April 10, 2024

SUBJECT: R-20-24 - Severance Policy

Section 3.08(d) of the Charter of the City of Fayetteville grants to the City Manager the authority to appoint, suspend, or remove all City employees, except those appointed by the Mayor and Council, in accordance with such general personnel rules, regulations, policies, or ordinances as are, from time to time, adopted by the Mayor and Council.

The City of Fayetteville is looking to adopt the attached Severance Policy that sets forth the standards and procedures of authorizing a severance package to city employees.

CITY OF FAYETTEVILLE

STATE OF GEORGIA

RESOLUTION R-20-24

A RESOLUTION OF THE CITY OF FAYETTEVILLE, GEORGIA APPROVING A SEVERANCE POLICY TO BE ADMINISTERED BY THE CITY MANAGER.

WHEREAS, Section 3.08(d) of the Charter of the City of Fayetteville grants to the City Manager the authority to appoint, suspend, or remove all City employees, except those appointed by the Mayor and Council, in accordance with such general personnel rules, regulations, policies, or ordinances as are, from time to time, adopted by the Mayor and Council; and,

WHEREAS, the City of Fayetteville sets high standards of performance, ethics, and professionalism for its employees; and,

WHEREAS, from time to time, as a result of a failure to satisfy such high standards, the City Manager is obligated to remove employees from employment at the City of Fayetteville; and,

WHEREAS, under certain circumstances, the City Manager may determine that it is reasonable and appropriate to offer a severance package to employees that are removed from their position of employment with the City; and,

WHEREAS, the Mayor and Council of the City of Fayetteville have and do consider it to be in the best interests of the City and its residents, employees, and taxpayers to establish a policy authorizing the extension of severance benefits to employees who are removed from their position at the City of Fayetteville.

NOW THEREFORE, it is hereby **RESOLVED**, by the Mayor and City Council of the City of Fayetteville, as follows:

1. **Authorization of Severance Package.** The City Manager is authorized, in his or her discretion, to offer and provide to employees removed from employment by the City of Fayetteville a reasonable severance package, without further authorization or approval of the Mayor and Council, subject to the following limitations and conditions:
 - a. No severance package may offer to any employee a severance greater than one (1) month's salary, compensation, and benefits. This shall include any direct salaries, compensations, or benefits received by the employee as a direct result of his or her employment with the City.

- b. No severance package may be offered to any employee who is terminated from employment as a result of any alleged criminal activity, including but not limited to, criminal activity directly or indirectly related to the employee's employment with the City of Fayetteville.
- c. No severance package may be granted or denied based upon any employee's national origin, race, sex, gender, age, religion, sexual orientation, or genetic information.
- d. No severance package may be given in the absence of a properly executed Severance Agreement. Said Severance Agreement must be approved in form and substance by the City Manager and City Attorney, and executed by the employee where indicated. The Severance Agreement must clearly spell out the terms and conditions of the the severance package.

SO RESOLVED, this __ Day of April, 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



FAYETTEVILLE

INTEROFFICE MEMORANDUM

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TO: Mayor and Council

VIA: Ray Gibson, City Manager

FROM: Mike Bush, Director of Finance and Administrative Services

DATE: 4/10/2024

SUBJECT: #0-9-24 Changes to the limits for purchase approvals in the Purchasing Manual

After discussing a few changes in the purchasing manual, which is located in the city ordinances, it was determined that we do not have to advertise the changes, nor do we have to hold a special public hearing for these changes.

We were advised that the changes can be done through consent agenda.

The changes are with our approval limits for certain purchases. The following are the current guidelines.

1. Items \$1,000 and below require Department Head Approval.
2. Items \$1001 - \$5,000 and budgeted require three written quotes approved by Department Head and Finance.
3. Items 5,001 - \$25,000 and budgeted require three written quotes approved by Department Head, Finance, and the City Manager
4. Items above \$25,001 require formal bids.

The Staff is asking to change the current limits to the following:

1. Items \$2,500 and below require Department Head Approval only.
2. Items \$2,501 - \$7,500 and budgeted require three written quotes and approval from the Department Head and Finance.
3. Items \$7,501 - \$49,999 and budgeted require three written quotes and approval from the Department Head, Finance, and the City Manager.
4. Items above \$50,000 but less than \$100,000 and budgeted require 3 written quotes and approval from the Department Head, Finance, City Manager, and City Council.
5. Over \$100,000 requires formal bids.

If you have any questions, please feel free to contact me at 770-719-4169.

ORDINANCE #0-09-24

AN ORDINANCE AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE VI (PURCHASING MANUAL), DIVISION 2 (PURCHASING), SECTION 2-314 (PURCHASING PROCEDURES) OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE TO AMEND THE PURCHASING PROCEDURES; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and City Council are the governing body of the City of Fayetteville; and,

WHEREAS, the Mayor and City Council are authorized to amend the policies and procedures of the City at this discretion; and,

WHEREAS, the Mayor and City Council find it necessary to amended the purchasing procedures of the City of Fayetteville.

NOW THEREFORE, the Council of the City of Fayetteville hereby ordains:

Section One. Purchasing Procedures. Section 2-314 (Purchasing Procedures) of the Code of Ordinances of the City of Fayetteville is hereby amended by striking Section 2-314 and its entirety and replacing it with the following:

- (a) The purchasing procedures to be followed by the city based on the dollar amount of the purchase are as follows and are on a per item basis:
- (1) *Up to \$2,500.00 and budgeted*—Direct purchase by the department head.
 - (2) *\$2,500.01 up to \$7,500.00 and budgeted*—Minimum of three written quotations taken by department head and submitted to purchasing agent. Results of quotations and award shall be recorded and filed.
 - (3) *\$7,500.01 up to \$49,999.99 and budgeted*—Minimum of three written quotations taken by department head and submitted to purchasing agent. The purchasing agent submits copies to the city manager. Results of quotations and award shall be recorded and filed.
 - (4) *Above \$50,000.00 and budgeted*—Requires solicitation of advertised formal sealed bids by the purchasing agent. The purchasing agent and city manager make recommendation to governing body and they award the bid. Results of bids and award shall be recorded and filed. All purchases must be approved by the Department Head, Director of Finance, City Manager and the City Council.
 - (5) *Public works construction projects \$100,000.00 or more and budgeted*—Requires public advertisement, sealed competitive bids by purchasing department. Purchasing agent and city manager make recommendation to

governing body and they award bid. Results of bids and award to be recorded and filed.

(6) *Fayette County collaborative buying list or state contract (budgeted items including vehicles)*—Direct purchase by department heads through purchasing agent with city manager and financial director approval.

(7) *Professional services*—

- a. The governing body may appoint charter positions based upon qualifications and experience. These charter positions shall include, attorney, solicitor, judge, and judge pro tem.
- b. The city may contract with vendors for professional services based upon qualifications, experience and costs, if applicable, of the respective vendors. These professional services shall include, but not limited to, auditors, engineers, architects, banks, and psychologists. Professional services shall require solicitation of proposals or bids, as necessary, by the purchasing agent. The purchasing agent and city manager make recommendation to governing body and they award the bid. Results of bids and award shall be recorded and filed.
- c. All contracts shall comply with sections 2-350 through 2-356 of this chapter.

(8) *Compliance with federal requirements*—Where a procurement involves the expenditure of federal assistance or contract funds, the purchasing agent shall comply with such federal laws and authorized regulations which are mandatorily applicable and which are not presently reflected in this chapter.

(9) *Sole source procurement*—A contract may be awarded without competition when the purchasing agent determines in writing, after conducting a good faith review of available sources, that there is only one source for the required supply, service, or construction item. The purchasing agent shall conduct negotiations, as appropriate, as to price, delivery, and terms. A record of sole source procurements shall be maintained as a public record and shall list each contractor's name, the amount and type of each contract, a listing of the items(s) procured under each contract, and the identification number of each contract file.

(b) Bond and insurance requirements.

(1) Public road projects contracts over \$5,000.00 require performance bond and payment bond as well as public liability and property damage insurance bonds or policies, and bonds to maintain in good condition; such completed construction for a period of not less than five years, pursuant to O.C.G.A. § 32-4-119. The amount of insurance depends on the size of the project.

(2) Public works contracts over \$40,000.00 must provide a bid bond, performance bond, and payment bond in accordance with O.C.G.A. tit. 36, ch. 91.

- (3) Any contractor entering a contract with the city must carry a worker's compensation policy at the minimum statutory limit, unless he is exempt under O.C.G.A. § 34-9-1 et seq.
- (4) Licensed professionals contracting with the city for services in the amount of \$40,000.00 or more must provide professional liability coverage of \$1,000,000.00.

Section Two. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Three. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED, this 18th day of April, 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

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TO: Mayor and City Council

FROM: Ray Gibson, City Manager

DATE: April 10, 2024

SUBJECT: #0-10-24 – Public Hearings Ordinance

An ordinance amending Article II (City Government), Section 2.06 (Regular and Special Meetings of Mayor and Council) of the Charter of the City of Fayetteville, to establish the time for public participation at Regular Meeting of the City Council, to limit topics for discussion during public participation to matters appearing on the agenda, and for other purposes.

ORDINANCE #0-10-24

AN ORDINANCE AMENDING ARTICLE II (CITY GOVERNMENT), SECTION 2.06 (REGULAR AND SPECIAL MEETINGS OF MAYOR AND COUNCIL) OF THE CHARTER OF THE CITY OF FAYETTEVILLE TO ESTABLISH THE TIME FOR PUBLIC PARTICIPATION AT REGULAR MEETINGS OF THE CITY COUNCIL, TO LIMIT TOPICS FOR DISCUSSION DURING PUBLIC PARTICIPATION TO MATTERS APPEARING ON THE AGENDA; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and City Council conduct regular public meetings on the third Thursday of each month pursuant to Section 2.06 of the City Charter for the City of Fayetteville (the “Regular Meetings”);

WHEREAS, in order to provide for more public participation during such Regular Meetings and in order to ensure efficient and productive meetings, the Mayor and Council have determined that it is in the best interest of the City, its residents, and taxpayers to establish guidelines for public participation in Regular Meetings of the Mayor and Council.

NOW THEREFORE, the Council of the City of Fayetteville hereby ordains:

Section One. Public Participation. Section 2.06 of the Charter of the City of Fayetteville be amended by adding a new Section 2.06 (c) as follows:

“(c) *Public participation at Regular Meetings of the City Council shall be permitted in accordance with the provisions of this section.*

(1) *Public comments.*

a. *At each Regular Meeting of the Mayor and Council (which meetings are presently conducted on the third Thursday of each month), a time for public comment (the "public comment portion"), not to exceed thirty (30) minutes, shall be made available during which time members of the public may provide public comment on matters of public concern related to City business. No public comment portion shall be included at any emergency, special called, or work session meeting of the Mayor and Council;*

b. *Each member of the public wishing to address the City Council shall have a total of three (3) minutes during which he/she may address the Mayor and Council. No member of the public may address the Council during the public comment portion more than once during any meeting. Each member must disclose his or her name and address for the record;*

c. *No member of the public shall repeat previously stated comments or opinions previously stated to the City Council during the meeting;*

d. *No member of the public shall be permitted to make personal, impertinent, slanderous or profane remarks to any member of the City Council, staff or general public. Any person who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any meeting shall, at the discretion of the Mayor or a majority of the City Council, be barred from further audience before the City Council during that meeting;*

(2) Public Hearings.

a. *For matters required by law, or by ordinance, to be accompanied by a Public Hearing, such Public Hearing shall be undertaken in accordance with the applicable law, or ordinance requiring such public hearing. To the extent the law or ordinance is silent as to the procedure to be undertaken at such public hearing, the following provisions shall apply:*

i. *For matters arising under the City of Fayetteville Unified Development Ordinance (i.e. zoning applications, etc.), those wishing to speak in favor of the item before the Council, including the applicant, shall be given a total of fifteen (15) minutes to be heard; those wishing to speak against the item before the Council shall be given a total of fifteen (15) minutes to be heard. The City Council may extend the time for public hearings arising under the UDO by a majority vote of the Council members.*

ii. *For other matters requiring a public hearing, but not arising under the UDO, there shall be allotted thirty (30) minutes for public hearing. Each person wishing to be heard on any such matter shall limit his/her presentation to three (3) minutes. All comments made during such public hearing shall relate to the matter pending before the Council and shall not repeat previously stated comments and opinions. The City Council may extend the time for public hearings by a majority vote of the Council members.”*

Section Two. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Three. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED, this 18th day of April, 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



FAYETTEVILLE

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TO: Mayor and City Council

FROM: Ray Gibson, City Manager

DATE: April 10, 2024

SUBJECT: #0-11-24 – Work Session Procedures Ordinance

Pursuant to Section 2.06 (“Regular and Special Meetings of Mayor and Council) of the City of Fayetteville Charter, the City of Fayetteville is looking to adopt the attached Work Session Ordinance that sets forth the order of business for City Council Work Sessions.

The attached Ordinance prescribes standards for items placed on the agenda, public comments, and other factors that take place when conducting a City Council Work Session.

CITY OF FAYETTEVILLE

STATE OF GEORGIA

ORDINANCE #0-11-24

AN ORDINANCE OF THE CITY OF FAYETTEVILLE, GEORGIA TO PRESCRIBE THE ORDER OF BUSINESS AT CITY COUNCIL WORK SESSIONS SCHEDULED PURSUANT TO SECTION 2.06 (“REGULAR AND SPECIAL MEETINGS OF MAYOR AND COUNCIL”) OF THE CITY OF FAYETTEVILLE’S CHARTER.

WHEREAS, the Mayor and Council 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 by state law; and,

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

WHEREAS, every official act of the Mayor and Council which is to become law shall be by ordinance; and,

WHEREAS, pursuant to Section 2.06 of the City Charter of the City of Fayetteville, the Mayor and Council shall fix the date and time of regular meetings and work sessions of the Mayor and Council by ordinance;

WHEREAS, the Mayor and Council have, pursuant to Ordinance No. 0-10-24, established that Work Sessions shall be conducted on the last Tuesday of every month at 9:00 am;

WHEREAS, the Mayor and Council have determined that it is reasonable and appropriate to establish the items that are appropriate for consideration at a Work Session and the procedure for establishing the Agenda therefor.

NOW THEREFORE, the Council of the City of Fayetteville hereby ordains as follows:

Section 1. Work Session Agenda. The City Manager, in cooperation with the City Clerk and the Mayor, shall prepare and publish an Agenda for each Work Session sufficiently in advance of the Work Session so that it may be distributed and published as prescribed by law.

Section 2. Matters Appearing on Agenda. Matters appearing on the Agenda may include:

- (a) such matters as are, in the opinion of the City Manager, City Clerk, or Mayor, of such complexity that in-depth discussion among the Mayor, Council, and Staff is reasonable and necessary prior to the meeting at which the item is to be considered and voted upon;
- (b) matters related to the City’s long-term planning and strategy;
- (c) matters in which the City Manager or City Staff are seeking input and advice from the Mayor and Council;
- (d) reports from the City Manager and Staff regarding the status of any project or initiative of the City; and
- (e) such other matters as are deemed reasonable and appropriate for discussion at a Work Session by the City Manager, Mayor, or City Council.

Section 3. Matters Not to Appear on Work Session Agenda. The following matters shall not appear on a Work Session Agenda:

- (a) matters requiring a public hearing prior to adoption; and
- (b) discussion, consideration or presentations regarding any pending application for the rezoning, the grant or denial of any use permit, variance, or the approval or disapproval of any site plan, preliminary plat or final plat of any project within the City

Section 4. Public Comment. The Agenda for a Work Session shall not include any time for Public Comment, such Public Comment being more appropriately heard at Regular Meetings of the Mayor and Council.

Section Four. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section Five. Effective Date. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED, this 18th Day of April, 2024.

Edward J. Johnson, Jr., Mayor

Richard J. Hoffman, Mayor Pro Tem

Attest:

T. Joe Clark, Council Member

Chelsea Siemen, Interim City Clerk

Niyah Glover, Council Member

Darryl Langford, Council Member

Scott Stacy, Council Member