



#### FAYETTEVILLE CITY COUNCIL

Edward J. Johnson, Jr. Mayor  
Scott Stacy, Mayor Pro Tem  
Kathaleen Brewer  
Paul C. Oddo, Jr.  
Harlan Shirley  
James B. Williams

#### STAFF

Ray Gibson, City Manager  
Anne Barksdale, City Clerk

#### MEETING LOCATION

Fayetteville City Hall  
Council Chambers  
240 South Glynn Street  
Fayetteville, Ga. 30214

#### MEETING TIME EACH MONTH

Regular Session  
1<sup>st</sup> & 3<sup>rd</sup> Thursday –  
6:00pm

#### MAYOR AND COUNCIL OFFICE

Fayetteville City Hall  
240 South Glynn Street  
Fayetteville, Ga. 30214

Phone: 770-461-6029  
Fax: 770-460-4238

Web Site:  
[www.fayetteville-ga.gov](http://www.fayetteville-ga.gov)

E-Mail Address:  
[abarksdale@fayetteville-ga.gov](mailto:abarksdale@fayetteville-ga.gov)

## *Agenda* *Fayetteville City Council Meeting* *October 6, 2016* *6:00 P.M.*

Call to Order

Opening Prayer

The Pledge of Allegiance to the Flag

#### **Approval of Agenda**

1. Approval of Minutes of the September 15, 2016 City Council Meeting

#### **RECOGNITIONS AND PRESENTATIONS**

2. Fayette County High School Hall of Fame Proclamation

#### **PUBLIC HEARINGS:**

3. Consider Beer, Wine, & Distilled Spirits License for Hanna Brothers Restaurant located at 461 Sandy Creek Rd., Ste. 2121 for Jimmy Hanna: *Presented by City Clerk Anne Barksdale*
4. Consider Beer & Wine License for Noorany & Ukani LLC/ Cornerstone Chevron located at 95 South Jeff Davis Drive for Gulzar Noorany: *Presented by City Clerk Anne Barksdale*
5. Consider #0-10-16 – Revert Rezoning for Parcel #0524019 – Cobblestone – RMF-15 (Multi-family Residential) to C-3 (Highway Commercial) – Second Reading: *Presented by Collaborative Firm Consultant Jahnee Prince*
6. Consider #0-19-16 – Text Amendments to Zoning Section 94-169 – Light Manufacturing District (M-1) – Second Reading: *Presented by Collaborative Firm Consultant Jahnee Prince*
7. Consider #0-20-16 – Text Amendments to Zoning Section 94-165 – Downtown Historic Mixed Use District (C-1) – Second Reading: *Presented by Collaborative Firm Consultant Jahnee Prince*
8. Consider #0-21-16 – Text Amendments to Zoning Section 94-166 – Community Commercial (C-2) – Second Reading: *Presented by Collaborative Firm Consultant Jahnee Prince*

**NEW BUSINESS:**

9. Consider Resolution R-33-16 – Approve the Change Order for the Jeff Davis Drive North Pavement Milling and Overlay: *Presented by Public Services Director Chris Hindman*

**REPORTS AND COMMENTS:**

10. City Manager and Staff Reports
11. City Council and Committee Reports
12. Mayors Comments
13. Public Comments

**City of Fayetteville**  
**Regular Mayor and City Council Meeting**  
**Minutes**  
**September 15, 2016**

**Call to Order**

The Mayor and City Council of Fayetteville met in regular session on September 15, 2016 at 6:00 p.m. in the Council Chambers at City Hall. Mayor Edward Johnson called the meeting to order, followed by Opening Prayer and led those attending in the Pledge of Allegiance to the Flag. Council members present were: Harlan Shirley, Kathaleen Brewer, Paul Oddo, Scott Stacy, and James Williams. Staff members present were City Manager Ray Gibson and City Clerk Anne Barksdale.

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

Shirley moved to approve the minutes of the City Council Called Meeting of September 1, 2016. Brewer seconded the motion. Motion carried unanimously.

Stacy moved to amend September 1, 2016 Regular City Council Minutes to include addition of Councilmember Paul Oddo's comments concerning the BioLife agenda item. Oddo seconded the motion. Motion carried unanimously.

Stacy moved to approve the minutes of the Regular City Council meeting of September 1, 2016 as amended. Shirley seconded the motion. Motion carried unanimously.

**Recognitions and Presentations:**

Mayor Johnson called Carlotta Ungaro, President of the Fayette County Chamber of Commerce to give an update on the County Branding Campaign.

**Public Hearings:**

Mayor Johnson called Consider Beer, Wine, and Distilled Spirits License for Honfei Inc./Bonchon Restaurant located at 120 Pavilion Parkway, Ste. C, for Hong Zhi Lin.

City Clerk Anne Barksdale stated this is a new restaurant and owner/licensee for Bonchon Restaurant, located in the Pavilion. All paperwork has been approved.

There were no public comments.

Stacy moved to approve Beer, Wine, and Distilled Spirits License for Honfei Inc./Bonchon Restaurant located at 120 Pavilion Parkway, Ste. C. for Hong Zhi Lin. Brewer seconded the motion. Motion carried unanimously.

Mayor Johnson called Consider #0-14-16 – Amendment 1 to Budget FY2017 – 2<sup>nd</sup> Reading.

Director of Finance and Administrative Services Mike Bush stated, this item is to amend Fiscal Year 2017 General Fund and Capital Project Fund budgets.

He presented a power point presentation for an overview of each Fund's amendments.

There were no public comments.

Williams moved to approve #0-14-16 – Amendment 1 to Budget FY2017. Shirley seconded the motion. Motion carried unanimously.

### **New Business:**

Mayor Johnson called Consider Comprehensive Plan Steering Committee Appointments.

Collaborative Firm Consultant Jahnee Prince explained the Comprehensive Plan and announced the Steering Committee appointments.

She explained, a Comprehensive Plan is a high level policy guide for the physical growth, development and redevelopment of the City. Comprehensive plans are used by local governments to guide, manage, and implement quality growth. Having a Comprehensive Plan creates an environment of predictability for businesses, investors, developers, property owners, and the public. It helps to recognize and implement important economic development and revitalization initiatives and, more importantly, it communicates the citizens' vision for the future of Fayetteville to City Council. City Council implements the plan by making decisions (budget, zoning, etc.) that will solidify the plan. Staff also implements the plan by completing the projects listed in the Community Work Program section of the Comprehensive Plan.

The Comprehensive Plan update will take place over the upcoming nine months. The process officially begins at this meeting, with the Comprehensive Plan presentation and the appointment of the Comprehensive Plan Steering Committee members. The Steering Committee will meet six to eight times over the course of the planning process.

Ms. Prince added, the Steering Committee members are tasked with helping the Collaborative Firm planning team to understand Fayetteville citizens' goals and vision for the future. The Steering Committee will guide the planning team throughout the process to ensure that the Comprehensive Plan document truly reflects the goals and desires of the community. Steering Committee members can expect to read and digest data about the community, to help the planning team understand input received through the community survey and community workshops/open house, and to review the Comprehensive Plan document content as it is developed by the Collaborative Firm planning team.

The completed list of the Steering Committee is as follows:

1. Rachel Goergen (Lester)
2. Larry Dell
3. Michelle Fowler
4. Rich Hoffman
5. Abe Morrall
6. Ken Steele
7. Karen Graiser,
8. Kelly Brown
9. Carlotta Ungaro
10. Ken Collins
11. Greg Aiken
12. Brett Nollan
13. Rick Halbert
14. Cam Williams
15. Debbie Renfroe
16. Cathy Cochran
17. Robert Burch
18. Katie Pace
19. Lauren Panter
20. Janice Boyd

Councilmember Paul Oddo said he felt like he has not had enough time to digest the names and bios for the committee appointments and asked to hold off on approval at this time.

Council discussed his idea and decided to go ahead with approval of steering committee appointments, stating we need to stay on track with our timeline, and the committee member list can be tweaked if needed.

Shirley moved to approve Comprehensive Plan Steering Committee Appointments Williams. seconded the motion. Motion carried 4-0-1. Oddo abstained.

### **City Manager and Staff Reports:**

City Manager Ray Gibson stated The Collaborative Firm is working on the SPLOST Project List. The SPLOST item will be on the March 21, 2017 ballot in the general election.

Fayetteville will have their last Lunch on the Lawn for the year this Friday from 11:30 – 1:30pm on the Old Courthouse Lawn.

Southern Ground Amphitheater will host Pinewood Movie Night this Saturday evening by showing Ant Man. Doors open at 7:00pm.

**City Council and Committee Reports:**

Councilmember Stacy commended the members of the Fayetteville Fire Department and PD for their walk up Stone Mountain on 9/11 to observe that day.

Fire Chief Alan Jones stated he was very proud of the participants for representing Fayetteville and climbing the mountain in full gear. He said they received a letter from Ben Adams, a 7-year-old boy thanking them for their accomplishment and for being “our fire fighters”.

Councilmember Brewer said we had a good Economic Development Committee meeting earlier this week with Noell Consulting delivering a positive Downtown Market Analysis for Fayetteville.

**Mayor’s Comments:**

Mayor Johnson said he and staff attended a great day of Economic Development training at the Fayette County Development Authority this week.

He also mentioned the 9/11 Interdenominational Prayer vigil held on the Old Courthouse lawn that evening, saying it was very successful and was an important event to keep our community connected.

Mayor Johnson announced we will have a team participating in the PTC Dragon Boat Race on Saturday the 24<sup>th</sup> so come cheer us on.

There were no public comments.

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

Respectfully submitted,

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Anne Barksdale, City Clerk



# **CITY OF FAYETTEVILLE**

## **INTEROFFICE MEMORANDUM**

**TO:** Mayor and Council

**VIA:** Ray Gibson, City Manager

**CC:** Alan Jones, Assistant City Manager/Fire Chief

**FROM:** Anne Barksdale, City Clerk

**DATE:** September 21, 2016

**SUBJECT:** Proclamation – FCHS Athletic Hall of Fame Day

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The Fayette County High School Athletic Hall of Fame Day is an annual recognition that the City of Fayetteville is happy to be a part of. This year, October 15th is the day FCHS Hall of Fame recipients will be recognized at their banquet. Terri Gaspierik and Terry Wilson will be present to accept the proclamation.

**PROCLAMATION  
FAYETTE COUNTY HIGH SCHOOL HALL OF FAME DAY**

**WHEREAS**, Fayette County High School has been serving Fayetteville since 1925 and Fayette County providing secondary educational needs; and

**WHEREAS**, the Fayette County High School Distinguished Alumni & Sports Hall of Fame was created in 1999 to honor distinguished student-athletes and also to honor distinguished students who did not participate in athletics; and

**WHEREAS**, the Fayette County High School Distinguished Alumni & Sports Hall of Fame Board of Directors recognizes that students and student-athletes alike bring honor, glory, and recognition to Fayette County Senior High School; and

**WHEREAS**, the Fayette County High School Distinguished Alumni & Sports Hall of Fame Board of Directors desires to recognize in the class of 2016 three distinguished alumni: Ronnie Chance, Johnny Lynch and Randall Porter; and two former student athletes: Bonnie Bynum Graham and Ashley Holcomb Bell and one former coach, the late Clint Burton; and

**WHEREAS**, the Hall of Fame Board of Directors celebrates these successes with inductees as well as family members who made sacrifices and provided support, and that such effort is deserving of public honor; and

**WHEREAS**, to help achieve the goal of recognition, the Fayetteville Mayor and Council invite all residents of Fayetteville and Fayette County to participate in the celebration of the induction of the six new members of the Fayette County High School Distinguished Alumni & Sports Hall of Fame.

**NOW THEREFORE**, on behalf of the Fayetteville City Council, I, Ed Johnson, Mayor of Fayetteville, Georgia do hereby proclaim October 15, 2016 as

**“FAYETTE COUNTY HIGH SCHOOL DISTINGUISHED ALUMNI AND SPORTS HALL OF FAME DAY”**

and call upon the citizens of Fayetteville to observe this day with the appropriate programs and recognition of the eight members of the Fayette County High School Distinguished Alumni & Sports Hall of Fame Class of 2016 inductees.

**SO PROCLAIMED** this 6<sup>th</sup> day of October, 2016.

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Edward J. Johnson, Jr., Mayor

Attest:

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Anne Barksdale, City Clerk



# **CITY OF FAYETTEVILLE**

## **INTEROFFICE MEMORANDUM**

**TO:** Mayor and Council

**VIA:** Ray Gibson, City Manager

**CC:** Mike Bush, Director Finance & Admin  
Carleetha Talmadge, Assistant Director of Finance

**FROM:** Anne Barksdale, City Clerk

**DATE:** September 19, 2016

**SUBJECT:** Beer, Wine, and Distilled Spirits License for Hanna Bros. Restaurant

This is a new owner/licensee for Hanna Brothers Restaurant. It is located at 461 Sandy Creek Rd., Ste. 2121, for Jimmy Hanna. All paperwork has been approved.

**NOTICE OF PUBLIC HEARING**

**ON-PREMISE CONSUMPTION OF ALCOHOL**

Application has been made by the undersigned requesting the issuance of a license to sell Malt Beverages, Wine and/or Distilled Spirits for On Premise Consumption at the following location:

Business Name: Hanna Brothers, Georgia, LLC  
Business Address: 461 Sandy Creek Rd #2121, Fayetteville, GA 30214  
Applicant's Name: Jimmy Hanna  
(Please Print)

The application will be heard by the Mayor and Council of the City of Fayetteville, at City Hall, 240 South Glynn Street, during a public hearing to be held on:

October 6, 2016, at 6:00 p.m.  
Month Day Year

Applicant's Signature: Sharon Suresh

To Be Advertised: Sept 21 2016

Fax to: Fayette County News

Attention: Ryan Tribble

770-460-8172

**FAYETTEVILLE POLICE DEPARTMENT  
ALCOHOL LICENSE INVESTIGATIVE REPORT**

**TO:** License and Permits Department  
**FROM:** Interim Chief Jeff McMullan  
**DATE:** September 8, 2016  
**RE:** Alcohol License Recommendation

The following is an Investigative Summary Recommendation for an Alcohol License for the Business/Applicant listed below.

**Business Name:** Hanna Brothers Georgia LLC

**Owner/Applicant:** Jimmy Hanna

**Approved**

**Denied**

**Conditional**

**Fingerprint cards on file**

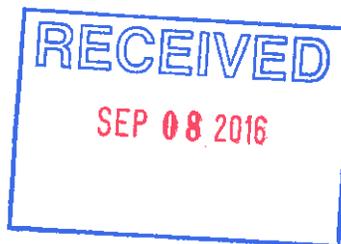
**RENEWAL**

**Change License Holder (New Owner/Business Name)**



Jeff McMullan, Interim Chief of Police Or Designee  
Fayetteville Police Department

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# CITY OF FAYETTEVILLE ALCOHOL LICENSE APPLICATION

#36607

IDENTIFICATION SECTION					
1	Enter state taxpayer identifier (STI) here:				
2	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Name of Licensee: <u>Jimmy Hanna</u></td> <td style="width: 50%;">Social Security Number:</td> </tr> <tr> <td>Date of Birth:</td> <td></td> </tr> </table>	Name of Licensee: <u>Jimmy Hanna</u>	Social Security Number:	Date of Birth:	
Name of Licensee: <u>Jimmy Hanna</u>	Social Security Number:				
Date of Birth:					
3	Is Licensee a Corporation?    Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If "yes", name and address of Registered Agent: <u>Jimmy Hanna 276 Greenwood W. P.O. 30269</u>				
4	Legal Business Name and address: <u>Hanna Brothers Georgia, LLC</u> <u>461 Sandy Creek Rd #2221</u> <u>Fayetteville GA 30244</u> General Manager Name:				
5	License Year for which Application is made: <u>4/8/2015</u>				
ALCOHOL INFORMATION SECTION					
6	When did you or will you begin selling alcoholic beverages for which this application is made?      Date: <u>10/1/2016</u>				
7	Type of License: (Check all that apply)  1) Retail Package (check all that apply) (Total application fee \$200.00) <input type="checkbox"/> Beer - Application Fee \$200.00 & License Fee \$500.00 <input type="checkbox"/> Wine - Application Fee \$200.00 & License Fee \$500.00  2) Consumption on Premise (Pouring) (Check all that apply) (Total application fee \$300.00) <input checked="" type="checkbox"/> Beer - Application Fee \$300.00 & License Fee \$1,000.00 <input checked="" type="checkbox"/> Wine - Application Fee \$300.00 & License Fee \$1,000.00 <input checked="" type="checkbox"/> Liquor - Application Fee \$300.00 & License Fee \$5,000.00  3) <input checked="" type="checkbox"/> Off Premise Catering - \$250.00 License Fee				
8	Type of Business: (check one) <input checked="" type="checkbox"/> Restaurant <input type="checkbox"/> Retail Stores <input type="checkbox"/> Wholesale Stores <input checked="" type="checkbox"/> Catering				
9	Do you comply with the distance requirements of City Ordinance Sect. 10-34, no. (b)(6)? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				
CRIMINAL HISTORY CONSENT FORM					
10	I, <u>Jimmy Hanna</u> , hereby give my permission to the City of Fayetteville Police Department to fingerprint me, also authorize the City of Fayetteville Police Department to run a criminal background check for the purpose of investigating my background in order to obtain an Occupational License to operate a place of business handling Alcoholic Beverages.				
SIGNATURE SECTION					
11	I declare under penalty of perjury that this application has been examined by me, and to the best of my knowledge and belief is true, correct and complete.  <table style="width: 100%;"> <tr> <td style="width: 40%;"><u>[Signature]</u> Signature</td> <td style="width: 20%;"><u>Pres</u> Title</td> <td style="width: 40%;"><u>8/31/16</u> Date</td> </tr> </table> <p>(Must be signed by licensee. If the licensee is a corporation, must be signed by an officer of the corporation. Stamped signature not acceptable)</p> <p>I hereby certify that <u>Jimmy Hanna</u> is personally known to me, that said applicant signed the foregoing application after stating to me personal knowledge and understanding of all statements and answers made herein, and, under oath actually administered by me, has sworn that said statements and answers are true.</p> <p>This <u>06</u> day of <u>09</u></p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin-left: auto;"> <p style="text-align: center;">ROSSI TCHEDRE Notary Public Notary Public Clayton County State of Georgia My Commission Expires Jan 23, 2018</p> </div>	<u>[Signature]</u> Signature	<u>Pres</u> Title	<u>8/31/16</u> Date	
<u>[Signature]</u> Signature	<u>Pres</u> Title	<u>8/31/16</u> Date			
12	Check all that apply:  <input type="checkbox"/> Beer <input type="checkbox"/> Wine <input type="checkbox"/> Liquor <input type="checkbox"/> Catering				

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# **CITY OF FAYETTEVILLE**

## **INTEROFFICE MEMORANDUM**

**TO:** Mayor and Council

**VIA:** Ray Gibson, City Manager

**CC:** Mike Bush, Director Finance & Admin  
Carleetha Talmadge, Assistant Director of Finance

**FROM:** Anne Barksdale, City Clerk

**DATE:** September 27, 2016

**SUBJECT: Beer & Wine License for Noorany & Ukani, LLC/Cornerstone Chevron**

This is a new licensee for Cornerstone Chevron located at 95 South Jeff Davis Drive for Gulzar Noorany. All paperwork has been approved.

NOTICE OF PUBLIC HEARING

OFF-PREMISE CONSUMPTION OF ALCOHOL

Application has been made by the undersigned requesting the issuance of a license to sell Malt Beverages and/or Wine for Off Premise Consumption at the following location:

Business Name: Noorany + Ukani LLC / CORNERSTONE CHEVRON

Business Address: 95 S. JEFF DAVIS DR, FAYETTEVILLE GA 30214

Applicant's Name: GULZAR NOORANY  
(Please Print)

The application will be heard by the Mayor and Council of the City of Fayetteville, at City Hall, 240 South Glynn Street, during a public hearing to be held on:

October 6, 2016 at 6:00 p.m.  
Month Day Year

Applicant's Signature: \_\_\_\_\_

**FAYETTEVILLE POLICE DEPARTMENT  
ALCOHOL LICENSE INVESTIGATIVE REPORT**

**TO:** License and Permits Department  
**FROM:** Interim Chief Jeff McMullan  
**DATE:** September 22, 2016  
**RE:** Alcohol License Recommendation

The following is an Investigative Summary Recommendation for an Alcohol License for the Business/Applicant listed below.

**Business Name:** Cornerstone Chevron

**Owner/Applicant:** Gulzar Noorany

 **Approved**

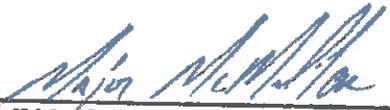
                     **Denied**

    X     **Conditional**

    X     **Fingerprint cards on file**

           **RENEWAL**

    X     **Change License Holder (New Owner/Business Name)**

 09/22/16  
Jeff McMullan, Interim Chief of Police Or Designee  
Fayetteville Police Department

FOR OFFICE USE ONLY





# CITY OF FAYETTEVILLE

## INTEROFFICE MEMORANDUM

**TO:** Mayor and Council

**VIA:** Ray Gibson, City Manager

**CC:** Anne Barksdale, City Clerk

**FROM:** Jahnee Prince, AICP, Acting Director of Planning and Zoning

**DATE:** September 29, 2016

**SUBJECT:** Consider #0-10-16 to rezone 5.89 acres from RMF-15 (Multi-Family Residential) back to C-3 (Highway Commercial). Property located on Cobblestone Blvd.

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### **Site Information**

The parcel is slightly less than six acres in size, and is adjacent to the Cobblestone Apartment development, a gas/service station, and Oakbrook single-family subdivision.

### **Project Information**

The property was rezoned from C-3 to RMF-15 (Residential Multi-Family) in March 2015 to allow for the development of 33 townhouses. Since the rezoning took place, Staff has inquired multiple times as to the status of the approved project. In January, the property owner stated that they were obtaining pricing for the site work and construction of the buildings. Since then, no development plans have been submitted to the City for the project.

### **Analysis**

To discourage speculative zoning requests, Section 94-87 of the City of Fayetteville Zoning Ordinance states:

*If, within 12 months of the re-classification granted by this chapter, the applicant fails to initiate development of the subject site in conformity with said uses and development plans, including any conditions imposed by the council, the zoning granted in the ordinance of rezoning shall be automatically revoked, and the land's zoning classification shall revert to the zoning classification of the land prior to the rezoning...*

It has been 18 months since the rezoning was first granted, which exceeds the 12 month time limit stated in the ordinance. It is also the burden of the property owner to show “substantial compliance” with intent to develop the site per the concept plan that was approved at the rezoning process.

Section 94-87 describes this in detail:

*The petitioner's substantial compliance, within 12 months of the date of the ordinance of rezoning, with the plans for the project proposed in the development plan submitted with the initial applicant's application for rezoning, and as thereafter amended by the applicant and accepted by the city council, is required. Substantial compliance means that the applicant must have initiated development of the project to the point that it is clearly in progress in accordance within the plan.*

Due to the lack of a development plan being submitted to the City for this project 18 months after RMF-15 zoning was granted, a reversion of zoning to C-3 is appropriate. When the owner is ready to develop the site, another rezoning request can be made at that time.

### **Update**

In June of this year, the property was sold to Fogelman Properties, located in Memphis, Tennessee. As a courtesy, planning staff sent the new property owner a certified letter informing them of the reversion of the zoning on their property. A representative of Fogelman Properties called our Senior Planner, Julie Brown, to discuss the letter and indicated that they have no plans for the property and do not object to the zoning reverting to C-3.

## **PUBLIC NOTICE**

The Mayor and City Council will hold a public hearing on Thursday June 2, 2016 at 6:00 PM at City Hall, 240 South Glynn Street, Fayetteville, Georgia, 30214.

The purpose of this hearing is to consider reverting the rezoning of .947 acres from PCD (Planned Community Development) back to R-70 (Single Family Residential). Property located at 467 Veterans Parkway -parcel 0535009.

Also, to consider reverting the rezoning of 5.89 acres from RMF-15 (Multi-Family Residential) back to C-3 (Highway Commercial). Property located at Highway 54 East - parcel 0524019. Per Section 94-87 of the City of Fayetteville Zoning Ordinance

*If, within 12 months of the re-classification granted by this chapter, the applicant fails to initiate development of the subject site in conformity with said uses and development plans, including any conditions imposed by the council, the zoning granted in the ordinance of rezoning shall be automatically revoked, and the land's zoning classification shall revert to the zoning classification of the land prior to the rezoning. If an annexation was granted, the site will revert to the zoning classification most compatible with that of the surrounding area, as determined by the city council.*

Per (Section 2.13(b)) of the City ordinance, the text of the original development agreement and the proposed ordinance shall be available at City Hall for public inspection at the City Clerk's office during regular business hours of 8:00 AM and 5:00 PM, Monday through Friday.

**Please advertise May 11, 2016**



# City of Fayetteville

240 Glynn Street South • Fayetteville, Georgia 30214  
Telephone (770) 461-6029 • Facsimile (770) 460-4238

[www.fayetteville-ga.gov](http://www.fayetteville-ga.gov)



MAYOR  
Edward J. Johnson, Jr.

COUNCIL  
Scott Stacy,  
Mayor Pro Tem  
Kathleen Brewer  
Paul C. Oddo, Jr.  
Harlan Shirley  
James B. Williams

CITY MANAGER  
Ray Gibson

CITY CLERK  
Anne Barksdale

September 19, 2016

Fogelman Properties  
6060 Poplar Avenue  
Memphis, TN, 38119

RE: Zoning – 2400 Cobblestone Boulevard  
Parcel # 0524019

Mr. Fogelman,

It has come to our attention that you are the current owner of the above mentioned property. This notice is to confirm that parcel 0524019 rezoned from C-3(Highway Commercial) to RMF-15(Multi-Family Residential) on March 5, 2015 has been placed on the City Council agenda for Thursday, October 6, 2016 to revert the zoning back to C-3 (Highway Commercial).

Per Section 94-87(3) of the Fayetteville Zoning Ordinance

- **Sec. 94-87. - Amendment procedure.**

The procedure for amending this zoning chapter shall be as outlined below:

(3)

The petitioner's substantial compliance, within 12 months of the date of the ordinance of rezoning, with the plans for the project proposed in the development plan submitted with the initial applicant's application for rezoning, and as thereafter amended by the applicant and accepted by the city council, is required. Substantial compliance means that the applicant must have initiated development of the project to the point that it is clearly in progress in accordance within the plan. The applicant's final representation of proposed use of the site, the final development plans presented to the mayor and council in support of the application (and accepted by the mayor and council as reflected in the zoning ordinance or the council's minutes of the proceedings), and the implementation of any conditions imposed upon the proposed use and/or development plans, shall be conditions to the continued existence of any rezoning granted by this chapter. If, within 12 months of the re-classification granted by this chapter, the applicant fails to initiate development of the subject site in conformity with said uses and development plans, including any conditions imposed by the council, the zoning granted in the ordinance of rezoning shall be automatically revoked, and the land's zoning classification shall revert to the zoning classification of the land prior to the rezoning. If an annexation was granted, the site will revert to the zoning classification most compatible with that of the surrounding area, as determined by the city council.

Development Plans were never submitted for review and approval after the rezoning was approved.

If you have any questions concerning this matter, please call the Planning & Zoning Office at 770-719-4180.

Sincerely,

*Julie Brown*

Senior Planner

[jbrown@fayetteville-ga.gov](mailto:jbrown@fayetteville-ga.gov)

C: File

**Subject Matter: #0-10-16 - Zoning- Cobblestone Blvd**  
**Date of Advertising in Fayette**  
**County News: 05-11-16**  
**Date First Presented by Council at**  
**Public Meeting: 06-02-16**  
**Date of Public Hearing Before**  
**City Council: 06-02-16**  
**Date of Adoption: 10-6-16**

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

**ORDINANCE NUMBER 0-10-16**  
**(as enacted)**  
**CITY OF FAYETTEVILLE, GEORGIA**

**PREAMBLE AND FINDINGS OF FACT**

The City of Fayetteville (the "City") has initiated the action to rezone property located at Cobblestone Blvd and described in **EXHIBIT "A"**. Said parcel of property is presently zoned as **PCD** within the city limits of the City of Fayetteville. The City of Fayetteville is rezoning the property to **R-70** pursuant to the City of Fayetteville's Comprehensive Zoning Ordinance. 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. The City Council finds that the requested rezoning is consistent with the City's zoning standards at Sec. 94-42 of the City's zoning ordinance.

**ORDINANCE**

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

**ARTICLE I**

The zoning classification of the described property in **Exhibit "A"** (the "Property") attached hereto and incorporated herein, shall be, and is hereby rezoned from **RMF-15 to C-3**, pursuant to the City of Fayetteville's Comprehensive Zoning Ordinance, subject to Article IV below.

**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 following conditions:

1. Any condition or conditions imposed upon the petitioner by the City, and contained in the Council's minutes. Such condition(s) must be satisfied before the change in status will take permanent effect. Should the imposed condition(s) fail to be performed within the prescribed time period set forth by the City in either the Council minutes or in representations made by the applicant documented in the Council's minutes, the property at issue will automatically revert to the status or classification it occupied before the petitioner's application for rezoning was filed. If no prescribed time period is set, then the conditions must be met within the times set forth below at paragraph 2 of this Article IV.

2. The petitioner's substantial compliance, within twelve (12) months of the date of this ordinance (unless extended by the Council at the request of the Applicant), with the plans for the project proposed in the Plat submitted with the applicant's initial application for zoning, and as thereafter amended by the applicant and accepted by the City Council, is required. Substantial compliance means that the applicant must have initiated development of the project to the point that it is clearly in progress in accordance within the plan. The applicant's final representation of proposed use of the site, the final development plans presented to the Mayor and Council in support of the application, and the implementation of any conditions imposed upon the proposed use and/or development plans, shall be conditions to the continued existence of any zoning granted by this ordinance. If, within twelve (12) months of the classification granted by this ordinance, the applicant fails to initiate development of the subject site in conformity with said uses and development plans, including any conditions imposed by the Council, the zoning granted herein shall be automatically revoked of the reclassification granted, and reversion to the prior classification the land occupied before the application was submitted. If an annexation was granted, the site will revert to the zoning classification most compatible with that of the surrounding area, as determined by the City Council.

3. Conditions include those contained in the minutes of the City Council, which are part of this ordinance, and any representations submitted by the applicant to the City Council, and accepted by the City Council, and reflected in the minutes of the City Council, which representations shall be an amendment to the rezoning application and a part of this ordinance.

**APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE** at a regular meeting of the Mayor and Council on the 6<sup>th</sup> day of October, 2016, by the following voting for adoption:

ATTEST:

\_\_\_\_\_  
Edward J. Johnson, Jr., Mayor

\_\_\_\_\_  
Scott Stacy, Mayor Pro Tem

\_\_\_\_\_  
Anne Barksdale, City Clerk

\_\_\_\_\_  
Kathaleen Brewer, Council Member

\_\_\_\_\_  
Paul C. Oddo, Jr, Council Member

\_\_\_\_\_  
Harlan Shirley, Council Member

\_\_\_\_\_  
James B. Williams, Council Member

**EXHIBIT "A"**

**Legal Description of Parcel**



# CITY OF FAYETTEVILLE

## INTEROFFICE MEMORANDUM

**TO:** Mayor and Council

**VIA:** Ray Gibson, City Manager

**CC:** Anne Barksdale, City Clerk

**FROM:** Jahnee Prince, AICP, Acting Director of Planning and Zoning

**DATE:** September 29, 2016

**SUBJECT:** #0-19-16 – Proposed Amendments to Section 94-169 Light Manufacturing District (M-1)

---

### **Introduction**

At this time, we are bringing forward two amendments to the M-1 district. One is a use not listed. The other is a clarification.

### **New Use in M-1**

From time to time the City receives a request for development of a new business, or an application for a business license that due to the specialized nature of the proposed business, it is not listed in the City's itemization of acceptable uses in any of our zoning districts.

The City Code describes the procedure for additions to the list of uses in a zoning district as follows.

Sec. 94-134. - Uses not listed.

- (a) For any use not listed in this chapter, the planning and zoning commission shall determine the proper requirements by classifying the proposed use among the uses which are listed and assigning the use to appropriate zoning

district or prohibited uses, which may be reviewed by the city council pursuant to article II.

In an effort to provide guidance, staff researches the business type, hours of operation and any additional impact the proposed new business may have on the neighboring community. This allows the Planning and Zoning Commission to make an informed decision when a new use is added to the City's itemization of acceptable uses, and ensures the new business is assigned to the appropriate zoning district.

The City recently received an application for development of a blood plasma donation center. Due to the specialized nature of the business, it became apparent that this business type would need to be added to the list of uses and assigned to an appropriate zoning district.

### **Analysis**

Staff researched the proposed business and determined that this type of business would have a large regional draw, serving several surrounding counties (1,500 to 3,000 donations per week), with estimated traffic trips at (3,000 to 6,000 per week). The daily traffic activity this type of business will create will also require that an adequate amount of parking be provided.

### **Staff Recommendation**

After careful consideration of the estimated traffic trips and the parking that will be necessary for this type of business, staff recommends the following.

The recommended description for this business is "Non mobile blood plasma donation centers." The recommended zoning designation is M-1 (Light Manufacturing District).

Staff also recommends the use be allowed only by Special Exception, this will allow the Planning and Zoning Commission to review and set conditions as necessary to ensure that the use will not adversely impact any neighboring community and ensure the quality of life in Fayetteville is maintained.

### **Clarification to Section 94-169 (22)**

Along with the addition of the above stated business type, staff is also proposing amendments to Section 94-169(22) with the addition of the following underlined language.

*(22) Radio and television studios, or other broadcast media provided that antenna structures are at least 500 feet from the nearest residential property line.*

The entire text of Section 94-169 Light Manufacturing District, with the proposed amendments, is attached for your review. Insertions are underlined.

Staff recommends APPROVAL of the proposed amendment to Section 94-169 (22) as written above.

**Planning and Zoning Commission Recommendation**

At the September 27 meeting, the Planning and Zoning Commission recommended approval of the above listed amendments to Section 94-169 Light Manufacturing District (M-1)

## PUBLIC NOTICE

The City of Fayetteville Planning and Zoning Commission will hold a public hearing on Tuesday, September 27, 2016 at 6:00 PM at City Hall, 240 Glynn Street South, Fayetteville, GA 30214.

The purpose of this hearing is to consider text amendments to the City of Fayetteville Code of Ordinances- **Chapter 94- Zoning (Sections 94-165) Downtown Historic Mixed Use District (C-1), (Sections 94-166) Community Commercial (C-2), (Section 94-169) Light Manufacturing District (M-1).**

Per (Section 2.13(b)) of the City ordinance, the text of the original ordinance and the full text of the proposed ordinance shall be available at City Hall for public inspection at the City Clerk's office during regular business hours of 8:00 AM and 5:00 PM, Monday through Friday.

## PUBLIC NOTICE

The Mayor and City Council of the City of Fayetteville will hold a public hearing on Thursday, October 6th, 2016 at 6:00 p.m. at City Hall, 240 South Glynn Street, Fayetteville, GA 30214.

The purpose of this hearing is to consider text amendments to the City of Fayetteville Code of Ordinances- **Chapter 94- Zoning (Sections 94-165) Downtown Historic Mixed Use District (C-1), (Sections 94-166) Community Commercial (C-2),(Section 94-169) Light Manufacturing District (M-1)**

Per (Section 2.13(b)) of the City ordinance, the text of the original ordinance and the full text of the proposed ordinance shall be available at City Hall for public inspection at the City Clerk's office during regular business hours of 8:00 AM and 5:00 PM, Monday through Friday.

Please advertise both ads September 7th.

**Proposed Ordinance: #0-19-16**  
**Subject Matter: Amendment to Sec. 94-169 Light Industrial District**  
**Date of Published Notice of Public Hearing: September 7, 2016**  
**Date First Presented at Council Public Meeting: October 6, 2016**  
**Date of Public Hearing Before City Council: October 6, 2016**  
**Date of Adoption: October 6, 2016**

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

**ORDINANCE NUMBER #0-19-16**  
**CITY OF FAYETTEVILLE, GEORGIA**

**PREAMBLE AND FINDINGS**

**AN ORDINANCE OF THE CITY OF FAYETTEVILLE**

**WHEREAS**, the City of Fayetteville (the “City”) has various zoning districts to designate different uses to appropriate areas within the City; and

**WHEREAS**, the defined list of uses for a specific zone may need to be updated to address specific trades or types of businesses seeking to locate within the City; and

**WHEREAS**, the City has determined that any added use to the City’s zoning districts shall not have an adverse impact on the community; and

**WHEREAS**, the City of Fayetteville does hereby ordain and adopt the following amendments to Chapter 94, “Zoning”.

**WHEREFORE THE CITY OF FAYETTEVILLE HEREBY ADOPTS AND  
ORDAINS THE FOLLOWING ORDINANCE:**

**ARTICLE ONE**

The City of Fayetteville’s zoning ordinance, as codified at Section 94-169 of the City’s Code of Ordinances, is hereby amended by adding the double underlined (double underlined) language as follows:

**Sec. 94-169. Light manufacturing district (M-1).**

In the light manufacturing district, the following uses are permitted, unless prohibited by section 94-316, by definition, or otherwise by law or ordinance:

- (1) Cabinet shops and furniture manufacturing.
- (2) Building supply sales and material yards.
- (3) Utility stations, buildings and grounds for storage of vehicles, equipment, and materials.
- (4) Transportation terminals for freight.
- (5) Wholesaling, commercial warehousing, mini warehouses, and commercial storage facilities.
- (6) Veterinary offices, veterinary hospitals, veterinary laboratories, animal shelters, commercial kennels and dog daycare businesses, by special exception only.
- (7) Machine shops and related activities.
- (8) Gasoline and diesel fuel sales and motor vehicle repair facilities, garages, car washes, body shops and paint shops, but not including junkyards or salvage operations.
- (9) Wholesale bakeries that do not include retail sale of baked goods.
- (10) Manufacturing operations and assembly plants which do not create excessive noise, odor, smoke or dust, or possess other objectionable characteristics.
- (11) Construction contractors.
- (12) Dry cleaning plant operations and service outlets.
- (13) Drive-in theaters.
- (14) Farmers markets.
- (15) Printing, engraving and publishing facilities.
- (16) Pest control contractors and services.
- (17) Public buildings and facilities including emergency facilities.
- (18) Ice plants, cold storage warehouses, and transportation terminals for freight.
- (19) Food processing, including bottling and canning plants.
- (20) Nurseries and greenhouses.
- (21) Rodeos, carnivals, fairs and other outdoor public events.
- (22) Radio and television studios, or other broadcast media provided that antenna structures are at least 500 feet from the nearest residential property line.
- (23) Towing services, including vehicle storage yards, provided that such yards are fenced with a minimum six-foot woven wire fence and screened with opaque plant materials from public view.
- (24) Non-emergency medical transport service facilities.
- (25) Vehicle for hire services.
- (26) Firing ranges by special exception only.
- (27) Sports instruction facilities by special exception only.
- (28) Park and ride lots.
- (29) Sexually oriented businesses by special exception only.
- (30) Pet grooming facilities.
- (31) Retail automobile, truck, mobile home, recreational vehicle, heavy equipment, and boat dealerships, including establishments for new and used vehicles and equipment, where any inventory is kept on site, and related service and maintenance facilities are permitted by special exception only.
- (32) Pawnshops.
- (33) Microbreweries outside of the Main Street Historic District.
- (34) Non mobile blood plasma donation centers by special exception only.

**ARTICLE TWO**

This ordinance shall become immediately effective upon its second reading and adoption by the City Council.

**ARTICLE THREE**

The preamble of this ordinance shall be construed to be, and is hereby incorporated by reference as if fully set out herein.

**ARTICLE FOUR**

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

**APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE** at a regular meeting of the Mayor and Council on the 6<sup>th</sup> day of October, 2016, by the following voting for adoption:

ATTEST:

\_\_\_\_\_  
Edward J. Johnson, Jr. Mayor

\_\_\_\_\_  
Scott Stacy, Mayor Pro Tem

\_\_\_\_\_  
Anne Barksdale, City Clerk

\_\_\_\_\_  
Kathaleen Brewer, Council Member

\_\_\_\_\_  
Paul C. Oddo, Jr., Council Member

\_\_\_\_\_  
Harlan Shirley, Council Member

\_\_\_\_\_  
James B. Williams, Council Member



# CITY OF FAYETTEVILLE

## INTEROFFICE MEMORANDUM

**TO:** Mayor and Council

**VIA:** Ray Gibson, City Manager

**CC:** Anne Barksdale, City Clerk

**FROM:** Jahnee Prince, AICP, Acting Director of Planning and Zoning

**DATE:** September 29, 2016

**SUBJECT:** #0-20-16 – Proposed Amendments to Section 94-165, Downtown Historic Mixed Use District (C-1)

---

### **Introduction**

At this time, we are bringing forward two amendments to Section 94-165, Downtown Historic Mixed Use District, (C-1). Both are uses not previously listed.

### **New Use in C-1**

From time to time the City receives a request for development of a new business, or an application for a business license that due to the specialized nature of the proposed business, it is not listed in the City's itemization of acceptable uses in any of our zoning districts.

The City Code describes the procedure for additions to the list of uses in a zoning district as follows.

Sec. 94-134. - Uses not listed.

- (a) For any use not listed in this chapter, the planning and zoning commission shall determine the proper requirements by classifying the proposed use among the uses which are listed and assigning the use to appropriate zoning

district or prohibited uses, which may be reviewed by the city council pursuant to article II.

In an effort to provide guidance, staff researches the business type, hours of operation and any additional impact the proposed new business may have on the neighboring community. This allows the Planning and Zoning Commission to make an informed decision when a new use is added to the City's itemization of acceptable uses, and ensures the new business is assigned to the appropriate zoning district.

### **Analysis**

Staff researched the proposed uses and determined that they would be beneficial to the mix and vitality of the historic downtown. Both uses were analyzed for impact to the community with regard to traffic, parking, and land use.

### **Staff Recommendation**

After careful consideration of the estimated trip generation and the parking that will be necessary for both types of business, staff recommends the following.

- 1) The recommended description for this use is "farmer's market." The recommended zoning designation is Downtown Historic Mixed Use District (C-1).
- 2) The recommended description for this use is "radio and television studios, or other broadcast media" The recommended zoning designation is Downtown Historic Mixed Use District (C-1).

Staff also recommends the farmer's market use be allowed only by Special Exception, this will allow the P&Z Commission to review and set conditions as necessary to ensure that the use will not adversely impact any neighboring community and ensure the quality of life in Fayetteville is maintained.

The entire text of Section 94-165 Downtown Historic Mixed Use District (C-1), with the proposed amendments, is attached for your review. Insertions are underlined.

Staff recommends APPROVAL of the proposed ordinance amendments.

### **Planning and Zoning Commission Recommendation**

At the September 27 meeting, the Planning and Zoning Commission recommended approval of the above listed amendments to Section 94-165, Downtown Historic Mixed Use District, (C-1)

## PUBLIC NOTICE

The City of Fayetteville Planning and Zoning Commission will hold a public hearing on Tuesday, September 27, 2016 at 6:00 PM at City Hall, 240 Glynn Street South, Fayetteville, GA 30214.

The purpose of this hearing is to consider text amendments to the City of Fayetteville Code of Ordinances- **Chapter 94- Zoning (Sections 94-165) Downtown Historic Mixed Use District (C-1), (Sections 94-166) Community Commercial (C-2), (Section 94-169) Light Manufacturing District (M-1).**

Per (Section 2.13(b)) of the City ordinance, the text of the original ordinance and the full text of the proposed ordinance shall be available at City Hall for public inspection at the City Clerk's office during regular business hours of 8:00 AM and 5:00 PM, Monday through Friday.

## PUBLIC NOTICE

The Mayor and City Council of the City of Fayetteville will hold a public hearing on Thursday, October 6th, 2016 at 6:00 p.m. at City Hall, 240 South Glynn Street, Fayetteville, GA 30214.

The purpose of this hearing is to consider text amendments to the City of Fayetteville Code of Ordinances- **Chapter 94- Zoning (Sections 94-165) Downtown Historic Mixed Use District (C-1), (Sections 94-166) Community Commercial (C-2), (Section 94-169) Light Manufacturing District (M-1)**

Per (Section 2.13(b)) of the City ordinance, the text of the original ordinance and the full text of the proposed ordinance shall be available at City Hall for public inspection at the City Clerk's office during regular business hours of 8:00 AM and 5:00 PM, Monday through Friday.

Please advertise both ads September 7th.

**Proposed Ordinance: #0-20-16**  
**Subject Matter: Amendment to Sec. 94-165 Downtown historic mixed use district (C-1)**  
**Date of Published Notice of Public Hearing: September 7, 2016**  
**Date First Presented at Council Public Meeting: October 6, 2016**  
**Date of Public Hearing Before City Council: October 6, 2016**  
**Date of Adoption: October 6, 2016**

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

**ORDINANCE NUMBER #0-20-16**  
**CITY OF FAYETTEVILLE, GEORGIA**

**PREAMBLE AND FINDINGS**  
**AN ORDINANCE OF THE CITY OF FAYETTEVILLE**

**WHEREAS**, the City of Fayetteville (the “City”) has various zoning districts to designate different uses to appropriate areas within the City; and

**WHEREAS**, the defined list of uses for a specific zone may need to be updated to address specific trades or types of businesses seeking to locate within the City; and

**WHEREAS**, the City has determined that the addition of the new uses contained herein to the City’s zoning districts shall not have an adverse impact on the community; and

**WHEREAS**, the City of Fayetteville does hereby ordain and adopt the following amendments to Chapter 94, “Zoning”.

**WHEREFORE THE CITY OF FAYETTEVILLE HEREBY ADOPTS AND ORDAINS THE FOLLOWING ORDINANCE:**

**ARTICLE ONE**

The City of Fayetteville’s zoning ordinance, as codified at Section 94-165 of the City’s Code of Ordinances, is hereby amended by adding the underlined language as follows:

Sec. 94-165. - Downtown historic mixed use district (C-1).

The downtown historic mixed use district is intended to be the mixed use, pedestrian oriented, central business district of the City of Fayetteville. It includes commercial uses appropriate for high-visibility locations such as employment centers and the intersections of arterial streets. The purpose of the district is to concentrate commercial uses, spatially define streets, encourage higher site and building design standards, and create a more

attractive pedestrian environment. Uses incompatible with this purpose, such as auto-related or big box retail, are not allowed. All uses and structures will be sited and designed to be compatible with one another and to be bike and pedestrian friendly. In the downtown historic mixed use district, the following uses are permitted:

- (1) Any use permitted in the O-I zoning district, subject to the same restrictions unless provided otherwise herein. Restrictions on location and hours of operation (subsection 94-163(c)) shall not be applicable in this district.
- (2) Nonresidential and residential uses may be combined in one structure. Residential units must be located above the first floor with office or commercial uses on the first floor. No more than ten residential units may be located in any mixed use building. Minimum size of residential units is 600 square feet for studio apartments or condominiums, 700 square feet for one bedroom apartments or condominiums, 900 square feet for two bedroom apartments or condominiums, 1,100 square feet for three bedroom apartments or condominiums, and 1,400 square feet for four bedroom apartments or condominiums.
- (3) Retail business and service stores, with a maximum gross floor area up to 3,500 square feet for individual stores or tenants (except for grocery stores) or up to 5,000 square feet for mixed use, not including auto parts stores, convenience stores or gasoline and diesel fuel sales, and motor vehicle repair businesses. Grocery stores may be up to 35,000 square feet.  
In general, all retail stores and shopping centers must be designed for pedestrian use and must encourage pedestrian activity on the sidewalk. Parking lots must be to the rear or to the side of the building. Parking lots must be screened from the street and sidewalk by either opaque shrubbery at least three feet in height when planted or by 36-inch brick wall. Use of shared parking is encouraged.
- (4) Planned centers, by special exception only and only as commercial planned unit developments.
- (5) Sit-down restaurants, not including establishments offering drive-through facilities.
- (6) Retail bakeries consisting of not more than 5,000 square feet.
- (7) Private clubs and lodges, by special exception only.
- (8) Health spas, and martial arts training facilities.
- (9) Service facilities, including photo processing, quick copy, mail and messenger service.
- (10) Hotels with lobby access by special exception only.
- (11) Dry cleaning facilities that provide full service operations to their respective customers, i.e. onsite cleaning, pick-up and/or drop-off service. (Cleaning service for other dry cleaning and/or laundry companies is prohibited.)
- (12) Artist studios or galleries.
- (13) Civic buildings and places of worship.
- (14) Parks and open space.

- (15) Schools, including boarding schools, professional schools, vocational schools, colleges, and universities.
- (16) Bed and breakfast homes are allowed by special exception only, except that bed and breakfast homes located in a C-1 zoning district within the Main Street District are permitted if compliant with the requirements of section 94-200 provided however special events may only be held pursuant to a validly issued special event permit. For purposes of this section, special event means any event where the number of attendees is more than twice the number of parking spaces available on the premises of the bed and breakfast home. The city shall issue a special event permit only when the applicant shows that adequate off-street parking is available for the special event. No special event shall be held between 12:00 p.m. and 7:00 a.m.
- (17) Theaters.
- (18) Research and development facilities.
- (19) Other similar uses which are beneficial to the city, in keeping with the goals of the comprehensive plan and downtown plan, by special exception. Uses granted pursuant hereto shall not be allowed by special exception or otherwise in any other commercial zoning districts.
- (20) Utility stations by special exception only.
- (21) Community centers, with the size appropriate to the commercial zoning classification, by special exception only.
- (22) Sports instructional facilities.
- (23) Newspaper facilities (facilities used for the writing, layout, printing, publication, marketing and managing of newspapers), by special exception only.
- (24) See section 94-175, group homes.
- (25) Wine bars, wine tasting rooms, growler retail stores, microbreweries and brewpubs by special exception only, and only within the Main Street Historic District.
- (26) Farmer's markets, by Special Exception.
- (27) Radio and television studios, or other broadcast media provided that visible external antennae are not utilized.

## **ARTICLE TWO**

This ordinance shall become immediately effective upon its second reading and adoption by the City Council.

## **ARTICLE THREE**

The preamble of this ordinance shall be construed to be, and is hereby incorporated by reference as if fully set out herein.

## **ARTICLE FOUR**

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

**APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE** at a regular meeting of the Mayor and Council on the 6<sup>th</sup> day of October, 2016, by the following voting for adoption:

ATTEST:

\_\_\_\_\_  
Edward J. Johnson, Jr. Mayor

\_\_\_\_\_  
Scott Stacy, Mayor Pro Tem

\_\_\_\_\_  
Anne Barksdale, City Clerk

\_\_\_\_\_  
Kathaleen Brewer, Council Member

\_\_\_\_\_  
Paul C. Oddo, Jr., Council Member

\_\_\_\_\_  
Harlan Shirley, Council Member

\_\_\_\_\_  
James B. Williams, Council Member



# **CITY OF FAYETTEVILLE**

## **INTEROFFICE MEMORANDUM**

**TO:** Mayor and Council

**VIA:** Ray Gibson, City Manager

**CC:** Anne Barksdale, City Clerk

**FROM:** Jahnee Prince, AICP, Acting Director of Planning and Zoning

**DATE:** September 29, 2016

**SUBJECT:** #0-21-16 – Proposed Amendments to Section 94-166, Community Commercial District (C-2)

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### **Background**

Since 2005, C.J. Mowell & Son Funeral Homes has been requesting the ability to locate a crematory facility on their site, located at 180 North Jeff Davis Drive. Currently, Mowell's is located in Community Commercial (C-2) zoning. They are seeking a change to the C-2 district regulations to allow such a facility. Crematoria are currently only allowed in Heavy Manufacturing (M-2) zoning. As a point of reference, Peachtree City specifically prohibits crematoria from their General Commercial (GC) district.

### **Analysis and Recommendation**

Staff consulted with the City Attorney as well as the Georgia Board of Funeral Service, and the Secretary of State's office. Additionally, Staff has been researching the impacts of crematoriums on nearby properties, how crematoriums are regulated in other cities to determine the best locations for a crematorium in the City of Fayetteville.

Due to the unanticipated complexity of this issue, staff is still researching the topic and anticipates bringing forward a recommendation to the Planning and Zoning Commission in late October. As a result, at the September 27 meeting, the Planning and Zoning Commission tabled this item until their October meeting. This proposed amendment to C-2 was placed on the City Council agenda because the public hearing dates for this were legally advertised. Staff recommends tabling this agenda item until a recommendation from the Planning and Zoning Commission is received.

## PUBLIC NOTICE

The City of Fayetteville Planning and Zoning Commission will hold a public hearing on Tuesday, September 27, 2016 at 6:00 PM at City Hall, 240 Glynn Street South, Fayetteville, GA 30214.

The purpose of this hearing is to consider text amendments to the City of Fayetteville Code of Ordinances- **Chapter 94- Zoning (Sections 94-165) Downtown Historic Mixed Use District (C-1), (Sections 94-166) Community Commercial (C-2), (Section 94-169) Light Manufacturing District (M-1).**

Per (Section 2.13(b)) of the City ordinance, the text of the original ordinance and the full text of the proposed ordinance shall be available at City Hall for public inspection at the City Clerk's office during regular business hours of 8:00 AM and 5:00 PM, Monday through Friday.

## PUBLIC NOTICE

The Mayor and City Council of the City of Fayetteville will hold a public hearing on Thursday, October 6th, 2016 at 6:00 p.m. at City Hall, 240 South Glynn Street, Fayetteville, GA 30214.

The purpose of this hearing is to consider text amendments to the City of Fayetteville Code of Ordinances- **Chapter 94- Zoning (Sections 94-165) Downtown Historic Mixed Use District (C-1), (Sections 94-166) Community Commercial (C-2),(Section 94-169) Light Manufacturing District (M-1)**

Per (Section 2.13(b)) of the City ordinance, the text of the original ordinance and the full text of the proposed ordinance shall be available at City Hall for public inspection at the City Clerk's office during regular business hours of 8:00 AM and 5:00 PM, Monday through Friday.

**Please advertise both ads September 7th.**



# CITY OF FAYETTEVILLE

## INTEROFFICE MEMORANDUM

**TO:** Mayor and Council

**VIA:** City Manager

**CC:** Mike Bush; Carleetha Talmadge

**FROM:** Chris Hindman

**DATE:** September 21, 2016

**SUBJECT:** Resolution R-33-16 Change Order for the Jeff Davis Drive North Pavement Milling and Overlay

---

We received a change order associated with the S.R. 92 at Hood Avenue Realignment Project to perform the construction services necessary to mill and overlay Jeff Davis Drive North. The change order uses the bid unit prices from the S.R. 92 and Hood Avenue Realignment Project that was approved by the City in December 2015. The total cost of the Change Order is \$445,076.25 and if approved will be paid by the Local Maintenance & Improvement Grant monies from Fiscal Years 2014, 2015 and 2016. These are the fiscal years that Council has approved to set aside this money for the Jeff Davis Drive North Project.

The purpose of the project is to mill down Jeff Davis Drive North and to repave it from the intersection of S.R. 54 to S.R 85. The milling portion of the project is necessary due to the fact that the road is in poor condition. A normal re-surfacing of the road would not be sufficient due to the potholes and cracks that have developed over the years

Staff recommends approval of Resolution R-33-16 to approve the Change Order from Southeastern Site Development Partners in the amount of \$445,076.25, and that the mayor be authorized to sign the change order documents.

**RESOLUTION R-33-16**

**RESOLUTION OF THE CITY OF FAYETTEVILLE TO APPROVE THE  
CHANGE ORDER FOR THE JEFF DAVIS DRIVE NORTH  
PAVEMENT MILLING AND OVERLAY**

**WHEREAS**, the City of Fayetteville in the best interest of its citizens has developed a Capital Improvement Project to mill and overlay the existing pavement on Jeff Davis Drive North; and

**WHEREAS**, the City of Fayetteville has awarded a contract to Southeastern Site Development for the State Route 92 at Hood Avenue Realignment Project on December 17<sup>th</sup>, 2015; and

**WHEREAS**, the City of Fayetteville has received Change Order for the Jeff Davis Drive North Pavement Milling and Overlay in the amount of \$445,076.25 for all of the work necessary to mill and overlay the roadway; and

**IT IS HEREBY RESOLVED** by the Mayor and Council of the City of Fayetteville that the Capital Improvement Project Cost for the Jeff Davis Drive North be approved as attached and that the Mayor be authorized to sign Change Order for Construction Services.

SO RESOLVED this 6<sup>th</sup> day of October, 2016.

\_\_\_\_\_  
Edward J. Johnson, Jr., Mayor

\_\_\_\_\_  
Scott Stacy, Mayor Pro Tem

Attest:

\_\_\_\_\_  
Harlan Shirley, Councilmember

\_\_\_\_\_  
Anne Barksdale, City Clerk

\_\_\_\_\_  
Kathaleen Brewer, Councilmember

\_\_\_\_\_  
Paul C. Oddo, Jr., Councilmember

\_\_\_\_\_  
James B. Williams, Councilmember