



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
1st & 3rd 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

E-Mail Address:

abarksdale@fayetteville-ga.gov

Agenda *Fayetteville City Council Meeting* *November 3, 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 October 20, 2016 City Council Meeting
2. Approval of Minutes of the October 27, 2016 City Council Called Meeting

RECOGNITIONS AND PRESENTATIONS

3. Proclamation – National Educator’s Day
4. Proclamation – Bennett’s Mill Parent Engagement Month
5. Recognition – Police K-9 Aaros Retirement

PUBLIC HEARINGS:

6. Consider #0-10-16 – Rezoning Cobblestone Blvd. (5.89 acres) from RMF-15 (Multi-Family Residential) back to C-3 (Highway Commercial): *Presented by Collaborative Firm Consultant Jahnee Prince*
7. 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*
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*

OLD BUSINESS:

9. Consider Additional Comp Plan Steering Committee Members: *Presented by Collaborative Firm Consultant Jahnee Prince*

NEW BUSINESS:

10. Consider R-35-16 – Temporary Moratorium – Zoning Applications for Highway 85 Corridor: *Presented by Collaborative Firm Consultant Jahnee Prince*

11. Consider – Amendment to Annexation Consent Agreement/IGA for the Pinewood Forrest Development: *Presented by City Manager Ray Gibson*

REPORTS AND COMMENTS:

12. City Manager and Staff Reports

13. City Council and Committee Reports

14. Mayors Comments

15. Public Comments

City of Fayetteville
Regular Mayor and City Council Meeting
Minutes
October 20, 2016

Call to Order

The Mayor and City Council of Fayetteville met in regular session on October 20, 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, and Scott Stacy. Councilmember Jim Williams was absent. Staff members present were City Manager Ray Gibson and City Clerk Anne Barksdale.

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

Stacy moved to approve the minutes of the Regular City Council Meeting of October 6, 2016. Brewer seconded the motion. Motion carried unanimously.

Recognitions and Presentations:

Bob Ross, Secretary of the Fayette County Republican Party and Dunnchadn Straud, Chairman of the Teenage Republican Party presented a plaque to the City of Fayetteville Police Department for their efforts in raising \$1000.00 to benefit Deputy Toby Daily of the Fayette County Sheriff's Dept. in his battle against cancer. Officer Josh Riviere and Lt. Craig Harper were present to accept the award.

Public Hearings:

Mayor Johnson called Consider Beer, Wine, and Distilled Spirits License for GMRI, Inc., d/b/a The Olive Garden Italian Restaurant #4404 – located at 1380 Highway 85 North, for Grier T. Smith.

City Clerk Anne Barksdale stated this is a new owner and licensee for Olive Garden and all paperwork has been submitted and approved.

There were no public comments.

Oddo moved to approve Beer, Wine, and Distilled Spirits License for GMRI, Inc., d/b/a The Olive Garden Italian Restaurant #4404 – located at 1380 Highway 85 North, for Grier T. Smith. Stacy seconded the motion. Motion carried unanimously.

Mayor Johnson called Consider Beer and Wine License for Tour de Italy – located at 1240 Highway 54 West, Bldg. 200, Ste. 201 for Sophia Dayani.

City Clerk, Anne Barksdale stated this is a new owner/licensee for Tour de Italy and all paperwork has been submitted and approved.

There were no public comments.

Brewer moved to approve Beer and Wine License for Tour de Italy – located at 1240 Highway 54 West, Bldg. 200, Ste. 201 for Sophia Dayani. Shirley seconded the motion. Motion carried unanimously.

New Business:

Mayor Johnson called Consider R-34-16 – Adoption of Downtown Market Analysis Study (Noell Consulting Group).

Brian Wismer, Director of Economic Development stated in March, the City contracted the services of the Noell Consulting Group to conduct an independent assessment of the greater Fayetteville area market, with a specific focus on the downtown and its immediate surroundings. He said from this assessment, the study seeks to identify the most appropriate development program for downtown Fayetteville; one that maximizes potential market appeal and creates long-term value.

The results of the study are now completed and published for Council review and approval. Based on extensive data analysis coupled with site tours of the study area, the findings include future demand estimates for a variety of residential and commercial product types, such as residential for-sale and rental housing, office, retail and restaurant development.

He added, a downtown SWOT analysis is also included that identifies areas to capitalize upon, as well as challenges to overcome. Specific case studies of other metro-suburban downtowns are presented to showcase common obstacles to avoid and successes to be modeled.

Lastly, he said a strategic infrastructure plan for downtown Fayetteville is presented that makes recommendations that include the elimination of one-way streets and the creation of a linear path system and greenways that increase walkability and connections between residential development to the downtown area.

This study utilizes empirical data and expertise which will be beneficial in providing guidance to the final development and refinement of the Downtown Master Plan, and therefore Staff recommends approval of these findings as presented.

Mr. Ben King with Noell Consulting elaborated on the Downtown Market Analysis Study. He highlighted strengths such as greenspace, pocket parks, walkability, boulevards, interwoven neighborhoods, and added one-way streets downtown would take away from the ease of movement in the area. He said we should begin the project on the square; continue what we have started. The center of downtown should be the “epicenter”. Mr. King also suggested we should create activity centers and our housing should be such that it attracts different audiences to Fayetteville.

There was one public comment by Steering Committee member Brett Nolan, reminding the audience of the first public hearing for the Comp Plan on November 1st and he also asked why Fayetteville does not have a Parks Department to which he was told our Public Works department handles maintenance of that kind. He also said he was not happy with the idea of so many new apartments coming to Fayetteville.

Councilmember Shirley said he still wants to see a water feature in Fayetteville's future and thinks that type of attraction will bring more people to our area which in turn will increase our tax base.

Mayor Johnson added we could do a tax impact analysis to study this idea.

Oddo moved to approve R-34-16 – Adoption of Downtown Market Analysis Study (Noell Consulting Group). Stacy seconded the motion. Motion carried unanimously.

City Manager and Staff Reports:

City Manager Ray Gibson stated there will be an employee work day for the Ridge Nature Center on October 28th beginning at 9:00am.

The Public Safety Fall Festival is October 21st from 5:30pm – 8:00pm at the Justice Center and the Cemetery Walk is October 21st and 22nd from 6:30pm – 9:00pm.

The Fire Department will have an open house on October 29th from 10:00am – 4:00pm. Also on that day will be the Chili Fest, Market Day, and Trick or Treat on Main Street.

The City Comp Plan workshop is November 1st at City Hall.

Mayor's Comments:

Mayor Johnson said he did an Atlanta Community Profiles Radio interview which will air on biz1190.com this Saturday at 1:00pm.

He also visited Sandy Creek High School's Social Circle club which is for 10th – 12th graders and includes civic and social community involvement.

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

Respectfully submitted,

Anne Barksdale, City Clerk

City of Fayetteville
Mayor and City Council Called Meeting
Minutes
October 27, 2016

Call to Order

The Mayor and City Council of Fayetteville met for Called Meeting on October 27, 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 by Brad Sanders, and led those attending in the Pledge of Allegiance to the Flag. Council members present were: Harlan Shirley, Kathaleen Brewer, and Paul Oddo. Councilmembers Scott Stacy and James Williams were absent. Staff members present were City Manager Ray Gibson and City Clerk Anne Barksdale.

Shirley moved to approve the agenda as presented. Brewer seconded the motion. Motion carried unanimously.

Public Hearings:

Mayor Johnson called Consider Approval of Pinewood Amended Development Agreement.

Collaborative Firm Consultant Jahnee Prince stated this is an amendment to the Development Agreement for Pinewood Forrest / PCD Zoning of Property Located at 431 Veterans Parkway, Parcel #0528011 at Veterans Parkway & Hood Road and at 1065 Hood Road.

She said the applicant is seeking an amendment to the development agreement /current PCD zoning for three parcels totaling approximately 135 acres near the intersection of Veterans Parkway and Hood Road. These three parcels were annexed into the City in 2013 and approved for a mixed -use development under a master plan submitted at that time which included street networks and architectural imagery. The applicant is now seeking to update the development agreement to change the name of the LLC (property owner) from Pinewood Atlanta Holdings, LLC to Pinewood Forrest, LLC and more thoroughly address several facets of the site's development including more detail on street cross sections and stormwater facilities. City staff has also added several changes to the development agreement including clarification of sidewalk standards, and adding two appendices referencing the Smart Code transect and fire protection related items.

The proposed development is planned to create a walkable community, connected to the studio and hospital through the proposed multi-use path system, with primary access off of Veterans Parkway. The conceptual plans to be developed over multiple phases (of the entire master plan) include 600 single family homes, 600 multi-family units, 100 townhomes, 2 hotels, a mix of office and retail

space, several pocket parks, and a chapel. The preliminary plat for the first phase of residential development has recently been submitted for the Planning and Zoning Commission's review.

Ms. Prince added, updating the development agreement is changing the site's zoning. When considering a PCD rezoning request, staff looks at the following.

The PCD zone provides the following guidance for this type of project. Sec. 94-172 (1) e.1. of the City's Zoning Ordinance states: "Objectives. To carry out the purpose of this section, a PCD district must provide the following, as appropriate:

1. A range in the types of residential environment, including types of housing, and community facilities/recreation activities available."

Pinewood Forrest will begin Phase 1 primarily with single family detached homes and continue to add to the types of available housing with the addition of apartments, townhomes and multi-family mixed use units as the market develops for these uses.

The proposed changes to the development agreement are consistent with the intent of the PCD zoning district. She said Staff recommends approval of the proposed changes to the Pinewood Forrest Development Agreement/ PCD zoning.

Rick Halbert (Promaker Development Group) and Bill Foley (Foley Design) were on hand to discuss and answer questions about the proposed amendments.

Mr. Foley went through and explained each change listed in the development agreement. He and Mr. Halbert discussed fire and stormwater amendments, the future fire station on the Pinewood property, connectivity of the sidewalks throughout and on Hood Rd., garbage pickup in the community, and upkeep on alleyways.

Councilmember Shirley stated sidewalks should not be added on Hood Rd. as it is a county road. A connection should be provided through to Pinewood but should not have to meet the same width requirements.

Mayor Johnson added we want open-mindedness for connectivity between the County (via Hood Rd.) and Pinewood to downtown Fayetteville.

Ray Gibson, City Manager asked who would be responsible for the repairs to the alleyways and Mr. Foley suggested, add to the development agreement legal documents that this should be done through private funding by the HOA.

Councilmember Brewer asked how would garbage be picked up within the community. Mr. Halbert said they suggest using a Gator two-three times weekly and costs should also be controlled by the HOA.

Fire Chief Alan Jones asked to amend the language on page 7, section #28 for fire requirements, (which is included in the motion).

There were public comments by Hood Road resident Don Fowler. He discussed his concerns about increased traffic on his street, the number trees that have been removed, asking if they will be replaced, asking for a berm to go the length of Hood Rd., requesting underground utilities, more open space, stormwater management, and angling the ingress/egress from Pinewood to Hood Rd. so the car lights do not shine in the residents' windows.

Oddo moved to approve Pinewood Amended Development Agreement with the following amended language to Item #28 on Page 7. Brewer seconded the motion. Motion approved unanimously.

Page 7, Item #28 – All Construction within the Project will comply with the Georgia State Minimum Standard Code and amendments in force at the time of permit. The project shall also comply with fire department requirements outlined in Appendix B. In cases of a conflict between any requirements, the most restrictive shall apply.

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

Respectfully submitted,

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: November 3, 2016

SUBJECT: Proclamation – Retired Educator’s Day

The Governor of the State of Georgia has proclaimed Sunday, November 6, 2016 as Georgia Retired Educators Day. Sandra Watson and Carol Lunsford, of Fayette County Retired Educators Association (FCREA) will be present to accept the proclamation.

PROCLAMATION

“Georgia Retired Educators Day”

WHEREAS, The Governor of the State of Georgia has proclaimed the day of Sunday, November 6, 2016 to be known as Georgia Retired Educators Day; and

WHEREAS, there are more than 118,000 retired educators in Georgia, 26,000 plus of whom are members of the Georgia Retired Educators Association (GREA); and

WHEREAS, retired educators in Georgia donate thousands of hours of volunteer service and make invaluable contributions to the welfare of their respective communities across the state; and

WHEREAS, it is appropriate that a day be designated for citizens to express their appreciation for the contributions that retired educators have made and continue to make for the betterment of human lives and for society; and

WHEREAS, on that day, local churches will recognize those lasting contributions made by retired educators in this community.

NOW, THEREFORE, We, the Mayor and Council of the City of Fayetteville do hereby proclaim the day of November 6, 2016, as “**GEORGIA RETIRED EDUCATORS DAY**” and call upon the citizens of this community to observe that day in an appropriate manner honoring retired educators.

SO PROCLAIMED this 3rd day of November, 2016.

Edward J. Johnson, Jr. Mayor

Attest:

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: October 28, 2016

SUBJECT: Proclamation – Bennett’s Mill Middle School Parent Engagement Month

November is Parent Engagement Month in Fayette County schools. Bennett’s Mill Middle School Principal, Dr. Broadhead, has been a true advocate for engaging parents at Bennett’s Mill Middle school and they are working hard to promote the importance of parent involvement. We have been asked to proclaim the month of November in Fayette County as Parent Engagement Month. This will send a positive message to the community that we all need to work together to achieve great things.

**PROCLAMATION
BENNETT'S MILL MIDDLE SCHOOL
PARENT ENGAGEMENT MONTH**

WHEREAS, Bennett's Mill Middle School believes that an investment in education is an investment in our community and that all members of our community should work with schools to form a network that strengthens families and supports student success; and

WHEREAS, research on parent engagement suggests that when schools, families, and communities support each other, students of all backgrounds and ability levels achieve at the highest levels. The message to all of us in the research is clear; educational programs are more effective when parents are actively engaged in them. Engaged parents make successful students; and

WHEREAS, Bennett's Mill Middle School wants to thank all the parents and families who have taken on the demanding job of actively participating in their children's education. The importance of your support is immeasurable; schools simply cannot succeed without you.

NOW, THEREFORE, I, Edward Johnson, Mayor, do hereby proclaim the month of November 2016 as **PARENT ENGAGEMENT MONTH** throughout the City of Fayetteville, Georgia and namely Bennett's Mill Middle School. I encourage all of our citizens to recognize parents for the significant impact they have made and continue to make in our schools and our community.

SO PROCLAIMED, this 3rd day of November, 2016.

Edward J. Johnson, Jr. Mayor

Attest:

Anne Barksdale, City Clerk

City of Fayetteville

Police Department

760 Jimmie Mayfield Blvd. Fayetteville Georgia 30215
Telephone (770) 461-4441 Facsimile (770)460-4243

www.fayetteville-ga.gov



Jeff McMullan
Interim
Chief of Police

Jeffrey Harris
Captain

MEMORANDUM

To: Mayor and City Council

From: Major McMullan

CC: Ray Gibson

Date: October 4, 2016

Subject: Police K-9 Aaros retirement

On November 3, 2016 at the Council meeting, we would like to have a small ceremony for K-9 Officer Aaros for seven years of dedicated service to the City of Fayetteville. Aaros has served as a patrol K-9 since 2009 and is no longer capable of performing in his designated duties as a police K-9. We have purchased a plaque for Aaros, his partner and handler Officer Hartley will be present to accept the plaque. Please find attached a detailed description of Aaros accomplishments at the Fayetteville Police Department. The plaque would be presented to Officer Hartley by members of the Police Department if that is acceptable to the Mayor and Council.

Major McMullan



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Ray Gibson, City Manager

CC: Anne Barksdale, City Clerk

FROM: Jahnee Prince AICP, Acting Community Development Director

DATE: October 24, 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 at Cobblestone Blvd.

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.

This agenda item was tabled at the October 6 meeting to allow the property owner to respond to the City in writing. The letter from Mr. Kevin Jackson of Fogelman Properties is attached for your review. Mr. Jackson has indicated that they would prefer that the zoning of the property remain RMF-15 and they will not be pursuing the previous owner’s development plans. However, the current RMF-15 zoning is conditioned upon the concept plan for the 33 townhouses.



October 12, 2016

Julie Brown, Senior Planner
City of Fayetteville
240 Glynn Street South
Fayetteville, GA 30214

Re: Zoning – 2400 Cobblestone Boulevard Parcel #0524019 (the “Property”)

Dear Ms. Brown,

Thank you for your letter dated September 19, 2016. Cobblestone Apartments, LLC is the current owner of the property located at 2400 Cobblestone Boulevard. We closed on the Property on June 17, 2016 with the understanding that the Property was zoned RMF-15 (Multi-Family Residential). At this time, the current owner has no immediate plans to develop the subject parcel #0524019. Even though we would prefer to not have the zoning revert back to C-3 (Highway Commercial) and would respectively request that the current zoning classification not change; we will not be pursuing the previous owner’s development plans as submitted on March 5, 2015.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads 'Kevin'.

Kevin Jackson
Senior Vice President

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: 11-3-16

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 3rd day of November, 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.

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 antennas 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.

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: November 3, 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 3rd day of November, 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: October 11, 2016

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

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 Mayor and City Council of the City of Fayetteville will hold a public hearing on Thursday, November 3, 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 (Section 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 on October 19th.



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Ray Gibson, City Manager

CC: Anne Barksdale, City Clerk

FROM: Jahnee Prince, AICP

DATE: October 24, 2016

SUBJECT: Comprehensive Plan Steering Committee Appointments

Background

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 implement the plan. Staff also implements the plan by completing the projects listed in the Community Work Program section of the Comprehensive Plan.

Steering Committee Duties

The Comprehensive Plan update will take place over the upcoming nine months. The process officially begins tonight, 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.

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.

Steering Committee Membership

A 20-member Comprehensive Plan Steering Committee was appointed at the September 15 City Council meeting. Since that time, one of the Steering Committee members, Cam Williams, has resigned. The current Comprehensive Plan Steering Committee list is as follows:

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

Steering Committee Activities to Date

The Steering Committee has had two meetings. The first meeting, held on October 3, was an orientation to the Comprehensive Planning Process. The second meeting, held on October 17, reviewed the community survey, outreach for the November 1 community meeting, and a discussion of the community meeting agenda. Steering Committee members are assisting with outreach for the community meeting and will help to facilitate the meeting.

Mr. Jeff Hollis was nominated to serve on the Steering Committee by Councilmember Brewer. However, staff was unable to reach Mr. Hollis to confirm his willingness to serve before the September 15 meeting. Mr. Hollis spoke with staff after September 15, and he has participated in both Steering Committee meetings.

Additionally, the City Manager has nominated Mr. Len Gough to serve on the Steering Committee. Mr. Gough has not yet been able to attend a meeting.

Staff Recommendation

Staff recommends that Mr. Jeff Hollis and Mr. Len Gough be nominated to the Comprehensive Plan Steering Committee.



CITY OF FAYETTEVILLE

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: Ray Gibson, City Manager

CC: Anne Barksdale, City Clerk

FROM: Jahnee Prince, AICP

DATE: October 25, 2016

SUBJECT: Consider 90-day Moratorium – Highway 85 Corridor

Background

The Highway 85 corridor, from Lafayette Avenue to the northern city limits has failed to redevelop older, underutilized and deteriorating existing properties. There has been an over emphasis on narrow strip developments which utilize only street frontage and leave undeveloped property hidden from view and without adequate street frontage and thereby undesirable for development. There is excessive emphasis on automotive and other mechanical uses (fuel stations, washing establishments, repair shops, body shops, detail shops, new and used dealers, rental agencies, towing and storage facilities). These uses create objectionable environmental influences such as: loud noise, petroleum, paints, and chemicals, parking and storage of vehicles which are sometimes damaged, disabled or partially disassembled, queuing of vehicles, odors, outside storage, and outside performance of service and installation.

In summary, the current uses and development trends within the Highway 85 Corridor have a negative impact upon the economic health of the community and the resources of the City and are reducing the values of surrounding properties. The Highway 85 North Overlay District needs to be rewritten immediately to address these issues.

Staff Recommendation

Staff recommends that the Mayor and City Council adopt a 90-day Moratorium on the acceptance and processing by the City of Fayetteville of applications for annexation and/or rezoning of property, special exceptions, conditional uses, and site development plans for

properties located in the 85 Corridor within the city limits of the City of Fayetteville. This 90-day moratorium will give staff adequate time to complete a thorough review and study of the issues in the corridor and to make recommendations to revise the Highway 85 Corridor Overlay District.

Subject Matter: Temporary Moratorium on Applications for Rezoning of Property, Special Exceptions, Conditional Uses, Certificates of Occupancy, Building Permits and Development Authorizations.

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

**RESOLUTION NUMBER R-35-16
CITY OF FAYETTEVILLE, GEORGIA**

PREAMBLE

WHEREAS, the City of Fayetteville (the "City") has been empowered by the Georgia General Assembly to: "Define, regulate and prohibit any act, practice, conduct or use of property which is detrimental, or likely to be detrimental, to the health, morals, safety, security, peace, or general welfare of the inhabitants of the City"; and

WHEREAS, the City previously adopted a zoning ordinance which governed the development of land and permitted uses on property within the city limits of the City of Fayetteville, including those located along the State Highway 85 corridor as more particularly described at Exhibit A, attached hereto and made a part hereof ("85 Corridor"); and

WHEREAS, upon preliminary information, the City is concerned that the current uses and development trends within the 85 Corridor have a negative impact upon the economic health of the community and the resources of the City and are reducing the values of surrounding properties; and

WHEREAS, these identified uses and trends include: (a) failure to redevelop older, underutilized and deteriorating existing properties; (b) over emphasis on narrow strip developments which utilize only street frontage and leave undeveloped property hidden from view and without adequate street frontage and thereby undesirable for development; (c) excessive emphasis on automotive and other mechanical uses (fuel stations, washing establishments, repair shops, body shops, detail shops, new and used dealers, rental agencies, towing and storage facilities) which create objectionable environmental influences such as: loud noise, petroleum, paints, and chemicals, parking and storage of vehicles which are sometimes damaged, disabled or partially disassembled, queuing of vehicles, odors, outside storage, and outside performance of service and installation; and

WHEREAS, the Mayor and City Council of the City desire to adopt a Moratorium on the acceptance and processing by the City of Fayetteville of applications for annexation and/or rezoning of property, special exceptions, conditional uses, and site development plans for properties located in the 85 Corridor within the city limits of the City of Fayetteville to give the City Council and the City Staff time to initiate and complete a thorough review and study the ordinances of the City with the

goal of updating and revising the ordinances reflect present circumstances and needs of the City for orderly development within the 85 Corridor; and for the purpose of providing for public notice and public hearings regarding such study and revisions; and further for the purpose of revising and updating the ordinances of the City of Fayetteville.

WHEREAS, In order to conduct the aforementioned review and ordinance revisions, the City hereby adopts the following resolution:

RESOLUTION

WHEREAS, The Mayor and Council resolve and hereby establish a Moratorium on applications for rezoning of property, special exceptions, conditional uses, certificates of occupancy, building permits, development authorizations and any other applications, permits or authorizations for, or on the behalf of, properties currently within the 85 Corridor within the city limits of the City of Fayetteville until such a time as the City completes its review of the effects of uses permitted within the 85 corridor and revisions to the zoning ordinance in the Code of Ordinances; and

BE IT FURTHER RESOLVED that this Moratorium adopted shall be until such time as the City completes its review and revisions to the zoning ordinance as hereinbefore described and terminates this Moratorium, or the expiration of ninety (90) days, whichever occurs first. This Moratorium shall be effective immediately upon passage of this Resolution.

[signatures appear on next page]

APPROVED by the Mayor and Council of the City of Fayetteville, this 3rd day of November, 2016 by the following voting for adoption:

ATTEST:

Edward J. Johnson, Jr., Mayor

Scott Stacy, Mayor Pro Tem

Anne Barksdale, City Clerk

Kathleen 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

FROM: Ray Gibson, City Manager

DATE: October 28, 2016

SUBJECT: Request to Amend the Annexation Consent Agreement for the Pinewood Forrest Development

On August 1, 2013 the City of Fayetteville along with Fayette County entered into an Annexation Consent Agreement/Intergovernmental Agreement with Pinewood Atlanta regarding the Pinewood Forrest mixed-use development. *Section 5(f)* of the agreement under Representations and Warranties, states that the County will be responsible for the construction costs of a multi-use tunnel under Veterans Parkway less the Pinewood Atlanta contribution of \$60,000.00.

The developer would now like to amend this 2013 agreement to allow for the construction of a bridge over Veterans Parkway that would see the County contribute up to \$836,427.00 towards the project.

Staff would like the Council to provide direction on this request so that the Fayette County BOC can move forward with making a decision at their September 8th Regularly Scheduled meeting. If approved by the County, the amended agreement will come back before the City Council for a vote.

ANNEXATION CONSENT AGREEMENT

This Intergovernmental Agreement (hereinafter "Agreement") is entered into this the 1 day of August, 2013 by and among FAYETTE COUNTY, a political subdivision of the State of Georgia (hereinafter "County"); the CITY OF FAYETTEVILLE, a municipal corporation chartered by the State of Georgia (hereinafter "City") and _____ a Georgia corporation (hereinafter "Property Owner").

WITNESSETH:

WHEREAS, Property Owners desire to annex into the corporate limits of City multiple tracts of land totaling approximately 1200 acres, more particularly described on Exhibit "A"; and

WHEREAS, pursuant to the O.C.G.A. § 36-36-6 and O.C.G.A. § 36-36-111, the City notified the County of its intent to annex the tracts and further notifying the County of the intended land use classification; and

WHEREAS, the County raises no objections to said annexation.

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein and for other good and valuable consideration, the parties hereunto agree as follows:

- 1. Recitals.** The Recitals contained in this Agreement are specifically incorporated herein and made a part hereof.
- 2. Annexation.** The City of Fayetteville shall annex within its corporate borders the properties shown on Exhibit "A" (the Annexed Property), such parcels containing approximately 1200 acres of land.
- 3. Zoning of the Annexed Area.** The City shall zone parcels 07-06-006, 07-06-063, 07-05-007, 07-05-019, 05-28-011, 05-28-030, and 05-28-040. Planned Community District (PCD) as described in Exhibit "B" attached hereto and incorporated herein. The remaining portion of the Annexed Property shall be zoned R-70 Residential as described in Exhibit "C" attached hereto and incorporated herein.
- 4. Consent of County.** The County hereby consents to the annexation proposed hereby and waives all objections to the proposed annexation, provided, the Annexed Property is zoned by the City as described in Paragraph 3 above.

5. Representations and Warranties.

- a. The undersigned Mayor of the City of Fayetteville hereby represents and warrants that this agreement has been fully reviewed by the City Council and that the City Council has approved this Agreement in a meeting open to the public and has authorized the Mayor to execute the same.
- b. The undersigned Chairman of the Fayette County Board of Commissioners hereby represents and warrants that this agreement has been fully reviewed by the Board of Commissioners and that the Board of Commissioners has approved this Agreement in a meeting open to the public and has authorized the Chairman to execute the same.
- c. For the construction underway in the County prior to the annexation, the City authorizes the County to issue permits and collect associated permit fees, review, inspect, and enforce compliance with all applicable Fayette County building codes, including the issuance of a certificate of occupancy. The City shall retain the right to review and comment to County staff regarding any concerns pertaining to said site/construction plans. Upon issuance by the County of a CO, the City will accept the development as being compliant with City codes and ordinances. All future development projects on the Annexed Property after annexation shall be subject to the City of Fayetteville's standard planning and zoning review and development approval procedures.

For land disturbance shown on the construction plan known as "Pinewood Atlanta Phase 1A" approved on 6/13/13 by Stormwater Management, the City authorizes the County to issue permits and collected associated fees, review, inspect, and enforce compliance with all applicable Fayette County stormwater, and erosion, sediment, and pollution control codes.

- d. Notwithstanding any of the items declared in paragraph 5c above, for the site/construction plan known as "Pinewood Atlanta Phase 1A", the City shall issue permits and collect associated permit fees, review, inspect, and enforce compliance with sanitary sewer, landscaping, minimum parking dimensions, and signage standards according to City of Fayetteville codes and ordinances.
- e. For future construction, the City may contract with the County to provide building permitting and inspection services for compliance with all applicable City building codes. The scope of these services will be covered in a separate agreement for Permitting and Inspection Services.
- f. Multi-Use Paths – The City and County shall continue to work together, along with the property owners, to develop a comprehensive network of multi-use paths

that provide safe and efficient access for pedestrians, bicycles and golf carts across the subject properties and into other areas of the City and County.

In addition, Fayette County shall be responsible for design, permitting and construction of a path over Sandy Creek, of which Pinewood Atlanta has allowed the Fayette County government full access to the property to facilitate the multi-use path continuing across the wetlands, by bridge or build-out of existing embankment, to the southeastern corner of the subject property. The creek crossing will ultimately connect to pathways along Veterans Parkway to be constructed by Owners/Developers of Pinewood Atlanta.

Multi-Use Path Tunnel - The City and County acknowledge that a multi-use path tunnel shall be constructed beneath either Sandy Creek Road or Veteran's Parkway connecting to the Pinewood site. The location of the tunnel shall be decided jointly between the City and County. The City and County also acknowledge that Pinewood Atlanta shall make a financial contribution in the amount of \$60,000 and required easements towards the tunnel project with specific details addressed in the conditions of annexation. The City will be responsible for the coordinating the construction of the tunnel with the County providing earthwork to reduce costs. The City will include the multi-use path tunnel as an eligible project in the 2013 Core Infrastructure Special Purpose Local Option Sales Tax (SPLOST), and if the referendum is approved by the voters, the City shall be responsible for the balance of the costs of the project less the Pinewood Atlanta contribution and earthwork assistance from the County. Should the SPLOST referendum not be approved by the voters, the County will be responsible for the total construction costs less the Pinewood Atlanta contribution. At-grade path crossings of Veteran's Parkway and Sandy Creek Road shall be avoided for safety and efficiency reasons, and without a tunnel or bridge access, made only at intersections with traffic controlled devices (e.g. stop signs or traffic signals, etc.) Any exceptions shall be approved by both City and County engineering departments.

- g. The City of Fayetteville has plans to construct a new Fire Station (Station 93) to service the existing city limits and newly annexed properties in the West Fayetteville area as outlined in exhibit "A." Design is programmed in the City's FY 2015 budget with construction in FY 2016 budget. Fayette County Station 11 is currently providing primary emergency fire response to the area of the proposed annexation with secondary response from City of Fayetteville Fire Station 91. Fayette County agrees to continue with this service delivery arrangement without any charge for services through June 30, 2015. After this date, the City agrees to compensate the County for primary emergency fire response protection services until Station 93 is operational.

Said compensation shall be at fifty (50%) of the total assessed value of real property in the annexed area as of June 30, 2015 and any subsequent years multiplied by the Fayette County Fire Millage rate effective as of June 30, 2015 and for any subsequent years. The City shall provide documentation to the County by January 15th of each year, starting in 2016, and the City shall submit payment to the County by January 31st of each year, starting in 2016. Any disputes will be settled jointly between the Fayetteville City Manager and Fayette County Administrator. This service delivery agreement is strictly limited to the properties outlined in exhibit "A" until Station 93 assumes primary response to the area. Upon assumption of primary response by Station 93, the service delivery agreements in force at that time will then apply.

- h.* The City of Fayetteville Police Department shall utilize a phased-in approach to address the staffing and capital needs associated with law enforcement service delivery to the proposed West Fayetteville Area. The Fayette County Sheriff's Office shall continue to operate under the current Mutual Aid Agreement to provide initial service to the new West Fayetteville Area until Fayetteville Police resources are fully developed.
- i.* Emergency 9-1-1 services are provided by Fayette County through a consolidated 9-1-1 system. City of Fayetteville property owners contribute to this system through a special tax district. This system will service the proposed annexation area in the same manner.
- j.* Emergency Medical Services, advanced life support and transport services are provided by Fayette County. City of Fayetteville property owners contribute to this system as part of the EMS tax district. This system will service the proposed annexation area in the same manner.
- k.*

 1. The City of Fayetteville will assume full maintenance responsibility for all of Veterans Parkway between SR 54 and Sandy Creek Road, a distance of approximately 1.86 miles.
 2. The City of Fayetteville will assume full maintenance responsibility for the portion of Sandy Creek Road between its southern termini with Veterans Parkway and western-most edge of the proposed City limits; a distance of approximately 0.55 miles.
 3. The City of Fayetteville should assume full ownership and maintenance responsibility for the intersection of Sandy Creek Road and Veterans Parkway.
 4. Road capacity increases may be needed in the future for the existing 2-lane section of Veterans Parkway and Sandy Creek Road within the areas being considered for annexation. County would agree to include this project in a future SPLOST at City's request.

1. The City agrees to uphold the following curb cut limits along Veterans Parkway and Sandy Creek Road.

For parcels annexed into the City and having frontage on Veterans Parkway between SR 54 and South Sandy Creek Road:

- No private driveways onto Veterans Parkway; and
- No additional future road intersections beyond the two intersections already built into the roadway. Frontage roads, provided by property owners/developers, shall be used to gain access to the existing curb cuts.

For parcels having frontage on Sandy Creek Road and/or Veterans Parkway (north of South Sandy Creek Road intersection):

- One curb cut, as already shown on site plan, from the Rivers Rock LLC properties (Parcels 07-06-006 and 07-05-007) to Veterans Parkway;
- One future curb cut from Parcel 05-26-011 to Veterans Parkway;
- One future curb cut from Parcel 07-06-006 (44-acre portion) to Sandy Creek Road; and
- Additional driveways and/or road intersections from other parcels may be permitted in accordance with existing City and County regulations.

6. Miscellaneous. This agreement is entered into pursuant to the authority granted in Article 9, § 3, ¶ 1 of the Constitution of the State of Georgia. This agreement shall be construed in all respects in accordance with Georgia law. This agreement may not be modified or amended except in writing signed by all the parties.

IN WITNESS WHEREOF the parties have set there hand and seal the date first written above.

[Signature appear on the next page]

CITY OF FAYETTEVILLE

By: 
Gregory C. Clifton
Mayor

FAYETTE COUNTY

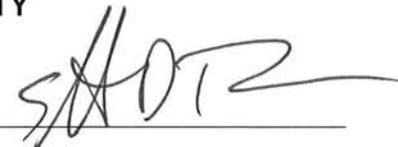
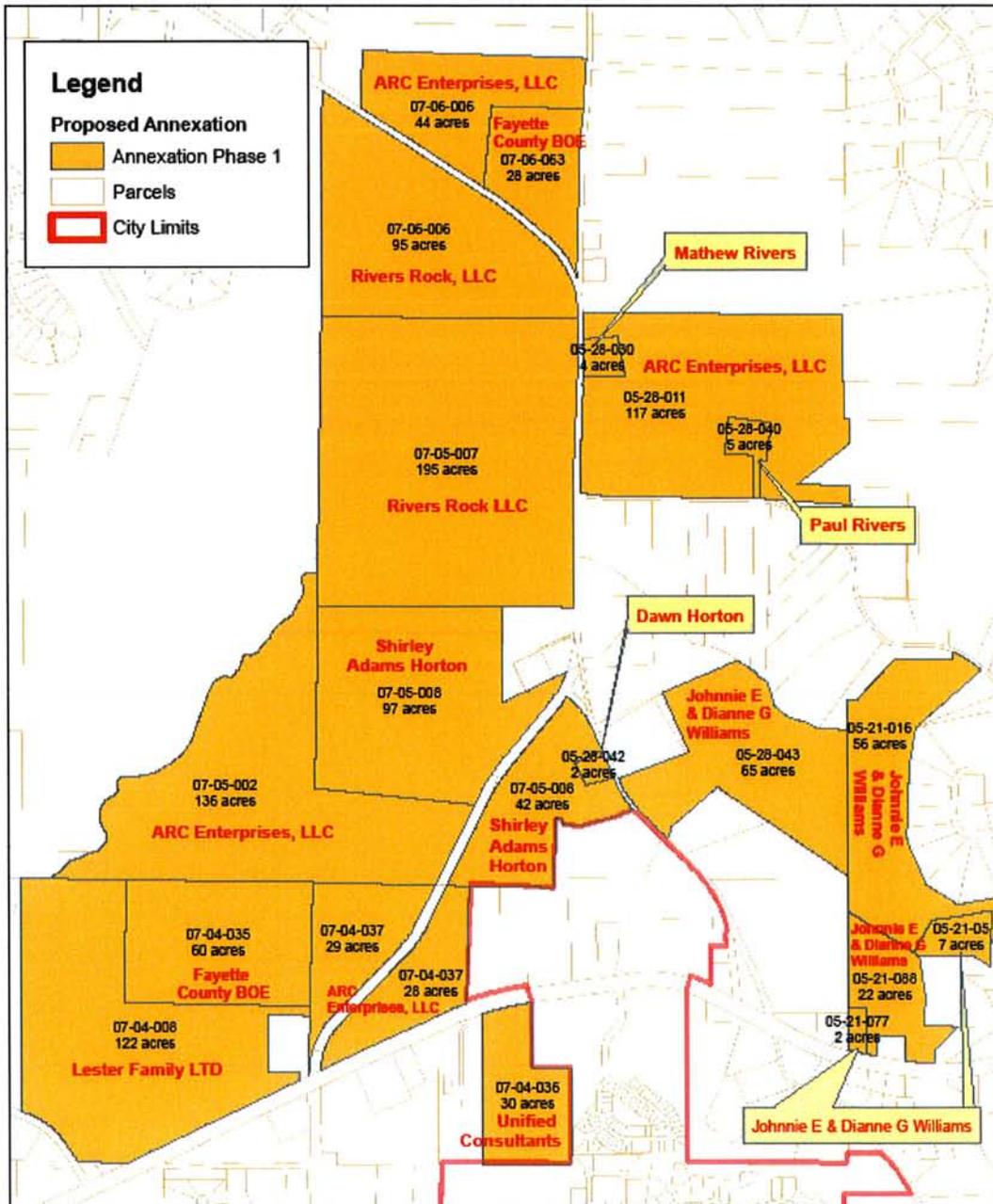
By: 
Steve Brown
Chairman

EXHIBIT A



West Fayetteville Area Proposed Annexation

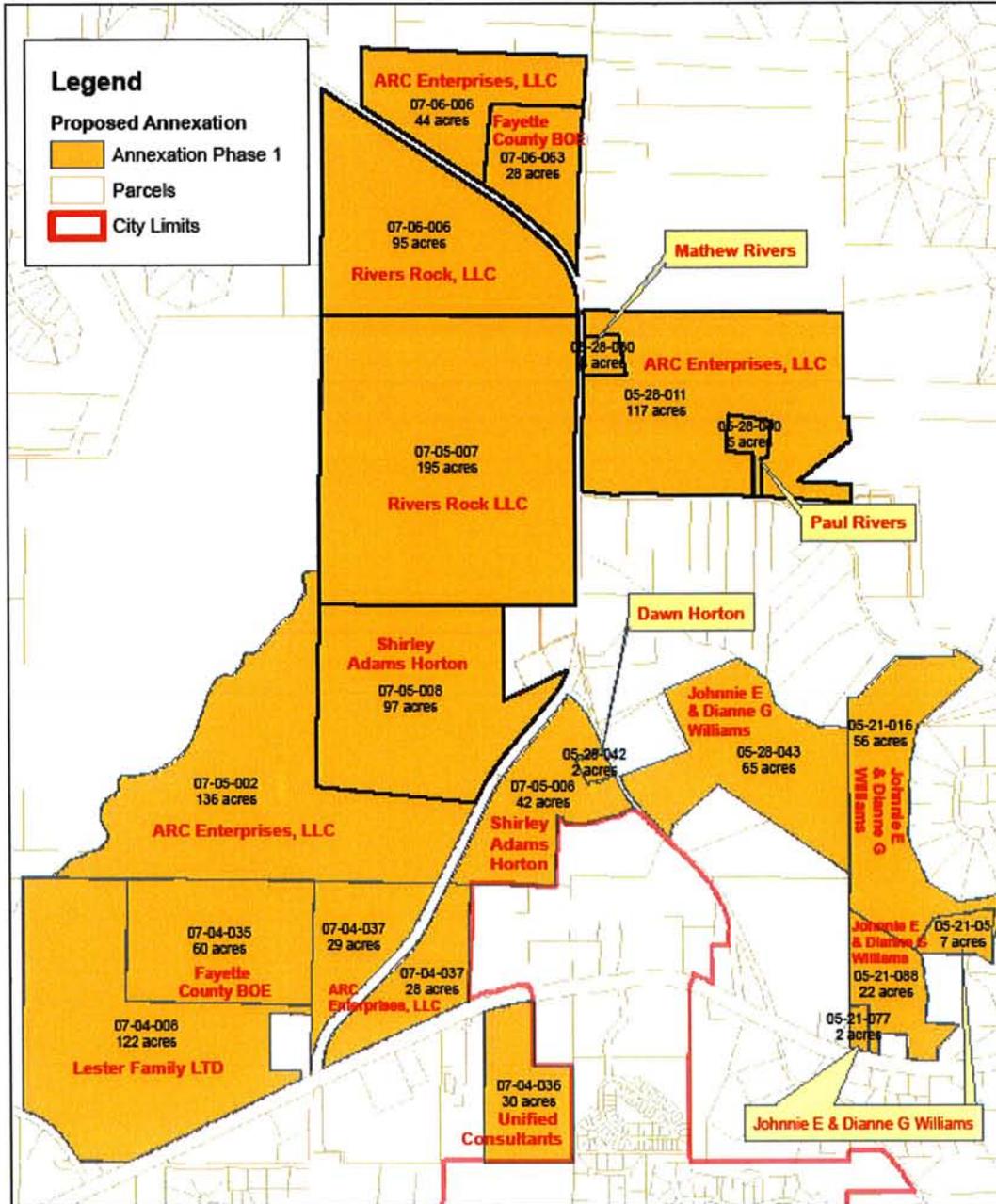


Planning & Zoning/Annexation/Projects/West Fayetteville Area Annexation/West_Side_Annex_Phase1 Map created 06/12/13 for the City of Fayetteville by L. Hale.

EXHIBIT B

PCD

West Fayetteville Area
Proposed Annexation

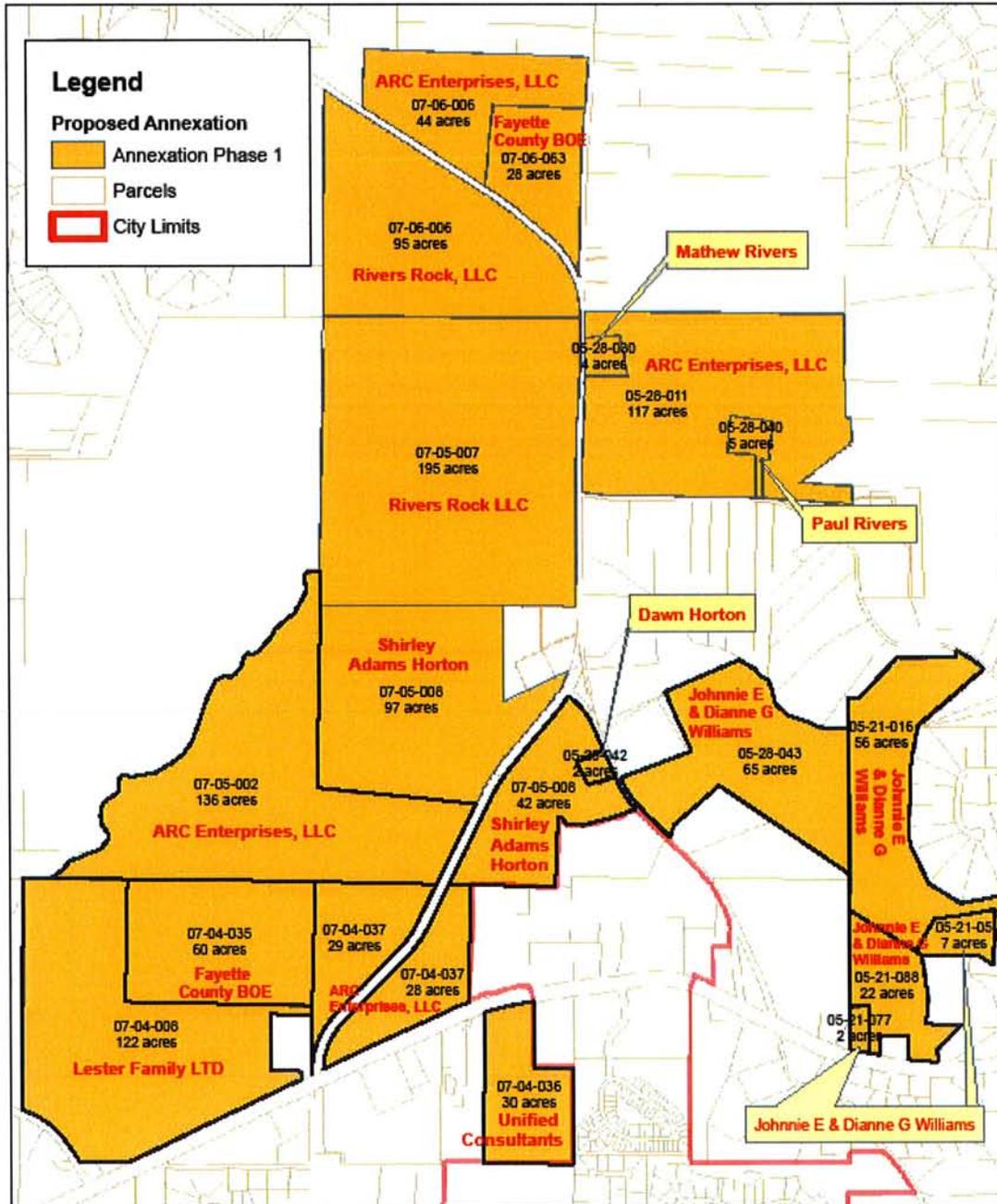


Planning & Zoning/Annexation/Projects/West Fayetteville Area Annexation/West_Side_Annex_Phase1 Map created 06/12/13 for the City of Fayetteville by L. Hale.

EXHIBIT C

R-70

West Fayetteville Area
Proposed Annexation



Planning & Zoning\Annexation\Projects\West Fayetteville Area Annexation\West_Side_Annex_Phase1 Map created 06/12/13 for the City of Fayetteville by L. Hale.



PINEWOOD



August 18, 2016

RE: Multi-Purpose Structural Bridge located at Pinewood Forrest

Mr. Rapson,

The Ownership of Pinewood Atlanta Studios and Pinewood Forrest commercial developments are respectfully requesting the multi-purpose "tunnel" that was approved in the Governmental Agreement between Fayette County and The City of Fayetteville to be substituted for a multi-purpose "bridge" that crosses over Veterans Parkway.

Attached are two conceptual drawings (plan view and photo image).

The development teams of each project (PAS & PF) would like to engage the conceptual design to the next level of drawings to submit to the City of Fayetteville for "design" approval.

After that City of Fayetteville approval process the Owners of both projects would design, permit, and install the bridge and would expect Fayette County to issue the amount of \$836,427.00 in progressive payments during construction.

The anticipated cost of the bridge will exceed the cost of a tunnel and the Owners (PAS & PF) will be paying all costs exceeding the \$836,427.00 allocation.

The City of Fayetteville is in accordance with this agreement.

If you have any questions or comments please contact Rick Halbert 770-616-8574 or rick@halbertdevelopment.com

Thank you,

A handwritten signature in black ink that reads 'Rick Halbert'. The signature is stylized with a large 'R' and 'H'.

Rick Halbert
Cc: Ray Gi



FOLEY DESIGN
www.foleydesign.com

CONCEPTUAL BRIDGE STUDY
PINWOOD ATLANTA STUDIOS
FAYETTEVILLE, GA

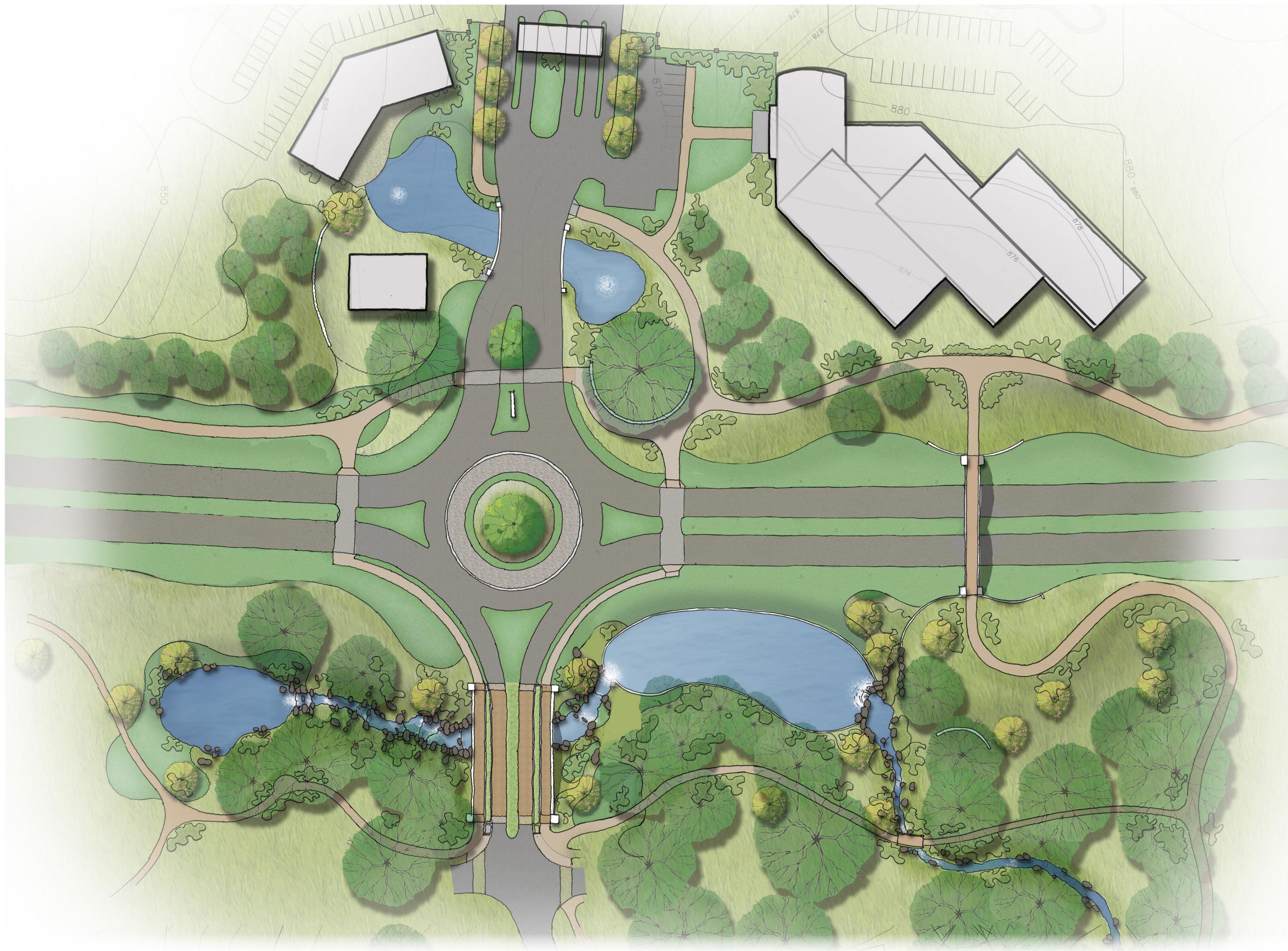
AUGUST 9, 2016
PINWOOD ATLANTA STUDIOS
SANDY CREEK ROAD, FAYETTEVILLE, GA



HGOR



PINWOOD
PINWOOD ENTRANCE CONCEPT
Fayetteville, GA August 03, 2014





PINEWOOD ATLANTA STUDIOS MASTER PLAN

FAYETTEVILLE, GA

AUGUST 25, 2016
PINEWOOD ATLANTA STUDIOS
SANDY CREEK ROAD, FAYETTEVILLE, GA