

Subject Matter: Rezoning –Veterans Parkway/Hood Road et al
Date of Advertising In Fayette County News: December 19, 2018
Date First Presented by Council at work session: January 3, 2019
Date of Public Hearing Before City Council: January 17, 2019
Date of Adoption: January 17, 2019

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER #0-2-19

CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS OF FACT

The City of Fayetteville (the “City”) seeks to change the zoning of the property owned by **Pinewood Atlanta Holdings, LLC.**, for property located at Veterans Parkway and Hood Road, and described in **EXHIBITS "A" and "B"** by amending the development agreement. (Said property shall be referred to herein as “Property”). Said parcels of property is within the city limits of the City of Fayetteville. The described properties are presently zoned PCD – Ordinances #0-12-13 and #0-16-18 pursuant to the City of Fayetteville’s Comprehensive Zoning Ordinance. The City has given notice to the public of this proposed zoning 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.

ORDINANCE

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

ARTICLE I

The zoning classification of the described property in Exhibits "A" and "B" attached hereto and incorporated herein, is **Planned Community District (PCD)**, which shall reflect the concept development master plan as shown in Exhibit "C", pursuant to the City of Fayetteville’s Zoning Ordinance and the Property shall further be subject to the conditions placed on the Property herein.

The development agreement describing certain terms of the development of the subject property (Exhibits “A” and “B”) between the City and the property owner, attached hereto as Exhibit “D” and incorporated herein by this reference shall be a part of this ordinance and a part of the PCD zoning upon the subject property; and the applicant’s (and it successors’ and assigns’) substantial compliance with its covenants, warranties, duties, and obligations shall be a continuing condition to the zoning upon the subject property. This development agreement, dated **January 17, 2019**, shall supersede all previous development agreements.

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Any ordinance or part of any ordinance in conflict herewith is hereby repealed.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 conditions attached hereto as Exhibit D.

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE at a regular meeting of the Mayor and Council on the 17th day of January 2019, by the following voting for adoption:

ATTEST:

Edward J. Johnson, Jr. Mayor

Richard J. Hoffman, Mayor Pro Tem

Anne Barksdale, City Clerk

Kathaleen Brewer, Council Member

Paul C. Oddo, Jr., Council Member

Harlan Shirley, Council Member

Scott Stacy, Council Member

EXHIBIT A

Legal Descriptions

EXHIBIT "B"

Legal Description

EXHIBIT "C"

Zoning Conditions (the "Conditions")

-Annexed property shall be developed consistent with the Master Plan and Land Use Plan for the West Fayetteville Area.

-Upon the initial filing of a preliminary plat for subdivision of the property contained in Phase 1A, and at each other designated phase of the master plan development, the City shall review and, if warranted, require an update to the property Development Agreement which shall be approved by the City before building permits are issued.

- The developer of this property shall work with the City to develop an implementation schedule for traffic mitigation, and provide such mitigation as recommended by the findings of the DRI study for this project area.

-An approved plan for long-term stormwater maintenance on the subject property, including budgeting and enforcement, shall be provided by the applicant to the satisfaction of City Staff and Engineers.

EXHIBIT "D"

Development Agreement