# COUNTY AGENDA REQUEST

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|---|---|---|---|
| Department: | Planning and Zoning | Presenter(s): | Dennis Dutton |
| Meeting Date: | Thursday, February 26, 2015 | Type of Request: | New Business |

Wording for the Agenda:

Consideration of the City of Fayetteville's annexation of 140 Walker Parkway and the rezoning of said property from C-H (Highway-Commercial) to C-3 (Highway-Commercial).

Background/History/Details:

The City of Fayetteville has notified Fayette County of an application to annex 140 Walker Parkway which consists of 1.01 acres. The City has also notified the County of its intention to rezone the property from C-H (Highway-Commercial) to C-3 (Highway-Commercial).

The county's governing authority may either "object" to the annexation, by majority vote, or choose not to object to the annexation request.

Per Section 36-36-113 of the Georgia Code, Fayette County must deliver their objection to the annexation by certified mail or statutory overnight delivery not later than the end of the thirtieth calendar day following receipt of the notice. The deadline for delivery of an objection is March 29, 2013.

Staff has reviewed the application and finds no grounds for a bona-fide land use objection.

What action are you seeking from the Board of Commissioners?

Approval of the City of Fayetteville's annexation of 140 Walker Parkway and the rezoning of said property from C-H (Highway-Commercial) to C-3 (Highway-Commercial).

If this item requires funding, please describe:

Not Applicable.

| | | | |
|---|---|---|---|
| Has this request been considered within the past two years? | No | If so, when? | |
| Is Audio-Visual Equipment Required for this Request?* | No | Backup Provided with Request? | Yes |

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

| | | | |
|---|---|---|---|
| Approved by Finance | Not Applicable | Reviewed by Legal | |
| Approved by Purchasing | Not Applicable | County Clerk's Approval | Yes |
| Administrator's Approval | | | |

Staff Notes:

To: Board of Commissioners

From: Pete Frisina

Date: February 12, 2015

Re: Fayetteville Annexation Request for 140 Walker Parkway, Fayetteville, GA 30214 Property Tax ID#: 05-38-080

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Fayetteville has received a request for annexation of the above-referenced property located at 140 Walker Parkway, Fayetteville, GA 30214. The annexation notice from Fayetteville indicates the intent to annex and rezone approximately 1.01 acres to C-3 (Highway-Commercial). The subject property is currently zoned C-H (Highway-Commercial) in Fayette County and contains a pool installation business. The concept plan for the annexation indicates a 4,000 square foot retail space and a 1,935 square foot restaurant space.

**Rezoning History**

The subject property (140 Walker Parkway) is within an area rezoned from A-R to C-H (Highway-Commercial) through Petition No. 272-73 approved by the Board of Commissioners on October 12, 1973.

**General Description**

The subject property is located at 140 Walker Parkway. The proposed annexation would not create an island. The subject property abuts the following:

| Direction | Acreage | Zoning | Use | Comprehensive Plan |
|---|---|---|---|---|
| North (across Walker Parkway) | 1.00 | C-H | Auto Repair | Commercial |
| East | 0.75 | C-H | Auto Sales and Repair | Commercial |
| South | 1.45 | Commercial | Restaurant | City of Fayetteville |
| West (across SR-85) | 1.00 | Commercial | Rent-all | City of Fayetteville |

**Current County Land Use**

The subject property is designated as Commercial on the Fayette County Future Land Use Plan map.

**DEPARTMENTAL COMMENTS**

**Planning and Zoning:** As the subject property is currently zoned C-H (Highway-Commercial)

and will be zoned C-3 (Highway-Commercial) in Fayetteville there is no change in zoning or land use that will result in a substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use (see State Law below).

**Fire/EMS:** Opposed the annexation due to the loss of Fire/EMS Tax revenues.

**Water System:** This site is currently served by F.C.W.S.

**Public Works/Engineering:**

If this land were redeveloped within the unincorporated County, two issues of concern to Public Works/Engineering would be:

1. Providing inter-parcel access with the property to the southwest (Panera Bread) if the topography allows; and
2. Entrance locations – the driveway closest to SR 85 may not meet regulatory standards for offset distances between intersections. It is likely that only one driveway onto Walker Pkwy would be allowed and the location would likely be opposite the second entrance across the street. Note, Walker Parkway is a County road so approval for work within County right-of-way will be required regardless of if the land is annexed.

I spoke to Fayetteville's Director of Public Works about these two issues. The City has similar requirements and he said they would be addressed during plan development.

**Environmental Health:** This department has no objection to the proposed annexation request. It should be noted that the proposed restaurant would need to go through our department's plan review process prior to the issuance of a building permit.

**Environmental Management:**

| | |
|---|---|
| **Floodplain** | The property does **NOT** contain floodplain per FEMA FIRM panel 13113C0102E. |
| **Wetlands** | The property does **NOT** contain any wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. |
| **Watershed** | There are **NO** water bodies subject to the County watershed protection buffers and setbacks. |
| **Groundwater** | The property **IS NOT** within the groundwater recharge area, as delineated on the Georgia Department of Natural Resources' 1992 Ground-Water Pollution Susceptibility Map of Georgia (Hydrologic Atlas 20). |
| **Stormwater** | The re-development of this property should meet all current stormwater management practices for re-development. Analysis of the impacts to Walker Parkway and downstream properties is suggested. |

**Stormwater Utility** The County will be losing $109.20 in stormwater revenue if this parcel is to be annexed.

**Sheriff's Office:** The Sheriff's Office has no issues with this annexation.

**STATE LAW**

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

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

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

(1) The proposed change in zoning or land use;

(2) Proposed increase in density; and

(3) Infrastructure demands related to the proposed change in zoning or land use.

(b) Delivery of services may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the subjects enumerated in paragraphs (1), (2), and (3) of subsection (a) of this Code section.

(c) The objection provided for in subsection (a) of this Code section shall document the nature of the objection specifically providing evidence of any financial impact forming the basis of the objection and shall be delivered to the municipal governing authority by certified mail or statutory overnight delivery to be received not later than the end of the thirtieth calendar day following receipt of the notice provided for in Code Section 36-36-111.

(d) In order for an objection pursuant to this Code section to be valid, the proposed change in zoning or land use must:

(1) Result in:

(A) A substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use; or

(B) A use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project, as such term is defined in Code Section 48-8-110, which is furnished by the county to the area to be annexed; and

(2) Differ substantially from the existing uses suggested for the property by the county's comprehensive land use or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.

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

(a) Not later than the fifteenth calendar day following the date the municipal corporation received the first objection provided for in Code Section 36-36-113, an arbitration panel shall be appointed as provided in this Code section.

(b) The arbitration panel shall be composed of five members to be selected as provided in this subsection. The Department of Community Affairs shall develop three pools of arbitrators, one pool which consists of persons who are currently or within the previous six years have been municipal elected officials, one pool which consists of persons who are currently or within the previous six years have been county elected officials, and one pool which consists of persons with a master's degree or higher in public administration or planning and who are currently employed by an institution of higher learning in this state, other than the Carl Vinson Institute of Government. The pool shall be sufficiently large to ensure as nearly as practicable that no person shall be required to serve on more than two panels in any one calendar year and serve on no more than one panel in any given county in any one calendar year. The department is authorized to coordinate with the Georgia Municipal Association, the Association County Commissioners of Georgia, the Council of Local Governments, and similar organizations in developing and maintaining such pools.

(c) Upon receiving notice of a disputed annexation, the department shall choose at random four names from the pool of municipal officials, four names from the pool of county officials, and three names from the pool of academics; provided, however, that none of such selections shall include a person who is a resident of the county which has interposed the objection or any municipal corporation located wholly or partially in such county. The municipal corporation shall be permitted to strike or excuse two of the names chosen from the county officials pool; the county shall be permitted to strike or excuse two of the names chosen from the municipal officials pool; and the county and municipal corporation shall each be permitted to strike or excuse one of the names chosen from the academic pool.

(d) Prior to being eligible to serve on any of the three pools, persons interested in serving on such panels shall receive joint training in alternative dispute resolution together with zoning and land use training, which may be designed and overseen by the Carl Vinson Institute of Government in conjunction with the Association County Commissioners of Georgia and the Georgia Municipal Association, provided such training is available.

(e) At the time any person is selected to serve on a panel for any particular annexation dispute, he or she shall sign the following oath: "I do solemnly swear or affirm that I will faithfully perform my duties as an arbitrator in a fair and impartial manner without favor

or affection to any party, and that I have not and will not have any ex parte communication regarding the facts and circumstances of the matters to be determined, other than communications with my fellow arbitrators, and will only consider, in making my determination, those matters which may lawfully come before me."

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

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

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

(A) The existing comprehensive land use plans of both the county and city;

(B) The existing land use patterns in the area of the subject property;

(C) The existing zoning patterns in the area of the subject property;

(D) Each jurisdiction's provision of infrastructure to the area of the subject property;

(E) Whether the county has approved similar changes in intensity or allowable uses on similar developments in other unincorporated areas of the county;

(F) Whether the county has approved similar developments in other unincorporated areas of the county which have a similar impact on infrastructure as complained of by the county in its objection; and

(G) Whether the infrastructure or capital outlay project which is claimed adversely impacted by the county in its objection was funded by a county-wide tax.

(3) The county shall provide supporting evidence that its objection is consistent with its land use plan and the pattern of existing land uses and zonings in the area of the subject property.

(4) The county shall bear at least 75 percent of the cost of the arbitration. The panel shall apportion the remaining 25 percent of the cost of the arbitration equitably between the city and the county as the facts of the appeal warrant; provided, however, that if the panel determines that any party has advanced a position that is substantially frivolous, the costs shall be borne by the party that has advanced such position.

(5) The reasonable costs of participation in the arbitration process of the property owner or owners whose property is at issue shall be borne by the county and the city in the same proportion as costs are apportioned under paragraph (4) of this subsection.

(6) The panel shall deliver its findings and recommendations to the parties by certified mail or statutory overnight delivery.

(b) If the decision of the panel contains zoning, land use, or density conditions, the findings and recommendations of the panel shall be recorded in the deed records of the county with a caption describing the name of the current owner of the property, recording reference of the current owner's acquisition deed and a general description of the property, and plainly showing the expiration date of any restrictions or conditions.

(c) The arbitration panel shall be dissolved on the tenth day after it renders its findings and recommendations but may be reconvened as provided in Code Section 36-36-116.

(d) The members of the arbitration panel shall receive the same per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.

(e) If the panel so agrees, any one or more additional annexation disputes which may arise between the parties prior to the panel's initial meeting may be consolidated for the purpose of judicial economy if there are similar issues of location or similar objections raised to such other annexations or the property to be annexed in such other annexations is within 2,500 feet of the subject property.

**36-36-116. Appeal**

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

county is located.

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

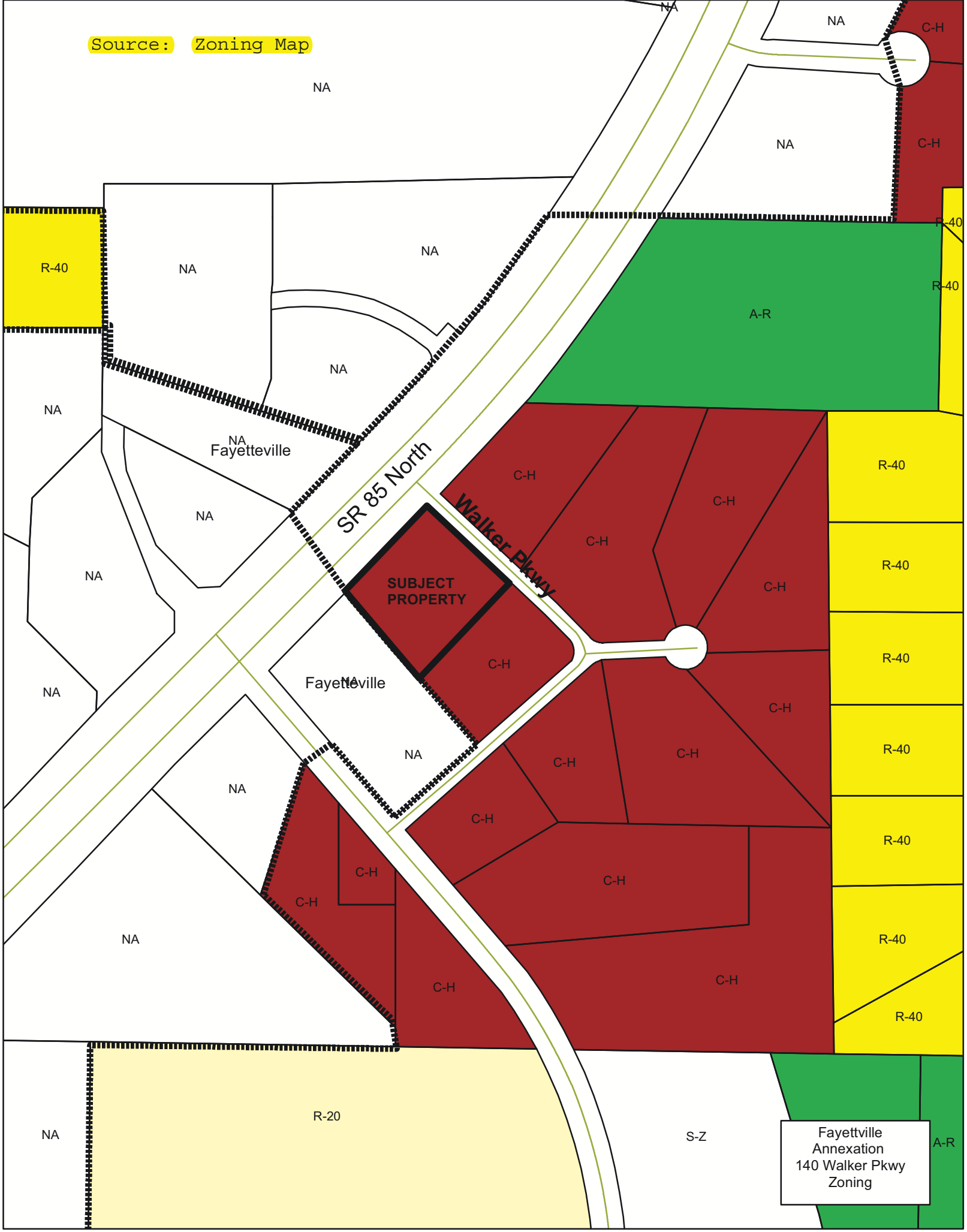
If the annexation is completed after final resolution of any objection, whether by agreement of the parties, act of the panel, or court order as a result of an appeal, the municipal corporation shall not change the zoning, land use, or density of the annexed property for a period of one year unless such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

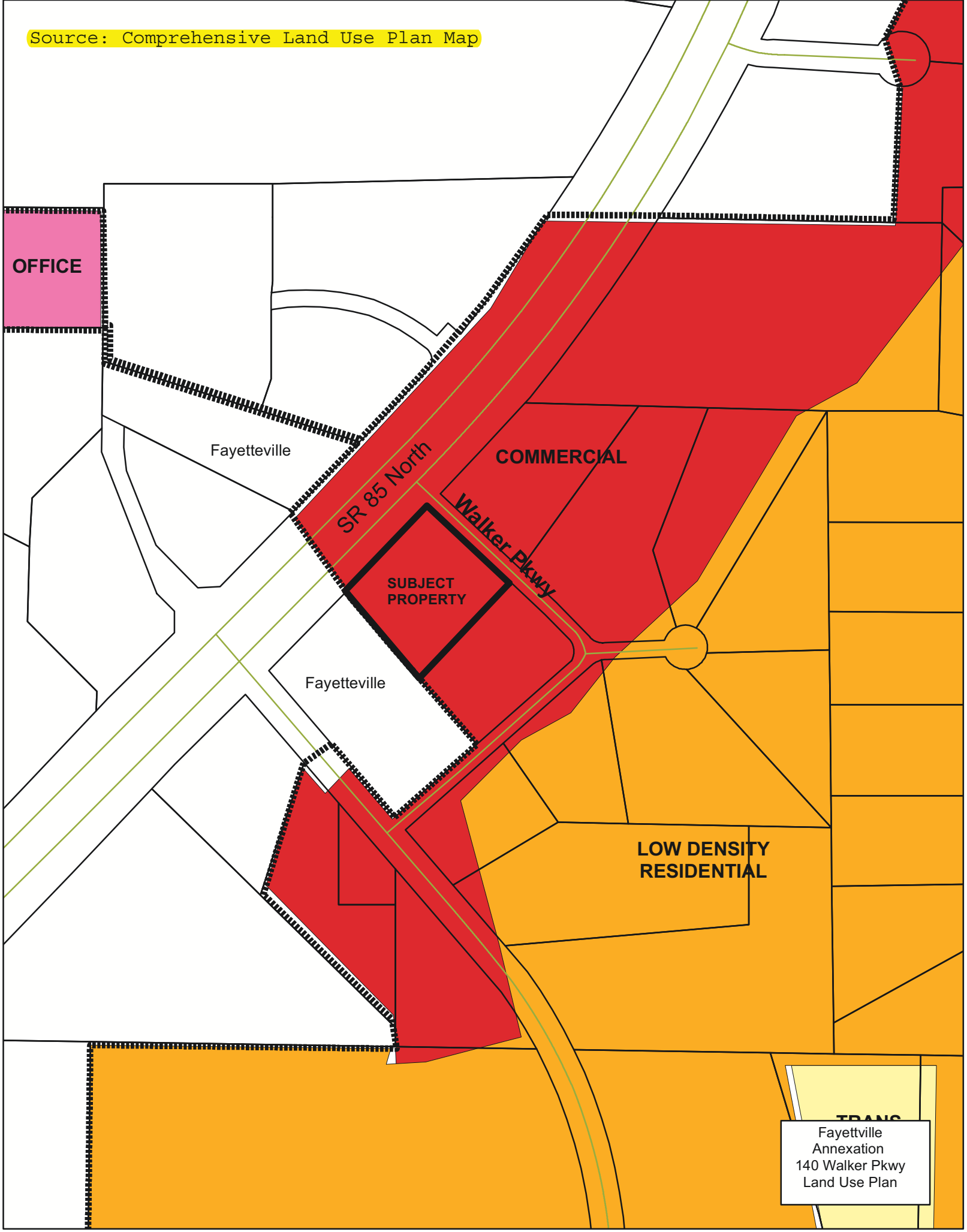
**36-36-118. Abandonment of proposed annexation; remedies for violations of conditions**

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

**Summary**

As the subject property is currently zoned C-H (Highway-Commercial) and will be zoned C-3 (Highway-Commercial) in Fayetteville there is no change in zoning or land use that will result in a substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use (see State Law below). Please note that Fire/EMS is opposed due to the loss of revenue and Public Works/Engineering has concerns with inter-parcel access and driveway off-set distance.


Source: Zoning Map
NA
R-40
A-R
C-H
SR 85 North
Walker Pkwy
SUBJECT PROPERTY
Fayetteville
R-20
S-Z
Fayettville Annexation 140 Walker Pkwy Zoning


Source: Comprehensive Land Use Plan Map
OFFICE
Fayetteville
SR 85 North
COMMERCIAL
Walker Pkwy
SUBJECT PROPERTY
Fayetteville
LOW DENSITY RESIDENTIAL
Fayettville Annexation 140 Walker Pkwy Land Use Plan

Fayettville
Annexation
140 Walker Pkwy
Aerials

# City of Fayetteville

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www.fayetteville-ga.gov

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COUNCIL
Paul C. Oddo, Jr.,
Mayor Pro Tem
Mickey Edwards
Edward Johnson
Scott Stacy
James B. Williams

CITY MANAGER
Ray Gibson

CITY CLERK
Anne Barksdale


February 10, 2015

Certified Mail
No. 7014 0150 0000 8310 2840

Fayette County Board of Commissioners
Attn: Mr. Charles Oddo, Chairman
140 Stonewall Avenue W. Suite 100
Fayetteville, GA 30214

COPY

Dear Mr. Oddo:

The City of Fayetteville has recently received an application for the annexation/rezoning of a 1.01 acre lot currently zoned C-H (Commercial Highway) in Fayette County. The applicant's submittal was verified for accuracy and officially accepted by City staff on February 6, 2015. The applicant is seeking C-3 (Highway Commercial) zoning for this property. The property is as follows:

**140 Walker Parkway and is more particularly described as being in Land District Number 5, Parcel # 0538080. (See attached location map.)**

I have enclosed a copy of the completed annexation/rezoning application, a legal description of the property, a location map, and a completed Staff Annexation Review Form.

The Planning and Zoning Commission will hold a public hearing on March 24, 2015 to make a recommendation on this application. The Mayor and City Council will hold their public hearing to consider the application on Thursday, April 2, 2015.

Please direct any comments or questions concerning this application to Brian Wismer, Director of Community Development.

Sincerely,

Ray Gibson
City Manager

Cc: Mayor, City Council
Brian Wismer, Director of Community Development
Chris Hindman, Director of Public Services

RECEIVED
FEB - 6 2015

# ANNEXATION & REZONING APPLICATION

**File#:** 15-005 (to be filled in by City Staff)

**TO: The Mayor and Council**

The undersigned hereby respectfully requests that the City of Fayetteville Zoning Map be amended as described below:

1. This is a request for:
   (X) Annexation & Rezoning/Zoning Map Amendment
   **Fees $1,750.00**

**ALL LEGAL FEES ASSOCIATED WITH THESE ZONING ACTIONS AND DEVELOPMENT AGREEMENTS WILL BE THE RESPONSIBILITY OF THE APPLICANT ALONG WITH THE REQUIRED APPLICATION FEES.**

2. Give exact information to locate the property for which you propose a change:

   Tax District Number: 5th District Tax Map Number: _____

   Parcel Number(s): 0538 080 Size of subject property: 1.01 Acres

3. What is the current Fayette County zoning on this property? CH Commercial Highway

4. What new zoning do you propose for this property? C-3 Highway Commercial

   (Under item 7, explain your reason(s) for your rezoning request)

5. Do you own all of the property proposed for this zoning change? (X) Yes ( ) No
   If no, each property owner must sign an individual application.

6. Is this property subject to an Overlay District? Check those that may apply:
   (X) Corridor Overlay District ( ) Main Street District
   ( ) Historic Preservation District ( ) Ground Water Recharge Area
   ( ) Watershed Protection

- *Applications will not be considered complete until all items have been supplied.* ***Incomplete applications will NOT be placed on the Planning & Zoning Commission agenda and will be returned to the applicant.***
- *All items must be reviewed and approved by Staff & must be in compliance with current City Ordinances.*
- *The City shall have five business days in order check applications for completeness.*

7. Intent of Rezoning / Annexation Request: (Detailed Description of Development) (Attach a separate sheet if necessary)

Southeastern Retail Development would like to annex the above referenced property into the City of Fayetteville, GA with the zoning of C-3 Highway Commercial. The intent is to re-develop the property into a retail center.

Staff's Signature: Julie Brown 2.6.15 Date: 2/3/15

Notary Public: Frances Bryller

My Commission Expires June 11, 2016

Signature of Applicant: Martha K Stephenson

Printed Name: Martha K. Stephenson Telephone Number: 770-461-1843

Address: 530 Hawthorne Dr, Fayetteville, Ga 30214

Agent:/Owner (Name/Address/Telephone/E-mail):

The completed application will be reviewed by the Planning & Zoning Commission at a regularly scheduled monthly meeting, upon which, they will make a recommendation to Mayor and Council. The recommendation will be presented as a public hearing at two consecutive City Council meetings before a vote is taken for approval or denial.

**FOR PLANNING & ZONING DEPT. USE ONLY**

File No. 15-005 Posting Notice Date: 3.9.15

Amount Received: $1,750.00 Legal Ad Date: 3.4.15 + 3.18.15

P&Z Meeting Date: 3.24.2015

City Council 1st Reading: 4.2.2015 City Council 2nd Reading: 4.16.2015

**All annexation and rezoning must go to City Council for two readings for final approval or denial.**

Date Completed Application Was Received: 2.6.2015

(Official Date Stamp): RECEIVED FEB - 6 2015

- *Applications will not be considered complete until all items have been supplied.* ***Incomplete applications will NOT be placed on the Planning & Zoning Commission agenda and will be returned to the applicant.***
- *All items must be reviewed and approved by Staff & must be in compliance with current City Ordinances.*
- *The City shall have five business days in order check applications for completeness.*

OFFICE
SUPERIOR COURT
FAYETTE CO.

2003 FEB 7 PM 2 11

SHEILA STUDDARD, CLERK

———SPACE ABOVE RESERVED FOR RECORDING INFORMATION———

AFTER RECORDING RETURN TO:

Quitclaim Deed Form 927 Clyde Castleberry Co. Covington, GA 30014

# State of Georgia, FAYETTE County

THIS INDENTURE, made the 7th day of February in the year 2003, between

MARTHA K. STEPHENSON

of the County of Fayette, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

R. F. STEPHENSON

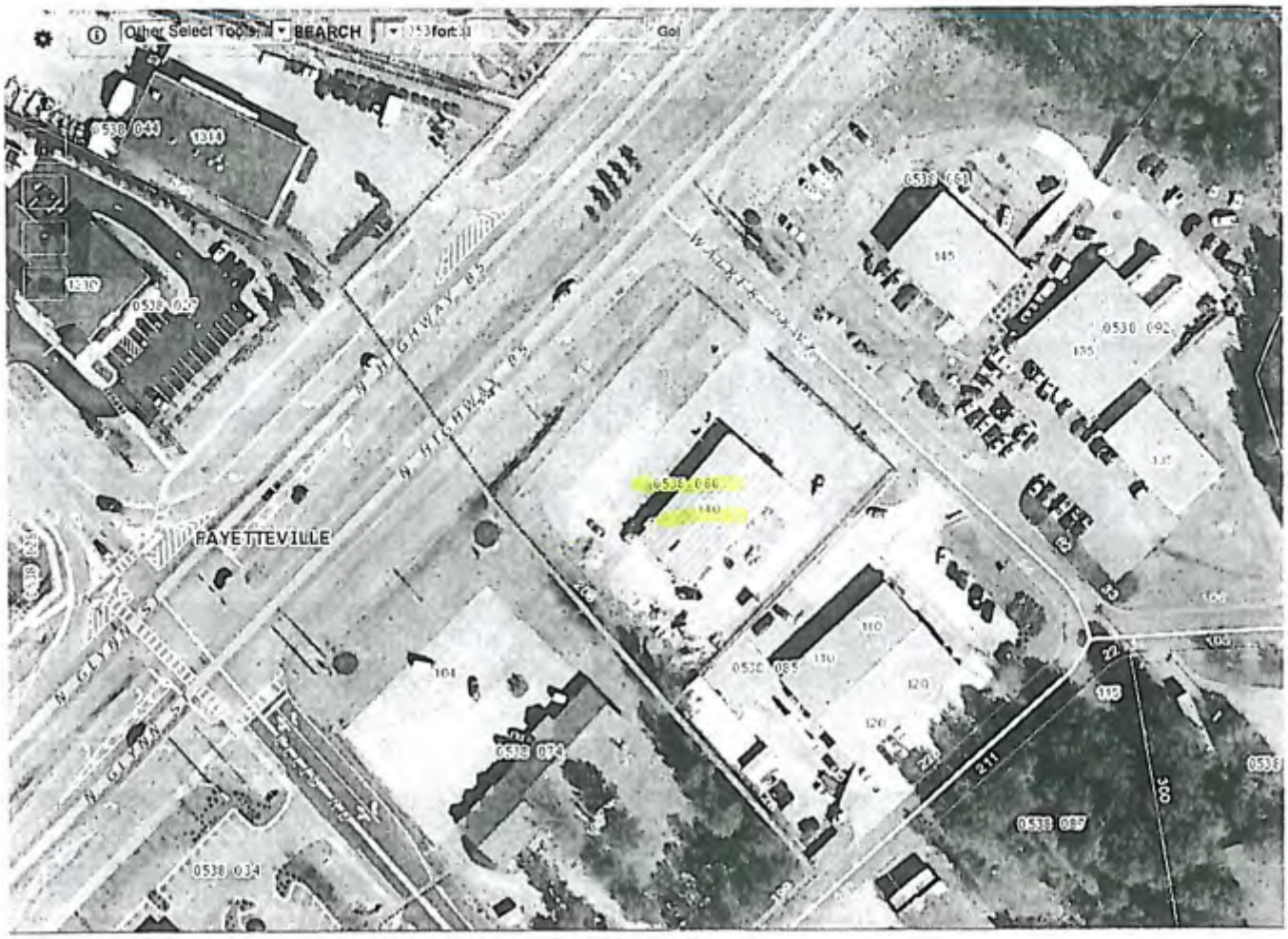
of the County of Fayette, and State of Georgia, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of one dollar ($1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said grantee

All that tract or parcel of land lying and being in Land Lot 168 of the 5th Land District of Fayette County, Georgia, as shown by plat of survey by Lum Hall & Associates, Inc., entitled "Property of A & G Rent-All" dated April 29, 1980, and recorded in Plat Book 12 at Page 102, records of Fayette County, Georgia, and in accordance with said plat being more particularly described as follows:

BEGINNING at an iron pin located 185.4 feet northeastwardly, as measured along the southeasterly margin of the right-of-way of Georgia Highway 85, from the northeasterly margin of the right-of-way 80' in width of an improved public road known as Ellis Road: running thence North 44°35'56" East along the southeasterly margin of the right-of-way of said Georgia Highway 85 for a distance of 211.58' to an iron pin on the southwesterly margin of the right-of-way of a proposed street or roadway as shown by the above-referenced plat; thence South 47°59'40" East, as measured along the southwesterly margin of the right-of-way of said street or roadway, 194' to an iron pin; thence southeastwardly, continuing along the southwesterly margin of the right-of-way of said street or roadway, 10' to an iron pin; thence South 43°50'42" West, 235.12' to an iron pin; thence North 41°3'36" West, 197.5' back to the iron pin at the POINT OF BEGINNING, said tract containing 1.003 acres, more or less, said property being known as 140 Walker Parkway (formerly 925 Hwy.85N).

- K 2082 703




http://maps.fayettecountyga.gov/

4/2 + 4/16 2/6/2015 5/7/14

## STAFF ANNEXATION REVIEW FORM

1. Describe the location of the area to be annexed or attach a clear map indicating the location.

   *The single parcel to be annexed is located at the intersection of Highway 85N and Walker Parkway. (See attached map)*

2. How many landowners/parcels will be included?

   *One parcel, one landowner, as stated in #1.*

3. How does the City propose to designate this area on its future land use map and/or zoning map if the annexation occurs?

   The property is currently zoned C-H (Commercial Highway) in the County and the City proposes an equivalent zoning of C-3 (Highway Commercial). The FLU map designates the surrounding area as Neighborhood Mixed Use. The City's Comp Plan allows for "commercial uses that serve neighborhood residents' day-to- day needs, and should match the character of the neighborhood".

4. Refer to sections of the city development ordinances that identify permitted uses for this proposed land use classification.

   *Section 94-167 of the Fayetteville City Code. (see attached)*

5. Describe the development plans for the area proposed to be annexed (if the property owner(s) in the area initiated specific development proposals).

   *The parcel would be developed into a 5,940 square foot building including 4,005 square feet of retail and 1,935 square feet of restaurant with drive through facility.*

Form completed by: Brian Wismer, Director of Community Development

Signature: Brian Wismer Date: 2-10-2015

**Sec. 94-167. - Highway commercial (C-3).**

In the C-3 district, the following uses are permitted:

(1) Any use permitted in the C-2 zoning district, subject to the same restrictions unless otherwise provided herein, planned commercial centers as commercial planned unit developments only. Commercial development may have a vehicular orientation but should also include access for bikes and pedestrians.

(2) Single tenant retail business and service stores, with a maximum gross floor area from 50,000 to 75,000 square feet as commercial planned unit development only.

(3) Planned commercial centers, from 50,000 to 75,000 square feet for any single tenant and 100,000 square feet per planned center, as commercial planned unit development only.

(4) Convenience stores, gasoline and diesel fuel sales by special exception only.

(5) Restaurants, including drive-in and drive-through facilities by special exception only.

(6) Hotels, and campgrounds for transient recreational vehicles, by special exception only.

(7) 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.

(8) Motor vehicle repair and/or service facilities, garages, car washes, body shops, and paint shops, by special exception only, but excluding junkyards or salvage operations.

(9) Bowling alleys and other places of entertainment enclosed in a building, but specifically excluding any and all "sexually oriented businesses," as such businesses are defined in chapter 22 of the Code of Ordinances, City of Fayetteville, Georgia, as amended.

(10) Parking lots and parking garages.

(11) Drive-in theaters.

(12) Bookbinding operations.

(13) Building contractors.

(14) Building supply sales, up to 75,000 square feet, not including outside storage.

(15) Automobile, truck, trailer and equipment rental outlets by special exception only.

(16) Veterinary offices, hospitals, and laboratories.

(17) Psychic offices having a maximum gross floor area of no more than 1,500 square feet for individual offices or tenants.

(18) Non-emergency medical transport service facilities are permitted by special

exception only.

(19) Vehicle for hire services by special exception only.

(20) Pet grooming facilities where animals are not generally kept overnight.

(21) See section 94-175, group homes.