COUNTY AGENDA REQUEST

Department:	Administration	Presenter(s):	County Administrator Steve Rapson
Meeting Date:	Thursday, July 25, 2013	Type of Request:	Consent

Wording for the Agenda:

Consideration of the City of Fayetteville's request to annex 21 properties totaling about 1,200 acres located in the area of Veterans Parkway, Sandy Creek Road, SR 54 West, Tyrone Road, South Sandy Creek Road and Hood Road, to rezone said properties from A-R, R-70 and G-B (County Zoning) to R-70 and PCD (City zoning), and to enter into an Annexation Consent Agreement between all parties.

Background/History/Details:

The City of Fayetteville, in accordance to applicable Georgia laws, notified Fayette County of its intention to annex 21 properties totaling approximately 1,200 acres located in the area of Veterans Parkway, Sandy Creek Road, State Route 54 West, Tyrone Road, South Sandy Creek Road, and Hood Road, and to rezone said properties from A-R, R-70, and G-B (County zoning) to R-70 and PCD (City zoning.

During the July 9, 2013 Joint Fayette County / City of Fayetteville Meeting, the annexation request (identified as "Attachment A" of the backup and the associated Annexation Consent Agreement (identified as "Attachment C" of the backup) were discussed. Fayetteville Director of Community Services Brian Wismer and Fayette County Community Development Director Pete Frisina briefed the elected members of the Fayetteville City Council and the Fayette County Board of Commissioners on the Annexation Consent Agreement, and their presentation notes are identified as "Attachment B" of the backup.

What action are you seeking from the Board of Commissioners?

Approval of the City of Fayetteville's request to annex 21 properties totaling about 1,200 acres located in the area of Veterans Parkway, Sandy Creek Road, SR 54 West, Tyrone Road, South Sandy Creek Road and Hood Road, to rezone said properties from A-R, R-70 and G-B (County Zoning) to R-70 and PCD (City zoning), and to enter into an Annexation Consent Agreement between all parties.

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:

The Annexation Consent Agreement and the work associated between the respective staffs from the City of Fayetteville and Fayette County is an example of intergovernmental cooperation between both jurisdictions for the betterment of all the citizens of Fayette County.

Attachment A

City of Fayetteville

240 Glynn Street South • Fayetteville, Georgia 30214
Telephone (770) 461-6029 • Facsimile (770) 460-4238
www.fayetteville-ga.gov
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MAYOR
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Mickey Edwards
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Walt White

CITY MANAGER
Joe Morton

CITY CLERK
Anne Barksdale

June 27, 2013

Certified Mail
No. 7012 1640 0001 7855 5817

RECEIVED
JUL 01 2013
By

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

Dear Mr. Brown:

Due to changes in the zoning request from applicants who filed for annexation/rezoning on May 31, 2013, the applicants listed below are seeking PCD zoning for the following parcels (0706006, 0528011, 0528030, 0528040 & 0705008). The individual applicants and properties are as follows:

ARC Enterprises, LLP, Fayette Property Holdings, LLC and Sandy Creek Holdings, LLC-Sandy Creek Rd. and is more particularly described as being in Tax District Number 1, Parcel Number 07 06 006 - 44.75 acres. (See attached location map.)

ARC Enterprises, LLP, Fayette Property Holdings, LLC and Sandy Creek Holdings, LLC-Veterans Pkwy, and is more particularly described as being in Tax District Number 1, Parcel Number 0528 011 – 117.1 acres. (See attached location map.)

Matthew Rivers– 431 Veterans Pkwy, and is more particularly described as being in Tax District Number 1, Parcel Number 0528 030 – 4.01 acres. (See attached location map.)

Paul Rivers – 1065 Hood Rd, and is more particularly described as being in Tax District Number 1, Parcel Number 0528 040 – 4.98 acres. (See attached location map.)

Shirley Horton– 212 South Sandy Creek Rd, and is more particularly described as being in Tax District Number 7, Parcel Number 0705 008 -97 acres. (See attached location map.)

I have enclosed a copy of a location map, updated PCD ordinance and Staff Annexation Review Form.

The Mayor and City Council will hold a public hearing to consider these applications on Thursday, July 18th, 2013.

Please direct any comments or questions concerning this change in zoning request to Brian Wismer, Director of Community Development.

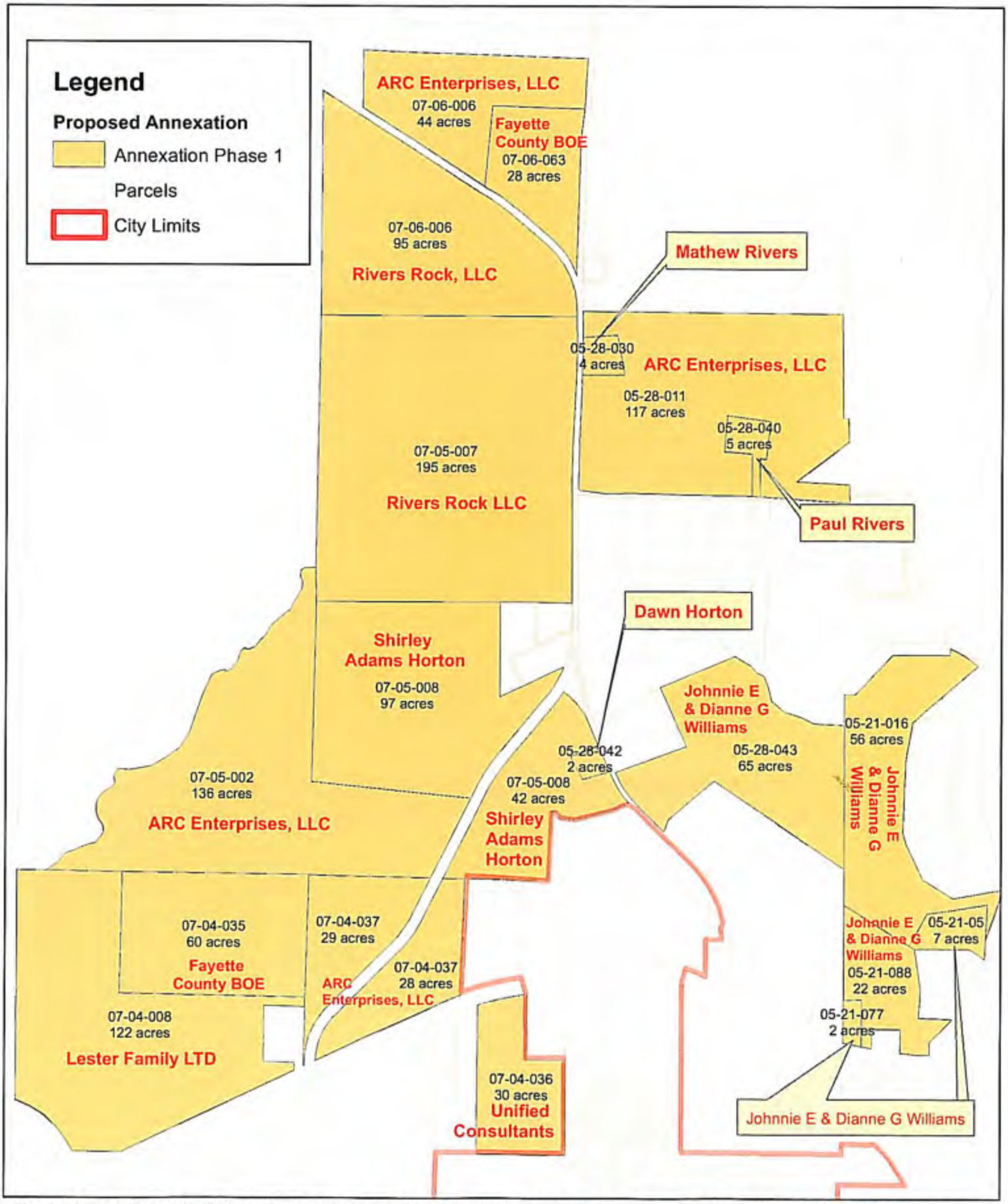
Sincerely,

Joe Morton

Joe Morton
City Manager

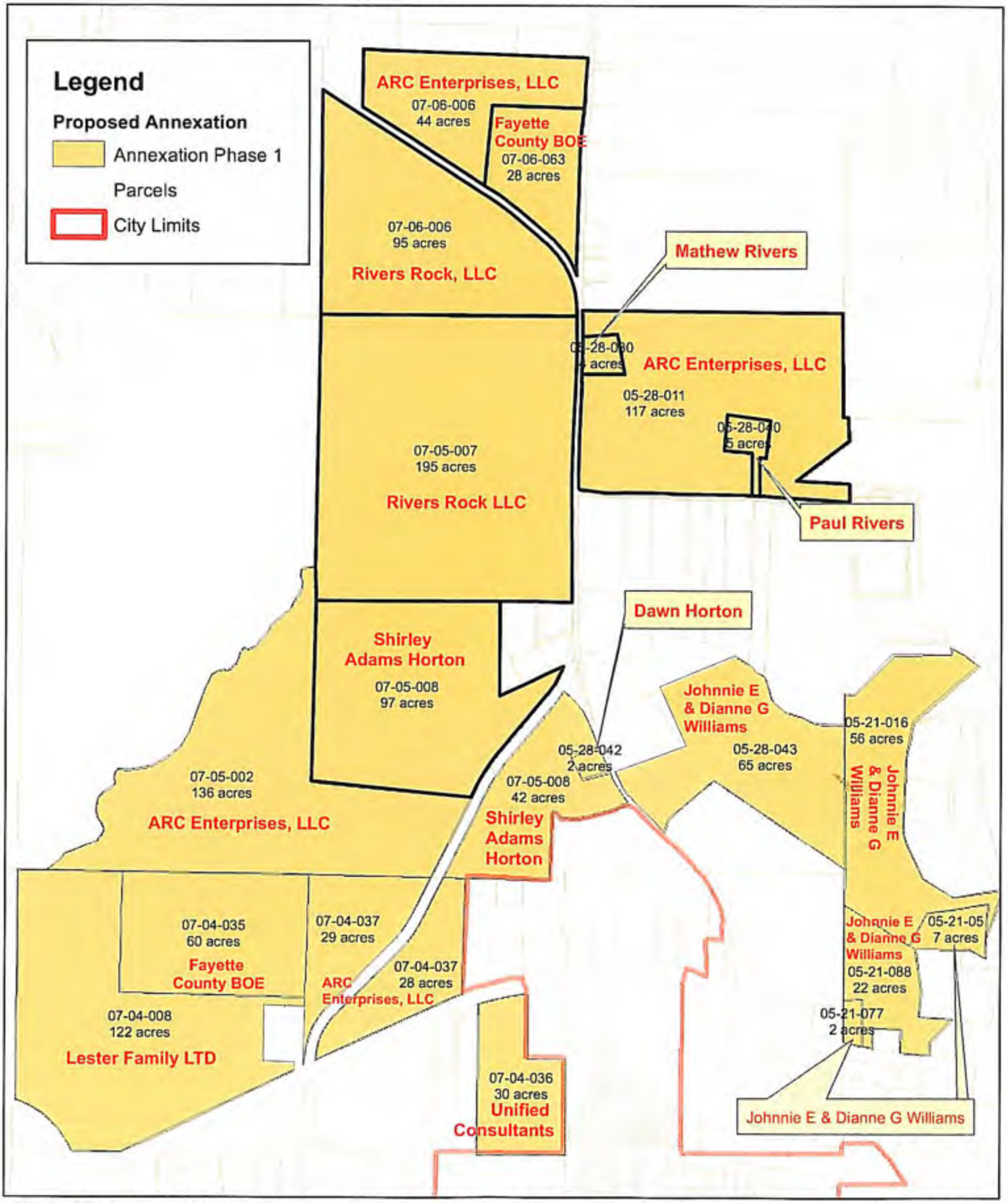
Cc: Mayor, City Council
Brian Wismer, Director of Community Development
Chris Hindman, Director of Public Services

West Fayetteville Area Proposed Annexation



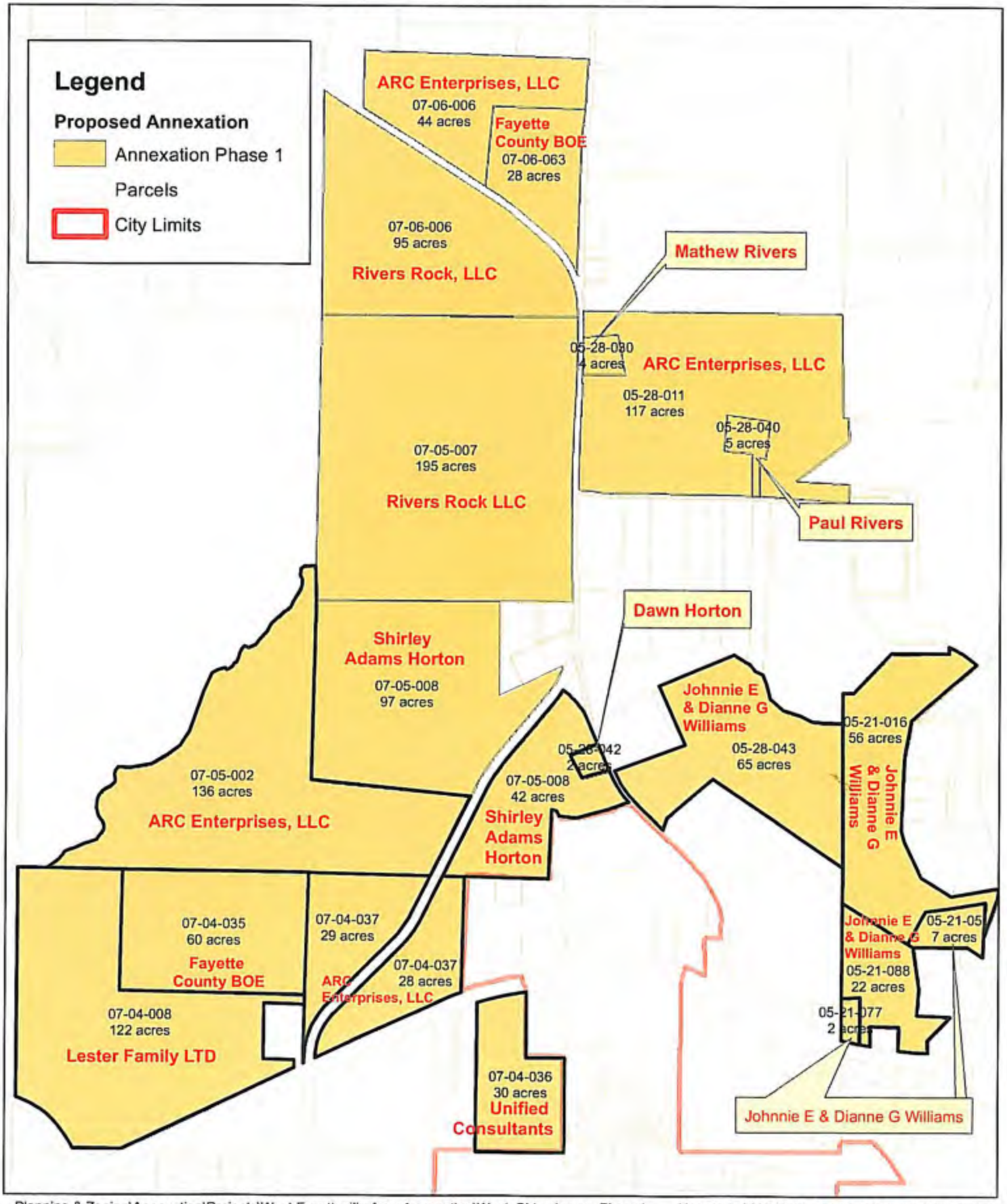
Planning & Zoning\Annexation\Projects\West Fayetteville Area Annexation\West_Side_Annex_Phase1 Map created 06/12/13 for the City of Fayetteville by L. Hale.

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.

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.

COPY

Proposed Ordinance: 0-8-13
Subject Matter: Amendment to Chapter 94 – Sec. 172 –Planned Community District
Date of Published Notice of Public Hearing: June 5, 2013
Date First Presented at Council Public Meeting: June 6, 2013
Date of Public Hearing Before City Council: June 20, 2013
Date of Second Reading and Adoption: June 20, 2013

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-8-13
CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

WHEREAS, the City of Fayetteville (the "City") has a Planned Community District (PCD) which is a site-specific zoning district, distinct in scope and purpose; and

WHEREAS, the City has determined that greater flexibility is needed in its zoning code to be able to encourage regionally significant economic development projects to locate within the City limits; and

WHEREAS, the City has determined that the PCD zoning category will most appropriately address the unique parameters that may be required with regionally significant economic development projects; and

WHEREAS, the City has determined that the PCD zoning category can be used to encourage quality development projects in the Main Street Historic District with the potential for higher densities that might not be appropriate in other areas of the City; and

WHEREAS, the City of Fayetteville does hereby ordain and adopt the following amendments to Section 94-172, "Planned Community District (PCD)".

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 94-172 of the City's Code of Ordinances, is hereby amended by deleting the stricken (~~stricken~~) language and adding the double underlined (double underlined) language as follows:

Sec. 94-172. - Planned community district (PCD).

The zoning designation of "planned community district" (PCD) allows for the creation of an individual site-specific zoning district, distinct in scope and purpose, which is attached to a particular parcel of land. Said PCD zoning runs with the land, and may not be transferred to another parcel. The PCD allows an applicant to designate a mixture and arrangement of land uses, not normally available under traditional Euclidian zoning. Application for the designation of PCD shall be in the form of a conceptual master plan, along with a narrative and all supporting documentation. Once approved by city council, the PCD master plan becomes the guiding document for the development of the PCD, and shall not be altered without approval from city council.

(1) *Purpose.*

a. The purpose of a planned community is to encourage the best possible site planning and arrangement of land uses under a unified plan of development rather than under lot-by-lot regulation. Tracts of five acres or larger are required for this district. The PCD district is designed to include residential, commercial and/or office zoning districts as appropriate to provide flexibility in the application of development standards and site design when approved according to a master development plan in a manner to promote the conservation of natural environment, more efficient use of land, and efficiency in the extension of streets and utilities.

b. Specifically, the PCD sets forth a framework for traditional neighborhood development that encourages pedestrian-scale residential, commercial, and office activities to be designed in such a way as to reduce the number and type of vehicle trips, limiting congestion and thereby improving air quality. Conventional development is also addressed in a manner to promote the clustering of residential land use to set aside areas for recreation and open space while providing for varied forms of pedestrian and bicycle movement that is buffered from commercial and office activities. The developer benefits by having flexibility from the underlying or existing zoning regulations attached to the parcel in question. The city benefits by being assured of the long term development plans for a specific parcel, while coordinating those plans with the comprehensive plan, and insuring compatibility of uses and optimum community development. Review of the development plan by the planning and zoning commission provides an opportunity to ensure the development will be in harmony with the character of the neighborhood in which the development is located. All planned developments shall be located on paved city roads with a minimum classification of collector street according to section 94-135. In most cases, each area within a PCD project developed for residential (including required open space and recreational amenities), commercial or office land use shall be designated as mixed use according to the master development plan unless a single use within the site can better accomplish the goals

established herein. Typically, projects should consist of more than one type of land use to be considered a PCD project; however, single-use projects that would best benefit the City under the PCD classification will be considered by City Council.

c. The natural features, arrangement of land uses, and departures from existing zoning and development standards, shall be represented on a master plan.

d. The PCD is not intended to circumvent the parameters of existing zoning, but rather to encourage ingenuity and resourcefulness in land planning. Planned community district zoning is not intended to be used for speculative purposes to enhance the value of property. As such, approval of a PCD will be as a conditional use, based upon a detailed master plan submitted as part of the application. If construction is not commenced within one year, and pursued in an orderly manner toward completion, the planning and zoning commission may, upon written notice to the property owner, abolish the zoning or reduce the size of the approved PCD to fit the scope of actual development. The planning and zoning commission and/or developer may make no changes to the approved master plan without review and recommendation from the planning and zoning commission and approval by city council.

e. 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.

   2. Nonresidential land uses, if any, which provide convenient service, employment, and access.

   3. Conservation of natural topographical and geological features with emphasis upon:

      i. Conservation of existing surface and sub-surface water resources;

      ii. Preservation of major trees and other significant natural environmental features;

      iii. Prevention of soil erosion;

   4. An efficient network of streets and utilities appropriate to serve the land uses within the PCD district.

   5. Creation of a mixture of uses that decrease reliance on the use of the automobile and to encourage the use of alternative modes of transportation.

   6. A master development plan to guide the PCD with specific development objectives, which shall be included in conditions, covenants, and restrictions.

f. Definitions. For this purpose of this section, the following terms shall have the meaning immediately set forth after the term.

1. *Amenity area.* The area(s) set-aside for active and passive recreation for the residents inside the PCD (or for the general public) according to the standards set forth herein. Recreation areas may include passive areas, such as trails, picnic areas, or parks with landscaping providing no facilities for active sports; and active areas, with ball fields, soccer facilities, swimming areas, and other facilities for sports activities.

2. *Architectural/design standards.* A document outlining home styles, building facades, landscape standards, building placement, streetscaping, street trees, and the placement and design of accessory units. The standards shall also include general standards for the open space and recreation areas.

3. *Comprehensive land use plan.* The comprehensive long-range plan containing policies to guide the growth and development of Fayetteville, which includes the analysis, recommendations and proposals for the city's population, economy, housing, transportation, community facilities, and land use.

4. *Master development plan.* A written and graphic submission for a PCD which represents a tract of land; proposed subdivision; the location and bulk of buildings and other structures; density of development; streets, alleyways, sidewalks, and multiuse paths; parking facilities; common recreation and open space; public facilities; and all conditions, covenants, and restrictions relating to use thereof. The master development plan is submitted in conjunction with a rezoning application for the PCD district.

5. *Maximum allowable net density.* The total number of dwelling units or housing structures per unit of land based on the net land area. The maximum allowable net density shall not exceed the density established by the comprehensive land use plan.

6. *Net land area.* Except for adjustments allowed herein, net land area shall consist of the area calculated in terms of net acres for the land devoted to residential use, exclusive of streets, rights-of-way, flood plains and wetlands, lakes, streams, and areas which can not be developed, commercial/office land, and public lands. Easements for drainage, sanitary sewer, etc. shall not be excluded from net land area.

7. *Nonresidential land uses.* Those designated areas, which are not residential land uses, which includes but is not limited to: commercial or office uses, streets, drives, and service/parking areas.

8. *Open space.* Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common ownership and use by the residents of the development and may include complementary structures and improvements as are necessary and appropriate for recreation or other complementary activities. Streets, buffers, and parking areas do not count toward required open space.

9. *Ownership types.* These include all types of residential development including, but not limited to: single-family, duplex, apartments, townhomes, rental housing, such that ownership may be fee simple, lease-purchase, leased or rented, and common ownership of open spaces, recreation facilities, and parking areas.

10. *Preliminary concept plan.* A preliminary plan of the proposed planned development, of sufficient accuracy to be used for purpose of reviewing the proposed land uses and general layout.

11. *Professional consultant.* The person who is a registered and or certified engineer, architect, landscape architect, or planner who prepared the plan, within the scope of their respective legal responsibilities.

12. *Public lands.* The land area designated for general public use, not otherwise under the control of a homeowner or property owner association.

13. *Residential land uses.* Any variety of residence types as permitted herein, and as shown on the approved master development plan.

g. *Review process.* The review process shall be:

1. Staff review of PCD document and masterplan.

2. Planning and zoning commission review of PCD document and masterplan with subsequent recommendation to city council.

3. City council review of PCD document and masterplan, resulting in either approval or denial. Any portion of the PCD which requires a development permit, shall follow the established development permit process, and shall comply with the approved PCD document and masterplan.

(2) *General requirements.*

a. *Area.* The minimum area required for a PCD district shall be five contiguous acres of land. The planning commission may consider projects with less acreage where the applicant can "demonstrate" that a smaller parcel will meet the purposes and objectives of the PCD district.

b. *Ownership.* All of the land in a PCD shall be owned initially by a person, joint tenants, or tenants in common. Individual properties in a PCD may be sold after a plat has been recorded, with the properties subject to private deed covenants that ensure the continuance of the PCD as originally approved and developed.

c. *Location of PCD district.* The PCD district shall be located on collector or major streets and shall have access and egress <u>to the existing street network where appropriate.</u>

d. *Yards.* The yard requirements of the zoning district may be adjusted except along the exterior boundaries of the development. Buffer requirements shall be met.

e. *Buffers.* Where the rear of a commercial or office building faces a public street or property in a residential zone property, earthen berm, no less than six feet in height, containing at a minimum of evergreen trees at intervals of 20 feet on center planted at a height sufficient to achieve opacity shall be provided. Masonry fencing may be used in place of berms with planning and zoning commission approval.

f. *Phasing.* Where the PCD development contains multi-use areas the phasing of the construction of each usage shall be defined in the PCD master plan.

g. *Permitted uses/development standards:*

1. Residential uses: Residences may be single-family detached, cluster, or attached. The development standards for residential uses are listed below: (May be adjusted by the planning commission.)

Single-family residential (detached and cluster)

i.	Minimum lot size:	Variable; minimum of 5,500 square feet (0.13 acre) with a maximum density not to exceed 4.0 units per net acre as defined herein.
ii.	Minimum lot width:	40 feet.
iii.	Minimum front setback:	12 feet from back-of-curb.
iv.	Minimum side yard:	5 feet.
v.	Minimum rear yard:	20 feet (5 feet for accessory structures on rear alleys).
vi.	Maximum height:	40 feet.
vii.	Curb and gutter:	Required.
viii.	Paved driveway:	Required.
ix.	Sidewalks:	Required.
x.	Streetlights:	Required.
xi.	Underground utilities:	Required/in alleys where possible.
xii.	Public sewer:	Required.
xiii.	Public water:	Required.
xiv.	Garages:	Required. In rear yard only, attached or detached.
xv.	Alleys:	Required, no curb and gutter for alley section.
xvi.	Porches:	Recommended.
xvii.	Recreation/open space:	As stated herein.

Single-family residential (attached)

i.	Minimum lot size:	Variable; minimum of 5,500 square feet (0.13 acre) with a maximum density not to exceed 8.0 units per net acre as defined herein.
ii.	Minimum lot width:	20 feet.
iii.	Minimum front setback:	12 feet from back-of-curb.
iv.	Minimum side yard:	None.
v.	Minimum rear yard:	20 feet (5 feet for accessory structures on rear alleys).
vi.	Maximum height:	50 feet.
vii.	Curb and gutter:	Required.
viii.	Paved driveway:	Required.
ix.	Sidewalks:	Required.
x.	Streetlights:	Required.
xi.	Underground utilities:	Required/in alleys where possible.
xii.	Public sewer:	Required.
xiii.	Public water:	Required.
xiv.	Garages:	Recommend in rear yard only, attached or detached.
xv.	Alleys:	Required, no curb and gutter for alley section.
xvi.	Porches:	Recommended.
xvii.	Recreation/open space:	As stated herein.

2. Public buildings and recreation facilities (amenities) for use of the residents of the PCD are permitted. The restrictions as to the use of these facilities shall be set forth in the covenants and restrictions of the PCD development. The requirements for amenities are listed below.

   Amenity requirements:

   In order to assure that adequate recreation and open space exists on-site, the following shall guide the PCD development in the development of *minimum* thresholds for open space and recreation

facilities. It is expected that a PCD shall exceed the minimum standards set forth herein.

Amenity and recreation facilities shall be required according to a point system based on standards per five acres of development (total acreage). The minimum number of points and minimum amenities required shall be dependent on the total acreage of the PCD as shown in Table 1.

The point system for each type of amenity is shown in Table 2.

For other amenities not listed, the number of points assigned shall be established by the planning director and shall not exceed 25 points as established in this district.

Table 1. Minimum Number of Points/Criteria per PCD Acreage Class

PCD Total Acreage	Minimum Points	Minimum Criteria
5 to 50 acres	30	Minimum of 20% of gross area in open space.
50 to 100 acres	40	Minimum of 20% of gross area in open space.
100 to 200 acres	60	Minimum of 20% of gross area in open space.
200 to 300 acres	80	Minimum of 20% of gross area in open space.
300 to 400 acres	100	Minimum of 20% of gross area in open space.
400 to 500 acres	125	Minimum of 20% of gross area in open space.
over 500 acres	125 + 10 points for each 100 acres over 500 acres	Minimum of 20% of gross area in open space.

Table 2. Points for Each Amenity Proposed for a PCD

Amenity Type	Points	Comments
Walking trails	1.0 (per 100 lineal feet)	Paved, 6 feet in width
Bike lanes	1.0 (per 100 lineal feet)	Paved, 3 feet in width min.
Multi-use trails	1.35 (per 100 lineal feet)	Paved, 12 feet, striped for bicycles and pedestrians
Lake	10.0 (existing) 25.0 (new)	Minimum of 10 acres, with full access, piers, launch
Playground	5.0	Swings, "jungle-gym", etc. (max. of 4)
Formal parks	2.5 (per acre	Formal landscaping, fountains or art, benches (max.

	provided)	of 6)
Open space	1.0 (per 1% of gross area)	Natural or enhanced, with trails providing access to and through the area

3. Office/institutional uses: Office development shall be designed and landscaped in a manner which is compatible with residential development and which provides for traffic circulation of alternative modes of transportation (i.e., pedestrian, bicycle, transit). The permitted uses are as follows:

   i. Libraries, museums, and art galleries.

   ii. Churches.

   iii. Medical and dental clinics/offices.

   iv. Professional and business offices providing that wholesale or retail merchandise are not offered for sale.

   v. Nursery schools, kindergarten schools, and daycare centers providing child care for more than ten children when conducted in a principal structure or institution not associated with a church facility, provided that at least 200 square feet of outdoor play area and 35 square feet of indoor play area is provided for each child. Use of outdoor play area in shifts is allowed. A security fence shall enclose the outdoor play area and must be a minimum of four feet in height. A decorative wooden fence or masonry wall a minimum of six feet in height shall be used when adjacent to residential uses. State license required.

   vi. Assisted living/elder care facilities.

   vii. Student housing facilities.

   viii. Apartments on second story over office/commercial space. The intent of this provision is to allow for a live/work environment, not to allow for an apartment complex. Therefore, any management company owning and managing more than ten apartment units must first get council approval.

   Development standards. For development, the following standards shall apply: (May be adjusted by the planning commission.)

Minimum lot area:	6,000 square feet.
Minimum lot width:	40 feet.
Minimum front setback:	None.
Maximum front setback:	15 feet.

Minimum side setback:	None, 30 feet if a corner lot.
Minimum rear yard:	30 feet.
Maximum height:	60 feet.
Structured parking:	Allowed with commercial along street frontage.
Drive-through access:	Allowed after planning and zoning approval of placement (typically at rear of structure).

Parking shall be aesthetically arranged to provide for convenient walking/cycling wherever possible. On-street parking is prohibited, unless allowed according to an approved illustrative master plan. Shared use of parking facilities (with office or commercial uses) may result in the reduction of the required parking by no greater than 40 percent.

4. Commercial uses: Commercial development shall include those uses established herein, which are parts of a PCD. Commercial development shall be designed and landscaped in a manner which is compatible with residential development and which provides for traffic circulation compatible with alternative modes of transportation (i.e., pedestrian, bicycle, transit). Deviations from the square footage limitations may only be approved by city council, and are user specific.

   i. Uses no greater than 3,000 square feet in floor area:

      (a) Antique and art shops.

      (b) Barber shops, beauty shops, spas, and similar service establishments.

      (c) Bicycle and repair shops.

      (d) Books, stationery, and card shops.

      (e) Coin laundries and dry cleaning facilities that provide full service operations to their respective customers, i.e. onsite cleaning, pick-up and/or drop-off service. (Cleaning service for other dry cleaning and/or laundry companies is prohibited.)

      (f) Catering establishments.

      (g) Dry goods and notions establishments.

      (h) Florists and gift shops.

      (i) Coffeehouses.

      (j) Custom dress making, tailoring, or millinery shops.

      (k) Jewelry stores.

(l) Loan offices.

(m) Music stores.

(n) News and tobacco shops.

(o) Photographers (including the sale of supplies, film development, and equipment).

(p) Quick copy centers.

(q) Shoe stores and shoe repair shops.

ii. Uses no greater than 7,500 square feet in floor area:

(a) Banks, savings and loans, credit unions, and similar financial institutions.

(b) Drug stores and apothecary shops.

(c) Restaurants, bakeries (with retail sales on the premises), and cafes, odor-scrubbing devices required.

iii. Uses no greater than 20,000 square feet in floor area:

(a) Apparel stores.

(b) Grocery, fruit, vegetable, and meat markets that involve no killing, eviscerating, skinning, plucking or smoking of products.

iv. Other:

(a) Structured parking facilities.

(b) Other retail and service uses as may be determined by council to be similar and compatible with the above-listed permitted uses.

(c) Apartments on second story over office/commercial space. The intent of this provision is to allow for a live/work environment, not to allow for an apartment complex. Therefore, any management company owning and managing more than ten apartment units must first get council approval.

(d) Film production facilities and related services.

Development standards. For development, the following standards shall apply: (May be adjusted by the planning commission.)

Minimum lot area:	6,000 square feet.
Minimum lot width:	40 feet.
Minimum front setback:	None.
Maximum front	15 feet.

setback:	
Minimum side setback:	None, 15 feet if a corner lot.
Minimum rear yard:	30 feet.
Maximum height:	55 feet.
Parking:	Structured, or surface (rear parking preferred); on-street parking prohibited, unless approved on the master plan.
Structured parking:	Allowed with commercial along street frontage.
Drive-through access:	Allowed after planning and development approval of placement (typically at rear of structure).

Parking shall be aesthetically arranged to provide for convenient walking/cycling wherever possible. On-street parking is prohibited, unless allowed according to an approved illustrative master plan. Shared use of parking facilities (with office or commercial uses) may result in the reduction of the required parking by no greater than 40 percent.

5. Accessory uses:

   i. Accessory structures or buildings.

   ii. Subdivision recreation areas owned, operated, and maintained by homeowners' associations exclusively for the use of residents and their guests.

   iii. The parking of one unoccupied travel trailer, motor coach, or pleasure boat subject to provisions of this chapter, provided that there is no exterior parking for said vehicle.

6. Conditional uses: Upon application to and recommendation by the planning commission the following conditional uses are permitted:

   i. Guest quarters or employee quarters, provided that not more than one unit shall be permitted on a lot and this unit shall be in the rear yard. These quarters shall not be used as rental property.

   ii. Nursery schools, kindergarten schools, and daycare centers for more than three children when conducted in a principal structure or within a church or school, provided that at least 200 square feet of outdoor play area and 35 square feet of indoor play area is provided for each child. A security chain link fence shall enclose the outdoor play area and must be a minimum of four feet in height. State license required.

iii. Home occupation daycare for more than six children when conducted within a single-family residence also used and occupied by a family as a dwelling unit, provided that at least 200 square feet of outdoor play area and 35 square feet of indoor play area is provided for each child. A security chain link fence shall enclose the outdoor play area and must be a minimum of four feet in height. State license required.

iv. Nursing care facilities of a denominational nature when located on the same site as a church.

v. Public, parochial, and private schools and universities when such facilities are located on the same site of the school or college. Any such facility shall front on a thoroughfare having the minimum classification of collector and have minimum frontage of 200 feet. The minimum site area shall be three acres.

7. Conditional exceptions: Upon recommendation by the planning commission and approval by City Council, the following may be permitted.

i. Increased densities for student housing and elder care facilities.

ii. Within the Main Street Historic District, increased densities to provide for multi-family developments that meet the architectural guidelines established in Division 3 (Main Street Architectural Overlay District) of this chapter.

(3) *Standards applying to all planned community districts.* All PCDs shall meet the following standards and such other requirements:

a. Must be compatible with the comprehensive plan of the City of Fayetteville.

b. Must be located in an area where city services can be provided efficiently.

c. Must include a minimum of 20 percent of gross area as open space. To recognize the community's desire for preservation of open space, a residential density bonus of 0.1 unit per acre (calculated on the entire PCD land area) may be given for each percentage increase above the 20 percent minimum required open space (calculated on the entire PCD land area), not to exceed an additional one unit per acre maximum.

d. Water, sewage, and street facilities shall be adequate for the proposed development, or there shall be a definite proposal for making them so.

e. The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features.

f. The master plan for the PCD shall act as private deed covenants running with the land to assure the continuance of the planned residential development in accordance with approved plans and development.

g. The development shall not adversely affect developed or undeveloped neighboring properties.

h. The development shall utilize design and development features that would not be possible by the application of lot-by-lot zoning district regulations.

i. The streets, buffers, and parking areas shall not be credited toward the minimum open space requirements.

j. Buffer zones between residential and nonresidential portions of the development shall not be less than the minimum buffers otherwise required unless approved as part of the master plan.

k. If requested by the city, the owner of the planned residential development shall deed to the city the land set aside as required open space.

l. If the city does not request that the land be deeded to it, then the open space shall be deeded to a property owners' association comprised of residents of the planned residential development, in order to operate and maintain the open space for the benefit of the residents. The organization of the property owners' association and its adequate financing shall be ensured through acceptable private deed covenants running with the land.

m. All development must adhere to National Fire Protection Association (NFPA) 1141, Standard for Fire Protection in Planned Building Groups. The fire chief or designee may approve exceptions, including access, spacing, and fire protection requirements, provided the exceptions meet the intent of the applicable codes.

(4) *General considerations.* Criteria for establishment of PCD land uses and specifications: In examining the proposed masterplan and evaluating the appropriateness of each land use and its attendant parameters, and any departures from City of Fayetteville development standards, reviewing bodies shall consider the following:

a. The applicant's statement describing the character and rationale for the proposed development.

b. The appropriateness of each prospective zoning district if each land use district were perceived as a separate zoning district.

c. Respective land uses recommended in plans or documents officially adopted by the city.

d. Whether the major components of the PCD are appropriately located and should be able to continue to function if all phases of the PCD are not completed.

e. The compatibility of proposed land uses.

f. The degree of integration/interrelationship vs. independence of proposed land uses.

g. The extent to which major design elements, such as roads systems, pedestrian circulation networks, open space, drainage systems, utilities, etc., are properly integrated.

h. Whether each nonresidential use is intended to serve the internal needs of the PCD or an external market. Serving an external market is acceptable if other standards are met.

i. Infrastructure capacity and effect upon public services.

j. Effect on property outside of the PCD.

k. Conformance with engineering and other technical requirements.

l. Probability that the project will be completed as planned.

m. Whether the proposed project is a genuine PCD, or represents an attempt to circumvent the prescribed zoning. Industrial uses or commercial uses located on the perimeter of the PCD or along highways shall be subject to close scrutiny in this regard.

n. Effects upon public health, safety, and welfare.

(5) *Areas of special consideration.* Incorporation of any of the following components into a PCD master plan is encouraged.

a. Distinctiveness and quality of site design.

b. Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.

c. Clustering of buildings.

d. Preservation of additional open space.

e. Preservation of unique and important natural resources and features.

f. Preservation of important historic, archaeological, and/or cultural resources.

g. Development of publicly accessible active, or passive recreational areas.

h. Use of greenways or landscaped corridors linking various uses.

i. Use of pedestrian and/or bicycle circulation networks, segregated from vehicular traffic.

j. Other traffic mitigation measures.

k. Creation of traditional neighborhood style development.

l. Use of rear alleys for service purposes.

m. Rear placement of parking areas.

n. Provision of public benefits, such as a community center or day care center.

o. Public access to community facilities within the PCD.

p. Sensitive treatment of perimeters in order to mitigate impacts upon adjoining properties.

q. Enhanced landscaping, increased tree preservation, deeper vegetated buffers, or increased plantings along roadways, in open spaces and recreational areas, as well as along the project perimeter.

(6) *Deviations from development standards.*

a. The planning commission may request and approve deviations from existing development standards in order to achieve an effective master plan which: respects the natural features of the property; is compatible with neighboring land uses; and is an asset to the community.

b. Planned community districts and their associated master plans are not exempt from future ordinance changes dealing with: landscaping, tree protection, signage, stormwater runoff, groundwater recharge, sewage disposal and treatment, and protection of rare and endangered species.

c. Financial constraints shall not be considered when granting deviations from existing development standards.

(7) *PCD master plan requirements:* All applications for planned community district shall provide seven copies of the development master plan upon primary submittal, containing the following:

a. A narrative statement:

1. Describing the character of, and rationale for, the proposed PCD.

2. Addressing the proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas, and other proposed amenities and improvements; and

3. Proposing phasing and time schedule; and

b. A graphic site masterplan; and

c. The proposed name of the development if there is one; and

d. The names and addresses of the owner(s) of record, and the applicant, if different from the owner; and

e. Names of owners and type of land use of all parcels contiguous to the development property; and

f. Proposed arrangement of land uses, approximate acreage of each use area or tract, type of use and density (residential use tracts); and

g. A boundary survey with the computed acreage of the tract bearing the seal of a registered land surveyor; and

h. The location of primary control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred; and

i. A map or site plan showing:

i. The location, dimensions, descriptions, and flow of existing wetlands, watercourses and drainage structures within the tract or on contiguous tracts; and

2. Location of municipal limits or county lines, and district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary; and

3. Vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads

referenced to the intersection of the nearest state primary or secondary paved roads. Reference distances shall be shown in feet if less than 1,000 feet and in miles or tenths of a mile if greater than 1,000 feet; and

4. Topographic survey; and

5. The location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the tract, intersecting or contiguous with its boundaries or forming such boundaries; and

6. The location, dimensions, description, and names of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the tract; and

j. Proposed conceptual street system layout; and

k. Preliminary master drainage plan; and

l. Where applicable surveyed line delineating the extent of any special district boundary on the development property; and

m. Preliminary comments from other affected agencies having approval or permitting authority over elements related to the proposed development, or evidence that a written request for such comments was properly submitted to the agency and a reasonable period of time has elapsed without receipt of such comments. In such event, the City of Fayetteville may, at its option, seek such comments directly. A copy of any direct request by the City of Fayetteville for such comments shall be sent to the applicant when the request is made.

n. Proposed internal site planning standards such as setbacks and buffers aimed at addressing potential incompatibility between adjacent land uses and activities; and

o. Letters of capability and intent to provide utility service from all affected agencies or entities, where applicable.

(8) *Additional information.* City council, the planning and zoning commission, the development review team, and/or staff may require submission of additional maps, data or proposed methods of addressing other pertinent matters relative to the proposed development where, owing to the nature, size and location of the proposed development, particular elements critical to the health, safety and welfare of the community and its citizens should be addressed. Such elements may be, but are not limited to, traffic impact, emergency preparedness and response, environmental preservation, historic preservation, public access, community linkages, public education, and the like.

(9) *Additional copies.* The applicant shall be required to supply additional copies, after comments from the development review team and staff have been addressed. Six copies shall be submitted with the PCD application for staff review, eight copies shall be submitted to the planning and zoning commission for review, and eight copies shall be submitted to the city council for review,

after having incorporated any recommended changes from the planning and zoning commission.

(10) *Severability.* In the event that any subsection, sentence, clause, or phrase of this section shall be declared or adjudged invalid or unconstitutional, such adjunction shall in manner affect the other subsections, sentences, clauses, or phrases of this section, which shall remain in full force and effect, as if the subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally part thereof.

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 20th day of June, 2013, by the following voting for adoption:

ATTEST:

_____	_____
Gregory C. Clifton, Mayor	Larry Dell, Mayor Pro Tem
_____	_____
Anne Barksdale, City Clerk	Mickey Edwards, Council Member
	_____
	Edward Johnson, Council Member
	_____
	Paul C. Oddo, Jr., Council Member
	_____
	Walt White, Council Member

STAFF ANNEXATION REVIEW FORM

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

   Undeveloped land Sandy Creek Rd. and Veterans Pkwy North of Fayette Piedmont Hospital. (See attached map.)

2. How many landowners/parcels will be included?

   9 landowners / 20 parcels.

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 zoning will be PCD (Planned Community District) for the property under the Pinewood Studio development, including the Rivers Elementary School and the adjacent property west of the school. A PCD residential tract is also proposed east of the studio on 128 acres. All other parcels will be zoned to the City's closest zoning category to the County's current zoning for the respective properties, which is R-70.
   The Future Land Use Map will designate areas for Office, Business Park, Medical Mixed Use and Neighborhood Mixed Use where appropriate.

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

   Section 94-157 and 94-172 identify uses for R-70 and PCD, respectively.

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 parcels seeking PCD designation have a site plan currently under County review for Pinewood Phase 1A. The City's intent is to adopt the County approved site plan into the approved PCD zoning. The proposed expansion of the Rivers Elementary campus will also be brought in as a PCD based on that site plan. The PCD residential project will offer housing choices for studio employees. The remaining parcels (R-70) have no specific development plans at this time.

Form completed by: Brian Wismer, Director of Community Development

Signature: _____ Date: 6-25-13

Intergovernmental Agreement (IGA)

- To ensure a smooth transition between governments
- To develop a unified strategy that addresses the concerns of both City and County

Intergovernmental Agreement (IGA)

- To minimize impact on Pinewood project currently under construction
  - County will continue Building Permits & Inspections
  - City permits Sewer, Landscaping, Parking & Signage

- Sets precedent for development of Permitting & Inspection Services agreement between City/County.

Intergovernmental Agreement (IGA)

- Multi-Use Path network
  - Integrated throughout
  - Connect to existing framework
  - Required in development overlay
  - Path tunnel construction guidelines

Intergovernmental Agreement (IGA)

- Allocation of Public Services
  - Fire
    - Sets compensation for primary response until Station 93 is operational
  - Police
    - County Sheriff to maintain service delivery as City incrementally increases Police staff for the area
  - EMS and 911 remain unchanged

Intergovernmental Agreement (IGA)

- Roads
  - City to maintain Veterans Pkwy, from SR54 to Sandy Creek Road; also Sandy Creek Road along Pinewood frontage.
  - County to provide funds for possible road expansion via future SPLOST.
  - City to uphold existing curb cut limits in place by the County. Interparcel access via slip roads for new development.

To: Board of Commissioners

From: Pete Frisina

Date: July 17, 2013

Re: Fayetteville Annexation Request for 1,188 areas including Pinewood Studio

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Fayetteville has received requests from 10 property owners for the annexation of approximately 1,188 acres (see attached map and property list). Included in this annexation is the 288 acres containing the Pinewood Studio, as well as, the Rivers Elementary School located across Sandy Creek Road from Pinewood Studio. The subject properties are currently zoned G-B Conditional (General-Business), R-70 (Single-Family Residential District), and A-R (Agricultural-Residential District).

Rezoning History

Parcel 07-04-008
Petition No. 793-92 to rezone 45 acres from R-70 to O-I was approved A-R by the Board of Commissioners on March 12, 1992.

Parcel 07-05-007
Petition No. 1028-99 to rezone 184 acres from R-70 to A-R was approved by the Board of Commissioners on August 26, 1999.

Parcel 07-05-007 and 07-06-006
Petition No. 1228-813 to rezone 288.5 acres from A-R and R-70 to G-B was approved G-B Conditional by the Board of Commissioners on March 28, 2013. See attached Resolution 1228-13 for the Conditions.

General Description

The subject properties are located in the area of Sandy Creek Road, Veterans Parkway, South Sandy Creek Road, SR 54 and Tyrone Road (see attached map and property list). The proposed annexations will not create any islands.

Current County Land Use

The subject properties are designated on the Fayette County Future Land Use Plan map as follows: (see attached property list)

DEPARTMENTAL COMMENTS

Planning and Zoning:
Based on State Law (see below) a County can object to an annexation that creates a material 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.

Five (5) parcels included in the annexation request are seeking zoning and subsequent development that change zoning or land use and could propose an increase in density. These parcels are discussed below:

Parcel 7-6-6: This parcel, zoned R-70 with a land use designation of Rural Residential (1 Unit/2 to 3 Acres) in the county, is requesting a Planned Community Development (PCD) zoning and is adjacent to the Rivers Elementary School parcel on the north side of Sandy Creek Road. While the Rivers Elementary School parcel (7-6-63) is zoned R-70, it is currently developed in a nonresidential manner as the Board of Education does not have to comply with county zoning and PCD zoning is also being requested for this parcel. A site plan submitted by the property owner indicates a nonresidential development on both of these properties to house education, administration and vender uses. Placing nonresidential development on parcel 7-6-6 constitutes a change in zoning or land use.

Parcel 7-5-19: This parcel, zoned R-70 with a land use designation of Low Density Residential (1 Unit/ 1 to 2 Acres) in the county, is requesting a Planned Community Development (PCD) for development as a movie studio. The parcel is located on the west side of Veterans Parkway adjacent to the south of the Pinewood studio property currently zoned G-B in the county. Placing nonresidential development on parcel 7-5-19 constitutes a change in zoning or land use.

Parcels 5-28-11, 5-28-30, and 5-28-40: These parcels, zoned R-70 with a land use designation of Rural Residential (1 Unit/2 to 3 Acres) in the county, are requesting a Planned Community Development (PCD). A site plan and architectural depictions submitted by the property owner appear to indicate a mixed use development consisting of light mixed use commercial and attached and detached residential. Placing nonresidential development on parcels 5-28-11, 5-28-30, and 5-28-40 constitutes a change in zoning or land use and, while no information on residential density was submitted, the residential development based on the architectural depictions could increase density.

Fire/EMS:

What conditions would you place on this property if it were being developed in the county?

Fire protection would initially center on fire flow requirements of 1000 gpm at 20 psi with a minimum line size of 8-inch pipe. Fire line distribution would require the line to extend to the end of each area and cul-de-sac. Fire protection features would be applied to the proposed structures. Fire sprinkler systems per NFPA requirements for large studio buildings.

What fees/taxes, if any, will the county lose if this property is annexed?

The total current fire tax dollars for all of the properties is $7,919.65.

These parcels are within the EMS tax district and we would provide the current ALS Ambulance response service as we do for the entire EMS tax district. The majority of parcels being annexed

are not within the written Automatic Aid agreement for Fire Protection. However, this property, as all properties within the city limits of Fayetteville, would fall within the Mutual Aid agreement between the City and County for fire protection. The proposed Intergovernmental Agreement (IGA) recommendations reflect suggested future fire services for the proposed annexation area.

Water System: The proposed annexation for the Pinewood project and surrounding area does not change water service boundaries. The Water System will continue to serve this area.

Public Works/Engineering:

What regulations would your Department apply to this property if it were being developed in the county?

The following regulations, summarized from Fayette County's Development Regulations, Article III, would be applied Public Works to the properties if they were developed in the unincorporated County:

- Traffic Impact Studies would be required to asses impacts of proposed development on the existing transportation system. The Studies would also identify appropriate mitigation measures, as needed. Responsibility and implementation schedule for the mitigation measures would be agreed upon between the Board of Commissioners and the Owner/Developer prior to approval or preliminary plats or site plans.
- ROW dedications, as needed, would be required for development along existing roads and acceptance of new public roads.
- Future ROW lines would be used to establish building line setbacks for developments along proposed roadways or roads with future ROW and/or capacity needs.
- New roads would be meet Fayette County's road and street construction specifications and design standards.
- New driveways/curb cuts would satisfy the County's encroachment controls (including auxiliary turn lane requirements) for all new developments with frontage on a County road.
- Fayette County would establish minimum access/separation requirements for new road construction (i.e., intersection locations).

What conditions, over and above the regulations, would you place on this property if it were being developed in the county?

All recommended conditions for the annexation area are reflected in the proposed IGA.

What fees/taxes, if any, will the county lose if this property is annexed? Estimate amount.

None for Public Works

Additional comments and/or any other factors to be considered:

None

Building Permits and Inspections:
What regulations would your Department apply to this property if it were being developed in the county?

State and County adopted building codes.

What conditions, over and above the regulations, would you place on this property if it were being developed in the county?

None

What fees/taxes, if any, will the county lose if this property is annexed? Estimate amount.

We are unable to estimate a fee dollar amount as permitting fees are based on type of buildings, number of buildings and square footage of buildings per parcel. Since we do not know how these parcels will be developed we are unable to estimate the lost fees.

Additional comments and/or any other factors to be considered:

Ability of the city to perform the Building department functions for this potential explosion in building permits and service requirements given their current staffing levels.

Environmental Management:

Environmental Management has no comments on the annexation request.

Sheriff's Office:
The proposed Intergovernmental Agreement (IGA) recommendations reflect suggested future law enforcement services for the proposed annexation area.

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

Based on State Law (see above) a County can object to an annexation that creates a material 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.

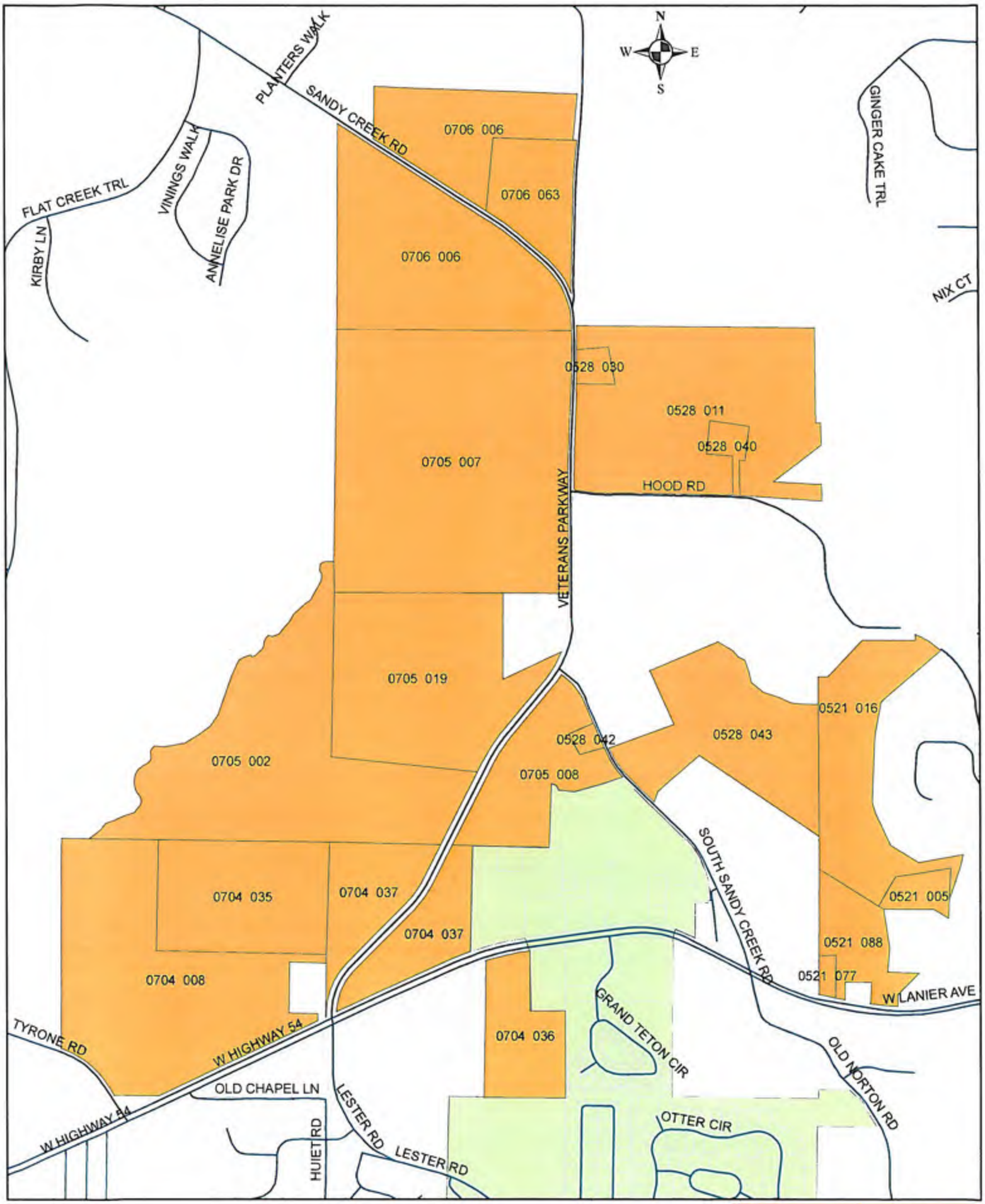
Five (5) parcels included in the annexation request are seeking zoning and subsequent development that change zoning or land use and could propose an increase in density. These parcels are discussed below:

Parcel 7-6-6: This parcel, zoned R-70 with a land use designation of Rural Residential (1 Unit/2 to 3 Acres) in the county, is requesting a Planned Community Development (PCD) zoning and is adjacent to the Rivers Elementary School parcel on the north side of Sandy Creek Road. While the Rivers Elementary School parcel (7-6-63) is zoned R-70, it is currently developed in a nonresidential manner as the Board of Education does not have to comply with county zoning and PCD zoning is also being requested for this parcel. A site plan submitted by the property owner indicates a nonresidential development on both of these properties to house education, administration and vender uses. Placing nonresidential development on parcel 7-6-6 constitutes a change in zoning or land use.

Parcel 7-5-19: This parcel, zoned R-70 with a land use designation of Low Density Residential (1 Unit/ 1 to 2 Acres) in the county, is requesting a Planned Community Development (PCD) for development as a movie studio. The parcel is located on the west side of Veterans Parkway adjacent to the south of the Pinewood studio property currently zoned G-B in the county. Placing nonresidential development on parcel 7-5-19 constitutes a change in zoning or land use.

Parcels 5-28-11, 5-28-30, and 5-28-40: These parcels, zoned R-70 with a land use designation of Rural Residential (1 Unit/2 to 3 Acres) in the county, are requesting a Planned Community Development (PCD). A site plan and architectural depictions submitted by the property owner appear to indicate a mixed use development consisting of light mixed use commercial and attached and detached residential. Placing nonresidential development on parcels 5-28-11, 5-28-30, and 5-28-40 constitutes a change in zoning or land use and, while no information on residential density was submitted, the residential development based on the architectural depictions could increase density. It is recommended that this area be developed in character with the Block Flexibility Diagrams, T-3, Detached Houses developed by Historical Concepts with consideration given to providing a buffer to the existing residences located on the south side Hood Road.

The city and county are working together in the development of this area and this initial effort started back in 2006. The rezoning of the Pinewood Studio has renewed this effort. The city and county have engaged the services of Historical Concepts to develop a master plan for this area and this master plan needs to be approved and adopted by both jurisdictions. In addition, the city and county have agreed to enter into Intergovernmental Agreements to address the provision of public services to this area after annexation. The adoption of these agreements will mitigate any objections the County would have with the aforementioned changes in zoning or land use, or increase in density that would create a material increase in burden upon the County.



Proposed Fayetteville Annexation/ReZoning

Date: 6/12/2013

Legend

- Proposed Annexation/Pinewood
- City_Limits

Fayetteville Annexation Property List - June 2013

Parcel	Acres	Fayette County LUP	Fayette County Zoning	F-ville Zoning	Proposed Use
7-6-6 north	44.75	Rural Residential (1 Unit/2 to 3 Acres) and Conservation Areas	R-70	PCD	Movie studio office, venders, education
7-6-63	28.43	Rural Residential (1 Unit/2 to 3 Acres)	R-70	PCD	Movie studio office, venders, education
7-6-6 south	94.78	Rural Residential (1 Unit/2 to 3 Acres)	G-B	PCD	Movie studio
7-5-7	194.98	Rural Residential (1 Unit/2 to 3 Acres) and Conservation Areas	G-B	PCD	Movie studio
7-5-19	96.85	Low Density Residential (1 Unit/1 to 2 Acres)	R-70	PCD	Movie studio
5-28-11	117.1	Rural Residential (1 Unit/2 to 3 Acres) and Conservation Areas	R-70	PCD	Mixed use
5-28-30	4.01	Rural Residential (1 Unit/2 to 3 Acres)	R-70	PCD	Mixed use
5-28-40	4.98	Rural Residential (1 Unit/2 to 3 Acres)	R-70	PCD	Mixed use
7-5-8	41.66	Low Density Residential (1 Unit/1 to 2 Acres)	R-70	R-70	No plan for development
7-5-2	136.22	Low Density Residential (1 Unit/1 to 2 Acres) and Conservation Areas	R-70	R-70	No plan for development
5-8-42	2.07	Low Density Residential (1 Unit/1 to 2 Acres)	R-70	R-70	No plan for development
5-28-43	65.32	Low Density Residential (1 Unit/1 to 2 Acres) and Conservation Areas	R-70	R-70	No plan for development
5-21-16	56.19	Low Density Residential (1 Unit/1 to 2 Acres) and Conservation Areas	R-70	R-70	No plan for development
5-21-5	7.39	Low Density Residential (1 Unit/1 to 2 Acres) and Conservation Areas	R-70	R-70	No plan for development
5-21-88	22.09	Low Density Residential (1 Unit/1 to 2 Acres)	R-70	R-70	No plan for development
5-21-77	2.17	Low Density Residential (1 Unit/1 to 2 Acres)	R-70	R-70	No plan for development
7-4-8	121.74	Low Density Residential (1 Unit/1 to 2 Acres), Commerial and Office	A-R & R-70	R-70	No plan for development
7-4-35	60.3	Public Facilities/Institution	R-70	R-70	No plan for development
7-4-37 west	28.83	Office	R-70	R-70	No plan for development
7-4-37 east	27.58	Office	R-70	R-70	No plan for development
7-4-36	30.25	Office	A-R	R-70	No plan for development
TOTAL	1187.7				

ANNEXATION CONSENT AGREEMENT

This Intergovernmental Agreement (hereinafter "Agreement") is entered into this the _____ day of _____, 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.

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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

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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.

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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.

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l. 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]

DRAFT

CITY OF FAYETTEVILLE

By:_____
Gregory C. Clifton
Mayor

FAYETTE COUNTY

By:_____
Steve Brown
Chairman

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EXHIBIT A

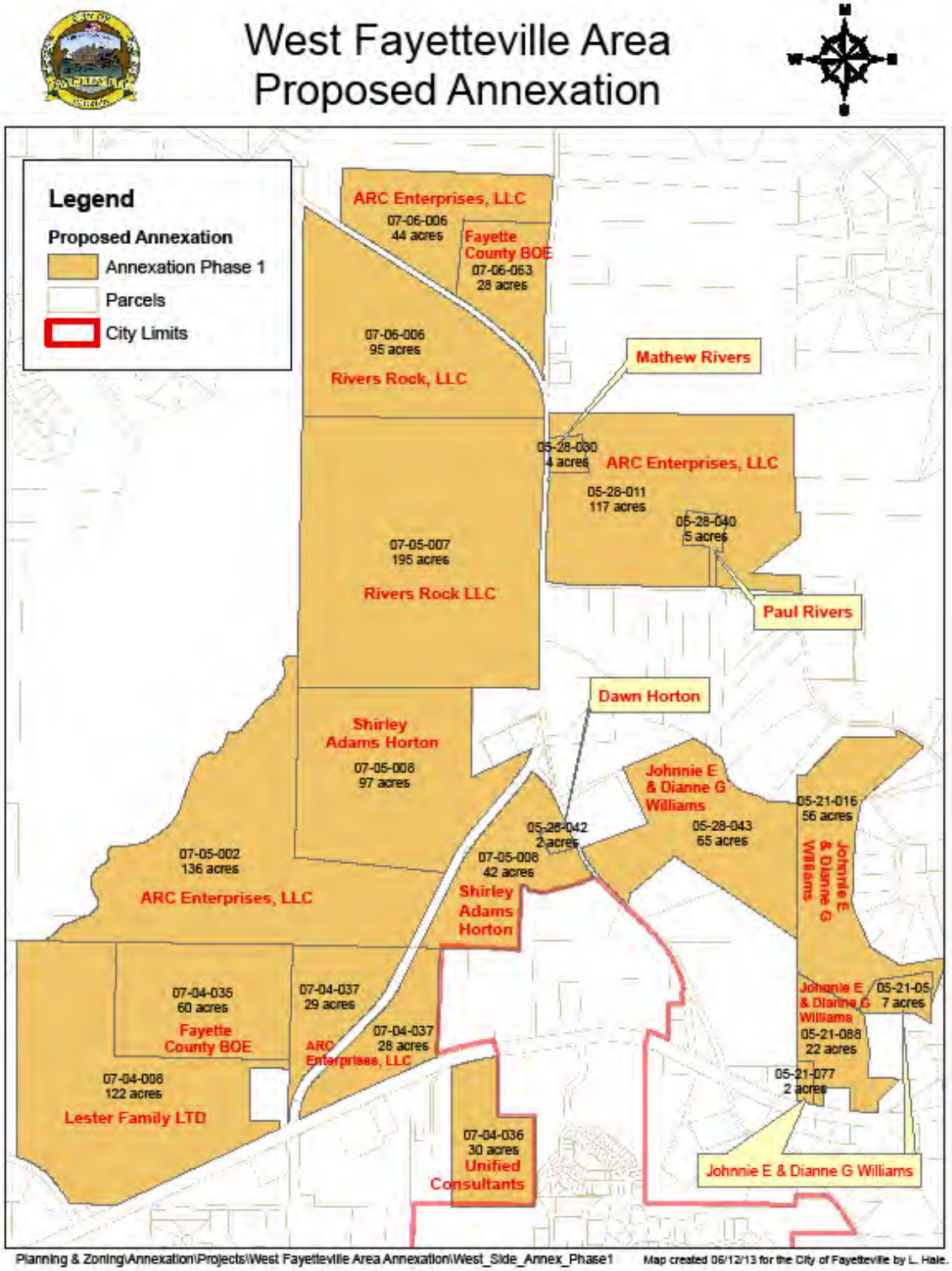

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EXHIBIT B

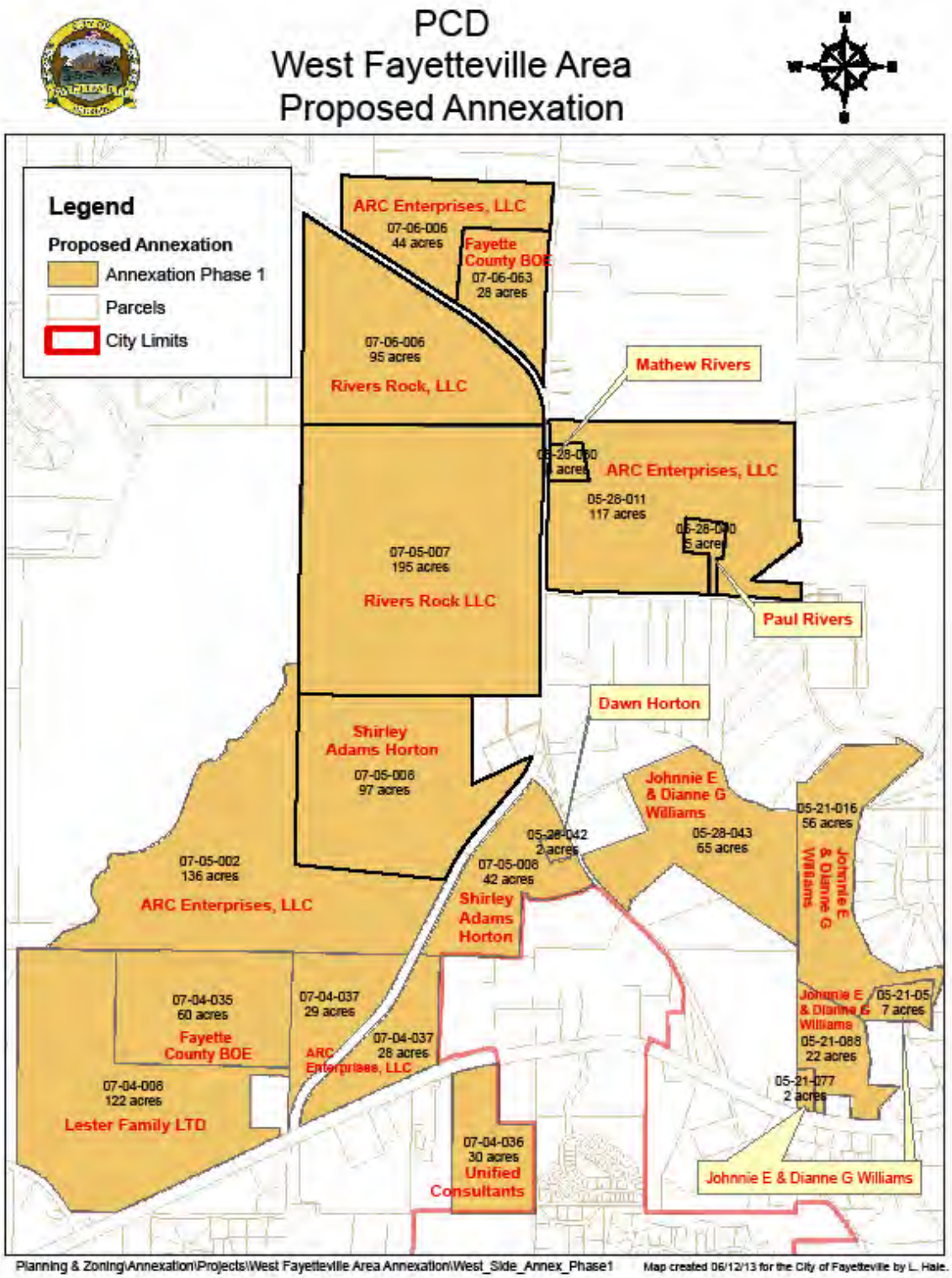
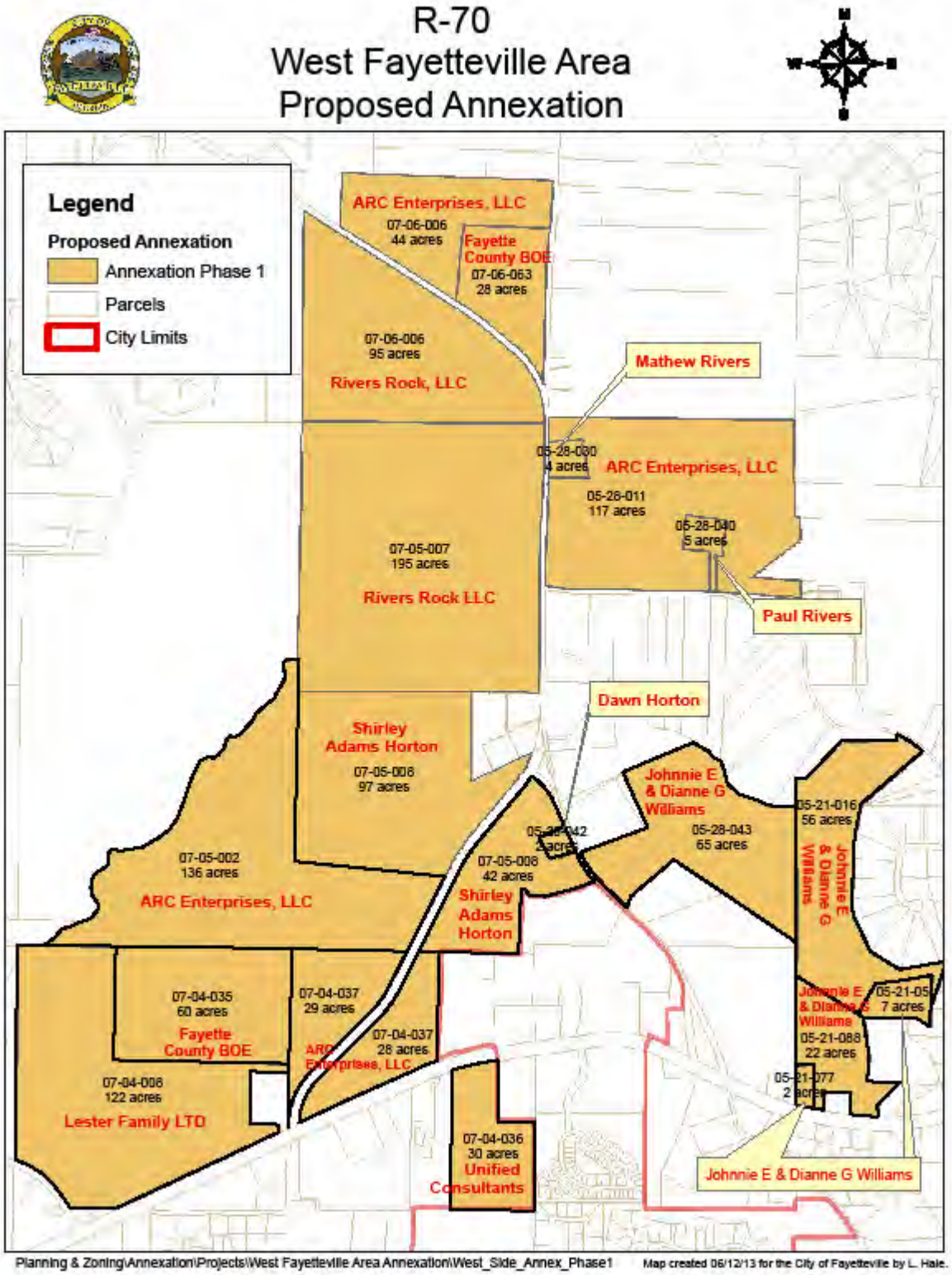

PCD
West Fayetteville Area
Proposed Annexation
Legend
Proposed Annexation
Annexation Phase 1
Parcels
City Limits
ARC Enterprises, LLC
07-06-006
44 acres
Fayette County BOE
07-06-063
28 acres
07-06-006
95 acres
Rivers Rock, LLC
Mathew Rivers
ARC Enterprises, LLC
05-28-011
117 acres
07-05-007
195 acres
Rivers Rock LLC
Paul Rivers
Dawn Horton
Shirley Adams Horton
07-05-008
97 acres
Johnnie E & Dianne G Williams
05-28-043
65 acres
05-21-016
56 acres
05-28-042
2 acres
07-05-002
136 acres
ARC Enterprises, LLC
07-05-008
42 acres
Shirley Adams Horton
07-04-035
60 acres
07-04-037
29 acres
Fayette County BOE
07-04-037
28 acres
ARC Enterprises, LLC
07-04-006
122 acres
Lester Family LTD
05-21-05
7 acres
05-21-088
22 acres
05-21-077
2 acres
07-04-036
30 acres
Unified Consultants
Johnnie E & Dianne G Williams
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



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