COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Thursday, March 26, 2015	Type of Request:	New Business

Wording for the Agenda:

Consideration of the City of Fayetteville's annexation of 467 Veterans Parkway and the rezoning of said property from R-70 (Single Family Residential) to R-70 (Single Family Residential.)

Background/History/Details:

The City of Fayetteville has notified Fayette County of an application to annex 467 Veterans Parkway which consists of .947 acres. The city also notified the County of it intention to zone the property to R-70. The current county zoning for the property is already R-70. The County's governing authority may either "object" to the annexation, by majority vote, or choose not to object to the annexation request.

An objection is valid if the proposed change in zoning or land use plan

1. Results 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 diminishes the value or useful life of a capital outlay project which is furnished by the County to the area to be annexed; and

2. Differs substantially from the existing uses suggested for the property by the County's comprehensive land use plan or permitted for the property pursuant to the County's zoning ordinance or land use ordinances.

This proposed zoning or land use is substantially the same. No basis for an objection exists.

What action are you seeking from the Board of Commissioners?

Approval of the City of Fayetteville's annexation of 467 Veterans Parkway and the rezoning of said property from R-70 (Single Family Residential) to R-70 (Single Family Residential.

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: March 16, 2015

Re: Fayetteville Annexation Request for 467 Veterans Parkway, Fayetteville, GA 30214 Property Tax ID#: 05-35-009

Fayetteville has received a request for annexation for the above-referenced property located at 467 Veterans Parkway, Fayetteville, GA 30214. The annexation notice from Fayetteville indicates the intent to annex and rezone approximately .947 acres to R-70 (Single-Family Residential). The subject property is currently zoned R-70 (Single-Family Residential) in Fayette County and contains a single-family residence and several accessory structures. The annexation application indicates there are currently no development plans for the property and it will be designated as Neighborhood Mixed Use on the Fayetteville Future Land Use Map. This property is included in DRI (Development of Regional Impact) #2480 (see attached map).

General Description

The subject property is located at 467 Veterans Parkway. The proposed annexation would not create an island. The subject property abuts the following:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North, East and South (This property is also being considered for annexation.)	97.87	R-70	Undeveloped	Rural Residential (1 Unit/2 to 3 Acres)
West (across Veterans Pkwy)	288.50	PUD (City of Fayetteville)	Pinewood Studio	City of Fayetteville

Current County Land Use

The subject property is designated as Rural Residential (1 Unit/2 to 3 Acres) on the Fayette County Future Land Use Plan map.

DEPARTMENTAL COMMENTS

Planning and Zoning: As the subject property is currently zoned R-70 (Single-Family Residential) and will be zoned R-70 (Single-Family Residential) 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: Fire and Emergency services opposes the annexation due to the loss of fire revenue.

Water System: Water is available in the area. An extension would be required to service these parcels.

Public Works/Engineering:

Environmental Health: Our department has no objection to either of these proposed annexation requests.

Should any existing structures on either of these properties be demolished during the development of the sites, then any existing septic tank systems must be properly abandoned and verified by this department as part of the demolition process prior to any redevelopment on the sites.

Environmental Management:

Floodplain	The property does **NOT** contain floodplain per FEMA FIRM panel 13113C0082E.
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 development of this property should meet all current stormwater management practices for development. Analysis of the impacts to downstream properties is suggested.
Stormwater Utility	The County will lose stormwater revenue if this parcel is to be annexed.

<u>Sheriff's Office</u>:

<u>STATE LAW</u>

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

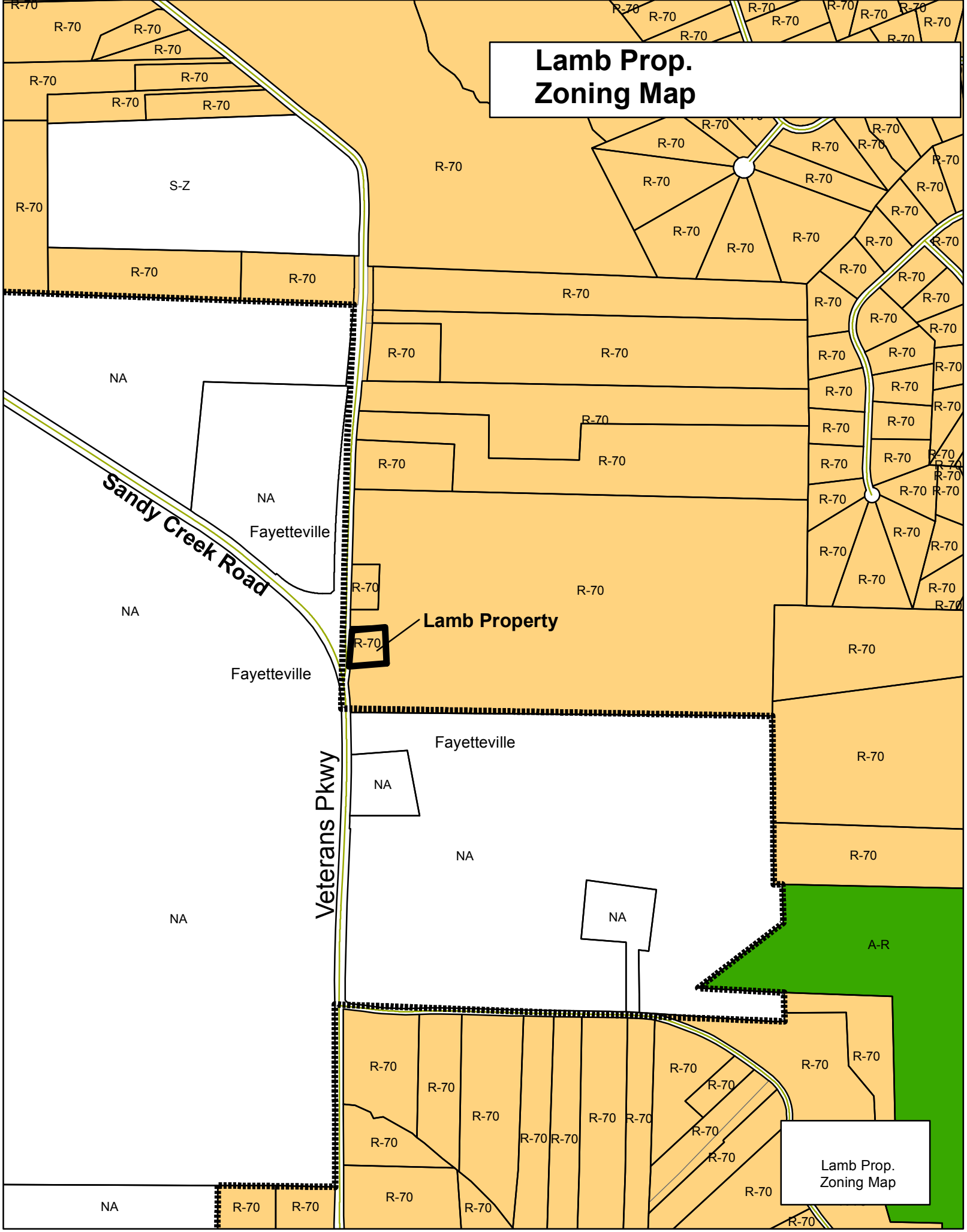
If the annexation is completed after final resolution of any objection, whether by agreement of the parties, act of the panel, or court order as a result of an appeal, the municipal corporation shall not change the zoning, land use, or density of the annexed property for a period of one year unless such 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.

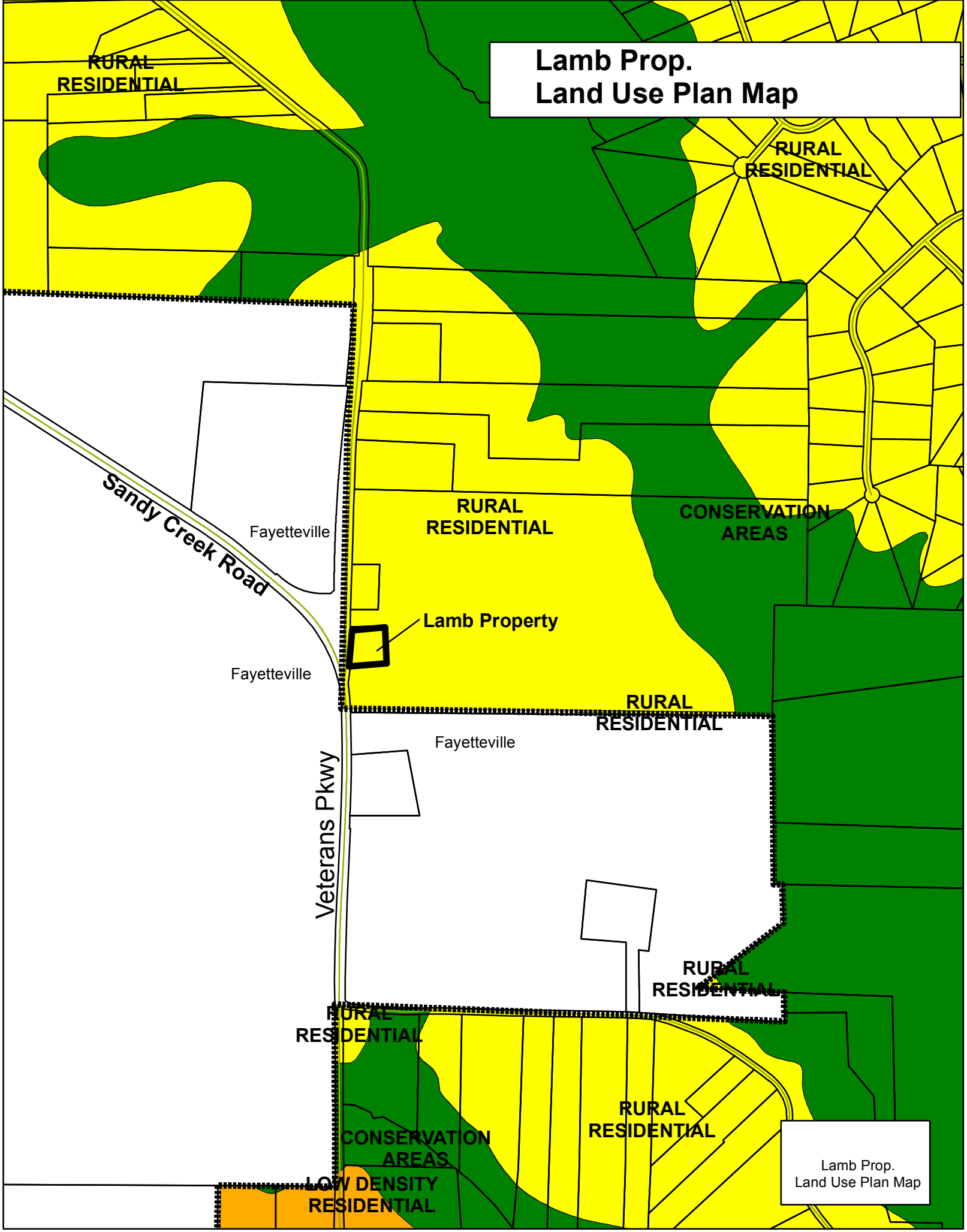
36-36-118. Abandonment of proposed annexation; remedies for violations of conditions

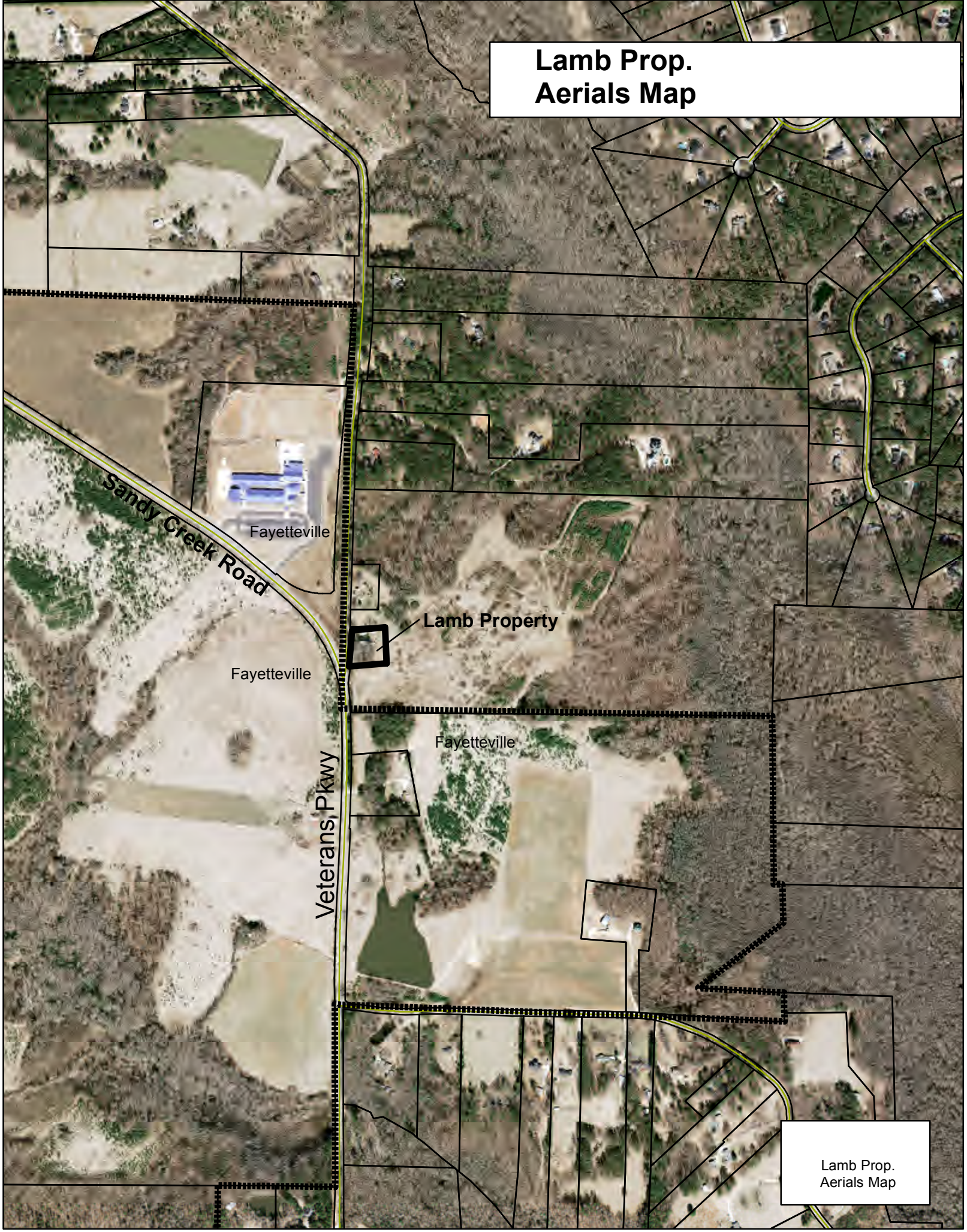
If at any time during the proceedings the municipal corporation or applicant abandons the proposed annexation, the county shall not change the zoning, land use, or density affecting the property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan 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

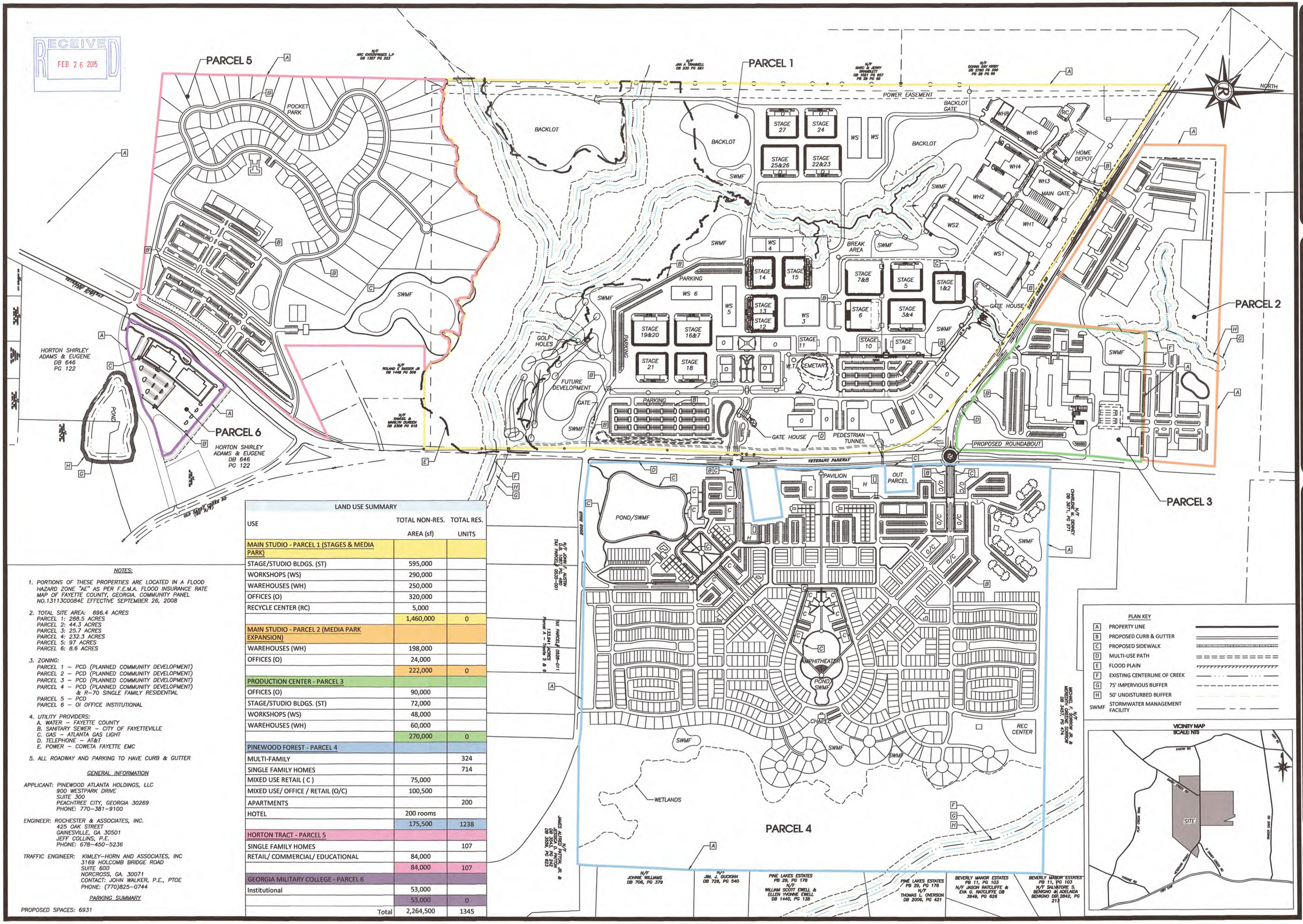
As the subject property is currently zoned R-70 (Single-Family Residential) and will be zoned R-70 (Single-Family Residential) in Fayetteville there is no change in zoning or land use that will result in a substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use. Please note that Fire/EMS is opposed due to the loss of revenue.


Lamb Prop.
Zoning Map
R-70
S-Z
NA
Fayetteville
Sandy Creek Road
Lamb Property
Veterans Pkwy
A-R
Lamb Prop.
Zoning Map


Lamb Prop.
Land Use Plan Map
RURAL RESIDENTIAL
RURAL RESIDENTIAL
RURAL RESIDENTIAL
CONSERVATION AREAS
Sandy Creek Road
Fayetteville
Lamb Property
Fayetteville
RURAL RESIDENTIAL
Fayetteville
Veterans Pkwy
RURAL RESIDENTIAL
RURAL RESIDENTIAL
RURAL RESIDENTIAL
CONSERVATION AREAS
LOW DENSITY RESIDENTIAL
Lamb Prop.
Land Use Plan Map


Lamb Prop.
Aerials Map
Sandy Creek Road
Fayetteville
Lamb Property
Fayetteville
Fayetteville
Veterans Pkwy
Lamb Prop.
Aerials Map

RECEIVED
FEB 26 2015



LAND USE SUMMARY

USE	TOTAL NON-RES. AREA (sf)	TOTAL RES. UNITS
MAIN STUDIO - PARCEL 1 (STAGES & MEDIA PARK)		
STAGE/STUDIO BLDGS. (ST)	595,000	
WORKSHOPS (WS)	290,000	
WAREHOUSES (WH)	250,000	
OFFICES (O)	320,000	
RECYCLE CENTER (RC)	5,000	
	1,460,000	0
MAIN STUDIO - PARCEL 2 (MEDIA PARK EXPANSION)		
WAREHOUSES (WH)	198,000	
OFFICES (O)	24,000	
	222,000	0
PRODUCTION CENTER - PARCEL 3		
OFFICES (O)	90,000	
STAGE/STUDIO BLDGS. (ST)	72,000	
WORKSHOPS (WS)	48,000	
WAREHOUSES (WH)	60,000	
	270,000	0
PINEWOOD FOREST - PARCEL 4		
MULTI-FAMILY		324
SINGLE FAMILY HOMES		714
MIXED USE RETAIL (C)	75,000	
MIXED USE/ OFFICE / RETAIL (O/C)	100,500	
APARTMENTS		200
HOTEL	200 rooms	
	175,500	1238
HORTON TRACT - PARCEL 5		
SINGLE FAMILY HOMES		107
RETAIL/ COMMERCIAL/ EDUCATIONAL	84,000	
	84,000	107
GEORGIA MILITARY COLLEGE - PARCEL 6		
Institutional	53,000	
	53,000	0
Total	2,264,500	1345

NOTES:

1. PORTIONS OF THESE PROPERTIES ARE LOCATED IN A FLOOD HAZARD ZONE "AE" AS PER F.E.M.A. FLOOD INSURANCE RATE MAP OF FAYETTE COUNTY, GEORGIA. COMMUNITY PANEL NO.13113C0084E EFFECTIVE SEPTEMBER 26, 2008
2. TOTAL SITE AREA: 696.4 ACRES
   PARCEL 1: 288.5 ACRES
   PARCEL 2: 44.3 ACRES
   PARCEL 3: 25.7 ACRES
   PARCEL 4: 232.3 ACRES
   PARCEL 5: 97 ACRES
   PARCEL 6: 8.6 ACRES
3. ZONING:
   PARCEL 1 – PCD (PLANNED COMMUNITY DEVELOPMENT)
   PARCEL 2 – PCD (PLANNED COMMUNITY DEVELOPMENT)
   PARCEL 3 – PCD (PLANNED COMMUNITY DEVELOPMENT)
   PARCEL 4 – PCD (PLANNED COMMUNITY DEVELOPMENT) & R–70 SINGLE FAMILY RESIDENTIAL
   PARCEL 5 – PCD
   PARCEL 6 – OI OFFICE INSTITUTIONAL
4. UTILITY PROVIDERS:
   A. WATER – FAYETTE COUNTY
   B. SANITARY SEWER – CITY OF FAYETTEVILLE
   C. GAS – ATLANTA GAS LIGHT
   D. TELEPHONE – AT&T
   E. POWER – COWETA FAYETTE EMC
5. ALL ROADWAY AND PARKING TO HAVE CURB & GUTTER

GENERAL INFORMATION

APPLICANT: PINEWOOD ATLANTA HOLDINGS, LLC
900 WESTPARK DRIVE
SUITE 300
PEACHTREE CITY, GEORGIA 30269
PHONE: 770–381–9100

ENGINEER: ROCHESTER & ASSOCIATES, INC.
425 OAK STREET
GAINESVILLE, GA 30501
JEFF COLLINS, P.E.
PHONE: 678–450–5236

TRAFFIC ENGINEER: KIMLEY–HORN AND ASSOCIATES, INC
3169 HOLCOMB BRIDGE ROAD
SUITE 600
NORCROSS, GA. 30071
CONTACT: JOHN WALKER, P.E., PTOE
PHONE: (770)825–0744

PARKING SUMMARY

PROPOSED SPACES: 6931

PLAN KEY

A	PROPERTY LINE
B	PROPOSED CURB & GUTTER
C	PROPOSED SIDEWALK
D	MULTI-USE PATH
E	FLOOD PLAIN
F	EXISTING CENTERLINE OF CREEK
G	75' IMPERVIOUS BUFFER
H	50' UNDISTURBED BUFFER
SWMF	STORMWATER MANAGEMENT FACILITY

VICINITY MAP
SCALE: NTS

Rochester & Associates, Inc.
425 Oak Street N.W. • Gainesville, Georgia 30501
(770)718.0600 (770)718.9090 Fax • www.rochester-assoc.com

DRI OVERALL PLAN
FOR:
PINEWOOD ATLANTA STUDIOS, PRODUCTION CENTER & GEORGIA MILITARY COLLEGE
LOCATED
CITY OF FAYETTEVILLE
FAYETTE COUNTY, GA

NO.	DATE	DESCRIPTION

REVISIONS

ANY CHANGES OR ALTERATIONS MADE TO THESE DOCUMENTS WITHOUT OBTAINING THE WRITTEN APPROVAL OF ROCHESTER & ASSOCIATES, INC. WILL RELIEVE ROCHESTER & ASSOCIATES, INC. OF ANY LIABILITY ASSOCIATED WITH THIS PROJECT. ORIGINAL DRAWINGS WILL BE KEPT ON FILE FOR VERIFICATION OF ANY CHANGES.

GRAPHIC SCALE
150' 0' 300' 600'

####

SHEET	OF
1	1

DATE: 2/26/2015
SCALE: 1" = 300'
JOB NO. F21.3004.FDA
DWG NO. SITE
DRAWN BY: SC