

Proposed Ordinance: #0-17-20
Subject Matter: Rezoning request – 210/220 S. Jeff Davis Drive
Date First Presented at Council Public Meeting: 12-03-2020
Date of Public Hearing Before City Council: 12-03-2020
Date of Second Reading and Adoption: 12-17-2020
Date of Notice Published in Fayette County News: 11-18-2020

CITY OF FAYETTEVILLE
COUNTY OF FAYETTE
STATE OF GEORGIA

ORDINANCE NUMBER 0-17-20
(as enacted)
CITY OF FAYETTEVILLE, GEORGIA

PREAMBLE AND FINDINGS

The City of Fayetteville (the “City”), has received a request from Brad Barnard to rezone two tracts of land located at 210 and 220 South Jeff Davis Drive and described in Exhibit “A” attached hereto. (Said properties shall be referred to herein as “Properties”). The City has given notice to the public of this proposed rezoning and public hearings have been conducted as required by law. The City has complied with the requirements of O.C.G.A. § 36-36-4 and § 36-36-6 prior to the adoption of this ordinance.

AN ORDINANCE OF THE CITY OF FAYETTEVILLE

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

ARTICLE I

The zoning classification of the Properties described in Exhibit “A” and better known as Tract A (Parcel No. 052403004) and Tract B (Parcel No. 052403079), attached hereto and incorporated herein, shall be, and are hereby rezoned from **C-1 Downtown Commercial** to **DR-15 Two-family Residential** pursuant to the City of Fayetteville’s Comprehensive Zoning Ordinance, subject to Article IV below.

ARTICLE II

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

ARTICLE III

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

ARTICLE IV

This ordinance shall become immediately effective upon its adoption, subject to the following conditions:

1. Any condition or conditions imposed upon the petitioner by the City, and contained in the Council's minutes. Such condition(s) must be satisfied before the change in status will take permanent effect. Should the imposed condition(s) fail to be performed within the prescribed time period set forth by the City in either the Council minutes or in representations made by the applicant documented in the Council's minutes, the property at issue will automatically revert to the status or classification it occupied before the petitioner's application for rezoning was filed. If no prescribed time period is set, then the conditions must be met within the times set forth below at paragraph 2 of this Article IV.

2. The petitioner's substantial compliance, within twelve (12) months of the date of this ordinance (unless extended by the Council at the request of the Applicant), with the plans for the project proposed in the Plat submitted with the applicant's initial application for zoning, and as thereafter amended by the applicant and accepted by the City Council, is required. Substantial compliance means that the applicant must have initiated development of the project to the point that it is clearly in progress in accordance within the plan. The applicant's final representation of proposed use of the site, the final development plans presented to the Mayor and Council in support of the application, and the implementation of any conditions imposed upon the proposed use and/or development plans, shall be conditions to the continued existence of any zoning granted by this ordinance. If, within twelve (12) months of the classification granted by this ordinance, the applicant fails to initiate development of the subject site in conformity with said uses and development plans, including any conditions imposed by the Council, the zoning granted herein shall be automatically revoked of the reclassification granted, and reversion to the prior classification the land occupied before the application was submitted. If an annexation was granted, the site will revert to the zoning classification most compatible with that of the surrounding area, as determined by the City Council.

3. Conditions include those contained in the minutes of the City Council, which are part of this ordinance, and any representations submitted by the applicant to the City

Council, and accepted by the City Council, and reflected in the minutes of the City Council, which representations shall be an amendment to the rezoning application and a part of this ordinance.

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE at a regular meeting of the Mayor and Council on the 17th day of December, 2020, by the following voting for adoption:

Edward J. Johnson, Jr., Mayor

Scott Stacy, Mayor Pro Tem

Attest:

T. Joe Clark, Councilmember

Anne Barksdale, City Clerk

Richard J. Hoffman, Councilmember

Darryl Langford, Councilmember

Paul C. Oddo, Jr., Councilmember

EXHIBIT "A"

Legal Description

Tract A

All that tract or parcel of land lying and being in Land Lot 122 of the 5th District, Fayette County, City of Fayetteville, Georgia and being more particularly described as follows:

BEGINNING at a 5/8" rebar on the Easterly right-of-way South Jeff Davis Drive (right-of-way varies) that is South 72 degrees 16 minutes 03 seconds East a distance of 68.20 feet from a magnetic nail set at the approximate centerline intersection of South Jeff Davis Drive and Johnson Avenue; **THENCE** leaving the right-of-way of South Jeff Davis Drive North 75 degrees 18 minutes 13 seconds East a distance of 185.97 feet to a 1/2" rebar; **THENCE** South 08 degrees 15 minutes 05 seconds East a distance of 100.84 feet to a point; **THENCE** South 75 degrees 08 minutes 02 seconds West a distance of 163.71 feet to a point on a curve on the Easterly right-of-way South Jeff Davis Drive; **THENCE** along said right-of-way along a curve to the right having a radius of 1,423.67 feet, a delta of 04 degrees 04 minutes 37 seconds, an arc length of 101.30 feet, and a chord which bears North 20 degrees 53 minutes 49 seconds West having a chord distance of 101.28 feet to a 5/8" rebar which is the **POINT OF BEGINNING**, and containing 0.40 acre(s) of land, more or less. Being shown on a plat and concept plan for rezoning prepared for E.C. & A.L., Inc. by W.D. Gray and Associates, last revised 10-12-2020.

Tract B

All that tract or parcel of land lying and being in Land Lot 122 of the 5th District, Fayette County, City of Fayetteville, Georgia and being more particularly described as follows:

To arrive at the **POINT OF BEGINNING**, **COMMENCE** at a magnetic nail set at the approximate centerline intersection South Jeff Davis Drive and Johnson Avenue; **THENCE** South 72 degrees 16 minutes 03 seconds East a distance of 68.20 feet to a 5/8" rebar on the Easterly right-of-way of South Jeff Davis Drive (right-of-way varies); **THENCE** along said right-of-way along a curve to the left having a radius of 1,423.67 feet, a delta of 04 degrees 04 minutes 37 seconds, an arc length of 101.30 feet, and a chord which bears South 20 degrees 53 minutes 49 seconds East having a chord distance of 101.28 feet to the **POINT OF BEGINNING**; **THENCE** leaving the right-of-way of South Jeff Davis Drive North 75 degrees 08 minutes 02 seconds East a distance of 163.71 feet to a point; **THENCE** North 08 degrees 15 minutes 05 seconds West a distance of 100.84 feet to a 1/2" rebar; **THENCE** North 75 degrees 30 minutes 52 seconds East a distance of 105.24 feet to a guy wire anchor in the base of an Oak tree; **THENCE** South 08 degrees 15 minutes 05 seconds East a distance of 130.62 feet to a 1" open top pipe; **THENCE** South 75 degrees 35 minutes 54 seconds West a distance of 39.26 feet to a 1" open top pipe; **THENCE** South 75 degrees 08 minutes 02 seconds West a distance of 221.69 feet to a 1" open top pipe on a curve on the Easterly right-of-way of South Jeff Davis Drive; **THENCE** along said right-of-way along

a curve to the right having a radius of 1,423.67 feet, a delta of 01 degrees 13 minutes 12 seconds, an arc length of 30.31 feet, and a chord which bears North 23 degrees 32 minutes 43 seconds West having a chord distance of 30.31 feet to a point which is the POINT OF BEGINNING, and containing 0.42 acre(s) of land, more or less.

Being shown on a plat and concept plan for rezoning prepared for E.C. & A.L., Inc. by W.D. Gray and Associates, last revised 10-12-2020.