

Proposed Ordinance # 0-17-24  
Subject Matter: Rezoning – 115 Ellis Rd & 0538 028  
Parcel Number: 0538 028 & 0538 091  
Date of Published Notice in Fayette County News: 07-03-24  
Date of Public Hearing Before Planning & Zoning Commission: 07-23-24  
Date of Published Notice in Fayette County News: 07-31-24  
Date of City Council Public Hearing and Adoption: 08-15-24

**CITY OF FAYETTEVILLE  
COUNTY OF FAYETTE  
STATE OF GEORGIA**

**ORDINANCE NUMBER #0-17-24**

**CITY OF FAYETTEVILLE, GEORGIA**

**PREAMBLE AND FINDINGS**

**AN ORDINANCE OF THE CITY OF FAYETTEVILLE**

The City of Fayetteville (the “City”) has received an application for rezoning from Victor Clincy for the property located on Ellis Road, Fayetteville, GA, Parcel Nos. 0538 028 & 0538 091 (1.4 acres) described in **Exhibit "A"**. Said parcel of property is presently zoned CH Highway Commercial. The Applicant desires to rezone the property to NC Neighborhood Commercial.

The City has given notice to the public of this proposed rezoning as required by law and public hearings have been conducted as required by law. The City complied with the requirements of O.C.G.A. § 36-36-4 and § 36-36-5 prior to the adoption of this Ordinance.

**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 property as described in **Exhibit "A"** attached hereto and incorporated herein, shall be, and is hereby established as NC Neighborhood Commercial pursuant to the City of Fayetteville’s Unified Development Ordinance.

The City’s new ordinance classification upon the described property shall become immediately effective. The City’s Official Zoning Map is hereby amended to reflect this rezoning.

## 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Any ordinance or part of any ordinance in conflict herewith is hereby repealed.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 any conditions contained in the minutes of the City Council, which are part of this ordinance; any representations submitted by the applicant to the City Council, accepted by the City Council, and reflected in the minutes of the City Council; all of which representations shall be an amendment to the rezoning application and a part of this ordinance.

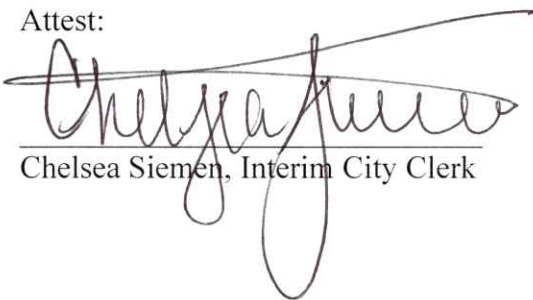
**BE IT RESOLVED**, that the Mayor and Council of the City of Fayetteville, Georgia do hereby adopt the attached City of Fayetteville ordinance.


**SO RESOLVED**, this 15<sup>th</sup> Day of August 2024.

ABSENT

Edward J. Johnson, Jr., Mayor


Attest:

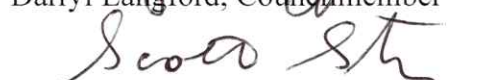
  
Chelsea Siemen, Interim City Clerk

  
Richard J. Hoffman, Mayor Pro Tem

  
T. Joe Clark, Councilmember

  
Niyah Glover, Councilmember

  
Darryl Langford, Councilmember

  
Scott Stacy, Councilmember

**Exhibit "A"**

Legal Description

**PARCEL NO. 0538 091**

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ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 168 OF THE 5<sup>TH</sup> DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED ON THE SOUTHWESTERN RIGHT OF WAY OF ELLIS ROAD A DISTANCE OF 152.75 FEET SOUTHEASTERLY AS MEASURED ALONG THE SOUTHWESTERN RIGHT OF WAY OF ELLIS ROAD; FROM A CONCRETE RIGHT OF WAY MONUMENT LOCATED AT THE INTERSECTION OF THE SOUTHWESTERN RIGHT OF WAY OF ELLIS ROAD AND THE SOUTHEASTERN RIGHT OF WAY OF GEORGIA HIGHWAY 85; FROM SAID POINT OF BEGINNING PROCEED THENCE SOUTH 40 DEGREES 54 MINUTES 14 SECONDS EAST ALONG THE SOUTHWESTERN RIGHT OF WAY OF ELLIS ROAD 120 FEET TO AN IRON PIN LOCATED AT THE NORTHWESTERN CORNER OF PROPERTY OWNED BY A. T. JACKSON; THENCE SOUTH 01 DEGREE 47 MINUTES 01 SECONDS WEST 223.13 FEET TO AN IRON PIN LOCATED AT THE SOUTHWEST CORNER OF THE A. T. JACKSON PROPERTY; THENCE SOUTH 83 DEGREES 53 MINUTES 02 SECONDS EAST ALONG SAID JACKSON PROPERTY 110.87 FEET TO AN IRON PIN; THENCE SOUTH 00 DEGREE 29 MINUTES 11 SECONDS WEST 151.86 FEET TO AN IRON PIN; THENCE NORTH 46 DEGREES 06 MINUTES 47 SECONDS WEST 341.14 FEET TO A POINT; THENCE NORTH 15 DEGREES 09 MINUTES 49 SECONDS EAST 249.58 FEET TO THE POINT OF BEGINNING, SAID TRACT BEING SHOWN AND DEPICTED ON PLAT OF SURVEY BY MELVIN H. PAIR AND ASSOCIATES FOR LAPETITE ACADEMY, INC., DATED MAY 31, 1983.

**PARCEL NO. 0538 028**

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ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 168 OF THE 5<sup>TH</sup> DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF ELLIS ROAD (F/K/A BANKS ROAD) AT A POINT 244 FEET SOUTHEASTERLY FROM THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF ELLIS ROAD (F/K/A BANKS ROAD) WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 85; RUNNING THENCE SOUTH 1 DEGREE EAST A DISTANCE OF 265 FEET TO A POINT; RUNNING THENCE NORTH 89 DEGREES EAST A DISTANCE OF 104 FEET TO A POINT; RUNNING THENCE NORTH 1 DEGREE WEST A DISTANCE OF 150 FEET TO A POINT LOCATED ON THE SOUTHWESTERLY SIDE OF ELLIS ROAD (F/K/A BANKS ROAD); RUNNING THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF ELLIS ROAD (F/K/A BANKS ROAD) A DISTANCE OF 156 FEET TO THE POINT OF BEGINNING.

### **Exhibit "B"**

#### Understandings and Conditions

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1. The subject parcels shall be designated as Neighborhood Center on the Future Land Use Map.
2. A sidewalk will be installed along Ellis Road on both parcels when 0538 028 is developed.