



Planning and Zoning Commission

AGENDA

Tuesday, December 3, 2019 ♦ 7:00 p.m.

- **Call to Order**
- **Determination of a Quorum**
- **Pledge of Allegiance**
- **Public Comments**

Comments to the Planning and Zoning Commission should be limited to no more than two minutes. Groups wishing to address an issue should select one or two spokesperson(s). The time allowed for all issues shall not exceed a total of fifteen minutes. Issues raised at this time are generally referred to the Planning and Zoning Director for review. Responses will be provided at a later date.
- **Approval of the Meeting Agenda**
- **Approval of October 1, 2019 Meeting Minutes**
- **Public Hearings:** None
- **Old Business:** None
- **New Business:**
 - **Rezoning 19RZ-003 - Wendover Housing Partners:** a request to rezoning 6.449 acres located at 0 Brooks Drive (Parcel # 09F090400511263) from O&I (Office Institutional) to RM-36 (Multi-family Residential District) to allow a 78-unit multi-family development.
- **Staff Report**
- **Commissioner Comments**
- **Adjournment**

CITY OF FAIRBURN



**CITY OF FAIRBURN
PLANNING & ZONING COMMISSION
AGENDA ITEM**

SUBJECT: Rezoning 19RZ-003 - Wendover Housing Partners

() AGREEMENT () POLICY / DISCUSSION () CONTRACT
() ORDINANCE () RESOLUTION (X) OTHER

Planning and Zoning Commission: 12.03.19

Mayor and City Council: 01.27.20

DEPARTMENT: Community Development/Planning and Zoning

BUDGET IMPACT: None

PUBLIC HEARING: () Yes (X) No

Wendover Housing Partners, LLC seeks to rezone 6.449 acres from O&I (Office Institutional District) to RM-36 (Multi-family Residential District) to allow a 78-unit multi-family residential development.

STAFF RECOMMENDATION: APPROVAL CONDITIONAL

APPLICATION INFORMATION

Rezoning 19RZ-003 - Wendover Housing Partners

APPLICANT/PETITIONER INFORMATION

Property Owner Judy Hight	Petitioner Wendover Housing Partners, LLC
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PROPERTY INFORMATION

Address:	0 Brooks Drive [Parcel # 09F090400511263]
Land Lot and District:	Land Lot 51, District 9F
Frontage:	Brooks Street, Cemetery Street, and Washington Street
Area of Property:	6.449 acres
Existing Zoning and Use:	O&I (Office Institutional District)
Overlay District:	The subject property is not located in an overlay district.
Prior Zoning Cases/History:	None
2035 Comprehensive Future Land Use Map Designation:	Town Center Mixed Use
Compatibility with Fairburn's 2035 Comprehensive Plan:	The request to rezone property from O&I (Office Institutional District) to RM-36 (Multi-family Residential District) to allow a 78-unit multi-family development is compatible with the Comprehensive Plan and Future Development Map.
Proposed Zoning:	RM-36 (Multi-family Residential District)

MEETING AND HEARING DATES

Planning and Zoning Commission Meeting
Tuesday, December 3, 2019

Mayor and City Council Public Hearing
Monday, January 27, 2020

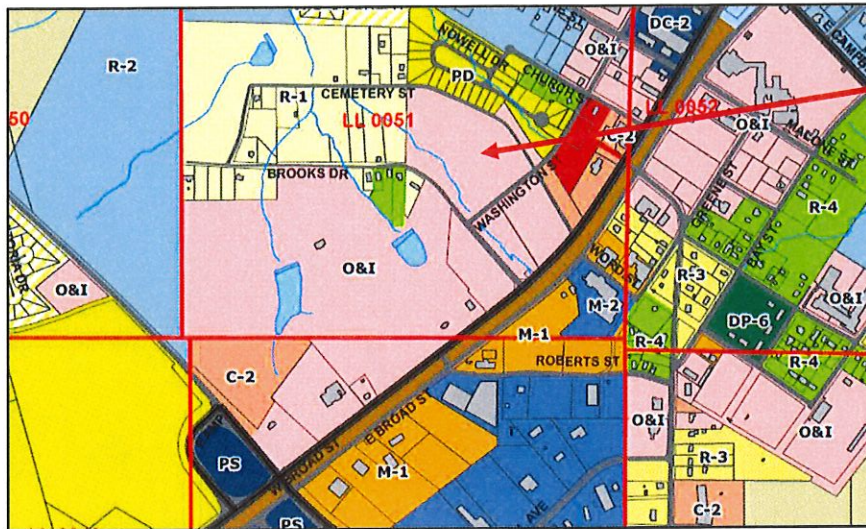
INTENT

A request to rezone 6.449 acres from O&I (Office Institutional District) to RM-36 (Multi-family Residential District) to allow a 78-unit multi-family residential development.

SURROUNDING ZONING

North: PD (Planned Development District) and R-2 (Single-family Residential District)
East: O&I (Office Institutional District) and RM-36 (Multi-family Residential District)
South: O&I (Office Institutional District)
West: R-1 (Single-family Residential District) and R-2 (Single-family Residential District)

Zoning Map



19RZ-003
78-unit multi-family
residential development
6.449 acres

PUBLIC PARTICIPATION

The applicant held a community meeting on Wednesday, March 20, 2019, 6:00 p.m. at the Fairburn Annex [40 Washinton Street, Fairburn]. Four adjacent property owners attended the meeting. The applicant displayed the conceptual site plan, building elevations, exterior and interior photo renderings and provided sample materials consistent with the building materials that will be used in the construction process. The attendees asked the following questions:

1. What is the range of rents?
2. Will seniors be allowed to live in the project?
3. Was senior housing considered?
4. Are there any City of Fairburn plans for the area?
5. Are there any concerns with resident neighbors?
6. Will sidewalks be constructed?
7. Will the nearby stream be impacted?
8. Does Wendover do condominiums?
9. What does the City think?
10. Will this project produce more traffic (cars and pedestrian)?
11. Will there be any more meetings?
12. Will the cemetery be negatively impacted?

Most of the discussion focused on the aesthetic attributes of the property such as the proposed building materials. There was significant discussion on how residential density impacts retail growth and several questions focused on the city's plans for growth. Out of the four property owners present at the meeting, one property owner was in opposition of the development.

STAFF COMMENTS

Engineering/Public Works: Turning lanes shall be required by the city to meet projected traffic demand and/or safe operations. When provided, turning lanes shall meet the following criteria:

1. Provide not less than 150 feet of storage length for arterial roadways. Provide not less than 100 feet of storage length for collector roadways.
2. Provide taper lengths of not less than 100 feet.
3. Longer storage and taper lengths may be required when traffic projections indicate they are justified.

Fire: No comments at this time.

Water and Sewer:

The City of Fairburn Water and Sewer Department has no comment on this rezoning request at this time. Certainly, it will be the responsibility of the developer to provide sound engineering design for water and sewer service for these additional 78 units.

Fulton County Board of Health:

EHS Comments:

1. The Fulton County Board of Health will require that the proposed multi-family development be connected to public water and public sanitary sewer available to the site.
2. Since this proposed development constitutes a premise where people live, onsite sanitary facilities would be mandatory prior to use or occupancy.
3. Since this development includes a public swimming pool as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 - Health and Sanitation, Article XII - Swimming Pools and Natural
 - a. Bathing Beaches (including spas, whirlpools, etc.), the owner or contractor must submit plans and approval by this department and must obtain a Fulton County Board of Health permit to construct before issuance of a building permit. Also, the owner of the facility must obtain a Board of Health permit to operate the pool prior to opening.
4. This department will require that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.

General Public Health and EJ Comments:

1. Since a multi-family housing development is not considered an environmentally adverse use, the Fulton County Board of Health does not anticipate any adverse impacts to the health of humans or the environment by allowing the rezoning from O&I (Office Institutional) to RM-36 (Residential Multi-family 36) to allow for the development of the proposed 78-unit residential use.
2. Since the proposed development is in an area within the vicinity of a railroad, this department recommends that the owner/developer considers the potential noise level and duration in this development's design. Noise has the potential for causing sleep disturbances which can negatively affect mental and physical health.
3. Diesel engines emit pollution particles into the air around train tracks. Diesel exhaust particulate matter is a toxic air contaminant and contains known carcinogens. Diesel pollution has an impact on public health and/or air quality. There is no information regarding the magnitude of impact to public health, if any, at this site.

ZONING IMPACT ANALYSIS

A. Does the proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?

The applicant is proposing to rezone the subject property from O&I (Office Institutional District) to RM-36 (Multi-family Residential District) to allow a 78-unit multi-family development. The site will consist of one four story building with a community amenity area to include a splash pad, gazebo, trash receptacles, benches, and a leasing facility with an activity room, fitness room and business center.

Staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby property. The surrounding area consists of: PD (Planned Development District) and R-2 (Single-family Residential District) to the north, O&I (Office Institutional District) and RM-36 (Multi-family Residential District) to the east, O&I (Office Institutional District) to the south and R-1 (Single-family Residential District) and R-2 (Single-family Residential District) to the west.

B. Does the proposal adversely affect the existing use or usability of adjacent or nearby property?

Staff is of the opinion that the petition if approved would not have an adverse impact on the use or usability of adjacent or nearby properties. The surrounding properties are zoned R-1 (Single-family Residential District), R-2 (Single-family Residential District) and PD (Planned Development District).

C. Does the property have a reasonable economic use as currently zoned?

Staff is of the opinion that the subject property has a reasonable economic use as currently zoned.

D. Will the proposal result in a use that could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

The applicant submitted a trip generation report to the Planning and Zoning Office on May 13, 2019 which evaluated the existing traffic counts and site generated traffic for the proposed development. Trip generation estimates for the development were based on the rates and equations published in the 10th edition of the Institute of Transportation Engineers (ITE) Trip Generation report. The trip generation was based on the following ITE Land Use: 221 – *Multifamily Housing (Mid-Rise)*.

The site-generated traffic volumes for the development are shown in the table below.

TRIP GENERATION								
Land Use	Size	AM Peak Hour			PM Peak Hour			24-Hour
Multi-family Housing (Mid-Rise)	78 units	Enter	Exit	Total	Enter	Exit	Total	Two-way
		7	20	27	21	14	35	423

A 24-hour bidirectional tube count was collected on Wednesday, May 7, 2019 on Cemetery Street, north of Washington Street and on Washington Street, east of Brooks Drive. The counts reveal that the average daily traffic along Washington Street is 147 vehicles/day, and the average daily traffic along Cemetery Street is 96 vehicles/day. Even with the addition of the total daily site-generated traffic (shown in the table above), the total daily traffic on each road will fall under 2,000.

E. Is the proposal in conformity with the policies and intent of the land use plan?

Staff is of the opinion that the proposal is consistent with the Future Development Map, which designates the site as Town Center Mixed Use. The Town Center Mixed Use Character Area goal is for downtown to become the center of daily life in the city. The development strategies for the Town Center Mixed Use Character Area, as referenced in the Comprehensive Plan are:

- Maintain integrity of interconnected grid and pedestrian circulation;
- Historic structures should be preserved or adaptively reused wherever possible;
- New development should reflect the historical context of building mass, scale and setbacks;
- Encourage mixed-use infill and redevelopment;
- Encourage transit-supportive residential development;
- Economic development strategies should continue to nurture thriving commercial activity;
- Enhance tree planting to include more shade trees and ornamental streetscape plantings and;
- Ensure that future phases of streetscape enhancements are developed in harmony with previous efforts, as well as economic development goals of the City and the Downtown Development Authority

The appropriate land uses for the Town Center Character Area, as referenced in the Comprehensive Plan are:

- Mixed Use
- Civic/Institutional/Educational

- Residential (all types)
- Commercial/Retail/Office
- Small scale low intensity industrial that fits into appropriately scaled and designed structures

The proposal to develop a multi-family development proximity to downtown is consistent with the goals of the Comprehensive Plan which encourages an integration of various residential [housing] types in the downtown area. Increasing the number of housing units near downtown will support and encourage more businesses to locate to downtown. Furthermore, incorporating a mixture of housing stock near downtown will increase activity in downtown and ultimately contribute to a vibrant downtown.

F. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the proposal?

Staff is of the opinion that there are no existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or denial of the applicant's proposal.

G. Does the proposal permit a use that can be considered environmentally adverse to the natural resources, environment, and citizens of Fairburn?

A stream is located at the most southern portion of the site, which meanders from the west to east sides of the site. The applicant will be required to adhere to the state and city stream buffer requirements. Arpeggio Company conducted a noise impact study for the subject site to assess noise levels. A single Noise Assessment Location (NAL) was used for the noise impact study assessment. The identified noise source is the CSX rail line which is located approximately 650' to the southeast of the southern edge of the site. The noise impact study produced Day/Night Noise Levels (DNL) that were acceptable. See table below:

DNL by source and total DNL at NAL				
NAL	Partial DNL by Source		Total DNL all sources	Category
1	West Broad Street	57.0	63	Acceptable
	CSX	61.9		

Also, Fulton County Board of Health reviewed the rezoning petition and does not anticipate the proposed development to have an adverse impact to the health of humans or the environment.

STAFF RECOMENDATION

It is the opinion of staff that the rezoning request is in conformity with the Future Development Map, which designates the site as Town Center Mixed Use. The rezoning of the property from O&I (Office Institutional District) to RM-36 (Multi-family Residential District) will not adversely affect the surrounding properties because nearby and adjacent parcels contain residential uses. The proposal to develop a multi-family residential development proximity to downtown is consistent with the goals and objectives of the Comprehensive Plan and the Town Center Mixed Use appropriate uses. Therefore, based on these reasons staff recommends **APPROVAL CONDITIONAL** of the rezoning petition.

Should the Mayor and City Council decide to rezone the subject property from O&I (Office Institutional District) to RM-36 (Multi-family Residential District) to allow a 78-unit multi-family residential development, staff recommends the following conditions. The applicant's agreement to these conditions would not change staff's recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council:

A. To restrict the use of the subject property as follows:

1. Residential units at a density no greater than 12 units per acre or 78 units, whichever is less.

B. To the owner's agreement to abide by the following:

1. The property shall be developed in substantial conformity with the Zoning Site Plan stamped received November 25, 2019. Said site plan is conceptual only and must meet or exceed the requirements of the City's ordinances prior to the approval of a Land Disturbance Permit. Any major deviation from this site plan is subject to approval by the City Engineer or designee.

C. To the owner's agreement to the following site development considerations:

1. Amenity package to include a common area with a splash pad, gazebo, trash receptacles, benches, and a leasing facility with an activity room, fitness room and business center.
2. Exterior materials shall be a minimum of thirty percent (30%) brick or stone and thirty percent (30%) stone or other cementitious material. Vinyl siding and veneers shall be prohibited.
3. All roof mounted equipment shall be screened from the public right-of-way.
4. The number of three (3) bedroom units shall be limited to no more than fifteen percent (15%) of the total number of units.

ATTACHMENTS

Letter of Intent

Conceptual Site Plans

Elevations

19RZ003

WENDOVER

HOUSING PARTNERS

1105 KENSINGTON PARK DRIVE, SUITE 200
Altamonte Springs, Florida 32714

TEL: (407) 333-3233 | Fax: (407) 333-3919

2/18/2019

Fairburn Letter of Intent for Rezoning Application:

Wendover Housing Partners are proposing to develop 78 units of Multi-family located at tax parcel ID: 09F090400511263. We are planning to rezone the property from Office Institutional or O-I to Residential Multi-family 36 or RM-36. The parcel is designated as Town Center Mixed Use in the Future Land Use Map and that allows for all types of residential housing.

Wendover Housing Partners are planning to submit an application for funding to the Georgia Department of Community Affairs for tax credits in late May of 2019. This proposed development will not have any section 8 units on the property. The proposed property will be a mixed income development. A majority of the units are based on qualified income levels, 60% and 50% of the Area Median Income. The 2019 Area Median Income for Fairburn Georgia is \$40,954. We are considering a percentage of market rate units. A majority of the property will be 2Br/2Ba.

Wendover Housing Partners builds, finances, and services affordable housing communities for family and seniors. As one of the Southeast's premier affordable and workforce housing companies, our expansive portfolio of affordable and mixed-income developments demonstrates our continuing ability to create housing opportunities in a variety of economically and socially diverse neighborhoods.

Wendover Housing Partners has been in the development business for over 30 years. We have experience in developing affordable, market rate, student housing. We have a wonderful management company and we are long term owners and managers of the properties that we develop.

Below are a list of some of our Family properties:

Charleston Cay, Port Charlotte Florida, 128 units

Flager Village, Stock Island Florida, 49 units

Granite Crossing, Lithonia, GA, 75 units

Hunter Chase, Thomasville Georgia, 112 units

Madison Meadows, Statesboro Georgia, 120 units

Madison Woods, Jacksonville Florida, 240 units

Westchester Woods, Pflugerville Texas, 250 units

Our proposed unit sizes are:

1Br/1Ba: 800 sf

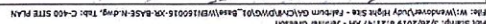
2Br/2Ba: 1060 sf

3Br/2Ba: 1257 sf

SINCERELY,

Bo Johnston

WENDOVER HOUSING PARTNERS



SITE DATA:

TOTAL SITE ACREAGE:
#6.499 ACRES
TOTAL SQUARE FEET:
#280,934 SQUARE FEET
SUBJECT PARCEL:
09F090400511263
CURRENT ZONING:
O&I - OFFICE AND INSTITUTIONAL
PROPOSED ZONING:
RM-36 MULTI-FAMILY RESIDENTIAL DISTRICT
PROPOSED LAND USE:
MULTI-FAMILY APARTMENT COMPLEX

REQUIRED SETBACKS:

FRONT: 45' SETBACK
REAR: 35' SETBACK
SIDE: 20' SETBACK
25' LANDSCAPE BUFFER ABUTTING LOW DENSITY RESIDENTIAL

REQUIRED BUFFER:

PROPOSED BUILDING:

4 STORIES/78 UNITS
-27 1BR/1BA
-39 2BR/2BA
-12 3BR/2BA

REQUIRED PARKING:

156 SPACES (2 SPACES/UNIT)
156 SPACES
-8 ADA SPACES REQUIRED/PROVIDED
-38 COMPACT SPACES
(ALLOWED 38 MAX/25% REQUIRED PARKING)
-112 REGULAR SPACES PROVIDED

TOTAL BUILDABLE AREA:
TOTAL OPEN SPACE:

#122,732 SQUARE FEET (44% OF TOTAL SITE)
#156,767 SQUARE FEET (56% OF TOTAL SITE)



CITY OF FAIRBURN, FULTON COUNTY, GA
VICINITY MAP
NOT TO SCALE

NOTE: CONCEPT PLAN CREATED FROM AERIAL INFORMATION.
PROVIDED BY LORIAN ENGINEER, INC. AND FULTON COUNTY, GEORGIA.
THIS PLAN IS TO BE USED AS CONCEPTUAL PLAN FOR THE RECORD.
SUBMITTAL ONLY.

CONCEPT SITE PLAN

planning
civil engineering
landscape architecture
environmental management



Scale 1"=40' @ Arch D
0 20 40 80 120 160 200

Wendover FAIRBURN-JUDY HIGHT SITE
DATE 04.01.19
DRAWING NO 1
ISSUE 1