

## Planning and Zoning Commission AGENDA

Tuesday, February 2, 2021 ♦ 7:00 p.m.

Join Zoom Meeting

Video link: https://zoom.us/j/7709642244

Dial-in #: (929) 205-6099 Meeting ID: 770 964 2244

- Call to Order
- Determination of a Quorum
- > Approval of the Meeting Agenda
- Approval of January 5, 2020 Meeting Minutes
- Public Hearing
- Old Business
- New Business
  - Final Plat 2021024 Strack Development (Howell Avenue) A request approve the revised final plat for the Strack Development.
  - Rezoning 2020201 Legend Creek Phase II (White Mill Road) A request to rezone 55.53 acres from R-1 (Single Family Residential) and R-2 (Single Family Residential) to R-3 (Single Family Residential) to allow the development of 76 single family residential lots.
  - Staff Report
  - Commissioner Comments
  - Adjournment



#### PLANNING AND ZONING COMMISSION MEETING MINUTES

#### City Hall 56 Malone Street Fairburn, GA 30213 Tuesday, January 5, 2021 7:00 p.m.

Due to the COVID-19 pandemic, the meeting was held virtually via Zoom video conferencing.

Elise Stoney, Chairman Elizabeth Echols, Vice-Chairman Jerry Williams

Shelby Phillips
Tony Smith
Anthony Stewart

Director of Planning and Zoning:

Tarika Peeks Valerie Ross

City Attorney:

I.

MEETING CALLED TO ORDER: By Chairman Stoney

- II. ROLL CALL: All members of the Planning and Zoning Commission were present.
- III. <u>ELECTION OF OFFICERS</u>: Commissioner Echols nominated Commissioner Stoney for Chair. Commissioner Stewart seconded the nomination. THE MOTION CARRIED. Commissioner Williams nominated Commissioner Echols for Vice-Chair. Commissioner Smith seconded. THE MOTION CARRIED.
- IV. <u>APPROVAL OF AGENDA</u>: Commissioner Phillips made a motion to APPROVE the January 5, 2021 agenda. Commissioner Williams seconded. THE MOTION CARRIED.
- V. <u>APPROVAL OF PREVIOUS MEETING MINUTES</u>: Commissioner Williams made a motion to APPROVE the November 3, 2020 minutes. Commissioner Stewart seconded. THE MOTION CARRIED.
- VI. PUBLIC HEARING: None
- VII. OLD BUSINESS: None
- VIII. NEW BUSINESS:

CONCEPTUAL PLAN 2020200 - Terex USA Fairburn (1400 Oakley Industrial Blvd.)

<u>SUMMARY/STAFF PRESENTATION</u>: A request to construct a 20,950 square-foot building for a maintenance and repair facility specializing in hydraulic equipment.

Ms. Peeks stated that the applicant was requesting to develop a 20,950 square-foot building for hydraulic equipment maintenance and repair and the site was 5.442 acres and zoned M-1 (Light Industrial). She stated that the proposed egress/ingress was on Oakley Industrial Boulevard with an onsite storm water detention facility, and staff was recommending approval conditional with 2 conditions stated in the staff analysis. Commissioner Stoney asked Ms. Peeks to state the two conditions. Ms. Peeks stated the conditions that were in the staff analysis.

#### MIKE SMITH

Mr. Smith stated that he was one of the developers on the project and gave some information about his busines. He stated that his business was similar to a business named ALTEC located in Forest Park Georgia.

Commissioner Philips asked for a little background on the site in which the facility was going to be built. Mr. Smith replied that they were purchasing the land from a local gentleman and they would be developing a little over 4 acres of the 5 1/2 acres.

Commissioner Williams asked Ms. Peeks about the City's Planning and Zoning and Ordinance and whether it covered Environmental Protection for the project. Ms. Peeks replied that upon construction BMP (Best Management Practices) would be in place to make sure that no run of would get into the City's water system. Commissioner Williams asked if that would be one of the two conditions. Ms. Peeks replied that it would not be apart of the conditions for the site.

<u>MOTION AND VOTE</u>: Vice-Chair **Echols** made the motion to **APPROVE** Conceptual Plan 2020200. Commissioner **Williams** seconded. **THE MOTION CARRIED**.

#### CONCEPTUAL PLAN 2020213 - 1162 HWY 54 EAST, LLC (602 BOHANNON ROAD)

Ms. Peeks stated that the applicant was proposing to develop a truck parking facility with 112 parking spaces at 602 Bohannon Rd and the use permit that authorize the use of the parcel for a truck parking facility was approved by City Council on October 12, 2020. Ms. Peeks stated that the site has proposed egress and ingress on Bohannon Rd. and Howell Avenue and storm water detention was proposed by a regional detention system.

She stated that the applicant would be required to adhere to the use permit conditions that were imposed in conjunction with the Use Permit approved by City Council in October 2020. Also, Me. Peeks stated that staff was recommending approval conditional with the three conditions stated in the staff analysis.

Commissioner Stoney asked Ms. Peeks to state the three conditions. Ms. Peeks stated the three conditions that was stated in the staff analysis. Commissioner Philips asked Ms. Peeks how who she be sure no trucks exceed 21 days and no overnight truck parking on the facility. Ms. Peeks replied that she would refer the question to the owner or operator.

#### ANDY BINEGAR

Mr. Binegar replied that the electronic gate would keep track of who comes in and out the facility. Commissioner Philips asked how they was going to prevent personal vehicles from entering into the facility. Mr. Binegar replied that customers would park their personal vehicle in a parking spot while there were using their truck.

Commissioner Smith recused himself from the motion.

<u>MOTION AND VOTE</u>: Commissioner Williams made the motion to APPROVE Conceptual Plan 2020213. Commissioner Phillips seconded. THE MOTION CARRIED.

- **IX. STAFF REPORT:** Ms. Peeks stated that tonight was Commissioner Philips last Planning and Zoning Commission Meeting and Thanked him for his time and service.
- X. <u>COMMISSIONER COMMENTS</u>: All Commissioners thanked Commissioner Phillips for his service and stated that he will be missed.
- XI. <u>ADJOURNMENT</u>: Commissioner Williams made a motion to ADJOURN. Commissioner Smith seconded. THE MOTION CARRIED.

MEETING ADJOURNED: 7:38 p.m.

Approval Signatures	
Date Approved	
Elise Stoney, Chairman	
Keisha Francis, Recording Secretary	*



# CITY OF FAIRBURN PLANNING AND ZONING COMMISSION AGENDA ITEM

SUBJECT: Final Plat 202102 - Strack Development

DEPARTMENT: Community Development/Planning and Zoning						
Planning and Zoning Commission: 02/02/21			Council Meeting: 03/08/21			
(	) AGREEMENT ) ORDINANCE	(	) POLICY / DISC ) RESOLUTION	`	) CONTRACT X ) OTHER	

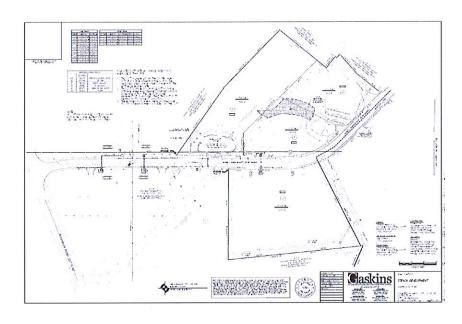
**BUDGET IMPACT:** None

**PUBLIC HEARING:** ( ) Yes (X) No

<u>PURPOSE</u>: For the Planning and Zoning Commission to make a recommendation to the Mayor and City Council for the final plat revision for Strack Development.

**<u>DISCUSSION</u>**: The applicant is requesting to revise a final plat for the Strack Development. The subject properties are located on the northeast side of Bohannon Road and will have frontage on Howell Ave, which is currently under construction. The concept plat was approved on July 7, 2020 and the final plat was approved on October 12, 2020. The applicant is requesting to revise the plat by combining lots 2 and 3, totaling 5.22 acres.

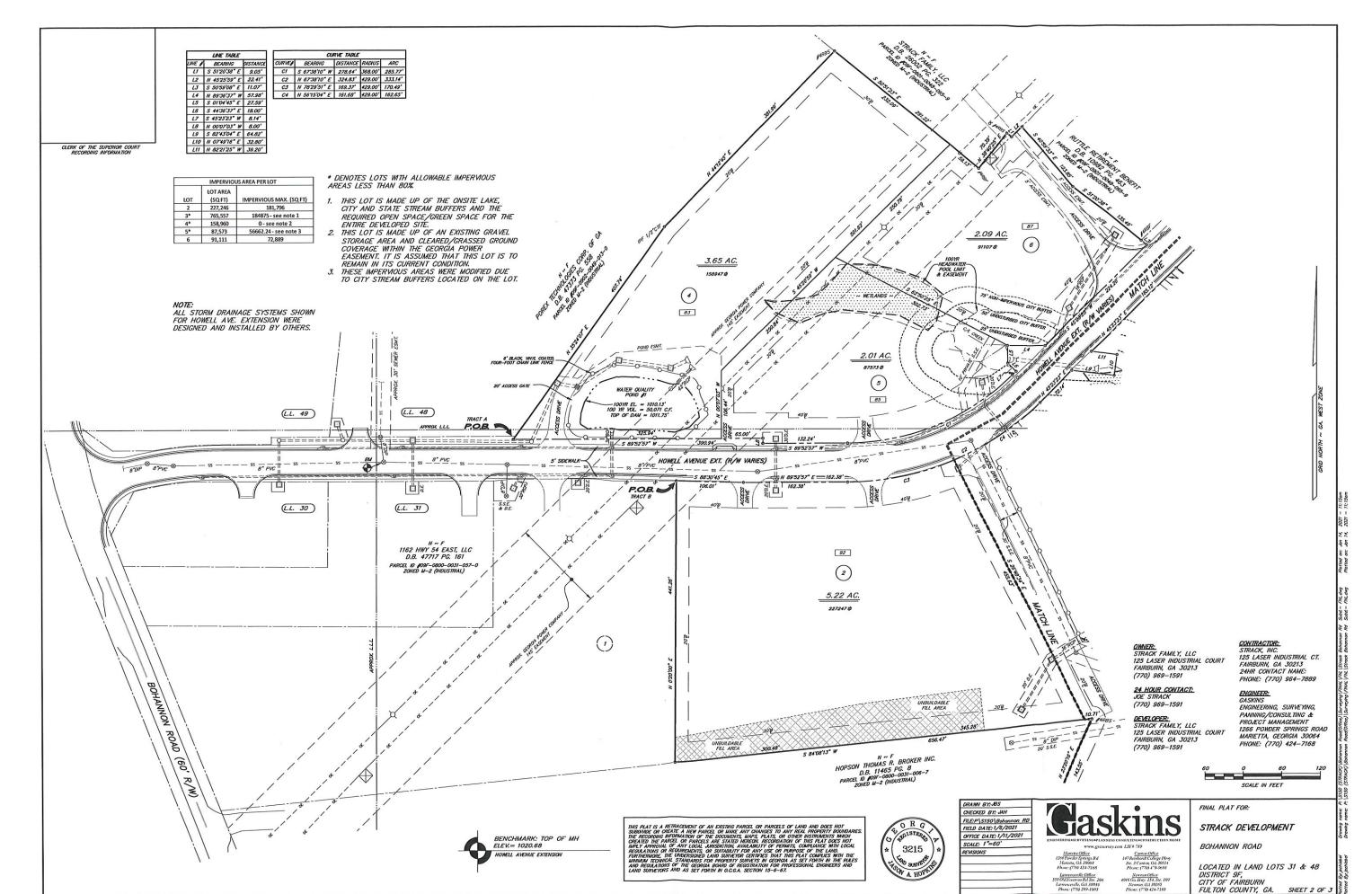
Lot	Acreage
2	5.22
4	3.65
5	2.01
6	2.09



The plat was reviewed by staff and meets all the current regulations of the City Ordinances.

**RECOMMENDATION:** Staff recommends **APPROVAL** of the Strack Development Final Plat.

Attachment: Strack Development Final Plat



REFS



## CITY OF FAIRBURN PLANNING & ZONING COMMISSION AGENDA ITEM

SUBJE	CI: REZUNING (2	02020.	1) – LEGEND CREEK PHAS	SE II	
	AGREEMENT ORDINANCE	` '	POLICY / DISCUSSION RESOLUTION	( ) CONTRACT ( X ) OTHER	
Planning and Zoning Commission 02/02/21 Mayor and City Council: 03/08/21					
<b>DEPARTMENT</b> : Community Development/Planning and Zoning					
BUDGE	T IMPACT: None				
<u>PUBLIC</u>	CHEARING: ( ) Y	es	(X)No		
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<u>PURPOSE</u>: For the Planning and Zoning Commission to make a recommendation to the Mayor and City Council on a rezoning petition to allow a single-family residential development.

<u>**DESCRIPTION:**</u> The applicant seeks to rezone 55.53 acres from R-1 (Single Family Residential) and R-2 Single Family Residential) to R-3 (Single Family Residential) to allow the development of 76 single family residential lots.

STAFF RECOMMENDATION: <u>APPROVAL CONDITIONAL</u>

#### APPLICATION INFORMATION

#### Rezoning 2020201 - Legend Creek Phase II

APPL	ICANT/PETITIONER	R INFORMATION
		9/1. 7/1

**Property Owner** 

Petitioner

Boan Investments, LLC

Land Engineering, Inc.

Brian Petershagen

Micah Cardin

#### PROPERTY INFORMATION

L A	dress	

0 White Mill (parcel ID # 07150001720950)

0 Rivertown Road (parcel ID # 07160101710017)

0 Rivertown Road (parcel ID # 07160101710181)

0 Rivertown Road (parcel ID # 07160101710157)

0 Rivertown Road (parcel ID # 07160101710074)

0 Rivertown Road (parcel ID # 07160101710058)

0 Rivertown Road (parcel ID # 07160101710041)

0 Lake Esther Drive (parcel ID # 09F180000710736)

0 Herndon Road (parcel ID # 09F190000920797) 0 Vogue Circle (parcel ID # 07160301700073)

6452 Lake Esther Drive (parcel ID # 07160101710140)

**Land Lot and District:** 

Land Lot 171, 172, 71, 92 District 7

White Mill Road Frontage:

55.53 acres Area of Property:

R-1 (Single Family Residential) and R-2 (Single Family Residential) **Existing Zoning and Use:** 

**Overlay District:** N/A

Prior Zoning Cases/History:

The rezoning for Legend Creek Phase I was approved by the City Council on

February 9, 2004. The land disturbance permit was approved in April 2019.

2035 Comprehensive Future

Land Use Map Designation:

Rural Residential and Low Density Residential

#### MEETING AND HEARING DATES

Planning and Zoning Commission Meeting

**Mayor and City Council Public Hearing** 

Tuesday, February 2, 2021

Monday, March 8, 2021

#### INTENT

A request to rezone 55.53 acres from R-1 (Single Family Residential) and R-2 Single Family Residential) to R-3 (Single Family Residential) to allow the development of 76 single family residential lots.

#### **SURROUNDING ZONING**

North: R-2 (Single Family Residential) and City of South Fulton

East: R-2 (Single Family Residential), R-1 (Single Family Residential), and R-3 (Single Family Residential)

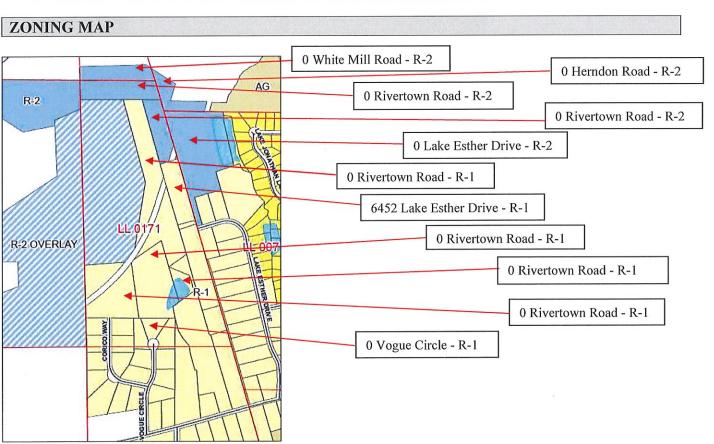
South: R-1 (Single Family Residential)

West: R-2 (Single Family Residential), R-2 Overlay (Single Family Residential/Green Communities), and City of South

**Fulton** 

#### SITE MAP





#### PUBLIC PARTICIPATION

The applicant held a public meeting via Zoom on Monday, January 18, 2021 at 6:00 p.m. Property owners within 500 feet of the sibject properties were invited to the meeting. There were approximately 72 letters sent certified mail. Based on the applicants public participation report, ten (10) people joined the meeting. Most of the participants were property owners within the City of South Fulton.

#### STAFF COMMENTS

Engineering/Public Works: No comments at the time.

Fire: No comments at this time.

Water and Sewer: No comments at this time.

#### **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 R-1 (Single Family Residential) and R-2 (Single Family Residential) to R-3 (Single Family Residential) to allow the development of 76 lot single family residential lots.

Staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby properties. The surrounding area consists of: R-2 (Single Family Residential) and City of South Fulton to the north, R-1 (Single Family Residential), R-2 (Single Family Residential), and R-3 (Single Family Residential) the east, R-2 (Single Family Residential), R-2 Overlay (Single Family Residential/Green Communities), and City of South Fulton to the west and R-1 (Single Family Residential) to the south. The subject properties are surrounding by single family residential uses.

- B. Does the proposal adversely affect the existing use or usability of adjacent or nearby property? Staff is of the opinion that the proposal if approved will not have an adverse impact on the use or usability of adjacent or nearby properties.
- 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?

#### **Traffic Improvements**

The construction of Legend Creek Phase I will include decel lanes and an overlay of the entire width of the roadway at the subdivision's entrance and the installation of 5-ft sidewalks along the street frontage (White Mill Road) and along both sides of internal streets throughout the development. The developer will be required to conduct a traffic study to determine existing traffic operating conditions in the vicinity of the proposed development, project future traffic volumes, assess the impact of the subject development, and develop conclusions and recommendations to mitigate the project traffic impacts and ensure safe and efficient existing and future traffic conditions in the vicinity of the project.

#### **Impact on Schools**

At present, the local elementary school and middle school are projected to be slightly over capacity for the 2020-2021 school year. Any residential development on the subject site, whether the site is rezoned or remains at its current zoning, will increase the elementary and middle schools' populations above the 2020-2021 baseline numbers. The school system addresses population increases using "portable classrooms or other measures that may be needed to accommodate the instructional needs of the school," as stated in the Fulton County School's Rezoning Impact Statement. The home schools for the Legend Creek Phase II subdivision are Evoline C. West Elementary, Bear Creek Middle, and Creekside High Schools.

#### Impact on Water and Sewer

The area is primarily serviced by the City of Atlanta water. The City of Fairburn sewer lines are in the vicinity of the proposed lots. There should be adequate water supply and sewer capacity for the proposed development.

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

The Future Land Use Map shows that the proposed residential development lies within two residential density categories, rural residential and low density residential. The rural residential character area is meant to preserve a rural feel and transition to the very low-density uses in the rural areas surrounding the City of South Fulton, Fayette, and Coweta counties. One acre or larger lots are appropriate in these areas and the low density residential character area is suburban in nature with one third to one acre lots. Approximately 27.83 acres of the proposed development lies within the rural residential character area, and 27.70 acres are within the low density character area.

The appropriate land uses for the residential character area are:

- Single Family Residential
- o Parks/Playgrounds
- o Golf Courses
- o Schools
- Churches

The appropriate zoning districts for the residential character areas are AG (Agricultural), R-1 (Single Family Residential), R-2 (Single Family Residential), R-3 (Single Family Residential), and R-4 (Single Family Residential).

The development strategies for the residential character areas are:

- o Stable, safe, well maintained neighborhoods that maintain their value over time.
- o Allow for a variety of homes styles, materials, and lot sizes.
- o Accommodating to pedestrians and cyclists to allow for alternative access to 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?

Staff is of the opinion that the proposal would not permit a use which could be considered environmentally adverse to the natural resource, environment, or citizens of Fairburn.

#### STAFF RECOMENDATION

It is the opinion of staff that the rezoning request is in conformity with the current Future Land Use Map, which recommends low density residential for approximately 27.70 acres of the subject property and rural residential for 27.83 acres. The development is consistent with the existing subdivisions and surrounding residential uses. Also, the proposal is consistent with the Comprehensive Plan goals which are to: 1.) create stable, safe, well maintained neighborhoods that maintain their value over time, and 2.) allow for a variety of home styles, materials, and lot sizes. Therefore, based on these reasons, staff recommends **APPROVAL CONDITIONAL** of the rezoning petition.

Should the Mayor and City Council decide to approve the rezoning from R-1 (Single Family Residential) and R-2 (Single Family Residential) to R-3 (Single Family Residential) to allow the development of 76 single family residential lots, 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 the owner's agreement to restrict the use of the subject property as follows:
  - 1. Single-family Residential:
    - a. A maximum of 76 lots shall have a minimum square footage of 14,520 square feet (1/3 acre).
  - 2. The minimum heated floor area shall be a minimum of 1,600 square feet.
- B. To the owner's agreement to abide by the following:
  - 1. The property shall be developed in substantial conformity with the Conceptual [Zoning] Site Plan prepared by Land Engineering stamped received January 26, 2021 and attached as Exhibit A. Any determination as to "substantial conformity" and deviation from the site plan shall be approved by Department of Community Development staff. The site plan is conceptual only and must meet or exceed the requirements of the City's regulations prior to the approval of a Land Disturbance Permit.
  - 2. Property maintenance shall be accomplished through a homeowner's association in which membership shall be mandatory. Such maintenance shall encompass all individual lots and all common areas that are not contained within the boundaries of individual lots. Such association by-laws shall be subject to approval by the City Administrator and shall be recorded with covenants that shall be subject to approval by the City Administrator.
- C. To the owner's agreement to the following site development considerations:
  - 1. Building setbacks as follows:
    - a. Front: 35 feet
    - b. Side: 10 feet
    - c. Rear: 30 feet
  - 2. Facades of the homes shall be constructed with a combination of two or more of the following materials: fiber-cement siding, wood shake, clapboard, brick, and/or stone. The use of vinyl or EIFS (synthetic stucco) is strictly prohibited.
  - 3. Two car garages shall be provided for each single-family house.
  - 4. Five-feet sidewalks shall be provided along both sides of internal streets throughout the development and shall be designed to provide inter-connectivity to amenities areas.
  - 5. Pedestrian-scale street lightning shall be provided along both sides of internal streets throughout the development.
  - 6. All utilities shall be installed underground throughout the project area.
  - 7. The Developer shall install a canopy or understory tree in the front yard of each single-family lot. Both front and rear yards shall be sodded.
  - 8. The Developer shall conduct a traffic study and submit the study to the Community Development Department prior to the issuance of the land disturbance permit.

#### **ATTACHMENTS**

Letter of Intent

Conceptual [Zoning] Site Plan dated, January 26, 2021



1601 S Zack Hinton Parkway McDonough, GA 30253 T: 678-814-4346 F: 678-814-4348

12/14/2020

City of Fairburn
Planning and Zoning Department
26 W. Cambellton St
Fairburn, Ga 30213

Re: Rezoning Application for Legend Creek Ph II

To whom it may concern:

The subject property, shown on the attached survey and concept plan, consists of 11 individual parcels. The subject properties are zoned both R-1 and R-2. The owner and applicant and proposing a R-3 zoned subdivision on the subject property. The proposed concept shows approximately 80 one-third acre lots on +/- 55 acres. Adjacent to the subject property is Legend Creek Ph I, a similar zoned development (R-3 Green Communities Overly District). The owner and applicant are seeking to rezone the subject property from R-2 to R-3 due to the topography of site. Rezoning the property from R-1 and R-2 to R-3 will allow the lot sizes to be reduced to 1/3 acre lots. The reduction in lot sizes will allow the development to work with the topography instead of hindering it. The owner and applicant intend to preserve the buffered areas and wetlands as well as keep the natural feel of this property while developing the land. The owner and applicant believe this development will be a beautiful addition to the surround neighborhoods and the City of Fairburn.

Sincerely,

LAND ENGINEERING, INC.

Micah A. Cardin

12/14/2020

Micah Cardin

