



## Planning and Zoning Commission

### AGENDA

Tuesday, April 6, 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

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- Call to Order
- Determination of a Quorum
- Approval of the Meeting Agenda
- Approval of February 2, 2021 Meeting Minutes
- Public Hearing
  - **Primary Variance 2021035 - Everton Commons:** A request to allow a 12' encroachment in the 25' undisturbed natural buffer, which is a reduction of the buffer from 25' to 13' for approximately 352 linear feet.
- Old Business
- New Business
- Staff Report
- Commissioner Comments
- Adjournment

CITY OF FAIRBURN



## PLANNING AND ZONING COMMISSION MEETING MINUTES

City Hall  
56 Malone Street  
Fairburn, GA 30213  
Tuesday, February 2, 2021  
7:00 p.m.

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

Elise Stoney, Chair  
Elizabeth Echols, Vice-Chair  
Tony Smith  
Anthony Stewart  
Jerry Williams

Director of Planning and Zoning: Tarika Peeks  
City Attorney: Valerie Ross

- I. **MEETING CALLED TO ORDER:** By Chair Stoney
- II. **ROLL CALL:** All members of the Planning and Zoning Commission were present
- III. **APPROVAL OF AGENDA:** Commissioner Williams made a motion to **APPROVE** the February 2, 2021 agenda. Vice-Chair Echols seconded. **THE MOTION CARRIED.**
- IV. **APPROVAL OF PREVIOUS MEETING MINUTES:** Commissioner Williams made a motion to **APPROVE** the January 5, 2021 minutes. Vice-Chair Echols seconded. **THE MOTION CARRIED.**
- V. **PUBLIC HEARING:** None
- VI. **OLD BUSINESS:** None
- VII. **NEW BUSINESS:**

**Final Plat 2021024 – Strack Development (Howell Avenue)**

**SUMMARY/STAFF PRESENTATION:** A request to approve the revised final plat for the Strack Development.

**OPPOSITION:****LYDIA GLAIZE:**

Ms. Glaze stated that her concerns with the development was the schools that were already beyond capacity within the city and the extra traffic that would be going through White Mill Road onto Highway 92.

**LUCAS BENKIN:**

Mr. Benkin asked for more information about the protections of the creek and the storm water management facilities. Ms. Peeks replied that any body of water that would be on the site would have to maintain a 25-foot state buffer, 25-foot local buffer, and 25 foot impervious buffer. She stated that it would be a 75-stream buffer around all bodies of water that would be on the property and the development is not encroaching into the buffer area without going through the variance process with the City of Fairburn or State of Georgia.

**KANDENCE ROBINS:**

Ms. Robins stated her concerns with the development is the safety for the children in the community and the affect the construction will have for the residence on White Mill Road. Ms. Peeks replied that the construction of phase I was already approved in 2004 and what was before the Commissioners was Phase II which was the 76 single family homes. Ms. Peeks stated that one of the conditions is for the applicant to submit a traffic study for the engineering office to review before the land disturbance permit is issued.

**BOBBY SIRRECE (6743 RIVERTOWN ROAD):**

Mr. Sirrece stated his concern was that it does not fit the community and once the wooded area is cleared there would be an animal control issues with foxes, coyotes, etc. He stated that he wanted to know if there would be any chemical testing done for any spills and would the development having fencing.

**REGNOLD EPPINGER (6850 WHITE MILL ROAD):**

Mr. Eppinger stated he had concerns about the infrastructure and the roads with trucks and potholes and it is not being maintain. He stated that a lot of the homes on White Mill Road and Rivertown Road are on a slop and a lot of developers do not come back to correct the problems.

**LILLY RICHARDS (6725 RIVERTOWN ROAD):**

Ms. Richards stated her concerns were that it would be too many houses and the roads cannot handle the current traffic that goes through the area, and the sewer and septic tanks was another concern as well as wildlife.

**BENNITA SANDERS-MITCHELL (6380 WHITE MILL ROAD):**

Ms. Sanders Mitchell stated a traffic study at this time will give false number with kids not attending school right now. She stated that a traffic study with the pandemic will not give the correct numbers with residence working from home and kids attending school from home as well.

**LYNN PRIGMOORE (6645 CORICO WAY):**

Ms. Prigmoore stated that she would like to know where the southside entrance would be located and she was not opposed to new homes but that would be a lot of homes and traffic.

**JANE STORY (601 DUCKBILL COURT):**

Ms. Story stated that the traffic on White Mill Road was horrible and her concerns was with the overcrowded of the schools, and she stated that the community did not need 1/3 acre lots but at least ½ acre lots or in the rural areas 1 acre lots.



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

Date: April 6, 2021  
To: Planning and Zoning Commission  
From: Tarika Peeks, Director of Planning and Zoning  
Agenda Item: **2021035 – Everton Commons** – To allow a 12' encroachment in the 25' undisturbed vegetated buffer, which is a reduction of the buffer from 25' to 13' for approximately 352 LF.

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**AGENT/APPLICANT/PETITIONER INFORMATION**

Applicant: Everton Commons L.P.  
Property Owner: Judy T. Hight

**PROPERTY INFORMATION**

Address	0 Brooks Drive
Parcel Number, Land Lot(s) and District:	09F090400511263, Land Lot 51, District 25
Size:	+/- 6.499 acres
Current Zoning:	RM-36 (Multi-family Residential)
Overlay District:	N/A
Comprehensive Plan/Future Land Use:	Town Center Mixed Use

**INTENT**

The applicant is requesting a primary variance as follows:

- 1.) To allow a 12' encroachment in the 25' undisturbed vegetated buffer, which is a reduction of the buffer from 25' to 13' for approximately 352 linear feet and 1,852 square feet of impact to the buffer. – Article X. Buffers and Open Space, Section 80-372 District buffer standards

The applicant states in the letter of intent that the primary purpose of the variance is to satisfy the Georgia Historic Preservation Division's requirement of a 30' undisturbed buffer adjacent to the Fairburn cemetery. The 30' undisturbed buffer is required for the Georgia Department of Community Affairs to fund the development.

**STANDARDS FOR CONSIDERATION**

Section 80-251 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Planning and Zoning Commission:

- A. *"Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of this chapter."*
- B. *"The application of the particular provision of this chapter to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape or topography, would create an unnecessary hardship for the owner while causing no detriment to the public."*
- C. *"Conditions resulting from existing foliage or structure brings about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from adjoining public road".*

## VARIANCE ANALYSIS

The applicant, Everton Commons, LP, is proposing to construct a 78-unit multi-family development on 6.499 acres. The Mayor and Council approved the rezoning of the subject property from O&I (Office Institutional) to RM-36 (Multi-family Residential) on January 27, 2020. The city's buffer standards, Section 80-372, require RM-36 properties to maintain a 25' undisturbed vegetated buffer when it abuts a single-family residential zoning district. Parcels located on the west side of the subject property are zoned R-1 (Single-family Residential); therefore, a 25' undisturbed vegetated buffer is required. The applicant is requesting to encroach in the 25' buffer by 12', which is approximately 352 linear feet.

The applicant is requesting the variance due to the Georgia Historic Preservation Division requirement of a 30' undisturbed buffer between the multi-family development and the Fairburn cemetery. To maintain the 30' buffer, the development must shift towards the west, which causes an encroachment in the 25' buffer area. The 30' buffer requirement was not known before the rezoning.

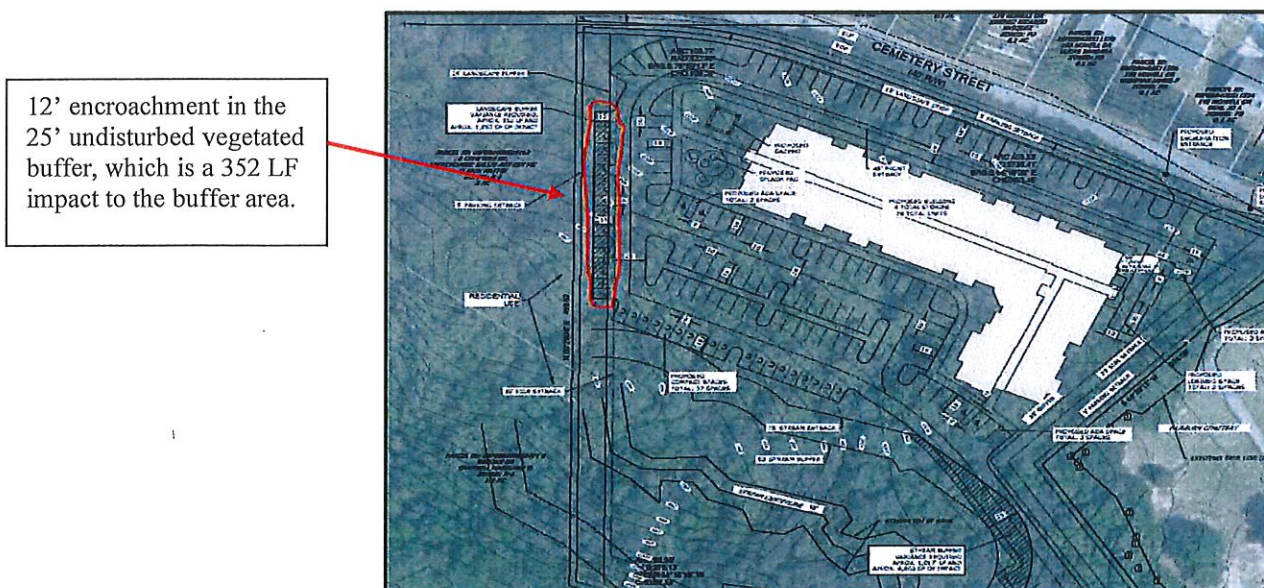
**A. "Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of this chapter."**

The purpose of a buffer is to protect adjacent or other properties from potential nuisances associated with neighboring uses and to protect the public from unsightly views along public rights-of-way. Such nuisances may include dust, litter, odor, noise, glare, and unsightly buildings, uses, or parking areas. They are further intended to preserve and enhance the aesthetic qualities, character, privacy, and land values of the property within the city.

The applicants' request to reduce the buffer by 12' will not eliminate the entire buffer area; 13' of the buffer shall remain, resulting in adequate buffering between the adjacent properties. Also, the buffer encroachment only impacts 352 linear feet of the buffer, which is not the entire length of the buffer area. The remaining 25' buffer located on the west side of the subject property will not be impacted and the remaining buffer will provide a visual obstruction of the adjoining property. See Exhibit A below.

Relief from the 25' undisturbed vegetated buffer requirement by 12' in the area identified by the applicant will not jeopardize harmony with the general purpose and intent of Chapter 80. Zoning, Article X – Buffer and Open Space. Staff is of the opinion that granting the variance would not adversely affect the adjacent properties and cause any potential nuisances associated with use of the subject property because a large portion of the buffer will remain; only 352 LF of the buffer will be impacted, which allows majority of the buffer to remain intact.

**Exhibit A**





B. *"The application of the particular provision of this chapter to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape or topography, would create an unnecessary hardship for the owner while causing no detriment to the public."*

N/A

C. *"Conditions resulting from existing foliage or structure brings about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from adjoining public road".*

N/A

#### **RECOMMENDATION**

Staff has reviewed the request for relief as it pertains to the variance considerations in Section 80-251 of the City of Fairburn Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** of the primary variance request to allow a 12' encroachment in the 25' undisturbed vegetated buffer, which is approximately 352 LF.

#### **ATTACHMENTS**

Letter of Intent

Variance Considerations

Site Plan

# WENDOVER

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## HOUSING PARTNERS

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

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

1/25/2021

Fairburn Letter of Intent for Landscape Variance Application:

Wendover Housing Partners are proposing to develop 78 units of Multi-family located at tax parcel ID: 09F090400511263. We are applying for a landscape buffer variance. The Historic Preservation Division is required by Georgia Department of Community Affairs to evaluate the proposed site. This is a requirement for DCA to fund the development and have all issues that HPD finds resolved prior to funding. HPD has asked us to provide a 30 foot undisturbed buffer between our site and the Fairburn Cemetery. We are asking the Planning and Zoning Commission to allow us to build in 12 feet of the 25 foot landscape buffer on the back portion of the site. This would alleviate HPD's concern on the 30 foot buffer between our site and the Fairburn Cemetery. The HPD requirement was not known during rezoning.

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 20 years.

SINCERELY,

Bo Johnston

WENDOVER HOUSING PARTNERS



**CHECK ONE OF THE FOLLOWING REQUESTED VARIANCE TYPES IN SECTION II.**

**SECTION II VARIANCES REQUIRING PUBLIC HEARING BY THE PLANNING AND ZONING COMMISSION OR CITY COUNCIL**



1) **PRIMARY VARIANCE:** Seeks relief from any provision in the Zoning Ordinance that is not being handled as a minor variance or administrative minor variance.



2) **SECONDARY VARIANCE:** Seeks relief from variance decisions and interpretations made by the zoning administrator or relief from minor variance or administrative minor variance requests.

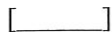


2) **CONCURRENT VARIANCE:** Seeks relief from any provision in the Zoning Ordinance when filed simultaneously with a rezoning, use permit, or zoning modification request on the same property.

**MINOR & ADMINISTRATIVE MINOR VARIANCES**  
**[NO PUBLIC HEARING REQUIRED]**



1) **MINOR VARIANCE:** Seeks relief from the minimum yard requirements, not to exceed 10% of required setback (example: 35-foot front yard = 3.5-foot variance)



2) **ADMINISTRATIVE MINOR VARIANCE:** Relief requiring 1 foot or less from required building setback

**VARIANCE CONSIDERATIONS:**

1) Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of this chapter; or

Yes, relief, if granted, could be made to be in harmony with the general purpose and intent of this chapter. Over half of the buffer would remain.

2) The application of the particular provision of this chapter to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or

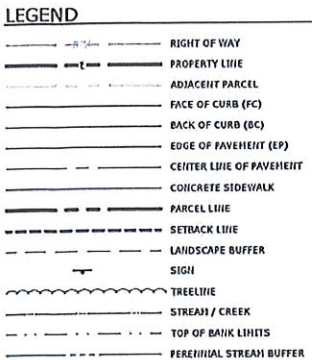
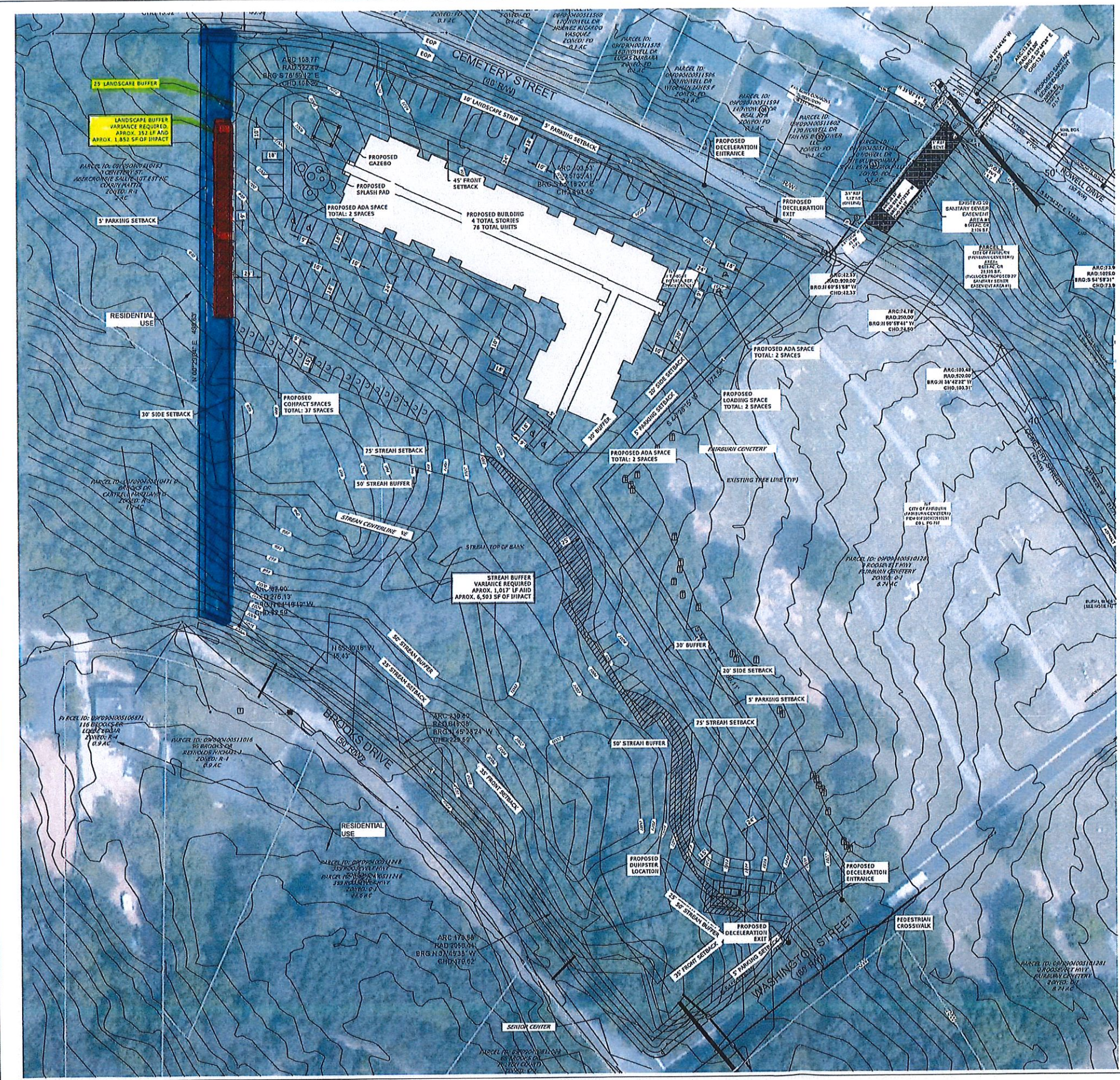
The Historic Preservation Division that we have to submit to as a Georgia Department of Community Affairs requirement, is requiring a 30 foot undisturbed buffer between our proposed site and the Fairburn Cemetery. There's a landscape buffer on the other side of the site. That's why Wendover is requesting a stream buffer variance.

3) Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.

N/A



Note: The red color represents the 12' [352 LF] encroachment in the 25' buffer and blue color represent the 25' buffer area.



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

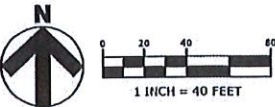
DEVELOPER:

BO JOHNSTON  
(407) 333-3233 EXT. 226  
BJOHNSTON@WENDOVERGROUP.COM  
1105 KENSINGTON PARK DRIVE, SUITE 200  
ALTAMONTE SPRINGS, FL 32714

**SITE DATA:**

TOTAL SITE ACRES:	16.499 ACRES
TOTAL SQUARE FEET:	3,240,934 SQ. FT.
SUBJECT PARCEL:	037000400511263
CURRENT ZONING:	03A-OFFICE AND INSTITUTIONAL
PROPOSED ZONING:	RH-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 ADJUTING LOW DENSITY RESIDENTIAL
REQUIRED BUFFER:	4 STORIES/78 UNITS -27 1BR/1BA -19 2BR/2BA -12 3BR/2BA
PROPOSED BUILDING:	156 SPACES (2 SPACES/UNIT) 156 SPACES -6 ADA SPACES REQUIRED/PROVIDED -39 COMPACT SPACES PROVIDED (ALLOWED BY MAX/25% OF REQUIRED PARKING) -111 REGULAR SPACES PROVIDED
REQUIRED PARKING:	4122,133 SQ. FT. (44% OF TOTAL SITE) 4158,801 SQ. FT. (56% OF TOTAL SITE)
PROPOSED PARKING:	TOTAL STREAM BUFFER IMPACT IS APPROXIMATELY 4,017 LF AND 6,503 SF TOTAL LANDSCAPE BUFFER IMPACT IS APPROXIMATELY 4,352 LF AND 1,852 SF -DUE TO SITE LIMITATIONS THERE IS NO OPPORTUNITY TO PROVIDE MITIGATION ON SITE -FIRE CODE REQUIRES TWO ACCESS POINTS TO THE SITE, DUE TO SITE CONDITIONS THERE ARE NO ALTERNATIVE THAT WILL NOT INCLUDE SOME BUFFER IMPACT -A STORMWATER MANAGEMENT PLAN DOES NOT APPLY TO THIS VARIANCE REQUEST
TOTAL BUILDABLE AREA:	
TOTAL OPEN SPACE:	
VARIANCE NOTES:	

NOTE: DRAWINGS CREATED FROM SURVEY INFORMATION PROVIDED BY LECRAW ENGINEERING, INC AND FULTON COUNTY GIS DATA. THE DRAWINGS ARE PRELIMINARY AND NOT TO BE USED FOR CONSTRUCTION. THESE ARE TO BE USED AS CONCEPTUAL PLANS FOR THE REZONING SUBMITTAL ONLY.



WENDOVER HOUSING PARTNERS  
EVERTON COMMONS  
MULTI-FAMILY  
DEVELOPMENT  
FAIRBURN, GA

CONCEPTUAL SITE  
PLAN LAYOUT  
ISSUE:  
DATE:  
04-10-2020  
JOB NO.:  
DESIGN:  
DRAWN:  
CHECKED:  
SHEET NO.  
C-100