



Planning and Zoning Commission

AGENDA

Tuesday, May 3, 2022 ♦ 7:00 p.m.

- **Call to Order**
- **Determination of a Quorum**
- **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 Director of Planning and Zoning for review. Responses will be provided at a later date.
- **Approval of the Meeting Agenda**
- **Approval of March 1, 2022, Meeting Minutes**
- **Public Hearing**
- **Old Business**
- **New Business**
 - **Rezoning 2022030 Liberty Communities, LLC**
6790 Johnson Road
Request: To rezone 46.1 acres from AG (Agriculture) to R-4 (Single-family Residential) to develop a 175-lot single-family residential subdivision.
 - **Rezoning 2022031 Hernan Creek**
7240 Herndon Road
Request: To rezone 26.35 acres from AG (Agriculture) to R-4 (Single-family Residential) to develop a 57-lot single-family residential subdivision.
- **Staff Report**
- **Commissioner Comments**
- **Adjournment**

CITY OF FAIRBURN



PLANNING AND ZONING COMMISSION MEETING MINUTES

City Hall
56 Malone Street
Fairburn, GA 30213
Tuesday, March 1, 2022
7:00 p.m.

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

Elizabeth Echols, Chair
Anthony Stewart, Vice-Chair (*Absent*)
Jerry Williams
Tony Smith
Jason Jones
LaVone Deavers
Michelle James

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

- I. **MEETING CALLED TO ORDER:** The meeting was called to order at 7:00 p.m. by Tarika Peeks.
- II. **ROLL CALL:** A quorum was determined, and the meeting proceeded.
- III. **PUBLIC COMMENTS:** None
- IV. **APPROVAL OF AGENDA:** Commissioner Williams made a motion to **APPROVE** the agenda. Commissioner Jones seconded. **THE MOTION CARRIED.**
- V. **APPROVAL OF PREVIOUS MEETING MINUTES:** Commissioner Williams made a motion to **APPROVE** the February 1, 2022, minutes. Commissioner Deavers seconded. **THE MOTION CARRIED.**
- VI. **PUBLIC HEARING:** None
- VII. **OLD BUSINESS:** None
- VIII. **NEW BUSINESS:**

Text Amendment 2022-001TA Small Box Discount Retail Stores in the C-1 (Neighborhood Commercial), C-2 (General Commercial), and M-1 (Light Industrial) Zoning Districts. Consideration of an amendment to Chapter 80 Zoning, Article II, Section 80-83 C-1 (Neighborhood Commercial), Section 80-84 C-2 (General Commercial), and Section 80-85 M-1 (Light Industrial) to add a 1,500 feet distance separation for small box discount retail stores.

SUMMARY/STAFF PRESENTATION:

Ms. Peeks provided a detailed description of the small box retail stores which are Family Dollar, Dollar Tree, and Dollar General. Currently, there are two (2) in the city limits, one on Highway 74 and one on Highway 29. If approved, the text amendments will go to City Council on March 28th for review and consideration to add 1,500 feet distance between small box discount retail stores. Staff recommends approval to Mayor and Council for Text Amendment 2022-001TA in zones C-1, C-2, and M-1.

Commissioner James needed clarification as to why the distance between small box discount retail stores is needed. Ms. Peeks generalized the overall intent is to not have a proliferation of small box retail discount stores within the boundaries of the City. Commissioner James inquired if there is a limitation on the number of stores or can they be 3,000 feet apart. Ms. Peeks stated it is measured from property line to property line and a 1,500 feet separation distance would need to be met. In areas like Highway 29 and Highway 74 districts, staff is proposing for the small box retail stores to be prohibited. Attorney Valerie agreed with Ms. Peeks' statement and expounded on the intent is to not have a proliferation of small box retail stores.

Commissioner Williams wanted clarification as to whether Family Dollar has to be within 1,500 feet of another Family Dollar or it can not be 1,500 feet of any small retail box store, no matter what kind, the distance is required. Ms. Peeks defined a small box retail store. If a store falls under the category of the small box retail store, then no it would not be able to be within 1,500 feet of another small box retail store. Commissioner Williams inquired about a limit of small box retail stores within the City limits. Ms. Peeks stated whether the applicant can meet the 1,500 square feet, would categorize how many stores you can have within the City altogether as well as zoning.

Commissioner Williams would like to suggest clarification to be added to the text amendment, the total number of small box retail stores can be within the city limits. Attorney Ross stated the best way, without being challenged (Equal Protection Claim) is to add a distance requirement regulation. This regulation is a constitutional way to achieve the goal from a planning standpoint. It would be a legal way to regulate these types of uses without prohibiting or putting a cap on them. Commissioner Williams asked if the Attorney felt that under the current requirements the distance is regulating these types of businesses. Attorney Ross stated, that yes she believed there was a map or a document that would show where they could go or how it would look with the distance requirements in place. Ms. Peeks reaffirmed what Attorney Ross stated.

Commissioner Jones wanted clarification on whether there would be prohibited use for Highway 74 or just Highway 29 and the 1,500 feet for the remainder of the city. Ms. Peeks clarified that the prohibited use of small box retail stores is for Highway 29 and Highway 74. Commissioner Jones wanted to know where he could find that information. Ms. Peeks identified the information as in the third text amendment (2022-003TA).

Commissioner Williams made a motion to recommend **APPROVAL** of Text Amendment 2022-001TA. Commissioner Smith seconded. **THE MOTION CARRIED.**

Text Amendment 2022-002TA Small Box Discount Retail Stores in the Highway 29 Overlay District. Consideration of an amendment to Chapter 80 Zoning, Article II, Section 80-89 Highway 29 Overlay District to add small box discount retail stores as a prohibited use within the boundaries of the overlay district and to add a definition for small box discount retail stores.

SUMMARY/STAFF PRESENTATION:

Ms. Peek provided a detailed description of Text Amendment 2022-002TA Small Box Discount Retail Stores in the Highway 29 Overlay District and to add a definition for small box discount retail stores. Staff recommends approval to Mayor and Council for Text Amendment 2022-002TA.

Commissioner Williams made a motion to recommend **APPROVAL** of Text Amendment 2022-002TA. Commissioner Deavers seconded. **THE MOTION CARRIED.**

Text Amendment 2022-003TA Small Box Discount Retail Stores and Self-Storage Facilities in the Highway 74 Overlay District. Consideration of an amendment to Chapter 80 Zoning, Article II, Section 80-90 Highway 74 Overlay District to add self-storage facilities and small box discount retail stores as prohibited uses within the boundaries of the overlay district.

SUMMARY/STAFF PRESENTATION:

Ms. Peek stated Text Amendment 2022-003TA is to add Small Box Discount Retail Stores and Self-Storage Facilities to the list of regulations in the Highway 74 Overlay District and add a prohibition of a self-storage facility on Highway 74. Currently, there are two (2) Compass Self Storage and one that is under construction, behind Quiktrip. Staff is recommending approval to Mayor and Council for Text Amendment 2022-003TA.

Commissioner Williams made a motion to recommend **APPROVAL** of Text Amendment 2022-003TA. Commissioner James seconded. **THE MOTION CARRIED.**

Text Amendment 2022-004TA Highway 74 Overlay District Restaurants, drive-through. Consideration of an amendment to Chapter 80 Zoning, Article II, Section 80-90 Highway 74 Overlay District to add an exception to allow restaurants with drive-throughs that have a minimum of 4,000 square feet of gross floor area and 50% of the gross floor area designated for a dining room.

SUMMARY/STAFF PRESENTATION:

Ms. Peek expressed that during a city-wide zoning audit that was performed in October 2019, a restriction was added on fast food restaurants with drive-throughs. They were required to have a 1,500 feet distance separation from any other restaurant within the Highway 74 district that has a drive-through. Due to COVID and the change in the overall restaurant industry, staff began to look at and do research on trends in eating out. The discovery was that certain restaurants such as Jim N Nick's, Jason's Deli, and Panera Bread are now adding drive-throughs as a part of their new developments. In response to the new trend, the research showed that places like McDonald's, Checkers, and Burger Kings fall under a threshold of square footage and they do not have much dining room space. We are researching to find out how to address the issue of the way people are eating out but still make sure we do not allow the undesirable restaurants, like the traditional fast-food restaurants, and to allow more casual restaurants like Jim N Nick's, Jason's Deli and Panera Bread. We are proposing to amend the current ordinance that addresses fast food, drive-through restaurants by adding a minimum of 4,000 square feet of gross floor area and 50% of the gross area designated for a dining room. Staff is recommending approval to Mayor and Council for Text Amendment 2022-004TA.

Commissioner Williams asked if existing businesses with drive-throughs fall under the 4,000 sq. foot, would they be grandfathered in or would they have to meet the new requirements. Ms. Peek replied they would not be able to add a drive-through because they do not meet the square footage requirements.

Commissioner Williams made a motion to recommend **APPROVAL** of Text Amendment 2022-004TA. Commissioner Deavers seconded. **THE MOTION CARRIED.**

Text Amendment 2022-005TA Definitions. Consideration of an amendment to Chapter 80 Zoning, Article XIV, Section 80-478 Definitions, to add a definition for small box discount retail store, modify the definition of a restaurant, drive-through, and move the definition section to Chapter 80, Article I, Section 80-9.

SUMMARY/STAFF PRESENTATION:

Ms. Peek stated that the amendment is an addition to the previous amendments, it is a request to add a definition for small box discount retail store, modify the definition of a restaurant, drive-through, and move the definition (which was moved by mistake) to Chapter 80, Article I, Section 80-9. Staff is recommending approval to Mayor and Council for Text Amendment 2022-005TA.

Commissioner Jones wanted to make sure he was clear on the difference between a drive-through and pick up curbside, that it is not the same, they are different terms. Ms. Peek stated yes, they are different.

Commissioner Williams made a motion to recommend **APPROVAL** of Text Amendment 2022-005TA. Commissioner Smith seconded. **THE MOTION CARRIED.**

Text Amendment 2022-006TA R-4 (Single-family Residential) Zoning District. Consideration of an amendment to Chapter 80 Zoning, Article II, Section 80-75 R-4 (Single-family Residential) zoning district, to amend the minimum front yard setback, minimum rear yard setback, minimum lot area, and minimum lot width.

SUMMARY/STAFF PRESENTATION:

Ms. Peek stated this text amendment is a request to change the R-4 Single Family Residential Zoning District Development standards. Proposing to change the front yard setback from 15 feet to 25 feet. The front yard setback on a collector road/street from 25 feet to 35 feet, minimum rear yard setback from 25 feet to 20 feet, lot area from 0.11 acre to 1/3 acre., (0.11 acre equivalent to 5000 sq. feet and 1/3 acre equivalent to 10,890 sq. feet) and a minimum lot width from 50 feet to 75 feet. During the 2019 zoning audit, the regulations for the R-4 district were changed and staff is proposing to take those development regulations back to the original regulations that were in the 2019 zoning audit. The only difference is the rear setback in 2019 was 30 feet instead of 25 feet, the request is to go to 20 feet. Staff thinks that changing the regulations back to larger lots, wider lot width, and larger front yard setback would help with getting better quality in development by going back to what we had in 2019. Staff is recommending approval to Mayor and Council for Text Amendment 2022-006TA.

Commissioner Smith wanted clarification about 0.11 acre to 1/3 acre.

Commissioner Williams inquired as to whether reducing the rear setback from 25 feet to 20 feet would cause an adverse condition. Ms. Peek stated no staff didn't foresee any adverse actions.

Commissioner Jones clarified that the lot was changing but not the heated square footage. Ms. Peek stated that was correct. Commissioner Jones stated there would be more green, less density, or larger houses. Ms. Peek stated, in theory, you can have a larger square footage house but you are still under the lot coverage.

Commissioner Williams made a motion to recommend **APPROVAL** of Text Amendment 2022-006TA. Commissioner James seconded. **THE MOTION CARRIED.**

Ms. Peek requested to do a point of order due to a typo and clarified that 1/3 acre should be 1/4 acre (10,890 square feet).

Commissioner Williams made a motion to recommend **APPROVAL** of Text Amendment 2022-006TA to change 1/3 acre to 1/4 acre (10.890 square feet). Commissioner Jones seconded. **THE MOTION CARRIED.**

IX. STAFF REPORT: Ms. Peeks welcomed (new member) Ms. Michelle James.

X. COMMISSIONER COMMENTS:

Commissioner James stated that she is glad, interested, and excited to be a part of Planning and Zoning. Commissioner Williams, Commissioner Smith, Commissioner Jones welcomed Ms. James and Jones thanked Ms. Peeks and Attorney Ross for the hard work that was put into generating the information for the meeting. Commissioners Deavers and Chair Echols welcomed Ms. James.

XI. ADJOURNMENT: Commissioner Williams made a motion to **ADJOURN**. Commissioner Deavers seconded. **THE MOTION CARRIED.**

MEETING ADJOURNED: The meeting adjourned at 7:45 p.m.

Approval Signatures	
Date Approved	
Elizabeth Echols, Chairwoman	
Tarika Peeks, Recording Secretary	



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

SUBJECT: REZONING 2022030 LIBERTY COMMUNITIES, LLC

<input type="checkbox"/> AGREEMENT	<input type="checkbox"/> POLICY / DISCUSSION	<input type="checkbox"/> CONTRACT
<input type="checkbox"/> ORDINANCE	<input type="checkbox"/> RESOLUTION	<input checked="" type="checkbox"/> OTHER

Submitted: 04/28/22

Work Session: N/A

City Council: 06/13/22

DEPARTMENT: Community Development, Planning and Zoning Office

BUDGET IMPACT: None

PUBLIC HEARING: ☐ Yes ☒ No

PURPOSE: For Mayor and Council to consider the rezoning of 46.1 acres from AG (Agriculture) to R-4 (Single-family Residential).

HISTORY: N/A

FACTS AND ISSUES: The applicant, Liberty Communities, is requesting to rezone 46.1 acres from AG (Agriculture) to R-4 (Single-family Residential) to develop a 175-lot single-family residential subdivision with frontage on Johnson Road and Gullatt Road. The proposed minimum lot size is 6,200 square feet with an average lot size of 6,929 square feet. There are two proposed ingress and egress points to the subdivision on Gullatt Road. An amenity package includes a walking trail, passive recreational area, and playground with 7.9 acres designated for open space.

The Future Land Use Map has the subject property density category as *Rural Residential*, and this character area is appropriate for one acre or larger lots to preserve a rural feel.

There are two single-family residential subdivisions in the vicinity of the proposed development, Asbury Park and Creekwood Village. Lots in the Asbury Park subdivision are 3,800 square feet and Creekwood Village lots are ¼ acre (10, 890 square feet), which are larger than the proposed development.

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Based on the proposed development's inconsistency with the 2040 Comprehensive Plan and Future Land Use Map, staff's recommendation is **DENIAL**.

APPLICATION INFORMATION

REZONING 2022030 LIBERTY COMMUNITIES, LLC

APPLICANT/PETITIONER INFORMATION

Property Owner
Tarene Farm, LLC

Petitioner
Liberty Communities, LLC

PROPERTY INFORMATION

Address: 6790 Johnson Road (parcel # 07 400001630455)
Land Lot and District: Land Lot 163, District 7

Frontage: Johnson Road and Gullatt Road

Area of Property: 46.1 acres

Existing Zoning and Use: AG (Agriculture) and Undeveloped

Overlay District: N/A

Prior Zoning Cases/History: N/A

**2040 Comprehensive Future Land Use
Map Designation:** Rural Residential

MEETING AND HEARING DATES

Planning and Zoning Commission Meeting **City Council Public Hearing**
Tuesday, May 3, 2022 Monday, June 13, 2022

INTENT

A request to rezone 46.1 acres from AG (Agriculture) to R-4 (Single-family Residential) to develop a 175-lot single-family residential subdivision.

SURROUNDING ZONING

North: AG (Agriculture)

South: AG (Agriculture)

East: PD (Planned Development)

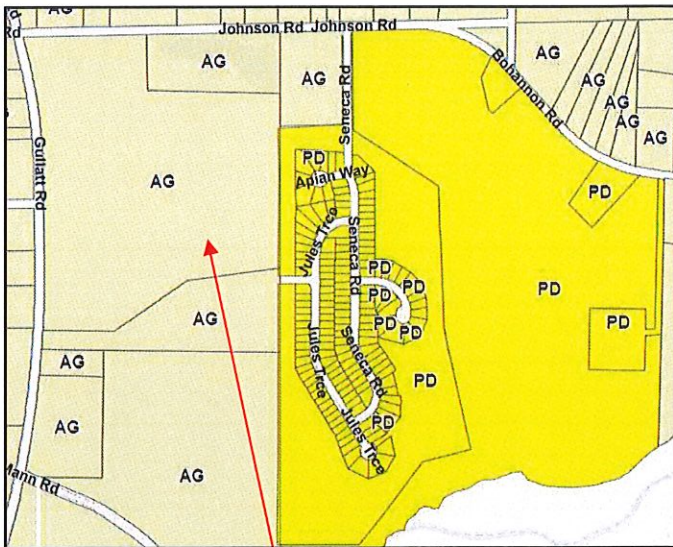
West: AG (Agriculture)

ARIEL MAP

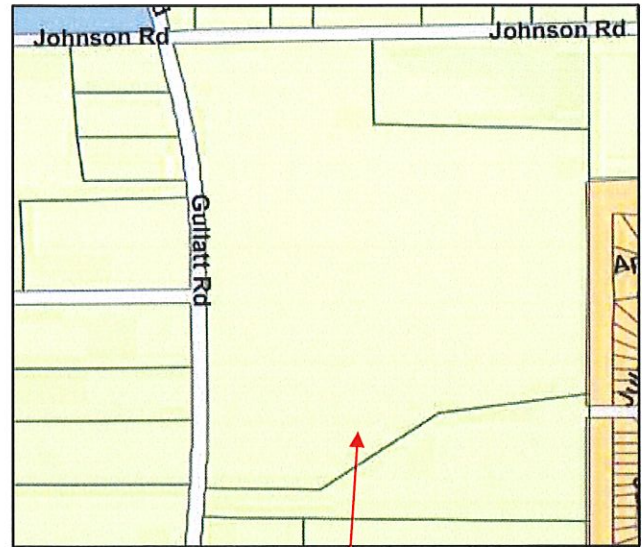


6790 Johnson Road
46.1 acres

ZONING AND FUTURE LAND USE MAPS



AG (Agriculture)



Rural Residential

PUBLIC PARTICIPATION

Property owners within 750 feet of the subject property were invited to attend a community meeting hosted virtually on Thursday, March 24, 2022, at 6:00 p.m. Based on the attendance sheet, fourteen (14) property owners attended the meeting. The applicant mailed letters to approximately 193 property owners.

Based on the applicant's public participation report, the following issues and concerns were expressed:

- Density, size, and costs of homes
- Increase in traffic and road entrance
- Sewer capacity, noise, and light pollution
- School impact
- Homeowners Association

STAFF COMMENTS

Engineering/Public Works

1. (a) When property fronting on an existing city street is to be developed or when the property is to be accessed from the existing city street, the developer shall cause to be constructed roadway improvements (pavement, signing, striping, curb and gutter and drainage) which are required along the existing road across the entire property frontage at no cost to the city.
(b) Widening, curb and gutter and drainage shall be provided by the developer from the centerline of the existing roadway along the side of the road upon which the property abuts.
(c) The developer shall be responsible for the cost of relocation and/or modifications of public and/or private utilities as necessitated by the required street improvements.
[Sec. 71-37 (a)(b)(c)]
2. In the event that a development has access to a substandard street and if that substandard street provides the primary means of access to the development, the substandard street, except as indicated in subsection (c) of this section, shall be fully upgraded and the full width of the roadway overlaid with asphaltic concrete surface course along the entire property frontage and continuing to the nearest standard paved road along the route of primary access. [Sec. 71-39]
3. Turning lanes shall be required by the city to meet projected traffic demand and/or safe operations, as determined by the city engineer. When provided, turning lanes shall meet the following criteria:
 - Provide not less than 150 feet of storage length for arterial roadways. Provide not less than 100 feet of storage length for collector roadways.
 - Provide taper lengths of not less than 100 feet.
 - Longer storage and taper lengths may be required when traffic projections indicate they are justified.[Sec. 71-38(4)]
4. Acceleration and deceleration lanes shall be provided for new street and driveway connections to existing streets unless an approved traffic study demonstrates that the total traffic on the existing roadway is less than 2,000 vehicles per day including traffic projected as a result of the proposed development (count of existing traffic must have been made within one year of the development plan submittal date). [Sec. 71-40]
5. All new streets or street widening sections shall be provided with curb and gutter. [Sec. 71-45]
6. Sidewalks are required on all street frontages from property line to property line. All sidewalks shall have a minimum width of five feet (unless otherwise provided in this chapter) and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards, city's development standards and be subject to review and approval by the city engineer and/or director of building. [Sec. 71-46]
7. For residential developments, minimum traffic control devices shall consist of street name signs on at each street intersection, stop or yield signs at each intersection, one speed limit sign per block, school or

pedestrian crossing signs where appropriate, and limited pavement parking such as crosswalk lines for school or pedestrian crossings. [Sec. 71-47]

8. The developer shall provide all necessary street lighting in accordance with the standards of the American National Standard Practice for Roadway Lighting, current edition. The developer shall provide such lighting at no cost to the city. [Sec. 71-48]
9. All utility lines within the city in residential, office, and commercial zoning districts shall be placed underground. [Sec. 71-72]
10. If existing water mains and/or sanitary sewers must be extended to serve a development, the developer shall install or have installed the necessary extensions at no cost to the city. [Sec. 71-74]

Fire

From Fire Station 22 which currently has the primary responsibility to respond to this area, there is a 10-minute response time. From Fire Station 21 which is the secondary station responsible for this area, there is a 12-minute response time. From Fire Station 23, the newly planned station located on Milam Road (next to the Bedford School), would become the primary station to respond to this area, there would be a 7-minute response time. A station on Johnson Road and Seneca Road would reduce the response time to 1-2 minutes.

Water and Sewer

City of Atlanta water is running along Johnson Road. Potential Fulton County sewer located in Asbury Park subdivision.

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 proposed use of the subject property for single-family detached lots is consistent with the adjacent and nearby properties. The subject property is surrounded by single-family residential uses. However, the properties in the vicinity of the subject property are much larger single-family residential lots ranging from approximately 1.3 acres to 35 acres. The Asbury Park subdivision (156 lots), located on Johnson Road which was annexed from Fulton County in 2006 was developed with 3,800 square foot lots (3 units per acre). The Creekwood Village subdivision (approx. 56 lots), located on Creekwood Road is zoned R-4 (Single-family Residential) and it was developed with ¼ acre (10,890 square foot) lots. Properties zoned AG (Agriculture) are located to the north, south, and west, and PD (Planned Development) is located to the east of the subject property.

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 properties have 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 Impact & Improvements

The applicant conducted a Trip Study for the proposed single-family residential development based on 175 lots. The Traffic Study provided the following data:

Table:1

Land Use	A.M. Peak Hour			P.M. Peak Hour			24-Hour
	In	Out	Total	In	Out	Total	In/Out
175 Single-family Residential Lots	35	105	140	118	70	188	1,877

Please note: the original study was performed based on 190 lots; however, the development was reduced by fifteen (15) lots so the A.M. peak, P.M. peak, and total numbers will be slightly less than the numbers represented in the above table (Table:1).

The proposed subdivision will generate 140 new trips in the morning peak hour, 188 new trips in the evening peak hour, and 1,877 new daily trips.

An operational analysis was performed for the anticipated future project build-out, at the study intersections and project access (Johnson Road at Gullatt Road, Gullatt Road at Mann Road, Gullatt Road at North Access, and Gullatt Road at subject property north access). The future analysis reveals continued acceptable traffic operations at all locations. With the exception of the left turn lanes required at the project accesses, no mitigation is identified for the future condition.

Two full-movement vehicular access are proposed on the east side of Gullatt Road. Each project access should be constructed with one entering and one exiting lane, with each exiting approach controlled by a side street stop sign and stop bar. The project civil engineer will be required to comply with all applicable design standards at the proposed accesses, including those for sight distance, turn lane storage and taper lengths, turn radii, roadway width, and grades.

The installation of 5' sidewalks along the street frontage (Johnson Road and Gullatt Road) and both sides of internal streets throughout the development will be required.

Impact on Schools

The home schools for the proposed development are Evoline C. West Elementary, Bear Creek Middle, and Creekside High. According to the Fulton County Schools Development Impact Statement, the elementary and middle schools will be *over* the projected population capacity with or without the development and the high school will be *under* the projected population capacity with or without the development. 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 Development Impact Statement.

Home School	Project Baseline Enrollment	GADOE Capacity	Est. New FCS Students Generated	Projected Under/Over Capacity "B"	
				Without Dev.	With Dev.
Evoline West ES	802 to 852	750	8 to 76	52 to 102	60 to 178
Bear Creek MS	1,110 to 1,178	1,075	3 to 25	35 to 103	38 to 128
Creekside HS	1,719 to 1,812	1,900	12 to 42	-181 to -75	-169 to -33
TOTAL			23 to 143		

"B" Positive values indicate the number of students a facility is over the state capacity and negative values indicate the number of students a facility is under state capacity.

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

The subject property is designated as Residential in the 2040 Comprehensive Plan.

The development strategies for the Residential character area are:

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

There are three (3) residential density categories on the Future Land Use Map which are rural residential, low-density residential, and medium-density residential. The appropriate density category for the subject property is Rural 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. One acre or larger lots are appropriate in these areas.

As stated in the 2040 Comprehensive Plan (page 39), during the Comprehensive Plan planning process the community expressed a desire to preserve larger lots in the southwest portion of the city.

Staff believes the proposed 175-lot single-family residential subdivision is not in conformity with the 2040 Comprehensive Plan and Future Land Use Map.

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?

Metro Atlanta Housing Strategy

According to the Atlanta Regional Commission (ARC), the housing supply is not keeping up with demand. The Metro Atlanta Housing Strategy, which has been coordinated by the ARC, states that the City of Fairburn's housing strategy should consist of the following:

1. Increase Housing Supply: Reduce Development Cost and Barriers, Leverage Public Land & Establish Policies Supporting Affordable Housing
 - Address zoning and land use code that shapes development to provide housing options, including land use options, building sizes, building materials, building forms, parking, and more
2. Promote Housing Stability: Stabilize existing residents, Promote Home Buying
 - Implement supportive educational programs and financial policies for residents to stabilize their current housing.
3. Preserve Affordable Supply: Coordinate Across Agencies and Among Governments
 - Engage in robust coordination efforts between different levels of government and across various state and local agencies to create, manage, and maintain existing affordable units.
4. Develop Leadership & Collaboration on Affordability; Build Internal Resources to Address Housing
 - Expand internal capacity to address housing needs and collaborate across various industries, sectors, and organizations to create a multi-disciplinary approach to providing housing options.

Based on the calculations generated by the 2010 Census, the population of the city increased substantially, from 5,464 in 2010 to 12,950 in 2020. In 2019, the city's estimated population was 15,516. The overall growth in population accounts for a 136% increase from 2000 to 2010 and a 184% increase from 2000 to 2019. A continued increase in population is predicted with an estimated population of 21,570 people by 2040, a 37.2% increase. Residential demands are based on the population projects, therefore as the population increase, the need for housing will increase.

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 that could be considered environmentally adverse to the natural resource, environment, or citizens of Fairburn. The creeks/streams located on the northern and southern areas of the subject property will be protected by a 75' buffer.

STAFF RECOMMENDATION

Staff believes the proposed use of the subject property for a 175-lot single-family residential subdivision is not in conformity with the 2040 Comprehensive Plan and Future Land Use Map. However, there is a 156-lot single-family residential subdivision (Asbury Park) with lots sizes of 3,800 square feet located adjacent to the subject property. The average lot size for the proposed development is 6,929 square feet which is significantly larger than the lots in the Asbury Park subdivision. In addition, there is a 56-lot subdivision (Creskide Village) zoned R-4 (Single-family Residential) located approx. 0.68 miles from the proposed subdivision.

Based on the proposed development's inconsistency with the 2040 Comprehensive Plan and Future Land Use Map, staff's recommendation is **DENIAL**.

Should the Mayor and Council decide to approve the rezoning request, the staff recommends the conditions listed below. The applicant's agreement to these conditions would not change staff's recommendations. These recommended conditions shall prevail unless otherwise stipulated by the Mayor and Council:

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

1. Single-family Residential

- a. A maximum of 175 single-family residential lots with a density of 3.8 units per acre, whichever is less

B. To abide by the following:

- 1. The property shall be developed in conformity with the site plan prepared by Watts & Browning Engineers, Inc. on April 28, 2022, and attached as Exhibit B. The 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 deviation from the site plan is subject to approval by the City's Department of Community Development.
- 2. Property maintenance shall be accomplished through a homeowner's association in which membership shall be mandatory. Property maintenance for the lots shall be accomplished by the individual property owners with the exception of common areas to be maintained by a homeowner's association. Such association by-laws shall be subject to approval by the City Administrator or designee and shall be recorded with covenants that shall be subject to approval by the City Administrator or designee.

C. To the following site development standards:

1. Development standards for each single-family lot shall be as follows:

- a. Building setbacks as follows:
 - i. Front: 25 feet

- ii. Side: 10 feet
 - iii. Rear: 15 feet
 - b. Minimum lot square footage: 6,200 square feet
 - c. Minimum heated floor area: 1,400 square feet
 - d. Minimum lot widths: 52 feet
2. A minimum of 7.9 acres of the total area shall be reserved for open space; an amenity package shall include a passive recreational area, playground area, walking trail, and benches.
 3. 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. At least 25% of the front façades shall consist of at least 25% brick or stone.
 4. Two-car garages shall be provided for each single-family unit. Upgraded garage doors with architectural elements shall be utilized.
 5. Sidewalks on all street frontages shall be a minimum of five-foot and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards and the City of Fairburn development standard. Five-foot sidewalks shall be provided along both sides of internal streets throughout the development and shall be designed to provide inter-connectivity to the amenities area and mail kiosk.
 6. Pedestrian-scale street lighting shall be provided along both sides of internal streets throughout the development.
 7. The perimeter landscape area abutting the public right-of-way along Johnson Road and Gullatt Road shall contain mature trees to create a natural landscaped buffer between the roadway and the rear of the houses (facing Johnson Road). Newly planted trees shall consist of one or a combination of the following trees: Leyland Cypress, Easter Red Cedar, Southern Magnolia, Virginia Pine, Arborvitae, Savannah Holly, Nellie R. Stevens Holly.
 8. All utilities shall be installed underground throughout the development area.
 9. The Developer shall extend and/or install water mains and/or sanitary sewers to serve the development, at no cost to the city.
 10. Acceleration and deceleration lanes shall be provided at the proposed driveway connection unless a traffic study demonstrates that the total traffic on the existing roadway is less than 2,000 vehicles per day including traffic projected as a result of the proposed development (count of existing traffic must have been made within one year of the development plan submittal date)
 11. Turning lanes shall be required to meet projected traffic demand and/or safe operations, as determined by the City Engineer and/or traffic study. When provided, turning lanes shall meet the following criteria:
 - a. Provide not less than 150 feet of storage length for arterial roadways. Provide not less than 100 feet of storage length for collector roadways.
 - b. Provide taper lengths of not less than 100 feet.
 - c. Longer storage and taper lengths may be required when traffic projections indicate they are justified.

12. No lot shall contain a single-family unit that is identical to that of an adjoining lot. Units shall be reversed in exterior appearance either through reversing the garage location or other significant architectural elements to maximize the appearance and diversity in architectural design.
13. The Developer shall construct roadway improvements (pavement, signing, striping, curb and gutter, and drainage) along the existing road across the entire property frontage where required, at no cost to the city.
14. The Developer shall install a canopy or understory tree in the front yard of each single-family unit. The front and rear yards of the single-family family units shall be sodded.

ATTACHMENTS

Site Plan
Elevations

RECEIVED

APR 28 2022

DEVELOPMENT DATA

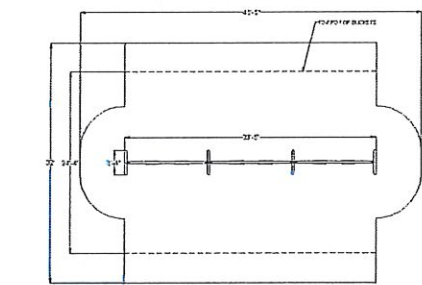
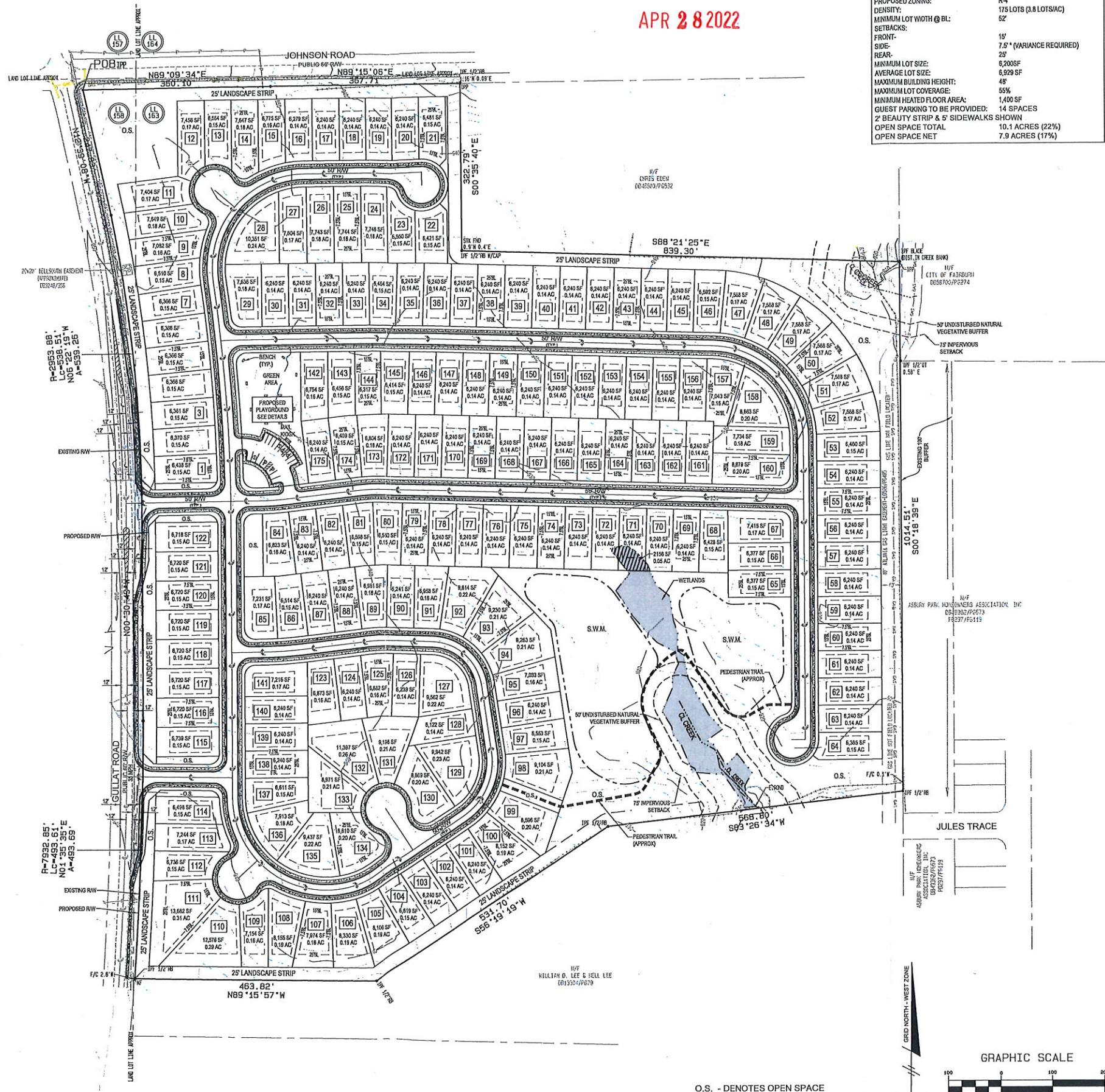
TOTAL SITE AREA:	48.1 AC
CURRENT ZONING:	AG1
PROPOSED ZONING:	R-4
DENSITY:	175 LOTS (3.8 LOTS/AC)
MINIMUM LOT WIDTH @ BL:	52'
SETBACKS:	15'
FRONT:	7.5' (VARIANCE REQUIRED)
SIDE:	25'
REAR:	25'
MINIMUM LOT SIZE:	6,200 SF
AVERAGE LOT SIZE:	6,229 SF
MAXIMUM BUILDING HEIGHT:	48'
MINIMUM LOT COVERAGE:	55%
MINIMUM HEATED FLOOR AREA:	1,400 SF
GUEST PARKING TO BE PROVIDED:	14 SPACES
2' BEAUTY STRIP & 5' SIDEWALKS SHOWN	
OPEN SPACE TOTAL:	10.1 ACRES (22%)
OPEN SPACE NET:	7.9 ACRES (17%)



FunPlay Structure Layout STR-35564
CAT # STR-35564-BN
1473.0 Approximate Square Feet
Actual Size: 29'-2" x 32'-6"
Actual Use Zone: 41'-2" x 44'-6"
Age Group: 5-12 Capacity: 110
Fall Height: 7' Weight: 3,700

SLIDE STRUCTURE DETAIL
NOT TO SCALE

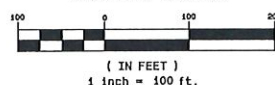
CAT Part Number: SWG-00043-G
Description: Triple Bay Arch Swing
Materials:
Frame: Color Green powder coated,
63.50" OD, 14 gauge steel
tubing.
Seals: 5/16" Thick x 6" x 24"
Wide Neoprene strap,
or
3/8" Thick x 9" Deep x 612"
Wide Neoprene full bucket.
Chain: 5/16" welded zinc coated
Hardware: 316 Stainless Steel
Truss-Head bolts and
Locknuts
Dimensions:
Overall Height: 96" High
Approximate Square Feet: 1219.1 sq ft
Actual Size: 3'-4" x 33'-5"
Actual Use Zone: 32'-0" x 45'-5"
Assembled Weight: 483 lbs

SWING DETAIL
NOT TO SCALE

O.S. - DENOTES OPEN SPACE



GRAPHIC SCALE



LAND PLAN EXHIBIT

FOR
JOHNSON ROAD TRACT

LAND LOT 158 & 163 ~ DISTRICT 7TH ~
City of FAIRBURN,
FULTON, GEORGIA



GSWCC LEVEL II CERTIFICATION NO. 31908
EXPIRES: 01/12/2025

REVISIONS	DATE	BY	DESCRIPTION
1.	11/13/20	JJT	REVISE LOTS & ADD AMENITY AREA.
2.	01/08/21	JJT	REVISE LAYOUT.
3.	12/01/21	JJT	ADD FIELD RUN BOUNDARY & TOPO.
4.	12/15/21	JJT	REVISE LOTS & ADD TURN LINES.
5.	01/04/22	RP	REVISE LOTS & REMOVED TURN LINES.
6.	01/25/22	RP	REVISE LOTS & ADDED AMENITY AREA.



WATTS & BROWNING ENGINEERS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1349 OLD 41 HWY NW, SUITE #225
MARJETTA, GEORGIA 30050
PHONE: (770) 324-6182
FAX: (770) 694-6570
WWW.WBENG.COM
LSF000429 - PEF000714

SCALE:	1" = 100'
DESIGNED BY:	DRC
DRAWN BY:	JJT
CHECKED BY:	DRC
INITIAL ISSUE DATE:	10/26/2020
JOB NUMBER:	201007

SHEET NUMBER:
C-2

















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

SUBJECT: REZONING 2022031 HERNAN CREEK

<input type="checkbox"/> AGREEMENT	<input type="checkbox"/> POLICY / DISCUSSION	<input type="checkbox"/> CONTRACT
<input type="checkbox"/> ORDINANCE	<input type="checkbox"/> RESOLUTION	<input checked="" type="checkbox"/> OTHER

Submitted: 04/28/22

Work Session: N/A

City Council: 06/13/22

DEPARTMENT: Community Development, Planning and Zoning Office

BUDGET IMPACT: None

PUBLIC HEARING: ☐ Yes ☒ No

PURPOSE: For Mayor and Council to consider the rezoning of 26.35 acres from AG (Agriculture) to R-4 (Single-family Residential).

HISTORY: N/A

FACTS AND ISSUES: The applicant, Hernan Creek, is requesting to rezone 26.35 acres from AG (Agriculture) to R-4 (Single-family Residential) to develop a 57-lot single-family residential subdivision with frontage on Herndon Road. The proposed lot size is ¼ acre (10,890 square feet). The proposed ingress and egress points to the subdivision are on Herndon Road. An amenity package includes a playground and picnic area and 3.38 acres designated for open space.

The Future Land Use Map has the subject property density category as *Medium Density Residential*, and this character area is appropriate for one-fourth acre or smaller lots.

The Durham Lakes Golf and Country Club planned community is located to the east of the subject property. Specifically, the Fairways at Durham Lakes subdivision is adjacent to the subject property. By comparison, the lots in the Fairways at Durham Lakes are of similar, if not smaller, size (between .18 to .25 acre lots).

FUNDING SOURCE: N/A

RECOMMENDED ACTION: Based on the proposed development's conformity to the 2040 Comprehensive Plan and Future Land Use Map, staff's recommendation is **APPROVAL CONDITIONAL**.

APPLICATION INFORMATION

REZONING 2022031 HERNAN CREEK

APPLICANT/PETITIONER INFORMATION

Property Owner

Hernan Creek

Petitioner

Hernan Creek C/O Thompson,
O'Brien, Kappler, & Nasuti, PC

PROPERTY INFORMATION

Address:

7240 Herndon Road (parcel # 07 260001531081)

Land Lot and District:

Land Lot 136 and 153, District 7

Frontage:

Herndon Road

Area of Property:

26.35 acres

Existing Zoning and Use:

AG (Agriculture) and Undeveloped

Overlay District:

N/A

Prior Zoning Cases/History:

N/A

**2040 Comprehensive Future Land Use Map
Designation:**

Medium-Density Residential

MEETING AND HEARING DATES

Planning and Zoning Commission Meeting

Tuesday, May 3, 2022

City Council Public Hearing

Monday, June 13, 2022

INTENT

A request to rezone 26.35 acres from AG (Agriculture) to R-4 (Single-family Residential) to develop a 57-lot single-family residential subdivision.

SURROUNDING ZONING

North: AG (Agriculture)

South: PD (Planned Development) and M-2 (Heavy Industrial)

East: PD (Planned Development)

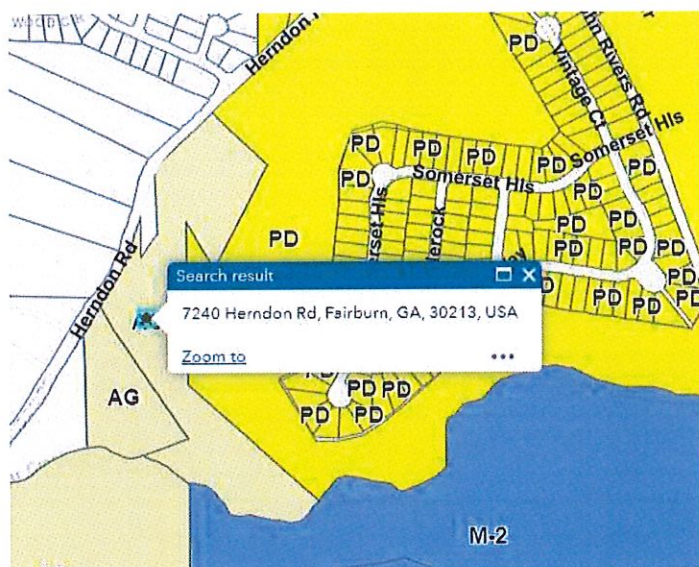
West: City of South Fulton

ARIEL MAP

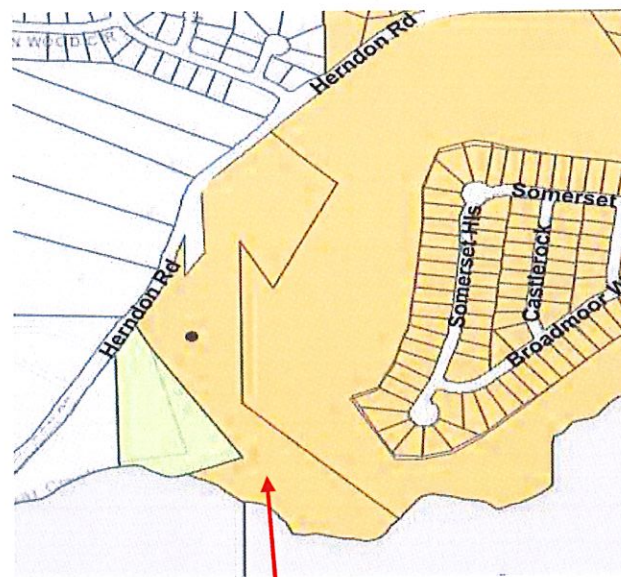


7240 Herndon Road
26.35 acres

ZONING AND FUTURE LAND USE MAPS



AG (Agriculture)



Rural Residential

PUBLIC PARTICIPATION

Property owners within 500 feet of the subject property were invited to attend a community meeting hosted virtually on Thursday, March 11, 2022, at 6:30 p.m. Approximately, twenty-six (26) property owners attended the meeting. The applicant mailed letters to over 200 property owners.

Based on the applicant's public participation report, the following issues and concerns were expressed:

- Access along Herndon Road, in particular, foot-traffic
- Whether an HOA would be in place
- Rental restrictions
- Price points of the homes
- Product (quality and design) of the homes

STAFF COMMENTS

Engineering/Public Works

1. Please note that when property fronting on a city street is to be developed or when the property is to be accessed from a city street, the developer shall cause to be constructed roadway improvements (pavement, signing, striping, curb and gutter and drainage) which are required along the existing road across the entire property frontage at no cost to the city. Required improvements shall not be less than provided in these regulations for the designated street classification. [Sec. 71-37 (a)]
2. On any existing street having a right-of-way less than the minimum which abuts a property being developed, a minimum of one-half of the required width of right-of-way shall be dedicated at no cost to the city along the entire property boundary abutting the existing street. [Sec. 71-36 (b)]
3. The developer shall be responsible for the cost of relocation and/or modifications of public and/or private utilities as necessitated by the required street improvements. [Sec. 71-37 (c)]
4. All public streets proposed to be constructed in a subdivision or other development shall be designed and constructed at least to the standards contained in Section 71-38 of the City of Fairburn's Code of Ordinances in accordance with the appropriate street classification of said streets.
5. In the event that a development has access to a substandard street and if that substandard street provides the primary means of access to the development, the substandard street shall be fully upgraded, and the full width of the roadway overlaid with asphaltic concrete surface course along the entire property frontage and continuing to the nearest standard paved road along the route of primary access. [Sec. 71-39]
6. Turning lanes shall be required by the city to meet projected traffic demand and/or safe operations, as determined by the city engineer. When provided, turning lanes shall meet the following criteria:
 - a. Provide not less than 150 feet of storage length for arterial roadways. Provide not less than 100 feet of storage length for collector roadways.
 - b. Provide taper lengths of not less than 100 feet.
 - c. Longer storage and taper lengths may be required when traffic projections indicate they are justified. [Sec. 71-38(4)]
7. Except as indicated, acceleration and deceleration lanes shall be provided for new street and driveway connections to existing streets. The lanes will not be required if the total traffic on the existing roadway is less than 2,000 vehicles per day including traffic projected as a result of the proposed development (count of existing traffic must have been made within one year of the development plan submittal date). [Sec. 71-40]
8. Additional street right-of-way width may be required to be dedicated at intersections or other locations fronting the property where turning lanes, storage lanes, medians, islands, or realignments are required for

traffic safety and minimum right-of-way standards would be inadequate to accommodate the improvements. [Sec. 71-36 (c)]

9. All new streets or street widening sections shall be provided with curb and gutter. [Sec. 71-45]
10. All of the materials, methods of construction, and workmanship for street construction shall conform to the latest edition of the state department of transportation Standard Specifications for Road and Bridge Construction, including all amendments. [Sec. 71-42]
11. Sidewalks are required along the entire project frontage from property line to property line and on both side of all internal streets. All sidewalks shall have a minimum width of five feet and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards, city's development standards. [Sec. 71-46]
12. The minimum traffic control devices shall consist of street name signs on at each street intersection, stop or yield signs at each intersection, one speed limit sign per block, school or pedestrian crossing signs where appropriate, and limited pavement parking such as crosswalk lines for school or pedestrian crossings. [Sec. 71-47]
13. The developer shall provide all necessary street lighting in accordance with the standards of the American National Standard Practice for Roadway Lighting, current edition, but in no case less restrictive than one fixture at each street intersection and at an interval not exceeding one fixture for every 400 feet of roadway. The design calculations shall be submitted with the construction plans, consider the presence of older-aged drivers, and be approved prior to installation. The developer shall provide such lighting at no cost to the city. [Sec. 71-48]
14. All stormwater runoff generated from a site shall be adequately treated before discharge. [Sec. 65-112]
15. If existing water mains and/or sanitary sewers must be extended to serve a development, the developer shall install or have installed the necessary extensions at no cost to the city under the existing city policy and procedures at plan approval time. [Sec. 71-74]
16. Site utilities serving the site shall be placed underground. [Sec. 71-72]

Fire

Developments of one or two-family dwellings where the number of dwelling units exceed 30 shall be provided with two separate and approved fire apparatus access roads. The second entrance to the subdivision was added.

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 proposed use of the subject property for ¼ acre (10,890 square feet) single-family detached lots is consistent with the adjacent and nearby properties. A similar single-family residential subdivision, Fairways at Durham Lakes is located adjacent to the subject property. By comparison, the lots in the Fairways at Durham Lakes are of similar, if not a smaller size (between .18 to .25 acre lots). In addition, the subject property is designated as Medium-Density Residential on the Future Land Use Map, the same as the Durham Lakes Golf and Country Club planned community.

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 properties have 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 Impact & Improvements

The developer will be required to conduct a traffic study before the issuance of the land disturbance permit 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 recommendations to mitigate the project traffic impacts and ensure safe and efficient existing and future traffic conditions in the vicinity of the project. The installation of deceleration lanes and turn lanes will be required at the proposed entrances to accommodate access to and from the proposed development and to meet projected traffic demand and/or safe operations unless deemed unwarranted by a traffic study. The installation of 5' sidewalks along the street frontage (Herndon Road) and both sides of internal streets throughout the development will be required.

Impact on Schools

The home schools for the proposed development are Evoline C. West Elementary, Bear Creek Middle, and Creekside High. According to the Fulton County Schools Development Impact Statement, the elementary and middle schools will be *over* the projected population capacity with or without the development and the high school will be *under* the projected population capacity with or without the development. 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 Development Impact Statement.

Home School	Project Baseline Enrollment	GADOE Capacity	Est. New FCS Students Generated	Projected Under/Over Capacity "B"	
				Without Dev.	With Dev.
Evoline West ES	802 to 852	750	3 to 24	52 to 102	55 to 126
Bear Creek MS	1,110 to 1,178	1,075	1 to 8	35 to 103	36 to 111
Creekside HS	1,719 to 1,812	1,900	4 to 13	-181 to -75	-177 to -62
TOTAL			8 to 45		

"B" Positive values indicate the number of students a facility is over the state capacity and negative values indicate the number of students a facility is under state capacity.

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

The subject property is designated as Residential in the 2040 Comprehensive Plan.

The development strategies for the Residential character area are:

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

There are three (3) residential density categories on the Future Land Use Map, rural residential, low-density residential, and medium-density residential. The appropriate density category for the subject property is medium-density residential. The Medium-Density character area is meant to promote a tight-knit, more walkable community with lots that are one-fourth of an acre or smaller.

Staff believes the proposed 57-lot single-family residential subdivision conforms with the 2040 Comprehensive Plan and Future Land Use Map.

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?

Metro Atlanta Housing Strategy

According to the Atlanta Regional Commission (ARC), the housing supply is not keeping up with demand. The Metro Atlanta Housing Strategy, which has been coordinated by the ARC, states that the City of Fairburn's housing strategy should consist of the following:

1. Increase Housing Supply: Reduce Development Cost and Barriers, Leverage Public Land & Establish Policies Supporting Affordable Housing
 - Address zoning and land use code that shapes development to provide housing options, including land use options, building sizes, building materials, building forms, parking, and more
2. Promote Housing Stability: Stabilize existing residents, Promote Home Buying
 - Implement supportive educational programs and financial policies for residents to stabilize their current housing.
3. Preserve Affordable Supply: Coordinate Across Agencies and Among Governments
 - Engage in robust coordination efforts between different levels of government and across various state and local agencies to create, manage, and maintain existing affordable units.
4. Develop Leadership & Collaboration on Affordability; Build Internal Resources to Address Housing
 - Expand internal capacity to address housing needs and collaborate across various industries, sectors, and organizations to create a multi-disciplinary approach to providing housing options.

Based on the calculations generated by the 2010 Census, the population of the city increased substantially, from 5,464 in 2010 to 12,950 in 2020. In 2019, the city's estimated population was 15,516. The overall growth in population accounts for a 136% increase from 2000 to 2010 and a 184% increase from 2000 to 2019. A continued increase in population is predicted with an estimated population of 21,570 people by 2040, a 37.2% increase. Residential demands are based on the population projects, therefore as the population increase, the need for housing will increase.

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 that could be considered environmentally adverse to the natural resource, environment, or citizens of Fairburn.

STAFF RECOMMENDATION

Staff believes the proposed use of the subject property for a 57-lot single-family residential subdivision conforms with the 2040 Comprehensive Plan and Future Land Use Map. Also, the development is consistent with the lot size (*1/4 acre*) of the Durham Lakes Golf and Country Club planned community, located adjacent to the subject property. The rezoning of the property from AG (Agriculture) to R-4 (Single-family Residential) will not adversely affect the surrounding properties and cause detriment to the area. An increase in residential density will provide an opportunity to address the need for more housing.

Furthermore, an R-4 (Single-family Residential) zoning designation on the subject property is consistent with the Medium-Density Residential character area as stated in the 2040 Comprehensive Plan (pages 39-40) and Future Land Use Map, therefore, staff's recommendation is **APPROVAL CONDITIONAL**.

Should the Mayor and Council decide to approve the rezoning request, the staff recommends the conditions listed below. The applicant's agreement to these conditions would not change staff's recommendations. These recommended conditions shall prevail unless otherwise stipulated by the Mayor and Council:

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

1. Single-family Residential

- a. A maximum of 57 single-family residential lots with a density of 2.16 units per acre, whichever is less

B. To abide by the following:

1. The property shall be developed in conformity with the site plan prepared by Lowes Engineers on April 27, 2022, and attached as Exhibit B. The 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 deviation from the site plan is subject to approval by the City's Department of Community Development.
2. Property maintenance shall be accomplished through a homeowner's association in which membership shall be mandatory. Property maintenance for the lots shall be accomplished by the individual property owners with the exception of common areas to be maintained by a homeowner's association. Such association by-laws shall be subject to approval by the City Administrator or designee and shall be recorded with covenants that shall be subject to approval by the City Administrator or designee.

C. To the following site development standards:

1. Development standards for each single-family lot shall be as follows:

- a. Building setbacks as follows:
 - i. Front: 15 feet
 - ii. Side: 10 feet
 - iii. Rear: 25 feet
- b. Minimum lot square footage: 10,890 square feet (0.25 acres)
- c. Minimum heated floor area: 1,400 square feet
- d. Minimum lot widths: 50 feet

2. A minimum of 3.38 acres of the total area shall be reserved for open space; an amenity package shall include a playground and picnic area.
3. 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. At least 25% of the front façades shall consist of at least 25% brick or stone.
4. Two-car garages shall be provided for each single-family unit. Upgraded garage doors with architectural elements shall be utilized.

5. Sidewalks on all street frontages shall be a minimum of five-foot and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards and the City of Fairburn development standard. Five-foot sidewalks shall be provided along both sides of internal streets throughout the development and shall be designed to provide inter-connectivity to the amenities area and mail kiosk.
6. Pedestrian-scale street lighting shall be provided along both sides of internal streets throughout the development.
7. The perimeter landscape area abutting the public right-of-way on Herndon Road shall contain mature trees to create a natural landscaped buffer between the roadway and the rear of the houses (facing Herndon Road). Newly planted trees shall consist of one or a combination of the following trees: Leyland Cypress, Easter Red Cedar, Southern Magnolia, Virginia Pine, Arborvitae, Savannah Holly, Nellie R. Stevens Holly.
8. All utilities shall be installed underground throughout the development area.
9. Acceleration and deceleration lanes shall be provided at the proposed driveway connection unless a traffic study demonstrates that the total traffic on the existing roadway is less than 2,000 vehicles per day including traffic projected as a result of the proposed development (count of existing traffic must have been made within one year of the development plan submittal date)
10. Turning lanes shall be required to meet projected traffic demand and/or safe operations, as determined by the City Engineer and/or traffic study. When provided, turning lanes shall meet the following criteria:
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 - b. Provide taper lengths of not less than 100 feet.
 - c. Longer storage and taper lengths may be required when traffic projections indicate they are justified.
11. The Developer shall construct roadway improvements (pavement, signing, striping, curb and gutter, and drainage) along the existing road across the entire property frontage where required, at no cost to the city.
12. The Developer shall install a canopy or understory tree in the front yard of each single-family unit. The front and rear yards of the single-family family units shall be sodded.

ATTACHMENTS

Site Plan
Elevations





LIVED

24 HOUR CONTACT:
FELIPE CASTELLANOS:
404-707-7775

PREPARED BY:
LOWE
ENGINEERS
990 HAMMOND DRIVE, SUITE 900
ATLANTA, GA 30328
770.857.8400

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THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT UNLESS IT IS PROPERLY SIGNED AND SEALED.

CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR; NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR ANY OTHER PERSON.

7240 HERNDON ROAD
7240 HERNDON ROAD


[illegible][illegible]

0' 40' 80' 120'

SCALE: 1" = 80'

DATE:	04/25/2022
DRAWN BY:	CQ
CHECKED BY:	CQ
PROJECT MANAGER:	

CLEMENTE QUINONES, PE	
PROJECT #: 21-220053	
	SHEET
	EX 1

 EX-1

LOT SUMMARY TABLE		
LOT #	AREA (SF)	AREA (AC)
1	10917.69	0.25
2	10920.00	0.25
3	10920.00	0.25
4	10890.00	0.25
5	10590.00	0.25
6	10959.70	0.25
7	11037.37	0.25
8	10809.00	0.25
9	10890.00	0.25
10	10890.00	0.25
11	10890.00	0.25
12	10890.00	0.25
13	10809.00	0.25
14	10890.00	0.25
15	10890.00	0.25
16	10890.00	0.25
17	10890.00	0.25
18	10890.00	0.25
19	10890.00	0.25
20	10890.00	0.25
21	13681.84	0.31
22	1237.237	0.08
23	11910.05	0.27
24	11515.05	0.26
25	11118.77	0.26
26	10920.00	0.35
27	10920.00	0.25
29	10920.00	0.25
30	10920.00	0.25
31	10920.00	0.25
32	10920.00	0.25
33	10920.00	0.25
34	10920.00	0.25
35	10920.00	0.25
36	12195.63	0.28
37	10890.00	0.25
38	10890.00	0.25
39	10890.00	0.25
40	10890.00	0.25
41	10890.00	0.25
42	10890.00	0.25
43	10890.00	0.25
44	10890.00	0.25
45	10890.00	0.25
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47	10890.00	0.25
48	10890.00	0.25
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55	10890.00	0.25
56	10890.00	0.25
57	10890.00	0.25

1.	ACCESSIBLE PARKING, SIGNAGE, WARNING STRIPES AND STRIPING SHALL BE IN ACCORDANCE WITH CURRENT ADA STANDARDS FOR ACCESSIBLE DESIGN.
2.	ALL LAND DISTURBANCE TO BE STABILIZED WITH VEGETATION UPON COMPLETION OF DEMOLITION.
3.	TOPOGRAPHIC SURVEY BY TBD, DATED TBD.
4.	FLOODPLAIN IS PRESENT ON SITE AS DEPICTED BY FEMA FIRM PANEL NUMBER 1312IC0461F, DATED 09/18/2013.
5.	OWNER IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AGREEMENTS FROM ADJACENT PROPERTY OWNERS IN ORDER TO PERFORM THE REQUIRED OFFSITE WORK, INCLUDING STORM DRAINAGE, UTILITY CONNECTIONS, SIDEWALK, CURB AND GUTTER AND PAVEMENT TIE-INS AND GRADING.
6.	TRAFFIC SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION OF THIS PROJECT. ALL BARRICADES AND SIGNS SHALL BE FURNISHED AND USED BY THE CONTRACTOR IN ACCORDANCE WITH LOCAL/STATE AND CURRENT SPECIFICATIONS.

ADDRESS	7240 HERNDON ROAD, FAIRBURN, GA 30213
TOTAL PROPERTY AREA:	26.353± AC (174973± S.F.)
DISTURBED AREA	180± AC (##± S.F.)
IMPERVIOUS AREA:	4.307± AC (187613± S.F.)
PERVIOUS AREA:	22.045± AC (960280± S.F.)
OPEN SPACE AREA:	3.38 AC (12.8%)
NET DENSITY	57 LOTS = 2.16 LOTS/ACRE

ZONING:	AG-1
PROPOSED ZONING:	R4 ZONING DISTRICT
ADJACENT ZONING:	PD
MINIMUM LOT WIDTH:	50'
MINIMUM LOT AREA:	0.25 ACRES PER FUTURE LAND USE MAP DENSITY REQUIREMENTS
JURISDICTION:	FULTON COUNTY

PROPOSED BUILDING AREA:	85,400 SF (1,525 SF/LOT)
BUILDING AREA LIMIT:	1,400 SF MIN (HEATED)
BUILDING HEIGHT LIMIT:	48' MAX
FRONT SETBACK:	15' (25' ALONG COLLECTOR STREETS)
SIDE SETBACK:	10' (0' ADJACENT TO INTERIOR LINE)
REAR SETBACK:	25'

PARKING REQUIREMENTS:	2 SPACES PER LOT
TOTAL PARKING REQUIRED:	102 SPACES
TOTAL PARKING PROVIDED:	204 SPACES (4 PER LOT)

FRONT LANDSCAPE BUFFER:	5'
SIDE LANDSCAPE BUFFER:	5'
REAR LANDSCAPE BUFFER:	5'

PLOT STYLE: CIVIL-SITE.CTB

DEVICE: DWG TO PDF.PC3

36.00 X 24.00 INCHES)

PAPER SIZE: ARCH FULL

CQUINONES 4/25/22 AT 10:

/22 AT 10:21 AM PLOTTE

AST SAVED BY: CQUINONES

\\SHEETS\C3.00 SITE PLAN.dwg

20053 7240 Herndon Road\

FILE NAME: Z: