



PLANNING AND ZONING COMMISSION MEETING MINUTES

City Hall
56 Malone Street
Fairburn, GA 30213
Tuesday, May 3, 2022
7:00 p.m.

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

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

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

Rezoning 2022030 Liberty Communities, LLC 6790 Johnson Road-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.

SUMMARY/STAFF PRESENTATION:

Ms. Peek provided a detailed description of the rezoning stating 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. Ms. Peeks continued by stating 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. Ms. Peeks further states there are two single-family residential subdivisions in the vicinity of the proposed development, Asbury Park, and Creekwood Village. She lastly stated the 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 and based on the proposed development's inconsistency with the 2040 Comprehensive Plan and Future Land use Map, Staff's recommendation is **DENIAL**.

SUPPORT:

Greg Hecht-Applicant - He thanked the board for entertaining the proposal. The location is at Johnson Road and Gullatt Road. Mr. Hecht stated it is Land Lot 158 and 163, approximately forty-six acres. It is presently agricultural, and they are trying to get it changed to Single-family Residential. He stated they meet the ordinance in terms of zoning density. Mr. Hecht said the lot sizes exceed the lot size requirements by over 1,000 square feet. The site plan is provided to the board. From the photos or renderings from the beginning, there is a tremendous opportunity for open/free space for a playground for children and families, nearly 8 acres. There are many walking and biking trails for families to enjoy. There is also a rendering of the types of homes that would be built, and it shows the mixture of materials that would be used on the homes. It also shows the houses would be larger than some of the subdivisions like Asbury and Creekwood (1,800 – 2,300 square feet). The price points are in the \$300-\$400,000 which exceeds some of the housing in the surrounding area and this is the least intense use because it is single-family housing as opposed to industrial and commercial etc. Liberty is in many communities around Georgia and is growing and they appreciate the opportunity to have the ability to meet, live and grow as well in Fairburn. Mr. Hecht stated they think it will be a great family subdivision, providing great green space and great price points. They hope that the Commissioners will approve the rezoning. He stated they appreciate the opportunity and will answer any questions. A community meeting has been held and Liberty want to be positive for the community and they have a history of that. Mr. Hecht understands that a lot of times citizens do not want change, but this is a good project and consistent with the area.

Some of the audio was unclear but Mr. Hecht stated they would be happy to have another town hall meeting. *More unclear audio* Mr. Hecht said that the previous owner wanted to put over two hundred lots and they decided not to have that many lots and so they lowered it to 175.

(Name not captured) - Are there any corporate rental restrictions? Are they being designed to be sold to homeowners and individuals to be their permanent dwelling or will there be 100 or 50 of these to be sold to Corporations to be rented out, they are not concerned or invested in the community? That is a concern of the community. Mr. Hecht stated they plan to sell the houses to individuals. They do not have any control over if the homeowner's sale or rent to individuals. No restrictions have been applied pertaining to the sale of each home. Mr. Hecht lastly stated there will be an HOA in place and the legal guidance as far as guidelines pertaining to HOAs but no rental restrictions.

OPPOSE:

Ben Pugh-8850 Gullatt Rd. (Diane Lee)/8830 Gullatt Rd. (Donald Lee) - Representing several family members. They object to the project for many reasons that staff has given, including density, access, and the number of homes being built right next to Mr. Lee's property (8830 Gullatt Rd.). There are only two ways to get in and out of the property. The residents are totally against this development. From working in the commercial real estate industry for thirty-plus years, Mr. Pugh stated he is for smart development, but he affirmed this development is dumb development with a capital D. This density should not be done on this location. This group is not against new, they are not against development, they are against density. If someone would propose a project that was consistent with the current zoning and enable the people on the property to get out onto Johnson Rd.

as well as Gullatt Rd they might be much more open-minded to that. Lastly, Mr. Pugh stated this is the wrong density, wrong location...period.

Rita Parker-8955 Gullatt Rd.- Ms. Parker lives almost directly across from the proposed location and she reinforced the fact of density is not wanted in the area. If the project were like a Serenbe community they would be so happy with the growth but the impact on the roads, the school systems, and the community can not handle it. The exit would be only on and off of Gullatt Road (which the question was asked at the meeting on March 20th) puts a lot of traffic right in that area and the roads cannot accommodate it today. Lastly, Ms. Parker stated not the right growth for the community.

Andrea Corbett-8875 Gullatt Rd. - Ms. Corbett stated that she agreed with previous neighbors and the congestion with one entrance is awful. Ms. Corbett lastly stated eighteen-wheelers come down, back and forth and it would be too congested. They are against it as well.

Darcy White- 375 Mann Rd. - Property backs up to Line Creek. Ms. White would like to echo everything the previous speakers said. She stated this would be the wrong place for it. If it were a Serenbe development, they would absolutely be on board for it. The environmental impact has not been mentioned and they are very focused on that. There is a beautiful wetland in the proposed area and if you have a lot of impervious surfaces right there, they are concerned about what the runoff could be to Line Creek. In addition, to that, whether the current sewer system can support the load the house would bring.

Commissioner James made a motion of **DENIAL** for Rezoning 2022030 Liberty Communities, LLC. Commissioner Deavers seconded. **THE MOTION CARRIED.**

Rezoning 2022031 Hernan Creek, 7240 Herndon Road - 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.

SUMMARY/STAFF PRESENTATION:

Ms. Peeks provided a detailed description of the rezoning 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 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 0.18 to .25 acre lots) Based on the proposed development's conformity to the 2040 Comprehensive Plan and Future Land Use Map, Staff recommends **APPROVAL CONDITIONAL.**

SUPPORT:

William (Bill) Diehl (representing the applicant)- They are proposing a residential development with about fifty-seven single-family houses, in a variety of different elevations and a few different housing products. Two elevations were provided and in addition, a ranch-style is being proposed. At least three types of homes will be developed, a variety of structures, and a variety of products available. The property is adjoining the Durham Lakes Community and this community is built with a similar density that is consistent with the comprehensive plan. It is a medium-density character area. They are proposing a lot size that is exactly consistent with what is proposed in the comprehensive plan. Mr. Diehl stated they met with the community on March 11th. Some of the concerns from the meeting were in regards to Herndon Road. The project is directly or in close proximity to a school and there would likely be foot traffic in that area. The client has agreed to develop a sidewalk along Herndon

Road (which is reflected in the conditions that the staff has proposed). That would alleviate some of the concerns about foot traffic. Also, they have proposed a landscape strip to help give some distinction between foot traffic and pedestrian traffic in this neighborhood. Some of the other concerns were as to whether there would be an HOA. Mr. Diehl stated there will be an HOA in place. The HOA may be able to propose rent restrictions. The client does not have a restriction, they are for sale. That restriction could be built-in with the HOA. They had some discussions with staff, to find out if there is a history of proposing zoning conditions. The restriction could be addressed in that way. The client intends on selling fee simple houses. Some of the other concerns were about traffic along Herndon Road. They will provide a revised plan that will provide deceleration lanes in accordance with the development ordinance and a turning lane if that is required by the development ordinance.

(Audio unclear) Was the price point stated? Mr. Diehl stated the price was not stated but it will be in the low 300s or the mid 300s. It will depend on the market when this project gets developed and they are invested and ready to start the development.

Commissioner Jones asked if the homes are all detached. Mr. Diehl stated yes, they are all detached.

OPPOSE:

None

Commissioner Jones made a motion to **APPROVE** Rezoning 2022031 **Hernan Creek**. Commissioner Deavers seconded. **THE MOTION CARRIED.**

IX. STAFF REPORT: Ms. Peek stated this was the first in-person in two years and the next in-person meeting will be at City Hall.

X. COMMISSIONER COMMENTS:
Commissioner Jones thanked all of the community members. He thanked them for taking time out of their day to come to the meeting.

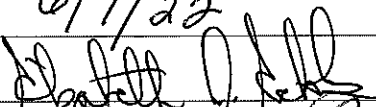
(Unclear as to who was talking and could not understand what was being said)

Commissioner Deaver stated I have lived in Fairburn for about 30 years and moved to Fairburn because of the country environment, not a lot of traffic/cars. Her children went to school in Fairburn for Elementary, Middle, and High School and have gone on to be very productive citizens. Change is good but it is the kind of change, and the Commissioners are the ones who can make a difference. She appreciates everyone having those passions because she does.

(Unclear as to who was talking and could not understand what was being said)

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

MEETING ADJOURNED: The meeting adjourned at 7:35 p.m.

Approval Signatures	
Date Approved	6/7/22
Elizabeth Echols, Chairwoman	
Tarika Peek, Recording Secretary	