



## Planning and Zoning Commission

### AGENDA

Tuesday, October 4, 2022 ♦ 7:00  
p.m.

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

Comments to the Planning and Zoning Commission should be limited to no more than two minutes. Groups wishing to address an issue should select one or two spokesperson(s). The time allowed for all issues shall not exceed a total of fifteen minutes. Issues raised at this time are generally referred to the Director of Planning and Zoning for review. Responses will be provided at a later date.
  - **Approval of the Meeting Agenda**
  - **Approval of Meeting Minutes**
    - September 13, 2022 Meeting Minutes
  - **Public Hearing**
    - **2022115 Primary Variance Gomes** - A request to reduce the side yard setback from 10' to 5' feet to allow for an addition to an existing structure.
  - **Old Business**
  - **New Business**
    - **2022088 Rezoning MCRT SFR Investments**

**Address:** 8515, 8521 Senoia Road and 0, 8521 Landrum Road (Parcel Tax ID # 09F020300080085, 09F020300080077, 09F020300080051 & 09F020300080028)

**Request:** To rezone 41.895 acres from AG (Agricultural) to PD (Planned Development)
    - **2022117U & 2022124CV Use Permit & Concurrent Variances – Fairburn 55**

**Address:** 7875 Bohannon Road (Parcel Tax ID # 09F080000280864 & 09F080000110871)

**Request:** To approve a use permit for senior housing in the AG (Agricultural) zoning district with four concurrent variances. The concurrent variances are to reduce the front yard setback along Oakley Industrial Boulevard to 50-feet from 100-feet, allow renter-occupied units, increase the lot coverage from 15% to 28.6%, and allow parking in the front yard setback.
  - **Staff Report**
  - **Commissioner Comments**
  - **Adjournment**

# CITY OF FAIRBURN

56 SW Malone Street, Fairburn, GA 30213-1341 | (770) 964-2244 | Fax (770) 969-3474 | [www.fairburn.com](http://www.fairburn.com)





## PLANNING AND ZONING COMMISSION MEETING MINUTES

City Hall  
56 Malone Street  
Fairburn, GA 30213  
Tuesday, September 13, 2022  
7:00 p.m.

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

Interim Director of Planning and Zoning: Rebecca Keefer  
Interim Senior Planner: Richard Edwards  
City Attorney: Valerie Ross

- I. **MEETING CALLED TO ORDER:** The meeting was called to order at 7:00 p.m. by Chair Echols.
- 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. Commission Deavers seconded. **THE MOTION CARRIED.**
- V. **APPROVAL OF PREVIOUS MEETING MINUTES:** Commissioner James made a motion to **APPROVE** the August 2, 2022, minutes. Commissioner Jones seconded. **THE MOTION CARRIED.**
- VI. **PUBLIC HEARING:**

**2022077 Primary Variance – Loe & Black**

Addresses: 281 Malone Street (parcel ID # 09F180400680422)

Request: To reduce the side yard setback from 15-feet to 7-feet for an accessory dwelling unit.

Staff gave a presented the case to the commission.

Commissioner Jones asked if the proposed structure was to stay in the same building footprint and only the internal use of the existing structure was changing. Staff agreed with Commission Jones's assessment.

The applicant/owners, Rhys Black and Shannon Loe, spoke in favor on the request.

Ms. Willis (Malone Street resident) inquired on why she received a letter from the City and if it affected her property. Staff explained that the letter was for public notice and that the proposed changes were only for 281 Malone Street.

No opposition.

Commissioner Deavers made a motion of **APPROVAL**. Commissioner James seconded. **THE MOTION CARRIED.**

**VII. OLD BUSINESS:** None

**VIII. NEW BUSINESS:**

**Conceptual Plat 2022091CP Evergreen Residential Subdivision**

**Address:** 294 Elder Street (09F171000670178), 296 Elder Street (09F171000670244), 0 Strickland Street Rear (09F171000670137), and 246 Strickland Street (09F171000670129)

**Request:** To approve the conceptual plat for the Evergreen Residential Subdivision.

Staff presented the case to the commission.

The applicant provided details on the proposed conceptual plat.

Commissioner Jones asked for clarification on the five foot stagger of the front setbacks.

Commissioner James asked about condition #10 and whether the developer is committed to ensuring the subdivision streets will be maintained after construction. The applicant detailed the maintenance bond procedures.

Commissioner Smith asked why the applicant removed the entrance off of Strickland Street. The applicant stated that comments from citizens revealed that this was not something the community wanted for this development.

No public comments.

Commissioner Jones made a motion of **APPROVAL**. Commissioner James seconded. **THE MOTION CARRIED.**

**Conceptual Plat 2022103CP Renaissance Park Apartments**

**Address:** 8040 Senoia Road (09F070300260476)

**Request:** To approve the conceptual plat for the Renaissance Park Apartments.

Staff presented the case to the commission.

Commissioner James asked for clarification on the number of units. The total number of units is 288 apartment units.

Commission Jones asked for clarification on what the rezoning was for this project.

The applicant provided details on the conceptual plat.

Commissioner James asked what the need for the parking reduction was during the rezoning process.

Commissioner Smith asked about the proposed price range. The applicant stated that it would depend on the market but could be similar to The Dillon Apartments.

Commission James asked about the price range for The Dillon Apartments. The applicant stated that he believed the starting prices were between \$1,600 and \$2,000 depending on the unit and layout.

Commissioner James made a motion of **APPROVAL**. Commissioner Jones seconded. **THE MOTION CARRIED.**

**X. STAFF REPORT:**

Interim Director Rebecca Keefer provided an update on upcoming cases.

**XI. COMMISSION COMMENTS:**

Commissioner Deavers reminded the commission of the upcoming Fall Festival and desire to see the commissioners out in the public.

Commissioner Smith shared that he would like to see pricing for new developments when the commission is reviewing proposals.

Commissioner Jones thanked the Fairburn Fire Department for their work on responding to the old Campbell County Courthouse.

**XII. ADJOURNMENT:** Commissioner Deavers made a motion to **ADJOURN**. Commissioner Smith seconded. **THE MOTION CARRIED.**

**MEETING ADJOURNED:** The meeting adjourned at 7:27 p.m.

Approval Signatures	
Date Approved	
Elizabeth Echols, Chairwoman	
Rebecca Keefer, Recording Secretary	



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

Date: October 4, 2022  
To: Planning and Zoning Commission  
From: Richard Edwards, Interim Senior Planner  
Agenda Item: Primary Variance 2022115 – Gomez: To reduce the side yard setback 10-feet to 5-feet for an addition to an existing structure.

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**AGENT/APPLICANT/PETITIONER INFORMATION**

Applicant: Jose Gomez  
Property Owner: Jose Gomez

**PROPERTY INFORMATION**

Address	115 Pine Street NE
Parcel Number, Land Lot(s) and District:	Parcel ID # 09F101100530527, Land Lot 52 & 53, District 9F
Size:	+/-0.24 acres
Current Zoning:	R-3 (Single-family Residential)
Overlay District:	N/A
Comprehensive Plan/Future Land Use:	Town Center Mixed Use

**INTENT**

The applicant is requesting a primary variance from Section 80-74(f) R-3 (Single-family Residential) as follows:

- 1) To reduce the side yard setback adjacent to an interior line from 10-feet to 5-feet.

**STANDARDS FOR CONSIDERATION**

Section 80-251 of the City's Zoning Ordinance includes one or more criteria that 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**

### ***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 side yard setback requirement for R-3 (Single-family Residential) zoning district is 10-feet for interior lot lines. The applicant is requesting to reduce the side yard setback from 10-feet to 5-feet. According to the Fulton County Tax Assessor’s Office, the primary structure was built in 1935. The existing home encroaches into the 10-foot setback by 4.2-feet. The zoning regulations at that time were most likely different from the zoning regulations currently enforced.



Map: Surrounding R-3 (Single-family Residential) and RM-12 (Multi-family Residential) zoning district

### ***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.”***

The strict application of this particular provision of the zoning code would create an unnecessary hardship, as the existing structure encroaches into the setback. Staff does not believe this would cause any 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”.***

N/A

## **RECOMMENDATION**

Staff finds reducing the side yard setback 10-feet to 5-feet will not cause a detriment to the neighboring properties. Therefore, staff is recommending **APPROVAL**.



## APPLICATION FOR VARIANCES

RECEIVED

AUG 19 2022

Date Received: 8-19-2022

VARIANCE #: 2022115  
(Office Use Only)

### SECTION I – GENERAL INFORMATION

#### APPLICANT INFORMATION

Applicant Name: Jose Manuel Morquecho Gomez  
Address: 115 Pine St NE Fairburn GA 30213  
Phone: 404 942 83 05 Cell: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: galan888.8@hotmail.com

#### OWNER INFORMATION (If different from Applicant)

Owner Name: Jose Manuel Morquecho Gomez  
Address: 115 Pine St NE Fairburn GA 30213  
Phone: \_\_\_\_\_ Cell: 404 942 83 05 Fax: \_\_\_\_\_  
Email Address: galan888.8@hotmail.com

#### PROPERTY INFORMATION

Address: 115 Pine St Fairburn G.A. 30213  
Parcel ID#: \_\_\_\_\_ Land Lot: \_\_\_\_\_ District: \_\_\_\_\_ Acreage: \_\_\_\_\_  
Request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**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

I'm excited my family grow up I need more room

- 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 house in its original structure is in one shape but I can make it work under the codes.

- 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.

The original structure is reinforced and we will have no problem adding it to it

**SECTION III LEGAL DESCRIPTION OF PROPERTY** (Legal description/survey must match submitted site plan.)

SUBDIVISION \_\_\_\_\_ UNIT/PHASE: \_\_\_\_\_ LOT NO(S): \_\_\_\_\_

LAND LOT(S): \_\_\_\_\_ DISTRICT: \_\_\_\_\_ TAX ID: \_\_\_\_\_

PROPERTY ADDRESS 115 Pine St NE Fairburn GA 30213

**SECTION IV AUTHORITY TO PURSUE VARIANCE**

**NOTICE: Part 1 and/or Part 2 below must be signed and notarized when the petition is submitted. Please complete Section IV as follows:**

- a) If you are the sole owner of the property and not the petitioner complete Part 1.
- b) If you are the petitioner and not the sole owner of the property complete Part 2.
- c) If you are the sole owner and petitioner complete Part 1.
- d) If there are multiple owners each must complete a separate Part 1 and include it in the application.

**Part 1. OWNER INFORMATION**

Owner states under an oath that he or she is the owner of the property described in the attached legal description. **[EACH OWNER'S SIGNATURE MUST BE NOTARIZED]**

Jose Manuel Mosqueda Gomez

TYPE OR PRINT OWNER'S NAME

115 Pine St NE Fairburn GA.

ADDRESS

Fairburn GA. 30213

CITY, STATE & ZIP CODE

OWNER'S SIGNATURE

(404) 942 83 05

AREA CODE/ PHONE NUMBER

941 911 888.8@hotmail.com

EMAIL ADDRESS

Sworn to and subscribed before me this 19 day of

August 20 22  
Juquita Walker  
NOTARY PUBLIC



**Part 2. APPLICANT INFORMATION**

Petitioner states under oath that: (1) he/she is the executor or Attorney-in-fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

TYPE OR PRINT PETITIONER'S NAME

ADDRESS

CITY & STATE

ZIP CODE

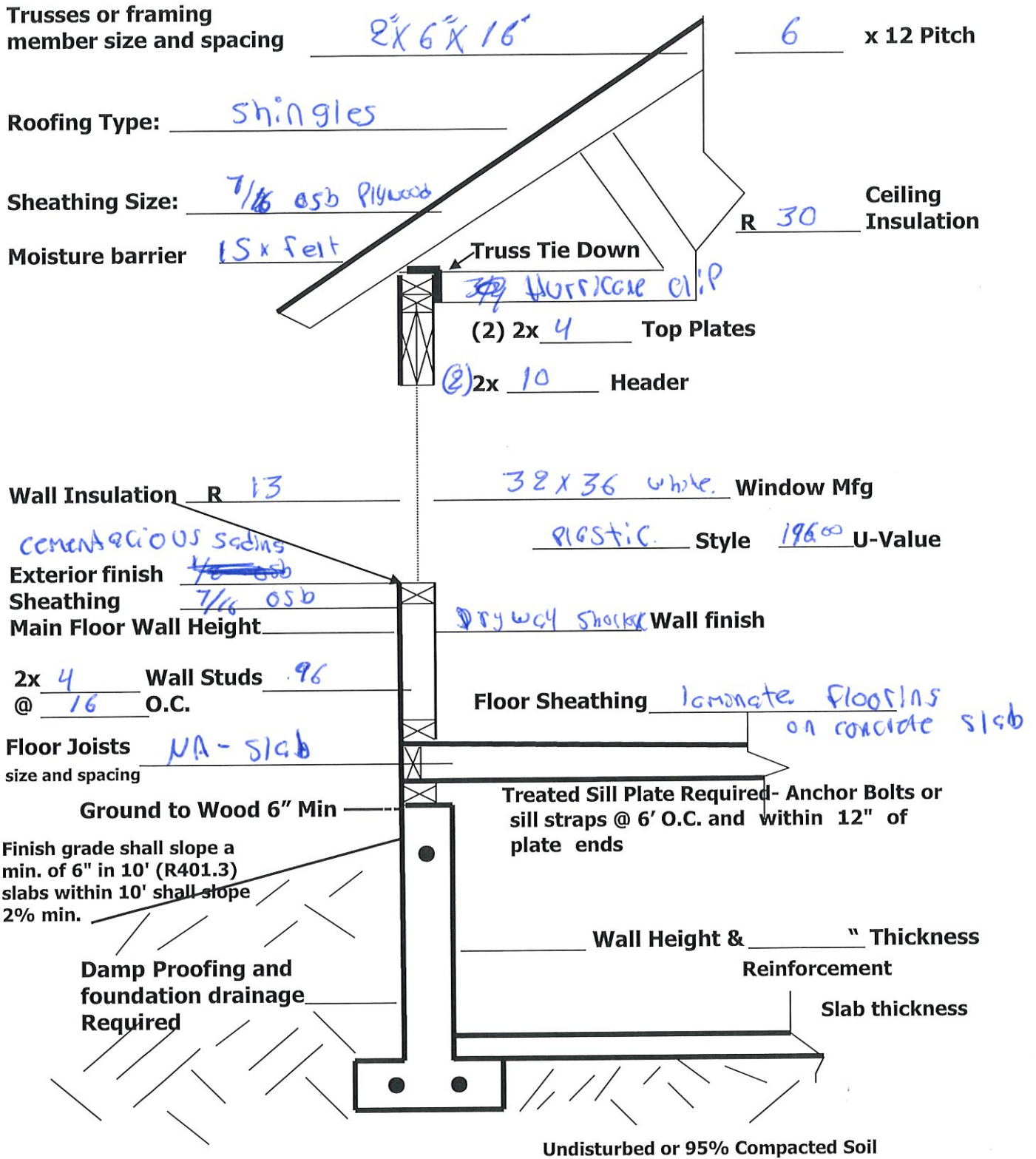
Sworn to and subscribed before me this the

\_\_\_\_\_ Day of \_\_\_\_\_ 20\_\_\_\_

NOTARY PUBLIC



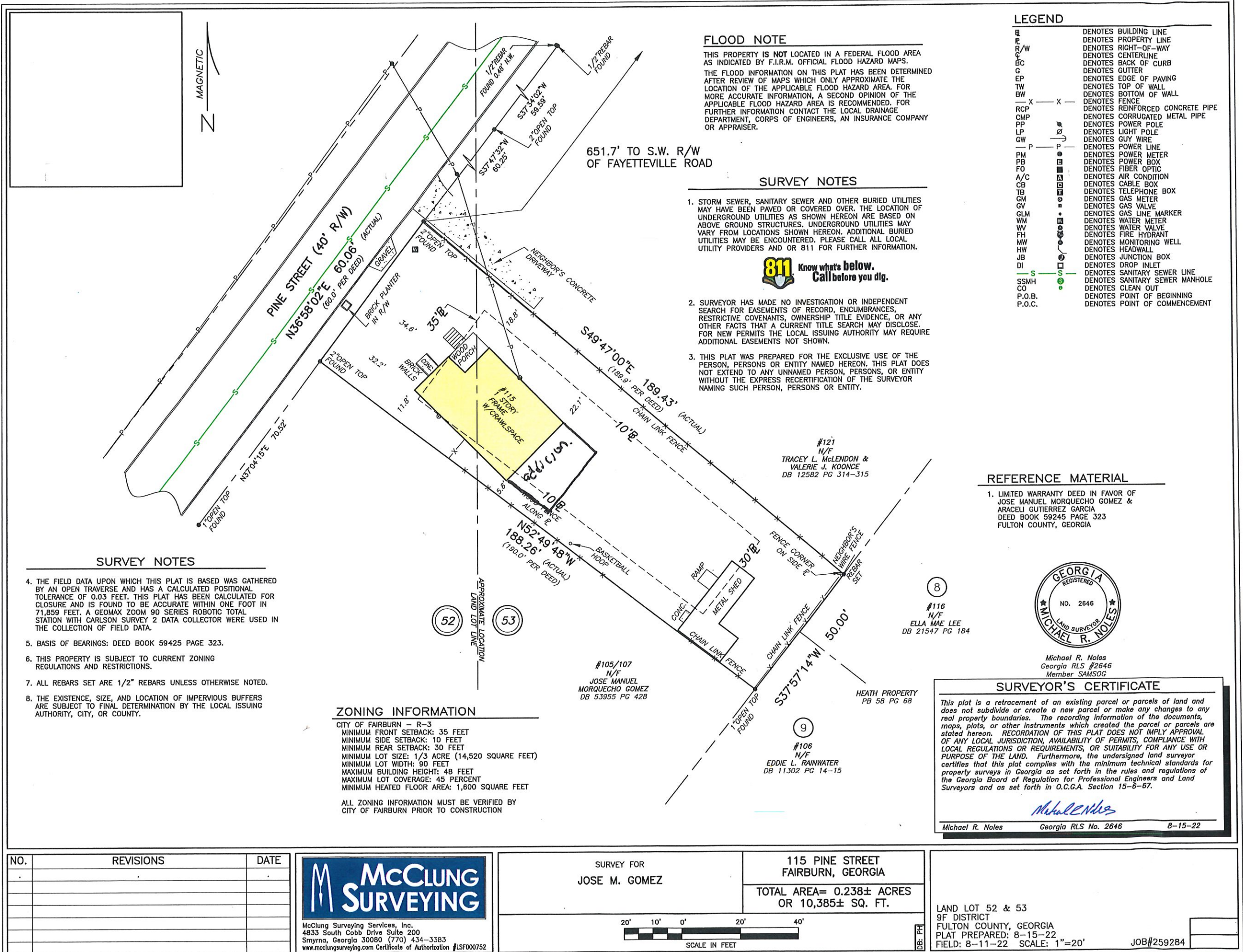
**City of Fairburn**  
**Fill-in-the-blank Wall Section Detail**



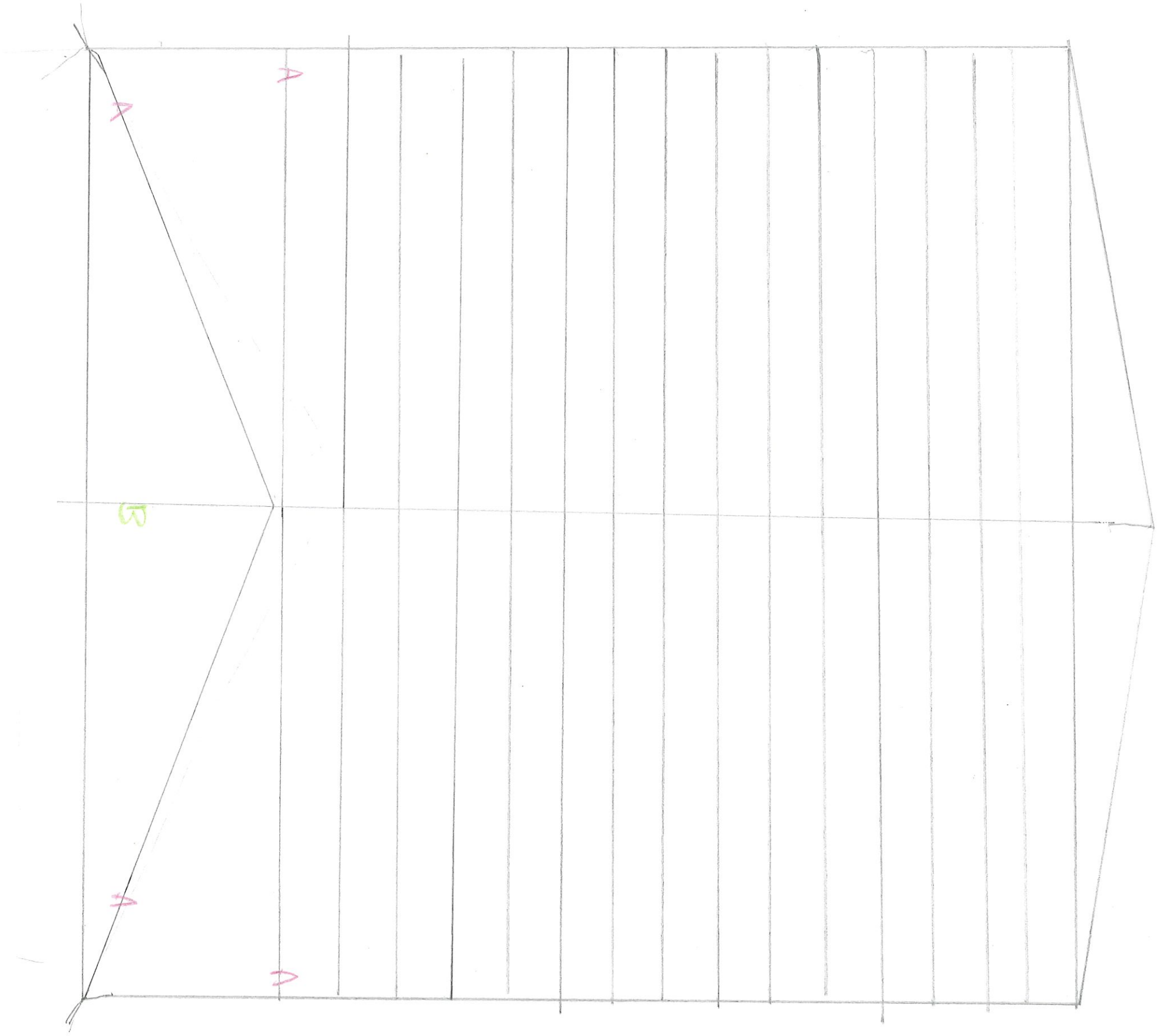
All footings and turned down slabs shall extend 12" min. below undisturbed and shall bear on firm soil. Engineering may be required for questionable soils at inspection.

Note — slow concrete.





# Top View

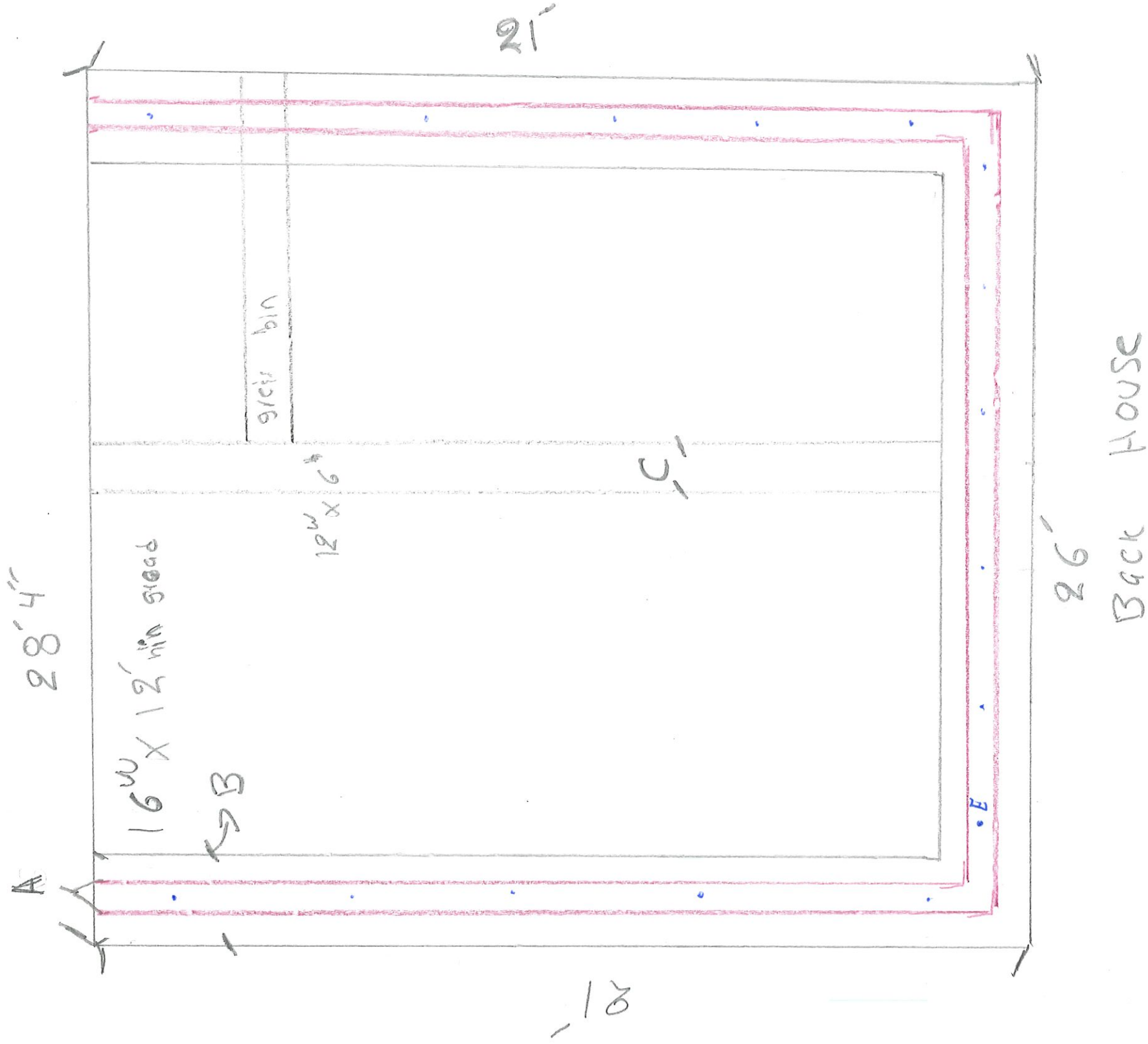


A	2x6x16'
B	2x8x23'
Wall	2x4x8
Exterior Wall	4x8' panel siding
Color	Gray

115 Pine St



FUNDATION PLAN NEW CONSTRUCTION



A	Rebar # 4
B	Footings 16' W X 12' H IN GROUND 40# REBAR FOOTINGS 20' X 16' W ENDS
C	Grey bin 12' W X 6' H
D	4" gravel.
E	bolts
JOSE 404 942 83 05	
115 Pine St Fairborn	



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

**SUBJECT: REZONING [2022088] – MCRT SFR Investments, LLC c/o Battle Law, P.C.**

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

**Submitted: 06/15/22**

**Planning Commission: 10/04/22**

**City Council: 11/14/22**

**DEPARTMENT:** Community Development/Planning and Zoning

**BUDGET IMPACT:** None

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

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**PURPOSE:** For the Planning and Zoning commission to make a recommendation to the Mayor and Council on the rezoning of 41.895 acres from AG (Agricultural) to PD (Planned Development).

**HISTORY:** N/A

**FACTS AND ISSUES:** MCRT SFR Investments, LLC seeks to rezone 41.895 acres from AG (Agricultural) to PD (Planned Development) to develop a planned community with 187 townhome units, 2.20 acres of commercial space, and 17.60 acres of conservation open space. Much of the property is encumbered by environmental constraints with a series of applied buffers and wetland protection measures. The gross proposed density of the site (inclusive of all subject property in the calculation) is around 4.46 units per acre. There are two access points to the proposed development, accessed from Senoia Road and Landrum Road.

The applicant is proposing two types of townhome products. One would be a 25-foot wide, two-story townhouse, and the other would be a 30-foot wide single-story townhouse. The proposed development will consist of the following amenities: cabana, fitness center, pool, club room, and a dog park.

The Future Land Use Map has the subject property designated as Highway Mixed-Use on the eastern side of the property along Senoia Road (one of the four parcels), and the rest of the property (the remaining three parcels) falls within the Rural Residential Designation.

**FUNDING SOURCE:** N/A

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

**DENIAL.**

## APPLICATION INFORMATION

### Rezoning [2020088] - MCRT SFR Investments, LLC c/o Battle Law, P.C.

#### APPLICANT/PETITIONER INFORMATION

**Property Owners**

Robert E Carroll, Jr. & Betty Carroll

**Petitioner**

MCRT SFR Investments,  
LLC c/o Battle Law, P.C.

#### PROPERTY INFORMATION

**Address:**

8515, 8521 Senoia Road and 0, 8521 Landrum Road  
(Parcel Tax ID # 09F020300080085, 09F020300080077,  
09F020300080051 & 09F020300080028)

**Land Lot and District:**

Land Lot 08 District 9F

**Frontage:**

Senoia Road

**Area of Property:**

41.895 acres

**Existing Zoning and Use:**

AG (Agricultural) and Undeveloped

**Overlay District:**

Highway 74 Overlay District

**Prior Zoning Cases/History:**

It appears that these parcels were annexed into the City with  
their current zoning.

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

Highway Mixed-Use/Rural Residential

#### MEETING AND HEARING DATES

**Planning and Zoning Commission Meeting**  
Tuesday, October 4, 2022

**City Council Public Hearing**  
Monday, November 14, 2022

#### INTENT

A request to rezone 41.895 acres from AG (Agricultural) to PD (Planned Development) to develop a planned community with 187 townhome units, 2.20 acres of commercial space, and 17.60 acres of conservation open space.

#### SURROUNDING ZONING

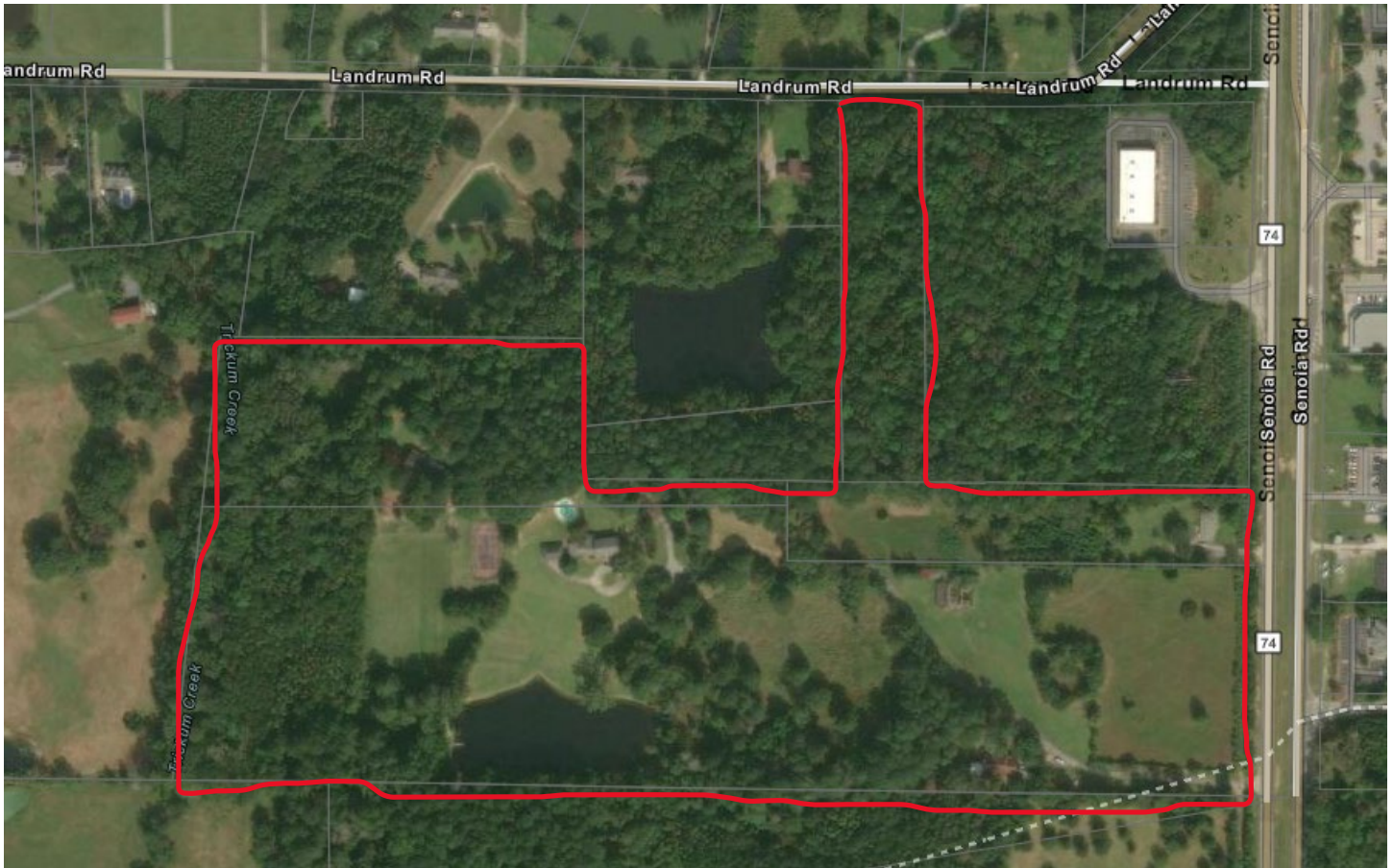
**North:** C-2 (General Commercial), AG (Agricultural), and O&I (Office & Institutional)

**South:** AG (Agricultural)

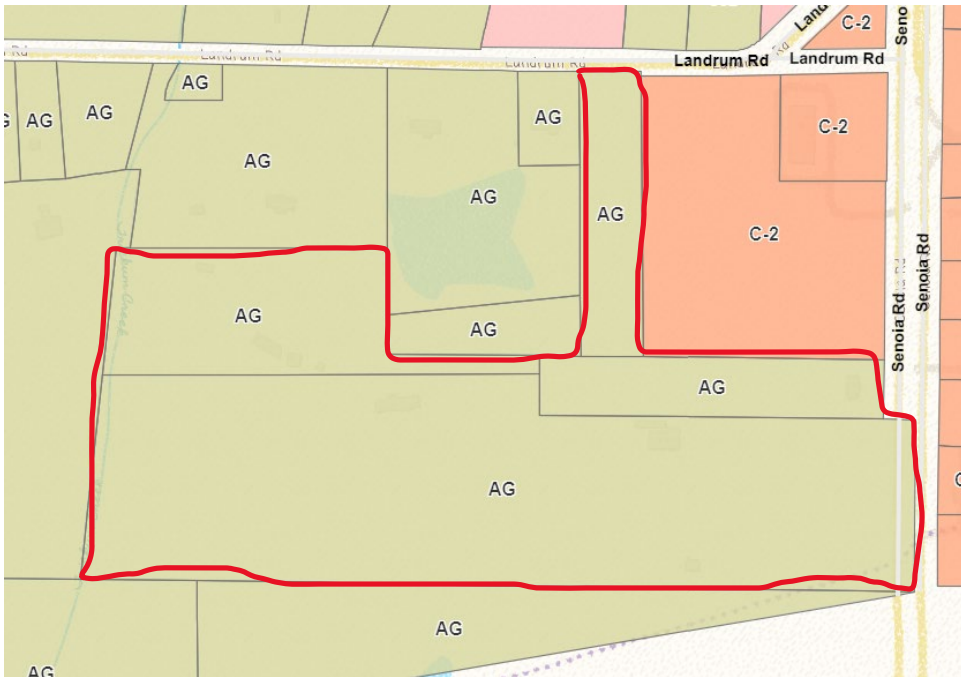
**East:** C-2 (General Commercial)

**West:** AG (Agricultural)

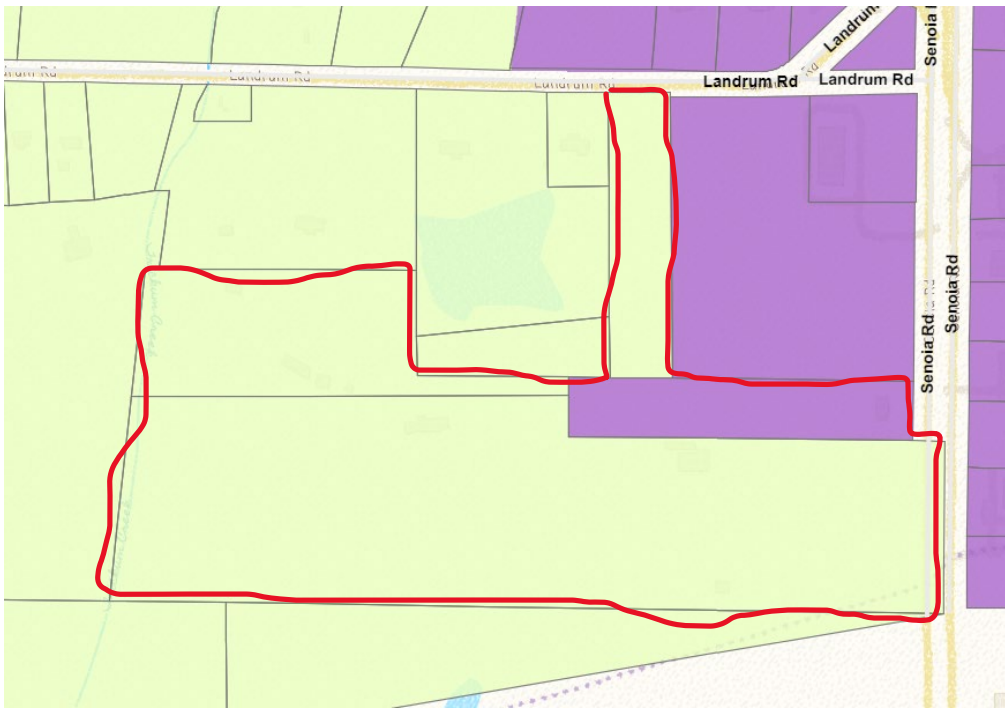
#### AERIAL MAP



## ZONING AND FUTURE LAND USE MAPS







Green = Rural Residential

Purple = Highway Mixed-Use

## PUBLIC PARTICIPATION

As of September 28, 2022, staff has not received the applicant's public participation plan documents. Staff followed up on Thursday, September 15, 2022 and the morning of Wednesday, September 28, 2022 with no response. Staff will provide this information if it is provided prior to the meeting.

## STAFF COMMENTS

### Water & Sewer

**Water:** City of Atlanta water is located along Landrum Rd to the north and Senoia Rd to the east. Capacity is available.

**Sewer:** According to Fulton County's GIS the property is located in the Fulton County sewer service area. At no point would flow from this property enter Fairburn's sewer system. Contact Fulton County for sewer capacity.

### Engineering

1. All new streets or street widening sections shall be provided with curb and gutter. [Sec. 71-45]

## ZONING IMPACT ANALYSIS

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



The applicant seeks to rezone 41.895 acres from AG (Agricultural) to PD (Planned Development) to develop a planned community with 187 townhome units, 2.20 acres of commercial space, and 17.60 acres of conservation open space. There is commercial development at the intersection of Senoia Road and Landrum Road. There is also single-family residential abutting these properties to the west.

Staff finds that the proposed use is not suitable in view of the use and development of adjacent and nearby properties. The surrounding area consists C-2 (General Commercial) and AG (Agricultural) zoned lots. The AG (Agricultural) lots contain single-family residential uses that range in acreage from one acre to 17 acres. The adjacent commercial lot is vacant and wooded, and there is a liquor store at the corner of Landrum Road and Senoia Road.

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

Staff does not find that this proposal, if approved, would have any adverse impact on the use or usability of adjacent or nearby properties.

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

Staff finds that the subject property has a reasonable economic use as currently zoned. Furthermore, the property is able to be developed with single-family detached residential uses by-right in the AG district.

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

**Traffic Impact and Improvements**

The installation of sidewalks along the street frontages (Senoia Road and Landrum Road) will be required.

**Impact on Schools**

Staff has not received a response from Fulton County Schools. Staff will provide an update if this information is received prior to the meeting.

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

The subject property is designated as Highway Mixed-Use and Rural Residential on the Future Land Use Map. The Highway Mixed-Use designation calls for a vibrant commercial corridor that provides an array of goods and services at a smaller scale with walkable retail centers. The Rural Residential designation calls for development that preserves a rural feel with one acre or larger lots.

The appropriate zoning districts in the Highway Mixed-Use area include C-1 (Neighborhood Commercial), C-2 (General Commercial), O&I (Office Institutional), RM-12 (Multi-family Residential), RM-36 (Multi-family Residential), and PD (Planned Development). The appropriate zoning designations for the Rural Residential area is R-1, R-2, R-3, and R-4, which are all single-family residential districts.

While the application proposes an undefined commercial component adjacent to the Senoia Road frontage that supports the policies of the Highway Mixed-Use character area in the general vicinity, the majority of the site is designated in the Rural Residential character area. Based on the articulated policies in the 2040 Comprehensive Plan, staff finds the proposed planned development does not conform with the 2040 Comprehensive Plan and Future Land Use Map. The density within the Rural Residential areas would be

much higher than the Comprehensive Plan intends. The proposed attached residential development is a substantial departure from the envisioned preservation of “a rural feel with one acre or larger lots.”

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

Staff has not identified any existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or denial of the applicant’s proposal.

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

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

**STAFF RECOMMENDATION**

Staff finds the proposed rezoning of the property from AG (Agricultural) to PD (Planned Development) for a planned development with 187 townhomes, 2.20 acres of commercial space along Senoia Road, and 17.60 acres of conservation does not conform with the 2040 Comprehensive Plan and Future Land Use Map, as proposed. There are large lot single-family residential uses in the vicinity of the subject property that would be impacted by the density, intensity, and character of the proposed development in a manner not supported by the vision for the property in the 2040 Comprehensive Plan. The proposal to develop a planned development within the Highway 74/Senoia Road corridor is consistent with the Comprehensive Plan and Future Land Use Map for that portion of the project only. Increased residential development in the Highway Mixed-Use Character Area and adjacent to Senoia Road will help to attract higher quality commercial and retail businesses. However, the density of the western side of the property is greater than what the Rural Residential Character Area intends. The townhomes adjacent to the commercial space along Senoia Road would be a good transition into lower density residential on the western side of the property that abuts large lot, single-family homes, but the proposal does not transition significantly enough to meet the spirit of the character envisioned.

Therefore, based on these reasons outlined in **Section 80-300**, staff recommends **DENIAL** of this petition, as proposed.

Should the Mayor and City 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 conditions shall prevail unless otherwise stipulated by the Mayor and City Council:

**A. To the owner’s agreement to restrict the use of the subject property as follows:**

1. Residential units at a density no greater **than 4.8** units per acre net for the whole site or 187 units, whichever is less.
2. The following uses under the C-2 (General Commercial) District: liquor stores, car/truck rental or sale/leasing, auto repair/tire/body shop, auto supply store, parking lot/garage, recycling center, gasoline service station, and funeral services are specifically prohibited along with those prohibited uses in the Highway 74 Overlay Zoning District.

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

The property shall be developed in substantial conformity with the Site Plan [Development Plan] prepared by Elite Engineering and attached as Exhibit C. Said site plan is conceptual only and must meet or exceed the requirements of the City's ordinances prior to the approval of a Land Disturbance Permit. Any major deviation from this site plan is subject to approval by the City Engineer or designee.

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

1. Development standards for the residential lot(s) in the planned development shall be as follows:
  - a. Building setbacks:
    - i. Front: 20-feet and 25-feet along collector roads
    - ii. Side: 15-feet
    - iii. Rear: 20-feet
2. Development standards for the commercial lot(s) shall be consistent with the C-2 zoning district requirements.

**Single-family attached residential use**

1. Full amenity package including recreation area, swimming pool, fitness center, dog park, walking trail, playground, and clubhouse.
2. Exterior materials shall be brick, stone, or cementitious material. Vinyl shall be prohibited except for fascia and soffits.
3. All roof-mounted equipment shall be screened from the public right-of-way.
4. Garages shall be provided for at least 10 -15 percent of the total number of units.
5. A multi-use wood chip/mulch trail (approx. 1,300 linear feet) shall be included in the development.
6. A minimum of three (3) alternative fuel vehicle charging stations shall be included in the development.
7. Two (2%) percent of the residential units shall be allocated to public safety personnel (Police, Fire, EMT). Fairburn personnel shall have the first right of refusal.

**Commercial Use**

1. Refuse areas (trash containers) shall be placed in the least visible location from the public streets and shall be enclosed on three sides with brick, stone, or other cementitious materials used on the façade of the buildings.
2. The front façade of the commercial uses shall be a combination of brick, stone, glass, and/or other cementitious sidings.
3. Burglar bars, steel gates, and steel roll-down curtains are prohibited on the exterior and interior of all structures.

**General**

1. Lighting fixture height, style, design, and illumination levels shall be compatible with the building design and height and shall consider safety, function, and aesthetics. Lighting fixtures installed along sidewalks shall be of a pedestrian scale and shall not exceed 20 feet in height.
2. All utilities shall be installed underground throughout the development area.
3. Pedestrian walkways (sidewalks) shall be designed and constructed to allow for connectivity between the residential, commercial, amenities, and open spaces throughout the development.
4. The following building façade materials are prohibited for the entire development:
  - a. Exterior Insulation Finishing Systems (EIFS)/Synthetic Stucco

- b. Metal panel systems
- c. Corrugated steel
- d. Smooth concrete; masonry or plain
- e. Cinderblock
- f. Reinforced concrete slabs
- g. Aluminum or vinyl siding
- h. Plywood
- i. Presswood
- j. Mirrored (or use highly reflective) glass

#### **ATTACHMENTS**

Application

Noise Report

Statement of Intent

Exhibit A: Site Plan

Battle Law Rezoning Presentation



## APPLICATION FOR REZONING

City of Fairburn  
Community Development Department  
26 W. Campbellton Street  
Fairburn, GA 30213

Date Received: \_\_\_\_\_

REZONING #: \_\_\_\_\_  
(Office Use Only)

### APPLICANT INFORMATION

Applicant Name: MCRT SFR Investments LLC c/o Battle Law, P.C.  
Address: 3562 Habersham at Northlake Building J, Suite 100 Tucker, Georgia 30084  
Phone: 404-601-7616 Cell: 404-601-7616 Fax: \_\_\_\_\_  
Email Address: mlb@battlelawpc.com

### OWNER INFORMATION (If different from Applicant)

Owner Name: Carroll Robert E Jr, Betty Carroll  
Address: P O Box 940 Tyrone, Georgia 30290  
Phone: \_\_\_\_\_ Cell: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: \_\_\_\_\_

### PROPERTY INFORMATION

Address: 8515, 8521 Senoia Road and o, 8521 Landrum Road Fairburn, Georgia 30213  
09F020300080085,  
Parcel ID#: 09F020300080077, Land Lot: Fulton County District: Fulton County Tax  
09F020300080051, 0008 District 09F  
09F020300080028

### REZONING REQUEST

Current Zoning: AG Current Land Use: Rural Residential  
Proposed Zoning: Planned Unit Development - PD Proposed Land Use: Highway Mixed Use  
Proposed Density (Residential Only): \_\_\_\_\_

**SECTION I****REZONING REQUEST**

Office use only:

ZONING CASE #: \_\_\_\_\_ ROAD FRONTAGE: \_\_\_\_\_

PROPERTY ADDRESS (if available): 8515, 8521 Senoia Road and o, 8521 Landrum Road Fairburn, Georgia 30213

The undersigned, having an interest in the property herein described, respectfully petitions that said property be rezoned from AG to PD

Existing Zoning(s) Proposed Zoning(s)

**SECTION IV****OWNER/PETITIONER**

**NOTICE: Part 1 and/or Part 2 below must be signed and notarized when the petition is submitted. Please complete Section IV as follows:**

- If you are the sole owner of the property and not the petitioner complete Part 1.
- If you are the petitioner and not the sole owner of the property complete Part 2.
- If you are the sole owner and petitioner complete Part 1.
- If there are multiple owners each must complete a separate Part 1 and include it in the application.

**Part 1. Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.**

The Estate of Robert E. Carroll, Betty Ann Carroll, Executrix

TYPE OR PRINT OWNER'S NAME

P O Box 940

ADDRESS

Tyrone, Georgia

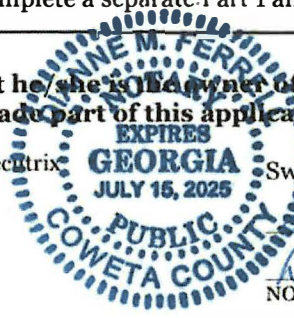
30290

CITY &amp; STATE

ZIP CODE

OWNER'S SIGNATURE

EMAIL ADDRESS



Sworn to and subscribed before me this the

31 Day of April 20 22

NOTARY PUBLIC

770-253-6990 - Notary

PHONE NUMBER

770-964-7062 - Betty Carroll

**PART 2.**

**Petitioner states under oath that: (1) he/she is the executor or Attorney-in-fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has agreed to purchase said property (attach a copy of the contract and type name of owner as "Owner"); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").**

Mill Creek Residential

TYPE OR PRINT PETITIONER'S NAME

3715 Northside Pkwy, Suite 400

ADDRESS

Atlanta, GA 30327

CITY &amp; STATE

ZIP CODE

PETITIONER'S SIGNATURE

EMAIL ADDRESS

mcanady@ncrtoust.com



Sworn to and subscribed before me this the

31 Day of May 20 22

NOTARY PUBLIC

404-661-7616

PHONE NUMBER

**SECTION V**

**ATTORNEY / AGENT**

Check One: [ ☒ ] Attorney [ ☐ ] Agent

Michele Battle

TYPE OR PRINT ATTORNEY / AGENT NAME

SIGNATURE OF ATTORNEY / AGENT

3562 Habersham at Northlake Building J, Suite 100

ADDRESS

Tucker, Georgia

30084

CITY & STATE

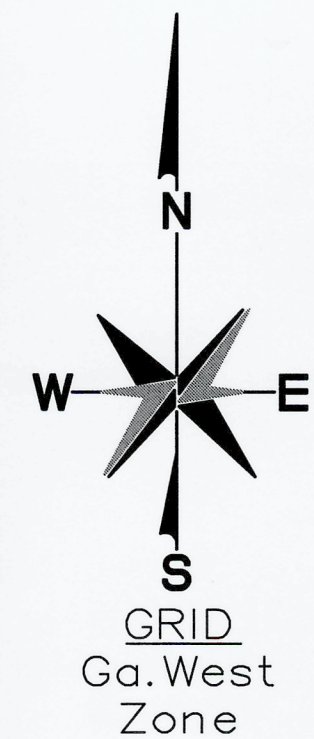
ZIP CODE

PETITIONER'S SIGNATURE

404-601-7616

PHONE





RECORDING INFORMATION

SURVEY NOTES

1. Total Area: 41.893 Acres
2. This map or plat has been calculated for closure and is found to be accurate within 1 foot in 447,239 feet. Data used to prepare this plat was gathered using a Geomax 5" Robotic Total Station for angle and distance measurements. The field data upon which this map or plat is based has a closure precision of one (1) foot in 21,136 feet and an average angular error of 08 seconds per angle point, and was adjusted using Least Squares.
3. A portion of this property lies within a 100 year flood hazard zone as defined by the F.E.M.A. Insurance. This property lies in Zone "AE" (regulatory flow) per FEMA FIRM Panel 13121C0464F
4. IPF signifies iron pin (1/2 inch re-bar) found unless otherwise noted. IPS signifies 1/2" re-bar set.

SCHEDULE B-11 EXEMPTIONS  
STEWART TITLE GUARANTY COMPANY  
File No: 21000140684  
Effective date: January 7, 2022

Items 1-5 are matters not usually addressed in a survey

6. Right of Way Deed to Department of Transportation, recorded January 13, 1986, in Deed Book 9919, Page 436, Fulton County, Georgia records.  
(Affects 8521 Senoia Rd parcel - grants right of way to Georgia D.O.T. as shown on survey)

7. Right of Way Deed to Department of Transportation, recorded January 23, 1986, in Deed Book 9933, Page 242, Fulton County, Georgia records.  
(Affects 8515 Senoia Rd parcel - grants right of way to Georgia D.O.T. as shown on survey)

LEGAL DESCRIPTION  
Combined 4 Tracts

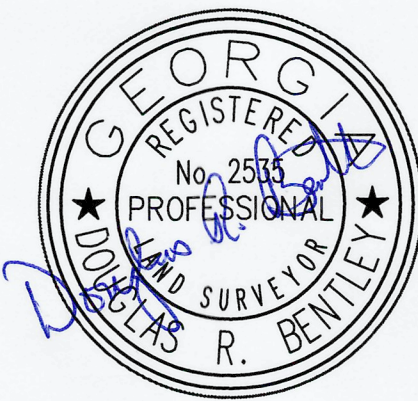
All that tract of land lying in or being in Land Lot 8, 9th District, Fulton County County, Georgia and being more particularly described as follows:

COMMENCING at the intersection of the westerly right of way of State Route 74 (variable with) also known as Senoia Road with the southerly right of way of the relocated Landrum Road (variable width right of way);  
THEN southerly along the west right of way of Senoia Road for 1022.37 feet to the POINT OF BEGINNING;  
THEN continue along said west right of way South 00 degree 47 minutes 02 seconds West for 651.06 feet to the southeasterly corner of this subject parcel;  
THEN leaving the westerly right of way of Senoia Road, North 88 degrees 44 minutes 22 seconds West for 1733.81 feet to a point;  
THEN North 89 degrees 02 minutes 09 seconds West for 533.95 feet to the southwest corner of this subject parcel;  
THEN along the west line of this subject parcel North 08 degree 06 minutes 06 seconds East for 601.53 feet to a point;  
THEN continuing along the west line of this subject parcel North 08 degree 05 minutes 35 seconds East for 360.49 feet to the northwest corner of this subject parcel;  
THEN leaving the west line of this subject parcel South 89 degrees 14 minutes 16 seconds East for 744.35 feet to a point;  
THEN South 02 degrees 01 minute 45 seconds East for 300.21 feet to a point;  
THEN South 87 degrees 17 minutes 07 seconds East for 421.63 feet to a point;  
THEN South 88 degrees 39 minutes 35 seconds East for 100.46 feet to a point;  
THEN North 01 degree 06 minutes 07 seconds East for 805.09 feet to a point on the south side of Landrum Road;  
THEN along said right of way South 89 degrees 41 minutes 19 seconds East for 174.34 feet to a point;  
THEN leaving said right of way South 01 degree 01 minute 59 seconds West for 808.49 feet to a point;  
THEN South 89 degrees 00 minute 27 seconds East for 688.97 feet to a point on the west side of Senoia Road and the POINT OF BEGINNING.

Together with and subject to all valid covenants, easements, and restrictions.

Said property contains 41.895 acres more or less along with all improvements found on subject property.

NO.	DATE	DESCRIPTION	BY



ALTA/NSPS Land Title Survey For  
MCRT SFR Investments, LLC  
Located in Land Lot 8  
09 District, City of Fairburn  
Fulton County, Georgia

Plat Date: , 2021  
Field Date: , 2021  
Scale: 1" = 100'

N/F  
RONALD W. BARNETT & REBECCA P.  
TAX ID: 09F020300080259

N/F  
JERRY JR. ROWLAND  
TAX ID: 09F020300080135

8521 LANDRUM ROAD  
TAX ID: 09F020300080028

N/F  
BETTY ANN CARROLL  
TAX ID: 09F020300080150

N/F  
CHRISTOPHER F. VAUGHNS & BERYL  
TAX ID: 09F020300080168

NO ASSIGNED  
ADDRESS  
TAX ID:  
09F020300080051

N/F  
KNOWLES TRUCKING CO INC  
TAX ID: 09F020300080267

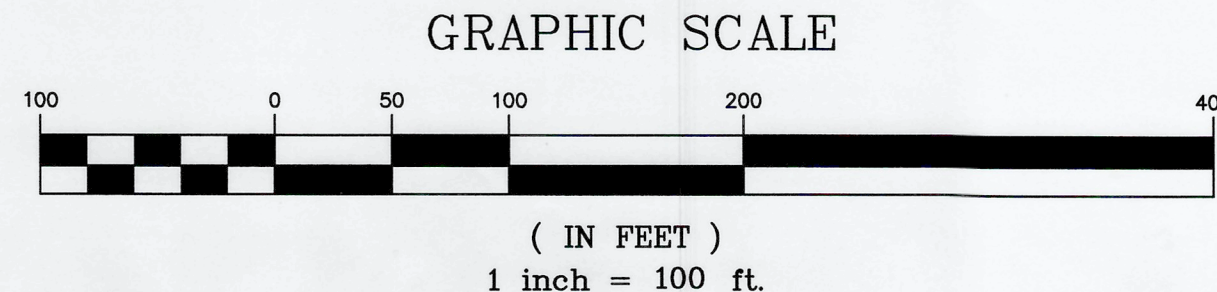
8521 SENOIA ROAD  
TAX ID: 09F020300080077

8515 SENOIA ROAD  
TAX ID: 09F020300080085

N/F  
GERARDO JIMENEZ  
TAX ID: 09F010000090609

N/F  
JIMMIE LOU HOBGOOD LLC  
TAX ID: 09F020300080101

NOTE : Information regarding the reputed presence, size, character and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his/her employees, his/her consultants and his/her contractors shall hereby distinctly understand that the engineer / surveyor is not responsible for the correctness or sufficiency of this information.



21151surv.dwg



This is to certify to MCRT SFR Investments, LLC and Stewart Title Guaranty Company that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 8, 13, and 16 of Table A thereof. The fieldwork was completed on January 14, 2022.

*Douglas R. Bentley*  
Plat or Map date: January 21, 2022 Douglas R. Bentley



The undersigned acknowledges that the site plan is submitted in accordance with Chapter 62, Article V - The Building Process of the City of Fairburn Code of Ordinance and failure to comply shall render my application incomplete which may result in delay in the process of this application.

Applicant signature: \_\_\_\_\_

Date: \_\_\_\_\_

Applicant printed name: MCRT SFR Investments LLC c/o Battle Law, P.C.



MODERA MARSHFIELD | MARSHFIELD, MA

**MILL CREEK SFR PLATFORM**

PEOPLE • PLACES • RELATIONSHIPS

|



**MILL CREEK APPROACH TO SINGLE-FAMILY RENTAL****BUILD-TO-RENT SINGLE-FAMILY COMMUNITIES**

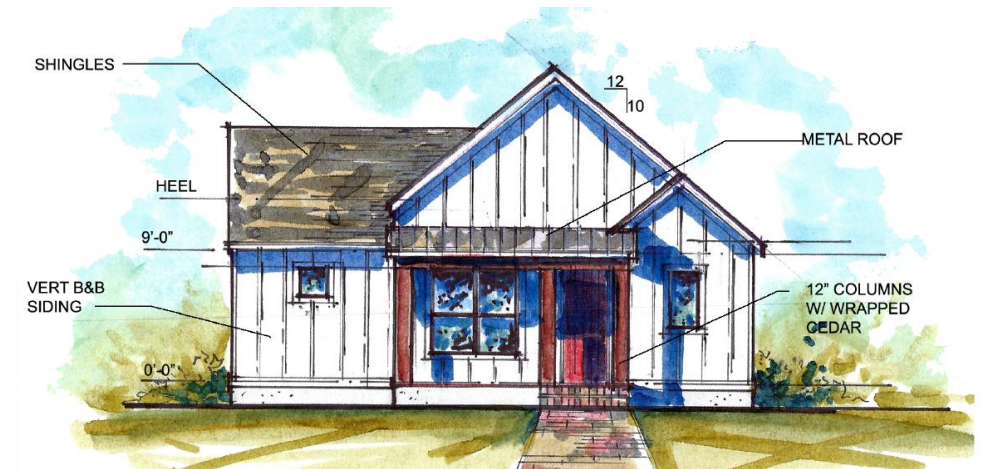
Mill Creek will build BTR SFR communities primarily across its 11 SFR Target Markets

**BEST-IN-CLASS AMENITIES**

Mill Creek's SFR communities will have amenities including dog parks, clubhouses, pools, playgrounds, etc.

**VARIOUS PRODUCT TYPES**

Depending on the site and market, Mill Creek will build single-family detached, townhomes, duplex and cottage product





**ELEVATION 'A' 2-CAR**  
 $\frac{3}{16}'' = 1'-0''$



**ELEVATION 'B' 2-CAR**  
 $\frac{3}{16}'' = 1'-0''$

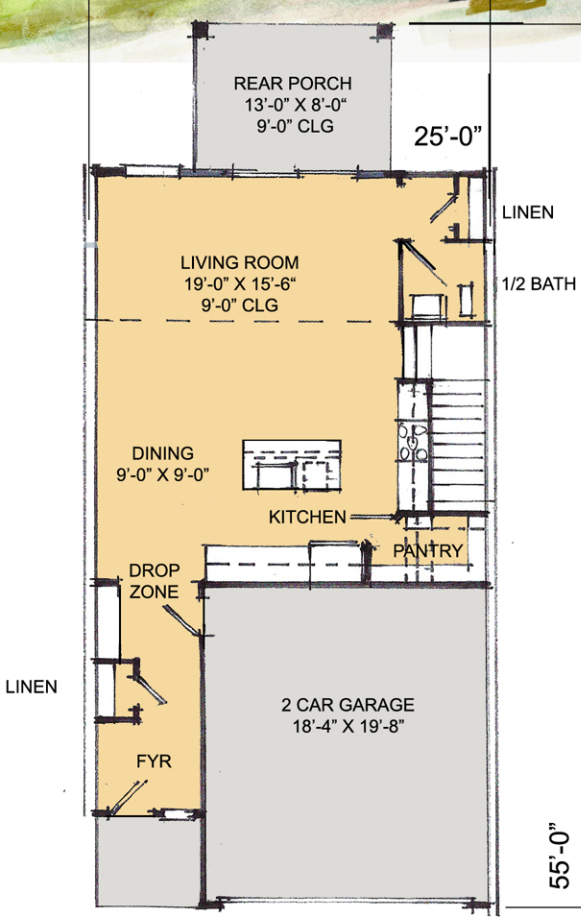
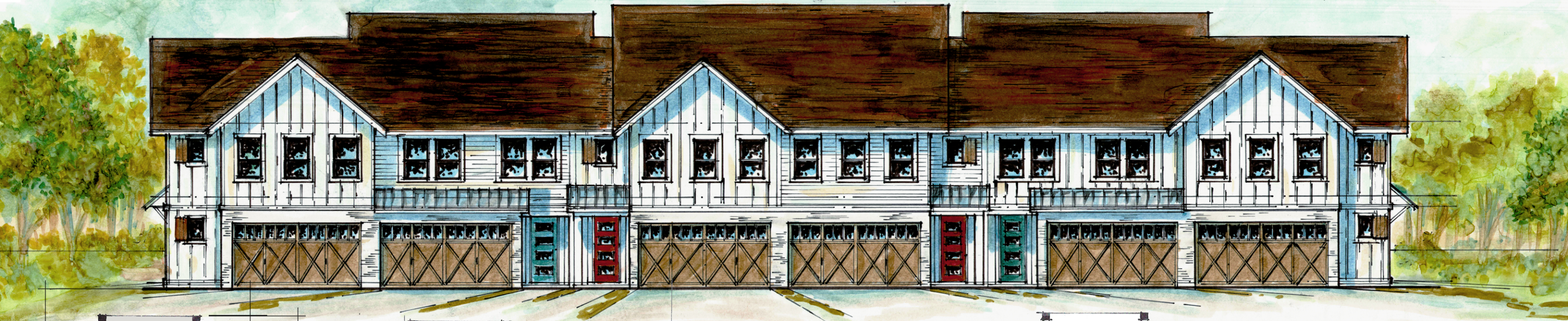


**ELEVATION 'A' 1-CAR**  
 $\frac{3}{16}'' = 1'-0''$

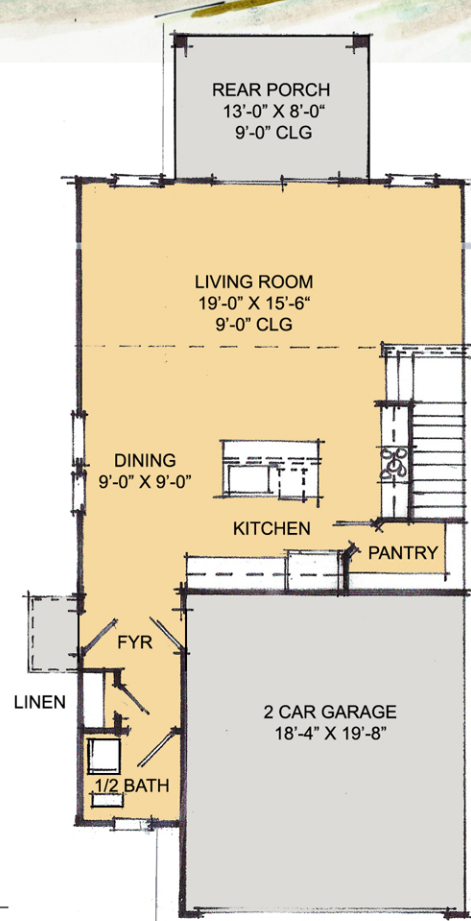


**ELEVATION 'B' 1-CAR**  
 $\frac{3}{16}'' = 1'-0''$

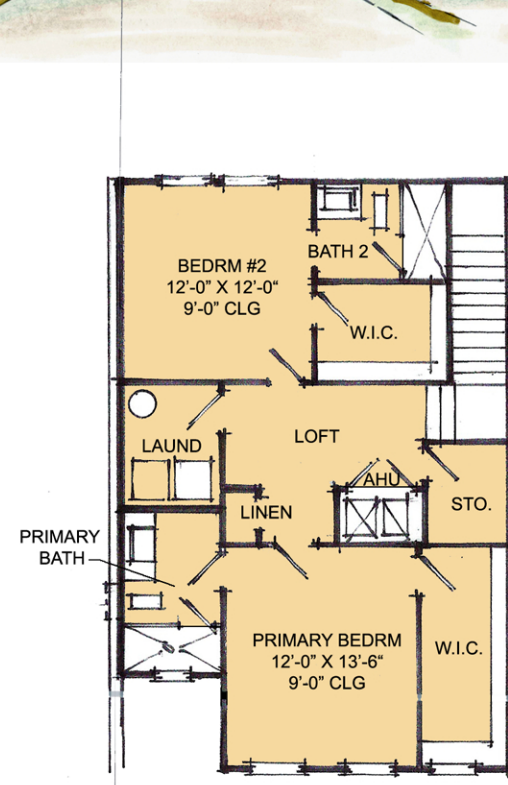




FIRST FLOOR - INT. UNIT  
UNIT #1

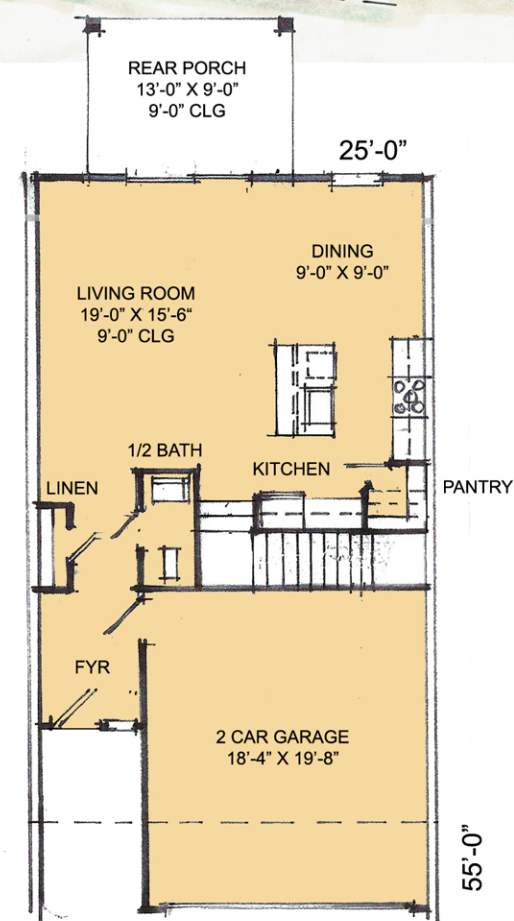


FIRST FLOOR - END UNIT

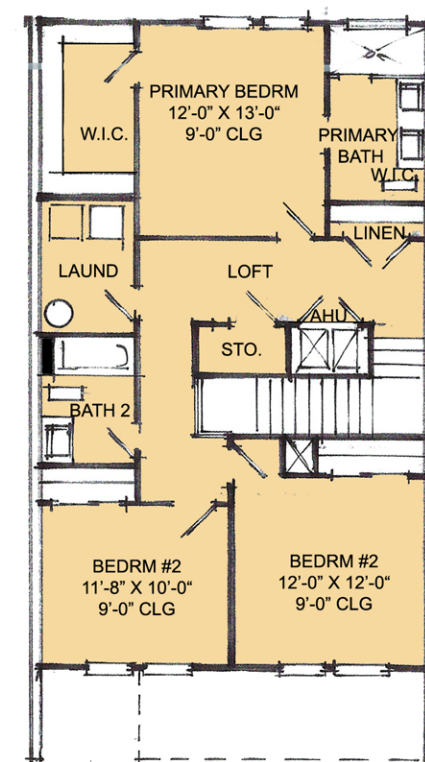


SECOND FLOOR

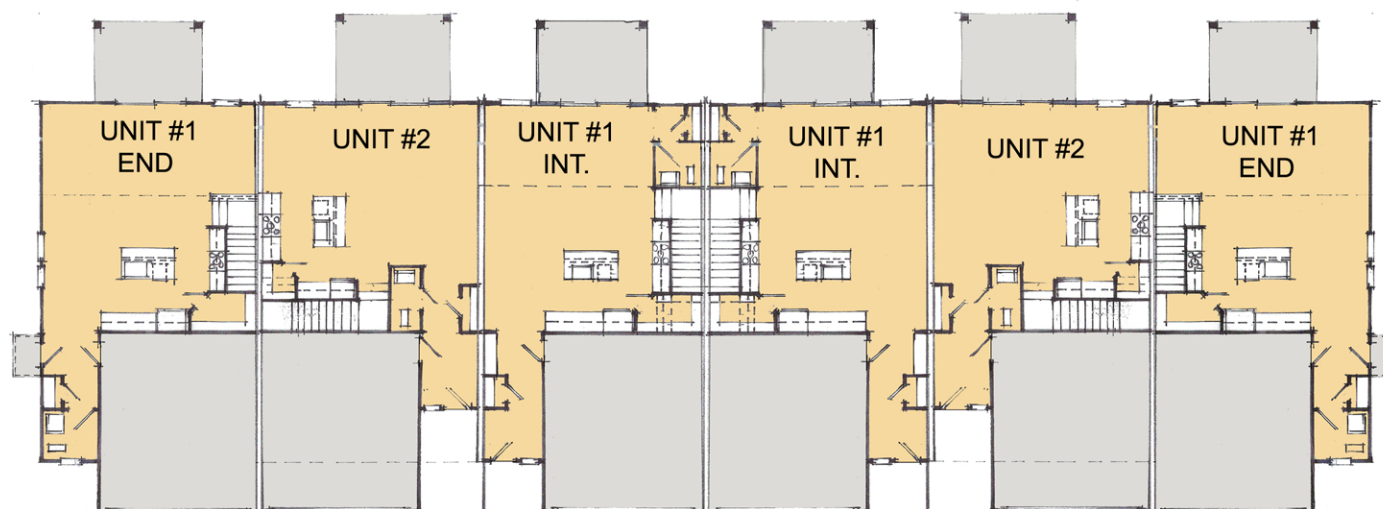
DROP ZONE  
LINEN



FIRST FLOOR  
UNIT #2



SECOND FLOOR



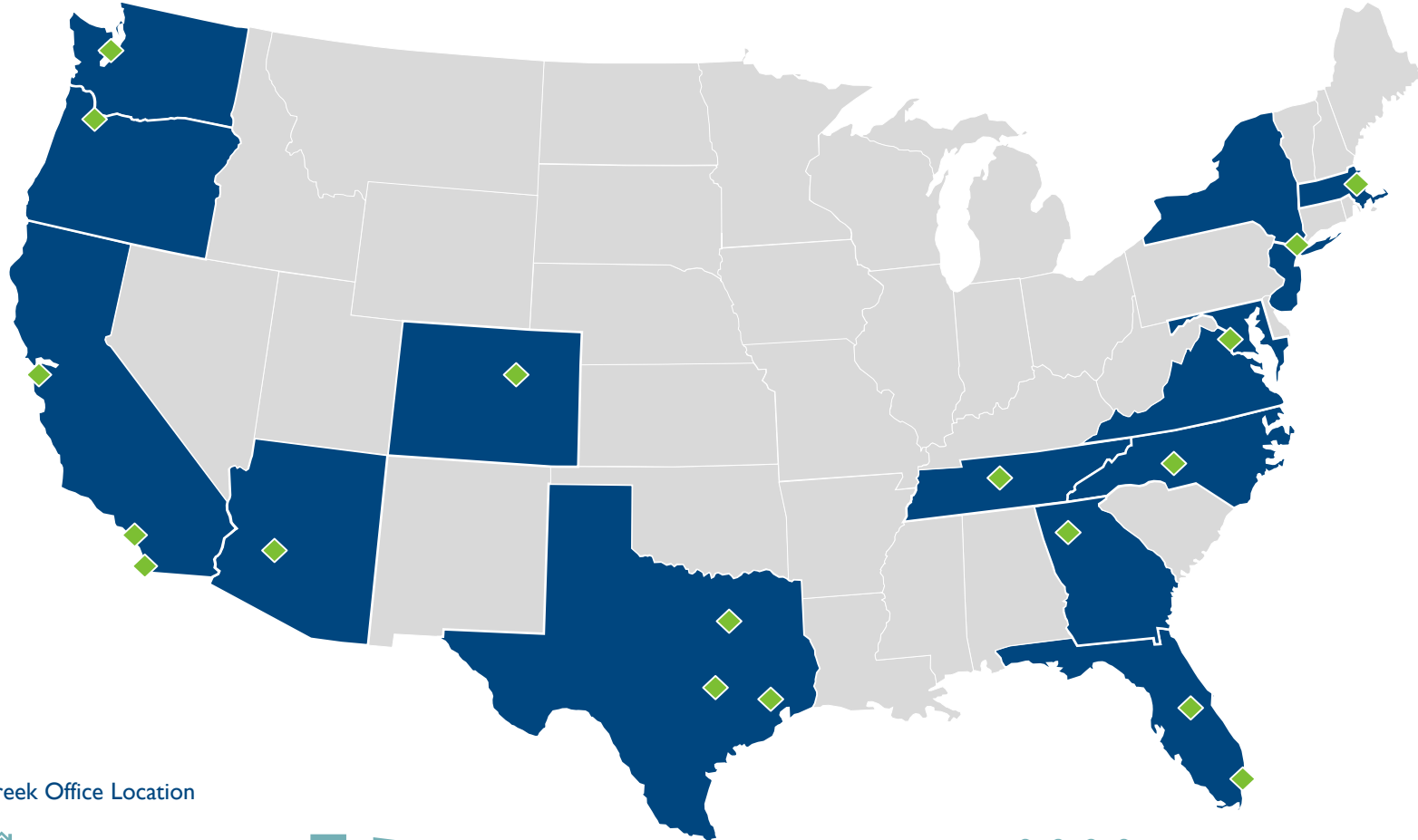
#### UNIT #1- 1599

1ST FLOOR	774
2ND FLOOR	825
LIVING	1599
F PORCH	39
R PORCH	117
TOTAL UR	1755

#### UNIT #2

1ST FLOOR	736
2ND FLOOR	965
LIVING	1701
F PORCH	39
R PORCH	117
TOTAL UR	1857



**LOCAL OPERATING PRESENCE WITH NATIONAL OVERLAY<sup>1</sup>**

**TOTAL ACTIVE  
MARKETS**

**27**



**TOTAL OFFICES**

**18**



**TOTAL CAPITAL  
INVESTED**

**\$12.4 billion**



**79 OPERATING  
COMMUNITIES**

**21,331 HOMES**



**HOMES SINCE  
INCEPTION**

**43,312 homes**

<sup>1</sup>. All figures unless otherwise stated are as of June 30, 2021.

**Experienced Management Team**

- Formed in 2011, Mill Creek has invested approximately \$12.4 billion of capital in residential communities
- Mill Creek has been ranked one of the top five developers of apartment homes seven times since 2014 by National Multifamily Housing Council<sup>1</sup>
  - Since inception, Mill Creek has developed 36,791 homes across 131 multifamily communities
- 12-person Investment Committee has an average of 23 years working together and 31 years of real estate industry experience

**Vertically Integrated Developer, Owner and Operator**

- Full vertical integration with development, construction, acquisition, investment management, portfolio management, property management, and asset management capabilities
- Mill Creek has over 972 professionals nationally, with 18 in leadership, 71 in development and acquisitions, 286 in construction, 486 in property operations and 111 in national services (Accounting, Tax, IT, HR, Risk, Finance)
- For development communities, Mill Creek typically provides customary completion and cost overrun guaranties to lenders and for the benefit of its equity partners, as well as non-recourse carve out and principal/interest guaranties to lenders

**Strong Track Record**

- Completed 99 multifamily development communities with a total capitalization of \$7.5 billion to date; track record of completing developments on time and on budget

**SFR Poised to Benefit from Strong Fundamentals**

- Household formation has outpaced new housing supply since the Global Financial Crisis<sup>3</sup>
- The aging and family formation of the millennial generation is expected to provide a strong tailwind specifically to SFR<sup>4</sup>
- The relative unaffordability of homeownership has pushed potential homeowners – especially younger families who desire a single-family style of living environment but cannot afford ownership – toward SFR product<sup>5</sup>

The material contained in this Presentation is confidential, furnished solely for the purpose of considering providing a loan and is not to be used for any other purpose or made available to any other person without the written consent of Mill Creek Investments LLC or its affiliates (Mill Creek). The material has been obtained from sources Mill Creek deems to be reliable, however, Mill Creek and its affiliates make no representations or warranties regarding the accuracy or completeness of this material. Among other considerations, prospective investors should recognize that this Presentation may contain forward-looking statements (including but not limited to projections as to construction schedules and costs, operating results and economic trends), all of which are inherently speculative and many of which based on future events not within the control of Mill Creek. Prospective lenders should make their own investigations, projections and conclusions without reliance upon the material contained herein.

1. NMHC 25 Largest Apartment Developer Rankings, 2014-20213. *Purpose-Built Single Family Rental Development Landscape*, RCLCO, August 2020. 4. *JCHS tabulations of US Census Bureau, 2016 American Community Survey 1-Year Estimates*, John Burns R.E. Consulting, LLC (Data: 2017, Published: November 2020). 5. *Post COVID-19 Investment Strategy Playbook*, RCLCO, June 2020

**MILL CREEK OVERVIEW<sup>I</sup>****972 professionals****18 offices**  
*across the U.S.***\$12.4 billion**  
*of total capital invested in residential  
development and acquisitions<sup>I</sup>***43,312**  
*homes developed or acquired since  
inception<sup>I</sup>***155**  
*communities developed or acquired  
since inception<sup>I</sup>***Exclusively focused on residential investing, led by a Management Committee that has worked together for 30 years**

- Own or manage 79 multifamily communities totaling more than 21,331 homes across 27 markets across the United States
- Twelve-person investment committee averaging 31 years of experience and 23 years working together
- Fully vertically integrated including in-house construction and property operations
- Decades of relationships have resulted in:
  - 32 global and U.S. investors including pensions, insurance companies, and capital allocators
  - 61 lenders including banks, agency, insurance companies, and alternative lenders

*The investments pictured above are communities previously developed by Mill Creek.*<sup>I</sup>. This represents all development and acquisitions made by Mill Creek since inception. Unless otherwise stated, figures are as of June 30, 2021.



## Nationally recognized 485+ person in-house property management and asset management



### Property Management

- Mill Creek manages 79 communities with a national marketing and branding effort, featuring the **MODERA** and **ALISTER** brands
- Mill Creek's reputation exceeds averages in industry surveys from ORA ("Online Reputation Assessment") and Kingsley for online reputation and resident satisfaction



### Asset Management

- Scale and local market presence serve as an advantage in executing asset and property management initiatives. From initial investment to disposition, Mill Creek has a team on the ground every day at each community
- Asset Management Team acts as the owner of each community, manages strategic planning to maximize returns to investors, and directs property management



### Portfolio Management

- Dedicated in-house Portfolio Management Team works collaboratively with the Asset Management Team to ensure that asset-level decisions are maximizing the risk-adjusted return of the portfolio
- Primary responsibilities include disposition analysis, financing strategies, and administrative functions such as capital calls, distributions, and investor reporting

### National Recognition

- **2020 Power Ranking Online Reputation Assessment: 2<sup>nd</sup> Place**
- **NAHB Pillars of the Industry Awards – 2021 NAHB Property Management Firm of the Year – One of Two Finalists**

**INVESTMENT STRATEGY OVERVIEW****SOURCE**

- Mill Creek's dedicated SFR development and construction professionals have an average of 17 years experience in the single-family industry with deep local relationships, aided by Mill Creek's local presence on a national scale in 27 markets across the country (the "Mill Creek Target Markets")
- Mill Creek leverages several technology platforms unique to the single-family rental industry to identify and underwrite opportunities quickly and efficiently
- Of Mill Creek's pipeline under contract or expected to go under contract in the next 30 days, 80% were sourced from the land owner or site developer directly

**DEVELOP**

- Mill Creek's history and DNA is in residential development
- The SFR team will benefit from Mill Creek's broader 286-person construction team, which has built award-winning residential buildings across the country
- Mill Creek has deep experience in zoning and entitlements and will undertake significant predevelopment work prior to engaging with investors

**MANAGE**

- Mill Creek's national asset and property management platforms maximize revenue through proprietary pricing models and reduced expenses from operating efficiencies
- Management of 79 communities results in proprietary data that gets fed back to the SFR team in underwriting new investments



Scott Herr is the President of the Southeast region for Single-Family Rentals. He is responsible for establishing land pipeline and leading the development of single-family communities throughout the Southeast. Prior to joining Mill Creek, Mr. Herr was the Vice President of Land at M/I Homes in Charlotte, North Carolina where he was responsible for managing the site acquisition, land entitlement, design and land construction activities for their home building division. He participated in and led new product design and strategic planning for the division. Previous experience includes leading infill redevelopment projects in Charlotte's South End submarket, directing the disposition of distressed assets held by regional banks during the Great Financial Crisis and directing the acquisition of single-tenant and multi-tenant industrial real estate for a New York-based hedge fund. Mr. Herr graduated from Davidson College and received his MBA from the Kenan-Flagler Business School at the University of North Carolina Chapel Hill.



Michael Canady serves as Vice President of Land Acquisition for the Georgia and Tennessee division of Single-Family Rentals. Prior to his role at Mill Creek, Mr. Canady served as Vice President of Land Acquisition for Jim Chapman Communities, a regional single family rental developer, where he covered Georgia, Tennessee, Alabama, and the Carolinas. He was responsible for deal sourcing, underwriting, due diligence, entitlements, and all other pre-development activities. Prior to his role at Jim Chapman Communities, Mr. Canady served as Land Acquisition Manager for Lennar Homes in Atlanta. Prior to Lennar Homes, he was responsible for land acquisition and disposition at Walton Global, a national development and management company. There, he led multifamily, single-family, retail and mixed-use site acquisitions and dispositions. His previous experience also includes several years as an analyst for a multifamily owner/operator in Atlanta, GA. Mr. Canady graduated from the University of Georgia with a Bachelor's in Business Administration.

Noise Report  
Mill Creek Subdivision Site  
Fulton County, Georgia

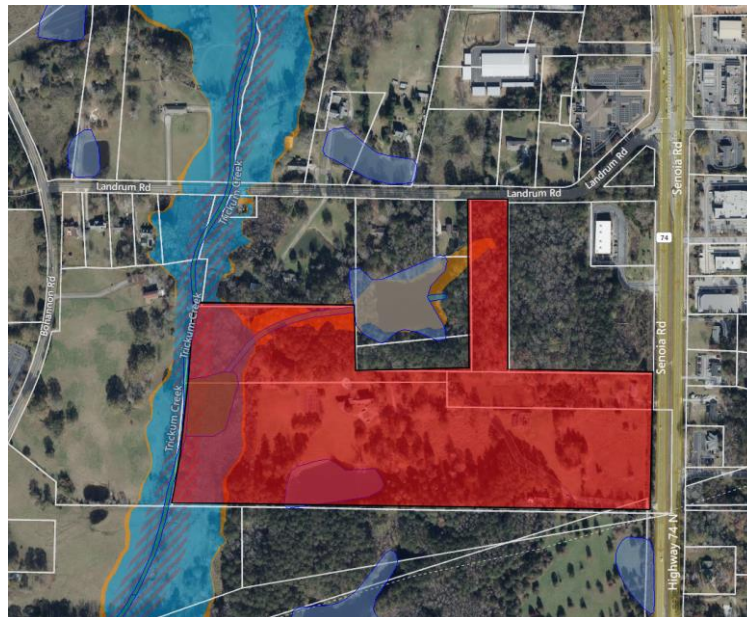
May 31, 2022

### Introduction

Edwards-Pitman Environmental, Inc. (EP) was retained by Mill Creek Residential Trust (MCRT) to conduct a noise study for the subject site to comply with the City of Fairburn, Georgia Rezoning Application requirements. The requirements in the application for the noise study include in their entirety the following:

*ITEM 13. **NOISE STUDY REPORT:** Any residential rezoning/use permit located within 1,000 feet of an expressway or within 3,000 feet of an active rail line.*

The subject property for the noise study is a site located on the west of State Route (SR) 74 south of the city of Fairburn, in Fulton County, approximately 1.5 south of Interstate 85 (I-85).



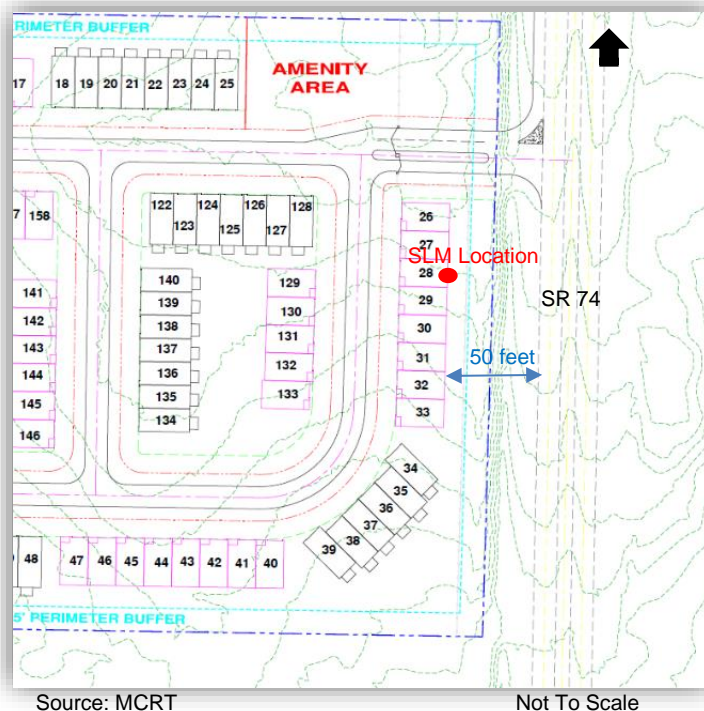
Source: MCRT

### Methodology

To comply with the City of Fairburn rezoning application requirements for a noise study, EP collected field measurements during periods when nearby traffic would be anticipated to be at the highest volumes, thereby generating the most noise from traffic sources, to collect “worst case” noise levels.

Based on the adjacent location to the subdivision, SR 74 was assumed to be the primary source for transportation noise. A Bruel and Kjaer Model 2238 sound level meter (SLM) was used in the

field to collect noise levels at three different periods for approximately 30 minutes each, on Friday May 27, 2022; between 7:31 and 8:01 AM, 11:40 AM and 12:10 PM, and 4:20 and 4:50 PM. The SLM was secured on a tripod, at a level of approximately five feet off the ground with the microphone pointed toward SR 74. Field measurements were taken at approximately the location of parcels 26-33 closest to SR 74, as shown on the site plan provided by MCRT (see below). Although no scale was provided on site plans provided by MCRT, based on road width of SR 74 and scaling on the site plan below, measurements were collected approximately 50 feet from the edge of pavement on SR 74.



## Results

Sound levels were taken continuously during the 30-minute sampling period, and the final result averaged over the sampling period. The SLM was set to account for background noises, and final result reported in decibel units (i.e. decibels or dB). The table below shows the sound levels recorded during the three sampling periods on May 27, 2022.

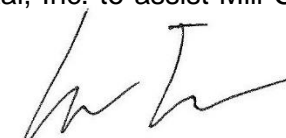
Time Period	Sound Level (dB)
7:31 – 8:01 AM	68.6
11:40 AM – 12:10 PM	66.9
4:20 – 4:50 PM	66.7

The results are not compared to any regulatory standard and are only noise levels from traffic volumes present during the sampling periods.

Thank you for using Edwards-Pitman Environmental, Inc. to assist Mill Creek Residential Trust with their zoning application.



Josh Earhart  
Environmental Project Manager  
Edwards-Pitman Environmental, Inc.



Jeff Turner  
Noise Specialist  
Edwards-Pitman Environmental, Inc.



# MEMORANDUM

To: Mill Creek Residential Trust LLC  
From: Keck & Wood, Inc  
Date: June 10, 2022  
Project No: 220237.00  
Re: Trip Generation Memo for Senoia Road Residential Development (Fairburn, GA)

---

This Trip Generation Memo will detail the existing study area as well as the proposed Senoia Road Residential development – including anticipated trip generation.

## INTRODUCTION

The proposed Senoia Road Residential Development will be located on the south side of Landrum Road just west of SR 74/Senoia Road in Fairburn, GA. SR 74/Senoia Road is a four-lane divided roadway that traverses north-south within the study area. It is classified as a principal arterial with a posted speed limit of 55-mph in both the directions of travel. In the immediate vicinity of the proposed site, the primary land uses are retail and commercial along the SR 74/Senoia Road.

Landrum Road is a two-lane undivided roadway that traverses east-west within the study area. It is classified as a local roadway with a posted speed limit of 35-mph. In the immediate vicinity of the proposed site, the majority of land uses are residential along the west end of Landrum Road and retail/commercial closer to the SR 74/Senoia Road terminus.

The majority of the existing project site is undeveloped; however, there do appear to be at least two single-family homes within the project area.

The proposed development will consist of 194 single-family attached housing units located on approximately 57 acres of land. The current site plan shows two (2) full access driveways to the proposed site. The first driveway is located on Landrum Road approximately 1,000' west of SR 74/Senoia Road and the other driveway is located on SR 74/Senoia Road approximately 1215' south of Landrum Road. The current site plan is included with this memo as Attachment 1.

## TRIP GENERATION

The traffic that would be generated by the proposed development was estimated using the Institute of Transportation Engineers (ITE) Trip Generation Manual (TGM) 11<sup>th</sup> Edition. The trips expected to be generated by this development were determined using ITE Land Use Code 215 – Single-Family Attached Housing with a total of 194 dwelling units, or townhomes, proposed. Table 1 provides a breakdown of the anticipated trip generation information.

Table 1 - Trip Generation

Land Use Code 215 - Single-Family Attached Housing 194 Dwelling Units		Weekday			AM Peak Hour			PM Peak Hour		
		Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
Total Car Trips		1428	714	714	95	29	66	112	64	48
Pass-By Trips	0% AM / 0% PM	0	0	0	0	0	0	0	0	0
New Trips	(Total Trips - Pass-by Trips)	1428	714	714	95	29	66	112	64	48

The data in the ITE TGM indicates there are no pass-by trips associated with this land use. Therefore, all the trips associated with this development will be new trips. From the trip generation information, it appears that more vehicles will be exiting the proposed development in the morning and entering the proposed development in the evening.

Based on the City of Fairburn Rezoning Application, a traffic impact study must be submitted if a single-family residential development meets the threshold of 500 new lots, or if it generates 500 peak hour trips. Since the proposed development is only expected to contain 194 lots, and the total peak hour trips are significantly less than 500, a traffic impact study is not expected to be warranted for this development.

**STATEMENT OF INTENT**

And

Other Material Required by  
City of Fairburn Zoning Ordinance

For

Amended Rezoning Application  
From AG to PD  
Pursuant to City of Fairburn Zoning Ordinance

Of

8515 Senoia Road (Amavi Senoia)  
c/o Battle Law, P.C.

For

+/-41.895 Acres of Land Located at  
8515 Senoia Road, Fairburn, Ga 30213  
Parcel No.(s) 09F020300080085,  
09F0300080051, 09F020300080077, & 09F0203000980028

Submitted for Applicant by:

Michèle L. Battle, Esq.  
Battle Law, P.C.  
3562 Habersham at Northlake  
Building J, Suite 100  
Tucker, GA 30084



## **I. LETTER OF INTENT**

The Applicant, Mill Creek Residential is seeking to rezone +/-41.89 acres land currently subdivided and identified as four (4) parcels 09F020300080085, 09F0300080051, 09F020300080077, & 09F0203000980028 from AG (Agriculture) to PD (Planned Development). The applicant is requesting to subdivide and develop a comprehensive mixed-use development, including 187 single-family attached homes with townhome design lots and +/- 2.20 acres of the commercial out parcel. The residential lots will include 25' wide 3-bedroom units at 1,700 square feet of heated floor space.

The proposed community will be adjacent to the Highway Mixed-Use Designated parcels according to the Comprehensive Plan. The proposed development will be a great addition for the city, given its access to the Town Center and adjacent commercial corridors to and from the city limits of Fairburn. The proposed community will also expand housing options in the area for recent graduates, empty nesters, and young professionals looking to move to downtown Fairburn. The Applicant is hereby submitting this rezoning application for the development of the following:

1. BOUNDARY SURVEY COMPLETED BY ELITE SURVEYING, LLC
2. TOPOGRAPHIC INFORMATION SHOWN HEREON PROVIDED BY THE CITY OF FAIRBURN G.I.S. DEPARTMENT
3. OWNER/DEVELOPER :  
24 HR. CONTACT: MICHAEL CANADY 404-623-7272
4. ENGINEER :  
ELITE ENGINEERING, LLC  
3660 CEDARCREST ROAD, STE 220, ACWORTH, GA 30101  
CONTACT: JONATHAN JONES, P.E. 678-215-2968
5. PROPOSED ZONING : PD - RESIDENTIAL/COMMERCIAL/CONSERVATION  
CURRENT ZONING : AG  
TOTAL SITE AREA = 41.895 ACRES  
COMMERCIAL AREA = 2.20 ACRES (5.25%)  
CONSERVATION AREA = 17.60 ACRES (42%)  
RESIDENTIAL AREA = 22.095 ACRES (52.75%)  
TOTAL NUMBER OF LOTS = 187  
PROPOSED DENSITY = 4.71  
25' WIDE UNITS = 3 BEDROOM = 1,700 SF  
REQUIRED PARKING = 342 SPACES  
PROVIDED PARKING = 758 SPACES EXCLUDING AMENITY
- 
- SETBACKS:  
MIN. FRONT YARD = 15, 25' ALONG A COLLECTOR ROAD'  
MIN. SIDE YARD = 15'  
MIN. REAR YARD = 25'
6. THIS PROPERTY DOES LIE WITHIN AN IDENTIFIED FLOOD HAZARD AREA ZONE X PER CITY OF FAIRBURN F.I.R.M. PANEL NO. 13121C0464F DATED SEPTEMBER 18, 2013.
7. NO CEMETERIES, ARCHEOLOGICAL OR ARCHITECTURAL SITES EXIST ON THIS SITE.
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13. PROPOSED DEVELOPMENT WITHIN THE CITY OF FAIRBURN SEWERAGE BASIN.
14. DETENTION TO BE PROVIDED BY 2 PROPOSED EARTHEN DETENTION PONDS.

This document is submitted both as a Statement of Intent with regard to this Application, preservation of the Applicant's constitutional rights, and the Impact Analysis of this Application as required by the City of Fairburn Zoning Ordinance, 13-10 Decision Criteria. A surveyed plat of the Subject Property controlled by the Applicant has been filed contemporaneously with the Application, along with other required materials.

## **II. Impact Analysis**

***1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;***

- a. The zoning proposal will permit a use that is suitable in view of the use and development of the adjacent and nearby property. The Applicant is seeking to rezone the property to PD for 187 residential attached townhomes with a two-acre commercial pod. The subject property is located nearby small businesses and some residential lots.

***2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;***

- a. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. Rather, it will enhance the surrounding area by offering additional housing options for those who wish to own a home. The proposed street design was designed to reduce potential traffic flow to Senoia Road and Landrum Road.

***3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;***

- a. The property to be affected by the zoning proposal has minimal economic use as currently zoned, due to current market trends and costs of labor and material.

***4. Whether the zoning proposal will result in a use that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;***

- a. The zoning proposal will not result in excessive or detrimental use nor could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

***5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and***

- a. The zoning proposal is in conformity with the general area. The Rural Residential Designation is adjacent to Highway Mixed-Use and Medium Density Residential. With close proximity to a commercial corridor, the proposed development would be supported as a gateway into the city's Town Center and other arterials for connectivity to commercial centers.



**6. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.***

- a. To the Applicant's knowledge, there are no other existing or changing conditions affecting the use and development of the property which give *supporting grounds for either approval or disapproval of the zoning proposal.*

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

- a. The proposed community cannot be considered environmentally adverse to the natural resources, environment, and citizens of the City of Fairburn. There is a

**III. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS**

The portions of City of Fairburn Zoning Ordinance, facially and as applied to the Subject Property, which restricts or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of City of Fairburn Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia. A refusal by the City of Fairburn City Council to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the land use amendment and/or rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the land use amendment and/or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with

the provisions of O.C.G.A. Section 36-11-1 to afford the City an opportunity to revise the Property to a constitutional classification. If action is not taken by the City to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the City on notice that it may elect to file a claim in the Superior Court of Fulton County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

#### **IV. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Fairburn so that such recommendations or input might be incorporated as conditions of approval of this Application.

Originally submitted on 14<sup>th</sup> Day of June 2022,

And

Updated July 11, 2022.

Respectfully Submitted,

*Michèle Battle*

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Michèle L. Battle, Esq.



c/o Tyler McSwain,  
Senior urban Planner

Battle Law P.C.,

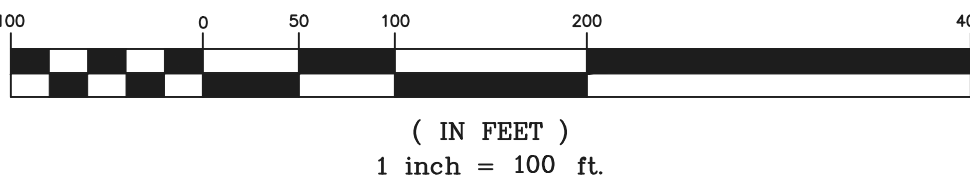
AMENITY TO INCLUDE CABANA WITH FITNESS CENTER AND CLUB ROOM, DOG PARK AND POOL

ZONING NOTES

- 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.
- he developer shall be responsible for the cost of relocation and/or modifications of public and/or private utilities as necessitated by the the required street improvements.
- Acceleration and deceleration lanes shall be provided at 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).
- Turning lanes may be required by thee 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 length of not less than 100 feet.
  - Longer storage and taper lengths may be required when traffic projections indicate they are justified.
- 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.
- All of the materials, methods of construction, and workmanship for street construction shall conform the latest edition of the state department of transportation Standard Specifications for Road and Bridge Construction, including all amendments.
- All future driveway connections are subject to the GDOT Regulations for Driveway and Encroachment Control.
- All pavement markings installed on asphalt within the public right-of-way shall be thermoplastic material; 1.5-inch black contract tape shall be installed for crosswalk on concrete.
- Traffic control devices consisting of street name signs, traffic control signs, traffic markings and traffic signals shall be provided by the developer as appropriate to serve each development. All traffic control devices and installation thereof shall conform to the specifications of the Federal Highway Administration publications, Manual on Uniform Traffic Control Devices, current edition and ANSI D6.1e.
- All storm water runoff generated from a site shall be adequately treated before discharge.
- 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.
- Site utilities serving the site shall be placed underground.
- Facades of each unit 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. The front facades shall consist of at least 25% brick or stone (masonry accent).
- Pedestrian-scale street lighting shall be provided along both sides of internal street throughout the development.
- The perimeter landscape area abutting the public right-of-way along Senoia Road/Highway 74 shall contain mature trees to create a natural landscape buffer between the roadway and the rear of the townhouse (facing Senoia Road/Highway 74). Newly planted trees shall consist of on or a combination of the following trees: Leyland Cypress, Easter Red Cedar, Southern Magnolia, Virginia Pine, Arborvitae, Savannah Holly, Nellie R Stevens Holly.
- All utilities shall be installed underground throughout the development area.

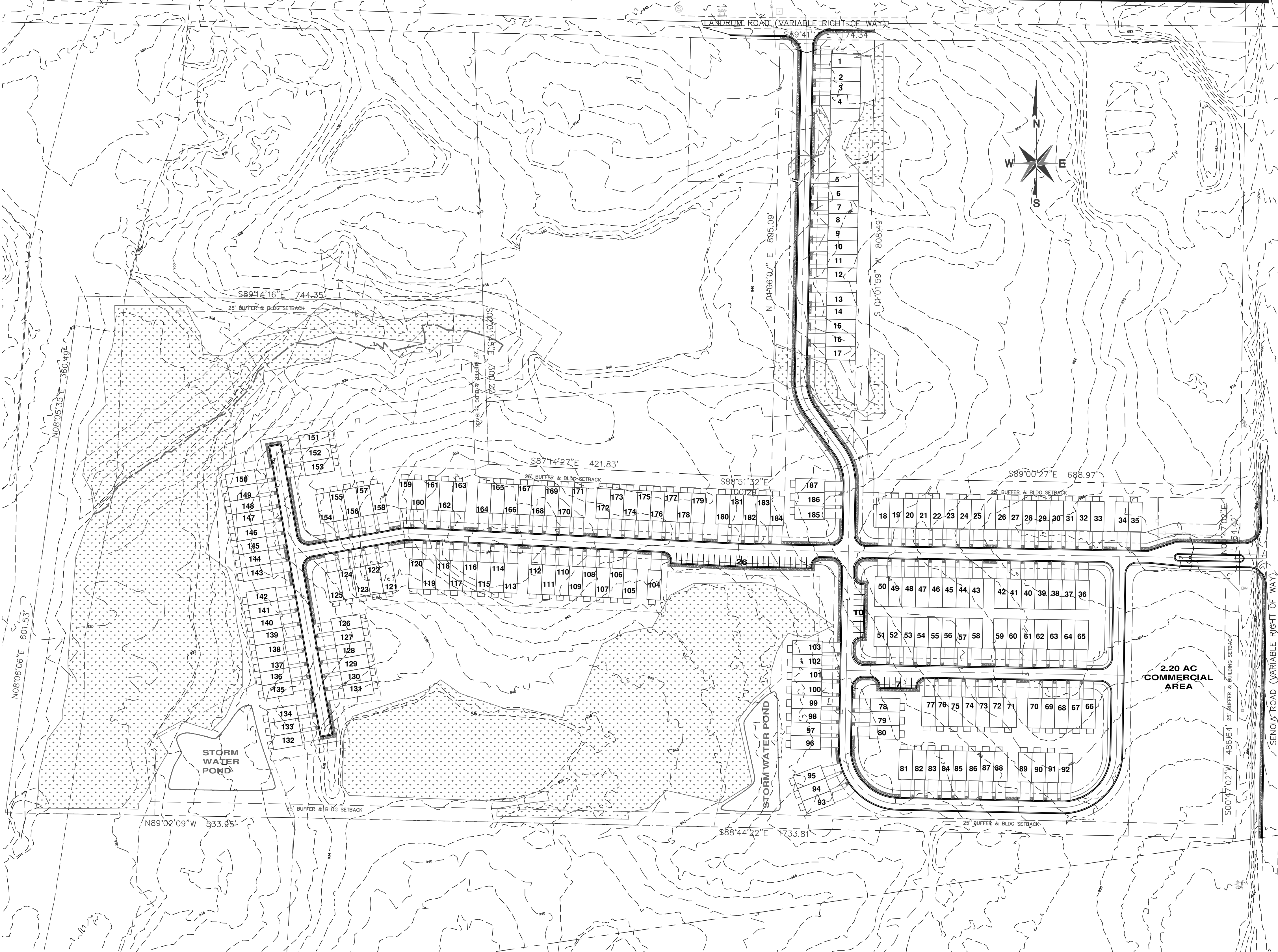
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- ENGINEER :  
ELITE ENGINEERING, LLC  
3660 CEDARCREST ROAD, STE 220, ACWORTH, GA 30101  
CONTACT: JONATHAN JONES, P.E. 678-215-2968
- PROPOSED ZONING : PD - RESIDENTIAL/COMMERCIAL/CONSERVATION  
CURRENT ZONING : AG  
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GRAPHIC SCALE



REZONING PLAN LEGEND

- PROPERTY CORNER
- PROPERTY LINE
- RIGHT OF WAY
- EXISTING ROAD
- LAND LOT LINE
- 1000' EXISTING CONTOUR
- CENTERLINE OF CREEK
- CREEK BUFFER
- C/L OF PROPOSED ROAD
- PROPOSED BACK OF CURB
- PROPOSED RIGHT OF WAY



PREPARED BY:



Elite Engineering

3660 Cedarcrest Road  
Suite 220  
Acworth, Georgia 30101  
Jonathan Jones, P.E.  
(678) 215-2968

DATE:  
7/19/22

REVISION  
ADDRESSED STAFF'S COMMENTS

No.

1.

REZONING PLAN FOR

SENOIA ROAD

LOCATED IN LAND LOT 8, THE 9th DISTRICT IN THE CITY OF FAIRBURN  
IN FULTON COUNTY, GEORGIA

PREPARED FOR:

PROJECT No. 21151  
DRAWING SCALE: 1"=100'  
DESIGNED BY: JFJ  
DRAWN BY: JFJ  
CHECKED BY: JFJ  
DATE: 8/19/22  
SHEET

C1



# Battle Law

REZONING  
PRESENTATION  
FROM AG TO PD  
PURSUANT TO CITY OF  
FAIRBURN ZONING  
ORDINANCE

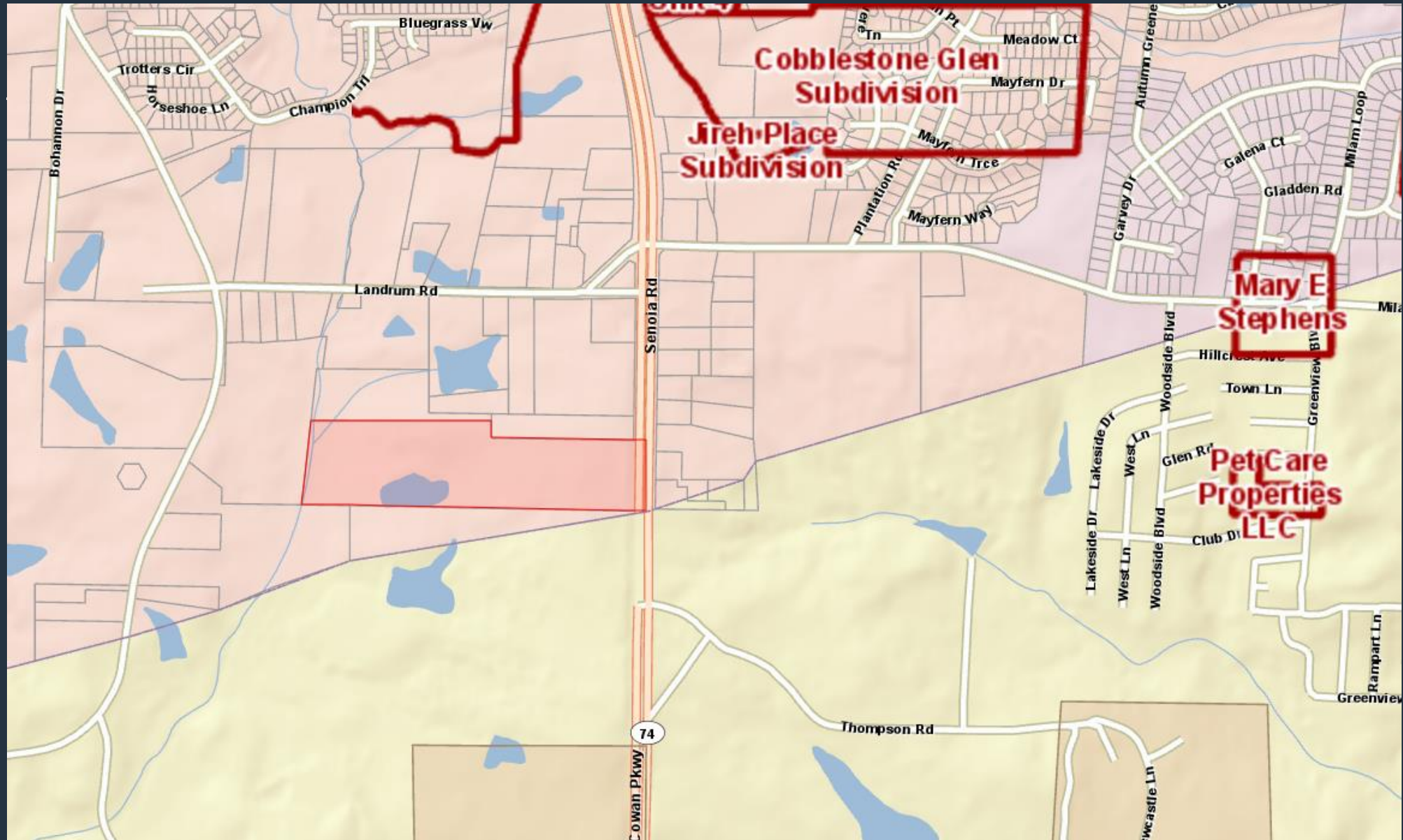
**8515 Senoia Road (Amavi  
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## DEVELOPMENT INFO

- The Applicant, Mill Creek Residential is seeking to rezone +/-41.89 acres land currently
- subdivided and identified as four (4) parcels 09F020300080085, 09F0300080051, 09F020300080077, & 09F0203000980028 from AG (Agriculture) to PD (Planned Development). The applicant is requesting to subdivide and develop a comprehensive mixed-use development, including 187 single-family attached homes with townhome design lots and +/- 2.20 acres of the commercial out parcel. The residential lots will include 25' wide 3-bedroom units at 1,700 square feet of heated floor space.



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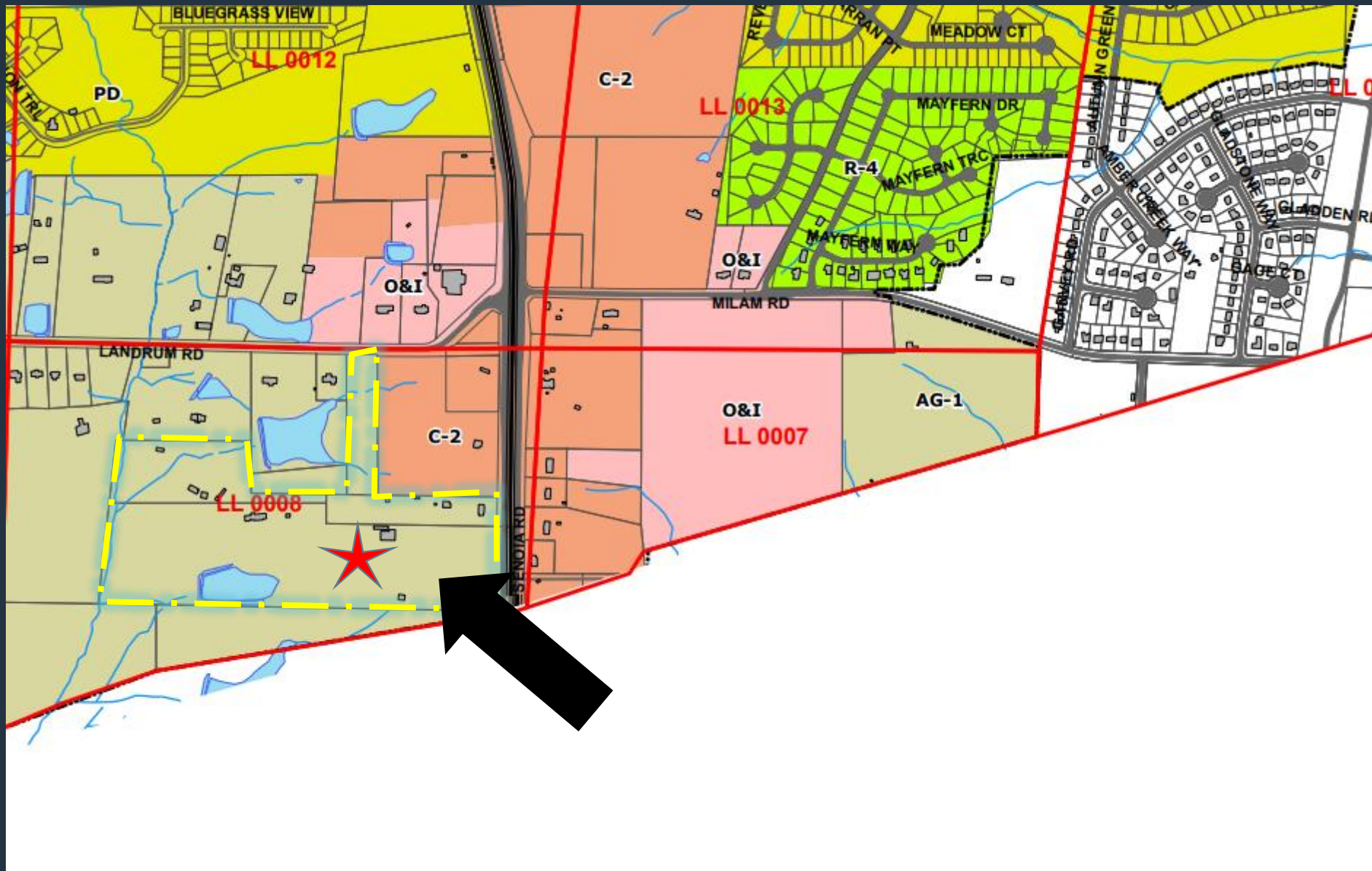




PUI







### ZONING CLASSIFICATION

	AG-1
	C-1
	C-2
	DC-1
	DC-2
	DP-6
	M-1
	M-2
	R-1
	R-2
	R-2 OVERLAY
	R-3
	R-3 OVERLAY
	R-4
	R-4 OVERLAY
	R-CT
	RM-4
	RM-8
	RM-36
	RR
	O&I
	PD
	PS



### Legend

### Future Land Use

- Rural Residential
- Low Density Residential
- Medium Density Residential
- Neighborhood Commercial
- Town Center Mixed Use
- Highway Mixed Use
- Industrial
- Office/Industrial
- Office
- Greenspace

5 2 Miles





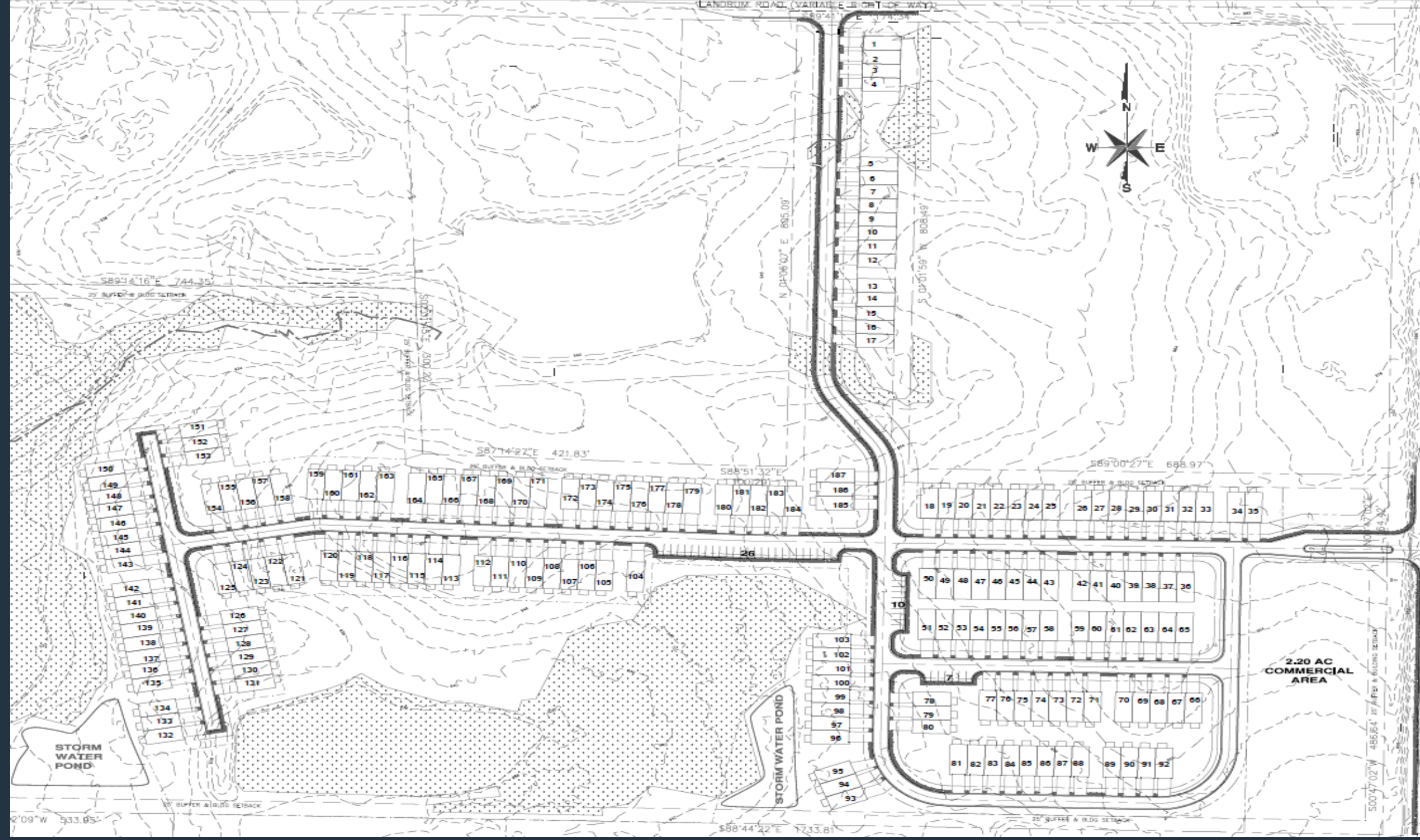
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**30' PRODUCT**



**25' PRODUCT**







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

**SUBJECT: USE PERMIT 2022117 FAIRBURN 55 SENIOR HOUSING**

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

**Submitted: 08/22/22**

**Planning Commission: 10/04/22**

**City Council: 11/14/22**

**DEPARTMENT:** Community Development, Planning and Zoning Office

**BUDGET IMPACT:** None

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

---

**PURPOSE:** For the Planning and Zoning Commission to make a recommendation to the Mayor and Council regarding a use permit for a a senior housing development in the AG (Agricultural) zoning district with five concurrent variances.

1. Concurrent variance to reduce the front yard setback from 100' to 50' along Oakley Industrial Boulevard. Chapter 80 Article II Section 80-71 Agricultural Zoning District.
2. Concurrent variance to allow renter-occupied units. Chapter 80 Zoning Article IV Section 80-233 Senior Housing.
3. Concurrent variance to increase the lot coverage from 15% to 28.6%. Chapter 80 Article II Section 80-71 Agricultural Zoning District.
4. Concurrent variance to allow parking in the minimum front yard setback. Chapter 80 Zoning Article IV Section 80-233 Senior Housing.
5. Concurrent variance to allow an accessory structure in the front yard/ Chapter 80 Article II Section 80-71(c)(1)(a) AG – Accessory uses and structures.

**DESCRIPTION:** The applicant is requesting the approval of a use permit to allow a senior housing development at 7875 Bohannon Road. The property is zoned AG (Agricultural) and consists of 5.67 acres of land. The AG (Agricultural) zoning district does not allow senior housing by right, rather it allows an applicant to make a request for consideration of a use permit.

There are a series of five variance requests made concurrent with the use permit request. The setback variance is requested because the property fronts Bohannon Road and Oakley Industrial Boulevard, which would require a 100-foot setback from both frontages. The proposed site plan encroaches the setback along the Oakley Industrial Boulevard frontage. The supplemental regulations in Section 80-233 for Senior Housing uses require units to be owner-occupied. The applicant is requesting units to be renter-occupied, so they must seek a variance to proceed accordingly. The AG (Agricultural) zoning district has a maximum lot coverage of 15% for all developments, and the site plan for the proposed development illustrates a lot coverage of 28.6%. The Senior Housing supplemental regulations in Section 80-233 prohibits parking in the front yard setback, and the applicant has submitted a site plan with a portion of the parking lot encroaching the setback. Lastly, the Senior Housing supplemental regulations do not allow accessory structures in the front yard nor within a required setback; the proposed location of the dumpster pad violates this regulation.

## APPLICATION INFORMATION

### Use Permit Petition 2022117

#### APPLICANT/PETITIONER INFORMATION

**Property Owner**  
Clayton Ministries, Inc

**Petitioner**  
Staffins Properties, LLC

#### PROPERTY INFORMATION

<b>Address:</b>	7875 Bohannon Road [parcel # 09F080000280864 & 09F080000110871]
<b>Land Lot and District:</b>	Land Lots 11 & 28 District 9th
<b>Frontage:</b>	Bohannon Road and Oakley Industrial Boulevard
<b>Area of Property:</b>	+/- 5.67 acres
<b>Existing Zoning and Uses:</b>	AG (Agricultural)
<b>Prior Zoning Cases/History:</b>	N/A
<b>Overlay District:</b>	N/A
<b>2035 Comprehensive Future Land Use Map Designation:</b>	Rural Residential

#### MEETING AND HEARING DATES

**Planning and Zoning Commission Meeting**  
Tuesday, October 4, 2022

**City Council Public Hearing**  
Monday, November 14, 2022

#### INTENT

A request for a use permit to allow for senior housing in the AG (Agricultural) zoning district with five concurrent variances.

1. Concurrent variance to reduce the front yard setback from 100' to 50' along Oakley Industrial Boulevard. Chapter 80 Article II Section 80-71 Agricultural Zoning District.
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5. Concurrent variance to allow an accessory structure in the front yard/ Chapter 80 Article II Section 80-71(c)(1)(a) AG – Accessory uses and structures.



## EXISTING ZONING AND LAND USE OF ABUTTING PROPERTIES

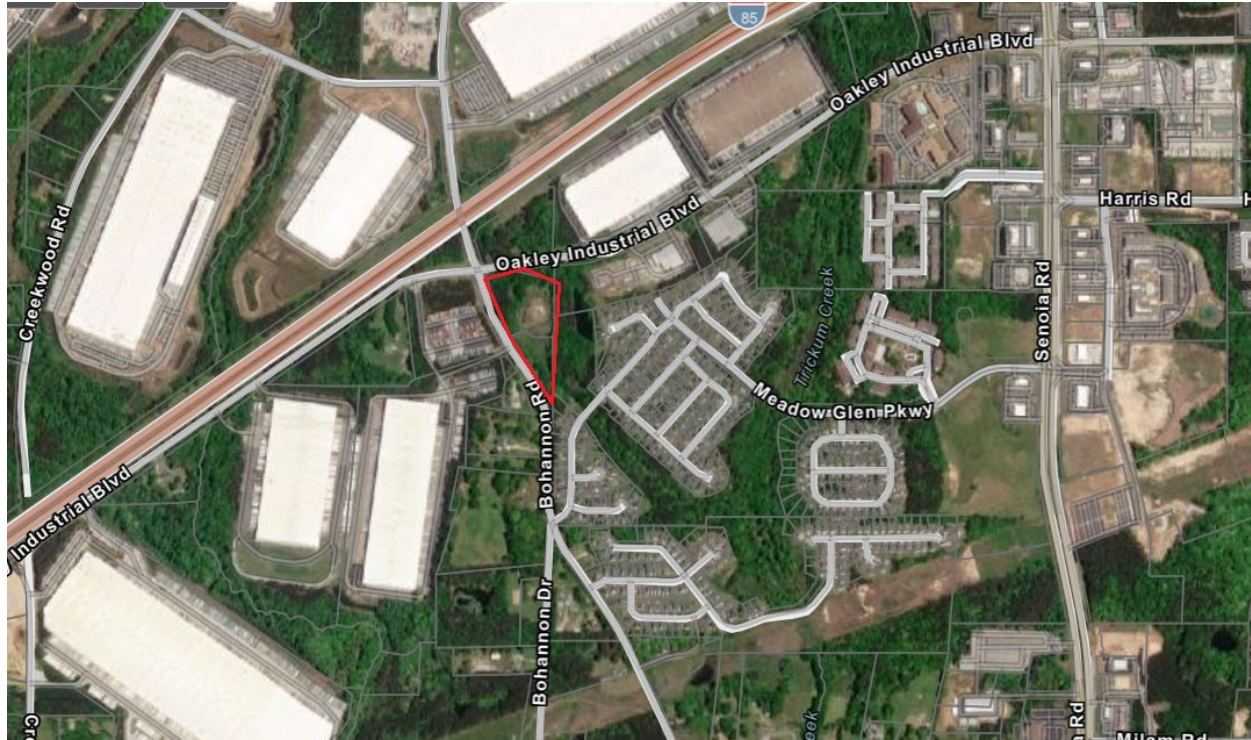
**North:** M-1 (Light Industrial)

**South:** M-1 (Light Industrial), PD (Planned Development), and AG (Agricultural)

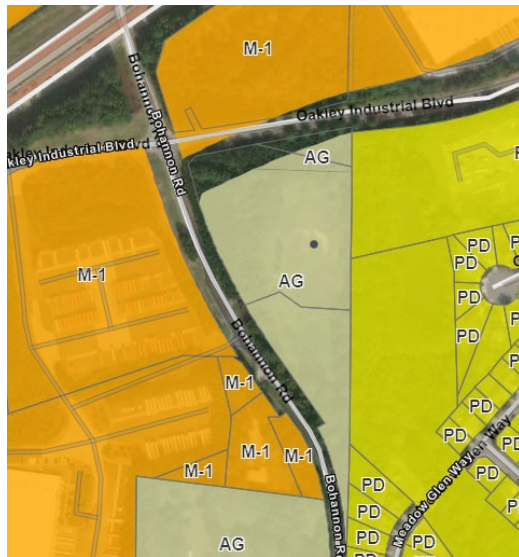
**East:** PD (Planned Development)

**West:** M-1 (Light Industrial)

## PARCEL MAP



## ZONING MAP & FUTURE LAND USE MAP



Green – Rural Residential  
 Blue = Office/Industrial  
 Orange = Medium Density Residential

## STAFF COMMENTS

### Fire

Apartments only have one side access for fire vehicles.

I have attached the IFC Code and how GA State code changed the code.

2018 International Fire Code (IFC) – Chapter 5 Fire Service Features

Section 503

503.1.1 Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

### **Subject 120-3-3 RULES AND REGULATIONS FOR THE STATE MINIMUM FIRE SAFETY STANDARDS**

Delete section 503.1.1 in its entirety and substitute in its place the following:

**503.1.1 "Buildings and facilities.** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction as determined by the local Fire Chief and/or Fire Code Official of the responding fire department or agency. The fire apparatus access road shall comply with the requirements of this section and **Appendix D of this Code**. The fire apparatus access road shall extend to within 150 feet (45.7 m) of all portions of the facility or any portion of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility.

### Water and Sewer

Water: City of Fairburn water by an existing 12" watermain located along the south side of Oakley Industrial Blvd

Sewer: City of Fairburn sewer service area

### Engineering

1. Every developer of lands within the City of Fairburn shall provide the public improvements included in this chapter 71 of the City of Fairburn Code of Ordinance and other pertinent ordinances, codes, and regulations of the city. These public improvements, together with associated rights-of-way, easements, and other lands, shall be provided at no cost to the city and shall be dedicated or otherwise transferred, as required, to the public in perpetuity and without covenant or reservation. [Sec. 71-4]
2. 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. [Sec. 71-37 (a)]
3. 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)]
4. 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)]

5. Turning lanes may 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)]
6. Acceleration and deceleration lanes shall be provided at 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). [Sec. 71-40]
7. 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]
8. 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]
9. All future driveway connections on Bohannon Road are subject to the GDOT Regulations for Driveway and Encroachment Control.
10. All new streets or street widening sections shall be provided with curb and gutter. [Sec. 71-45]
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. Commercial Driveway are required at all commercial entrances to delineate public from private. Commercial drives need to extend a minimum of 12 feet from the edge of pavement or to the right-of-way.
13. All pavement markings installed on asphalt within the public right-of-way shall be thermoplastic material; 1.5-inch black contract tape shall be installed for crosswalks on concrete.
14. Traffic control devices consisting of street name signs, traffic control signs, traffic markings and traffic signals shall be provided by the developer as appropriate to serve each development. All traffic control devices and installation thereof shall conform to the specifications of the Federal Highway Administration publication, Manual on Uniform Traffic Control Devices, current edition and ANSI D6.1e. [Sec. 71-47]
15. Site utilities serving the site shall be placed underground.[Sec. 71-72]
16. 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]
17. All stormwater runoff generated from a site shall be adequately treated before discharge. [Sec. 71-1003]
18. Dry detention ponds shall be designed to provide for positive drainage on the pond floor to the outlet of the pond. Side slopes shall be designed to have a maximum of three feet horizontal to one-foot vertical (3:1) slopes. If the 100-year maximum water surface depth is equal to or greater than four feet, then a black, vinyl-coated, four-foot chainlink fence with top and bottom rails shall



be constructed around the detention pond with a 20-foot gate provided to allow access. [Sec. 71-1021]

## USE PERMIT CRITERIA

Section 80-172 Use Permit Considerations: Staff has reviewed said items pertaining to the subject use and offers the following comments:

- 1. Whether the proposal use is consistent with the comprehensive land use plan adopted by the city council;**  
Staff does not find this proposal is consistent with the 2040 comprehensive land use plan. The subject property is in the Rural Residential Character Area and the 2040 Comprehensive Plan states the appropriate uses are:

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

The Rural Residential Character Area is characterized by “a rural feel and transition to the very low-density uses in the rural areas surrounding the city in the City of South Fulton, Fayette, and Coweta counties. One acre or larger lots are appropriate in these areas.” The proposed development is seeking a density of 14.1 units per acre that does not comply with the stated density in the comprehensive plan.

The appropriate zoning district in the Residential Character Area are R-1, R-2, R-3, and R-4.

- 2. Compatibility with land uses and zoning districts in the vicinity of the property for which the use permit is proposed;**

Staff does not find that this proposal is compatible with surrounding land uses nor zoning. The area consists of industrial uses along the Bohannon Road frontage and medium density single-family residential homes to the rear.

- 3. Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;**

The proposed use does not violate any known statutes, ordinances, or regulations governing land development, aside from the concurrent variances requested herein. The applicant will be required to submit copies of applicable local, state, and federal permits and/or licenses required for a senior housing prior to the issuance of a certificate of occupancy and business license.

- 4. The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;**

The proposed use of the land for senior housing does not appear to create a nuisance on traffic flow, vehicular nor pedestrian. Bohannon Road is a truck route so there would be higher than average interactions between pedestrians and pedestrian vehicles with industrial vehicles; however, the applicant would be required to install sidewalks along the frontages of Oakley Industrial Boulevard and Bohannon Road where sidewalks do not currently exist.

- 5. The location and number of off-street parking spaces;**

The application proposes 80 units and 115 off-street parking spaces. The zoning code specific to senior housing in Section 80-233 requires 1.4 spaces per dwelling unit. The ordinance calculated minimum is 112 spaces; therefore, the application meets the off-street parking minimums.

- 6. The amount and location of open space;**

The property is 246,985.2 SF (5.67 acres) with 70,767 SF of lot coverage. This leaves 176,218 SF of open space, which is equivalent to approximately 4.05 acres and 71.4% of the entire property.

**7. Protective screening;**

The adjacent residential properties zoned PD do not require any type of buffers based on application of the zoning regulations. This proposal does have a tree lined pedestrian path within the 50-foot setback. The PD development abutting this property is heavily wooded for approximately 300-feet to the nearest developed, single-family lot.

**8. Hours and manner of operation;**

The proposal is for senior housing 55+, which means this development would operate similarly to an apartment complex.

**9. Outdoor lighting; and**

The outdoor lighting will consist of exterior wall-mounted lights and pole lights.

**10. Ingress and egress to the property**

The one ingress/egress point for the property is located on Bohannon Road.

## **VARIANCE CONSIDERATIONS**

### **Section 80-251 Variances 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
- (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.

The applicant is requesting five concurrent variance as outlined below.

6. Concurrent variance to reduce the front yard setback from 100' to 50' along Oakley Industrial Boulevard. Chapter 80 Article II Section 80-71 Agricultural Zoning District.
7. Concurrent variance to allow renter-occupied units. Chapter 80 Zoning Article IV Section 80-233 Senior Housing
8. Concurrent variance to increase the lot coverage from 15% to 28.6%. Chapter 80 Article II Section 80-71 Agricultural Zoning District.
9. Concurrent variance to allow parking in the minimum front yard setback. Chapter 80 Zoning Article IV Section 80-233 Senior Housing
10. Concurrent variance to allow an accessory structure in the front yard. Chapter 80 Article II Section 80-71(c)(1)(a) AG – Accessory uses and structures.

### *Findings:*

Staff finds that the concurrent variance to reduce the front yard setback from 100' to 50' is in line with the intent of the zoning code. The property fronts on two roads, and the AG (Agricultural) zoning district has the largest front yard setback and the code identifies the front yard, as the frontage with the shortest length. It does not appear that this request would cause detriment to the adjacent nor neighboring properties.

Staff finds the concurrent variance to allow renter-occupied units to be inconsistent with the intent of the zoning ordinance. The AG (Agricultural) zoning district is primarily intended for single-family residential with one acre or larger lots, farming, and raising of livestock. However, it does not appear that this would cause detriment to the adjacent nor neighboring properties, as there are industrial and single-family properties neighboring.

Staff finds the concurrent variance to increase the lot coverage from 15% to 28.6% is inconsistent with the intent of the zoning ordinance. The AG (Agricultural) zoning district is primarily intended for single-family residential with one acre or larger lots, farming, and raising of livestock. That said, it does not appear that this request would cause detriment to adjacent nor neighboring properties, as this project still maintains 176,218 SF of open space or 71.4% of the site.

Staff finds the concurrent variance to allow parking in the minimum front yard is inconsistent with the intent of the zoning ordinance. It appears that the residential structures could be placed closer to Bohannon Road with the parking behind the structure, but it does not appear that this request would cause detriment to adjacent nor neighboring properties, as the property across Bohannon Road is used for truck and trailer parking.

Staff finds the concurrent variance to allow an accessory structure, refuse area for trash, in the front yard is inconsistent with the intent of the zoning ordinance. It appears that the residential structures could be placed closer to Bohannon Road with the accessory structure, refuse area for trash, placed behind the structure. It does not appear that this request would cause detriment to adjacent nor neighboring properties if proper screening is implemented.

<b>STAFF RECOMMENDATIONS</b>
------------------------------

Staff finds that the use permit request to allow a senior housing development at 7875 Bohannon Road does not conform with the 2040 Comprehensive Plan and Future Land Use Map. The Future Land Use Map designates the subject property as Rural Residential, which identifies single-family uses as the intended development. It does not appear that the proposed use of the property for a senior housing development would cause a detriment to the adjacent or near nearby properties and should not have a significant impact on traffic flow.

Based on the criteria outlined in Section 80-172 and the analysis of each provision outlined herein, specifically the failure of the application to meet criteria 1 and 2, staff recommends DENIAL of the use permit for a senior housing development at 7875 Bohannon Road.

Staff is recommending denial of the use permit request for a senior housing development at 7875 Bohannon Road and does not find that approving any concurrent variances would be appropriate. If the use permit is denied, these variances would still run with the property and would allow other development proposals to utilize the granted variances without Planning and Zoning Commission nor City Council’s review. However, it does not appear that any of the variance request would cause detriment to the adjacent nor neighboring properties.

Staff recommends DENIAL of all five concurrent variances.

Should the Mayor and City Council make the findings to approve the use permit to allow a senior housing development at 7875 Bohannon Road, staff recommends the conditions listed below. The applicant’s agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council.



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

The property shall be developed in substantial conformity with the Site Plan [Development Plan] prepared by Gary B. Coursey & Associates and attached as Exhibit B. Said site plan is conceptual only and must meet or exceed the requirements of the City's ordinances prior to the approval of a Land Disturbance Permit. Any major deviation from this site plan is subject to approval by the City Engineer or designee.

2. To the owner's agreement to the following:

- a. The amenities package shall include a pool, courtyard, pickle ball or tennis court, walking trails, and a dog park.
- b. Exterior materials shall be brick, stone, or cementitious material. Vinyl shall be prohibited.
- c. Refuse areas shall be placed in the least visible location from the public streets and shall be enclosed on three sides with brick, stone, or other cementitious materials used on the façade of the buildings.
- d. A minimum of two (2) alternative fuel vehicle charging stations shall be included in the development.
- e. All utilities shall be placed underground.
- f. Lighting fixture height, style, design, and illumination levels shall be compatible with the building design and height and shall consider safety, function, and aesthetics. Lighting fixtures installed shall be of a pedestrian scale and shall not exceed 20 feet in height.
- g. All mechanical equipment shall be screened from public view.

## ATTACHMENTS

Exhibit A: Legal Description

Exhibit B: Site Plan/Elevations



## APPLICATION FOR USE PERMIT

City of Fairburn  
Community Development Department  
26 W. Campbellton Street  
Fairburn, GA 30213

Date Received: \_\_\_\_\_

USE PERMIT#: \_\_\_\_\_  
(Office Use Only)

### APPLICANT INFORMATION

Applicant Name: Staffins Properties, LLC. | (Charles Staffins)  
Address: 23 High Ridge Point, Newnan, GA 30265  
Phone: 770-206-0606 Cell: 770-206-0606 Fax: \_\_\_\_\_  
Email Address: cstaffins@midouthsteel.net

### OWNER INFORMATION (If different from Applicant)

Owner Name: Clayton Ministries Inc. | (Hayes Clayton)  
Address: 444 Todd Road, Greenville, GA 30222  
Phone: 404-822-3506 Cell: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email Address: hclaytonst@gmail.com

### PROPERTY INFORMATION

Address: 7875 Bohannon Road, Fairburn, GA 30213  
Parcel ID#: 09F080000280864 | 09F080000110871 Land Lot: 11 & 28 District: 9th

### SECTION 1

### USE PERMIT REQUEST

Office use only:  
USE PERMIT CASE # \_\_\_\_\_ ROAD FRONTAGE: \_\_\_\_\_

Under the provisions of Chapter 80, Article IV of the Zoning Ordinance, application is hereby made to obtain a Use Permit as follows:

CURRENT ZONING: AG-1

USE PERMIT REQUEST: Senior Housing (55+)

**SECTION II****OWNER/PETITIONER**

**NOTICE: Part 1 and/or Part 2 below must be signed and notarized when the petition is submitted. Please complete Section IV as follows:**

- a) If you are the sole owner of the property and not the petitioner complete Part 1.
- b) If you are the petitioner and not the sole owner of the property complete Part 2.
- c) If you are the sole owner and petitioner complete Part 1.
- d) If there are multiple owners each must complete a separate Part 1 and include it in the application.

**Part 1. Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.**

Clayton Ministries Inc. (Hayes Clayton)

TYPE OR PRINT OWNER'S NAME

444 Todd Road

ADDRESS

Greenville, GA 30222

CITY & STATE

ZIP CODE

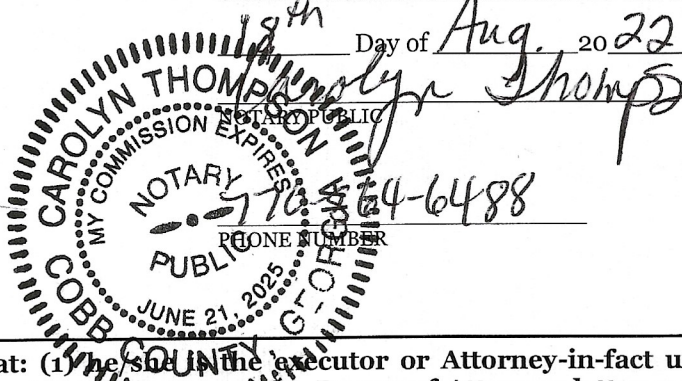
OWNER'S SIGNATURE

hclaytonst@gmail.com

EMAIL ADDRESS

Sworn to and subscribed before me this the

18<sup>th</sup> Day of Aug. 2022



**PART 2.**

**Petitioner states under oath that: (1) he/she is the executor or Attorney-in-fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").**

TYPE OR PRINT PETITIONER'S NAME

ADDRESS

CITY & STATE

ZIP CODE

PETITIONER'S SIGNATURE

EMAIL ADDRESS

Sworn to and subscribed before me this the

Day of 20

NOTARY PUBLIC

PHONE NUMBER

**SECTION V****ATTORNEY / AGENT**

Check One: ☐ Attorney ☐ Agent

TYPE OR PRINT ATTORNEY / AGENT NAME

SIGNATURE OF ATTORNEY / AGENT

ADDRESS

CITY & STATE

ZIP CODE

EMAIL ADDRESS

PHONE NUMBER

PETITIONER'S SIGNATURE



Plat Book 421 Page 87  
Filed and Recorded 7/2/2019 3:49:00 PM  
2019-0259170  
Cathelene Robinson  
Clerk of Superior Court  
Fulton County, GA  
Participant IDs: 6176929952

#### REFERENCES & NOTES:

CURRENT OWNER:  
CLAYTON MINISTRIES, INC.  
444 TODD ROAD  
GREENVILLE, GA 30222

DEEDS:  
DB 53916 PG 483

PROPERTY ZONED: AG-1

#### SYMBOL LEGEND

- IRON PIN FOUND
- 1/2" REBAR SET
- UTILITY POLE
- ☆ LIGHT POLE
- ⊕ FIRE HYDRANT
- SS — SANITARY SEWER LINE
- x — x — WIRE FENCE LINE
- w — OVERHEAD POWER LINE
- — — PROPERTY LINE
- - - - ADJACENT LOT LINE
- - - - LAND LOT LINE
- ASPHALT AREA
- ▨ CONCRETE AREA
- ▩ DIRT AREA

THE UTILITIES SHOWN ON THIS PLAT WERE TAKEN FROM INFORMATION AVAILABLE AT THE TIME OF THE SURVEY AND MAY OR MAY NOT BE ACCURATE AS TO THE EXTENT AND OR LOCATION OF SAID UTILITIES.

THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.

#### PLAT CERTIFICATION:

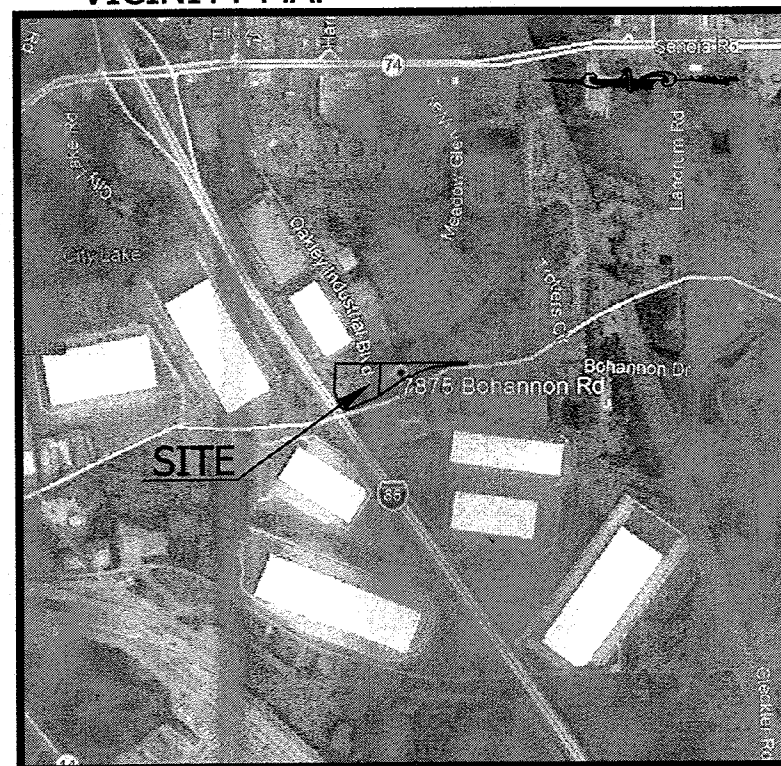
The field data, completed on 5/31/17, upon which this plat is based has a closure precision of one foot in 14,514 feet and an angular error of 03" per angle point and was adjusted using equal angle adjustment. This plat has been calculated for closure and is found to be accurate within one foot in (Tract 'A') 153,739 feet, (Tract 'B') 271,315 feet. The linear and angular measurements shown on this plat were obtained using a Geomax Robotic total station & Geomax Zenith 35 Man GPS.

The term "Certification" as used in Rule "180-6-.09(2) and (3)" and relating to professional engineering or land surveying services, as defined in O.C.G.A. 43-15-2(6) and (11), shall mean a signed statement based upon facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied.

This survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (OCGA) 15-6-67, in that where a conflict exists between those two sets of specifications, the requirements of law prevail.



#### VICINITY MAP



Approval:  
This final plat has been prepared in accordance with the approved concept plat, the approved preliminary plat, the approved construction plans, and the other development codes and ordinances of the city, and has been approved by the city for recording in the Office of the Clerk of the Superior Court of Fulton County.

City Engineer Date 6/26/19  
City Clerk Date 06-26-2019  
Mayor/City Administrator Date 6-26-2019

Engineer Certification  
I hereby certify that this subdivision was constructed in accordance with the construction plans and specifications which were approved by the city engineer, as well as any approved revisions thereto, and that all applicable engineering requirements of the land subdivision regulations and zoning ordinance have been fulfilled, except as noted below:

Michael J. Scanlon  
Engineer of Record  
6/25/19  
Date

Surveyor Certification  
It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist or are marked as "future" and their location, size, type, and material are correctly shown: This plat conforms to all requirements of the Georgia Plat Act. By:

Mark A. Buckner  
Registered Georgia Land Surveyor No. 2422  
8/25/19  
Date

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Mark A. Buckner GA RLS 2422 Date 8/25/19

# SES

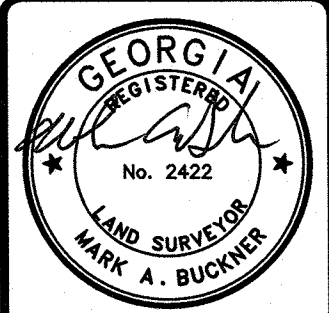
#### ENGINEERING PLANNING SURVEYING

"THIS DRAWING IS THE PROPERTY OF SCANLON ENGINEERING SERVICES, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN, AND IS NOT TO BE USED ON OTHER PROJECTS OR EXTENSIONS TO THIS PROJECT, OR REPRODUCED IN WHOLE OR IN PART, EXCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION."

FINAL PLAT FOR  
CLAYTON MINISTRIES, INC.  
LOCATED IN LAND LOTS 11 & 28 OF THE 9<sup>TH</sup> DISTRICT,  
CITY OF FAIRBURN, FULTON COUNTY, GEORGIA

SCANLON ENGINEERING SERVICES, INC.  
221 EAST BANK STREET  
GRIFFIN, GEORGIA 30223  
PHONE: (770) 967-2051 www.scanloneg.com

Rev.	Description	Date	Project #:	Drawn by:	Review by:	Date:
1			L17230001	JWS	MAB	12/10/18
2						
3						



#### SHEET DESCRIPTION

FINAL PLAT

SHEET NUMBER

477C

SHEET 1 OF 1

# Letter of Intent

August 18, 2022

City of Fairburn  
Community Development Department  
26 W. Campbellton Street  
Fairburn, GA 30213

Letter of Intent: 7875 Bohannon Road, Fairburn, GA 30213

To Whom It May Concern:

Staffins Properties, LLC is submitting this Letter of Intent for 7875 Bohannon Road, Fairburn, GA 30213. The property is a 5.67 acre vacant lot at the corner of Oakley Industrial and Bohannon Road. (Parcel Identification Number 09F080000280864 & 09F080000110871)

Property Use:

The intent is to develop the lot into a market-rate senior (55+) housing development. The proposed property will consist of 80 units and 115 parking spaces. The development will consist of two (2) four-story buildings with elevators. Each building will contain a mixture of one-bedroom and two bedrooms units. The site shall have an ADA-accessible walking trail, two dog parks, a swimming pool, a fitness room, a meeting/community room and a pickleball court.

Use Permit & Concurrent Variance Request:

- Use Permit for Senior Housing in AG-1 Zoning
  - Per City of Fairburn Zoning Code, Senior Housing Developments are allowed in AG-1 Zoning with a Use Permit.
- Variance Request:
  - Front yard setback: 100' (corner lot- the frontage with the least dimension)
    - Because of the limited frontage and odd dimensions of the lot, a request is being made to apply the 100' set back to the Bohannon Road street frontage as opposed to the Oakley Industrial (frontage with the least dimension). The Oakley Industrial (frontage with the least dimension), would retain a required 50' setback.
  - Owner occupied:
    - A variance request to allow for units to be renter-occupied as opposed to owner-occupied.
  - Lot Coverage %15
    - A variance is being requested to allow for lot coverage to be adjusted.
  - Parking in Front Yard Setback
    - A small corner of the parking lot is within the front yard setback so a variance is being requested to accommodate parking requirements.
- Administrative Request
  - Combine Parcels 09F080000280864 & 09F080000110871 into one lot.

Justification:

According to the Fairburn 2035 Comprehensive Plan, the availability of Senior Housing is a priority of the City of Fairburn. As with many cities on the Southside, access to quality housing for seniors wishing to downsize is unavailable.

#### Page 10: Fairburn 2035 Comprehensive Plan

##### HOUSING NEEDS

1. Build more senior housing for all income levels

##### HOUSING OPPORTUNITIES

2. Demand for senior housing is growing

#### Page 25: Fairburn 2035 Comprehensive Plan

##### HOUSING GOALS

1. Ensure housing options for all ages
  - A. Recruit developers to build more senior housing both for rent and for sale

#### Page 78/79: Fairburn 2035 Comprehensive Plan

##### Community Work Program

The Community Work Program outlines the overall strategy for achieving the Vision for Future Development and for addressing the Community Issues and Opportunities. The Community Work Program includes the following sections:

- The Short Term Work Program which outlines specific measures to be undertaken by the City of Fairburn to implement the Comprehensive Plan in Fiscal Years 2015 – 2019.
- The Long Term Work Program which lists strategies to be implemented after Fiscal Year 2019 to assist in the implementation of the Comprehensive Plan.

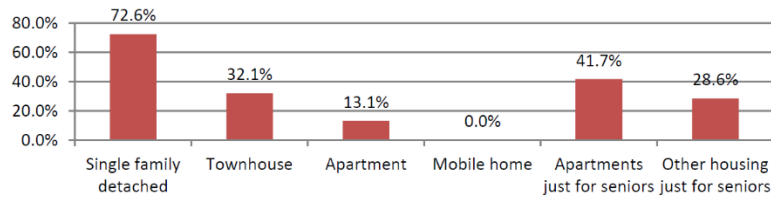
#### Short Term Work Program

Goal	Action/ Implementation Strategy	2015	2016	2017	2018	2019	Responsible Party	Cost Estimate	Funding Source
Parks, Rec, Greenspace	Construction of Downtown Plaza	X					City Engineer	\$1,700,000	General Obligation Bond
Parks, Rec, Greenspace	Conduct Active Recreation Study to create a Parks Development Plan		X				City Engineer	\$25,000	General Fund
Parks, Rec, Greenspace	Develop plan for gateway entrance features		X	X			City Engineer	Staff time	General Fund
Parks, Rec, Greenspace	Build an active recreation park south of I-85					X	City Administrator	\$1,000,000	General Fund
Housing	Recruit developers to build more senior housing	X	X	X	X	X	Economic Development	Staff time	General Fund
	Audit the Zoning Ordinance and Official Zoning Map to ensure consistency with						City Planner, City Attorney	Staff time	General Fund



### Community Survey Results

11. What kind of housing do you think is needed in Fairburn? (Check all that apply)



Answer Options	Response Percent	Response Count
Single family detached	72.6%	61
Townhouse	32.1%	27
Apartment	13.1%	11
Mobile home	0.0%	0
Apartments just for seniors	41.7%	35
Other housing just for seniors	28.6%	24
Other (please specify)		9
<i>answered question</i>		84

During the Community Survey portion of the Comprehensive Plan process, residents were asked what housing needs were needed in the City of Fairburn. The second most agreed upon housing type was apartments just for seniors at 41.7%.

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#### Comprehensive Community Meeting #2

##### Summary

Before the meeting officially started, attendees indicated on a map of the City of Fairburn where they live and work. The following questions were printed on large posters placed throughout the room. “Tell us your concerns about Land Use.” “Tell us your concerns about Housing.” “Tell us your concerns about Economic Development.” “Tell us your concerns about Transportation.” Participants wrote their answers to the questions on 5” by 8” post it notes and placed them on the posters, underneath the questions.

Tell us your concerns about Housing:

- We don’t have enough senior housing
- Need rehabilitation of existing neighborhoods
- Would like to see mixed income senior housing instead of just low income senior housing

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**Comprehensive Community Meeting #2**

Group 3:

- Build more sidewalks near all schools
- Need a variety of entertainment options throughout City, particularly downtown
- Build senior housing /apts. closer to services in town and an interstate

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**Comprehensive Plan Steering Committee Meeting #4**

Need: Housing for all ages/lifecycle

Goals:

- Recruit developers to build more senior housing

Based on the review of the Fairburn Comprehensive Plan and current Zoning Regulations, the Applicant is requesting the approval of a special use permit and current variances for 7875 Bohannon Road, Fairburn, GA 30213.

I am available to any questions and provide feedback as needed.

Thank you for your consideration.

Sincerely,



Charles Staffins  
President, Staffins Properties, LLC

SITE DATA		
TRACT A	3.637 ACRES	
TRACT B	2.033 ACRES	
TOTAL	5.67 ACRES	

BUILDING DATA		
BLDG 1	4 STORY	40 UNITS
BLDG 2	4 STORY	40 UNITS
TOTAL:	2 BR	80 UNITS

UNIT DATA	
MIN. SF	1,000 SF

PARKING DATA	
115 SPACES	

SITE DATA CONT.	
SITE AREA	246,985.2 SF (5.67 ACRES)

IMPERVIOUS AREA	
BLDG FOOTPRINTS	21,440 SF (BLDG 1 + 2)
PARKING AREA	44,859 SF
COURTYARD AREAS	4,468 SF
TOTAL :	70,767 SF

OPEN SPACE	
SITE AREA	246,985.2 SF
- IMPERVIOUS AREA	70,767 SF
TOTAL OPEN SPACE	176,218 SF
(OPEN SPACE PERCENTAGE	71.4%)

IMPERVIOUS PERCENTAGES	
BLDG FOOTPRINT	8.6%
PARKING	18.0%
COURTYARD	2.0%
TOTAL	28.6%



SITE PLAN







FRONT ELEVATION

FAIRBURN 55+ VILLAGE  
AUG 16 2022

## PUBLIC PARTICIPATION PLAN

Applicant: Staffins Property, LLC

1. The following individuals (property owners within 500 feet of the property), homeowner's associations, political jurisdictions, other public agencies, etc., will be notified:

Though City regulations require we notify property owners within a 500 foot radius, we have decided  
to expand the notification area to 2,000 feet in an attempt to be more inclusive and gain additional community  
feedback. All address have been included in an attached document.

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2. The individuals and others listed in 1. above will be notified of the requested rezoning/use permit using the following method(s): (e.g., letters, meeting notices, telephone calls, e-mails, etc.)

Individuals identified in the attached list will receive two letters/post cards via the United States Mail.

Notifications will be mailed at a minimum two weeks in advance of each meeting week (Meeting Weeks are  
Week of September 5th and Week of September 19th.)

Additionally, we will run Facebook ads specifcally targeting the Fairburn Zip Code to allow for increased  
notification and participation.

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3. Individuals and others listed in 1. above will be allowed to participate in the following manner: (At least one meeting at a convenient time and location is required.)

Four meetings have been planned in order to provide the greatest potential for participation. For convenience,  
two meetings will be in person and two meetings will be virtual. Virtual meetings will be scheduled  
for September 6 & 22, 2022 and in person meetings will be scheduled for September 8 & 20, 2022

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*Attach additional sheets as needed.*