



## **Planning and Zoning Commission Agenda**

**Tuesday, March 7, 2023  
7:00 p.m.**

- 
- A. Call to Order**
  - B. Determination of a Quorum**
  - C. Pledge of Allegiance**
  - D. Approval of the Meeting Agenda**
  - E. Approval of the Previous Meeting Minutes**
    - 1. Approval of the January 10, 2023 Regular Meeting Minutes
  - F. Public Comments**
  - G. Old Business**
  - H. New Business**
    - 1. Final Plat: Fire Station #23**
      - Applicant: City of Fairburn
      - Address: Milam Road, Parcel ID Number: 09F020400070085
      - Request: To review the final plat for Fire Station #23
  - I. Commissioner Comments**
  - J. Adjournment**
  - K. Executive Session**
    - 1. For the purpose of discussing litigation.

**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, January 10, 2023  
7:00 p.m.**

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

Interim Planning Director: Rebecca Keefer  
Planning Director: Denise Brookins  
City Attorney: Valerie Ross

- 
1. **Call to Order:** The meeting was called to order at 7:00 p.m. by Chairwoman Echols.  
Ms. Rebecca Keefer introduced the new planning and zoning Director Denise Brookins
  2. **Determination of a Quorum:** A quorum was determined, and the meeting proceeded.
  3. **Pledge of Allegiance:** Commissioner Echols led the Pledge to the Flag.
  4. **Election of Officers:**  
Commissioner Smith made a motion to nominate Commissioner Jones for Chair. It was seconded by Commissioner Stewart. **THE MOTION CARRIED.**  
  
Commissioner Smith made a motion to nominate Anthony Stewart for Vice-Chair. It was seconded by Commissioner Echols. **THE MOTION CARRIED.**
  5. **Public Comments:**  
Commissioner Jones asked for any public comments.  
  
A member of the public asked if this was the time for comments on the public hearing items. Commissioner Jones stated comments related to any agenda items would be heard when the items are called.
  6. **Approval of Meeting Agenda:** Commissioner James made a motion to approve the January 10, 2023, agenda. Commissioner Deavers seconded. **THE MOTION CARRIED.**

7. **Approval of December Meeting Minutes:** Commissioner James made a motion to approve the December 6, 2022, minutes. Commissioner Deavers seconded. **THE MOTION CARRIED.**

## 8. Public Hearing

**Secondary Variance – Fairburn Travel Center request for relief from the interpretation of the Planning and Zoning Director, as it relates to the definition of a “Truck Stop” in Section 80-478 of the City of Fairburn Code of Ordinances**

Rebecca Keefer introduced the case and presented on behalf of staff.

Commissioner Smith asked in layman's terms what was staff's position on the case.

Ms. Keefer stated the proposed use was a Truck Stop which is not a permitted use in the C-2 zoning district.

Commissioner Smith made a motion to open the floor to public comment period. It was seconded by Commissioner James. **THE MOTION CARRIED.**

Commissioner Jones asked to hear from all those in favor of the application. He then requested the applicant to come to the podium for any presentations.

Mr. William Deihl presented on behalf of the applicant to the commission.

Commissioner Jones asked if anyone had public comments in favor of the application. No public comments in support of the request were received.

Commissioner Jones asked if anyone present had public comments in opposition to the application.

Shelly Hearn of Nashville, the adjacent property owner's estate executor, opposed the request.

Molly Mayfield, a representative for Landmark Christian school, spoke in opposition to the application.

Commissioner James made the motion to close the public comment period. It was seconded by Commissioner Deavers. **THE MOTION CARRIED.**

Commissioner James asked about the applicant's letter and the other details provided to the commission by the applicant. Commissioner James asked about the tractor-trailers currently utilizing the site, traffic, and the impact on property values. Commissioner James stated the information provided did not provide sufficient details for the commission not to consider the request a truck stop.

Mr. William Deihl, the applicant's representative, stated the issue being discussed was the interpretation of the ordinance and what is allowed. He stated they were not proposing truck parking, and he was not aware of any existing parking on the site. He also stated the site plan showed parking spaces for passenger vehicles and no truck parking. This could be enforced by code enforcement and his client.

Commissioner James asked how the applicant would prevent the site from being used as a truck stop.

Mr. William Deihl stated enforcement has to come from code enforcement, and his client could be brought to court for truck parking, but it could not be enforced by retroactive interpretation of the ordinance.

Commissioner Deavers asked about the negative impact to the surrounding area and traffic flow.

Mr. William Deihl stated the issue was about the enforcement of the ordinance, and the client was requesting a plain reading of the ordinance, which would mean they are not a truck stop. Mr. William Deihl also stated the planning department, when plans were submitted, previously stated if they removed trucking, they would not be listed as a truck stop.

Mr. William Deihl stated this issue was about a zoning decision and the interpretation of the ordinance.

Commissioner James mentioned the original application was in 2016 and asked about the delay.

Mr. William Deihl stated there were revisions to the site plan but his client came back later with the same ordinance, looking to do the same use and there was no change to the zoning district.

Commissioner Smith asked the City's attorney Valerie Ross about the commission's duties. Ms. Ross mentioned this was an interpretation issue and that the commission acts in a quasi-judicial role. The commission had heard staff's interpretation, and the applicant's argument and the facts should then be weighed against the ordinance. Ms. Ross stated the Planning and Zoning commission could affirm or reverse the Planning and Zoning Director's decision on the interpretation of the definition of a "Truck Stop".

Commissioner James asked for clarification on any additional buildings on the site plan. Mr. William Deihl stated there were no additional buildings on the site plan.

Commissioner James made a motion to affirm the Planning and Zoning Director's decision on the interpretation of the definition of a "Truck Stop" in Section 80-478. Commissioner Stewart seconded.

Four voted to affirm the Planning and Zoning Director's decision, and Commissioner Smith recused himself from the vote. **THE MOTION CARRIED.**

**9. Old Business** None.

**10. New Business.** None.

**11. Staff Report.** None.

**12. Commissioner Comments**

Commissioner Deavers made a comment in support of the Mayor, City Council, and staff regarding the water situation.

Commissioner Deavers also made a comment in support of the city's response to the water issue and congratulated the new Police Chief Anthony Bazydlo.

Commissioner Stewart mentioned his strong support for the University of Georgia's football team.

Commissioner Smith congratulated the new Police Chief Anthony Bazydlo.

Commissioner Echols congratulated the new Police Chief Anthony Bazydlo, the new Planning and Zoning

Commission Chair and the Planning Director.

Commissioner Jones thanked Commissioner Echols for her leadership and the other commissioner for the support. He also congratulated Langston Hughes High School football team.

### **13. Adjournment**

- a. Commissioner Smith motioned to **ADJOURN**. Commissioner Stewart seconded.

**THE MOTION CARRIED.**

**Meeting Adjourned:** The meeting adjourned at 7:41 p.m.



## CITY OF FAIRBURN PLANNING AND ZONING COMMISSION AGENDA ITEM

**SUBJECT:** FAIRBURN FIRE STATION PLAT

☐ AGREEMENT  
☐ ORDINANCE

☐ POLICY / DISCUSSION  
☐ RESOLUTION

☐ CONTRACT  
☒ OTHER

**Submitted:** 02/09/23

**Planning Commission:** 03/07/23

**City Council:** 03/13/23

**DEPARTMENT:** Planning and Zoning Office

**BUDGET IMPACT:** N/A

**PUBLIC HEARING:** ☐ Yes ☒ No

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**PURPOSE:** For the Planning and Zoning Commission to review the plat for Fire Station #23.

**HISTORY:** In 2021, the previous property owner Bedford Schools donated three acres to the City of Fairburn to construct a fire station. Plans are underway for the development of the property. The transfer of property was approved and accepted, the city is now moving forward with the development by finalizing the plat.

**FACTS AND ISSUES:** The proposed plat consists of two parcels. Both parcels have frontage on Milam Rd. Parcel 1 is owned by the City of Fairburn and totals three acres. The remaining 40 acres is owned by the Bedford School.

The zoning district for both parcels is Office and Institutional and the minimum lot area is 20,000 square feet. Staff has reviewed the request and the plat does conform with the city code of ordinances, such as the minimum lot size, setbacks, and buffer standards.

**RECOMMENDED ACTION:** For the Planning and Zoning Commission to recommend approval of the Fire Station #23 Plat at the March 7, 2023, meeting.

Attachment: Fire Station #23 Plat



# CITY OF FAIRBURN

## Planning & Zoning Department

### Subdivision Plat/ Plan Review- Submittal Form

Submittal Date: 12/08/2022

Deadline: \_\_\_\_\_

(Minimum 5 weeks prior to P & Z Commission meeting)

### PROJECT INFORMATION

Project Name: FAIRBURN FIRE STATION

Address/Location of Project: MILAM ROAD, FAIRBURN, GA, FULTON COUNTY

Access to Property: MILAM ROAD

Tax Parcel ID #: 09F020400070085

Size of Project: 3 ACRES

Zoning: O&I

No. of Lots (if applicable): \_\_\_\_\_

Zoning & Use of Adjacent Properties: O&I, C-2 & AG-1

Narrative/ Description for use of property/project (attach additional pages as necessary to provide greater detail):

PURPOSE OF PROJECT IS TO DIVIDE PARCEL 09F020400070085 INTO 2 PARCELS.

### CONTACT INFORMATION

Company Name: LAND ENGINEERING, INC.

Contact Person: DEBORAH MCKINNEY

Mailing Address: 1601 S. ZACK HINTON PKWY, MCDONOUGH, GA 30253

Phone: 281-245-8366

Fax: \_\_\_\_\_

Email Address: DEBORAH.MCKINNEY@LAND.ENGINEERING

### UTILITY SERVICE PROVIDERS

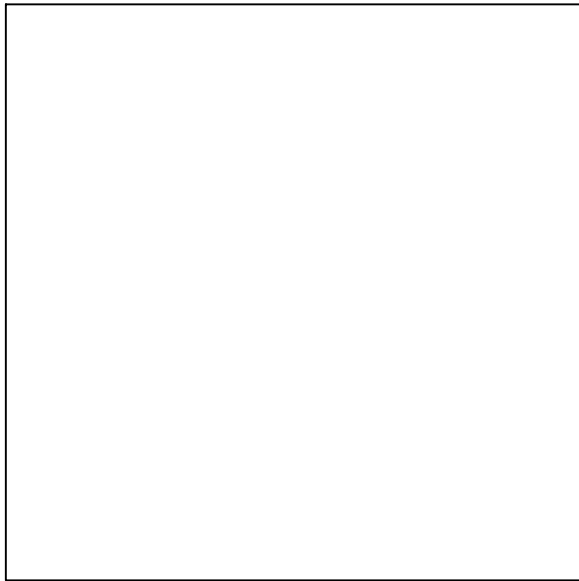
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Gas: \_\_\_\_\_ Cable: \_\_\_\_\_ Other: \_\_\_\_\_

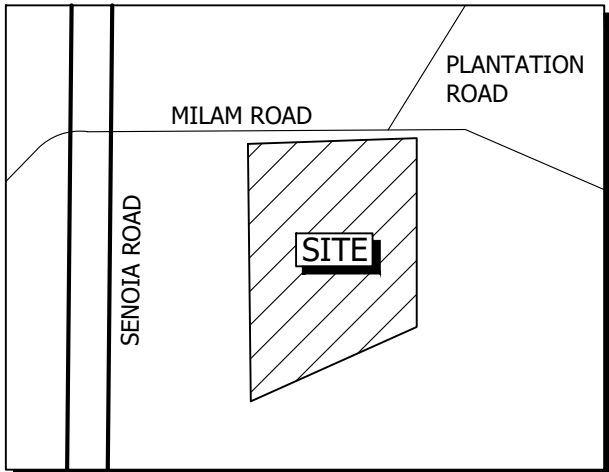
<u>Concept Plat</u>	<u>Preliminary Plat</u>	<u>Construction Plans</u>	<u>Final Plat</u>	<u>If Applicable-Landscape Plan</u>
<input type="checkbox"/> 1 <sup>st</sup> Submittal \$440 + \$3/lot <input type="checkbox"/> Resubmittal*	<input type="checkbox"/> 1 <sup>st</sup> Submittal \$460 + \$4/lot <input type="checkbox"/> Resubmittal*	<input type="checkbox"/> 1 <sup>st</sup> Submittal \$600 + \$8/lot <input type="checkbox"/> Resubmittal*	<input checked="" type="checkbox"/> 1 <sup>st</sup> Submittal \$300 + \$3/lot <input type="checkbox"/> Resubmittal*	<input type="checkbox"/> 1 <sup>st</sup> Submittal \$400 + \$5/lot <input type="checkbox"/> Resubmittal*
7 Copies- Staff Routes to:  ___ Building/Prop. Manager ___ Engineer ___ Landscape Architect ___ Comm. Dev. Director ___ Fire Marshal ___ Planning & Zoning ___ Water & Sewer	7 Copies- Staff Routes to:  ___ Building/Prop. Manager ___ Engineer ___ Landscape Architect ___ Comm. Dev. Director ___ Fire Marshal ___ Planning & Zoning ___ Water & Sewer	7 Copies- Staff Routes to:  ___ Building/Prop. Manager ___ Engineer ___ Landscape Architect ___ Comm. Dev. Director ___ Fire Marshal ___ Planning & Zoning ___ Water & Sewer	7 Copies- Staff Routes to:  ___ Building/ Prop. Manager ___ Engineer ___ Landscape Architect ___ Comm. Dev. Director ___ Fire Marshal ___ Planning & Zoning ___ Water & Sewer	2 Copies- Staff Routes to:  ___ Engineer ___ Landscape Architect

\* Resubmittals- Each subsequent resubmittal will incur a fee of \$200.





THIS BLOCK RESERVED FOR THE CLERK  
OF THE SUPERIOR COURT.



VICINITY MAP (N.T.S.)

SB TWO CAMPBELL LLC  
P.I.N. 09F020400070176  
DB 46028 PG 4

ABBREVIATIONS

A.K.A	ALSO KNOWN AS
CMP	CORRUGATED METAL PIPE
CTP	CRIMP TOP PIPE
DB	DEED BOOK
DIP	DUCTILE IRON PIPE
DIST.	DISTURBED
E.N.L.	END NOT LOCATED
-EO-	OVERHEAD ELECTRIC
I.I.	INVERT IN
I.O.	INVERT OUT
L.L.	LAND LOT
MON.	MONUMENT
N/F	NOW OR FORMERLY
N.T.S.	NOT TO SCALE
OTP	OPEN TOP PIPE
PB	PLAT BOOK
PG	PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.I.N.	PARCEL IDENTIFICATION NUMBER
P/L	PROPERTY LINE
RB	REBAR
R/W	RIGHT OF WAY
SSMH	SANITARY SEWER MANHOLE

TREE LEGEND

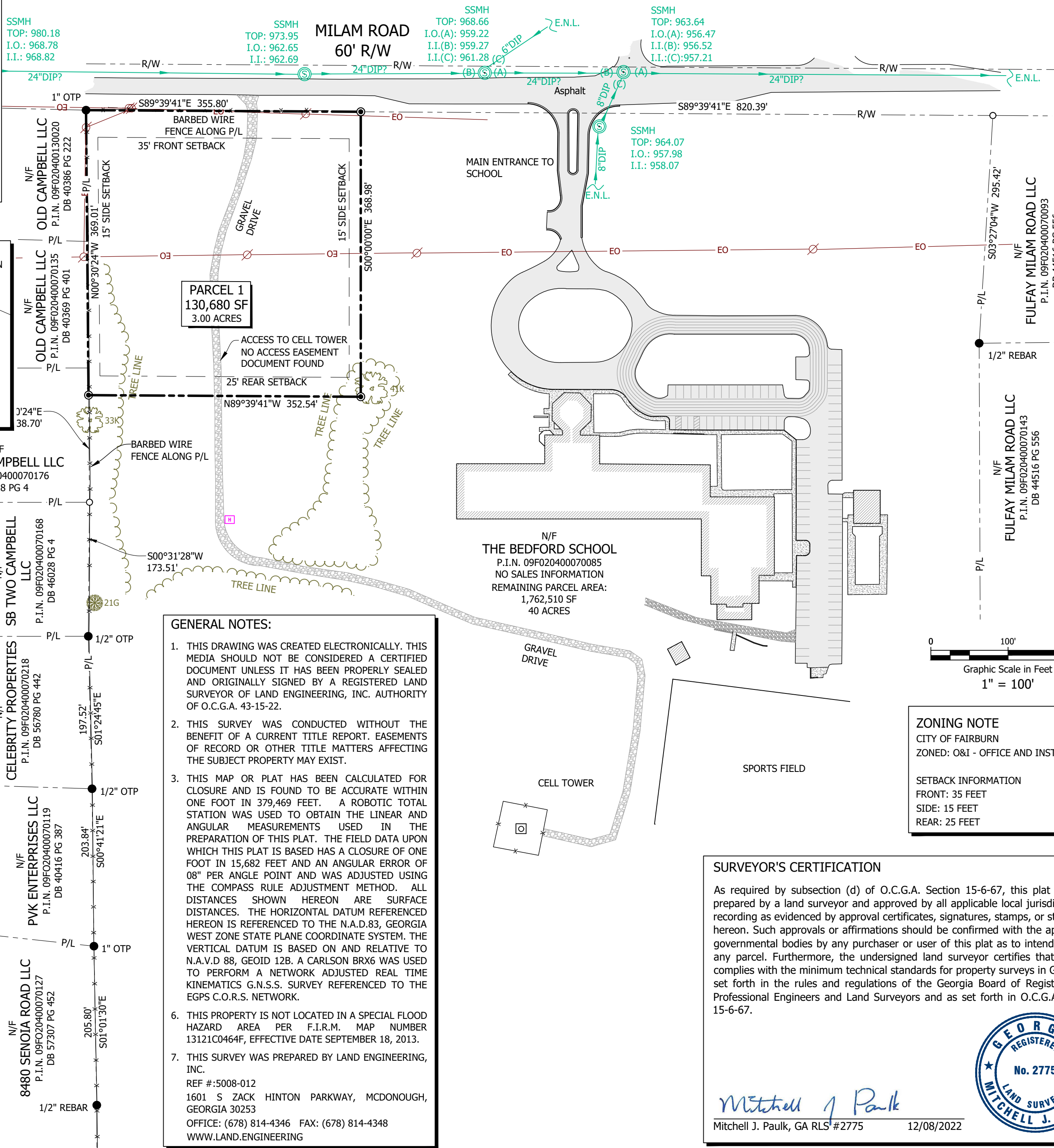
SYMBOL	CODE	COMMON NAME
	G	SWEET GUM
	K	OAK

EXAMPLE

16K = 16 INCH OAK TREE  
TRUNK DIAMETER MEASURED AT  
BREAST HEIGHT. TREE SYMBOL SIZE  
VARIES BASED ON TREE DIAMETER.

LEGEND

- IRON PIN FOUND
- ⊙ IRON PIN SET (5/8" REBAR)
- CALCULATED POINT
- ⊠ RIGHT OF WAY MONUMENT



GENERAL NOTES:

- THIS DRAWING WAS CREATED ELECTRONICALLY. THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT UNLESS IT HAS BEEN PROPERLY SEALED AND ORIGINALLY SIGNED BY A REGISTERED LAND SURVEYOR OF LAND ENGINEERING, INC. AUTHORITY OF O.C.G.A. 43-15-22.
- THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. EASEMENTS OF RECORD OR OTHER TITLE MATTERS AFFECTING THE SUBJECT PROPERTY MAY EXIST.
- THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 379,469 FEET. A ROBOTIC TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 15,682 FEET AND AN ANGULAR ERROR OF 08" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE ADJUSTMENT METHOD. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES. THE HORIZONTAL DATUM REFERENCED HEREON IS REFERENCED TO THE N.A.D.83, GEORGIA WEST ZONE STATE PLANE COORDINATE SYSTEM. THE VERTICAL DATUM IS BASED ON AND RELATIVE TO N.A.V.D 88, GEOID 12B. A CARLSON BRX6 WAS USED TO PERFORM A NETWORK ADJUSTED REAL TIME KINEMATICS G.N.S.S. SURVEY REFERENCED TO THE EGPS C.O.R.S. NETWORK.
- THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER F.I.R.M. MAP NUMBER 13121C0464F, EFFECTIVE DATE SEPTEMBER 18, 2013.
- THIS SURVEY WAS PREPARED BY LAND ENGINEERING, INC.  
REF #:5008-012  
1601 S ZACK HINTON PARKWAY, MCDONOUGH, GEORGIA 30253  
OFFICE: (678) 814-4346 FAX: (678) 814-4348  
WWW.LAND.ENGINEERING

ZONING NOTE

CITY OF FAIRBURN  
ZONED: O&I - OFFICE AND INSTITUTIONAL

SETBACK INFORMATION

FRONT: 35 FEET  
SIDE: 15 FEET  
REAR: 25 FEET

SURVEYOR'S CERTIFICATION

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.

*Mitchell J. Paulk*

Mitchell J. Paulk, GA RLS #2775

12/08/2022



LAND ENGINEERING

1601 S Zack Hinton Parkway  
McDonough, Georgia 30253  
T 678.814.4346, F 678.814.4348  
www.land.engineering  
GA LSF #0946

SEAL:



SURVEYOR'S CERTIFICATION

THE SURVEYOR WHOSE SEAL IS AFFIXED HEREON CERTIFIES THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

REVISION / ISSUE

NO. DATE DESCRIPTION

CLIENT:

J.R. BOWMAN CONSTRUCTION

PROJECT NAME:

FAIRBURN FIRE STATION

SITE LOCATION:

LAND LOT(S): 13  
LAND DISTRICT: 9TH  
SECTION:  
CITY: FAIRBURN  
COUNTY: FULTON  
STATE: GEORGIA

SCALE:

1" = 100'

ONE INCH

AT FULL SCALE

DRAWN BY:

AJB

CKD BY:

MJP

PROJ. NO.:

5008-012

DATE:

12/08/2022

SHEET TITLE:

DIVISION  
PLAT

SHEET:

1

TOTAL SHEETS:

1



After filing, return to:  
William R. Turner  
Turner Ross Germain LLC  
1501 Johnson Ferry Road, Suite 100  
Marietta, Georgia 30062

**DEED OF GIFT  
AND  
LIMITED WARRANTY DEED WITH REVERSIONARY INTEREST**

STATE OF GEORGIA  
COUNTY OF FULTON

**THIS INDENTURE**, made this 16<sup>th</sup> day of August, 2021, between **THE BEDFORD SCHOOL, INC.**, hereinafter called Grantor, a Georgia Nonprofit Corporation, and **CITY OF FAIRBURN, GEORGIA**, hereinafter called Grantee, a municipal corporation of the State of Georgia, (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

**WHEREAS**, Grantor is the sole owner in fee simple of the full legal and equitable title to the Property as hereinafter described; and,

**WHEREAS**, Grantor desires to make this Deed of Gift with Reversionary Interest and to convey its full legal and equitable title to the Property in accordance with the terms set forth herein.

**W I T N E S S E T H:**

**NOW, THEREFORE**, Grantor makes the following gift and dedication of land to Grantee with reversionary interest, being all that tract or parcel of land lying and being in Land Lot 13 of the 9<sup>th</sup> Land District, Fulton County, Georgia, being more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot 13 of the 9th Land District, Fulton County, Georgia as shown on that certain Division Plat prepared for Fairburn Fire Station, prepared by Land Engineering, Inc., and bearing the seal of Mitchell J. Paulk, Georgia Registered Land Surveyor Number 2275, and being more particularly described as follows: BEGINNING at an 1" open top pipe found on the south right of way line of Milam Road (having a right of width of 60 feet), said 1" open top pipe being located 627.25 feet from Georgia State Highway No. 74 (having a variable right of way width) as measured easterly along the south right of way line of Milam Road. Said 1" open top pipe being the same 1" open top pipe described as the point of beginning in Deed Book 21172, Page 220 which describes the parent tract from which the subject property is being divided; Thence along the southerly right of way South 89 Degrees 39 Minutes 41 Seconds East a distance of 355.80 feet to a 5/8" rebar with cap set (inscribed "LSF0946"); Thence leaving said right of way along the common property line with property owned by The Bedford School South 00 Degrees 00 Minutes 00 Seconds East a distance of 368.98 feet to a 5/8" rebar with cap set (inscribed "LSF0946"); Thence North 89 Degrees 39 Minutes 41 Seconds West a distance of 352.54 feet to a 5/8" rebar with cap set

(inscribed "LSF0946"); Thence along the common property line with property now or formerly owned by SB Two Campbell, LLC North 00 Degrees 30 Minutes 24 Seconds West a distance of 369.01 feet to a 1" open top pipe found; said open top pipe also being the POINT OF BEGINNING.

Said property contains 130,680 square feet or 3.00 acres more or less.

**TO HAVE AND TO HOLD** the said tract or parcel of land, together with all singular the rights, members, and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit, and behoof of said Grantee In Fee Simple with the following and absolute Reversionary Interest in favor of Grantor, as follows:

Grantee shall construct upon Property a fire station to be permanently equipped, staffed and operated for the benefit of the citizens of the City of Fairburn. Grantee shall construct upon the Property no outbuildings or storage structures, but shall permanently use Property for the aforementioned fire station, which may include the use of office space by the Fairburn Police Department; provided, further, that if Grantee shall ever cease to use Property exclusively for the location of a permanently equipped, staffed and operating fire station, which may include the use of office space by the Fairburn Police Department, title as conveyed herein shall revert back to Grantor and Grantee shall return Property to Grantor in its natural condition free from any improvements made thereto.

**Grantor Hereby** acknowledges, warrants and represents to Grantee (i) that Grantor has full legal and equitable title to the Property and has the right and authority to convey same to Grantee as provided herein; and (ii) that this conveyance is a voluntary conveyance by Grantor;

**And That Grantor** will warrant and forever defend the right and title to the Property unto Grantee against the claims of all persons claiming by, through, or under Grantor.

**IN WITNESS WHEREOF**, Grantor has signed and sealed this Deed of Gift and Limited Warranty Deed With Reversionary Interest, the day and year above written.

**THE BEDFORD SCHOOL, INC.**

Jeffrey S. James  
By: Jeff James, Chief Executive Officer

Signed, Sealed and Delivered  
this 16 day of August, 2021  
in the presence of:

[Signature]  
Unofficial Witness

Bonnie K Sides  
Notary Public (SEAL)

**Bonnie K Sides**  
**NOTARY PUBLIC**  
**Spalding County, GEORGIA**  
**My Commission Expires**  
**07/19/2024**

Allison P. Day  
SEAL – Allison Day, Secretary

Signed, Sealed and Delivered  
this 16 day of August, 2021  
in the presence of:

[Signature]  
Unofficial Witness

Bonnie K Sides  
Notary Public (SEAL)

**Bonnie K Sides**  
**NOTARY PUBLIC**  
**Spalding County, GEORGIA**  
**My Commission Expires**  
**07/19/2024**