



Planning and Zoning Commission Agenda

**Tuesday, October 3, 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 Meeting Minutes**
 - 1. Approval of the August - Regular Meeting Minutes
 - F. Public Comments**
 - G. Old Business**
 - H. New Business**
 - Concept Plan – Tim Hortons restaurant retrofit (7940 Senoia Rd)
 - Use Permit – Day Care Center (5575 Milam Road)
 - Text Amendment – Drive Through Retrofit Clause
 - I. Commissioner Comments**
 - J. Adjournment**

CITY OF FAIRBURN

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



Planning and Zoning Commission

Meeting Minutes

City Hall: 56 Malone Street, Fairburn, GA 30213

Tuesday, August 1, 2023, 7:00 p.m.

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

Planner: Chancellor Felton
Planning Director: Denise Brookins
City Attorney: Rory Starkey

- A. Call to Order:** The meeting was called to order at 7:15 pm by Chairman Jones.
- B. Determination of a Quorum:** A quorum was determined, and the meeting proceeded.
- C. Pledge of Allegiance:** Chairman Jones led the Pledge of Allegiance.
- D. Approval of the Meeting Agenda:**
 - 1. Commissioner James made a motion to approve the agenda. Commissioner Deavers seconded.
THE MOTION CARRIED.
- E. Approval of the Meeting Minutes:**
 - 1. Commissioner James made a motion to approve the July 11, 2023, minutes. Commissioner Echols seconded.
THE MOTION CARRIED.
- F. Public Comments:** Chairman Jones opened the floor to general, public comments. No public comments were made. Chairman Jones closed the floor to general, public comments.
- G. Old Business:** None.
- H. New Business:**
 - 1. **Concept Plan and Building Elevations: PVI Fairburn Office Building**
Applicant: Bernard Gallagher
Address: 5645 Milam Road, Parcel ID: 09F020400130020
Request to review the concept plan and building elevations.
 - a. Chairman Jones introduced the case. Chancellor Felton presented the case on behalf of Staff. Staff made a recommendation for approval with conditions. Chairman Jones opened the floor for the Commission to ask Staff questions.
 - b. Commissioner James asked where the site is located in reference to Senoia Road. Mr. Felton answered that it is located behind the bank.

- c. Commissioner James inquired about the unnamed road. Mr. Felton answered that the unnamed could potentially link with Renaissance Parkway depending on development patterns and could potentially be named Renaissance Parkway.
- d. Chairman Jones closed the floor to ask Staff questions and opened the floor to ask the applicant questions and address the Commission.
- e. Commissioner James asked exactly what their business is. The applicant explained their business model.
- f. Commissioner Deavers asked if the applicant has been doing work in Fairburn. The applicant answered yes.
- g. Commissioner Stewart asked how many employees will be at the Fairburn office. The applicant answered that they have 75 employees nationally. 50 employees are typically on the road, while the other 25 employees are scattered about their national offices.
- h. Commissioner Stewart asked if they will be hiring in the area. The applicant answered yes.
- i. Commissioner Smith inquired about the different buildings and their purpose. The applicant explained that the primary purpose of the buildings was to be used as office space, but the warehouse will be used for temporary storage of products.
- j. Chairman Jones closed the floor to ask the applicant questions.

Commissioner Echols made a motion to recommend **APPROVAL**. Commissioner James seconded.
THE MOTION CARRIED.

2. Concept Plat: Cigar Studio South

Applicant: William O'Neal

Address: 0 Harris Road

Request to review the concept plat.

- a. Chairman Jones introduced the case. Denise Brookins presented the case on behalf of Staff. Staff made a recommendation for approval with conditions. Chairman Jones opened the floor for the Commission to ask Staff questions.
- b. Commissioner James asked will they be doing anything differently with the site. Ms. Brookins answered no.
- c. Commissioner Deavers asked if any improvements will be made to the site. Ms. Brookins responded not at this time.
- d. Commissioner Stewart asked what will combining the parcels allow the property owners to do. Ms. Brookins responded exactly what they are doing now.
- e. Chairman Jones closed the floor to ask Staff questions.

Commissioner Deavers made a motion to recommend **APPROVAL**. Commissioner Stewart seconded.

THE MOTION CARRIED.

3. Use Permit: Fairway Foodies (DBA: Swing)

Applicant: William O'Neal

Address: 8480 Senoia Road, Parcel Numbers: 09F020400070044 and 09F020400070127

Request to review the use permit.

- a. Chairman Jones introduced the case. Chancellor Felton presented the case on behalf of Staff. Staff made a recommendation for approval with conditions. Chairman Jones opened the floor for the Commission to ask Staff questions.
- b. Commissioner Echols asked if there is more than one food truck. Mr. Felton responded that the applicant can answer that question. Commissioner Echols asked if the trucks will be there permanently. Mr. Felton answered that the food trucks will be there for the operating hours.
- c. Chairman Jones asked if the food trucks will be contracted to provide food and beverage services and then depart. Mr. Felton said yes.
- d. Commissioner Deavers asked if there is a list of the companies contacted for the public participation meeting. Chairman Jones responded that the list is not required for the Commission, but there is a contact list that Swing used to notify others of their use permit efforts. Ms. Brookins concurred. Mr. Felton added that there is a list of the attendees of the public participation meeting as well.
- e. Commissioner Stewart asked if Swing owned the food trucks. Mr. Felton responded that they do not own the food trucks.
- f. Chairman Jones asked if any of these food trucks are like any other food truck at a city event. Mr. Felton responded yes.
- g. Chairman Jones closed the floor to ask Staff questions and opened the floor to ask the applicant questions and address the Commission.
- h. Commissioner Stewart asked the applicants if they are the owners of Swing. The applicant responded yes. The other owners are at Swing and the National Night Out. Commissioner Stewart inquired about the business model of Swing. The applicants explained their business model to the Commission.
- i. Commissioner James gave the applicant the opportunity to explain their intent for mobile food trucks. The applicant answered that it would give Fairburn a unique dining experience.
- j. Commissioner Echols asked if there are three entities that own Swing. The applicant answered that there are four owners: them (2) and the other applicants that are not present (2). Commissioner Echols asked if another entity owns the food trucks. The applicant responded that the food trucks are owned by independent contractors. Commissioner Echols asked if the food trucks will be there every day. The applicant responded that there will be a rotation of food trucks.
- k. Chairman Jones asked if there will a rotating food truck for each day. The applicant responded yes.
- l. Commissioner James asked what the maximum number of food trucks will be. The applicant said three (3) to four (4), at a maximum.
- m. Chairman Jones asked if there is a limit for profit purposes. The applicant answered yes.
- n. Commissioner Smith asked if they are aware of existing food options close to Swing. The applicant responded yes, but with the food trucks, unique dining options will be offered. The foot traffic has proven that.
- o. Commissioner Deavers had a concern with the look of food trucks when entering the City via Senoia Road where the site is located. The applicant answered that the business will

benefit the aesthetics and identity of Fairburn. Commissioner Deavers inquired about the positioning of the food trucks. The applicant explained the welcoming position of the food trucks.

- p. Commissioner Echols stated the foot traffic is for golfing, not the food service because they do not serve food. The applicant stated that both the golfing and food trucks are a part of the overall business plan.
- q. Commissioner Stewart wanted to welcome and thank the applicants.
- r. Chairman Jones closed the floor to ask the applicant questions.

Commissioner Smith made a motion to recommend **APPROVAL**. Commissioner Stewart seconded.
THE MOTION CARRIED.

4. **Rezoning from PD (Commercial) to PD (Residential): Durham Lakes**

Applicant: John Hardy Jones

Address: 0 John Rivers Road

Request to review the rezoning.

- a. Chairman Jones introduced the case. Denise Brookins presented the case on behalf of Staff. Staff made a recommendation for approval with conditions. Chairman Jones opened the floor for the Commission to ask Staff questions.
- b. Commissioner James proclaimed that the staff report packet was amazing. It was very detailed and thorough. It answered many of her questions beforehand.
- c. Chairman Jones opened the floor to public comments. Commissioner James motioned to open for public comments. Commissioner Deavers seconded.

THE MOTION CARRIED.

- d. The applicant and a public commenter, Michele Battle, presented. Chairman Jones opened the floor for the Commission to ask the applicant questions.
- e. Commissioner Smith asked what the minimum unit square footage is. The applicant said that 1,400 square feet is the minimum square footage. Commissioner Smith asked what the selling prices for the townhouses were. The applicant responded \$325,000 to \$350,000. Commissioner Smith asked if the applicant was aware of the selling prices in the adjacent neighborhood, Durham Lakes. The applicant replied absolutely, but they are geared for transitional housing from industrial uses to single-family home uses.
- f. Commissioner James asked what type of trees and shrubbery will be in the vegetative buffer. The applicant responded that 8-foot-high green giant trees will be planted. Another public commenter, Joe Ingram, contributed to the discussion. Mr. Ingram stated that development will be out of the vegetative buffer and that they will keep as many trees as possible. Commissioner James asked about the time it will take for the trees to reach maturity. Mr. Ingram stated that it will take 10 to 20 years. Commissioner James inquired if the new development and existing development will be able to see in each other's backyards. Mr. Ingram responded from backyard-to-backyard, yes, but from back-of-home-to-back-of-home, not so much. The applicant wanted to note that only around four units will be abutting the existing houses. Commissioner James asked if there will be fencing. Mr. Ingram said that there will be a 6-foot privacy fence. Commissioner James asked that it will not be a sound barrier, it would be an opaque fence. Mr. Ingram said that it will be a regular privacy screen.

- g. Commissioner Smith asked if the style of the development will be the same throughout. Mr. Ingram said yes.
- h. Commissioner James asked if another entrance will be off Highway 29. Mr. Ingram said no. The site will only be able to support one entrance/exit. Commissioner James asked if a traffic light will be installed. Chairman Jones asked if Staff wanted to address that question. Ms. Brookins responded that the applicant can answer that question as well, but a traffic study will be a requirement, which could reveal that finding. The applicant said that they will comply with all requirements. Commissioner James asked if an HOA will be established. The applicant said yes. Commissioner James asked if there will be a rental cap. The applicant said yes.
- i. Chairman Jones closed the floor to ask the applicant questions.
- j. Rufus Wells, a public commenter, was in favor of the rezoning. He stated that we need more housing in Fairburn and he is in favor of a traffic light.
- k. Chairman Jones closed the floor to public comments. Commissioner James motioned to close for public comments. Commissioner Smith seconded.

THE MOTION CARRIED.

Commissioner James made a motion to recommend **APPROVAL**. Commissioner Stewart seconded.

THE MOTION CARRIED.

I. Commissioner Comments:

- 1. Commissioner Deavers commented that she is glad to see all the commissioners back.
- 2. Commissioner James wanted to thank everyone who attended the meeting.
- 3. Chairman Jones commented that he wanted to congratulate us for the longest meeting this year.
- 4. Commissioner Stewart wanted to welcome the Council members that were present during the meeting: Mayor Pro Term Davis, Councilwoman Portis-Jones, and Councilman Whitmore.
- 5. Commissioner Smith commented that is great to see other leaders here today. They are doing a great job.
- 6. Commissioner Echols commented that she is glad to see Council members here today and is grateful for their attendance. She hopes that the Commission did a good job.

J. Adjournment:

- 1. Commissioner Deavers motioned to adjourn the public meeting at 8:45 pm. Commissioner James seconded.

THE MOTION CARRIED.

CITY OF FAIRBURN

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**PLANNING AND ZONING COMMISSION
AGENDA ITEM**

To: Planning and Zoning Commission

From: Chancellor Felton, City Planner

Date: October 3, 2023- Planning and Zoning Commission

Agenda Item: Tim Hortons – 7940 Senoia Road [Parcel ID: 09F070300320304] – Request to review the elevations.

Agent/Applicant/Petitioner Information

Applicant: John Ives

Property Owner: Wade Properties LLC

Background

The site is located at 7940 Senoia Road between Senoia Road and Renaissance Parkway. The site is currently zoned C-2 (General Commercial) and is located in the Georgia Highway 74 Overlay District. The site is approximately 0.98 acres.

Discussion

The applicant is proposing a retrofit of the existing 2,586-square-foot drive-thru restaurant. A survey is included. The retrofit and elevations meet the parking requirements of C-2 and the Highway 74 Overlay District design standards. The site will have ingress/egress along an unnamed side street between Senoia Road and Renaissance Parkway.

Some elevation changes include new signage, artwork, lighting, and architectural details. The existing awning will be removed. There will be patching and repairing of the wall where lighting and architectural details will be removed. Existing signage will be removed. There will be additional landscaping. The trash enclosure and bollards will be repainted. The parking lot will be repaired, resealed, and restriped. Any damaged sidewalks and curbs will be repaired. The color scheme will be black, grey, and red. The masonry will be repainted black and grey, and the signage and lighting will be red.

Staff Recommendations

Staff recommends **APPROVAL** of the elevations with the following conditions:

- Applicant must include a walkway from the right-of-way of Renaissance Parkway to the parking facility and a crosswalk from the parking facility to the entrance walkway.
- Applicant must provide visual relief for the south elevation, similar to architectural details on the east elevation (this can include plane offsets, recessed windows, shutters, awning, cornices, roof overhangs, artwork, or other design elements).



- Any significant modifications as determined by Staff to the approved elevations would necessitate a further review by the Planning and Zoning Commission.

Attachments:

- Site Pictures
- Current Survey
- Proposed Site Plan
- Proposed Elevations

SITE PICTURES



Viewpoint from Senoia Road



Viewpoint from the unnamed side street between Senoia Road and Renaissance Parkway

SITE PICTURES

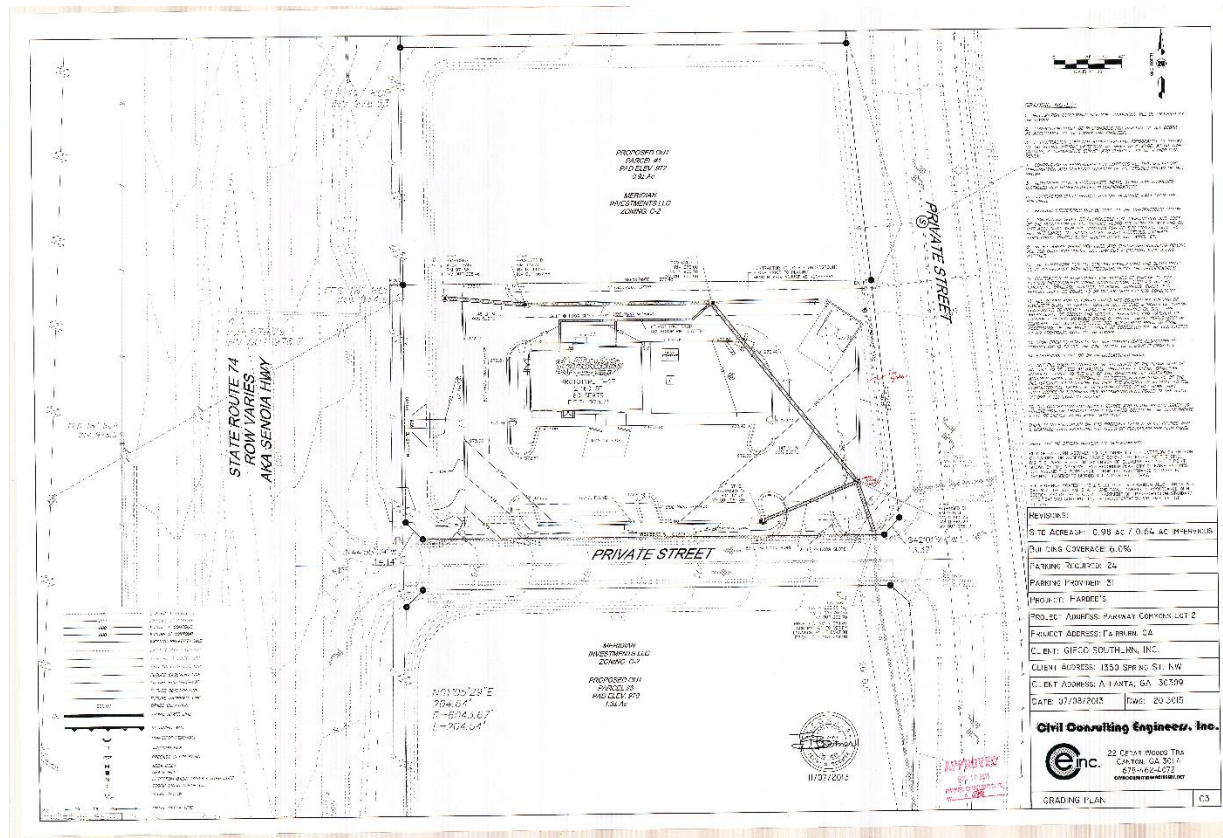


Viewpoint from Renaissance
Parkway

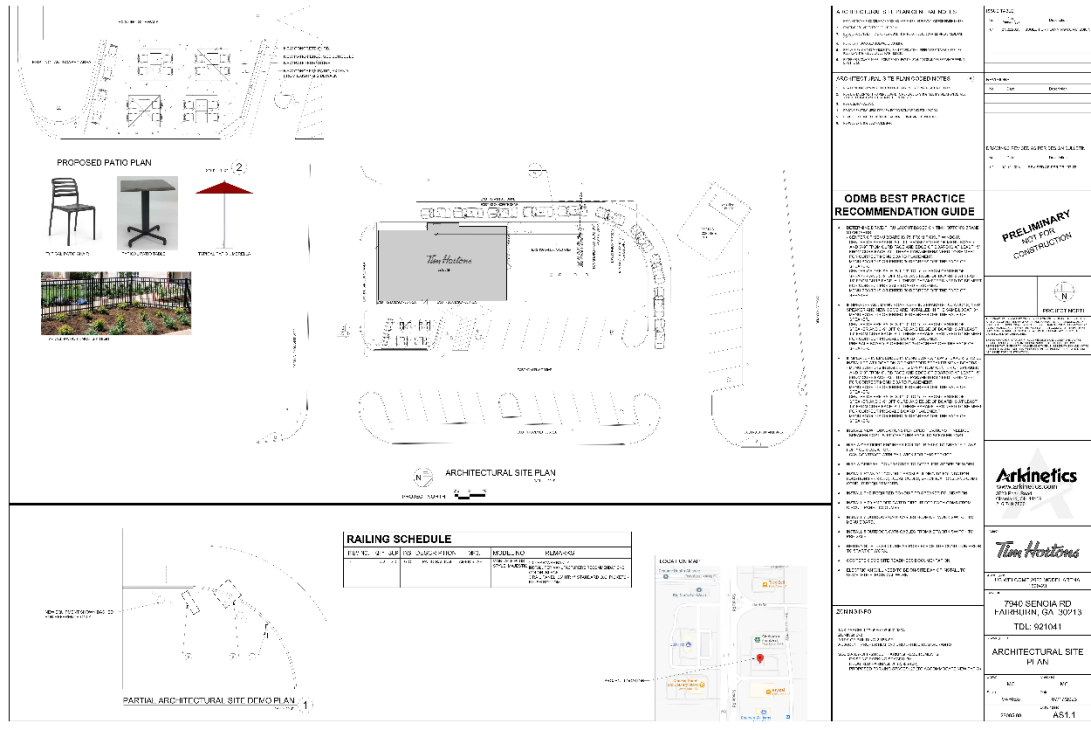


Viewpoint from the
Starbucks/Marco's Pizza Plaza

CURRENT SURVEY



PROPOSED SITE PLAN



Conceptual Site Plan Checklist

- ☐ An accurate, up-to-date and certified survey of the property on which the project is to be built.
- ☐ A vicinity map showing the property in relation to the general area of the City in which it is located.
- ☐ The name of the proposed project.
- ☐ Name, address, phone number, and fax number of the owner, the developer and the designer who prepared the plan.
- ☐ Graphic scale, north arrow, and date of preparation.
- ☐ Zoning of the property with required setbacks shown.
- ☐ Zoning, use, and ownership of all adjoining property.
- ☐ Total area of the site and the area of the site proposed to be devoted to impervious surfaces.
- ☐ Approximate topography of the site.
- ☐ Significant natural features on and adjacent to the site, including the 100 year flood-plain, if appropriate.
- ☐ Existing man-made features on the site.
- ☐ Proposed site layout including buildings, drives, parking, walkways, landscaped areas, buffer easements, utilities and any other features necessary to properly present the concept.
- ☐ Proposed off-site improvements which may be necessary to properly develop site.
- ☐ Architectural elevations to show the intended architectural character of the proposed building and the nature of the materials to be used.
- ☐ If the site plan is for an addition to or change in an existing site plan, the drawings must clearly show the changes that are being proposed.
- ☐ Provide vehicular use area landscaping requirements

CITY OF FAIRBURN

Planning & Zoning Department

Site Plan Review- Submittal Form

Submittal Date: _____

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

PROJECT INFORMATION

Project Name: _____

Address/Location of Project: _____

Access to Property: _____

Tax Parcel ID #: _____ Size of Project: _____

Zoning: _____ No. of Lots (if applicable): _____

Zoning & Use of Adjacent Properties: _____

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

CONTACT INFORMATION

Company Name: _____

Contact Person: _____

Mailing Address: _____

Phone: _____ Fax: _____

Email Address: _____

UTILITY SERVICE PROVIDERS

Water: _____

Sewer: _____

Electric: _____

Gas: _____

Cable: _____

Other: _____

<u>Sketch Plan</u>	<u>Conceptual Site Plan</u>	<u>Construction Plans w/Hydro</u>	<u>Landscape Plan</u>
<input type="checkbox"/> 1st Submittal- No Fee Submit to P & Z for review	<input type="checkbox"/> 1st Submittal \$150 + \$20/acre <input type="checkbox"/> Resubmittal*	<input type="checkbox"/> 1st Submittal \$500 + \$20/ acre <input type="checkbox"/> Resubmittal*	<input type="checkbox"/> 1st Submittal \$300 + \$20/acre <input type="checkbox"/> Resubmittal*
If necessary, 2 extra copies (If legible, .pdf file is acceptable). Staff routes to: ___ Comm. Dev. Director ___ Planning & Zoning	7 Copies- Staff Routes to: ___ Building/Prop. Manager ___ Comm. Dev. Director ___ Engineer ___ Fire Marshal ___ Landscape Architect ___ Planning & Zoning ___ Water & Sewer	7 Copies- Staff Routes to: ___ Building / Prop. Manager ___ Comm. Dev. Director ___ Engineer ___ Fire Marshal ___ Landscape Architect ___ Planning & Zoning ___ Water & Sewer	2 Copies- Staff Routes to: ___ Comm. Dev. Director ___ Landscape Architect

Resubmittals- Each subsequent resubmittal will incur a fee of \$100.

...

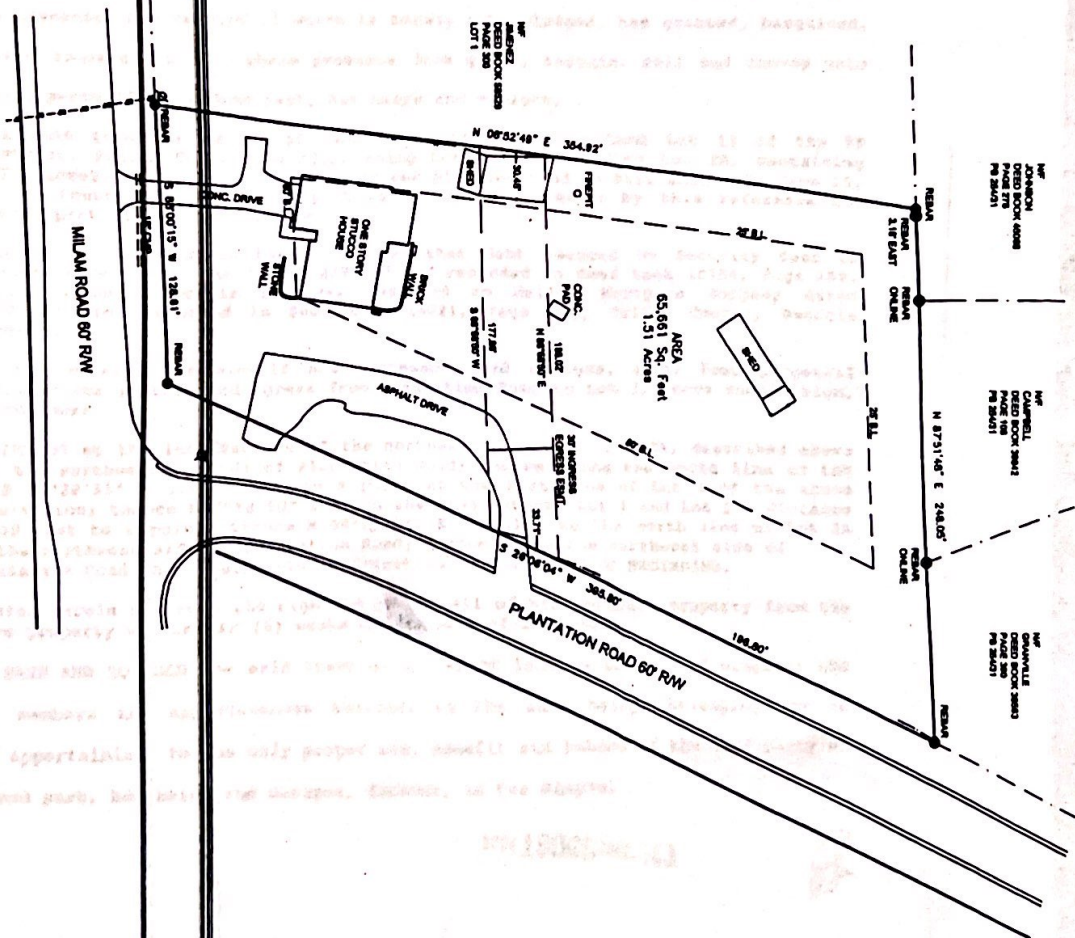
LOT 2 & LOT 2A UNIT ONE, FOREWOOD SUBDIVISION, PHASE ONE

HARBUCK LAND SURVEYORS, INC

WILLIAM A. HARRISON
GEORGIA REGISTERED LAND SURVEYOR NO. 3008
BOX 47700000 STREET

SCALE 1" = 40'
18 JUL 1971

THE FIELD WAS A SQUARE WHICH THIS MAP ON PLAT E PASSED WAS A SQUARE (PRECISION OF ONE FOOT 13.44 FEET) AND AN ANGULAR ERROR OF 3 SECONDS PER ANGULAR POINT, AND WAS NOT ADJUSTED. THIS MAP ON PLAT E WAS FOUND CALCULATED FOR CLOSURE AND IS BEING TO BE ACCURATE WHEN ONE FOOT IN 13.44 FEET. THE TYPE OF EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF SAID MAP OR PLAT IS AN ELECTRONIC TOTAL STATION.



GRAPHIC SCALE IN FEET

REVENUES ARE BASED ON
PLAT BOOK 133 PAGE 15

- LEGEND**
- RICH PM POLAND
 - RICH PM SET
 - PROSPERITY CORNER
 - POWER POLE
 - PINE MIDWANT
 - TELEPHONE PEDERSTAL
 - WATER LETTER
 - DROP SALET
 - MARSHALLS
 - ✱ HANDWOOD TREE
 - ⚙ PINE TREE
 - ⚙ WATER VALVE
 - ▲ MARCHEN

[illegible]

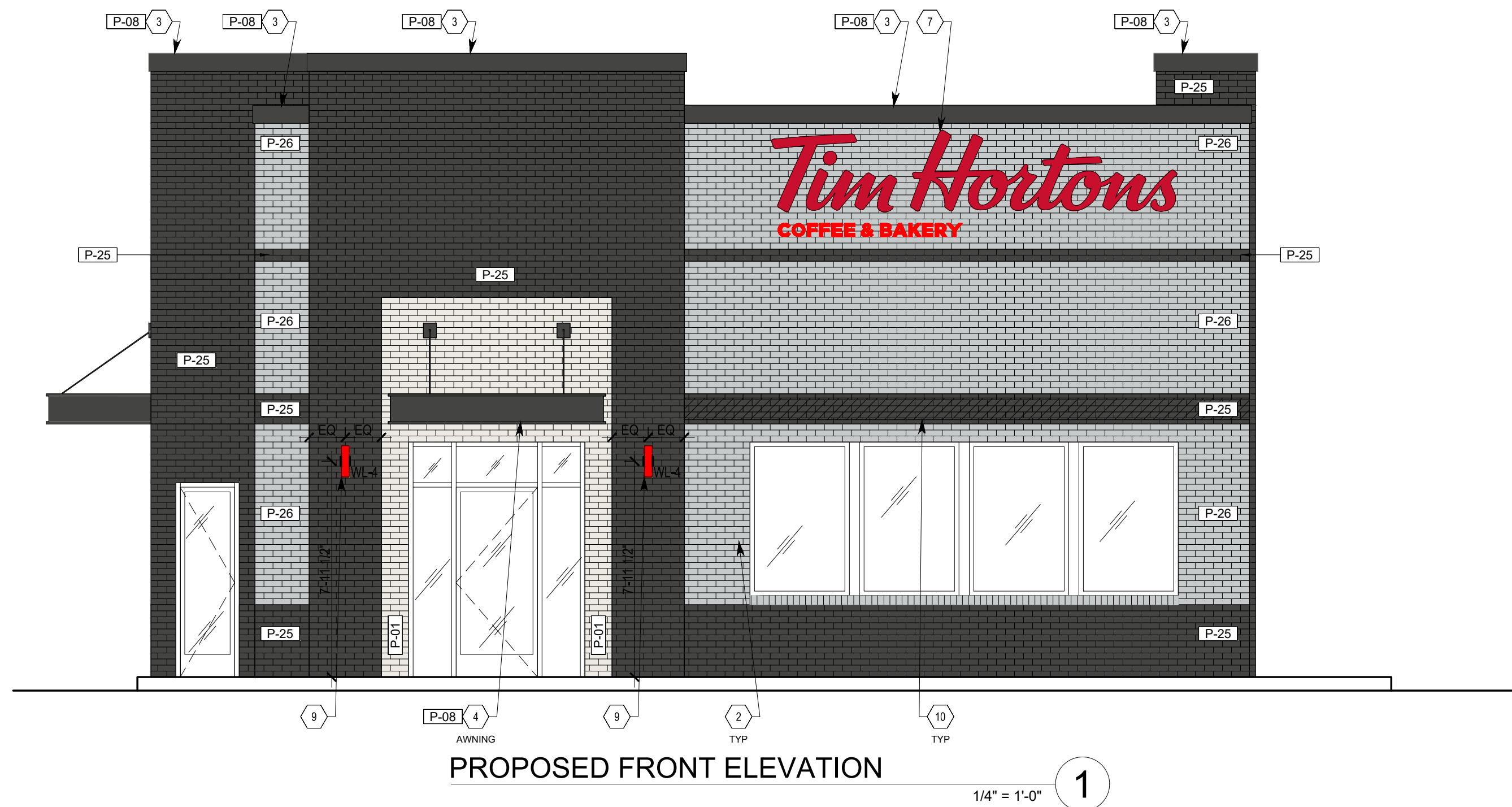
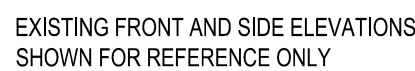
Drawn MC	Checked MC
Scale VARIES	Date 07/17/2023
23005.08	Drawing No. AS1.1



- ## EXTERIOR GENERAL NOTES
- REMOVE EXISTING AWNINGS, PATCH AND REPAIR MASONRY AT FORMER WALL MOUNTING LOCATIONS.
 - REMOVE EXTERIOR SIGNAGE. ALL EXTERIOR SIGNS FACES TO BE REMOVED AND NEW SIGNS WITH THE CURRENT LOGO TO BE ADDED THROUGHOUT. REFACE PYLON AND ADD LED, ALL DIRECTIONS AND SCRIPT SIGNAGE. POLES/BASES, PAINT P-08. ALL NEW EXTERIOR SIGNAGE BY APPROVED SIGNAGE VENDOR UNDER SEPARATE PERMIT.
 - REMOVE EXISTING WALL MOUNTED LIGHTING FIXTURES, PATCH AND REPAIR MASONRY AT FORMER WALL SCONCE LOCATIONS IF NEW LIGHT IS NOT PROVIDED AT SAME LOCATION.
 - LANDSCAPING - REPLACE DAMAGED OR DEAD MATERIAL ON SITE. PROVIDE ADDITIONAL GREENERY, COORD WITH LOCAL LANDSCAPER OR LANDSCAPE ARCHITECT.
 - REPAIR TRASH ENCLOSURE DOORS P-08.
 - EXISTING BOLLARDS TO BE PAINTED P-17.
 - REPAIR PARKING LOT TO LIKE NEW CONDITION. REPAIR DETERIORATED AREAS, SEAL AND STRIPE.
 - REPAIR ANY DAMAGED SIDEWALKS/CURBING.

ISSUE TABLE		
No.	Date (mm/dd/yy)	Description
01	07/20/2023	ISSUED FOR PLANNING COMMISSION
REVISIONS		
No.	Date	Description
DRAWINGS REVISED AS PER DESIGN BULLETIN		
No.	Date	Description
01	07-07-2023	REVISED AS PER DB #07-23

PRELIMINARY
NOT FOR
CONSTRUCTION



Arkinetics
www.arkinetics.com
3723 Pearl Road
Cleveland, OH 44109
216.749.7800

Project

Tim Hortons

Store Type	US WELCOME 2023 MODEL ARENA 1600-23
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7940 SENOIA RD
FAIRBURN, GA 30213
TDL: 921041

EXTERIOR ELEVATIONS

Drawn	Checked
MC	MC
Scale	Date
VARIES	07/17/2023
23005.08	Drawing No. A5.1

EXTERIOR ELEVATION CODED NOTES	EXTERIOR GENERAL NOTES
<div>1. EXISTING DRIVE-THRU WINDOW.</div> <div>2. EXISTING MASONRY/ FIELD MATERIAL TO REMAIN.</div> <div>3. EXISTING COPING TO BE PAINTED.</div> <div>4. EXISTING MISC METALS TO BE PAINTED, TYP.</div> <div>5. EXISTING SERVICE DOOR AND FRAME TO BE PAINTED.</div> <div>6. NEW WALL PACK (LP7) AT EXISTING WALL PACK LOCATION.</div> <div>7. NEW EXTERIOR ILLUMINATED SIGNAGE, BY OTHERS UNDER SEPARATE PERMIT. GC TO COORD ELECTRICAL REQUIREMENTS WITH SIGNAGE VENDOR.</div> <div>8. NEW 'STAMP' ARTWORK FEATURE (NEAR ENTRANCE DOORS) WITH PICTURE FRAME LIGHT (WL-3) CENTERED ABOVE ARTWORK.</div> <div>9. NEW DECORATIVE WALL SCONCE, WL-4.</div> <div>10. NEW UPGRADED EXTERIOR LIGHTING PACKAGE INCLUDING NEW C-CHANNEL (CL-1) WITH UP-LIGHTING.</div>	<div>• REMOVE EXISTING AWNINGS, PATCH AND REPAIR MASONRY AT FORMER WALL MOUNTING LOCATIONS.</div> <div>• REMOVE EXTERIOR SIGNAGE. ALL EXTERIOR SIGNS FACES TO BE REMOVED AND NEW SIGNS WITH THE CURRENT LOGO TO BE ADDED THROUGHOUT. REFACE PYLON AND ADD LED, ALL DIRECTIONS AND SCRIPT SIGNAGE. POLES/BASES, PAINT P-08. ALL NEW EXTERIOR SIGNAGE BY APPROVED SIGNAGE VENDOR UNDER SEPARATE PERMIT.</div> <div>• REMOVE EXISTING WALL MOUNTED LIGHTING FIXTURES, PATCH AND REPAIR MASONRY AT FORMER WALL SCONE LOCATIONS IF NEW LIGHT IS NOT PROVIDED AT SAME LOCATION.</div> <div>• LANDSCAPING - REPLACE DAMAGED OR DEAD MATERIAL ON SITE. PROVIDE ADDITIONAL GREENERY, COORD WITH LOCAL LANDSCAPER OR LANDSCAPE ARCHITECT.</div> <div>• REPAINT TRASH ENCLOSURE DOORS P-08.</div> <div>• EXISTING BOLLARDS TO BE PAINTED P-17.</div> <div>• REPAIR PARKING LOT TO LIKE NEW CONDITION, REPAIR DETERIORATED AREAS, SEAL AND STRIPE.</div> <div>• REPAIR ANY DAMAGED SIDEWALKS/CURBING.</div>

EXTERIOR FINISH SCHEDULE					
TAG	PRODUCT	MANUF.	PATTERN & COLOUR		SUPPLIER/ CONTACT
P-01	PAINT	SHERWIN WILLIAMS	COLOR: 'SNOWBOUND, SW7004', FINISH EGGSHELL NOTE: FOR EIFS MUST USE DRYVIT DEMANDIT PMR ACRYLIC PAINT AS THE BASE WITH STRATATONE (FOR DARK COLORS) ADDITIVE. COLOR TO MATCH SHERWIN WILLIAMS. SIDING: 100% ACRYLIC PAINT WITH UV FINISH, MIN 2 COATS. COLOR: 'SNOWBOUND, SW7004', FINISH EGGSHELL NOTE: 100% ACRYLIC PAINT WITH UV FINISH, MIN 2 COATS. COORD PRIMER (TO MATCH PAINT COLOR) AND PAINT REQUIREMENTS WITH SIDING/TRIM MANUFACTURER.		SHERWIN WILLIAMS (NORTH AMERICA) CONTACT: DEAN GIVELAS TEL:416-432-6975 EMAIL: GIVELAS@SHERWINWILLIAM.COM
P-08	EXTERIOR METAL PAINTS, METAL RAILING, REAR SERVICE DOOR MISC METALS, LADDER, FLASHING, AND COPING.	SHERWIN WILLIAMS	PAINT FOR FASCIAS AND/OR EXTERIOR METALS (SOFFITS, TRIM, ETC.) TO MATCH SURROUNDING COLOURS WHERE NECESSARY SHERWIN WILLIAMS "IRON ORE SW7069" MIN. 2 COATS SPRAY APPLICATION		
P-17	BOLLARD	SHERWIN WILLIAMS	COLOR: #SW6868 'REAL RED' MIN. 2 COATS SPRAY APPLICATION		
P-25	PAINT	SHERWIN WILLIAMS	COLOR: #SW7076 'CYBERSPACE' EGGSHELL FINISH FOR MATCH P-08 REFER TO SHERWIN WILLIAMS A100 DATA SHEET FOR COMPLETE DETAILS ON COVERAGE, PRIMERS, DRYING TIMES, APPLICATION METHODS AND ADDITIONAL SPECIFICATIONS DEPENDANT ON SURFACE MATERIALS.		
P-26	PAINT	SHERWIN WILLIAMS	COLOR: #SW7071 'GRAY SCREEN' EGGSHELL FINISH FOR MATCH P-08 REFER TO SHERWIN WILLIAMS A100 DATA SHEET FOR COMPLETE DETAILS ON COVERAGE, PRIMERS, DRYING TIMES, APPLICATION METHODS AND ADDITIONAL SPECIFICATIONS DEPENDANT ON SURFACE MATERIALS.		CONTACT: INSIDE SALES CONTACT TEL: (713)849-5882
	ANODIZED ALUMINUM (DRIVE-THRU WINDOW)	QUICKSERV	BI-PARTING WINDOW WITH 2 CENTERED MOVING PANELS AND 2 SIDELITES "PW-54E". COLOR: BRONZE ANODIZED.		
	C-CHANNEL PERIMETER INTEGRATED LIGHTING	LEKTRON BRANDING SOLUTIONS	CUSTOM LENGTH; COLOR: BLACK.		

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No.	Date	Description
01	07-07-2023	REVISED AS PER DB #07-23

PRELIMINARY
NOT FOR
CONSTRUCTION

THIS DRAWING IS OWNED BY OR LICENSED FOR USE BY TIM HORTONS (OR ITS AFFILIATED OR RELATED COMPANIES) AND MAY NOT BE REPRODUCED, USED, DOWNLOADED, DISSEMINATED, PUBLISHED, OR TRANSFERRED IN ANY FORM OR BY ANY MEANS, EXCEPT WITH THE PRIOR WRITTEN CONSENT OF TIM HORTONS. COPYRIGHT INFRINGEMENT IS A VIOLATION OF FEDERAL LAW SUBJECT TO CRIMINAL AND CIVIL PENALTIES.

THE CONTRACTOR IS TO VERIFY ALL DIMENSIONS AND CONDITIONS ON THE PROJECT AND TO REPORT ANY DISCREPANCIES TO THE TIM HORTONS REPRESENTATIVE PRIOR TO COMMENCING WORK. THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES UNLESS INDICATED BY TIM HORTONS AS "ISSUED FOR CONSTRUCTION".

Arkinetics
www.arkinetics.com
3723 Pearl Road
Cleveland, OH 44109
216.749.7800

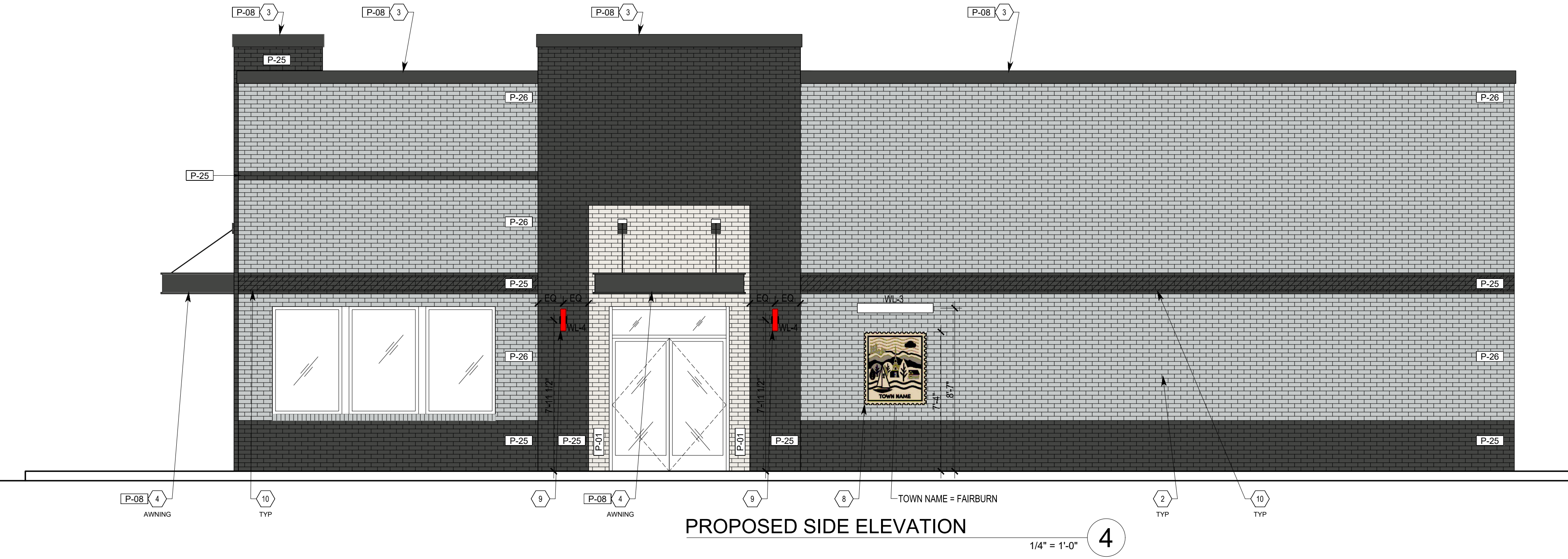
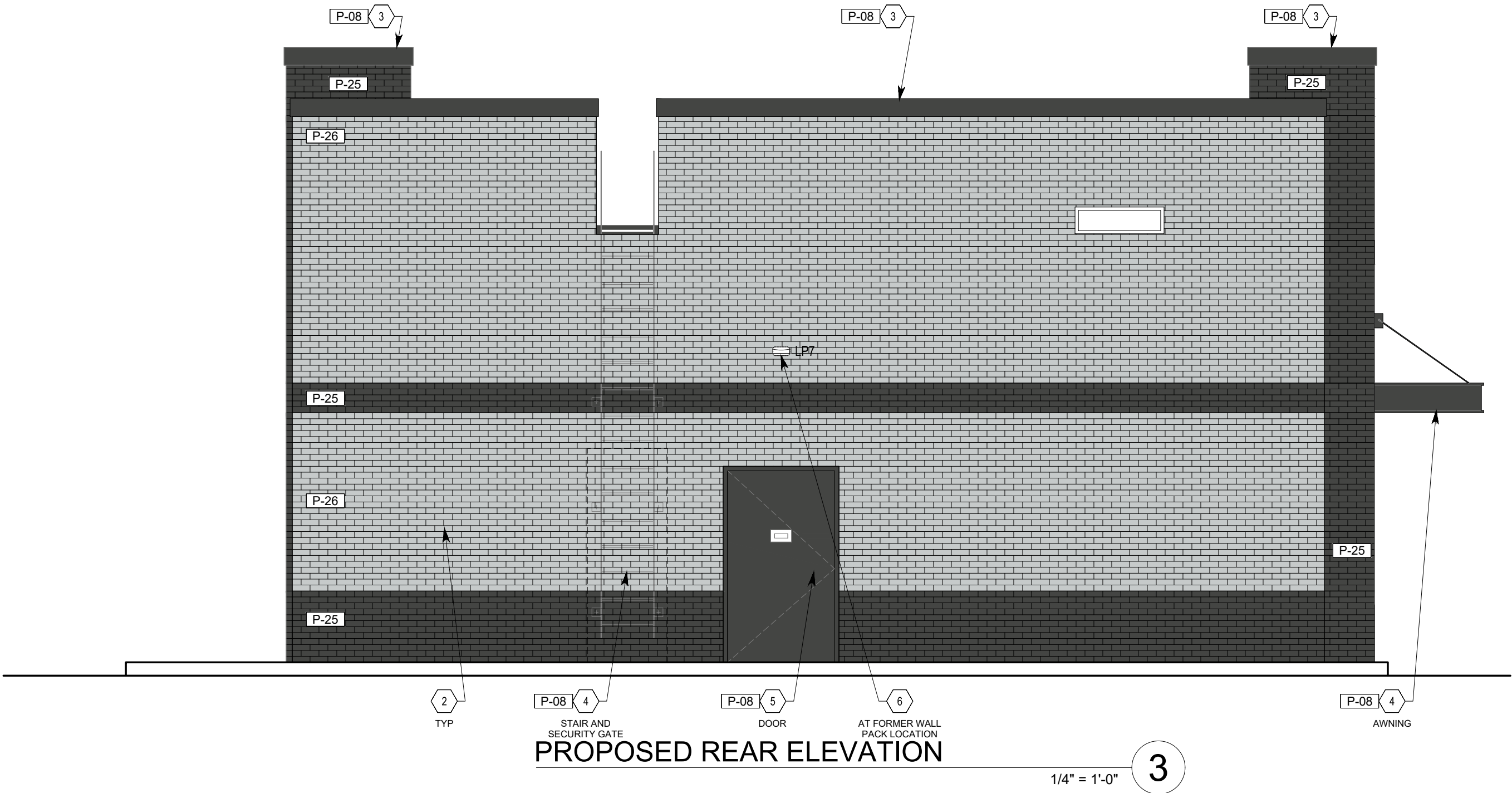
Project	Tim Hortons	
Store Type	US WELCOME 2023 MODEL ARENA 1600-23	
Location	7940 SENOIA RD FAIRBURN, GA 30213 TDL: 921041	
Drawing Title	EXTERIOR ELEVATIONS	
Drawn	MC	Checked MC
Scale	VARIES	Date 07/17/2023
23005.08		Drawing No. A5.2



EXISTING REAR ELEVATION SHOWN FOR
REFERENCE ONLY



EXISTING FRONT AND SIDE ELEVATIONS
SHOWN FOR REFERENCE ONLY





**PLANNING AND ZONING COMMISSION
AGENDA ITEM**

To: Planning and Zoning Commission
From: Chancellor Felton, Planner
Agenda Item: Angela Rosser – 5575 Milam Road [Parcel ID: 09F020200130105] – Request to review the allowance of a child day care center.

Submitted: 10/03/2023	Work Session: N/A	City Council Meeting: 11/13/2023
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Agent/Applicant/Petitioner Information

Applicant: Angela Rosser

Property Owner: Cortes Christian

Background

The site is located at 5575 Milam Road on the northeast corner of the intersection of Milam Road and Plantation Road. The site is currently zoned O&I (Office and Institutional). The site is approximately 1.64 acres.

Discussion

The applicant is proposing to be able to have a child day care center on their site. An accurate, up-to-date, and certified survey is included. They have also included a site plan.

The applicant formed a public participation plan. The applicant notified the property owners who were located within 1,000 feet of the site with a postcard via the United States Postal Service of their intention to request the allowance of a child day care center on their site and to invite the property owners to their public participation meeting.

The applicant produced a public participation report. The applicant held a public participation meeting on September 6, 2023, at 6:00 PM at 8420 Senoia Road, Suite 201. A total of 6 people were in attendance. A resident who stays off Milam Road expressed support for the child day care center citing a need for more childcare in Fairburn and is not concerned with traffic. A resident who served as a representative of the Foxwood Subdivision expressed opposition to the child day care center citing traffic and property value concerns.



Use Permit Considerations

1. Whether the proposal use is consistent with the comprehensive land use plan adopted by the city council.

Staff finds that the proposed use is consistent with the 2040 Comprehensive Plan. The site is in the Office Area and the appropriate use is Child Day Care Center. The appropriate zoning district in the Office Area includes O&I.

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

Staff finds that the proposed use is compatible with the surrounding land uses and zoning. The surrounding land uses are Medium Residential, Highway Mixed Use, Office, and Rural Residential. Child day care centers are an appropriate land use in Office. The surrounding zoning districts are R-4, C-2, O&I, and AG. Child day care centers are a permitted use listed in O&I.

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 local, state, and/or federal statutes, ordinances, or regulations governing land development. The applicant will be required to comply with all City of Fairburn regulations.

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

Vehicular and pedestrian traffic flow should not be affected along Milam Road or Plantation Road. A Traffic Impact Study was not required as the use did not pass the threshold (of 300,000 square feet of development).

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

Off-street parking is located on the site and there are a total of 11 parking spaces. There are five (5) parking spaces for employees, five (5) parking spaces for visitors, and one (1) accessible parking space.

6. The amount and location of open space.

There are open spaces on the north and east sides of the site where the kids' play areas, backyard, and front yards are located which equals 1.26 acres of open space. The site is a total of 1.51 acres which equals 83 percent of open space. 30 percent is required.

7. Protective screening.

A new fence will be installed around the two play areas to the rear and side of the existing structure.

8. Hours and manner of operation.

The child day care center will operate from 7 AM to 6 PM, Monday through Friday.



9. Outdoor lighting.

Outdoor lighting is not provided.

10. Ingress and egress to the property.

Two, one-lane access points will provide ingress and egress to the site from Milam Road and Plantation Road.

Staff Recommendations

Staff recommends **APPROVAL** of the use permit with the following condition:

- Applicant must adhere to the supplemental regulations on child day care centers per the Zoning Ordinance (Chapter 80 Zoning, Article IV Administrative Permits and Use Permits, Section 80-208 Child Day Care Center).

Attachments:

- Site Pictures
- Application
- Survey
- Plans
- Public Participation Report
- Supplemental Regulations

SITE PICTURES



The front of the future child day care center facing Milam Road



The corner of the future child day care center facing the intersection of Milam Road and Plantation Road

SITE PICTURES



The side of the future child day care center facing Plantation Road



The back of the future day care center



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: Angela Rosser
Address: 5575 Milam Road, Fairburn, GA 30213
Phone: (404) 569-6607 Cell: _____ Fax: _____
Email Address: patricia_rosser@bellsouth.net

OWNER INFORMATION (If different from Applicant)

Owner Name: Cortes Christian
Address: 5575 Milam Road, Fairburn, GA 30213
Phone: _____ Cell: _____ Fax: _____
Email Address: _____

PROPERTY INFORMATION

Address: 5575 Milam Road, Fairburn, GA 30213
Parcel ID#: 09F020200130105 Land Lot: 13 District: 25

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: O & I (Office Institutional Zoning District)

USE PERMIT REQUEST: Child Day Care Center

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.

TYPE OR PRINT OWNER'S NAME

Sworn to and subscribed before me this the

Day of 20

ADDRESS

NOTARY PUBLIC

CITY & STATE ZIP CODE

OWNER'S SIGNATURE

PHONE NUMBER

EMAIL ADDRESS

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").

Angela Rosser

TYPE OR PRINT PETITIONER'S NAME

5575 Milam Road

ADDRESS

Fairburn, GA 30213

CITY & STATE ZIP CODE

PETITIONER'S SIGNATURE

patricia_rosser@bellsouth.net

EMAIL ADDRESS

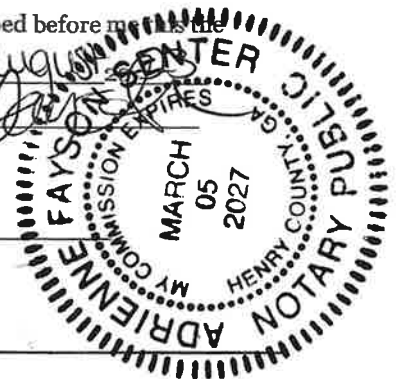
Sworn to and subscribed before me this the

15th Day of August

NOTARY PUBLIC

(404) 569-6607

PHONE NUMBER

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

Check One: ☐ Attorney ☒ Agent
Adrienne Senter

TYPE OR PRINT ATTORNEY / AGENT NAME

SIGNATURE OF ATTORNEY / AGENT

650 S. Central Avenue, Unit 82107

ADDRESS

Atlanta, Georgia 30354

CITY & STATE ZIP CODE

permitproatlanta@gmail.com

EMAIL ADDRESS

(404) 428-9869

PHONE NUMBER

PETITIONER'S SIGNATURE



USE PERMIT CONSIDERATIONS

Applicant: Angela Rosser

Analyze the impact of the proposed use permit with the following questions:

1. Whether the proposed use is consistent with the comprehensive land use plan adopted by the City Council? The proposed use is consistent with the comprehensive land use plan.

2. Compatibility with land uses and zoning districts in the vicinity of the property for which the use permit is proposed? The abutting uses (residential/institutional) are compatible with the proposed use.

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 local, state, and/or federal statutes or ordinances.

4. The effects of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets? _____
The proposed use will not effect the traffic flow along the adjoining streets. Per the enclosed site plan, a circular driveway is planned for entry/exit which provides effecient access to and from the property.

5. The location and number of off-street parking spaces? _____
The parking spaces are located in the front of the proeprty. Nine (9) spaces are available for visitors and staff.

6. The amount and location of open spaces? _____
The play area and open spaces are located to the rear of the property.

7. Protective screening? A new fence will be installed around the play area to the rear and side of the existing structure.

8. Hours and manner of operation? The proposed hours of operation are Monday - Friday, 7am - 6pm.

9. Outdoor lightning? _____

10. Ingress and egress to the property? _____
Ingress and egress to the property is available along Milam Road and Plantation Road.

Attach additional sheets as needed.



DISCLOSURE REPORT

Office use only:

USE PERMIT PETITION #: _____ CITY COUNCIL MEETING DATE: _____

Within the (2) years immediately preceding the filing of this zoning petition have you, as the applicant, owner and/or opponent for the use permit petition, or an attorney or agent of the applicant or opponent for the use permit petition, made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to a member of City Council.

CIRCLE ONE: YES NO X

If the answer is YES, proceed to sections 1 through 4.

If the answer is NO, complete only section 4.

1. CIRCLE ONE: Party to Petition In Opposition to Petition

If party to petition, complete sections 2, 3, and 4 below.

If in opposition, proceed to sections 3 and 4 below.

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this use permit petition: N/A

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more
N/A			

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Angela Rosser

Signature: _____

Date: 8-1-2023

SITE PLAN CHECKLIST

Site plans for use permit petitions must be folded, drawn to scale, no larger than 30" x 42", and shall, at a minimum, include the following information:

ITEM #	DESCRIPTION	CHECK √
1	An accurate, up-to-date and certified survey of the property	
2	Name, address, phone number, and fax number of the owner, the developer and the designer who prepared the plan.	
3	Vicinity map with North arrow showing the property in relation to the general area	
4	Acreage of subject property	
5	Location of land lot lines and identification of land lots	
6	Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property; Proposed streets on the subject site	
7	Current zoning of the subject site with required and/or proposed setbacks and adjoining properties	
8	Total are of the site, and the areas of the proposed to be devoted to impervious surfaces	
9	Proposed off-site layout including buildings, drives, parking, walkways, landscaped-areas, tree save area, buffers, easements, utilities and any other features necessary to properly present the development	
10	Layout and minimum lot size of proposed single-family residential lots	
11	Topography on subject site	
12	Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed	
13	Required and proposed parking spaces; Loading and unloading facilities	
14	Wetlands, lakes, streams and other waters on the site and associated buffers including the 100 year flood-plain, if appropriate.	
15	Proposed stormwater management facilities	
16	Architectural elevations to show the intended architectural character of the proposed building and the nature of the materials to be used.	

Office use only:

Application reviewed by:

Staff signature: _____ Date: _____
Community Development/
Planning and Zoning

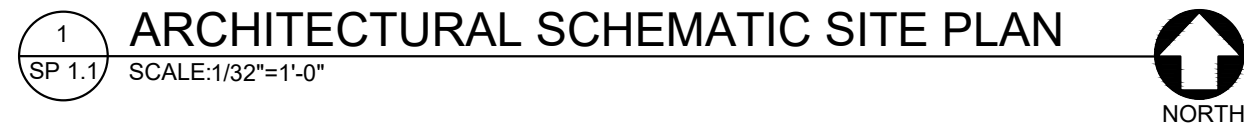
Staff printed name: _____

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: Angela Posner/AS

Date: 8/1/2023

Applicant printed name: Angela Posner



GENERAL NOTE:

- GC TO MODIFY EXISTING DRIVEWAY TO FIT THE NEW CONDITIONS SHOWING IN THE SITE PLAN. NEW DRIVEWAY TO BE ADDED AS SHOWN IN THIS DRAWING.
- GC TO MAKE SURE EXISTING DRIVEWAY AT THE FRONT IS MODIFIED TO MAKE SURE IT IS 15'-0" WIDE AND THE WIDTH IS MAINTAINED THROUGH OUT, TYP.
- THE ENTIRE PROPERTY TO BE FENCED IN ALONG THE PROPERTY LINE CO-ORDINATE WITH THE OWNER FOR DETAILS.

<u>NO OF PARKING</u>	
WHEELCHAIR PARKING	1 NOS
VISITOR PARKING	5 NOS
EMPLOYEE PARKING	5 NOS
TOTAL	11 NOS

This drawing and the design shown is the property of the architect. The reproduction, copying or use of this drawing without their written consent is prohibited and any infringement will be subject to legal action

**ARCHITECTUR
SCHEMATIC
SITE PLAN**

PUBLIC PARTICIPATION PLAN

Applicant: Angela Rosser

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

Postcards were mailed to properties located within 1000 feet of the subject property. Please see the
attached mailing list.

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.)

Postcards were mailed.

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.)

Members of the public were encourage to attend an inforamtional meeting on Wednesday, September 6,

2023. The meeting was held at 8420 Senoia Road, Ste. 201, Fairburn, GA 30213.

Attach additional sheets as needed.

PUBLIC PARTICIPATION PLAN REPORT

Applicant: Angela Rosser Petition No. _____

Date: 09-11-2023

1. The following parties were notified of the requested rezoning/use permit:

Postcards were mailed to properties located within 1000 feet of the subject property. Please see the
attached mailing list.

2. The following meetings were held regarding this petition: (Include the date, time, and meeting location.)

Members of the public were encourage to attend an inforamtional meeting on Wednesday, September 6,
2023. The meeting was held at 8420 Senoia Road, Ste. 201, Fairburn, GA 30213.

3. The following issues and concerns were expressed:

The overall consensus from the public were in support of the Special Use Permit. There was discussion
regarding potential traffic concerns.

4. The applicant's response to issues and concerns was as follows:

The applicant included a site plan which allows egress and ingress from Milam Road and Plantation
Road.

5. Applicants are required to attach copies of sign-in sheets from meetings as well as meeting announcements, i.e., notices, flyers, letters, and any other documentation which supports the opportunity for public input.

Attach additional sheets as needed.

PUBLIC NOTICE

This card is to notify you of a Special Use Permit application submitted to the City of Fairburn to operate a daycare center at 5575 Milam Road.

Subject Property: 5575 Milam Road, Fairburn, GA 30213

Current Zoning: O & I (Office Institutional)

Proposed Use: Daycare Center

Public Meeting Date: September 6, 2023, 6pm – 6:30pm

Location: 8420 Senoia Road, Suite 201

Fairburn, Georgia 30213

Public Participation Program: The Public Participation Program consists of a two-part process designed to enhance dialogue between applicants and communities which may be impacted by a proposed development.

Questions or Comments: For those who are unable to physically attend the meeting, please contact Angela Rosser at (404) 569-6607 or email: patricia_rosser@bellsouth.net.

Angela Rosser
5575 Milam Road
Fairburn, GA 30213

*postal
stamp*

<u>Name</u>	<u>Street Address</u>	<u>City</u>
OCP FAIRBURN LLC	8040 SENOIA RD UNIT 4B-1	Fairburn
CORTES CHRISTIAN G	5575 MILAM RD	Fairburn
VARELA KENDRICK	5390 MILAM RD	Fairburn
BEAL GRETA A	8375 MAYFERN DR	Fairburn
WIDEMAN JAMES F & LAWANDA J	8385 MAYFERN DR	Fairburn
YS AVON SFR I PROPCO LLC	710 MAYFERN WAY	Fairburn
JIMENEZ ALEJANDRO	720 MAYFERN WAY	Fairburn
HUBBARD ELLIOTT F & JOHNSON MARY M	730 MAYFERN WAY	Fairburn
SIMPSON RUSSELL III	740 MAYFERN WAY	Fairburn
FOXWOOD COMMUNITY ASSOCIATION INC	750 MAYFERN WAY	Fairburn
CORE DEV GROUP LLC	770 MAYFERN WAY	Fairburn
ALTAMIRNDO MARIA & CHAVEZ JAVIER	780 MAYFERN WAY	Fairburn
LEE SQUARED LLC	785 MAYFERN WAY	Fairburn
MOTA FERNANDO RODRIGUEZ	775 MAYFERN WAY	Fairburn
HUNNICUTT LAKEIDRA Z	765 MAYFERN WAY	Fairburn
ELBERT CYNTHIA A	755 MAYFERN WAY	Fairburn
HARRIS TIFFANY	745 MAYFERN WAY	Fairburn
MAYFERN WAY REALTY LLC	735 MAYFERN WAY	Fairburn
FANNIN KEVIN R & SANDRA G	725 MAYFERN WAY	Fairburn
HALL CURTIS R & HALL SANDYA L WALKER	715 MAYFERN WAY	Fairburn
SUNFIRE 3 LLC	705 MAYFERN WAY	Fairburn
BRATCHER DAVID E & GAIL A	8400 MAYFERN DR	Fairburn
REVOCABLE LIVING TRUST OF MICHAEL AKHAVAN & FARIDEH AKHAVAN T	8390 MAYFERN DR	Fairburn
SHELTON ROBERT A	8380 MAYFERN DR	Fairburn
BROWN LIVING TRUST THE	8370 MAYFERN DR	Fairburn
K B D FAIRBURN LLC	5650 MILAM RD	Fairburn
FAIRBURN SHOPS LLC	8390 SENOIA RD	Fairburn
TARAVELLA SANTO	8350 MAYFERN DR	Fairburn
CEDENO HERIBERTO & ECHEVERRI CEDENO LILIANA	8340 MAYFERN DR	Fairburn
BYARS SHERLOCK A & SHIRLEY E	8330 MAYFERN DR	Fairburn
HERNANDEZ MARIA & SOLANO ALEXA	8320 MAYFERN DR	Fairburn
BUONPASTORE ROBERT C & DARIA A	600 MAYFERN TRC	Fairburn
MARTIN TARA R & MARTIN QUENTIN	606 MAYFERN TRC	Fairburn

SRAM PACK I C L L C	612 MAYFERN TRC	Fairburn
THOMAS TALITHIA	618 MAYFERN CIR	Fairburn
MURPHY CAMEKA L	624 MAYFERN CIR	Fairburn
HALTERMAN CHRISTOPHER J & HALTERMAN JESSICA BLEDSOE	630 MAYFERN CIR	Fairburn
LOPEZ MARIA GUADALUPE	636 MAYFERN CIR	Fairburn
PRICE TABATHA M	642 MAYFERN CIR	Fairburn
2018 1 IH BORROWER LP	648 MAYFERN CIR	Fairburn
BURNS YVETTE RENEE	654 MAYFERN TRC	Fairburn
MAYFERN TRACE REALTY LLC	660 MAYFERN TRC	Fairburn
LAWRENCE ANN M	637 MAYFERN TRC	Fairburn
RHODEN CHRISTOPHER JUNIOR	631 MAYFERN TRC	Fairburn
BURNS DOUGLAS E	625 MAYFERN TRC	Fairburn
WOOD CASEY	619 MAYFERN TRC	Fairburn
DAVIS MELISSA L	613 MAYFERN TRC	Fairburn
PAGE CLEMENT	607 MAYFERN TRC	Fairburn
DUNCAN ROSE MARIE F & MANTON A	601 MAYFERN TRC	Fairburn
THOMAS SHANI T & DARREN J	8345 MAYFERN DR	Fairburn
HOLMES ERIC	8355 MAYFERN DR	Fairburn
SAFARI ONE ASSET COMPANY LLC	8365 MAYFERN DR	Fairburn
SALTER SYLVETTE NICOLE	8360 MAYFERN DR	Fairburn
JORDAN WAYNE O & DEBBIE D	8310 MAYFERN DR	Fairburn
MORGAN CASSANDRA A	8300 MAYFERN DR	Fairburn
DIXON NATASHA	8290 MAYFERN DR	Fairburn
STROUD DEBBIE & FRANKLIN TAKISHA TREVAE	8280 MAYFERN DR	Fairburn
DACOSTA YVETTE	8270 MAYFERN DR	Fairburn
SILVA ROBERT	8260 MAYFERN DR	Fairburn
REYNOSO ESTEBAN	8245 MAYFERN DR	Fairburn
MORGAN JENNIFER	8255 MAYFERN DR	Fairburn
ANGARITA ELIZABETH & GONZALEZ ANGARITA MARIA ANDREA	8265 MAYFERN DR	Fairburn
BENNINGS HARDY S III	8285 MAYFERN DR	Fairburn
ALAMINSKI ANGELA C	8295 MAYFERN DR	Fairburn
CHOW TERRI	8305 MAYFERN DR	Fairburn
DONERSON ESTELL	104 REVERE TURN	Fairburn
JONES RONALD E	106 REVERE TURN	Fairburn

HICKERSON ALICE L	108 REVERE TURN	Fairburn
YUSUF NURAENI	110 REVERE TURN	Fairburn
GREGORY CHERYL & MERCEDES	112 REVERE TURN	Fairburn
REVERE TURN REALTY LLC	114 REVERE TURN	Fairburn
PROGRESS RESIDENTIAL BORROWER 18 LLC	116 REVERE TURN	Fairburn
NURSE KERWYN ALEXAANDER CLINTON & NANCOO NURSE SHARO	118 REVERE TURN	Fairburn
BROWN FELICIA HAMILTON	120 REVERE TURN	Fairburn
JIMENEZ GERARDO	5585 MILAM RD	Fairburn
BOWMAN JOYCE A	5 HONEYSUCKLE LN	Fairburn
SHARP TONY B	15 HONEYSUCKLE LN	Fairburn
JOHNSON CARLETTA L	185 MUSCADINE COURT N	Fairburn
FORD REGINA K	175 MUSCADINE COURT N	Fairburn
GUNN TAMEKA	195 MUSCADINE COURT N	Fairburn
MC CULLOUGH WILLIAM ROBERT III	205 MUSCADINE COURT N	Fairburn
DUNBAR LORNETTE & NEWSOME N YA	200 MUSCADINE COURT N	Fairburn
SMITH SHANCIA K	190 MUSCADINE COURT N	Fairburn
WALDER MARK & VICKI	180 MUSCADINE COURT N	Fairburn
BROWN WILLIE L & SYLVIA D	170 MUSCADINE COURT N	Fairburn
WOODS JOANN	25 HONEYSUCKLE LN	Fairburn
DAVIS ISAAC EBONY	35 HONEYSUCKLE LN	Fairburn
PERSON LASHUNDA	45 HONEYSUCKLE LN	Fairburn
PACK REED VANDERLISA L	40 HONEYSUCKLE LN	Fairburn
WORMLEY TASHA A	30 HONEYSUCKLE LN	Fairburn
HORNE JAWORSKI K	105 MUSCADINE CT	Fairburn
JOHNSON CONNIE J.	115 MUSCADINE COURT S	Fairburn
LUZOLO NLANDU MISIDI & LUZOLO DANIEL	125 MUSCADINE COURT S	Fairburn
PARKER ASHLEY A	135 MUSCADINE COURT S	Fairburn
FERGUSON JOSEPH P	145 MUSCADINE COURT S	Fairburn
JOHNSON ANDREA	155 MUSCADINE COURT S	Fairburn
JOHN & TYANN LOUISE CAMPBELL LIVING TRUST THE	150 MUSCADINE COURT S	Fairburn
GRANVILLE MICHELLE	140 MUSCADINE COURT S	Fairburn
JOHNSON STEPHANIE MELNEE	130 MUSCADINE COURT S	Fairburn
FULTS TIFFANY M	120 MUSCADINE COURT S	Fairburn
SMITH JOSIE	110 MUSCADINE COURT S	Fairburn

SISCO EARL D & TONI L
GPI FAIRBURN SENOIA LLC
NALI LLC
FAIRBURN SHOPS LLC
W & W REALTY CO LLP
GEORGIAZ LLC
FIDELITY BANK

100 MUSCADINE COURT S
8370 MILAM RD
8350 SENOIA RD
5600 MILAM RD
8420 SENOIA RD
8440 SENOIA RD
8410 SENOIA RD

Fairburn
Fairburn
Fairburn
Fairburn
Fairburn
Fairburn
Fairburn

COMMUNITY MEETING SIGN IN SHEET

Meeting Title: Rosser's Tree of Life Christian Academy – Community Announcement

Organizer: Angela Rosser

Location: The Dining Experience – Senoia Road

Date: Sept. 6, 2023

Time: 6:00 – 6:30

[illegible]



PLANNING AND ZONING COMMISSION AGENDA ITEM

To: Planning and Zoning Commission

From: Denise Brookins, Planning and Zoning Director

Agenda Item: Text Amendment - Drive Through Retrofit

Submitted: 10/03/2023

Work Session: N/A

City Council Meeting: 11/13/2023

PURPOSE: For the Planning and Zoning Commission to make a recommendation to the Mayor and Council on amendments to Chapter 80 Zoning, Article II, Section 80-90 Highway 74 Overlay District, which include the retrofit clause for existing drive through restaurants and new regulations for outdoor dining.

DISCUSSION: The purpose and intent of establishing the Highway 74 Overlay District are as follows:

(1) Georgia Highway 74, which serves as the southern gateway to the city is expected to continue experiencing rapid growth in residential, commercial, and industrial construction. Development of well over 1,000 acres of raw land is being driven by proximity to Atlanta and Hartsfield International Airport, as well as access to the interstate system.

(2) The regulations set forth in this section are intended to ensure attractive developments which are complimentary and will promote a mix of uses rather than the undesirable commercial sprawl which has plagued many communities and threatened the very character that attracted such development interests. These standards will reinforce and implement a land use plan that features residential, office, personal services, hospitality uses, and retail commercial uses along Georgia Highway 74.

(3) To this end, it is the city's goal to protect the aesthetics of the community, provide for safe travel through, and access to the area and safeguard the welfare of its residents, while encouraging development along the Georgia Highway 74 corridor.

The Georgia Highway 74 Overlay District was amended in October 2019 to add regulations to restrict the development of fast-food restaurants with drive-throughs within the district boundary. The ordinance requires new fast-food restaurants with drive-throughs to be separated by 1,500 feet. The distance is measured along a straight route from the nearest point on any property line to the nearest point on any property line used as a drive-through fast-food restaurant. In 2022, the overlay district regulations were updated again to allow an exception for fast food restaurants with drive-through lanes as long as the gross floor area of the restaurant is at least 4,000 square feet and 50% of the gross floor area is designated for a dining area.

The Comprehensive Plan encourages redevelopment, sit down restaurants, and entertainment along Highway 74 near the southern city limit. Market changes and instability in the restaurant industry has impacted the pace and scale of development along the highway corridor. Staff is recommending a retrofit clause to assist with vacant buildings. The existing regulations do not include provisions to allow a new business in an established structure to expand dining options, see the regulations below:

Sec. 80-243. - Nonconforming lots, uses, and structures.

(2) Nonconforming uses of land. When a use of land is nonconforming pursuant to the provisions of this article, such use may continue as long as it remains otherwise lawful and complies with the following provisions:

- a. No nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than that which was occupied at the time the use became nonconforming;*
- b. No nonconforming use shall be moved in whole or in part to any other portion of the lot not occupied by such use at the time the use became nonconforming; and*
- c. If any nonconforming use of land ceases for a period of six months or more, any subsequent use of such land shall comply with this article.*

If the new business is considered legal nonconforming, any request to construct additional dining space is currently not allowed. Staff is requesting a text amendment to allow legal nonconforming uses additional time for infill development and options for expanding dining facilities.

RECOMMENDED ACTION: For the Planning and Zoning Commission to recommend **APPROVAL** to the Mayor and Council for an amendment to Chapter 80 Zoning, Article II, Section 80-90 Highway 74 which includes the retrofit clause for existing drive through restaurants and new regulations for outdoor dining.

Summary of the Text Changes:

On Georgia Highway 74, no new drive-through fast food restaurants shall be permitted within 1,500 feet of any other drive-through fast food restaurant, except where the gross floor area of a restaurant exceeds 4,000 square feet and at least 50 percent of the gross floor area is designated for a dining area, **the gross floor area may include 10 percent of outdoor dining**. All measurement of distances shall be along a straight route from the nearest point on any property line to the nearest point on any property line used as a drive-through fast food restaurant.

This subsection (11) shall not apply to the rebuilding and/or enlargement of an existing stand-alone drive-through fast food restaurant. **Retrofits of existing drive-through fast-food restaurants with a new establishment may be approved with an administrative use permit within one year of the closure if the request will not reduce the existing dimensions or footprint of the dining area or include any new drive-through lanes. The Planning and Zoning commission may consider a request to increase the existing dining area.**

Attachment:

- Chapter 80 Zoning, Article II, Section 80-90 Highway 74 - Mark-up
- Outdoor Dining Regulations

Sec. 80-90. Georgia Highway 74 Overlay Zoning District.

- (a) *Scope.* The regulations set forth in this section or set forth elsewhere in this chapter when referring to this section are the regulations of the Georgia Highway 74 Overlay Zoning District.
- (b) *Findings and intent.*
 - (1) Georgia Highway 74, which serves as the southern gateway to the city is expected to continue experiencing rapid growth in residential, commercial, and industrial construction. Development of well over 1,000 acres of raw land is being driven by proximity to Atlanta and Hartsfield International Airport, as well as access to the interstate system.
 - (2) The regulations set forth in this section are intended to ensure attractive developments which are complimentary and will promote a mix of uses rather than the undesirable commercial sprawl which has plagued many communities and threatened the very character that attracted such development interests. These standards will reinforce and implement a land use plan that features residential, office, personal services, hospitality uses, and retail commercial uses along Georgia Highway 74.
 - (3) To this end, it is the city's goal to protect the aesthetics of the community, provide for safe travel through, and access to the area and safeguard the welfare of its residents, while encouraging development along the Georgia Highway 74 corridor.
- (c) *Boundary.* This district is intended as an overlay district regulating and allowing the establishment of uses within the configuration of the allowable Georgia Highway 74 Overlay Zoning District boundaries. Said boundary shall include any properties or portions thereof, located within 1,000 feet of the Georgia Highway 74 right-of-way, as it presently exists or may exist in the future. The underlying district shall continue as permitted uses. Standards set out in this section for site development and architectural design shall control over any underlying district regulations.
- (d) *Prohibited uses.* The following principal uses of land and structures shall be prohibited within the Georgia Highway 74 Overlay Zoning District:
 - (1) Storage yard for damaged or confiscated automobiles.
 - (2) Tire re-treading and recapping.
 - (3) Sexually oriented businesses. (See chapter 5, section 5 of part I, [of this Code.])
 - (4) Heavy repair shop and trade shop.
 - (5) Extended stay residential facilities, or other similar accommodations.
 - (6) Title and pawn shops.
 - (7) Night clubs.
 - (8) Salvage/storage/junk facility.
 - (9) Self storage facilities.
 - (10) Small box discount retail stores.
- (e) *Site development standards.* In order to establish and maintain the Georgia Highway 74 Overlay Zoning District as a quality area which will preserve the investments of all land owners and developers, as well as encourage both commercial and residential development within the city, all development within the Georgia Highway 74 Overlay Zoning District must comply with the following standards:
 - (1) The following schedule shall control land development as specified:
 - a. Retail and commercial services developments shall provide a landscaped buffer with a minimum horizontal dimension of 35 feet adjacent to the Highway 74 right-of-way. A buffer with a minimum horizontal dimension of 75 feet shall be provided where such developments are proposed adjacent to property developed as, or planned as, office use. A 100-foot buffer shall be provided on retail and commercial services developments which adjoin property developed as, or planned as, residential use.
 - b. Office development shall provide a landscaped buffer with a minimum horizontal dimension of 45 feet adjacent to the Georgia Highway 74 right-of-way. A buffer with a minimum horizontal dimension of 40 feet shall be provided on office developments which adjoin property developed as, or planned as, residential use.

- c. Residential development shall provide a landscaped buffer with a minimum horizontal dimension of 45 feet adjacent to the Georgia Highway 74 right-of-way. Such buffers shall conform to the standards of section 80-335 and shall provide berms designed to achieve topographic variation.
- (2) The following schedule shall control building setbacks for all commercial construction:
 - a. Front yard setback: 50 feet, 50 feet from each street right-of-way for corner lots.
 - b. Side yard setback: 20 feet.
 - c. Rear yard setback: 30 feet.
- (3) Off-street parking and loading shall be subject to the following:
 - a. All retail and commercial uses shall provide a parking ratio of one space for every 200 square feet of enclosed retail floor area available to the public. One parking space shall be provided for every 1,000 square feet of floor area used for storage, assembly, warehousing or other purpose, provided that such areas are not available to the public. Such uses shall provide 4½ parking spaces per 1,000 square feet to enclosed retail floor area available to the public, provided the establishments served by the parking spaces comprise a unified shopping center. All such off-street parking areas shall conform to the landscape standards provided in article IX of this chapter unless exceeded herein.
 - b. No loading areas shall be permitted between buildings and the Georgia Highway 74.
- (4) Site utilities serving the site shall be placed underground.
- (5) All development shall conform to section 80-372, Open space reservation.
- (6) Developers are encouraged to create secondary road networks through a system of density (lot coverage or building height) bonuses. Lot coverage ratios, inclusive of the building footprint and pavement for parking and driveways, shall not exceed 75 percent. Pavement comprising internal street networks shall be exempted provided such street networks channel traffic between developments along Georgia Highway 74 and are not directly linked to Georgia Highway 74.
- (7) Secondary road networks which provide a landscaped boulevard and are linked to adjoining properties shall entitle the property owner to a lot coverage bonus of ten percent.
- (8) Access to Georgia Highway 74 shall be limited to one driveway per existing parcel. A lot coverage bonus of ten percent shall be granted for consolidation of driveways currently permitted by state department of transportation.
- (9) Preservation of natural features shall encompass pedestrian amenities linked to adjoining properties. All development shall provide sidewalks linked to such amenities as well as adjoining properties.
- (10) On Georgia Highway 74, no new gasoline service stations shall be permitted within 1,000 feet of any other gasoline service station. All measurement of distances shall be along a straight route from the nearest point on any property line to the nearest point on any property line used as a gasoline service station. New gasoline service stations shall be located at a signalized intersection. This subsection (10) shall not apply to the rebuilding and/or enlargement of an existing gasoline service station. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a new gasoline service station.
- (11) On Georgia Highway 74, no new drive-through fast food restaurants shall be permitted within 1,500 feet of any other drive-through fast food restaurant, except where the gross floor area of a restaurant exceeds 4,000 square feet and at least 50 percent of the gross floor area is designated for a dining area, **the gross floor area may include 10 percent of outdoor dining**. All measurement of distances shall be along a straight route from the nearest point on any property line to the nearest point on any property line used as a drive-through fast food restaurant.

This subsection (11) shall not apply to the rebuilding and/or enlargement of an existing stand-alone drive-through fast food restaurant. **Retrofits of existing drive-through fast-food restaurants with a new establishment may be approved with an administrative use permit within one year of the closure if the request will not reduce the existing dimensions or footprint of the dining area or include any new drive-through lanes. The planning and zoning commission may consider a request to increase the existing dining area.**

For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a new drive-through fast food restaurant.

- (f) *Architectural design standards.* In addition to the site development standards set forth in subsection (d) of this section, all construction within the Georgia Highway 74 Overlay Zoning District must comply with the following standards:

- (1) The following specifications shall control the use of building materials:
 - a. Exterior wall materials shall consist of one or a combination of the following materials:
 1. Brick or autoclaved concrete substructure.
 2. Stone with either a weathered face or polished, fluted or broken face. No quarry faced stone shall be used.
 3. Masonry stucco on concrete.
 4. Concrete masonry. Units shall be those generally described by the national concrete masonry association as "customized architectural concrete masonry units" or shall be "split-faced" block with marble aggregate. No exposed concrete block shall be permitted on the exterior of any building within the sight line of a public street. Other exterior walls may be painted concrete block.
 5. Wood.
 6. Glass in combination with metal or similar, durable architectural materials.
 7. Limited use of standing seam metal is permitted in combination with the above materials.
 - b. Inappropriate exterior materials and architectural elements. The following materials and elements are considered incompatible and inappropriate for primary and accessory structures and are prohibited:
 1. Plywood, cinderblock, unfinished poured concrete, unfaced concrete block and plastic or metal not closely resembling painted wood clapboard.
 2. Partial (less than three sides) mansard roofs, flat roofs (including a minimum pitch less than four in 12) without a pediment, long unarticulated roofs.
 3. Long, unarticulated or blank façades.
 4. Incongruity of architectural details or color contrasts resulting in a clearly disturbing appearance.
 5. Unscreened chain link or woven metal fences.
 6. Use of reflective materials as the main building material or texture.
 7. Use of highly reflective glass.
 8. The use of exterior insulating finish system (EIFS), also identified by such manufacturer names as "Drivvit," synthetic stucco and building materials.
- (2) The following guidelines shall control the architectural character:
 - a. All front façades of the principal structure shall face and be parallel to the public right-of-way and consist of all brick construction. All windows, storefront, and fenestrations shall not be secured by way of burglar bars, steel roll-down shutters/curtains or obtrusive security products visible from a public right-of-way.
 - b. Side and rear elevations of all office buildings and restaurants shall be majority brick or stone construction and substantially consistent with the front building elevation. Exterior building façades shall provide visual relief every 80 to 120 feet via setbacks, parapet breaks or other architectural element. Canopies installed on the façade shall provide visual relief through a canopy break every 40 feet. All windows, storefront, and fenestrations shall not be secured by way of burglar bars, steel roll-down shutters/curtains or obtrusive security products visible from a public right-of-way.
 - c. All new construction on each lot shall be representative of a single architectural style. Combining different elements or styles on a single lot shall not be permitted in the Georgia Highway 74 Overlay Zoning District.
 - d. The form and pitch of the roof of new construction shall be substantially proportional to the chosen architectural style.
 - e. The height, scale, massing and fenestration of new construction shall be substantially proportional to the chosen architectural style.
- (3) Roof-mounted equipment. Roof-mounted equipment shall be located and/or screened to minimize visibility from public streets and surrounding properties.
- (4) Development shall be subject to architectural and site plan review. Applications for new construction, exterior alterations and expansion of existing structures shall be accompanied by scaled plans prepared by an architect, engineer or other appropriate professional. Such plans shall clearly depict the following:
 - a. Building elevations through color rendering.
 - b. Proposed colors, materials and textures.

- c. Location of all utility installations, including rooftop units.
- d. Property signs, including location, size, height, color and material.

(Ord. No. 2012-04, § 1(Exh. A), 6-11-2012; Ord. No. 2013-01, § 1, 2-11-2013; Ord. No. 2016-08, § 1(Exh. A), 7-25-2016; Ord. No. 18-TA-001(Amend.) , § 1, 5-14-2018; Ord. of 10-28-2019(1) ; Ord. No. 2022-232 , § 1, 3-28-2022; Ord. No. 2022-233 , § 1, 3-28-2022)

(5) Outdoor Dining Regulations:

- a. Outdoor seating shall only be permitted where it is determined that the use will not create a hazard, a sight distance obstruction for motor vehicle operators, nor unduly impede pedestrian traffic.
- b. The outdoor seating area shall be contiguous to the current occupied restaurant space and dining area. Outdoor seating may only be located adjacent to the establishment with which they are associated. Outdoor seating areas must remain clear of litter, food scraps, and soiled dishes at all times.
- c. The maintenance of an outdoor seating area shall be the responsibility of the establishment. including but not limited to surface treatment and cleaning, litter control, sweeping, drainage, and tree debris removal. The sidewalk and public property shall be kept neat and clean at all times and free from any substance that may cause damage to the sidewalk or public property or cause pedestrian injury.
- d. All the proposed outdoor dining activities will be conducted on private property owned or otherwise controlled by the applicant and that none of the activities will occur on any publicly owned right-of-way.
- e. No barrier may be installed on the sidewalk.
- f. Furnishings for outdoor seating shall consist solely of readily removable railings, posts, tables, chairs, planters, and table umbrellas.
- g. Furnishings may only be attached or secured in a manner approved by the City Staff. Such anchoring devices, when removed, shall not create a hazard for pedestrian traffic. Objects which are part of the outdoor seating may be attached or secured to any building or structure on which the outdoor seating area abuts in a manner approved by the City Staff.
- h. All furniture material should be durable materials such as wood or metal.
- i. Covered areas or Umbrellas must be free of advertisements and contained within the outdoor dining area. Advertisements are allowed only if it is to advertise the name of the restaurant. No fluorescent or strikingly bright or vivid colors. Market style umbrellas, designed specifically for patio or outdoor restaurant use are required. Umbrellas or other covering areas must maintain a minimum height clearance of 8 feet.
- j. Tables, chairs, umbrellas, canopies, awnings and any other fixtures shall be of uniform design and shall be made of quality materials and workmanship to ensure the safety and convenience of users and to enhance the visual quality of the urban environment.
- k. No structure or enclosure to accommodate the storage of accumulated garbage, such as a shed, may be erected or placed adjacent to or near the outdoor seating area located on public property. Each establishment shall be responsible for providing appropriate containers for disposing of garbage or waste and employees shall not use municipal trash containers for disposing of garbage or waste.
- l. Outdoor seating shall not interfere with any public service facility, such as a mailbox, fire hydrant, electrical infrastructure, designated pedestrian crossing, or bench located on a sidewalk or public property.
- m. Operation of outdoor seating shall not adversely impact adjacent or nearby residential, religious, educational, or commercial properties and shall be in accordance with all applicable codes and regulations.
- n. Music or speakers in the outdoor dining area is prohibited.
- o. The maintenance of an outdoor seating area shall be the responsibility of the establishment. including but not limited to surface treatment and cleaning, litter control, sweeping, drainage, and tree debris removal. The sidewalk and public property shall be kept neat and clean at all times and free from any substance that may cause damage to the sidewalk or public property or cause pedestrian injury.
- p. No fabric inserts, chain link fencing, chicken wire or cyclone fencing. No fabric or advertising on canvas allowed on barriers.
- q. The City reserves the right to review final design for requests that include vertical elements, awnings, canopies and removable side walls covering the outdoor dining space.
- r. Depending on the area of the city where the outdoor dining space is proposed, there are three minimum sidewalk clearances for continuous pedestrian access along the public sidewalk that must be provided.
- s. Outdoor dining space located on corner lots shall not obstruct the sight distance triangle
- t. The applicant shall apply for a separate outdoor dining permit prior to the construction of the new dining area.
- u. The permit issued shall not be transferable in any manner.