

Planning and Zoning Commission

AGENDA

Tuesday, July 2, 2019 ♦ 7:00 p.m.

➤ **Call to Order**

➤ **Roll Call**

➤ **Pledge of Allegiance**

➤ **Public Comments**

Comments to the Planning and Zoning Commission should be limited to no more than two minutes. Groups wishing to address an issue should select one or two spokesperson(s). The time allowed for all issues shall not exceed a total of fifteen minutes. Issues raised at this time are generally referred to the Zoning Administrator for review. Responses will be provided at a later date.

➤ **Approval of the Meeting Agenda**

➤ **Approval of June 4, 2019 Minutes**

➤ **Public Hearings:**

○ **Primary Variances 19V-006 and 19V-007:**

➤ **19V-006:** a request to reduce the front yard setback from 35-ft to 29.8-ft for property located at 233 Clayton Street

➤ **19V-007:** a request to reduce the side yard setback from 10-ft to 7.4-ft for property located at 233 Clayton Street

○ **Primary Variance 19V-008:** a request to reduce the front yard setback from 50-ft to 10-ft for property located at 301 Fairburn Industrial Blvd.

➤ **Old Business:** None

➤ **New Business:**

○ **Rezoning 19RZ-006:** a request to rezone 34.24 acres on Fayetteville Road from AG-1 (Agricultural District) and R-1 (Single-family Residential District) to R-3 (Single-family Residential District) for a 54-lot single-family subdivision

➤ **Staff Report:**

○ Planning and Zoning Commission Training - Part 2 - August 6th

➤ **Commission Comments**

➤ **Adjournment**

CITY OF FAIRBURN



PLANNING AND ZONING COMMISSION MEETING MINUTES

City Hall
56 Malone Street
Fairburn, GA. 30213
Tuesday, June 4, 2019
7:00 P.M.

Elise Stoney, Chairman
Mark Wade, Vice-Chairman
Elizabeth Echols

Jerry Williams (Absent)
Shelby Phillips (Absent)
Tony Smith (Absent)
Anthony Stewart

City Planner:
City Attorney:
Recording Secretary:

Tarika Peeks
Valerie Ross
Kimberly Mitchell

- I. **MEETING CALLED TO ORDER:** By Chairman Stoney
- II. **ROLL CALL:** All members of Planning and Zoning Commission were present except for Commissioners Jerry Williams, Shelby Phillips and Tony Smith.
- III. **PLEDGE OF ALLEGIANCE:** Recited in unison.
- IV. **PUBLIC COMMENTS:** None
- V. **APPROVAL OF AGENDA:** Vice-Chairman Wade moved to APPROVE the agenda. Commissioner Echols seconded. **The motion carried.**
- VI. **APPROVAL OF PREVIOUS MEETING MINUTES:** Commissioner Stewart made a motion to APPROVE the May 7, 2019 minutes. Vice-Chairman Wade seconded. **The motion carried.**
- VII. **OLD BUSINESS:** None
- VIII. **NEW BUSINESS:**

Rezoning 19RZ-005 - City of Fairburn:

SUMMARY/STAFF PRESENTATION: A request to rezone 0.953 acres of City owned property on Creekwood Road from AG-1 (Agricultural District) to M-1 (Light Industrial District).

Ms. Peeks stated that the City of Fairburn was recommending a rezoning of 0.953 acres of City-owned property adjacent to the Clorox facility. She stated that the City was requesting to rezone the property from AG-1 (Agricultural District) to M-1 (Light Industrial District). Staff's recommendation was approval.

Vice-Chairman Wade asked if the parcel was located on the backside of Clorox. Ms. Peeks replied that it was.

MOTION AND VOTE: Commissioner Echols made a motion to **APPROVE** 19RZ-005 City of Fairburn. Commissioner Stewart seconded. **The motion carried.**

- IX. STAFF REPORT:** Ms. Peek stated that there would be a Training for the Commissioners following tonight's meeting. The training would cover "Part 1" of a three-part training.
- X. COMMISSION MEMBERS COMMENTS:** Chairman Stoney welcomed Commissioner Stewart back.
- XI. ADJOURNMENT:** Commissioner Echols made a motion to adjourn. Vice-Chairman Wade seconded. **The motion carried.**

Meeting adjourned at 7:05 p.m.

Approval Signatures	
Date Approved	
Elise Stoney, Chairman	
Kimberly Mitchell, Recording Secretary	

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

Date: July 2, 2019 – Planning and Zoning Commission

To: Planning and Zoning Commission

From: Kim Mitchell, Junior City Planner

Agenda Item: **19V-006 & 19V-007 – Quality Solutions Management Group, LLC [09F101400470036] – (1) A request to reduce the front yard setback from 35' to 29.8' and (2) a request to reduce the side yard setback from 10' to 7.4'.**

AGENT/APPLICANT/PETITIONER INFORMATION

Applicant: Quality Solutions Management Group, LLC

Property Owner: Quality Solutions Management Group, LLC

PROPERTY INFORMATION

Address	233 Clayton Street
Parcel Number, Land Lot(s) and District:	09F101400470036, Land Lot 47, District 9F
Size:	+/- 0.206 acres
Current Zoning:	R-4 (Single Family Residential District)
Overlay District:	N/A
Comprehensive Plan/Future Land Use:	Town Center Mixed Use

INTENT

The applicant is requesting two (2) primary variances as follows:

- 1) To reduce the front yard setback from 35' to 29.8' – Section 80-75(e)(2)
- 2) To reduce the side yard setback from 10' to 7.4' – Section 80-75(e)(3)

STANDARDS FOR CONSIDERATION

Section 80-251 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Planning and Zoning Commission:

A. "Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of this chapter."

B. "The application of the particular provision of this chapter to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape or topography, would create an unnecessary hardship for the owner while causing no detriment to the public."

C. "Conditions resulting from existing foliage or structure brings about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from adjoining public road."

VARIANCE ANALYSIS

The applicant, Quality Solutions Management Group, LLC, requests a variance from Sections 80-75(e)(2) and 80-75(e)(3) of Fairburn's Zoning Ordinance. These sections of the Ordinance regulate the front yard and side yard setbacks in the R-4 Single Family Residential zoning district. The R-4 zoning district requires properties to have a 35' front yard setback and a 10' side yard setback. The applicant is requesting relief from the ordinance in order to rebuild and expand a home at 233 Clayton Street. The building footprint is currently 29.8' from the front lot line, encroaching on the 35' front yard setback by 5.2 feet. The building footprint is also 7.4' from the southeastern side lot line, encroaching on the 10' side yard setback by 2.6 feet.

According to the Fulton County Tax Assessor's records, the home was built in 1962, prior to the City's original zoning code which was adopted in 1966. The home uses a septic tank, which sits in the rear of the property. Prior to 2017, the house existed as a legally non-conforming structure. However, on February 24, 2017, a fire destroyed a portion of the structure. Legally non-conforming structures that have experienced some destruction may be rebuilt to their original state under two conditions: (1) that the structure has retained at least 50% of its assessed value after the destruction, and (2) that a building permit is obtained within one (1) year of the destruction. A building permit was not obtained within one year of the destruction of the structure. Given its failure to meet these conditions, the structure lost its legally non-conforming status and is currently an illegally non-conforming structure. Per the ordinance, the structure should be rebuilt in accordance with the current zoning ordinance.

However, the property has two extenuating circumstances that are considered in this case. First, in any event where a residential structure is rebuilt in an existing neighborhood, the structure must conform to the City's Residential Infill ordinance. The Residential Infill ordinance requires a minimum floor area of 1,200 square feet for a single-story structure or 1,400 square feet for a structure with two or more stories for properties in the R-4 zoning district. The existing structure has a floor area of 980 square feet. Therefore, the rebuilt structure must have an additional 220 square feet of floor area to bring the structure into harmony with the ordinance.

The second extenuating circumstance is the presence of the septic tank in the rear of the property. The location of the septic tank poses a challenge to the expansion of the structure. According to the Georgia Department of Public Health, septic tanks should be "at least ten feet (10') from hardscape, drives, swimming pools and building foundations." The applicant has stated that the existing structure is approximately 10' from the septic tank. Therefore, the building expansion required by the Residential Infill ordinance would be made more difficult without relief from the R-4 setbacks.

Staff has reviewed the standards for consideration for this variance:

A. "Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of this chapter."

Due to a fire on the property, the structure at 233 Clayton Street is currently illegally non-conforming. Any structure restored or rebuilt on the site must comply with the underlying zoning district standards and the Residential Infill ordinance. The structure and all other impervious surfaces must be located at least 10' from the septic tank on-site. Given the placement of the septic tank on the property, a variance for the front and side yard setbacks would allow the applicant to meet the minimum floor area requirements of the Residential Infill ordinance. Staff is of the opinion that this condition **has been satisfied**.

B. "The application of the particular provision of this chapter to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape or topography, would create an unnecessary hardship for the owner while causing no detriment to the public."

Not applicable.

C. "Conditions resulting from existing foliage or structure brings about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from adjoining public road".

Not applicable.

RECOMMENDATION

Staff has reviewed the request for relief as it pertains to the variance conditions in Sections 80-251 of the City of Fairburn Zoning Ordinance. Based upon this review, staff recommends **APPROVAL** of the variance requests to reduce the front yard setback from 35' to 29.8' and to reduce the side yard setback from 10' to 7.4'.

ATTACHMENTS

Site plan

Letter of intent

Image of Septic Tank location on the site

Letter of intent

I am the homeowner of 233 Clayton St and I'm trying to add on an addition to the back off the home, but the home is over the setbacks in front and on the left side facing the subject property. This has created a hardship for me to complete the rehab by the house not being in compliance with code regulations! I'm not able to pick the home up and relocate the home. My goal is to increase the square footage up to 800 sq ft. Getting approved for the variance helps me bring the house up to code with the minor measurements of the setbacks 7.4 on the left side and 29.8 in the front of the home. Approving the Variance will put me in position to improve the home and it helps bring the neighborhood property values up.

Thank You

Septic tank is 10 feet
from the property.

Back Door This Way



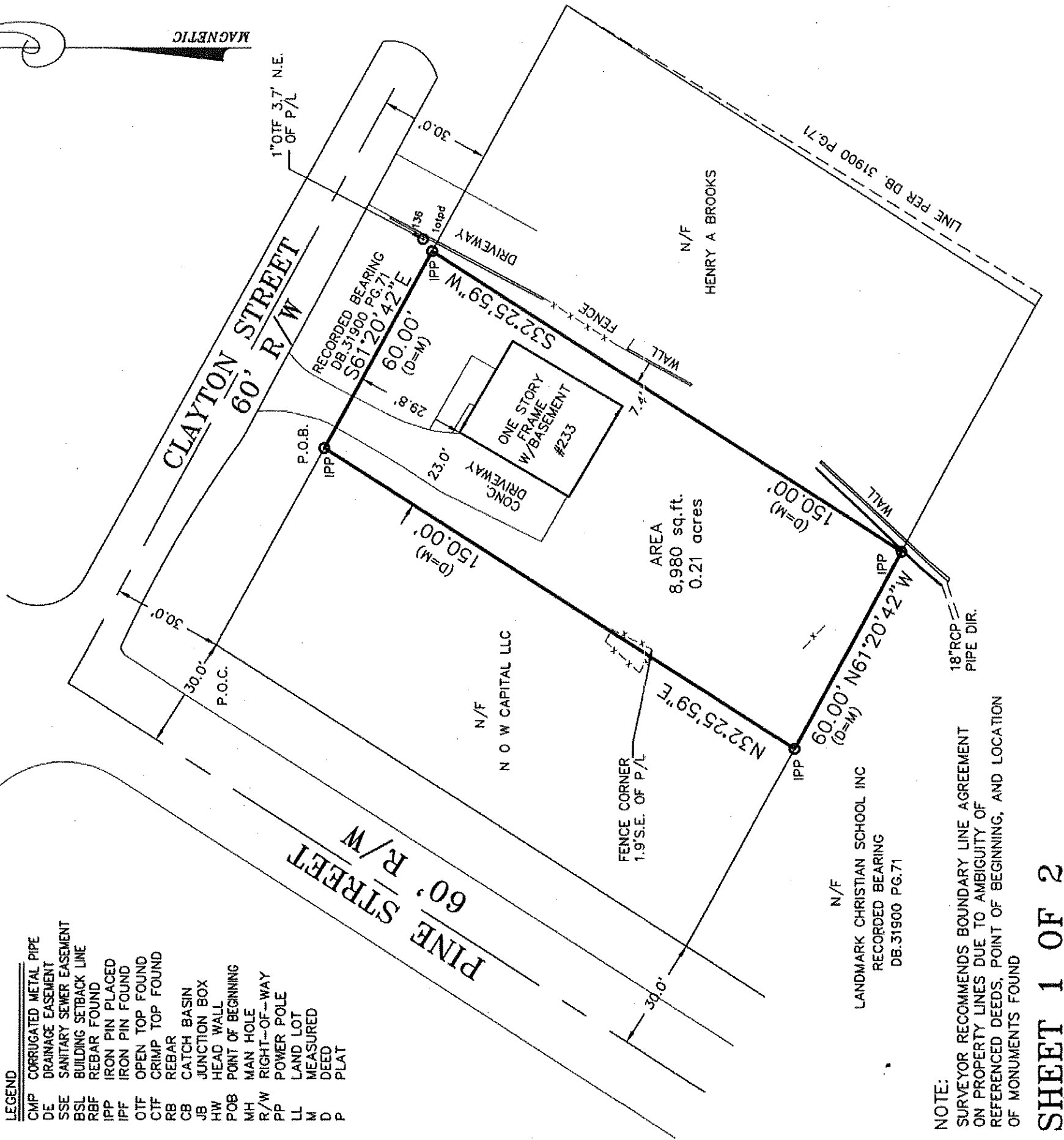
GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

LEGEND

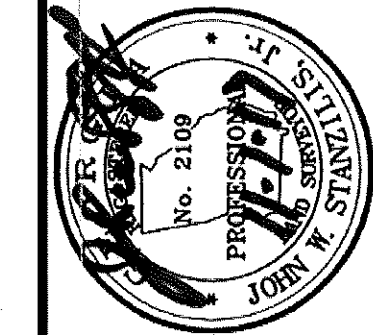
- CMP CORRUGATED METAL PIPE
- DE DRAINAGE EASEMENT
- SSE SANITARY SEWER EASEMENT
- BSL BUILDING SETBACK LINE
- REBF REBAR FOUND
- IPP IRON PIN PLACED
- IPF IRON PIN FOUND
- OTF OPEN TOP FOUND
- CTF CRIMP TOP FOUND
- RB REBAR
- CB CATCH BASIN
- JB JUNCTION BOX
- HW HEAD WALL
- POB POINT OF BEGINNING
- MH MAN HOLE
- R/W RIGHT-OF-WAY
- PP POWER POLE
- LL LAND LOT
- M MEASURED
- D DEED
- P PLAT



NOTE:

SURVEYOR RECOMMENDS BOUNDARY LINE AGREEMENT
ON PROPERTY LINES DUE TO AMBIGUITY OF
REFERENCED DEEDS, POINT OF BEGINNING, AND LOCATION
OF MONUMENTS FOUND

SHEET 1 OF 2



JOB NUMBER: 17-04141

ABOVE THE GROUND AS BUILT SURVEY PREPARED FOR:
CRYSTAL STRICKLAND

OWNER / PURCHASER

QUALITY SOLUTIONS MANAGEMENT GROUP LLC

LAND LOT 47

9th DISTRICT

SECTION

FULTON COUNTY, GEORGIA

LOT

BLOCK

UNIT

AREA OF LOT: 8,980 S.F.

SUBDIVISION

PLAT BOOK PAGE

DEED BOOK 57843, PAGE 574

ALL MATTERS PERTAINING
TO TITLE ARE EXCEPTED

SOLAR LAND SURVEYING COMPANY

P.O. BOX 723993 ATLANTA, GEORGIA 31139-0993
TELEPHONE (770) 794-9055 FAX (770)794-9052

FIELD DATE 10/20/2017

DATE 11/1/2017

SCALE 1" = 30'

NOTICE: IF RECORDING IS REQUIRED, CONTACT THE SURVEYOR
FOR PRODUCTION OF A PLAT MADE SUITABLE FOR RECORDING

NOTE: ALL EASEMENTS DEPICTED ARE PER PUBLIC
RECORD, UNLESS OTHERWISE NOTED.

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

Date: July 2, 2019 – Planning and Zoning Commission
To: Planning and Zoning Commission
From: Kim Mitchell, Junior City Planner
Agenda Item: **19V-008 – NMFR, LLC [09F101400470036]** – Withdrawal by the applicant of a request to reduce the front yard setback from 50' to 10'.

AGENT/APPLICANT/PETITIONER INFORMATION

Applicant: NMFR, LLC
Property Owner: NMFR, LLC

PROPERTY INFORMATION

Address	301 Fairburn Industrial Boulevard
Parcel Number, Land Lot(s) and District:	09F090100480389, Land Lot 48, District 9F
Size:	+/- 2.98 acres
Current Zoning:	M-2 (Heavy Industrial District)
Overlay District:	GA Highway 74 Overlay District
Comprehensive Plan/Future Land Use:	Town Center Mixed Use

INTENT

The applicant is withdrawing a primary variance request to reduce the front yard setback from 50' to 10'.

STANDARDS FOR CONSIDERATION

Section 80-251 of the City's Zoning Ordinance includes one or more criteria which must be met before a variance can be approved by the Planning and Zoning Commission:

A. "Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of this chapter."

B. "The application of the particular provision of this chapter to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape or topography, would create an unnecessary hardship for the owner while causing no detriment to the public."

C. "Conditions resulting from existing foliage or structure brings about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from adjoining public road".

VARIANCE ANALYSIS

The applicant, NMFR, LLC, requests a variance from Section 80-90(e)(2)(a) of Fairburn's Zoning Ordinance. This section requires the front yard setback to be 50' for properties located in the GA Highway 74 Overlay District. The subject property, 301 Fairburn Industrial Boulevard, is located within the overlay district, approximately 0.2 miles south of the intersection of Roosevelt Highway (Highway 29) and Fairburn Industrial Boulevard (Highway 74).

The applicant is requesting relief from the Ordinance in order to rebuild and expand two industrial buildings on the site. There are four semi-attached structures on the site, which were built between 1979 and 1987, according to the Fulton County Tax Assessor's records. These structures preceded the GA Highway 74 Overlay District, which was adopted in 1999. The primary structure is the sole legally non-conforming structure on the property. The primary structure is located 10.7' from the front lot line, encroaching on the front yard setback by 39.3 feet.

On November 10, 2018, a fire destroyed one accessory structure and a portion of the primary structure on the property. Legally non-conforming structures that have experienced some destruction may be rebuilt to their original state under two conditions: (1) that the structure has retained at least 50% of its assessed value after the destruction, and (2) that a building permit is obtained within 1 year of the destruction. From the assessment of the Fairburn's building inspector, the damage incurred on the primary structure did not exceed 50% of the value of the primary structure. Therefore, the primary structure may be restored to its original state and maintain its legally non-conforming status as long as a building permit is obtained before November 10, 2019. The accessory structure which was also destroyed is a considered a legal structure, since it meets the requirements of the existing ordinance. The accessory structure may be rebuilt without a variance, so long as the new structure complies with the underlying zoning and the GA Highway 74 Overlay standards.

RECOMMENDATION

Staff recommends **WITHDRAWAL** of the variance request to reduce the front yard setback from 50' to 10'. The applicant has decided to forgo the expansion of the facility at this time.

ATTACHMENTS

Site plan

Letter of intent

5-6-19

Owner: NMFR, LLC

AKA YANCY WIRE AND CABLE

301 Fairburn Industrial Blvd.

Fairburn, GA 30213

LETTER OF INTENT

To: City of Fairburn Planning and Zoning Commission

Application for Variance Statement of Hardship:

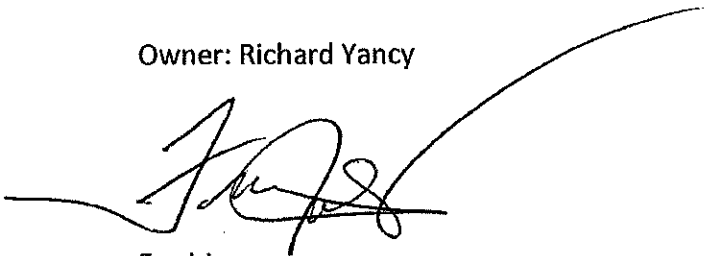
There was a fire on 11-10-18 which destroyed our primary warehouse and adjacent rear shed structure. In order to rebuild, it is necessary to update the property from Non-conforming to Conforming per Fairburn GA Code of Ordinances and build back a new and better warehouse for Yancy Wire and Cable. The rebuild will meet all city code requirements except for front setback. Granting this Variance will accomplish several things:

1. This property, due to the widening of what is now known as Hwy 74 aka 301 Fairburn Industrial Blvd., has been affected in the size and shape and has created an unnecessary hardship for the owner.
2. Approving this variance will cause no detriment to the public.
3. All other conditions for Conforming status including lot size, road frontage, 20' side setback, and 30' rear set back are ok. The front setback needs to be reduced from 50' to 10' in order to make the property and new rebuild Conforming.

Thank you for your understand and help in getting Yancy Wire and Cable back up and running.

NMFR, LLC

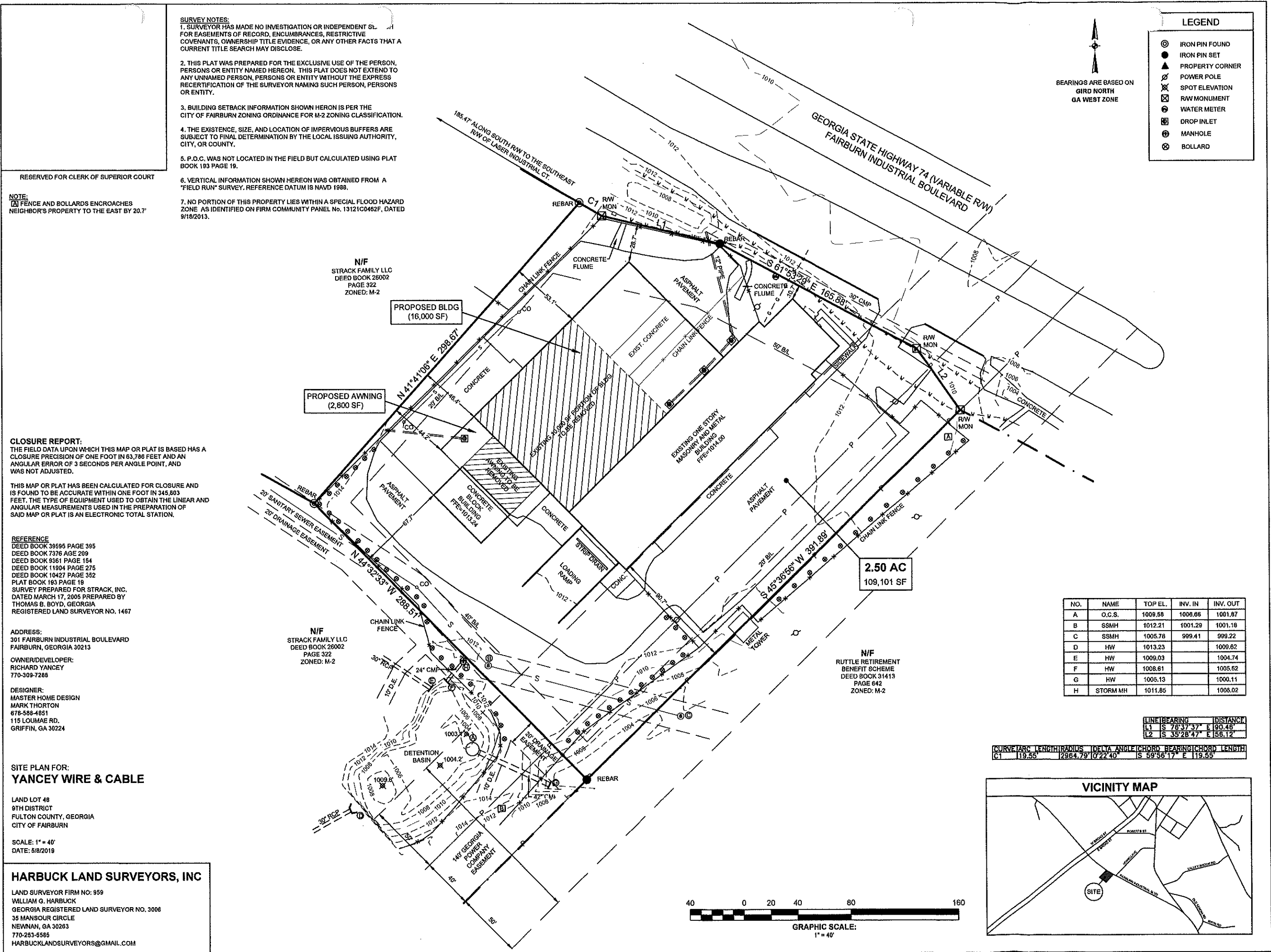
Owner: Richard Yancy

A handwritten signature in black ink, appearing to read 'Fred Jones', with a long, sweeping horizontal line extending to the right.

Fred Jones

Agent for NMFR, LLC

Cell: 770-527-6719





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

SUBJECT: REZONING 19RZ-006 - South Fulton, LLC

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

Planning and Zoning Commission: 07.02.19

Mayor and City Council: 08.12.19

DEPARTMENT: Community Development/Planning and Zoning

BUDGET IMPACT: None

PUBLIC HEARING: () Yes (X) No

PURPOSE: For the Planning and Zoning Commission to review and make a recommendation to the Mayor and City Council for a rezoning petition to allow the development of a single-family residential subdivision.

DESCRIPTION: The applicant is requesting to rezone 34.24 acres along Fayetteville Road from AG-1 (Agricultural District) and R-1 (Single-family Residential District) to R-3 (Single-family Residential District) to allow the development of a 54-lot single-family residential subdivision.

STAFF RECOMMENDATION: APPROVAL CONDITIONAL

APPLICATION INFORMATION

Rezoning Petition 19RZ-006

APPLICANT/PETITIONER INFORMATION

Property Owner Kirby K. Johnson Sr. Estate	Petitioner South Fulton, LLC
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PROPERTY INFORMATION

Address, Land Lot, and District:	0 Fayetteville Road [parcel no. 09F110300450097], Land Lot 45, 46, 53 and District 9F
Frontage:	Fayetteville Road
Area of Property:	+/- 34.24 acres
Existing Zoning and Use:	AG-1 (Agricultural District) and R-1 (Single-family Residential) and Undeveloped
Overlay District:	N/A
Prior Zoning Cases/History:	None
2035 Comprehensive Future Land Use Map Designation:	Rural Residential
Compatibility with Fairburn's 2035 Comprehensive Plan:	The request to rezone property from AG-1 (Agricultural District) and R-1 (Single-family Residential District) to R-3 (Single-Family Residential District) to allow a 54-lot single-family residential subdivision is not compatible with the 2035 Comprehensive Plan and Future Development Map which designates the area as rural residential.
Proposed Zoning:	R-3 (Single-Family Residential District)

MEETING AND HEARING DATES

Planning and Zoning Commission Meeting
July 2, 2019

Mayor and City Council Public Hearing
August 12, 2019

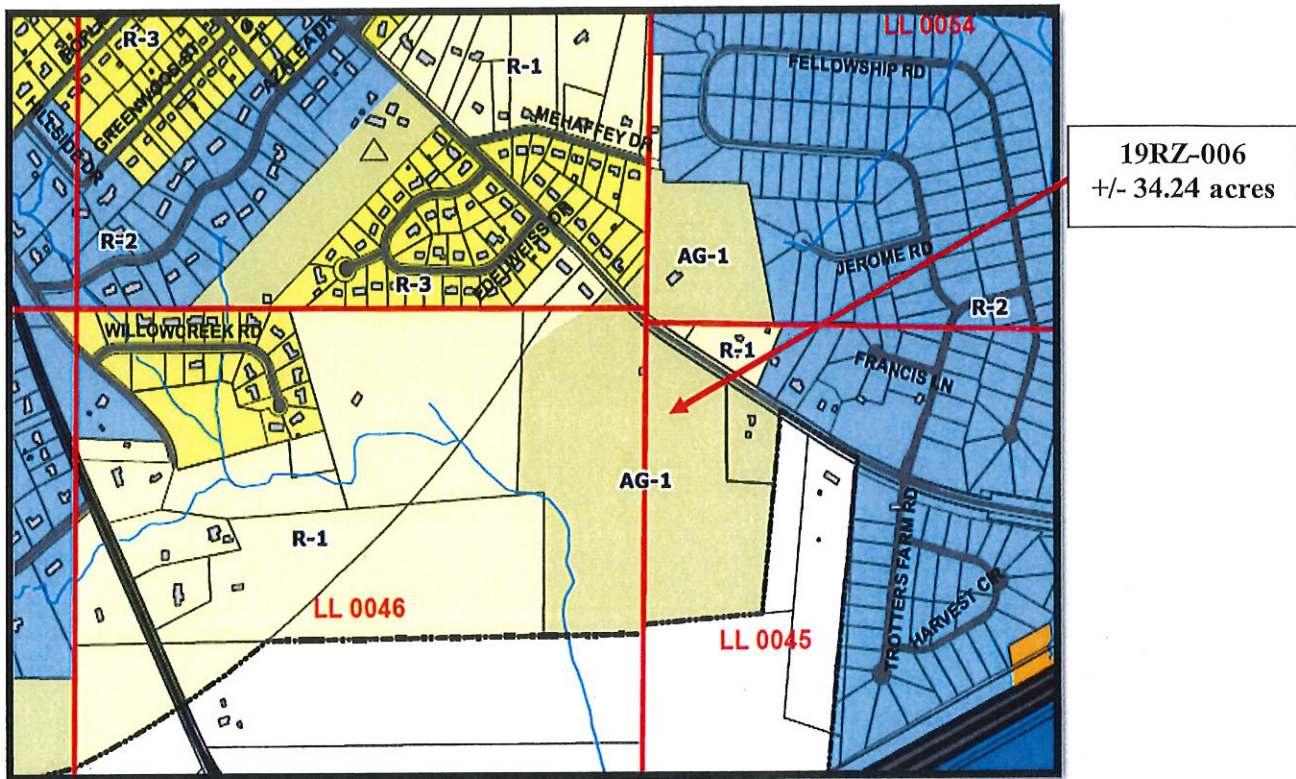
INTENT

To rezone 34.24 acres along Fayetteville Road from AG-1 (Agricultural District) and R-1 (Single-family Residential District) to R-3 (Single-family Residential District) to allow the development of a 54-lot single-family subdivision.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTIES

North: R-1 (Single-family Residential District), R-3 (Single-family Residential District), AG-1 (Agricultural District)
East: R-1 (Single-family Residential District), R-2 (Single-family Residential District)
South: City of South Fulton
West: R-1 (Single-family Residential District) and R-3 (Single-family Residential District)

Zoning Map



PUBLIC PARTICIPATION

The applicant held a public meeting on Thursday, June 20, 2019 from 6:30 p.m. to 8:00 p.m. at the Marriott Atlanta [7775 Ella Lane, Fairburn]. There were approx. three property owners from the Edelweiss neighborhood present at the meeting. The property owners expressed the following concerns about the proposed single-family development:

- Lot size
- Impact of the the project on their individual lots
- Entrance point into the subdivision
- Price point for the homes
- Facade materials and overall look of the homes

The applicant provided the following response to the issues and concerns in the Public Participation Report:

- The minimum lot size for R-2 and R-3 zoning districts was provided to the citizens.
- A site plan to show the entrance location of the subdivision.
- The façade materials will be comprised of hardi-plank, stone, brick, etc. Examples of possible house designs were provided.

STAFF COMMENTS

Engineering/Public Works:

1. When property fronting on an existing city street is to be developed or when the property is to be accessed from the existing city street, the developer shall cause to be constructed roadway improvements (pavement, signing, striping, curb and gutter and drainage) which are required along the existing road across the entire

property frontage at no cost to the city. Required improvements shall not be less than provided in these regulations for the designated street classification. [Sec. 71-37 (a)]

2. Turning lanes shall be required by the city to meet projected traffic demand and/or safe operations, as determined by the city engineer. When provided, turning lanes shall meet the following criteria:
 - o Provide not less than 150 feet of storage length for arterial roadways. Provide not less than 100 feet of storage length for collector roadways.
 - o Provide taper lengths of not less than 100 feet.
 - o Longer storage and taper lengths may be required when traffic projections indicate they are justified.[Sec. 71-38(4)]
3. Sidewalks are required on all street frontages. All sidewalks shall have a minimum width of five feet (unless otherwise provided in this chapter) and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards, city's development standards and be subject to review and approval by the city engineer and/or director of building. [Sec. 71-46 (a) (c)]
4. All pavement markings installed on asphalt within the public right-of-way shall be thermoplastic material; 1.5-inch black contract tape shall be installed for crosswalks on concrete.
5. Dry detention ponds shall be designed to provide for positive drainage on the pond floor to the outlet of the pond. Side slopes shall be designed to have a maximum of three-feet horizontal to one-foot vertical (3:1) slopes. If the 100-year maximum water surface depth is equal to or greater than four feet, then a black, vinyl-coated, four-foot-high chainlink fence with top and bottom rails shall be constructed around the detention pond with a 20-foot gate provided to allow access.
[Sec. 65-391 (a)].

Fire:

1. Provide water flow calculations - 2012 International Fire Code, Chapter 5 section 507 Fire Protection Water Supplies. 507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.
2. 507.4 Water supply test. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official or approved documentation of the test shall be provided to the fire code official prior to the final approval of the water supply system.
3. 507.5 Fire hydrant systems. Fire hydrants shall comply with Sections 507.5.1 through 507.5.6
4. Fire hydrant distribution is to be in accordance with Fairburn Land Development Standards. – 2005 Fairburn Land Development Standards. Section 5.5 Location of Water Mains, Fire Hydrants and Other Fixtures.
 - o Fire hydrants spacing: Provide fire hydrant spacing as requested by the Fire Chief and as follows:
 - One and Two Family Residential: Space fire hydrants not more than 500 feet apart with additional fire hydrants located as necessary so that the maximum hose lay from a hydrant to the furthestmost part of any building does not exceed 500 feet.
 - Except when waived by the Fire Chief, a fire hydrant shall be located at all street intersections in all zoning districts.
 - Locate fire hydrants between the water mains and right of way and within 5 feet of the back of the right of way

Water and Sewer:

1. ISE has completed a review of the sanitary sewer and water plans associated with the Fayetteville Road Single Family Rezoning Petition. The plans were prepared by Falcon Design and are dated May 13, 2019.
2. We have the following comments regarding the sanitary sewer and water plans:
 - o The existing waterline along Hwy 92 is along the southwesterly side of the road instead of the northeast side.
 - o No further comments at this time.

Based on this review, we recommend that the City approve the plans contingent on the preceding comments being addressed.

Utilities: No comments at this time.

Fulton County Environmental Health and Environmental Justice

Environmental Health

1. Prior to the approval of any plat by the appropriate jurisdiction, the Environmental Health Services Division of the Fulton County Board of Health shall review and approve the plat regarding water supply and sewage disposal. No person may sell, offer for sale, lease, begin construction or otherwise begin the physical improvement of an exemption plat development, nor shall a building permit be issued in any form until all requirements set forth by the Fulton County Board of Health have been met.
2. The Fulton County Board of Health will require that the owner/developer connect the proposed development to public water and public sanitary sewer.
3. Since this proposed development constitutes a premise where people live, onsite sanitary facilities will be mandatory prior to use or occupancy.
4. If this development includes a public swimming pool as defined in Fulton County Code of Ordinances and Code of Resolutions, Chapter 34 - Health and Sanitation, Article XII - Swimming Pools and Natural Bathing Beaches (including spas, whirlpools, etc.), the owner or contractor must submit plans and approval by this department and must obtain a Fulton County Board of Health permit to construct before issuance of a building permit. Also, the owner of the facility must obtain a Board of Health permit to operate the pool prior to opening.
5. If the proposed development includes an existing individual onsite sewage management system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.
6. If this proposed development includes an existing individual onsite water supply system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.
7. If there is an existing structure to be demolished, this department is requiring that they be inspected by a certified pest control operator to ensure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.

Environmental Justice

1. Since this development is not an environmentally adverse use, Fulton County Board of Health does not anticipate any adverse impacts to the health of humans or the environment as a result of allowing the proposed subdivision.

ZONING IMPACT ANALYSIS

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

Staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby properties. The surrounding area consists of: R-1 (Single-family Residential District), R-3 (Single-family Residential District) and AG-1 (Agricultural District) to the North and R-1 (Single-family Residential District) and R-2 (Single-family Residential District) to the east, City of South Fulton to the south, and R-1 (Single-family Residential District) and R-3 (Single-family Residential District) to the west.

The applicant is proposing to develop 54 single-family residential houses on the subject property with a pocket park to include greenspace, playground area, and pavilion. The development will provide sidewalks along Fayetteville Road, pedestrian scale lighting on internal roads, and well landscaped front and rear yards. The façade of each house will be constructed with a combination of two or more of the following materials: fiber-cement siding, wood shake, clapboard, brick and/or stone. The use of vinyl and EIFS is strictly prohibited.

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

Staff is of the opinion that the petition if approved will not have an adverse impact on the use or usability of adjacent or nearby properties. The subject property is surrounded by single-family residential zoning districts [R-1, R-2 and R-3].

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

Staff is of the opinion that the subject property has a reasonable economic use as currently zoned.

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

Staff is of the opinion that the proposed 54-lot single-family residential subdivision will not cause excessive or burdensome use of the existing streets, transportation facilities or utilities. The developer will be required to construct turning lanes and roadway improvements along Fayetteville Road across the entire property frontage. Also, the developer will be required to install a minimum of five-foot sidewalks on Fayetteville Road and internal sidewalks throughout the development to provide interconnectivity to the amenity area.

At present, the local middle school is projected to be over capacity for the 2019-2020 school year. Any residential development on the subject site, whether the site is rezoned or remains at its current zoning, will increase the schools' populations above the 2019-2020 baseline numbers. As stated in the Fulton County School's Rezoning Impact Statement, the school system addresses population increases by using "portable classrooms or other measures that may be needed to accommodate the instructional needs of the school. Please note, Fulton County Schools has started the construction process for a new STEM school for grades [6th to 12th] within the city limits of Fairburn.

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

The Future Land Use Map designates the property as Rural Residential. The Rural Residential Character area is meant to preserve a rural feel and transition to the very low density uses; one acre or larger lots are appropriate in the Rural Residential Character Area. Staff is of the opinion that the proposal to develop 54 single-family houses is not consistent with the 2035 Comprehensive Plan and Future Land Use Map. However, the subject property is surrounded on all sides by single-family residential uses, ranging from R-1 (Single-family Residential) to R-3 (Single-family Residential). The proposed subdivision will consist of a combination of 1/2 acre (21,7800 SF) and 1/3 acre lots (14,520 SF). The proposal is consistent with the existing land use in the immediate area and will not present a detriment to the adjacent property owners. Also, the proposal supports the Residential Character Area development strategies.

The development strategies for the Residential Character Areas are as follows:

Residential Development Strategies

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

Appropriate zoning districts for the Residential Character Areas are AG-1, R-1, R-2, R-3 and R-4

Appropriate Land Use

- Single-family residential
- Parks/Playgrounds
- Golf Courses
- Schools
- Churches

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

Staff is of the opinion that there are no existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or denial of the applicant's proposal.

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

Staff is of the opinion that the proposal would not permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Fairburn. The developer will be required to adhere to the City's stream buffer ordinance and soil and erosion control best management practices (BMPs).

STAFF RECOMMENDATION

It is the opinion of staff that the rezoning request is not in conformity with the current Future Development Map, which recommends Rural Residential for the subject property. However, the proposed development of a 54-lot single-family residential subdivision is consistent with the surrounding uses which is single family residential [R-1, R-2 and R-3]. Single-family residential uses surround the subject property on all sides. The proposal is consistent with the Comprehensive Plan goals to: 1.) create stable, safe, well maintained neighborhoods that maintain their value over time, 2.) allow for a variety of home styles, materials, and lot sizes, and 3.) accommodate pedestrians to allow for alternative access to downtown. Therefore, based on these reasons, staff recommends **APPROVAL** **CONDITIONAL** of the rezoning petition.

Should the Mayor and City Council decide to rezone the subject property from AG-1 (Agricultural District) and R-1 (Single-family Residential District) to R-3 (Single-family Residential District) the staff recommends the following conditions. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council.

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

1. Single-family Residential:

- a. A minimum of 28 lots shall have a minimum square footage of 21,780 square feet (1/2 acre)
- b. A maximum of 26 lots shall have a minimum square footage of 14,520 square feet (1/3 acre).

2. The minimum heated floor area shall be a minimum of 1,600 square feet.

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

1. The property shall be developed in substantial conformity with the Zoning Site Plan prepared by Falcon Design stamped received June 24, 2019 and attached as Exhibit B. Any determination as to "substantial conformity" and deviation from the site plan shall be approved by Department of Community Development staff. The site plan is conceptual only and must meet or exceed the requirements of the City's regulations prior to the approval of a Land Disturbance Permit.
2. Property maintenance shall be accomplished through a homeowner's association in which membership shall be mandatory. Such maintenance shall encompass all individual lots and all common areas that are not contained within the boundaries of individual lots. Such association by-laws shall be subject to approval by the City Administrator and shall be recorded with covenants that shall be subject to approval by the City Administrator.

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

1. Building setbacks as follows:
 - a. Front: 45 feet
 - b. Side: 10 feet
 - c. Rear: 30 feet

2. Amenity package to include a pocket park with greenspace, playground, pavilion and mail kiosk (CBU).
3. Facades of the homes shall be constructed with a combination of two or more of the following materials: fiber-cement siding, wood shake, clapboard, brick, and/or stone. The use of vinyl or EIFS (synthetic stucco) is strictly prohibited.
4. Two car garages shall be provided for each single-family house.
5. Sidewalks on all street frontages shall be a minimum of five-foot and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards and City of Fairburn development standard. Five-foot sidewalks shall be provided along both sides of internal streets throughout the development and shall be designed to provide inter-connectivity to amenities areas.
6. Pedestrian-scale street lighting shall be provided along both sides of internal streets throughout the development.
7. All utilities shall be installed underground throughout the project area.
8. Turning lanes shall be required to meet projected traffic demand and/or safe operations, as determined by the City Engineer. When provided, turning lanes shall meet the following criteria:
 - a. Provide not less than 150 feet of storage length for arterial roadways. Provide not less than 100 feet of storage length for collector roadways.
 - b. Provide taper lengths of not less than 100 feet.
 - c. Longer storage and taper lengths may be required when traffic projections indicate they are justified.
9. The Developer shall construct roadway improvements (pavement, signing, striping, curb and gutter and drainage) along the existing road across the entire property frontage where required, at no cost to the city.
10. The Developer shall install a canopy or understory tree in the front yard of each single-family lot. Both front and rear yards shall be sodded.

ATTACHMENTS

Impact Analysis
Architectural Renderings
Conceptual Site Plan

Impact Analysis

Applicant: South Fulton, LLC

1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property? *The subject property is nearly 35 acres on the southwestern frontage of Fayetteville Road. The property's eastern and southern borders are in unincorporated Fulton county. To the northeast of the property is Trotter's Farm, a subdivision zoned R-2 with frontage on Fayetteville Road. To the north of the property are two land tracts. These tracts are 2 acres and 10 acres zoned R-1 and AG-1, respectively. Lands associated with these properties front on Fayetteville Road. To the northwest of the property there are multiple lots zoned R-3. Finally, to the west of the property is zoned R-1. All surrounding the surrounding properties are for residential use. The proposed single-family development is a suitable use among the surrounding residential uses.*
2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? *The adverse effects of the proposed residential development on adjacent or nearby properties is very hard to measure, however, the most prominent uses surrounding the proposed residential development are also residential use properties. As the proposed use and the surrounding uses do not differ, it is unlikely that the proposed change would have an adverse effect on existing use of adjacent properties. In fact, the proposed development could positively impact the neighboring properties from a value perspective. The proposed single family development will fit in well with surrounding uses and offer additional housing to support Fairburn commercial growth.*
3. Does the property to be rezoned have a reasonable economic use as currently zoned? *The property is currently zoned AG-1 for a transitional zone between unincorporated Fulton and Fayette Counties and high density residential areas near downtown Fairburn. Allowed uses under current zoning include single family residential use, various agricultural uses, and other commercial uses. Despite being surrounded by denser zoning districts, this property is restricted to 1 acre or greater lots. Considering surrounding densities, the proposed R-2 zoning with stated conditions would be a more reasonable use as a low density project as defined by City's 2035 Future Land Use Plan.*
4. Will the zoning proposal result in a use that could create an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? *Current zoning, AG-1, is considered a low density transitional use area. Notably, R-2 and R-3 are considered to be low density residential uses in the City's 2035 Future Land Use Plan. As currently zoned, we could reasonably develop 30 lots. When compared to the proposed lot count of 55, this is a marginal increase and one that would not be excessive on any of the city's infrastructure or public services.*

5. Is the zoning proposal in conformity with the policies and intent of the land use plan? *The proposed R-2 development is in accordance with the following statements of the City of Fairburn Comprehensive Plan:*

- *"bring...vitality to downtown"*
- *"Stable, safe, well maintained neighborhoods that maintain their value over time"*
- *"Allow for a variety of home styles, materials, and lot sizes"*
- *"...there are some large tracts of land – particularly south of the interstate – that could be developed as subdivisions"*
- *"...and to increase residential density in the downtown area"*

The single-family development will bring more residents within close proximity to downtown and provide increased population to warrant further commercial growth downtown.

6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal? *There are none.*

7. Does this zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens? *The proposal does not permit a use not already permitted that adversely impacts any natural resources, the environment, or the citizens of Fairburn.*



Ashley F



Calhoun



Claiborne



Edinburgh A



Emerson



Iberville

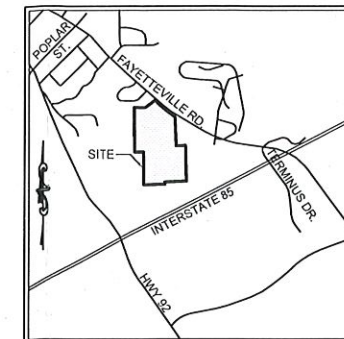
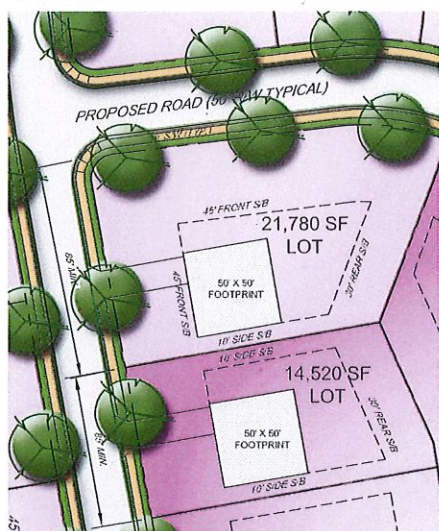


Wilmington



Woodstock

TYPICAL LOT NOT TO SCALE



VICINITY MAP
NOT TO SCALE

TOTAL SITE AREA : 34.24 ACRES

EXISTING ZONING CLASSIFICATION:
AG-1 AGRICULTURAL DISTRICT

PROPOSED LAND USE:
R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT

TOTAL RESIDENTIAL: 54 LOTS

GROSS DENSITY: 1.6 du/ac

28 LOTS (Lots 1-15, 26-30, 47-54)
MIN. LOT SIZE = 21,780 SF (1/2 acre)
MIN. LOT WIDTH = 85'
MIN. FRONT SETBACK = 45'
MIN. SIDE SETBACK = 10'
MIN. REAR SETBACK = 30'

26 LOTS (Lots 16-25, 31-46)
MIN. LOT SIZE = 14,520 SF (1/3 acre)
MIN. LOT WIDTH = 85'
MIN. FRONT SETBACK = 45'
MIN. SIDE SETBACK = 10'
MIN. REAR SETBACK = 30'

AREA OF IMPERVIOUS SURFACE:
PAVEMENT = 106,270.12 SQ FT

HOMES = 135,000 SQ FT (50' x 50' FOOTPRINT = 2,500 SF;
2,500 SF x 54 HOMES = 135,000 SF)
TOTAL = 241,270.12 SQ FT (+/- 5.5 ACRES)

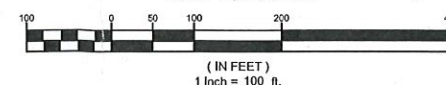
TOTAL PERCENTAGE: +/- 5.5 ACRES IMPERVIOUS ACRES =
16.2% OF TOTAL SITE AREA

CONTACT INFO:

OWNER & DEVELOPER: MR. DANIEL FIELDS
SOUTH FULTON, LLC
270 NORTH JEFF DAVIS DR
FAYETTEVILLE, GA 30214
404-539-2124

SITE DESIGNER: FALCON DESIGN CONSULTANTS, LLC
235 CORPORATE CENTER DR. #200
STOCKBRIDGE, GA
770-389-8666

GRAPHIC SCALE



FLOOD NOTE

AS SHOWN ON FLOOD INSURANCE RATE MAPS OF FULTON COUNTY, GEORGIA COMMUNITY
PANEL NUMBER: 13121C04027 & 13121C04027 EFFECTIVE DATE SEPTEMBER 18, 2013, NO PORTION
OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA.



CONCEPT PLAN
FOR
SOUTH FULTON, LLC
FAYETTEVILLE ROAD
LOCATED IN
LAND LOTS 45, 46 & 53, DISTRICT 9F
CITY OF FAIRBURN, GEORGIA

DATE	REVISIONS
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8

DATE:	6/19/19
SCALE:	1"=100'
PROJ NUMBER:	MP70
DRAWN BY:	WDM
REVIEWED BY:	JP

THIS DOCUMENT IS NOT VALID UNLESS IT BEARS THE
ORIGINAL SIGNATURE OF THE REGISTRANT
ACROSS THE REGISTRANT'S SEAL.

SHEET NUMBER

1.0