



Planning and Zoning Commission

AGENDA

Tuesday, May 7, 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 March 12, 2019 Minutes**

➤ **Public Hearing:**

- **Variance - 19V-003 AMCON Industrial:** to eliminate the 15ft sign setback to allow for a monument sign to be placed directly along the property line.

➤ **Old Business:** None

➤ **New Business:**

- **Use Permit - 19U-002 Iron Horse Interest, LLC:** to allow a multi-story self-storage facility on Senoia Road/Hwy 74 with two concurrent variances:
 - **19CV-004** - a request to reduce the buffer adjacent to residentially-zoned property from 100ft to 50ft.
 - **19CV-005** - a request to reduce the front yard setback from 50ft to 35ft
- **Conceptual Plan - 19C-003 - Project Miles:** a request to approve the conceptual site plan for an industrial development consisting of three warehouse buildings totaling 1,045,967 square feet on Creekwood Road.
- **Rezoning - South Fulton, LLC:** to rezone +/- 75 acres on Virlyn B. Smith Road from R-2 (Single-family Residential District) to R-3 (Single-family Residential District) to allow the development of 171 single family houses.
- **Rezoning - Geo H. Green Oil [Fairburn Travel Center]:** to rezone +/- 4.387 acres from C-2 (General Commercial District) to M-1 (Light Industrial District) to allow 50 truck parking spaces.

CITY OF FAIRBURN



Planning and Zoning Commission

AGENDA

Tuesday, May 7, 2019 ♦ 7:00 p.m.

- Staff Report
- Commission Comments
- 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, March 12, 2019
7:00 P.M.

Tony Smith, Chairman
Elise Stoney, Vice-Chairman
Elizabeth Echols

Jerry Williams (**Absent**)
Shelby Phillips
Mark Wade
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 Commissioner Jerry Williams.
- III. **PLEDGE OF ALLEGIANCE:** Recited in unison.
- IV. **ELECTION OF OFFICERS:** None
- V. **PUBLIC COMMENTS:** None
- VI. **APPROVAL OF AGENDA:** Commissioner Echols moved to **APPROVE** the agenda. Commissioner Smith seconded. **The motion carried.**
- VII. **APPROVAL OF PREVIOUS MEETING MINUTES:** Commissioner Smith made a motion to **APPROVE** the February 5, 2019 minutes. Commissioner Wade seconded. **The motion carried.**
- VIII. **PUBLIC HEARING:** None
- IX. **OLD BUSINESS:** None
- X. **NEW BUSINESS:**

Conceptual Plan 19C-001 - Graham Road:

SUMMARY/STAFF PRESENTATION: A request to review the conceptual site plan for a 278,636 square-foot warehouse development on Graham Road.

Ms. Peeks stated the applicant requested to develop a warehouse on 18.441 acres. Staff's recommendation was approval conditional.

MOTION AND VOTE: Commissioner Smith made a motion to APPROVE 19C-001 Graham Road. Commissioner Wade seconded. **The motion carried.**

Rezoning 19RZ-001 - Prestwick Land Holdings, LLC

SUMMARY/STAFF PRESENTATION: A request to rezone 4.35 acres located at 136 West Broad Street from R-3 (Single-family Residential District) to RM-36 (Multi-family Residential District) to allow a 96-unit multi-family development.

Ms. Peeks stated that the rezoning request had two concurrent variances to allow for a 96-unit multi-family residential development. Staff's recommendation was approval conditional.

She stated that the applicant had submitted a noise study, as outlined in the staff analysis. The results of the noise study were returned and led to some modifications to the site plan. Staff also submitted the proposal to Fulton County Public Health for review. Fulton County's review returned with no public health or environmental justice issues related to the development.

Ms. Peeks also discussed the Town Center Mixed Use character area and what was allowed per the Comprehensive Plan. Ms. Peeks explained that the Town Center Mixed Use character area extended from downtown to the northwest of the city, and on both sides of the railroad tracks. The Town Center Mixed Use character area centered around the core of downtown to create more density and to produce a more vibrant downtown with shops and restaurants. Ms. Peeks added that the staff analysis listed the development strategies for the Town Center Mixed Use character area to include density, new development in downtown, and residential of all types.

Commissioner Phillips asked if there were a height restriction for the apartment buildings in the downtown area. Ms. Peeks replied that all zoning districts had height restrictions, generally at 48 feet. However, this development proposed only three stories, so it would be less than 48 feet. Commissioner Phillips asked if this would be in the Historical District. Ms. Peeks responded that there was a Historic District and she had presented them with the historic designation that the city had been granted, which showed the boundaries of the district. Ms. Peeks explained that the Historic District included the two train depots and the buildings on Broad Street from Smith Street to Dodd Street. She stated that the designation was given to the city in 1988.

Commissioner Phillips asked if there were a criterion for the number of residential units per acre. Ms. Peeks responded that for the RM-36 District, the ratio was 36 units per acre. The applicant had met this requirement. Furthermore, the Highway 29 Overlay District did not give any restrictions, so density would be determined by the underlining rezoning. Ms. Peeks gave an example, explaining that if the zoning were RM-4, it would have 4 units per acre and RM-6 would have 6 units per acre, etc.

Commissioner Smith asked what other conditions needed to be met in addition to the noise conditions. Ms. Peeks replied that the staff recommended that anyone who built within 1000 feet of an active rail or highway had to do a noise study. The applicant complied with this requirement and completed a noise study. A traffic study was not required. However, the applicant reached out to a traffic engineer to generate data on the traffic impact of this development.

SPOKE IN FAVOR:

Edrick Harris, 3715 Northside Parkway, Atlanta, Georgia, 30327

Mr. Harris stated that he was with Prestwick Development Company, the developers of the Manor at Broad Street. Mr. Harris stated that they were committed to the community and had been here

for 5 years. He explained that they were proposing a 96-unit multi-family development at 136 West Broad Street. Mr. Harris explained that he had met with the community on February 26th or 27th and had shown the attendees the multi-family development proposal. Since it was multi-family there were some concerns, which he had attempted to address.

Mr. Harris gave some background on the development, stating that there were 96 units with 30 one-bedroom units, 48 two-bedroom units, and 18 three-bedroom units. There would be 145 parking spaces. One of the initial concerns was regarding traffic. Mr. Harris stated that he had reached out to Jacobs Engineering regarding the impact of the traffic on the neighborhood. They inquired about peak time traffic, since people tended to worry about coming and going from home, stacking, and congestion. Based on Jacobs' traffic modeling, there would be 33 trips in the morning peak time, from 7 a.m. to 9 a.m. Mr. Harris added that Jacobs projected 90 trips in 24-hours. The evening traffic between 4 p.m. to 6 p.m. would be 42 trips - 26 in and 16 out. Mr. Harris stated that this projection was a modeling and could be +/- 3 or 4 trips. He stated that they did not factor in mass transit or other opportunities to alleviate traffic. Mr. Harris also shared that their goal was to make this a walkable community.

A second concern Mr. Harris addressed was the look and impact of the development on the community. He shared that Roswell, Acworth, and Decatur had all built award-winning developments in their downtown area with limited to little impact. He stated that more people would bring a little more traffic. However, he stated that his company would have a similar product, using those cities as an example. Mr. Harris stated that the development would be located in a historic district with a historic house on site. He stated that they were committed to adaptively reusing the house. The house would be an amenity area or other option but would remain on site. The residential development would be built behind the historic house.

Mr. Harris stated that another concern included buffers and what would happen around the site. He stated that there were required buffers based on the city's requirements. They were also looking into landscaping to make sure that there were shieldings and buffers. He shared that since their goal was also a vibrant downtown with pedestrian connectivity, they hoped to work with the City to make everything feasible.

Mr. Harris addressed the community's concern about rental ranges. He explained that the ranges would start at \$550.00 on the one-bedroom units and would go up to \$1,200.00 on the three-bedroom units. He stated that one question that was brought up was if they could have more market-rate apartments, around the 80% rental range. A family making \$60,000 or more would be able to afford to live there at a market rate range around \$1,000.00 a month.

Lastly, Mr. Harris addressed runoff and drainage. He stated that the city and state had their own rules regarding runoff and drainage. He added that they would bring in a professional engineer to make sure that the site was designed properly, that it could detain and retain water, and would meet all the state requirements. Mr. Harris concluded that from his initial meeting those were most of the comments that came up. Mr. Harris stated that they were happy to be a community member and hoped to continue Fairburn's development while working with the community.

Commissioner Phillips asked how many one-bedroom units there were. Mr. Harris responded that they had 30 one-bedroom units, 48 two-bedroom units, and 18 three-bedroom units. He stated that the unit mix was also listed on the site plan. Commissioner Phillips asked if Mr. Harris was aware that homes were still being built in Durham Lakes and inquired if Mr. Harris' market would affect that housing market. Mr. Harris replied that it would provide additional housing options, since some people chose not to buy a house for various reasons. The proposed development would provide an opportunity to rent in a unique location with a downtown feel – something that one would not find in Durham Lakes. He stated that thriving communities were created by having housing options.

Commissioner Phillips asked if they had discussed the plans with the schools. Mr. Harris replied that they had not met with the schools. Commissioner Phillips asked how many children would be in development based on the ratio of housing. Mr. Harris responded that children would typically live in the three-bedroom units. Therefore, there would be 1 or 2 kids per household in the 18 three-bedroom units, or approximately 36 children. Mr. Harris stated that they could not over house, meaning there would not be 10 kids in one bedroom. There would be one child per bedroom, and this would be handled through the management.

Commissioner Phillips asked how he selected Fairburn for their choice. Mr. Harris responded that they had been here since 2013 and their development – the Manor at Broad Street – was well received. He stated that when they built the Manor at Broad Street, they saw that there was a need and had to turn away about 500 applicants. Since it was 55-year-old and older community, you could not get move in if you were not over 55 years old. The proposed development would provide additional options to the residents of Fairburn. Mr. Harris stated that most of the applicants were already in the City of Fairburn and chose to live at the Manor at Broad. He stated that it was a quality development with a sustainable, green building – all of the things they would like to do at the proposed development. Commissioner Phillips asked if Mr. Harris knew about the new college that was built in Fairburn. Mr. Harris responded yes. Commissioner Phillips stated that they needed dorms. Mr. Harris replied that they were not dormitory developers.

Commissioner Smith stated that he was in favor of affordable homes but asked how they set a \$550.00 rent because that was low. Commissioner Smith stated that the market rate for an apartment started at \$800-\$900 and that \$550.00 was too low. Mr. Harris responded that the \$550.00 was for a one-bedroom unit that would be for one person. He stated that the \$550.00 one-bedroom in comparison to a \$900 three-bedroom would very different, due to the space of the unit. Mr. Harris compared the 700 square foot one-bedroom to the 1,200-1,500 square foot three-bedroom. He stated that the smaller unit would have a smaller rent. However, the \$550.00 rent would still be 40-50% of the renter's income for a person making \$23,000. Mr. Harris explained that if a renter's gross take-home pay was \$2000 per month, then \$500.00 would be 30% or 40% of the amount that the renter would actually bring home. Therefore, this rent would allow a school teacher or whoever was making around that income to have an opportunity for this type of housing. Commissioner Smith stated that he was in the Manor at Broad and it was state of the art. He was concerned that \$550.00 was low to start out. Commissioner Smith expressed concern about the type of people that \$550.00 rent would bring into the community.

Commissioner Echols stated that she was also concerned about \$550.00 rent for a one-bedroom. She stated that with the college down the street, the college students might move in with a lot of roommates. Commissioner Echols asked if the apartments would be closely monitored as far as who moved in and out. She followed up by asking who would be held accountable for how many people would be living in the one-, two-, and three-bedroom apartments.

Mr. Harris responded that his company was held responsible for who moved in. He responded that the applicant would have to be income qualified. Therefore, if it were a working student they would qualify but if it were just a student they would not qualify because the development was geared toward workforce housing. The applicant would have to show a pay stub that showed where they were working and how much they were making. The applicant would be qualified based on income and this would be closely monitored based on how many people were in the home.

Commissioner Echols stated that even if one person applied to live in an apartment, other classmates might move in and no one would know what was going on in the apartment. Mr. Harris responded that those issues were based on management and ownership. He stated that both single-family communities and apartments could be run down, but it depended on the owners, managers and the people present on a day-to-day basis. Mr. Harris invited the Commissioners to visit any of

Prestwick's developments, giving the example of the Manor at Broad. He stated that that development was only 5 years old, but that the things that were describing did not happen there because of the management and ownership. He explained that Prestwick had developed over 35 projects since 2008, which were all very similar to the proposed project and all functioned the same way. Mr. Harris stated that if they were to research Prestwick projects in other communities, and Prestwick had not provided a good product, the community would let them know. He added that Prestwick was committing to the good operation of their development. He reiterated that the issues broached were all based on ownership and management and that those issues did not happen on their properties.

SPOKE AGAINST:

Cathy Kimbrel, 119 Elder Street, Fairburn, Georgia, 30213

Ms. Kimbrel stated that she moved into her residence in 1989 and the house was built in 1892. She stated that she was one of three people asking community members about their support of the project. Ms. Kimbrel explained that in less a week they had received 217 signatures on their petition and would continue this effort if the Commissioners were to recommend it to go forward to the Council.

She shared that she had created a letter with a summary of her neighbors' concerns on the project. Ms. Kimbrel stated that she reviewed the Comprehensive Plan and had copied sections of the Comprehensive Plan that went against the project. She stated that she was not against affordable housing or the apartments, but that she was against the location of the apartments and her recommendation was for them to take it somewhere else.

Ms. Kimbrel explained that she had copied from the "Needs and Opportunities" section of the Comprehensive Plan and was going read the sections that applied to the project. She read the following statements: (#2) Require better quality development downtown, (#4) Bring mixed-use developments including housing, lofts, and townhouses — not apartments — and vitality to downtown. She stated that lofts and townhouses were a very different type of development than apartments. Ms. Kimbrel continued reading from the Comprehensive Plan: (#5) Require new downtown development to fit in aesthetically with the historic buildings and have the same scale. She commented that this project did not have this, based on the pictures of the development. Ms. Kimbrel continued reading: (#8) Maintain the small town atmosphere, (#9) Protect our historic structures. She stated that this development would back up to historic structures and residents would look out their back window at a three-story high apartment building. She stated that this would not be conducive to the community.

Ms. Kimbrel read on from the Comprehensive Plan: "Housing Needs" — (#4) Locate townhouses downtown near the colleges, (#5) Build historic style homes in the downtown area. She noted that this was not a historic-style development. Ms. Kimbrel continued reading: (#6) Allow apartments only in the downtown area as part of mixed used developments. She stated that this was not a mixed-use development, since a mixed-use development would have both residential and commercial uses within the development plan. Ms. Kimbrel read from the "Economic Development Needs" section: (#12) Revitalize the downtown area with attractive mixed used development — residential on the second floor, commercial, restaurants, cafés, coffee shops, offices and art galleries on the street level. She stated that she thought this idea would fit beautifully but the project did not. She read: (#13) Preserve historic homes downtown and possibly convert them into office use. She stated that this project was not preserving the historic homes downtown. Ms. Kimbrel stated that she knew that they recommended keeping the building for a different use. However, she

felt that the number of apartments and the height of the structures on 4.35 acres would have a major impact to the community.

Kathie Lucas, 70 West Campbellton Street, Fairburn, Georgia, 30213

Ms. Lucas stated that she was an active member of Fairburn Unity Methodist Church as well as the community theater. She stated that the Fairburn motto was "Situating to Succeed" and that she wanted Fairburn to continue to grow. However, she stated that in her experience, renters did not have a vested interest in their community. She stated that she wanted people living in the community that had a vested interest. Therefore, she opposed the project.

Deborah Finnegan, 85 Valley View Drive, Fairburn, Georgia, 30213

Ms. Finnegan stated that she was speaking for her family and as someone that had grown up in Fairburn. She stated that she did not want an apartment complex built near where her kids would be playing. She thought that once the project was built, it would be hard to come back from. This was why she was against the project.

Andre E. Lovas, 342 Fairview, Fairburn, Georgia 30213

Mr. Lovas stated that he had been a resident of Fairburn for 50 years. He noted that this type of development was not in conformity with what they desired for growth in Fairburn. He hoped that the Commissioners would turn the project down and come up with a better plan.

Ernie Brooks, 33 Cole Street, Fairburn, Georgia 30213

Mr. Brooks noted that the number of parking spaces had been reduced. He stated that it was supposed to be two parking spaces per unit, which would be 196 parking spaces. However, 50 parking spaces had been removed so that the project could move forward. He stated that the number of spaces was reduced to 1.5 per unit. Mr. Brooks stated that he was in favor of transit-oriented development and city-centered development, however, he noted that it would be difficult for school buses to let kids out or for people to cross four lanes of traffic to take MARTA. He stated that this would be a safety problem and undesirable.

Jane Storey, 601 Duckbill Court

Ms. Storey stated that 70 years ago she was brought home from a hospital and had lived on East Broad Street directly across from where the apartment complex would be built. She asked for those opposed to the project to stand. She then asked if anyone in the meeting had traveled on Highway 29 when the expressway was blocked from an accident. She stated that the traffic was bad in the afternoon and if there were an accident in the morning or afternoon, you could not travel up Highway 29. She stated that on Highway 29 and Strickland Street would not be able to handle the traffic, the infrastructure could not handle the traffic, and the schools could not handle the extra children. She stated that she was opposed to the project and there were many other people in Fairburn that were opposed to it also.

Derek Smart, 148 Spring Street, Fairburn, Georgia, 30213

Mr. Smart stated that he had lived in Fairburn for over 11 years. He stated that Spring Street had many pot holes and there were only nine houses on Spring Street. He expressed concern that his street could not be maintained. Mr. Smart also noted that he walked past utility poles that looked like they were falling apart. He stated that the development would have a street access to Strickland Street right across from Spring Street. He stated that if the infrastructure could not handle current

traffic, then the infrastructure could not handle adding 93+ units, up to 300 people, and all the cars that would be coming in. He advised to reject the project.

Gloria Furr, 565 Laurelwood Drive, Tyrone, Georgia, 30213

Ms. Furr stated that she and her husband owned the property located at 112 Vickery Drive, formerly her mother-in-law's home. She explained that several years ago when Green Plaza was developed, it threw a tremendous amount of water on their property to the extent that some large trees were uprooted. She stated that they asked the City of Fairburn for help with the water issue. The City installed a drain beside their house and two drains in their backyard. However, the water had to come across the backyard to reach the drains, so it did not do them any good. Ms. Furr stated that the development being considered would be much larger than Green Plaza. She stated that she did not think there was enough acreage for four 3-story buildings and 150 parking spaces. She added that the site would be built at a very high density of approximately 36 units per acre. She stated that the retention pond looked like it was situated on higher ground instead of where the impervious water would be running.

Ms. Furr stated that in her interpretation of the Comprehensive Plan, the property should not have been considered for the development because apartments in downtown were only to be allowed as part of a mixed-use development, not as stand-alone apartments. Furthermore, she stated that the middle of a residential neighborhood did not represent a town center. She noted that the site would have a small driveway for the entrance unless the historic home were demolished. Ms. Furr stated that the residents had thrived and supported the economic growth of the City. She asked why they would disturb citizens that had resided there for some time.

She explained that the 3-story apartment buildings would loom over the residential homes. Lastly, she read the City's land use goals: to increase active downtown, to recruit residential and mixed-use developers to downtown to increase housing stock, to update the zoning ordinances to allow loft apartments over stores and townhouses located downtown and within the Highway 74 corridor. She commented that it was not to allow apartments elsewhere in the city. She finished reading, stating the goal to update the zoning ordinances to accommodate the single-family residential in-fill downtown. She concluded by stating that she realized this was a conceptual plan which should come with strong conditions. Ms. Furr strongly urged the Commissioners to deny the request of the Prestwick Land Holding, LLC to rezone from R-3 to RM-36 based on the wishes of the citizens and the Comprehensive Plan for the City of Fairburn.

Dinah Griffin, 168 Fairview Drive, Fairburn, Georgia, 30213

Ms. Griffin stated that her topic was traffic. She stated that presently it was a very quiet and peaceful street, which was why she moved to Fairburn from midtown Atlanta. She stated that she lived in Marietta and came to Fairburn for peace and security. She stated that on her street she felt very secure. She explained that most of the residents on her street were retired citizens and some of the homes were owned for two generations. She stated that she was concerned about not only cars but who would be walking down her street. Ms. Griffin stated that if they were college students she would not care, but she was worried about the quality of people that would be walking down her street and how many there would be.

She asked if there would be any sidewalks built because residents would be walking, and some would take her street as a cut-through. She stated that it was already being used as a cut-through and people had been speeding on her street now. She stated that these things were going to happen even more if the project would be approved. She asked that the development not be approved.

Linda Johnson, 165 North East Broad Street, Fairburn, Georgia, 30213

Ms. Johnson stated that she currently resided in Union City, but was born next to the Chevron on Elder Street in 1944. She stated that she owned the property at 165 Northeast Broad Street in front of Mr. Jeff Couch. Ms. Johnson stated that she owned the property with her sister Margaret Couch and that the property had been their mother's home. She stated that she was flabbergasted that the City of Fairburn was considering the project. She explained that the historic home and the home next to it were built with hand-made brick.

Ms. Johnson stated that one of her concerns was that the City required a 50-foot buffer. However, the plan showed a 45-foot buffer. She also agreed with a previous speaker that one retention pond appeared to be higher than the other and appeared to be above ground according to the water flow. She added that the plan stated that they were located in a semi-flood plain. She asked where the water would go when it rained. She answered that it would end up on Strickland Street.

A second concern she broached was where the 18 children would play. Ms. Johnson stated that there were 4.35 acres on-site and 700 to 1100 square-foot units. She stated that the code for DFCS was 2 children per bedroom. However, she stated that she did not see any designated green space on the plan, so she did not know where those children were going to play. She stated another major concern for her was the narrowness of the driveways coming from the historic house and entering Strickland Street. She asked about fire engine and ambulance access in case of emergency.

Ms. Johnson stated that she was also concerned that GDOT would make them have an acceleration and deceleration lane on Highway 29. However, there was no space for a lane. She added that Strickland Street was very hard to turn left on now because there was no traffic light. She stated that it was too close to the light at the service station.

She stated that she was not against housing but did not like the idea of apartments where they would be located. She explained that she knew the Comprehensive Plan was not a law but was a suggestion and could be changed. She stated that she did understand that because she had worked on many of them. However, she thought they should reconsider their recommendation to the City Council or table it for further consideration.

Penelope Ludlow, 132 Strickland Street, Fairburn, Georgia, 30213

Ms. Ludlow stated that she had lived in Newnan, Georgia for 20 years, then decided that Fairburn was where she wanted to live. She stated that she would read a letter from one of her neighbors on Elder Street that could not make it to the meeting. She prefaced the letter by stating that Strickland Street was already a race track. She stated a lot of the traffic would be come out right in front of their houses.

Ms. Ludlow read a letter from Mr. Floyd Mackenzie of 358 Elder Street. The letter was in reference to the proposed rezoning for a three-story apartment complex that would be on 136 Broad Street. Mr. Mackenzie's letter stated that he was strongly opposed to any zoning changes for this proposed development. The reasons for his opposition were as follows: a zoning plan was developed for the purpose of compatible land use within the City of Fairburn. He noted that minor changes to the plan occurred for exceptional reasons. However, constructing a three story 96-unit apartment complex in an area specifically designated for single-family dwellings did not meet the standard or guidelines of the present zoning for compatible land use. Mr. Mackenzie's letter further stated that if such a land use was approved, it would immediately establish a precedent and open the doors for other uncontrolled development within the City of Fairburn, essentially making a planning and zoning plan ineffective and inconsequential. He also stated in the letter that other areas of concern were the impact on Fairburn's operating budget and possible additional costs for public safety services, including law enforcement and the fire department. Mr. Mackenzie added that due to the probable need for additional personnel and equipment, additional funding would be needed to

maintain the streets due to the added traffic volume. He stated that other additional costs like water, sewer and utilities services would be required.

He stated that there were potential additional costs if the city was required to upgrade the water, sewer and stormwater systems. He stated that if the city was to be required to provide those upgrades it would have an impact on the city's budget and if needed funding was not readily available, some type of bond issue would be required and it would have to be approved for general election. Mr. Mackenzie's letter ended by stating that the issue was not about the citizens of Fairburn saying, "Not in my back yard." It was an issue of adhering to the City of Fairburn's established planning and zoning requirements to prevent uncontrolled, non-compatible land, housing and business development. Ms. Ludlow concluded by stating that she and Mr. Mackenzie opposed the project.

Jean Russell, 196 Fairview Drive, Fairburn, Georgia, 30213

Ms. Russell stated that the development was incompatible with the single-family houses in the neighborhood. She stated that she was concerned about the funding from the GA Department of Community Affairs. Ms. Russell stated that the project would have to have the correct zoning to get funding. However, if the zoning were changed, and the DCA funding was not approved, someone else would be able to come in and do a multi-family project but might not be able to do a project with as many constraints as exist under the existing zoning.

Ms. Russell stated that the examples given of other Prestwick communities were not valid examples because they were not situated inside a neighborhood like this one would be. She also noted concerns about infrastructure, stating that the project would strain the stormwater infrastructure that was already very old. She cited the City of Atlanta as an example of future stormwater issues based on high density developments. She also stated that they needed to address the stormwater situation in the Lightning neighborhood, which had issues as well. Ms. Russell expressed concern about the environmental impact on the surrounding homes and the Lightning area, citing that this could be an environmental justice issue. She stated that she opposed the project.

Mike Robinson, 113 Malone Street South West.

Mr. Robinson stated that he was a retired truck driver and felt Fairburn was his hometown. He noted that there were many amenities within walking distance of his home. He also noted that Fairburn was a historic town, which you could not put a price on. He expressed concern that if the project were approved, it would destroy the area. He stated that he was not against affordable housing because he always believed a person's home was their palace. However, he stated that he opposed the project.

Leward Dunn, 498 Mehaffey Drive, Fairburn, Georgia, 30213

Mr. Dunn stated that his family members had been in the community for seven generations. He stated that Strickland Street was named after his great-uncle Henry Strickland. He noted that everything in that part of town was their property at one time. He asked the developer if a comprehensive archeological study had been completed. Mr. Dunn stated that that area had been the original downtown area and was also the location of an Indian village. He asked if the developer had done an investigation to make sure he did not destroy cultural resources of the area. He stated that this was also once the location of the first kiln and brickyard. He stated that there were molds that were still visible ten years ago behind the McVickers house, the Strickland house, and the old Jones house.

Mr. Dunn also expressed concern the state DOT would not allow additional left turns into and out of properties on Highway 29, with the Family Dollar as an example. He stated that there was

nothing in the plans regarding deceleration and accelerations, which would destroy the fencing. He asked if the city put too many apartments, who would want to live here. He noted the current motto, "Situating to Succeed" but also stated the former city motto, "History lives here." He stated that Fairburn had always been a small town where everyone knew each other. However, if the project were built, it would destroy the city's character.

Mr. Dunn noted that if traffic were unable to exit on Highway 29, it would flow onto Strickland Street. He stated that there was already a lot of traffic on Strickland Street due to the surrounding businesses. He commented that this would add to the number of accidents on Strickland.

William Hurst, 181 Fairview Drive, Fairburn, Georgia, 30213

Mr. Hurst stated that he moved to Fairburn in 1948. He stated that it was a bad idea to spot-zone multi-family units in a residential area. He stated that it would affect him because every time he turned into his driveway, he would have to look at a three-story building. He asked the Planning Board to reject the project because he thought it was a bad thing to get started in Fairburn.

Donna Phipps, 152 Strickland Street, Fairburn, Georgia, 30213

Ms. Phipps stated that the proposed development was incompatible with the surrounding single-family houses and historic structures. She stated none of the developer's examples in Acworth, Decatur, Augusta and Roswell were in proximity to surrounding single family developments. She stated that they were all on lots that was easily accessible to major roads, not neighborhood streets.

Ms. Phipps noted that the access points to Strickland Street would significantly increase cut-through traffic that was already dangerous, with high rates of speed particularly at peak hours. She stated that there were no sidewalks along Strickland Street. She noted that the development would also increase cut-through traffic along Orchard Street, straight through the Lightning community where many children lived and played. She added that the traffic along Orchard Street also moved at high rate of speed for a narrow neighborhood street.

Ms. Phipps stated that the development would strain the existing stormwater infrastructure that was already very old, and the location along Broad Street was at the top of a sub-watershed which drained downhill from Broad Street and ran adjacent to the site onto Elder, Strickland, Orchard, Dodd and Campbellton Streets.

Rebuttal:

Mr. Harris addressed several comments made by speakers in opposition. He noted that the speakers liked the idea of apartments but not in that area. He defined NIMBYism as "Not in my back yard." He stated that this was opportunity for diversity. Mr. Harris stated that he was a little offended by the comments regarding the type of people that would be walking down the street. He shared that when he came out of graduate school, he was a Planner I earning \$23,000 per year. He stated that he lived in an apartment but would have been identified as "those type of people" that would walk down the street.

Mr. Harris addressed the environmental and archeological studies. He stated that his company would have to do those studies for the Department of Community Affairs but were very early in the process. He stated that if there were any issues, it would halt the development because it would be a natural historic site. Mr. Harris addressed comments regarding the on-site playground. He stated that the conceptual plan was designed to show where the buildings would be located and that it was a work-in-progress. He responded to the discussion about lofts and townhomes, stating that these were architectural styles. He commented that they could make the development feel like it belonged in the area.

Mr. Harris explained that they were going to keep the house because it was a commercial use. The house would contain the office and amenity areas. He stated that he had developed retail sites before. However, retail would create traffic. He added that 2,000-3,000 square feet of retail would not work there because it would be empty due to location.

Mr. Harris addressed how the developer could be held to their plan if the DCA funding was not approved. He stated that he had asked the planning staff to place conditions on the property to make sure development was tied to their plan and make sure that the community was protected. Mr. Harris addressed concerns about the number of parking spaces. He stated that they would conduct market studies and reach out to other professionals to obtain what they needed for a sustainable development. He explained that the plan would continue to evolve with the comments and feedback they received. Mr. Harris stated that the detention facility on the plan was a place holder. He stated that they would have to come through the City to get the water facilities approved.

Lastly, Mr. Harris stated that this would be quality, sustainable development with EarthCraft certification. He stated that they would provide sidewalks and playgrounds. He stated that they had addressed all of the concerns but could not change the fact that the site was multi-family. He reiterated that people making \$20,000 or \$25,000 were not bad people. He asked the Commissioners to review the items, look at the diversity it would bring, and consider the mix of housing options it would provide in a stable neighborhood.

Staff Comments:

Ms. Peeks addressed a comment regarding the buffers on the site. She stated that the 25 ft. buffer was required because the property abutted residentially zoned property. She stated that the City of Fairburn did not have a 45 ft. buffer. She stated that Fairburn only had a 25-foot buffer and a 50-foot buffer. and the 50ft. She stated that the largest buffer was 50 feet where an industrial use abutted a residential use. Ms. Peeks also addressed greenspace, stating that they applicant would have a greenspace requirement. She stated that the applicant would be required to adhere to the City's standards, including land development standards and zoning ordinances for the Highway 29 Overlay District. She stated that the applicant would put in a common area. She noted that greenspace had been allotted between the buildings and he there would be a fitness center and library inside the historic house. She stated that the features would be similar to those at the Manor at Broad Street.

Ms. Peeks stated that staff had reached out to Fulton County Schools and had sent them a copy of the proposal. She stated that the schools had provided an impact statement. She noted that some of the schools were under-capacity and could handle new students. She stated that she had a copy of the impact statement if anyone wanted to see it. She stated that a new school would be coming to the City of Fairburn in the school year 2020-2021. She stated that the new school would be able to accommodate the students that lived within the city limits of Fairburn.

Ms. Peeks addressed comments that the development was not consistent with the Comprehensive Plan. She stated that staff believed differently. She noted that Comprehensive Plan stated that all residential types were allowed in the downtown district, including single family, multi-family, townhouses and lofts. She stated that the Comprehensive Plan was divided into character areas and the Town Center Mixed Use character area was what staff used to make their recommendation.

Ms. Peeks stated that the plan before the Commissioners was a conceptual plan. The conceptual plan was what staff used to help the applicant come with a plan that everyone could agree on. She stated that it was a working document. Ms. Peeks stated that staff and the applicant could go back and forth on the plan before the Council members approved it. She noted that even after Council had approved a plan, the plan could be changed as long as the changes were not considered

significant changes. If there were significant changes, the plan would have to come back before the Planning Commission for review and recommendation.

Ms. Peeks discussed the acceleration and deceleration lanes, stating that at this stage they would not go too far into the staff review process. She stated that if the conceptual plan was approved, the next step would be the site development plan. During the site development plan stage, the plan would go through a full city review. The plans would be reviewed by the planning and zoning office, the engineering office, the building office, the fire department and the water and sewer department. Each department would give comments on the plan, which she would submit to the applicant, and they would work back and forth until all comments were satisfied. Ms. Peeks stated that at this point staff would look at stormwater, fire safety, water and sewer, planning and zoning, architectural designs standards, landscaping, greenspace, etc. She stated that at this point the plan was in a conceptual phase and was not the full scope of what the applicant would have to submit to the City before they could get a land disturbance permit.

Ms. Peeks also stated that the property was located in the Highway 29 Overlay District. She noted that the applicant would be required to follow the Highway 29 Overlay District requirements, including architectural design standards. She stated that they had worked with the applicant to maintain the existing home, so they could maintain the architectural historical style of the corridor. She stated that those details would be looked at when applicant applied for a land disturbance permit. She stated that some things would change but there would not be a big change. If there were a significant change, the applicant would have to come back before the Planning Commission for a recommendation or an approval before they would be able to move forward. She stated that staff's recommendation was approval conditional.

Commissioner Smith asked how the project site was chosen. Ms. Peeks replied that the applicant would be able to answer that question better because they approached the City of Fairburn about that particular location. She added that the Manor at Broad was the same type of project as this. She stated that after 5-6 year, the developer could return to a city to develop another project under the DCA program. She stated that since the six years had passed, Prestwick and other developers had come to the City wishing to do multi-family development. She stated that she believed there were a number of reasons why developers were choosing Fairburn, including location and an attractive downtown area. She added that Fairburn was a place where people wanted to live.

Ms. Peeks lastly added that Fairburn was part of the GICH (Georgia Initiative for Community Housing) Community. She explained that when LIHTC developers come to the City, Fairburn could determine which project they liked best. The developer could also get an additional point on the application by locating in a GICH Community. She stated that was another attractive feature that would bring a lot of the developers to the City of Fairburn.

MOTION AND VOTE: Commissioner Phillips made a motion to **DENY** 19RZ-001 with concurrent variance 19CV-001 - Prestwick Land Holdings, LLC. Commissioner Stewart seconded. Commissioners Stewart, Phillips, Wade and Smith voted to deny. Commissioner Echols voted in support. **The motion carried.**

XI. STAFF REPORT: Ms. Peeks welcomed the new Planning Commissioner, Anthony Stewart.

XII. COMMISSION MEMBERS COMMENTS: Commissioner Smith stated that he knew this was a passionate subject tonight. He stated that he had been living in Fairburn for many years and had been an HOA President for 3 years. He stated that they had one of the best communities in Fairburn but when they started to bring renters in the community they had problems. He expressed concern about the low rental range. Commissioner Phillips stated that it was a good project, but it was just in the wrong place. He stated that the City did need dormitories for the college students. He

expressed an interest in having dorms built between the college and Highway 138, where there was no historic district.

- XIII. ADJOURNMENT:** Commissioner Echols made a motion to adjourn. Commissioner Wade seconded. **The motion carried.**

Meeting adjourned at 8:12 p.m.

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

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

Date: May 7, 2019 – Planning and Zoning Commission
To: Planning and Zoning Commission
From: Kim Mitchell, Junior City Planner
Agenda Item: **19V-003 – Amcon [09F010000114193]** – A request to eliminate the 15' sign setback to allow a sign to be placed along the property line.

AGENT/APPLICANT/PETITIONER INFORMATION

Applicant: Amcon Industrial
Property Owner: John Aaron Phillips

PROPERTY INFORMATION

Address	1375 Oakley Industrial Blvd
Parcel Number, Land Lot(s) and District:	09F010000114193, Land Lot 28, District 9F
Size:	+/- 8.84 acres
Current Zoning:	PD (Planned Development District)
Overlay District:	None
Comprehensive Plan/Future Land Use:	Medium Density Residential

INTENT

The applicant is requesting a primary variance as follows:

1.) To eliminate the 15' sign setback to allow a sign to be placed along the property line.

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, Amcon Industrial, requests a variance from Section 80-431(b)(1)(f) of Fairburn's Sign Ordinance, which regulates freestanding and monument signs. This section states that, "Such signs shall not be located within 15 feet of a street right-of-way or within 40 feet of any other sign, structure, or building except temporary signs." The applicant has requested to place a monument sign adjacent to their property line, eliminating the 15' sign setback from the public right-of-way.

The subject property, 1375 Oakley Industrial Boulevard, is located near the intersection of Oakley Industrial Boulevard and Bohannon Road. The property is zoned PD (Planned Development District). The property is part of the Meadow Glen planned development district. Per the Meadow Glen resolution, parcels along Oakley Industrial Boulevard are designated for

industrial uses. Therefore, the zoning district standards and sign regulations for the M-1 Light Industrial District apply to this property. Because an M-1 (Light Industrial District) use is allowed in the Meadow Glen Planned Development, the sign for this property is allowed to be up to 20'.

The parcel on which the Amcon Industrial business is located has a large right-of-way along Oakley Industrial Boulevard. Oakley Industrial Boulevard is a two-lane road which supports a large amount of daily truck traffic. The large right-of-way on Oakley Industrial Boulevard will allow for future widening of the road. However, the large right-of-way also forces business owners along Oakley Industrial Blvd to place monument and freestanding signs a significant distance from the street.

Using a scale measure, the property line for Amcon Industrial appears to be approximately 47 feet from the curb of Oakley Industrial Boulevard. If the sign were to be placed 15 feet from the property line, the sign location would be placed approximately 62 feet from the curb of Oakley Industrial Boulevard.

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."

Not applicable.

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

The subject property is a rectangular-shaped property measuring 8.84 acres. The public right-of-way on Oakley Industrial Boulevard measures approximately 47 feet. Monument and freestanding signs are required to be placed an additional 15' from the public right-of-way, which would place the sign at least 62' from the curb of Oakley Industrial Boulevard. Due to the width of the right-of-way, the subject's right-of-way line (property line) is located further back from the road. As a result, the visibility of the sign could potentially be limited and obstructed because of the "15 feet from the right-of-way" requirement.

Based on this exceptional condition based on the size of the right-of-way, staff is of the opinion that this condition **has been satisfied**.

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 request to eliminate the 15' sign setback to allow a sign to be placed along the property line.

ATTACHMENTS

Site plan

Variance application



APPLICATION FOR VARIANCES

Date Received: 3/13/19

VARIANCE #: 19V-003
(Office Use Only)

SECTION I – GENERAL INFORMATION

APPLICANT INFORMATION

Applicant Name: Amcon Industrial
Address: 1375 Oakley Industrial Boulevard, Fairburn, GA 30213
Phone: 770-251-4710 Cell: _____ Fax: 770-251-4549
Email Address: coleen@amconindustrial.com

OWNER INFORMATION (If different from Applicant)

Owner Name: John Aaron Phillips
Address: _____
Phone: _____ Cell: _____ Fax: _____
Email Address: aaron@amconindustrial.com

PROPERTY INFORMATION

Address: 1375 Oakley Industrial Boulevard, Fairburn, GA 30213
Parcel ID#: 09F010000114193 Land Lot: 28 District: 9 Acreage: 8.84 acres
Request: To place a monument sign within the sign setback, adjacent to the public right-of-way
Sign will move 15' forward from code required location and will be directly on property line at the right
of way border.

CHECK ONE OF THE FOLLOWING REQUESTED VARIANCE TYPES IN SECTION II.

SECTION II VARIANCES REQUIRING PUBLIC HEARING BY THE PLANNING AND ZONING COMMISSION OR CITY COUNCIL

- ☒ 1) **PRIMARY VARIANCE:** Seeks relief from any provision in the Zoning Ordinance that is not being handled as a minor variance or administrative minor variance.
- ☐ 2) **SECONDARY VARIANCE:** Seeks relief from variance decisions and interpretations made by the zoning administrator or relief from minor variance or administrative minor variance requests.
- ☐ 2) **CONCURRENT VARIANCE:** Seeks relief from any provision in the Zoning Ordinance when filed simultaneously with a rezoning, use permit, or zoning modification request on the same property.

MINOR & ADMINISTRATIVE MINOR VARIANCES
[NO PUBLIC HEARING REQUIRED]

- ☐ 1) **MINOR VARIANCE:** Seeks relief from the minimum yard requirements, not to exceed 10% of required setback (example: 35-foot front yard = 3.5-foot variance)
- ☐ 2) **ADMINISTRATIVE MINOR VARIANCE:** Relief requiring 1 foot or less from required building setback

VARIANCE CONSIDERATIONS:

- 1) Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of this chapter; or

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

No visibility of the sign from the street due to topography.

- 3) Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.



The site plan shows the AMCON Office (9,555 SQ FT, FFE = 987.00) and Shop (15,260 SQ FT, FFE = 987.00). It includes a 25' buffer along Oakley Distribution Blvd and a 10' perimeter landscape area. The plan also shows a 35' building setback and a 20' building side setback. The site is bounded by C2 and C3. The plan includes various landscape features and a proposed dumpster location. The plan is scaled at 1" = 1/64".

Scale: 1" = 1/64"

Requested Sign Location:
0' from the public right-of-way

Original Sign Location:
15' from the public right-of-way

Scale: NTS

2



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

SUBJECT: USE PERMIT 19U-002 with Concurrent Variances 19CV-004 & 19CV-005 – Iron Horse Interests, LLC

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

Planning and Zoning Commission: 05.07.19

Mayor and City Council: 06.10.19

DEPARTMENT: Community Development/Planning and Zoning Office

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 use permit petition to allow a multi-story self-storage facility.

DESCRIPTION: The applicant is proposing to develop a multi-story self-storage facility with associated vehicle parking. The subject property is located on the west side of Senoia Road. Site access is proposed through a private drive connected to Senoia Road.

STAFF RECOMMENDATION: APPROVAL CONDITIONAL

APPLICATION INFORMATION

Use Permit Petition 19U-002

APPLICANT/PETITIONER INFORMATION

Property Owners

Equity Retail, LLC

Gutherie Ravin Development, LLC

Petitioner

Iron Horse Interests, LLC

c/o Battle Law PC

PROPERTY INFORMATION

Address:

7935 Senoia Road [parcel # 09F070300270368]

Land Lot 27, District 9F

Land Lot and District:**Frontage:**

Senoia Road

Area of Property:

+/- 2.648 acres

Existing Zoning and Uses:

C-2 (General Commercial District), Undeveloped

Overlay District:

GA Highway 74 Overlay District

2035 Comprehensive Future

Highway Mixed Use

Land Use Map Designation:

MEETING AND HEARING DATES

Planning and Zoning Commission Meeting

May 7, 2019

Mayor and City Council Public Hearing

June 10, 2019

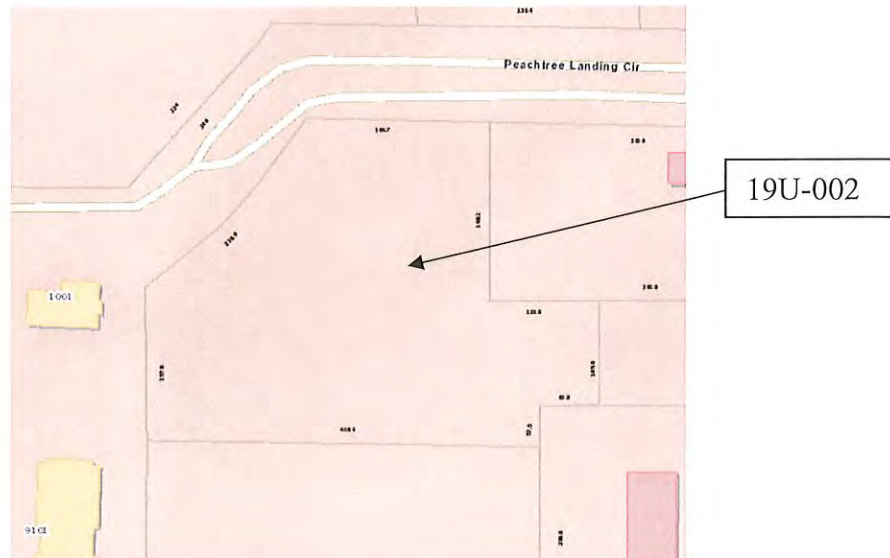
INTENT

A request for a use permit to allow a multi-story self-storage facility.

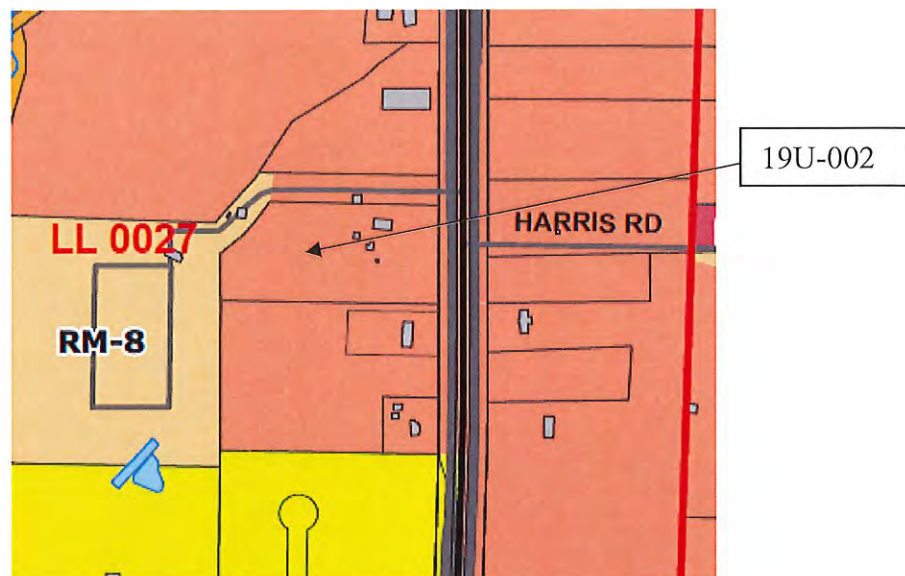
EXISTING ZONING AND LAND USE OF ABUTTING PROPERTIES

North: C-2 (General Commercial District)**East:** C-2 (General Commercial District)**South:** PD (Planned Development District)**West:** RM-8 (Multi-Family Residential District)

PARCEL MAP



ZONING MAP



PUBLIC PARTICIPATION

The applicant held a public participation meeting on Wednesday, March 6, 2019 at the Fairfield Inn and Suites, 775 Ella Lane, Fairburn, GA. There were no other property owners present.

STAFF COMMENTS

Fire

- Buildings constructed that are over 3,500 square feet shall have an NFPA 13 Sprinkler System.

Water and Sewer

- Reviewed; no comments.

Engineering/Public Works

- Sidewalks are required on all street frontages regardless of the zoning district in which the street is located. 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)]
- The minimum distance between driveways is required to be 125' based on a speed limit of 25 mph. Spacing between driveways are measured from radius-return to radius-return.
- How will motorists exit the proposed development?
- What will prevent motorists from exiting from the proposed one-way entrance?
- The minimum driveway width for a commercial property is 24'.
- A commercial driveway is required at the proposed entrance. Commercial drives need to extend a minimum of 12 feet from the edge of pavement or to the right-of-way.
- 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.

USE PERMIT CRITERIA

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

1. Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the City Council;

Staff is of the opinion that the proposed use is consistent with several goals of the Future Development Map and the Comprehensive Plan. The property is located in the Highway Mixed Use character area. The Highway Mixed Use character area encourages businesses that:

- Serve the entire city and surrounding counties
- Consider the impact of their traffic generation and aesthetics on other businesses, and
- Provide services to workers and residents within a reasonable distance of where they live and work

The Highway Mixed Use Character Area also recommends the following development strategies related to commercial development:

- Vibrant commercial corridors that provide a comprehensive array of goods and services to Fairburn residents as well as Coweta and Fayette County residents
- Smaller scale, walkable retail centers with a variety of stores and shops
- Developments that are accessible and safe for pedestrians and cyclists as well as automobiles

The proposed use primarily functions as a rental service instead of a retail shop or center. Therefore, the use may not meet retail-oriented objectives listed under the Highway Mixed Use Character Area.

2. Compatibility with land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed;

The area consists of C-2 (General Commercial District) to the north; C-2 (General Commercial District) to the east; PD (Planned Development District) to the south and RM-8 (Multi-family Residential District) to

the west. Surrounding land uses include the Peachtree Landing Apartments, the QuikTrip gas station, and the Wash Me Fast car wash. The zoning districts and land uses listed above are all included in the Highway Mixed Use character area.

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

The proposed use does not violate any known statutes, ordinances or regulations governing land development.

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

The proposed use is not expected to generate many hourly trips. There should be limited to no impact on traffic flow along adjacent streets.

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

There are 19.3 parking spaces required on-site. The applicant has provided 19 parking spaces. These parking spaces are located primarily along the entrances to the site. Two parallel parking spaces are located at the northeast section of the site.

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

The zoning district (C-2 General Commercial) does not require land to be set aside for open space. However, the applicant will be required to abide by the city's landscape regulations.

7. *Protective screening;*

The site currently has an undisturbed buffer on its north and west boundaries adjacent to the parcel containing the Peachtree Landing apartments. The undisturbed buffer would provide a visual barrier between the existing residential use and the proposed three-story commercial use. Maintenance of (or addition to) this undisturbed buffer should improve the compatibility of these uses by mitigating the effects of lighting and noise on the residential use. The applicant will also be required to install a 6' opaque fence around the site.



Western boundary of the site



Northern boundary of the site

8. *Hours and manner of operation;*

The gated portion of the self-storage facility will be accessible from 6:00am – 10:00pm daily to tenants. There will be staff on-site during office hours. Office hours will be 9:30am – 6pm, Monday through Friday and 9am – 5:30pm on Saturday.

9. *Outdoor lighting; and*

Outdoor lighting will be downward facing and will be required to meet the minimum requirements of the Zoning Ordinance.

10. Ingress and egress to the property

The site is connected to an extension of Harris Road to the west of Senoia Road. The proposed use will use two driveways to access the site. Both driveways are one-way only. The driveways will exit onto an existing private access road. The private access road runs behind the QuikTrip gas station and down to the Cracker Barrel restaurant. The applicant will be required to maintain a 125' distance between their driveway and the private access road. The 125' distance is a safety requirement mandated by the Georgia Department of Transportation.

VARIANCE CONSIDERATIONS

Concurrent Variance - 19CV-004 - A request to reduce the buffer adjacent to residentially-zoned property from 100ft to 50ft.

The applicant is requesting relief from Section 80-90(e)(1)(a) of the Highway 74 Overlay District site development standards – “A 100-foot buffer shall be provided on retail and commercial services developments which adjoin property developed as, or planned as, residential use.” Staff recommends **APPROVAL** of this variance request.

Standards for Variance Consideration

Section 80-287 of the City's Zoning Ordinance includes one or more criteria, which must be met before a variance, can be approved:

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

The Highway 74 Overlay District lists as the intent of its site development standards, “[to] preserve the investments of all land owners and developers, as well as encourage both commercial and residential development within the city.” The current 100-foot buffer between retail/commercial services and residential uses in the Highway 74 Overlay District appears to be an onerous requirement which threatens to hinder development in the overlay district if enforced as written.

As a general example, the minimum lot size in the C-2 General Commercial District is ½ acre. If this same 100-foot buffer were applied to any ½ acre lot in the Highway 74 Overlay, the regulation would render the lot unbuildable. Within the past year at least one variance has already been granted to relieve a property owner from this regulation. The city is currently in the process of amending the zoning ordinance with a recommendation to reduce this commercial-to-residential buffer. In lieu of this text amendment, a variance will allow the property owner to develop the site under the existing GA Highway 74 Overlay regulations.

Furthermore, in order to mitigate the negative effects of lighting and noise on the residential property, the developer will be required to maintain the current undisturbed buffer, enhance the buffer with landscaping as required by staff, and provide a 6' opaque fence around the site.

Therefore, based on these considerations, staff is of the opinion **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.

VARIANCE CONSIDERATIONS

Concurrent Variance 19CV-005 – A request to reduce the front yard setback from 50ft to 35ft.

The applicant is requesting relief from Section 80-90(e)(2)(a) of the Highway 74 Overlay District site development standards – "The following schedule shall control building setbacks for all commercial construction: Front yard setback: 50 feet." Staff recommends **DENIAL** of this variance request.

Standards for Variance Consideration

Section 80-287 of the City's Zoning Ordinance includes one or more criteria, which must be met before a variance, can be approved:

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."

Not applicable.

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

The applicant is requesting relief from the 50' front yard setback required for all properties in the GA Highway 74 Overlay District. In their letter of intent, the applicant cites that the 50' front yard setback imposes a hardship based upon the size and shape of the lot.

The subject lot is 2.648 acres and has nine (9) sides. The lot frontage is composed of three segments or "sides," which each abut and are parallel to the private access road (see Site Plan). The front yard setback impacts the proposed site layout along one lot frontage segment, where a storage building is proposed. However, the front yard setback does not create an unnecessary hardship for the developer based on the size or shape of the lot.

Therefore, based on these considerations, staff is of the opinion **this condition has not been satisfied.**

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.

STAFF RECOMMENDATION

Staff is recommending **APPROVAL CONDITIONAL** of the use permit petition.

Should the Mayor and City Council decide to grant the use permit, 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 abide by the following:

1. The property shall be developed in substantial conformity with the Site Plan prepared by Falcon Design, stamped received April 29, 2019 and attached as Exhibit B. Any determination as to "substantial conformity" and deviation from the site plan shall be approved by the Community Development Department staff. The site plan must meet or exceed the requirements of the City's regulations prior to the approval of a Land Disturbance Permit.

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

1. All front façades shall consist of all brick construction. Stucco (EIFS) shall be prohibited.
2. Sidewalks on all street frontages shall be a minimum of five-feet and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards and City of Fairburn development standard.
3. All utilities shall be installed underground throughout the project area.
4. A commercial driveway shall be required at the proposed entrance. Commercial drives need to extend a minimum of 12 feet from the edge of pavement or to the right-of-way.
5. All pavement markings installed on asphalt within the public right-of-way shall be thermoplastic material; 1.5-inch black contact tape shall be installed for crosswalks on concrete.
6. The minimum distance between driveways shall be 125' based on a speed limit of 25 mph. Spacing between driveways shall be measured from radius-return to radius-return.
7. A 50-foot undisturbed vegetated buffer shall be installed adjacent to residentially zoned property. A combination of existing trees and newly planted trees (where insufficient vegetation exists) shall be installed to establish the buffer. New trees shall be 8'-10' in height at the time of installation. Newly planted trees shall consist of one or a combination of the following trees: Leyland Cypress, Easter Red Cedar, Southern Magnolia, Virginia Pine, Arborvitae, Savannah Holly, Nellie R. Stevens Holly.

ATTACHMENTS

Conceptual Site Plan, received April 29, 2019

Site Renderings, received May 1, 2019

Use Permit Considerations, received April 30, 2019

Letters of Intent, received February 11, 2019 and March 19, 2019

LETTER OF INTENT AND
CONSTITUTIONAL ALLEGATIONS

and

Other Material Required by
City of Fairburn Zoning Ordinance
For
A Use Permit Pursuant to
City of Fairburn Zoning Ordinance

of

Iron Horse Interests, LLC
c/o Battle Law, P.C.

for

7935 Senoia Road, Fairburn, Fulton County, GA
Being Tax Parcel No. 09F070300270368

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
One West Court Square, Suite 750
Decatur, Georgia 30030
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com

I. LETTER OF INTENT

The Applicant, Iron Horse Interest, LLC, is seeking a Use Permit to allow for the development of the property located at 7935 Senoia Road, Fairburn, GA (the "Subject Property") for a multi-story self-storage facility. The Subject Property is 2.648 acres, is zoned C-2, and has a land use designation of Highway Mixed Use.

This document is submitted both as a Letter of Intent with regard to this Application, and a preservation of the Applicant's constitutional rights. A surveyed plat of the Subject Property controlled by the Applicant has been filed contemporaneously with the Application, along with other required materials.

II. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

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

The application of the City of Fairburn Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its

land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the City of Fairburn Board of Commissioners to approve the Use Permit requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to approve the Use Permit in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

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

III. CONCLUSION

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

This 4th day of February, 2019.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'ML Battle', is written over a horizontal line.

Michèle L. Battle Esq.

Attorney for Applicant

**VARIANCE LETTER OF INTENT
AND
JUSTIFICATION**

APPLICANT: Iron Horse Interests, LLC

**SUBJECT
PROPERTY:** 7935 Senoia Road, Fairburn, GA

ATTORNEY: Michèle L. Battle, Esq.
Battle Law, P.C.
One West Court Square, Suite 750
Decatur, Georgia 30030
Phone: 404.601.7616

LETTER OF INTENT

The Subject Property is a 2.65 acre tract of land that is zoned C-2 and located within the Highway 74 Overlay District. The Applicant is seeking to acquire the Subject Property for the development of a climate controlled 80,000 Usable SF self-storage facility and approximately 6,000 SF of one-story outside storage. The Subject Property is located off Senoia Road within a commercial development project which includes a QuikTrip, Wash Me Fast Car Wash, and a Cracker Barrell Restaurant. The Subject Property has no frontage along Senoia Road, but the Subject Property has access off the private driveway which loops around the rear of the QuikTrip and is located to the rear of the Peachtree Landing Apartment Community, which is accessed through Senoia Road. In connection with the development of the proposed self-storage facility, the Applicant is seeking the following concurrent variances with the submission of the required Use Permit Application for the proposed development:

1. Reduction of the front yard setback from 50ft to 35ft for part of the frontage in the northeast corner of the tract as shown on the submitted site plan;
2. Reduction of the buffer adjacent to residentially zoned property from 100ft to 50ft.

JUSTIFICATION

It is the Applicant's contention that: (a) relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the zoning resolution, and (b) due to extraordinary and exceptional conditions pertaining to the Subject Property because of its size and shape of the property along with the existing in place sewer line and easement, the application of the Highway 74 Overlay District

Setback requirements to the Subject Property as set forth in the City of Fairburn Zoning Ordinance, would create an unnecessary hardship for the Applicant while causing no detriment to the public. To support these contentions, the Applicant points to the following:

1. The Subject Property is an irregularly shaped parcel of land, that has nine (9) sides with no frontage on a public right of way. When combining the 100 ft buffer and with the 50 ft setback, the buildable envelop on the Subject Property is severely impacted in a manner that is inconsistent with the balance of the lots within the commercial development, which are not negatively impacted by these requirements. Due to the Subject Property lacking frontage on a clearly defined public right of way, what would otherwise be considered a side yard of the Subject Property is being construed as a front yard, despite the fact this "front yard" sits behind the rear yard of the car wash. Additionally, the 100ft buffer prohibits any development within the buffer, which means that both the building and drive way would have to be pushed further east on the site in a manner which would significantly reduce the size of the proposed improvements.

2. The requested relief will have no negative impact on the adjacent uses, including the Peachtree Landing apartment complex. The 50ft buffer is what is required outside of the Highway 74 Overlay District. The proposed used of the Subject Property as a self-storage facility will result in significantly less disruption to the quiet enjoyment of the residents at Peachtree Landing than other possible commercial use of the Subject Property. As the building has no window or doors on the rear of the building, the buildings themselves stand as a barrier to the residential uses, when combined with the landscaping that will be completed along with the proposed improvements in order to enhance the buffer.

Regarding the front yard setback reduction, it is only needed for the portion of the Subject Property that runs behind the rear yard of the car wash property. Consequently, this reduction will have no negative impact on the adjacent property, as they share a common driveway and curb cuts that allow for inter-parcel connectivity. Therefore, it is the Applicant's opinion that the proposed variances being requested are in harmony with the general intent of the Fairburn Zoning Ordinance.

Based upon the foregoing, the Applicant is hereby requesting approval of this Application.

CONSTITUTIONAL ALLEGATIONS

The portions of the Zoning Resolution of City of Fairburn as applied to the Subject Property which classify or may classify the Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph 1 and 2 of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State

of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

In addition, the development of the Subject Property subject to the present standards set forth in the Zoning Ordinance is unconstitutional in that it renders this property unusable and destroys its marketability. Therefore, the Zoning Ordinance constitutes a taking of applicant's property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitutional and in violation of Article I, Section I, Paragraph 1 and Article I, Section III, Paragraph 1(a) of the Constitution of Georgia.

A denial of this Application would constitute an arbitrary and capricious act by the City of Fairburn without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the City of Fairburn Board of Zoning Appeals to grant the variances as proposed by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any variances or special exceptions granted with respect to the subject Property that are subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the subject Property would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.



USE PERMIT CONSIDERATIONS

Applicant: Iron Horse Interests, LLC

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 land use designation for the Subject Property is Highway Mixed Use, and the proposed use of the Subject Property is consistent with the policies and intent of the land use designation.
2. Compatibility with land uses and zoning districts in the vicinity of the property for which the use permit is proposed? The Subject Property is surrounded by property zoned C-2 and RM-8. The existing uses include a car wash, gas station, restaurant and apartment complex. The proposed use as a self-storage facility is compatible with these surrounding uses.
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, ordinances or regulations governing land development.
4. The effects of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets? The proposed use as a self-storage facility will have minimal impact on traffic flow, and vehicular and pedestrian use along adjoining streets. The Subject Property abuts a private street which then connects with Senoia Road which is a arterial right of way with ample capacity for the project.
5. The location and number of off-street parking spaces? There is a total of 18 off street parking space located on the Subject Property near the entrance points to the Subject Property.
6. The amount and location of open spaces? 28% of the Subject Property is open space. The Applicant is proposing a 50ft landscape buffer adjacent to the multi-family property East of the Subject Property.
7. Protective screening? Fencing will be installed along the interior of the 50ft transitional buffer as shown on the submitted site plan.
8. Hours and manner of operation? Gate hours will be 6:00am until 10:00pm with store hours being from 9:30am until 6:00pm Monday thru Friday, 9:00am until 5:30pm on Saturdays, and closed on Sundays.

9. Outdoor lightning? Outdoor lighting will be provided and will be downward facing in order to avoid glare on the adjacent properties.

10. Ingress and egress to the property? There will be one full service entrance off of the private driveway, and one exit only driveway as shown on the site plan.

Attach additional sheets as needed.



LAND USE SUMMARY
TOTAL SITE AREA : 2.65 ACRES

EXISTING ZONING CLASSIFICATION:
GENERAL COMMERCIAL DISTRICT (C-2)

HIGHWAY 74 OVERLAY DISTRICT

SETBACKS:
FRONT 50'
(REQUESTED VARIANCE TO REDUCE TO 35')
SIDE 20'
REAR 30'

BUFFER REQUIREMENTS:
100' ADJACENT TO RESIDENTIAL
(REQUESTED VARIANCE TO REDUCE TO 50')

PARKING REQUIREMENTS:
1 SPACE PER EVERY 5,000 s.f. OF BUILDING + 1 SPACE PER EMPLOYEE
STORAGE AREA: 86,400 s.f.
TOTAL EMPLOYEES: 2
86,400 s.f. / 5,000 = 17
17 + 2 = 19 SPACES REQUIRED
20 SPACES PROVIDED = 19 SPACES REQUIRED

SITE COVERAGE:
TOTAL SITE AREA: 2.65 ACRES
TOTAL IMPERVIOUS AREA: 1.92 ACRE
TOTAL SITE COVERAGE: 72% (75% max. ALLOWED)

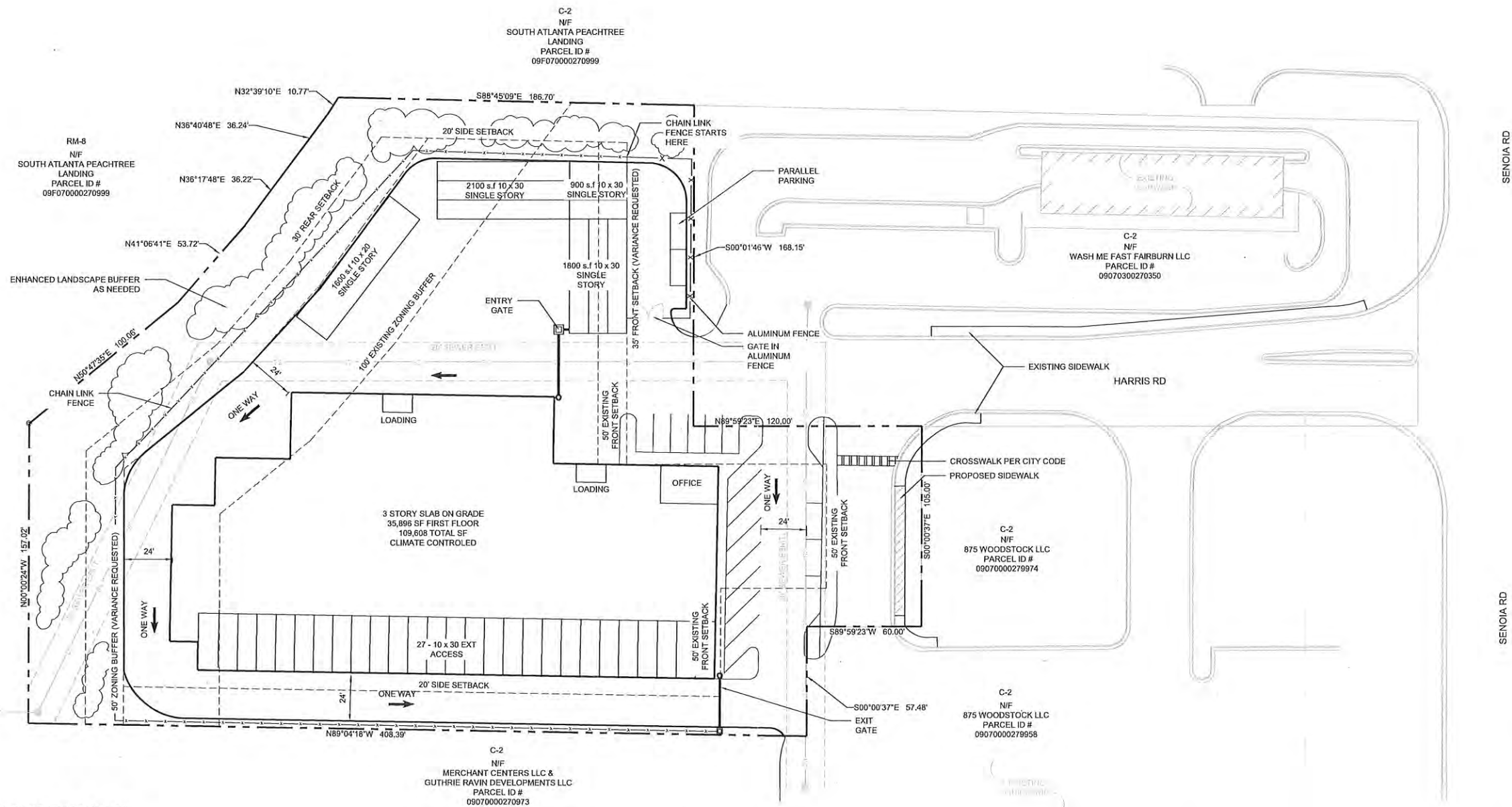
RECEIVED

APR 29 2019

Initial: KM



REZONING PLAN
FOR
IRON HORSE INTEREST, LLC
& ALLIANT NATION TITLE INSURANCE COMPANY
LOCATED IN
LAND LOT 27, DISTRICT 9F
FULTON COUNTY, GEORGIA



REZONING PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE BASED ON FINAL ENGINEERING.

REZONING PLAN PROVIDED FOR IRON HORSE INTEREST, LLC.
7925 AND 7935 SENOIA ROAD, CITY OF FAIRBURN, GA.
PHONE NUMBER: 404-358 6326
EMAIL ADDRESS: PCHASE@IHPROP.COM

BOUNDARY SURVEY AND TOPOGRAPHIC INFORMATION
PERFORMED BY FALCON DESIGN CONSULTANTS, LLC DATED
2-04-19.

FLOOD NOTE

AS SHOWN ON FLOOD INSURANCE RATE MAP OF FULTON COUNTY, GEORGIA
COMMUNITY PANEL NUMBER: 13121C0462F EFFECTIVE DATE SEPTEMBER 18, 2013,
THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD ZONE.

REVISIONS	DATE	DESCRIPTION
1.	03-12-19	ANGLED PARKING / ADJUSTED SETBACKS
2.	04-26-19	ENTRY GATE REVISIONS
3.		
4.		

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNAUTHORIZED REPRODUCTION OR MODIFICATION BY THE SURVEYOR NAMING SAID PERSON.

DATE:	04-29-19
SCALE:	1" = 30'
FILE NUMBER:	205.001
DRAWN BY:	AM
REVIEWED BY:	DAH

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

SHEET NUMBER

1.0

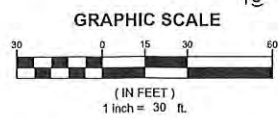
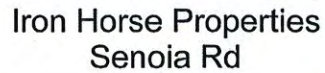


EXHIBIT B



Shamrock Building Systems, Inc.
5825 Gore Pl
Austell, GA 30106
PH: 770-745-4822
ahannon@shamrockbuildingsystems.com



Preliminary Overall View

Project number	2019-1
Date	03/ 06/ 2019
Drawn by	Juan Pozo
Checked by	Andy Hannon

A2

Scale



Shamrock Building Systems, Inc.
5825 Gore Pl
Austell, GA 30106
PH: 770-745-4822
ahannon@shamrockbuildingsystems.com



Iron Horse Properties
Senoia Rd

Preliminary Multi-Story Storage Building

Project number 2019-1

Date 03/ 06/ 2019

Drawn by **Juan Pozo**
Checked by **Andy Hannon**

A1

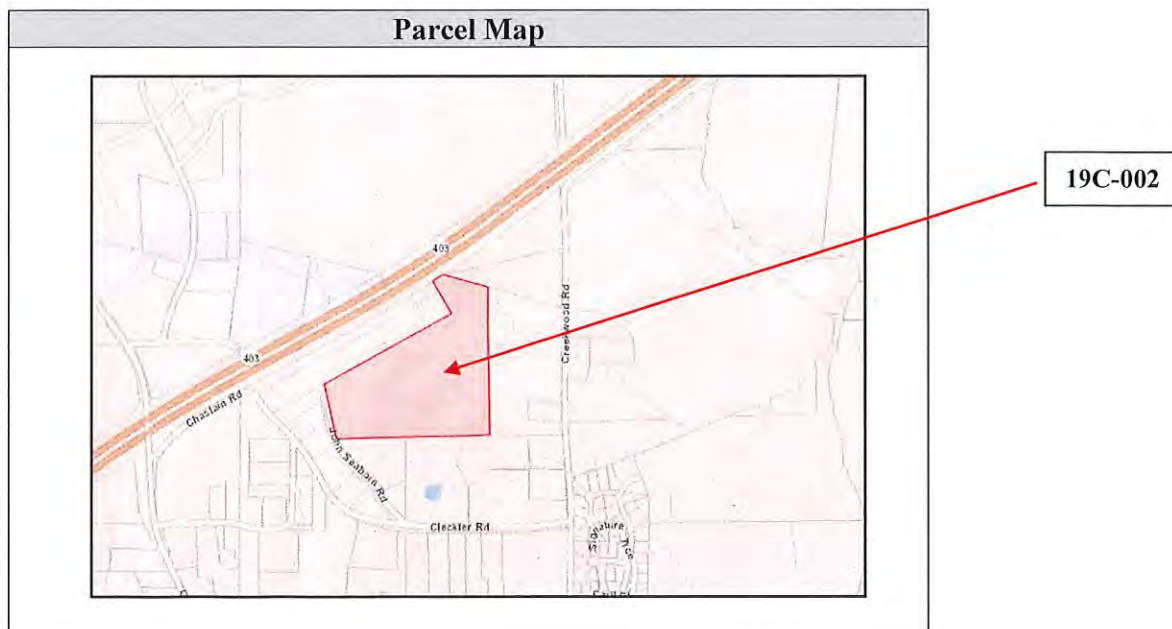
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**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
AGENDA ITEM**

Date: May 7, 2019
To: Planning and Zoning Commission
From: Tarika Peeks, Director of Planning and Zoning
Agenda Item: **19C-003 - Project Miles** a request to review the conceptual site plan for an industrial development consisting of three warehouse buildings totaling 1,045,967 square feet on Creekwood Road.

BACKGROUND: The subject properties are located by I-85 on the north, Creekwood Road (which begins at the southern end of Oakley Industrial Blvd) on the east, Cleckler Road on the south and John Seaborn Road on the west. The property was rezoned from AG-1 (Agricultural District) to M-1 (Light Industrial District) on November 27, 2017. The proposed project was submitted to the Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA) for DRI (Development of Regional Impact) conceptual plan review on January 23, 2017. GRTA approved the conceptual plan without conditions on March 29, 2017.

DISCUSSION: The project consists of three warehouse buildings totaling 1,045,967 square feet of warehouse/distribution space on approximately 99 acres. Site access is proposed along the northern side of the subject property, parallel to I-85 and Creekwood Road. The applicant will be required to meet all parking, buffer/open space and stormwater management requirements and zoning conditions that were approved with the rezoning petition in November 2017. The applicant has designed the site with a private driveway to accommodate trucks and employees entering/exiting the site. The site design alleviates heavy truck movement and stacking along Oakley Industrial Boulevard and Creekwood Road.



STAFF RECOMMENDATION: APPROVAL CONDITIONAL of the conceptual site plan to construct a 1,0457,967 square foot industrial development. The staff has reviewed the proposed conceptual site plan and the plan has met the requirements for a conceptual review.

The approval of the site plan is conceptual only. The applicant will be required to submit a Land Disturbance Permit prior to the start of any construction. Additionally, any significant changes as determined by staff to the approved conceptual plan would warrant a further review by the Planning and Zoning Commission.

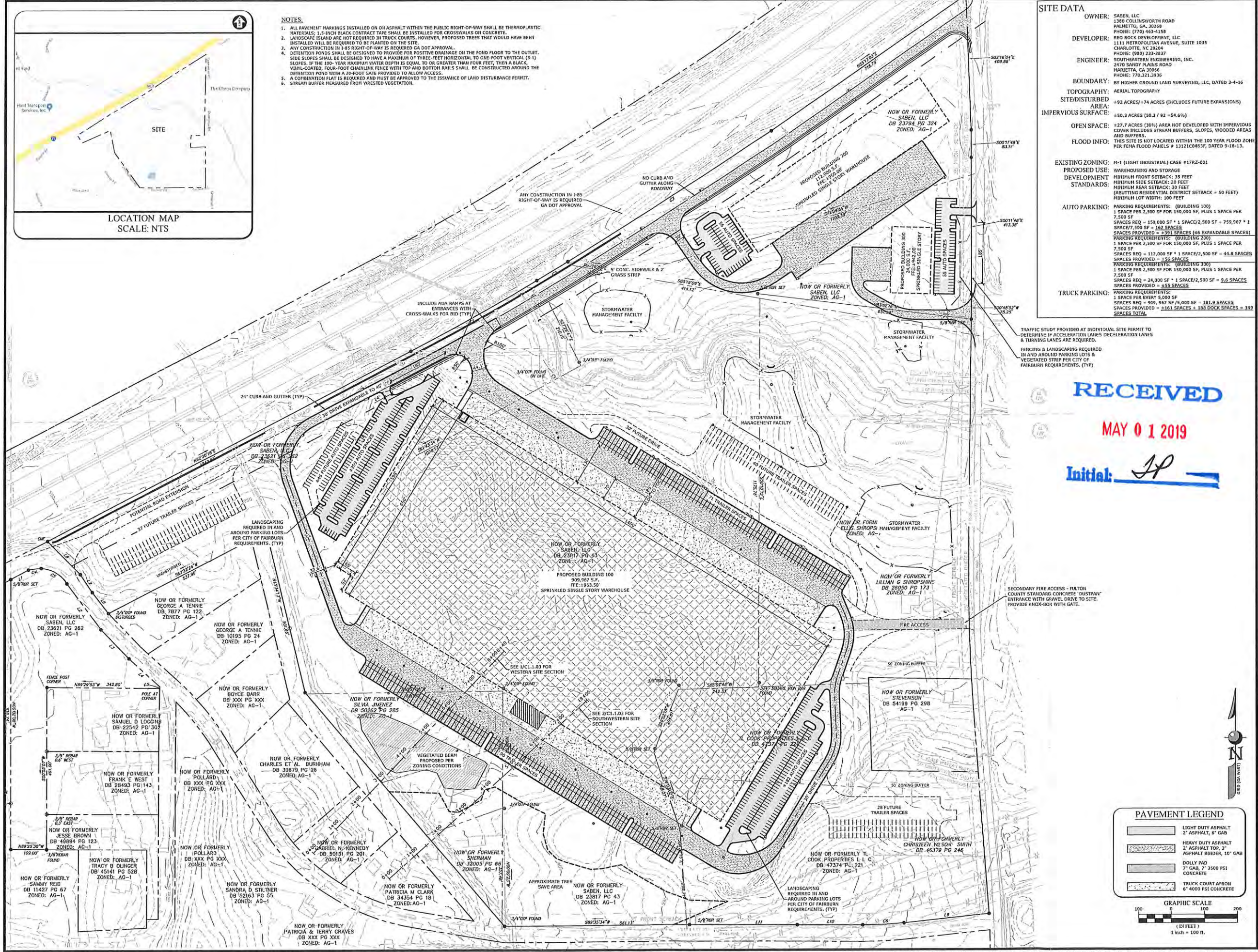
Conditions:

Should the Planning and Zoning Commission decide to approve the conceptual site plan, staff recommends the approval be subject to the following condition. The applicant's agreement to the condition would not change staff recommendations. The condition shall prevail unless otherwise stipulated by the Planning and Zoning Commission.

1. To the Site Plan submitted to the Department of Community Development dated received May 1, 2019. Said 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. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy. Any major deviation from this site plan is subject to approval by the City Engineer or designee.

Attachments:

- Conceptual Site Plan
- Building Elevations



- NOTES:**
1. ALL PAVEMENT MARKINGS INSTALLED ON OR ASPHALT WITHIN THE PUBLIC RIGHT-OF-WAY SHALL BE THERMOPLASTIC MATERIALS; 1.5-INCH BLACK CONTRACT TAPE SHALL BE INSTALLED FOR CROSSWALKS ON CONCRETE.
 2. LANDSCAPE ISLAND ARE NOT REQUIRED IN TRUCK COURTS, HOWEVER, PROPOSED TREES THAT WOULD HAVE BEEN INSTALLED WILL BE REQUIRED TO BE PLANTED ON THE SITE.
 3. ANY CONSTRUCTION IN 1-85 RIGHT-OF-WAY IS REQUIRED GA DOT APPROVAL.
 4. DETENTION PONDS SHALL BE DESIGNED TO PROVIDE FOR POSITIVE DRAINAGE ON THE POND FLOOR TO THE OUTLET. SIDE SLOPES SHALL BE DESIGNED TO HAVE A MAXIMUM OF THREE-FOOT HORIZONTAL TO ONE-FOOT VERTICAL (3:1) SLOPES. IF THE 100-YEAR MAXIMUM WATER DEPTH IS EQUAL TO OR GREATER THAN FOUR FEET, THEN A BLACK VINYL-COATED, FOUR-FOOT CHANNEL FENCE WITH TOP AND BOTTOM RAILS SHALL BE CONSTRUCTED AROUND THE DETENTION POND WITH A 20-FOOT GATE PROVIDED TO ALLOW ACCESS.
 5. A COMBINATION FLAT IS REQUIRED AND MUST BE APPROVED TO THE ISSUANCE OF LAND DISTURBANCE PERMIT.
 6. STREAM BUFFER MEASURED FROM WETTEST VEGETATION.

SITE DATA

OWNER: SABEN, LLC
1380 COLLINSWORTH ROAD
PALMETTO, GA 30428
PHONE: (770) 463-4158

DEVELOPER: RED ROCK DEVELOPMENT, LLC
1111 METROPOLITAN AVENUE, SUITE 1035
CHARLOTTE, NC 28204
PHONE: (980) 233-3837

ENGINEER: SOUTHEASTERN ENGINEERING, INC.
2470 SANDY PLAINS ROAD
HARRISBURG, GA 30066
PHONE: 770.331.3936

BOUNDARY: BY HIGHER GROUND LAND SURVEYING, LLC, DATED 3-4-16

TOPOGRAPHY: AERIAL TOPOGRAPHY

SITE/DISTURBED AREA: +92 ACRES/±74 ACRES (INCLUDES FUTURE EXPANSIONS)

IMPERVIOUS SURFACE: +50.3 ACRES (50.3 / 92 = 54.6%)

OPEN SPACE: +27.7 ACRES (30%) AREA NOT DEVELOPED WITH IMPERVIOUS COVER INCLUDES STREAM BUFFERS, SLOPES, WOODED AREAS AND BUFFERS.

FLOOD INFO: THIS SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOOD ZONE PER FEMA FLOOD PANELS # 13121C0463F, DATED 9-18-13.

EXISTING ZONING: M-1 (LIGHT INDUSTRIAL) CASE #17RZ-001

PROPOSED USE: WAREHOUSING AND STORAGE

DEVELOPMENT STANDARDS: MINIMUM FRONT SETBACK: 35 FEET
MINIMUM SIDE SETBACK: 20 FEET
MINIMUM REAR SETBACK: 30 FEET (ABUTTING RESIDENTIAL DISTRICT SETBACK = 50 FEET)

AUTO PARKING: PARKING REQUIREMENTS: (BUILDING 100)
1 SPACE PER 2,500 SF FOR 150,000 SF, PLUS 1 SPACE PER 7,500 SF
SPACES REQ = 150,000 SF * 1 SPACE/2,500 SF = 75,000 SF * 1 SPACE/7,500 SF = 162 SPACES
SPACES PROVIDED = 391 SPACES (46 EXPANDABLE SPACES)
PARKING REQUIREMENTS: (BUILDING 200)
1 SPACE PER 2,500 SF FOR 150,000 SF, PLUS 1 SPACE PER 7,500 SF
SPACES REQ = 112,000 SF * 1 SPACE/2,500 SF = 44.8 SPACES
SPACES PROVIDED = 156 SPACES
PARKING REQUIREMENTS: (BUILDING 300)
1 SPACE PER 2,500 SF FOR 150,000 SF, PLUS 1 SPACE PER 7,500 SF
SPACES REQ = 24,000 SF * 1 SPACE/2,500 SF = 9.6 SPACES
SPACES PROVIDED = 455 SPACES

TRUCK PARKING: PARKING REQUIREMENTS:
1 SPACE PER EVERY 5,000 SF
SPACES REQ = 900,947 SF / 5,000 SF = 181.9 SPACES
SPACES PROVIDED = 161 SPACES + 188 DOCK SPACES = 349 SPACES TOTAL

RECEIVED

MAY 01 2019

Initial: *JP*

SEI
SOUTHEASTERN ENGINEERING, INC.
2470 SANDY PLAINS ROAD
HARRISBURG, GA 30066
PHONE: 770.331.3936
WWW.SEIENGINEERING.COM

RED ROCK DEVELOPMENT, LLC
1111 METROPOLITAN AVENUE, SUITE 1035
CHARLOTTE, NC 28204
CONTACT: 980-233-3837
JBARKER@REDDOCKDEVELOPMENT.COM
24 HOUR CONTACT INFORMATION
JOHN BARKER 980-233-3837

CONCEPT PLAN

PROJECT MILES: 1.17

PROJECT LOCATED AT: CREEKWOOD INDUSTRIAL DISTRICT
1111 METROPOLITAN AVENUE, SUITE 1035
CHARLOTTE, NC 28204
FULTON COUNTY

ISSUED FOR:
REVIEW

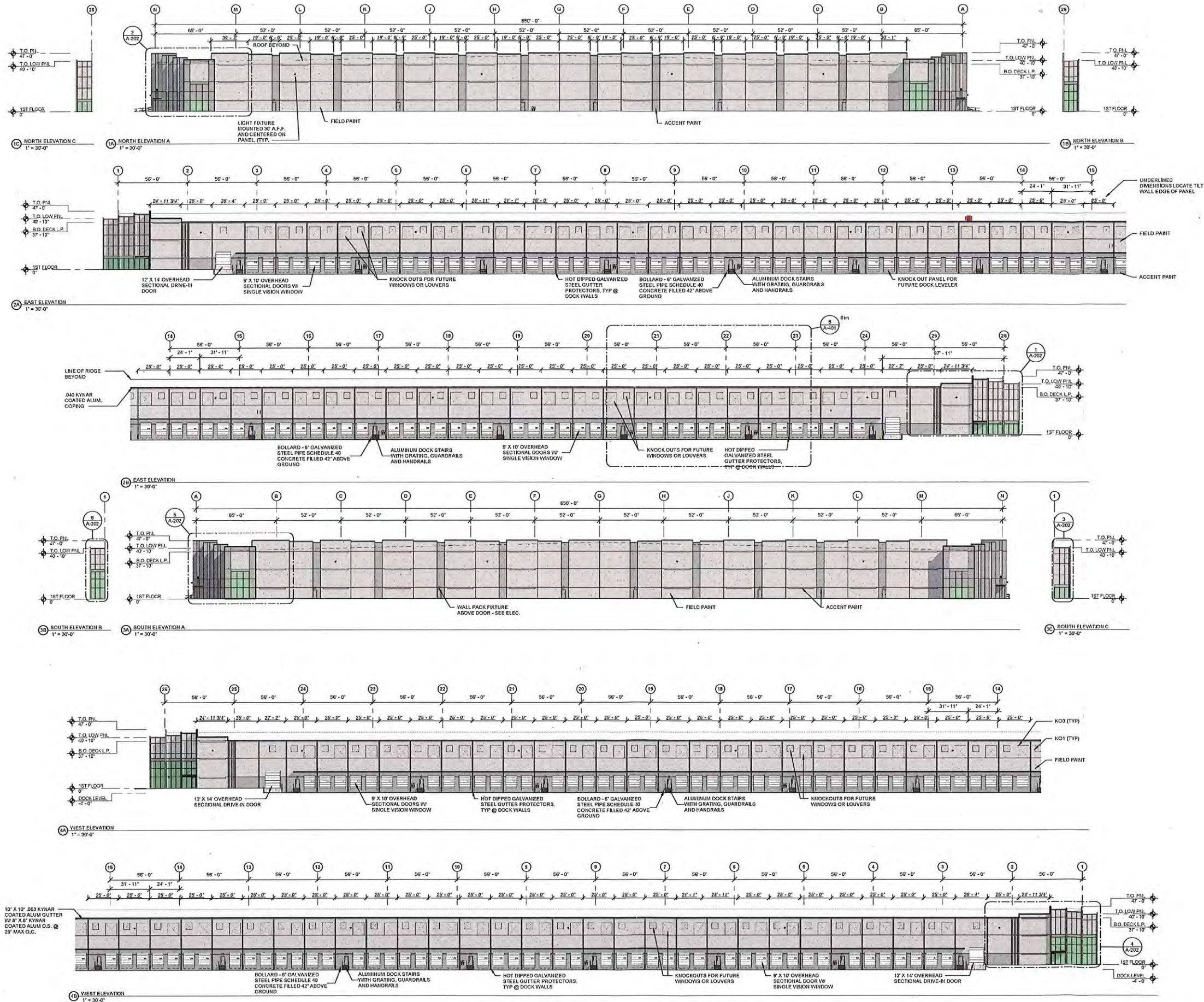
Project No.: 1091-19-039
Designed By: EHR
Issue Date: 5-1-19

C1.0.2

811
Know what's below.
Call before you dig.

FILE NAME: L:\CUSTOMERS\INDUSTRIAL\RED ROCK DEVELOPMENT\1091-19-039-CP\PLAN-001.DWG DATE: 5/1/2019 USER: JLB/COO

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. IT IS THE OWNER/DEVELOPER'S RESPONSIBILITY TO VERIFY EXISTING UTILITY CAPACITY PRIOR TO INITIATING DESIGN. THE ENGINEER MAKES NO GUARANTEES, NEITHER EXPRESSED OR IMPLIED, REGARDING EXISTING UTILITY LOCATION, CAPACITY OR CONDITION.

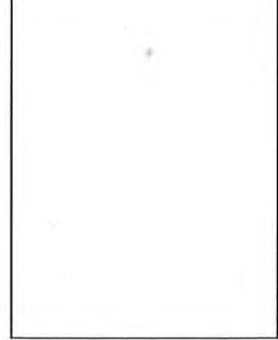


T 864.832.8204
F 864.370.9359
28 Agora Place
Greenville, SC
29615

ARCHITECTURE



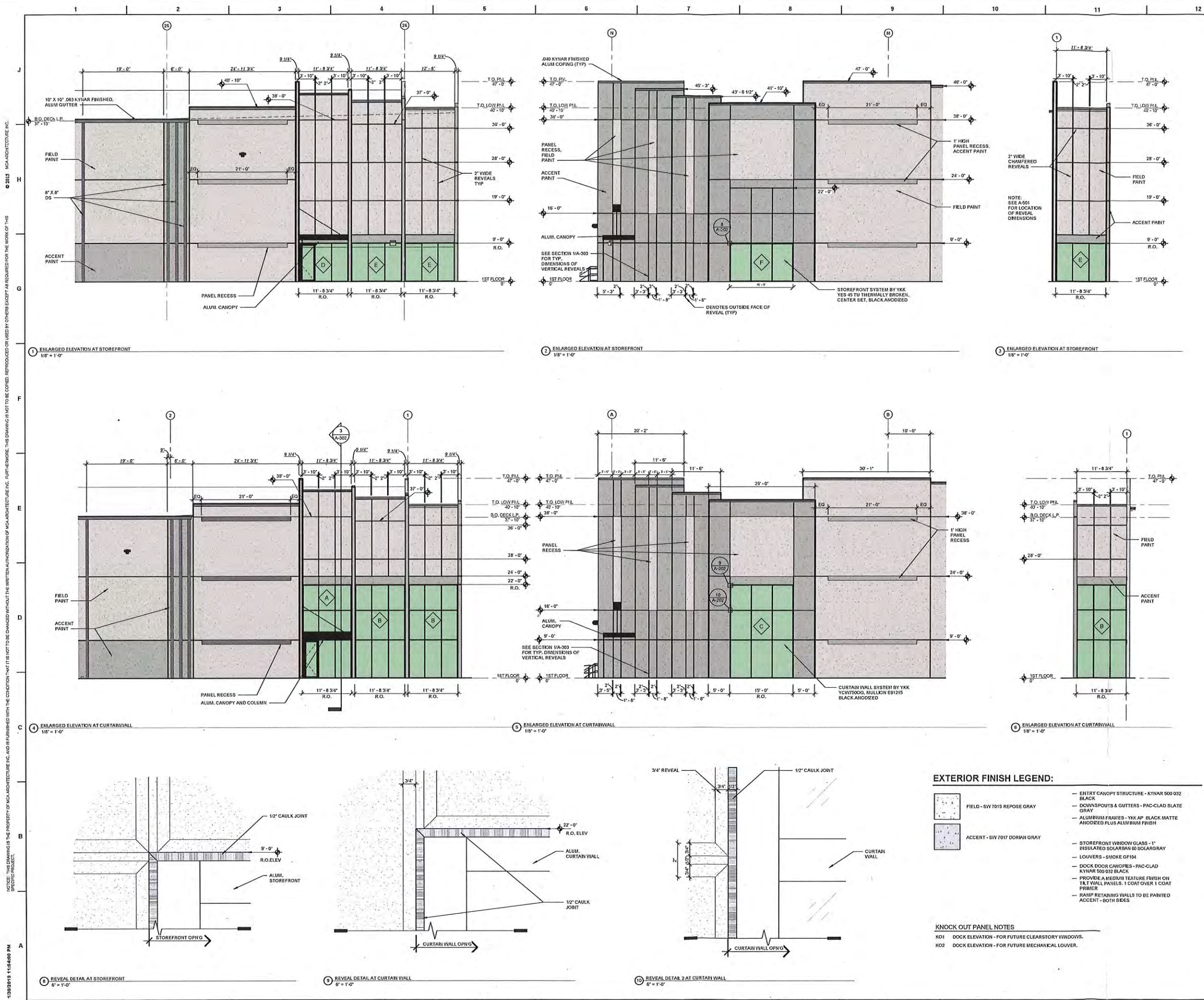
Revision Index		
NO.	DESCRIPTION	DATE
1	ISSUED FOR PERICING	29 JAN 19



PROJECT NO: A15025.E
DRAWN BY: ACC
CHECKED BY: KMC
SCALE: 1" = 30'-0"

ELEVATIONS

A-201



MC

ARCHITECTURE

T 864.232.8204

F 864.370.9359

28 Agora Place

Greenville, SC

29615

RED ROCK DEVELOPMENTS

SEALS

Project Miles

SHUGART FARMS

FAIRBURN, GEORGIA

Revision Index		
No.	DESCRIPTION	DATE
A	ISSUED FOR PRICING	29 JUN 19

PROJECT No: A15025.E

DRAWN BY: ACC

CHECKED BY: KMC

SCALE: As indicated

ENLARGED ELEVATIONS

A-202



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

SUBJECT: REZONING 19RZ-002 - South Fulton, LLC

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

Planning and Zoning Commission: 05.07.19

Mayor and City Council: 05.13.19

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 single-family residential subdivision.

DESCRIPTION: The applicant is requesting to rezone +/- 75 acres along Virlyn B. Smith Road from R-2 (Single-family Residential District) to R-3 (Single-family Residential District) to allow the development of 171 single-family houses.

STAFF RECOMMENDATION: APPROVAL CONDITIONAL

APPLICATION INFORMATION

Rezoning Petition 19RZ-002

APPLICANT/PETITIONER INFORMATION

Property Owner
Virlyn OSCP, LLC

Petitioner
South Fulton, LLC

PROPERTY INFORMATION

Address, Land Lot, and District:	0 Virlyn B. Smith [parcel no. 09F090300500325, 09F090400511180, 09F180300681066, 09F090300500333], Land Lot 50, 51, 68, 69 and District 9F
Frontage:	Virlyn B. Smith Road
Area of Property:	+/- 75 acres
Existing Zoning and Use:	R-2 (Single-Family Residential) and Undeveloped
Overlay District:	N/A
Prior Zoning Cases/History:	None
2035 Comprehensive Future Land Use Map Designation:	Low Density Residential
Compatibility with Fairburn's 2035 Comprehensive Plan:	The request to rezone property from R-2 (Single-Family Residential District) to R-3 (Single-Family Residential District) to allow 171 single-family houses is compatible with the 2035 Comprehensive Plan and Future Development Map.
Proposed Zoning:	R-3 (Single-Family Residential District)

MEETING AND HEARING DATES

Planning and Zoning Commission Meeting
May 7, 2019

Mayor and City Council Public Hearing
May 13, 2019

INTENT

To rezone the subject property from R-2 (Single-family Residential District) to R-3 (Single-family Residential) to allow the development of 171 single-family houses on +/- 75 acres.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTIES

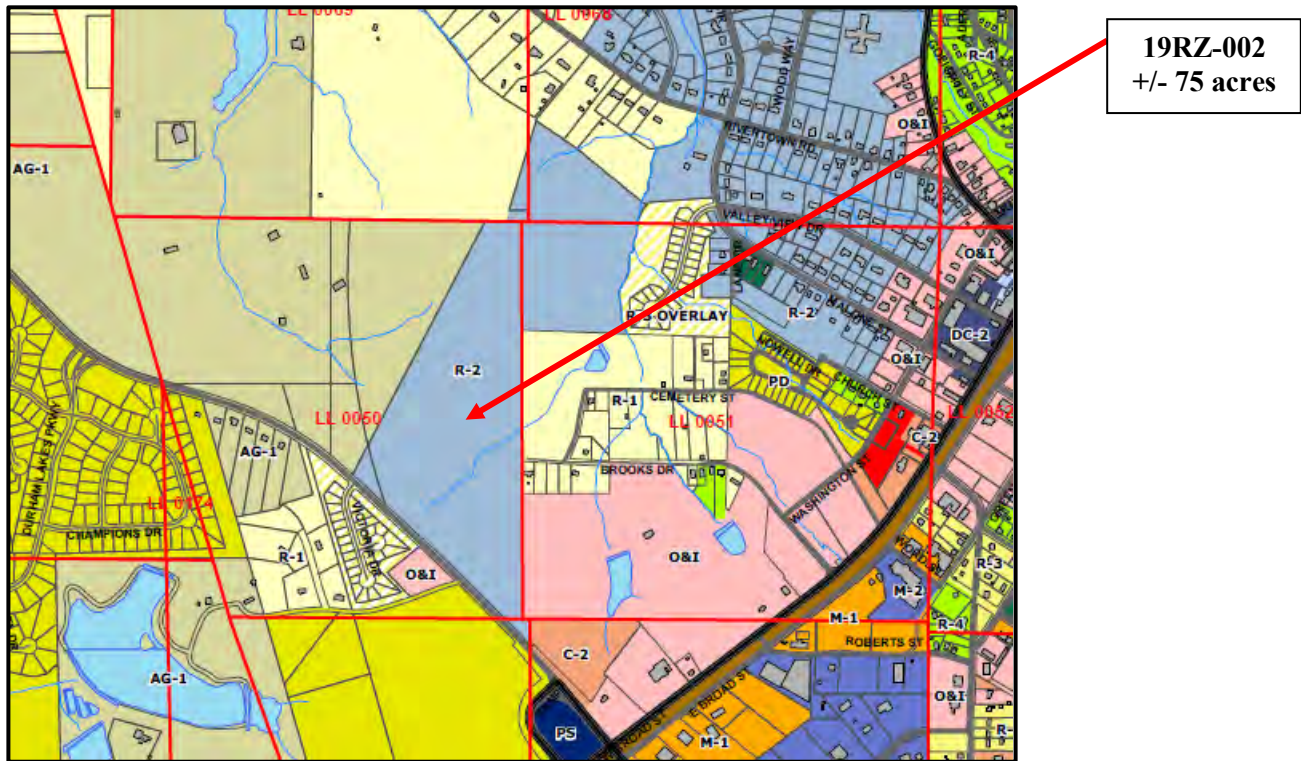
North: R-1 (Single-family Residential District)

East: R-1 (Single-family Residential District), R-3 Overlay (Single-family Residential District) and O&I (Office Institutional District)

South: PD (Planned Development District), R-3 Overlay (Single-family Residential District) and O&I (Office Institutional District)

West: AG-1 (Agricultural District) and R-1 (Single-family Residential District)

Zoning Map



PUBLIC PARTICIPATION

The applicant held a public meeting on Thursday, February 28, 2019 at 6:30 p.m. at the Durham Lakes Club House [156 Durham Lake Pkwy, Fairburn]. There were approx. twenty two property owners present at the meeting. The property owners expressed the following concerns about the proposed single-family development:

- Home prices, features and square footage
- Burden placed on schools
- Cut-through traffic
- Removal of trees
- Increased property values and taxes
- Increased traffic on Brooks Drive

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

- Home price was addressed by noting home prices would be from the mid to high 200's similar to Durham Lakes. Square footage would be in the 2500-2800 SF, well above the minimum of the City.
- We shared proposed architectural renderings. Noted square footage and lot sizes similar to that in Durham Lakes. Increased school attendance would be a fact with any new development. However, at the proposed price point, on average, all public services would be adequately funded per household. We are proposing additional access through Brooks Drive to increase foot traffic downtown and alleviate traffic concerns on Virlyn B. Smith. Proposed density is much less than what is planned in the future land use map thus further reducing what is planned in terms of traffic.
- We noted that the property had been timbered by the current owners but we hoped to preserve trees and maintain a buffer on Virlyn B Smith.

- We are not property tax experts such that we were unsure what would warrant Fulton County's increase in property taxes.

STAFF COMMENTS

Engineering/Public Works:

- 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:
 - 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.
- 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)]
- Sidewalks are required on all street frontages regardless of the zoning district in which the street is located. 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)]

Fire:

- 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.
- 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.
- 507.5 Fire hydrant systems. Fire hydrants shall comply with Sections 507.5.1 through 507.5.6
- 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.
 - 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:

The City of Fairburn Water and Sewer Department has no comment on this rezoning request. Certainly, it will be the responsibility of the developer to provide sound engineering design for water and sewer service for these additional 171 units as we discussed previously.

Utilities: Reviewed; no comments at this time.

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 property. The surrounding area consists of: R-1 (Single-family Residential District) to the north, R-1 (Single-family Residential District), R-3 Overlay (Single-family Residential District), O&I (Office Institutional District) and C-2 (General Commercial District) to the east, PD (Planned Development District), R-3 Overlay (Single-family Residential District) and O&I (Office Institutional District) to the south, and AG-1 (Agricultural District) and R-1 (Single-family Residential District) to the west.

The applicant is proposing to develop 171 single-family residential houses on the subject property with a playground area, pavilion and green space. The development will provide sidewalks along Virlyn B. Smith Road, pedestrian scale lighting on internal roads, and well landscaped front and rear yards. The façade of each house will be constructed with a minimum of 25% brick or stone.

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 surrounding properties vary from single-family (R-1, R-2, R-3) to office institutional (O&I).

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. However, the 2035 Comprehensive Plan designates the subject property as Low Density Residential, which allows one third to one-acre single-family lots and Town Center Mixed Use which allows all residential types. The appropriate zoning districts for the Residential Character Area are: AG-1, R-1, R-2, R-3, and R-4 and Town Center Mixed Use Character Area are: R-3, R-4, RM-4, RM-8, and R-CT.

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

Impact on Traffic

A traffic impact study for the project, dated February 5, 2019, was submitted to the Planning and Zoning Office. The purpose of the traffic impact study is to determine existing traffic operating conditions in the vicinity of the proposed development, project future traffic volumes, assess the impact of the subject development, then develop conclusions and recommendations to mitigate the project traffic impact and ensure safe and efficient existing and future traffic conditions in the vicinity of the project. The study, completed by Marc Acampora, P.E., studied the following intersections: 1.) Rivertown Road at Virlyn B. Smith Road, 2.) Virlyn B. Smith Road at Victoria Drive, 3.) Virlyn B. Smith Road at Ramp from Roosevelt Highway and, 4.) Roosevelt Highway at Ramp from Virlyn B. Smith Road.

Existing traffic conditions:

The traffic impact study explains that the existing operations at the intersections evaluated are generally acceptable. Only one location, the eastbound ramp from Roosevelt Highway at Virlyn B. Smith Road, operates unacceptably with a “F” Level of Service (LOS) in the a.m. and “E” LOS in the p.m. LOS E is experienced in both the a.m. and p.m. on the southbound left turn from the ramp from Virlyn B. Smith Road at Roosevelt Highway and traffic volume growth in the area has been moderate and this is expected to continue into the future.

Future No-Build Traffic Conditions:

The traffic impact study demonstrates the traffic conditions that will exist in the future at the date of the full build-out of the proposed subdivision but does not include the site trips. The purpose of the analysis of this condition is to isolate the traffic impacts of the proposed development from other growth that is expected to occur in the area while the project is under construction. The no-build analysis reveals some deteriorations in current operations. The northbound approach of Virlyn B. Smith Road at Rivertown Road will drop to LOS F in both the a.m. and p.m. peaks. The left turns from the ramp at Virlyn B. Smith Road and from the ramp at Roosevelt Highway will both drop to LOS F, in both the a.m. and p.m.

Future Intersection Operations:

The traffic impact study shows that future build conditions will have the same issues from the no-build conditions. The northbound approach of VBS Road at Rivertown Road will continue to operate at LOS F. The two ends of the ramp between Virlyn B. Smith Road and Roosevelt Highway will continue to operate at LOS F in the peak times. The site access on Virlyn B. Smith Road will operate acceptably. As required by the City of Fairburn development standards, a northbound right turn lane will be constructed on Virlyn B. Smith Road at the access point into the subdivision. The access will be constructed with one inbound and one outbound lane and the outbound approach will be controlled with a side street stop sign and accompanying stop bar.

Trip Generation:

The proposed subdivision will generate 126 a.m. peak hour trips, 170 p.m. peak hour trips, and 1,704 weekday trips. These trips will be heavily oriented toward the south, both toward the I-85 ramps at GA 74 and toward Roosevelt Highway. Trip generation is an estimate of the number of entering and exiting vehicular trips that will be generated by the proposed development. The trip generation for this project is represented in the table below:

Land Use	Size	A.M. Peak Hour			P.M. Peak Hour			24-Hour
		In	Out	Total	In	Out	Total	2-Way
Single Family Residential	171 houses	31	95	126	107	63	170	1,704

See the attached Traffic Impact Study Conclusions and Recommendations.

Impact on Schools

At present, the local elementary school and middle school are 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. The school system addresses population increases using "portable classrooms or other measures that may be needed to accommodate the instructional needs of the school," as stated in the Fulton County School's Rezoning Impact Statement. 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 49.6 acres of the property as Low Density Residential, 15.3 acres as Town Center Mixed Use and 9.2 acres as Greenspace. Staff is of the opinion that the proposal to develop 171 single-family houses is consistent with the Future Development Map. The Low Density Residential Character Areas is suburban in nature with one third to one acre lots as the recommended lot sizes and Town Center Mixed Use Character Area recommends denser single-family, townhouse and multi-family developments such as R-4, RM-4, RM-8, and R-CT. The proposal is also consistent with existing subdivisions and surrounding residential uses.

The development strategies for the Residential and Town Center Mixed Use character areas are as follows:

1.) Residential Development Strategies

- Stable, safe, well maintained neighborhoods that maintain their value over time.
- Allow for a variety of homes styles, materials, and lot sizes.

- Accommodating to pedestrians and cyclists to allow for alternative access to Downtown.

Appropriate Land Use

- Single-family residential [one-third to one acre lots]
- Parks/Playgrounds
- Golf Courses
- Schools
- Churches

2.) Town Center Mixed Use Development Strategies

- Maintain integrity of interconnected grid and pedestrian circulation
- Historic structures should be preserved or adaptively reused wherever possible
- New development should reflect the historical context of building mass, scale and setbacks
- Encourage mixed-use infill and redevelopment
- Encourage transit-supportive residential development
- Economic development strategies should continue to nurture thriving commercial activity
- Enhance tree planting to include more shade trees and ornamental streetscape plantings
- Ensure that future phases of streetscape enhancements are developed in harmony with previous efforts, as well as economic development goals of the City and the Downtown Development Authority

Appropriate Land Use

- Mixed Use
- Civic/Institutional/Educational
- Residential [all types; R-3, R-4, RM-4, RM-8, R-CT]
- Commercial/Retail/Office
- Small scale low intensity industrial that fits into appropriately scaled and designed structures

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 best management practices (BMP).

STAFF RECOMMENDATION

It is the opinion of staff that the rezoning request is in conformity with the current Future Development Map, which recommends Low Density Residential for approximately 49.6 acres, Town Center Mixed Use for approximately 15.3 acres and Greenspace for approximately 9.2 acres of the subject property. It is consistent with the existing subdivisions and the surrounding residential uses. Also, 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 R-2 (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 lots at density:

- a. POD A - Single-family residential lots at no greater than 2.1 units per acre or 43 units, whichever is less and
- b. POD B - Single-family residential lots at no greater than 2.9 units per acre or 128 units, whichever is less:

2. The minimum heated floor area shall be a minimum of 1,400 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 Moore Bass Consulting stamped received April 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 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: 35 feet
- b. Side: 10 feet
- c. Rear: 25 feet

2. Amenity package to include greenspace, playground and pavilion.

3. Exterior materials of the front façade shall be a minimum of twenty-five percent (25%) brick or stone. Vinyl siding, aluminum, stucco (EIFS) and veneers shall be prohibited.

4. Two car garages shall be provided for each single-family home.

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 lightning 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 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

Letter of Intent

Impact Analysis

Traffic Impact Study Conclusion and Recommendations

Architectural Renderings

Conceptual Site Plan

South Fulton, LLC
270 North Jeff Davis Drive
Fayetteville, GA 30214

February 4, 2019

Ms. Tarika Peeks
Senior Planner/Zoning Administrator
26 West Campbelltown St.
Fairburn, GA 30213

Re: City of Fairburn
Proposed Rezoning – Virlyn B. Smith Road
R-2 – Single Family Residential to R-3 – Single-Family (with conditions)
Tax Parcel ID # 09F090300500325
09F090400511180
09F180300681066
09F090300500333
171 Single-Family Detached Lots

Dear Ms. Peeks,

Thank you for your assistance and input while working through this project. Your continued diligence and input have been much appreciated.

The subject 75.9-acre property is located along the northern frontage of Virlyn B. Smith Road in Land Lot 50, 51, 68, and 69 of the 9th District in the City of Fairburn.

South Fulton, LLC desires to rezone the subject property from R-2 (Medium Density single-family) to R-3 (Medium Density Residential) in accordance with section 80-74 of the City Code of Ordinances with conditions to allow for a portion of the lots to be designed in accordance with 80-75. In all, the project will have one hundred seventy one (171) single-family detached lots.

The plan shows thirty four (34) one-third acre lots designed to have a width of 85 feet. These lots are situated in an enclave near the entrance and at the end of the cul-de-sacs. South Fulton, LLC is requesting a condition to allow that the remaining one hundred twenty eight (128) lots be designed to a width of 75 feet and be one-quarter acre lots. The proposed rezoning to R-3 with said condition satisfies the future land use plan as the four parcels in question have three different uses. The FLUM shows that 15.30 acres are planned for town-center mixed use (1/4 acre lots or less), 49.60 acres are planned for low density residential (1/3 to 1 acre lots), and the remaining 11 acres are proposed for greenspace. By offering a mix of lot sizes we hope to satisfy

the plan for high density, low density, and greenspace in a mixed fashion rather than looking at each parcel individually. This plan will allow for a smooth the transition from downtown into the surrounding single-family residential uses.

The façade of each building will be constructed with a front façade of brick or stone with the remainder of all siding being cement fiber. The proposed square footage of homes is planned to be between 2,200-3,200 square feet.

The development will provide a sidewalk, sodded front yards, pedestrian scale street lighting and one canopy tree for each 50 foot of street frontage. All roads will be public and designed in accordance to City of Fairburn design standards. The plan has two entrances including a full-access entrance onto Brooks Street.

I look forward to your continued thoughts and comments on this project. Thank you for your assistance and consideration with this rezoning request.

Regards,

Richard Ferry
South Fulton, LLC

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 76 acres on the northern frontage of Virlyn B. Smith Road. It is located in an area with diverse uses. To the east is a tract of open space owned by the City of Fairburn with frontage on Valley View Drive. It appears that this space, zoned R-3 Overlay, provides open space and buffering for Valley View Estates where the typical lot is 6000 square feet. Holly Hill Memorial Park is a cemetery zoned O&I. Lands associated with this cemetery have frontage on Virlyn B. Smith Road to the east of the subject property. In addition to the O&I and R-3 Overlay, is a small neighborhood zoned R-1 with frontage on Brooks Street. To the north is Duncan Park. The property is zoned R-1 and AG-1 for an active recreation park. Also, to the north of the subject property are residential tracts zoned R-1 with frontage on Rivertown Road. To the west is property zoned AG-1 that is used for the Georgia Renaissance Festival. The proposed single-family development with open space is a suitable use among the varying uses that surround the subject property.*
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. The most prominent properties adjacent to the subject parcel are used as a County/City active recreation park with frontage on Rivertown Road, a cemetery and a site for a seasonal festival. The proposed R-3 zoning will not negatively impact these uses. In fact, the proposed development would positively impact the neighboring properties. A full access connection is planned for Brooks Street for ease of access to downtown promoting economic growth. The neighboring residential uses will be well buffered. The proposed single family development will fit in well with the growth associated with the large Durham Lakes project.*
3. Does the property to be rezoned have a reasonable economic use as currently zoned? *The property is currently zoned R-2 for medium density single family homes. The proposed R-3 zoning and R-2 are both considered low density according to the 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? *Both the current R-2 zoning and the proposed project are considered low density developments in City of Fairburn Zoning. The proposed development does not create an excessive or burdensome use of public facilities compared to a development under the current zoning. South Fulton, LLC has been in contact with the City's utility providers. All have assured adequate capacity for the project.*

5. Is the zoning proposal in conformity with the policies and intent of the land use plan? The proposed R-3 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"
- "Accommodating to pedestrians and cyclists to allow for alternative access to Downtown"

The single-family development will bring residents within walking distance of downtown. A full access connection is planned for Brooks Street for ease of access to downtown promoting economic growth. The location of the subject tract is in a transition area between the cemetery zoned O&I and the Georgia Renaissance Festival zoned AG-1.

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. The proposal provides buffers to the creeks and preservation of open space. This space provides valuable water re-charge areas and protection of the creeks.

Conclusions and Recommendations

This traffic impact study evaluates the impact of a proposed residential subdivision on Virlyn B Smith (VBS) Road in the City of Fairburn. The subdivision will include 171 single-family homes. Vehicular access will be provided by one full-movement access on the east side of Virlyn B Smith Road and a connection to the end of Fisher Drive, providing connectivity to Roosevelt Highway and downtown Fairburn. The following are the findings and recommendations of this study:

1. Existing operations at the intersections evaluated are generally acceptable. Only one location operates unacceptably in the existing – the eastbound ramp from Roosevelt Highway at VBS Road.
2. Traffic volume growth in this area has been moderate and this is expected to continue into the future.
3. The 2023 no-build condition reveals increases in delays and several locations that will begin to operate unacceptably. This includes the side street stop controlled approach of VBS Road at Rivertown Road and both stop sign controlled ends of the ramp at VBS Road and at Roosevelt Highway.
4. The no-build mitigation recommended for the VBS Road / Rivertown Road intersection is to construct an eastbound right turn lane on Rivertown Road. This will allow the intersection to operate acceptably in the future no-build and build conditions.
5. Based on the no-build operations, it is recommended that a signal warrant study and Georgia DOT ICE be performed for the two ends of the ramp between VBS Road and Roosevelt Highway. This will identify the appropriate control for these intersections.
6. The emerging potential for the need to widen VBS Road was identified in the no-build analysis.
7. The proposed subdivision will generate 126 a.m. peak hour trips, 170 p.m. peak hour trips, and 1,704 weekday trips. These trips will be heavily oriented toward the south, both toward the I-85 ramps at GA 74 and toward Roosevelt Highway.
8. With the addition of the subdivision trips, 2023 build operations will be comparable to 2023 no-build, with some additional increases in delays. No additional mitigation was identified at the study intersections for the build condition.
9. The City of Fairburn development standards require a northbound right turn lane at the site access on VBS Road.
10. One entering lane and one exiting lane should be provided at the site access to VBS Road. The exiting approach should be controlled by side street stop sign and accompanying stop bar.
11. The project site engineer should comply with applicable access design standards including sight distance, turn radii, roadway width, and grades.

19RZ-002 South Fulton, LLC
Architectural Renderings



Kendrick D Plan Horton



Ashley E Plan Horton



Ashley F Plan Horton

19RZ-002 South Fulton, LLC
Architectural Renderings

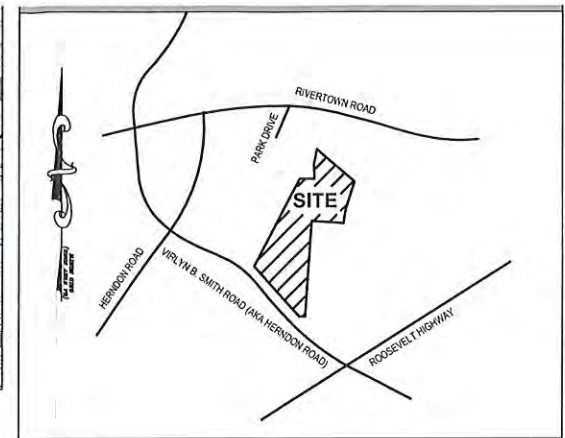


Edinburgh A Plan Horton



Edinburgh L Plan Horton

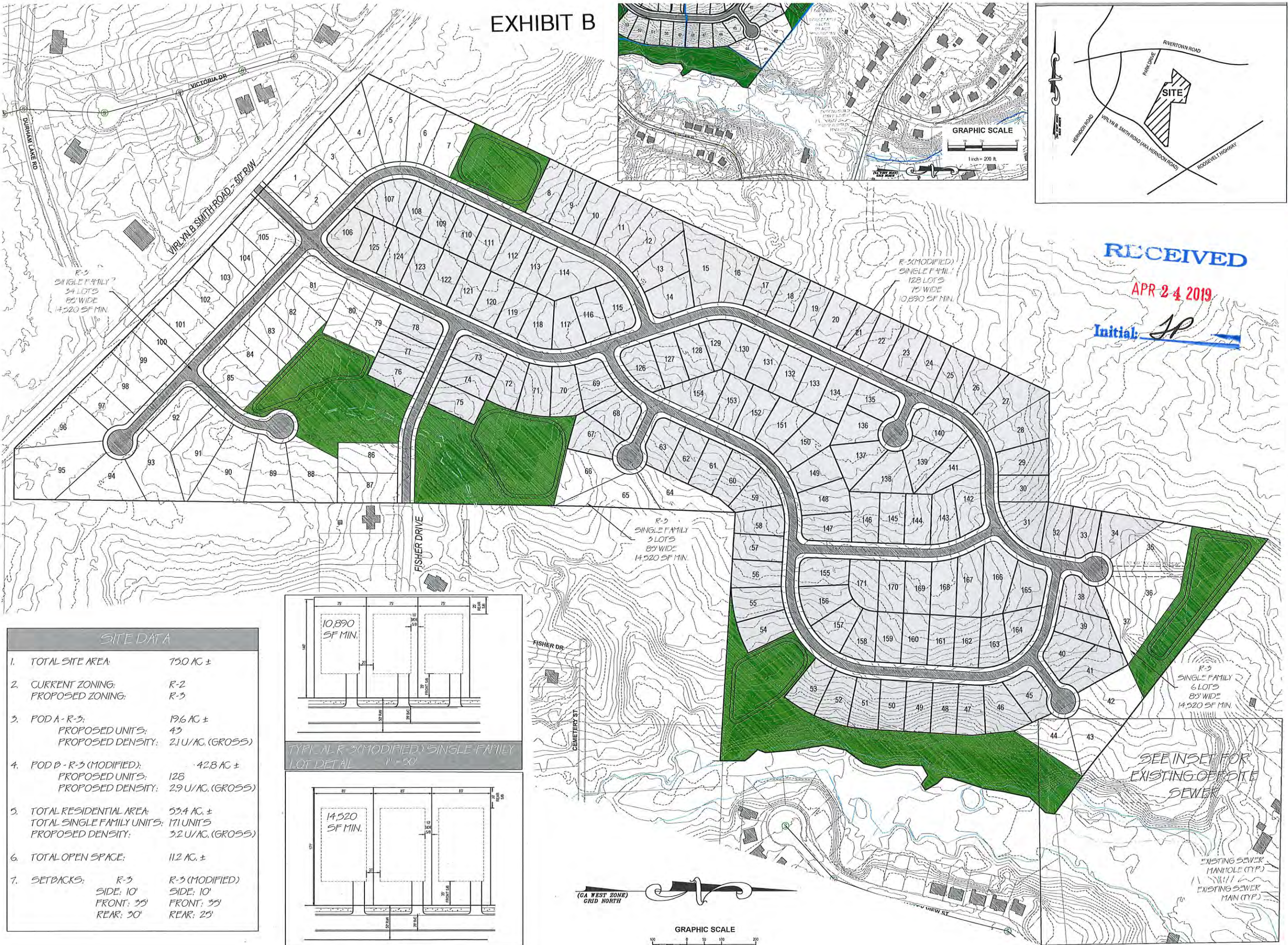
EXHIBIT B



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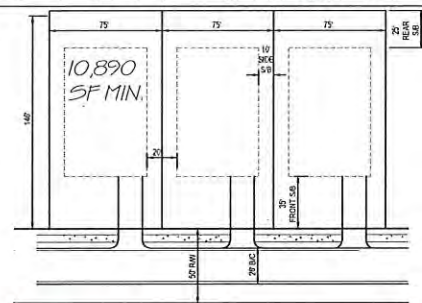
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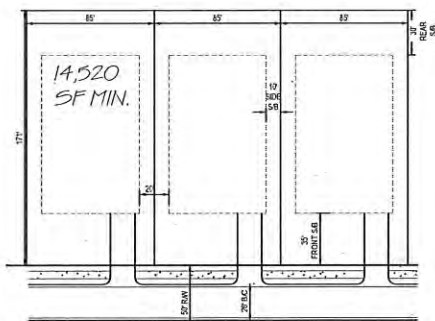


SITE DATA

- TOTAL SITE AREA: 750 AC ±
- CURRENT ZONING: R-2
PROPOSED ZONING: R-3
- PODA-R-3: 196 AC ±
PROPOSED UNITS: 43
PROPOSED DENSITY: 2.1 U/AC. (GROSS)
- PODB-R-3 (MODIFIED): 428 AC ±
PROPOSED UNITS: 128
PROPOSED DENSITY: 2.9 U/AC. (GROSS)
- TOTAL RESIDENTIAL AREA: 534 AC. ±
TOTAL SINGLE FAMILY UNITS: 171 UNITS
PROPOSED DENSITY: 3.2 U/AC. (GROSS)
- TOTAL OPEN SPACE: 11.2 AC. ±
- SETBACKS: R-3 R-3 (MODIFIED)
SIDE: 10' SIDE: 10'
FRONT: 35' FRONT: 35'
REAR: 30' REAR: 25'

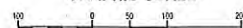


TYPICAL R-3 (MODIFIED) SINGLE FAMILY LOT DETAIL 1" = 50'



(CA WEST ZONE)
GRID NORTH

GRAPHIC SCALE





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

SUBJECT: REZONING 19RZ-004 - Geo H. Green Oil Company [DRI # 2926]

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

Planning and Zoning Commission: 05.07.19

Mayor and City Council: 06.10.19

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 50 truck parking spaces at the Fairburn Travel Center.

DESCRIPTION: The applicant is requesting to rezone +/- 4.387 acres from C-2 (General Commercial District) to M-1 (Light Industrial District) to allow 50 truck parking spaces.

STAFF RECOMMENDATION: APPROVAL CONDITIONAL

APPLICATION INFORMATION

Rezoning Petition 19RZ-002 [DRI # 2926]

APPLICANT/PETITIONER INFORMATION

Property Owner W&W Realty Company, LLC	Petitioner Geo. H. Green Oil Company
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PROPERTY INFORMATION

Address, Land Lot, and District:	Harris Road [parcel no. 09F070000265346], Land Lot 26 and District 9F
Frontage:	Harris Road
Area of Property:	+/- 4.387 acres
Existing Zoning and Use:	C-2 (General Commercial District) and Undeveloped
Overlay District:	N/A
Prior Zoning Cases/History:	The property was annexed and rezoned [C-2] into the City in November 2007. The current use on the property was in compliance at the time of the rezoning. When the ordinance was revised in 2012, truck stops were moved to M-1 (Light Industrial District) leaving the use as legally non-conforming. The Fairburn Travel Center rezoned 16.883 acres in 2016 from C-2 (General Commercial District) to M-1 (Light Industrial District) to allow the expansion of the existing truck stop.
2035 Comprehensive Future Land Use Map Designation:	Highway Mixed Use
Compatibility with Fairburn's 2035 Comprehensive Plan:	The request to rezone property from C-2 (General Commercial District) to M-1 (Light Industrial District) to allow 50 truck parking spaces is not compatible with the 2035 Comprehensive Plan and Future Development Map.
Proposed Zoning:	M-1 (Light Industrial District)

MEETING AND HEARING DATES

Planning and Zoning Commission Meeting
May 7, 2019

Mayor and City Council Public Hearing
June 10, 2019

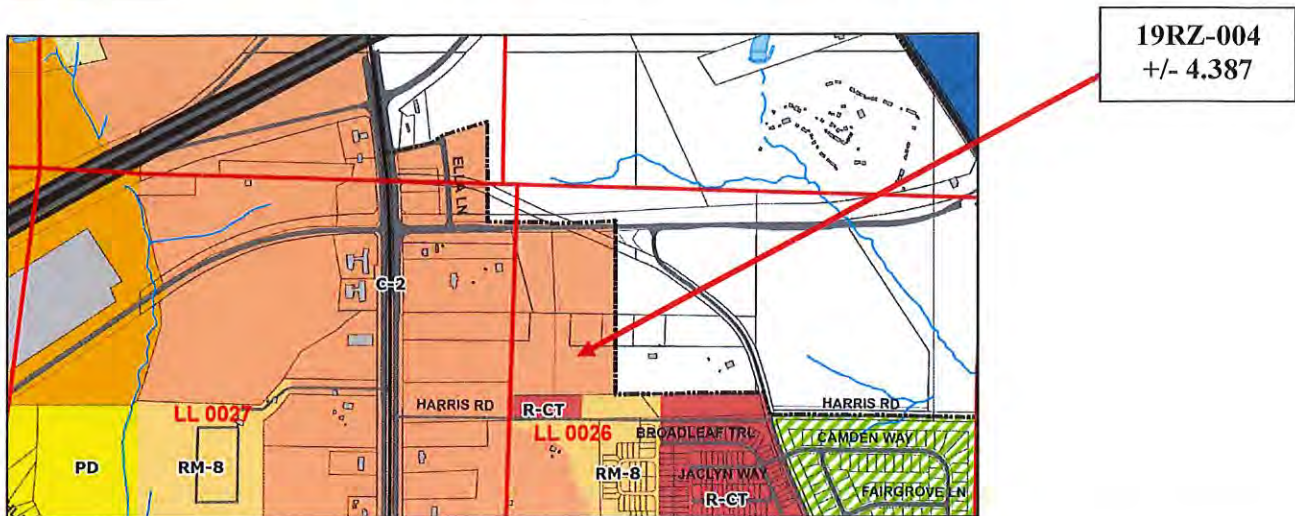
INTENT

To rezone the subject property from C-2 (General Commercial District) to M-1 (Light Industrial District) to allow 50 truck parking spaces.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTIES

North: M-1 (Light Industrial District)
East: City of South Fulton
South: C-2 (General Commercial District)
West: C-2 (General Commercial District)

Zoning Map



PUBLIC PARTICIPATION

The applicant held a public meeting on Thursday, March 28, 2019 from 6:00 p.m. to 7:00 p.m. at the County Inn & Suites by Radisson [7815 Senoia Road, Fairburn]. There were approx. thirteen property owners present at the meeting. The property owners expressed the following concerns about the proposed single-family development:

- Upkeep of roads, pollution from diesel fuel and safety
- Increase in home values, noise, crime
- Increase in truck traffic

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

- Will this change increase the traffic? The traffic already exists. Truckers are only allowed to deliver their products to the warehouses between a set timeframe and if they are in the areas before their designated delivery time they need to find a place to park and wait. Currently, they are parking wherever they want, side of the highway ramp, other business parking lots, and on the side of roads. The new parking spots give these trucks a place made for them to park.
- Who is going to maintain the road? The City of Fairburn makes the decision of when and what roads are maintained. Harris Road has been approved and constructed by the City to allow truck traffic from the exit of the travel center to Hwy 74.
- Will the trucks cause pollution? The trucks are already in the area. Whatever pollution they are causing is an existing issue.
- How will this change home values in the area? Don't know, however the housing market is very strong in the metro Atlanta area. Additional, housing is currently under construction in the area surrounding the travel center. In addition, as required by the City of Fairburn, Green Oil will landscape the rezoned area.
- What about the safety of residents and cars trying to get through the area? There is an existing traffic pattern (posted traffic signs) that trucks leaving the travel center must turn right on Harris Road and proceed to Senoia Road (Hwy 74). Trucks must enter the travel center via Oakley Industrial Blvd.

STAFF COMMENTS

Engineering/Public Works:

1. (a) In the event that a development has access to a substandard street and if that substandard street provides the primary means of access to the development, the substandard street, except as indicated in subsection (c) of this section, shall be fully upgraded and the full width of the roadway overlaid with asphaltic concrete surface

course along the entire property frontage and continuing to the nearest standard paved road along the route of primary access.

(b) In the event that a development has access to a substandard street and if that substandard street is other than the primary means of access to the development, the substandard street, except as indicated in subsection (c) of this section, shall be fully upgraded only along the entire property frontage and shall be paved on the opposite side of the road from the development, 12 feet from the street centerline.

(c) The upgrading of substandard streets used for access will not be required if any of the following conditions are met:

- o The development consists of a single, one-family or two-family residence on an existing recorded lot within the city.
- o The development is a small business with ingress/egress of less than 100 vehicles per day.

[Sec. 71-39]

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 chain-link 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: Reviewed; no comments at this time.

Water and Sewer: No Comments at this time.

Utilities: No comments at this time.

Heath & Human Services: Review pending; no comments at this time.

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 property. The surrounding area consists of: M-1 (Light Industrial District) to the north, City of South Fulton to the east, C-2 (General Commercial District) to the south, and C-2 (General Commercial District) to the west. The Fairburn Travel Center was annexed and rezoned [C-2] into the City in November 2007 and in 2016 the property was rezoned to M-1 (Light Industrial District). The applicant's intent is to construct 50 truck parking spaces on 4.387 acres. The additional truck parking spaces will be a part of the existing use of the property for a truck stop.

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

Staff is of the opinion that the proposal if approved will not have an adverse impact on the use or usability of adjacent or nearby properties. The surrounding properties have a variety of uses, including restaurants, hotels, gas stations, warehouses and apartments. The purpose of the rezoning is to make the zoning of the 4.387 acres to be consistent with the zoning of the existing property [Fairburn Travel Center].

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?

Impact on Traffic

Staff is of the opinion that the proposal will not result in a use which will cause an excessive or burdensome use of the existing infrastructure. The truck stop currently exists and the addition of 50 truck parking spaces will not create an excessive or burdensome use of the existing street. The additional 50 truck parking spaces will provide parking for existing truck traffic in the area. Increasing the truck parking supply will provide safe authorized parking for truck which will help alleviate illegal parking on public roads and lead to safer roads. This petition qualified as a Development of Regional Impact (DRI). It was reviewed by the Atlanta Regional Commission (ARC), GDOT, and Georgia Regional Transportation Authority (GRTA). GRTA has approved the petition with no conditions and GDOT did not recommend upgrades to state route Hwy 74.

Trip Generation:

The new truck parking site will generate 206 daily vehicle trips, about 5% more than the existing truck stop, gas pumps and convenience market. Approximately 80% (165 trips) are expected to be trucks and approximately 41 trips would be cars because some truck drivers also use their assigned space for a passenger car on occasions. The trip generation for this project is presented in the table below:

Land Use	Size	Trip Rate	Weekday Trips	Additional as % of Total
Truck Stop	4.387	81.86	206	
New Traffic			206	5.39%

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

The staff is of the opinion that the proposal is not consistent with the Future Development Map, which designates the property as Highway Mixed Use. However, the use [truck stop] has existed in this location since 2007 and has been in harmony with the surrounding uses. The rezoning of the 4.387 acres will make the zoning of the property consistent with the truck stop property.

The City has numerous warehouses in the area that use the Senoia Road/Highway 74 corridor to access Interstate 85. The truck stop provides a safe and legal place to park large trucks so other businesses and motorists are not inconvenienced by the oversized vehicles. The Atlanta Regional Commission (ARC) has identified a shortage of truck parking spaces in the area. Trucks parking in and along public roads, typically while waiting for an available dock at a nearby facility, is an identified issue in many areas of the region that negatively impacts roadway operations, safety and congestion. Adding additional truck parking spaces will assist with alleviating trucks from parking illegally on public roadways, which will make the roads safer.

As stated in the 2035 Comprehensive Plan, the Highway Mixed Use Development Strategies are:

- Vibrant commercial corridors that provide a comprehensive array of goods and services to Fairburn residents as well as Coweta and Fayette County residents
- Smaller scale, walkable retail centers with a variety of stores and shops
- Developments that are accessible and safe for pedestrians and cyclists, as well as automobiles

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 existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval of the applicant's proposal. With the significant number of warehouses in the area [and rapidly growing freight and logistics industry within the Atlanta region] and the federal mandate for Electronic Logging Devices (ELDs) to digitally monitor truck drivers Hours-of-Services (HOS) requirements, adequate parking facilities for trucks is needed.

The Atlanta Regional Commission's (ARC) Truck Parking Assessment Study findings states:

1. There is a lack of parking supply throughout the region that will worsen in the future.
2. I-285 is particularly challenging for truck parking.
3. The mandatory requirement for Electronic Logging Devices (ELDs) within all commercial vehicles is projected to increase demand for parking.
4. Significant ongoing growth of industrial development in the Atlanta Region is expected to increase truck volumes and parking demand.
5. Recommended solutions vary based upon perspective within the trucking industry

One of the recommendations specified in the truck parking study is to "add/expand truck parking supply".

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.

STAFF RECOMENDATION

It is the opinion of staff that the rezoning request is not in conformity with the current Future Development Map, which recommends Highway Mixed Use. However, the request to rezone +/- 4.387 acres from C-2 (General Commercial District) to M-1 (Light Industrial District) to allow 50 truck parking spaces will provide additional parking spaces for existing truck traffic in the area. The Fairburn Travel Center was annexed and rezoned into the City of Fairburn in November 2007 and in 2016 the property was rezoned to M-1 (Light Industrial District). Rezoning the remaining 4.387 acres will make the zoning of the property consistent with the current zoning of the Fairburn Travel Center.

According the Atlanta Regional Commission Truck Parking Assessment Study (2018) one of the biggest challenges faced by truck drivers in the country today is finding safe, authorized parking for their vehicles and cargo. As freight and logistics levels continue to quickly grow within the Atlanta region and state of Georgia, the challenges associated with truck parking have followed suit. Due to the severe shortage of truck parking spaces in the area, often times truckers park illegally on public roads. Trucks parked on ramps and roadside create safety issues because they block the view of other vehicles increasing the likelihood of crashes. Increasing the truck parking supply will provide safe authorized parking for truck which will help alleviate illegal parking on public roads and lead to safer roads. As mentioned in the ARC DRI Review Findings, the additional 50 truck parking spaces offers the potential to enable efficiencies in intraregional, interregional and interstate freight movement given the site's access to SR 74 and I-85, and its proximity to nearby warehousing and industrial areas, including along Oakley Industrial Boulevard to the north. 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 C-2 (General Commercial District) to M-1 (Light Industrial 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.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Truck stop and accessory uses
 - b. Permitted uses under C-2 (General Commercial District)
2. To the owner's agreement to provide the following site development standards:
 - a. A 25-foot undisturbed vegetated buffer shall be installed along Harris Road to provide screening. A combination of existing trees and newly planted trees (where insufficient vegetation exists) shall be installed to establish the buffer. New trees shall be 8'-10' in height at the time of installation. Newly planted trees shall consist of one or a combination of the following trees: Leyland Cypress, Easter Red Cedar, Southern Magnolia, Virginia Pine, Arborvitae, Savannah Holly, Nellie R. Stevens Holly.

ATTACHMENTS

Letter of Intent
Impact Analysis
Traffic Impact Study Tables 1-3
Conceptual Site Plan

Letter of Intent

The property known as Fairburn Family Travel Center contains approximately 21.27 acres and is located at the northeast corner of Senoia Rd and Oakley Industrial Blvd. (the "Property"). 16.883 acres of the Property is currently zoned M-1 and 4.387 acres of the Property is zoned C-2.

The Property has been a travel center from its inception. The purpose of the rezoning is to make the zoning of the 4.387 acres consistent with the zoning of the rest of the Property and the City of Fairburn's ordinances. The intent of the Applicant is to rezone the 4.387 acre portion of the Property from C-2 to M-1. This is the last portion of the Property which needs to be zoned M-1 in order to conform the City of Fairburn's 2007 ordinance change from C-2 to M-1 for truck stop use. The proposed use is to add additional truck parking.

There is a severe shortage of truck parking in the area which leads to trucks parking in inappropriate places. The ARC has a traffic task force which has specifically identified a shortage of truck parking in this area. This situation creates a hardship for the Applicant and the subject Property; therefore, the Applicant is requesting a rezoning of the Property to M-1. This project will serve the needs of the community.

The proposed rezoning is needed to relieve traffic congestion on Oakley Industrial Blvd. as well as other roads in the Fairburn area. As the Industrial park has grown in Fairburn a larger traffic burden has been created with regard to semi-trucks and the need to park these trucks. The City of Fairburn will be relieved of some of this congestion by allowing the Applicant to construct the proposed additional truck parking.

The truck stop facility that the Applicant owns and operates through Geo. H. Green Oil provides safe truck parking for the community. The Property and the greater facility provide a service to the Fairburn community in that it provides a place for the trucks to park safely and legally until they are allowed to enter the distribution facilities in the area.

Now, therefore the Applicant requests that this Application for Rezoning be approved as submitted in order that the Applicant be able to proceed with the lawful use and development of the Property.

Applicant:

Geo. H. Green Oil, Inc.

By: 

Edward C. Wyatt

41 Dodd St., Fairburn, GA 30213



IMPACT ANALYSIS

Applicant: GEO. H. GREEN OIL INC

Analyze the impact of the proposed rezoning and answer the following questions:

1. Does the proposal permit a use that is suitable in view of the use and development of adjacent and nearby property? YES
TRUCK PARKING FOR AN AREA WITH AN INDUSTRIAL PARK
2. Does the proposal adversely affect the existing use or usability of adjacent or nearby property? NO
THIS WILL ONLY BE AN ADDITION TO THE EXISTING TRUCK STOP FACILITY
3. Does the property have a reasonable economic use as currently zoned? YES
4. Will the proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? NO
5. Is the proposal in conformity with the policies and intent of the land use plan? YES
THE FUTURE LAND USE PLAN SHOWS THIS PROPERTY AND THE ADJACENT PROPERTY TO BE HIGHWAY MIXED USE
6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the proposal? YES
AS THE INDUSTRIAL AREA ON OAKLEY AND OTHER ROADS IN FAIRBURN INCREASE THE TRUCK TRAFFIC THERE IS A GROWING NEED FOR TRUCK PARKING
7. Does the proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of City of Fairburn? NO.
THE TRUCK PARKING WILL HELP ALLEVIATE THE TRUCK PARKING ISSUES THE CITY IS EXPERIENCING CURRENTLY

Attach additional sheets as needed.

Fairburn Travel Center 5800 Oakley Industrial Blvd., Fairburn, GA

Table 1 : Existing Fairburn Travel Center					
<u>Total</u>	<u>Weekday Vehicle Trip Generation</u>			<u>Weekday</u>	
LU Code	Land Use	Units	Trip Rate	Trips	% trips
030	Truck Stop*	16.883 Acres	81.86	1,382	36.11%
946	Convenience Store w/ gas pumps & carwash	16 fuel pumps	152.84	2,445	63.89%
Total	(Existing site as of 2019)			3,827	100.00%
Table 2: Proposed Addition of 2.52 acres for Truck Parking					
<u>New</u>	<u>Weekday Vehicle Trip Generation</u>			<u>Weekday</u>	<u>Addition as</u>
LU Code	Land Use	Units	Trip Rate	Trips	% of Total
030	Truck Stop*	2.52 Acres	81.86	206	
Net new	(Proposed additional acres)	2.52 Acres		206	5.39%
Table 3: Fairburn Travel Center with Addition of 2.52 acres of Truck Parking					
<u>Total</u>	<u>Weekday Vehicle Trip Generation</u>			<u>Weekday</u>	
LU Code	Land Use	Units	Trip Rate	Trips	% trips
030	Truck Stop*	19.403 Acres	81.86	1,588	39.38%
946	Convenience Store w/ gas pumps & carwash	16 fuel pumps	152.84	2,445	60.62%
Total	(Proposed Site Development)			4,034	100.00%
Source: Trip rate for LU Code 946 comes from ITE <i>Trip Generation Handbook, 9th Edition</i> (2012)					
* ITE <i>Trip Generation Handbook, 5th Edition</i> (1991)					
Approximately 80 % of the vehicles generated by the truck stop are assumed to be trucks and the remaining 20% are expected to be passenger cars.					
Revised 2/22/2019					

FAIRBURN TRAVEL CENTER

CONCEPTUAL SITE PLAN

LAND LOT 26 & 27 - DISTRICT 9F FULTON COUNTY

PROPOSED ZONING: ???

TOTAL AREA = 4.39 AC.



LOCATION MAP

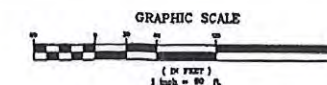
TOTAL AREA OF SITE = 4.39 ACRES
TOTAL IMPERVIOUS AREA = 2.34 ACRES (53%)

LINE	BEARING	DISTANCE
L1	S 89°53'38" E	62.33'
L2	N 00°06'22" E	57.67'
L3	S 89°53'38" E	146.92'
L4	S 00°06'22" W	18.83'
L5	S 89°53'38" E	7.00'
L6	N 00°06'22" E	16.75'
L7	S 89°53'38" E	9.67'
L8	S 00°06'22" W	33.83'
L9	N 59°38'26" E	19.17'
L10	N 52°09'32" E	22.85'
L11	N 29°58'57" E	26.75'
L12	N 16°08'55" E	44.00'
L13	N 00°24'58" E	125.39'
L14	N 63°49'53" E	18.88'
L15	N 01°39'55" E	180.17'
L16	N 01°25'30" W	153.93'
L17	N 00°06'22" E	187.68'

Owner/Project Developer:

W&W Realty Co.
PO Box 127
Fairburn, GA 30213

Contact Person: John Davis
(770) 964-6125



REV. DATE DESCRIPTION:

FAIRBURN TRAVEL CENTER

CONCEPTUAL SITE PLAN

DATE: 6/12/18 DRAWN BY: MNS SCALE: 1" = 60'

SHEET 1 OF 2

Neal Spradlin, P.E.
45 Leno Road
Shirley, GA 30277
Phone: 770.523.1515
Mobile: 770.523.1515

CAPSTONE
ENGINEERING, INC.

GEORGIA
REGISTERED PROFESSIONAL
ENGINEER
No. 23388
NEAL SPRADLIN