

**City of Fairburn
Planning and Zoning Commission
AGENDA**

Tuesday, March 12, 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 February 5, 2019 Minutes**
- **Public Hearing: None**
- **Old Business: None**
- **New Business:**
 - **Conceptual Plan 19C-001 - Graham Road:** A request to review the conceptual site plan for a 278,636 square-foot warehouse development on Graham Road.
 - **Rezoning 19RZ-001 - Prestwick Land Holdings:** A request to rezone 4.35 acres located at 136 W Broad Street from R-3 (Single-family Residential District) to RM-36 (Multi-family Residential District) to allow a 96-unit multi-family development.
- **Staff Report**
- **Commission Comments**
- **Adjournment**



PLANNING AND ZONING COMMISSION MEETING MINUTES

City Hall
56 Malone Street
Fairburn, GA. 30213
Tuesday, February 5, 2019
7:00 P.M.

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

Jerry Williams
Shelby Phillips
Mark Wade

City Planner:
City Attorney:
Recording Secretary:

Tarika Peek
Valerie Ross
Kimberly Mitchell

- I. **MEETING CALLED TO ORDER:** By Chairman Stoney
- II. **ROLL CALL:** All members of Planning and Zoning Commission were present which constituted a quorum.
- III. **PLEDGE OF ALLEGIANCE:** Recited in unison.
- IV. **ELECTION OF OFFICERS:** Commissioner Smith withdrew from the Commission chairmanship. Commissioner Williams nominated Commissioner Stoney for Chair. Commissioner Wade seconded. **The motion carried unanimously.** Commissioner Williams nominated Commissioner Wade for Vice Chair. Commissioner Phillips seconded. **The motion carried unanimously.**
- V. **PUBLIC COMMENTS:** None
- VI. **APPROVAL OF AGENDA:** Commissioner Williams moved to **APPROVE** the agenda. Vice Chair Wade seconded. **The motion carried.**
- VII. **APPROVAL OF PREVIOUS MEETING MINUTES:** Commissioner Smith makes a motion to **APPROVE** the January 8, 2019 minutes. Commissioner Williams seconded. **The motion carried.**
- VIII. **PUBLIC HEARING:** None
- IX. **OLD BUSINESS:**

Rezoning 18RZ-004 with a Concurrent Use Permit 18U-005 - Exeter Bohannon Land, LLC:

SUMMARY/STAFF PRESENTATION: For the Planning and Zoning Commission to review a request to rezone property located at 6560 Bohannon Road from AG-1 (Agricultural) to PD (Planning Development) with a use permit to allow an M-1 (Light Industrial) use.

Ms. Peeks stated that Exeter Bohannon Land, LLC sought to rezone 3.78 acres from AG-1 (Agricultural) to PD (Planned Development) with a concurrent use permit for an M-1 light industrial use. The applicant proposed to build a 492,480 square foot warehouse. Staff's recommendation was denial.

SPOKE IN FAVOR:

Mr. Doug Dillard, 1230 Peachtree Street NE, Atlanta, Georgia 30309

Mr. Dillard stated that he represented the applicant. He stated that he had handed the Commissioners some information dealing with both zonings. The first case that the Commissioners were hearing was the rezoning on the 3-acre parcel. He stated that they had submitted the ordinance and the Fairburn Comprehensive Plan. He added that the Commissioners might recall that this property was annexed into the City of Fairburn in 2006. He shared that he had also attached the council minutes of the annexation to their information.

Mr. Dillard introduced Lacy Curry, the owner of the property, stating that Mr. Curry would talk about the history of the project. Next, Adam Duerr would review the plan. He asked to reserve his remaining time for rebuttal.

Mr. Lacy Curry, 6560 Bohannon Road, Fairburn, Georgia 30268

Mr. Curry stated his name and address and shared that he had lived there for 33 years. He explained that on October 26, 2006, the City of Fairburn annexed and zoned his properties without him being aware of it. He stated that he found out that they had been rezoned just a few years ago. He stated that the City of Fairburn, signed by Mayor Betty Hannah, allowed for this zoning to take place. The zoning was also endorsed by the neighborhood, he stated.

He requested to present to the secretary with City Council meeting minutes for October 26, 2006. He presented the minutes to Ms. Peeks. Mr. Curry then stated that time was of the essence. He shared that they had followed the guidelines and he felt that they had a right to do what the City of Fairburn had asked to do in the beginning. He reserved the remainder of his time for his legal counsel to speak.

Mr. Adam Duerr, 6285 Barfield Road, Suite #225, Atlanta, Georgia 30328

Mr. Duerr introduced himself as the owner's representative for Exeter Property Group. He stated that he would present the plan to develop a 492,480 square foot distribution facility. Mr. Duerr shared that with their contribution to the proposed infrastructure improvements on Creekwood and Bohannon Roads, he felt that they would be able to sequence trucks and cars in a better manner than they were currently sequenced. He stated that he understood that some of the residents were concerned about truck traffic running down Bohannon Road, so they were trying to eliminate that.

Mr. Duerr stated that although their facility would reside on Bohannon Road, one would not be able to exit right onto Bohannon Road to get to the interstate. Instead, truck traffic would turn left and run down the proposed improved Creekwood Road, around Oakley Industrial Blvd, to Highway 74, and back to Interstate I-85. Mr. Duerr stated that while the zoning conditions

required a 50 ft. buffer around the property when adjacent to agricultural and residential sites, he noted that they had reserved over 200 ft. as the buffer for this facility. The buffer would be vegetated and undisturbed. He further noted that there were a lot of wetlands and existing vegetation that they felt would remain undeveloped. He stated that the buffer would help the local residents on the neighborhood side and on the agricultural side to eliminate any light, noise, or views of the potential development.

Next, Mr. Duerr noted that the facility also would provide adequate queuing for the truck traffic. Up to 10 trucks could be staged on the driveway that would keep truck traffic from overflowing onto Bohannon Road. Lastly, Mr. Duerr noted that they were planning to construct a Class A facility with high glass lines and neutral tones. He stated that Exeter owned and operated 150 million square feet of distribution nationally. He stated they strove to build Class A real-estate - the best in the market. He added that it would be good for the City and the residents as well. He shared that he was happy to address any concerns that the Commissioners might have regarding the development.

Mr. Duerr lastly added that there would be over 200 feet of existing vegetation from the back of the truck port. In some areas, there would be over 400 feet of vegetation, he stated. Mr. Duerr showed the Commissioners a scaled image of the view from a residential dwelling to the proposed facility. He also showed the Commissioners some preliminary renderings of how the facility would look.

Ms. Laura Ayala, 8550 Creekwood Ridge Drive, Palmetto, Georgia 30268

Ms. Ayala stated that she lived in Creekwood Ridge and that she was in favor of the building. She shared that she believed it would bring money and jobs to the City of Fairburn.

SPOKE AGAINST:

Mr. Derek Jones, 6707 Jules Trace, Palmetto, Georgia 30268

Mr. Jones stated that he was the president of Asbury Park subdivision on Johnson Road. He shared that a couple of years ago he was asked to be a part of a steering committee. As part of the steering committee, they planned things to improve in Fairburn, such as bus routes, parks, bicycle trails, nature hikes and nature areas where children could see animals. He stated once it was completed, they felt they had a good plan. He stated that the plan was requested by former Mayor Avery and Mr. Jones was ready for it.

Mr. Jones explained that he opposed the warehouse because Asbury Park appeared to be catty-corner to the project. He stated that he understood that the applicant had the zoning for the project. However, what he was concerned about was his community and the pollution, since he used to be a truck driver. He stated that he was concerned about the environmental aspects, about Asbury Park, and the area around it. He explained he did not want to see trucks coming through Johnson Road. He added that they were supposed to be getting a playground built for the kids in the front of Asbury Park.

Ms. Barbara Allison, 5965 Bohannon Road, Fairburn, Georgia 30213

Ms. Allison stated that she been living in the Fairburn area for 30+ years. She expressed a grave concern about the project because she moved to the community when her kids her little and she thought it was a great place to live. She explained how she enjoyed things in the community like

Old Campbell County Day, the antique shops and Oz Pizza. However, as of right now, Fairburn had gone down with all the industrial development.

Ms. Allison stated that she did not want to be disrespectful, but she did not spend any money in Fairburn, Union City or Fulton County. She stated that her children needed to go to the park and the stores. She asked why the area could not be like the Avenue in Peachtree City with a nice park where you could walk or sit down, have a cup of coffee, walk your dog or have outside activities with the kids. She inquired why the development always had to be industrial. Ms. Allison explained that the proposed development would be on her side of the road, which was Landrum Road headed towards Highway 74. She noted that with the Duracell development, she could not get out of her driveway at 3:00p.m. because of the employees getting off work. She stated that some days the traffic was backed up from Parrott Funeral Home on Highway 74 to the pond.

Ms. Allison stated that the trucks were supposed to use Oakley Industrial Blvd. and that Fairburn police could not be there all the time to monitor the trucks going up and down the road all the time. She asked if the Commissioners were aware of the young man who was killed by the speeding streetsweeper on Bohannon Road. She noted that there were a lot of issues and that she did not understand why they could not have something that was relaxing and peaceful to come home to every day. She explained that she chose to spend her time in Tyrone, Coweta County or Peachtree City.

Ms. Lisa Corcoran, 9075 Gullatt Road, Palmetto, Georgia 30268

Ms. Corcoran stated she purchased her property, 9075 Gullatt Road, in 2006. She stated that her life had been spent living in Cobb County and Buckhead. She assured the Commissioners that in those areas, the committees did not care about what you want built in your neighborhood. She explained that part of what she loved about moving down here was being in a small town where she could come face to face with everyone and where she knew people on the City Council. She stated that she took all the money that she had inherited and saved to build her life dream of having a therapy program and a horse farm. She stated that she built it and she also had been an active member in the community.

Ms. Corcoran stated that she was part of the planning meeting where the City asked them to come and talk about what things they wanted built in Fairburn. She explained that they picked out buildings, shopping centers and neighborhoods. The group sat down with maps of the City of Fairburn and discussed where they thought everything should go. She added that they all agreed that it was fine to have the income from warehouses, but that they should be in appropriate areas and that warehouses should not cross over Johnson Road. Ms. Corcoran stated that there was plenty of room along Roosevelt Highway and along Oakley Industrial to have the income, tax base, and jobs provided by the warehouses. She stated she really did not think that it would be in keeping with what the City of Fairburn, its residents and its citizens wanted to expand that area into an industrial zone.

Ms. Carrie Klarl, 203 Mann Road, Tyrone, Georgia 30290

Ms. Klarl stated that she had lived at 203 Mann Road for 24 years. She addressed the applicant's remarks, stating that her neighborhood on Mann Road had not endorsed the rezoning in 2006. Regarding the applicant's statement that they were trying to sequence the trucks better, she stated she did not see how they can eliminate that by adding a facility of that size with the amount of traffic that it would generate. She stated that the applicant said that they would eliminate any light, noise or views of the facility. However, she stated that this was not possible. She stated that she lived on the other side of Line Creek and she could see lights on Bohannon now. She stated

that she could hear noises from other residences and there was no way that they could eliminate that by adding a facility of that size.

Ms. Klarl stated that she was strongly opposed to the development. She explained that development would increase the flooding of Line Creek and nearby properties. She added that she did not think any amount of stormwater containment that could prevent that. She stated the truck traffic would pose a safety hazard for drivers attempting to enter Bohannon Road. She described seeing semi-trucks trying to enter Bohannon Road from Kirkley Road causing road damage.

Lastly, Ms. Klarl noted that it was a residential neighborhood and they had rural mailboxes all along Bohannon Road. She posed the scenario of trucks stopping every few feet waiting for the mail to be delivered, or trucks lining up behind school buses for Fayette County and Fulton County school system. The buses she stated use Bohannon Road to transport children to and from school. She added that the project would create an island of industrial development in the middle of a residential, agricultural neighborhood. She finished by stating that this was not sound city planning and there were no architectural drawings attractive enough to make this acceptable.

Mr. Randy Ognio, 390 Grooms Circle, Fayetteville, Georgia 30215

Mr. Ognio stated that he was the chairman for the Fayette County Board of Commissioners. He stated that he had been contacted by many of his citizens that were concerned that their views would not be considered because they did not live in Fairburn. He explained that some Fayette residents' property backed up to Line Creek. The residents were also concerned that this would set a precedent and the whole area would become this type of development.

Mr. Ognio stated that other citizens had contacted him about their concerns about the traffic, since Fayette citizens used Hwy 138 and Hwy 74 to get to the interstate. He stated that either way there would be more traffic, and Fayette residents would have to use other routes because there was already a bottle neck. He expressed hope that GDOT was working on a solution for the Interstate 74 exit. However, he noted that this project would create more traffic.

Mr. Joe Lowe, 8515 Creekwood Road, Palmetto, Georgia 30268

Mr. Lowe stated that he had been living on Creekwood Road for 23 years. He asked the applicant if they would be entering Bohannon Road from Creekwood Road. He explained that the community already had trouble leaving their homes. He stated that if an emergency were to occur, they would be stuck. He stated that if there were more warehouses added it would really mess up things. He noted that police and ambulances would not be able to get through the community. He shared that he had to leave home two hours early to avoid the traffic. He stated if the applicant put the warehouse in, they would be blocked in and this was why he was opposed to the development.

Mr. Neale Nickels, 6805 Mann Road, Palmetto, Georgia

Mr. Nickels stated that he owned 113 acres in the area, 7 of which were in Fayette County across Line Creek and immediately south of this proposed development. He stated that his primary concerns were environmental, as had been expressed already. He noted that his property flooded quite a bit, and he had major concerns about the impervious pavement and the stormwater control. He stated that he had also worked as an environmental consultant doing stormwater pollution prevention plans and he knew how challenging this could be for projects like this.

Mr. Nickels also asked the Commissioners to consider the Comprehensive Plan in their analysis. He explained that a lot of people spent time and energy working on a Comprehensive Plan for Fairburn's future. He stated the Comprehensive Plan was a really important part of his family's decision to purchase the property. He shared that he was looking for something with a rural agricultural feel where he could raise his family and have a farm. He stated that he felt this project was a threat to that and to his property values. He asked for the Commissioners to consider the Comprehensive Plan and what it designated for this area of town as they made their decision.

Mr. Reginald Ackie, 520 Devcon Lane, Palmetto, Georgia

Mr. Ackie stated he was totally against the development. He explained that he moved in the Creekwood Village subdivision 24 years ago. He shared that he had raised his family there and taught his kids how to ride their bikes on Creekwood Road. However, now they were unable to go past Clorox because of the trucks. He stated it was affecting their quality of life and the reason they had moved into the area. He echoed the other points regarding the agricultural character, and the pollution and the traffic on Creekwood Road, adding that the traffic could not get any worse. He explained that the traffic started at Clorox and affected him no matter which direction he traveled. He commented that when traffic started to affect the quality of life and property values, it really hurt everybody. He stated that it would be impossible for the trucks to go up Creekwood Road because the bridge was not designed to hold them. He explained that he rode a motorcycle and he had hit potholes on Oakley Industrial. He stated he was representing Creekwood Village tonight and there were members of the community there in opposition of the project moving forward.

Mr. Greg Hecht, 205 Corporate Center Drive, Stockbridge, Georgia 30281

Mr. Hecht stated he was representing Tom and Darcy White. He stated he was also asked by several land-owners to present a constitutional rights reservation to file with the clerk. He stated that this was an inconsistent project with the Comprehensive Plan and the constitutional right of each and every citizen that neighbors this area. To quantify the impact, the Calyx Engineers Report which came from the developer explained, "It is expected to generate 824 new trips daily." He stated that in addition, it would have over 300 trucks access transactions daily, and there would be projections of 158 trucks that would enter and exit the warehouse facility daily. He stated that this would total about 310 truck transactions each day added to what you have in your stop-gap problems.

Mr. Hecht stated the staff report stated secondly that a lot of this truck route was currently prohibited. The M-1 Light Industrial was not a permitted use within the Planned Development District now, which was why they had to come for the M-1 Permit. He explained the Moreland Altobelli Report that came from the City stated that Creekwood Road could not accommodate this traffic and Bohannon Road had similar problems. The report also referenced truck accident problems that one neighbor had already referenced.

Mr. Hecht added that there were public safety concerns with emergency vehicles, fire response and EMS response. He stated that parking for queuing would not run correctly because 10 trucks in comparison to 158 trucks would not be queue correctly. He stated that there would be trucks being parked on the road as they were trying to get in to the parking lot. He stated that regarding the Line Creek impact: sewer and water issues would rampant with this project. There was no current connection to sewer, use of septic would be prohibited, and many people in that area are on well water. He stated that these citizens would not want to worry about runoff or aquifer pollution in that area, which would ruin the health, safety and welfare of the citizens.

Lastly, Mr. Hecht stated there was a horse park nearby that provided lessons for disadvantaged children. He stated that the last thing you would want would be 800 trips daily around the disabled children that were trying to learn a rehabilitative process in the horse training position. He stated he would present the clerk with the constitutional rights notes and stated that by the time the case went before City Council, they would have more notes.

Mr. George Hart, 6805 Mann Road, Palmetto, GA 30268

Mr. Hart stated he had been fighting this type of development in the area for the last 50 years. He stated that he fought because he wanted to be in the country and have the opportunity to enjoy life. Therefore, he owned 150 acres. He shared that he felt they had been under siege ever since the mid 1970's. He explained that by under siege he meant people were trying to put things in this area that clearly did not belong there. He stated he had asked a number of times, "Who benefits from this project?" He asked if it would be Mr. Neale Nickels or the 300 or 400 families that would be massively impacted by the fact that they were locked into their subdivision.

He stated that it was just the sort of thing that did not make any sense to him because the only people that could possibly benefit from this would be Exeter and the people selling to Exeter. He described the project as a giant noise making polluting facility that would destroy the area. He argued that the zoning plan would be out the window if the City let the project in.

Ms. Bennie Johnson, 285 Horseman Run, Palmetto, Georgia 30268

Ms. Johnson stated that she was not in favor of the warehouse project that was trying to form in her community. She explained that she moved there 7 years ago, and she was enjoying the peacefulness and the country-type living, such as watching the cows, horses, and goats feeding and roaming on their property. She stated now with the project, all of this could go away. She stated that the roads could not handle all of the big trucks coming and going through the day and night. She explained the streets were made for residential use only. She noted that Creekwood & Bohannon Roads were not truck routes in this area, and the only truck route was on Oakley Industrial. She noted that during certain times of the day, Oakley Industrial became messy.

Ms. Johnson stated if they chose to go ahead with this project, all the hard work that had been put into making homes livable would become useless, the property values would go down, the roads would become dangerous for their children's school buses, and for their cyclist who used the road for their enjoyment. She explained that there is a possibility that Line Creek would be affected also. She requested that the applicant build elsewhere.

REBUTTAL:

Mr. Doug Dillard, 1230 Peachtree Street NE, Atlanta, Georgia 30309

Mr. Dillard stated that the City of Fairburn had annexed the property without any guidance or assistance from any of the property owners. He stated that the City had left 3 acres zoned AG-1 (Agricultural), but the remaining 70 acres were zoned PD (Planned Development). Mr. Dillard shared that he believed it had been zoned to PD because it had been zoned CUP (Community Unit Plan) in unincorporated Fulton County. He stated that when the City annexed and zoned the larger 70-acre tract, they zoned it PD. He referenced minutes, which showed the uses allowed under PD. He listed the permitted uses as R-1, R-2, R-3, R-4, DP-6, RM-8, R-CT, O&I, C-1, C-2. He stated that as a matter of right, he could build 800,000 square feet of non-residential uses on the property. He used as average of 8,000-10,000 square feet for a shopping center, multi-family

or single-family detached is allowed under PD and was also allowed under the CUP zoning from Fulton County before it was annexed.

Mr. Dillard stated that he did not know why Fairburn had annexed the property, but it was annexed. He implored that the Commissioners could not arbitrarily take the property away from the owners during the planning and zoning review process. He addressed the future land use map classification of the 70 acres as "greenspace." He stated that it had been annexed and zoned for a high-density mixed-use, the future land use classification was a taking of a valuable property right. He stated that the City could not do this. He stated that if the City wanted this to be greenspace, they should buy the property. He stated that his team had obtained a traffic report and felt there was "no question" that Creekwood Road needed to be improved. He stated that this had been confirmed by the applicant's engineers and the City's engineers. He stated that his team had met with Moreland Altobelli and had come up with a plan.

However, the plan would cost over \$1 million, he stated, to fix the bridge, widen the street and install the desired landscaping. Mr. Dillard stated that in a spirit of compromise and cooperation, the applicant agreed to make a \$400,000 contribution to the improvement of the roadways. He stated that in Georgia law, a zoning case could not be denied based on an increase in traffic. Quoting a 1961 Georgia supreme court case, Mr. Dillard stated that traffic was a natural outgrowth of urban growth. He stated that this was what Fairburn had been experiencing over the past several years. He stated that he had been involved in a lot of zoning cases along Highway 74 in Fairburn. Commissioner Williams interjected, inquiring if the law was referencing normal traffic, not truck traffic. Mr. Dillard replied that the law did not make a distinction between tractor trailer trucks and automobiles, nor did other reports make this distinction. He stated that 842 trips would be generated per day from the proposed development. He stated that there would be many trips being generated if the proposed development had been a shopping center or office building. 158 trips would be tractor trailer truck trips. The rest would be automobile trips. Next, Mr. Dillard discussed the conditions that the applicant would agree to. He stated that there was a difference between the Commission's obligations when analyzing a zoning case and the Commission's obligations when analyzing a use permit.

He stated that when reviewing a zoning case, the Commissioners were charged to balance the equities – to determine the applicant's rights to use their property for a lawful purpose against the police power. If the Commission could not balance the equities, this would be considered a taking and it would be unconstitutional. Commissioner Stoney asked the Commissioner if there were any questions for staff or the applicant. Commissioner Williams inquired about Mr. Dillard's statement that there was no difference between the automobile and truck traffic. He stated that some roads did not support certain types of vehicles. Therefore, the law referenced by Mr. Dillard must have taken this fact into consideration. He stated that for the applicant to state that there was no difference was inaccurate.

Mr. Dillard stated that Commissioner Williams' statement was not what he meant. He clarified, stating that it was not the applicant's place to solve a problem that formed over 40-50 years, which was to make the road safe. He stated that the road was not safe for any use. He stated that the City needed to fix the road for pedestrian traffic as well as truck traffic. Commissioner Smith inquired if Mr. Dillard believed that the City of Fairburn should fix the road. Mr. Dillard stated that the road was in the City of Fairburn and that it was the City's obligation to fix the roads.

Mr. Dillard suggested that there were ways for the applicant to work with Fairburn to finance the improvements through a public-private partnership. He further suggested that they float bonds and use the taxes generated by the property to pay the bonds. He stated that this process could be

done over a 20-year period. Vice-Chair Wade inquired about hours of operation for the facility. Mr. Duerr stated that there were no current hours of operation set. He stated that this was a speculation building. Commissioner Wade asked if the facility could possibly be a 24-7 operation. Mr. Duerr confirmed that it could be a 24-7 facility.

Commissioner Phillips asked how far the property was from other commercial facilities. Mr. Duerr stated that the property was 0.75 miles from the Clorox facility on Creekwood Road. Commissioner Phillips asked if the Clorox facility was very close to the subject site. Mr. Duerr stated Creekwood Road needed improvements from the intersection of Creekwood Road and Bohannon Road to the bridge on Creekwood. Mr. Duerr stated that at the bridge, Creekwood Road changed from 12-foot lanes to 10-foot rural county roads.

He stated that this stretch of Creekwood Road, from Bohannon Road to the bridge, would have to be improved, and that this was approximately 0.75 miles. Commissioner Phillips inquired if Mr. Duerr was referring to Line Creek bridge. Mr. Duerr replied that he did not know the name of the bridge, and that the bridge was more like a culvert at this time that crossed an ephemeral stream. Vice-Chair Wade inquired about the general public health comments from the Fulton County Health Department. Ms. Peeks stated that she had submitted the proposal to the Fulton County Board of Health's Environmental Justice program. The county office responded with comments after reviewing the proposal. Ms. Peeks shared some of the comments with the Commissioners, noting that the increased truck traffic would impact pedestrians and cause an increase pedestrian injury; that truck traffic and diesel engines impact air quality; that diesel exhaust particulate matter was a toxic air contaminant and contained known carcinogens; that developments such as warehouses could have up to 84 decibels of noise, which could cause a noise hazard to the citizens in the area; and that streams and rivers downstream from the developed areas have been known to have higher bacteria counts after rainfall. The county office also provided comments from the Board of Health related to sanitary sewer facilities. The comments contained the Fulton County Board of Health articles and codes that would apply to the development.

Commissioner Phillips inquired if the approval of the project would create an island. Ms. Peeks replied that there was no other industrial development in the area once you passed the Clorox facility. She stated that everything in the southwest portion of the city was still single-family and rural residential and everything was zoned agricultural. She noted that the only PD zoning had been the Asbury Park subdivision and the subject property for the use permit. She stated that the development would be an island as far as land use because there were no other industrial uses beyond Clorox.

She stated that the zoning would remain PD. Although PD did not necessarily allow an M-1 or M-2 use, the ordinance stated that in order to have an M-1 or M-2 use the applicant would have to go through the special use permit process. She added that PD was a mixed-use zoning district where an applicant would need 3 or more different uses. She referred to Meadow Glen as an example of a PD district, where the district contained multi-family, single-family, industrial and commercial uses. She named Meadow Glen as an example of a what a true PD should look like.

MOTION AND VOTE: Commissioner Echols moved to deny rezoning 18RZ-004 with concurrent use permit 18U-005. Commissioner Williams seconded. **The motion carried.**

Use Permit 18U-003 - Exeter Bohannon Land, LLC:

SUMMARY/STAFF PRESENTATION: A request to allow an M-1 (Light Industrial) use in a PD (Planned Development) zoning district for properties located at 0 Bohannon Road and 6570 Bohannon Road.

Ms. Peek's stated that the applicant Exeter Bohannon Land, LLC was proposing a use permit to allow an M-1 Light Industrial use. She explained that this was a subsequent petition for the rezoning case.

Staff's recommendation was denial.

COMMISSION MEMBERS COMMENTS: None

MOTION AND VOTE: Commissioner Williams made a motion to DENY use permit 18U-003. Vice-Chair Wade seconded. **The motion carried.**

NEW BUSINESS:

Preliminary Plat 19P-003 - Clayton Ministries:

SUMMARY/STAFF PRESENTATION: A request to subdivide one parcel into two parcels.

Ms. Peek's stated the applicant was requesting to subdivide one parcel into two parcels. Staff's recommendation was approval.

Pastor Hayes Clayton

Pastor Clayton requested that the property he owned at 7875 Bohannon Road be split into two parcels in order for him to accommodate the City with building sidewalks. He stated that the subdivision would allow him to put sidewalks and curbs around the corner property at Bohannon Road and Oakley Industrial Blvd. He explained that he already been approved for the use permit and now wanted to obtain approval to subdivide the property.

COMMISSION MEMBERS COMMENTS:

Commissioner Phillips stated that he did not understand why it would be more advantageous for the applicant to subdivide the property. Ms. Peek's responded that the property owner had the right to subdivide his property. She stated that he was asking to subdivide the property because he would not use part of the parcel because of the streams on it.

She explained that his church would still maintain ownership of the property, but that the subdivision would allow him to put sidewalks on Bohannon Road from property line to property line, which would end at the second piece of property. Commissioner Phillips asked if the second parcel is not buildable. Ms. Peek's replied this was correct.

MOTION AND VOTE: Commissioner Williams made a motion to APPROVE preliminary plat 19P-003 with staff's recommendation. Commissioner Smith seconded. **The motion carried.**

Preliminary Plat 19P-004 - OCP Fairburn/Fairburn Commons:

SUMMARY/STAFF PRESENTATION: A request to subdivide one parcel into two parcels.

Ms. Peek's stated that preliminary plat 19P-004 was a request to subdivide one parcels. Staff's recommendation was approval.

COMMISSION MEMBERS COMMENTS: Commissioner Phillips inquired about why the applicant was subdividing the property.

Ms. Peeks stated that the large piece of property was owned by OCP Fairburn. They were subdividing 1.4 acres to allow for a retail commercial development called Fairburn Commons. Commissioner Phillips asked if the retail site was the smaller property. Ms. Peeks stated yes.

MOTION AND VOTE: Commissioner Williams made a motion to APPROVE Preliminary Plat 19P-004. Vice-Chair Wade seconded. **The motion carried.**

Conceptual Plan 19C-002 - Fairburn Commons:

SUMMARY/STAFF PRESENTATION: A request to review the conceptual site plan for a 12,800 square ft. multi-tenant commercial development on Highway 74/Senoia Road. Ms. Peeks stated that staff's recommendation was approval conditional.

Ms. Anita Ford, Riverwood Properties, 3350 Riverwood Parkway SE, Suite 450, Atlanta, GA 30339

Ms. Ford stated that she worked with Riverwood Properties. She stated that they proposed to build 12,800 square ft. of retail Shopping Center on this parcel. She stated they were an unanchored retail developer in Georgia and they develop on the south east. Commissioner Phillips asked if they were building this property on speculation or did they have confirmation user. Ms. Ford responded that they had 5 tenants and 3 vacancies that she was trying to fill with different users. Commissioner Phillips asked what types of user's there were. Ms. Ford replied she had Moe's Southwest Grill, AT&T, Jersey Mike's and a wing's restaurant. She stated a lot of the uses she have had been typical uses in their shopping centers.

Ms. Ford stated the Commissioners might be familiar with the Newnan Festival Shopping Center on Bullsboro Drive. She explained that they had built the Shopping Center next to AT&T store with Einstein's Bagels. Commissioner Phillips inquired about the proposed road access to the site. Ms. Ford stated that they would access their site from Meadow Glen Parkway and from Renaissance Parkway, which had been approved to be built by mid-March. She stated that they were finalizing the easement agreements at this time.

Commissioner Echols asked if traffic would come directly in or out of Highway 74. Ms. Ford stated that access would not come directly from Highway 74. She stated that access would come through Meadow Glen Parkway. Commissioner Echols asked if Ms. Ford was referring to Meadow Glen subdivision. Ms. Peeks interjected, stating that she meant Meadow Glen Parkway on the opposite side of Senoia Road. Ms. Ford stated that their access would come from an extension of Meadow Glen Parkway. Ms. Ford stated that they had submitted a 10% reduction of parking. She stated that this was to satisfy their current mix of tenants. She stated that she wanted to make sure this was taken into account.

Commissioner Phillips inquired about parking, stating that he saw 86 parking spaces and 64 parking spaces required by the city. He stated that he did not understand the calculation. Ms. Ford replied that they could apply for a 10% parking reduction based on the mix of uses. They did their parking calculations based on their current tenants and the types of tenants they could have in the three vacant spaces. She stated that the required parking would be 10% shy, based upon the reduction request. However, they would satisfy their parking requirements. Commissioner Phillips asked that since there were eight stores, and four handicapped parking spaces, if the handicapped spaces could be spread out so that each store could have a handicapped parking area. Ms. Ford stated that they had four handicapped parking spaces.

Commissioner Phillips inquired if each store needed to have its own handicapped parking space. Ms. Peek stated that the ordinance required the handicapped spaces to be on the closest route to the door. Therefore, it would be impossible to put one space at each door. Instead, the applicant placed the handicapped parking spaces in the center of the development, so that if anyone had a disability they would be equidistant from all stores left to right. Ms. Ford added that with ADA they had to be careful about where they placed their ramps. She stated that the flat portion of the ramp could not be in front of a door.

Commissioner Phillips inquired if everyone would enter and exit from the center of the facility. Referring to the conceptual plan, Ms. Ford agreed that this was correct for the middle one. Vice-Chairman Wade asked if the project was compliant with ADA. Ms. Ford stated that it was. Vice-Chairman Wade stated that he did not believe Ms. Peek would allow the project to come before the Commission without being ADA compliant. Ms. Ford stated that they were very aware of ADA requirements.

MOTION AND VOTE: Commissioner Smith made a motion to APPROVE Conceptual Plan 19C-002. Commissioner Williams seconded. **The motion carried.**

Rezoning 18RZ-007 - 6905 Development Company/Renaissance Festival:

SUMMARY/STAFF PRESENTATION: A request to rezone 21.41 acres located at 592 Rivertown Road from R-1 (Single-Family Residential) to AG-1 (Agricultural District)

Ms. Peek stated that staff's recommendation was approval conditional.

SPOKE IN FAVOR:

Mr. Brian Pelham, 1039 Sullivan Road, Suite #200, Newnan, Georgia 30265

Mr. Pelham stated that he was with Integrated Science & Engineering. He stated that he would be speaking on behalf of the applicant and would be the engineer of record on the project for the Georgia Renaissance Festival. He explained that they were looking to do a possible expansion of their parking area sometime in the future. He stated that the proposed project was adjacent to Duncan Park. He added it was currently zoned R-1 and the only roadway frontage it had was up on Rivertown Road and was 50 ft. wide.

He explained that it would be adequate to access the property from Rivertown Road, so they would have to access it from the southern side that was contiguous to the Renaissance Festival. He stated that it would be a straight-forward project. He stated he would use the remaining time to discuss questions or speak with anyone regarding the project.

SPOKE AGAINST:

Ms. Vermeka Martin, 6560 Lake Esther Drive, Fairburn, Georgia 30213

Ms. Martin stated she was in opposition of the project because she had lived in Fairburn since she was in the 9th grade, which was 25 years. She stated that she had her children there, and there were 3 generation that lived in Fairburn. She explained that her kids went to the park with their dog, and she feared that with all the traffic something might happen to her son, who has down syndrome. She explained it might not be safe with all the cars and public that would come through there. She stated that Fairburn had been a peaceful place, that her family enjoyed.

Ms. Martin explained that she already dealt with traffic and noise on her commute into Atlanta, and she did not want the additional traffic & noise from the Renaissance Festival. She asked for Fairburn to take into consideration their quality of life, and how they really love and enjoy living in Fairburn. She stated that she would not like their quality of life to be interrupted for parking. When the Renaissance Festival already had parking and could extend it from the Existing parking lot instead of coming through Rivertown Road.

Ms. Martin stated that she believed that there were other options that they could present other than disrupting their quality of life and creating the possibility that their children would get injured walking to the park. She stated that on Lake Esther Drive, there were no sidewalks, so children had to walk on the side of the street, in the grass and in the mud. She stated this also occurred on Rivertown Road before the sidewalk was built next to Duncan Park. She stated that there were a lot of safety concerns with the children going to school, the school buses that come through and the traffic and environmental they had there.

SPEAKER IN FAVOR (REBUTTAL):

Mr. Brian Pelham, 1039 Sullivan Road, Suite #200, Newnan, Georgia 30265

Mr. Pelham asked Ms. Martin if she lived off Rivertown Road. Ms. Martin responded that she did. Mr. Pelham stated that they were not putting a dual, fully city-approved entrance off of Rivertown Road. He stated that they did not intend to. Instead, they would put a small driveway off of Rivertown Road that would allow for emergency vehicle access. He stated that when the festival was in full swing, it was busy. To get emergency vehicles into the festival from the main entrance on Virlyn B. Smith had proven to be challenging at times. Therefore, they proposed to have gated access on Rivertown Road to allow for a small driveway. He added that the topography would not allow for a full driveway. Therefore, they planned to put a small driveway that was gated and controlled to allow vehicles in. He stated that they would not be able to improve the driveway to be able to bring it up to current deceleration lane standards or full commuter traffic access.

He stated that this was impossible and that they could not do it. Therefore, he argued, they would not increase traffic on Rivertown Road. He stated that the only traffic on Rivertown Road would come from visitors trying to get to the festival from Atlanta. He added that the parking lot expansion would not increase traffic but would address traffic that is already being generated. He stated that the Renaissance Festival was growing organically in terms of size. He stated that the festival was not increasing its surface area, and it was not adding any exhibits. The only increase was coming from word-of-mouth and traffic coming in. None of the traffic was coming from Rivertown Road unless the visitors were being directed to the park by electronic means. He reiterated that they were not accessing the park from Rivertown Road.

Vice-Chair Wade asked if the Rivertown Road entrance would be for public safety only. Mr. Pelham stated yes, this was correct and that the entrance would be gated. Mr. Pelham added that they were not going to immediately clear the property for parking. He stated that they were currently using about 75-80% of the existing parking during the festival's busiest time. He stated that the biggest motivation for them to do the project was to put the access road in. The access road would be connected to a proposed turn-around with a driveway that connected to Rivertown Road. This would enable ambulance service and/or fire trucks.

He stated that they were trying to plan for the future in the event that they needed additional parking. They planned to clear the property in a controlled manner to allow for parking. He stated that at this time they did not have an anticipated start date for clearing the property.

Vice-Chair Wade asked if the main access would still come from Virlyn B. Smith. Mr. Pelham stated that this was correct. Commissioner Phillips asked if there were any existing facilities or housing on the subject property. Mr. Pelham stated that it was currently a vacant, wooded area. Commissioner Phillips asked if there was a required buffer, since the property was in a residential area. Mr. Pelham stated that there was a 50-foot buffer, city-required buffer that would go around the property. He stated that the buffer could be a mixture of either undisturbed material or material planted to Fairburn's standards. He stated that they intended to meet these criteria. Commissioner Phillips asked if the buffer would help reduce the noise factor. Mr. Pelham stated that this was correct. Commissioner Phillips inquired if there were any streams on the property. Mr. Pelham stated that on the north side there was a wet weather type stream that they would address when they put the driveway in. He stated that they would probably put a culvert in to handle it.

Commissioner Williams asked Ms. Peeks about the staff report, in which she noted that the project would decrease traffic congestion. He asked how this determination was reached. Ms. Peeks stated that when the Renaissance Festival is in session for six weeks, adequate parking would help the cars exit Virlyn B. Smith more quickly. She stated that this would decrease congestion on Virlyn B. Smith and roads that connect to Virlyn B. Smith.

Chairman Stoney inquired if the applicant was installing the access road by ordinance or mandate. She inquired how long the Renaissance Festival had been at this location. Mr. Pelham stated been at that location since 1997. He stated that there was no mandate other than public safety. He stated that no one had come out and told them that they had to put the access road in. Instead, the owner had found that when people were in the heat all day and needed to go to the hospital, it would be easier to exit the other way than through the festival entrance.

MOTION AND VOTE: Commissioner Williams made a motion to approve Rezoning 18RZ-007. Commissioner Smith seconded. **THE MOTION CARRIED.**

STAFF REPORT: None

COMMISSION MEMBERS COMMENTS: Commissioner Phillips discussed the Lightning Redevelopment Study community meeting that took place on January 31st. He expressed interest in the findings that the area should be considered separate and should have its own comprehensive plan. He also stated that the large number of non-conforming lots in the area were discussed in the meeting. He recommended that the Commissioners attend the meeting to see how they could help with the issue of non-conformity. Chairman Stoney stated that the consultant was reviewing the zoning for the Lightning Community. Ms. Peeks stated that part of the consultants' work in the creation of their plan was to look at the lots in the Lightning community. The consultants had found many lots to be legally non-conforming. She stated that their plan would give recommendations to the City on how to better handle the non-conforming lots, especially since the City wanted to redevelop the area. Their recommendations might include changing ordinances and changing lot sizes so that they can come into conformity. Ms. Peeks stated that these elements would be part of the plan created by the consultants. She stated that the next meeting Lightning Redevelopment Study meeting was February 28, 2019 and the Commissioners were welcome to attend. Vice-Chair Wade had no comments. Commissioner Williams had no comments. Commissioner Smith thanked Chairman Stoney for resuming the chairmanship.

ADJOURN: Commissioners Williams made a motion to adjourn. Commissioner Smith seconded. **The motion carried.**

Meeting adjourned at 8:18 p.m.

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

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

Date: March 12, 2019
To: Planning and Zoning Commission
From: Tarika Peek, Senior Planner/Zoning Administrator
Agenda Item: **19C-001 - Graham Road [parcel # 09F110000440455]** a request to review the conceptual site plan for a 278,636 square-foot warehouse development on Graham Road

BACKGROUND: The subject property is located on the southwest side of Graham Road. The site is approximately 18.411 acres. The property is zoned M-2 (Heavy Industrial District) and the surrounding land uses are industrial. CSX rail line is located to the rear of the subject site and the City of South Fulton borders the project site to the north.

DISCUSSION: The applicant is proposing to construct a 278,636 square-foot warehouse with associated driveways, parking, utilities, and landscaping. The applicant will be required to meet all parking regulations. The site has two proposed ingresses/egresses one on Graham Road. Stormwater detention is proposed to be located on the northeast side of the project site.

PARCEL MAP



**19C-001
278,636 SF warehouse
18.411 acres**

STAFF RECOMMENDATION: APPROVAL CONDITIONAL of the conceptual site plan to construct a 278,636 square foot warehouse development. The staff has reviewed the proposed conceptual site plan and the plan has met the requirements for a conceptual review. Staff has recommended one condition.

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.

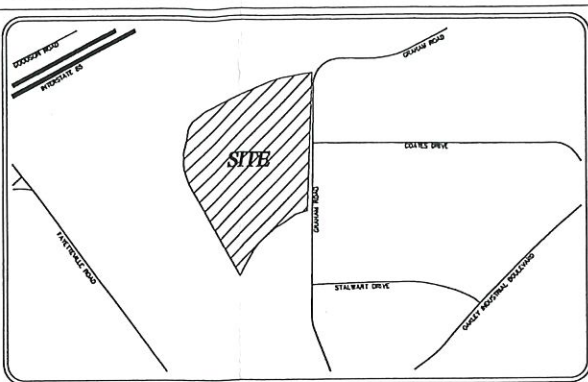
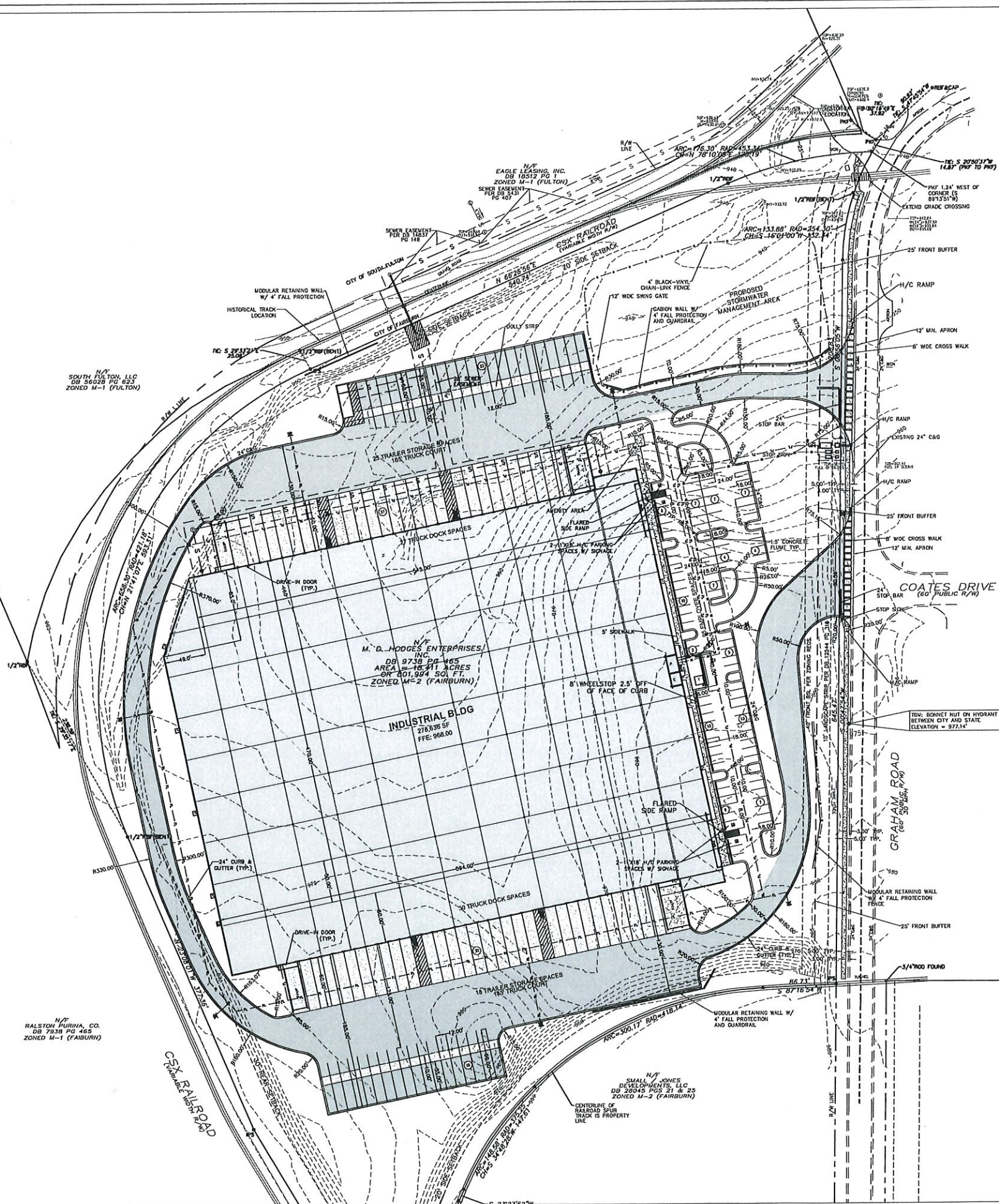
Conditions:

Should the Planning and Zoning Commission decide to approve the conceptual site plan, the staff recommends the approval be subject to the following conditions. The applicant's agreement to these conditions would not change staff's recommendations. These conditions 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 February 25, 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
- Elevations



LOCATION MAP
N.T.S.

SITE DATA

ZONING USE: M-2

TOTAL ACREAGE: 18.411
DISTURBED ACREAGE: 17.40

FULTON COUNTY, GA
LAND LOT 44; 9F DISTRICT
PARCEL #: 09F110000440455

BUILDING DATA

BUILDING SQUARE FOOTAGE: 278,636 SF
OFFICE: 11,880 SF
WAREHOUSE: 266,756 SF

PARKING DATA

REQUIREMENT:
STANDARD: 2,500 SQ. FT. < 150,000 SQ. FT. = 60 SPACES
7,500 SQ. FT. > 150,000 = 18 SPACES
TOTAL: 78 SPACES
H/C: 76 TO 100 SPACES = 4 SPACES
TRUCK: 5,000 SQ. FT. = 56 SPACES
OFF STREET LOADING: 10,000 SQ. FT. = 28 SPACES

PROVIDED:

STANDARD: 95 SPACES
2 STD. H/C SPACES INCLUDED
2 VAN H/C SPACES INCLUDED
TRUCK: 70 SPACES
OFF STREET LOADING: 28 SPACES

OPEN SPACE

REQUIRED: 30% OR 20% IMPROVED OR 10% IMPROVED
W/ PUBLIC ACCESS
PROVIDED: 234,832 S.F. (5.39 AC, 29.3%)

NOTES

1. USE ARCHITECTURAL PLANS FOR BUILDING STAKE OUT.
2. ALL DIMENSIONS SHOWN ARE FROM FACE OF BUILDING, CURB, OR WALL UNLESS OTHERWISE NOTED.
3. ALL PAVEMENT MARKINGS INSTALLED ON ASPHALT WITHIN THE PUBLIC RIGHT-OF-WAY SHALL BE THERMOPLASTIC MATERIAL. 15" BLACK CONTRAST TAPE SHALL BE INSTALLED FOR CROSSWALKS ON CONCRETE.
4. WALL PERMIT REQUIRED BEFORE ISSUANCE OF A LAND DISTURBANCE PERMIT.

DEVELOPER

SEEFRIED PROPERTIES
3333 RIVERWOOD PARKWAY
SUITE 200
ATLANTA, GA 30339
404-405-4052

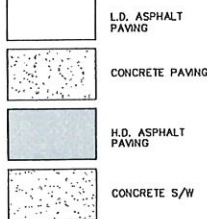
ENGINEER

WESLEY REED, P.E.
EBERLY & ASSOCIATES, INC.
2951 FLOWERS ROAD S.
ATLANTA, GA 30341
(770) 452-7849

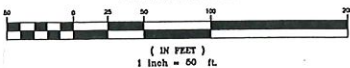
24 HOUR CONTACT

MATT BRUNE, P.E.
404-405-4052

PAVING LEGEND



GRAPHIC SCALE



TEL 770.452.7849 FAX 770.452.0086
2951 FLOWERS ROAD SOUTH, STE 119
ATLANTA, GEORGIA 30341
WWW.EBERLY.NET
LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE



PROJECT:
GRAHAM ROAD SITE
LAND LOT 44, 9F DISTRICT
FULTON COUNTY, GEORGIA

REVISIONS:

10/29/18 CD SET
01/28/19 ARCH UPDATE

LAYOUT & STAKING PLAN

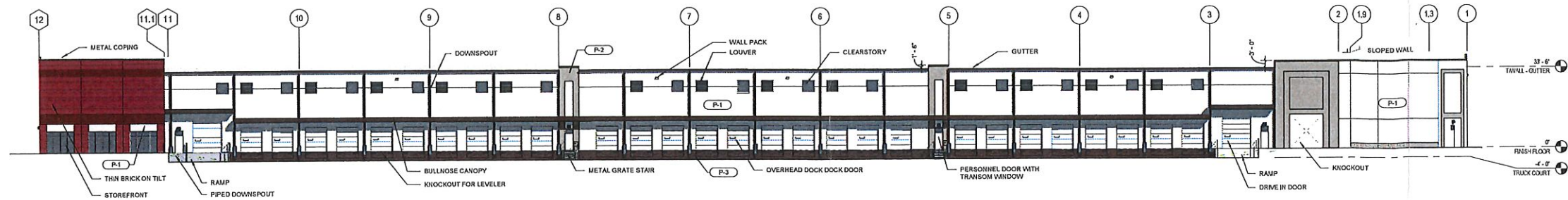
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DATE: 08/17/18
DRAWN BY: T. PATEL / T. BAPP
PROJECT MANAGER: W. REED
QA/QC CHECK: G.

PROJECT NO.

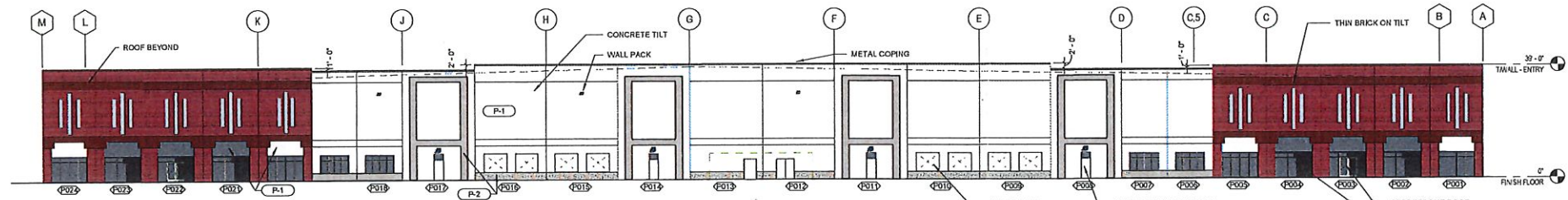
18-073

SHEET NO.

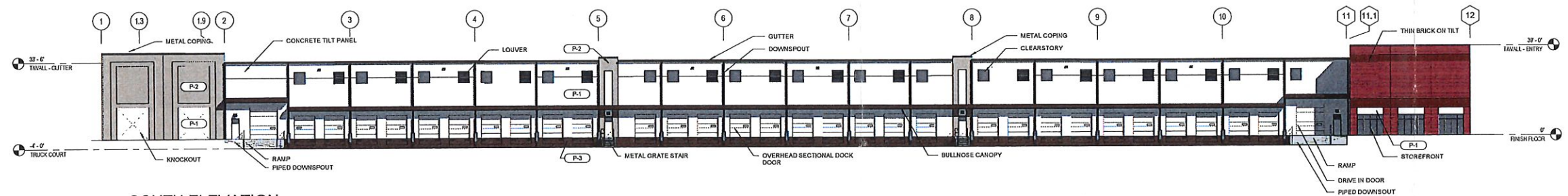
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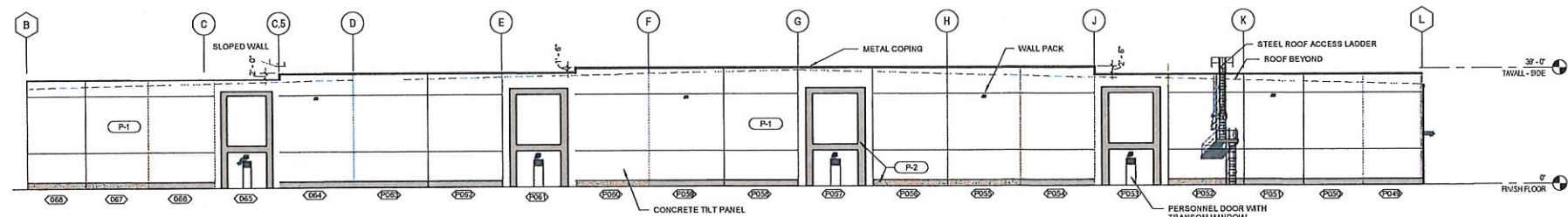
1 NORTH ELEVATION.
A-200 1" = 20'-0"



2 EAST ELEVATION.
A-200 1" = 20'-0"



3 SOUTH ELEVATION.
A-200 1" = 20'-0"



4 WEST ELEVATION.
A-200 1" = 20'-0"

PAINT LEGEND				
TAG	KEY	COLOR	MANUF.	LOCATION
P-1		SUMMER WHITE	SHERWIN WILLIAMS	FIELD
P-2		PERFECT BEIGE	SHERWIN WILLIAMS	ACCENT
P-3		BLACK BEAN	SHERWIN WILLIAMS	ACCENT

REVEAL LEGEND	
TYPE	DESCRIPTION
'A'	1 1/2" X 3/4" V-GROOVE REVEAL
NOTE: UNLESS NOTED OTHERWISE, ALL REVEAL DIMENSIONS ARE TAKEN TO THE CENTERLINE OF THE REVEAL. SEE ENLARGED ELEVATIONS VIEWS FOR REVEAL ELEVATION REVEALS TO BE CONTINUED AT EDGES OF PANEL	

Revision Record	
No.	Description



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

SUBJECT: Rezoning 19RZ-001 with Concurrent Variances [19CV-001 & 002] – Prestwick Land Holdings

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

Planning and Zoning Commission: 03.12.19

Mayor and City Council: 04.08.19

DEPARTMENT: Community Development/Planning and Zoning

BUDGET IMPACT: None

PUBLIC HEARING: () Yes (X) No

Prestwick Landing Holdings, LLC seeks to rezone 4.35 acres from **R-3 (Single-family Residential District)** to **RM-36 (Multi-family Residential District)** with two concurrent variances to allow a 96-unit multi-family residential development.

STAFF RECOMMENDATION: APPROVAL CONDITIONAL

APPLICATION INFORMATION

Rezoning 19RZ-001 with Concurrent Variances [19CV-001 & 002] – Prestwick Land Holdings

APPLICANT/PETITIONER INFORMATION

Property Owner

Jeff Couch

Petitioner

Prestwick Land Holdings, LLC

PROPERTY INFORMATION

Address:136 West Broad Street & 0 Strickland Street [Parcel # 09F170600670992
09F170600670232]**Land Lot and District:**

Land Lot 67, District 9F

Frontage:

West Broad Street & Strickland Street

Area of Property:

+/- 4.35 acres

Existing Zoning and Use:

R-3 (Single-family Residential District) and Single-Family Residential

Overlay District:

Highway 29 Overlay District

Prior Zoning Cases/History:

None

**2035 Comprehensive Future
Land Use Map Designation:**

Town Center Mixed Use

**Compatibility with Fairburn's
2035 Comprehensive Plan:**

The request to rezone property from R-3 (Single-family Residential District) to RM-36 (Multi-family Residential District) to allow a 96-unit multi-family development is compatible with the Comprehensive Plan and Future Development Map.

Proposed Zoning:

RM-36 (Multi-family Residential District)

MEETING AND HEARING DATES

Planning and Zoning Commission Meeting

Tuesday, March 12, 2019

Mayor and City Council Public Hearing

Monday, April 8, 2019

INTENT

A request to rezone 4.35 acres from R-3 (Single-family Residential District) to RM-36 (Multi-family Residential District) with two concurrent variances to allow a 96-unit multi-family residential development.

SURROUNDING ZONING

North: R-3 (Single-family Residential District) and R-2 (Single-family Residential District)**East:** O&I (Office Institutional District), DC-2 (Downtown Commercial District) and R-3 (Single-family Residential District)**South:** R-2 (Single-family Residential District) and R-3 (Single-family Residential District)**West:** R-3 (Single-family Residential District), DC-2 (Downtown Commercial District) and R-4 (Single-family District)

Zoning Map



19RZ-001, 19CV-001 & 002
96-unit multi-family residential development
+/- 4.35 acres

PUBLIC PARTICIPATION

The applicant held a public participation meeting on Monday, February 25, 2019 from 6:00 p.m. to 7:00 p.m. at the Manor at Broad Street Senior Complex [155 SW Broad Street, Fairburn]. There were fourteen property owners present at the meeting. The property owners expressed the following concerns about the proposed multi-family development:

1. Inconsistency with the Comprehensive Plan [apartments not wanted]
2. Drainage issues
3. Traffic congestion
4. Screening of the buildings
5. The need for a mixture of rental rates [affordable and market rate units]

The applicant reported that the site will comply with the state and city stormwater management requirements. The applicant also reported that the property will be screened to provide a visual buffer between the buildings and residential houses. It is the opinion of the applicant that the proposed project will increase opportunity downtown with a mixture of income housing units.

STAFF COMMENTS

Engineering/Public Works: No comments at this time.

Fire: No comments at this time.

Water and Sewer:

This property is surrounded by aged infrastructure. The developer must be responsible for assuring capacity is available with respect to all utilities and no adverse consequences will result from placing an additional 96 units in this area.

Fulton County Board of Health:

EHS Comments:

- Since this proposed development constitutes a premise where people work and/or live, onsite sanitary facilities would be mandatory prior to use or occupancy.

- This department will require that plans indicating the number and location of outside refuse containers along with typical details of the pad and approach area for the refuse containers be submitted for review and approval.
- If the proposed development includes an existing individual onsite sewage management system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.
- If this proposed development includes an existing individual onsite water supply system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.
- If there are existing structures to be demolished, this agency is requiring that they be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.

General Public Health and EJ Comments:

- Since a multi-family housing development is not considered an environmentally adverse use, the Fulton County Board of Health does not anticipate any adverse impacts to the health of humans or the environment by allowing the rezoning from R-3 to RM-36 to allow for the development of the proposed 96-unit residential use.
- Since the proposed development is in an area surrounding a railroad, this department recommends that the owner/developer considers the potential noise level and duration in this development's design. Noise has the potential for causing sleep disturbances which can negatively affect mental and physical health.
- Diesel engines emit pollution particles into the air around train tracks diesel pollution has an impact on public health and/or air quality. Diesel exhaust particulate matter is a toxic air contaminant and contains known carcinogens.

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?

The applicant is proposing to rezone the subject property to from R-3 (Single-family Residential District) to RM-36 (Multi-family Residential District) with two concurrent variances to allow a 96-unit multi-family development. The site will consist of four buildings, an amenity area and greenspace. The existing house will be renovated and serve as the leasing facility and clubroom.

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-3 (Single-family Residential District) and R-2 (Single-family Residential District) to the north, O&I (Office Institutional District), DC-2 (Downtown Commercial District) and R-3 (Single-family Residential District) to the east, R-2 (Single-family Residential District) and R-3 (Single-family Residential District) to the south, and R-3 (Single-family Residential District), DC-2 (Downtown Commercial District) and R-4 (Single-family District) to the west.

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 would not have an adverse impact on the use or usability of adjacent or nearby properties. The surrounding properties are zoned R-2 (Single-family Residential District), R-3 (Single-family residential District) and R-4 (Single-family Residential District). An existing multi-family residential community is located approximately 1,000 feet from the subject site.

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

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

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

Staff is of the opinion that the proposal will not result in a use which will cause an excessive or burdensome use of the existing infrastructure.

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

Staff is of the opinion that the proposal is consistent with the Future Development Map, which designates the site as Town Center Mixed Use. The Town Center Mixed Use Character Area goal is for downtown to become the center of daily life in the city. The development strategies for the Town Center Mixed Use Character Area, as referenced in the Comprehensive Plan are:

- 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 and;
- 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

The appropriate land use for the Town Center Character Area, as referenced in the Comprehensive Plan are:

- Mixed Use
- Civic/Institutional/Educational
- Residential (all types)
- Commercial/Retail/Office
- Small scale low intensity industrial that fits into appropriately scaled and designed structures

The proposal to develop a multi-family development in downtown is consistent with the goals of the Comprehensive Plan which encourages an integration of various residential uses into downtown. Incorporating a mixture of housing stock into downtown will increase activity in downtown and ultimately create a vibrant downtown.

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?

Geotechnical Environmental Consultants conducted a noise study to determine if noise levels would exceed the U.S. Department of Housing and Urban Development (HUD) limitations for exterior and interior locations. Several noise assessment locations (NAL) were chosen to give a general description of noise levels at the subject property. One NAL had a total day/night noise level (DNL) greater than 65dB. The sources for the predicted levels were identified as one roadway (Hwy29/Broad Street) and one railway (CSX), located directly

south of the site. Most buildings are under the 65dB and do not require mitigation. The applicant's Noise Mitigation Plan addresses the use of suitable wall, window, and door Sound Transmission Class (STC) rating materials to reduce the noise level. In addition to the STC rating materials, other noise reduction methods were recommended such as:

1. Continuous acoustical caulking and compressible neoprene weather stripping should be installed at all exterior door and window openings.
2. Tight seals and acoustical caulking should be installed around all exterior wall penetrations.
3. All bathroom and/or kitchen exhaust fans should duct through the attic or away from the noise source with a duct layout that incorporates at least one 90-degree elbow.
4. All equipment should incorporate vibration mounting as appropriate.
5. As the principal noise source is ground level transportation sources, and not airborne aviation sources, no special construction detail is required for roofs or top-level ceilings.

Fulton County Board of Health reviewed the proposal and does not anticipate any adverse impacts to the health of humans or the environment.

VARIANCE CONSIDERATIONS

Section 80-251 Variances Considerations:

- (1) Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of this chapter; or
- (2) The application of the particular provision of this chapter to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public.

The applicant is requesting two (2) concurrent variances as outlined below.

1. Variance from section 80-337(b)(1) to reduce the required parking from 2 spaces per unit to 1.50 spaces per unit. (19CV-001)

Findings:

Staff is of the opinion that the request to reduce the required parking from 2 spaces per unit to 1.50 spaces per unit is in harmony with the intent of the Zoning Ordinance and would not be a detriment to adjacent properties. The proposed 96-unit multi-family residential development would require 192 spaces and the applicant is proposing 145 spaces, a difference of 47 spaces. The off-street parking regulations does not provide separate standards for multi-family or single-family development. Both residential uses require 2 parking spaces per dwelling units. The applicant is proposing 30 one-bedroom units, 48 two-bedroom units and 18 three-bedroom units. Majority of the units are one and two bedroom units, therefore additional parking spaces will not be required to accommodate the number of proposed units. Additionally, the request is consistent with industry standards (1 to 1.5 spaces for 1 bedroom, 1.5 to 2 spaces for 2 bedrooms and 1.75 to 2 spaces for 3 bedrooms). Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.

2. Variance from section 80-91(e)(3) to reduce the side yard setback from 30' to 20'. (19CV-002)

Findings:

The subject property has an odd and irregular shape. The shape of the property on the northwest entrance, on Strickland Street, is narrow and prohibits the construction of a building within the first 150 feet. There are two pinch points on the site. The northwest entrance has a width of 70 feet across the site, and halfway down the length of the site, there is a pinch point where the width shrinks to 125 feet, which prohibits the development from being as efficient as possible. Therefore, based on these reasons, the staff recommends APPROVAL of this variance request.

STAFF RECOMENDATION

It is the opinion of staff that the rezoning request is in conformity with the Future Development Map, which designates the site as Town Center Mixed Use. The rezoning of the property from R-3 (Single-family Residential District) to RM-36 (Multi-family Residential District) will not adversely affect the surrounding properties as all adjacent parcels contain residential uses. The proposal to develop a multi-family residential development in the downtown is consistent with the goals and objectives of the Comprehensive Plan and the Town Center Mixed Use development strategies and appropriate uses. 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-3 (Single-family Residential District) to RM-36 (Multi-family Residential District) to allow a 96-unit multi-family residential development, staff recommends the following conditions. The applicant's agreement to these conditions would not change staff's recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council:

A. To restrict the use of the subject property as follows:

1. Residential units at density no greater than 24 units per acre or 96 units, whichever is less.

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 stamped received February 18, 2019. Said site plan is conceptual only and must meet or exceed the requirements of the City's ordinances prior to the approval of a Land Disturbance Permit. Any major deviation from this site plan is subject to approval by the City Engineer or designee.

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

1. Provide a 25-foot buffer where buildings directly adjoin residentially zoned property.
2. Amenity package to include a common area with benches, trash receptacles, bicycle parking racks, and a leasing facility with a clubroom.
3. Exterior materials shall be a minimum of thirty percent (30%) brick or stone and forty percent (40%) stone or other cementitious material. Vinyl siding and veneers shall be prohibited. The exterior colors shall be consistent with the Highway 29 Overlay District Downtown Color Palette.
4. All roof mounted equipment shall be screened from the public right-of-way.
6. The number of three (3) bedroom units shall be limited to no more than twenty percent (20%) of the total number of units.
7. Provide vegetated screening adjacent to residentially zoned property located at the northwest and southern entrance of the site.
8. Noise mitigating construction designs and practices as recommended in the Noise Mitigation Plan provided by Geotechnical & Environmental Consultants, Inc. shall be required.

ATTACHMENTS

Letter of Intent
Impact Analysis & Variance Considerations
Conceptual Site Plan
Elevations



**Prestwick
companies**

19AZ-001 19CV-001
RECEIVED 19CV-001

Feb
JAN 18 2019

Initial: JP

February 18, 2019

City of Fairburn
Planning & Zoning
Attn: Ms. Tarika Peeks, Director
26 West Campbellton Street
Fairburn, GA 30213

RE: Letter of intent – 136 West Broad Street Variance Application

Dear Ms. Peeks:

Prestwick Development Company, LLC is submitting a request for a variance on parcels 09F170600670232 and 09F170600670992. The variance request is to decrease the parking requirement from 2 spaces per unit to 1.5 spaces per unit.

The irregular shape of the site prohibits the development from meeting the full 2 spaces per unit parking requirement. The northwest entrance's shape limits the amount of parking that can be established on the north side. The existing structure at the south entrance, which will be preserved and used as an amenity for residents, also decreases the total amount of onsite parking. Greenspace is established between buildings in order to fully integrate the development into the local community, which is another factor that limits parking ability. From experience at other multifamily developments, less than a 1.5 spaces to unit ratio has historically been sufficient.

The irregular shape also disallows the proposed development from existing within the current 30' required setbacks. The shape of the northwest entrance prohibits any building from being established within the first 150 feet. The existing building and the required community areas in the southeast entrance require the majority of the development to be built in the middle section. There are also two major pinch points at the site. The northwest entrance has a width of 70 feet across the site, and halfway down the length of the site, there is a pinch point where the width shrinks to 125 feet, which prohibits the development from being as efficient as possible. In order to build and provide adequate, proximate parking, a less prohibitive setback is required.

Please also see our amended conceptual site plan which demonstrates the required setbacks and required bicycle racks along with the revised elevations which demonstrate the type and color of building façade materials and percentages of each material.

We appreciate the opportunity to present our letter to the City. Please do not hesitate to reach out if you have any questions or comments. You can reach me at 404.317.7597 or via email at edrick@prestwickcompanies.com.

Sincerely,



Edrick Harris
Senior Vice President – Development



IMPACT ANALYSIS

Applicant: Prestwick Land Holdings LLC

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, the site is along the commercial corridor of West Broad.
2. Does the proposal adversely affect the existing use or usability of adjacent or nearby property? No, the development will be properly screened and buffered from the single family residential.
3. Does the property have a reasonable economic use as currently zoned? No, underutilized and not complementary to the commercial corridor.
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, the community will add resident that will help boost the local economy
5. Is the proposal in conformity with the policies and intent of the land use plan? Yes, the development supports 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, the desire of residents to live in downtown Fairburn supports the approval of the zoning.
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 development supports Highway Mixed Use.

Attach additional sheets as needed.

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

Relief would be in harmony with the general purpose and intent of this chapter

- 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

That is correct. The application of these provisions of this chapter to our piece of property, due to its size and shape would create an unnecessary hardship for the owner.

- 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.

SITE PLAN FOR:

Fairburn Apartments

136 NW Broad St. Fairburn, GA 30213

Date: 2/8/19

Owner/Developer: Prestwick Companies

3715 Northside Parkway, NW

Bldg 200, Suite 175 Atlanta, GA 30327

Phone: 404-949-3870

Fax: 404-949-3880

Architect: Geheber Lewis Associates

649 11th St. Atlanta, GA 30318

Phone: 404-228-1958

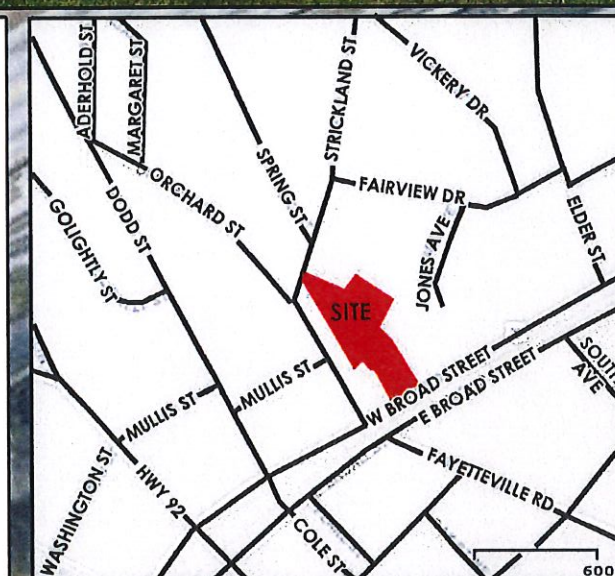
Fax: 404-228-8350



DENSITY STUDY
ACREAGE: 4.35 AC/
2.14 AC IMPERVIOUS
ZONING: R-3;
PROPOSED REZONING RM-36
WITHIN AREA OF MINIMAL
FLOOD HAZARD

1BR: 30 UNITS
2BR: 48 UNITS
3BR: 18 UNITS
TOTAL: 96 UNITS
STORIES: 3
PARKING: 145 SPACES
AMENITY: EXISTING HOUSE
BLDG FOOTPRINT:
TOTAL BUILDING GROSS SF:
113,493 SF
TOTAL CORRIDOR SF:
16,416 SF

SETBACKS
HWY 29: 45'
STRICKLAND ST: 35'
SIDE SETBACK: 20' PROPOSED





Building 100 Front Elevation
BRICK: 30% | FIBER CEMENT: 57% | SIDING: 13%

ELEVATIONS FOR:
Fairburn Apartments
136 NW Broad St. Fairburn, GA 30213
Date: 2/8/2019

Owner/Developer: Prestwick Companies
3715 Northside Parkway, NW
Bldg 200, Suite 175 Atlanta, GA 30327
Phone: 404-949-3870
Fax: 404-949-3880
Architect: Geheber Lewis Associates
649 11th St. Atlanta, GA 30318
Phone: 404-228-1958
Fax: 404-228-8350



Building 100 Side Elevation
BRICK: 30% | FIBER CEMENT: 52% | SIDING: 18%



Building 100 Side Elevation
BRICK: 30% | FIBER CEMENT: 52% | SIDING: 18%

Fiber Cement: SW 6250 Granite Peak
Fiber Cement: SW 7005 Pure White
Cherokee Brick: Belfast Gray



Building 100 Rear Elevation
BRICK: 30% | FIBER CEMENT: 58% | SIDING: 12%

Siding: SW 7052 Gray Area



Building 200 Front Elevation
BRICK: 31% | FIBER CEMENT: 55% | SIDING: 14%



Building 200 Side Elevation
BRICK: 33% | FIBER CEMENT: 58% | SIDING: 9%



Building 200 Side Elevation
BRICK: 33% | FIBER CEMENT: 58% | SIDING: 9%

ELEVATIONS FOR:
Fairburn Apartments
136 NW Broad St. Fairburn, GA 30213
Date: 2/8/2019

Owner/Developer: Prestwick Companies
3715 Northside Parkway, NW
Bldg 200, Suite 175 Atlanta, GA 30327
Phone: 404-949-3870
Fax: 404-949-3880
Architect: Geheber Lewis Associates
649 11th St. Atlanta, GA 30318
Phone: 404-228-1958
Fax: 404-228-8350

Fiber Cement: SW 6250 Granite Peak
Fiber Cement: SW 7005 Pure White
Cherokee Brick: Belfast Gray
Siding: SW 7052 Gray Area



Building 200 Rear Elevation
BRICK: 30% | FIBER CEMENT: 54% | SIDING: 16%

ELEVATIONS FOR:

Fairburn Apartments

136 NW Broad St. Fairburn, GA 30213

Date: 2/8/2019

Owner/Developer: Prestwick Companies

3715 Northside Parkway, NW

Bldg 200, Suite 175 Atlanta, GA 30327

Phone: 404-949-3870

Fax: 404-949-3880

Architect: Geheber Lewis Associates

649 11th St. Atlanta, GA 30318

Phone: 404-228-1958

Fax: 404-228-8350



Building 300 Front Elevation

BRICK: 30% | FIBER CEMENT: 48% | SIDING: 22%



Building 300 Side Elevation

BRICK: 33% | FIBER CEMENT: 58% | SIDING: 9%



Fiber Cement: SW 7005 Pure White

Cherokee Brick: Belfast Gray

Building 300 Side Elevation

BRICK: 33% | FIBER CEMENT: 58% | SIDING: 9%



Fiber Cement: SW 6250 Granite Peak

Siding: SW 7052 Gray Area

Building 300 Rear Elevation

BRICK: 30% | FIBER CEMENT: 50% | SIDING: 20%





Building 400 Front Elevation
BRICK: 30% | FIBER CEMENT: 57% | SIDING: 13%

ELEVATIONS FOR:
Fairburn Apartments
136 NW Broad St. Fairburn, GA 30213
Date: 2/8/2019

Owner/Developer: Prestwick Companies
3715 Northside Parkway, NW
Bldg 200, Suite 175 Atlanta, GA 30327
Phone: 404-949-3870
Fax: 404-949-3880
Architect: Geheber Lewis Associates
649 11th St. Atlanta, GA 30318
Phone: 404-228-1958
Fax: 404-228-8350



Building 400 Side Elevation
BRICK: 34% | FIBER CEMENT: 57% | SIDING: 9%



Fiber Cement: SW 7005 Pure White
Fiber Cement: SW 6250 Granite Peak
Siding: SW 7052 Gray Area
Cherokee Brick: Belfast Gray

Building 400 Side Elevation
BRICK: 34% | FIBER CEMENT: 57% | SIDING: 9%



Building 400 Rear Elevation
BRICK: 30% | FIBER CEMENT: 59% | SIDING: 11%