

**City of Fairburn
Planning and Zoning Commission**

AGENDA

Tuesday, June 5, 2018 ♦ 7:00 p.m.

- **Call to Order**
- **Roll Call - Determination of Quorum**
- **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.
- **Agenda for Meeting:** (Additions, Deletions, Adoption)
- **Approval of Minutes:** May 1, 2018
- **Public Hearing(s):**
- **New Business:**
 - **Final Plat 18P-007 - Kirby K. Johnson, Sr Estate:** A request to combine two parcels into one parcel.
 - **Rezoning 18RZ-003 - Miller Development Company:** A request to rezone 1.004 acres from PD (Planned Development) to PD (Planned Development) to remove a zoning condition that prohibits Major Group 55 uses in the area designated as commercial in Ordinance No. 98-07.
- **Staff Report**
- **Commission Members Comments**
- **Adjourn**



CITY OF FAIRBURN PLANNING AND ZONING COMMISSION AGENDA ITEM

SUBJECT: 18P-007 PLAT REVIEW- Kirby K. Johnson, Sr. Estate

() AGREEMENT
() ORDINANCE

() POLICY / DISCUSSION
() RESOLUTION

() CONTRACT
(X) OTHER

Planning and Zoning Commission: June 5, 2018

Mayor and City Council: June 11, 2018

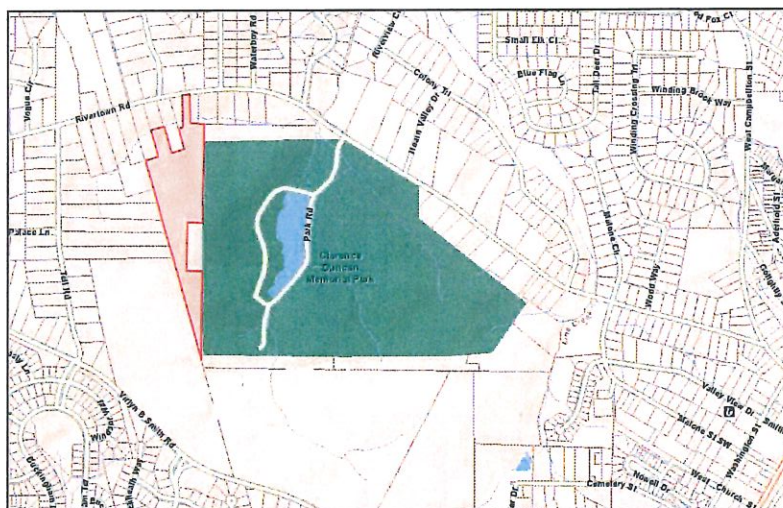
DEPARTMENT: Community Development/Planning and Zoning

BUDGET IMPACT: None

PUBLIC HEARING: () Yes (X) No

PURPOSE: For Planning and Zoning Commission to review and make a recommendation to the Mayor and City Council on the Kirby K. Johnson, Sr. Estate final plat revision.

DISCUSSION: The property is located on Rivertown Road approximately 0.3 miles from Clarence Duncan Memorial Park. The property is zoned R-1 (Single Family Residential District). The applicant is requesting to combine two parcels into one parcel, totaling 21.390 acres. The plat has been reviewed by staff and meets all the current regulation of the City Ordinances.

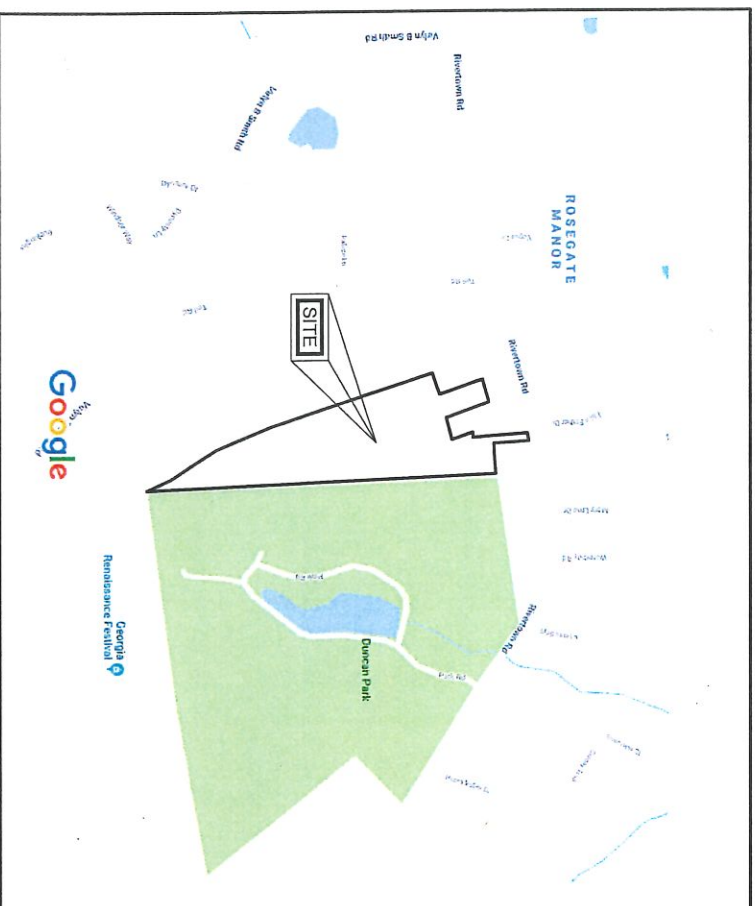


RECOMMENDED ACTION: For the Planning and Zoning Commission to recommend **APPROVAL** of the Kirby K. Johnson, Sr. Estate final plat.

Attachment: Kirby K. Johnson, Sr. Estate Final Plat

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT.

FINAL PLAT OF
THE KIRBY K. JOHNSON, SR. ESTATE
LOCATED AT 592 RIVERTOWN ROAD

VICINITY MAP
1" = 600'[illegible]

FINAL PLAT APPROVAL CERTIFICATION

This final plat has been prepared in accordance with the approved concept plat, the approved preliminary plat, the approved construction plans, and the other development codes and ordinances of the city, and has been approved by the city for recording in the Office of the Clerk of the Superior Court of Fulton County.

City Engineer	Date
City Clerk	Date
Mayor/ City Administrator	Date

OWNER'S CERTIFICATE

I hereby submit this final plat as the owner, or his authorized agent, of all property shown thereon.

Signature of Owner or Authorized Agent	Date
Name (Printed)	Title
Signature of Owner or Authorized Agent	Date
Name (Printed)	Title

RESTRICTIVE COVERNANTS

"This plat is subject to the covenants set forth in the separate document(s) attached hereto dated _____, which hereby become a part of this plat, and which were recorded on _____."

SURVEYORS CERTIFICATION

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, "PLAT," OR PLAN HAS BEEN APPROVED FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL, COUNTY, OR MUNICIPAL-COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED.

FINAL SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION, THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS 'FUTURE' AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN, THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-6-67).

BY: SWINSON A. GASKINS, S.R. GEORGIA REGISTERED LAND SURVEYOR NO. 16200

GENERAL NOTES

GENERAL NOTES

1. OWNER EXECUTORS:
ERIC K. JOHNSON & LEE E. JOHNSON
335 TRICKUM CREEK ROAD
TYRONE, GA 30290
(770)-571-5984
2. SURVEYOR:
S. A. GASKING & ASSOCIATES, LLC.
P.O. BOX 321
BROOKS, GA 30205
(678)-571-3054.
rgaskings19@gmail.com
3. TOTAL ACREAGE: 21.380 ACRES

PROPERTY ZONED R-1

MINIMUM DIMENSIONAL REQUIREMENTS FOR AG-1 ZONING DISTRICT

LOT AREA: 1 ACRE

LOT WIDTH: 125 FT

FLOOR AREA: 1,800 SF ON GROUND LEVEL FOR LESS THAN TWO STORY;
2,000 SF FOR TWO STORY OR MORE THAN TWO STORY WITH 1,200 SF ON
GROUND FLOOR

FRONT YARD SETBACK: 60 FT

SIDE YARD SETBACK: 30 FT ADJACENT TO INTERIOR LINE

REAR YARD SETBACK: 40 FT

4. SEWER TO BE SERVED BY THE CITY OF FAIRBURN.

5. WATER TO BE PROVIDED BY THE CITY OF FAIRBURN.

6. CITY OF FAIRBURN DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR
REPAIR OF ANY EASEMENT OR OVERALL DRAINAGE PLAN
OR THE LACK OF ONE INDICATED ON THIS PLAN.

7. THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND
RESTRICTIONS SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.
8. THERE ARE NO RECORDED EASEMENTS FOUND ASSOCIATED WITH THIS
PROPERTY EXCEPT AS SHOWN.

9. 1/2" REINFORCING RODS SET AT ALL LOT CORNERS UNLESS NOTED
OTHERWISE.

10. ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13121C045F-
DATED SEPTEMBER 18, 2013 MAP THIS PROPERTY DOES NOT LIE WITHIN A
SPECIAL FLOOD HAZARD AREA.

Job No. 18-061	
Drawn By: r.d.g.	Reviewed By: r.m.b.
Issue Date: 3/28/18	
F.W.P.D.: 3/21/18	
Revisions	Date
Comments from City	05/10/18
PAGE 1 OF 2	



Prepared For:

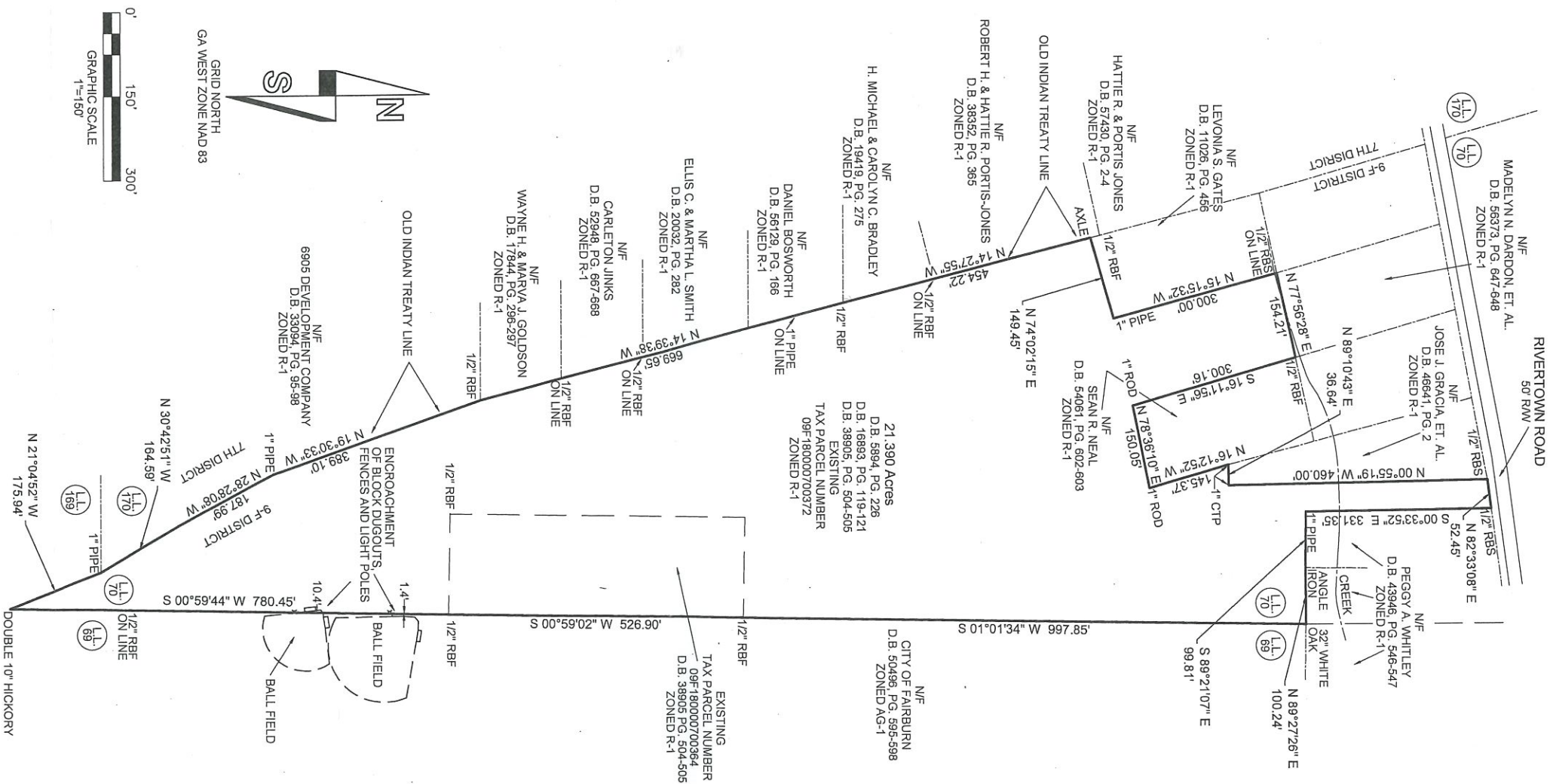
THE KIRBY K. JOHNSON, SR. ESTATE

Property Location
Land Lot 70 OF THE 9-F DISTRICT
Fulton County, Georgia

**S.A. GASKINS &
ASSOCIATES, LLC**
surveyors planners development consultants
P.O. BOX 303 BROOKS, GA 30205
678-571-3054
rdgaskins79@gmail.com

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT.

REAR-REAR FOUND
RBS-REBAR SET
CRP-CRIMP TOP PIPE
LL-LAND LOT
L.L.-LAND LOT LINE
P-PROPERTY LINE
C-CONSTRUCTION ENTRANCE
EP-EDGE OF PAVEMENT
P.B.-POINT OF BEGINNING
BL-BUILDING SETBACK LINE
DE-DRAINAGE EASEMENT
F.W.P.D.-FIELD WORK
PERFORMED DATE
O/F-OUT OF FLOOD PLAIN
DB-DEED BOOK
GS-PAGE
P/P-LA BOOK
HH-HOUSE NUMBER



FLOOD STATEMENT
ACCORDING TO FEMA FLOOD
INSURANCE RATE MAP OF FULTON
COUNTY AND CITY OF FAIRBURN,
DATED SEPTEMBER 18, 2013, MAP
NUMBER 13121C0458, NO PORTION OF
THIS PROPERTY LIES WITHIN A SPECIAL
FLOOD HAZARD AREA.

CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS
BASED HAS A CLOSURE PRECISION OF ONE
FOOT IN 42.167 FEET AND AN ANGULAR ERROR
OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN
ADJUSTED USING THE COMPASS RULE
METHOD.

THIS PLAT HAS BEEN CALCULATED FOR
CLOSURE AND IS FOUND TO BE ACCURATE
WITHIN ONE FOOT IN 100,000+ FEET.

ANGULAR & LINEAR MEASUREMENTS WERE
OBTAINED USING A LEICA 403 TCR TOTAL
STATION

**S.A. GASKINS &
ASSOCIATES, LLC**
surveyors planners development consultants
P.O. BOX 303 BROOKS, GA 30205
678-571-3054
rdgaskins79@gmail.com

Prepared For:

THE KIRBY K. JOHNSON, SR. ESTATE

Property Location
Land Lot 70 OF THE 9-F DISTRICT
Fullon County, Georgia

Job No. 18-061	
Drawn By: r.d.g.	Reviewed By: r.m.b.
Issue Date: 3/28/18	
F.W.P.D.: 3/21/18	
Revisions	Date
Comments from City	05/01/18
PAGE 2 OF 2	





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

SUBJECT: REZONING 18RZ-003 - Miller Development Company

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

Planning and Zoning Commission: 06.05.18

Mayor and City Council: 06.11.18

DEPARTMENT: Community Development/Planning and Zoning

BUDGET IMPACT: None

PUBLIC HEARING: () Yes (X) No

DENIAL a request to rezone 1.004 acres from PD (Planned Development) to PD (Planned Development) to remove the condition that prohibits Major Group 55 uses in the area designated as commercial in Ordinance No. 98-07.

APPLICANT/PETITIONER INFORMATION

Applicant: Miller Development Company

Property Owner: Dewey White, White Brookwood, LLC

PROPERTY INFORMATION

Address, Land Lot(s), and District:

Hwy 74/Senoia Road, 09F070000271062, Land Lot 12,

Size:

1.004 acres

Current Zoning and Use:

PD (Planned Development), Vacant

Overlay District:

Highway 74 Overlay District

Comprehensive Plan/Future Land Use:

Highway Mixed Use

Proposed Zoning:

PD (Planned Development District)

MEETING & HEARING DATES

Planning & Zoning Commission Meeting

June 5, 2018

Mayor & Council Hearing

June 11, 2018

INTENT

To rezone 1.004 acres from PD (Planned Development District) to PD (Planned Development District) to remove the condition that prohibits Major Group 55 uses in the area designated as commercial in Ordinance No. 98-07.

EXISTING LAND USE OF ABUTTING PROPERTIES

North: C-2 (General Commercial District)

East: C-2 (General Commercial District) and RM-8 (Multi-family Residential District)

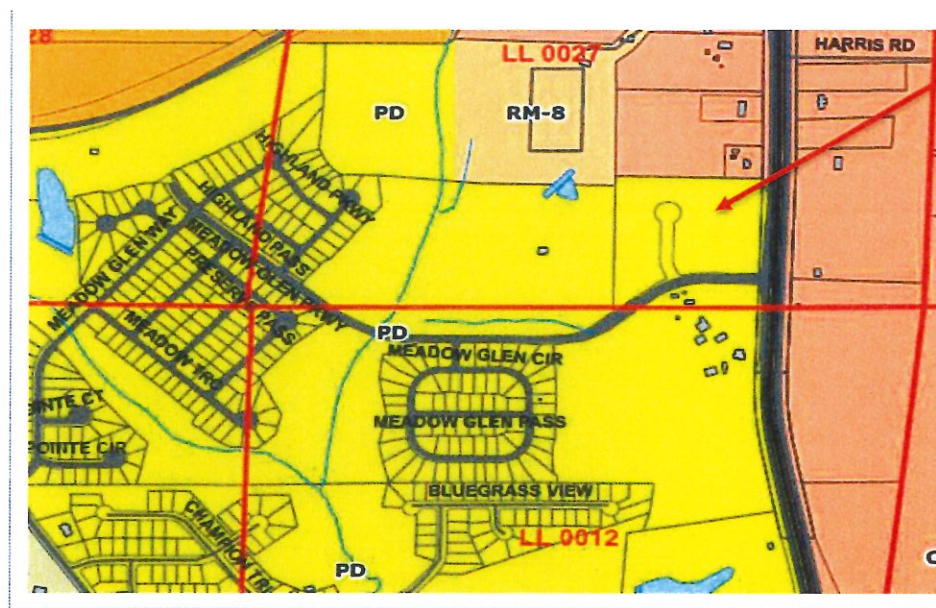
South: PD (Planned Development District), C-2 (General Commercial District) and O&I (Office Institutional)

West: PD (Planned Development District)

Parcel Map



Zoning Map



18RZ-003

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?***

As stated in the applicant's letter of intent, the applicant is proposing to develop an O'Reilly Auto Parts retail store. The proposed auto part retail store will be 7,225 square feet with associated parking and stormwater management facility. The property is located in the Highway 74 Overlay District.

In February 1998, the City of Fairburn City Council approved the annexation and rezoning of the subject property from Fulton County AG-1 and C-2 to PD (Planned Development District) with conditions. The proposed development of the subject property included 86.948 acres of single-family detached residential, 26.211 acres of multi-family residential, 31.854 acres of commercial and 13.052 acres of industrial, which is now known as the Meadow Glen Planned Development. The conditions prohibited Major Group 55 and Major Group 75 as well as all conditional uses under the C-2 (General Commercial District) regulations in the areas designated for commercial uses on the conceptual site plan. (See attached Annexation Exhibit and Concept Plan)

The 1987 Standard Industrial Classification Manual (SIC) Major Group 55 and Major Group 75 consist of industries in the following categories: retail dealers selling new and used automobiles, boats, recreational vehicles, utility trailers, and motorcycles including mopeds; those selling new automobile parts and accessories; and gasoline service stations; automobile repair shops maintained by establishments engaged in the sale of new automobile are also included; establishments primarily engaged in selling used automobile parts in wholesale trade and industrial and establishments primarily engaged in furnishing automobile repair, rental, leasing, and parking services to the general public. All of the above-mentioned uses are prohibited in the areas of the subject property designated as commercial. (See attached SIC Major Group 55 and Major Group 75)

Based on the condition from the 1998 rezoning petition, Ordinance No. 98-07, the proposed use of the property for the sale of new automobile tires, batteries, and other automobile parts and accessories is not suitable for the Meadow Glen Planned Development.

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

The 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 area consists of: C-2 (General Commercial District) to the north; PD (Planned Development District), C-2 (General Commercial District) and O&I (Office Institutional) to the south; C-2 (General Commercial District) and RM-8 (Multi-family Residential District) to the east and PD (Planned Development District) to the west.

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

The 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?

The 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?

The staff is of the opinion that the proposal is consistent with the Future Development Map, which designates the property as Highway Mixed Use. The applicant is requesting to remove a zoning condition which prohibits the use of the subject property for the sale of new automobile tires, batteries, and other automobile parts and accessories. There is no change to the existing zoning designation of the subject property.

Highway Mixed Use Development Strategies

- 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
- To promote a variety of housing types in the area
- Limit multi-family densities to no more than 16 units/acre.
- Building height should be limited to three (3) stories
- Multi-family and townhouses should be used as a transition from the intense commercial use to the residential uses

Appropriate Land Use

- Retail Sales of Goods (Clothing, Shoes, Accessories, Gifts, Sporting Goods, etc.)
- Grocery Stores
- Restaurants/Cafés
- Drug Stores/Pharmacies
- Dry Cleaners
- Medical and Professional Offices/Other Service Providers
- Theaters
- Multi-family Residential and Townhouses

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?

The 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?

The 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.

RECOMMENDATION

It is the opinion of staff that the rezoning request is in conformity with the current Future Land Map, which recommends Highway Mixed Use. However, zoning conditions specified in Ordinance 98-07 prohibit the use of the property for the sale of new automobile tires, batteries, and other automobile parts and accessories (Major Group 55). Therefore, based on this reason, staff recommends **DENIAL** of the rezoning petition.

Should the Mayor and City Council decide to rezone the subject property from PD (Planned Development District) to PD (Planned Development District) to remove the condition that prohibits Major Group 55 uses in the area designated as commercial, staff recommends the approval be subject to 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 restrict the use of the subject property as follows:

- a. Retail store and accessory uses
- a. Permitted uses under C-2 (General Commercial District), excluding automobile repair shops, including painting and body repair, recycling centers, heavy equipment leasing and renting, and all C-2 (General Commercial District) uses requiring the approval of a Use Permit.

2. To provide the following site development standards:

- a. The development shall meet the requirements of Chapter 80. Article II. Section 80-90 Highway 74 Overlay District standards unless a variance is granted through the normal variance procedures.
- b. Inter-parcel access shall be provided between adjacent properties.

ATTACHMENTS

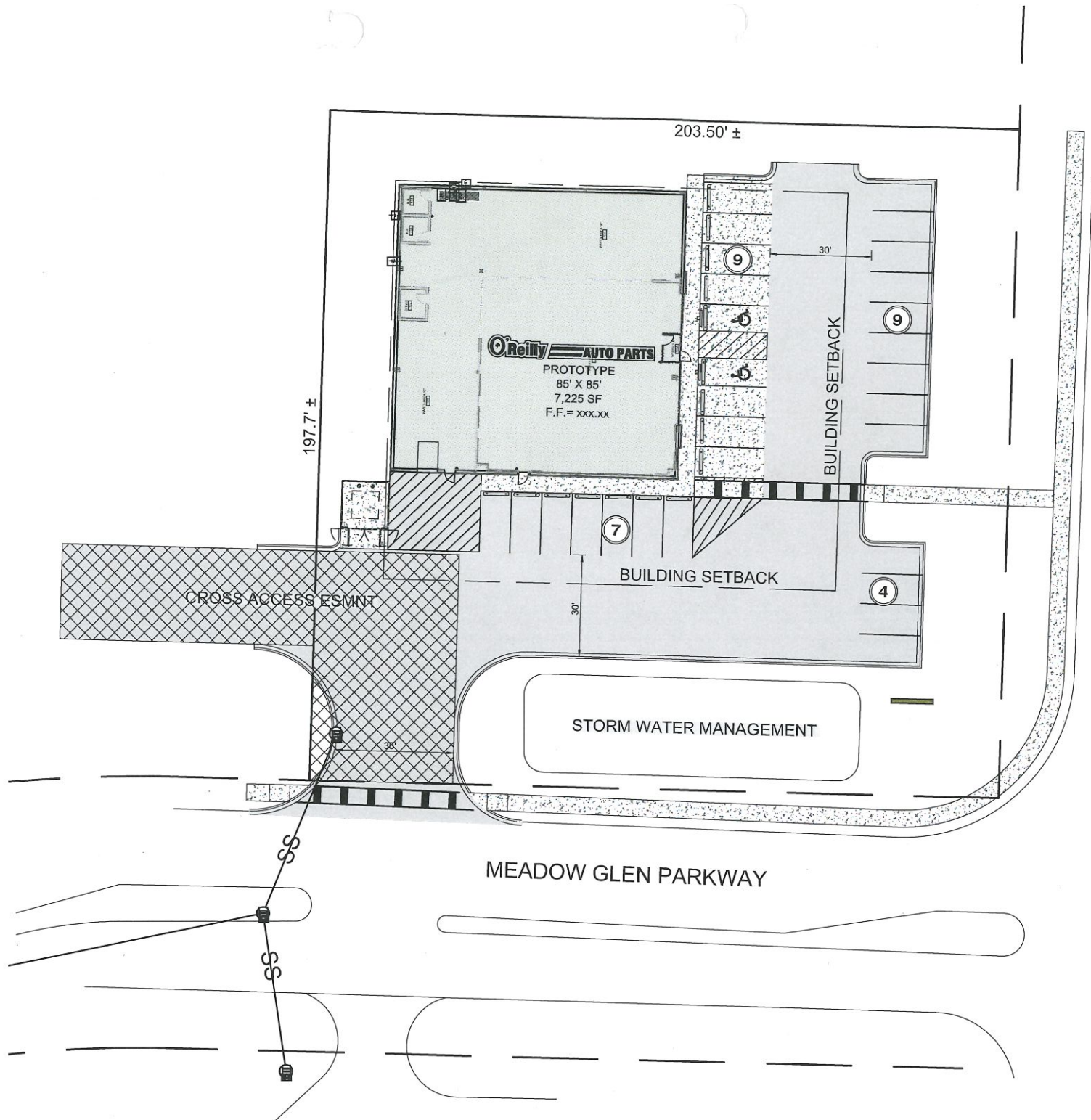
Rezoning Applications

Letter of Intent

SIC Major Group 55 and Major Group 75

Conceptual Site Plan

Annexation Exhibit and Concept Plan

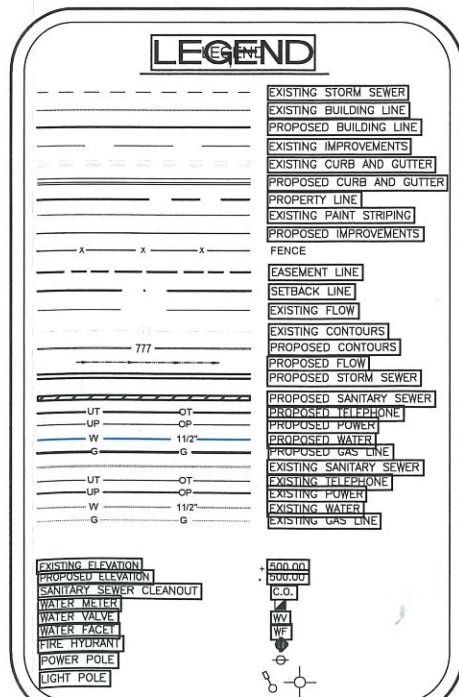
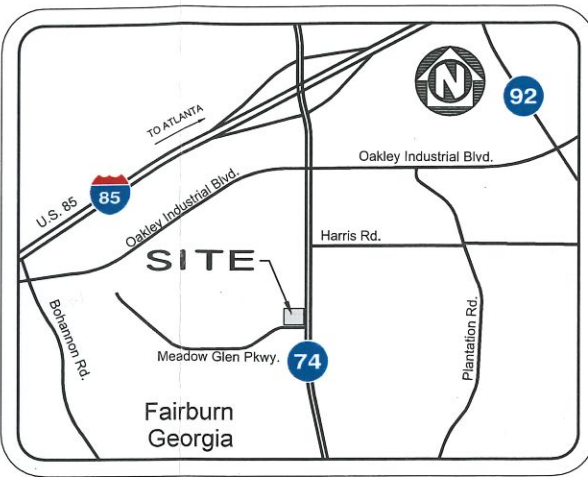
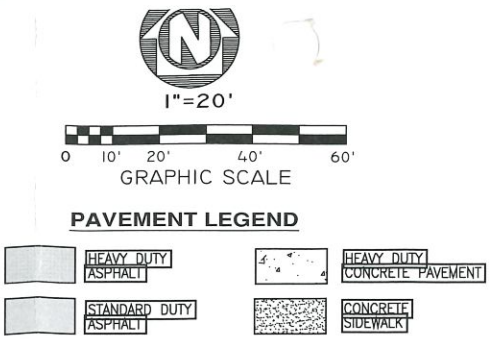


GEORGIA STATE HWY. 74

SITE NOTES

1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY REGULATIONS AND CODES AND O.S.H.A. STANDARDS.
2. ALL DISTURBED AREAS ARE TO RECEIVE FOUR INCHES OF TOPSOIL, SEED, MULCH AND WATER UNTIL A HEALTHY STAND OF GRASS IS ESTABLISHED. SEE SPECIFICATIONS FOR INFORMATION.
3. ALL CURBED RADII ARE TO BE 3' UNLESS OTHERWISE NOTED. STRIPED RADII ARE TO BE 5'.
4. ALL DIMENSIONS AND RADII ARE TO THE EDGE OF PAVEMENT OR FACE OF CURB UNLESS OTHERWISE NOTED.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, (UNLESS OTHERWISE NOTED ON PLANS) INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES REQUIREMENTS AND PROJECT SITE WORK SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.
6. SITE BOUNDARY, TOPOGRAPHY, AND UTILITIES TAKEN FROM A SURVEY BY A GONZALEZ STRENGTH & ASSOC. INC.
7. REFER TO ARCHITECT PLANS FOR SITE LIGHTING PLANS.

SITE ANALYSIS TABLE	
COMMERCIAL BUILDING	7,225 S.F.
CURRENT ZONING	PD
GA. HIGHWAY OVERLAY DISTRICT	
LOT AREA	0.92 AC.
PARKING SPACE SIZE REQ'D.	9'X18'
PARKING SPACE SIZE SHOWN	9'X18' MIN
RATIO REQUIRED	
SALES FLOOR 3455 S.F.	1PER 200 S.F.
RATIO REQUIRED 3775 S.F.	1PER 1000 S.F.
PARKING REQUIRED	22 SPACES
PARKING PROVIDED	29 SPACES
ACCESSIBLE	2 SPACES
BUILDING SETBACK LINE	
FRONT: 50' HWY 74	
FRONT: 50' MEADOW GLEN PKWY.	
SIDE: 20'	
REAR: 20'	



REVISIONS

NO.	DESCRIPTION	DATE

CONCEPT PLAN

O'Reilly's Auto Parts

Meadow Glen Parkway
Fairburn, GA

MILLER DEVELOPMENT CO.

BIRMINGHAM, ALABAMA

DWN BY
K. Stober

CKD BY
B. Harris

SCALE
1"=20'

DATE
2-13-18

GONZALEZ - STRENGTH & ASSOCIATES, INC.

CIVIL ENGINEERING, LAND SURVEYING, PLANNING, TRAFFIC & TRANSPORTATION

2176 PARKWAY LAKE DRIVE
HOOVER, ALABAMA 35244

PHONE: (205) 942-2486
FAX: (205) 942-3033

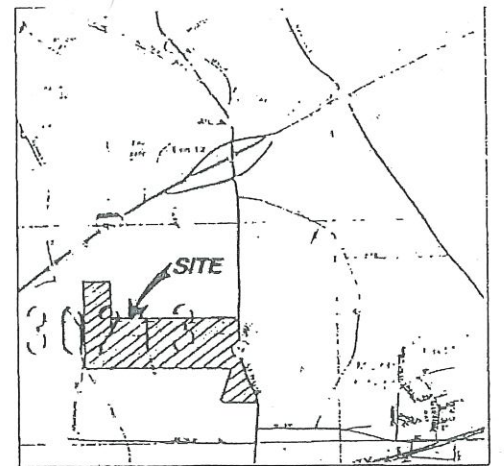
www.Gonzalez-Strength.com

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PRELIMINARY
NOT FOR
CONSTRUCTION,
RECORDING
PURPOSES OR
IMPLEMENTATION

DWG. NO.
C1 - R3

PROJECT



LOCATION MAP (N.T.S.)

NOTES:

SURVEY DATA FROM "SURVEY FOR MEADOWGLYNN, INC." PREPARED APRIL 27, 1986; BY BOUTWELL & ASSOC., INC.

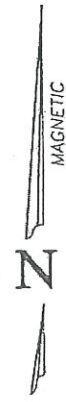
LOCATION OF PROPOSED OAKLEY INDUSTRIAL BOULEVARD IS APPROXIMATE.

TOPOGRAPHIC DATA FROM US&G MAP FAIRBURN QUADRANGLE. CONTOUR INTERVAL IS 20 FEET.

FLOOD HAZARD AREA SCALED FROM THE FLOOD HAZARD MAPS OF UNINCORPORATED FULTON COUNTY, GEORGIA; COMMUNITY PANEL NUMBERS 135160 0259 C & 135160 0260 C.

TOTAL SITE AREA = 184.513 ACRES.

PROPOSED SINGLE FAMILY RESIDENTIAL PLAN SHOWN HEREON IS FOR CONCEPTUAL PURPOSES ONLY AND IS SUBJECT TO CHANGE UPON A MORE ACCURATE TOPOGRAPHICAL SURVEY AND FURTHER ENGINEERING EVALUATION.



- PROPOSED INDUSTRIAL TO BE ANNEXED (13,052 AC.)
- PROPOSED SINGLE FAMILY DETACHED RESIDENTIAL TO BE ANNEXED (86,948 AC.) MIN. LOT SIZE 60' x 100' MAX. DENSITY 5.0 UNITS/AC.
- PROPOSED MULTI-FAMILY RESIDENTIAL TO BE ANNEXED (26,211 AC.)
- PROPOSED COMMERCIAL TO BE ANNEXED (31,854 AC.)

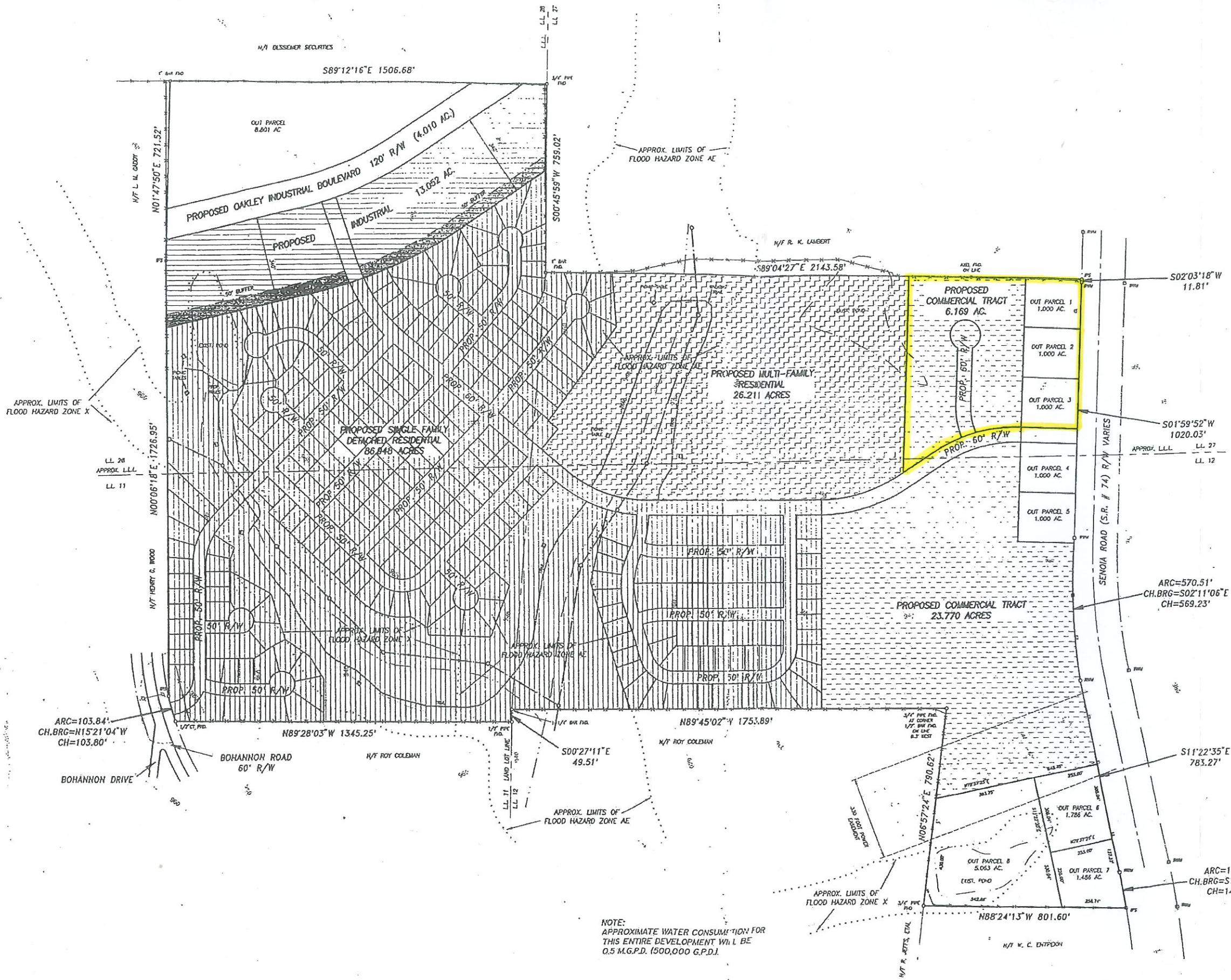
TOTAL AREA TO BE ANNEXED INTO CITY OF FAIRBURN = 158,065 AC.

AREAS THAT ARE NOT HATCHED ARE NOT PROPOSED TO BE ANNEXED INTO CITY.

NOTE:

SIDEWALKS SHALL BE INSTALLED ON BOTH SIDES OF ALL RESIDENTIAL STREETS.

ALL STREETS SHALL HAVE STREET LIGHTS AS PER THE CITY OF FAIRBURN REGULATIONS.



NOTE: APPROXIMATE WATER CONSUMPTION FOR THIS ENTIRE DEVELOPMENT WILL BE 0.5 M.G.P.D. (500,000 G.P.D.).