

**City of Fairburn
Planning and Zoning Commission**

AGENDA

Tuesday, May 1, 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:** April 10, 2018
- **Public Hearing(s):**
 - **Primary Variance - Marksmen Construction:** To allow a 5-foot encroachment into the 40-foot front yard setback
- **New Business:**
 - **Rezoning 18RZ-001 - SCP Acquisitions:** A request to rezone property from C-2 (General Commercial District) and RM-8 (Multi-family Residential District) to RM-36 (Multi-family Residential District) to allow the development of 280 multi-family units, with concurrent variances.
 - Variance from section 80-91(e)(8)(a) to reduce the minimum heated floor area for one-bedroom units from 700 square feet to 625 square feet. (18CV-004)
 - Variance from section 80-337(b)(1) to reduce the required parking from 2 spaces per unit to 1.50 spaces per unit. (18CV-005)
 - **Rezoning 18RZ-002 - Battery Source:** A request to rezone 1.034 acres from PD (Planned Development) to PD (Planned Development) to remove the zoning condition that prohibits Major Group 55 and Major Group 75 uses in the area designated as commercial in Ordinance No. 98-07.
 - **Text Amendment - 18TA-001- Highway 74 Overlay District Site Development Standards - Gasoline Service Stations:** To clarify the method for measuring the 1,000 foot distance requirement.
- **Staff Report**
- **Commission Members Comments**
- **Adjourn**

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

To: Planning and Zoning Commission
From: Kim Mitchell, Junior City Planner
Date: April 26, 2018
Agenda Item: **18V-006-Marksman Construction**

AGENT/APPLICANT/PETITIONER INFORMATION

Applicant: Marksman Construction
Property Owner: CPI Enterprises

PROPERTY INFORMATION

Address	7735 Bishop Road
Land Lot(s) and District:	07 290001551169, Land Lot 154 & 155, District 7
Size:	9.486 acres
Current Zoning:	M-2 Heavy Industrial
Overlay District:	None
Comprehensive Plan/Future Land Use:	Industrial

INTENT

The applicant is requesting a primary variance as follows:

- 1.) To allow a 5-foot encroachment into the 40-foot front yard setback

STANDARDS FOR CONSIDERATION

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

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

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

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

VARIANCE ANALYSIS

The applicant is seeking relief from the front yard setback requirement in the M-2 Heavy Industrial District. A land disturbance permit was issued for construction at 7735 Bishop Road in September 2017. After constructing their building, the applicant discovered a surveying error in which the front façade of the building was built entirely within the front yard setback. The building encroached the front yard setback between 1.8' at the northernmost corner and 5' at the southernmost corner.

In the applicant's letter of intent, dated March 5, 2018, the surveying company acknowledged that GPS points from the field survey had been incorrectly positioned in the surveying software. The building was therefore constructed using an erroneous survey. The applicant approached the Fairburn Planning and Zoning office to inform staff of the error.

Minor surveying errors may be addressed through an administrative variance, which allows relief for up to 10% of the setback. The front yard setback in the M-2 District is 40 feet. Therefore, an administrative variance would provide relief for up to four (4) feet of encroachment. However, thirty-percent (30%) of the building encroaches the front yard setback by 5 feet, exceeding the amount that can be considered under an administrative variance.

Staff has reviewed the standards for consideration for this variance:

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

Section 80-5 of the Zoning Ordinance states:

"In their interpretation and application, the provisions of this chapter shall be construed to be the minimum requirements or maximum limitations, as the case may be, commensurate with promotion of zoning and adopted for the promotion of the public health, safety or general welfare."

The request for a variance of 5 feet exceeds the maximum limitations for the zoning district front yard setback, and cannot be made to comply with the ordinance under an administrative variance. Therefore, if relief is granted to the applicant, it would not be in harmony with the general purpose and intent of the ordinance. Based on these considerations, staff is of the opinion that this condition **has not been satisfied**.

Some consideration may also be given to Section 80-287(4) of the Zoning Ordinance, which outlines the duties of the Planning and Zoning Commission as follows:

"Variances. To authorize upon appeal in specific cases such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, fully demonstrated on the basis of facts presented by the appellant, that literal enforcement of the provisions of the regulations will result in great practical difficulties or unnecessary hardship provided that the spirit of [this] chapter shall be observed, the rights and interests of other property owners or tenants are protected, public safety and welfare are secured, and substantial justice is done."

Where there is input of other property owners or professionals regarding property rights and public safety, the Planning and Zoning Commission may choose to weigh staff's interpretation of the ordinance against these considerations.

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

There are no extraordinary and exceptional conditions pertaining to the property as it relates to size, shape, and topography of the property that would have created an unnecessary hardship for the owner. Based on these considerations, staff is of the opinion that this condition **has not been satisfied**.

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

Not applicable.

RECOMMENDATION

Staff has reviewed the request for relief relative to the variance conditions in Sections 80-251 of the City of Fairburn Zoning Ordinance. Based upon this review, staff recommends:

DENIAL of the variance request to allow a 5-foot encroachment into the 40-foot front yard setback.

ATTACHMENTS

Variance Application dated received March 9, 2018

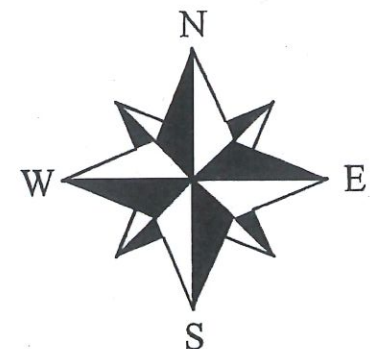
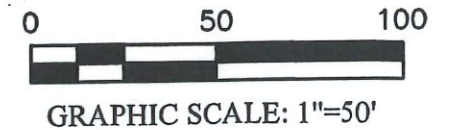
Letter of Intent dated received March 9, 2018

Conceptual Plat dated received March 9, 2018

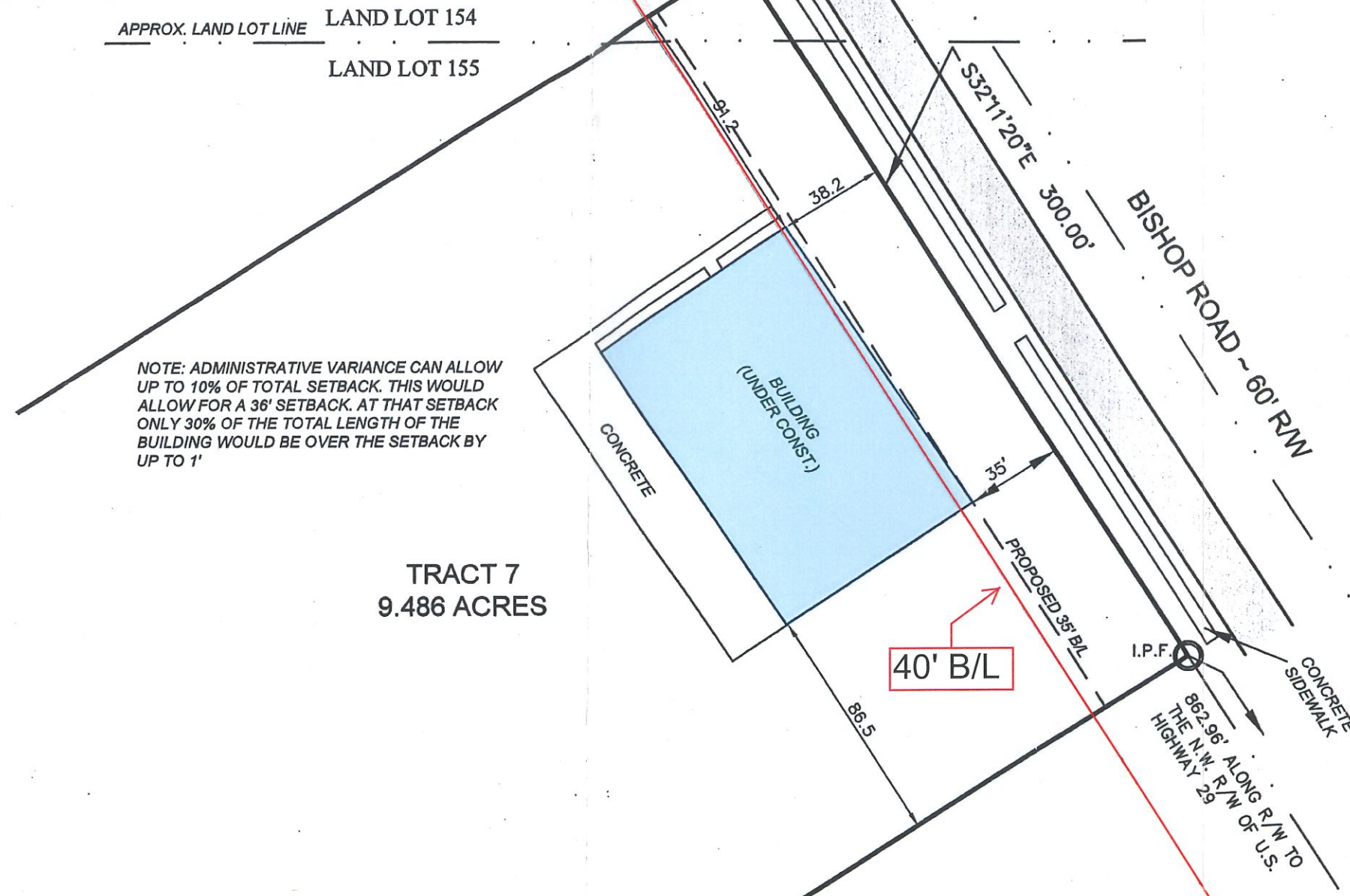
Survey dated received March 9, 2018

NOTES:

1. REFERENCES FOR THE BOUNDARY INFORMATION SHOWN HEREON WERE MADE TO DEED BOOK 120, PAGE 68 OF FULTON COUNTY RECORDS.
2. NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD ZONE AS IDENTIFIED ON FIRM COMMUNITY PANEL No. 13121C0445F, DATED 9/18/2013.
3. THE LAST DAY OF THE FIELD SURVEY WAS PERFORMED ON 3/1/2018.



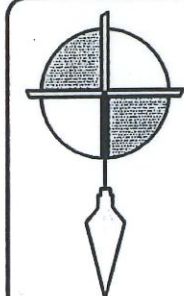
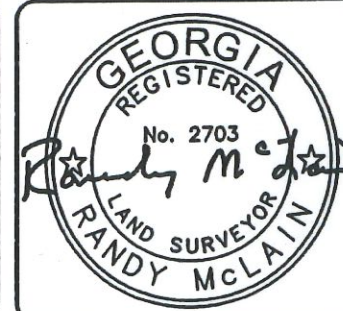
LEGEND	
E.O.P.	= EDGE OF PAVEMENT
R/W	= RIGHT OF WAY
I.P.F.	= IRON PIN FOUND
I.P.P.	= IRON PIN PLACED
C.T.	= CRIMPED TOP PIPE
R.B.	= REINFORCING BAR
O.T.	= OPEN TOP
N/F	= NOW OR FORMERLY
B/L	= BUILDING LINE
P.P.	= POWER POLE
L.L.L.	= LAND LOT LINE
D.B.	= DEED BOOK
P.B.	= PLAT BOOK
C.M.F.	= CONCRETE MONUMENT FOUND
P.O.B.	= POINT OF BEGINNING
A.K.A.	= ALSO KNOWN AS
U.E.	= UTILITY EASEMENT
D.E.	= DRAINAGE EASEMENT
L.P.	= LIGHT POLE
F.H.	= FIRE HYDRANT
W.M.	= WATER METER
M.F.F.E.	= MINIMUM FINISHED FLOOR ELEVATION
L.A.G.	= LOWEST ADJACENT GRADE
H.A.G.	= HIGHEST ADJACENT GRADE
D.I.	= DROP INLET
J.B.	= JUNCTION BOX
C.B.	= CATCH BASIN
T.B.M.	= TEMPORARY BENCHMARK



TRACT 7
9.486 ACRES

DATE: MARCH 5, 2018	ISSUE		
SCALE: 1"=50'	No.	DESCRIPTION	DATE
ACREAGE:			
CITY:			
CC:			
DRAWN: TM			
CHECKED: RM			
SHEET #:			
PROJECT #: 17-202REVISED			

CONCEPTUAL PLAT FOR:
MARKSMEN CONSTRUCTION
TRACT 7 OF SUBDIVISION PLAT FOR J.R.
IRWIN (P.B. 120/68)
LAND LOT 154 & 155 - 7TH DISTRICT
FULTON COUNTY, GEORGIA



McLAIN SURVEYING, INC.

LAND SURVEYING - LAND PLANNING - LAND DEVELOPMENT

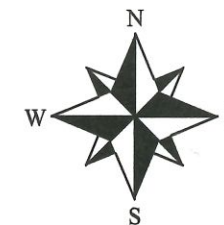
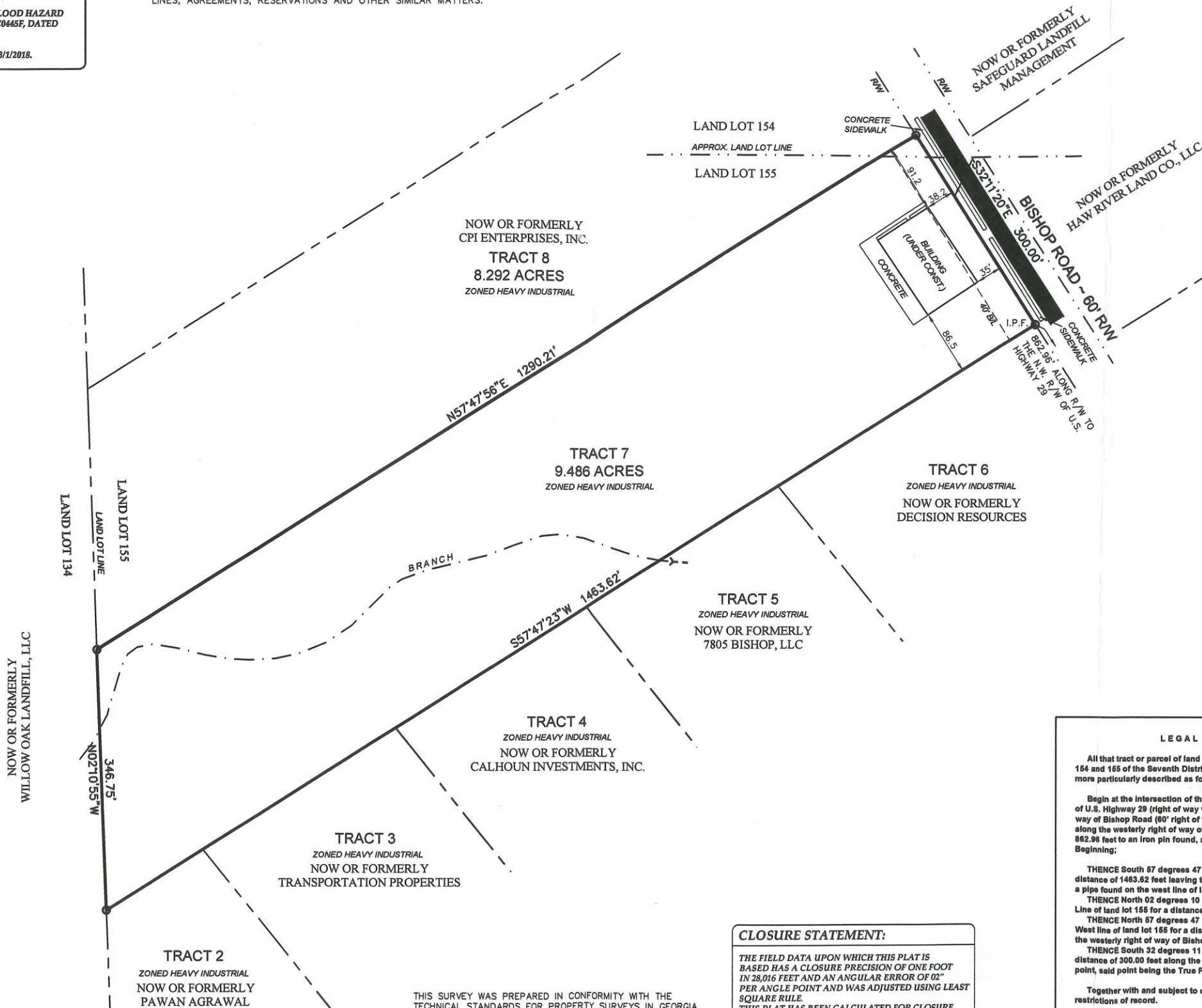
6 MADISON STREET
NEWNAN, GEORGIA 30263
PHONE: 770-251-8523 - EMAIL: tmclain339@nmail.org

NOTES:

1. REFERENCES FOR THE BOUNDARY INFORMATION SHOWN HEREON WERE MADE TO DEED BOOK 128, PAGE 68 OF FULTON COUNTY RECORDS.
2. NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD ZONE AS IDENTIFIED ON FIRM COMMUNITY PANEL No. 13121C0445F, DATED 9/18/2013.
3. THE LAST DAY OF THE FIELD SURVEY WAS PERFORMED ON 3/1/2018.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE; THEREFORE, THE UNDERSIGNED AND MCLAIN SURVEYING, INC., MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS AND OTHER SIMILAR MATTERS.

100 0 100 200 300
GRAPHIC SCALE - 1"=100'



LEGEND

E.O.P.	=	EDGE OF PAVEMENT
R/W	=	RIGHT OF WAY
I.P.F.	=	IRON PIN FOUND
I.P.P.	=	IRON PIN PLACED
C.T.	=	CRIMPED TOP PIPE
R.B.	=	REINFORCING BAR
O.T.	=	OPEN TOP
N/F	=	NOW OR FORMERLY
B/L	=	BUILDING LINE
P.P.	=	POWER POLE
L.L.L.	=	LAND LOT LINE
D.B.	=	DEED BOOK
P.B.	=	PLAT BOOK
C.M.F.	=	CONCRETE MONUMENT FOUND
P.O.B.	=	POINT OF BEGINNING
A.K.A.	=	ALSO KNOWN AS
U.E.	=	UTILITY EASEMENT
D.E.	=	DRAINAGE EASEMENT
L.P.	=	LIGHT POLE
F.H.	=	FIRE HYDRANT
W.M.	=	WATER METER
M.F.E.	=	MINIMUM FINISHED FLOOR ELEVATION
L.A.G.	=	LOWEST ADJACENT GRADE
H.A.G.	=	HIGHEST ADJACENT GRADE
D.I.	=	DROP INLET
J.B.	=	JUNCTION BOX
C.B.	=	CATCH BASIN
T.B.M.	=	TEMPORARY BENCHMARK

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 154 and 155 of the Seventh District of Fulton County, Georgia and being more particularly described as follows:

Begin at the intersection of the northwesterly right of way of U.S. Highway 28 (right of way varies) and the westerly right of way of Bishop Road (60' right of way), thence running northwesterly along the westerly right of way of Bishop Road for a distance of 862.96 feet to an iron pin found, said point being the True Point of Beginning;

THENCE South 67 degrees 47 minutes 23 seconds West for a distance of 1463.62 feet leaving the right of way of Bishop Road to a pipe found on the west line of land lot 155;

THENCE North 02 degrees 10 minutes 55 seconds West along the west line of land lot 155 for a distance of 346.75 feet to a point;

THENCE North 67 degrees 47 minutes 56 seconds East leaving the West line of land lot 155 for a distance of 1290.21 feet to a point on the westerly right of way of Bishop Road;

THENCE South 32 degrees 11 minutes 20 seconds East for a distance of 300.00 feet along the right of way of Bishop Road to a point, said point being the True Point of Beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 9.486 acres more or less.

CLOSURE STATEMENT:

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 28,016 FEET AND AN ANGULAR ERROR OF 02" PER ANGLE POINT AND WAS ADJUSTED USING LEAST SQUARE RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1,310,755 FEET. TYPE OF EQUIPMENT USED: TOPCON GTS 313

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

DATE: MARCH 2, 2018	ISSUE		
SCALE: 1"=100'	No.	DESCRIPTION	DATE
ACREAGE:			
CITY:			
DRAWN: TM			
CHECKED: RM			
SHEET #: 1 OF 1			
PROJECT #: 17-202F			

IN MY OPINION, THIS IS A TRUE AND CORRECT REPRESENTATION OF THE PLATTED PROPERTY AND HAS BEEN PREPARED IN CONFORMITY WITH THE STANDARDS AND REQUIREMENTS OF LAW.

RANDY MCLAIN
GEORGIA R.L.S. #2703

SURVEY FOR:

MARKSMEN CONSTRUCTION

TRACT 7 OF SUBDIVISION PLAT FOR J.R. IRWIN (P.B. 120/68)
LAND LOT 154 & 155 - 7TH DISTRICT
FULTON COUNTY, GEORGIA



McLAIN SURVEYING, INC.

LAND SURVEYING - LAND PLANNING - LAND DEVELOPMENT

6 MADISON STREET
NEWNAN, GEORGIA 30263
PHONE: 770-251-8523 - EMAIL: tmclain339@gmail.org



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

**SUBJECT: REZONING 18RZ-001 - SCP Acquisition
CONCURRENT VARIANCES 18CV-004 & 18CV-005**

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

Planning and Zoning Commission: 05.01.18

Mayor and City Council: 05.14.18

DEPARTMENT: Community Development/Planning and Zoning

BUDGET IMPACT: None

PUBLIC HEARING: () Yes (X) No

APPROVAL CONDITIONAL of a request to rezone the subject property from C-2 (General Commercial District) and RM-8 (Multi-family Residential District) to RM-36 (Multi-family Residential District) to allow the development of 280 multi-family units with concurrent variances.

APPLICANT/PETITIONER INFORMATION

Applicant: SCP Acquisitions, LLC
Property Owner: CLG Fairburn

PROPERTY INFORMATION

Address, Land Lot(s), and District: 0 Harris Rd (09F070000260628, 09F070000270437), Land Lot 26 & 27, District 9th
Size: Approximately 17.5 acres
Current Zoning and Use: C-2 (General Commercial District) and RM-8 (Multi-family Residential District)/Vacant
Overlay District: Highway 74 Overlay District
Comprehensive Plan/Future Land Use: Highway Mixed Use
Proposed Zoning: RM-36 (Multi-family Residential District)

MEETING & HEARING DATES

Planning & Zoning Commission Meeting
May 1, 2018

Mayor & Council Hearing
May 14, 2018

INTENT

To rezone the subject property from C-2 (General Commercial District) and RM-8 (Multi-family Residential District) to RM-36 (Multi-family Residential District) to allow for the development of 280 multi-family units.

Additionally, the applicant is requesting two (2) concurrent variances from the Zoning Ordinance as follows:

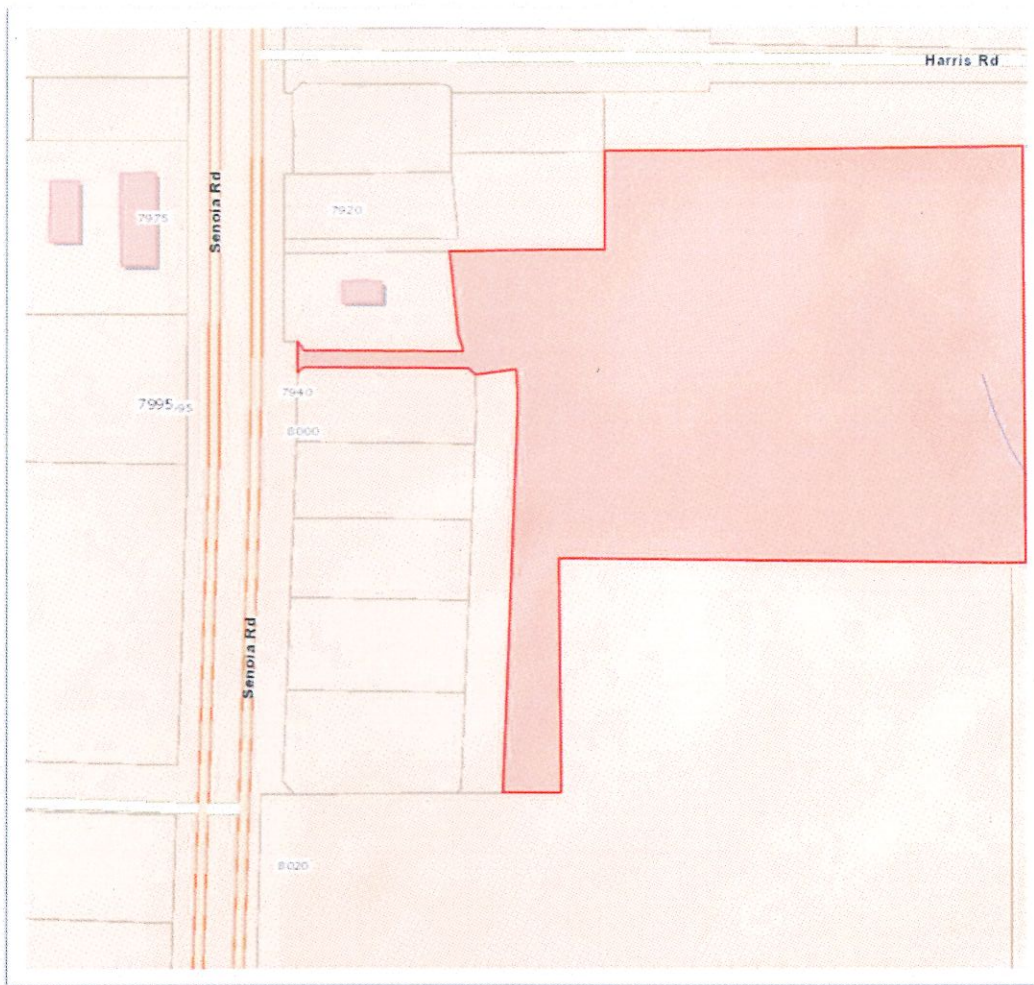
1. Variance from section 80-91(e)(8)(a) to reduce the minimum heated floor area for one-bedroom units from 700 square feet to 625 square feet. (18CV-004)

2. Variance from section 80-337(b)(1) to reduce the required parking from 2 spaces per unit to 1.50 spaces per unit. (18CV-005)

EXISTING LAND USE OF ABUTTING PROPERTIES

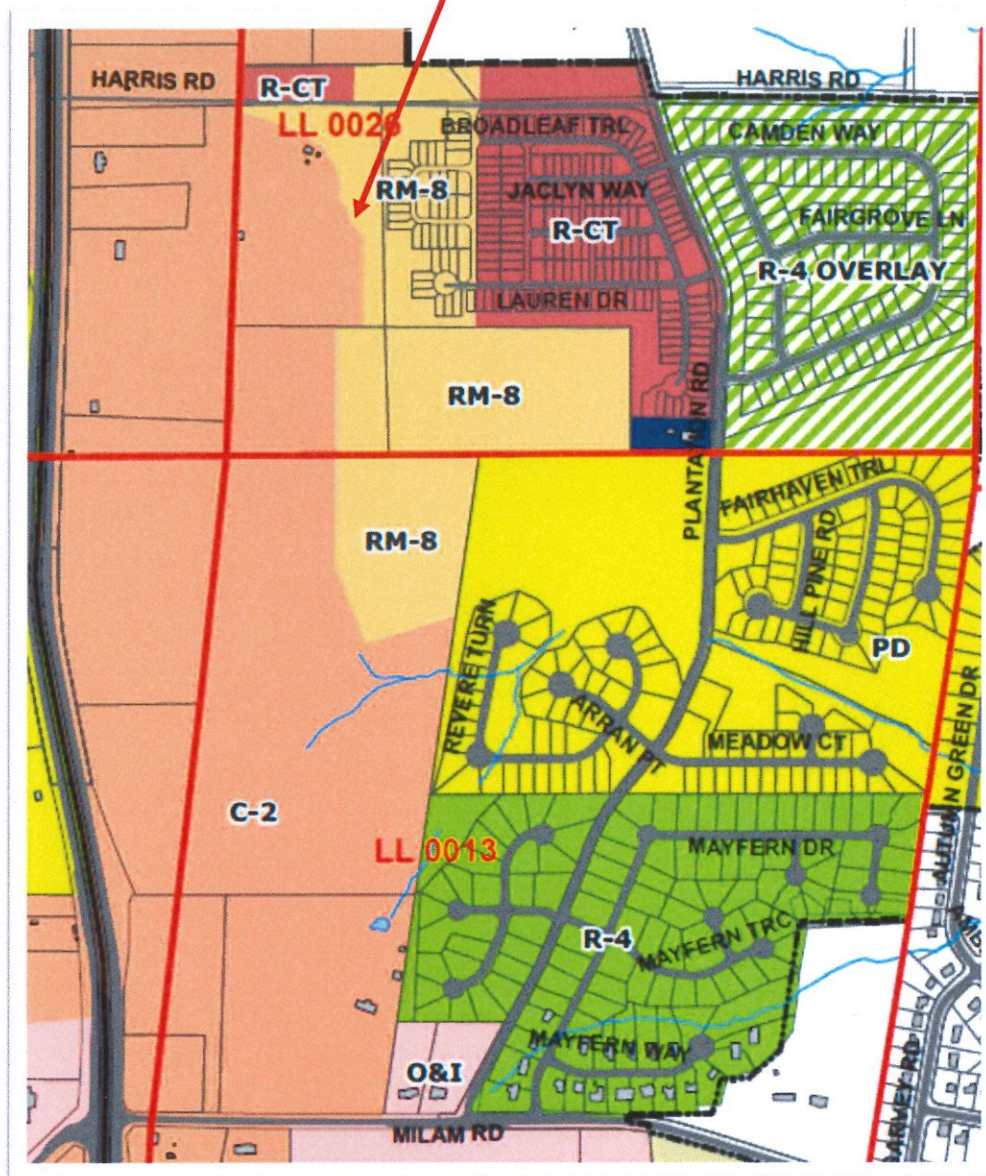
North: C-2 (General Commercial District) and R-CT (Residential Condominium/Townhouse District)
East: RM-8 (Multi-family Residential District), R-CT (Residential Condominium/Townhouse District and R-4 (Single Family Residential District)
South: RM-8 (Multi-family Residential District), PD (Planned Development District), C-2 (General Commercial District) and R-4 ((Single Family Residential District)
West: C-2 (General Commercial District), PD (Planned Development District) and RM-8 (Multi-family Residential District)

Parcel Map



Zoning Map

18RZ-001

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 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: C-2 (General Commercial District), and R-CT (Residential Condominium/Townhouse District) to the north, RM-8 (Multi-family Residential District), R-CT (Residential Condominium/Townhouse District and R-4 (Single Family Residential District) to the east, RM-8 (Multi-family Residential District), PD (Planned Development District), C-2 (General Commercial District) to the south, and C-2 (General Commercial District), PD (Planned Development District) and RM-8 (Multi-family Residential District) to the west. The applicant's intent is to develop a Class A apartment complex with a clubhouse, fitness center, resort style pool, and recreation area.

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 properties have a variety of uses, including apartments to the south and west of the property.

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 surrounding zoning classifications would support the proposed apartment use. Additionally, providing a variety of housing options in the area for the increased work force, which is expected due to the current development in the City and surrounding area.

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 townhouse 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.

VARIANCES

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. The applicant has indicated that the variances being requested will be in harmony with the policy and intent of the Zoning Ordinance and will not result in any harm to the health, safety and welfare of the general public.

1. Variance from section 80-91(e)(8)(a) to reduces the minimum heated floor area for one-bedroom units from 700 square feet to 625 square feet. (18CV-004)

Findings:

*Staff is of the opinion that the request to reduce the minimum heated floor area from 700 square feet to 625 square feet is in harmony with the intent of the Zoning Ordinance and would not be a detriment on adjacent properties. Allowing smaller unit size will provide a variety of unit types to integrate more affordable alternatives without compromising the unit quality. The industry has been trending towards smaller living spaces. Therefore, based on these reasons, the staff recommends **APPROVAL** of this variance request.*

2. Variance from section 80-337(b)(1) to reduce the required parking from 2 spaces per unit to 1.50 spaces per unit. (18CV-005)

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 on adjacent properties. The proposed 280 unit multi-family development would require 560 spaces and the applicant is proposing 420 spaces, a difference of 140 spaces. The Ordinance does not contemplate parking for multi-family units. Residential parking regulation covers all residential types. The applicant is only proposing 1 and 2 bedroom unit which would not require as many parking as a 3 bedroom unit or a single family home. Additionally, the request is consistent with industry standards (1 to 1.5 spaces for 1 bedrooms, 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.*

RECOMMENDATION

It is the opinion of the staff that the rezoning request is in conformity with the current Future Land Map, which recommends Highway Mixed Use. The proposal is to develop 280 multi-family units. The proposal is consistent with the surrounding uses and will provide a variety of housing options to support an increased work force, which is expected due to the current development in the City and surrounding area. Therefore, based on these reasons, staff recommends **APPROVAL CONDITIONAL** of the rezoning petition and associated concurrent variances.

Should the Mayor and City Council decide to rezone the subject property from C-2 (General Commercial District) and RM-8 (Multi-family Residential District) to RM-36 (Multi-family Residential District), the 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. Residential units at density no greater than 16 units per acre or 280 units, whichever is less.
2. To provide the following site development standards:
 - a. Minimum nine (9) foot ceilings. Excluding fur downs for HVAC and plumbing.
 - b. Full amenity package including recreation area, courtyards, swimming pool, fitness center and club room.
 - c. The number of three (3) bedroom units shall be limited to no more than ten percent (10%) of the total number of units.
 - d. 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.
 - e. All roof mounted equipment shall be screened from the public right-of-way.
 - f. Property shall have an entry gate at all access points and a fence surrounding the residential portion of the property. Wood fencing material shall be prohibited. Stream buffers shall be excluded from this requirement.
 - g. Garages shall be provided for ten (10) percent of total number of units.
 - h. A minimum of two (2) alternative fuel vehicle charging stations.

ATTACHMENTS

Rezoning and Variance Applications dated received February 5, 2018

Letters of Intent received February 5, 2018

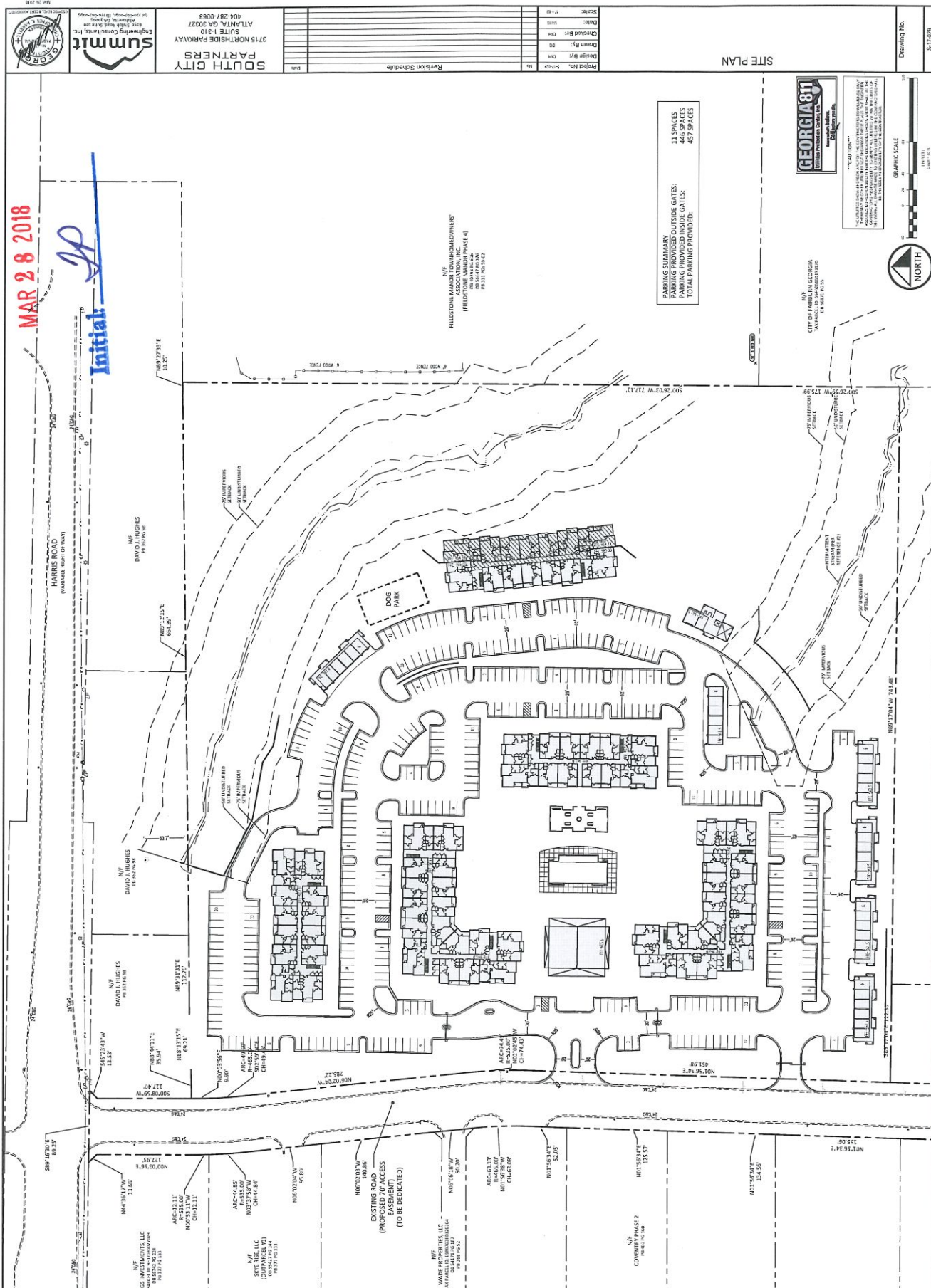
Conceptual Site Plan received February 5, 2018

Elevations received February 5, 2018

RECEIVED

MAR 28 2018

Initial: *[Signature]*







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

SUBJECT: REZONING 18RZ-002 - Battery Source

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

Planning and Zoning Commission: 05.01.18

Mayor and City Council: 05.14.18

DEPARTMENT: Community Development/Planning and Zoning

BUDGET IMPACT: None

PUBLIC HEARING: () Yes (X) No

DENIAL a request to rezone 1.034 acres from PD (Planned Development) to PD (Planned Development) to remove the condition that prohibits Major Group 55 and Major Group 75 uses in the area designated as commercial in Ordinance No. 98-07.

APPLICANT/PETITIONER INFORMATION

Applicant: Ross Glass, Battery Source

Property Owner: Dewey White, White Brookwood, LLC

PROPERTY INFORMATION

Address, Land Lot(s), and District: Hwy 74/Senoia Road, 09F020100121014, Land Lot 12,

Size: 1.034 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
May 1, 2018

Mayor & Council Hearing
May 14, 2018

INTENT

To rezone 1.034 acres from PD (Planned Development District) to PD (Planned Development District) to remove the condition that prohibits Major Group 55 and Major Group 75 uses in the area designated as commercial in Ordinance No. 98-07.

EXISTING LAND USE OF ABUTTING PROPERTIES

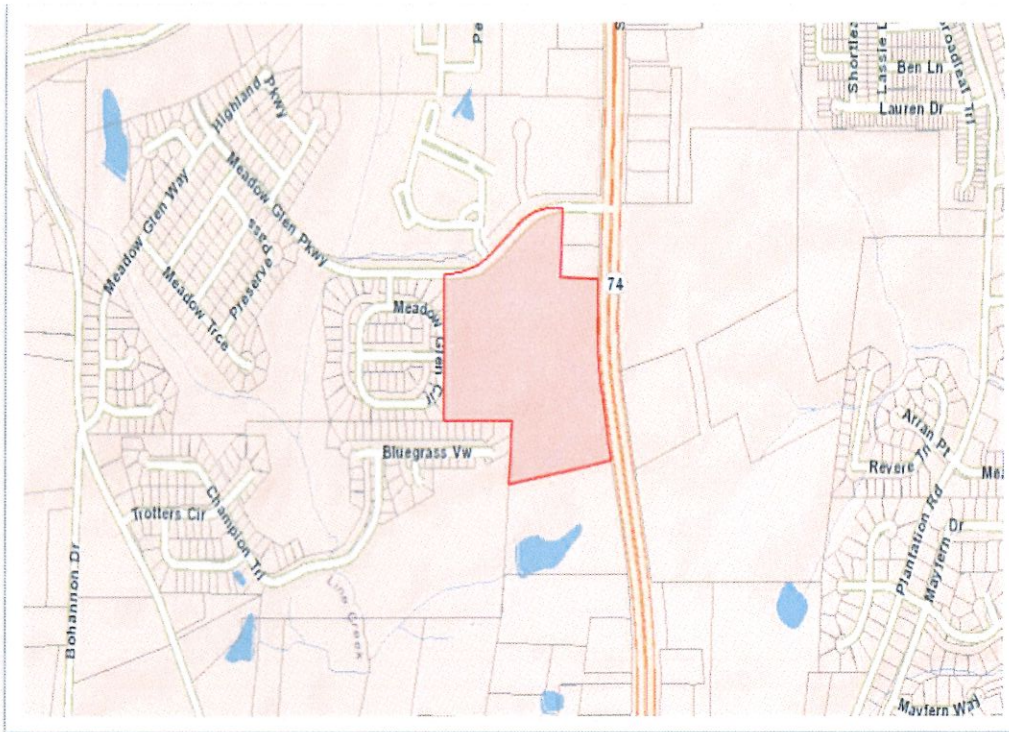
North: PD (Planned Development District) and C-2 (General Commercial District)

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

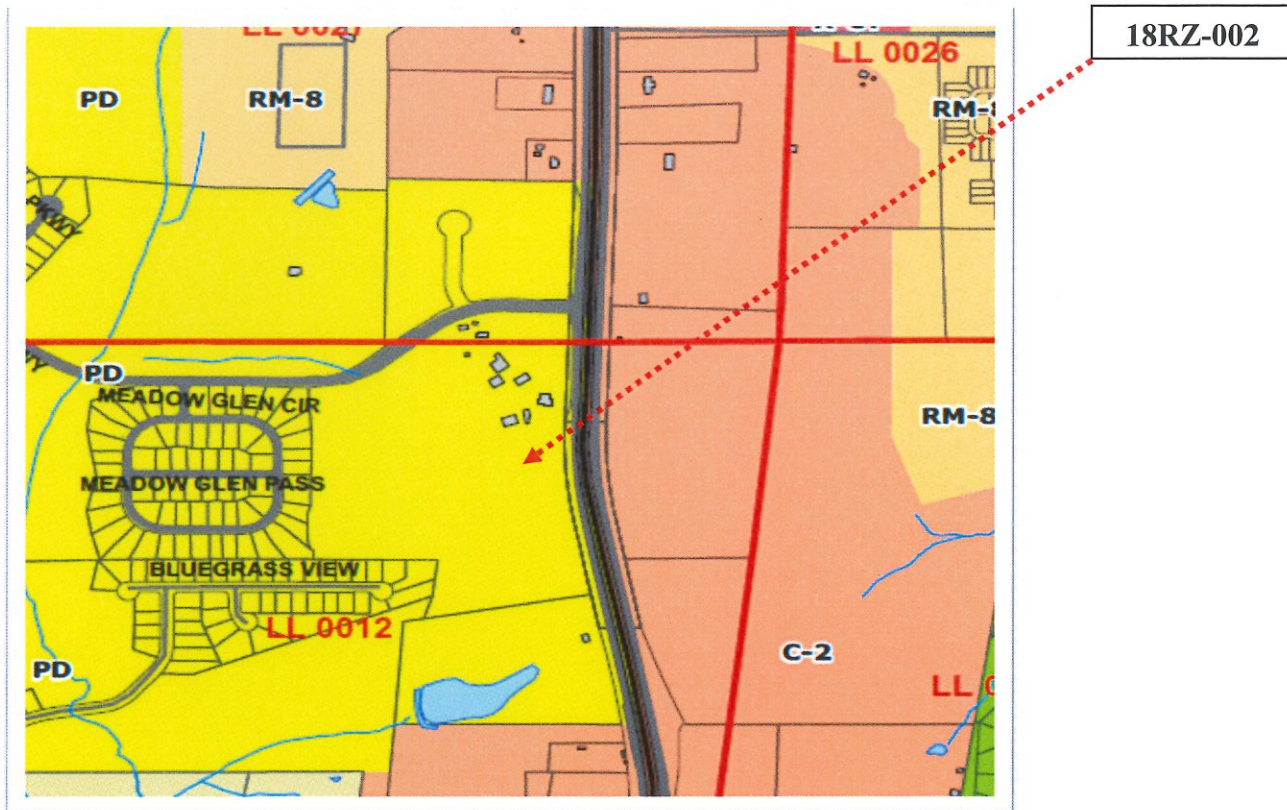
South: PD (Planned Development District), C-2 (General Commercial District) and O&I (Office Institutional)

West: PD (Planned Development District)

Parcel Map



Zoning Map



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, dated April 2, 2018, the applicant is proposing to develop "a retail sale center for new/used golf carts and batteries of all shapes and sizes, from the largest excavator or tractor to the smallest wrist watch. The proposed retail store will be 4,480 square feet with two (2) battery exchange areas and outdoor storage area.

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 automobile repair/service and sale of automobiles, including 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: PD (Planned Development District) and 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), RM-8 (Multi-family Residential District) and PD (Planned Development 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 automobile repair/service and sale of automobiles, including 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 automobile repair/service and sale of automobiles, including automobile parts and accessories (Major Group 55 and Major Group 75). Therefore, based on these reasons, 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 and Major Group 75 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
 - b. Permitted uses under C-2 (General Commercial District), excluding recycling centers, heavy equipment leasing and renting, and all C-2 conditional uses.
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 Districts standards unless a variance is granted through the normal variance procedures.
 - b. Outdoor storage of materials and equipment shall be completely screened from public view and adjacent properties by an opaque screening device approved by the Community Development Department Director.
 - c. Inter-parcel access shall be provided between adjacent properties.
 - d. Only the outdoor display of golf carts is allowed. The outside display of golf carts shall occur only during business hours and shall be removed at the close of each business day.
 - e. No more than ten (10) golf carts shall be displayed outside each business day.

ATTACHMENTS

Rezoning Applications dated received April 2, 2018
 Letter of Intent dated April 2, 2018
 SIC Major Group 55 and Major Group 75
 Conceptual Site Plan
 Elevations
 Annexation Exhibit and Concept Plan

1. TOTAL AREA OF SITE: 1.034 ACRES.
2. PROPERTY IS CURRENTLY ZONED: C2, HIGHWAY 74 OVERLAY DISTRICT
Minimum front yard setback: 50 feet
Minimum side yard setback: 20 feet
Minimum rear yard setback: 30 feet
Maximum Impervious Surface: 25% of site area (0.78 AC)
PROPOSED IMPERVIOUS SURFACE: 0.64 AC
3. THIS SITE LIES WITHIN THE GA HWY 74 OVERLAY DISTRICT.
4. PROPOSED USE: Office, Retail, and storage
5. THERE ARE NO EASEMENTS ASSOCIATED WITH THIS PROPERTY.
6. BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM A SURVEY FOR THE BATTERY SOURCE, PREPARED BY FOUR CORNERS SURVEYING AND DATED 08/24/2017.
7. THIS PROPERTY IS NOT WITHIN AN IDENTIFIED 100 YEAR FLOOD HAZARD AREA PER F.I.R.M. MAP NO. 13121C0462D DATED SEPTEMBER 18, 2013..
8. THERE ARE NO STATE WATERS ON THIS SITE.
9. NO CEMETERIES OR BURIAL GROUNDS FOUND ON THIS SITE.

REQUIRED PARKING SPACES:
1 SPACE/200 S.F. OF ENCLOSED
RETAIL SPACE SO, 4,480 S.F./200
= 22.4 REQUIRED SPACES

TOTAL SPACES SHOWN:
24 (INCLUDING 1 HC SPACE)



Vicinity Map
SCALE: 1"=600'



0' 20' 40'

GRAPHIC SCALE



SCALE: HORZ 1" = 2'
VERT. 1" = 2'

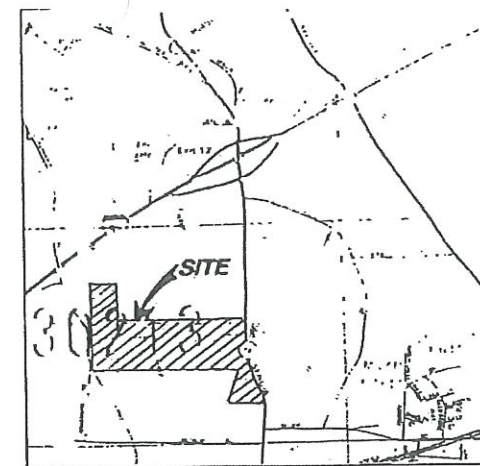
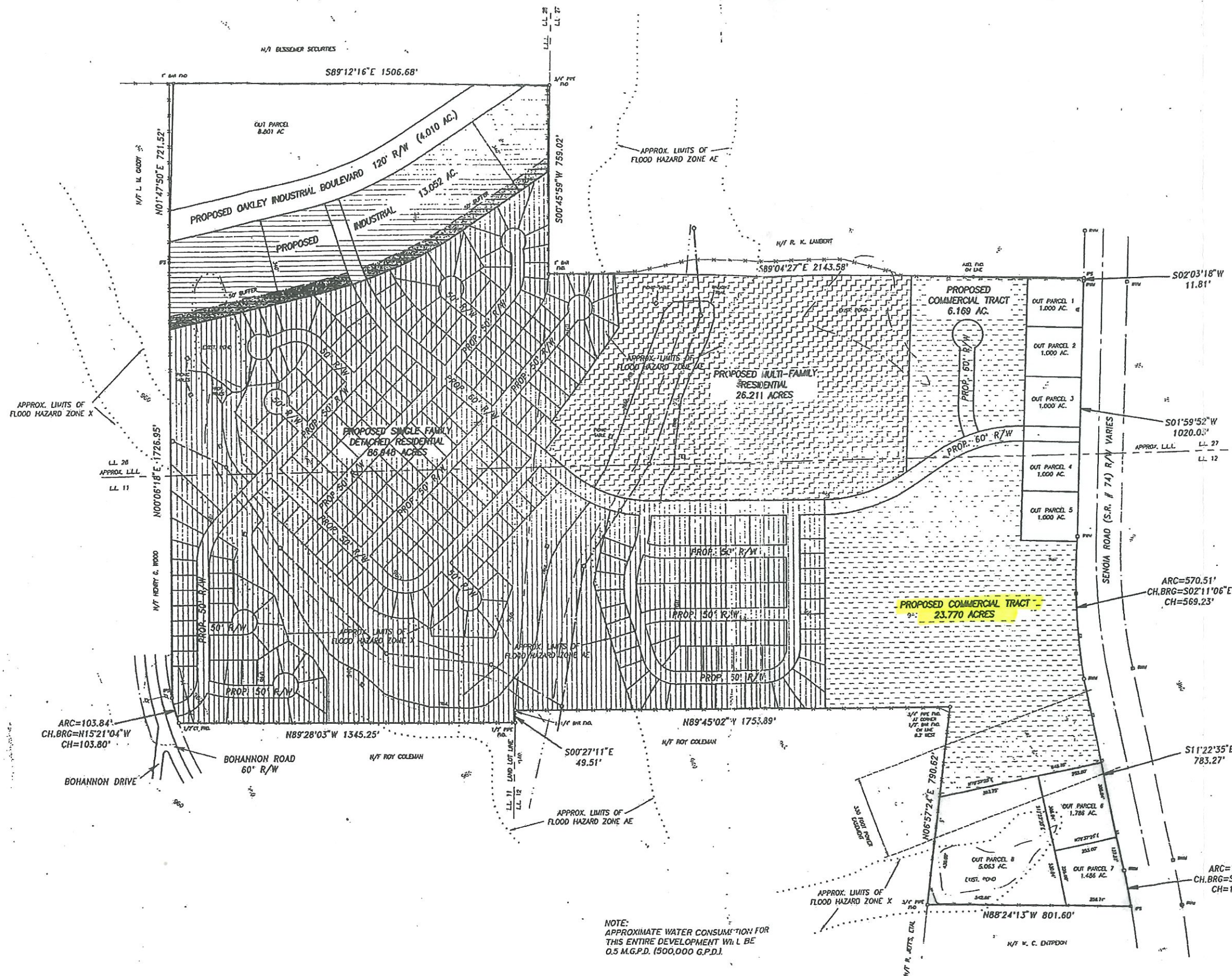
NO.	DATE	DESCRIPTION
7		
6		
5		
4		
3		
2		

DRAWN BY:	E. A. MILLER
DESIGNED BY:	D. HOVEY
CHECKED BY:	D. HOVEY
ISSUE DATE	10/09/2017
PROJECT NUMBER	2017-XXX



THE BATTERY SOURCE
LAND LOT 112 ~ 9F DISTRICT
FULTON COUNTY GA
CONCEPT SITE PLAN

SHEET
C1.1



NOTES:

SURVEY DATA FROM "SURVEY FOR MEADOWGLYNN, INC." PREPARED APRIL 27, 1988, BY BOUTWELL & ASSOC., INC.

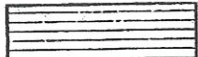


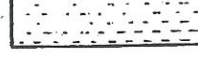
LOCATION OF PROPOSED OAKLEY INDUSTRIAL BOULEVARD IS APPROXIMATE.

TOPOGRAPHIC DATA FROM USC&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.).

PROJECT LOCATION:

SHEET TITLE:

ANNEXATION EXHIBIT & CONCEPT PLAN



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

**SUBJECT: TEXT AMENDMENT 18TA-001 - Highway 74 Overlay District Site Development Standards
- Gasoline Service Stations**

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

Planning and Zoning Commission: 04.03.18

Mayor and City Council: 04.09.18

DEPARTMENT: Community Development/Planning and Zoning

BUDGET IMPACT: None

PUBLIC HEARING? () Yes (X) No

PURPOSE: For the Planning and Zoning Commission to review and make a recommendation to the City Council on the proposed text amendment.

DISCUSSION: Currently, the Highway 74 Overlay District requires gasoline service stations to be located within 1,000 feet of another gasoline service station as measured from property line to property line. In addition, new gasoline service station must be located at a signalized intersection. This requirement does not apply to existing gasoline services stations that would like to rebuild and/or enlarge their facility. The proposed text amendment is intended to clarify the method for measuring the 1,000 foot distance requirement.

RECOMMENDED ACTION: For the Planning and Zoning Commission to make a recommendation to the City Council to approve the text amendment to Section 80-90(e)(10) - Highway 74 Overlay District Site Development Standards - Gasoline Service Stations.

Attachment: Mark-up and Amended version of text amendment - Section 80-90(e)(10).

Text Amendment - 18TA-001

Highway 74 Overlay District Site Development Standards - Gasoline Service Stations

Current Ordinance - Section 80-90(e)(10)

On each side of Georgia Highway 74, no new gasoline service stations shall be permitted within 1,000 feet of another gasoline service station as measured from property line to property line. Gasoline service stations shall be located at a signalized intersection. This subsection (10) shall not apply to the rebuilding and/or enlargement of an existing gasoline service station. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or land owner to follow the development requirements for a new gasoline service station.

Ordinance Mark-up - Section 80-90(e)(10)

On ~~each side of~~ Georgia Highway 74, no new gasoline service stations shall be permitted within 1,000 feet of ~~any other~~ gasoline service station. ~~All measurement of distances shall be along a straight route from the nearest point on any property line to the nearest point on any property line used as a gasoline service station measured from property line to property line.~~ New gasoline service stations shall be located at a signalized intersection. This subsection (10) shall not apply to the rebuilding and/or enlargement of an existing gasoline service station. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or land owner to follow the development requirements for a new gasoline service station.

Amended Version of Ordinance - Section 80-90(e)(10)

On Georgia Highway 74, no new gasoline service stations shall be permitted within 1,000 feet of any other gasoline service station. All measurement of distances shall be along a straight route from the nearest point on any property line to the nearest point on any property line used as a gasoline service station. New gasoline service stations shall be located at a signalized intersection. This subsection (10) shall not apply to the rebuilding and/or enlargement of an existing gasoline service station. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or land owner to follow the development requirements for a new gasoline service station.