



Planning and Zoning Commission
Meeting Agenda

City Hall: 56 Malone Street,
Fairburn, GA 30213
Tuesday, September 2, 2025
7:00 p.m.

- A. Call to Order
- B. Determination of a Quorum
- C. Pledge of Allegiance
- D. Approval of the Meeting Agenda
- E. Approval of the Meeting Minutes
- F. Public Comments
- G. Old Business: None.
- H. Public Hearings: None.
- I. New Business:

- 1. Gas Station/Convenience Store

- Applicant: SM Harmony /Earth Engineering Design

- Property Owner: Killlearn Consulting INC

- Location: 101 Durham Lake Pkwy

- Request: To approve the concept plan

- 2. Final Plat (Curry Bend)

- Applicant: Cameon Heath, DRB Group Georgia, LLC

- Property Owner: Bartow Properties LLC and Lacy Curry

- Location: 0 Bohannon Road [Parcel ID: 07 400001632170] and 6560 Bohannon Road [Parcel ID: 07 400001800462] –

- Request: To approve the final plat.

- J. Other Business
- K. Adjournment



Planning and Zoning Commission
Meeting Minutes

City Hall: 56 Malone Street,
Fairburn, GA 30213
Tuesday, August 5, 2025
7:00 p.m.

Jason Jones, Chair
Michelle James, Vice Chair
Lina Parker
Elizabeth Echols
Kenneth Williams
Tony Smith

Planning Director: Denise Brookins
Planner: Chancellor Felton
City Attorney: Valerie Ross

-
- A. Call to Order:** The meeting was called to order by Chairman Jones at 7:00 pm.
- B. Determination of a Quorum:** A quorum was determined, and the meeting proceeded.
- C. Pledge of Allegiance**
- D. Approval of the Meeting Agenda**
1. Vice Chairwoman James made a motion to approve the agenda. Commissioner Parker seconded.
THE MOTION CARRIED.
- E. Approval of the Meeting Minutes**
1. Commissioner Parker made a motion to approve the July 1, 2025, minutes. Commissioner Smith seconded.
THE MOTION CARRIED.
- F. Public Comments:** None.
- G. Old Business:** None.
- H. Public Hearings:**
1. **Rear Setback Primary Variance (Peachtree Mechanical)**
Applicant: Charlene Denney, LLC
Property Owner: Charlene Denney, LLC
Location: 1235 Oakley Industrial Boulevard [Parcel ID: 09F080000280781]
Request: To approve the variance.
 - a. Chairman Jones introduced the case. Chancellor Felton presented the case on behalf of Staff. Staff made a recommendation for approval. Chairman Jones opened the floor for the Commission to ask Staff questions.Vice Chairwoman James made a motion to open the public hearing. Commissioner Parker seconded.
THE MOTION CARRIED.

- a. The applicant presented to the Commission.

Commissioner Echols made a motion to close the public hearing. Commissioner Williams seconded.

THE MOTION CARRIED.

- a. Vice Chairwoman James asked what type of business Peachtree Mechanical is. The applicant said that their primary business activities at this location will be warehousing and administration.

Vice Chairwoman James made a motion to recommend **CONDITIONAL APPROVAL**. Commissioner Smith seconded.

THE MOTION CARRIED.

2. Buffer Primary Variance (Peachtree Mechanical)

Applicant: Charlene Denney, LLC

Property Owner: Charlene Denney, LLC

Location: 1235 Oakley Industrial Boulevard [Parcel ID: 09F080000280781]

Request: To approve the variance.

Commissioner Echols made a motion to open the public hearing. Vice Chairman James seconded.

THE MOTION CARRIED.

- a. The applicant presented to the Commission.

Vice Chairwoman James made a motion to close the public hearing. Commissioner Smith seconded.

THE MOTION CARRIED.

- a. Commissioner Smith asked how many acres the site is. The applicant said five.

Vice Chairwoman James made a motion to recommend **CONDITIONAL APPROVAL**. Commissioner Parker seconded.

THE MOTION CARRIED.

3. Landscaped Buffer Primary Variance (RaceTrac)

Applicant: RaceTrac, Inc

Property Owner: Greenland Georgia, Inc

Location: 0 Fairburn Industrial Boulevard [Parcel ID: 09F090100480751]

Request: To approve the variance.

Vice Chairwoman James made a motion to open the public hearing. Commissioner Williams seconded.

THE MOTION CARRIED.

- a. The applicant presented to the Commission.
- b. Greg Valencia of 221 & 222 Fairburn Industrial Boulevard shared his concerns about runoff and interparcel access.
- c. Kathy Valencia of 221 & 222 Fairburn Industrial Boulevard shared his concerns about runoff and interparcel access.
- d. The applicant stated that the affected buffers do not abut the property of the Valencias, the portion of the parcel that abuts the property of the Valencias is not planned for development at this time, that there is a stormwater management plan, and there will be no interparcel access.

Commissioner Echols made a motion to close the public hearing. Commissioner James seconded.

THE MOTION CARRIED.

- a. Vice Chairwoman James asked if the proposed RaceTrac will be the same as the existing RaceTrac. The applicant said that the proposed RaceTrac is a new concept, larger, and will have separate diesel gas pumps.
- b. Vice Chairwoman asked if electric charging stations would be offered. The applicant said electric charging stations will not be offered at this time.
- c. Commissioner Smith asked what will happen to the existing RaceTrac. The applicant said that it will stay as-is.
- d. The applicant stated that the development was already permitted through the Use Permit Process and that these variances are site design revisions.

Commissioner Echols made a motion to recommend **CONDITIONAL APPROVAL**. Commissioner Williams seconded.

THE MOTION CARRIED.

4. Front Setback Primary Variance (RaceTrac)

Applicant: RaceTrac, Inc

Property Owner: Greenland Georgia, Inc

Location: 0 Fairburn Industrial Boulevard [Parcel ID: 09F090100480751]

Request: To approve the variance.

Commissioner Parker made a motion to open the public hearing. Commissioner Smith seconded.

THE MOTION CARRIED.

- a. The applicant presented to the Commission.
- b. Greg Valencia of 221 & 222 Fairburn Industrial Boulevard shared advice from his attorney, and that he would like a sidewalk to his property.

Vice Chairwoman James made a motion to close the public hearing. Commissioner Parker seconded.

THE MOTION CARRIED.

Commissioner Williams made a motion to recommend **CONDITIONAL APPROVAL**. Commissioner Smith seconded.

THE MOTION CARRIED.

5. Perimeter Landscape Area Primary Variance (RaceTrac)

Applicant: RaceTrac, Inc

Property Owner: Greenland Georgia, Inc

Location: 0 Fairburn Industrial Boulevard [Parcel ID: 09F090100480751]

Request: To approve the variance.

Vice Chairwoman James made a motion to open the public hearing. Commissioner Parker seconded.

THE MOTION CARRIED.

- a. The applicant presented to the Commission.

Commissioner Parker made a motion to close the public hearing. Commissioner Williams seconded.

THE MOTION CARRIED.

- a. Vice Chairwoman James asked if the stream buffer areas can be developed. The applicant said yes, but they have to follow State and Federal law. The applicant stated that they will only be crossing the stream and piping it.

Commissioner Williams made a motion to recommend **CONDITIONAL APPROVAL**. Commissioner Smith seconded.

THE MOTION CARRIED.

I. New Business:

1. Final Plat (New Chick-fil-A)

Applicant: Nate Fuss, Bohler Engineering

Property Owner: Chick-fil-A, Inc.

Location: 8032 Senoia Road [Parcel ID: 09F020100121246]

Request: To approve the final plat.

- a. Chairman Jones asked if Chick-fil-A has their Certificate of Occupancy, their Occupational Tax Certificate, and is currently operating. Mr. Felton answered yes.

Vice Chairwoman James made a motion to recommend **CONDITIONAL APPROVAL**. Commissioner Parker seconded.

THE MOTION CARRIED.

2. Fairburn Comprehensive Plan

Request: To discuss the Fairburn Comprehensive Plan Update.

- a. TSW, the firm that drafted the Update, presented to the Commission.
- b. Chairman Jones asked what the sentiments of the rural property owners were in the southwest of Fairburn. TSW said that the property owners were adamant about keeping their properties rural.
- c. Chairman Jones asked if the grey spots on the Official Zoning Map of Fairburn were the City of South Fulton. TSW said yes.
- d. Chairman Jones asked if the Cochran Mill Brewery Company is located in the proposed, new Warehouse District. TSW said yes.
- e. Chairman Jones asked if the proposed, new Downtown Core District is Broad Street. TSW said yes.
- f. Chairman Jones asked if the CSX facility is in the Industrial District. TSW said yes.

J. Other Business: None.

K. Adjournment

1. Vice Chairwoman James motioned to adjourn the public meeting at 8:58 pm. Commissioner Parker seconded.

THE MOTION CARRIED.



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
STAFF REPORT**

To:	Planning and Zoning Commission
From:	Denise Brookins, Planning and Zoning Director
Agenda Item:	101 Durham Lake Pkwy (Gas Station/Convenience Store)
Property Location:	101 Durham Lake Pkwy [parcel no. 07 270001681331]

Agent/Applicant/Petitioner Information

Applicant: SM Harmony /Earth Engineering Design
Property Owner: Killearn Consulting INC

Background

In 2003, the City of Fairburn approved a Planned Development (PD-02) for the Durham Lakes community, covering approximately 570 acres in southwest Fulton County. The PD was envisioned as a mixed-use master-planned community, balancing residential neighborhoods, recreational amenities, and commercial services.

The Durham Lakes PD divided the property into five distinct development areas:

1. Areas 1–3: Residential neighborhoods with varying lot sizes
2. Area 4: An 18-hole golf course and associated amenities.
3. Area 5: A commercial district of approximately 71.4 acres, intended to serve both residents of Durham Lakes and the broader traveling public.

For **Area 5**, the ordinance established:

- A maximum of 714,000 square feet of retail and office commercial floor area
- Development standards governed by the C-2 Highway Commercial District
- Additional PD-wide conditions: underground utilities, pedestrian connectivity, buffers, and compliance with Articles 13 (parking) and 14 (landscaping/buffers) of the 2001 ordinance.

The PD ordinance allowed variations from the base ordinance when shown on the approved master plan particularly for residential lot sizes and certain setbacks. The City of Fairburn Zoning Ordinance at the time of adoption included regulations for land use, building form, and development standards. Specifically, the C-2 Highway Commercial District was intended to accommodate regional- and highway-oriented commercial activities, including retail centers, restaurants, automotive uses, hotels, and other high-traffic businesses. Within this district, gasoline service stations are expressly permitted under Standard Industrial Classification (SIC) Major Group 55. Development standards under C-2 include a minimum lot size of ½ acre, minimum width of 100 feet, and setbacks/buffers to protect adjacent residential uses.

Summary of the Request

The proposed development is located within Area 5 of the Durham Lakes Planned Development (PD-02), approved by the City of Fairburn in 2003, and is zoned C-2 Highway Commercial under the 2003 zoning regulations. In addition to the C-2 Highway Commercial district regulations and the PD-02 overlay conditions, the City's current parking standards apply to the proposed gas station and convenience store.



The proposed gas station and convenience store at 101 Durham Lake Parkway totals 1.94-acre site located within Area 5 of the Durham Lakes Planned Development. The parcel is larger than the minimum lot size required by the C-2 Highway Commercial district, and its configuration allows the building, fuel canopy, and circulation areas to be arranged within the site with the required buffers and setbacks on all sides.

The layout places the convenience store building toward the rear portion of the property, with the fuel canopy positioned closer to the roadway. The site plan identifies a total of 36 parking spaces. This number exceeds the minimum standards set by the zoning ordinance, which require three spaces for self-service gasoline stations or, alternatively, three spaces per service bay for automobile service stations with a minimum of five. Parking areas are arranged adjacent to the store and canopy to provide direct access for customers, with loading area. Buffers are shown at the rear and sides of the property, with a minimum depth of 50 feet, as required by the PD conditions. These buffers are intended to provide visual separation and screening from adjacent uses. Sidewalks are planned along the property frontage, continuing the pedestrian network established in the broader Durham Lakes development.

Stormwater management, grading, and erosion control will be addressed in the detailed site development permit plans, which are subject to review by the City Engineer. Fuel storage systems and fire safety measures will be reviewed by the Fire Marshal. Lighting and signage will be included in the development permit submittal, with requirements for coordinated design and compliance with the city ordinance.

Relevant Regulations and Procedures

Although the commercial build-out of Durham Lakes has lagged behind the residential neighborhoods and the golf course, the standards adopted in the 2003 Planned Development ordinance remain fully in effect. Area 5 continues to be bound by the C-2 Highway Commercial regulations together with the overlay conditions established in the PD ordinance, ensuring that any new project, even after years of inactivity, is developed under the same framework envisioned at the time of rezoning in 2003.

In addition to these zoning and development standards, the City of Fairburn prescribes a structured review and approval process for all non-single-family projects, in Sec. 62-143 of the ordinance. This process applies directly to the proposed gas station and convenience store at 101 Durham Lake Parkway, as it is a commercial use within the Durham Lakes Planned Development.

Once a conceptual site plan is submitted, the planning and zoning staff circulates it for interdepartmental review. The planning staff evaluates compliance with zoning requirements and master plan conditions; various city departments examine technical aspects. If the plan conforms to regulations, it is advanced to the planning and zoning commission for public review and action.

Staff Recommendations

The proposed Durham Lake Parkway Gas Station and Convenience Store located at 101 Durham Lake Pkwy complies with both the C-2 Highway Commercial zoning standards and the PD-02 overlay conditions.

Conceptual Site Plan Checklist

- ☐ An accurate, up-to-date and certified survey of the property on which the project is to be built.
- ☐ A vicinity map showing the property in relation to the general area of the City in which it is located.
- ☐ The name of the proposed project.
- ☐ Name, address, phone number, and fax number of the owner, the developer and the designer who prepared the plan.
- ☐ Graphic scale, north arrow, and date of preparation.
- ☐ Zoning of the property with required setbacks shown.
- ☐ Zoning, use, and ownership of all adjoining property.
- ☐ Total area of the site and the area of the site proposed to be devoted to impervious surfaces.
- ☐ Approximate topography of the site.
- ☐ Significant natural features on and adjacent to the site, including the 100 year flood-plain, if appropriate.
- ☐ Existing man-made features on the site.
- ☐ Proposed site layout including buildings, drives, parking, walkways, landscaped areas, buffer easements, utilities and any other features necessary to properly present the concept.
- ☐ Proposed off-site improvements which may be necessary to properly develop site.
- ☐ Architectural elevations to show the intended architectural character of the proposed building and the nature of the materials to be used.
- ☐ If the site plan is for an addition to or change in an existing site plan, the drawings must clearly show the changes that are being proposed.
- ☐ Provide vehicular use area landscaping requirements

CITY OF FAIRBURN

Planning & Zoning Department

Site Plan Review- Submittal Form

Submittal Date: _____

Deadline: _____
(Minimum 5 weeks prior to P & Z Commission meeting)

PROJECT INFORMATION

Project Name: _____

Address/Location of Project: _____

Access to Property: _____

Tax Parcel ID #: _____ Size of Project: _____

Zoning: _____ No. of Lots (if applicable): _____

Zoning & Use of Adjacent Properties: _____

Narrative/ Description for use of property/project (attach additional pages as necessary to provide greater detail):

CONTACT INFORMATION

Company Name: _____

Contact Person: _____

Mailing Address: _____

Phone: _____ Fax: _____

Email Address: _____

UTILITY SERVICE PROVIDERS

Water: _____

Sewer: _____

Electric: _____

Gas: _____

Cable: _____

Other: _____

<u>Sketch Plan</u>	<u>Conceptual Site Plan</u>	<u>Construction Plans w/Hydro</u>	<u>Landscape Plan</u>
<input type="checkbox"/> 1st Submittal- No Fee Submit to P & Z for review	<input type="checkbox"/> 1st Submittal \$150 + \$20/acre <input type="checkbox"/> Resubmittal*	<input type="checkbox"/> 1st Submittal \$500 + \$20/ acre <input type="checkbox"/> Resubmittal*	<input type="checkbox"/> 1st Submittal \$300 + \$20/acre <input type="checkbox"/> Resubmittal*
If necessary, 2 extra copies (If legible, .pdf file is acceptable). Staff routes to: ___ Comm. Dev. Director ___ Planning & Zoning	7 Copies- Staff Routes to: ___ Building/Prop. Manager ___ Comm. Dev. Director ___ Engineer ___ Fire Marshal ___ Landscape Architect ___ Planning & Zoning ___ Water & Sewer	7 Copies- Staff Routes to: ___ Building / Prop. Manager ___ Comm. Dev. Director ___ Engineer ___ Fire Marshal ___ Landscape Architect ___ Planning & Zoning ___ Water & Sewer	2 Copies- Staff Routes to: ___ Comm. Dev. Director ___ Landscape Architect

Resubmittals- Each subsequent resubmittal will incur a fee of \$100.

SITE DATA:

SITE ADDRESS: 101 DURHAM LAKE PKWY, FAIRBURN, GA 30213
SITE AREA: 1.94 ACRES

ZONING:

ZONING: C-2
ZONING JURISDICTION: FULTON COUNTY

SETBACKS & BUFFERS:

FRONT: 35' BUILDING SETBACK
REAR: 15' BUILDING SETBACK/50' BUFFER
SIDE: 15' BUILDING SETBACK/50' BUFFER

PARKING CALCULATIONS:

MINIMUM PARKING REQUIRED
SELF-SERVICE GAS STATION = 3 SPACES
CONVENIENCE STORE REQUIRES 6 SPACES PER CASH REGISTER = 6 SPACES
RETAIL STORE REQUIRES 1 SPACE PER 200 SQ FT (5400 / 200 = 27) = 27 SPACES
TOTAL SPACES: 3 + 6 + 27 = 36
TOTAL PROVIDED = 36



Know what's below.
Call before you dig.

CAUTION

THE UTILITIES SHOWN ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

STAMP:



ENGINEER OF RECORD
NICHOLAS J. GRIFFITHS, P.E.
GEORGIA LIC. #27050

1		
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3		
No.	Revision/Issue	Date
Project Number:	Issue Date: 07/01/2025	
Drawn By:	Checked By: NJG	

EARTH DESIGN
ENGINEERING, LLC

844 180th AVE EAST
REDINGTON SHORES, FL 33708

PHONE: (678) 435-5871
EMAIL: EARTHDESIGNENGINEERING@GMAIL.COM

Project Name and Address
DURHAM LAKE PKWY C-STORE
AND GAS STATION
101 DURHAM LAKE PKWY,
FAIRBURN, GA 30213
FULTON COUNTY, GA
PROPERTY REPRESENTATIVE:
MIKE LOKHANDWALA
PHONE: (678) 702-1190 EMAIL: mike@ihgusa.net

Sheet Name

CONCEPT PLAN

Sheet Number

C1.0

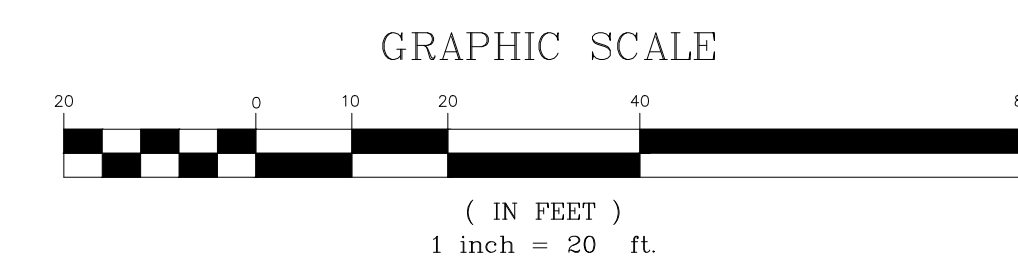
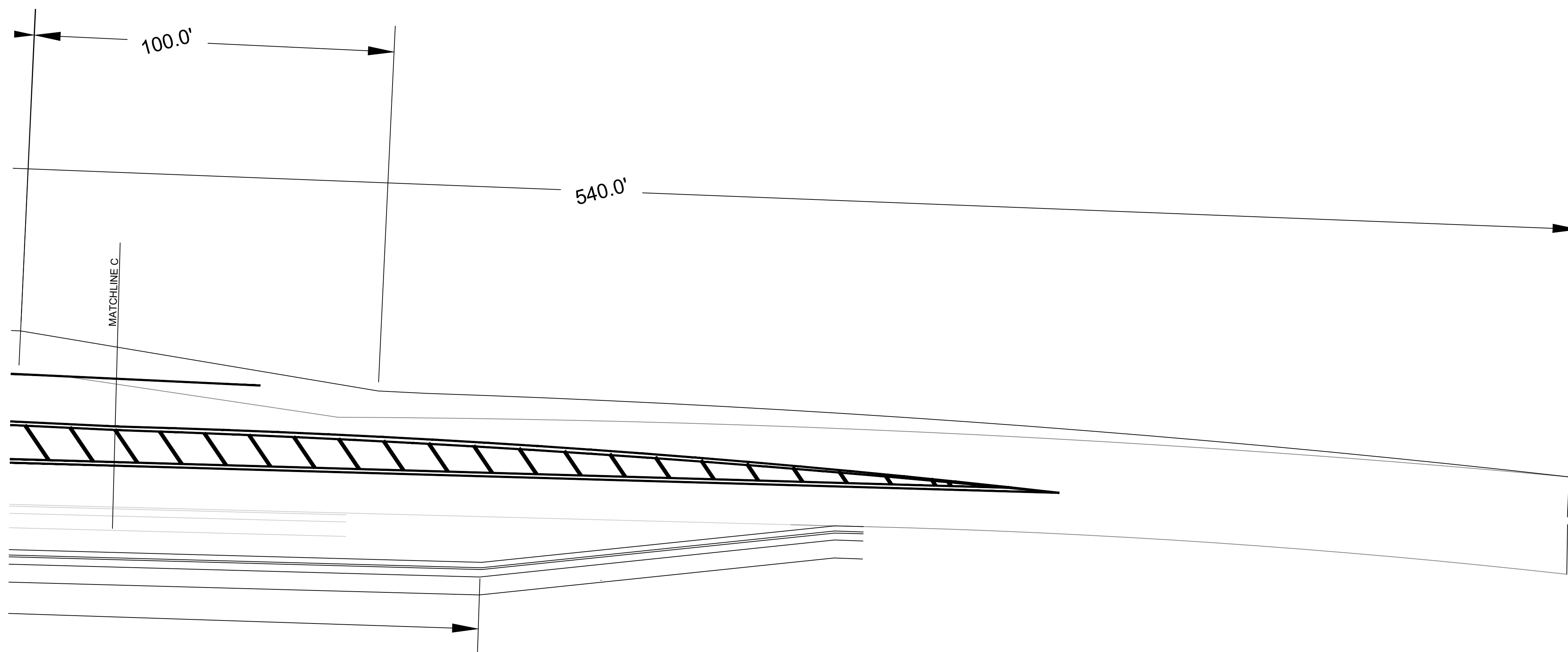
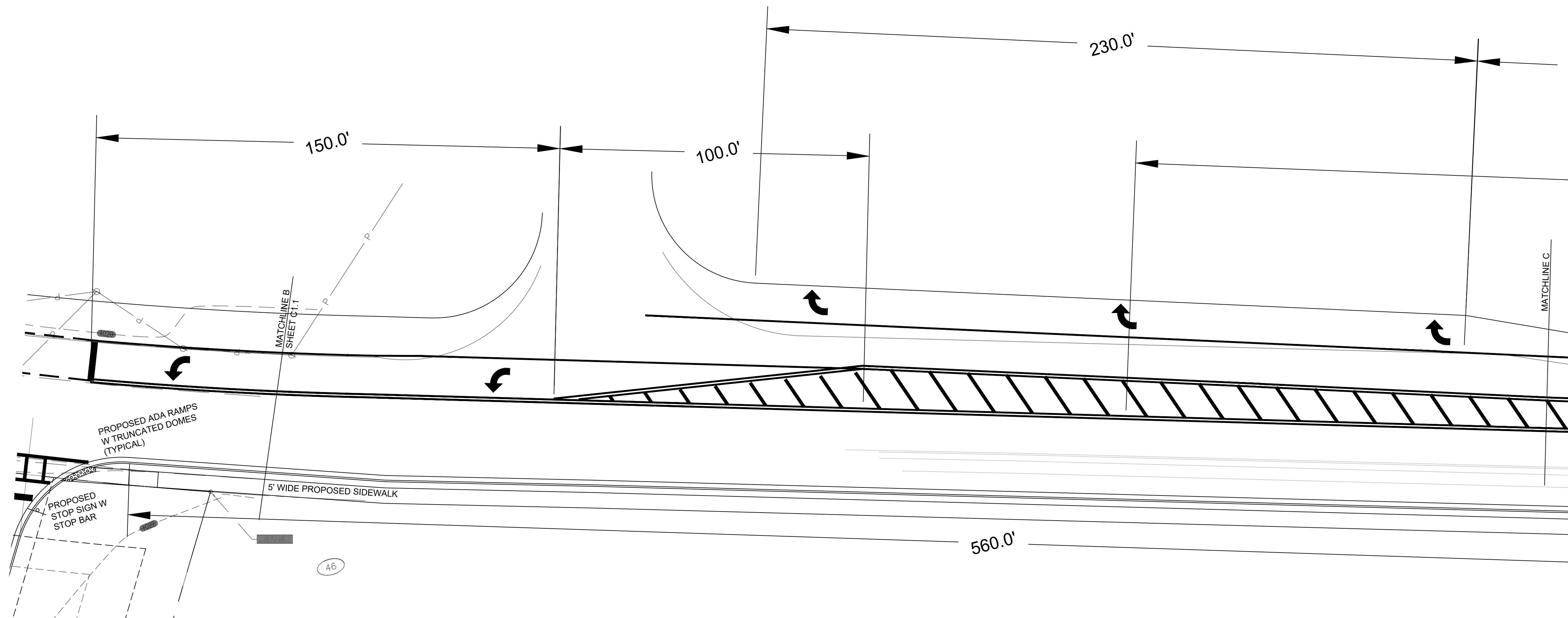
NOTE:
ALL ADA TRUNCATED RAMPS
MUST BE WET-SET AND RED
BRICK IN COLOR

ALL DUMPSTERS SHALL BE
ENCLOSED WITH A WALL OF
EQUAL OR GREATER HEIGHT
ON THREE SIDES, THE
MATERIAL OF
WHICH SHALL BE SIMILAR TO
THE MATERIAL ON THE
OUTSIDE OF THE MAIN
BUILDING.

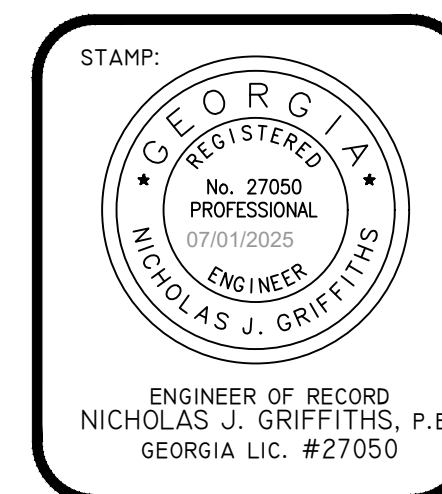
GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.



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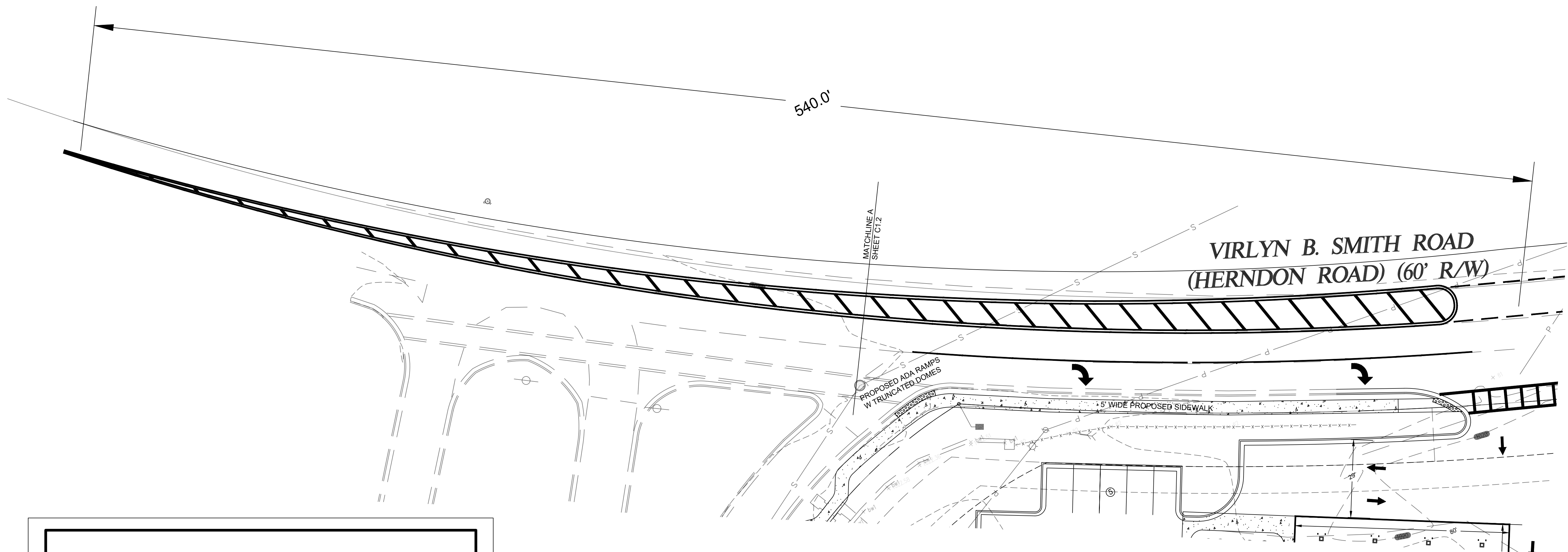


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Drawn By:		Checked By: NJG

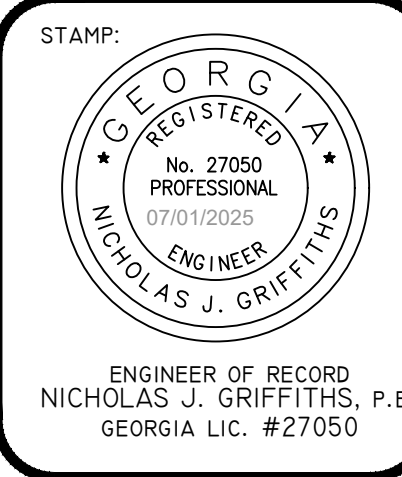
**EARTH DESIGN
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PHONE: (678) 435-5871
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PROPERTY REPRESENTATIVE:
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Sheet Name
CONCEPT PLAN
Sheet Number **C1.1**



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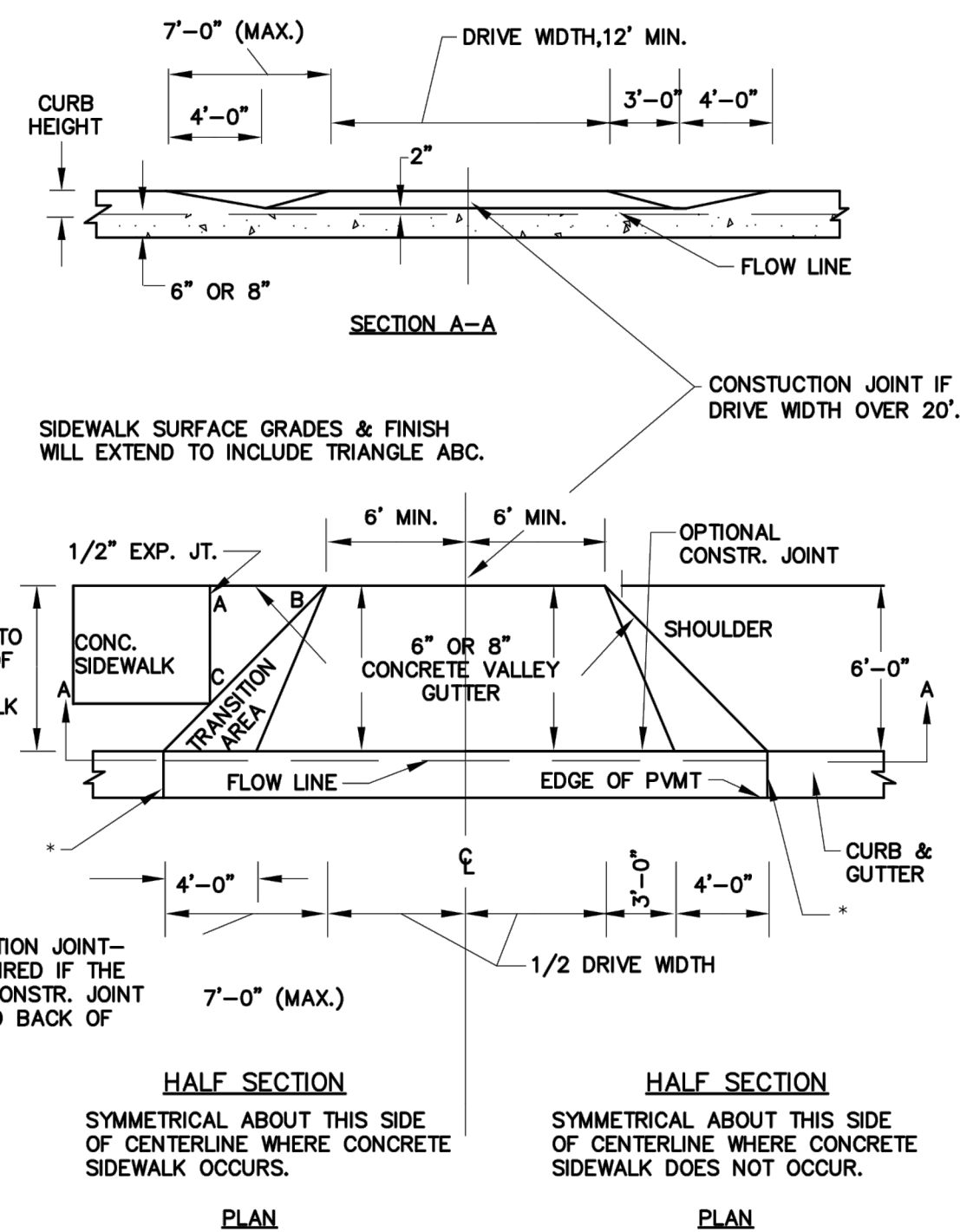
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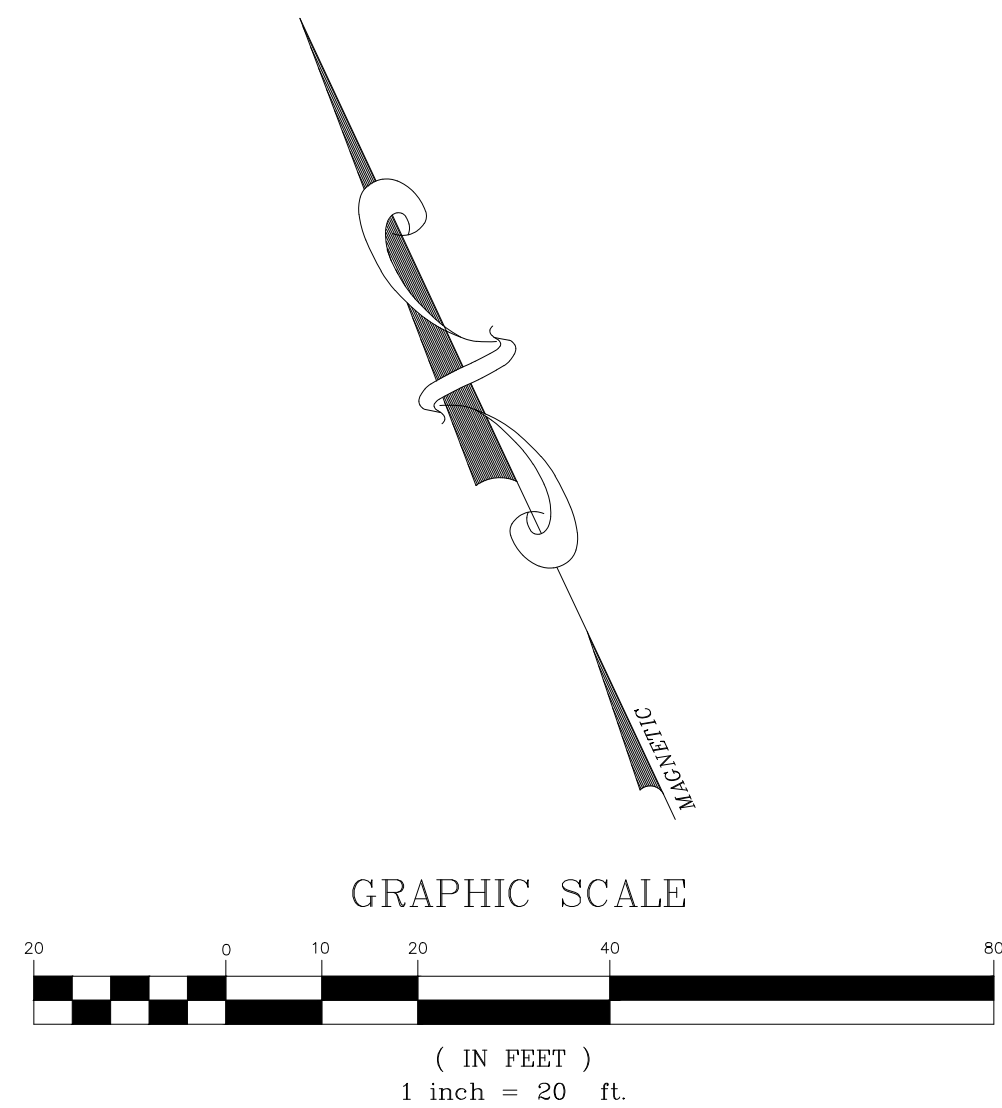
Sheet Name
CONCEPT PLAN

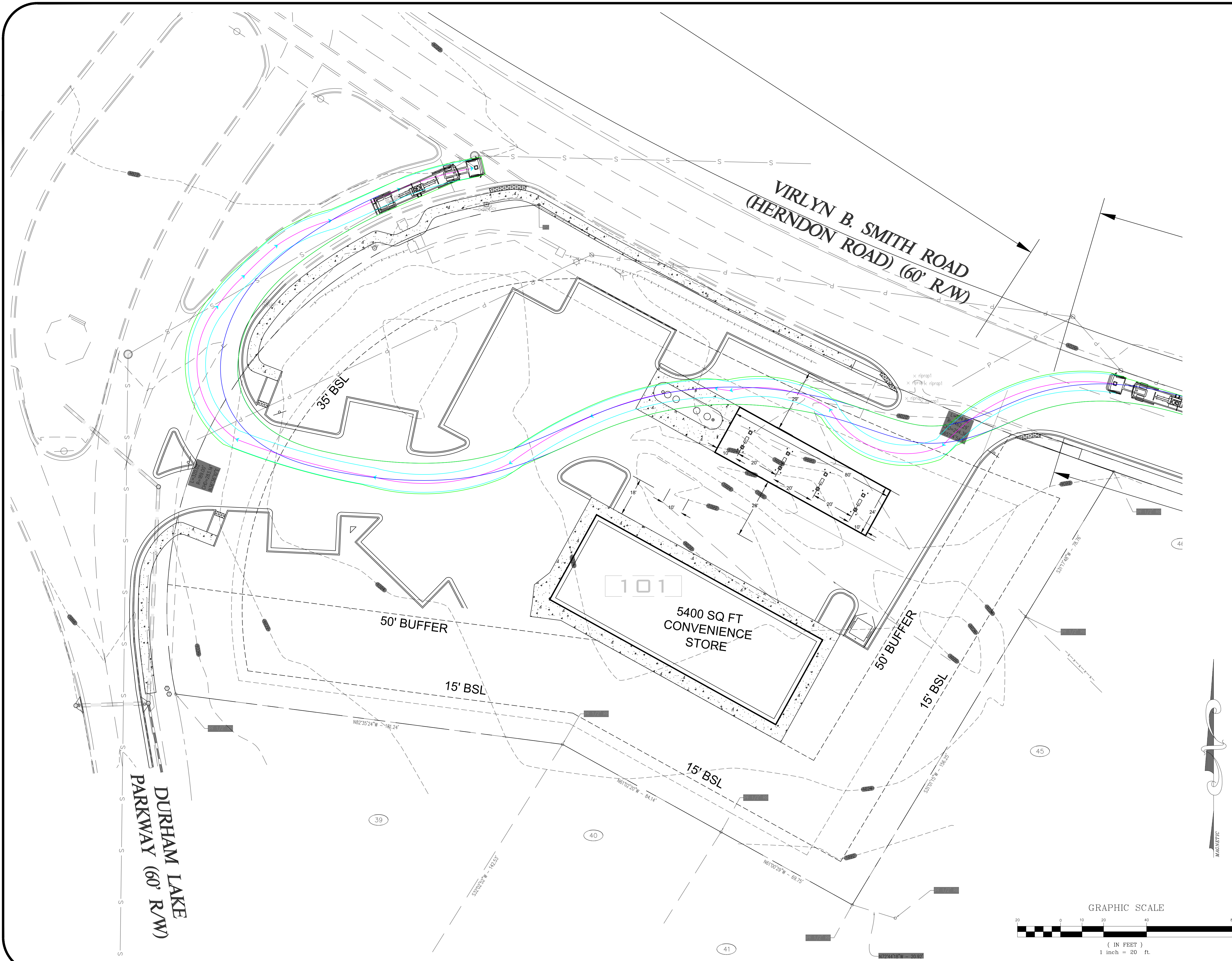
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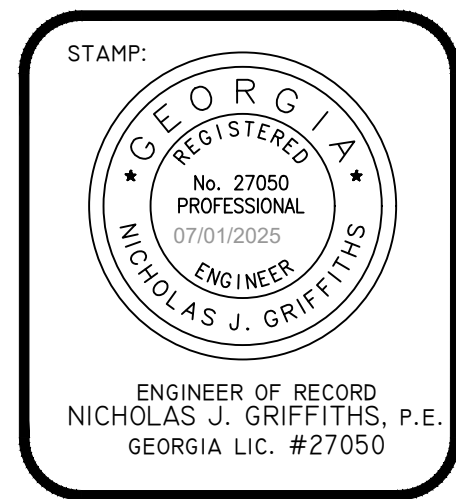
CITY OF FAIRBURN, GEORGIA
RESIDENTIAL AND COMMERCIAL
DRIVE DETAIL

DATE:
08/28/07
DETAIL NO.
R003





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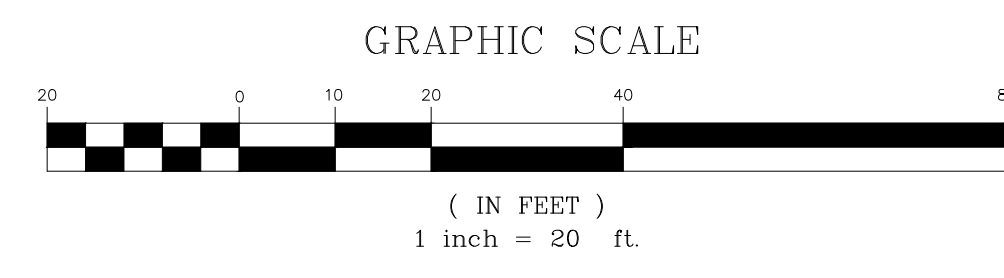
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FULTON COUNTY, GA
PROPERTY REPRESENTATIVE:
MIKE LOKHANDWALA
PHONE: (678) 702-1190 EMAIL: mike@ihgusa.net

Sheet Name
TRUCK MOVEMENT

Sheet Number **1-1**











Re: REZONING ORDINANCE 2003 - 192
Property of Durham Lakes Golf and Country Club
Community; 570.45 acres; Land Lots 49 and 50,
9F District; Land Lots 152, 153, 167, 168, 169, 174
and 175, 7th District; Fairburn,
Fulton County, Georgia

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY
OF FAIRBURN, GEORGIA, TO REZONE CERTAIN REAL PROPERTY
WITHIN THE CITY LIMITS OF THE CITY OF FAIRBURN; TO PROVIDE
FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL
CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
FAIRBURN, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY OF
THE SAME THAT:

Section 1. The area of the City of Fairburn, known as the *Durham Lakes Golf and Country Club Tract*, as described in Exhibit A and Exhibit B, which are attached to and incorporated as part of this Ordinance, is hereby zoned **PD-02 Planned Development** unless and until changed, revised or amended.

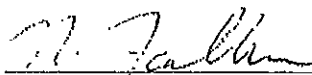
Section 2. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses, or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council hereby declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part of parts hereof would be declared or adjudicated invalid or unconstitutional.

Section 3. This Ordinance shall become effective on the 12th day of August 2003.

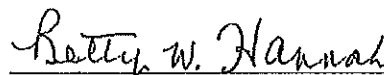
Section 4. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed.

APPROVED this 11th day of August, 2003 by the Mayor and Council of the City of Fairburn, Georgia.

ATTEST:



City Clerk
[SEAL]



Mayor

EXHIBIT B
THE DURHAM LAKES GOLF AND COUNTRY CLUB COMMUNITY
PD-02 Planned Development
Approved August 11, 2003

I. Purpose

This is a planned, mixed-use development consisting of 570.45 acres located on the northwest side of the City, north of US Highway 29 and southwest of Virlyn B. Smith Road. It is more particularly described in Exhibit A. The planned uses are single-family detached residential, retail and office commercial, and an 18-hole golf course.

II. Permitted Uses

- A. Single-Family Detached Residential Dwellings (872)
- B. Retail and Office Commercial (714,000 square feet)
- C. 18-hole Golf Course
- D. Accessory Buildings and Uses Incidental to the Above Use
- E. Home Occupations
- F. Amenity Buildings, Facilities and Lands
- G. Publicly Owned Buildings, Facilities and Lands

III. Development Standards

AREA 1:

- 1-A. Development Area 1 is a residential component of this mixed-use development project. It is comprised of 117.6 acres.
- 1-B. Maximum Number of Residential Lots = 423.
- 1-C. Minimum Lot Area = 6000 square feet.
- 1-D. Minimum Lot Width = 50 feet, at front building setback line.
- 1-E. Minimum Heated Floor Area = 1400 square feet.
- 1-F. Minimum Front Yard = 25 feet.
- 1-G. Minimum Side Yard = 5 feet.
- 1-H. Minimum Rear Yard = 25 feet, 60 feet adjacent to golf course.
- 1-I. Maximum Building Height = 35 feet.

AREA 2:

- 2-A. Development Area 2 is a residential component of this mixed-use development project. It is comprised of 46 acres.
- 2-B. Maximum Number of Residential Lots = 157.
- 2-C. Minimum Lot Area = 6000 square feet.
- 2-D. Minimum Lot Width = 65 feet, at front building setback line.
- 2-E. Minimum Heated Floor Area = 1500 square feet.
- 2-F. Minimum Front Yard = 25 feet.
- 2-G. Minimum Side Yard = 5 feet.
- 2-H. Minimum Rear Yard = 25 feet, 60 feet adjacent to golf course.
- 2-I. Maximum Building Height = 35 feet.

AREA 3:

- 3-A. Development Area 3 is a residential component of this mixed-use development project. It is comprised of 160.45 acres.
- 3-B. Maximum Number of Residential Lots = 292.
- 3-C. Minimum Lot Area = 11,250 square feet.
- 3-D. Minimum Lot Width = 80 feet.
- 3-E. Minimum Heated Floor Area = 1600 square feet.
- 3-F. Minimum Front Yard = 30 feet.
- 3-G. Minimum Side Yard = 10 feet.
- 3-H. Minimum Rear Yard = 30 feet, 60 feet adjacent to golf course.
- 3-I. Maximum Building Height = 35 feet.

AREA 4:

- 4-A. Development Area 4 is the 18-hole golf course component of this mixed-use development project. It is comprised of 175 acres.
- 4-B. No building shall exceed 35 feet in height or be located within 40 feet of an adjacent property line.

AREA 5:

- 5-A. Development Area 5 is the retail/office commercial component of this mixed-use development project. It is comprised of 71.4 acres.
- 5-B. The total floor area of commercial space shall not exceed 714,000 square feet.
- 5-C. All development within this commercial area shall be in accordance with the requirements of Section 4.16 C-2 Highway Commercial District.

IV. Design Standards

- A. Off-street parking shall be provided as specified in Article 13 of the Zoning Ordinance.
- B. Buffers shall be provided as specified in Article 14 of the Zoning Ordinance.
- C. All Utilities shall be installed underground throughout this project area.
- D. Sidewalks shall be provided throughout this project area and shall be designed to interconnect the various mixed-use areas.

The planned development could be more fully described as follows:

PD Planned Development District, PD-08 (Durham Lakes Commercial)

This planned development district is located in Land Lots 167 & 175 of the 7th Land District and Land Lots 49 & 50 of the 9th Land District of Fulton County, Georgia in the City of Fairburn, further described as located northeast of Johns River Road, northwest of Roosevelt Highway (GA Hwy 29), and southwest of Virlyn B. Smith Road. Access to the commercial sites is through Johns River Road, Roosevelt Highway and Virlyn B. Smith Road.

It is comprised of 71.4 acres. Its land use will be highway service business commercial with a minimum lot size of ½ acre.

Commercial Development – C-2 Highway Service Business:

1. Permitted Uses:
 - a. Those uses as defined in the City of Fairburn Zoning Ordinance, Article 4, Section 4.16.2.
2. Conditional Uses:
 - a. Those uses as defined in the City of Fairburn Zoning Ordinance, Article 4, Section 4.16.3.
3. Development Standards:
 - a. Those uses as defined in the City of Fairburn Zoning Ordinance, Article 4, Section 4.16.4;
 - b. The total floor area of commercial space shall not exceed 714,000 square feet.
4. Design Standards:
 - a. Those design standards as defined in the City of Fairburn Zoning Ordinance, Article 4, Section 4.16.5.

EXHIBIT "B"

All that tract or parcel of land lying and being in Land Lots 152, 153, 167, 168, 169, 174, 175 and 176 of the Seventh Land District of Fulton County, Georgia and in Land Lots 49 and 50 of the 9F Land District of Fulton County, Georgia as described in that certain plat of survey prepared by McFarland, Dyer & Associates, Inc. dated January 19, 2000. Said property being more particularly described according to said plat as follows:

To find the True Point of Beginning, begin at the point of intersection of the Easterly right of way of Herndon Road (40' R/W) and the Southerly right of way of Virlyn B. Smith Road (aka Herndon Road 60' R/W); thence run along the Southerly right of way of Virlyn B. Smith Road (aka Herndon Road 60' R/W) S 65°00'03" E a distance of 46.30 feet to a point; thence continue to run along said right of way along the arc of a curve an arc distance of 532.97 feet, said arc being subtended by a chord S 53°22'09" E with a chord distance of 530.03 feet to a point, said point being the True Point of Beginning. From said True Point of Beginning, leaving said right of way thence run S 14°18'00" E a distance of 735.90 feet to a point; thence run S 87°51'00" W a distance of 336.80 feet to a point; thence run S 15°07'30" E a distance of 1512.80 feet to a point; thence run S 88°00'10" E a distance of 1057.10 feet to a point; thence run N 01°34'29" W a distance of 1073.00 feet to a point; thence run S 87°18'10" W a distance of 772.00 feet to a point; thence run N 00°10'29" E a distance of 795.60 feet to a point; thence run S 88°41'10" W a distance of 339.50 feet to a point; thence run N 89°45'05" W a distance of 762.54 feet to a point; thence run N 01°33'36" W a distance of 45.75 feet to a point; thence run S 89°13'40" W a distance of 300.18 feet to a point; thence run N 84°07'47" W a distance of 61.43 feet to a point; thence run S 88°25'43" W a distance 1026.28 feet to a point; thence run S 83°13'09" W a distance of 478.73 feet to a point; thence run S 00°18'14" E a distance of 1,883.11 feet to a point; thence run S 89°50'59" E a distance of 349.84 feet to a point; thence run S 00°17'56" W a distance of 286.67 feet to a point on the Northerly right of way of Herndon Road (60' R/W); thence crossing said right of way run S 03°25'15" E a distance of 76.57 feet to a point along the southerly right of way of Herndon Road (60' R/W); leaving said right of way thence run S 01°57'16" W a distance of 50.86 feet to a point; thence run S 62°28'16" a distance of 348.39 feet to a point; thence run S 35°39'37" W a distance of 343.42 feet to a point; thence run S 27°16'44" W a distance of 229.47 feet to a point; thence run S 00°20'28" E a distance of 638.19 feet to a point; thence run S 31°22'22" E a distance of 676.05 feet to a point; thence run S 84°35'20" E a distance of 10.77 feet to a point; thence run S 84°35'20" E a distance of 113.57 feet to a point; thence run S 75°31'12" E a distance of 204.89 feet to a point; thence run N 81°59'54" E a distance of 72.56 feet to a point, thence run N 62°09'27" E a distance of 130.40 feet to a point, thence run N 08°17'20" E a distance of 240.01 feet to a point thence run N 31°37'53" W a distance of 106.27 feet to a point, thence run N 76°02'54" E a distance of 98.36 feet to a point; thence run N 45°27'02" E a distance of 59.12 feet to a point; thence run N 56°38'22" E a distance of 106.98 feet to a point; thence run N 78°03'01" E a distance of 81.76 feet to a point; thence run N 78°23'43" E a distance of 115.19 feet to a point; thence run S 78°02'15" E a distance of 532.38 feet to a

**Written Report for
Durham Lakes Golf and Country Club
PD Zoning Request
Prepared July 29, 2003**

1. General Description of Development:

Durham Lake Development, LLC proposes the rezoning of a tract of land containing 570.45 acres, located on the northwest side of Interstate 85 and on the south side of Virlyn B. Smith Road. The property is located in Land Lots 152, 153, 167, 168, 174, 175, and 176 of the 7th District and Land Lots 49 and 50 of the 9th District. The zoning request is for PD, Planned Development. The development is proposed as a mixed-use development containing several different single-family residential types, commercial uses and an 18-hole golf course.

Development Area 1

Development Area 1 consists of approximately 423 single-family residential lots on 117.6 acres, containing a minimum of 6,000 square feet of area and a minimum lot width of 50 feet. The development proposes curb and gutter streets, underground utilities and central potable water and sanitary sewer service. Houses will contain a minimum of 1,400 square feet of heated space for all lots. House plans will comply with the Durham Lake Development Standards and will be reviewed and approved by the developer prior to construction commencement to ensure quality controls are maintained. Sidewalks will interconnect through the majority of the development areas providing continuous pedestrian access throughout the project.

Setbacks: Front - 25' Side - 5' Rear - 25'

Development Area 2

Development Area 2 consists of approximately 157 single-family residential lots on 46 acres, containing a minimum of 6,000 square feet of area and a minimum lot width of 65 feet. The development proposes curb and gutter streets, underground utilities and central potable water and sanitary sewer service. Houses will contain a minimum of 1,500 square feet of heated space for all lots. House plans will comply with the Durham Lake Development Standards and will be reviewed and approved by the developer prior to construction commencement to ensure quality controls are maintained. Sidewalks will interconnect through the majority of the development areas providing continuous pedestrian access throughout the project.

Setbacks: Front - 25' Side - 5' Rear - 25'

Development Area 3

Development Area 3 contains approximately 292 single-family residential lots on 160.45 acres, containing a minimum of 11,250 square feet of area and a minimum lot width of 80 feet. The development proposes curb and gutter streets, underground utilities and central potable water and sanitary sewer service. Houses will contain a minimum of 1,600 square feet of heated space for all lots. Architectural plans will be reviewed and approved by the developer prior to construction commencement to ensure quality controls are maintained as outlined in the Durham Lake Development Standards. Sidewalks will interconnect through the majority of the development areas providing continuous pedestrian access throughout the project.

Setbacks: Front - 30' Side - 10' Rear - 30'

Development Area 4

Development Area 4 consists of the construction of an 18-hole, daily fee golf course, designed by golf course architect Scott Pool. The current golf routing winds golf holes through the development site, working around and with wetlands and other environmental features and contains approximately 175 acres of land. An onsite wetland delineation has been performed over the subject tract to aid in effective master planning and permitting. The developer has also employed Moore Bass Consulting Inc. Environmental Scientists to permit any wetland impacts necessary for the construction of the golf course or any other component of the development with the U.S. Army Corps of Engineers jurisdiction.

Development Area 5

Development Area 5 is the commercial / retail component of the development and contains approximately 71.4 acres of land located within the subject tract. It is estimated that the proposed commercial density will be approximately 10,000 SF per acre, totaling 714,000 SF of commercial / retail space. A majority of the commercial property within the development is located along U.S. Highway 29 (Roosevelt Highway) providing convenient access to all residents of Durham Lake and the surrounding community. Architectural plans will be reviewed and approved prior to construction commencement to ensure quality controls are maintained as outlined in the Durham Lake Development Guidelines. Setbacks are as required in the zoning ordinance.

2. Water supply and sewage disposal:

<u>Utility</u>	<u>Utility Provider</u>
Water:	City of Fairburn and/or The City of Atlanta
Sanitary Sewer:	City of Fairburn and/or Fulton County
Electric:	Greystone E.M.C.
CATV:	City of Fairburn

Projected Demand

See Attachment "A"

3. Proposed storm water drainage system:

The development proposes curb and gutter streets with an internal piping system. It is the intent of the development to utilize the existing lakes as detention facilities. Final hydrological calculations will be provided as needed to verify that capacity is available in these areas. If adequate detention capacity is not available in the existing lakes, then additional on-site detention facilities will be constructed as necessary to meet the current City of Fairburn ordinance as of the date of this application. It is anticipated that all proposed detention facilities will be owned and maintained by the Durham Lake Homeowner's Association.

4. Average Daily Traffic and Peak Hour(s) Vehicle Trips Estimates:

See Attachment "B".

5. Proposed Development Standards:

- a. Development use: Single-family Residential, Commercial and Golf Course
- b. Density restrictions: 2.0 Units/ Acre (Gross) (Density is calculated by dividing total number of single-family units by the total site area , less all commercial and multi-family areas)
- c. Yard requirements: See typical lot details on attached site plan.
- d. Parking requirements: The development proposes to provide parking for the commercial areas as required by the current City of Fairburn Zoning Ordinance as of the date of this application for commercial/retail uses. In addition, each single-family residential lot will provide a minimum of two vehicular parking areas.

6. Plans for the Protection of Adjacent Properties:

Buffers, setbacks, landscaping and screening requirements will be designed and permitted in accordance with the current City of Fairburn Zoning Ordinance as of the date of this application. Twenty-Foot Buffers have been provided between all commercial properties and single-family residential properties and are shown on the attached master plan.

7. Land or Infrastructure Proposed for Dedication to the City of Fairburn

The rights of way of the proposed roads will be dedicated to the City of Fairburn. The proposed roads total approximately 7.5 miles in length and approximately 47 acres in right-of-way dedicated area. In addition, all sanitary sewer and water mains will be dedicated to the City of Fairburn once constructed. Permanent easements will be granted over all utility mains as required by the City of Fairburn.

8. Architectural Plans:

Architectural Plans will be submitted to the City of Fairburn as required during the building permit process.

9. Open Space Uses and Areas:

The current Fairburn PD Ordinance requires the developer to set aside 25% of the total site area as open space. With the total site area being approximately 570.45 acres, 25% of the site area is approximately 142.5 acres. The development proposes the following mixture of open space areas to fulfill this requirement.

Golf Course (1/2 of total):	87.5 acres
Other Recreational/ Open Space Areas:	<u>55.5 acres</u>
Total	143 acres

These other recreational open space areas will be used for parks, lakes, walking trails, nature sites, picnic areas, ect. to be maintained by the future Homeowners Association.

10. Outdoor Lighting Plan:

Outdoor Lighting Plans showing location, height, fixture type and wattage will be provided during the final permitting stage of each phase of the development. Typical lighting standards are anticipated to be as follows:

Light Pole Height: 16-25 feet

Light Pole Spacing: 200-400 feet
Street Light Wattage: 150-165 watts

11. Project Completion Schedule:

The overall development is intended to be completed by the year 2021. For detailed scheduling, refer to the attached "Phasing Plan".

12. Proposed variations from Fairburn Zoning Ordinance:

- The development may have islands in the cul-de-sacs or traffic circles.
- Lot sizes and setbacks may differ from the requirements in the zoning ordinance as shown on the master plan.
- The developer is not responsible for bonding the Planned Development.
- The developer is not responsible for the upgrading of any adjacent roads with the exception of the existing gravel road Durham Lakes Road. Durham Lakes Road will be paved to the entrance of the Multi-family development.
- Acceleration lanes shall not be required.

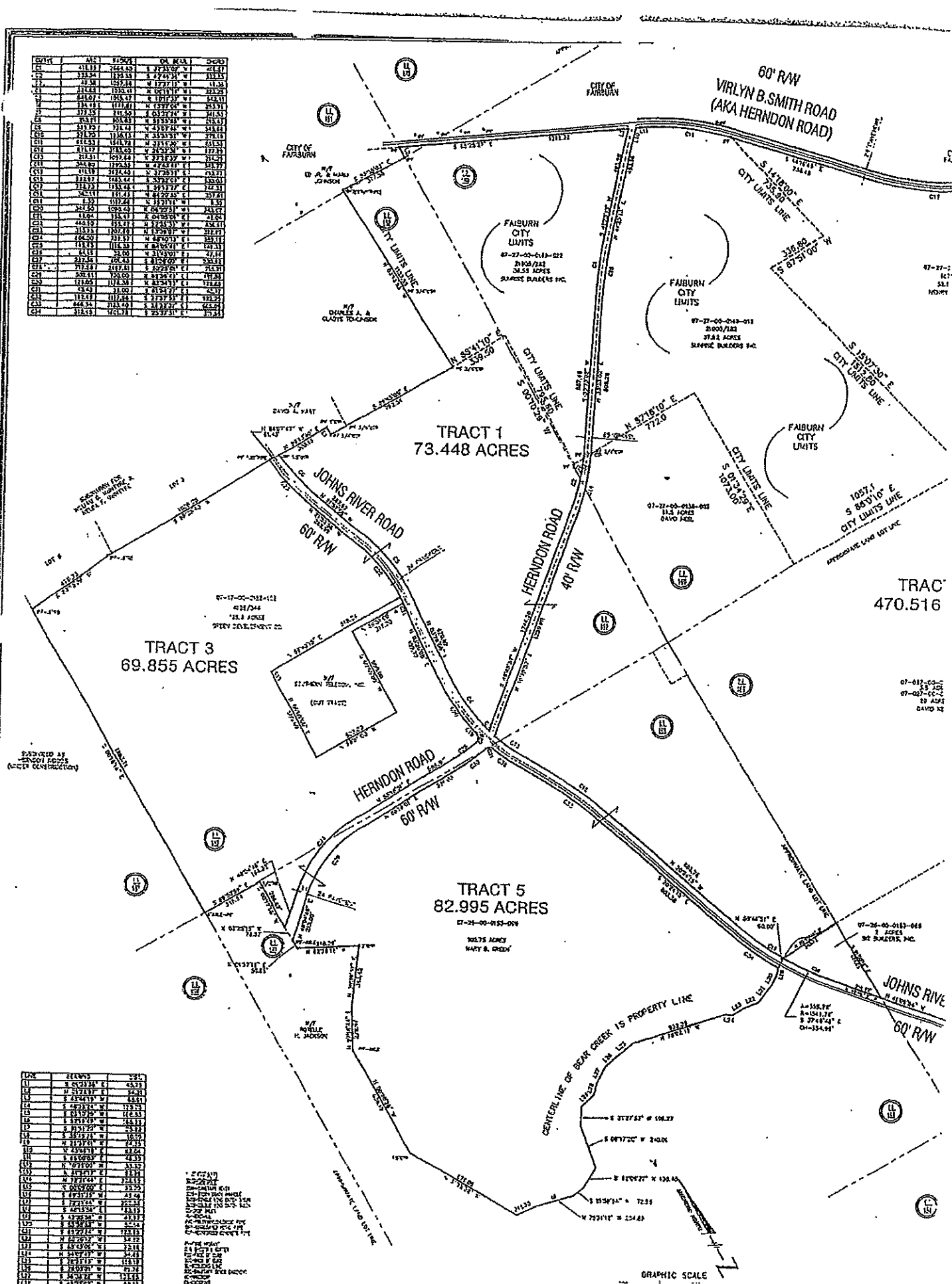
General Notes:

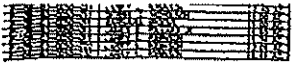
It is understood that this Master Plan as proposed will not exceed the number of lots as approved on the Master Plan Layout. The lots, road alignments, and phasing plan as illustrated are meant to be conceptual in nature and may be amended by the developer without the need for a new Zoning Hearing as long as the total number of lots has not increased. The master plan document should be made a portion of the official action taken by the City of Fairburn. When there is a conflict between this agreement and the City of Fairburn Zoning Ordinance this agreement shall govern.

point; thence run S 54°02'47"E a distance of 34.66 feet to a point; thence run N 88°43'09" E a distance of 92.99 feet to a point; thence run S 80°20'12" E a distance of 64.82 feet to a point; thence run N 66°20'24" E a distance of 122.95 feet to a point; thence run N 55°58'52" E a distance of 50.14 feet to a point; thence run N 42°25'56" E a distance of 47.97 feet to a point; thence run N 58°46'51" E a distance of 60.00 feet to a point along the northerly right of way of Johns River Road (60' R/W); thence run along the northerly right of way of Johns River Road (60' R/W) along the arc of a curve an arc distance of 355.78 feet, said arc being subtended by a chord bearing S 37°49'48" E with a chord distance of 354.99 feet to a point, thence run along the northern right of way of Johns River Road (60' R/W) S 40°49'19" E a distance of 216.77 feet; thence run along the northern right of way of John River Road (60' R/W) S 41°09'54" E a distance of 1,016.78 feet to a point; thence continue to run along the said right of way along the arc of a curve an arc distance of 279.70 feet, said arc being subtended by a chord bearing S 35°33'59" E with a chord distance of 279.10 feet to a point; thence continue along said right of way S 26°37'41" E a distance of 84.35 feet to a point; thence continue along said right of way along the arc of a curve an arc distance of 559.70 feet, said arc being subtended by a chord bearing S 43°07'46" E with a chord distance of 545.96 feet to a point; thence continue along said right of way S 66°22'20" E a distance of 333.53 feet to a point; thence continue along said right of way along the arc of a curve an arc distance of 210.91 feet, said arc being subtended by a chord bearing S 59°55'55" E with a chord distance of 210.43 to a point; thence continue along said right of way S 54°21'27" E a distance of 307.73 feet to a point; thence continue along said right of way N 35°45'24" E a distance of 10.10 feet to a point; thence continue along said right of way S 54°17'37" E a distance of 262.97 feet to a point; thence continue along said right of way N 81°51'20" E a distance of 25.92 feet to a point located on the westerly right of way of Roosevelt Highway (U.S. Highway #29/Georgia Highway 74) (Right of way Varies); thence run along the westerly right of way of Roosevelt Highway (U.S. Highway #29/Georgia Highway 74) N 52°19'49" E a distance of 728.10 feet to a point; thence continue along said right of way N 52°38'41" E a distance of 1122.20 feet to a point; thence run N 37°39'40" W a distance of 49.77 feet to a point; thence run N 52°10'43" E a distance of 23.86 feet to a point; thence run N 52°10'43" E a distance of 86.33 feet to a point, thence run S 37°39'40" E a distance of 49.77 feet to a point, along the westerly right of way of Roosevelt Highway (U.S. Highway #29/Georgia Highway 74); thence along the westerly right of way of Roosevelt Highway (U. S. Highway #29/Georgia Highway 74) N 52°39'18" E a distance of 2,448.56 feet to a point, thence leaving said right of way run N 34°37'48" W a distance of 343.00 feet to a point; thence run N 38°10'20" W a distance of 1,280.37 feet to a point; thence run N 46°23'41" W a distance of 282.90 feet to a point; thence run N 69°05'56" E a distance of 300.00 feet to a point along the southern right of way of Virlyn B. Smith Road (aka Herndon Road – 60' R/W); crossing said right of way thence run N 19°30'17" W a distance of 124.97 feet to a point on the northern right of way of Virlyn B. Smith Road (aka Herndon Road 60' R/W); thence run along the northern right of way of Virlyn B. Smith Road (aka Herndon Road 60' R/W) N 47°28'30" W a distance of 400.00 feet to a point; leaving said right of way thence run N 28°25'51" E a distance of 224.56 feet to a point; thence run S 21°52'48" E a distance of 504.16 feet to a point along the northern right of way of Virlyn B. Smith Road (aka Herndon Road 60'

R/W); crossing said right of way thence run S 19°30'17" E a distance of 124.97 feet to a point along the southern right of way of Virlyn B. Smith Road (aka Herndon Road 60' R/W); thence run along the southern right of way of Virlyn B. Smith Road (aka Herndon Road - 60' R/W) N 48°15'56" W a distance of 183.95 feet to a point; thence continue along said right of way N 47°49'05" W a distance of 326.44 feet to a point; thence continue along said right of way along the arc of a curve an arc distance of 717.58 feet, said arc being subtended by a chord bearing N 50°25'01" W with a chord distance of 715.71 feet to a point; leaving said right of way thence run S 83°21'53" W a distance of 63.80 feet to a point; thence run S 17°47'00" E a distance of 404.60 feet to a point; thence run S 72°13'00" W a distance of 300.00 feet to a point; thence run S 84°59'16" W a distance of 44.64 to a point; thence run S 78°25'15" W a distance of 339.32 feet to a point; thence run N 17°02'04" W a distance of 940.46 feet to a point along the southern right of way of Virlyn B. Smith Road (aka Herndon Road 60' R/W); thence continue along the southern right of way of Virlyn B. Smith Road (aka Herndon Road 60' R/W) N 73°19'15" W a distance of 256.37 feet to a point; thence continue along said right of way along the arc of a curve an arc distance of 752.73 feet, said arc being subtended by a chord bearing N 59°13'27" W with a chord distance of 744.35 feet to a point; thence run N 44°16'49" W a distance of 738.49 feet to a point and the True Point of Beginning.

DATE	DESCRIPTION	BALANCE
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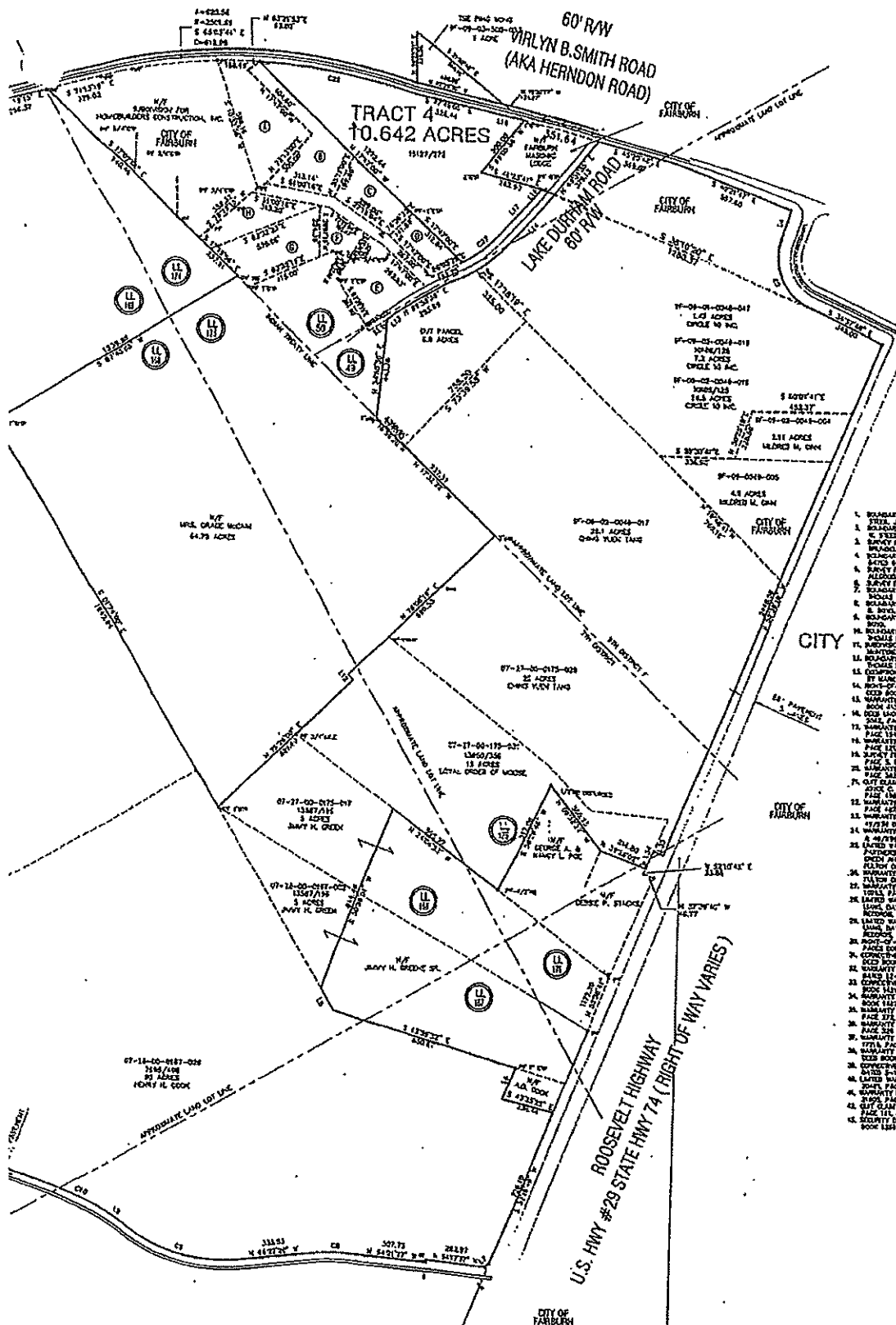




PREPARED BY
**McFarland & Dyer
& Associates, Inc.**

Land Planning
Landscape Architecture
Civil Engineering
Land Surveying

3550 Lawrenceville-Summit Rd.
Suite 102
Suwanee, Georgia 30024
Phone (770) 632-6550



1. BOUNDARY SURVEY FOR JAMES H. BUCKER, DATED 3-7-74, BY JOSEPH W. STEIN, JR.
2. BOUNDARY SURVEY FOR RALPH A. BURGESS, DATED 3-1-74, BY JOSEPH W. STEIN, JR.
3. SURVEY FOR E. EDWARD GARDEN, DATED 1-13-73, BY DONALD A. WATKINS, BOOK 104, PAGE 11.
4. BOUNDARY SURVEY FOR HUBERT L. BARNES AND BERNICE BARNES, DATED 6-11-77, BY ALY ALKHOUD, BOOK 101, PAGE 11.
5. BOUNDARY SURVEY FOR JAMES A. DAVIS AND CAROL A. DAVIS, DATED 11-17-74, BY B. RAY ALKHOUD.
6. SURVEY FOR E. L. JENNINGS, DATED 10-27-79, BY DONALD A. WATKINS.
7. BOUNDARY SURVEY FOR OAKEN DEVELOPMENT COMPANY, DATED 3-22-82, BY DONALD A. WATKINS.
8. BOUNDARY SURVEY FOR RALPH A. BURGESS, DATED 1-10-74, BY THOMAS A. BOVO.
9. BOUNDARY SURVEY FOR ROLAND H. WARE, DATED 3-20-83, BY MICHAEL R. BOVO.
10. BOUNDARY SURVEY FOR FARMING JERRY MONTGOMERY, DATED 3-1-84, BY MICHAEL R. BOVO & JOSEPH W. STEIN, JR.
11. BOUNDARY SURVEY FOR JAMES A. DAVIS, DATED 1-13-73, BY DONALD A. WATKINS.
12. BOUNDARY SURVEY FOR OAKEN DEVELOPMENT COMPANY, DATED 3-22-82, BY DONALD A. WATKINS.
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22. BOUNDARY SURVEY FOR FARMING JERRY MONTGOMERY, DATED 3-1-84, BY MICHAEL R. BOVO & JOSEPH W. STEIN, JR.
23. BOUNDARY SURVEY FOR JAMES A. DAVIS, DATED 1-13-73, BY DONALD A. WATKINS.
24. BOUNDARY SURVEY FOR OAKEN DEVELOPMENT COMPANY, DATED 3-22-82, BY DONALD A. WATKINS.
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COMPILED PLAT
LOCATED IN
LAND LOTS 152,153,167,168,169,174,175 & 176 ~ 7th DISTRICT
LAND LOTS 49 & 50 ~ 9th DISTRICT F
FULTON COUNTY, GEORGIA

JANUARY 19, 2000

Groups shall be permitted except for those uses specifically excluded:

A. Major Group 52. Building materials, hardware, garden supply, and mobile home dealers, excluding 5211, lumber and other building materials dealers; 5231, paint, glass, and wall paper stores; and 5271, mobile home dealers.

B. Major Group 54. Food Stores, excluding 5411, grocery stores.

C. Major Group 56. Apparel and accessory stores.

D. Major Group 59. Miscellaneous retail, excluding 5921, liquor stores; 5961, catalogue and mail-order houses; 5962, automatic merchandising machine operators; 5963, direct selling establishments; 5983, fuel oil dealers; 5984, liquefied petroleum gas dealers; 5989, and fuel dealers, not elsewhere classified; 5995, optical goods stores; and 5999 miscellaneous retail stores, not elsewhere classified.

E. Major Group 72. Personal services, excluding 7211, power laundries, family and commercial; 7213, linen supply; 7216, dry-cleaning plants; 7217, carpet and upholstery cleaning; 7218, industrial launderers; 7161, funeral service and crematories; 7291, tax return preparation services; and 7299, miscellaneous personal services.

F. Accessory buildings and uses customarily incidental to the above uses, provided that the square footage devoted to storage not exceed twenty-five percent (25) of the total building square footage.

Section 4.15.3 Conditional Uses

Specific uses may be permitted as conditional uses, provided the purpose and scale conform to the C-1, neighborhood commercial district. Proposed uses may also be permitted as conditional uses provided traffic projections are presented which demonstrate that inordinate numbers of vehicle trips, inconsistent with the character of desirable residential neighborhoods, will not be generated. The process for approval of conditional use applications is described in Article 5. The following uses, listed by SIC code, may be permitted as conditional uses:

A. 5812, eating places, subject to the following condition:

1. Drive-in restaurants are prohibited.

Section 4.15.4 Development Standards

Unless otherwise provided in this Ordinance, uses permitted in the C-1 district shall conform to the following development standards:

A. Minimum lot area: One-quarter (1/4) acre.

B. Minimum lot width: Eighty (80) feet.

C. Minimum front yard: Thirty (30) feet.

D. Minimum rear yard: Fifteen (15) feet.¹

E. Minimum side yard: None.¹

F. Maximum lot coverage: Fifty (50) percent.²

G. No building height shall exceed thirty-five (35) feet.

¹ All C-1 uses abutting a residential district must maintain a side and rear yard of 25 feet with a minimum 10-foot landscaped buffer as specified in Article 14, or undisturbed natural buffer. No storage of equipment or vehicle parking is permitted in the side yard.

² Including accessory structures.

Section 4.15.5 Design Standards

Unless otherwise provided in this Ordinance, uses permitted in the C-1 district shall conform to the following design standards:

A. No building or structure shall exceed 3,200 square feet per floor.

B. No off-street parking area shall contain more than ten (10) parking spaces.

C. Site plans must provide facilities for pedestrian and bicycle shoppers.

D. No C-1 use shall be located in a neighborhood which permits parking on both sides of the street unless off-street loading space is provided.

E. Parking areas shall be provided as specified in Article 13 of this Ordinance.

F. Buffers shall be provided as specified in Article 14 of this Ordinance.

Section 4.16 C-2, Highway Commercial District Regulations

Section 4.16.1 Purpose

The purpose of the highway commercial district is to serve the retail and commercial needs of commuters and

the traveling public. The automobile is the principal means of transit for shoppers in this district, and convenient on-premises parking is a primary concern. Such uses shall only be permitted along routes defined in Article 6 as major collectors or larger. The C-2 district permits a wide range of uses affording a broad segment of the business community access to the large customer volumes associated with these locations. However, such activities as manufacturing, distribution and processing as are found in the M-1 light industrial district are prohibited.

Section 4.16.2 Permitted Uses

Uses permitted in the C-2 district are referenced to the Standard Industrial Classification (SIC) of the U.S. Office of Management and Budget. These uses are organized by "Major Group" as presented in the SIC Manual to include retail and commercial services, automotive related services, business services, repair establishments, etc. Uses in the following Major Groups shall be permitted except for those uses specifically excluded:

- A. Major Group 41. Local and suburban transit and interurban highway passenger transportation.
- B. Major Group 43. United States Postal Service.
- C. Major Group 47. Transportation services, excluding 4731, arrangement of transportation and freight cargo; 4741, rental of railroad cars; 4783, packing and crating; 4785, fixed facilities and inspection and weighing services for motor vehicles; and 4789, transportation services, not elsewhere classified.
- D. Major Group 48. Communications.
- E. Major Group 52. Building materials, hardware, garden supply, and mobile home dealers, excluding 5271, mobile home dealers.
- F. Major Group 53. General merchandise stores, excluding 5311, department stores.
- G. Major Group 54. Food stores.
- H. Major Group 55. Automotive dealers and gasoline services stations.
- I. Major Group 56. Apparel and accessory stores.
- J. Major Group 57. Home furniture, furnishings, and equipment stores.
- K. Major Group 58. Eating and drinking places, excluding 5813, drinking places.

- L. Major Group 59. Miscellaneous retail.
- M. Major Group 60. Depository institutions.
- N. Major Group 61. Nondepository credit institutions.
- O. Major Group 62. Security and commodity brokers, dealers, exchanges and services.
- P. Major Group 63. Insurance carriers.
- Q. Major Group 64. Insurance agents, brokers, and service.
- R. Major Group 65. Real estate.
- S. Major Group 70. Hotels, rooming houses, camps, and other lodging places, excluding 7021, rooming and boarding houses; 7032, sporting and recreational camps, and 7033, recreational vehicle parks and campsites.
- T. Major Group 72. Personal services, excluding 7217, carpet and upholstery cleaning; and 7218, industrial launderers.
- U. Major Group 73. Business services, excluding 7353, heavy construction equipment rental and leasing.
- V. Major Group 75. Automotive repair, services, and parking, excluding 7532, top, body, and upholstery repair shops and paint shops; and 7534, tire retreading and repair shops.
- W. Major Group 76. Miscellaneous repair services.
- X. Major Group 78. Motion pictures, excluding 7833, drive-in motion picture theaters.
- Y. Major Group 79. Amusement and recreation services, excluding 7948, racing, including track operation.
- Z. Major Group 83. Social services, excluding 8322, individual and family social services; 8331, job training and vocational rehabilitation services; 8361, residential care; and 8399, social services, not elsewhere classified.
- AA. Major Group 86. Membership organizations excluding 8661, religious organizations.
- BB. Major Group 87. Engineering, accounting, research, management and related services, excluding 8734, testing laboratories.
- CC. Accessory buildings and uses customarily incidental to the above uses.

Section 4.16.3 Conditional Uses.

Specific uses may be permitted as conditional uses, provided conformance to the purpose and spirit of Section 4.16.1 and consistency with the character and environmental impact of permitted uses of Section 4.16.2 can be demonstrated. The process for approval of conditional use applications is described in Article 5. These uses, listed by SIC code, are: any of the SIC codes of Major Group 17; 2752, commercial printing, lithographic; 2754, commercial printing, gravure; 2759, commercial printing, not elsewhere classified; 4225, general warehousing and storage; 5023, homefurnishings; 5083, farm and garden machinery and equipment; 7217, carpet and upholstery cleaning; 7353, heavy construction equipment rental and leasing; 7833, drive-in motion picture theaters; 8322, individual and family social services; 8331, job training and vocational rehabilitation services; 8399, social services, not elsewhere classified; and 8734, testing laboratories.

A. Major Group 70. Hotels, rooming houses, camps, and other lodging places, including 7032, sporting and recreational camps, 7033, recreational vehicle parks and campsites subject to the following conditions:

1. No such use which is proposed within five hundred (500) feet of a residential district shall be permitted.

B. Major Group 78. Motion pictures, 7833, drive-in motion picture theaters subject to the following conditions:

1. No screen shall be visible from any street.
2. No central loudspeaker system shall be permitted.
3. No outdoor theater shall be permitted adjacent to any residential district.

Section 4.16.4 Development Standards

Unless otherwise provided in this Ordinance, uses permitted in the C-2 district shall conform to the following development standards:

- A. Minimum lot area: One-half acre (1/2) acre.
- B. Minimum lot width: One hundred (100) feet.
- C. Minimum front yard: Thirty-five (35) feet.
- D. Minimum rear yard: Fifteen (15) feet.¹
- E. Minimum side yard: None.¹

F. Maximum lot coverage: Fifty (50) percent.²

G. No building height shall exceed thirty-five (35) feet.

H. All vehicle parking areas which abut a residential district shall be concealed using a ten (10) foot planted buffer or opaque screen.

¹ All C-2 uses abutting a residential district must maintain a side and rear yard of 25 feet with a minimum 10-foot landscaped buffer as specified in Article 14, or undisturbed natural buffer. No storage of equipment or vehicle parking is permitted in the side yard.

² Including accessory structures.

Section 4.16.5 Design Standards

Unless otherwise provided in this Ordinance, uses permitted in the C-2 district shall conform to the following design standards:

A. All uses must be located on a collector street or larger.

B. All outside storage of materials and equipment must be completely screened from public view from adjacent properties and streets by an opaque screening device.

C. Site design must permit on-site maneuvering of all vehicles; no backing from the street shall be permitted.

D. Parking areas shall be provided as specified in Article 13 of this Ordinance.

E. Buffers shall be provided as specified in Article 14 of this Ordinance.

Section 4.17 C-3, "Planned Shopping Center" District Regulations

Section 4.17.1 Purpose.

The purpose of the planned shopping center district is to provide a full range of commercial uses, that is, retail, office and service uses to the regional community and commuters. The district is intended for locations on arterial streets, as defined in the Comprehensive Plan, near the I-85 corridor. The primary function of this district is to consolidate commercial uses at central locations rather than along "strip" commercial frontages with their associated, negative traffic and visual impacts. Accordingly, the district emphasizes "deep lot" zoning to form nodes of commercial uses served by common parking facilities and a system of local streets. Public policy aimed at encouraging shopping center



CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION
AGENDA ITEM

To: Planning and Zoning Commission

From: Chancellor Felton, Planner

Date: September 2, 2025

Agenda Item: Curry Bend – 0 Bohannon Road [Parcel ID: 07 400001632170] and
6560 Bohannon Road [Parcel ID: 07 400001800462] – Request to review the final plat.

Agent/Applicant/Petitioner Information

Applicant: Cameon Heath, DRB Group Georgia, LLC

Property Owner: Bartow Properties LLC and Lacy Curry

Background

0 Bohannon Road is located next to the Asbury Park Subdivision on Johnson Road / Bohannon Road. The site is currently zoned PD (Planned Development). The site is approximately 64.50 acres and consists of rural accessory structures, undeveloped woodlands, and wetlands.

6560 Bohannon Road is located within 0 Bohannon Road with access to Bohannon Road. The site is currently zoned PD (Planned Development). The site is approximately 3.77 acres and consists of a house with a pool and undeveloped woodlands.

Discussion

The applicant is proposing to subdivide the parcel into five tracts: Tract 1, which is 0.61 acres; Tract 2, which is 1.01 acres; Tract 3, which is 3.91 acres; Tract 4, which is 65.24 acres; and Tract 5, which is 30.50 acres. The property is being subdivided to tie each parcel to each type of use. The applicant has met all requirements and conditions of the Consent Judgment.

A project narrative is provided below:

Curry Bend is a proposed subdivision consisting of 114 single-family detached dwellings and 125 single-family attached townhomes. The single-family detached dwellings will have a minimum lot size of 4,200 square feet and will have a typical layout as shown. The townhomes will have a minimum lot size of 2,500 square feet and will have a typical layout as shown. The total site area is 70.17 acres.

This project also consists of the construction of roadways to be dedicated to the City of Fairburn, surface parking, stormwater conveyance and detention, potable water utility lines, and gravity sanitary sewer lines which will connect to the existing gravity sewer system.



There is an estimated average daily demand of 97.78 gallons per minute and a maximum hourly demand of 587 gallons per minute for water. There is an estimated average sewage flow rate of 72,900 gallons per day and a peak sewage flow rate of 183,000 gallons per day for sanitary sewer. All stormwater conveyance and detention shall be designed and constructed based on the requirements provided in the Georgia Stormwater Management Manual. Stormwater systems shall be private and maintained by the property owner association.

Staff Recommendations

Staff recommends **CONDITIONAL APPROVAL** of the final plat with the condition that:

- Each provision in the Consent Judgement is followed through wholly.
- Any significant modifications as determined by Staff to the approved final plat would necessitate a further review by the Planning and Zoning Commission

Attachments:

- Site Pictures
- Consent Judgement
- Application
- Current Survey and Proposed Final Plat

SITE PICTURES



0 Bohannon Road, at the entrance to
Asbury Park, at the intersection of
Johnson Road and Seneca Road



The entrance to 6560
Bohannon Road

**IN THE SUPERIOR COURT OF FULTON COUNTY
 STATE OF GEORGIA**

**BARTOW PROPERTIES, LLC and
 DRB GROUP GEORGIA, LLC**

Plaintiffs,

vs.

**THE CITY OF FAIRBURN, GEORGIA
 and TARIKA PEEKS, Director of
 Planning and Zoning in her Official
 Capacity,**

Defendants.

**Civil Action File No.
 2021CV354860**

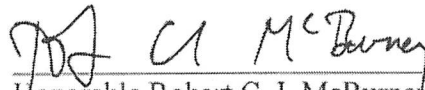
FINAL CONSENT JUDGMENT AND ORDER

The Plaintiffs and Defendants having settled their disputes in this present action, in accordance with the General Mutual Release and Settlement Agreement, attached as Exhibit A to this Order, and it being the wishes of the parties to incorporate the provisions of the General Mutual Release and Settlement Agreement into this Judgment and it appearing that all parties have consented to this Judgment it is hereby,

ORDERED AND ADJUDGED that all parties shall abide by the provisions of the General Mutual Release and Settlement Agreement, as they are approved and incorporated herein by reference, to the Final Consent Judgment and Order of this Court in this action as if each term thereof were quoted verbatim herein. The parties are ordered to comply with each and every term of said agreement. It is the further Order of this Court that the Plaintiffs' Rezoning Application with two Concurrent Use Permits, two Concurrent Variances and the Development Plan, as referenced in the General Mutual Release and Settlement Agreement, are hereby remanded to the

City of Fairburn for reconsideration and the City is ordered to rezone the Subject Property, with its two (2) concurrent use permits and its two (2) concurrent variances and approve the Development Plan as referenced in the General Mutual Release and Settlement Agreement attached as Exhibit A to this Order, within sixty (60) days of the entry of this Final Consent Judgment and Order.

SO ORDERED, this 6th day of JULY, 2022.



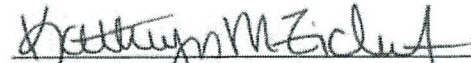
Honorable Robert C. I. McBurney
Fulton County Superior Court
Atlanta Judicial Circuit

Prepared by and Consented to:



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Counsel for Defendants
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GENERAL MUTUAL RELEASE AND SETTLEMENT AGREEMENT

This General Mutual Release and Settlement Agreement (hereinafter the "Agreement") is made and entered into this 13th day of June, 2022, by and among Bartow Properties, LLC, DRB Group Georgia, LLC (hereinafter collectively referred to as "Plaintiffs") and the City of Fairburn, Georgia and Tarika Peeks, Director of Planning and Zoning in her official capacity (hereinafter collectively referred to as "Defendants").

WHEREAS, Plaintiff Bartow Properties, LLC owns 70.17 acres of land (hereinafter "Subject Property") that is zoned to the PD (Planned Development) zoning district within the City of Fairburn, Georgia, as described in the legal description attached as Exhibit A;

WHEREAS, on May 7, 2021, and at the direction of the City, Plaintiff DRB Group Georgia, LLC, the potential purchaser of part of the Subject Property, filed a rezoning application as Rezoning Number 2021103 with Concurrent Use Permit Numbers 2021113 and 2021114 and Concurrent Variances 2021110 and 2021111, along with the Development Plan, pursuant to City of Fairburn Zoning Ordinance, Section 80-87(e) seeking to rezone the Subject Property to the PD (Planned Development) zoning district, as per Exhibit B attached and incorporated by reference;

WHEREAS, on August 23, 2021, the governing body of the City of Fairburn, in its legislative discretion, denied the rezoning application, along with the concurrent use permits and concurrent variances, as well as the Development Plan required for PUD developments;

WHEREAS, on September 21, 2021, Bartow Properties, LLC and DRB Group Georgia, LLC, filed a lawsuit in the Superior Court of Fulton County, Georgia styled as Civil Action No. 2021CV354860 (hereinafter the "Action") asserting certain claims at both law and equity concerning the City's final zoning decision regarding the Subject Property;

WHEREAS, pursuant to O.C.G.A. § 9-11-4(d)(3) and O.C.G.A. § 9-11-4(d)(5), on November 24, 2021, Defendants filed an Answer in the Action;

WHEREAS, the Plaintiffs and the Defendants herein mutually desire and agree to settle, without further court intervention, any and all claims, allegations, demands, disputes, damages, rights or causes of action, and lawsuit(s), whether known or unknown, now existing or that might arise in the future, directly or indirectly, of whatever kind or nature, against each other both jointly and severally concerning the Action and the factual circumstances set forth therein and anything relating, directly or indirectly, expressly or impliedly, thereto;

WHEREAS, the parties herein mutually agree that this settlement fully and finally satisfies any and all claims and counts asserted in the Action;

NOW, THEREFORE, in consideration of the mutual promises and releases set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Conditions of Approval

Should the City exercise its authority to approve the Development Plan, then the City of Fairburn Zoning Ordinance and the official zoning maps established in connection therewith shall be changed so that the property located in the City of Fairburn as indicated on Exhibit "A" to this

Ordinance be changed from PD (Planned Development) Zoning District to PD (Planned Development) Zoning District with two concurrent use permits, 2021113 and 2021114 and two concurrent variances, 2021110 and 2021111, subject to the following conditions:

A. To restrict the use of the Subject Property as follows:

1. Single-family detached lots:

- a. Up to 114 lots shall have a minimum lot square footage of 4,200 square feet.
- b. The minimum heated floor area of each home shall be a minimum of 1,700 square feet.

2. Townhouse units:

- a. 126 units shall have a minimum lot size of 2,500 square feet and no building shall contain more than eight (8) units.
- b. The minimum heated floor area of each townhouse shall be a minimum of 1,500 square feet.

3. Commercial:

- a. Permitted uses under C-1 (Neighborhood Commercial)
- b. Permitted uses under C-2 (General Commercial) except liquor stores, car/truck rental or sale/leasing, auto repair/tire/body shop, auto supply store, parking lot/garage, recycling center, gasoline service stations, and funeral services are specifically prohibited.

4. Convalescent center/nursing home/hospice and personal care home/assisted living/hospice facility.

- a. Not to exceed seventy (70) bedrooms or 210 beds in the facility.
- b. Provide applicable local, state and federal regulations and permits to the Community Development/Building Department prior to the issuance of certificate of occupancy.

B. To abide by the following:

1. The Subject Property shall be developed in conformity with the Development Plan prepared by Moore Bass and as approved by City Council on June 13, 2022. The Development Plan, attached as Exhibit B, shall become the zoning control document for features and development standards depicted on the plan as it relates to the Subject Property described in Exhibit A. Any deviation from the Development Plan shall be approved by the Director of Planning and Zoning.
2. Property maintenance shall be accomplished through a homeowner's association in which membership shall be mandatory. Such maintenance (exterior and yard)* shall encompass all individual townhome units and all common areas that are contained within the boundaries of the townhome area. Property maintenance for the single-family detached units shall be accomplished by the individual property owners with the exception of common areas to be maintained by a homeowner's association. A 6% rental cap shall be included in the detached units' by laws and a 6% rental cap shall be included in the attached units' by-laws. Such association by-laws shall be subject to review by the City Administrator and shall be recorded with covenants that also shall be subject to review by the City Administrator.

* de
6-29-22
LC
HME

C. To the following site development considerations:

1. Building setbacks for the single-family lots are as follows:
 - a. Front: 20 feet
 - b. Side: 5 feet
 - c. Rear: 25 feet
2. Building setbacks for the townhouse units are as follows:
 - a. Front: 20 feet
 - b. Side: 0 feet
 - c. Rear: 18 feet
 - d. Separation between buildings: 15 feet
3. Building setbacks for the commercial use are as follows:
 - a. Front: 30 feet
 - b. Side: 25 feet
 - c. Rear: 25 feet
4. Building setbacks for the personal care/assisted living/hospice use are as follows:
 - a. Front: 30 feet
 - b. Side: 25 feet
 - c. Rear: 25 feet
5. Minimum lot widths as follows:
 - a. Single-family lot width shall be forty-two (42) feet
 - b. Townhouse lot width shall be twenty-five (25) feet
 - c. Commercial lot width shall be eighty (80) feet
 - d. Convalescent center/nursing home/hospice/ Personal care/assisted living/hospice lot width shall be eight (80) feet.
6. Amenity package to include a pool with cabana, passive recreation parks, dog park(s), walking trail system, greenspace, playground, and mail kiosk (CBU).
7. Facades of the detached units and attached units shall be constructed with a combination of two or more of the following materials: fiber-cement siding, wood shake, clapboard, brick, and/or stone. The use of vinyl, stucco or EIFS (synthetic stucco) is strictly prohibited. At least 25% of the front façades shall consist of brick or stone. No lot shall contain a single-family unit that is identical to that of an adjacent lot.
8. Two-car garages shall be provided for each single-family house and townhouse unit. Upgraded garage doors with architectural elements shall be utilized.
9. Sidewalks on all street frontages shall be a minimum of five-feet in width and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards and the City of Fairburn development standards. Five-foot sidewalks shall be provided along both sides of internal streets throughout the development and shall be designed to provide inter-connectivity to amenity areas.

10. Pedestrian scale street lighting shall be provided along both sides of internal streets throughout the development.
11. All utilities shall be installed underground throughout the development area.
12. The Developer shall conduct a traffic study and submit the study to the Community Development Department prior to the issuance of the land disturbance permit.
13. Turning lanes may be required to meet projected traffic demand and/or safe operations, as determined by the City Engineer and/or traffic study. When provided, turning lanes shall meet the following criteria:
 - a. Provide not less than 150 feet of storage length for arterial roadways. Provide not less than 100 feet of storage length for collector roadways.
 - b. Provide taper lengths of not less than 100 feet.
 - c. Longer storage and taper lengths may be required when traffic projections indicate they are justified.
14. The Developer shall construct roadway improvements (pavement, signing, striping, curb and gutter, and drainage) along the existing road across the entire property frontage where required, at no cost to the city.
15. The Developer shall install a canopy or understory tree in the front yard of each single-family lot. The front and rear yards of the single-family lots and townhouse units shall be sodded.
16. Fencing of at least six (6) feet shall be installed along the outer perimeter of the tracts designated for commercial and institutional uses adjacent to residentially used properties to maximize screening and sound remediation.
17. A 50-foot undisturbed vegetated buffer shall be installed to provide a visual buffer between the commercial use and residentially used properties. A combination of existing trees and newly planted trees (where insufficient vegetation exists) shall be installed to establish the buffer. New trees shall be 8'-10' in height at the time of installation. Newly planted trees shall consist of one or a combination of the following trees: Leyland Cypress, Eastern Red Cedar, Southern Magnolia, Virginia Pine, Arborvitae, Savannah Holly, Nellie R. Stevens Holly. In addition to tree planting, a vegetated earthen berm shall be installed to screen the commercial use from the view of adjacent residents as much as reasonably possible.
18. A 25-foot undisturbed vegetated buffer shall be installed to provide a visual buffer between the adjacent property and personal care home/assisted living/hospice facility. A combination of existing trees and newly planted trees (where insufficient vegetation exists) shall be installed to establish the buffer. New trees shall be 8'-10' in height at the time of installation. Newly planted trees shall consist of one or a combination of the following trees: Leyland Cypress, Eastern Red Cedar, Southern Magnolia, Virginia Pine, Arborvitae, Savannah Holly, Nellie R. Stevens Holly, depending upon availability. If unavailable comparable trees of like size will be planted. In addition, a berm shall be installed to screen the facility from the view of the adjacent lot as much as reasonably possible.

19. Lighting on the exterior of the commercial and institutional used properties shall be directed downward and internal to the subject property.
20. Roof-mounted equipment of the commercial and institutional used properties shall be located and/or screened to minimize visibility from public streets and surrounding residentially used properties.
21. The front façade of the commercial and institutional used buildings shall be all brick material. The use of stucco or EIFS (synthetic stucco) is prohibited. Burglar bars, steel gates, metal awnings, and steel roll-down curtains are prohibited.
22. Refuse areas (dumpsters) shall be placed in the least visible location from the public streets and shall be enclosed on three (3) sides with brick similar to the brick used on the front façade of the building.
23. A standard sign package shall be created for the entire project. Internal sign lighting shall be prohibited.

2. Concurrent Use Permits

That the granted concurrent use permits shown as 2021113 & 2021114 are subject to the following conditions:

1. Convalescent center/nursing home/hospice and personal care home/assisted living/hospice facility.
 - a. Not to exceed seventy (70) units or 210 beds in the facility, whichever is greater.
 - b. Provide applicable local, state, and federal regulations and permits to the Community Development/Building Department prior to the issuance of a certificate of occupancy.

3. Concurrent Variances

That the granted concurrent variances shown as 2021110 and 2021111 are subject to the following conditions:

1. Variance 2021110 - A variance from Section 80-206(5) to allow parking in the minimum front yard setback [Chapter 80 Zoning, Article, Article II, Section 80-206(5) – Convalescent center/nursing home/hospice; Section 80-224(4) – Personal care home/assisted living].
2. Variance 2021111 - A variance from Section 80—224(3) to reduce the side yard setback from 50' to 25' [Personal care home/assisted living].

4. Resolution of Action

For and in exchange for the promises, agreements and obligations of Defendants under this agreement, Plaintiffs agree to the entry of a consent judgment in a form attached hereto as Exhibit C in the Action.

5. Mutual Release by the Parties

Release by Plaintiffs

For and in consideration of the mutual promises and agreements contained herein, Plaintiffs hereby release, acquit and forever discharge the City of Fairburn, Georgia and Tarika Peek, Director of Planning and Zoning, in her official capacity, and their agents, servants, employees, executors, administrators, personal representatives, heirs, successors, insurers, members, shareholders, equity owners and attorneys from any and all past or present claims, demands, obligations, actions, causes of action, rights, damages, costs, losses of service and any other claims arising from or involved in the Action, whether sounding in tort, contract, civil rights, or other theory of recovery, which Plaintiffs now have or had, or which may accrue up through and including the date upon which this Agreement is executed by Plaintiffs, including, but not limited to, those claims on account of or related to the allegations involved in the Action, which have resulted, or may result, from any alleged acts or omissions of Plaintiffs prior to the date of the execution of this Agreement, including but not limited to, any claims for delay or other damages as a result of Plaintiffs being unable to begin work on the Subject Property as a result of the Action or otherwise. This General Mutual Release and Settlement Agreement shall be binding upon Plaintiffs and their heirs, administrators, executors, assigns and successors.

Release by Defendants

For and in consideration of the mutual promises and agreements contained herein, Defendants hereby release, acquit and forever discharge Plaintiffs Bartow Properties, LLC and DRB Group Georgia, LLC and their agents, servants, employees, executors, administrators, personal representatives, heirs, successors, insurers, members, shareholders, equity owners and attorneys from any and all past or present claims, demands, obligations, actions, causes of action, rights, damages, costs, losses of service and any other claims arising from or involved in the Action, whether sounding in tort, contract, civil rights, or other theory of recovery, which Defendants now have or had, or which may accrue up through and including the date upon which this Agreement is executed by Defendants, including, but not limited to, those claims on account of or related to the allegations involved in the Action, which have resulted, or may result, from any alleged acts or omissions of Defendants prior to the date of the execution of this Agreement. This General Mutual Release and Settlement Agreement shall be binding upon Defendants and their heirs, administrators, executors, assigns and successors.

6. Denial of Liability

This General Mutual Release and Settlement Agreement shall not be deemed to be an admission of liability by any party to this Agreement. Rather, this Agreement is being executed in good faith to end the legal differences between the parties.

7. Complete Agreement

This Agreement contains the entire agreement of the parties in regard hereto, and no waiver, modification, or amendment of this Agreement shall be valid unless it is in writing and signed by the parties hereto. All prior and contemporaneous representations, promises and inducements are merged herein.

8. Enforceability of this Agreement

Notwithstanding anything herein to the contrary, each party shall have the right to enforce this Agreement, and each of its terms or conditions. Such right of enforcement shall include the

right to seek an injunction for specific performance and or damages resulting from the breach of this Agreement. The parties further acknowledge that the City of Fairburn may enforce all terms of this Agreement through its development review and permitting process.

9. Full Accord, Satisfaction and Final Compromise and Settlement

This Agreement shall constitute a full accord, satisfaction and final compromise and settlement of the disputes between the parties contained in or related to the Action.

10. Severability

The parties intend for this Agreement to be severable, and if any provision shall be construed to be illegal or invalid for any reason, such illegal or invalid part of this Agreement shall not affect the legality or validity of the other provisions.

11. Capacity and No Reliance

The parties and the signatories hereto hereby represent and warrant that they have full capacity to execute this agreement and to bind the entities for which they are executing this agreement (where applicable). The parties further represent and acknowledge that in executing this Agreement, they do not rely upon, and have not relied upon any representations or statements made by any other party or by any other parties' agents, representatives or attorneys with regard to the subject matter, basis or effect of this Agreement except as may be specifically contained herein. The parties further represent and warrant that they have not heretofore assigned or transferred or purported to assign or transfer to any person or entity any claim or any portion thereof of interest therein any claim related to the Action or this Agreement.

12. Headings

All captions, headings, sections and subsection numbers and similar reference items contained herein are solely for the purpose for facilitating reference to this Agreement and shall not supplement, limit or otherwise vary in any respect, the text of this Agreement.

13. Governing Law

This Agreement is made and entered into in the State of Georgia and shall in all respects be interpreted, enforced and governed in accordance with the laws of the State of Georgia.

14. Notices

Any notices required or permitted to be given hereunder shall be sufficient if in writing and sent by personal delivery, overnight mail, such as Federal Express, or by First Class United States Mail, postage prepaid, to the party being given such notice, with copies where designated, at the following address:

If to Plaintiffs:

Kathryn M. Zickert, Esq.
Dennis J. Webb Jr., Esq.
SMITH GAMBRELL & RUSSELL, LLP
1105 West Peachtree Street, NE

Suite. 1000
Atlanta, GA. 30309

If to Defendant:

Rory K. Starkey, Esq.
Hilliard Starkey Law
561 Thornton Road
Suite G
Lithia Springs, GA. 30122

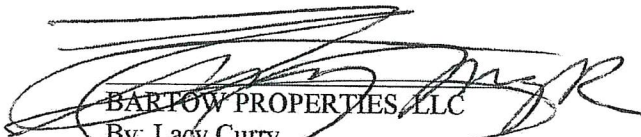
15. Counterparts

This Agreement may be executed in one or more counterpart, each of which shall be deemed an original, but all shall constitute one and the same Agreement, provided, however, this Agreement shall not be effected until executed by all parties.

WHEREFORE, this General Mutual Release and Settlement Agreement is hereby agreed to by all parties, and such parties consent to this agreement being affirmed by their signatures being placed heretofore.

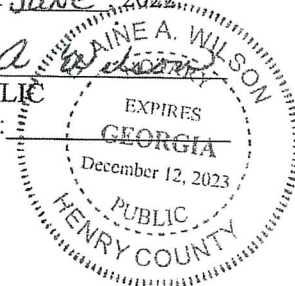
IN WITNESS WHEREOF, the undersigned have affixed their respective hands and seals this 22 day of June, 2022.

Affirmed and Agreed to by this 22 day of JUNE, 2022:



BARTOW PROPERTIES, LLC
By: Lacy Curry
Title: Manager

Sworn to and subscribed before me,
this 22 day of June, 2022.

Elaine A. Wilson
NOTARY PUBLIC
My seal expires:

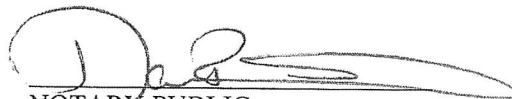


Affirmed and Agreed to by this 29 day of June, 2022:



DRB Group Georgia, LLC
By: Christopher Knight
Title: Vp

Sworn to and subscribed before me,
this 29 day of June, 2022.



NOTARY PUBLIC

My seal expires:

Darrell Blandshaw
NOTARY PUBLIC
Fayette County, GEORGIA
My Commission Expires 10/01/2023

Affirmed and Agreed to by this 11 day of July, 2022:

MARIO AVERY
CITY OF FAIRBURN
BY: MARIO AVERY
TITLE: MAYOR

Sworn to and subscribed before me,
this 11th day of July, 2022.

Dinna Lynn Roberson
NOTARY PUBLIC
My seal expires: 9-28-24

ATTESTED TO BY:

Kathryn M. Zickert
Kathryn M. Zickert, Esq.
Ga Bar No. 785040
Attorney for Plaintiffs

Rory K. Starkey
Rory K. Starkey, Esq.
Ga Bar No. 676450
Attorney for Defendants





CITY OF FAIRBURN

Planning & Zoning Department

Subdivision Plat/ Plan Review- Submittal Form

Submittal Date: July 24, 2025

Deadline: August 4, 2025

(Minimum 5 weeks prior to P & Z Commission meeting)

PROJECT INFORMATION

Project Name: Curry Bend

Address/Location of Project: Bohannon Road & 6560 Bohannon Rd., Palmetto, GA 30268

Access to Property: Bohannon Road & Seneca Rd

Tax Parcel ID #: 07400001632170 & 07400001800462 Size of Project: 70.77 AC

Zoning: PD No. of Lots (if applicable): 5?

Zoning & Use of Adjacent Properties: _____

Narrative/ Description for use of property/project (attach additional pages as necessary to provide greater detail):

Per the approved zoning conditions and preliminary plat for this project, there are 3 uses for this development. 1) Residential (TH & SF development to be sold to and constructed by DRB Group Georgia, LLC), 2) Commercial (Future use restricted to C-1 or C-2 and to retain ownership and be constructed by Bartow Properties LLC), 3) Assisted Living Facility (to retain ownership and be constructed by Bartow Properties LLC). As such, this application is to subdivide the property so that each use can be tied to its own parcel.

CONTACT INFORMATION

Company Name: DRB Group Georgia, LLC & Bartow Properties LLC

Contact Person: Cameron Heath

Mailing Address: 55 Ivan Allen Jr. Blvd. Ste 400., Atlanta, GA 30308

Phone: 770-471-4751 ext. 6589

Fax: _____

Email Address: cheath@drbgroup.com

UTILITY SERVICE PROVIDERS

Water: City of Atlanta Sewer: Fulton County

Electric: Greystone Power

Gas: Atlanta Gas Light Cable: AT&T

Other: _____

<u>Concept Plat</u>	<u>Preliminary Plat</u>	<u>Construction Plans</u>	<u>Final Plat</u>	<u>If Applicable-Landscape Plan</u>
<input type="checkbox"/> 1 st Submittal \$440 + \$3/lot <input type="checkbox"/> Resubmittal*	<input type="checkbox"/> 1 st Submittal \$460 + \$4/lot <input type="checkbox"/> Resubmittal*	<input type="checkbox"/> 1 st Submittal \$600 + \$8/lot <input type="checkbox"/> Resubmittal*	<input checked="" type="checkbox"/> 1 st Submittal \$300 + \$3/lot <input type="checkbox"/> Resubmittal*	<input type="checkbox"/> 1 st Submittal \$400 + \$5/lot <input type="checkbox"/> Resubmittal*
7 Copies- Staff Routes to: ___ Building/Prop. Manager ___ Engineer ___ Landscape Architect ___ Comm. Dev. Director ___ Fire Marshal ___ Planning & Zoning ___ Water & Sewer	7 Copies- Staff Routes to: ___ Building/Prop. Manager ___ Engineer ___ Landscape Architect ___ Comm. Dev. Director ___ Fire Marshal ___ Planning & Zoning ___ Water & Sewer	7 Copies- Staff Routes to: ___ Building/Prop. Manager ___ Engineer ___ Landscape Architect ___ Comm. Dev. Director ___ Fire Marshal ___ Planning & Zoning ___ Water & Sewer	7 Copies- Staff Routes to: ___ Building/ Prop. Manager ___ Engineer ___ Landscape Architect ___ Comm. Dev. Director ___ Fire Marshal ___ Planning & Zoning ___ Water & Sewer	2 Copies- Staff Routes to: ___ Engineer ___ Landscape Architect

*** Resubmittals- Each subsequent resubmittal will incur a fee of \$200.**

MINOR SUBDIVISION PLAT:
BOHANNON ROAD TRACTS
LAND LOTS 163 & 180 ~ 7TH DISTRICT
FULTON COUNTY, GEORGIA
LAND LOT 145 ~ 7TH DISTRICT
FAYETTE COUNTY, GEORGIA

THIS BOX IS RESERVED FOR THE CLERK OF SUPERIOR COURT
RECORDING INFORMATION.

DEVELOPMENT SUMMARY (FROM PRELIMINARY PLAT)

PERMIT NUMBER:	2022153PP
SITE SUMMARY:	
PARCELS:	07 00001632170 07 00001800462
ZONING:	PD
SITE AREA:	70.17 ACRES
PROPOSED LAND USES:	
SINGLE FAMILY	
DETACHED RESIDENTIAL:	114 UNITS
MIN. LOT SIZE:	4200 SQ. FT.
SETBACKS:	
FRONT:	20 FT.
REAR:	25 FT.
SIDE:	5 FT.
RESIDENTIAL TOWNHOMES:	125 UNITS
MIN. LOT SIZE:	2500 SQ. FT.
SETBACKS:	
FRONT:	20 FT.
REAR:	18 FT.
SIDE:	0 FT.
BUILDING SEPARATION:	15 FT.
COMMERCIAL:	+/- 1 AC.
MIN. LOT WIDTH:	80 FT.
SETBACKS:	
FRONT:	30 FT.
REAR:	25 FT.
SIDE:	25 FT.
ASSISTED LIVING:	+/- 3 AC.
MIN. LOT WIDTH:	80 FT.
SETBACKS:	
FRONT:	30 FT.
REAR:	25 FT.
SIDE:	25 FT.
PARKING SUMMARY:	
TOTAL PARKING PROVIDED:	525 SPACES
SINGLE-FAMILY:	228 SPACES
TH:	250 SPACES
GUEST:	27 SPACES
AMENITY:	20 SPACES
INTERNAL STREETSCAPE:	MIN. 50' ROW
- 28' ROADWAY BOC TO BOC	
- 5' LANDSCAPE STRIP	+/- 22.13 AC.
- 5' SIDEWALK	+/- 8.23 AC.
- 1' GRASS STRIP BEHIND SIDEWALK	+/- 1.54 AC.
IMPERVIOUS AREA:	
TOTAL VEHICULAR AREA:	+/- 22.13 AC.
TOTAL VEHICULAR LANDSCAPED AREA:	+/- 8.23 AC.
UTILITIES:	
WATER:	CITY OF FAIRBURN
SEWER:	FULTON COUNTY
POWER:	GEORGIA POWER

SURVEY NOTES

NO N.G.S. MONUMENT FOUND WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY.

ALL PROPERTY CORNERS REFERENCED AS I.P.S. INDICATES A 1/2" REBAR PLACED W/ICAP L5F 001179 UNLESS OTHERWISE NOTED.

MOORE BASS CONSULTING AND/OR ROBERT J. DEBIEN DO NOT GUARANTEE THAT ALL EASEMENTS AND SUB-SURFACE CONDITIONS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.

THIS DRAWING HAS BEEN GENERATED ELECTRONICALLY. THIS MEDIA SHOULD NOT CONSIDERED A CERTIFIED VALID DOCUMENT UNLESS IT WAS BEING PROPERLY SEALED, SIGNED, AND DATED BY ROBERT J. DEBIEN IN CONTRASTING COLOR OF INK PER O.C.G.A. 43-15-22.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTY OR ENTITY NAMED HEREON AND THE CERTIFICATION DOES NOT EXTEND TO ANY OTHERS.

THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC DISTANCE MEASURING DEVICES AND THE ADVENT OF SURVEY GRADE G.P.S. MEASUREMENT EQUIPMENT.

THIS SURVEY IS REFERENCED TO THE NORTH AMERICAN DATUM (N.A.D.) OF 1983 (1984 ADJUSTMENT) FOR HORIZONTAL DATUM AND THE NORTH AMERICAN VERTICAL DATUM (N.A.V.D.) OF 1988 FOR THE VERTICAL DATUM. THE USE OF G.P.S. SURVEY MEASURING TECHNIQUES WERE USED FOR THESE DISTANCES AND BASED ON THE POSITIONAL VALUES FOR THE VERTICAL REFERENCE STATION NETWORK DEVELOPED BY EGCS SOLUTIONS. THE ORTHOMETRIC HEIGHTS WERE DERIVED USING THE GEOID A12.

ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.

UTILITIES SHOWN ARE BASED ON ABOVE GROUND EVIDENCE. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. NO CERTIFICATION OR GUARANTEE IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE UTILITIES OR STRUCTURES SHOWN HEREON. PER GEORGIA LAW THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 66,384 FEET, AND AN ANGULAR ERROR OF 01" PER ANGLE. IT WAS A CLOSED LOOP TRAVERSE AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

TRACT 1:
THE CLOSURE PRECISION OF THE DATA SHOWN ON THE MAP OR PLAT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 113,137 FEET. THE CLOSURE PRECISION PLACED ON THE SURVEY SHALL BE BASED ON AN ACTUAL MAP CLOSURE THAT HAS BEEN INDEPENDENTLY CALCULATED BY THE SURVEYOR BY USING THE BEARINGS AND DISTANCES FROM THE FACE OF THE PLAT, AND SHALL NOT BE A GENERALIZATION.

TRACT 2:
THE CLOSURE PRECISION OF THE DATA SHOWN ON THE MAP OR PLAT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 121,628 FEET. THE CLOSURE PRECISION PLACED ON THE SURVEY SHALL BE BASED ON AN ACTUAL MAP CLOSURE THAT HAS BEEN INDEPENDENTLY CALCULATED BY THE SURVEYOR BY USING THE BEARINGS AND DISTANCES FROM THE FACE OF THE PLAT, AND SHALL NOT BE A GENERALIZATION.

TRACT 3:
THE CLOSURE PRECISION OF THE DATA SHOWN ON THE MAP OR PLAT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 97,628 FEET. THE CLOSURE PRECISION PLACED ON THE SURVEY SHALL BE BASED ON AN ACTUAL MAP CLOSURE THAT HAS BEEN INDEPENDENTLY CALCULATED BY THE SURVEYOR BY USING THE BEARINGS AND DISTANCES FROM THE FACE OF THE PLAT, AND SHALL NOT BE A GENERALIZATION.

TRACT 4:
THE CLOSURE PRECISION OF THE DATA SHOWN ON THE MAP OR PLAT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 134,012 FEET. THE CLOSURE PRECISION PLACED ON THE SURVEY SHALL BE BASED ON AN ACTUAL MAP CLOSURE THAT HAS BEEN INDEPENDENTLY CALCULATED BY THE SURVEYOR BY USING THE BEARINGS AND DISTANCES FROM THE FACE OF THE PLAT, AND SHALL NOT BE A GENERALIZATION.

TRACT 5:
THE CLOSURE PRECISION OF THE DATA SHOWN ON THE MAP OR PLAT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 145,738 FEET. THE CLOSURE PRECISION PLACED ON THE SURVEY SHALL BE BASED ON AN ACTUAL MAP CLOSURE THAT HAS BEEN INDEPENDENTLY CALCULATED BY THE SURVEYOR BY USING THE BEARINGS AND DISTANCES FROM THE FACE OF THE PLAT, AND SHALL NOT BE A GENERALIZATION.

ALL LOTS OR PARCELS SHOWN ON LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A TRIMBLE S6 ROBOTIC TOTAL STATION & CHAMPION TKO ROVER GPS UNIT. THE FIELDWORK WAS COMPLETED NOVEMBER 1ST, 2023 ON THIS PROJECT.

REFERENCES

- CERTIFICATE TITLE BY FIRST AMERICAN TITLE INSURANCE COMPANY; COMMITMENT DATE MARCH 26TH, 2021, FULTON COUNTY RECORDS & MARCH 19TH, 2021, FAYETTE COUNTY RECORDS.
- LEGAL DESCRIPTIONS OF TRACT OR PARCEL OF LAND, DEED BOOK 2245, PAGE 865-668, FAYETTE COUNTY RECORDS, DATED JULY 9TH 2003
- LEGAL DESCRIPTIONS OF TRACT OR PARCEL OF LAND, DEED BOOK 57335, PAGE 567-569, FULTON COUNTY RECORDS, DATED MARCH 26TH, 2021

FLOOD NOTE

AS SHOWN ON FLOOD INSURANCE RATE MAPS OF FULTON COUNTY, GEORGIA COMMUNITY PANEL NUMBER: 131210463F EFFECTIVE DATE SEPTEMBER 18TH, 2013, THIS PROPERTY IS LOCATED IN A FEMA FLOOD HAZARD ZONE.

SURVEY CERTIFICATE

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Robert J. Debien
ROBERT J. DEBIEN
REGISTERED LAND SURVEYOR #2964 (rdebien@moorebass.com)

7/9/25
DATE

SURVEY CERTIFICATE

TO DRB GROUP GEORGIA, LLC, A DELEWARE LIMITED LIABILITY COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6 (a) (i), 8, 10, 11, 13, 14, 16, 18 AND 20 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON NOVEMBER 1ST, 2023.

Robert J. Debien
ROBERT J. DEBIEN
REGISTERED LAND SURVEYOR #2964

7/9/25
DATE

CITY OF FAIRBURN APPROVAL

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:

LEGAL DESCRIPTIONS (TRACT 1, 2 & 3)

TRACT 1:

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOT 163 OF THE 7TH DISTRICT OF FULTON COUNTY, GEORGIA, CONTAINING 0.61 ACRES (26,434 SQ. FT.), AS SHOWN ON MINOR SUBDIVISION PLAT OF BOHANNON ROAD TRACTS FOR DRB GROUP GEORGIA, LLC, PREPARED BY MOORE BASS CONSULTING, INC., DATED FEBRUARY 1ST, 2024, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR SET AT INTERSECTING RIGHT-OF-WAY WESTERN CREEKWOOD ROAD (60' RIGHT-OF-WAY) AND NORTHERN JOHNSON ROAD (60' RIGHT-OF-WAY), SAID REBAR BEING THE **POINT OF BEGINNING**.

THENCE LEAVING RIGHT-OF-WAY OF CREEKWOOD ROAD (60' RIGHT-OF-WAY) THENCE ALONG JOHNSON ROAD (60' RIGHT-OF-WAY) ALONG THE ARC OF A CURVE TO THE LEFT, A DISTANCE OF 398.36 FEET (SAID ARC HAVING A RADIUS OF 847.31 FEET AND BEING SUBTENDED BY A CHORD BEARING N60°17'00"W, WITH A CHORD DISTANCE OF 385.67 FEET) TO A 1/2" REBAR SET; THENCE LEAVING SAID RIGHT-OF-WAY S88°39'05"E, A DISTANCE OF 347.11 FEET TO A 1/2" ROD FOUND ON WESTERN RIGHT-OF-WAY OF CREEKWOOD ROAD (60' RIGHT-OF-WAY), THENCE ALONG SAID RIGHT-OF-WAY S01°01'39"W, A DISTANCE OF 188.00 FEET TO A 1/2" REBAR SET, SAID REBAR BEING THE **TRUE POINT OF BEGINNING**.

TRACT 2:

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOT 163 OF THE 7TH DISTRICT OF FULTON COUNTY, GEORGIA, CONTAINING 1.01 ACRES (43,897 SQ. FT.), AS SHOWN ON MINOR SUBDIVISION PLAT OF BOHANNON ROAD TRACTS FOR DRB GROUP GEORGIA, LLC, PREPARED BY MOORE BASS CONSULTING, INC., DATED FEBRUARY 1ST, 2024, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON INTERSECTING RIGHT-OF-WAYS OF EASTERN RIGHT-OF-WAY OF SENECA ROAD (50' RIGHT-OF-WAY) & SOUTHERN RIGHT-OF-WAY OF JOHNSON ROAD (60' RIGHT-OF-WAY) THENCE LEAVING SENECA ROAD (50' RIGHT-OF-WAY) AND ALONG SAID SOUTHERN RIGHT-OF-WAY OF JOHNSON ROAD (60' R/W) N89°35'15"E, A DISTANCE OF 8.47 FEET TO A 1/2" REBAR SET, SAID REBAR BEING THE **POINT OF BEGINNING**.

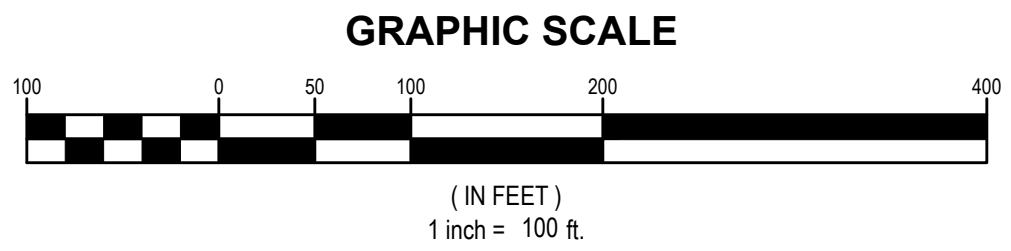
THENCE LEAVING RIGHT-OF-WAY OF SENECA ROAD (50' RIGHT-OF-WAY) AND ALONG SAID SOUTHERN RIGHT-OF-WAY OF JOHNSON ROAD (60' R/W) N89°35'15"E, A DISTANCE OF 199.07 FEET TO A 1/2" REBAR SET; THENCE LEAVING SAID RIGHT-OF-WAY S00°17'51"E, A DISTANCE OF 203.76 FEET TO A 1/2" REBAR SET; THENCE S89°47'22"W, A DISTANCE OF 216.44 FEET TO A 1/2" REBAR SET; THENCE N00°15'44"W, A DISTANCE OF 178.34 FEET TO A POINT; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 31.12 FEET (SAID ARC HAVING A RADIUS OF 25.00 FEET AND BEING SUBTENDED BY A CHORD BEARING S38°01'14"W, WITH A CHORD DISTANCE OF 29.15 FEET) TO A 1/2" REBAR SET ON EASTERN RIGHT-OF-WAY OF SENECA ROAD (50' R/W) & SOUTHERN RIGHT-OF-WAY OF JOHNSON ROAD (60' RIGHT-OF-WAY), SAID REBAR BEING THE **TRUE POINT OF BEGINNING**.

TRACT 3:

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOT 180 OF THE 7TH DISTRICT OF FULTON COUNTY, GEORGIA, CONTAINING 3.91 ACRES (170,309 SQ. FT.), AS SHOWN ON MINOR SUBDIVISION PLAT OF BOHANNON ROAD TRACTS FOR DRB GROUP GEORGIA, LLC, PREPARED BY MOORE BASS CONSULTING, INC., DATED FEBRUARY 1ST, 2024, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON INTERSECTING RIGHT-OF-WAYS OF EASTERN RIGHT-OF-WAY OF SENECA ROAD (50' RIGHT-OF-WAY) & SOUTHERN RIGHT-OF-WAY OF JOHNSON ROAD (60' RIGHT-OF-WAY) THENCE LEAVING SENECA ROAD (50' RIGHT-OF-WAY) AND ALONG SAID SOUTHERN RIGHT-OF-WAY OF JOHNSON ROAD (60' RIGHT-OF-WAY) THE FOLLOWING COURSES AND DISTANCES N89°35'15"E, A DISTANCE OF 8.47 FEET TO A 1/2" REBAR SET; THENCE N89°35'15"E, A DISTANCE OF 199.07 FEET TO A POINT; THENCE N89°35'15"E, A DISTANCE OF 155.91 FEET TO A POINT; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 483.47 FEET (SAID ARC HAVING A RADIUS OF 787.31 FEET AND BEING SUBTENDED BY A CHORD BEARING S72°50'37"E, WITH A CHORD DISTANCE OF 475.91 FEET) TO A 1/2" REBAR SET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 178.34 FEET (SAID ARC HAVING A RADIUS OF 30.636 FEET AND BEING SUBTENDED BY A CHORD BEARING S43°05'52"E, WITH A CHORD DISTANCE OF 176.04 FEET) TO A POINT WHERE SOUTHERN RIGHT-OF-WAY OF JOHNSON ROAD (60' RIGHT-OF-WAY) NAME CHANGES TO BOHANNON ROAD (60' RIGHT-OF-WAY); THENCE LEAVING SOUTHERN RIGHT-OF-WAY OF JOHNSON ROAD (60' RIGHT-OF-WAY) AND ALONG SAID RIGHT-OF-WAY OF SOUTHERN BOHANNON ROAD (60' RIGHT-OF-WAY) THE FOLLOWING COURSES AND DISTANCES ALONG THE ARC OF A CURVE TO THE LEFT, A DISTANCE OF 78.35 FEET (SAID ARC HAVING A RADIUS OF 1,045.84 FEET AND BEING SUBTENDED BY A CHORD BEARING S43°05'52"E, WITH A CHORD DISTANCE OF 78.35 FEET) TO A 1/2" REBAR SET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, A DISTANCE OF 233.64 FEET (SAID ARC HAVING A RADIUS OF 30.636 FEET AND BEING SUBTENDED BY A CHORD BEARING S42°49'27"E, WITH A CHORD DISTANCE OF 233.64 FEET) TO A POINT; THENCE S42°49'27"E, A DISTANCE OF 130.20 FEET TO A POINT; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, A DISTANCE OF 181.45 FEET (SAID ARC HAVING A RADIUS OF 1,434.33 FEET AND BEING SUBTENDED BY A CHORD BEARING S48°23'11"E, WITH A CHORD DISTANCE OF 181.33 FEET) TO A POINT; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, A DISTANCE OF 144.32 FEET (SAID ARC HAVING A RADIUS OF 1,045.84 FEET AND BEING SUBTENDED BY A CHORD BEARING S70°40'12"E, WITH A CHORD DISTANCE OF 104.49 FEET) TO A 3/4" OPEN TOP PIPE SET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, A DISTANCE OF 261.61 FEET (SAID ARC HAVING A RADIUS OF 1,045.84 FEET AND BEING SUBTENDED BY A CHORD BEARING S89°47'54"E, WITH A CHORD DISTANCE OF 104.49 FEET) TO A POINT; THENCE S89°47'54"E, A DISTANCE OF 50.41 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY S00°07'24"E, A DISTANCE OF 538.91 FEET TO A POINT ON THE CENTERLINE OF A CREEK, THENCE ALONG SAID CENTERLINE OF CREEK THE FOLLOWING COURSES AND DISTANCES S32°51'22"W, A DISTANCE OF 50.72 FEET TO A POINT; THENCE S70°19'57"W, A DISTANCE OF 140.91 FEET TO A POINT; THENCE S85°08'51"W, A DISTANCE OF 51.18 FEET TO A POINT; THENCE N32°20'34"W, A DISTANCE OF 19.48 FEET TO A POINT; THENCE N37°07'08"E, A DISTANCE OF 28.17 FEET TO A POINT; THENCE N42°35'37"W, A DISTANCE OF 51.37 FEET TO A POINT; THENCE S79°19'22"W, A DISTANCE OF 72.40 FEET TO A POINT; THENCE N88°15'22"W, A DISTANCE OF 68.73 FEET TO A POINT; THENCE S89°52'38"W, A DISTANCE OF 78.39 FEET TO A POINT; THENCE S02°39'04"E, A DISTANCE OF 52.51 FEET TO A POINT; 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MINOR SUBDIVISION PLAT:
BOHANNON ROAD TRACTS
LAND LOTS 163 & 180 ~ 7TH DISTRICT
FULTON COUNTY, GEORGIA
LAND LOT 145 ~ 7TH DISTRICT
FAYETTE COUNTY, GEORGIA

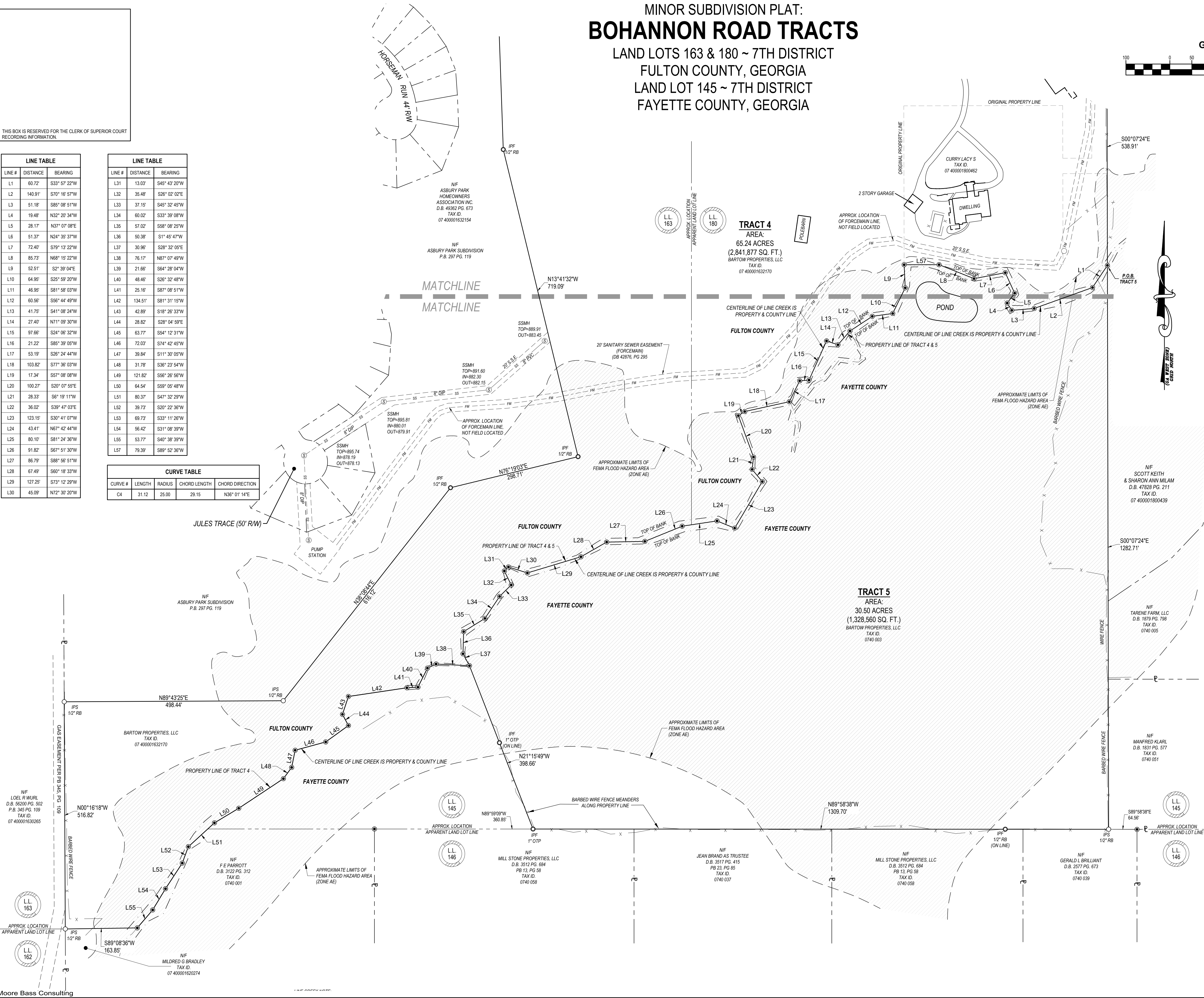


THIS BOX IS RESERVED FOR THE CLERK OF SUPERIOR COURT
RECORDING INFORMATION.

LINE TABLE		
LINE #	DISTANCE	BEARING
L1	60.72	S33° 57' 22"W
L2	140.91'	S70° 16' 57"W
L3	51.18'	S85° 08' 51"W
L4	19.48'	N32° 20' 34"W
L5	28.17'	N37° 07' 08"E
L6	51.37'	N24° 35' 37"W
L7	72.40'	S79° 13' 22"W
L8	85.73'	N68° 15' 22"W
L9	52.51'	S2° 39' 04"E
L10	64.95'	S25° 59' 20"W
L11	46.95'	S81° 58' 03"W
L12	60.56'	S56° 44' 49"W
L13	41.75'	S41° 08' 24"W
L14	27.40'	N71° 09' 30"W
L15	97.66'	S24° 06' 32"W
L16	21.22'	S85° 39' 05"W
L17	53.19'	S26° 24' 44"W
L18	103.82'	S77° 36' 03"W
L19	17.34'	S57° 08' 08"W
L20	100.27'	S20° 07' 55"E
L21	28.33'	S6° 19' 11"W
L22	36.02'	S39° 47' 03"E
L23	123.15'	S30° 41' 07"W
L24	43.41'	N67° 42' 44"W
L25	80.10'	S81° 24' 36"W
L26	91.82'	S67° 51' 30"W
L27	86.79'	S88° 56' 51"W
L28	67.49'	S60° 18' 33"W
L29	127.25'	S73° 12' 29"W
L30	45.09'	N72° 30' 20"W

LINE TABLE		
LINE #	DISTANCE	BEARING
L31	13.03'	S45° 43' 20"W
L32	35.48'	S26° 02' 02"E
L33	37.15'	S45° 32' 45"W
L34	60.02'	S33° 39' 08"W
L35	57.02'	S58° 08' 25"W
L36	50.38'	S1° 45' 47"W
L37	30.96'	S28° 32' 05"E
L38	76.17'	N87° 07' 49"W
L39	21.66'	S84° 28' 04"W
L40	48.46'	S26° 32' 48"W
L41	25.16'	S87° 08' 51"W
L42	134.51'	S81° 31' 15"W
L43	42.89'	S18° 26' 33"W
L44	26.82'	S28° 04' 59"E
L45	63.77'	S54° 12' 31"W
L46	72.03'	S74° 42' 45"W
L47	39.84'	S11° 30' 05"W
L48	31.78'	S36° 23' 54"W
L49	121.82'	S56° 29' 56"W
L50	64.54'	S59° 05' 48"W
L51	80.37'	S47° 32' 29"W
L52	39.73'	S20° 22' 36"W
L53	69.73'	S33° 11' 26"W
L54	56.42'	S37° 08' 39"W
L55	53.77'	S40° 38' 39"W
L56	79.39'	S89° 52' 36"W

CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD LENGTH	CHORD DIRECTION
C4	31.12	25.00	29.15	N36° 01' 14"E



DEVELOPMENT SUMMARY
(FROM PRELIMINARY PLAT)

PERMIT NUMBER:	2022133PP
SITE SUMMARY:	
PARCELS:	07 400001632170 07 400001800462 PD 70.17 ACRES
ZONING:	
SITE AREA:	70.17 ACRES
PROPOSED LAND USES:	
SINGLE-FAMILY DETACHED RESIDENTIAL:	114 UNITS
MIN. LOT SIZE:	4200 SQ. FT.
SETBACKS:	
ZONING:	20 FT.
REAR:	25 FT.
SIDE:	5 FT.
RESIDENTIAL TOWNHOMES:	126 UNITS
MIN. LOT SIZE:	2500 SQ. FT.
SETBACKS:	
FRONT:	20 FT.
REAR:	18 FT.
SIDE:	0 FT.
BUILDING SEPARATION:	15 FT.
COMMERCIAL:	+/- 1 AC.
MIN. LOT WIDTH:	80 FT.
SETBACKS:	
FRONT:	30 FT.
REAR:	25 FT.
SIDE:	25 FT.
REAR:	25 FT.
ASSISTED LIVING:	+/- 3 AC.
MIN. LOT WIDTH:	80 FT.
SETBACKS:	
FRONT:	30 FT.
SIDE:	25 FT.
REAR:	25 FT.
PARKING SUMMARY:	
TOTAL PARKING PROVIDED:	525 SPACES
SINGLE-FAMILY:	228 SPACES
TH:	250 SPACES
GUEST:	27 SPACES
AMENITY:	20 SPACES
INTERNAL STREETSCAPE:	MIN. 50' ROW
- 28' ROADWAY BOC TO BOC	
- 5' LANDSCAPE STRIP	
- 5' SIDEWALK	
IMPERVIOUS AREA:	+/- 22.13 AC.
TOTAL VEHICULAR AREA:	+/- 8.23 AC.
TOTAL VEHICULAR LANDSCAPED AREA:	+/- 1.54 AC.
UTILITIES:	
WATER:	CITY OF FAIRBURN
SEWER:	FULTON COUNTY
POWER:	GEORGIA POWER

LEGEND

DB	DEED BOOK
PB	PLAT BOOK
PG	PAGE
LL	LAND LOT
OTP	OPEN TOP PIPE
RB	REBAR
IPF	IRON PIN FOUND
IPS	1/2" REBAR W/O LSF 001179
CTP	CRIMP TOP PIPE
C&G	CURB & GUTTER
RW	RIGHT OF WAY
NF	NOW OR FORMERLY
E	OVERHEAD POWER LINE
CMP	CORRUGATED METAL PIPE
SWMF	STORMWATER MANAGEMENT FACILITY
TBM	TEMPORARY BENCHMARK
PGB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
RCP	REINFORCED CONCRETE PIPE
DIP	DUCTILE IRON PIPE
PVC	POLYVINYL CHLORIDE PIPE
HDPE	HIGH DENSITY POLYETHYLENE PIPE
P	PROPERTY LINE
C	CENTERLINE
ID	IDENTIFICATION
B.S.L	BUILDING SETBACK LINE
BOC	BACK OF CURB
C	CURVE LABEL
CI	CURB INLET
DE	DRAINAGE EASEMENT
EDP	EDGE OF PAVEMENT
FH	FIRE HYDRANT
L	LINE LABEL
NF	NOW OR FORMERLY
PKS	PK NAIL SET
SSE	SANITARY SEWER EASEMENT
UE	UTILITY EASEMENT
REF	REFERENCE
C/O	SEWER CLEAN OUT
SQL	SQUARE FOOT
FEET	FEET
IPF	IRON PIN FOUND
IPN	IRON PIN SET
CP	CALCULATED POINT
PP	POWER POLE (PP)
WV	WATER VALVE (WV)
WM	WATER METER (WM)
JB	JUNCTION BOX (JB)
SSMH	SANITARY SEWER MANHOLE (SSMH)
DI	DROP INLET (DI)
RW	R/W MONUMENT
SW	SINGLE WING CATCH BASIN
DB	DOUBLE WING CATCH BASIN
CI	CURB INLET
FW	FLARED END SECTION
LP	LIGHT POST (LP)
SE	SEWER CLEAN OUT
FM	FORCE MAIN AIR RELEASE VALVE



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TALLAHASSEE • ATLANTA

1350 Keys Ferry Court
McDonough, GA 30253
770.914.9394

BOHANNON ROAD TRACTS
FULTON & FAYETTE COUNTY

CLIENT NAME
DRB GROUP GEORGIA, LLC, A DELEWARE LIMITED LIABILITY COMPANY
160 WHITNEY STREET,
FAYETTEVILLE, GEORGIA 30214

REVISIONS	
1. REVISED VICINITY MAP: 3-22-2024	
2. REVISED: 7-31-2025 ADDED SETBACKS	

A0910.0053-MNR-SD

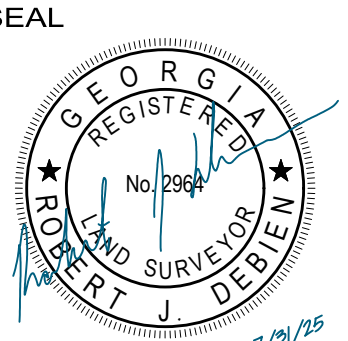
DATE: 2-1-2042

CONTRACT #: A0910.0053

DRAWN BY: RJD, DC

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