



**Planning and Zoning Commission**

**AGENDA**

**Tuesday, September 1, 2020 ♦ 7:00 p.m.**

<https://zoom.us/j/7709642244>

**Dial-in #: (929) 205-6099**

**Meeting ID: 770 964 2244**

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- **Call to Order**
- **Determination of a Quorum**
- **Approval of the Meeting Agenda**
- **Approval of August 4, 2020 Meeting Minutes**
- **Public Hearing:**
  - **Primary Variance 2020100 - Terrance Pharos** (730 Birkdale Drive): A request to reduce the rear yard setback from 60-feet to 53-feet to construct a 10 x 10 sunroom.
- **Old Business:**
- **New Business:**
  - **Use Permit 2020108 - 1162 Hwy 54 East, LLC** (0 Bohannon Road)
    - ❖ A request to allow a truck terminal with 112 parking spaces on property zoned M-2 (Heavy Industrial).
  - **Rezoning (2020109) with a concurrent Use Permit (2020114) - C4 Bullsboro, LLC** (141 Jonesboro Road, 151 Jonesboro Road, 185 Jonesboro Road, 25 Heath Street, O Jonesboro Road, 39 Heath Street)
    - ❖ A request to rezone 2.93 acres from R-3 (Single Family Residential) to M-1 (Light Industrial) with a concurrent use permit to allow a truck terminal with 99 parking spaces.
- **Staff Report**
- **Commissioner Comments**
- **Adjournment**

**CITY OF FAIRBURN**



**PLANNING AND ZONING COMMISSION MEETING MINUTES**

**City Hall  
56 Malone Street  
Fairburn, GA 30213  
Tuesday, August 4, 2020  
7:00 P.M.**

Due to the COVID-19 pandemic, the meeting was held virtually via Zoom video conferencing.

Elise Stoney, Chairman  
Elizabeth Echols, Vice-Chairman  
Jerry Williams

Shelby Phillips  
Tony Smith  
Anthony Stewart (**Absent**)

Director of Planning and Zoning  
City Attorney

Tarika Peeks  
Valerie Ross

- I. **MEETING CALLED TO ORDER:** By Chairman Stoney
- II. **ROLL CALL:** All members of the Planning and Zoning Commission were present, (Except for Commissioner Stewart).
- III. **APPROVAL OF AGENDA:** Commissioner **Echols** made a motion to **APPROVE** the **August 4, 2020** agenda. Commissioner **Williams** seconded. **THE MOTION CARRIED.**
- IV. **APPROVAL OF PREVIOUS MEETING MINUTES:** Commissioner **Echols** made a motion to **APPROVE** the **July 7, 2020** minutes. Commissioner **Williams** seconded (with corrections). **THE MOTION CARRIED.**
- V. **PUBLIC HEARING:** None
- VI. **OLD BUSINESS:** None
- VII. **NEW BUSINESS:**

**CONCEPTUAL SITE PLAN 2020101 PACKAGE DEPOT (7895 SENOIA ROAD /HIGHWAY 74)**

**SUMMARY/STAFF PRESENTATION:** A request to construct an 8,200 square foot retail building at 7895 Senoia Road/Highway 74.

Ms. Peeks stated that the conceptual site plan was for the Package Depot located at 7895 Senoia Road/ Highway 74, and the applicant was proposing to build an 8,200 square foot retail building on Senoia Road/ Highway 74.

She stated that it was in the Highway 74 Overlay District and the property was zoned C-2 (General Commercial District) and the applicant was proposing to utilize an underground detention facility and would be required to meet all parking requirements.

Ms. Peeks stated that the existing building on the property has 4 tenants and would be included in the renovations of the site. The existing building along with the new building would be renovated. She stated that staff reviewed the application and site plan and recommended conditional approval, with the 2 conditions that were stated in the staff report. Commissioner Stoney asked Ms. Peeks to list the conditions, and Ms. Peeks stated the conditions as listed in the staff report.

Commissioner Echols asked what would be in the new addition of the building. The applicant replied that there would be a package depot in the new building. Ms. Peeks clarified that the package store would move from the existing building into the new building on the site. Commissioner Echols asked what was going to be in the existing building. The applicant replied that it would be for small businesses.

**MOTION AND VOTE:** Commissioner **Williams** made the motion to **APPROVE** Conceptual Plan 2020101. Commissioner **Smith** seconded. **THE MOTION CARRIED.**

**PRELIMINARY PLAT 2020093 TRILLIUM RESERVE (0 FAYETTEVILLE ROAD, PARCEL ID #09F110300450097)**

**SUMMARY/STAFF PRESENTATION:** A request to subdivide a 34.23-acre tract into 54 single-family lots.

Ms. Peeks stated that the preliminary plat Trillium Reserve was a single-family subdivision that was approved by the City Council on August 12, 2019 for 55 single-family lots. She stated staff reviewed the preliminary plat and that it met the City's requirements. Staff recommendation was approval of Trillium Reserve preliminary plat.

**MOTION AND VOTE:** Commissioner **Williams** made the motion to **APPROVE** Preliminary Plat 2020093. Commissioner **Echols** seconded. **THE MOTION CARRIED.**

**REZONING 2020090 AND CONCURRENT VARIANCE 2020095 SCP (SOUTH CITY PARTNERS ACQUISITIONS, LLC)**

**SUMMARY/STAFF PRESENTATION:** A request to rezone 14.979 acres from C-2 (General Commercial District) to RM-36 (Multi-Family Residential District) to allow a 287 unit multi-family residential development with a concurrent variance to reduce the required parking spaces from 2 spaces per unit to 1.50 spaces.

Ms. Peeks stated that it was a rezoning petition with a concurrent variance for SCP (South City Partners Acquisitions, LLC) and they were seeking to rezone 14.979 acres from C-2 (General Commercial District) to RM-36 ( Multi-Family Residential District) to allow 287 multi-family residential units.

Ms. Peeks stated that the concurrent variance was a request to reduce the parking spaces from 2 spaces to 1.50 spaces and staff reviewed the applicant's request and it is consistent with the comprehensive plan and the future land use plan. She stated that staff was recommending approval conditional with a set of conditions that the applicant agreed with.

Commissioner Williams asked how many multi-family units were currently in the area. The applicant replied there were 276 units. Commissioner Williams asked if the units were with 1.50

or 2 parking spaces. The applicant replied it was with 1.50 parking spaces. Commissioner Williams asked if they had received an approval for the 1.50 parking spaces. The applicant responded, "Yes Sir". Commissioner Williams then asked if there were asking for the same parking spaces as the current multi-family complex. The applicant replied "Yes" they were.

Commissioner Williams asked what is the plan for the extra space. The applicant replied that they have many uses planned such as open lawn area, basketball, volleyball court, dog parks, etc. Commissioner Williams asked if there were any problems with parking at the current location. The applicant replied that they have plenty parking spaces for the current renters.

Commissioner Williams asked if the parking spaces were not reduced to 1.50 parking space and remains at 2 parking spaces then how many units would have to be reduced. The applicant replied that he would estimate that it would be 75 units.

Commissioner Williams asked what are the rental amounts for each unit are. The applicant replied that the one bedroom starts at \$1,175.00, 2 bedrooms \$1,475.00 and 3 bedrooms \$1,725.00 a month. Commissioner Smith asked why they were putting residential apartments in commercial areas and did they communicate with the residence to find out what kind of impact it would have on them. The applicant replied "Yes" they did have a public meeting and notified all those within 500 feet of the property.

The applicant also stated that the meeting was in person and via Zoom and they did not hear from anyone. Commissioner Smith asked if they had any proof that the letters were sent out to the current residents. The applicant replied that Ms. Peeks has a copy of the letters that were sent out to the residents. Commissioner Smith asked if they had received any feedback from the current residents. Ms. Peeks replied, "No" she had not received any feedback from the current residences.

**MOTION AND VOTE:** Commissioner **Williams** made the motion to **DENY** Rezoning 2020090 and Concurrent Variance 2020095. Commissioner **Echols** seconded. **THE MOTION CARRIED.**

**VIII. STAFF REPORT:** None

**IX. COMMISSIONER COMMENTS:** None

**X. ADJOURNMENT:** Commissioner **Williams** made a motion to **ADJOURN**. Commissioner **Smith** seconded. **THE MOTION CARRIED.**

**MEETING ADJOURNED** at 7:49 p.m.

<b>Approval Signatures</b>	
<b>Date Approved</b>	
<b>Elise Stoney, Chairman</b>	
<b>Keisha Francis, Recording Secretary</b>	



CITY OF FAIRBURN  
PLANNING & ZONING COMMISSION  
AGENDA ITEM

Date: September 1, 2020  
To: Planning and Zoning Commission  
From: Giavani Smith, Planner I

Agenda Item: **Primary Variance 2020100 – Terrance Pharos:** To reduce the 60 ft. rear-yard setback to 53 ft. to develop a 10 x 10 sunroom (2003-19Z Durham Lakes Zoning Conditions).

**AGENT/APPLICANT/PETITIONER INFORMATION**

Applicant: Terrance Pharos  
Property Owner: Terrance and Clarissa M. Pharos

**PROPERTY INFORMATION**

Address: 730 Birkdale Drive, Fairburn, Georgia 30213  
Parcel Number, Land Lot(s) and District: 07 270001686223, Land Lot 07 0168, District 06  
Size: +/-0.29 acres  
Current Zoning: PD (Planned Development)  
Overlay District: None  
Comprehensive Plan/Future Land Use: Medium Density Residential

**INTENT**

The applicant is requesting a primary variance as follows:

- 1) To reduce the 60 ft. rear-yard setback to 53 ft. to develop a 10 x 10 sunroom (2003-19Z Durham Lakes Zoning Conditions).

The applicant states in the letter of intent that the primary purpose of the variance is to allow for the construction of a 10 x 10 sunroom on the rear slab of the home. Due to the planned development standards [2003-19Z Durham Lakes Zoning Conditions] adopted by the City, the addition of a 10 x 10 sunroom will cause an encroachment in the 60-ft rear-yard setback.

**STANDARDS FOR CONSIDERATION**

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

- A. *“Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of this chapter.”*
- B. *“The application of the particular provision of this chapter to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape or topography, would create an unnecessary hardship for the owner while causing no detriment to the public.”*
- C. *“Conditions resulting from existing foliage or structure brings about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from adjoining public road”.*

## VARIANCE ANALYSIS

Terrance Pharos the owner of a +/-0.29 acre lot which is located on Birkdale Drive is requesting a primary rear-yard setback variance to perform a residential addition to a single-family residential home. The home was built in a Planned Development Zoning District and constructed following the development regulations of the 2003-19Z Durham Lakes Zoning Conditions. Due to the size of the sunroom requested by the applicant, the proposed addition to the rear of the home will cause an encroachment in the 60-ft rear-yard setback. The applicant has received approval from the Durham Lakes Property Owners Association [Durham Lakes Architectural Review Committee] for the request of the addition to the home. If the applicant is not granted the primary rear-yard setback variance, the addition to the rear of the home will not be allowed.

Staff has reviewed the standards for consideration for this variance:

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

Granting the primary rear-yard setback variance would not adversely affect the adjacent properties. The property owners will be required to construct and maintain the requested addition in a manner that meets or exceeds the City's regulations. Additionally, granting the primary rear-yard setback variance request would not change the character or impair the intent of the zoning ordinance.

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

As stated in the applicant's letter of intent, if the variance petition is denied, it would create an unnecessary hardship for the owner. Due to the required 60-ft rear-yard setback development regulations, the applicant is unable to expand on the rear of the property to allow for a 10 x 10 sunroom. The applicant stated that the addition of a sunroom would allow for utilization of the patio area year-round, as well as increase the property value of the home. Therefore, the applicant's proposed addition to the rear of the home would require an encroachment into the 60-ft rear-yard setback.

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

N/A

## RECOMMENDATION

Staff has reviewed the request for relief as it pertains to the variance considerations in Section 80-251 of the City of Fairburn Zoning Ordinance. Based upon this review, staff recommends APPROVAL of the primary rear-yard setback variance request to reduce the rear-yard setback from 60-ft to 53-ft.

## ATTACHMENTS

Letter of Intent  
Site Layout  
Site Photo

## Giavani Smith

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**From:** X L <tpharos@hotmail.com>  
**Sent:** Sunday, June 21, 2020 9:36 AM  
**To:** Giavani Smith  
**Subject:** CORRECTION TO: Letter of Intent - Terrence Pharos 730 Birkdale Drive Fairburn, GA. 30213

Department of Planning and Zoning  
26 West Campbell St.  
Fairburn, GA, 30213

Re: Variance Request 730 Birkdake Dr. Fairburn GA. 30213

I, the applicant and homeowner (Terrence Pharos) am requesting a variance of the rear property setback reduction of the rear yard setback to 53 ft, going from a 60 ft. rear yard setback to the requested reduction of the rear yard setback to 53 ft, in order to construct a 10x10 sunroom on the rear slab of my home. The variance is needed for me to be able to use and enjoy more of my property.

Granting of the variance will not be materially detrimental to the neighborhood in which the property is located. The sunroom in actuality will increase the value of the home and allow year-round use of the patio.

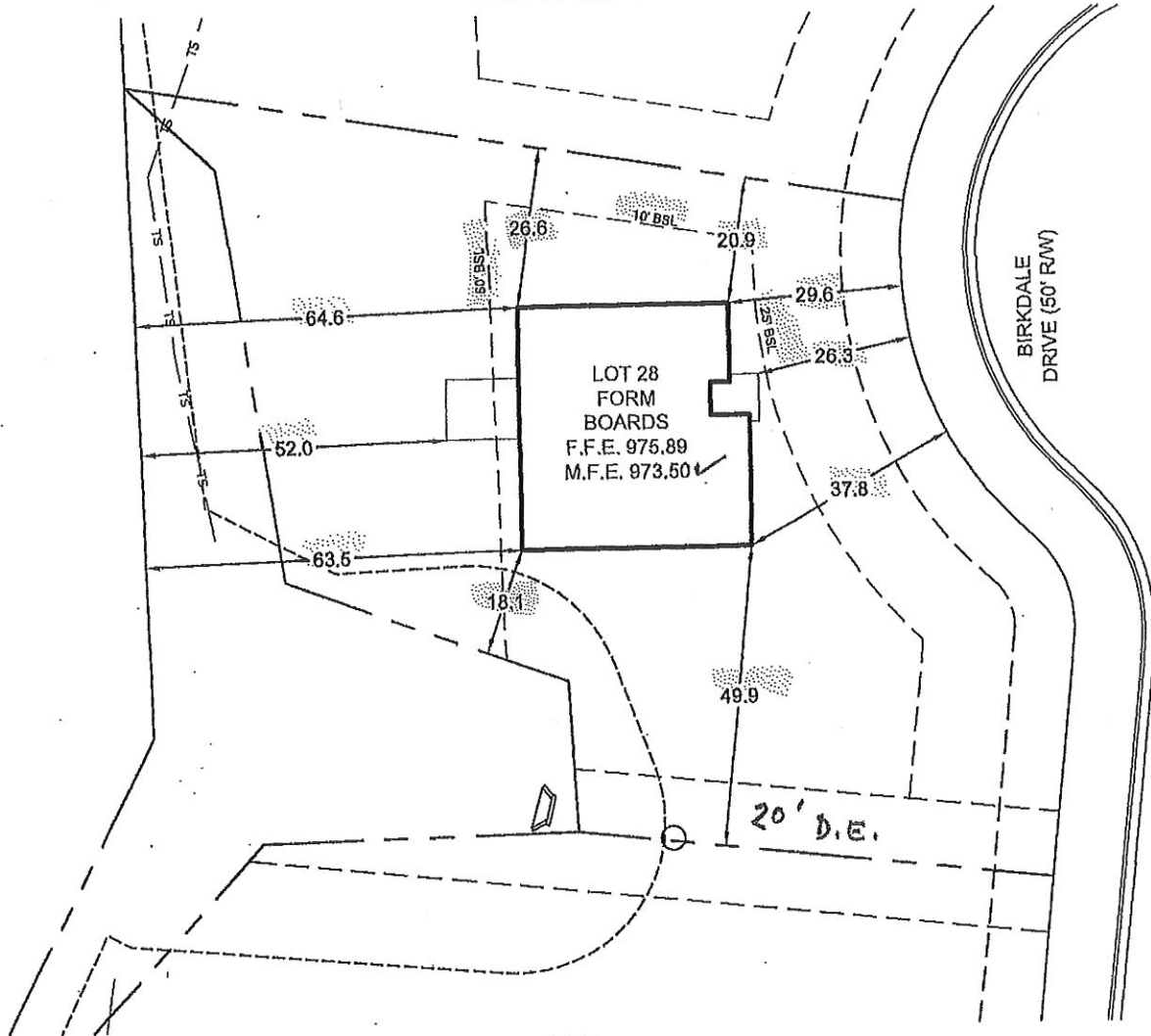
I hereby authorize the staff of the Planning Department to inspect the description of the property.

Thank you  
Terrence Pharos

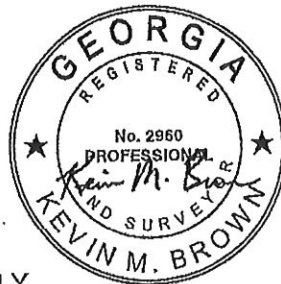


# Falcon Design Consultants

235 CORPORATE CENTER DRIVE, SUITE 200, STOCKBRIDGE, GA 30281  
PH. 770-389-8666



CITY OF FAIRBURN  
*Harvey Stokes* 2-28-18  
BUILDING OFFICIAL  
Reviewed for Code Compliance



2-1-18

THIS DOCUMENT IS NOT A BOUNDARY SURVEY, FOR THE BUILDER OR THE COUNTY BUILDING DEPARTMENT USE ONLY.

THE BOX CHECK SHOWN ON THE DRAWING IS BASED ON FORM BOARD LOCATIONS AND DOES NOT INCLUDE OVERHANGS.

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REFERENCES: FINAL PLAT FOR BOOKHAVEN AT DURHAM LAKES; LAND LOTS 167 & 168; 7th DISTRICT

## BROOKHAVEN AT DURHAM LAKES

FORM BOARD ASBUILTS

LOT 28

FULTON COUNTY, GEORGIA

### SETBACKS:

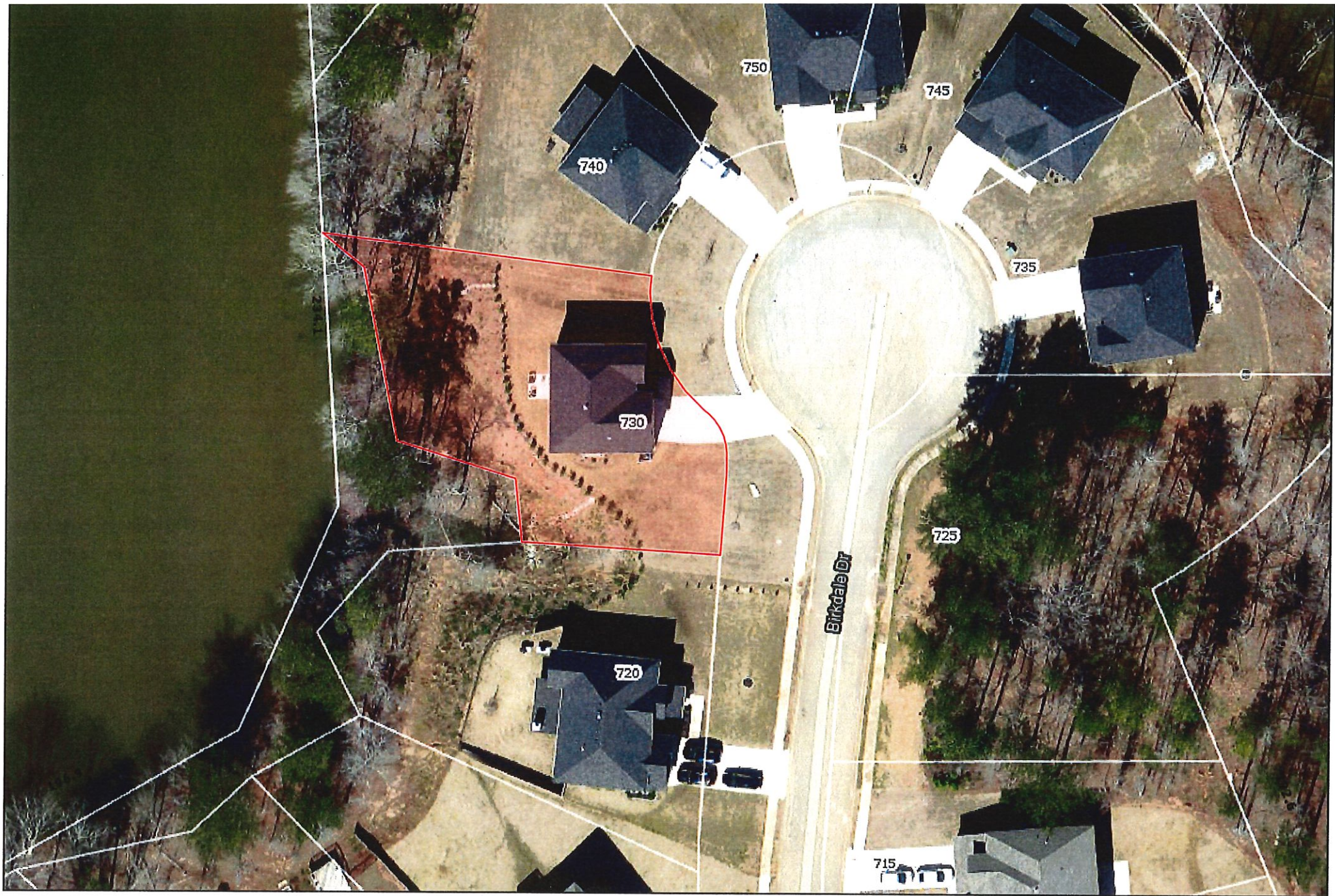
Front: 25 FOOT

Rear: 60 FOOT

Sides: 10 FOOT

SCALE OF DRAWING: 1" = 30'  
DATE OF FIELD WORK: 02-01-18  
DATE OF DRAWING: 02-01-18

Z:\BUILDER SERVICE PROJECTS\BROOKHAVEN AT DURHAM LAKES-CENTURY\DWG\BROOKHAVEN AT DURHAM LAKES (CENTURY) - BS00.dwg, LOT 28, rballey, Feb 01, 2018 - 8:38:32am



0 0 0 0 mi



Date: 8/26/2020  
Map Size: 8.5x11 (LETTER)

### Site Photo - 730 Birkdale Drive

Fulton County provides the data on this map for your personal use "as is". The data are not guaranteed to be accurate, correct, or complete. The feature locations depicted in these maps are approximate and are not necessarily accurate to surveying or engineering standards. Fulton County assumes no responsibility for losses resulting from the use of these data, even if Fulton County is advised of the possibility of such losses.





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

**SUBJECT: USE PERMIT 2020108 – 1162 HWY 54 EAST, LLC**

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

**Planning and Zoning Commission: 09.01.20**

**Mayor and City Council: 10.12.20**

**DEPARTMENT:** Community Development/Planning and Zoning Office

**BUDGET IMPACT:** None

**PUBLIC HEARING:** (  ) Yes      (  ) No

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**PURPOSE:** For the Planning and Zoning Commission to review and make a recommendation to the Mayor and City Council for a use permit petition to allow a truck terminal.

**DESCRIPTION:** The applicant is proposing to develop a truck terminal with 112 parking spaces on 5.99 acres zoned M-2 (Heavy Industrial).

**STAFF RECOMMENDATION: APPROVAL CONDITIONAL**

## APPLICATION INFORMATION

### Use Permit Petition 2020108

#### APPLICANT/PETITIONER INFORMATION

**Property Owners**  
Strack Family, LLC

**Petitioner**  
1162 Hwy 54 East, LLC  
Andy Binegar

#### PROPERTY INFORMATION

**Address:** 0 Bohannon Road [parcel # 09F080000310588]  
**Land Lot and District:** Land Lot 30 & 31, District 9F

**Frontage:** Bohannon Road and Future Howell Avenue

**Area of Property:** +/- 5.99 acres

**Existing Zoning and Uses:** M-2 (Heavy Industrial), Undeveloped

**Prior Zoning Cases/History** N/A

**Overlay District:** N/A

**2035 Comprehensive Future Land Use Map Designation:** Town Center Mixed Use

#### MEETING AND HEARING DATES

**Planning and Zoning Commission Meeting**  
Tuesday, September 1, 2020

**Mayor and City Council Public Hearing**  
Monday October 12, 2020

#### INTENT

A request for a use permit to allow a truck terminal with 112 parking spaces on 5.99 acres zoned M-2 (Heavy Industrial).

#### EXISTING ZONING AND LAND USE OF ABUTTING PROPERTIES

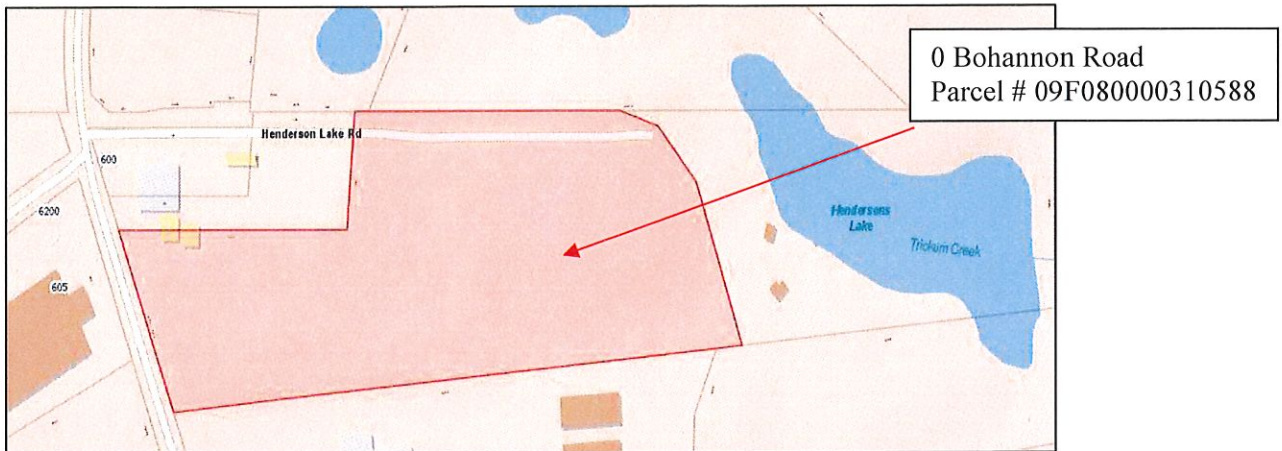
**North:** M-2 (Heavy Industrial)

**East:** M-2 (Heavy Industrial)

**South:** M-2 (Heavy Industrial) and M-1 (Light Industrial)

**West:** M-2 (Heavy Industrial)

## PARCEL MAP



## ZONING MAP



## PUBLIC PARTICIPATION

The applicant held a community meeting via Zoom video conferencing on Tuesday, August 11, 2020 at 6:00 p.m. Based on the applicant's public participation report, there were no issues or concerns expressed by attendees. There were four meeting participants.

## STAFF COMMENTS

### Fire

1. Plan shows hydrant at entrance on Bohannon Rd and on Howell Rd extension. They shall be within the 400' requirement of all parts of lot. Measurements are good based on the locations as of now showing on plans.
2. If gates are use with the fence encloser they shall only be secured with fire department KnoxBox lock. If the gates are automatic, they shall have fire department KnoxBox key control to open gate.
3. Paperwork indicates security will be on site. Plans do not show any security shack or building. Is there going to be a building for security or just use a vehicle?

### Water and Sewer

- No comments at this time.

## Engineering/Public Works

1. (a) When property fronting on an existing city street is to be developed or when the property is to be accessed from the existing city street, the developer shall cause to be constructed roadway improvements (pavement, signing, striping, curb and gutter and drainage) which are required along the existing road across the entire property frontage at no cost to the city. Required improvements shall not be less than provided in these regulations for the designated street classification. [Sec. 71-37 (a)]  
(b) Widening, curb and gutter and drainage shall be provided by the developer from the centerline of the existing roadway along the side of the road upon which the property abuts. In lieu of installation of curbs and gutters and/or related drainage improvements, the developer must have presented to and received approval by the city for a street improvement and stormwater drainage plan for the development and its affected environs. Said plan must provide for adequate stormwater drainage, and will further address, as a minimum, street grading, paving, and curbs and gutters, and/or other innovative provisions for said drainage. This plan must conform to the applicable standards and specification established by the city and be prepared, signed, and sealed by a state-registered professional engineer.  
(c) The developer shall be responsible for the cost of relocation and/or modifications of public and/or private utilities as necessitated by the required street improvements.  
[Sec. 71-37 (a)(b)(c)]
2. Turning lanes shall be required by the city to meet projected traffic demand and/or safe operations, as determined by the city engineer. When provided, turning lanes shall meet the following criteria:
  - o Provide not less than 150 feet of storage length for arterial roadways. Provide not less than 100 feet of storage length for collector roadways.
  - o Provide taper lengths of not less than 100 feet.
  - o Longer storage and taper lengths may be required when traffic projections indicate they are justified.[Sec. 71-38(4)]
3. All new streets or street widening sections shall be provided with curb and gutter, except as provided herein under. All gutters shall drain smoothly with no areas of ponding. In lieu of installation of curbs and gutters and/or related improvements, the developer must have presented to and received approval by the city for a street improvements and stormwater drainage plan for the development and its affected environs. Said plan must provide for adequate stormwater drainage, and will further address as a minimum, street grading, paving, and curbs and gutters, and or other innovative provisions for said drainage. This plan must conform to the applicable standards and specifications established by the city and be prepared, signed, and sealed by a state registered professional engineer.  
[Sec. 71-45(a)]
4. Sidewalks are required on all street frontages regardless of the zoning district in which the street is located. All sidewalks shall have a minimum width of five feet (unless otherwise provided in this chapter) and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards, city's development standards and be subject to review and approval by the city engineer and/or director of building.  
[Sec. 71-38(a)(c)]
5. Minimum traffic control devices for nonresidential developments shall include those devices for residential developments and lane and centerline markings, stop lines, and parking space markings. Additionally, appropriate other signs and signals shall be provided by the developer.  
[Sec. 71-47(c)]

6. All pavement markings installed on asphalt within the public right-of-way shall be thermoplastic material; 1.5-inch black contract tape shall be installed for crosswalks on concrete.
7. Dry detention ponds shall be designed to provide for positive drainage on the pond floor to the outlet of the pond. Side slopes shall be designed to have a maximum of three-foot horizontal to one-foot vertical (3:1) slopes. If the 100-year maximum water surface depth is equal to or greater than four feet, then a black, vinyl-coated, four-foot-high chainlink fence with top and bottom rails shall be constructed around the detention pond with a 20-foot gate provided to allow access.  
[Sec. 65-391 (a)].

## USE PERMIT CRITERIA

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

**1. Whether the proposal use is consistent with the comprehensive land use plan adopted by the city council;**

The subject property is in the Town Center Mixed Use Character Area which states the appropriate uses are:

- Mixed use
- Civic/institutional/educational
- Residential (all types)
- Commercial/retail/office
- Small scale low intensity industrial that fits into appropriately scaled and designated structures

The appropriate zoning districts in the Town Center Mixed Use Character area includes DTMU (Downtown Mixed Use), R-3 (Single Family Residential), R-4 (Single Family Residential), RM-12 (Multi-family Residential), RM-36 (Multi-family Residential), R-CT (Residential Condominium Townhouse), O&I (Office Institutional), and M-1 (Light Industrial).

**2. Compatibility with land uses and zoning districts in the vicinity of the property for which the use permit is proposed;**

Staff is of the opinion that the proposed use of the land for a truck terminal is compatible with the land uses and zoning in the vicinity of the property. The area consists of M-2 (Heavy Industrial) to the north; M-2 (Heavy Industrial) to the east; M-2 (Heavy Industrial) and M-1 (Light Industrial) to the south, and M-2 (Heavy Industrial) to the west. The proposed truck terminal will be surrounded by industrially zoned and used properties.

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

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

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

The proposed use of the land for a truck terminal is expected to have minimal impact on traffic and pedestrian flow on the roadways. The truck traffic is existing in the area; the proposed truck terminal will provide adequate parking spaces for the existing truck traffic in the area.

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

There are 112 truck parking spaces proposed for the truck terminal.

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

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

**7. Protective screening;**

The applicant will be required to install a 6-foot fence along the perimeter of the lot.

**8. Hours and manner of operation;**

The truck terminal will be in operation 24 hours/7 days a week and will have on-site security. Long term storage of trailers or trucks would not be allowed on the lot as well as no overnight sleeping will be allowed.

**9. Outdoor lighting; and**

The owner/developer will install security lighting on the site and will be required to meet or exceed the city's regulations.

**10. Ingress and egress to the property**

The proposed truck terminal will have two means of ingress/egress, one on Bohannon Road and the future Howell Avenue expansion.

**STAFF RECOMMENDATION**

The Atlanta Regional Commission completed a regional truck parking assessment study in April 2018. [See the attached documents.] The study states, "One of the biggest challenges faced by truck drivers in the country today is finding safe authorized parking for their vehicles and cargo. Over the past decade, this issue has become a priority with the U.S. Department of Transportation (DOT) and many state DOTs. As freight and logistics levels continue to quickly grow within the Atlanta region and state of Georgia, the challenges associated with truck parking have followed suit." The general study findings include:

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

One of the recommendations from the study is to add and/or expand truck parking supply throughout the metro Atlanta region. Adding more truck parking spaces will help alleviate illegal parking of trucks along roads and in retail/commercial lots. With adequate truck parking options, the safety of motorists will likely improve because trucks are not parking on ramps and roadsides, which obstruct the view of motorists and increase the likelihood of crashes.

Based on the land use [zoning] compatibility of the surrounding properties and the Atlanta Regional Commission's Truck Parking Assessment Study (2018) findings and recommendations, staff is



recommending **APPROVAL CONDITIONAL** of the use permit petition to allow a truck terminal with 112 truck parking spaces.

Should the Mayor and City Council decide to grant the use permit, staff recommends the following conditions. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. To allow a truck terminal with 112 truck parking spaces
2. To the site plan received by the Department of Community Development dated July 7, 2020. Said site plan is **conceptual only and must meet or exceed** the requirements of the ordinance and regulations and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
  - a. On-site security shall be provided by the owner/operator of the truck terminal 24 hours a day, 7 days a week. Prior to the issuance of the Certificate of Completion, a security monitoring affidavit shall be submitted to the Community Development Department.
  - b. No long-term storage [not to exceed 21 days] of trailers or trucks shall be allowed on the lot.
  - c. No overnight or sleeping facilities shall be provided on the lot.
  - d. Installation of a vinyl coated 6-foot fence shall be installed along the perimeter of the lot.

## ATTACHMENTS

Letter of Intent

Conceptual Site Plan dated July 7, 2020

Atlanta Regional Commission Regional Truck Parking Assessment Study – April 2018

*1162 HWY 54 East, LLC*  
*(770) 318-1099*

---

July 9, 2020

City of Fairburn  
56 SW Malone Street  
Fairburn, GA 30213

REF: Letter of Intent for Special Use Permit

Please let this letter server as my official request for a special use permit for Tractor Trailer Parking.

The property is 5.99 acres located at 0 Bohannon Road (Lot 1, Survey and Legal attached).

This property abuts property that I currently own located at 600 Bohannon Road.

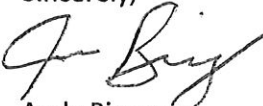
The subject property currently has frontage on Bohannon Road and will also have frontage on the future Howell Ave extension.

We are proposing 112 parking spaces. The site will have lighting and security.

If you have any questions or concerns you may call me at 770-318-1099 or email me at [andy@cardinalcorpequities.com](mailto:andy@cardinalcorpequities.com).

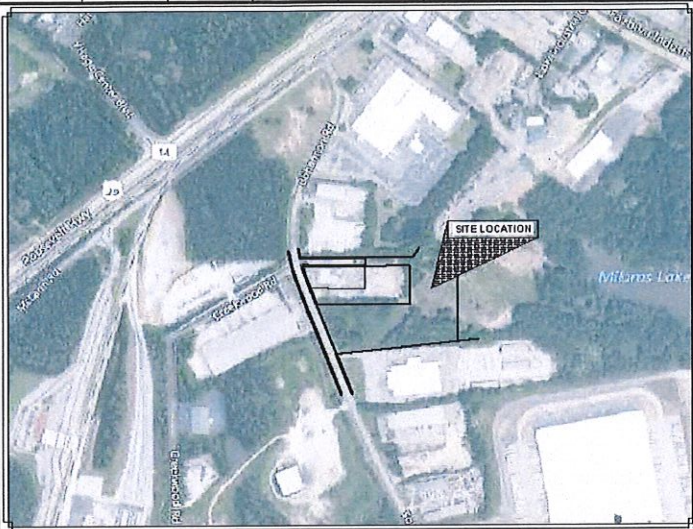
Your consideration in this matter would be greatly appreciated.

Sincerely,

  
Andy Binegar

---

*600 Bohannon Rd.*  
*Fairburn, GA 30213*



Vicinity Map  
(Not to Scale)

**GENERAL SITE DATA:**

- TOTAL AREA OF SITE: 5.99 ACRES.
- TOTAL PROPOSED IMPERVIOUS AREA: ±202,942 SF, ±4.66 AC
- PROPERTY IS CURRENTLY ZONED: M-2, HEAVY INDUSTRIAL  
Height regulations: no building shall exceed 48 feet in, unless approved by the fire marshal.  
Minimum front yard setback: 40 feet.  
Minimum side yard setback: 20 feet.  
All M-2 uses abutting a residential district must maintain a side and rear yard of 75 feet.  
Minimum rear yard setback: 30 feet.  
Minimum lot area: per conditions specified.  
Minimum width of lot frontage or width of building line: 30 feet.  
Minimum heated floor area per unit: per conditions specified.  
Minimum accessory structure requirements. Accessory structures may be located in the rear or side yards only but shall not be located within a minimum yard.
- PROPOSED USE: Tractor Trailer Parking
- THERE ARE NO EASEMENTS ASSOCIATED WITH THIS PROPERTY OTHER THAN WHAT HAS BEEN SHOWN HEREON.
- THIS PROJECT IS TO BE SERVED BY CITY OF FAIRBURN.
- BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM A TOPOGRAPHIC SURVEY FOR STRACK DEVELOPMENT, PREPARED BY GASKINS ENGINEERING, SURVEYING, ENVIRONMENTAL, LAND PLANNING/CONSULTING, CONSTRUCTION MANAGEMENT.
- THIS PROPERTY IS NOT WITHIN AN IDENTIFIED 100 YEAR FLOOD HAZARD AREA PER F.I.R.M. MAP NO. 13121C0482F DATED SEPTEMBER 18, 2013.
- THERE ARE NO STATE WATERS ON THIS SITE.
- NO CEMETERIES OR BURIAL GROUNDS FOUND ON THIS SITE.

**OWNER/DEVELOPER**  
**1162 HWY 54**  
**EAST, LLC.**  
 600 Bohannon Rd  
 Fairburn, GA 30213  
 24 HR CONTACT: Andy Binegar  
 PH NO. 770-318-1099



0' 20' 40'  
 GRAPHIC SCALE

**H & A**  
**HOVEY & ASSOCIATES INC.**  
 ENGINEERING CONSULTANTS  
 133 HUNTERS LAKE SUITE B  
 FAYETTEVILLE, GA 30211  
 PHONE: 770-882-2222  
 EMAIL: gahovey@aol.com

PREPARED FOR:  
 OWNER/DEVELOPER  
 24 HOUR CONTACT  
 1162 HWY 54 EAST, LLC  
 600 BOHANNON RD  
 FAIRBURN, GA 30213  
 CONTACT: ANDY BINEGAR  
 PHONE: 770-318-1099  
 EMAIL: abinegar@hoveyandassociates.com



HOVEY & ASSOCIATES, INC.  
 ID: #18000011 ACTIVE  
 SCALE: HORIZONTAL 1" = 40'  
 VERTICAL

NO.	DATE	DESCRIPTION
1	08/17/2020	REVISION TO ADD IMPERVIOUS AREA NOTE IN GENERAL SITE DATA
2		
3		
4		
5		
6		
7		

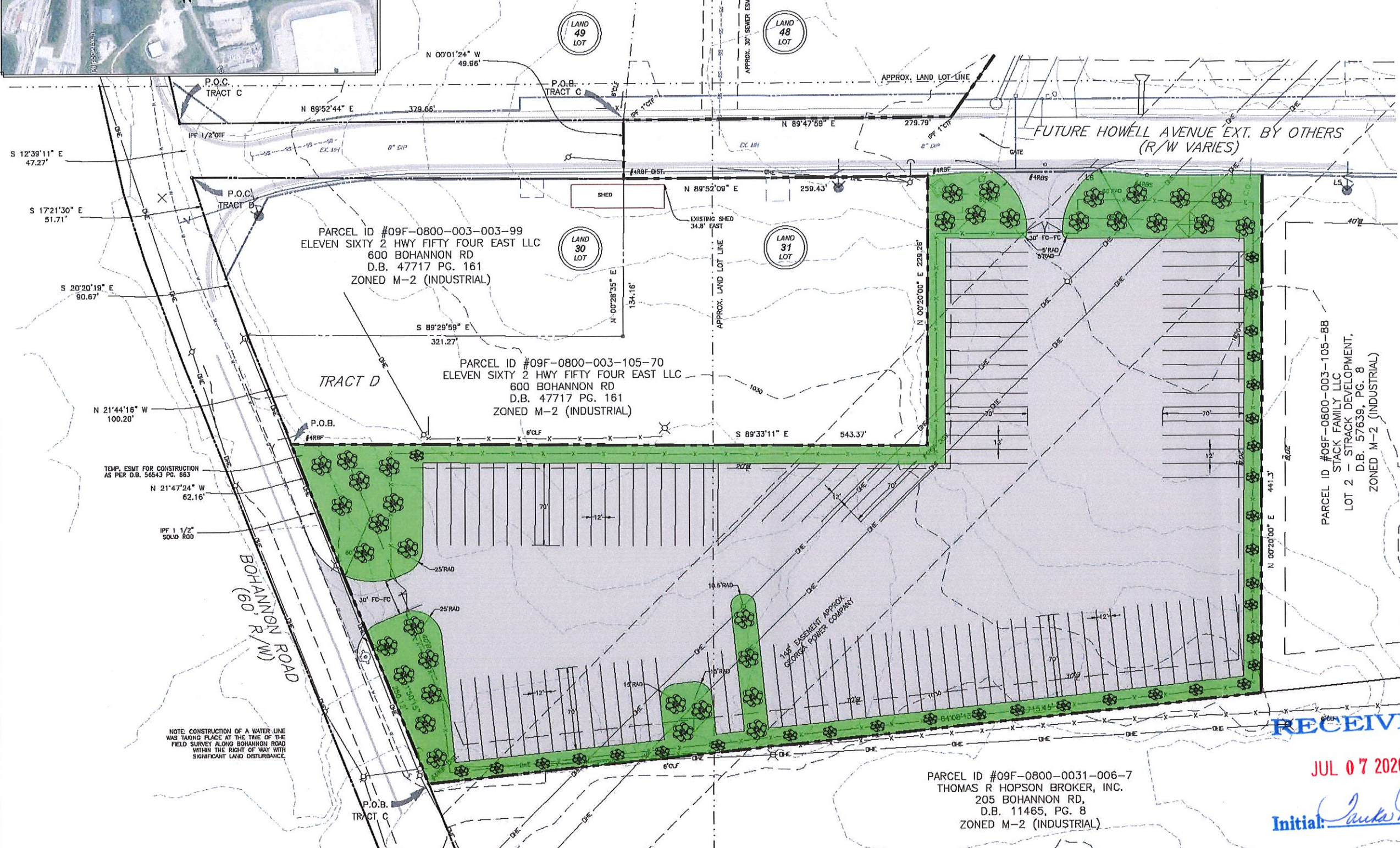
DRAWN BY:  
 E. A. MILLER  
 DESIGNED BY:  
 D. HOVEY  
 CHECKED BY:  
 D. HOVEY  
 ISSUE DATE:  
 02/25/2020  
 PROJECT NUMBER:  
 2020-0010



**CONCEPT PLAN**  
 FOR  
 1162 HWY 54 EAST, LLC  
 LOT 1, STRACK DEVELOPMENT  
 LAND LOTS 31 & 31 - 9F DISTRICT  
 CITY OF FAIRBURN, FULTON COUNTY, GA  
 SITE PLAN LAYOUT

SHEET  
**C1.1**  
 © H&A 2019






Jun 16, 2020 - 11:47pm - C:\Users\miller\OneDrive\Projects\1162\_Hwy\_54\_East\Concept\_Plan\DWG\_Sheet\_Sheet\_0001.DWG SITE PLAN.dwg



NOTE: CONSTRUCTION OF A WATER LINE WAS TAKING PLACE AT THE TIME OF THE FIELD SURVEY ALONG BOHANNON ROAD WITHIN THE RIGHT OF WAY WITH SIGNIFICANT LAND DISTURBANCE.

## Recommended Strategies

The following lists the strategies and action items recommended for the Atlanta region based upon the technical analysis results and extensive stakeholder input received during the study.

Strategies	Action Items
<b>1. Add / Expand Truck Parking Supply</b> 	1.1 Study through future Comprehensive Transportation Plans (CTPs) 1.2 Assess through future Freight Clusters Plans 1.3 As needed, local jurisdictions assess need for additional truck parking supply
<b>2. Develop Truck Parking Policies</b> 	2.1 Evaluate policies that allow for sharing of costs and benefits 2.2 Review Development of Regional Impact (DRI) requirements 2.3 Review policies that incentivize shifting freight operations to off-peak hours 2.4 Develop truck parking model zoning language 2.5 Encourage local governments to review local zoning ordinances
<b>3. Develop Truck Parking Partnerships</b> 	3.1 Provide ongoing updates to the Freight Advisory Task Force (FATF) 3.2 Provide information and resources to stakeholders and planning partners 3.3 Attend relevant meetings and participate in speaking opportunities 3.4 Continue participation with the FHWA National Coalition on Truck Parking 3.5 Continue to discuss truck parking policy priorities, initiatives and projects
<b>4. Improve Sharing of Truck Parking Information</b> 	4.1 Monitor opportunities to implement real-time truck parking availability systems or implement other technology solutions 4.2 Serve as regional clearinghouse for truck parking information
<b>5. Monitor / Integrate Future Technology</b> 	5.1 Monitor / Integrate future technology developments in the freight industry <ul style="list-style-type: none"> <li>- Dock Management Technology</li> <li>- Connected and Autonomous vehicles (CVs/AVs)</li> <li>- Internet of Things (IoT)/Physical Internet</li> </ul>

## Myths and Perceptions / FAQs

- **Q: With all the new warehouse / distribution facilities in the region, why is there a truck parking issue?**  
 A: Truck drivers are only permitted to park at warehouse / distribution facilities during a small period of time (30 min – 1 hour) to pick up / drop off their loads.
- **Q: Why not just build new truck stops?**  
 A: Many cities and counties within the region are opposed to truck stops, with some even having regulations and ordinances prohibiting new facilities.
- **Q: Is that why I see trucks parking along interstate ramps and/or roadsides?**  
 A: Most likely, yes. The number of safe authorized truck parking locations within the region often is not sufficient to keep up with demand – particularly overnight.
- **Q: Why not just let the trucks park wherever they want?**  
 A: It's a safety issue when trucks park on ramps and roadsides, they block the view of other vehicles increasing the likelihood of crashes.



# ATLANTA REGIONAL TRUCK PARKING ASSESSMENT STUDY

APRIL 2018

## Executive Summary of Final Report

One of the biggest challenges faced by truck drivers in the country today is finding safe authorized parking for their vehicles and cargo. Over the past decade, this issue has become a priority with the U.S. Department of Transportation (DOT) and many state DOTs. As freight and logistics levels continue to quickly grow within the Atlanta region and state of Georgia, the challenges associated with truck parking have followed suit.

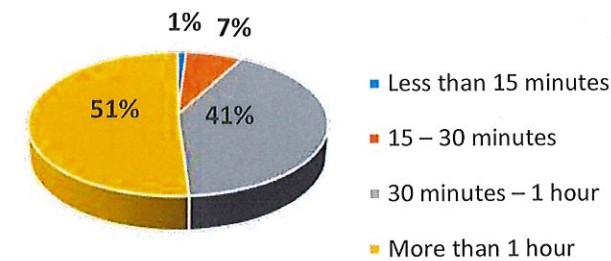
The *Atlanta Regional Truck Parking Assessment Study* was conducted to identify the magnitude of existing and future truck parking needs and develop structured recommendations for implementation to mitigate the challenges. A major impetus for this study was the need identified through ARC's *2016 Regional Freight Plan Update*. In collaboration with the Georgia Department of Transportation (GDOT) and the regional Freight Advisory Task Force (FATF), the study included a peer review of other regions and states with history of completing similar studies. The peer analysis helped define the framework for the Plan's Goals and Objectives and study development. A robust truck parking inventory was completed in addition to modeling the region's existing and 2040 future parking needs. Supplementing the technical analyses was an extensive stakeholder outreach program involving interviews, online mapping, stakeholder surveys and a separate truck driver survey.

### What is causing the truck parking challenge?

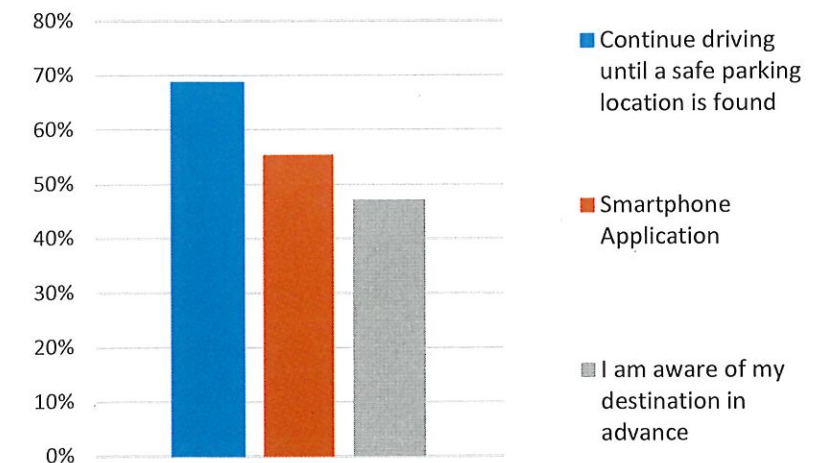
- The Federal Motor Carrier Safety Administration (FMCSA) mandates how many hours, known as Hours-of-Service (HOS), truck drivers may drive interspersed with mandatory breaks.
- The 2012 Commercial Motor Vehicle Safety Act also required the USDOT to adopt Electronic Logging Device (ELD) regulations for commercial vehicles effective December 18, 2017 replacing manual paper log books. Existing truck parking challenges are expected to worsen beginning in 2018.

### What over 200 truck drivers that travel in the Atlanta region said...

What is the average time it typically takes you to find truck parking?



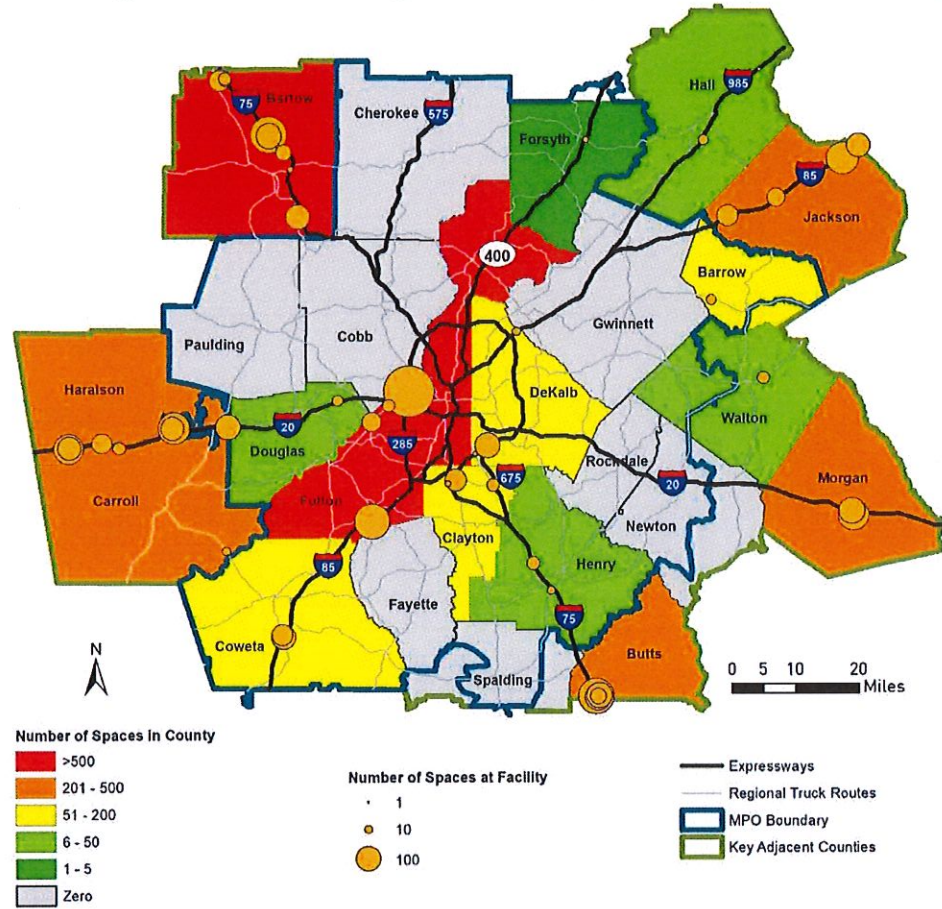
What are the top ways you find truck parking within the Atlanta Region?



### Existing Truck Parking Inventory

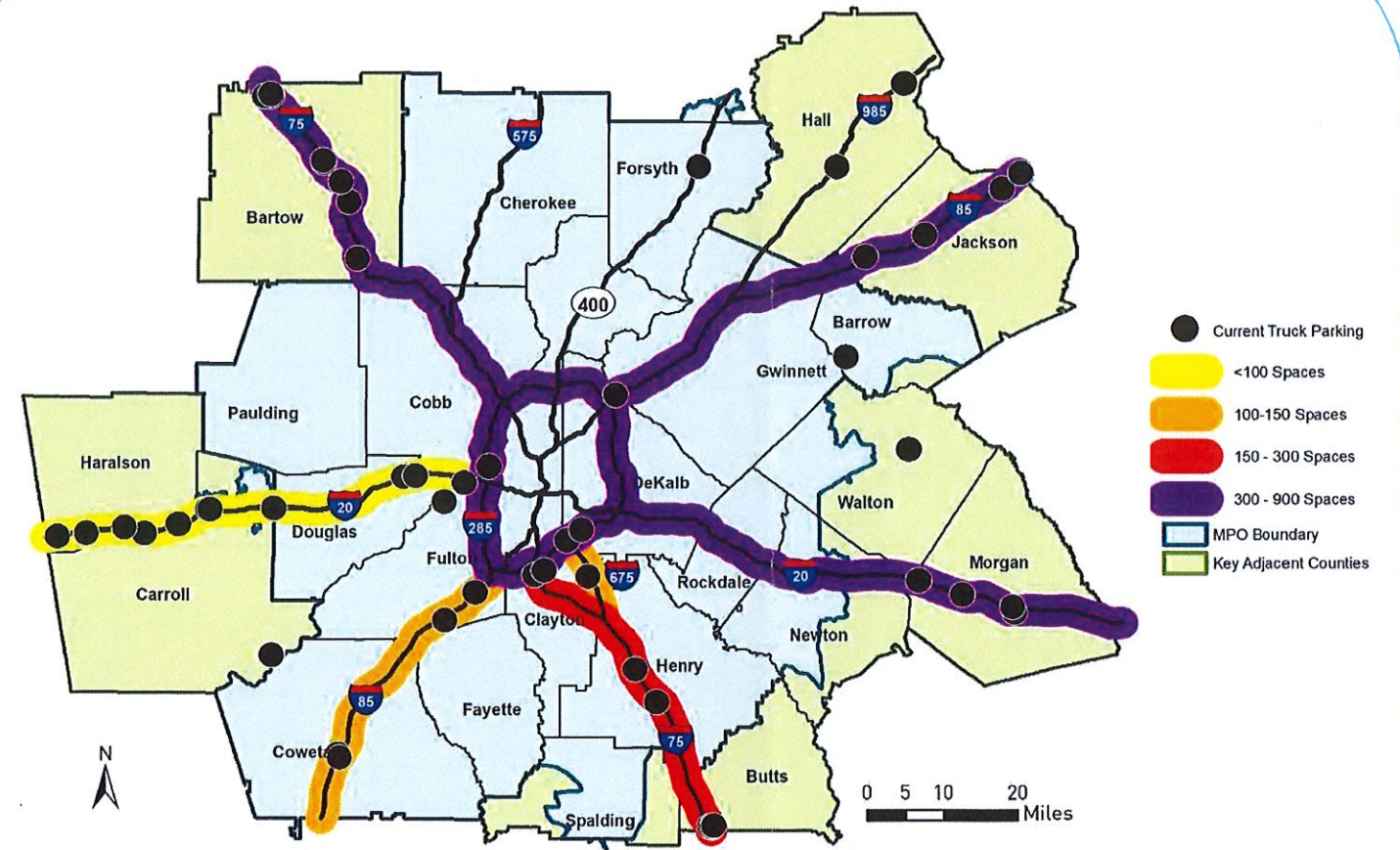
#### EXISTING TRUCK PARKING BY COUNTY

County	Truck Parking Spaces
Fulton	698
Bartow	575
Butts	450
Carroll	360
Haralson	332
Jackson	309
Morgan	259
Coweta	165
DeKalb	114
Clayton	105
Barrow	85
Henry	40
Walton	25
Douglas	20
Hall	19
Forsyth	5
<b>TOTAL</b>	<b>3,561</b>



- Fulton County leads the study area with over 500 private truck parking spaces concentrated along I-285 west and I-85 south.
- There is limited truck parking supply along many corridors within the Atlanta region and closer to the City of Atlanta (I-285), with more truck parking options within exurban counties including Bartow, Jackson, Morgan, Butts, Haralson and Carroll counties
- There are no major truck parking options in many counties throughout the region including Cobb, Cherokee, Gwinnett, Rockdale, and Newton Counties

### 2045 Future Year Truck Parking Deficits



- The study incorporated the Federal Highway Administration's (FHWA) model for estimating truck parking demand by corridor.
- The future (2045) truck parking deficits (supply less future estimated demand) is shown above and color-coded by quantity of the estimated deficits
- In 2045, the estimated truck parking deficits are expected to be the greatest along I-285, I-75 north, I-85 north, and I-20, followed by I-75 south.



#### Drivers

- More parking needed in urban areas, as drivers try to get as close to their delivery location as possible to avoid driving in rush hour
- Distribution centers & warehouses should provide parking
- Small "micro" truck stops would be great
- Use closed rest areas for truck parking or add more spaces to open rest areas



#### Carriers / Distribution Centers

- Drivers need education on how to better find safe parking
- Carriers would like distribution centers & warehouses to provide more staging areas
- Law enforcement often unfairly enforces noise ordinances from trucks' auxiliary power units (APUs)

### What Our Stakeholders Told Us...



#### Law Enforcement

- Truck drivers that park along ramps and roadsides are putting the traveling public in danger by creating conditions for a potential rear end crash and creating sight distance issues by obstructing views
- Truck parking problems seem most excessive in suburban ring counties



#### Truck Stop Owners / Operators

- It is very difficult to construct a new truck stop or expand current ones due to local land development regulations, zoning ordinances, and public opposition
- Truck parking is very expensive to construct due to land and thick pavement requirements, with little to no direct return on investment



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

**SUBJECT: REZONING (2020109) WITH A CONCURRENT USE PERMIT (2020114) - C4  
BULLSBORO, LLC**

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

**Planning and Zoning Commission 09.01.20**

**Mayor and City Council: 10.12.20**

**DEPARTMENT:** Community Development/Planning and Zoning

**BUDGET IMPACT:** None

**PUBLIC HEARING:** ( ) Yes      ( X ) No

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**PURPOSE:** For the Planning and Zoning Commission to review and make a recommendation to the Mayor and City Council on a rezoning petition with a concurrent use permit to allow a truck terminal.

**DESCRIPTION:** The applicants seeks to rezone 2.93 acres from R-3 (Single Family Residential) to M-1 (Light Industrial) with a concurrent use permit to allow a truck terminal on 5.33 acres with 99 parking spaces.

**STAFF RECOMMENDATION: APPROVAL CONDITIONAL**

APPLICATION INFORMATION

Rezoning 2020109 with a concurrent Use Permit 2020114 – C4 Bullsboro, LLC

APPLICANT/PETITIONER INFORMATION

Property Owner: Irving Cantrell, Paul Gable; Petitioner: C4 Bullsboro, Inc.

PROPERTY INFORMATION

Address: 141 Jonesboro Road, 151 Jonesboro Road, 185 Jonesboro Road, 25 Heath Street – Rezoning Request

The Use Permit request includes the above-mentioned properties and 0 Jonesboro Road (parcel 09F170300660210) and 39 Heath Street.

Land Lot and District: Land Lot 66, District 9F

Frontage: Jonesboro Road and Heath Street

Area of Property: +/- 2.93 acres (Rezoning) and 5.33 (Use Permit)

Existing Zoning and Use: R-3 (Single Family Residential) and M-1 (Light Industrial)

Overlay District: Town Center Mixed Use

Prior Zoning Cases/History: None

2035 Comprehensive Future Land Use Map Designation: Town Center Mixed Use

MEETING AND HEARING DATES

Planning and Zoning Commission Meeting: Tuesday, September 1, 2020; Mayor and City Council Public Hearing: Monday October 12, 2020

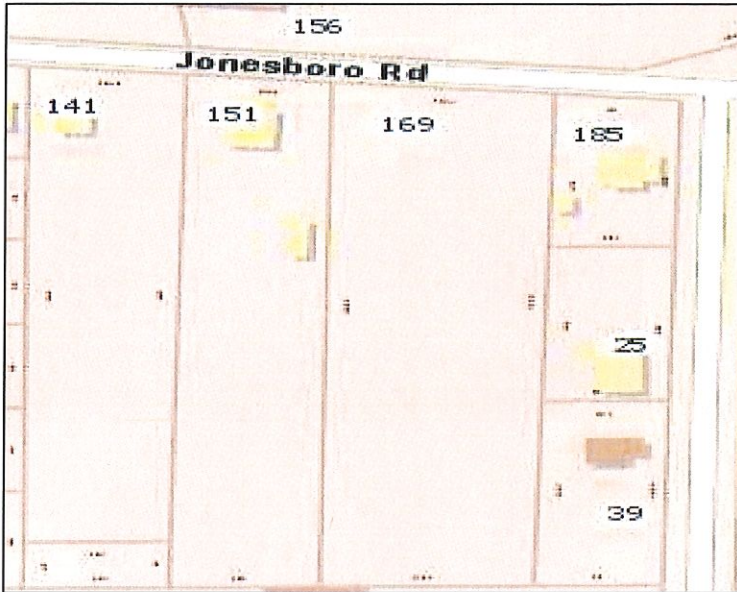
INTENT

A request rezone 2.93 acres from R-3 (Single Family Residential) to M-1 (Light Industrial) with a concurrent use permit to allow a truck terminal on 5.33 acres with 99 parking spaces.

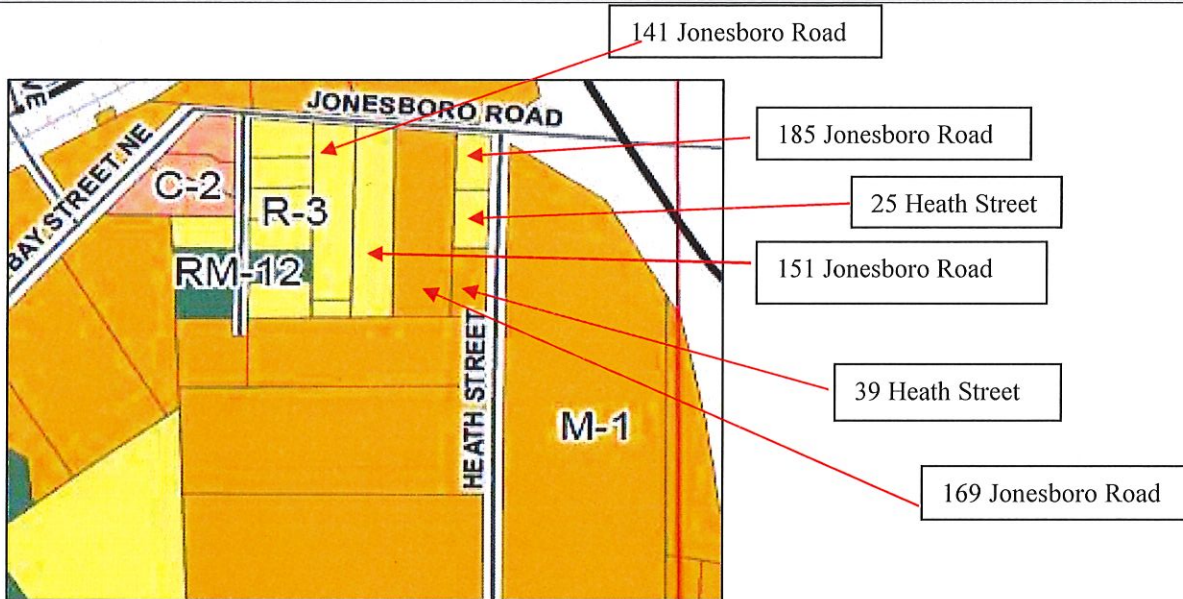
SURROUNDING ZONING

North: M-1 (Light Industrial); East: M-1 (Light Industrial); South: M-1 (Light Industrial); West: R-3 (Single Family Residential), RM-12 (Multi-family Residential), C-2 (General Commercial) and M-1 (Light Industrial)

**PARCEL MAP**



**ZONING MAP**



**PUBLIC PARTICIPATION**

The applicant held a public meeting via Zoom on Friday, August 7, 2020 at 6:00 p.m. Based on the applicants public participation report, the only question presented to the applicant was regarding distance of the truck terminal from the residential houses. The applicant stated that a 50-foot setback is required adjacent to the residentially zoned property.

**STAFF COMMENTS**

Engineering/Public Works:



1. (a) When property fronting on an existing city street is to be developed or when the property is to be accessed from the existing city street, the developer shall cause to be constructed roadway improvements (pavement, signing, striping, curb and gutter and drainage) which are required along the existing road across the entire property frontage at no cost to the city. Required improvements shall not be less than provided in these regulations for the designated street classification. [Sec. 71-37 (a)]  
(b) Widening, curb and gutter and drainage shall be provided by the developer from the centerline of the existing roadway along the side of the road upon which the property abuts. In lieu of installation of curbs and gutters and/or related drainage improvements, the developer must have presented to and received approval by the city for a street improvement and stormwater drainage plan for the development and its affected environs. Said plan must provide for adequate stormwater drainage, and will further address, as a minimum, street grading, paving, and curbs and gutters, and/or other innovative provisions for said drainage. This plan must conform to the applicable standards and specification established by the city and be prepared, signed, and sealed by a state-registered professional engineer.  
(c) The developer shall be responsible for the cost of relocation and/or modifications of public and/or private utilities as necessitated by the required street improvements.  
[Sec. 71-37 (a)(b)(c)]
2. Turning lanes shall be required by the city to meet projected traffic demand and/or safe operations, as determined by the city engineer. When provided, turning lanes shall meet the following criteria:
  - Provide not less than 150 feet of storage length for arterial roadways. Provide not less than 100 feet of storage length for collector roadways.
  - Provide taper lengths of not less than 100 feet.
  - Longer storage and taper lengths may be required when traffic projections indicate they are justified.[Sec. 71-38(4)]
3. All new streets or street widening sections shall be provided with curb and gutter, except as provided herein under. All gutters shall drain smoothly with no areas of ponding. In lieu of installation of curbs and gutters and/or related improvements, the developer must have presented to and received approval by the city for a street improvements and stormwater drainage plan for the development and its affected environs. Said plan must provide for adequate stormwater drainage, and will further address as a minimum, street grading, paving, and curbs and gutters, and or other innovative provisions for said drainage. This plan must conform to the applicable standards and specifications established by the city and be prepared, signed, and sealed by a state registered professional engineer.  
[Sec. 71-45(a)]
4. Sidewalks are required on all street frontages regardless of the zoning district in which the street is located. All sidewalks shall have a minimum width of five feet (unless otherwise provided in this chapter) and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards, city's development standards and be subject to review and approval by the city engineer and/or director of building.  
[Sec. 71-38(a)(c)]
5. Minimum traffic control devices for nonresidential developments shall include those devices for residential developments and lane and centerline markings, stop lines, and parking space markings. Additionally, appropriate other signs and signals shall be provided by the developer.  
[Sec. 71-47(c)]
6. All pavement markings installed on asphalt within the public right-of-way shall be thermoplastic material; 1.5-inch black contract tape shall be installed for crosswalks on concrete.
7. Dry detention ponds shall be designed to provide for positive drainage on the pond floor to the outlet of the pond. Side slopes shall be designed to have a maximum of three-feet horizontal to one-foot vertical (3:1) slopes. If the 100-year maximum water surface depth is equal to or greater than four feet, then a black, vinyl-coated, four-foot-high chainlink fence with top and bottom rails shall be constructed around the detention pond with a 20-foot gate provided to allow access.

[Sec. 65-391 (a)].

Fire: No comments at this time.

1. Sec. 71-76. - Location of water mains, fire hydrants and other fixtures.

(b) Fire hydrant spacing. Fire hydrant spacing shall be provided as requested by the fire chief and as follows:

(3) For office-institutional, commercial and industrial, fire hydrants shall be spaced not more than 400 feet apart so all portions of buildings can be reached by hose lays of not more than 400 feet.

Water and Sewer:

No comments at this time.

Planning and Zoning:

1. Onsite security shall be provided by the owner or operator of the truck stop 24 hours a day, seven days a week.
2. Demonstrate that no other truck terminal is located within 5,000 feet in any direction from an existing similar use.
3. Ten feet perimeter landscape area is required along a public street right-of-way. Landscaping islands will not be required for truck parking areas. However, trees that would have been required in each parking island will be required to be planted along the perimeter landscape strip. Please provide calculations for the number of parking islands that would have been required and total trees that will be planted along the perimeter landscaping strip. [Section 80-336]
4. A 50-foot undisturbed vegetated buffer is required adjacent to residentially zoned properties. [Section 80-372]

## ZONING IMPACT ANALYSIS

### **A. Does the proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?**

The applicant is proposing to rezone the subject property from R-3 (Single Family Residential) to M-1 (Light Industrial) to allow a truck terminal with 99 parking spaces.

Staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby properties. The surrounding area consists of: M-1 (Light Industrial) to the north, M-1 (Light Industrial) to the east, M-1 (Light Industrial) and R-3 (Single Family Residential), RM-12 (Multi-family Residential), C-2 (General Commercial), and M-1 (Light Industrial) to the west. The subject property is surrounded mostly by M-1 (Light Industrial) uses.

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

Staff is of the opinion that the proposal if approved will not have an adverse impact on the use or usability of adjacent or nearby properties. The applicant will be required to maintain a 50-foot undisturbed vegetation buffer adjacent to the residentially zoned properties. Also, a 6-foot fence will be installed along the perimeter of the lot with 24 hour, 7 days a week on-site security.

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

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

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

Staff is of the opinion that the proposed development will not cause an excessive or burdensome impact on the existing streets, transportation facilities, utilities, or schools.

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

The subject property is in the Town Center Mixed Use Character Area which states the appropriate uses are:

- Mixed use
- Civic/institutional/educational
- Residential (all types)
- Commercial/retail/office
- Small scale low intensity industrial that fits into appropriately scaled and designated structures

The appropriate zoning districts in the Town Center Mixed Use Character area includes DTMU (Downtown Mixed Use), R-3 (Single Family Residential), R-4 (Single Family Residential), RM-12 (Multi-family Residential), RM-36 (Multi-family Residential), R-CT (Residential Condominium Townhouse), O&I (Office Institutional), and M-1 (Light Industrial)

**F. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the proposal?**

Staff is of the opinion that there are no existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or denial of the applicant's proposal.

**G. Does the proposal permit a use that can be considered environmentally adverse to the natural resources, environment, and citizens of Fairburn?**

Staff is of the opinion that the proposal would not permit a use which could be considered environmentally adverse to the natural resource, environment, or citizens of Fairburn.

**USE PERMIT CONSIDERATIONS**

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

**1. Whether the proposal use is consistent with the comprehensive land use plan adopted by the city council;**

Staff is of the opinion that the proposal is consistent with the Comprehensive Plan and Future Land Use Map, which designates the site as Town Center Mixed Use. The Comprehensive Plan states, "The centralized location of Downtown Fairburn is ideal for denser town center mixed-use development patterns, with residential, commercial, civic, institutional, office, educational, and certain low intensity uses all within this character area."

**2. Compatibility with the land uses and zoning districts in the vicinity of the property for which the use permit is proposed;**

Staff is of the opinion that the proposed use of the land for a truck terminal is compatible with the land uses and zoning in the vicinity of the property. The surrounding area consists of the following zoning districts: M-1 (Light Industrial) to the north, M-1 (Light Industrial) to the east, M-1 (Light Industrial) to the south, and R-3 (Single Family Residential), RM-12 (Multi-family Residential), C-2 (General Commercial) and M-1 (Light Industrial) to the west.

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

Staff is not aware of the proposed use to be in violation of local, state, and/or federal statutes, ordinance or regulations governing land development.

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

Staff is of the opinion that additional truck traffic will occur on the adjoining roads, but the impact should be minimal. There is not expected negative impacts to pedestrian flow on the adjoining roads.

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

The applicant is proposing 99 truck parking spaces.

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

The M-1 (Light Industrial) does not require land to be set aside for open space. However, the applicant will be required to abide by the city's buffer and landscape regulations.

**7. Protective screening;**

The applicant will be required to provide a 50-foot undisturbed vegetated buffer adjacent to the residentially zoned properties. Also, 6-foot fencing around the perimeter of the subject property is required.

**8. Hours and manner of operation;**

The truck terminal will be operations 24 hours, 7 days a week.

**9. Outdoor lightning; and**

Adequate outdoor lighting will be installed on the property. The applicant will be required to meet or exceed the city's regulations.

**10. Ingress and egress to the property**

The proposed truck terminal will have one means of ingress and egress onto the lot from Jonesboro Road.

**STAFF RECOMENDATION**

The Atlanta Regional Commission completed a regional truck parking assessment study in April 2018. [See the attached documents] The study states, "One of the biggest challenges faced by truck drivers in the country today is finding safe authorized parking for their vehicles and cargo. Over the past decade, this issue has become a priority with the U.S. Department of Transportation (DOT) and many state DOTs. As freight and logistics levels continue to quickly grow within the Atlanta region and state of Georgia, the challenges associated with truck parking have followed suit." The general study findings include:

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

One of the recommendations from the study is to add and/or expand truck parking supply throughout the metro Atlanta region. Adding more truck parking spaces will help alleviate illegal parking of trucks along roads and in retail/commercial lots. With adequate truck parking options, the safety of motorists will likely improve because

trucks are not parking on ramps and roadsides, which obstruct the view of motorists and increase the likelihood of crashes.

Based on the land use [zoning] compatibility of the surrounding properties and the Atlanta Regional Commission's Truck Parking Assessment Study (2018) findings and recommendations, staff is recommending **APPROVAL CONDITIONAL** of the rezoning of 2.93 acres and a concurrent use permit petition to allow a truck terminal on 5.33 acres with 99 truck parking spaces.

Should the Mayor and City Council decide to approve the rezoning the subject properties from R-3 (Single Family Residential) to M-1 (Light Industrial) to allow the truck terminal, staff recommends the following conditions. The applicant's agreement to these conditions would not change staff's recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council:

1. To restrict the use of the subject property as follows:
  - a. Truck terminal
  - b. Permitted uses under M-1 (Light Industrial), excluding food processing plants and truck stop
2. To the owner's agreement to abide by the following:
  - a. The property shall be developed in substantial conformity with the Conceptual Site Plan dated received July 6, 2020. Said site plan is **conceptual only and must meet or exceed** the requirements of the City's ordinances prior to the approval of a Land Disturbance Permit. Any major deviation from this site plan is subject to approval by the City Engineer or designee.
3. To the owner's agreement to the following site development considerations:
  - a. On-site security shall be provided by the owner/operator of the truck terminal 24 hours a day, 7 days a week. Prior to the issuance of the Certificate of Completion, a security monitoring affidavit shall be submitted to the Community Development Department.
  - b. No long-term storage [not to exceed 21 days] of trailers or trucks shall be allowed on the lot.
  - c. No overnight or sleeping facilities shall be provided on the lot.
  - d. Installation of a vinyl coated 6-foot fence shall be installed along the perimeter of the lot.
  - e. A 50-foot undisturbed vegetated buffer shall be installed adjacent to residentially zoned 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, Easter Red Cedar, Southern Magnolia, Virginia Pine, Arborvitae, Savannah Holly, Nellie R. Stevens Holly.

## ATTACHMENTS

Letter of Intent  
Conceptual Site Plan dated, July 6, 2020  
Atlanta Regional Commission Regional Truck Parking Assessment Study - April 2018

### Letter of Intent

The property Located at Heath Street and Jonesboro Road contains approximately 5.330 acres and is located at the northeast corner of Jonesboro Road and Heath Street (the "Property"). 2.4 acres of the Property is currently zoned M-1 and 2.93 acres of the Property is zoned R-3.

The Property is situated in a largely Industrial area. The purpose of the rezoning is to make the zoning of the 2.93 acres consistent with the zoning of the rest of the surrounding property and the City of Fairburn's ordinances. The intent of the Applicant is to rezone the 2.93 acre portion of the Property from R-3 to M-1. The proposed use is truck parking.

There is a severe shortage of truck parking in the area which leads to trucks parking in inappropriate places. The ARC has a traffic task force which has specifically identified a shortage of truck parking in the Fairburn area as well as the entire Atlanta metropolitan area. The inconsistent zoning on these assembled lots creates a hardship for the Applicant and the subject Property; therefore, the Applicant is requesting a rezoning of the Property to M-1. This project will serve the needs of the community by improving the overburden of truck traffic going to and from the industrial area of Fairburn.

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

This truck parking facility will provide another safe truck parking area for the community. The Property will provide a service to the Fairburn community in that it provides a place for the trucks to park safely and legally until they are allowed to enter the distribution facilities in the area.

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

Applicant:

C4 BULLSBOBO Inc.

Satish Chipulla

2825 Red Rocks Trail  
Cumming, GA 30041

RECEIVED

JUL 06 2020

Initial: *Tula Peets*



VICINITY MAP

GENERAL NOTES:

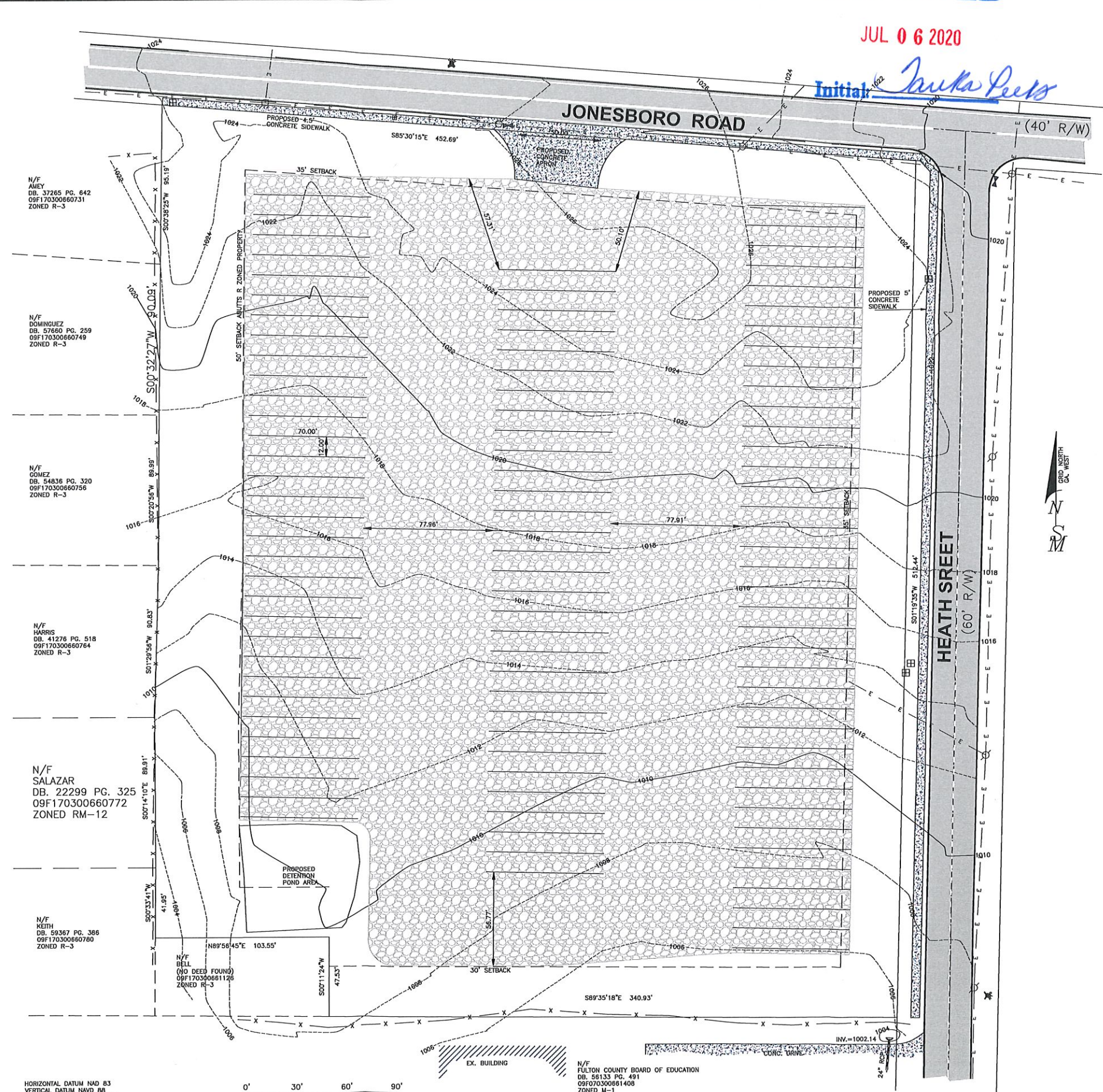
TOTAL SITE AREA 232,157 SQ. FT. 5.330 ACRES  
 PROPOSED ZONING  
 ZONING M-1  
 MAXIMUM LOT COVERAGE = 60'  
 MINIMUM LOT WIDTH = 100'  
 FRONT SETBACK: 35'  
 REAR SETBACK: 30'  
 SIDE SETBACK: 20'  
 BUILDING HEIGHT = 48 FEET  
 MAXIMUM LOT COVERAGE 60%

THERE IS NO FLOODPLAIN ON THIS PROPERTY FROM A WATER COURSE WITH A DRAINAGE AREA EXCEEDING 100 ACRES OR FLOODPLAIN PER FIRM PANEL 13121C0454F DATED SEPTEMBER 18, 2013.

THERE ARE NO WETLANDS BEING DISTURBED ON THIS SITE.  
 THERE ARE NO STREAM BUFFERS ON THIS PROPERTY.  
 99 TOTAL PARKING SPACES (12'X70')  
 TOTAL GRAVEL (DEVELOPED AREA) 165,490 SQ. FT. 3.799 ACRES  
 TOTAL LOT COVERAGE 71% (70.5% GRAVEL, .5% CONCRETE)

**LEGEND**

EX. POWER POLE	---	EX. = EXISTING
EX. POWER LINES	---	R/W = RIGHT OF WAY
FENCE	X X	RCP = REINFORCED CONCRETE PIPE
IPS = IRON PIN SET (#4 REBAR)	---	EX. FIRE HYDRANT
OTIP = OPEN TOP PIPE	---	EX. WATER METER
POB = POINT OF BEGINNING	---	EX. WATER VALVE
DB. = DEED BEGINNING	---	EX. ASPHALT
PB. = PLAT BOOK	---	PROPOSED GRAVEL
PG. = PAGE	---	PROPOSED CONCRETE
N/F = NOW OR FORMERLY	---	
STORM HEADWALL	---	



HORIZONTAL DATUM NAD 83  
 VERTICAL DATUM NAVD 88  
 TOPO ON FIELD RUN SURVEY  
 CONTOUR INTERVAL = 2'



N/F FULTON COUNTY BOARD OF EDUCATION  
 DB. 56133 PG. 491  
 09F170300661408  
 ZONED M-1

REVISIONS

NO.	DATE	DESCRIPTION

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SIBLEY-MILLER SURVEYING & PLANNING INC.  
 2086 NORTON RD, SUITE 303  
 FULTON COUNTY, GA 30204  
 PHONE: (770) 320-7555  
 FAX: (770) 320-7333  
 www.sibleysurveying.com

CONCEPTUAL/ SITE PLAN  
 C4 BULLSBORO INC.  
 LAND LOTS 66, 9F DISTRICT  
 CITY FAIRBURN  
 FULTON COUNTY, GEORGIA



PROJECT NO. B202010  
 CONCEPTUAL SITE PLAN

DRAWN BY: TLM

SCALE: 1" = 30'

DATE: 6-19-2020

## Recommended Strategies

The following lists the strategies and action items recommended for the Atlanta region based upon the technical analysis results and extensive stakeholder input received during the study.

Strategies	Action Items
<b>1. Add / Expand Truck Parking Supply</b> 	1.1 Study through future Comprehensive Transportation Plans (CTPs) 1.2 Assess through future Freight Clusters Plans 1.3 As needed, local jurisdictions assess need for additional truck parking supply
<b>2. Develop Truck Parking Policies</b> 	2.1 Evaluate policies that allow for sharing of costs and benefits 2.2 Review Development of Regional Impact (DRI) requirements 2.3 Review policies that incentivize shifting freight operations to off-peak hours 2.4 Develop truck parking model zoning language 2.5 Encourage local governments to review local zoning ordinances
<b>3. Develop Truck Parking Partnerships</b> 	3.1 Provide ongoing updates to the Freight Advisory Task Force (FATF) 3.2 Provide information and resources to stakeholders and planning partners 3.3 Attend relevant meetings and participate in speaking opportunities 3.4 Continue participation with the FHWA National Coalition on Truck Parking 3.5 Continue to discuss truck parking policy priorities, initiatives and projects
<b>4. Improve Sharing of Truck Parking Information</b> 	4.1 Monitor opportunities to implement real-time truck parking availability systems or implement other technology solutions 4.2 Serve as regional clearinghouse for truck parking information
<b>5. Monitor / Integrate Future Technology</b> 	5.1 Monitor / Integrate future technology developments in the freight industry <ul style="list-style-type: none"> <li>- Dock Management Technology</li> <li>- Connected and Autonomous vehicles (CVs/AVs)</li> <li>- Internet of Things (IoT)/Physical Internet</li> </ul>

## Myths and Perceptions / FAQs

- **Q: With all the new warehouse / distribution facilities in the region, why is there a truck parking issue?**  
 A: Truck drivers are only permitted to park at warehouse / distribution facilities during a small period of time (30 min – 1 hour) to pick up / drop off their loads.
- **Q: Why not just build new truck stops?**  
 A: Many cities and counties within the region are opposed to truck stops, with some even having regulations and ordinances prohibiting new facilities.
- **Q: Is that why I see trucks parking along interstate ramps and/or roadsides?**  
 A: Most likely, yes. The number of safe authorized truck parking locations within the region often is not sufficient to keep up with demand – particularly overnight.
- **Q: Why not just let the trucks park wherever they want?**  
 A: It's a safety issue when trucks park on ramps and roadsides, they block the view of other vehicles increasing the likelihood of crashes.



# ATLANTA REGIONAL TRUCK PARKING ASSESSMENT STUDY

APRIL 2018

## Executive Summary of Final Report

One of the biggest challenges faced by truck drivers in the country today is finding safe authorized parking for their vehicles and cargo. Over the past decade, this issue has become a priority with the U.S. Department of Transportation (DOT) and many state DOTs. As freight and logistics levels continue to quickly grow within the Atlanta region and state of Georgia, the challenges associated with truck parking have followed suit.

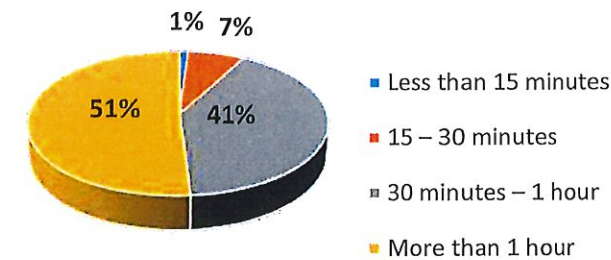
The *Atlanta Regional Truck Parking Assessment Study* was conducted to identify the magnitude of existing and future truck parking needs and develop structured recommendations for implementation to mitigate the challenges. A major impetus for this study was the need identified through ARC's *2016 Regional Freight Plan Update*. In collaboration with the Georgia Department of Transportation (GDOT) and the regional Freight Advisory Task Force (FATF), the study included a peer review of other regions and states with history of completing similar studies. The peer analysis helped define the framework for the Plan's Goals and Objectives and study development. A robust truck parking inventory was completed in addition to modeling the region's existing and 2040 future parking needs. Supplementing the technical analyses was an extensive stakeholder outreach program involving interviews, online mapping, stakeholder surveys and a separate truck driver survey.

### What is causing the truck parking challenge?

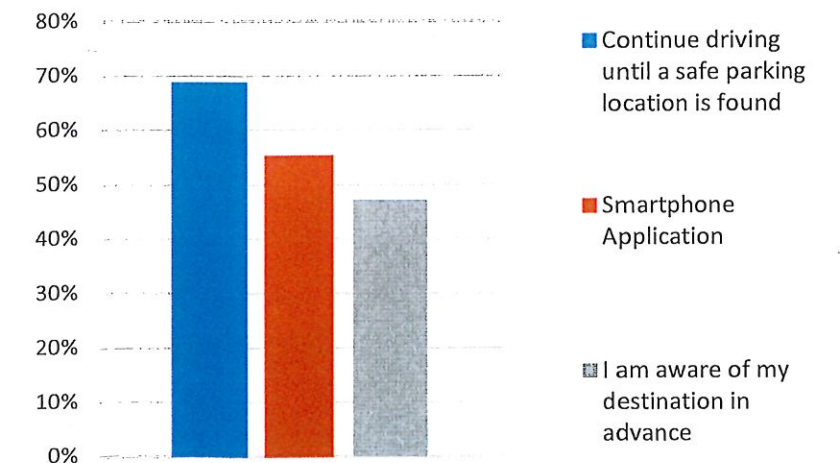
- The Federal Motor Carrier Safety Administration (FMCSA) mandates how many hours, known as Hours-of-Service (HOS), truck drivers may drive interspersed with mandatory breaks.
- The 2012 Commercial Motor Vehicle Safety Act also required the USDOT to adopt Electronic Logging Device (ELD) regulations for commercial vehicles effective December 18, 2017 replacing manual paper log books. Existing truck parking challenges are expected to worsen beginning in 2018.

### What over 200 truck drivers that travel in the Atlanta region said...

What is the average time it typically takes you to find truck parking?



What are the top ways you find truck parking within the Atlanta Region?

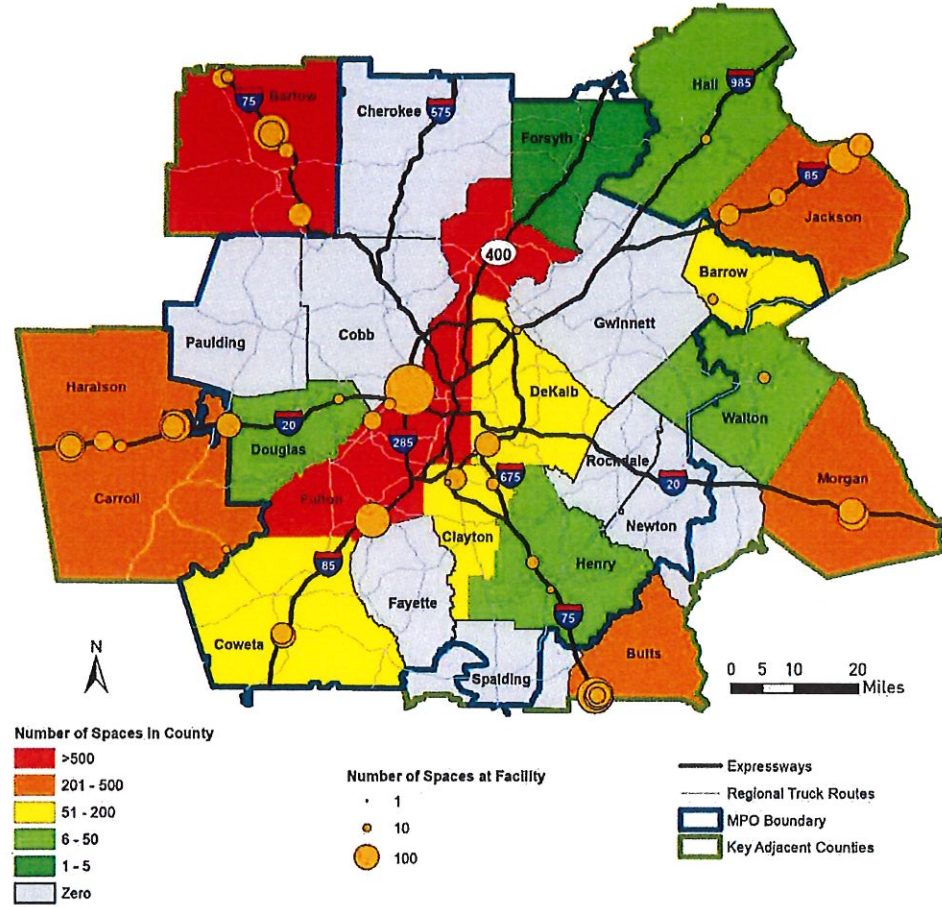




### Existing Truck Parking Inventory

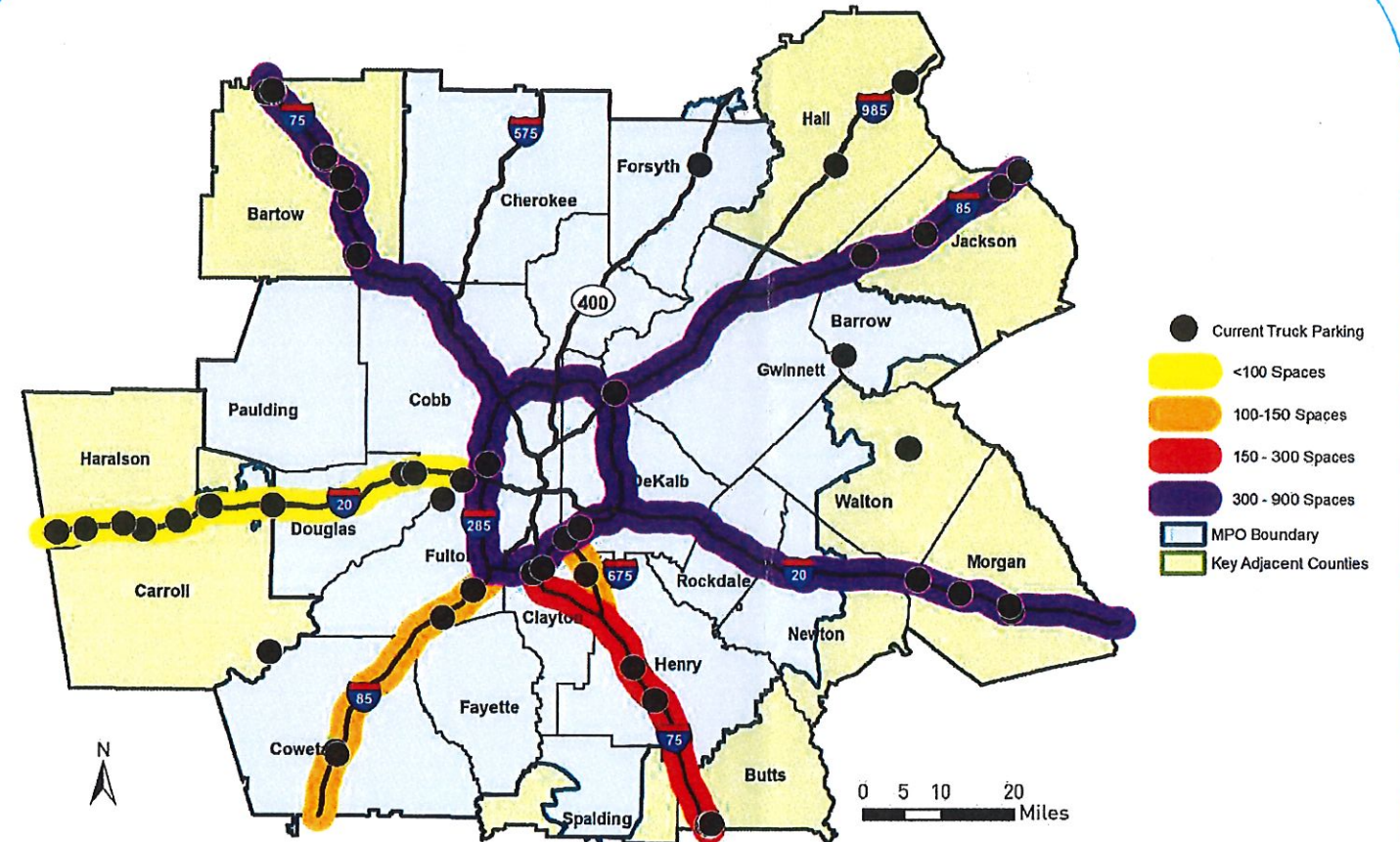
#### EXISTING TRUCK PARKING BY COUNTY

County	Truck Parking Spaces
Fulton	698
Bartow	575
Butts	450
Carroll	360
Haralson	332
Jackson	309
Morgan	259
Coweta	165
DeKalb	114
Clayton	105
Barrow	85
Henry	40
Walton	25
Douglas	20
Hall	19
Forsyth	5
<b>TOTAL</b>	<b>3,561</b>



- Fulton County leads the study area with over 500 private truck parking spaces concentrated along I-285 west and I-85 south.
- There is limited truck parking supply along many corridors within the Atlanta region and closer to the City of Atlanta (I-285), with more truck parking options within exurban counties including Bartow, Jackson, Morgan, Butts, Haralson and Carroll counties
- There are no major truck parking options in many counties throughout the region including Cobb, Cherokee, Gwinnett, Rockdale, and Newton Counties

### 2045 Future Year Truck Parking Deficits



- The study incorporated the Federal Highway Administration's (FHWA) model for estimating truck parking demand by corridor.
- The future (2045) truck parking deficits (supply less future estimated demand) is shown above and color-coded by quantity of the estimated deficits
- In 2045, the estimated truck parking deficits are expected to be the greatest along I-285, I-75 north, I-85 north, and I-20, followed by I-75 south.



#### Drivers

- More parking needed in urban areas, as drivers try to get as close to their delivery location as possible to avoid driving in rush hour
- Distribution centers & warehouses should provide parking
- Small "micro" truck stops would be great
- Use closed rest areas for truck parking or add more spaces to open rest areas



#### Carriers / Distribution Centers

- Drivers need education on how to better find safe parking
- Carriers would like distribution centers & warehouses to provide more staging areas
- Law enforcement often unfairly enforces noise ordinances from trucks' auxiliary power units (APUs)

### What Our Stakeholders Told Us....



#### Law Enforcement

- Truck drivers that park along ramps and roadsides are putting the traveling public in danger by creating conditions for a potential rear end crash and creating sight distance issues by obstructing views
- Truck parking problems seem most excessive in suburban ring counties



#### Truck Stop Owners / Operators

- It is very difficult to construct a new truck stop or expand current ones due to local land development regulations, zoning ordinances, and public opposition
- Truck parking is very expensive to construct due to land and thick pavement requirements, with little to no direct return on investment