



## Planning and Zoning Commission

### AGENDA

Tuesday, July 7, 2020 ♦ 7:00 p.m.

The meeting can be accessed by calling (312) 626-6799, use the following Meeting ID Number: 958 8256 6290 and password: 092761: To view online via Zoom use the following link: <https://zoom.us/join> with the Meeting ID Number: 958 8256 6290 and password: 7p9SKi.

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- Call to Order
- Determination of a Quorum
- Approval of the Meeting Agenda
- Approval of January 7, 2020 Meeting Minutes
- Public Hearing:
  - Primary Variance 2020053 Halcyon Renovations (6810 Virlyn B. Smith Rd) - A request to reduce the side yard setback from 30-ft to 11.5-ft.
- Old Business: None
- New Business:
  - Conceptual Site Plan 2020049 Fairburn Festival (8028 Senoia Rd) - A request to construct a 7,700 square foot multi-tenant retail/commercial development on Highway 74/Senoia Road
  - Text Amendment 2020029 Safeguard Landfill Management (7700 Roosevelt Hwy) - A request to amend Section 80-220 Landfill, solid waste disposal(b)(11)(12) of the Zoning Ordinance.
  - Use Permit 2020083 Safeguard Landfill Management (7700 Roosevelt Hwy) - A request to allow the expansion of an existing landfill (Safeguard Landfill).
  - Concept Plat 2020073 Strack Development and Henderson Lake (0 Bohannon Rd) - A request to subdivide 36.53 acres into seven lots.
  - Preliminary Plat 2020075 Project Miles (8400 Creekwood Rd) - A request to subdivide 98.726 acres into three lots.
- Staff Report
- Commissioner Comments
- Adjournment

CITY OF FAIRBURN



## PLANNING AND ZONING COMMISSION MEETING MINUTES

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

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

Shelby Phillips  
Tony Smith  
Anthony Stewart

Director of Planning and Zoning  
City Attorney  
Planner 1

Tarika Peeks  
Valerie Ross  
Giavani Smith

- I. **MEETING CALLED TO ORDER:** By Chairman Stoney
- II. **ROLL CALL:** All Members of the Planning and Zoning Commission were present.
- III. **PLEDGE OF ALLEGIANCE:** Recited in unison.
- IV. **ELECTION OF OFFICERS:** Commissioner Williams nominated Elise Stoney for Chairman. Commissioner Phillips seconded the nomination. **The motion carried.** Commissioner Phillips nominated Anthony Stewart for Vice-Chairman, Commissioner Stewart declined the motion. Commissioner Elise Stoney nominated Elizabeth Echols for Vice-Chairman. Commissioner Smith seconded. **The motion carried.**
- V. **PUBLIC COMMENTS:** No Comments.
- VI. **APPROVAL OF AGENDA:** Commissioner Williams made a motion to **APPROVE** the January 7, 2020 Agenda. Commissioner Smith seconded. **The motion carried.**
- VII. **APPROVAL OF PREVIOUS MEETING MINUTES:** Commissioner Williams made a motion to **APPROVE** the December 3, 2019 minutes. Commissioner Phillips seconded. **The motion carried.**
- VIII. **PUBLIC HEARING:**

### Primary Variance 2020002 – DHL Supply Chain

**SUMMARY/STAFF PRESENTATION:** A request to allow a third monument sign to be installed on the subject property - Section 80-431 (b)(1)(c).

Ms. Peeks stated that the applicant was requesting to install a third monument sign on their property which was the Duracell site. Ms. Peeks gave some insight about the property and stated that it did

not have signed on Bohannon Road. She stated that the access to the site is through Duracell’s property and they do not have frontage on Bohannon Road. Duracell allowed them to have a sign and access on Bohannon Road. She stated that they have received approval from Duracell for the sign to be placed on their property.

Ms. Peeks stated that staff was recommending approval for the third monument sign. Commissioner Williams asked if the sign was going to be on the DHL property. Ms. Peeks replied that it was going to be on the Duracell’s property. Commissioner Phillips asked if it was going to be on Bohannon Road. Ms. Peeks replied that it was going to be on Bohannon Road.

**Roy Mertz, 3 D Signs**

Mr. Mertz stated his name and that he was there on the behalf of Duracell. He also thanked Giavani and Ms. Peeks for their help working with him. Mr. Mertz spoke about the property and the way it was developed. He explained that the sign would be placed where visitors and delivery trucks would be able to see and locate the facility. Commissioner Phillips asked how long Duracell has been in business. Mr. Mertz replied that Duracell has been in business for 2 years.

**MOTION AND VOTE:** Commissioner Williams made the motion APPROVAL CONDITIONAL for 2020002. Commissioner Phillips seconded. **The motion carried.**

**IX. OLD BUSINESS:** None

**X. NEW BUSINESS:** None

**STAFF REPORT:** Ms. Peeks stated that the Mayor and City Council was planning to honor Commissioner Wade on January 27, 2020 and that his family would receive a plaque in his memory; she asked the Commissioners if they could attend the City Council meeting.

**XI. COMMISSION MEMBERS COMMENTS:** Chairman Stoney wished everyone a Happy New Year and thanked Mayor Hurst for attending the meeting and stated that she hopes she would be able to attend more meetings in the future.

**XII. ADJOURNMENT:** Commissioner Williams made a motion to Adjourn. Commissioner Smith seconded. **The motion carried.**

**Meeting Adjourned at 7:15 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: July 7, 2020  
To: Planning and Zoning Commission  
From: Giavani Smith, Planner I

Agenda Item: **Primary Variance 2020053 – Halcyon Renovations:** To reduce the side yard setback from 30-ft to 11.5-ft [Section 80-72. R-1 Single Family Residential District].

**AGENT/APPLICANT/PETITIONER INFORMATION**

Applicant: Halcyon Renovations  
Property Owner: Dabney, Kendra R. & Dabney, Gregory II

**PROPERTY INFORMATION**

Address: 6810 Virlyn B. Smith Rd, Fairburn, Georgia 30213  
Parcel Number, Land Lot(s) and District: 07160201700637, Land Lot 07, District 09  
Size: +/-2 acres  
Current Zoning: R-1 (Single Family Residential)  
Overlay District: None  
Comprehensive Plan/Future Land Use: Rural Residential

**INTENT**

The applicant is requesting a primary variance as follows:

- 1) To reduce the side yard setback from 30-ft to 11.5-ft [Section 80-72. R-1 Single Family Residential District].

The applicant states in the letter of intent that the primary purpose of the variance is to allow for an addition to the rear of the home consisting of a master bedroom with a bathroom, modification of the existing kitchen and installation of a deck off of the kitchen space. Due to the odd shape of the lot, the addition of the master bedroom, kitchen and deck will cause an encroachment in the 30-ft 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

Halcyon Renovations is representing the owners (Gregory & Kendra Dadney) of a +/-2.0 acre lot which is located on Virlyn B. Smith Rd. Halcyon Renovations is requesting a primary side-yard setback variance to perform residential modifications and additions to a single-family residential home. The home was built at a right angle within the building lot lines. Due to the angled placement of the house on the lot, the proposed addition to the rear of the home will cause an encroachment in the 30-ft side-yard setback. If Halcyon Renovations is not granted the primary side-yard setback variance, the homeowners will not be allowed to modify the residential structure.

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 side-yard setback variance would not adversely affect the adjacent properties. The property owners will be required to construct and maintain the requested modifications and/or additions in a manner that meets or exceeds the City's regulations. Additionally, granting the primary side-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 owners. The subject lot is narrow towards the road frontage and widens towards the rear, due to the odd shape of the lot which caused the residential structure to be built on the lot at an angle, has caused a hardship for the property owners. Therefore, the applicant's proposed addition to the rear of the home would require an encroachment into the 30-ft side-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 side-yard setback variance request to reduce the side yard setback from 30-ft to 11.5-ft.

## ATTACHMENTS

Letter of Intent  
Site Layout  
Site Photo

## Letter of Intent

Retail Services, LLC DBA Halcyon Renovations  
56 Hudson PLZ #123  
Fairburn, GA 30213

City of Fairburn  
Community Development Department/Planning and zoning  
C/O Tarika Peeks  
26 W. Campbellton St  
Fairburn, GA 30213

RE: Variance application for 6810 Virlyn B. Smith Rd, Fairburn, GA 30213

Department of Planning and Zoning,

According to the application for a variance, a letter of intent/appeal shall be submitted to detail the proposed project. 6810 Virlyn B. Smith Rd, Fairburn, GA 30213 is where the above-mentioned proposed project is located. The project will consist of an addition to the rear of the home. The new addition will have a master bedroom with bath, as well as extend the existing kitchen within the new footprint for the addition. There will also be a new deck installed off the new kitchen space. Due to the lot being pie shaped, the addition and the deck extend over the allowable 30 ft setback. The owners of the property have already acquired a loan to complete the project and not unaware of the setback. The existing home sits on over 2 acres of land, and can support the increased Sq/ft of the addition. Further the existing home was built rotated parallel with Virlyn B. Smith which is unusual. Homes typically are parallel to the street it sits on as well as the side property lines. We ask that the City of Fairburn Community Development Department, Office of Planning and Zoning convene to grant said variance due to the shape of the land in respect to the proposed project. We appreciate your response to this matter and thank you for your time.

Respectfully Submitted,

  
Benny Bryant

**LOT 3-1  
CASTLEWALK, PHASE 3**  
PLAT BOOK 211, PAGE 348

LOT 2-3  
CASTLEWALK, PHASE 2  
PLAT BOOK 202, PAGE 60

LOT 2-3  
CASTLEWALK, PHASE 2  
PLAT BOOK 202, PAGE 60

RESERVED FOR CLERK OF SUPERIOR COURT

NOTES:

1. THIS IS A RETRACEMENT SURVEY OF AN EXISTING TRACT AS RECORDED IN DEED BOOK 57904, PAGES 495-497 AND PLAT BOOK 211, PAGE 348, FULTON COUNTY, GEORGIA RECORDS.
2. CURRENT OWNER, XENDEA R. DABNEY AND GREGORY DABNEY, I PER DEED BOOK 57904, PAGES 495-497, FULTON COUNTY, GEORGIA RECORDS AS OF 08-31-2017.
3. THIS SURVEY WAS AUTHORIZED BY BODNY HALCYON.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
5. RECORD BEARINGS APPLIED TO WEST PROPERTY LINE.
6. RIGHT-OF-WAY OF VIRLYN B. SMITH ROAD IS PER THE REFERENCED SUBDIVISION PLAT. NO RIGHT-OF-WAY DEED WAS RECOVERED BY OR PROVIDED TO THIS OFFICE.
7. SETBACKS SHOWN PER REFERENCED SUBDIVISION PLAT.

The field data upon which this survey is based has been computed for closure by latitudes and departures and has a closure precision of one foot in 435,236 ± ft., and an angular error of 11 seconds per angle point, and is UNADJUSTED. A SECONDARY CONTROL was used to obtain linear and angular measurements. It is my professional opinion, that this plot is true and correct representation of the land plotted, has been prepared to meet the minimum standards and requirements of law, and has been computed for closure and has been found to be accurate within one foot in 435,236 ± feet.

LEGEND

- A/C = AIR CONDITONER
- B/L = BUILDING LINE
- C/D = CRAWL DUT
- F/H = FIRE HYDRANT
- L/L = LAND LOT
- MB = MAIL BOX
- N/F = NOW OR FORMERLY
- OH-U = OVERHEAD UTILITIES
- R/W = RIGHT-OF-WAY
- U/P = UTILITY POLE
- W/V = WATER VALVE

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULE 180-6-09 THE TERM CERTIFICATION AS USED IN BOARD RULE 180-6-09(D) AND (3) AND RELATING TO PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESS OR IMPLIED.

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS, ZONING ORDINANCES, ENVIRONMENTAL RESTRICTIONS, BUFFERS, AND RIGHTS-OF-WAY SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

W.D. GRAY AND ASSOCIATES, INC. HAS MADE NO INVESTIGATION AS TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES. BEFORE ANY LAND DISTURBANCE ACTIVITY BEGINS, UNDERGROUND UTILITIES SHOULD BE IDENTIFIED AND LOCATED. W.D. GRAY AND ASSOCIATES, INC. ASSUMES NO LIABILITY FOR LOSS OR DAMAGES CAUSED BY THE DISCOVERY OF OR DISTURBANCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES.

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE UNDERSIGNED SURVEYOR AND W.D. GRAY AND ASSOCIATES, INC. MAKE NO GUARANTEES, REPRESENTATIONS, OR WARRANTY REGARDING INFORMATION SHOWN HEREON PERTAINING TO RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, AGREEMENTS, SETBACK LINES, BUFFERS, AND OTHER SIMILAR MATTERS. OTHER CONDITIONS OR DOCUMENTS MAY EXIST THAT WOULD AFFECT THIS PROPERTY. NO LIABILITY IS ASSAIED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.



This plot 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 noted hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR LIABILITY FOR ANY PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plot 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 D.C.O.A. Section 15-6-67.

Larry C. Shinnick, 02-18-2020  
Date

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. NO CERTIFICATION OR LIABILITY IS EXTENDED TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT A RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

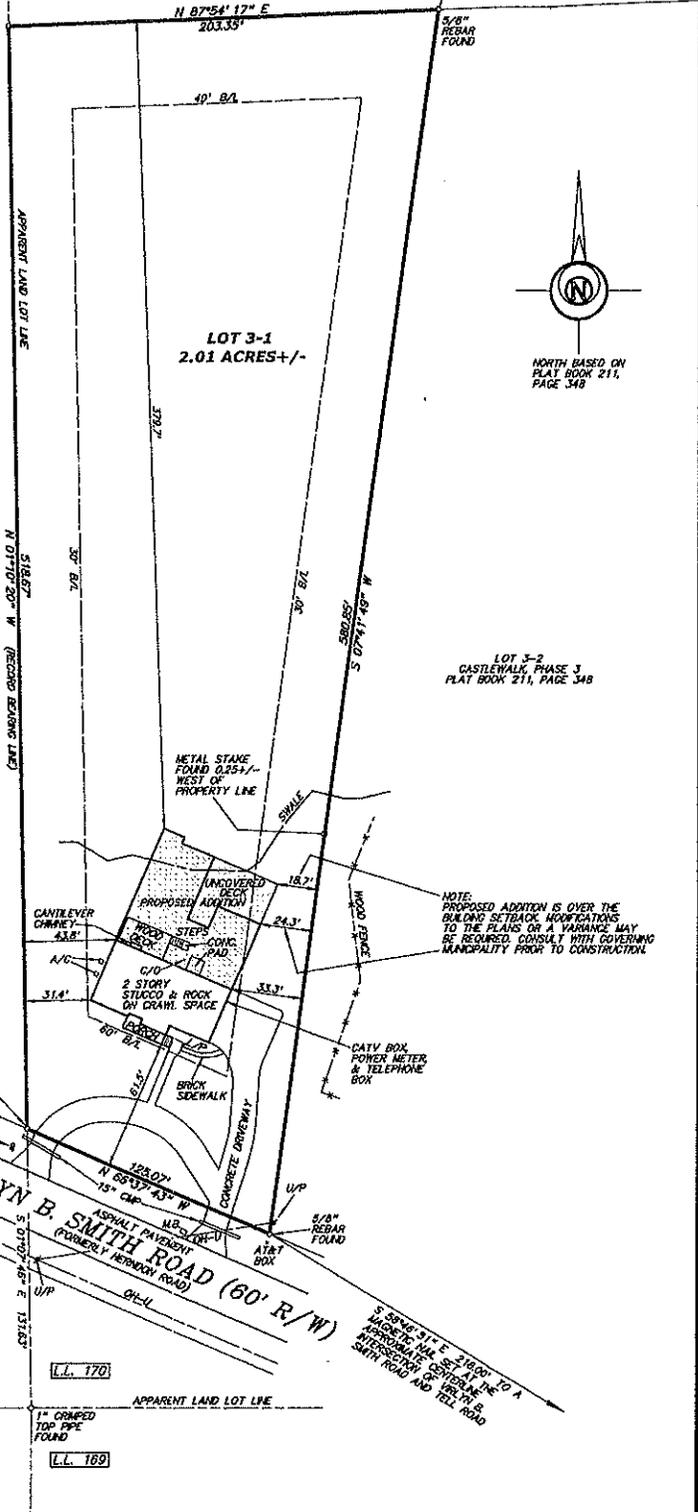
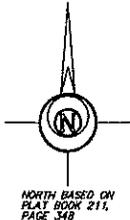
In my professional opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP. Map Number: 131210043X. Dated: SEPTEMBER 18, 2013

3/8" REBAR FOUND BY 1" OPEN TOP PDS

3/8" REBAR FOUND

APPROXIMATE LAND LOT LIFE

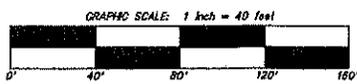
N/F  
M.H. CAO  
DEED BOOK 53282, PAGES 1-3



LOT 3-2  
CASTLEWALK, PHASE 3  
PLAT BOOK 211, PAGE 348

NOTE: PROPOSED ADDITION IS OVER THE BUILDING SETBACK. MODIFICATIONS TO THE PLANS OR A VARIANCE MAY BE REQUIRED. CONSULT WITH GOVERNING MUNICIPALITY PRIOR TO CONSTRUCTION.

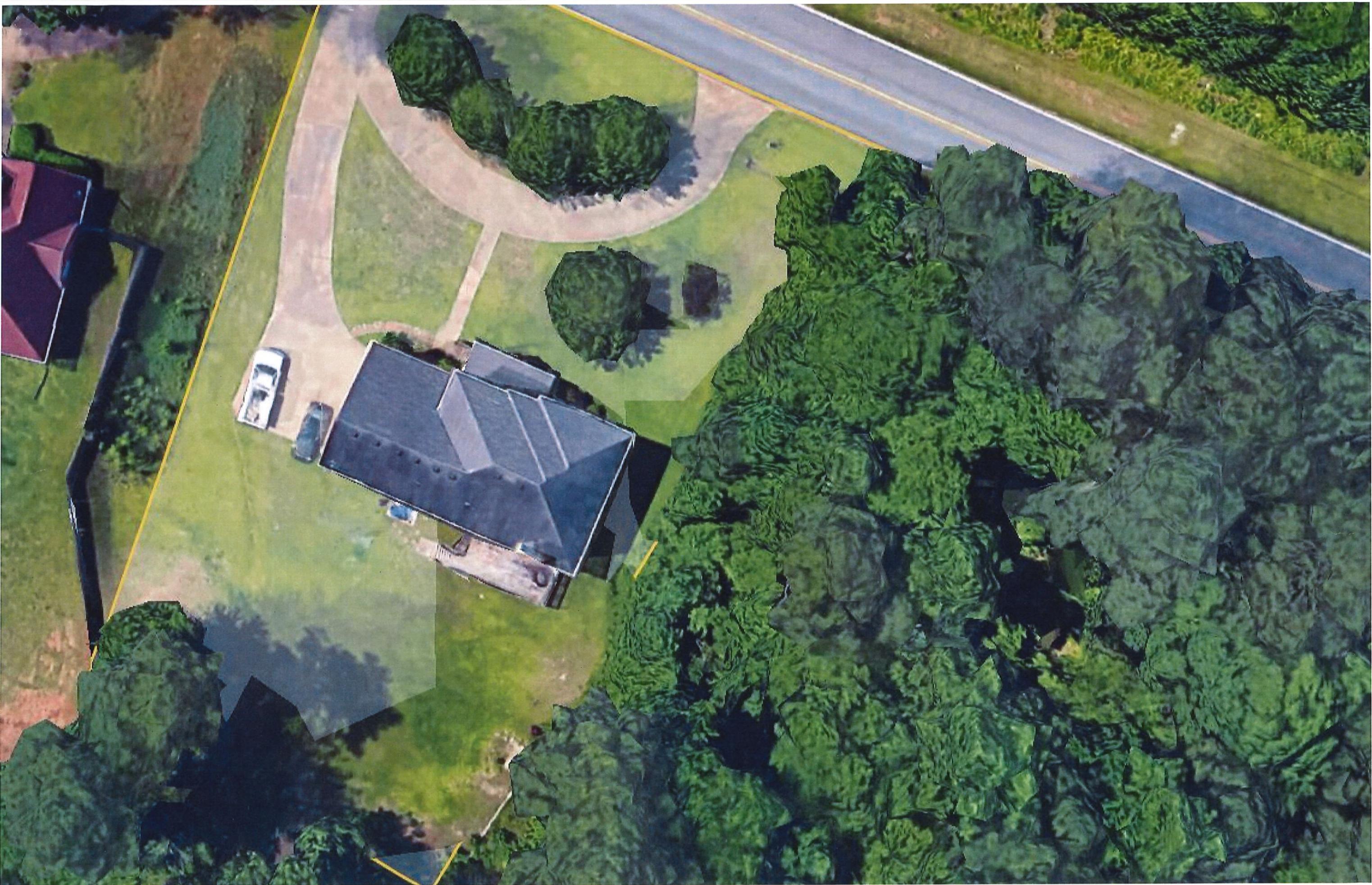
LL 181  
LL 170  
LL 152  
LL 169



**W.D. Gray and Associates, Inc.**  
LSP000701  
land surveyors -- planners  
160 GREENCASTLE ROAD SUITE B TYRONE  
GEORGIA 30290  
PH. 770-486-7552 FAX 770-486-0496

PREPARED FOR:  
**HALCYON RENOVATIONS**

LAND LOT: 170	DATE OF SURVEY: 02-18-20
7th DISTRICT	DATE OF DRAWING: 02-18-20
CITY OF FARBURN FULTON COUNTY, GA.	REVISED:
SCALE: 1" = 40'	JOB NO. 2002012



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

Date: July 7, 2020  
To: Planning and Zoning Commission  
From: Tarika Peeks, Director of Planning Zoning  
Agenda Item: **Conceptual Site Plan 2020049 - Fairburn Festival:** A request to review the conceptual site plan for a 7,700 square-foot multi-tenant commercial development on Highway 74/Senoia Road.

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**BACKGROUND:** The subject property is located at the southeast corner of Senoia Road and Meadow Glen Parkway [8028 Senoia Road]. The site is approximately 1.29 acres. The property is zoned C-2 (General Commercial District) and is located in the Georgia Highway 74 Overlay District.

**DISCUSSION:** The applicant is proposing to construct a 7,700 square-foot multi-tenant commercial development with associated driveways, parking, utilities, and landscaping. The applicant will be required to meet all parking regulations. The site has proposed ingress/egresses on Meadow Glen Parkway and inter parcel access to the adjacent lot. Stormwater detention is proposed by a regional detention system. The building will be required to have an all brick front façade and majority brick or stone on the side and rear elevations, as regulated by the Highway 74 Overlay District.

**PARCEL MAP**



**Fairburn Festival  
8028 Senoia Road  
parcel # 09F070300260450**

***STAFF RECOMMENDATION: APPROVAL CONDITIONAL*** of the conceptual site plan to construct a 7,700 square foot multi-tenant commercial development. The staff has reviewed the proposed conceptual site plan and the plan has met the requirements for a conceptual review. Staff has recommended two (2) conditions.

The approval of the site plan is conceptual only. The applicant will be required to submit a Land Disturbance Permit prior to the start of any construction. Additionally, any significant changes as determined by staff to the approved conceptual plan would warrant a further review by the Planning and Zoning Commission.

***Conditions:***

Should the Planning and Zoning Commission decide to approve the conceptual site plan, the staff recommends the approval be subject to the following conditions. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Planning and Zoning Commission.

1. To the Site Plan submitted to the Department of Community Development dated received June 24, 2020. Said site plan is conceptual only and must meet or exceed the requirements of the City's regulations prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy. Any major deviation from this site plan is subject to approval by the Planning and Zoning Director or designee.
2. Prior to construction, provide the city with copies of the approved agreements/easements between all involved parties/owners for the driveway; inter-parcel access ways, and sidewalks. All plans for the road improvements shall be submitted, reviewed and approved by the City Engineer and GDOT, if applicable; and appropriate permits issued prior to construction and authorization.

***Attachments:***

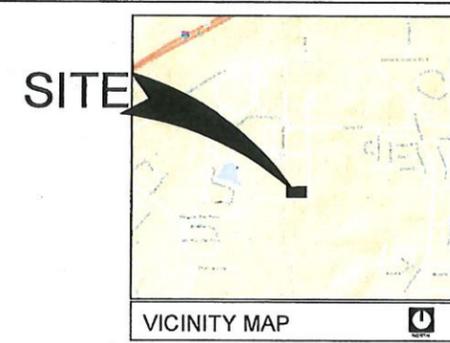
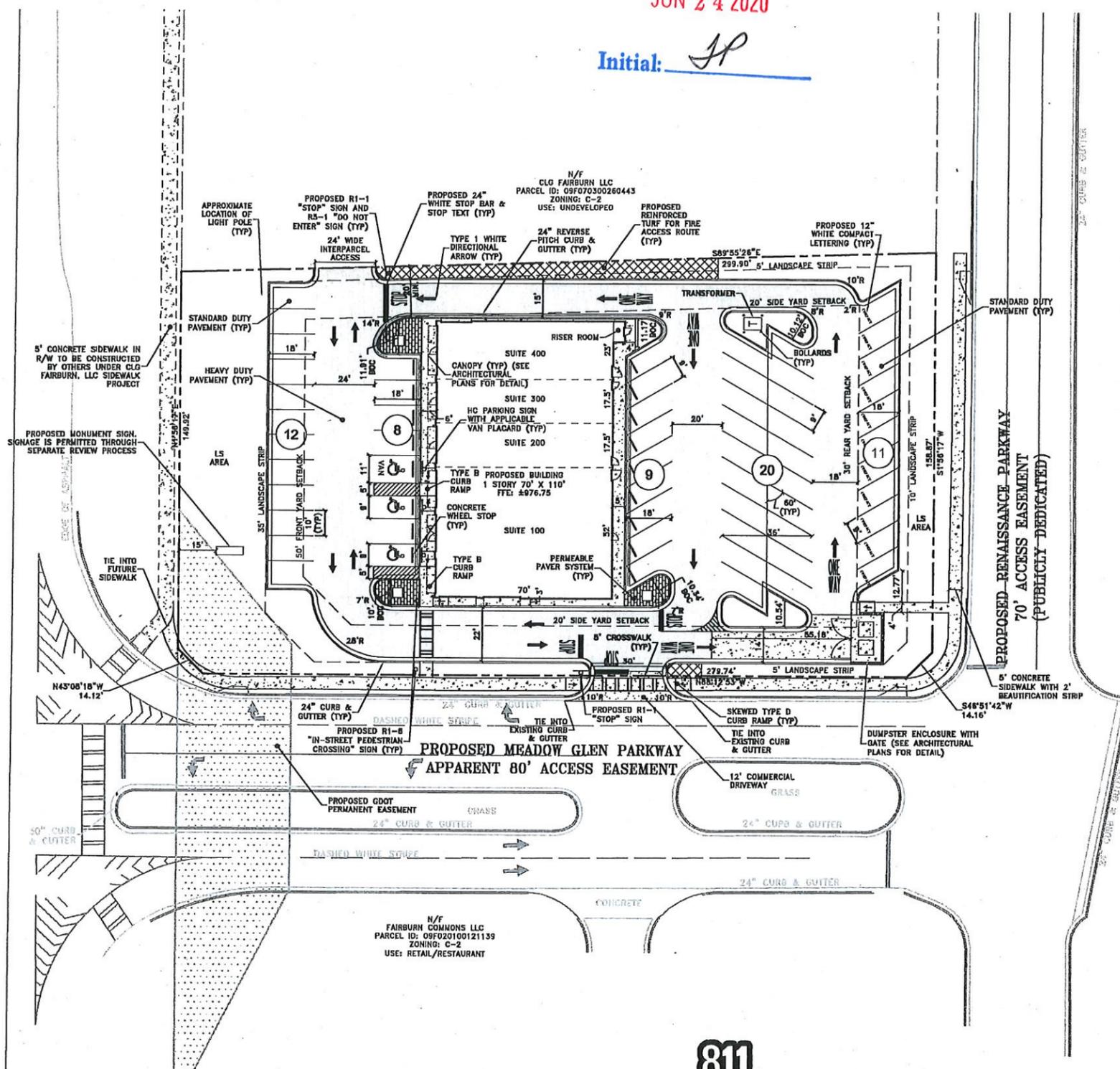
- Conceptual Site Plan
- Elevations

RECEIVED

JUN 24 2020

Initial: JP

STATE ROUTE 74  
(SENOIA ROAD)  
R/W VARIES  
45 MPH POSTED SPEED LIMIT



SITE DATA	
TOTAL SITE AREA FOR OUTPARCEL #7	±1.129 ACRES
TOTAL DISTURBED AREA	±1.0 ACRES
TOTAL PROPOSED BUILDING	7,700 SF
SUITE 100 - RESTAURANT	3,640 SF
SUITE 200 - RETAIL	1,225 SF
SUITE 300 - RETAIL	1,225 SF
SUITE 400 - RESTAURANT	1,610 SF
MAXIMUM BUILDING HEIGHT ALLOWED	48 FT
EXISTING ZONING	C-2 & HIGHWAY 74 OVERLAY DISTRICT
USE	RETAIL/RESTAURANT
IMPERVIOUS AREA	±38,123 SF
CITY PARKING REQUIRED	
RETAIL SPACES FOR 2,450 SF	13 SPACES
RESTAURANT SPACES FOR 5,250 SF	53 SPACES
	1 SPACE/100 SF
	60 SPACES WITH 10% REDUCTION (66 SPACES)
TOTAL PARKING PROVIDED (INCLUDING 3 HC SPACES)	60 SPACES
	7.80/1,000 SF
FULL-SIZE PARKING SPACES	49 SPACES (82%)
COMPACT PARKING SPACES	11 SPACES (18%)
VEHICLE-USE AREA	±23,000 SF
INTERIOR LANDSCAPE AREA	±2,850 SF (13%)

SITE LEGEND	
PROPOSED CURB & GUTTER	—
REVERSED PITCH CURB & GUTTER	—
PROPERTY LINE	---
ADJOINING LOT LINE	---
FENCING	—
TRAFFIC FLOW	→
STRIPING	▨
PARKING BAY COUNT	23
HEAVY DUTY PAVING	▭
CONCRETE	▭
STANDARD DUTY PAVING	▭
REINFORCED TURF	▭
EXISTING FEATURES SCREENED	▭

**COLUMBIA ENGINEERING**  
 2862 BUFORD HIGHWAY  
 SUITE 200  
 DULUTH, GEORGIA 30096  
 (770) 925-0357

PROJECT: FAIRBURN FESTIVAL  
 8028 SENOIA ROAD, SUITE 100, 200, 300, 400  
 FAIRBURN, GA  
 CLIENT: RIVERWOOD PROPERTIES, LLC  
 3350 RIVERWOOD PARKWAY, SE SUITE 450  
 ATLANTA, GA 30339

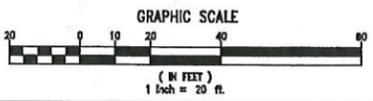
APPROVED FOR CONSTRUCTION  
 NOT APPROVED FOR CONSTRUCTION

REVISIONS	DATE
CITY COMMENTS	06/15/20
CITY COMMENTS	06/24/20

DRAWING TITLE: CONCEPTUAL SITE PLAN

DATE	2/21/2020	DRAWING NO.	C-1
PROJECT NO.	5110 10		

**COLUMBIA ENGINEERING**



CONTRACTOR TO PROVIDE 3 SETS OF "AS-BUILT" PLANS TO OWNER.  
 IF ANY CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR THE FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY, AND SHALL NOT COMMENCE OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.

CIVIL ENGINEERS \* LAND PLANNERS  
 LANDSCAPE ARCHITECTS \* SURVEYORS

RECEIVED

JUN 24 2020

Initial: JP



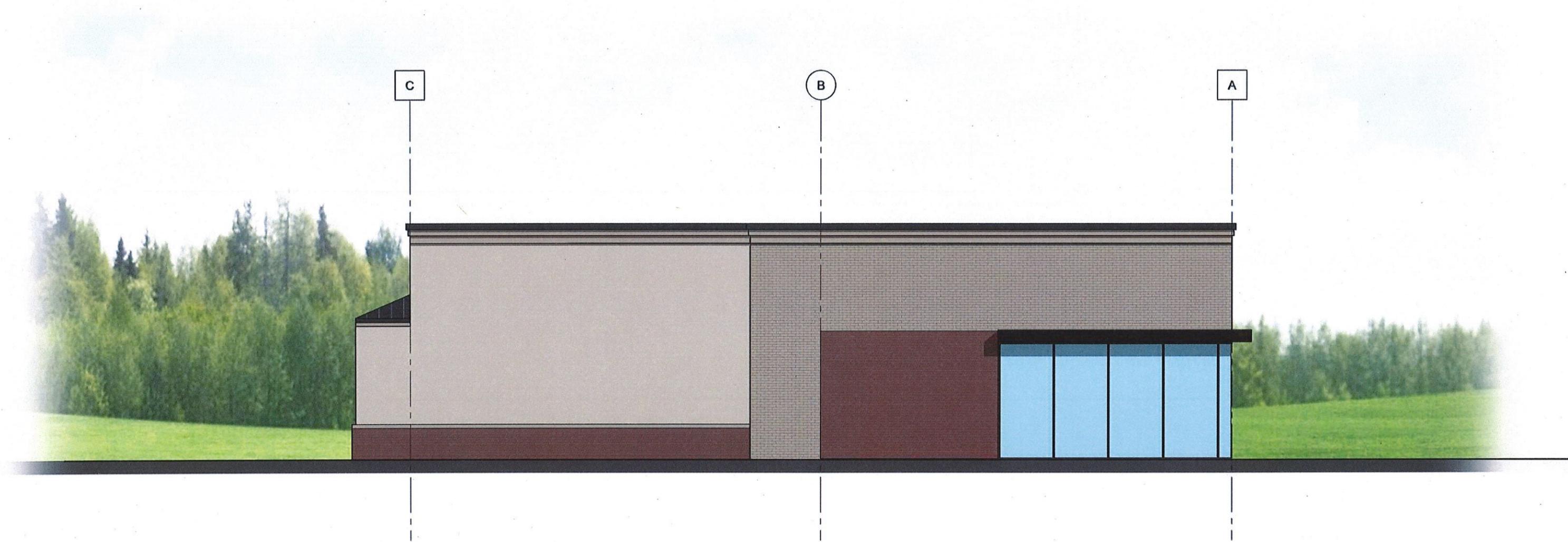
FRONT EXTERIOR MATERIAL DISTRIBUTION		
MATERIAL	SURFACE AREA (SQ. FT.)	% OF TOTAL AREA
BRICK	1,258	52.2
STUCCO	0	0
STOREFRONT	861	35.8
METAL/TRIM	289	12.0
TOTAL	2,408	100

FAIRBURN FESTIVAL RETAIL, FAIRBURN, Georgia FRONT EXTERIOR ELEVATION

Scale: 1/4" = 1'-0"

A19540  
06/15/20





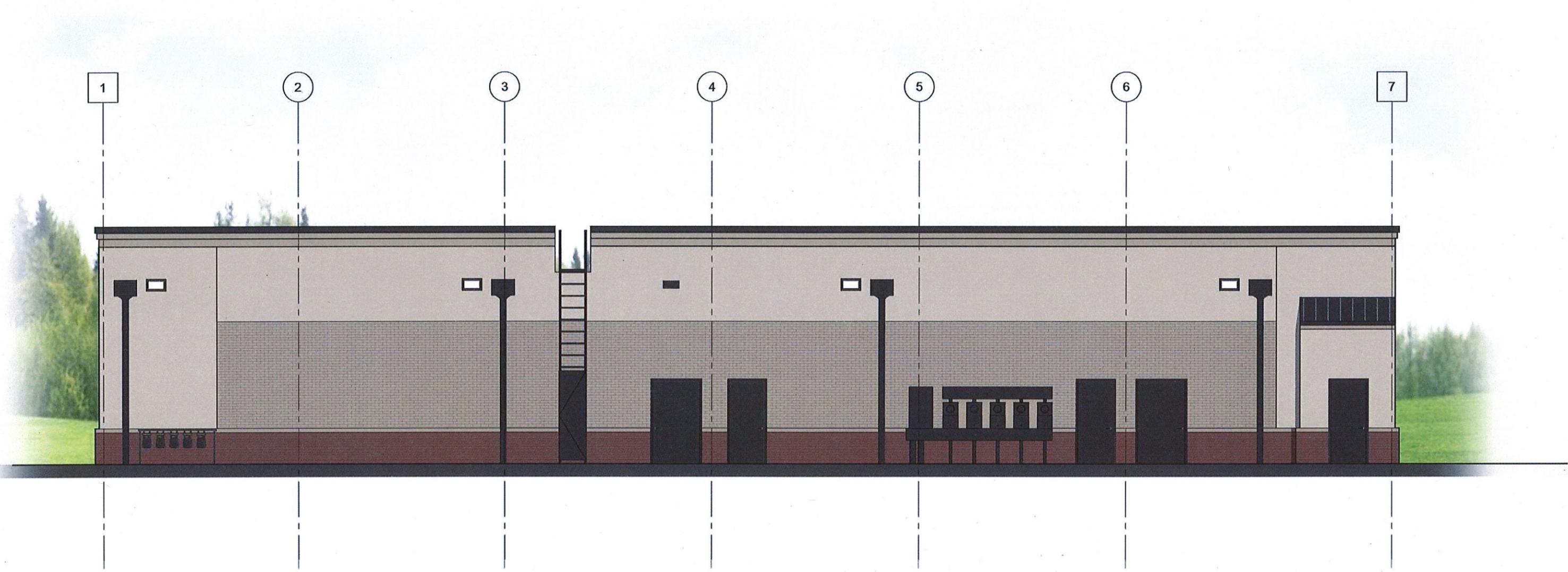
LEFT SIDE EXTERIOR MATERIAL DISTRIBUTION		
MATERIAL	SURFACE AREA (SQ. FT.)	% OF TOTAL AREA
BRICK	682	46.6
STUCCO	483	32.9
STOREFRONT	199	13.6
METAL/TRIM	99	6.8
<b>TOTAL</b>	<b>1,463</b>	<b>100</b>

FAIRBURN FESTIVAL RETAIL, FAIRBURN, Georgia LEFT SIDE EXTERIOR ELEVATION

Scale: 1/4" = 1'-0"

A19540  
06/15/20





REAR EXTERIOR MATERIAL DISTRIBUTION		
MATERIAL	SURFACE AREA (SQ. FT.)	% OF TOTAL AREA
BRICK	1,119	51.2
STUCCO	807	37.0
STOREFRONT	0	0
METALTRIM	259	11.9
TOTAL	2,184	100

FAIRBURN FESTIVAL RETAIL, FAIRBURN, Georgia REAR EXTERIOR ELEVATION

Scale: 1/4" = 1'-0"

A19540  
06/15/20





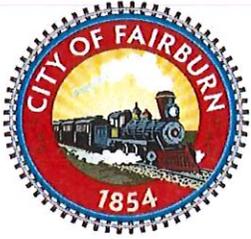
RIGHT SIDE EXTERIOR MATERIAL DISTRIBUTION		
MATERIAL	SURFACE AREA (SQ. FT.)	% OF TOTAL AREA
BRICK	813	51.0
STUCCO	449	28.1
STOREFRONT	211	13.2
METAL/TRIM	121	7.6
TOTAL	1,594	100

FAIRBURN FESTIVAL RETAIL, FAIRBURN, Georgia RIGHT SIDE EXTERIOR ELEVATION

Scale: 1/4" = 1'-0"

A19540  
06/15/20





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

**SUBJECT: Text Amendment 2020029 Section 80-220 Landfill, solid waste disposal(b)(11)(12)**

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

**Planning and Zoning Commission: 07/07/20**

**Council Meeting: 07/27/20**

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

**BUDGET IMPACT:** None

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

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**PURPOSE:** For the Planning and Zoning Commission to make a recommendation to the Mayor and City Council on the proposed text amendments to Section 80-220 Landfill, solid waste disposal(b)(11)(12).

**HISTORY:** This text amendment was initiated by Safeguard Landfill Management. The Zoning Ordinance, Section 80-296 Application for or initiation of an amendment, allows a property owner to initiate an amendment to the City's Zoning Ordinance. In 2004, the petitioner's (Safeguard Management Landfill) original landfill tract was annexed into the City of Fairburn and zoned M-2 (Heavy Industrial). In 2008, landfills were added to the list of permitted uses in the M-2 (Heavy Industrial) zoning district. In 2012, the Zoning Ordinance was amended to remove landfills as a permitted use for M-2 (Heavy Industrial) zoned properties. The current zoning regulations now require a use permit for landfills and includes separate use permit standards. As a result of the 2012 amendment to the Zoning Ordinance, the petitioner's landfill became a legal non-conforming use.

**FACTS AND ISSUES:**

The proposed text amendment to Section 80-220 Landfill, solid waste disposal, initiated by the petitioner, seeks to remove the current prohibition of expanded landfills located within a one-mile radius of a residentially zoned or used property. Further, the proposed text amendment will remove the current regulation prohibiting an expanded use within the boundaries of an expanded landfill or location. If the proposed text amendment is approved, it will allow the expansion of an existing landfill onto an additional +/-28.17 acres on five (5) parcels with frontage on Roosevelt Highway. Currently, the City's Zoning Ordinance prohibits existing landfills to expand. The 2012 amendment to the city's Zoning Ordinance, which removed landfills as a permitted use from M-2 (Heavy Industrial) zoning district and made it subject to a use permit was implemented by the city to regulate the negative impact of landfills on the surrounding residential properties. The landfill use permit standards specifically address the location and potential expansion of new or existing landfill(s), stating "expanded landfills can not include any

expanded use within a parcel boundary or location". The intent and purpose of the Zoning Ordinance is clearly stated, in restricting any further expansion of existing landfills.

**CURRENT ORDINANCE**

**Section 80-220 Landfill, solid waste disposal**

(a) Required district: M-2 (Heavy Industrial)

(b) Standards:

- (1) No access shall be allowed from local streets.
- (2) Access streets shall be paved and shall be able to withstand maximum load limits established by the state as approved by the director of public works.
- (3) No portion of a new landfill shall be located within a three-mile radius of the property lines of an existing landfill.
- (4) The waste disposal boundary of a landfill shall be located at least 500 feet from all property lines, except adjacent to M-1 (light industrial) and M-2 (heavy industrial) zoned districts.
- (5) A minimum 200-foot buffer and ten-foot improvement setback shall be required along all property lines except public rights-of-way.
- (6) A minimum 50-foot buffer and ten-foot improvement setback shall be required along all public rights-of-way.
- (7) A minimum six-foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setbacks.
- (8) Limit hours of operation from 6:00 a.m. to 6:00 p.m., Monday through Saturday.
- (9) The owner shall provide the zoning administrator a current copy of all applicable permits from the state department of natural resource upon application for a land disturbance permit.
- (10) Vehicles shall be allowed into a landfill site only if waste is covered to prevent blowing of material from the vehicle.
- (11) No portion of a new or expanded landfill shall be located within a one mile radius of the property lines of a residentially zoned or used property.
- (12) An expanded landfill shall not include any expanded use within the parcel boundaries of an existing site or location.
- (13) The landfill shall be sited and operated in accordance with the Rules of Georgia, Department of Natural Resources, Environmental Protection Division, Chapter 391-3-4 Solid Waste Management, O.C.G.A. § 12-8-20 Georgia Comprehensive Solid Waste Management Plan, and 40 CFR Part 258 (Subtitle D of RCRA).

**PETITIONER'S PROPOSED AMENDMENTS TO (b)(11)(12)**

- (11) No portion of a new ~~or expanded~~ landfill shall be located within a one mile radius of the property lines of a residentially zoned or used property.
- (12) ~~An expanded landfill shall not include any expanded use within the parcel boundaries of an existing site or location.~~ [Delete standard #12]

**Final version of the amended text to (b)(11)(12)**

- (11) No portion of a new landfill shall be located within a one mile radius of the property lines of a residentially zoned or used property.
- (12) Deleted

**STAFF RECOMMENDATION:**

It is the opinion of Staff that the current zoning regulations that prohibit expanded landfills located within a one-mile radius of residentially zoned or used properties, as referenced in Section 80-220(b)(11), and expanded landfills that include an expanded use within the boundaries of an existing site or location, as referenced in Section 80-220(b)(12), still serve the intent and purpose of this provision of the City's Zoning Ordinance, which is to mitigate the negative impacts of landfills on surrounding residential areas as well as protect the public health, safety and welfare of the City's residents. Therefore, Staff is recommending **DENIAL** of the petitioner's request to amend Section 80-220 Landfill, solid waste disposal(b)(11)(12).

**ATTACHMENTS:**

Proposed Text Amendments to Section 80-220 Landfill, solid waste disposal

**CURRENT ORDINANCE**

**Section 80-220 Landfill, solid waste disposal**

(a) Required district: M-2 (Heavy Industrial)

(b) Standards:

- (1) No access shall be allowed from local streets.
- (2) Access streets shall be paved and shall be able to withstand maximum load limits established by the state as approved by the director of public works.
- (3) No portion of a new landfill shall be located within a three-mile radius of the property lines of an existing landfill.
- (4) The waste disposal boundary of a landfill shall be located at least 500 feet from all property lines, except adjacent to M-1 (light industrial) and M-2 (heavy industrial) zoned districts.
- (5) A minimum 200-foot buffer and ten-foot improvement setback shall be required along all property lines except public rights-of-way.
- (6) A minimum 50-foot buffer and ten-foot improvement setback shall be required along all public rights-of-way.
- (7) A minimum six-foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setbacks.
- (8) Limit hours of operation from 6:00 a.m. to 6:00 p.m., Monday through Saturday.
- (9) The owner shall provide the zoning administrator a current copy of all applicable permits from the state department of natural resource upon application for a land disturbance permit.
- (10) Vehicles shall be allowed into a landfill site only if waste is covered to prevent blowing of material from the vehicle.
- (11) No portion of a new or expanded landfill shall be located within a one mile radius of the property lines of a residentially zoned or used property.
- (12) An expanded landfill shall not include any expanded use within the parcel boundaries of an existing site or location.
- (13) The landfill shall be sited and operated in accordance with the Rules of Georgia, Department of Natural Resources, Environmental Protection Division, Chapter 391-3-4 Solid Waste Management, O.C.G.A. § 12-8-20 Georgia Comprehensive Solid Waste Management Plan, and 40 CFR Part 258 (Subtitle D of RCRA).

**PETITIONER'S PROPOSED AMENDMENTS TO (b)(11)(12)**

- (11) No portion of a new ~~or expanded~~ landfill shall be located within a one mile radius of the property lines of a residentially zoned or used property.
- (12) ~~An expanded landfill shall not include any expanded use within the parcel boundaries of an existing site or location.~~ [Delete standard #12]

**Final version of the amended text to (b)(11)(12)**

- (11) No portion of a new landfill shall be located within a one mile radius of the property lines of a residentially zoned or used property.
- (12) Deleted



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

**SUBJECT: Use Permit 2020083 Section 80-220 Landfill, solid waste disposal**

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

**Planning and Zoning Commission: 07/07/20**

**Council Meeting: 07/27/20**

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

**BUDGET IMPACT:** None

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

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**PURPOSE:** For the Planning and Zoning Commission to make a recommendation to the Mayor and City Council on a use permit petition for Safeguard Landfill.

**DESCRIPTION:** The applicant is proposing to expand an existing landfill onto an additional +/-28.17 acres.

**STAFF RECOMMENDATION:**

Should the Planning and Zoning Commission recommend denial of the petitioner's text amendment request (2020029) to Section 80-220 Landfill, solid waste disposal(b)(11)(12), the use permit should be **DENIED** because the use permit standards restrict the expansion of an existing landfill located within a one mile-radius of residentially zoned or used property and the expansion of a landfill within the parcel boundaries of an existing site or location.

Should the Planning and Zoning Commission recommend approval of the petitioner's text amendment request (2020029) to Section 80-220 Landfill, solid waste disposal(b)(11)(12), the use permit should be **APPROVED WITH CONDITIONS** because the amended use permit standards will allow the expansion of an existing landfill.

## APPLICATION INFORMATION

### Use Permit Petition 2020083

#### APPLICANT/PETITIONER INFORMATION

<b>Property Owners:</b> Safeguard Landfill Management	<b>Petitioner:</b> Safeguard Landfill Management c/o Wilson, Brock & Irby, LLC
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#### PROPERTY INFORMATION

<b>Address:</b>	Parcels 07290001551516, 07260001540876, 07290001551185, 07290001551540, 07290001551557 [7700 Roosevelt Hwy]
<b>Land Lot and District:</b>	Land Lot 154 & 155, District 7 <sup>th</sup>
<b>Frontage:</b>	Roosevelt Highway/Highway 29
<b>Area of Property:</b>	+/- 28.17 acres
<b>Existing Zoning and Uses:</b>	M-2 (Heavy Industrial District)
<b>Overlay District:</b>	Not applicable
<b>2035 Comprehensive Future Land Use Map Designation:</b>	Office/Industrial

#### MEETING AND HEARING DATES

<b>Planning and Zoning Commission Meeting</b> July 7, 2020	<b>City Council Public Hearing</b> July 27, 2020
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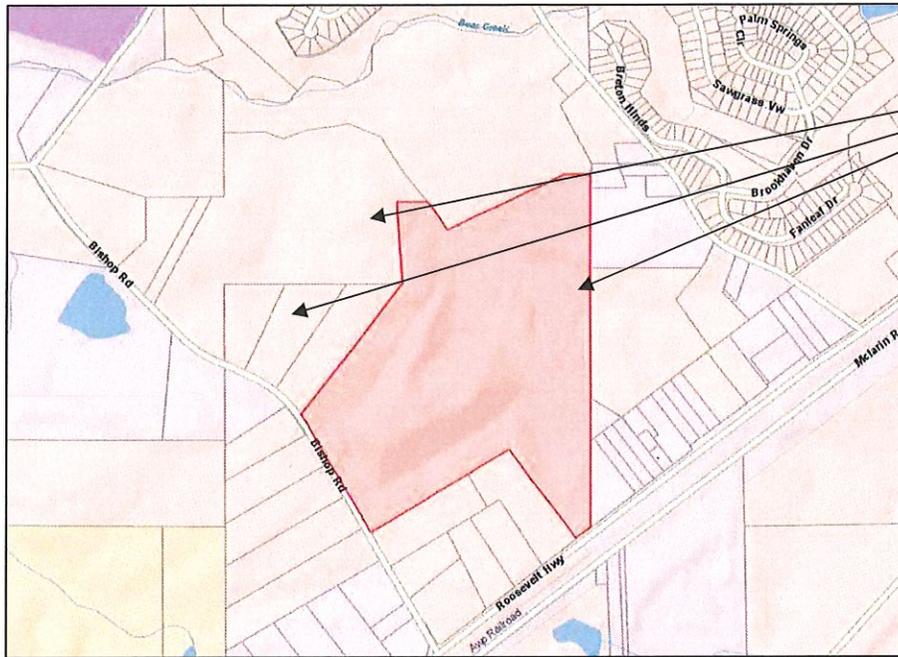
#### INTENT

A request for a use permit to allow the expansion of the existing Safeguard Landfill onto an additional +/-28.17 acres.

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

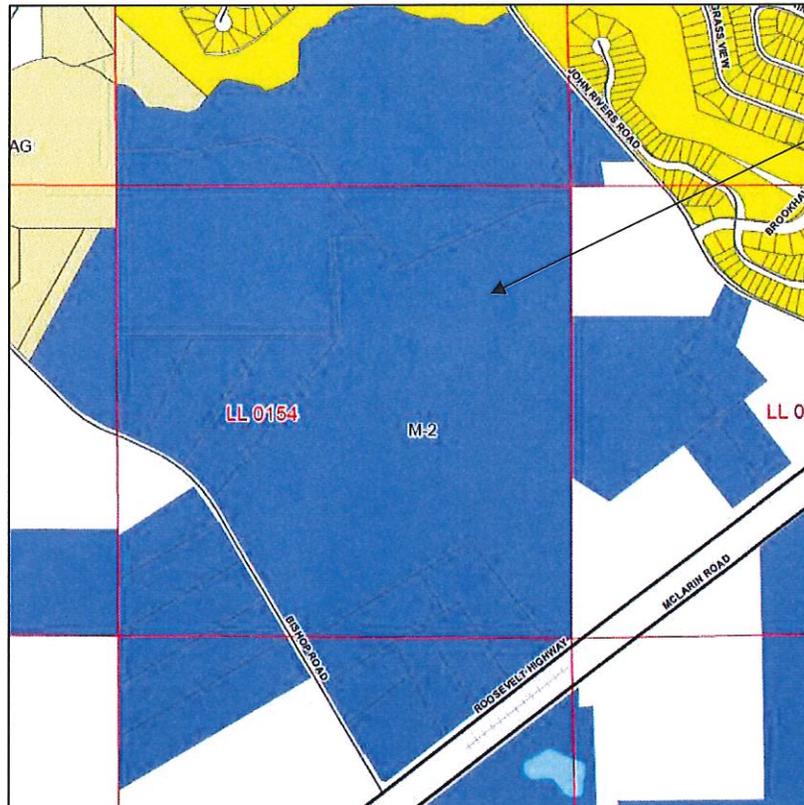
**North:** M-2 (Heavy Industrial District), AG (Agricultural) and PD (Planned Development District)  
**East:** M-2 (Heavy Industrial District), City of South Fulton and PD (Planned Development)  
**South:** M-2 (Heavy Industrial District)  
**West:** M-2 (Heavy Industrial District) and City of South Fulton

PARCEL MAP



Safeguard Landfill

ZONING MAP



Safeguard Landfill  
M-2  
(Heavy Industrial)

## ARIEL CONCEPTUAL SITE MAP



Landfill  
expansion area  
(+/- 28.17 acres)

## PUBLIC PARTICIPATION

Due to the COVID-19 public health pandemic, the applicant hosted a community conference call instead of an in-person meeting. The conference call was held on Thursday, June 25, 2020 at 6:00 p.m. One (1) property owner participated in the conference call.

The following issues and concerns were expressed:

- Nasal ranger reports and odor testing results
  - What did the testing show? Can we discuss these reports and results further?
- Expansion Area
  - Can you further explain the location of the expansion in relation to the residential neighborhoods located north of the subject property?

The petitioner's response to the issues and concerns were as follows:

- Nasal ranger and odor testing occur twice daily; reports and testing can determine presence of off-site odors. The petitioner will provide follow-up on specific results.
- Expansion is located along Roosevelt Hwy/Hwy 29; the expansion will not occur in the direction of the neighborhoods. The applicant will follow-up regarding a site visit to further demonstrate the expansion location.

## 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 proposed use is consistent with the Comprehensive Land Use Plan adopted by the City Council;***

Staff is of the opinion that the proposed use is consistent with the Future Land Use Map and the 2035 Comprehensive Plan. The property is in the Office/Industrial Character Area. The Office/Industrial Character Area consist of a mix of light and heavy industrial uses, as well as office uses. Industrial uses may include manufacturing, processing plants, factories, and warehouses.

The Office/Industrial Character Area recommends the following development strategies:

- Create centers of work and innovation;
- Develop true business parks, with a mix of industrial and office uses;
- Functional traffic flow for all modes of traffic, including large trucks on well-designed streets with curbs and landscaping;
- Buffers to provide transition to surrounding, lower intensity surrounding development; and
- Appropriate screening for outdoor storage and activity areas.

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

The area consists of M-2 (Heavy Industrial District), AG (Agricultural) and PD (Planned Development District) to the north; M-2 (Heavy Industrial District), City of South Fulton and PD (Planned Development District) is to the east, M-2 (Heavy Industrial District) to the south and M-2 (Heavy Industrial District) and City of South Fulton to the west. Heavy industrial (M-2) uses surround the property. A conservation area which is owned by the City of Fairburn is located to the north-east of the subject property. Residential zoned and used properties are located within a one-mile radius of the subject property.

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

If the petitioner's text amendment petition is not approved, the expansion of the landfill is not allowed due to the use permit standards in Section 80-220 Landfills, solid waste disposal(b)(11)(12) of the City's Zoning Ordinance which prohibits an expanded landfill from locating within a one-mile radius of residentially zoned or use property and expanded landfills to expand within the parcel boundaries of an existing site or location. The landfill is subject to state and federal regulations and guidelines.

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

The proposed use is not expected to generate many additional hourly trips. There should be limited to no impact on traffic flow along adjacent streets.

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

The applicant is proposing no additional parking spaces with the expansion. The petitioner will be maintaining its current level of operations.

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

As stated in the petitioner's application, approximately 84 acres of the 207 acre landfill site will exist as undisturbed buffer space.

**7. *Protective screening;***

The site currently has a 200-ft undisturbed buffer around the perimeter of the existing landfill boundary. The 200-ft buffer requirement will be imposed on the expanded area as well. There is a 500-ft residential buffer at the northwest corner of the site. The applicant will also be required to install a 6' high opaque fence around the site.

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

The landfill hours and manner of operations will not change as a result of the proposed expansion. The current operating hours are Monday - Friday 6:00 a.m.- 5:00 p.m., Saturday 6:00 a.m. to 12:00 p.m. and Closed on Sunday.

**9. *Outdoor lighting; and***

As stated in the petitioner's application, outdoor lightning on the property will be internally focused and controlled. No negative impact from the site lightning will be imposed on surrounding property owners.

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

The landfill has two ingress/egress points, one on Roosevelt Highway/Hwy 29 and one on Bishop Road. No additionally ingress/egress points will be added to the subject property.

**STAFF RECOMMENDATION**

Staff's recommendation is as follows:

Should the Planning and Zoning Commission recommend denial of the petitioner's text amendment request (2020029) to Section 80-220 Landfill, solid waste disposal(b)(11)(12), the use permit should be **DENIED** because the use permit standards restrict the expansion of an existing landfill located within a one-mile radius of residentially zoned or used property and the expansion of an expanded landfill within the parcel boundaries of an existing site or location.

Should the Planning and Zoning Commission recommend approval of the petitioner's text amendment request (2020029) to amend Section 80-220 Landfill, solid waste disposal(b)(11)(12), the use permit should be **APPROVED WITH CONDITIONS** because the amended use permit standards will allow the expansion of an existing landfill. 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.

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

1. A combination of existing trees and newly planted trees (where insufficient vegetation exists) shall be installed to establish the 200-ft 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.
2. Disturbed areas of each cell that remains exposed for more than three (3) month shall be grassed and once each cell is at final grade and upon placement of final soil cover, grassing shall be completed within two (2) weeks.
3. As shown on the approved site plan for this use permit, the requested landfill expansion shall be limited to five (5) parcels at the corner of Bishop Road and Roosevelt Highway, specifically Fulton County Parcel Id Nos. 07-290001551516, 07-260001540876, 07-290001551557, 07-290001551540, and 07-290001551185.

## ATTACHMENTS

- Letter of Intent/Impact Analysis
- Use Permit Considerations
- ✓ Conceptual Site Plan

**Updated on June 17, 2020**  
**In accordance with the October 2019 Zoning Ordinance Amendments**

**Letter of Intent and Impact Analysis**

Fairburn, GA

Text Amendment Application  
Use Permit Application

Applicant:  
Safeguard Landfill Management  
c/o G. Douglas Dillard, Esq.

Property:  
7700 Roosevelt Highway  
PARCEL ID#: 07-260001350359  
PARCEL ID#: 07-260001540892  
PARCEL ID#: 07- 260001540736  
PARCEL ID#: 07- 260001540744  
PARCEL ID#: 07- 260001540751  
PARCEL ID#: 07- 290001551516  
PARCEL ID#: 07- 260001540876  
PARCEL ID#: 07- 290001551557  
PARCEL ID#: 07- 290001551540  
PARCEL ID#: 07- 290001551185

**Submitted for Applicant by:**

G. Douglas Dillard  
R. Baxter Russell  
DILLARD SELLERS  
1776 Peachtree Street, Suite 390N  
Atlanta, Georgia 30309  
(404) 665-1241  
ddillard@dillardsellers.com

## I. INTRODUCTION

Safeguard Landfill Management (“Applicant”) respectfully requests a zoning ordinance text amendment and concurrent use permit in order to become a legal conforming use and to expand the Applicant’s currently operating construction and demolition landfill (“C&D landfill”). The subject property is approximately +/-207.67 acres and consists of ten (10) separate parcels (“the Property”). The Applicant’s existing operations occupy approximately +/-179.5 acres on 5 parcels. The Applicant submits these requests in order to conform to the current zoning regulations and subsequently expand the landfill operation onto an additional +/-28.17 acres on 5 parcels. The entire Property is zoned M-2 in the City of Fairburn.

In 2004, the Applicant’s original landfill tract was annexed into the City of Fairburn and zoned M-2. In 2008, Applicant’s landfill use was added to the list of permitted uses in the M-2 zoning regulations of the Fairburn Zoning Ordinance. In 2012, the Zoning Ordinance was modified to remove Applicant’s C&D landfill use as a permitted use for M-2 properties. As the current regulation for landfill use, the 2012 amendment now requires a use permit for landfill operations and includes separate use permit standards. As a result of the 2012 amendment to the Zoning Ordinance, the Applicant’s landfill use became a legal non-conforming use. Following a minor code revision in October 2019, the Zoning Ordinance includes thirteen (13) separate use permit standards.

Applicant seeks to conform its current operation to the City’s zoning standards. To accomplish legal conformity, the Applicant requires a text amendment and use permit for the Property. Applicant now submits this zoning ordinance text amendment in order to modify two of the thirteen use permit standards for landfill use. As currently drafted, the Applicant is unable to comply with use permit standard No. 11, as the Property and its “expanded landfill” is located “within a one mile radius of the property lines of a residentially zoned or used property.” Additionally, landfill use permit standards No. 11 and No. 12 impose an unfair and unreasonable barrier to the Applicant’s use and development of the Property. The Applicant is the only landfill operating in the City of Fairburn. Additionally, there exists no M-2 zoned property in the City that is not within a one-mile radius of residential property. Use permit standards No. 11 and No. 12 are completely arbitrary as untenable regulations against the Applicant and its current operations and landfill use. Without the requested text amendment, the Applicant will continue to be barred from requesting a use permit and unable to exist as a legal, conforming use under the Fairburn Zoning Ordinance.

Applicant also requests a use permit under the proposed text amendment language in order to establish its current use as a legal conforming use and expand its operations to adjacent parcels. As shown on the proposed site plan, the Applicant seeks to expand its landfill use onto adjacent industrial property. The proposed landfill expansion will cause no adverse effects on surrounding properties or City residents, and the proposed expansion area will be adjacent to other M-2 zoned properties in the City of Fairburn. The Applicant’s proposed landfill expansion will not modify the current C&D landfill designation of the Applicant’s operations, as no household waste will be accepted or processed at the site. Additionally, the proposed expansion will not generate any

additional traffic, noise, or odor to affect surrounding residents and property owners. The Applicant's landfill expansion will not create additional site entrances off either Roosevelt Highway or Bishop Road. The Applicant's landfill expansion will include additional buffering along the site's exterior boundary, with total site buffering including approximately 84 acres on the Property. Finally, the Applicant's proposed use permit will comply with all use permit standards for landfills, as modified under the requested zoning ordinance text amendment.

For these reasons and the justification outlined below, the Applicant respectfully requests approval of the proposed text amendment and use permit applications in order to continue its operations as a productive and beneficial commercial and industrial business partner for the City of Fairburn.

## II. PROPOSED TEXT AMENDMENT LANGUAGE

"Sec. 80-220. - Landfill, solid waste disposal.

(a) *Required districts:* M-2.

(b) *Standards:*

- (1) No access shall be allowed from local streets.
- (2) Access streets shall be paved and shall be able to withstand maximum load limits established by the state as approved by the director of public works.
- (3) No portion of a new landfill shall be located within a three-mile radius of the property lines of an existing landfill.
- (4) The waste disposal boundary of a landfill shall be located at least 500 feet from all property lines, except adjacent to M-1 (light industrial) and M-2 (heavy industrial) zoned districts.
- (5) A minimum 200-foot buffer and ten-foot improvement setback shall be required along all property lines except public rights-of-way.
- (6) A minimum 50-foot buffer and ten-foot improvement setback shall be required along all public rights-of-way.
- (7) A minimum six-foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setbacks.
- (8) Limit hours of operation from 6:00 a.m. to 6:00 p.m., Monday through Saturday.
- (9) The owner shall provide the zoning administrator a current copy of all applicable permits from the state department of natural resource upon application for a land disturbance permit.
- (10) Vehicles shall be allowed into a landfill site only if waste is covered to prevent blowing of material from the vehicle.
- (11) No portion of a new ~~or expanded~~ landfill shall be located within a one-mile radius of the property lines of a residentially zoned or used property.
- (12) ~~An expanded landfill shall not include any expanded use within the parcel boundaries of an existing site or location.~~

**[AS AMENDED]**

- (11) **No portion of a new landfill shall be located within a one-mile radius of the property lines of a residentially zoned or used property.**
- (12) *Deleted.*
- (13) The landfill shall be sited and operated in accordance with the Rules of Georgia, Department of Natural Resources, Environmental Protection Division, Chapter 391-3-4 Solid Waste Management, O.C.G.A. § 12-8-20 Georgia Comprehensive Solid Waste Management Plan, and 40 CFR Part 258 (Subtitle D of RCRA).”

### **III. USE PERMIT CONSIDERATIONS**

The Applicant satisfies all of the use permit considerations in the City of Fairburn Zoning Ordinance and as follows:

**1) Whether the proposed use is consistent with the comprehensive land use plan adopted by the City Council?**

Yes—the proposed use of the Property is consistent with the City’s comprehensive land use plan. As shown on the future land use map, the Property is designated Industrial. The current and proposed C&D landfill use is consistent with the Industrial land use designation of the Property.

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

The use of the Property as a C&D landfill is consistent and compatible with the other industrial land uses and industrially zoned properties in the surrounding area. Applicant’s proposed use will not adversely affect adjacent or nearby properties. The area of proposed expansion is not adjacent to residential properties in the City of Fairburn. Furthermore, the Applicant will maintain substantial buffering around the exterior of the Property to sufficiently separate surrounding properties and any nonindustrial uses from the landfill operations.

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

No—the Applicant’s proposed C&D landfill use will not violate any local, state, or federal statutes or regulations. The Applicant seeks the requested text amendment and use permit in order to comply with local regulations. Furthermore, the Applicant’s use is regulated under specific state and federal guidelines, and the landfill use will fully comply with such regulations.

**4) The effects of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets?**

The Applicant's current use of the Property and the proposed expansion of the C&D landfill use will not have any adverse effect on the traffic flow along either Roosevelt Highway or Bishop Road. As shown on the submitted site plan, the Applicant does not propose any new entrances or points of ingress/egress on the Property. Additionally, the Applicant's landfill operations will not substantially increase traffic in the area, as the Applicant submits these zoning requests in order to maintain its current level of operations on the Property.

**5) The location and number of off-street parking spaces?**

The Applicant proposes no additional parking spaces with these land use and zoning requests, as the Applicant will maintain its current level of operations on the Property.

**6) The amount and location of open spaces?**

The Applicant currently maintains extensive open space on the Property, including in the buffer areas along the perimeter of the site. As shown on the proposed site plan, approximately 84 acres of the 207-acre landfill site will exist as undisturbed buffer space.

**7) Protective screening?**

As shown on the proposed site plan, extensive buffering exists along the perimeter of the Property. Applicant will also comply with all additional screening requirements for the landfill use, as described in the use permit requirements.

**8) Hours and manner of operation?**

Applicant will not expand its hours and manner of operation beyond its current use. Applicant will also comply with all related requirements for the landfill hours and manner operation, as described in the use permit requirements.

**9) Outdoor lighting?**

Any outdoor lighting on the Property will be internally focused and controlled so as not to disturb or affect surrounding residences and adjacent property owners.

**10) Ingress and egress to the property?**

The Applicant's current landfill operations employ one ingress/egress point on Roosevelt Highway and one ingress/egress point on Bishop Road. As shown on the proposed site plan, ingress and egress on the Property will remain unchanged. No additionally ingress/egress points will be added with this use permit.

#### IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that these applications for a text amendment and use permit be granted as requested by the Applicant. If there are any questions about this request, you may contact me at 404-665-1241 or [ddillard@dillardsellers.com](mailto:ddillard@dillardsellers.com).

Sincerely,

DILLARD SELLERS

*/s/ G. Douglas Dillard*  
G. Douglas Dillard  
R. Baxter Russell

## **Exhibit A**

### **REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE**

Georgia law and the procedures of the City of Fairburn require us to raise Federal and State constitutional objections during the public hearing application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Fairburn Zoning Ordinance, facially and as applied to the Property, which restrict the Property to any uses, land use designations, conditions, development standards, or to any zoning districts other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Fairburn Zoning Ordinance, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning classifications other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking and inverse condemnation of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the City of Fairburn to grant the application as requested would constitute a taking of the Applicant's property and inverse condemnation. Because of this unconstitutional taking, the City of Fairburn would be required to pay just compensation to the Applicant.

A denial of this Application would constitute an arbitrary and capricious act by the Fairburn Mayor and City Council, without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the requested text amendment and/or use permit would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by Fairburn Mayor and City Council, to grant the requested text amendment and/or use permit in accordance with the criteria requirements as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the Application, subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A denial of the requested text amendment and/or use permit would be unconstitutional. This notice is being given to comply with the provisions of O.C.G.A. § 36-33-5 to afford the City an opportunity to approve the applications as requested by the Applicant. If action is not taken by the City to approve the text amendment and/or use permit within a reasonable time, a claim will be filed in the Superior Court of Fulton County demanding just and adequate compensation under Georgia law for the taking of the Property, inverse condemnation, diminution of value of the Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.



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

Date: July 7, 2020  
To: Planning and Zoning Commission  
From: Tarika Peeks, Director of Planning Zoning  
Agenda Item: **Concept Plat 2020073 - Strack Development and Henderson Lake Concept Plat**

---

**PURPOSE:** For the Planning and Zoning Commission to review the concept plat for Strack Development and Henderson Lake.

**DISCUSSION:** The City of Fairburn will be extending Howell Avenue to Bohannon Road. The applicant, Strack Family, LLC, is proposing to subdivide approximately 36.53 acres, located along the Howell Avenue extension, into seven (7) parcels. The parcels are zoned M-2 (Heavy Industrial) and each parcel will be developed independently. The applicant is requesting to subdivide the parcel as follows:

Lot	Acreage
1	5.99
2	2.66
3	2.56
4	17.57
5	3.65
6	2.01
7	2.09

The concept plat has been reviewed by staff and meets all the current regulations of the City Ordinances.

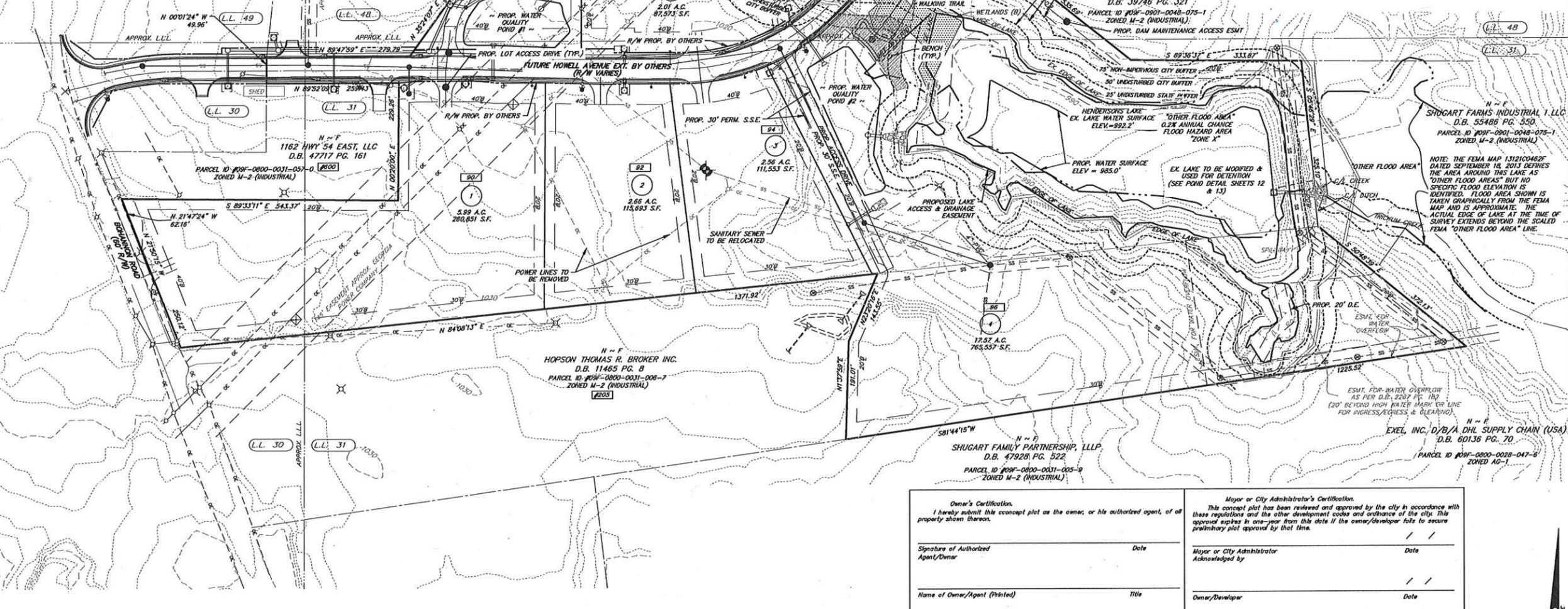
**RECOMMENDED ACTION:** Staff recommends APPROVAL of the Strack Development and Henderson Lake Concept Plat.

Attachment: Strack Development and Henderson Lake Concept Plat

LEGEND	
⊕ P.P. - POWER POLE	⊕ C.B. - CATCH BASIN
⊕ L.P. - LIGHT POLE	⊕ R.C.P. - REINFORCED CONCRETE PIPE
⊕ F.H. - EX. FIRE HYDRANT	⊕ C.M.P. - CORRUGATED METAL PIPE
⊕ F.H. - PROP. FIRE HYDRANT	⊕ F.F.E. - FINISHED FLOOR ELEVATION
⊕ M.H. - SANITARY SEWER MANHOLE	⊕ W.V. - WATER VALVE
⊕ W.M. - WATER METER	⊕ T.M. - TELEPHONE MANHOLE
⊕ G.M. - GAS METER	⊕ U.E.L. - UNDERGROUND ELECTRICAL LINE
⊕ X - TYPE OF FENCE	⊕ O.P.L. - OVERHEAD POWER LINES
⊕ J.B. - JUNCTION BOX	⊕ H.W. - HEADWALL
⊕ D.I. - DROP INLET / YARD INLET	⊕ P.B.X. - POWERBOX
⊕ U.T.L. - UNDERGROUND TELEPHONE LINE	⊕ W.L. - WATER LINE
⊕ G - GAS LINE	⊕ P.D. - PROPOSED DEMOLITION

- SITE DATA:**
- TOTAL SITE AREA = 38.51 ACRES
  - TOTAL DISTURBED AREA = 28.90 ACRES
  - OWNER: STRACK FAMILY, LLC  
125 LASER INDUSTRIAL COURT  
FAIRBURN, GA 30213  
(770) 969-1591
  - 24-HOUR CONTACT: JOE STRACK  
(770) 969-1591
  - ZONING = M-2 (HEAVY INDUSTRIAL DISTRICT)
  - TOPOGRAPHIC INFORMATION TAKE FROM FULTON COUNTY GIS. VERTICAL INFORMATION HAS BEEN FIELD VERIFIED.
  - TOTAL LOTS: 7
  - BUILDING SETBACKS:  
FRONT = 40'  
REAR = 30'  
SIDE = 20'
  - MIN. LOT WIDTH (AT BUILDING LINE) = 30'
  - MIN. LOT AREA = PER CONDITIONS SPECIFIED
  - MAX. BUILDING HEIGHT = 48'
  - MAX. LOT COVERAGE = 60% (BUILDING)
  - MINIMUM OPEN SPACE REQUIRED = 2.70 ACRES OR 20% GROSS AREA
  - LANDSCAPING PLAN TO BE PROVIDED WHEN INDIVIDUAL LOT SITE PLANS ARE SUBMITTED.
  - CURRENT & FUTURE A.D.T. TRAFFIC STUDY PROVIDED ON ROAD PLANS, BY SET.
  - CURRENT A.D.T. = 1,667

- GENERAL SITE NOTES:**
- A CONCEPTUAL PLAN AND BUILDING ELEVATIONS MUST BE SUBMITTED AND APPROVED BY PLANNING AND ZONING COMMISSION AS EACH PARCEL IS DEVELOPED.
  - PROPOSED FIRE HYDRANTS TO BE SET WITHIN R/W.
  - PROPOSED 10" DIP WATER MAIN TO TERMINATE AT LOCATION SHOWN.



PROPOSED DISTURBANCE IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X, ACCORDING TO FEMA (F.I.A.) COMMUNITY NUMBER 130314 MAP NUMBER 13121C0482F DATED SEPTEMBER 18, 2013.

TRACT C PLAT E/C: 1/12, 483,636'  
TRACT D PLAT E/C: 1/12, 375,563'  
7.10AC TRACT (SOUTH): 1/780,356'

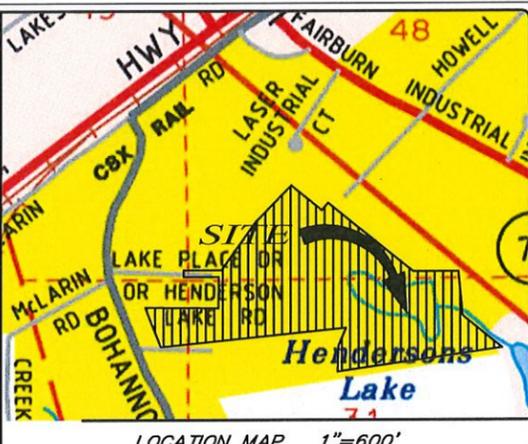
THIS PLAN IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER; LINEAR PRECISION OF TRAVERSE: 1/43,995'; ANGULAR ERROR: 01' PER POINT. THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAN: 1/4000'. MATTERS OF TITLE ARE EXCEPTED.

BENCHMARK: TOP OF SSMH  
ELEV. = 1017.42

TOP OF SSMH WHICH IS LOCATED WITHIN THE FENCING FOR THE ABANDONED BASEBALL FIELD AS SHOWN ON SHEET 02 - EXISTING CONDITIONS

ALL LOT BEARINGS/DISTANCES, EASEMENTS, BUFFERS, PIPE SIZE AND MATERIAL, ETC. PER RECORDED ALTA "STRACK FAMILY, LLC FIRST AMERICAN TITLE INSURANCE COMPANY STATE BANK & TRUST COMPANY" AND RECORDED FINAL PLAT FOR "STRACK FAMILY, LLC" SUBDIVISION, RECORDED IN P.B. 403, PG. 123.

24 HR. PHONE & EMERGENCY CONTACT:  
JOE STRACK  
(770) 969-1591



OWNER/DEVELOPER:  
STRACK FAMILY, LLC  
125 LASER INDUSTRIAL COURT  
FAIRBURN, GA 30213  
(770) 969-1591  
FAX: (770) 964-7889

- WETLANDS
- PASSIVE AMENITY AREA

NOTE: THE FEMA MAP 13121C0482F DATED SEPTEMBER 18, 2013 DEFINES THE AREA AROUND THIS LAKE AS "OTHER FLOOD AREAS" BUT NO SPECIFIC FLOOD ELEVATION IS IDENTIFIED. FLOOD AREA SHOWN IS TAKEN GRAPHICALLY FROM THE FEMA MAP AND IS APPROXIMATE. THE ACTUAL EDGE OF LAKE AT THE TIME OF SURVEY EXTENDS BEYOND THE SCALED FEMA "OTHER FLOOD AREA" LINE.

**Gaskins**  
SURVEYING  
ENGINEERING  
PLANNING/CONSULTING  
PROJECT MGMT

1266 Powder Springs Road  
Marietta, Georgia 30064  
Phone: (770) 424-7168  
Fax: (770) 424-7953  
WWW.GSCSURVEY.COM

© 2016 GASKINS SURVEYING COMPANY, INC.  
This drawing may be used for the express purpose of constructing the work shown for the site and owner specified for this drawing. Any other use of this drawing including any reproduction or alteration of this drawing without the prior written approval of Gaskins Surveying Company, Inc. is prohibited.

**STRACK DEVELOPMENT  
& HENDERSONS LAKE MODIFICATIONS**

LAND LOTS 31 & 48, 9F DISTRICT  
CITY OF FAIRBURN, FULTON COUNTY, GEORGIA  
ZONED M-2  
(HEAVY INDUSTRIAL DISTRICT)

REVISIONS	
REV.	DATE / REVISION REFERENCE:
1	
2	
3	
4	
5	
6	
7	
8	
9	

SHEET TITLE  
CONCEPTUAL PLAT

NOT ISSUED FOR CONSTRUCTION



PROJECT I.D. 1704032	FIELD BOOK
DRAWN BY ADS/AEA	CHECKED BY DFM
SCALE 1"=100'	ISSUE DATE 02/20/2020
SHEET NUMBER <b>01</b>	

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

Date: July 7, 2020  
To: Planning and Zoning Commission  
From: Tarika Peeks, Director of Planning Zoning  
Agenda Item: **Preliminary Plat 2020075 - Project Miles Preliminary Plat**

---

**PURPOSE:** For the Planning and Zoning Commission to review the preliminary plat for Project Miles [2020075PP].

**DISCUSSION:** The property is located on the north-west side of Creekwood Road and the construction of a 1,045,967 square feet warehouse is in progress. The developer is proposing to subdivide 98.726 acres into three (3) tracts. The applicant is requesting to subdivide the parcels as follows:

Lot	Acreage
1	73.460
2	20.596
3	4.669

The preliminary plat has been reviewed by staff and meets all the current regulations of the City Ordinances.

**RECOMMENDED ACTION:** Staff recommends **APPROVAL** of the Project Miles Preliminary Plat.

Attachment: Project Miles Preliminary Plat

**OWNER'S CERTIFICATION**

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

Signature of Owner \_\_\_\_\_ Date \_\_\_\_\_

Name of Owner \_\_\_\_\_ Date \_\_\_\_\_

**SURVEYOR'S CERTIFICATION**

I hereby certify that the plans for the proposed subdivision shown on this preliminary plat were prepared by me or under my direct supervision.

Registered Georgia Land Surveyor (Signature) \_\_\_\_\_ Date \_\_\_\_\_  
 04/20/2020

Surveyor's Name \_\_\_\_\_  
 RLS # 2840



**CONFORMANCE WITH CONCEPT PLAN**

I hereby certify that this proposed preliminary plat conforms to the approved concept plan and the requirements of the other development codes and ordinances of the city.

DEVELOPMENT COORDINATOR \_\_\_\_\_ DATE \_\_\_\_\_

CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

**PRELIMINARY PLAT APPROVAL**

All requirements of the city relative to the preparation and submission of this preliminary plat have been met and approval of this plat is hereby granted. This approval expires in 180 days from the date of the surveyor's signature to secure final plat approval by that time.

MAYOR OR CITY ADMINISTRATOR \_\_\_\_\_ DATE \_\_\_\_\_  
 APPROVED BY:

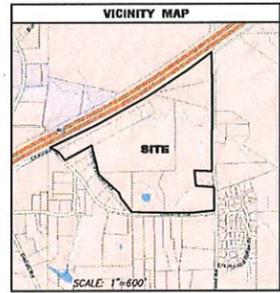
OWNER/DEVELOPER \_\_\_\_\_ DATE \_\_\_\_\_

**LEGEND:**

- BS = BELL BOUNDARY
- BL = BUILDING LINE
- CD = CONDUIT
- CMF = CONCRETE CURB
- CP = CORRUGATED METAL PIPE
- CPW = CORRUGATED PLASTIC PIPE
- CS = CURB AND GUTTER
- CSG = CURB AND GUTTER
- CSL = CURB AND GUTTER
- CSM = CURB AND GUTTER
- CSN = CURB AND GUTTER
- CSO = CURB AND GUTTER
- CSW = CURB AND GUTTER
- CSX = CURB AND GUTTER
- CSY = CURB AND GUTTER
- CSZ = CURB AND GUTTER
- CSAA = CURB AND GUTTER
- CSAB = CURB AND GUTTER
- CSAC = CURB AND GUTTER
- CSAD = CURB AND GUTTER
- CSAE = CURB AND GUTTER
- CSAF = CURB AND GUTTER
- CSAG = CURB AND GUTTER
- CSAH = CURB AND GUTTER
- CSAI = CURB AND GUTTER
- CSAJ = CURB AND GUTTER
- CSAK = CURB AND GUTTER
- CSAL = CURB AND GUTTER
- CSAM = CURB AND GUTTER
- CSAN = CURB AND GUTTER
- CSAO = CURB AND GUTTER
- CSAP = CURB AND GUTTER
- CSAQ = CURB AND GUTTER
- CSAR = CURB AND GUTTER
- CSAS = CURB AND GUTTER
- CSAT = CURB AND GUTTER
- CSAU = CURB AND GUTTER
- CSAV = CURB AND GUTTER
- CSAW = CURB AND GUTTER
- CSAX = CURB AND GUTTER
- CSAY = CURB AND GUTTER
- CSAZ = CURB AND GUTTER
- CSBA = CURB AND GUTTER
- CSBB = CURB AND GUTTER
- CSBC = CURB AND GUTTER
- CSBD = CURB AND GUTTER
- CSBE = CURB AND GUTTER
- CSBF = CURB AND GUTTER
- CSBG = CURB AND GUTTER
- CSBH = CURB AND GUTTER
- CSBI = CURB AND GUTTER
- CSBJ = CURB AND GUTTER
- CSBK = CURB AND GUTTER
- CSBL = CURB AND GUTTER
- CSBM = CURB AND GUTTER
- CSBN = CURB AND GUTTER
- CSBO = CURB AND GUTTER
- CSBP = CURB AND GUTTER
- CSBQ = CURB AND GUTTER
- CSBR = CURB AND GUTTER
- CSBS = CURB AND GUTTER
- CSBT = CURB AND GUTTER
- CSBU = CURB AND GUTTER
- CSBV = CURB AND GUTTER
- CSBW = CURB AND GUTTER
- CSBX = CURB AND GUTTER
- CSBY = CURB AND GUTTER
- CSBZ = CURB AND GUTTER
- CSCA = CURB AND GUTTER
- CSCB = CURB AND GUTTER
- CSCC = CURB AND GUTTER
- CSCD = CURB AND GUTTER
- CSCE = CURB AND GUTTER
- CSCF = CURB AND GUTTER
- CSCG = CURB AND GUTTER
- CSCH = CURB AND GUTTER
- CSCI = CURB AND GUTTER
- CSCJ = CURB AND GUTTER
- CSCK = CURB AND GUTTER
- CSCL = CURB AND GUTTER
- CSCM = CURB AND GUTTER
- CSCN = CURB AND GUTTER
- CSCO = CURB AND GUTTER
- CSCP = CURB AND GUTTER
- CSCQ = CURB AND GUTTER
- CSCR = CURB AND GUTTER
- CSCS = CURB AND GUTTER
- CSCT = CURB AND GUTTER
- CSCU = CURB AND GUTTER
- CSCV = CURB AND GUTTER
- CSCW = CURB AND GUTTER
- CSCX = CURB AND GUTTER
- CSCY = CURB AND GUTTER
- CS CZ = CURB AND GUTTER

**DRAWING SYMBOLS**

- +—+—+ = ELEVATION
- +—+—+ = POWER POLE
- +—+—+ = DRY WIRE
- +—+—+ = POWER LINE
- +—+—+ = FIRE HYDRANT
- +—+—+ = GROUND RAIL
- +—+—+ = UNDERGROUND GAS LINE
- +—+—+ = COMMUNICATION LINE
- +—+—+ = PROPERTY CORNER
- +—+—+ = FENCE LINE



**GENERAL NOTES**

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR PERSONS NAMED HEREON. NO COPIES OR REPRODUCED MATERIALS SHALL BE MADE OR DISTRIBUTED WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE PUBLICITY REPORT. ENCUMBRANCES OR OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORDS BUT NOT BE SHOWN HEREON.

A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE PROPERTY LIES WITHIN ZONE "X". THE MAP NUMBER FOR THIS AREA IS 13120A042, AND THE DATE OF THE MAP IS 04/20/15. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS. PLEASE CONSULT THE FIRM MAPS FOR FURTHER INFORMATION.

PLEASE NOTE: ABOVE GROUND UTILITIES ARE SHOWN HEREON. NO UNDERGROUND UTILITIES WERE MARKED OR LOCATED.

THE HORIZONTAL DATUM FOR THIS SURVEY IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83) FROM GPS OBSERVATIONS.

THE VERTICAL DATUM FOR THIS SURVEY IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83) FROM GPS OBSERVATIONS.

PLEASE NOTE: ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE FREQUENCY OF ONE FOOT IN 125,000, AND HAS ADJUSTED USING THE LEAST SQUARES METHOD. A CHECK TOTAL STATION AND TRIMBLE 4-8 ARE USED TO COLLECT THE FIELD DATA. THE FIELD DATA HAS BEEN CHECKED FOR ACCURACY. THE FIELD DATA HAS BEEN CHECKED FOR ACCURACY. THE FIELD DATA HAS BEEN CHECKED FOR ACCURACY.

BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN IS FROM BOUNDARY AND TOPOGRAPHIC SURVEY FOR BANK SUGAR PROPERTY, PREPARED BY HIGHER GROUND LAND SURVEYING, DATED 04/02/08 AND LAST REVISED 8/25/2018.

**PLAT NOTES**

PROJECT NAME: "PROJECT MILES"

OWNER, DEVELOPER AND SURVEYOR:  
 CLECKLER ROAD PROPERTIES II, LLC  
 3004 CREEKSIDE WAY  
 MARIETTA, GA 30066  
 PHONE 770-584-3901

ENGINEER:  
 HIGHER GROUND LAND SURVEYING, LLC  
 3004 CREEKSIDE WAY  
 MARIETTA, GA 30066  
 PHONE 770-584-3901

DATE: 04/20/2020

PROPOSED NUMBER OF LOTS: 3

LOT AREA SUMMARY:

LOT #	SQUARE FEET	ACRES
LOT 1	3,118,800	71.489
LOT 2	2,817,700	64.588
LOT 3	243,388	5.588
TOTAL	4,300,488	98.726

DRAINAGE APPROXIMATIONS HAVE NOT BEEN MADE.  
 NO AREAS OF DEDICATION ARE PROPOSED AT THIS TIME.  
 THIS PROPERTY IS NOT RESTRICTED BY COVENANTS.  
 5/8" INCH REBAR PLACED AT EACH PROPERTY CORNER AS NOTED.  
 THERE ARE NO KNOW LANDLORDS ON THIS SITE.  
 SETBACK SERVICE PROVIDED BY FULTON COUNTY ZONING.

**PURPOSE OF PLAT**

THE PURPOSE OF THIS PLAT IS TO PROVIDE A PLAT THAT CORRESPONDS TO THE PLANNED DEVELOPMENT OF THE SITE.

THIS IS A COMPASS BEARING SURVEY. THE BEARING IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83).

NO ROADWAYS OR PUBLIC EASEMENTS ARE BEING CREATED FOR THIS SURVEY.

**SITE AREA**  
 98.726 Acres  
 4,300,492 SF

PRELIMINARY PLAT OF  
 Project Miles [20-20075PP]

PREPARED FOR  
**CLECKLER ROAD PROPERTIES II LLC**

LOCATED WITHIN THE CITY OF FAIRBURN, GA  
 LAND LOTS 164 and 165  
 7th DISTRICT, FULTON CO., GEORGIA

SURVEY DATE: 08/26/2019  
 PLAT DATE: 04/20/2020  
 SHEET: 1 OF 1  
 PROJ.: 15/263

HIGHER GROUND LAND SURVEYING, LLC  
 3004 CREEKSIDE WAY  
 MARIETTA, GA 30066  
 PH. 770-584-3901  
 www.bdc99@bellsouth.net  
 © 2019 HGL. ALL RIGHTS RESERVED

LINE	BEARING	LENGTH	ANGLE
L12	S39°53'14"E	66.03'	
L13	S19°52'58"E	44.66'	
L14	S04°06'05"E	99.11'	
L15	S44°04'35"E	21.86'	
L16	S71°08'46"E	64.27'	
L17	N45°20'58"E	56.76'	
L18	N86°55'27"E	47.21'	
L19	S81°52'54"E	58.04'	
L20	N89°46'54"E	47.65'	
L21	N48°37'27"E	72.70'	
L22	N74°03'47"E	47.97'	
L23	S38°17'40"E	60.83'	
L24	N83°17'39"E	27.81'	
L25	N18°16'01"E	82.93'	
L26	N48°38'14"E	45.46'	
L27	S83°28'36"E	119.63'	
L28	S83°28'36"E	59.41'	
L29	N47°13'15"E	47.69'	
L30	N89°17'36"E	52.61'	
L31	S07°24'13"E	91.42'	
L32	S14°54'14"E	100.48'	
L33	S81°28'06"E	47.83'	
L34	S14°02'40"E	62.03'	
L35	S48°41'28"E	34.05'	
L36	S29°29'35"E	54.51'	
L37	S88°22'06"E	69.96'	
L38	N77°33'29"E	81.39'	
L39	S57°44'16"E	92.53'	
L40	S78°01'46"E	117.77'	

CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	436.53'	7462.23'	N80°49'45"E	436.47'
C2	108.72'	7462.23'	N39°43'35"E	109.72'
C3	231.14'	23381.26'	N57°24'54"E	231.11'
C4	125.88'	1041.43'	S87°16'43"W	125.80'
C5	734.55'	23461.26'	S57°24'50"W	734.52'
C6	110.90'	7542.23'	S58°43'55"W	110.90'
C7	43.23'	7542.23'	S59°19'03"W	43.23'

