



Planning and Zoning Commission  
Agenda  
Tuesday, August 6, 2024  
at 7:00 p.m.  
Location: 56 SW Malone St Fairburn, GA 30213

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**A. Call to Order**

**B. Determination of a Quorum**

**C. Pledge of Allegiance**

**D. Approval of the Meeting Agenda**

**E. Approval of the Meeting Minutes**

1. Approval of the June 2024- Regular Meeting Minutes

**F. Public Comments**

**G. Old Business**

**1. Text Amendment**

Applicant: Safeguard Landfill Management c/o Henry Bailey-  
Text Amendment- Section 80-220(b)(11). The applicant requests to delete and replace Section 80- 220(b)(11)

**2. Use Permit**

Applicant: Safeguard Landfill Management c/o Henry Bailey  
Request the expansion of the C&D Landfill  
Parcel ID: 07-260001540892, 7700 Roosevelt Hwy, Parcel ID: 07-260001350359, Bishop Rd  
Parcel ID: 07-260001540736, Bishop Rd, Parcel ID: 07-260001540744, Bishop Rd, Parcel ID: 07-260001540751, Bishop Rd  
Parcel ID: 07-290001551516, 6905 B Roosevelt Hwy, Parcel ID: 07-260001540876, Bishop Rd, Parcel ID: 07-290001551557,  
Roosevelt Hwy, Parcel ID: 07-290001551540, Roosevelt Hwy, Parcel ID: 07-290001551185, 7700 Bishop Rd

**H. New Business**

**1. Discussion Text Amendment -Future Land Use Amendment**

Request to review regulations regarding amendments to the Future Land Use Map

**2. Rezoning -Poplar Commons/Landmark**

Applicant: Freedom Land Holdings LLC  
Request to rezone 4 parcels from R-3 Single Family and AG—Agricultural Zoning District to R-CT(Residential  
Condominium/Townhouse District)  
Location: 0 Milo Fisher St and Highway 92 / East Campbellton Street  
Parcel No. 09F100900520332, 09F100900520340, 09F100900520357, 09F100900520167

- **Concurrent Variance-** A request to waive the 25' buffer required along all public right -of-way. The proposed development includes houses that will front Millo Fisher Road and East Campbellton Street / Highway 92. The applicant is proposing a 10' wide front building setback from these roads with sidewalks from the front of the houses connecting to the existing sidewalks along these roads. Section 80-367



Planning and Zoning Commission  
Meeting Minutes

City Hall: 56 Malone Street,  
Fairburn, GA 30213  
Tuesday, June 4, 2024  
7:00 p.m.

LaVone Deavers, Chair  
Michelle James  
Lina Parker  
Elizabeth Echols  
Jason Jones  
Tony Smith

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

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- A. **Call to Order:** The meeting was called to order at 7:00 pm by Chairwoman Deavers.
  - B. **Determination of a Quorum:** A quorum was determined, and the meeting proceeded.
  - C. **Pledge of Allegiance**
  - D. **Approval of the Meeting Agenda:**
    - 1. Commissioner James made a motion to approve the agenda. Commissioner Echols seconded.  
**THE MOTION CARRIED.**
  - E. **Approval of the Meeting Minutes:**
    - 1. Commissioner Smith made a motion to approve the May 7, 2024, minutes. Commissioner James seconded.  
**THE MOTION CARRIED.**
  - F. **Public Comments:**
    - 1. Chairwoman Deavers opened the floor to general, public comments.
    - 2. Chairwoman Deavers closed the floor, to general, public comments.
  - G. **Old Business:**
    - 1. **Section 80-220 (Landfill, Solid Waste Disposal) Text Amendment**  
Applicant: Henry Bailey (Safeguard Landfill Management)  
Request to continue the item until the July meeting.  
Commissioner Echols motioned to **TABLE**. Commissioner James seconded.  
**THE MOTION CARRIED.**
    - 2. **Landfill, Solid Waste Disposal Use Permit**  
Applicant: Henry Bailey (Safeguard Landfill Management)  
Addresses: 7700 Roosevelt Highway, Parcel ID: 07 260001540892; 0 Bishop Road, Parcel ID: 07 260001350359; 6905 Roosevelt Highway, Parcel ID: 07 290001551516; 0 Roosevelt Highway, Parcel ID: 07 290001551557; 0 Roosevelt Highway, Parcel ID: 07 290001551540; 7700 Bishop Road, Parcel ID: 07 290001551185; 0 Bishop Road, Parcel ID: 07 260001540876; 0 Bishop Road,

Parcel ID: 07 260001540751; 0 Bishop Road; Parcel ID: 07 260001540744; 0 Bishop Road, Parcel ID: 07 260001540736

Request to continue the item until the July meeting.

Commissioner Jones made a motion to **TABLE**. Commissioner James seconded.

**THE MOTION CARRIED**

**H. New Business:**

1. **214, 224 Senoia Road**

Applicant: Landmark

Address: 214 Senoia Road [Parcel ID: 09F101500470316] & 224 Senoia Road [Parcel ID: 09F101500470241]

Request to review the subdivision plat.

- a. Chairwoman Deavers introduced the case. Denise Brookins presented the case on behalf of Staff. Staff made a recommendation for approval. Chairwoman Deavers opened the floor for the Commission to ask Staff questions.
- b. Chairwoman Deavers closed the floor to ask Staff questions and opened the floor to ask the applicant questions and address the Commission.
- c. The applicant presented to the Commission.
- d. Commissioner James asked what the separation of the tracts is for. The applicant said that they needed to sell off a portion of their property for revenue.

Commissioner Jones made a motion to **RECOMMEND APPROVAL**. Commissioner Parker seconded.

**THE MOTION CARRIED.**

2. **H&H Resort**

Applicant: Moore Bass Consulting, LLC

Address: 0 Black Diamond Drive [Parcel ID: 07 170001527387] & 0 Herndon Road [Parcel ID: 07 170001522487]

Request to review the conceptual plan.

- a. Chairwoman Deavers introduced the case. Denise Brookins presented the case on behalf of Staff. Staff made a recommendation for approval. Chairwoman Deavers opened the floor for the Commission to ask Staff questions.
- b. Chairwoman Deavers closed the floor to ask Staff questions and opened the floor to ask the applicant questions and address the Commission.
- c. The applicant presented to the Commission.
- d. Commissioner Jones asked about access for neighborhood members versus regular members. The parking lot is gated.
- e. Commissioner Smith asked what has been done to involve the surrounding neighborhood. Discounted memberships are offered.
- f. Commissioner Jones asked if the other parts of the golf course will be redeveloped. The applicant said yes, but at a later time. This development will serve as a catalyst to that effort.
- g. Commissioner James asked about traffic mitigation. The applicant said that there will be no more traffic than when the golf course was functional.

Commissioner Smith motioned to **APPROVE**. Commissioner Echols seconded.

**THE MOTION CARRIED.**

3. **Whataburger**

Applicant: Amy Pearce, Sevan Multi-Site Solutions

Addresses: 8025 Senoia Road [Parcel ID: 09F070000271062]

Request to review the conceptual plan.

- a. Chairwoman Deavers introduced the case. Chancellor Felton presented the case on behalf of Staff. Staff made a recommendation for approval. Chairwoman Deavers opened the floor for the Commission to ask Staff questions.
- b. Commissioner Jones asked if the concept plan meets the existing standards. Chancellor Felton said yes.
- c. Commissioner Smith asked how close the restaurant is to Meadow Glen. Mr. Felton said that it is at the corner of Meadow Glen Parkway and Senoia Road.
- d. Commissioner Echols asked where ingress and egress would be. Mr. Felton said on Meadow Glen Parkway and the unnamed side street next to Tractor Supply Company.
- e. Commissioners Echols and Smith are concerned about traffic. Mr. Felton said that Director Thompson of Community Development/Public Works has worked closely with the applicant for a year to mitigate any foreseeable traffic congestion. The Georgia Department of Transportation will also be performing traffic mitigation work in the next year.
- f. Commissioner James wanted clarity on the restaurant location. Mr. Felton said it will be to the left of Tractor Supply Company and across the street (Meadow Glen Parkway) to the right of Chipotle.
- g. Commissioner James asked if traffic mitigation could be done at a later time. Mr. Felton said yes.
- h. Commissioner James asked when the restaurant would be open. Mr. Felton said that the applicant could answer that question.
- i. Chairwoman Deavers closed the floor to ask Staff questions and opened the floor to ask the applicant questions and address the Commission.
- j. The applicant presented to the Commission.
- k. Commissioner Smith asked if any other site was considered. The applicant said yes, but this site was chosen.
- l. Commissioner Jones asked if this Whataburger is bigger than the typical Whataburger. The applicant said that this Whataburger is over 1,000 square feet bigger than the typical Whataburger.

Commissioner Jones made a motion to **APPROVE**. Commissioner James seconded. Commissioner Echols opposed.

**THE MOTION CARRIED.**

The Meadow Glen Homeowners' Association is opposed.

4. **Package Depot Retrofit V2**

Applicant: Ishwar Dayabhai, Architectural Design Workshop, P.C.

Address: 7895 Senoia Road [Parcel ID: 09F070000270825]

Request to review the elevations.

- a. Chairwoman Deavers introduced the case. Chancellor Felton presented the case on behalf of Staff. Staff made a recommendation for approval. Chairwoman Deavers opened the floor for the Commission to ask Staff questions.



- b. Commissioner Jones asked what changes were made from the first version to the second version. Mr. Felton said that there were significant changes and the applicant can specify what exact changes were made.
- c. Commissioner James asked about the newer building. Mr. Felton said that the newer building is complete and operating business.
- d. Chairwoman Deavers closed the floor to ask Staff questions and opened the floor to ask the applicant questions and address the Commission.
- e. The applicant presented to the Commission.
- f. The applicant stated that due to the increased costs of building the newer building, the existing building renovations had to be scaled down.
- g. Commissioner James asked if this store would still be a package store. The applicant said no. Commissioner James asked how many businesses there would be. The applicant said that they are flexible with the number of units.
- h. Commissioner Echols asked if the existing businesses would stay. The applicant said maybe, but probably not.

Commissioner Echols motioned to **APPROVE**. Commissioner Smith seconded.

**THE MOTION CARRIED.**

5. **Section 80-85 (M-1 Motor Vehicle Rental) Text Amendment**

Applicant: Speed Enterprises. LLC

Request to review the text amendment.

- a. Chairwoman Deavers introduced the case. Chancellor Felton presented the case on behalf of Staff. Staff made a recommendation for approval. Chairwoman Deavers opened the floor for the Commission to ask Staff questions.
- b. Commissioner Parker asked if this request is affiliated with the Enterprise on Senoia Road. Mr. Felton said no. It is Speed Enterprise on 337 Bay Street.
- c. Commissioner Smith asked if they operating without a business license. Mr. Felton said yes. They have submitted this request to come into compliance with our Zoning Ordinance.
- d. Commissioner Jones asked if this request would bring them into compliance. Mr. Felton said yes. Commissioner Jones clarified that this request is not to open the business but to give regulations for this type of business. Mr. Felton said yes.
- e. Commissioner James asked if vehicle repair and sales will still be happening on this lot. Mr. Felton said no. The applicant wants to operate a UHAUL equipment rental facility.
- f. The applicant could not make it due to health issues.

Commissioner Jones motioned to **RECOMMEND APPROVAL**. Commissioner James seconded.

**THE MOTION CARRIED.**

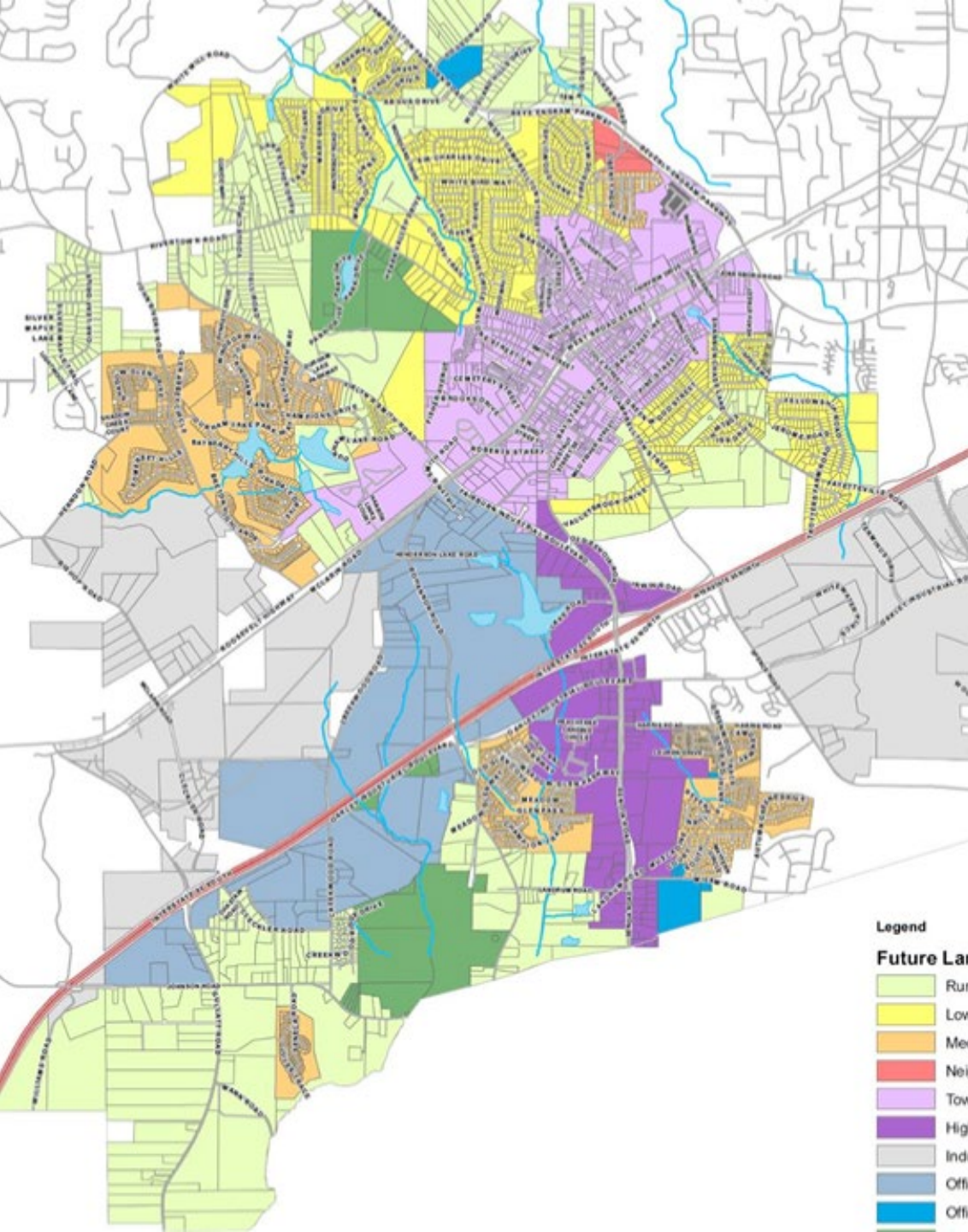
I. **Adjournment:**

- 1. Commissioner Echols motioned to adjourn the public meeting at 8:01 pm. Commissioner Parker seconded.

**THE MOTION CARRIED.**



# TEXT AMENDMENT



# Comprehensive Plan

The Comprehensive Plan is an important, guiding policy document that addresses a wide range of factors and presents short- and long-range land use and development recommendations.

## Adopted Plan:

- The City of Fairburn updated the comprehensive plan in 2021.

## Next Update:

- The next required update is due October 25, 2025.

# Proposed -Future Land Use Map Initiation Process

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## Initiation Process

- A. A proposed change in the land use designation on the Future Land Use Map may be initiated by the City Council, staff or by any person who owns property within the City. Unless initiated by the City Council, all such applications shall be initiated by the owner of a majority interest in the property affected.
- B. Any other proposal to change or amend the Comprehensive Land Use Plan (CLUP) shall only be initiated by the City Council and shall be considered under the requirements of the *Minimum Standards and Procedures for Local Comprehensive Planning* as adopted by the Georgia Board of Community Affairs, in lieu of the procedures herein.
- C. A CLUP amendment initiated by a property owner shall be submitted to the Planning and Zoning Department within filing deadlines and on application forms. The application forms and filing deadlines shall be published and made available to the public. All applications not filed by the City shall be accompanied by a non-refundable fee as fixed from time to time by the Planning and Zoning Department.
- D. An application for a CLUP amendment affecting the same property shall not be considered by the City Council more often than once every 12 months; provided, however, that the City Council may approve a reduction in the waiting period.

# Proposed -Public hearing process.

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## Public Notice.

1. *Notification to the General Public.*
  - a. At least fifteen (15) days but not more than forty-five (45) days prior to each public hearing, notice shall be published in a newspaper of general circulation within the City. Planning Staff shall prepare such notice, which shall state the time, place and purpose of the hearing.
  - b. If a CLUP amendment is to be heard at the public hearing then:
    - (1) The notice in addition to the requirements above, shall include the location of the property, the present land use designation of the property and the proposed land use designation of the property; and
    - (2) The Director shall post, at least fifteen (15) days prior to the public hearing, on a conspicuous place on the property for which an application has been submitted, a sign or signs stating the date, time and place for the public hearing, and the public hearing case number.
2. *Notice to Surrounding Property Owners:* If the proposed CLUP amendment affects only one (1) property, notice shall also be given to the surrounding property owners as follows:
  - a. At least ten (10) days prior to the first public hearing at which the amendment will be considered, Planning staff shall cause a notice to be mailed to the:
    - (1) All persons owning record title to the property located within 1000 feet of the property that is the subject matter of amendment.
  - b. The notice shall state the time, place and purpose of the hearings by the Planning Commission and the City Council. The written notice shall be mailed to the last known address of the property owners as such addresses appear on the Fulton County ad valorem tax records.
3. *Associated Applications for Zoning or Use.* If an application for a CLUP amendment is associated with a proposal to rezone or a use permit, the public notice for the CLUP amendment and the zoning change may be combined.

# Standards for review

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**The City Council shall consider the following in evaluating a CLUP amendment, giving due weight or priority to those factors particularly appropriate to the circumstances of the application:**

1. The extent to which a change in the economy, land use or development opportunities of the area has occurred.
2. The extent to which additional land area is needed to be developed for a specific type of use.
3. The extent to which the proposed designation is in compliance with the goals and policies of the Comprehensive Plan.
4. The extent to which the proposed designation would impact the public health, safety and welfare.
5. The extent to which additional land area needs to be made available or developed for a specific type of use.
6. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby properties
7. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome uses of existing streets, transportation facilities, utilities, public services or schools.

## **City Council.**

Following the public hearing, action may be taken by the City Council by majority of those voting approving or rejecting the proposal, or allowing withdrawal if so requested by the applicant (with or without prejudice), or the City Council may table the proposal for consideration at its next regular meeting.

## Future Land Use Map Amendment Withdrawal and Deferral.

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- A. Any applicant wishing to withdraw a proposed CLUP amendment shall file a written request for withdrawal with the Director.
  - 1. If the request for withdrawal is received prior to the publication of notice for the public hearing, the CLUP amendment shall be withdrawn administratively by the Director without prejudice or restriction on the refiling of a proposed CLUP amendment on the property.
  - 2. Should any request for withdrawal be made by the applicant at the City Council's public hearing, the CLUP amendment shall remain on the public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the City Council.
  
- B. Any applicant wishing to defer a proposed CLUP amendment shall file a written request for a deferral with the Director.
  - 1. A written request may be received by the Director up to three times for any CLUP application. The first two deferral requests may be granted by the Director. A third deferral request requires Planning Commission or City Council approval.
  - 2. Each written request for deferral shall be accompanied by a re-advertising fee established by the Director.

**STAFF REPORT**

To: Planning and Zoning Commission  
 From: Denise Brookins, Planning and Zoning Director  
 Date: August 6, 2024  
 Agenda Item: Popular Commons/Rezoning: from R-3 Single Family to R-CT – Single Family Detached Dwelling (Residential) Milo Fisher St & East Campbellton St

**APPLICANT/PETITIONER INFORMATION**

<b>Property Owner</b>	<b>Petitioner</b>
Jeff Lindsey Communities & Landmark Christian School	Freedom Land Holdings, LLC

**PROPERTY INFORMATION**

<b>Address, Parcel Number</b>	0 Milo Fisher St and Highway 92 / East Campbellton Street Parcel No. 09F100900520332, 09F100900520340, 09F100900520357, 09F100900520167
<b>Frontage:</b>	Milo Fisher St & East Campbellton St
<b>Area of Property:</b>	6.3 acres +/-
<b>Existing Zoning and Use:</b>	R-3 and AG
<b>Overlay District:</b>	N/A
<b>Prior Zoning Cases/History:</b>	N/A

**2035 Comprehensive Future Land Use Map Designation:** The Town Center Mixed Use character area includes Downtown Fairburn and the surrounding core. Downtown is the historic node of the city, with traditional, commercial land uses and limited residential development.

The Rural Residential - this residential character area is meant to Preserve a rural feel and transition to the very low-density uses in the rural areas surrounding the city in the City of South Fulton, Fayette, and Coweta counties.

**SUMMARY OF THE REQUEST**

**Proposed Zoning:** R-CT Residential Condominium/Townhouse District

**Variance Request** Concurrent Variance- A request to waive the 25' buffer required along all public right -of-way. The proposed development includes houses that will front Milo Fisher Road and East Campbellton Street / Highway 92. The applicant is proposing a 10' wide front building setback from these roads with sidewalks from the front of the houses connecting to the existing sidewalks along these roads. Section 80-367

**INTENT**

Rezoning of 6.3 acres, from Agricultural Zoning District and R-3 (Single Family) to R-CT – Single Family Detached Dwelling. The applicant is requesting approval to rezone the parcels to construct 31 homes.



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

- North:** R-2 Single Family
- East:** R-2 Single Family and R-3 Single Family
- South:** R-2 Single Family
- West:** R-3 Single Family

**Zoning Map:**



8/2/2024, 9:13:38 AM

AG	R-2
C-2	R-3
DTMU	R-4
O&I	R-CT
R-1	RM-12
	Tax Parcels 2022 (Fulton County Assessors)

1:4,514

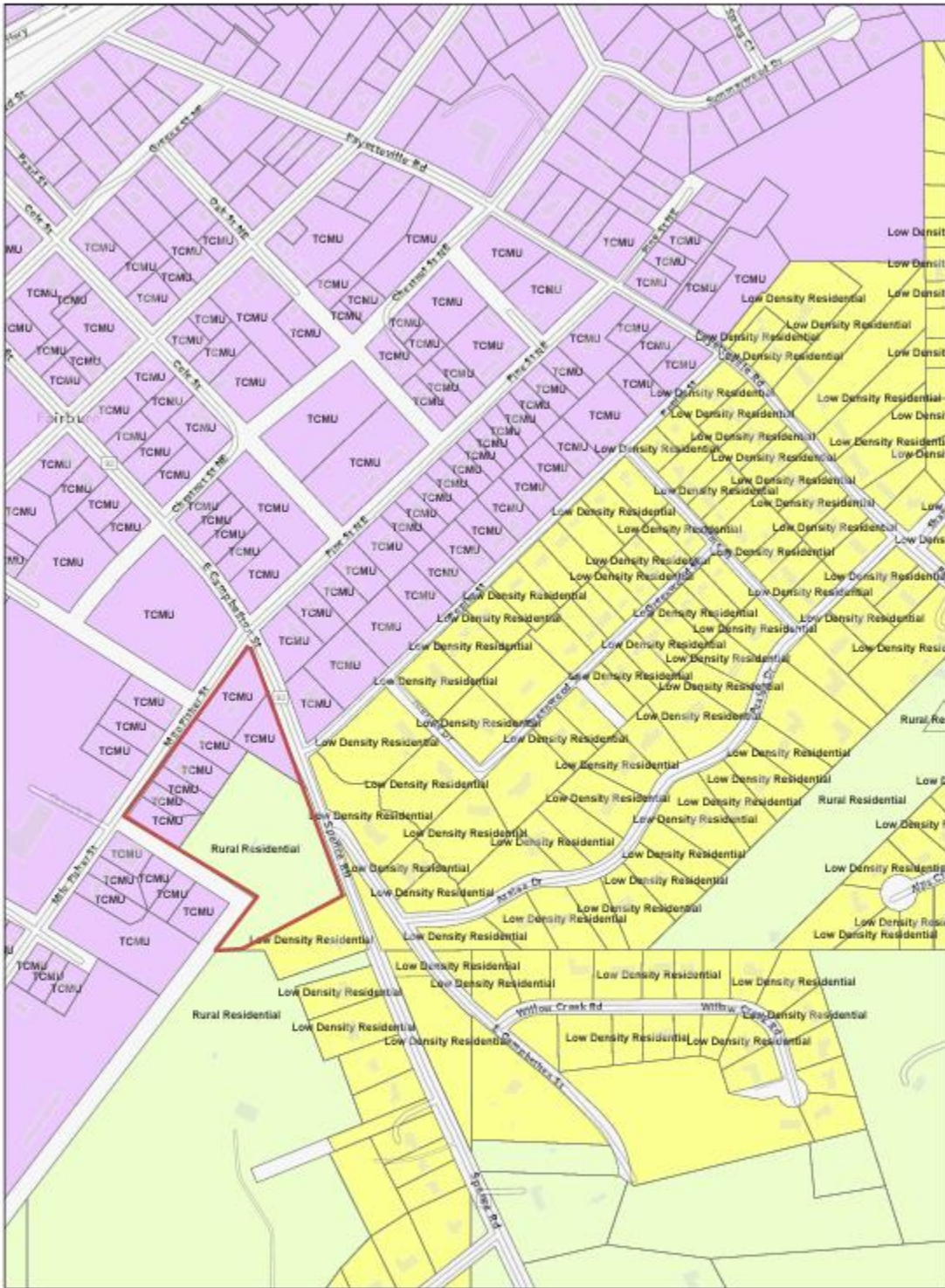
0 0.04 0.08 0.16 mi

0 0.05 0.1 0.2 km

Basemap: Community Maps Contributors, © OpenStreetMap, Mapbox, Esri, TomTom, Garmin, Swatchmap, GeoTechnologies, Inc, METU, NASA, USGS, EPA, NPS, US Census Bureau, USGS, USFWS

ArxGIS Web AppBuilder

# Future Land Use Map:

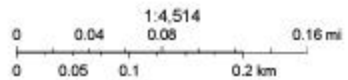


8/2/2024, 9:14:59 AM

□ Tax Parcels 2022 (Fulton County Assessors)

Future Land Use

■ Rural Residential



Earl Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, HERE, DeLorme, Mapbox, Geoportaleurope, Swatch, GEBCO

## BACKGROUND

The subject properties consist of 6.3 acres of land. The properties have frontage on Milo Fisher Road and Highway 92 / East Campbellton Street. The proposed intent is to rezone the property from AG-1 and R-3 to R-CT (R-CT—Residential Condominium/Townhouse District) for the development of 31 single family detached residences. The applicant also requests that the Comprehensive Plan be revised so that the Future Land Use Map designation for TPN 09F100900520167 is changed from RR (Rural Residential) to TCMU (Town Center Mixed Use).

## Public Participation:

The applicant held two community meetings. Below is a summary of some of the general concerns:

1. Housing Density
2. Traffic Control and Congestion
3. Utility Capacity and Demand
4. Neighborhood Character/Elevations/Design
5. Property Values

## STAFF COMMENTS

### A. Fire Department:

- Additionally will need to see distance between each home. May require fire resistive construction/siding or NFPA 13R sprinklers. International Fire Code (IFC)
- Fire Department will need roadway widths per IFC Appendix D and fire hydrant locations.

### B. Utility (Power)

- The Power Department has no conflicts with the proposed project. All power infrastructure in a private development must be funded by the developer for installation as per City municipal code.

### C. Utility Water and Sewer

- Water Service provided by the City of Fairburn
- Sewer Service provided by the City of Fairburn
- A fire flow test will need to be performed on the nearest hydrant to the development. The report should include static and residual pressures along with hydrant flow. Hydrant flow should be given at test residual pressures and correlated to 20 psi residual pressure.
- Please show existing and proposed water and sewer on concept plan.
- It is ISE's recommendation that the sewer outside of the right away is located in an easement to be dedicated to the City to avoid confusion of who needs to maintain the sewer in the future. Please ensure the private access easement with the 12' driveway is allowed.  
Fairburn Code of Ordinances  
Sec. 71-73. - Easements.  
Permanent easements for public electrical, water and sanitary sewer facilities shall be dedicated to the city. The minimum width permanent easements for a single utility shall be 20 feet. Where more than one utility has a common easement, the minimum easement width shall be increased by ten feet for each additional utility.



#### D. Community Development/Public Works Comments:

1. All public streets proposed to be constructed in a subdivision or other development shall be designed and constructed at least to the standards contained in these regulations in accordance with the appropriate street classification of said streets. [Sec. 71-38]
2. Please note the minimum right-of-way width for a local residential street shall be 50 feet, and the minimum roadway width shall be 28 feet. [Sec. 71-36]

**Please ensure that the northern proposed entrance conforms with this requirement.**

3. (a) When land is subdivided into larger parcels than ordinary building lots, such lots shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.

(b) No subdivision should be designed so as to completely eliminate street access to adjoining parcels of land. Every development should be designed to facilitate access to adjoining properties, which are developed or anticipated to be developed in a manner substantially similar to the subject property. Locations of interparcel access shall be as required by and subject to the approval of the city.

(c) Private streets, as may be approved under the provisions of these regulations, shall be constructed to the roadway standards of the city.

[Sec. 77-50]

4. Additional street right-of-way width may be required to be dedicated at intersections or other locations fronting the property where turning lanes, storage lanes, medians, islands, or realignments are required for traffic safety and minimum right-of-way standards would be inadequate to accommodate the improvements [Sec. 71-36 (c)].
5. Please note that when property fronting on a city street is to be developed or when the property is to be accessed from a 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 the regulations for the designated street classification. [Sec. 71-37 (a)]

**Show the installation of roadway improvements (curb & gutter, drainage, etc.) along West Campbellton Street.**

6. Turning lanes may 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)]

7. In the event that a development has access to a substandard street and if that substandard street provides the primary means of access to the development, the substandard street, except as indicated in subsection (c) of this section, shall be fully upgraded and the full width of the roadway overlaid with asphaltic concrete surface course along the entire property frontage and continuing to the nearest standard paved road along the route of primary access (Sec. 71-39).

8. Except as indicated, acceleration and deceleration lanes shall be provided for new street and driveway connections to existing streets. The lanes will not be required if any of the following conditions are met:

(1) The driveway is for a one-family or two-family residence;

(2) Total traffic on the existing roadway is less than 2,000 vehicles per day including traffic projected as a result of the proposed development (count of existing traffic must have been made within one year of the development plan submittal date);

(3) The driveway is for a small business with ingress/egress of less than 100 vehicles per day; or

(4) Construction cost of the lanes exceeds 25 percent of the estimated development cost.

[Sec. 71-40]

9. Unless otherwise specifically set forth herein, all of the materials, methods of construction, and workmanship for street construction shall conform to the latest edition of the state department of transportation Standard Specifications for Road and Bridge Construction, including all amendments [Sec. 71-42].

10. The proposed entrance locations are subject to the latest edition of the GDOT Regulations for Driveway and Encroachment Control (Sec. 71-42); as such, the minimum distance between entrances on Milo Fisher Street would be required to be 150' (from radius return to radius return) based on a posted speed limit of 35mph.  
**Please ensure that this requirement has been satisfied.**
11. **Show the location of Church Street on the western side of Milo Fisher Street.** The proposed Church Street entrance will be required to align with Church Street on the opposite side of Milo Fisher Street in accordance with the GDOT Regulations for Driveway and Encroachment Control.
12. **Ensure proposed entrance locations on Milo Fisher Road do not encroach into the minimum side yard setbacks on the existing lots in accordance with the R-3 Development standards.**
13. (a) Sidewalks are required on all street frontages regardless of the zoning district in which the street is located.  
(b) Any person who applies for a building permit or land disturbance permits for any of the projects or improvements listed below, regardless of the zoning district, on a lot where sidewalks meeting the requirements of the code of ordinances do not exist, shall submit plans to construct sidewalks indicating the location of the sidewalk as it extends along the length of the applicant's property. Applicable projects or improvements are as follows:
  - (1) Construction of a new building or structure;
  - (2) Land disturbance activity.
  - (c) 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. 71-46 (a)(b)(c)]

**Show the installation of sidewalk, from property line to property line on both Milo Fisher Street and East Campbellton Street/ SR 92. When provided, the sidewalk will be required to have a minimum width of five feet.**
14. For any development which abuts a state or federal highway, improvements to the highway and the location and design of any street or driveway providing access from the highway shall comply with the current standards, regulations, and requirements of the state department of transportation for driveway and encroachment control. **Please note, a copy of the approved Georgia DOT permit shall be provided to the City prior to Site Development Plan approval and the issuance of the Land Disturbance Permit.** [Sec. 71-41]
15. The installation of ADA ramps with truncated domes and crosswalks will be required at the proposed entrances on Bohannon Road. **Show on the conceptual site plan.**
16. All utility lines within the city in residential, office and commercial zoning districts shall be placed underground within the following exceptions:
  - (1) Those lines that were existing overhead as of January 1, 2003;
  - (2) Those lines, temporary in nature, which are intended to provide service to an area for a period not to exceed 180 days, subject to the approval of the city administrator; and
  - (3) Major transmission lines which do not provide service to adjoining properties, subject to the approval of the city administrator.

[Sec. 71-72 (a)]
17. Permanent easements for public electrical, water and sanitary sewer facilities shall be dedicated to the city. The minimum width permanent easements for a single utility shall be 20 feet. Where more than one utility has a common easement, the minimum easement width shall be increased by ten feet for each additional utility. [Sec. 71-73]
18. If existing water mains and/or sanitary sewers must be extended to serve a development, the developer shall install or have installed the necessary extensions at no cost to the city under the existing city policy and procedures at plan approval time. [Sec. 71-74]
19. All stormwater runoff generated from a site shall be adequately treated before discharge. [Sec. 65-112]

## **E. Rezoning Review:**

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

Yes, the proposed use is suitable in comparison to the surrounding development.

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

While a single-family development might be a suitable use in this location, the intensity of development may adversely affect the existing use and usability of the significantly larger lots immediately surrounding the subject property. The minimum lot size for most of the surrounding properties is 13,068 sq ft., the applicant is proposing small lots. The minimum lot size for the R-CT zoning district is 3,000 sq. ft.

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

The property appears to have reasonable economic use as currently zoned.

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

The proposed rezoning and development would increase traffic on existing streets. An increase in impacts on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, transportation improvements and planning. An increased impact is anticipated on school enrollment.

The developer maybe required to conduct a traffic study before the issuance of the land disturbance permit to determine existing traffic operating conditions in the vicinity of the proposed development, project future traffic volumes, assess the impact of the subject development, and develop recommendations to mitigate the project traffic impacts and ensure safe and efficient existing and future traffic conditions in the vicinity of the project.

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

Most of the surrounding residential developments are primarily low to medium density residential. The applicant is seeking to develop 31 single family detached homes on the subject property without any amenities.

The comprehensive plan housing goals include the following details:

1. Ensure housing options for all ages
  - A. Recruit developers to build more senior housing both for rent and for sale
  - B. As the Downtown colleges expand, revisit the need for student housing near the campuses
2. Increase the number of housing units in Downtown Fairburn to support the number and types of businesses desired in our vibrant downtown and to support continued and enhanced transit service.
  - A. Update Zoning Ordinance and Map to allow Downtown residential development to be built at transit-supportive densities
  - B. Recruit developers to build loft apartments as a part of mixed-use developments downtown
  - C. Implement the LCI study

The rezoning request to allow single family homes will provide additional housing options, and the development is close to the downtown area. The subject properties have two future land use designations, the Town Center Mixed Use area

includes Downtown Fairburn and the surrounding core. Downtown is the historic node of the city, with traditional, commercial land uses and limited residential development. Lots in Downtown Fairburn are typically small, with zero-lot line buildings, and shallow or no setbacks from the street right-of-way.

A large portion of the development has the land use designation Rural Residential - this residential character area is meant to preserve a rural feel and transition to the very low-density uses in the rural areas surrounding the city in the City of South Fulton, Fayette, and Coweta counties. One acre or larger lots are appropriate in these areas.

The comprehensive plan recommends that higher density residential, such as townhouses and apartments, in addition to single-family residential in the Downtown Mixed-Use Character area. The portion of the development with the Town Center Mixed Use designation does align with the comprehensive plan.

The request to add more density in the area with the Rural Residential designation **does not support** the comprehensive plan.

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

Most of the adjacent properties are developed with single-family homes. The scale of the development is substantially denser compared to the surrounding developments.

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

To the best of the staff's knowledge, the proposal would not permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Fairburn. The developer will be required to adhere to the City's stream buffer ordinance and best management practices (BMP).







Based on these considerations, the staff believes this condition has been satisfied.

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

Not applicable.

## Staff Recommendation:

### REZONING REQUEST:

Based on the staff's evaluation of the request, the Department of Planning and Zoning recommends **APPROVAL** of the rezoning request for parcels 9F100900520332, 09F100900520340, and 09F100900520357 with conditions listed below.

Given the conflict with the future land use designation, staff **DOES NOT recommend approval** of the request to rezone the 4.91 acres of parcel *09F100900520167*.

If the Mayor and City Council approves the request, staff recommends the following conditions.

1. Prior to any site disturbance or building permits being issued for the project, the staff comments listed in this report must be addressed and approved by each department.
2. A traffic impact analysis may be required if the proposed planned development meets the thresholds determined by the Public Works and Community Development Department.
3. Implement traffic improvement/or traffic control recommendations from the Public Works and Community Development department and suggested by the pending traffic impact analysis to be submitted by the applicant.
4. A mandatory homeowner association shall be created and shall be governed by a declaration of covenants, conditions, and restrictions. The homeowner association shall be responsible for the maintenance of the required buffer, detention ponds, common areas, preserved open space within the property, community amenities, alleys and pedestrian path.
5. No more than 5% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
6. Additional landscaping may be required alongside elevations facing the public roads.
7. The development must have at least one along one of the following: passive park, sport court(s), a dog park with equipment, or gazebos.
8. Pedestrian-scale street lighting shall be provided along both sides of internal streets throughout the development.
9. Under no circumstances shall any mechanical equipment or related elements such as air conditioning units, meter boxes and utility conduits, HVAC mechanical equipment systems, satellite dishes or any other similar mechanical equipment or related elements be attached or mounted to any exterior building elevation that is visible from pedestrian view from required sidewalks along adjacent private streets or sidewalks abutting a common area or community amenity. Any mechanical equipment or related elements located at finished grade shall be completely screened from view with dense, evergreen landscaping or an opaque wall veneered in brick, indigenous rock or natural stone, with an appearance that is complementary to the architecture of the dwelling unit.
10. Parking shall be on a paved or concrete surface.
11. The developer shall provide a minimum five-foot sidewalk and landscape strip between the back of curb along both sides of all internal streets and one canopy tree for each 50 feet of street frontage.
12. In no instance shall the same two front elevations be used immediately adjacent to or directly across the street from one another. The developments shall provide at least six different front building elevations, and in no instance shall the same two front elevations be used immediately adjacent to or directly across the street from one another. In either situation front elevations shall be substantially differentiated with regard to architectural style, exterior materials, color, and architectural elements. Mirrored or reversed front elevations shall not be considered adequate to fulfill this requirement.
13. Exterior materials shall consist of brick, masonry, stone or siding consisting of wood or hardboard. All windows be of square or vertical proportion
14. Front entry garages must employ carriage style doors and shall be designed to be setback equal to or greater than the front door of the primary structure

15. Where blank facades face a public street or parking area are necessary, trees spaced less than 20 feet on center should be used in front of these facades to gain visual interest and human scale.
16. Porches shall be required on all lots with a minimum of 6 feet deep.
17. The applicant must submit an updated conceptual layout of site plan and building elevations subject to approval of the Planning Commission and in compliance with the enclosed development and design guidelines recommendations.

#### **VARIANCE REQUEST:**

Based on the staff's evaluation of the request, the Department of Planning and Zoning recommends **APPROVAL** of the concurrent variance request.



# REZONING APPLICATION



# APPLICANT'S CHECKLIST

DOCUMENTS AND QUANTITIES REQUIRED

**ALL PERTINENT ITEMS ARE DUE AT THE TIME OF FILING.  
NO INCOMPLETE APPLICATION WILL BE ACCEPTED.**

*Applications will not be accepted after 3:00 p.m.*

ITEM #	REQUIRED ITEM	NUMBER OF COPIES	CHECK √
1.	Site Plan Checklist	1 original	
2.	Application Form	1 original and 5 copies	
3.	Survey	2 copies	
4.	Legal Description (8½ "x 11")	2 copies	
5.	Deed	2 copies	
6.	Letter of Intent	5 copies; plus 1 additional copy if project includes a DRI or MARTA review	
7.	Site Plan	5 copies; plus 1 additional copy if project includes a DRI or MARTA review	
8.	Disclosure Form(s)	2 copies	
9.	Public Participation Program	2 copies of the Report and Plan	
<b>THE FOLLOWING ITEMS MAY BE REQUIRED. SEE THE FOLLOWING INFORMATION FOR DETAILS.</b>			
10.	Impact Analysis	5 copies	
11.	Traffic Impact Study	2 copies	
12.	Development of Regional Impact (DRI)	2 copies	
13.	Noise Study Report:	2 copies	

**PREAPPLICATION REVIEW MEETING:** Prior to submitting an application, all are encouraged to meet with the Planning and Zoning Office who will review the applicant's proposal and site plan. No pre-application review meeting will be held on the day of the filing deadline. Applicants are required to bring the site plan and tax parcel identification number(s) to the meeting. Call 770-964-2244 to make an appointment.

**REQUIRED ITEMS FOR REZONING/USE PERMIT APPLICATIONS:**

- ITEM 1. **SITE PLAN CHECKLIST:** The site plan checklist details the minimum requirements for site plans as specified by Chapter 62, Article V. The Building Process.
- ITEM 2. **APPLICATION FORM:** Original and notarized signatures of the property owner(s) and applicant(s) or a notarized statement by the applicant as to ownership are required. If a contract is used in lieu of the owner's signature, the signature on the contract must be an original and the contract must be valid for the duration of the rezoning process. See the application form for additional details.
- ITEM 3. **SURVEY:** An accurate, to scale, up-to-date certified survey of the property shown with metes and bounds must be submitted with the Rezoning Application. The survey should include existing thoroughfares; existing drainage areas; existing buildings, structures and facilities; existing utilities on or adjacent to the property; and ownership, zoning and uses of all property adjacent to or within 200 feet of the property.

- ITEM 4. **LEGAL DESCRIPTION:** The legal description must be a *metes and bounds* description of the property that establishes a point of beginning and gives directions (bounds) and distances (metes) of property lines. If the property consists of more than one parcel, all parcels must be combined into one legal description.
- ITEM 5. **DEED:** A copy of the deed which matches the applicant's name or a copy of the letter indicating a closing and the recordation of a new deed.
- ITEM 6. **LETTER OF INTENT:** The Letter of Intent should state the requested rezoning and use permit(s) and should include factual details about the proposed use(s), such as number and square footages of buildings, number of residential units, minimum heated floor area of residential units, number of fixed seats in places of worship, number of employees and beds in assisted living facilities, personal care homes and nursing homes, number of employees and students in day care facilities, number of classrooms and number of students in schools, hours of operation, and number and use of playing fields. If a rezoning request is for a PD (Planned Development) district, the Letter of Intent should detail the proposed development standards.
- ITEM 7. **SITE PLAN:** Site plans must meet the minimum requirements specified by Chapter 62, Article V. The Building Process of the City of Fairburn Ordinance. Refer to Site Plan Checklist.
- ITEM 8. **DISCLOSURE FORM:** If the owner, applicant and/or applicant's representative has made a campaign contribution to any member of City Council for \$250.00 or more within the past 2 years, Sections 1 through 4 of the Disclosure Form must be completed. If no contributions have been made, *No* should be circled and Section 4 of the form completed.
- ITEM 9: **PUBLIC PARTICIPATION PROGRAM:** Public Participation Program consists of a two-part process designed to enhance dialogue between applicants and communities which may be impacted by a proposed development, Part 1: The Public Participation Plan and Part 2: The Public Participation Report.

**OTHER DOCUMENTS THAT MAY BE REQUIRED:**

- ITEM 10. **IMPACT ANALYSIS:** The application must include an Impact Analysis.
- ITEM 11. **TRAFFIC IMPACT STUDY:** When a project equals or exceeds the thresholds listed below, a traffic impact study must be submitted. The traffic impact study shall be prepared by a qualified traffic engineer or transportation planner in accordance with professional practices and the guidelines available in the Department of Public Works.

<b>Thresholds for Traffic Impact Study</b>	
<b>Use</b>	<b>Size</b>
Single family residential	500 new lots
Multifamily residential	700 new units
Office	300,000 square feet
Hospital	375 beds
Commercial	175,000 square feet
Hotel/Motel	600 rooms
Industrial	500,000 square feet
Any planned developments that exceeds 500 peak hour trips as based on the standards of the Institute of Transportation Engineers (ITE) Handbook.	

- ITEM 12. **DEVELOPMENT OF REGIONAL IMPACT (DRI):** The Department of Community Affairs (DCA) has formulated development thresholds as listed below. When a development meets or exceeds the

thresholds, the Atlanta Regional Commission (ARC) and the Georgia Regional Transportation Authority (GRTA) shall review the project concurrently. Applicants shall first file the rezoning/use permit request with City of Fairburn. After the ARC/GRTA findings are complete, the rezoning/use permit will be placed on the next available agenda. It is the applicant's responsibility to contact and follow all ARC and GRTA review procedures. For details visit the ARC at [www.atlantaregional.com](http://www.atlantaregional.com) and GRTA at [www.grta.org/dri/home.htm](http://www.grta.org/dri/home.htm) or call ARC or GRTA at 404-463-3100.

ITEM 13. **NOISE STUDY REPORT:** Any residential rezoning/use permit located within 1,000 feet of an expressway or within 3,000 feet of an active rail line.

<b>Effective March 1, 2014 DEVELOPMENTS OF REGIONAL IMPACT Tiers and Development Thresholds</b>	
<b>Type of Development</b>	<b>Metropolitan Region</b>
Office	Greater than 400,000 gross square feet
Commercial	Greater than 300,000 gross square feet
Wholesale & Distribution	Greater than gross 500,000 square feet
Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day
Housing	Greater than 400 new lots or units
Industrial	Greater than 500,000 gross square feet; or employing more than 1,600 workers; or covering more than 400 acres
Hotels	Greater than 400 rooms
Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at either 1,800 square feet per unit or, if applicable, the minimum square footage allowed by local development regulations); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein
Airports	All new airports, runways and runway extensions
Attractions and Recreational Facilities	Greater than 1,500 parking spaces or a seating capacity of more than 6,000
Post Secondary Schools	New school with a capacity of more than 2,400 students; or expansion by at least 25 percent of capacity
Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more
Quarries, Asphalt and Cement Plants	New facility or expansion of existing facility by more than 50 percent
Wastewater Treatment Facilities	New major conventional treatment facility or expansion of existing facility by more than 50 percent; or community septic treatment facilities exceeding 150,000 gallons per day or serving a development project that meets or exceeds an applicable threshold as identified herein
Petroleum Storage Facilities	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise, storage capacity greater than 200,000 barrels
Water Supply Intakes/Public Wells/Reservoirs/Treatment Facilities	New facilities
Intermodal Terminals	New facilities
Truck Stops	A new facility with more than three (3) diesel fuel pumps, or containing a half acre of truck parking or 10 truck parking spaces

<b>Effective March 1, 2014</b> <b>DEVELOPMENTS OF REGIONAL IMPACT</b> <b>Tiers and Development Thresholds</b>	
<b>Type of Development</b>	<b>Metropolitan Region</b>
Correctional/Detention Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day
Any other development types not identified above (includes parking facilities)	1,000 parking spaces or, if available, more than 5,000 daily trips generated

**MEETINGS AND PUBLIC HEARINGS:**

- A) **The Planning and Zoning Commission (PZC)** holds a meeting on the first Tuesday of each month at 7:00 PM at Fairburn City Hall, 56 Malone Street, Fairburn, GA 30291. The Planning and Zoning Commission makes recommendations that are forwarded to the Mayor and City Council.
- B) **City Council** holds a public hearing on the second and fourth Monday of each month at 7:00 p.m. at Fairburn City Hill located at 56 Malone Street, Fairburn, GA 30213.

**PUBLIC NOTICE:**

- A) **Planning and Zoning Commission Meeting (PZC) and Mayor and City Council (MCC) Public Hearing Notice:** Signs posted along the frontages of properties subject to rezoning notify area residents of the Planning and Zoning Commission meeting and City Council public hearing. Applicants are required to post signs in conspicuous places along the property’s public street frontage(s) no later than 15 days before the City Council public hearing. Failure to post the signs properly, in accordance with instructions given to applicants will result in delaying action on the petition until the next available appropriate hearing date. **THERE ARE NO EXCEPTIONS TO PROPERLY POSTING THESE SIGNS.**

If an applicant, prior to advertising, defers a petition, it is the responsibility of the applicant to contact the Planning and Zoning Office at 770-964-2244 to pick up new sign and re-post the property.

When a petition is continued by City Council, posting an updated sign is not required. However, the date on the sign must be changed to reflect the continued hearing date.

Within 30 days of City Council final action the applicant shall remove and properly dispose of all public hearing/meeting signage.

- B) **Adjacent Property Owner Notice:** By U.S. Mail, notices are sent by the applicant to all property owners within 500 feet of properties subject to rezoning. Said notices must be mailed 15 days prior to the City Council public hearing to property owners of record as shown on the current tax records of Fulton County as retrieved by the Geographic Information System.

**STAFF ANALYSIS:**

A staff analysis for each petition is available on the Friday before each public hearing after 12 noon. Copies are available at the Planning and Zoning Office at 26 West Campbellton Street and on the City’s website at **www.fairburn.com**.





# APPLICATION FOR REZONING

City of Fairburn  
Community Development Department  
26 W. Campbellton Street  
Fairburn, GA 30213

Date Received: \_\_\_\_\_

REZONING #: \_\_\_\_\_  
*(Office Use Only)*

## APPLICANT INFORMATION

Applicant Name: <u>Freedom Land Holdings, LLC</u>
Address: <u>140 Village Circle, Senoia, Georgia 30276</u>
Phone: _____ Cell: <u>404-725-2237</u> Fax: _____
Email Address: <u>james.nicholson@jefflindseycommunities.com</u>

## OWNER INFORMATION (If different from Applicant)

Owner Name: <u>Jeff Lindsey Communities</u>
Address: <u>140 Village Circle, Senoia, Georgia 30276</u>
Phone: _____ Cell: <u>404-725-2237</u> Fax: _____
Email Address: <u>james.nicholson@jefflindseycommunities.com</u>

## PROPERTY INFORMATION

Address: <u>0 &amp; 241 East Campbellton Street</u>
Parcel ID#: <u>09F100900520035, 09F100900520316</u> Land Lot: _____ District: _____

## REZONING REQUEST

Current Zoning: <u>R-3</u> Current Land Use: _____
Proposed Zoning: <u>R-CT</u> Proposed Land Use: <u>Single-Family Detached Homes</u>
Proposed Density (Residential Only): _____

**SECTION 1**

**REZONING REQUEST**

Office use only:  
ZONING CASE #: \_\_\_\_\_ ROAD FRONTAGE: \_\_\_\_\_

PROPERTY ADDRESS (if available): 0 & 241 East Campbellton Street

The undersigned, having an interest in the property herein described, respectfully petitions that said property be rezoned from R-3 to R-CT

Existing Zoning(s)

Proposed Zoning(s)

**SECTION IV**

**OWNER/PETITIONER**

**NOTICE: Part 1 and/or Part 2 below must be signed and notarized when the petition is submitted. Please complete Section IV as follows:**

- a) If you are the sole owner of the property and not the petitioner complete Part 1.
- b) If you are the petitioner and not the sole owner of the property complete Part 2.
- c) If you are the sole owner and petitioner complete Part 1.
- d) If there are multiple owners each must complete a separate Part 1 and include it in the application.

**Part 1. Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.**

Freedom Land Holdings, LLC

TYPE OR PRINT OWNER'S NAME

140 Village Circle

ADDRESS

Senoia, Georgia 30276

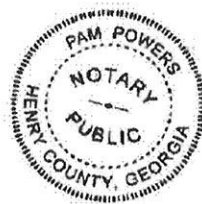
CITY & STATE ZIP CODE

*James Nicholson*

OWNER'S SIGNATURE

James.nicholson@jefflindseycommunities.com

EMAIL ADDRESS



Sworn to and subscribed before me this the

30th Day of October 2023

*Pam Powers*

NOTARY PUBLIC

404-725-2237

PHONE NUMBER

**PART 2. Petitioner states under oath that: (1) he/she is the executor or Attorney-in-fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").**

\_\_\_\_\_  
TYPE OR PRINT PETITIONER'S NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY & STATE ZIP CODE

\_\_\_\_\_  
PETITIONER'S SIGNATURE

\_\_\_\_\_  
EMAIL ADDRESS

Sworn to and subscribed before me this the

\_\_\_\_\_ Day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
PHONE NUMBER

**SECTION V**

**ATTORNEY / AGENT**

Check One:  Attorney  Agent

Steven L. Jones, Taylor English Duma LLP  
TYPE OR PRINT ATTORNEY / AGENT NAME

/s/ Steven L. Jones  
SIGNATURE OF ATTORNEY / AGENT

1600 Parkwood Circle, Suite 200  
ADDRESS

Atlanta, Georgia                      30339  
CITY & STATE                              ZIP CODE

  
PETITIONER'S SIGNATURE

404-218-2756  
PHONE



# DISCLOSURE REPORT FORM C

**Office use only:**

REZONING PETITION #: \_\_\_\_\_ CITY COUNCIL MEETING DATE: \_\_\_\_\_

Within the (2) years immediately preceding the filing of this zoning petition have you, as the applicant, owner and/or opponent for the rezoning petition, or an attorney or agent of the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to a member of City Council.

**CIRCLE ONE:**      YES       NO

If the answer is *YES*, proceed to sections 1 through 4.  
If the answer is *NO*, complete only section 4.

1. **CIRCLE ONE:**       Party to Petition       In Opposition to Petition

If party to petition, complete sections 2, 3, and 4 below.  
If in opposition, proceed to sections 3 and 4 below.

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) James Nicholson

Signature:  Date: October 30, 2023



# APPLICATION FOR REZONING

City of Fairburn  
Community Development Department  
26 W. Campbellton Street  
Fairburn, GA 30213

Date Received: \_\_\_\_\_

REZONING #: \_\_\_\_\_  
(Office Use Only)

### APPLICANT INFORMATION

Applicant Name: <u>Freedom Land Holdings LLC</u>		
Address: <u>140 Village Circle, Senoia, Georgia 30276</u>		
Phone: _____	Cell: <u>404-725-2237</u>	Fax: _____
Email Address: <u>james.nicholson@jeffindseycommunities.com</u>		

### OWNER INFORMATION (If different from Applicant)

Owner Name: <u>Landmark Christian School, Inc.</u>		
Address: <u>50 E Broad Street Fairburn, GA 30213</u>		
Phone: <u>678-466-2004</u>	Cell: _____	Fax: _____
Email Address: <u>mmayfield@landmark-cs.org</u>		

### PROPERTY INFORMATION

Address: <u>Milo Fisher Street</u>		
Parcel ID#: <u>09F100900520167</u>	Land Lot: _____	District: _____

### REZONING REQUEST

Current Zoning: <u>R1</u>	Current Land Use: _____
Proposed Zoning: <u>R-CT</u>	Proposed Land Use: <del>SFR Townhomes</del> <u>Single-Family Detached Homes</u>
Proposed Density (Residential Only): _____	



**SECTION I**

**REZONING REQUEST**

Office use only: ZONING CASE #: _____ ROAD FRONTAGE: _____
---

PROPERTY ADDRESS (if available): Milo Fisher Street

The undersigned, having an interest in the property herein described, respectfully petitions that said property be rezoned from R1 Existing Zoning(s) to R-CT Proposed Zoning(s)

**SECTION IV**

**OWNER/PETITIONER**

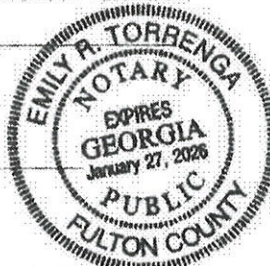
**NOTICE: Part 1 and/or Part 2 below must be signed and notarized when the petition is submitted. Please complete Section IV as follows:**

- a) If you are the sole owner of the property and not the petitioner complete Part 1.
- b) If you are the petitioner and not the sole owner of the property complete Part 2.
- c) If you are the sole owner and petitioner complete Part 1.
- d) If there are multiple owners each must complete a separate Part 1 and include it in the application.

**Part 1. Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application.**

Landmark Christian School, Inc.  
 TYPE OR PRINT OWNER'S NAME  
50 E Broad Street  
 ADDRESS  
Fairburn, Georgia 30213  
 CITY & STATE ZIP CODE  
Mollie S. Mayfield  
 OWNER'S SIGNATURE  
mmayfield@landmark-cs.org  
 EMAIL ADDRESS

Sworn to and subscribed before me this the  
2nd Day of November 2023  
Emily R. Torbenga  
 NOTARY PUBLIC  
678-466-2004  
 PHONE NUMBER



**PART 2. Petitioner states under oath that: (1) he/she is the executor or Attorney-in-fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").**

Freedom Land Holdings LLC  
 TYPE OR PRINT PETITIONER'S NAME  
140 Village Circle  
 ADDRESS  
Senoia, Georgia 30276  
 CITY & STATE ZIP CODE  
[Signature]  
 PETITIONER'S SIGNATURE  
james.nicholson@jefflindseycommunities.com  
 EMAIL ADDRESS

Sworn to and subscribed before me this the  
30 Day of May 2024  
Chateau  
 NOTARY PUBLIC  
404-725-2237  
 PHONE NUMBER



**SECTION V**

**ATTORNEY / AGENT**

Check One: [  ] Attorney [  ] Agent

Steven L. Jones, Taylor English Duma LLP  
TYPE OR PRINT ATTORNEY / AGENT NAME

/s/ Steven L. Jones  
SIGNATURE OF ATTORNEY / AGENT

1600 Parkwood Circle, Suite 200  
ADDRESS

Atlanta, Georgia                      30339  
CITY & STATE                              ZIP CODE

  
PETITIONER'S SIGNATURE

404-218-2756  
PHONE



# DISCLOSURE REPORT FORM C

**Office use only:**

REZONING PETITION #: \_\_\_\_\_ CITY COUNCIL MEETING DATE: \_\_\_\_\_

Within the (2) years immediately preceding the filing of this zoning petition have you, as the applicant, owner and/or opponent for the rezoning petition, or an attorney or agent of the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to a member of City Council.

**CIRCLE ONE:**      YES       NO

If the answer is *YES*, proceed to sections 1 through 4.  
If the answer is *NO*, complete only section 4.

1. **CIRCLE ONE:**       Party to Petition      In Opposition to Petition

If party to petition, complete sections 2, 3, and 4 below.  
If in opposition, proceed to sections 3 and 4 below.

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Mollie S. Mayfield

Signature: Mollie S. Mayfield Date: Nov 2, 2023





# DISCLOSURE REPORT FORM C

**Office use only:**

REZONING PETITION #: \_\_\_\_\_ CITY COUNCIL MEETING DATE: \_\_\_\_\_

Within the (2) years immediately preceding the filing of this zoning petition have you, as the applicant, owner and/or opponent for the rezoning petition, or an attorney or agent of the applicant or opponent for the rezoning petition, made any campaign contributions aggregating \$250.00 or more or made gifts having an aggregate value of \$250.00 to a member of City Council.

**CIRCLE ONE:** YES  NO

If the answer is *YES*, proceed to sections 1 through 4.  
If the answer is *NO*, complete only section 4.

1. **CIRCLE ONE:**  Party to Petition  In Opposition to Petition

If party to petition, complete sections 2, 3, and 4 below.  
If in opposition, proceed to sections 3 and 4 below.

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) James Nicholson

Signature:  Date: October 30, 2023

BOUNDARY SURVEY FOR:  
**FREEDOM BUILDERS, INC**  
 LAND LOT 52 OF THE 25TH DISTRICT  
 FULTON COUNTY, GEORGIA

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

**REFERENCES**

- DEED RECORDED IN DEED BOOK 29492, PAGE 501-502 PER FULTON COUNTY RECORDS.
- DEED RECORDED IN DEED BOOK 62994, PAGE 422-423 PER FULTON COUNTY RECORDS.
- DEED RECORDED IN DEED BOOK 65416, PAGE 1-4 PER FULTON COUNTY RECORDS.
- DEED RECORDED IN DEED BOOK 55274, PAGE 681-688 PER FULTON COUNTY RECORDS.
- DEED RECORDED IN DEED BOOK 66507, PAGE 151 PER FULTON COUNTY RECORDS.

**FLOOD NOTE**

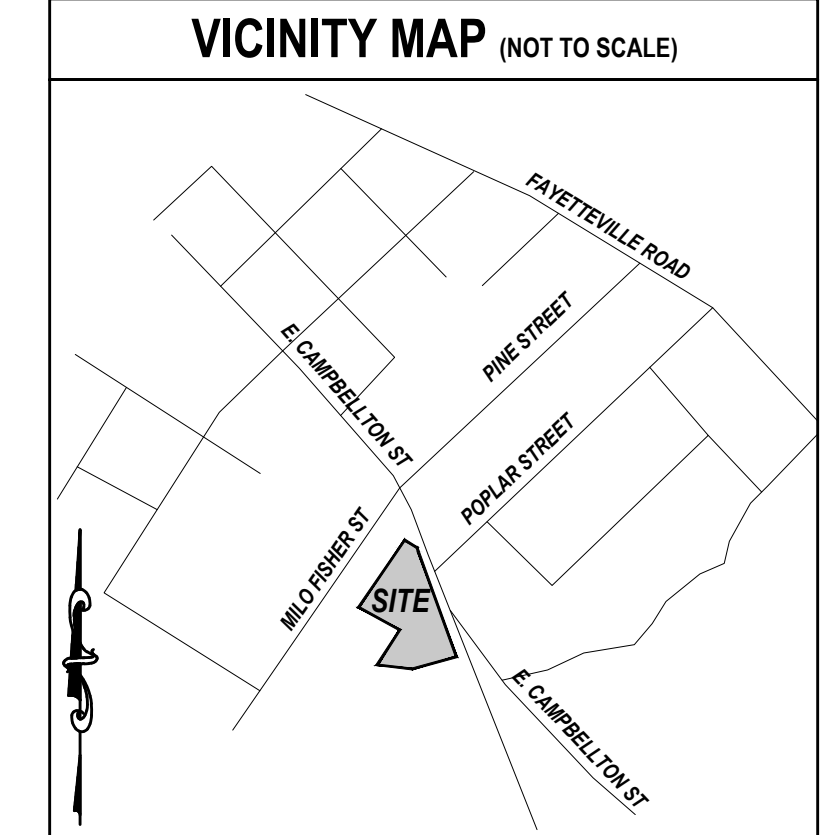
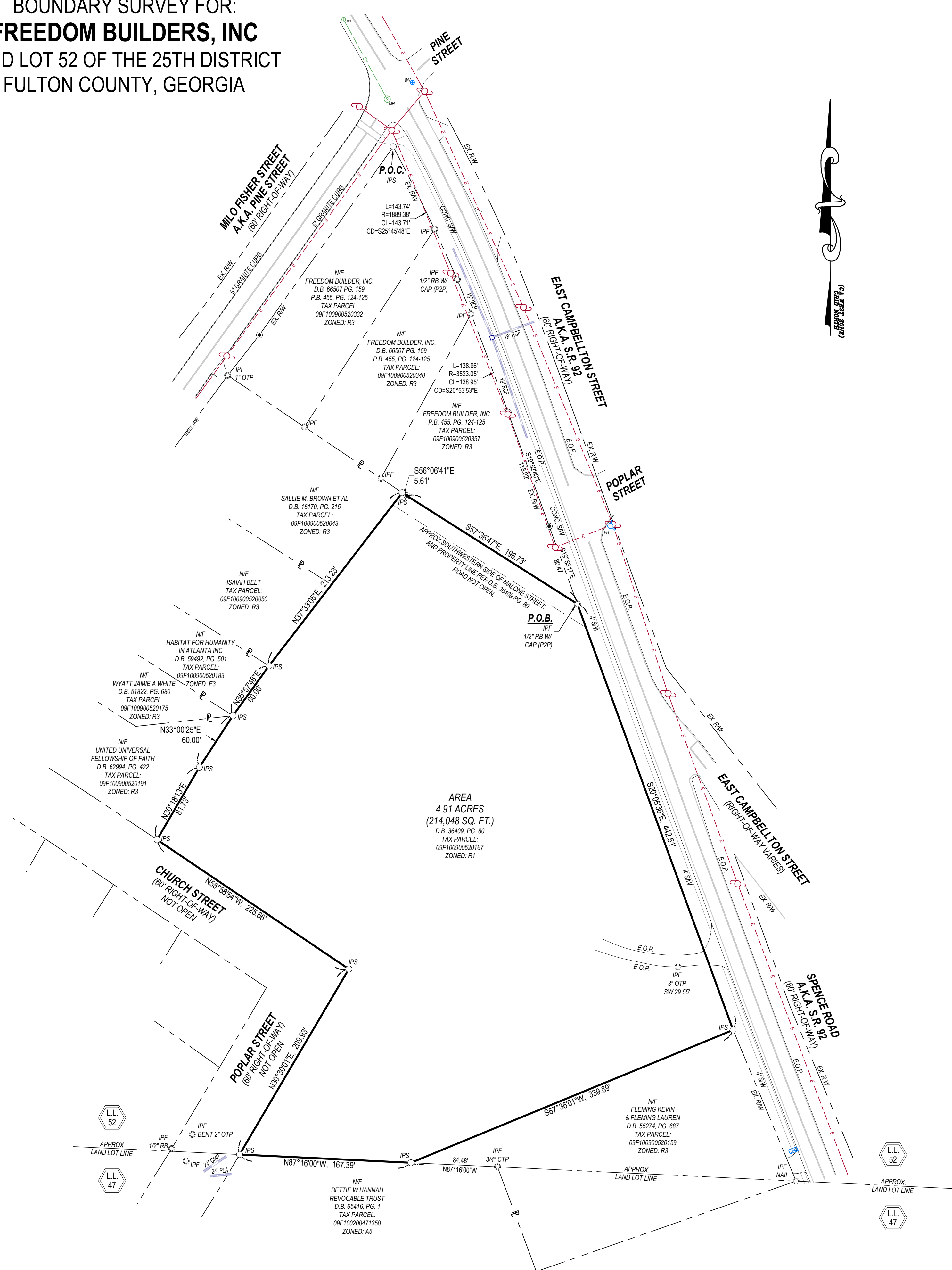
AS SHOWN ON FLOOD INSURANCE RATE MAPS OF FULTON COUNTY, GEORGIA COMMUNITY PANEL NUMBER: 131210462F EFFECTIVE DATE SEPTEMBER 18TH, 2013, THIS PROPERTY IS NOT LOCATED IN A FEMA FLOOD HAZARD ZONE.

**SURVEY NOTES**

- NO N.G.S. MONUMENT FOUND WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY.
- ALL PROPERTY CORNERS REFERENCED AS I.P.S. INDICATES A 1/2" REBAR PLACED WCAP LSF 001179 UNLESS OTHERWISE NOTED.
- MOORE BASS CONSULTING AND/OR ROBERT J. DEBIEN DO NOT GUARANTEE THAT ALL EASEMENTS AND SUB-SURFACE CONDITIONS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.
- THIS DRAWING HAS BEEN GENERATED ELECTRONICALLY. THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED VALID DOCUMENT UNLESS IT HAS BEEN PROPERLY SEALED, SIGNED, AND DATED BY ROBERT J. DEBIEN IN CONTRASTING COLOR OF INK PER O.C.G.A. 43-15-22.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN. ALL MATTERS TO TITLE ARE EXCEPTED.
- THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTY OR ENTITY NAMED HEREON AND THE CERTIFICATION DOES NOT EXTEND TO ANY OTHERS.
- THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC DISTANCE MEASURING DEVICES AND THE ADVENT OF SURVEY GRADE G.P.S. MEASUREMENT EQUIPMENT.
- THIS SURVEY IS REFERENCED TO THE NORTH AMERICAN DATUM (N.A.D.) OF 1983 (1994 ADJUSTMENT) FOR HORIZONTAL DATUM AND THE NORTH AMERICAN VERTICAL DATUM (N.A.V.D.) 1988 FOR THE VERTICAL DATUM. THE USE OF G.P.S. SURVEY MEASURING TECHNIQUES WERE USED FOR THESE DATUMS AND BASED ON THE POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY EGPS SOLUTIONS. THE ORTHOMETRIC HEIGHTS WERE DERIVED USING THE GEOID A12.
- ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- UTILITIES SHOWN ARE BASED ON ABOVE GROUND EVIDENCE. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. NO CERTIFICATION OR GUARANTEE IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE UTILITIES OR STRUCTURES SHOWN HEREON. PER GEORGIA LAW THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 124,780 FEET, AND AN ANGULAR ERROR OF 02" PER ANGLE. IT WAS A CLOSED LOOP TRAVERSE AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
- THE CLOSURE PRECISION OF THE DATA SHOWN ON THE MAP OR PLAT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 221,984 FEET. THE CLOSURE PRECISION PLACED ON THE SURVEY SHALL BE BASED ON AN ACTUAL MAP CLOSURE THAT HAS BEEN INDEPENDENTLY CALCULATED BY THE SURVEYOR BY USING THE BEARINGS AND DISTANCES FROM THE FACE OF THE PLAT, AND SHALL NOT BE A GENERALIZATION.
- ALL LOTS OR PARCELS SHOWN ON LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A TRIMBLE ROBOTIC TOTAL STATION & CARLSON BRX7 GPS UNIT. THE FIELDWORK WAS COMPLETED NOVEMBER 2, 2023 ON THIS PROJECT.

**LEGEND**

D.B.	DEED BOOK	E.O.P.	EDGE OF PAVEMENT
P.B.	PLAT BOOK	FH	FIRE HYDRANT
PG.	PAGE	L	LINE LABEL
LL	LAND LOT	N/F	NOW OR FORMERLY
OTF	OPEN TOP PIPE	PKS	PK NAIL SET
REBAR	REBAR	S.S.E.	SANITARY SEWER EASEMENT
IPF	IRON PIN FOUND	U/E	UTILITY EASEMENT
IPS	1/2" REBAR W/ LSF 001179	REF	REFERENCE
CTP	CRIMP TOP PIPE	OC	SEWER CLEAN OUT
C&G	CURB & GUTTER	SQ.FT.	SQUARE FOOT
R/W	RIGHT-OF-WAY	FT.	FEET
N/F	NOW OR FORMERLY	IPF	IRON PIN FOUND (IPF)
O.P.	OVERHEAD POWER LINE	IPF	IRON PIN SET (IPF)
CMP	CORRUGATED METAL PIPE	CP	CALCULATED POINT
SMWF	STORMWATER MANAGEMENT FACILITY	PP	POWER POLE (PP)
TM	TEMPORARY SENCHMARK	FH	FIRE HYDRANT (FH)
P.O.B.	POINT OF BEGINNING	WV	WATER VALVE (WV)
P.O.C.	POINT OF COMMENCEMENT	WM	WATER METER (WM)
RCF	REINFORCED CONCRETE PIPE	JB	JUNCTION BOX (JB)
DIP	DUCTILE IRON PIPE	SMH	SANITARY SEWER MANHOLE (SSMH)
PVC	POLYVINYL CHLORIDE PIPE	DI	DROP INLET (DI)
HDPE	HIGH DENSITY POLYETHYLENE PIPE	CMF	CONCRETE R/W MONUMENT FOUND (CMF)
PL	PROPERTY LINE	SWCB	SINGLE WING CATCH BASIN (SWCB)
C	CENTERLINE	DWCB	DOUBLE WING CATCH BASIN (DWCB)
ID	IDENTIFICATION	CI	CURB INLET (CI)
B.S.L.	BUILDING SETBACK LINE	H/W	HEADWALL (H/W)
B.O.C.	BACK OF CURB	FES	FLARED END SECTION (FES)
C	CURVE LABEL	LP	LIGHT POST (LP)
CI	CURB INLET	YI	YARD INLET (YI)
D.E.	DRAINAGE EASEMENT	CO	SEWER CLEAN OUT (CO)
		A	AREA INLET (A)



**MB**  
**Moore Bass Consulting, Inc.**

- Civil Engineering
- Land Surveying
- Development Consulting
- Landscape Architecture
- Environmental Permitting

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 TALLAHASSEE • ATLANTA

1350 Keys Ferry Court  
 McDonough, GA 30253  
 770.914.9394

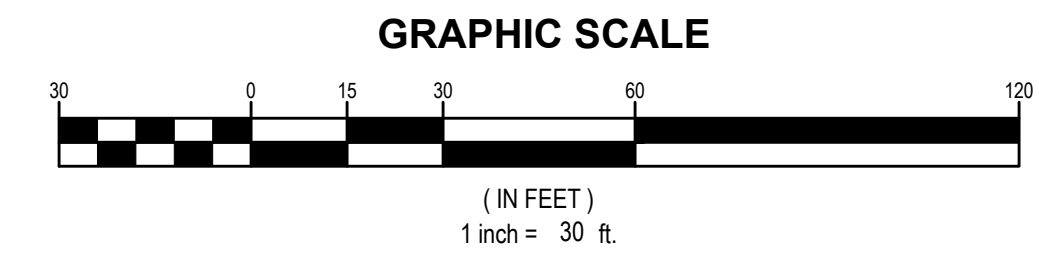
PROJECT NAME	LANDMARK VILLAGE FULTON COUNTY, GEORGIA
CLIENT NAME	JEFF LINDSEY COMMUNITIES 140 VILLAGE CIRCLE SENOIA, GEORGIA 30276

**GEORGIA SURVEY CERTIFICATE**

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

*Robert J. Debien*  
 ROBERT J. DEBIEN  
 REGISTERED GEORGIA LAND SURVEYOR NO. 2954 (rdebien@moorebass.com)  
 MOORE BASS CONSULTING, INC.  
 1350 KEYS FERRY CT, MCDONOUGH, GEORGIA 30253  
 CERTIFICATE OF AUTHORIZATION NO. LSF-0001179

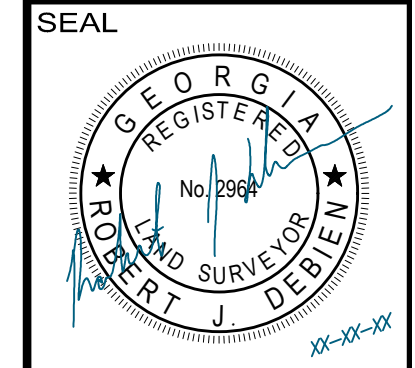
DATE: 11/6/23



REVISIONS	
A2431.0092-BNDRY	
DATE	11-6-2023
CONTRACT #	A2431.0092
DRAWN BY	RJD, DC

The Drawings, Specifications and other documents prepared by Moore Bass Consulting, Inc. (MBC) for this Project are instruments of MB for use solely with respect to this Project and, unless otherwise provided, MB shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright.

1350 KEYS FERRY COURT  
 MCDONOUGH, GA 30253  
 770.914.9394



SHEET TITLE  
**BOUNDARY SURVEY**

SHEET  
**1 OF 1**

**LEGAL DESCRIPTION  
LANDMARK VILLAGE**

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOT 52 OF THE 25TH DISTRICT OF FULTON COUNTY, GEORGIA, CONTAINING 4.91 ACRES (214,048 SQ. FT.), AS SHOWN ON BOUNDARY SURVEY OF LANDMARK VILLAGE FOR FREEDOM BUILDERS, INC, PREPARED BY MOORE BASS CONSULTING, INC., DATED NOVEMBER 6TH, 2023, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM A 1/2" REBAR SET AT INTERSECTING RIGHT-OF-WAY EASTERN MILO FISHER STREET (60' R/W) & WESTERN EAST CAMPBELLTON STREET (60' R/W); THENCE ALONG SAID RIGHT-OF-WAY OF MILO FISHER STREET (60' R/W) THE FOLLOWING COURSES AND DISTANCES ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 143.74 FEET (SAID ARC HAVING A RADIUS OF 1889.38 FEET AND BEING SUBTENDED BY A CHORD BEARING S25°45'48"E, WITH A CHORD DISTANCE OF 143.71 FEET) TO A 1/2" REBAR WITH CAP FOUND; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 138.96 FEET (SAID ARC HAVING A RADIUS OF 3523.05 FEET AND BEING SUBTENDED BY A CHORD BEARING S20°53'53"E, WITH A CHORD DISTANCE OF 138.95 FEET) TO A POINT; THENCE S19°52'40"E, A DISTANCE OF 118.02 FEET TO A POINT; THENCE S19°53'17"E, A DISTANCE OF 80.47 FEET TO A 1/2" REBAR WITH CAP FOUND, SAID REBAR BEING THE **TRUE POINT OF BEGINNING**.

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY S20°05'36"E, A DISTANCE OF 442.51 FEET TO A 1/2" REBAR SET; THENCE LEAVING SAID RIGHT-OF-WAY S67°36'01"W, A DISTANCE OF 339.89 FEET TO A 1/2" REBAR SET ON LAND LOT LINE 47 & 52; THENCE ALONG SAID LAND LOT LINE N87°16'00"W, A DISTANCE OF 167.39 FEET TO A 1/2" REBAR SET; THENCE LEAVING SAID LAND LOT LINE N30°30'01"E, A DISTANCE OF 209.93 FEET TO A 1/2" REBAR SET; THENCE N55°58'54"W, A DISTANCE OF 225.66 FEET TO A 1/2" REBAR SET; THENCE N30°18'13"E, A DISTANCE OF 81.73 FEET TO A 1/2" REBAR SET; THENCE N33°00'25"E, A DISTANCE OF 60.00 FEET TO A 1/2" REBAR SET; THENCE N35°57'48"E, A DISTANCE OF 60.00 FEET TO A 1/2" REBAR SET; THENCE N37°33'05"E, A DISTANCE OF 213.23 FEET TO A 1/2" REBAR SET; THENCE S56°06'41"E, A DISTANCE OF 5.61 FEET TO A POINT; THENCE S57°36'47"E, A DISTANCE OF 196.73 FEET TO A 1/2" REBAR SET ON WESTERN RIGHT-OF-WAY OF EAST CAMPBELLTON STREET (60' R/W), SAID REBAR BEING THE **TRUE POINT OF BEGINNING**.



Plat Book 455 Page 124  
 Filed and Recorded 01/23/2023 12:25:00 PM  
 2023-0010259  
 CATHELENE ROBINSON  
 Clerk of Superior Court  
 Fulton County, GA  
 Participant IDs: 6837325915

**PROPERTY DATA**

- PROPERTY AREA: 1.36 ACRES
- PARCEL ID: 09F100900520035 & 09F100900520316
- ZONING: R-3 (SINGLE-FAMILY RESIDENTIAL)
- NUMBER OF LOTS: 3 LOTS
- SETBACKS:  
 FRONT: 45 FEET  
 SIDE: 35 FEET (ALONG ROAD)  
 SIDE: 10 FEET (INTERIOR LINE)  
 REAR: 30 FEET
- MINIMUM LOT WIDTH: 90 FEET
- MINIMUM LOT SIZE: 14,520 SQ. FT.
- MAXIMUM BLDG. HEIGHT: 48 FEET

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

FINAL PLAT FOR:  
**ANDY ANDERSON, JR**

LAND LOT 52, 9F DISTRICT  
 CITY OF FAIRBURN  
 FULTON COUNTY, GEORGIA

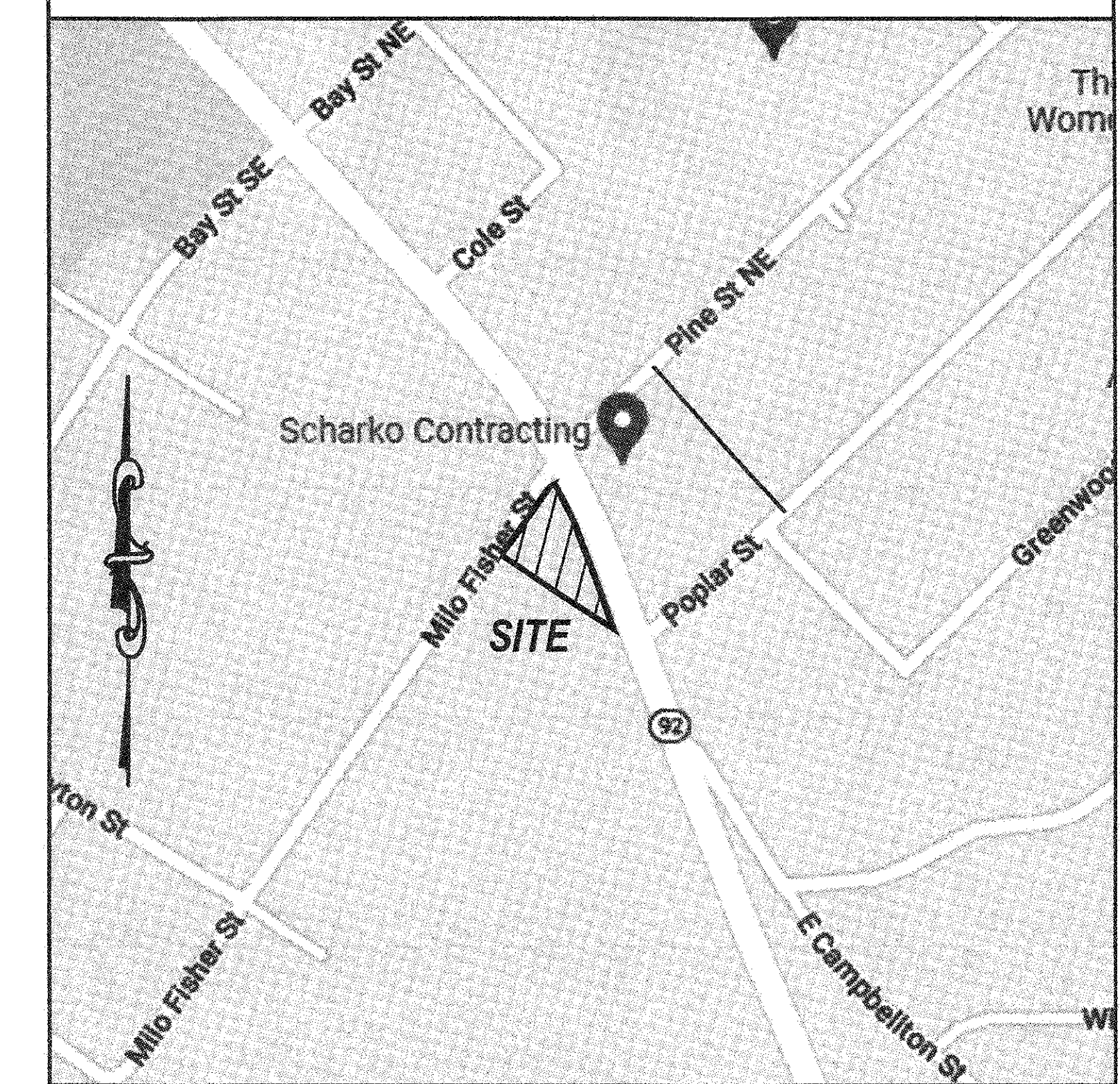
**ENGINEER/SURVEYOR:**

MOORE BASS CONSULTING, INC.  
 1350 KEYS FERRY COURT  
 McDONOUGH, GA 30253  
 (770) 914-9394

**OWNER/DEVELOPER**

ANDY ANDERSON, JR  
 450 RIVERTOWN ROAD  
 FAIRBURN, GEORGIA 30213  
 (404) 202-1782

**VICINITY MAP (SCALE: 1"=600')**



**CITY OF FAIRBURN APPROVAL**

THIS FINAL PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE APPROVED CONCEPT PLAT, THE APPROVED PRELIMINARY PLAT, THE APPROVED CONSTRUCTION PLANS, AND THE OTHER DEVELOPMENT CODES AND ORDINANCES OF THE CITY AND HAS BEEN APPROVED BY THE CITY FOR RECORDING IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF FULTON COUNTY.

CITY ENGINEER: *[Signature]* DATE: 01/12/2023  
 CITY CLERK: *[Signature]* DATE: January 13, 2023  
 MAYOR/CITY ADMINISTRATOR: *[Signature]* DATE: 01/12/23

**REFERENCES**

- LOT DIVISION SURVEY FOR ANDY ANDERSON JR AND ROBIN ANDERSON, PERFORMED BY POINT TO POINT LAND SURVEYORS, DATED JULY 17, 2010.
- BOUNDARY SURVEY FOR ANDY ANDERSON, JR, PERFORMED BY MOORE BASS CONSULTING, INC., DATED JULY 1, 2022.

**FLOOD NOTE**

AS SHOWN ON FLOOD INSURANCE RATE MAPS OF FULTON COUNTY, GEORGIA COMMUNITY PANEL NUMBER: 13121C0462F EFFECTIVE DATE SEPTEMBER 18, 2013, THIS PROPERTY IS NOT LOCATED IN A FEMA FLOOD HAZARD ZONE.

**SURVEY NOTES**

- NO N.G.S. MONUMENT FOUND WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY.
- ALL PROPERTY CORNERS REFERENCED AS I.P.S. INDICATES A 1/2" REBAR PLACED W/ICAP LSF 001179 UNLESS OTHERWISE NOTED.
- MOORE BASS CONSULTING AND/OR ROBERT J. DEBIEN DO NOT GUARANTEE THAT ALL EASEMENTS AND SUB-SURFACE CONDITIONS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.
- THIS DRAWING HAS BEEN GENERATED ELECTRONICALLY. THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED VALID DOCUMENT UNLESS IT HAS BEEN PROPERLY SEALED, SIGNED, AND DATED BY ROBERT J. DEBIEN IN CONTRASTING COLOR OF INK PER O.C.G.A. 43-15-22.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN. ALL MATTERS TO TITLE ARE EXCEPTED.
- THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTY OR ENTITY NAMED HEREON AND THE CERTIFICATION DOES NOT EXTEND TO ANY OTHERS.
- THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC DISTANCE MEASURING DEVICES AND THE ADVENT OF SURVEY GRADE G.P.S. MEASUREMENT EQUIPMENT.
- THIS SURVEY IS REFERENCED TO THE NORTH AMERICAN DATUM (N.A.D.) OF 1983 (1994 ADJUSTMENT) FOR HORIZONTAL DATUM AND THE NORTH AMERICAN VERTICAL DATUM (N.A.V.D.) 1988 FOR THE VERTICAL DATUM. THE USE OF G.P.S. SURVEY MEASURING TECHNIQUES WERE USED FOR THESE DATUMS AND BASED ON THE POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY EGPS SOLUTIONS. THE ORTHOMETRIC HEIGHTS WERE DERIVED USING THE GEOID A12.
- ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- UTILITIES SHOWN ARE BASED ON ABOVE GROUND EVIDENCE. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. NO CERTIFICATION OR GUARANTEE IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE UTILITIES OR STRUCTURES SHOWN HEREON. PER GEORGIA LAW THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 123,637 FEET, AND AN ANGULAR ERROR OF 01" PER ANGLE. IT WAS A CLOSED LOOP TRAVERSE AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
- THE CLOSURE PRECISION OF THE DATA SHOWN ON THE MAP OR PLAT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 202,847 FEET. THE CLOSURE PRECISION PLACED ON THE SURVEY SHALL BE BASED ON AN ACTUAL MAP CLOSURE THAT HAS BEEN INDEPENDENTLY CALCULATED BY THE SURVEYOR BY USING THE BEARINGS AND DISTANCES FROM THE FACE OF THE PLAT, AND SHALL NOT BE A GENERALIZATION.
- ALL LOTS OR PARCELS SHOWN ON LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A TRIMBLE S6 ROBOTIC TOTAL STATION & CHAMPION TKO ROVER GPS UNIT. THE FIELDWORK WAS COMPLETED JUNE 7, 2022 ON THIS PROJECT.

**CERTIFICATE OF DEDICATION**

STATE OF GEORGIA  
 COUNTY OF FULTON

THE OWNER OF THE LAND SHOWN ON THIS PLAT ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, AND FOR VALUE RECEIVED, THE SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, DOES HEREBY CONVEY IN FEE SIMPLE TO THE CITY OF FAIRBURN, GEORGIA, AND FURTHER DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS AND RIGHTS-OF-WAY, PEDESTRIAN WALKS, WATERCOURSES, DRAINS, EASEMENTS, GREENBELTS AND PUBLIC PLACES SHOWN HEREON, EXCEPT THOSE EASEMENTS DESIGNATED ON THIS PLAT AS OTHER UTILITY COMPANY EASEMENTS, AND EXCEPT THOSE STREETS SPECIFICALLY DESIGNATED ON THIS PLAT AS PRIVATE STREETS.

IN CONSIDERATION OF THE APPROVAL OF THIS FINAL PLAT AND OTHER VALUABLE CONSIDERATIONS, THE OWNERS DO HEREBY AGREE TO HOLD THE CITY OF FAIRBURN, GEORGIA, HARMLESS FOR THE PERIOD SPECIFIED IN SECTION 77-158(1) FROM ANY AND ALL MONETARY LIABILITIES WHICH MAY ARISE FROM ANY AND ALL CLAIMS, DAMAGES, OR DEMANDS ARISING ON ACCOUNT OF THE DESIGN AND CONSTRUCTION OF PUBLIC IMPROVEMENTS OF THE PROPERTY SHOWN HEREIN, TO INCLUDE BUT NOT LIMITED TO, THE ROADS, STREETS, FILLS, EMBANKMENTS, DITCHES, CROSS DRAINS, CULVERTS AND BRIDGES WITHIN THE PROPOSED RIGHT-OF-WAY SHOWN, RESULTING FROM ANY AND ALL CAUSES OTHER THAN BY AN ACT OF THE CITY OF FAIRBURN, GEORGIA.

AND FURTHER, THE OWNER WARRANTS THAT HE OWNS FEE SIMPLE TITLE TO THE PROPERTY SHOWN HEREON AND AGREES THAT THE CITY OF FAIRBURN SHALL NOT BE LIABLE TO THE UNDERSIGNED OR SUBSEQUENT OWNERS IN TITLE FOR THE PERIOD SPECIFIED IN SECTION 77-158(1) FOR ANY CLAIM OF DAMAGES RESULTING FROM NEGLIGENCE IN EXERCISING ENGINEERING TECHNIQUES AND DUE CAUTION IN THE CONSTRUCTION OF CROSS DRAINS EXTENSION, DRIVES, STRUCTURES OR BUILDINGS, THE CHANGING OF COURSES OF STREAMS AND RIVERS, FLOODING FROM NATURAL CREEKS AND RIVERS AND ANY OTHER MATTER WHATSOEVER ON PRIVATE PROPERTY. ANY AND ALL MONETARY LIABILITY OCCURRING UNDER THIS PARAGRAPH SHALL BE THE LIABILITY OF THE OWNER. I FURTHER WARRANT THAT I HAVE THE RIGHT TO CONVEY SAID LAND ACCORDING TO THIS PLAT AND DO HEREBY BIND MYSELF AND THE OWNERS SUBSEQUENT IN TITLE TO DEFEND THE COVENANTS AND AGREEMENTS SET OUT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET BY HAND AND AFFIXED MY SEAL THIS DAY OF \_\_\_\_\_

OWNER/DEVELOPER: *[Signature]* DATE: 10/10/22  
 OWNER: *[Signature]* DATE: 10/10/22  
 NOTARY PUBLIC: *[Signature]* DATE: 10/10/22  
 STATE OF GEORGIA  
 NOTARY PUBLIC SEAL: PAM POWERS, HENRY COUNTY, GEORGIA

**SURVEYOR'S CERTIFICATE**

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THIS MAP OR PLAT HAS BEEN PREPARED AND ISSUED FOR SUBMITTAL AND APPROVAL BY THE LOCAL JURISDICTION AS IS EVIDENCED BY THE APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THE SURVEY OR MAP AS TO INTENDED USE OF ANY PARCEL. FURTHER, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS MAP, PLAT, OR PLAN COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN; THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT.

*[Signature]* DATE: 10/10/22  
 ROBERT J. DEBIEN  
 REGISTERED LAND SURVEYOR #2964 (rdebien@moorebass.com)

**MAINTENANCE GUARANTEE**

THE UNDERSIGNED, ITS SUCCESSORS AND ASSIGNS, HEREBY WARRANTS AND GUARANTEES TO THE CITY OF FAIRBURN THE FULL AND COMPLETE MAINTENANCE OF A CERTAIN IMPROVEMENT KNOWN AS \_\_\_\_\_ AND MORE PARTICULARLY SHOWN IN PLAT BOOK \_\_\_\_\_, PAGE(S) \_\_\_\_\_ OF THE FULTON COUNTY RECORDS.

THIS WARRANTY AND GUARANTEE IS MADE IN ACCORDANCE WITH THE CITY OF FAIRBURN LAND SUBDIVISION REGULATIONS AND DEVELOPMENT STANDARD SPECIFICATIONS. THIS GUARANTEE INCLUDES NOT ONLY PAVING BUT ALSO ALL OTHER APPURTENANT STRUCTURES AND AMENITIES LYING WITHIN THE RIGHT-OF-WAY OF SAID ROAD AND IN THE BUFFER AREAS, INCLUDING BUT NOT LIMITED TO ALL CURBING, DRAINAGE PIPES, CULVERTS, CATCHBASINS, DRAINAGE DITCHES, AND PEDESTRIAN WALKS. UTILITIES OWNED AND OPERATED BY A GOVERNMENTAL BODY OR PUBLIC UTILITY COMPANY SHALL BE THE RESPONSIBILITY OF SAID GOVERNMENTAL BODY OR PUBLIC UTILITY COMPANY AND NOT THE DEVELOPER.

THE DEVELOPER SHALL CORRECT AND REPAIR OR CAUSE TO BE CORRECTED AND REPAIRED ALL DAMAGES TO SAID IMPROVEMENTS RESULTING FROM ANY CAUSE WHATSOEVER. IN THE EVENT THE DEVELOPER FAILS TO CORRECT ANY DAMAGES WITHIN 30 CALENDAR DAYS AFTER WRITTEN NOTICE THEREOF, THEN SAID DAMAGES MAY BE CORRECTED BY THE CITY AND ALL COSTS AND CHARGES BILLED TO AND PAID BY THE DEVELOPER, BUT THIS REMEDY SHALL NOT LIMIT THE CITY, AND IT SHALL ALSO HAVE ANY REMEDIES AVAILABLE TO IT AS APPROVED BY LAW.

THE TERMS OF THIS AGREEMENT SHALL BE AS SPECIFIED IN SECTION 77-158(1). AFTER THE TERMINATION OF THE AGREEMENT, THE CITY SHALL BE RESPONSIBLE TO THE CITIZENS OF THE CITY FOR THE MAINTENANCE OF SAID IMPROVEMENTS AS PROVIDED BY LAW. NO ROADWAY AND ASSOCIATED RIGHT-OF-WAY SHALL BE ACCEPTED BY THE CITY FOR MAINTENANCE UNLESS IT SCORES 90 OR ABOVE ON THE CITY'S ASPHALT PAVEMENT RATING FORM; PROVIDED, HOWEVER, THAT ANY DAMAGES THAT OCCURRED PRIOR TO THE END OF THE AGREEMENT AS SPECIFIED IN SECTION 77-158(1) THAT STILL ARE UNREPAIRED AT THE TERMINATION OF THE STATED PERIOD SHALL REMAIN THE RESPONSIBILITY OF THE DEVELOPER. WRITTEN NOTICE OF DAMAGES MUST BE GIVEN PRIOR TO THE TIME OF THE TERMINATION OF THE AGREEMENT.

IN WITNESS WHEREOF, THE DEVELOPER HAS CAUSED THIS AGREEMENT TO BE EXECUTED BY ITS DULY AUTHORIZED OFFICERS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

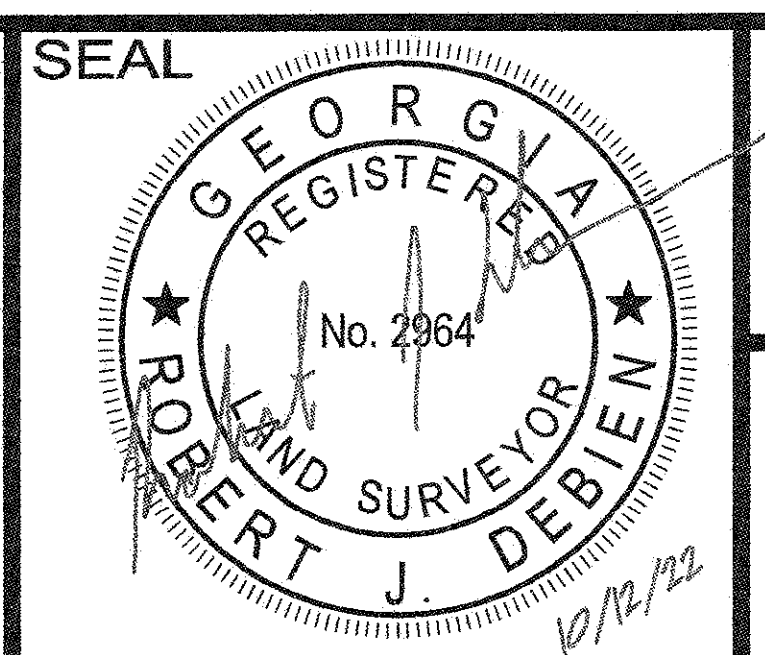
OWNER/DEVELOPER: *[Signature]* DATE: 10/10/22  
 NOTARY PUBLIC: *[Signature]* DATE: 10/10/22  
 STATE OF GEORGIA  
 NOTARY PUBLIC SEAL: PAM POWERS, HENRY COUNTY, GEORGIA

DATE	7/21/2022
FILE #	
CONTRACT #	A3853.0001
DRAWN BY	JRW
CHECKED BY	RJD
© Moore Bass Consulting	

REVISIONS
1. REV. PER COMMENTS: 10/12/22

The Drawings, Specifications and other documents prepared by Moore Bass Consulting, Inc. (MB) for this Project are instruments of MB for use solely with respect to this Project and, unless otherwise provided, MB shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright.

**SHEET TITLE**  
**FINAL PLAT**  
 LAND LOT 52, 9F DISTRICT  
 CITY OF FAIRBURN, FULTON CO., GEORGIA



**PROJECT**  
 ANDY ANDERSON, JR.  
 FAIRBURN, GEORGIA  
 CLIENT NAME  
 ANDY ANDERSON, JR.  
 450 RIVERTOWN ROAD  
 FAIRBURN, GEORGIA 30213



• Civil Engineering  
 • Land Surveying  
 • Development Consulting  
 • Landscape Architecture  
 • Environmental Permitting  
 www.moorebass.com  
 TALLAHASSEE • ATLANTA  
 1350 Keys Ferry Court  
 McDonough, GA 30253  
 770.914.9394

SHEET  
 1  
 OF  
 2

G:\A3853.0001\Survey\Record\Plat\A3853.0001 - PLAT.dwg, 18x24, Woods, Oct 11, 2022 - 4:44:49pm

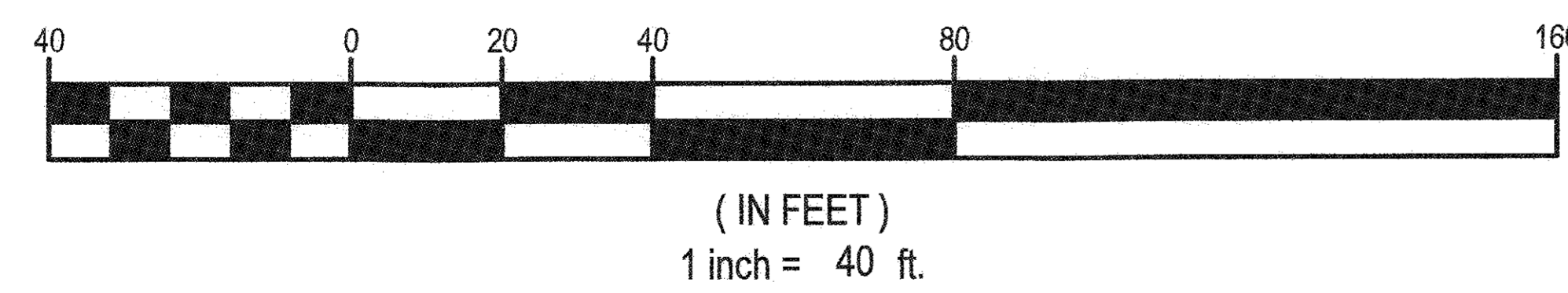


Plat Book 455 Page 125  
 CATHELENE ROBINSON  
 Clerk of Superior Court

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



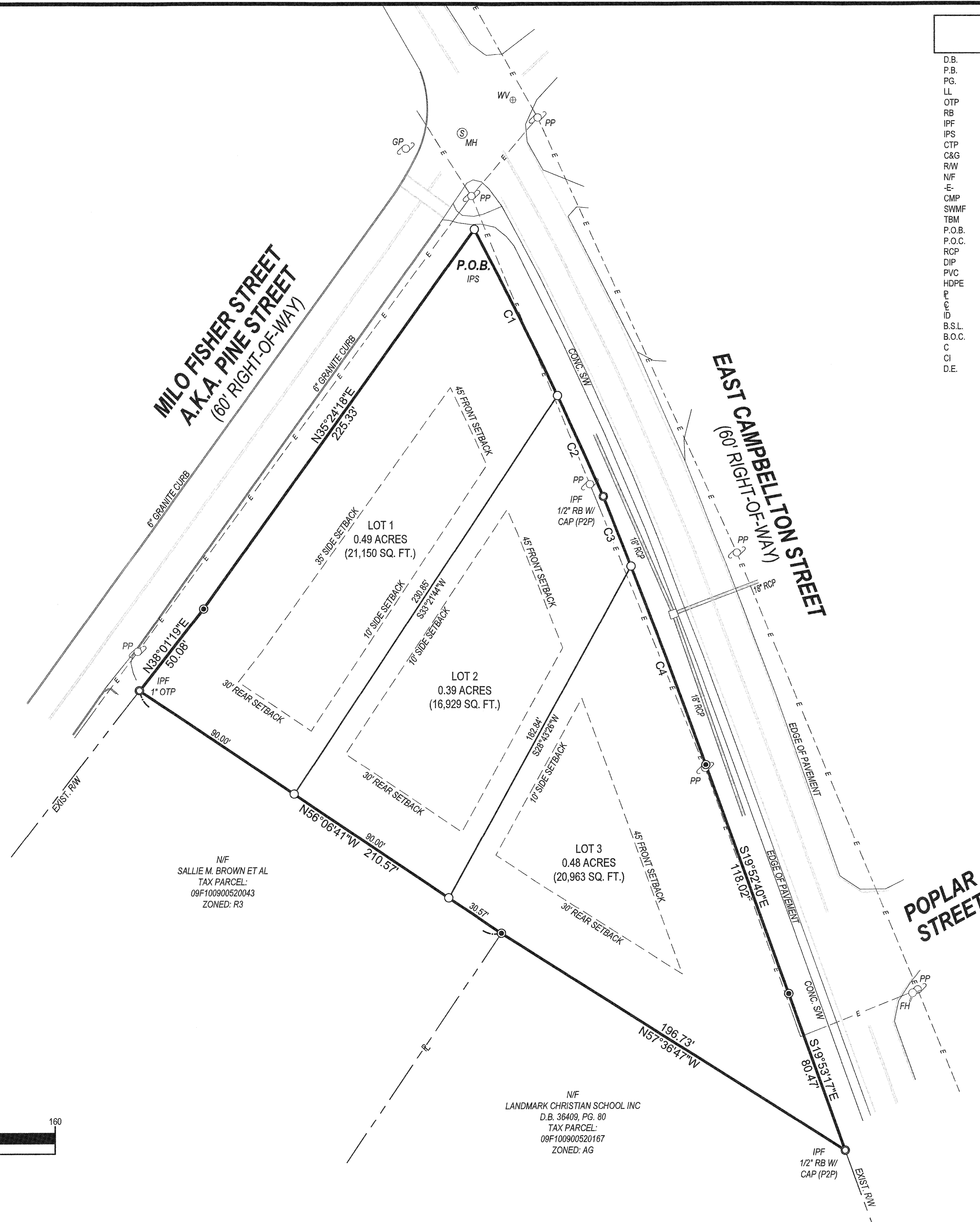
**GRAPHIC SCALE**



**LEGEND**

D.B.	DEED BOOK	E.O.P.	EDGE OF PAVEMENT
P.B.	PLAT BOOK	FH	FIRE HYDRANT
P.G.	PAGE	GP	GUY POLE
LL	LAND LOT	N/F	NOW OR FORMERLY
OTF	OPEN TOP PIPE	PKS	PK NAIL SET
RB	REBAR	S.S.E.	SANITARY SEWER EASEMENT
IPF	IRON PIN FOUND	U.E.	UTILITY EASEMENT
IPS	1/2" REBAR W/C LSF 001179	REF.	REFERENCE
CTP	CRIMP TOP PIPE	C/O	SEWER CLEAN OUT
C&G	CURB & GUTTER	SQ. FT.	SQUARE FOOT
R/W	RIGHT OF WAY	FT.	FEET
N/F	NOW OR FORMERLY	IPF	IRON PIN FOUND
O.P.	OVERHEAD POWER LINE	IPN	IRON PIN SET
CMP	CORRUGATED METAL PIPE	CP	CALCULATED POINT
SWMF	STORMWATER MANAGEMENT FACILITY	PP	POWER POLE (PP)
TBM	TEMPORARY BENCHMARK	FH	FIRE HYDRANT (FH)
P.O.B.	POINT OF BEGINNING	WV	WATER VALVE (WV)
P.O.C.	POINT OF COMMENCEMENT	WM	WATER METER (WM)
RCP	REINFORCED CONCRETE PIPE	JB	JUNCTION BOX (JB)
DIP	DUCTILE IRON PIPE	SSMH	SANITARY SEWER MANHOLE (SSMH)
PVC	POLYVINYL CHLORIDE PIPE	D	DROP INLET (D)
HDPE	HIGH DENSITY POLYETHYLENE PIPE	CMF	CONCRETE R/W MONUMENT FOUND (CMF)
PL	PROPERTY LINE	SWC	SINGLE WING CATCH BASIN
CL	CENTERLINE	DWCB	DOUBLE WING CATCH BASIN
ID	IDENTIFICATION	C	CURB INLET (C)
B.S.L.	BUILDING SETBACK LINE	HW	HEADWALL (HW)
B.O.C.	BACK OF CURB	FLS	FLARED END SECTION
C	CURVE LABEL	LP	LIGHT POST (LP)
CI	CURB INLET	YI	YARD INLET (YI)
D.E.	DRAINAGE EASEMENT	SC	SEWER CLEAN OUT

CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD LENGTH	CHORD DIRECTION
C1	90.01	1889.38	90.00	N26° 34' 41"W
C2	53.74	1889.38	53.73	N24° 23' 55"W
C3	36.29	3523.05	36.29	N21° 43' 58"W
C4	102.67	3523.05	102.67	N20° 36' 10"W



N/F  
 SALLIE M. BROWN ET AL  
 TAX PARCEL:  
 09F100900520043  
 ZONED: R3

N/F  
 LANDMARK CHRISTIAN SCHOOL INC  
 D.B. 38409, PG. 80  
 TAX PARCEL:  
 09F100900520167  
 ZONED: AG

Q:\A3853\001\Survey\Record\Plat\A3853.0001 - PLAT.dwg, 18x24 (2), jwoods, Oct 11, 2022 - 4:44:50pm

DATE	7/21/2022	<b>REVISIONS</b> 1. REV. PER COMMENTS: 10/12/22	The Drawings, Specifications and other documents prepared by Moore Bass Consulting, Inc. (MB) for this Project are instruments of MB for use solely with respect to this Project and, unless otherwise provided, MB shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright.	<b>SHEET TITLE</b>  <b>FINAL PLAT</b>  LAND LOT 52, 9F DISTRICT CITY OF FAIRBURN, FULTON CO., GEORGIA	<b>SEAL</b> 	<b>PROJECT</b>  ANDY ANDERSON, JR. FAIRBURN, GEORGIA CLIENT NAME  ANDY ANDERSON, JR. 450 RIVERTOWN ROAD FAIRBURN, GEORGIA 30213	 Moore Bass Consulting, Inc. 1350 Keys Ferry Court McDonough, GA 30253 770.914.9394	www.moorebass.com TALLAHASSEE • ATLANTA	SHEET <b>2</b> OF <b>2</b>
FILE #	A3853.0001								
CONTRACT #	A3853.0001								
DRAWN BY	JRW								
CHECKED BY	RJD								
© Moore Bass Consulting		A3853.0001 - PLAT							

**LEGAL DESCRIPTION  
ANDY ANDERSON, JR.  
FINAL PLAT - OVERALL**

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOT 52 OF THE 9F DISTRICT OF FULTON COUNTY, GEORGIA, CONTAINING 1.36 ACRES (59,042 SQ. FT.), AS SHOWN ON FINAL PLAT SURVEY FOR ANDY ANDERSON, JR., PREPARED BY MOORE BASS CONSULTING, INC., DATED NOVEMBER 6TH, 2023, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM A 1/2" REBAR SET AT INTERSECTING RIGHT-OF-WAY EASTERN MILO FISHER STREET (60' R/W) & WESTERN EAST CAMPBELLTON STREET (60' R/W); THENCE ALONG SAID RIGHT-OF-WAY OF MILO FISHER STREET (60' R/W) THE FOLLOWING COURSES AND DISTANCES ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 90.01 FEET (SAID ARC HAVING A RADIUS OF 1889.38 FEET AND BEING SUBTENDED BY A CHORD BEARING S26°34'41"E, WITH A CHORD DISTANCE OF 90.00 FEET) TO A 1/2" REBAR SET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 53.74 FEET (SAID ARC HAVING A RADIUS OF 1889.38 FEET AND BEING SUBTENDED BY A CHORD BEARING S24°23'55"E, WITH A CHORD DISTANCE OF 53.73 FEET) TO A 1/2" REBAR WITH CAP FOUND; ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 36.29 FEET (SAID ARC HAVING A RADIUS OF 3523.05 FEET AND BEING SUBTENDED BY A CHORD BEARING S21°43'58"E, WITH A CHORD DISTANCE OF 36.29 FEET) TO A 1/2" REBAR SET; ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 102.67 FEET (SAID ARC HAVING A RADIUS OF 3523.05 FEET AND BEING SUBTENDED BY A CHORD BEARING S20°36'10"E, WITH A CHORD DISTANCE OF 102.67 FEET) TO A POINT; THENCE S19°52'40"E, A DISTANCE OF 118.02 FEET TO A POINT; THENCE S19°53'17"E, A DISTANCE OF 80.47 FEET TO A 1/2" REBAR WITH CAP FOUND; THENCE LEAVING SAID RIGHT-OF-WAY N57°36'47"W, A DISTANCE OF 196.73 FEET TO A POINT; THENCE N56°06'41"W, A DISTANCE OF 210.57 FEET TO A 1" OPEN TOP PIPE FOUND ON EASTERN RIGHT-OF-WAY OF MILO FISHER STREET (60' R/W); THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING COURSES AND DISTANCES N38°01'19"E, A DISTANCE OF 50.08 FEET TO A POINT; THENCE N35°24'18"E, A DISTANCE OF 225.33 FEET TO A 1/2" REBAR SET, SAID REBAR BEING THE **TRUE POINT OF BEGINNING**.

Please return to:  
Lawson, Beck & Sandlin, LLC  
1125 Commerce Drive, Suite 300  
Peachtree City, GA 30269  
File # 22-LAW-1707

**09F100900520035 & 09F100900520136**

STATE OF GEORGIA  
COUNTY OF FAYETTE

②

**LIMITED WARRANTY DEED**

THIS INDENTURE made this 27th day of January, 2023 between

**Andy Anderson, Jr. and Robin Anderson**

as party or parties of the first part, hereinafter called Grantor, and

**Freedom Builders, Inc.**

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

All that tract or parcel of land lying and being in Land Lot 52 of the 9f District of Fulton County, Georgia, being Lots 1, 2, and 3 as shown on Final Plat for Andy Anderson, Jr, prepared by Moore Bass Consulting, Inc., dated 7/21/2022, and recorded in Plat Book 455, Page 124, Fulton County, Georgia Records, said plat being incorporated herein and made a part hereof by reference.

Subject to restrictive covenants and easements of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.


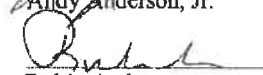
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, Sealed and delivered in the presence of:

  
Official Witness

  
Notary Public



  
Andy Anderson, Jr.  
  
Robin Anderson



Deed Book 36409 Pg 80  
Filed and Recorded Nov-03-2003 02:28pm  
2003-0378746  
Real Estate Transfer Tax \$0.00  
Juanita Hicks  
Clerk of Superior Court  
Fulton County, Georgia

**COLLINS & JONES, LLC**  
Attorneys-at-law  
7 West Broad Street  
Fairburn, Georgia 30213

**WARRANTY DEED**

**GEORGIA, FULTON COUNTY**

IN INDENTURE, made the 15<sup>th</sup> day of October, 2003, between **WILDWOOD RECREATION CLUB, INC.** of the State of Georgia and County of Fulton of the first part and **LANDMARK CHRISTIAN SCHOOL, INC.** of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS** in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said party of the second part and further assigns, all that tract of parcel of land lying and being in the City of Fairburn and in Land Lot 52 of the 9<sup>th</sup> District of originally Fayette, then Campbell, now Fulton County, Georgia, and more particularly described as follows:

BEGINNING at the intersection of the Southwestern side of Spence Road and the Southwestern side of Malone Street (unopened); thence running Southeasterly along the Southwestern side of Spence Road three hundred fifty-nine (359) feet to property of Crawford; thence South 66 degrees West along the line of the Crawford property three hundred fifty-three (353) feet to an iron pin on the South line of said Land Lot 52; thence West along the South line of said Land Lot one hundred ninety-nine (199) feet to an iron pin at the property line of Milo Fisher; thence North 35 degrees East along the Fisher property two hundred twenty-one (221) feet to a point on the Northeastern side of Church Street (unopened); said point being marked by an iron pin; thence North 58 degrees along the northeastern side of Church Street two hundred twenty-eight (228) feet to an iron pin; thence north 35 degrees, east along the property of Lige Sims and Howard Arnold four hundred (400) feet to the southwestern side of Malone Street (unopened); thence south 58 degrees east along the southwestern side of Malone Street two hundred fifty (250) feet to Spence Road at the point of beginning, according to plat of survey made by J. O. Lee, Surveyor, in February, 1956.

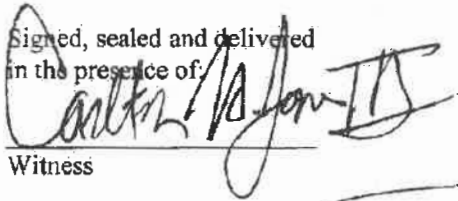
This property being the same property that is identified in Deed Book 4438 Page 496 Fulton County land records.

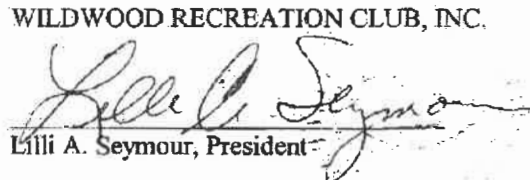
**TO HAVE AND TO HOLD** the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, and benefit of **LANDMARK CHRISTIAN SCHOOL, INC.** of the second part and assigns forever, **IN FEE SIMPLE.**

LINK 2

And the said party of the first part, for any executors and administrators will warrant and forever defend the right and title of the above described property unto the said party of the second part, and its successors and assigns, against the lawful claims of all persons whomever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand pursuant to a corporate resolution and affixed the seal of WILDWOOD RECREATION CLUB, INC. the day and year above written above.

Signed, sealed and delivered  
in the presence of:  
  
Witness

WILDWOOD RECREATION CLUB, INC.  
  
Lilli A. Seymour, President

  
Notary Public

My Commission Expires:-



Deed Book 36409 Pg. 81  
Janita Hicks  
Clerk of Superior Court  
Fulton County, Georgia



Planning • Engineering Design • Environmental Permitting • Land Development Consulting • Land Surveying

November 6, 2023

Denise Brookins  
Director of Planning and Zoning  
City of Fairburn  
Community Development Department, Office of Planning and Zoning  
26 W. Campbellton Street  
Fairburn, GA 30213

RE: Landmark Village – Letter of Intent  
Parcel #'s 09F100900520332, 09F100900520340, 09F100900520357, 09F100900520167

Dear Denise:

Please allow this letter to serve as the required “Letter of Intent” for the rezoning of the above referenced tracts of land in Fairburn, Georgia.

The subject properties consist of 6.3 acres of land, comprising of 3 parcels of land. The properties have frontage on Milo Fisher Road and Highway 92 / East Campbellton Street.

The proposed intent is to rezone the property from AG-1 and R-3 to R-CT for the development of 42 fee-simple townhomes. The townhome units are proposed to be a minimum of 30’ wide each, with a minimum of 25’ between buildings. Units that front the existing roads are proposed to be accessed via rear alleys, which will eliminate the need for driveways on the existing roads. This will create a visually appealing streetscape along the two roadways and will provide convenient pedestrian access to the adjacent sidewalk network. For rear-accessed units, we are proposing a front setback of 10’ from the existing rights-of-way of Highway 92 and Milo Fisher Road. The remaining units will be accessed by a new public road, which will connect to Highway 92 at the Poplar Street intersection.

The R-CT district requires a minimum of 20% of the site be preserved as open space, with at least 10% being located out of proposed stormwater ponds. The proposed plan preserves approximately 33% of the site as open space, 25% of which is located outside of stormwater areas.

We believe the proposed request will support the need for housing in this area and could offer convenient living opportunities for surrounding employment centers such as Landmark Christian School.

I trust this letter along with the information included in the submittal package provides you with the details needed to evaluate the proposed request. Should you have any questions or require any additional information, please do not hesitate to call me at (770) 914-9394.

Sincerely,

Moore Bass Consulting, Inc.

A handwritten signature in black ink, appearing to read "S. D. Moore", with a long horizontal line extending to the right.

Stephen D. Moore



## IMPACT ANALYSIS

Applicant: Freedom Land Holdings, LLC

Analyze the impact of the proposed rezoning and answer the following questions:

1. Does the proposal permit a use that is suitable in view of the use and development of adjacent and nearby property? Yes  
\_\_\_\_\_  
\_\_\_\_\_
2. Does the proposal adversely affect the existing use or usability of adjacent or nearby property? No  
\_\_\_\_\_  
\_\_\_\_\_
3. Does the property have a reasonable economic use as currently zoned? No  
\_\_\_\_\_  
\_\_\_\_\_
4. Will the proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? No  
\_\_\_\_\_  
\_\_\_\_\_
5. Is the proposal in conformity with the policies and intent of the land use plan? Future Land Use designation is Town Center Mixed Use and Rural Residential  
\_\_\_\_\_  
\_\_\_\_\_
6. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the proposal? The need for affordable, in town residential housing could support the proposed request  
\_\_\_\_\_  
\_\_\_\_\_
7. Does the proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of City of Fairburn? No  
\_\_\_\_\_  
\_\_\_\_\_

*Attach additional sheets as needed.*



## **PUBLIC PARTICIPATION PROGRAM**

Public Participation Program consists of a two-part process designed to enhance dialogue between applicants and communities which may be impacted by a proposed development.

Part 1 of the process is the Public Participation Plan which is required with all rezoning and/or use permit applications. The plan must be filed simultaneously with the application and implemented before the first public hearing. The minimum standards for the plan are as follows:

- Identification of all property owners within 500 feet of the site and area homeowners' associations, environmentally stressed communities, political jurisdictions, and any other public agencies or organizations which may be affected by an application as determined by the applicant and the current planner at the time of the pre-application review
- Explanation of how interested parties will be informed of rezoning/use permit applications
- Methods for providing opportunities for discussion with interested parties before public hearings are held. Applicants are required to schedule at least one meeting at a convenient location and time and notify all interested parties, as identified above of the purpose, place and time of the meeting.
- Applicant's schedule for completion of the Public Participation Plan

Part 2 of the Public Participation Program is the Public Participation Report which is due per the attached schedule. The minimum standards for the Report are as follows:

- Provide a list of all parties that were contacted, the methods of notification that were used, and copies of all notification letters.
- Provide dates and locations of all community and/or other meetings that were attended by the applicant to discuss an application. (Attach meeting notices, letters, etc.)
- Provide the number of people who participated in meetings held to discuss an application. (Attach sign-in sheets)
- A summary of concerns and issues expressed by interested parties.
- A summary of the applicant's response to concerns and issues.

# PUBLIC PARTICIPATION PLAN

Applicant: Freedom Land Holdings, LLC

1. The following individuals (property owners within 500 feet of the property), homeowner's associations, political jurisdictions, other public agencies, etc., will be notified:

See list attached

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2. The individuals and others listed in 1. above will be notified of the requested rezoning/use permit using the following method(s): (e.g., letters, meeting notices, telephone calls, e-mails, etc.)

See list attached

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3. Individuals and others listed in 1. above will be allowed to participate in the following manner: (At least one meeting at a convenient time and location is required.)

See list attached

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*Attach additional sheets as needed.*

ANDERSON ALBERT SR & EMMA G  
284 HILLSIDE DR  
FAIRBURN, GA 30213

ANDERSON ANDY JR &, ANDERSON RC  
450 RIVERTOWN RD  
FAIRBURN, GA 30213

BELT ISIAH  
1109 COLEMAN RD SW  
ATLANTA, GA 30310

BETTIE W HANNAH REVOCABLE TRUST  
95 VALLEY BROOK DR  
FAIRBURN, GA 30213

BROOKS HENRY A  
237 CLAYTON ST  
FAIRBURN, GA 30213

BROWN SALLIE M ET AL  
1395 GEORGIA AVE  
EAST POINT, GA 30344

CITY OF FAIRBURN  
P O BOX 145  
FAIRBURN, GA 30213

EVANS THADDEUS P  
15 AZALEA DR  
FAIRBURN, GA 30213

FARGASON JOYCE B, C/O DOROTHY S  
14 POPLAR ST  
FAIRBURN, GA 30213

FEARS DOROTHY S  
14 POPLAR ST  
FAIRBURN, GA 30213

FKH SFR PROPCO G LP  
1850 PARKWAY PL SUITE 900  
MARIETTA, GA 30067

FLEMING KEVIN &, FLEMING LAUREN  
325 SPENCE RD  
FAIRBURN, GA 30213

GREEN MARY B  
283 HILLSIDE DR  
FAIRBURN, GA 30213

HABITAT FOR HUMANITY IN ATLANTA IN  
824 MEMORIAL DR SE  
ATLANTA, GA 30316

HARRIS WILLIAM E SR  
38 POPLAR ST  
FAIRBURN, GA 30213

JACKSON GILBERT & PATRICIA  
333 HILLSIDE DR  
FAIRBURN, GA 30213

JACKSON JACK T  
353 SPENCE RD  
FAIRBURN, GA 30213

JOHNSON ROGER H & MARIAN J  
363 SPENCE RD  
FAIRBURN, GA 30213

LANDMARK CHRISTIAN SCHOOL INC  
50 E BROAD ST  
FAIRBURN, GA 30213

LANDMARK CHRISTIAN SCHOOL INC  
50 E BROAD ST  
FAIRBURN, GA 30213

LAWRENCE LINDA  
300 EAST CAMPBELLTON ST  
FAIRBURN, CA 30213

LOCKHART KIMBERLY ANNE &, HAMILT  
306 HILLSIDE DR  
FAIRBURN, GA 30213

MADE OFFICIAL SOLUTIONS LLC  
4155 LAWRENCEVILLE HWY # 8109  
LILBURN, GA 30047

MELEAR MYRA N  
307 HILLSIDE DR  
FAIRBURN, GA 30213

MILES EARNESTINE W ESTATE OF  
697 CHARLOTTE PL NW  
ATLANTA, GA 30318

MILLER MARILYN  
72 MILO FISHER ST  
FAIRBURN, GA 30213

MILLICAN DAVID & LORI WIX  
72 MILO FISHER ST  
FAIRBURN, GA 30213

OLYMPIC INVESTMENT INC  
11350 MC CORMICK RD # 200  
HUNT VALLEY, MD 21031

PEREZ SILVERIO  
34 AZALEA DR  
FAIRBURN, GA 30213

ROGERS GRACE ARAMINTA HILL  
602 WATERFORD LNDG  
MCDONOUGH, GA 30253



SCHARKO ANTONI & LINDA M  
240 EAST CAMPBELLTON ST  
FAIRBURN, GA 30213

SCHARKO ANTONI  
240 EAST CAMPBELLTON ST  
FAIRBURN, GA 30213

SCHARKO ANTONI  
240 E CAMPBELLTON ST  
FAIRBURN, GA 30213

SEGAVEP02 LLC  
401 E JACKSON ST SUITE 3000  
TAMPA, FL 33602

STARKE MARILYN ET AL  
35 MILO FISHER ST  
FAIRBURN, GA 30213

STRUCTURED REAL ESTATE INVESTME  
1600 DOUGLASS RD STE 130A  
ANAHEIM, CA 92806

TITUS MICHAEL G & JUDITH  
88 MILO FISHER ST  
FAIRBURN, GA 30213

UNITED UNIVERSAL FELLOWSHIP OF F  
477 SMITH MILL RD  
FAYETTEVILLE, TN 37334

WHEAT EMMIE C  
310 EAST CAMPBELLTON ST  
FAIRBURN, GA 30213

WILCOXSON JAMES F ET AL  
80 MILO FISHER ST  
FAIRBURN, GA 30213

WYATT JAMIE A WHITE  
362 LEE'S MILL RD  
FAYETTEVILLE, GA 30214



## SITE PLAN CHECKLIST

*Site plans for rezoning and use permit must be folded, drawn to scale, no larger than 30" x 42", and shall, at a minimum, include the following information:*

ITEM #	DESCRIPTION	CHECK √
1	An accurate, up-to-date and certified survey of the property	
2	Name, address, phone number, and fax number of the owner, the developer and the designer who prepared the plan.	
3	Vicinity map with North arrow showing the property in relation to the general area	
4	Acreage of subject property	
5	Location of land lot lines and identification of land lots	
6	Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property; Proposed streets on the subject site	
7	Current zoning of the subject site with required and/or proposed setbacks and adjoining properties	
8	Total are of the site, and the areas of the proposed to be devoted to impervious surfaces	
9	Proposed off-site layout including buildings, drives, parking, walkways, landscaped-areas, tree save area, buffers, easements, utilities and any other features necessary to properly present the development	
10	Layout and minimum lot size of proposed single family residential lots	
11	Topography on subject site	
12	Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed	
13	Required and proposed parking spaces; Loading and unloading facilities	
14	Wetlands, lakes, streams and other waters on the site and associated buffers including the 100 year flood-plain, if appropriate.	
15	Proposed stormwater management facilities	
16	Architectural elevations to show the intended architectural character of the proposed building and the nature of the materials to be used.	

Office use only:

Application reviewed by: \_\_\_\_\_

Staff signature: \_\_\_\_\_ Date: \_\_\_\_\_

Community Development/  
Planning and Zoning

Staff printed name: \_\_\_\_\_

The undersigned acknowledges that the site plan is submitted in accordance with Chapter 62, Article V - The Building Process of the City of Fairburn Code of Ordinance and failure to comply shall render my application incomplete which may result in delay in the process of this application.

Applicant signature: Pam Powers

Date: 10/30/2023

Applicant printed name: Pam Powers

FEE SCHEDULE	
REZONING	\$350/acre, each rezoning up to \$5K
PUBLIC HEARING SIGN	\$31/each

(ALL CHECKS PAYABLE TO THE CITY OF FAIRBURN)

## Poplar Commons / Milo Fisher Road



### Elevation of Proposed Rear Entry Units fronting Highway 92 and Milo Fisher Road

Building Materials:  
Hardiplank and brick



## Poplar Commons / Milo Fisher Road

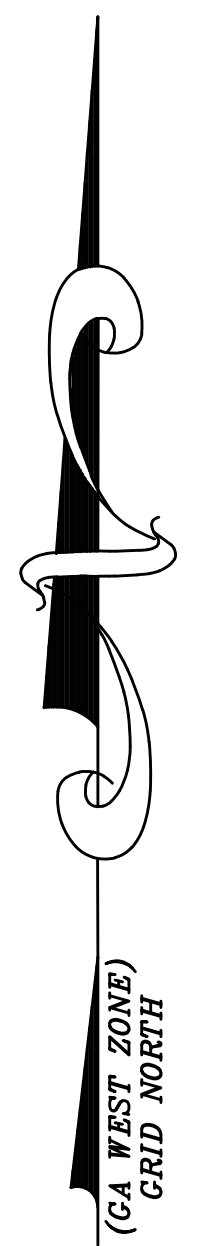
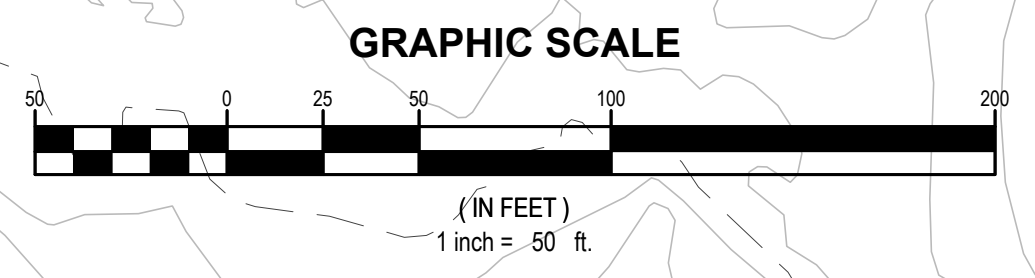
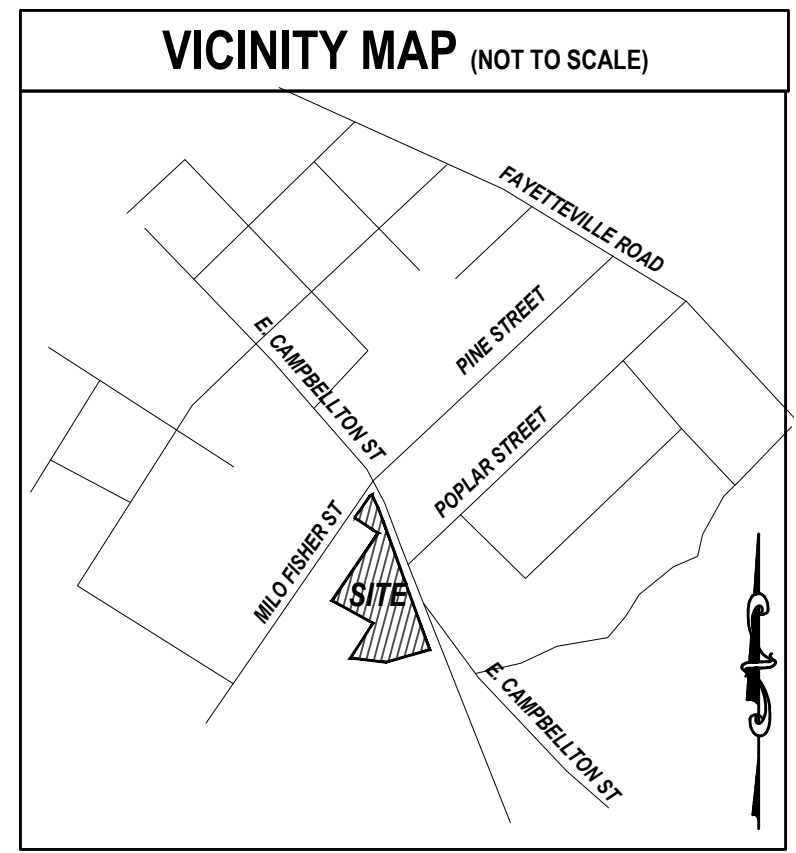


### Elevation of Proposed Front Entry Units

Building Materials:  
Hardiplank and brick



SITE DATA	
EXISTING SITE INFORMATION	
PROJECT NAME	POPLAR COMMONS
SITE AREA	6.3 AC. +/-
CURRENT ZONING	R-3, AG-1
PROPERTY OWNER	FREEDOM LAND HOLDINGS, LLC AND LANDMARK CHRISTIAN SCHOOL, INC.
PARCEL ID #	09F100900520332, 09F100900520340, 09F100900520357, 09F100900520167
ZONING DISTRICT REQUIREMENTS	
MIN. HEATED FLOOR AREA	1,200 SF
MIN. FRONT SETBACK	20'
MIN. REAR SETBACK	10'
MIN. SIDE SETBACK	5' (10' BETWEEN BUILDINGS)
MIN. LOT AREA	3,000 SF
OPEN SPACE REQUIRED	1.3 AC. (20% OF SITE, 10% OUTSIDE OF STORMWATER PONDS)
PROPOSED RESIDENTIAL DEVELOPMENT INFORMATION	
PROPOSED ZONING	R-CT
PROPOSED LAND USE	SINGLE-FAMILY RESIDENTIAL TOWNHOMES
PROPOSED MIN. LOT WIDTH	45'
PROPOSED UNIT COUNT	31
TOTAL OPEN SPACE PROVIDED	2.6 AC. (41% OF SITE)
PROPOSED STORMWATER POND AREA	0.5 AC.
NET OPEN SPACE PROVIDED	1.6 AC. (33% OF SITE)



**MB**  
**Moore Bass Consulting, Inc.**

- Civil Engineering
- Land Surveying
- Development Consulting
- Landscape Architecture
- Environmental Permitting

www.moorebass.com  
 TALLAHASSEE • ATLANTA

1350 Keys Ferry Court  
 McDonough, GA 30253  
 770.914.9394

PROJECT NAME	POPLAR COMMONS FAIRBURN, GA
CLIENT NAME	FREEDOM LAND HOLDINGS, LLC

REVISIONS	1. 03-07-2024 REVISIONS TO CHURCH STREET - SDM
	2. 05-22-2024 REVISED PER CITY COMMENTS - SDM
A2431.0078-RE24	
DATE	10-31-2023
CONTRACT #	
DRAWN BY	BT

The Drawings, Specifications and other documents prepared by Moore Bass Consulting, Inc. (MBC) for this Project are instruments of MB for use solely with respect to this Project and, unless otherwise provided, shall not be deemed the basis of these documents and shall retain all common law, statutory and other reserved rights, including the copyright.

1350 KEYS FERRY COURT  
 McDonough, GA 30253  
 LSF #1179

SEAL

SHEET TITLE  
**CONCEPT PLAN**

SHEET  
**1.0**

04/23/2024 09:29 AM - MILO FISHER TRACT - LANDMARK VILLAGE Engineering/Planning/Re-Zoning/A2431.0078-RE24.dwg - L:\work\l\_moores\moores\_may\_23\_2024\_9:59:51am





- 🏠 LAND USE PLANNING
- 🔦 CIVIL ENGINEERING
- 📐 LAND SURVEYING
- 🌳 LANDSCAPE ARCHITECTURE
- 🏗️ CONSTRUCTION ADMINISTRATION
- 🚁 DRONE LIDAR SURVEYING & MAPPING

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TALLAHASSEE | 850.222.5678  
moorebass.com

May 22, 2024

Denise Brookins  
Director of Planning and Zoning  
City of Fairburn Community Development Department, Office of Planning and Zoning  
26 W. Campbellton Street  
Fairburn, GA 30213

Poplar Commons (FKA Landmark Village)  
Rezoning Site Plan Response to comments

Dear Denise:

Please find attached the revised Conceptual Site Plan for the above referenced project. Please see the responses below to your comments received April 2, 2024:

Comments from Planning and Zoning:

1. Please provide all proposed elevations with the materials and height listed.
  - Proposed building elevations are attached.
2. All power infrastructure in private developments must be funded by the developer for installation as per the City municipal code.
  - Comment noted and agreed.

Comments from Community Development / Public Works (items in bold included in Plan Review Comments received by Lester Thompson on April 2, 2004:

3. Please note the minimum right-of-way width for a local residential street shall be 50 feet, and the minimum roadway width shall be 28 feet. [Sec. 71-36]. Please ensure that the northern proposed entrance conforms with this requirement.
  - The northern access to Milo Fisher Street is a private alley intended to provide access to the lots facing Milo Fisher Street and East Campbellton Street. These are intended to be private driveways, located in a 20' wide access easements, to be owned and maintained by the Homeowner's Association. Based on the May 22, 2024, meeting with Lester Thompson, this comment only applies to Church Street and Road A shown on the revised site plan.
4. Please note that when property fronting on a city street is to be developed or when the property is to be accessed from a 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 the regulations for the designated street classification. [Sec. 71-37 (a)]. Show the installation of roadway improvements (curb & gutter, drainage, etc.) along West Campbellton Street
  - East Campbellton Street is listed as a state highway, under the jurisdiction of the Georgia Department of Transportation (GDOT). As such, the improvements referenced above will need to be coordinated and permitted through GDOT. These improvements (if required) will be addressed during the construction plan and permitting phase of the



- 🏠 LAND USE PLANNING
- 🔦 CIVIL ENGINEERING
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- 🌳 LANDSCAPE ARCHITECTURE
- 🏗️ CONSTRUCTION ADMINISTRATION
- 🚁 DRONE LIDAR SURVEYING & MAPPING

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project. Based on the May 22, 2024, meeting with Lester Thompson, the required improvements to East Campbellton Street should require the installation of a 30" wide curb and gutter section with a 5' wide sidewalk along the south side of the road for the entire length of the property frontage, meeting GDOT specifications.

5. Show the location of Church Street on the western side of Milo Fisher Street. The proposed Church Street entrance will be required to align with Church Street on the opposite side of Milo Fisher Street in accordance with the GDOT Regulations for Driveway and Encroachment Control.
  - The site plan has been revised to show the proposed realignment of the existing Milo Fisher Street entrance to Landmark Christian School to align with the proposed Church Street improvements. Detailed plans and easements for said relocation will be provided during the construction plan and permitting phase of the project. Based on the May 22, 2024, meeting with Lester Thompson, the proposed realignment of the Landmark entrance should satisfy this request. Acknowledgement and approval of the relocation should be provided by Landmark Christian School.
6. Ensure proposed entrance locations on Milo Fisher Road do not encroach into the minimum side yard setbacks on the existing lots in accordance with the R-3 Development standards.
  - The existing home adjacent to the right-of-way reservation for Church Street is approximately 25 feet from the existing right-of-way line. In accordance with the R-3 standards, the minimum side yard setback is 10 feet. We trust that if there was an issue with the location of the house relative to the right-of-way reservation, it would have been addressed at the time of building permit issuance for the existing home or when the right-of-way was dedicated.
7. Show the installation of sidewalk, from property line to property line on both Milo Fisher Street and East Campbellton Street/ SR 92. When provided, the sidewalk will be required to have a minimum width of five feet.
  - Based on the May 22, 2024, meeting with Lester Thompson, the existing 4' wide sidewalk along the property frontage of East Campbellton Street will be widened to 5'. In addition, along the property frontage of Milo Fisher Street, the developer will install a 2' wide beauty strip from the existing granite curb with a 5' wide sidewalk.
8. Please note, a copy of the approved Georgia DOT permit shall be provided to the City prior to Site Development Plan approval and the issuance of the Land Disturbance Permit. [Sec. 71-41]
  - Comment noted

We trust the above adequately addresses your comments and will allow for the further processing of our application. Should anything further be required, please do not hesitate to contact me.

Sincerely,

Moore Bass Consulting, Inc.

Stephen Moore

August 2, 2024

**VIA EMAIL: sbrookins@fairburn.com**

Ms. Denise Brookins  
Director of Planning and Zoning  
City of Fairburn, Georgia  
Fairburn Administration Building  
314 NW Broad Street  
Fairburn, GA 30213

**RE: Fulton County Tax Parcel Identification Numbers 09F100900520167, 09F100900520316, and 09F100900520035 (collectively, the “Property”); and Rezoning Applications and Variance Applications for the Property (each an “Application” and collectively, the “Applications”).**

Dear Ms. Brookins:

Please accept this letter as an amendment to and clarification of the Applications with respect to the following matters:

1. The Applications propose 31 single-family detached residences, as shown on the concept plan and renderings submitted herewith.
2. The Property that is the subject of the Rezoning Application is identified by the following Fulton County Tax Parcel Identification Numbers (“TPN(s)”: 09F100900520167, 09F100900520316, and 09F100900520035 (collectively, the “Property”).
3. The Property that is the subject of the Variance Application is identified by TPNs: 09F100900520316 and 09F100900520035.
4. The Rezoning Applications seeks to rezone the Property from the AG – Agricultural zoning district (“AG”) and R-3 – Single-family Residential zoning district (“R-3”) to the R-CT – Residential Condominium/Townhouse district (“R-CT”).
5. The Applications also request that the Comprehensive Plan be revised so that the Future Land Use Map designation for TPN 09F100900520167 is changed from RR (Rural Residential) to TCMU (Town Center Mixed Use).

Ms. Denise Brooks

June 6, 2024

Page 2 of 2

6. Enclosed for consideration by the Council for the City prior to the Council's official action on the above styled Applications for the Property, are the Constitutional Objection and York Objection of the Applicant regarding the Application, attached hereto respectively at **Exhibit "A"** and **Exhibit "B"**. As you know, these objections are standard procedural requirements imposed by decisions of Georgia's appellate courts.
7. Hereby submitting elevations of the dwellings proposed for the development contemplated by the Applications.
8. Hereby submitting a revised site plan and the response of Moore Bass Consulting, the engineer of record for the project, to the comments of Staff on the initial/original site plan.
9. The Applications are hereby amended by submitting the revised/amended applications, included herewith, to name the law firm of Taylor English Duma LLP and Steven L. Jones, on behalf of that firm, as the attorneys representing the Applicant, Freedom Land Holdings LLC.

***The Applicant respectfully requests that the Council approve the Application as presented with only the conditions consented to by the Applicant.***

Should you have any questions or concerns regarding this letter or its attachments/enclosures, please do not hesitate to contact me.

Sincerely,



Steven L. Jones

Enclosures

cc: Applicant  
Moore Bass Consulting  
Valerie A. Ross, City Zoning Attorney (via email: [vross@lawtrg.com](mailto:vross@lawtrg.com))

## **EXHIBIT “A”**

### **CONSTITUTIONAL OBJECTION**

As applied to the real property of Freedom Builders, Inc., a Georgia corporation (“Freedom” or the “Applicant”) which is identified as Fulton County Tax Assessor Parcel Nos. (“TPN”): 09F100900520316, and 09F100900520035 (the “Freedom Property”) and the real property of Landmark Christian School Inc., a Georgia nonprofit corporation which is identified as TPN 09F100900520167 (the “Landmark Property” and collectively with the Freedom Property the “Subject Property”) and which Subject Property is the subject of previously filed rezoning and variance applications (collectively, the “Application”), if the Application is not approved or is approved with condition(s) not consented to by the Applicant, the Code of Ordinances of Fairburn, Georgia (the “Code”), Part II, Chapter 80 (the “Zoning Ordinance”) will be unconstitutional in that the Applicant’s (and/or the Owner’s) property rights in and to the Subject Property will be destroyed without first receiving fair, adequate, and just compensation for such property rights. As applied to the Subject Property, in such case, such action on the Application and the Zoning Ordinance will deprive the Applicant (and/or the Owner) of constitutionally protected rights in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States of America.

If the Application is not approved or is approved with condition(s) not



## **EXHIBIT “A”**

consented to by the Applicant, such action on the Application and application of the Zoning Ordinance to the Subject Property will be unconstitutional, illegal, arbitrary, capricious, null, and void, constitute a taking of the Subject Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, 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 of America thereby denying the Applicant (and/or the Owner) an economically viable use of the Subject Property while not substantially advancing legitimate state interests.

Inasmuch as it is impossible for the Applicant (and/or the Owner) to use the Subject Property and simultaneously comply with the Zoning Ordinance and in the event the Application is not approved or is approved with condition(s) not consented to by the Applicant, such action on the Application and application of the Zoning Ordinance to the Subject Property will constitute arbitrary, capricious, and unreasonable acts by the City of Fairburn, Georgia, by and through the Mayor and City Council of the City, without any rational basis therefor and constitute abuses of discretion in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States of America; Article I, Section I, Paragraphs I-II of the Constitution of the State of Georgia of 1983; Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United

**EXHIBIT "A"**

States of America.

If the Application is not approved or is approved with condition(s) not consented to by the Applicant, such action on the Application and application of the Zoning Ordinance to the Subject Property will be unconstitutional and discriminate against the Applicant (and/or the Owner) in an arbitrary, capricious, and unreasonable manner between the Applicant (and/or the Owner) and others similarly situated 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 of America.

WHEREFORE, the Applicant requests that the City (by and through the Council of the City) approve the Application, as specified and designated therein, with only additional condition(s) consented to by the Applicant.

Respectfully submitted this 6th day of June 2024.

**TAYLOR ENGLISH DUMA LLP**  
Counsel for the Applicant

/s/ Steven L. Jones

Steven L. Jones

Georgia State Bar No.: 639038

1600 Parkwood Circle  
Suite 200  
Atlanta, Georgia  
30339  
(678) 336-7282  
sjones@taylorenghish.com

**EXHIBIT “B”**

**OBJECTION TO AND FOR ZONING HEARINGS BASED ON  
YORK V. ATHENS COLLEGE OF MINISTRY, INC.**

As applied to the real property of Freedom Builders, Inc., a Georgia corporation (“Freedom” or the “Applicant”) which is identified as Fulton County Tax Assessor Parcel Nos. (“TPN”): 09F100900520316, and 09F100900520035 (the “Freedom Property”) and the real property of Landmark Christian School Inc., a Georgia nonprofit corporation which is identified as TPN 09F100900520167 (the “Landmark Property” and collectively with the Freedom Property the “Subject Property”) and which Subject Property is the subject of previously filed rezoning and variance applications (collectively, the “Application”) and the Applicant, the public hearing regarding and any action of the City of Fairburn, Georgia (the “City”), by and through the Mayor and City Council (the “City Council”) of the City, on the same are objected to by the Applicant based on, but not limited to, the reasons set forth herein (collectively, the “York Objection” and each an “Objection”), in accordance with *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 821 S.E.2d 120 (Ga. Ct. App. 2018):

Contemporaneous with the filing of this *York* Objection, the Applicant is filing a Constitutional Objection to any action by the City Council that does not approve the Application or approves the Application with condition(s) not consented to by the Applicant, and all Objections set forth therein are incorporated herein by reference as if fully restated.

The Applicant objects to the hearings before the City’s Planning and Zoning Commission (the “P&Z Commission”) and the City Council on the Application because

## **EXHIBIT “B”**

the time limitation, if any, imposed on the presentation of evidence and testimony in support of the Application deprives the Applicant a meaningful opportunity to be heard and preserve issues, in violation of the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States and Article I, Section I, Paragraphs I, II, XI, and XII of the Constitution of Georgia of 1983. Likewise, the Applicant objects to any and all members of the public (and/or other persons) who appear (or otherwise give testimony or opinion) at any hearings, if any, before the P&Z Commission and/or the City Council to the extent that (but not limited to) said individuals (a) do not satisfy the substantial interest-aggrieved citizen test; (b) are not under oath; (c) are not subject to cross-examination; (d) present evidence on and/or make statements that qualify as (or must or should be assessed with the aid of) expert opinion without any or all individuals being qualified as expert witnesses; (e) present evidence on and/or make statements that are not germane to the purview of the P&Z Commission and/or the City Council with respect to the Rezoning Application as set out in The Code of Ordinances of Fairburn, Georgia (the “Code”), Part II, Chapter 80 (the “Zoning Ordinance”); and/or (f) present evidence and/or make statements that are founded, wholly or in part, upon inadmissible, hearsay, not relevant, unreliable, nonprobative, insubstantial, and/or lay, nonexpert opinion evidence.

Additionally, the Applicant objects to any City Council action that does not approve the Application or approves the Application with condition(s) not consented to by the Applicant to the extent that (but not limited to) such action is: (a) in violation

## EXHIBIT "B"

of Section 50-13-19(h) of the Official Code of Georgia Annotated or otherwise: (1) in violation of any constitutional, statutory, and/or ordinance provisions; (2) in excess of the constitutional, statutory, and/or ordinance authority of the City Council; (3) made upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; (b) founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, and/or lay, nonexpert opinion evidence; (c) contrary to or outside of the purview of the City Council, and/or procedure, for the Application set out in the Zoning Ordinance; (d) based, in whole or part, on evidence or other information received outside of the hearing(s) on the Application and/or in any manner which does not afford the Applicant an opportunity to review or respond to the same; and/or (e) not made pursuant and in conformance with the Zoning Ordinance; the Code of Ordinances, City of Peachtree City, Georgia; the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*, and/or any other law of the state of Georgia or the United States of America.

By and through this *York* Objection, the Applicant hereby preserves all the above and incorporated Objections, and any and all evidence, arguments, and objections made and/or tendered by the Applicant at or prior to the City Council hearing on the Application, and asserts them on and within the record before, and for consideration and resolution (prior to any formal decision) by, the City Council.

WHEREFORE, the Applicant requests that the City (by and through the

**EXHIBIT “B”**

Council of the City) approve the Application, as specified and designated therein, with only additional condition(s) consented to by the Applicant.

Respectfully submitted this 6th day of June 2024.

**TAYLOR ENGLISH DUMA LLP**  
Counsel for Applicant

/s/ Steven L. Jones

Steven L. Jones

Georgia State Bar No.: 639038

1600 Parkwood Circle  
Suite 200  
Atlanta, Georgia 30339  
(678) 336-7282  
sjones@taylorenghish.com





Poplar Commons

Axon View





Hwy 92

E Campbellton St

Poplar Commons

Poplar St

Hwy 92

Milo Fisher St



Bird-eye's View





Poplar Commons

Neighborhood View 01





Poplar Commons

Neighborhood View 02





Poplar Commons

Neighborhood View 03





Poplar Commons

Neighborhood View 04





Poplar Commons

Neighborhood View 05





Poplar Commons

Pond View





Poplar Commons

Rear-entry Home View (Front)





Poplar Commons

Rear-entry Home View (Rear)





Poplar Commons

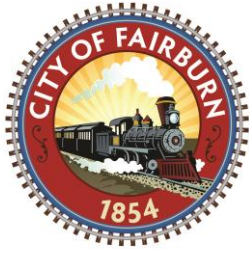
Front-entry Home View (Front)





# **VARIANCE APPLICATION PACKET**





# PROCEDURES AND INFORMATION FOR FILING A VARIANCE

Applications are available at the Office of Planning and Zoning, 26 West Campbellton Street, Fairburn, GA 30213 or online at [www.fairburn.com](http://www.fairburn.com). **Read the following instructions prior to filing and refer to the included filing schedule.**

**A PRE-APPLICATION MEETING IS REQUIRED PRIOR TO FILING. To schedule a meeting, please contact the Planning and Zoning Office at 770-964-2244.**

## **TYPES OF VARIANCES:**

Listed below are the types of variances. Please identify the type of variance requested and check the appropriate box in Section I or Section II of the VARIANCE APPLICATION.

### **VARIANCES THAT DO NOT REQUIRE A PUBLIC HEARING:**

The following variances are handled administratively by the City's Office of Planning and Zoning.

1. **MINOR VARIANCES:** Administrative relief can only be sought from the minimum yard requirements of the zoning district not to exceed 10% of the setback. (Example: 35-foot front yard = 3.5-foot variance). Letters from adjoining property owners are required at the time of filing.
2. **ADMINISTRATIVE MINOR VARIANCE:** Administrative relief from the minimum yard setback requirements for one foot or less.

### **VARIANCES THAT REQUIRE A PUBLIC HEARING:**

The following variances require a public hearing and action by the Planning and Zoning Commission:

1. **PRIMARY VARIANCE:** Applicant seeks relief from the provisions of the Zoning Ordinance. All such appeals shall be heard by the Planning and Zoning Commission and shall be accompanied with a statement of hardship (See the Variance Considerations below).
2. **SECONDARY VARIANCE:** Applicant seeks to appeal a decision of the Zoning Administrator or seeks to appeal a decision on an Minor Variance or Administrative Minor Variance.

The following variances require a public hearing and action by the City Council:

3. **CONCURRENT VARIANCE:** Applicant seeks a variance in conjunction with a rezoning, use permit or zoning modification request on the same property, based, on the conceptual plan submitted with the petition for the same agenda.

**FILING REQUIREMENTS FOR ALL VARIANCES:**

1. **APPLICATION CHECKLIST:** See enclosed Variance Application Checklist. **Contact Staff at 770-964-2244 to schedule an appointment for a variance pre-application review meeting.**
2. **APPLICATION FORM:** Variance Applications must have an **original NOTARIZED SIGNATURE** of the property owner(s) of record or a notarized statement by the appellant acting as power of attorney for the property owner. Where there are multiple owners, a notarized signature of each and all owners must be submitted with the application.
1. **SURVEY:** An accurate, to scale, up-to-date certified survey of the property shown with metes and bounds must be submitted with the Variance Application. The survey should include existing thoroughfares; existing drainage areas; existing buildings, structures and facilities; existing utilities on or adjacent to the property; and ownership, zoning and uses of all property adjacent to or within 200 feet of the property. must establish a point of beginning and from said point of beginning, give each dimension bounding the property, calling the directions (such as north, northeasterly, etc.) and returning to the point of beginning. The property’s address must also be identified.
2. **LEGAL DESCRIPTION:** A legal description of the subject property must be submitted with the Variance Application. Legal Descriptions must establish a point of beginning and from said point of beginning, give each dimension bounding the property, calling the directions (such as north, northeasterly, etc.) and returning to the point of beginning. The property’s address must also be identified.
3. **WARRANTY DEED:** A copy of the warranty deed must be submitted with the Variance Application.
4. **LEASE AGREEMENT:** When applicable, a copy of the lease agreement between the property owner and the applicant must be included with the Variance Application. The lease must identify the party responsible for the reclamation of the property.
5. **LETTER OF INTENT:** The letter of appeal shall state in detail the proposed project, the variance request, and a hardship statement stating that the granting of a variance will alleviate some demonstrated and unusual hardship for which a variance is warranted.
6. **CONCEPTUAL SITE PLAN:** The conceptual site plan must be drawn in accordance with the *Code of Ordinances, Chapter 62, Article V. The Building Process*. Site plan must include the following items:

1.	An accurate, up-to-date and certified survey of the property on which the project is to be built.
2.	A vicinity map showing the property in relation to the general area of the city in which it is located.
3.	The name of the proposed project.
4.	Name, address, phone number, and fax number of the owner, the developer and the designer who prepared the plan.
5.	Graphic scale, north arrow, and date of preparation.
6.	Zoning of the property with required setbacks shown.
7.	Zoning, use, and ownership of all adjoining property
8.	Total area of the site, and the area of the site proposed to be devoted to impervious surfaces.
9.	Approximate topography of the site.
10.	Significant natural features on and adjacent to the site, including the 100-year floodplain, if appropriate.
11.	Existing manmade features on the site.



12.	Proposed site layout including buildings, drives, parking, walkways, landscaped-areas, tree save areas, buffers, easements, utilities and any other features necessary to properly present the concept.
13.	Proposed off-site improvements which may be necessary to properly develop the site.
14.	Architectural elevations to show the intended architectural character of the proposed building and the nature of the materials to be used.
15.	If the site plan is for an addition to or a change in an existing site plan, the drawings must clearly show the changes that are being proposed.

**7. VARIANCE APPLICATION FEE:**

**\$350.00**, payable by cash, check, money order or credit card (*except American Express*), plus **\$31.00** Notice of Public Hearing Sign

ALL CHECKS PAYABLE TO THE "CITY OF FAIRBURN." VARIANCE APPLICATION FEES ARE NON-REFUNDABLE

**ALL REQUESTS FOR VARIANCES SHALL HAVE A STATEMENT OF HARDSHIP. THE FOLLOWING CONSIDERATIONS SHALL BE USED IN JUSTIFYING THE HARDSHIP.**

**VARIANCE CONSIDERATIONS:** Variances may be considered in all districts. Primary variances and concurrent variances shall only be granted upon showing that:

- Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of this Chapter or;
- 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; or
- Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.

***Should a variance request impact approved zoning conditions, a separate Zoning Modification Application may be necessary.***

**VARIANCE LIMITATIONS:** Please note that *no* variances shall be allowed for the following:

- Permitted uses or accessory uses for the zoning district
- Minimum lot area, minimum lot frontage on a street or minimum district size required in each zoning district
- Relief from the standards of Article VI (*The Appeals Process*) or Article VIII (*The Rezoning Process*)

**PROCEDURES FOR FILING ALL VARIANCE APPLICATIONS:**

1. **PRE-APPLICATION MEETING:** The property owner or applicant should schedule a pre-application meeting with the Zoning Administrator or his/her designee to discuss the request and necessary documents, fees and schedules pertinent to the request.
2. **APPLICATION SUBMITTAL:** The property owner or applicant shall submit a complete application to the Planning and Zoning Office.

3. **INITIAL STAFF REVIEW:** Completed applications will be distributed to appropriate city staff for review and comment. All staff comments will be submitted to the Planning and Zoning Office within 10 business days.
4. **RESUBMITTAL:** Upon receipt of staff comments, all comments will be consolidated into a single report for distribution to the applicant. The applicant should revise plans according to the comments received and resubmit plans to the Planning and Zoning Office.
5. **PUBLIC NOTICE:** The Planning and Zoning Office staff will prepare newspaper ads and property signs to assure proper notice of public hearings. Property signs must be placed on the site between 15 to 45 days before the date of the public hearing.
6. **STAFF EVALUATION:** A staff analysis report with a recommendation to the Planning and Zoning Commission will be prepared.
7. **PLANNING & ZONING COMMISSION:** The Planning and Zoning Commission shall hold a public hearing on the application and make a decision on the request. Conditions may be included as part of the decision. The Planning & Zoning Commission meets on the first Tuesday of each month (as needed) at Fairburn City Hall, 56 Malone Street, Fairburn, GA 30213.
8. **APPEALS.** Appeals of primary variance decisions shall be filed with the Fulton County Superior Court within 30 days of the Planning and Zoning Commission decision. Appeals to decisions of the Zoning Administrator (also called secondary variances/interpretations) shall be filed within 30 days of the decision to the Planning and Zoning Commission.





# VARIANCE PUBLIC HEARING INFORMATION

Public hearings are required for Primary Variances and Secondary Variances. Public notification is required for Minor Variances.

Public Hearings for Primary Variances and Secondary Variances must be advertised in the manner listed below. Public Hearings for Concurrent Variances must be advertised with their associated rezoning, use permit or zoning modification requests.

## POSTING OF PUBLIC HEARING SIGNS:

- **PLANNING AND ZONING COMMISSION PUBLIC HEARING NOTICE SIGN:** Signs posted along the frontages of Properties subject to variances that notify area residents of the Planning and Zoning Commission public hearing. **Applicants are required to post the public hearing sign in a conspicuous place along the property's public street frontage, no later than 20 days before the Planning and Zoning Commission hearing.** *Failure to post the signs by this deadline will result in the administrative removal of the public hearing from the agenda.* The sign must remain posted on-site until final action by the Planning and Zoning Commission. If the sign is mutilated and/or removed, the applicant is responsible for obtaining and re-posting a new sign.

## OTHER PUBLIC NOTIFICATION FOR VARIANCES:

- Notice is mailed (via U.S. Mail) by City of Fairburn to all property owners within a 500-foot radius of the subject property. Said notice is postmarked no later than 15 days prior to the public hearing to property owners of record as shown on the real estate tax records of Fulton County as retrieved by the County's Geographic Information Systems.
- A published notice in a newspaper of general circulation is done by the City of Fairburn no later than 15 days prior to the public hearing. The published notice contains the time, place, purpose of the hearing and the location of the property.
- Minor variances require the applicant to notify the immediately adjacent property owners via email and/or certified mail.

## PUBLIC HEARING DATES:

- **APPLICATION DEADLINES:** A schedule with deadlines and public hearing dates for all Variances can be found on the final page of this application packet.
- **PLANNING AND ZONING COMMISSION MEETING:** Primary and Secondary Variances are decided by the Planning and Zoning Commission. The Planning and Zoning Commission holds public hearings on the first Tuesday of each month at 7:00 p.m.

**IF YOU HAVE ANY QUESTIONS CONCERNING THESE VARIANCE FILING PROCEDURES, PLEASE CONTACT THE PLANNING AND ZONING OFFICE AT 770-964-2244.**



# VARIANCE APPLICATION CHECKLIST

Please submit one (1) copy of the following documents and information.

ITEM #	REQUIRED ITEM	CHECK <input type="checkbox"/> (Office Use Only)
1.	Application Checklist	
2.	Application Form	
3.	Survey	
4.	Legal Description	
5.	Warranty Deed	
6.	Lease Agreement	
7.	Letter of Intent	
8.	Conceptual Site Plan	

**Fees: \$350 per variance application and \$31 public hearing sign**

**For any documents that are larger than 11" x 17," a copy reduced to 11" x 17" shall also be required.**

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**

**APPLICATIONS ARE ACCEPTED MONDAY – FRIDAY FROM 9:00 A.M. TO 3:00 P.M.**





# APPLICATION FOR VARIANCES

Date Received: \_\_\_\_\_

VARIANCE #: \_\_\_\_\_  
(Office Use Only)

## SECTION I – GENERAL INFORMATION

### APPLICANT INFORMATION

Applicant Name: Freedom Land Holdings, LLC  
Address: 140 Village Circle, Senoia, Georgia 30276  
Phone: \_\_\_\_\_ Cell: 404-725-2237 Fax: \_\_\_\_\_  
Email Address: james.nicholson@jefflindseycommunities.com

### OWNER INFORMATION (If different from Applicant)

Owner Name: Jeff Lindsey Communities  
Address: 140 Village Circle, Senoia, Georgia 30276  
Phone: \_\_\_\_\_ Cell: 404-725-2237 Fax: \_\_\_\_\_  
Email Address: james.nicholson@jefflindseycommunities.com

### PROPERTY INFORMATION

Address: 0 & 241 East Campbellton Street  
Parcel ID#: 09F100900520035, 09F100900520316 Land Lot: \_\_\_\_\_ District: \_\_\_\_\_ Acreage: \_\_\_\_\_  
Request: We are requesting relief from Section 80-367 - Location. This code section requires a 25' buffer to be provided along all public right-of-way. The proposed development includes houses that will front Millon Fisher Road and East Campbellton Street / Highway 92. These homes will not have direct vehicular access to those roads, but to maintain the character of the area we are requesting the buffer be waived for these lots. We are proposing a 10' wide front building setback from these roads with sidewalks from the front of the houses connecting to the existing sidewalks along these roads.

**CHECK ONE OF THE FOLLOWING REQUESTED VARIANCE TYPES IN SECTION II.**

**SECTION II VARIANCES REQUIRING PUBLIC HEARING BY THE PLANNING AND ZONING COMMISSION OR CITY COUNCIL**

- 1) **PRIMARY VARIANCE:** Seeks relief from any provision in the Zoning Ordinance that is not being handled as a minor variance or administrative minor variance.
- 2) **SECONDARY VARIANCE:** Seeks relief from variance decisions and interpretations made by the zoning administrator or relief from minor variance or administrative minor variance requests.
- 2) **CONCURRENT VARIANCE:** Seeks relief from any provision in the Zoning Ordinance when filed simultaneously with a rezoning, use permit, or zoning modification request on the same property.

**MINOR & ADMINISTRATIVE MINOR VARIANCES**  
**[NO PUBLIC HEARING REQUIRED]**

- 1) **MINOR VARIANCE:** Seeks relief from the minimum yard requirements, not to exceed 10% of required setback (example: 35-foot front yard = 3.5-foot variance)
- 2) **ADMINISTRATIVE MINOR VARIANCE:** Relief requiring 1 foot or less from required building setback

**VARIANCE CONSIDERATIONS:**

1) Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of this chapter; or  
Approval of the variance request will be in harmony with the surrounding residential uses and will maintain the character of the area

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

The property is irregularly shaped with a significant amount of frontage on existing roads. As such, we have proposed to create a plan that fronts houses on the existing roads, creating a visually appealing streetscape.

3) Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.



**SECTION III LEGAL DESCRIPTION OF PROPERTY** (Legal description/survey must match submitted site plan.)

SUBDIVISION \_\_\_\_\_ UNIT/PHASE: \_\_\_\_\_ LOT NO(S): \_\_\_\_\_  
LAND LOT(S): 52 DISTRICT: 25th TAX ID: 09F100900520332, 09F100900520340, 09F100900520357, 09F100900520167  
PROPERTY ADDRESS 0 & 241 East Campbellton Street


**SECTION IV AUTHORITY TO PURSUE VARIANCE**

**NOTICE: Part 1 and/or Part 2 below must be signed and notarized when the petition is submitted. Please complete Section IV as follows:**


- a) If you are the sole owner of the property and not the petitioner complete Part 1.
- b) If you are the petitioner and not the sole owner of the property complete Part 2.
- c) If you are the sole owner and petitioner complete Part 1.
- d) If there are multiple owners each must complete a separate Part 1 and include it in the application.

**Part 1. OWNER INFORMATION**

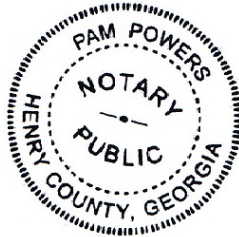
Owner states under an oath that he or she is the owner of the property described in the attached legal description. **[EACH OWNER'S SIGNATURE MUST BE NOTARIZED]**

Freedom Land Holdings, LLC  
 TYPE OR PRINT OWNER'S NAME  
140 Village Circle  
 ADDRESS  
Senoia, Georgia 30276  
 CITY, STATE & ZIP CODE  
  
 OWNER'S SIGNATURE  
( 404- )725-2237  
 AREA CODE/ PHONE NUMBER  
james.nicholson@jefflindseycommunities.com  
 EMAIL ADDRESS

Sworn to and subscribed before me this 30th day of

January 2024  


NOTARY PUBLIC



**Part 2. APPLICANT INFORMATION**

**Petitioner states under oath that: (1) he/she is the executor or Attorney-in-fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); or (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").**

\_\_\_\_\_  
 TYPE OR PRINT PETITIONER'S NAME  
 \_\_\_\_\_  
 ADDRESS  
 \_\_\_\_\_  
 CITY & STATE ZIP CODE

Sworn to and subscribed before me this the

\_\_\_\_\_ Day of \_\_\_\_\_ 20\_\_\_\_\_

NOTARY PUBLIC

\_\_\_\_\_  
PETITIONER'S SIGNATURE

\_\_\_\_\_  
PHONE NUMBER

\_\_\_\_\_  
EMAIL ADDRESS

**V. ATTORNEY/AGENT INFORMATION**

CHECK ONE:  ATTORNEY  AGENT

Steven L. Jones, Taylor English Duma LLP  
\_\_\_\_\_  
TYPE OR PRINT ATTORNEY/AGENT NAME

1600 Parkwood Circle  
\_\_\_\_\_  
ADDRESS

Atlanta, Georgia 30339  
\_\_\_\_\_  
CITY, STATE & ZIP CODE

[ 404 ] 218-2756  
\_\_\_\_\_  
AREA CODE/PHONE NUMBER

sjones@taylorenghish.com  
\_\_\_\_\_  
EMAIL ADDRESS

/s/ Steven L. Jones  
\_\_\_\_\_  
SIGNATURE OF ATTORNEY/AGENT



**LEGAL DESCRIPTION  
ANDY ANDERSON, JR.  
FINAL PLAT - OVERALL**

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOT 52 OF THE 9F DISTRICT OF FULTON COUNTY, GEORGIA, CONTAINING 1.36 ACRES (59,042 SQ. FT.), AS SHOWN ON FINAL PLAT SURVEY FOR ANDY ANDERSON, JR., PREPARED BY MOORE BASS CONSULTING, INC., DATED NOVEMBER 6TH, 2023, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM A 1/2" REBAR SET AT INTERSECTING RIGHT-OF-WAY EASTERN MILO FISHER STREET (60' R/W) & WESTERN EAST CAMPBELLTON STREET (60' R/W); THENCE ALONG SAID RIGHT-OF-WAY OF MILO FISHER STREET (60' R/W) THE FOLLOWING COURSES AND DISTANCES ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 90.01 FEET (SAID ARC HAVING A RADIUS OF 1889.38 FEET AND BEING SUBTENDED BY A CHORD BEARING S26°34'41"E, WITH A CHORD DISTANCE OF 90.00 FEET) TO A 1/2" REBAR SET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 53.74 FEET (SAID ARC HAVING A RADIUS OF 1889.38 FEET AND BEING SUBTENDED BY A CHORD BEARING S24°23'55"E, WITH A CHORD DISTANCE OF 53.73 FEET) TO A 1/2" REBAR WITH CAP FOUND; ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 36.29 FEET (SAID ARC HAVING A RADIUS OF 3523.05 FEET AND BEING SUBTENDED BY A CHORD BEARING S21°43'58"E, WITH A CHORD DISTANCE OF 36.29 FEET) TO A 1/2" REBAR SET; ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 102.67 FEET (SAID ARC HAVING A RADIUS OF 3523.05 FEET AND BEING SUBTENDED BY A CHORD BEARING S20°36'10"E, WITH A CHORD DISTANCE OF 102.67 FEET) TO A POINT; THENCE S19°52'40"E, A DISTANCE OF 118.02 FEET TO A POINT; THENCE S19°53'17"E, A DISTANCE OF 80.47 FEET TO A 1/2" REBAR WITH CAP FOUND; THENCE LEAVING SAID RIGHT-OF-WAY N57°36'47"W, A DISTANCE OF 196.73 FEET TO A POINT; THENCE N56°06'41"W, A DISTANCE OF 210.57 FEET TO A 1" OPEN TOP PIPE FOUND ON EASTERN RIGHT-OF-WAY OF MILO FISHER STREET (60' R/W); THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING COURSES AND DISTANCES N38°01'19"E, A DISTANCE OF 50.08 FEET TO A POINT; THENCE N35°24'18"E, A DISTANCE OF 225.33 FEET TO A 1/2" REBAR SET, SAID REBAR BEING THE **TRUE POINT OF BEGINNING**.



Please return to:  
Lawson, Beck & Sandlin, LLC  
1125 Commerce Drive, Suite 300  
Peachtree City, GA 30269  
File # 22-LAW-1707

**09F100900520035 & 09F100900520136**

STATE OF GEORGIA  
COUNTY OF FAYETTE

②

**LIMITED WARRANTY DEED**

THIS INDENTURE made this 27th day of January, 2023 between

**Andy Anderson, Jr. and Robin Anderson**

as party or parties of the first part, hereinafter called Grantor, and

**Freedom Builders, Inc.**

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

All that tract or parcel of land lying and being in Land Lot 52 of the 9f District of Fulton County, Georgia, being Lots 1, 2, and 3 as shown on Final Plat for Andy Anderson, Jr, prepared by Moore Bass Consulting, Inc., dated 7/21/2022, and recorded in Plat Book 455, Page 124, Fulton County, Georgia Records, said plat being incorporated herein and made a part hereof by reference.

Subject to restrictive covenants and easements of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.


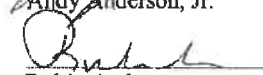
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, Sealed and delivered in the presence of:

  
Official Witness

  
Notary Public



  
Andy Anderson, Jr.  
  
Robin Anderson



Deed Book 36409 Pg 80  
Filed and Recorded Nov-03-2003 02:28pm  
2003-0378746  
Real Estate Transfer Tax \$0.00  
Juanita Hicks  
Clerk of Superior Court  
Fulton County, Georgia

**COLLINS & JONES, LLC**  
Attorneys-at-law  
7 West Broad Street  
Fairburn, Georgia 30213

**WARRANTY DEED**

**GEORGIA, FULTON COUNTY**

IN INDENTURE, made the 15<sup>th</sup> day of October, 2003, between **WILDWOOD RECREATION CLUB, INC.** of the State of Georgia and County of Fulton of the first part and **LANDMARK CHRISTIAN SCHOOL, INC.** of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS** in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said party of the second part and further assigns, all that tract of parcel of land lying and being in the City of Fairburn and in Land Lot 52 of the 9<sup>th</sup> District of originally Fayette, then Campbell, now Fulton County, Georgia, and more particularly described as follows:

BEGINNING at the intersection of the Southwestern side of Spence Road and the Southwestern side of Malone Street (unopened); thence running Southeasterly along the Southwestern side of Spence Road three hundred fifty-nine (359) feet to property of Crawford; thence South 66 degrees West along the line of the Crawford property three hundred fifty-three (353) feet to an iron pin on the South line of said Land Lot 52; thence West along the South line of said Land Lot one hundred ninety-nine (199) feet to an iron pin at the property line of Milo Fisher; thence North 35 degrees East along the Fisher property two hundred twenty-one (221) feet to a point on the Northeastern side of Church Street (unopened); said point being marked by an iron pin; thence North 58 degrees along the northeastern side of Church Street two hundred twenty-eight (228) feet to an iron pin; thence north 35 degrees, east along the property of Lige Sims and Howard Arnold four hundred (400) feet to the southwestern side of Malone Street (unopened); thence south 58 degrees east along the southwestern side of Malone Street two hundred fifty (250) feet to Spence Road at the point of beginning, according to plat of survey made by J. O. Lee, Surveyor, in February, 1956.

This property being the same property that is identified in Deed Book 4438 Page 496 Fulton County land records.

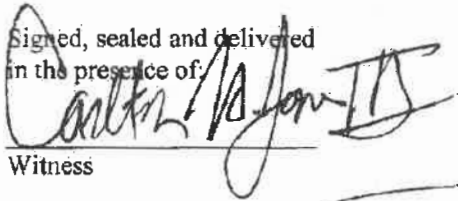
**TO HAVE AND TO HOLD** the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, and benefit of **LANDMARK CHRISTIAN SCHOOL, INC.** of the second part and assigns forever, **IN FEE SIMPLE.**

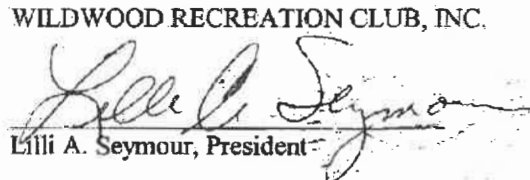
LINK 2



And the said party of the first part, for any executors and administrators will warrant and forever defend the right and title of the above described property unto the said party of the second part, and its successors and assigns, against the lawful claims of all persons whomever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand pursuant to a corporate resolution and affixed the seal of WILDWOOD RECREATION CLUB, INC. the day and year above written above.

Signed, sealed and delivered  
in the presence of:  
  
Witness

WILDWOOD RECREATION CLUB, INC.  
  
Lilli A. Seymour, President

  
Notary Public

My Commission Expires:-



Deed Book 36409 Pg. 81  
Janita Hicks  
Clerk of Superior Court  
Fulton County, Georgia





Planning • Engineering Design • Environmental Permitting • Land Development Consulting • Land Surveying

November 6, 2023

Denise Brookins  
Director of Planning and Zoning  
City of Fairburn  
Community Development Department, Office of Planning and Zoning  
26 W. Campbellton Street  
Fairburn, GA 30213

RE: Landmark Village – Letter of Intent  
Parcel #'s 09F100900520332, 09F100900520340, 09F100900520357, 09F100900520167

Dear Denise:

Please allow this letter to serve as the required "Letter of Intent" for the rezoning of the above referenced tracts of land in Fairburn, Georgia.

The subject properties consist of 6.3 acres of land, comprising of 3 parcels of land. The properties have frontage on Milo Fisher Road and Highway 92 / East Campbellton Street.

The proposed intent is to rezone the property from AG-1 and R-3 to R-CT for the development of 42 fee-simple townhomes. The townhome units are proposed to be a minimum of 30' wide each, with a minimum of 25' between buildings. Units that front the existing roads are proposed to be accessed via rear alleys, which will eliminate the need for driveways on the existing roads. This will create a visually appealing streetscape along the two roadways and will provide convenient pedestrian access to the adjacent sidewalk network. For rear-accessed units, we are proposing a front setback of 10' from the existing rights-of-way of Highway 92 and Milo Fisher Road. The remaining units will be accessed by a new public road, which will connect to Highway 92 at the Poplar Street intersection.

The R-CT district requires a minimum of 20% of the site be preserved as open space, with at least 10% being located out of proposed stormwater ponds. The proposed plan preserves approximately 33% of the site as open space, 25% of which is located outside of stormwater areas.

We believe the proposed request will support the need for housing in this area and could offer convenient living opportunities for surrounding employment centers such as Landmark Christian School.

I trust this letter along with the information included in the submittal package provides you with the details needed to evaluate the proposed request. Should you have any questions or require any additional information, please do not hesitate to call me at (770) 914-9394.

Sincerely,

Moore Bass Consulting, Inc.

A handwritten signature in black ink, appearing to be "S. D. Moore", written over a horizontal line.

Stephen D. Moore



**BOUNDARY SURVEY FOR:  
FREEDOM BUILDERS, INC  
LAND LOT 52 OF THE 25TH DISTRICT  
FULTON COUNTY, GEORGIA**

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

**REFERENCES**

- DEED RECORDED IN DEED BOOK 29492, PAGE 501-502 PER FULTON COUNTY RECORDS.
- DEED RECORDED IN DEED BOOK 62994, PAGE 422-423 PER FULTON COUNTY RECORDS.
- DEED RECORDED IN DEED BOOK 65416, PAGE 1-4 PER FULTON COUNTY RECORDS.
- DEED RECORDED IN DEED BOOK 55274, PAGE 681-688 PER FULTON COUNTY RECORDS.
- DEED RECORDED IN DEED BOOK 66507, PAGE 161 PER FULTON COUNTY RECORDS.

**FLOOD NOTE**

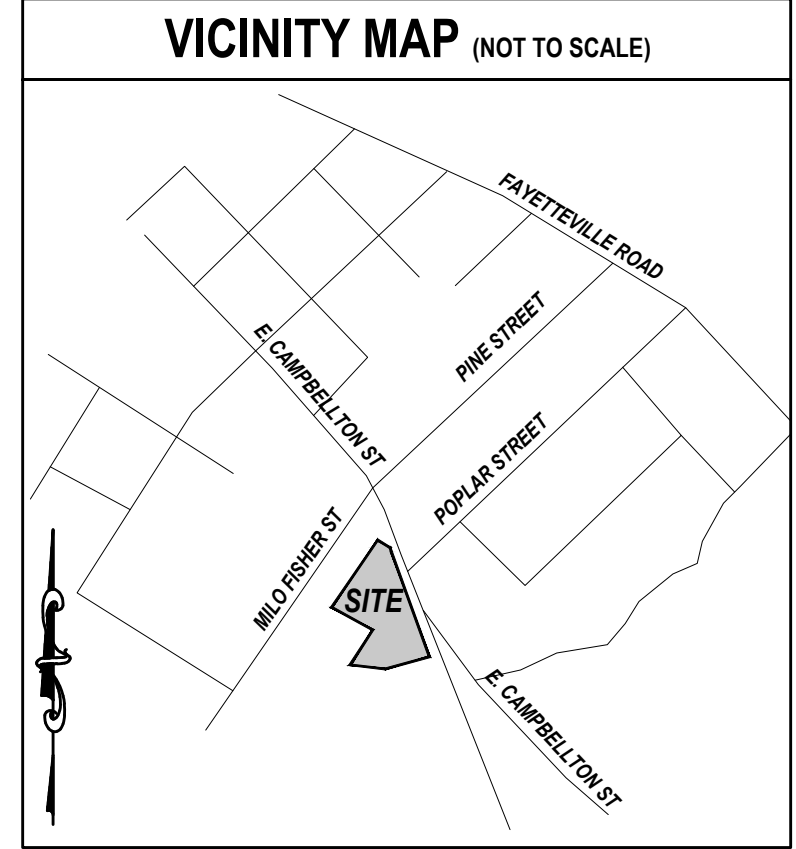
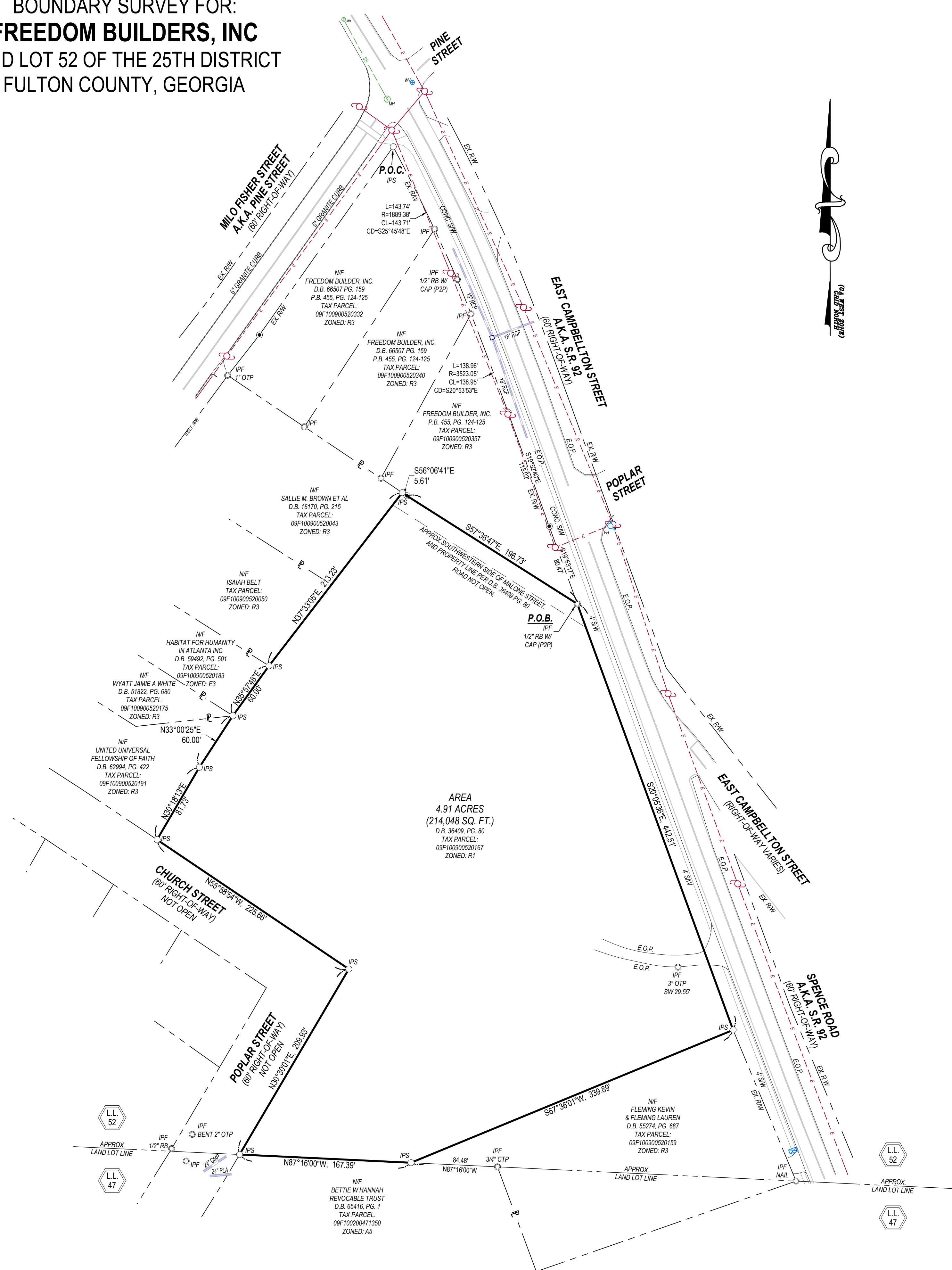
AS SHOWN ON FLOOD INSURANCE RATE MAPS OF FULTON COUNTY, GEORGIA COMMUNITY PANEL NUMBER: 131210462F EFFECTIVE DATE SEPTEMBER 18TH, 2013, THIS PROPERTY IS NOT LOCATED IN A FEMA FLOOD HAZARD ZONE.

**SURVEY NOTES**

- NO N.G.S. MONUMENT FOUND WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY.
- ALL PROPERTY CORNERS REFERENCED AS I.P.S. INDICATES A 1/2" REBAR PLACED WCAP LSF 001179 UNLESS OTHERWISE NOTED.
- MOORE BASS CONSULTING AND/OR ROBERT J. DEBIEN DO NOT GUARANTEE THAT ALL EASEMENTS AND SUB-SURFACE CONDITIONS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.
- THIS DRAWING HAS BEEN GENERATED ELECTRONICALLY. THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED VALID DOCUMENT UNLESS IT HAS BEEN PROPERLY SEALED, SIGNED, AND DATED BY ROBERT J. DEBIEN IN CONTRASTING COLOR OF INK PER O.C.G.A. 43-15-22.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN. ALL MATTERS TO TITLE ARE EXCEPTED.
- THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTY OR ENTITY NAMED HEREON AND THE CERTIFICATION DOES NOT EXTEND TO ANY OTHERS.
- THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC DISTANCE MEASURING DEVICES AND THE ADVENT OF SURVEY GRADE G.P.S. MEASUREMENT EQUIPMENT.
- THIS SURVEY IS REFERENCED TO THE NORTH AMERICAN DATUM (N.A.D.) OF 1983 (1994 ADJUSTMENT) FOR HORIZONTAL DATUM AND THE NORTH AMERICAN VERTICAL DATUM (N.A.V.D.) 1988 FOR THE VERTICAL DATUM. THE USE OF G.P.S. SURVEY MEASURING TECHNIQUES WERE USED FOR THESE DATUMS AND BASED ON THE POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY EGPS SOLUTIONS. THE ORTHOMETRIC HEIGHTS WERE DERIVED USING THE GEOID AT2.
- ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- UTILITIES SHOWN ARE BASED ON ABOVE GROUND EVIDENCE. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. NO CERTIFICATION OR GUARANTEE IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE UTILITIES OR STRUCTURES SHOWN HEREON. PER GEORGIA LAW THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE CALLED PRIOR TO THE COMMENCEMENT OF ANY AND ALL EARTH DISTURBING ACTIVITIES.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 124,780 FEET, AND AN ANGULAR ERROR OF 02" PER ANGLE. IT WAS A CLOSED LOOP TRAVERSE AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
- THE CLOSURE PRECISION OF THE DATA SHOWN ON THE MAP OR PLAT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 221,984 FEET. THE CLOSURE PRECISION PLACED ON THE SURVEY SHALL BE BASED ON AN ACTUAL MAP CLOSURE THAT HAS BEEN INDEPENDENTLY CALCULATED BY THE SURVEYOR BY USING THE BEARINGS AND DISTANCES FROM THE FACE OF THE PLAT, AND SHALL NOT BE A GENERALIZATION.
- ALL LOTS OR PARCELS SHOWN ON LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A TRIMBLE ROBOTIC TOTAL STATION & CARLSON BRX7 GPS UNIT. THE FIELDWORK WAS COMPLETED NOVEMBER 2, 2023 ON THIS PROJECT.

**LEGEND**

D.B.	DEED BOOK	E.O.P.	EDGE OF PAVEMENT
P.B.	PLAT BOOK	FH	FIRE HYDRANT
PG.	PAGE	L	LINE LABEL
LL	LAND LOT	N/F	NOW OR FORMERLY
OTF	OPEN TOP PIPE	PKS	PK NAIL SET
REBAR	REBAR	S.S.E.	SANITARY SEWER EASEMENT
IPF	IRON PIN FOUND	U/E	UTILITY EASEMENT
IPS	1/2" REBAR W/ LSF 001179	REF	REFERENCE
CTP	CRIMP TOP PIPE	OC	SEWER CLEAN OUT
C&G	CURB & GUTTER	SQ.FT.	SQUARE FOOT
R/W	RIGHT-OF-WAY	FT.	FEET
N/F	NOW OR FORMERLY	IPF	IRON PIN FOUND (IPF)
O.P.	OVERHEAD POWER LINE	IPF	IRON PIN SET (IPF)
CMP	CORRUGATED METAL PIPE	CP	CALCULATED POINT
SWMF	STORMWATER MANAGEMENT FACILITY	PP	POWER POLE (PP)
TSM	TEMPORARY SENCHMARK	FH	FIRE HYDRANT (FH)
P.O.B.	POINT OF BEGINNING	WV	WATER VALVE (WV)
P.O.C.	POINT OF COMMENCEMENT	WM	WATER METER (WM)
RCF	REINFORCED CONCRETE PIPE	JB	JUNCTION BOX (JB)
DIP	DUCTILE IRON PIPE	SMH	SANITARY SEWER MANHOLE (SSMH)
PVC	POLYVINYL CHLORIDE PIPE	DI	DROP INLET (DI)
HDPE	HIGH DENSITY POLYETHYLENE PIPE	CMF	CONCRETE R/W MONUMENT FOUND (CMF)
PL	PROPERTY LINE	SWCB	SINGLE WING CATCH BASIN (SWCB)
C	CENTERLINE	DWCB	DOUBLE WING CATCH BASIN (DWCB)
ID	IDENTIFICATION	CI	CURB INLET (CI)
B.S.L.	BUILDING SETBACK LINE	H/W	HEADWALL (H/W)
B.O.C.	BACK OF CURB	FES	FLARED END SECTION (FES)
C	CURVE LABEL	LP	LIGHT POST (LP)
CI	CURB INLET	YI	YARD INLET (YI)
D.E.	DRAINAGE EASEMENT	CO	SEWER CLEAN OUT (CO)
		A	AREA INLET (A)



**Moore Bass Consulting, Inc.**

- Civil Engineering
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McDonough, GA 30253  
770.914.9394

PROJECT NAME  
**LANDMARK VILLAGE  
FULTON COUNTY, GEORGIA**

CLIENT NAME  
**JEFF LINDSEY COMMUNITIES  
140 VILLAGE CIRCLE  
SENOIA, GEORGIA 30276**

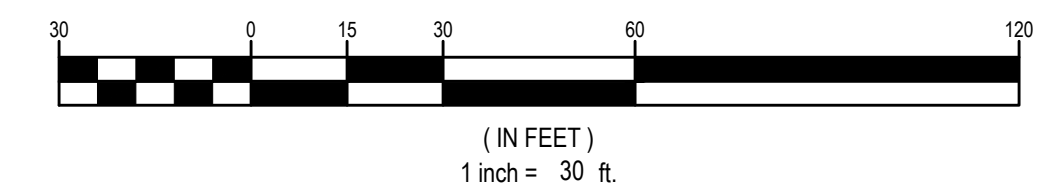
**GEORGIA SURVEY CERTIFICATE**

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

*Robert J. Debien*  
ROBERT J. DEBIEN  
REGISTERED GEORGIA LAND SURVEYOR NO. 2954 (rdebien@moorebass.com)  
MOORE BASS CONSULTING, INC.  
1350 KEYS FERRY CT, MCDONOUGH, GEORGIA 30253  
CERTIFICATE OF AUTHORIZATION NO. LSF-0001179

DATE: 11/6/23

**GRAPHIC SCALE**



REVISIONS	

A2431.0092-BNDRY

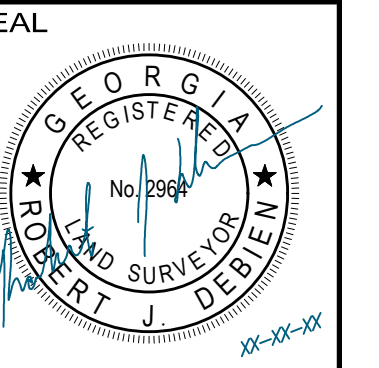
DATE 11-6-2023

CONTRACT # A2431.0092

DRAWN BY RJD, DC

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1350 KEYS FERRY COURT  
MCDONOUGH, GA 30253  
531-611-7179



SHEET TITLE

**BOUNDARY SURVEY**

SHEET

**1 OF 1**



**LEGAL DESCRIPTION  
ANDY ANDERSON, JR.  
FINAL PLAT - OVERALL**

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOT 52 OF THE 9F DISTRICT OF FULTON COUNTY, GEORGIA, CONTAINING 1.36 ACRES (59,042 SQ. FT.), AS SHOWN ON FINAL PLAT SURVEY FOR ANDY ANDERSON, JR., PREPARED BY MOORE BASS CONSULTING, INC., DATED NOVEMBER 6TH, 2023, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM A 1/2" REBAR SET AT INTERSECTING RIGHT-OF-WAY EASTERN MILO FISHER STREET (60' R/W) & WESTERN EAST CAMPBELLTON STREET (60' R/W); THENCE ALONG SAID RIGHT-OF-WAY OF MILO FISHER STREET (60' R/W) THE FOLLOWING COURSES AND DISTANCES ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 90.01 FEET (SAID ARC HAVING A RADIUS OF 1889.38 FEET AND BEING SUBTENDED BY A CHORD BEARING S26°34'41"E, WITH A CHORD DISTANCE OF 90.00 FEET) TO A 1/2" REBAR SET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 53.74 FEET (SAID ARC HAVING A RADIUS OF 1889.38 FEET AND BEING SUBTENDED BY A CHORD BEARING S24°23'55"E, WITH A CHORD DISTANCE OF 53.73 FEET) TO A 1/2" REBAR WITH CAP FOUND; ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 36.29 FEET (SAID ARC HAVING A RADIUS OF 3523.05 FEET AND BEING SUBTENDED BY A CHORD BEARING S21°43'58"E, WITH A CHORD DISTANCE OF 36.29 FEET) TO A 1/2" REBAR SET; ALONG THE ARC OF A CURVE TO THE RIGHT, A DISTANCE OF 102.67 FEET (SAID ARC HAVING A RADIUS OF 3523.05 FEET AND BEING SUBTENDED BY A CHORD BEARING S20°36'10"E, WITH A CHORD DISTANCE OF 102.67 FEET) TO A POINT; THENCE S19°52'40"E, A DISTANCE OF 118.02 FEET TO A POINT; THENCE S19°53'17"E, A DISTANCE OF 80.47 FEET TO A 1/2" REBAR WITH CAP FOUND; THENCE LEAVING SAID RIGHT-OF-WAY N57°36'47"W, A DISTANCE OF 196.73 FEET TO A POINT; THENCE N56°06'41"W, A DISTANCE OF 210.57 FEET TO A 1" OPEN TOP PIPE FOUND ON EASTERN RIGHT-OF-WAY OF MILO FISHER STREET (60' R/W); THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING COURSES AND DISTANCES N38°01'19"E, A DISTANCE OF 50.08 FEET TO A POINT; THENCE N35°24'18"E, A DISTANCE OF 225.33 FEET TO A 1/2" REBAR SET, SAID REBAR BEING THE **TRUE POINT OF BEGINNING**.