



City of Fairburn City Council Agenda

September 11, 2023
7:00 PM

The Honorable Mayor Mario Avery

The Honorable Mayor Pro-Tem Linda J. Davis
The Honorable Alex Heath
The Honorable Hattie Portis-Jonesi

Mr. Tony Phillips
Mr. Rory Starkey
Ms. Brenda B. James

The Honorable Pat Pallend
The Honorable Ulysses J. Smallwood
The Honorable James Whitmore

City Administrator
City Attorney
City Clerk

- I. Meeting Called to Order: The Honorable Mayor Avery
- II. Roll Call: City Clerk
- III. Invocation: Pastor Carnetta Frazier, Love Deliverance Outreach
- IV. Pledge of Allegiance:
- V. Presentations and Proclamations:
- VI. Public Comments: Thirty (30) minutes shall be available for public comments. Each speaker shall be limited to three (3) minutes. However, a speaker may transfer his or her three (3) minutes to another speaker, but no speaker shall be permitted to speak for more than (6) minutes; further, in the event, if more than ten (10) speakers desire to speak, each speaker shall be limited to two (2) minutes and no speaker may speak more than four (4) minutes. Issues raised at this time are generally referred to the City Administrator for review. Responses will be provided later.
- VII. Adoption of the City Council Agenda:
- VIII. Approval of the Minutes:
 - 1. Approval of the Minutes: Council Meeting Minutes of August 28, 2023:
- IX. Public Hearings:
 - 2. Rezoning request from PD (Commercial) to PD (Residential), Durham Lakes - Development Area 5

Recommendation: Staff recommends approval of the applicants request to continue the public hearing of the rezoning request to the next public meeting. **(Planning & Zoning)**

3. Fairway Foodies - Swing Golf Mobile Food Truck

Recommendation: Request Mayor and Council approval of an Ordinance to permit a use permit for mobile food trucks at subject parcels. **(Planning & Zoning)**

4. Public Hearing on the Proposed Fiscal Year 2023-2024 Annual Budget

X. Regular Agenda Items:

5. Georgia Recreation and Park Association (GRPA) BOOST Grant Memorandum of Understanding

Recommendation: Request Mayor and Council approval of the 2023-2024 Georgia Recreation and Park Association, Inc. Afterschool Memorandum of Understanding for the BOOST Program. **(Parks & Recreation)**

XI. Council Comments:

XII. Adjournment:

When an Executive Session is required, one will be called for for the following Issues:
(1) Personnel (2) Real Estate or (3) Litigation



**City of Fairburn
Council Meeting Minutes
August 28, 2023
7:00 pm**

I. Roll Call by City Clerk, Brenda James found the following members present:

The Honorable Mayor Pro-Tem Linda J. Davis
The Honorable Alex Heath
The Honorable James Whitmore

The Honorable Hattie Portis-Jones
The Honorable Pat Pallend

Absent: The Honorable Ulysses J. Smallwood

II. The meeting was called to order by the Honorable Mayor Avery.

Also present was City Administrator Tony Phillips, Assistant City Administrator Jamila Criss, Assistant City Attorney Serena Nowell, and City Clerk Brenda James.

III. The invocation was provided by Pastor Greta Fowler, St. John A.M.E. Church.

IV. Pledge of Allegiance was in Unison.

V. Presentations and Proclamations:

Walt Brown honored the Fairburn Fire Department for the advancements they made in the last year. The organization awards individual firefighters and/or departments for various things and they look at all thirty-two different fire departments to see what they've done in accomplishments, improvements in training, community development, equipment, and staffing. Two new fire stations are planned to open in the near future and one thing Fairburn Fire Department can be proud of is their insurance rating. ISO rates your insurance and based on that, your insurance rates are lower. Fairburn's ISO rating is one (1), which is one of very few departments not only in the state but in the country that receive this.

Chief Robinson said it is an honor to receive this award. We do a lot of hard work and without the support of the Mayor and Council, this could not have been possible. He thanked his Command staff and the men and women of the Fire Department.

VI. Adoption of the City Council Agenda:

Councilman Heath made a motion to adopt the agenda as presented, with Mayor Pro Tem Davis providing the second. **The motion carried unanimously.**

VII. Public Comments: N/A

VIII. Approval of the Minutes:

1. Approval of the minutes Regular Council Meeting Minutes of August 14, 2023

Councilman Whitmore made a motion to approve the minutes as written, the second was provided by Councilman Heath. **The motion carried unanimously.**

IX. Public Hearing:

2. Rezoning request from PD (Commercial) to PD (Residential), Durham Lakes – Development Area 5

Planning and Zoning Director, Denise Brookins presented this item and said the applicant presented the application at the last meeting and requested a continuance of the public hearing for the rezoning request.

Councilman Pallend made a motion to continue this rezoning request until the next regular meeting of September 11, 2023. The second was provided by Mayor Pro Tem Davis. **The motion carried unanimously.**

X. Consent Agenda: N/A

XI. Agenda Items:

3. Fiscal Year 2022 – 2023 Final Budget Amendment

Finance Director, Bryan Stephens presented this item and proposed their final budget amendment for 2022 – 2023. He discussed the summary and said it states what each department is requesting, and the Directors are here to answer any questions. Chief Robinson received \$99,000 in grant monies. This budget amendment will fund operational increases in City Administration, Fire, Police, Code Enforcement, Technology, Property Management, Capital Projects, and Grant budgets. The amendment also proposes to reduce the budgets for Streets, Planning and Zoning, and Court Services. The budget amendment will increase the general fund by \$605,800 and other funds by \$3,495,804.00, for a total of \$4,096,604.

Councilman Heath made a motion to approve the final proposed FY 2022 – 2023 Budget Amendment as presented, with Councilwoman Portis-Jones providing the second.

Councilwoman Portis-Jones asked if these budget amendments were from the discussion in the budget hearings. Mr. Stephens said yes, specifically related to

capital projects, which Dana Smith will discuss later in the meeting. Councilwoman Portis-Jones asked about the highlighted area in streets. Mr. Stephens said this is actually a reduction because of job vacancies in the Street Department, we had savings in that department.

Mayor Pro Tem Davis asked for an explanation for the record on the funds of \$3,495,804.00. Mr. Stephens said:

- LCI Implementation Grant \$ 47,853
- AFG Grant \$ 99,344
- Capital Projects \$ 200,000
- Water/Sewer \$1,048,607
- Electric \$2,100,000

City Administrator, Tony Phillips added some additional clarity by saying they have been working on two grants. The \$200,000 is for the generators and for Water/Sewer/Electric there are elevated costs due to our inflationary economy. We received a letter from MEAG last week, giving us a heads-up about the record temperatures across the state, which will elevate uses and costs on the electrical bill.

Councilman Whitmore had questions regarding the memo from MEAG Power that the Vogtle Unit 1 tripped and lost capacity, whereas Vogtle Units 2 and 3 are operational. He wanted to know when Unit 1 would be up and running. Utilities Director John Martin said they are still working on it and have not forecasted a repair date and that Unit 3 is almost at capacity. Councilman Whitmore asked if there was a backup plan. Mr. Martin said yes, coal is still operational, we would be getting our sources from steam and natural gas until it goes back online.

Mayor Avery asked about the load management that was mentioned in the memo where it talked about unexpected increases and/or peaks. Mr. Martin said that is like the experiences that we have had this past week, those unexpected spikes come due to climbing which is unforeseeable circumstances and hopefully that is the last of the surges that we have. They look at the load management and try a mixture to balance off so it wouldn't be extreme. Councilwoman Portis-Jones asked what the other alternatives are. Mr. Martin said they could use water, steam, or gas as a source of energy, and they use forms of coal. Mr. Phillips said that is a source of generated power that we didn't purchase from MEAG. They generate power through nuclear coal, steam, and other sources. As Vogtle 1,2, and 3 have come online, more of the power is generated through those nuclear efforts but when one goes down, then they have to use coal or the other sources to generate power. Load management is also an effort to work largely with some of our industrial customers to ask them to manage their power usage, their load management during peak hours so we can manage that load more efficiently.

Councilman Whitmore said it was his understanding that industries are being asked

to conserve energy during peak times and what indicators would we have to ask the same thing from our citizens during peak periods. Mr. Martin said that is an option and we could put out bulletins on energy conservation during those surges. Councilman Whitmore wanted to ensure Utilities and City Administration we were in close communications with MEAG on getting on-time information so we can prepare. Mr. Phillips said he can absolutely assure Mayor and Council that we have almost daily communications. Mayor Pro Tem Davis said she noticed in our newsletters that we do give ideas to residents on how to conserve energy and thinks they are doing a great job on that part. After discussion, **the motion was carried unanimously.**

4. Emergency Generator for 149 West Broad Street Property

Building Operations Director Dana Smith presented this item and said it is a follow up on our conversations at the Budget Workshop. The next three agenda items are the emergency generators that was discussed for a few facilities in the city infrastructure. This will provide backup generator power for the Youth Center, Fire Station 22, and Fire Headquarters as a whole complex. The company is asking for half, so the agreement and the agenda item is the whole amount. We're asking for this fiscal year to pay half for them to order the generator and the automatic transfer switch to begin the process. The lead time on these generators is about 18 to 24 weeks out.

Councilwoman Portis-Jones made a motion to approve the purchase and installation of an emergency generator for the facilities located at 149 West Broad Street in an amount not to exceed \$116,435.93. The second was provided by Councilman Pallend. **The motion was carried unanimously.**

5. Emergency Generator for 314 West Broad Street Property

Building Operations Director Dana Smith presented this item and said the reason we are ordering three generators is because these are emergency generators. In case of emergencies like the water crisis, Hurricane season, and other crisis that occur whereas we lose power, we will have automatic backup generation power and provide services for the city. This generator is for the new Administrative Building on the Fairburn Educational Campus.

Councilman Whitmore made a motion to approve the purchase and installation of an emergency generator for the facilities located at 314 West Broad Street in an amount not to exceed \$183,159.04. The second was provided by Councilman Heath. **The motion was carried unanimously.**

Councilwoman Portis-Jones wanted our citizens to know why we are purchasing these generators. Mr. Smith said we purchased the generators so we can deliver service and respond to them in the event there is loss of power. He also stated when city buildings lose power, that inhibits us from performing several functions;

we lose IT networking infrastructure capabilities, the phones are down, we cannot process payments. It affects our Recreation Department, Municipal Court, Planning and Zoning, our Police Department and Utility Department.

Councilman Whitmore said this would be an investment for the city to continue to provide services within our government buildings as well as reaching outside of those buildings. Mr. Smith said yes.

Councilman Heath asked what kind of fuel they will be using for the generators. Mr. Smith said all three generators will be using diesel.

Mayor Avery said back in January 2022 during his State of Address, he discussed an assessment in every department to the maintenance of buildings that were not operable. This is the process of analyzing the data that was brought in by consultants. He was adamant on the Emergency Management Plan when he hired City Administrator, Tony Phillips. When you have a crisis like we've had this year with the weather, neighboring cities sometimes have to call in for mutual aid and we've had to step in and help the City of South Fulton when a tree fell in the road to prevent residents from getting hurt.

Tony Phillips said in the city with 225 employees across thirteen departments and multiple facilities, three generators is not an extravagance, it's a necessity. When we have outages and crisis, our citizens have a rightful expectation that their government will be positioned to continue to maintain core services even when we're in the midst. These three generators were located to ensure that critical functions and connectivity can be maintained even if power is out in the rest of the city. We can help seniors that may be in distress, and we will be able to talk to people who have emergencies. Mr. Smith was able to get three generators for the cost of two, we're saving money while providing the necessary infrastructure to keep residents safe.

Councilwoman Portis-Jones said they've had two retreats and talked about investing in infrastructure. The things you don't see have a huge impact on the quality of life in the city. Another thing the mayor talked about in his inaugural address is that we had a major security breach and had to deal with IT, which was another item that we continued to push down the road. She emphasized to the citizens how the city must spend money on infrastructure.

Mayor Pro Tem Davis said from a personal note, she is thinking about purchasing a generator because she is total electric, you lose food, electricity, and air. It's a personal decision in reference to your household. She commended Mr. Smith for pursuing purchasing the generators and the mayor, which established that from the beginning, and for getting the discount.

Councilman Whitmore said generators for our house covers refrigeration, a couple of electrical outlets and asked if these generators will encompass the entire building.

Mr. Smith said the backup generators backup the emergency circuits such as emergency lights, refrigerator, HVAC, and things of that nature. We do something a little different for our public safety buildings and try to back up the whole building, these are name brand Generac generators. Mayor Avery asked where the generators would be installed, and Mr. Smith said they are installed outside the buildings on concrete pads.

6. Emergency Generator for 106 Howell Avenue Property

Building Operations Director Dana Smith presented this item and said this generator will be housed at our Fairburn Utilities and Streets Department.

Mayor Pro Tem Davis made a motion to approve the purchase and installation of an emergency generator for the facilities located at 106 Howell Avenue in an amount not to exceed \$93,194.74. The second was provided by Councilwoman Portis-Jones. **The motion was carried unanimously.**

XII. Reports:

7. Finance Director Monthly Report:

Finance Director, Bryan Stephens presented this item and said he is presenting the finance report for the month ending July 31, 2023. The City of Fairburn's general fund concludes its 10th month of 2023 operation with \$7.8 million in net cash flow. The general fund has generated \$22.6 million in revenue with \$14.8 million in expenditures. The city has collected 94% of its year-to-date revenues and has spent 64% of its budget. Property and Local Option Sales Tax Revenue represents the city's General Fund primary source of operating resources.

The City of Fairburn's enterprise fund concludes its 10th month of 2023 operation with roughly \$2.3 million in net cash flow. To date the enterprise fund has generated \$17.1 million in revenue with \$14.8 million in expenditures. The city has collected 72% of its budgeted revenues and expensed 62% of its budget.

8. City Administrator's Monthly Report:

City Administrator, Tony Phillips presented this item and began by sharing an update on our Utility Assistance Program that started this morning at 9 a.m. and thanked Mayor and Council for approving our American Rescue Plan Act funding plan which included \$250,000 to help Fairburn residents with utility assistance. We partnered with the Georgia Micro Enterprise Network, otherwise known as GMEN to help facilitate the applications and distribution of utility payments. When we opened the doors, there were probably forty people already here at City Hall and throughout the day we helped over 130 residents with utility assistance. There is a maximum of up to \$350 for all our seniors 65 and older and up to \$250 for all of our residents. We had an in-person session today to have someone walk them through the process and

tomorrow. We will go live tomorrow at 5 p.m. with the online application process. This was put out a week in advance on all our platforms, on social media, website, emails, also made three Robo calls to people that were in our utility database. We had a very successful day for residents to come in and get the assistance they needed. He personally thanked Quakita Lane from our Utilities Department, Jenny Montoya from our Finance Department who is bilingual, and Jamila Criss from City Administration for working with our residents all day. If you have a relative, a friend, or someone you know in Fairburn that might benefit from this opportunity, please let them know they can go to the cities website for more details and information.

Mr. Phillips presented a summary of the City's monthly administrative activities for July 2023. We've had another successful summer music festival, featuring Glenn Jones, Jody Mayfield, and other Jazz and R & B artists. He acknowledged Economic Development Director, Sylvia Abernathy who's done a superlative job with that concert series. We've hired a new Fire Marshal and wrapped up our new summer camp. Chapin Scott and her staff did an outstanding job. It was an eight-week summer camp and serviced over 274 youth during the summer. Our Code Enforcement Division is growing by leaps and bounds in their processes and efficiency, making sure businesses are in compliance with their current business license. We have completed the spatial planning for building # 2 on the Fairburn Education Campus and are on track to complete the renovations by the end of the calendar year.

XIII. Council Comments:

Mayor Pro Tem Davis said she had the privilege of being here during our Utility Assistance Program and the process was excellent. She was impressed on how smoothly it went for our citizens, it was phenomenal.

Councilman Whitmore congratulated the Fire Department for the well-deserved award they received. He attended the Utility Assistance Program and thanked city staff and administration on how they handled the citizens that came in, it was handled very professional and was a great idea that the City of Fairburn offered their residents this kind of assistance. He sent kudos to Mr. John Martin Utilities Director and his staff for their response time and hard work.

Councilwoman Portis-Jones welcomed Pastor Greta Fowler to Fairburn. She sent overwhelming congratulations to the Fire Department. She sent kudos to Chief Robinson for withstanding it all, seeing the vision, and hanging in there. She congratulated Chief for getting all the grants for the Fire Department, allowing the department to grow and to get the equipment that we needed, it is long overdue but well deserved. She thanked Mr. Walt Brown for recognizing the work this Fire Department has been doing. The ISO rating is a big deal for our residents. She talked about how the National League of Cities helped get Federal dollars sent directly to the cities and was proud to be on the Board. She thanked Mr. Phillips and Mrs. Criss and all the staff for working on the Utility Assistance Program and for the outreach to spread

the word to all our citizens.

Councilman Pallend said Ms. Jones stole his speech. The Fire Department was on display today. We are very fortunate to be here with the folks that are here, this is a good place to be.

Councilman Heath said he remembered our Volunteer Fire Department when Mr. Brown was our Fire Chief and how things have changed with the fire stations and the fire equipment that we now have. Mr. Brown has been a very dedicated person to the City of Fairburn and emphasized how much he appreciated everything he has done. We have people here now that have excelled to a point that is indescribable compared to what it's been. He's been on Council for fourteen years and has never seen a program to help residents with their utility bills, that's what a city should be like to help their neighbors. Mr. Phillips and Mrs. Criss have done a wonderful job. He said kudos to our Police Chief, and our Fire Chief for the leaders they have become and is glad to see the pay has improved.

Mayor Avery thanked all the HOA Presidents that he has talked to in the last 72 hours for talking to their seniors and their neighborhoods about the Utility Assistance Program. He thanked Nancy Sanchez as she played a major role by reaching out to the Hispanic community and was properly communicated with about this program. He publicly thanked the city staff that played a major role that took place here two Fridays ago at the Regina Belle concert, he has gotten comments about that from church to Fulton County government. There were so many people here and they talked about the level of excellence that staff performed.

The month of September is Hispanic Heritage month, and he has visited different restaurants in Fairburn to invite them to one of the biggest Hispanic Heritage events that we have had on Third Friday. We are excited about our Fairburn Fall Festival scheduled for October 7th. He thanked different staff members that play a huge role in this event, we've got seven marching bands and it's going to be a great show. As Mayor rode through the city this weekend looking at the sidewalks and all the new paving, he thanked Lester Thompson who led charge of all the new paving in eight subdivisions.

Mayor Avery thanked the Recreation Department for the 274 youth that attended summer camp and for all the different activities they are offering our senior citizens. Labor Day will be the last weekend the pool will be open.

He thanked Mr. Walt Brown for the award celebrating our Fire Department. His father was a retired Atlanta Firefighter, so this holds a special place in his heart for firemen and police. He thanked and welcomed Pastor Greta Fowler to the city.

XIV. Adjournment:

Councilman Heath made a motion to adjourn the meeting at 8:30 pm, with Mayor Pro Tem Davis providing the second. **The motion carried unanimously.**

Brenda James, City Clerk

Mario Avery, Mayor

DRAFT



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: Rezoning request from PD (Commercial) to PD (Residential), Durham Lakes - Development Area 5

ITEM TYPE: Ordinance

SUBMITTED: 09/05/2023 **WORK SESSION:** N/A **COUNCIL MEETING:** 09/11/2023

DEPARTMENT: Planning & Zoning

BUDGET IMPACT: N/A

PUBLIC HEARING: Yes

PURPOSE:

For Mayor and City Council to consider the request to amend and rezone the Master Plan Planned Development (PD-02) zoning district of Durham Lakes Golf and Country Club, Development Area 5, to permit 108 townhomes.

HISTORY:

The Durham Lakes Golf and Country Club rezoning was approved in 2003 as a planned, mixed-use development consisting of 570.45 acres. The approved uses included single-family detached residential, retail and office commercial and an 18-hole golf course. The first public hearing was held on August 14, 2023. The second public hearing was held on AUGUST 28, 2023.

FACTS AND ISSUES:

Rezoning of 13.356 acres, from PD-02 to PD. The applicant is requesting approval to amend and rezone the Master Plan Planned Development (PD-02) zoning district of Durham Lakes Golf and Country Club, Development Area 5 to permit 108 townhomes.

Parcel ID: 07 270001681935

Location: (Development Area 5) - Intersection of John Rivers Rd & Roosevelt Hwy

FUNDING SOURCE:

N/A

RECOMMENDED ACTION:

Staff recommends approval of the applicants request to continue the public hearing of the rezoning request to the next public meeting.

ATTACHMENTS:

1. Durham Lakes Staff Report_Final_MCC (2)
2. Site Plan_JHJ (2)
3. Application Materials and Narrative_Durham Lakes
4. Attorney Agent Form
5. Traffic Statement_Durham Lakes_Area 5
6. Buffer Update_Durham Lakes_
7. 2003_Original_Zoning Ordinance and Conditions (1)
8. Original_Durham Lakes Development Site Plan

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

To: Planning and Zoning Commission

From: Denise Brookins

Date: August 8, 2023, Planning and Zoning Commission

Agenda Item: PZ23011 - Rezoning: from PD to PD - Durham Lakes (Development Area 5) - Intersection of John Rivers Rd & Roosevelt Hwy

APPLICANT/PETITIONER INFORMATION

Property Owner	Petitioner
10364 JHJ LLC	John Hardy Jones (10364 JHJ LLC)

PROPERTY INFORMATION

Address, Parcel Number	0 John Rivers Rd, Parcel No. 07 270001681935
Frontage:	John Rivers Rd
Area of Property:	Development Area 5 (13.35 acres)
Existing Zoning and Use:	Planned Development Commercial Land Use and Undeveloped
Overlay District:	N/A
Prior Zoning Cases/History:	Rezoning Approved August 12, 2003, PD-02, Durham Lakes Golf and Country Club
2035 Comprehensive Future Land Use Map Designation:	Medium Density Residential – this residential character area is meant to promote a tight knit, more walkable community with lots that are one fourth of an acre or smaller.

Proposed Zoning: Planned Development – Single Family Attached Dwelling Residential Land Use

INTENT

Rezoning of 13.356 acres, from PD (Commercial) to PD (Residential). The applicant is requesting approval to amend and rezone the Master Plan Planned Development (PD) zoning district of Durham Lakes Golf and Country Club, Development Area 5 to permit 108 townhomes.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTIES

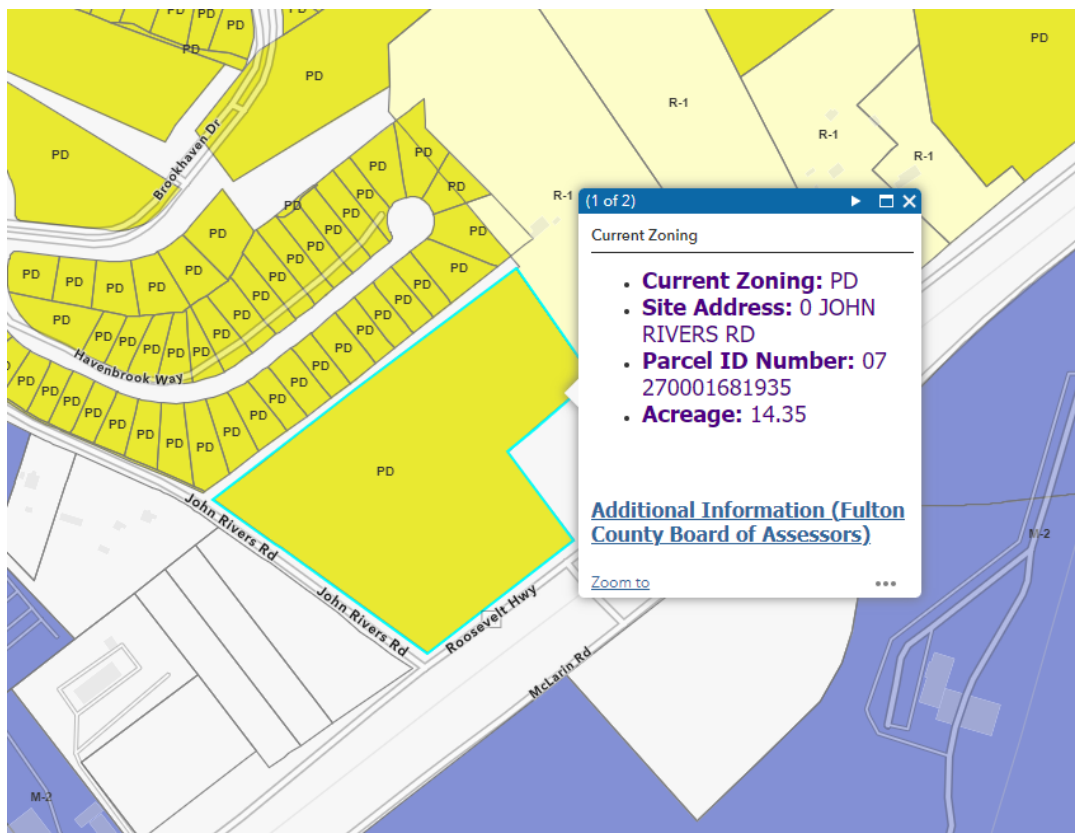
North: PD (Planned Development)

East: R-1 (Single-Family Residential District)

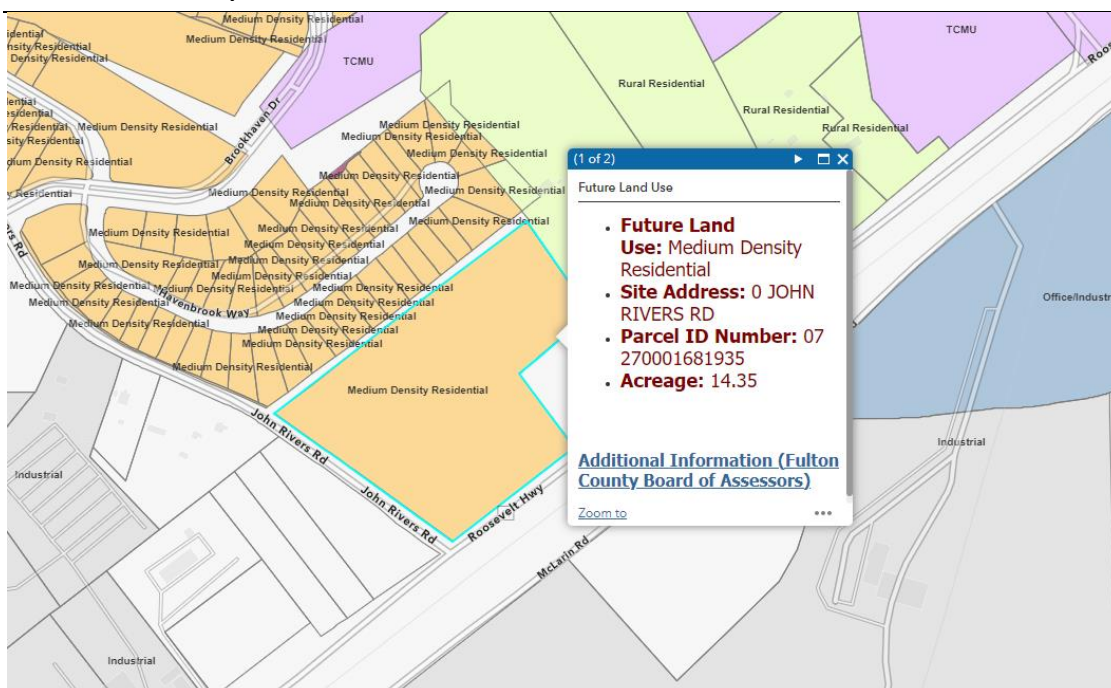
South: M-2 (Heavy Industrial)

West: Outside of the city limits

Zoning Map:



Future Land Use Map:



Site Pictures:



BACKGROUND

The subject parcel is located in development area 5 of the Durham Lake Golf and Country Club master planned community. When this development was originally annexed into the city, it was known as the Bear Claw Golf and Country Club, and it covered approximately 700 acres. Subsequently two major projects were split off from the original development, the Harbor Lakes Apartment, and the Parks at Durham Lakes Subdivision. The Durham Lake Golf and Country Club rezoning was approved on August 11, 2003, as a planned, mixed-use development consisting of 570.45 acres. The approved uses included single-family detached residential, retail and office commercial and an 18-hole golf course.

Summary of the master plan amendment and rezoning request:

II -Previously Permitted Uses

Single-Family Detached Residential Dwellings

Retail and Office Commercial

18-hole Golf Course

Accessory Buildings and Uses Incidental to the Above Use

Home Occupations

Amenity Buildings, Facilities and Lands

Publicly Owned Building, Facility and Lands

II -Proposed Permitted Use

- Single Family Attached Residential Dwellings

III-Previously Approved Development Standards

Area 5:

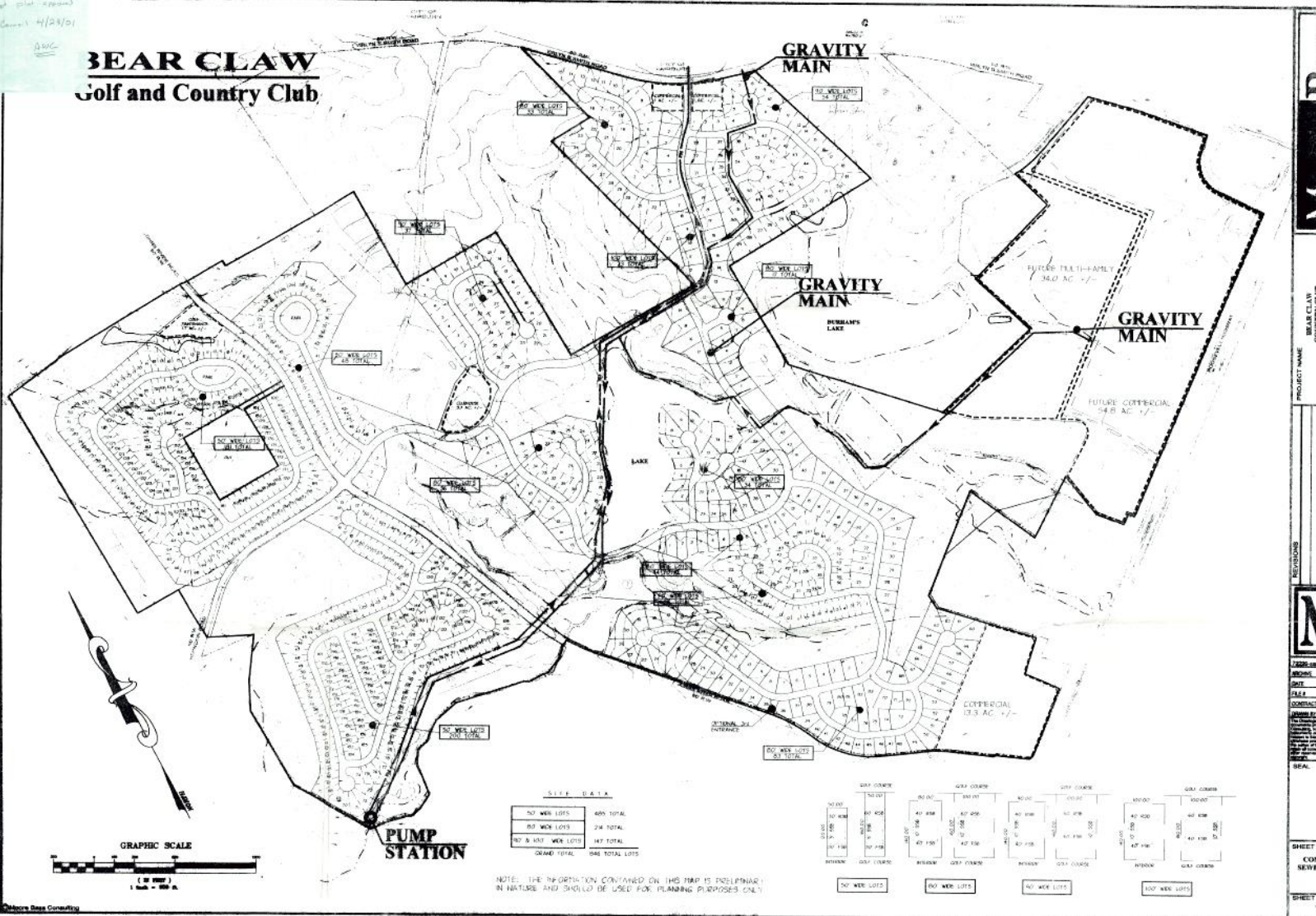
- 5-A. Development Area 5 is the retail/office commercial and single family attached residential component of this mixed-use Development project. It is comprised of 71.4 acres.
- 5-B. The total floor area of commercial space shall not exceed 714,000 square feet.
- 5-C. All the developments within this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

III-Proposed Rezoning Development Standards:

Area 5:

- Proposed 5.D. Single-Family Attached Dwelling Units
- Proposed 5-E. Maximum Number of Residential Lots = 108
- Proposed 5-F. Minimum Land Area Per Dwelling =1,200 square feet.
- Proposed 5-G. Minimum Heated Floor Area = 1,000 square feet
- Proposed 5-H. Minimum Dwelling Unit Width= 22 feet.
- Proposed 5-I. Minimum Front Yard= 15' Local/25' Collector
- Proposed 5-J. Minimum Side Yard= 10 feet (20 ft Building Separation)
- Proposed 5-K. Proposed Max Lot Coverage = 65%

Bear Claw Golf and Country Club Plan



Public Participation:

The applicant held two community meetings. The first meeting was completed on Thursday, May 22, 2023, at 6:00 p.m. at the Durham Lakes Club House [156 Durham Lake Pkwy, Fairburn], and the second meeting was virtual on June 22, 2023. Eleven property owners were at the first meeting, and attendance was significantly higher during the virtual meeting. The meeting attendees expressed concerns about the following issues:

1. Rental Restrictions/Short-Term Rentals
2. Define Medium Density
3. Parking Spaces, Noise, and Traffic Congestion
4. The request might encourage more commercial developments
5. Price point and property values
6. Fencing/Buffers
7. Demographic shift from families
8. HOA Control and Amenities
9. Neighborhood Character/Elevations/Design

STAFF COMMENTS**A. Fire Department:****THE CODE OF ORDINANCES OF FAIRBURN, GEORGIA**

Sec. 29-2. - International Fire Code amendments.

(a)Modify the International Fire Code to include:

(1)Appendix B, Fire-Flow Requirements for Buildings.

(2)Appendix C, Fire Hydrant Locations and Distributions.

(3)Appendix D, Fire Apparatus Access Roads.

International Fire Code (IFC)

Appendix D, Fire Apparatus Access Roads.

Section D107 One- or Two-Family Residential Developments

- D107.1 Developments of one- or two-family dwellings where the number of dwelling units exceed 30 shall be provided with two separate and approved fire apparatus access roads.
- Only see one entrance into this section of houses.

B. Traffic Review:

In accordance with Fairburn Municipal Code Section 71-40, ADT volume along John Rivers Rd, as well as distribution of daily traffic volumes, is needed to demonstrate that the volume along the facility with the generated traffic is lower than 2,000 vehicles per day.

If this cannot be demonstrated, an acceleration lane is required at the site access point in addition to the deceleration lane in the current site plan.

C. Community Development/Public Works Comments:

1. Every developer of lands within the City of Fairburn shall provide the public improvements included in this chapter 71 of the City of Fairburn Code of Ordinance and other pertinent ordinances, codes, and regulations of the city. These public improvements, together with associated rights-of-way, easements, and other lands, shall be provided at no cost to the city and shall be dedicated or otherwise transferred, as required, to the public in perpetuity and without covenant or reservation. [Sec. 71-4]

2. 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. [Sec. 71-37 (a)]

Show the installation of roadway improvements (curb & gutter, drainage, etc.) along John Rivers Road and Roosevelt Highway/SR 14 on the Concept Plan.

3. 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)]

4. The developer shall be responsible for the cost of relocation and/or modifications of public and/or private utilities as necessitated by the required street improvements. [Sec. 71-37 (c)]

5. 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:

- Provide not less than 150 feet of storage length for arterial roadways.
- Provide not less than 100 feet of storage length for collector roadways.
- Provide taper lengths of not less than 100 feet.

o Longer storage and taper lengths may be required when traffic projections indicate they are justified.

[Sec. 71-38(4)]

The concept plan should be revised to show a minimum 100-foot taper length.

6. Acceleration and deceleration lanes shall be provided at proposed driveway connection unless a traffic study demonstrates that the 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). [Sec. 71-40]

7. The City of Fairburn defers to the most recent edition of the GDOT Regulations for Driveway and Encroachment Control to determine driveway/entrance spacing & placement requirements, minimum requirements for left turn lanes at proposed entrances, minimum design elements for left turn lanes, and other traffic safety and design elements not specifically captured in the City of Fairburn's Code of Ordinances, rules, regulations, standards, and/or specifications. In instances where there is conflict between the GDOT requirements and City of Fairburn requirements, the most restrictive or that imposing the highest standards shall govern. That said, if it is anticipated that left turn volumes into the proposed development will exceed the GDOT threshold, a left turn lane will be required.

The GDOT threshold is 300 left turning vehicles for a two-lane roadway with a speed limit of 35 MPH and an AADT less than 6,000 VPD.

Show installation of a left-turn at the proposed entrance unless deemed unwarranted by a traffic study.

The Trip Generation/Turn Lane Analysis provided should be updated to demonstrate that the proposed entrance does not exceed this threshold to substantiate a left-turn lane is unwarranted.

8. John Rivers Road must be overlaid with 1" of 9.5mm A.C in accordance with City of Fairburn Detail No. R012/Roadway Widening Sections. **Show 1" overlay at the widening section across the entire roadway.**

9. 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 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]

10. 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]

11. All future driveway connections on Bohannon Road are subject to the GDOT Regulations for Driveway and Encroachment Control.

12. All new streets or street widening sections shall be provided with curb and gutter. [Sec. 71-45]

13. Sidewalks are required along the entire project frontage from property line to property line and on both side of all internal streets. All sidewalks shall have a minimum width of five feet and shall be constructed to comply with the requirements of the Americans with Disabilities Act (ADA) standards, city's development standards. [Sec. 71-46]

The installation of sidewalk should be shown along Roosevelt Highway/SR 14 unless deemed unwarranted by the Georgia Department of Transportation. This requirement should be reflected on the proposed Concept Plan.

14. Commercial Driveway are required at all commercial entrances to delineate public from private. Commercial drives need to extend a minimum of 12 feet from the edge of pavement or to the right-of-way.

Show commercial driveway at the proposed entrance on the Concept Plan if the internal streets are to be private.

15. All pavement markings installed on asphalt within the public right-of-way shall be thermoplastic material; 1.5-inch black contract tape shall be installed for crosswalks on concrete.

16. Traffic control devices consisting of street name signs, traffic control signs, traffic markings and traffic signals shall be provided by the developer as appropriate to serve each development. All traffic control devices and installation thereof shall conform to the specifications of the Federal Highway Administration publication, Manual on Uniform Traffic Control Devices, current edition and ANSI D6.1e. [Sec. 71-47]

17. The developer shall provide all necessary street lighting in accordance with the standards of the American National Standard Practice for Roadway Lighting, current edition, but in no case less restrictive than one fixture at each street intersection and at an interval not exceeding one fixture for every 400 feet of roadway. The developer shall provide such lighting at no cost to the city. [Sec. 71-48]

18. Site utilities serving the site shall be placed underground.[Sec. 71-72]

19. 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]

20. All stormwater runoff generated from a site shall be adequately treated before discharge. [Sec. 71-1003]

21. Dry detention ponds shall be designed to provide positive drainage on the pond floor to the outlet of the pond. Side slopes shall be designed to have a maximum of three feet horizontal to one-foot vertical (3:1) slopes. If the 100-year maximum water surface depth is equal to or greater than four feet, then a black, vinyl-coated, four-foot chain-link fence with top and bottom rails shall be constructed around the detention pond with a 20-foot gate provided to allow access. [Sec. 71-1021]

D. General Zoning Impact Review:

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

The property is located south of the established Brookhaven subdivision. Most of the adjacent residential lot sizes and homes are larger than the proposed 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 lower-density subdivisions immediately surrounding the subject property.

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

Yes. The property has 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, given the requested density, a traffic impact report will be required. 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.

E. 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 108 townhomes on the subject property with a walking trail and green space. The applicant has provided elevations for consideration.

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
 - C. Audit the Zoning Ordinance to ensure all needed housing types are allowed in the City of Fairburn
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 townhomes will provide additional housing options, but the development is not targeting seniors and the request is not in the downtown area. The subject property future land use designation is Medium Residential, this residential character area is meant to promote a tight knit, more walkable community with lots that are one-fourth of an acre or smaller. The requested density would be smaller with lot areas totaling 1,200 sq ft.

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. This development is not in the Downtown Mixed-Use Character area. Although the applicant is requesting approval to allow for residential use, the proposed density, at approximately 8.2 units per acre, does not align with the housing goals outlined in the comprehensive plan.

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

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

G. 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 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).

H. Final review of the standards governing the exercise of zoning powers:

(1) Whether the proposal is consistent and/or compatible with the city's plans, goals and objectives reflected in the city's comprehensive plan.

As stated in the initial review,

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
 - C. Audit the Zoning Ordinance to ensure all needed housing types are allowed in the City of Fairburn
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.
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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. This development is not in the Downtown Mixed-Use Character area. Although the applicant is requesting approval to allow for residential use, the proposed density, at approximately 8.2 units per acre, does not align with the housing goals outlined in the comprehensive plan.

(2) How the proposal impacts the purposes of the overall zoning scheme, and whether the proposed change furthers the purposes of these zoning regulations. Applications for zoning amendments that do not contain specific site plans carry a rebuttable presumption that the proposed change shall adversely affect the zoning scheme.

The applicant has provided a site plan. The proposed development includes a residential use that aligns with the comprehensive plan, but the proposed density could adversely impact the surrounding area.

(3) How the proposal impacts the character of the zoning district, the particular piece of property, neighborhoods, or the community.

The proposed density and development will change the character of the zoning district and significantly impact the neighborhood and/or surrounding community. The Planned Development zoning district allows for flexible creative concepts, but the development standards also recommend protecting neighboring properties by requiring larger peripheral lots adjacent to larger lot developments. The applicant is proposing a development which is significantly smaller than the adjacent lots. The applicant is proposing lot areas totaling 1,200 square feet adjacent to lots that are 6,000 square feet or higher.

- (4) Whether the proposal creates an isolated district unrelated to adjacent properties and nearby districts.**

No. The proposed use would not create an isolated district.

- (5) How the proposal impacts the aesthetic character of existing and future uses of the property and the surrounding area.**

The proposed development aesthetic character is different than the existing development and the other future uses which call for rural development. The proposed development, building form, streetscape, architectural character, size, scale, and style are different than the surrounding area. Without incorporating more of the existing neighborhood characteristics, the new proposed development could negatively affect the surrounding properties.

- (6) Whether the proposal is consistent with adjacent development densities and the density patterns reflected in the comprehensive plan.**

No. The proposed density pattern is not consistent with adjacent development densities.

- (7) How the proposal impacts the public health, safety, and general welfare.**

The applicant has not provided a traffic impact study or proposed any intersection improvements.

The development could negatively impact public safety, given that the location is near the edge of a master-planned community and Roosevelt Highway which is an area that already experiences heavy traffic.

Additionally, GDOT recommends that due to the large development impact on the roadway, a traffic impact study should be completed including the intersection of John Rivers Road and Roosevelt Hwy to assess the possible need for improvements at the intersection with GDOT roadway.

- (8) How the proposal impacts water, sewerage, other public facilities, or public services, and how the proposed amendment impacts expenditures of public funds.**

The applicant is responsible for all public improvements.

- (9) How the proposal impacts traffic safety and congestion.**

The proposed rezoning and development would increase traffic on existing streets, given the requested density, a traffic impact report will be required. 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.

- (10) How the proposal impacts environmental conditions, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality, water quality and quantity.**

To the best of staff's knowledge, the proposal would not permit a use which could be considered environmentally adverse to the erosion and sedimentation, flooding, air quality, water quality standards.

- (11) How the proposal impacts the provision of adequate light and air.**

To the best of 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).

(12) How the proposal impacts the value of adjacent property.

As mentioned in the initial review, 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 lower-density subdivisions immediately surrounding the subject property.

(13) Whether there are substantial reasons why the property cannot be used in accordance with existing regulations.

Although undeveloped, the property does have a reasonable economic use as currently zoned.

(14) Preservation of the integrity of residential neighborhoods shall carry greater weight than other factors. Where property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall carry greater weight.

Given the proposed use, staff is recommending conditions to allow the proposed use to co-exist with the surrounding property. The conceptual site plan, elevations, and density should be modified to better preserve the integrity of the surrounding residential neighborhoods.

Planning and Zoning Commission Public Meeting Summary:

The Planning and Zoning Commission held a public meeting and recommended approval with the conditions recommended by staff. One resident spoke in support of the request.

Staff Recommendation:

Based on the staff's evaluation of the request and the standards for rezoning review, the Department of Planning and Zoning recommends **APPROVAL** of the rezoning request with 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 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
6. A fence and minimum 30-feet wide vegetative buffer will be required on the rear of any parcel adjacent to existing medium or low density residential developments, all proposed landscaping and fencing materials must be approved by staff.
7. A planted buffer and fencing shall be provided along Roosevelt Highway and John Rivers, all proposed landscaping and fencing materials must be approved by staff.
8. Additional landscaping may be required alongside side elevation facing public roads.
9. The common walking trail shall be constructed of asphalt or some other hard surface material and shall be installed prior to issuance of the final certificate of occupancy for the first residential building.

10. Amenities along with the walking trail should include one of the following: sport court(s), a dog park with equipment, playground, or gazebos.
11. Pedestrian-scale street lighting shall be provided along both sides of internal streets throughout the development.
12. The front and rear yards of the townhouse units shall be sodded.
13. The entrance shall include ornamental plantings, as approved by Staff.
14. 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.
15. All utilities shall be buried underground.
16. Parking shall be on a paved or concrete surface.
17. 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.
18. Development Standards:

Minimum lot size:	3,000 square feet
Minimum heated floor area	1,200 square feet
Minimum lot width:	25 feet
Maximum building height:	48 ft
Yard Requirements:	
– Front: 20 ft – Rear: Five feet minimum – Side yard, corner: Five feet minimum, and 15 feet maximum. – Side yard, interior: There shall be no minimum distance between attached dwelling units; and a minimum ten-foot setback on end units creating a minimum distance of 20 feet between groups of townhouse dwelling units.	

19. A minimum of three and a maximum of eight units shall be allowed in each row of townhouses.
20. The applicant must submit an updated conceptual site plan and building elevations subject to approval of the Planning Commission and in compliance with the enclosed development and design guidelines recommendations.

Development and Architectural Design Recommendations:

- (1) Provide architectural details to enhance scale and interest on the building facade by breaking it up into distinct planes that are offset from the main building façade. Porches and stoops can be used to orient housing towards the street and promote active and interesting neighborhood streetscapes.
- (2) Alternate different textures, colors, materials, and distinctive architectural treatments to add visual interest while avoiding dull and repetitive façades.
- (3) Integrate varied roof lines through the use of sloping roofs, modulated building heights, gables, dormers, or other architectural solutions.
- (4) Include overhead architectural features such as eaves, awnings, canopies, trellises, or cornice treatments at entrances and windows that provide shade, provide passive cooling, and reduce daytime heat gain.
- (5) Foundations shall be brick or natural stone. Where another type of structural material is used, it shall be faced with brick, cast stone or natural stone no less than six inches in depth.
- (2) No vinyl or EIFS (synthetic stucco) shall be permitted. The exterior materials on all dwelling units shall be no less than 40 percent brick, indigenous rock or natural stone; with the balance of each elevation being brick, cementitious siding, indigenous rock, natural stone, natural wood shake, natural wood shingles or natural wood siding.
 - a. All-natural wood siding shall be painted or stained.
 - b. All natural wood shakes and natural wood shingles shall be smooth-cut and stained.
- (3) Where multiple exterior materials are used on a single dwelling, they shall only be combined on each facade horizontally, with the heavier material below the lighter.
- (4) The rear façade and the side façades shall be of the same construction quality, the same exterior finish and exterior color as the front façade.
- (7) Porches or Stoops, where facing streets or open spaces, shall be between four feet and six feet deep, and constructed of brick, indigenous rock or natural stone material matching the adjacent building façade.
- (8) Doors and windows shall be rectangular in orientation and proportion, with the height of the door or window opening greater than its width where facing streets or open spaces.
- (11) Dwellings shall have pitched roofs meeting the following standards:
 - a. Pitched roofs shall be sloped no less than 6:12, except that pitched roof structures for attached sheds, porches, or stoops may be sheds, with pitches no less than 2:12.
 - b. Pitched roofs shall be clad in asphalt shingles, natural slate or wood shingles, except that standing seam metal may be used provided that it complements an architectural style while minimizing glare.
 - c. The eaves of pitched roofs shall overhang exterior walls a minimum of 12 inches.
- (12) The design of façades fronting streets or open spaces shall be further subject to the requirements as provided in below:
 - a. The principal entrance shall be a porch or stoop and face the street or preserved open space area.

- b. Exterior stairs shall have enclosed risers of brick, concrete, indigenous rock or natural stone.
- c. Façades shall be articulated at intervals a maximum length of 40 feet to avoid blank walls.
- d. Façades shall be no less than 15 percent glazed in clear glass.
- f. Doors and windows in upper floors shall align with those below.
- g. Porch or Stoops shall be covered by a pitched roof structure.
- h. Porch or Stoops shall not be enclosed with glass, plastic or screen wire.
- i. Porch or Stoops shall be raised a minimum of two feet from the average sidewalk grade.

Off-street parking and loading space requirements.

- (1) Doors of each residential parking garages shall contain decorative, carriage style architectural elements that are complimentary to the architecture of the townhouse. The required enclosed residential parking garage may be integrated into the architectural design of the dwelling unit, or detached. Detached residential parking garages shall be located in the rear yard.
- (2) A minimum of 60 percent of the townhouse dwelling units shall have the residential parking garages located in the rear yard. Access to the required enclosed residential parking garage shall be provided from an alley in the rear. The enclosed residential parking garage shall be setback a minimum of ten linear feet from the alley edge of pavement.
- (3) A maximum of 40 percent of townhouse dwelling units may have residential parking garages located in the front yard. The residential parking garage shall be setback a minimum of 25 feet from the back of the curb of the adjacent street to accommodate for vehicular parking in the driveway without impeded pedestrian access on the adjacent sidewalk. Garage doors shall be recessed at least one foot behind the front wall plane of the dwelling unit or a second-story element over the garage door shall be provided that extends at least one foot beyond the front wall plane. All front-loaded garages would have a decorative garage door with a minimum of two enhance architectural features including windows, raised panels, decorative panels, arches, hinge straps or other architectural features. Flat panel garage doors would be prohibited.



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: John Hardy Jones (10364 JHJ, LLC)
Address: 252 Smokerise Trace, Peachtree City, GA 30269
Phone: 678.633.8924 Cell: 678.633.8924 Fax: _____
Email Address: jhjones@johnhardyjones.com

OWNER INFORMATION (If different from Applicant)

Owner Name: _____
Address: _____
Phone: _____ Cell: _____ Fax: _____
Email Address: _____

PROPERTY INFORMATION

Address: Intersection of John Rivers Rd & Roosevelt Hwy
Parcel ID#: 07 270001681935 Land Lot: 167 District: 7

REZONING REQUEST

Current Zoning: PD Current Land Use: Commercial
Proposed Zoning: PD Proposed Land Use: Residential
Proposed Density (Residential Only): 8.12 Units per Acre

SECTION I

REZONING REQUEST

Office use only:

ZONING CASE #: _____ ROAD FRONTAGE: _____

PROPERTY ADDRESS (if available): _____

The undersigned, having an interest in the property herein described, respectfully petitions that said property be rezoned from _____ to _____

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.

10364 JHJ, LLC

TYPE OR PRINT OWNER'S NAME

252 Smokerise Trace

ADDRESS

Peachtree City GA 30269

CITY & STATE ZIP CODE

OWNER'S SIGNATURE

jhj@johnhardyjones.com

EMAIL ADDRESS

Sworn to and subscribed before me this the

3rd Day of AUGUST 2023

NOTARY PUBLIC

770 318 0112

PHONE NUMBER

NOTARY PUBLIC

DECEMBER 15, 2025

GREEN COUNTY, GEORGIA

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

Michele Battle

TYPE OR PRINT ATTORNEY / AGENT NAME

SIGNATURE OF ATTORNEY / AGENT

3562 Habersham at Northlake

ADDRESS

Tucker GA 30084

CITY & STATE

ZIP CODE

PETITIONER'S SIGNATURE
101 601 761 6

404.601.7616

PHONE

Legal Description – John Rivers Road

All that tract or parcel of land lying and being in Land Lot 167 of the 7th District, City of Fairburn, Fulton County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at a concrete monument found at the southwest corner of the mitered intersection of the northwesterly right of way of Roosevelt Highway (a.k.a. U.S. Highway 29 & State Route 14)(R/W Varies), and the northeasterly right of way of John Rivers Road (R/W Varies), said point being the **TRUE POINT OF BEGINNING**.

FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED;

Thence leaving said intersection and along the northeasterly right of way of John Rivers Road (R/W Varies) the following courses and distances:

North 53 Degrees 56 Minutes 58 Seconds West a distance of 263.38 feet to a concrete monument found;

South 36 Degrees 03 Minutes 39 Seconds West a distance of 9.97 feet to a point;

North 54 Degrees 00 Minutes 12 Seconds West a distance of 328.51 feet to a point;

Along a curve to the left, an arc distance of 128.22 feet, said curve having a radius of 880.00 feet and being subtended by a chord of 128.10 feet, at North 58 Degrees 10 Minutes 38 Seconds West to a point;

Thence leaving said right of way North 52 Degrees 24 Minutes 23 Seconds East a distance of 1,038.95 feet to a 1/2” rebar found;

Thence South 43 Degrees 17 Minutes 25 Seconds East a distance of 187.94 feet to a 1” open-top pipe found (bent);

Thence South 43 Degrees 58 Minutes 02 Seconds East a distance of 202.18 feet to a 1/2” rebar found;

Thence South 47 Degrees 06 Minutes 57 Seconds West a distance of 284.83 feet to a 1” open-top pipe found (bent);

Thence South 36 Degrees 54 Minutes 10 Seconds East a distance of 295.72 feet to a point at the northwesterly right of way of Roosevelt Highway (a.k.a. U.S. Highway 29 & State Route 14)(R/W Varies);

Thence along said right of way the following courses and distances:

South 52 Degrees 28 Minutes 21 Seconds West a distance of 199.47 feet to a 1/2” rebar found (bent);

North 35 Degrees 54 Minutes 09 Seconds West a distance of 12.00 feet to a point;

South 52 Degrees 27 Minutes 54 Seconds West a distance of 349.86 feet to a concrete monument found at the northeast corner of the mitered intersection of the northwesterly right of way of Roosevelt Highway (a.k.a. U.S. Highway 29 & State Route 14)(R/W Varies), and the northeasterly right of way of John Rivers Road (R/W Varies);

Thence along said mitered intersection South 81 Degrees 22 Minutes 59 Seconds West a distance of 25.50 feet to a concrete monument found at the southwest corner of said mitered intersection, said point being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land containing 13.365 Acres.



Battle Law

NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONTITUTIONAL RIGHTS

The portions of the City of Fairburn Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I 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 would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the City of Fairburn Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and 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 denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

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

A refusal to allow the land use amendment and/or Rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would



Battle Law

be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the land use amendment and/or Rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of Fulton County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

Deed Book 53128 Pg 689
Filed and Recorded Sep-17-2013 11:51am
2013-0245914
Real Estate Transfer Tax \$0.00
Cathelene Robinson
Clerk of Superior Court
Fulton County, Georgia

Return to:
LANE & KARLO, LLP
1827 Powers Ferry Road
Building Five
Atlanta, Georgia 30339

File No: LK134279
LKJDA17 - #1565

CORRECTIVE QUITCLAIM DEED

STATE OF GEORGIA

COUNTY OF GLYNN

THIS INDENTURE, entered into this 4th day of September, in the year Two Thousand Thirteen, by and between

**AMERIS BANK, as Assignee of FEDERAL DEPOSIT
INSURANCE CORPORATION, as Receiver for HIGH TRUST BANK**

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

10364 JHJ, LLC

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 ONE AND NO/100THS (\$1.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee:

All that tract or parcel of land lying and being in Land Lot 167, 7th District, Fulton County, Georgia, comprising 13.24 acres, as shown on plat of survey for John Hardy Jones & Robert C. Baral by Conkle - Lane & Associates (G. Tim Conkle, Registered Land Surveyor), dated April 18, 2013, and being more particularly described as follows:

BEGINNING at a right of way monument found at the mitered intersection of the northeasterly side of John Rivers Road and the northerly side of Roosevelt Highway, also known as U.S. Highway 29 - State Highway 14; running thence North 52 degrees 07 minutes 11 seconds West along the northeasterly right of way of John Rivers Road 263.11 feet to a iron stake placed; thence South 36 degrees 03 minutes 11 seconds West along the northwesterly right of way of John Rivers Road 9.97 feet to a concrete marker found; thence North 54 degrees 40 minutes 27 seconds West along the northeasterly right of way of John Rivers Road 328.41 feet to an iron stake found; thence northwesterly along the northeasterly right of way of John Rivers Road and following the curvature thereof to the left (said curve having a radius of 880.00 feet and being subtended by a chord bearing of North 59 degrees 43 minutes 53 seconds West and a distance of 126.97 feet) 127.08 feet to an iron stake found; thence, leaving said right of way, North 52 degrees 10 minutes 31 seconds East 9.76 feet to an iron stake found; thence North 52 degrees 02 minutes 49 seconds East 89.73 feet to an iron stake found; thence North 52 degrees 04 minutes 59 seconds East 74.31 feet to an iron stake found; thence North 52 degrees 08 minutes 30 seconds East 69.96 feet to an iron stake found; thence North 52 degrees 05 minutes 44 seconds East 58.30 feet to an iron stake found; thence North 52 degrees 01 minutes 40 seconds East 50.01 feet to an iron stake found; thence North 52 degrees 07 minutes 21 seconds East 50.07 feet to an iron stake found; thence North 52 degrees 05 minutes 52 seconds East 49.93 feet to an iron stake found; thence North 52 degrees 08 minutes 45 seconds East 50.56 feet to an iron stake found; thence North 52 degrees 06 minutes 45 seconds East 49.95 feet to an iron stake found; thence North 52 degrees 00 minutes 55 seconds East 53.05 feet to an iron stake found; thence North 52 degrees 07 minutes 32 seconds East 53.01 feet to an iron stake found; thence North 52 degrees 02 minutes 10 seconds East 52.98 feet to an iron stake found; thence North 51 degrees 55 minutes 43 seconds East 111.33 feet to an iron stake found; thence North 52 degrees 10 minutes 32 seconds East 171.24 feet to an iron stake found; thence North 52 degrees 00 minutes 48 seconds East 39.09 feet to an iron stake found; thence South 43 degrees 38 minutes 11 seconds East 187.86 feet to an iron stake found; thence South 44 degrees 18 minutes 38 seconds East 202.24 feet to an iron stake found; thence South 46 degrees 45 minutes 05 seconds West 284.69 feet to an iron stake found; thence South 37 degrees 10 minutes 50 seconds East 284.88 feet to an iron stake placed on the northwesterly right of way of Roosevelt Highway; thence South 52 degrees 30 minutes 42 seconds West along the northwesterly right of way of Roosevelt Highway 199.26 feet to a right of way marker found; thence South 37 degrees 47 minutes 00 seconds East along the southwesterly right of way of Roosevelt Highway 12.01 feet to a right of way marker found; thence South 54 degrees 05 minutes 13 seconds West along the northwesterly right of way of Roosevelt Highway 350.01 feet to a right of way marker found; thence South 81 degrees 54 minutes 04 seconds West along the northerly right of way of Roosevelt Highway 25.79 feet to a right of way monument found on the northeasterly right of way of John Rivers Road and the point of beginning.

THIS DEED is given to correct the description contained in that certain prior Quitclaim Deed

from Ameris Bank, as Assignee of Federal Deposit Insurance Corporation, as Receiver for High Trust Bank, to 10364 JHJ, LLC, dated May 31, 2013, recorded in Deed Book 52733, Page 298, Fulton County records.

GRANTOR HEREIN is successor in interest to High Trust Bank by virtue of and in and by that certain Purchase and Assumption Agreement by and among Federal Deposit Insurance Corporation, Receiver of High Trust Bank, Stockbridge, Georgia, Federal Deposit Insurance Corporation, and Ameris Bank, dated as of July 15, 2011, by reference incorporated herein and made a part hereof.

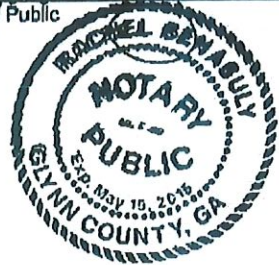
TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed effective the day and year above written.

Signed, sealed and delivered in the presence of:

Forrie Lewis
Unofficial Witness

[Signature]
Notary Public



AMERIS BANK, as Assignee as aforesaid

By: [Signature] (SEAL)
W. David Aldridge, VP/SAO

By: [Signature] (SEAL)
Teresa Jones, VP/LO

LETTER OF INTENT FOR THE REZONING APPLICATION OF 10364 JHJ, LLC.

10364 JHJ, LLC (the "Applicant") submits this Letter of Intent and attached Rezoning Application (the Application) for the purpose of amending the Master Plan PD zoning of Durham Lakes Golf and Country Club to permit townhomes on the 13.3 acres of land (the "Property") situated at the northeast corner of John Rivers Road and Roosevelt Highway. The property is within the limits of Fairburn and is bordered by John Rivers Road to the southwest, Roosevelt Hwy to the southeast, the Durham Lakes community to the northwest and 6623 Roosevelt Hwy to the northeast. The Property is mostly wooded and is currently zoned PD with convenient access to the downtown area of Fairburn and Interstate 85.

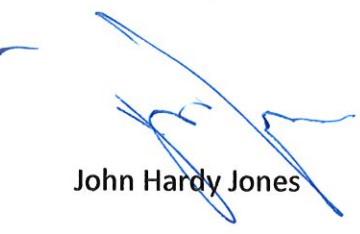
The Applicant proposes to develop the Property for a fee-simple residential community for a total of 108 townhomes at a size, quality and price commensurate with or exceeding existing townhomes in the surrounding area. The Property is adjacent to other PD zoned property to the northwest and R-1 zoned property to the northeast.

The proposed townhomes will be 22' in width and a minimum of 1,400 heated SF. The front façade of the proposed homes would be constructed of a mixture of brick, stone, and/or fiber-cement shake/siding (including board and batten). The proposed development would also include an amenity area consisting of a walking trail and open-air pavilion. The proposed land use is in keeping with the City's Comprehensive Land Use Plan, which contemplates a medium density residential use for the 13.64 acres. The comprehensive plan defines medium density residential developments as residential communities developed with ¼ acre lots and smaller.

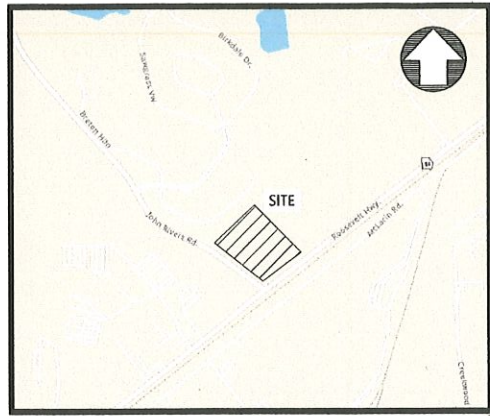
The proposed development would be a quality development that is compatible with development in the surrounding area. Further, surrounding development and existing homes would not face major negative impacts as a result of the proposed development.

The Applicant and its representatives welcome the opportunity to meet with staff of the City of Fairburn to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith. The Applicant respectfully request your approval of this Application. Respectfully submitted this 3rd day of April 2023.

Thank You,



John Hardy Jones



SITE LOCATION MAP (NTS)



SITE LEGEND

- EXISTING PROPERTY LINE
- EXISTING RIGHT-OF-WAY
- EXISTING SETBACK LINE
- PROPOSED RIGHT-OF-WAY
- PROPOSED SETBACK LINE
- 24" CURB AND GUTTER
- SIGN
- GRATE INLET
- STORM MANHOLE
- DOUBLE WING CATCH BASIN
- SINGLE WING CATCH BASIN
- OUTLET CONTROL STRUCTURE
- HEADWALL
- SANITARY SEWER MANHOLE
- CONCRETE

SITE AREA

TOTAL PROPERTY AREA: 133+ AC
PROPOSED IMPERVIOUS AREA: 5.7+ AC (4.8%)

ZONING CLASSIFICATION

JURISDICTION: CITY OF FAIRBURN
EXISTING ZONING: PD (PLANNED DEVELOPMENT)
PROPOSED ZONING: PD (PLANNED DEVELOPMENT)

DEVELOPMENT PROPOSAL

PROPOSED DENSITY: 108 UNITS (8.12 UNITS/ACRE)
FRONT SETBACK: 15' LOCAL/25' COLLECTOR
SIDE SETBACK: 15'
REAR SETBACK: 25'
MAX. HEIGHT: 48'
MAX. LOT COVERAGE: 65%
MIN. HEATED FLOOR AREA: 1,000 SF
MIN. LAND AREA PER DWELLING UNIT: 1,200 SF
OPEN SPACE REQUIRED: 24% (3.2 ACRES)
OPEN SPACE PROVIDED: INCLUDES NATURE TRAIL AND OPEN PLAY AREA
PARKING REQUIRED: 216 SPACES (2 SPACES/UNIT)
PARKING PROVIDED: 275 SPACES (2.54 SPACES/UNIT)
108 GARAGE SPACES
100 DRIVEWAY SPACES
59 GUEST PARKING SPACES

CONTACT INFORMATION

OWNER: JOHN HARDY JONES
252 SMOKEHOUSE TRACT
PEACHTREE CITY, GA 30268
P: 678-633-6924
DEVELOPER: STARLIGHT HOMES
ATTN: JOE INGRAM
3830 MARSHALL ROAD, SUITE 300
ALPHARETTA, GA 30022
E: JOE.INGRAM@STARLIGHTHOMES.COM
P: 770-652-2512
ENGINEER: ATWELL LLC
ATTN: DAN GIBBS
1800 PARKWAY PLACE, SUITE 700
MARIETTA, GA 30067
E: DGIBBS@ATWELL-GROUP.COM
P: 404-895-9446



Know what's below.
Call before you dig.
THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE MANNER AND ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES PRIOR TO ANY EXCAVATION WORK. ANY AND ALL DAMAGES FROM NEGLECTED OR OBLIVIOUSLY OCCURRED BY THE CONTRACTOR SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO LOCATE, DEEPEN AND REPAIR ANY AND ALL UNDERGROUND UTILITIES.

NOTICE: CONSTRUCTION OF THIS PROJECT IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE ENGINEER NOR THE ENGINEER'S FIRM IS EXPECTED TO ASSUME ANY RESPONSIBILITY FOR THE SAFETY OF THE WORK OR FOR THE RESULTS OF THE WORKS OF ANY OTHER STRUCTURES, OR OF ANY OTHER PERSONS.

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24 HOUR
EMERGENCY CONTACT
CHRISTIAN WITTER
914.338.0034



LAND LOT 167, 7TH DIST.
JOHN RIVERS ROAD
CITY OF FAIRBURN
FULTON COUNTY, GEORGIA

JOHN RIVERS ROAD TOWNHOMES
STARLIGHT HOMES
ZONING PLAN

DATE: 04-03-23

REVISIONS

SCALE: 1"=50'

DRAWN BY: SSW
CHECKED BY: SW
PROJECT MANAGER: DG
JOB #: 22001155
FILE CODE: CSP
SHEET NO. ZP1

CAD FILE: 2001155-CAD SITE PLAN

NOT ISSUED FOR CONSTRUCTION

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 167 of the 7th District, City of Fairburn, Fulton County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at a concrete monument found at the southwest corner of the mitered intersection of the northwesterly right of way of Roosevelt Highway (a.k.a. U.S. Highway 29 & State Route 14)(R/W Varies), and the northeasterly right of way of John Rivers Road (R/W Varies), said point being the TRUE POINT OF BEGINNING.

FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED:
Thence leaving said intersection and along the northeasterly right of way of John Rivers Road (R/W Varies) the following courses and distances:
North 53 Degrees 58 Minutes 58 Seconds West a distance of 263.38 feet to a concrete monument found;
South 36 Degrees 03 Minutes 39 Seconds West a distance of 9.97 feet to a point;
North 54 Degrees 00 Minutes 12 Seconds West a distance of 328.51 feet to a point;
Along a curve to the left, an arc distance of 128.22 feet, said curve having a radius of 880.00 feet and being subtended by a chord of 126.10 feet, at North 58 Degrees 10 Minutes 38 Seconds West to a point;
Thence leaving said right of way North 52 Degrees 24 Minutes 23 Seconds East a distance of 1,038.95 feet to a 1/2" rebar found;
Thence South 43 Degrees 17 Minutes 25 Seconds East a distance of 187.94 feet to a 1" open-top pipe found (bent);
Thence South 43 Degrees 58 Minutes 02 Seconds East a distance of 202.18 feet to a 1/2" rebar found;
Thence South 47 Degrees 06 Minutes 57 Seconds East a distance of 284.83 feet to a 1" open-top pipe found (bent);
Thence South 36 Degrees 54 Minutes 10 Seconds East a distance of 295.72 feet to a point at the northwesterly right of way of Roosevelt Highway (a.k.a. U.S. Highway 29 & State Route 14)(R/W Varies), and the northeasterly right of way of John Rivers Road (R/W Varies);
Thence along said right of way the following courses and distances:
South 52 Degrees 28 Minutes 21 Seconds West a distance of 199.47 feet to a 1/2" rebar found (bent);
North 35 Degrees 54 Minutes 09 Seconds West a distance of 12.00 feet to a point;
South 52 Degrees 27 Minutes 54 Seconds West a distance of 349.86 feet to a concrete monument found at the northeast corner of the mitered intersection of the northwesterly right of way of Roosevelt Highway (a.k.a. U.S. Highway 29 & State Route 14)(R/W Varies), and the northeasterly right of way of John Rivers Road (R/W Varies);
Thence along said mitered intersection South 81 Degrees 22 Minutes 59 Seconds West a distance of 25.50 feet to a concrete monument found at the southwest corner of said mitered intersection, said point being the TRUE POINT OF BEGINNING.

Sold tract or parcel of land containing 13.365 Acres.

TOTAL AREA =
13.365 ACRES

CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS AN ANGULAR ERROR OF 1 SECOND PER ANGLE POINT AND A PRECISION RATIO OF 1 IN 70,204. IT HAS BEEN ADJUSTED USING THE COMPASS RULE.

THE DATA SHOWN ON THIS PLAT HAS A CLOSURE PRECISION RATIO OF 1 IN 492,281.

GENERAL NOTES

EQUIPMENT USED TO OBTAIN THESE MEASUREMENTS WAS A TRIMBLE S3 TOTAL STATION.

BEARINGS ARE CALCULATED FROM ANGLES TURNED FROM A SINGLE GRID BASELINE.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY eGPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983(NAD83)-STATE PLANE COORDINATE SYSTEM OF GEORGIA-NORTH ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

ALL ROADWAY DIMENSIONS SHOWN ARE MEASURED FROM EDGE OF PAVEMENT TO EDGE OF PAVEMENT, UNLESS NOTED OTHERWISE.

DATE OF FIELD WORK: 06/02/2022
DATE OF SUBSEQUENT SITE RE-INSPECTION: 10/19/2022

ALL IRON PINS SET ARE 1/2" REBARS CAPPED WITH "GUNNIN LSF 1033" UNLESS NOTED OTHERWISE.

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS SITE IS SHOWN TO BE WITHIN THE LIMITS OF A 100 YR. FLOOD HAZARD AREA AS PER F.R.M. FULTON COUNTY, GEORGIA, AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 131210461F DATED 9/18/2013.

THE SURVEY AND PLAT SHOWN HEREON IS NOT INTENDED FOR USE OR RELIANCE BY ANY PARTIES OR ENTITIES NOT SPECIFICALLY LISTED IN THE TITLE. UNAUTHORIZED THIRD PARTIES SHALL INDEMNIFY AND HOLD GUNNIN LAND SURVEYING, LLC HARMLESS AGAINST ANY AND ALL LIABILITY FOR ANY LOSS ARISING OUT OF, OR RELATED TO, RELIANCE BY ANY THIRD PARTY ON ANY WORK PERFORMED THEREUNDER, OR THE CONTENTS OF THE SURVEY.

ALL OBSERVED ABOVE GROUND UTILITY LOCATIONS ON THIS PROPERTY WERE OBTAINED FROM FIELD OBSERVATIONS AND ARE SHOWN HEREON. THE UNDERGROUND UTILITIES ARE SHOWN HEREON BASED ON FIELD LOCATION OF MARKINGS PROVIDED BY:

UTILISURVEY, LLC
1227 NORTH PEACHTREE PARKWAY, STE 178
PEACHTREE CITY, GEORGIA 30269
PHONE: (404.312.6912)

THE UNDERGROUND UTILITIES (EXCEPT THE LOCATION OF EXISTING DRAINAGE) WERE LOCATED BY RHD SERVICES UTILIZING RADIO FREQUENCY TECHNIQUE. THIS TECHNIQUE IS CAPABLE OF LOCATING METALLIC UTILITIES AND TRACER WIRES. ANY NON-METALLIC UTILITIES (WITHOUT TRACER WIRE) ARE NOT LOCATED. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED UTILIZING THIS TECHNIQUE MAY EXIST ON THIS SITE BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE, INFORMATION REGARDING MATERIAL AND SIZE OF UTILITIES NOT PROVIDED TO SURVEYOR AND CANNOT BE VERIFIED [TABLE A, ITEM 11(b)].

THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED (ON SURVEY TRACT) IN THE PROCESS OF CONDUCTING THE FIELD WORK (TABLE A, ITEM 16).

SITE ADDRESS IS LISTED AS:
JOHN RIVERS RD
FAIRBURN, GA 30213

THE CURRENT PARCEL IDENTIFICATION NUMBER IS 07 270001681935.

THERE WAS NO VISIBLE EVIDENCE OF CEMETERIES, GRAVESITES, OR BURIAL GROUNDS OBSERVED ON PROPERTY IN THE PROCESS OF CONDUCTING THE FIELD WORK.

THE PROPERTY DESCRIBED HEREON HAS DIRECT ACCESS TO JOHN RIVERS ROAD AND ROOSEVELT HIGHWAY, BOTH A PUBLIC RIGHT OF WAY.

THE PROPERTY DESCRIBED HEREON IS THE SAME PROPERTY AS DESCRIBED IN THE ALTA OWNER'S COMMITMENT FOR TITLE INSURANCE AS REFERENCED ON THE FACE OF THIS SURVEY.

SYMBOL LEGEND

- IPF 1/2" REBAR FOUND
- IPS 1/2" REBAR SET
- BC RIGHT-OF-WAY MONUMENT FOUND
- BC ADJOINING LOT NUMBER
- BC LOT NUMBER
- BC LAND LOT NUMBER
- BC SIGN
- BC CABLE TV BOX
- BC CABLE TV MANHOLE
- BC FIBER OPTIC CABLE MARKER
- BC ELECTRIC BOX
- BC ELECTRIC MANHOLE
- BC ELECTRIC METER
- BC ELECTRIC PEDESTAL
- BC GUY WIRE AND ANCHOR
- BC GUY POLE
- BC LIGHT POLE (LP)
- BC POWER POLE (PP)
- BC PAGE
- BC TRANSFORMER
- BC GAS MANHOLE
- BC GAS LINE MARKER
- BC R/W
- BC SANITARY SEWER CLEAN OUT
- BC SANITARY SEWER MANHOLE
- BC DOUBLE WING CATCH BASIN
- BC SINGLE WING CATCH BASIN
- BC FLARED END SECTION
- BC HEADWALL
- BC JUNCTION BOX
- BC YARD INLET
- BC TELEPHONE BOX
- BC TELEPHONE MANHOLE
- BC TELEPHONE PEDESTAL
- BC FIRE DEPARTMENT CONNECTION
- BC FIRE FRICTION
- BC IRRIGATION CONTROL VALVE
- BC POST INDICATOR VALVE
- BC WATER MANHOLE
- BC WATER METER
- BC WATER VALVE
- BC WATER VAULT

ABBREVIATIONS

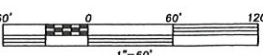
- A.E. ACCESS EASEMENT
- BC BACK OF CURB
- BU BENCHMARK
- BSL BUILDING SETBACK LINE
- C&G CURB AND GUTTER
- C&G CENTERLINE
- C&G CHAIN LINK FENCE
- C&G CONCRETE MONUMENT FOUND
- C&G CONCRETE
- OTF CRIMPED TOP PIPE FOUND
- DB DEED BOOK
- D.E. DRAINAGE EASEMENT
- EX EXISTING
- EP EDGE OF PAVEMENT
- FEN FENCE
- L.L. LAND LOT LINE
- OTF OPEN TOP PIPE FOUND
- PL PLAT BOOK
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- PROF PROPOSED
- R/W RIGHT OF WAY
- SS SANITARY SEWER
- S.S.E. SANITARY SEWER EASEMENT
- P.L. PROPERTY LINE
- SSM SANITARY SEWER MANHOLE
- UTILITY EASEMENT
- CI CURB INLET
- DI DROP INLET
- DWB DOUBLE WING CATCH BASIN
- FI FLARED END SECTION
- HS HEADWALL
- JUNCTION BOX
- OC OUTLET CONTROL STRUCTURE
- HC HIGH CATCH BASIN
- SWC SINGLE WING CATCH BASIN
- WIR WIRE
- YI YARD INLET
- CMP CORRUGATED METAL PIPE
- DIP DUCTILE IRON PIPE
- HDP HIGH DENSITY POLYETHYLENE PIPE
- PVC POLYVINYL CHLORIDE PIPE
- RCP REINFORCED CONCRETE PIPE
- VCP VITRIFIED CLAY PIPE

LINE TABLE

LINE	BEARING	DISTANCE
L1	S36°03'39"W	9.97
L2	N35°04'09"W	12.00
L3	S81°22'59"W	25.50

LINE TYPE LEGEND

- ADJOINING PROPERTY LINE
- RIGHT-OF-WAY CENTERLINE
- LAND LOT LINE
- METAL FENCE
- WOOD FENCE
- GUARDRAIL
- OVERHEAD UTILITY LINE
- UNDERGROUND CABLE TV LINE
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND STREET LIGHTING LINE
- UNDERGROUND GAS PIPE
- UNDERGROUND SANITARY SEWER PIPE
- UNDERGROUND STORM SEWER PIPE
- UNDERGROUND TELEPHONE LINE
- UNDERGROUND WATER PIPE



TITLE EXCEPTIONS

THE FOLLOWING EXCEPTIONS ARE LISTED IN SCHEDULE B, SECTION 2 OF THE 2ND RESTATED ALTA OWNER'S COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NUMBER 3338011, EFFECTIVE DATE SEPTEMBER 18, 2022.

10. Easement from J. W. Cook to Georgia Power Company, dated January 5, 1936, recorded in Deed Book 1692, page 84(b), Fulton County, Georgia records, (MAY AFFECT SUBJECT PROPERTY); LOCATION OF ENCUMBERED PROPERTY CANNOT BE DETERMINED FROM RECORD DESCRIPTION.
 - a. Pursuant to letter dated August 5, 2022, Georgia Power Company claims no further interest in the above-mentioned document except the right to operate, maintain, rebuild and renew its existing facilities, under all terms and conditions of its easement, within its presently maintained right of way.
11. Right of Way Easement from J. Wayne Cook to Georgia Power Company, dated January 14, 1964, recorded in Deed Book 2084, page 367, aforesold records, (MAY AFFECT SUBJECT PROPERTY); LOCATION OF ENCUMBERED PROPERTY CANNOT BE DETERMINED FROM RECORD DESCRIPTION.
 - a. Pursuant to letter dated August 5, 2022, Georgia Power Company claims no further interest in the above-mentioned document except the right to operate, maintain, rebuild and renew its existing facilities, under all terms and conditions of its easement, within its presently maintained right of way.
12. Right of Way Easement from J. Wayne Cook to Georgia Power Company, dated February 12, 1957, recorded in Deed Book 3198, page 223, aforesold records, (MAY AFFECT SUBJECT PROPERTY); LOCATION OF ENCUMBERED PROPERTY CANNOT BE DETERMINED FROM RECORD DESCRIPTION.
 - a. Pursuant to letter dated August 5, 2022, Georgia Power Company claims no further interest in the above-mentioned document except the right to operate, maintain, rebuild and renew its existing facilities, under all terms and conditions of its easement, within its presently maintained right of way.
13. Easement from J. Wayne Cook to Georgia Power Company, dated February 13, 1958, recorded in Deed Book 3307, page 398, aforesold records, (MAY AFFECT SUBJECT PROPERTY); LOCATION OF ENCUMBERED PROPERTY CANNOT BE DETERMINED FROM RECORD DESCRIPTION.
 - a. Pursuant to letter dated August 5, 2022, Georgia Power Company claims no further interest in the above-mentioned document except the right to operate, maintain, rebuild and renew its existing facilities, under all terms and conditions of its easement, within its presently maintained right of way.
14. Easements contained in that certain Declaration of Taking made pursuant to Civil Action No. 23188 styled Department of Transportation vs. A. D. Cook, et al., filed in the Fulton County Superior Court, dated August 12, 1993, recorded in Deed Book 17236, page 55, aforesold records, (AFFECT SUBJECT PROPERTY AS SHOWN).
15. Easement from J. Wayne Cook to Georgia Power Company, dated December 18, 1964, recorded in Deed Book 4368, page 75, aforesold records, (MAY AFFECT SUBJECT PROPERTY); LOCATION OF ENCUMBERED PROPERTY CANNOT BE DETERMINED FROM RECORD DESCRIPTION.
 - a. Pursuant to letter dated August 5, 2022, Georgia Power Company claims no further interest in the above-mentioned document except the right to operate, maintain, rebuild and renew its existing facilities, under all terms and conditions of its easement, within its presently maintained right of way.
16. Easements contained in that certain Declaration of Taking made pursuant to Civil Action No. E21218 styled Department of Transportation vs. A. D. Cook, et al., filed in the Fulton County Superior Court, dated December 21, 1993, recorded in Deed Book 17236, page 55, aforesold records, (AFFECT SUBJECT PROPERTY AS SHOWN).
17. Easements contained in that certain Declaration of Taking made pursuant to Civil Action No. E23988 styled Department of Transportation vs. Doris Cook Smith, et al., filed in the Fulton County Superior Court, dated December 21, 1993, recorded in Deed Book 17785, page 258, aforesold records, (AFFECT SUBJECT PROPERTY AS SHOWN).
18. Permit to Cut or Trim Trees from Doris Cook Smith, et al. to Georgia Power Company, dated June 30, 1995, recorded in Deed Book 19875, page 255, aforesold records, (MAY AFFECT SUBJECT PROPERTY); LOCATION OF ENCUMBERED PROPERTY CANNOT BE DETERMINED FROM RECORD DESCRIPTION.
 - a. Pursuant to letter dated August 5, 2022, Georgia Power Company claims no further interest in the above-mentioned document except the right to operate, maintain, rebuild and renew its existing facilities, under all terms and conditions of its easement, within its presently maintained right of way.
19. Permit to Cut or Trim Trees from Doris Cook Smith, et al. to Georgia Power Company, dated June 30, 1995, recorded in Deed Book 20016, page 129, aforesold records, (MAY AFFECT SUBJECT PROPERTY); LOCATION OF ENCUMBERED PROPERTY CANNOT BE DETERMINED FROM RECORD DESCRIPTION.
 - a. Pursuant to letter dated August 5, 2022, Georgia Power Company claims no further interest in the above-mentioned document except the right to operate, maintain, rebuild and renew its existing facilities, under all terms and conditions of its easement, within its presently maintained right of way.
20. INTENTIONALLY DELETED PER SURVEY.
21. Easement from Durham Lakes Development, LLC to the City of Fairburn, Georgia, dated February 10, 2003, recorded in Deed Book 34204, page 416, aforesold records, (MAY AFFECT SUBJECT PROPERTY); EASEMENTS REFERENCED IN EXHIBITS EA1, EA2, AND EA3 HEREIN NOT ATTACHED IN RECORD DOCUMENT.
 - a. NOTE: This item will be intentionally deleted upon satisfaction of Schedule B, Section 1, Requirement 14.
22. INTENTIONALLY DELETED PER SURVEY.
23. Easements, covenants, obligations and restrictions contained in that certain Declaration of Covenants, Conditions and Restrictions for Durham Lakes made by Durham Lakes Development, LLC, dated December 9, 2003, recorded in Deed Book 36835, page 33, aforesold records, (AFFECT SUBJECT PROPERTY); EASEMENTS REFERENCED HEREIN NOT PLOTTABLE.
 - a. NOTE: This item will be intentionally deleted upon satisfaction of Schedule B, Section 1, Requirement 15.
24. Easements reserved in the following:
 - a. Warranty Deed from Durham Lakes Development, LLC to Old Towne Development Builders, LLC, dated September 15, 2004, recorded in Deed Book 38541, page 449, aforesold records, (AFFECTS SUBJECT PROPERTY); PERPETUAL EASEMENT AFFECTS PORTION OF PROPERTY AS SHOWN and
 - b. Warranty Deed from Durham Lakes Development, LLC to Old Towne Development Builders, LLC, dated September 15, 2004, recorded in Deed Book 38541, page 454, aforesold records, (AFFECTS SUBJECT PROPERTY); PERPETUAL EASEMENT AFFECTS PORTION OF PROPERTY AS SHOWN.
 NOTE: This item will be intentionally deleted upon satisfaction of Schedule B, Section 1, Requirement 16.
25. Easement from Durham Lakes Development, LLC to City of Fairburn, Georgia, dated March 15, 2006, recorded in Deed Book 42353, page 179, aforesold records, (AFFECTS SUBJECT PROPERTY AS SHOWN).
26. INTENTIONALLY DELETED PER SURVEY.
27. INTENTIONALLY DELETED PER SURVEY.
28. Easement for Gas Regulator Station from 10384 JH, LLC to Atlanta Gas Light Company, dated May 1, 2020, recorded in Deed Book 62360, page 446, aforesold records, (AFFECTS SUBJECT PROPERTY AS SHOWN).
29. Matters shown on that certain ALTA/NSPS Land Title Survey for Starlight Homes Georgia, LLC, and First American Title Insurance Company, prepared by Gunning Land Surveying, signed and certified by Jesse R. Gunnin, Georgia Registered Land Surveyor No. 3079, dated June 7, 2022, last revised (the "Survey"), as follows:
 - a. Fencing and gravel drive encroachment into adjacent property.
 - b. Gas pipeline substation and gas lines located on and crossing through subject property.
 - c. Water valves, fire hydrants and water lines located on and crossing through subject property.
 - d. Rip-rap located on and encroaching out of subject property.
 - e. Guy wire encroaching into subject property.

AS A MATTER OF INFORMATION

Subsequent to the date of this Survey, the Surveyor has been advised that certain Declaration of Covenants, Conditions and Restrictions for Durham Lakes made by Durham Lakes Development, LLC, dated December 9, 2003, recorded in Deed Book 38398, page 336, Fulton County, Georgia records, as re-recorded at Deed Book 38408, page 295, aforesold records, as further amended.

SURVEYOR'S CERTIFICATE (STATE OF GEORGIA)

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. 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.

ALTA/NSPS CERTIFICATION

TO: STARLIGHT HOMES GEORGIA L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND ASSIGNS, AND FIRST AMERICAN TITLE INSURANCE COMPANY, THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 11(b), 13, AND 16 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JUNE 2, 2022. SUBSEQUENT SITE RE-INSPECTION WAS PERFORMED ON 10/19/2022.

DATE OF PLAT: OCTOBER 28, 2022
JESSE R. GUNNIN, GA RLS NO. 3079
10/28/22
DATE

JESSE R. GUNNIN, GA RLS NO. 3079
10/28/22
DATE

ALTA/NSPS LAND TITLE SURVEY FOR:
STARLIGHT HOMES GEORGIA L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND ASSIGNS, AND FIRST AMERICAN TITLE INSURANCE COMPANY

LOCATED IN LAND LOT 167
7th DISTRICT, CITY OF FAIRBURN
FULTON COUNTY, GEORGIA
OCTOBER 28, 2022

GEORGIA
REGISTERED
LAND SURVEYOR
JESSE R. GUNNIN
141 Railroad Street, Suite 116
Canton, Georgia 30114
www.gunninlandsurvey.com
678.882.7502
Georgia LSF 00023 - Gunning Land Surveying, LLC

DRAWN BY: JZC
CHECKED BY: JRG
PROJECT NO. 22012
SHEET 1 OF 1



SITE VICINITY MAP

SITE AREA	
TOTAL PROPERTY AREA:	13.32 AC
ZONING CLASSIFICATION	
JURISDICTION:	CITY OF FAIRBURN
EXISTING ZONING:	PD (PLANNED DEVELOPMENT)
DEVELOPMENT PROPOSAL	
PROPOSED DENSITY	108 UNITS (8.12 UNITS/ACRE)
FRONT SETBACK	15' LOCAL/25' COLLECTOR
SIDE SETBACK	15'
REAR SETBACK	25'
MAX. HEIGHT	48'
MAX. LOT COVERAGE	65%
MIN. HEATED FLOOR AREA	1,000 SF
MIN. LAND AREA PER DWELLING UNIT	1,200 SF
OPEN SPACE REQUIRED	20% (2.66 ACRES)
OPEN SPACE PROVIDED	24% (3.2 ACRES)
	INCLUDES NATURE TRAIL AND OPEN PLAY AREA
PARKING REQUIRED	216 SPACES (2 SPACES/UNIT)
PARKING PROVIDED	275 SPACES (2.54 SPACES/UNIT)
	108 GARAGE SPACES
	108 DRIVEWAY SPACES
	59 GUEST PARKING SPACES
NOTES	
BASE INFORMATION PROVIDED BY GIS DATA.	

NOTE: LANDSCAPING SHOWN IS FOR CONCEPTUAL AND ILLUSTRATIVE PURPOSES ONLY AND IS NOT INTENDED TO CONVEY WHAT WILL ACTUALLY BE BUILT. LANDSCAPING FOR THE SUBDIVISION AND LOTS WILL FOLLOW ALL CITY CODE REQUIREMENTS.

JOHN RIVERS ROAD TOWNHOME COMMUNITY





ATTORNEY / AGENT

Michele L. Battle

SIGNATURE OF ATTORNEY / AGENT

Tucker, GA

30084

CITY & STATE

ZIP CODE

PETITIONER'S SIGNATURE

404-601-7616

PHONE



MEMORANDUM

TO: Daniel Gibbs, Director, Atwell, LLC

FROM: Andrew Antweiler, PE, PTOE, KCI Technologies, Inc.

DATE: March 31, 2023

RE: John Rivers Road Townhome Community – Site Trip Generation

KCI Technologies, Inc. has prepared this memorandum summarizing the expected trip generation and driveway volumes for the proposed residential development. The site is located along the north side of John Rivers Road in the City of Fairburn. Site access is proposed via one driveway onto John Rivers Road. Based on the concept plan, we understand the development will include 108 townhomes.

Site Access

John Rivers Road is a two-lane roadway with a 35MPH posted speed limit. The development proposes one driveway/access location. The driveway will allow two-way traffic and provide access to the intersection at Roosevelt Highway. Site access is illustrated in **Figure 1**.

Estimated Site Traffic

Traffic anticipated to be generated by the residential use was based on the Trip Generation Manual, 11th Edition, by the Institute of Transportation Engineers (ITE). This is the nationally recognized database which provides trip generation estimates for a wide variety of land uses. For this development, site traffic was estimated for the typical weekday daily, AM peak hour, and PM peak hour volumes for the most applicable lane use code: Single-Family Attached Homes (Land Use Code 215).

Table 1 summarizes the expect site trip generation. The total number of vehicles (entering plus exiting) the site on a weekday is estimated to be 768 vehicles. The total number of vehicles during the AM peak hour is 50 vehicles and during the PM peak hour is 61 vehicles.

Table 1: Development Trip Generation								
Land Use (ITE Code)	Units	Daily Trips	AM Peak Hour			PM Peak Hour		
		Two-Way Total	Enter	Exit	Total	Enter	Exit	Total
Single-Family Detached (210)	108	768	16	34	50	19	42	61
Total Driveway Trips		768	16	34	50	19	42	61

Figure 1 illustrates the proposed trips entering and exiting at the driveway location for the weekday, AM peak hour, and PM peak hour. This memorandum provides an estimate of traffic volumes for the site. The actual traffic volumes may vary.

LEGEND:

XX AM Peak Hour Traffic Volumes

(XX) PM Peak Hour Traffic Volumes

[XX] Weekday Traffic Volumes



Not to Scale



**Site Traffic Memorandum
John River Road Townhomes
City of Fairburn, Georgia**

**Access Locations
& Driveway
Volumes**

**Figure
1**

SEAL

THESE DRAWINGS PREPARED BY SEARS SMITH AND ASSOCIATES, INC. FOR THIS PROJECT ARE FOR USE SOLELY WITH RESPECT TO THIS PROJECT AND UNLESS OTHERWISE PROVIDED, SEARS SMITH AND ASSOCIATES, INC. SHALL BE DEEMED THE AUTHOR OF THESE DOCUMENTS AND SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING THE COPYRIGHT. THESE DRAWINGS SHALL NOT BE USED BY OTHERS ON OTHER PROJECTS, FOR ADDITIONS TO THIS PROJECT OR FOR COMPLETION OF THIS PROJECT BY OTHERS, EXCEPT BY AGREEMENT IN WRITING BY SEARS SMITH AND ASSOCIATES, INC.

REVISIONS

#	DATE	REMARKS

PROJECT TITLE

FAIRBURN TOWNHOMES
JOHN RIVERS ROAD
CITY OF FAIRBURN
FULTON COUNTY, GEORGIA
TAX PARCELS: 07 270001681935

PREPARED FOR

ASHTON WOODS
3820 MANSELL RD
SUITE 300
ALPHARETTA, GA 30022
770.652.2512

SHEET TITLE
ENHANCED
LANDSCAPE EXHIBIT

DRAWN: MSD
CHECKED: CCS

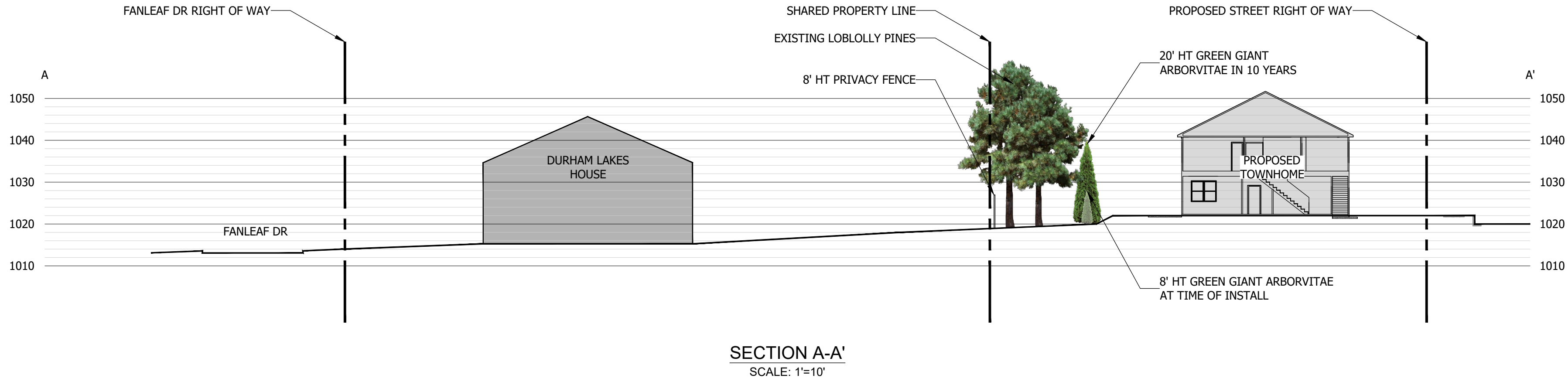
DATE

JUNE 19, 2023

- ☒ CLIENT REVIEW
☐ FOR PERMIT / REVIEW
☐ BID SET
☐ CONSTRUCTION

SHEET NUMBER

L1.0



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

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

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

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

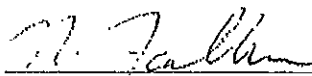
Section 2. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses, or phrases of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

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

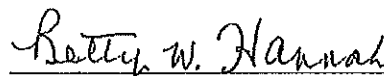
Section 4. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed.

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

ATTEST:



City Clerk
[SEAL]



Mayor

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

I. Purpose

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

II. Permitted Uses

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

III. Development Standards

AREA 1:

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

AREA 2:

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

AREA 3:

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

AREA 4:

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

AREA 5:

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

IV. Design Standards

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

The planned development could be more fully described as follows:

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

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

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

Commercial Development – C-2 Highway Service Business:

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

EXHIBIT "B"

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

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

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

1. General Description of Development:

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

Development Area 1

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

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

Development Area 2

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

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

Development Area 3

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

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

Development Area 4

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

Development Area 5

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

2. Water supply and sewage disposal:

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

Projected Demand

See Attachment "A"

3. Proposed storm water drainage system:

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

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

See Attachment "B".

5. Proposed Development Standards:

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

6. Plans for the Protection of Adjacent Properties:

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

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

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

8. Architectural Plans:

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

9. Open Space Uses and Areas:

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

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

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

10. Outdoor Lighting Plan:

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

Light Pole Height: 16-25 feet

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

11. Project Completion Schedule:

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

12. Proposed variations from Fairburn Zoning Ordinance:

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

General Notes:

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

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

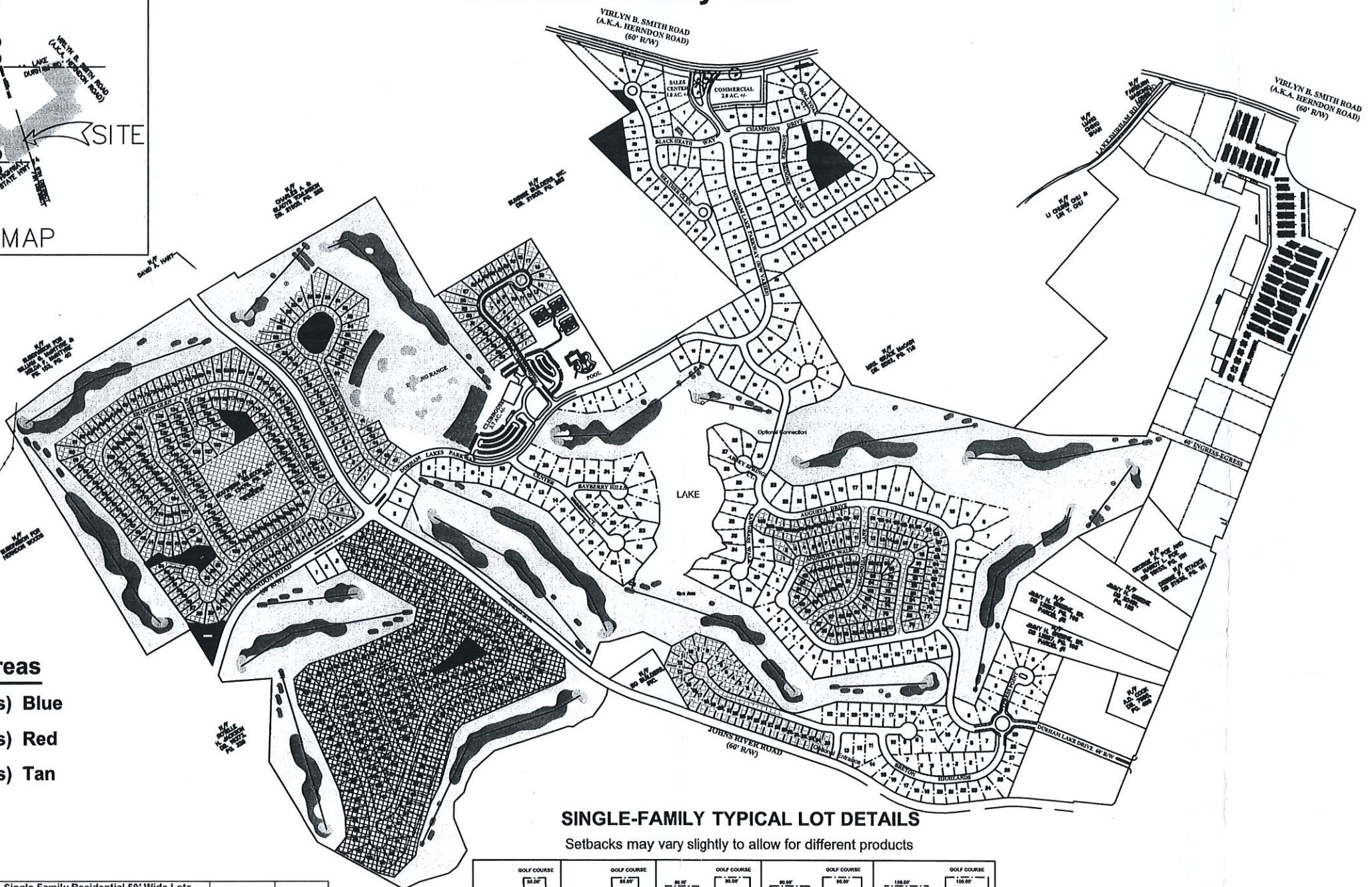
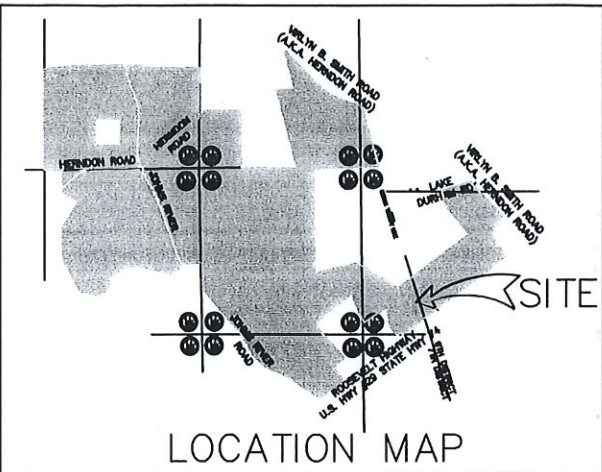
R/W); crossing said right of way thence run S 19°30'17" E a distance of 124.97 feet to a point along the southern right of way of Virlyn B. Smith Road (aka Herndon Road 60' R/W); thence run along the southern right of way of Virlyn B. Smith Road (aka Herndon Road - 60' R/W) N 48°15'56" W a distance of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

LINE	FUNCTION	SYMBOL
01	N 520134 E	54.33
02	N 521218 E	54.33
03	N 521217 E	54.33
04	N 521419 W	54.51
05	N 521419 W	54.51
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DURHAM LAKES

Golf and Country Club

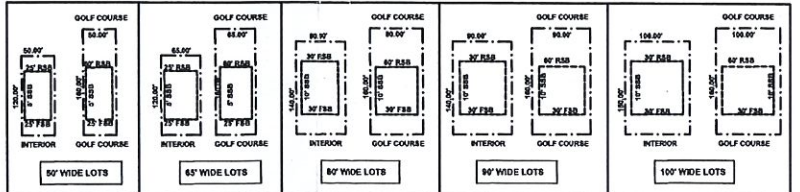


Residential Areas

- Area 1 (50' wide lots) Blue
- Area 2 (65' wide lots) Red
- Area 3 (80' wide lots) Tan

SINGLE-FAMILY TYPICAL LOT DETAILS

Setbacks may vary slightly to allow for different products



This master plan is subject to change and does not constitute an actual development

The phasing of the development as shown on this master plan is preliminary and may be adjusted.

The total lot numbers are estimated and will be finalized during construction plan preparation for each phase. The development will not exceed the maximum number of lots allowed during the zoning process. (872 total lots)

SINGLE-FAMILY LOT SUMMARY

50' WIDE LOTS	423 TOTAL
65' WIDE LOTS	157 TOTAL
80'-100' WIDE LOTS	292 TOTAL
GRAND TOTAL	872 TOTAL LOTS



Development Area 1 Begin construction in 2002 Estimate Additional Phase Every One to Two Years	Single-Family Residential 50' Wide Lots	
Development Area 2 Estimate Begin construction in 2003 Estimate Additional Phase Every One to Two Years	Single-Family Residential 65' Wide Lots	
Development Area 3 Begin construction in 2002 Estimate Additional Phase Every One to Two Years	Single-Family Residential 80'-100' Wide Lots	
Development Area 4 Activity Design and Environmental Permitting Begin Construction Complete Construction Open Golf Course	Golf Course	Schedule 2001-03 2004 2006 2006
Development Area 5 Phase	Commercial	Schedule 2004

Killeam Properties
135 North Park Place Suite 100
Stockbridge, Georgia 30281

No.	Revision/Issue	Date

Firm Name and Address

Project Name and Address
Durham Lakes Development

Project	Sheet
Date	
Scale	

EXHIBIT "A" 1 OF 5



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: Fairway Foodies - Swing Golf Mobile Food Truck

ITEM TYPE: Ordinance

SUBMITTED: 09/05/2023 **WORK SESSION:** N/A **COUNCIL MEETING:** 09/11/2023

DEPARTMENT: Planning & Zoning

BUDGET IMPACT: N/A

PUBLIC HEARING: Yes

PURPOSE:

The applicant is requesting approval of the use permit to allow mobile food trucks.

HISTORY:

The subject parcels are located along Senoia Road. The site is currently zoned C-2 (Highway Commercial) and is located in the Georgia Highway 74 Overlay District. The site was previously used for automotive sales. The new owner purchased the site in 2022 to develop a miniature golf and dining establishment.

FACTS AND ISSUES:

The miniature golf site is open, and the applicant is now requesting approval of the use permit to allow mobile food trucks at the subject parcels. The applicant formed a public participation plan and held a public meeting on July 6, 2023. A total of 10 people were in attendance.

The Planning and Zoning Commission recommended approval of the request.

FUNDING SOURCE:

N/A

RECOMMENDED ACTION:

Request Mayor and Council approval of an Ordinance to permit a use permit for mobile food trucks at subject parcels.

ATTACHMENTS:

1. Swing_report_City Council_Final Draft1
2. Use Permit.Fairway Foodies LLC.FINAL.090723



CITY OF FAIRBURN

AGENDA ITEM

To: Mayor and City Council

From: Planning and Zoning Department

Date: September 4, 2023

Agenda Item: PZ23019 – Fairway Foodies (DBA: Swing) – Request to review the allowance of mobile food trucks.

APPLICANT/PETITIONER INFORMATION

Property Owner

Fairway Foodies LLC (DBA: Swing)

Petitioner

Fairway Foodies LLC (DBA: Swing)

PROPERTY INFORMATION

Address, Parcel Number

8480 Senoia Road, Parcel No. 09F020400070044, Parcel No. 09F020400070127

Frontage:

Senoia Road

Existing Zoning and Use:

C-2 (Highway Commercial)

Overlay District:

Georgia Highway 74 Overlay District

**2035 Comprehensive Future
Land Use Map Designation:**

Highway Mixed Use- The Commercial Character Area is south of Downtown Fairburn and south of I-85, along Fairburn Industrial Boulevard/Senoia Road. Businesses in the Commercial Character Area rely on and serve a wider population than the commercial businesses in the Town Center Character Area, including the entire city, surrounding counties, and pass-through traffic.

INTENT

Request to review the allowance of mobile food trucks.

Site Pictures:



The area where food trucks will be located



The golf course

FUTURE LAND USE MAP



7/29/2023, 2:08:25 PM

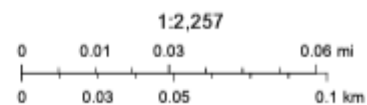
 Tax Parcels 2022 (Fulton County Assessors)

Future Land Use

 Rural Residential

 Highway Mixed Use

 Office



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ArcGIS Web AppBuilder

Eri Community Maps Contributors, © OpenStreetMap, Microsoft, Eri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METINASA, USGS, EPA, NPS, US Census Bureau, USDA | Eri

BACKGROUND

The subject parcels are located along Senoia Road between the intersections of Milam Road / Landrum Road to the north and Thompson Road to the south. The site is currently zoned C-2 (Highway Commercial) and is located in the Georgia Highway 74 Overlay District. The site was previously used for automotive sales, the new owner purchased the site in 2022 for the purpose of developing a miniature golf and dining establishment.

The miniature golf site is open and the applicant is now requesting approval to allow mobile food trucks at the subject parcels.

Public Participation:

The applicant formed a public participation plan and provided a public participation report. The applicant held a public participation meeting on July 6, 2023, at 12:00 PM on the site. A total of 10 people were in attendance. No one at the meeting expressed concern about the allowance of mobile food trucks on the site.

Use Permit Considerations

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

Staff finds that the proposed use is consistent with the 2040 Comprehensive Plan. The site is in the Highway Mixed Use Area and the appropriate use is Mixed-Use. The appropriate zoning district in the Highway Mixed Use Area includes C-2.

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

Staff finds that the proposed use is compatible with the surrounding land uses and zoning. The surrounding land uses consist of C-2, O&I, and AG. Mobile food trucks are a permitted use in C-2 with an approved use permit.

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

The proposed use does not violate any local, state, and/or federal statutes, ordinances, or regulations governing land development. The applicant will be required to comply with all City of Fairburn regulations.

4. **The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets.**
Vehicular and pedestrian traffic flow should not be affected along Senoia Road. A traffic impact study was not required as the use did not pass the threshold (of 175,000 square feet of development).
5. **The location and number of off-street parking spaces.**
Off-street parking is located on the site and there are 35 parking spaces.
6. **The amount and location of open space.**
There are open spaces on the south and east sides of the site where the golf course is located which equal ~12,436 square feet of open space. The site is a total of ~40,075 square feet which equals 31% of open space. 30% is required.
7. **Protective screening.**
Several permitted fences surround the perimeter of the golf course and lounge area.
8. **Hours and manner of operation.**
Mobile food trucks will operate from 11 AM to 8 PM Sunday through Thursday and 11 AM to 10 PM on Friday and Saturday.
9. **Outdoor lighting.**
Outdoor lighting is provided by 6 light poles.
10. **Ingress and egress to the property.**
A single, two-lane access point will provide ingress and egress to the site from Senoia Road.

Staff Recommendations

Staff recommends **APPROVAL** of the use permit with the following condition:

- Applicant must adhere to the supplemental regulations on mobile food trucks per the Zoning Ordinance (Chapter 80 Zoning, Article IV Administrative Permits and Use Permits, Section 80-237 Mobile Food Truck).

Attachments:

- Site Pictures
- Application
- Plans

SITE PICTURES



The area where food trucks will be located



The golf course



APPLICATION FOR USE PERMIT

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

Date Received: _____

USE PERMIT #: _____
(Office Use Only)

APPLICANT INFORMATION

Applicant Name:	Fairway Foodies LLC (DBA: Swing) Nekeidra Taylor, Richard Taylor, Jonathan Phillips, Masika George		
Address:	8480 Senoia Road, Fairburn, GA 30213		
Phone:	770-703-4655	Cell:	301-526-2989
		Fax:	
Email Address:	info@swingatlanta.com		

OWNER INFORMATION (If different from Applicant)

Owner Name:	_____		
Address:	_____		
Phone:	_____	Cell:	_____
		Fax:	_____
Email Address:	_____		

PROPERTY INFORMATION

Address:	8480 Senoia Road, Fairburn, GA 30213		
Parcel ID#:	09F020400070044	Land Lot:	7
		District:	9

SECTION 1

USE PERMIT REQUEST

Office use only:		
USE PERMIT CASE #	_____	ROAD FRONTAGE: _____

Under the provisions of Chapter 80, Article IV of the Zoning Ordinance, application is hereby made to obtain a Use Permit as follows:

CURRENT ZONING: C-2

USE PERMIT REQUEST: Mobile Food Truck

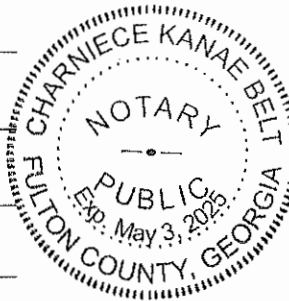
SECTION II**OWNER/PETITIONER**

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.

NeKeidra Taylor
TYPE OR PRINT OWNER'S NAME
3170 Abbey Place, SW
ADDRESS
Atlanta, GA 30331
CITY & STATE ZIP CODE
NeKeidra Taylor
OWNER'S SIGNATURE
NeKeidraTaylor@gmail.com
EMAIL ADDRESS



Sworn to and subscribed before me this the
03rd Day of June 2023
Charniece Kanae Belt
NOTARY PUBLIC
404-344-3029
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

TYPE OR PRINT ATTORNEY / AGENT NAME

SIGNATURE OF ATTORNEY / AGENT

ADDRESS

CITY & STATE ZIP CODE

EMAIL ADDRESS

PHONE NUMBER

PETITIONER'S SIGNATURE

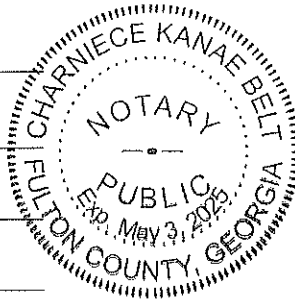
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Richard A. Taylor
TYPE OR PRINT OWNER'S NAME
3170 Abbey Place SW
ADDRESS
Atlanta, GA 30331
CITY & STATE ZIP CODE
[Signature]
OWNER'S SIGNATURE
richatay11@aol.com
EMAIL ADDRESS



Sworn to and subscribed before me this the
03rd Day of June 2023
[Signature]
NOTARY PUBLIC
404-344-3029
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

TYPE OR PRINT ATTORNEY / AGENT NAME

SIGNATURE OF ATTORNEY / AGENT

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CITY & STATE ZIP CODE

EMAIL ADDRESS

PHONE NUMBER

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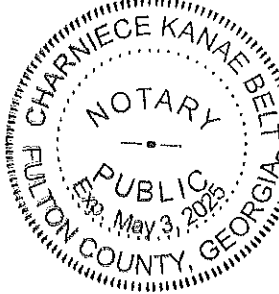
Jonathan Phillip
TYPE OR PRINT OWNER'S NAME

3175 Abbey Pl SW
ADDRESS

Atlanta Ga. 30331
CITY & STATE ZIP CODE

[Signature]
OWNER'S SIGNATURE

Fairwayfoodies@gmail
EMAIL ADDRESS



Sworn to and subscribed before me this the
03rd Day of June 2023
[Signature]
NOTARY PUBLIC

404-344-3025
PHONE NUMBER

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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

TYPE OR PRINT ATTORNEY / AGENT NAME

SIGNATURE OF ATTORNEY / AGENT

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EMAIL ADDRESS

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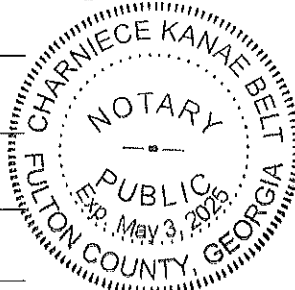
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Masika George
TYPE OR PRINT OWNER'S NAME

3175 Abbey Pl. SW
ADDRESS

Atlanta GA 30331
CITY & STATE ZIP CODE

[Signature]
OWNER'S SIGNATURE
FAIRWAYFOODIES@GMAIL.COM
EMAIL ADDRESS



Sworn to and subscribed before me this the

03rd Day of June 2023

[Signature]
NOTARY PUBLIC

404.630.5799.
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

TYPE OR PRINT ATTORNEY / AGENT NAME

SIGNATURE OF ATTORNEY / AGENT

ADDRESS

CITY & STATE ZIP CODE

EMAIL ADDRESS

PHONE NUMBER

PETITIONER'S SIGNATURE

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Land Lot 7 of the 9th Land District, Fulton County, Georgia.

TO FIND THE TRUE POINT OF BEGINNING, begin at the intersection of the southern right of way of Milan Road and the Eastern right of way of Senoia Road (Georgia State Highway 74); thence proceed Southerly 1077 feet along the Eastern right of way of Senoia Road to the POINT OF BEGINNING; FROM SAID TRUE POINT OF BEGINNING, proceed South 87 degrees 49 minutes 32 seconds East 236.10 feet to a point; thence South 83 degrees 27 minutes 30 seconds East 441.98 feet to a point; thence South 00 degrees 38 minutes 48 seconds East 206.13 feet to a point; thence North 78 degrees 56 minutes 57 seconds West 454.99 feet to a point; thence North 87 degrees 56 minutes 47 seconds West 235.99 feet to a point located on the right of way of Senoia Road; thence North 01 degrees 22 minutes 08 seconds East 170.0 feet to the POINT OF BEGINNING.

Recording requested by:
Magnolia Title Solutions

After Recording Return To:
Magnolia Title Solutions
3330 Cumberland Boulevard Southeast, 500
Atlanta, GA 30339

File Number: 21-546-MTS
Parcel ID: 09F-0204-0007-004-4
09F-0204-0007-012-7

Limited Warranty Deed

State of Georgia
County of Cobb

This Indenture made the 15 day of February, 2022, between 8480 Senoia Rd, LLC, party of the first part, henceforth referred to as "Grantor", and Fairway Foodies LLC, party of the second part, henceforth referred to as "Grantee."

WITNESSETH That: the said party of the first part, for and in consideration of the sum of **TEN AND 00/100 DOLLARS (\$10.00)** and other goods and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Land Lot 7 of the 9th Land District, Fulton County, Georgia being more particularly described from a plat of survey prepared by Michael R Noles, RLS, dated February 20, 2003, as follows: **TO FIND THE TRUE POINT OF BEGINNING**, begin at the intersection of the southern right of way of Milan Road and the Eastern right of way of Senoia Road (Georgia State Highway 74); thence proceed Southerly 1077 feet along the Eastern right of way of Senoia Road to the **POINT OF BEGINNING**; **FROM SAID TRUE POINT OF BEGINNING**, proceed South 87 degrees 49 minutes 32 seconds East 236.10 feet to a point; thence South 83 degrees 27 minutes 30 seconds East 441.98 feet to a point; thence South 00 degrees 38 minutes 48 seconds East 206.13 feet to a point; thence North 78 degrees 56 minutes 57 seconds West 454.99 feet to a point; thence North 87 degrees 56 minutes 47 seconds West 235.99 feet to a point located on the right of way of Senoia Road; thence North 01 degrees 22 minutes 08 seconds East 170.0 feet to the **POINT OF BEGINNING**.

This is the same property as was conveyed by Quitclaim Deed in favor of Mountain Properties, LLC, recorded in Deed Book 37917, Page 366, Fulton County Records.

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 party of the second part, his heirs and assigns, forever, in **FEE SIMPLE**.

AND THE SAID party of the first part, for his heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the said party of the second part, his heirs and assigns, against claims of all persons owning, holding or claiming by, through or under the said party of the first part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day and year above written.

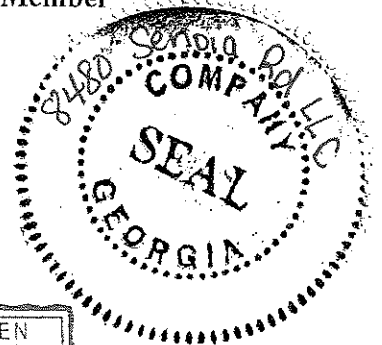
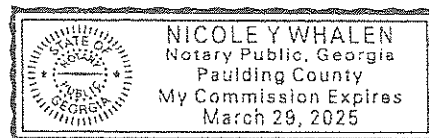
Signed, sealed and delivered in the presence of:

8480 Senoia Rd, LLC, a Georgia Limited Liability Company

By: Nathan Elyson
Nathan Elyson, Member

[Signature]
Unofficial Witness

[Signature]
Notary



Letter of Intent:

Fairway Foodies LLC (dba Swing) intends to use the property located at 8480 Senoia Road in Fairburn to host food trucks on a daily basis. The property has one existing 1,280 SF heated building with an attached 506 SF garage. The property contains a total of 35 parking spaces including two handicap spots. The building will be used for office space and storage with the exception of the remodeled ADA bathrooms which will be made available to the public.

The property's zoning classification is C-2 and located in District 9 of Fulton County Lot 7. The parcel number is 09F020400070044.

Food truck hours of operation will be from 11 AM to 8 PM Sunday through Thursday and 11 AM to 10 PM on Friday and Saturday. The miniature golf course will operate from 11 AM to 10 PM Sunday through Thursday and from 11 AM to 11 PM on Friday and Saturday.

Business Description

Converted from a used car lot, Swing will be a miniature golf and dining experience nestled in Fairburn. Guests will have the opportunity to enjoy a variety of food trucks and an 18 hole miniature golf course in a fun family-friendly atmosphere.

Challenging enough to keep everyone entertained, the 18 hole miniature golf course, will include a natural rock theme with water features..

Adjacent Properties are both Zoned C-2

The project site is bordered to the south by the A List Auto Group (8500 Senoia Road) and to the north by Dr. Paul Kaiser Chiropractic (8470 Senoia Road).

General Topography

According to the United States Geological Survey 7.5-Minute Series Fairburn, Georgia, the Topographic Map, dated 2014, the site elevation is 958 feet above mean sea level. Site conditions exhibit a topographic gradient to the general south.

Flood Plains

A FEMA Flood Insurance Rate Map for the City of Fairburn, Map Number (13121C0464F), dated September 18, 2013, has been reviewed for the project site. According to this map, and the EDR Radius Map with GeoCheck® report, the project site is located within Zone X, or the Area of Minimal Flood Hazard.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Taylor II", written over the printed name.

Richard Taylor



DISCLOSURE REPORT

Office use only:

USE PERMIT 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 use permit petition, or an attorney or agent of the applicant or opponent for the use permit 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 use permit 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) Nekeidra Taylor

Signature: Nekeidra Taylor Date: June 5, 2023

PUBLIC PARTICIPATION PLAN

Applicant: Fairway Foodies LLC (DBA: Swing) Nekeidra Taylor, Richard Taylor, Jonathan Phillips, Masika George

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

The following businesses are located within 500 feet and will be notified:

A List Emissions, Dr. Paul Kaiser Chiropractor, Auto Zone, Georgia World of Beverage, and the Animal Medical
Clinic of Fairburn. There are no other entities as listed in the question located within 500 feet of the property.

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.)

Letters will be presented to owners/management inviting to participate in a meeting.

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.)

All entities will be invited to the property to participate in a meeting to discuss any concerns.

Meeting Location: 8480 Senoia Road, Fairburn, GA 30213

Attach additional sheets as needed.

PUBLIC PARTICIPATION PLAN REPORT

Applicant: Fairway Foodies LLC (DBA: Swing)
Nekeidra Taylor, Richard Taylor, Jonathan Phillips, Masika George Petition No. _____

Date: June 5, 2023

- 1. The following parties were notified of the requested rezoning/use permit:

TBD

- 2. The following meetings were held regarding this petition: (Include the date, time, and meeting location.)

TBD

- 3. The following issues and concerns were expressed:

TBD

- 4. The applicant’s response to issues and concerns was as follows:

TBD

- 5. Applicants are required to attach copies of sign-in sheets from meetings as well as meeting announcements, i.e., notices, flyers, letters, and any other documentation which supports the opportunity for public input.

Attach additional sheets as needed.



USE PERMIT CONSIDERATIONS

Applicant: Fairway Foodies LLC (DBA: Swing) Nekeidra Taylor, Richard Taylor, Jonathan Phillips, Masika George

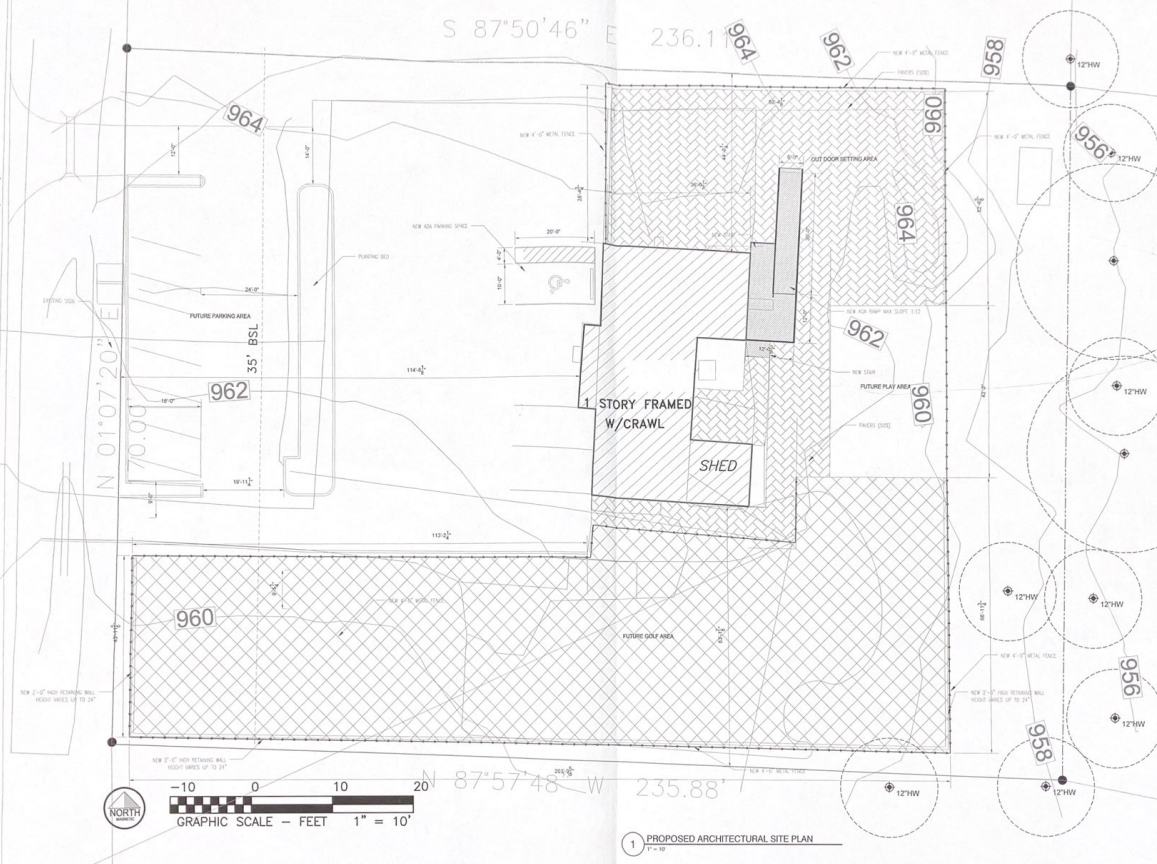
Analyze the impact of the proposed use permit with the following questions:

1. Whether the proposed use is consistent with the comprehensive land use plan adopted by the City Council? Per meetings with city officials and obtained approvals including construction permits, occupational license #3434 and our certificate of occupancy, we understand that Swing is consistent with the comprehensive land use plan adopted by the city.
2. Compatibility with land uses and zoning districts in the vicinity of the property for which the use permit is proposed? Per our C-2 zoning classification we believe our requested use is compatible with land and zoning in the vicinity of the property and complies with city ordinances.
3. Whether the proposed use may violate local, state, and/or federal statutes, ordinances or regulations governing land development? The proposed use does not violate any local, state, and/or federal statutes ordinances or regulations governing land development.
4. The effects of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets? Traffic flow, vehicular, and pedestrians will not be affected along adjoining streets per our knowledge.
5. The location and number of off-street parking spaces? We are located along Hwy 74, there are no additional off-street parking spaces available.
6. The amount and location of open spaces? We have 35 parking spaces all located on-site.
7. Protective screening? All plants and trees designated to be saved shall be protected by a fence. We constructed fencing around the perimeter of the property after receiving a fence permit from the city.
8. Hours and manner of operation? Mobile food trucks will operate from 11 AM to 8 PM Sunday through Thursday and 11 AM to 10 PM on Friday and Saturday.
All other operations will be Sunday-Thursday, 10 AM - 11 PM, Friday & Saturday, 11 AM - 11 PM

9. Outdoor lightning? We improved outdoor lighting by having EMC install 4 additional light poles bringing our total to 6. We now have ample light to provide a safe experience during night hours.
10. Ingress and egress to the property? A single double lane access point will provide ingress and egress to Hwy 74.

Attach additional sheets as needed.

SENOIA ROAD (100' R/W)



norep
design, inc.
4410 South Road SE
Fairburn, GA 30209
878.743.3333
norepdesign@gmail.com

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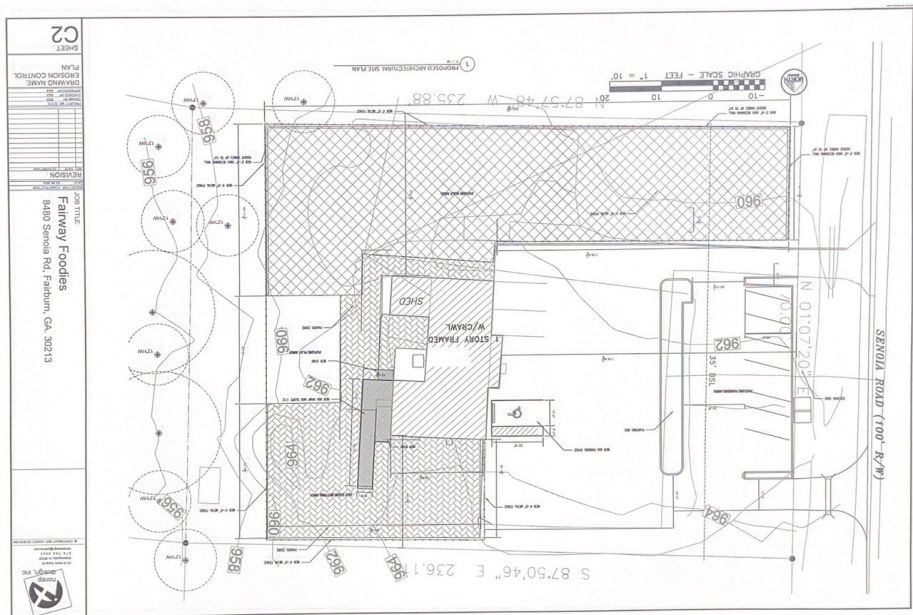
JOB TITLE:
Fairway Foodies
8480 Senoia Rd, Fairburn, GA 30213

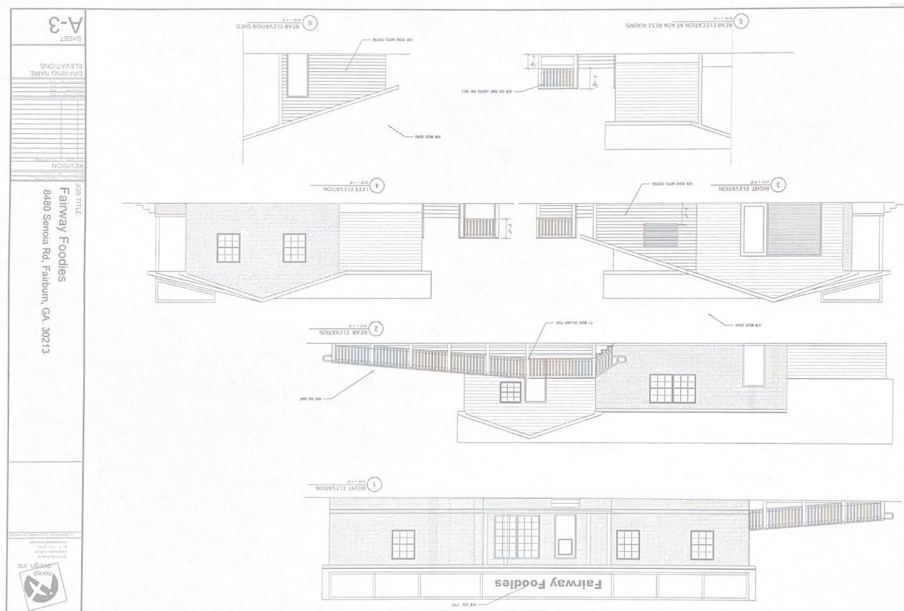
REVISION:
DATE: 01/25/2018
BY: [Signature]
DESCRIPTION:

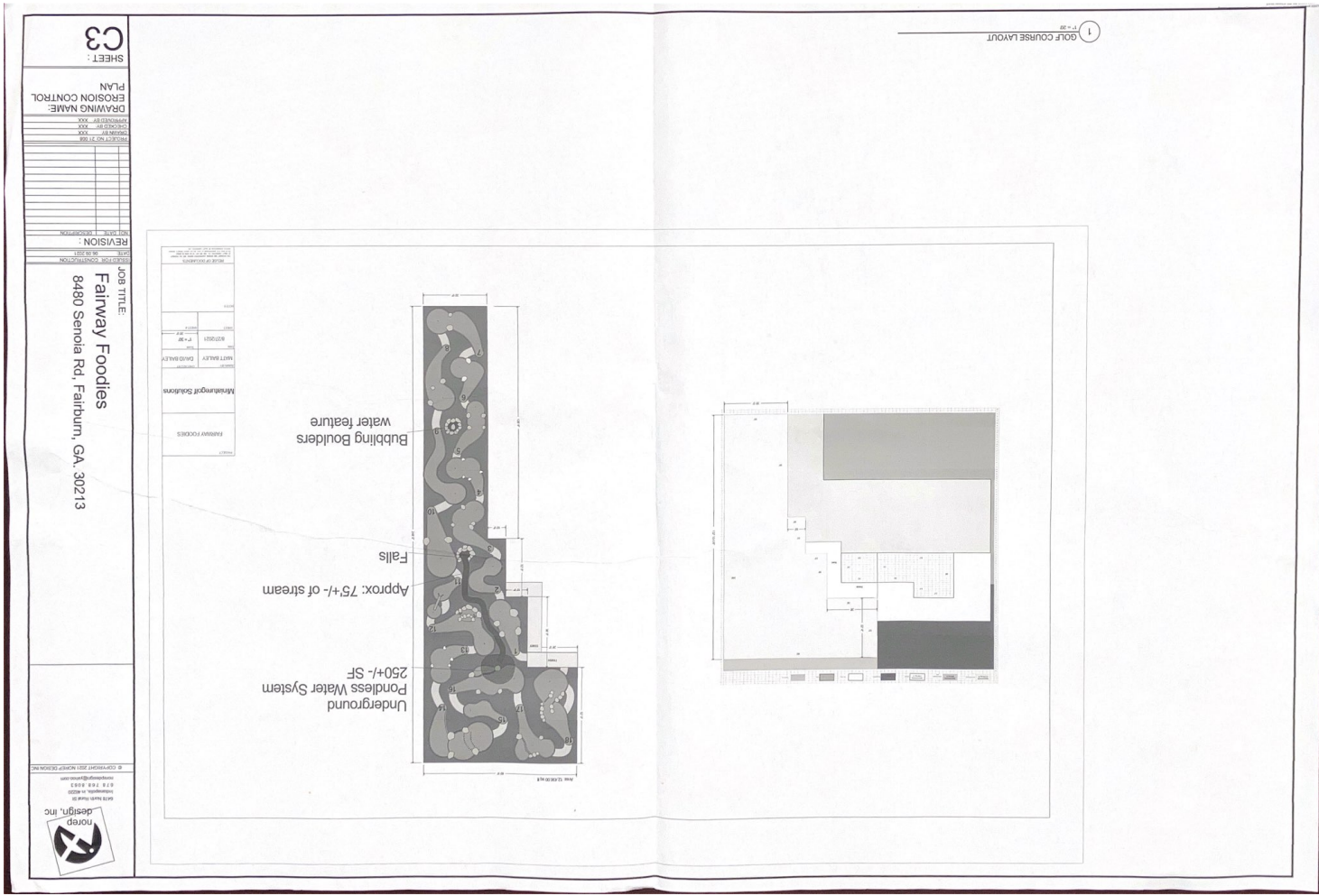
PROJECT NO: 22108
DRAWN BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]

DRAWING NAME:
EROSION CONTROL
PLAN

SHEET:
C2







SITE PLAN CHECKLIST

Site plans for use permit petitions 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	n/a
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: _____

Community Development/
Planning and Zoning

Date: _____

Staff printed name: _____

Re: USE PERMIT PZ23019
Property of Fairway Foodies, LLC
8480 Senoia Road
Parcel ID No.: 09F020400070044
2.83 acres; Land Lot 7
District 9
Fairburn, Fulton County, Georgia

AN ORDINANCE GRANTING THE APPLICANT, FAIRWAY FOODIES, LLC, A USE PERMIT, SUBJECT TO CERTAIN CONDITIONS, TO ALLOW FOR MOBILE FOOD TRUCKS; TO IDENTIFY THE CONDITIONS ATTACHED TO THE GRANT OF THE USE PERMIT; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

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

Whereas, Chapter 80. Article IV, Administrative Permits and Use Permits, Section 80-273 – requires that a Use Permit be obtained for mobile food trucks in the C-2 (Commercial Neighborhood) zoning district within the City of Fairburn; and

Whereas, Chapter 80, Article IV, Section 80-171 of the City of Fairburn Zoning Ordinance requires approval of the Use Permit by the City of Fairburn City Council; and

Whereas, Chapter 80, Article IV, Section 80-196 through Section 80-239 of the City of Fairburn Zoning Ordinance allows for the operation of certain uses, including mobile food trucks, within the C-2 (Neighborhood Commercial) Zoning District, within the City of Fairburn only by way of a use permit, describes the objective criteria to be evaluated in deciding whether to grant a requested use permit, and permits City Council to attach other conditions that it deems necessary to protect the environment as well as the public health, safety and welfare; and

Whereas, the Applicant, Fairway Foodies, LLC. seeks a use permit (PZ23019) for a C-2 (Neighborhood Commercial) Zoning District use, in accordance with its petition, in order to allow for mobile food trucks located at 8480 Senoia Road with parcel identification number 09F020400070044 in the C-2 (Neighborhood Commercial) Zoning District as described in Exhibit A; and

Whereas, pursuant to the requirements of the Zoning Procedures Act and the City of Fairburn Zoning Ordinance, a properly advertised public hearing was held not less than 15 nor more than 45 days from the date of publication of notice, and which public hearing was held on the 11th day of September, 2023; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the City of Fairburn, Georgia:

Section 1. That a use permit is granted to the Applicant, Fairway Foodies, LLC, in accordance with Chapter 80, Article IV.- Administrative Permits and Use Permits of the City of Fairburn Zoning Ordinance in order to allow for mobile food trucks at the location of 8480 Senoia Road

with parcel identification numbers 09F020400070044, in the C-2 (Neighborhood Commercial) Zoning District, the City of Fairburn City Council concluding that the use permit should be granted, subject to certain conditions.

Section 2. That the granted use permit is limited by the following condition:

1. Applicant must adhere to the supplemental regulations on mobile food trucks per the Zoning Ordinance (Chapter 80, Zoning, Article IV Administrative Permits and Use Permits, Section 80-237 Mobile Food Truck).

Section 3. In the event any section, subsection, sentence, clause, or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions of the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part thereof. The City Council declares that it would have passed the remaining parts of this Ordinance or retained the previously existing Ordinance if it had known that such part of parts hereof would be declared or adjudicated invalid or unconstitutional.

Section 4. This Ordinance shall become effective on the 11th day of September, 2023.

Section 5. All Ordinances and parts of Ordinances in conflict with this Ordinance are repealed to the extent of the conflict.

APPROVED this 11th day of September, 2023, by the Mayor and Council of the City of Fairburn, Georgia.

Mario Avery, Mayor

ATTEST:

Brenda James, City Clerk

APPROVED AS TO FORM:

Rory K. Starkey, City Attorney



CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: Public Hearing on the Proposed Fiscal Year 2023-2024 Annual Budget

ITEM TYPE: Presentation

SUBMITTED: 09/06/2023 **WORK SESSION:** N/A **COUNCIL MEETING:** 09/11/2023

DEPARTMENT: Finance

BUDGET IMPACT: N/A

PUBLIC HEARING: Yes

PURPOSE:

To provide citizen discussion of the proposed Fiscal Year 2023-2024 annual budget.

HISTORY:

N/A

FACTS AND ISSUES:

The proposed Fiscal Year General Fund budget is \$29,167,090, and other funds proposed budget is \$43,609,960 for a grand total of \$72,777,050.

FUNDING SOURCE:

N/A

RECOMMENDED ACTION:

N/A

ATTACHMENTS:

1. FY 2024 Proposed Budget Presentation - Council



FY 2024 PROPOSED BUDGET

September 11, 2023



FY 2024 GENERAL FUND

GL Description	FY2024 Proposed Request
Taxes	\$21,386,150
Licenses and Permits	\$589,000
Charges for Services	\$159,080
Fines and Forfeitures	\$800,000
Investment Income	\$500,000
Contributions-Donations	\$40,000
Miscellaneous Revenue	\$65,200
Other Financing Sources	\$3,559,300
Fund Balance Request	\$2,068,360
Total	\$29,167,090

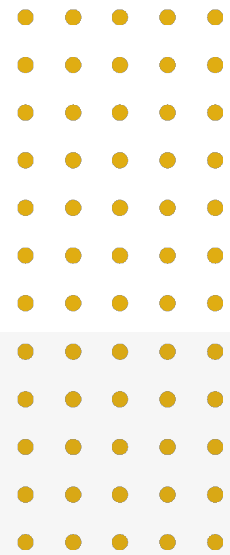
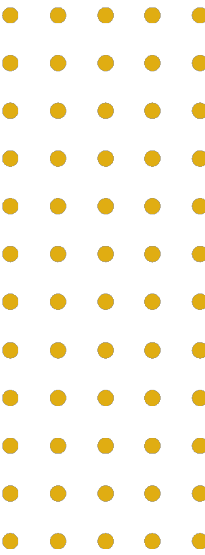
GL Description	FY2024 Proposed Request
Mayor & Council	\$386,070
City Clerk	\$400,514
City Administrator	\$2,546,822
Finance	\$1,463,421
Technology	\$859,910
Human Resources	\$680,868
Building Operations (Formerly Property Management)	\$1,385,403
Court Services	\$772,577
Police	\$5,765,172
Fire	\$5,079,705
Public Works	\$576,934
General Services (Formerly Streets)	\$2,049,665
Maintenance & Shop	\$237,306
Recreation Programs	\$1,352,813
Inspection & Enforcement	\$744,862
Planning & Zoning	\$659,127
Economic Development	\$418,562
Mainstreet	\$327,387
Non-Departmental	\$3,459,972
Total	\$29,167,090

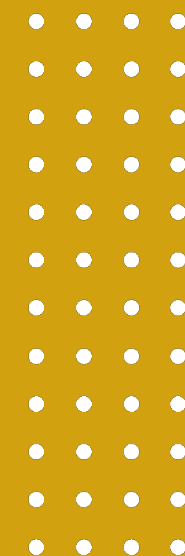
FY 2024 OTHER FUNDS

GL Description	FY2024 Proposed Request
Confiscated	\$10,300
American Rescue Plan Act	\$4,250,600
Grants	\$2,083,686
Tree Fund	\$801,500
Technology Fee	\$50,000
Hotel/Motel Tax	\$235,000
Capital Projects	\$2,068,360
Go Bond	\$2,572,466
TSPLOST	\$4,500,000
Water and Sewer	\$10,339,385
Stormwater	\$724,462
Water and Sewer Bond	\$330,610
Electric	\$12,988,491
Sanitation	\$984,400
Downtown Development Authority	\$20,700
Educational Complex	\$1,650,000
Total	\$43,609,960

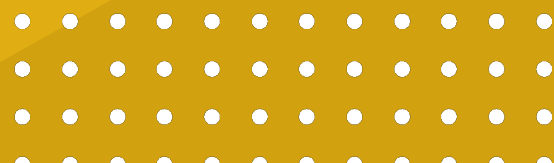
SUMMARY

GL Description	FY 2024 Proposed Revenue Budget	FY 2024 Proposed Expenditure Budget
General Fund	\$29,167,090	\$29,167,090
Other Funds	\$43,609,960	\$43,609,960
Total Budget	\$72,777,050	\$72,777,050





THANK YOU





CITY OF FAIRBURN CITY COUNCIL AGENDA ITEM

SUBJECT: Georgia Recreation and Park Association (GRPA) BOOST Grant Memorandum of Understanding

ITEM TYPE: Agreement

SUBMITTED: 09/05/2023 **WORK SESSION:** N/A **COUNCIL MEETING:** 09/11/2023

DEPARTMENT: Parks & Recreation

BUDGET IMPACT: \$20,000

PUBLIC HEARING: No

PURPOSE:

For Mayor and Council to review and approve the 2023 -2024 MOU & Assurances for Contractors Receiving American Rescue Act Funds.

HISTORY:

The Fairburn Parks & Recreation Department received an award of \$20,000.00 from the GRPA Building Opportunities Out-of-School Time (BOOST) Afterschool Program Grant.

FACTS AND ISSUES:

The department has developed an afterschool program designed to support students in building a stronger academic foundation. We aim to bridge the educational gap through literacy enrichment, health & wellness, and STEAM programming. The BRIDGE Afterschool program will include the following focus areas: academic reinforcement, learning acceleration, health & wellness, character & leadership development, exposure, and innovation. The program will follow the Fulton County Schools academic calendar starting October 2023 and running through May 2024.

FUNDING SOURCE:

Grant Funding

RECOMMENDED ACTION:

Request Mayor and Council approval of the 2023-2024 Georgia Recreation and Park Association, Inc. Afterschool Memorandum of Understanding for the BOOST Program.

ATTACHMENTS:

1. MOU - Afterschool Boost Grant - 2023 - SLN Clean

Georgia Recreation and Park Association – BOOST Program
2023-2024 MOU & Assurances for Contractors Receiving American
Rescue Plan Act (ESSER) Funds

Georgia Recreation and Park Association, Inc.
Afterschool Memorandum of Agreement (MOU)

Georgia Recreation and Park Association, Inc. (hereinafter referred to as “**GRPA**”), a Georgia non-profit corporation with its principal place of business located at 1285 Parker Road SE, Conyers, Georgia 30094-5957, enters into this Memorandum of Understanding (“**MOU**”) with [REDACTED] (hereinafter referred to as the “**Contractor**”) in the total amount of [REDACTED] to provide comprehensive out-of-school time services under the terms and conditions set forth in this MOU.

The Contractor agrees to deliver professional services that meet the general scope of work required for the GRPA BOOST Program, as described here:

- Operate comprehensive afterschool and/or summer programming that expands and improves high-quality learning and supports for K-12 students in the Contractor’s local community
- Combat learning loss and meet students’ well-being, connectedness, and mental health needs
- Directly support learning acceleration and whole child approaches to positive youth development
- Prepare students for success in the present and ready students for new learning
- Jump-start underperforming students into learning new concepts
- Create opportunities for struggling students to learn alongside their more successful peers
- Address students’ comprehensive needs through the shared responsibility of students, families, schools, and communities
- Acknowledge and address non-academic factors that impact academic outcomes while expanding learning opportunities
- Create environments where students are healthy, safe, engaged, supported, and challenged
- Expand access to serve more youth, with an emphasis on children who were most impacted by the pandemic
- Reduce barriers to participation to ensure access for all
- Increase programmatic quality and expand or enhance supports/services offered

As a condition of this MOU, the parties agree as follows:

1. *Use of Funds.*

The overall purpose of the services provided under this MOU is to support learning acceleration, connectedness, and well-being of Georgia’s students, utilizing a whole child approach. Funds will be expended only in accordance with this MOU and as specified as allowable in the [GRPA RFP](#) and/or in any approved budgets. Any changes in the implementation of the contracted services will require the prior written approval of GRPA.

2. *Contract Period, Invoicing & Payment.*

The contract period for this MOU August 18, 2023 – June 30, 2024 (“**Contract Period**”), subject to the terms contained in this MOU. The Contractor shall invoice GRPA no more frequently than monthly for services provided during the Contract Period. GRPA will pay the Contractor’s invoice within 30 days *with the condition that GRPA must first successfully receive those funds from GaDOE through a separate process.*

3. *GRPA BOOST Project Administrator.* The GRPA BOOST Statewide Program Administrator (Craig Sowell) in Consultation with the GRPA Executive Director (Steve Card) will manage this Statewide Project. The GRPA BOOST Statewide Program Administrator shall direct the Program and control the manner of its performance. If the GRPA BOOST Statewide Program Administrator is no longer employed by GRPA or becomes unable or unwilling to complete the Program for any reason, the GRPA Executive Director will be the point of contact. The Contractor shall establish persons to be accountable at the local level for all funds paid under this MOU and communicate regularly and in a timely manner with the appropriate GRPA Staff. Failure to communicate in a timely manner may jeopardize current and/or future funding under the GRPA Statewide BOOST Program.

4. *Reports.* The Contractors agrees to abide by any programmatic or fiscal reporting deadlines established by GRPA to effectively administer the Program. Monthly reports shall include financial reporting for the period covered, narrative description of provided activities, dosage, duration and detailed information on Program objectives and outcomes. Other information may be required by GRPA to maintain Program compliance. The Contractor must complete the Evaluation Form and Final Reports as required. The Final Report for each year of the Program shall be due __TBA , 2024__,

Georgia Recreation and Park Association – BOOST Program
2023-2024 MOU & Assurances for Contractors Receiving American
Rescue Plan Act (ESSER) Funds

GRPA may add supporting materials (i.e., news articles, evaluation reports, etc.) if such materials help to convey the significance of the work completed under this Program. Observation and inspection visits may be unannounced or scheduled from various partners of the GRPA BOOST Program.

5. Accounts & Recordkeeping.

The Contractor will be responsible for their own bookkeeping and submittal of reports to GRPA by deadlines required for reimbursement. Books and records may be requested by GRPA or GRPA's grantor, Georgia Department of Education (GaDOE), at any time during the Contract Period. Contractor shall maintain books and records regarding the Program and the funds provided under this MOU and make them available for inspection, subject to any limitations imposed by applicable law. GRPA and Contractor shall maintain copies of any records and reports under the Program for a period of at least **(7)** years after the Contract Period ends (or according to Georgia Secretary of State Record Retention Policies).

6. Assurances, Warranties, & Representations.

The Contractor named in this MOU is a recipient of federal ESSER funds in the GRPA BOOST Program, which utilizes relief funds provided by the American Rescue Plan Act. The Georgia Department of Education (GaDOE) is the primary grantee. As the contractor providing purchased services to the State-wide subgrantee (GRPA), you are bound to the assurances contained in this document; these assurances will be in effect for the period of the contract agreement. Failure to be in compliance with any aspect of the contract agreement, including these assurances, may result in the delay, reduction, or termination of said agreement and accompanying funds.

These assurances are integral to this MOU; by signing this MOU, the Contractor agrees to the assurances. The Contractor hereby assures that it will comply with the following:

	Assurances
1.	The signatory for these assurances certifies that he/she/they has the authority to bind the Contractor.
2.	Contractor certifies that neither it nor its related corporations and vendors are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
3.	The Contractor certifies that it will have information available regarding its services that can be provided to community stakeholders upon request.
4.	The Contractor certifies the instruction and content offered are secular, neutral, and non-ideological.
5.	The services will take place in a safe and easily accessible facility. It is the responsibility of the Contractor to ensure that it meets all requirements, including but not limited to, child-care licensing, occupancy, fire, water, and transportation of students.
6.	The services will be administered in accordance with all applicable statutes, regulations, program plans, and applications.
7.	Prior to any material change affecting the purpose, administration, organization, budget, or operation of the contracted services, the Contractor agrees to submit an appropriately amended application or project description to the Subgrantee for approval.
8.	The Contractor agrees to notify the Subgrantee, in writing, of any change in the contact information provided in its application.
9.	The Contractor will use fiscal control and sound accounting procedures that will ensure proper disbursement of and account for Federal and state funds paid to the Contractor to perform its duties.
10.	The Contractor will cooperate in carrying out any evaluation of services provided by or for the Subgrantee, the Georgia Department of Education, the U.S. Department of Education, or other state or Federal officials.
11.	The Contractor will submit reports to the Subgrantee as may reasonably be required. The Contractor will maintain such fiscal and programmatic records and provide access to those records, as necessary, for the Subgrantee to perform its duties.

Georgia Recreation and Park Association – BOOST Program
2023-2024 MOU & Assurances for Contractors Receiving American
Rescue Plan Act (ESSER) Funds

12.	The Contractor will adhere to all service evaluation requirements, reporting deadlines and data certification processes established by the Subgrantee for the purpose of the annual summative evaluation, formative assessment and summer evaluation reports.
13.	The Contractor is responsible for ensuring that all applicable liability insurance requirements are met and will submit proof of its Fidelity and Liability Insurance Policy and proof of minimum liability transportation insurance to the Subgrantee within 60 days if requested.
14.	All invoices for service will be submitted in a timely manner as stipulated by the Subgrantee in the contract agreement.
15.	The Contractor certifies that state and national criminal background checks will be conducted annually for any and all individuals acting on behalf of the Contractor including regular volunteers, employees, contractors, relatives, etc. prior to their employment, whether or not they have direct contact with students. In addition, the Contractor agrees to develop and utilize written policies on how the criminal background check results will be used in hiring and volunteer practices.
16.	The Contractor will comply with the Family Education Rights and Privacy Act of 1974.
17.	Contractor will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicaps; and the Age Discrimination Act of 1975, which prohibits discrimination on the basis of age, and the Americans with Disabilities Act of 1990, which prohibits discrimination on a basis of disability.
18.	In accordance with the Federal Drug-Free Workplace and Community Act Amendments of 1989 and the Drug-Free Workplace Act of 1988, the Contractor understands that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance, marijuana, or dangerous drug is prohibited at geographic locations at which individuals are directly engaged in the performance of work pursuant to BOOST Program.

Additionally, all Contractors agree to the following quality standards for services provided. Note that nothing in this section shall be construed to affect existing legal requirements established for individuals with access to minor children, including but not limited to those related to camps, employee criminal background checks, and any relevant licenses and permits. All subcontracted/partner staff must meet the same requirements as if they were actual staff of the Contractor.

- In addition to safety training, all staff must receive training on safe operations including COVID-19 mitigation strategies, (e.g., mask wearing, social distancing, hand hygiene, cleaning, and disinfecting), infection control requirements, and Centers for Disease Control and Prevention (CDC) and state guidelines and protocols.
- There shall be a designated staff person in charge, who is 18 years of age or older, always on site when the afterschool or summer service is in operation. Teacher/Lead Caregivers must be at least 18 years of age and the assistant caregiver/aide may be 16 or 17 years of age; however, a director must be at least 21 years of age.
- Any Contractor whose program includes activities at a waterfront or swimming area, whether as a regular part of their service location or as an off-site educational service trip, must have at least one person with current evidence of having successfully completed a training program in lifeguarding offered by a water-safety instructor certified by the American Red Cross, YMCA, YWCA or other recognized standard-setting agency for water safety instruction. Such person may be a program staff member or an employee of a water facility (e.g., local swimming pool) and be at least 18 years of age.
- Staff-to-student ratios when students are in or on the water (over 2 feet deep) is one staff person to 6 students for students aged 4 years and older who cannot swim 15 yards unassisted and a 1:15 ratio for students aged 4 years and older who can swim a distance of 15 yards unassisted.
- Staff-to-student ratios when students are in or on the water (less than 2 feet deep) is one staff person to 20 students for students aged 5 years or a 1:25 ratio for students aged 6 years and older.

Georgia Recreation and Park Association – BOOST Program
2023-2024 MOU & Assurances for Contractors Receiving American
Rescue Plan Act (ESSER) Funds

- At least one additional staff member above the required staff to child ratios for any water-related activity (such as swimming, fishing, boating, or wading) shall be available to rotate among the age groups as needed when any of the following circumstances are present:
 - most of the children in a group are not accustomed to or are afraid of the water
 - most of the children in a group comprised of children who cannot swim 15 yards unassisted cannot touch the bottom of the water facility without submerging their heads
 - the water facility is particularly crowded or
 - the children have special needs which impact on their ability to participate safely in the water-related activity.
- Contractor must maintain a staff to child ratio of at least 1:20 for children aged five years with a maximum group size of 40 and at least 1:25 for children aged six years and older with a maximum group size of 50. The ratio of staff to children shall always be maintained. The staff to child ratios for a mixed-age group shall be based on the age of the youngest group of children that includes more than twenty percent (20%) of the total number of children in the mixed-age group. The ratio of staff to children, as specified in this subsection, shall always be maintained, including during all outings and trips except for structured activities offered exclusively for school age children.
- Prior to the start of the contracted service, the Contractor's administrators shall develop a written plan for handling emergencies, including but not limited to severe weather, loss of electrical power or water and death, serious injury or loss of a child, a threatening event, or natural disaster which may occur at the program's location. The organization will have in place procedures for evacuation, relocation, shelter-in-place, lock-down, communication and reunification with families, and continuity of operations. The plan must apply to all children in care and will include specific accommodations for infants and toddlers, children with disabilities, and children with chronic medical conditions. Such plan shall include assurance that the Contractor's personnel will not impede in any way the delivery of emergency care or services to a child by licensed or certified emergency health care professionals.
- The Contractor shall conduct drills for fire, tornado, and other emergency situations. The fire drills will be conducted monthly, and tornado and other emergency drills will be conducted every six months. The Contractor shall maintain documentation of the dates and times of these drills for two years.

GRPA Agency Contractor represents and warrants to GRPA, Inc. a. This MOU is the legal and binding obligation to GRPA, enforceable in accordance with its terms, except as limited by bankruptcy, insolvency, or other applicable laws.

b. GRPA Contractor confirms that it is an organization that is currently recognized by the Internal Revenue Service (the "IRS") as governmental (City/County) entity or Authority.

c. The Program and the use of funds will comply with the objectives set forth in this MOU and other BOOST requirements, as well as all applicable laws, rules, and regulations to which the GRPA is subject.

d. GRPA contractor agencies shall maintain insurance with responsible and reputable companies in such amounts and covering such risks as is prudent and is usually carried by entities engaged in operations similar to that of GRPA and shall furnish to GRPA Inc. with evidence of compliance upon request. To the extent permitted by law, GRPA contractor agencies hereby agrees to indemnify, defend, and hold harmless GRPA Inc. from and against, and in respect to, all losses, expenses, costs, obligations, liabilities, and damages, including interest, penalties and reasonable attorney's fees and expenses, that GRPA Inc. may incur as a result of any negligent or willful acts or omissions of GRPA Agency or any of its agents or employees.

7. No Lobbying.

GRPA Contractor agrees that no portion of the funds provided under this MOU will be used for any of the following: (i) to lobby or otherwise attempt to influence legislation; (ii) to influence outcome of any specific public election or participate or intervene in any political campaign on behalf of any candidate for public office or conduct, directly or indirectly, any voter registration drive; or (iii) to distribute funds to any entity or individual, other than as detailed in the Application.

8. Compliance. See above Assurances.

9. Additional Obligations of GRPA Contractor.

Georgia Recreation and Park Association – BOOST Program
2023-2024 MOU & Assurances for Contractors Receiving American
Rescue Plan Act (ESSER) Funds

In consideration of the contractual funding herein, CONTRACTOR shall provide GRPA with the elements set forth above and attached herein and incorporated herein by reference.

10. Miscellaneous.

- a. No failure to exercise, and no delay in exercising, on the part of GRPA, Inc., any right under this MOU shall operate as a waiver thereof, nor shall any single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right.
- b. This MOU shall be construed in accordance with and governed by the laws of the State of Georgia.
- c. In the event that any provision or any part of a provision of this MOU shall be finally determined to be superseded, invalid, illegal or otherwise unenforceable pursuant to applicable laws by an authority having jurisdiction, such determination shall not impair or otherwise affect the validity, legality, or enforceability of the remaining provisions or parts of provisions thereof, which shall remain in full force and effect as if the unenforceable provision or part were deleted.
- d. GRPA Contractor understands that there is no commitment by the GRPA, Inc. to supply any further support for the Program. GRPA, Inc. considers each request on an individual basis, and that this MOU is not to be construed as establishing a precedent for further support.
- e. This MOU constitutes the entire agreement between the parties hereto. No oral representations or other agreements have been made by the parties except as stated herein. The MOU may not be changed in any way except as herein provided, and no term or provision hereof may be waived except in writing signed by a duly authorized officer or agent. The titles of any paragraph of this MOU are for convenience only and shall not be deemed to limit, restrict, or alter the content, meaning or effect thereof.

11. Standard Terms and Conditions. This MOU is subject to the above.

IN WITNESS WHEREOF, the parties have set their hands as of the date(s) written below.

GEORGIA RECREATION AND PARK
ASSOCIATION, INC

GRPA BOOST AGENCY CONTRACTOR:

[Organization Name:]

Signature: _____

Signature: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____