



City of Fairburn Planning and Zoning Agenda

February 3, 2026
7:00 PM

Meeting Location — City Hall: 56 Malone Street, Fairburn, GA

Michelle James, Chairperson

Elizabeth Echols, Commissioner
Lina Parker, Commissioner

Jason Jones, Commissioner
Tony Smith, Commissioner
Kenneth Williams, Commissioner

Mrs. Valerie Ross
Ms. Denise Brookins
Mr. Chancellor Felton

City Attorney
Planning & Zoning Director
City Planner

- I. Call to Order:
- II. Determination of a Quorum:
- III. Pledge of Allegiance:
- IV. Approval of the Meeting Agenda:
- V. Approval of the Minutes:
 1. **Meeting Minutes (December 2, 2025)**
- VI. Public Comments:
- VII. Old Business:
- VIII. Public Hearings:
- IX. New Business:
 2. Use Permit — Truck Terminal (7472 Graham Road):
 3. Text Amendment - Sec. 80-90 Highway 74 Overlay (Drive-Through Restaurant Standards):
- X. Adjournment:



Planning and Zoning Commission
Action Minutes

City Hall: 56 Malone Street,

Fairburn, GA 30213

Tuesday, December 2, 2025

7:00 p.m.

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

Planning Director: Denise Brookins
City Attorney: Meredith Germain

-
- A. **Call to Order:** The meeting was called to order by Chairman Jones at 7:00 pm.
 - B. **Determination of a Quorum:** A quorum was determined, and the meeting proceeded.
 - C. **Pledge of Allegiance**
 - D. **Approval of the Meeting Agenda**
 - 1. Vice Chairwoman James made a motion to approve the agenda. Commissioner Parker seconded.
THE MOTION CARRIED.
 - E. **Approval of the Meeting Minutes**
 - 1. Commissioner Parker made a motion to approve the October 7, 2025, minutes. Commissioner Smith seconded.
THE MOTION CARRIED.
 - F. **Public Comments**
 - G. **Old Business:** None.
 - H. **Public Hearings:** None.
 - I. **New Business:**
 - 1. **Final Plat (Trillium Reserve)**

Applicant: Daniel Fields, Brent Holdings, LLC
Property Owner: Trillium Reserve Development LLC
Location: 0 Fayetteville Road [Parcel ID: 09F110300450097]
Request: To approve the final plat.
Vice Chairwoman James made a motion to recommend **APPROVAL**. Commissioner Parker seconded.
THE MOTION CARRIED.
 - 2. **2026 Calendar (Planning and Zoning Commission)**

Request: To discuss and approve the 2026 Planning and Zoning Commission Calendar.
Commissioner Parker made a motion to **APPROVE**. Vice Chairwoman James seconded.
THE MOTION CARRIED.

3. **Appointment of Chair (Planning and Zoning Commission)**

Request: To appoint the Planning and Zoning Commission Chair.

Vice Chairwoman James was appointed as Chair for the Year 2026 by the Planning and Zoning Commission.

4. **Appointment of Vice Chair (Planning and Zoning Commission)**

Request: To appoint the Planning and Zoning Commission Vice Chair.

Commissioner Parker was appointed as Vice Chair for the Year 2026 by the Planning and Zoning Commission.

J. Other Business:

1. **Uniforms (Planning and Zoning Commission)**

Request: To discuss if the Planning and Zoning Commission wants uniforms.

K. Adjournment

1. Vice Chairwoman James motioned to adjourn the public meeting at 7:15 pm. Commissioner Parker seconded.

THE MOTION CARRIED.



CITY OF FAIRBURN PLANNING AND ZONING AGENDA ITEM

SUBJECT: Use Permit — Truck Terminal (7472 Graham Road)

ITEM TYPE: Other

SUBMITTED: 01/30/2026 **WORK SESSION:** N/A **COUNCIL MEETING:** 02/23/2026

DEPARTMENT: Planning & Zoning

BUDGET IMPACT: N/A

PUBLIC HEARING: No

PURPOSE:

For the Planning and Zoning Commission to review the Use Permit request and provide a recommendation to the Mayor and City Council on whether to authorize operation of a truck terminal facility at 7472 Graham Road, located within the M-2 (Heavy Industrial) zoning district.

HISTORY:

N/A

FACTS AND ISSUES:

Case Type: Use Permit — Truck Terminal
Location: 7472 Graham Road
Parcel ID: 09F110000440513
Zoning: M-2 (Heavy Industrial)
Applicant: Joseph Brickman
Property Owner: Graham Owner LLC

The applicant has submitted a complete Use Permit application that includes an operational description, supporting materials, and a site layout for the proposed truck terminal use. The proposed activity is industrial in character and has been evaluated against applicable compatibility, operational, and supplemental truck terminal standards contained in the zoning ordinance. In accordance with required procedure, a public meeting before the Planning and Zoning Commission is required as part of the review and recommendation process prior to Mayor and City Council consideration.

FUNDING SOURCE:

RECOMMENDED ACTION:

Staff recommends approval of the Use Permit request subject to the stated conditions in the staff report.

ATTACHMENTS:

1. 7472 Graham Road Truck Terminal Use Permit Staff Report Package_Final PZC_



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION**

AGENDA ITEM

To: Planning and Zoning Commission

From: Chancellor Felton, Planner

Date: February 3, 2026

Agenda Item: 7472 Graham Road [Parcel ID: 09F110000440513] – Request to review the allowance of a truck terminal.

Agent/Applicant/Petitioner Information

Applicant: Joseph Brickman

Property Owner: GRAHAM OWNER LLC

Background

The site is located at 7472 Graham Road to the west of the intersection of Graham Road and Stalwart Drive. The site is currently zoned M-2 (Heavy Industrial). The site is approximately 9.55 acres.

Discussion

The applicant is proposing to be able to continue to have a truck terminal on their site. An accurate, up-to-date, and certified survey is included. They have also included a site plan.

The applicant formed a public participation plan. The applicant notified the property owners who were located within 1,000 feet of the site with a letter via the United States Postal Service of their intention to request the allowance of a truck terminal on their site and to invite the property owners to their public participation meeting.

The applicant produced a public participation report. The applicant held a public participation meeting on January 12, 2026, at 6:00 PM via Zoom. No one attended, so no concerns were raised at the meeting.

Use Permit Considerations

1. Whether the proposed use is consistent with the comprehensive land use plan adopted by the City Council.

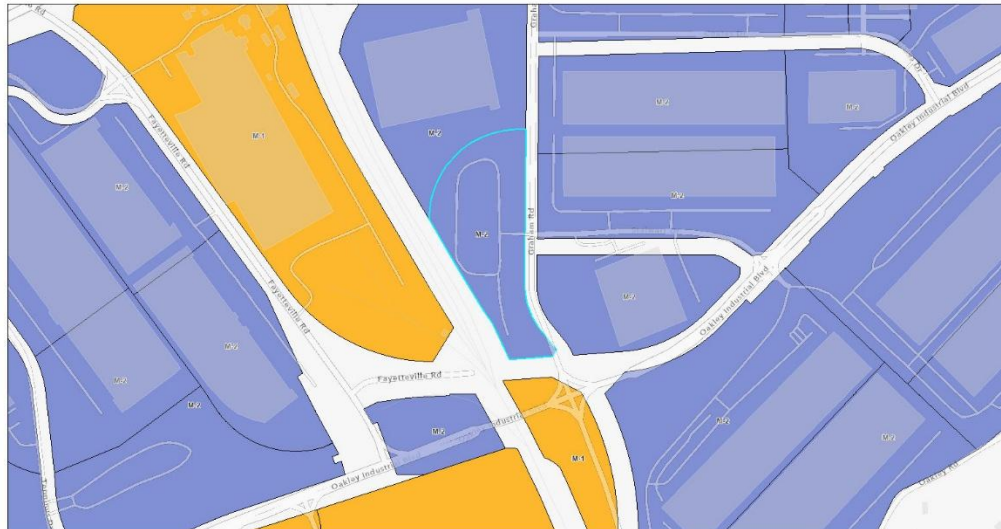
Staff finds that the proposed use is consistent with the current Comprehensive Plan. The site is in the Industrial Area, and the appropriate use is a Truck Terminal. The Industrial Area is designated for traditional and heavy industrial uses that drive economic development through manufacturing, processing, and logistics operations. The appropriate zoning district in the Industrial Area includes M-2. The M-2 Zoning District (Heavy Industrial) is intended to provide suitable areas for major manufacturing and storage, and large amounts of land. Truck terminals are where trucks/trailers are temporarily stored, maintained, or based.

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

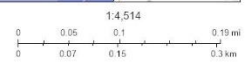
Staff finds that the proposed use is compatible with the surrounding land uses and zoning districts. The surrounding land uses are Industrial. Truck terminals are an appropriate land use in the Industrial Area. The surrounding zoning districts are M-1 (Light Industrial) and M-2. Truck terminals are a permitted use with an approved use permit in the M-2 Zoning District.

Direction	Zoning District	Existing Use	Future Land Use (FLU)
North	M-2	Warehouse	Industrial
South	M-1	Vacant	Industrial
East	M-2	Warehouse	Industrial
West	M-1	Factory	Industrial

Surrounding Zoning Districts



1/29/2026, 3:40:03 PM
 Current Zoning (2025)
 M-1
 M-2
 Tax Parcels (2025)



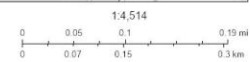
14,514
 Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Esri Community Map Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SateGraph, GeoTechnologies, Inc., METRASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS | Fulton County provides the data within these pages for your personal use "as-is". The data are not guaranteed to be

Surrounding FLUs



1/29/2026, 3:42:03 PM
 Future Land Use (Comp Plan)
 Industrial
 Tax Parcels (2025)



14,514
 Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Esri Community Map Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SateGraph, GeoTechnologies, Inc., METRASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS | Fulton County provides the data within these pages for your personal use "as-is". The data are not guaranteed to be

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

Operating a business without an occupational tax certificate is a violation. To the best of Staff knowledge, 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 adversely affected along Graham Road. Traffic Impact Study requirements were not applicable, as the proposed use did not exceed the 500,000-square-foot threshold for industrial development.

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

Off-street parking is located on the site, and there are a total of 156 oversized parking spaces.

6. The amount and location of open space.

There will be no changes to the site.

7. Protective screening.

The property is currently screened.

8. Hours and manner of operation.

The truck terminal will operate twenty-four (24) hours a day and offers truck and trailer parking on a day-by-day basis.

9. Outdoor lighting.

There is existing outdoor lighting.

10. Ingress and egress to the property.

Gated ingress and egress to the site are provided from Graham Road.

Staff Recommendations

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

- Applicant must adhere to the supplemental regulations on truck terminals per the Zoning Ordinance (Chapter 80 Zoning, Article IV Administrative Permits and Use Permits, Section 80-239 Truck Terminals / Truck Stops)

Attachments:

- Site Pictures
- Letter of Intent
- Application
- Deed
- Legal Description
- Survey
- Concept Plan
- Public Participation Report
- Supplemental Regulations

SITE PICTURES



Southwest viewpoint

December 11, 2025

via Electronic Mail to cfelton@fairburn.com

Planner Chancellor Felton
Department of Planning & Zoning
City of Fairburn, Georgia
314 NW Broad Street
Fairburn, Georgia 30213

**RE: APPLICATION FOR USE PERMIT AND LETTER OF INTENT
7472 Graham Road, Fairburn, Fulton County, Georgia 30213 (Tax Parcel Id
No. 09F110000440513)**

Dear Planner Felton:

I represent Graham Owner LLC (“Applicant”). Applicant recently acquired a 9.417-acre truck terminal at that certain real property located at and known as 7472 Graham Road, Fairburn, Fulton County, Georgia 30213 (Tax Parcel Id No. 09F110000440513) (the “Subject Property”). The Subject Property is zoned M-2 (Heavy Industrial Zoning District) with a classification of Industrial in both the 2040 City of Fairburn Comprehensive Plan and City of Fairburn Future Land Use Map.

The Subject Property, through prior ownership, has continuously and without lapse or interruption operated as a truck terminal since 1995. Recently, Applicant learned that the existing truck terminal lacked a valid business license, and as a prerequisite to obtaining the same, Applicant would need to obtain a use permit for the continued operation of the truck terminal. Accordingly, Applicant submits this Application, which requests a use permit for the continued operation of the existing truck terminal at the Subject Property without any changes to the layout, security, or overall management. The proposed use not only aligns with the goals and policies set forth in the City of Fairburn’s future development plans, but also would allow the existing truck terminal to apply for and obtain proper licensure, as required by the City of Fairburn.

SUMMARY OF PROPOSED USE PERMIT

As depicted in the enclosed *Truck Parking for Graham Road 156 Trailer Spaces*, prepared by M.D. Hodges Enterprises, Inc. and dated March 3, 1994 (the “Concept Plan”) and the *Alta/NSPS Land Title Survey* prepared by GRS Group and dated October 9, 2025 (the “Survey”), the Subject Property is a 9+ acre truck terminal with one hundred fifty-six (156) parking spaces available for trucks and trailers. The Subject Property is entirely surrounded by other, industrial uses, all of which are similarly classified as Industrial in both the 2040 City of Fairburn Comprehensive Plan and City of Fairburn Future Land Use Map.

Applicant does not intend to alter the layout, security, or overall management of the existing truck terminal at the Subject Property. Importantly, the existing truck terminal is consistent with and has always aligned with the standards set forth in Section 80-239 of the *Code of Ordinances of Fairburn, Georgia*, governing the use of truck terminals/truck stops by a property zoned M-2 (Heavy Industrial Zoning District).

USE PERMIT CONSIDERATIONS

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

The Subject Property is zoned M-2 (Heavy Industrial Zoning District) with a classification of Industrial in both the 2040 City of Fairburn Comprehensive Plan and City of Fairburn Future Land Use Map. The proposed, industrial use is consistent with both current and future land use plans adopted by City Council, and helps facilitate the manufacturing, warehousing, fabrication, and processing uses identified by the City of Fairburn in its comprehensive plan.

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

The Subject Property is entirely surrounded by properties zoned M-1 (Light Industrial Zoning District) and M-2 (Heavy Industrial Zoning District), all of which share the same, Industrial land use classification in both the 2040 City of Fairburn Comprehensive Plan and City of Fairburn Future Land Use Map. Accordingly, the proposed use is consistent with surrounding land uses and zoning districts in the vicinity of the Subject Property.

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

The proposed use does not propose to alter or otherwise develop the Subject Property, and thus will 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?

Applicant does not intend to alter the layout, security, or overall management of the existing truck terminal at the Subject Property, which has operated as a truck terminal for thirty (30) years under prior ownership and has never experienced or contributed to traffic congestion. Thus, the proposed use will have little to no effect on vehicular and pedestrian traffic flow.

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

As shown on the Concept Plan, the existing truck terminal has one hundred fifty-six (156) parking spaces for trucks and trailers. Applicant does not intend to increase or decrease the number of on-site parking spaces.

6. The amount and location of open spaces?

There are no designated open spaces on the Subject Property.

7. Protective screening?

The existing truck terminal utilizes protective fencing along its borders as a means of security and screening. Applicant does not intend to make any alterations to these security and screening controls.

8. Hours and manner of operation?

The existing truck terminal operates twenty-four (24) hours a day and offers truck and trailer parking on a day-by-day basis.

9. Outdoor lighting?

The existing truck terminal is equipped with sufficient outdoor lighting for driver safety and security purposes.

10. Ingress and egress to the property?

The Subject Property can be accessed from an entrance point at the intersection of Graham Road and Stalwart Drive. The Subject Property's entrance point is also equipped with a security gate.

STANDARDS GOVERNING THE OPERATION OF TRUCK TERMINALS/STOPS

1. The lot upon which the truck stop is located, including all structures and parking spaces, must be a minimum of five acres.

As shown on the Survey, the Subject Property is 9.417 acres.

2. No such use is allowed within 5,000 feet in any direction from an existing similar use.

There are no truck terminals operating as a primary use within 5,000 feet of the Subject Property in the City of Fairburn.

3. On-site security shall be provided by the owner or operator of the truck stop 24 hours a day, seven days a week.

On-site security is provided by the operator of the existing truck terminal twenty-four (24) hours a day, seven (7) days a week. Applicant does not intend to change the security operations of the existing truck terminal.

4. No long-term storage of trailers or trucks shall be allowed on the lot.

The existing truck terminal does not permit long-term storage of trailers or trucks on the Subject Property. Applicant does not intend to change the use or storage operations of the existing truck terminal.

5. No overnight or sleeping facilities shall be provided on the lot.

The existing truck terminal does not provide overnight or sleeping facilities on the Subject Property. Applicant does not intend to change the layout or operations of the existing truck terminal.

ADDITIONAL SUPPORTING DOCUMENTATION

Applicant includes as additional support for its Application the following:

1. Completed Application Form;
2. *Limited Warranty Deed*, including Legal Description of the Subject Property;
3. Completed Disclosure Form;
4. *Truck Parking for Graham Road 156 Trailer Spaces*, prepared by M.D. Hodges Enterprises, Inc. and dated March 3, 1994;
5. *Alta/NSPS Land Title Survey* prepared by GRS Group and dated October 9, 2025;
6. *Notarized Authorization by Property Owner for Representation*;
7. *City of Fairburn Official Zoning Map, Adopted October 28, 2019*;
8. *City of Fairburn Future Land Use Map*;
9. Aerial Photograph of the Subject Property; and,
10. Public Participation Plan and Report, to be completed upon submission.

I look forward to working with you and the City of Fairburn, and appreciate your time and consideration of this Application. Should you have any preliminary questions or concerns, please don't hesitate to reach out.

Sincerely,



Joseph Brickman

Encl.



USE PERMIT APPLICATION



APPLICANT'S CHECKLIST

DOCUMENTS AND QUANTITIES REQUIRED

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

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

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

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

REQUIRED ITEMS FOR USE PERMIT APPLICATIONS:

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

existing drainage areas; existing buildings, structures and facilities; existing utilities on or adjacent to the property; and ownership, zoning and uses of all property adjacent to or within 200 feet of the property.

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

OTHER DOCUMENTS THAT MAY BE REQUIRED:

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

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

- ITEM 12. **DEVELOPMENT OF REGIONAL IMPACT (DRI):** The Department of Community Affairs (DCA) has formulated development thresholds as listed below. When a development meets or exceeds the thresholds, the Atlanta Regional Commission (ARC) and the Georgia Regional Transportation Authority (GRTA) shall review the project concurrently. Applicants shall first file the rezoning/use permit request

with City of Fairburn. After the ARC/GRTA findings are complete, the rezoning/use permit will be placed on the next available agenda. It is the applicant's responsibility to contact and follow all ARC and GRTA review procedures. For details visit the ARC at www.atlantaregional.com and GRTA at www.grta.org/dri/home.htm or call ARC or GRTA at 404-463-3100.

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

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

Effective March 1, 2014
DEVELOPMENTS OF REGIONAL IMPACT
Tiers and Development Thresholds

Type of Development	Metropolitan Region
Any other development types not identified above (includes parking facilities)	1,000 parking spaces or, if available, more than 5,000 daily trips generated

MEETINGS AND PUBLIC HEARINGS:

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

PUBLIC NOTICE:

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

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

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

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

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

STAFF ANALYSIS:

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



APPLICATION FOR 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: <u>Joseph M. Brickman</u>
Address: <u>312 Sycamore Street, Decatur, Georgia 30030</u>
Phone: <u>404-446-9069</u> Cell: _____ Fax: _____
Email Address: <u>jbrickman@williamsteusink.com</u>

OWNER INFORMATION (If different from Applicant)

Owner Name: <u>GRAHAM OWNER LLC</u>
Address: <u>30 Hudson Yards, Suite 7500, New York, NY 10001</u>
Phone: <u>404-446-9069</u> Cell: _____ Fax: _____
Email Address: <u>jbrickman@williamsteusink.com</u>

PROPERTY INFORMATION

Address: <u>7472 Graham Road, Fairburn, Georgia 30213</u>
Parcel ID#: <u>09F110000440513</u> Land Lot: <u>43 and 44</u> District: <u>9-F</u>

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: M-2

USE PERMIT REQUEST: Truck Terminal, per Code Section 80-239

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.

Graham Owner LLC
 TYPE OR PRINT OWNER'S NAME
30 Hudson Yards, Suite 7500
 ADDRESS
New York, NY 10001
 CITY & STATE ZIP CODE
[Signature]
 OWNER'S SIGNATURE
mdicare@alphaindpro.com
 EMAIL ADDRESS

Sworn to and subscribed before me this the
9th Day of December 2025
Preslie A. Fletcher
 NOTARY PUBLIC

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

 CITY & STATE ZIP CODE

EMAIL ADDRESS

 PHONE NUMBER

 PETITIONER'S SIGNATURE



USE PERMIT CONSIDERATIONS

Applicant: Joseph M. Brickman

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? See attached.

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

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

4. The effects of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets? See attached.

5. The location and number of off-street parking spaces? See attached.

6. The amount and location of open spaces? See attached.

7. Protective screening? See attached.

8. Hours and manner of operation? See attached.

9. Outdoor lightning? See attached.

10. Ingress and egress to the property? See attached.

Attach additional sheets as needed.



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) Joseph M. Brickman

Signature: *Joseph M. Brickman* Date: 12/10/25



PUBLIC PARTICIPATION PROGRAM

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

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

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

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

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

PUBLIC PARTICIPATION PLAN

Applicant: _____

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

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.)

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.)

Attach additional sheets as needed.

PUBLIC PARTICIPATION PLAN REPORT

Applicant: _____ Petition No. _____

Date: _____

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

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

3. The following issues and concerns were expressed:

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

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.

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.	N/A
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.	N/A

Office use only:

Application reviewed by: _____

Staff signature: _____ Date: _____

Community Development/
Planning and Zoning

Staff printed name: _____

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

Applicant signature: Joseph Brickman

Date: 12/11/25

Applicant printed name: Joseph Brickman

FEE SCHEDULE	
USE PERMIT	\$500 each
PUBLIC HEARING SIGN	\$31 each

Methods of payment: Cash, Money Order and Credit Cards (except American Express)

(MAKE CHECKS PAYABLE TO THE CITY OF FAIRBURN)

AFTER RECORDING, RETURN TO:

Vinson & Elkins L.L.P.
2001 Ross Avenue, Suite 3900
Dallas, Texas 75201
Attn: Julie Monier

Tax Parcel ID No(s): Parcel No. 09F-1100-
0044-051-3

Cross Reference: Affidavit of Title at Book
39224, Page 257

LIMITED WARRANTY DEED

STATE OF GEORGIA §
 §
COUNTY OF FULTON §

THIS DEED, made this 28th day of October, 2025, between **LIT/HODGES DEVELOPMENT HOLDCO, LLC**, a Delaware limited liability company, as successor by merger to Small/Jones Developments, LLC, a Georgia limited liability company, as party of the first part (hereinafter referred to as “**Grantor**”), and **GRAHAM OWNER LLC**, a Delaware limited liability company, as party of the second part (hereinafter referred to as “**Grantee**”) (the words “Grantor” and “Grantee” to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH THAT Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of this Deed, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed, transferred and confirmed and by this Deed does grant, bargain, sell, alien, convey, transfer and confirm unto Grantee all that specific land lying and being in Fulton County, Georgia, particularly described in Exhibit A attached hereto and by this reference made a part hereof, together with all buildings and other improvements, fixtures, rights, privileges, members, easements, hereditaments and appurtenances thereto belonging.

TO HAVE AND TO HOLD the said tract or parcel of land, together 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 Grantee and its heirs in FEE SIMPLE, ABSOLUTE forever.


AND, subject to title matters of record as more particularly described in Exhibit B attached hereto, Grantor shall warrant and forever defend the right, title and interests to the above-described property unto Grantee against the claims of Grantor and all others claiming by, through or under Grantor, but not otherwise.

[Signature page follows.]


IN WITNESS WHEREOF, the undersigned has executed this instrument under seal to be effective as of the Effective Date.


GRANTOR:

**LIT/HODGES DEVELOPMENT HOLDCO,
LLC, a Delaware limited liability company**

By:  (SEAL)
Name: Payson MacWilliam, Jr.
Title: Senior Vice President

Signed, sealed and delivered in the presence of:


Unofficial Witness
Print Name: Patti Baumgart


Notary Public
Print Name: Cheyenne Nicole Dendy
My Commission Expires: 12/15/25

[AFFIX NOTARY SEAL]

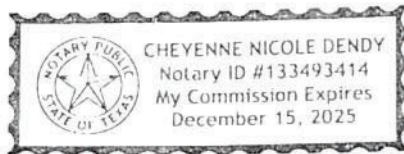


EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 43 and 44 of the 9-F District, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point at the northerly right-of way line of New Fayetteville Road (a 100-foot wide right-of-way) and the easterly right-of-way line of the Seaboard Coastline Railroad (a 150-foot wide right-of-way); thence north 24 degrees 32 minutes 57 seconds west along said railroad right-of-way line, 200.94 feet to a point; thence north 30 degrees 59 minutes 04 seconds west continuing along said railroad right-of-way line a distance of approximately 430 feet to a point (said point being the intersection of said Seaboard Coastline Railroad right-of-way and the center line of a rail siding branching off from said Seaboard Coastline Railroad right-of-way in a northeasterly direction); thence continuing along the arc of said center line of said rail siding in a northeasterly direction approximately 875 feet to a point (said point being the intersection of said center line of the rail siding and the westerly right-of-way line of Graham Road (a 60 foot wide right-of-way)); thence south 00 degrees 02 minutes 55 seconds east along said right-of-way of Graham Road a distance of approximately 144 feet to a point; thence south 00 degrees 02 minutes 45 seconds east along said right-of-way of Graham Road a distance of 594.76 feet to a point; thence southeasterly along said right-of-way along the arc of a curve to the left (said curve being subtended by a chord having a bearing south 15 degrees 27 minutes 02 seconds east a distance of 223.87 feet) a distance of 226.64 feet to a point; thence southeasterly along the arc of Graham Road (said curve being subtended by a chord having a bearing south 34 degrees 44 minutes 22 seconds east a distance of 54.55 feet) a distance of 54.59 feet to a point; thence south 39 degrees 28 minutes 06 seconds east along said right-of-way line of Graham Road a distance of 121.29 feet to a point; thence south 23 degrees 54 minutes 09 seconds west along said right-of-way of New Fayetteville Road a distance of 27.81 feet to a point; thence south 86 degrees 17 minutes 23 seconds west along said right-of way line of New Fayetteville Road a distance of 95.78 feet to a point; thence south 86 degrees 17 minutes 23 seconds west a distance of 193.50 feet to the POINT OF BEGINNING. Said parcel of land contains approximately 9.55 acres.

EXHIBIT B

PERMITTED EXCEPTIONS

1. All taxes for 2025 and subsequent years.
2. Flood Plain Indemnification from M.D. Hodges Enterprises, Inc. to Fulton County, a political subdivision of the State of Georgia. dated August 20, 1986, filed for record January 23, 1990, recorded in Deed Book 13123, Page 41.
3. Road Agreement, dated May 15, 1972, and recorded September 8, 1972, in Deed Book 5649, Page 263.
4. Indemnification Flood Plain, made by M.D. Hodges Enterprises, Inc. and Fulton County, a political subdivision of the State of Georgia, dated November 6, 1987, and recorded October 27, 1989, in Deed Book 11166, Page 284.
5. Indemnification Flood Plain, made by M.D. Hodges Enterprises, Inc., a Georgia corporation and Fulton County, a political subdivision of the State of Georgia, dated November 6, 1987, and recorded October 27, 1989, in Deed Book 12908, Page 339.
6. Certificate of Compliance with Declaration of Protective Covenants for Southpark – Phases I, II and II, Fulton County, Georgia, made by M.D. Hodges Enterprises, Inc., a Georgia corporation and the Agricultural Review Committee, dated May 13, 1992, and recorded May 18, 1992, in Deed Book 15342, Page 239.
7. Right of Way Deed, made by M.D. Hodges Enterprises, Inc., a Georgia corporation and the Department of Transportation, dated November 12, 2003, and recorded December 4, 2003, in Deed Book 36615, Page 32.
8. Easement, made by LIT/Hodges Development Holdco, LLC, a Delaware limited liability company and American Tower, L.P., a Delaware limited partnership, dated June 28, 2010, and recorded August 2, 2010, in Deed Book 49232, Page 369.

RECORD DESCRIPTION

The user intended to submit this document to the County of Fulton, Georgia, and further...

BEHAVING AS IF THE PROPERTY WERE THE PROPERTY OF THE COUNTY OF FULTON, GEORGIA...

SCHEDULE B-I ITEMS

- 1. Item, conditions, easements and rights of way as set forth in the Record Agreement, dated May 15, 1972...

THE CLERK OF SUPERIOR COURT THE CLERK OF FULTON COUNTY

ASSURANCE NOTE

THE PROPERTY HEREON DESCRIBED IS THE SAME AS THE REFERENCE PROPERTY AS DESCRIBED...

Table with columns: ZONING REQUIREMENTS DATA, ZONING DISTRICT, MINIMUM LOT AREA, etc.

FLOOD NOTE

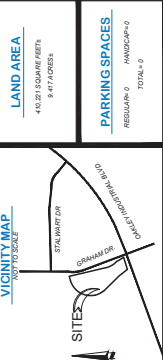
THE USER HAS BEEN ADVISED BY THE FLOOD HAZARD IDENTIFICATION AGENCY...

SIGNIFICANT OBSERVATIONS

THESE WERE NOT OBSERVED AT THE TIME OF THIS SURVEY

SURVEY PREPARED BY: EARTHRO LAND SURVEYING, INC. GEORGIA, C.S. 13740308

- GENERAL SURVEY NOTES: ALL SURVEYS WITHIN THE CONFINING AND OTHER BOUNDARIES SHOWN ON THESE PLANS...



LAND AREA: 49,212 SQUARE FEET (9.47 ACRES)

PARKING SPACES: 100 (MINIMUM) 100 (MAXIMUM)

ALTAIRNS LAND TITLE SURVEY PROJECT THASHER 10 GRAHAM ROAD FAIRBURN, GA 30213

SURVEYOR'S CERTIFICATE: I, GEORGE W. COOPER, JR., SURVEYOR, DO HEREBY CERTIFY...

RECORD DESCRIPTION

The user intended to submit this document to the County of Fulton, Georgia, and further...

BEHAVING AS IF THE PROPERTY WERE THE PROPERTY OF THE COUNTY OF FULTON, GEORGIA...

SCHEDULE B-I ITEMS

- 1. Item, conditions, easements and rights of way as set forth in the Record Agreement, dated May 15, 1972...

THE CLERK OF SUPERIOR COURT THE CLERK OF FULTON COUNTY

ASSURANCE NOTE

THE PROPERTY HEREON DESCRIBED IS THE SAME AS THE REFERENCE PROPERTY AS DESCRIBED...

Table with columns: ZONING REQUIREMENTS DATA, ZONING DISTRICT, MINIMUM LOT AREA, etc.

FLOOD NOTE

THE USER HAS BEEN ADVISED BY THE FLOOD HAZARD IDENTIFICATION AGENCY...

SIGNIFICANT OBSERVATIONS

THESE WERE NOT OBSERVED AT THE TIME OF THIS SURVEY

SURVEY PREPARED BY: EARTHRO LAND SURVEYING, INC. GEORGIA, C.S. 13740308


**NOTARIZED AUTHORIZATION BY PROPERTY OWNER
FOR REPRESENTATION**

7472 Graham Road, Fairburn, Fulton County, Georgia 30213
(Tax Parcel ID No. 09F110000440513)

I, Michael DiCaro, swear and affirm that I am the owner of that certain real property located at and known as 7472 Graham Road, Fairburn, Fulton County, Georgia 30213 (Tax Parcel ID No. 09F110000440513), as shown in the records of Fulton County, Georgia, which is the subject matter of the attached Application. I authorize the person and firm named below to act as the Applicant and my representative in pursuit of this Application.

Name of Applicant: Joseph M. Brickman
Name of Firm: Williams Teusink, LLC
Address: The Sycamore Building
312 Sycamore Street
Decatur, Georgia 30030
Telephone No.: (404) 373-9590
Email: jbrickman@williamsteusink.com

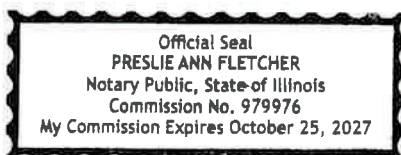
GRAHAM OWNER LLC

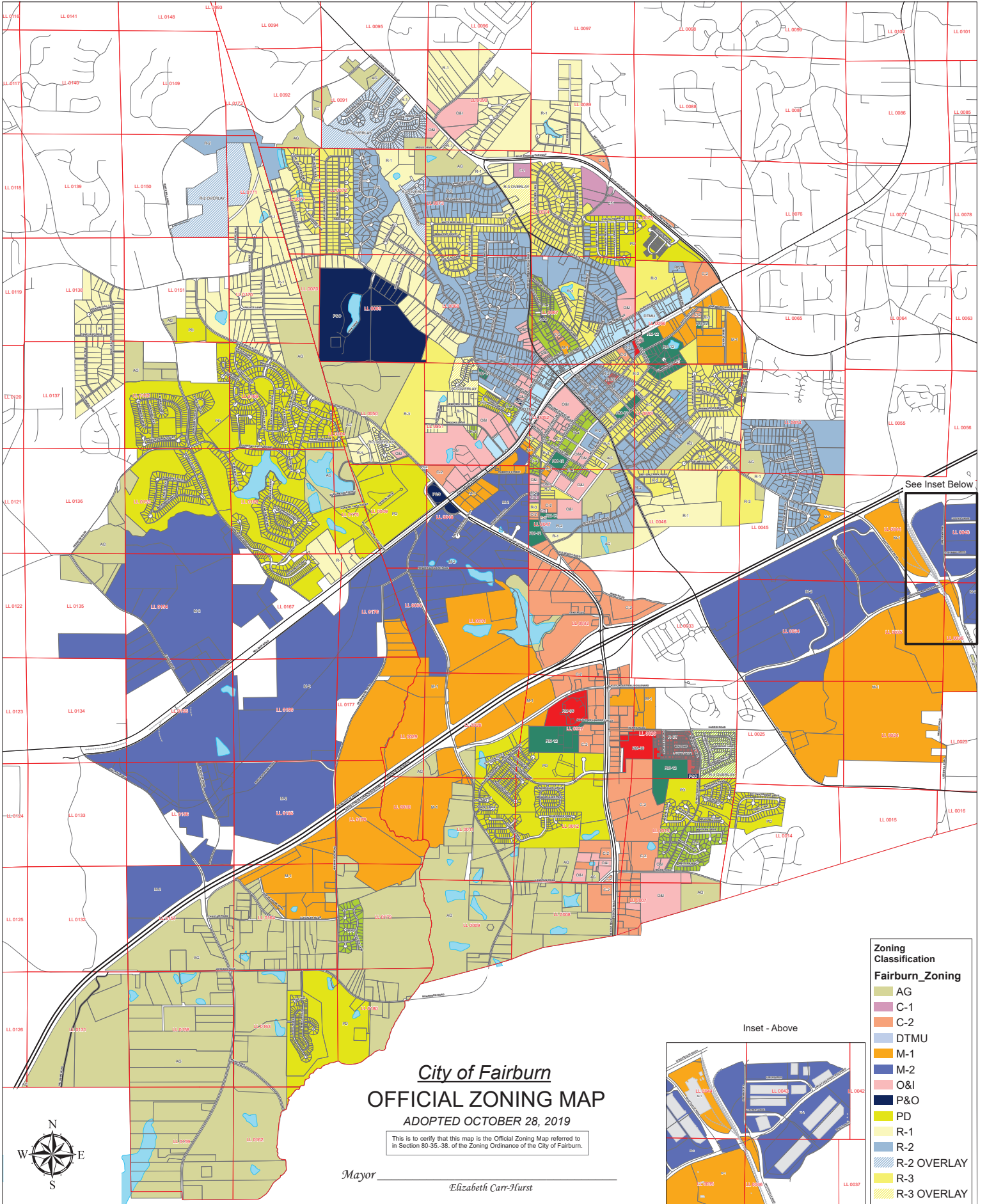

By: Michael DiCaro
Title: Vice President

Sworn and subscribed
Before me this 9th day of December, 2025


Notary Public

Commission Expiration Date: 10/25/27





City of Fairburn
OFFICIAL ZONING MAP
 ADOPTED OCTOBER 28, 2019

This is to certify that this map is the Official Zoning Map referred to in Section 80-35-.38. of the Zoning Ordinance of the City of Fairburn.

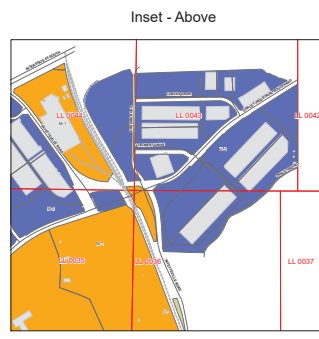
Mayor _____
Elizabeth Carr-Hurst

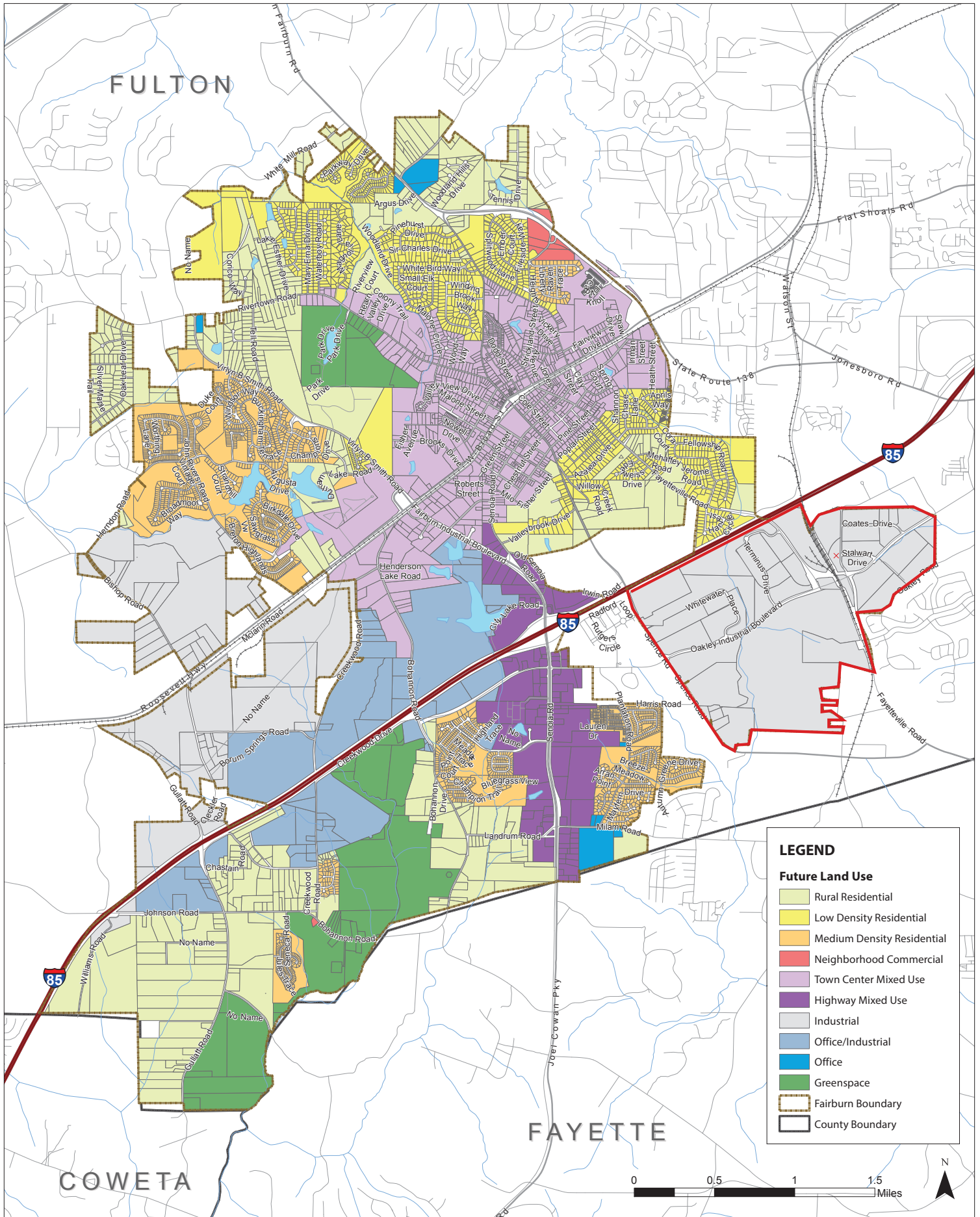
ATTEST:
 City Clerk _____

Ariqa Birdsong-Miller
 SEAL:

Zoning Classification
Fairburn_Zoning

AG
C-1
C-2
DTMU
M-1
M-2
O&I
P&O
PD
R-1
R-2
R-2 OVERLAY
R-3
R-3 OVERLAY
R-4
R-4 OVERLAY
R-CT
RM-12
RM-36
RR

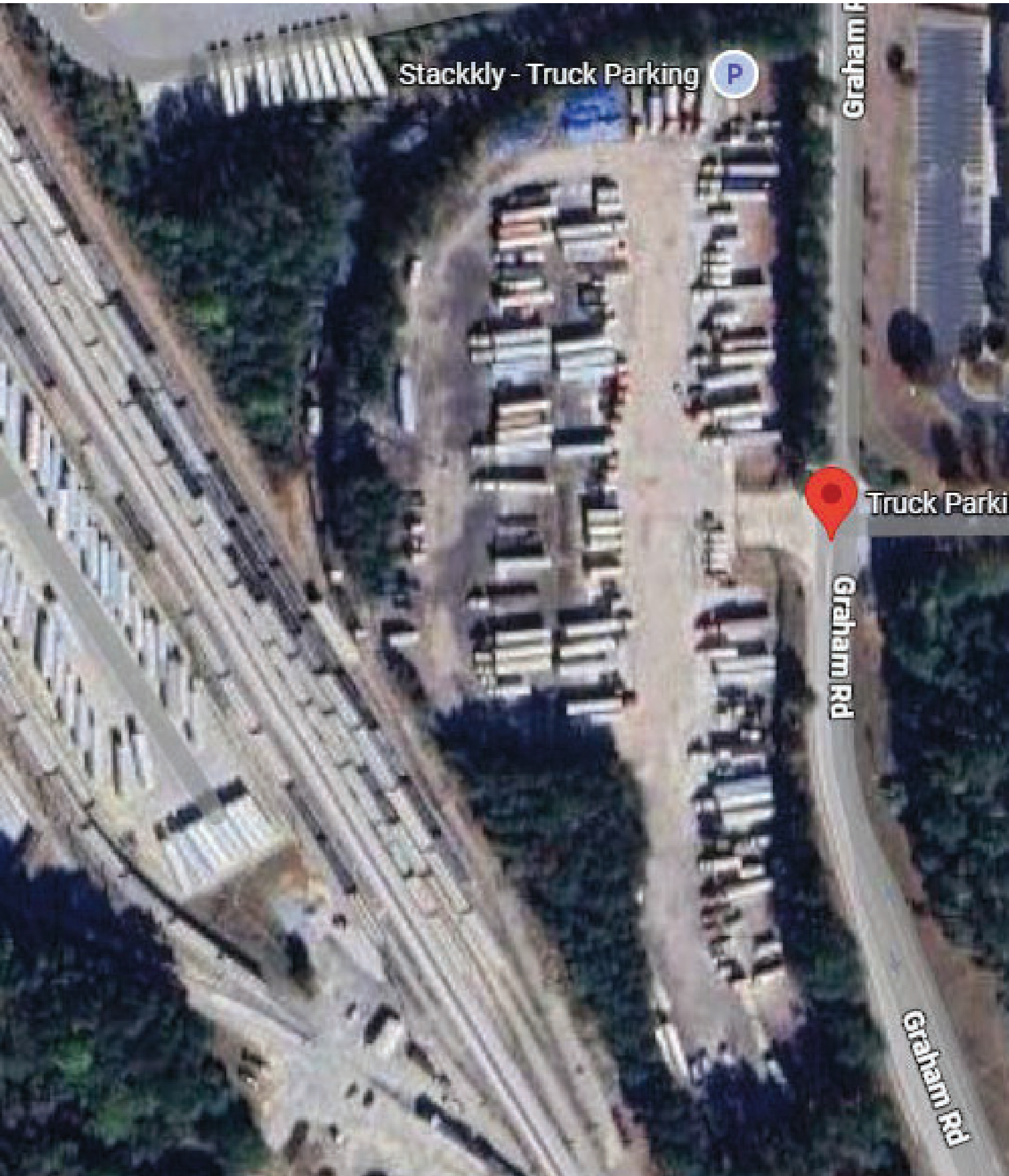




Adopted: May 11, 2015
 Amended: July 27, 2015

City of Fairburn Future Land Use





Stackkly - Truck Parking



Graham Rd



Truck Parki

Graham Rd

Graham Rd

PUBLIC PARTICIPATION PLAN REPORT

Applicant: Joseph M. Brickman Petition No. _____

Date: January 13, 2026

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

See attached.

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

A virtual Public Participation meeting was held on January 12, 2026 at 6:00pm via Zoom.

3. The following issues and concerns were expressed:

No issues or concerns were expressed during the virtual Public Participation meeting.

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

N/A

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.



JOSEPH M. BRICKMAN
ATTORNEY AT LAW

404.446.9069 DIRECT DIAL
JBRICKMAN@WILLIAMSTEUSINK.COM

December 29, 2025

via USPS Standard Mail

Williams Lake LLC
270 N Jeff Davis Drive
Fayetteville, Georgia 30214

Williams Lake LLC
0 Graham Road # Rear
Fairburn, Georgia 30213

**RE: Use Permit Application – Notice and Request for Public Participation
7472 Graham Road, Fairburn, Georgia 30213**

To whom it may concern:

Our firm represents Graham Owner LLC, owner of a 9.417-acre truck terminal at that certain real property located at and known as 7472 Graham Road, Fairburn, Fulton County, Georgia 30213 (Tax Parcel Id No. 09F110000440513) (the “Property”).

We recently filed the enclosed *Use Permit Application* for the continued operation of the existing truck terminal at the Property without any changes to its layout, security, or overall management. As a neighboring property owner, we welcome your thoughts and feedback, and will be hosting a virtual community meeting on **Monday, January 12, 2026, at 6:00pm** to discuss our application in further detail. Also enclosed herein is a *Notice and Request for Publication Participation*, which contains instructions for accessing the virtual community meeting.

In the interim, please don’t hesitate to reach out to me with any initial questions or concerns. My email address and direct telephone number are included in the header of this letter. Thank you in advance for your thoughts and consideration.

Sincerely,

Joseph M. Brickman

Encl.

**NOTICE AND REQUEST FOR PUBLIC PARTICIPATION
USE PERMIT APPLICATION**

FILED BY: Graham Owner LLC
Applicant Joseph M. Brickman / Williams Teusink, LLC

PROPERTY LOCATED: 7472 Graham Road, Fairburn, Georgia 30213

CURRENT ZONING: M-2 (Heavy Industrial Zoning District)

CURRENT LAND USE: Industrial

CURRENT USE: Truck Terminal

PROPOSED USE: Continued operation of existing truck terminal, without any changes to physical layout, security, or overall management.

VIRTUAL COMMUNITY MEETING TO TAKE PLACE AT VIA ZOOM:

Monday, January 12, 2025

6:00 p.m.

Join via Zoom at the following link:

<https://us02web.zoom.us/j/87206492237?pwd=PybKBzljyv4CCkZnS6Nx3GpWgaAxsG.1>

Join Telephonically by calling:

(305) 224-1968

Meeting ID: 872 0649 2237

Passcode: 822184

For any questions regarding the upcoming meeting or the pending use permit application, please reach out to Joseph Brickman at either (404) 373-9590 or jbrickman@williamsteusink.com.



December 11, 2025

via Electronic Mail to cfelton@fairburn.com

Planner Chancellor Felton
Department of Planning & Zoning
City of Fairburn, Georgia
314 NW Broad Street
Fairburn, Georgia 30213

**RE: APPLICATION FOR USE PERMIT AND LETTER OF INTENT
7472 Graham Road, Fairburn, Fulton County, Georgia 30213 (Tax Parcel Id
No. 09F110000440513)**

Dear Planner Felton:

I represent Graham Owner LLC (“Applicant”). Applicant recently acquired a 9.417-acre truck terminal at that certain real property located at and known as 7472 Graham Road, Fairburn, Fulton County, Georgia 30213 (Tax Parcel Id No. 09F110000440513) (the “Subject Property”). The Subject Property is zoned M-2 (Heavy Industrial Zoning District) with a classification of Industrial in both the 2040 City of Fairburn Comprehensive Plan and City of Fairburn Future Land Use Map.

The Subject Property, through prior ownership, has continuously and without lapse or interruption operated as a truck terminal since 1995. Recently, Applicant learned that the existing truck terminal lacked a valid business license, and as a prerequisite to obtaining the same, Applicant would need to obtain a use permit for the continued operation of the truck terminal. Accordingly, Applicant submits this Application, which requests a use permit for the continued operation of the existing truck terminal at the Subject Property without any changes to the layout, security, or overall management. The proposed use not only aligns with the goals and policies set forth in the City of Fairburn’s future development plans, but also would allow the existing truck terminal to apply for and obtain proper licensure, as required by the City of Fairburn.

SUMMARY OF PROPOSED USE PERMIT

As depicted in the enclosed *Truck Parking for Graham Road 156 Trailer Spaces*, prepared by M.D. Hodges Enterprises, Inc. and dated March 3, 1994 (the “Concept Plan”) and the *Alta/NSPS Land Title Survey* prepared by GRS Group and dated October 9, 2025 (the “Survey”), the Subject Property is a 9+ acre truck terminal with one hundred fifty-six (156) parking spaces available for trucks and trailers. The Subject Property is entirely surrounded by other, industrial uses, all of which are similarly classified as Industrial in both the 2040 City of Fairburn Comprehensive Plan and City of Fairburn Future Land Use Map.

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

As shown on the Concept Plan, the existing truck terminal has one hundred fifty-six (156) parking spaces for trucks and trailers. Applicant does not intend to increase or decrease the number of on-site parking spaces.

6. The amount and location of open spaces?

There are no designated open spaces on the Subject Property.

7. Protective screening?

The existing truck terminal utilizes protective fencing along its borders as a means of security and screening. Applicant does not intend to make any alterations to these security and screening controls.

8. Hours and manner of operation?

The existing truck terminal operates twenty-four (24) hours a day and offers truck and trailer parking on a day-by-day basis.

9. Outdoor lighting?

The existing truck terminal is equipped with sufficient outdoor lighting for driver safety and security purposes.

10. Ingress and egress to the property?

The Subject Property can be accessed from an entrance point at the intersection of Graham Road and Stalwart Drive. The Subject Property's entrance point is also equipped with a security gate.

STANDARDS GOVERNING THE OPERATION OF TRUCK TERMINALS/STOPS

1. The lot upon which the truck stop is located, including all structures and parking spaces, must be a minimum of five acres.

As shown on the Survey, the Subject Property is 9.417 acres.

2. No such use is allowed within 5,000 feet in any direction from an existing similar use.

There are no truck terminals operating as a primary use within 5,000 feet of the Subject Property in the City of Fairburn.

I look forward to working with you and the City of Fairburn, and appreciate your time and consideration of this Application. Should you have any preliminary questions or concerns, please don't hesitate to reach out.

Sincerely,



Joseph Brickman

Encl.



APPLICANT'S CHECKLIST

DOCUMENTS AND QUANTITIES REQUIRED

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

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

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

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

REQUIRED ITEMS FOR USE PERMIT APPLICATIONS:

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

with City of Fairburn. After the ARC/GRTA findings are complete, the rezoning/use permit will be placed on the next available agenda. It is the applicant's responsibility to contact and follow all ARC and GRTA review procedures. For details visit the ARC at www.atlantaregional.com and GRTA at www.grta.org/dri/home.htm or call ARC or GRTA at 404-463-3100.

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

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



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: Joseph M. Brickman
Address: 312 Sycamore Street, Decatur, Georgia 30030
Phone: 404-446-9069 Cell: _____ Fax: _____
Email Address: jbrickman@williamsteusink.com

OWNER INFORMATION (If different from Applicant)

Owner Name: GRAHAM OWNER LLC
Address: 30 Hudson Yards, Suite 7500, New York, NY 10001
Phone: 404-446-9069 Cell: _____ Fax: _____
Email Address: jbrickman@williamsteusink.com

PROPERTY INFORMATION

Address: 7472 Graham Road, Fairburn, Georgia 30213
Parcel ID#: 09F110000440513 Land Lot: 43 and 44 District: 9-F

SECTION I

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: M-2

USE PERMIT REQUEST: Truck Terminal, per Code Section 80-239



USE PERMIT CONSIDERATIONS

Applicant: Joseph M. Brickman

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? See attached.

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

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

4. The effects of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets? See attached.

5. The location and number of off-street parking spaces? See attached.

6. The amount and location of open spaces? See attached.

7. Protective screening? See attached.

8. Hours and manner of operation? See attached.



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) Joseph M. Brickman

Signature: *Joseph M. Brickman* Date: 12/10/25

PUBLIC PARTICIPATION PLAN

Applicant: Joseph M. Brickman

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

See attached.

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 and meeting notices.

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.)

Individuals and others listed in part (1), above, will be allowed to participate and provide comment and feedback on this application at a virtual meeting held on or prior to January 13, 2026.

Attach additional sheets as needed.

FEE SCHEDULE

USE PERMIT	\$500 each
PUBLIC HEARING SIGN	\$31 each

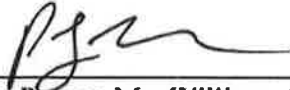
Methods of payment: Cash, Money Order and Credit Cards (except American Express)

(MAKE CHECKS PAYABLE TO THE CITY OF FAIRBURN)

IN WITNESS WHEREOF, the undersigned has executed this instrument under seal to be effective as of the Effective Date.


GRANTOR:

**LIT/HODGES DEVELOPMENT HOLDCO,
LLC, a Delaware limited liability company**

By:  (SEAL)
Name: Payson MacWilliam, Jr.
Title: Senior Vice President

Signed, sealed and delivered in the presence of:


Unofficial Witness
Print Name: Patti Baumgart


Notary Public
Print Name: Cheyenne Nicole Dendy
My Commission Expires: 12/15/25

[AFFIX NOTARY SEAL]

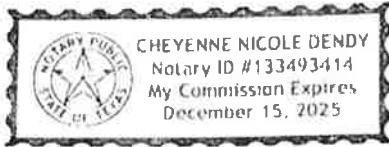


EXHIBIT B

PERMITTED EXCEPTIONS

1. All taxes for 2025 and subsequent years.
2. Flood Plain Indemnification from M.D. Hodges Enterprises, Inc. to Fulton County, a political subdivision of the State of Georgia, dated August 20, 1986, filed for record January 23, 1990, recorded in Deed Book 13123, Page 41.
3. Road Agreement, dated May 15, 1972, and recorded September 8, 1972, in Deed Book 5649, Page 263.
4. Indemnification Flood Plain, made by M.D. Hodges Enterprises, Inc. and Fulton County, a political subdivision of the State of Georgia, dated November 6, 1987, and recorded October 27, 1989, in Deed Book 11166, Page 284.
5. Indemnification Flood Plain, made by M.D. Hodges Enterprises, Inc., a Georgia corporation and Fulton County, a political subdivision of the State of Georgia, dated November 6, 1987, and recorded October 27, 1989, in Deed Book 12908, Page 339.
6. Certificate of Compliance with Declaration of Protective Covenants for Southpark – Phases I, II and II, Fulton County, Georgia, made by M.D. Hodges Enterprises, Inc., a Georgia corporation and the Agricultural Review Committee, dated May 13, 1992, and recorded May 18, 1992, in Deed Book 15342, Page 239.
7. Right of Way Deed, made by M.D. Hodges Enterprises, Inc., a Georgia corporation and the Department of Transportation, dated November 12, 2003, and recorded December 4, 2003, in Deed Book 36615, Page 32.
8. Easement, made by LIT/Hodges Development Holdco, LLC, a Delaware limited liability company and American Tower, L.P., a Delaware limited partnership, dated June 28, 2010, and recorded August 2, 2010, in Deed Book 49232, Page 369.

RECORD DESCRIPTION

The land described is a portion of the Town of Folsom, County of Fulton, State of Georgia, and is located as shown on the attached plat.

ALL THAT TRACT OF LAND (being part of being a part of) of the Folsom, Fulton County, Georgia, and being more particularly described as follows: ...

SCHEDULE B-I ITEMS

ALL SCHEDULE B-I ITEMS ARE TO BE RECORDED WITH THIS INSTRUMENT.

- 1. A portion of the land described in the Record Description is subject to a deed of trust in favor of the State of Georgia, recorded in the Public Records of Fulton County, Georgia, as follows: ...

ASSURANCE NOTE

THE PROPERTY HEREON DESCRIBED IS THE SAME AS THE PROPERTY IDENTIFIED AS DESCRIBED IN THE RECORD DESCRIPTION AND THE RECORD DESCRIPTION IS CORRECT.

THE SURVEY IS BASED UPON THE SURVEY OF THE PROPERTY IDENTIFIED AS DESCRIBED IN THE RECORD DESCRIPTION AND THE RECORD DESCRIPTION IS CORRECT.

GENERAL SURVEY NOTES

- 1. THE SURVEY IS BASED UPON THE SURVEY OF THE PROPERTY IDENTIFIED AS DESCRIBED IN THE RECORD DESCRIPTION AND THE RECORD DESCRIPTION IS CORRECT.



LAND AREA: 4.17 ACRES
PARKING SPACES: 10

PROJECT THRAKSER
19 GRAHAM ROAD
FARMBUR, GA 30213
FULTON COUNTY

SURVEYOR'S CERTIFICATE
I, the undersigned, being a duly licensed and qualified Surveyor in the State of Georgia, do hereby certify that the above is a true and correct copy of the original survey as shown to me by the client.

RECORDING INFORMATION
DATE: OCTOBER 9, 2023
DATE: OCTOBER 9, 2023

Table with columns: DATE, REVISION HISTORY, SCALE, APPROVED BY, etc.

ZONING REQUIREMENTS DATA table with columns: ZONING DISTRICT, ZONING REGULATIONS, etc.

FLOOD NOTE
THE PROPERTY IS NOT IN A FLOOD HAZARD AREA AS SHOWN ON THE FLOOD HAZARD MAP OF THE COUNTY OF FULTON, GEORGIA.

SIGNIFICANT OBSERVATIONS
NONE


LEGEND table listing various symbols and their corresponding descriptions for the survey.

**NOTARIZED AUTHORIZATION BY PROPERTY OWNER
FOR REPRESENTATION**

7472 Graham Road, Fairburn, Fulton County, Georgia 30213
(Tax Parcel ID No. 09F110000440513)

I, Michael DiLaro, swear and affirm that I am the owner of that certain real property located at and known as 7472 Graham Road, Fairburn, Fulton County, Georgia 30213 (Tax Parcel ID No. 09F110000440513), as shown in the records of Fulton County, Georgia, which is the subject matter of the attached Application. I authorize the person and firm named below to act as the Applicant and my representative in pursuit of this Application.

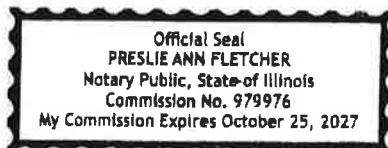
Name of Applicant: Joseph M. Brickman
Name of Firm: Williams Teusink, LLC
Address: The Sycamore Building
312 Sycamore Street
Decatur, Georgia 30030
Telephone No.: (404) 373-9590
Email: jbrickman@williamsteusink.com
GRAHAM OWNER LLC

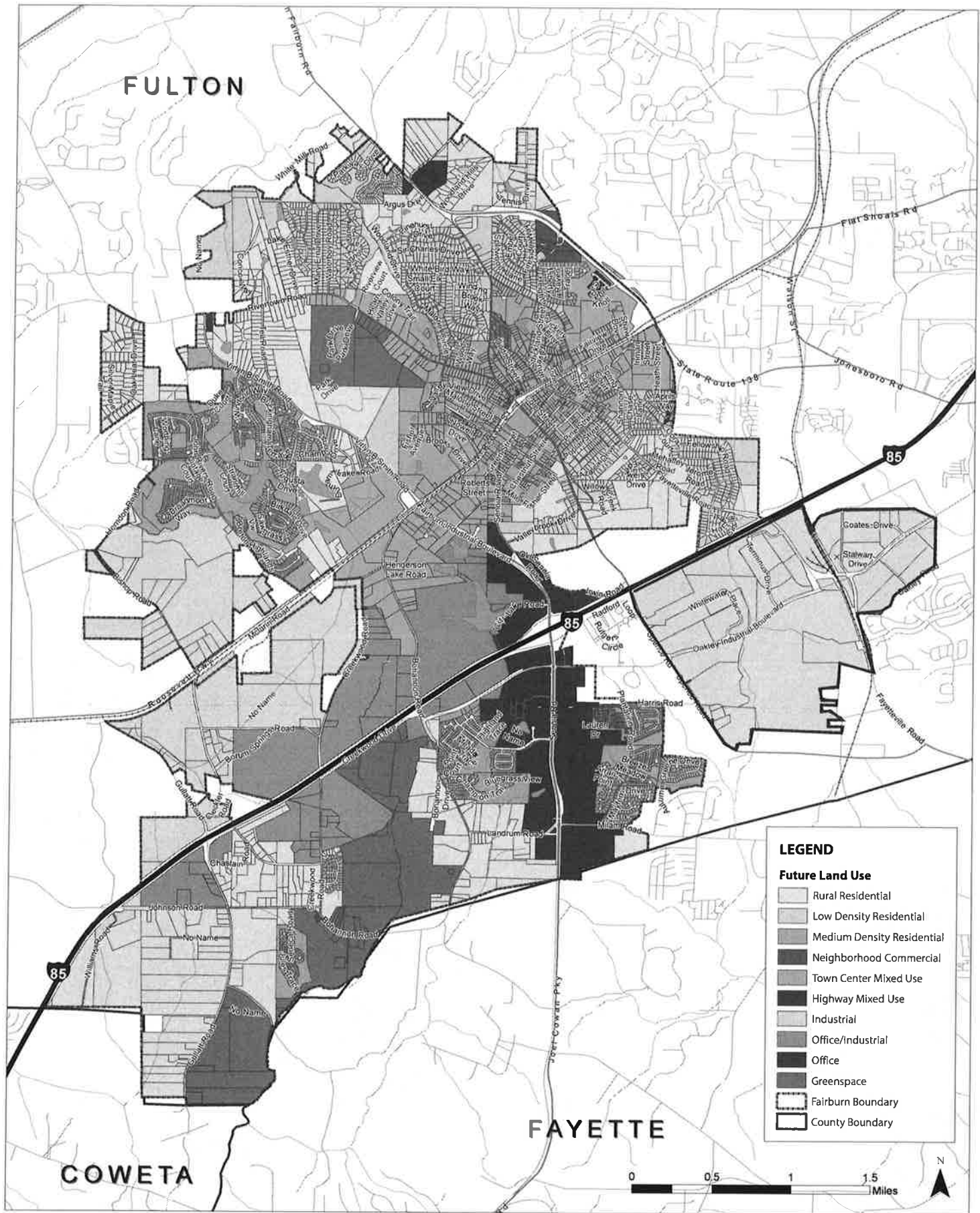

By: Michael D. Laro
Title: Vice President

Sworn and subscribed
Before me this 1st day of December, 2025


Notary Public

Commission Expiration Date: 10/25/27





Adopted: May 11, 2015
 Amended: July 27, 2015

City of Fairburn Future Land Use



Sec. 80-239. - Truck terminals/truck stops.

(a) *Allowable districts:* M-1, M-2.

(b) *Standards:*

- (1) The lot upon which the truck stop is located, including all structures and parking spaces, must be a minimum of five acres.
- (2) No such use is allowed within 5,000 feet in any direction from an existing similar use.
- (3) On-site security shall be provided by the owner or operator of the truck stop 24 hours a day, seven days a week.
- (4) No long-term storage of trailers or trucks shall be allowed on the lot.
- (5) No overnight or sleeping facilities shall be provided on the lot.

(Ord. of 10-28-2019(1).)



CITY OF FAIRBURN PLANNING AND ZONING AGENDA ITEM

SUBJECT: Text Amendment - Sec. 80-90 Highway 74 Overlay (Drive-Through Restaurant Standards)

ITEM TYPE: Other

SUBMITTED: 01/30/2026 **WORK SESSION:** N/A **COUNCIL MEETING:** 03/03/2026

DEPARTMENT: Planning & Zoning

BUDGET IMPACT: N/A

PUBLIC HEARING: No

PURPOSE:

For the Planning and Zoning Commission to review the request and provide a recommendation to the Mayor and City Council regarding a proposed zoning text amendment to Chapter 80, Section 80-90 (Georgia Highway 74 Overlay District) that would modify drive-through restaurants standards within the overlay district.

HISTORY:

N/A

FACTS AND ISSUES:

Case Type: Zoning Text Amendment
Section: Chapter 80 — Sec. 80-90 Georgia Highway 74 Overlay District
Applicant: Axis Infrastructure LLC

Current overlay regulations prohibit new drive-through fast food restaurants within 1,500 feet of another drive-through restaurant unless minimum building size and indoor dining thresholds are met. The applicant proposes to remove the spacing requirement and replace it with supplemental design, buffering, stacking, and pedestrian access standards.

FUNDING SOURCE:

RECOMMENDED ACTION:

Staff does not support the proposed zoning text amendment. Based on staff analysis, the existing Georgia Highway 74 Overlay standards continue to function as corridor management tools addressing

spacing, access control, traffic operations, and development pattern quality. Detailed findings and supporting rationale are provided in the staff report for Commission review. The Planning and Zoning Commission is requested to consider the request and forward a recommendation to the Mayor and City Council.

ATTACHMENTS:

1. Staff Report_
2. Sec._80_90.____Georgia_Highway_74_Overlay_Drive_Current_



From: Planning and Zoning Department

Date: Thursday, January 29, 2026

Agenda Item: Text Amendment Chapter 80 (Zoning), Sec. 80-90 Georgia Highway 74 Overlay District, Drive-Through Restaurant Standards

Applicant: Axis Infrastructure LLC

Purpose

For the Planning and Zoning Commission to review and make a recommendation to the Mayor and Council regarding a proposed text amendment to Chapter 80 (Zoning), Section 80-90 (Georgia Highway 74 Overlay District), modifying the spacing and qualifying standards for drive-through fast food restaurants within the overlay district.

Background

The applicant has submitted a request to amend the Highway 74 Overlay District regulations governing drive-through fast food restaurants. These standards were adopted as part of the overlay district framework to manage corridor development intensity, access spacing, traffic circulation, and visual character along the Highway 74 corridor.

Discussion

The current Georgia Highway 74 Overlay District regulations prohibit any new drive-through fast food restaurant within 1,500 feet of another drive-through fast food restaurant unless the proposed restaurant exceeds 4,000 square feet and dedicates at least 50 percent of its gross floor area to indoor dining. This framework functions to favor larger-format, sit-down restaurant models when located within the spacing radius.

The proposed amendment would remove the 1,500-foot spacing requirement within the Highway 74 Overlay District and allow drive-through restaurants subject to a new set of supplemental design and operational standards. The proposed supplemental standards include:

- A minimum 10-foot landscaped buffer along public street frontages
- Flexibility to modify building setbacks and orientation to accommodate smaller sites
- Allowance for drive-through lanes on any building side, including street-facing elevations
- Minimum 3-foot screening for drive-through lanes visible from public streets
- Minimum five (5) vehicle stacking spaces per drive-through lane, unless reduced by traffic study
- Preservation of required sight distance at driveways
- A required pedestrian connection from the sidewalk or shared path to the primary entrance
- A minimum indoor dining area of 800 square feet (fixed minimum rather than percentage of floor area)

Restaurant availability is consistently discussed in the City's adopted plans as part of a broader need for expanded commercial amenities, retail services, and local destinations. The Comprehensive Plan documents repeated community input indicating that residents want additional restaurants and dining options within the city, particularly in downtown and activity centers. The Highway 74 corridor is identified as a primary commercial growth and redevelopment area.

Community survey responses summarized in the Economic Development section state that residents frequently cited the need for more sit-down restaurants and retail shops. The plan notes that some residents report leaving the city for dining, shopping, and entertainment and expresses a policy interest in capturing more of that activity locally. Restaurant demand is tied in the plan to downtown redevelopment and small business growth objectives.

The approved Economic Development Strategic Plan (EDSP) further identifies restaurants and dining establishments as part of the City's targeted Entertainment and Leisure industry cluster, one of three priority sectors for business recruitment and economic development focus. The EDSP states that this industry group is intended to expand dining and entertainment options, support tourism activity, and contribute to place-based development serving both residents and visitors. Eating and Drinking Places and Full-Service Restaurants are specifically included within this target industry category.

Supporting EDSP data indicates that the restaurant sector represents a measurable share of the local economy. Accommodation and Food Services account for approximately 12 percent of jobs located within the city, and employment in full-service restaurants has increased by approximately 40 percent since 2016. The EDSP characterizes this as sector growth rather than market saturation.

With respect to geographic focus, the EDSP action framework includes a corridor planning recommendation for the Highway 74 area that calls for prioritizing amenities such as pocket parks, sit-down restaurants, and diverse retail options through future corridor master planning efforts. This indicates that restaurant uses are contemplated as appropriate components of corridor commercial development strategy.

Staff Recommendation

The existing Highway 74 Overlay spacing and size standards were established to balance drive-through restaurant development with corridor design quality, traffic operations, and sit-down dining objectives, while still allowing drive-through restaurants by right when the minimum building size and indoor dining thresholds are met. These standards function as corridor management tools that help moderate driveway frequency, vehicle stacking demand, and turning movements along a high-volume arterial corridor.

It should also be noted that two drive-through restaurants have been constructed within the past three years in compliance with these requirements, demonstrating that the current standards allow qualifying projects to proceed while maintaining the overlay's operational and design safeguards.

While the adopted Comprehensive Plan and Economic Development Strategic Plan support expansion of restaurant and dining options citywide and along key corridors, those same plans also emphasize corridor function, traffic management, and coordinated commercial development patterns. Staff finds that the current overlay framework maintains a structured and performance-based approach to managing drive-through intensity and spacing along the Highway 74 corridor in a manner that is reasonably related to the protection of public health, safety, and general welfare.

Based on these considerations, staff does not support the requested text amendment as proposed.



ZONING TEXT AMENDMENT INITIATION PROCESS

The owner of property within the City, or his authorized agent, may apply for a zoning text amendment. In order to be accepted for consideration, all required application forms and documentation must be complete. A checklist is included, specifying the required documentation comprising a complete application packet.

APPLICANT’S CHECKLIST

ITEM #	REQUIRED ITEM	NUMBER OF COPIES	CHECK
1.	Application Form	1 original and 1 copy	√
2.	Letter of Intent (including proposed text amendment)	1 original and 1 copy	

ITEM 1. PREAPPLICATION REVIEW MEETING: Prior to submitting an application, all applicants are required to meet with a planner who will review the applicant’s proposal. *This meeting must be completed by the Friday before Monday’s filing deadline.* Applicants are required to bring the proposed text amendment to the meeting. Call the Planning and Zoning Office at 770-964-2244 to schedule an appointment.

ITEM 2. APPLICATION FORM: Original and notarized signatures of the property owner(s) and applicant(s) or a notarized statement by the applicant as to ownership are required. If a contract is used in lieu of the owner’s signature, the signature on the contract must be an original and the contract must be valid for the duration of the zoning text amendment process. See the application form for additional details.

ITEM 3. LETTER OF INTENT: The Letter of Intent should state the requested zoning text amendment, Article numbers and section of all affected ordinances relating to proposed amendment, if applicable, detailed text of proposed changes.

PUBLIC HEARINGS

A) The Planning and Zoning Commission will review the petition and forward a recommendation to the Mayor and City Council on the first Tuesday of each month at 7:00 p.m. at City Hall.

B) The Mayor and City Council hold public hearings for zoning text petitions on the fourth Monday of each month at 7:00 p.m. at City Hall.

PUBLIC NOTICE

Publish notice of the public hearing in a newspaper of general circulation at least 15 days, but no more than 45 days prior to the public hearing at which an application will be heard. The published notice shall contain the time, place and purpose of the hearing and the location of the property if applicable (zoning text amendments may not always be property specific). Renotification is not required when a petition is deferred by the city council or the planning and zoning commission.



STAFF ANALYSIS

Prior to the public hearings, the Planning and Zoning Office will publish its findings, recommendations and comments in the staff analysis. Please contact the Planning and Zoning Office at (770) 964-2244 for additional information.



APPLICANT INFORMATION

Applicant name: Jason Green ; Axis Infrastructure

Address: 70 Mansell Ct. | Suite 200 | Roswell, GA 30076

Phone: 678.395.4920 Cell: _____

Email address: umasarmistha@axiscompanies.com

OWNER INFORMATION (If different from Applicant)

Owner Name: QLD2 properties LLC

Address: 3435 Peachtree Industrial Blvd Duluth, GA 30096

Phone: _____ Cell: 404-936-4621 Fax: _____

Email address: shehzaan@chunaragroup.com

PROPERTY INFORMATION (if applicable)

Address: 7914 Senoia Road Fairburn, GA 30213

Parcel ID#: 09F07300270236 Land Lot: _____ District: C-2

ZONING TEXTED REQUEST

The undersigned, having an interest in the amendment of zoning text herein described, respectfully petitions that said zoning text be amended to the following:

Zoning Ordinance Article II: Zoning District _____ **Section** 80-90: Georgia Highway 74 Overlay

Existing Text:

See attached

Proposed Text:

See attached



CERTIFICATION OF OWNERSHIP

I hereby certify that I am the owner of the property shown on the attached plat, described in the attached legal description, and identified as follows: _____

Shehzaan Chunara

Type or Print Owner's Name

Shehzaan Chunara
Signed by:

Owner's Signature

12/17/2025

Date

Sworn and subscribed before me this
17 day of December, 2025

Lorraine Wynn
Notary Public

10/30/2029

Commission Expires



POWER OF ATTORNEY (if owner is not the applicant)

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

Shehzaan Chunara

Type or Print Owner's Name

Shehzaan Chunara
Signed by:

Owner's Signature

12/17/2025

Date

Sworn and subscribed before me this
17 day of December, 2025

Lorraine Wynn
Notary Public

10/30/2029

Commission Expires



Jason Green

Type or Print Applicant's Name

Jason Green
Applicant's Signature

12/17/2025

Date



ATTORNEY / AGENT

CIRCLE ONE: Attorney Agent

Jason Green

Jason Green

Attorney / Agent's Signature

Type or Print Attorney / Agent's Name

70 Mansell Court Suite 200 Roswell, GA 30079

Address

678.250.9382

Jasongreen@axiscompanies.com

Phone Number

Email Address

AUTHORIZATION TO INSPECT PREMISES

I/we Shehzaan Chunara am/are the owner(s) of the property, which is the subject matter of this application. I/we authorize the City of Fairburn to inspect the premises, which is the subject of this request for Rezoning.

Signed by:

Shehzaan Chunara

Owner's Signature

Shehzaan Chunara

Type or Print Owner's Name



Project Narrative

Application Title: Text Amendment to Sec. 80-90 – Georgia Highway 74 Overlay District Drive-Through Restaurant Standards Update.

Applicant: Axis Infrastructure LLC

Purpose of the Amendment

Georgia Highway 74 continues to experience strong development pressure due to proximity to regional employment centers, interstate access, and ongoing private investment. The current overlay code includes restrictive conditions for drive-through restaurants that were originally adopted to prevent over-concentration and ensure corridor aesthetics.

The applicant would like to submit a text amendment to modify the Highway 74 Overlay District regulations governing drive-through restaurants. The purpose of this text amendment is to modernize the code, allowing reasonable flexibility while retaining appropriate design, buffering, and circulation controls to protect corridor appearance and traffic safety. The proposed text amendment will allow smaller floor area drive through establishment in the Highway 75 Overlay District with mitigation measures like landscaping, buffer and traffic circulation that ensure high-quality, safety, and attractive development.

Why the Amendment Is Needed

- Restaurant and retail markets have shifted toward smaller buildings and drive-through service models.
- Many existing parcels on Highway 74 are too constrained to meet current spacing and size limitations.
- The current code unintentionally discourages reinvestment and redevelopment of aging commercial sites.
- The amendment reflects modern development patterns while maintaining Fairburn’s high standards for appearance and safety.

Benefits to the City

- Reduces vacancies along a key commercial corridor.
- Encourages private reinvestment and redevelopment.
- Maintains community character through enhanced buffering, façade, and circulation requirements.
- Improves traffic flow and pedestrian access through updated site design expectations.

Key Proposed Changes

1. Permits drive-through restaurants by right within the Overlay District with following mitigation plan

- **Building Orientation and Setbacks.**

Building orientation and front, side, and rear yard setbacks may be modified as necessary to accommodate smaller building footprints and contemporary drive-through restaurant designs, provided that:

- a. A minimum ten-foot (10') landscaped buffer is maintained along all public street frontages;
- b. Required sight distance for vehicular access points is preserved; and
- c. A clearly defined pedestrian route is provided from the public sidewalk or shared-use path to the primary customer entrance.

- **Drive-Through Lane Location and Screening.**

Drive-through lanes may be located on any side of the building, including street-facing elevations. Where drive-through lanes are visible from a public street, screening shall be provided through landscaping, decorative walls, and berms, or a combination thereof with a minimum height of three (3) feet.

- **Stacking Requirements**

A minimum of five (5) vehicle stacking spaces per drive-through lane shall be required unless a traffic study prepared by a qualified professional demonstrates that fewer stacking spaces will adequately accommodate demand without causing on-site congestion or spillback onto public rights-of-way.

Recommendation: Approval.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The amendment advances multiple goals found in the City's adopted Comprehensive Plan:

- **Economic Development:** Encourages reinvestment and provides regulatory flexibility for new businesses.
- **Corridor Improvement:** Supports high-quality commercial design along major gateways.
- **Transportation & Safety:** Ensures safe vehicular and pedestrian circulation.
- **Land Use Efficiency:** Allows existing parcels to redevelop without unnecessary regulatory burdens.

Thus, proposed amendment supports the City's Comprehensive Plan, promotes economic development, and introduces reasonable mitigation measures that ensure development quality.

Sec. 80-90. Georgia Highway 74 Overlay Zoning District.

- (a) *Scope.* The regulations set forth in this section or set forth elsewhere in this chapter when referring to this section are the regulations of the Georgia Highway 74 Overlay Zoning District.
- (b) *Findings and intent.*
- (1) Georgia Highway 74, which serves as the southern gateway to the city is expected to continue experiencing rapid growth in residential, commercial, and industrial construction. Development of well over 1,000 acres of raw land is being driven by proximity to Atlanta and Hartsfield International Airport, as well as access to the interstate system.
 - (2) The regulations set forth in this section are intended to ensure attractive developments which are complimentary and will promote a mix of uses rather than the undesirable commercial sprawl which has plagued many communities and threatened the very character that attracted such development interests. These standards will reinforce and implement a land use plan that features residential, office, personal services, hospitality uses, and retail commercial uses along Georgia Highway 74.
 - (3) To this end, it is the city's goal to protect the aesthetics of the community, provide for safe travel through, and access to the area and safeguard the welfare of its residents, while encouraging development along the Georgia Highway 74 corridor.
- (c) *Boundary.* This district is intended as an overlay district regulating and allowing the establishment of uses within the configuration of the allowable Georgia Highway 74 Overlay Zoning District boundaries. Said boundary shall include any properties or portions thereof, located within 1,000 feet of the Georgia Highway 74 right-of-way, as it presently exists or may exist in the future. The underlying district shall continue as permitted uses. Standards set out in this section for site development and architectural design shall control over any underlying district regulations.
- (d) *Prohibited uses.* The following principal uses of land and structures shall be prohibited within the Georgia Highway 74 Overlay Zoning District:
- (1) Storage yard for damaged or confiscated automobiles.
 - (2) Tire re-treading and recapping.
 - (3) Sexually oriented businesses. (See chapter 5, section 5 of part I, [of this Code.])
 - (4) Heavy repair shop and trade shop.
 - (5) Extended stay residential facilities, or other similar accommodations.
 - (6) Title and pawn shops.
 - (7) Nightclubs.
 - (8) Salvage/storage/junk facility.
 - (9) Self storage facilities.
 - (10) Small box discount retail stores.
- (e) *Site development standards.* In order to establish and maintain the Georgia Highway 74 Overlay Zoning District as a quality area which will preserve the investments of all landowners and developers, as well as encourage both commercial and residential development within the city, all development within the Georgia Highway 74 Overlay Zoning District must comply with the following standards:
- (1) The following schedule shall control land development as specified:

- a. Retail and commercial services developments shall provide a landscaped buffer with a minimum horizontal dimension of 35 feet adjacent to the Highway 74 right-of-way. A buffer with a minimum horizontal dimension of 75 feet shall be provided where such developments are proposed adjacent to property developed as, or planned as, office use. A 100-foot buffer shall be provided on retail and commercial services developments which adjoin property developed as, or planned as, residential use.
 - b. Office development shall provide a landscaped buffer with a minimum horizontal dimension of 45 feet adjacent to the Georgia Highway 74 right-of-way. A buffer with a minimum horizontal dimension of 40 feet shall be provided on office developments which adjoin property developed as, or planned as, residential use.
 - c. Residential development shall provide a landscaped buffer with a minimum horizontal dimension of 45 feet adjacent to the Georgia Highway 74 right-of-way. Such buffers shall conform to the standards of section 80-335 and shall provide berms designed to achieve topographic variation.
- (2) The following schedule shall control building setbacks for all commercial construction:
- a. Front yard setback: 50 feet, 50 feet from each street right-of-way for corner lots.
 - b. Side yard setback: 20 feet.
 - c. Rear yard setback: 30 feet.
- (3) Off-street parking and loading shall be subject to the following:
- a. All retail and commercial uses shall provide a parking ratio of one space for every 200 square feet of enclosed retail-floor area available to the public. One parking space shall be provided for every 1,000 square feet of floor area used for storage, assembly, warehousing or other purpose, provided that such areas are not available to the public. Such uses shall provide four percent parking spaces per 1,000 square feet to enclosed retail floor area available to the public, provided the establishments served by the parking spaces comprise a unified shopping center. All such off-street parking areas shall conform to the landscape standards provided in article IX of this chapter unless exceeded herein.
 - b. No loading areas shall be permitted between buildings and the Georgia Highway 74.
- (4) Site utilities serving the site shall be placed underground.
- (5) All development shall conform to section 80-372, open space reservation.
- (6) Developers are encouraged to create secondary road networks through a system of density (lot coverage or building height) bonuses. Lot coverage ratios, inclusive of the building footprint and pavement for parking and driveways, shall not exceed 75 percent. Pavement comprising internal street networks shall be exempted provided such street networks channel traffic between developments along Georgia Highway 74 and are not directly linked to Georgia Highway 74.
- (7) Secondary road networks which provide a landscaped boulevard and are linked to adjoining properties shall entitle the property owner to a lot coverage bonus of ten percent.
- (8) Access to Georgia Highway 74 shall be limited to one driveway per existing parcel. A lot coverage bonus of ten percent shall be granted for consolidation of driveways currently permitted by State Department of Transportation.
- (9) Preservation of natural features shall encompass pedestrian amenities linked to adjoining properties. All development shall provide sidewalks linked to such amenities as well as adjoining properties.
- (10) On Georgia Highway 74, no new gasoline service stations shall be permitted within 1,000 feet of any other gasoline service station. All measurement of distances shall be along a straight route from the

nearest point on any property line to the nearest point on any property line used as a gasoline service station. New gasoline service stations shall be located at a signalized intersection. This subsection (10) shall not apply to the rebuilding and/or enlargement of an existing gasoline service station. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a new gasoline service station.

- (11) On Georgia Highway 74, no new drive-through fast food restaurants shall be permitted within 1,500 feet of any other drive-through fast food restaurant, except where the gross floor area of a restaurant exceeds 4,000 square feet and at least 50 percent of the gross floor area is designated for a dining area. Ten percent of the required dining area may include an outdoor dining area. All measurement of distances shall be along a straight route from the nearest point on any property line to the nearest point on any property line used as a drive-through fast food restaurant.

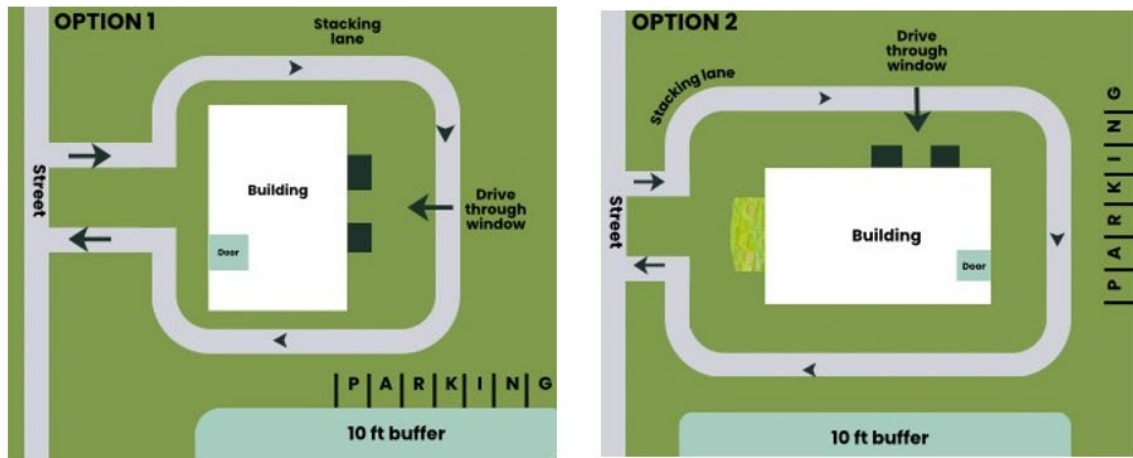
This subsection (11) shall not apply to the rebuilding and/or enlargement an existing stand-alone drive-through fast food restaurant. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submitting a building permit application within six months from the demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a new drive-through fast food restaurant. For the purposes of this subsection, rebuilding and/or enlargement shall mean partial or complete demolition of an existing structure and submittal of a building permit application within six months from the demolition of the existing structure. Failure to obtain a building permit shall require a developer and/or landowner to follow the development requirements for a new drive-through fast food restaurant.

The subsection (11) may not be applicable to the drive-through establishment (including drive-through restaurant) if the applicant is subject to following mitigation plans:

1. The building orientation and building setbacks (front, side, rear yard) shall be modified to accommodate drive through establishment.
2. Drive-through lanes may be located on any building side, including street-facing elevations, provided that screening of at least 3 feet in height (landscape, berm, or decorative wall) is installed along any public frontage
3. A minimum 10-foot landscape buffer is maintained adjacent to public street frontages.
4. Stacking requirements shall be a minimum of five (5) stacking spaces per drive-through lane unless a traffic study demonstrates fewer spaces are sufficient to prevent spillback into internal or public roadways.
5. Sight-distance requirements at access points are maintained.
6. A pedestrian route is provided between the public sidewalk/shared path and the primary building entrance.
7. The drive-through restaurant shall provide a minimum indoor dining area of 800 square feet.

Any rebuilding, redevelopment, or expansion of an existing drive-through restaurant shall comply with the standards of this subsection.

DRIVE THROUGH LAYOUT OPTIONS



(f) *Architectural design standards.* In addition to the site development standards set forth in subsection (d) of this section, all construction within the Georgia Highway 74 Overlay Zoning District must comply with the following standards:

(1) The following specifications shall control the use of building materials:

a. Exterior wall materials shall consist of one or a combination of the following materials:

1. Brick or autoclaved concrete substructure.
2. Stone with either a weathered face or polished, fluted or broken face. No quarry faced stone shall be used.
3. Masonry stucco on concrete.
4. Concrete masonry. Units shall be those generally described by the National Concrete Masonry Association as "customized architectural concrete masonry units" or shall be "splitfaced" block with marble aggregate. No exposed concrete block shall be permitted on the exterior of any building within the sight line of a public street. Other exterior walls may be painted concrete block.
5. Wood.
6. Glass in combination with metal or similar, durable architectural materials.
7. Limited use of standing seam metal is permitted in combination with the above materials.

b. Inappropriate exterior materials and architectural elements. The following materials and elements are considered incompatible and inappropriate for primary and accessory structures and are prohibited:

1. Plywood, cinderblock, unfinished poured concrete, unfaced concrete block and plastic or metal not closely resembling painted wood clapboard.
2. Partial (less than three sides) mansard roofs, flat roofs (including a minimum pitch less than four in 12) without a pediment, long unarticulated roofs.

3. Long, unarticulated or blank facades.
 4. Incongruity of architectural details or color contrasts resulting in a clearly disturbing appearance.
 5. Unscreened chain link or woven metal fences.
 6. Use of reflective materials as the main building material or texture.
 7. Use of highly reflective glass.
 8. The use of exterior insulating finish system (EIFS), also identified by such manufacturer names as "Drivit," synthetic stucco and building materials.
- (2) The following guidelines shall control the architectural character:
- a. All front facades of the principal structure shall face and be parallel to the public right-of-way and consist of all brick construction. All windows, storefront, and fenestrations shall not be secured by way of burglar bars, steel roll-down shutters/curtains or obtrusive security products visible from a public right-of-way.
 - b. Side and rear elevations of all office buildings and restaurants shall be majority brick or stone construction and substantially consistent with the front building elevation. Exterior building facades shall provide visual relief every 80 to 120 feet via setbacks, parapet breaks or other architectural element. Canopies installed on the facade shall provide visual relief through a canopy break every 40 feet. All windows, storefront, and fenestrations shall not be secured by way of burglar bars, steel roll-down shutters/curtains or obtrusive security products visible from a public right-of-way.
 - c. All new construction on each lot shall be representative of a single architectural style. Combining different elements or styles on a single lot shall not be permitted in the Georgia Highway 74 Overlay Zoning District.
 - d. The form and pitch of the roof of new construction shall be substantially proportional to the chosen architectural style.
 - e. The height, scale, massing and fenestration of new construction shall be substantially proportional to the chosen architectural style.
- (3) Roof-mounted equipment. Roof-mounted equipment shall be located and/or screened to minimize visibility from public streets and surrounding properties.
- (4) Development shall be subject to architectural and site plan review. Applications for new construction, exterior alterations and expansion of existing structures shall be accompanied by scaled plans prepared by an architect, engineer or other appropriate professional. Such plans shall clearly depict the following:
- a. Building elevations through color rendering.
 - b. Proposed colors, materials and textures.
 - c. Location of all utility installations, including rooftop units.
 - d. Property signs, including location, size, height, color and material.
- (5) The following guidelines shall control outdoor dining areas:
- a. Outdoor seating shall only be permitted where it is determined that the use will not create a hazard, a sight-distance obstruction for motor vehicle operators, nor unduly impede pedestrian traffic.

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- b. The outdoor seating area shall be contiguous to the current occupied restaurant space and dining area. Outdoor seating may only be located adjacent to the establishment with which they are associated. Outdoor seating areas must remain clear of litter, food scraps, and soiled dishes at all times.
 - c. The maintenance of an outdoor seating area shall be the responsibility of the establishment, including, but not limited to, surface treatment and cleaning, litter control, sweeping, drainage, and tree debris removal. The sidewalk and public property shall be kept neat and clean at all times and free from any substance that may cause damage to the sidewalk or public property or cause pedestrian injury.
 - d. All the proposed outdoor dining activities will be conducted on private property owned or otherwise controlled by the applicant and that none of the activities will occur on any publicly owned right-of-way.
 - e. No barrier may be installed on the sidewalk.
 - f. Furnishings for outdoor seating shall consist solely of readily removable railings, posts, tables, chairs, planters, and table umbrellas.
 - g. Furnishings may only be attached or secured in a manner approved by the city staff. Such anchoring devices, when removed, shall not create a hazard for pedestrian traffic. Objects which are part of the outdoor seating may be attached or secured to any building or structure on which the outdoor seating area abuts in a manner approved by the city staff.
 - h. All furniture material should be durable materials such as wood or metal.
 - i. Covered areas or umbrellas must be free of advertisements and contained within the outdoor dining area. Advertisements are allowed only if it is to advertise the name of the restaurant. No fluorescent or strikingly bright or vivid colors. Market style umbrellas, designed specifically for patio or outdoor restaurant use are required. Umbrellas or other covering areas must maintain a minimum height clearance of eight feet.
 - j. The tables, chairs, umbrellas, canopies, awnings and any other fixtures shall be of uniform design and shall be made of quality materials and workmanship to ensure the safety and convenience of users and to enhance the visual quality of the urban environment.
 - k. No structure or enclosure to accommodate the storage of accumulated garbage, such as a shed, may be erected or placed adjacent to or near the outdoor seating area located on public property. Each establishment shall be responsible for providing appropriate containers for disposing of garbage or waste and employees shall not use municipal trash containers for disposing of garbage or waste.
 - l. Outdoor seating shall not interfere with any public service facility, such as a mailbox, fire hydrant, electrical infrastructure, designated pedestrian crossing, or bench located on a sidewalk or public property.
 - m. Operation of outdoor seating shall not adversely impact adjacent or nearby residential, religious, educational, or commercial properties and shall be in accordance with all applicable codes and regulations.
 - n. Music or speakers in the outdoor dining area is prohibited.
 - o. The maintenance of an outdoor seating area shall be the responsibility of the establishment, including, but not limited to, surface treatment and cleaning, litter control, sweeping, drainage, and tree debris removal. The sidewalk and public property shall be kept neat and clean at all

times and free from any substance that may cause damage to the sidewalk or public property or cause pedestrian injury.

- p. No fabric inserts, chain link fencing, chicken wire or cyclone fencing. No fabric or advertising on canvas allowed on barriers.
- q. The city reserves the right to review final design for requests that include vertical elements, awnings, canopies and removable side walls covering the outdoor dining space.
- r. Depending on the area of the city where the outdoor dining space is proposed, there are three minimum sidewalk clearances for continuous pedestrian access along the public sidewalk that must be provided.
- s. Outdoor dining space located on corner lots shall not obstruct the sight distance triangle.
- t. The applicant shall apply for a separate outdoor dining permit prior to the construction of the new dining area.
- u. The permit issued shall not be transferable in any manner.

(Ord. No. 2012-04, § 1(Exh. A), 6-11-2012; Ord. No. 2013-01, § 1, 2-11-2013; Ord. No. 2016-08, § 1(Exh. A), 7-25-2016; Ord. No. 18-TA-001(Amend.), § 1, 5-14-2018; Ord. of 10-28-2019(1); Ord. No. 2022-232, § 1, 3-28-2022; Ord. No. 2022-233, § 1, 3-28-2022; Ord. No. 2024-05, § 1(Exh. A), 1-22-2024)

Current Regulations

(11) On Georgia Highway 74, no new drive-through fast food restaurants shall be permitted within 1,500 feet of any other drive-through fast food restaurant, except where the gross floor area of a restaurant exceeds 4,000 square feet and at least 50 percent of the gross floor area is designated for a dining area. Ten percent of the required dining area may include an outdoor dining area. All measurement of distances shall be along a straight route from the nearest point on any property line to the nearest point on any property line used as a drive-through fast food restaurant.

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