



## PLANNING AND ZONING COMMISSION MEETING MINUTES

City Hall  
56 Malone Street  
Fairburn, GA. 30213  
Tuesday, October 1, 2019  
7:00 P.M.

Elise Stoney, Chairman  
Mark Wade, Vice-Chairman (Absent)  
Elizabeth Echols

Jerry Williams (Absent)  
Shelby Phillips  
Tony Smith  
Anthony Stewart (Absent)

Director of Planning and Zoning:  
City Attorney:

Tarika Peeks  
Valerie Ross

- I. **MEETING CALLED TO ORDER:** By Chairman Stoney
- II. **ROLL CALL:** All Members of Planning and Zoning Commission were present except for Vice-Chairman Mark Wade, Commissioner Tony Smith and Commissioner Anthony Stewart.
- III. **PLEDGE OF ALLEGIANCE:** Recited in unison.
- IV. **PUBLIC COMMENTS:** None
- V. **APPROVAL OF AGENDA:** Commissioner Echols made a motion to APPROVE the October 1, 2019 Agenda. Commissioner Smith seconded. **The motion carried.**
- VI. **APPROVAL OF PREVIOUS MEETING MINUTES:** Commissioner Echols made a motion to APPROVE the September 10, 2019 minutes. Commissioner Smith seconded. **The motion carried.**
- VII. **PUBLIC HEARING:**

**Primary Variance 19V-009, 60 Valley View Drive:**

**SUMMARY/STAFF PRESENTATION:** To consider a request to reduce a sign setback from 15 feet to 2 feet at 60 Valley View Drive.

Ms. Peeks stated that the applicant requested to reduce the sign setback from 15 feet to 2 feet at 60 Valley View Drive because the Fairburn Library was recently renovated, and the applicant installed a new monument sign. She stated that they would like to place a sign 2 feet from the right-of-way and the sign ordinance requires all signs to be placed 15 feet from the right-of-way. Staff's recommendation is approval for the reduction of the sign setback due to a tree on the west side of the property. She also stated that the sign should be placed 15 feet from the right-of-way because there are steps located on the west side of the library leading into the parking lot and if the sign was to be placed 15 feet back from the right-of-way then the sign would be placed on a slope which

would cause an issue with the installation of a footer for the sign. Also, it would push the sign further away from the driveway and would cause an issue with the sign's visibility.

Commissioner Phillips asked if placing the sign 2 feet from the right-of-way would place the sign too close to the curb. Ms. Peeks replied that she did not think the sign would be too close to the curb and it would not be any visibility issues for vehicles and traffic along the road.

Commissioner Stoney asked if they were recommending approval based on which relief. Ms. Peeks replied that it was two but the applicant only needed to satisfy one of the three criteria which are: (1) issues with the size, shape or topography of the lot; (2) the slope of the property near the steps can present a hardship for the applicant as far as placing the sign 15 feet from the right-of-way; and (3) the sign's visible from the road.

**Don Conlin, 5170 Belle Wood Court, Buford, Georgia, 30518**

Mr. Conlin stated his name and that he was the owner of Pinnacle Custom Signs and if the Commissioners had any questions for him, he would be glad to answer them. He stated that the sign would be 15 feet from the curb and it would be far back from the street and the last thing that they wanted to do was to uproot the beautiful tree so they were trying to put the sign in a place where it would not uproot the tree or cause the tree any distress.

**MOTION AND VOTE:** Commissioner Smith made a motion to APPROVE 19V-009. Commissioner Phillips seconded. **The motion carried.**

**Primary Variance 19V-010, 53 Washington Street, Fairburn, GA 30213**

**SUMMARY/STAFF PRESENTATION:** To consider a request to locate a sign approximately 8 feet in the (ROW) right-of-way at 53 Washington Street.

Ms. Peeks stated that the existing home was recently renovated and as a part of the renovation the applicant installed a monument sign on the property. She stated that there is a 60-foot right-of-way on Washington Street, if the applicant installs the sign 15 feet from the right-of-way it would be on the front porch of the structure. Ms. Peeks stated that the applicant is requesting to place the sign 8 feet in the right-of-way. Staff recommendation is approval. If the sign variance is approved, the applicant would be required to obtain a right-of-way encroachment permit from the engineering department.

**Beatrice Doose, 126 Valley View Drive, Fairburn, Georgia, 30213**

Mrs. Doose stated her name, address and that she was on the fence but not opposing the sign. She thought a marker was a good statement but wanted to see a rendering of the sign. She asked if the sign would be blocking visibility because it was a residential area. She stated, coming into her street she wanted to make sure the sign was not causing a visibility issue for motorists. She stated that she did not know where to go to see the rendering; a few of the residents was speaking about it and she could not answer any of the questions. She stated that she was not opposed to the sign but would like to see a rendering of the sign.

Commissioner Smith asked if she was speaking about Valley View Drive or Washington Street. Ms. Peeks stated that she (Mrs. Doose) was speaking on behalf of the variance petition. Mrs. Doose stated that the structure would be on the corner of Washington and Valley View Drive so that is why she wanted to know where it would be positioned and how high the sign would be and if it was obstructing visibility. Ms. Peeks stated that the sign would meet the requirements of the sign ordinance; the applicant is proposing to install 6-foot-tall and 4 feet wide monument sign and it meets all the standards of the sign ordinance. She stated that the sign would not cause any visibility issues for pedestrians or vehicle traffic.

Commissioner Smith asked Ms. Peeks if she would explain to him about 53 Washington Street and 60 Valley View Drive. Ms. Peeks stated that Ms. Doose lives on Valley View Drive and she has to turn off of Washington Street onto Valley View Drive and her concerns are related to the sign possibly causing visibility issues for motorist. Commissioner Phillips asked if the sign would be impeding on the left or right turn off of Washington Street. Ms. Peeks replied that the applicant is proposing to install the sign away from the corner and there should not be any issues with the sign because the sign would not be placed on the corner. She stated that the sign would be installed along the street frontage of the home (Washington Street) and not on the corner of the property.

**MOTION AND VOTE:** Commissioner Echols made a motion to APPROVE 19V-010  
Commissioner Phillips seconded. **The motion carried.**

**VIII. OLD BUSINESS:** None

**IX. NEW BUSINESS:**

**Preliminary Plat 19P- 011, Fern Dale:**

**SUMMARY/STAFF PRESENTATION:** A request to subdivide a 75-acre tract into 170 single-family residential lots.

Ms. Peeks stated that the applicant was proposing to subdivide a 75-acre tract into 170 single-family residential lots and the concept plan was approved on August 6, 2019 and Staff is recommending approval.

**MOTION AND VOTE:** Commissioner Smith made a motion to APPROVE 19P-011  
Commissioner Echols seconded. **The motion carried.**

**Zoning Ordinance Rewrite:** To consider and make a recommendation to the Mayor and City Council regarding the adoption of amendments to Chapter 80-Zoning, Article I. - In General; Article II- Zoning Districts; Article IV - Administrative Permits and Use Permits; Article VI - Appeals; Article VII- Planning and Zoning Commission; Article VIII - Amendments to Zoning Code and Map; Article X - Buffers and Open Space; Article XI - Administration and Enforcement; and Article XIII - Residential Infill and amendments to the Zoning Map.

Ms. Peeks stated that the final item on the agenda tonight is the amendments to the Zoning Ordinance and for the last 8 months Staff has been auditing and rewriting the city's zoning ordinance with Mary Darby and tonight Staff is asking for the Commissioner's recommendation on the rewrite. She stated that this item will go before the Mayor and Council on October 28, 2019 for finale adoption; at the last meeting Ms. Darby went over the changes that we were proposing and gave Commissioners copies of the ordinance and an email was sent with the electric copy of all the proposed changes. Ms. Peeks stated that included with the staff report is a list of the proposed changes to the ordinance and tonight staff was seeking their recommendation for approval to the Mayor and Council for October 28, 2019 City Council Meeting.

Commissioner Phillips asked about buffers for landfills and regulations for new landfills coming into the city. Ms. Peeks replied that currently if someone wanted to come into the city right now, they would have to go through the use permit process. She stated that they would have to be located in M-1 or M-2 zoning district; and we only have one (landfill) operating in the city; if that landfill was to go out of business and another landfill wanted to come into the city they would have to request a use permit, which requires a recommendation by the Planning and Zoning Commission and approval by the City Council. The landfill will be subject to the landfill use permit standards.

Commissioner Phillips asked if the use of that permit can be used for any other purpose than an additional landfill. Ms. Peaks replied there is a provision in the use permit section that states a new or existing landfill cannot be expanded. The landfill in the city could not expand even though it is currently zoned for a landfill because the ordinance prohibits a new or an existing landfill to expand. She stated that they could not add additional land to the current use (landfill).

Commissioner Phillips asked about the buffer required for the tiny houses. Ms. Peaks replied that if you have a primary structure on your property and you want to include an accessory dwelling unit, there are currently no provisions in the ordinance that states you would have to be 5, 10 or 20 feet from the primary structure. She stated that there are setbacks required for the accessory dwelling unit and where it can be located; there is no required buffer between the primary structure and accessory dwelling unit.

Commissioner Smith asked if the item was going to the City Council meeting on October 28, 2019. Ms. Peaks replied if the amendments are approved by the City Council on October 28, 2019, then the amendments will be adopted, and all the changes would be effective on that day (October 28, 2019).

**MOTION AND VOTE:** Commissioner Smith made a motion to APPROVE Zoning Ordinance Rewrite Commissioner Echols seconded. **The motion carried.**

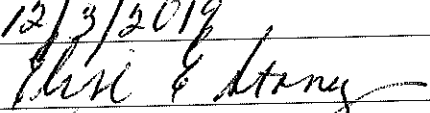
**MOTION AND VOTE:** Commissioner Echols made a motion to APPROVE Zoning Map Commissioner Smith seconded. **The motion carried.**

**STAFF REPORT:** None

**X. COMMISSION MEMBERS COMMENTS:** None

**XI. ADJOURNMENT:** Commissioner Echols made a motion to **Adjourn**. Commissioner Phillips seconded. **The motion carried.**

Meeting Adjourned at 7:29 p.m.

Approval Signatures	
Date Approved	12/3/2019
Elise Stoney, Chairman	
Keisha Francis, Recording Secretary	