



PLANNING AND ZONING COMMISSION MEETING MINUTES

City Hall
56 Malone Street
Fairburn, GA. 30213
Tuesday, July 2, 2019
7:00 P.M.

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

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

City Planner:
City Attorney:
Recording Secretary:

Tarika Peeks
Valerie Ross
Kimberly Mitchell

- I. **MEETING CALLED TO ORDER:** By Chairman Stoney
- II. **ROLL CALL:** All Members of Planning and Zoning Commission were present except for Commissioners Jerry Williams, Shelby Phillips and Vice-Chairman Mark Wade.
- III. **PLEDGE OF ALLEGIANCE:** Recited in unison.
- IV. **PUBLIC COMMENTS:** None
- V. **APPROVAL OF AGENDA:** Commissioner Stewart made a motion to APPROVE the **July 2, 2019** Agenda. Commissioner Echols seconded. **The motion carried.**
- VI. **APPROVAL OF PREVIOUS MEETING MINUTES:** Commissioner Stewart made a motion to APPROVE the **June 4, 2019** minutes. Commissioner Echols seconded. **The motion carried.**
- VII. **PUBLIC HEARING:**

Primary Variances 19V-006 & 19V-007 - 233 Clayton Street:

SUMMARY/STAFF PRESENTATION: A request to reduce the front yard setback from 35-ft. to 29.8-ft. for property located at 233 Clayton Street.

SUMMARY/STAFF PRESENTATION: A request to reduce the side yard setback from 10-ft. to 7.4-ft. for property located at 233 Clayton Street.

Ms. Mitchell stated that the applicant was requesting a relief from the front and side yard setbacks in the R-4 Zoning District and she was going to discuss the property a little bit and referred the Commissioners to the survey that was in their packet. Ms. Mitchell explained that currently there was a structure on the property that was built in the year of 1962 and the structure had encroached onto the front yard setback and one of the side yard setbacks on the property. She stated that the

R-4 District requires the building to be setback 35 ft. from the front-lot line and the structure was 29.8 ft. from the front-lot line, also it must be 10 ft. from the side-lot line, and it was currently 7.4 ft. from one of the side-lot line. She stated that due to the locations of the setbacks and other issues with this property, the structure was an illegally non-conforming structure prior to the year of 2017. She stated that in February of 2017, the building was partially destroyed by a fire and at that time it lost its legal non-conforming status, meaning that in any scenario whether it was to be restored or rebuilt, it would have to be brought back up to the R-4 setbacks.

She stated that it was two circumstances that should be made regarding the property, and first what should be noted is that there was a septic tank on the site and the septic tank was 10 ft. from the structure. Ms. Mitchell stated that according to the Georgia Department of Public Health all paved surfaces including the structure itself must be 10 ft. from the septic tank if this home was to be brought up to conformity with the current R-4 setbacks. Ms. Mitchell stated that the buildable area would be reduced due to the location of the septic tank. Secondly, the home was required to comply with the City's residential Infill ordinance when it was rebuilt and the residential infill ordinance applies to new constructions of five or fewer homes in existing neighborhoods or reconstruction of a home where there was at least 25% of the exterior to be rebuilt.

Ms. Mitchell explained that in the R-4 Zoning District, the minimum squared footage for residential infill was 1,200 sq. ft. for a single-story structure and the existing structure was 980 sq. ft. Also, if the structure were to have two or more stories it would have to be at least 1,400 sq. ft. with 900 sq. ft. on the first floor of the property. She stated when the applicant restores or rebuild the home on this property, the home would have to be 10 ft. from the septic tank in all directions and it would have to be expanded to meet the minimum floor area required by the residential infill ordinance. Ms. Mitchell stated that given these conditions Staff recommends approval of variances 19V-006 & 19V-007 to allow the applicant to rebuild the home at the existing setbacks.

Crystal Strickland, 233 Clayton Street, Fairburn, Georgia, 30213

Ms. Strickland stated that when she was looking to redo the property, she found out that the property was out of compliance and she would not be allowed to get a permit without a variance. She stated that she could not update the home or make any improve to the home until the variances were cleared and that not having the variances stopped her from doing new construction and reconstruction on the existing structure.

She explained that even if she was to add on a new addition to the house, it would still require her to be in full compliance across the board. She stated that if this was to be approved, she would then be able to fix the house and help the community as well. Commissioner Echols asked if the structure was going to be a single-family personal residence, Ms. Strickland responded "Yes Ma'am".

MOTION AND VOTE: Commissioner Echols made a motion to APPROVE 19V-006 & 19V-007. Commissioner Smith seconded. **The motion carried.**

Primary Variance 19V-008 - 301 Fairburn Industrial Boulevard:

SUMMARY/STAFF PRESENTATION: A request to reduce the front yard setback from 50-ft. to 10-ft. for property located at 301 Fairburn Industrial Boulevard.

Ms. Mitchell stated that the applicant made a request to withdraw the request to reduce the front yard setback from 50 ft. to 10 ft. and explained that the property owner decided to forgo the

variance application due to the lack of a hardship. She stated that he would rebuild the primary structure as it was currently allowed per the ordinance.

MOTION AND VOTE: Commissioner Smith made a motion to **WITHDRAW** 19V-008. Commissioner Stewart seconded. **The motion carried.**

VIII. OLD BUSINESS: None

IX. NEW BUSINESS:

Rezoning 19RZ – 006 – South Fulton, LLC (Fayetteville Road):

SUMMARY/STAFF PRESENTATION: A request to rezone 34.24 acres on Fayetteville Road from AG-1 (Agricultural District) and R-1 (Single-family Residential District) to R-3 (Single-family Residential District) for a 54-lot single-family subdivision.

Ms. Peeks stated that South Fulton, LLC was requesting to rezone 34.24 acres on Fayetteville Road from AG-1 (Agricultural District) and R-1 (Single-family Residential District) to R-3 (Single-family Residential District) for a 54-lot of single-family subdivision and Staff's recommendation was approval conditional. Commissioner Smith asked if Ms. Peeks had some conditions in the rezoning. Ms. Peeks responded that she did have some conditions and they could be found on pages 7 & 8 of the Staff's analysis, and she could paraphrase them if he would like her too.

She stated that **#1:** restricting the use of the property for the number of lots that the applicant was proposing to develop, which was 28 lots at ½ acre and 26 lots at 1/3 acre and the minimum heated floor area for the home was to be 1,600 sq. ft. **#2:** the owner's agreement to abide by the following condition of the rezoning to the site plan, and it was a request to make sure that the property and the construction of the home was associated with the Homeowners Association to help maintain the homes once the developer was to move on from the project. **#3:** the setbacks, the front were 45 ft. and the side were 10 ft. and the rear were 30 ft. and the amenities packages that they were proposing was to include a pocket park with some green space, playground area, pavilion and a mailbox kiosk.

She explained that they were proposing to construct the homes with a combination of two or more of the following materials which was fiber cement siding, wood shake, clap board, brick and/or stones. She stated that **#4:** all of the single-family homes must have a two-car garage, **#5:** sidewalks must be on all street frontage and must maintain 5' sidewalks on all street frontage. Ms. Peeks also stated that they must meet ADA standards and must have sidewalks internally into the development. **#6:** pedestrian scale lighting would be provided along both side of the internal streets throughout the development, **#7:** all utilities must be installed underground throughout the project area.

She stated that number **#8:** engineering request for turning lanes into the development, and A, B, C was the lengths for the turning lanes. **#9:** any type of roadway construction and improvements that was needed because of the development, including striping, curb and gutter the developer would be required to handle those things with no cost to the city. **#10:** the developer would install canopies and understory trees to the front yard, rear yard and all the yards must be sodded. Commissioner Smith asked if a minimum of 26 lots would have a minimum of 14,500 sq. ft. or ½ acre. He asked that at the top of the page in the staff analysis a minimum of 21,000 sq. ft. is referenced; are the proposed houses 14,500 sq. ft. Ms. Peeks replied that it was the size of the lot and not the home size and 28 homes would be on a 1/2 acre lot and 26 homes would be on a 1/3 acre lot and the square footage was just the acres broken down into square footage.

Michele Battle, One West Court Square, Suite #750, Decatur, Georgia, 30030

Ms. Battle stated that she was with Battle Law and was there representing the applicant and she was excited for the project off Fayetteville Road because there have not been any new subdivisions in the area for some time. She stated that the property was currently zoned AG-1 and there were several existing subdivisions in the area. She stated that the subdivisions adjacent to the site lots sizes were at a R-3 regulation, and they were a minimum lot size of 14,520 sq. ft.

She explained that they provide repetitiveness of R-2 and R-3 lots continuing along Fayetteville Road and they were going to give a combination of both. She stated that the applicant was very conscious about the lot sizes and the type of development that had already been establish along Fayetteville Road and what they had opted to do was instead of coming and asking for all the lots to be at a smaller size as the R-3 minimum of 14,520 sq. ft. they was proposing to have 28 lots at a minimum size of 21,780 sq. ft., very similar to some of the other products along Fayetteville Road. She stated that the other 26 lots would be at 14,520 sq. ft. minimum, but they could go larger. That would be a nice mixture of lot sizes that was already present in terms of size already in the Community. Ms. Battle explained that the house size however would be a minimum of 1,600 sq. ft. and they would have a pocket park and sidewalks throughout the community as well as street trees and trees in the front yard.

She stated that they were looking at two different lot sizes in terms of the minimum they were trying to achieve in order to give a sense of presents along with the other homes develop in the neighborhood. She stated that they did have a community meeting with some neighbors adjacent to the property and their biggest concerns/questions were the entrance point of the property and they wanted to make sure that the entrance point was a good distance from their entrance point to make sure that there would not be any issues with traffic entering the subdivision. Ms. Battle explained that they were fine with the current lots sizes because their homes were on 14,520 sq. ft. minimum lot sizes and that was not an issue. She stated that the property owners wanted to know whether there would be sidewalks and green space in the subdivision, and they seem to be satisfied with the of the quality project.

Commissioner Smith asked if they were going to be affordable homes and what was the price range for the homes. Ms. Battle replied that they would be in the price range of the high \$100's to \$250's range, but it would probably start at \$100,000 to \$175,000 price range. Commissioner Stewart asked if it was going to be 3 bedrooms and 3 bathrooms. Ms. Battle replied that the homes would be 3 bedrooms and 2 bathrooms. Commissioner Smith asked if 1,600 sq. ft. was at \$170,000. Ms. Battle replied that it was the minimum size and the foundation pad would be 50x50 which was the ideal pad the developers were looking for and there was larger size lots. Her other clients were developing on lots that was 600 to 700 sq. ft. in other jurisdictions. She explained that these was relatively large size lots and the pad size would be 50x50 and that was 2,500 sq. ft. by itself. She stated that the average house size would be 2,220 sq. ft. if not more, and you would not find in this subdivision a house that was 1,600 sq. ft.; that house size would be a ranch style house. They want to build two story homes and the garage was not included in the square footage and that would be another 200 sq. ft.

MOTION AND VOTE: Commissioner Echols made a motion to **APPROVE** 19RZ-006. Commissioner Smith seconded. **The motion carried.**

- X. STAFF REPORT:** Ms. Peeks stated that she wanted to inform the Commissioners on a couple of upcoming events that was related to the zoning ordinance, first there would be an open house on July 9, 2019 at City Hall. She stated that it would be a display of all the changes that they were going to be proposing for the zoning ordinance and it would be held from 4:00P.M. to 8:00P.M. and they were welcome to attend any time between those hours to learn more about the time frame and look at some of the zoning maps as well.

She stated that the second part of the training would be on August 6, 2019 and there would be only one agenda item set for that meeting and the training would follow the same pattern that they had at the last meeting and the training would follow right after that meeting.

- XI. COMMISSION MEMBERS COMMENTS:** Commissioner Stewart asked when they passed the motion did it include the conditions, Chairman Stoney replied "Yes". Chairman Stoney wanted to wish everyone a wonderful and safe fourth of July holiday.

- XII. ADJOURNMENT:** Commissioner Smith made a motion to adjourn. Commissioner Echols seconded. **The motion carried.**

Meeting adjourned at 7:29 p.m.

Approval Signatures	
Date Approved	August 6, 2019
Elise Stoney, Chairman	