

PLANNING AND ZONING COMMISSION MEETING MINUTES

City Hall
56 Malone Street
Fairburn, GA. 30213
Tuesday, June 5, 2018
7:00 P.M.

Elise Stoney, Chairman
Tony Smith Vice-Chairman
Elizabeth Echols

Jerry Williams
Shelby Phillips
Mark Wade

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 which constitute a quorum.
- III. PLEDGE OF ALLEGIANCE:** Recited in unison.
- IV. PUBLIC COMMENTS:** Ellen Samuels-3993 Meadow Glen Way, On behalf of Meadow Glen HOA, to speak against the rezoning of said property to remove Group 55. The HOA spoke against this rezoning previously on May 15, 2018 at City Council when it was brought forth by Battery Source. Ms. Samuels stated Meadow Glen HOA is requesting denial by no other development group to generate an O'Reilly. Ms. Samuels stated the HOA reason for denial is that it is against the current City code and it is not the image they want as an interest to the neighborhood. Ms. Samuels stated they may not be the most expensive neighborhood in the City but it is their home and they would like their interest to reflect something other than an auto store. Ms. Samuels stated it is not the intent of the Comprehensive Plan 2015-2035. Per Ms. Samuels it was not the intention of putting that type of business in that location and it will cause additional traffic throughout the neighborhood. Ms. Samuels further stated that they are already having additional traffic from the warehouses that are cutting through and this will only add more traffic. Ms. Samuels asked the Commissioners to deny the rezoning (18RZ-003).
- V. ADOPTION OF AGENDA:** Vice-Chair Smith moved to APPROVE the agenda. Commissioner Wade seconded. **The motion carried unanimously.**
- VI. APPROVAL OF PREVIOUS MEETING MINUTES**
Commissioner Phillips stated on page 2 at the bottom of the page, a sentence needed to be changed. It was changed to "Ms. Peeks stated she does not know if there would be an impact at all" Commissioner Williams moved to APPROVE May 1, 2018 meeting minutes. Commissioner Wade seconded. **The motion carried unanimously.**
- VII. PUBLIC HEARING:** None

VIII. NEW BUSINESS:**Final Plat- 18P-007-Kirby K. Johnson, Sr. Estate:**

SUMMARY/STAFF PRESENTATION: For the Planning and Zoning Commission to review and make a recommendation on a request to combine two parcels into one parcel.

(Invitation for public comment in support of and in opposition to the petition)

Spoke in Favor: Mr. Eric Johnson (3rd son of Mr. Kirby Johnson, Sr. 335 Trickum Creek Rd, Tyrone, Ga.

Commissioner Phillips inquired by combining the parcels, are there future plans of disposing of the parcels. Mr. Johnson stated they are under contract with Georgia Renaissance festival and the owner wants to turn the parcels into a parking lot on part of this property for his business.

Spoke Against: None

(Close of hearing. Planning and Zoning Commission questions and discussion)

Motion and Vote: Commissioner Williams moved to **APPROVE** 18P-007. Vice-Chairman Smith seconded. **The motion carried unanimously.**

IX. Rezoning- 18RZ-003- Miller Development Company:

SUMMARY/STAFF PRESENTATION: For the Planning and Zoning Commission to review and make a recommendation on a request to rezone 1.004 acres from PD (Planned Development) to PD (Planned Development) to remove the zoning condition that prohibits Major Group 55 uses in the area designated as commercial in Ordinance No. 98-07.

Staff recommends **DENIAL** of the rezoning petition. Chairman Stoney asked Ms. Peeks to expound on Major Group 55. Ms. Peeks stated it's a category that is out of the 1987 standard industrial classification manual. In 1988 when this piece of property was annexed and rezoned from Fulton County into the City of Fairburn, the planning staff at that time placed a zoning condition stating the uses designated as commercial (mostly all properties fronting Highway 74) in Major group 55 would be prohibited. Ms. Peeks stated anything related to the sale of automobiles, automobile parts, tires, batteries, the sale of new and used cars and anything related to an automobile are prohibited. Ms. Peeks stated in the packet, Major Group 55 and Major Group 75 are available in full detail for staff to review.

(Invitation for public comment in support of and in opposition to the petition)

Spoke in Favor: Scott Smith 728 Shades Crest Parkway, Birmingham, AL-are requesting rezoning but not to remove the condition, only to allow the O'Reilly to be built in the area. Mr. Smith gave some background on O'Reilly stating it is a corporate store, not a franchise store and is strictly retail not a mechanic shop or service center with roll up doors in the back. (like the Battery Source that was proposed a couple of weeks ago) O'Reilly is a 7 billion dollar a year company, has over 6,000 plus stores and 77,000 employees across the United States and they are proud to be the

developers of that. To address the look of the building and the original comment, they would want to do whatever it takes to make the building look great, so the City and the neighborhood would be

proud to have it there. Mr. Smith reiterated it is not a service center with roll up doors or where cars are fixed in the parking lot, it is a retail store and they do not sale tires.

Mr. Smith stated if the Major 55 is read in detail, the prohibited uses, the common theme is the car dealers, service-oriented dealers and the one part that does say auto parts follows up with the type of business also sales TVs, radios and things of that nature. Mr. Smith stated back in 1987, Sears Auto stores/service centers was what he thought they were referring to and O'Reilly was not around at that time or prevalent. Mr. Smith referred to the look of the O'Reilly building would be an asset to the neighborhood and he would love to work with the neighborhood in any way he possibly could to meet with, assist, brainstorm on what would be acceptable.

Vice Chair Smith inquired as to whether Mr. Smith knew that there is an O'Reilly approximately 4 or miles radius in Union City. Mr. Smith stated yes, it's a completely different demographic and this store is projected to do over 2 million dollars annually. Vice Chair Smith asked if Mr. Smith was aware of the high density/high traffic that is already on Highway 74. Mr. Smith stated yes, they are aware of the traffic on Highway 74.

Commissioner Williams was unclear of the type of items that will be sold from this store. Mr. Smith indicated he is the developer and he does not work for O'Reilly he can send a list of the items that will be sold. Commissioner Williams stated that the information is needed tonight because there are certain items that cannot be sold according to the ordinance and he wanted to make sure that the applicant is following the guidelines of the ordinance. Commissioner Williams further stated with this general information being provided tonight, it will not help him to make a sound decision that needs to be made tonight. Mr. Smith stated O'Reilly does sale auto parts, they do not sell tires, there is a small section of batteries, wipers and car detailing items.

Commissioner Phillips commented when he wore younger men clothing, he thought nothing of pouring oil into his car at an establishment like O'Reilly. Commissioner Phillips inquired as to how will they be able to prevent people from servicing their own vehicles at the front door. Mr. Smith stated he hears what is being said, but they have not had that problem from the stores that he has developed. Mr. Smith said he has seen that happen at other store as in AutoZone, but he cannot answer that question not unless they want to restrict it.

Spoke Against: None

(Close of hearing. Planning and Zoning Commission questions and discussion)

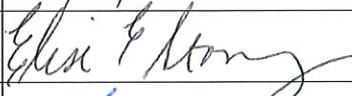
Motion and Vote: Commissioner Echols moved to **DENY** 18RZ-003. Commissioner Williams seconded. **The motion carried unanimously.**

IV. STAFF REPORT: None

V. COMMISSION MEMBERS COMMENTS: Chairman Stoney thanked everyone for being in attendance. Chairman Stoney also thanked Ms. Ross, Mayor Hurst, new Council Member Ms. Davis and City Manager Ms. Gayden for their attendance.

VI. ADJOURN: Motion and Vote: Commissioner Williams made a motion to adjourn. Commissioner Wade seconded. **The motion carried.**

Meeting adjourned at 7:22 p.m.

Approval Signatures	
Date Approved	7/10/2018
Elise Stoney, Chairman	
Kimberly Mitchell, Recording Secretary	