



PLANNING AND ZONING COMMISSION MEETING MINUTES

City Hall
56 Malone Street
Fairburn, GA. 30213
Tuesday, May 7, 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**)

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, Mark Wade and Anthony Stewart.
- III. **PLEDGE OF ALLEGIANCE:** Recited in unison.
- IV. **ELECTION OF OFFICERS:** None
- V. **PUBLIC COMMENTS:** None
- VI. **APPROVAL OF AGENDA:** Commissioner Echols moved to **APPROVE** the agenda. Commissioner Smith seconded. **The motion carried.**
- VII. **APPROVAL OF PREVIOUS MEETING MINUTES:** Chairman Stoney requested two amendments to the minutes. Commissioner Smith made a motion to **APPROVE** the March 12, 2019 minutes. Commissioner Echols seconded. **The motion carried.**
- VIII. **PUBLIC HEARING:**

Variance 19V-003 – Amcon Industrial:

SUMMARY/STAFF PRESENTATION: To eliminate the 15ft. sign setback to allow for a monument sign to be placed directly along the property line.

Ms. Mitchell stated that the applicant, Amcon Industrial, was requesting a variance from the sign setback of 15ft. She stated that the applicant was experiencing a hardship due to the wide right-of-way on the property and was requesting a variance so that their sign could be seen from the road.

Spoke in Favor**Mr. Clay Barnett, 1375 Oakley Industrial Boulevard, Fairburn, GA 30213**

Mr. Barnett stated that right-of-way was deep and that without the variance, the sign would be placed in the parking lot. Commissioner Phillips stated that he drove by the property and did not see an issue with where the sign was supposed to be placed. Mr. Barnett explained that the additional 15-foot setback would place the sign in the horseshoe of the parking lot area. Commissioner Phillips asked if it was that deep and Mr. Barnett replied yes. Mr. Barnett introduced himself as the Vice President of Amcon Industrial.

Commissioner Phillips stated that he anticipated that Oakley Industrial would be widened due to traffic. He asked if the variance were approved, would the road widening affect the sign. Ms. Mitchell responded that the sign would still be on private property. She added that if the road were widened, the sign would only be brought closer to the road.

Spoke in opposition: None

MOTION AND VOTE: Commissioner Smith made a motion to APPROVE 19V-003 – Amcon Industrial. Commissioner Echols seconded. **The motion carried.**

IX. OLD BUSINESS: None

X. NEW BUSINESS:

Use Permit 19U-002- Iron Horse Interest, LLC

SUMMARY/STAFF PRESENTATION: To allow a multi-story self-storage facility on Senoia Road/Hwy 74 with two concurrent variances: (1) 19CV-004 – A request to reduce the buffer adjacent to residentially-zoned property from 100ft. to 50ft, and (2) 19CV-005 – A request to reduce the front yard setback from 50ft. to 35ft.

Ms. Mitchell stated that it was a request to allow a three-story self-storage facility on Senoia Road behind the Quick Trip Gas Station and beside the Car Wash. She stated that staff's recommendation was approval conditional for the use permit. Ms. Mitchell stated that staff recommended approval of variance 19CV-004 and recommended denial of variance 19CV-005.

Commissioner Phillips stated that all the buildings in the area were single-story. He asked why they would they put a three-story storage unit in that location. Ms. Mitchell replied that typically buildings could go up to 48 feet and that three stories typically would not exceed that height.

Commissioner Smith asked if the staff researched how far the development would be from the residential area. Ms. Mitchell responded that the Peachtree Landing apartments were adjacent to the site but did not know the proposed distance between the buildings. Ms. Mitchell stated that the applicant would have to maintain the existing undisturbed buffer. She stated that the applicant would have to maintain the mature trees on the site and provide fencing around the site. Commissioner Smith asked if it were documented that they would do what Ms. Mitchell mentioned. Ms. Mitchell stated that these issues should be addressed in the use permit conditions.

Commissioner Phillips asked about the buffer between the proposed storage facility and the car wash. Ms. Mitchell replied that they would have to put landscaping in the front of the location.

However, because they were both commercial uses they might not need to have a buffer between them.

Spoke in Favor

Ms. Michele Battle, One West Court Square, Suite 750, Decatur, GA 30030

Ms. Battle stated that she was a representative for the applicant. She stated that she believed it was an appropriate use for the location. She stated that they were between the QT (Quick Trip) and the apartment complex, and that their building was about 75ft deep into their site. Ms. Battle stated that the apartment buildings were typically 3 to 4 stories, so the proposed use was not taller than the other buildings. She stated that there was ample foliage between the properties, and they would have landscaping, a transitional buffer and fencing along the perimeter. She explained that self-storage facilities usually did not produce a lot of traffic. She added that the appearance would be top notch, and renderings had been provided to the Commissioners. Ms. Battle noted that with the surrounding commercial uses, this area was intended to be a commercial park that the proposed use would fit into. She noted that Harris Road was a private street, where all property owners would be required to maintain the right-of-way.

Commissioner Phillips asked how people would access the facility. Ms. Battle responded that the three-story units were being seen more frequently. She stated that they would be climate-controlled units with access from the interior. They would also have roll-up door options. Commissioner Phillips asked if there would be staff at the storage unit 24/7. Ms. Battle replied that there would be regular office hours from 9:30am to 6:00pm. Tenants would have key card or pin number access to the facility from 6:00am to 10:00pm. Commissioner Echols asked if there was stairway or elevator access in the facility. Ms. Battle replied that it would be elevator access.

Commissioner Smith asked the developer if they had considered existing traffic from QuikTrip, the car wash and Cracker Barrel when choosing this location. Mr. Ed Barber of Iron Horse Interests stated that he had considered two sites, but decided this site had better access. Mr. Barber stated that he asked employees from the car wash and Starbucks if they had any problems getting in and out. He stated that it was not a high traffic area. Mr. Barber stated that tenants typically leased storage for one year or more and came once or twice to the facility. He gave the average number of customers that QuikTrip and the car wash had per day and week and stated that they would be a small fraction of those numbers.

Commissioner Phillips asked what type of vehicles he planned on having at the location. Mr. Barber replied that generally it would be pickup trucks and cars. He stated that some units were as small as 5 square feet. Generally, tenants were apartment or single-family dwellers. Mr. Barber stated that there would be very little tractor trailer traffic.

Commissioner Phillips asked about resolving issues on Harris Road, since it was a private road. Mr. Barber stated that there were property owner's association agreements with cross-easements for traffic, detention and common area maintenance. Commissioner Echols asked Mr. Barber what he meant by very little tractor trailer use. Mr. Barber replied that at his other facility they had very little tractor trailer traffic. Mr. Paul Chase of Iron Horse Interests stated that his facility on South Cobb Drive received around one tractor trailer per month. However, the site could handle a tractor trailer if one came on the site. Ms. Battle stated that the facility would primarily be for apartment dwellers and single-family home dwellers; it would not be an industrial facility. She stated that people would come for drop-off, and not more than 10-20 people would come in and out at a time. She reiterated that it would have a very low impact on traffic.

Commissioner Phillips asked for the fill rate from their other facility. Mr. Chase replied that they stayed between 88% to 93% occupied. Ms. Battle noted the use permit requirements for a radius restriction on self-storage facilities. She noted that this prevented several self-storage facilities from being lumped together.

Spoke in opposition: None

MOTION AND VOTE: Commissioner Echols made a motion to **APPROVE** 19U-002 – Iron Horse Interest, LLC. Commissioner Phillips seconded. Commissioner Smith was in opposition. **The motion carried.** Commissioner Phillips made a motion to **DENY** variance 19CV-004. Commissioner Echols seconded. **The motion carried.** Commissioner Phillips made a motion to **DENY** variance 19CV-005 based on staff recommendation. Commissioner Echols seconded. **The motion carried.**

Conceptual Plan 19C-003 – Project Miles

SUMMARY/STAFF PRESENTATION: A request to approve the conceptual site plan for an industrial development consisting of three warehouse buildings totaling 1,045,967 square feet on Creekwood Road.

Ms. Peeks stated that the applicant was proposing an industrial development consisting of three warehouse buildings totaling 1,045,967 square feet on 99 acres along Creekwood Road. She stated that the property was rezoned to M-1 Light Industrial District in November 2017. She stated that the project was submitted to the Atlanta Regional Commission and the Georgia Regional Transit Authority for DRI review in 2017. Ms. Peeks stated that the applicant would be required to meet all parking, buffer, open space and stormwater management requirements and the zoning conditions that were approved from the rezoning case in 2017. Ms. Peeks stated that staff's recommendation was approval conditional of the conceptual plan to construct a 1,045,967 square foot industrial development.

Commissioner Phillips asked about the warehouses being placed along Creekwood Road and near Line Creek, which was an agricultural area. Ms. Peeks stated that no trucks would come down Creekwood Road. She stated that the only traffic that would come down Creekwood Road would be for the 24,000 square foot warehouse. All other traffic would use a private drive that was an extension of Oakley Industrial Boulevard. Ms. Peeks stated that this was part of the zoning conditions - that no trucks could go down Creekwood Road past the bridge.

Spoke in Favor

Mr. Wayne Matthews

Mr. Mathews, representative for the developer, stated that this was a concept plan so staff would review it again during the land disturbance process. He stated that the developer was proposing a road to run parallel with Highway 85 to keep the truck traffic off Creekwood Road. He stated that he was required to meet all the zoning conditions.

Commissioner Phillips asked Ms. Peeks if there would be another I-85 exit in the future. Ms. Peeks replied that there had been talks about an exit between Gullatt and Johnson Road, but she was not sure of the timeline.

Spoke in opposition: None

MOTION AND VOTE: Commissioner Smith made a motion to APPROVE conceptual plan 19C-003. Commissioner Echols seconded. **The motion carried.**

Rezoning 19RZ-002 – South Fulton, LLC

SUMMARY/STAFF PRESENTATION: To rezone +/- 75 acres on Virlyn B. Smith Road from R-2 (Single-Family Residential District) to R-3 (Single-Family Residential District) to allow the development of 171 single family houses.

Ms. Peeks stated that the applicant was requesting to rezone +/-75 acres on Virlyn B. Smith Road from R-2 (Single-Family Residential District) to R-3 (Single-Family Residential District), to allow the development of 171 single family houses. She stated that in the 2035 Comprehensive Plan designated 49.6 acres of the site as Low Density Residential, which would allow 1/3 acre lots. An additional 15.3 acres of the property was designated as Town Center Mixed Use, which allows all residential types. Ms. Peeks stated the proposal was consistent with the Comprehensive Plan goals to create stable, safe, well-maintained neighborhoods that would maintain their value over time, allow for a variety of home styles, materials, and lot sizes and accommodate pedestrians to allow for alternative access to downtown.

Ms. Peeks stated that this project came before the Commissioners last year when the developer was proposing townhomes and single-family houses. She noted that the applicant met with the community and took away the townhouse portion of the development. The proposal was now all single-family houses based on what the citizens in the community wanted. She stated that now they were asking for the rezoning from R-2 to R-3. Ms. Peeks described the project, stating that the development would provide sidewalks on Virlyn B. Smith, pedestrian-scale lighting on internal roads, and well-landscaped front and rear yards. She stated that the façade would consist of about 25% brick. Staff's recommendation was approval of the rezoning petition.

Commissioner Phillips asked Ms. Peeks to explain the difference between R-2 and R-3, Ms. Peeks responded that the numbers represent the size of the lot. She gave an example that the R-2 represented 2 units per acre, R-3 represented 3 units per acre, and R-4 represented 4 units per acre. Commissioner Phillips asked if they could build more houses by rezoning from R-2 to R-3. Ms. Peeks replied yes. Commissioner Phillips stated that he preferred to see more space between the houses. Commissioner Phillips also asked about how fire hydrants would fit in the development. Ms. Peeks responded to Commissioner Phillips first question, stating that property owners could rezone their property based on what the Comprehensive Plan designated as appropriate. She stated that for this particular case, the Comprehensive Plan character area was Low Density Residential, which allowed the developer to build from 1 acre to 1/3 acre. She added that 15 acres of the site was consider Town Center Mixed Use, where the applicant build townhouses. She stated, however, that the applicant took away the townhomes as a compromise and planned to do single family homes, which was a less intense use. Ms. Peeks responded to Commissioner Phillips' second question, stating that staff comments from several departments were given to the developer to give them an idea of the City's requirements. She stated that the developer would have to abide by all the fire codes and water and sewer requirements. She stated that per the conditions, the developer would have to put in turning lanes, striping, sidewalks and curb and gutter.

Commissioner Phillips stated that four parcel tax IDs were given, which were all on different streets. He asked how the different parcels in different placed added up to 75.9 acres.

Ms. Peeks responded that when she pulled the parcel ID numbers, she went to the Fulton County website and verified the lots that were on the plan and in the legal description. Commissioner

Phillips stated that he had used the same source as Ms. Peeks had used, and it did not show him that information.

Commissioner Phillips stated that the development was going to go from Virlyn B. Smith Road to Cemetery Street. He asked if the developer was going to provide access to the downtown roads. Ms. Peeks replied that it was still an option. She noted that the ordinance required one ingress/egress for every 125 lots. She stated that the previous proposal had two entrances on Virlyn B. Smith but now he was only required to do one entrance. However, the applicant still proposed one on Fisher Drive as an access to the site. She stated that the City would have to take on the initiative to make it a full road, because it was currently not in condition to be a full access road. Commissioner Phillips inquired about bike lanes, recreational areas and school buses drop-off areas. Ms. Peeks stated that the developer was proposing a playground, pavilion and had 11.2 acres of open space. She also noted that the streams would be protected by the state and city stream buffer ordinances.

Commissioner Smith asked for the average square footage of the homes. Ms. Peeks deferred the question to the applicant.

Spoke in Favor:

Mr. Richard Ferry, 270 N. Jeff Davis Drive, Fayetteville, GA 30214

Mr. Ferry gave an overview of the South Fulton, LLC company and described the location of the proposed development. Mr. Ferry stated that they were a moderate-sized subdivision of 171 proposed lots. He described the project's history, stating that they first came before the Commission in October 2018. He noted that the original proposal had 200 townhomes, which generated a lot of questions to the Commission and audience. After meeting with the Durham Lakes HOA, Mr. Ferry stated that the townhomes would not sit well with the neighbors. Therefore, they decided to build all single-family homes with about 11 acres of open space.

Mr. Ferry described the building setbacks – 35' front and 10' side. He stated that with 20' feet between the house, this provided a good amount of side yard. He noted that a typical lot would have 35' in the rear, although some lots were deeper.

Mr. Ferry stated that as developers, they developed lots and then sold them to home builders. He noted that when the Commissioners asked for price points and renderings the first time, they did not have a home builder on board. However, they currently had a builder who was interested in the project. The home builder provided some renderings, which Mr. Ferry shared with the Commissioners. He noted the brick on the front of the homes combined with some cement board siding.

Regarding water accessibility, Mr. Ferry stated that Fairburn staff had informed him that the flow to the project would be 68,000 gallons per day, which the City could supply. Mr. Ferry discussed the financial impact on the City. He cited the North Georgia Water Planning District's water and sewer rate study. Based on this study, he stated that the water tap fee would be \$2,700 and the sewer tap fee would be \$3,500, which at full development would result in \$1,060,000. The new development plan at 171 single-family lots would use 41,000 gallons per day. He noted that the water and sewer revenue on an annual basis would raise \$80,000 in user fees and \$75,000 in sewer fees, based on an annual consumption of 7,000 gallons per month.

Regarding traffic, Mr. Ferry stated that with a 75-acre development the current R-2 zoning would allow 150 lots. They were proposing 171 lots. Mr. Ferry stated that the 171 lots would only produce an additional 124 trips per day more than the 150 lots would generate. The AM peak hour would have 11 more trips for the 171 lots, compared to the 150 lots allowed under R-2. The PM peak hour would have 17 more trips than the 150 lots allowed under R-2.

Regarding schools, Mr. Ferry stated that he had not received student data for the proposed development. He referred instead to the student data provided for the original proposal of 286 units. He stated that the original proposal would have generated 57 to 168 elementary students, 16 to 38 middle school students and 27 to 50 high school students. He stated that he did not know what the exact numbers were for the updated proposal. He noted that the new STEM school would have an impact on where children could attend school.

Regarding the environment, Mr. Ferry stated that his company was always concerned about the effects of development on creeks. He noted that they would adhere to the 75-foot stream buffer. He also noted that the 11.2 acres of open space were in the areas most important for water recharge.

Mr. Ferry stated that they updated their traffic study and submitted it to staff. He stated that the engineer had reviewed it and made recommendations. Mr. Ferry stated that they agreed with the recommendations for improvements.

Lastly, Mr. Ferry addressed price points. He stated that the housing market was bound by comps, where a mortgage company could not give the lender more than the home was worth. Mr. Ferry stated that they were proposing a home size from 2,200 to 3,200 square feet. Using a median number of 2,600 square feet, the price for a new sale in Fairburn would be \$239,102. A 2,800 square foot home would cost \$250,000. The 3,200 square foot homes would be higher. Adding granite countertops and other items would also raise the price.

Commissioner Smith asked if the average home would be 2,600 square feet. Mr. Ferry replied yes. Commissioner Smith inquired if there would be any basements. Mr. Ferry stated that basements would be based on the contour and topography of the property. However, due to the topography Mr. Ferry believed some homes would have basements.

Spoke in opposition:

Danielle Batie, 1 Victoria Drive, Fairburn, GA 30213

Ms. Batie expressed her concerns about traffic. She stated that at times you could not enter or exit existing homes due to the traffic from the Renaissance Festival. She stated that adding 171 homes would stress public services such as fire and police. She stated that there were no police to govern the traffic, causing residents to have difficulty leaving home. She also asked about the location of the development's entrance in relationship to her home. Ms. Batie stated that improved access to I-85 had also not been addressed yet.

Mike Burgess, 396 Rivertown Road, Fairburn, GA 30213

Mr. Burgess stated that per the traffic study, the development would add 1,700 new trips. He stated that improvements should be made to the road before adding this many new trips. He also noted that the schools were predicted to be overcrowded. He stated that the STEM school was not a school for all students, where transportation had to be provided by the parents. Mr. Burgess stated that it was already zoned for R-2. He asked that the City grow in a smart and healthy way.

Rebuttal:

Richard Ferry, 270 N. Jeff Davis Drive, Fayetteville, GA 30214

Mr. Ferry stated that they had spoken with the Renaissance Festival and homeowners and acknowledged that it was a crowded festival. He noted that the developer was proposing another entrance to the development from Brooks Drive. He envisioned the second entrance to be for local traffic, and not a cut-through.

Mr. Ferry stated that the entrance to the development would be directly across from the entrance to Victorian Estates because this was a safer way to operate traffic. Mr. Ferry also addressed the traffic impacts – stating that it was only 11 trips difference from the morning traffic with an R-2 development. He stated that the townhomes were removed. He asked that the project be approved with the recommendations provided by staff.

Commissioner Phillips inquired if the developer would consider putting a traffic light along Virlyn B. Smith. Mr. Ferry stated that this would not favor Virlyn B. Smith. He gave the example that a number of cars along Virlyn B. Smith would be stopped to let one car out of their development. This was why the City Engineer proposed left hand turn lanes so that the cars would move out of the flow of traffic. Commissioner Phillips asked about the entrance at Brooks/Fisher Drive and asked why Brooks Drive could not be extended. Mr. Ferry stated that a resident owned a house close to the right-of-way, so that issue would have to be resolved. He also stated that he did not want to use this entrance as a cut-through for general traffic.

MOTION AND VOTE: Commissioner Smith made a motion to APPROVE 19RZ-002 – South Fulton, LLC. Commissioner Echols seconded. **The motion carried.**

Rezoning 19RZ-004 – Geo H. Green Oil [Fairburn Travel Center]

SUMMARY/STAFF PRESENTATION: To rezone +/- 4.387 acres from C-2 (General Commercial District) to M-1 (Light Industrial District) to allow 50 trucks parking spaces.

Ms. Peeks stated that Green Oil Trucking was requesting to rezone 4.387 acres from C-2 (General Commercial District) to M-1 (Light Industrial District) to allow 50 trucks parking spaces. She stated that this petition qualified as a DRI (Development of Regional Impact) and was reviewed by the ARC, GDOT and the Georgia Regional Transportation Authority. She stated that GRTA had approved the petition with no conditions and GDOT did not recommend upgrades to state route 74. Ms. Peeks stated that staff's recommendation was approval conditional.

Ms. Peeks noted that the project was annexed into the City and rezoned to C-2 in November 2007. She noted that the current use of the property was in compliance at the time of the rezoning. She stated that when the ordinance was revised in 2012, truck stops were removed from M-1 leaving the use as legally non-conforming. She stated that the Fairburn Travel Center had rezoned to 16.83 acres in 2016 from C-2 (General Commercial) to M-1 (Light Industrial District) to allow the expansion of the existing truck stop. She stated that the rezoning of the 4.387 acres would make the subject property consistent with the truck stop property. Ms. Peeks also noted that in 2018 the Atlanta Regional Commission conducted a truck parking study to assess the severity of truck parking in the Atlanta region. The study showed that there was a challenge with truck drivers finding adequate and safe parking spaces in the region. She stated that with the number of warehouses in the region, additional parking was needed.

Commissioner Echols asked what routes the trucks were taking. Ms. Peeks responded that they would be entering the truck stop on Oakley Industrial Boulevard and exiting on Harris Road. Commissioner Echols asked if there was already an approval for increased parking at the truck stop on Oakley Industrial. Ms. Peeks replied that in 2016, there was a rezoning for an expansion. However, the parking was existing gravel parking. The parking lot was now paved. Commissioner Echols asked if there were an increase to 80 parking spaces. Ms. Peeks clarified that the spaces were already there but were now paved.

Spoke in Favor**Mr. Ed Wyatt, 41 Dodd Street, Fairburn, GA 30213**

Mr. Wyatt stated that he worked for the Green Oil company on Dodd Street. He stated that they were requesting to rezone the last piece of property at the site from C-2 to M-1. He stated that the need for the truck parking in the area was severe. Mr. Wyatt noted that trucks were parking where they were not supposed to park, such as the expressway ramps, hotels and restaurants. Mr. Wyatt noted that the truck traffic was already in the area. He stated that truckers could only drive a certain number of hours per day, so the additional 50 spaces would provide a safe place to park. He noted that there was a detention pond and driveway existing on the property. Mr. Wyatt noted that the trucks could only enter the truck stop one way – from Oakley Industrial – and could only exit from Harris Road.

Commissioner Echols asked if the trucks that was parked there had to pay a daily rate. Mr. Wyatt replied yes. Mr. Wyatt responded that there was a waiting list for trucks to park. He stated that truckers could pay \$5 per night or \$125 per month. He stated that you would not have multiple trucks coming in and out of each space. Commissioner Phillips asked if Harris Road was a private road. Mr. Wyatt replied that it was not. Commissioner Phillips stated that he had driven by the property and noticed that the topography was steep. He inquired about detention. Mr. Wyatt stated that the detention pond was engineered for the entire development.

Commissioner Phillips asked if the auto repair shop on-site was used for major maintenance. Mr. Wyatt stated that the occupants of the shop wanted to have the trucks out of the shop on the same day; they would not be handling any major jobs. Mr. Wyatt stated that if it was major maintenance issues, the truck would have to call a tow truck and take it to another facility for the issue.

Commissioner Smith asked what type of maintenance was being done on the trucks. Mr. Wyatt responded mostly new tires, alignments and tune ups. Commissioner Smith asked if the truck tires were being disposed of properly. Mr. Wyatt replied yes. He stated that the truckers had to pay for the tires to be properly disposed of.

Spoke in opposition: None

MOTION AND VOTE: Commissioner Echols made a motion to **APPROVE** rezoning 19RZ-004 – Geo H. Green Oil. Commissioner Smith seconded. **The motion carried.**

- XI. STAFF REPORT:** None
- XII. COMMISSION MEMBERS COMMENTS:** Chairman Stoney thanked the Council members for their attendance.
- XIII. ADJOURNMENT:** Commissioner Smith made a motion to adjourn. Commissioner Echols seconded. **The motion carried.**

Meeting adjourned at 8:37 p.m.

Approval Signatures	
Date Approved	6/10/2019
Elise Stoney, Chairman	Elise Stoney
Kimberly Mitchell, Recording Secretary	Kimberly Mitchell