



PLANNING AND ZONING COMMISSION MEETING MINUTES

City Hall
56 Malone Street
Fairburn, GA. 30213
Tuesday, February 5, 2019
7:00 P.M.

Tony Smith, Chairman
Elise Stoney, 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 constituted a quorum.
- III. **PLEDGE OF ALLEGIANCE:** Recited in unison.
- IV. **ELECTION OF OFFICERS:** Commissioner Smith withdrew from the Commission chairmanship. Commissioner Williams nominated Commissioner Stoney for Chair. Commissioner Wade seconded. **The motion carried unanimously.** Commissioner Williams nominated Commissioner Wade for Vice Chair. Commissioner Phillips seconded. **The motion carried unanimously.**
- V. **PUBLIC COMMENTS:** None
- VI. **APPROVAL OF AGENDA:** Commissioner Williams moved to **APPROVE** the agenda. Vice Chair Wade seconded. **The motion carried.**
- VII. **APPROVAL OF PREVIOUS MEETING MINUTES:** Commissioner Smith makes a motion to **APPROVE** the January 8, 2019 minutes. Commissioner Williams seconded. **The motion carried.**
- VIII. **PUBLIC HEARING:** None
- IX. **OLD BUSINESS:**

Rezoning 18RZ-004 with a Concurrent Use Permit 18U-005 - Exeter Bohannon Land, LLC:

SUMMARY/STAFF PRESENTATION: For the Planning and Zoning Commission to review a request to rezone property located at 6560 Bohannon Road from AG-1 (Agricultural) to PD (Planning Development) with a use permit to allow an M-1 (Light Industrial) use.

Ms. Peeks stated that Exeter Bohannon Land, LLC sought to rezone 3.78 acres from AG-1 (Agricultural) to PD (Planned Development) with a concurrent use permit for an M-1 light industrial use. The applicant proposed to build a 492,480 square foot warehouse. Staff's recommendation was denial.

SPOKE IN FAVOR:

Mr. Doug Dillard, 1230 Peachtree Street NE, Atlanta, Georgia 30309

Mr. Dillard stated that he represented the applicant. He stated that he had handed the Commissioners some information dealing with both zonings. The first case that the Commissioners were hearing was the rezoning on the 3-acre parcel. He stated that they had submitted the ordinance and the Fairburn Comprehensive Plan. He added that the Commissioners might recall that this property was annexed into the City of Fairburn in 2006. He shared that he had also attached the council minutes of the annexation to their information.

Mr. Dillard introduced Lacy Curry, the owner of the property, stating that Mr. Curry would talk about the history of the project. Next, Adam Duerr would review the plan. He asked to reserve his remaining time for rebuttal.

Mr. Lacy Curry, 6560 Bohannon Road, Fairburn, Georgia 30268

Mr. Curry stated his name and address and shared that he had lived there for 33 years. He explained that on October 26, 2006, the City of Fairburn annexed and zoned his properties without him being aware of it. He stated that he found out that they had been rezoned just a few years ago. He stated that the City of Fairburn, signed by Mayor Betty Hannah, allowed for this zoning to take place. The zoning was also endorsed by the neighborhood, he stated.

He requested to present to the secretary with City Council meeting minutes for October 26, 2006. He presented the minutes to Ms. Peeks. Mr. Curry then stated that time was of the essence. He shared that they had followed the guidelines and he felt that they had a right to do what the City of Fairburn had asked to do in the beginning. He reserved the remainder of his time for his legal counsel to speak.

Mr. Adam Duerr, 6285 Barfield Road, Suite #225, Atlanta, Georgia 30328

Mr. Duerr introduced himself as the owner's representative for Exeter Property Group. He stated that he would present the plan to develop a 492,480 square foot distribution facility. Mr. Duerr shared that with their contribution to the proposed infrastructure improvements on Creekwood and Bohannon Roads, he felt that they would be able to sequence trucks and cars in a better manner than they were currently sequenced. He stated that he understood that some of the residents were concerned about truck traffic running down Bohannon Road, so they were trying to eliminate that.

Mr. Duerr stated that although their facility would reside on Bohannon Road, one would not be able to exit right onto Bohannon Road to get to the interstate. Instead, truck traffic would turn left and run down the proposed improved Creekwood Road, around Oakley Industrial Blvd, to Highway 74, and back to Interstate I-85. Mr. Duerr stated that while the zoning conditions

required a 50 ft. buffer around the property when adjacent to agricultural and residential sites, he noted that they had reserved over 200 ft. as the buffer for this facility. The buffer would be vegetated and undisturbed. He further noted that there were a lot of wetlands and existing vegetation that they felt would remain undeveloped. He stated that the buffer would help the local residents on the neighborhood side and on the agricultural side to eliminate any light, noise, or views of the potential development.

Next, Mr. Duerr noted that the facility also would provide adequate queuing for the truck traffic. Up to 10 trucks could be staged on the driveway that would keep truck traffic from overflowing onto Bohannon Road. Lastly, Mr. Duerr noted that they were planning to construct a Class A facility with high glass lines and neutral tones. He stated that Exeter owned and operated 150 million square feet of distribution nationally. He stated they strove to build Class A real-estate - the best in the market. He added that it would be good for the City and the residents as well. He shared that he was happy to address any concerns that the Commissioners might have regarding the development.

Mr. Duerr lastly added that there would be over 200 feet of existing vegetation from the back of the truck port. In some areas, there would be over 400 feet of vegetation, he stated. Mr. Duerr showed the Commissioners a scaled image of the view from a residential dwelling to the proposed facility. He also showed the Commissioners some preliminary renderings of how the facility would look.

Ms. Laura Ayala, 8550 Creekwood Ridge Drive, Palmetto, Georgia 30268

Ms. Ayala stated that she lived in Creekwood Ridge and that she was in favor of the building. She shared that she believed it would bring money and jobs to the City of Fairburn.

SPOKE AGAINST:

Mr. Derek Jones, 6707 Jules Trace, Palmetto, Georgia 30268

Mr. Jones stated that he was the president of Asbury Park subdivision on Johnson Road. He shared that a couple of years ago he was asked to be a part of a steering committee. As part of the steering committee, they planned things to improve in Fairburn, such as bus routes, parks, bicycle trails, nature hikes and nature areas where children could see animals. He stated once it was completed, they felt they had a good plan. He stated that the plan was requested by former Mayor Avery and Mr. Jones was ready for it.

Mr. Jones explained that he opposed the warehouse because Asbury Park appeared to be catty-corner to the project. He stated that he understood that the applicant had the zoning for the project. However, what he was concerned about was his community and the pollution, since he used to be a truck driver. He stated that he was concerned about the environmental aspects, about Asbury Park, and the area around it. He explained he did not want to see trucks coming through Johnson Road. He added that they were supposed to be getting a playground built for the kids in the front of Asbury Park.

Ms. Barbara Allison, 5965 Bohannon Road, Fairburn, Georgia 30213

Ms. Allison stated that she been living in the Fairburn area for 30+ years. She expressed a grave concern about the project because she moved to the community when her kids her little and she thought it was a great place to live. She explained how she enjoyed things in the community like

Old Campbell County Day, the antique shops and Oz Pizza. However, as of right now, Fairburn had gone down with all the industrial development.

Ms. Allison stated that she did not want to be disrespectful, but she did not spend any money in Fairburn, Union City or Fulton County. She stated that her children needed to go to the park and the stores. She asked why the area could not be like the Avenue in Peachtree City with a nice park where you could walk or sit down, have a cup of coffee, walk your dog or have outside activities with the kids. She inquired why the development always had to be industrial. Ms. Allison explained that the proposed development would be on her side of the road, which was Landrum Road headed towards Highway 74. She noted that with the Duracell development, she could not get out of her driveway at 3:00p.m. because of the employees getting off work. She stated that some days the traffic was backed up from Parrott Funeral Home on Highway 74 to the pond.

Ms. Allison stated that the trucks were supposed to use Oakley Industrial Blvd. and that Fairburn police could not be there all the time to monitor the trucks going up and down the road all the time. She asked if the Commissioners were aware of the young man who was killed by the speeding streetsweeper on Bohannon Road. She noted that there were a lot of issues and that she did not understand why they could not have something that was relaxing and peaceful to come home to every day. She explained that she chose to spend her time in Tyrone, Coweta County or Peachtree City.

Ms. Lisa Corcoran, 9075 Gullatt Road, Palmetto, Georgia 30268

Ms. Corcoran stated she purchased her property, 9075 Gullatt Road, in 2006. She stated that her life had been spent living in Cobb County and Buckhead. She assured the Commissioners that in those areas, the committees did not care about what you want built in your neighborhood. She explained that part of what she loved about moving down here was being in a small town where she could come face to face with everyone and where she knew people on the City Council. She stated that she took all the money that she had inherited and saved to build her life dream of having a therapy program and a horse farm. She stated that she built it and she also had been an active member in the community.

Ms. Corcoran stated that she was part of the planning meeting where the City asked them to come and talk about what things they wanted built in Fairburn. She explained that they picked out buildings, shopping centers and neighborhoods. The group sat down with maps of the City of Fairburn and discussed where they thought everything should go. She added that they all agreed that it was fine to have the income from warehouses, but that they should be in appropriate areas and that warehouses should not cross over Johnson Road. Ms. Corcoran stated that there was plenty of room along Roosevelt Highway and along Oakley Industrial to have the income, tax base, and jobs provided by the warehouses. She stated she really did not think that it would be in keeping with what the City of Fairburn, its residents and its citizens wanted to expand that area into an industrial zone.

Ms. Carrie Klarl, 203 Mann Road, Tyrone, Georgia 30290

Ms. Klarl stated that she had lived at 203 Mann Road for 24 years. She addressed the applicant's remarks, stating that her neighborhood on Mann Road had not endorsed the rezoning in 2006. Regarding the applicant's statement that they were trying to sequence the trucks better, she stated she did not see how they can eliminate that by adding a facility of that size with the amount of traffic that it would generate. She stated that the applicant said that they would eliminate any light, noise or views of the facility. However, she stated that this was not possible. She stated that she lived on the other side of Line Creek and she could see lights on Bohannon now. She stated

that she could hear noises from other residences and there was no way that they could eliminate that by adding a facility of that size.

Ms. Klarl stated that she was strongly opposed to the development. She explained that development would increase the flooding of Line Creek and nearby properties. She added that she did not think any amount of stormwater containment that could prevent that. She stated the truck traffic would pose a safety hazard for drivers attempting to enter Bohannon Road. She described seeing semi-trucks trying to enter Bohannon Road from Kirkley Road causing road damage.

Lastly, Ms. Klarl noted that it was a residential neighborhood and they had rural mailboxes all along Bohannon Road. She posed the scenario of trucks stopping every few feet waiting for the mail to be delivered, or trucks lining up behind school buses for Fayette County and Fulton County school system. The buses she stated use Bohannon Road to transport children to and from school. She added that the project would create an island of industrial development in the middle of a residential, agricultural neighborhood. She finished by stating that this was not sound city planning and there were no architectural drawings attractive enough to make this acceptable.

Mr. Randy Ognio, 390 Grooms Circle, Fayetteville, Georgia 30215

Mr. Ognio stated that he was the chairman for the Fayette County Board of Commissioners. He stated that he had been contacted by many of his citizens that were concerned that their views would not be considered because they did not live in Fairburn. He explained that some Fayette residents' property backed up to Line Creek. The residents were also concerned that this would set a precedent and the whole area would become this type of development.

Mr. Ognio stated that other citizens had contacted him about their concerns about the traffic, since Fayette citizens used Hwy 138 and Hwy 74 to get to the interstate. He stated that either way there would be more traffic, and Fayette residents would have to use other routes because there was already a bottle neck. He expressed hope that GDOT was working on a solution for the Interstate 74 exit. However, he noted that this project would create more traffic.

Mr. Joe Lowe, 8515 Creekwood Road, Palmetto, Georgia 30268

Mr. Lowe stated that he had been living on Creekwood Road for 23 years. He asked the applicant if they would be entering Bohannon Road from Creekwood Road. He explained that the community already had trouble leaving their homes. He stated that if an emergency were to occur, they would be stuck. He stated that if there were more warehouses added it would really mess up things. He noted that police and ambulances would not be able to get through the community. He shared that he had to leave home two hours early to avoid the traffic. He stated if the applicant put the warehouse in, they would be blocked in and this was why he was opposed to the development.

Mr. Neale Nickels, 6805 Mann Road, Palmetto, Georgia

Mr. Nickels stated that he owned 113 acres in the area, 7 of which were in Fayette County across Line Creek and immediately south of this proposed development. He stated that his primary concerns were environmental, as had been expressed already. He noted that his property flooded quite a bit, and he had major concerns about the impervious pavement and the stormwater control. He stated that he had also worked as an environmental consultant doing stormwater pollution prevention plans and he knew how challenging this could be for projects like this.

Mr. Nickels also asked the Commissioners to consider the Comprehensive Plan in their analysis. He explained that a lot of people spent time and energy working on a Comprehensive Plan for Fairburn's future. He stated the Comprehensive Plan was a really important part of his family's decision to purchase the property. He shared that he was looking for something with a rural agricultural feel where he could raise his family and have a farm. He stated that he felt this project was a threat to that and to his property values. He asked for the Commissioners to consider the Comprehensive Plan and what it designated for this area of town as they made their decision.

Mr. Reginald Ackie, 520 Devcon Lane, Palmetto, Georgia

Mr. Ackie stated he was totally against the development. He explained that he moved in the Creekwood Village subdivision 24 years ago. He shared that he had raised his family there and taught his kids how to ride their bikes on Creekwood Road. However, now they were unable to go past Clorox because of the trucks. He stated it was affecting their quality of life and the reason they had moved into the area. He echoed the other points regarding the agricultural character, and the pollution and the traffic on Creekwood Road, adding that the traffic could not get any worse. He explained that the traffic started at Clorox and affected him no matter which direction he traveled. He commented that when traffic started to affect the quality of life and property values, it really hurt everybody. He stated that it would be impossible for the trucks to go up Creekwood Road because the bridge was not designed to hold them. He explained that he rode a motorcycle and he had hit potholes on Oakley Industrial. He stated he was representing Creekwood Village tonight and there were members of the community there in opposition of the project moving forward.

Mr. Greg Hecht, 205 Corporate Center Drive, Stockbridge, Georgia 30281

Mr. Hecht stated he was representing Tom and Darcy White. He stated he was also asked by several land-owners to present a constitutional rights reservation to file with the clerk. He stated that this was an inconsistent project with the Comprehensive Plan and the constitutional right of each and every citizen that neighbors this area. To quantify the impact, the Calyx Engineers Report which came from the developer explained, "It is expected to generate 824 new trips daily." He stated that in addition, it would have over 300 trucks access transactions daily, and there would be projections of 158 trucks that would enter and exit the warehouse facility daily. He stated that this would total about 310 truck transactions each day added to what you have in your stop-gap problems.

Mr. Hecht stated the staff report stated secondly that a lot of this truck route was currently prohibited. The M-1 Light Industrial was not a permitted use within the Planned Development District now, which was why they had to come for the M-1 Permit. He explained the Moreland Altobelli Report that came from the City stated that Creekwood Road could not accommodate this traffic and Bohannon Road had similar problems. The report also referenced truck accident problems that one neighbor had already referenced.

Mr. Hecht added that there were public safety concerns with emergency vehicles, fire response and EMS response. He stated that parking for queuing would not run correctly because 10 trucks in comparison to 158 trucks would not be queue correctly. He stated that there would be trucks being parked on the road as they were trying to get in to the parking lot. He stated that regarding the Line Creek impact: sewer and water issues would rampant with this project. There was no current connection to sewer, use of septic would be prohibited, and many people in that area are on well water. He stated that these citizens would not want to worry about runoff or aquifer pollution in that area, which would ruin the health, safety and welfare of the citizens.

Lastly, Mr. Hecht stated there was a horse park nearby that provided lessons for disadvantaged children. He stated that the last thing you would want would be 800 trips daily around the disabled children that were trying to learn a rehabilitative process in the horse training position. He stated he would present the clerk with the constitutional rights notes and stated that by the time the case went before City Council, they would have more notes.

Mr. George Hart, 6805 Mann Road, Palmetto, GA 30268

Mr. Hart stated he had been fighting this type of development in the area for the last 50 years. He stated that he fought because he wanted to be in the country and have the opportunity to enjoy life. Therefore, he owned 150 acres. He shared that he felt they had been under siege ever since the mid 1970's. He explained that by under siege he meant people were trying to put things in this area that clearly did not belong there. He stated he had asked a number of times, "Who benefits from this project?" He asked if it would be Mr. Neale Nickels or the 300 or 400 families that would be massively impacted by the fact that they were locked into their subdivision.

He stated that it was just the sort of thing that did not make any sense to him because the only people that could possibly benefit from this would be Exeter and the people selling to Exeter. He described the project as a giant noise making polluting facility that would destroy the area. He argued that the zoning plan would be out the window if the City let the project in.

Ms. Bennie Johnson, 285 Horseman Run, Palmetto, Georgia 30268

Ms. Johnson stated that she was not in favor of the warehouse project that was trying to form in her community. She explained that she moved there 7 years ago, and she was enjoying the peacefulness and the country-type living, such as watching the cows, horses, and goats feeding and roaming on their property. She stated now with the project, all of this could go away. She stated that the roads could not handle all of the big trucks coming and going through the day and night. She explained the streets were made for residential use only. She noted that Creekwood & Bohannon Roads were not truck routes in this area, and the only truck route was on Oakley Industrial. She noted that during certain times of the day, Oakley Industrial became messy.

Ms. Johnson stated if they chose to go ahead with this project, all the hard work that had been put into making homes livable would become useless, the property values would go down, the roads would become dangerous for their children's school buses, and for their cyclist who used the road for their enjoyment. She explained that there is a possibility that Line Creek would be affected also. She requested that the applicant build elsewhere.

REBUTTAL:

Mr. Doug Dillard, 1230 Peachtree Street NE, Atlanta, Georgia 30309

Mr. Dillard stated that the City of Fairburn had annexed the property without any guidance or assistance from any of the property owners. He stated that the City had left 3 acres zoned AG-1 (Agricultural), but the remaining 70 acres were zoned PD (Planned Development). Mr. Dillard shared that he believed it had been zoned to PD because it had been zoned CUP (Community Unit Plan) in unincorporated Fulton County. He stated that when the City annexed and zoned the larger 70-acre tract, they zoned it PD. He referenced minutes, which showed the uses allowed under PD. He listed the permitted uses as R-1, R-2, R-3, R-4, DP-6, RM-8, R-CT, O&I, C-1, C-2. He stated that as a matter of right, he could build 800,000 square feet of non-residential uses on the property. He used as average of 8,000-10,000 square feet for a shopping center, multi-family

or single-family detached is allowed under PD and was also allowed under the CUP zoning from Fulton County before it was annexed.

Mr. Dillard stated that he did not know why Fairburn had annexed the property, but it was annexed. He implored that the Commissioners could not arbitrarily take the property away from the owners during the planning and zoning review process. He addressed the future land use map classification of the 70 acres as "greenspace." He stated that it had been annexed and zoned for a high-density mixed-use, the future land use classification was a taking of a valuable property right. He stated that the City could not do this. He stated that if the City wanted this to be greenspace, they should buy the property. He stated that his team had obtained a traffic report and felt there was "no question" that Creekwood Road needed to be improved. He stated that this had been confirmed by the applicant's engineers and the City's engineers. He stated that his team had met with Moreland Altobelli and had come up with a plan.

However, the plan would cost over \$1 million, he stated, to fix the bridge, widen the street and install the desired landscaping. Mr. Dillard stated that in a spirit of compromise and cooperation, the applicant agreed to make a \$400,000 contribution to the improvement of the roadways. He stated that in Georgia law, a zoning case could not be denied based on an increase in traffic. Quoting a 1961 Georgia supreme court case, Mr. Dillard stated that traffic was a natural outgrowth of urban growth. He stated that this was what Fairburn had been experiencing over the past several years. He stated that he had been involved in a lot of zoning cases along Highway 74 in Fairburn. Commissioner Williams interjected, inquiring if the law was referencing normal traffic, not truck traffic. Mr. Dillard replied that the law did not make a distinction between tractor trailer trucks and automobiles, nor did other reports make this distinction. He stated that 842 trips would be generated per day from the proposed development. He stated that there would be many trips being generated if the proposed development had been a shopping center or office building. 158 trips would be tractor trailer truck trips. The rest would be automobile trips. Next, Mr. Dillard discussed the conditions that the applicant would agree to. He stated that there was a difference between the Commission's obligations when analyzing a zoning case and the Commission's obligations when analyzing a use permit.

He stated that when reviewing a zoning case, the Commissioners were charged to balance the equities – to determine the applicant's rights to use their property for a lawful purpose against the police power. If the Commission could not balance the equities, this would be considered a taking and it would be unconstitutional. Commissioner Stoney asked the Commissioner if there were any questions for staff or the applicant. Commissioner Williams inquired about Mr. Dillard's statement that there was no difference between the automobile and truck traffic. He stated that some roads did not support certain types of vehicles. Therefore, the law referenced by Mr. Dillard must have taken this fact into consideration. He stated that for the applicant to state that there was no difference was inaccurate.

Mr. Dillard stated that Commissioner Williams' statement was not what he meant. He clarified, stating that it was not the applicant's place to solve a problem that formed over 40-50 years, which was to make the road safe. He stated that the road was not safe for any use. He stated that the City needed to fix the road for pedestrian traffic as well as truck traffic. Commissioner Smith inquired if Mr. Dillard believed that the City of Fairburn should fix the road. Mr. Dillard stated that the road was in the City of Fairburn and that it was the City's obligation to fix the roads.

Mr. Dillard suggested that there were ways for the applicant to work with Fairburn to finance the improvements through a public-private partnership. He further suggested that they float bonds and use the taxes generated by the property to pay the bonds. He stated that this process could be

done over a 20-year period. Vice-Chair Wade inquired about hours of operation for the facility. Mr. Duerr stated that there were no current hours of operation set. He stated that this was a speculation building. Commissioner Wade asked if the facility could possibly be a 24-7 operation. Mr. Duerr confirmed that it could be a 24-7 facility.

Commissioner Phillips asked how far the property was from other commercial facilities. Mr. Duerr stated that the property was 0.75 miles from the Clorox facility on Creekwood Road. Commissioner Phillips asked if the Clorox facility was very close to the subject site. Mr. Duerr stated Creekwood Road needed improvements from the intersection of Creekwood Road and Bohannon Road to the bridge on Creekwood. Mr. Duerr stated that at the bridge, Creekwood Road changed from 12-foot lanes to 10-foot rural county roads.

He stated that this stretch of Creekwood Road, from Bohannon Road to the bridge, would have to be improved, and that this was approximately 0.75 miles. Commissioner Phillips inquired if Mr. Duerr was referring to Line Creek bridge. Mr. Duerr replied that he did not know the name of the bridge, and that the bridge was more like a culvert at this time that crossed an ephemeral stream. Vice-Chair Wade inquired about the general public health comments from the Fulton County Health Department. Ms. Peeks stated that she had submitted the proposal to the Fulton County Board of Health's Environmental Justice program. The county office responded with comments after reviewing the proposal. Ms. Peeks shared some of the comments with the Commissioners, noting that the increased truck traffic would impact pedestrians and cause an increase pedestrian injury; that truck traffic and diesel engines impact air quality; that diesel exhaust particulate matter was a toxic air contaminant and contained known carcinogens; that developments such as warehouses could have up to 84 decibels of noise, which could cause a noise hazard to the citizens in the area; and that streams and rivers downstream from the developed areas have been known to have higher bacteria counts after rainfall. The county office also provided comments from the Board of Health related to sanitary sewer facilities. The comments contained the Fulton County Board of Health articles and codes that would apply to the development.

Commissioner Phillips inquired if the approval of the project would create an island. Ms. Peeks replied that there was no other industrial development in the area once you passed the Clorox facility. She stated that everything in the southwest portion of the city was still single-family and rural residential and everything was zoned agricultural. She noted that the only PD zoning had been the Asbury Park subdivision and the subject property for the use permit. She stated that the development would be an island as far as land use because there were no other industrial uses beyond Clorox.

She stated that the zoning would remain PD. Although PD did not necessarily allow an M-1 or M-2 use, the ordinance stated that in order to have an M-1 or M-2 use the applicant would have to go through the special use permit process. She added that PD was a mixed-use zoning district where an applicant would need 3 or more different uses. She referred to Meadow Glen as an example of a PD district, where the district contained multi-family, single-family, industrial and commercial uses. She named Meadow Glen as an example of a what a true PD should look like.

MOTION AND VOTE: Commissioner Echols moved to deny rezoning 18RZ-004 with concurrent use permit 18U-005. Commissioner Williams seconded. **The motion carried.**

Use Permit 18U-003 - Exeter Bohannon Land, LLC:

SUMMARY/STAFF PRESENTATION: A request to allow an M-1 (Light Industrial) use in a PD (Planned Development) zoning district for properties located at 0 Bohannon Road and 6570 Bohannon Road.

Ms. Peeks stated that the applicant Exeter Bohannon Land, LLC was proposing a use permit to allow an M-1 Light Industrial use. She explained that this was a subsequent petition for the rezoning case.

Staff's recommendation was denial.

COMMISSION MEMBERS COMMENTS: None

MOTION AND VOTE: Commissioner Williams made a motion to DENY use permit 18U-003. Vice-Chair Wade seconded. **The motion carried.**

NEW BUSINESS:

Preliminary Plat 19P-003 - Clayton Ministries:

SUMMARY/STAFF PRESENTATION: A request to subdivide one parcel into two parcels.

Ms. Peeks stated the applicant was requesting to subdivide one parcel into two parcels. Staff's recommendation was approval.

Pastor Hayes Clayton

Pastor Clayton requested that the property he owned at 7875 Bohannon Road be split into two parcels in order for him to accommodate the City with building sidewalks. He stated that the subdivision would allow him to put sidewalks and curbs around the corner property at Bohannon Road and Oakley Industrial Blvd. He explained that he already been approved for the use permit and now wanted to obtain approval to subdivide the property.

COMMISSION MEMBERS COMMENTS:

Commissioner Phillips stated that he did not understand why it would be more advantageous for the applicant to subdivide the property. Ms. Peeks responded that the property owner had the right to subdivide his property. She stated that he was asking to subdivide the property because he would not use part of the parcel because of the streams on it.

She explained that his church would still maintain ownership of the property, but that the subdivision would allow him to put sidewalks on Bohannon Road from property line to property line, which would end at the second piece of property. Commissioner Phillips asked if the second parcel is not buildable. Ms. Peeks replied this was correct.

MOTION AND VOTE: Commissioner Williams made a motion to APPROVE preliminary plat 19P-003 with staff's recommendation. Commissioner Smith seconded. **The motion carried.**

Preliminary Plat 19P-004 - OCP Fairburn/Fairburn Commons:

SUMMARY/STAFF PRESENTATION: A request to subdivide one parcel into two parcels.

Ms. Peeks stated that preliminary plat 19P-004 was a request to subdivide one parcels. Staff's recommendation was approval.

COMMISSION MEMBERS COMMENTS: Commissioner Phillips inquired about why the applicant was subdividing the property.

Ms. Peeks stated that the large piece of property was owned by OCP Fairburn. They were subdividing 1.4 acres to allow for a retail commercial development called Fairburn Commons. Commissioner Phillips asked if the retail site was the smaller property. Ms. Peeks stated yes.

MOTION AND VOTE: Commissioner Williams made a motion to APPROVE Preliminary Plat 19P-004. Vice-Chair Wade seconded. **The motion carried.**

Conceptual Plan 19C-002 - Fairburn Commons:

SUMMARY/STAFF PRESENTATION: A request to review the conceptual site plan for a 12,800 square ft. multi-tenant commercial development on Highway 74/Senoia Road. Ms. Peeks stated that staff's recommendation was approval conditional.

Ms. Anita Ford, Riverwood Properties, 3350 Riverwood Parkway SE, Suite 450, Atlanta, GA 30339

Ms. Ford stated that she worked with Riverwood Properties. She stated that they proposed to build 12,800 square ft. of retail Shopping Center on this parcel. She stated they were an unanchored retail developer in Georgia and they develop on the south east. Commissioner Phillips asked if they were building this property on speculation or did they have confirmation user. Ms. Ford responded that they had 5 tenants and 3 vacancies that she was trying to fill with different users. Commissioner Phillips asked what types of user's there were. Ms. Ford replied she had Moe's Southwest Grill, AT&T, Jersey Mike's and a wing's restaurant. She stated a lot of the uses she have had been typical uses in their shopping centers.

Ms. Ford stated the Commissioners might be familiar with the Newnan Festival Shopping Center on Bullsboro Drive. She explained that they had built the Shopping Center next to AT&T store with Einstein's Bagels. Commissioner Phillips inquired about the proposed road access to the site. Ms. Ford stated that they would access their site from Meadow Glen Parkway and from Renaissance Parkway, which had been approved to be built by mid-March. She stated that they were finalizing the easement agreements at this time.

Commissioner Echols asked if traffic would come directly in or out of Highway 74. Ms. Ford stated that access would not come directly from Highway 74. She stated that access would come through Meadow Glen Parkway. Commissioner Echols asked if Ms. Ford was referring to Meadow Glen subdivision. Ms. Peeks interjected, stating that she meant Meadow Glen Parkway on the opposite side of Senoia Road. Ms. Ford stated that their access would come from an extension of Meadow Glen Parkway. Ms. Ford stated that they had submitted a 10% reduction of parking. She stated that this was to satisfy their current mix of tenants. She stated that she wanted to make sure this was taken into account.

Commissioner Phillips inquired about parking, stating that he saw 86 parking spaces and 64 parking spaces required by the city. He stated that he did not understand the calculation. Ms. Ford replied that they could apply for a 10% parking reduction based on the mix of uses. They did their parking calculations based on their current tenants and the types of tenants they could have in the three vacant spaces. She stated that the required parking would be 10% shy, based upon the reduction request. However, they would satisfy their parking requirements. Commissioner Phillips asked that since there were eight stores, and four handicapped parking spaces, if the handicapped spaces could be spread out so that each store could have a handicapped parking area. Ms. Ford stated that they had four handicapped parking spaces.

Commissioner Phillips inquired if each store needed to have its own handicapped parking space. Ms. Peek stated that the ordinance required the handicapped spaces to be on the closest route to the door. Therefore, it would be impossible to put one space at each door. Instead, the applicant placed the handicapped parking spaces in the center of the development, so that if anyone had a disability they would be equidistant from all stores left to right. Ms. Ford added that with ADA they had to be careful about where they placed their ramps. She stated that the flat portion of the ramp could not be in front of a door.

Commissioner Phillips inquired if everyone would enter and exit from the center of the facility. Referring to the conceptual plan, Ms. Ford agreed that this was correct for the middle one. Vice-Chairman Wade asked if the project was compliant with ADA. Ms. Ford stated that it was. Vice-Chairman Wade stated that he did not believe Ms. Peek would allow the project to come before the Commission without being ADA compliant. Ms. Ford stated that they were very aware of ADA requirements.

MOTION AND VOTE: Commissioner Smith made a motion to APPROVE Conceptual Plan 19C-002. Commissioner Williams seconded. **The motion carried.**

Rezoning 18RZ-007 - 6905 Development Company/Renaissance Festival:

SUMMARY/STAFF PRESENTATION: A request to rezone 21.41 acres located at 592 Rivertown Road from R-1 (Single-Family Residential) to AG-1 (Agricultural District)

Ms. Peek stated that staff's recommendation was approval conditional.

SPOKE IN FAVOR:

Mr. Brian Pelham, 1039 Sullivan Road, Suite #200, Newnan, Georgia 30265

Mr. Pelham stated that he was with Integrated Science & Engineering. He stated that he would be speaking on behalf of the applicant and would be the engineer of record on the project for the Georgia Renaissance Festival. He explained that they were looking to do a possible expansion of their parking area sometime in the future. He stated that the proposed project was adjacent to Duncan Park. He added it was currently zoned R-1 and the only roadway frontage it had was up on Rivertown Road and was 50 ft. wide.

He explained that it would be adequate to access the property from Rivertown Road, so they would have to access it from the southern side that was contiguous to the Renaissance Festival. He stated that it would be a straight-forward project. He stated he would use the remaining time to discuss questions or speak with anyone regarding the project.

SPOKE AGAINST:

Ms. Vermeka Martin, 6560 Lake Esther Drive, Fairburn, Georgia 30213

Ms. Martin stated she was in opposition of the project because she had lived in Fairburn since she was in the 9th grade, which was 25 years. She stated that she had her children there, and there were 3 generation that lived in Fairburn. She explained that her kids went to the park with their dog, and she feared that with all the traffic something might happen to her son, who has down syndrome. She explained it might not be safe with all the cars and public that would come through there. She stated that Fairburn had been a peaceful place, that her family enjoyed.

Ms. Martin explained that she already dealt with traffic and noise on her commute into Atlanta, and she did not want the additional traffic & noise from the Renaissance Festival. She asked for Fairburn to take into consideration their quality of life, and how they really love and enjoy living in Fairburn. She stated that she would not like their quality of life to be interrupted for parking. When the Renaissance Festival already had parking and could extend it from the Existing parking lot instead of coming through Rivertown Road.

Ms. Martin stated that she believed that there were other options that they could present other than disrupting their quality of life and creating the possibility that their children would get injured walking to the park. She stated that on Lake Esther Drive, there were no sidewalks, so children had to walk on the side of the street, in the grass and in the mud. She stated this also occurred on Rivertown Road before the sidewalk was built next to Duncan Park. She stated that there were a lot of safety concerns with the children going to school, the school buses that come through and the traffic and environmental they had there.

SPEAKER IN FAVOR (REBUTTAL):

Mr. Brian Pelham, 1039 Sullivan Road, Suite #200, Newnan, Georgia 30265

Mr. Pelham asked Ms. Martin if she lived off Rivertown Road. Ms. Martin responded that she did. Mr. Pelham stated that they were not putting a dual, fully city-approved entrance off of Rivertown Road. He stated that they did not intend to. Instead, they would put a small driveway off of Rivertown Road that would allow for emergency vehicle access. He stated that when the festival was in full swing, it was busy. To get emergency vehicles into the festival from the main entrance on Virlyn B. Smith had proven to be challenging at times. Therefore, they proposed to have gated access on Rivertown Road to allow for a small driveway. He added that the topography would not allow for a full driveway. Therefore, they planned to put a small driveway that was gated and controlled to allow vehicles in. He stated that they would not be able to improve the driveway to be able to bring it up to current deceleration lane standards or full commuter traffic access.

He stated that this was impossible and that they could not do it. Therefore, he argued, they would not increase traffic on Rivertown Road. He stated that the only traffic on Rivertown Road would come from visitors trying to get to the festival from Atlanta. He added that the parking lot expansion would not increase traffic but would address traffic that is already being generated. He stated that the Renaissance Festival was growing organically in terms of size. He stated that the festival was not increasing its surface area, and it was not adding any exhibits. The only increase was coming from word-of-mouth and traffic coming in. None of the traffic was coming from Rivertown Road unless the visitors were being directed to the park by electronic means. He reiterated that they were not accessing the park from Rivertown Road.

Vice-Chair Wade asked if the Rivertown Road entrance would be for public safety only. Mr. Pelham stated yes, this was correct and that the entrance would be gated. Mr. Pelham added that they were not going to immediately clear the property for parking. He stated that they were currently using about 75-80% of the existing parking during the festival's busiest time. He stated that the biggest motivation for them to do the project was to put the access road in. The access road would be connected to a proposed turn-around with a driveway that connected to Rivertown Road. This would enable ambulance service and/or fire trucks.

He stated that they were trying to plan for the future in the event that they needed additional parking. They planned to clear the property in a controlled manner to allow for parking. He stated that at this time they did not have an anticipated start date for clearing the property.

Vice-Chair Wade asked if the main access would still come from Virlyn B. Smith. Mr. Pelham stated that this was correct. Commissioner Phillips asked if there were any existing facilities or housing on the subject property. Mr. Pelham stated that it was currently a vacant, wooded area. Commissioner Phillips asked if there was a required buffer, since the property was in a residential area. Mr. Pelham stated that there was a 50-foot buffer, city-required buffer that would go around the property. He stated that the buffer could be a mixture of either undisturbed material or material planted to Fairburn's standards. He stated that they intended to meet these criteria. Commissioner Phillips asked if the buffer would help reduce the noise factor. Mr. Pelham stated that this was correct. Commissioner Phillips inquired if there were any streams on the property. Mr. Pelham stated that on the north side there was a wet weather type stream that they would address when they put the driveway in. He stated that they would probably put a culvert in to handle it.

Commissioner Williams asked Ms. Peeks about the staff report, in which she noted that the project would decrease traffic congestion. He asked how this determination was reached. Ms. Peeks stated that when the Renaissance Festival is in session for six weeks, adequate parking would help the cars exit Virlyn B. Smith more quickly. She stated that this would decrease congestion on Virlyn B. Smith and roads that connect to Virlyn B. Smith.

Chairman Stoney inquired if the applicant was installing the access road by ordinance or mandate. She inquired how long the Renaissance Festival had been at this location. Mr. Pelham stated been at that location since 1997. He stated that there was no mandate other than public safety. He stated that no one had come out and told them that they had to put the access road in. Instead, the owner had found that when people were in the heat all day and needed to go to the hospital, it would be easier to exit the other way than through the festival entrance.

MOTION AND VOTE: Commissioner Williams made a motion to approve Rezoning 18RZ-007. Commissioner Smith seconded. **THE MOTION CARRIED.**

STAFF REPORT: None

COMMISSION MEMBERS COMMENTS: Commissioner Phillips discussed the Lightning Redevelopment Study community meeting that took place on January 31st. He expressed interest in the findings that the area should be considered separate and should have its own comprehensive plan. He also stated that the large number of non-conforming lots in the area were discussed in the meeting. He recommended that the Commissioners attend the meeting to see how they could help with the issue of non-conformity. Chairman Stoney stated that the consultant was reviewing the zoning for the Lightning Community. Ms. Peeks stated that part of the consultants' work in the creation of their plan was to look at the lots in the Lightning community. The consultants had found many lots to be legally non-conforming. She stated that their plan would give recommendations to the City on how to better handle the non-conforming lots, especially since the City wanted to redevelop the area. Their recommendations might include changing ordinances and changing lot sizes so that they can come into conformity. Ms. Peeks stated that these elements would be part of the plan created by the consultants. She stated that the next meeting Lightning Redevelopment Study meeting was February 28, 2019 and the Commissioners were welcome to attend. Vice-Chair Wade had no comments. Commissioner Williams had no comments. Commissioner Smith thanked Chairman Stoney for resuming the chairmanship.

ADJOURN: Commissioners Williams made a motion to adjourn. Commissioner Smith seconded. **The motion carried.**

Meeting adjourned at 8:18 p.m.

| Approval Signatures | |
|---|-------------------|
| Date Approved | 3/12/2019 |
| Elise Stoney, Chairman | Elise Stoney |
| Kimberly Mitchell, Recording Secretary | Kimberly Mitchell |