



PLANNING AND ZONING COMMISSION MEETING MINUTES

City Hall
56 Malone Street
Fairburn, GA. 30213
Tuesday, January 8, 2019
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.
- III. **PLEDGE OF ALLEGIANCE:** Recited in unison.
- IV. **ELECTION OF OFFICERS:** Commissioner Echols nominated Mr. Tony Smith for Chair. Commissioner Phillips seconded the nomination. **The motion carried.** Commissioner Williams nominated Ms. Elise Stoney for vice chair. Commissioner Smith seconded. **The motion carried.** Per Commissioner Smith's request, Commissioner Stoney stated she would conduct the meeting and Commissioner Smith would take over for the February meeting.
- V. **PUBLIC COMMENTS:**

Neale Nickels, 6805 Mann Rd

Mr. Nickels introduced himself and stated he was a relatively new owner on Mann Road in the Line Creek Community. He explained that he and several other neighbors and friends wanted to go on record and oppose the rezoning request. He stated that his family bought property from George and Penny Hart, that they had known the Harts for many years, and had been involved in one way or another with the property for one year. The Harts entrusted his family to maintain what they had done so beautifully for over half of a century, he added. He stated that they owned 113 acres and that about a quarter of a mile of Line Creek ran through the property, including beautiful, pristine wetland. He stated that they intended to keep the

property agricultural and intended to farm it. It was a place for their family and friends to enjoy, he stated.

Mr. Nickels stated that he had learned about the proposed rezoning "through the grapevine." He voiced concern that he did not receive any notification, see any sign or any other notification over the past couple of months. He stated that he had good neighbors that had heard about it and let them know, so he wanted to come and speak in opposition. He also mentioned that when they were looking at the property, they reviewed the Fairburn Comprehensive Plan. He stated that the Comprehensive Plan had the goal to keep the rural agricultural feel of the Line Creek area of the city, which was the area in question. He expressed that the future development map had their property, as well as the property in question, listed as greenspace. Furthermore, the map discouraged the development in the 100-year floodplain and designated riparian buffers for protection of streams. Therefore, he felt that the proposed rezoning could have a negative impact on the community as well as on the ecology of the area and potential downstream impact. He stated that his property could sustain negative impacts. He voiced that he wanted to mitigate these as much as possible.

George Hart, 16 West Andrew Dr, Atlanta, Ga. 30305

Mr. Hart stated he owned the property at 6508 Mann Road and recently sold it. He shared that he had promised Mr. Nickels that he would step forward because he understood his community was a special area. He explained that the Line Creek Community Association was founded in the heat of this entire area coming under pressure for rezoning. He explained that they formed a Community Association with at one time over 300 members. However, things had been going on so well that they did not have to do too much to stop bad things. He stated that Fairburn had been doing such a grand job since they became part of Fairburn 13 years ago.

Mr. Hart stated that they wanted to become part of Fairburn because they wanted to be able to reach out to somebody who knew who they were if something went wrong. He voiced that they found it was difficult to deal with Fulton County because they were a long way from the community.

He read a statement that "The purpose of the Line Creek Community Association was to be the promotional organization for preservation of our Community as a primary residential neighborhood with unique rural favor for the mutual enjoyment and benefit of the property homes and residences." He explained that this had been the association's mission for almost thirty years. He continued, "Future Commercial development should be supported only if it is appropriate in type and location and is not likely to diminish the quality of life and property values of our constituents as a whole."

He voiced that he was perplexed by the fact that the rezoning came up without any notice whatsoever in their neighborhood. He stated that they found out about the rezoning because they heard somebody say something and they looked into it. He stated that this was a very sinister move as far as he was concerned. He explained that the community annexed into Fairburn voluntarily, and at that time, they came up with a statement regarding burden of proof for new development in the Line Creek area. He read on, "Particularly if a proposed development does not conform to the land use plan, a developer should have to prove beyond

a doubt that his project is absolutely necessary, total beneficial, entirely appropriate, and could never be detrimental to the quality of that neighborhood in the long run.”

Mr. Hart then voiced that he did not understand the project because it had not yet been presented. He explained that the community had not had a chance to look at the project on a map. He added that they did not even have the slightest idea what the applicant planned to do, and he believed this was a fraudulent hearing.

Carrie Klarl, 203 Mann Rd. Tyrone, Ga. 30290

Ms. Klarl stated that she owned the property at 203 Mann Road. She explained her property did not quite back up to Line Creek, but that there was small piece of property between hers and Line Creek. She stated that she strongly opposed this rezoning. She voiced that she had only found out about the case yesterday, but that it appeared that the city was trying to create an industrial zoning in the middle of a long-standing established neighborhood that was agricultural in character and in zoning. She expressed that putting an almost 500,000 square foot building along with the infrastructure to support it seemed inappropriate in this location because Line Creek runs right through it. She explained that when they had heavy rain, the back of her property flooded and so did the adjacent properties. So, when the impervious surface would be added, it would have quite an impact on Line Creek.

Ms. Klarl added that Bohannon was not a road for this kind of truck traffic. She stated that it was already getting “torn up” and mentioned how traffic had changed further north on Bohannon Road where the established distribution centers were located. She reiterated that this use was not appropriate in this location and urged the commission to deny the request.

Margarete Zorens, 154 Mann Rd. Tyrone, Ga.

Ms. Zorens stated that she had been living at her address for nearly 25 years. She stated that it had always been an agricultural area even prior to her arrival. She commented that the proposed project would be dangerous to the community with the trucks and dangerous to the environment, e.g. Trickum Creek and Line Creek. She stated that the industrial uses tore down trees and flooded the neighborhood.

She voiced that this was a huge concern because the project would devalue her house along with all of other neighbors to the extreme and could flood them out at their expense. She shared that community members owned horses, cows, animals, and livestock. Ms. Zorens mentioned that notification for the rezoning case had just been posted the day before (she learned from her calling Fulton County), which she found unacceptable. She voiced that she did not get a Fulton County resident’s notification, even though she was right next to Line Creek on Mann Rd. She explained that the project would bring crime, trucks coming off that road, and people coming in from Trickum Creek up to Bohannon. She stated that there were people already going off the road and into the ditches, flying up mud, and having accidents because of the big trucks.

She reiterated that the project would create a dangerous situation and stated that she felt appalled that she did not receive notification.

Denise Shabazz, 8918 Seneca Rd., Palmetto, Ga. 30268

Ms. Shabazz stated that she opposed this rezoning. She voiced that she did not want the project there. She stated that it would ruin their value and their community. She stated that she gave the project "a strong no."

- VI. ADOPTION OF AGENDA:** Commissioner Echols moved to APPROVE the agenda. Commissioner Williams seconded. **The motion carried unanimously.**
- VII. APPROVAL OF PREVIOUS MEETING MINUTES:** Commissioner Williams moved to APPROVE the October 2, 2018 meeting minutes. Commissioner Wade seconded. **The motion carried unanimously.**
- VIII. PUBLIC HEARING:** None
- IX. NEW 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 a M-1 (Light Industrial) use.

Ms. Peeks stated that the applicant proposed to develop a 492,480 square foot warehouse with associated truck courts, stormwater management, and vehicular parking. She stated that the subject property was located on the northwest side of Bohannon Road and site access was proposed for Bohannon Road. She informed the Commission that staff was recommending a continuance of the rezoning petition to the February 5, 2019 Planning Commission meeting and the February 25, 2019 Mayor and City Council meeting. Ms. Peeks stated that the applicant submitted a traffic impact study and staff was in the process of addressing some of the issues and concerns in the traffic study, as well as other details of the proposed rezoning and use permit petition.

Motion and Vote: Commissioner Williams made a motion to CONTINUE 18RZ-004 and 18U-005. Commissioner Smith seconded the motion. **The motion carried.**

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

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

Ms. Peeks stated that this was a use permit for a 492,480 square foot warehouse to be located off of Bohannon Road. She stated that this use permit was also associated with the first item, 18RZ-004. She stated that staff was requesting a continuance of this particular item to the February 5, 2019 Planning Commissioners meeting and the February 25, 2019 Mayor and City Council meeting.

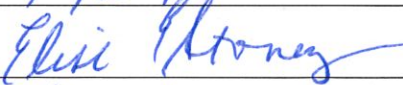
Motion and Vote: Commissioner Williams moved to CONTINUE 18U-003 along with a recommendation that the Commissioners visit the site. Commissioner Smith seconded the motion. **The motion carried with Commissioner Phillips opposing.**

X. STAFF REPORT: None

XI. COMMISSION MEMBERS COMMENTS: Commissioner Williams wished everybody a Happy New Year and stated that he hoped to do his best to be fair with everyone. Referring to the new business items (18U-003, 18RZ-004, 18U-005), Commissioner Phillips asked Ms. Peeks if an environmental impact study had been requested in addition to the traffic impact study. Ms. Peeks stated that an environmental impact study had not been requested from the applicant. Commissioner Williams stated that they had requested a study on the project's impact on the schools. Ms. Peeks clarified that the school impact study was requested for a different project, not this project. In reply to Commissioner Phillips' original question, Ms. Peeks stated that if the development was over 500,000 square feet, a regional review from the Atlanta Regional Commission and GRTA would be required. She stated that the Exeter Bohannon item did not require a regional review since the square footage did not exceed 500,000 square feet. Commissioner Wade wished everyone a Happy New Year. Commissioner Stoney thanked the audience for attending the meeting. She stated that there would be additional opportunities to make public comments during the January 28th Mayor and Council meeting, the February 5th Planning and Zoning Commission meeting and the February 25th Mayor and Council meeting.

XII. ADJOURN: Commissioner Williams made a motion to adjourn. Commissioner Wade seconded. **The motion carried unanimously.**

Meeting adjourned at 7:27 p.m.

Approval Signatures	
Date Approved	2/5/2019
Elise Stoney, Chairman	
Kimberly Mitchell, Recording Secretary	