



PLANNING AND ZONING COMMISSION MEETING MINUTES

City Hall
56 Malone Street
Fairburn, GA. 30213
Tuesday, October 2, 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 except Commissioner Jerry Williams (he arrived late) which constituted a quorum.
- III. **PLEDGE OF ALLEGIANCE:** Recited in unison.
- IV. **PUBLIC COMMENTS:** None
- V. **ADOPTION OF AGENDA:** Commissioner Phillips moved to APPROVE the agenda. Commissioner Echols seconded. **The motion carried unanimously.**
- VI. **APPROVAL OF PREVIOUS MEETING MINUTES:**
Motion and Vote: Commissioner Wade moved to APPROVE September 11, 2018 meeting minutes. Commissioner Phillips seconded. **The motion carried unanimously.**
- VII. **PUBLIC HEARING:**

Primary Variance 18V-008 – David Hughes

SUMMARY/STAFF PRESENTATION: For the Planning and Zoning Commission to review a request to remove the 100-ft. retail/commercial buffer abutting property zoned residential in the Highway 74 Overlay District.

Ms. Mitchell stated that the property in question, 0 Harris Rd., was at the intersection of Harris Road and Renaissance Pkwy. She stated that it was zoned C-2 General Commercial. Ms. Mitchell stated that the property abutted the parcels that were rezoned in May 2018 from C-2 General Commercial and RM-8 Multifamily Residential to RM-36 for the Solstice Phase Two project. She stated that the rezoning of those parcels created an issue since properties in the Highway 74 Overlay District which were zoned

commercial, and abutted property zoned residential, needed a 100 ft. buffer on the commercial property. She noted that the subject parcel was only 160 ft. wide. Therefore, the 100 ft. buffer will essentially take away the usability of the subject parcel. Therefore, staff found that the requested variance met the criteria of the variance standards of consideration. She stated that staff recommended approval.

Commissioner Phillips inquired about how future DOT construction on Highway 74 would be affected by the rezoning of the property. Ms. Mitchell stated that the property was not being rezoned. She stated that the request was to remove the undisturbed, vegetated buffer on the parcel. She mentioned that the subject parcel was on Renaissance Pkwy, behind the Starbucks and Marco's Pizza and adjacent to the parcels rezoned for the Solstice apartments. Therefore, the parcel was not on Highway 74 and would not have an immediate effect on construction on Highway 74.

Commissioner Williams asked if this was a complete removal of the buffer or a reduction. Ms. Mitchell replied that the request was complete removal. Commissioner Williams stated that there would not be any buffer. Ms. Mitchell confirmed that there would be "zero" buffer. She stated that there was a requirement in the ordinance to have 10 feet of landscaping.

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

Spoke in Favor: David Hughes, 732 West Solomon Street, Griffin GA. – Mr. Hughes stated that he bought the property in 2007. He stated that this was the last parcel he owned, except for a little more east of the retention pond. He stated that if the buffer were not removed, then the property would be worth nothing since there would only be about 10 feet to build on. He stated that he had someone that wanted to build a nice building there, so they were requesting to get the buffer removed so that they would build there.

Brain Boulware, 165 Berry Hill Lane, Tyrone, GA. – Mr. Boulware stated that he was the owner of S&B Development. He stated that he and Mr. Hughes had been in talks about building in Fairburn on Highway 74 & Harris Road and Renaissance Parkway & Harris Road. He stated that they planned to build a beautiful 7,800 sq. ft. building, consisting of a premier cigar lounge and local seafood restaurant. He stated that they would love an opportunity to bring an economic base to the property, benefit the citizens, and give his company an opportunity to be a part of the community.

Spoke Against: None

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

Commissioner Phillips asked if the site plan had been approved by the City's Engineer. Ms. Mitchell stated that the concept plan was on the agenda and had been reviewed by staff (Engineering, Landscaping, Water and Sewer, Planning and Zoning and Fire). Commissioner Phillips asked how moving the buffer would affect the traffic on Renaissance Pkwy. Ms. Mitchell replied that this buffer was not facing the street frontage but was between the two parcels as a side buffer.

Motion and Vote: Commissioner Williams moved to APPROVE 18V-008 based on staff's recommendation. Commissioner Wade seconded. The motion carried.

VIII. NEW BUSINESS:**Conceptual Plan - 18C-006 - Studio Cigar**

SUMMARY/STAFF PRESENTATION; For the Planning and Zoning Commission to review a request to review a conceptional site plan for a 5,040 sq. ft. Commercial Development on Renaissance Pkwy.

Ms. Mitchell informed the Commissioners that there was an error on the staff report and on the agenda. She stated that the correct square footage was 7,995 sq. ft. The additional square footage, up from the original 5,040 sq. ft., was created by the second floor on the property. Commissioner Williams asked for the new square footage. Ms. Mitchell stated 7,995 square feet and asked the commissioners to turn to the site plan provided. Commissioner Williams asked if this would be two story building with a cigar shop on the top. Ms. Mitchell replied the cigar shop was 5,645 sq. ft. and the future restaurant space was 2,350 sq. ft. Commissioner Stoney invited the applicant to speak about the conceptual plan.

Brian Boulware stated the building would be approximately 5,040 sq. ft., with additional square footage on top. He stated that this building would be the largest premier cigar lounge in Atlanta. He stated that they were in negotiation with the top five cigar companies in the world to make this their premier lounge. He added that they aimed to make the lounge a destination. He stated the clients generally visited a cigar lounge for at least two hours and that they wanted to create a great experience, not only for local citizens, but for people in the southeast United States. This way, when people would come to Atlanta, they would make it a point to come to Fairburn to have the experience we wanted them to have. He described the second level as a Members Only - V.I.P. Lounge. Mr. Boulware stated that there would be a double -layer balcony with T.V.'s., a nice food menu, as well as live jazz music on Fridays and Saturdays.

Commissioner Phillips stated that Mr. Boulware referred to the cigar lounge as one of the largest one in this area. Mr. Boulware clarified that it would be "premier." Commissioner Phillips inquired if the applicant would sell alcohol. Mr. Boulware replied that this was the plan, but they were still sorting that out, so he could not confirm. Commissioner Phillips asked if the applicant were seeking an alcohol permit. Mr. Boulware stated that they were not seeking an alcohol permit at this time.

Commissioner Phillips also asked if the cigar lounge would only be open on weekends. Mr. Boulware clarified that on Fridays and Saturdays there would be live jazz. Commissioner Phillips asked if the lounge would be open the rest of the week. Mr. Boulware stated that the business would be open seven days a week. Commissioner Phillips asked the applicant why he selected Fairburn as a location for his cigar shop. Mr. Boulware stated that he lived in Tyrone and the location was close. Mr. Boulware stated that he liked the proximity to Interstate 85 and the development of the area. He added that he believed the area would be the premier area in the next 3-5 years for the movie industry. This was why he named the business "Studio Cigar." He stated that from a business standpoint, it was the perfect location. He noted a 45,000 car count every morning.

Commissioner Phillips stated that he had visited several cigar shops, but as a non-smoker the idea of having a cigar shop was not appealing. Commissioner Phillips asked if the applicant believed the business was "Situated to Succeed." Mr. Boulware stated that he would not have invested his time, effort, and financial resources, nor would his wife allow him to pursue it if he did not think it would succeed.

Commissioner Williams asked about the seating capacity in the facility. Mr. Boulware yielded to his designer, Jason Perry. Mr. Perry stated that they had not finished permit drawings, so they did not have exact occupancy counts. Commissioner Williams asked about seating using the square footage of similar facilities. Mr. Perry approached the podium and introduced himself as the current architect.

Using "napkin math," he estimated the number of occupants to be a maximum of 200 based on the fire code and occupancy count. However, he asked not to be held to this count.

Commissioner Williams asked about the amount of parking space needed at this time. Ms. Peeks stated that based on the parking calculations, they met the parking requirements. She added that they have two or three more spaces than they need.

Commissioner Echols asked for the hours of operation. Mr. Boulware stated 10am to 11pm. Commissioner Williams asked if this included Sundays. Mr. Boulware replied that Sunday hours would be from 1pm to 7pm. Commissioner Williams asked how many employees it would take to operate the business seven days a week, ten hours a day. Mr. Boulware responded about twenty-five, give or take part time employees, with three salaries for management.

Motion and Vote: Vice-Chair Smith made a motion to APPROVE 18C-006. Commissioner Williams seconded the motion. The motion carried.

Conceptual Plan 18C-008 - Lot 7 Laser Industrial Court

SUMMARY/STAFF PRESENTATION; For the Planning and Zoning Commission to review the conceptual site plan for a 4,250 sq. ft. of warehouse located on the Logistics Center Drive.

Ms. Peeks stated that about 750 sq. ft. of the building would be used as office space. There would be driveways, utilities and parking associated with this development. Staff recommendation was APPROVAL CONDITIONAL.

Commissioner Williams inquired about employment capacities. Ms. Peeks stated that she was not sure about employment numbers. She stated that the applicant was not present to answer that question. Commissioner Stoney noted that this warehouse was much smaller. She asked if it were just for business purposes. Ms. Peeks stated Strack was expanding its business, so it would not be your traditional warehouse with trucks and truck trailer parking. Ms. Peeks stated that the use was for warehousing and storing products.

Commissioner Phillips asked if the owner of the business was already operating in this area. Ms. Peeks stated yes, but that this would be a new building. She stated that he already had existing buildings on Laser Industrial Court. Commissioner Williams asked if this were a separate lot as well as a new building. Ms. Peeks stated yes. Commissioner Phillips asked if this building would be attached to an existing building. Ms. Peeks stated no, it would be a new building, with new parking, and a new driveway off Laser Industrial Court. Commissioner Phillips asked if the building would be a "prefab" building. Ms. Peeks stated it would be a butler building with brick detailing towards the bottom of the building.

Commissioner Phillips asked why the emphasis was on the concept plan. Ms. Peeks stated that the concept plan meant that staff looked at the plan and worked with the applicant to make sure that they could meet the regulations once the concept was approved. She stated that the applicant did not have to have architectural drawings, or Engineer to sign off on the concept plans. This would be more like an idea of what they want the development to look like. Once the concept got approved, then we would move towards the site development phase. Here, the applicant would get more into the details of the plan, with engineered drawings, utility plans, landscape plans, erosion control plans, etc. However, during the conceptual phase the applicant would not have to submit any of those plans. The applicant would only be required to show the layout of the site.

Motion and Vote: Commission Williams moved to APPROVE 18C-008 in accordance with staff's recommendation - Lot 7 Laser Industrial Court. Commissioner Phillips seconded the motion. The motion carried.

Conceptual Plan 18C-009 – South Park Building 2

SUMMARY/STAFF PRESENTATION; For the Planning and Zoning Commission to review a conceptual site plan for a 252,720 square foot warehouse located on White Water Way.

Ms. Peeks stated that this development would have associated truck court, truck storage, vehicle parking and stormwater detention. Staff recommendation was **APPROVAL CONDITIONAL**.

Commissioner Williams asked if there would be “several trucks” with a 252,720 sq. ft. warehouse. Ms. Peeks stated yes. Commissioner Williams asked if there was any idea how this would impact traffic. Ms. Peeks stated that since this was not a rezoning case, a traffic study was not required. She added that because it was not at the threshold of 500,000 sq. ft. or higher, staff typically did not request a traffic study. Therefore, a traffic study had not been done for this development. Commissioner Williams asked if staff had employment numbers for this building. Ms. Peeks stated that she did not. She stated that it was a “spec” building, so it did not have a tenant.

Chairman Stoney asked if we were looking at warehouses locations holistically. She asked if there was an inventory of existing warehouses, which considered what we already have planned. Chairman Stoney continued, asking if there was a need for more warehouses. Ms. Peeks stated that there was no inventory with the number of warehouses in the City categorized by square footage, who owns them, etc. She stated that most of the new warehouses were being built in existing zoning. She stated that there had been only one rezoning for a warehouse since she had been in Fairburn. She reiterated that new developments coming before the Commission were in areas where the zoning was in place, and these areas were centralized in the City. She stated that there were no new rezoning and that the future land use map did not designate a lot of additional land for warehouses. There were only approximately two more locations designated for industrial on the future land use map.

Chairman Stoney asked for an update on the 85 Interchange project. Ms. Peeks stated that she would send the Commissioner an email since Lester Thompson was the project manager for the interchange project. She stated that she was not up to date on the project. However, she stated that they had just finished the right-of-way acquisition and received additional project funding. She stated that she believed there was a 2021 date set for construction. She agreed to get the information from Lester Thompson and email that to everyone. Chairman Stoney stated that she thought there was a proposed construction date of 2019. Ms. Peeks replied that this was changed. Ms. Peeks stated that the right-of-way acquisition phase would last about a year, and this process was just beginning. She stated that construction would probably begin in 2021 as a friendly estimate.

Commissioner Phillips referred to the “spec” building, noting the 57 truck parking spaces and the likelihood that the business would operate 24 hours per day, 7 days a week or 6 days a week. He noted that this would add a lot of traffic. He stated that he was not sure that the City needed this warehouse at this time. Ms. Peeks informed Commissioner Phillips that the warehouses were allowed by zoning. She stated that the case before the Commission was not a rezoning, but a conceptual plan. Ms. Peeks stated that the Commissioners could review what was presented and make a decision on the conceptual plan for the warehouse. Commissioner Phillips clarified his question asking if another warehouse was needed with the additional traffic. Ms. Peeks stated there was no traffic study to measure the traffic impact. She stated that a new building would have increased traffic to the building. She reiterated that the warehouse was allowed per zoning.

Commissioner Williams asked if the land was already approved for a warehouse. Ms. Peeks replied yes. Commissioner Williams stated that at the time the property was zoned industrial, traffic and other features were probably taken into consideration. He stated that the Commission was simply approving or disapproving the conceptual site plan. Ms. Peeks agreed. She stated that if the plan was denied, the only thing that could be done would be to add requirements to make the project better. However, the

warehouse could not be denied outright because it was allowed per zoning. Commissioner Williams stated the plan met all the legal requirements. Ms. Peeks said yes.

Commissioner Phillips asked if there were a building time frame. Ms. Peeks stated that there was not one that she was aware of.

Motion and Vote: Vice-Chair Smith made a motion to APPROVE 18C-009. Commissioner Williams seconded. The motion carried.

Rezoning 18RZ-006 - El Milagro Hair Salon

SUMMARY/STAFF PRESENTATION: For the Planning and Zoning Commission to review a request to rezone 1.2 acres from R-3 Single Family Residential to C-1 Neighborhood Commercial for a hair salon.

Staff recommendation was APPROVAL CONDITIONAL.

Commissioner Williams stated that he understood the property to have been vacant for 6 to 10 years. He stated that, from looking at the picture, improvement of the property would be "aesthetic" in the area. Commissioner Williams commented that right now the building was an eye sore. He stated that he believed the applicant was proposing a limited use of the facility as a salon. Ms. Peeks replied yes, that in the letter of intent the salon would have two salon chairs, two shampoo bowls, a waiting area and a small kitchen area.

Bianca Rubio stated that she was daughter of Araceli Salazar, who is the owner of El Milagro Hair Salon. She stated that this was the first hair salon that her mother had opened since 2005. She stated that the residential home was located on Senoia Road. The hair salon was currently in front of the residential home, and they wanted to transfer to the subject property instead of paying rent.

Commissioner Williams asked if the applicant planned to add additional chairs in the future. Ms. Rubio stated in future there might be more chairs, since she and her brother were studying cosmetology. However, at this time only her mother would work in the hair salon. Commissioner Phillips asked how the salon was situated to succeed in Fairburn. He asked if the applicant planned to operate the salon full-time or part-time. He mentioned that the applicant would work up to 63 hours a week based on their schedule. Commissioner Phillips further asked if the applicant was aware that they were subject to the American Disability Act and would have to provide some handicapped parking space available for that location. Ms. Rubio stated yes.

Commissioner Phillips asked for the applicant's overall plans for running the salon. Ms. Rubio stated that they owned another salon on Jonesboro Road, for which they had to do a rezoning. She stated that at the Jonesboro location they had handicapped parking, and in the back, there was a ramp where people could enter. She stated that they would like to add that in Fairburn as well. Commissioner Phillips asked if the applicant understood the risk of operating a salon. Ms. Rubio replied yes. Commissioner Phillips clarified that there was one licensed employee already and that Ms. Rubio and her brother would make two additional licensed employees. Therefore, the family could operate six days a week, from 10am to 8pm. Ms. Rubio stated yes.

Motion and Vote: Commissioner Williams moved to APPROVE 18RZ-006 based on staff recommendations. Commissioner Wade seconded. The motion carried.

IX. STAFF REPORT: None

X. COMMISSION MEMBERS COMMENTS:

Commissioner Williams had no comments. Vice- Chair Smith greeted Mayor Hurst and Pro-Tem Whitmore. Commissioner Echols thanked Mayor Hurst and Pro-Tem Whitmore for their attendance.

Commissioner Phillips commented regarding the site plan for 270+ houses approved at the last Planning and Zoning Commission meeting. He stated that the Commission needed to look closer before approving the plans. He stated that if you were going to have 300 houses, and 3 children in each home are school-aged, that would be 900 children that would have to go to school somewhere, whether it be pre-school, elementary, middle or high school.

He stated that he did not believe that school buses should load and off-load on very busy, narrow roads such as Rivertown Road. He stated that there should be a way for children to be picked up inside these areas so that traffic flow could continue without incident. Commissioner Phillips asked the Commission to think about this in the future when people are developing subdivisions.

Commissioner Williams asked if Commissioner Phillips were aware that school buses were already stopping on Rivertown Road and had been for several years. Commissioner Phillips stated yes, and that this was why they needed to look at the issue. Commissioner Williams stated that the development referenced by Commissioner Phillips was in a different location. Commissioner Williams stated that there was minimal stoppage on Rivertown Road and there were few places where buses stopped on a main road. He stated that buses were mostly going inside the subdivisions. Commissioner Williams said that he had only seen three places where they stopped.

Commissioner Wade had no comments. Chairman Stoney recognized Mayor Hurst and Pro-Tem Whitmore. Chairman Stoney reminded the audience to support the Fall Festival that coming Saturday. She stated that the parade and gathering afterward had always been phenomenal.

XI. ADJOURN:

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

Meeting adjourned at 7:43 p.m.

Approval Signatures	
Date Approved	January 8, 2019
Elise Stoney, Chairman	Elise E Stoney
Kimberly Mitchell, Recording Secretary	Kimberly Mitchell