

PLANNING AND ZONING COMMISSION MEETING MINUTES

**City Hall
56 Malone Street
Fairburn, GA. 30213
Tuesday, July 10, 2018
7:00 P.M.**

Elise Stoney, Chairman
Tony Smith Vice-Chairman
Elizabeth Echols

Jerry Williams
Shelby Phillips
Mark Wade

City Planner:
City Attorney:
Recording Secretary:

Tarika Peeks
Valerie Ross
Kimberly Mitchell

- I. MEETING CALLED TO ORDER:** By Chairman Stoney
- II. ROLL CALL:** All members of Planning and Zoning Commission were present which constitute a quorum.
- III. PLEDGE OF ALLEGIANCE:** Recited in unison.
- IV. PUBLIC COMMENTS:** Ellen Samuels-3993 Meadow Glen Way, returns to speak on behalf of Meadow Glen HOA, speaking against the rezoning of said property to remove Major Group 55. Ms. Samuels stated it is against the current City code and it is not the image they want as an image for their subdivision or for Highway 74. Ms. Samuels also believes it is not the intent of the Comprehensive Plan for that type of business to be in Highway 74 in that location and it will cause additional traffic throughout the neighborhood. Ms. Samuels is asking again for the Commissioners to deny the rezoning (18RZ-003).
- V. ADOPTION OF AGENDA:** Commissioner Phillips moved to **APPROVE** the agenda. Commissioner Wade seconded. **The motion carried unanimously.**
- VI. APPROVAL OF PREVIOUS MEETING MINUTES:** Commissioner Williams moved to **APPROVE** June 5, 2018 meeting minutes. Vice-Chair Smith seconded. **The motion carried unanimously.**
- VII. PUBLIC HEARING:** None
- VIII. NEW BUSINESS:**

Conceptual Plan- 18C-005-South City Partners

SUMMARY/STAFF PRESENTATION: For the Planning and Zoning Commission to review and approve the conceptual site plan for a 276 multi-family unit development located in the Highway 74 Overlay District.

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

Spoke in Favor: Chris Harrell-Civil Engineer representing the applicant and he did not have anything to add but was there to answer questions along with Sean Rosco from South City Partners. Commissioner Phillips asked how it was determined out of 276 apartments, 197 apartments would be (1) bedroom and 71 would be (2) bedroom apartments. Mr. Rosko explained that from doing the previous apartment complex in Fairburn, the (1) bedroom apartments were extremely popular and a trend compared to the (2) bedroom apartments. Mr. Rosko stated the (2) bedrooms haven't been as popular or trend as the (1) bedroom apartments in the area. Commissioner Phillips questioned about the garage area, there is one car space per bedroom. Mr. Rosko stated for each carriage house, it's a 6-garage unit and with (2) one bedrooms above it and each bedroom has direct access to a garage.

Vice-Chair Smith asked if South City Partners has other apartments located in the City now. Mr. Rosko stated they have developments in Alpharetta, Inman Park (previously) and Kennesaw. Vice-Chair Smith inquired as to whether the homes are affordable. Mr. Rosko stated no they are not affordable. Mr. Rosko stated they are multi-family units and they pride themselves on doing Class-A plus apartments. The apartments have granite countertops, stainless steel appliances and 9-foot ceilings.

Spoke Against: None

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

Motion and Vote: Commissioner Williams moved to APPROVE 18C-005 Conceptual Site Plan. Commissioner Echols seconded. Commissioner Phillips opposed. **The motion carried.**

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

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

Staff recommends DENIAL of the rezoning petition. Chairman Williams inquired for the record, didn't we vote on this item last month. Ms. Peeks stated yes, this was voted on last month.

Stoney asked Ms. Peeks to elaborate on Major Group 55. Ms. Peeks stated yes. In 1998, the property was annexed and rezoned from Fulton County to PD (Planned Development) which is a mixed use, land use. When they annexed and rezoned the property they set parameters of zoning conditions to control the type of uses for the development. There were 3 or more uses that needed to be in this development. The front portion was designated to be commercial and they prohibited Major Group 55 which is anything related to the sale of new or used automobiles and automobile accessories. The applicant is not asking to change the zoning category but just allow a particular land use which is an O'Reilly's retail store which the zoning prohibits the sales of new and used car accessories and equipment.

Commissioner Williams inquired as to why the Commissioners are asked to revote on said rezoning. Ms. Peeks stated in May when this rezoning was heard and voted on, a Commissioner made the motion on the application for denial and the City Administration wanted staff to bring it to the Commissioners to re-vote and ask the Commissioner to abstain from voting so there would not be an appearance of anything done wrong. Ms. Peeks stated per the Planning Commission By-laws there are three (3) reasons why a Commissioner should abstain from voting. Ms. Peeks stated if you have a property interest. Property interest is defined in the By-laws as if you have ownership of the property under your review, financial gain or ownership through kinship or any type of relationship. Per Ms. Peeks the Commissioner in question had neither one of those. Ms. Peeks further stated there

was not anything illegal or improper being done, it was just to make sure it did not appear as if something was done wrong.

Commissioner Phillips asked if the Commissioner is a representative of the community. Ms. Peeks stated yes. Commissioner Phillips asked why that would be technically an incorrect position. Ms. Peeks stated it is not. Commissioner Phillips inquired if any of the Council Members are a part of the community. Ms. Peeks stated not that she was aware of.

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

Spoke in Favor: None

Spoke Against: None

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

Motion and Vote: Commissioner Williams moved to **DENY** 18RZ-003 Miller Development. Vice-Chair Smith seconded. Commissioner Echols abstained. **The motion carried.**

- IV. STAFF REPORT:** Ms. Peeks stated there will be no Planning Commission in August but there will be a meeting in September. The meeting in September will be the 2nd Tuesday of the month, September 11, 2018.
- V. COMMISSION MEMBERS COMMENTS:** Commissioner Wade asked if there are any plans to do any roadway improvements on Oakley Industrial between Highway 74 Overlay and Bohannon Road. Ms. Peeks stated the task order was awarded at the last Council meeting for full depth reclamation on that road and you should start seeing some construction in the next coming weeks. Commissioner Williams made a comment pertaining to tonight's re-vote on the Miller Development Company, in the position that the City took it was a biblical issue. He stated that the bible has a verse that says don't give the appearance of evil, so he understands why they had to re-vote on said rezoning. Chairman Stoney thanked everyone for attending.
- VI. ADJOURN: Motion and Vote:** Vice-Chair Smith made a motion to adjourn. Commissioner Wade seconded. **The motion carried.**

Meeting adjourned at 7:20 p.m.

Approval Signatures	
Date Approved	October 2, 2018
Elise Stoney, Chairman	Elise Stoney
Kimberly Mitchell, Recording Secretary	Kimberly Mitchell