



PLANNING AND ZONING COMMISSION MEETING MINUTES

City Hall
56 Malone Street
Fairburn, GA. 30213
Tuesday, August 8, 2017
7:00 P.M.

Elizabeth Echols, Chairman
Elise Stoney, Vice-Chairman
Mark Wade
Shelby Phillips

Jerry Williams
Tony Smith

City Planner:
City Engineer:
City Attorney:
Recording Secretary:

Tarika Peek
Brendetta Walker
Meredith Germain
Kimberly Mitchell

- I. **MEETING CALLED TO ORDER:** By Chairman Echols
- II. **ROLL CALL:** All members of Planning and Zoning Commission were present which constituted a quorum.
- III. **PLEDGE OF ALLEGIANCE:** Recited in unison.
- IV. **PUBLIC COMMENTS:** None
- V. **ADOPTION OF AGENDA:** Vice-Chairman Stoney moved to APPROVE the agenda. Commissioner Williams seconded. **The motion carried unanimously.**
- VI. **APPROVAL OF PREVIOUS MEETING MINUTES**
Motion and Vote: Commissioner Williams moved to APPROVE June 6, 2017 meeting minutes. Commissioner Smith seconded. **The motion carried unanimously.**
- VII. **PUBLIC HEARING:** None
- VIII. **NEW BUSINESS:**

Use Permit 17U-001 – 7875 Bohannon Road

SUMMARY/STAFF PRESENTATION: The applicant is seeking to construct a one story, 7,655 SF place of worship on 5.64 acres. The site will be developed in two (2) phases. Phase I will include 4,655 SF fellowship hall, parking, and stormwater facility. Phase II will include 3,000 SF sanctuary and parking.

For the Planning and Zoning Commission to review and make a recommendation to the Mayor and City Council for a petition to allow a church at 7875 Bohannon Road, with a concurrent variance to allow parking within the minimum space front yard setback.

Staff recommends APPROVAL CONDITIONAL of the use permit petition and the concurrent variance.

Recommendation Conditions:

Should the Mayor and City Council decide to approve the use permit, the staff recommends the approval be subject to the following conditions. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. To allow a church at a density of 1,357.27 square feet an acre.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated June 5, 2017. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
 - a. To allow parking within the minimum front yard setback adjacent to Oakley Industrial Blvd. (17CV-002)

Commissioner Phillips queried as to whether there was a stream buffer on the parcel. Ms. Peeks stated yes there is a stream on site and they will have to apply with the state and local stream buffer which is 75 feet. Commissioner Phillips questioned as to what is being asked of the applicant will it affect the buffer. Ms. Peeks stated no it will not affect the stream buffer according to the site plan that was submitted, the parking is not encroaching the stream buffer. Ms. Peeks further stated the applicant only encroaches the front yard setback approximately by 10 feet.

Commissioner Phillips asked if there will be (2) two driveways and currently there is only (1) one entrance. Ms. Peeks stated there will only be (1) one entrance. Commissioner Phillips questioned as to whether both entrances will have sidewalks. Ms. Peeks stated there will only be (1) one entrance off of Bohannon Road and sidewalks are required on all street frontages. Commissioner Phillips queried with the size of the parking, should there be 2 (two) entrances. Ms. Walker stated it depends on the size of the site and the amount of frontage but in the LDP phase, a determination will be made as to whether an additional entrance is needed. Ms. Walker further explained usually if one driveway is wide enough, dual directions should be suffice and we do not want to have (2) two driveways so close to the intersection.

Commissioner Williams stated he would like to make 2 (two) driveways a condition if the size of the lot requires two driveways. Ms. Peeks asked if she could object to what Commissioner Williams was saying and stated tonight the consideration is for the use permit to allow the applicant to have a church at this location. Ms. Peeks further stated we have not gotten to the main parts of the design. This is the conceptual phase and they will have to come to the city for a review and if Ms. Walker looks at the site and assess that 2 (two) entrances will be needed and then she will have a conversation with the applicant to address access off of Oakley Industrial Blvd. Commissioner Williams said that he understood what Ms. Peeks is saying but at this point

we might could consider making a stipulation that when the time comes to submit plans, the parcel would need to have 2 (two) driveways depending upon the lot size as a condition. Ms. Germain further expounded on what Ms. Peeks stated, before the board, the recommendation is that a use permit be granted and when the project is brought back before the board that's when a condition would be more appropriate. Commissioner Williams said ok, he withdraws the condition about 2 (two) driveways.

Chairman Echols inquired as to whether there are plans for a daycare or a school within either phase. Ms. Peeks stated for the second phase there are plans for a daycare/school. Ms. Peeks further responded the 1st phase is for a fellowship hall which will service as the sanctuary and as they move forward they will move the sanctuary from Phase 1 to Phase 2. There has not been any conversation about a school. Ms. Peeks stated the applicant is here tonight and can answer any questions about any future plans they may have and that would require an additional use permit. Ms. Peeks further expounded they would have to come back to get a use permit for a school or any other type of educational component attached to the church, that's a separate use permit process.

Commissioner Smith inquired would they have a problem with the City ordinance pertaining to parking on the grass or yard. Ms. Peeks stated if that were to happen, that would be a code enforcement issue. Ms. Peeks indicated she is in the process now to have a conversation with the applicant to make sure they meet the entire parking requirement. Ms. Peeks expounded this is only conceptual and once we get into the actual submission of the construction plans, the parking and everything will be looked at more carefully but as of now the applicant meet all the requirements.

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

Spoke In Favor: Joey Scanlon, Solomon Street, Griffin, (Engineer and Boundary Survey)
Commissioner Phillips asked if any of the Ministers were present. Mr. Scanlon stated yes.

Pastor Hayes Clayton owner of the property and the person interested in putting a church on said property. Commissioner Phillips stated in the City of Fairburn, there are quite a few churches, what would this church contribute to the community? Pastor Clayton stated if he could answer spiritually, he has researched the area and there are no church like theirs and when the 1st property was bought there was not any churches on Bohannon Road but there is one church now. Pastor Clayton feels that their ministry is necessary for a growing community and there is not any Church of God in Christ Churches in the area. Commissioner Phillips stated there are approximately 30 churches that have Fairburn address, how would this church help us. Pastor Clayton said as Fairburn grows we know there are people moving into the city rapidly, a church person has a preference where they want to attend service and what kind of ministry they want to attend. Pastor Clayton further expounded the Church of God in Christ is a Pentecostal ministry; there are Baptist ministries, Methodist and all sorts of ministries, it provides for those that are looking for a Church of God in Christ in the area.

Chairman Echols stated the application submitted says that the hours of operation are of a typical church, what will be the hours of operation. Pastor Clayton stated Sunday school will be from 10am-11am, morning worship will dismiss around 1:30pm -2pm unless there is a program. Chairman Echols inquired as to whether there will be any evening services. Pastor Clayton responded no night services other than Bible Study for 1 ½ hours on Tuesday night.

Commissioner Phillips queried as far as the Engineering is concerned, this building will be just one building and not two separate buildings even though there are two phases. Mr. Scanlon stated

phase one will be built first and then phase two will have a wall that can be modified down. Commissioner Phillips questioned as to what kind of time frame to get started. Pastor Clayton stated he was told if everything gets approved, they could break ground in October.

Spoke Against: None

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

Motion and Vote: Commissioner Williams moved to **APPROVE** the use permit 17U-001 to allow a church to be located at 7875 Bohannon Road, with concurrent variance. Commissioner Wade seconded. **The motion carried unanimously.**

Rezoning 17RZ-001 – (DRI 2665) Saben, LLC

SUMMARY/STAFF PRESENTATION: For the Planning and Zoning Commission to review and make a recommendation to the Mayor and City Council for a petition to rezone the subject property from AG-1 (Agricultural District) to M-1 (Light Industrial District) to allow the development of three (3) warehouse facilities.

Staff recommends the **APPROVAL CONDITIONAL** of the rezoning petition.

Recommendation Conditions:

Should the Mayor and City Council decide to rezone the subject properties from AG-1 (Agricultural District) to M-1 (Light Industrial District); the staff recommends the approval be subject to the following conditions. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Permitted uses under M-1 (Light Industrial District)
2. To the owner's agreement to provide the following site development standards:
 - a. To restrict truck traffic south of the site on Creekwood Road.

Commissioner Phillips asked is this just a rezoning involving 13 properties. Ms. Peeks stated yes. Commissioner Phillips inquired as to whether all 13 owners have agreed to the rezoning. Ms. Peeks stated attached to the application there is a certification of ownership for each property owner which demonstrates they agree with the rezoning of the property and the acquisition of the property is contingent upon the approval of this application. Commissioner Phillips questioned the owner's that did not sign in both places. Ms. Peeks stated some owner's signed where the Power of Attorney was supposed to sign but they weren't supposed to, they signed twice. Ms. Peeks further explained the certification of Ownership page to clear up any misunderstanding.

Commissioner Wade stated that Janet Adams signed in the wrong area.

Commissioner Smith questioned as long as the owners signed ownership, is that all we were looking for. Ms. Peeks stated yes.

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

Spoke In Favor: Linda Dunlavy (Attorney for applicant) Ms. Dunlavy wanted to clear up some of the questions asked and stated that all 13 properties that they do not own are under contract purchasing and sale agreement with the owners. Ms. Dunlavy stated Saben currently owns approximately 6 of the 13 parcels which make up 63 of the 99 acres. Ms. Dunlavy did a presentation pertaining to the rezoning. Ms. Dunlavy stated the only house that is not included is believed to be owned by Mr. Stevenson on the west side of Creekwood Road.

Commissioner Phillips asked if the private drive will run into Oakley Industrial Blvd. Ms. Dunlavy stated that was correct and it will run the length of the site.

Commissioner Wade stated the diagram showed driveways one (1) and two (2). Ms. Dunlavy stated they reduced the site down from three (3) driveways to two (2) driveways. Ms. Dunlavy confirmed there are two (2) driveways.

Commissioner Phillips asked if there will be lighting on the private driveway for the trucks. Ms. Dunlavy confirmed that there will be lighting on the private driveway south of I-85.

Commissioner Smith asked as to whether there will be a traffic study performed since this project will not be on board until 2019 because there is a lot of truck traffic on Oakley Industrial. Ms. Dunlavy stated they have done a very extensive traffic study and they would not have gotten through the Development of Regional Impact process and Georgia Regional Transit Authority (GRTA) requirements without a traffic study. Ms. Dunlavy explained what they had to do for the DRI process was a very extensive traffic study. Ms. Dunlavy stated not only did the traffic study look at the intersection at Oakley and Creekwood, but a number of intersections standing out in a radius from subject properties. GRTA Engineers looked at this traffic study and recommended approval of the DRI site plan that was shown, which would have generated more traffic, without any conditions expounded Ms. Dunlavy. With respect to truck traffic, they heard from a neighborhood that had concerns as to trucks migrating into the residential areas and that is one of the reasons they reduced the number of driveways on Creekwood and one of the reasons they put the lengthy private drive at the end of Oakley stated Ms. Dunlavy. Ms. Dunlavy indicated the Traffic Engineer (Mr. Parker) also went out and did some specific counts of traffic trailers over the course of a few days to quantify what was actually out there now. Ms. Dunlavy stated the Engineer did not see a significant amount of traffic trailers coming down Johnson Road or areas the residents had indicated to them although there is no question that some trucks may stray where they shouldn't go, even though the truck route signs are posted. Ms. Dunlavy stated aside from a few stray trucks on the roadway, they did not see the number of tractor trailers in the areas where the residents thought there would be a significant number of tractor trailers.

Commissioner Wade inquired as to how many trucks they will anticipate coming from their facility. Mr. Parker stated there will be about 355 trucks going to the facility and coming from the facility.

Chairman Echols asked if there will be any reason for the trucks to linger, wait to take off or to come in because they are too early or waiting for their time period which would cause them to sit on the ramp to 85 or park in the businesses area. Chairman Echols was inquiring because the gas station is renovating and they finally put up orange barriers to stop the trucks from parking because the lot was empty. Chairman Echols further asked will the trucks be sitting somewhere, or parked somewhere all over the neighborhood and Highway 74. Mr. Parker stated the development shows that the driveway will be long enough to handle all the trucks that could arrive and have enough space to stack all the trucks within the site. Ms. Dunlavy pointed out the

circulation driveway and stated they have eliminated the need to park in public places by providing ample room. Ms. Dunlavy further expounded on the 2,000 feet parking space.

Commissioner Williams reiterated that the 2,000 feet is sufficient for the 355 trucks that are anticipated to be brought into the facility. Mr. Parker confirmed Commissioner Williams's statement.

Vice Chairman Stoney asked what is the time span or anticipated hours of operations. Mr. Parker stated over a 24-hour period there would be approximately 10-15 trucks around within the hour.

Commissioner Wade clarified that the discussion is about the trucks that are sitting idle cause they have an hourly log and cannot drive but so many hours, they park wherever they can to get their sleep in, which they do not have any control over that, oppose to paying to park across the street. Chairman Echols stated that was right what Commissioner Wade said and if they have a place that is fine we would not have to worry about them adding on to the back log that is there. Ms. Dunlavy stated they are offering substantially more than some of the other warehouses.

Ms. Dunlavy showed the drone flight and wanted Mr. Barker to expound on it. Commissioner Williams asked if the five (5) parcels that are designated as residential are within the same representation of parcels where they have distance sufficient. Ms. Dunlavy was unclear of the question but stated the parcels outlined in red or yellow are residential of property that are not part of the assemblage. Ms. Dunlavy stated they are the closest residential pieces properties to the operations, so if they are going to be a negative impact of the operations, these are the property owners who would likely be affected. Commissioner Williams stated he understands from the 13 parcels, 5 of those parcels are residential. Ms. Dunlavy asked if Commissioner Williams was referring to the land use plan and he confirmed his answer was yes. Ms. Dunlavy showed on the presentation there are two (2) rectangular parcels designated in the land use plan for rural residential and she stated she is not sure why because it is right by I-85. Ms. Dunlavy further stated there is a triangular buffer that has 3 parcels that are also designated as rural residential and reiterated there are five (5) parcels designated as rural residential.

Commissioner Wade clarified that the applicant is preparing to buy everything to the right of John Seaborn Road. Ms. Dunlavy stated they have requested that the City of Fairburn abandon John Seaborn Road which is a City right of way currently and if it is abandoned, the applicant would own the right of way, 300 yards to Cleckler and everything to the East. There is one residential parcel that the applicant does not own which is West of Creekwood and they are required to have a 50-foot buffer around the property. Ms. Dunlavy stated they did try to acquire that piece of property but they were unable to come to an agreement and they will provide a 50-foot buffer. Commissioner Wade asked as far as a buffer goes, where the powerlines are now, there are no buffers, would a buffer be placed on the other side of the powerline. Ms. Dunlavy replied they do not control anything on the other side of the powerlines therefore they will not be able to add a buffer; it would be strictly internal to the applicant's property.

Mr. Barker showed and discussed the drone flight.

Ms. Dunlavy introduced the team, Randy Parker-Engineer, Mark Shugart-Owner, Bill Hare-Real Estate Consultant, Bobby Fountain, John Barker-Development Project Manager. Ms. Dunlavy thanked everyone for their time and asked for recommendation for approval based on staff's recommendation.

Spoke Against: Mary Lynn Thomason- Fayetteville, Georgia. (Family owns some property in area) Ms. Thomason stated the first notice she received was from the City of Fairburn about a rezoning within 500 feet of their property. Ms. Thomason questioned as to whether Oakley Industrial Boulevard would be expanded further down to connect to Gullatt Road and she wanted to find out if there is still a possibility of the I-85 interchange being move down to Johnson Road instead of Bohannon Road area. Ms. Walker stated that in the TSPLOST Tier III, it is in the plans to extend Oakley Industrial down further south pass Gullatt Road. This project will not stop the extension of Oakley Industrial; the private drive will turn into a public roadway. Ms. Walker stated the City has talked to the developer about it and the drive location will have to be changed and the private driveway will be rebuilt to a public roadway. Ms. Thomason stated she thought the private driveway was where all the trucks will come in. Ms. Walker confirmed that is true but the driveway will have to be changed when and if the new project comes about. Ms. Thomason asked where the interchange project proposed to be. Ms. Walker responded that it still at State Route 74 and I-85. Ms. Thomason asked if Ms. Walker was talking about a new ramp. Ms. Walker stated no, the only plans in works now are the State Route 74 and I-85.

Spoke Against: Patricia Durette-8145 Cleckler Road- Ms. Durette expressed how the 355 trucks will be not far from her bedroom, how she will not be able to sale her home. Ms. Durette specified she put a lot into fixing her home up after living there for 21 years and these plans will not allow her to resale her home. Ms. Durette identified her bedroom is 90 feet from the property line at the building. The tee line stops at her property. Ms. Durette stated that the trees were planted 20 years ago and 200 bays where the backside of the house will face the warehouse and the eastside will face the warehouse. Ms. Durette further stated that her 81-year-old Mother-in-Law lives with her also. Ms. Durette expounded on how close everything will be to her including the construction of the building. Ms. Durette stated it seemed unfair that she will be stuck in this situation.

Spoke Against: Gabe Kennedy-8425 Cleckler Road-Mr. Kennedy stated with the buffer trees that were planted between the house and Clorox, all the noise from the plant can still be heard including the backup sound from the trucks. Mr. Kennedy is unclear why a 200-truck court will be placed on the backside where the houses are located. Mr. Kennedy said from the back of his house to the property line will be 200 feet which is very close, yet there is nothing in the drawing about how far from his house to the warehouse itself. Mr. Kennedy said that it is great that a vegetation buffer is discussed but how big will it be. Mr. Kennedy stated there has been talk about several meetings, other than hearsay and talking with other people, the first time he received a letter was July 31. Mr. Kennedy indicated he would have preferred for someone to bring the letter to his house and not by Federal Express.

Commissioner Wade asked was the letter address to Mr. Kennedy or did the applicant reach out to Mr. Kennedy. Mr. Kennedy stated they reached out on July 31. Mr. Kennedy expressed that a gentleman called him but he was not able to sit down and talk with him because he works twelve-hour shifts and he has a lot going on around his house. Mr. Kennedy specified that none of the 4 residents, Ms. Patricia, Jack Vernon, Mr. Tennie and himself did not receive the letter about any of the meetings. A neighbor came and told them and asked if they were going to attend. Mr. Kennedy stated one of the meetings was when he was in Houston on vacation. Mr. Kennedy expounded that they hear a lot of hearsay about various things that will go on in the area Mr. Kennedy said he is not against progress but they should take care of people that live in the area (resident) and do not do the behind the back stuff.

Commissioner Phillips asked did any of the 4 residents attended the 3 or 4 meetings. Mr. Kennedy specified he didn't know about the meetings and the letter that said he received it but it

got returned, he received it some days later. Mr. Kennedy indicated he does not really know when he received it.

Ms. Dunlavy asked Commissioner Phillips if she would be able to respond to Mr. Kennedy's statement about not attending any of the meetings because there is a sign in sheet, dated May 25 at the Holiday Inn, which was signed by all 4 said residents. Ms. Dunlavy confirmed that some letters were returned which is why additional letters were sent certified mail to residents that did not attend the meetings and Ms. Durette's email was obtained at that time in order to send a follow up meeting. Ms. Dunlavy stated there were some letters returned and that's why they reached out again. Ms. Dunlavy further said that she thinks there may be a little bit of confusion. Commissioner Williams asked how many meetings have been conducted. Ms. Dunlavy confirmed there were three (3) meetings, April 22, May 25 and July 6. Commissioner Williams inquired as to whether the applicant has something showing where residents were notified about all the meetings. Ms. Dunlavy stated that she has a complete set of letters, emails and a summary. Ms. Dunlavy confirmed that some of the letters did return and everyone was not asked to attend every meeting. They were advised by staff to reach out to the Asbury Park neighbors to the South, so they reached out to Derek Jones, President of HOA, and Creekwood Village for the first meeting. Commissioner Williams asked if Ms. Dunlavy agree that these homes will be impacted. Ms. Dunlavy responded absolutely, they have reached out to them; they attended meetings and were asked to provide emails so that they may try and follow up to find out if they had additional questions. Commissioner Williams inquired as to whether Ms. Dunlavy had any of the letters with her. Ms. Dunlavy stated yes and that Commissioner Williams can look at the emails and sign in sheets for the neighborhood meetings. Commissioner Williams asked if Ms. Dunlavy was saying that some of the residents that live in those homes in question have signed in on the sign in sheet. Ms. Dunlavy stated yes and three (3) of the meetings were at the Hampton. Ms. Dunlavy produced the sign in sheet for April 22, there were only 2 people listed, on May 25 Mr. Jack Vernon, Mr. George Tennie and Ms. Patricia Durette all signed in. Commissioner Williams asked what was discussed at that meeting. Ms. Dunlavy stated pretty much the exact presentation done tonight for the Commissioners, except they didn't have the drone flight. Commissioner Williams wanted to confirm there were letters that came back and wanted to know if they were certified letters. Ms. Dunlavy stated no they were not certified letters until July 31. Commissioner Williams wanted to know if there was any indication as to why the letters came back. Ms. Dunlavy said that some were returned to sender, not deliverable as addressed, unable to deliver and unable to forward. Commissioner Williams stated that some of the letters were improperly addressed. Ms. Dunlavy stated yes, they appear to suggest that. Commissioner Williams stated with a project like this where citizens are being impacted, you would be a little more careful/cautious to make certain the residents were notified of those meetings so that they can attend and address any concerns. Commissioner Williams stated this was a concern for him. Ms. Dunlavy responded that has always been their concern too and that's why they had three (3) neighborhood meetings. Commissioner Williams wanted to know how many letters were returned with improper addresses. Ms. Dunlavy stated about 7 or 8. Commissioner Williams wanted to know how many were sent out. Ms. Dunlavy responded there were dozens sent out because they sent out letters to all of the residents on Creekwood, Cleckler, some on Horseman Run, some on Chastain, and they contacted the only HOA that they were aware of. Commissioner Williams wanted to know if a study was done to ascertain how many feet the residents are from the project. Ms. Dunlavy stated yes. Commissioner Williams inquired as to whether the distances in question were accurate. Ms. Dunlavy stated she doesn't know about Ms. Durette, she would have to take a look at that figure, but the gentleman that is on the far North, the back of his resident is approximate 275 feet from the property line, the building is approximately 172 feet from the property line and from the corner approximately 445 feet from the building to the back of his house and she stands by the distances.

Vice-Chairman Stoney stated in reference to Asbury Park, what was the reason for not contacting the home owners. Ms. Dunlavy stated they did contact them, they sent mailings to every single homeowner in Asbury Park. The first meeting they did contact Derek Jones and he indicated he would contact the homeowners, only two (2) people showed for the meeting. Ms. Dunlavy further explained for the 2nd meeting they sent notices out to all homeowners in Asbury Park, none of those letters were returned and only one (1) person showed for the meeting.

Commissioner Williams asked if letters were returned from the 3rd meeting. Ms. Dunlavy stated only three (3) people showed for the 3rd meeting.

Commissioner Wade asked if some of the concerns raised tonight were the same concerns from the meetings. Ms. Dunlavy stated yes, that is why they tried to address the concerns by quantifying the distances by doing the drone flight. Ms. Dunlavy stated she had not heard the noise complaint raised by the gentleman tonight.

Commissioner Williams asked how many homes within the radius have the same complaints raised here tonight. Ms. Dunlavy stated about five (5) or six (6) homes. Commissioner Williams questioned as to how many home are within the area. Ms. Dunlavy would have to verify how many homes. Commissioner Wade stated 10- 12 houses should be impacted along the road.

Commissioner Smith asked staff if a study was done to find out the impact of the homes. Ms. Peeks stated when a rezoning is submitted, staff look at the comprehensive plan and the Future Land Use map.

Commissioner Williams asked if staff has had any of these complaints presented tonight. Ms. Peeks stated they have had about 3 residents come to the office and approximately 2 calls.

Commissioner Smith asked will be there about 5 homes impacted. Ms. Peeks stated about 10 homes will be impacted.

Commissioner Phillips stated in addition to the tree barrier, can a noise barrier be added. Ms. Peeks stated the applicant can better address the question but she does not expect a lot of noise to be generated from this development. Ms. Ross stated only the rezoning is before the Commissioners tonight although additional information has been given. Commissioner Phillips stated the answer to this question would impact his decision. Commissioner Williams stated because you have homeowners that can be subjected to a tremendous amount of truck traffic and noise and that would have a direct bearing on the rezoning. Commissioner Williams feel that it is very important to discuss these issues. Commissioner Wade asked if the applicant would be interested in some type of wall barrier. Commissioner Smith asked if the resident has complained about the noise from Clorox before. Mr. Kennedy replied he did not know who to complain to pertaining to the noise from Clorox. Mr. Kennedy stated the road where this project would be, is already horrible and have holes covered with patches and every time an 18-wheeler goes by it makes big humps in the road.

It was suggested that the Commissioners hear the rest of the speakers concerns and then let the developer answer the questions all at one time.

Spoke Against: Mike Stevenson-8475 Creekwood Road- This is the first meeting he has been invited to attended. Mr. Stevenson has five (5) concerns: (Gave documentation of each concern in detail to Chairman Echols)

1. Traffic Congestion 2. Noise Pollution and Vibration 3. Stormwater Management (Time ran out)

Spoke Against: Harvey Smith-8485 Creekwood Road- (Mother's Property) Mr. Smith was concerned that his Mother (she's 90 years old) loves her property. Mr. Smith's sister stated to him that their mother wanted them to consider what choices to make concerning the property being sold. Mr. Smith is a retiree and he has a shop on the property which has been there for 30 plus years. Mr. Smith feels it is his responsibility to protect the property for his mom. Mr. Smith said that when the lady came to them and was talking about selling the property the lady stated they had ownership of all of the properties except one which he found to not be true upon talking to neighbors. Mr. Smith's sister decided to sign a contract, which upset him, because they were supposed to decide together. Mr. Smith stated upon his sister signing the contract, he had to go and get an attorney, and to get the property next to Mr. Stephenson, they will have to talk to his attorney.

Spoke Against: Chuck Deaver-8415 Cleckler Road- Mr. Deaver's concerns are noise pollution and truck traffic impact to residential area. Mr. Deaver questioned if there will be an additional staging area for the trucks besides the road and where will the guard shack be. Mr. Deaver stated the truck stop on Highway 74 is full every night. Mr. Deaver expressed how the residential area is already full of trucks and it's a dangerous intersection where the applicant proposes the entrance will be and there is a curve where people speed around also. Clorox already have Oakley Industrial backed up with trucks per Mr. Deaver and no way for the residents to get through. Mr. Deaver reiterated the area is very congested with the current warehouses and he wish the applicant would consider putting a turning lane so that the resident can get through legally. Mr. Deaver questioned as to whether the applicant considered giving the resident a reasonable offer to take over Cleckler Road, only the minimum was offered. Mr. Deaver would like a fair market value to be given. Commissioner Phillips asked Mr. Deaver what kind of truck driver is he. Mr. Deaver stated he is an 18-wheeler truck driver.

Spoke Against: George Tennie-8455 Cleckler Road- (Property near I-85) Mr. Tennie stated he never received a letter from the applicant; he only received the one (1) letter from the City of Fairburn. John Seaborn Road has been around a long time; why not give the property to the property owners that have been paying taxes instead of the applicant. Mr. Tennie asked how the applicant can get a truck over the gas line without being illegal. Mr. Tennie also wondered why the applicant cannot put the sound barrier on their property high enough to where the sound do not come over which would be impossible because Clorox is further down and he can hear the noise. Mr. Tennie expressed he can't cut his trees down because if he does, he will have more noise. Mr. Tennie stated he asked John Barker; if you are going to do this project just buy us out. Mr. Tennie agreed with one of the residents that it is very noisy. Mr. Tennie hopes that the residents are being heard because they are the ones that own the surrounding properties. Commissioner Phillips asked how close Mr. Tennie is to I-85. Mr. Tennie responded that he is approximately 60 feet from the fence at I-85. Commissioner Smith inquired as to whether Mr. Tennie attended any of the meetings held. Mr. Tennie replied that he attended the July 6 meeting but he did not receive a letter. Commissioner Smith asked if the concern was brought up in the meeting. Mr. Tennie stated his address is on there but was never contacted; he was only contacted when he wrote his email on the sign in sheet. Commissioner Smith inquired as to whether he was offered fair market value for his property. Mr. Tennie replied the applicant never said anything to him about a price but he talked to his neighbors and some of the things they offered them, you could not buy a good hamburger from McDonalds.

Spoke Against: James Saffels-8315 Cleckler Road- Mr. Saffels concern is the noise pollution. He has seen the City of Fairburn's long term use plan for the area and with property depreciation and traffic impact, they are already badly impacted. Mr. Saffels states the areas traffic impact is going to be even heavier with the housing allowed by Racetrac on Highway 74 and the red light during shift changing is terrible. Mr. Saffels would like to speak to someone about the long term use plan.

Spoke Against: Nicholas Parnell-8410 Cleckler Road. Mr. Parnell would like to echo what his neighbors have said, he was invited to one of the meeting but he did not attend. Mr. Parnell thinks that it is important to understand all of the issues which are noise pollution, traffic, security concerns, which are huge concerns for the small community. We are an agricultural community that has goats and chickens. Mr. Parnell expressed it's a very different world that has been encroaching on them and they understand progress but they are kind of stuck between all of the warehouse expansion; and they know that they cannot encroach on the powerlines which his property goes under the powerlines and he can do anything with the land. Mr. Parnell further indicated they know that it will bring in extra dollars for the City but the impact it will have on him and his neighbors are incredible. Mr. Parnell stated it is going to be right at his bedroom window, it's going to be an everyday thing and he hears Clorox all the time. After some of the clearing near I-85, he can hear more of the traffic. Mr. Parnell thank the Commissioners for listening to them.

Spoke Against: James Pollard- 6505 Durham Road (He has property on Cleckler Road) Mr. Pollard has property and realtors cannot sale it, no one wants it. Mr. Pollard indicated he received a letter and was hoping he could get some relief by having his property rezoned also, he would appreciate it.

Commissioner Smith asked what was the method used to make recommendations. Ms. Peeks stated the Future Land Use Map which was adopted in 2015; ARC recommendations and GRTA findings were the three (3) things staff used to make the recommendation.

Ms. Walker expounded on the infrastructure along Oakley Industrial Boulevard. Ms. Walker stated, we do recognize that there is a problem at Oakley Industrial and Highway 74 intersection. The City is currently looking at plans to add a left turn lane to the intersection and also to do a full depth reclamation to the entire length of Highway 74 down to the end by Clorox. The City staff is aware of the infrastructure problem, the transportation road issues; and the City has dedicated funding within the next two (2) years to make some improvements in that area.

Chairman Echols wanted to know if this project will be before the improvements. Ms. Walker stated this project and the improvements will be around the same time. Mr. Barker stated this project will be under construction in 2019. Pertaining to Oakley Industrial Boulevard left turn improvement, the City will talk to GDOT to work signal timing and getting things done and hopefully it will be done within the next 6-9 months. Ms. Walker stated South Fulton CID is committed to funding a portion of that work but its contingent on the signal retiming that is being done on Highway 74. Ms. Walker stated that is an immediate project that the City has for 2017-2018. Ms. Walker stated the Oakley Industrial full depth reclamation is repaving and stout pavement in the area for 2019-2020. Commissioner Williams inquired as to how the improvements will relieve the traffic coming through. Ms. Walker stated they have the interchange project to help with traffic and moving traffic down Highway 74. Ms. Walker stated the City is hoping the left turn lane will upgrade the level of service at the intersection so that traffic will be able to make a left turn and get onto the interstate a little bit better. Ms. Walker stated as far as capacity, the City does not have any projects to improve capacity, only operations.

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

Vice Chairman Stoney asked staff for the proposed start date for I-85 interchange project and how long will it take to complete. Ms. Walker stated the proposed start date is 2020 and it will take approximately 2-3 years for construction.

Motion and Vote: Commissioner Williams moved to **DENY** Rezoning 17RZ-001 (DRI 2665) Saben, LLC. Vice-Chairman Stoney seconded. Denial (3-2) Commissioner Williams, Vice-Chair Stoney and Commissioner Phillips), Oppose Denial (2-3) Commissioner Wade and Commissioner Smith. **The motion carried.**

IV. STAFF REPORT: Staff asked for approval to reschedule September and October Planning and Zoning Commission Meetings. The Meetings have been rescheduled to September 12th and October 10th. **The motion carried unanimously.**

V. COMMISSION MEMBERS COMMENTS: Commissioner Smith stated the applicant proposes to the Commissioners and consideration needs to be taken as to whether the Commissioners have the right reason to deny or approve and as long as we go by that everything will be ok. Commissioner Wade thanked everyone for coming out and voicing their opinion. Chairman Echols thanked the members of the community for coming out, voicing their opinion, which is respected and was glad they shared their opinions with the Commissioners. Chairman Echols also said that she was glad the applicants shared their information with the Commissioners and hopefully something can be done in the future.

VI. ADJOURN:

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

Meeting adjourned at 9:04 p.m.

| Approval Signatures | |
|-------------------------------------------|---------------------|
| Date Approved | October 10, 2017 |
| Elizabeth Echols, Chairman | Elizabeth J. Echols |
| Kimberly Mitchell, Recording Secretary | Kimberly Mitchell |