



PLANNING AND ZONING COMMISSION MEETING MINUTES

City Hall
56 Malone Street
Fairburn, GA. 30213
Tuesday, January 10, 2017
7:00 P.M.

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

Jerry Williams
Tony Smith (*Absent*)
Homer Knight (*Absent*)

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

Tarika Peeks
Brendetta Walker
Valerie Ross
Hang Nguyen

- I. **MEETING CALLED TO ORDER:** By Chairman Stoney
- II. **ROLL CALL:** All members of Planning and Zoning Commission were present except Commissioner Smith and Commissioner Knight 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 Williams seconded. **The motion carried.**
- VI. **APPROVAL OF PREVIOUS MEETING MINUTES**
Motion and Vote: Commissioner Williams moved to APPROVE December 6, 2016 meeting minutes. Commissioner Wade seconded. **The motion carried.**
- VII. **PUBLIC HEARING:** None
- VIII. **NEW BUSINESS:**

Text Amendment 17TA-001-Distributed Generation Facility

SUMMARY/STAFF PRESENTATION: Staff is recommending an amendment to add Article XV, Section 80-478 - Distributed Generation Facility. The amendment will add regulations for the location, installation, operation and maintenance of solar energy systems.

Staff recommends APPROVAL of a text Amendment to add regulations for installation of Distributed Generation Facility (Solar Panels).

Commissioner Phillips queried within the definitions under 1B, pertaining to usage. Mr. Ridgway (Utilities Director) introduced himself and clarified the difference in usage between residential which is not more than 10Kw and commercial is up to 125% of the peak demand. Commissioner Phillips referred to the Official Code of Georgia Annotated (O.C.G.A) Chapter 3 paragraph 52 that commercial applications should be up to 100kw. Mr. Ridgway clarified that commercial can be up to 100kw or 125% of the peak demand, whichever is greater is what they are able to install. Commissioner Phillips inquired how the peak demand can be measured. Mr. Ridgway said it is measured by a meter on a monthly basis and they can go back and see what the peak is. Mr. Ridgway further explained the calculations for peak demand. Commissioner Phillips questioned since it will be reviewed at a 30 day period, will it be from the highest peak. Mr. Ridgway confirmed that it will be the highest peak within a 30 day period. Commissioner Phillips stated additional explanation is needed pertaining to page 4, paragraph C, No solar panel energy system shall be mounted or affixed to any freestanding wall or fence. Mr. Ridgway gave an additional explanation to clarify. Ms. Peeks added general regulating was added to regulate esthetics. Commissioner Williams inquired as to whether additional language should be added to alleviate further problems. Ms. Peeks stated esthetics is discussed in the paragraph pertaining to location requirements and also there are some landscape requirements that would need to be met.

Commissioner Phillips had some questions pertaining to page 4, paragraph J Noise. Commissioner Phillips inquired as to whether code enforcement has the equipment to measure noise if not how are we planning on enforcing the law. Mr. Ridgway stated a decibel meter will be rentable. Mr. Ridgway stated typically you don't inspect for noise you wait until you get a complaint. Mr. Ridgway further explained about the noise and where it is generally located.

Commissioner Phillips next question was pertaining to page 4, paragraph K (b) (Systems obsolete if they have not been operated for 12 consecutive months) If the homeowner sells their home on the 13th month, can the homeowner get the system recertified and who would be the person to recertify the system? Mr. Ridgway stated the system may still have power and would still be operable. Mr. Ridgway stated this portion of the ordinance may be referring to a ground mounting system where this might occur.

Commissioner Phillips referred to page 7, item B Maximum Height and asked whether it would include wind turbine. Mr. Ridgway stated we do not have anything in the ordinance pertaining to wind. Commissioner Phillips referred back to the definitions page b (Distributed Generation Facility/Facilities (A) Uses a solar photovoltaic system, fuel cell, or wind turbine. Mr. Ridgway stated he would be surprised to see a wind turbine within the City of Fairburn. Commissioner Phillips recommended the wind turbine be removed from ordinance.

Chairman Stoney questioned as to how the City of Fairburn monitor would or regulate solar panels and what type of stipulations be placed on them or would they be grandfathered in. Mr. Ridgway stated they would be grandfathered in and he only knows of one, possibly two solar panels in the City of Fairburn. Mr. Ridgway said one solar panel is on a residential structure and if the 2nd solar panel exists, it is a commercial structure. Mr. Ridgway stated that there is one in the process of being built. Phillips inquired as to what kind of permit will be needed to build solar panels. Ms. Peeks went over the three (3) tier process and stated an LDP (Land Disturbance Permit from Community Development) and a building permit will be needed. Ms. Peeks also stated the applicant will have to see the Utilities department for the 3rd permit. Ms. Ross stated that she wouldn't recommend editing the definition pertaining to the wind turbine cause it is basically stating what the government statute means, not what the City of Fairburn will regulate. Commissioner Phillips questioned as to whether we need to address Page 7 (Maximum Height) and put a maximum height in the ordinance. Mr. Ridgway stated a wind turbine would be quite tall

and he doesn't anticipate anything to be built like that within the City of Fairburn and we don't have the reliability to make that kind of investment practical.

Motion and Vote: Commissioner Williams recommends approval to add regulations for installation of Distributed Generation Facility (Solar Panels). Commissioner Wade seconded. **The motion carried.**

Text Amendment 17TA-002- Signs-Large non-residential lots

SUMMARY/STAFF PRESENTATION: Staff is recommending an amendment to Section 80-431(b)(1) to add sign regulations for large non-residential lots.

Staff recommends **APPROVAL** of a text Amendment to add sign regulations for large non-residential lots.

Commissioner Williams asked does this amendment take in consideration the size of the lot if there will be 2 signs. Ms. Peeks stated yes, the applicant would have to have at least 15 acres or more, at least 500 linear feet of frontage, at least two (2) entrances and/or exist on the same street frontage.

Commissioner Phillips asked if we can modify the signage, could it also include hardship. Ms. Ross stated this text amendment would be allowed to under the sign ordinance. Ms. Ross further stated the hardship portion would usually come before the Commission when there is a need for a variance. With this text amendment, the applicant would not need to apply for a variance because they would be able to have two (2) signs as long as they meet the above definition. Ms. Ross stated they would just simply apply for a sign application.

Commissioner Williams asked how that would affect the applicants that came prior and were denied, can they reapply. Ms. Ross stated she knows there is a time period that they would have to wait, but she believes they will be able to reapply. Ms. Peeks recalls there is 6 months waiting period if they were denied for a variance. Ms. Ross further stated now they can just apply for a sign permit to have two (2) signs without a variance. Commissioner Williams asked will the previous applicants be notified about the change in the text amendment pertaining to the sign regulations. Ms. Peeks replied they are waiting to see if this text amendment will be approved. Chairman Stoney inquired as to how we determined 500 linear feet would be appropriate. Ms. Peeks stated they looked at other cities that have industrial areas similar to ours and it was standard.

Motion and Vote: Commissioner Williams recommends approval to add sign regulations for large non-residential lots. Commissioner Phillips seconded. **The motion carried.**

IV. STAFF REPORT: None

V. COMMISSION MEMBERS COMMENTS: Commissioner Phillips congratulated everyone from South Carolina. Commissioner Williams was glad a solution was generated pertaining to the sign ordinance.

VI. ADJOURN:

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

Meeting adjourned at 7:24 p.m.

| Approval Signatures | |
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| Date Approved | 3/7/2017 |
| Elise Stoney, Vice Chairman | Elise Stoney |
| Hang Nguyen, Recording Secretary | Hang Nguyen |