

PLANNING AND ZONING COMMISSION MEETING MINUTES

**City Hall
56 Malone Street
Fairburn, GA. 30213
Tuesday, July 12, 2016
7:00 P.M.**

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

Jerry Williams
Tony Smith
Homer Knight

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

Tarika Peek
Linda Abaray
Brendetta Walker
Valerie Ross
Jessica McNeal

- I. MEETING CALLED TO ORDER:** By Chairman Elise Stoney
- 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:**
Motion and Vote: Echols moved to approve the agenda. Williams seconded. **The motion carried.**
- VI. APPROVAL OF PREVIOUS MEETING MINUTES**
Motion and Vote: Williams moved to recommend approval of June 7, 2016 minutes and Smith seconded. **The motion carried.**
- VII. PUBLIC HEARING:**
Primary Variance 16V-004 Red Rock Development

SUMMARY/STAFF PRESENTATION: The applicant request a **CONTINUANCE** to the August 2, 2016 Planning and Zoning meeting.

Staff recommends **CONTINUANCE** of the Primary Variance 16V-004 Red Rock Development until August 2, 2016 Planning and Zoning meeting.

Williams would like to know what are the bases for a continuance on the primary variance. Peek stated the staff and applicant would like to meet to discuss different approaches as far as the variance is concerned and to allow the applicant to have discussion pertaining to signage for the property.

Smith inquired as to whether all the details have been worked out. Peeks stated not in its totality. Staff wanted to give the applicant an opportunity to present his case in front of the commissioners. Smith queried whether there were any discrepancies or just delaying the variance because of discussion. Peeks stated mostly for more discussion. From staffs' perspective maybe there will be some text amendments implemented to allow additional signage for industrial uses, especially ones of large size and large street frontages. Peeks further stated Staff just wanted to allow more time to discuss with the applicant some other options that may be available if he decided to proceed further with the variance request.

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

Spoke In Favor: None

Spoke Against: None

(Close of hearing. Planning Commission questions and discussion)

Motion and Vote: Williams moved to continuance until August 2, 2016 Planning and Zoning meeting. Wade seconded. **The motion carried.**

VIII. NEW BUSINESS:

FINAL PLAT 16P-003 Fairburn 85/TCC

SUMMARY/STAFF PRESENTATION: The applicant is requesting to combine two (2) parcels to create one (1) parcel.

Staff recommends **APPROVAL** of the Fairburn 85/TCC Final Plat.

Knight asked by combining the two properties together has it met the city's ordinance. Peeks concurred the applicant has met the City's ordinance.

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

Spoke In Favor: None

Spoke Against: None

(Close of hearing. Planning Commission questions and discussion)

Motion and Vote: Smith moved to approve final plat for Fairburn 85/TCC. Knight seconded. **The motion carried.**

Text Amendment 16TA-004 Section 80-90 Georgia Highway 74 Overlay

SUMMARY/STAFF PRESENTATION: For Planning and Zoning Commission to review and make a recommendation on a Text Amendment to amend the existing ordinance to allow the rebuilding and/or expansion of an existing gasoline service station to give property owners the ability to revitalize their building along the Georgia Highway 74 corridor. This text amendment was initiated by Racetrac.

Staff recommends Planning and Zoning Commission to make a recommendation to City Council for Approval of staff's alternative text amendment.

Knight queried as to whether the applicant would have one year to do construction. Abaray gave confirmation and stated if they do demolition, the applicant would have one year to apply for a building permit. Knight questioned what would happen if the demolition but didn't start construction within one (1) year. Abaray stated they don't have to start the construction but they have to apply for their building permit and continue going through the process. Abaray detailed the applicant would apply for a building permit and Stokes would review the building permit information submitted. If the applicant stop submitting comments and the building permit expires then they would lose their grandfathering status of being able to rebuild. Knight asked if the land would remain vacant if the grandfather status was lost. Abaray stated it would not necessarily stay vacant; it would go back to being whatever the underlining zoning was.

Phillips questioned pertaining to grandfather, would the applicant be under old ordinance or would they be under new ordinance. Abaray stated grandfather may not be the correct word. Abaray clarified that in the ordinance if you demo or remodel/expand that constitutes a new gas station and that's prohibited within a 1,000 feet of another gas station. Abaray detailed what the applicant and staff is proposing, defines what demo, remodel, rebuilding/expansion is and would not count it as a new gas station. Therefore, they would be allowed to continue the use that they have. Abaray specified within the alternative text amendment it states that if you demo, remodel or rebuild/expand that would not constitute a new gas station. Phillips asked would they still have to meet the offsets. Abaray stated if they remodel the existing building through the building permit process if they weren't expanding the footprint they would be allowed to continue with what they have. Abaray further explained if they expand, they would have to meet the setback and buffer requirements. Abaray lastly concluded if they demo or rebuild they would have to meet all the existing codes that are in existence at the time of getting the building permit.

Echols inquired whether the demolition would include both vacant buildings. Abaray suggest the applicant could speak more on the intent of the property. Abaray understanding is the tire place and the existing Raceway will be removed and a portion of the tire property will be a part of the new rebuilt Racetrac gas station. Echols as of a matter of fact stated the signage will have to conform to the new sign ordinance. Abaray concurred that all signage would have to be in compliance with the existing sign ordinance.

Smith inquired as to whether the Raceway is currently within the 1,000 feet standards. Abaray identified the Raceway is a 1,000 feet from the property line of the QT gas station but it is about 100 feet away from the BP across the street. Abaray stated the ordinance does not say the same side of the road, it just states a 1,000 feet from an existing gas station.

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

Spoke In Favor: Larry Dingle 2849 Paces Ferry Road (On behalf of Racetrac)

Dingle thanked everyone for allowing him to speak at the meeting. Dingle passed a handout to commissioners. Dingle stated his handout is a way of summarizing some of the same things that Abaray already presented to the board. Dingle recapped the distance is a 1,000 feet. Dingle said with what they are trying to do with the expansion and redevelopment of existing store into a new store, require tearing down the store next door, the tire store and then combining those two (2) lots to build a brand new, modern Racetrac store at that location. Dingle stated there are several advantages. It will improve the esthetic of the overlay corridor also in that plan; it will eliminate one of the driveways which will help with traffic circulation. Dingle indicated they are

completely supportive of the staff's recommendation with respect to the changes in the text. It has been their understanding with the purpose of the particular revision that they are asking to be emended was to eliminate the proliferation of service stations along the Highway 74 corridor. Dingle stated they aren't proposing to add any additional stores but they are simply proposing to rehabilitate/modernize the existing store with expanded services. They believe it would be an asset to the City of Fairburn. Dingle states the board presented shows the upgrades compared to what's there now.

Smith queried as to which driveway is proposed to be eliminated. Dingle clarified that it would be the first driveway nearest the corner Senoia Road and Oakley Industrial Boulevard. Smith stated there is a lot of traffic in that area. Dingle stated one of the advantages of removing the driveway if you are traveling down Oakley Industrial Boulevard; you no longer have the intersection of traffic as close as it is now.

Phillips questioned as to whether the number of pumps will be increased within the future plans. Dingle clarified that the service pumps will increase from 6 to 9 pumps. Phillips has visited the site and wanted to know if some things will remain such as the AC on the outside, on the roof top or out of site. (See below for answer from John Jansen)

Spoke In Favor: John Jansen 3225 Cumberland Boulevard, Atlanta - As far as noise control and AC units, they will all be on the ceiling, therefore the noise control will be a lot better. The AC units will not be behind the building, they will be up top and they will be a lot quieter.

Phillips questioned as to whether a sidewalk will be put in place between the Racetrac and the Hotel due to a constant trail currently visible. Dingle stated this will obviously require some collaboration and interface with the hotel owner and they intend on doing so and see if they could work out something that would make sense between the two.

Williams queried as to what would eliminate one of the driveways do to the congestion within the Racetrac facility itself. Dingle clarified the driveway that will remain is the major driveway that is to the South and is a bigger driveway and will improve the ingress and egress. Williams asked if you remove one of the driveways, do you have incoming and outgoing access on both current driveways. Dingle stated the driveway in question is a right turn in and a right turn out because on that section of Highway 74 there is a median in the road. Dingle specified the advantage of this site is that if you want to have ingress into the site off of Oakley Industrial Boulevard that access point would still remain.

Phillips questioned the square footage of the new facility versus the old one. Jansen stated it is approximately 5,500 square feet.

Phillips asked if there will be more than a convenience store in the new location and will they have hot foods. Jansen stated in the new facility they are on the verge of a food expansion so currently they have the typical offerings, roller grill items, they will continue with the yogurt hofer and then pizza and hot sandwiches as well.

Stoney queried about the anticipated construction schedule. Jansen stated if they continue on the current schedule, they will be ready to go into construction about a year (1) from now.

Spoke Against: None

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

Motion and Vote: Echols moved to approve Text Amendment per staff conditions with noted discussions pertaining to signage. Wade seconded. **The motion carried.**

IX. COMMISSION MEMBERS COMMENTS: Wade thanked everyone involved in the new bridge on Bohannon Road. The new bridge has made a huge difference.

X. ADJOURN:

Motion and Vote: Williams moved to approve. Phillips seconded. **The motion carried.**

Meeting adjourned at 7:29 p.m.

Approval Signatures	
Date Approved	August 2, 2016
Elise Stoney, Chairman	Elise Stoney
Jessica McNeal, Recording Secretary	Jess. McNeal