

PLANNING AND ZONING COMMISSION MEETING MINUTES

**City Hall
56 Malone Street
Fairburn, GA. 30213
Tuesday, May 3, 2016
7:00 P.M.**

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

Jerry Williams
Tony Smith
Homer Knight

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

Tarika Peeks
Linda Abaray
Brendetta Walker
Valerie Ross
Meredith Germain
Jessica McNeal

- I. MEETING CALLED TO ORDER:** By Chairman Elise Stoney
- II. ROLL CALL:** All members of Planning and Zoning Commission were present except Wade which constituted a quorum.
- III. PLEDGE OF ALLEGIANCE:** Recited in unison.
- IV. PUBLIC COMMENTS:** None
- V. ADOPTION OF AGENDA:**
Motion and Vote: Williams moved to approve the agenda. Echols seconded. **The motion carried.**
- VI. APPROVAL OF PREVIOUS MEETING MINUTES**
Motion and Vote: Williams moved to recommend approval of April 5, 2016 minutes and Smith seconded. **The motion carried.**
- VII. PUBLIC HEARING: NONE**
- VIII. NEW BUSINESS:**

USE PERMIT 16U-002 Living Word Church Ministries

SUMMARY/STAFF PRESENTATION: The petitioner is requesting a Use Permit to allow a church to be located on the above mentioned property. The applicant is also requesting two (2) concurrent variances as follows:

1. Section 80-203(b) (2) to allow parking within the minimum front yard setback.
2. Section 71-46 (a) to eliminate the required side walk on Valley Brook Road and one-half of Irwin Road (aka Old Senoia Road) as shown on the proposed site plan. *-Withdrawn, not a part of this section and will be handled administratively.*

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 1,247.65 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 April 4, 2016. 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.
1. To the owner's agreement to provide the following site development standards:
 - a. Intersection improvements at Irwin Road (aka Old Senoia Road) and Senoia Road shall be addressed during the Land Disturbance Permit plan review, subject to the approval of the City Engineer.
 - b. The owner/developer shall dedicate a minimum of sixty (60) feet of right-of-way from centerline of Valleybrook Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Fairburn.
 - c. The owner/developer shall dedicate a minimum of sixty (60) feet of right-of-way from centerline of Senoia Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Fairburn.
 - d. The owner/developer shall dedicate a minimum of sixty (60) feet of right-of-way from centerline of Irwin Road (aka Old Senoia Road) along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Fairburn.
 - e. To allow parking within the minimum front yard setback adjacent to Irwin Road (aka Old Senoia Road). (16CV-002).
 - f. To delete the requirement for the installation of sidewalks adjacent to Valleybrook Road only. (16CV-003)

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

Phillips verified that the location will have 3 fronts and wanted to make sure there will be enough parking for all 3 fronts. Abaray stated there are 3 fronts but as shown on the site plan (The 3 concurrences are highlighted) parking is not permitted in the front setback. Abaray specified they are only requesting the front setback variance on the side where the driveways are exiting. The only ingress/egress will be on Irwin Road. Phillips wanted to verify if one of the roads were not paved. Abaray stated Irwin Road is currently a gravel road. Abaray identified as part of the ordinance they will be required to upgrade Irwin Road with pavement, curb and gutter and sidewalks along their frontage. Phillips questioned whether there will be 1 (one) building or 9 (nine) buildings. Abaray confirmed there will only be one building and it is approx. 14,000 square feet. On condition 1 (a) the square footage will be added and the density of square feet an acre will be modified.

Knight questioned as to whether the exit sign will come off of Old Senoia Road. Abaray stated both driveways are on Irwin Road (Old Senoia Road). Knight queried as to whether on the gravel road Irwin Road (Old Senoia) are there any homes. Abaray indicated there are not any homes in Fairburn but there may be some in unincorporated Fulton County. Knight questioned as to whether the traffic has to turn right. Abaray stated the traffic can go left or right out of the exit driveway on Old Senoia Road.

Stoney asked for Abaray to clarify which portion will be withdrawn from petition. Abaray stated concurrent variance #2 will be administratively withdrawn and if commissioners see fit condition 1a would be modified saying to allow a church at a density of 14,000 square feet, at a density of 1,552 square feet per acre. (The lesser of the two). *Page 5 at the bottom*

Phillips asked whether the stream buffer will be interfered. Abaray stated that was from previous written report and that was one of the reason why an approval would have been needed to remove the sidewalk. Abaray stated condition 3f will also be eliminated that also applies to concurrent variance #2. *Page 6*

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

Spoke In Favor: William O'Neal (Pastor of Living Word Church) thanked the board for hearing the petition. O'Neal gave an overview of how the church began and the locations used up until now. They want to build a location where they can worship together, grow spiritually and fellowship and serve together. If granted this use permit request they will build according to the codes and regulations of the City of Fairburn. O'Neal also stated the mission/goal, vision for the church.

Spoke In Favor: Karonn Blue (Member of Living Word Church and also Project Manager) stated that the petition is for a use permit and a variance to allow parking within the minimum setback. This facility will be a great place for ministry, teaching, and interacting with the community.

Smith inquired as to whether there will be a youth center or facility. O'Neal stated they have a desire to have a place where the youth can come under supervision and be impacted with a positive environment.

Phillips queried as to how this church would be different from the current churches in Fairburn and what the longevity is in Living Word's plans? O'Neal stated Living Word would not be different necessarily by way of competing. They want to come together with other churches and help impact positively. They want to build a ministry that will outlive all of us and be apart of the establishment in Fairburn beyond the years that we are here.

Spoke Against: Dorothy Cochran (Resident in the area) is not opposed to the church but concerned about stream buffers. Cochran was concerned about the impact that it may have on the houses downstream. She was very glad to hear the driveways for the church would be on Irwin Road (Old Senoia) and might reduce the impact on the stream. Cochran was also concerned about the springs in the area that may be unseen without doing clearing. Cochran wanted to know if experts should go over site before a decision was made. Abaray stated the plans show there will not be any encroachment on the property to stream buffers and before an LDP (Land Disturbance Permit) is issued a surveyor will review the property.

Spoke Against: Ray Hannah (Resident in the area) said the area use to be quiet and now has a lot of traffic and wanted to make sure the traffic was not being dumped on Valleybrook Drive. After Hannah saw the site plan, his concerns have been relieved.

The process of Land Disturbance was explained by Walker per Stoney's request. Phillips wanted to know in the review, if the location would be identified as a floodplain. Walker stated yes all of that would be identified within the survey. If the survey states the area is within streams or floodplain the applicant would have to get a variance from the state and the City depending on where the streams are located.

(Close of hearing. Planning Commission questions and discussion)

Abaray in the ordinance certain Uses require a special use permit which are allowed in districts. Abaray stated this is the beginning phase of asking permission to allow the use on the property only. It has nothing to do with Land Disturbance Permit or Building Permits. At that time if Mayor and City Council approves this application then the next phase will be the Land Disturbance and that's when Walker will do a inspection and the other departments will do a review to make sure the site meets those requirements.

Motion and Vote: Williams moved to approve conditional of the use permit petition and concurrent variance #2 will be administratively withdrawn. Echols seconded. **The motion carried.**

Conceptual Plan 16C-001 Fairburn Express 274 Fairburn Industrial Blvd.

SUMMARY/STAFF PRESENTATION: The applicant is proposing to construct a 4 diesel pump canopy and add 1,337 square feet retail space to an existing service station. The proposed project will require approximately 26 standard parking spaces. The applicant will be required to meet all parking regulations. The site has existing ingress/egress along Senoia Road and Fairburn Industrial Blvd. An additional driveway (ingress/egress) onto Fairburn Industrial Blvd. will be created. Stormwater detention is proposed to be managed in the existing detention facility on site.

Staff recommends **APPROVAL CONDITIONAL** of the conceptual site plan to construct a 4 diesel pump canopy and add 1,337 square feet retail space to an existing service station.

1. To the Site Plan submitted to the Department of Community Development dated received April 8, 2016. Said site plan is conceptual only and must meet or exceed the requirements of the City's regulations 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.
2. Prior to construction, provide the city with copies of the approved agreements/easements between all involved parties/owners for the driveway; inter parcel access ways, and sidewalks. All plans for the road improvements shall be in place submitted reviews and approved by the City Engineer and appropriate permits issued prior to construction and authorization.
3. No overnight and/or long term truck parking is allowing on any portion of the subject property.

Knight wanted to know are there any regulations pertaining to distance of a service station to a residential area. Per Peeks, in the zoning ordinance she is not aware of any distance regulations prohibiting the service station from being next to a residential area. Peeks stated on Highway 74 district there is a requirement if you want to put a new service station or expand, they have to be a

1,000 feet away from another service station. The current site does meet the 1,000 feet distance requirement. Williams wanted to know would this application not been approved when the station was 1st built and expansion being taken into consideration with the underground tanks. Peaks indicated if it was a requirement then staff would have taken a look at it at that time. Knight stated this service station is an older station and the regulations could have changed since then. Peaks verified with Walker as to whether she was aware of any regulations prohibiting this application and Walker concurred with Peaks but stated not unless EPD has additional regulation but the City does not.

Phillips queried as to whether there will be an access road between the old and new areas of the station. Peaks stated actually there are 3 parcels and they will be expanding and putting a new canopy with the 4 pumps next to the existing stations therefore it's not across the street. Phillips verified that this will be located near the fork in the road. (Senoia Road). Peaks concurred.

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

Spoke In Favor: Terry Boomer (Representor from Civil Consulting Engineering) explained the reasoning behind the current application and clearing up the offsets in question by Knight.

Stoney questioned the ingress/ egress on Highway 74, when the trucks are leaving the station will they be able to turn left or only right. Boomer stated only a right turn will be permitted from the station onto Highway 74. Stoney inquired staff, with the potential of more trucks on Highway 74 and potentially a new church also, will there be a plan to have a new traffic study in the very near future. Walker stated near the church there will have to do an intersection improvement as part of the church development and also take a look at some traffic projects along Highway 74. Stoney stated the conditions of the road on that side of Highway 74 are terrible. Walker specified that is a GDOT issue and the City do not have control over that issue. The City has talked with GDOT about coordination pertaining to repairs.

Per Williams, diesel is currently on Highway 74, how does this give relief or will it give an increase to some of the current traffic. Walker believes it will alleviate some of the traffic due to not having to cross the interstate.

Phillips wanted to know the age of the station. Boomer believes the station was built between 2003 to 2006. Phillips wanted to know was it too soon while doing the renovations/excavations, to look at the gas tanks. Boomer indicated the USB is inspected and reported every year to EPD. When they break ground and have new USB for the diesel, there will be tremendous amount of reviews for the existing stations and they will have to report it to the EPD for the state to sign off on. The report will also have to go to the state Fire Marshall for review.

Spoke Against: None

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

Motion and Vote: Williams moved to approve conditional of the conceptual site plan. Echols seconded. **The motion carried.**

Text Amendments 16TA-003 Regulations in the Sign Ordinance

SUMMARY: Staff recommends APPROVAL to ordinance adopting the text amendments to Sections 80-427, 80-428, 80-431, 80-434 and 80-436, and to add, by resolution, to the zoning ordinance, section 80-438 – Sign Regulations of the City's Zoning Ordinance.

Phillips wondered if on page 4, #4 setback is zero feet, was it correct. Peeks stated yes, which are pertaining to directional signs. This was intended for commercial fast food locations that have enter and exit, drive thru, stop etc. directional signs. Phillips asked on page 1 pertaining to mobile signs, that it states they are prohibited, would that include fly over signs (airplane, moving sign). Peeks indicated no that would not be a part of the city ordinance.

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

Spoke In Favor: None

Spoke Against: None

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

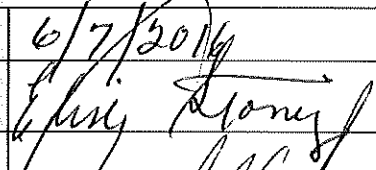
Motion and Vote: Williams moved to approve the ordinance adopting the text amendments-Sign Regulations of the City's Zoning Ordinance. Phillips seconded. **The motion carried.**

IX. COMMISSION MEMBERS COMMENTS: Stoney thanked staff and everyone for attending.

X. ADJOURN:

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

Meeting adjourned at 7:48 p.m.

Approval Signatures	
Date Approved	6/7/2016
Elise Stoney, Chairman	
Jessica McNeal, Recording Secretary	