



CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION MEETING MINUTES
City Hall
56 Malone Street
Fairburn, GA. 30213
Tuesday, November 03, 2015
7:00 P.M.

Shelby Phillips, Chair
Andrew Whitmore, Vice-Chair
Elise Stoney
Mark Wade

Elizabeth Echols
Jerry Williams
Tony Smith

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 Shelby Phillips
- II. ROLL CALL:** All members of Planning and Zoning Commission were present except Whitmore and Echols, which constituted a quorum.
- III. PLEDGE OF ALLEGIANCE:** Recited in unison.
- IV. PUBLIC COMMENTS:** None
- V. ADOPTION OF AGENDA:**
Motion and Vote: Stoney moved to approve the agenda. Williams seconded. **The motion carried.**
- VI. APPROVAL OF PREVIOUS MEETING'S MINUTES**
Motion and Vote: Wade moved to recommend approval of August 04, 2015 minutes. Williams seconded. **The motion carried.**
- VII. PUBLIC HEARING:**

Variance 15V-006 Peachtree Landing Apartments-7915 Senoia Road

SUMMARY/STAFF PRESENTATION: The applicant is requesting to install an entrance monument sign at Peachtree Landing Apartment and is requesting one (1) primary variance from the Zoning Ordinance:

1. Section 80-431(b)(c)(2) of the Zoning Ordinance to increase the entrance monument sign from 35 square feet to 75.87 square feet. Staff recommends denial.

Stoney asked what basis the staff used to determine the recommendation. Peeks stated the request does not meet the City's ordinance. Phillips asked if the signs face can be removed in the future. Peeks responded that the applicant is proposing to remove the sign all together not change the face of the sign.

(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. Wade seconded. **The motion carried.**

Variance 15V-007 SCP Acquisitions-1111 Oakley Industrial Boulevard

SUMMARY/STAFF PRESENTATION: The applicant is requesting a primary variance to delete the required 15-foot setback from the right-of-way to allow for the placement of an entrance monument sign for a proposed apartment complex. Staff recommends approval.

Williams asked why did staff recommended approval. Peaks stated the variance meets the City ordinance. Stoney asked if the variance will cause a problem for other businesses. Peaks does not anticipated any issues.

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

Spoke In Favor: Sean Rosko

The applicant explains the request and the location. Phillips asked about foliage and the applicant stated there will be foliage.

Spoke Against: None

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

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

Use Permit 15U-002 A Knight Traffic, DI, Drug School, LLC-308 Bay Street

SUMMARY/STAFF PRESENTATION: The petitioner is requesting a Use Permit to allow a trade school to be located on the above mentioned property. The school will offer CDL Driver Training, Defensive Driving & DUI Risk Reduction Programs, Interlock Ignition Installation, Counseling Programs, Forklift Training & Education, and Unarmed Security Guard Academy.

The proposal is consistent with policies in the Comprehensive Plan to allow a trade school. The school would be consistent with the surrounding properties and provide a transition to the apartments. Staff recommends approval.

To the owner's agreement to restrict the use of the subject property as follows:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. To allow a trade school and accessory uses.
2. To the owner's agreement to provide the following site development standards:

- a. The hours of operations shall be limited to Monday through Saturday from 7:00 AM to 8:00 PM and Sunday from 9:00 AM to 5:00 PM for all exterior operations of the school.

Stoney asked about the location. Williams asked about the traffic. Stoney asked about the impact that will be caused from tractor trailers.

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

Spoke In Favor: Representative from A-Knight Traffic, DUI, Drugs School, LLC

Applicant explained the onsite function of the school. Stoney inquired about the training and how much would be performed in the street. The applicant explained that the training will include multiple streets in and around Bay Street. Abaray explained there are truck approved routes. Phillips expressed concern for public safety. The applicant explained that Highway 138 to Bay street route doesn't interfere with Highway 29. Phillips expressed concern of heavy bus traffic on Highway 138 and Bay Street. The Applicant stated the training would start and end during low traffic times, 9 am to 2 pm. Williams also stated there is a traffic guard there for morning traffic. Phillips questioned the lights in the yard. Applicant explained the lights are used for training. Phillips asked if it will be near Landmark Christian School. The Applicant said no. Phillips questioned about feasibility of training with other training going on at the same time. The applicant explained there are different locations for training and different times so the trainees will get complete training. Phillips asked about site plans and location of official office building.

Spoke Against: None

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

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

VIII. UNFINISHED BUSINESS: None

IX. NEW BUSINESS:

Conceptual Plan 15C-004-Family Dollar- Senoia Road (Hwy 74)

SUMMARY/STAFF PRESENTATION: The applicant is proposing to construct an 8,320 square foot retail building (Family Dollar). The site is proposing ingress/egress from an existing curb cut at the 8390 Senoia Road and at the rear of the property (east) with the construction of Renaissance Boulevard (private road that will eventually connect to Harris Road). Stormwater detention is proposed to be managed underground on the property. The proposed building facade will consist of brick, stucco and fabric awnings.

Should the Planning and Zoning Commission decide to approve the conceptual site plan, the staff recommends the approval be subject to the following conditions:

1. To the Site Plan submitted to the Department of Community Development dated received September 25, 2015. 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.
2. Stormwater management facility on site shall be located underground. This condition shall not apply if a regional detention facility is created for adjoining properties.

3. Ingress/egress access drive located adjacent to the south property line shall eliminate conflicting turning movements and providing minimum sight distance. Said design shall be subject to the approval of the City Engineer.
4. The portion of Renaissance Boulevard (Private Road) fronting the subject property shall be completed prior to the issuance of a Certificate of Occupancy.
5. Site shall be in compliance with Development of Regional Impact-DRI 976 Notice of Decision.

Phillips had questions about the location. Abaray explained about the location and the non-assigned address.

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

Spoke In Favor: Brent Garrard

Phillips asked whether having a Family Dollar and a Dollar Tree in the same area too much. Williams questioned about the second store on Highway 29 having them so close. Mr. Garrard state he was hired by the company and did not make decisions on building locations.

Spoke Against: None

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

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

Conceptual Plan 15C-007- Atlanta Car Wash-Senoia Road (Hwy 74)

SUMMARY/STAFF PRESENTATION: The applicant is proposing to construct a 4,057 square foot carwash with twenty-one (21) vacuum bays. The site is proposing ingress/egress from the driveway entrance at the QT gas station (see site plan) Stormwater detention is proposed to be managed in the regional detention pond located behind Cracker Barrel. The proposed building facade will consist of brick, standing seam roof and fabric awnings.

Should the Planning and Zoning Commission decide to approve the conceptual site plan, the staff recommends the approval be subject to the following conditions.

1. To the Site Plan submitted to the Department of Community Development dated received October 7, 2015. 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.
2. Stormwater management facility on site shall be located underground or a regional detention facility.
3. Ingress/Egress shall not be permitted along Senoia Road (Highway 74).
4. The conceptual site plan for the Atlanta Carwash shall be contingent on the review of a commercial subdivision plat as well as the associated construction plans necessary for surrounding infrastructure. If the subdivision plat is inconsistent with the approved conceptual site plan, resubmittal and re-review of the conceptual plan shall be required.

5. Prior to construction, provide the city with copies of the approved agreements/easements between all involved parties/ owners for the driveways; inter parcel access ways, and sidewalks. All plans for the road improvements shall be submitted, reviewed and approved by the City Engineer and Ga. DOT (as required) and appropriate permits issued prior to construction and authorization.
6. To ensure the area between the required fire lane and the car wash is not obstructed and remains clear for fire department access to the car wash as this is the only access point to the structure.

Phillips questioned about the previous car washes in the area and if the applicants were aware of them. Smith asked about the traffic study.

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

Spoke In Favor: Owner of Atlanta Carwash

The Applicant is aware of the previous carwashes and feels as though the carwash will be successful.

Williams asked about the daily usage at the Stone Mountain location. If the carwash impacts traffic, will it be able to handle heavy usage. Williams ask about water filtration and recycling. Phillips questioned about staff on hand during business hours.

Spoke Against: None

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

Motion and Vote: Smith moved to approve with conditions. Williams seconded. **The motion carried.**

Conceptual Plan 15C-011- South City Partners-1111 Oakley Industrial Boulevard

SUMMARY/STAFF PRESENTATION: The applicant is proposing to construct 308 multifamily units. The site is proposing two (2) ingress/egress drives from Oakley Industrial Boulevard. Stormwater detention is proposed to be managed on site. The proposed building facades will consist of thirty percent (30%) brick or stone and forty percent (40%) stone or other cementitious material. Vinyl siding and veneers shall be prohibited.

Should the Planning and Zoning Commission decide to approve the conceptual site plan, the staff recommends the approval be subject to the following specific conditions per the zoning petition 15RZ-005.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Residential units at density no greater than 16 units per acre or 308 units, whichever is less.
2. To the owner's agreement to provide the following site development standards:
 - a. Minimum nine (9) foot ceilings. Excluding fur downs for HVAC and plumbing.

- b. Full amenity package including recreation area, trails and courtyards, swimming pool, fitness center and club room.
- c. The number of three (3) bedroom units shall be limited to no more than ten percent (10%) of the total number of units.
- d. Exterior materials shall be a minimum of thirty percent (30%) brick or stone and forty percent (40%) stone or other cementitious material. Vinyl siding and veneers shall be prohibited.
- e. All roof mounted equipment shall be screened from the public right-of-way.
- f. Property shall have an entry gate at all access points and a fence surrounding the residential portion of the property. A chain link fence shall be permitted adjacent to Oakley Industrial Boulevard with opaque vegetative screening. Wood fencing material shall be prohibited. Stream buffers and walking trail shall be excluded from this requirement.
- g. Garages shall be provided for ten (10) percent of total number of units.
- h. A minimum of two (2) alternative fuel vehicle charging stations.
- i. To reduce the required parking to 1.75 spaces per unit (15CV-001).
- j. To reduce the minimum heat floor area to 625 square feet for a maximum of fifty (50) one (1) bedroom units (15CV-002).

Williams asked whether there will be 3 bedroom apartments. No there will not be 3 bedroom apartments.

(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 with conditions. Wade seconded. **The motion carried.**

Preliminary Plat 15P-003- Milam-Senoia Road (Hwy 74)

SUMMARY/STAFF PRESENTATION: The applicant is requesting to create four (4) parcels where there is currently one (1) parcel. The plat has been reviewed by staff and meets all the current regulation of the City Ordinances. Staff recommends approval.

Williams asked about the tracks on the plat.

(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 with conditions. Stoney seconded. **The motion carried.**

Preliminary Plat 15P-005- YTP Fairburn, L.P. - Creekwood and Bohannon Road

SUMMARY/STAFF PRESENTATION: The applicant is requesting to create three (3) parcels where there are currently six (6) parcels. The plat has been reviewed by staff and meets all the current regulation of the City Ordinances. Staff recommends approval.

(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: Smith moved to approve with conditions. Wade seconded. **The motion carried.**

Final Plat 15P-006- Green Oil Company- 7797 Senoia Road

SUMMARY/STAFF PRESENTATION: The applicant is requesting to create two (2) parcels where there are currently three (3) parcels. Staff recommends approval.

(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 with conditions. Wade seconded. **The motion carried.**

Final Plat 15P-007- OCP Fairburn-Senoia Road (Hwy 74)

SUMMARY/STAFF PRESENTATION: The applicant is requesting to create four (4) parcels where there are currently three (3) parcels. The plat has been reviewed by staff and meets all the current regulation of the City Ordinances. Staff recommends approval.

(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 with conditions. Wade seconded. **The motion carried.**

Text Amendment 15TA-007 Sign Ordinance

SUMMARY/STAFF PRESENTATION: Staff is recommending amendments to the Zoning Ordinance to add, delete, and clarify the sign regulations. The Planning and Zoning Commission recommended approval of amendments to the zoning ordinance (Section 80-431 - Sign Regulations) at the Special Called Meeting on July 16, 2015. At the July 27, 2015 Mayor and Council Meeting, no action was taken to approve or deny the proposed amendments; therefore the amendments are required to go back through the public hearing process.

Below are the recommended amendments to the sign regulations:

Section 80-427 – To add the definition of “*public view*” and delete the 25% window sign regulation in the definition of “*window sign*”.

Section 80-430(b) - To add regulations for the sign permit application process. The proposed text amendment will clarify the sign permit application (authorization to erect) process.

Section 80-431(b)(3)(a)(6) - To amend the sign regulations for planned center development entrance signs. The amendment is to change the allowed square feet, from 35 square feet to 50 square feet for monument and freestanding signs. The change from 35 square feet to 50 square feet is consistent with the current sign regulations for monument and freestanding signs.

Section 80-431(b)(3)(d) - To amend the tenant directional signs for planned center developments. Currently, the sign regulations allows for tenant directional signs for planned center developments. However, there are no sign regulations for tenant directional signs for other zoning classifications in the Zoning Ordinance. Staff is recommending adding sign regulations for tenant directional signs for non-residential uses (excluding Planned Center Development). The proposed text amendments for tenant directions signs are: maximum of ten (10) square feet in area, maximum height of four (4) feet, one (1) sign allowed on each side of the each entrance, setback from the right-of-way is zero feet and signs shall not be legible from the right-of-way.

In addition, staff is recommending creating a new sign ordinance section for tenant directional signs. The new section, **80-431(b)(6)(f)**, will include the new tenant directional sign regulations for non-residential directional signs and the existing tenant directional signs regulations for planned center development.

Section 80-431(b)(3)(e) - To amend the sign regulations for freestanding and monument signs for non-subdivided industrial, office or commercial complex with multiple tenants. The text amendment is to change the allowed square feet, from 35 square feet to 50 square feet. The change from 35 square feet to 50 square feet is consistent with the current sign regulation for monument and freestanding signs in Zoning Ordinance.

Section 80-431(b)(6)(d) - To add Planned Development (PD) Zoning District as an allowed zoning district for a vehicle drive-through, delete the variance process for a vehicle drive-through in C-2 (General Commercial District) and PD (Planned Development District), and add a maximum height of seven (7) feet for drive-through menu boards. Currently, the sign ordinance does not provide regulations on menu boards. Staff believes the maximum height of seven (7) feet for a menu board is an appropriate height requirement and it is consistent with the development in the surrounding area and development trends.

Section 80-431(b)(6) – To amend the sign regulations to clarify the percentage of window signs allowed and to delete the reference of the Highway 29 Overlay District from the regulation. The window sign regulation for Highway 29 Overlay District is stated in the Highway 29 Overlay District section of the ordinance.

Section 80-435(2) - To amend the sign regulations for the replacement, expansion or modification of an existing non-conforming sign. The proposed text amendment provides clarity on the allowed substitution or change to a non-conforming sign.

Section 80-435(11) - To amend the sign regulations to add a time period for a closed business to bring a non-conforming sign in compliance with the sign ordinance. The proposed text amendment reads as follows, "Sixty (60) days after a business is closed, if no new business is operating inside the same building or tenant space, a non-conforming sign must be removed." Staff believes this proposed text amendment will allow non-conforming signs to become in compliance with the current sign regulations. Also, this text amendment will promote more aesthetically pleasing and consistent signs throughout the City. Staff recommends approval.

(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 with conditions. Wade seconded. **The motion carried.**

Text Amendment 15TA-011- Highway 29 Overlay-Authorized Uses

SUMMARY/STAFF PRESENTATION: Staff is recommending restaurants and service commercial uses be added to the list of authorized uses in each node of the Highway 29 Overlay District. The change would allow restaurant and service commercial uses to be permitted in existing and stand-alone building located in the Highway 29 Overlay. Staff recommends approval.

(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 with conditions. Wade seconded. **The motion carried.**

X. STAFF REPORT: None

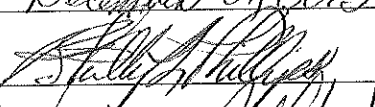
XI. COMMISSION MEMBERS COMMENTS:

All Commissioners thanked staff and welcomed Tony Smith to Planning and Zoning Commission.

XII. ADJOURN:

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

Meeting adjourned at 8:15 p.m.

Approval Signatures	
Date Approved	December 01, 2015
Shelby Phillips, Chairman	
Jessica McNeal, Recording Secretary	