



**CITY OF FAIRBURN
PLANNING AND ZONING COMMISSION MEETING MINUTES**

City Hall
56 Malone Street
Fairburn, GA. 30213
Thursday, July 16, 2015
7:00 P.M.

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

Mark Wade
Elizabeth Echols
Jerry Williams

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

Tarika Peeks
Linda Abaray
Brendetta Walker
Valerie Ross
Meredith Germain
Tarika Peeks/Linda Abaray

- I. MEETING CALLED TO ORDER:** By Chairman Shelby Phillips
- II. ROLL CALL:** All members of Planning and Zoning Commission were present except Whitmore 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. Echols seconded. **The motion carried.**
- VI. APPROVAL OF PREVIOUS MEETING'S MINUTES**
Motion and Vote: Williams moved to recommend approval of May 5, 2015 minutes. Wade seconded. **The motion carried.**
- VII. PUBLIC HEARING:** None
- VIII. UNFINISHED BUSINESS:** None
- IX. NEW BUSINESS**
15P-001 Preliminary Plat Meadow Glen Retail Outparcel

SUMMARY/STAFF PRESENTATION: The applicant is requesting to create three (3) parcels where there is currently one (1) parcel. Staff recommends approval of the Meadow Glen Outparcel.

Stoney inquired as to whether the 3rd parcel was the largest of the 3 (three) parcels. Abaray confirmed that the 3rd parcel is the largest of the three (3) parcels. Stoney sought after whether there are any proposed plans that can be discussed at this time? Abaray stated the parcels will be for Dairy Queen and Meadow Glen Retail previously submitted in concept phase.

(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: Stoney moved to approve. Williams seconded. **The motion carried.**

Comprehensive Plan Update

SUMMARY/STAFF PRESENTATION: The staff recommends that the Fairburn Comprehensive Plan be amended to modify the commercial Future Land Use/Character Area, to expand the area north to Oakley Industrial Boulevard on the west side of Senoia Road (Highway 74) and to allow multifamily and townhouses as a transition from the more intense commercial uses. Staff recommends approval of amendments to the Comprehensive Plan.

Stoney wanted to know how the density was determined. Abaray provided explanation. The height of the apartments arrived based off of the buildings in the area.

(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: Echols moved to approve. Williams seconded. **The motion carried.**

15RZ-005 0 Oakley Industrial Boulevard-South City Partners

SUMMARY/STAFF PRESENTATION: The applicant is proposing to rezone the subject property from C-2 (General Commercial District) to RM-36 (Multifamily Residential District) to allow for the development of 308 multifamily units. Additionally, the applicant is requesting two (2) concurrent variances from the Zoning Ordinance as follows:

1. Variance from section 80-337(b) (1) to reduce the required parking from 2 spaces per unit to 1.75 spaces per unit.
2. Variance from section 80-91 (e) (8) a. to reduce minimum heated floor area from 700 square feet to 625 square feet.

Williams inquired about the occupancy rate for existing apartment complexes on Highway 74 and Highway 29 and wanted to know if the occupancy rate available. Abaray indicated the occupancy rate was not available. Williams asked if the building is not fully occupied, will that affect the section 8 issue. Per Abaray's knowledge there is no requirement that would restrict Section 8 Housing.

There are plans to make modification to the interchange coming off of I-85. Phillips inquired whether that would allow ample space for travel for the occupants in the area. Abaray informed us that everyone doesn't travel at the same time and hopefully this complex will capture some of the traffic going through the area nonetheless. Stoney inquired as to whether a traffic study was required. Abaray stated a traffic study wasn't required.

Echols asked as to whether another light would be placed on Highway 74. Abaray indicated once more businesses are in the area, a light will be installed for Meadow Glen.

Stoney was interested in the total number of 1, 2 and 3 bedrooms that will be in the complex. John Long stated they are projecting 65% to be a 1 bedroom and 35% to be a 2 bedroom. Upon design and building the percentage may change. The plan as of now does not include 3 bedroom but it will include 2 bedrooms with a den. Stoney questioned if this approval is based on conditions and we know up front that the conditions cannot be met, then how would you address it. Abaray specified the (3) three bedroom option was to give them the maximum also just in case their deal fell through and someone else bought the land, the same high end quality would still be there. They are not required to have (3) three bedrooms but if they want to there will be a limit as to how many (3) three bedrooms would be allowed per the conditions.

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

Spoke In Favor: John Long, South City Partners

Spoke Against: None

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

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

Text Amendments

1. 15TA-001 Donation Box-Sec 80-42 in the Zoning Districts Section

SUMMARY/STAFF PRESENTATION: Staff is recommending Donation Box regulations to be added to the Zoning Districts section of the Zoning Ordinance. The proposed ordinance will allow donation boxes to be permitted in non-residential zoning districts with a minimum lot size of four (4) acres, required approval from the property owner, a limited size of no more than 128 cubic feet (four feet wide x four feet deep x eight feet tall) and must be installed on a paved surface but not located within a designated parking spaces, drive isles or loading spaces and the donation boxes must be maintained in good condition and appearance with no structural damage, holes, visible rust and free of graffiti. Permit expires within 1 year.

Phillips asked about the difference between Zoning Administrator and Code Enforcement. Peeks stated that she is the Zoning Administrator, who issues the permits and would inspect the boxes to make sure the donation box are installed according to the ordinance. The Code Enforcement would ensure there are no violations, if there are, then a citation would be issued.

Echols searched as to whether this text amendment would be pertaining to the current donation boxes within Fairburn as well. Peeks indicated yes the amendment will be for current donation boxes.

Phillips inquired about the permit fee established for the donation boxes. Peaks stated if the text amendment is approved by Mayor and Council, then the permit fee for the donation boxes will be established.

Williams inquired as to whether the existing donation boxes would have a time frame to comply with code. Peaks and Ross stated as of right now the current donation boxes are not legal and would need to go through the permitting process. Property owner would have some responsibility also in making sure it is in compliance.

Wade inquired as to whether there is a law prohibiting removal of donation boxes. Wade encountered this problem on government properties. Peaks responded no.

Phillips asked if the box will be designed so the items will not be able to be removed. Peaks stated the design of the box will be up to the owner but there will be stipulations on the colors and sizes used for the donation boxes. Code Enforcement would cite the property owner for not maintaining the donation box.

(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: Stoney moved to approve. Wade seconded. **The motion carried.**

2. 15TA-002 Farmers Market-Sec 80-179.1 in the Administrative Permit Section
SUMMARY/STAFF PRESENTATION: Staff is recommending regulations be added to the Zoning Ordinance to include Farmer's Markets in the Administrative Permit section.

Wade inquired as to whether there was language stating you can have a meal truck, cook fresh vegetables and sale it. Abaray indicated it's not within this part of the text amendment but there are additional regulations also and anyone can apply for a special event or food truck permit to be able to perform those kinds of functions.

Phillips wondered if this will be seasonal and whether a cost has been generated for an Administrative Permit. Abaray stated this will be a year round market and the fee for Administrative Permit is \$250.00. Everything that falls up under the Administrative Permit will be charged a fee of \$250.00. Staff will be looking at that part of the ordinance and will discuss modifying it.

Phillips questioned whether there would only be two parking spaces per vendor. Abaray stated that is what is currently being done at the Farmer's Market now and it has not posed an issue.

(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: Echols moved to approve. Wade seconded. **The motion carried.**

3. 15TA-003 Outdoor Display-Section 80-89 Highway 29 Overlay-Outdoor Display

SUMMARY/STAFF PRESENTATION: Staff is recommending outdoor display regulations are added to the Highway 29 Overlay District of the Zoning Ordinance. The proposal will limit displays to no more than two (2) feet from the face of the buildings, six (6) feet high for stacked displays and four (4) feet for shelves. The proposal will require a five (5) foot access zone be maintained on the sidewalk.

Wade stated he thought this was discussed in the Comprehensive Plan. Prince stated that this amendment will make the store front areas look cleaner. Penalty for violation was explained by Abaray.

(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: Stoney moved to approve. Echols seconded. **The motion carried.**

**4. 15TA-004 Residential Condominium/Townhouses District-Section 80-79 R-CT
(Residential Condominium/Townhouses District)**

SUMMARY/STAFF PRESENTATION: Staff is recommending regulations be added to the R-CT Residential Condominiums/Townhouses District of the Zoning Ordinance. The proposal would add additional regulations specifically for detached residential units within the district.

Phillips questioned as to whether the setbacks are consistent with single family residential. Abaray stated they are close to consistent. Townhouses are little bit denser and the setbacks meet all fire and building codes per Abaray.

(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. Echols seconded. **The motion carried.**

**5. 15TA-005 Off-Street Parking, Loading and Landscaping Requirements Section-
80-337 Off-Street Parking, Loading and Landscaping Requirement District**

SUMMARY/STAFF PRESENTATION: Staff is recommending regulations be change for medical office parking standards in the Off-Street Parking, Loading and Landscaping

Requirement. The current regulation is difficult to enforce because staff would have to periodically check the number of doctors practicing at each office. Additionally, staff researched industry standards and compared the required number of spaces in surrounding jurisdiction. Staff has determined a reduction in the requirements would be consistent with neighboring communities and industry standards.

(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: Stoney moved to approve. Wade seconded. **The motion carried.**

6. 15TA-006 Uses Not Listed-Section 80-44 Uses Not Listed

SUMMARY/STAFF PRESENTATION Staff is recommending regulations be added to the Zoning Ordinance to include Uses Not Listed in the Zoning District section. This ordinance will provide a process to consider uses not listed in the zoning district regulations.

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

7. 15TA-007 Sign Regulations-Section 80-431 Sign Regulations

SUMMARY/STAFF PRESENTATION: Staff is recommending amendments to the Zoning Ordinance to add, delete, and clarify the sign regulations.

Phillips asked if we have verified the criteria to make sure that the signs on Highway 74 are in compliance. Peeks stated that was one of the reasons the changes to the sign ordinance was generated because several places were proposing directional signs but we didn't have a standard in place to allow them. The surrounding cities sign regulations were reviewed to help generate standards for the City of Fairburn. Ross stated if the sign was not legally permitted, then a sign permit would be needed. The old signs would not be grandfathered in.

Phillips inquired who would be responsible for taking a nonconforming sign down after a business have been gone for 3 months. Code Enforcement will contact the property owner to enforce the ordinance stated Peeks.

Phillips wanted to make sure the new stores coming in with the historical signs, are we making sure they are in compliance with the ordinance. Prince confirmed that new signs are verified and are in compliance with the ordinance.

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

Spoke In Favor: Ed Wyatt 41 Dodd Street, Fairburn

Spoke Against: None

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

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

8. 15TA-008 Highway 29 Overlay District-Section 80-89(m) Highway 29 Overlay District

SUMMARY/STAFF PRESENTATION: Staff is recommending an amendment to the Zoning Ordinance to delete duplicated sign ordinance regulations in the Highway 29 Overlay District Signage section. Deleting the duplicated sign ordinance regulations will allow all of the sign regulations to be located in one section of the Zoning 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: Echols moved to approve. Wade seconded. **The motion carried.**

9. 15TA-009 Official Zoning Map- Section 80-35(b) Official Zoning Map

SUMMARY/STAFF PRESENTATION: Staff is recommending an amendment to the Zoning Ordinance to delete the date in the Official Zoning Map section of the Zoning Ordinance. Deleting the date will allow for changes to be made to the zoning map without having to do a text amendment to change the date in the ordinance.

Phillips inquired as to whether the zoning map will have a date. Peeks stated yes the zoning map will have a date.

(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: Stoney moved to approve. Williams seconded. **The motion carried.**

10. 15TA-010 Care of Premises- Section 62-387 Care of Premises

SUMMARY/STAFF PRESENTATION: Staff is recommending an amendment to the Zoning Ordinance to add regulations to the Care of Premises Ordinance. The amendment will add regulations on the issuances of a citation after the initial violation continues.

Phillips questioned as to whether this ordinance have ever been enforced. Peeks stated yes this ordinance have been enforced. Williams asked whether a lot of fines could be accumulated from enforcing this

ordinance. Ross stated Lt. Williams really wanted this change due to after submitting the citation; residents were still not adhering to the citation. After a citation has been issued and the change hasn't occurred, each day will be considered a separate violation without Code Enforcement having to actually go out each day and issue a different/separate citation. It will be one case but multiple fines as stated by Ross. Williams suggested the verbiage should state there will be multiple fines under one case if the change has not occurred so it will be very clear.

(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: Stoney moved to approve. Wade seconded. **The motion carried.**

11. Schedule of Fees for Development Services-Public Hearing Signs

SUMMARY/STAFF PRESENTATION: Staff recommends an amendment to the Schedule of Fees for Development Services to include \$31 for public hearing signs.

Phillips inquired as to how staff derived at the amount for the public hearing signs. A quote was given by the company that does the signs for the City of Fairburn stated Peeks. The cost is a break even cost and if the fee for the signs goes up, staff will bring the change back to Commissioners.

Wade questioned if a lot is a street frontage, how many signs would be needed. Peeks stated an average of 2 signs. Wade inquired if the applicant was denied, are they still responsible for the signs. Abaray stated yes, the fees for sign/signs are collected upfront when the application fee is collected. The signs are not reusable. Phillips inquired as to whether the sign company was contracted with the City. Peeks stated that several departments obtain signs from the company but they are not necessarily contracted with the City.

(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: Echols moved to approve. Williams seconded. **The motion carried.**

X. STAFF REPORT: None

XI. COMMISSION MEMBERS COMMENTS:

Wade said he was glad that the Commissioners came together for this meeting and hoped that Echols's son was doing better. Phillips said that he enjoyed the trip to Kennesaw, thanked the Mayor and he noticed that every time a trip to other cities is taken, it seems as though the City of Fairburn is twenty (20) years behind. Phillips said we need to kick it up a couple of notches.

XII. ADJOURN:

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

Meeting adjourned at 8:28 p.m.

Approval Signatures	
Date Approved	<i>Aug 4, 2015</i>
Shelby Phillips, Chairman	<i>Shelby Phillips</i>
Tarika Peeks, City Planner/Recording Secretary	<i>Tarika Peeks</i>