

**City of Fairburn  
Planning and Zoning Commission Minutes  
July 9, 2013**

**Attendance**

Present were Chairman Elise Stoney, Commission Members- Mark Wade, Elizabeth Echols, Sheray Gaffney. Commission Members absent were Vice- Chair Shelby Phillips, Commissioner Carolyn Bradley and Commissioner Andrew Whitmore. Also present were the Community Development Director/City Engineer- Troy Besseche; Planning Consultants- Jahnee Prince and Duante Gibbs; and City Attorney- Randy Turner.

**Call to Order**

Chairman Elise Stoney called the meeting to order at 7:10 pm in the City Hall Council Chambers.

**Pledge of Allegiance**

The meeting opened with the reciting of the Pledge of Allegiance.

**Roll Call – Determination of Quorum**

A quorum was confirmed for meeting.

**Public Comments**

Chairman Elise Stoney opened the floor to public comments. Hearing none, the Chairman closed the public comments section of the meeting.

**Adoption of Agenda**

Commissioner Echols made a motion to approve the agenda. Commissioner Gaffney seconded the motion and it was unanimously approved.

**Adoption of Minutes**

Commissioner Wade made a motion to approve the minutes of June 4, 2013. Commissioner Echols seconded the motion, and it was unanimously approved.

## **Public Hearing**

### ***Z2013-13 – Coventry Rezoning***

Planning Consultant Jahnee Prince presented that the property requesting rezoning is a part of a larger development with a mixed use plan. The property will be off Hwy 74, with the Interstate to the North; Peachtree City to the South. The proposed plans for the overall development include but are not limited to, 254 apartments on 32 acres, which averages 8 units per acre; a strip center with grocery store, a park, and continuing care retirement homes. The Character area map has (2) designations- by SR-74; it has regional mixed use- no residential (high density nearby) and suburban in back of the comprehensive plan.

Jahnee recommended approval of the rezoning; however wants the commission to consider a clarification to the character area map to more accurately reflect the logical boundary between the Regional Commercial and the Suburban areas.

Mr. Dennis Drewyer represented the owners, investors and shareholders of Coventry. Coventry is 19.918 acres of land that is requesting rezoning from C2- Commercial and R-CT- Townhomes to RM8- Residential Multi-Family. Mr. Drewyer presented the need for this type of development in Fairburn, where residents will have the ability to live, work, dine and play. This development will assist the current failed cluster home subdivision- Fieldstone, which shares a part of the property requesting rezoning. He informed that if this development is approved, Coventry will develop, build, landscape, buffer and screen the remaining vacant lots there. Coventry also has contacts to attract more fast food and sit down restaurant establishments, grocery, anchor stores and retail shops to the area. A proposed park and ride on SR-74 would also attract more residents to the area, as it would give residents the freedom to work anywhere however provide the ability to come home to Fairburn.

Commissioner Gaffney commented that he appreciated the work that they plan to do, he asked for a clarification of the buffer they plan to create for the vacant structures. Also, Commissioner Gaffney asked about employment options due to new development.

Mr. Drewyer responded that their goal is to have residents remain in Fairburn, so they can also spend their money here. He also mentioned that they wanted to create educational opportunities here.

Chairman Stoney asked what percentage of fast food verses sit down restaurant as opposed to fast food will be proposed. Mr. Drewyer did not have the exact percentage, but has letters of intent from sit down and fast food restaurant establishments.

**Public Comment:** Opened and closed with no comments.

Commissioner Echols made the motion to recommend approval to council. Commissioner Gaffney seconded the motion and it was unanimously recommended to Council for approval.

**Public Hearing:**

***Z2013-14- Green Oil Rezoning***

**Staff Recommendation:**

***Conceptual Site Plan: Green Oil Drivers Office***

***41 Dodd Street***

Jahnee Prince presented the Green Oil site plan for the 41 Dodd Street property, zoned M1- Industrial (front) and R4- Residential (back). She explained that split zoning creates a problem because of 50ft buffer requirement for current zoning ordinance. The recommended zoning needs to be changed to follow property lines so the buffer can be put in correct place, in the setback. Jahnee recommends a planted buffer and advised that they will work with a landscape architect to ensure that the planted buffer will fully mature in 5 years. Also, a variance is needed for the current structure (shed/open shelter) on the property. Jahnee Prince recommends approval for the rezoning to M1 for housekeeping purposes, approval of the variance for the structure in the setback of the property and recommended denial of the conceptual site plan.

Commissioner Gaffney asked "How soon will Green Oil have to comply with the buffer requirements provided the rezoning and variances are approved?" Jahnee advised that Green Oil will have to comply immediately.

Mr. Ed Wyatt- Green Oil representative spoke on the history of Green Oil. Also, he mentioned that when Green Oil first took up business 40 years ago in 1972-1973 on Dodd Street, it was 100% in compliance. The building was built on property that was properly zoned. Mr. Wyatt admitted that Green Oil permitted the trailer upon bringing it on site, however failed to re-permit on an annual basis. He expressed appreciation for the City of Fairburn and vowed to work in compliance with the rezoning efforts. Mr. Wyatt also expressed that Green Oil understands that they need an acceptable site plan to be presented for the trailer.

**PUBLIC COMMENTS:**

1) Ms. Inga Kennedy resides at 110 Orchard Street Fairburn, GA 30213-street adjacent to Dodd Street. She opposes the Green Oil rezoning for the following reasons:

- a) The proposed activity could expand on the existing site since it is an allowable use
- b) Green Oil could sell the property and other M1 uses could come into the location. The M1 use has many incompatible uses could come in that would not blend well for a residential neighborhood.
- c) The comprehensive plan is the primary document used to evaluate rezoning, however it is old. The M1 rezoning could halt the current revitalization efforts in the area.

Therefore, Ms. Kennedy recommends denial the rezoning of Green Oil.

2) Mr. Horace Cooper resides at 880 Buckingham Cove Fairburn, GA 30213, also opposed the M1 zoning. He stated he has environmental concerns about the safety of nearby residents.

He was not sure if there were underground tanks or other potentially hazardous substances there. Mr. Cooper was also concerned that property values will change if M1 zoning is approved. Also, they are trying to revitalize the area to commercial and if it is changed to industrial, it would not make sense for the community.

**REBUTTALS:**

Mr. Wyatt responded that they would not be changing zoning. The building is already there and it is a legal non-conforming use. The trailer is really the only issue as far as legality. Grand-fathered use will not allow expansions.

Jahnee Prince responded to the concern about Green Oil possibly expanding. She stated that the current legal non-conforming structure could not be expanded.

Chairman Stoney asked "in the event this rezoning is approved, and the site would then be characterized as industrial, what would happen if Green Oil decides to move?

Jahnee replies that the zoning could be conditioned on the fact that Green Oil's existence pre-dates the plan. However, another industrial user could come in. She recommended the commissioners to think seriously about this decision.

Commissioner Wade made a motion to approve the rezoning. Commissioner Echols seconded the motion and it was unanimously recommended to Council for approval.

Commissioner Echols made motion to recommendation for the variance in setback. Commissioner Wade seconded the motion and it was unanimously recommended to Council for approval.

Commissioner Gaffney made a motion for the site plan to be denied, Commission Wade seconded the motion and it was unanimously denied.

### **Staff Report**

Planning Commission Training Opportunity- July 31, 2013 (CVIOG) - Carl Vinson Institute of Government. Troy Besseche invited all the commissioners to attend this training opportunity on Wednesday July 31, 2013. Carpooling was encouraged for all commissioners that could attend and all expenses related to the trip would be covered by the City. Please R.S.V.P. with Troy within the next week.

Troy Besseche gave updates on agenda items from the June 10, 2013 City Council meeting, and advised commissioners to read items:

- 1) Sign Ordinance on page 3, some modifications was made for billboards.
- 2) Special Events- Food Trucks. Provisions made under Use permits and Administrative permits. A recommendation was also made to reduce permit fee from \$250.00 to \$35.00.
- 3) Staff failed to make a revision regarding the size and dimension of food trucks, therefore this information will be presented at the next month's meeting.
- 4) Property rezoning on Fayetteville Road was approved.


Commissioner Gaffney informed that he appreciates the training; however he would be unable to attend due to a prior engagement.

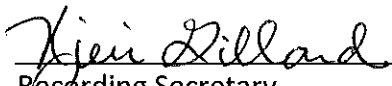
### **Commissioner Comments**

Chairman Stoney thanked the commissioners, staff and all in attendance.

### **Adjourn**

There being no further business to discuss, a motion was made by Commissioner Echols to adjourn the meeting. The motion was seconded by Commissioner Gaffney and it was unanimously approved at 8:10 pm.

  
Chairman Elise Stoney

  
Recording Secretary  
Njeri Gillard