



PLANNING AND ZONING COMMISSION MEETING MINUTES

**City Hall
56 Malone Street
Fairburn, GA. 30213
Tuesday, July 7, 2020
7:00 P.M.**

Due to the COVID-19 pandemic, the meeting was held virtually via Zoom video conferencing.

Elise Stoney, Chairman
Elizabeth Echols, Vice-Chairman
Jerry Williams

Shelby Phillips
Tony Smith
Anthony Stewart

Director of Planning and Zoning
City Attorney

Tarika Peeks
Valerie Ross

- I. MEETING CALLED TO ORDER:** By Chairman Stoney
- II. ROLL CALL:** All members of the Planning and Zoning Commission were present.
- III. APPROVAL OF AGENDA:** Commissioner Williams made a motion to APPROVE the July 7, 2020 agenda. Commissioner Echols seconded. **THE MOTION CARRIED.**
- IV. APPROVAL OF PREVIOUS MEETING MINUTES:** Commissioner Williams made a motion to APPROVE the January 7, 2020 minutes. Commissioner Stewart seconded. **THE MOTION CARRIED.**
- V. PUBLIC HEARING:**

PRIMARY VARIANCE 2020053 – HALCYON RENOVATIONS (6810 VIRLYN B. SMITH RD.)

SUMMARY/STAFF PRESENTATION: A request to reduce the side yard setback from 30-ft. to 11.5 ft. to allow for the renovations to the home.

Ms. Peeks stated that the applicant was requesting to reduce the side yard setback from 30-ft. to 11.5-ft. to allow for an addition to the rear of the house. She stated that staff had reviewed the request and staff's recommendation was approval.

Mr. Bryant stated that due to the shape of the current lot and the home being on Virlyn B. Smith it caused the right side of the yard to be much smaller than usual. He stated that he had come to the City of Fairburn for the variance so that he may move forward with the construction on the property.

MOTION AND VOTE: Commissioner Williams made the motion to APPROVE primary variance 2020053. Commissioner Stewart seconded. **THE MOTION CARRIED.**

VI. NEW BUSINESS:

CONCEPTUAL SITE PLAN 2020049 FAIRBURN FESTIVAL (8028 SENOIA ROAD)

SUMMARY/STAFF PRESENTATION: A request to construct a 7,700 square foot multi-tenant retail/commercial development on Highway 74/Senoia Road.

Ms. Peeks stated that the applicant was proposing to construct a 7,700 square foot multi-tenant commercial development on Highway 74/Senoia Road and the location of the development would be on southeast corner of Senoia Road and Meadow Glen Parkway. She stated that the address would be 8028 Senoia Road and the site is approximately 1.29 acres. Ms. Peeks also stated that the applicant would be required to meet all parking requirements and the site has proposed ingress and egress on Meadow Glen Parkway and inter parcel access to the adjacent lot.

She stated that the building would consist of an all brick front and stone on the sides as regulated by the Highway 74 Overlay District. Ms. Peeks stated that staff was recommending approval conditional. Commissioner Echols asked if a traffic light would be installed at the new site. Ms. Peeks stated that a traffic light will be installed before any new development is built in the area.

Ms. Peeks stated there would not be any LDP's issues until the traffic light is installed and currently the stripping for the intersection and the light poles have been installed. She stated that they are waiting on the installation of the light and once it is completed there would be a 30-day burn time for the traffic light to be tested. Ms. Peeks stated the traffic lights should be installed within the next 30 to 60 days.

Commissioner Echols asked about the type of establishments that would be at the location. Ms. Peeks replied that there would be an IHop; and she was not clear on the other three tenants that would be at the location. She stated that there would be retail and restaurants for those tenants. Commissioner Echols asked if there was going to be a total of four tenants at the location. Ms. Peeks replied "yes" there would be four tenants.

Ms. Peeks read a comment asked about the Fairburn Festival development. Ms. Peeks stated that the question was previously answered.

MOTION AND VOTE: Commissioner Williams made the motion to APPROVE conceptual plan 2020049. Commissioner Echols seconded. **THE MOTION CARRIED.**

TEXT AMENDMENT 2020029 SAFEGUARD LANDFILL MANAGEMENT (7700 ROOSEVELT HWY)

SUMMARY/STAFF PRESENTATION: A request to amend Section 80-220 Landfill, solid waste disposal(b)(11)(12) of the Zoning Ordinance.

Ms. Peeks stated the applicant's proposal and staff's recommendation was denial of the petition.

Commissioner Phillips asked if all the items were listed for the petition for the solid land waste disposal. Ms. Peeks replied yes; the ordinance stated that the standards were created in 2012. Commissioner Phillips responded by asking did the applicant expand operations after 2012. Ms. Peeks replied that they had expanded the landfill cells, but they have not expanded outside of their existing boundaries that she had knowledge of.

Commissioner Philips asked Ms. Peeks to explain to him her meaning of the expansion of cells. Ms. Peeks replied that the question should be deferred to the applicant. Commissioner Phillips stated that he would like to go over some of the standards that was listed.

Doug Dillard:

Mr. Dillard stated his name and title (Safeguard's Attorney) and introduced several other Safeguard representatives. He stated the two issues one being the text amendment and he stated that it was only for the expansion and not new landfills. Mr. Dillard explained what they wanted to do with the site on Roosevelt Highway. He stated the issue is to expand the use permit into the existing parcels. Mr. Dillard stated that the company had been in the City of Fairburn for over 20 years and they were positive in the community. He stated that to continue their operation in the community Safeguard needs to expand on the addition industrial parcels. He stated that the parcels were away from residential neighborhoods in the area and the parcels fronted Roosevelt Highway.

He explained that with the expansion, Safeguard did not want to increase the activity of the operation and wanted the opportunity to continue the operation as it currently exist. He stated that Safeguard was an active landfill in the City of Fairburn and no other landfill would be impacted by the request. Also, no residential neighborhoods would be impacted by the request. Mr. Dillard stated that they have satisfied the used permit requirements. He asked for approval of the text amendment and for the use permit request.

Larry Dingle (Safeguard's Attorney) stated that Safeguard does not handle solid waste; they only handle construction debris. He stated that the illegal land fill on Bishop Rd. is in the City of South Fulton and Willow Oaks was in the City of Palmetto. He stated that there was only one landfill in the City of Fairburn and that there could only be one landfill in the City of Fairburn and the concessions that they were asking for only applied to Safeguard. He stated that the request was to allow Safeguard to expand on the existing facility to increase its life and the expansion would be on the corner of Bishop Road and Roosevelt Highway.

Mr. Dingle stated that when the landfill was developed the Durham Lakes subdivision was not there and they had contacted with the neighborhood association of Durham Lakes. Also, he stated that he communicated with the property owners to assure them that there would not have a negative impact on their quality of life. He stated that they had concerns about what they were going to see. He stated that they had worked with the neighborhood to create a better viewpoint of the existing landfilled. He explained that Safeguard have daily examinations to measure the odor. He stated that they have worked hard to answer the property owners' questions. Mr. Dingle stated that he hoped the Commissioners would look at the request fairly.

Commissioner Williams talked about the negative impacts the landfill would have on the City of Fairburn and the risk the landfill would have on the citizens of Fairburn. Commissioner Echols asked what they consider construction debris and stated you can smell odors coming from the landfilled. Mr. Dingle replied that they have tested the landfill for odor and have not had any indication that the odor was coming from the site. Commissioner Echols also asked if there was someone standing at the gate to monitor what type of garbage that was entering the site. Mr. Dingle replied no. Commissioner Echols stated that anyone could bring anything into the site to be mixed in with the construction debris. Mr. Dingle replied that they have scale operators that look at what is brought into the site.

Ms. Peeks read the following comments that were submitted to the Planning and Zoning Office via email:

Jane Storey:

To Whom it May Concern:

As a concerned citizen of Fairburn, I oppose the expansion of the landfill. The landfill has already affected the property values of nearby homes. I certainly would not buy a house near the landfill.

If you travel on Roosevelt Highway, Hobgood Road, or any other roads in that area the odor is awful and will continue to worsen. I don't think you could even enjoy being outside in your own yard. This will add additional traffic and the trucks continue to tear up our roads. I feel that the planning and zoning committee along with the mayor and council need to look after the best interest of the Fairburn citizens of Fairburn.

Edith Berry:

In 1988 EPA states all landfills will eventually leak. That means that runoff from landfills, carrying with toxic chemicals from our waste ends up in our water supplies. Come people our communities surrounding landfills have and will end up in our drinking water. I many with that landfill company live within a mile or so live near one. I heard when they started no Durham Lake, well we are Durham Lake now, NO to this expansion. NO

Michelle James:

Vice-President

Durham Lakes HOA

We do not want to smell or see any more trash in the city of Fairburn. our Mayor and City council are responsible for maintaining an acceptable standard of living in our fair city and this is not it!!! we will make it our business to vote out any city representatives who support this disgusting proposal. please consider the quality of living for your constituents and yourselves. Thank you.

Gordan Family:

Good morning,

Please use this email as a representation of my family and me opposing the expansion of the Safeguard Landfill. The horrendous odor that my family and I have experienced in the last 5 months has been outrageous. The stench worsens after it rains, and my family can't breathe afterward when they go outside. The odor is affecting our health and way of Life. Please VOTE NO!! Thank you.

Joy Hewitt:

We are in total OPPOSITION of this. We moved here because we believed Fairburn offered a better-quality lifestyle. It is disappointing to see these signs put up regarding this proposed expansion. We live in Durham Lakes Golf and Country Club. Our POA fees are not cheap and neither are the homes here. The landfill is going to kill our property values and deter people from purchasing property here...the landfill already stinks over here.

Why would the City of Fairburn even entertain this idea? If Fairburn is "situated to succeed", this proposed expansion should not be something to succeed at. We will be attending the July 7, 2020 meeting to publicly voice our OPPOSITION. Hewitt's

Orlando King:

NO! NO! NO!

MOTION AND VOTE: Commissioner Echols made the motion to **DENY** text amendment 200029. Commissioner Williams seconded. **THE MOTION CARRIED.**

USE PERMIT 2020029 SAFEGUARD LANDFILL MANAGEMENT (7700 ROOSEVELT HWY)

SUMMARY/STAFF PRESENTATION: A request to allow the expansion of an existing landfill (Safeguard Landfill).

Ms. Peeks stated because the Safeguard Text Amendment petition was denied; therefore, the use permit petition would need to be denied because the use permit standards restrict the expansion of an existing landfill located within a one-mile radius of residentially zoned or used property and the expansion of an expanded landfill within the parcel boundaries of an existing site or location.

MOTION AND VOTE: Commissioner Echols made the motion to **DENY** text amendment 200029. Commissioner Williams seconded. **THE MOTION CARRIED.**

CONCEPT PLAT 2020073 STRACK DEVELOPMENT AND HENDERSON LAKE (0 BOHANNON RD)

SUMMARY/STAFF PRESENTATION: A request to subdivide 36.53 acres into seven lots.

Ms. Peeks stated the applicant, Strack Family was proposing to subdivide 36.53 acres along the new road (Howell Avenue extension) into seven parcels. She stated that the parcels were zoned M-2 (Heavy-Industrial) and each parcel would be developed independently and the applicant was requesting to subdivide the parcels as following: (Lot 1 - 5.9 acres, Lot 2 - 2.66 acres, Lot 3 - 2.56 acres, Lot 4 - 17.7 acres, Lot 5 - 3.65 acres, Lot 6 - 2.01 acres, and Lot 7 - 2.09 acres. She stated that the concept plat was reviewed by staff and met all the requirements of the ordinances and staff recommendation was approval.

Commissioner Phillips asked why there were no parcel ID numbers on the plat. He stated that he felt that it was incomplete, and he asked what type of heavy industrial use would be at each parcel. Ms. Peeks replied that it was a concept plat and parcel I.D. numbers are assigned by Fulton County once the plat is recorded but because it was a concept plat it does not need to be recorded with the County at this time. Ms. Peeks stated that they would record the plat once it was finalized and then parcel numbers will be assigned.

She stated that the parcel is zoned M-2 and there would be a new road extending from Howell Avenue to Bohannon Road, and the City of Fairburn would receive a \$1.2 million dollar grant from the State of Georgia for the development of the road to reduce the impact of traffic on the surrounding areas. She stated that it would allow additional access to Bohannon Road. She stated at this time there was no proposed users for the lots and that Strack Family owned the 36.53 acres and was subdividing the land for future development.

Mr. Strack:

Mr. Strack stated that they had donated 3 acres of the property for the new road, and he did not know who was purchasing the property and 17 acres was going to be for both developments. Commissioner Williams asked if the 17 acres would be for a private lake and the type of projects, he would be putting on the lake. Mr. Strack replied it would be used for the roadway (Howell Avenue extension) and his project.

MOTION AND VOTE: Commissioner Williams made the motion to **APPROVE** for concept plat 200073. Commissioner Stewart seconded. **THE MOTION CARRIED.**

PRELIMINARY PLAT 2020075 PROJECT MILES (8400 CREEKWOOD RD)

SUMMARY/STAFF PRESENTATION: A request to subdivide 98.726 acres into three lots.

Ms. Peeks stated the applicant was requesting to subdivide 98.726 acres into three tracks and the first track is 73.430 acres, second track is 20.596 acres, and third tracks is 4.669 acres. She stated the plat was reviewed by staff and met all the requirements of the ordinances and staff recommendation was approval.

Commissioner Phillips asked which lot the warehouses would be on and would they have adequate ingress and egress for the building, Ms. Peeks replied yes; the warehouse would be on lot #1 which was 73, 430 acres and lot #2 would be for truck parking, and lot #3 would be a buffer area and landscaping. She stated that a grading permit was issue for the development and construction had begun. She stated that the LDP (Land Disturbance Permit) would be issued within the next several weeks and she was waiting on the GDOT permit to be submitted and then the LDP would be issued.

Commissioner Phillips asked about the ingress and egress into the facility. Ms. Peeks replied that they would have a private driveway that is parallel to Interstate 85 and it was approved during the rezoning petition. Commissioner Phillips asked if the private driveway would be capable of handling the trucks and the cargo. Ms. Peeks replied yes. They would be required to build the driveway to accommodate truck traffic. She stated the Engineering Department reviewed it to make sure it (driveway) was up to the City of Fairburn standards for truck traffic.

Commissioner Phillips asked if the private driveway were going to run by interstate 85 and what would be the point of origin. Ms. Peeks stated it would be Highway 74 and Interstate 85. She stated the future plans are to extended Oakley Industrial Bouvard and the driveway would eventually become an extension of Oakley Industrial Bouvard.

MOTION AND VOTE: Commissioner Stewart made the motion to **APPROVE** for preliminary plat 200029. Commissioner Echols seconded. Commissioner Phillips **OPPOSED**. **THE MOTION CARRIED.**

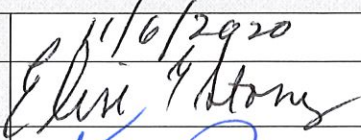
VII. STAFF REPORT: Ms. Peeks thanked everyone for attending the meeting and she thought it went very well.

VIII. COMMISSION MEMBERS COMMENTS:

Commissioner Smith stated he was glad to see everyone and wanted everyone to be safe. Commissioner Stewart also stated he was glad to see everyone. Commissioner Williams stated that he was glad to see everyone and for everyone to stay safe. Commissioner Phillips also stated that he was glad to see everyone and wanted to know if the meeting would hold up in court. Ms. Ross replied that it does comply with the open meetings act. Commissioner Echols stated that it was good to see everyone and be back to the business of the City of Fairburn. She stated that she thought the meeting went well. Commissioner Stoney agreed with everyone's comments and thanked everyone that attended the meeting.

IX. ADJOURNMENT: Commissioner Williams made a motion to **ADJOURN**. Commissioner Phillips seconded. **THE MOTION CARRIED.**

MEETING ADJOURNED at 8:47 p.m.

Approval Signatures	
Date Approved	7/16/2020
Elise Stoney, Chairman	
Keisha Francis, Recording Secretary	