

**City of Fairburn
Planning and Zoning Commission Minutes
December 3, 2013**

Attendance

Present were Chairman Elise Stoney, Commission Members-Vice-Chair Shelby Phillips, Mark Wade, Carolyn Bradley, Elizabeth Echols and Jerry Williams. Also present were the Community Development Director/City Engineer- Troy Besseche; City Planner- Toussaint Kirk, Planning Consultant- Jahnee Prince; City Attorney- Valerie Ross; Mayor Avery and Council Member Jean Russell-Barkley.

Call to Order

Chairman Elise Stoney called the meeting to order at 7:00 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

No Comments

Adoption of Agenda

Commissioner Bradley made a motion to approve the agenda. Commissioner Wade seconded the motion and it was unanimously approved.

Adoption of Minutes

Commissioner Bradley made a motion to approve the minutes of November 5, 2013 with required corrections. Corrections are to be made to page 3, the last paragraph, change name "Elizabeth to "Elise" Stoney. Then on the last page move the contents of the staff report to the Commissioners comments. There were no staff reports. Commissioner Wade seconded the motion, and it was unanimously approved.

Public Hearing:

TA 2013-25 Text Amendment- To add a Massage Therapy/Massage Parlor Ordinance to provide regulation of massage therapy establishments in the City of Fairburn.

Chapter 14 Article XII Sec. 14-345 Massage Therapy Establishment/Massage

TA 2013-27 Text Amendment- To add a Massage Therapy/Massage Parlor Use Permit and add standards for massage therapy establishments located in the City of Fairburn.

Chapter 80 Article IV Sec. 80-238 Massage Therapy Establishment/Massage Use Permit.

Ms. Jahnee Prince stated that both of these items were discussed last month and all changes from the last meeting have been made plus an additional change to the distance. Ms. Prince showed the distance buffers on a GIS map. Two important changes were identified. First, massage therapy establishments have to be 2500 feet away from the Interstate Right of Way. This distance was recommended so the establishment would cater more to residents instead of the truck stops. The second change was to the zoning location. The establishment would only be permitted in DC-1 or DC-2 and C-2 zoning locations.

Chairman Stoney was questioning the reason behind Condition #7 on page 10; "If a licensee has violated any provision of this Adult Entertainment Ordinance". Ms. Prince believed the reasoning behind that condition was that the zoning for the Massage Parlor is being classified in the larger code that is the adult entertainment ordinance. If they have violated anything within the adult entertainment ordinance their license can be denied, suspended or revoked.

Commissioner Bradley had a question pertaining to the map and where the proposing C-2 (light commercial) is located. Ms. Prince stated it is within the City limits where the Coventry shopping center is located. Mr. Troy Besseche identified the landmark may be the Quicktrip on Highway 74 heading east toward Peachtree City. On the left there is an undeveloped area (Coventry) that can be proposed for this type of business. Ms. Prince further detailed that the other areas recommended are any areas in the downtown area zoned DC-1, DC-2 or C-2 and meets the distance requirements from residential and schools. DC-1 would be classified in the Hudson Plaza area and at the end of Vickers Road as indicated by Mr. Besseche. Ms. Prince clarified for Ms. Bradley that doctors or chiropractors are exempt from these requirements. Exemptions can be found on page 9 Section 14-357.

Vice-Chairman Phillips asked about Good Moral Character on page 2. Do we plan to have establishments check to see if a person of good moral character has not been convicted of a drug or alcohol related felony or sex-related crime in the past (5) years?

Ms. Valerie Ross verified the definition for Good Moral Character and stated that there will be a license requirement with a background check for (5) years and that's verified with the Georgia Crime Information Center (GCIC). Vice-Chairman Phillips asked if a registered sex offender will be denied to work in a massage therapy industry?

Ms. Ross stated that if the GCIC shows no convictions in the last 5 years, they may be granted a City permit. According to how the ordinance reads, the owner or any employee is required to have a state license. If they already have the State license, then they will be able to get a City permit.

Vice-Chairman Phillips wants to modify the ordinance so anyone on the sex offender's registry will not be able to obtain a permit to work in a message therapy facility in the City of Fairburn.

Ms. Ross explained why it would not be beneficial to restrict an applicant that has met all of the state requirements.

Commissioner Bradley indicated that on page 10 of the ordinance, paragraph #5 as it reads, wouldn't they be denied anyway.

Ms. Ross stated if they are performing those acts on the premises of the establishment then their license can be revoked, suspended or denied. However, they would have the option to appeal.

Hours of operation were discussed and the business is prohibited from operating from 10pm to 6am. This was determined to be satisfactory.

Public Comment: Opened and closed with no comments.

Commissioner Bradley made a motion to accept the recommendation from staff to add a Massage Therapy/Massage Parlor Ordinance to provide regulation of massage therapy establishments in the City of Fairburn. Commissioner Wade seconded the motion to approve and Vice-Chairman Phillips opposed the motion. The motion carried.

Commissioner Bradley made a motion to accept the recommendation from staff to add a Massage Therapy/Massage Parlor Use Permit and add standards for massage therapy establishments located in the City of Fairburn. Commissioner Wade seconded the motion to approve and Vice-Chairman Phillips opposed the motion. The motion carried.

New Business:

Public Hearing

Mr. Toussaint Kirk read aloud the concept plan: Proposed site for Family Dollar is on the corner of Highway 29 and East of Strickland Street across from Food Depot. The site will have access points from Highway 29 (Primary) and along Strickland Street (Secondary). The facility will be 10,000 square feet on approximately 1 acre of land. The 1 acre site is zoned DC-2 and will provide a total of 47 parking spaces with 12 shared with Eve's Flower Shop.

Commissioner Bradley wanted to verify the location of the proposed Family Dollar. Mr. Kirk stated that one house will be demolished and the other house is proposed to be moved to another location.

Chairman Stoney invited the developer to speak. The developer Frank Durst stated he was willing to answer any questions and gave history of developing or relocating Family Dollars stores.

Vice-Chairman Phillips queried does Family Dollar have any restrictions or requirements? Mr. Durst, stated yes, 8,000 to 10,000 square feet all brick buildings are the norm for Family Dollar. However, they were trying to stay within the Highway 29 overlay ordinance to comply with the city.

Staff recommended concept plan approval with the following conditions:

1. *Provide a shared parking agreement with Eve's Flower Shop.*
2. *A 5' utility easement or additional right-of-way along Strickland Street shall be provided to accomplish the sidewalk.*

Vice-Chairman Phillips made a motion approving the conceptual site plan, with conditions, for Family Dollar. Commissioner Wade seconded the motion and it was unanimously approved.

Staff Report

Mr. Besseche identified that approximately 2 minutes of the meeting between the Commissioner and the staff pertaining to the massage therapy parlor ordinance were not recorded due to a slight error but good notes were taken. An email from Commissioner Whitmore was received due to his absence but noted after the approval, indicating he wish he could have been there to support the Family Dollar Conceptual Site Plan.

Commissioner Whitmore's comments:

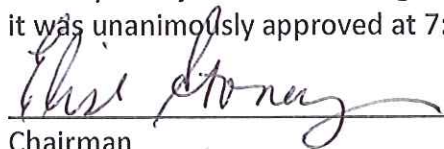
"I reviewed the plans and I am very much excited about this project. It would bring a newer, clean cut building to Main Street. Plus with the shared parking lot with the Florist, adds to businesses sharing parking. With the two entry points for the site from Highway 29 and Strickland Street, is a plus. The color as identified on the submitted proposed building also adds to the 29 Corridor. I would recommend approval of this plan if I was in attendance". Chairman Stoney thanked Mr. Besseche.

Commissioner Comments

None

Adjourn

There being no further business to discuss, a motion was made by Commissioner Bradley to adjourn the meeting. The motion was seconded by Commissioner Phillips and it was unanimously approved at 7:48 pm.



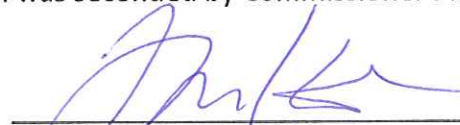
Chairman

Elise Stoney

 sign for

Recording Secretary

Njeri Gillard



City Planner

Toussaint Kirk