

**City of Fairburn  
Planning and Zoning Commission Minutes  
October 1, 2013**

**Attendance**

Present were Chairman Elise Stoney, Commission Members- Andrew Whitmore, Vice-Chair Shelby Phillips and Elizabeth Echols. Also present were the Community Development Director/City Engineer- Troy Besseche; City Planner- Toussaint Kirk, Planning Consultant- Jahnee Prince; City Attorney- Valerie Ross. Absent were Commission Members Mark Wade, Carolyn Bradley and Sheray Gaffney.

**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**

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

**Adoption of Minutes**

Commissioner Whitmore made a motion to amend the minutes from September 3, 2013 under Z2013-18 Text Amendment Chap. 80 ART. II Sec 80-89 Highway 29 Overlay District) taking the 1<sup>st</sup> paragraph and combining with the paragraph where Commissioner Bradley made a motion. Commissioner Echols seconded the motion, and it was unanimously approved.

**Adoption of Agenda**

Commissioner Phillips made a motion to approve the agenda. Commissioner Whitmore seconded the motion and it was unanimously approved.

**Public Hearing:**

None

**New Business:**

**Public Hearing**

***Z2013-20 – Text Amendment - CHAP. 80 ART. II Sec. 80-4 Definitions***

Staff recommended amending definitions to correspond with existing Sign Ordinance Section 80-427

Vice Chair Phillips had a question regarding the temporary storage pods and whether in the ordinance, there was a way to measure how long the person has had a storage pod. Mr. Kirk suggested this question be held until the next Text Amendment Z2013-21 was discussed.

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

Vice-Chair Phillips made a motion to accept the recommendation from staff to add definitions for signs to correspond with the version used in Section 80-427. Commissioner Whitmore seconded the motion and it was unanimously approved.

***Z2013-21 – Text Amendment*** CHAP. 80 ART. II Sec. 80-4 Storage Pods and Accessory Structure

Staff recommended amending definitions of Storage Pods and Accessory Structure.

Mr. Kirk addressed the question from Vice Chair Phillips about the storage pod stating a permit will be issued which gives the beginning date. Code Enforcement will watch the area and check records to see if the 3 month timeframe has elapsed.

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

Vice Chair Phillips made a motion to accept the recommendation from staff to add definitions of storage pods and accessory structures. Commissioner Echols seconded the motion and it was unanimously approved.

***Z2013-22 – Text Amendment*** CHAP. 62 ART. I Sec. 62-1 Adoption of Standard Codes

Staff recommended updating International Property Maintenance Code to the 2006 Edition as adopted by Department of Community Affairs (DCA).

Vice-Chair Phillips has a concern about using Maintenance Code 2006 Edition since the year is 2013. Mr. Kirk confirmed that the state has adopted the 2006 code as current.

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

Commissioner Whitmore made a motion to accept the recommendation from staff to adopt Maintenance Code 2006 Edition. Vice-Chair Phillips seconded the motion and it was unanimously approved.

***Z2013-23 – Zoning Modification***

Staff recommends approval to modify zoning condition to release the bonding requirement from the business owner and place the condition onto the user of property.

Commissioner Whitmore stated that the property owner wants to sell or lease the property. While the property is still with the owner, the question is why allow the owner to release the bond? Mr. Kirk stated the owner has sold his business and would still need the letter of credit. After modifying the conditions, it would be placed on the user of the property instead of the property owner. Mr. Whitmore wanted to know when the owner ceased using Clecker Road. Mr. Kirk stated to his knowledge it has never been used. The business was sold approximately 2 months ago. Mr. Besseche stated the owner never used the property.

Vice Chair Phillips had a similar question to Commissioner Whitmore is the time where the property is leased, sold in use or is sitting there vacant is it bondable or not? Mr. Kirk stated that if the property is not in use then it is not bondable.

Chairman Stoney queried, how long has the owner owned the property and the business? Mr. Kirk stated he was uncertain of the timeframe of ownership but there was never a business on the property. Mr. Kirk reiterated that the owner sold the business. The owner had another location and was planning on moving the gas business to this location but the owner left the gas business altogether.

Chairman Stoney wanted to know the intended use of the property. Mr. Kirk and Ms. Ross stated the owner wanted to move his gas business. Mr. Besseche stated the owner had a business on Jonesboro at Bay Street (Taylor Gas). Mr. Besseche proceeded to give the background of the property. The owner has owned the property for a long time. He approached the City between 2009 and 2010 to have the property annexed into the City. The City annexed the property with conditions, one of which to improve the road to City standards. The owner request rezoning for the condition to read that the owner will maintain the road and provide the bond to assure that he will maintain the road. After a couple of years of bad weather, the owner left the propane business and is seeking relief of having to maintain this bond.

Chairman Stoney inquired if it is common practice to relieve an owner? Mr. Besseche stated he doesn't know if it is common to have a bonding requirement like this one. Typically cities require developers to improve the road in front of the site or give access to the site.

Vice-Chair Phillips stated the property appears to be fenced off with no other entrance. Mr. Kirk stated the entire property is fenced.

Commissioner Echols inquired on who will maintain the property and what will happen to the property. Mr. Kirk stated it is vacant land at the moment. Commissioner Echols inquired if it may possibly become a dumpsite. Mr. Kirk stated it could be the property is fenced in with an electronic fence.

Chairman Stoney stated the property owner still owns the property and there are no obligations to the owner until it has been sold or leased. Mr. Kirk stated, "Yes the responsibly would be on the user that leases or rents the property."

**Public Comment:**

Mr. Cooper during public hearing comment, asked if the owner leases the property, who would be responsible to make sure the road was maintained (the owner or the City)? Mr. Kirk stated the City still has the ability to make sure the road is maintained.

Vice-Chair Phillips made a motion to recommend approval to modify zoning conditions and to release owner of bond from the business owner and place it on the user of the property with the stated conditions. Commissioner Echols seconded the motion and it was unanimously approved.

***Final Plat: Coventry Phase 1A-Outparcel #2***

Staff recommends approval of the Final Plat: Coventry Phase 1A- Outparcel #2.

**Public Comment:** Vice-Chair Phillips asked, will the investors have vegetation that will enhance the property. Mr. Kirk stated that is part of the requirement. Vice-Chair Phillips queried will the primary entrance be Highway 74 or Harris Road? Mr. Kirk stated Harris Road will be the main entrance and Highway 74 second entrance.

Chairman Stoney asked if a representative was present from Coventry, but none were present.

Chairman Whitmore made a motion to recommend approval of the Final Plat: Coventry Phase 1A. Vice-Chair Phillips seconded the motion and it was unanimously approved.

**Staff Report**

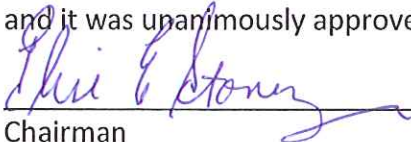
Mr. Besseche reserved the report for the workshop.

**Commissioner Comments**


Chairman Stoney acknowledged staffs that were present, Director of Development Troy Besseche, Planning and Zoning Toussaint Kirk, City Attorney Valerie Ross, Consultant Jahnee Prince, Recording Secretary Njeri Gillard.

**Adjourn**

There being no further business to discuss, a motion was made by Commissioner Whitmore to adjourn the meeting. The motion was seconded by Commissioner Echols and it was unanimously approved at 7:55 pm.

  
Chairman

Elise Stoney

  
City Planner

Toussaint Kirk

 -for  
Recording Secretary

Njeri Gillard

Njeri Gillard