

**City of Fairburn
Planning and Zoning Commission Minutes
June 4, 2013**

Attendance

Present were Vice-Chair Shelby Phillips, Commission Members Mark Wade, Elizabeth Echols, Sheray Gaffney and Andrew Whitmore. Commission Members absent were Chairman Elise Stoney and Commissioner Carolyn Bradley. Also present were the Community Development Director/City Engineer- Troy Besseche; Planning Consultants- Jahnee Prince and Alex Fite-Wassilak; and City Attorney representatives- Valerie Ross and Meredith Germain.

Call to Order

Vice-Chair Shelby Phillips 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

Vice-Chair Shelby Phillips opened the floor to public comments. Hearing none, the Chairman closed the public comments section of the meeting.

Adoption of Agenda

Mr. Besseche recommended moving Z2013-06- Text Amendment- Sign Ordinance and Z2013-06 Text Amendment- Special Events from Unfinished Business to Public Hearings.

Commissioner Wade made a motion to approve the agenda with the recommended change for June 4, 2013. Commissioner Echols seconded the motion and it was unanimously approved.

Adoption of Minutes

Commissioner Gaffney made a motion to approve the minutes of May 16, 2013 with a correction to page 5 regarding who made the motion for rezoning.

Commissioner Wade seconded the motion, and it was unanimously approved.

Public Hearing

American with Disabilities Act:

City of Fairburn 2013 Self-Evaluation & Transition Plan

Mr. Besseche presented a Self-Evaluation & Transition Plan for the City of Fairburn to be in full ADA regulatory compliance with relation to right-of-ways. The intention is to identify barriers and obstacles to pedestrian access to facilities in Fairburn. Mr. Besseche advised that Staff, Engineering Office and the Building/Property Management office has screened public right-of-ways for barriers since April and provided photo examples of such deficiencies.

Estimated completion for implementation of improvements is 2017 and annual estimated cost \$11,000-\$25,000, with total expenditure of \$68,800, with 3% inflation included. Local funding or LCI program funds could be applied to fund the program. Mr. Besseche advised that Building/Property Manager Harvey Stokes would be the ADA Coordinator. Commissioner Gaffney asked about Mr. Stokes' credentials with regard to the ADA program. Mr. Besseche advised that he is a Certified Building Official and has had training in ADA regulations.

Commissioner Gaffney inquired about the large vehicles that enter the downtown area and damage sidewalks requiring additional repairs. Mr. Besseche stated that he wants to provide additional signage for trucks to return to the interstate and contacted new business owners about educating drivers on directions back to interstate.

Public Comment: Open and closed with no comments.

Commissioner Gaffney made a motion to recommend approval of the ADA Self-Evaluation and Transition Plan, Commissioner Wade seconded the motion. The motion was approved unanimously.

Z2013-06 – Text Amendment CHAP. 80 ART. XII Sec. 80-426 et.Seq. SIGNS

Jahnee Prince presented slideshow on the definition of signs. She gave examples of various signs in the community, showing signs that are permitted and those that are not.

Alex Fite-Wassilak also with The Collaborative Firm presented a map of existing billboard signs in Fairburn. The proposed ordinance states that new billboard must be 660ft away from existing billboard and 1320ft from electronic billboards. Alex stated that ordinance only specify these restrictions to the same side of the street.

Commissioner Gaffney asked is there a maximum amount of billboards that an ordinance will allow in a certain amount of miles. Also, if there a maximum amount of signs that a business can own?

Ms. Prince confirmed there was not a limit to the amount of billboards in a certain amount of miles, however a proposed billboard has to be within spacing requirements of ordinance. Vice Chairman Phillips asked would an electrical billboard be allowed in an area where there were regular billboards? Ms. Prince replied it would be difficult, but not impossible, to put a new electronic billboard in the current area of the highway due to the presence of the existing standard billboards.

Public Comment:

Mr. Bobby Fountain & Mr. Mark Shugart, representing Saben, LLC and owner of several billboards in Fairburn, commented and opposed the new sign ordinance because every billboard on I-85 will become non-conforming with the new ordinance. Some of their comments are as follows:

- If the new ordinance takes effect, they may be required to take down all billboard signs and will not be able to rebuild new ones.
- Opposed digital billboards. They feel that these will not work in Fairburn area, because the demand is not there and it is very expensive.
- 40ft setback puts billboard back too far and driver will not be able to see it... or will result in much taller boards.
- Requested the sign ordinance be modified to keep billboard regulations the same and to address billboards at later time.

REBUTTAL:

Jahnee Prince stated she spoke with a business owner that wants to put in digital billboard as soon as the ordinance passes.

Commissioner Whitmore asked Mr. Fountain how long they have been in business. Mr. Fountain answered twenty-seven (27) years.

Commissioner Gaffney asked the following: Are you willing to support the ordinance to attract new opportunities to the city since you have been around for almost 3 decades?

Mr. Fountain answered no, because they will lose billboards because they will become non-conforming with the proposed ordinance.

Commissioner Gaffney made a motion to approve the sign ordinance as presented. Commissioner Echols seconded the motion. The motion failed for lack of a sufficient majority. (Commissioner Whitmore and Commissioner Wade were in opposition).

Commissioner Wade made a motion to table the item. Valerie Ross stated the moratorium that will go before council will expire June 10, 2013 so there needs to be a motion. Mr. Wade withdrew his motion.

Commissioner Gaffney then made a motion to recommend approval of the sign ordinance and further recommended that Council consider the financial implications for billboard companies seeking to do business in Fairburn. Commissioner Whitmore seconded the motion. The motion was approved unanimously.

Z2013-08 – Text Amendment To amend CHAP. 80 ART. VI Sec. 80-179 Event, Special

Jahnee Prince reviewed the May 16 meeting discussion on how many special events per year were allowed, explained the resulting amendments, and recommend approval of text amendment. Meredith Germain referenced changes in wording in paragraph B1 of current ordinance. They removed wording that would limit vendors to two (2) events per year and changed the wording to state: “no limit to number of permits per year, however applicant may only be granted one (1) permit at a time.”

Commissioner Whitmore made a motion to recommend to City Council to approve the text amendment on special events. Commissioner Wade seconded the motion. The motion was approved unanimously.

Staff Recommendation:

Mr. Besseche recommended rescheduling the Planning & Zoning Meeting from July 2nd to July 9th. Commissioner Whitmore made a motion to reschedule the Planning & Zoning Meeting from July 2nd to July 9th. Commissioner Echols seconded the motion. The motion was approved unanimously.

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. Also, a variance is needed for the current structure (trailer) on the property.

Commissioner Gaffney asked if there were any recent precedents that allow multiple zoning at one site. Jahnee Prince responded that she is not certain if there were a recent precedent with Fairburn. Ms. Prince recommended to table the item until further

research is done and to work with the owner. Commissioner Whitmore made a motion to table item. Commissioner Echols seconded the motion and it was unanimously approved.

Staff Report


Mr. Besseche requested for commissioners to take binder contents and leave binders. There are a couple of items tentatively scheduled for July Meeting.

Commissioner Comments


Vice Chair Phillips recognized – Councilmembers Elizabeth Hurst & Jean Barkley Russell and thanked them for their attendance at the meeting.

Adjourn

There being no further business to discuss, a motion was made by Commissioner Gaffney to adjourn the meeting at 8:28 pm. The motion was seconded by Commissioner Echols and it was unanimously approved.



Vice Chairman Shelby Phillips



Recording Secretary
Njeri Gillard