

**City of Fairburn
Planning and Zoning Commission Minutes
May 16, 2013**

Attendance

Present were Chairman Elise Stoney, Vice-Chair Shelby Phillips, Commission Members Mark Wade, Carolyn Bradley, Elizabeth Echols, and James Whitmore. Absent was Commission Member Sheray Gaffney. Also present were the Community Development Director/City Engineer, Troy Besseche; Planning Consultant, Jahnee Prince; and City Attorney representative, Meredith Germain.

Call to Order

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

Agenda Approval

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

Approval of Minutes

Commissioner Bradley made a motion to approve the minutes from April 9, 2013. Commissioner Wade seconded the motion, and it was unanimously approved.

Public Hearing

Z2013-06 – Text Amendment

To replace Article XII in its entirety with the following:

CHAP. 80 ART XII

Secs. 80-426-438 Signs

Meredith Germain suggested having a workshop with the P&Z Commissioners after the meeting and to continue the action item until the June 4, 2013 meeting. She recommended continuing the hearing on the item.

Vice Chairman Phillips made a motion to recommend approval for continuing the hearing to the June 4 meeting. Commissioner Bradley seconded the motion and it was unanimously recommended to City Council for approval.

Z2013-07 – Text Amendment

To amend Article VI: CHAP. 80 ART. V Sec. 80-237 Mobile Food Truck

Mrs. Germain stated the hours of operation changed for the mobile food truck (Mr. Besseche provided a revised copy to all commissioners). Food trucks will be required to submit a use permit application that will be good for one (1) year. She also stated the food truck had to be at least two hundred (200) feet from any eating establishment and at least one hundred (100) feet from any retail business that serves food unless the establishment gives written consent.

Commissioner Bradley abstained from the discussion and voting on the item due to her having a food business.

Vice Chairman Phillips stated the City of Roswell required their businesses to obtain liability insurance that was attached to the City. He stated that having the insurance requirement would make him more comfortable. Mrs. Germain stated that having insurance is currently not in the ordinance. The applicants will have to fully comply with the Fulton County regulations.

Mrs. Vivian Williams, owner of the Ohio Hog Restaurant, owns a restaurant in Fairburn and is waiting to operate out of Fairburn. She supports the food truck ordinance.

Commissioner Whitmore made a motion to recommend approval. Commissioner Echols seconded the motion and Commissioner Bradley abstained her vote. The motion passed and was recommended to City Council for approval.

Z2013-08 – Text Amendment

To amend Article VI: CHAP. 80 ART. V Sec. 80-179 Event, Special

Mrs. Germain stated events within the City of Fairburn will be allowed to have mobile food trucks; however the truck will have to obtain a permit to operate.

Vice Chairman Phillips asked if the mobile food truck also included push carts, ice cream machines and BBQ stands. Mrs. Germain explained the current draft does not include push carts but she will conduct more research on the other items.

Commissioner Whitmore asked why there is a two (2) event limit. How many special events are held in the city? Mr. Besseche stated that there wasn't a reason that staff

could identify, but that it may have been from the source of the ordinance. Mr. Besseche suggested that the item was not urgent and could be table to the next meeting and give the Commission time to consider the removal of the two (2) event limit.

Commissioner Whitmore made a motion to table the item. Vice Chairman Phillips seconded the motion and it was unanimously recommended to table the item.

Z2013-10 – Rezoning

164 Washington Street

Mr. Besseche stated that applicant was requesting variances and rezoning C-2 to RM-36. Mr. Besseche introduced Jody Tucker, owner of Prestwick Developers; to present the project and answer any questions.

Vice Chairman Phillips asked the following: What was the justification to reduce the resident parking from two (2) to one (1) spaces? Mr. Tucker stated that only seventy-five (75) % of the residents drive based on their other facilities' experience.

Commissioner Bradley asked the following: Are the units leased or for sale? What will be the rent amount if the income limit is \$23,000-36,000 per year? Will thirty-two (32) of the spaces be considered public parking? Mr. Tucker explained the units are for lease and the rental amount will range from \$500-\$875 per month. The thirty-two (32) parking spaces will be considered public parking.

Commissioner Whitmore expressed he was not comfortable with the parking and asked the following: Will the parking will be shared with the police and fire departments? Will the residents overflow parking be located at City Hall? How many vehicles on the property will belong to the City? Mr. Besseche stated most of the parking at the public safety offices will be administrative with designated parking and residents overflow parking will be located at City Hall.

The commissioners all agreed they felt more comfortable with a site manager on site for the residents' safety. Mr. Tucker explained that they would be willing to include a site manager for the property.

A concern about the cemetery was expressed regarding its proximity to the development. Mr. Tucker expressed the site was initially contaminated; however they have conducted Phase I and Phase II environmental testing and remediation at the site, which is now free of contamination.

Commissioner Wade asked if there will be transportation provided to and from the site and Mr. Tucker stated no.

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

AX2013-01 – Annexation

0.988 acres-7685 Fayetteville Road

Mrs. Prince recommended approval of the annexation of 0.988 acres located at 7685 Fayetteville Rd.

Vice Chairman Phillips made a motion to recommend approval. Commissioner Wade seconded the motion and it was unanimously recommended to Council for approval.

Z2013-11 – Rezoning

0.988 acres-7685 Fayetteville Road

Mrs. Prince recommended approval for rezoning 0.988 acres located at 7685 Fayetteville Rd from M1-A to M1.

Vice Chairman Phillips made a motion to recommend approval. Commissioner Wade seconded the motion and it was unanimously recommended to Council for approval.

AX2013-02 – Annexation

0.9551 acres-7685 Fayetteville Road

Mrs. Prince recommended approval of the annexation of 0.9551 acres located at 7685 Fayetteville Rd.

Commissioner Bradley made a motion to recommend approval. Vice Chairman Phillips seconded the motion and it was unanimously recommended to Council for approval.

Z2013-12 – Rezoning

0.9551 acres-7685 Fayetteville Road

Mrs. Prince recommended rezoning 0.9551 acres located at 7685 Fayetteville Rd from M1-A to M1.

Vice Chairman Phillips made a motion to recommend approval. Commissioner Wade seconded the motion and it was unanimously recommended to Council for approval.

Z2013-09-Use Permit

123 E. Broad Street

Mrs. Prince recommended approval of the use permit with the following condition:

1. The applicant meet all building, life safety, and health codes

Ms. Briana Works, the owner of the personal care home, was present to answer any questions.

Vice Chairman Phillips asked the following: What type of structure was the home? What are the qualifications for the staff personnel? What type of experience does the staff provide? Ms. Works explained the home is a single family five (5) bedroom home. The staff will maintain a CNA (Certified Nursing Assistant) license and have at least four (4) to five (5) years of experience.

Commissioner Bradley asked the following: How many staff personnel will be on-site? Will any of the staff personnel live in the home? Ms. Works stated that there will be two (2) staff personnel on-site at all times and they will not live at the home.

Commissioner Wade asked if the home have to be approved by the State. Ms. Works stated the home does have to be approved by the State.

Commissioner Bradley stated she think it's an awesome business. Commissioner Echols, a retired state regulation and policy writer for personal care homes, concur that it's an awesome business to bring to the City.

Commissioner Bradley made a motion to recommend approval with condition that the applicant meet all building, life safety, and health codes in place. Commissioner Wade seconded the motion and it was unanimously recommended for approval.

Zoning Map Adoption

Mrs. Prince recommended approval of the zoning map adoption.

Commissioner Whitmore made a motion to approve the zoning map. Vice Chairman Phillips seconded the motion and it was unanimously recommended to Council for approval.

New Business:

Conceptual Site Plan: Manor at Broad Street

Mr. Besseche noted there is parking to include eighty-six (86) spaces, central to the senior housing facility, a four (4) story elevation on Washington Street, and a three (3) story elevation on Broad Street.

Vice Chairman Phillips made a motion to recommend approval. Commissioners Wade and Bradley seconded the motion and it was unanimously approved.

Subdivision Plat: City of Fairburn

Commissioner Bradley made a motion to recommend approval. Vice Chairman Phillips and Commissioners Wade and Echols seconded the motion and it was unanimously approved.

Conceptual Site Plan: Highway 74 Medi-plex

Mr. Besseche introduced the Project Developer, Mr. Kevin Ofchus, and the engineer of the project Mr. Neal Spradlin.

Mr. Ofchus stated he wanted to use the property for a medical office and recreational facility. He also stated each tenant would be responsible for their own medical waste disposal and that the recreational facility will be used for competitive sports, events, and competitions. Fairburn residents will be able to utilize the facility at leisure.

Commissioner Bradley made a motion to recommend approval. Commissioner Whitmore seconded the motion and it was unanimously approved.

Conceptual Site Plan: Green Oil Drivers Office

Mr. Besseche stated the Green Oil representative had requested that this item be tabled to the June 4, 2013 meeting.

Commissioner Whitmore made a motion to recommend tabling the item. Commissioner Vice Chairman Phillips seconded the motion and it was unanimously recommended to table the item.

Staff Report

Mr. Besseche stated there will be a workshop immediately after the P&Z meeting to discuss the Sign Ordinance.

Commission Member Comment

Chairman Stoney recognized and thanked Mayor Avery, Councilwoman Russell and Councilwoman Hurst for attending the meeting.

Commissioner Echols expressed her appreciation for being a part of the P&Z.

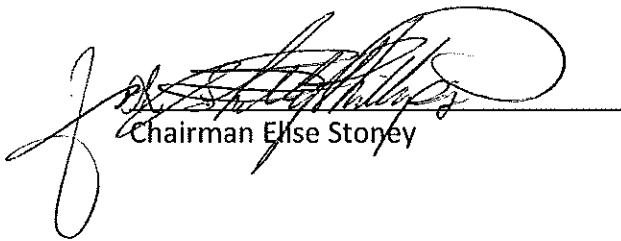
Commissioner Bradley felt a lot was accomplished and suggested the Fairburn police department will need to monitor traffic during the Renaissance Festival. The traffic has caused significant delays to the local residents.

Commissioner Phillips thanked the staff for allowing the P&Z commissioners to tour the City of Norcross.

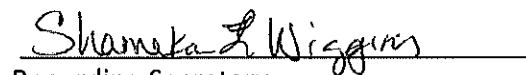
Commissioner Whitmore expressed he was elated about the food truck and personal care home businesses coming to Fairburn. He also stated the staff should utilize other offices to help make informed decisions on issues.

Adjourn

There being no further business to discuss, a motion was made by Commissioner Wade to adjourn the meeting at 9:32 pm. The motion was seconded by Commissioner Echols and it was unanimously approved.



Chairman Elise Stoney



Recording Secretary
Shameka L. Wiggins