

Town of Tyrone
Planning Commission Minutes
May 23, 2013

Present: Gordon Shenkle, Chairman
David Nebergall, Vice Chairman
Michael Sanak, Commissioner
Kyle Hood, Town Manager
Patrick Stough, Town Attorney
Dina Rimi, Zoning and Development Coordinator

Absent: Judy Jefferson- Commissioner
Chris Wigginton- Commissioner

Call to Order

Chairman Shenkle called the meeting to order at 7:00 pm.

Approval of Agenda

Vice Chairman Nebergall made a motion to approve the agenda. Commissioner Sanak seconded the motion approved 3-0.

Approval of Minutes – May 9, 2013

Vice Chairman Nebergall made a motion to approve the minutes as distributed Commissioner Sanak seconded the motion; approved 3-0.

Old Business

- 1. Consideration of Text Amendment T 2013-06 to the Tyrone Zoning Ordinance Article I § 1-2 to amend the definitions of Kennel and Livestock and to add the following definitions; Child Caring Institutions, Community Living Arrangement, Group Home Nursing Home and Personal Care Home.**

Mrs. Dina Rimi introduced this item by informing the Planning Commission that this item was discussed at the May 9, 2013 Planning Commission workshop and that they requested that the staff move forward with a Public Hearing for a text amendment at the May 23, 2013 Planning Commission Meeting. Mrs. Rimi added that the staff recommends that the Planning Commission recommends approval to the Town of Tyrone Mayor and Council.

Chairman Shenkle opened the Public Hearing to anyone in favor of this change.
None

Chairman Shenkle closed the Public Hearing to anyone in favor and opened the Public Hearing to anyone in opposition.

Don Rehwaldt, 105 St. Ives, addressed the Planning Commission by stating “ What the hell does Child Caring Institutions, Community Living Arrangement, Group Home, Nursing Home and Personal Care Home have to do with Kennels and Livestock. “

Chairman Shenkle stated that they are addressing all of these definitions.

Mr. Rehwaldt continued by asking if the plan was to expand from a very narrow group to a very expanded group to bring just about anyone into the town. Mr. Rehwaldt asked what kind of institution would be child care, what kind of a building and group or community living arrangement what is that. Mr. Rehwaldt asked for the Planning Commission to tell him about this.

Attorney Stough spoke and stated that these are definitions that are in the zoning ordinance. Some of these definitions are already in the zoning ordinance and are just being revised while others are new to the zoning ordinance and that the Community Living Arrangement definition came for Department of social services.

Mr. Rehwaldt inquired as to what is a community living arrangement.

Attorney Stough explained that a community living arrangement is any residence, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Addictive Diseases. A Community Living Arrangement is also referred to as a residence.

Mr. Rehwaldt then asked if you could have a whole development of homosexuals living together.

Chairman Shenkle responded with what that has to do with anything.

Mr. Rehwaldt responded with he is just asking a question because it doesn't make sense.

Vice Chairman Nebergall state that this type of living arrangement is for people with disabilities.

Commissioner Sanak explained that the Planning Commission is trying to regulate it.

Chairman Shenkle explained that in item 4 on the agenda the Planning Commission will discuss the zoning for these items. Chairman Shenkle then went on to inquire if Mr. Rehwaldt had read the new zoning ordinance.

Mr. Rehwaldt responded no and inquired as to where Community Living Arrangements would be permitted.

Chairman Shenkle explained that will be addressed in item 4.

Chairman Shenkle closed the Public Hearing to anyone in opposition.

Chairman Shenkle asked for a motion.

Vice Chairman Nebergall asked if he could amend the definition for chickens in kennels to allow more chickens than just four.

Attorney Stough suggested changing the number of chickens allowed in the definition.

Vice Chairman Nebergall made a motion to recommend approval of Text Amendment T 2013-06 to the Mayor and Council of the amended definitions of kennels to allow ten (10) chickens, to omit chickens from the livestock definition and to add roosters to the livestock definitions and to include the new definitions for Child Caring Institutions, Community Living Arrangement, Group Home, Nursing Home and Personal Care Home. Commissioner Shenkle seconded the motion; approved 3-0.

2. Consideration of Text Amendment T 2013-07 to the Tyrone Zoning Ordinance Article V§ 5-16 to include Art Studio as a permitted use in M-1.

Ms. Dina Rimi introduced this item by informing the Planning Commission that this item was discussed at the May 9, 2013 Planning Commission workshop and it was recommended to staff to move forward with this item by having a Public Hearing on a Text Amendment on the May 23, 2013 Planning Commission Meeting. Mrs. Rimi informed the Planning Commission that staff recommends that the Planning Commission recommend approval to the Mayor and Council.

Chairman Shenkle opened the Public Hearing to anyone in favor of this change.

None

Chairman Shenkle closed the Public Hearing to anyone in favor and opened the Public Hearing to anyone in opposition.

None

Chairman Shenkle closed the Public Hearing to anyone in opposition.

Vice Chairman Nebergall made a motion to recommend approval of Text Amendment T 2013-07 to the Tyrone Zoning Ordinance Article V§ 5-16 to include Art Studio as a permitted use in M-1 zoning district. Commissioner Sanak seconded the motion; approved 3-0.

3. Consideration of Text Amendment T 2013-08 to the Tyrone Zoning Ordinance Article V § 5-15 to add Hookah Lounges and Tattoo and Body Art Studios as a permitted use to the Highway Commercial (C-2) Zoning.

Ms. Dina Rimi introduced this item by informing the Planning Commission that this item was discussed by Planning Commission meeting. The Planning Commission requested that a public hearing on these items take place on May 23, 2013. Mrs. Rimi informed the Planning Commission that staff recommends that the Planning Commission recommend approval to the Mayor and Council.

Chairman Shenkle opened the Public Hearing to anyone in favor of this change.

None

Chairman Shenkle closed the Public Hearing to anyone in favor and opened the Public Hearing to anyone in opposition.

Hank Sanak, 2035 Castl lake Dr, requested that the Planning Commission consider putting these types of businesses in areas where they will not be visible along the highway. Mr. Sanak stated that he would like to see them in M-1 zoning that is not along the highway.

Mr. Rehwaldt, 105 St. Ives, asked what a hookah lounge is.

Attorney Stough stated that a hookah lounge in a smoking lounge.

Mr. Rehwaldt stated that he does not feel that this is an appropriate use in C-2 zoning.

Chairman Shenkle closed the Public Hearing for anyone in opposition.

Chairman Shenkle stated that these businesses will have to abide by local ordinances.

Vice Chairman Nebergall stated that he sympathizes with the Public statements that were made at the meeting.

Attorney Stough stated that there is no case law or study stating that this type of business brings a negative impact on the surrounding area.

Commissioner Sanak made a motion to recommend approval to the Mayor and Council of Text Amendment T 2013-08 to the Tyrone Zoning Ordinance Article V § 5-15 to add Hookah Lounges and Tattoo and Body Art Studios as a permitted use to the Highway Commercial (C-2) Zoning. Chairman Shenkle seconded the motion; approved 3-0

The Planning Commissioners voiced their opinion that they are not in favor of these types of businesses and they would rather allow them and regulated them, then to have them come into town unregulated.

4. Consideration of Text Amendment T 2013-09 to the Tyrone Zoning Ordinance Article V to add the following Conditional Uses

- A. Child Caring Institution to the following Zoning Districts Agricultural Residential, Residential Multi-Family, Office Institutional, and Educational Institutional.**
- B. Community Living Arrangement to the following zoning districts; Agricultural Residential, Conservation Residential-2, Conservation Residential-3, Residential-20, Residential 18, Residential-12, Duplex Residential, Traditional Residential, Residential Multifamily and Mobile Home Park.**
- C. Nursing Home to the following zoning districts; Residential Multi Family, Office Institutional, Educational Institutional and Highway Commercial.**
- D. Personal Care Home to the following zoning districts; Agricultural Residential, Conservation Residential-2, Conservation Residential-3, Residential-20, Residential 18, Residential-12, Duplex Residential, Traditional Residential, Residential Multifamily and Mobile Home Park.**
- E. Group Home to the following zoning districts; Agricultural Residential, Conservation Residential-2, Conservation Residential-3, Residential-20, Residential 18, Residential-12, Duplex Residential, Traditional Residential, Residential Multifamily and Mobile Home Park.**

Mrs. Rimi explained that this item was discussed at the May 9, 2013 Planning Commission meeting and the staff was directed to move forward with a public hearing on this item on May 23, 2013. Mrs. Rimi also stated that the staff recommends that the Planning Commission recommends approval to the Mayor and Council.

Chairman Shenkle opened the Public Hearing for anyone in favor.

None

Chairman Shenkle closed the Public Hearing for any in favor.

Chairman Shenkle opened the Public Hearing for anyone in opposition.

Mr. Rehwaldt, 105 St. Ives, approached the Planning Commission in regards to the asking them what a Child Care Institution is.

Vice Chairman Nebergall gave Mr. Rehwaldt a copy of the definitions.

Mr. Rehwaldt proceeded to read the definition of Child Care Institution aloud - any institutions, society, agency or facility, which either primarily or incidentally provides full-time care r children under seventeen (17) years of age outside of their own homes, subject to such exceptions as may be provided in rules and regulations for the State Board of Human Resources. For purposes of these rules, a child caring institution means any institution, society, agency or facility that provides such care to six (6) or more children.

Mr. Rehwaldt explained that to him a child care institution is a mother or a home or somebody that opens up a small local business to care for two to three children. Mr. Rehwaldt explained that he now understands the difference.

Chairman Shenkle closed the Public Hearing for anyone in opposition.

Vice Chairman Nebergall made a motion to recommend approval of Text Amendment T- 2013 to the Mayor and Council to include the following Conditional Uses Text Amendment T 2013-09 to the Tyrone Zoning Ordinance Article V to add the following Conditional Uses

- A. Child Caring Institution to the following Zoning Districts Agricultural Residential, Residential Multi-Family, Office Institutional, and Educational Institutional.
- B. Community Living Arrangement to the following zoning districts; Agricultural Residential, Conservation Residential-2, Conservation Residential-3, Residential-20, Residential 18, Residential-12, Duplex Residential, Traditional Residential, Residential Multifamily and Mobile Home Park.
- C. Nursing Home to the following zoning districts; Residential Multi Family, Office Institutional, Educational Institutional and Highway Commercial.
- D. Personal Care Home to the following zoning districts; Agricultural Residential, Conservation Residential-2, Conservation Residential-3, Residential- 20, Residential 18, Residential-12, Duplex Residential, Traditional Residential, Residential Multifamily and Mobile Home Park.
- E. Group Home to the following zoning districts; Agricultural Residential, Conservation Residential-2, Conservation Residential-3, Residential-20, Residential 18, Residential-12, Duplex Residential, Traditional Residential, Residential Multifamily and Mobile Home Parks;

Commissioner Sanak seconded the motion.

Vice Chairman Nebergall discussed if a group home could not be permitted in a mobile home park. Vice Chairman Nebergall stated that it is his opinion that a group home does not belong in a mobile home park.

Commissioner Sanak stated that he agrees and would also like to see personal care home not be permitted in Mobile Home Park

Attorney Stough explained that a municipality cannot discriminate against certain types of housing from being permitted in a certain zoning category.

Chairman Shenkle asked for a vote; approved 3-0.

5. Consideration of a Text Amendment T 2013-10 to the Tyrone Zoning Ordinance Article VII § 7-1 B to add the following Conditional Uses and Conditions.

Child Caring Institution:

- a. **Such facility obtains all necessary local and state licenses;**
- b. **All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of child caring institutions, whichever is greater; and**
- c. **Inspections may be performed by the Town to determine whether or not said facility is in compliance with these conditions.**

Community Living Arrangement

- a. **The principal structure contains a residential façade architecturally similar to adjacent buildings;**
- b. **Such facility obtains all necessary local and state licenses;**
- c. **The use is limited to the principal structure only;**
- d. **All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of community living arrangements, whichever is greater;**
- e. **The owner of the establishment must live on the premises;**
- f. **Unless located in a district permitting two-family or multi-family dwellings, no more than four (4) individuals not related to the owner by blood or marriage shall reside on the premises; and**
- g. **Inspections may be performed by the Town to determine whether or not said facility is in compliance with these conditions.**

Nursing Home

- a. **Such facility obtains all necessary local and state licenses;**
- b. **There is a maximum of 20 beds per gross acre of the development.**

Personal Care Home or Group Home

- a. **The principal structure contains a residential façade architecturally similar to adjacent buildings;**
- b. **Such facility obtains all necessary local and state licenses;**
- c. **The use is limited to the principal structure only;**
- d. **All facilities must provide 80 square feet of personal living space per resident or that amount required by the State of Georgia for the licensing of community living arrangements, whichever is greater;**
- e. **The owner of the establishment must live on the premises;**
- f. **Unless located in a district permitting two-family or multi-family dwellings, no more than four (4) individuals not related to the owner by blood or marriage shall reside on the premises; and**

g. Inspections may be performed by the Town to determine whether or not said facility is in compliance with these conditions.

Mrs. Rimi explained that this item was discussed at the May 9, 2013 Planning Commission meeting at this meeting the staff was directed to move forward with a text amendment on this item for the May 23, 2013 meeting and that the staff recommends that the Planning Commission recommend approval to the Mayor and Council. Ms. Rimi read to the Planning Commission all of the recommended conditions for each of the items listed.

Chairman Shenkle opened the Public Hearing for anyone in favor.

None

Chairman Shenkle closed the Public Hearing for any in favor.

Chairman Shenkle opened the Public Hearing for anyone in opposition.

None

Chairman Shenkle closed the Public Hearing for anyone in opposition.

Chairman Shenkle asked for a motion. Vice Chairman Nebergall made a motion to approve the conditions for these items as written. Commissioner Sanak seconded the motion; approved 3-0.

Staff Comments

Ms. Rimi informed the Planning Commission that there will be an application for a variance on the June 27, 2014 Planning Commission Meeting.

Commission Comments

None

Adjournment

Vice Chairman Nebergall made a motion to adjourn the meeting; approved 3-0.

Gordon Shenkle- Chairman

Attest:

Dina Rimi- Zoning and Development Coordinator