

Town of Tyrone
Planning Commission Minutes
April 26, 2012

Present: Gordon Shenkle, Chairman
David Nebergall, Vice Chairman
Michael Sank, Commissioner
Judy Jefferson, Commissioner
Dennis Davenport, Town Attorney
Brandon Perkin, Interim Town Manager
Dina Rimi, Zoning and Development Coordinator
Dee Baker- Town Clerk

Absent:
Chris Wigginton, Commissioner

Call to Order

Chairman Shenkle called the meeting to order at 7:07 p.m.

Approval of Agenda

Commissioner Jefferson made a motion to approve the agenda. Vice Chairman Nebergall seconded the motion; approved 4-0

Approval of Minutes-April 12, 2012

Commissioner Sanak made a motion to approve the minutes. Commissioner Jefferson seconded the motion; approved 3-0.

Chairman Shenkle stated tonight's two public hearings cover topics which were originally heard by the Planning Commission on Thursday, February 23, 2012 and before the Mayor and council on Thursdays, March 1, 2012. Although the rezoning and text amendment were approved, a lawsuit was filed and allegations were made, among other things, that there were deficiencies in the published advertisement and the signage for the public hearings. The Mayor and Council determined to hold these two public hearings again after additional published advertising and posting of signage in order to address the alleged deficiencies.

Additionally, one member of the Planning commission is not present tonight, Mr. Chris Wigginton. For the record, Mr. Wigginton through his company ARCO Engineering has a relationship with the architect who is working with the owners of the Gun Shop property. ARCO Engineering has produced drawings for the Architect.

New Business

1. Rezoning R-2012-2 – Planned Unit Development (PUD) to Highway Commercial (C-2) with a Planned Commercial Development (PCD) Overlay The following properties comprising approximately 43.87 acres:

A. All those properties located west of Highway 74 in the vicinity of, and including, the Publix Shopping Center that are assigned the following tax parcel identification numbers: 0726024; 0726026; 0726025; 0726050; 0726023; 0726051; 0726029; 0726037; 0726063; 0726038; and 0726020, with said properties comprising approximately 28.41 acres; and

B. All those properties east of Highway 74 and west of Senoia Road that are assigned the following tax parcel identification numbers: 0726002; 0726035; 0726000; 0726036; 0726043; 0726042; 0726041; 0726031; 0726039; 0726030; and 0726040, with said properties comprising approximately 15.46 acres.

Brandon Perkins, Interim Town Manager stated in preparation for this public hearing the staff completed an analysis

ANALYSIS	
Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties	The proposed rezoning will not make any changes to the number or types of uses permitted on the subject properties. All uses currently permitted on the subject properties will be permitted under the new zoning.
Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property	It is not expected that the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property, as there will be no change in the number of types of uses permitted on the subject properties.
Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned	The current zoning district for the property no longer exists as an official Town zoning district; therefore it is necessary to rezone the property so as to provide consistency with the Town's current Zoning Ordinance. It is not expected that the proposed rezoning will have any effect on the reasonable economic use of the subject properties.
Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools	Because the proposed rezoning will not make any changes to the number or types of uses permitted on the subject properties, it is not expected that there will be excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Land Use Plan	The proposed rezoning is in conformity with the policy and intent of the Comprehensive Land Use Plan.

<p>Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal</p>	<p>The Town of Tyrone recently concluded a comprehensive update to its Zoning Ordinance, part of which involved a decrease in the number of zoning classifications that exist in the Town. The proposed rezoning is intended to serve as a next step in this process by transitioning all properties zones as Planned Unit Development (PUD) to the Highway Commercial (C-2) district with a Planned Commercial Development overlay. No changes are being made to the number or types of uses permitted in the subject properties. Instead, the Town is seeking only to make the area consistent with the Town's current zoning classifications.</p> <p>The PUD district has not existed as an official zoning district of the Town of Tyrone since 1995. However, the subject properties were largely developed under said district and are also governed by development guidelines arising out of litigation in the late 1990s. The proposed rezoning is intended to incorporate said guidelines in the form of a Planned Commercial Development overlay. Said guidelines are attached as Exhibit "D".</p>
---	--

Chairman Shenkle opened up the public hearing to anyone in favor

James Shaughness, 295 Ashland Trail, stated that he has resided in Tyrone for 22 years and is not qualified to speak on the legal matters. Mr. Shaughness explained that his career was in retail commercial real estate and when there was a project that met with opposition by the local residents, normally what would happen is the local residents would contact the developer and meet to discuss their concerns. Some of these concerns are as follows; landscaping, security systems, lighting, operating hours, additional landscaping and environmental concerns. Mr. Shaughness is not sure if a meeting happened in this situation. Mr. Shaughness explained that he knows Mr. Morris to be a gentleman and a reasonable man. Mr. Shaughness stated that instead of meeting and addressing the concerns, the opposing chose to file a law suit hoping to have the courts violate Mr. Morris' property owner's rights. Mr. Shaughness and his wife have been married for 46 years and have lived in 4 states, every time they bought a house they researched the surrounding property and did their due diligent to purchase a house with nothing behind it and where nothing could be developed. The Planning Commission's prior recommendation for approval for the gun shop and range were appropriate and proper including the conditions that were attached and I am confident their recommendation will stand.

Chairman Shenkle opened the floor for anyone in opposition- none

Chairman Shenkle closed public hearing

Planning Commission Comments.

Commissioner Jefferson stated for months the commission worked towards the redistricting to make everything in the ordinance flow together and bring more creativity to the overlay districts, while, supporting what has already been done.

Vice Chairman Nebergall stated that the process was to simplify the zoning ordinance. There were too many districts especially for a town of our size. It was the Planning Commission's desire to reduce the numbers of districts.

Commissioner Sanak state that the Planning Commission has worked hard to get to this point and become much more business friendly.

Chairman Shenkle agreed that the town did indeed work hard on the new zoning ordinance.

Vice Chairman Nebergall made a motion to recommend to council to approve the rezoning. Commissioner Jefferson seconded; no discussion; approved 4-0

2. Text Amendment T-2012-2

A. The first part of the proposed text amendment would insert "Gun shops" into Subsection B of Section 5-15 as a conditional use in the Highway Commercial (C-2) zoning district.

B. The second part of the proposed text amendment would amend Subsection B of Section 7-1 to provide conditions for gun shops and to provide for firing ranges as an accessory use to gun shops. The conditions would read as follows:

- 1. Must have 12 inch bollards 42 inches high 4 feet apart which are designed to prevent vehicles from entering the front doors and which meet ADA standards;**
- 2. Must have a steel roll down gate in front of the entrance to prevent unauthorized entry;**
- 3. Operating hours must be limited to the time period between 10:00 a.m. and 8:00 p.m.;**
- 4. Must have an alarm system on the building to notify of unauthorized entry;**
- 5. Must have a camera security system to monitor building at all times for unauthorized activity; and**

6. Must have concrete poured walls in any area involving discharge of fire arms.

Mr. Perkins, Interim Town Manager presented the analysis that was done by the staff of the Town of Tyrone on this item.

ANALYSIS	
History	<p>Prior to the amendment to the Zoning Ordinance of October 20, 2011, indoor pistol ranges were allowed as a special exception in the C-3 zoning district. The C-3 zoning district, which was the Town's most intense commercial zoning district, has since been eliminated, and today's C-2 zoning district contains all those uses which were allowed in the old C-3 zoning district.</p>
Appropriateness of the C-2 district for the proposed use	<p>Gun shops are primarily commercial in nature; therefore the C-2 zoning district is the most appropriate district for such a use.</p> <p>With regard to indoor firing ranges, a survey of indoor firing ranges in the Metro Atlanta area (i.e., within 60 miles of the center of Atlanta) found 19 such facilities. 12 are located in commercial/retail districts and 7 are in industrial districts. One of the facilities was located in downtown Lawrenceville.</p> <p>Concerns have been raised about the proximity of certain properties zoned as C-2 to residential areas. The above survey shows that all but one of the aforementioned 19 indoor firing ranges in the Metro Atlanta area are within 1,000 feet of a residence. In addition, 2 of the firing ranges are within 1,000 feet of a school. The Lawrenceville firing range mentioned above is directly across the street from a condominium development.</p> <p>The presence of indoor firing ranges in commercial areas in close proximity to residences throughout the Metro Atlanta area suggests that such establishments can and do coexist within such areas.</p>
Environmental Concerns	<p>Concerns have been raised about the potential for an indoor firing range contributing to lead contamination in the surrounding area. While such concerns have been reviewed by OSHA and the EPA with respect to employees and frequent patrons of indoor firing ranges, it does not</p>

	appear that either organization has identified off-site environmental contamination as a viable safety issue. Given the types of equipment and precautions taken by modern firing ranges, such contamination is estimated to be minimal to non-existent.
Safety/Crime Concerns	<p>No evidence is available showing that gun shops and/or firing ranges create more crime in the surrounding area than is created by other kinds of businesses. Furthermore, the conditions listed in the report above are intended to reduce the risk of criminal activity at a gun shop or firing range.</p> <p>With respect to safety concerns, there is evidence that accidental discharges of weapons do sometimes occur inside firing ranges. However, there does not appear to be any evidence to suggest that such discharges could pose a threat to surrounding residences or businesses (or patrons of said businesses). Modern firing ranges are built in such a way that accidental discharges occurring inside such a facility would not leave the facility. In addition, such facilities generally have equipment that eliminates or reduces the risk of accidental discharges upon leaving the facility.</p>
Property Values	No evidence is available showing that gun shops or firing ranges have a detrimental effect on the values of surrounding properties.

Chairman Shenkle opened the public hearing to anyone in favor.

Rusty Morris, 105 Northwoods Road, Sharpsburg, GA, stated that he is the owner of the proposed establishment. Mr. Morris explained that the process was started over a year ago and when it was started C-3 uses were allowed in the PUD. Mr. Morris also explained that a gun shop is a legal use of the property and several law enforcement agencies are prepared to use this facility. Mr. Morris believed this facility will be safe and bring significant revenue to the community and the South Hampton area

Hillary McClure 150 Farr Lake Dr, Tyrone GA, stated that she has been a resident of Tyrone for the last 10 years and she has grown up in the area. Ms. McClure chooses Tyrone because of it is a small town and close knit community. Ms. McClure stated that she and her husband are part owners of the South Atlanta Gun Club. Mrs. McClure stated that this business, with employee 9-10 employees, will have a secondary impact to other businesses. She stated that people will stay to eat. Ms. McClure addressed the not in my backyard statement and stated that if she was concerned about what businesses were in her backyard she would check all zoning adjacent to my house not to buy property adjacent to commercial and office. Ms. McClure stated that guns are tools for citizen like hammers. Ms. McClure hopes that all small businesses are supported.

Teresa Lee, 140 Julie Road, Tyrone GA, is a resident of Tyrone since 1994 and has lived in Fayette County all her life. Ms. Lee is in support of this in regards to safety. Ms. Lee stated that she currently goes to Autery for practice. Ms. Lee would like to remind people that last year there were a woman in her home and an intruder came in and she pleaded with them to leave her home and she had money in a draw and would give it to the intruder if they left. The intruder allowed her to get the money, she went to her draw and pulled out her gun with calculated accuracy and shot him. That woman may not be here today if it wasn't for that gun and the training she had.

James Shaughness, 295 Ashland Trail, Tyrone GA, asked that his previous comments be reinstated on this public hearing item. James Shaughness stated that he has resided in Tyrone for 22 years and is not qualified to speak on the legal matters. Mr. Shaughness explained that his career was in retail commercial real estate and when there was a project that met with opposition by the local residents, normally what would happen is the local residents would contact the developer and meet to discuss their concerns. Some of these concerns are as follows; landscaping, security systems, lighting, operating hours, additional landscaping and environmental concerns. Mr. Shaughness is not sure if a meeting happened in this situation. Mr. Shaughness explained that he knows Mr. Morris to be a gentleman and a reasonable man. Mr. Shaughness stated that instead of meeting and addressing the concerns, the opposing chose to file a law suit hoping to have the courts violate Mr. Morris' property owner's rights. Mr. Shaughness and his wife have been married for 46 years and have lived in 4 states, every time they bought a house they researched the surrounding property and did their due diligent to purchase a house with nothing behind it and where nothing could be developed. The Planning Commission's prior recommendation for approval for the gun shop and range were appropriate and proper including the conditions that were attached and I am confident their recommendation will stand.

Pat Earnest, 1307 Redwine Rd. Fayetteville, GA stated that she is a member of the NRA and Georgia Carry. Ms. Earnest state that she has never heard noise outside of Autery's shooting range. Ms. Earnest has talked with the staff at Autery's about the extensive regulations and laws. Mr. Earnest feels it would be wrong to disapprove due to misconception. She also feels that the tax revenue would be beneficial and everyone would benefit.

E. H. Moldenhauer Jr. 2125 Castle Lake Drive, Tyrone, GA, stated that he is in favor for a number of reasons. The first reason being that it is a proper use of land and no evidence has been produced that it will be harmful to residents; it is a desirable use of the property. Mr. Moldenhauer stated that the land is already commercial if the residents of South Hampton didn't want to live next to commercial, don't buy next to commercial. Mr. Moldenhauer stated that if the town wants to be business friendly use this opportunity. This use was allowed under the PUD that was litigated. If the town doesn't do it now there will be litigation again and he urges the Planning Commission to be cognitive of that and have to spend money on litigation that the town would lose. The revenue that the gun shop produces is beneficial to the town Mr. Moldenhauer feels there is no fear of lead in air or water. And he urges the Planning Commission to approve.

Mike Messer, 1274 Sandy Creek Rd, Tyrone GA stated that he is a twelve year Fayette County resident and is in support of this amendment. He feels in doing this it will bring money here and

that this is important because the more business near our home the better it is. Mr. Messer stated all of his money for ammo and training goes outside the town and would like to have it come to Tyrone. Mr. Messer agrees with not complaining about business in my backyard, he lives on Sandy Creek road and that is where he chose to live. Mr. Messer feels that since it was his choice to live on Sandy Creek Road he can't complain about the speed or the traffic. Mr. Messer stated that Georgia legislation is expanding the right to conceal and training requirement to go along with it. Mr. Messer feels that this location would give more places to train in this area. Mr. Messer asked that this discussion not be allowed to drift into constitutional rights.

Chairman Shenkle opened the public hearing to anyone in opposition.

Perry Taylor, 104 Maycroft Ct. Tyrone, GA questioned the Planning Commission on a number of items;

1. How did the gun shop settle on Tyrone?
2. How was the vote? Who voted at the council meeting for it?
3. How much revenue is the gun shop going to bring in? Is it millions or billions?
4. How much revenue will be lost because of the gun shop?
5. How many jobs, 10-12? Is that really going to benefit everyone?
6. What happens when the town loses revenue?
7. Who will check for lead?
8. If the town is so gung ho about this gun shop put it in the mayor's neighborhood?

Mr. Taylor stated one last thing if we, the voters of Tyrone don't stand for something we will fall for anything

Mary Taylor, 104 Maycroft Tyrone GA, trusted the Planning Commission to make a decision in planning. Ms. Taylor stated that she has heard a lot of people saying homeowners should have done their due diligence. Ms. Taylor stated that she lost family in 9-11. Ms. Taylors stated that she did do her research she researched Georgia high and low for two years. Ms. Taylor explained that her children are valuable to her and she wanted to be able to trust where she was moving to. Ms. Taylor is a tax payer and PTO member and she cares about community. Ms. Taylor explained that she trusted the people in power to represent the people from South Hampton and their concerns. She didn't want to see money leave the community. Ms. Taylor values her community and hopes that the Planning Commission says no.

Sabrina Bishop, 129 Westmont Way, Tyrone GA, moved here with her parents and they thought South Hampton was very beautiful. Ms. Bishop explained that she moved from Palm Beach County, Florida where guns are everywhere. Ms. Bishop researched the area and fell in love with the beauty of the area. She feels that this is an area full of role models for her child. Ms. Bishop respects that a lot of people that want to live there with their family or neighborhood don't mind guns just not so close to residential. Ms. Bishop doesn't want to see another Tryvon Martin. Ms. Bishop stated that her father a retired defense worker is a card caring gun member. Ms. Bishop closed with stating that the bollards in front of range are ugly and that it seemed out of place in a nice quiet and beautiful neighborhood.

Gregory Ballard, 100 Arborcrest Ct., stated that lead from indoor from firing ranges can be ingested by people. Mr. Ballard also stated that people can transfer the lead when going to surrounding stores. Mr. Ballard questioned when people leave the range are they washing their hands. He informed the Planning Commission the users could transfer with lead to small children. Mr. Ballard explained that small child will be at a higher risk than adults to the effects of lead poison, which can be lead to neurological problems. Mr. Ballard stated that the C.D.C. has issued preventive measures of human beings being exposed to and that he soap and water is not enough to remove the lead from a persons hands. Mr. Ballard urged the Planning Commission to look into this matter.

Dr. Anna Just Buddy, 510 Swanson Road Tyrone GA, stated that she has a medical practice in Tyrone called Trilogy Health and Wellness. She went on to say that toxins from shooting a gun can get on clothing and the C.D.C. recommends changing shoes and clothing after shooting a gun and not to wash those clothes with other clothing. Dr. Buddy also informed the Planning Commission that lead can also transfer to a shooters face and fingers and in 26 seconds be in all organs which can lead to M/S, headaches, hypertension, mental illness, diabetics, etc. Dr. Buddy demonstrated that a person's strength becomes weaker when holding a bullet.

Nia Milner 340 Peaceful Way, (did not supply city or state) is a senior at Sandy Creek High School and an employee at Publix. Ms. Milner explained that she is not one of these people with fact base arguments. Ms. Milner has a three year old sister that visits her at work. Ms. Milner explained that she can't help but wonder if she heard gunshots would she be afraid and the terrified look on her sisters face and she is not okay with that. Ms. Milner stated that it was brought to her attention that 1 out of 5 people carry a conceal weapon and is concerned that it could increase 4 out of 5 people and is not okay with that. Ms. Milner is concerned with the transfer of lead to produce and shopping carts and the chance of miss-firing.

Larry Hall, 120 Newcastle Lane, Tyrone GA, stated this is not about people right this isn't the right thing for Tyrone harmful to Tyrone tax revenue. Mr. Hall explained that the amount of money that is spent by the local residents in the South Hampton shopping center would be greatly affected by the gun shop. Mr. Hall stated that people will stop shopping there and bring their business else where this will have an effect on the amount of tax revenue that will come into the town and hurt the local economy.

Linda Conley Brennan Dr, Tyrone GA, has been a resident of Tyrone since 2002 before that she lived in Cobb County for 22 years. Ms. Brennan believes in second amendment rights and guns can save lives and using them at an appropriate time. Ms. Brennan respects those that don't feel comfortable around guns. She informed the Planning Commission that all around the country there are city codes that control or prohibit the location of business such as alcohol, adult business and gun shops due to local sensitivity. These types of businesses are not permitted near churches, school or neighborhoods. Autery gun range is located in a business park, last year Coweta County board of zoning appeals for a gun range in the Shenandoah Business Park on Amajack Way, in Atlanta Quick Shot Indoor Range was approved to be located in a semi industrial area. Smyrna approved Wild West Trader is in a heavy commercial area and very low end area the residential that was spoken of are cracker box houses that are worth 50,000 in an economically depressed area.

Terry Noble, 2111 Brunswick Drive, Tyrone, GA, stated the he does not have the statistics but would like to talk about perception. The perception is that the desire of the people in that area doesn't matter. The perception is this is already a done deal. Normally what happens is an impact study is done and the people of that area speak their concerns. Mr. Noble does not believe that was done. The tax revenue that will come from a gun shop is very minimal and let us not the perception be the reality.

Derrick Jackson, 655 Westbourne Drive, Tyrone, GA proud resident for six years. Mr. Jackson explained that in accordance with the town zoning ordinance and to quote Public Hearing on amendments shall be conducted with at least 10 minutes. Mr. Jacksons stated that he will not take more than 10 minutes. Mr. Davenport stated that is 10 minutes per side. Mr. Jackson stated that he appreciates what the town is doing to become versed in the zoning ordinance. He also appreciates the leadership because leading is not easy your decision has certain gravity. Mr. Jackson wants to know why the zoning ordinance was not followed and stated that Rusty said this began one year ago but yet this is the first time the citizens are hearing it. Mr. Jackson brought up the issues of bollards in front of the building and the aesthetic value but the town will not allow business owners to put up small signs to promote their business. Mr. Jackson brought up that the zoning ordinance and the Planning Commission is to govern the health, safety, welfare, moral, convenience and prosperity of the Town of Tyrone's citizens.

Eric Woods, 255 Park Haven Lane, Tyrone, GA stated that he is a 26 year veteran of the Army as a Lt. Colonel.

1. It is not that anyone is against the gun range; the citizens are against the location of the gun range.
2. NRA handbook states to place a firing range near a residence is a bad idea.

Mr. Woods thanked Mr. Perkins for a great presentation but expressed that he failed to mention the opposition that those towns went through with their citizens. Mr. Woods stated that this issue started over 14 months ago when Mayor Dial was a council member. Mr. Woods questioned as to why the council was willing to rehear an item that they already passed judgment on.

Kenneth J. Rich, Sr. 217 Brunswick Dr. Tyrone, GA is a resident of Tyrone and a judge advocate, stated he is in opposition to the gun shop. Mr. Rich came to live in Tyrone due to its amenities and this was a concussion decision. When Mr. Rich bought in South Hampton he did not believe that the Town of Tyrone would allow a gun range to be in that close proximity to a residential neighborhood. Mr. Rich did not believe the analysis was planned out and would like an independent firm to do an analysis. Mr. Rich stated that the citizens have certain expectations and made reference to the mural in the chambers and there is no gun shop in that mural he stated that he would like to keep the town likes the mural.

Debra Rich, 217 Brunswick Dr, Tyrone GA stated that there are a few points that she would like to make. Ms. Rich stated that she is a teacher who lost two student to gunshots and how is it that as citizens can say we live in a safe neighborhood but yet there is a gun shop in close proximity

to their houses and she believes this to be a true oxy-moron. We have a lot of citizen carrying guns for protection to keep their assets safe and she agrees with that but did the Planning Commission think about the bad that would come in when the gun shop is built?

Beverly Clopton 525 Westbourne Dr. Tyrone GA stated she read an article of December making critical decisions Ms. Clopton feels that this was not done in regards to the gun shop. Ms. Clopton question why 14 months ago good decision making practices were not done. Ms. Clopton feels that an opportunity was not given to the citizens to voice their opinion. She stated that there is still an opportunity for the Mayor, Town council, commission, and the business owner to get with the community that will be impacted and get back to drawing board work together to fashion something that would work.

Christopher D. Brown 103 Keswick Manor Drive, Tyrone, GA privilege of speaking at the March 1st meeting in front of the council and he was a surprise of the lack of due diligence. Mr. Brown stated that the council asked at that meeting where wer you all before, the citizens were not aware of it. Mr. Brown expressed that he would like to use the number 40% , 19 gun shop are in a 60 mile ranger 12 are within 1000 foot from a neighbor hood that means 7 gun shops aren't lets be 40% and have 8 gun shops that aren't . Property right is not an absolute, the town and city governing body has the final say. These proposed amendments to be put in the Text Amendment were designed at the February meeting. Mr. Brown stated that Commission Wigginton resided at that meeting and had a financial gain in the project.

Xiamara Castro 402 Carriage Oaks Dr. Tyrone GA stated that she has a 10 year old son that wanted to speak. Ms. Castro explained that she is not against the gun shop just the location. Ms. Castro and her husband are NRA supporters. Her husband is in Iraq and she is a sharp shooter and her husband is an expert shooter. The citizens are not against the gun shop just against bringing it to their backyard and questioned which of you live in South Hampton and how many are okay to bring it to your back yard?

Connie Redd, 132 Keswick Manor Dr. Tyrone GA is concerned that the text amendment does not state indoor firing ranges. Ms. Redd stated that originally it stated that it was for an indoor range and she wants to make sure that there is not a change of plans to include an outdoor range. Ms. Redd also stated that she has two other concerns one of these are one of these concerns are negligent discharge. Ms. Redd stated that in reading the minutes from the March 1, 2012 meeting it stated that there had not been any negligent discharge Ms Redd stated that there was actually 26 some were inside while some were in the parking lot. Her second concern is lead. All it takes is one employee not paying attention or owners changing. Ms. Redd believes that a more logical place for a range would be in an industrial park where hazardous materials belong.

Marcia Dunscomb, 200 Chaparral Trace, Tyrone GA, stated that she loves Tyrone and it is a beautiful and friendly area. Ms. Dunscomb understood that the planning commission and town council represents will of people. A lot of people that spoke for the gun shop and shooting range don't live in Tyrone while all of the people that spoke in opposition live in Tyrone. Ms. Dunscomb asked the Planning Commission if they wanted to represent the will of the Tyrone residents then represent the will of the residents.

Larry Bennett 112 Westmont Way, Tyrone, GA is a resident of Tyrone and stated that he wanted to make sure the local government knows he is mad as hell. Mr. Bennett questioned the fact that a few months ago local government stated that records were lost when the town was rezoning a parcel of property from AR to M2. South Hampton. Mr. Bennett believes the government is enjoying building a wedge between them and the community.

Tammy Braxton 535 Westbourne Dr., Tyrone GA 545 asked for clarification in regard to the difference in the zoning for PUD to C-2. Chairman Shenkle explained that this was not a question and answer session and this section is for the text amendment. Mr. Davenport explained that Mr. Perkins will address this in his rebuttal.

John E. Ross, 236 Chadmore Lane, Tyrone, GA explained just like the others he is concerned with the gun shop being so close to a neighborhood with children in it. Mr. Ross feels the gun shop will hurt the local economy.

Brenda Richards, 215 Brunswick Dr. Tyrone GA explained that she had feeling evoked due to this topic but will only address the facts. Ms. Richards stated that she visited the shooting range in Fayetteville and there were not a lot of cars there and the other businesses in the shopping center were vacant. Ms. Richards believes that if a shooting range is allowed to go into the South Hampton shopping center it will see the same fate. Ms. Richards also addressed the comment about supporting small businesses. Ms. Richards explained that the residents of South Hampton do support the small businesses but expects that the town uses their discretion in determining what business will go in to the shopping center. The third was the topic of safety classes was the final issue that Ms. Richards addressed. Ms. Richard stated that recently in the paper there was an accidental shooting at a safety class. Ms. Richard closed with the fact that she is a 27 year veteran of the armed forces and is only opposed to the location.

Derrick Jackson, 655 Westbourne Dr, Tyrone GA stated at the February 23 Commissioner Jefferson made some good points, and that the other members didn't understand the questions, that caused a 10 minute recess. During that recess Mr. Morris wrote some items on a napkin such as bollards, metal blinds, the operating hours, concrete walls and security system which were all good conditions Mr. Jackson stated that the Town of Tyrone is not running a shoe string budget governing body if that is done the other things that Mr. Jackson would like to have Mr. Morris address are the armory where the guns are stored, what happens in power failure, roof coverage, parking, minimum standard meets minimum standard setbacks and the design building. Mr. Jackson would like to see an impact study and risk analysis study. Mr. Jackson asked if the town was willing to take the risk and would the planning commissioners vote the same way if it was in their backyard.

Eric Woods 255 Park Haven Lane, Tyrone, GA, believes that everyone wants the same thing what is good for the town. Mr. Eric Woods stated that earlier someone mentioned earlier that they were in favor of the range because it was good for the town. Mr. Woods made it known again that nobody is against the range just the location and if this person was listening to the cries of the people. Mr. Woods stated that all of the ranges that Mr. Perkins mentioned were broken into within one year of opening. Mr. Woods asked Mr. Morris if he was willing to sit with some homeowners about relocating the range. Mr. Woods closed that the members of the

Planning Commission would not allow someone to come into their home and vandalize it, then don't allow someone to come into Tyrone that isn't a resident and ruin the town.

Mary Taylor 104 Maycroft Tyrone GA asked the Planning Commission a few questions.

1. How many murder 2011 at gun ranges
2. What was the name of the youngest victim
3. Who would do the cleanup
4. Cost of clean up
5. Why did we buy home in commercial

Ms. Taylor went on to answer the questions.

1. 205
2. 3 yr old Brian and his parents don't feel discharges are minor.
3. Historically the town pays for the cleanup.
4. The cost of the clean up could be from 100 thousand to millions of dollars.
5. The residents bought next to commercial are because they are health conscious and walk to stores.

Derrick Jackson, 655 Westbourne Dr, Tyrone GA addressed Mr. Davenport by asking him since the Town Council never rescinded their vote how will it affect the vote tonight.

Mr. Perkins, Interim Town Manager, Mr. Perkins called the NRA and has a copy of their most recent book. Mr. Perkins stated that when it talks about zoning it suggests that you get with the local government and consult with a lawyer familiar with zoning laws.

Mr. Perkins called the NRA and spoke with Mr. Eric Whitesgarber who is the NRA range services coordinator, and asked him for any information for where ranges should be located he stated that outdoor ranges should not be near neighborhoods any information that deals with that is reported from the NRA in regards to indoor firing ranges is 10-15 years old and the NRA no longer stands by that information. Instead what they recommend is that the range is built to handle the caliber of firearm that will be fired at that range.

Mr. Perkins also wanted to clear up that just because they are located in this zoning does not make it the best practice but it shows that they can coexist. Mr. Perkins restated that 18 of 19 are located within 1000 feet of a residential there are more than that in the state of Georgia the average distance to a residential is 392 feet. Mr. Perkins referred to Mr. Davenport in regards to question about the rezoning from PUD to C-2.

Mr. Davenport stated that there is no PUD district in the town of Tyrone since 1995. The comprehensive change to the zoning ordinance that took place in October of 2011 did establish a PUD overlay that requires a c2 zoning district and when the PUD was removed from the zoning ordinance the property was still zoned PUD. Generally if a property is not zoned then anything can go there. The reason that C-2 was select was due to the businesses that were at this location. The Planning Commissions goal was not to create any non conforming structures or uses during

the revision process of the zoning ordinance. The only logical zoning for this property would be C-2. Mr. Davenport explained that unrelated to that is the request for the text amendment to add a gun shop to C-2. There is more property that is zoned C-2 other than the property of South Hampton commercial and that means that a gun shop would be permitted in any of those C-2 zoning districts. Mr. Davenport reiterated that prior to the revision to the zoning ordinance a gun range was a special condition in the C-3 zoning district and what is being done now is to put it in this zoning district officially. Mr. Davenport closed with addressing Mr. Jackson's comments and he would receive an answer on May 4, 2012.

Chairman Shenkle opened the floor to commission comments

Chairman Sanak stated that he grew up here and has been here since 1974 and he went through with the PUD and what the town went through to try to keep out something that wasn't wanted. There use to be an outside range to where the rec. center is now and he use to shoot there. Mr. Sanak stated that he has worked with all sorts of people black, white, gay and transgender and he took offense to one persons comment to putting it in the man's backyard. Mr. Sanak is waiting for it to get here so that he can take his sons there to teach them gun safety.

Vice Chairman Nebergall stated that comments that this started 14 months ago, well he stated that it actually started 14 years ago with the litigation that took place over the PUD. He believes that the town for saw this situation and tried to avoid it and were over ruled by the courts. The town cannot take the rights away and cannot always get involved in telling a property owner what can and can't go there. Vice Chairman Nebergall stated that what are presented are the safest alternatives of what the town can hope for. There are times that the courts over rule what we think.

Commissioner Jefferson stated she is good with this good because it is legal and she is not good with it because there are so many people that are terrified. Commissioner Jefferson stated that she heard misconceptions, untruths and people that have been fed information from other people. In this town and this country we need truth and not everyone has heard the truth and there is bad information out there. Chairman Jefferson stated Mr. Morris legally you can do what you want to do morally and ethically it is up to you.

Chairman Shenkle stated that there are a lot of accusations made against the town government. He did not come in with any predetermined idea and he is sorry that he is not being believed. He does not believe there is a situation that will please everyone. He would have loved to see the parties get together and arrive at an accentually mutual solution for everyone; unfortunately this won't be done due to what has been brought to us.

Chairman Shenkle asked for a motion for a recommendation to council

Vice Chairman Nebergall made a motion to recommend approval to the town council as presented on the agenda with all conditions that have been established. Chairman Sanak seconded the motion and approved 4-0.

Staff Comments-None

Commissioner Comments- None

Adjournment

Commissioner Jefferson made a motion to adjourn the meeting at 9:40 P.M. Commissioner Sanak seconded the motion; approved 4-0.

Gordon Shenkle- Chairman

Attest:

Dina Rimi- Zoning and Development Coordinator