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Clayton County
Community Development Department
121 S. McDonough St. Annex 2
Jonesboro, Ga. 30236



PATRICK EJIKE
DIRECTOR

Clayton County Zoning Advisory Group
Minutes of January 4, 2016

The regular meeting of the Zoning Advisory Group was held this date of January 4, 2016 in the Commissioners Board Room, Administration Building 112 Smith Street, Jonesboro, Georgia.

Members present were: Chairman Herman Turner, Vice Chairman Addie Whittaker, Board Member Kevin Lewis, Board Member Frenda Norwood, Board Member Rae James, Board Member KC Watts, and Board Member Larry Bussey. Patrick Ejike, Brecca Johnson, LaShawn Gardiner, and Linda Willis were present from Community Development.

Members absent were: None. Legal counsel was not represented.

The meeting was called to order at 7:00pm by Chairman Herman Turner. The pledge of allegiance was said in unison.

The motion to approve the revised agenda was made Board Member Kevin Lewis and seconded by and Board Member Larry Bussey. The vote was unanimous.

The motion to approve the minutes of November 2, 2015 and table the minutes of December 7, 2015 was made by Board Member Larry Bussey and seconded by Vice Chairman Addie Whittaker. The vote was unanimous.

Chairman Herman Turner asked for recognition of anyone having business with the Zoning Advisory Group. There were none.

Chairman Herman Turner asked if there were any Reports of Committees or Old Business.

a. Group Home Presentation by Planning and Zoning

The presentation for the Group Homes was given by Brecca Johnson and Patrick Ejike of Community Development.

The presentation involved a draft of the text amendment for Clayton County Group Homes, Personal Care Homes and Boarding Homes. Board Members had expressed concerns about this item and the County wanted to take a closer look at what the Zoning code allowed and did not allow in order to make some recommendations to bring back before the Board:

DRAFT

A. Objectives for Proposed Text Amendment:

- ✦ Protect the health, safety, and welfare of the Clayton County community
- ✦ Enhance the aesthetics of the Clayton County community

- + Comprehensively address regulations for facilities of all sizes
- + Comply with the Federal Fair Housing Act

B. Overview of Specific Code Deficiencies:

- + Lack of clear and thorough regulations to address these uses for 5 persons or less
- + Lack of annual inspection requirements to ensure that fire, life safety and zoning requirements are met for home occupations (1-3 persons)
- + Lack of regulations regarding non-residential zoning districts
- + Lack of easy-to-read formatting (tables to be created for final draft)
- + Conflict of verbiage throughout the Code
- + Violation of the total area to be used as home occupation

C. Existing & Proposed Standards

- a. Allowed outright (without additional zoning standards) for up to 5 persons in all residential districts
- b. Allowed with a Conditional Use Permit for 6 or more persons in all residential districts

Existing Standards: Land Use Matrix

Residential Uses	Zoning district															
	AG	ER	RS-180	RS-110	RG	RM	RMH	OI	NB	CB	GB	MMX	NMX	RMX	LI	HI
Boarding Home, Group Home, and Personal Care Home having 5 or less persons	P	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N
Boarding Home, Group Home, and Personal Care Home having 6 or more persons	C	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N
	P	Permitted Uses					C	Conditional Uses					N	Not Permitted		

Sec. 6.12 - Personal Care Home, Boarding Home, and Group Home Standards (PCH).

PCH-01: This Personal Care Home, Boarding Home, and Group Home Standards section applies to all districts.

Each personal care home, boarding home, and group home having six (6) or more persons shall be subject to the following requirements:

- A. All regulated facilities shall comply with the State regulation and acquire applicable State licenses for operation.
- B. All facilities must register with the Department of Community Development and provide a copy of all State licenses and documentation.
- C. The exterior appearance of any residential structure for which a personal care home, boarding home, or group home is approved, shall be maintained as a residential structure and no signs other than a sign, attached to the primary structure, not exceeding 2 square feet, as authorized within Article 8, Sign Standards (SS), shall be erected.
- D. Meet all regulations as identified in the adopted building code and adopted fire code.
- E. Meet all parking standards as identified within Section 6.32, Parking Standards (PK).

F. All facilities must apply for and receive a Clayton County Business License.

Proposed Standards:

1. Requirements for facilities housing 1-3 persons:

- a. Locate within single-family residential zoning districts (AG, ER, RS-180, RS-110)
- b. Verification that the primary operator is the property owner or lessee
- c. Install 4 foot wooden privacy fence around property
- d. Allow as Home-based business (Business License is required)
- e. Annual Fire Inspection to be conducted during license renewal process
- f. Must adhere to all building, fire and accessibility codes

2. Requirements for facilities housing 4 or more persons:

- a. Located within AG and ER zoning districts, outside of a subdivision
- b. 1.5 acre minimum
- c. Install 4 foot wooden privacy fence around property
- d. Verification that the primary operator is the property owner or lessee
- e. Allow as Home-based business Occupation II (Conditional Use approval & Business License are required)
- f. Must adhere to all building, fire, and accessibility codes

3. Requirements for facilities in Non-residential areas:

- a. Allow outright within the Office Institutional (OI)
- b. Meet all building, fire, and accessibility codes

D. Ordinance Review (Best Practices Research)

- ✚ Clayton County Ordinance
- ✚ Henry County Ordinance
- ✚ Fayette County
- ✚ Barrow County

E. Continuing Research

- ✚ State Department of Health discussion to address state requirements
- ✚ Cross-reference other sections of the County ordinance as it pertains to these uses for consistency (i.e. Land Use Matrix, Home Occupations Ordinance, definitions, and other zoning tables, etc.)

F. Next Steps:

- ✚ Allow 2 weeks for review and comments by the Zoning Advisory Group
- ✚ Provide ZAG comments to the Legal Department for review
- ✚ Informally present to the Board of Commissioners to provide their comments
- ✚ Take final draft of the text amendment back before the Legal Department for review
- ✚ Schedule public hearing regarding the proposed Text Amendment to the ZAG & BOC tentatively in March 2016

G. Terms & Definitions:

- ✚ State Department of Health

Personal Care Home: A building or group of buildings, a facility or place in which are provided two or more beds and other facilities and services, including room, meals and personal care for non-family ambulatory adults, as regulated by the State of Georgia Department of Human Resources. The term "personal care home" does not include buildings which are devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals, nor does it include halfway houses, residential treatment

facilities, nursing homes, sanitariums, hospital or other institutional facilities, or rooming or boarding facilities which do not provide personal care.

Group Day Care Home: A Home Occupation, type II, wherein group care for not less than seven (7) nor more than eighteen (18) children under eighteen (18) years of age for less than twenty-four (24) hours without transfer of legal custody and which is required to be licensed by both Clayton County and the Georgia Department of Human Resources. All group day care homes shall meet the requirements of the adopted International Residential Building Code.

Group Residence/Shelter: A state licensed 24-hour residential facility functioning as a single housekeeping unit for the sheltered care of persons with special needs which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services and transportation. Bedroom suites shall not include kitchen facilities. For purposes of this ordinance, group residence/shelter shall not include those facilities which exclusively care for children under the age of 17.

Clayton County

Personal Care Home: home or facility means any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food services, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage.

A group home is a generic term that can describe many different types of residential situations. The phrase group home can be applied to residential services for children or residential services for adults. A residential service means that the individual lives full time in your home or a home you provide. Also, group home is not a license term, although many people use the term to describe a residential option that is licensed such as a personal care home (PCH), a community living arrangement (CLA), or for a residential program for children.

Group Residence for Children: A dwelling unit or facility in which full time residential care is provided for children under the age of 17 as a single housekeeping unit. The group residence may provide food, shelter, combination of personal care, social or counseling services and transportation. Bedroom suites shall not include kitchen facilities. A group residence must comply with applicable federal, state and local licensing requirements.

Boarding House: A dwelling other than a hotel where, for compensation and by prearrangement for a definite period, where meals and/or lodging are provided for four (4) or more persons.

The Board Members expressed concerns of attaining Business Licenses without the approval of the Homeowners Association and suggested that it could be part of a checklist item for applicants to present prior to attaining their Business License.

The Procedures for the Clayton County Zoning Advisory Groups' Public Hearings was given by Ms. Linda Willis.

The Chairman called for New Business.

a. Election of Officers

The motion to approve the election of the following officers was made by Board Member Frances Solomon and seconded by Board Member Keith Parker. The vote was unanimous.

Herman Turner – Chairman
Kevin Lewis – Vice Chairman
Larry Bussey - Secretary

b. Adoption of Zoning Advisory Group Calendar for 2016/2017

The motion to **approve** the adoption the Zoning Advisory Group Calendar for 2016/2017 was made by Board Member Kevin Lewis and seconded by Board Member Frenda Norwood. The vote unanimous.

c. **MOD-15/09-7**

The Applicant, **Lemuel Ward**, on behalf of Anvil Block Land Partners, LLC is requesting a Major Modification to the Villages of Ellenwood Planned Unit Development (PUD), Conceptual Site Plan to change existing 189 lot single-family residential subdivision use to Light Industrial use for proposed warehouse distribution center. The subject property is located at **4503 Bouldercrest Road, Ellenwood, GA 30294** and otherwise known as 12-234B-A001. The subject property is approximately 54.98 +/- acres of land and currently has a PUD zoning district classification designated as Single-Family Residential on the approved Conceptual Site Plan.

Commissioner District 1 – Sonna Singleton Gregory

d. **RECZ-15/09-21**

The Applicant, **Lemuel Ward**, on behalf of Anvil Block Land Partners, LLC is requesting a rezoning from Article 3, Section 3.5 Residential District Standards to Article 7, Section 7.2 Planned Unit Development Standards to allow for property to be combined with 4503 Bouldercrest Road, for a Light Industrial warehouse distribution center use. The subject property is located at **4371 Bouldercrest Road, Ellenwood, GA 30294** and otherwise known as 12-234B-A007. The subject property is approximately 2.0 +/- acres of land.

Commissioner District 1 – Sonna Singleton Gregory

The staff report for case MOD-15/09-7 and Case# RECZ-15/09-21 was given by Patrick Ejike of Community Development/Planning and Zoning.

Patrick Ejike: I would like to take the two items (Modification and Rezoning) all dealing with the logistic center. These items came back to you all and I wanted to explain why. As you know the Development of Regional Impact (DRI) is one of the studies that the ARC and GRTA requires if you reach a certain threshold of development. It is still in our process, we haven't gotten any feedback from ARC or GRTA as to what their comments or reviews are. The State law requires that we must wait and see what they are recommending for the project before the County proceed. If the County fails to do that, we will face penalties from the State. There are certain things that the County gets from the State, like grants and different things that we would not get. Staff recommendation of approval has not changed. We would like for you to vote on this project tonight so we can stay in line with the process, so if we received GRTA recommendation on January 7th we can move it on to the BOC.

Chairman Herman Turner asked if there were any questions from the Board Members.

Board Member Kevin Lewis: What will happen if the ARC does not okay the project? **Patrick Ejike:** If the ARC does not okay the project, in most cases it dies a slow death.

Board Member Kevin Lewis: The status of ARC recommendation is coming January 7th? **Patrick Ejike:** Yes. Usually with projects like this, they don't like to kill projects if there is a way to solve the issue. We will pay close attention to what ARC say.

Board Member Kevin Lewis: Was the Applicant supposed to go to ARC or was the County? **Patrick Ejike:** There are forms to be completed. When we got to the ARC part, one of the issues was if they wanted to submit the project by itself or look at the whole area. It happen the way it supposed to.

The motion to **approve** Case# MOD-15/09-7 and Case# RECZ-15/09-21 as stated by the Board previously and with the condition that the ARC report be distributed to each Board Member was made by Board Member Kevin Lewis and seconded by Vice Chairman Addie Whittaker. The vote was unanimous.

e. Final Plat – Sunset Park Subdivision

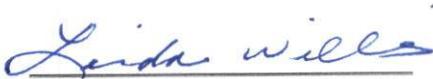
The Clayton County is requesting acceptance and signature for the change of addresses only of the Final Plat known as Sunset Park, upon the property located at 7348 Homestead Road (12-135C-A-002) and 6270 Homestead Road 12-135C-A-003) in Rex, GA. The subject properties are approximately a combined 13.43 acres of land and zoned Planned Unit Development.

Commission District # 1 – Commissioner Sonna Singleton

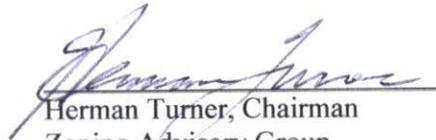
The motion to **approve** Sunset Park Subdivision Final Plat for signature only was made by Board Member Kevin Lewis and seconded by Board Member Kc Watts. The vote was unanimous.

There being no further business, the motion to adjourn was made by Board Member Kevin Lewis and seconded by Board Member Larry Bussey. The vote was unanimous.

The meeting adjourned at 8:00 p.m.



Linda Willis, Assistant Secretary
Zoning Advisory Group
Clayton County, Georgia



Herman Turner, Chairman
Zoning Advisory Group
Clayton County, Georgia