

STATE OF ALABAMA

COUNTY OF ETOWAH

CITY OF RAINBOW CITY, ALABAMA - PLANNING COMMISSION - July 28, 2015

The Planning Commission of the City of Rainbow City, Alabama met in a regular session at 3:45 P.M. and upon roll call the following members were present:

Present:

Wes Ellis, Chairman  
Thomas Moon, Vice Chairman  
Larry Keenum, Council Member  
Bettye Ann Boyd  
David King  
Bryan Stone

Absent:

Terry John Calhoun, Mayor  
Larry Harris  
Mona Wallace

Also Present:

Wiley McLain, Building Official  
Laura Lloyd, City Attorney

Kevin Ashley, City Engineer

1. After roll call, Wes Ellis, Chairman, declared a quorum was present and the following business was transacted.
2. The minutes from the June 23, 2015 meeting were presented. Thomas Moon moved to suspend the reading of the minutes and approve the minutes as submitted. Bryan Stone seconded the motion. Motion carried unanimously.
3. Glenn Brewer was on the agenda but called Wiley on July 21, 2015 at approximately 9:30 A.M. and asked to have his name and request removed from the agenda. Mr. Brewer stated to Wiley that he had found property elsewhere and is no longer interested in this location. No action was taken by Planning.
4. Wes Ellis announced that a public hearing for a Conditional Use Permit was on the agenda for the Greater Etowah 310 MR Board. Mrs. Barbara Clackum was present representing the Greater Etowah 310 MR Board. The Board had a two (2) acre lot located on Silvey Street and Pinedale Road. There is already a home on one (1) acre of the lot, but the Board was able to divide the lot into two (2) - one (1) acre lots. The zoning at this location is R-1 Single Family Residential. The existing home is for mental retarded people. Mrs. Clackum stated that the Board wanted to build another home with three (3) bedrooms and two (2) baths to be able to accommodate three (3) adults that are handicapped and in a wheel chair. She stated the adults have to be at least 18 years of age before they can come into one of the homes and then usually stay until death or if necessary, they are moved into a nursing home if they can no longer take care of them at the 310 Board home. She stated that each patient at the home attends the Smeltzer Center for five (5) hours a day for training. The 310 Board homes are regulated by the State and Federal Government as well as Medicare licensed. The Board hires people to stay with these adults around the clock. Mrs. Clackum stated that when someone is at work at the home it is "awake" staff. She stated in this home with handicapped people, there will always be at least two people working.  
Tony Silvey was present to state his concerns. He had received the letter about the public hearing and wanted to see what the plans were. Mr. Silvey stated that when the first mental retarded home started he was continually calling the police department both in Rainbow City and Gadsden because he lives in the Gadsden Police Jurisdiction. He stated that people would block his driveway where he could not get out and people were coming and going at all hours of the day and night. They were drinking and they would get loud.

Mrs. Nancy Gunter also attended because of receiving the letter and her concern of the home. Mrs. Gunter said when the home first opened the workers would go in the backyard and smoke and be very loud. She stated her backyard joins the existing homes backyard. She stated also that ever morning she would hear one person from inside the home yelling maybe when they were trying to get them out of bed. She stated this has not happened in a long time. Mrs. Gunter is also concerned about the property values decreasing.

Both Mr. Silvey and Mrs. Gunter said that after someone else appeared to have taken over the home, there had not been these problems since.

Mrs. Clackum had already been talking with Mr. Silvey and Mrs. Gunter. She had given them both her business card with phone numbers and told them to call her at any time if

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there was a problem like this again. Mrs. Clackum assured everyone that these types of problems would not be allowed and would be addressed if they happened again as far as the employees being loud and cars being parked everywhere.

During discussion, Wiley stated that the 310 Board would have to bring the plans for the site work and home back to the Planning Commission for review and approval.

After discussion, Bryan Stone stated that, since this is a Conditional Use Permit, he would make a motion to allow the Greater Etowah 310 Board to proceed with plans to build a new home on the one (1) acre plot, but if at any time, this home is taken over by anyone else, the new owner must come before the Planning Commission to continue the operation of having a mental retarded home at this location. Larry Keenum seconded the motion. Motion carried unanimously.

5. Joe Smith, owner of Master Car in the Deerfoot Industrial Park had spoken to Wiley concerning building mini storage warehouses at his location. Wiley had told Mr. Smith that Planning would have to approve the building of these warehouses and he needed to speak with Planning before he did anything to be assured that he would be able to proceed with this project. Mr. Smith called around lunch today and stated he would not be able to attend the meeting this afternoon but might try again next month. Planning took no action on this project.
6. The Building Department has asked to make some changes and/or additions to the Rainbow City Zoning Ordinance. Planning members must review this request before making a recommendation to the City Council. The changes are in bold print:

Section 108. Farm.

(b) Livestock, dairy animals, small animals, and poultry shall be housed not less than 200 feet from any adjacent lot not zoned AG.

**(1) Poultry shall be allowed in any Agricultural Zoning, consisting of one acre or more, with no more than twenty-five (25) chickens allowed at one time on the property. The poultry shall not be allowed to run loose and must be contained at all times. Area of coop shall be minimum of 10 square feet per grown chicken. Contained area must be kept clean at all times per Animal Control Ordinance 480.**

Section 385. Uses Defined.

(1) Agricultural uses.

- livestock, such as beef cattle,..... (remove words “poultry” from exclusion and place Additional line) **“No more than twenty-five (25) chickens at one time may be kept in Agricultural Zoning strict for personal use. Said chickens must be contained in an enclosed area and area must be kept per Animal Control Ordinance 480. Area of enclosure shall be no less than 10 square feet per grown chicken”.**

Addition to Section 175. Parking Prohibitions.

- (c) There shall be no parking on the street right of way in residential areas for a period longer than six (6) hours in a twenty-four (24) hour period. There shall be no blocking of mail boxes, paper boxes, etc. at any time on street right of way.**

Appendix C – Article V – Meetings

**Change meeting time in book to 3:30 P.M.**

After discussing each of the items separately, David King moved to r ecommended to the City Council that they adopt these changes to the R ainbow City Zoni ng Ordinance #360. Thomas Moon seconded the motion. Motion carried unanimously.

- 6. There being no other business to come befor e The Planning Commission, Bryan Stone moved to adjourn. David King seconded the motion.

Respectfully submitted,

Kathy Hill  
Recording Secretary