

ZONING PUBLIC HEARING

A Zoning Public Hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, September 28, 2006 beginning at 6:00 o'clock p.m. Commission Chairman Eddie Freeman presided, and Commissioners Cecil Davis, Gwen Flowers-Taylor, Edward Goss, Jr., and Johnie McDaniel were present. Also present were County Manager William P. Wilson, Jr., Assistant to the County Manager Paul Van Haute, Community Development Senior Planner Chad Jacobs, Zoning Attorney Newton Galloway and Executive Secretary Teresa Watson.

I. Call to Order

II. New Business

- 1. Application #06-25S:** Christ Our Savior Evangelical Lutheran Church, Owner – 3235 Teamon Road (4.117 acres located in Land Lot 113 of the 2nd Land District) – requesting a Special Exception to allow a Church in the R-2 District.

Mr. Jacobs explained the applicant is requesting a Special Exception for the erection of a church within an R-2 zone. Per Spalding County tax records, the existing residential structure is approximately 1,605 square feet in size.

Staff recommends condition approval of this application as follows:

- a. The site plan shall indicate the parking area (a revised plan showing the parking area has now been satisfactorily submitted).
- b. A variance will be necessary for the side yard setback.
- c. The structure shall be inspected by the Spalding County Building Official to be brought up to code.
- d. The structure shall be inspected by the Spalding County Fire Marshal to be brought up to fire code.
- e. The structure must be inspected and approved for use as assembly use by a registered structural engineer.
- f. Any addition or expansion requires a new special exception approval by the County.

The Board of Appeals recommends denial of the request primarily because they felt they did not have enough information for a decision. Square footage of the current residential structure housing the church is 1605 square feet. Mr. Jacobs answered questions from commissioners regarding this application and reviewed zoning requirements for a church in the R-2 district.

Mr. Galloway confirmed that a Special Exception, in most instances, stays with the land. This property in perpetuity could be a church, but that could also not be the case. All church properties are removed from the tax digest for as long as they are owned by the church. Should they decide to rent the structure as a residence with the church still property owner, Mr. Galloway was not sure if the income from the property rental would be taxable.

Edward Bullard, 124 North Hill Street, Griffin, Georgia

In this area, one house coming off the tax digest should have an extremely minimal impact, particularly given the number of parcels that will be coming online with the Minerva project. This church does not have several hundred members as has been conveyed, and the most they have ever had in attendance was 50. The entire congregation would not be attending services at this particular location and the number of vehicles at any given time would certainly be few. Acquisition of this property (on which several liens had been placed) was a miracle in itself, and the church has exercised great patience in going through proper channels to get all issues resolved. Mr. Bullard advised he had prepared a standard using the Religious Land Use and Institutionalized Persons Act of 2000 which deals with religious land use and the freedom of religious entities to exercise the use of their land, a portion of which could apply to this situation.

Tom Vollrath, 212 Laurel Trace, McDonough, Georgia for the church at 48E Malier Road
He spoke as congregational president of The Christ Our Savior Evangelical Lutheran Church. They strongly feel they were led to this property and a long-time dream is being realized with the purchase of this tract. Their current plan is to continue operations at the Malier Road location, 48E Malier Road in the business strip center owned by Alan Mobley, with expansion into the Teamon Road location for other uses and possibly erection of a modest, multi-function church structure in the future. They plan to make some minor maintenance and modifications such as painting, etc. to the structure as required. They strive to be good stewards, good neighbors, good ambassadors for the Lord, and a good community influence. Their congregation motto of "Friends of Christ making Friends for Christ" is a credo by which they intend to enlarge their sphere of influence. They plan to serve current needs with an emphasis to provide outreach into the community with projected growth. His congregation currently has 57 members, from six-counties in the south metro area. He assured commissioners that noise, lighting glare, pollution and disruption of a serene rural area would not be problematic for the church. The security light has not been turned on for various reasons, and future lighting would only entail that necessary for safety, security and as would be required by County regulations. Much of the increased traffic already seen on the road can be attributed to the massive Minerva and Sun City projects. They have spoken with some neighbors, but many were not available during the time of the property transaction which has been handled quickly. The correct protocol and procedural requirements have tried to be maintained throughout this process, and they have truthfully and honestly presented their case at every level and will continue to do so. They have made every effort to address all concerns that have been voiced to date. The church has held off making any improvements to the property until this process is complete. The congregation, their Senate, their Florida/Georgia District, several residents and the Religious Land Use and Institutionalized Persons Act of 2000 all provide support for this plan. He thanked the Board and offered to answer any questions.

Mr. Vollrath responded their philosophy is to plant additional church(es) when membership reaches the 150-200 number probably, acting as a mother congregation for new congregations. They do not plan to become a megachurch. A moderate square footage of 3000 to 5000 would probably be the target range for any new facility in the future, but financing does not accommodate that option currently.

Extensive discussion followed regarding the planned use for the property and facility. Regular meeting services are not planned for the structure, but rather they desire to use it for accessory uses currently, although they may start having some meetings there in the future. They have a Boy Scout group, and it would be available for meetings, Bible study groups and other outreach type programs. The needs of the congregation and the local community will dictate to a degree what events are scheduled, but again a building project will be at some point in the future. Right now they have zoning considerations, needs assessment, financial considerations and logistical concerns. They haven't proceeded with extensive plans awaiting the outcome of this application for the special exception.

Commissioner Flowers-Taylor said her greatest concern was for the desired privacy of area residents. There is a 25-foot buffer requirement around all property lines via several methods requiring opacity. It can be natural vegetation or a combination of vegetation with fencing to achieve the required opacity. The key is to block the view from one use to the other.

Mr. Galloway said the variance for a non-conforming residential dwelling is only required because of the change in nature of this particular use. Any future construction would have to comply with the 50-foot setback. The house is presently within 50 feet of that property line, so a variance would accommodate this change in use. Approval could be conditioned to include non-glaring lighting should lighting be installed; there is currently no lighting in place. Charles and Vera Stevens who owned the property were aware of the use of the property at the time of the sale.

Mr. Galloway read the definition of a church as specified in our Spalding County Unified Development Ordinance. He noted the County has never attempted, nor could it ever attempt, to define what constituents regular meeting times for churches. That aspect certainly varies, as does

the variety of accessory uses, such as the many diverse uses at larger area churches such as First United Methodist and First Assembly of God.

Vicky Miller, 212 Laurel Trace, McDonough, Georgia

Ms. Miller is the elected recording secretary for the church. The congregation approved this purchase earlier this year unanimously. More recent input from congregation is supportive, as well. Personally, she and other congregants are thankful for their gifts and excited about opportunities in this new environment. They will be good neighbors and a valued addition to the community. She concluded by urging approval by the Board.

Trent Christian, 283 Chambers Road, McDonough, Georgia

Mr. Christian is proud to be part of this community as Scoutmaster for Troop 162, Flint River Council, at McDonough United Methodist Church. He would like to have this troop at his own church without having to drive to a distant location.

Vicki Jones, 120 Acton Drive, Fayetteville, Georgia

Ms. Jones noted that Lutherans are few and far between. Riverdale and Peachtree City locations have been options for congregants in the past, and Teamon Road will actually be closer. She has held many positions in the church and is looking forward now to working with older people in the community. The Lutheran mission is to share the gospel; they are a quiet church and appreciate country life. Friends of Christ making Friends for Christ is really what they are about as a church.

Diane Blaisdell, 175 Oakwood Lakes Drive, Hampton, Georgia

She was a member of Holy Cross, the sister congregation in Riverdale since 1980. That congregation branched off and established Christ Our Savior about five years ago, and they have been looking for a church home every since. They are very excited about the Teamon Road property and are anxiously awaiting all the processes to work themselves out. They are a liturgical church and not noisy at all. They will make every effort to be good neighbors in the community. Change hard and they are basically conservative people, but change can be good. They want to be a vital part of community and good witnesses of their faith. She respectfully requested the Board's approval of this request.

Jamie Krieger, 9490 Autumn Court, Jonesboro, Georgia

She has known her extended church family for 11 years and is a current member of Christ Our Savior Lutheran Church. As a Sunday School teacher, she was excited about this development and urged approval by the Board.

Russell Postell, 710 Trestle Road, Griffin, Georgia

Mr. Postell said his property joins this property on the back side. He major concern was about getting enough information out with only one posted sign that is too small and notices mailed only to the two adjacent property owners rather than all surrounding residents. Others didn't know what was going on at all. He doesn't like how this church came into this community with outsiders who didn't talk to neighbors at all, even though they say they want to be friendly. They only talked to one resident, and he mentioned they would build a church there. He doesn't see a vision for the church since 4 acres is not much area with anticipated growth. Further, to utilize a residence as a church building in an established residential area is not a good idea. Congregants have told differing stories and he feels their plan has been altered to give them a better image to get approval. Their layout in a 1600 square foot house won't accommodate 50 people for services. They state they all want to be part of community but they all live outside the community. He was under the impression they had a membership of around 200 because one gentleman had made the statement they planted new churches when their membership got to be around 200, so he just assumed they were starting with around 200. He wanted to see the area remain residential. Mr. Postell noted that residents have moved here to get away from house trailers, convenience stores and structures such as this one. He would have to look at this structure every day, in a dwelling fully intended for use as a house. This issue was problematic all the way around for him.

Rick Thompson, 3244 Teamon Road, Griffin, Georgia

Mr. Thompson, who lives across the street, would like to keep this residential area residential. He is a churchgoer himself but is against this use of the property for a 1600 square foot structure.

Jan Grant, 659 Trestle Road, Griffin, Georgia

Ms. Grant is a school bus driver who has lived there 22-1/2 years. She wants to see it stay residential. Further, she has been home all summer except for one week having surgery then homebound for six weeks, and no attempt has been made to contact her. She lives directly behind the one man they did contact and failed to understand why they could not have spoken with her, as well. She agreed the print was so small on the posted sign that it's dangerous and hazardous to stop in traffic to read. She felt there was a need for more churches but not in close-knit residential neighborhoods such as this one. Dissemination of information is definitely a problem. What happens to the zoning if the church doesn't make it? Ms. Grant wondered if another entity could ask for a bending of the rules, as well, if this exception were to be approved. She and her daughter,

both of whom have acre lots, work and have trouble attending meetings particularly with little or no notice. She urged denial of the application.

Commissioner McDaniel advised Ms. Grant there was no bending of the rules. Zoning will remain R-2; churches are allowed as special exceptions according to Spalding County code.

Justin Anderson, 3247 Teamon Road, Griffin, Georgia

Mr. Anderson's tract adjoins the outer edge of this property. He recently built a house there on property given to him by his father and would be moving in this weekend. Mr. Anderson said he was raised in this rural environment and he likes the peaceful aspect of the area. Heron Bay and Sun City will be in area, but they would like to protect the rural aspects as much as possible. He is also a member of a church, Teamon Baptist, and is not against having a church but the church should be comprised of neighbors, such as those he has known most of his life. They are true community neighbors, most of them long-term residents. The Stevens owned this property and did fall under hard times, needing money, and he felt they were taken advantage of in this transaction.

Larry Anderson, 3291 Teamon Road, Griffin, Georgia

Mr. Anderson said he was opposed also to this special exception. His major objection was not the fact that the church wants to build or utilize this property; it's more the way they went about it. They got a really good deal from people who held liens and took advantage of the Stevens' situation. Yes, times are changing, but they still would like to see the area remain as rural as possible. The existing noise is from traffic with Minerva trucks as they plan and work on these new developments. Mr. Anderson concluded by asking that if the Lord was, in fact, leading them in this direction as they state, did He have to lead them to a lawyer, as well.

Ronnie Brown, 3194 Teamon Road, Griffin, Georgia

Mr. Brown moved here in 1988 and would like to see it remain rural and quiet, as well. He is a daytime sleeper and felt also there was not enough acreage for a church at this site.

Reverend David Hanson, 1205 Butler Court, Locust Grove, Georgia

Reverend Hanson thanked his congregants for their support. It was not their intent to create ill will and they have nothing to hide. The Lutheran population is just 1% in Georgia so church numbers won't grow much, and there are not enough members to do much. They are neophytes and are learning as they go. There is also no intent to denigrate neighbors; the real estate deal happened in about a week and didn't provide much chance for notification. He was not sure if the house will be expanded or torn down as they grow, and they have renewed their lease at Malier Road, so they plan to remain at that location at least for awhile. Reverend Hanson acknowledge they are outsiders in some sense, but if they build on this property they will quickly become neighbors and insiders because this is their nature. He concluded by saying the very Lutheran thing is to vote your conscience, so they will harbor no ill will, regardless of the disposition of tonight's application.

Mr. Jacobs said the parking area may be gravel because parking lots are not specified as having to be paved but rather just must be of a material that prevents erosion. Some research and work would have to be done and take some time, even if the special exception is approved.

Commissioner Flowers-Taylor said commentary was passionate on both sides of this issue and she had carefully weighed input. She had heard nothing to make her believe this church would be a deterrent to neighborhood life as they know it. Traffic is already being generated by Minerva and Sun City, and this small church won't add greatly to those numbers. She agreed the notification sign is perhaps too small but that is another matter to be addressed later.

Commissioner Flowers-Taylor moved to approve Application #06-25S for a special exception with conditions listed below (adding that special lighting should be non-glare and directed away from residences) and a required 25-foot buffer. Commissioner Davis seconded for discussion, which followed.

Mr. Jacobs said the 25-foot buffer was already required in the code and did not need to be conditioned. He additionally requested they amend the motion and second to say "should lighting be installed, special lighting shall be non-glare and directed away from residences." Commissioners Flowers-Taylor and Davis accepted the amendment to motion and second, respectively. Conditions are reiterated below.

- a. The site plan shall indicate the parking area (a revised plan showing the parking area has now been satisfactorily submitted).*
- b. A variance will be necessary for the side yard setback.*

- c. *The structure shall be inspected by the Spalding County Building Official to be brought up to code.*
- d. *The structure shall be inspected by the Spalding County Fire Marshal to be brought up to fire code.*
- e. *The structure must be inspected and approved for use as assembly use by a registered structural engineer.*
- f. *Any addition or expansion requires a new special exception approval by the County.*
- g. *Should lighting be installed, special lighting shall be non-glare and directed away from residences.*

Motion carried by a vote of 4-1 with Commissioner Goss opposing.

III. Other Business

Chairman Freeman advised that he had received a request from Trice Trucking, a company owned by a resident in his district operating 18-wheel trucks from a nearby rock quarry from his property in this R district. The owner has been in business 25 years and really needs to be in a C-2 zoning district. The business is located off Rivers Road near Rover-Zetella Road. This is a long-standing, non-conforming use. Some discussion followed.

It was the general consensus of the Board to direct Staff to initiate a rezoning application for this property as described to C-2 through the ordinary process, understanding that most neighbors do not oppose continuance of the operation.

IV. Adjournment

Commissioner Davis, seconded by Chairman Freeman, motioned to adjourn at 8:05 p.m., and motion carried by a unanimous 5-0 vote.

County Clerk

Chairman