

After Agenda

Board of Commissioners of Spalding County Zoning Public Hearing Thursday, June 22, 2017 6:00 PM Meeting Room 108, Courthouse Annex 119 E. Solomon Street

The Spalding County Board of Commissioners held a Zoning Public Hearing in Room 108 of the Courthouse Annex, Thursday, June 22, 2017, beginning at 6:00 p.m. with Chairman Bart Miller presiding. Commissioners Rita Johnson, Raymond Ray, Gwen Flowers-Taylor and Donald Hawbaker were present. Also present were County Manager, William Wilson, Assistant County Manager, Eric Mosley, Zoning Attorney, Newton Galloway and Executive Secretary, Kathy Gibson, to record the minutes.

A. Call to Order

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names and addresses and direct all comments to the Board only. Speakers will be allotted three (3) minutes to speak on their chosen topics and relate to matters pertinent to the jurisdiction of the Board of the Commissioners. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

Mr. Wilson, County Manager, advised that Application #FLUMA-17-02, Robert M. Goldberg has requested that this be continued to the next meeting as allowed under our zoning ordinance. So we will not be reviewing Item #2 and Item #3 this evening.

B. New Business:

1. **Application #17-05S:** Patty Yocum, Owner - Kirby Yocum, Agent - 847 Shoal Creek Road (3 acres located in Land Lot 16 of the 4th Land District) - requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Mr. Wilson stated that Chad Jacobs is out of town and that he and Mr. Galloway, Zoning Attorney will be making the staff presentation.

Mr. Galloway stated that the application from the Yocums is for a Special Exception to place a manufactured home in an AR1 District. Staff recommendation is determined by an assessment of the area as to whether there is a development trend in and around the area.

Mr. Galloway advised that the staff recommendation prepared by Chad Jacobs is based on a half mile radius of the subject property. The finding of this analysis is that the general area has a primary development trend of conventionally constructed homes of approximately 65%, 4% manufactured homes and 31% undeveloped/vacant property.

Staff recommended denial due to the trend of the surrounding area. Mr. Jacobs followed the Ordinance in preparing this report.

Mr. Galloway then stated that this property is for the Yocum's relatives who are relocating here from California and based on the testimony that was presented to the Board of Zoning Appeals the Board of Zoning Appeals did not agree with the staff recommendation and recommended approval by a vote of 3-1.

Mr. Galloway stated that this application comes before the board with staff's recommendation to deny and the Board of Zoning Appeals recommendation to approve. Mr. Galloway expressed his concern that the Yocums may have the time mixed up and may show up later in the meeting. He requested that the agenda be amended to move this application to the bottom of the Agenda to allow the applicant the opportunity to speak should he appear.

Motion/Second by Ray/Johnson to move consideration of Application #17-05S: Patty Yocum, Owner - Kirby Yocum, Agent - 847 Shoal Creek Road (3 acres located in Land Lot 16 of the 4th Land District) - requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District to the bottom of the Agenda as the last item of business as Item #9. Motion carried unanimously by all.

2. **Application #FLUM A-17-02:** Robert M. Goldberg has requested a future land use map change from Low-Density Residential to Commercial for the following: 2693 Williamson Road (3.110 acres located in Land Lot 43 of the 2nd Land District).

To be heard at the next Public Zoning Hearing.

3. **Application #17-03Z:** Robert M. Goldberg, Owner - 2693 Williamson Road (3.110 acres located in Land Lot 43 of the 2nd Land District) - requesting a rezoning from AR-1 Agricultural and Residential to O & I Office and Institutional.

To be heard at the next Public Zoning Hearing.

Chairman Miller stated that Items #4, 5, and 6 would be discussed together, but would be voted on separately.

4. **Application #FLUM A-17-03:** Alex Scott has requested a future land use map amendment change from Agriculture to Commercial for the following: 3616 Fayetteville Road (19.5 acres located in Land Lot 6 of the 3rd Land District).

Mr. Galloway advised that this is the Math Field property, he stated that we can consolidate the items for the hearing, but they will have to be voted on separately. He further advised that in the event that the Board does not approve the future land use map amendment the remaining two applications are moot.

Mr. Galloway stated that this property has three different zoning classifications: the back of the property is zoned AR, the part of the property where the building is located is zoned C1A about ten years ago and the frontage along Highway 92 is zoned R2.

The request is for a special exception to ultimately have an indoor shooting range facility. Mr. Galloway stated that a few months ago the Board approved a text amendment that allows an indoor shooting range in a Highway Commercial Zone as a Special Exception.

Mr. Galloway stated that once the use was allowed in the ordinance, Mr. Scott and Mr. Dunn filed these applications to get this property zoned for that use. Mr. Galloway stated that this is not for any type of outdoor facility, this is for an indoor range.

Mr. Galloway advised that under the Future Land Use Map the property is shown as agricultural property and the request is for the entire tract to go to Commercial. Then you have the rezoning application seeking to rezone it to Highway Commercial in C1 so that the property can be approved for the indoor shooting range. The final application is once the property is zoned is the Special Exception to approve the indoor range.

Mr. Galloway stated that with regard to the Future Land Use Map, the staff report recommended against the change. It is noted in the report that with the exception of this one spot there is no other commercial zoning in or around that property and there is no other area designated for commercial on the future land use map; therefore, the staff recommendation is to deny the application for the FLUM amendment.

Mr. Galloway added that should the Board decide to grant the FLUM amendment staff has gone on to recommend denial of the rezoning principally because this would be a "spot" commercial zone in what is otherwise an agricultural or a residential area.

Mr. Galloway stated that a preliminary review and assessment of the two applications was done by the Planning Commission. The Planning Commission recommended denial of the change to the Future Land Use Map by a vote of 4-1 which rendered the rezoning application for their consideration moot.

Mr. Galloway then advised that staff had gone ahead and had the Board of Appeals do a substantive factual assessment of the Special Exception Application. The staff report for the Special Exception Application also recommended denial because of the nature of the proposed use given the surrounding area. This application received a recommendation from the Board of Appeals of denial as well by a vote of 3-1.

Mr. Galloway stated that since that time, the applicant has tendered for the Board's consideration a letter which includes proposed conditions. Copies of this document has been provided to the Board and the conditions proposed are:

- If the property is not utilized for an indoor shooting range the zoning would revert. He advised that there could be some legal issues with that condition.
- Upon approval of the Special Exception they will construct a training center, apply for a business license and have a voluntary NRA technical team evaluate it.
- They proposed a complaint/notification process by which they would agree that if anyone complained they would fix everything in 60 days.
- There would be no shooting outside of the building.

Mr. Galloway advised that it is the applicant's right to propose those conditions. These conditions have not resulted in staff issuing any modification to the staff report, but the Board may consider them.

Mr. Galloway stated that earlier this week, we had received an inquiry on how indoor shooting ranges were handled under zoning ordinances in other jurisdictions. Yesterday afternoon, Mr. Galloway sent to Mr. Wilson a summary that shows that the way we are treating an indoor range within the zoning ordinance is standard with most jurisdictions. They used the list that Ms. Gibson had of the shooting ranges that were identified, we looked at how those properties were zoned in the respective counties. We found that an indoor shooting range is allowed as a permitted use in General Commercial to Light Industrial or Manufacturing districts. In less intense Commercial districts they can be approved as a Special Exception conditional use. This reinforces that the way our ordinance treats them is standard. He stated that is the staff recommendation on the three applications and a summary of what conditions were imposed and there are people signed up to speak.

Wayne Smith, 428 Constitution Circle, Peachtree City, Georgia. – Mr. Smith stated that he had been a professional firearms trainer for approximately 22 years. He advised that he had been with the GBI for 31 years and for most of that time he has been assigned as a trainer. Alex Scott, his partner in this request is also a professional firearms instructor and he and Mr. Scott have taught people in law enforcement for many years.

Mr. Smith wanted to advise that the proposed facility would be a training facility. There would be some shooting that goes on at the facility, but that would be a small portion of what the training facility is all about. It will be about teaching people how to properly handle firearms to defend themselves. As part of the process there will be classroom training, there will be practical exercise training and toward the end of the training there would be some shooting. He wanted to make clear that the proposed facility would not be the type of facility where someone would come in, pay \$20 and shoot a box of bullets. That is not the type of activity planned for this facility.

Mr. Smith stated that the conditions that they presented to the Board were an attempt to make this work and to implement provisions that will make everyone satisfied with the project as proposed. We want the Board to be satisfied with what we are trying to do and the direction in which we are going and that was the purpose of the special provisions that were proposed in the letter. He then added that they would be open to any additional provisions or stipulations the County requested.

Commissioner Flowers-Taylor then asked if there would be any new construction on the property.

Mr. Smith advised that there will be a second building added to the property that would be located close to the current structure and that is the building that would contain the shooting range for live fire.

Commissioner Johnson stated that Mr. Smith had mentioned that this facility would be mainly a classroom facility with some shooting. She asked if he could advise how much shooting would be included as part of the training.

Mr. Smith advised that the most it would be a 50/50 split between classroom work and the shooting range, but the plan would be for less than 50%. This is typical in firearms training, when to shoot and why to shoot is much more of this training than marksmanship.

Chairman Miller asked if outdoor shooting would involve live ammunition.

Mr. Smith assured Chairman Miller that there would be no outside shooting at this facility. He further stated that there might be outside drills on the property, but there would be no outside discharge of firearms of any kind. He further stated that if they are allowed to go forward with this they assured the property owners that they would not even allow hunting on the powerline which currently happens. There would be no outside shooting at this location, which at the present time someone can shoot on the power line.

Mr. Smith stated that the proposed facility is called a "No Blue Sky Range" which means it a totally indoor facility, nothing is done outside of the facility.

Commissioner Flowers-Taylor then asked what type of weapons the participants would be training on at the facility.

Mr. Smith advised that it would be hand guns and shoulder fired weapons generally classified as small arms. There would not be any automatic weapons or those types of guns. It would be guns that are commonly carried by police officers in the execution of their duties.

Commissioner Flowers-Taylor asked if she could sign up for a firearms course at this facility.

Mr. Smith stated that yes the public would be allowed to sign up for the classes and would be able to shoot as part of the class. What you would not be able to do is to just show up and utilize the facility for shooting, anyone shooting on the range will have to be enrolled in a class.

Commissioner Flowers-Taylor then asked how they would keep the noise from being heard outside of the building.

Mr. Smith stated that the building would be baffled. He advised that there are standards set out by the NRA for range construction which includes noise baffles. He stated that there would also be ballistic barriers that will not allow the bullets to exit the building. Our intention is to follow all of those guidelines and to actually have the NRA inspection team come to the facility to verify and certify that we done everything correctly.

Commissioner Hawbaker asked what their anticipated clientele would be at this facility.

Mr. Smith advised that they would anticipate having private citizens and law enforcement. He anticipates a ratio of approximately 50/50. He advised that he has attended training facilities of this type in other states and there is nothing in the southeast that offers the training that they intend to offer at this facility.

Commissioner Ray then asked what type of training would be conducted on the outside.

Mr. Smith advised that there may be some training how to enter a door and things like that, but it would be done with no loaded weapons. There would be no shooting involved. Tactical training on how to enter a house if law enforcement receives a call could be part of the outside training.

Commissioner Ray then asked based on the fields at this location if they plan to utilize any vehicles and drop moving them around during the training.

Mr. Smith advised there may be some, but to a limited degree it is not going to be the type of facility where we do driving training.

Commissioner Johnson then asked what the hours of operation would be for this facility.

Mr. Smith advised that they would be daylight hours, they may go as late as 8:00 p.m. but it would never be open to 9:00 or 10:00 at night, there simply is no need for it.

Commissioner Ray added if they would be open 5-6 days a week.

Mr. Smith agreed that it would be 5-6 days per week. He added that if they need to do low light training, that can be done on the inside as it is an indoor facility we can control the light.

Commissioner Hawbaker asked if there were other indoor facilities around the state that will offer what they are proposing to offer and service the clientele that you intend to service.

Mr. Smith stated that he was not aware of, he stated that there are indoor facilities that are more open to the public to come and shoot. He stated that he did not know of any with the business plan that they are pursuing.

Commissioner Ray asked if they would have established training and abide by the training as identified and there would be no "off the hip" type of training. He stated that he was talking about task additions and standards.

Mr. Smith stated that they would have lesson plan training where they would have a formal lesson plan that we will follow just like it has been done in law enforcement. He stated that would be for every class in the facility.

Alex Scott, 109 Cedar Pointe, Peachtree City, GA. Mr. Scott stated that he is the other half of this project with Mr. Smith. He advised that he had been in law enforcement for 22 years, 17 of those years has been with the GBI. Mr. Scott stated that he is a professional firearms instructor, he has a lot of tactical shooting background.

Mr. Scott stated that the only facility that is similar to what they are proposing would be training facility in Forsyth. He advised that getting into that facility has been problematic for law enforcement to get into that facility as a group. He added that no civilian training is allowed at that facility.

Commissioner Hawbaker asked why it was problematic.

Mr. Scott stated that due to the volume you could maybe secure one to two spots for a class, but to send a group of people, for example to do SWAT training you're not going to get your whole team in there at the same time. They do great training down there, but that facility services the whole state.

Currently that type of training is not available to civilians. Mr. Scott stated that their belief is that everyone should have a gun, but the problems with having a gun is that you need to know how to use it correctly and when you can use it. There is a lot of legal background that will be included in what we intend to do and there isn't a lot of that going around right now. People are wanting you to "buy my gun," "buy my ammo," "protect yourself, the end is coming," and people need to know what to do. He stated that he currently does a lot of officer involved shootings and there is a lot of misconceptions about the law.

Mr. Scott then read a letter from William Rebholtz, who wasn't able to be at the meeting today, so he wrote a letter of support for this business. Mr. Rebholtz is the owner of the property closest to Math Field.

Terry Dunn, 208 Sylvan Lane, Griffin, GA. Mr. Dunn owns the Math Field property located at 3616 Fayetteville Road. Mr. Dunn stated that Math Field is an odd shape of land that currently has three different zoning designations and he currently holds a license for operating an event center. He stated that by approving the applications before the Board it would have a positive effect by generating less noise and less traffic.

He asked that the Board not let the actions of other gun range owners put the project currently before the Board in jeopardy. The business being proposed is not the same type of facility at all.

Faith Wallace, 3672 Fayetteville Road, Griffin, GA. Spoke against the rezoning of this property. She presented the Board with a petition signed by approximately 24 of the neighboring property owners in Doreen Estates against the rezoning of this property. She expressed her and the neighbors' concerns regarding the traffic and noise that this type of facility would generate. She also express her concern over the effect this type of business would have on the value of the surrounding residential properties.

Commissioner Flowers-Taylor then asked why staff's recommendation was for disapproval.

Mr. Galloway advised that he believes that the recommendation to deny all three applications is tied not to the use of the property, but where the property is located given the future land use map provides and given what the zoning map for property in the vicinity. He further advised that this has been articulated in meetings to both Mr. Dunn and to Mr. Scott.

Commissioner Flowers-Taylor then asked how long ago the zoning for this property was changed to C1.

Mr. Galloway stated that he didn't know the exact time, but it was commensurate with Mr. Eddie Freeman's time on this board. The original proposal was for the building to be turned into a restaurant and

in order to do that the restaurant parcel was segmented out and that was zoned C1A Community Commercial to allow a restaurant at the location.

Motion/Second by Flowers-Taylor/Johnson to approve Application #FLUMA-17-03: Alex Scott has requested a future land use map amendment change from Agriculture to Commercial for the following: 3616 Fayetteville Road (19.5 acres located in Land Lot 6 of the 3rd Land District). Motion carried 3-2 (Miller/Ray).

Commissioner Ray asked if they plan to have any retail sales on the premises.

Mr. Scott advised that their plan is to be a service based location. It will be the classroom and the range, they will not be operating a storefront. They will only be at the location if they are teaching a class.

Commissioner Ray then stated that his understanding is that they will not sell weapons, ammunition or any other items related to weapons training.

Mr. Scott assured the Board that they would not be selling anything at this location, there will be no weapons on site unless the participant in a class brings the weapon onto the property. There may be some airsoft weapons on site, but in order to shoot at this facility you will have to furnish your own weapon and provide your own ammunition.

Mr. Galloway then reminded to the Board that if the property is zoned Highway Commercial and if there intent is not to engage in retail sales then this will need to be conditioned as a restriction if that is a factor in how you are looking at it.

Consensus of the Board was to have staff review Applications #17-04Z and #17-14S based on the conditions presented to the Board by Mr. Smith and Mr. Scott and that the applications be reviewed by the Planning Commission and Zoning Board based on the approval of the FLUM amendment prior to determination on zoning applications.

5. **Application #17-04Z:** Terry Dunn, Owner - Alex Scott, Agent - 3616 Fayetteville Road (19.5 acres located in Land Lot 6 of the 3rd Land District) - requesting a rezoning from AR-1 Agricultural and Residential, R-2 Single Family Residential and C-1A Neighborhood Commercial, to C-1 Highway Commercial.

Motion/Second by Flowers-Taylor/Ray to table Applications #17-04Z to allow staff the opportunity to review the conditions that the applicants have presented and give staff an opportunity to make recommendations based on the amendment to the future land use map.

Commissioner Flowers-Taylor stated that since staffs' denial was based on the future land use map, she would like to have the request reviewed with the change that has been approved to the future land use map. She doesn't want the experience that we have had with an outdoor shooting range deter us from letting another business into the community because someone else didn't do the right thing. We have to be fair to everyone.

Motion carried 4-1 (Ray).

6. **Application #17-04S:** Terry Dunn, Owner - Alex Scott, Agent - 3616 Fayetteville Road (19.5 acres located in Land Lot 6 of the 3rd Land District) - requesting a Special Exception to allow indoor gun range in the C-1 District.

Tabling Item #5 rendered Item #6 moot.

7. **Amendment to UDO #A-17-03:** Article 2. Definitions of Terms Used - Section 202:KKK' - add definition of Street or Road, Cul-de-sac; Article 4.

General Procedures - Section 413:E & Section 414:D - amend required public notice signage requirement.

Mr. Galloway stated that the Planning Commission tasked Mr. Jacobs to come up with an ordinance that would require additional road signage for rezoning of property that is the subject of rezoning or special exception when located on a cul-de-sac. This presented a couple of problems:

- We did not have a definition of a cul-de-sac.
- Then we had to determine if Planning and Zoning wanted to consider the ordinance, what would be the appropriate way to look at this.

Mr. Galloway then stated that in Section 3 of the ordinance there is a provision to add a 413:E(2) that reads as follows: If the property is located on a cul-de-sac street and additional sign of the same dimensions as required in Section 413:E(1) shall also be placed in a conspicuous place in the right of way at the end of the cul-de-sac street with the street or road that applies the means of ingress and egress to the cul-de-sac street. In addition to the information required in Section 413:E(1) this sign shall also identify the property by street address.

Mr. Galloway advised that the ordinance was drafted and presented to the Planning Commission last month. During the process staff expressed some concerns about it because it would increase the costs of rezoning notices, it would greatly extend the potential of where signs had to be placed and this would lend itself to a greater risk of error if the sign placed at the intersection of the road and the cul-de-sac got damaged, removed or stolen. At the Planning Commission meeting in May, the Planning Commission after consideration recommended denial of the ordinance by a vote of 4-1 and that was consistent with the staff recommendation.

Motion/Second by Ray/Johnson to deny Amendment to UDO #A-17-03: Article 2. Definitions of Terms Used - Section 202:KKK' - add definition of Street or Road, Cul-de-sac; Article 4. General Procedures - Section 413:E & Section 414:D - amend required public notice signage requirement. Motion carried unanimously by all.

8. **Amendment to UDO #A-17-04:** Article 5. AR-1 Agricultural and Residential - Section 503:A & B - amend use of riding academies and other facilities which host equestrian events, and Article 6. AR-1 Rural Reserve - Section 603:A & B - amend use of equestrian farms, equestrian pastures, riding academies and other facilities which host equestrian events.

Mr. Galloway advised that they were tasked with drafting an ordinance that moved equestrian events, rodeos, roping events and so forth from being permitted uses to special exception uses in the AR1 and AR2 districts. That is the purpose of this amendment. If someone now wants to have an equestrian facility then they will have to come before the Board and get special exception approval for it. The reason for this being there is more traffic with these events, there is more noise and a greater intrusion into what would otherwise be an agricultural area when those events occur. This ordinance comes to you with the recommendation of the Planning Commission.

Motion/Second by Hawbaker/Ray to approve Amendment to UDO #A-17-04: Article 5. AR-1 Agricultural and Residential - Section 503:A & B - amend use of riding academies and other facilities which host equestrian events, and Article 6. AR-1 Rural Reserve - Section 603:A & B - amend use of equestrian farms, equestrian pastures, riding academies and other facilities which host equestrian events. Motion carried unanimously by all.

Moved by the Board for consideration after Item #8 to allow comment from Mr. Kirby Yocum.

Application #17-05S: Patty Yocum, Owner - Kirby Yocum, Agent - 847 Shoal Creek Road (3 acres located in Land Lot 16 of the 4th Land District) - requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Mr. Kirby Yocum, 821 Shoal Creek Road, Griffin, GA. Mr. Yocum stated that the property in question is right next door to his property, it was purchased by his sister and their plan is to place a manufactured/modular home on the property. Mr. Yocum stated that the home would be placed on a permanent block foundation, it would be bricked up to the bottom of the windows, that a porch would be placed on the front of the home and a deck running the full length of the home would be placed on the back.

Mr. Galloway stated that although staff recommended denial, the Board of Zoning Appeals recommended approval by a vote of 3-1.

Motion/Second by Flowers-Taylor/Johnson to approve Application #17-05S: Patty Yocum, Owner - Kirby Yocum, Agent - 847 Shoal Creek Road (3 acres located in Land Lot 16 of the 4th Land District) - requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District. Motion carried 4-1 (Ray).

C. Other Business:

1. County Manager requests an Executive Session for discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary actions or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. 50-14-3(6).

Motion/Second by Ray/GFT to enter into an Executive Session for discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. §50-14-3(6). Motion carried unanimously by all.

Motion/Second by Raymond/Flowers-Taylor to close Executive Session. Motion carried unanimously by all.

D. Adjournment

Motion/Second by Ray/Johnson to adjourn the meeting at 8:23 p.m. Motion carried unanimously by all.