

## Zoning Public Hearing

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, January 25, 2007 beginning at 6:00 o'clock p.m. with Commission Chairman Eddie Freeman presiding and Commissioners Gwen Flowers-Taylor, Edward Goss, Jr., Johnie McDaniel and David Phillips present. Also present were County Manager William Wilson, Zoning Attorney Newton Galloway, Community Development Director Chuck Taylor, Senior Planner Chad Jacobs, and Executive Secretary Teresa Watson.

**A. Call to Order.**

**B. New Business:**

- 1. Amendment to FLA-06-10:** Various Property Owners – Spalding County Board of Commissioners, Agent – Fayetteville Highway from the City Limits to Highway 92 Place – from Open Space Network, Agricultural, Forestry, Low-Density Residential, Medium-Density Residential and Institutional to Commercial.

Mr. Taylor advised the Spalding County Board of Commissioners has initiated a request to allow for the amendment of the Spalding County Future Land Use Map and the Comprehensive Plan along the Georgia Highway 92 corridor from medium density to commercial.

Staff has reviewed the proposal extensively and recommends denial of the request, and the Planning Commission recommended modified approval of the request, with some design change and taking expansion of commercial just past Cowan Road. From a planning perspective, traffic is part of the consideration and it is not accepted as good planning practice to stretch commercial growth along highways such as this. There is still a fair amount of residential use, but recent trends have been toward commercial and office/institutional in the area closest to the city limits. There are also substantial church properties in the area. There are various uses along this corridor but the character is largely residential.

Mr. Freeman said the Planning Commission expressed an interest in changing the corridor to commercial all the way to Cowan Road, and he contends that should be the case. In another few years Highway 92 will more than likely be a four-lane corridor all the way into Fayette County. The Board, he noted, had tasked Staff to review it all the way out to Ninety-Two Place, but since then he has received a number of inquiries about taking it all the way to Westmoreland Road where the four-lane currently ends. Chairman Freeman said he was committed to creating commercial properties on state highways and would like to have such zoning in place when that anticipated commercial growth does arrive.

Commissioner McDaniel said he initially got this review started because the Board had done a Future Land Use Map amendment for the office complex on Highway 92. At the time he felt it made sense because of the trend toward commercial back toward town, but he has since changed his mind somewhat after attending some comprehensive transportation plan meetings. The concepts now that are being touted are to move away from locating uses like this on multi-lane roads; it is not a very efficient use of roadways. The more you can cluster these type uses, the better served will be our citizens.

Commissioner Flowers-Taylor said with regard to Highway 155, they talked about not having Highway 155 look like a total commercial corridor but rather to group commercial properties, as in village nodes, rather than having them sprawl and dot the corridor. She did not see the difference between the development of that corridor versus Highway 92. Her thought process is that just because it is built doesn't mean they will come. Smart growth and quality development with a rural atmosphere doesn't correlate to commercialization of Highway 92. People who already have homes on Highway 92 will feel as though they have to move because they know a store will probably be next to them. Why is it good on Highway 155 to not have commercialization but that same reasoning doesn't apply to Highway 92? She finds no safety in making the entire corridor of Highway 92 commercial. The Georgia Department of Transportation (GDOT) has tried to make some accommodations for crossing areas but it still is very congested, and she was not sure adding more commercialization would maintain that desired safety. More people will be turning off to curb cuts in an area where speeding is already a problem. The area may be trending but she would rather see the Board set a trend and not follow suit to a precedent of turning corridors such as this into commercial strips. She would like to wait until the outlying area was no longer residential to change the land use map further out the corridor.

Commissioner Phillips agreed with the wisdom of Commissioner Flowers-Taylor's comments. He favored dealing with the commercial growth as it comes rather than doing it ahead of need.

He did not want to see the Board lock Spalding County into a situation from which it couldn't extricate itself.

Commissioner McDaniel noted it was not a fact that they didn't want growth, but rather that they wanted the right kind of growth. There are already a significant number of driveway cuts now between Cowan Road and Wal-Mart, but there are places on the map that may lend themselves to clustering, saving asphalt and not changing all the landscape. This type clustering has several advantages. Once past Cowan Road, if we pursue commercial designation, we would be at the mercy of GDOT for driveway cuts on this state highway. If the Board pursues this process at all, he would prefer it not extend past Cowan Road. He originally requested the study that led to this line of thought, but his feelings had changed with regard to what was right in this area.

Commissioner Freeman said he proposed this change since it was in his district. He prefers continuing to Westmoreland Road. There will be big things happening in Spalding County, with the opening up of UGA Griffin Campus, and if the County does not make this change, it will be way behind. He serves on the Atlanta Regional Commission (ARC) board and he sees that counties don't receive funds if they do not have these type issues going on with mitigation of traffic which helps get available ARC and state monies. He was looking at the big picture.

Commissioner McDaniel said he just doesn't want another Tara Boulevard or Highway 19/41 on this western corridor. The opportunity is now to shape the area so it will be compact in design and not just continued commercial sprawl.

Chairman Freeman said they could even consider putting in a village node at Henry Jackson Road.

Commissioner Phillips said there did not appear to be a lack of entrepreneurial spirit in Spalding County, and most are not afraid to approach the Board when they feel a change is needed. He favored the County having control rather than relinquishing control to the state.

Commissioner Goss asked about the city limits and Mr. Taylor delineated it on the map.

Charlie Mote, 60 Ninety-Two Place, Griffin, Georgia

As a property owner in the area, he noted that in December no one spoke against this process so if the Board desired input, he wanted to point out that neighbors who spoke actually wanted to take it further out Highway 92, as does Chairman Freeman. He thinks traffic is extremely minimal on the corridor, and he never has problem accessing the highway from his property.

Commissioner Flowers-Taylor asked why Mr. Mote supported making this area commercial. He responded he wanted to see the area ready itself for anticipated commercial growth without losing businesses, tax dollars, transportation funds, etc. He felt the Board should do what the local property owners and voters of the County wanted to see happen to their area.

Commissioner Phillips said the mandate of the Board was also to make the best decisions for the future of Spalding County.

Commissioner Freeman said this issue is part of the competition for dollars from ARC. Commissioner Flowers-Taylor agreed but noted she really didn't want to perpetuate unwanted growth. She wants smart growth and particularly with other surrounding areas filling to capacity, Spalding County has the ideal opportunity to grow in areas and way we would like.

Commissioner McDaniel said he hoped ARC would not throw good money after bad planning, and this violates good planning principles. Good planning principles now call for ways to get people out of their automobiles and not encourage more driving. If can take care of several stops in one location, that is far better than driving ¼ mile increments several times.

Commissioner Phillips said some neighborhoods in this area, such as Amberwood, are crime ridden and problematic. To redesignate these areas as commercial would address the issue on several levels.

Molly Jump, 1617 Terry Drive, Griffin, Georgia

Ms. Jump stated she and her husband live in a cul de sac. She has previously voiced her concern about her area not being in the study and she wants it to be included. Her property is adjacent to Amberwood but not connected. Her problems have been minimal but neighbors have experienced problems, and one was broken into recently. She encouraged the Board to include an area at least back to Amberwood. She thought to include Amberwood, though, would be a wonderful idea. They would not, she noted, be taking away homes where people

buy to live; most of this area is transient and rental. She did not want to be landlocked by commercial and lose money on their property. She pointed out areas on the map for commissioners, noting the grid design of revamped streets which would actually help traffic overall but would cut them off by taking away their current access. Discussion followed.

Mr. Taylor said one of the first things to occur when commercializing a corridor is that everyone at intersections begin to demand traffic signals, so this modified design was an effort to address that situation.

Ms. Jump said she would prefer taking the whole area commercial. They have had and have been good neighbors in their house for 30 years. If landlocked, property values will decrease.

Neil Cowan, 2001 West McIntosh Road, Griffin,

Mr. Cowan urged the Board to designate the corridor commercial and then they can control it as Mr. Taylor has stated at a previous meeting. Otherwise it will continue to be spot zoned in the same cherry-picking fashion as already has occurred at least three times. Planning for this type growth would allow for more control of the type growth and development. People are going to build their businesses where they want them to be and along the path of least resistance.

Commissioner McDaniel said decisions are made by this Board as to zoning or land use amendments. If it is not zoned, someone must come in and apply and that decision will be made by this Board, as well. If we go ahead and zone it, commercial developers can build whatever they desire unless certain requirements are included in the Code. They do not have to come before the Board as they do now for zoning certain parcels, and therein lies an element of control itself.

Mr. Cowan said put restrictive code requirements when it is zoned and he urged commissioners to take it all the way to Westmoreland Road. He referenced the different scenarios presented by Community Development for the area. Discussion followed.

Commissioner McDaniel said he had been pressing for about three years for architectural criteria into commercial zoning regulations. Nothing in this area has been developed so far.

Chairman Freeman said he was not even in favor of the three different scenarios presented by Mr. Taylor, and he felt Mr. Taylor and staff did not accomplish the job with which they were tasked, and he initiated this study in his district. He put himself on the line with this request, and he requested that Mr. Taylor go all the way out with the commercial designation.

Commissioners viewed the map and shared general discussion about the desired area for this amendment to the Future Land Use Map. The underlying zoning remains the same, noted Zoning Attorney Newton Galloway, but the Future Land Use Map change would provide to a prospective purchaser a direction that the County has looked at this area and considers it appropriate for redevelopment as shown on the Future Land Use Map, subject to coming in with a rezoning application and satisfying the Board with said plan of development. More discussion followed.

Mr. Galloway said the Future Land Use Map clearly a significant factor when looking at a rezoning application. Other options exist from Henry Jackson to Westmoreland, including residential development with greater density or commercial.

Commissioner McDaniel said during the land use plan meetings, it was noted the County wanted to preserve rural character, but the Board has done some things that didn't do that. This is just another opportunity to kill that dream of preserving rural character, violate good land use planning policies and good transportation planning rules, and perpetuate another Tara Boulevard mentality if we project commercial all the way out to the length of the four-lane. This is a good opportunity to take care of older neighborhoods that might make better commercial than residential at some point in time but not right now. This is a chance to execute containment and keep commercial close to the City with open spaces and fence posts outside what looks like the City. He would like to see amended to commercial that area between the institutional property for the church back to the city limits and down to the railroad tracks on the area south of Highway 92 and on the area north of Highway 92, go up Cowan Road to above Cabriole Trail and then back to the city limits.

Chairman Freeman said this was not the area Mr. Taylor was tasked with reviewing; he had requested that Mr. Taylor look at going all the way out to Nine-Two Place and Mr. Taylor had not done that. Commissioner McDaniel said Mr. Taylor had completed his task as requested and made his recommendation, which was denial.

Commissioner Goss agreed with McDaniel on the area up to Cabrioleet and some discussion followed about going to the creek on both sides of Highway 92.

Commissioner Goss said he agreed but would like to go to Ninety-Two Place. Commissioner McDaniel urged the Board not to go that far and to avoid thinking in linear terms. If the Board has a Future Land Use Map that is defensible, they can elect to deny rezonings that may be undesirable based on that fact.

*Commissioner McDaniel moved to approve Amendment to FLA-06-10 Various Property Owners – Spalding County Board of Commissioners, Agent – Fayetteville Highway – from Open Space Network, Agricultural, Forestry, Low-Density Residential, Medium-Density Residential and Institutional to Commercial on the Future Land Use Map for the following area: from First Assembly back to city limits south of Highway 92 and down to the railroad tracks and north of Highway 92 from the unnamed creek back to the city limits and up to the lot lines above Cabrioleet Trail. Commissioner Phillips seconded, for the area more legally described as follows:*

*Beginning at a point at the intersection of the City of Griffin city limit sign and West McIntosh Road, also known as Highway 92, thence running in a westerly direction to the intersection of West McIntosh Road and Hallmark Drive, then north along Hallmark Drive and continuing along the City of Griffin city limits to encompass all lots fronting on Hallmark Drive to a point, said point falling between lots fronting on Oakview Drive and lots falling on Hallmark Drive, thence running in a westerly direction along the back lot lines of lots fronting on Hallmark Drive and Cabrioleet Trail to a point, said point being on the western right-of-way line off Cowan Road thence running south along said right-of-way of Cowan Road to the center of an unnamed creek, thence following said unnamed creek to the southern intersection of West McIntosh Road and said creek, thence following the right-of-way of McIntosh Road east to the intersection of the eastern boundary of the property owned by First Assembly of God, thence running in a southerly direction to a point, said point being the southern property line of lots fronting on McIntosh Road, thence running east along the back property line of said lots to a point, that point being the intersection of the back lot lines fronting on McIntosh Road with the intersection of the back of the lots fronting on Fourth Avenue, thence running parallel to Fourth Avenue along the back of said lots to the intersection of back lot lines with the road now or formerly known as Railroad Street, thence running in an easterly direction along the road now or formerly known as Railroad Street to the City of Griffin city limits, thence running in a northeasterly direction along said limit line to the northern right-of-way line of West McIntosh Road and the City of Griffin city limit line, said point being the point of beginning.*

*Commissioner Phillips requested the motion be amended to direct to Staff to monitor along the corridor beyond these borders in the near future to see if trends warrant further action. Commissioner McDaniel accepted the amendment to his motion. Motion carried by a vote of 4-1, with Chairman Freeman opposing.*

*Commissioner Phillips moved to amend tonight's agenda to consider items 3 and 4 before item 2 in the interest of time. Commissioner McDaniel seconded and motion carried 5-0.*

3. **Application #06-34S:** Howard P. Wallace, Trustee for the Estate of James Roy Goggans, Owner – Tom Ross, Ideal Homes of Griffin, Agent – 760 Hudson Road (16.23 acres located in Land Lot 212 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Mr. Taylor said ordinance clear on criteria for special exceptions, but this one was difficult. Staff's recommendation from a technical standpoint is denial, but certainly a hardship situation does exist here. Hardship is not allowed as a reason for approval, but the Board of Appeals and Board of Commissioners have more latitude in dealing with the issue.

The applicant requests a Special Exception to replace a home that was destroyed by fire in December on 2005 with a manufactured home on property within the AR-1 district. The proposed home has approximately 1674 square feet of heated space. Per applicant, the total cost of home will be approximately \$79,000.

Mr. Taylor said it must be noted that subject property contains multiple residences (3) that are grandfathered (non-conforming). Under Section 403.A of the UDO a non-conforming use that has ceased for more than 12 months shall not be permitted. That being said, the termination of the grandfather status is stayed in this case because the applicant has filed this request in a timely manner. Staff must recommend denial of the application, but the Board of Appeals has recommended approval of the request.

Commissioner Phillips moved to approve the application, noting he had known Mr. and Mrs. Shatzoff for fifteen years. Upon the applicant's demise, the mobile home or one of the mobile homes on the property, will go away. Noting that the applicant and others signed up had not been given the opportunity to speak yet, Commissioner Phillips withdrew his motion.

Tom Ross, Ideal Homes, 101 Moreland Road, Griffin, Georgia

Shirley Shatzoff came and purchased the manufactured home in question from him after a period of time after her husband passed and fire destroyed her site-built home just three weeks after that. It took a lengthy period of adjustment before she realized she would have to go through this process to replace her home. Mr. Howard Wallace, Trustee, has deeded the property to her in whole with no strings attached. She desires to live out her years on property where she has grown up since age 5, and to do so in a quality manufactured home that she can afford. There are other structures on the property.

Shirley Shatzoff, 760 Hudson Road, Griffin, Georgia

Ms. Shatzoff stated she grew up here and came back later to care for her father. Much change has occurred and the surrounding area is industrial now. Her father gave to her stepfather an acre at corner and it has a double wide mobile home on it which was up to code at the time of placement, ten or twelve years ago. Tenants are in another mobile home and in the house she has been living in on an interim basis, as well, which has about 450 square feet. She has been a nurse working in hospice care and home IV therapy situations. Health care and risk management personnel tell you that no major decisions should be made for at least six months after major trauma while one is in the grieving process, and she has been unable to make these decisions until recently. More mobile homes are about ¼ mile up Hudson Road, and about ½ mile from her home is an older mobile home park. A raised railroad crossing is nearby. As an older person here for sixty years, she was just looking for adequate housing for a time.

*Commissioners Phillips and McDaniel moved and seconded to approve Application #06-34S: Howard P. Wallace, Trustee for the Estate of James Roy Goggans, Owner – Tom Ross, Ideal Homes of Griffin, Agent – 760 Hudson Road (16.23 acres located in Land Lot 212 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District. Motion carried by a 5-0 vote.*

4. **Application #06-35S:** Michael A. Lloyd, Owner – 97 Westwood Drive (5.11 acres, more or less, located in Land Lot 14 of the 4<sup>th</sup> Land District) – requesting a Special Exception for a certified medical hardship.

Mr. Taylor said this was bona fide hardship case. All criteria has been met and Staff recommends approval, as did the Board of Appeals. The applicant requests a special exception to allow for placement of a new manufactured home on the same property with an existing manufactured home for an established medical hardship. The applicant has deteriorating eyesight due to diabetes and has heart disease, and a statement from the applicant's doctor is included in application. The applicant, Mr. Lloyd, will live on the property with his mother, who is also disabled, in an effort to help take care of one another.

Michael A. Lloyd, Sr., 97 Westwood Drive, Griffin, Georgia

His mother, who is 87, is going to try to take care of him. He has many complications from exposure to Agent Orange.

*Commissioners Phillips and McDaniel moved and seconded to approve Application #06-35S: Michael A. Lloyd, Owner – 97 Westwood Drive (5.11 acres, more or less, located in Land Lot 14 of the 4<sup>th</sup> Land District) – requesting a Special Exception for a certified medical hardship, and motion carried by a 5-0 vote.*

*Commissioner McDaniel moved to amend the agenda again to move item 5 before item 2, and Commissioner Phillips seconded the motion which carried by a vote of 5-0.*

5. **Amendment to UDO #A-06-09: Lift from the table** – Appendix A. Subdivision Ordinance – Section(s) 702, 703, 704, 706 and 710 – amend Conservation Subdivision regulations.

*Commissioners McDaniel and Flowers-Taylor moved and seconded to lift Amendment to UDO #A-06-09 from the table, and motion carried by a 5-0 vote.*

Mr. Taylor said the designation of Conservation Subdivision was a special one allowed by the County as a matter of right in residential and agricultural districts with varying degrees of density. Staff was tasked by the Board of Commissioners and the Planning Commission, separately, to look at improvements to the conservation subdivision regulations.

Commissioners reviewed the draft several times, and then Commissioner Flowers-Taylor and he were tasked with adding regulations for equestrian communities within the agricultural zoning designations.

In item #8 on the second page of the draft ordinance, tract size for Conservation Subdivisions with an equestrian component is addressed. The Moratorium on Conservation Subdivisions runs out March 31, 2007. Commissioner Flowers-Taylor agrees that the language is appropriate and noted there would be imminent responsibility on developers to ensure there is adequate space and that the layout would lend itself to such use. For example they would not want to see someone develop an equestrian community on 15 acres and have 7 or more of those acres taken up for actual horse handling areas, leaving precious little space for residential application. Some owners stable their horses at their home and just want areas in which to ride and/or perform, while others desire a common stable area for boarding. Discussion followed.

Elaine Bolton, 839 East Maddox Road, Griffin, Georgia

Ms. Bolton said she has been a resident at this address since 1979. She spoke in March 2006 regarding the dark sky friendly lighting that could have been used in The Meadows, a Conservation Subdivision under development at the time. The County has approved 3 such subdivision since with 185 lots. She urged them to remember that design standards can help make or break a city or county and help to establish communities where home owning, tax paying residents will want to live, work and play. Ms. Bolton requested the Board consider the following in their deliberations to improve Conservation Subdivisions:

- 1) Lighting requirements that use dark sky friendly features and design which focus lights toward the ground with less illumination above and to the side of the fixtures. Many municipalities and electric coops are using this technology, and she will be glad to provide brand names, wattages and references.
- 2) Prohibit the use of vinyl siding.
- 3) Provide for construction of brick or stone chimneys with elimination of the "box type".
- 4) Require all garages to open on the side and not in the front of homes.
- 5) Limit the number of different building materials used for home facades.

Ms. Bolton concluded by saying such requirements will make homes in these subdivisions more appealing, and a well planned development attracts the eyes of potential new residents and businesses, as well, who will take pride in their homes.

Commissioner Phillips asked if the Board should table the issue until they can consider concrete lighting suggestions. Commissioner Goss suggested they go ahead and approve the ordinance and then add lighting elements later.

*Commissioner Phillips moved to approve Amendment to UDO #A-06-09: Appendix A. Subdivision Ordinance – Section(s) 702, 703, 704, 706 and 710 – to amend Conservation Subdivision regulations, and motion was amended to add the stipulation that staff be directed to research information relative to the dark sky type lighting options for Conservation Subdivisions and bring a recommended amendment back for the Board's consideration at the earliest possible date. Staff will also research the addition of such lighting requirements to other subdivision requirements. Commissioner McDaniel seconded the amended motion, and motion carried by a vote of 5-0.*

Commissioner Flowers-Taylor said this whole concept is the direction all subdivisions need to go, and not just for conservation subdivisions. To execute the lighting standards later, text amendments could be put forth for each classification or the Board could add to the Spalding County Code and not have to adjust each UDO classification.

2. **Application #06-31S:** Wat Phramahajanaka, Inc., Owner – Phanilak Soukhanowong, Agent – 488 Steele Road (5 acres located in Land Lot 39 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a church, synagogue, chapel or other place of worship in the AR-1 District.

Mr. Taylor said this property is located on Steele Road, and the proposal is to request a Special Exception for a religious place of worship within an AR-1 zone. Both Staff and the Board of Appeals recommend conditional approval with the following stipulations:

- a. No outside amplification.
- b. Minimal, non-intrusive outdoor lighting.
- c. Planted buffer in the 25' buffer zone to reduce sound and visibility.
- d. Applicant will present some type noise reduction plan for the facility at the Board of Commissioners meeting.
- e. Any expansion of the facilities or use will require an additional Special Exception.

- f. The septic system will be installed prior to authorization being given to use this facility as a church.

Commissioner Phillips said for purposes of discussion he moved to approve, but it was noted there were quite a few citizens signed up to speak, so he withdrew his motion.

The issue of restroom facilities surfaced during discussions before Board of Appeals. As result, the issue was tabled and the applicants made application to Environmental Health Department with this revised plan which has now been approved by that agency. The septic system does not appear to be in an identified flood plain. A review of the building plan, gravel parking area, residence proposed, was provided. The intent of the applicant is to construct a residence but not a structure like one thinks of most churches. The octagon-shaped platform in the center of the property was built as an accessory use, open air assembly area with an altar and a statue of Buddha. There is a home proposed on the property and the ordinance does allow for a structure, such as a parsonage on church property.

Chairman Freeman asked if the group from the temple had a spokesperson, and their attorney, Michael Goode, said they would elect such a spokesperson if those signed to speak in opposition would do the same.

Michael Goode, 3121 Lily Way, Kennesaw 30144, speaking with  
Phanilak Soukkhanowong, 498 Steele Road, Griffin, Georgia

Mr. Goode wanted to briefly review the law that protects freedom to worship, particularly with regard to religious structures in a residential neighborhood. The Supreme Court and courts in Georgia have held that one cannot unreasonably restrict the use of residential property to become places of worship. That being said and leaving legalities aside, their desire is to live well with their neighbors. One caveat to note is that he is not an expert in this religion, but there is a difference between a city temple and a country temple, which categorizes the Steele Road location. No amplification is used and it is not for the purpose of loud or regular services. Rather it is primarily for meditation or for practitioners to see the monk for discussions. Around three or four times of year, they have festivals with no more than about 50 in attendance at any given time. Structures are designed for this maximum number, but usually there are far fewer attendees. Sound buffers and lighting won't be intrusive, particularly since the property is designed for meditative purposes.

Ms. Soukkhanowong advised they would be willing to put up 8'-10' Leyland Cypress plantings as a buffer facing Manley Road. This religion is really a peaceful one and they don't wish to intrude on the lives of neighbors. They have 13 acres and have stopped shooting their own guns as many others do because they don't want to give the appearance of being noisy or disrespectful. They are a very considerate people. There will be some chanting but they are not disruptive. This is planned as a private worship center, not the normal large crowds associated with organized worship. With the advent of a residential structure, one monk will be in residence. Monks in attendance at the meeting tonight are here for moral support from other temples throughout the region. Total acreage is five acres which meets code.

Commissioner McDaniel asked if, with no organized service, folks could come at any hour. Ms. Soukkhanowong surmised they could probably, but they are considerate and don't come after dark. The festival for a country temple is simply a gathering for quiet meditation. Attendees may speak to Buddha and chant a little, but there are no speakers and no musical instruments are used. Their religious practice is all about peace and preserving the peace.

Mr. Goode explained to Chairman Freeman that Buddhism is very different from Christianity; Buddha is not a god and is not worshiped. He attained enlightenment and will help others to attain enlightenment. This is a very different concept and has no correlation to a Muslim mosque. Muslim centers are much more organized and more heavily attended. Mosques are more similar to churches and church camps. Their purposes are just to meditate and ask questions. The five acres are very well kept with no littering allowed. Conditions placed on this recommendation for approval would prohibit some of things that commissioners appear to be concerned with from transpiring.

Malisa Sengmanyving, 7084 Apache Lane, Riverdale, Georgia

She noted here speech would be short but wanted to add something to the dialogue. She has found that being around a monk for many years has taught her so much that she feels the opportunity for others to do the same would be very beneficial. Life lessons, i.e. forgiveness (breathe and let it go), learning respect for parents and others and living in peace are very important truths.

Marshall B. Thornton, III, 2710 Lake Drive, Ellenwood, Georgia 30294

The spiritual retreat has meant much in his life. He went to Auburn and came back from a college football career with no job. He came to the temple and learned a great deal. Such a retreat center is where outsiders can learn and enjoy the different culture. He grew up Baptist and now holds beliefs from both cultures, but this one gave him spiritual balance. This is a quality rural development with two exits, and the peaceful environment embodies the practice.

Bhante Wajing, 3153 Miller Road, Lithonia, GA 30038

He was present to share thoughts and lend support. He provided a brief history of Buddha, noting the three principles of morality, meditation and generosity. Study these three things first and respect them is what is encouraged. There are five precepts: 1) Not to kill. 2) Not to steal. 3) Not to do immorality. 4) Not to lie. 5) Not to take intoxicated alcohol. They contemplate the mind and body and wish all to be well and happy. They encourage practice of the three mandates. The monastery is just for meditation and contemplation of thoughts that come in and out. Many from out of town cannot come to a meditation retreat often.

Bounnong T. Phommasome, 4052 Zoar Church Road, Snellville, GA 30039

He has lived here for seven years, and he added some comments relative to Buddhism. The heart of Buddhism is to avoid all evil, to know good and to purify one's mind. They recommend practice and adherence to these edicts and not submitting to unwise paths. They teach one should practice in order to gain right understanding, right thought, right speech, right action, right livelihood, right mindfulness, and right concentration. They tout living without conflict and helping each other. They pray together and in Buddhism, there is no great noise but meditating in silence with some quiet chanting. He lives in Gwinnett County and comes to this beautiful area sometime to meditate.

Som Thitardm, M.D., 4325 Cove Island Drive, Marietta, Georgia 30067

He came to Georgia in 1968 and there was no place for his worship and to practice his Buddhism. He helped found the first Buddhist temple in Atlanta but places now are available. This place in Griffin will help to serve those practitioners in this area.

Teresa Peck, 2197 N. Walkers Mill Road, Griffin, Georgia

She was not a Buddhist but her mother-in-law practices. The people, she noted, are quiet and down to earth, not noisy and disruptive. She is tolerant and the people she knows are good.

Leonard D. Tyler, 1911 Rosewood Drive, Griffin, Georgia

The people before have spoken eloquently. There is no cause for alarm with regard to the traffic situation. These attendees don't generally cook their own food but rather bring it in. There will probably be from 2 to 5 people at the most per day bringing food in, and perhaps 3 or 4 cars daily might visit the center. So, traffic won't be a factor. He does cleaning and janitorial duties around the area and commended the Buddhists. He urged approval.

Michael Morgan, Jr., 600 S. Hill Street, Griffin, Georgia

He is one of the people who has visited the temple in this beautiful place, and he was certain all who visit would enjoy it. Every time he has attended, there have been very few people there – the most at one time was six. Noise is not an issue either; they are very quiet. Buddhists do not indoctrinate; Mr. Morgan said he is and always will be a Christian. However, they have helped him learn how to meditate to control the great deal of pain he endures from a congenital condition called cervical dystonia. He can now deal with his pain without pain killers or mind-altering substances. Jesus taught the idea of agape to give love, kindness and tolerance to all beings, as was the case with the woman at the well. Frederick Hegel, the philosopher, has noted that, "If there is one thing we have learned from history is that we have learned nothing from history." Spalding County and Griffin have a wonderful history of failed opportunities. They desired raised sidewalks over the railroad after the Civil War during reconstruction. Early in the twentieth century they passed on Gordon College, as well. Not so very long ago, we also desired to keep I-75 more than ten miles outside of Griffin. Stagnant and stunted growth are but some of the results of such attitudes. Hegel also stated, "Thesis plus antithesis creates synthesis." Change is inevitable, and we feel threatened by outside sources. This Board has the ability to make a decision tonight that can bring good, or it bring bad or perhaps it might even bring journalists.

Michael Morgan, Sr., 656 South Hill Street, Griffin, Georgia

Mr. Morgan travels about 260 days a year outside of Griffin. This temple is not a threat to Christianity. Much as the WWJD bracelets declare, "What Would Jesus Do?", Buddhism is about what Buddha would do. Buddha was a man but he saw a better way to reconcile himself with the ways of the world. He urged commissioners to join him in contemplation of the body – breathing in and breathing out and concentrating on the breath. Mr. Morgan advised Commissioner Phillips he was being distracting and frivolous when he was trying to be serious about a serious issue. This center is a sanctuary, one that is a preservation of nature. Not just

Buddhists are limited to use of the facility; anyone can come and practice individual meditations. They are not creating noise or behaving in a threatening manner in any way. They are a quiet, humble people. Mr. Morgan stated he has cancer and arterial sclerosis, and this practice has helped him deal with the life with which he must deal.

Madeline Chambers, 575 Steele Road, Griffin, Georgia

Ms. Chambers had to leave the meeting to get to work but requested that Commissioner Phillips read her prepared statement. She moved five years ago in search of a country setting and had looked for two years before purchasing. She feared her dream would be taken away. People purchasing this property knew before they built temple that it would be a public place and would have visitors. She felt they knew it would be easier to ask for forgiveness than it would be to get permission, and they are still violating the ordinance and operating unlawfully. She urged the Board to not overlook this fact as they do not follow the rules. Their main excuse is they should not have to drive great distances to worship but many practitioners of other religions have to do that every Sunday. They built this structure without permission as well as invited attendees after being advised not to do so. If we allow them to continue they will proceed with doing other things at the citizens' expense. She was not against religion and would feel the same if the application were for a Baptist church. It doesn't belong in the neighborhood; Steele Road is her community, an area of longtime residents as well as newer ones who would like to see the area remain as it is today. She concluded it was not fair to allow one small group of selfish people to take away so many others' dreams.

Troy Hulon, 383 Steele Road, Griffin, Georgia

The majority of people present tonight are from metro Atlanta. He has lived across the street from said location for thirty years. This is not a religious issue for him but rather one of traffic, noise, land use and rights. AR-1 is not commercial or dense residential but agricultural for livestock and gardens and open spaces, not for temples. This area has already grown tremendously, and he hopes the Board would not make it worse. In past meetings, stories from applicants have changed to what was presented tonight with regard to the number and type structures and the number of attendees. He moved from Atlanta and didn't bring metro Atlanta with him when he moved and others should not bring their outside lifestyles to this area either. He lives on a sharp curve just past this facility and it's already hard to get out of his driveway. He has lost his mailbox twice and two accidents have occurred nearby.

Don Hulon, 291 Steele Road, Griffin, Georgia

Mr. Hulon touched on five points. 1-As far as religion, he and others don't care what religion they practice. He actually admires some of their thoughts and beliefs. 2-The duty of the Board of Commissioners is to do what's best for the community, and none of the community supports this petition except for ones living on property. People outside the community will use the facility so how is this best for Spalding County? 3-The Board should listen to what the citizens want. 4-Deception has been an issue – the number of attendees estimated has varied but the most important issue is they are worshipping even though they have been told not to. There is also a person living in what is a tool shed that shouldn't be there. 5-Roads in this area are not designed for heavy traffic. Improvements will have to be made if traffic increases greatly.

Dutch Carothers, 578 Steele Road, Griffin, Georgia

She was not here to discuss religion as that has been previously addressed, but rather whether or not Steele Road is an appropriate place for such a compound. Many folks come and stay for extended periods, and application for the 4- bedroom house is a lot for just one monk. She wondered if it be used as retreat area. Someone told her they were issued a building permit for a 4-bedroom home suitable for worship services, but Mr. Galloway said the permit for the home had nothing to do with worship services. She has never criticized them because of their race, creed or religion. At the last Board of Appeals meeting, they were cut off short in voicing their objections and put at the bottom of the agenda. They were told they would have three minutes and not five. When she was talking at the last Board of Appeals meeting the chairman was saying "30 seconds" and was more disruptive than when Commissioner Phillips distracted Mr. Morgan. Commissioner Phillips apologized to Ms. Carothers, as he had done to Mr. Morgan earlier. She asked about percolation with regard to the property being in a flood plain. The lady who originally owned the land, then sold it before it was donated, set up the scenario where they got the permit for a personal worship center and then turned it over to this corporation. At the Board of Appeals meeting the person speaking could and did address the audience and she didn't appreciate being advised she could not do that tonight. At that meeting of the Board of Appeals, they were literally preached to and none of them appreciated, needed or wanted it.

Terry Sweatt, 1315 Manley Road, Griffin, Georgia

His opposition is not due to religion but rather location. The rural atmosphere as Commissioner Flowers-Taylor said earlier was important. Seven houses can see this center from their back

yards. They must deal with the hustle and bustle every day and don't want Atlanta's lifestyles to interrupt their lifestyle with these visiting worshipers. This center backs up to the swamp and noise carries; they can hear the attendees practicing. Generations of residents were represented tonight and exist in this community. Buffers are not enough.

Franklin Ly, 8040 Derbyshire Court, Duluth, GA 30097

Mr. Ly said he was advisor of this temple. He addressed concerns noted by citizens tonight. The sewerage problem was solved through efforts with the Health Department. Traffic is minimal and he has been in and out of the property for the past four months noting little impact. At no time has he seen more than 15 people and no later than 8 p.m. Traffic should not be a factor. He felt that Spalding County would benefit by having this retreat location. Not only would these people not hurt others, they would not choose to hurt themselves in the process either. They simply want to meditate and to help heal pain. Over 50% of visitors to meditation centers are Americans who are openminded and tolerant. People visit to learn this culture and everyone can use education on other cultures. Meditation has helped him greatly.

Scott Conaway, 178 Steele Road, Griffin, Georgia

He agreed this was not about religion. He and his wife bought property and built a 3600 square foot home this year toward the Fayetteville side. Much of his property is always wet and he worried how their property could be approved for a drip system. What will keep the water from returning into the manholes and going back into their streams? They as residents feel as those they are being opposed by those who desire to come into their space.

Commissioner Flowers-Taylor commented that it is one of our rights to freedom of religion. Many said they didn't take issue with the religion of Buddhism and she felt that was the case. She was sorry for the perceived mistreatment by some in the Board of Appeals meeting. She would meditate whenever and wherever she chose and felt no one could dictate that. As a member of the Episcopal church she tolerated although she was not a big proponent of the burning of incense. There should be no cause for concern when people come from wherever to take part in enlightenment. Many of us get enlightenment through hard knocks, and it would be a wonderful thing to have someone teach you about these principles by which you should live. She felt there was not so much a concern of resident not wanting the religious practitioners here but rather the need to protect their privacy. She wants to visit for herself and see the facility, as well as the lay of the land. Rather than taking a hasty vote, she would like to perhaps delay a decision to allow for more time to study in their search for an equitable solution.

Commissioner Phillips agreed, noting that if noise were truly an issue for most of the residents they would not choose to live two miles from Atlanta Motor Speedway because that environment was offensive to him beyond belief.

*Commissioner Phillips moved to table Application #06-31S: Wat Phramahajanaka, Inc., Owner – Phanilak Soukhanowong, Agent – 488 Steele Road (5 acres located in Land Lot 39 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a church, synagogue, chapel or other place of worship in the AR-1 District, with no further public input, until the next zoning hearing on February 22, 2007, so he can visit the property to look at adequate buffering, topography, infrastructure, etc. No other structures are to be built and, if built, they will be removed. Commissioner Flowers-Taylor seconded the motion which carried by a 5-0 vote.*

**C. Other Business:**

**D. Adjournment.**

*Motion and second to adjourn, by Commissioners McDaniel and Phillips, carried by a unanimous 5-0 vote at 10:00 p.m*

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County Clerk

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Chairman

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