

ZONING PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, October 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 Assistant to the County Manager Paul Van Haute, Community Development Senior Planner Chad Jacobs, and Executive Secretary Teresa Watson.

A. Call to Order.

B. New Business:

1. **Application #07-30S:** Tom Spangler, Owner – Harvest Worship Center, Agent – 2280 North McDonough Road (72.28 acres located in Land Lot(s) 111, 110, 115 and 114 of the 2nd Land District) – requesting a Special Exception to allow a church, synagogue, chapel, or other place of religious worship meeting development standards in the R-2 District.

Mr. Jacobs relayed that the applicant is requesting a special exception for the erection of a church within an R-2 zone. The Church proposes to begin its worship services on the property in a temporary modular structure. In light of the recently adopted architectural ordinance prohibiting temporary structures to be used in commercial, industrial and institutional districts, we asked the applicant to submit proposed elevations of the church for alternative design review by the Board of Commissioners. Staff and the Board of Appeals both recommend conditional approval of the request with the following stipulations:

- a. The plan shall incorporate an acceleration/deceleration lane to the site.
- b. Any expansion of the facilities or use shall require an additional special exception.

Some discussion followed regarding the ownership of the property and the contract of the church with the property owners.

Bob Willy, 1127 River Green Court, McDonough, Georgia

Harvest Worship Center plans to purchase the land contingent on the successful approval of the special exception request. The tract meets all their requirements and consists of about 15 acres with a large buffer area surrounding the property. This is for an existing congregation that has outgrown its storefront location in McDonough.

Charles Penny, 106 Maplewood Drive, Griffin, Georgia

Mr. Penny pointed out the proposed location of the worship center and the flood zone on the property. The central area where the worship center is located consists of about 15 acres. GDOT stated by letter that for this size building and parking, there would be no requirement for a deceleration/acceleration lane. Should they expand to a bigger project they will have to come back before the Board and a GDOT acceleration/deceleration lane would be required, as well. The conceptual plan is for a modular unit and they will address it later in the meeting with elevations shown. The appearance of the building won't be what is normally expected with a modular unit but rather is more commonly associated with stick-built structures. There are plans for about 35 spaces for parking and are based on the current seating requirements. There is more than adequate site distance with the new alignment on Highway 155, stated Mr. Penny. The driveway being construction will have to meet with GDOT approval.

Bob Perry, 200 Fairview Chase, Covington, Georgia

Mr. Perry waived comment.

Stuart Boice, 4321 Coatsworth Drive, Rex, Georgia

Mr. Boice waived comment.

Audrey Vickers, 2500 North McDonough Road, Griffin, Georgia

She asked and the pastor responded they are a nondenominational church. She then asked about positioning of the structure on the tract in relation to her property.

Motion and second to conditionally approve Application #07-30S: Tom Spangler, Owner – Harvest Worship Center, Agent – 2280 North McDonough Road (72.28 acres located in Land Lot(s) 111, 110, 115 and 114 of the 2nd Land District) – requesting a Special Exception to allow a church, synagogue, chapel, or other place of religious worship meeting development standards in the R-2 District, by Commissioners Gwen Flowers-Taylor and Phillips, carried by a vote of 5-0 with the following condition:

- a. ***Any expansion of the facilities or use shall require an additional special exception.***

2. **Application #07-31S:** Dick B. Spangler, Owner – Harvest Worship Center, Agent – 2290 North McDonough Road (59.93 acres located in Land Lot 111 and 114 of the 2nd Land District) – requesting a Special Exception to allow a church, synagogue, chapel, or other place of religious worship meeting development standards in the R-2 District.

Mr. Jacobs advised that the applicant is requesting a special exception for the erection of a church within an R-2 zone. The Church proposes to begin its worship services on the property in a temporary modular structure. In light of the recently adopted architectural ordinance prohibiting temporary structures to be used in commercial, industrial and institutional districts, we asked the applicant to submit proposed elevations of the church for alternative design

review by the Board of Commissioners. Staff and the Board of Appeals both recommend conditional approval of the request as follows:

- a. The plan shall incorporate an acceleration/deceleration lane to the site.
- b. Any expansion of the facilities or use shall require an additional special exception.

Motion and second to conditionally approve Application #07-31S: Dick B. Spangler, Owner – Harvest Worship Center, Agent – 2290 North McDonough Road (59.93 acres located in Land Lot 111 and 114 of the 2nd Land District) – requesting a Special Exception to allow a church, synagogue, chapel, or other place of religious worship meeting development standards in the R-2 District, by Commissioners Gwen Flowers-Taylor and Phillips, carried by a vote of 5-0 with the following condition:

- a. *Any expansion of the facilities or use shall require an additional special exception.*

3. **Application #07-13Z:** Jesse R. Champion, Jr. Estate, Eugene W. Dabbs, IV, Administrator, Owner – Timothy J. Hearn, Agent – 102 Moreland Road (3.87 acres located in Land Lot 19 of the 2nd Land District) – requesting a rezoning from C-1, Highway Commercial, and R-1, Single Family Residential Low Density, to C-1B, Heavy Commercial.

Mr. Jacobs advised the applicant was requesting approval from Spalding County to rezone the property for purposes of operation of a timber harvesting business utilizing the property as a wood yard. Staff and Planning Commission recommend conditional approval with the same conditions:

- a. Landscaping shall be installed along Moreland Road to help buffer the property. Buffer shall be 15' deep from property line to property and consist of a mixture of evergreen and deciduous trees.
- b. Maximum width of curb cut shall be 24 feet and an acceleration/deceleration lane shall be incorporated.
- c. Site lighting to be designed so as to not glare in adjacent residential areas or onto public streets.
- d. Any areas that are not graveled or concrete shall be stabilized with permanent vegetation.

Tim Hearn, 826 Hanover Drive, Griffin, Georgia

As real estate representing the estate of Jesse R. Champion, who was killed in an accident a short time ago, Mr. Hearn advised the property is up for sale to Mr. Kenny Moore. Mr. Moore has the intention of using the property in the same manner as Mr. Champion had intended, which is a wood yard. There will be no lighting planned for the property. The driveway, with a scale pad and a small weigh house, are the only scheduled improvements to the property. Log trucks, both pulpwood and timber, will utilize the property if successfully approved.

Chairman Freeman noted there was commercial on two corners of this location already, in addition to the rock quarry. Mr. Hearn agreed, stating there was only one small area of concern that is residential.

Kenny Moore, 39 Ramsey Circle, Griffin, Georgia

Mr. Moore stated this operation would process logs up to 12'6" and 16'6" and not the huge, long logs that are sometimes associated with wood yards. The noise should be minimal and not problematic, particularly since there is no residence in close proximity. Business hours will probably be 7 am to 4:30 pm. Mostly short trucks will haul in (10 wheels at most) but Mr. Moore stated he will haul out on tractor trailers.

David Cunningham, 1618 Beville Drive, Griffin, Georgia

Two new schools and increased traffic have made traffic much more congested already on Moreland, and to add these tractor trailers on a road with heavy residential and school vehicles will pose a safety problem, stated Mr. Cunningham. He urged commissioners to not put this additional truck traffic on Moreland Road.

Commissioner McDaniel said he had concerns, as well, for adding to the traffic already plaguing this area with trucks for both the rock quarry and the concrete plant, along with two new schools and substantial residential growth. The area is also primed for greater commercial development. There can be nothing done about the uses already there, but that does not mean this Board has to add to the problem.

Mr. Hearn asked to address the valid points raised by Commissioner McDaniel. He noted this property was just off the four-lane and surrounded by similarly zoned commercial property. The current C-1 zoning is a highway type retail use, such as strip centers, etc. This operation is

off the highway behind another property already zoned C-1B for heavy commercial. This property is uniquely located and is not the usual scenario for a C-1 use. The C-1 designation won't work and puts the owner at a disadvantage if rezoning is not successful. The location lends itself much better to the requested zoning of C-1B.

Mr. Moore responded there should be no more than 10 to 15 trucks in and out during a given workday, and his trucks will access only by way of Highway 19/41 and not Moreland Road. He stated he would urge incoming trucks to use that method of access as well, but he could not guarantee that the vendors dropping off logs would comply.

Commissioner McDaniel moved to deny Application #07-13Z: Jesse R. Champion, Jr. Estate, Eugene W. Dabbs, IV, Administrator, Owner – Timothy J. Hearn, Agent – 102 Moreland Road (3.87 acres located in Land Lot 19 of the 2nd Land District) – requesting a rezoning from C-1, Highway Commercial, and R-1, Single Family Residential Low Density, to C-1B, Heavy Commercial, and motion died with no second.

Motion and second to conditionally approve Application #07-13Z: Jesse R. Champion, Jr. Estate, Eugene W. Dabbs, IV, Administrator, Owner – Timothy J. Hearn, Agent – 102 Moreland Road (3.87 acres located in Land Lot 19 of the 2nd Land District) – requesting a rezoning from C-1, Highway Commercial, and R-1, Single Family Residential Low Density, to C-1B, Heavy Commercial, by Commissioners Flowers-Taylor and Goss respectively with the following conditions, carried by a vote of 4-1 with Commissioner McDaniel opposing.

- a. Landscaping shall be installed along Moreland Road to help buffer the property. Buffer shall be 15' deep from property line to property and consist of a mixture of evergreen and deciduous trees.*
- b. Maximum width of curb cut shall be 24 feet and an acceleration/deceleration lane shall be incorporated.*
- c. Site lighting to be designed so as to not glare in adjacent residential areas or onto public streets.*
- d. Any areas that are not graveled or concrete shall be stabilized with permanent vegetation.*

C. Other Business:

- a. Consider extension for the Personal Care Home moratorium.

RESOLUTION TO ENACT A MORATORIUM ON THE
RECEIPT, ACCEPTANCE, CONSIDERATION AND APPROVAL
OF ANY APPLICATION SEEKING A BUSINESS LICENSE OR
BUILDING PERMIT TO OPERATE A PERSONAL CARE HOME
WITHIN SPALDING COUNTY, GEORGIA

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, Spalding County desires to review the standards for personal care homes enforced by Spalding County to insure that these standards comply with those regulations set forth by the Georgia Department of Human Resources;

WHEREAS, Spalding County desires to briefly control and restrict the operation of any new personal care homes until such time as it may consider, implement and adopt text amendments required to carry out its goals, stated above;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that a moratorium restricting certain applications pertinent to the operation of Personal Care Homes shall be enacted, as follows:

Section 1: Enactment of a Moratorium on Application of Business License: The Board of Commissioners of Spalding County, Georgia hereby enacts and directs any and all applicable personnel and agencies of Spalding County, Georgia to enforce a moratorium on receipt, acceptance, consideration and approval of any application seeking to obtain a business license to operate a Personal Care Home.

Section 2: Enactment of a Moratorium on Request for a Building Permit: The Board of Commissioners of Spalding County, Georgia hereby enacts and directs any and all applicable personnel and agencies of Spalding County, Georgia to enforce a moratorium on the receipt, acceptance, consideration and approval of any Request for a Building Permit for operation of a Personal Care Home.

Section 3: Impact on Other Applications for Business License and/or Requests for Building Permits. The provisions of this resolution shall not restrict or prohibit any other applications for business license and/or any request for a building permit except those specifically stated herein.

Section 4: Effective Date and Duration. The provisions of this Resolution and the effects of the moratorium set forth herein shall commence on June 26, 2007 at 12:00 a.m. or upon its passage and adoption, whichever shall later occur and shall terminate on February 28, 2008 at 11:59 p.m., unless extended by the Board of Commissioners of Spalding County, Georgia.

Motion and second to approve extension for the Personal Care Home moratorium with the correction that in Section 4: Effective Date and Duration, the moratorium be noted to terminate February 29, 2008 instead of February 29, 2007, by Commissioners McDaniel, and Phillips respectively, carried by a vote of 5-0.

- b. **Lift from the table** – Consider request of Alan Mobley, Mobley Construction, for extension of Amenities and Streetscape Letters of Credit for South Walkers Mill Road (Walkers Mill Estates).

Motion and second to lift from the table the request of Alan Mobley, Mobley Construction, for extension of Amenities and Streetscape Letters of Credit for South Walkers Mill Road (Walkers Mill Estates), by Commissioners Phillips and McDaniel respectively, carried by a vote of 5-0.

Mr. Jacobs noted the previous discussions of this request. Staff recommended to draw on the letters of credit at the last meeting, and that recommendation is still true tonight. The performance bonds are put in place for a reason, and the concern of staff is that a conditional loop of extensions on top of extensions makes the whole process of requiring performance bonds moot. The rectangular swimming pool, playground facilities, and walking trails comprise the amenity package, and the bond for the streetscaping doesn't actually expire until December.

Commissioner Phillips said he did not want to see the excuse of poor sales become a valid rationale for extending bonds.

The two bonds totaled \$24,750 for amenities and \$13,013 for streetscaping. Mr. Jacobs said one of his concerns with multiple extensions is that the original cost of the amenities or streetscaping can increase significantly over the amount required for the initial bond. The cost of maintenance bonds, if called, has been revisited and it now stipulates that should a bond be called it will be at 150% of the original cost. These bonds being discussed tonight, however, were already in place prior to this change.

Alan Mobley, 262 Mobley Road, Griffin, Georgia

The original letter of credit was intended for a tennis court but the builder suggested he upgrade to a pool. He should have requested a longer extension to begin with the last time he was before the Board. It will be to his advantage to have the pool installed by spring, so he is certain to have it complete by that time. Eagle Builders has built 11 homes in this development with about five or six occupied. The amenity package is a part of the contract for homes in the Walkers Mill Estates Subdivision. There has been a problem with vandalism, which was a major factor in his request for the first extension. He would like to have a few more homeowners there, but enough are located there now to manage the amenities and discourage vandalism, he felt. The need for this extension is because of timing rather than financing. The playground and the pool are adjacent and need to be built out at the same time to avoid stepping on each other's footprint. There is a homeowners association but it is not operational at this time with so few residents. Mr. Mobley conceded he made some mistakes on this development, and he is trying to work within the constraints of what the market is in today's climate.

Commissioner Goss asked about the feasibility of the County actually building a pool for \$24,750 and the manner in which they would build it. Mr. Jacobs said he was unsure of the cost and could not say how the amenity package would be installed. As the County is not in the

construction business, however, it would be labor intensive to find contractors for the work and there could no guarantee the project would not exceed cost estimates.

Commissioner Phillips asked how other counties handled this issue, and Mr. Jacobs said staff would be glad to research that matter and report back to commissioners. The downturn in the housing industry, coupled with the extreme drought, have made this an extraordinary year. Hopefully, either or both of these situations will rectify themselves somewhat over the near term.

Mr. Jacobs suggested the Board consider granting the extension tonight with the provision that this practice of multiple extensions be reviewed in great detail. It is readily apparent that measures need to be taken to avoid a deluge of similar requests. Mr. Mobley said the streetscaping bond could be left alone and not extended if the Board so desired. Commissioners agreed a moratorium should be developed, and Mr. Jacobs responded to the Board that a moratorium on such requests could be prepared for a period of 90 days and submitted for approval at the next meeting.

Commissioner Flowers-Taylor moved to grant Mr. Mobley an extension of the letter of credit for the amenities package only on Walkers Mill Estates for a period of six months from the due date of the bond currently (October 31, 2007), seconded by Commissioner Phillips. Motion carried by a vote of 5-0.

Commissioner Flowers-Taylor asked if the Board could request that the Sheriff's Department or Code Enforcement look at Moreland Road more closely for heavy trucks violating the No-Thru Trucks designation. This might help alleviate the situation described earlier with increased truck traffic on Moreland Road. Chairman Freeman agreed, stating that the County perhaps needed more enforcement of the No-Thru Trucks from Code Enforcement.

D. Adjournment.

Motion and second to adjourn at 7:50 p.m., by Commissioners Phillips and Flowers-Taylor respectively, carried by a vote of 5-0.

County Clerk

Chairman

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