

## ZONING PUBLIC HEARING

The Spalding County Board of Commissioners held their Zoning Public Hearing in Room 108 in the Courthouse Annex, Monday, November 16, 2009, beginning at 5:05 o'clock p.m. with Commission Vice Chairman Gwen Flowers-Taylor presiding and Commissioners Eddie L. Freeman, Bob Gilreath and David Phillips present. Absent was Commissioner Edward Goss, Jr. Also present were County Manager William P. Wilson, Jr., Assistant to the County Manager Paul Van Haute, and Teresa Watson to record minutes.

### A. Call to Order.

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. Time allotted to speakers will be five minutes each, unless otherwise noted at Board's discretion. No speakers will be allowed to readdress the Board without express consent from the Board. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times.

### B. New Business:

1. Application #09-04Z: Merrydale Estates, Inc., Owner – Brightmoor Hospice, Inc., Agent – 3295 Newnan Road (4 acres, more or less, located in Land Lot 15 of the 2nd Land District) – requesting a rezoning from R-2, Single Family Residential, to AR-1, Agricultural and Residential.

Vice Chairperson Gwen Flowers-Taylor agreed the Board could hear details of the first two items collectively and then vote on the matters separately. Mr. Taylor stated it was the intent of Merrydale Estates, Inc. to rezone the front portion of the property, currently zoned R-2 to AR-1 for purposes of developing a hospice facility. Mr. Taylor advised of the particulars of the application and stated that staff recommends approval of the request, as does the Planning Commission. There has been a change with regard to the septic system and associated drain fields since the site plan was developed and he detailed the new changes.

As for the Special Exception (second agenda item), Mr. Taylor reported the applicant requests a Special Exception to utilize the subject property for the development of a hospice in association with the already developed Brightmoor nursing home on the adjacent tract. Discussion of the proposed connecting driveway from the subject property to the property to the west, also owned by Merrydale Estates, resulted in the mutual agreement that Merrydale would create and reserve an access easement for future connection to the adjacent property.

Staff recommends conditional approval of the Special Exception request with the following stipulations (Item d was stipulated at the request of the Board of Appeals):

- a. The proposed portable storage buildings shall be screened from public view.
- b. The proposed connecting driveway on the west side of the property shall be moved north to increase vehicle storage capacity and limit conflicting turn movement at the site exit.
- c. A deceleration lane shall be added at the driveway entrance to the site, subject to approval by the Georgia Department of Transportation.
- d. The applicant will work with staff, prior to the Commissioner's meeting to resolve the issue with the connecting driveway on the west side of the property shall be moved north to increase vehicle storage capacity and limit conflicting turn movement at the site exist.

Dick Mullins, 676 Brook Circle, Griffin

With nothing to add beyond what Mr. Taylor described, he asked for the Board's favor and offered to answer questions.

Ron Westbury, 1255 Azalea Circle, Conyers, Georgia

Mr. Westbury offered to answer questions about the property.

James Westbury, Attorney, Griffin, Georgia

He offered to answer questions and addressed the concern of the septic system. The Health Department will ensure the system is adequate, and Mr. Westbury noted there could be no disposition of hazardous waste or pharmaceuticals into the system.

***Motion to approve Application #09-04Z by Commissioner Freeman, second by Commissioner Phillips, carried by a vote of 4-0.***

2. Application #09-13S: Merrydale Estates, Inc., Owner – Brightmoor Hospice, Inc., Agent – 3295 Newnan Road (6 acres, more or less, located in Land Lot 15 of the 2nd Land District) – requesting a Special Exception to allow Nursing Homes/Hospice in the AR-1 District.

**Motion/second to approve Application #09-13S Special Exception, by Commissioners Freeman and Gilreath, carried 4-0 with the following conditions:**

- a. *The proposed portable storage buildings shall be screened from public view.*
  - b. *The proposed connecting driveway on the west side of the property shall be moved north to increase vehicle storage capacity and limit conflicting turn movement at the site exit.*
  - c. *A deceleration lane shall be added at the driveway entrance to the site, subject to approval by the Georgia Department of Transportation.*
  - d. *The applicant will work with staff, prior to the Commissioner's meeting to resolve the issue with the connecting driveway on the west side of the property shall be moved north to increase vehicle storage capacity and limit conflicting turn movement at the site exist.*
3. Application #09-17S: Christ Our Savior Evangelical Lutheran Church, Owner – 3235 Teamon Road (4.117 acres located in Land Lot 113 of the 2nd Land District) – requesting a Special Exception to allow a Church in the R-2 District.

Mr. Taylor advised this application needed to be tabled since there was not a quorum at the recent Board of Appeals and, subsequently, no recommendation to this Board.

***Motion to table Application #09-17S for Special Exception until the matter can be processed through Board of Appeals by Commissioner Phillips, second by Commissioner Freeman, carried 4-0.***

4. Application #09-05Z: Bobby W. Hamil and Daniel T. Hamil, Owners – 2164 Jackson Road (2.059 acres located in Land Lot 226 of the 3rd Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Mr. Taylor advised the applicants have requested approval to rezone their property, currently zoned C-1 to C-1B for the purpose of establishing a flea market and care sales/finance lot. Staff determined that the request is not consistent with the character of the area and the rezoning would create a precedent for heavy commercial uses in the Jackson Road residential corridor. Both Staff and the Planning Commission recommend denial.

The history of use on this property has been commercial and restaurant. Ingress and egress on this sharp curve is problematic, moreso than the anticipated traffic count. This proposed use would, in his opinion, change the area's nature. Zoning for adjacent property formerly farm land is AR-1.

Bobby Shapard, 2251 Jackson Road, Griffin, Georgia

Mr. Shapard stated he has owned property here for 48 years and lived here for 47 years on a parcel that shares a property line with this tract. He felt approval would be disastrous for the area and would diminish property values considerably. He asked that the Board decline.

Ed Johnson, 675 Hamil Road, Griffin, Georgia

This property has been vacant for around two years. The last two restaurants virtually had no customers and no resulting traffic. The sharp curve presents, in his opinion, a dangerous situation for traffic. He, too, felt this use would not be in keeping with the nature of the area. This type heavy commercial activity might be better placed in the village node areas being developed by the County.

Christa Anderson, 2125 Jackson Road, Griffin, Georgia

She has lived in the area for about thirty years and has had no problems other than the noise from the heavy equipment sometime at a nearby operation. She urged the Board to please deny the request that she felt would reduce their property values.

Commissioner Flowers-Taylor requested that staff check out property to the east as they appear to be engaging in operations with heavy equipment and may not be approved or permitted for appropriate zoning. She stated it was not fair to deny this application if others are doing similarly.

***Motion to deny by Commissioner Phillips, second by Commissioner Gilreath, carried 3-1 with Commissioner Freeman opposing.***

5. Application #09-06Z: Jo Ann Richardson, Owner – Elizabeth Scarboro, Agent – 103 Westwood Drive (2.55 acres located in Land Lot 14 of the 4th Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-5, Single Family Residential.

Mr. Taylor advised the applicant is requesting approval from Spalding County to allow the rezoning of 2.55 acres to R-5 single family residential. The property is proposed to be

subdivided into two lots (Tract A – 1.41 acres, Tract B - 1.14 acres) for a manufactured home on each property and the expansion of the manufactured home on Tract B. While the request is for these two tracts, Ms. Richardson actually owns all the adjacent properties, as well. The area is actually trending toward smaller, residential lots. With these type rezonings, the trend probably will track toward site-built homes rather than manufactured homes in the future.

With the proposed rezoning, the applicant will also need to file a request for variance from the required minimum lot width in order to subdivide the property as proposed. Staff recommends conditional approval of rezoning the property to R-4 with the following stipulations:

- a. If the rezoning is approved, a variance is needed for lot width prior to platting the new lot.
- b. Both dwellings must meet the minimum setback requirements.
- c. If the rezoning is approved, a variance is needed for the proposed expansion of any mobile home prior to application for a building permit.
- d. Stairs and porches if used are to be finished, and must be consistent with the design of the homes.
- e. No exposed concrete foundations.

At their October meeting, the planning Commission recommended conditional approval of the rezoning to R-4 with the same conditions as proposed by staff. Mr. Taylor answered questions.

Beth Scarborough, 113 Westwood Drive, Griffin, Georgia

Ms. Scarborough explained the situation with her mother, JoAnn Richardson, who had a stroke a year ago. Although her mother has recovered to a large degree, this was the rationale for renovation of the single-wide manufactured homes.

***Motion to approve with conditions as noted above, by Commissioner Freeman, second by Commissioner Phillips, carried 3-1 with Commissioner Flowers-Taylor opposing.***

6. Application #09-07Z: Skipstone Corporation, Owner – 600 Baptist Camp Road (63.7 acres, more or less, located in Land Lot 153 of the 3rd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to AR-1, Agricultural and Residential.

Mr. Taylor stated this applicant has requested approval from Spalding County to rezone the property from R-1 Residential to AR-1 Agricultural Residential in order to operate a private school on property that was formerly the Boy Scout camp (later corrected to Flint River Baptist Camp) on Baptist Camp Road. This school has been in operation since the early part of calendar year 2009. The County was unaware of the operation until notified by the Fire Marshal's office and the school was notified about requirements. Mr. Chad Jacobs contacted the school, but through some miscommunication the school did not follow through. This application is the result of that process.

Kevin Napier, 600 Baptist Camp Road, Griffin

Dr. Napier is president and CEO of Skipstone. They purchased the land from the Flint River Baptist Camp (not Boy Scouts). The Baptist Camp had suffered financially and sold it effective December 2007. During a period of transition, the school was founded as a type of small home-school extension. The Fire Marshal did not find issues that were terribly problematic but some issues came to light in the accreditation process. There are 170 students (14 children per grade) and school has continued with a summer camp emphasizing Christian education. The number of cars toward a traffic count is not substantially different than former camp situations except to say it's more perennial rather than just in the summer. He presented affidavits in support of the facility from parents, surrounding property owners and 28 employees. They want to follow protocol and become a greater corporate citizen. They have spent over \$500,000 in renovations in fire, curbing, ingress/egress, football field, play areas, etc.

Jonathan Sweats, 109 Lake Chase Drive, Griffin

Mr. Sweats is a Skipstone Staff member, a 7th/8th grade Math and Science Teacher. He urged the Board to support this rezoning and Special Exception. This facility employs a very hands-on education approach and is amazing with dedicated people although inherently different. Skipstone is a great asset to the County not just as a school but as a meeting facility, as well. He presented a petition with 29 signatures in support of Skipstone.

Glenn Polk, 2113 Birdie Road, Griffin

Mr. Polk presented on behalf of 94 parents a signed petition in support of the school.

A separate Special Exception request has been filed to provide for operation of a private school on the property and is the subject of the next item on the agenda. Staff recommends conditional approval with the following stipulations:

- a. The existing residence on the site must be vacated or a separate parcel, meeting AR-1 zoning, must be created around the home.
- b. A deceleration lane shall be added at the entrance on Baptist Camp Road.
- c. All improvements proposed to the site will need to meet Unified Development Ordinance (UDO) requirements, including the requirements and processes of Appendix J of the UDO.
- d. Where the current vegetation in the buffer is insufficient, additional buffer may be required.

The Special Exception should be tabled, as was the case with the previous application, due to the fact that a quorum was not present at the last Board of Appeals meeting, so they have not been able to make a recommendation for the Board's consideration.

*Motion by Commissioner Freeman to approve Application #09-07Z: Skipstone Corporation, Owner – 600 Baptist Camp Road (63.7 acres, more or less, located in Land Lot 153 of the 3rd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to AR-1, Agricultural and Residential, seconded by Commissioner Phillips, carried 4-0.*

- 7. Application #09-16S: Skipstone Corporation, Owner – 600 Baptist Camp Road (63.7 acres located in Land Lot 153 of the 3rd Land District) – requesting a Special Exception to allow a School – elementary, middle, high – public or private in the AR-1 District.

*Motion to table Application #09-16S for Special Exception until the matter can be processed through Board of Appeals by Commissioner Freeman, second by Commissioner Phillips, carried 4-0.*

- 8. Amendment to UDO #A-09-09: Article 17A. VN Village Node – amend Article 17A of the Unified Development Ordinance (UDO).

While this amendment was prompted by the Baptist Camp/Jordan Hill Road village node, the amendment, if approved, would apply to all. Some uses are not currently listed and this amendment adds them to the Ordinance. Mr. Taylor briefly detailed the proposed additions.

*Motion to table by Commissioner Phillips, second by Commissioner Gilreath, carried 4-0.*

**C. Other Business:**

**D. Adjournment.**

*Motion to adjourn at 6:22 p.m. by Commissioner Freeman, second by Commissioner Gilreath, carried by a vote of 4-0.*

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Chairman

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County Clerk

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