

**SPALDING COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**February 25, 2014**

The Spalding County Planning Commission held its regular monthly meeting on February 25, 2014 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Ed Johnson, Chairman, presiding; Bruce Ballard; Sonny Eubanks; Frank Harris and John Youmans.

Also present were: Chad Jacobs, Community Development Director; Newton Galloway, Zoning Attorney and Yvonne Langford to record the minutes.

Mr. Johnson called the meeting to order and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

**ELECTION OF OFFICERS**

Mr. Johnson called for nominations for chairman.

John Youmans nominated Mr. Johnson for chairman. Mr. Ballard seconded the nomination. There were no other nominations.

**MOTION**

Mr. Ballard moved the nominations be closed and Mr. Johnson be elected by acclamation. The motion passed on a second by Mr. Youmans with Mr. Ballard, Mr. Eubanks, Mr. Harris and Mr. Youmans voting for the motion and Mr. Johnson abstaining.

Mr. Johnson called for nominations for a vice-chairman.

Mr. Ballard nominated Mr. Youmans. There were no other nominations.

**MOTION**

Mr. Harris made a motion to close the nominations and declare Mr. Youmans elected by acclamation. The motion passed on a second by Mr. Ballard with Mr. Ballard, Mr. Eubanks, Mr. Johnson and Mr. Harris voting for the motion and Mr. Youmans abstaining.

**MOTION**

Mr. Youmans made a motion to amend the agenda and move S/D #09-01I to first on the agenda under new business. The motion passed on a second by Mr. Ballard with Mr. Ballard, Mr. Eubanks, Mr. Johnson, Mr. Harris and Mr. Youmans voting for the motion.

**S/D #09-01I:** Consider extension of preliminary plat for The Lakes at Green Valley – Griffin-Spalding Development Authority, Owner – current preliminary plat expires March 30, 2014.

Mr. Jacobs said this is a request for extension of a preliminary plat for The Lakes at Green Valley. The staff recommendation is for a two-year extension.

**MOTION**

Mr. Harris made a motion to approve S/D #09-01I. The motion passed on a second by Mr. Ballard with Mr. Ballard, Mr. Eubanks, Mr. Johnson, Mr. Harris and Mr. Youmans voting for the motion.

**Application #FLA-13-01:** Paul Thomas, Jr. and Joyce Addis have requested a future land use map change from Low Density Residential and Open Space Network to Agriculture for the following: 1781 Carver Road (59.121 acres); 1833 Carver Road (3.061 acres) and Carver Road (42.237 acres) located in Land Lot 87 of the 2<sup>nd</sup> Land District.

**Application #13-05Z:** Paul Thomas, Jr. and Joyce Addis, Owners – 1781 Carver Road (59.121 acres located in Land Lot 87 of the 2<sup>nd</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to AR-1, Agricultural and Residential.

**Application #13-05AZ:** Paul Thomas, Jr. and Joyce Addis, Owners – 1833 Carver Road (3.061 acres located in Land Lot 87 of the 2<sup>nd</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to AR-1, Agricultural and Residential.

**Application #13-05BZ:** Paul Thomas, Jr. and Joyce Addis, Owners – Carver Road (42.237 acres located in Land Lot 87 of the 2<sup>nd</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to AR-1, Agricultural and Residential.

Mr. Youmans gave Mr. Johnson a written letter stating that he is recusing himself from the discussion and vote regarding this application because he is a property owner in the area. He left the podium and did not return for the remainder of the meeting.

Mr. Jacobs said these applications can be discussed together and voted separately if the Commission would like.

#### **MOTION**

Mr. Ballard made a motion to combine discussion on Applications #FLA-13-01, #13-05Z, #13-05AZ and #13-05BZ. The motion passed on a second by Mr. Harris with Mr. Ballard, Mr. Eubanks, Mr. Johnson, and Mr. Harris voting for the motion.

Tony Addis – 1833 Carver Road

Mr. Addis said they purchased this property and retired here to be close to their grandchildren. This has been a horse farm for the past 40 to 50 years. Under the current zoning, they cannot have horses. There is a pasture with 40 or 50 acres of hay. These applications are for the purpose of them to have horses. It has been set for agricultural for years. He understands the land use map. There is a 40' x 200' horse barn that is rotting away. They have a hay barn that is 65' x 65' just sitting there. They don't want to spend a lot of money on the barns if they cannot use it for horses. They are retired and want to have a couple of horses. They do not want to change anything. They just want to have a few horses. They spent \$350,000 renovating and remodeling the house and bringing it up to code.

Dot McAdams – 1725 Carver Road

Ms. McAdams said she owns 87 acres in one plot and 3.6 acres in another next to the Addis property. They want it rezoned agricultural.

Johnie McDaniel – 1603 Beville Drive

Mr. McDaniel said he knows there are a lot of things that have to be taken into consideration when considering applications. He “salutes” Mr. Addis for going about this in the right way. He could have just put the horses on the property and maybe no one would have ever said anything. Whether he gets this or not, he has done this the right way. This is important for the citizens of Spalding County. A lot of time, effort and resources went into the development of the Future Land Use Map. There are always times when things need to be changed. If you look at the trends in this area it is mostly residential. Three subdivisions have developed in the immediate area and there is another one “on the books” adjacent to this property that has slowed due to the economy. There are some very good things planned for this area. As a resident there, he would like to see those things come to fruition at some point in time. As much as they enjoy seeing this property, he is really not certain that making this change is the right thing to do. It is currently zoned residential. AR-1 zoning is a “wild card”. Agricultural is a nice word for a lot of things. It can mean horses or Angus cows, but it can also mean chicken houses or hog farms. If this property is changed from residential to agricultural, the probability may be what Mr. Addis wants to do. Mr. Addis will not always own that land and the next person may want to do something else. If it is zoned AR-1 and comes under the agricultural umbrellas, they do not have to revisit the County Commission to do what they want to do. It could become a hog farm or a chicken processing plant. With the predominance of residential tracts out there, strong consideration needs to be given to this application. He requested the application be denied.

Mr. Jacobs said the bulk of this area is planned for residential. He identified the properties in the area and noted the zoning that is currently in place and the plans for the area. One of the concerns of the staff is that if there is a shift in the zoning, they would have to go back and revisit all of the plans for the area. The staff recommendation is for denial. They researched their records to determine whether or not there might be a “grandfather” issue with this property. Their records showed a 1966 date when the R-1 took effect.

Discussion was held regarding this application and the fact that there is property in the area that is zoned AR-1 and there are tracts in this area that are zoned R-1 that have horses and they remain there. It was noted that some of the property owned by Mr. Addis is unsuitable for subdivision development and other portions that are suitable for subdivision development. Mr. Harris said he feels the county needs to explore the idea of some way to allow

properties like this to be used for non-commercial livestock only without the possibility of the other uses that are allowed in the agricultural zoning.

Mr. Jacobs said the Planning Commission can make that as a recommendation to the County Commission.

Mr. Jacobs said in reviewing the three applications each presented different issues. Each of the applications are not consistent with the Future Land Use Map at this time. One of the tracts currently has two dwellings on it and does not comply with the AR-1 road frontage and lot width minimums. The second tract does not comply with the setback minimums and would require a variance. The third tract is not consistent with the Land Use Map. The staff is recommending denial on all three applications.

**MOTION**

Mr. Harris made a motion to table Application #FLA-13-01 for 30 days. The motion died for lack of a second.

**MOTION**

Mr. Eubanks made a motion, seconded by Mr. Harris, to approve Application #FLA-13-01. The motion failed with Mr. Eubanks and Mr. Harris voting for the motion and Mr. Ballard and Mr. Johnson voting against.

**MOTION**

Mr. Eubanks made a motion, seconded by Mr. Harris, to approve Application #13-05Z. The motion failed with Mr. Eubanks and Mr. Harris voting for the motion and Mr. Ballard and Mr. Johnson voting against.

**MOTION**

Mr. Eubanks made a motion, seconded by Mr. Harris, to approve Application #13-05AZ. The motion failed with Mr. Eubanks and Mr. Harris voting for the motion and Mr. Ballard and Mr. Johnson voting against.

**MOTION**

Mr. Eubanks made a motion, seconded by Mr. Harris, to approve Application #13-05BZ. The motion failed with Mr. Eubanks and Mr. Harris voting for the motion and Mr. Ballard and Mr. Johnson voting against.

Mr. Johnson asked what was necessary to get the recommendation regarding consideration for a change as discussed to be considered by the County Commission.

Mr. Jacobs said when the application is considered by the Board of Commissioners, he will relay the concerns of the Planning Commission, and it will be up the Commissioners to take further action.

Mr. Ballard said he supports the efforts that have been put forth in the Future Land Use Map and feels it is a valid plan. He would support the use of recreational livestock on tracts of certain sizes but wants to make certain it is done properly.

**Application #FLA-14-01:** Ministerio Internacional El Rey Jesus Atlanta, Inc. has requested a future land use map change from Low Density Residential and Open Space Network to Agriculture for the following: 285 Moose Lodge Road (42.348 acres located in Land Lot 107 of the 2<sup>nd</sup> Land District).

**Application #14-01Z:** Ministerio Internacional El Rey Jesus Atlanta, Inc., Owner - 285 Moose Lodge Road (42.348 acres located in Land Lot 107 of the 2<sup>nd</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to AR-1, Agricultural and Residential.

**MOTION**

Mr. Ballard made a motion to discuss Applications #FLA-14-01 and #14-01Z together and vote on them separately. The motion passed on a second by Mr. Harris with Mr. Ballard, Mr. Eubanks, Mr. Johnson and Mr. Harris voting for the motion.

Paola Villa – 285 Moose Lodge Road

Ms. Villa said they are making this request to use the property for a retreat center. It will be used sparingly, once or twice a month. She has noted there is concern regarding traffic and that will not be an issue because they will be bringing them in on a bus and there would not be that much traffic and the next day they will be gone. This will be for religious use. Mr. Eubanks raised the issue of what constituted a campground. Would that include just the present houses on the property or would there also be tents? The application states there could possibly be 50 to 85

people a month. Ms. Villa said, at the moment, they anticipated 20 to 30 people one day at a time. They do not plan to have tents. There are two small houses on the property.

It was noted, at this time, that Mr. Youmans had also recused himself from discussion and vote of the application.

Ms. Villa said they do not have any plans for commercial use of this property. It is mainly for a spiritual retreat. They are hoping to help people scripturally.

Discussion was held regarding the intended use of the property. It was noted that the application was confusing and they do not intend this for help for people with drug issues or battered women. The houses on the property will not be a parsonage.

Ms. Villa said the intended use of the property is that the leadership of the church, which is in Lawrenceville, would come to this facility for a spiritual retreat. They would be getting away from the noises from their home and they would build them up spiritually and they will be taught leadership. They have 300 members in the church. The leadership in their church is approximately 20, and they would be the ones that would be participating in this program.

Mr. Harris read from the application that this facility would be used for, "healing those in need. We are committed to the rebuilding of lives and families. We dedicate ourselves to the restoration of families and deliverance from drugs and alcoholism through the teachings of the Bible."

Ms. Villa said she agreed on the teachings of the Bible, but that is not their plan right now. They still want to start something smaller. Maybe in the future, they will build something bigger. They did not understand most of this. She has not been in the meetings. She thinks there has been a language barrier. She is trying to clarify what she has read. She really has not been aware of what has been said and she does not agree with everything here. It is not that big.

David Cunningham – 1618 Beville Drive

Mr. Cunningham said he lives at the opposite end of the road from this property. As a resident of Spalding County, he does not see how this could be a useful piece of property for something of this nature. The other gentleman cannot have horses on his property, but we are going to build a retreat that can be no more used as taxable land or even land that can be developed. As far as the land they are talking about using, the impact on the area is overwhelming. He built in 2004, and since then two schools have been built. Traffic on the roads is already horrendous. The County needs to think about the impact this will be on the residents that live there. They are already fighting traffic and the development. They have commercial that is intertwined in the residential areas that is overwhelming the residents. There is an asphalt plant that is developing that is running day and night. A church is there already and they have their retreats with noise that is aggravating. They are planning to make a campground. What will be the limitations? This land will no longer be of any use to anybody in the County, none taxable land. This is a residential area. They do not need any commercial or any further impact on the residences. If you ride out there now, you can see what they are currently contending with. What will this be 10 years from now if this is approved?

James Blackstone – 1606 Beville Drive

Mr. Blackstone said he seconds what Mr. Cunningham has just said. They are currently fighting a tremendous amount of traffic in this area. What they are proposing would just add more traffic to the situation and it is not needed.

Johnie McDaniel – 1603 Beville Drive

Mr. McDaniel said what he has already said earlier in the meeting regarding the Future Land Use Map applies to this application also. The Future Land Use Map needs to remain as it is. The rezoning of this property to AR-1 is a little bit dangerous. From what has been said, there seems to be a considerable amount of ambiguity about the purpose. When we say there is going to be 20 people that may be today but tomorrow there could be a congregation of 300. Even at the 20 it is a little more intense use than residential. As the use grows that is going to be even more intense and further and further away from residential use. The tax issue has been raised. The property is valued at \$360,000 on the tax records. That is a lot of money. There are not many pieces of non-commercial property in Spalding County valued that high. They paid \$185,000 for the property at a bank sale. That is half of what the property is worth. Even at that if the zoning is approved, the tax base on that \$350,000 goes away. It is scary that they were able to purchase this property, which is good for them, at about half of the County valuation. Being good stewards of the money if they had the opportunity to double what they paid for it, or make \$50,000 to \$100,000, it would

make sense to do that. If the zoning is changed to AR-1, it could become any number of things. They are looking for AR-1 because that is the zoning classification under which a campground is authorized. The probability of a religious campground is narrow. The possibilities under AR-1 are vast. Along with the asphalt plant on Moreland Road, there is a staging area for a logging operation. Since the construction of the schools out there, Beville Drive and Moose Lodge Road have become cut-throughs. There is much more traffic than should be in a residential area of this type. This needs to be given very serious consideration. Just because it is a church does not mean it has to be approved. There are too many possibilities. Not that their intentions would be anything other than honorable and good but the possibilities exist under the AR-1 umbrella that could be devastating for the area. He requested a recommendation be for denial for both applications.

Mr. Galloway explained the process they had been through with this application. He noted that they had met with the applicants and had an interpreter present because there were concerns regarding the language barrier. They wanted to be clear regarding the use of the property. The campground does not mean a campground with trailers and tents. In this context, it means a facility similar to Mt. Zion Campground and Pirkle Campground. It was a productive meeting to define what they were going to do. They have requested this use on the basis of the recommendation from the County. They are aware those at that meeting cannot approve or disapprove. On the basis of the definitions in the code, this is the appropriate use on which the application should be decided. What they are proposing is a week-end retreat for marriage counseling, alcohol and drug retreat but not treatment at the facility. They would just be there on the week-end. They would not live at the site. If they are approved, they would be authorized, subject to housing, to expand. The application is correct from the standpoint of the usage as defined.

Mr. Jacobs said the initial application was for a special exception for a traditional church. There was a communication barrier. When the application was received, he realized they did not want a traditional church use and it necessitated a meeting. The campground use was a more appropriate use for what they were proposing. Taking everything into account the staff recommendation is for denial. The rezoning request is not consistent with the Land Use Map and the recommendation is for denial of that as well.

Mr. Eubanks said he feels this is the wrong location for the intended use. He supports what they are trying to do but the use would be more appropriate in a more rural setting.

#### **MOTION**

Mr. Eubanks made a motion to deny Application #FLA-14-01. The motion passed on a second by Mr. Ballard with Mr. Ballard, Mr. Eubanks, Mr. Johnson, and Mr. Harris voting for the motion.

Mr. Jacobs said since the change of the Land Use Map is being recommended for denial, no action will be taken regarding Application #14-01Z.

**Amendment to UDO #A-14-01:** Article 1. General – Section 106:A – amend Uniform Development Standards adopted by Spalding County.

Mr. Jacobs said the building code was updated in 2012 and this amendment to the UDO is to reflect that.

#### **MOTION**

Mr. Eubanks made a motion to approve Amendment to UDP #A-14-01. The motion passed on a second by Mr. Ballard with Mr. Ballard, Mr. Eubanks, Mr. Johnson and Mr. Harris voting for the motion.

**Amendment to UDO #A-14-02:** Article 23. Official Zoning Map – Section 2302:E – quarterly adoption of official zoning map to revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

Mr. Jacobs said this is the usual annual approval to the changes in the Official Zoning Map.

#### **MOTION**

Mr. Ballard made a motion to approve Amendment to UDO #A-14-02. The motion passed on a second by Mr. Eubanks with Mr. Ballard, Mr. Eubanks, Mr. Johnson and Mr. Harris voting for the motion.

**Amendment to UDO #A-14-03:** Appendix C. Ordinance Establishing Board of Appeals Section VII – amend continuances before the Board of Appeals and paragraph numbering.

Mr. Jacobs said this amendment is to correct some inconsistencies in the UDO.

**MOTION**

Mr. Ballard made a motion to approve Amendment to UDO #A-14-03. The motion passed on a second by Mr. Eubanks with Mr. Ballard, Mr. Eubanks, Mr. Johnson and Mr. Harris voting for the motion.

**MINUTES**

Mr. Eubanks made a motion to approve the minutes of the December 10, 2013 meeting. The motion passed on a second by Mr. Ballard with Mr. Ballard, Mr. Eubanks, Mr. Johnson and Mr. Harris voting for the motion.

**ADJOURN**

The meeting was adjourned on a motion by Mr. Ballard and a second by Mr. Eubanks with Mr. Ballard, Mr. Eubanks, Mr. Johnson and Mr. Harris voting for the motion.

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Ed Johnson – Chairman

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Yvonne M. Langford - Recorder