

PLANNING COMMISSION
Regular Meeting
July 10, 2001

The Spalding County Planning Commission held its regular meeting on July 10, 2001 at 7:00 P.M. in the County Commission Meeting Room, Spalding County Courthouse Annex. Members present were: Chairman Karen Mathiak, presiding, Ray Browning, Delores Phillips, John Youmans, and Frank Harris.

Also present were Michael Sabine, Community Development Director, and Cindy McDaniel to record the minutes. Member Bill Bryant and Zoning Attorney Newton Galloway were not present.

Ms. Mathiak called the meeting to order.

MINUTES

The minutes of the June 26, 2001 meeting were approved on a motion by Mr. Harris and a second by Mr. Browning with Ray Browning, Delores Phillips, Karen Mathiak and Frank Harris voting for the motion. John Youmans abstained since he was not present on June 26.

Amendment to UDO #A-01-12: Article 5. AR-1 Agricultural and Residential – Section B: Special Exception uses – add provision for group home; and Article 2. Definitions of Terms Used – add definition of group home.

Mr. Sabine stated the text amendment is being offered by WinShape Homes with Barnard & Associates as agent. The text amendment was designed to allow the placement of a family style group foster home along Wildwood Road, which has been acquired by Truett Cathy. Mr. Cathy has a tremendous interest in the welfare of children. Mr. Cathy has two of these homes at his ranch located in The Rock, Georgia. Mr. Cathy would like at least one home on property of approximately 167 acres on Wildwood Road, which is adjacent to Clayton County line. This amendment, as proposed, will allow a form of group home use in the AR-1 district, which is not currently allowed. There is something similar to the requested use in the UDO, but not in the AR-1 district. This would refine the use of this application and – also – allow it in the AR-1 district through a special exception use. WinShape will have to apply for a special exception application through the Board of Appeals. Mr. Sabine had some comment on how to accomplish this technically, however he wished to reserve time to let WinShape Homes make their presentation on the proposed text amendment.

Bob Barnard of Barnard & Associates Remodeling in Fayetteville, Georgia came forward but deferred questions to John McClesky of WinShape Homes.

John McClesky came forward, stated his name, and gave his address as 5200 Buffington Road, Atlanta, Georgia 30349.

Mr. McClesky is the Director of Development for Chick-Fil-A representing Mr. Truett Cathy. Mr. Cathy has about 11 foster care homes that are a part of WinShape. This will be within the WinShape care program. This is a home for children that have been disadvantaged. He has personally financed 11 of these homes. There will be a husband and wife that will take care of the home and the children. It functions like a typical home. General information was passed out regarding WinShape Homes.

When the application was presented for the proposed text amendment in the AR-1 district, as requested, WinShape attempted to comply with standard county language. WinShape spoke with the County (Zoning) Attorney on trying to get this drafted. He reviewed the language and showed no specific objection.

Mr. Harris stated in the information submitted for review that the Harrell house was already listed as an active use.

Bob Barnard stated that there is an existing home on the property that was the original estate. There is a couple living there now. They are putting up fences now. Winshape would like to build about a 5,000 square foot home about 250 feet out in the pasture to south side of it. There will be a garage, 6 or 7 bedrooms, and separate bathrooms for 12 children and a set of parents to live in with a full kitchen and several laundry rooms. It will function and looks just like a regular home. When Mr. Barnard went to permit the job, he found out that there is no zoning for this particular classification. Therefore, a text amendment was required to allow this type of use.

Mr. Harris asked if we are looking at two principal uses on this property even by special exception approval.

Mr. Sabine asked Mr. Barnard if they would be dividing the home off the remaining property. Mr. Barnard stated they would like to take the existing home and turn it into a home also, which would hold only 6 or 8 children. There would be a family there and a home on the south side of the property. The uses could be subdivided out, if necessary.

Ms. Mathiak asked is everyone was familiar with Noah's Ark. They have 2 or 3 homes on the property. Their vision was for a home for AIDS children and a home strictly for adults. The County might look at multiple facilities on 165 acres.

Mr. McClesky stated this was the reason for the language in the text. The property is so large if we could comply with a typical subdivision that would be typical for that use and getting the language in the zoning.

Mr. Harris expressed concern that in the Planning Commission and Board of Appeals process two principal structures on any given lot should not be permitted. If this application could be structured, so this is not going to be some problem that we will have to deal with the implications of later on.

Mr. Sabine stated that the minimum lot size should have five net acres per group home dwelling. For purposes of discussion, multiple dwellings shall not be considered multiple uses for purposes of this proposed ordinance.

Ms. Mathiak asked what the long-range plan is for this project. Mr. McClesky stated there was none. The plan in front of you now is what is being proposed to be constructed. No future plans for 2 or 3 homes. Mr. Cathy has enough property that would allow another home if necessary. Mr. Cathy personally funds all of these and is not in the business of doing this but as the need arises and children become available.

Mr. Harris asked how the Division of Family and Children Services (DFCS) is involved. Mr. McClesky stated children are brought to the attention of Mr. Cathy and some are adopted. A lot of children are brought to him for adoption and it is not necessarily an adoption but he bring them in and that there are a given set of rules and guidelines they have to abide by for example: grades, certain job responsibilities at the home to do, etc. If they don't live up to it, they are gone and he brings in another child in. Mr. Cathy is privately funded and does not have to go through all of the state mandates and regulations that are required.

Mr. Sabine stated that in the event there is a problem with a child would be returned to the Georgia Division of Family and Children Services.

Mr. Sabine stated he has no problem with the proposed text amendment. It offers a lot of promise for young people who might not have a chance otherwise. Nonetheless, some work needed to be done on the structure of the text amendment. This can be addressed under one amendment resolution with two actions taking place. A definition for group foster home needs to be inserted in the definitions of the UDO under Section 202(KK'') following Group Development. We can use the language offered to us with a couple of minor modifications essentially as follows: Group foster home: A dwelling or dwellings each shared by fifteen (15) or fewer people, excluding residential staff, who live together as a single housekeeping unit and in a long term, family-like environment in which staff provide care, education, and participation in community activities for the residents with the primary goal of enabling said residents to live as independently as possible, in order to reach their maximum potential. This could be cut down to get out some of the verbiage by striking the phrase "in order to reach their maximum potential."

Mr. Browning asked if the children were minors. Since the children are minors, this needs to be addressed. Mr. Sabine amended his suggestion to include a group foster home: a dwelling or dwellings shared by fifteen (15) or fewer people (minors under the age of 18), excluding residential staff, who live together as a single housekeeping unit and in a long term, family-like environment in which staff provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible.

Mr. Browning had a concern with them having to survey out five acres with them having 165 acres. There is room set aside, if you net the five acres per home, you can build the

home anywhere you can do it environmentally. He stated that you might group some homes together and allow more green space.

Mr. Sabine stated text in the AR-1 district to be inserted under Permitted Uses for Special Exceptions, Section 503(B)(22) with stated modifications. Minimum lot size is five (5) net acres per group home dwelling. Multiple group foster home dwellings on a qualifying tract shall not be considered in conflict with the requirements of this ordinance. This means, if they have 50 acres and have the ability, with special exception approval, they should be able to build them in a configuration as long as they have the net acreage.

MOTION

Mr. Browning made a motion to approve Amendment to UDO #A-01-12 as stated by Mr. Sabine. The motion passed on a second by Ms. Phillips with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans and Frank Harris voting for the motion.

Amendment to UDO #A-01-13: Raise maximum height of buildings in certain zoning districts to 60 feet.

Mr. Sabine stated the current height limitation in all zoning districts is 35 feet. With Spalding County growing, that is likely insufficient. This fall the First Assembly of God will be building a new sanctuary. From their preliminary sketch and design, it appears the height of the building will be between 55 to 60 feet, which will exceed the 35 feet limitation. Based on this, as well as additional discussion on density and long term land use where more intensed development would be supported, e.g. condominiums, townhomes, etc. that there may be a need, at least in certain districts to raise the maximum building heights to 60 feet. I believe that this something the fire department is comfortable with. Mr. Sabine talked briefly with Chief Gardner several months ago, and at that time, he did not have objections to it with one exception. He wanted to make sure the ladder trucks would have the capability to fight the fires from the outside. Chief Gardner has been out of the officer and Mr. Sabine has not been able to confirm this with him. Mr. Sabine said he wanted to bring this up for the following reasons: 1) to see if the Board felt comfortable with going ahead with the amendment, and 2) to see how the Board wanted to structure the amendment. Does the Board want to make the amendment a matter of right, or would the Planning Commission want to vest the Administrative Officer, or more precisely a panel consisting of the Fire Chief, the Building Official and the Administrative Officer to review these situations?

Mr. Harris felt it should be a matter of right in the Commercial and Industrial districts and subject to review in residential districts.

Mr. Sabine said a resolution could be drafted to include only residential R-3, PD, AR-1 and AR-2 districts.

Mr. Browning agreed with Mr. Harris to allow by right in Commercial and Industrial districts and submit for review in residential district. Decision would be on a case-by-case review.

The Board agreed to have the Administrative Officer review applications.

Mr. Sabine requested this to be tabled to the July 31st Planning Commission meeting for review. By that time, he would have had time to discuss it further with the Fire Chief.

MOTION

Mr. Browning made a motion to table Amendment to UDO #A-01-13 to July 31, 2001. The motion passed on a second by Mr. Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

Amendment to UDO #A-01-11A: Article 21. S-2 Sensitive Land-Watershed Protection District – consider amended revision to ordinance.

Mr. Sabine stated this is a revised S-2 Ordinance to meet the latest requirements of the Department of Community Affairs. He suggested the Board adopt this revised S-2 so Spalding County can regain our qualified local government status. We need to regain our QLG status in order to be eligible for state administered financial assistance, which includes grants, loans, and other types of assistance. We currently have a CDBG application on the table for acquisition and rehabilitation of the Highland Mill sewer system, and we do not want to impair the County's chances of getting this.

Mr. Sabine stated if the Board approves this tonight, it will go to the Board of Commissioners for first reading on July 16th and this should satisfy DCA to the point that they will reinstate our QLG status. Subsequent to second and final reading of S-2, S-3, and S-4, then we will be re-certified until February 28, 2004, at which time we will need to submit a new comprehensive plan.

MOTION

Mr. Browning made a motion to approve Amendment to UDO #A-01-11A. The motion passed on a second by Mr. Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

OTHER BUSINESS:

Historical Properties Ordinance. Mr. Sabine stated that Adam Hazell with McIntosh Trail Regional Development Center previously discussed a draft inventory of Historical Properties that was prepared by McIntosh Trail. At that time, Mr. Galloway was directed by this Board to open a file on this matter to see if it would be advisable to draft a Historical Properties Ordinance or other preservation protection ordinance. Does the Board have any interest in proceeding with this at this time?

Mr. Sabine stated this can be included in the Work Program or when the Comprehensive Plan is revised, which will have to be done by 2004. The Comprehensive Plan revision

will probably take between 12 to 18 months to complete. He said that there are certain properties in the county that are worth preserving. However, most of the properties that are “historic” are within the City of Griffin and would not be subject to this ordinance.

Based on the initial board reaction to this subject, Mr. Sabine asked if the Board wanted physical structures or archeological properties specified in a prospective Ordinance. Mr. Harris stated it would be easier to identify the physical structures. Mr. Sabine wants to know where to set the threshold. Do you want to leave the buildings there as standing or do you want to go down the path further with respect to preserving structures?

Ms. Phillips asked how many historical properties were identified. Mr. Sabine stated about 40 or 50 on the list but a good number were in the corporate limits of Griffin with maybe 12 in the incorporated area of Spalding County. He stated the more detail the Board incorporates into a proposed ordinance, the more staff time it will take.

Mr. Browning suggested Spalding County commissions someone to look at what is available and make an assessment if the Planning Commission wants to pass the Ordinance. Mr. Harris suggests the Historical Society and maybe some of the long time residents of Spalding County be involved. Mr. Sabine suggested an graduate student or intern this fall or next summer perform an assessment, not involving the Historical Society or Spalding County residents; someone with an impartial view should conduct the assessment. He additionally stated that then an ordinance might not be needed.

Mr. Sabine suggested that if an ordinance is needed, some protection of properties that are on the National Historic Register might be in order. Mr. Sabine stated he had sufficient direction to proceed on this and see how the County can obtain someone and if a charge will be needed.

ADJOURNMENT

Ms. Phillips made a motion, seconded by Mr. Browning, to adjourn the meeting. The motion passed with Karen Mathiak, Ray Browning, Delores Phillips, John Youmans, and Frank Harris voting for the motion.

Karen Mathiak – Chairman

Cindy McDaniel - Recorder