

## ZONING PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, April 24, 2008 beginning at 6:00 o'clock p.m. with Commission Chairman Edward Goss, Jr. presiding and Commissioners Gwen Flowers-Taylor, Johnie McDaniel, Eddie Freeman and David Phillips present, as well as Zoning Attorney Newton M. Galloway. Also present were County Manager William P. Wilson, Assistant to the County Manager Paul Van Haute, Community Development Director Chuck Taylor, and Executive Secretary Teresa Watson.

### A. Call to Order.

### B. New Business:

- 1. Application #08-05S:** Lisa A. Maddox, Owner – LaSandra Owens, Agent – 128 Henry Burch Drive (1.49 acres located in Land Lot 189 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a Family Personal Care-Home in the R-4 District.

Mr. Taylor explained that the applicant proposes to provide a family personal care home at 128 Henry Burch Drive as a result of the amendment passed recently by the Board. The property consists of approximately 1.49 acres. The applicant proposes to use the existing 1528 square foot home on the property. Staff and the Board of Appeals recommend conditional approval as follows:

- a. Proof of compliance with all DHR and other state regulations prior to application of the business license.
- b. No more than four (4) domiciled residents shall be allowed per Section 1003.B.5.b.ii.

The Tax Assessors office can confirm square footage, but an inspection at the time of building inspection can also confirm the square footage in order to ensure compliance with code. Generally the license is issued prior to occupation by clients. The number of residents served can be monitored on a complaint basis. Mr. Wilson said the Board could establish a policy of inspecting before and after licensing. The Fire Marshal and Building Inspector have already inspected the homes being considered tonight. Mr. Taylor recommended that if a periodic inspection was thought to be necessary, perhaps they should write that into the ordinance, and Chairman Freeman felt it should be monitored. The number of people could be certified by affidavit noted Commissioner Flowers-Taylor at the time of license renewal. Chairman Freeman said there just needed to be checks and balances. Commissioner Flowers-Taylor voiced a concern for any personal care home that only has one restroom. Live-in residents and clients don't need to vie for restroom facilities. Building Inspections and Fire Marshals ensure that ADA compliance occurs, as well. Mr. Galloway noted our regulations exceed those of the Department of Human Resources (DHR) now, and the County is plowing new ground.

LaSandra Owens, 324 Atkinson Drive, Griffin, Georgia

She noted that bathroom facilities are separate and are complete with grab bars, ADA compliance, and safety features. Most clients are agency referred although some could be private pay, but you would have to go through DHR. Her home has two full restrooms. DHR allows four to one bath, but she is set up for three bedrooms with a dedicated hall bathroom is set up for them while others can use the master bath. House parents will come and sit with clients, but not live in the home as far as her facility is concerned. She has a Nutritionist on standby with 30-day menu planned, and she will cook for residents: breakfast, lunch and dinner with two snacks. They will self-observe medications but not administer. Outside ramps are not there because they do not accept wheelchair-bound residents. The house is not compliant to allow wheelchair-bound residents.

***Motion and second by Commissioners Flowers-Taylor and Phillips to approve with requirements as stated below, as recommended by Staff and the board of Appeals, as well as the requirement of a dedicated restroom facility for clients, carried 5-0.***

- a. Proof of compliance with all DHR and other state regulations prior to application of the business license.***
- b. No more than four (4) domiciled residents shall be allowed per Section 1003.B.5.b.ii.***

- 2. Application #08-06S:** Timothy E. Mortimer and Glenda Mortimer, Owners – 1342 Tomochichi Road (10.027 acres located in Land Lot 10 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a Family Personal Care-Home in the AR-1 District.

Mr. Taylor advised the applicant proposes to provide a personal care home at 1342 Tomochichi Road on property consisting of approximately 10.27 acres. The applicant proposes to use the existing 1568 square foot home on the property. Both Staff and Board of Appeals recommend conditional approval:

- a. Proof of compliance with all DHR and other state regulations prior to application of the business license.

- b. No more than four (4) domiciled residents shall be allowed per Section 1003.B.5.b.ii.

Commissioner McDaniel reminded the Board that a Special Exception travels with the land and is not applicant-specific.

Timothy and Glenda Mortimer, 1342 Tomochichi Road, Griffin, Georgia

They have worked for over seven years with the Department of Family and Children Services and hope to do the same with personal care. He and his wife will constitute the staff. Ms. Mortimer said there were two restrooms and one would be designated for clients. All residents will be ambulatory.

*Motion and second by Commissioners Flowers-Taylor and Phillips to approve with requirements as stated below, as recommended by Staff and the board of Appeals, as well as the requirement of a dedicated restroom facility for clients, carried 5-0.*

- a. *Proof of compliance with all DHR and other state regulations prior to application of the business license.*
- b. *No more than four (4) domiciled residents shall be allowed per Section 1003.B.5.b.ii.*

*Direction to Zoning Attorney Newton Galloway from the Board was to add verbiage to a personal care home ordinance amendment that will require dedicated restrooms and to provide for periodic inspections of the facilities with regard to the number of clients served.*

- 3. **Application #08-01Z:** High Top Holdings, Inc., Owner – Holiday Investments, Inc., Agent – 1003 North Hill Street (0.80 acre located in Land Lot 159 of the 3<sup>rd</sup> Land District) – requesting a rezoning from C-2, Manufacturing, to C-1, Highway Commercial.

*Commissioners Flowers-Taylor and Freeman moved and seconded that Applications #08-01Z and #08-01AZ be postponed until the next Zoning Public Hearing, May 22, 2008 for consideration, in response to applicant's request; motion carried 5-0.*

- 4. **Application #08-01AZ:** High Top Holdings, Inc., Owner – Holiday Investment, Inc., Agent – 1007 North Hill Street (0.18 acre located in Land Lot 159 of the 3<sup>rd</sup> Land District) – requesting a rezoning from C-2, Manufacturing, to C-1, Highway Commercial.

*See above motion.*

- 5. **Amendment to UDO #A-08-05:** Appendix A. Subdivision Ordinance – Section 504:D(1) – amend fire hydrant installation for minor subdivisions.

*Motion and second by Commissioners McDaniel and Flowers-Taylor to approve Amendment to UDO #A-08-05: Appendix A. Subdivision Ordinance – Section 504:D(1) – amend fire hydrant installation for minor subdivisions, carried by a vote of 5-0.*

- 6. **Amendment to UDO #A-08-06:** Article 5. AR-1, Agricultural and Residential – Section 503:B(19) – amend to allow Hospice; Article 12. C-1, Highway Commercial – Section 1203:A and Article 19. O & I, Office and Institutional – Section 1903:A – amend to add Hospice as a principal use.

*Motion and second by Commissioners Freeman and McDaniel to approve Amendment to UDO #A-08-06: Article 5. AR-1, Agricultural and Residential – Section 503:B(19) – amend to allow Hospice; Article 12. C-1, Highway Commercial – Section 1203:A and Article 19. O & I, Office and Institutional – Section 1903:A – amend to add Hospice as a principal use carried 5-0.*

**C. Other Business:**

- 1. Authorize acceptance of bonds for Longview Estates and approve low bidders for landscaping and commercial playground improvements.

*Motion and second by Commissioners Flowers-Taylor and McDaniel to accept the performance bonds (\$42,042 for landscaping and \$16,485 for playground for a total of \$58,527), and the low bids (\$40,040 for landscaping from Habersham Gardens and \$15,700 for playground improvements from Landscape Structures for a PlaySense® Design 34 for a total of \$55,740) for landscaping and commercial playground improvements for Longview Estates, as recommended by Staff, carried by a vote of 4-0-1 with Commissioner Freeman abstaining since he has done business with Habersham Landscaping in his greenhouse business, one of the bidding vendors.*

**D. Adjournment.**

*Adjourned at 6:44 p.m. on motion/ second by Commissioners McDaniel and Freeman, 5-0 vote.*

Chairman

County Clerk

.....