



**Board of Commissioners of Spalding County
Zoning Public Hearing
August 22, 2019
6:00 PM
119 E. Solomon St., Meeting Room 108**

The Spalding County Board of Commissioners held a Zoning Public Hearing in Room 108 of the Spalding County Annex on Thursday, August 22, 2019, beginning at 6:00 p.m. with Chairperson Rita Johnson presiding. Commissioners Donald Hawbaker, James Dutton, Gwen Flowers-Taylor and Bart Miller were present for the meeting. Also present were County Manager, William P. Wilson Jr., Assistant County Manager, Michelle Irizarry, County Zoning Attorney, Newton Galloway, Community Development Director, Chad Jacobs and Executive Secretary Kathy Gibson to record the minutes.

A. Opening (Call to Order) by Chairperson Rita Johnson.

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

B. Invocation led by Commissioner James Dutton, District #2.

C. Pledge to Flag led by Commissioner Bart Miller, District #4.

At this time, I will recognize those citizens who have signed up to address the Board. Once your name is called, come to the podium, state your name and address for the record and make your comments. All speakers who are recognized will be allotted three minutes. No speaker will be permitted to speak more than three minutes unless the Board votes to suspend this rule.

Please direct your remarks to the Board and not to individual Commissioners or to the audience. Personal disagreements with individual Commissioners or County employees are not a matter of public concern and personal attacks will not be tolerated. The Chairman has the right to limit your comments in the interest of disposing of the County's business in an efficient and respectable manner.

Motion/Second by Hawbaker /Dutton to amend the agenda to include an Item #1 under Other Business: Consider request to rescind an action taken by the Board of Commissioners at their August 5th, 2019 Regular Meeting approving the expenditure of Commissioners Contingency Funds in the amount of \$2,000 to cover travel expenses for Ms. Wyomia Tyus to visit Spalding County in September 2019. Motion carried unanimously by all.

William Wilson, County Manager, then asked if they could go ahead and vote on the amendment.

Motion/Second by Hawbaker/Dutton to rescind an action taken by the Board of Commissioners at their August 5th, 2019 Regular Meeting approving the expenditure of Commissioners Contingency Funds in the

amount of \$2,000 to cover travel expenses for Ms. Wyomia Tyus to visit Spalding County in September 2019. Motion carried unanimously by all.

D. New Business

Chad Jacobs, Community Services Director, asked that items #1 and #2 be read together and then voted on separately.

1. **Application #19-01Z: Lift from the table** - 3981 North Expressway, LLC, Owner - Raymond Ray, Agent - 3981 North Expressway (.51 acre located in Land Lot 107 of the 3rd Land District) - requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Motion/Second by Hawbaker/Miller to lift from the table Application #19-01Z - 3981 North Expressway, LLC, Owner - Raymond Ray, Agent - 3981 North Expressway (.51 acre located in Land Lot 107 of the 3rd Land District) - requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial. Motion carried unanimously by all.

2. **Application #19-01AZ: Lift from the table** - 4021 Hwy 19 and 41, LLC, Owner - Raymond Ray, Agent - 4019 Highway 19/41 (.42 acre located in Land Lot 107 of the 3rd Land District) - requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Motion/Second by Flowers-Taylor/Dutton to lift from the table Application #19-01AZ - 4021 Hwy 19 and 41, LLC, Owner - Raymond Ray, Agent - 4019 Highway 19/41 (.42 acre located in Land Lot 107 of the 3rd Land District) - requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial. Motion carried unanimously by all.

Newton Galloway, Zoning Attorney, then gave a brief history of what had occurred to date regarding these applications. These applications were tabled due to a portion of the properties (approximately 1/10th of an acre) being located within the City limits of Sunny Side and for the purposes of consolidating the tract under one government, it appeared that the City of Sunny Side would de-annex the property pursuant to the provisions governing annexation under the Georgia Code.

The City of Sunny Side met on Tuesday, August 20, and as is within their rights as a City decided not to de-annex. So, the applications are back before you, just as they were before being placed on the table. The portions of the properties that are in unincorporated Spalding County. They are ready for Public Hearing and consideration.

Raymond Ray, 1000 Springer Drive, Griffin, GA - stated that he is representing DGR Holdings which is the owner of the properties and each property has its own LLC which contains the address of the property. In doing so, he is representing his sister since he is more familiar with the zoning process.

DGR Holdings is requesting a rezoning from C1 to C1B Heavy Commercial, so that they can accommodate outside storage on the location. Under C1 they cannot have outside storage on the location. That is the only change they are hoping to accomplish with the rezoning. The person who has rented the location, Josh Hoffman, has the RV service across 19-41. He wanted to expand his business and they had the property and were willing to accommodate. The location has been vacant since April of 2011 when the tornado came through and ripped down the Minit Man convenience store that was located there. The property had sat vacant for a number of years when Mr. Hoffman came to them and asked if he could extend his business.

Mr. Ray advised there was a complaint late last year regarding the outside storage and when it was brought to his attention, he came in the first part of 2019 and requested the rezoning. Mr. Ray experienced some problems in getting the plat drawn up which took a little longer than he had anticipated and then they had to work with the City of Sunny Side on the de-annexation issue and the zoning issue.

Mr. Ray stated that they had worked with Mr. Billy Slaughter, Mayor of Sunny Side, who indicated that he was in favor of de-annexation and has now changed his mind and that is simply politics. Mr. Ray then stated that DGR Holdings is trying to facilitate for a young man, who came in and took over his family business just 4 months before the tornado in 2011 and since that time has rebuilt that business. Mr. Hoffman has added 4 additional pieces of property along 19-41 where he can continue to expand his business. Mr. Hoffman wants to be in Spalding, and he wants to benefit Spalding County and they want to help him.

Mr. Ray then advised that along 19-41 there are four pieces of property that are zoned C1B from RaceTrac through the City of Sunny Side and there are 26 C-1 locations.

Josh Hoffman, 496 Tom Bell Road, Milner, GA – advised that he is the business owner of Sunny Side RV. He came back from college to a disastrous tornado that had hit his father's business and wiped out everything that his father had invested there. In August 2011 he purchased the business and helped him rebuild and took on a job with another organization to help fund the business. Three years ago, he left the second job as he had been able to grow Sunny Side RV into a business that supported himself, his father and his employees and benefit Spalding County. Several years ago, he purchased the tract on which they are currently located.

Since the tornado, this business has gone from having one camper on the lot to a business that serves people from all over the Country and all over the world. We have customers in Australia and Canada. Our average revenue is between \$200-300,000 per month, which is revenue that comes back into Spalding County. We support Spalding County and all of their employees are residents of Spalding County.

Mr. Hoffman then advised that an opportunity to purchase land in Henry County was available last year, but he turned down the opportunity because he wanted to keep his business in Spalding County. Since that time, he has purchased four other pieces of property along 19-41 in Sunny Side and he has purchased a rental property, behind his business, in Sunny Side. His goal is to make Spalding County grow, this is where he grew up, this is the county he loves, and this property is essential to the growth of their business.

Mr. Wilson then advised that there were two who had signed up to speak against the rezoning.

William Slaughter, 165 Slaughter Road, Sunny Side, GA – stated that in an attempt to initiate change in Sunny Side and North Spalding County’s appearance is the reason for his comments. The type of businesses currently along this corridor are undesirable. A lot of them have bad appearances, so we need to do something to change that. He then presented pictures of properties along the corridor and a current picture of the property being discussed this evening.

Mr. Slaughter advised that the problem is this is a relatively small piece of property and it is right next to 19-41 and they are storing a lot of large campers on the property. There is no way to make this appealing for the community or visitors passing in and out of the community. If the rezoning is permitted, then they will be able to utilize the property however they see fit. The zoning office will not be able to do anything about it, no matter what it looks like because they will be in compliance.

Mr. Slaughter then asked, “What happens when that business moves on?” “What will be at the location next?” Unless we do something to change the appearance in the Sunny Side area and North Spalding County it is going to be worse. In addition to that, it sets a precedence, there are already four locations that are zoned for outside storage, this could be a fifth one. How many more are we going to have in this area to be detrimental to the Sunny Side area and for Spalding County.

Mr. Slaughter then encouraged the Board to look past this event, investigate the future and determine where we are going with Spalding County, where are we going with Sunny Side, where are we going with North Spalding County. What is it going to look like 10-20 years out, what is the plan, what are the steps it is going to take for us to get there?

Kimberly Slaughter, 165 Slaughter Road, Sunny Side, GA – stated that she has had the privilege to live in Spalding County, raise a family, co-manage a business and work for 32 years. It is for that reason she is here tonight to help make a difference as a citizen and do her part. The lot on which the campers are parked has been in violation of the current zoning for approximately 3 years. It has already attracted criminal activity along with being an eyesore for those entering one of the main gateways into Spalding County.

Our County under the current Sheriff and Judicial Administrations have made a lot of progress against crime. If the rezoning is approved it will continue to be an attraction for those who do not value the law, thus placing one more burden on law enforcement and putting surrounding citizens in danger. As you are aware, there is already a lot of outside storage along 19-41 in Sunny Side and the surrounding area.

Ms. Slaughter stated that she hopes the Board will agree that Spalding County does not need any additional outside storage. Our decisions today, like those before us, have a lasting and positive affect or a negative one. She hopes that the board will review the current state of that corridor and make a positive impact on Spalding County and vote against this rezoning request.

Mr. Jacobs stated that staff would talk about the two applications together and then vote on them separately.

Mr. Jacobs stated that Mr. Ray gave a good overview of the reasons for the request for the application. The primary issue of going from C1 to C1B is the allowance of outside storage. In addition to the use currently before the Board, this designation is also tied to car dealerships and the like.

Mr. Jacobs stated that staff, in review of the application, has recommended a conditional approval of the request as the request is consistent with the Future Land Use Map and the associated Comprehensive Plan. The current plan lists this property as Commercial Corridor. Staff recommends the following conditions be imposed:

1. The use shall be for Recreational Vehicle inventory storage only.
2. All outdoor storage shall be neat and orderly at all times.
3. No junk vehicles shall be stored on the property.
4. Only recreational vehicles in operational condition that are for sale shall be stored on the property.
5. All site lighting shall be designed so as not to glare onto adjacent properties or rights-of-way.
6. De-Annexation shall be applied for and approved by the City of Sunny Side.

Mr. Jacobs then advised that the staff report was written in March of this year. At the Planning Commission meeting on March 26th, the Planning Commission recommended conditional approval with a 5-0 vote. Their recommendation was to approve the zoning change, but with one change to the first condition, they asked that it be changed to read:

“The use shall be for Recreational Vehicle Sales and inventory storage only.”

Commissioner Flowers-Taylor stated that her concern is why is it that we are aware that the property is currently being used in violation of the current zoning and we have allowed it to continue. It looks like we are approving a rezoning to accommodate something that has already been out of conformity.

Commissioner Flowers-Taylor then asked if the business is on one side of the street, how can we justify having storage on the other side of the street? She stated that she is not comfortable making this zoning change when she knows that this piece of property has been out of compliance as far as zoning is concerned. That is the first thing that needs to be fixed, not by saying because we have been letting you do it, we are now going to change it. She feels if we do this for them, we will have to do it for everybody else and if we're not letting everybody else do it, then we shouldn't allow this applicant to be able to do it.

Part of this hinged on the applicant getting the property de-annexed from Sunny Side and that didn't happen. That was a big deal for us in going forward. So just because it didn't work out with Sunny Side, she does know why she should feel compelled to agree to do this, because obviously Sunny Side which is on the opposite side of the street has the same concerns that we have about what that corridor looks like.

Mr. Galloway advised that the Sunny Side decision only involved de-annexation, it did not involve land use at all.

Commissioner Flowers-Taylor then stated that the intersection is zoned commercial and any development that has come onto 19-41 in the last 3 years we have required them to not have storage in the front of the business. She asked if she was correct in that statement.

Mr. Jacobs advised that no. If it is going into a C1B designation, outside of it being a specific condition tied to a specific application. He advised that he had reviewed properties along 19-41 that have gone through a re-zoning since 2004 and there were 17 properties that went from a C1 to a C1B.

Commissioner Flowers-Taylor asked about the last four years.

Mr. Jacobs stated that there were 3 properties and none of those were tied to having to store any of the components tied to the business to the side or to the rear of the business. Traditionally the C1B re-zonings are for a car lot or storage buildings which display their products in the front. Mr. Jacobs stated that he can't remember any case where the Board required storage to the side or in the back on a C1B property.

Further discussion centered around the different requirements for the Commercial Zonings and other businesses that maintained storage facilities on lots across the street from their business offices.

Mr. Galloway then advised that RV Sales are allowed in the C1B Zoning, what makes this application a little different is where the RV Sales are occurring is across the street and this property is an adjunct to that.

Commissioner Hawbaker asked how long the sales of RV's have been going on prior to today?

Mr. Jacobs stated that the County does not license that location because it is in Sunny Side.

Commissioner Hawbaker then asked the terms of the lease.

Mr. Ray advised that the business across the street has been a family business for a number of years, but Mr. Josh Hoffman has been in charge of the business since 2011. To answer another question that should resolve Commissioner Flowers-Taylor's concerns is that Mr. Hoffman is waiting on the rezoning approval to spend money on this location. He doesn't want to spend any money until everything is in order and with that, he is looking to put an office at that location, on that corner as well as the RV's across the street.

Commissioner Hawbaker then asked if he was currently on a month-to-month lease.

Mr. Ray advised that Mr. Hoffman is on a long-term lease which will expire in three years with an option for another five-year lease.

Commissioner Hawbaker stated that he wants to know what the risk is of the tenant leaving this property if we were to rezone this.

Mr. Ray stated DGR Holdings owns the property underneath the address LLC. The property remained vacant for years prior to Mr. Hoffman leasing it and they had people interested in leasing it a number of times, but it was not rented because we didn't feel the businesses were right for Sunny Side or for Spalding County. When Mr. Hoffman came to us, he already had business in the City of Sunny Side and Spalding County and that is why they agreed to rent him the lot. Mr. Ray then stated it is hard for Mr. Hoffman to park trailers and RV's on the lot right now because there is some concrete that needs to be removed, but he is waiting to spend money on the lot to make it suitable as soon as the rezoning is taken care of.

Commissioner Hawbaker then asked what type of improvements Mr. Hoffman would be making.

Mr. Ray advised that they planned to build an office on the lot and there would be fencing around the lot with gating to secure the business. Concrete would be removed to allow for better positioning of the inventory on the lot. Mr. Ray further stated that with the conditions being placed on the rezoning the only thing that could be placed on the property would be trailers and RV's. Therefore, that limits what could go on the lot. Mr. Ray then stated that DGR Holdings is the owner of the property and it doesn't matter if Mr. Hoffman stays or goes, they will guaranty that the conditions placed on this property by the rezoning will be adhered to.

Mr. Jacobs stated that he feels some of the concerns voiced tonight are valid and included in the staff report on page 2 under Criteria When Considering a Rezoning Application, Subpart 4 that refers to the threat to the Public Health, Safety and Welfare if rezoned. Staff reports whether there will be a threat to Public Health, Safety or Welfare is debatable, the property is currently zoned C1 Highway Commercial which already allows for a commercial development, rezoning C1B allows unenclosed outside storage. "Staff has concerns regarding the appearance of the property as many of the RV's are placed on the property somewhat randomly and some are in various states of operational effectiveness. Additionally, junk vehicles are stored on the property within the RV stock."

Mr. Jacobs then advised that he stated in the staff report his concern, after indicating the amount of zonings we have gone through historically in this corridor going from a C1 to a C1B, the concern he would have here is he can't make any recommendations based on subjectivity. If he is going to use anything for a basis of denial, it is going to have to have firm ground, it can't be based on what he subjectively thinks is good or bad. As far as the current use being out of compliance, he has no problem moving forward in treating these on a very black and white standard, but he would urge caution because we would have to do across the board variances on everything across those lines and he doesn't have a problem looking at that, but he feels it would be wise to employ a pragmatic approach to an extent.

Commissioner Dutton stated that the conditions state that there can only be RV's and trailers on the lot as a condition and the lot must be neat and orderly.

Commissioner Miller stated that the lot has been an eyesore since the tornado went through and if they plan to go in there and clean it up and make it neat and orderly, he is for that.

Mr. Galloway stated that additional conditions could be added to the rezoning, if the Board would like to see a site plan that could be made a condition.

Commissioner Dutton then suggested that the items be tabled tonight, and the applicant be given the opportunity to go onto the lot and make it neat and orderly or provide a site plan for this lot.

Motion/Second by Dutton/Flowers-Taylor to table Application #19-01Z until a site plan and/or some evidence should the rezoning be approved that the lot will not continue to look like it did on the pictures presented this evening. Motion carried unanimously by all.

Motion/Second by Flowers-Taylor/Dutton to table the Application #1901AZ until a site plan and/or some evidence should the rezoning be approved the lot will not continue to look like it did on the pictures presented this evening and that the last condition requiring de-annexation be removed as a condition of approval. Motion carried unanimously by all.

3. **Application #19-03Z:** DGBTS, LLC, Owner - TPA Group, LLC, Agent - 415 Wallace Road (48.54 acres located in Land Lot 39 of the 2nd Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to C-1C, Manufacturing-Light.

Spoke in favor of the rezoning:

Patrick Jaugstetter, 108 Atlanta Street, McDonough, GA – advised that he represents DGBTS, LLC who is the owner of the property and TPA Group, LLC who has filed the application. The property for consideration is 48.5 acres on Wallace Road. It is adjacent or behind the Dollar General Warehouse Distribution Center that was approved by this board in 2016. The application is to rezone the property from AR1 to C1C for the purpose of distribution warehouse uses and only those uses.

Mr. Jaugstetter added that because of the expansion of the Savannah port and the new trucking regulations, these types of facilities are becoming more and more prevalent, especially in locations along the interstate between the Port of Savannah and North Georgia. This application is for a 400,000 square foot distribution center building.

Mr. Jaugstetter then stated that the Future Land Use Map designates this property for employment uses. We anticipate that once built a center of this type and this size will employ from 300-500 people. The property would be accessed from Wallace Road as a rezoning condition recommended by your Planning Staff and we will be required to construct accel/decel lanes on Wallace Road to hold the trucks turning on and off of Wallace Road.

The property on the south side abuts the Dollar General Warehouse property and across the street on Wallace road is approximately 189 acres that is owned by the Simpson Estate that is zoned C2 and their request is for a C1C zoning which is consistent with the Future Land Use Map and is consistent with the use immediately to the south and the for the use the property across Wallace Road is zoned.

Mr. Jaugstetter advised that both staff and the Planning Commission have recommended approval subject to conditions, all of which they agree with and feel are good conditions.

Spoke against the rezoning:

Mike Wallace, 371 Wallace Road, stated he has historic preservation concerns for this property. Georgia Code 12-352, if burial sites are involved research plan or design must include a plan identifying and notifying lineal descendants for skeletal analysis for curation and disposition as described by other public law. If they are prehistoric, historic, ruins, artifacts. Mr. Wallace advised there are Indians buried on this property and the Georgia Council on American Indian Concerns has been notified and he is talking with an archeologist who is a member of this Council at Georgia Southern who also has concerns about this property. He has submitted a form information sheet for request that Council on American Indian Concerns for study of suspected or proven burial sites. He just wanted this read into the record because there is more there than you realize.

Mr. Jacobs stated that this is a rezoning application to go from AR1 to C1C – Light Manufacturing, the Board had a similar request with the Dollar General Distribution Center. This area is a part of the current Comprehensive Plan and Land Use Map and has been designated as employment which this is the type of uses, we have planned for in this area due to its proximity to SR15 and I-75. Staff is recommending conditional approval of the request as it is compliant with the Comprehensive Plan and the Future Land Use Map. They are recommending the following conditions:

- Any expansion of development that meets or exceed 500,000 square feet of gross floor area shall require the Development Rights Impact Review prior to expansion.
- Ingress/Egress to the development shall incorporate an acceleration / deceleration lane.
- Site lighting to be design as to not glare into adjacent residential areas or onto public streets.
- Usage shall be limited to 1403A(A)(2): “Wholesale and warehousing operation” and 1403A(A)(10): “Distribution of products or merchandise.”
- Development shall be in substantial compliance with the site plan submitted with the application with respect, but not limited to the following: building orientation, square footage and dimensions; parking facilities; driveways, stormwater detention; and ingress and egress.
- Development shall be in strict compliance with all applicable provisions of the Unified Development Ordinance of Spalding County, Georgia.

Motion/Second by Hawbaker/Dutton to approve Application #19-03Z: DGBTS, LLC, Owner - TPA Group, LLC, Agent - 415 Wallace Road (48.54 acres located in Land Lot 39 of the 2nd Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to C-1C, Manufacturing-Light with the conditions recommended by staff.

Commissioner Dutton asked if staff had investigated the allegations there may be folks buried out there?

Mr. Jacobs advised stated that if the applicant starts engineering, soil boring or anything along those lines and they find something, everything must stop.

Commissioner Flowers-Taylor asked if there was any archeological study that could be done?

Mr. Jacobs stated that when the Parks and Recreation Department was in Phase I of the Quarry' Edge project there were some visual concerns that there may have been historical significance, so they were required to go through that process. If there anything found through the engineering process or once the civil drawing are approved and they get out there and find something, by law the entire project will have to cease.

Commissioner Flowers-Taylor expressed her concerns that Mr. Wallace spoke to there being Indian remains on the property and she feels to allow the land to be disturbed without anyone having done any pre-investigation is appropriate. She doesn't know where the information came from, if the information is accurate or if he has some historical documents showing that people may have been buried there, but it would be a dis-service to the applicant if they got started with this and got into the process and had to stop because there had to be an archeological study.

Mr. Jacobs stated that nothing came up with the Distribution Center, there is a lot of rock out they and they will have their hands full in engineering that site, individuals can state something like this on any project within the County. He has no problem with Mr. Wallace voicing a concern but should anything be discovered during any portion of the project they are bound by law to have to stop the project.

Newton Galloway stated that he doesn't know anything about Federal Law and Native American graves, but there is a State statute that governs the identification and location of any grave of any person in the event that an abandoned cemetery or an old cemetery is found, and it sets out a procedure for that. That procedure is not a pre-requisite to approval of development, but it is a pre-requisite if there is any indication when construction commences that a cemetery might be present.

Mr. Jacobs stated that in Heron Bay there is a cemetery that is just off of Johnson Road and they knew it was out there because the grave stones were there and because the stones were there was extensive study done on it and it was incorporated into the development.

Commissioner Miller then asked Mr. Jaugstetter if they get out there and find Indian remains what they would do.

Mr. Jaugstetter stated that he had worked with the UGA Archeology Department on issues of these kind. In any instance where human remains are found, your staff is absolutely correct, work stops and the process after that requires the property owner, and the developer to hire an archeologist to determine whether or not there is a cemetery, whether or not there exists human remains, you are then required to find out, as best you can, who is buried there. You do that through historical research, and you must notify any living descendants.

Commissioner Hawbaker then asked who pays for this research.

Mr. Jaugstetter advised that the developer would be required to do this at his or her own expense. They are then required, after public hearings and after getting a permit from the probate, if they wish to relocate those graves. They are required to buy sites in cemeteries, or they have to do what you typically see which is fence it off and provide access to the nearest public street.

Mr. Jaugstetter stated that they are happy to have a condition included if the Board so dictates that requires us to require to all State and Federal Laws related to the development of this property, because they intend to do so.

Commissioner Hawbaker then stated he would like to amend his motion to include that the developer comply with all State and local laws relating to identification of burial grounds.

Motion/Second by Hawbaker/Dutton to approve Application #19-03Z: DGBTS, LLC, Owner - TPA Group, LLC, Agent - 415 Wallace Road (48.54 acres located in Land Lot 39 of the 2nd Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to C-1C, Manufacturing-Light with the conditions recommended by staff along with an additional condition to include that the developer comply with all State and local laws relation to identification of burial grounds. Motion carried unanimously by all.

Commissioner Flowers-Taylor exited the meeting at 7:21 p.m.

4. **Application #19-05Z: Lift from the table** - Marshall Grant Henry, Owner - Cecil Jackson Road (43.679 acres located in Land Lot(s) 230 & 251 of the 3rd Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to A-T, Agriculture-Tourism.

Motion/Second by Dutton/Hawbaker to lift from the table Application #19-03Z. Motion carried unanimously by all.

Mr. Jacobs then asked that Application #19-08S be read for consideration along with Application #19-05Z as there is a zoning component as well as a special exception component that need to be discussed together, then the items will need to be voted on separately.

5. **Application #19-08S:** Marshall Grant Henry, Owner - Cecil Jackson Road (43.679 acres located in Land Lot(s) 521 & 230 of the 3rd Land District) - requesting a Special Exception to allow Farm special event facility; Cabins; Campground, farm; Any and all other parking structures, facilities or areas other than as provided for in Section 607A(B)(5); and Any other agriculture-related or non- agriculture-related use not contemplated by this ordinance, but which the administrative officer determines to be consistent with the purpose of the agritourism ordinance and not in degradation of the rural and/or agricultural use(s) of surrounding properties in the A-T District.

Spoke in favor of the application:

Marshall Grant Henry, 1357 Grant Street, Atlanta, GA, is the owner of the property. Mr. Henry advised that he has several businesses in Atlanta, GA and one in Athens,

GA and he stumbled across this property two years ago and fell in love it. The location is an old Girl Scout Camp, it is a special place because it already has the cabins, it already has the lodge, it already has the bath houses. It already has a pond and it has a dock on the pond. It already has pole barns and it had bridges. The property was already there, but it was zoned Agriculture Residential. In working with Mr. Jacobs, it appeared the best route for this property would be to change the zoning to Agri-Tourism so that we can use the facilities that are already there.

Mr. Henry advised that his initial investment was 38 acres, but it only had 200 linear feet of road frontage, so in order to make this change, he needed more road frontage. A few months ago, he purchased an additional 5.5 acres from the Girl Scouts which makes a total of 44 acres. He advised that he respects the community and he has reached out to the neighbors and he would like to reiterate that his plans for this property would not be anything commercial, it is for groups. They want to have retreats, weddings and reunions at this location. He advised there would never be a sign stating: "Open from 10 – 2." All events will be booked in advance and they will be vetted by Mr. Henry as far as what group will be at the location.

Mr. Henry stated that he has a local person, Gabrella Ovitta, who will be handling the Agricultural side of the operations. She attended Girl Scout Camp at this location as a child as well as her mother. She has a business of collecting and harvesting chanterelle and there are chanterelles on the trails and in the woods. We are also contracting with a bee keeper in Atlanta, Steve Bailey and he will be setting up bee hives on the property.

Commissioner Hawbaker then asked if they had held events on the property already.

Mr. Henry advised there have been events, but they were not paid events. They gave permission to teachers at the school her daughter works at. They were given permission to come out and try out the space. They have also had family who has visited and stayed out there.

Commissioner Dutton then asked what other types of business Mr. Henry owned.

Mr. Henry advised that he owns another event space in Atlanta, in the old Fourth Ward called Church Annex and it is an Annex Building that is diagonal to a Bar/Restaurant that he also owns in Atlanta on the corner of Edgewood and Boulevard. That was started in 2010 and in 2014 he went to Athens, Georgia and opened up the same bar in Downtown Athens.

Mary Grace Henry, 1336 Hill Street, SE, Atlanta, advised that she is Grant Henry's daughter. Ms. Henry advised that she works with her dad and has worked with him for the last 5 years. She stated her father grew up as a camp counselor and was something he really treasured and enjoyed. He found the property beautiful and he saw this as a place we could go as a family and we have had family reunions at the property. He wanted to be able to have time for us, as a family, to spend time out of the City as well.

Once he was able to get down to the property and had the opportunity to enjoy the beauty of the location, he wanted to be able to share it with the community and his friends and family. Throughout her life she has observed him finding things that

others no longer care about or don't see the beauty in and he has always been able to have an eye for it and bring it back. That is what he has done for this property and his intent is to maintain what he found there.

Ms. Henry stated that she does all of the administrative work for her father, she obtains the licensing and pay the bills and the intent is not for us to come in and open a business from 9-5 or something where people can just walk up. Ms. Henry stated that her father builds community around his businesses where people like to come together and be together. Where people can feel safe and feel that they are in a great place and that is what he wants to do with this location. That is our desire is to bring in groups, not to have an open-door hotel and not to have traffic coming in and out every day. Events will be planned.

Richard Garner, 309 Gordon Avenue, Atlanta stated that his connection with Mr. Henry is from college. He advised that Mr. Henry invited him to come down to the property and look around. He went down to visit the property and has some free time, so he agreed to help Mr. Henry fix up the property. He advised that he has worked with Mr. Henry for the better part of the past two years on this property and he wanted to speak a little bit about the character of the man behind this project.

Mr. Henry is a visionary and he was taken with his vision for this property. He has seen with his properties in Atlanta that he is not just a business owner, he is an active member of the communities where these businesses are located. He knows that this for Mr. Henry is more than a business opportunity, when Mr. Henry says that he fell in love with the property and Mr. Garner believes this is true.

Over the last two years, in working with Mr. Henry he has learned that foremost his first love is his family, his daughter and his two grand children his second loves are his businesses, the people who work in those businesses and the communities in which those businesses are located. He also believes in reinventing something that has gone dormant.

Mr. Garner feels that Mr. Henry will work very closely with the neighbors in the community and from what he has observed of Mr. Henry in his other businesses and those communities, he feels this is absolutely true. Mr. Henry is a man of integrity and he is a person who will do what is best not only for his business, but for everything around that business.

Joe Stewardson, 130 Boulevard, NE, Atlanta advised that he has known Mr. Henry for more than 20 years. They have worked together in the old Fourth Ward Community to help revitalization there. He has personally purchased and restored three buildings there. Mr. Henry was his tenant at one time, and they have a long business relationship. What Mr. Garner said is true.

Mr. Stewardson stated that with the new designation of Agri-Tourism that Spalding County has adopted, this is a great opportunity, and this is the individual that you need to do this with. Mr. Henry is creative, community oriented and if there is an opportunity to make Agri-Tourism viable in Spalding County, this is a wonderful place to start and he hopes that the Board will give this serious consideration.

Commissioner Hawbaker asked how many times Mr. Henry had been cited for code violations in Atlanta.

Mr. Stewardson advised that none that he was aware of.

Jon McRae, 450 Ruth Street, Athens stated that there have been no violations in the history of their businesses. Mr. McRae stated that he has know Mr. Henry for 10 years. He was a student at Georgia State when he came across Church and Mr. Henry. He never thought he would be in the bar business, but here he is a decade later, he is the operator of the Athens location.

Mr. McRae stated that he trusts Mr. Henry totally. He has never seen Mr. Henry do anything of questionable integrity. Mr. Henry has many strengths, but one of those is to bring about compromise. He is excellent at taking two groups of people who are far away from each other and bringing them together and finding common ground.

The other thing that Mr. Henry does very well is he sees things in people that they don't see in themselves and people perform up to his expectations rather than they thought what they could do. Mr. McRae stated he is a perfect example of this as he never thought he would have a career doing what he is doing, building a successful business with him in Athens and in Atlanta.

Mr. Henry can look at a business and see opportunity that no one else could see and he hopes that the Board will give him the opportunity to see out that dream at this location.

Robin Hearn, 1980 S. Sixth Street Ext., Griffin, stated that she is a realtor here in town and she is the agent who had the property listed when it was for sale. While it was listed, she showed it to a number of people, all of whom were looking to do the same thing as Mr. Henry. They all came in wanted to make it some type of event center and the reason for that is because it is the perfect property for that type of business. It is one of the best uses she can think of for that property.

Ms. Hearn stated when she sold the property to Mr. Henry it was truly in deplorable condition. She has been in contact with Mr. Henry, since he has been working on it and she has observed his work on the property, and it has been impressive. Mr. Henry has turned it into a beautiful property, but the most impressive thing is that he has maintained the beauty and original building, just brought them back to life. He has maintained the integrity of the camp and yet, it is now ready for its next season.

Ms. Hearn stated that as a citizen of Spalding County and as a business person in Spalding County, we want to do everything that we can do to expose Griffin to the outside world in the most positive light possible. She is aware both the City of Griffin and Spalding County are working toward bringing good progressive growth to Griffin and having a good event center is huge. There are people who are having to go outside of the county to have a wedding, a reunion or whatever and there are citizens from outside of the county that can use this location. This is a low impact use, it is not something that is going to be happening all the time.

Spoke against the rezoning:

Thomas Tatum, 4 Edgewater Court, Griffin stated that he is here this evening to oppose the rezoning. He is specifically here to oppose item #5 the Special

Exceptions for the property. It took a while to try and figure out what this is all about. The purpose of his opposition is the lack of information and transparency.

Mr. Tatum stated that he met Mr. Henry two years ago after he purchased the property. He invited him over a couple of times, and he heard the vision and he saw where Mr. Henry was going with it and they talked about what Mr. Henry was planning to do.

The camp was breaking down and Mr. Henry wanted to revitalize it. Since that time, he has put in a lot of work and effort into the property. They began to see the events and didn't think anything of it. As a matter of fact, his family thought it was already in operation. They began to see things happening, the groups seemed to get larger, campers started going in needing hook-ups.

The thing that got the community's attention and the reason he is standing here this evening is all of a sudden, the big Zoning signs popped up and then a couple of days later the exceptions to the zoning signs popped up with a whole list of exceptions. So, we weren't sure what the zoning was about and then what is the long listing of exceptions. For the community, this began to look a lot larger than what the original vision was of 40-50 people down there.

The community's concern is that the Board ask questions and let the community know what this is all about, what are these exceptions? Are they talking 40 people or are they talking 4,000? Are they using the existing cabins, or is there an expansion plan? Are they bringing in campers? Where is this project going?

When this went before the Zoning Board a few weeks ago there was a vision for expanding cabins and adding campers. He simply asks that the Board look at this.

Rebecca Chambers, 35 Edgewater Drive, stated this is the third time she has come before the Board and she wants to say that oppose is an understatement. She took the time to walk the community and go door to door and she has a petition with signatures of those who vote "no" going toward this situation.

Ms. Chambers advised that they live on a dirt road, there is one way in and one way out. The extra traffic is going to make the dirt road in worse condition that it already is. She doesn't want the noise that is already going on back there. The weekend after the hearing before the Zoning Board there was a get together. There was 30+ cars on the property, they didn't have permission to do it then, so what says they will follow the rules should the zoning be approved? She doesn't believe they will.

Ms. Chambers stated that most of the people in this community are 50+, it is a quiet community and they don't want this in their community. She doesn't want the noise, she doesn't want the traffic and she doesn't want the commotion. The quiet get togethers so far have not been quiet. There have been live bands, there has been music up until late hours of the night.

Ms. Chambers then presented a copy of the petition to the Board.

Rudy Mendias, Jr., 60 Edgewater Drive, stated that his big concern is, he has met with Mr. Henry and as the people who works with him have told you, whatever he is involved in grows. He is a smart business man. Mr. Mendias stated that his concern

is the road. The road is a gravel road and it is narrow. There are places in the road where it is difficult for two cars to meet and continue on without one stopping. They have just scrapped the road and the ditches are full. The culverts are full of gravel and silt.

The dirt road is on a 4-month rotation and the traffic going into this location is going to make the road deteriorate faster than it currently does.

Mr. Mendias asked that the road be paved. He stated that the silt from the road is running into the lake and it is killing the fish. They have come out and placed stones in the ditches, but you go out there now and you can't even see the stones, the silt has washed over it and there is silt going down and killing the fish.

Mr. Jacobs then reviewed the Agri-Tourism Ordinance. We have had a number of conversations with individuals in the area regarding the ordinance. The way development is moving, we can provide better mixes of some of the uses so they can work together. Spalding County and the State of Georgia has a large agricultural base and the push is to provide an economic engine that would include this as well. While we were writing this code, we were approached by this applicant.

Most of the Special Exceptions that come before the Board are for Home Occupation. As the applicant does not live on the property, this option is not available to him. He advised Mr. Henry that the County was working on an Agri-Tourism Ordinance that might be a closer fit. This is the first application that has come before the Board since this Ordinance was adopted.

Mr. Jacobs then advised there are two items for consideration this evening. The first is the zoning to go from AR1 to AT and within that, you have the principal uses that are allowed by right and then there are special exception uses. In the request, submitted with the application the weddings, the cabins and the irony of this is we wrote the language prior to even meeting the applicant. These were ideas that were already in the ordinance.

The retreat and wedding event use are only allowed within the approval of a Special Exception, that is why you see the second component. Mr. Jacobs stated that he agrees with Mr. Tatum while it looks very foreboding when you see all the verbiage on the signage, to address the concern with respect to the signage, that is something that we have to do by law. As this is going through the zoning process, in order to adhere to zoning procedures law, for each component we have to put signage out on the property. So, you have the signage that goes out on the property for the Board of Commissioners meeting, you have signage that goes out on the property for the Board of Appeals and then signage for the Board of Commissioners meeting for the Special Exception as well. That is why the signs started to pop up, it is simply following the zoning procedures law.

Staff is recommending approval of the rezoning. He did note in the staff report that this property is very unique as it has been used previously as a Girl Scout Camp and offers a lot of possibilities as well as challenges, but the Agri-Tourism Zoning offers the closest fit for the property. It does rely very heavily on an agricultural component. Staff is recommending conditional approval as it is compliant with the Future Land Use Map, this area is planned as Rural Neighborhood which allows low density uses.

Conditions are as follows:

- Development shall not be operated as a hotel/motel format.
- A Special Exception shall be applied for and approved for the farm, special event and cabins component.
- The parking area must comply with a 30-space maximum that is allowed within the Agri-Tourism zoning.
- Business License shall not be issued until on site confirmation by Community Development of active agricultural usage under the AT Ordinance.

Planning Commission at their meeting on June 25, 2019 did recommend conditional approval by a vote of 4-0 with the conditions.

Regarding the Special Exception, staff is also recommending conditional approval of that request with the following conditions:

- A business license shall not be issued until outside confirmation by Community Development of active agricultural uses under the AT Ordinance. On site reconfirmation will be conducted by staff for each business license renewal. Failure to comply at any time will result in revocation of the business license.
- The development shall not be operated as a hotel/motel format.
- No campers or recreational vehicles are allowed. Camping shall not exceed 7 nights pursuant to the definition in Section 602(A)(L).
- Any additional parking areas in excess of Section 604(A)(b)(5) shall be tied to overnight stays in the cabins only.
- Any outdoor amplification for events shall first obtain a permit, prior to the event pursuant to the noise abatement and control ordinance.

Commissioner Hawbaker then asked if the applicant held events at this location prior to submission of this application.

Mr. Jacobs advised that it is his understanding that was an event held out there, but as long as the events are not tied to any business component, it is not considered non-compliance with the ordinance. It would be no different than if you wanted to have a get together with family and friends on your property, we can't deny you that. But if you do it and it is tied to a business and if money is changing hands, then yes, they are in violation.

Commissioner Hawbaker stated that his ultimate question is if events have been held at this property that would have been in violation of the rezoning application.

Mr. Jacobs stated that should both applications be denied this evening, they can still hold family events at this property. The board has approved amplification permits over the last month that involved weddings being held at private residences. This would be the same concept.

Chairperson Johnson then asked if there had been any complaints received regarding the activities at this location.

Mr. Jacobs stated that the only complaint he had received was from Ms. Chambers back in July. They contacted Mr. Jacobs regarding the rezoning, he advised what he had, and they expressed their concerns at that time. That is when he made contact

via email with the applicant and he did do due diligence and he was advised that it was a wedding for a family friend, and it was not tied to the business.

Mr. Galloway then advised that if there is a function at this location that would fall within the parameters of the amplification ordinance, they will still be required to apply for an amplification permit. He wanted to state that Mr. Jacobs is correct until this moves into a business format, as with any other property owner you can have whomever out on your property that you choose for whatever purpose you choose subject to nuisance and noise restrictions. Mr. Galloway then stated that there is no evidence at this time that the property has been used commercially in violation of the ordinance.

Mr. Galloway stated that with regard to Commissioner Flowers-Taylor leaving, under Section 404J(4) the applicant and the owner shall be entitled to continue consideration of the application to the next BOC hearing date in the event the hearing date on which the application is heard is attended by less than all of the Board of Commissioners, provided that such application has not be previously continued. It is the applicant's option, they can continue to proceed or they an ask that it be continued.

Mr. Wilson stated before the vote the applicant needs to advise the Board if they wish to continue or if they wish to table.

Chairperson Johnson called for a 5-minute break at 8:14 p.m. to give the applicant time to think about his decision.

Chairperson Johnson called the meeting to order at 8:18 p.m.

Mr. Henry advised that he trusts the process and he believes in what he is doing, and he intends to do what he says he is going to do. He trusts the Board to take the vote tonight.

Motion/Second by Dutton/Johnson to approve Application 19-05Z Marshall Grant Henry, Owner - Cecil Jackson Road (43.679 acres located in Land Lot(s) 230 & 251 of the 3rd Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to A-T, Agriculture-Tourism. Motion carried 3-1 (Hawbaker).

Motion/Second by Dutton/Miller to approve Application 19-08S Marshall Grant Henry, Owner - Cecil Jackson Road (43.679 acres located in Land Lot(s) 521 & 230 of the 3rd Land District) - requesting a Special Exception to allow Farm special event facility; Cabins; Campground, farm; Any and all other parking structures, facilities or areas other than as provided for in Section 607A(B)(5); and Any other agriculture-related or non- agriculture-related use not contemplated by this

ordinance, but which the administrative officer determines to be consistent with the purpose of the agritourism ordinance and not in degradation of the rural and/or agricultural use(s) of surrounding properties in the A-T District. Motion carried 3-1 (Hawbaker).

E. Other Business

Mr. Wilson advised that resurfacing projects for the 2019 will start next Friday. They will start on Henry Jackson Road, move to Ellis Road and the on to Vaughn Road.

Commissioner Hawbaker asked when the 2020 LMIG projects would be selected and voted.

Mr. Wilson stated that the 2020 LMIG would be on the September 16th agenda for consideration by the Board.

Commissioner Hawbaker then asked when we would be scheduling the mileage rate?

Mr. Wilson stated that he hoped to have the preliminary digest numbers on Monday, and he will let everyone know about the proposed Tax Levy next week and we can set the public hearings and hopefully do it in September.

Mr. Wilson stated that we will start demolition on Monday morning at 8:00 a.m. of the three pieces of property that we purchased on Intersection #3. The bids for that project are due next week and they will be on the agenda for the 16th to approve as well.

Mr. Jacobs then advised that the CIE and CWP that the Board authorized transmittal on was sent out on the 14th and 6 days later we received authorization back from DCA that they have accepted it and approved. As soon as we adopt the QLG is extended. This is the fastest this has ever happened.

Mr. Wilson advised that the Board had approved submitting it for review now a resolution to adopt the plan will need to be approved at a future meeting.

F. Closed Meeting – None.

XIV. Adjournment

Motion/Second by Miller/Dutton to adjourn the meeting at 8:24 p.m. Motion carried unanimously by all.