

After Agenda

Board of Commissioners of Spalding County
Zoning Public Hearing
Monday, October 22, 2020
6:00 PM
Room 108, Annex Building

The Spalding County Board of Commissioners held a Zoning Public Hearing in Room 108 of the Spalding County Annex on Thursday, October 22, 2020, beginning at 6:00 p.m. with Chairperson Gwen Flowers-Taylor presiding. Commissioners Rita Johnson, James Dutton and Bart Miller were present for the meeting. Commissioner Donald Hawbaker was absent from the meeting. Also present were County Manager, William P. Wilson, Jr., Assistant County Manager, Michelle Irizarry, and County Zoning Attorney, Newton Galloway. Kathy Gibson, Executive Secretary was absent from the meeting and Michelle Irizarry recorded the minutes.

- A. **Opening (Call To Order)** by Chairperson Gwen Flowers-Taylor.

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

- B. **Invocation**

Commissioner James Dutton, District #2 delivered the invocation.

- C. **Pledge To Flag**

Commissioner Bart Miller, District #4, led the pledge to the flag.

Motion/Second by Johnson/Dutton to amend the agenda to include an Executive Session for consultation with the county attorney, or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. §50-14-2 (1). Motion carried unanimously by all.

- D. **Public Hearings**

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names and addresses and direct all comments to the Board only. Speakers will be allotted three (3) minutes to speak on their chosen topics as they relate to matters being considered by the Board of Commissioners on this Agenda. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

- E. **New Business**

1. **Application #20-18S:** Congregational Holiness Church, Owner - Anna York,

Agent - 47 Mission Circle (32.68 acres, more or less, located in Land Lot 81 of the 4th Land District) - requesting a Special Exception to allow a Church, synagogue, chapel, or other place of religious worship including educational buildings, parsonage, church-related nursery or kindergarten, and other related uses meeting the development standards in the AR-1 & R-2 District.

Deborah Bell, Community Development Director, stated this a request from the church to build an additional parsonage. They have a private drive which is 47 Mission Circle and they currently have three homes that serve as parsonages for retired ministers or widows or widowers of retired ministers who may be on a limited income. The church provides this as a service to their retired ministers and they are requesting special exception to build an additional home for a minister.

Mr. Wilson stated there is one person signed up to speak for this application, Anna York.

Anna York, 3888 Fayetteville Road, Griffin, Georgia stated they are asking to build an additional home on the property. They have the private road, Mission Circle and they already have three homes on the road as stated previously. We just want to add a smaller home on the property for the widow or widower of retired ministers. Many times our ministers live in parsonages which are church owned homes, pretty much their whole life and many times they do not prepare for their own personal home upon retirement or when one passes away their income is more limited. So, the church wants to provide a home to accommodate that situation. The home would be church owned and maintained and then widow or widower would move into the home.

Commissioner Miller then asked if it would be just the preacher and his wife?

Ms. York stated it would be a spouse, but no children. It would be an older couple that would be on Social Security and when you divide the income from two down to one many times that simply is not enough to go out and secure their own place to live. It could be a widow or a widower, we have had both situations occur. Or it could be a couple who is retired and no longer able and doesn't have the income. It is a very much needed service that we have had for years and we wanted to address the issue.

Ms. Bell stated that in their letter of intent, they stated that they wanted to build a structure that was smaller than the required minimum square footage, so she has added a staff condition that it would have to meet all of the requirements of any other house in that district.

Chairperson Flowers-Taylor then stated that she feels it is a good idea for a church to be able to provide this service to their retired ministers, but what concerns her is if we have more than one resident on this parsonage, when does it become a subdivision? Is there a plan? At some point, as an organization shouldn't there be some sort of site plan?

Ms. Bell stated that they have submitted a conceptual site plan with the other three homes and the road. The plan that was submitted as part of the package does appear to be a small subdivision. She addressed in her staff report that this would not exceed the density allowed within their zoning on their acreage, so it would still met that standard. But it is like a small subdivision which is

under the ownership of the church.

Commissioner Flowers-Taylor advised that she understands what is being stated; however, what happens in the future when there is a need? We have three houses already and they are asking for a fourth. At what point do we start looking at it and saying: "how is this going to meet for housing what is required in other parts of the County?" Do the houses have road frontage? Those are the questions she has. If we have approved three of these homes already on the property, is there a plan on how the County would address additional homes to mirror what is done in the rest of the County should more homes need to be added in the future?

Newton Galloway, County Zoning Attorney, advised that when additional homes are to be added a Special Exception Package will be presented to the Board for consideration and a determination of the Special Exception Package that this is exceeding what you intended to have or approved as part of a church, you can deny that one.

Chairperson Flowers-Taylor stated that she doesn't want us to set a precedent which we have already done. What is to stop the next church from building a subdivision on their property. She is simply saying that if that is their game plan, then the Board needs to see something stating this is our future plans for the land. If it is more than 5 houses it is a minor subdivision, so when you get to the fifth house, now you need an ingress and egress, or do you talk about that before.

Mr. Galloway stated that when the next one comes in, if we are approaching the subdivision development standards, Ms. Bell could raise that with them and it can be addressed at that time. He did point out that he feels there is not a likelihood that this gets repeated in many places because in design and standard these are full denomination, this is tied to the international headquarters that are out at Pirkle Campground. So, a retired minister is more likely to come and live around there than a single church.

Commissioner Dutton then asked that a Special Condition be added that the homes only be occupied by retired ministers and spouse or widow or widower only.

Motion/Second by Dutton/Johnson to approve Application #20-18S: Congregational Holiness Church, Owner - Anna York, Agent - 47 Mission Circle (32.68 acres, more or less, located in Land Lot 81 of the 4th Land District) - requesting a Special Exception to allow a Church, synagogue, chapel, or other place of religious worship including educational buildings, parsonage, church-related nursery or kindergarten, and other related uses meeting the development standards in the AR-1 & R-2 District with staff conditions and the special condition that the home only be occupied by retired minister or minister and spouse or widow or widower.

Chairperson Flowers-Taylor stated that she feels we have gone one step too far. Should the church have an outside evangelist or pastor come into town for a

period of time, we are basically saying that they can't let them stay there. So, she feels the idea and the intent is to accommodate retired ministers and their families; however, she feels if we try to restrict them to exactly, we are micro-managing those homes. If the home is not currently occupied by a retired person can they utilize the home for this purpose?

Commissioner Dutton stated that these people would be visiting and they would not be residents of the home and that should be left to the discretion of the church.

Chairperson Flowers-Taylor stated she is simply having a problem without the special conditions, she feels it should be passed with staff conditions.

Motion carried 3-1 (Flowers-Taylor).

2. **Application #20-19S:** First Assembly of God, Griffin, Ga., Inc, Owner - Cheryl Fields, Agent - 2000 West McIntosh Road (92.043 acres located in Land Lot(s) 66, 67, 94 & 95 of the 3rd Land District) - requesting a Special Exception to allow a Church, synagogue, chapel, or other place of religious worship including educational buildings, parsonage, church-related nursery or kindergarten, and other related uses meeting development standards in the R-2 District.

Ms. Bell stated that the church has both a school and a college ministry. They are currently housing their college students in apartments in Hampton and they would like to build apartments as a dorm on the campus. So they are requesting to build four dormitory buildings, they would build two now and two in the future.

Commissioner Dutton then asked the total occupancy?

Ms. Bell advised that the total occupancy of each building would 8 students per dormitory or 16 students per building.

Commissioner Dutton then stated it is 4 dormitories of 16 students each for a total of 64 students.

Cheryl Fields, 406 Beacon Court, Griffin, Georgia, stated that in the 20 years they have been ministry schooling we have had Pirkle Campground, we have had the Howard Johnson, we have had various apartments and duplexes throughout Griffin and right now most of them are being housed in Hampton.

Ms. Fields stated that the church is requesting a Special Exception to the zoning requirements so they can build the dormitories on their campus. As stated earlier, we have had a ministry school on the campus for approximately 20 years and we have tried housing within the community many different times and it has become very clear to us that in order for us to provide consistent quality and safe housing for our students we need to build our own. Housing that we would own and control and we can manage those. We currently have a large piece of property 100 acres and we have another piece of property consisting of 22 acres to the side of this property and there is plenty of room to allow us to build the dormitories. We do want to build two immediately, so that

we have them open by August 1, 2021 which will allow the students to start moving in the third week of August and then the plan is, as the school grows to add the other two buildings, probably one at a time. That is why we are asking for all four of the buildings at this time. We have provided a site survey to show where the buildings will be located. They won't really be seen from the road they are off of a side road off of Henry Jackson Road. This is something that is going to help us to better attract students to our school.

Currently, if a parent comes in to register a student in March, we can't tell them where their child will be housed. It depends on what apartments are available and that has been an issue. Also, we have students in different apartment complexes and they feel it is much better for them to be in a single setting. They are an extension campus of SAGU University which is out of Texas and they are SACs Accredited, so their students not only received an accredited degree that can be transferred to other schools we are also providing them with a valor portion of the school which is practical, on-hand, hands on ministry opportunities within the Griffin Campus and our other campuses in Griffin, Newnan and Jasper. So, when a student graduates from our school, they are ready to go into the Missions Field, to be a children's pastor, a music pastor or pastor. This why we are asking for the exception is to provide them with quality housing.

Commissioner Dutton stated that he would like for the occupants for this dormitory to be limited to student residents. So, should the school be closed at any time in the future it could not be turned into something different.

Ms. Fields stated that the school has been around for 20 years and their plan is to grow the school, but should the school school she could see it possibly being mission homes for missionaries as we do currently have two homes on the property. We have missionaries on the property now and their families are living in the home that we have on Henry Jackson Road. We have a current missions pastor living in the other house on the property on Henry Jackson Road at SR92. That is how she would see these units being used in the event they should close the school.

Commissioner Dutton stated that the request is for dorms. Should there be a need in the future to utilize the buildings for something else, he would like for the church to come back before the board. Since the request is for dorms at this time, he would like to limit it to dorms.

Eric Speir, 1100 Maple Drive, Griffin, Georgia stated that the only thing he would add is that these students come into our community and work in the community. They will be purchasing groceries at local stores. They will be spending money within the community. All of the students have to pass background checks in order to be a part of the school and they are not supposed to smoke, drink or cuss. The worse thing they do is double park sometimes at Kroger, but that is really about it.

Motion/Second by Dutton/Miller to approve Application #20-19S: First Assembly of God, Griffin, Ga., Inc, Owner - Cheryl Fields, Agent - 2000 West McIntosh Road (92.043 acres located in Land

Lot(s) 66, 67, 94 & 95 of the 3rd Land District) - requesting a Special Exception to allow a Church, synagogue, chapel, or other place of religious worship including educational buildings, parsonage, church-related nursery or kindergarten, and other related uses meeting development standards in the R-2 District with conditions as set forth by staff and the addition condition that residency be limited to enrolled students for dormitories only. Motion carried unanimously by all.

3. **Amendment to UDO #A-20-08:** Article 2. Definitions of Terms Used – Section 202:BBB – amend definition; Article 5. AR-1 – Section 503:B(20), Article 6. AR-2 – Section 603:B(14), Article 7. R-1 – Section 703:B(5), Article 7A. R-1A – Section 703A:B(5), Article 8. R-2 – Section 803:B(5), Article 8A. R-2A – Section 803A:B(4), Article 10. R-4 – Section 1003:B(5) and Article 11. R-5 – Section 1103:B(4) – amend personal care home requirements.

Mr. Galloway stated that the County currently has a moratorium on all Personal Care Homes, but the targeted principle was residential districts. The moratorium was put in place for Article 2, Definitions of Terms Used, Section 202:BBB. He then reviewed the current definition with the Board and when it was adopted.

Mr. Galloway stated when these definitions were adopted approximately 10 years ago the definition was taken from the Georgia Rules and Regulations in the Department of Human Resources, Chapter 290-5-35 and the conditions for the home were taken verbatim from those regulations. Ms. Bell's office began to receive inquiries on the permitting of new personal care homes and we hadn't had any in a while so we went back to check to see if there had been changes in the rules and regulations. There were changes, they had been repealed, so that meant that the State Regulations on which our Ordinance was based had no basis any longer. We actually had trouble finding where the new regulations landed.

Mr. Galloway stated that they were moved to the Department of Community Health at Georgia Rules and Regulations Chapter 111-8-62. We have now proposed the in kind definition of personal care home which is verbatim from the Department of Community Health Rules and Regulations Chapter 111-8-62 which provides that a personal care home is any dwelling. The prior ordinance divided it by size, the number of people who were in the house. The State's current regulations do not do that. A Personal Care Home currently is defined as:

“Any dwelling, whether operated for profit or not which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services (including but not limited to individual assistance with or supervision of self-administered medication, assistance with ambulation and transfer and essential activities of daily living such as eating, bathing, grooming, dressing and toileting) for two or more adults who are not related to the owner or administrator by blood or marriage and permitted by the Department of Community Health pursuant to Georgia Rules and Regulations Chapter 111-8-62.”

So, now someone would have to come in and show that they have a permit for that home and then in the individual zoning districts the following would be typical, the Personal Care Home would be permitted as a Special Exception with a designated lot size which follows the requirements of the Zoning District and because the State Regulations say 2 or more people, we have a sliding scale size requirement for if you have 4, 6 or 8 residents. A "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling. Which is from our prior definition which prevents someone from purchasing a house for this specific purpose.

Mr. Galloway then advised that they had to go through and identify each residential zoning class where this was permitted and then make these changes pertinent to each zoning district. He then stated that in the prior Ordinance we did allow Personal Care Homes in the Duplexed Districts and we now have deleted that from the Ordinance. So, they are now only allowed in Single Family zoning districts.

Mr. Galloway stated that once they completed this, they discovered that the larger personal care homes or the entities described as personal care homes are similar to nursing homes and we allow nursing homes and similar facilities in certain commercial districts. We have very few of those and they are large commercial facilities.

Mr. Galloway then advised that they would be coming back at a later date with an amendment for the commercial districts, but they do not present the challenges of the individual homes in the residential districts, so we are asking that you go ahead and approve this ordinance for the residential classes and by the end of the year you will have an ordinance that incorporates these same definitions for the commercial classes, if the commercial class allowed some type of personal care facility.

Chairperson Flowers-Taylor then stated that the bottom line is that everything we had in the ordinance before is no longer relevant.

Mr. Galloway stated that is correct.

Commissioner Flowers-Taylor stated that the new ordinance will allow Personal Care Home in all residential and AR Districts?

Mr. Galloway stated that is correct as a special exception subject to licensing by the State.

Commissioner Flowers-Taylor then added that they will no longer be allowed in the district that allows Duplexes?

Mr. Galloway stated that is correct.

Commissioner Johnson stated that it would involve the square footage, correct?

Mr. Galloway stated that the square footage was one factor, but it simply struck them as odd that you would have a Personal Care Home in a duplex.

Motion/Second by Johnson/Miller to approve Amendment to UDO #A-20-08: Article 2. Definitions of Terms Used – Section 202:BBB – amend definition; Article 5. AR-1 – Section 503:B(20), Article 6. AR-2 – Section 603:B(14), Article 7. R-1 – Section 703:B(5), Article 7A. R-1A – Section 703A:B(5), Article 8. R-2 – Section 803:B(5), Article 8A. R-2A – Section 803A:B(4), Article 10. R-4 – Section 1003:B(5) and Article 11. R-5 – Section 1103:B(4) – amend personal care home requirements with staff recommendations. Motion carried unanimously by all

F. Other Business:

G. Closed Meeting

The agenda has been amended to include a consultation with the county attorney, or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. §50-14-2(1).

Motion/Second by Dutton/Johnson to enter into Executive Session for a consultation with the county attorney, or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. §50-14-2(1) at 6:52 p.m. Motion carried unanimously by all.

Motion/Second by Dutton/Johnson to close the Executive Session at 7:11 p.m. Motion carried unanimously by all.

H. Adjournment

Motion/Second by Johnson/Dutton to adjourn the meeting at 7:12 p.m. Motion carried unanimously by all.