

Agenda

Board of Commissioners of Spalding County

Zoning Public Hearing

March 23, 2017

6:00 PM

Room 108, Spalding County Annex

A. Call to Order

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 and relate to matters pertinent to the jurisdiction of the Board of the Commissioners. 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.

B. New Business:

1. **Application #16-04Z: Lift from the table** - Bunzl Trusts Spalding Property, LLC, Owner - The Joiner Law Firm, P.C., Agent - 2010 North McDonough Road (2 acres located in Land Lot 79 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-1, Highway Commercial.
2. **Amendment to UDO #A-17-01:** Article 2. Definitions of Terms Used - Section 202:HHH'1 - add definition for shooting range, indoor; Article 12. C-1 Highway Commercial - Section 1203:B(7), Article 14. C-1B Heavy Commercial - Section 1403:B(3), Article 14A. C-1C Manufacturing-Light - Section 1403A:B(7), and Article 15. C-2 Manufacturing - Section 1503:B(11) - add provision for shooting range, indoor.
3. **Amendment to UDO #A-17-02:** Article 23. Official Zoning Map - Section 2302:E - Semi-Annual adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

C. Other Business:

D. Adjournment



SPALDING COUNTY BOARD OF COMMISSIONERS Application #16-04Z - Lift from the Table

Requesting Agency

Office of Community Development

Requested Action

Application #16-04Z: Lift from the table - Bunzl Trusts Spalding Property, LLC, Owner - The Joiner Law Firm, P.C., Agent - 2010 North McDonough Road (2 acres located in Land Lot 79 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-1, Highway Commercial.

Requirement for Board Action

Section 414.

Is this Item Goal Related?

No

Summary and Background

The applicant is requesting approval from Spalding County to allow the rezoning of 2.0 acres +/- out of the total 187 +/- acres from R-2 to C-1. The applicant proposes to develop the property as a 3,500 square foot convenience store and gas station along with 4,500 square feet of additional retail space.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

APPROVAL

PLANNING COMMISSION RECOMMENDS: APPROVAL

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Application #16-04Z	3/16/2017	Backup Material
<input type="checkbox"/> PC 013117 Minutes	3/16/2017	Backup Material

SPALDING COUNTY
REQUEST FOR ZONING MAP CHANGE
APPLICATION NO. 16-042

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: THE JOINER LAW FIRM, P. C.

Address: 217 North Hill Street, Suite 1

City: Griffin

State: GA Zip: 30223

Phone: (770) 412-6045

Contact Person: John P. Joiner

PROPERTY OWNER INFORMATION

Name: BUNZL TRUSTS SPALDING PROPERTY, LLC

Address: 3350 Riverwood Parkway, Suite 1600

City: Atlanta

State: GA Zip: 30339

Phone: _____

Phone: (770) 412-6045

APPLICANT IS THE:

 X Owner's Agent _____ Property Owner _____ Developer

Present Zoning District(s): R-2 Requested Zoning District(s): C-1

Land District(s): 2nd Land Lots(s): 79 Acreage: 2.00 acres

Address Of Property: 2010 North McDonough Road

Proposed Development: Convenience store/ gas station

OTHER REQUIRED INFORMATION

Checklist

- X Attach 1 copy of plat prepared by a registered land surveyor and drawn to scale showing lot lines and location of existing structures and location of proposed structures.
- X Please attach a statement describing the proposed development.
- X Please attach a deed, certified by the Clerk of Court, of the property proposed for rezoning.
- X Please attach a copy of metes and bound description of the property for rezoning.
- X Please attach 1 copy (24 x 36) and 1 copy (11 x 17) of the conceptual site plan, if applicable (see Page 7).
- N/A If proposed property is within the S-2 Sensitive Land-Watershed Protection District, please submit a plat or drawing to scale showing the exact location of any surface water that is located on or within 250 feet of the subject property.

 1 Is the property recorded as one (1) or multiple parcel(s)?

OFFICE USE ONLY

Date Received: 12-21-16 Amount of Fee: \$500⁰⁰/_{xx}

Received By: C. McDaniel Receipt Number: 716626

REZONING APPLICANT'S RESPONSE

Pursuant to Section 414 of the Zoning Ordinances, The Board of Commissioners find that the following standards are relevant in balancing the interest in promoting the public health, safety, morality or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

Please respond to the following standards in the space provided or use an attachment as necessary:

(A) Whether a proposed rezoning (or special use permit) will permit a use that is suitable in view of the use and zoning of adjacent and nearby property: The proposed parcel is a 2.00 acres tract of land located at the NE corner of Jackson Road and North McDonough Road. All three of the other corner parcels at this intersection are zoned C-1 and are being used for compatible uses as that proposed for the subject parcel.

(B) Whether the property is suitable for the proposed use: The subject property is suitable for use as a convenience store/gas station.

(C) What is the length of time the property has been vacant?: The subject property has been vacant, undeveloped land for more than twenty years.

(D) What is the threat to the public health, safety, and welfare, if any, if the property is rezoned?: There should be no threat to public health, safety or welfare from the rezoning of the subject property.

(E) Whether and to what extent is the subject property value diminished under the present zoning?: The current zoning of the subject property only allows for use as residential property. The volume of traffic presently experienced at this intersection and this property's location on the corner of two busy roads make it appropriate for use as a commercial property.

(F) What is the balance between the hardship on the property owner and the benefit to the public in not rezoning?: Due to the existing uses of the properties located on the other three corners of this intersection, the subject property is not readily marketable as a residential tract of land. There is no discernable benefit to the public in not rezoning the subject property; rezoning of the subject property would not impact the traffic volume at the subject intersection.

Use Additional Pages, If Necessary

OFFICE USE ONLY

Date Received: 12-21-16

Received By: C. McDaniel

**PROPERTY OWNER'S CERTIFICATION OF
OWNERSHIP AND ZONING COMPLIANCE**

Certification is hereby made that the undersigned own(s) at least fifty-one (51) percent of the subject property.

The undersigned certifies that the subject property is presently in compliance with the current Zoning Ordinance for Spalding County, Georgia. The undersigned is aware that an application for a Rezoning, Variance, or Special Exception will not be received unless the subject property is in compliance with the Zoning Ordinance.

The undersigned certifies that the agent, if different from the owner, is authorized to file this application.

BUNZL TRUSTS SPALDING PROPERTY, LLC
Print Name of Owner(s)

John P. Joiner, Attorney
Print Name of Agent, If Not Same as Owner

[Signature] 12/20/2016
Signature of Owner(s) Date
or Signature of Authorized Officer or Agent
(if applicable)

[Signature]
Signature of Agent

[Signature]
Signature of Notary Public

12/20/2016
Date



OFFICE USE ONLY

Date Received: 12-21-16 Received By: C. McDaniel

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

A. APPLICANT'S DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of the rezoning application, made campaign contributions aggregating \$250.00 or more to a member of the Spalding County Board of Commissioners, a member of the Planning Commission, or any other government official who will consider the application?

____ NO. ____ (Yes/No)

If the answer is Yes, please complete the following section:

Name and Official Position Of Government Official	Contributions (List all which aggregate to \$250.00 or more)	Date Contribution Was Made (within last two years)
(1) _____	(1) _____ _____	(1) _____ _____
(2) _____	(2) _____ _____	(2) _____ _____

Attach additional sheets if necessary to disclose or describe all contributions.

**B. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE**

Have you, within the two years immediately preceding the filing of the rezoning application, made campaign contributions aggregating \$250.00 or more to a member of the Spalding County Board of Commissioners, a member of the Planning Commission, or any other government official who will consider the application?

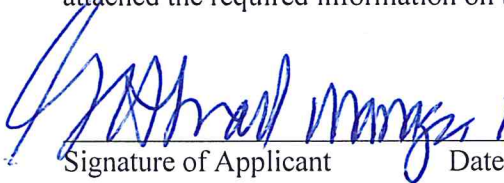
____ NO. ____ (Yes/No)

If the answer is Yes, please complete the following section:
ZONING MAP CHANGE
PAGE 6

Name and Official Position Of Government Official	Contributions (List all which aggregate to \$250.00 or more)	Date Contribution Was Made (within last two years)
(1) _____	(1) _____ _____	(1) _____ _____
(2) _____	(2) _____ _____	(2) _____ _____

Attach additional sheets if necessary to disclose or describe all contributions.

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

 12/20/2016 Gus H. Small, Manager
Signature of Applicant Date Type or Print Name and Title

 12/21/2016 John P. Joiner, Attorney
Signature of Applicant's Date Type or Print Name and Title
Attorney Or Representative

OFFICE USE ONLY

Date Received 12-21-16 Case # 16-04Z Accepted By C. McDaniel

SITE PLAN REQUIREMENTS FOR ZONING

Section 416: Site Plan Requirements for Rezoning. Any Applicant seeking rezoning of property to the following zoning districts of Spalding County, Georgia, C-1, C-1A, C-1B, C-1C, C-2, C-3, PDD, PRRRD, and O-I or seeking rezoning for any property subject to the requirements of the Spalding County Subdivision Ordinance, Zoning Ordinance of Spalding County, Appendix A for residential development within the following zoning districts of Spalding County, Georgia, AR-1, AR-2, R-1, R-2, R-2A, R-3, R-4, R-5 and R-6 shall submit a conceptual site plan depicting the proposed use of the property including: (#A-03-28, 10/06/03)

- A. Vicinity map;
- B. Correct scale;
- C. The proposed land use and building outline as it would appear should the rezoning be approved;
- D. The present zoning classification of all adjacent property;
- E. The building outline and maximum proposed height of all buildings;
- F. The proposed location of all driveways and entry/exit points for vehicular traffic, using arrows to depict direction of movement;
- G. The location of all required off street parking and loading areas;
- H. Required yard setbacks appropriately dimensioned;
- I. The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation, if required;
- J. Topography at twenty (20) foot contour intervals (USGS Quad Sheets may be used);
- K. Location and elevation of the 100 year flood plain on the property which is the subject of the proposed zoning;
- L. Delineation and dimensions of the boundary of the proposed district;
- M. Date, north arrow and datum;
- N. Location and acreage of all major utility easements greater than twenty (20) feet in width;
- O. Approximate location (outline), height, and use of all other proposed drives, parking areas, buildings, structures and other improvements;
- P. For all property for which ingress and egress must be obtained by access from a road within the state highway system, a permit from the Georgia Department of Transportation for access to the state highway system.

(Revised 10/31/03)

REFERENCES:
DEED RECORD: D.B. 2483, p. 311
PLAT RECORD: P.B. 6, p. 384
TAX RECORD: TAX MAP 204, PARCEL 007

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 14,758 FEET, AND AN ANGULAR ERROR OF 02" PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 118,910 FEET.

FIELD DATA WAS COLLECTED USING A TOPCON GPT2003W ELECTRONIC TOTAL STATION AND A CHAMPION TKO DUAL-FREQUENCY RTK GLOBAL POSITIONING SYSTEM RECEIVER REFERENCEING THE eGPS STATEWIDE NETWORK AND HAVING A RELATIVE POSITIONAL ACCURACY OF LESS THAN 0.04 FEET.

THE FIELD SURVEY COMPLETED IN DECEMBER 2015.

PORTIONS OF THE PROPERTY SHOWN HEREON ARE LOCATED WITHIN A FLOODPLAIN AS DETERMINED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY MAP PANEL 13255C 095E FOR SPALDING COUNTY, GEORGIA DATED 06-30-15.

EASEMENTS OR RIGHTS-OF-WAY MAY EXIST WHICH ARE NOT SHOWN HEREON AND MAY BE RECORDED OR UNRECORDED.

COORDINATES DEPICTED HEREON REFERENCE THE GEORGIA STATE PLANE SYSTEM, WEST ZONE, NAD83, IN US FEET. VERTICAL INFORMATION PROVIDED HEREON REFERENCES NAVD88.

A 25-FOOT UNDISTURBED BUFFER IS ESTABLISHED BY THE STATE OF GEORGIA FROM THE TOP OF CREEK BANKS ON BOTH SIDES OF CREEKS FOR EROSION CONTROL PURPOSES.

NOTE "A": SEVERAL REFERENCE PLATS, INCLUDING P.B. 6, p. 284 FOR THE SUBJECT PROPERTY, IDENTIFY THIS ROCK CORNER AS THE ORIGINAL LAND LOT CORNER. ANALYSIS OF LARGE-SCALE LAND LOT EVIDENCE FROM GEOPHOTOGRAPHY SHOWS THAT THE ORIGINAL EAST-WEST LAND LOT LINE BETWEEN LAND LOTS 79 AND 82 WAS ABOUT 325 FEET NORTH OF THE ROCK CORNER. HOWEVER, FOR CONTINUITY WITH PRIOR LEGAL DESCRIPTIONS, WE HAVE MAINTAINED THE LOCATION SHOWN ON PRIOR PLATS.

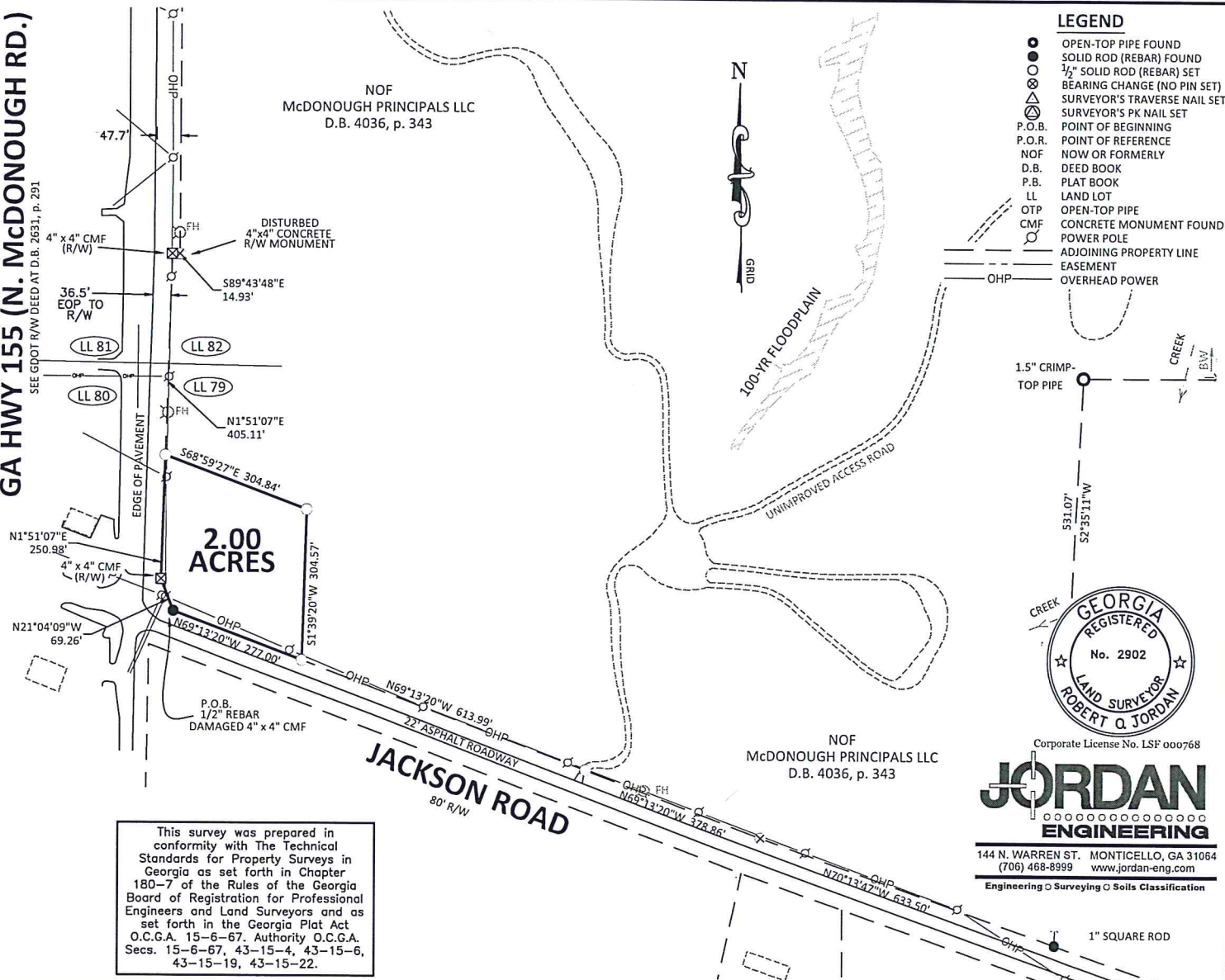
BOUNDARY RETRACEMENT SURVEY FOR

WBT McDONOUGH LIMITED CO. LAND LOTS 79 & 82, DISTRICT 2 SPALDING COUNTY, GEORGIA

0' 200' 400' 600'
SCALE 1" = 200' NOVEMBER 22, 2016

This survey was prepared in conformity with The Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67. Authority O.C.G.A. Secs. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

GA HWY 155 (N. McDONOUGH RD.)

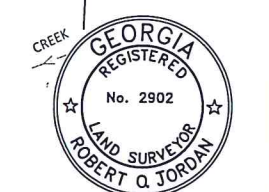


LEGEND

- OPEN-TOP PIPE FOUND
- SOLID ROD (REBAR) FOUND
- ⊗ 1/2" SOLID ROD (REBAR) SET
- ⊕ BEARING CHANGE (NO PIN SET)
- ⊙ SURVEYOR'S TRAVERSE NAIL SET
- ⊙ SURVEYOR'S PK NAIL SET
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE
- NOF NOW OR FORMERLY
- D.B. DEED BOOK
- P.B. PLAT BOOK
- LL LAND LOT
- OTP OPEN-TOP PIPE
- CMF CONCRETE MONUMENT FOUND
- POWER POLE
- ADJOINING PROPERTY LINE
- - - EASEMENT
- OHP OVERHEAD POWER

1.5" CRIMP- TOP PIPE

531.07' 52°35'11"W



Corporate License No. LSF 000768

JORDAN
ENGINEERING

144 N. WARREN ST. MONTICELLO, GA 31064
(706) 468-8999 www.jordan-eng.com

Engineering • Surveying • Soils Classification

1" SQUARE ROD

DESCRIPTION OF THE PROPOSED DEVELOPMENT

RE: Rezoning request for 2.00 acres of land located on the Northeast corner of Jackson Road and Georgia Highway 155 (North McDonough Road), with an address of 2010 North McDonough Road and being located in Land Lot 79 of the 2nd Land District of Spalding County, Georgia

The applicant is requesting the rezoning of the subject parcel from R-2 to C-1, in conformity with the Future Land Use Map currently approved for Spalding County, Georgia. The applicant proposes to construct one building encompassing two units. One unit will be 3,500 square feet in size and will be occupied by a convenience store with an accompanying automobile fueling station comprised of four pumping units and the appurtenant fuel tanks; the second unit will be 4,500 square feet in size and will be used as retail space. There will be 49 parking spaces provided on the subject parcel.

The subject parcel is a portion of a larger parcel of twenty acres being subdivided out of a tract of 171.61 acres which is currently zoned R-2. Due to the location of the subject parcel of two acres on a state highway and at the intersection of two busy roadways it is not appropriate for residential development, but is better suited for commercial use. The remaining three corners of the intersection at which the subject property is located are zoned C-1; the properties at the Northwest and Southwest corners are currently being used for the operation of convenience stores and the property at the Southeast corner is being developed as a Dollar General retail store.

If approved, the proposed development would provide new jobs at both the convenience store and the additional retail space, along with producing new sales tax and increased property tax revenue for Spalding County, in addition to the short-term financial benefits from the construction activities.

02483
00311

BOOK 2483 PAGE 311

Real Estate Transfer Tax
Paid \$ 0-
Date 5-3-04
Marcia L. Norris
Clerk of Superior Court, Spalding Co., Ga.

FILED & RECORDED
CLERK, SUPERIOR COURT
SPALDING COUNTY, GA.

04 MAY 3 PM 4 24

BY *Marcia L. Norris*
MARCIA L. NORRIS, CLERK

Return recorded document to:

Clyde E. Click, Esq.
CLICK & NULL, P.C.
3475 Piedmont Road, N.E.
Suite 1910
Atlanta, Georgia 30305-2981

STATE OF GEORGIA

COUNTY OF FULTON

EXECUTOR'S DEED

STATE OF GEORGIA

COUNTY OF FULTON

EXECUTOR'S DEED

THIS INDENTURE, made this 21st day of July, 1997, between FRANCES H. BUNZL and BENNETT L. KIGHT, as Co-Executors under the last will and testament of WALTER H. BUNZL (hereinafter referred to as the "Deceased"), late of Fulton County, Georgia (hereinafter referred to as "Grantor") and WBT McDONOUGH LIMITED CO., a Georgia limited liability company (hereinafter referred to as "Grantee"),

WITNESSETH:

Grantor, acting under and by virtue of the power and authority contained in the will of the Deceased, said will having been duly probated in the Court of Probate of Fulton County, Georgia and Letters Testamentary having been issued on July 26, 1988 and recorded in Minute Book 116, page 287, in said Court, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which are hereby acknowledged, Grantor has and hereby does grant, bargain, sell, alien, convey and confirm unto Grantee, and the heirs, legal representatives, successors, successors-in-title and assigns of Grantee, all that tract or parcel of land lying and being in Land Lots 79 and 82 of the 2nd District, Spalding County, Georgia as more particularly described on Exhibit A attached hereto and hereby made a part hereof.

To have and to hold said tract or parcel of land, together with any and all improvements located thereon, and any and all of the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee and the heirs, legal representatives, successors, successors-in-title and assigns of Grantee, forever, in fee simple, in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed by Deceased.

Grantor hereby warrants and represents to Grantee that all debts of and charges against the estate of the Deceased have been paid in full or that adequate provision for such payment has been made by Grantor as executor of such estate.

IN WITNESS WHEREOF, the Grantor has signed, sealed and delivered this deed the day and year first above written.

GRANTOR:

Signed, sealed and delivered this
21st day of July, 1997
in the presence of:

Judith C. Kight
Unofficial Witness

Elizabeth A. Lantford
Notary Public

My Commission Expires:
Sept. 28, 1997

Frances H. Bunzl (SEAL)
FRANCES H. BUNZL, Co-Executor
under the will of Walter H. Bunzl, Deceased

Bennett L. Kight (SEAL)
BENNETT L. KIGHT, Co-Executor
under the will of Walter H. Bunzl, Deceased

[NOTARIAL SEAL]



EXHIBIT A

All that tract or parcel of land lying and being in Land Lots 79 and 82 of the 2nd Land District of originally Henry, now Spalding County, Georgia, containing 190 acres, as shown on plat of survey entitled "Property of John Robert Mitchell", dated December 12, 1963, by Griffin Engineering and Manufacturing Company, recorded in Plat Book 6, page 384, Spalding County, Georgia Records, and being more particularly described as follows:

BEGINNING at the corner formed by the intersection of the north right-of-way line of Georgia Highway No. 16 and the east right-of-way line of Georgia Highway No. 155, if said lines were extended to form an angle instead of a curve; running thence in a southeasterly direction along the north right-of-way line of Georgia Highway No. 16 a distance of 1,950 feet, more or less, to the southwest corner of property now or formerly owned by T. B. Manley; thence north along the west line of said Manley property and along the west line of property now or formerly owned by Robert W. Burks 1,520 feet, more or less, to a point on the north land lot line of Land Lot 79, the same being the south land lot line of Land Lot 82; thence east along the land lot line dividing said Land Lots 79 and 82 a distance of 1,379.5 feet, more or less, to the common corner of Land Lots 79, 82, 78 and 83; thence north along the east line of Land Lot 83 a distance of 1,919.7 feet, more or less, to the south line of property now or formerly owned by Robert W. Burks; thence west along the south line of said Burks property and the property of J. P. Manley Estate a distance of 3,206 feet, more or less, to the east right-of-way line of Georgia Highway No. 155; thence south along the east right-of-way line of Georgia Highway No. 155 a distance of 2,460 feet, more or less, to the point of beginning.

Said property is bounded on the north by property of J. P. Manley Estate and Robert W. Burks; on the east by property of Robert W. Burks and T. B. Manley; on the south by property of Robert W. Burks and Georgia Highway No. 16, and on the west by Georgia Highway No. 155.

The above-described property being the same conveyed by that certain Warranty Deed from High Pasture, Ltd. to Walter H. Bunzl, dated May 1, 1980, recorded in Deed Book 603, page 185, Spalding County, Georgia records.

YOUNG & COMPANY, INC.
Surveyors
1111 Peachtree Street, N.E.
Atlanta, Georgia 30309
Phone 525-1111
FAX 525-1111
H.B. 1/23/83 E.Z.P.S.
413
C.E. L. Smith
T. H. 1/23/83
T. H. 1/23/83

FILED & RECORDED
CLERK, SUPERIOR COURT
SPALDING COUNTY, GA

2016 MAR 23 A 9: 313

BY TC
MARCIA L. NORRIS, CLERK

Prepared by and after recording return to:
Gus H. Small, Esq.
Cohen Pollock Merlin & Small, P.C.
3350 Riverwood Parkway, Suite 1600
Atlanta, Georgia 30339

STATE OF GEORGIA
COUNTY OF COBB

NOTICE OF ENTITY MERGER

Note to Clerk: Please index this affidavit under WBT McDonough Limited Co., as Grantor, and McDonough Principals LLC, as Grantee

The undersigned, Gus H. Small, having personally appeared before the undersigned notary public and being duly sworn according to law, says under oath as follows:

That on March 31, 2009, McDonough Principals LLC, a Georgia limited liability company, executed Articles of Merger of WBT McDonough Limited Co. into McDonough Principals LLC;

That on May 8, 2009, the Georgia Secretary of State issued a Certificate of Merger with the Surviving Entity: McDonough Principals LLC;

That copies of the Certificate of Merger and Articles of Merger approved by the Georgia Secretary of State of Georgia on May 8, 2009, are attached hereto as **Exhibit "A"** and by this reference made a part hereof.

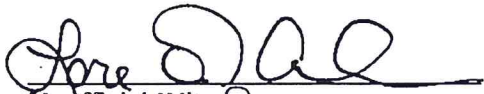
The purpose of this Notice to give notice to third parties examining title to property owned now or formerly by WBT McDonough Limited Co. of its election to merge with McDonough Principals LLC and to be known as McDonough Principals LLC, and to preserve the property rights, if any, held by WBT McDonough Limited Co.

IN WITNESS WHEREOF, Deponent has signed and sealed this Notice of Entity
Merger this the 18th day of March, 2016.

McDonough Principals LLC, a Georgia limited
liability company

By: Bunzl Trusts Properties, LLC, a Georgia
limited liability company f/k/a Capital
Piedmont Atlanta LLC, its sole Member

Signed, sealed and delivered in the
presence of:

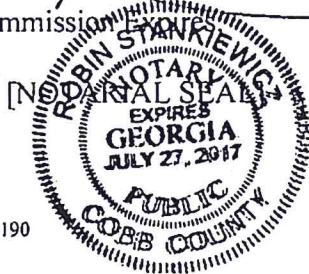


Unofficial Witness

Print Name: LARA T. CARLTON


Notary Public

My Commission Expires



Doc. 1384190

By:  (SEAL)
Gus H. Small, Manager

EXHIBIT "A"

Control No. 09016778

STATE OF GEORGIA

Secretary of State

Corporations Division

315 West Tower

#2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

CERTIFICATE OF MERGER

I, **Karen C Handel**, the Secretary of State and the Corporations Commissioner of the State of Georgia, do hereby issue this certificate pursuant to Title 14 of the Official Code of Georgia annotated certifying that articles or a certificate of merger and fees have been filed regarding the merger of the below entities, effective as of 05/08/2009. Attached is a true and correct copy of the said filing.

Surviving Entity:

MCDONOUGH PRINCIPALS LLC, a Georgia Limited Liability Company

Nonsurviving Entity/Entities:

WBT MCDONOUGH LIMITED CO., a Georgia Limited Liability Company

WITNESS my hand and official seal in the City of Atlanta
and the State of Georgia on May 8, 2009



Karen C Handel
Secretary of State

ARTICLES OF MERGER OF
WBT McDONOUGH LIMITED CO.
INTO
McDONOUGH PRINCIPALS LLC

09 MAY -8 PM 12:33

RECEIVED
SECRETARY OF STATE
SOUTH GA OFFICE

Pursuant to the provisions of Sections 45-11-904 of the Official Code of Georgia Annotated (the "Code"), the undersigned limited liability companies hereby adopt the following Articles of Merger:

WHEREAS, the owners of WBT McDonough Limited Co., a Georgia limited liability company, and of McDonough Principals LLC, a Georgia limited liability company, are affiliated entities; and

WHEREAS, it is in the interest of the owners for the merger described herein to be effectuated.

1. The Plan of Merger (the "Plan") by and between WBT McDonough Limited Co., a Georgia limited liability company, and McDonough Principals LLC, a Georgia limited liability company, provides for the merger of WBT McDonough Limited Co. with and into McDonough Principals LLC. McDonough Principals LLC will be the survivor of the merger and will continue operations under its existing name.

2. The Articles of Organization of McDonough Principals LLC shall not be amended.

3. The executed Plan of Merger is on file at the principal place of business of McDonough Principals LLC located at: 1170 Peachtree Street, NE, Suite 800, Atlanta, Georgia 30309. A copy of the Plan of Merger will be furnished, on request and without cost, to any member of the merging limited liability companies.

4. The Plan of Merger has been duly authorized and approved by WBT McDonough Limited Co. and McDonough Principals LLC in accordance with Code Section 14-11-903.

5. The effective date and time of the Merger shall be upon filing these Articles of Merger.

IN WITNESS WHEREOF, the surviving entity has caused these Articles of Merger to be executed this the 31st day of March, 2009.

McDONOUGH PRINCIPALS LLC

By: CAPITAL PIEDMONT PARTNERS LLC, Manager

By: Kenneth F. Antley
Kenneth F. Antley, Authorized Agent
and Attorney

State of Georgia
Merger 1 Page(s)



T0913914082

FILED & RECORDED
CLERK, SUPERIOR COURT
SPALDING COUNTY, GA

2016 MAR 23 A.M. 3:3

BY TC
MARCIA L. NORRIS, CLERK

Prepared by and after recording return to:
Gus H. Small, Esq.
Cohen Pollock Merlin & Small, P.C.
3350 Riverwood Parkway, Suite 1600
Atlanta, Georgia 30339

STATE OF GEORGIA
COUNTY OF COBB

NOTICE OF NAME CHANGE

Note to Clerk: Please index this affidavit under McDonough Principal LLC, as Grantor, and
Bunzl Trusts Spalding Property, LLC, as Grantee

The undersigned, Gus H. Small, having personally appeared before the undersigned
notary public and being duly sworn according to law, says under oath as follows:

That on March 11, 2016, McDonough Principals LLC executed Articles of Name
Change of McDonough Principals LLC to Bunzl Trusts Spalding Property, LLC, a Georgia
limited liability company;

That on March 18, 2016, the Georgia Secretary of State issued a Certificate of Name
Change to Bunzl Trusts Spalding Property, LLC;

That copies of the Certificate of Name Change and Articles of Name Change
approved by the Georgia Secretary of State on March 18, 2016, are attached hereto as
Exhibit "A" and by this reference is made a part hereof.


The purpose of this Notice to give notice to third parties examining title to property
owned now or formerly by McDonough Principals LLC of its election to change its name to
Bunzl Trusts Spalding Property, LLC and to be known as Bunzl Trusts Spalding Property,
LLC, and to preserve the property rights, if any, held by McDonough Principals LLC.

IN WITNESS WHEREOF, Deponent has signed and sealed this Notice of Entity Merger this the 18th day of March, 2016.

Bunzl Trusts Spalding Property, LLC, a Georgia limited liability company

By: Bunzl Trusts Properties, LLC, a Georgia limited liability company f/k/a Capital Piedmont Atlanta LLC, its sole Member

Signed, sealed and delivered in the presence of:



Unofficial Witness
Print Name: LORETTA L. CARLTON



Notary Public

My Commission Expires

[NOTARY



Doc. 1384191

By: 

Gus H. Small, Manager (SEAL)

STATE OF GEORGIA**Secretary of State**

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

CERTIFICATE OF AMENDMENT**NAME CHANGE**

I, Brian P. Kemp, the Secretary of State and the Corporation Commissioner of the State of Georgia, hereby certify under the seal of my office that

MCDONOUGH PRINCIPALS LLC
a Domestic Limited Liability Company

has filed articles/certificate of amendment in the Office of the Secretary of State on 03/11/2016 changing its name to

BUNZL TRUSTS SPALDING PROPERTY, LLC

and has paid the required fees as provided by Title 14 of the Official Code of Georgia Annotated. Attached hereto is a true and correct copy of said articles/certificate of amendment.

WITNESS my hand and official seal in the City of Atlanta **1776**
and the State of Georgia on 03/18/2016



B. P. Kemp

Brian P. Kemp
Secretary of State

ARTICLES OF AMENDMENT

Electronically Filed

Secretary of State

Filing Date: 3/11/2016 2:09:37 PM

Article 1

Business Name : MCDONOUGH PRINCIPALS LLC

Control Number : 09016778

Article 2

The date the articles of organization were filed was: 03/09/2009

Article 3

The entity hereby adopts an amendment to change its name to the following new business name:

New Business Name : BUNZL TRUSTS SPALDING PROPERTY, LLC

Effective Date : 03/11/2016

Authorizer Information

Authorizer Signature : Gus H. Small

Authorizer Title : Manager

GEORGIA, SPALDING COUNTY

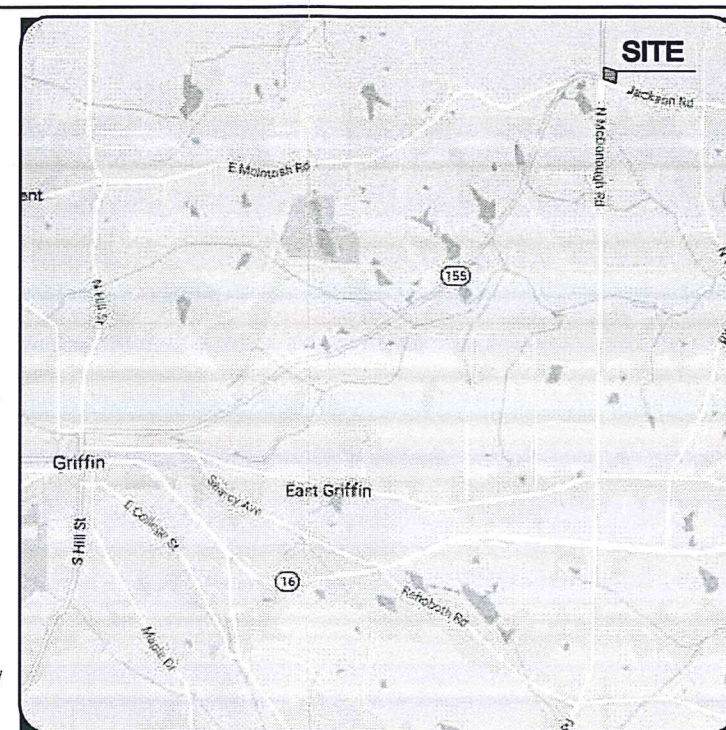
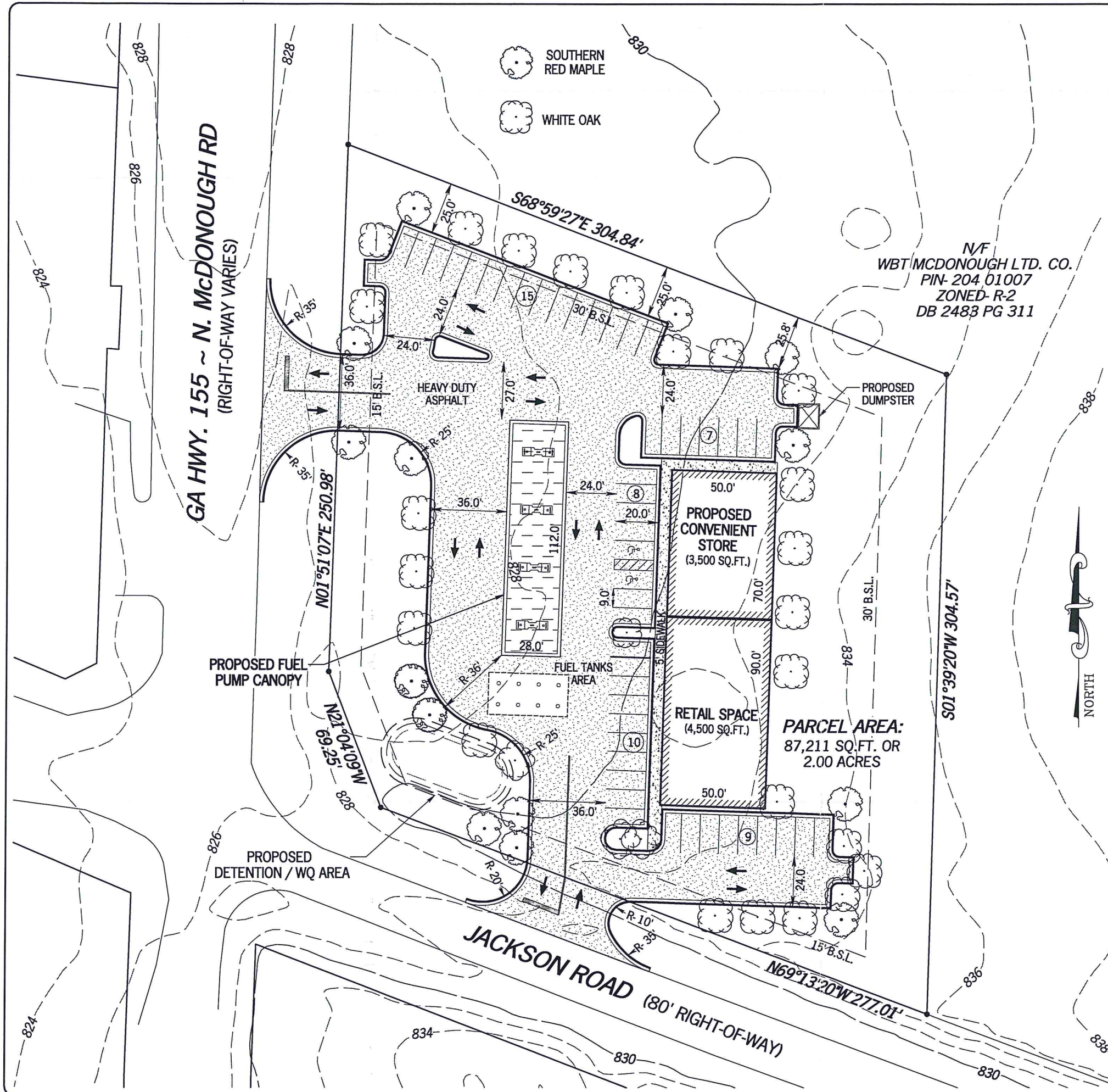
I hereby certify that the within and foregoing is a true and correct copy of the instrument as it appears of record in the office of Clerk of Superior Court.

Book 4036 Page 350
day of 03

DEPUTY CLERK, SPALDING SUPERIOR COURT
MARCO L. NORTON, CLERK OF SUPERIOR COURT
SPALDING COUNTY, GEORGIA

Metes and bounds description of the subject parcel

BEGINNING at a point on the northerly right-of-way line of Jackson Road (80' right-of-way) marked by a ½" rebar in a damaged concrete marker found, said point also being located at the mitered corner of the intersection of Jackson Road with Georgia Highway 155 (North McDonough Road), and proceeding thence along said mitered corner of the intersection of Jackson Road and Georgia Highway 155 North 21° 04' 09" West a distance of 69.25 feet to a point on the easterly right-of-way line of Georgia Highway 155; thence along said right-of-way of Georgia Highway 155 North 01° 51' 07" East 250.98 feet to a point; thence leaving the right-of-way of Georgia Highway 155 and proceeding South 68° 59' 27" East 304.84 feet to a point; thence South 01° 39' 20" West 304.57 feet to a point on the northerly right-of-way of Jackson Road; thence along said northerly right-of-way of Jackson Road North 69° 13' 20" West 277.01 feet to a point and the POINT OF BEGINNING.



PROPERTY:

OWNER: WBT MCDONOUGH LTD. CO.

ADDRESS: 2010 N MCDONOUGH RD., GRIFFIN, GA 30223

AREA: 2.0 ACRES

REFERENCE: PLAT OF SURVEY PREPARED FOR WBT MCDONOUGH LIMITED CO. BY JORDAN ENGINEERING DATED NOVEMBER 22, 2016.

DEVELOPMENT DATA

- 1) AREAS:
A- TOTAL PARCEL AREA = 2.00 ACRES
B- TOTAL DISTURBED AREA = 1.43 ACRES
C- TOTAL IMPERVIOUS AREA = 1.14 ACRES

- 2) QUANTITIES:
A- ASPHALT & GAB = 36,408 S.F.
B- 24" CONCRETE CURB & GUTTER = 1,575
C- 5' CONCRETE SIDEWALK = 245 L.F.

7) PARKING SPACES REQUIRED:

A- CONVENIENCE STORE- 1 SPACE PER 200 S.F. OF GROSS FLOOR AREA

AREA PROVIDED= 3,500 S.F. REQUIRING (17.5) 18 SPACES

B- AUTOMOBILE FUELING STATION- 2 SPACES FOR EACH PUMP AND GREASE RACK BUT NOT LESS THAN 4 SPACES.

TOTAL MPD'S= 4, REQUIRING 8 SPACES

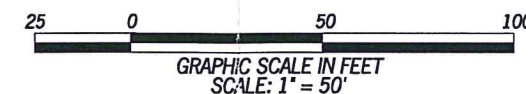
C- RETAIL SPACE- 1 SPACE PER 200 S.F. OF GROSS FLOOR AREA

AREA PROVIDED= 4,500 S.F. REQUIRING (22.5) 23 SPACES

D- TOTAL REQUIRED PARKING SPACES = 49

TOTAL PROVIDED PARKING SPACES = 49

INCLUDING 2 H/C SPACES



CSWCS
MARK G. WHITLEY, PE
000001038
LEVEL I A CERTIFIED PERSONNEL
LEVEL I B CERTIFIED INSPECTOR
LEVEL I C CERTIFIED DESIGN PROF.



WHITLEY
ENGINEERING
INC.
DESIGN
PROJECT
MANAGEMENT
NPDES
38 E. MAIN STREET N.
HAMPTON, GA 30228
TEL: (770)946-0256

REV.	DATE:	DESCRIPTION:

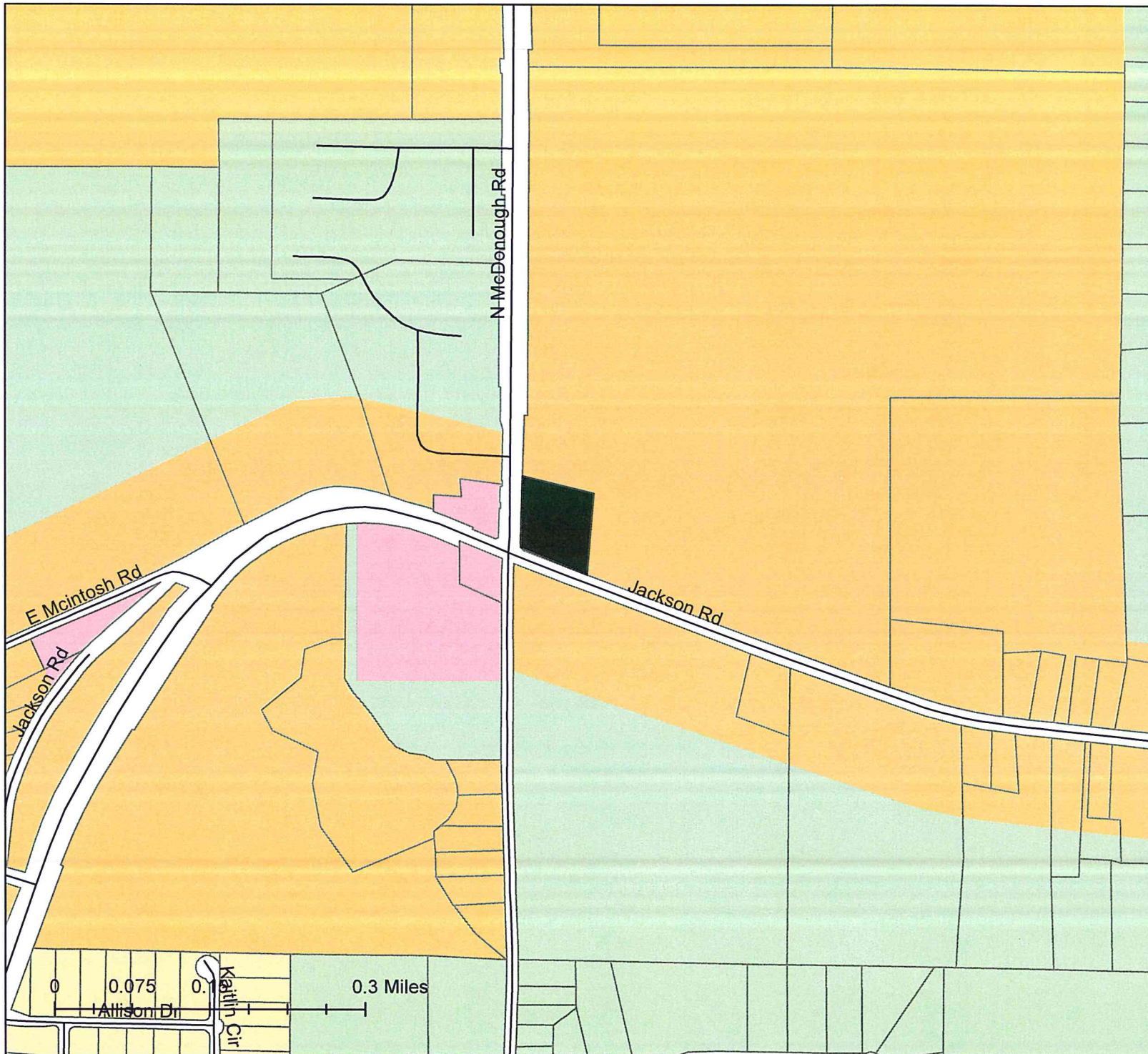
☒ Not Released For Construction
☐ Released For Construction

WBT SPALDING C-STORE CONCEPT 3		
LAND LOTS 79 & 82	2ND DISTRICT	DATE 12/06/2018
SPALDING COUNTY, GEORGIA	SCALE: 1"=50'	

THESE DRAWINGS ARE THE PROPERTY OF WHITLEY ENGINEERING, INC. AND MAY NOT BE USED, REPRODUCED AND OR INCORPORATED INTO ANOTHER WORK FOR ANY REASON WITHOUT THE WRITTEN CONSENT OF THE DESIGN PROFESSIONAL.

SHEET
1

#16-04Z Bunzl Trusts Spalding Property, LLC

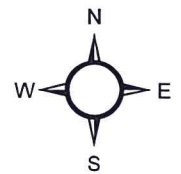


Zoning	
	PDD
	AAR
	AR1
	AR2
	C1
	C1A
	C1B
	C1C
	C2
	C3
	OI
	R1
	R2
	R2A
	R3
	R4
	R5
	R6
	VN

Approximate size
of an Acre.



1 inch = 702.43 feet



Map # 204-01-007

Spalding County GIS
(770) 467-4220
cjacobs@spaldingcounty.com

SPALDING COUNTY PLANNING COMMISSION

DATE: January 31, 2017

TO: Spalding County Planning Commission
Spalding County Board Of
Commissioners

FROM: Department of Community Development

RE: Rezoning Application #16-04Z
Total acreage: 2.0±
R-2 to C-1

The following report constitutes the assessment and evaluation by the Community Development Department staff on the above referenced rezoning application.

Identification of the Property

Size and Location:

The application requests rezoning on a total of 2.0 acres, more or less, located at 2010 N. McDonough Road.

District and Land Lots:

The property is located in Land Lot 79 of the 2nd Land District.

Current Owner(s):

The property is owned by Bunzl trusts Spalding Property, LLC, by virtue of Deed recorded March 23, 2016 in Deed Book 4036, Page 347-348, Office of the Clerk of the Superior Court, Spalding County, Georgia.

Agent/Developer

The Joiner Law Firm, P.C.
217 North Hill Street, Suite 1
Griffin, Georgia 30223

Overview of Development:

The applicant is requesting approval from Spalding County to allow the rezoning of 2.0 acres +/- out of the total 187 +/- acres from R-2

to C-1. The applicant proposes to develop the property as a 3,500 square foot convenience store and gas station along with 4,500 square feet of additional retail space.

Current Area Development

Current Zoning/Authorized Development:

The property proposed to be rezoned is currently zoned R-2, Single Family Residential.

The property as currently zoned could allow for the development of single family uses on lot minimums ranging from 1 to two acres in the R-2 zoned area. A special exception may be applied for and if approved a subdivision can be developed consisting of one acre lots.

The land could also be developed as a conservation subdivision. As such the lot yield could be approximately 187 single family lots.

Requested Zoning and Development Intent:

The applicant requests rezoning to C-1, Highway Commercial. The applicant's intent is to develop a 3,500 square foot convenience store and gas station along with 4,500 square feet of additional retail space.

Existing Use:

Per the applicant, the subject property has been vacant and undeveloped for over twenty years.

Rezoning Analysis:

The applicant has requested a zoning of 2 acres out of 187 acres at the northeast corner of North McDonough Road to C-1, Highway Commercial to allow for the development of a 3,500 square foot convenience store and gas station along with 4,500 square feet of additional retail space.

Land Use Plan:

Pursuant to the "Spalding County Comprehensive Plan, 2004-2024," as revised in 2009, the request is consistent with the plan and associated Future Land Use Map classification of Crossroads Commercial.

Schools:

The following is data as submitted by the Griffin-Spalding County School System (2008):

Schools Impacted and Enrollment vs. Capacity

School	Enrollment	Capacity
Jackson Road Elementary	500	450
Taylor Street Middle	579	650
Spalding High	1,344	1,575

Compliance with Zoning Ordinance Development Standards:

C-1 Development Standards:

Minimum Heated Floor Area for Buildings: 1,000 square feet.

Minimum lot area:

1. Unsewered Areas: As specified by the Spalding County Health Department.

2. Sewered Areas: None.

Minimum lot width: 75 feet.

Minimum frontage width: 75 feet.

Minimum frontage width shall be reduced to 50 feet for lots abutting the turnaround portion of dead end streets (cul-de-sacs).

Setbacks:

front: 15 feet
side: 15 feet
rear: 30 feet

Utilities & Infrastructure:

Transportation:

The following average trip numbers represent the average number of trip experienced by this type of development based on case studies from Trip Generation, 7th Edition from the Institute of Transportation Engineers:

Based on a 3,500 square foot Gasoline/Service Station with Convenience Market:

Weekday

A.M. Peak Hour: 271.8 trips
P.M. Peak Hour: 399.9 trips

Water:

The site is accessible to County water. (Source: Spalding County Water Authority)

Sewerage:

The site is not accessible to sanitary sewer service provided by the City of Griffin.

Wetlands/Watershed Area:

According to a survey submitted with the application a portion of the parent property is located within a 100-year flood zone area, per FIRM map 13255C 0095 E, dated June 30, 2015. It must be noted however, the proposed 2 acre parcel will not have flood plain located on it.

This site is located within the Towaliga River watershed inside the 7 mile radius area.

This site is not within any recharge areas indicated on the S-3 Ground Water Recharge Overlay Map.

Criteria when considering a Rezoning Application

The following items are listed in the Spalding County Zoning Ordinance (a/k/a UDO) as criteria to consider for rezoning applications:

1. The existing uses and zoning of nearby properties.
The property is abutted by rural and residential uses on the North and East

sides. These areas are zoned R-2, Single Family Residential. To the West and Southwest are commercial uses which are zoned C-1, Highway Commercial. South of the subject property is C-1, Highway Commercial property recently rezoned for a proposed Dollar General.

2. The suitability of the property for the proposed purpose.
Per the "Spalding County Comprehensive Plan, 2004-2024," as revised in 2009, the plan indicates that this property should be used as "Crossroads Commercial". The request as proposed is consistent with the Future Land Use Map for this property.
3. The length of time the property has been vacant.
Per the applicant the subject property has been vacant for twenty years.
4. The threat to the public health, safety, and welfare, if rezoned.
There will be a slight increase in threat to public health, safety, and welfare due to the rezoning of the subject property given the suburban design of the development as submitted.
5. The extent to which the value of the property is diminished by the present zoning.
Staff is not aware of any diminishing effects of the present zoning on the subject property.
6. The balance between the hardship on the property owner and the benefit to the public in not rezoning.
The property owner under present zoning cannot develop the corner commercially.

Photo(s)



View of the subject property looking northeast from Jackson Road and McDonough Road.

Staff Recommendations:

Staff recommends **APPROVAL** of the request to amend the zoning of this property for the following reasons:

- a. The request is consistent with the Spalding County Comprehensive Plan and the associated Future Land Use Map.

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
March 31, 2017

The Spalding County Planning Commission held its regular monthly meeting on January 31, 2017 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: John Youmans, Chair, presiding; Bruce Ballard; Walter Cox; Sonny Eubanks and Frank Harris.

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

Mr. Youmans called the meeting to order, introduced the members of the Planning Commission and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

ELECTION OF CHAIR

Mr. Eubanks nominated Mr. Youmans for chair. Mr. Ballard seconded the nomination.

MOTION

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

ELECTION OF VICE-CHAIR

Mr. Eubanks nominated Mr. Ballard for Vice-Chair. Mr. Youmans seconded the nomination.

MOTION

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

Application #16-04Z: Bunzl Trusts Spalding Property, LLC, Owner – the Joiner Law Firm, P.C., Agent – 2010 North McDonough Road (2 acres located in Land Lot 79 of the 2nd Land District) – requesting a rezoning from R-2, Single Family Residential to C-1, Highway Commercial.

Mr. Jacobs said this request is for a 3500 SF convenience store and gas station along with an additional 4500 SF of retail space. He identified the location in the area. This request complies with the two-acre crossroad conventional component of the future land use map of the C-1 Highway Commercial zoning. The staff recommendation is for approval. They will have to comply with all of the development criteria as indicated in the development ordinance.

Discussion was held regarding the traffic issue and the potential for future road expansion at this intersection. Mr. Jacobs said this is already a high-traffic area. The staff will have to deal with the traffic in and out as well as accel/decel lanes of the project during the site plan approval process.

Mr. John Joiner – 1127 Pine Valley Road was present to answer questions.

Mr. Mark Peek – 754 East College Street was present but did not speak

MOTION

Mr. Ballard made a motion to approve Application #16-04Z. The motion passed on a second by Mr. Eubanks with Mr. Ballard, Mr. Cox, Mr. Eubanks, Mr. Harris and Mr. Youmans voting for the motion.

Application #16-05Z: Shield of Faith Christian Center, Inc., Owner – Brenda Gibbons, Agent – 920 Harlow Avenue (0.74 acres located in Land Lot 17 of the 2nd Land District) – requesting a rezoning from R-2, Single Family Residential to C-1B, Heavy Commercial.

Brenda Gibbons – 2860 Church Street – East Point, Georgia

Ms. Gibbons said this application is to rezone to build an 8000 SF facility and provide additional parking for the Shield of Faith Christian Center. The proposed improvements will not pose any negative impact on the surrounding properties. The property has a residential structure they want to keep. The proposed zoning will not diminish the value of any of the surrounding property. It will eliminate the on-street parking that currently occurs.

Christopher Clark – 916 Harlow Avenue

Mr. Clark said the new building and the additional parking will be placed behind the current church building on the property. This should not cause any problems

James Bailey – 3755 Mangum Lane

Mr. Bailey said he is present in support of this application.

Mr. Jacobs gave the staff report. This facility was converted to a church which originally required variances. They want to add an additional 8000 SF facility, provide additional off-street parking and keep the residential structure for church and associated purposes as well. The current zoning requires four acres for a church. If you combine these two tracts, it is a little over two acres. C-1B or C-1 zoning requires 2 acres. They want this zoning to reduce the need for some variances. This application is consistent with the land use map. This area is going through a change and it should be safe to approve this zoning request. The recommendation is for conditional approval. The conditions are as follows:

1. .827 acre tract locate at 920 Harlow Avenue shall be combined with adjacent 1.9 acre tract located at 916 Harlow Avenue;
2. Zoning shall be tied to church and associated uses only;
3. All site lighting shall be designed so as not to glare onto adjacent residential properties.

Discussion was held regarding the traffic issues and parking at this church. It is anticipated that the increased parking will ease that situation.

MOTION

Mr. Ballard made a motion to approve Application #16-05Z with the conditions as recommended by staff. The motion passed on a second by Mr. Eubanks with Mr. Ballard, Mr. Cox, Mr. Eubanks, Mr. Harris and Mr. Youmans voting for the motion.

S/D #06-01: Consider approval of revised preliminary plat for Sun City Peachtree Subdivision – Pulte Home Corporation, Owner.

Mr. Jacobs said Pulte Home Corporation has installed a culvert north of the amenity center and installed Pods 10, 11 & 12. There was a slight discrepancy in the cul-de-sac street that was on the original preliminary plat. The numbers of lots did not change. This is a cul-de-sac versus not having a cul-de-sac. They revised the preliminary plat to show this change. The staff recommendation is for approval.

MOTION

Mr. Cox made a motion to approve S/D #06-01. The motion passed on a second by Mr. Harris with Mr. Ballard, Mr. Cox, Mr. Eubanks, Mr. Harris and Mr. Youmans voting for the motion.

MINUTES

Mr. Cox made a motion to approve the minutes of the October 25, 2016 meeting. The motion passed on a second by Mr. Harris with Mr. Cox, Mr. Harris and Mr. Youmans voting for the motion and Mr. Eubanks and Mr. Ballard abstaining because they were not present.

MINUTES

Mr. Eubanks made a motion to approve the minutes of the December 13, 2016 meeting. The motion passed on a second by Mr. Ballard with Mr. Ballard, Mr. Cox, Mr. Eubanks and Mr. Harris voting for the motion and Mr. Youmans abstaining because he was not present.

OTHER BUSINESS

Consider conceptual plan for proposed RaceTrac within TCC Overlay District.

Mr. Jacobs said the RaceTrac will be considered at a future meeting. They are not ready yet but the members need to study the TCC Overlay District requirements prior to adoption or approval of any plan or any development in the Overlay District. They are drafting a plan for the members to consider. They will probably be ready for the February meeting

Mr. Youmans said he has an issue that needs to be discussed. He has talked with a citizen regarding the longest cul-de-sac in the County. The issue is regarding a special exception that was approved along this cul-de-sac. The issue is that the people that live on the cul-de-sac never saw the sign noticing the proposed special exception. They feel the fair thing in the future would be to post the sign so that the people coming in and out of the cul-de-sac would see it. Mr. Jacobs said the sign goes on the property that is going to be rezoned or going to be considered for a special exception. A letter is also sent to adjacent property owners. It is difficult to know how far to extend the area of notification. They need to make certain they do not violate any regulations.

Newton Galloway said, if done, it would have to be in addition to the requirements in the zoning procedural law. It would be an extra requirement imposed. There would be no legal impediment to impose this as an additional signage requirement over and above what is required. This action was a special exception for a shooting range on a 25-acre tract of property. The property owner, with this application, presented signed support documents from most of the people up and down the cul-de-sac. That became a significant factor in how the application was received. The staff recommendation was strongly against approval and the Board approved the request. If the Planning Commission wishes, an ordinance can be drafted to add a signage requirement at the

front of the cul-de-sac for consideration. It would create additional expense that would have to be considered in setting the application fees.

The Planning Commission members discussed the issue and agreed to request an ordinance be drafted for consideration.

ADJOURN

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

John Youmans – Chair

Yvonne M. Langford - Recorder



SPALDING COUNTY BOARD OF COMMISSIONERS Amendment to UDO #A-17-01

Requesting Agency

Office of Community Development

Requested Action

Amendment to UDO #A-17-01: Article 2. Definitions of Terms Used - Section 202:HHH'1 - add definition for shooting range, indoor; Article 12. C-1 Highway Commercial - Section 1203:B(7), Article 14. C-1B Heavy Commercial - Section 1403:B(3), Article 14A. C-1C Manufacturing-Light - Section 1403A:B(7), and Article 15. C-2 Manufacturing - Section 1503:B(11) - add provision for shooting range, indoor.

Requirement for Board Action

Is this Item Goal Related?

No

Summary and Background

The adoption of this text amendment will amend definitions to add shooting range, indoor and add provision for shooting range, indoor requiring special exception approval to commercial districts.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

APPROVAL

**PLANNING COMMISSION RECOMMENDS:
APPROVAL (4-0)**

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Amendment to UDO #A-17-01	3/16/2017	Backup Material
<input type="checkbox"/> PC 02-28-17 Minutes	3/16/2017	Backup Material

IN RE:

Text Amendment #A-17-01

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, the Board of Commissioners of Spalding County has determined that it is in the best interests of the citizens of Spalding County for certain text revisions and amendments to be made to the Zoning Ordinance of Spalding County;

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on the ___ day of _____, 2016 pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 2 Definitions of Terms Used to appear as Section 202(HHH'1):

Shooting range, indoor: an indoor facility for the safe shooting of firearms that complies with the technical and operational standards of The 2012 National Rifle Association ("NRA") Range Source Book, regardless of whether the facility is open to the general public or open only to private membership.

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 12 C-1 Highway Commercial to appear as Section 1203(B)(7):

Shooting range, indoor.

Section 4: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 14 C-1B Heavy Commercial to appear as Section 1403(B)(3):

Shooting range, indoor.

Section 5: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 14A C-1C Manufacturing – Light to appear as Section 1403A(B)(7):

Shooting range, indoor.

Section 6: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 15 C-2 Manufacturing to appear as Section 1503(B)(11):

Shooting range, indoor.

Section 7: The foregoing amendments to the Zoning Ordinance of Spalding County shall become effective immediately upon adoption of this resolution.

Section 8: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
February 28, 2017

The Spalding County Planning Commission held its regular monthly meeting on February 28, 2017 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: John Youmans, Chair, presiding; Bruce Ballard; Walter Cox; and Frank Harris. Sonny Eubanks was absent from the meeting.

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

Mr. Youmans called the meeting to order, introduced the members of the Planning Commission and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

Amendment to UDO #A-17-01: Article 2. Definitions of Terms Used – Section 202: HHH’ – add definition for shooting range, indoor; Article 12. C-1 Highway Commercial – Section 1203:B(7), Article 14. C-1B Heavy Commercial – Section 1403:B(3), Article 14A. C-1C Manufacturing – Light – Section 1403A:B(7), and Article 15. C-2 Manufacturing – Section 1503:B(11) – add provision for shooting range, indoor.

Mr. Jacobs said they have been approached by several entities regarding indoor shooting ranges. This amendment is specific for indoor shooting ranges in a commercial district. This is to define an indoor shooting range for the safe shooting of firearms that complies with the technical and operational standards of the 2012 National Rifle Association Range Source Book regardless of whether the facility is open to the general public or open only to private membership. This will not be a matter of right but will have to go first to the Board of Appeals as a recommending body and then before the County Commission for the final binding vote. The staff recommendation is for approval

Alex Scott – 109 Cedar Point Peachtree City, Georgia

Mr. Scott said he has requested an indoor shooting range in Spalding County. He understands the County is experiencing issues regarding an outdoor shoot range. They want one inside as a business and it needs to be zoned in a commercial district. They want the Planning Commission to consider approval for this amendment.

Mr. Ballard asked if this could possibly tie into an AR Districts also.

Mr. Jacobs said his personal opinion is to tie this into only commercial districts since it is for an indoor range and to keep it away from the AR Districts to avoid what the County is currently encountering.

MOTION

Mr. Cox made a motion to approve Amendment to UDO #A-17-01. The motion passed on a second by Mr. Ballard with Mr. Ballard, Mr. Cox, Mr. Harris and Mr. Youmans voting for the motion.

Mr. Jacobs said the Planning Commission is a recommending body and the Board of Commissioners will consider for final adoption.

Amendment to UDO #A-17-02: Article 23. Official Zoning Map – Section 2302: E – Semi-Annual adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

Mr. Youmans said this is the usual semi-annual adoption of the revised official zoning map.

Mr. Jacobs provided a copy of the map for the members of the Planning Commission to review. All of the zoning changes were incorporated into the map. The staff recommendation is for approval.

MOTION

Mr. Harris made a motion to approve Amendment to UDO #A-17-02. The motion passed on a second by Mr. Cox with Mr. Ballard, Mr. Cox, Mr. Harris and Mr. Youmans voting for the motion.

MINUTES

Mr. Ballard made a motion to approve the minutes of the January 31, 2017 meeting. The motion passed on a second by Mr. Harris with Mr. Ballard, Mr. Cox, Mr. Harris and Mr. Youmans voting for the motion.

RACETRAC CONCEPTUAL PLAN

Consider conceptual plan for proposed RaceTrac within TCC Overlay District.

Mr. Jacobs said RaceTrac had representation present as well as their legal counsel, Andy Welch. This is for a preliminary review for the TCC Overlay District. He provided a review of the TCC Overlay District and the intent of that designation. This is a review for the site plan that will be considered at a subsequent meeting. The overall consideration is the connectivity of the project.

Andy Welch – Attorney – McDonough, Georgia

Mr. Welch provided the members of the Planning Commission information regarding the design of the building and pictures of the proposed plan. He reviewed the site plan under consideration.

A lengthy discussion was held regarding the plan with the members of the Planning Commission suggesting some adjustments that might make the plan more in keeping with the intent of the overlay district.

Mr. Harris left the meeting during discussion of the RaceTrac Conceptual Plan.

ADJOURN

The meeting was adjourned on a motion by Mr. Cox and a second by Mr. Ballard with Mr. Ballard, Mr. Cox and Mr. Youmans voting for the motion.

John Youmans – Chair

Yvonne M. Langford - Recorder



SPALDING COUNTY BOARD OF COMMISSIONERS Amendment to UDO #A-17-02

Requesting Agency

Office of Community Development

Requested Action

Amendment to UDO #A-17-02: Article 23. Official Zoning Map - Section 2302:E - Semi-Annual adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

Requirement for Board Action

Section 414.

Is this Item Goal Related?

No

Summary and Background

The adoption of this text amendment will update the UDO with respect to updates made to the Official Zoning Map.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION**APPROVAL****PLANNING COMMISSION RECOMMENDS:
APPROVAL****ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> Amendment to UDO #A-17-02	3/16/2017	Backup Material
<input type="checkbox"/> PC 02-28-17 Minutes	3/16/2017	Backup Material

IN RE:

Text Amendment #A-17-02

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

**RESOLUTION AMENDING
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and has amended said Ordinance subsequently; and

WHEREAS, the Zoning Administrator, in conjunction with the Planning Commission, has deemed it advisable to recommend amendment to a portion or portions of the Zoning Ordinance of Spalding County; and

WHEREAS, such proposed text amendment to the Zoning Ordinance of Spalding County was reviewed by the Spalding County Planning Commission, and a hearing on the text amendment was conducted by the Board of Commissioners of Spalding County, Georgia on _____, pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia; and

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia, is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1: A new paragraph shall be added to Section 2302(E) of “Official Zoning Map Spalding County, Georgia (Official Map)” of the Zoning Ordinance of Spalding County as follows:

A new Official Map was adopted on _____, which will replace the previous Official Map.

Section 2: The Chairman of the Board of Commissioners of Spalding County, Georgia is directed and authorized to execute such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia.

Section 3: The Zoning Administrator is authorized and directed to enter such notice of the amendment to the Zoning Ordinance of Spalding County, Georgia accordingly.

Section 4: The foregoing amendment of the Zoning Ordinance of Spalding County, Georgia shall become effective immediately upon adoption of this resolution.

Section 5: All Ordinances or resolutions in conflict herewith shall be and are hereby repealed.

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
February 28, 2017

The Spalding County Planning Commission held its regular monthly meeting on February 28, 2017 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: John Youmans, Chair, presiding; Bruce Ballard; Walter Cox; and Frank Harris. Sonny Eubanks was absent from the meeting.

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

Mr. Youmans called the meeting to order, introduced the members of the Planning Commission and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

Amendment to UDO #A-17-01: Article 2. Definitions of Terms Used – Section 202: HHH’ – add definition for shooting range, indoor; Article 12. C-1 Highway Commercial – Section 1203:B(7), Article 14. C-1B Heavy Commercial – Section 1403:B(3), Article 14A. C-1C Manufacturing – Light – Section 1403A:B(7), and Article 15. C-2 Manufacturing – Section 1503:B(11) – add provision for shooting range, indoor.

Mr. Jacobs said they have been approached by several entities regarding indoor shooting ranges. This amendment is specific for indoor shooting ranges in a commercial district. This is to define an indoor shooting range for the safe shooting of firearms that complies with the technical and operational standards of the 2012 National Rifle Association Range Source Book regardless of whether the facility is open to the general public or open only to private membership. This will not be a matter of right but will have to go first to the Board of Appeals as a recommending body and then before the County Commission for the final binding vote. The staff recommendation is for approval

Alex Scott – 109 Cedar Point Peachtree City, Georgia

Mr. Scott said he has requested an indoor shooting range in Spalding County. He understands the County is experiencing issues regarding an outdoor shoot range. They want one inside as a business and it needs to be zoned in a commercial district. They want the Planning Commission to consider approval for this amendment.

Mr. Ballard asked if this could possibly tie into an AR Districts also.

Mr. Jacobs said his personal opinion is to tie this into only commercial districts since it is for an indoor range and to keep it away from the AR Districts to avoid what the County is currently encountering.

MOTION

Mr. Cox made a motion to approve Amendment to UDO #A-17-01. The motion passed on a second by Mr. Ballard with Mr. Ballard, Mr. Cox, Mr. Harris and Mr. Youmans voting for the motion.

Mr. Jacobs said the Planning Commission is a recommending body and the Board of Commissioners will consider for final adoption.

Amendment to UDO #A-17-02: Article 23. Official Zoning Map – Section 2302: E – Semi-Annual adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

Mr. Youmans said this is the usual semi-annual adoption of the revised official zoning map.

Mr. Jacobs provided a copy of the map for the members of the Planning Commission to review. All of the zoning changes were incorporated into the map. The staff recommendation is for approval.

MOTION

Mr. Harris made a motion to approve Amendment to UDO #A-17-02. The motion passed on a second by Mr. Cox with Mr. Ballard, Mr. Cox, Mr. Harris and Mr. Youmans voting for the motion.

MINUTES

Mr. Ballard made a motion to approve the minutes of the January 31, 2017 meeting. The motion passed on a second by Mr. Harris with Mr. Ballard, Mr. Cox, Mr. Harris and Mr. Youmans voting for the motion.

RACETRAC CONCEPTUAL PLAN

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Mr. Jacobs said RaceTrac had representation present as well as their legal counsel, Andy Welch. This is for a preliminary review for the TCC Overlay District. He provided a review of the TCC Overlay District and the intent of that designation. This is a review for the site plan that will be considered at a subsequent meeting. The overall consideration is the connectivity of the project.

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Mr. Harris left the meeting during discussion of the RaceTrac Conceptual Plan.

ADJOURN

The meeting was adjourned on a motion by Mr. Cox and a second by Mr. Ballard with Mr. Ballard, Mr. Cox and Mr. Youmans voting for the motion.

John Youmans – Chair

Yvonne M. Langford - Recorder