

Agenda

Board of Commissioners of Spalding County

Zoning Public Hearing

August 24, 2017

6:00 PM

One Griffin Center, Solomon Street Entrance,
W.Elmer George Municipal Hall

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 #17-04Z:** Terry Dunn, Owner - Alex Scott, Agent - 3616 Fayetteville Road (19.5 acres located in Land Lot 8 of the 3rd Land District) - requesting a rezoning from AR-1 Agricultural and Residential, R-2 Single Family Residential and C-1A Neighborhood Commercial, to C-1 Highway Commercial.
2. **Application #17-04S:** Terry Dunn, Owner - Alex Scott, Agent - 3616 Fayetteville Road (19.5 acres located in Land Lot 6 of the 3rd Land District) - requesting a Special Exception to allow indoor gun range in the C-1 District.

C. Other Business:

D. Adjournment



SPALDING COUNTY BOARD OF COMMISSIONERS Application #17-04Z

Requesting Agency

Office of Community Development

Requested Action

Application #17-04Z: Terry Dunn, Owner - Alex Scott, Agent - 3616 Fayetteville Road (19.5 acres located in Land Lot 8 of the 3rd Land District) - requesting a rezoning from AR-1 Agricultural and Residential, R-2 Single Family Residential and C-1A Neighborhood Commercial, to C-1 Highway Commercial.

Requirement for Board Action

Article 4. General Procedures - Section 414.

Is this Item Goal Related?

No

Summary and Background

The applicant is requesting approval from Spalding County to allow the rezoning of 19.5 acres, more or less, out of the total from R-2, AR-1 and C-1A to C-1, Highway Commercial. The applicant proposes to develop the property as an indoor shooting range utilizing an existing 6,000 square foot building which will serve as a support area and training area. A second 6,000 square foot building is proposed to be constructed on the property which will house the indoor range. Per the application, the indoor range will be constructed pursuant to the NRA range source book guidelines. The applicant indicates the range will not be a public facility and for training purposes only.

It must be noted the applicant did provide the following statement within the documentation provided, "Our company reserves the right to change or alter any range facilities (sic) it the interest of safety as it sees fit as long as the changes comply with the county code. This is a basic business plan and is subject to change or modification. Based on needs of the business additional facilities may be constructed in the future and will be done in compliance with county code."

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

DENIAL

PLANNING COMMISSION RECOMMENDS: DENIAL

ATTACHMENTS:

Description

Upload Date

Type

Application #17-04Z	8/4/2017	Backup Material
PC 07-25-17 Minutes - Draft	8/4/2017	Backup Material

SPALDING COUNTY
REQUEST FOR ZONING MAP CHANGE
APPLICATION NO. 17-042

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: Alex Scott

Address: 109 cedar point

City: Peachtree city

State: GA Zip: 30269

Phone: 678-274-8030

Contact Person: Alex Scott

PROPERTY OWNER INFORMATION

Name: Terry Dunn

208 Sylvan Lane
Address: ~~3616 Fayetteville Rd~~

City: GRIFFIN

State: GA Zip: ~~30223~~ 30224

Phone: (770) 584 0371

Phone: _____

APPLICANT IS THE:

_____ Owner's Agent

_____ Property Owner

 / Developer

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

Land District(s): 3rd

Land Lots(s): 6

Acreage: ~~19.49~~

19.5 per deed CLM

Address Of Property: 3616 Fayetteville Rd. GRIFFIN GA

Proposed Development: Indoor Gun Range and Training Center

OTHER REQUIRED INFORMATION

Checklist

- _____ 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.
- _____ Please attach a statement describing the proposed development.
- _____ Please attach a deed, certified by the Clerk of Court, of the property proposed for rezoning.
- _____ Please attach a copy of metes and bound description of the property for rezoning.
- _____ Please attach 1 copy (24 x 36) and 1 copy (11 x 17) of the conceptual site plan, if applicable (see Page 7).
- _____ 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.

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

OFFICE USE ONLY

Date Received: 4.25-17

Amount of Fee: \$500⁰⁰

Received By: C. [Signature]

Receipt Number: 15019A

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 Rezoning will not Affect The adjacent Properties. All activities will be held indoors.

(B) Whether the property is suitable for the proposed use: The Property is Suitable

(C) What is the length of time the property has been vacant?: Over one year.

(D) What is the threat to the public health, safety, and welfare, if any, if the property is rezoned?: There is no threat.

(E) Whether and to what extent is the subject property value diminished under the present zoning?: The Subject Property is Multi Zoned. It does not allow for business or Residence under current zoning. It need a single zoning code to operate a business.

(F) What is the balance between the hardship on the property owner and the benefit to the public in not rezoning?: IF not rezoned, the owner cannot sale the property.

Use Additional Pages, If Necessary

OFFICE USE ONLY

Date Received: 4-25-17

Received By: C. Jones

**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.

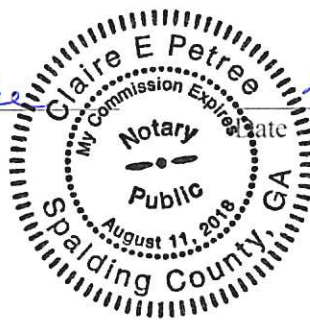
TERRY DUNN
Print Name of Owner(s)

Alex Scott
Print Name of Agent, If Not Same as Owner

Terry Dunn 4/21/17
Signature of Owner(s) Date
or Signature of Authorized Officer or Agent
(if applicable)

AS
Signature of Agent

Claire E. Petree 4-21-17
Signature of Notary Public



-- Notary Seal --

OFFICE USE ONLY

Date Received: 4-25-17 Received By: C. Gant

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.

 4/25/17

Signature of Applicant

Date

Type or Print Name and Title

Signature of Applicant's
Attorney Or Representative

Date

Type or Print Name and Title

OFFICE USE ONLY

Date Received 4-25-17

Case # 17-042 Accepted By 

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)

Spalding County Fee Schedule:

Appeal from Action of Administrative Officer: \$ 200.00

Variance: \$ 200.00

Special Exception: \$ 300.00

Multiple Parcel Rezoning: Multiple parcel rezoning of contiguous tracts will be allowed so long as all tracts are to be rezoned to the same zoning classification. All applicants owning property which is subject to the application are deemed to consent to rezoning of their property and to rezoning of any and all other tracts included within the Application. The following fees shall apply to multiple parcel rezoning applications: (#A-99-08 – 09/07/99; #A-00-11 - 07/17/00)

A. Parcel 1 - \$500.00

B. Parcel 2-5 - \$100.00 each, in addition to the fees stated in A; and

C. Parcels 6+ - \$50.00 each, in addition to the fees stated in A and B.

Index

Section 1 - Project Overview

Section 2 - Site Plan

- Site Plan legend
- Site plan map

Section 3 - Attachments

- Spalding County Plat
- Vicinity / Zoning map
- Topography map
- Flood plain map

Section 4 - Property Deed

Project Overview

Our company will operate a firearms training facility that will focus on firearm safety and personal protection skills. Our primary focus will be private citizens that have an interest on improving these skills. As a component to the business, we will also be offering the facility to be utilized by local law enforcement as an additional training facility to meet their growing training needs.

The business will operate under the guidelines set forth by the National Rifle Association (NRA) and the Georgia Police Officers Standards and Training Council (POST). The NRA is a national organization that establishes the "best practices" and what is considered the gold standard on civilian firearms safety, range safety and range design. We will utilize the NRA's Range Source Book, a technical source book for shooting range builders and operators, when designing this facility (Figure 1). Georgia POST is the agency that trains and certifies peace officers in Georgia. POST's Certified Firearms Instructor Program requires certified peace officers to demonstrate advanced firearm skills as well as attend a multi-week training class focusing on weapons safety, range safety, range operations and instruction skills. In the class each instructor must successfully demonstrate their ability to safely run a range.

Our business will be owned by current and retired POST certified police officers. The instructors are POST certified general instructors as well as firearms instructors. Collectively, the owners of our business have over 80 years firearms experience and have trained thousands of students. Some of the owners have operated as the Firearms Program Coordinators for their respective state and county agencies. One of the respective owners has also designed and implemented firearms training programs in multiple countries to include Afghanistan and Guatemala. The owners have the ability and knowledge to exceed POST and NRA's stringent safety standards.

Unlike many ranges in the surrounding area, our business is not a range open to the public or a gun club and you cannot rent a lane or range time. The training facility will only be open when a class is scheduled. Class scheduling will be done via our website and limited to approximately 15 students. Our business will not operate as a storefront business nor will we maintain regular business hours. All of our training will be conducted during daylight hours as defined by the NRA from 7am to 7pm. These classes may be scheduled Monday thru Sunday and the frequency of these classes will be dictated by the need and market demand. No one will be allowed at the facility unless they are a registered student or government agency with staff present.

In the classes offered, live fire or firearms usage is a very small part of the class. The majority of the class will consist of classroom instruction. The classroom instruction will focus on firearms safety, legal responsibility and mechanics of the skills to be learned (Figure 2). Students will also utilize Simunitions or Airsoft weapons to further enhance skills. The Simunitions is a reduced-energy, non-lethal cartridge that leaves a detergent based marking compound (Figure 3). Airsoft is a CO2 powered system that fires a small plastic ball (Figure 4). Both systems allow students to safely participate in skill enhancement exercises without endangering other students, staff or themselves. All training, to include live fire exercises, will be conducted indoors at the facilities' indoor main building or indoor live fire range building (Figures 5 & 6)

The training facility will be located on the "Math Fields" property located at 3616 Fayetteville Rd. in Spalding County, Georgia. The property is approximately 20 acres of primarily cleared land. It is accessed by a deeded driveway easement from Fayetteville Rd. The property currently consist of three buildings: a main building, a shop building and a mobile home.

The actual training facility will consist of the main building and a proposed range building. The shop building will continue to be a shop. The mobile home is currently rented and will not be part of the training facility.

The main building, approximately 6000 sq ft, will consist of two parts: the support area and a training area. The support area will consist of classrooms, two restrooms, break area, storage rooms, office area and additional support or utility rooms. This portion of the facility will be located in the present building currently acting as an event center. This area will be climate controlled and be equipped for student and staff safety and comfort.

The training area of the main building will be located in the center of the structure. It will be constructed in accordance with the NRA Range Source Book section 3.03. This area will not be climate

controlled. This area will be ventilated by a Total Air Exhaust System in accordance with the NRA Range Source Book section 3.11.3.

The proposed Range building will be 120 feet in length and 50 feet wide. The roof will be peaked at 12 feet high. It will be constructed of a steel frame and be metal sided, approximately 6000 sq ft in size. It will be constructed in accordance with the NRA Range Source Book section 3.03. This area will not be climate controlled but will be ventilated by a Total Air Exhaust System in accordance with the NRA Range Source Book section 3.11.3. This building will match the existing buildings in construction and appearance. This proposed building will be landscaped to match the current appearance of the property.

All facilities in which training will be conducted will contain NRA sound abatement measures. The purpose of these measures is to restrict and reduce decibel levels both inside and outside of the facility.

Ballistic containment also known as a bullet trap is a significant issue in an indoor range. One must consider the environmental impact, operational, and safety requirements of the firing range. Lead management, noise abatement and shooter safety are the primary concerns. Lead dust is created when a projectile strikes a solid surface and fragments. This lead dust then can build up inside of the range area creating a hazard. There are two ways to eliminate this hazard.

First, our business will utilize a rubber bullet trap (Figure 7). This trap safely stops and captures projectiles intact with virtually no lead dust or bullet fragmentation. The rubber bullet trap is an environmentally-friendly bullet containment system that utilizes a thick layer of granulated recycled rubber. When a bullet strikes the trap, the rubber material absorbs the energy and decelerates and captures it in the rubber media. This process creates no lead dust and eliminates the noise that is generated from bullets impacting a steel bullet trap. This is beneficial in lowering the noise level in the range and reducing airborne lead contaminants. When the trap is full, the lead is removed and recycled. This combined with the range being constructed in accordance with the NRA Range Source Book section 3.03 will create ballistic safe environment (Figure 8).

Secondly, this range will utilize a Total Air Exhaust ventilation system in accordance with the NRA Range Source Book section 3.11.3. This system will pull in fresh air into the range building at one end, move across the building and exhaust it out the other end. This air current will move any residual lead out of the building. Prior to the air being exhausted from the building it will be filtered to comply with NRA Range Source Book section 4.01 and OSHA 29 CFR1910.1025.

Our company reserves the right to change or alter any range facilities if the interest of safety as it sees fit as long as the changes comply with county code. This is a basic business plan and is subject to change or modification. Based on needs of the business additional facilities may be constructed in the future and will be done in compliance with county code.

Figure 1

NRA Range Book

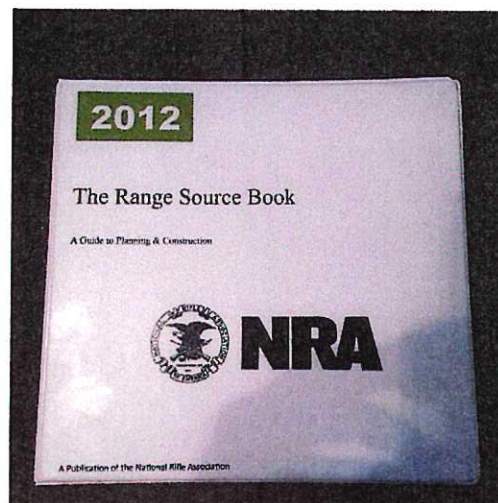


Figure 2
Classroom instruction



Figure 3
Simunition and marking rounds



Figure 4
Airsoft pistol and projectiles



Figure 5

Live fire on an indoor range

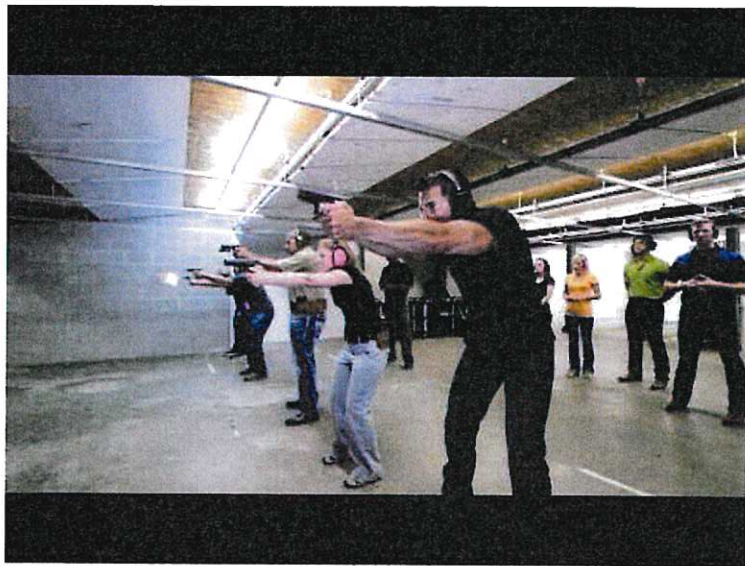


Figure 6

Instruction on an indoor range



Figure 7

Rubber bullet trap




Figure 8

Indoor range



SITE PLAN

LEGEND

- B -** The proposed Range building will be 120 feet in length and 50 feet wide. The roof will be peaked at 12 feet high. It will be constructed of a steel frame and be metal sided, approximately 6000 sq ft in size. It will be constructed in accordance with the NRA Range Source Book section 3.03. This area will not be climate controlled but will be ventilated by a Total Air Exhaust System in accordance with the NRA Range Source Book section 3.11.3. This building will match the existing buildings in construction and appearance. This proposed building will be landscaped to match the current appearance of the property. The proposed building will contain NRA sound abatement measures. The purpose of these measures is to restrict and reduce decibel levels both inside and outside of the facility.
- P -** Asphalt paved and marked parking lot that will accommodate approximately 50 vehicles for off street parking. The lot is ADA compliant.
-  Indicates the direction of traffic flow.

ATTACHMENTS

- A1 -** Spalding County Plat. Defines lot line and dimensions and utility easements.
- A2 -** Vicinity map that shows present zoning classifications for all adjacent properties.
- A3 -** Topography map with 20 foot intervals (USGS Quad Sheet).
- A4 -** 100 year flood plain map.

TIER1

Legend
Attached

Hwy 92

P

B

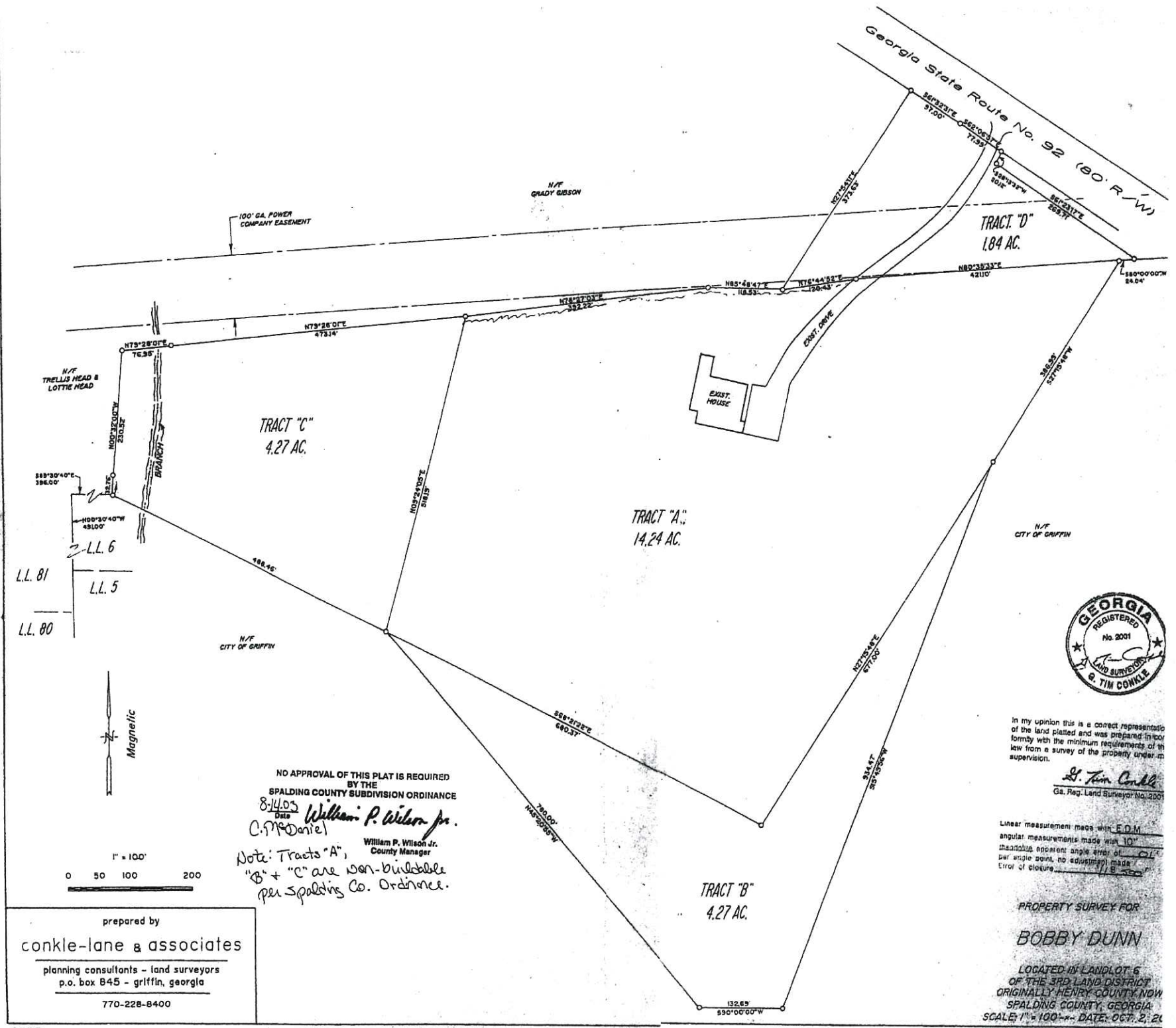
N

800 ft

Google Earth

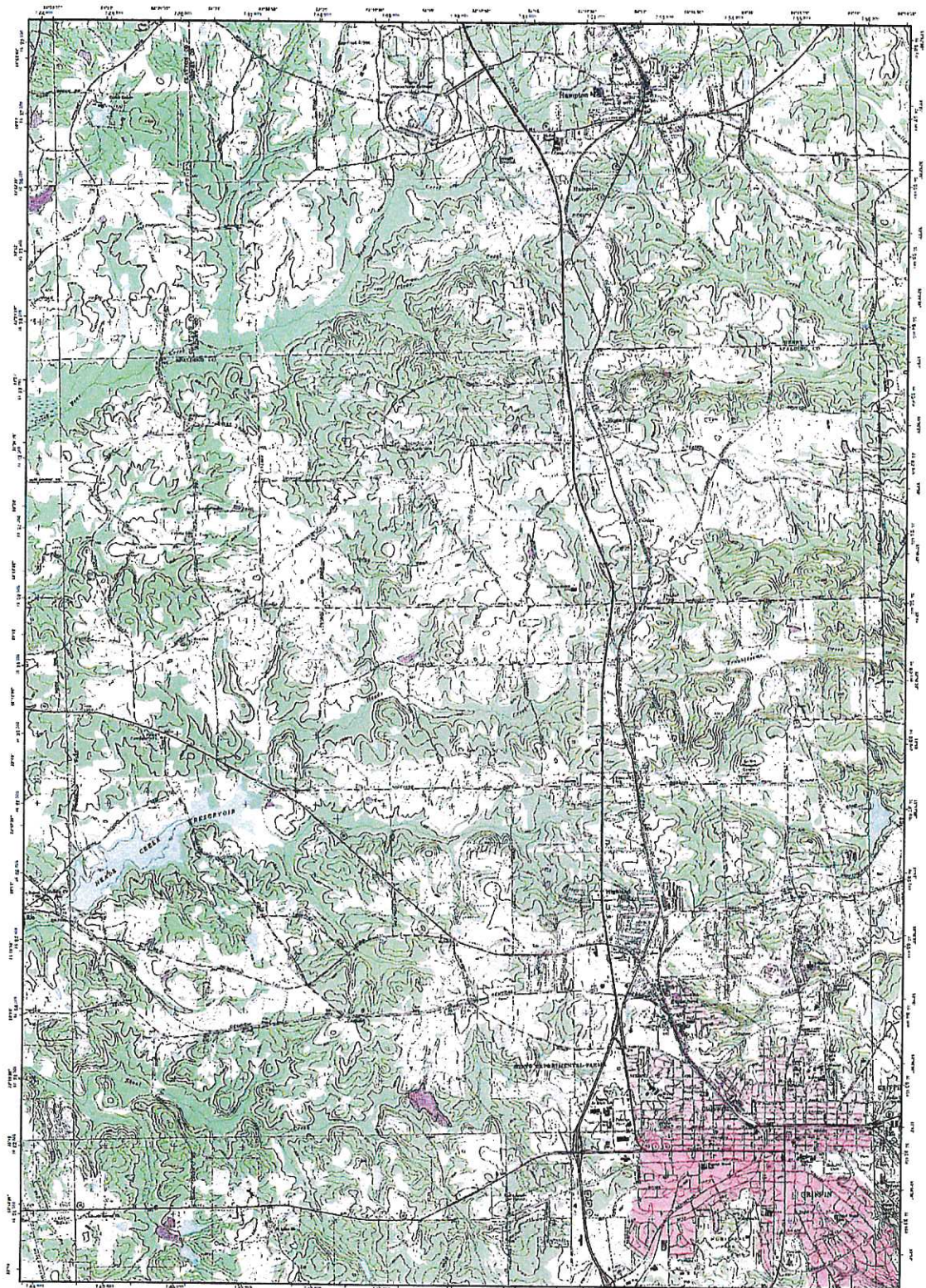
©2016 Google





A2





Griffin North
n33084e3

mytopo
A TRIMBLE COMPANY
© 2010 Trimble Navigation Limited
Printed on demand for single users

Vicinity Map



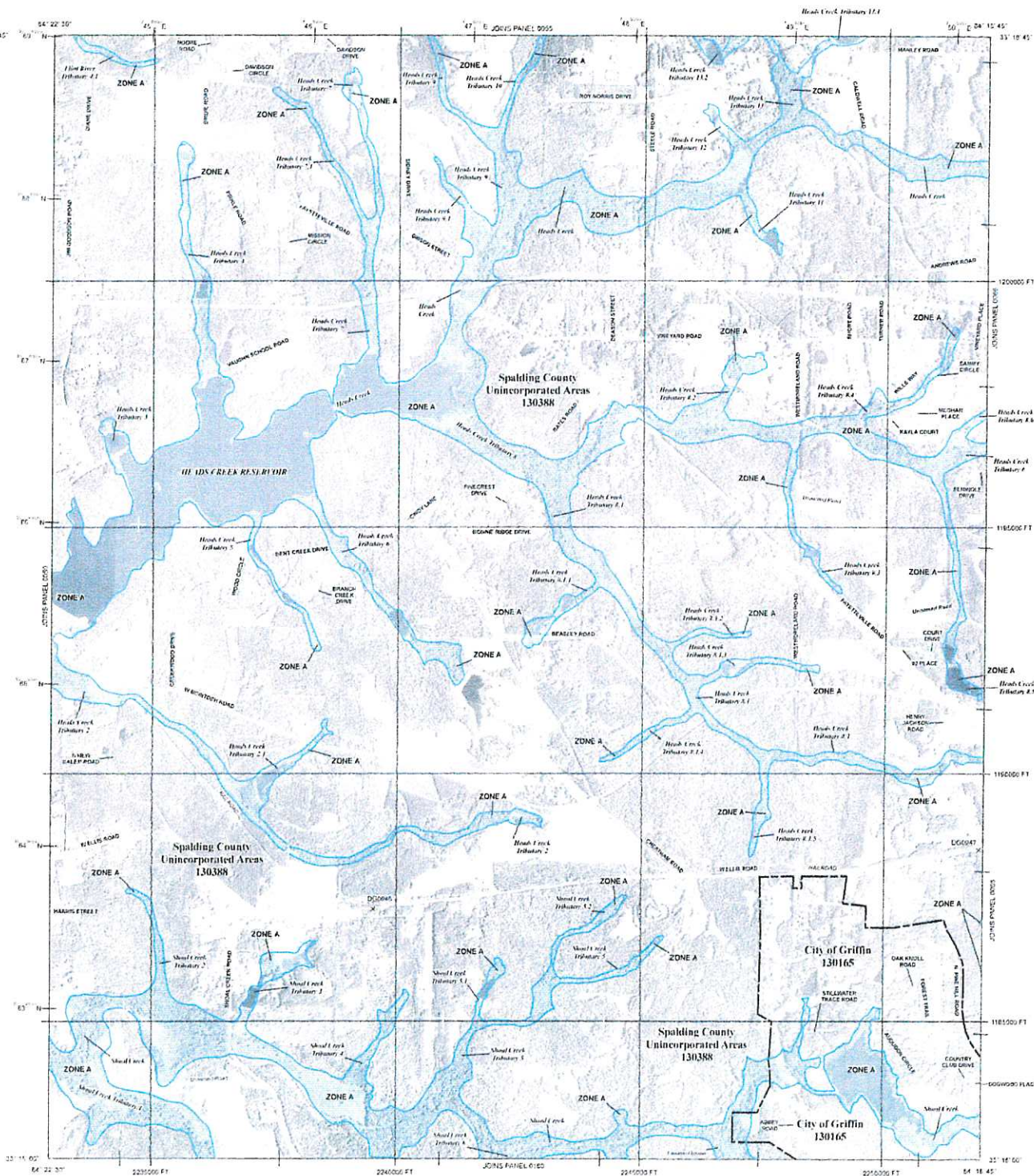
Index Map

Color	Symbol	Description
Blue	—	Water
Green	—	Vegetation
White	—	Open Area
Yellow	—	Barren Land
Pink	—	Urban Area
Grey	—	Transportation
Black	—	Other



Horizontal Contour Interval: 20 Feet
Vertical Contour Interval: 20 Feet
Scale: 1:25,000
Datum: NAD 83
Projection: UTM
Units: Meters
Elevation: 1000 Feet
Date: 2010-01-01
Author: mytopo.com
Printer: mytopo.com

A3

[illegible][illegible]

NATIONAL FLOOD INSURANCE PROGRAM

NFIP

PANEL 0065D

FIRM

FLOOD INSURANCE RATE MAP

SPALDING COUNTY, GEORGIA


AND INCORPORATED AREAS

PANEL 55 OF 250

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

COMMUNITY	PANEL	SHEET
NORTH AVENUE	7430	17
NORTH AVENUE	7430	18

Panel Number: 0065D, Spalding County, Georgia
 Panel Number: 55 of 250
 Panel Sheet: 17 of 18
 Panel Date: 05/10/10



MAP NUMBER
13255C0065D

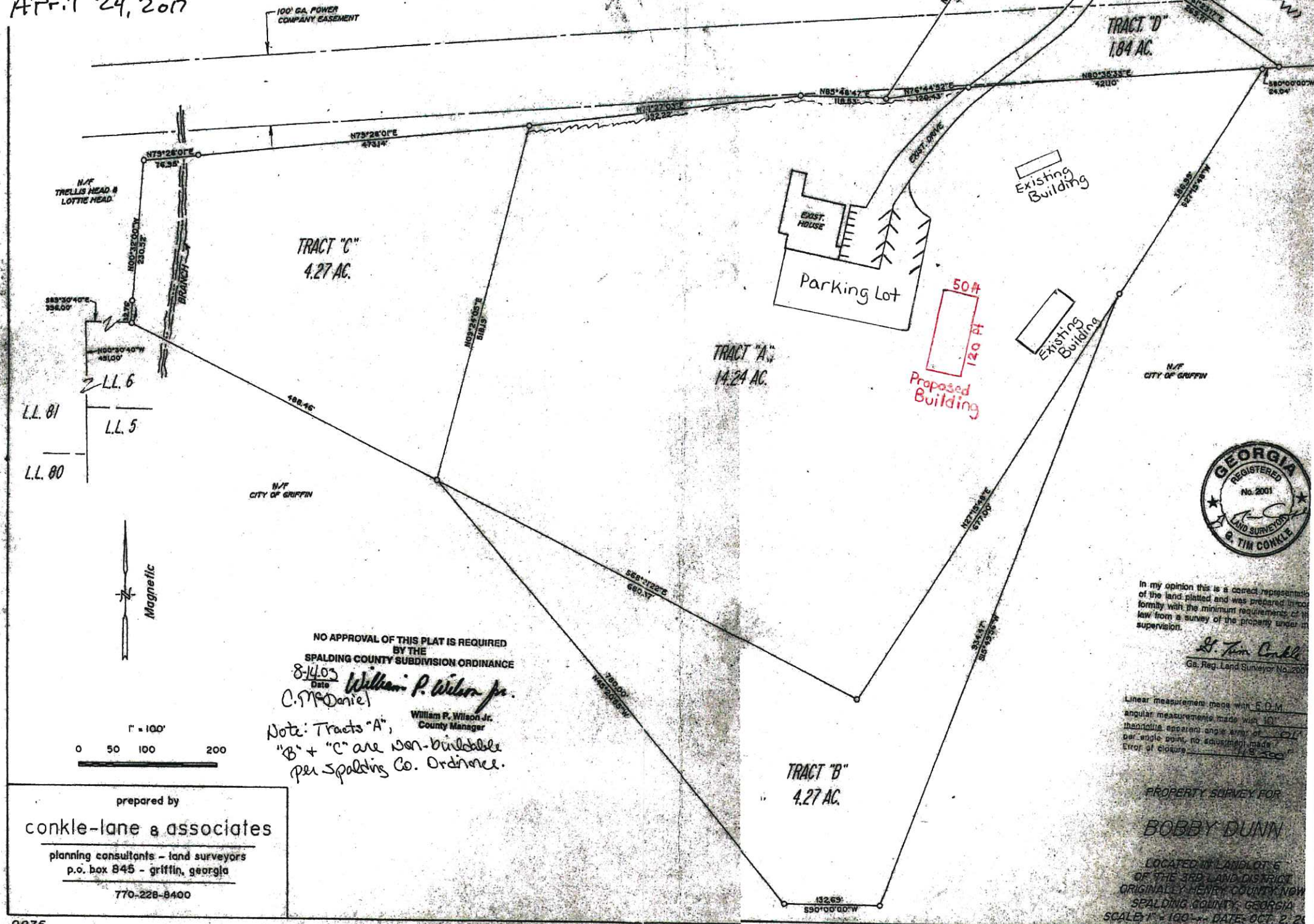
EFFECTIVE DATE
MAY 3, 2010

Federal Emergency Management Agency

TIER 1

Drawn to Scale

April 24, 2017



BOOK 4070 PAGE 158

FILED & RECORDED
CLERK, SUPERIOR COURT
SPALDING COUNTY, GA

2016 JUL -5 P 12:40

BY [Signature]
MARCIA L. NORRIS, CLERKAfter Recording Return To:
Beck, Owen & Murray
100 South Hill St.
Suite 600
Griffin, GA 30223Real Estate Transfer Tax
Paid \$ 0
Date 7-5-16
PT - 61 126- 2016-1673
Marcia L. Norris
Clerk of Superior Court, Spalding Co., Ga.STATE OF GEORGIA
COUNTY OF SPALDING

NTC

QUITCLAIM DEED

THIS INDENTURE, made this 29 day of June, in the Year Two Thousand and Sixteen between ROBERT L. DUNN AND BETTY JEAN DUNN as sole shareholders of Math Fields, Inc. a voluntarily dissolved Georgia Corporation ("Grantor"); and TERRY DUNN ("Grantee"). The terms Grantor and Grantee shall include their respective heirs, successors, executors, administrators, legal representatives, and assigns where the context requires or permits.

WITNESSETH:

Grantor in consideration of the sum of One Dollar and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and by these presents does hereby remise, convey and forever Quitclaim unto Grantee, his heirs and assigns, the following described property, to-wit:

TRACT 1:

All that tract or parcel of land situate, lying and being in Land Lot 6 of the Third Land District of originally Henry, now Spalding County, Georgia, and shown and designated as Tract "B", containing 4.27 Acres, on plat of survey entitled "Property Survey for Bobby Dunn", dated October 2, 2001, prepared by G. Tim Conkle, Registered Land Surveyor, a copy of which said plat is recorded in Plat Book 24, page 460, in the Office of Clerk of Superior Court of Spalding County, Georgia, which said plat, together with the metes, bounds, courses and distances as shown thereon, is incorporated herein and made a part of this description.

TRACT 2:

All that tract or parcel of land, as improved, specifically described in Book 697, Page 156, and more particularly described as:

All that tract or parcel of land containing 19.5 Acres, more or less, situate, lying and being in Land Lot 6 of the Third District of originally Henry, now Spalding County, Georgia, and bounded as follows: Northerly by property now or formerly of Gibson, known as Block E of Doreen Estates, and by a Georgia Power Company easement; Southeasterly and Southwesterly by property of City of Griffin, and West by property now or formerly of James L. and Gerry Smallwood.

The above described property is the remaining portion of that 85 acre tract owned by M. M. Dunn, less the 65.9 acres more or less conveyed to the City of Griffin for the City of Griffin Reservoir.

TO HAVE AND TO HOLD the said above granted and described property, so that neither the grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal, the day and year above written.

Signed, sealed and delivered
In the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

My Commission Expires: 8-8-16



Betty Scarborough Dunn, AIF
ROBERT L. DUNN, BY BETTY
SCARBOROUGH DUNN AKA BETTY
JEAN DUNN, HIS ATTORNEY IN FACT

Betty Jean Dunn
BETTY JEAN DUNN

affid- BK4070 pg. 157

Real Estate Transfer Tax
Paid \$
Date 8-14-03

Myrtle A. Peoples

Clerk of Superior Court, Spalding Co., Ga.
(Warranty Deed)

MULLINS, WHALEN & WESTBURY P. O. Box 133
GRIFFIN, GEORGIA 30224

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

BY Myrtle A. Peoples, Clerk

STATE OF GEORGIA SPALDING COUNTY

THIS INDENTURE, made the _____ day of _____, in the year of our Lord, Two
Thousand Three, between

CITY OF GRIFFIN
of the County of Spalding, and State of Georgia, of the FIRST PART, and

MATH FIELDS, INC.
of the County of Spalding, and State of Georgia, of the SECOND PART,

WITNESSETH, That the said party of the FIRST PART, for and in consideration of the
sum of ONE (\$1.00) DOLLAR AND EXCHANGE OF PROPERTY-----
in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby
acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents, does
grant, bargain, sell, alien, convey and confirm unto the said party of the SECOND PART, heirs and assigns,
all the following described property, to-wit:

All that tract or parcel of land situate, lying and being in Land Lot 6 of the Third Land District of
originally Henry, now Spalding County, Georgia, and shown and designated as Tract "B",
containing 4.27 Acres, on plat of survey entitled "Property Survey for Bobby Dunn", dated
October 2, 2001, prepared by G. Tim Conkle, Registered Land Surveyor, a copy of which said
plat is recorded in Plat Book 24, page 460, in the Office of Clerk of Superior Court of
Spalding County, Georgia, which said plat, together with the metes, bounds, courses and
distances as shown thereon, is incorporated herein and made a part of this description

TO HAVE AND TO HOLD the said above granted and described property, with all and singular the
rights, members, appurtenances thereunto appertaining to the only proper use, benefit and behoof of the said
party of the SECOND PART, its successors and assigns, in fee simple; and the said party of the FIRST
PART the said bargained property above described unto the said party of the SECOND PART, its successors
and assigns, against the said party of the FIRST PART, successors and assigns, and against all and every
other person or persons, shall and will and do hereby warrant and forever defend by virtue of these presents.

IN WITNESS WHEREOF, the said party of the FIRST PART, has hereunto set his hand, affixed
his seal, and delivered these presents, the day and year first above written.

Signed, sealed and delivered:
in the presence of:

GEORGIA, SPALDING COUNTY
CITY OF GRIFFIN

(Witness)

Patty A. Berkowsk

Notary Public,
Notary Public, Spalding County, Georgia
My Commission Expires July 28, 2005

Attest:

Myrtle A. Peoples



DEPUTY CLERK, SPALDING COUNTY, GEORGIA
MARCIAL L. MORRIS, CLERK OF SUPERIOR COURT
SPALDING COUNTY, GEORGIA

Paid \$ _____
Date 8/14/03Myrtle F. Peoples

Clerk of Superior Court, Spalding Co., Ga

BOOK 2342 PAGE 183

FILED & RECORDED
CLERK, SUPERIOR COURT
SPALDING COUNTY, GA.MULLINS, WHALEN & WESTBURN
P. O. Box 133
GRIFFIN, GEORGIA 30224

AUG 14 AM 9 01

BY Myrtle F. Peoples
MYRTLE F. PEOPLES, CLERK

(Warranty Deed)

STATE OF GEORGIA SPALDING COUNTY

THIS INDENTURE, made the 13th day of Aug, in the year of our Lord, Two
Thousand Three, between

MATH FIELDS, INC.

of the County of Spalding, and State of Georgia, of the FIRST PART, and

CITY OF GRIFFIN

of the County of Spalding, and State of Georgia, of the SECOND PART,

WITNESSETH, That the said party of the FIRST PART, for and in consideration of the sum of ONE (\$1.00) DOLLAR AND EXCHANGE OF PROPERTY _____ in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents, does grant, bargain, sell, alien, convey and confirm unto the said party of the SECOND PART, heirs and assigns, all the following described property, to-wit:

All that tract or parcel of land situate, lying and being in Land Lot 6 of the Third Land District of originally Henry, now Spalding County, Georgia, and shown and designated as Tract "C", containing 4.27 Acres, on plat of survey entitled "Property Survey for Bobby Dunn", dated October 2, 2001, prepared by G. Tim Conkle, Registered Land Surveyor, a copy of which said plat is recorded in Plat Book 24, page 460, in the Office of Clerk of Superior Court of Spalding County, Georgia, which said plat, together with the metes, bounds, courses and distances as shown thereon, is incorporated herein and made a part of this description

TOGETHER with an egress-ingress, perpetual, non-exclusive easement across the existing drive, as shown on said plat of survey, to the north property line of Tract "A" as shown on said survey; then said easement runs 30 feet in width in a westerly direction contiguous with the north boundary of said Tract "A" a distance of 631.18 feet, more or less, to the east boundary of said Tract "C".

TO HAVE AND TO HOLD the said above granted and described property, with all and singular the rights, members, appurtenances thereunto appertaining to the only proper use, benefit and behoof of the said party of the SECOND PART, its successors and assigns, in fee simple; and the said party of the FIRST PART the said bargained property above described unto the said party of the SECOND PART, its successors and assigns, against the said party of the FIRST PART, successors and assigns, and against all and every other person or persons, shall and will and do hereby warrant and forever defend by virtue of these presents.

IN WITNESS WHEREOF, the said party of the FIRST PART, has hereunto set his hand, affixed his seal, and delivered these presents, the day and year first above written.

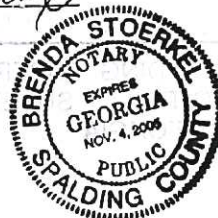
Signed, sealed and delivered:
in the presence of:

MATH FIELDS, INC.

(SEAL)

Richard Mullins
(Witness)By Bobby DunnBrenda Stoerkel
Notary Public,

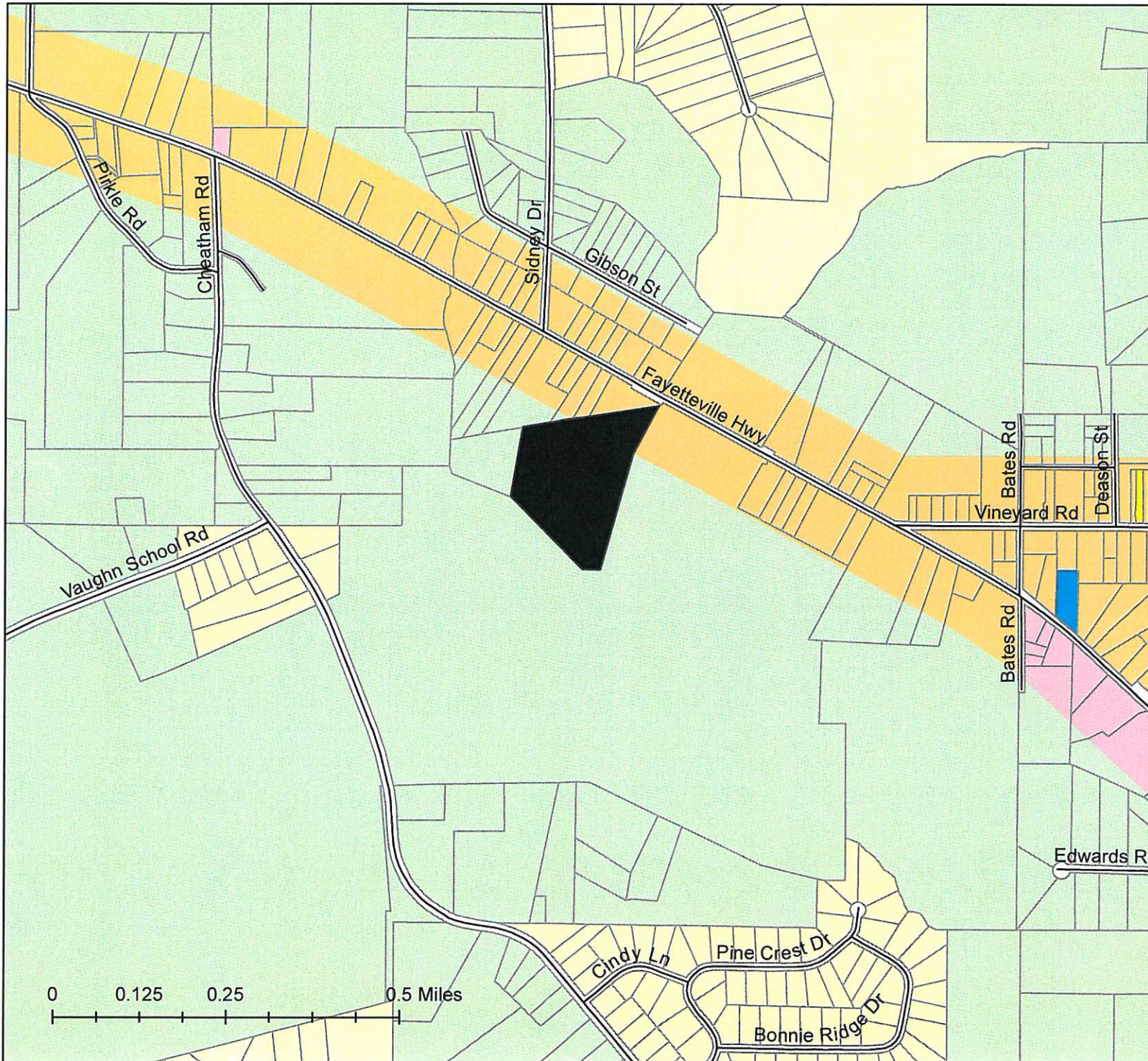
Attest: _____



Metes and Bounds Description of the Subject Parcel

BEGINNING at a point on the southerly 100' GA Power Company Easement at a 2" metal survey marker (metal pipe) located on the west side of the gate entering the property from GA State Route no.92 and proceeding thence from said survey marker North 80° 35'33" East a distance of 421.10 feet to a point; thence Westerly from the right of way of State Route 92, South 27° 15'48" West a distance of 386.99' to a point; thence South 15° 49'56" West a distance of 934.47' to a point; thence South 90° 00'00" West a distance of 132.69' to a point; thence North 45° 20'55" West a distance of 780.00 feet to a point; thence North 09° 24'05" East a distance of 518.19 feet to a point; thence Southerly of the powerline easement North 78° 27'03" East a distance of 392.22 feet to a point; thence North 85° 48'47" East a distance of 118.53'; thence North 76° 44'52" East a distance of 120.43' to a point and the POINT OF BEGINNING.

#17-04Z Dunn/Scott

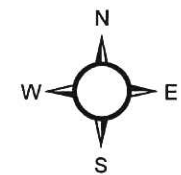


Zoning	
	PDD
	AAR
	AR1
	AR2
	C1
	C1A
	C1B
	C1C
	C2
	C3
	OI
	PRRRD
	R1
	R2
	R2A
	R3
	R4
	R5
	R6
	VN

Approximate size
of an Acre.



1 inch = 1,053.64 feet



Map # 261-01-005

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

SPALDING COUNTY PLANNING COMMISSION

DATE: May 30, 2017

AMENDED: July 25,
2017

TO: Spalding County Planning Commission
Spalding County Board Of
Commissioners

FROM: Department of Community Development

RE: Rezoning Application #17-04Z
Total acreage: 19.5+
R-2, AR-1 and C-1A 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 19.5 acres, more or less, located at 3616 Fayetteville Road.

District and Land Lots:

The property is located in Land Lot 6 of the 3rd Land District.

Current Owner(s):

The property is owned by Terry Dunn by virtue of Deed recorded July 5, 2016 in Deed Book 4070, Page 158, Office of the Clerk of the Superior Court, Spalding County, Georgia.

Agent/Developer

Alex Scott
109 Cedar Point
Peachtree City, Georgia 30269

Overview of Development:

The applicant is requesting approval from Spalding County to allow the rezoning of 19.5 acres +/- out of the total from R-2, AR-1 and C-1A to C-1, Highway Commercial. The applicant proposes to develop the property as an indoor shooting range utilizing an existing 6,000 square foot building which will serve as a support area and training area. A second 6,000 square foot building is proposed to be constructed on the property which will house the indoor range. Per the application, the indoor range will be constructed pursuant to the NRA range source book guidelines. The applicant indicates the range will not be a public facility and for training purposes only.

It must be noted the applicant did provide the following statement within the documentation provided, "Our company reserves the right to change or alter any range facilities [sic] if the interest of safety as it sees fit as long as the changes comply with county code. This is a basic business plan and is subject to change or modification. Based on needs of the business additional facilities may be constructed in the future and will be done in compliance with county code."

Current Area Development

Current Zoning/Authorized Development:

The property proposed to be rezoned is currently split zoned R-2, Single Family Residential, AR-1, Agricultural Residential and C-1A Neighborhood Commercial with the condition of "restaurant only".

The property as currently zoned could be used agriculturally within the AR-1 portion which represents the majority of the property. Due to the absence of road frontage, subdivision of the property for additional residential development would be difficult. The property does have an access easement agreement.

The existing building can be used as a restaurant as conditioned by the C-1A zoning.

Existing Use:

The property is developed. Per the applicant, the subject property has been vacant over one year.

Requested Zoning and Development Intent:

The applicant requests rezoning to C-1, Highway Commercial to develop an indoor shooting range facility. Indoor shooting ranges are only allowed with the approval of a special exception pursuant to Section 1203(B)(7). The applicant has submitted a special exception request.

The Spalding County Unified Development Ordinance defines indoor shooting ranges as *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.

Successful rezoning of the property would be a spot zoning.

Land Use Plan:

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

The applicant has filed a request to amend the Future Land Use Map to commercial.

Schools:

As the proposal is for a Commercial use, there will be no negative impact to the schools in the form of additional students.

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 Trip Generation, 7th Edition from the Institute of Transportation Engineers does not have data for the proposed use.

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:

No portion of this site within a flood zone. (Source: FEMA Map, Panel #13255C-0065 D, effective May 3, 2010)

This site is located within the Heads Creek Watershed boundary, as indicated by the S-2 Watershed Overlay Map.

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 surrounded by rural and residential uses on all sides. These areas are zoned R-2, Single Family Residential and AR-1, Agricultural Residential to both the east and west of the property. To the south is the Heads Creek reservoir which is zoned AR-1.

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 "Agricultural". The request as proposed is inconsistent 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 over one year.

4. The threat to the public health, safety, and welfare, if rezoned.

There could be a slight increase in threat to public health, safety, and welfare due to the rezoning of the subject property given the nature of the proposal if not properly operated. Consideration should also be given to the ingress and egress of the property.

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 indoor range without the commercial zoning.

Photo(s)



View of the subject property on site at the gate.



View of subject property from 92 Highway at driveway.



View from driveway looking east.



View from driveway looking west.

At the June 22, 2017 Board of Commissioners hearing, the applicant proposed a series of conditions for approval. The conditions can be found in a letter from the applicant dated June 10, 2017 (see attached). The Board agreed to consider the conditions but since they change the scope of the request of the applicant, it was recommended by the county zoning attorney to send the applications back through the Planning Commission for an updated recommendation before proceeding again to the Board of Commissioners in August. Staff recommendation has not changed in light of the proposed applicant conditions.

Staff Recommendations:

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

- a. The request is inconsistent with the Spalding County Comprehensive Plan and the associated Future Land Use Map.
- b. The request is a spot zoning.

Date: June 10, 2017

Board of Commissioners
P.O. Box 1087
Griffin, Georgia 30224

RE: Approval conditions for Math Fields

Dear Chairman Miller,

Thank you for speaking with me about our goal of building a training center on the property that is currently known as Math Fields. When you and I talked, we discussed how our team was going to operate our business, safety and the impact on Spalding County. During our conversation we discussed general conditions for approval that our team stood behind. You ask me to speak with Newton Galloway, the county zoning attorney, which Alex did. Mr. Galloway advised that we provide conditions for approval to the Board of Commissioners that we will voluntarily agree to. These conditions address problems or issues that are related to this project, similar current projects or future similar projects. Mr. Galloway also advised that there is no specific way to document these conditions. He suggested that I give you a letter that contains the conditions for approval. He also stated I should provide a copy to Chad Jacobs to go with applications and supporting documents. Mr. Galloway advised that this will make these conditions part of the public record and suffice as a legal document. Mr. Galloway further advised that the Board of Commissioners could except and approve these conditions as part of the application approval process where other recommending bodies could not. It should be noted that Mr. Galloway did not provide us with specific legal advice but provided general information and suggestions that relate to the operation and authority of the Spalding county Board of Commissioners. Below are the specific conditions and written agreement that we offer to you and the Board of Commissioners. Upon approval this signed letter will constitute as a written agreement.

1. Upon approval of the Future Land Use Map application and Zoning application, we will open the training center and apply for a business license. Prior to placing this property on the market, we will immediately re-apply for new zoning to whatever the county desires

(I believe that is currently AR-1) and have it revert back to this zoning designation. As an additional condition we will apply to have the entire property placed under a single zoning designation. While on the market we will only advertise it as AR-1 and disclose the zoning restrictions. This is a win-win for everyone. If approved, it allows us to open the training center and provide the county of Spalding with high quality firearms and safety training. The county will benefit from the obvious tax revenue from this business and the people who will visit. Local law enforcement and law enforcement from the metro area will benefit from an additional quality training facility. If we must sale this property, Spalding County will benefit because it will be an opportunity to bring the "Math Fields" property in line with desired zoning.

2. Upon approval of the Special Exception, we will construct the training center and apply for a business license. Prior to the issuance of the license, we will voluntarily have an NRA Technical Team member evaluate the indoor range portion of the training facility. This range will be built utilizing the 2012 NRA Range Source Book per county ordinance. This evaluation condition is a good faith gesture of our company to provide the safest environment for our customers and the surrounding property.
3. Upon approval a business license will be obtained and open dialogue with the county Department of Community Development will be established. Our goal is to have a successful business and be an ambassador for Spalding County. In order for this to be a successful endeavor between us and the county open communication is vital. If a concern or creditable issue is raised we need it brought to our immediate attention. After notification, the county will provide us with 60 days to fix the problem. We will work with the county to find a remedy and or a solution. If we are unable to remedy the issue in that time frame, we will voluntarily cease operations until a mutual agreement between us and the county is met.
4. Upon approval no shooting of live ammunition will be allowed outside of the approved indoor range. This includes hunting for sport, skeet shooting or any other form of shooting live ammunition outdoors. If it is discovered a person has entered the property illegally local law enforcement will be contacted immediately. It should be noted concerned citizens have reported discharging of firearms taking place on the property associated with the power lines. Should we discover the same, while it is out of our

control and not our property we will contact local law enforcement and the appropriate land owner to seek assistance in remedying this situation.

Sincerely,



Alex Scott



Heather Scott

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
July 25, 2017

The Spalding County Planning Commission held its regular monthly meeting on July 25, 2017 at 7:00 p.m. in the W. Elmer George Municipal Hall at One Griffin Center, 100 South Hill Street, Griffin. Members present were: John Youmans, Chair, presiding; Bruce Ballard; Walter Cox; Sonny Eubanks; and Frank Harris.

Also present were: Chad Jacobs, Community Development Director; Steven Jones of Galloway and Lyndall, Zoning Attorney; and Teresa Watson 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.

S/D #05-11: Consider extension of preliminary plat for Teamon Pointe Subdivision – Minerva Spring Lake, LP, Owner – current preliminary plat expires July 26, 2017.

Mr. Jacobs advised that Minerva called to say they could not attend tonight's meeting. We are looking into reviewing procedures for this process, and we had a conference call this morning with Attorneys Galloway and Jones. He advised that members could review staff report, and their recommendation is to approve the extension.

MOTION

Mr. Ballard made the motion to approve S/D #05-11. The motion passed on a second by Mr. Harris with Mr. Ballard, Mr. Cox, Mr. Harris and Mr. Youmans voting for the motion and Mr. Eubanks voting against.

Application #17-04Z: Terry Dunn, Owner – Alex Scott, Agent – 3616 Fayetteville Road (19.5 acres located in Land Lot 6 of the 3rd Land District) – requesting a rezoning from AR-1 Agricultural and Residential, R-2 Single Family Residential and C-1A Neighborhood Commercial, to C-1 Highway Commercial.

Signed up to speak on the petition were the following:

Terry Dunn – 208 Sylvan Lane – Griffin

Mr. Dunn, owner of the property, provided Mr. Jacobs and the Planning Commission with information about the parcel and read a prepared statement. He is requesting approval from Spalding County to allow the rezoning of 19.5 acres, more or less, out of the total from R-2, AR-1 and C-1A to C-1, Highway Commercial. Mr. Dunn proposes to develop the property as an indoor shooting range utilizing an existing 6,000 square foot building which will serve as a support area and training area. A second 6,000 square foot building is proposed to be constructed on the property which will house the indoor range. Per the application, the indoor range will be constructed pursuant to NRA range source book guidelines. Mr. Dunn proceeded to address several issues that Community Development Director Jacobs had noted in his background report.

Even though the area was stipulated as residential, there have been commercial entities since 1938 when his grandfather cleared the property and open a sawmill business, which predates many residential uses in the area, as well as the reservoir. Most came much later including the subdivision. Dr. Brant Keller with

City of Griffin cites no concerns from the City or EPD for the proposed project. His grandfather sold 45 acres to the City for the reservoir in 1961 for the benefit of the community and Spalding County, and he referenced maps and construction details. The Future Land Use Map lists the property as commercial.

Mr. Dunn refuted Spalding County's contention that the property had been unused as he was issued a business license in 2016 with a renewal in 2017. As for the Director's contention that there could be a slight detrimental effect to the health, safety and welfare should the business not be properly operated, he assured the Board that professional GBI trainers and personnel would be setting up and operating the business, along with Mr. Scott. There has never been an accident either going into or exiting from the property, so he was not sure about the report's concern with ingress and egress. It was noted this is a state highway and ingress/egress has been, and would continue to be, the purview of GDOT.

As for balance between benefit to the public and the hardship placed on the owner, should this rezoning not occur, it will make it almost impossible to sell this property on which there are three different zoning classifications. There is no benefit to the public in not rezoning property, because it would force him to continue to run the event center as he has in the past. This process has already taken almost a year. A petition of local residents has proven there is support for this proposed use. Some were mistakenly thinking the gun range would utilize outdoor shooting. There will be no outside shooting allowed at all. The building, constructed according to NRA standards, can most certainly be made so that there is minimal sound, and noise levels should not be problematic. It will be soundproof and safe. It will be run by GBI, SWAT agents and professionals.

Mr. Dunn also objected to the term "spot zoning" when applied to this property, which has already been used commercially for quite a number of years. There will be no detriment to surrounding land owners or their property values. He revisited the history of zoning for the parcel, from M1 many years ago to today's fragmentation of three zones. Mr. Scott does not want to build from scratch. Law abiding citizens can come and take the gun training in a safe and secure environment. Local governments will probably never offer this type service. It will be health, safety and welfare at its best.

Finally, Mr. Dunn said the Community Development Director was asked to review the request and come up with conditions for approval, which he says changed the scope of the petition. He asked the Planning Commission to recommend approval of the application as presented and conditioned. It will solve issues with the property without adversely affecting adjacent property owners. Noise levels will actually decrease and the County will be collecting taxes at a greater level. Traffic will actually be better than it has been in the past with planned events at Math Field. Out of town patrons will bring more money in the area. He will be able to sell the property and retire, and Mr. Scott will be able to start his dream. Mr. Dunn felt he has successfully shown the current zoning classification is detrimental to him.

Alex Scott – 109 Cedar Point – Peachtree City

Mr. Scott, acting as the agent/developer of the property, stated the conditions they put forth at the County's request to the Board of Commissioners had been included in the application packet. There seemed to be a general concern for a reversionary clause, which was included. At such time as the property was no longer used for the zoning classification being requested, this would provide for a process. There have been residents who opposed the application based on some misinformation. The zoning also would be attached to the property and not to him. He simply believed this would be a good venture, and they have worked with the County in providing everything they have asked for. He, too, took issue with the phrase "spot zoning" being applied to this parcel. They will need this rezoning in order to apply for the Special Exception. There would be, he responded, significant noise reduction which is better addressed by the NRA standards at a rate of possibly 75-80%. There will be a filtered system for backstop, and there will be no issue with lead.

Mr. Youmans asked to reiterate the existing structure would be used for classrooms for training, and Mr. Scott confirmed that would be the case with actual shooting done in the other building. They will not service “walk-in” type clients but rather those who are signed up for training in advance. Law enforcement will be in charge of their own training, under the general umbrella of Mr. Scott’s personnel. There will be no shooting outside. Most training will be done on Saturday but law enforcement training primarily weekdays, with hours to be set later probably from 8 or 9 to about 8 in the evening. Mr. Scott is using the 2012 NRA handbook because that was what was required by Special Exception code. They will certainly upgrade to a newer version if allowed and available. NRA has a program that works from the design phase to implementation, so they will be fully involved. They will be open to any inspections the County should deem necessary.

Mr. Cox asked about classroom training and Mr. Scott said training would not involve live firearms. Mr. Scott explained that civilians could sign up for the safety training program and attend a specific class; however, people won’t be allowed to simply come in and shoot. All programs will have written lesson plans and be conducted professionally. How many training sessions per year will be open ended since this is a new venture, but hopefully at least three per month. They will adjust accordingly as the business develops.

Stephen Walker – no comment

Marie Clark – 3655 Fayetteville Road

She detailed how she came to own her property 41 years ago, which is across the road from Math Field. Ms. Clark worked and provided for her family, creating a home for her and her children as a single parent. She has sacrificed in her lifetime for her property and has endured the noise from the events over the years vibrating her pillow at night even, and hunters shoot on the property already. She wrote a letter to the NRA, stating her husband was a member and a retired Georgia State Patrol officer. She did not feel this rezoning was necessary and urged them to please recommend disapproval.

Faith Wallace – 3672 Fayetteville Road

She lives across the street from Sidney Road and Math Field is directly behind her property. She was concerned her property values would be adversely affected. She said Math Field is mostly woods, and hunters’ fire weapons on the property either with or without permission already. Ms. Wallace said highway traffic was already problematic, and sight distance is an issue near the existing bridge. She was concerned this business would make that traffic and the noise worse in the area. They have already endured noise from the musical events over the years. The petition she collected had 24 signatures, and she said at the time, she did not know the range would be totally indoors. Mr. Dunn says 21 of those 24 have signed his petition in support, so that may only leave three. She presented a map to the Commission, pointing out residential uses, the church property, and the reservoir. She was against this proposed business and the rezoning itself.

Mr. Jacobs noted that at the June 22, 2017 Board of Commissioners hearing, the applicant proposed a series of conditions for approval. The conditions can be found in a letter from the applicant dated June 10, 2017 that is included in members’ packets. The Board agreed to consider the conditions but since they change the scope of the request of the applicant, it was recommended by the county zoning attorney to send the applications back through the Planning Commission for an updated recommendation before proceeding again to the Board of Commissioners in August. Staff recommendation has not changed in light of the proposed application conditions; they continue to recommend denial of the application and assert the specific issue of spot zoning.

The Staff report reflected that it must be noted the applicant did provide a statement within the application documentation that provided, "Our company reserves the right to change or alter any range facilities it

(sic) the interest of safety as it sees fit as long as the changes comply with the county code. This is a basic business plan and is subject to change or modification. Based on needs of the business additional facilities may be constructed in the future and will be done in compliance with county code."

Mr. Jacobs said at the Board of Commissioners meeting on June 22, 2017, the Board looked at conditions and Mr. Galloway felt it changed scope of application. They voted to amend the FLUM and wanted to send the application back out of an abundance of caution from a zoning standpoint. The Board of Appeals will hear the Special Exception portion. In review, staff still recommends denial and upholds the spot zoning assertion.

As for the issue of reversion, Mr. Jacobs said there is no language within the Spalding County UDO to provide for reversionary measures. We can condition the property for outdoor storage, etc. but would have to go back through the zoning process with notifications, etc. Reversions tend to be a tracking nightmare for Community Development. Knowing when a property changes hands, etc. is problematic. He needs to see how we would proceed from a legal standpoint.

Mr. Steven Jones agreed the use of a reversion clause is problematic. We would have to monitor closely to ensure we are aware of any new purchaser who could apply for business licenses, etc. He does not recommend reversion clauses. The only three zoning designations to allow for indoor shooting ranges are C-1A, C-1B and C-1C.

Mr. Scott assured Mr. Harris they will not shoot on Sunday. He was asking for the C-1 zoning classification at the direction of Mr. Jacobs. He felt that reversion would be very enforceable and they can monitor the noise with whatever technology is available. If the venture is unsuccessful and they have to sell the property, he would come in and do the application. No one would oppose changing back to AR-1. He stated he is not trying to do anything underhanded and not trying to flip the property. He is just thinking logically. To him this is a win-win situation.

Mr. Harris said he had a little trouble with conditions not being able to be enforced by Spalding County and would be uncomfortable imposing conditions that the County could not ensure would be followed.

Mr. Scott noted that if the applicants not only followed the County's ordinances, but adhered to all their requests and suggestions, it should be the County's problem if they cannot monitor. Mr. Jones said there is police power to enforce conditions attached to a rezoning. He has some concern, however, that the County could not successfully monitor. This issue comes up a lot in land use matters and conditions quite often get misconstrued. County Code does allow for conditions in rezoning's by the Board, but we do have to be careful to ensure they are logical and enforceable. The Board of Commissioners is open to hearing those conditions but that willingness to hear them does not imply acceptance. There are some legal boundaries but he does not want to see ambiguities or lack of subjectivity. We must be clear.

Mr. Scott noted if they reopen the building as an entertainment facility, that can equate to about 300 per event with about 100-200 cars.

Ms. Clark came forward again to correct a statement by Mr. Dunn as to no accidents at this location. A friend of hers had an accident near the driveway there with a fatality.

Mr. Ballard noted the conditions were added in between the time he met with the Planning Commission last and the Commissioners' meeting. All felt it was best to go back through the Planning Commission process. He felt it could be enforceable and other possible conditions could also be added either by the Planning Commission or Board of Commissioners in the approval process. He commended the applicants for trying to do it right and was sorry it was taking so long. Government is lengthy sometimes and there could be even more conditions. Decibels can be monitored even if in a rudimentary style with an I-phone.

If they are abiding by NRA guidelines and County ordinances, they should be in compliance. However, spot zoning does present issues. He has attended some events at Math Field himself over the years. Shooting already has happened over the years with hunters. This is a difficult situation for Mr. Dunn, Mr. Scott and the County. Many things were done there over the years and we have to question why, particularly with three separate zonings on this parcel. This rezoning would move more to the commercial side and there are a great number of residential uses.

MOTION

Mr. Eubanks made a motion to approve Application #17-04Z with stated conditions with a second by Mr. Ballard.

Mr. Cox again asked about traffic control and was directed that GDOT would control ingress and egress off this state highway. Curb cuts are already in place and would not need anything new, and this does involve an easement and is already zoned commercial. Traffic issues already have been addressed.

Ms. Wallace noted there have been four wrecks in close proximity to her front yard and one down the street that killed someone. A recent one occurred there in the past three months.

Motion to approve failed by a vote of 2-3 with Mr. Youmans, Mr. Cox and Mr. Harris voting against the motion.

MOTION

Mr. Harris made a motion to deny Application #17-04Z. The motion passed on a second by Mr. Cox with Mr. Cox, Mr. Harris and Mr. Youmans voting for the motion and Mr. Eubanks and Mr. Ballard voting against the motion.

MINUTES

Mr. Ballard made a motion to approve the minutes of the June 27, 2017 meeting. The motion passed on a second by Mr. Cox with Mr. Ballard, Mr. Cox, Mr. Eubanks, Mr. Harris, and Mr. Youmans voting for the motion.

ADJOURN

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

John Youmans – Chair

Teresa Watson – Recorder



SPALDING COUNTY BOARD OF COMMISSIONERS Application #17-04S

Requesting Agency

Office of Community Development

Requested Action

Application #17-04S: Terry Dunn, Owner - Alex Scott, Agent - 3616 Fayetteville Road (19.5 acres located in Land Lot 6 of the 3rd Land District) - requesting a Special Exception to allow indoor gun range in the C-1 District.

Requirement for Board Action

Article 4. General Procedures - Section 413. Special Exceptions.

Is this Item Goal Related?

No

Summary and Background

The applicant is requesting a special exception approval from Spalding County to allow the development of the property as an indoor shooting range utilizing an existing 6,000 square foot building which will serve as a support area and training area. A second 6,000 square foot building is proposed to be constructed on the property which will house the indoor range. Per the application, the indoor range will be constructed pursuant to the NRA range source book guidelines. The applicant indicates the range will not be a public facility and for training purposes only.

It must be noted the applicant did provide the following statement within the documentation provided, "Our company reserve the right to change or alter any range facilities (sic) it the interest of safety as it sees fit as long as the changes comply with county code. This is a basic business plan and is subject to change or modification. Based on needs of the business additional facilities may be constructed in the future and will be done in compliance with county code."

The applicant has made application to both amend the Future Land Use Map to commercial and rezoning the property to C-1, Highway Commercial.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

DENIAL

BOARD OF APPEALS RECOMMEND: APPROVAL

ATTACHMENTS:

Description	Upload Date	Type
📁 Application #17-04S	8/11/2017	Backup Material
📁 BOA 08-10-17 Minutes	8/17/2017	Backup Material

Last

SPALDING COUNTY
REQUEST FOR SPECIAL EXCEPTION
APPLICATION

NO. 17-045

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: Alex Scott

Address: 109 Cedar Point

City: Peachtree City

State: GA Zip: 30269

Phone: 678-274-8030

Contact Person: Alex Scott

PROPERTY OWNER INFORMATION

Name: Terry Dunn

Address: 208 Sylvan Lane
3616 Fayetteville Rd

City: GRIFFIN

State: GA Zip: 30223 30224

Phone: (770) 584-0371

Phone: _____

APPLICANT IS THE:

____ Owner's Agent

____ Property Owner

____ ☒ Developer

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

Land District(s): 3rd Land Lot(s): 6 Acreage: 19.99 19.5

Address of Property: 3616 Fayetteville Rd Griffin, GA

Identify the use for which you seek a Special Exception and cite the section of the Spalding County Zoning Ordinance which provides that the Special Exception may be granted:

I wish to build an Indoor gun Range
and Training center. This special exception is
available Text Amendment # A-17-01, an amendment
to the Zoning Ordinance of Spalding County.

OTHER REQUIRED INFORMATION

Attach a statement describing the Special Exception and the reason you are requesting this Special Exception.

Attach 1 copy (11 x 17) 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.

Some developments (i.e. subdivisions, Church's, etc.) may require a 24 x 36 copy of the plat.

Please attach a deed, certified by the Clerk of Court, which includes a metes and bounds description of the property proposed.

Signature(s):



Agent/Developer



Property Owner

4/24/17

Date

4/24/17

Date

OFFICE USE ONLY

Date Received: 4-25-17

Amount of Fee: \$300⁰⁰

Received By: C. Smith

Receipt Number: 15019A

SPECIAL EXCEPTION APPLICANT'S RESPONSE

Pursuant to Section 413 of the Zoning Ordinance, the Board of Commissioners of Spalding County finds that the following standards are relevant in granting a Special Exception.

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

(A) Whether granting a Special Exception would be detrimental to the use of development of adjacent properties or the general neighborhood: The Special Exception

For An Indoor Gun Range will not be detrimental to the neighborhood

(B) Whether granting a Special Exception would adversely affect the health or safety of residents or workers: The Special Exception will not have
a negative health or safety effect

(C) Whether granting a Special Exception would have depreciating effects and damages to the neighboring properties that are greater than the benefits or need for the Special Exception: _____
no it will not.

(D) Whether granting a Special Exception would adversely affect existing uses: There
are currently no existing uses of the property

(E) Whether the subject property is sufficient in size to satisfy the space requirements for the use: The subject property is sufficient. An
additional building will need to be built.

(F) Whether granting a Special Exception will meet the requirements of the Spalding County Ordinance: Granting the Special Exception will meet
the new Spalding CO ordinance for an Indoor Gun Range

OFFICE USE ONLY

Date Received: 4-25-17

Received By: C. Goul

SPECIAL EXCEPTION
PAGE 4

**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 certify that the agent, if different from the owner, is authorized to file this application.

TERRY DUNN

Print Name of Owner(s)

Alex Scott

Print Name of Agent, If Not Same as Owner

Terry Dunn 4/21/17

Signature of Owner(s) Date
or Signature of Authorized Officer or Agent
(if applicable)

Alex Scott

Signature of Agent

Title of Authorized Officer or Agent (if applicable)

Claire E Petree

Signature of Notary Public



---Notary Seal---

4-21-17

Date

OFFICE USE ONLY

Date Received: _____

Received By: _____

SITE PLAN REQUIREMENTS FOR SPECIAL EXCEPTION

Section 416: Special Exception.

A site plan meeting the requirements of Section 416 of this Ordinance shall be submitted with any application for a special exception which shall require a building permit for the purpose of commencing construction on a new structure on the property which is the subject of the special exception application; provided however, that any site plan for a special exception for a certified hardship allowed in Sections 503(D)(2-3), 603(D)(2-3), 703(D)(3-4), 803(D)(3-4), 803A(D)(3-4), 1003(D)(3-4), 1103(D)(3-4) and 1103A(D)(3-4) shall not be required to comply with the provisions of subparts (g), (i), (j), (k), (o) and (p) of Section 416.

- 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;
- 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.

Spalding County Fee Schedule:

Appeal from Action of Administrative Officer: \$ 200.00

Variance: \$ 200.00

Special Exception: \$ 300.00

Multiple Parcel Rezoning: Multiple parcel rezoning of contiguous tracts will be allowed so long as all tracts are to be rezoned to the same zoning classification. All applicants owning property which is subject to the application are deemed to consent to rezoning of their property and to rezoning of any and all other tracts included within the Application. The following fees shall apply to multiple parcel rezoning applications: (#A-99-08 – 09/07/99; #A-00-11 - 07/17/00)

A. Parcel 1 - \$500.00

B. Parcel 2-5 - \$100.00 each, in addition to the fees stated in A; and

C. Parcels 6+ - \$50.00 each, in addition to the fees stated in A and B.

Index

Section 1 - Project Overview

Section 2 - Site Plan

- Site Plan legend
- Site plan map

Section 3 - Attachments

- Spalding County Plat
- Vicinity / Zoning map
- Topography map
- Flood plain map

Section 4 - Property Deed

Project Overview

Our company will operate a firearms training facility that will focus on firearm safety and personal protection skills. Our primary focus will be private citizens that have an interest on improving these skills. As a component to the business, we will also be offering the facility to be utilized by local law enforcement as an additional training facility to meet their growing training needs.

The business will operate under the guidelines set forth by the National Rifle Association (NRA) and the Georgia Police Officers Standards and Training Council (POST). The NRA is a national organization that establishes the "best practices" and what is considered the gold standard on civilian firearms safety, range safety and range design. We will utilize the NRA's Range Source Book, a technical source book for shooting range builders and operators, when designing this facility (Figure 1). Georgia POST is the agency that trains and certifies peace officers in Georgia. POST's Certified Firearms Instructor Program requires certified peace officers to demonstrate advanced firearm skills as well as attend a multi-week training class focusing on weapons safety, range safety, range operations and instruction skills. In the class each instructor must successfully demonstrate their ability to safely run a range.

Our business will be owned by current and retired POST certified police officers. The instructors are POST certified general instructors as well as firearms instructors. Collectively, the owners of our business have over 80 years firearms experience and have trained thousands of students. Some of the owners have operated as the Firearms Program Coordinators for their respective state and county agencies. One of the respective owners has also designed and implemented firearms training programs in multiple countries to include Afghanistan and Guatemala. The owners have the ability and knowledge to exceed POST and NRA's stringent safety standards.

Unlike many ranges in the surrounding area, our business is not a range open to the public or a gun club and you cannot rent a lane or range time. The training facility will only be open when a class is scheduled. Class scheduling will be done via our website and limited to approximately 15 students. Our business will not operate as a storefront business nor will we maintain regular business hours. All of our training will be conducted during daylight hours as defined by the NRA from 7am to 7pm. These classes may be scheduled Monday thru Sunday and the frequency of these classes will be dictated by the need and market demand. No one will be allowed at the facility unless they are a registered student or government agency with staff present.

In the classes offered, live fire or firearms usage is a very small part of the class. The majority of the class will consist of classroom instruction. The classroom instruction will focus on firearms safety, legal responsibility and mechanics of the skills to be learned (Figure 2). Students will also utilize Simunitions or Airsoft weapons to further enhance skills. The Simunitions is a reduced-energy, non-lethal cartridge that leaves a detergent based marking compound (Figure 3). Airsoft is a CO2 powered system that fires a small plastic ball (Figure 4). Both systems allow students to safely participate in skill enhancement exercises without endangering other students, staff or themselves. All training, to include live fire exercises, will be conducted indoors at the facilities' indoor main building or indoor live fire range building (Figures 5 & 6)

The training facility will be located on the "Math Fields" property located at 3616 Fayetteville Rd. in Spalding County, Georgia. The property is approximately 20 acres of primarily cleared land. It is accessed by a deeded driveway easement from Fayetteville Rd. The property currently consist of three buildings: a main building, a shop building and a mobile home.

The actual training facility will consist of the main building and a proposed range building. The shop building will continue to be a shop. The mobile home is currently rented and will not be part of the training facility.

The main building, approximately 6000 sq ft, will consist of two parts: the support area and a training area. The support area will consist of classrooms, two restrooms, break area, storage rooms, office area and additional support or utility rooms. This portion of the facility will be located in the present building currently acting as an event center. This area will be climate controlled and be equipped for student and staff safety and comfort.

The training area of the main building will be located in the center of the structure. It will be constructed in accordance with the NRA Range Source Book section 3.03. This area will not be climate

controlled. This area will be ventilated by a Total Air Exhaust System in accordance with the NRA Range Source Book section 3.11.3.

The proposed Range building will be 120 feet in length and 50 feet wide. The roof will be peaked at 12 feet high. It will be constructed of a steel frame and be metal sided, approximately 6000 sq ft in size. It will be constructed in accordance with the NRA Range Source Book section 3.03. This area will not be climate controlled but will be ventilated by a Total Air Exhaust System in accordance with the NRA Range Source Book section 3.11.3. This building will match the existing buildings in construction and appearance. This proposed building will be landscaped to match the current appearance of the property.

All facilities in which training will be conducted will contain NRA sound abatement measures. The purpose of these measures is to restrict and reduce decibel levels both inside and outside of the facility.

Ballistic containment also known as a bullet trap is a significant issue in an indoor range. One must consider the environmental impact, operational, and safety requirements of the firing range. Lead management, noise abatement and shooter safety are the primary concerns. Lead dust is created when a projectile strikes a solid surface and fragments. This lead dust then can build up inside of the range area creating a hazard. There are two ways to eliminate this hazard.

First, our business will utilize a rubber bullet trap (Figure 7). This trap safely stops and captures projectiles intact with virtually no lead dust or bullet fragmentation. The rubber bullet trap is an environmentally-friendly bullet containment system that utilizes a thick layer of granulated recycled rubber. When a bullet strikes the trap, the rubber material absorbs the energy and decelerates and captures it in the rubber media. This process creates no lead dust and eliminates the noise that is generated from bullets impacting a steel bullet trap. This is beneficial in lowering the noise level in the range and reducing airborne lead contaminants. When the trap is full, the lead is removed and recycled. This combined with the range being constructed in accordance with the NRA Range Source Book section 3.03 will create ballistic safe environment (Figure 8).

Secondly, this range will utilize a Total Air Exhaust ventilation system in accordance with the NRA Range Source Book section 3.11.3. This system will pull in fresh air into the range building at one end, move across the building and exhaust it out the other end. This air current will move any residual lead out of the building. Prior to the air being exhausted from the building it will be filtered to comply with NRA Range Source Book section 4.01 and OSHA 29 CFR1910.1025.

Our company reserves the right to change or alter any range facilities if the interest of safety as it sees fit as long as the changes comply with county code. This is a basic business plan and is subject to change or modification. Based on needs of the business additional facilities may be constructed in the future and will be done in compliance with county code.

Figure 1

NRA Range Book

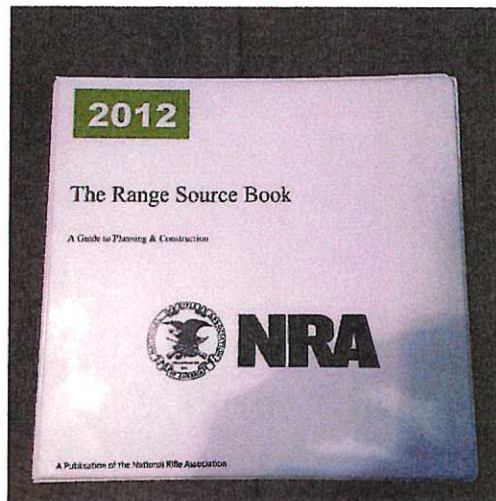


Figure 2

Classroom instruction



Figure 3

Simunition and marking rounds

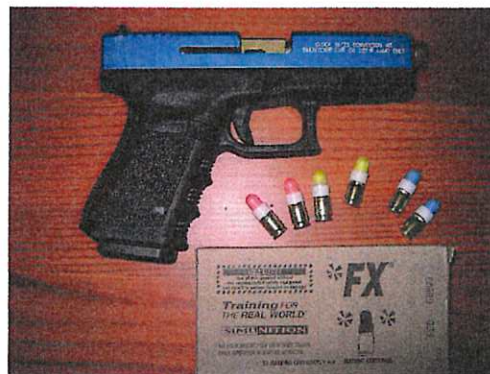


Figure 4

Airsoft pistol and projectiles



Figure 5

Live fire on an indoor range



Figure 6

Instruction on an indoor range



Figure 7
Rubber bullet trap



Figure 8
Indoor range



SITE PLAN

LEGEND

B -

The proposed Range building will be 120 feet in length and 50 feet wide. The roof will be peaked at 12 feet high. It will be constructed of a steel frame and be metal sided, approximately 6000 sq ft in size. It will be constructed in accordance with the NRA Range Source Book section 3.03. This area will not be climate controlled but will be ventilated by a Total Air Exhaust System in accordance with the NRA Range Source Book section 3.11.3. This building will match the existing buildings in construction and appearance. This proposed building will be landscaped to match the current appearance of the property. The proposed building will contain NRA sound abatement measures. The purpose of these measures is to restrict and reduce decibel levels both inside and outside of the facility.

P -

Asphalt paved and marked parking lot that will accommodate approximately 50 vehicles for off street parking. The lot is ADA compliant.



Indicates the direction of traffic flow.

ATTACHMENTS

A1 -

Spalding County Plat. Defines lot line and dimensions and utility easements.

A2 -

Vicinity map that shows present zoning classifications for all adjacent properties.

A3 -

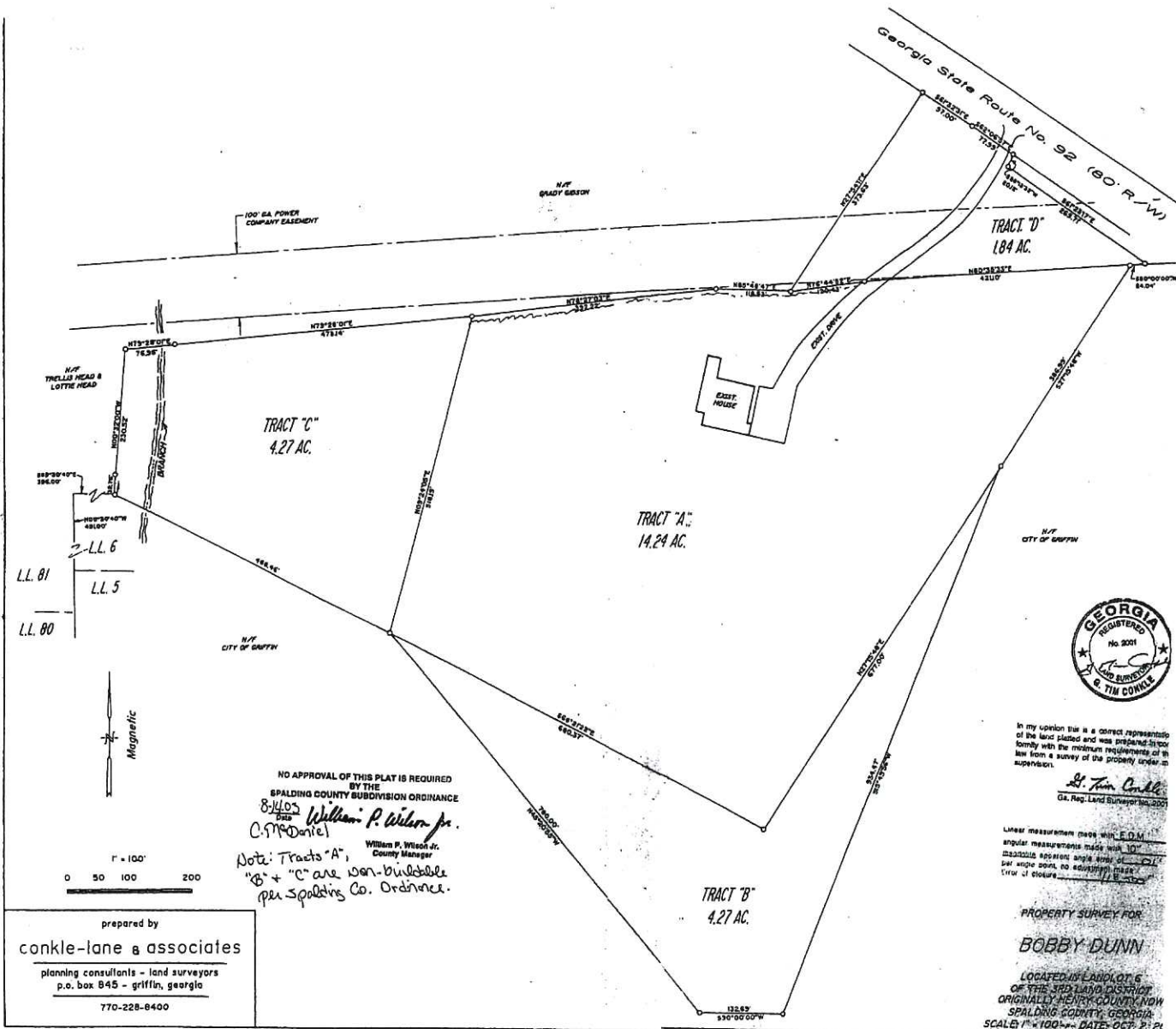
Topography map with 20 foot intervals (USGS Quad Sheet).

A4 -

100 year flood plain map.

TIER1





prepared by
conkle-lane & associates
 planning consultants - land surveyors
 p.o. box 845 - griffin, georgia
 770-228-8400

NO APPROVAL OF THIS PLAT IS REQUIRED
 BY THE
 SPALDING COUNTY SUBDIVISION ORDINANCE
 8/14/03
William P. Wilson Jr.
 County Manager
 C. McDaniel
 Note: Tracts "A",
 "B" + "C" are non-buildable
 per Spalding Co. Ordinance.



In my opinion this is a correct representation
 of the land plotted and was prepared in
 conformity with the minimum requirements of the
 law from a survey of the property under my
 supervision.
Bobby Dunn
 Ga. Reg. Land Surveyor No. 2001

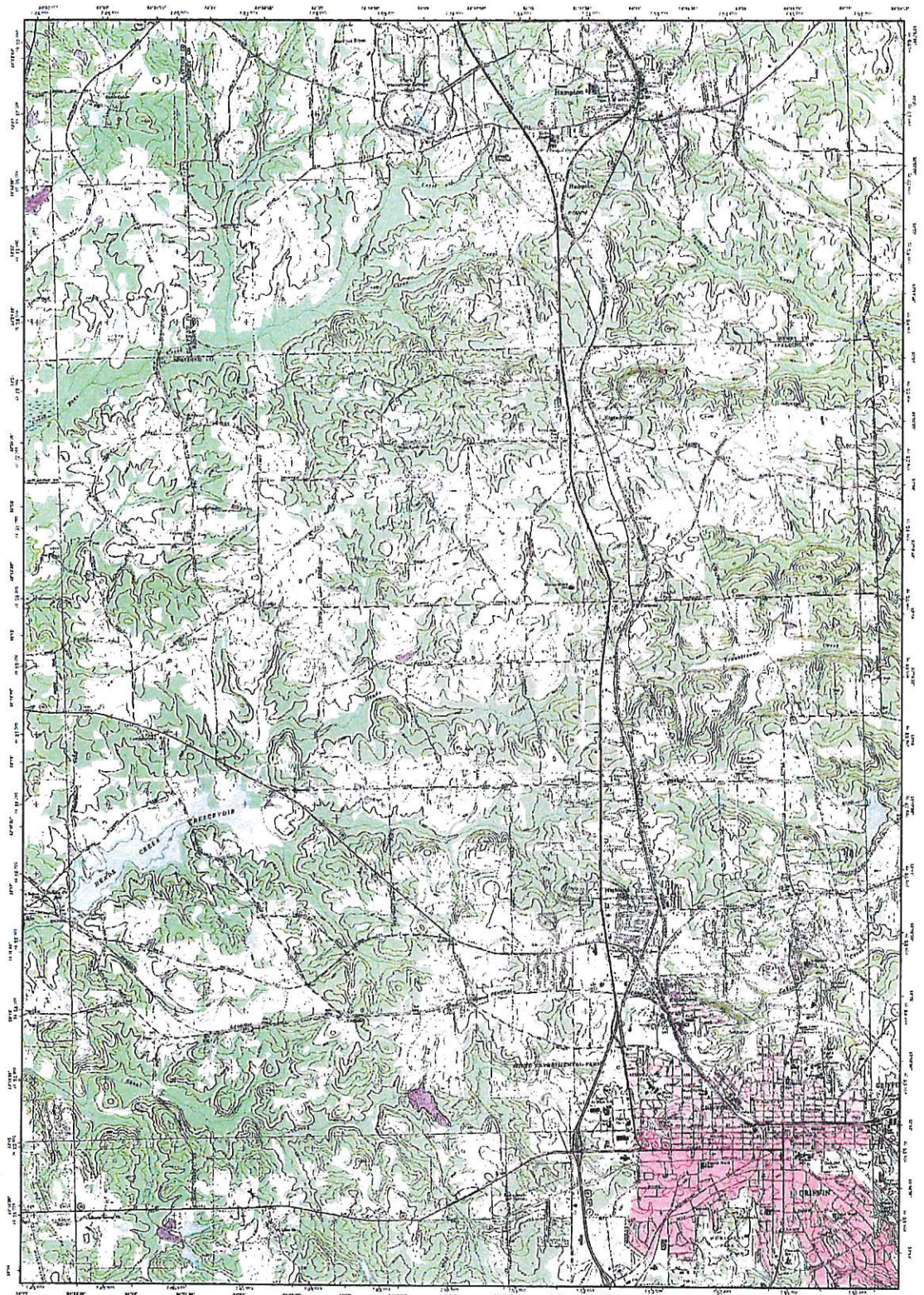
Linear measurement made with EDM
 angular measurements made with 10"
 bubble level and single angle of 10"
 per angle point, no adjustment made
 Error of closure 1/16 inch

PROPERTY SURVEY FOR
BOBBY DUNN

LOCATED IN LOT 6
 OF THE 3RD LAND DISTRICT
 ORIGINALLY HENRY COUNTY NOW
 SPALDING COUNTY, GEORGIA
 SCALE 1" = 100' DATE OCT. 2, 2001

A2





Griffin North
 033084c3

mytopo
 A TRIMBLE COMPANY
 www.mytopo.com

Locality Map



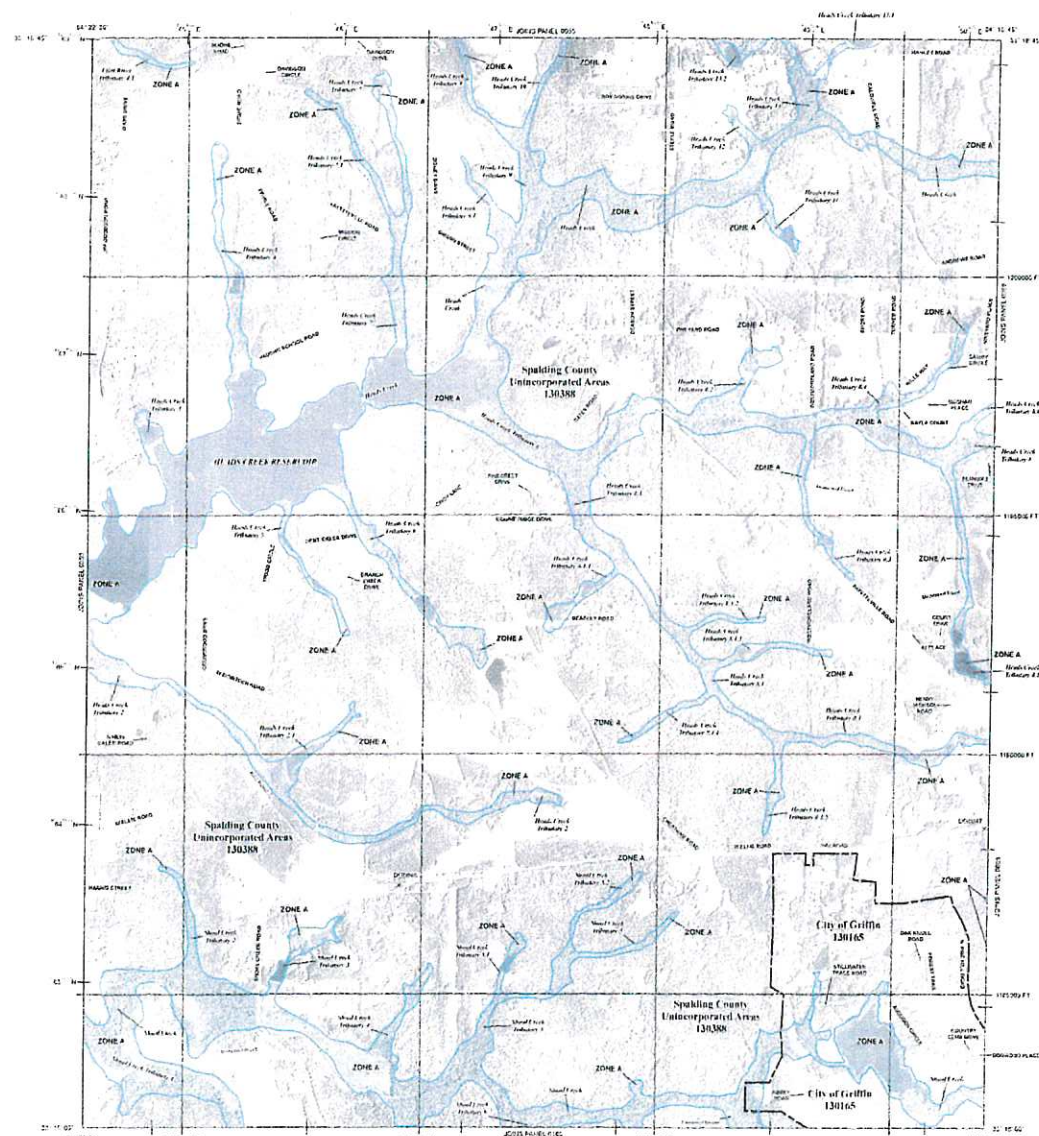
Index Map

Symbol	Description
[Symbol]	Highway
[Symbol]	Road
[Symbol]	Stream
[Symbol]	Contour
[Symbol]	Spot Elevation
[Symbol]	Building
[Symbol]	Water
[Symbol]	Vegetation
[Symbol]	Boundary
[Symbol]	Index



Griffin North, Georgia
 033084c3
 033084c3
 033084c3

A3

[illegible][illegible]

NFIP

PANEL 06SD

FIRM

FLOOD INSURANCE MAP
SPALDING COUNTY,
GEORGIA
AND INCORPORATED AREAS

PANEL 65 OF 250

(SEE TOP EDGE FOR FIRM PANEL LENGTH)

FOOTAGE:

Distance _____ Panel Area _____
Square Feet _____ Square Feet _____

Scale _____

U.S. DEPARTMENT OF COMMERCE
NATIONAL MARITIME ADMINISTRATION
MARINE TRANSPORTATION SYSTEMS DIVISION

MAP NUMBER
132SC06SD

EFFECTIVE DATE
MAY 3, 2010

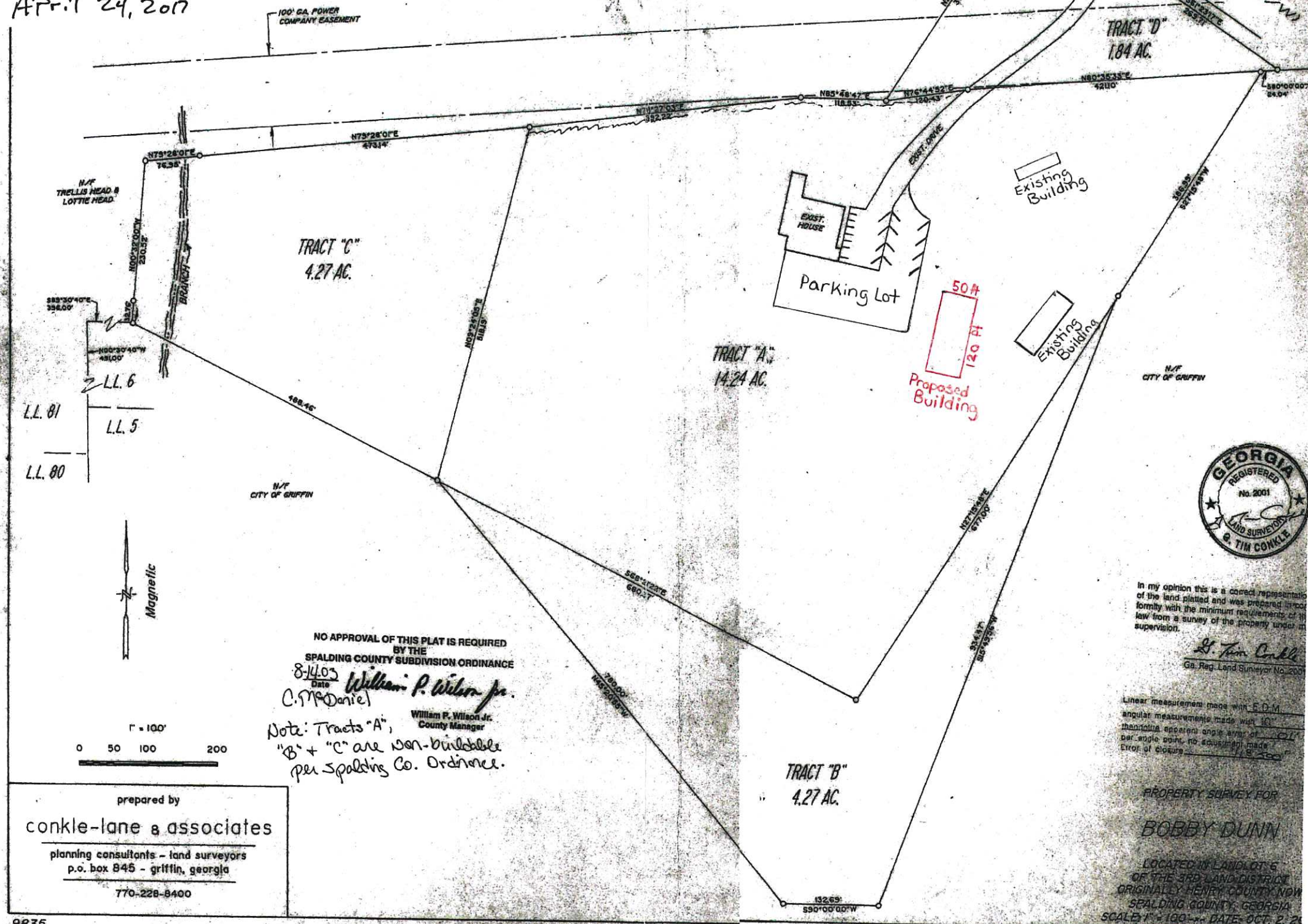
Federal Emergency Management Agency



TIER 1

Drawn to Scale

April 24, 2007



BOOK 4070 PAGE 158

FILED & RECORDED
CLERK, SUPERIOR COURT
SPALDING COUNTY, GA

2016 JUL -5 P 12:40

BY Marcia L. Norris
MARCIA L. NORRIS, CLERKAfter Recording Return To:
Beck, Owen & Murray
100 South Hill St.
Suite 600
Griffin, GA 30223Real Estate Transfer Tax
Paid \$ 0
Date 7-5-16
PT - 61 126- 2016-1673
Marcia L. Norris
Clerk of Superior Court, Spalding Co., Ga.STATE OF GEORGIA
COUNTY OF SPALDING

NTC

QUITCLAIM DEED

THIS INDENTURE, made this 29 day of June, in the Year Two Thousand and Sixteen between ROBERT L. DUNN AND BETTY JEAN DUNN as sole shareholders of Math Fields, Inc. a voluntarily dissolved Georgia Corporation ("Grantor"); and TERRY DUNN ("Grantee"). The terms Grantor and Grantee shall include their respective heirs, successors, executors, administrators, legal representatives, and assigns where the context requires or permits.

WITNESSETH:

Grantor in consideration of the sum of One Dollar and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and by these presents does hereby remise, convey and forever Quitclaim unto Grantee, his heirs and assigns, the following described property, to-wit:

TRACT 1:

All that tract or parcel of land situate, lying and being in Land Lot 6 of the Third Land District of originally Henry, now Spalding County, Georgia, and shown and designated as Tract "B", containing 4.27 Acres, on plat of survey entitled "Property Survey for Bobby Dunn", dated October 2, 2001, prepared by G. Tim Conkle, Registered Land Surveyor, a copy of which said plat is recorded in Plat Book 24, page 460, in the Office of Clerk of Superior Court of Spalding County, Georgia, which said plat, together with the metes, bounds, courses and distances as shown thereon, is incorporated herein and made a part of this description.

TRACT 2:

All that tract or parcel of land, as improved, specifically described in Book 697, Page 156, and more particularly described as:

All that tract or parcel of land containing 19.5 Acres, more or less, situate, lying and being in Land Lot 6 of the Third District of originally Henry, now Spalding County, Georgia, and bounded as follows: Northerly by property now or formerly of Gibson, known as Block E of Doreen Estates, and by a Georgia Power Company easement; Southeasterly and Southwesterly by property of City of Griffin, and West by property now or formerly of James L. and Gerry Smallwood.

The above described property is the remaining portion of that 85 acre tract owned by M. M. Dunn, less the 65.9 acres more or less conveyed to the City of Griffin for the City of Griffin Reservoir.

TO HAVE AND TO HOLD the said above granted and described property, so that neither the grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal, the day and year above written.

Signed, sealed and delivered
In the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

My Commission Expires: 8-8-16



Betty Scarborough Dunn, AIF
ROBERT L. DUNN, BY BETTY
SCARBOROUGH DUNN AKA BETTY
JEAN DUNN, HIS ATTORNEY IN FACT

Betty Jean Dunn
BETTY JEAN DUNN

Real Estate Transfer Tax
Paid \$ 5
Date 8-14-03

Myrtle F. Peoples
Clerk of Superior Court, Spalding Co., Ga.
(Warranty Deed)

MULLINS, WHALEN & WESTBURY
P. O. Box 133
GRIFFIN, GEORGIA 30224

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

03 AUG 14 AM 9 01
BY *R*
MYRTLE F. PEOPLES, CLERK

STATE OF GEORGIA SPALDING COUNTY

THIS INDENTURE, made the day of , in the year of our Lord, Two
Thousand Three, between

CITY OF GRIFFIN
of the County of Spalding , and State of Georgia , of the FIRST PART, and

MATH FIELDS, INC.
of the County of Spalding , and State of Georgia , of the SECOND PART,

WITNESSETH, That the said party of the FIRST PART, for and in consideration of the
sum of **ONE (\$1.00) DOLLAR AND EXCHANGE OF PROPERTY**-----
in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby
acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents, does
grant, bargain, sell, alien, convey and confirm unto the said party of the SECOND PART, heirs and assigns,
all the following described property, to-wit:

All that tract or parcel of land situate, lying and being in Land Lot 6 of the Third Land District of
originally Henry, now Spalding County, Georgia, and shown and designated as Tract "B",
containing 4.27 Acres, on plat of survey entitled "Property Survey for Bobby Dunn", dated
October 2, 2001, prepared by G. Tim Conkle, Registered Land Surveyor, a copy of which said
plat is recorded in Plat Book 24, page 460, in the Office of Clerk of Superior Court of
Spalding County, Georgia, which said plat, together with the metes, bounds, courses and
distances as shown thereon, is incorporated herein and made a part of this description

TO HAVE AND TO HOLD the said above granted and described property, with all and singular the
rights, members, appurtenances thereunto appertaining to the only proper use, benefit and behoof of the said
party of the SECOND PART, its successors and assigns, in fee simple; and the said party of the FIRST
PART the said bargained property above described unto the said party of the SECOND PART, its successors
and assigns, against the said party of the FIRST PART, successors and assigns, and against all and every
other person or persons, shall and will and do hereby warrant and forever defend by virtue of these presents.

IN WITNESS WHEREOF, the said party of the FIRST PART, has hereunto set his hand, affixed
his seal, and delivered these presents, the day and year first above written.

Signed, sealed and delivered:
in the presence of:

(Witness)

CITY OF GRIFFIN

By: *Don H. Cobb*
CITY MGR

Attest: *Chelotte Smith*

Patty O. Barrows
Notary Public,
Spalding County, Georgia
My Commission Expires July 24, 2005



02342
00183

Paid \$
Date

Myrtle F. Peoples

Clerk of Superior Court, Spalding Co., Ga

BOOK 2342 PAGE 183

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

MULLINS, WHALEN & WESTBURY 03 AUG 14 AM 9 01

P. O. Box 133
GRIFFIN, GEORGIA 30224

BY *Myrtle F. Peoples*
MYRTLE F. PEPPLES, CLERK

(Warranty Deed)

STATE OF GEORGIA SPALDING COUNTY

THIS INDENTURE, made the 13th day of *August*, in the year of our Lord, Two Thousand Three, between

MATH FIELDS, INC.

of the County of Spalding, and State of Georgia, of the FIRST PART, and

CITY OF GRIFFIN

of the County of Spalding, and State of Georgia, of the SECOND PART,

WITNESSETH, That the said party of the FIRST PART, for and in consideration of the sum of ONE (\$1.00) DOLLAR AND EXCHANGE OF PROPERTY-----
in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents, does grant, bargain, sell, alien, convey and confirm unto the said party of the SECOND PART, heirs and assigns, all the following described property, to-wit:

All that tract or parcel of land situate, lying and being in Land Lot 6 of the Third Land District of originally Henry, now Spalding County, Georgia, and shown and designated as Tract "C", containing 4.27 Acres, on plat of survey entitled "Property Survey for Bobby Dunn", dated October 2, 2001, prepared by G. Tim Conkle, Registered Land Surveyor, a copy of which said plat is recorded in Plat Book 24, page 460, in the Office of Clerk of Superior Court of Spalding County, Georgia, which said plat, together with the metes, bounds, courses and distances as shown thereon, is incorporated herein and made a part of this description

TOGETHER with an egress-ingress, perpetual, non-exclusive easement across the existing drive, as shown on said plat of survey, to the north property line of Tract "A" as shown on said survey; then said easement runs 30 feet in width in a westerly direction contiguous with the north boundary of said Tract "A" a distance of 631.18 feet, more or less, to the east boundary of said Tract "C".

TO HAVE AND TO HOLD the said above granted and described property, with all and singular the rights, members, appurtenances thereunto appertaining to the only proper use, benefit and behoof of the said party of the SECOND PART, its successors and assigns, in fee simple; and the said party of the FIRST PART the said bargained property above described unto the said party of the SECOND PART, its successors and assigns, against the said party of the FIRST PART, successors and assigns, and against all and every other person or persons, shall and will and do hereby warrant and forever defend by virtue of these presents.

IN WITNESS WHEREOF, the said party of the FIRST PART, has hereunto set his hand, affixed his seal, and delivered these presents, the day and year first above written.

Signed, sealed and delivered:
in the presence of:

MATH FIELDS, INC.

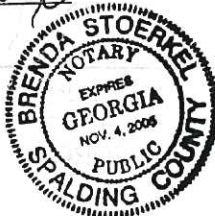
(SEAL)

Richard Mullins
(Witness)

By *Bobby Dunn*

Brenda Stoerkel
Notary Public,

Attest: _____



Metes and Bounds Description of the Subject Parcel

BEGINNING at a point on the southerly 100' GA Power Company Easement at a 2" metal survey marker (metal pipe) located on the west side of the gate entering the property from GA State Route no.92 and proceeding thence from said survey marker North 80° 35'33" East a distance of 421.10 feet to a point; thence Westerly from the right of way of State Route 92, South 27° 15'48" West a distance of 386.99' to a point; thence South 15° 49'56" West a distance of 934.47' to a point; thence South 90° 00'00" West a distance of 132.69' to a point; thence North 45° 20'55" West a distance of 780.00 feet to a point; thence North 09° 24'05" East a distance of 518.19 feet to a point; thence Southerly of the powerline easement North 78° 27'03" East a distance of 392.22 feet to a point; thence North 85° 48'47" East a distance of 118.53'; thence North 76° 44'52" East a distance of 120.43' to a point and the POINT OF BEGINNING.

SPALDING COUNTY BOARD OF APPEALS

DATE: June 8, 2017
AMENDED: AUGUST 10, 2017

TO: Spalding County Board of Appeals
Spalding County Board of Commissioners

FROM: Department of Community Development

RE: Special Exception Application 17-04S

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

Identification of the Property:

Size and location:

The property is located on 3616 Fayetteville Road in Land Lot 6 of the 3rd Land District of Spalding County. The property consists of 19.5 +/- acres.

Current owner:

Terry Dunn
208 Sylvan Lanes
Griffin, Georgia 30224

Agent:

Alex Scott
109 Cedar Point
Peachtree City, Georgia 30269

Proposed use:

The applicant is requesting special exception approval from Spalding County to allow the development of the property as an indoor shooting range utilizing an existing 6,000 square foot building which will serve as a support area and training area. A second 6,000 square foot building is proposed to be constructed on the property which will house the indoor range. Per the application, the indoor range will be constructed pursuant to the NRA range source book guidelines. The applicant indicates the range

will not be a public facility and for training purposes only.

It must be noted the applicant did provide the following statement within the documentation provided, "Our company reserves the right to change or alter any range facilities [sic] in the interest of safety as it sees fit as long as the changes comply with county code. This is a basic business plan and is subject to change or modification. Based on needs of the business additional facilities may be constructed in the future and will be done in compliance with county code."

The applicant has made application to both amend the Future Land Use Map to commercial and rezone the property to C-1, Highway Commercial.

SPECIAL EXCEPTION:

Compliance with Zoning Ordinance Development Standards:

The Spalding County Unified Development Ordinance, Article 12, Section 1203 (B)(7) allows indoor shooting ranges as a Special Exception while Section 202.HHH'1 defines them as:

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.

Transportation:

The Trip Generation, 7th Edition from the Institute of Transportation Engineers does not have data for the proposed use.

Spalding County Unified Development Ordinance, Section 413, Subsection G states as follows:

The Board of Appeals will consider the following points in arriving at a decision on the Special Exception:

1. It must not be detrimental to the use or development of adjacent properties, or to the general neighborhood; it must not adversely affect the health or safety of residents or workers.

Staff anticipates that this project could have an adverse effect on the neighborhood but the proposed use will not be detrimental to the development of the adjacent properties. Consideration should be given to the proximity of the proposed development to the adjacent reservoir.

2. It must not be that any possible depreciating effects and damages to the neighboring properties are greater than the benefits or need for the Special Exception.

There should be no depreciating effects on neighboring property.

3. It must not adversely affect existing uses, and it must be proposed to be placed on a lot of sufficient size to satisfy the space requirement of the use.

The proposed use could adversely affect existing uses surrounding the property.

The property does have sufficient size to accommodate the use.

4. It must meet all other requirements of this Ordinance.

The proposal is inconsistent with the current zoning and future land use plan.

Photo:



View of the subject property on site at the gate.



View of subject property from 92 Highway at driveway.

At the June 22, 2017 Board of Commissioners hearing, the applicant proposed a series of conditions for approval. The conditions can be found in a letter from the applicant dated June 10, 2017 (see attached). The Board agreed to consider the conditions but since they change the scope of the request of the applicant, it was recommended by the county zoning attorney to send the applications back through the Board of Appeals for an updated recommendation before proceeding again to the Board of Commissioners in August. Staff recommendation has not changed in light of the proposed applicant conditions.

Staff Recommendations:

Staff recommends **DENIAL** of the request for the following reasons:

1. The request does not satisfy all of Section 413.G.

Date: June 10, 2017

Board of Commissioners
P.O. Box 1087
Griffin, Georgia 30224

RE: Approval conditions for Math Fields

Dear Chairman Miller,

Thank you for speaking with me about our goal of building a training center on the property that is currently known as Math Fields. When you and I talked, we discussed how our team was going to operate our business, safety and the impact on Spalding County. During our conversation we discussed general conditions for approval that our team stood behind. You ask me to speak with Newton Galloway, the county zoning attorney, which Alex did. Mr. Galloway advised that we provide conditions for approval to the Board of Commissioners that we will voluntarily agree to. These conditions address problems or issues that are related to this project, similar current projects or future similar projects. Mr. Galloway also advised that there is no specific way to document these conditions. He suggested that I give you a letter that contains the conditions for approval. He also stated I should provide a copy to Chad Jacobs to go with applications and supporting documents. Mr. Galloway advised that this will make these conditions part of the public record and suffice as a legal document. Mr. Galloway further advised that the Board of Commissioners could except and approve these conditions as part of the application approval process where other recommending bodies could not. It should be noted that Mr. Galloway did not provide us with specific legal advice but provided general information and suggestions that relate to the operation and authority of the Spalding county Board of Commissioners. Below are the specific conditions and written agreement that we offer to you and the Board of Commissioners. Upon approval this signed letter will constitute as a written agreement.

1. Upon approval of the Future Land Use Map application and Zoning application, we will open the training center and apply for a business license. Prior to placing this property on the market, we will immediately re-apply for new zoning to whatever the county desires

(I believe that is currently AR-1) and have it revert back to this zoning designation. As an additional condition we will apply to have the entire property placed under a single zoning designation. While on the market we will only advertise it as AR-1 and disclose the zoning restrictions. This is a win-win for everyone. If approved, it allows us to open the training center and provide the county of Spalding with high quality firearms and safety training. The county will benefit from the obvious tax revenue from this business and the people who will visit. Local law enforcement and law enforcement from the metro area will benefit from an additional quality training facility. If we must sale this property, Spalding County will benefit because it will be an opportunity to bring the "Math Fields" property in line with desired zoning.

2. Upon approval of the Special Exception, we will construct the training center and apply for a business license. Prior to the issuance of the license, we will voluntary have an NRA Technical Team member evaluate the indoor range portion of the training facility. This range will be built utilizing the 2012 NRA Range Source Book per county ordinance. This evaluation condition is a good faith gesture of our company to provide the safest environment for our customers and the surrounding property.
3. Upon approval a business license will be obtained and open dialogue with the county Department of Community Development will be established. Our goal is to have a successful business and be an ambassador for Spalding County. In order for this to be a successful endeavor between us and the county open communication is vital. If a concern or creditable issue is raised we need it brought to our immediate attention. After notification, the county will provide us with 60 days to fix the problem. We will work with the county to find a remedy and or a solution. If we are unable to remedy the issue in that time frame, we will voluntarily cease operations until a mutual agreement between us and the county is met.
4. Upon approval no shooting of live ammunition will be allowed outside of the approved indoor range. This includes hunting for sport, skeet shooting or any other form of shooting live ammunition outdoors. If it is discovered a person has entered the property illegally local law enforcement will be contacted immediately. It should be noted concerned citizens have reported discharging of firearms taking place on the property associated with the power lines. Should we discover the same, while it is out of our

control and not our property we will contact local law enforcement and the appropriate land owner to seek assistance in remedying this situation.

Sincerely,



Alex Scott



Heather Scott

SPALDING COUNTY APPEALS BOARD
Regular Meeting
August 10, 2017

The Spalding County Appeals Board held its regular monthly meeting on August 10, 2017 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Ed Brown, Chair, presiding; Patricia McCord; and Bill Slaughter. Curtis Keys and Tangela Williams were not present.

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

Mr. Brown called the meeting to order and invited anyone present that was not the applicant and wanted to address the Board on any of the applications to come forward and sign the request form.

Application #17-09V: Nancy W. Wood as Trustee of the William A. Wood, Jr. Trust, Owner – RaceTrac Petroleum, Inc., Agent – East corner at intersection of Zebulon Road (U.S. Hwy. 19) and Martin Luther King Jr. Parkway (U.S. Hwy. 41) (9.16 acres located in Land Lot(s) 119 & 120 of the 2nd Land District) – requesting a Variance from Sign Ordinance total sign area allowed and freestanding sign requirements.

Warren Tillery - Smith, Welch, Webb & White, 2200 Keys Ferry Court, McDonough, Georgia
Mr. Tillery represents the above owner/applicant, Nancy W. Wood, Trustee/RaceTrac Petroleum, Inc. in their request to vary from the Spalding County Sign Ordinance for total sign area allowed and freestanding sign requirements. Currently, 200 sf of signage is allowed and 672 sf of billboard signage. They desire 500 sf of signage and two freestanding monument signs, which would comply with the 500 maximum square footage. He understands this request to vary needs approval and he requests same tonight. The two freestanding signs would be at entrances at the corner of Highway 19 and this property and again at Highway 41 and this property. He offered to answer specific questions the Board may have.

Michael Mullen, rep of RaceTrac, 200 Galleria Parkway, Atlanta, Georgia
He reiterated that RaceTrac is seeking a variance for two freestanding signs as noted for monument signs. He answered that yes, these monument signs would be similar to those on the north side of town at Malier Road.

Michelle Ogletree – 107 Meadovista Drive, Griffin, Georgia
Ms. Ogletree came to hear this request to vary from signage requirements. Her property is adjacent to the proposed site. She was worried they might have very tall signs on very large metal pole that are brightly illuminated and intrusive to her yard.

Mr. Mullen and Mr. Tillery addressed the application. Mr. Mullen said typically these signs are not as brightly lit as many think and they take this type scenario into consideration. There can be different variations. Anything on Zebulon Road would be around 15 feet and on Highway 19, a 24 foot height. Mr. Jacobs noted the County allowed 24 feet, but their application packet specifies 7' poles. The applicant is willing to address billboard type signage to not allow billboards on this particular side of the road in order to accommodate concerns. Due to the nature

of this property, they are trying to cover the distance of the two corners. Staff recommends approval with the condition that at the time of permits, deed restrictions can be imposed that are consistent with what the applicant had already placed in the application.

MOTION

Mr. Slaughter made a motion, seconded by Ms. McCord, to approve with conditions as stated. The motion passed with Mr. Brown, Ms. McCord and Mr. Slaughter voting for the motion.

Application #17-04S: Terry Dunn, Owner – Alex Scott, Agent – 3616 Fayetteville Road (19.5 acres located in Land Lot 6 of the 3rd Land District) – requesting a Special Exception to allow indoor gun range in the C-1 District.

Terry Dunn – 208 Sylvan Lane, Griffin, Georgia

Mr. Dunn began by showing a 1955 Soil Conservation map depicting the Math Fields property, courtesy of Cindy Martin, Griffin-Spalding County Archivist, which shows a working commercial sawmill and no reservoir at that time. There were also no houses in the immediate area, having been built later. Even after working with Chad Jacobs, Spalding County Community Development Director, there is no record of who requested the rezoning, the date it was enacted, or the requesting authority, all of which contributed to problems with this odd-shaped property that is proving difficult to sell. Mr. Dunn repeated the history of the property beginning with his grandfather clearing the land in 1938. His grandfather sold approximately 45 acres to the City of Griffin for construction of Head's Creek Reservoir in 1961 for the good of the community. Mr. Dunn has a deeded easement for access to the land. Math Fields has been home to Dunn's Sawmill, Dunn's Tree Service, Math Fields Softball Complex, Math Fields Event Center and Rachel's Restaurant.

He disputed the contention that the proposed training center and indoor gun range could have an adverse effect on the neighborhood, noting the positive support of 93 of the 96 neighboring residents with whom he spoke. He has provided a copy of that petition to the Board. He reiterated that 21 of the 24 persons who signed the petition opposing the application had now signed his petition of support. The original organizer of the petition opposing stated to residents that the range would be an outdoor one. He also felt that having law enforcement officers on the property frequently would make the property very safe. With professional GBI agents and gun safety instructors, the use of firearms could be learned safely and securely.

Also, with the closely monitored noise levels and soundproofing, the noise levels outside should be less than when the event center was operational. He referenced the map showing the American Heritage indoor gun range in McDonough and the surrounding residential neighborhood, noting there is currently new residential construction going in across the road from the facility, so noise levels are not problematic with that center. He and his wife recently revisited that range and sat outside for quite some time, hearing only the noises from the construction site across the street but not from the gun range.

The City of Griffin's Public Works Director, Dr. Brant Keller, cites no concerns on behalf of the City or EPS with this project. The report from Chad Jacobs indicates there should be no depreciation of neighborhood values due to the proposed facility. He took issue with Mr. Jacobs' report that the proposed use could adversely affect existing uses surrounding the property. The signed petition of neighbors indicates otherwise, and he noted the sound, lead and fumes from the indoor shooting range will be self-contained. The property is now zoned commercial on the

Future Land Use Map (FLUM) as directed by the Spalding County Board of Commissioners. It is situated well off the highway and secluded from surrounding neighborhoods. There should be less traffic, as well as less noise, than when the facility was an event center.

As for the Community Development Director's report stating the proposal is inconsistent with the current zoning and FLUM, to consider the current zoning, the Board would have to proceed as if the property had a commercial classification because without approval of the proper zoning, the special exception cannot be considered at all. Therefore, he contended this should not be a concern of this Board at all. This land has been utilized as non-residential since 1938 and proven to be so since 1955.

The Community Development Director's report states the reason to recommend denial is because Section 413:G is not satisfied, but Mr. Dunn felt they had all been satisfactorily addressed. At the June 22 meeting of the Spalding County Board of Commissioners, they charged Mr. Jacobs with reviewing the request and coming up with conditions for approval. He had great concerns these instructions either have not been properly communicated or are not being carried out per direction of the Board. At the July 25 Planning Commissioner meeting, they did not consider the property was zoned commercial on the FLUM and cited spot zoning as a reason for denial. He was confused by Mr. Jacobs' claim that the conditions that were requested and provided changed the scope of the request. This is admittedly a very unusual application, but those conditions are enforceable in his opinion. The property is now zoned commercial on the FLUM and that, along with the conditions that Alex Scott has offered should solve the stated problems with this application without anyone being deprived of their safety and use of their properties. Conditions are allowed per the Ordinance, and according to County Zoning Attorney Steven Jones, they are enforceable. Mr. Jacobs appears to have problems with following the sale of the property and with the perceived necessity of sound decibel monitoring, along with the reversion condition that would make that task difficult for his department. The facility in McDonough proves there is no need for noise monitoring. The reversion condition would follow the property the same and they do not, so having to follow the sale of the property would not be needed. If anyone wanted to buy the property for other uses, they would have to go through this same process.

Mr. Dunn encouraged the Board of Appeals to consider only the things with which they bear responsibility, namely that the property should be considered commercial as it now officially is shown on the FLUM, that the stated issues have been satisfactorily addressed, and that it complies with Spalding County Ordinances. It is not detrimental to adjacent property or the general neighborhood. There will be no adverse effects on the health and safety of citizens, as all noise, lead and fumes will be safely contained inside the facility. The reservoir cites no concerns, nor did surrounding residents on the petition that was submitted.

As previously noted, there are no depreciating effects or damages that will come as a result of approving this use, and it does not affect the existing uses of other residents or the reservoir. It meets all the requirements in the Ordinance of which Mr. Dunn is aware. Finally, to consider things outside the scope of these parameters is not serving the best interest of the community. He concluded he should have the right to sell his property as long as he had demonstrated successfully that no one else will be deprived or have the safety or use of their property adversely affected.

Marie Clark – 3255 Fayetteville Road, Griffin, Georgia

Her property is situated right across the road from Math Fields. Other neighbors who also opposed the proposed gun range have not been able to attend because of ill health and other issues. Her husband Clay, died in February and was retired Georgia State Patrol, and the property been in her family for decades. Noise is not an issue for her, but Highway 92 is highly traveled and sight distance is a great concern. Law enforcement has a shooting range available at Shoal Creek, so there is no need for this one. She urged the Board to recommend denial.

Faith Wallace – 3672 Fayetteville Road, Griffin, Georgia

Ms. Wallace presented a map of Dorian Estates subdivision with over 50 homes in the area. She told them when circulating the petition opposing the shooting range that noise would be a problem, but she was unsure it would be only an indoor gun range. She said the users of the gun range would not hurt anyone but she worried about folks with guns who might get mad. This was scary for her. She does not want to see a gun range in her back yard. Traffic is a problem already, and this is spot zoning for sure. She wondered if property values would, in fact, decrease. We are already plagued with terrorists, and this just might encourage that behavior.

Alex Scott – 109 Cedar Point, Peachtree City, Georgia

The five meetings to date on this application have made for a long journey so far. All these Boards have heard a lot of history. He wondered if this meeting was more about the issue with Full Blown Firearms and not with this specific application, which is an entirely different circumstance. He and Mr. Dunn have chosen to address all issues that were brought up and they deliberately chose to add the conditions because they felt it would make it better. Their goal is to run a good business and be part of the community. Each condition addressed specific issues and demonstrated a test of good faith. The Board of Commissioners changed the land use map and identified it as commercial. They asked to bring conditions back, and he was here to discuss that. They are trying to be transparent and he offered to answer any questions. They started this process a year ago and have been very up front. There are two sides of the zoning issues. Folks do hunt on Math Field and they affirm they will not allow outside shooting on their property. They have tried to establish open communications with Community Development; they will work to quickly resolve issues. They have worked to fix issues anytime they have been raised. As for the issue with reversion, this was a good faith point they put in just in case they go out of business. He asked for this Board's approval. As a law enforcement officer in this community, he has routine occasion to swear, and he asks they take his word if the stated conditions are not enough.

Zoning Attorney Newton Galloway said we are coming back after the hearing in June where we issued a recommendation of denial at that time. All hearings have been necessary out of an abundance of caution. The Board of Commissioners made the decision to approve the future land use map but that doesn't rezone property. That simply identifies the direction of land use in any given area.

Mr. Jacobs said the June 22, 2017 Board of Commissioners hearing, the applicant proposed a series of conditions for approval. The Board agreed to consider the conditions but since they change the scope of the request of the applicant, it was recommended by the County Zoning Attorney to send the applications back through the Board of Appeals for an updated recommendation before proceeding again to the Board of Commissioners in August. The staff recommendation to deny has not changed in light of the proposed applicant conditions because the request does not satisfy all of Section 413:G.

Mr. Galloway noted this was significantly different from that of Full Blown Firearms. Mr. Jacobs agreed and said the fact that it is an indoor range was not heavily weighted in Staff's recommendation. Their position dealt strictly with land use.

Mr. Galloway said they must ask two questions: 1) Does the change in FLUM make a significant difference, and does the presentation of conditions change the Board of Appeals' recommendation or not. If they do, the decision would be to approve. If not, the recommendation would be to deny. There are basically three decisions and this is part of one of them. To have an indoor range approved for this property, the Board of Commissioners needed to approve the FLUM change to allow, and that has been done; 2) the Board of Commissioners has to grant the rezoning request to allow rezoning of the property to Highway Commercial, C-1; and 3) the Board of Commissioners has to determine that allowing an indoor shooting range as a Special Exception at this location is acceptable.

Mr. Galloway stated it would be defensible for the Board of Commissioners to rezone the property with the consequence they have in mind for other uses. It also would be defensible to not allow the Special Exception. This Board of Appeals, however, is tasked tonight with a recommendation as to the Special Exception.

MOTION

Mr. Brown moved to approve the application as presented, along with the conditions presented by applicant. Ms. McCord seconded the motion. The motion passed with Mr. Brown, Ms. McCord and Mr. Slaughter voting for the motion.

This recommendation to approve with conditions will go to the Board of Commissioners on August 24, 2017, at 6 pm here in the City Courtroom.

MINUTES

The minutes of the July 13, 2017 meeting were approved on a motion by Mr. Slaughter and a second by Ms. McCord with Mr. Brown, Ms. McCord and Mr. Slaughter voting for the motion.

ADJOURN

The meeting was adjourned on a motion by Mr. Slaughter and a second by Ms. McCord with Mr. Brown, Ms. McCord and Mr. Slaughter voting for the motion.

Ed Brown – Chair

Teresa Watson - Recorder