



**CITY OF FLOWERY BRANCH
PUBLIC HEARING
Thursday May 11, 2006 – 6:00 p.m.**



PUBLIC HEARING MINUTES

OPEN MEETING: Mayor Hirling opened the meeting at 6:05 p.m.

IN ATTENDANCE: Mayor Hirling, Council Members Jim Herold, Jan Smith and Allen Bryans. Also in attendance were City Manager Bill Andrew, City Clerk Melissa McCain, City Planner James Riker and City Attorney Ron Bennett

ABSENT: Councilwoman Mary Jones and Councilwoman Pat Zalewski.

PUBLIC HEARINGS:

Discussion – Request to allow churches as a permitted use within the M-1 Light Industrial Zoned Districts.

City Planner Riker advised the Council that the current zoning code does not permit the operation of a church within the M1-Light Industrial Zoned District. As a result, The Rock Ministries has filed a Zoning Text Amendment request to modify the land use chart to allow for churches within light industrial zones citywide. .

Further, City Planner Riker advised that staff had surveyed other cities (Gainesville, Cumming, Bainbridge, Roswell and Alpharetta) to determine how they regulate churches within M-1 Industrial Zoned Districts. All of the cities surveyed allow churches as permitted use within these zones.

Finally, City Planner Riker advised that the operational characteristics of churches do have the capacity to create incompatible land uses. Specifically, their hours of operation, traffic patterns, pedestrian activities, and site amenities can create problems with normal light industrial uses. As a result, it is not uncommon for communities to require conditional use permits to assure that any incompatibility can be mitigated.

PUBLIC COMMENTS:

Mr. Chris Vaughn-2293 Browns Bridge Road, Gainesville, Georgia 30501.

Mr. Vaughn advised the Council and wanted to clarify that if the Church were to purchase a property in a light industrial zoned district that tax exemption would only apply when the church actually occupied the building. If the church owned the building and the buildings use was other than a church then the occupant would not be exempt from taxation.

Mr. Vaughn further advised that allowing the church to occupy a space in the light industrial zoned district would actually bring in more revenue than would have been collected in taxes because the people involved and on the site would be using Flowery Branch restaurants, gas stations, retail stores etc. Also the diversity of facilities would add great value to the community.

Mr. Vaughn continued by stating that the denial of the request for a text amendment is actually unlawful. According to the law no municipality can pass a law that would prevent a church from using a piece of land unless there was a valid government reason. If this request is denied Mr. Vaughn advised that he would like a response to the reason why it was denied.

Kevin Morton-1225 Weatherborne, Alpharetta Georgia

Mr. Morton approached the Council and advised that as the owner of the Tech Center he was concerned about the possible denial of the text amendment. Mr. Morton advised that the Rock is a very high quality tenant and that the revenue to the City would be significant. Mr. Morton further advised that, as Planner Riker had stated, most other communities do allow for churches in light industrial areas and he feels the City should also allow for churches to operate in these districts.

Frank Simpson-425 Spring Street, Gainesville, Georgia 30501

Mr. Simpson approached the Council and advised that he is the current marketer for the Tech Center facility and that many applications have been received and denied for this site because of the quality they had brought to the area. Mr. Simpson advised that he felt the Rock was of a higher quality and that utilization of a church in a light industrial zoned district would be appropriate at the Tech Center Site.

Further, he advised that this facility would not only be a place for congregations to gather but that it would also be a corporate headquarters for the Rock Ministries.

This application for a text amendment is only the first step in a long process to actually have the church occupy the building and become a corporate member of the community.

Julie Wilcox-4839 Raintree Court Flowery Branch, Georgia

Ms. Wilcox approached the Council and advised that she attends the Rock Ministries services and really loves the fact of having the church she loves in the community she loves.

Ms. Wilcox requested that the City Council approve the requested text amendment and allow churches in the M-1 Light Industrial Zoned Districts.

Mayor Hirling inquired if there were any audience members in attendance that were opposed to the requested text amendment.

No opposition noted.

Mayor Hirling read a letter from a Railroad Avenue resident that was opposed to the approval of the text amendment.

The letter from Ms. Harris advised that she sees no benefit to the City to allow any churches in an industrial area and that churches need to be located in traditional zoned areas for traditional churches. She further stated that she has nothing against religion, but feels the City is short on funds as it is and to allow any church to occupy an area of potential tax revenue for the City would be detrimental to the Cities operations.

Councilwoman Smith inquired on the negatives to allowing churches in M-1 Light Industrial Zoned Districts.

Planner Riker advised that the operational characteristics of churches do have the capacity to create incompatible land uses. Specifically, their hours of operation, traffic patterns, pedestrian activities, and site amenities can create problems with normal light industrial uses

Councilwoman Smith inquired on the property that was owned by the Rock Ministries on Hog Mountain Road.

Mr. Vaughn advised that originally that the Hog Mountain Road site is where the church was going to be built but due to the increasing prices to build it has become a second option. Also the development of the Halverson property is influencing the thought of not building a church on that site as it may not be the highest and best use of the land to have a church in a retail development.

Councilwoman Smith inquired on the size of the congregation.

Mr. Vaughn advised that the Flowery Branch membership is approximately 500 people but if larger facilities are available then more members are expected.

Councilman Bryans inquired on the amount of cars that attend the church.

Mr. Vaughn advised that at the Easter Service there were approximately 148 cars. Further Mr. Vaughn advised that parking is set by code and that the church would need to comply with the code in any area they were to be located. The current rate is one (1) car per four (4) seats.

Councilman Bryans inquired if there are Wednesday night services.

Mr. Vaughn advised that currently there are not Wednesday night services but if a large enough facility were located that Wednesday night services would be conducted.

Mayor Hirling inquired on the amount of employees The Rock would employ.

Mr. Vaughn advised that there would be approximately 10-12 employees.

Mr. Todd Smith – 2293 Browns Bridge Road, Gainesville, GA. 30501.

Mr. Smith approached the Council as the pastor of the Rock Ministries. Mr. Smith advised that the Rock Ministries is a well founded ministry that can only add to the community. The Rock currently has schools operating in a variety of areas along with a couple orphanages.

Mr. Smith advised that the addition of the Rock Ministries would also drop the crime rate and divorce rate as the Rock Ministries will reach and change peoples hearts for the better.

Further there will be a gym facility that will be open on the weekends for the kids to gather and have a safe, fun and positive environment.

There were no further questions or discussion.

Planner Riker advised that this item would be placed on the May 17, 2006 Voting Session Council Meeting Agenda for further consideration.

ADJOURNEMENT

Mayor Hirling Closed the Public Hearing at 6:35 p.m.

City Clerk Melissa McCain

Date

Mayor Diane Hirling