



ZONING PUBLIC HEARING

The Board of Commissioners of Spalding County, Georgia, held their Zoning Public Hearing on Thursday, April 28, 2005 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Chairman Edward Goss presiding and Commissioners Cecil Davis, Johnie McDaniel, Gwen Flowers-Taylor and Eddie Freeman present. Also present were County Manager William Wilson, Zoning Attorney Newton Galloway and Executive Secretary Teresa Watson.

A. Call to order.

B. New Business:

- 1. Application #04-13S:** M.R.D. Realty, Inc., Owner – John G. Pruitt, Agent – Tract 84 West McIntosh Road (25.53 acres located in Land Lot 62 of the 3rd Land District) – requesting a Special Exception to allow condominium dwelling, patio dwelling or zero lot line dwelling (Country Club Subdivision) in the R-1 District.

Community Development Director Chuck Taylor said the applicant has requested approval from Spalding County to develop a 25.53 acre tract as a residential community with a country club design theme under the Special Exception category of condominium dwelling, patio dwelling, zero lot line development. As proposed, the development would include, as outlined in the settlement agreement, 48 single-family detached dwelling units with approximately 27% of the acreage in open space.

G. Harvey, Dillard & Galloway, 3500 Lenox Road, NE, Atlanta, Georgia 30326

Mr. Harvey, speaking on behalf of MRD Realty, LLC, noted the stipulations agreed to in the settlement agreement:

- Limitation to construction of a maximum of 48 single-family detached dwelling units;
- Construction of house exterior façade with brick veneer being the principal exterior construction material and not including use of stucco;
- Construction of all exterior walls completed without use of vinyl siding;
- Construction and completion of any and all amenities and common area improvements designated on a certain plat or plan of development entitled, "Rezoning Plat: Lexington Place," dated July 24, 2003; and
- Completion of landscaping in accordance with a certain plat or plan of development entitled, "Special Exception Site Plan: Lexington Place," dated March 24, 2004.

These stipulations are agreeable to his client, MRD Realty, LLC. He pointed out the developer had, of his own accord, added a second tennis court, a shuffleboard court and two bocce ball courts, as well as boulevard entrance, to the amenities. This demonstrated the good faith of his client to go above and beyond what was required.

James R. Green, 2437 West McIntosh Road, Griffin, Georgia

Mr. Green, as spokesperson for several neighbors, asked for a show of hands and stated he had a list of forty property owners opposed to proposed development with names, addresses and the amount of time lived in the area for each. Mr. Green said he has been a registered land surveyor for fourteen years and had a 1979 plat of his property, Lot 5, Block A, in the General Griffin subdivision. He was a member of the design team for Peachtree City Development Corporation, an award-winning planned growth community. He knew what planned growth is supposed to look like, and in his professional opinion this development did not fit the definition. Mr. Green said he and his neighbors were opposed to an agreement just to settle a lawsuit, and he urged the Board of Commissioners not to succumb to such pressure. If approved, some existing homeowners will sell who have been there for decades. Mr. Green has lived there 15 years, and most of the residents have longevity and are not transient. There are large landscaped lots and distinctive homes. The neighborhood is filled with residents who wouldn't have considered moving here if this type dense development had

been in place. This irreplaceable value is now in jeopardy. Mr. Green emphasized that the Board had acted properly, legally and in the best interest of the area when they denied the Special Exception petition initially.

The reasoning behind the lawsuit, he felt, involved the right of a person to a reasonable return on his investment. He asked what constituted a reasonable return. Mr. Green noted that the owner was a real estate professional and should have known when he purchased the property that the existing zoning allowed for the construction of only seven homes. The property was not zoned AR-1, as stated, but rather split between AR-1 and R-2. The owner was seeking an R-4 classification, inconsistent with adjoining properties. The original request was for 48 homes, so where is the compromise? The Board previously stated the trend in the area was for R-1. The owner's agent was told to come back with a less dense proposal. A moratorium on special exceptions was in effect at that time, and the rezoning would have allowed the developer to build 12 homes rather than seven, for a 71% increase. The 48-lot development plan would have constituted a 586% increase in the number of homes allowed.

The owner responded with a new development plan after the moratorium ended under the R-1 zoning. The revised plan was not consistent with the trends and public reaction, nor did it address commissioners' concern for less density. This new plan laid out 58 homes for a 729% increase over the number he could build when he purchased the property.

On May 27, 2004 the Board voted to deny the special exception which resulted in this lawsuit. Sewer and a viable economic and commercial base must sustain such a development, and Spalding County has neither. Spalding County has the highest unemployment rate in the area except for Upson County. The density of this development is not possible without access to sewer; no plan has been submitted with a septic tank option. Sewer will require construction of a pump station, and maybe two depending on the topography. The City of Griffin cannot deny sewer access as long as it is available, and they are now at 80% capacity. They are limiting dumping of sewage at the Potato Creek treatment plant now. Such developments have a higher rate of transients and foreclosures than traditionally designed areas. The taxing of infrastructures far outweighs the economic contributions. Density drains sewer capacity, and the burden of maintenance falls to the County. He urged the Board to approve or deny based on the merits of each case without fear of intimidation, because developers and citizens are watching closely. Otherwise, you may as well scrap the comprehensive land use plan and just anticipate density along sewer lines. Mr. Green concluded by requesting that the Board stand by its original decision and deny.

Newton Galloway noted he was not related in any way to the Galloway in Mr. Harvey's firm, and he reminded commissioners they were legally obligated to follow zoning procedure law, the County Zoning Ordinance and the standards for the rezoning of property. This case is coming on remand from Superior Court pursuant to a settlement agreement and consent order entered by the parties in a case styled, "MRD v. Spalding County, Superior Court of Spalding County, Civil Action File #04V888," filed on June 21, 2004 and pursuant to consent order being remanded in March. No presupposition of vote is indicated by the settlement agreement; this mechanism just agrees to send the petition back by remand for reconsideration. The County cannot, by contract, agree to zoning, and all parties understand this.

Commissioner Freeman made a motion to deny Application #04-13S per the recommendations of Staff and the Board of Appeals, seconded by Commissioner Flowers-Taylor.

General discussion and background history of the original petition, lawsuit, and settlement agreement followed. Commissioner Flowers-Taylor said she had a problem with density.

Mr. Galloway noted the settlement agreement is relevant to the Board's consideration but the Board is not bound by the criteria set forth in that document. If the development is denied or approved in some way different from that criteria, then MRD has the right to proceed with the litigation going forward in Superior Court.

Mr. Harvey responded they did have a letter from the City of Griffin there is adequate capacity for sewer and they will serve the property with sewer.

Commissioner Flowers-Taylor felt the request to rezone to R-4 is extreme.

Mr. Harvey said he wanted to be clear they were not asking for R-4; it's R-1, and they are simply asking for a special exception for a country club subdivision. The only relevant question tonight is whether or not they have met the criteria in the Spalding County

Ordinance, and he submitted they had satisfactorily done that. The property is completely surrounded by properties zoned R-2.

Mr. Galloway confirmed the property is now zoned R-1. The settlement agreement and lawsuit deal only with previous denial of the special exception to develop with a density greater than one unit to two acres, which is what R-1 provides for without special exception. The only issue tonight is density.

Mr. Harvey said the Code provides for small lots and greater density if certain amenities are provided. He noted they had met the requirements satisfactorily that are in place now and that should be the basis for discussion tonight. If they have met all the requirements put forth by Spalding County, then legally they are entitled to the special exception. If commissioners or others are unhappy with the fact that the Spalding County Code allows this, then the proper mechanism to handle that dissatisfaction is to change the Code. Amend sections, delete sections or add sections, but the discussion tonight should deal only with whether or not the present Code requirements as set forth in your Ordinance have been satisfied. If so, then legally you should approve the special exception.

The motion to deny the petition failed by a vote of 2-3, with Commissioners McDaniel, Davis and Flowers-Taylor voting in opposition.

A motion to approve Application #04-13S, with the conditions stipulated in the settlement as noted previously in this meeting, was made by Commissioner McDaniel. The motion was seconded by Commissioner Davis.

Mr. Galloway said there was a laundry list of items for each subdivision design in Special Exception criteria. The criteria for any subdivision design must be satisfied; however, actions for special exception approval are governed by criteria for approving a special exception set out in the Zoning Ordinance in Section 4-13. They can comply with all criteria for the subdivision, and the Board of Commissioners still has discretion for approval of the special exception in the Board's consideration under this section.

Mr. Taylor said this development does satisfy the criteria for the country club design theme, including amenities, streetscaping and architectural criteria.

Commissioner Flowers-Taylor said she had a problem supporting a development this dense even though they met the established criteria. Mr. Harvey said this density, under this criteria, was what the Code allows and they have met that criteria in good faith. He suggested again the Board amend the Ordinance if they are unhappy with its requirements. It is simply not fair, nor is it legal, to adopt an Ordinance that permits an action if certain criteria are met and then denying such petition when those criteria are indeed met satisfactorily. He reiterated if the Board didn't like the density then the proper way to handle it is to amend the Ordinance. To deny after they have spent time, money and effort to comply is very unfair.

The motion to approve failed by a vote of 2-3 with Commissioners Goss, Flowers-Taylor and Freeman voting in opposition. Mr. Galloway reminded the Board that failure of a motion is to say no action is taken. The application will carry forward to the next agenda without additional motion. The settlement agreement makes no time provision, so there is no conflict with tabling.

Commissioner Davis made a motion to table Application #03-21Z to the next agenda, seconded by Commissioner McDaniel. The motion carried by a vote of 5-0.

2. **Application #05-09S:** Walker Concrete Company, Inc., Owner – 1634 Williamson Road (8.68 acres located in Land Lot(s) 84 & 85 of the 2nd Land District – requesting a Special Exception to expand an existing concrete facility in the C-2 District.

Community Development Director Chuck Taylor provided background. The applicant has requested approval from Spalding County to allow for expansion of an existing concrete facility on the 8.68 acre tract. The expansion will consist of a new batch plant and additional parking for the company trucks. Staff recommends conditional approval of the request with the following conditions requested by Staff and the Board of Appeals:

- a) The 15' berm will be landscaped with a mixture of evergreen and deciduous trees and shrubs, so as to provide sufficient opacity from neighboring property.
- b) Site lighting shall be designed so as not to glare into adjacent residential areas or into traffic.

- c) A 30' undisturbed buffer shall be established around the perimeter of the property where the property abuts residential uses. The berm described above shall not encroach into said buffer.
- d) The berm shall be brought to the road as discussed and agreed.
- e) A 6' chain link fence will be installed on the property line.
- f) The identified triangular area shall be landscaped for use of the neighbors.

Some discussion followed regarding the triangular area which will be donated to the neighborhood and landscaped. A chain link fence will, in essence, cut off the property.

Steve Godwin, 400 Bates Road, Concord, Georgia

The property is zoned C-2 and has been through the Board of Appeals already. This second concrete plant will be more environmentally safe than the first; it will be faster and quieter, as well. Walker Concrete has met or is in the process of meeting all stipulations requested by Staff and the Board of Appeals. As for the triangular part of the plat behind the neighbors, the berm would come completely down the line adjacent to the neighborhood. This triangular piece of property with a 6' chain link fence is being donated to neighbors and won't be remotely close to their operating environment. Leyland Cypress trees, planted six feet apart, will make a virtual wall that will keep as much sound and dust from the neighbors as possible. Maintenance of the triangular property will become the responsibility of the neighbors who decide to accept the property into their platted parcels.

H.J. Kelley, 1614 Brentwood Drive, Griffin, Georgia

Mr. Kelley was originally against the request and still would not like to see it, but he stated Mr. Walker is trying to be a good neighbor. The property is zoned C-2, so neighbors don't really have a choice in the matter. He will try to be accommodating and appreciated the efforts of Walker Concrete so far. He has been in his home since 1973 and felt the entire neighborhood would one day become something other than residential anyway.

Deborah Kelley, 1614 Brentwood Drive, Griffin, GA

Mrs. Kelley said they were devastated when all the 50-year old woods were destroyed and clear cut in one day's time. They went from not being able to see the operation to hearing and seeing it operate from 6:30 am to late night. She is glad they will plant the screening vegetation, and she would appreciate anything they can do to make things easier. The barrier was cut about 6-8 months ago. She thought the screening was part of the original agreement, but Mr. Taylor said they had been unable to document it from official minutes documents. They looked extensively through records of the past few years after Mrs. Kelley complained.

Mr. Galloway said the use was allowed as matter of right in the C-2 zoning classification, and no condition would have been imposed. The County didn't even know what conditional zoning was years ago when The Concrete Company obtained the zoning 20-30 years ago.

Marilyn Yeary, 726 Pitts Chapel Road, Macon, Georgia

Ms. Yeary lived in Macon but owned one of the properties in this neighborhood. She rents this property now and is against this proposed use in what is a family neighborhood. No concrete company should be allowed closer than what is already there. It will take a long time for the trees to be replaced. She urged the Board to prohibit an expansion closer to their homes. Perhaps they could find another site.

Doug Walker, 171 County Line Road, Fayetteville, Georgia

Mr. Walker, owner of the business, apologized for cutting the trees; a contractor he retained cut too many trees and did it too quickly. They were gone before he knew how extensive the cutting was going to be. He has now offered to build and landscape the berm, install fence, and donate the triangular property to the four adjacent lots all the way back to the railroad right of way. The proposed new plant has a state-of-the-art dust collection system that will be an improvement. He concluded he will do everything possible to be a good neighbor.

Some discussion followed regarding the deeding of the triangular property to different landowners by extension of property lines to the railroad right of way. Mr. Walker answered Commissioner McDaniel that he would bear the expense of a survey to accomplish this. The 15' berm will be 60' wide and the Leyland Cypress, 12' to 15' tall maybe, will be dense on the top and low-growing shrubs on the sides. Property owners haven't agreed to take the triangular property yet. Walker Concrete won't have access to the donated property even if neighbors don't want to accept donation to their property lines because of the fence and the berm.

Commissioner McDaniel made a motion to approve with Staff and Board of Appeals recommendations as noted previously and with instructions to Mr. Walker to proceed with

an offer to residents of the donated land. Commissioner Davis seconded, and the motion carried by unanimous 5-0 vote.

3. **Application #05-11S:** Trinity Baptist of Spalding, Owner – Fred White, Agent – 601 Jenkinsburg Road (3.34 acres located in Land Lot 56 of the 2nd Land District) – requesting a Special Exception to allow a Church in the AR-1 District.

Chuck Taylor said the applicant has requested special exception approval from Spalding County to allow a church within an AR-1 zone. Staff and the Board of Appeals recommend conditional approval of the request with the following condition:

- a) Any expansion of the structure, any additional structures or the expansion of the use will require another special exception being approved by the County.

The structure was originally approved as a storage building and had simply migrated into a music barn use without County approval. The building, according to the Building Inspector, has never been approved for assembly use. Therefore, Staff also recommends that:

- b) The current building to be used for the church must receive a Certificate of Occupancy, and the building must meet code for assembly use.
c) A structural engineer must provide a letter attesting that the building is sound and adequately meets requirements for assembly use.

Fred White, 515 Ridgeway Road, Jackson, Georgia

Mr. White simply wants the church allowed this use in the AR-1 district.

Carolyn Reynolds, 301 Ginny Lane, Griffin, Georgia

Ms. Reynolds said she had lived in this neighborhood for approximately 15 years and feels God meant for this church to be there. This neighborhood corner is very much improved and the church does a great deal of good work in the community.

Donna Betsill, 107 Ginny Lane, Griffin, Georgia

Mrs. Betsill had owned the property where the music barn was started by her husband and his brother. There was never a problem and the music barn ran for about twenty years. Her husband passed away four years ago and she sold the property to Trinity Baptist. She goes to church there herself. They have cleaned up the back side of barn property and her property, as well, and have made many improvements.

Mr. Taylor said the County simply wants a structural engineer to make sure the place of worship is approved for assembly use. It has probably never even had a fire inspection noted County Manager Wilson.

The original building permit and inspection assumed the structure was a storage building and provided no protection for a migrated use, so no grandfathering applies, stated County Attorney Newton Galloway.

Mr. Taylor said the potential cost of a letter and any necessary constructional improvements is not known at this time. Chairman Goss asked if the County Building Inspection could inspect the property. The County ties inspections of property and buildings to building permits. Such an inspection must be requested by the Board of Commissioners since no permit was requested for this site.

Commissioner Flowers-Taylor made a motion to approve Application #05-11S, provided the conditions as noted by Staff in the Community Development Department are met, ensuring a Certificate of Occupancy:

- a) *Any expansion of the structure, any additional structures or the expansion of the use will require another special exception being approved by the County.*
b) *The current building to be used for the church must receive a Certificate of Occupancy, and the building must meet code for assembly use.*
c) *A structural engineer must provide a letter attesting that the building is sound and adequately meets requirements for assembly use.*

The motion was seconded by Commissioner Freeman, and the motion carried by unanimous 5-0 vote.

4. **Application #05-12S:** Palm Harbor Homes, Inc., Owner – Kathleen E. Hockinson, Agent – 211 West Teamon Circle (1.9744 acres located in Land Lot 202 of the 3rd Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Chuck Taylor said the applicant has requested approval from Spalding County to allow a manufactured home within an AR-1 zoning district, and Staff recommends approval, as did the Board of Appeals in April 2005.

Keith Palmer, 417 Johnson Road, Locust Grove, Georgia

Mr. Palmer relayed he is the resident wanting to purchase this property. A new manufactured home will replace the existing condemned house there now and will be an improvement.

Commissioner McDaniel made a motion to approve Application #05-12S, seconded by Commissioner Davis. The motion carried by a unanimous 5-0 vote.

5. **Application #04-23Z: Lift from the table -** Deborah J. Puckett, Owner – Bill Singh and Bob Singh, Agent – 19 North McDonough Road (1.25 acres located in Land Lot(s) 15 and 16 of the 3rd Land District) – requesting a rezoning from R-2, Single Family Residential, to C-1, Highway Commercial.

Applicant has withdrawn the petition.

6. **Application #04-33Z:** Aslam Bana and Shelina Hussain, Owners – Acme American, LLC, Agent – 4265 Newnan Road (3.05 acres located in Land Lot(s) 29 and 30 of the 1st Land District) – requesting a rezoning from R-2, Single Family Residential, to C-1, Highway Commercial.

Mr. Chuck Taylor said the applicant was currently working with the Department of Transportation in an ongoing process.

Jasper Wayne Proctor, Jr. 2330 Pine Tree Lane, Marietta, Georgia

As a professional engineer and registered land surveyor, he was working with Department of Transportation to resolve this intersection's safety problems. The Department of Transportation had plans to modify already (i.e., lower hill, traffic light and extra lanes). His client will donate right of way and cooperate, so they respectfully request an indefinite tabling of the issue tonight. They will grade the lot and the Department of Transportation will do its construction hopefully in early 2006. It appears this may be the quicker way to resolve these safety concerns.

Commissioner Freeman made a motion to table Application #04-33Z indefinitely to allow the Department of Transportation to complete modifications, seconded by Commissioner Davis. The motion carried by unanimous 5-0 vote.

Community Development Director Chuck Taylor asked the applicant to notify the County about 30 days prior to desiring a hearing.

7. **Application #05-02Z:** Durward Smith, Owner – Highway 155 (1 acre located in Land Lot 112 of the 2nd Land District) – requesting a rezoning from C-1, Highway Commercial and AR-1, Agricultural and Residential, to C-1B, Heavy Commercial.

Chuck Taylor said this represented an unusual situation. Mr. Smith owned a landscape supply business on the subject property. Due to the Department of Transportation's plans to widen Hwy. 155, a portion of the applicant's land was needed. This property included a previously existing 1000 square foot structure, and the applicant requests rezoning to C-1B, Heavy Commercial in order to reestablish his business. Applicant's intent is to replace the landscaping business; however rezoning is necessary. This zoning change, in essence, would give back what the highway took away. Mr. Taylor requested that the Board stipulate:

- a) Staff is authorized to amend the future land use map and review potential impact of the revision of the lot to commercial.
- b) Only a landscape supply business shall be allowed back as a use of this site.
- c) The business must be conducted in a permanent structure with no temporary buildings on the property.
- d) Outside storage shall be limited to the sides and rear of the property.
- e) Lighting shall be limited so it will not glare into the neighboring residential property or the street.

At their March meeting, the Planning Commission recommended conditional approval with similar conditions as proposed by Staff, as well as the following additional stipulation:

- f) In addition to a landscaping business, a seed and feed business, including small farm implements sold as accessory items, rain suits and clothing be allowed.

The Future Land Use Map does not show this property as commercial. That is the reason for the first condition noted above. This grandfathered C-1 use will, if approve, change to C-1B to allow for outside storage and for him to reestablish his business.

Durward Smith, 2356 Williamson-Zebulon Road, Williamson, Georgia

With regard to outside storage, he would like to not be restricted to storing items on either side of the building for the time being, until the Department of Transportation completes their project. Zoning requires a 70' setback, and the building site currently requires a detention pond that eliminates storage there now. He would like to have some minimal storage in front such as fruits and vegetables and perhaps some small items. Mr. Taylor suggested the Board approved outside display in front of the building as opposed to outside storage, just as long as it does not interfere with parking. Mr. Smith said that was satisfactory. He is proposing a 300 square foot metal building now that he will expand later. He can't wait for the additional land that will revert to him after DOT completes their project where a detention pond is located. His previous building was constructed of solid lumber from his sawmill in a rustic design, but code requires him to use treated lumber which rules that out. No architectural requirements are in the rural area and metal buildings are common, but the Board of Commissioners can add architectural requirements if they so desire. Some discussion followed.

Commissioner Davis made a motion to approve Application #05-02Z with the conditions noted by Mr. Taylor from Staff and Planning Commission, seconded by Commissioner Freeman. The motion carried by a vote of 5-0:

- a) *Staff is authorized to amend the future land use map and review potential impact of the revision of the lot to commercial.*
 - b) *Only a landscape supply business shall be allowed back as a use of this site.*
 - c) *The business must be conducted in a permanent structure with no temporary buildings on the property.*
 - d) *Outside storage shall be limited to the sides and rear of the property.*
 - e) *Lighting shall be limited so it will not glare into the neighboring residential property or the street.*
 - f) *In addition to a landscaping business, a seed and feed business, including small farm implements sold as accessory items, rain suits and clothing be allowed.*
8. **Application #05-03Z:** Lee Wall, Owner – Lakeside Road (204.996 acres located in Land Lot(s) 74 & 75 of the 2nd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Chuck Taylor said applicant has requested approval from Spalding County to rezone a 204.996+- acre tract from AR-1 to R-2 to develop a residential community using the Country Club design theme and the condominium dwelling, patio dwelling or zero lot line dwelling option. The development as proposed would include 205 single family residential dwelling units and approximately 52 acres of open space. They are also requesting approval from Spalding County for a special exception to allow for the development of a 204.996± acre tract to develop a residential community using the Country Club design theme and the condominium dwelling, patio dwelling or zero lot line option. The development as proposed would include 205 single-family residential dwelling units and approximately 52.026 (25%) acres of open space. Mr. Taylor suggested they consider both applications at the same time and vote on each separately, as is often the custom.

Staff recommended approval of the rezoning request, but to R-1 rather than R-2. In rezoning requests, Staff studies a ½ mile radius and since the average house size in that area is 1734 square feet, Staff felt that increasing the minimum to 2000 square feet as required in R-1 would be an improvement to this area. The County has traditionally gone to the next natural step above for rezoning requests when averaging the area, which in this case is R-1.

Staff recommends conditional approval of the special exception with following conditions:

- a) All front porches will be finished in character with the design of the houses.
- b) Applicant shall provide a new house design to replace the split level foyer design.
- c) The clubhouse shall be a minimum of 1750 square feet in size.

- d) A streetscape plan shall be submitted.
- e) The playground shall meet the County's playground design criteria.

Additionally, Mr. Taylor noted the Board of Appeals, at its April meeting, recommended the following conditional approval:

- f) A minimum of six house plans shall be submitted.
- g) Homes on Lots 1-26 and 69-75 shall be a minimum of 2000 square feet.

Lee Wall, 160 Doss Drive, McDonough, Georgia

Mr. Wall provided handouts detailing the acceptable conditions of zoning conditions for his request to R-2 zoning with a Special Exception for 1-acre lots utilizing the Country Club theme. His plan includes 52 acres of green space. Mr. John Stover of Paragon Consulting Group designed the plan according to recommendations of the planning staff. There will be three access points to the property – Aerodrome Way, Lakeside and Bartlett Drive. Greenspace is in the center of the property and includes a 4-5 acre lake; amenities such as picnic areas; 1750 square feet (square foot) clubhouse with restrooms, meeting rooms and kitchen; playground equipment; walking trails around the lake; and a sidewalk system for the neighborhood that connects with open space area on Aerodrome and Lakeside. A flat open area could be developed into ball fields or whatever might be desirable.

Mr. Wall noted the conditions that would be acceptable:

- a) A minimum of six house plans to be submitted for Planning Staff approval.
- b) A 4' high berm to be installed with 2' tall Leyland Cypress on top along Aerodrome.
- c) Clubhouse to be a minimum of 1750 square foot with restrooms, kitchen and meeting room.
- d) Commercial grade playground and picnic equipment to be approved by Staff.
- e) Vegetative screening of 2' tall Leyland Cypress on southwest corner of property along Lakeside Drive.
- f) Vegetative screening of 2' tall Leyland Cypress on southeast corner of property where it intersects with Bartlett Drive.
- g) Minimum square footage of homes will be 2000 square foot minimum for 33-1/3%; 1800 square foot minimum for 33-1/3%; and 1750 minimum square foot for 33-1/3%.
- h) The minimum of all homes on ground floor level footprint would be 1000 square foot.

Mr. Wall said this development will not adversely affect surrounding properties, most of which are of less square footage. He felt he had met the requirements of Special Exception criteria and that the plan was consistent with the Spalding County Land Use Plan and Future Land Use Map. He was unsure of sizes of individual lots or smallest and largest lot size. He responded he had received a letter from the City of Griffin stating sewer could be accommodated.

Michael Sebata, signed up in favor of the project but had to leave.

Russell Byrd, 404 Country Club Drive/203 Lakeside Drive, Griffin, Georgia

Mr. Byrd, in favor of the petition, was representing his family's interest. They were former owners of this entire tract and still own this parcel. Mr. Byrd feels Mr. Wall will do a quality development and he supports the plan. He felt Mr. Wall's proposed phasing of the project over a number of years will help to not adversely impact the area's infrastructure.

Robin Nance, 611 South Hill Street, Griffin, Georgia

Mr. Nance, speaking against the application, represented Oak Hill Baptist Church and his wife's property on Lakeview. He wanted some clarification; he thought it strange Mr. Wall didn't know the sizes of his lots. Initially the developer had indicated three styles of houses for a development of 200 houses, but he now says six, although even this is too few, as well. Mr. Nance was while they were not totally opposed to the concept, he was concerned for sewer and increased traffic. With a new school in the area, he felt the roads won't handle increased traffic. Mr. Nance would also like to see R-1 zoning with a 2000 square foot minimum rather than the requested R-2.

The average lot size is .672 acre, according to the plat, said Commissioner McDaniel.

Mr. Wall responded to questions, saying he had no problem with increasing the number of styles for homes to a number greater than six. For a phased project, they would need to submit more anyway as styles change over the life of the development.

Commissioner McDaniel said he had met with the two Mr. Walls and Chad Jacobs regarding some concerns, such as elevations. Mr. Wall has worked on everything discussed in that meeting and he appreciated Mr. Wall's efforts. He thanked Mr. Wall for agreeing to do more house plans to avoid a cookie-cutter development with two hundred homes with front entry garages. He would rather see less of a front entry and more of a side entry. The only way they know to condition is to not allow front entry or condition a percentage which is labor intensive on the part of Staff to monitor.

Mr. Wall agreed a percentage would probably be the best way; he was agreeable that no more than 40% would have front entry garages. Some of the styles he would add would have to incorporate side entry garages.

Commissioner Flowers-Taylor asked if rear entry garages might be possible, and Mr. Wall said that was not generally done since you would fill the yard with much more concrete. It will take away from the yard and become much more expensive. He surmised the extra money could be used much more efficiently, and he had never seen that design incorporated. His expected price point, if starting today, would be \$185,000 average but it will be much higher when this project actually starts. As far as traffic, accel and decel lanes will be at the two entrances other than Bartlett, which is a dead end cul-de-sac street.

In response to a concern voiced by Commissioner McDaniel, he agreed to relocate or eliminate Lot 99 because of the configuration.

Commissioner McDaniel made a motion to approve to R-2 zoning, seconded by Commissioner Davis, with conditions:

- a) All front porches will be finished in character with the design of the houses*
- b) Applicant shall provide a new house design to replace the split level foyer design*
- c) The clubhouse shall be a minimum of 1750 square foot with kitchen, restrooms and meeting room*
- d) A streetscape plan shall be submitted*
- e) Commercial grade playground and picnic equipment shall meet County design criteria*
- f) A minimum of twelve house plans/elevations shall be submitted for Staff approval*
- g) Homes on Lots 1-26 and 69-75 shall be a minimum of 2000 square feet*
- h) No exposed concrete block on front and sides*
- i) Front and side porches shall be underpinned and finished in character with house*
- j) No more than 40% shall have front entry garages*
- k) Lot 99 shall be disposed of or relocated*
- l) A 4' high berm to be installed with 2' tall Leyland Cypress on top along Aerodrome*
- m) Vegetative screening of 2' tall Leyland Cypress on southwest corner of property along Lakeside Drive*
- n) Vegetative screening of 2' tall Leyland Cypress on southeast corner of property where it intersects with Bartlett Drive*
- o) Minimum square footage of homes will be 2000 square foot minimum for 33-1/3%; 1800 square foot minimum for 33-1/3%; and 1750 minimum square foot for 33-1/3%*
- p) The minimum of all homes on ground floor level footprint would be 1000 square foot*

The motion failed by a 2-3 vote with Commissioners Goss, Freeman and Flowers-Taylor voting in opposition.

On a motion to deny rezoning Application #05-03Z by Commissioner Freeman, seconded by Flowers-Taylor, the motion carried by vote of 3-2 with Commissioners McDaniel and Davis voting in opposition.

- 9. Application #05-05S:** Lee Wall, Owner – Lakeside Road (204.996 acres located in Land Lot(s) 74 & 75 of the 2nd Land District) – requesting a Special Exception to allow 1-acre lot (Country Club) in the R-2 District.

No action required since rezoning Application #05-03Z for same parcel failed.

- 10. Application #05-04Z:** William R. King, Jr., Gayle Taylor and Comerica, Trustee for Oshlag-Stuckey, Owners – Greg Walker, Agent – North Expressway (Highway 19/41 – 10.03 acres located in Land Lot 101 of the 3rd Land District) – requesting a rezoning from R-2, Single Family Residential, to R-3, Multiple Family.

Chuck Taylor said the applicant had requested approval from Spalding County to allow the rezoning of a 10.03 acre tract from R-2 to R-3 to allow for the development of an apartment

complex. The complex will consist of two structures with a maximum of 40 dwelling units. Staff recommends approval of the request, as did Planning Commission at its March meeting.

Mr. Galloway said this petition was the result of a settlement agreement, entered by a previous Board of Commissioners. The purpose of that settlement agreement was to deal with property zoned R-3 since 2000. Litigation made the County aware that property to the rear would be subject to future development and the subject of a rezoning action from R-2 to R-3. The County dealt with this matter up front in the settlement agreement, and the rezoning provides for resolution. Design criteria and development on frontage along Highway 19/41, commercial, require the same disclaimers noted in the earlier settlement agreement. Litigation in Superior Court has been stayed pending consideration of this application. Rules for consideration are the same and, depending on the actions taken tonight, the litigation will either cease or continue. No one was signed to speak for or against.

In Tract A, Mr. Galloway said 16 of 144 units, or roughly 10%, will be three-bedroom.

Commissioner Davis made motion to approve Application #05-04Z, seconded by Commissioner Freeman. Motion carried by a 4-1 vote with Chairman Goss voting in opposition.

- 11. Application #05-05Z:** Jesse Michael Riegel and Mary Lona Mohan, Owners – Mark Martin, Agent – 1750 Dixie Highway (Old Atlanta Road – 10.5 acres located in Land Lot 126 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-1B, Heavy Commercial.

Chuck Taylor said the applicant requests approval from Spalding County to rezone an 11.20 acre tract from AR-1 to C-1B to allow for a heating, air and electrical business. Applicant requires the C-1B zoning designation to allow for outdoor storage. This area, noted Mr. Taylor, has a high potential for transition. Investment is occurring in the area and a four-year college will be nearby. Expansion of the Highland Mill area has been discussed. A recent residential development was approved across the railroad tracks, and growth indicators are positive for the area's redevelopment. Staff and Planning Commission recommend conditional approval of the rezoning conditions as follows:

- a) Requests authorization to amend the Future Land Use Map.
- b) A permanent structure must be constructed with no temporary buildings.
- c) Staff requests that the structure be built with stone or brick façade.
- d) Site will limit all lighting so neighboring residential properties will not be affected.
- e) Ingress/egress point should be moved south 150' for safety concerns with respect to the close proximity of East McIntosh Road.
- f) Property shall be limited to only three ingress/egress points.
- g) All work vans will be parked behind the proposed structure at night.
- h) Any outdoor storage will be screened from the public's view.

Planning Commission stated they would allow stucco facade in addition to stone and brick, or other approved material, and they recommend that rather than requiring work vans to be parked behind the structure, these vehicles could be required to be parked behind the setback or on the side of the building.

There are assorted commercial uses along this route and this recommendation is designed with future growth in mind. This tract is slated for low density residential on the future land use map. Some discussion followed regarding parking lot design, current zoning and land uses in the area, commercial node creation at this intersection.

Richard Mullins, 676 Brook Circle, Griffin, Georgia

Mr. Mullins, speaking on behalf of the petition, presented a map showing the property and surrounding area, which includes commercial, residential, PCD and even some rental property. The PCD (Planned Commercial Development) zoning for property across the street is in the City. He stated that a stone or brick façade requirement is acceptable on the front, according to Mr. Martin, but for a commercial operation it creates an undue expense to do this type facade on the building's sides. The number of vehicles total 26, and the company employs 45 people. Mr. Martin states that customer parking will be up front, but company vehicles in the evenings will be parked behind a fence of some suitable, attractive nature rather than behind the building as required in the Planning Commission stipulation. Outside storage will be very minimal. The building is 80' x 150' for 12,000 square foot. Most storage will be inside, but some pipe must be outside and will be behind the building and fence. He assured commissioners the outside storage will be handled in an aesthetically pleasing manner. Lighting will be done so as not to impose on neighbors, and this company

is a large step toward making vital improvements in this area, and other stipulations are accepted. Mr. Martin has certainly done an excellent job with the sister company, Wright Brothers, on the North Expressway. Future expansion of the business will have to conform to conditions also.

No one was signed to speak against the petition.

Commissioner Davis made a motion to approve Application #05-05Z with recommended Staff and Planning Commission conditions noted:

- a) Requests authorization to amend the Future Land Use Map.***
- b) A permanent structure must be constructed with no temporary buildings.***
- c) Staff requests that the structure be built with stone or brick façade on the front.***
- d) Site will limit all lighting so neighboring residential properties will not be affected.***
- e) Ingress/egress point should be moved south 150' for safety concerns with respect to the close proximity of East McIntosh Road.***
- f) Property shall be limited to only three ingress/egress points.***
- g) All work vans will be parked in restricted area behind a screen (fence) but not necessarily behind the building as previously recommended.***
- h) Any outdoor storage will be screened from the public's view.***
- i) Designated design criteria shall be applicable to any future subdivision of the tract.***

The motion was seconded by Commissioner Freeman and carried by a unanimous vote of 5-0.

- 12. Application #05-06Z:** Thomas J. and Susan P Hunt, Owners – Johnscar, LLC, Agent – Macon Road (11.20 acres located in Land Lot(s) 181, 203, and 204 of the 2nd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to R-2, Single Family Residential.

Chuck Taylor suggested hearing this and next application together and then voting on them separately. The applicant has requested rezoning approval from Spalding County to rezone a 11.20 acre tract from R-1 to R-2 to develop a residential community using the County Club design theme and the condominium dwelling, patio dwelling or zero lot line dwelling option. The development as proposed would include sewer, 32 single family residential dwelling units and approximately 12.86 (59%) acres of open space. The applicant is also requesting approval for a special exception to allow for the development of a 21.885 acre tract to develop a residential community using the Country Club design theme and the condominium dwelling, patio dwelling or zero lot line option.

Staff recommends against rezoning to R-2 as it would not be an improvement to the area. As is the case with Spalding County area studies, mobile homes were not included in the calculations of average square footage of dwellings in the area. Staff recommends that six lots, in the interior of the development block, be developed as R-1 and the remaining to develop at 1800 square foot. The Board of Appeals recommended conditional approval as follows:

- a) All front porches will be finished in character with design of the houses.
- b) A streetscape plan will be submitted.
- c) The playground will meet the County's playground design criteria.
- d) A terminating vista/landscape strip will be installed abutting Lots 32 and 27.

Courtney Noland, Paragon Consulting Group, P.O. Box 118, Griffin, Georgia

There are 32 lots in the proposed development with a 9900 square foot, or one-fifth acre, average lot size. All lots will have sodded front yards and the average density is 1.46 units per acre, based on gross density as utilized in the County Ordinance rather than net. There is a 3200' walking trail, tennis court, commercial grade playground. All but six lots will have 1800 square foot homes and those six will be 2000 square foot homes. Several house plans have been submitted, 2 with side entry garages, and they will develop a third with a side entry garage. There are 13.3 acres in greenspace. Homes that will be seen from more than one roadway will incorporate stone, stucco or brick facade on appropriate sides facing the roadways with hardy plank on the rear.

Frank James, 307 Malone Road, Fayetteville, Georgia

Mr. James said he worked for Mr. Brent Scarborough. He stated this development will have a homeowners' association. Developers and engineers wanted to assure the Board that what happened with a previous development next door would not happen again. They apologized

for the embarrassment of the previous project when Brent Scarbrough turned over control of the project to another party. Mr. Scarbrough considered it a blight on his record of quality.

Mr. Taylor noted for Commissioner Flowers-Taylor that of the 13.3 acres in greenspace, some is along a creek and is wet area. The Country Club design theme does not require that greenspace be an integral part of the community. It allows that greenspace can be along the side or rear as long as certain amenities are provided. Ms. Noland pointed out the triangular shaped property that is greenspace, a portion of which is 7.28 acres in a 100-year flood plain as determined by the City of Griffin's flood study several years ago. The remainder of the greenspace is good land. The tennis courts, playground and the majority of the walking trail are outside the flood plain area. So, 30% of the greenspace area is good land.

Commissioner Flowers-Taylor said again that she objected to the density and felt it would be better to base calculations on net acreage available rather than the current gross density method of calculation. Chairman Goss noted his problem with this type density was a real concern for safety, such as in the case of fire which can spread rapidly in close proximity homes. Ms. Noland noted that most lots are 65' wide. Discussion followed.

Commissioner McDaniel said there was a philosophy that rings true. From a developer's perspective, he can develop better quality and more expensive homes with better amenities with greater density. The more the density is spread out, the cheaper the homes, generally speaking. You cannot provide the same value of home on one- or two-acre lots in subdivisions as you can with smaller lot size, although there are certainly some exceptions to the rule. For the most part, though, this theory tests true. The more compact developments that do not spread out much tend to produce better quality overall, and there is a evidently a need for these type developments. Not everyone wants a larger lot, and for many it is a deliberate choice against an option that doesn't suit their lifestyle.

Commissioner Davis made a motion to approve Application #05-06Z for rezoning to R-2, with the following conditions:

- a) Six of the lots will be developed at 2000 square feet and the remaining lots to be developed at 1800 square foot heated minimums.***

Commissioner Davis included in his motion conditions for the Special Exception:

- a) All front porches will be finished in character with design of the houses.***
- b) A streetscape plan will be submitted.***
- c) The playground will meet the County's playground design criteria.***
- d) A terminating vista/landscape strip will be installed abutting Lots 32 and 27.***
- e) Side entry garages are preferred and applicant will develop a third plan utilizing same.***
- f) There shall be no exposed concrete block.***
- g) At least 60% of the houses shall incorporate side entry garages.***
- h) There shall be no vinyl siding.***

The motion was seconded by Commissioner McDaniel, and the motion carried by vote of 3-2 with Chairman Goss and Commissioner Flowers-Taylor opposing.

- 13. Application #05-10S:** Thomas J. and Suan P. Hunt, Brent Scarbrough and Shane Waters, Owners – Johnscar, LLC, Agent – Macon Road (21.885 acres located in Land Lot(s) 181, 203 & 204 of the 2nd Land District) – requesting a Special Exception to allow condominium dwelling, patio dwelling or zero lot line dwelling meeting development standards (Country Club) in the R-2 District.

Commissioner Davis made a motion to approve Application #05-10S Special Exceptions, with the following conditions:

- a) Six of the lots will be developed at 2000 square feet and the remaining lots to be developed at 1800 square foot heated minimums.***

Commissioner Davis included in his motion conditions for the Special Exception:

- a) All front porches will be finished in character with design of the houses.***
- b) A streetscape plan will be submitted.***
- c) The playground will meet the County's playground design criteria.***
- d) A terminating vista/landscape strip will be installed abutting Lots 32 and 27.***
- e) Side entry garages are preferred and applicant will develop a third plan utilizing same.***
- f) There shall be no exposed concrete block.***

- g) At least 60% of the houses shall incorporate side entry garages.*
- h) There shall be no vinyl siding.*

The motion was seconded by Commissioner McDaniel, and the motion carried by vote of 3-2 with Chairman Goss and Commissioner Flowers-Taylor opposing.

At this point, Commissioner McDaniel made a motion to amend the agenda to add entry to Closed Session, second by Commissioner Davis and approved by a unanimous 5-0 vote.

A motion to enter Closed Meeting was made by Commissioner McDaniel, seconded by Commissioner Davis and approved by a unanimous 5-0 vote at 9:45 pm.

Closed Meeting

On a motion to reconvene to open session by Commissioner McDaniel, seconded by Commissioner Davis, the vote to reconvene was unanimous at 5-0 at 10:07 p.m.

- 14. Application #05-07Z:** GTW Properties, Inc., Owners – Spalding County Board of Commissioners, Agent – 1594 Kilgore Road (26.69 ac., more or less, located in Land Lot 120 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-4, Single Family Residential.

Chuck Taylor said applicant requests approval to rezone a 26.69 acre tract from AR-1 to R-4 to develop a single family residential subdivision. The development as proposed would include 15 single family residential dwelling units with 3 being on one-acre lots and the remaining 12 on two-acre lots. Staff recommends conditional approval of the rezoning provided:

- a) Stairs and porches if used are to be finished and must be consistent with the design of the homes.

Planning Commission, at its March meeting, recommended conditional approval with similar conditions as proposed by Staff with one exception:

- b) There shall be 14 two-acre lots as opposed to 15 total lots consisting of three one-acre lots and 12 two-acre lots.

Chad Pruitt, 1770 Honeybee Creek Drive, Griffin, Georgia

Mr. Pruitt delivered a presentation of slides of area dwellings and square footages. He noted that the adjacent property, A & B Mobile Home Park, has 70 lots, and there are other mobile home parks in the immediate area, as well. Planning Commission has approved the project twice now. Staff has recommended rezoning to R-4, and that is the proposal tonight. He detailed a map of the property and site plan. He reminded commissioners that Spalding County evaluates a half-mile radius for comparisons, even though they would hear tonight from residents who lived greater distances away with large homes on large tracts. He pointed out where those larger homes on larger tracts were in relation to this property, and there were outside this established radius area. Mr. Pruitt said all he was seeking was fair treatment. He already had to compete with an increased square footage because the County discounted the square footages of mobile homes. If you include the mobile home square footages in the calculation of the radius area, then the average square footage becomes 1177 instead of the 1350 denoted by the County's comparison. There are a few conventionally constructed homes in this radius area, but the vast majority are mobile homes. He was hoping, with his planned 1500 square footage homes, to provide a transitional area with this proposed development. He answered questions from commissioners and noted he had no house designs with side entry garages.

Randy Rawlings, 195 S. Walkers Mill Road, Griffin, Georgia

Mr. Rawlings is the real estate agent for GTW Communities, Inc. who owns this property, which has been for sale for over three years. He is appreciative of getting a buyer for this parcel that is bordered by 70 mobile homes, a railroad track and a dirt road. He felt Mr. Pruitt is taking a huge risk to develop the property. GTW Properties owns three trailer parks here in Spalding County and a great many more all across the Southeast. These numerous delays are prolonging a contract, costing GTW Properties money, and he felt they cannot be denied use of their property. Mr. Rawlings recommended approval of this transition parcel for 1500 square foot homes. GTW Properties' attorneys feel they can make a good case for developing another mobile home park, but they don't want to do so. They have had to divert funds to refinance the property on notes called by the bank, and they have deep pockets but are growing impatient. GTW Properties has decided they would rather sell it even though

they could put at least ten more mobile homes on the rest of the property. Stick built 1500 square foot homes are a much better alternative than single wide mobile homes, but he noted poor folks have to live somewhere. These type homes being proposed should be a good transitional mechanism, but they may even have trouble selling those next door to 70 single wide mobile homes. This is a rough area now and such a proposed development would be a definite improvement. General discussion followed.

Greg Pruitt, 55 Partridge Path, Griffin, Georgia

Mr. Pruitt asked if he could reserve his comments for later after speakers have concluded. He would like to hear what others might have to say.

Chairman Goss said there were quite a number signed to speak and asked if Mr. Pruitt could go ahead since it would take awhile and there would not be any back-and-forth comments.

Mr. Pruitt felt Chad Pruitt had done a good job with confronting this dilemma and trying to reach a resolution. They have had to put up more money because of the length of negotiations, and they really wanted to see the project succeed. He reiterated they just wanted fair treatment; they have heard feedback from some neighbors who say they support the concept and then renege their position at the meetings. He said the density of this proposed development is good, as is the square footage at 1500. It's a hard area to develop, and he was not sure what would make everyone happy.

He has heard one commissioner tonight say she was unhappy with density, and what they were requesting used to be the most desirable of situations – two-acre lots, so the problem must be about square footage. He did not want to go to homes with greater square footage requirements than 1500 because in this area that would be a tough sale. It doesn't do any good to up the square footage if people cannot or are not willing to purchase larger homes in this area. All applications tonight have dealt with ½ mile radius, and he urged them not to let this one be the first to get outside that definition, asking them to not go way up the road to compare properties. What is up the road doesn't affect this development nearly as much as what is right next door. Mr. Pruitt said they would be agreeable to splitting into three different zones: 1250 square foot next to the trailer park, 1500 square foot for the homes in the middle, and 1750 square foot on the three one-acre lots at the other end. They were willing to compromise and had already done so, but he wanted to see the County be fair with them, as well. What they were proposing would be much better than other options that could be utilized on the property.

In conclusion, Mr. Pruitt thanked the Board of Commissioners for bringing the petition for rezoning up again at their request, and he appreciated their attention tonight.

Chuck Pruitt

Mr. Pruitt had already exited the meeting.

Larry Frost, 724 Teamon Road, Griffin, Georgia

Mr. Frost, signed to speak against, said he understood the idea of ½ mile radius, but belief that only that area is affected by a rezoning is ludicrous. This is, in his opinion, a catch 22 situation whereby future developments will also want 1500 square foot homes. He urged the Board to approve development with an eye for moving forward. He resented the implied threats from GTW Properties about other uses of the property. Why is AR-1 so bad? Teamon Road and points just north of this area are thriving with it. There is a market for larger tracts and homes in area. Developers know the zoning classification of a property before they purchase. He urged the Board to leave the zoning district AR-1 or, if not, to consider split zoning as suggested for more of a transition area, and to require berms or screening.

Debbie Frost, 724 Teamon Road, Griffin, Georgia

Ms. Frost, speaking against the application, echoes her husband's previous comments. She said Spalding County has such a valuable and rare commodity in its beautiful land. Development is coming to Spalding County. However, she urged commissioners to remember that homes under 1750 square foot don't pay enough to support the County's tax base with regard to schools and infrastructure. The larger homes and tracts subsidize those who don't pay their fair share. Whatever size homes you build, whether they are 1500, 1750 or 2000 square foot, the appropriate people will come.

Mike Boatwright, 712 Teamon Road, Griffin, Georgia

Mr. Boatwright, signed to speak against, asked if the County Attorney can represent Mr. Greg Pruitt and Spalding County, as well without conflict.

Mr. Galloway said he did represent Greg Pruitt to extent of his involvement in a project within the City of Zebulon. The case involves a platting issue. Under state ethics rules, he is precluded from representing the same parties in the same case or for the same parties in a case that involves the same facts. This is different jurisdiction and he does not represent Mr. Greg Pruitt directly anyway, but rather for him in the capacity of agent for two other people, Dan Sebata and Brent Scarbrough.

Mr. Boatwright continued that he considered it a conflict of interest.

Commissioner McDaniel said the five members of the Board of Commissioners had the ultimate responsibility of making the decision, not Mr. Galloway. Commissioners Davis and Goss concurred that Mr. Galloway simply guides but the Commissioners decide.

Mr. Boatwright concluded that when they bought the land they were all told they had to have three acres, and he also objected to the intimidation tactics of GTW Properties.

Ricky Wilson, 700 and 706 Teamon Road, Griffin, Georgia

Mr. Wilson spoke against the proposal and presented a slide presentation entitled "Information on the Homes on Pomona Rd, Teamon Rd and Kilgore Rd." He felt that the GTW Properties representative was actually their best advocate. To remove more trees for the greater number of houses, 15, would mean the mobile home park would be more visible. He reviewed the homes developed on these roads in the past few years, most of them with larger square footages on larger tracts of land. Many were in excess of 10 and 20 acres. His data came from the Spalding County Office of Tax Assessors. He contended that by putting 1500 square foot homes on one-acre tracts, the County would cut their property values by about \$20,000 to \$30,000. There are problems with the trailer park, but they belong to the property owner, GTW Properties, Inc., who bought the property as AR-1. The problems are not the responsibility of area residents. To clear the 29.7 acres for this development will make this trailer park very visible. No homes on less than three acres have been built since 1985, and no homes with less than 2000 square foot have been built since 1999.

Melinda Boatwright, 712 Teamon Road, Griffin, Georgia

Ms. Boatwright spoke against the application, saying she and her husband bought six acres three years ago. They shopped all around and felt the three-acre minimum where they were would be a big deterrent to this type development. She also discounted the perception that only a ½ mile radius counts. She urged commissioners to continue the trend in the area toward larger tracts and homes.

Richard Ingram, 300 North Pomona Road, Griffin, Georgia

Mr. Ingram, signed to speak against, asked why the County did not make developers change their building to fit our zoning instead of the County changing our zoning to fit their building requests. Spalding County is flooded with starter homes now with probably 80% falling into this category. The average value of homes in the packets he provided to commissioners is \$230,000 and average acreage is 14.78. GTW Properties, Inc. has not been a good caretaker of what they own already. The answer is no, so he questioned how Spalding County can allow them to devalue all of their properties in order to make a profit. To put 1500 square foot homes on three-acre lots would still be far below the established trend over the last eight years. Folks are now passing Spalding County by for other areas, and this should be a wake-up call. He urged the Board to consider approving a development that would complement the recent trend rather than the trailer park. Many folks have invested retirement monies and dreams in their properties in this area.

Mark Murdock, 750 Teamon Road, Griffin, Georgia

Mr. Murdock, speaking against the petition, narrated a slide presentation of homes, lot sizes and valuations. He noted that Pomona Road already needs improvement and was a disgrace to the County, even without added traffic. He also felt the radius area of ½ mile for consideration was ridiculous, and most of the properties that were the subject of his documentary slide presentation were in excess of that distance. These local residents want to see the trend of larger homes and tracts continue but money, he felt, is the driving force.

Sid Jennette, 1980 Kilgore Road, Griffin, Georgia

All the purchases talked about on Teamon and Pomona Roads were done without the assistance of a single developer. No one built cookie-cutter type homes on small lots. However, the desirability and attractiveness of the area to homeowners is also desirable and attractive to developers. He asked, though, if it made sense to increase density on dirt roads. The property cries out for AR-1 zoning. The attitude that anything is better than mobile homes is not a valid one and not very farsighted. Quality should be a major consideration and many homes here need to be looked at in that regard. Taxes for smaller homes such as

those proposed might be a drain instead of a gain. He urged that the Board of Commissioners send a clear message by denying this petition.

Chairman Goss said while the trailer parks are admittedly eyesores, he didn't appreciate the display of people's homes, properties and vehicles for everyone to identify. Perhaps this is the best these people can do at this time in their lives, and many people will recognize them. He resented this practice.

Commissioner Flowers-Taylor complimented the beautiful homes, landscapes, slides and pictures ... but she noted that not everyone can have large homes and larger tracts. The ugly trailer park is there, and she failed to see what difference twelve houses would make. She lived in the City of Griffin and the house she can afford to purchase doesn't pay for itself in taxes according to their yardstick, but she is living where she can best afford. She considered it a blessing to have someone willing to put something transitory between that ugly place and these beautiful homes. This would not only be an improvement, but perhaps a buffer area. She appreciated their sentiments but wondered if any one of them would consider splitting up their 80- or 100-acre tracts for the right price. She could not identify with the problem of larger tracts and homes at that distance in the northern area being threatened by this development. She couldn't really identify and felt they might not be in the type of jeopardy and peril they perceived. If you think this is about money, then consider that more trailers may go in and produce more income on these lots to see just how poorly development could proceed. The dirt road would still be full of more cars driving through and more eyesores would be in the making.

Commissioner McDaniel said this issue was tough and the decision hard. He urged commissioners to remember they shouldn't deny or approve something just because it's either liked or disliked. He lives in a subdivision on a two-acre lot and that sunset he sees is every bit as beautiful as the one depicted in their presentation setting over large acre tracts. A high density development in Mr. Freeman's district was denied approval tonight; yet, a high density development in Mr. Davis' district was approved. So, don't think this Board is intimidated by threat of suit or by strong-arm practices. If this application is approved, Mr. Pruitt can then build 1500 square foot houses on 14 lots. As a matter of right, without any zoning change and this application were withdraw, tomorrow they could build 1500 square foot houses on 13 lots in a conservation subdivision subject to a yield plan, and the Board would not have to vote on it. So, what it boils down to is that the consideration tonight is for a difference of one house in AR-1. Everyone appears to be enamored with AR-1 and AR-2, but AR-1 is a wild card and not necessarily your friend. AR-2 is much more restrictive and designed for residential. With AR-1, someone can come in on a 80-acre tract and put a chicken or pig farm next to you. The home would not have to be a 1500 square foot house or a 3000 square foot house.

Commissioner Davis noted each piece of land has rights, even this one. By requesting rezoning, the Board can actually improve the development by adding conditions, making the property more desirable. Both Staff and Planning Commission have recommended approval. To approve it in this manner can at least ensure some control. If there had been another 60 mobile homes in the trailer park on this section of land, would all the residents in attendance still have purchased their land? All these neighbors knew that the A & B Mobile Home Park was there when they purchased, as well. If there had already been eight 1250 square foot homes on three-acre lots in this parcel, would they still have purchased their beautiful land? Probably, and that will not change. This is, in his opinion, a forward trend toward making an undesirable area more palatable.

Commissioner Flowers-Taylor asked if the developers really would entertain the idea of split zoning to increase the square footage on one end. Mr. Chad Pruitt said they have already increased over what they proposed initially and he was not interested in compromising more.

Mr. Greg Pruitt said they would be willing to go to 1750 square foot in R-2 on the northern end (Lots 7, 8 and 9) and 1500 square foot in R-4 for the middle (Lots 3, 4, 5, 6, 10, 11, 12, and 13) if the County would compromise by approving 1250 square foot in R-5 on the lower end next to the trail park (Lots, 1, 2, 14 and 15). They would be willing to consider going to 1750 on the upper end if the County will go to 1250sf on the lower. They do not want to clear cut but would leave as much cover as they possibly could. General discussion followed.

A motion to deny by Chairman Goss, seconded by Commissioner Freeman, failed by a 2-3 vote with Commissioners McDaniel, Davis and Flowers-Taylor opposing.

Commissioner McDaniel made a motion to approve Application #05-07Z with the following conditions, seconded by Commissioner Davis:

- a) *R-5 zoning for Lots 1, 2, 14 and 15 at 1250 square foot; R-2 zoning for Lots 7, 8, and 9 at 1750 square foot; and R-4 zoning for the middle Lots 3, 4, 5, 6, 10, 11, 12, and 13 shall be in place.*
- b) *Front and side porches shall be underpinned and finished in character with the design of the homes.*
- c) *No exposed concrete block on front and sides.*
- d) *A minimum thickness of .430 vinyl siding shall be used.*

Commissioner Davis seconded the motion. Commissioner Flowers-Taylor wanted to add a stipulation for side entry garages and after discussion the following was conditioned:

- e) *Side entry garages shall be used on 50% of lots.*

The amendment was agreeable to the petitioner and accepted by Commissioner McDaniel and Davis. The motion passed by a vote of 3-2 with Chairman Goss and Commissioner Freeman opposing.

- 15. **Amendment to UDO #A-05-04: Lift from the table** – R-1, Single Family Residential Low Density – Section 703, R-1A Single Family Residential – Section 703A, R-2 Single Family Residential – Section 803 and R-4 Single Family Residential – Section 1003 – amendment to delete zero lot line dwelling developments and replace with Cluster Development.

Amendment to UDO #A-05-04 was left on the table.

- 16. **Amendment to UDO #A-05-06: General Procedures** – Section 411:A and B and Appendix C – Ordinance Establishing Board of Appeals – Section VII:e – amendment to modify standards for granting variances.

This Amendment was requested by the Planning Commission. Standards for granting variances are sometimes not broad enough, i.e. builders can sometimes improve a lot by moving it slightly into a setback area and save trees by actually going against established criteria. The Board of Appeals has not been able to apply a hardship variance standard and this would allow some practical consideration in granting variances. This would give the Board of Appeals a little broader power. Mr. Galloway said these standards came from Gwinnett and Cherokee county ordinances. The Board can now consider detriment to the public and unique situations that might not qualify as a true hardship. This will provide more factors with which they can deal, and Mr. Galloway doesn't think it loosens restrictions.

Commissioner Davis made a motion to table, seconded by Commissioner Flowers-Taylor. The motion carried by unanimous 5-0 vote.

- 17. **Amendment to UDO #A-05-07: R-5 Single Family Residential** – Section 1103:B – amendment to allow for Class A Manufactured Home as a special exception use.

Mr. Galloway said this was a simple text amendment. Class A Manufactured Homes are allowed in every classification except R-5. Buck Creek Estates, which for years was the only piece of R-5 zoning in the County, was created as a subdivision for mobile homes. This situation was brought to light by Mr. Raymond Ray who desired to replace a manufactured home and found there was no provision in R-5 to allow for that. More R-5 areas have been placed on the map now as square footages have increased. Mr. Galloway said there could be potential ramifications if the Board did not approve to allow Class A Manufactured Homes in R-5 when they are allowed in all other zoning classifications. Conversely, there could be a case for reverse zoning should someone purchasing a lot in this manufactured home subdivision and the County requiring them to build a conventionally constructed home when everything around them is manufactured housing. This would raise an issue about the value of the lot. This may or may not be the only manufactured home subdivision in the County, but it is for certain not the only R-5 zoned area. More discussion followed.

A motion to approve was made by Commissioner Davis, seconded by Commissioner Flowers-Taylor. The motion carried by unanimous 5-0 vote.

- 18. **Amendment to UDO #A-05-08: C-1 Highway Commercial** – Section 1203, C-1A Neighborhood Commercial – Section 1303, and C-1B Heavy Commercial – Section 1403 – amendment to allow street vendors as a principal use; Definitions of Terms Used – Section 202 – amend provision to allow street vendors.

Chuck Taylor said this ordinance amendment comes before the Board because there is no provision now to allow for street vendors. This allows for street vending on commercial property with special stipulations to minimize the impact of such vending to the public who desires to use the commercial facility, as well, particularly in the area of parking. He noted the numbering in the conversion of a Word document had changed and, with the Board's permission, he would correct that for a second reading.

Linda Banks, 1340 Winona Avenue, Griffin, Georgia

Ms. Banks said she obtained permission from the business owner to sell on the property and applied for a permit. She was told this year they could not issue a permit as they had in the past six years. She detailed the nature of her vending items (floral arrangements and gift baskets) that she markets in this manner twice per year, one of which is the upcoming Mother's Day occasion. She sets up away from the street and is out of the flow of traffic. She thanked the Board for its attention to this request.

Commissioner McDaniel motion to approve Amendment to UDO #A-05-08, with the provision that Mr. Taylor make the necessary renumbering corrections that he noted, seconded by Commissioner Davis, and the motion passed by a unanimous 5-0 vote.

C. Other Business:

D. Adjournment.

On a motion by Commissioner McDaniel, seconded by Commissioner Davis, the vote was unanimous at 5-0 to adjourn at 12:02 a.m.

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