



ZONING PUBLIC HEARING

The Board of Commissioners of Spalding County, Georgia, held their Zoning Public Hearing on Thursday, October 27, 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, Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway and Executive Secretary Teresa Watson.

A. Call to order.

B. New Business:

- 1. Application #05-32S:** Jason Ramsey, Owner – Ideal Homes of Griffin, Agent – Rivers Road (3 acres located in Land Lot 94 of the 1st Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Mr. Taylor said the applicant requests a Special Exception to place a manufactured home on vacant property within the AR-1 district. The proposed home has approximately 2,280 square feet (sf) of heated space. Per the applicant, the total cost of both the land and home will be approximately \$120,000.00 Based on requirements from Section 413 G' of the Unified Development Ordinance (UDO), there is no established trend in this area toward manufactured or conventional home construction. Staff recommends approval of the request. The Board of Appeals recommended denial of the application. Mr. Taylor responded to commissioners' questions. He felt the Board of Appeals voted to deny primarily because of a previous similar request that was denied, and perhaps they did not want to appear to set a precedent, but he emphasized there were significant differences in the two requests. The first request, for which they recommended denial, was to move an old mobile home from one site to another. One Board of Appeals member also felt that, lacking any definitive trend in the area toward manufactured or site-built homes, they should encourage site-built. Mr. Taylor concluded that all the criteria on this petition collectively merited a favorable recommendation from Staff.

Jason Ramsey, 221 Rivers Road, Griffin, Georgia. In the family for 22 years, this property already has a manufactured home on it. He and his wife want to move onto the land purchased from her father that she grew up on, and they desire to put in a brand new mobile home. Several mobile homes are already located in the immediate area.

Scott Kinard, 221 Rivers Road, Griffin, Georgia.

Mr. Kinard, father of Mrs. Ramsey, said this use was consistent with other area homes. He urged approval of the petition.

Tom Ross, Ideal Homes, 101 Moreland Road, Griffin, Georgia

Mr. and Mrs. Ramsey want to purchase a manufactured home from Ideal Homes that has 2280 sf. Mr. Ramsey, who is in construction himself, has spent nearly \$1000 already, i.e. survey, earnest money, special exception, etc. Final cost should come in around \$44.00 per square foot for the manufactured home, which cannot be achieved with a site-built home. Mr. Ross felt this petition merited approval, and he supported the addition of this nice home, done to FHA standards, at this location.

Jason Kinard, 221 Rivers Road, Griffin, Georgia

Mr. Kinard, brother of Mrs. Ramsey, supported the application and urged approval.

James Carter, 35 Crystal Creek Drive, Griffin, Georgia

Mr. Carter urged approval of the petition of Mr. and Mrs. Ramsey.

Commissioner McDaniel says there is no discernable building trend on Rivers Road with little recent activity. Fourteen mobile homes were counted by him in the area, and on Rivers Road the majority of homes are manufactured.

Commissioner McDaniel made a motion to approve Application #05-32S, seconded by Commissioner Davis, and motion carried by a unanimous 5-0 vote.

2. **Application #05-34S:** Raymond Ray, Sr., Owner – Sherri Haynie, Agent – 202 Buck Creek Circle (2.70 acres located in Land Lot 51 of the 3rd Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the R-5 District.

Mr. Taylor said applicant requests a Special Exception to place a manufactured home on vacant property within the R-5 District. The proposed home has approximately 2,000 square feet of heated space. Per the applicant, estimated cost of the land is \$28,000 and \$61,900 for the home, totaling \$89,900.00. Based on the requirements from Section 413 G' of the UDO, there is no established trend in the area toward manufactured or conventional home construction. Staff and the Board of Appeals both recommend approval of the request.

Raymond Ray, Jr., 1000 Springer Drive, Griffin, Georgia – speaking for:
Raymond Ray, Sr., 536 Brookwood Terrace, Griffin, Georgia, - Owner, and
Sherri Haynie, Zebulon, Georgia - Agent

Mr. Ray reminded commissioners this area was originally designed by his father as a community for manufactured, or mobile, homes. In recent years, the R-5 district was changed and did not allow manufactured homes. Ms. Haynie plans to put a 2,000 square foot home with four bedrooms and two baths. She plans to raise her family in this area. Of the 105 parcels within a half-mile radius of this property, there are 52 manufactured homes, 36 single family conventionally constructed homes, and 17 empty parcels of land. There was a manufactured home previously on this property but was moved after the ordinance was changed; therefore, this approval is respectfully requested tonight.

Commissioner Freeman made a motion to approve Application #05-34S, seconded by Commissioner McDaniel, and motion carried by a unanimous 5-0 vote.

3. **Application #05-16Z: Lift from the table** – Markland Management, LLC, Owner – C. Mark McCullough, Agent – 1495 Macon Road (0.93 acre, more or less, located in Land Lot 204 of the 2nd Land District) – requesting a rezoning from C-2, Manufacturing, to R-6, Planned Residential Community District.
4. **Application #05-16AZ: Lift from the table** – Markland Management, LLC, Owner – C. Mark McCullough, Agent – Macon Road (2.18 acres, more or less, located in Land Lot 204 of the 2nd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-6, Planned Residential Community District.
5. **Application #05-16BZ: Lift from the table** – Markland Management, LLC, Owner – C. Mark McCullough, Agent – Macon Road (12.99 acres, more or less, located in Land Lot 204 of the 2nd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-6, Planned Residential Community District.

Chairman Goss stated Applications #05-16Z, 05-16AZ and 05-16BZ for Markland Management, LLC, would be considered together and voted on separately tonight.

Commissioner McDaniel made a motion to lift all three applications from the table, seconded by Commissioner Davis, and the motion carried by a unanimous 5-0 vote.

Mr. Taylor said the applicant is requesting approval to allow the rezoning of 15.17 acres from AR-1 Agricultural/Residential and C-2 Manufacturing to R-6 Planned Residential Community to allow for the development of a 96-unit town home project. At the

August Board of Commissioners' meeting, this item was tabled in order for the applicant to seek design alternatives. During that time, Mr. McCullough met with the Ordinance Review Committee in order to discuss potential changes to the design of this project, as well as potential changes to the R-6 zoning district requirements. Plans that resulted from this discussion were brought in just this afternoon shortly before 5 p.m. and Staff has not had an opportunity to review them.

After discussion, the question was raised as to whether or not the R-6 zoning classification required a minimum 20 acres for the community as shown on the UDO District Characteristics summary sheet. Some research of the ordinance itself would be done and commissioners would return to these three applications of Markland Management, LLC later in the meeting.

6. **Application #05-18Z:** Mandalay Properties, Inc., Owner – 1029 High Falls Road (44.13 acres located in Land Lot(s) 207 & 208 of the 2nd Land District) – requesting a rezoning from AR-1, Agricultural and Residential and R-2, Single Family Residential to C-1B, Heavy Commercial.

Mr. Taylor said the applicant has requested approval from Spalding County to rezone the subject property from AR-1 Agricultural/Residential and R-2, Single Family Residential to C-1B Heavy Commercial to allow for the subdivision of five commercial lots. The applicant proposes to construct one 50' x 100' metal building on one of the lots for his development business. Per the applicant, the remaining four lots do not have a specific site plan at this time. C-1B zoning is necessary in order to allow neat and orderly outdoor storage.

In review of the criteria for rezoning property in Spalding County, staff has found that the request is consistent with the Future Land Use Map and the associated Comprehensive Plan and that the impact of this property being rezoned with proposed conditions would not threaten the safety and general welfare of the public.

Staff recommends conditional approval of the request with the following conditions:

- a. Outdoor storage shall be limited to the side and rear of the property.
- b. Outdoor storage shall be neat and orderly.
- c. Any trees/vegetation that has been disturbed in the buffers as a result of the timbering shall be replanted per Section 407 of the UDO.
- d. The area in lot 3 between the power line and the easement and the 25' buffer shall remain undisturbed.
- e. The site will limit all lighting so any neighboring residential properties or rights of way will not be affected from glare.
- f. Outdoor amplification or loud systems shall not be used.
- g. An acceleration/deceleration lane shall be provided.
- h. Due to the close proximity to Dundee Mill, a Phase II Environmental Study shall be performed prior to construction drawings.

The Planning Commission recommends denial of the request.

Mr. Taylor responded to questions regarding the buffer as it relates to lots 3 and 4, the buffer area for the entire property, and the property's proximity to existing residences. Submission of this application got caught in the transition time between the old Land Use Map and the Future Land Use Map whereby the complexion of the area transitioned between commercial to primary residential. The cemetery, located just off-site, was for Dundee employees and relatives of employees. The requirement for an easement to the cemetery from this property would need to be added to the list of conditions. Commissioners reviewed the site plan and background information.

Royce Grant, 126 North Bethany Road, McDonough, Georgia

Mr. Grant said he bought the cemetery with this parcel, but it has a separate parcel number. The cemetery's access from High Falls Road has been difficult, and it has not been well maintained. He has no problem with conditioning that he provide an easement to the cemetery as discussed; nor does he have any problem with the buffer conditions. He was satisfied with the conditions suggested by Staff in their recommendation for approval. Mr. Grant responded that the slope from lot 1 to the creek was not significant and a building would definitely work there, but there is a topo

slope down to the stream. This may lend concern to items stored outside that might contaminate the soil and the creek. Mr. Grant said he could push that building as far from the creek as possible. He stated he had no preference for which lot would be developed for his own commercial use, on which he plans to build a shop to house and maintain heavy equipment. This equipment would need to be stored outside when not in use but he envisioned the equipment would be in use, hopefully, most of the time. The other four lots' uses are undetermined at this point. Conditions could reflect the Board's desire to limit outdoor storage for lot 1. Nothing has been harvested between the power line and High Falls Road at the time of timbering, but other areas have been clear cut. He has allowed one resident to grow corn in one area the past two seasons.

Most of the property immediately surrounding the parcel is residential, but Mr. Taylor noted the Future Land Use Map indicates this parcel will be part of the commercial area. The property of Mr. Alan Mobley in this area is also indicated as commercial area on the Future Land Use Map. Mr. Taylor said a Phase II Environmental Assessment was recommended for this site to rule out any environmental contamination prior to development. There is a possibility there were ponds in this area in the past used by Dundee Mills, but there is no definitive proof of this supposition.

Part of the property has a pretty good slope to it, and Commissioner McDaniel was concerned with gravel going onto the roadway as Mr. Grant moved equipment. Mr. Grant said one of the conditions for an accel/decel lane had prompted him to discuss with staff paving of the two entrances, and this would definitely help this lot. Parking will be in front of the proposed building of Mr. Grant, but outdoor storage will only be allowed on the side and rear of the building. Conditions were updated to reflect discussions tonight as follows:

- a. Outdoor storage shall be limited to the side and rear of the property, and no outside storage shall be allowed on lot 1.
- b. Outdoor storage shall be neat and orderly.
- c. Any trees/vegetation that has been disturbed in the buffers as a result of the timbering shall be replanted per Section 407 of the UDO.
- d. The area in lots 3 and 4 between the power line easement and the 25' buffer shall remain undisturbed.
- e. The site will limit all lighting so any neighboring residential properties or right of ways will not be affected from glare.
- f. Outdoor amplification or loud systems shall not be used.
- g. An acceleration/deceleration lane shall be provided.
- h. Due to the close proximity to Dundee Mill, a Phase II Environmental Study shall be performed prior to construction drawings.
- i. Developer shall ensure and maintain accessibility to the cemetery.

In response to a question from Commissioner Flowers-Taylor, Mr. Grant said he had no problem with moving the building on Lot 5 from the front side near the house across the power line to the back side. The drawing did not accurately reflect the actual number of parking spaces allocated; it was simply a standard default drawing of the engineer to indicate parking areas and not that many parking spaces would be provided. Mr. Grant said he would like to see the all weather surface of the driveway be gravel because the heavy equipment would damage pavement. The paved area of the driveways would be around 50' in length from the right of way. While there are no definitive plans, he does have a couple of people in the equipment business approaching him that have no problem with the gravel surface. The required accel/decel lanes are to be placed on county right of way. The driveway can incorporate two entrances or one, and Mr. Grant was open to either option. Mr. Grant said he would like not to have to replant the additional buffer since it was never disturbed, and it was noted that condition "c," as stated, takes care of this request.

Nick Griffith, signed to speak on this petition, passed.

Arthur Keebler, 442 Lang Street, Griffin, Georgia

Mr. Keebler has owned property at the end of Lang Street and lived there for over 50 years. He would like to see it kept a quiet residential neighborhood and urged commissioners to deny this petition.

Michael Ford, 495 Lang Street, Griffin, Georgia

This development will basically be in his front yard; his home faced the back side of the property in question. Mr. Ford objected to the noise, a sediment pond which he pointed out, gravel and dust, unknown tenants and uses, increased traffic, the Phase II EPA study, and contaminants that might flow down the hill toward him. He has heard rumors of a cement factory in this development. He was not happy with a maintenance building for heavy equipment, but he was even more unhappy with not knowing what would be there. Mr. Taylor provided some review of allowed uses in the UDO.

Retail uses, falling between commercial and industrial, allows such businesses as kennels, dry cleaning plants with fewer than 20 employees, feed and seed companies, warehouses, farmers' markets, major auto repair, mobile home sales lots, motels, hotels, tire retreading, outdoor theatres, recreational vehicles sales and service, used car sales, gas stations, animal clinics, auto parts, bakeries, banks, bed and breakfasts, clothing stores, appliance repair centers, catering services, barber shops, colleges/universities, food stores ... basically everything short of manufacturing. No noise or odor causing industries are allowed, and no chemical or cement manufacturing can be allowed.

Mr. Galloway said this district was basically developed to deal with Highway 19/41. C-1 doesn't allow for outside storage, so the county had to develop a district that accommodated this target area, mostly for the car sales companies. The zoning district is designed to be in between commercial and manufacturing. The next most intense zoning district is light manufacturing.

Harold Hayes, 132 Evans Road, Milner, Georgia

Mr. Hayes owns two of the properties on High Falls Road (1041 and 1059 addresses), and his mother lives at 1045 High Falls Road, which abuts this property. He felt there would definitely be noise and odor involved with the developer's business. Dundee Mills used lots 1, 2, 3 and 4 for dumping from the mills, and he was not sure what the study would reveal. Not much commercial is in the area, even though Future Land Use Map identifies it as such. Most of the surrounding area is agricultural and residential. Mr. Hayes felt if a residential developer such as Mr. Mobley were subdividing this property, he would be required to put in streets with curb and gutter, all utilities, etc. and yet Mr. Grant is not required to do so for commercial uses. Mr. Hayes also felt Mr. Grant was changing his story as to where he was going to locate his own development business from previous conversations. He strongly urged denial of the petition.

Donald Brown, 1051 High Falls Road, Griffin, Georgia

Mr. Brown lives behind cemetery road, next to Mr. and Mrs. Ridgeway, and he urged commissioners to deny this application.

Peggy Ridgeway, 1059 High Falls Road, Griffin, Georgia

Mrs. Ridgeway said she and her husband live directly in front of the property in question. She confirmed the developer stated he was going to build on another lot earlier, but stated tonight that it's lot 5, directly behind her house. The cemetery is very old and has been there since the inception of Dundee Mills for its employees, relatives and for paupers through the County on numerous occasions. She and her husband have maintained the drive to it for 20 years, keeping the grass cut. As business owners, she and her husband moved to Griffin when the Atlanta airport expansion project made their property incompatible. They are in the tractor trailer repair business (paint and body), but they put the business on Industrial Drive and not in a residential area. Heavy equipment has been parked in the drive next to her house when clear cutting the trees. She had to repair and put gravel down as a result. Mr. Grant has stated he wanted to pave only the entrance to his building. Mr. Grant has contradicted himself tonight. Mrs. Ridgeway said this is a residential area. If Mr. Grant wanted to develop such a property, he should have purchased acreage in an industrial area. His equipment is large, heavy, earth-moving. It has left debris when clear cutting, and trees were left across the cemetery road. Mr. Grant didn't clean up his mess for a long period of time. Her husband assisted some ladies who couldn't access the cemetery because of the tree left across the road for quite some time by delivering flowers on his lawn mower. Mrs. Ridge would love to see nice houses built on this tract, but she doesn't want his commercial building in her back door. Heavy equipment and air tools necessary are very much noise-producing. These same tools are used every day in the business she and her husband operate. She hears them all day on the job and didn't want to hear them half the night at home, as well. Mrs. Ridgeway, on behalf of all the residents

immediately surrounding and in the interest of expanding Spalding County in the right manner, strongly urged that commissioners deny Mr. Grant's petition.

Will Sanders, 165 Lamar County Line Road, Griffin, Georgia

Mr. Sanders pointed out six vacant residential lots, and said this area is dead residentially with many older homes falling apart. He felt this development would revitalize the area. He urged commissioners to strike from the allowed uses what they would not like to see implemented in this area and condition the application's approval to eliminate undesired businesses.

Mr. Grant said on lot 5, the building would be moved across the power line to the other side and he wanted to make part of the buffer the area where the building sits now on the plan. On the back near Lang, an additional 100' buffer across the rear would be acceptable. He agreed that if some uses are undesirable, then strike through them.

Mr. Alan Mobley will have a residential development, then this commercial development, then more residential. Mr. Taylor concurred that was the case.

Area mills, such as Dundee, were in place before zoning districts; uses were already on properties before the zoning was in place. Part of this property was rezoned by the County to R-5, but some are commercial. The Dundee property was left mostly commercial, and this area is very mixed. Owners of the mill never bothered to rezone it. Mr. Galloway said the property was never actually used by the mill for anything other than dumping. So AR-1, which followed the old M-1 zone developed in 1962, would have allowed this use. Dundee would not have wanted commercial zoning because of increased tax value. A great many mill village houses were on commercial or industrial properties, such as the Newton Road situation a few years ago. Zoning was done to accommodate industry in place at the time zoning was done. Mills are no longer here with a presence, but some tracts zoned such as this remain. Owners could have chosen to put a mill here from 1962 to 1987, but by then mills were in decline.

Mr. Taylor and Mr. Galloway responded to Commissioner Flowers-Taylor that the EPA would identify harmful or hazardous materials in the ground and certainly identify contamination. The Phase II EPD study would be necessary and could be requested by County as a condition for anyone's rezoning of the property. Mr. Galloway surmised that, given what we know occurred on that property, a developer who utilizes the land, particularly without environmental clearance, and then subdivides it, incurs a very substantial legal risk. The cost of the study is significantly less than the liability should something hazardous be found. This is obviously a brownfield lot with a potential for hazardous materials, but he was unsure if the Board of Commissioners could condition a requirement for an environmental study, but he could research this issue.

Some discussion followed regarding zoning and licensing for commercial requests under C-2 requirements when it complies with the Future Land Use Map.

Commissioner Flowers-Taylor agreed this area needs some infusion, but she was not sure that the uses discussed would be appropriate. There were many mitigating factors which would prohibit her making a concrete decision tonight, such as outside storage close to the waterway and respect for surrounding residents. More discussion followed.

Commissioner Flowers-Taylor made a motion to table Application #05-18Z until the next regular Zoning Public Hearing, to allow the developer to resolve some issues discussed tonight, such as buffering, privacy, offensive noise levels, dust from gravel drives without paving, possible ground/water contamination, traffic and congestion, environmental studies, definitive commercial uses, etc. Motion was seconded by Commissioner Davis and carried by a unanimous 5-0 vote.

- 7. Application #05-19Z:** Diversified Fabricators, Inc., Owner – Ralph Jones, Agent – 1325 U.S. Highway 41 South (5 acres located in Land Lot 108 of the 2nd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density and C-1, Highway Commercial, to C-2, Manufacturing.

Mr. Taylor said the applicant requests approval to rezone the subject properties from R-1, Single Family Residential, and C-1, Highway Commercial to C-2, Manufacturing on the five-acre tract while the 4.3 acre tract requests rezoning from C-2, Manufacturing,

and C-1, Highway Commercial, to C-1B, Heavy Commercial. The applicant has indicated that the current business shall remain as is and additional buildings or a change in use is not proposed. The 4.3 acre tract will require the C-1B zoning in order to permit outdoor storage. This application stands to bring existing nonconforming uses into compliance with the Spalding County Unified Development Ordinance. In review of the criteria for rezoning property in Spalding County, Staff has found that the request is consistent with the Future Land Use Map and the associated Comprehensive Plan and that the impact of this property being rezoned would not threaten the safety and general welfare of the public.

Staff recommends conditional approval of the request with the following conditions:

- a. Outdoor storage shall be neat and orderly at all times.
- b. Outdoor storage will be kept behind the required front building setback.
- c. All vehicles and equipment to be stored outdoors shall be maintained in usable/running condition.
- d. No scrap materials or junk will be stored outside.

Planning Commission recommended approval of the request with the same conditions as proposed by Staff.

Ralph Jones, 620 Maddox Road, Griffin, Georgia

Mr. Jones said he was not changing anything, but rather just rezoning the property to bring it up to standards and make the outside storage a legal use.

Commissioner McDaniel said Mr. Jones was in this situation because he had inquired about the outside storage on the lot next to Diversified Fabricators; they discovered it wasn't zoned for outside storage. Mr. Jones said he was willing to do whatever is needed, but he felt he was somewhat hogtied. He felt that moving everything behind the building line was an unusual requirement, and folks along Highway 19/41 north have such equipment not only out front but almost at the right of way. He was okay with only new equipment stored forward, but didn't feel the way it already was positioned was objectionable. Diversified Fabricators deals with used as well as new equipment. He has been there for sixteen years but only bought the adjacent 4.3 acres three years ago. He parked additional equipment there in what was essentially an open field prior to his purchase of the property. This was his first zoning discussion in all his years at this location. Mr. Jones responded to Chairman Goss that his outside storage has been ongoing for several years but understood it needed to be changed.

Commissioner McDaniel said the property on which Mr. Jones' operation is located has been there for years. The property next to him was an open field for years and only recently did the outside storage occur on the adjacent property that is zoned C-1 which doesn't allow for outside storage. That is the reason Mr. Jones is present. Additionally, other applicants on 19/41 who have outside storage have had to come in for rezoning to accommodate that outside storage, such as K&K Welding and Martin Heating and Air.

Mr. Taylor concurred that one applicant on the North Expressway who only had parking area in front of the building was allowed outside storage in front, only because he had no available area to the side or rear. On companies located on south 19/41, limited outdoor storage is conditioned to the side or rear of building. This practice is recommended when feasible.

Both K & K Welding and Martin Heating and Air are conditioned to have only new merchandise stored in front of the building, stated Commissioner McDaniel.

Commissioner McDaniel made a motion to approve Application #05-19Z with conditions as follows:

- a) Outdoor storage shall be neat and orderly at all times.***
- b) Only new merchandise/material shall be stored in front of building line. All other outdoor storage shall remain behind required front building setback.***
- c) All vehicles and equipment to be stored outdoors shall be maintained in usable/running condition.***

d) No scrap materials or junk will be stored outside.

Commissioner Davis seconded the motion.

Chairman Goss stated to Mr. Jones that he found nothing wrong with Mr. Jones' operation, and he was sorry Mr. Jones had to go through this process, basically for no reason. This was one reason the UDO needed review in order to stop draining people's money from their pockets for no valid reason.

Commissioner Freeman felt Mr. Jones was being deprived of the use of his property.

Commissioner McDaniel said this rezoning would not change one thing Mr. Jones is already doing on this property right now. Mr. Jones' property simply was not zoned properly to comply with the ordinance, and people are cited all the time for not conforming to the ordinance. This noncompliance cannot be minimized. If some are unhappy with the Ordinance, the Ordinance should be changed.

The motion carried by a unanimous 5-0 vote.

8. **Application #05-19AZ:** Ina Nelson Jones, Owner – Ralph Jones, Agent – U.S. Highway 41 South (4.3 acres located in Land Lot 108 of the 2nd Land District) – requesting a rezoning from C-1, Highway Commercial and C-2, Manufacturing, to C-1B, Heavy Commercial.

Commissioner McDaniel made a motion to approve Application #05-19AZ with the same conditions as stated for Application #05-19Z:

- a) Outdoor storage shall be neat and orderly at all times.*
- b) Only new merchandise/material shall be stored in front of building line. All other outdoor storage shall remain behind required front building setback.*
- c) All vehicles and equipment to be stored outdoors shall be maintained in usable/running condition.*
- d) No scrap materials or junk will be stored outside.*

Motion was seconded by Commissioner Davis and carried unanimously at 5-0.

9. **Application #05-20Z:** Handbuilt Homes, Inc., Owner – Greg Reed, Agent – 2560 North McDonough Road (6.64 acres located in Land Lot 114 of the 2nd Land District) – requesting a rezoning from R-2, Single Family Residential, to AR-2, Rural Reserve.

Mr. Taylor said applicant requests rezoning to AR-2 Rural Reserve District. The applicant proposes to purchase the subject property, the existing residence and construct a barn to house their horses on site. Based on the proposed use on the property, and the adjacent residential uses in the area, staff first suggested that the property be rezoned to AR-2. During the zoning process, we determined that the property should be rezoned to AR-1 conditional instead in order to avoid creating a nonconforming structure and setback on the property. Staff also found this request consistent with the Spalding County Comprehensive Plan and associated Future Land Use Map, and further determined that the proposed rezoning will have no adverse impact on the community or the infrastructure. Staff recommends approving the rezoning to AR-1 conditional with the following conditions:

- a. The agricultural use shall be limited to only the stabling of the property owner's horses. No intense agriculture shall be permitted, i.e. chicken houses.
- b. A stable business shall not be permitted.

The Planning Commission recommends conditional approval to rezone the property in the AR-1 District, as well.

Greg Reed, 155 Harriett Drive, Stockbridge, Georgia, 30281

Mr. Reed desires to reside at 2560 North McDonough Road, but the property is not zoned for small personal livestock. No intense agricultural use is planned but rather he simply wants a hobby farm for personal pleasure animals. He would like to have horses and perhaps a small farm animal, such as a calf, for his grandchildren. He has one horse

now but has had six in the past, although he doesn't plan to have numerous horses anymore. His home is not close to neighbors' homes. Both neighbors agree with this request, Mr. Smith on the southwest side and Mr. and Mrs. Dube to the northeast.

Commissioner Freeman made a motion to approve Application #05-20Z to AR-1 conditional, with the following conditions as recommended by staff, also allowing a calf in addition to the stated horses. The motion was seconded by Commissioner Davis and carried by a unanimous 5-0 vote.

- a) The agricultural use shall be limited to only the stabling of the property owners' horses and calf. No intense agriculture shall be permitted (i.e. chicken houses).***
- b) A stable business shall not be permitted.***

In a return to Applications #05-16Z, 05-16AZ, and 05-16BZ, for Markland Management, it was determined there was no 20-acre requirement in the ordinance for such a community. Continuation of the applications was recommended.

Mark McCullough, 800 Springer Drive, Griffin, Georgia

Mr. McCullough apologized for delay in getting the plans to Staff; they would have arrived much earlier had he been able to draw them himself. He passed out plans to commissioners. He was now proposing ranch condominiums, single level, with attached garages, dormers, and masonry facades for this active adult community (level entry, open floor plans, oversized doorways, covered porches, and a community center). Concerns include increased traffic, but he noted that Macon Road is planned for higher traffic patterns with planned intersection improvements and identified as such on Future Land Use Plan; adverse impact on schools, but the target market of active adults won't affect this area greatly; density, but the surrounding area is already dense and zoned for multi-family and high density already and identified as such on Future Land Use Map; traditional area homeowners, but he felt the secluded, heavily wooded buffer area would minimize this impact. Mr. McCullough presented a conceptual plan that reduced the previous density but increased the developed area; 96 units and 196 parking spaces were not appealing and he realized garages were important. The plan now incorporates 60 units, with ranch condominiums, single level, with two-car garages that are offset from the street, and density is 3.73 units per acre. Also proposed are a walking trail, clubhouse, community garden area, and outdoor recreation area. He showed architectural designs for proposed plans, as well as plans from other adult communities he visited, such as Heron Bay, Epcon, etc. which consider active adults to be age 45 to 75. The two- and three-bedroom designs at 1430 square feet are more appealing. One way in and out remains, and the long, shallow grassed retention pond area, to be addressed specifically once the property is cleared, probably will remain near the entrance off Macon Road. There is a culvert at the end of the road where stormwater runs through now. There are no planned sidewalks; there are back patios and porches with a walking trail in the center on the backside of the units, an idea he obtained from similar communities. Common spaces will be owned and maintained by the homeowners. Mr. McCullough is strongly considering doing this development himself. There is a very high demand in this target market with a price range in the \$130s to \$150s. There will be no playground to draw homeowners with small children, although he was sure some grandchildren would visit the development. He will finish the homes out with a variety of materials, and he was agreeable to conditioning for a variety of floor plans and facades. He asked for clarification on materials for facades and said he was willing to commit to use only approved materials. Mr. Taylor said they would have to carefully review the architectural styles since several differing variations were shown tonight. The main concerns voiced during the Planning Commission meeting in which this application was denied were traffic and density in the area.

Mr. Galloway said the plan was just presented this afternoon and there had been no time to review. Staff had only seen the plans at the same time as commissioners. Mr. McCullough said he realized the problem this might create, and he would be open to getting staff approval and review of all ordinance requirements. Conditions shown in the background material were based on the previous plan and should be disregarded. A great many inputs culminated in this design development.

Commissioners felt Mr. McCullough, with sixty days passed since the last meeting, had ample opportunity to get the plans in to Staff for review before late this afternoon, and they wanted to allow Staff adequate time to study and tweak, if necessary, the plans. The Board of Commissioners counts on Staff to ensure compliance and make recommendations accordingly.

Commissioner Davis made a motion to table Application #05-16Z until the November 17 Zoning Public Hearing, seconded by Commissioner Freeman to allow for more careful consideration. Motion carried by a unanimous 5-0 vote.

Commissioner Davis made a motion to table Application #05-16AZ until the November 17 Zoning Public Hearing, seconded by Commissioner Freeman to allow for more careful consideration. Motion carried by a unanimous 5-0 vote.

Commissioner Davis made a motion to table Application #05-16BZ until the November 17 Zoning Public Hearing, seconded by Commissioner Freeman to allow for more careful consideration. Motion carried by a unanimous 5-0 vote.

- 10. Amendment to UDO #A-04-21: Lift from the table** – Development Standards – add provision to allow private driveways in the AR-1, AR-2, R-1, R-1A and R-2 Districts.

Commissioner Freeman made a motion to lift Amendment to UDO #A-04-21 from the table, seconded by Chairman Goss, and motion carried unanimously at 5-0.

Mr. Taylor said he and Mr. Freeman had worked with Jake Garner, and changes presented tonight are what were discussed. These changes are the culmination of items discussed at the last meeting. The changed items are bolded for commissioners' information. The #4 stone is the size of a fist and a #5 stone is golf ball size, and the change is to a #5 stone since it will be easier to work with during installation. As for the pavement strip, no paved section is necessary for 3 or fewer lots but a 75' standard is required for more than 3 lots. The water requirement did not change in the new draft. If there is water available to the site, a fire hydrant is required within 1000 feet of the structure; an assumption is made that developers are responsible for installing required hydrants and water lines. Extensive discussion followed. Water service is not in question, but rather just the fire protection afforded by hydrants. In this give and take opportunity, requiring hydrants is not unreasonable in order to protect these homeowners. The more structures that are protected by having fire hydrants, the better it is for the entire County. In subdivisions, developers are required to place fire hydrants so that any home is protected by a hydrant within 500 feet, so this amendment could, in essence, create two different standards. These flag lots are lots that currently exist and don't meet the frontage requirements of zoning districts in which they are located. So, if this amendment passes, the Board of Commissioners will be opening up several dozens of lots for development which were previously not able to be developed.

Mr. Taylor said there must be a level playing field for both individuals and developers.

Mr. Mobley responded to Commissioner Freeman that water needed to be left out of the private driveway amendment altogether. Water service will be price prohibitive for a relative few number of lots affected by this amendment ... maybe two dozen countywide. He suggested leaving water out of the picture entirely.

Chairman Goss felt the County should not be dictating to individuals that they have to have County water if they do not wish to do so.

Commissioner McDaniel stated he has a problem with the part of the driveway that is on county right of way, regardless of how many homes are on the driveway and whether or not they are family. The County will have to maintain this, and less maintenance is required for hard surface as opposed to gravel. He wanted to require pavement of all private driveways to the right of way line with a 20' flare. Other commissioners concurred.

Commissioners reviewed their positions and the obstacles to approval of this amendment. Since residents are not required to run water, the fire hydrant issue is moot. If they do run water to the site, the code requires fire hydrants. The general

consensus was to remove item 8 regarding fire hydrants. If a developer does a subdivision, he is required to do streets and, therefore, to do fire hydrants.

Commissioner Freeman made a motion to approve Amendment to UDO #A-04-21, with changes discussed and put forth in the most recent draft presented tonight:

a) Item #5 in each of the following: Section 504: Development Standards for AR-1 Districts, Section 604: Development Standards for AR-2 Districts, Section 704: Development Standards for R-1 Districts, Section 704A(Z), Section 804: Development Standards for R-2 Districts shall be revised to read:

“#5 stone” shall be specified and the following added: “If more than 3 lots are served by the private driveway, the private driveway shall be paved from the street pavement to the public right-of-way line, in addition to the base described above.”

b) Item #8 in each of the following: Section 504: Development Standards for AR-1 Districts, Section 604: Development Standards for AR-2 Districts, Section 704: Development Standards for R-1 Districts, Section 704A(Z), Section 804: Development Standards for R-2 Districts shall be deleted in its entirety. Water lines, if desired, can be run from the street to each of the dwellings on the private driveway, and the meters will be at the street.

Commissioner McDaniel seconded the motion which carried by a 4-0-1 vote with Commissioner Davis being out of the room temporarily.

- 11. Amendment to UDO #A-05-17: Lift from the table** – Article 5. AR-1 Agricultural and Residential – Section 503:A(1), Article 6. AR-2 Rural Reserve – Section 603:A(1), Article 7. R-1 Single Family Residential Low Density – Section 703:A(1), Article 7A. R-1A Single Family Residential – Section 703A:A(1), Article 8. R-2 Single Family Residential – Section 803:A(1), Article 8A. R-2A Single Family and Two Family Residential; Article 10. R-4 Single Family Residential – Section 1003:A(1), and Article 11. R-5 Single Family Residential – Section 1103:A(1) – add provision for minimum size of first floor of any single family dwelling.

Amendment to UDO #A-05-17 was not lifted from the table and shall be continued.

- 12. Amendment to UDO #A-05-23:** Quarterly adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

A motion was made by Commissioner McDaniel to approve Amendment to UDO #A-05-23, seconded by Commissioner Freeman, and the motion carried by a 4-0-1 vote with Commissioner Davis being out of the room temporarily.

- 13. Amendment to UDO #A-05-24:** Appendix D – Section IV:C(17) – add provision to minimum requirements for Erosion and Sedimentation Control using best management practices.

Commissioner McDaniel made a motion to approve Amendment to UDO #A-05-24, seconded by Commissioner Freeman, and the motion carried by a 4-0-1 vote with Commissioner Davis being out of the room temporarily.

C. Other Business:

- 1.** Consider request to amend the amenities package for Walkers Mill Estates Subdivision.

Mr. Taylor noted the letter from Mr. Alan Mobley requesting that he be allowed to trade the tennis court amenity for a swimming pool in the Walkers Mill Estates Subdivision. He also wants to bond off installation of these amenities in order to

establish some residences first and is willing to negotiate the number of residences required before performing the work. Mr. Mobley wants to bond the street tree planting, also.

Alan Mobley, 715 West Solomon Street, Griffin, Georgia

Mr. Mobley said he felt the subdivision would benefit more from the swimming pool than the tennis court. He has experienced some vandalism during the development of this project, and this is the reason he would prefer to get some permanent residences established before constructing the pool and playground. He will bond the pool and playground package and will get it installed as soon as possible. He also wants to bond the tree planting which was not in the letter. The streetscape has to be in first before a final plat according to the rules presently. A majority of trees had to be moved because of driveways, etc. in Emerald Forest, and he felt was a total waste. Mr. Mobley felt this streetscape phase should be left up to the builder to complete at the certificate of occupancy stage.

Street trees need to be looked at, agreed several commissioners, some of whom wanted to do away with streetscaping, but Mr. Taylor recommended keeping the concept for several reasons. They are primarily designed to separate pedestrians on the sidewalk from the impact on the road. They soften the streetscape and provide a more pleasing appearance to the area in general. Particular attention must be paid to the types and sizes to ensure uniform and hardy growth, which hasn't happened in some instances. A review of the streetscape requirements can occur at a later date. No other developers have expressed dissatisfaction with the streetscape requirements.

Mr. Mobley said no clubhouse is planned, but the homeowners association there could construct one if desired.

Commissioner Flowers-Taylor made a motion to accept as written the request of Mr. Alan Mobley to alter the amenities package for Walkers Mill Estates, then amended to specifically allow:

- a) ***Substitution of a minimum 30,000 gallon swimming pool for the approved tennis court,***
- b) ***Mr. Mobley shall provide a 110% bond of the projected cost for these amenities,***
- c) ***Mr. Mobley may delay installation of the swimming pool and playground until a minimum of ten homes have established permanent residences in the development.***

The motion was seconded, with amendments accepted, by Commissioner McDaniel, and carried by a unanimous 5-0 vote.

2. Consider a Resolution to Instruct the Administrative Officer to Implement Certain Future Land Use Map Amendment Procedures.

Mr. Taylor said the current moratorium was in place only until November 20, so there is a need to lift the moratorium and adopt these criteria. The application fee is problematic for projects difficult to quantify, such as moving village nodes, etc. The base fee required for property under control of the person requesting the change to the Future Land Use Map is \$50.00 plus \$1.00 for each project acre proposed in the amendment. The perceived problem will arise when citizens request a change and don't have applicable property under their control germane to the request, such as someone requesting to move a village node and he or she doesn't live in that village node. There is no way to quantify this to charge them a fee. Much discussion followed, and the general consensus was to impose a minimum base fee of \$250 plus \$1.00 for each project acre proposed in the amendment. This would cover those items that will require exponentially more study and resources than other types of requests when the number of project acres involved doesn't compensate adequately for the increased staff time to review the request. Only one village node is zoned right now, and it can be measured in acreage, but when it's merely a circled area on the Land Use Map, it becomes much more difficult to estimate the project acreage. If the base fee is set high enough, the recouping of staff time should average out, with the County gaining slightly when project acreage is minimal and losing when project acreage is large. Many variables go

into researching such a request to change the Future Land Use Map, i.e. impact fees and how they apply, redrawing the map, the request's impact on the Comprehensive Plan, and other issues that require a significant amount of staff time.

Commissioner McDaniel made a motion to lift the moratorium on accepting amendments to the Future Land Use Map and approve the Resolution to Instruct the Administrative Officer to Implement Certain Future Land Use Map Amendment Procedures with the following change:

There shall be imposed a minimum application fee of \$250.00 as a base fee, plus \$1.00 for each project acre proposed in the amendment.

The motion was seconded by Commissioner Davis and carried by a 4-1 vote, with Chairman Goss opposing.

Since this approval tonight removes the moratorium, Chairman Goss directed County Manager Wilson and Community Development Director Chuck Taylor to begin immediately the process of moving the Village Node at Highway 155 and Jackson Road to an alternate location. Mr. Galloway also proposed instructing the redirection of the Village Node proposed at Smoak Road to Jordan Hill/Baptist Camp Roads, which was accepted by the Board of Commissioners, as well.

D. Adjournment.

A motion to adjourn was made by Commissioner McDaniel, seconded by Commissioner Davis, and approved by a unanimous 5-0 vote at 9:40 p.m.