

Zoning Public Hearing

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, April 27, 2006 beginning at 6:00 o'clock p.m. with Commission Chairman Eddie Freeman presiding and Commissioners Cecil Davis, Johnie McDaniel, Gwen Flowers-Taylor and Edward Goss, Jr. present. Also present were Community Development Director Chuck Taylor, Senior Planner Chad Jacobs, GIS Coordinator Bill Moore, Zoning Attorney Newton Galloway and Executive Secretary Teresa Watson.

A. Call to order.

B. Closed Session

1. County Zoning Attorney desires a Closed Session to discuss pending litigation.

Commissioner McDaniel moved to adjourn to Closed Session at 6:01 p.m., seconded by Commissioner Davis. Motion carried by a unanimous 5-0 vote.

CLOSED MEETING AFFIDAVIT

[A copy of the affidavit must be filed with the minutes of the meeting]

STATE OF GEORGIA
COUNTY OF SPALDING

AFFIDAVIT OF CHAIRMAN

Members of the Spalding County Board of Commissioners, being duly sworn, states under oath that the following is true and accurate to the best of his/her knowledge and belief:

1.

The Spalding County Board of Commissioners met in a duly advertised meeting on April 27, 2006.

2.

During such meeting, the Board voted to go into closed session.

3.

The executive session was called to order at 6:01 p.m.

4.

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

Yes Consultation with the county attorney, or other legal counsel, to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

No Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and _____ (*insert the citation to the legal authority making the tax matter confidential*);

No Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

No Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6);

No Other (*describe the exemption to the open meetings law*):

_____ as provided in _____ (*insert the citation to the legal authority exempting the topic*).

This the 27th day of April 2006 .
Sworn to and subscribed
Before me this 27th day of April 2006 .

Spalding County Board of Commissioners
Eddie L. Freeman, Chairman (L.S.)

Notary Public – Teresa A. Watson (L.S.)	Gwen Flowers-Taylor	(L.S.)
My commission expires:	Edward Goss, Jr.	(L.S.)
<u>March 3, 2007</u>	Johnie A. McDaniel	(L.S.)
	Cecil L. Davis	(L.S.)

Commissioner McDaniel moved to adjourn Closed Session and reconvene to Open Meeting at 6:21 p.m., seconded by Commissioner Davis. Motion carried by a unanimous 5-0 vote.

C. New Business:

- 1. Application #06-08S:** Ingram-Averett Enterprises, LLC, Owners – Rhoda Ingram, Agent – 2613 Newnan Road (13.643 acres located in Land Lot(s) 47 and 50 of the 2nd Land District) – requesting a Special Exception to allow a general home occupation in the R-2 District.

Chuck Taylor said the applicant requests a Special Exception to have a home occupation on property in the R-2 district. The proposed home occupation will consist of the utilization of the property for garden tours, a farm stand for the selling of produce and other special events, including but not limited to, wedding receptions, parties and tours.

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

- a. The “Future Farm Stand” must comply with Section 202:LL3.
- b. A safe sight distance for ingress and egress to the property will be engineered prior to a business license being issued. GDOT shall be contacted for input as Newnan Road is a State highway.

The Board of Appeals recommends approval of the request with the same conditions as proposed by Staff.

Jay Averett, P.O. Box 1337, Lumpkin, GA 31815

Mr. Averett was present to answer questions on the application.

Commissioner Flowers-Taylor asked Mr. Averett if the area would be ADA accessible. Mr. Averett said much renovation would have to be done and funding is being explored. He will address as soon as possible, making more of the gardens and pathways ADA accessible. Septic tanks and drain fields exist now on the property, and Environmental Health has made recommendations for updating the system.

Nancy Cook, 3951 Jackson Road, Griffin, GA 30223

Ms. Cook wanted to encourage any type tourism venture available to further Spalding County. Diversity in businesses beyond the manufacturing industry is good for the County. She referenced the events surrounding the renovation of Indian Springs facilities as an upcoming featured attraction and commended the Butts County Historical Society.

Cheryl O’Brien, 544 South 6th Street, Griffin, Georgia

She felt it was sad to realize Griffin only has one beautiful historic place to offer its citizens, and this venture would be a wonderful asset to the area. She urged approval.

Commissioner Davis moved to approve Application #06-08S with conditions noted below:

- a. *The “Future Farm Stand” must comply with Section 202:LL3.*
- b. *A safe sight distance for ingress and egress to the property will be engineered prior to a business license being issued. GDOT shall be contacted for input as Newnan Road is a State highway.*

The motion, seconded by Commissioner Goss, carried by a vote of 5-0.

- 2. Amendment to FLA-06-01:** Pravim Patel, Owner – Inland Empire, Inc., Agent –Corner of Highway 155 and Teamon Road (2.85 acres located in Land Lot 113 and 114 of the 2nd Land District)– requesting an amendment from Agricultural to Commercial.

This petition was withdrawn by the applicant.

- 3. Amendment to FLA-06-02:** Betty Cook Hewitt, Owner – Anthony Scarpati, Agent – 1837 West McIntosh Road (1.96 acres located in Land Lot 94 of the 3rd Land District) – requesting an amendment from Medium-Density Residential to Institutional/Public.

This application mirrors a previous request for the property adjacent to this tract, located in front of the Conner-Westbury Funeral Home. The applicant is requesting approval from Spalding County to allow for the amendment of the Spalding County Future Land Use Map and the Comprehensive Plan from Medium Density Residential to Commercial Land Use Designation (Institutional/Public) in conjunction with a rezoning request to amend the current zoning map from R-1 to Office/Institutional.

This would be Phase Two of an office complex. This proposal is presented in conjunction with a rezoning request to allow an office/institutional park on the subject property. In July 2005 the applicant successfully zoned and amended the Future Land Use Map for the first phase of an office park development. This proposal, if approved, would serve as the final phase of development for said office park. Office/Professional Parks act as positive transition uses from intense commercial or industrial to single family residential uses. This scenario presents itself regarding this subject property. The present medium density residential designation reflects the existing land use within the immediate area. It must be noted that the proper land use designation for this request would be Commercial. Office/Institutional is designated for civic, governmental or church uses.

Staff recommends approval for Commercial Land Use designation. The Planning Commission recommended approval of the request, as well.

Road frontage from the city limits sign to Cowan Road is medium density residential. Commissioner McDaniel wondered if the Board should consider a wholesale change to the Future Land Use Map and convert all that area to Institutional/Public rather than piece-meal consideration of applications, particularly since changing the Future Land Use Map won't change zoning which would have to be considered individually.

Mr. Galloway said if the church plan at First Assembly of God comes to fruition, a text amendment would have to be done to accommodate their request anyway.

Anthony Scarpati, 319 Mathews Road, Fayetteville, Georgia

Mr. Scarpati was present to answer questions. Phase One of this project is proceeding and 16 small office buildings are planned. There was a problem with the Georgia Department of Transportation and the accel/decel lane, but as a result of this, he had been able to acquire property for Phase Two at this time. This is a transitioning area, per Mr. Taylor, to commercial from residential during the past few years. Mr. Galloway said the funeral home was zoned commercial originally for Moody Funeral Home. With regard to lighting concerns, Mr. Taylor said the Board could condition their approval to minimize impact. This property is nested in an L-shaped configuration with the property of Conner-Westbury Funeral Home virtually wrapping around it.

Commissioner McDaniel moved to approve Amendment to FLA-06-02, changing the Future Land Use Map to Commercial Land Use designation, seconded by Commissioner Davis. Motion carried by a vote of 5-0.

- 4. Application #05-23Z:** Betty C. Hewitt, Owner – Keith Moore, Agent – 1837 West McIntosh Road (1.96 acres located in Land Lot 94 of the 3rd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density to O & I, Office and Institutional.

Mr. Taylor explained that the applicant has requested approval from Spalding County to rezone the subject property from R-1 to O-1 to provide for a business office complex. Staff recommends conditional approval with the following stipulations:

- a. All structures will be constructed entirely with brick or stone facades on all sides.
- b. Only professional offices shall be allowed.
- c. A permanent structure must be erected with no temporary buildings.

- d. The site will limit all lighting so any neighboring residential properties or rights-of-way will not be affected by glare.
- e. A variance will be necessary for relief from the 70-foot setback in Office/Institutional.
- f. All parking shall be to side and rear of buildings and not between buildings and the Georgia Highway 92 right-of-way.

The Planning Commission recommended conditional approval of the request with the same conditions as noted by Staff.

Commissioner Flowers-Taylor moved to approve Application #05-23Z with the following conditions as proposed by Staff:

- a. All structures will be constructed entirely with brick or stone facades on all sides.***
- b. Only professional offices shall be allowed.***
- c. A permanent structure must be erected with no temporary buildings.***
- d. The site will limit all lighting so any neighboring residential properties or rights-of-way will not be affected by glare.***
- e. A variance will be necessary for relief from the 70-foot setback in Office/Institutional.***
- f. All parking shall be to side and rear of buildings and not between buildings and the Georgia Highway 92 right-of-way.***

The motion, seconded by Commissioner McDaniel, carried by a vote of 5-0.

- 5. Amendment to FLA-06-03:** Alan R. Mobley, Owner – Minter Road (39.96 acres located in Land Lot 42 of the 3rd Land District) – requesting an amendment from Agricultural and Open Space Network to Low Density Residential.

Mr. Taylor said the applicant is requesting approval from Spalding County to allow for the amendment of the Spalding County Future Land Use Map and the Comprehensive Plan from Agricultural and Open Space Network to Low Density Residential.

This proposal, if approved, will be followed with applications requesting rezoning and Special Exception of the subject property for a one-acre lot subdivision. The Future Land Use Map designates the subject property as Agricultural and Open Space Network; however, it is bordered by areas of low density residential. It must be noted that the low density areas reflect properties which have already been developed into one- to two+-acre lots. Approval from Agricultural to Low Density Residential could create a negative precedent for existing tracts planned for agricultural densities (one unit per every three acres). The Comprehensive Plan establishes how the County will provide all services to its residents based on existing and planned densities. Wholesale changing of Agricultural Land Use could create very difficult demands on the County's infrastructure should adequate planning not be maintained.

There are no subdivision developments close to this site. The closest is off Patterson Road, and it is comprised of two+-acre lots. The minimum house size is 1500 square feet in Agricultural. A minimum house size of 1750 square feet is proposed for this development.

If something is wrong with the Future Land Use Map (Future Land Use Map), then areas can be identified and changed, such as transitional areas, etc. The way this area is currently planned is not correct, said Mr. Mobley, and a change perhaps should be made said Mr. Taylor, in this case to go from a rural land use to a subdivision density and use. The property was inappropriately shown as rural agricultural and should be redefined as low density residential as a finding of fact, said Mr. Taylor. The property to the south would be ideal for potential Phases Two and Three, if acquired, said Commissioner McDaniel.

Dee Mays, 516 South Pinehill Road, Griffin, Georgia

This property originally belonged to his grandparents, Mr. and Mrs. R.S. Mays, so it carries a great deal of sentimental value for him. His Grandfather had family reunions, etc. there and the estate recently sold it. He doesn't want to see it cut up into flag lots and he was very pleased that the greenspace has been configured so that the development won't be visible from Minter Road. Mr. Mays fully supports this application.

Alan Mobley, 262 Mobley Road, Griffin, Georgia

A discrepancy on the map exists in that it doesn't show the subdivision across the road that he built, Glanton Woods, which was developed into one-acre lots. The property to the south is a larger tract, and he has contacted the owners already, but the property is not suitable, primarily because of unsuitable soil conditions, and this development was not taken into account when developing the FLUM. Mr. Mobley said this tract has some poor soil, as well, but he will balance out the unavailability of sewer and limited suitable soil to make for larger tracts. Mr. Mobley noted other options for use of this tract could be: 1) To tract it up into 7 tracts of 5.5 acres each with 1500 square foot houses containing no accents (garages, carports, etc.), and 2) To develop it as a mobile home park, (and there are numerous mobile homes in the area) and 3) To develop it as a conservation subdivision with 1500 square foot homes with accents and 40% greenspace. In the latter scenario there would be no requirements for how greenspace cleared and protected, as he proposes to do in his current plan. With his current plan, he can get a few more lots with increased square footage to 1750, which increases price of homes. Homes will probably be in the high \$160s.

Mr. Mobley disagreed with Staff's recommendation that there will be future problems encountered if this application were to be approved. This project will protect Minter Road with a buffer that will remain uncut. The dam was cut when the Mays family owned it. The pond will be put back in as a pond, but will also act as a detention pond. He chose to utilize the Estate Life theme and not the Country Club theme. Some amenities will be done, such as a pavilion next to the pond, and will have access from the new street. Approval of this application will result in a few more lots with larger square footage homes, more amenities, more natural area and trees left, and reestablishment of the pond, making the other options cited for this land's use inferior. Mr. Mobley said he personally would not choose to execute either of the other options himself, but he might decide to sell it if the petition were not approved.

The FLUM devalues property, in his opinion, and this is a perfect example. This land not worth what he paid if he cannot get this yield. He will be installing curb and gutter.

Commissioner Goss said he would hate to see this turn into a conservation subdivision. He asked if Mr. Mobley could get the acreage up for lot sizes? Mr. Mobley responded yes, he could take away some of the greenspace but then he might not make the requirements for the Estate Life theme. He stated he has lost one lot already to make only 25 lots from the original 26. The area between lots 8 and 9 had bad soil and drainage problems.

Commissioner McDaniel said this was a unique situation and the difference is basically 5 homes when the yield plan is said and done, but the design is a much better subdivision than a conservation subdivision, by far. Commissioner Freeman said he liked the aspect of a cul de sac development with no traffic, and the fact that Minter Road is protected. The design is a good, said Mr. Mobley.

Commissioner Goss said he had struggled with this application and would hate to take a vote tonight.

Commissioner Flowers-Taylor said this was not a good use in her opinion. She urged commissioners to stick with the FLUM plan or throw it away.

Commissioner Davis said if the property were going to be developed, and it will be, commissioners should choose the best vehicle for doing that. The land has a right to be developed as conservation subdivision.

Commissioner Flowers-Taylor said if commissioners always complain about the conservation subdivision concept, why not fix it rather than allow it to be used as a bargaining tool to get plans approved?

Commissioner Goss agreed, wondering if maybe moratorium on conservation subdivisions would be appropriate until the County can get the criteria and design requirements right.

Mr. Taylor said the County has added architectural criteria and design restrictions to the conservation subdivision, but they have not dealt with increasing the square footage for

homes, which is sorely needed in the AR districts. Staff can, with direction from the Board, explore this aspect, along with greater design criteria changes. The open ditch concept is good for the environment but has resulted in ongoing problems, so maybe curb and gutter would be better. Most recent conservation subdivisions have show marked improvements, such as the one on Swint Road and others, but there is always room for improvement. The gap identified by Mr. Mobley in that trees for greenspace could be cut is correct. The last evolution of changes saw design characteristics added but not an increase in square footage, which was still at 1500. Chad Jacobs, Senior Planner, said this design was very similar in layout to a conservation subdivision; the subtle differences are manifested elsewhere.

Commissioner McDaniel felt the other options were not viable probably because of price prohibition which would limit a return on investment in the property. He likes some aspects of the subdivision design, such as utilizing greenspace to hide most everything from Minter Road except the entrance. The land use amendment change is the greatest issue, and a major factor is to look at current area trends and realize what type trend might be started by this change. Two factors make this a difficult decision for him: 1) Changing the land use plan, and 2) the difference between open space for agricultural and low density residential.

Mr. Alan Mobley spoke again and said open space to the south obviously concerned Commissioner McDaniel greatly, and to alleviate that concern, he was open to restricting the approval to stipulate Phase one only, with no future consideration of the property to the south. The conservation subdivision design works well with sewer but won't work without sewer because of land devaluation. Better, more attractive houses with nicer lots is what will result with his design, and he urged commissioners' favorable consideration. There is, he concluded, much wrong with the Future Land Use Map.

Commissioner Flowers-Taylor moved to deny Amendment to FLA-06-03, seconded by Commissioner Goss, and motion carried by a vote of 3-2 with Chairman Freeman and Commissioner Davis voting in opposition.

6. **Amendment to FLA-06-04:** Tommy Payton, Owner – Teamon Road (8 acres located in Land Lot 170 of the 3rd Land District) – requesting an amendment from Agricultural to Low Density Residential.

Commissioner Goss said out of an abundance of caution, he would recuse himself from consideration of this application, and he left the room.

Mr. Chuck Taylor said the applicant requests approval from Spalding County to allow for amendment of the Spalding County Future Land Use Map and the Comprehensive Plan from Agricultural to Low Density Residential.

This proposal was filed in conjunction with a rezoning request to amend the current zoning map from AR-1 Agricultural to R-2, Single Family Residential. The Future Land Use Map designates the subject property as Agricultural; however, it is bordered by areas of Low Density Residential. It must be noted that the Low Density areas reflect properties which have already been developed into 1- to 2+-acres lots. Approval from Agricultural to Low Density Residential could create a negative precedent for existing tracts planned for agricultural densities (one unit per every three acres). The Comprehensive Plan establishes how the County will provide all services to its residents based on existing and planned densities. Wholesale changing of Agricultural Land Use could create very difficult demands on the County's infrastructure should adequate planning not be maintained.

Staff recommends denial of the request, while the Planning Commission recommended approval of the petition.

Commissioner McDaniel questioned the totality of the tract, which is 8 acres. The minimum tract size is 15 acres for a conservation subdivision. Mr. Taylor noted that the Planning Commission, after detailed discussion, recommended approval of the request rather quickly; their action is contained in the minutes of that meeting provided to the Board in their agenda packets. The current zoning across Teamon Road is Agricultural for surrounding property.

Dr. Kenneth Mullis, 446 Moose Lodge Road, Griffin, Georgia

He was speaking on behalf of applicant Tommy Payton, who was in an automobile accident several days ago. He presented facts to indicate this was family land inherited by Tommy and his brother. The four lots adjacent to this tract are 2-acre tracts developed by Larry, his brother. Both intended this use of the property after the inheritance, but by the time Tommy got ready to develop, the new Future Land Use Map was in progress. Dr. Mullis said he was not a developer but had helped finance the project. Mr. Payton is a contractor by trade and has built in Tennessee and Georgia over the years. The lots across the road are smaller, as are most in the surrounding area, so this plan would be improvement. Mr. Payton lives in Nashville and develops properties there. He hasn't worked for three years because of serious health problems and surgeries. Mr. Payton needs to develop this tract for financial reasons, and Dr. Mullis encouraged commissioners to please consider favorably.

Zoning Attorney Newton Galloway said the four lots adjacent were developed prior to 2001 because they predate the minimums required after 2001. The first conservation subdivision draft was done in 2001 and minimum acreage requirements changed at that same time.

Commissioner McDaniel said a recent FLUM change in the Teamon Road area is the Smoak Road node that was moved toward Baptist Camp and Jordan Hill Roads for the Minerva Sun City project. Approved subdivisions on Teamon Road predate the most recent FLUM. The Future Land Use Map was referenced for board members. The growth trend is already here in this area, and the potential for impact is greater than in the area previously discussed where Mr. Mobley wanted his development. This is a more fragile area.

Some discussion followed regarding the possibility of getting cut lots on Teamon Road, but Mr. Payton would have to have 200 feet road frontage for each lot. With available additional land to the rear of the tract, Mr. Payton would be very close to getting four lots on frontage requirements, but he was slightly short on frontage.

Commissioner McDaniel, although sympathetic to Mr. Payton's plight, moved to deny Amendment to FLA-06-04, seconded by Commissioner Flowers-Taylor, and motion carried by a vote of 3-1 with Chairman Freeman opposing and Commissioner Goss out of the meeting room, having recused himself.

- 7. Application #06-02Z:** Tommy L. Payton, Owner – Teamon Road (8 acres located in Land Lot 170 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential to R-2, Single Family Residential.

This application, since the previous Amendment to FLA-06-04 was denied, was moot.

C. Other Business:

-Consideration of a proposal to change the GIS digital data policy.

The data the County was trying to protect at the time the original policy was developed is now readily available on Internet. So, in an effort to adjust to changing technology and to recoup costs, Mr. Taylor said he has asked Bill Moore, GIS Coordinator, to address the Board regarding changing policy about selling data to outside sources.

Mr. Moore said he had reviewed the data the County could feasibly sell, along with the digital data policy. There is a fair demand for this product with frequent requests, and there are no plans to market the sale, but interest is sufficient to consider a policy change. Ms. Garrison and Mr. Wilson reviewed the proposed change during the budget process and approved, provided the Board of Commissioners gave their approval.

Commissioner McDaniel moved to approve the recommended change to the GIS digital data policy, seconded by Commissioner Davis, and motion carried by a vote of 5-0.

Commissioners then charged Staff to suggest improvements to the conservation subdivision requirements, although they were not all in favor of a moratorium on same. Mr. Taylor said he will proceed but needs feedback as to exactly what they want or don't want. He pointed out that the new Future Land Use Map tries to look out for the County's best interest in the

long run. The value of property is but one factor to consider when implementing a land use map. He also noted that greater density utilizes County services more efficiently, so density is not always detrimental. Concentrated areas of residence and business, such as village nodes, means that provision of services is more centrally located than spread out over the County for the same number of one- or two-acre lots. Discussion followed on conservation subdivisions and Mr. Taylor said he would proceed with efforts to revamp the requirements.

D. Adjournment.

Commissioner Davis moved to adjourn at 9:02 p.m., seconded by Commissioner Flowers-Taylor, and motion carried by a vote of 5-0.

County Clerk

Chairman

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