

ZONING PUBLIC HEARING

A Zoning Public Hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, August 24, 2006 beginning at 6:00 o'clock p.m. Commission Chairman Eddie Freeman presided, and Commissioners Cecil Davis, Edward Goss, Jr., and Johnie McDaniel were present. Absent was Gwen Flowers-Taylor. Also present were County Manager William P. Wilson, Jr., Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway and Executive Secretary Teresa Watson.

A. Call to order.

B. New Business:

1. **Application #06-16S:** Mercy Ogbo and Elechi Wordu, Owners – 415 Ashley Trail (0.47 acre located in Land Lot 60 of the 3rd Land District) – requesting a Special Exception to allow a general home occupation in the R-2 District.

Mr. Taylor explained the applicant is requesting a special exception to have a home occupation on property in the R02 district. The proposed home occupation will consist of a “Family Child Care Home.” Staff recommends conditional approval of this application with the following provision: The maximum number of children allowed for the Family Day Care service shall be six (6) children in accordance with state laws. The Board of Appeals recommended conditional approval with the same condition as proposed by Staff.

Some discussion followed regarding the state recommendation of 35 square feet per child. This home has 2568 square feet heated area and, considering the 25% allocation to be used toward home occupation, there is plenty of room remaining to accommodate six children.

No one was signed to speak on the petition.

Commissioner McDaniel moved to approve Application #06-16S conditioned as recommended by the Board of Appeals that the maximum number of children allowed for the Family Day Care service shall be limited to six (6) children in accordance with state law, seconded by Commissioner Davis. Motion carried by a 4-0 unanimous vote.

2. **Application #06-20S:** Dan Curtis Morgan and Linda Rhodes, Owners – 1808 Hallmark Drive (0.339 acre located in Land Lot 94 of the 3rd Land District) – requesting a Special Exception to allow a general home occupation in the R-2 District.

Mr. Taylor said this similar request was seeking approval for a Special Exception to have a home occupation on property in the R-2 district. The proposed home occupation will consist of a 1403 square foot heated home area and, if a 25% allocation is used for the home occupation, the space remaining in this instance is 350 square feet for six children. Staff felt this area was not sufficient and recommends denial. The Board of Appeals reviewed and recommended approval with condition that the number of children allowed be limited to three. Enforcement of this would be difficult, so Staff still recommends denial of the request.

Linda Rhodes, 1808 Hallmark Drive, Griffin, Georgia

Ms. Rhodes said the State has approved her residence for up to six children as a Family Child Care Home.

Mr. Taylor said the County could have more restrictive criteria than the State, and Staff felt 35 square feet per child was too small an area to be allocated. In this case, said Mr. Taylor, the available square footage was 350 square feet, and three might be more of an appropriate number, but regulation of that number might prove to be difficult. The County does not regulate the number of children tied to square footage; the 35 square feet per child requirement is a State requirement. The 25% requirement of square footage for a home occupation applies to all home occupations, not just family day care centers. More extensive discussion followed.

Commissioner McDaniel moved to approve Application #06-20S as presented, amended to condition that the maximum number of children allowed for the Family Day Care service shall be limited to six (6) children in accordance with state law, seconded by Commissioner Davis. Motion carried unanimously at 4-0.

3. **Amendment to FLA-06-05:** Alan R. Mobley, Owner – Minter Road (39.96 acres located in Land Lot 42 of the 3rd Land District) – from Agricultural and Open Space Network to Low Density Residential.

Mr. Taylor explained 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.

At the April Board of Commissioners' meeting, the Board voted to deny the request to change the Future Land Use Designation on the property.

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-acre 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.

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

Alan R. Mobley, 262 Mobley Road, Griffin, GA 30223

Mr. Mobley said he wanted to resubmit this request since he felt it had merit and would be beneficial to the County. The lot yield is 25 lots with this plan, house size is 1750 square feet, and price point will be \$160,000 to \$170,000. There will be more greenspace with better buffers. The pond will be a usable area with amenities surrounding, at his expense. The theme requires full masonry façade, results in a higher tax value and higher impact value, and will be deed restricted to prohibit a Phase 2 from developing off this tract. There will be more greenspace and is a better plan overall than the 18 lot yield on a conservation subdivision plan with 1500 square foot minimum homes. While the conservation subdivision would not be inferior and would have the same quality as other developments, this first concept produced a better subdivision visually. The community supports it, as well, and there is only a difference of 7 lots. The retention pond would be truly a retention pond with water in it year-round but with storm drains. Wooded vegetation will remain around it. A pavilion with picnic tables to be used by the homeowners is also a possibility that Mr. Mobley would accept as a condition.

Keith Duncan, 1330 Minter Road, Griffin, GA 30223

Mr. Duncan lives across the street and his brother and sister live nearby, as well. They would much rather see the larger homes to add value; there are enough smaller starter homes and mobile homes in area already. He urged approval by the Board.

Cecil Mays, 398 Merrybrook Road, Griffin, GA 30223

Mr. Mays' family has sold property to the Mobleys and he was certain they would do a good job with the project. He urged approval and concluded by saying that one street will be named after his father who, Mr. Mays was certain, would be pleased with this use of the property.

The property is adjacent to low density district and O & I (Office and Institutional) across the road, owned by a local church. Open space network and agricultural properties are also in close proximity. The parcel is three miles from Highway 19/41.

Commissioner Davis moved to approve Amendment to FLA-06-05, seconded by Commissioner McDaniel for purposes of discussion.

Commissioner McDaniel stated he had mixed feelings. This zoning change goes against the Land Use Plan with more houses, and it also contradicts the Land Use Plan. The higher end house and the difference between 18 and 25 lots do not constitute a great concern, but the largest problem for him is the Land Use Plan and his desire to adhere to it as much as possible. This property is somewhat of an anomaly in that it is in a fairly densely populated area, so he felt torn about the decision. Staff will be presenting suggested changes in conservation subdivisions soon, such as a bonus in house size anyway. The land behind this parcel is not suitable for building due to soils and Mr. Mobley has stipulated to not building a Phase 2.

Chairman Freeman concurred on the density and said he doesn't see a very big difference in the number of lots yielded on the plans.

Motion carried by a vote of 3-1 with Commissioner Goss voting in opposition.

4. **Amendment to UDO #A-06-10: Lift from the table** – Appendix A. Subdivision Ordinance – Section 501:I – amend provision for Architectural Criteria for Single Family Dwellings located within a Subdivision.

Commissioner McDaniel moved to lift Amendment to UDO #A-06-10 from the table, seconded by Commissioner Davis. Motion carried by a unanimous 4-0 vote.

Mr. Taylor said this ordinance would take the architectural standards already in place and apply them to minor subdivisions not requiring streets or infrastructure. Any subdivision created from existing road frontage that includes five lots or more would have standards applied. In discussion with Minerva for Heron Bay, Pulte Homes has a product for Sun City based on 6- and 12-roof pitches, and they would like to have us consider changing from 7- and 12-roof pitches to 6- and 12-roof pitches.

Brian Davison of Minerva spoke and said an inadvertent error was made when original approval for the active adult development was obtained. This one roof pitch condition was missed, and they are coming back to request this be changed along with the other recommended architectural criteria changes included by Staff. Mr. Davison demonstrated visually the difference between 6- and 7-foot roof pitches. They are, he stated, trying to clean up an administrative error regarding this pod.

After some discussion, it was desired that the ordinance be worded so that the main roof pitch can be 6:12 with other pitch elevations used elsewhere. Mr. Davison urged approval of the ordinance as amended with regard to roof pitch, as drafted by Jane Curtis stipulating a vertical rise of six (6) feet instead of seven (7) feet under item 1. Additionally, it was desired that both gables and porches be added to the list in that paragraph so there can be no misinterpretation.

Commissioner McDaniel moved to approve Amendment to UDO #A-06-10 with the change in roof pitch from seven (7) feet to six (6) feet for each twelve (12) feet of horizontal run, and the addition of porches and gables to the end of said paragraph (Section 1, Subsection I, paragraph 1), seconded by Commissioner Davis. Motion carried unanimously at 4-0.

C. Other Business:

1. Consider approval of a Moratorium on the acceptance of conservation subdivision applications.

On request from counsel, Commissioner Davis moved to amend tonight's agenda to reposition this consideration of a Moratorium on the acceptance of conservation subdivision applications to a point after Closed Session, seconded by Commissioner McDaniel. Motion carried by a unanimous vote of 4-0.

D. Closed Session

1. Zoning Attorney requests a Closed Session to discuss potential and pending litigation.

Commissioner McDaniel moved to enter Closed Session at 7:20 p.m., seconded by Commissioner Davis, and motion carried by a unanimous 4-0 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 August 24, 2006.

2.

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

3.

The executive session was called to order at 7:20 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 24th day of August 2006 .

Spalding County Board of Commissioners

Sworn to and subscribed

Before me this 24th day of August 2006 .

Notary Public – Teresa A. Watson (L.S.)

My commission expires:

March 3, 2007

Eddie L. Freeman, Chairman (L.S.)

Edward Goss, Jr. (L.S.)

Johnie A. McDaniel (L.S.)

Cecil L. Davis (L.S.)

Commissioner McDaniel moved to adjourn Closed Session and reconvene to Open Meeting at 7:50 p.m., seconded by Commissioner Davis, and motion carried unanimously at 5-0.

Return to Other Business (as amended previously):

1. Consider approval of a Moratorium on the acceptance of conservation subdivision applications.

Commissioner McDaniel moved to approve a Moratorium on the acceptance of conservation subdivision applications, with an effective date of August 25, 2006 at 5:01 p.m. with a termination date of December 31, 2006 at 11:59 p.m. Commissioner Goss seconded the motion which carried unanimously at 4-0.

E. Adjournment.

Commissioner McDaniel moved to adjourn at 8:00 p.m., seconded by Commissioner Davis, and the motion carried by a unanimous 4-0 vote.

County Clerk

Chairman