

ZONING PUBLIC HEARING

A Zoning Public Hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, October 26, 2006 beginning at 6:00 o'clock p.m. Commission Chairman Eddie Freeman presided, and Commissioners Cecil Davis, Gwen Flowers-Taylor, Edward Goss, Jr., and Johnie McDaniel were present. Also present were County Manager William P. Wilson, Jr., Assistant to the County Manager Paul Van Haute, Community Development Director Chuck Taylor and Senior Planner Chad Jacobs, Zoning Attorney Newton Galloway and Executive Secretary Teresa Watson.

I. Call to Order

Commissioner McDaniel made a motion to move Item #1 under New Business, Amendment to FLA-06-07, to the first order of business prior to the Closed Session since so many were in attendance on the application, seconded by Commissioner Davis, and motion carried by a vote of 5-0.

- 1. Amendment to FLA-06-07:** Holly Allison Dickson, Owner – Airport Road (0.71 acre located in Land Lot 117 of the 2nd Land District) – from Medium-Density Residential to Commercial.

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. This proposal, if approved, will be followed with an application requesting rezoning of the subject property to a commercial zoning district. The zoning probably will be with no outside storage and will be a good fit for O & I (Office and Industrial). To arrive at that classification under the comprehensive plan requires a commercial designation, said Mr. Taylor. The Future Land Use Map designates the subject property as Medium Density Residential. The north side of Airport Road is within jurisdiction of the City of Griffin, and land use patterns are areas of institutional and commercial land uses. The Spalding County side for this area is entirely residentially zoned and land use planned.

Commissioner Flowers-Taylor worried about the negative impact of such zoning to Airport Road Park and the established residential area.

The City has agreed to provide sewer to serve this site. Residents immediately east of property are already on City sewer, done just recently. When the City provided a letter committing sewer, it was contingent on their having already done an elevation study, and they have a gravitational fault. Posting is not a requirement since this is a Land Use Amendment and not a zoning issue. It will likely be December or January when adjacent property owners will be sent a notification on zoning. As far as use, this particular planned use won't be obtrusive to the neighborhood, but Mr. Taylor was concerned with setting a precedent for changing the land use designation on this small scale. Zoning requires a change to the future land use map before a zoning change. The Mattress Factory was in existence at the time the ordinance was adopted so that business is grandfathered. There is not much more commercial on this end of Airport Road.

Commissioner Davis said this was in his district and he expressed support for the change.

Commissioner McDaniel said his only problem is changing the Land Use Map just $\frac{3}{4}$ acres at a time; if it were a much larger tract it might be slightly different, but this will simply be a small spec on the land use plan. If approved, perhaps Community Development could continue with a study for the corridor. This is a connector between the Martin Luther King, Jr. bypass and Zebulon Road, both of which are commercial. There is already significant traffic on this street. At one time there was a plan to approve this street as a four-lane, which is the reason for the walking track being located so far into the parcel off the roadway.

Staff recommends denial of the request, and the Planning Commission recommended approval of the request. In his motion for approval at the Planning Commission meeting, Mr. Chastain pointed out that the area is trending toward commercial uses. The Comprehensive Plan did not identify this area as commercial but rather primarily residential; however the trending toward commercial may require that the County take a more detailed look at the area, including improvement of infrastructure to support commercial, the costs of which would be borne by the County.

Ken Gran, 15 Turner Road, Concord, GA 30206

As stepfather and real estate agent to the applicant, Mr. Gran provided a synopsis of the development and offered to answer questions. He presented letters from neighbors on each side of the property who had no objection to the application.

Brad Glass, 308 Westmoreland Road, Griffin, GA 30223

March 2005 was the start of this pest control business and they need office space for expansion. Their business won't bring a great deal of traffic since they service at customers' sites. They are a small business (just he and his father) and are looking to become more recognizable in the community. Route technicians drive their vehicles home, so probably no vehicles will be stored overnight.

Edward Bullard, 124 North Hill Street, Griffin, Georgia 30223

Mr. Bullard said most homeowners realize the area trend is to commercial and don't object to this request. It makes sense to designate it a commercial corridor and he recommended greater study. The area lies between two major commercial corridors and the trend will be to go that way, as well, he felt.

There was some question about notification, and Mr. Taylor said advertising would be done before the rezoning request with notices sent out to abutting property owners, but notification was not done for land use map amendment requests.

Commissioner Davis moved to approve Amendment to FLA-06-07, seconded by Commissioner Flowers-Taylor for discussion. Extensive discussion followed. Motion carried by a vote of 4-1 with Commissioner Flowers-Taylor opposing.

Mr. Taylor said he would like to proceed with looking at this corridor in much the same vein as Highway 92 for commercial designation, and commissioners concurred.

II. Executive Session

1. Zoning Attorney would like a Closed Session to discuss pending litigation.

Commissioner McDaniel moved to adjourn to Closed Meeting at 6:35 p.m., seconded by Commissioner Davis, and motion carried by a vote of 5-0.

Commissioner McDaniel moved to adjourn Closed Meeting and reconvene to Open Meeting at 7:35 p.m., seconded by Commissioner Davis, and motion carried by a vote of 5-0.

III. New Business

2. **Application #CS-06-06: Lift from the table:** Sketch Plan: A conservation subdivision consisting of 285.3± acres on Smoak Road located in Land Lot(s) 197, 198, 218, 219 220 and 230 of the 3rd Land District – 247 lots.

Commissioner McDaniel moved to amend the agenda to consider approval of a consent order and settlement agreement between Big Pines Farm and Spalding County to make it the next item of business, seconded by Commissioner Flowers-Taylor. Motion carried by a vote of 3-2 with Commissioners Davis and Goss opposed.

Commissioner McDaniel moved to approve the consent order and settlement agreement between Big Pines Farm and Spalding County as presented in Closed Session, seconded by Commissioner Flowers-Taylor. Motion carried by a 3-2 vote with Commissioners Davis and Goss opposed.

Commissioner McDaniel moved to lift from the table Application #CS-06-06 requesting approval of a conservation subdivision sketch plan, seconded by Commissioner Davis, and motion carried by a vote of 4-1 with Commissioner Goss opposing.

Mr. Taylor said this proposal allows the development to shrink in size but still conform to the yield plan. As a result of the provision of sewer, the development is interestingly affected. The density is low and lot size is still fairly small. This is a creative, innovative design proposing walking trails through greenspace and provides for an on-site sewerage system. A focal point at the last meeting was where to locate drip emitters or spray system for the sewer. A 100-year flood plain is indicated in lower areas along creeks in the subdivision. The developer submitted electronically a plan which indicates the systems to be on high ground rather than low areas, and this change is reflected on this plan. The developer submitted potential building elevations and a country club design for building architecture. Since effluent land application was an issue, Mr. Taylor took pictures of sites near Sun City and the working spray application at the City's discharge site on Blanton Mill Road. He noted there was a fairly expensive house right next to spray application site with no odor and appeared to pose no apparent problems. This development now consists of 247 proposed lots with two entrances.

Chairman Freeman called for public input after a brief explanation by Zoning Attorney Galloway of the consent order and settlement agreement. The Commission considered and approved the consent order and settlement agreement as presented in closed session. The property is zoned R-1 and he detailed a density of one unit to the acre when served with public water and sewer, which the developer has the option of providing. The developer is considering two options for the provision of sewer: 1) a stand-alone system by the developer, or 2) negotiated agreement with Minerva to tie onto the Sun City Peachtree development sewer system. Terms provide that legal procedures will stop, and the developer will determine which option he desires and reach an agreement for sewer from one of two alternatives and then come back to the County. Spalding County has to approve any system identified as public sewer system. If the plan is approved, litigation would stop and this plan would give the developer an option of doing a sewer service mechanism or tying onto Sun City's system, then he would return to Spalding County for approval of sewer service.

John Scott, 1906 N. 2nd Street Extension, Griffin, Georgia

His property abuts Big Pines Farm. He inquired if, after the Board decides, the next meeting would be open or in closed session. Mr. Galloway advised this was discretionary with the developer but the vote must be approved in a public meeting. They must come in and show an EPD approved design or see a method of connection to tie onto Minerva's (Sun City) system. For either way, Spalding County must approve and get a presentation of the plan. Mr. Scott stated the trails and roads are great but wondered how they would get to the sewer plant or spray field should the developer do his own sewer. Additionally, he urged commissioners to think about standing in your back yard and hearing Minerva testing their sewer; then realize that to put Mr. Hockett's optional plant even closer is bad idea from a noise standpoint, and he felt the smell would be problematic, as well. The flood plain has two or three creeks and would need bridges. Culverts and bridges will help but will get washed out in heavy rains. He did not feel Spalding County must subsidize the sewer operation rather than bonds, etc. and

wondered why they should use taxpayer money. If approved, then he would like the option of coming back at a later date with more comments.

Mr. Galloway said the developer had expressed a preference for tying onto Minerva's Sun City system. We cannot control that, but Spalding County has emphasized its preference for that option, as well.

Elton Rosser, Roosevelt Railroad, 3030 Teamon Road, Griffin, Georgia

Mr. Rosser asked if Minerva will need an easement across the railroad. Mr. Galloway said the sewer consultant for Hockett had identified four different paths to Minerva. When a path is chosen, they will deal with whatever obstacles are presented. The property development plan does not change. If the plan is approved, this plan is what will be developed. To make changes would require coming back for approval. Mr. Galloway said he doesn't see this plan changing, regardless of the type of sewer chosen. As far as development goes, traffic will present problems for the railroad crossing. Mr. Rosser said he would ask Spalding County to double indicate at Smoak Road when detours are required during development. Mr. Wilson said he would take care of that.

Terry Smith, 511 Smoak Road, Griffin, Georgia

She asked about a buffer; Mr. Taylor said 50-100 feet centrally were designed and less than 50 feet at the bottom border. The cul-de-sac at the end of road would bring the street fairly close to the property line but houses won't be located at the end. Ms. Smith wanted a minimum 100 foot buffer all the way around. Chairman Freeman said the Board will take this into consideration.

Josephine Scott, 1906 N. 2nd Street Extension, Griffin, Georgia

Mr. Hockett stated in his letter to EPD that he required 100,000 per day for homes when he will only need 60,000 gallons per day, so she inquired if he planned on selling sewerage to others. She objects to the sewer plant being put within seven miles of a drinking water intake source as it will contaminate the watershed. Plant spills and drip field leakage are also environmental issues, and taxpayers have a right to clean water. She inquired about taxpayer liability for watershed flooding at a later date if he doesn't tie onto the Minerva system. She surmised the developer would be doing more than minimal disturbance to watershed areas. The system would cross two streams, causing Spalding County to violate its own UDO. Ms. Scott asked at what point would citizens have legal recourse. Mr. Galloway repeated that Spalding County must approve any system as a requirement for either mechanism for sewer to work. On the issue of capacity -- if Mr. Hockett gets EPD, then EPD regulations apply and Spalding County will execute a trust indenture agreement to guarantee maintenance and operation of system. In this case, if he gets EPD approval, a trust indenture agreement will approximate that of the existing Minerva system. With Minerva, explained Mr. Galloway, we identified the service area. If Mr. Hockett gets EPD approval for his own system, Spalding County will do the same thing and it would limit service to approved areas absent an expansion approval by Spalding County. Spalding County cannot tell EPD what to do. Mr. Hockett's sewer consultant said as EPD permit would require a public hearing, so it would be subject to another process.

David McCorkle, 2051 East McIntosh Road, Griffin, Georgia

Mr. McCorkle was concerned with flood plain area; he has an 18-acre lake that accumulates from area watersheds, including two creeks. He inquired about plans for stormwater runoff and strongly urged consideration of further study that realistically looks at topography in this difficult situation.

Mr. Taylor said Spalding County had adopted an ordinance that requires storage and release on the property with no higher than a 100-year plan. Adverse weather from both Alberto and Opal were more along the lines of 500-year occurrences than 100-year events.

Tilman Blakely, 599 Smoak Road, Griffin, Georgia

This has been a long road and he appreciated everyone's patience. He agreed with neighbors' concerns and noted this will impact them directly. He urged caution for setting such a precedent on future developments. A conservation subdivision can have many positives, but there are also places they should not go and he felt 247 houses on a road of this kind is too much density. Even though Spalding County is currently under a moratorium, he recognized that density can cause problems and should be controlled. He questioned how far the County should go with private water treatment plants because this constitutes a precedent. He concluded by saying he hoped the Board would not accept this plan just to get out from under a lawsuit. He was concerned that by not going through a rezoning process, notification was absent. Anything of impact should require notification of some kind to residents in a larger area. PDDs require notification for a 1-1/2 mile radius, noted Mr. Taylor. No notification on this conservation subdivision was necessary, but Mr. Blakely said he had kept neighbors apprised. He understood Spalding County is reviewing conservation subdivision requirements.

Brenda Cobb, 322 Smoke Road, Griffin, Georgia

She agreed with residents' input and was concerned with water contamination. She surmised there must be liability for Spalding County and neighborhoods for dangerous runoff. Homeowners' insurance policies might not be honored if certain situations exist with knowledge.

Milton Gossett, 2405 N. 2nd Street, Griffin, GA

He felt the development should be on septic tanks and not a sewer system at all. Mr. Gossett did not agree with this development on a hill above his home.

Peter Langham, 81 Woodstock, Roswell, Georgia

He had worked on this land plan with Community Development. There is an existing road along the creek with two crossings already to the sewer plant area with roads that have been there for 20 years. The developer will be paying for sewer. They intend to meet all stormwater requirements. In the plan's design along Smoak Road, at the entrance on the northern side, a tree canopy ridge is protected and houses were pushed back so as not to be visible, which required great effort and demonstrated the developer's desire to create a quality conservation subdivision.

Commissioner McDaniel said it is a conservation subdivision design that looks much better than most that have come through the process. It is more linear without houses all lined up and incorporates natural breaks. This property is zoned R-1 and the developer can develop it as a matter of right within guidelines, including a conservation subdivision. If not approved, the County may end up with the same number of houses with much less greenspace and septic tanks. Some amenities that might not appear in standard subdivision are utilized, as well. Another thing to note is that while the land use plan may call for low density, zoning designation trumps land use plan. As R-1, he can develop under conditions of R-1 and those conditions can be much worse than what you see in this design. No one wants a sewer plant in their back yard but with current guidelines, it might not be as much a threat as previously thought.

Commissioner McDaniel moved to Application #CS-06-06, seconded by Commissioner Flowers-Taylor if stipulated more buffer for Ms. Terry Smith, if not withdraw second.

Commissioner McDaniel moved to approve Application #CS-06-06, seconded by Commissioner Flowers-Taylor, who stated her second would only be valid if the Board would stipulate that more buffer be required for area adjacent to that of Ms. Terry Smith. Commissioner Flowers-Taylor withdrew her second. Mr. Taylor and Mr. Galloway stated the Board could condition the approval in that manner if they so desired.

Mr. Taylor said the developer could come back with a redesign but would require the road be relocated in order to widen the buffer. This could be conditioned should the Board so desire. Mr. Taylor stated that part of the drip emitter system spray field is in an area of greenspace but the sewer plant, by ordinance, has to be outside the designated greenspace. Greenspace in this subdivision plan exceeds the required 40%. There is an inordinate amount of greenspace due to shrinking of lots. The closest lot is 200-300 feet from the spray field. Spray fields might be next to Mr. and Mrs. Scott's property line.

Motion died for lack of a second, resulting in no action taken. Application #CS-06-06 will be carried over to the next Board of Commissioners meeting.

IV. Other Business:

- 1. Consider extension for the Village Node Moratorium.

Mr. Galloway explained that further work was needed before the moratorium should be lifted.

Commissioner Davis moved to approve the Resolution to Extend the Moratorium on receipt, acceptance, consideration and approval of any application seeking Village Node (Village Node) zoning designation for a period to terminate on January 31, 2007, seconded by Commissioner McDaniel, and motion carried by a vote of 5-0.

V. Adjournment.

Commissioner Davis moved to adjourn at 8:30 p.m., seconded by Commissioner Goss, and motion carried by a vote of 5-0.

County Clerk

Chairman

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