

MINUTES

The Spalding County Board of Commissioners held a Zoning Public Hearing in Room 108 of the Spalding County Courthouse Annex, Thursday, August 27, 2015, beginning at 6:00 PM with Chairman Rita Johnson presiding. Commissioners Bart Miller, Raymond Ray, Gwen Flowers-Taylor and Donald F. Hawbaker were present. Also present were County Manager, William Wilson, Community Development Director, Chad Jacobs, Zoning Attorney, Newton Galloway and Kathy Gibson, Executive Secretary to record the minutes.

A. Opening (Call to Order) by Chairperson Rita Johnson.

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names and addresses and direct all comments to the Board only. Speakers will be allotted three (3) minutes to speak on their chosen topics and relate to matters pertinent to the jurisdiction of the Board of the Commissioners. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

B. New Business:

Application #15-07S: Thomas Lane Abercrombie and Allysha Abercrombie, Owners - 351 Teamon Road (8 acres located in Land Lot 118 of the 3rd Land District) - requesting a Special Exception to allow a general home occupation in the R-2 District.

Mr. Jacobs stated that the request is for a home occupation special exception at the subject property. The request is for a hair salon which would be located in the existing detached garage. The applicant has indicated that she has a small clientele and that she would be relocating from Henry County. The property has been inspected by the Fire Marshall and the Building Inspector and no deficiencies have been noted.

Mr. Jacobs stated that after review of the request staff is recommending approval as it meets all of the requirements found in section 202LL and at the regular scheduled meeting of the Board of Appeals, they also recommended approval of this application.

Lance & Allysha Abercrombie, 351 Teamon Road, Griffin, GA signed up to speak, but stated that Mr. Jacobs had presented their request very well and they had nothing to add.

Motion/Second by Hawbaker/Ray to approve Application #15-07S: Thomas Lane Abercrombie and Allysha Abercrombie, Owners - 351 Teamon Road (8 acres located in Land Lot 118 of the 3rd Land District) - requesting a Special Exception to allow a general home occupation in the R-2 District. Motion carried unanimously by all.

Application #15-10S: Ray A. Brown, Owner - Kiersten Lurer for Skyway Towers, Agent – 260 Yamacraw Road (27 acres located in Land Lot 13 of the 2nd Land District) - requesting a Special Exception to allow a telecommunication tower in the AR-1 and R-2 District.

Mr. Jacobs advised that there is an amended staff report for this request. There was a condition added to the recommendations. Mr. Jacobs stated

that this is a request for a telecommunications tower to be located on this piece of property. The tower is a 145' monopole with a 5' lightening rod on top of the pole for a total AGL (Above Ground Level) of 150'. This request has been reviewed pursuant to our guidelines in the telecom ordinance and we have found that it does meet all of the requirements within that appendix. The nearest residential structure to the proposed site of the tower is more than 600' away. The property is heavily wooded so the bulk of the tower will be visually screened by natural growth.

Mr. Jacobs then advised that this tower is located within 2 miles of the new Griffin-Spalding airport. It is also located inside the conical surface pursuant to the airport, air space map. The ring that the proposed tower site is located in asked that any structure in this area should be below 1550' AMSL (Above Mean Sea Level), the proposed tower is 881' AMSL. The owner has filed the appropriate paperwork with the FAA and the FAA has determined that the tower does not present any hazard. However, the decision still rests with the locals.

Mr. Jacobs stated that staff does recommend conditional approval, the location of the tower is not detrimental to the use or development of adjacent properties. It will not adversely affect the health or safety of area residents the location will not affect existing uses of the property and location of the tower would provide adequate coverage in an area currently lacking adequate coverage. The one condition is that the tower shall not exceed in height the requested 145' monopole with the 5' lightening rod for a total height of 150' AGL.

Kiersten Lurer, 807 S. Candler Street, Decatur, GA 30030. Ms. Lurer stated she was here to answer any questions the Board may have. She advised that the objective for this site is actually two fold. The first would be capacity relief for two of the Griffin sites that are currently experiencing heavy traffic, the additional site will help to off load some of that traffic. The second is to fill the current gap in coverage.

Motion/Second by Ray/Miller to approve Application #15-10S: Ray A. Brown, Owner - Kiersten Lurer for Skyway Towers, Agent – 260 Yamacraw Road (27 acres located in Land Lot 13 of the 2nd Land District) - requesting a Special Exception to allow a telecommunication tower in the AR-1 and R-2 District with the condition recommended by staff. Motion carried unanimously by all. Motion carried unanimously by all.

- 1. Application #FLA-15-01:** Colony Bank has requested a future land use map change from Low Density Residential to Crossroad Commercial for the following: 7610 Newnan Road (1.379 acres located in Land Lot 14 of the 1st Land District).

Newton Galloway, Zoning Attorney, requested that application FLA-15-01 and Application FLA15-01Z be consolidated for discussion purposes; however, advised that they would have to be considered and voted on individually. Should the future land use map change be denied then the rezoning would be moot.

Motion Flowers-Taylor/Ray to consolidate for the purpose of hearing Application FLA-15-01 and Application FLA-15-01Z. Motion carried unanimously by all.

Mr. Jacobs advised that this is a request by Colony Bank for a future land use map amendment from low density residential to cross roads commercial on 1.3 acres located on Newnan Road near the intersection where GDOT is constructing the roundabout. Mr. Jacobs stated that much of the property along this corridor is zoned commercial and for some odd reason this tract was left as an AR tract with commercial zoning all around it. He further stated that when you look at this from a future land use standpoint, it only makes sense to make this tract part of the cross roads commercial land use designation.

Mr. Jacobs advised that recommendation of staff is to approve the change to the future land use map as it is consistent with the goals and land use pattern of the comp plan. The Planning Commission at their regularly scheduled meeting also recommended approval as well.

Motion/Second by Miller/Ray to approve Application #FLA-15-01: Colony Bank has requested a future land use map change from Low Density Residential to Crossroad Commercial for the following: 7610 Newnan Road (1.379 acres located in Land Lot 14 of the 1st Land District). Motion carried unanimously by all.

2. **Application #15-01Z:** Colony Bank, Owner - 7610 Newnan Road (1.379 acres located in Land Lot 14 of the 1st Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to C-1, Highway Commercial.

Mr. Jacobs advised that the proposed site previously housed a daycare center. He stated that currently the zoning is AR1 and the Bank is requesting that the property be rezoned to C-1. The potential owner of the property is looking to open a business there for warehousing, but it will also house a commercial retail space.

Mr. Jacobs stated that the property is surrounded by commercial zonings on almost all sides, a majority of this area is for commercial use along the corridor. He advised that staff does not see any threat to the public in changing the zoning for this tract so approval is recommended and at their regularly scheduled meeting the Planning Commission also recommended approval.

Jeffery Alton, Colony Bank President, 205 Roberts Loop, Thomaston, GA. The property went into default the last quarter of 2014 and the bank actually took possession of the property in March of this year. We do have a potential buyer for this property. The lady does estate sales, she has come in and looked at the building and performed all of her due diligence and is interested in purchasing the building to provide storage and house the overage from her estate sales. She has expressed a desire to open the warehouse up at certain times of the year to the public so they can come in and purchase, but that would not be something that she would do on a regular basis.

Motion/Second by Miller/Ray to approve Application #15-01Z: Colony Bank, Owner - 7610 Newnan Road (1.379 acres located in Land Lot 14 of the 1st Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to C-1, Highway Commercial. Motion carried unanimously by all.

3. **Application #FLA-15-02:** McIntyre Corporation d/b/a McIntyre

Fencing Company has requested a future land use map change from Medium-Density Residential to Industrial for the following: 583, 585, 587, 661, 663, 665, 667, 669, 671 and 1065 Hudson Road (7.69 acres located in Land Lot 211 of the 2nd Land District).

4. Newton Galloway, Zoning Attorney, requested that application FLA-15-02 is for adjustment to the land use map and applications FLA-15-02Z through FLA-15-02-IZ all involve the same parcels and can be consolidated for discussion purposes; however, they would have to be considered and voted on individually. Should the future land use map change be denied then the rezoning would be moot.

Motion by Ray/Flowers-Taylor to consolidate applications FLA-15-02, FLA15-02-Z, FLA-15-02AZ, FLA-15-02-BZ, FLA-15-02-CZ, FLA-15-02-DZ, FLA-15-02-EZ, FLA-15-02-FZ, FLA-15-02-GZ, FLA-15-02-HZ and FLA-15-02-IZ for the purpose of discussion. Motion carried unanimously by all.

This parcel involves ten tracts of land were broken up back in the 40's with anticipation of residential growth; however, the area has evolved to into a more industrial type area and that is why we are here today. The second reason we are here today is the McIntyre family operates a fence company that started out as a home occupation business. Their business has grown to the point they far exceed what is allowed as a home occupation business, necessitating the need to find another location to accommodate their growing business.

Currently the 10 tracts before the board are designated in the future land use map as medium density residential. This request is asking that these lots be rezoned industrial. When you look at this area from a current land use standpoint, a service standpoint and a traffic standpoint, it is logical to see these properties go from medium density residential to industrial. Mr. Jacobs also stated it is important to mention that many of these sites are approximately 1/3 of an acre and one is approximately 1/10th of an acre and these parcels cannot be developed with a house on them.

Mr. Jacobs stated that since this area is dominated by industrial land uses, it is staff's recommendation to approve the industrial land use change as it is consistent with the goals and the land use pattern of the comprehensive plan. Additionally at their regular meeting, the Planning Commission also recommended approval.

Motion/Second by Ray/Flowers-Taylor to approve Application #FLA-15-02: McIntyre Corporation d/b/a McIntyre Fencing Company request for a future land use map change from Medium-Density Residential to Industrial for the following: 583, 585, 587, 661, 663, 665, 667, 669, 671 and 1065 Hudson Road (7.69 acres located in Land Lot 211 of the 2nd Land District). Motion carried unanimously by all.

5. **Application #15-02Z:** Christal Yancey, Owner - McIntyre Corporation, Agent - 583 Hudson Road (0.34 acre located in Land Lot 211 of the 2nd Land District) - requesting a rezoning from AR-1 Agricultural and Residential to C-2 Manufacturing.

Mr. Jacobs advised that currently on this property is a grandfathered

automobile repair garage. They have been consistent in keeping their business license current for this operation. This land is already being used in what would be more consistent with our C1(b) zoning designation, but this is a grandfathered use.

Mr. Jacobs stated that many of the parcels are so small that approval of a septic system for some of the parcels could prove to be difficult. Use of this property for a commercial/heavy industrial use would have no negative impact to the schools in the form of additional students. There is already industrial usage in this area, so there is already truck traffic, so there would be nothing added outside of the norm.

Mr. Jacobs stated that with regard to the rezoning request the staff does recommend conditional approval base on approval of the land use map. The zoning would not pose a threat to the public health, safety or general welfare beyond acceptable measures.

Conditions recommended:

- a. All separate tracts shall be combined into one tract.
- b. A minimum 50' undisturbed buffer shall be provided along the western side of the property line. Said buffer shall be supplemented with natural screen of trees and shrubs at a planting height of 6 feet where the existing buffer is insufficient.
- c. Site lighting to be designed as not to glare into adjacent residential areas or onto public streets.
- d. Pursuant to the letter submitted with the application, both the shop and office will be reroofed. The shop shall be painted a neutral color, the office will have new siding applied in a neutral color. The office shall have new plumbing, electrical and HVAC. All rotten boards to be removed and new installed. The back porch shall be removed on the office. New windows shall be installed in both the shop and the office.

Mr. Jacobs stated that the Planning Commission recommend conditional approval; however, they did add that the buffers be in place by April 2016.

Linda McIntyre, 2047 Locust Grove Road, Griffin, GA. Ms. McIntyre is the owner of McIntyre Fencing, she stated that they are family owned and operated and have been for the last 10 years. She advised that the noise from their facility will be minimal. They do very little fabricating; they will do hand railings, but that is about the limit of their fabrication.

Ms. McIntyre stated that although the rezoning will be for industrial, her plan is to keep a country home feel to the property and the buildings. There is a large wooded area to one side, she advised that they will be fencing the area off to keep four wheelers and hunters out of the area, but they have no intention of cutting any of these trees.

Christal Yancey, 73 Morgan Road, Griffin, GA this stated that her grandfather owned this property and was a mechanic. The property will remain with a family owned business. Currently the property is cut into small sections that simply do not make sense. She stated that she is looking forward to the new owners making the property beautiful.

Butch Armstead, 871 Jackson Street, Zebulon, GA. We want to keep people like this in Spalding County. He stated that this is an

incredible opportunity for Spalding County and we want to keep business like this in Spalding County.

Motion/Second by Ray/Miller to approve Application #15-02Z: Christal Yancey, Owner - McIntyre Corporation, Agent - 583 Hudson Road (0.34 acre located in Land Lot 211 of the 2nd Land District) - requesting a rezoning from AR-1 Agricultural and Residential to C-2 Manufacturing with the conditions recommended by staff and the Planning Commission. Motion carried unanimously by all.

6. **Application #15-02AZ:** Christal Yancey, Owner - McIntyre Corporation, Agent - 585 Hudson Road (0.34 acre located in Land Lot 211 of the 2nd Land District) - requesting a rezoning from AR-1, Agricultural and Residential and R-2, Single Family Residential, to C-2, Manufacturing.

Motion/Second by Ray/Miller to approve Application #15-02AZ: Christal Yancey, Owner - McIntyre Corporation, Agent - 585 Hudson Road (0.34 acre located in Land Lot 211 of the 2nd Land District) - requesting a rezoning from AR-1, Agricultural and Residential and R-2, Single Family Residential, to C-2, Manufacturing with staff and Planning Commission recommendations. Motion carried unanimously by all.

7. **Application #15-02BZ:** Christal Yancey, Owner - McIntyre Corporation, Agent - 587 Hudson Road (0.34 acre located in Land Lot 211 of the 2nd Land District) - requesting a rezoning from AR-1, Agricultural and Residential and R-2, Single Family Residential, to C-2, Manufacturing.

Motion/Second by Ray/Miller to approve Application #15-02BZ: Christal Yancey, Owner - McIntyre Corporation, Agent - 587 Hudson Road (0.34 acre located in Land Lot 211 of the 2nd Land District) - requesting a rezoning from AR-1, Agricultural and Residential and R-2, Single Family Residential, to C-2, Manufacturing with staff and Planning Commission recommendations. Motion carried unanimously by all.

8. **Application #15-02CZ:** Christal Yancey, Owner - McIntyre Corporation, Agent - 661 Hudson Road (0.34 acre located in Land Lot 221 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-2, Manufacturing.

Motion/Second by Miller/Ray to approve Application #15-02CZ: Christal Yancey, Owner - McIntyre Corporation, Agent - 661 Hudson Road (0.34 acre located in Land Lot 221 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-2, Manufacturing with staff and Planning Commission recommendations. Motion carried unanimously by all.

9. **Application #15-02DZ:** Christal Yancey, Owner - McIntyre Corporation, Agent - 663 Hudson Road (0.34 acre located in Land

Lot 211 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-2, Manufacturing.

Motion/Second by Ray/Flowers-Taylor to approve Application #15-02DZ: Christal Yancey, Owner - McIntyre Corporation, Agent - 663 Hudson Road (0.34 acre located in Land Lot 211 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-2, Manufacturing with staff and Planning Commission recommendations. Motion carried unanimously by all.

10. **Application #15-02EZ:** Christal Yancey, Owner - McIntyre Corporation, Agent - 665 Hudson Road (0.34 acre located in Land Lot 211 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-2, Manufacturing.

Motion/Second by Flowers-Taylor/Ray to approve Application #15-02EZ: Christal Yancey, Owner - McIntyre Corporation, Agent - 665 Hudson Road (0.34 acre located in Land Lot 211 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-2, Manufacturing with staff and Planning Commission recommendations. Motion carried unanimously by all.

11. **Application #15-02FZ:** Christal Yancey, Owner - McIntyre Corporation, Agent - 667 Hudson Road (0.34 acre located in Land Lot 211 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-2, Manufacturing.

Motion/Second by Flowers-Taylor/Ray to approve Application #15-02FZ: Christal Yancey, Owner - McIntyre Corporation, Agent - 667 Hudson Road (0.34 acre located in Land Lot 211 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-2, Manufacturing with staff and Planning Commission recommendations. Motion carried unanimously by all.

12. **Application #15-02GZ:** Christal Yancey, Owner - McIntyre Corporation, Agent - 669 Hudson Road (0.26 acre located in Land Lot 211 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-2, Manufacturing.

Motion/Second by Flowers-Taylor/Ray to approve Application #15-02GZ: Christal Yancey, Owner - McIntyre Corporation, Agent - 669 Hudson Road (0.26 acre located in Land Lot 211 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-2, Manufacturing with staff and Planning Commission recommendations. Motion carried unanimously by all.

13. **Application #15-02HZ:** Christal Yancey, Owner - McIntyre Corporation, Agent - 671 Hudson Road (0.05 acre located in Land Lot 211 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-2, Manufacturing.

Motion/Second by Flowers-Taylor/Ray Application

#15-02HZ: Christal Yancey, Owner - McIntyre Corporation, Agent - 671 Hudson Road (0.05 acre located in Land Lot 211 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-2, Manufacturing with staff and Planning Commission recommendations. Motion carried unanimously by all.

14. **Application #15-02IZ:** Christal Yancey, Owner - McIntyre Corporation, Agent - 1065 Hudson Road (5 acres located in Land Lot 211 of the 2nd Land District) - requesting a rezoning from AR-1, Agricultural and Residential and R-2, Single Family Residential, to C-2, Manufacturing.

Motion/Second by Flowers-Taylor/Miller Application #15-02IZ: Christal Yancey, Owner - McIntyre Corporation, Agent - 1065 Hudson Road (5 acres located in Land Lot 211 of the 2nd Land District) - requesting a rezoning from AR-1, Agricultural and Residential and R-2, Single Family Residential, to C-2, Manufacturing with staff and Planning Commission recommendations. Motion carried unanimously by all.

C. Other Business:

1. Lift from the table Amendment to UDO #A-15-05, that was tabled at the Zoning Public Hearing held on July 23, 2015.

Motion/Second by Ray/Flowers-Taylor to lift from the table Amendment to UDO #A-15-05, tabled at the Zoning Public Hearing on July 23, 2015. Motion carried unanimously by all.

Mr. Galloway advised that both A-15-05 and A-15-06 were essentially the same text amendment and can be consolidated for hearing and then voted on separately.

Motion/Second by Flowers-Taylor/Ray to consolidate UDO #A-15-05 and A-15-06 for hearing purposes. Motion carried unanimously by all.

2. **Amendment to UDO #A-15-05:** Appendix B. Ordinance Establishing Planning Commission – Section 104 - amend appointment of members; removal for cause; compensation.

Mr. Galloway stated that the purpose of this amendment is to define the qualifications to serve on the Planning Commission. The only change being made is a stipulation is being added that “No member of the Planning Commission may be employed by Spalding County or hold any other public office or position in Spalding County by appointment of the Board of Commissioners.” He advised that this is the policy that we have had in place for years, this simply clarifies the policy in the UDO.

Motion/Second by Ray/Flowers-Taylor to approve Amendment to UDO #A-15-05: Appendix B. Ordinance Establishing Planning Commission – Section 104 - amend appointment of members; removal for cause; compensation. Motion carried unanimously by all.

3. Lift from the table Amendment to UDO #A-15-06, that was tabled at the Zoning Public Hearing held on July 23, 2015.

Motion/Second by Flowers-Taylor/Ray to lift from the table Amendment to UDO #A-15-06, tabled at the Zoning Public Hearing on July 23, 2015. Motion carried unanimously by all.

4. **Amendment to UDO #A-15-06:** Appendix C. Ordinance Establishing Board of Appeals - Section 103 - amend appointment of members; removal for cause; compensation.

Mr. Galloway stated that the purpose of this amendment is to define the qualifications to serve on the Board of Appeals. The only change being made is a stipulation is being added that “No member of the Board of Appeals may be employed by Spalding County or hold any other public office or position in Spalding County by appointment of the Board of Commissioners.” He advised that this is the policy that we have had in place for years, this simply clarifies the policy in the UDO.

Motion/Second by GFT/Ray to approve Amendment to UDO #A-15-06: Appendix C. Ordinance Establishing Board of Appeals - Section 103 - amend appointment of members; removal for cause; compensation. Motion carried unanimously by all.

5. Lift from the table Amendment to UDO #A-15-07, that was tabled at the Zoning Public Hearing held on July 23, 2015.

Motion/Second by Flowers-Taylor/Ray to lift from the table Amendment UDO #A-15-07 tabled at the Zoning Public Hearing on July 23, 2015. Motion carried unanimously by all.

6. **Amendment to UDO #A-15-07:** Article 5. AR-1 Agricultural and Residential - Section 503:D(5), Article 6. AR-2 Rural Reserve - Section 603:D(5); Article 7. R-1 Single Family Residential Low Density - Section 703:D(1), Article 7A. R-1A Single Family Residential District – Section 703A:D(1), Article 8. R-2, Single Family Residential District - Section 803:D(1), Article 8A. R-2A Single Family Residential District - Section 803A:D(1), Article 9. R-3 Multiple Family District - Section 903:D(2), Article 10. R-4 Single Family Residential - Section 1003:D(1), Article 11. R-5 Single Family Residential District - Section 1103:D(1), and Article 11A. R-6 Single Family Residential Community District - Section 1103A:D(1) - amend general home occupations.

Mr. Galloway stated that this amendment revises the home occupation definition within each residential zoning classification to specifically preclude a shooting range. We were given direction to come back with a text amendment that would preclude that use as a home occupation. We did go a little further because we felt that the type of home occupations being requested would expand in the future and we would have circumstances where unexpected home occupations would be proposed and they should be analyzed to determine if they are consistent with the neighborhood and the area in which they are to be located. Therefore, in each of the zoning districts the text provides that the following are permitted as special exceptions:

“Home Occupation, general, excluding garage, repair garage, kennel, shooting range and such other proposed uses that may conflict or be inconsistent with existing nearby development or pose a threat to the public health and safety of residents of nearby properties.”

Motion/Second by Ray/Miller to approve Amendment to UDO #A-15-07: Article 5. AR-1 Agricultural and Residential - Section 503:D(5), Article 6. AR-2 Rural Reserve - Section 603:D(5); Article 7. R-1 Single Family Residential Low Density - Section 703:D(1), Article 7A. R-1A Single Family Residential District - Section 703A:D(1), Article 8. R-2, Single Family Residential District - Section 803:D(1), Article 8A. R-2A Single Family Residential District - Section 803A:D(1), Article 9. R-3 Multiple Family District - Section 903:D(2), Article 10. R-4 Single Family Residential - Section 1003:D(1), Article 11. R-5 Single Family Residential District - Section 1103:D(1), and Article 11A. R-6 Single Family Residential Community District - Section 1103A:D(1) - amend general home occupations. Motion carried unanimously by all.

D. Adjournment

Motion/Second by Miller/Ray to adjourn the meeting at 7:19 p.m. Motion carried unanimously by all.

/s/ _____
Rita Johnson, Chairperson

/s/ _____
William P. Wilson, Jr.,
County Clerk