

**After
Agenda**

**Board of Commissioners of Spalding County
Zoning Public Hearing
Thursday, July 27, 2017
6:00 PM
One Griffin Center, Solomon Street Entrance
W. Elmer George Municipal Hall**

The Spalding County Board of Commissioners held a Zoning Public Hearing at One Griffin Center, Solomon Street Entrance, W. Elmer George Municipal Hall, Thursday, July 27, 2017, beginning at 6:00 p.m. with Chairman Bart Miller presiding, Commissioners Rita Johnson, Raymond Ray, Gwen Flowers-Taylor and Donald Hawbaker were present. Also present were County Manager, William Wilson, Assistant County Manager, Eric Mosley, Zoning Attorney, Newton Galloway, Community Development Director, Chad Jacobs and Executive Secretary, Kathy Gibson, to record the minutes.

A. Call to Order

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:

- 1. Application #17-08S:** Preston Fuller and Destin N. Fuller, Owners - 74 Jonan Road (2 acres located in Land Lot 20 of the 3rd Land District) - requesting a Special Exception to allow a general home occupation in the AR-1 District.

Chad Jacobs, Community Development Director, stated this is a Special Exception Application for a general home occupation which consists of a silhouette machine that will create tee shirts and decals. This will be in the home, via mail service or online orders only. There will be no customers coming to the house.

Staff has reviewed the application and it does meet all of the requirements in Section 202LL for the Home Occupation criteria and 413G of the Special Exception criteria. Staff recommends approval. At their July 13th meeting the Board of Appeals also recommended approval by a vote of 4-0.

Mr. Wilson stated that no one had signed up to speak on this application. The Applicant was present and stated that he would answer any questions from the Board.

Motion/Second by Ray/Johnson to approve Application #17-08S: Preston Fuller and Destin N. Fuller, Owners - 74 Jonan Road (2 acres located in Land Lot 20 of the 3rd Land District) - requesting a Special Exception to allow a general home occupation in the AR-1 District. Motion carried unanimously by

all.

Motion/Second by Hawbaker/Flowers-Taylor to amend the agenda under Other Business to include further discussion on the TSPLOST currently scheduled to be placed on the November, 2017 ballot or move to one of two available dates in 2018. Motion carried unanimously by all.

2. **Application #17-05Z:** David W. Morrison and Kimberly L. Morrison, Owners - 207 Cecil Jackson Road (3 acres located in Land Lot 229 of the 3rd Land District) - requesting a rezoning from AR-1, Agricultural and Residential and R-2, Single Family Residential, to AR-1, Agricultural and Residential.

Mr. Jacobs stated that this property is currently split-zoned, but bulk of the property is currently R2, Single Family Residential, with the remainder of the property being AR1. He stated that AR1 on tracts of 3 acres or more specifically allow livestock.

The current owners purchased the property and have more than one horse. We do allow a horse in the R Districts, but it is one horse for every 3 acres. They have more than one horse and considering other animals such as goats, so they wanted to have the flexibility and only the AR1 District will allow that.

Mr. Jacobs then advised that the Future Land Use map does support this zoning, so it is consistent with the request. Staff does recommend approval of the request and at their meeting on June 27, the Planning Commission also recommended approval by a 5-0 vote.

Mr. Wilson stated that no one had signed up to speak on this application, the applicant was available should the Board have any questions.

Commissioner Flowers-Taylor then asked what Mr. Jacobs would suggest to remedy the problem of split-zoning as there seems to be a lot of property in Spalding County that has this type of zoning problem.

Mr. Jacobs stated that the only remedy to the current split-zoning situation would have to be a mass rezoning of all the properties that are involved. He stated that he would have to do a GIS search to determine how many parcels that we have in the County that are split-zone. He stated that he would recommend that he get the number of parcels involved and come back to the Board.

Mr. Galloway, Zoning Attorney, stated that the problem with the split-zoning is under the 1962 Zoning Ordinance and map and prior to zoning procedures laws, the County adopted zoning that zoned 500' back from many of the state highways and major roads to be R2 and then the rest of the track was left at what was that time M1 which has become our AR1. This is all over the County and it is not easily fixed.

Commissioner Flowers-Taylor then added that she feels like homeowners who want to change their split-zoning have to go through a number of steps in order to get it done. We have a Future Land Use Map and we know what we want it to be, then we should start trying to shape the County to fit.

Mr. Jacobs stated that he would recommend no action until we approve the new Comp Plan and the new Future Land Use Map in October 31 of this year. That way we will know in what direction we want to go.

Mr. Galloway stated that if a parcel does have split-zoning then the rezoning application is based on the parcel, so there would be a single rezoning application, but it would provide for rezoning from two districts to one.

There is also a provision in the zoning ordinance that if a number of people who have properties adjacent to each other wanted to come in and rezone all of them at the same time, there are reductions in certain fees and costs to facilitate their being able to come in and rezone multiple parcels at one time.

Motion/Second by Flowers-Taylor/Johnson to approve Application #17-05Z: David W. Morrison and Kimberly L. Morrison, Owners - 207 Cecil Jackson Road (3 acres located in Land Lot 229 of the 3rd Land District) - requesting a rezoning from AR-1, Agricultural and Residential and R-2, Single Family Residential, to AR-1, Agricultural and Residential. Motion carried unanimously by all.

3. **Application #FLUMA-17-02: Lift from the table** - Robert M. Goldberg has requested a future land use map change from Low-Density Residential to Commercial for the following: 2693 Williamson Road (3.110 acres located in Land Lot 43 of the 2nd Land District).

Motion/Second by Flowers-Taylor/Ray to lift from the table Applications #FLUMA-17-02 and Application #17-05Z: David W. Morrison and Kimberly L. Morrison, Owners - 207 Cecil Jackson Road (3 acres located in Land Lot 229 of the 3rd Land District) - requesting a rezoning from AR-1, Agricultural and Residential and R-2, Single Family Residential, to AR-1, Agricultural and Residential. Motion carried 4-1 (Commissioner Hawbaker recused himself from the voting on this matter).

Mr. Galloway stated that Item #3 and 4 could be consolidated for purposes of the hearing, but they will need to be voted on separately and if you deny the FLUMA there is nothing to vote on for the rezoning.

Mr. Jacobs stated that the Future Land Use Map would be discussed first. As indicated, this is a request to change from low density residential to commercial for an office space, less than 5000 square feet. This property is primarily surrounded by low density residential. There is a proposed village note at the corner of Rover-Zetella and Moreland. The nearest commercial zones would be closer to the City Limits where Pinehill crosses SR362.

Staff is concerned that the uses within in this area are currently agricultural or residential. In transitioning over to the rezoning request, the current zoning mirrors what you see with the Future Land Use as essentially AR1 zoning in the entire area. There is a small area at the corner of Moreland and Rover-Zetella that is zoned C1, but essentially the area is AR1, Agriculture Residential and the other within the area is R1-Single Family Residential. Staff is recommending denial of both requests because this an established agricultural/residential corridor. Denial is recommended for both the Future Land Use Map request and also for the rezoning request.

Commissioner Flowers-Taylor asked if the applicant currently resides in the home being considered.

Mr. Jacobs advised that the applicant does not reside in the home, if so, one of the options at their disposal would have been a home occupation. He stated that it was previously the applicant's residence, but is not longer. It is currently being used as an office.

Mr. Jacobs added that the Planning Commission, at their May 30th, meeting recommended denial of the Future Land Use Map by a vote of 5-0 which made the rezoning request moot.

Commissioner Flowers-Taylor asked if the requested zoning was for O&I.

Mr. Jacobs advised that he had suggested O&I to the applicant as this zoning is a transitional type zoning, it is utilized to transition from a commercial to a residential zoning. We don't have a lot of this zoning in the County, one example is on SR92 in front of Conner-Westbury Funeral Home those buildings are zoned O&I in 2005 or 2006 to transition from residential in the area.

Commissioner Flowers-Taylor stated by the intended use of the property being for an attorney's office, she can't see where it would be detrimental for the neighborhood to approve this zoning.

Mr. Jacobs advised that when this property was transitioned over to an office, the County was not notified. Where a house is built to residential standards, he stated that he does not know if that house conforms to building code for commercial or office. Furthermore, this is located on SR362 and ingress/egress is governed through GDOT and since it never went through an official process, he doesn't know if they have the proper ingress and egress for this property.

Mr. Jacobs stated that the concern staff has is the way the land use patterns were established in the land use map. It was determined that state routes should not be dotted with commercial planning because it becomes a problem from the service delivery and curb cut standpoint. This zoning would be on a state route in the middle of an agricultural/residential area.

Mr. Galloway advised that generally the Williamson Road corridor from the railroad to the Pike County Line is AR1. It is either really active farms, or it is residential.

Commissioner Flowers-Taylor stated that the parcel in question is a much smaller parcel than others surrounding it. She then asked where we want to go with this area.

Mr. Jacobs advised that based on the Future Land Use Map, that area immediately surrounding the subject property is planned low density residential. At this time a developer could go in there and apply for a special exception subdivision for one unit on every acre since there is no sewer in that area.

Mr. Wilson advised that there are four people signed up to speak:

Robert Goldberg stated that he owns the property in question, but currently resides at 225 Broadmoor Drive, in Fayetteville. He advised that he purchased this property in 1998 and it was their home until 4 years ago. He stated that at that time his children were in high school and they had never lived in a suburban area so they moved from a rural area into Peachtree City so they could live in a suburban area and live the "golf cart life" and play tennis.

Mr. Goldberg stated that even though they moved out of this house, they loved the house, they love the people in Spalding County. He stated he felt that since they didn't want to sell the house, if he established an elder law practice at this location it would be perfect for what they are trying to do. They are trying to have a location that is welcoming and will give people peace of mind.

Mr. Goldberg then stated that he is not asking for a "spot zone" he is asking for a solution so that he can utilize what was once his residence as a place where he can now earn a living and support his family. He further stated that he had found a C1A zoning which is not commercial and a law practice is an acceptable use. Whatever we can do with whatever conditions, he just wants to use this location for his individual use as a law practice.

Mr. Goldberg then showed how the neighbors were utilizing their property around his property. He stated that this property will have no noise, no bright lights, they will not be bothering anyone. He advised that one neighbor keeps his commercial truck on his property next door, the neighbor to the back of his property has a large garage. He asked that the Board grant his request for his individual use of this specific residence for this specific use under whatever conditions you want to place on it.

Spoke against the rezoning of this property:

Allen McCallum, 2831 Williamson Road, Griffin, Georgia.

Kim Stone, 2715 Williamson Road, Griffin, Georgia.

Motion/Second by Flowers-Taylor/Johnson to approve Application #FLUMA-17-02: Robert M. Goldberg has requested a future land use map change from Low-Density Residential to Commercial for the following: 2693 Williamson Road (3.110 acres located in Land Lot 43 of the 2nd Land District).

Commissioner Johnson stated that as much as she appreciates the applicant's intention for this property, in the past we have changed the Future Land Use Map and opened ourselves to problems later. She stated that she has learned, while sitting on the Board, to pay attention to the residents and respect the zoning as it is and to trust the staff in the decision that they have made. Given that she is going to request that the Future Land Use Map remain as it is.

Motion failed 1-3 (Miller/Ray/Johnson) (Commissioner Hawbaker recused himself from the vote on this matter).

Motion/Second by Ray/Johnson to deny Application #FLUMA-17-02: Robert M. Goldberg has requested a future land use map change from Low-Density Residential to Commercial for the following: 2693 Williamson Road (3.110 acres located in Land Lot 43 of the 2nd Land District). Motion carried 3-1 (Flowers-Taylor)(Commissioner Hawbaker recused himself from the vote on this matter).

- 4. Application #17-03Z: Lift from the table - Robert M. Goldberg, Owner - 2693 Williamson Road (3.110 acres located in Land Lot 43 of the 2nd Land**

District) - requesting a rezoning from AR-1 Agricultural and Residential to O & I Office and Institutional.

As application #FLUMA-17-02 was denied, no other action was taken on this Application.

C. Other Business:

Commissioner Hawbaker requested to amend the agenda to include further discussion on the TSPLOST currently scheduled to be placed on the November, 2017 ballot or move to one of two available dates in 2018.

Commissioner Hawbaker stated that over the past week there have been emails exchanged regarding if the County could be prepared to provide a citizens' committee and the voters-at-large sufficient information to cast a knowledgeable vote if the TSPLOST election proceeded as scheduled. There is a possibility to move a TSPLOST of March 20th and November 6th, 2018.

Commissioner Hawbaker then stated that given the tremendous amount of need for transportation related projects in this County. This may be the only TSPLOST we ever have. It is easy for us, as Commissioners, to select the projects that need to be addressed. He does feel like the resurfacing list could have been a little bit more selective about which roads are to be resurfaced, rather than using the PASER ranking system.

Commissioner Hawbaker stated that he personally feels that we can get the word out by November 7th in terms of costs and benefits that will allow residents to make an informed decision. He stated that due to the amount of the TSPLOST and the projects to be addressed it will be impactful enough by leaving it at a November vote. The advantage to a November election is there are four seats up on the City Commission and that should enhance voter turnout at least in the City precincts whereas the March 20th referendum would be a single item on the ballot which would likely diminish the turnout.

Commissioner Hawbaker further stated that if the decision is to delay the TSPLOST that some of the current SPLOST funding be utilized to better define projects and give as complete as possible cost estimate for the roads that are selected. To possibly include an estimate of which dirt roads slated for paving will supported by the recently announced policy of 100% donation of right-of-way from the residents.

Mr. Wilson stated that the City of Griffin submitted their projects to us on Tuesday of this week. Everything has been submitted to King and Spalding and we are ready to go for the November election. They are drafting the intergovernmental agreement and call for the election right now. He advised that he was asked by Commissioner Flowers-Taylor to get possible dates for 2018, but staff has been under the impression that we are going to move forward with a November 2017 Referendum. However, if you want to put it off, we can, but he wanted the Board to know that staff is ready, King and Spalding is ready, the bonding company is ready, the City of Griffin is actually going to bond some of their projects and the City list is in. So we are good to go and August 7th is the date set for the intergovernmental agreement and the call for the election.

Commissioner Ray stated in that case there is no reason not to go ahead and "pull the trigger." Let's do this.

Commissioner Flowers-Taylor stated that whatever the majority of the Board decides is fine, but her own personal issue is the fact that we did not have any citizen input into this.

Commissioner Johnson stated that if the City is ready to go and the potential for having a better voter turnout is better in November, we just have to hope that we get the “yes” vote.

Commissioner Hawbaker stated that he would like to add or replace one resurfacing project. It's not in the district he represents, it is Commissioner Flowers-Taylor's district. That would be setting aside funds so that as soon as Intersection #3 is complete that all of N. Hill Street from Intersection #3 to Intersection #2 be resurfaced. That road is heavily traveled by the folks that he represents and when he surveyed those residents resurfacing of Baptist Camp Road was their #1 interest and the resurfacing of that section of N. Hill Street was their #2 priority. He added that the voters in Commissioners Flowers-Taylor district could support this additional project as well.

Mr. Wilson stated that this road is a short distance and it can be added because we only had designated 78 miles of road for resurfacing. He reminded everyone that the Board had voted to have N. Hill Street after the intersections are finished be included in the LMIG. We still submit LMIG every year and it can be submitted for the LMIG.

Commissioner Ray stated that he would like to have the list for TSPLOST remain as it is and have N. Hill Street resurfacing included on the LMIG after the intersections are complete as we have already voted.

Motion/Second by Hawbaker/Johnson to add N. Hill Street from Intersection #2 to Intersection #3 as part of the TSPLOST resurfacing. Motion carried 3/2 (Miller/Ray).

D. Adjournment

Motion/Second by Flowers-Taylor/Johnson to adjourn the meeting at 7:15 p.m. Motion carried unanimously by all.