

ZONING PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, February 28, 2008 beginning at 6:00 o'clock p.m. with Commission Chairman Edward Goss, Jr. presiding and Commissioners Eddie Freeman, Johnie McDaniel and David Phillips present. Also present were County Manager William P. Wilson, Jr., Zoning Attorney Newton Galloway, Community Development Director Chuck Taylor, Community Development Senior Planner Chad Jacobs, and Executive Secretary Teresa Watson.

A. Call to order.

B. New Business:

1. **Application #08-01S:** Mark and Elizabeth M. Head, Owners – 235 Field Road (2.54 acres located in Land Lot 9 of the 3rd Land District) – requesting a Special Exception to allow a Class A Manufactured home in the AR-1 District.

The applicant requests a Special Exception to place a new manufactured home on property within the AR-1 district. The proposed home has approximately 1638 square feet of heated space. Mr. Taylor oriented commissioners to a site map of the property in question. Staff and the Board of Appeals recommend approval of the request.

Motion to approve Application #08-01S by Commissioner Phillips, seconded by Commissioner McDaniel, carried by a vote of 4-0.

2. **Application #07-19Z:** Steve Morris, Owner – 2625 North Expressway (1.52 acres located in Land Lot 103 of the 2nd Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Mr. Taylor advised the applicant has requested approval from Spalding County to rezone the property for purposes of operating businesses that require outside storage such as automotive repair. Staff and the Planning Commission recommend approval of the request with the following conditions:

- a. Site lighting to be designed so as to not glare in adjacent residential areas or onto public streets.
- b. Any areas that are not graveled or concrete shall be stabilized with permanent vegetation.
- c. Any construction debris exposed or buried shall be removed from the site and properly disposed.
- d. That outside storage be limited to vehicles for sale.

Steve Morris, 389 Brooks Woolsey Road, Fayetteville, Georgia
He has this property leased on the contingency he can obtain the desired zoning change.

Mr. Morris answered Commissioner Freeman that only a few cars could be placed outside and in the front because space is limited and they will agree that it shall be limited only to vehicles for sale. The main nature of this business is the installation of radios, sound systems, and possibly wheels for automobiles.

Motion to approve Application #07-19Z by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 4-0.

- a. *Site lighting to be designed so as to not glare in adjacent residential areas or onto public streets.*
- b. *Any areas that are not graveled or concrete shall be stabilized with permanent vegetation.*
- c. *Any construction debris exposed or buried shall be removed from the site and properly disposed.*
- d. *That outside storage be limited to vehicles for sale.*

3. **Application #07-20Z:** Shirley Crowley Knight and Richard W. Knight, Owners – Dick Slade, Agent – 132 Airport Road (0.598 acres located in Land Lot 140 of the 2nd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to O & I, Office and Institutional.

Mr. Taylor advised the applicant has requested approval from Spalding County to rezone the subject property from R-1 to O & I and allow the existing structure to be used as a business office. He identified the property for commissioners on a site map. Staff agrees O & I is a proper use for this application and recommends conditional approval with the following stipulations, and Planning Commission recommends approval with the same conditions:

- a. A variance will be necessary for relief for the principle structure from the 100-foot front setback in O & I.
- b. The garage shall be eliminated or a variance approved to comply with the side and rear setback requirements.
- c. The site will limit all lighting so any neighboring residential properties or rights of way will not be affected from glare.

Ray Browning, 732 West Solomon Street, Griffin, Georgia
He was speaking on behalf of Mr. Slade who was agent for the property owners. He offered to answer questions and agreed this area was very much in transition to commercial.

Commissioner McDaniel asked if applicant decided to use the garage structure, would he or she have to apply with two separate requests for a variance, and the response was no.

Motion to conditionally approve Application #07-20Z, with the following requirements, by Commissioner Freeman, seconded by Commissioner Phillips, carried by a vote of 4-0.

- a. *A variance will be necessary for relief for the principle structure from the 100-foot front setback in O & I.*
- b. *The garage shall be eliminated or a variance approved to comply with the side and rear setback requirements.*
- c. *The site will limit all lighting so any neighboring residential properties or rights of way will not be affected from glare.*

4. **Amendment to UDO #A-08-01:** Quarterly adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

Mr. Taylor advised the parcel layer and recent rezonings had been updated to the map. He responded to Commissioner Freeman that this should incorporate all necessary changes and, on approval, this would be posted as the official zoning map.

Motion to approve Amendment to UDO #A-08-01: Quarterly adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County by Commissioner McDaniel, seconded by Commissioner Phillips, carried by a vote of 4-0.

5. **Amendment to UDO #A-08-02:** Article 17B. AAR Active Adult Residential – amend development review and approval process for subdivision approval.

Mr. Taylor stated this amendment pertained to Sun City's active adult residential development, specifically with regard to the model homes. The concept of allowing the buildout of model homes prior to complete subdivision approval was implemented at the request of Sun City so they could market with their model homes, but the practice has proven to be problematic. This amendment recommends deleting this section, effective April 1, 2008. This effort was a noble try, noted Zoning Attorney Galloway, but was not workable going forward.

Motion to approve Amendment to UDO #A-08-02: Article 17B. AAR Active Adult Residential – amend development review and approval process for subdivision approval by Commissioner McDaniel, seconded by Commissioner Phillips, carried by a vote of 4-0.

6. **Amendment to UDO #A-08-03:** Article 5. AR-1 Agricultural and Residential – Section 503:A(8) and Article 11. R-5 Single Family Residential – Section 1103:A(8) – amend permitted uses to allow Class A Manufactured Home by right when replacing an existing manufactured home.

Mr. Taylor noted this amendment actually expands the definition of "existing." "Existing" was treated by the County in its most literal form, but several commissioners felt it incumbent on the County to create a window of opportunity, and a 180-day lead time was allowed without having to come before the Commission for approval of a replacement manufactured home where one previously existed. Commissioner Freeman asked about the time period allowed being increased to twelve months, and some discussion followed.

Mr. Galloway said this issue arose when the ordinance was changed years ago to make manufactured homes a Special Exception process. Replacement was a non-conforming use and a Special Exception was required, even if the existing manufactured home was sitting on the site. Most were approved without comment so the Board decided to approve these as a matter of right. He cautioned that, with regard to a specified time limit, every time a line is drawn, there will always be someone just past that line to constitute a possible exception to the rule. The time limit can be set to whatever the Board desires; they can adjust the six month, or 180-day, window to a year. However, he cautioned, there will always be someone who needs the line moved. He explained the rationale behind the six-month requirement and the language for what proof is required to demonstrate a home's existence and use as a residence.

Motion to approve Amendment to UDO #A-08-03: Article 5. AR-1 Agricultural and Residential – Section 503:A(8) and Article 11. R-5 Single Family Residential – Section 1103:A(8) – amend permitted uses to allow Class A Manufactured Home by right when replacing an existing manufactured home as presented by Commissioner McDaniel, seconded by Commissioner Freeman, carried by a vote of 4-0.

7. **Amendment to UDO #A-08-04:** Article 5. AR-1 Agricultural and Residential District, Article 6. AR-2 Rural Reserve District, Article 7. R-1 Single-Family Residential Low Density District, Article 7A. R-1A Single Family Residential, Article 8. R-2 Single Family Residential District, Article 8A. R-2A Single Family and Two-Family Residential District, Article 10. R-4 Single Family Residential District, Article 11. R-5 Single Family Residential District, Article 11A. R-6 Planned Residential Community District, and Article 13. C-1A Neighborhood Commercial – amend Personal Care Homes as special exception use; Article 12. C-1 Highway Commercial, Article 14. C-1B Heavy Commercial and Article 19. O-I Office and Institutional District – amend Personal Care Homes as principal use.

Mr. Taylor explained this amendment incorporates some changes, such as Fire Marshal inspections, to which he would like to add building inspections, and fine tunes the process so that Staff and the Zoning Attorney are satisfied with the final product.

He asked if Staff, because of severe time restraints on personal care homes that were in process at the time the moratorium was implemented, could go ahead and take in applications prior to this amendment's second reading. Some business license applications received just prior to the rate change which beat the moratorium but still will require a Special Exception, so his Staff needs some direction as to how to handle these pending applications.

Mr. Galloway said he had no problem with inspections but timeline issues will depend on an individual case basis. Commissioner Phillips saw no problem with Mr. Taylor's request.

One change from the Planning Commission process was that a personal care home can have professional caregiver who come and go without actually residing in the home. The first draft of this amendment had a square footage requirement of 1500 and two people with the assumption of live-in help. He urged the Board to keep that limitation to 4 persons but define a resident as a client, caregiver or other adult or child domiciled in the dwelling, and he noted that the word domiciled had specific legal meaning. This would not preclude adult drop-in care as long as the clients did not reside there. Personal care homes in residential and agricultural settings will always be Special Exceptions but in commercial or O and I settings, they will become principal uses.

Motion to approve with conditions as set forth by staff: to include building inspections alongside Fire Marshal inspections, and acceptance of the Special Exception applications prior to second reading, was made by Commissioner Phillips, seconded by Commissioner McDaniel, and carried by a vote of 4-0.

Commissioner Freeman requests a text amendment on hospice care, as well, and Mr. Galloway said he and Staff would proceed as directed.

Chairman Goss requested they also look at requiring a 100-foot buffer around package sewer plants and spray fields.

C. Other Business:

1. Zoning Attorney Newton Galloway has requested an Executive Session to discuss pending litigation.

Motion to Adjourn to Closed Session at 6:50 p.m. by Commissioner McDaniel, seconded by Commissioner Phillips, carried by a vote of 4-0.

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 February 28, 2008.

2.

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

3.

The executive session was called to order at 6:50 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 28th day of February 2008 . Spalding County Board of Commissioners
Sworn to and subscribed Edward Goss, Jr., Chairman (L.S.)
Before me this 28th day of February 2008 . David Phillips (L.S.)
Eddie L. Freeman (L.S.)
Notary Public – Teresa A. Watson (L.S.) Johnnie McDaniel (L.S.)
My commission expires: March 1, 2011

*Motion to Adjourn Closed Session and Reconvene to Open Meeting at 7:19 p.m. by
Commissioner McDaniel, seconded by Commissioner Freeman, carried by a vote of 4-0.*

D. Adjournment

*Motion to Adjourn at 7:20 p.m. by Commissioner McDaniel, seconded by Commissioner Freeman,
carried by a vote of 4-0.*

Chairman

County Clerk

.....