

ZONING PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, March 22, 2007 beginning at 6:00 o'clock p.m. with Commission Vice Chairman Johnie McDaniel presiding and Commissioners Gwen Flowers-Taylor (departing early), Edward Goss, Jr. and Commissioner David Phillips (arriving late) present. Absent was Chairman Eddie Freeman. Also present were County Manager William Wilson, Zoning Attorney Newton Galloway, Community Development Director Chuck Taylor, Senior Planner Chad Jacobs, and Executive Secretary Teresa Watson.

A. Call to order.

Vice Chairman McDaniel read the rules pertinent to the public hearing.

B. **New Business:**

Motion to amend the agenda to move Items 4 and 5, Amendment to FLA-07-03 and Application #07-01Z, to Items 1 and 2 in the order of consideration was made by Commissioner Flowers-Taylor and seconded by Commissioner Goss. Motion carried by a unanimous vote of 3-0.

- 1. Amendment to FLA-07-03:** Robert G. Chapman, Owner – Jim Murray, Agent – Northwest corner of Georgia State Route 92 and Westmoreland Road – from Low-Density Residential and Open Space Network to Commercial.

Motion by Commissioner Flowers-Taylor to table FLA-07-03 to the April Zoning Public Hearing, seconded by Commissioner Goss, carried by a unanimous vote of 3-0.

- 2. Application #07-01Z:** Robert G. Chapman, Owner – Jim Murray, Agent – Northwest corner of Georgia State Route 92 and Westmoreland Road (5.601 acres located in Land Lot 36 of the 3rd Land District – requesting a rezoning from R-2, Single Family Residential, to C-1, Highway Commercial.

Motion by Commissioner Flowers-Taylor to table Application #07-01Z to the April Zoning Public Hearing, seconded by Commissioner Goss, carried unanimously at 3-0.

- 3. Application #06-38S: Lift from the table** – Earby H. Henderson and Anna V. Henderson, Owners – Buddy's Homes, Agent – Amelia Road (5.69 acres located in Land Lot(s) 108 and 109 of the 2nd Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Motion to lift from the table was made by Commissioner Flowers-Taylor, seconded by Commissioner Goss. Motion carried by a unanimous vote of 3-0.

Mr. Taylor explained the applicant requests a Special Exception to place a new manufactured home on property located within the AR-1 district. The proposed home has approximately 1560 square feet of heated space. Per the applicant, the total cost of the home will be approximately \$75,600.00.

The Board of Commissioners tabled this item at the last meeting. Staff recommends approval of the application, but the Board of Appeals recommends denial of the request.

Becky Villyard, 1481 Standing Rock Road, Senoia, Georgia

Ms. Villyard stated she applied because her mother and father are in poor health. They have six acres and she urged the Board's favorable consideration. Financially, it would help to put manufactured home there after looking at other options, including stick built homes. The other options would pose a financial hardship, and this option would benefit both her and parents. Commissioner Flowers-Taylor said a DCA home (modular) is eligible to be placed on the property, as well, which would be an improvement over the manufactured home for slightly more money. Ms. Villyard said she knew that, but to do so would place a financial strain on her family.

Kevin Drury, 8500 Tara Boulevard, Jonesboro, Georgia

Mr. Drury, of Buddy's Homes, said the Hendersons have owned the property for 30 years and live on the adjacent lot just in front of the property in question. Both are in poor health; he had a stroke and also suffers from Parkinsons. Ms. Villyard needs to be closer to her parents, and it is more feasible for her to move closer to them. They have discussed a DCA home, but the cost difference is about \$20,000-25,000 with no aesthetic difference between the two. Both would be on concrete block foundations per Spalding County specifications; both would have a

minimal 4:12 roof pitch; both would have vinyl siding. The two would look identical, but the infrastructure would involve a greater expense for the DCA home.

Peggy Ponder, 505 Amelia Road, Griffin, Georgia

Ms. Ponder lives next to Herbert and Linda Miles, who own the property next to this tract in question. She spoke last month and still opposes the application, even though she sympathizes with the Hendersons.

Mr. Taylor advised this is a non-conforming, legally created, landlocked property. In order to accommodate a building permit, there is an access easement from Amelia Road – a 30' ingress/egress easement which terminates at the property line. Currently there is a single wide mobile home on Ms. Villyard's parents' property. Mr. Taylor identified parcels on a map.

Discussion followed regarding the possibility of seeking a hardship application for a temporary manufactured home, but the applicant has not sought this designation. Should the tracts be combined, as mentioned, the second tract could not be buildable in the future as it would lose its grandfathered status as a non-conforming, legally created, landlocked property. Only one dwelling can be placed on one piece of property except in a hardship situation which accommodates a specific need only temporarily and is primarily used for medical hardships. Once the hardship ceases, then any additional dwelling must be removed from the property. Discussion followed.

Commissioner McDaniel asked that, in future background provided by staff, the trend documentation reflect the year that manufactured homes are placed, to more accurately reflect the area building trends. Staff is bound by the County Ordinance to review the trend for an area one-half mile around a property being considered. Commissioner Phillips arrived. It was noted that this area has a very diverse mixture of homes and tract sizes.

In view of the trend of the area, Commissioner Flowers-Taylor had hoped Ms. Villyard could explore a possible DCA home instead of a manufactured home. She had not been convinced this situation was solely based on the medical hardship of the Hendersons.

Motion to deny Application #06-38S was made and seconded by Commissioner Flowers-Taylor and Commissioner Goss respectively, and motion carried unanimously at 4-0.

4. **Application #07-03S:** Ricky A. Parker, Owner – Buddy's Homes, Agent – 121 Wild Plum Road (1.992 acres located in Land Lot 242 of the 2nd Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Mr. Taylor stated the applicant requests a Special Exception to place a new manufactured home on property within the AR-1 district. The proposed home has approximately 2280 square feet of heated space. Per the applicant, the total cost of the home will be approximately \$79,000. This property is located in the Arthur K. Bolton overlay zoning district. A variance was granted by the Board of Appeals that allows altering a non-conforming use in order to accommodate locating a mobile home on this site. Staff recommended approval of the variance but, after review of surrounding demographics, they recommend denial of this Special Exception application. The Board of Appeals recommends conditional approval of the request with the following stipulation: The mobile home must meet the required 100 foot front yard setback.

Commissioner Flowers-Taylor asked about the Arthur K. Bolton overlay which goes back 750 feet but encompasses properties that may go deeper than that in their entirety. It was noted that land uses will not be affected by this action, should the application be approved.

Dorothy (Dee) Fowler, 121 Wild Plum Road, Griffin, Georgia

Ms. Fowler was the applicant and offered to answer questions. She detailed her situation and provided pictures to commissioners so they could better visualize her request. Ms. Fowler stated the new home would be about twice as big as the current one on the property. She and her family, including her teenagers, would enjoy more room and extra bathrooms whereas they presently have only one bathroom for everyone. Most mobile homes further down the road are rental properties and she felt her new manufactured home would improve the area.

Kevin Drury, 8500 Tara Boulevard, Jonesboro, Georgia

On behalf of Buddy's Homes, he echoed the sentiments of Ms. Fowler, stating that the existing home will be removed from the site and the front yard will be cleaned up. This property will be one of the nicer looking homes in this immediate area. This 2300 square foot home will be an improvement over the fifteen-year-old home currently there. The Board of Appeals, he noted, gave unanimous approval to this request.

Some discussion followed regarding Staff findings and the Board of Appeals action previously, home trends in the area, positioning of the manufactured home on the property and other aspects.

Motion to approve Application #07-03S with the Board of Appeals condition as follows was made by Commissioner Phillips, seconded by Commissioner Goss, and motion carried by a unanimous vote of 4-0.

a. The mobile home must meet the required 100 foot front yard setback.

5. **Application #06-13Z:** Cindy M. Hoffman, Owner – Tony Wayne and Suzanne B. Thompkins, Agent – 3635 Old Atlanta Road (0.61 acre located in Land Lot 104 of the 3rd Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Mr. Taylor explained the applicant requests rezoning to C-1B, Heavy Commercial. The business that presently exists on the property sells utility trailers, trailer hitches and related equipment. The applicant is proposing to open an automobile dealership. Due to the outdoor storage of the automobiles, C-1B designation is required. The subject property is C-1, Highway Commercial and is bordered by C-1 zoning on all adjacent properties. The plat submitted with the application indicates that the property gains access from the neighboring property to the north of this tract via two entrances. Additionally, the majority of the subject project is covered with buildings and asphalt. There is no indication that sufficient septic space is available.

Staff recommends conditional approval of the request with the following conditions:

- a. Access shall be gained from Old Atlanta Road.
- b. No site lighting shall glare into adjacent properties.

The Planning Commission recommends conditional approval of the request with the same conditions as proposed by Staff.

Richard Mullins, 676 Brook Circle, Griffin, Georgia

He has it on good authority that the septic system works properly from the property owner, James Kay. The actual access is by written easement off Highway 19/41. The property really has been used as C-1B for the last fifteen years anyway. He responded the septic system could be tested periodically to ensure it was not failing. Mr. Mullins said he would be open to limiting the number of employees, although there should be no greater number of employees with this business than with the previous tenant, rather than limiting or conditioning the use associated with the property.

Tony Thompkins, 1225 Hillview Road, Hampton, Georgia

Mr. Thompkins responded he would never have many cars on this small lot since it is only .6 acres, with there being a probably maximum of 30. The majority of his business is wholesale.

Some discussion followed on uses allowed in the C-1B Heavy Commercial designation. It was noted that State environmental law regulates contaminants such as motor oil and fluids.

Motion to approve Application #06-13Z with conditions noted by Staff as follows was made by Commissioner Phillips and seconded by Commissioner Flowers-Taylor. Motion carried by a unanimous vote of 4-0.

- a. Access shall be gained from Old Atlanta Road.*
- b. No site lighting shall glare into adjacent properties.*

6. **Application #07-02Z:** Dennis Parks and Debra Parks, Owners – 860 Musgrove Road (8 acres located in Land Lot 255 of the 3rd Land District) – requesting a rezoning from R-2, Single Family Residential, to AR-1, Agricultural and Residential.

Mr. Taylor advised the applicant has requested approval from Spalding County to rezone the subject property from R-2, Single Family Residential, to AR-1, Agricultural. The applicant intends to keep horses on the 8-acre subject property with approval of zoning. Staff recommends approval of the request, as did the Planning Commission.

Motion to approve Application #07-02Z by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, carried by a unanimous vote of 4-0.

7. **Bucksnot Road Future Land Use Map Amendment:** Buck Nekkid, LLC, Owner – 441 Bucksnot Road – from Agricultural to Industrial.

Commissioner McDaniel noted, and Mr. Taylor agreed, that the Board would hear both this application for Future Land Use Map Amendment and that of Application #07-03Z to follow, and then take a separate vote on each item.

Mr. Taylor advised that in review of the rezoning, Staff recommended the Planning Commission recommend a change to the Future Land Use Map. The Spalding County Planning Commission has, as a result, initiated this request to change the land use map from Agricultural to Industrial in order to align the land use map with the County-initiated zoning request. Staff recommends approval of the request. The Planning Commission recommends approval of the request, as well.

In the rezoning request, the applicant has requested approval from Spalding County to allow the property to be used for an erosion control company that manufactures such erosion control products as silt fence. A letter from Cat Creek Development, who owns the property adjacent, was introduced in favor of the petition. Some discussion followed about adjacent properties. Staff and Planning Commission recommend conditional approval with the following stipulations:

- a. Amendment to Future Land Use Map shall be approved from Agricultural to Industrial.
- b. Close driveway that is located immediately within the sharp curve of High Falls Road.
- c. No site lighting shall glare into adjacent properties.

Roan Berry, 179 McIntosh Circle, Griffin, Georgia
Mike Johnson, 441 Bucksnot Road, Griffin, Georgia
Joseph Waldrop, 441 Bucksnot Road, Griffin, Georgia

Mr. Berry spoke on behalf of the three above, stating they desire to operate an erosion products control company, such as silt fencing. It will be produce less traffic than the previous enterprise (Carden Brothers) at this location. He thought the property was already commercial before he purchased; he only learned it was not the day before closing. He will run a quiet and clean operation that will be a good community citizen. They will create hopefully 30 jobs ultimately for Spalding County within three years. He felt this would be a good business for the County. They deliver most of the product with very little picked up on site. Most customers are wholesalers who order in large truckload or pallet quantities, but they also deliver to retail outlets. Very little product will be for pick-up.

Commissioner Goss said one constituent felt the area would be filled with dumpsters. Mr. Berry stated the only waste might be some fabric waste from the silt fence operation, which should be very little. One dumpster was brought in to clean up from the previous owner, and only one will remain. There may be a little office waste, but that should be minimal, as well.

Jesse Maddox, 301 Bucksnot Road, Griffin, Georgia
Mr. Maddox said with regard to the dumpsters, that inquiry was not directed at these new owners. The property to the south was a 23-acre tract owned by Randolph Vaughn and has been purchased by Fayetteville Environmental, LLC, a roll-off container company, so the inquiry was related to that tract. He pointed out on the map the surrounding properties of Pineridge Landfill and other owners. His objection was the manner in which the rezoning request was handled. The new owners were led to believe until the last minute that the property was already zoned commercial, which it was not. He felt the two adjacent commercial property owners would have no objection to the rezoning since they were commercial entities, as well, but he hated to see this develop as a trend in the area. He owns the property connected to the 17-acre tract and his family has been on this land for about 60 years. Most of the other area properties are farm tracts. He already objected to the landfill, and to allow this rezoning would only encourage other commercial concerns.

Joy Goins, 500 Bucksnot Road, Griffin, Georgia
The concern of her family reflected the same issues raised by Mr. Maddox. With the trend toward rezoning to commercial, local families felt they were being pushed out of their homes. The landfill came after they had located there, and they desired not to see anything commercial further developed in the area.

The landfill is behind this property and the other side of the street is zoned agricultural. Mr. Galloway provided some background for the rezoning of the area. The presence of Pineridge as a landfill is problematic for this area since it has expanded and will become even more expansive with significant land holdings to the east. This landfill is a natural deterrent to residential use and has generated a great deal of land speculation. As zonings are approved and the land use map is changed, this will have an impact on the County's land use in that area and the County's capacity to hold certain other properties agricultural. Mr. Galloway relayed they

investigated the tract to the north, which was zoned in 2001 as an industrial tract for Randolph Vaughn. Mr. Galloway and others discussed the property that acts as the entrance to the landfill, and he will pull his file in storage, but he was certain there was another rezoning for the Pineridge previously. After further study, the Pineridge Landfill entryway is the property to the north of Cat Creek Development's tract. The tract to the north of about 25 acres, though, presents a problem (the Vaughn property owned by Cat Creek Development).

Commissioner Flowers-Taylor said this didn't address the concerns of residents, but she thought this organization would be far less offensive than the landfill. It was light commercial and didn't produce offensive odorous byproducts. As far as future rezonings, it would be up to the Board of Commissioners to approve further commercial development in the area.

Motion to approve Bucksnot Road Future Land Use Map Amendment for Buck Nekkid, LLC, from Agricultural to Industrial was made by Commissioner Phillips and seconded by Commissioner Goss. Motion carried by a unanimous vote of 4-0.

8. **Application #07-03Z:** Buck Nekkid, LLC, Owner – Spalding County Board of Commissioners, Agent – 441 Bucksnot Road (10 acres located in Land Lot 115 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-1C, Manufacturing Light.

Motion to approve Application #07-03Z for Buck Nekkid, LLC, Owner was made by Commissioner Phillips with Mr. Galloway's recommended condition to limit use of the tract to erosion control product manufacture and Staff recommended conditions, as follows:

- a. *Amendment to Future Land Use Map to be approved from Agricultural to Industrial.*
- b. *Close driveway that is located immediately within the sharp curve of High Falls Road.*
- c. *No site lighting shall glare into adjacent properties.*
- d. *Use of the tract shall be limited to the manufacture of erosion control products.*

Motion was seconded by Commissioner Goss and carried by a unanimous vote of 4-0.

Commissioner Flowers-Taylor exited the meeting to return to the hospital where she was assisting with emergency surgery at 8 p.m.

9. **Amendment to UDO #A-07-02:** Quarterly adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

Mr. Taylor noted this was simply a routine matter to adopt the official zoning map in the revised Geographic Information Systems (GIS) platform.

Motion to approve Amendment to UDO #A-07-02, made by Commissioner Phillips and seconded by Commissioner Goss, carried by a unanimous vote of 3-0.

D. Other Business:

1. Consider extension for the R-6 Planned Residential Community District Moratorium.

Mr. Taylor advised Staff is working on revising the architectural requirements for the R-6 Planned Residential Community District to improve the quality of what is seen in the townhouse and condominium district. Additional time is needed and he requested the Board extend the moratorium to allow for further work.

Motion to approve extension for the R-6 Planned Residential Community District Moratorium to June 30, 2007 was made by Commissioner Goss and seconded by Commissioner Phillips. Motion carried by a unanimous vote of 3-0.

E. Adjournment

Motion to adjourn at 8:03 p.m., made by Commissioner Goss and seconded by Commissioner Phillips, carried by a unanimous vote of 3-0.

County Clerk

Chairman

