

ZONING PUBLIC HEARING

A Zoning Public Hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, August 23, 2007 beginning at 6:00 o'clock p.m. Commission Chairman Eddie Freeman presided, and Commissioners Edward Goss, Jr. and Johnie McDaniel were present for a quorum. Also present were County Manager William P. Wilson, Jr.; Zoning Attorney Newton Galloway; and Executive Secretary Teresa Watson.

A. Call to Order.

B. New Business:

- 1. Application #07-23S:** Michael Lewis Boggs and Cynthia Boggs, Owners – 593 Steele Road (15.66 acres located in Land Lot 26 of the 3rd Land District) – requesting a Special Exception to allow a certified medical hardship in the AR-1 District.

Mr. Taylor advised the applicant requests a Special Exception to allow the use of an existing manufactured home on the property for a medical hardship. A statement from the applicant's doctor, supporting the medical hardship, is included in the application. There were some new developments with this application yesterday, explained Mr. Taylor, when it was discovered that this tract actually consists of two lots – a 3.25 acre tract in the front and a 12.4 acre tract in the back. The applicant proposes to put the mobile home in the front yard and under the AR-1 zoning requirements, accessory uses can only be allowed in the rear yard on lots that are less than five acres in size. The issue can be resolved by conditioning the variance approval on the property owner combining the lots before permitting the mobile home.

Michael Boggs, 593 Steele Road, Griffin, Georgia

Mr. Boggs offered to answer commissioners' questions. The mobile home intended for placement will be very close to his current home. Her medical condition has worsened slightly and there is a chance they will have to amputate more of the leg due to a diabetic condition, so he advised he would be appreciative of favorable consideration.

Mr. Boggs said he has a pending agreement to sell ten acres to his neighbor and could survey all at the same time. He was not averse to combining or enlarging a tract if that is how the issue must be resolved.

Motion to approve Application #07-23S: Michael Lewis Boggs and Cynthia Boggs, Owners – 593 Steele Road (15.66 acres located in Land Lot 26 of the 3rd Land District) – requesting a Special Exception to allow a certified medical hardship in the AR-1 District, with the condition that there be evidence of this lot meeting the size requirement of five acres and such evidence shall be provided to Community Development, made by Commissioner McDaniel and seconded by Commissioner Goss, carried by a vote of 3-0.

- 2. Application #07-11Z:** Jackie H. Perkins, Owner – Dick Slade, Agent – Williamson Road (Tract A – 1.130 acres located in Land Lot 76 of the 2nd Land District) – requesting a rezoning from R-4, Single Family Residential, to C-1, Highway Commercial.

Mr. Galloway noted this Application #07-11Z could be considered in conjunction with the next, Application #07-11AZ, for the same applicant and then voted on separately.

Mr. Taylor said the applicant has requested approval from Spalding County to allow the subject property to be rezoned to a commercial category for the potential development of offices or retail. On May 24, 2007, the Board of Commissioners voted to amend the Spalding County Future Land Use Map from Residential to Commercial against the recommendation of staff. Mr. Taylor said Community Development staff recommend approval to rezone the properties but to Office and Institutional (O-I) instead of C-1 Commercial. The Planning Commission recommends approval of the rezoning to Highway Commercial (C-1) as requested. The O-I designation would preserve more of the rural quality of the County and would tax infrastructure substantially less than the commercial designation. This would provide a very good terminus point for O-I along Highway 362. Coming out of the City, Highway 362 has a number of commercial uses along both sides of the road, and the plan was to find a logical point at which they could terminate commercial zoning and provide for a reasonable transition. The Village Node (VN) designation at Rover-Zetella Road is ¼ mile from this location, and there would be a good amount of rural area between this site and the VN locale.

Mr. Galloway noted the differences between the designations of O-I (professional office and institutional uses), C-1 (general commercial zone for a heavily traveled road and can include gas/convenience stores), C-1A (neighborhood commercial similar to C-1 but with more of a residential application and excluding gas/convenience stores except as a Special Exception), and C-2 (heavy industrial). Highway 362 is a state highway but is not comparable to Highway 19/41. He urged commissioners to consider what it will look like, noting there is a need for architectural standards on this property in order to ensure conformity with surrounding structures.

Dick Slade, 415 Country Club Drive, Griffin, Georgia

Mr. Slade is a real estate agent who represents Mr. Perkins on this property. C-1 is not heavily commercial and for this property, with significant sight distance necessitating one driveway by GDOT, he felt it was the best use. City and County both have commercial uses that are within close proximity. C-1 provides for no outside storage, and the property does not lend itself to a gas/convenience store. There is already a convenience store at Merrybrook and another just down the road in the opposite direction with another couple nearby, also, so he did not feel any developer would want to place a gas/convenience store on this tract. Traffic count is extremely heavy for a state highway that is not a major thoroughfare, which is the reason GDOT can only allow one curb cut for this 900 feet of frontage. The area is not neighborhood commercial, and he did not feel it was fair to limit Mr. Perkins' capability for standard commercial use. He did not feel there would be anything placed on the property that could be detrimental to the commercial uses already in existence on surrounding tracts. To penalize Mr. Perkins is not fair, and Mr. Slade stated he was at a loss as to why Mr. Taylor would even mention C-1A.

Commissioner McDaniel explained again the transitional area detailed by Mr. Taylor.

Mr. Galloway said size limitation was a factor in C-1A to provide for smaller variations of the same type businesses allowed in C-1, such as animal hospital, laundry, etc. Mr. Galloway suggested they might consider smaller service businesses in an organized setting. The City and County have differing viewpoints regarding the character of tracts on Highway 362. An attractive cluster of commercial buildings in C-1A would provide an attractive development with the same uses as seen in C-1 except smaller in individual footprint size. The restriction of one curb cut, in Mr. Galloway's opinion, made it an ideal candidate for a group commercial use. Again, he stated since the architectural criteria was not in place as yet for commercial buildings, he was more concerned about appearances than use. The architectural criteria for commercial designations, noted Mr. Galloway, would be ready for review in about a month or two.

Jackie Perkins, 1667 West Poplar Street, Griffin, Georgia

Mr. Perkins said he was in complete agreement with the aesthetic architectural standards, even though he would have no control once the property was sold. With setbacks required on this tract, he would prefer to see it remain in C-1 zoning. This size tract won't accommodate a huge building anyway, so the size limitation is not a factor in this instance. This property's configuration and setbacks would regulate size on its own, so the 3000 square foot limitation of the C-1A designation would be unnecessary.

Mr. Slade advised that in talking to prospective buyers, such as a low-end grocery store and a furniture store, these type businesses could locate in a much shorter time period than those in a group commercial setting. The Badcock Furniture Store would be allowed, for

instance, in C-1 with no size limitation, but in C-1A it would still be allowed but at no more than 3000 square feet.

Commissioner McDaniel said he understood the interest of the Perkins and Mr. Slade as a real estate agent, but the interest of Spalding County and a review of such rezoning impact was much broader.

Chairman Freeman said he concurred with the recommendation of the Planning Commission for C-1.

Mr. Galloway pointed out that commissioners could rezone to C-1 with the stipulation that any structure be limited to the brick, stone, hardy plank or combination such as will be in the architectural criteria anyway when completed.

Motion to approve the rezoning Application #07-11Z with the following conditions by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 3-0:

- a. All site lighting shall be directed so as not to glare.*
- b. Architectural criteria shall include brick stone hardy plank or combination thereof.*

- 3. **Application #07-11AZ:** Jackie H. Perkins, Owner – Dick Slade, Agent – Williamson Road (Tract B – 2.685 acres located in Land Lot(s) 53 and 76 of the 2nd Land District) – requesting a rezoning from R-4, Single Family Residential, to C-1, Highway Commercial.

Motion to approve Application #07-11AZ with the same noted conditions above by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 3-0:

- a. All site lighting shall be directed so as not to glare.*
- b. Architectural criteria shall include brick stone hardy plank or combination thereof.*

C. Other Business:

Commissioner McDaniel advised he had been disturbed for some time over certain type requests for variances, such as house size or lot size, and wants a consensus that these kinds of decisions need to go to Planning and Zoning as they relate more to planning and zoning and land use than to appeals and variances. Then the Planning Commissioner could recommend to the Board of Commissioners who would ultimately have jurisdiction. He did not want house size to be eligible for a variance but he wants the Board to have authority to deal with lot size as well. Mr. Taylor noted they cannot vary house size but can approve a variance to lot size, and Mr. Galloway agreed.

There has been an issue regarding a private drive where the required tract size (between 6 and 30 acres) has been requested to vary to a larger tract, at 164 acres. The alternative is to do a road and subdivide the property. Price is very prohibitive for putting in a road. This is an odd variance because of changing from 30-acre maximum, as well as the configuration of the flag lot with an incredibly long pole and its overall size. The road frontage the Flanders do have is in Pike County; otherwise the tract is land locked. This parcel is south of Blanton Mill off Williamson Road in the very southern tip of Spalding County, south even from Bethany Road.

Commissioner McDaniel advised this type variance was too large a variance not to have the Board of Commissioners review and ultimately make the decision.

D. Adjournment.

Motion to adjourn at 7:14 p.m. by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 3-0.

County Clerk

Chairman

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