

## ZONING PUBLIC HEARING

A Zoning Public Hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, September 27, 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. Absent were Commissioners Gwen Flowers-Taylor and David Phillips. Also present were County Manager William P. Wilson, Jr.; Zoning Attorney Newton Galloway; Community Development Director Chuck Taylor; and Executive Secretary Teresa Watson.

**A. Call to Order.**

**B. New Business:**

1. **Application #07-24S:** James Holtz and Rosemarie Holtz, Owners – 323 Stonewood Drive (0.794 acre located in Land Lot 204 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a general home occupation in the R-2 District.

Mr. Taylor noted the applicant in this case was requesting a Special Exception to have a home occupation in the R-2 district. The proposed home occupation will consist of a “Family Child Care Home.” Staff and the Board of Appeals recommend conditional approval of the request with the following stipulation:

- a. The maximum number of children allowed for the Family Day Care service shall be six (6) children in accordance with state laws.

James Lamar Holtz, 323 Stonewood Drive, Griffin, Georgia

Mr. Holtz said he and his wife had kept children in their home in Ohio and they wanted to do it again in this area. His wife was the primary support in the endeavor and he provided assistance as needed. Mrs. Holtz concurred.

*Motion to approve Application #07-24S: James Holtz and Rosemarie Holtz, Owners – 323 Stonewood Drive (0.794 acre located in Land Lot 204 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a general home occupation in the R-2 District with the recommended stipulation following was made by Commissioner McDaniel, seconded by Commissioner Goss, and motion carried by a vote of 3-0.*

- a. *The maximum number of children allowed for the Family Day Care service shall be six (6) children in accordance with state laws.*

2. **Amendment to FLA-07-07:** David and Kathy Gooden, Owners – 1534 Macon Road (2 acres located in Land Lot 181 of the 2<sup>nd</sup> Land District) – from Medium-Density Residential and Open Space Network to Industrial.

Mr. Taylor advised the applicant has initiated a request to allow for the amendment of the Spalding County Future Land Use Map and the Comprehensive Plan at 1534 Macon Road from Medium Density Residential and Open Space Network to Industrial. The applicant proposes to rezone the subject property to a manufacturing company to develop a self-storage facility. The property is bordered entirely by Open Space Network and Medium Density Residential Future Land Use Designations. The uses that are adjacent are a church to the north, while the southern border is joined by Deer Creek Subdivision. Staff and Planning Commission recommend denial of the request.

Mr. Taylor maintained this area has clearly not developed industrially but rather residentially and institutionally. This was a basic factor in the decision of staff to recommend denial of the request. Such an amendment would, in staff's estimation, create a negative land use strategy with respect to surrounding, existing and future residential development. Mr. Taylor answered questions but cautioned the Board was dealing with land use tonight and not with rezoning. The closest straight-line industrial use is from .6 to .8 miles away from the applicant's property. The site is accessible to public sewer, although the applicant has not indicated any method of sewage disposal.

Rev. David Gooden, 17 Daniel Drive, Griffin, Georgia

His wife and he purchased the land with plans to develop it as a means of retirement income. Rev. Gooden maintained the storage rental units he envisioned would not have a negative impact on the area, stating that residential neighborhoods were ideal locations and referencing several in the area already in residential locations. Some discussion was held on the plans for a gravel drive. His conversations with neighbors did not reveal any opposition. Some property along Macon Road zoned commercial dates from the 1962 zoning map when this road was the main thoroughfare. Commissioners referenced the zoning map.

***Motion to approve Amendment to FLA-07-07: David and Kathy Gooden, Owners – 1534 Macon Road (2 acres located in Land Lot 181 of the 2<sup>nd</sup> Land District) – from Medium-Density Residential and Open Space Network to Industrial by Commissioner Goss, seconded by Chairman Freeman, carried 2-1 with Commissioner McDaniel opposing.***

3. **Amendment to FLA-07-08:** Curtis C. Bland, Owner – 132 Johnson Road Extension (3.030 acres located in Land Lot 145 of the 2<sup>nd</sup> Land District) – from Low-Density Residential to Agricultural.

The applicant has initiated a request to allow for the amendment of the Spalding County Future Land Use Map and the Comprehensive Plan at 132 Johnson Road Extension from Low Density Residential to Agricultural. A rezoning request of AR-1 will be necessary should this proposal be granted. The applicant is requesting a future land use map amendment and eventual rezoning to allow the possession of horses already existing on the subject property. Mr. Taylor concluded by noting that staff recommends denial of the request while the Planning Commission recommended approval. Staff feels it would create a negative land use strategy with respect to surrounding, existing and future residential development. If approved, there could be other requests from surrounding neighbors for the same type change. If the trend were allowed to continue, there would be some agricultural uses with livestock that would be in very close proximity to fairly dense housing. He cautioned commissioners to look at the larger picture. He recommended to not change the land use for an individual property in this situation unless a larger area is studied to evaluate if the area is trending toward agricultural uses and then amend the FLUM accordingly.

Curtis B. Bland, 132 Johnson Road Extension, Locust Grove, Georgia

Mr. Bland's stick-built home at the end of the dead-end road is the only place he has to keep his horses since his forced retirement. His immediate surrounding neighbors have no problem with this request. Much of the area's property is heavily timbered.

Tim Wilkerson, 132 Johnson Road Extension, Locust Grove, Georgia

He referenced the letters he and his uncle, Curtis Bland, had submitted from neighbors who had no opposition to the request. He provided some history of the property.

***Motion to approve Amendment to FLA-07-08: Curtis C. Bland, Owner – 132 Johnson Road Extension (3.030 acres located in Land Lot 145 of the 2<sup>nd</sup> Land District) – from Low-Density Residential to Agricultural by Commissioner Goss, seconded by Chairman Freeman, carried by a vote of 2-1 with Commissioner McDaniel opposing.***

4. **Application #07-12Z:** Willis Properties, L.P., Owner – 1700 Zebulon Road (0.82 acre located in Land Lot 120 of the 2<sup>nd</sup> 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 allowing the sale of small motor vehicles (such as dirt bikes and four-wheelers). The applicant indicates that no new permanent structures will be added to the property. Current zoning (C-1) would allow various commercial uses that are permitted under Highway Commercial zoning, including the existing gas station. Outdoor unenclosed storage is not permitted under C-1 zoning. Street vendors may set up retail stalls on the property, but the C-1 zoning district does not allow the sale of vehicles. Staff and the Planning Commission both recommend denial. Mr. Taylor noted it was staff's opinion that

the rezoning would increase the threat to the public health, safety and general welfare beyond acceptable measures. Their concern extended to both pedestrian and vehicle traffic.

Brandon Grubbs, 520 Powell Avenue, Griffin, Georgia

Mr. Grubbs said these vehicles are small and designed toward children. They have decided there would be no test driving allowed, but rather the owners will provide a 30-day guarantee in the event a vehicle did not measure up to expected standards.

Akber Jiwani, 1700 Zebulon Road, Griffin, Georgia

Mr. Jiwani owns the store and sells dirt bikes and four-wheelers which they sell as Christmas gifts. They have not allowed test driving of the vehicles in the parking lot. They allow returns within 30 days with a refund of money.

Andy Cecil, Vice President of Willis Oil, 45 Dogwood Lakes Drive, Hampton, Georgia

Willis Oil Company is very concerned about safety, and there is a great deal of traffic at this very busy intersection. These off-road vehicles sold by his tenant are just gift type items for children but are gasoline-powered. They asked that no test drives be allowed on the property, as well. These vehicles are under \$1000 and are basically impulse-type items. No more than 10 to 15 would be parked and would be placed around the building actually next to the wall so as to prohibit theft. Smaller business owners often find it necessary to augment their income as the profit margin in gasoline is limited for all except the oil companies. This is one means of supplementing that income. He spoke in favor of supporting this entrepreneurial endeavor.

Mr. Taylor suggested that if commissioners were inclined to approve, they should give serious thought to the items discussed in tonight's presentation.

Chairman Freeman asked about the possibility of a child taking one of the vehicles for a drive with adult supervision. Mr. Cecil noted that attendants never hand the keys to a customer but rather accompany the customer outside to look at the vehicle.

Commissioner McDaniel was very concerned for safety in this very visible and accessible.

***Motion to approve with conditions that customers not be allowed access to vehicles without owner or employee direct supervision, sales shall be restricted to only small RV-type vehicles that are stored only next to the building for Application #07-12Z: Willis Properties, L.P., Owner – 1700 Zebulon Road (0.82 acre located in Land Lot 120 of the 2<sup>nd</sup> Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial by Chairman Freeman. Motion was seconded by Commissioner Goss and failed by a vote of 1-2 with Commissioners Goss and McDaniel opposing.***

***Motion to deny Application #07-12Z: Willis Properties, L.P., Owner – 1700 Zebulon Road (0.82 acre located in Land Lot 120 of the 2<sup>nd</sup> Land District) – requesting rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial by Commissioner McDaniel, seconded by Commissioner Goss, carried 2-1, Chairman Freeman opposing.***

5. **Amendment to UDO #A-07-09:** Appendix J. Commercial/Industrial Development Ordinance – amend to add architectural design criteria.

This amendment has gone through review by the Planning Commission and is now before the Board. With any architectural requirement, as development increases with greater quality, the criteria can be ramped up accordingly. There are stringent requirements in some areas of the architectural and design standards. Requirements are ramped up even more for the big box retailers. Some discussion followed.

***Motion to approve Amendment to UDO #A-07-09: Appendix J. Commercial/ Industrial Development Ordinance – amend to add architectural design criteria by Commissioner McDaniel, seconded by Chairman Freeman, carried by a vote of 3-0.***

Commissioner McDaniel stated he was disturbed to see the Board of Appeals making decisions that affect entire subdivisions rather than dealing with individual variances. Some discussion followed regarding the Flanders property in Pike County that could access property into Spalding County. Mr. Galloway said he had arranged for the Flanders property owner, the Dallas property owner, the surveyor involved, Pike County and Spalding County to meet in an effort to resolve the issues at hand. Actions, in his opinion, shouldn't result in flag lots in either county, but Pike County has not been very responsive. The owner wants to divide about 400 acres into 20-, 30- and 50-acre tracts and not in the smaller, farmette type tracts one might expect.

Commissioner McDaniel expressed his opinion that the changing of a theme of a subdivision approved by the Board of Commissioner should be approved by that same Board of Commissioners and not by the Board of Appeals.

Mr. Galloway noted that it was not possible to vary on some things, such as below minimum square footage. Conversely, some flexibility is allowed as to setbacks and configurations. This issue of changing architecture on a subdivision approved by the Board of Commissioners is a new issue and this is the first occurrence.

**C. Other Business:**

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

***Motion to Adjourn to Closed Meeting at 7:39 a.m. by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 3-0.***

**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 September 27, 2007.

2.

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

3.

The executive session was called to order at 7:39 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 27<sup>th</sup> day of September 2007

Spalding County Board of Commissioners

Sworn to and subscribed

Eddie L. Freeman, Chairman (L.S.)

Before me this 27<sup>th</sup> day of September 2007

Edward Goss, Jr. (L.S.)

Johnie A. McDaniel (L.S.)

Notary Public – Teresa A. Watson (L.S.)

My commission expires: March 1, 2011

*Motion to Adjourn Closed Meeting and Reconvene to Open Meeting at 8:16 p.m. by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 3-0.*

**D. Adjournment.**

*Motion to Adjourn at 8:17 p.m. by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 3-0.*

\_\_\_\_\_  
County Clerk

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Chairman

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