

ZONING PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, December 20, 2007 beginning at 6:00 o'clock p.m. with Commission Chairman Eddie Freeman presiding and Commissioners Gwen Flowers-Taylor, Edward Goss, Jr., Johnie McDaniel and David Phillips present. Also present were Zoning Attorney Newton Galloway, Assistant to the County Manager Paul Van Haute, Community Development Director Chuck Taylor, Community Development Senior Planner Chad Jacobs, Urban Transportation Planner Anthony Dukes, and Executive Secretary Teresa Watson.

A. Call to Order.

Chairman Freeman moved to change the order of the agenda and position items 4 and 5 to first in the order of new business, seconded by Commissioner McDaniel. Motion carried 5-0.

B. New Business:

1. **Amendment to FLA-07-10:** Inland Empire, Inc., Owner – 3458 Teamon Road (2.85 acres located in Land Lot(s) 113 and 114 of the 2nd Land District) – from Agricultural to Commercial.

This first item, Amendment to FLA-07-10, deals with amending the Land Use Map and Mr. Taylor recommended discussion of both items, Amendment to FLA-07-10 and Application #07-17Z, as one issue and then vote on each separately. In review of the Future Land Use Map and the application, staff recommends denial, as did the Planning Commission. This area is dominated by agricultural land use, and the proposal is to locate a commercial use at the corner of Teamon and Highway 155. The applicant has initiated a request to allow for the amendment of the Spalding County Future Land Use Map and the Comprehensive Plan at this intersection from Agricultural to Commercial.

There are three proposed village nodes in close proximity, so this request would appear to be a first step in an effort to commercialize along Highway 155 and Teamon Road, which is not desired outside the designated village node areas. The approximate distance between the site and the village node area to the north is about 1 to 1.5 miles and about 2.5 miles from the proposed North McDonough Road/Jackson Road village node location. This is anticipated to be a fast-growing quadrant of the County. There is a plan to relocate Johnson Road to come out at the top of the hill which would place it in the Highway 155 village node.

In the zoning request, the applicant has requested approval from Spalding County to rezone the property for purposes of developing a 14,700 square foot pharmacy facility. Again, staff recommends against this rezoning since they also opposed the Future Land Use Map amendment. Planning Commission also recommends denial of the request. Should the Future Land Use Map amendment not be successful, then the rezoning application would be moot.

Chad Torri, Smith, Gambrell & Russell, 1230 Peachtree Street, NE, Promenade II, Suite 3100, Atlanta, GA 30309 – representing the applicant.

Mr. Torri reiterated the position of this 2.8 acre property. His packet to commissioners provided an aerial view of this triangular shaped parcel. Because of its shape, it provides a great area of frontage. The property is currently zoned R-2 and does not have access to public sewer. R-2 would require a minimum lot size of two acres with a 1750 square foot house size. Mr. Torri felt this tract, however, was not appropriate for residential development, hence the request for a Future Land Use Map change and a rezoning application to C-1 Highway Commercial. There is more than enough land to satisfy required buffer and setbacks, and its access from both Highway 155 and Teamon Road make it an ideal commercial location with ingress and egress from both thoroughfares. GDOT has already completed substantial improvements that make the property even better suited for commercial over residential. This property is located squarely in the center of the northeast quadrant of the County. This location will be the focus of several quite large residential developments, and this area of the County lacks the commercial and retail aspects that would be expected to serve such a large residential population. Residents in the area have provided overwhelming support for this proposed use. Mr. Torri had a petition with signatures of local residents supporting this application. This intersection is uniquely situated for this type development even though it is not in an identified village node location. Development of the nodes, additionally, will be quite a ways into the future.

Ed Johnson, 600 Hamil Road, Griffin, Georgia

Mr. Johnson agreed there are already planned village nodes for this area, and he understood they were designed to prevent commercial sprawl and to protect the rural nature of the locale. He was told previously that it was the responsibility of the Board of Commissioners to assist in

this effort by protecting citizens, and he urged the Board to concur with the Planning Commission and deny this application.

Angie Boylan, 3456 Teamon Road, Griffin, Georgia

Her home is adjacent to this property. Her concern is that the bedroom her children occupy will be very close to the parking area that will be developed for the business, and she wondered what type of protection she could expect as a buffer should the rezoning be granted. Mr. Taylor responded between commercial and residential uses, the UDO requires either fence or plantings or both. Planting is required to be at least 6 feet tall one year after planting and the width of the buffer is 25 feet. Most of the surrounding property owners are investors and she understood the nature of most residents' feelings. She wanted to ensure a traffic light would accommodate the increased traffic and she asked if there were plans for widening on the road. Chairman Freeman said widening was not in the immediate plans and there would be accel/decel lanes to accommodate the increased traffic trying to access the business. She was fine with the business and signed in support on the petition, but she wanted assurance that sufficiently tall and dense vegetation as a buffer would be required that would provide for privacy and security.

When it was decided to put two village nodes in rather close proximity, this Board was pretty sure it would be difficult not to allow the area in between the nodes to fill in with commercial development. The people this Board chose to represent told them loud and clear in the comprehensive public hearings that they would like to see the land use plan protected.

A motion to deny Amendment FLA-07-10 by Commissioner Phillips was seconded by Commissioner Flowers-Taylor.

Commissioner Phillips said that to triangulate between the three village nodes and not protect the area between simply defeated the purpose of designating village nodes and he favored restricting such commercial development.

Chairman Freeman said he could not believe anyone would want to put a residential use here, and he favors commercialization along state routes, including this application.

Mr. Torri said he wanted the Board to note the constitutional objection in the back of their packet which stated since the Board has done this before, they would like to receive the same treatment.

Motion to deny Amendment to FLA-07-10 carried by a vote of 4-1 with Chairman Freeman opposing.

2. **Application #07-17Z:** Inland Empire, Inc., Owner – Smith, Gambrell & Russell, LLP, Agent – 3458 Teamon Road (2.85 acres located in Land Lot(s) 113 and 114 of the 2nd Land District) – requesting a rezoning from R-2, Single Family Residential, to C-1, Highway Commercial.

No action necessary since denial of previous Amendment FLA-07-10 rendered it moot.

3. **Application #07-38S:** Claude Herbert, Owner – Kathleen E. Hockinson, Agent – 730 Vaughn School Road (3 acres located in Land Lot 51 of the 4th Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Mr. Taylor explained the applicant requests a Special Exception to replace an existing manufactured home that had previously burned down with 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 \$100,900. The Ordinance, in Section 413G' of the UDO, requires a review of a ½ mile radius and in doing so, they identified a trend heavily toward site-built homes. Because of this fact, both staff and the Board of Appeals recommend denial of the request. Minimum square footage is 1500 square feet in this AR-1 area, and most are slightly higher than this minimum.

Donnie Corum, 1211 St. Ives Crossing, Stockbridge, Georgia

He represented Mr. Herbert, who as a practicing minister had another engagement tonight. He desires to put this manufactured home there for retirement. His product is a drywall dwelling with hardy plank exterior. There is a planned 24' x 24' garage and a paved driveway, and the product is quality construction. The immediate surrounding area does have more manufactured homes, even though there is a greater trend toward site-built new construction in the required radius area. He showed the home's design and provided pictures for design and finishing out. This is a more affordable option for Mr. Herbert. There was no local opposition at the Board of Appeals meeting, other than board members, and none were present tonight.

Mario Smith – passed.

Commissioner Flowers-Taylor said she and Commissioner Goss looked at the property today, and they agreed that immediately surrounding the property were primarily manufactured homes. She understood the trend and the value of using that as a planning tool, but she personally did not see any problem with putting this manufactured home adjacent to others. There are some stick-built homes in the area but there are manufactured homes, as well.

Chairman Freeman favored supporting the recommended denial in an effort to ensure the trend toward site-built homes continues. Commissioner McDaniel said the most recent construction did confirm that conventionally built homes were the predominant trend. Commissioner Phillips said while he had nothing against manufactured homes, for the quoted sale price there were plenty of contractors who could build a nice conventionally constructed home.

Commissioner Flowers-Taylor moved to approve Application #07-38S, seconded by Commissioner Goss. Motion was defeated by a vote of 2-3 with Commissioners Phillips, McDaniel and Chairman Freeman opposing.

Commissioner McDaniel and Chairman Freeman made a motion and second to deny Application #07-38S, and motion carried 3-2 with Commissioners Goss and Flowers-Taylor opposing.

4. **Application #07-39S:** Stephen C. Diffley and Kitty R. Diffley, Owners – Noah’s Ark Free Holiness Church, Agent – 1404 Barnesville Road (5.2 acres located in Land Lot 87 of the 3rd Land District) – requesting a Special Exception to allow a church, synagogue, chapel, or other place of religious worship including educational building, parsonage, church-related nursery or kindergarten, and other related uses meeting development standards in the AR-1 District.

Mr. Taylor said this application was to secure a Special Exception for the erection of a church within an AR-1 zone. This is just south of the intersection of Barnesville and Rehoboth Church Roads on the western side of Barnesville Road. In reviewing the criteria for granting Special Exception for churches, it was determined that the church does meet the criteria. Staff and the Board of Appeals recommend conditional approval with the following stipulations:

- a. The plan shall incorporate an acceleration/deceleration lane to the site.
- b. Any expansion of the facilities or use shall require an additional special exception.

Mr. Taylor noted that a cemetery would be considered, at this time, an accessory use to the church and would not require a return for another special exception. The proposed church is just shy of 4800 square feet, and it appears the cemetery will be about 75’ by about 300’.

Cheryl Ellis, 1443 Barnesville Road, Griffin

Ms. Ellis lives across the road from the proposed site of the church. They farm and she was concerned about the tail ditch for drainage on the southeast corner. When it rains there is a need for the drainage, and she was concerned also that some of the aspects of their farm business might be bothersome. They do controlled burns and they use chicken litter for fertilization, so smells can be problematic. She was not against the church but wanted them to be aware of the situation.

Dorothy Pate, 1435 Barnesville Road, Griffin

Ms. Pate advised she lived across the road, as well, and loves the local scenery. She echoed the concerns of Ms. Ellis and confirmed theirs is a working farm. She would like to see the rural character continue and hoped this would not change with the location of a church in the neighborhood. She inquired as to where they would dispose of the extra fill dirt when graves are dug for the cemetery.

Ida Mae Ellis, 147 Ellis Dairy Road, Griffin

Ms. Ellis stated she was about one mile away on family property and has lived there for more than 75 years. This is beautiful farm land but does incorporate the problems cited by Ms. Cheryl Ellis. She was also concerned about a pig farm across the road, as well. They have been informed there could be as many as 36 families in Jonesboro who will attend services at this facility, and she wondered what would happen to the facility if attendance should decline in the future once they realize how gas prices affect their travel to use the facility.

Bobbie Norwood, 1571 Rehoboth Church Road, Griffin

Ms. Norwood echoed with the sentiments of the previous speakers and urged commissioners to keep the area residential and agricultural.

Thomas A. Williams, 574 St. Andrews Drive, Jackson, Georgia

Mr. Williams represented Noah's Ark Free Holiness Church in this matter. They are in the process of selling their current property primarily because most of their members live to the south (75% to 80%). This tract was chosen from several in a tri-county area and this parcel suits their needs well. They understand the community's concerns and they realize this is a farming area. Many of their own members come from farming families, and they are aware of the stated problems. Septic systems must be and will be approved by the Health Department. They have sought to dispel many of the untrue rumors that have arisen, and they will work to be good community neighbors. They will be happy to comply with the stated conditions as proposed by staff and the Board of Appeals. They are a 36-family non-denominational church with a total of 92 members, including men, women, children and infants. They desire to relocate to improve the quality of life for the majority of their members. They believe they will be an asset to the community but will accept whatever the Board's decision may be. The parking lot will be paved. Mr. Williams was unsure of requirements for the cemetery since the state instructed him to contact the county, and Spalding County has no cemetery requirements other than to consider it a permitted special exception accessory use.

Mr. Taylor confirmed that the septic system approval would be done by the Health Department and only then can a site plan be permitted. Commissioner Goss advised he had a problem in general with retention ponds and their drainage areas. He did not want to see already existing problems with drainage aggravated. Site plan review is done in house by the differing respective agencies and the location of such drainage ponds is determined by the lay of the land. Engineers who review the site plan utilize their expertise in dealing with these issues. This is generally not a factor for rezoning approval. The rate of runoff after a property is developed cannot be greater than the rate of runoff prior to development. This is done to prevent downstream flooding, damage to adjacent properties, etc. Commissioner Goss referenced the ongoing problem with the retention pond at Emerald Forest subdivision on Horseshoe Bend Circle. Mr. Taylor agreed there have been tremendous problems here and an engineer did approve that plan.

After further discussion, Commissioner Flowers-Taylor moved to approve Application #07-39S with conditions as recommended by Staff and noted below, seconded by Chairman Freeman. Commissioner McDaniel stated he wanted to be certain commissioners understood that even if this group did not follow through on the purchase of this property, the Special Exception would travel with the land. Motion carried 3-2 with Commissioners McDaniel and Goss opposing.

- a. *The plan shall incorporate an acceleration/deceleration lane to the site.*
- b. *Any expansion of the facilities or use shall require an additional special exception.*

5. **Application #07-16Z:** David Gooden and Kathy Gooden, Owners – 1539 Macon Road Extension (2 acres located in Land Lot(s) 181 and 204 of the 2nd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to C-1B, Heavy Commercial.

Mr. Taylor advised the applicant requests rezoning to C-1B, Heavy Commercial. This property is on Macon Road near Deer Creek Subdivision, and the applicant intends to use the property for a mini-warehouse storage facility. In September, the land use map change was approved by this Board and the applicant tonight requests rezoning to C-1B. While the Future Land Use Map has changed, staff reviewed the rezoning request and still does not endorse this rezoning. Both Staff and the Planning Commission recommend denial of the request primarily because this would establish a negative land use precedent for this corridor and would constitute a use out of character for this general area. This property is about a half mile from the storage warehouse facility owned by the Blake family. Mr. Taylor stated other general uses of C-1B includes sale of vehicles and those with outside storage materials, and is considered a light industrial/heavy commercial application. Light warehousing and marine sales would be allowed, as well. The character of the area certainly is not commercial even though there are some heavy commercial and industrial uses along the corridor, primarily a holdover from an early time when Old Macon Road was a major thoroughfare. Some institutional and multi-family uses are evident, as well. There are no active heavy commercial uses along the road until one reaches Orchard Hill. The mini-warehouse use will significantly impact the character of the area if approved.

Commissioner Goss asked if these storage units were being moved from another location. Mr. Taylor said they were planning on being relocated from another site. The architectural design criteria recently adopted will apply to all non-residential uses. These existing buildings may be able to be modified to meet the façade design treatments.

David Gooden, 17 Daniel Drive, Griffin

The Planning Commission provided information that stated this proposed use of this property was consistent with the Future Land Use Plan. He acquired and desires to move the 25 x 200 foot long warehouse units that were located behind Captain D's on the North Expressway. He plans to adapt them for this location. These are regular storage buildings and will have to have some tops replaced, as well as some walls. He was aware of the new design criteria and pictures were provided to show what the product looked like previously. Paving of the lot is not required; nor is an office space required. Setbacks will have to be met and a site plan will have to be submitted for approval. Landscaping, soil erosion, stream buffer, sedentary issues will all have to be met. The next step will be a much more technical step where he will get site plan approval. Mr. Taylor noted they are required to test for pollutants in this stream, so that issue would have to be dealt with, as well.

Mr. Gooden said there were presently about four such facilities in the County. He has visited all and they stated they routinely have very light traffic.

Commissioner Flowers-Taylor moved to deny Application #07-16Z. Commissioner McDaniel seconded the motion.

Mr. Gooden stated no one in the church or the community had voiced any opposition. The property was commercial when the church purchased it but it was changed to residential for the Special Exception. He purchased this site from the church as a retirement option in the future. He did not understand why anyone would be opposed to this venture. He wondered if there were any valid grounds to deny, and he had not heard any good reasons from the Planning Commission or Staff. He did not understand the rationale that this rezoning would increase the threat to the public health, safety and general welfare beyond acceptable measures.

Motion to deny Application #07-16Z carried 5-0.

- 6. Amendment to FLA-07-11:** William Boyd, Owner – Boyd's Crossing Road (29.27 acres located in Land Lot(s) 213 and 236 of the 2nd Land District) – from Agricultural to Industrial.

Mr. Taylor advised this request is to allow for the amendment of the Spalding County Future Land Use Map and the Comprehensive Plan on Boyd's Crossing Road from Agricultural to Industrial. The application originally submitted with this request included a plan for a series of buildings totaling 400,000 square feet. This would have required detailed analysis of transportation and environmental impacts. Subsequently, the applicant amended the application to indicate buildings totaling slightly less than 50,000 square feet. The revised building area is just below the threshold for requiring the above referenced analysis. Both Staff and the Planning Commission recommend approval of the request. Mr. Taylor said more square footage of industrial means more jobs and taxes, but that must be tempered with the drastic impact such development has on the County and its infrastructure. If it increases beyond the 49,000 square foot threshold, they must return with a plan for an environmental and traffic study. This property is adjacent to the industrial park, and the Development Authority is currently lacking available sites. Should this application be approved, then the following application will follow and Staff and the Planning Commission both recommend conditional approval with the following conditions:

- a. Maximum number of curb cuts on Green Valley will be limited to two.
- b. Maximum number of curb cuts on Boyd's Crossing will be limited to one.
- c. Site lighting to be designed so as to not glare in adjacent residential areas or onto public streets.
- d. Any expansion of the total aggregate of the structures square footage to 50,000 or more will require an environmental and traffic study.

Chairman Freeman said there were pluses and minuses, but he felt there were more positives than negatives to rezoning this property.

Commissioner McDaniel said it made sense to him to include the adjacent agricultural property at the same time the Board considered this property, instead of making this decision to amend the Future Land Use Map for only this tract.

Chairman Freeman noted they needed these type tracts to entice industrial clients, and this would help in that arena. To add this industrial land to inventory would be very beneficial to industrial development efforts. Mr. Taylor recommended a traffic study before rezoning if the Board should decide to do a blanket change to the Land Use Map.

Mike Jackson, 5138 Old Atlanta Road, Sunny Side

He desires to purchase this property from Mr. Boyd and he has met with Staff regarding this property. Under the present contract, there is no time to do the studies. Paragon Consulting, who handled his engineering, was unsure as to where to initiate these studies. He has tried to determine how to effect this rezoning without having to get bogged down in these studies, so they worked out a plan to fall under the threshold. Mr. Boyd has no plans to farm the adjacent property and he felt it should be included in the Future Land Use Map change, as well. They would not oppose changing the entire tract for the Land Use Map amendment, and they have no problem with the study should that threshold be reached. Right now, they are just trying to get it rezoned with a contract time constraint problem in an area that is already very industrial in nature. They have made an offer to sell to the Development Authority since they desperately need land with industrial applications.

Mr. Taylor said the thresholds were adopted as part of the process required by applicants applying for a land use change. This is not zoning, so the UDO doesn't have to be changed to accommodate this requirement; rather it is considered policy. This size tract has the potential to generate an intense increase in traffic. From an impact standpoint, this is a drastic change. Much discussion followed.

Commissioner McDaniel moved to approve Amendment to FLA-07-11 with the stipulation that it shall include all the area from Green Valley Road and Boyd's Crossing to the Development Authority property as industrial with the condition that Tracts 2 and 3, being the easternmost properties, prior to rezoning, include a required traffic study, seconded by Commissioner Goss. Motion carried unanimously at 4-0 with Commissioner Flowers-Taylor absent after exiting the meeting.

7. **Application #07-18Z:** William Boyd, Owner – Mike Jackson, Agent – Boyd's Crossing Road (29.27 acres located in Land Lot(s) 213 and 236 of the 2nd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-2, Manufacturing.

Motion and second to approve Application #07-18Z with recommended conditions noted below, by Commissioner McDaniel and Chairman Freeman, carried unanimously at 4-0.

- a. *Maximum number of curb cuts on Green Valley will be limited to two.*
- b. *Maximum number of curb cuts on Boyd's Crossing will be limited to one.*
- c. *Site lighting to be designed so as to not glare in adjacent residential areas or onto public streets.*
- d. *Any expansion of the total aggregate of the structures square footage to 50,000 or more will require an environmental and traffic study.*

C. Old Business:

1. Consider, on second reading, Ordinance #2007-26 to amend the Spalding County Code of Ordinances to provide for Dealers in Metals and related Items Regulations to Part VI, Licensing and Regulation, Chapter 5, Sections 6-5001 through 6-5005.

ORDINANCE #2007-26

AN ORDINANCE TO AMEND PART VI. LICENSING AND REGULATION, TO ADD, AS NEW, CHAPTER 5. DEALERS IN METALS AND RELATED ITEMS REGULATIONS.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF SPALDING, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

Section 1. The Code of Spalding County, Georgia, is hereby amended by creating a new Chapter 5 to Part VI, to be known as "Dealers in Metals and Related Items Regulations" and providing as follows:

Sec. 6-5001 Definitions.

As used in this Chapter the term:

- (1) "Scrap metal processor" means any person engaged in the business of buying scrap vehicles, automotive parts, or other metallic waste, with the intent to process such material for resale as scrap or in bulk, by melting, reforming, or otherwise.
- (2) "Person" means an individual, partnership, corporation, joint venture, trust, association, or other legal entity however organized.

Sec. 6-5002 Purpose; Legislative intent.

It is hereby declared to be essential to the public welfare for this County to impede the sale of stolen property by requiring scrap metal processors within the unincorporated areas of Spalding County to timely post electronically information obtained from pledgers and sellers in a format available to and usable by law enforcement agencies.

Sec. 6-5003 Records and information to be recorded.

Every person engaged as a scrap metal processor within Spalding County shall secure from every person from whom he receives any used or previously owned tangible personal property, whether by purchase or through pledge, trade, pawn or exchange, the following:

- A. (1) Government issued photo identification card, such as a driver's license, military identification card, state identification card, or passport;
 - (2). The name, address, telephone number, race, sex, height, weight, date of birth, and a social security or drivers license number.
 - (3). A digital photograph clearly showing a frontal view of the subject's face (digital images shall be labeled with the date and time of the transaction and stored in such a manner that they are safe from corruption);
 - (4). The fingerprint of the right hand index finger, unless such finger is missing, in which event the print of the next finger available on the right hand shall be obtained with a notation of the exact finger printed; and
 - (5). Written description of property or item received, including serial number or other identifying marks, if available, and digital photograph of property or item, labeled with date and time of transaction.
- B. The operator or dealer shall maintain the above information, digital photographs, and fingerprint for a period of three years from the date the info is obtained and make the same available to law enforcement personnel upon request.

Sec. 6-5004 Report to police; required format.

Every operator or dealer located within unincorporated areas of Spalding County shall make a computer generated daily report, in such format as prescribed by the Sheriff, of all transactions that occurred during the 24 hour period, ending at 12:00 p.m. midnight on the date of the report. A report shall be made for each day the operator or dealer transacts business. Daily reports can be filed electronically by posting to a law enforcement web site designated by the Sheriff. Where technological problems prevent posting the daily report electronically, a printed, typed or legibly handwritten report shall be delivered to the Spalding County Sheriff's Department the following business day.

Sec. 6-5005 Enforcement and penalties.

- (a) Any person who shall do anything prohibited by this chapter as it now exists or as it may hereafter be amended, or who shall fail to do anything required by this chapter as it now exists or as it may hereafter be amended, is hereby declared to be in violation of this article and the regulations or county ordinances herein set forth.
- (b) Each and every day that any such violation exists shall be deemed a separate offense.
- (c) Any such violation of this chapter, upon conviction thereof, as prescribed by the law of Georgia, shall be punishable by a fine or imprisonment, or both, not to exceed the maximum fine or the maximum imprisonment, or both, as prescribed by the pertinent laws of Georgia and as more particularly set out in section 1-1007 of this Code, which such section is incorporated herein and made a part hereof by reference.
- (d) The imposition of any such fine or imprisonment, or both, for any violation shall not excuse the violation or permit it to continue; and all such violators shall be required to correct or remedy such violations or defects within the time as prescribed by the court having jurisdiction of such matter and in the absence of any such completion time being fixed by the court, within a reasonable time after such violations occur.
- (e) The application of any fine, imprisonment or other penalty shall not be construed to prevent the enforced removal of prohibited conditions or to postpone any action required.

- (f) The remedies herein set out for the purpose of enforcing the provisions of this chapter shall not be deemed to be exclusive, but shall be cumulative of all other remedies, civil or criminal, provided by the laws of Georgia, or by the ordinances of Spalding County. (Ord. No. 90-4, § 1, 4-17-90)

The within ordinance shall be and become effective immediately upon its adoption by the affirmative vote of a majority of the members of the Board of Commissioners of Spalding County, Georgia present at two meetings, as provided in Section 2-1005 of the Code of Spalding County, Georgia.

All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

Motion and second by Commissioners McDaniel and Phillips to approve, on second reading, Ordinance #2007-26 to amend the Spalding County Code of Ordinances to provide for Dealers in Metals and related Items Regulations to Part VI, Licensing and Regulation, Chapter 5, Sections 6-5001 through 6-5005, carried unanimously at 4-0.

D. Other Business:

1. Consider approval of final plat for Mt. Zion Subdivision (minor) located off Georgia Highway 16 West, Mt. Zion Road and Anderson Road.

Mr. Taylor said proposal of this subdivision with submission of the plan by Mr. Mobley calls for 22 lots on Highway 16 West, Mt. Zion Road and Anderson Road. The plat meets the County's zoning requirements, but the County does require that existing and proposed fire hydrants be shown. When reviewing the plat they determined an additional fire hydrant was needed on Highway 16, so they requested the engineer proceed with showing this in an appropriate location.

Alan Mobley, 262 Mobley Road, Griffin, Georgia

He has never had a tract where a fire hydrant installation was required and he knew there were some tracts where this was not required. This is only being enforced on minor subdivisions. For anything less than five lots, this is not required, and he felt that is not fair. He has concerns with fairness of the requirement. This occurred after the issue with Greg Pruitt and Ingram Hills. He did not feel that it was right to require private developers or owners to install fire hydrants on County property. There are many dirt roads where water lines are not even available for tying on the hydrants.

Mr. Taylor provided some background information. The first issue is a life safety code. The County has required installation of fire hydrants but the matter did meet with opposition since it was an implied requirement and treated as a matter of policy but was not defined in the ordinance. However, an amendment to the Ordinance done subsequent to that action did rectify the issue and now requires hydrants at 500-foot spacing increments. The Fire Department has been reviewing minor subdivisions for compliance in this area and they have been requiring they be shown on plans. There have been a few instances where enforcement was not uniform, but those developers have been notified that rectifications must be made. The Fire Department will more uniformly enforce in the future the requirements that the County already has in place. Mr. Mobley stated an objection to not including all lots in the provision which is rather just for minor subdivisions or greater.

Mr. Taylor said, in the strict sense of interpreting the code, Mr. Mobley should install the fire hydrant in question. Commissioner Phillips said the rules should be the same for everyone. Perhaps this matter needs to be fine tuned with some additional study. Discussion followed. Neither Mount Zion nor Anderson Road have County water and both are dirt. Mr. Mobley respectfully asked the Board to limit restriction of building permits to the two lots on Anderson Road that are directly affected because of the fire hydrant issue. Mr. Taylor said it doesn't matter how many lots are on Highway 16, a fire hydrant must be placed at the 500-foot interval regardless.

Commissioner McDaniel said he agreed that it does not seem fair that Mr. Mobley cannot get building permits on lots on the roads where no public water is available. Mr. Taylor said that was the edict discussed; a minor subdivision will not be allowed building permits until the required fire hydrants are complete. Mr. Taylor concurred he could see a valid reason not to restrict building permits on Anderson Road since there was no public water available. The Fire Department gave conditional approval based on the condition that no lot shall be in excess of 500 feet from an installed hydrant. Mr. Mobley said there was some interest in getting lots with a more rural character that are not part of a subdivision homeowners' association with well water rather than public water. Actually, in recent months these type subdivisions have built

out faster than those with public water and sewer. While he was not overly concerned with the cost of the hydrant, his major issue was with the policy being inconsistently applied or not applied at all in some instances.

If the consensus of the Board is to allow building permits on lots not concerned with fire hydrants due to lack of public water, then Mr. Taylor and Mr. Van Haute will approach County Manager Wilson and Fire Department personnel with this information for review. Ultimately, Mr. Taylor noted the decision belongs to Mr. Wilson who, as County Manager, was his boss but who also worked for the Board of Commissioners, as well.

Mr. Mobley said lots 14 and 15 on Mount Zion need building permits for specs, and there are contingency contracts on two on Anderson Road. Mr. Taylor said the ordinance could be more refined to include all division of land rather than just for minor subdivisions or greater, if the Board so desired. The Water Authority has approved final plat and Mr. Taylor noted the Fire Department gave conditional approval, stating that no lot shall be a minimum of 500 feet away from a fire hydrant. Mr. Mobley noted the Fire Department did not seem to understand the ordinance either and it appears to be vague. Mr. Taylor said this use was eligible for application to impact fees but the schedule would have to be revised to make the fees and reports inclusive. Chairman Freeman noted there were many areas of the County where the requirement at the time was 1000 feet. It remained Mr. Taylor's contention that Mr. Mobley be required to conform to existing requirements as other developers are required to do. Then the Board can take action on an ordinance that would require this on all divisions of land. Chairman Freeman did not favor requiring such on all divisions of land, and more discussion followed. Mr. Taylor said they could come back with an ordinance that would clarify when the installation of a required hydrant should happen in conjunction with the development. Mr. Mobley noted there was no monetary incentive to having the fire hydrant at this interval since it did not affect insurance rates for the tracts which were the same whether in 500- or 1000-foot intervals. The only benefit would be in the potential saving of life and property.

Motion and second to approve final plat with the stipulation that a fire hydrant be added to the final plat, made by Commissioners McDaniel and Phillips carried by a unanimous vote of 4-0. Instructions to Mr. Taylor were to proceed with revisions that would allow for building permits on lots not planned on being covered by hydrants.

2. Consider approval of the consultant for the Corridor Study and Redevelopment Plan for North Hill Street.

This redevelopment of the North Hill corridor study for the area from City limits to Dobbins Mill Road intersection is ongoing. A three-way contract between City, County and Minerva has been approved already. They reviewed several applications, and the unanimous recommendation of reviewers from each of the three entities involved in the project are for this firm. So, this will authorize consultant services with the firm of Tunnell, Spangler, Walsh and Associates for the study.

Motion to approve and authorize Chairman to execute contract with Tunnell, Spangler, Walsh and Associates for the Corridor Study and Redevelopment Plan for North Hill Street up to Dobbins Mill Road was made and seconded by Commissioner McDaniel and Chairman Freeman. Motion carried by a vote of 4-0.

3. Consider Moratorium for Acceptance of Site Development Plans, Building Permits and Rezoning for the North Hill Street, Jordan Hill Corridor from where the City limit crosses Hill Street to Dobbins Mill Road for any commercial development.

This moratorium was requested by the Board of Commissioners to put a hold on all commercial development in this area until the North Hill Street Corridor Study is complete. There are proposals in various stages of development. There is existing zoned property for storage warehouses close (95%) to plan approval after which they will need a building permit. Therefore, even though they have an approved construction plan and have gone through all the engineering costs, they would not be able to pull a building permit and be halted for the duration of the moratorium after having expended a great deal of money for their project. There is a great deal of land for sale in the area presently, and a number of things are desired in the area. This moratorium will stop everything in its tracks until the moratorium runs its course, or until the Board lifts the moratorium. Mr. Taylor said staff was hoping this study will have some far-reaching, positive impact. More of the same uses in the area, such as convenience stores/gas stations and nail salons, won't have a tremendous impact, but there are other prospects available

that would revitalize this community which can be identified in the proposed corridor study which is scheduled for completion by June 30, 2008.

RESOLUTION TO ENACT A MORATORIUM ON THE
RECEIPT, ACCEPTANCE, CONSIDERATION AND APPROVAL
OF ANY FUTURE LAND USE AMENDMENT, REZONING APPLICATION,
SITE DEVELOPMENT PLAN OR BUILDING PERMIT WITHIN THE NORTH HILL
STREET/JORDAN HILL CORRIDOR
WITHIN SPALDING COUNTY, GEORGIA

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, Spalding County desires to increase the standards of amenities and construction for developments proposed to be located in the North Hill Street/Jordan Hill Corridor within Spalding County;

WHEREAS, Spalding County desires to implement more detailed and appropriate planning procedures and criteria which will govern the location and placement of residential developments and/or commercial development within the North Hill Street/Jordan Hill Corridor within Spalding County in conjunction with its comprehensive plan;

WHEREAS, Spalding County desires to implement development incentives and enhance development criteria which will improve blighted and slum areas located in the unincorporated areas of Spalding County within the North Hill Street/Jordan Hill Corridor;

WHEREAS, Spalding County desires to briefly control and restrict residential development and commercial development in the North Hill Street/Jordan Hill Corridor until such time as it may consider, implement and adopt Zoning Ordinance text amendments required to carry out its goals, stated above;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that a moratorium restricting certain development pertinent to the North Hill Street/Jordan Hill Corridor shall be enacted, as follows:

Section 1: Designation of Moratorium Area: The moratorium area shall consist of real property in unincorporated Spalding County located on North Hill Street and Jordan Hill Roads (and extending 500' from the exterior right-of-way of both sides of each road to interior property) lying within an area bounded on the south by the City Limits of the City of Griffin and on the North by the southern boundary of property included within the development known as Sun City Peachtree.

Section 2: Enactment of a Moratorium on Changes to Future Land Use Map: The Board of Commissioners of Spalding County, Georgia hereby enacts and directs any and all applicable personnel and agencies of Spalding County, Georgia to enforce a moratorium on receipt, acceptance, consideration and approval of any application seeking to change the designation of any real property shown on the Future Land Use Map (FLUM) located within the moratorium area.

Section 3: Enactment of a Moratorium on Rezoning Applications: The Board of Commissioners of Spalding County, Georgia hereby enacts and directs any and all applicable personnel and agencies of Spalding County, Georgia to enforce a moratorium on the receipt, acceptance, consideration and approval of any Rezoning Application for real property pursuant to Section 414 of the Zoning Ordinance of Spalding County on any real property located within the moratorium area.

Section 4: Enactment of a Moratorium on Plan Review and Approval: The Board of Commissioners of Spalding County, Georgia hereby enacts and directs any and all applicable personnel and agencies of Spalding County, Georgia to enforce a moratorium on

the receipt, acceptance, consideration and approval of any Plan of Development for any proposed development located within the moratorium area.

Section 5: Enactment of a Moratorium on Construction Plan Approval: The Board of Commissioners of Spalding County, Georgia hereby enacts and directs any and all applicable personnel and agencies of Spalding County, Georgia to enforce a moratorium on receipt, acceptance, consideration and approval of any construction plans required for any proposed development located within the moratorium area.

Section 6: Enactment of a Moratorium on Building Permits: The Board of Commissioners of Spalding County, Georgia hereby enacts and directs any and all applicable personnel and agencies of Spalding County, Georgia to enforce a moratorium on receipt, acceptance, consideration and issuance of any building permit requested to construct any new building or structure on any real property located within the moratorium area.

Section 7: Impact on Other Development Ordinances. The provisions of this resolution shall not restrict or prohibit any other development of any real property except that specifically stated herein.

Section 8: Effective Date and Duration. The provisions of this Resolution and the effects of the moratorium set forth herein shall commence on Thursday, December 20, 2007 at 12:00 a.m. or upon its passage and adoption, whichever shall later occur and shall terminate on July 31, 2008 at 11:59 p.m., unless extended by the Board of Commissioners of Spalding County, Georgia.

Motion and second by Commissioner Goss and Chairman Freeman to approve as presented the Moratorium for Acceptance of Site Development Plans, Building Permits and Rezoning for the North Hill Street, Jordan Hill Corridor from where the City limit crosses Hill Street to Dobbins Mill Road for any commercial development to terminate on July 31, 2008 at 11:59 p.m. Motion carried by a vote of 3-1 with Commissioner Phillips opposing.

4. Presentation by Chuck Taylor and Anthony Duke regarding Tri-County Crossing Emerging Center LCI.

Urban Transportation Planner Anthony Dukes and Community Development Chuck Taylor provided a background on the overall Livable Centers Initiative (LCI) and this application in particular. The LCI is a program offered by the Atlanta Regional Commission that encourages local jurisdictions to plan and implement strategies that link transportation improvements with land use development strategies to create sustainable, livable communities consistent with regional development policies. This is an effort to eliminate the empty boxes left behind when big box retailers utilize the property and vacate for other sites. They take advantage of existing infrastructure and hope to attract private investments committed in these communities, thereby achieving a more balanced regional development that reduces vehicle miles traveled and improves air quality. ARC will allocate \$5 million over five years to this program. This is Spalding County's third application for an LCI, with the first two attempts not being funded. The City of Griffin was approved for a downtown study, and Spalding County is reaping some of the benefit from that grant. In the two denials, Spalding County was competing with such projects as Highway 19/41 corridor in Clayton County, so competition for funding is fierce.

This intersection really does cater to a three-county area that includes Spalding, Pike and Lamar, where people converge for shopping experiences. Mr. Dukes said some of the challenges of this area include a broad mix of existing uses, such as big box and commercial, single- and multi-family residential, light industrial, strip commercial complexes, townhouse sites, two new schools, etc. The study is needed to address the increasing growth of the area. This proposed LCI study will help prevent the formation of a regional bottleneck that could have crippling effects in the south Atlanta region. Residential and commercial growth, inadequate road capacity in the study area has already created high levels of congestion that needs to be mitigated. Alternative modes of transportation can be explored for the area. This will certainly require a better street grid network and alternative modes of transportation and would help to identify alternative routes of travel ideally before the anticipated growth comes. The County's match is 20% on this \$100,000 project and the study should complete in six months. Photos were provided for commissioners to explore. This will be a high-growth area and the recommendation of Mr. Taylor and Mr. Dukes was to make sure the County adequately plans for that growth that will surely come.

E. **Adjournment.**

Commissioner McDaniel noted that Mr. Galloway had asked for direction to staff to clean up the historic zoning on Zebulon Road. He stated also that this was the second meeting in a row where minutes were not available from the Planning Commission for commissioners to review in preparation for the Zoning Public Hearing. The After Agenda was all that had been made available, and he personally found the minutes with more detailed discussion very helpful in preparing for zoning issues.

On a motion and second by Commissioners McDaniel and Goss at 10:05 p.m. the meeting was adjourned.

County Clerk

Chairman
