

ZONING PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, June 28, 2007 beginning at 6:00 o'clock p.m. with Commission Chairman Eddie Freeman presiding and Commissioners Gwen Flowers-Taylor, Edward Goss, Jr., and David Phillips present. Also present were County Manager William P. Wilson, Jr., Assistant to the County Manager Paul Van Haute, Community Development Director Chuck Taylor, Senior Planner Chad Jacobs, and Executive Secretary Teresa Watson.

A. Call to Order.

B. New Business:

- 1. Application #07-16S:** Anthony F. Jolley, Owner – Markland Management, LLC, Agent – Macon Road (23.552 acres located in Land Lot 203 of the 2nd Land District) – requesting a Special Exception to condominium dwelling, patio dwelling or cluster dwellings meeting development standards in the R-1 District.

Chairman Freeman noted that the applicant had requested this item be tabled until the July 26, 2007 meeting. Mr. Taylor noted this applicant also had a recent petition for a property on Calhoun Road but had withdrawn that application. Commissioner Phillips asked for a point of order, questioning whether the item could be discussed and then left on the table. It was noted that discussion could certainly be held since the item had yet to be tabled, only requested to do so by the applicant.

Motion to table Application #07-16S until the July 26, 2007 Zoning Public Hearing as requested by applicant was made by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, and carried by a vote of 3-1 with Commissioner Goss voting in opposition.

- 2. Application #07-17S:** Beverly E. Munson, Owner – Ideal Homes of Griffin, Agent – 800 Bailey Jester Road (7.6082 acres located in Land Lot(s) 9 and 113 of the 3rd Land District – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Mr. Taylor said the applicant was requesting a Special Exception to place a new manufactured home on property 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 \$74,322.00. Staff recommends denial of the request, as did the Board of Appeals, based on the recommended criteria in the UDO, specifically as to trending in the ½-mile radius of the property. Some discussion followed regarding the options for a stick-built home.

Elaine Munson, 865 Bailey Jester Road, Griffin, Georgia

She bought her property in November 2006 and had hoped to give the property to her daughter to put a replacement mobile home in the near future. She intended to put another mobile home on the property when she purchased it at auction on the courthouse steps and was told by a gentleman in the office upstairs in the Courthouse Annex that she could do that. This property is adjacent to other property she owns. She noted that she had a myriad of health conditions and really needed to have someone nearby to provide assistance for her.

Rebecca Kilbey, 865 Bailey Jester Road, Griffin, Georgia

When her mother bought the property last year she was excited to be able to provide a better place to live for her children. Some concern has been voiced over property values. About six months ago surveyors were walking the property which is next to the landfill and told her that a Wal-Mart was going to be located nearby, which also would not help property values. As her mother stated, she also needed to relocate near her mother who was in declining health. Their property abuts land in Butts County.

Tom Ross, Ideal Homes of Griffin, 101 Moreland Road, Griffin, Georgia

He read a two-page letter into the record regarding construction and placement of manufactured homes and specifics of this application, advocating the allowance of this home on this property. The letter was provided to commissioners and made a part of the official applicant's record.

No one was signed to speak in opposition of the petition.

Commissioner Flowers-Taylor said others have come before this board, for much the same reason, who were denied Special Exception status when it is not replacing an existing home. She did not care that the property was next to a sanitary landfill, but she did have a problem with putting a new manufactured home on property where there was none rather than replacing an older home with a newer one. She could not say the value of the property is lessened because of its proximity to a landfill; she was more concerned with setting a precedent that has, to date, not been allowed.

Brian Gunter, 850 Bailey Jester Road, Griffin, Georgia

Mr. Gunter arrived late to the meeting and requested permission to state his opposition. He felt his 44-acre property values across the road from this tract would be adversely affected. The owners currently there are family members of the property owner who went bankrupt and lost the property. There is a high voltage power line which dissects the tract, also, that is problematic. He plans on putting up a fairly large stick-built home and he wants to plant his roots here after retirement. His stick-built brick house was built in 1995, as are all his outbuildings and horse stalls. He has added onto the house, which currently is at 1440 square feet, not including the back deck. The four homes mentioned on Wani Road are small but also are stick-built.

The proposed manufactured home would be about 165 feet from the road and would probably not be visible from the road due to two terraced rows of trees. Mr. Gunter stated his only problem with the landfill is that some trucks exceed the posted speed limit. As far as trash and smell, the manager of the sanitary landfill works diligently to ensure those problems are kept in check and quickly rectified. His property is valued a great deal more than the property in question for this petition. His neighbor, the Clives, are the ones whose barn fell some time ago and they are opposed to this request, as well.

Commissioner Phillips asked if Mr. Ross could revisit the possibility of a comparable DCA home. He said he would have to go back and review the numbers but could not make it work previously with the petitioners' budget.

Motion to table Application #07-17S until the July 26, 2007 Zoning Public Hearing to allow for further research was made by Commissioner Phillips, seconded by Commissioner Goss, and carried by a vote of 3-1 with Commissioner Flowers-Taylor voting in opposition.

- 3. Application #07-18S:** Jonathan R. Mason and Betty B. Mason, Owners – 100 David Elder Road (5 acres located in Land Lot 110 of the 4th Land District) – requesting a Special Exception to allow a general home occupation in the AR-1 District.

Mr. Taylor said the applicant in this case was requesting a Special Exception to have a home occupation on property in the AR-1 district. The proposed home occupation will consist of a hair salon business. Per the letter submitted by the applicant, the business will occupy a 280-square foot area in the 3100 square foot home. Staff recommends conditional approval with the provision that all parking for the hair salon business must be located in side and rear yards.

Motion to approve Application #07-18S with the condition noted below as recommended by both Staff and the Board of Appeals was made by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, and carried by a vote of 4-0.

a. All parking for the hair salon business must be located in the side and rear yards.

4. **Application #07-08Z:** Daphney Hayes Prewitt, Owner – Jack N. Prewitt, Agent – 3919 North Expressway (.74 acre located in Land Lot 107 of the 3rd Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1C, Manufacturing-Light.

Mr. Taylor advised that the applicant has requested approval from Spalding County to rezone the property for the purpose of storing and repairing video games, which requires the designation of C-1B instead of the current C-1. The current building on the property meets C-1 requirements for setback, but the setback increases to 70 feet in the C-1B zoning classification, which necessitates the front setback variance. The Planning Commission recommended conditional approval, as does Staff, with the following conditions:

- a. A variance will be required for the front setback in C-1B of 15’.
b. Site lighting shall be designed so as to not glare in adjacent residential areas or onto public streets.

Jack Prewitt, 416 LaPrade Road, Griffin, Georgia

Mr. Prewitt said this company would handle replacement of monitors and supply materials for arcade type games. He wants to store games that are taken in for repair, as well, for short periods of time. He stated he had been very careful to go through the proper channels to obtain permission. He has plans to build a new building behind the existing one, and there will be no outside storage. Mr. Blackwell recently sold the property adjacent to this tract.

Motion to approve Application #07-08Z to C-1B with the conditions below as recommended by Staff and the Planning Commission was made by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, and carried by a vote of 4-0.

- a. A variance will be required for the front setback in C-1B of 15’.
b. Site lighting shall be designed so as to not glare in adjacent residential areas or onto public streets.*

5. **Amendment to UDO #A-07-05:** Article 11A. R-6 Planned Residential Community District – replace existing R-6 Planned Residential Community District with new R-6 Planned Residential Community District.

This proposed amendment was at the request of the Board of Commissioners. Mr. Galloway worked on the new R-6 ordinance, but Mr. Taylor stated he would try to explain the changes. Mr. Taylor said R-6 was weak in terms of landscaping, architectural requirements, etc. so they borrowed much of the design criteria from other successful ordinance of surrounding counties. Some of these issues were brought to light by Commissioner McDaniel, and Commissioner Flowers-Taylor said she would be more comfortable if he and Zoning Attorney Galloway were present for this discussion. Commissioner McDaniel has met once with Mr. Galloway once during Mr. Galloway’s initial preparation for the revision.

Motion to table Amendment to UDO #A-07-05 until the July 26, 2007 Zoning Public Hearing when both Commissioner McDaniel and Zoning Attorney Galloway, both of whom were instrumental in this amendment, could be present for discussion was made by Commissioner Flowers-Taylor, seconded by Commissioner Phillips, and carried 4-0.

6. **Amendment to UDO #A-07-06:** Article 14. C-1B Heavy Commercial – Section 1404:B(1) and Article 14A. C-1C Manufacturing-Light – Section 1404A:B(1) – amend unsewered areas.

Mr. Taylor advised that any unsewered property must meet certain criteria. Some recent zoning requests did not meet minimum lot size, and this amendment would bring all lot sizes onto a level playing field.

Motion to approve Amendment to UDO #A-07-06 was made by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, and carried by a vote of 4-0.

7. **Amendment to UDO #A-07-07:** Article 5. AR-1 Agricultural and Residential – Section 503:A(8) and Article 11. R-5 Single Family Residential – Section 1103:A(8) – amend permitted uses to allow Class A Manufactured Home by right when replacing an existing manufactured home.

Mr. Taylor advised this would provide for replacement of an existing manufactured home with a new manufactured home as a matter of right. Only two such requests in the last five years have been denied. This Board has regularly allowed this practice. Rather than continue to utilize the cumbersome process, and at the request of some commissioners, he recommended the Board adopt this change, but he noted that replacement must be an upgrade to a new manufactured home, which is defined as being less than five years old. Some discussion followed. The significant majority, in fact almost all, of such requests have been for new manufactured homes.

Motion to approve Amendment to UDO #A-07-07 was made by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, and carried by a vote of 4-0.

8. Amendment to UDO #A-07-08: Appendix A. Subdivision Ordinance – Section 410:C and Section 506 – amend surety for maintenance, repair and for completion of improvements.

Mr. Taylor said this amendment was designed to beef up bonding requirements. This change specifically allows the County to have a performance bond that is different from the bonding period overall. Approval of this amendment would make the practice they have already incorporated on some levels official, as well as define a process to cover cost increases, up 120%. Commissioner Goss suggested that perhaps 150% would be preferred to protect the County's position. Designate replacement value is whatever is prevailing at the time. Mr. Taylor said they could obtain new costs at the time a request is made to renew.

Motion to approve Amendment to UDO #A-07-08 with the provision that in Section 506: Surety for Completion of Improvements, Item B. Requirements, the amount estimated by government authority shall be "one hundred and twenty percent (120%)" shall be changed to read "one hundred and fifty percent (150%)" was made by Commissioner Phillips, seconded by Commissioner Goss, and carried by a vote of 4-0.

C. Other Business:

a. Consider Moratorium on the receipts, acceptance, consideration and approval of any application seeking a business license or building permit to operate a personal care home within Spalding County, Georgia.

Mr. Taylor stated that both the County and City have been inundated with requests from applicants desiring to open this type business. The Spalding County Ordinance is weak in this area, and that of the state is actually weak, as well. Mr. Taylor desired a moratorium until requirements can be tightened for these petitions. They will need to implement inspection criteria for adult invalid care for up to six persons as state regulation is lacking. Commissioner Flowers-Taylor suggested they look at recovery houses, too. Commissioner Goss wanted to explore other type facilities, as well, such as drug recovery facilities in C-1 zoning.

If monitored properly, personal care homes are a great concept, but most are not. Mr. Taylor noted, however, that this moratorium only addresses personal care homes, not recovery homes, half-way houses, youth houses, etc. The County can deal with those, as well, but a moratorium was not necessary for those. This type request is the one experiencing much growth; his department receives about 5-6 inquiries per week. This will serve as a stop-gap measure until criteria can be established to ensure safety. The State has not relaxed their guidelines, but proliferation is a problem. He emphasized the County wants to ensure housing and not warehousing is taking place with these personal care homes. The increased interest seems to be across the board.

RESOLUTION TO ENACT A MORATORIUM ON THE
RECEIPT, ACCEPTANCE, CONSIDERATION AND APPROVAL
OF ANY APPLICATION SEEKING A BUSINESS LICENSE OR
BUILDING PERMIT TO OPERATE A PERSONAL CARE HOME
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, Spalding County desires to review the standards for personal care homes enforced by Spalding County to insure that these standards comply with those regulations set forth by the Georgia Department of Human Resources;

WHEREAS, Spalding County desires to briefly control and restrict the operation of any new personal care homes until such time as it may consider, implement and adopt 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 applications pertinent to the operation of Personal Care Homes shall be enacted, as follows:

Section 1: Enactment of a Moratorium on Application of Business License: 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 obtain a business license to operate a Personal Care Home.

Section 2: Enactment of a Moratorium on Request for a Building Permit: 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 Request for a Building Permit for operation of a Personal Care Home.

Section 3: Impact on Other Applications for Business License and/or Requests for Building Permits. The provisions of this resolution shall not restrict or prohibit any other applications for business license and/or any request for a building permit except those specifically stated herein.

Section 4: Effective Date and Duration. The provisions of this Resolution and the effects of the moratorium set forth herein shall commence on June 26, 2007 at 12:00 a.m. or upon its passage and adoption, whichever shall later occur and shall terminate on October 31, 2007 at 11:59 p.m., unless extended by the Board of Commissioners of Spalding County, Georgia.

Motion to approve a Moratorium on the receipts, acceptance, consideration and approval of any application seeking a business license or building permit to operate a personal care home within Spalding County, Georgia was made by Commissioner Phillips, seconded by Commissioner Goss, and carried by a vote of 4-0.

D. Adjournment.

Motion and second to adjourn at 7:35 p.m. by Commissioners Phillips and Flowers-Taylor respectively, carried by a vote of 4-0.

County Clerk

Chairman

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