

## ZONING PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, August 28, 2008 beginning at 6:00 o'clock p.m. with Commission Chairman Edward Goss, Jr. presiding and Commissioners Gwen Flowers-Taylor, Johnie McDaniel, David Phillips and Eddie Freeman present. Also present were County Manager William P. Wilson, Jr., Assistant to the County Manager Paul Van Haute, Zoning Attorney Newton Galloway, Community Development Director Chuck Taylor and Executive Secretary Teresa Watson.

### A. Call to Order.

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names and addresses and direct all comments to the Board only. Time allotted to speakers will be at the Board's discretion. No speakers will be allowed to readdress the Board without express consent from a Board member. Outbursts from the audience will not be tolerated. Common courtesy and civility area expected at all times.

### B. Old Business:

1. **Lift from the table:** Consider Moratorium on receipt, acceptance, consideration and approval of any application seeking a business license, zoning action or building permit to operate a rodeo or similar spectator event within Spalding County. *No motion was made to lift from the table; item will continue.*

### C. New Business:

1. **Application #08-07Z:** Joseph P. Evans, Jr. and Marlea J. Evans, Owners – 868 Musgrove Road (7.085 acres, more or less, located in Land Lot 225 of the 3<sup>rd</sup> Land District) – requesting a rezoning from R-2, Single Family Residential, to AR-1, Agricultural and Residential.

Mr. Taylor advised the applicant is requesting to rezone the property from R-2 to AR-1 for the purposes of keeping livestock. The request is consistent with the Future Land Use Map classification of Agricultural. Staff recommends approval of the request, as does the Planning Commission. Mr. Taylor responded to questions and provided a summary of the property via overhead site maps. The property adjacent was zoned to agricultural a couple of years ago and they did not see that trend in the area changing. Discussion followed.

*Motion to approve Application #08-07Z: Joseph P. Evans, Jr. and Marlea J. Evans, Owners – 868 Musgrove Road (7.085 acres, more or less, located in Land Lot 225 of the 3<sup>rd</sup> Land District) – requesting a rezoning from R-2, Single Family Residential, to AR-1, Agricultural and Residential, was approved but to an AR-2 designation rather than the requested AR-1, by Commissioner McDaniel, seconded by Commissioner Phillips, carried by a vote of 5-0.*

2. **Application #FLA-08-03:** Various Property Owners – Spalding County Board of Commissioners, Agent – Intersection of Bucksnot Road and Bailey Jester Road within a ½ mile radius – from Agricultural and Forestry to Industrial, and Low Density Residential to Industrial.

Mr. Taylor explained that the Planning Commission has requested that staff complete a land use study for the Bucksnot Road/Bailey Jester Road area. He presented a report and map as part of the study, the boundary for which includes all property in a ½-mile radius from the intersection of Bucksnot and Bailey Jester Roads. This is an area found to be most significantly impacted by the Pine Ridge Landfill located off Bailey Jester Road. Staff recommends approval of the recommended change to industrial for the Future Land Use Map, and the Planning Commission recommended denial 3-0-1.

Discussion followed regarding this area. It was mentioned that the area is in close proximity to I-75 via access by SR 16. Property values are still fairly reasonable and the area already impacted by the landfill. These type requests will continue and, at some point in the future, these factors will come into play with an alternative land use designation. When it trends to industrial, as it is likely to do, there will be challenges to infrastructure and services on several levels that need to be considered, and it is the opinion of Staff that to be proactive in these considerations would greatly reduce the cost to the County of providing the needed infrastructure to support this trend. Mr. Taylor said planning staff urged that the County not piecemeal these infrastructure

needs but rather plan for the changes in a well thought out, structured, methodical way. The area is large enough to allow for the burden of these planned improvements, thereby providing a good return on investment. There have been a couple of public meetings and residents have been vocal. Most significantly there are a number of properties on the east side of Bucksnot that back up to the property referenced in the specific zoning action, and this is an established residential area. Neighbors are adamant that this land use is static and that the impact from the landfill is surmountable; they do not desire industrial. It is low density residential with an undisturbed buffer planned in the proposal. The areas to the south and to the northwest of the landfill are the sections targeted for industrial growth. Regardless of the outcome of this application, there is a definite need to improve the intersection of Bucksnot and Bailey Jester Roads. The affected area is 1.8 miles from Arthur K. Bolton Parkway. Industrial facilities in the County cost relatively little in the way of services as compared to the amount of money that is returned to the tax base for the County and the jobs provided. Much discussion followed.

Jesse Maddox, 301 Bucksnot Road and 381 Bucksnot Road, Griffin, Georgia  
Mr. Maddox said his property of 45 acres has three homes on the tract. Bucksnot Road is currently a No Thru Trucks thoroughfare and he wanted to see that designation remain. He concurred the size and impact of the landfill will increase, but he felt the expansion should be east into Butts County. He questioned whether or not there were any hidden agendas for this action. He has no intention in selling his property that has been in his family for sixty years.

Bobbie Gaddy, 286 Bucksnot Road, Griffin, Georgia  
She has lived on her property for over 50 years and could not understand the rationale for this action. All the residents want to get away from commercialization, not encourage more development. She urged the Board to leave it residential. The landfill, in her estimation, would not have been developed had Spalding County provided easement for the facility off Bailey Jester Road.

Brian Grainger, 488 Bucksnot Road, Griffin, Georgia  
He and his wife bought their property about a year and a half ago and thought the area was very nice. The road frontage of the Fayette Environmental property is narrow, about 100 feet wide. This is the only access to that property and he would have to view ingress and egress of all traffic to the parcel from his property. This development will negatively impact the quality of his family's life and adversely affect his property's value. He likes the area and does not want to sell, but he would find it difficult to sell the tract anyway. Mr. Grainger requested the Board consider the residents that will be impacted in a negative way because this action does not have to happen.

Joy Goins, 500 Bucksnot Road, Griffin, Georgia  
Her parents live next door and have been there 48 years. She and her husband have been there for ten years. She would like to see the area remain as rural as possible and she did not favor industry which would bring road improvements/widening, traffic, noise, pollution, safety issues and infrastructure.

Jerry Payne, 487 Bucksnot Road, Griffin, Georgia  
Such an action will most certainly impact the residents in the area, particularly in the area to the south. He asked the Board to not forget the human factor in the equation of designating the area targeted for industrial growth.

Mr. Galloway said the landfill resulted ultimately from litigation in Butts County brought by property owners in Butts County who were selling to the landfill operation. At some point, which predates Mr. Galloway, the developer asked for access from Spalding County and, in exchange, Spalding County was allowed use of the facility. Mezart Studios was an industrial use of the property prior to Carden Brothers. The County allowed Carden Brothers to reactivate a non-conforming use as a variance from the Board of Appeals. Then, Randolph Vaughn appeared on property north of Mesa, and staff recommended against rezoning this tract industrial. However, the Board disagreed and allowed same without even the presentation of a plan. Next, the silt fence company purchasing the property wanted to expand, which necessitated rezoning and that effort was successful. Mr. Galloway said the process being utilized tonight continues the effort that has been encouraged throughout this process with community meetings, staff study, Planning Commission hearings, etc. with opportunity for input.

*Motion to deny Application #FLA-08-03 with direction to staff to explore other areas for targeting industrial growth, perhaps contiguous to the landfill property by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried 5-0.*

3. **Amendment to FLA-08-01: Lift from the table** – Fayette Environmental, LLC, Owner – Bucksnot Road (28.428 acres located in Land Lot 115 of the 3<sup>rd</sup> Land District) – from Forestry to Industrial.
4. **Application #08-02Z: Lift from the table** – Fayette Environmental, LLC, Owner – Scarbrough Development, Agent – Bucksnot Road (28.428 acres located in Land Lot 115 of the 3<sup>rd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-2, Manufacturing.

*There was no motion to lift Amendment to FLA-08-01: Fayette Environmental, LLC, Owner – Bucksnot Road (28.428 acres located in Land Lot 115 of the 3<sup>rd</sup> Land District) – from Forestry to Industrial and Application #08-02Z: Fayette Environmental, LLC, Owner – Scarbrough Development, Agent – Bucksnot Road (28.428 acres located in Land Lot 115 of the 3<sup>rd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-2, Manufacturing and the items will continue.*

5. **Application #FLA-08-02:** Various Property Owners – Spalding County Board of Commissioners, Agent – Macon Road from Hudson Road to Wilson Road also known as the Macon Road Corridor – from Medium Density Residential to Low Density Residential, Open Space Network to Medium Density Residential, Open Space Network to Institutional/Public, Medium Density Residential to Low Density Residential, Medium Density Residential to Commercial, Agriculture to Low Density Residential, and Medium Density Residential to Institutional/Public.

Mr. Taylor explained that the Spalding County Board of Commissioners and the Planning Commission separately requested that Staff complete a land use study for the Macon Road corridor in order to match land uses closer to what has actually developed over time. The study area boundary includes property along the corridor from Hudson Road to the north to Wilson Road to the South Ridge Landfill. Staff recommends approval and the Planning Commission also recommends approval of Application #FLA-08-02. This study considers the correction of incompatible land use planning along this corridor and seeks to review the potential benefits and impacts of the proposed land use change, as well provides as an evaluation of potential alternative land use patterns. The width of the study area varies along the corridor, but includes parcels that front on the highway and those immediately impacted by the potential land use changes.

Dick Morrow, 715 West Solomon Street, Griffin, GA

Mr. Morrow said the “one size fits all” concept does not apply to all of this corridor. Sewer is available since the Deer Creek Subdivision across the road already has sewer. Sewer engineering has already been completed for his project. The tract was zoned industrial which had great value for him. The back of the property is in hardwoods and provides a buffer to the housing development behind the tract. His design is to create a nice project for the smaller, local entrepreneurs that can make a living and contribute to the tax base, as well with industrial uses that don’t include what he calls “dirty” commercial/industrial, such as automotive repair, etc.

Luke Evans, 1425 Wesley Drive, Griffin, Georgia

He, too, purchased the tract since it carried a C-2 zoning, and his original plan was for a warehouse. He did not want to put a warehouse facility, though, and get boxed in by residential uses. To rezone the property from this C-2 zoning would certainly devalue the tract for him. He also felt there was no demand for the direction proposed in this land use map change.

Mr. Taylor responded to Commissioner McDaniel that C-1A is considered neighborhood commercial. Discussion followed.

*Motion to approve Application #FLA-08-02: Various Property Owners – Spalding County Board of Commissioners, Agent – Macon Road from Hudson Road to Wilson Road also known as the Macon Road Corridor – from Medium Density Residential to Low Density Residential, Open Space Network to Medium Density Residential, Open Space Network to Institutional/Public, Medium Density Residential to Low Density Residential, Medium Density Residential to Commercial,*

*Agriculture to Low Density Residential, and Medium Density Residential to Institutional/Public by Commissioner McDaniel, seconded by Commissioner Freeman, carried by a vote of 5-0.*

6. **Amendment to UDO #A-08-14:** Quarterly adoption of the official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

*Motion to approve provided that four tracts on Macon Road, those north of the intersection of Wilson Road and Macon Road, are rezoned to C-1 restricted against gas stations, tire stores and outdoor spectator activities by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried 5-0.*

7. **Amendment to UDO #A-08-16:** Appendix A. Subdivision Ordinance – Section 408:A – amend final plat submission.

This amendment seeks to correct situations where open spaces have been abandoned or where prospective homeowners have attempted to build on those designated areas that are not so zoned.

*Motion to approve Amendment to UDO #A-08-16: Appendix A. Subdivision Ordinance – Section 408:A – amend final plat submission by Commissioner Flowers-Taylor, seconded by Commissioner McDaniel, carried by a vote of 5-0.*

8. **Amendment to UDO #A-08-17:** Article 17B. AAR Active Adult Residential – Section 1705B:E(3)(a) (i) – amend to allow temporary golf clubhouse.

Sun City’s Canongate Golf Course needs a temporary clubhouse until the permanent structure is complete, particularly for upcoming holiday event use.

*Motion to approve Amendment to UDO #A-08-17: Article 17B. AAR Active Adult Residential – Section 1705B:E(3)(a) (i) – amend to allow temporary golf clubhouse by Commissioner McDaniel, seconded by Commissioner Freeman, carried 5-0.*

9. **Amendment to UDO #A-08-18:** Article 5. AR-1 Agricultural and Residential – amend to allow Rodeos as special exception use.

This would change a rodeo from a land use by right in Agricultural designations to that of a special exception. Mr. Galloway stated he had approached Mr. Taylor with the concept of treating rodeos as a business license issue, for events. Discussion followed.

*Motion to table until a time to be determined by Commissioner Freeman, seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.*

**D. Other Business:**

**E. Closed Meeting:**

1. Zoning Attorney Newton M. Galloway desires a Closed Meeting 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)

*Motion to include personnel issues at the Closed Meeting, as well, by Chairman Goss, seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.*

*Motion to enter Closed Meeting at 9:01 by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried by a vote of 5-0.*

**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 August 28, 2008.

2.

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

3.

The executive session was called to order at 9:01 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);

**Yes** 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 28<sup>th</sup> day of August 2008 Spalding County Board of Commissioners

Sworn to and subscribed

Before me this 28<sup>th</sup> day of August 2008 .

Edward Goss, Jr. (L.S.)

Eddie L. Freeman (L.S.)

Gwen Flowers-Taylor (L.S.)

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

Johnie A. McDaniel (L.S.)

My commission expires: March 1, 2011

David Phillips (L.S.)

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**Motion to adjourn Closed Meeting and reconvene to Open Meeting at 9:30 p.m. by Commissioner Flowers-Taylor, seconded by Commissioner McDaniel, carried 5-0.**

**E. Adjournment**

**Motion/second to adjourn at 9:31 p.m. by Commissioners Flowers-Taylor and McDaniel, carried by a vote of 5-0.**

\_\_\_\_\_  
Chairman

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

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