

ZONING PUBLIC HEARING

The Spalding County Board of Commissioners held their Zoning Public Hearing in Room 108 in the Courthouse Annex, Thursday, September 24 2009, beginning at 6:00 p.m. with Commission Chairman Edward Goss, Jr. presiding and Commissioners Gwen Flowers-Taylor, Bob Gilreath and David Phillips present. Absent was Commissioner Freeman. Also present were County Manager William P. Wilson, Jr., County Zoning Attorney Newton M. Galloway, and Teresa Watson to record minutes.

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 five minutes each, unless otherwise noted 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 are expected at all times.

B. New Business:

- 1. Application #09-12S:** Mi Suk Guhwang, Owner – Nancy D. Hagler, Agent – 1035 Vineyard Road (7.3 acres located in Land Lot 59 of the 3rd Land District) – requesting a Special Exception to allow a kennel in the AR-1 District.

Mr. Taylor advised the applicant proposed to operate a commercial kennel on the subject property. The property, located on Short Road, which is dirt, currently has a dilapidated manufactured home, with debris and piles of trash located on it. The Code Enforcement officer has been in touch with the property owner to get him to clean up the site. As of this writing, no clean-up effort has been made. Therefore, staff recommends reinforcing the requirement for removal of the home, debris and trash as part of the conditions for approval of the request. Staff recommends conditional approval with the following conditions:

- a. All existing structures, refuse and debris shall be removed from the property.
- b. A 25-foot undisturbed buffer shall be required on all sides that are abutting residential property. Said buffer shall be supplemented with plat material of sufficient height to provide visual screening of the facility from adjacent property.
- c. Any site lighting shall be designed so as to not glare into adjacent residential areas.
- d. A site plan, meeting the requirements of Appendix J of the Spalding County Unified Development Ordinance (UDO) shall be submitted to the county for approval prior to obtaining a development permit for the kennel.

The Board of Appeals recommends conditional approval of the request with the same conditions. The applicant plans to have two staff on site, but Mr. Taylor was uncertain as to hours of operation. Mr. Taylor advised kennels are regulated by the State, and their application does not specify how many animals will be provided for at this facility.

Nancy D. Hagler, Agent for Owner Mi Suk Guhwang, 105 Hawthorne Drive, Riverdale
The owner states that Cavalier King Charles Spaniel puppies will be located on the property with someone in attendance with them inside during the day, and personnel visiting at periodic intervals in the evenings. They will not be outside for extended periods. The enclosed building where the pups will be located is air conditioned. There is a 200' distance requirement between the kennel and the closest property line, and the building approximates 2000 square feet. The puppies sell for between \$1500 and \$2000 each. There will be a fence around the immediate kennel property but perhaps not around the entire property.

Motion/second to approve Application #09-12S: Mi Suk Guhwang, Owner, with the following conditions, by Commissioners Flowers-Taylor and Phillips, carried 4-0.

- a. *All existing structures, refuse and debris shall be removed from the property before construction on the kennel is begun.*
 - b. *A 25-foot undisturbed buffer shall be required on all sides that are abutting residential property. Said buffer shall be supplemented with plat material of sufficient height to provide visual screening of the facility from adjacent property.*
 - c. *Site lighting shall be designed so as to not glare into adjacent residential areas.*
 - d. *A site plan, meeting the requirements of Appendix J of the Spalding County Unified Development Ordinance (UDO) shall be submitted to the county for approval prior to obtaining a development permit for the kennel.*
 - e. *The kennel building shall be required to be enclosed.*
- 2. Amendment to UDO #A-09-07:** Article 17A. VN Village Node – Section 1704:A – amend Development Review and Approval Process.

Mr. Taylor reported that this amendment to the Village Node (VN) District should probably be tabled since other factors are presenting themselves that could also be considered at the same time at a future date.

Motion to table Amendment to UDO #A-09-07: Article 17A. VN Village Node, by Commissioner Flowers-Taylor, seconded by Commissioner Phillips, carried 4-0.

3. **Amendment to UDO #A-09-08:** Article 5. AR-1 Agricultural and Residential – Section 503:B(17) – amend to allow Office use in the AR-1 District.

Zoning Attorney Newton Galloway advised this amendment was the result of the discussion regarding the Bowlin litigation. This amendment, however, has general application throughout the County beyond that specific issue. He then reviewed the development standards for this proposed provision for office space in an AR-1 Agricultural and Residential District. Enforcement should not prove to be overtly difficult. The tract size requirement should help police many of the perceived future problems and mitigate adverse impact. The farm equipment, according to legal counsel for the Bowlins, has been moved off the property. Moving this equipment up and down the road will not be acceptable according to this amendment. Mr. Bowlin also owns property on Highway 362, but that is a different tract. The driveway to his home is on Highway 362. The Bowlins do have a working farm with appropriate farm equipment, grain bins, etc. Originally, the Bowlins were seeking commercial zoning for the grading business, which was denied. So, they reframed the request to allow an office without having to open the door to commercial zoning. There will be no new zoning and the land use map will not change at all; this simply will allow another use of the property.

Mr. Terry Harris, 121 Bethany Road, Griffin

Mr. Harris said he represented the opinion of about 20 local residents. They had no problem with farming practices, but the increased equipment for the grading business that stirs up more dust and noise posed some real concerns.

Commissioner Flowers-Taylor felt Item i should read “Equipment or vehicles related to the off-premises business may not be on site;” and Mr. Galloway responded he could adjust the verbiage. The remedy for noncompliance will be through Code Enforcement. Chairman Goss had an overall problem with an amendment being drafted because of one specific issue or entity. This created some issues for him with regard to inequality.

Motion to approve, by Commissioner Flowers-Taylor, Amendment to UDO #A-09-08: Article 5. AR-1 Agricultural and Residential – Section 503:B(17) – amend to allow Office use in the AR-1 District with the change discussed to delete the word “maintained” in Item i and the refined wording for Item j which restates that “Office use cannot result in increased traffic and/or noise.” After some discussion Commissioner Flowers-Taylor withdrew her motion.

Motion to table Amendment to UDO #A-09-08: Article 5. AR-1 Agricultural and Residential – Section 503:B(17) – amend to allow Office use in the AR-1 District by Commissioner Phillips. Motion died for lack of a second.

Motion to deny Amendment to UDO #A-09-08: Article 5. AR-1 Agricultural and Residential – Section 503:B(17) – amend to allow Office use in the AR-1 District by Commissioner Gilreath, seconded by Chairman Goss, and the vote was 2-1-1 with Commissioner Phillips abstaining because he did not fully understand the issue and Commissioner Flowers-Taylor voted in opposition. Mr. Galloway determined this vote, under the Spalding County rules of order, did not pass the motion because of conflicting rules. Chairman Goss requested another motion.

Commissioner Flowers-Taylor moved to table Amendment to UDO #A-09-08: Article 5. AR-1 Agricultural and Residential – Section 503:B(17) – amend to allow Office use in the AR-1 District, seconded by Commissioner Phillips. Motion failed 2-2.

Commissioner Gilreath moved to deny Amendment to UDO #A-09-08: Article 5. AR-1 Agricultural and Residential – Section 503:B(17) – amend to allow Office use in the AR-1 District, seconded by Chairman Goss. Motion to deny carried 4-0.

C. Other Business:

D. Adjournment.

Motion/second to adjourn at 7:25 p.m., by Commissioners Gilreath and Phillips, carried 4-0.

Chairman

County Clerk