

## ZONING PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, January 22, 2009 beginning at 6:00 o'clock p.m., with Commission Chairman Edward Goss, Jr. presiding and Commissioners David Phillips, Gwen Flowers-Taylor, Eddie Freeman, and Bob Gilreath present. Also present were County Manager William P. Wilson, Jr., Assistant to the County Manager Paul Van Haute, Zoning Attorney Newton M. Galloway, and Teresa A. 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 courtesies and civility area expected at all times.

### B. New Business:

1. Consider annual appointment to the Spalding County Planning Commission.

*Walton Glover, 989 Line Creek Road, Griffin, Georgia, was appointed by Commissioner Eddie Freeman for this Post 4 appointment to the Spalding County Planning Commission.*

2. **Application #08-24S:** Patrick R. Shivers and Wanda N. Shivers, Owners – Ideal Homes of Griffin, Agent – 1644 Birdie Road (8.30 acres located in Land Lot 24 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Mr. Taylor advised that the applicant requests a Special Exception to place a new manufactured home on property within the AR-1 district. The proposed home has approximately 2160 square feet of heated space. Per the applicant, the total cost of the home will be approximately \$116,900. Based on the requirements from Section 413 G' of the UDO, there is an established trend in the general area toward conventional home construction. Staff recommends denial of the request, as does the Board of Appeals. Commissioners viewed overheads of the property and staff documentation. A DCA home is commonly referred to as a modular home, and must be treated as a conventionally constructed home. The state defines a manufactured home as a better term (and synonymous for) a mobile home, and the key issue is a central chassis and wheels. Mobile, or manufactured, homes can be treated differently from conventionally constructed homes, and modular homes cannot be differentiated. Taxation does not factor into this differentiation for purposes of definition.

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

Mr. Ross distributed an overall map of the area with a corresponding spreadsheet of homes that are located within the identified section. He presented photos of the manufactured home proposed for placement by the Shivers family, detailing construction and aesthetic features of the dwelling for this 8.2 acre tract. Mr. Ross denoted photos of surrounding dwellings, also, which represent a diverse and varied group of sizes and styles. Most are built on slab, no crawl space. He concluded his argument for approval by saying the home was definitely compatible with surrounding dwellings.

Patrick Shivers, 1000 Steele Road, Griffin, Georgia

He and his wife respectfully request permission to place this home on property they have owned for fourteen years. He wants a dwelling he and his wife can afford and pay for when he retires in the near future.

Wanda Shivers, 1000 Steele Road, Griffin, Georgia

Ms. Shivers echoed her husband's sentiments, noting he travels and is gone much of the week. She feels comfortable and safe in this area where they have lived for so long.

*Motion to approve Application #08-24S as presented by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 5-0.*

3. **Application #FLA-08-06: Lift from the table** – William Larry Bowlin and Victoria K. Bowlin, Owners – 525 Bethany Road (2.989 acres located in Land Lot 10 of the 2<sup>nd</sup> Land District) – from Rural Reserve to Commercial. – *Application #FLA-08-06 has been requested to be withdrawn from consideration per the request of legal counsel for the applicant, which will mean should the issue be desired for further exploration, the process will begin anew.*

4. **Application #08-13Z: Lift from the table** – William Larry Bowlin and Victoria K. Bowlin, Owners – 525 Bethany Road (2.989 acres located in Land Lot 10 of the 2<sup>nd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to O & I, Office and Institutional. *Application #08-13Z has been requested to be withdrawn from consideration per the request of legal counsel for the applicant, which will mean should the issue be desired for further exploration, the process will begin anew.*
5. **Application #08-14Z:** Speedway Holdings, LLC, Owner – Keith Kenney, Agent – 2570 North Expressway (8.254 acres located in Land Lot 102 of the 3<sup>rd</sup> Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Mr. Taylor advised that agent, Keith Kenney, has requested approval from Spalding County to rezone the property for the purposes of operating an automotive repair center. The applicant proposes to subdivide the property into two tracts and construct, at a later date, a 12,500- to 15,000-square foot collision center on the newly created tract. He referenced the site plan associated with this rezoning request from C-1, Highway Commercial, to C-1, Heavy Commercial. Staff recommends conditional approval of the request with the following stipulations:

- a. All site lighting shall be provided so as not to glare onto adjacent properties.
- b. All outdoor storage shall be kept neat and orderly.
- c. No auto salvage shall be allowed or salvage of auto parts.

The Planning Commission, with a 2-2 vote, took no action on the request. Mr. Taylor responded to questions from commissioners regarding the tract's septic system, use of the property for a "junk yard," parking, required conditions, and enforcement of same.

Keith Kenney, 8 Liberty Hill Road, Griffin, Georgia

Mr. Kenney stated he simply wanted to rezone to sell used cars and perform shop functions. He has a collision center facility just up the road already on Highway 19/41 North that is kept neat and orderly, and he is very willing to conform to conditions as stated. He plans to close his existing location and move to this new site, leasing his existing location to a new tenant. A new facility will ultimately be constructed in the 12,000 to 15,000 square foot range. They will utilize the existing parking lot that was used previously for the used car operation of Speedway Dodge. No paving or grading will need to be done, but rather just facility construction.

Todd Hacias, 5747 Brookstone Walk, Acworth Country Club, Acworth, Georgia

He purchased this property from Ford Motor Company a number of years ago and maintained the property as Speedway Dodge, employing about 40 people and contributing about \$80,000 to \$120,000 in sales taxes each month. He has sustained quite a loss with the closure of the dealership franchise. Most of his businesses are located much further north than Spalding. He is impressed with the neatness and orderliness of Mr. Kenney's operations, including the new operation built recently in Thomaston. The closure of the Dodge franchise is regrettable, but he is trying to make the best of this stressful situation. The footprint of Mr. Kenney's proposed building will be congruent and compatible with that of the vacant Speedway Dodge. He strongly advocates for approval of Mr. Kenney's request.

*Motion/second to approve Application #08-14Z with conditional approval of the request with the following stipulations by Commissioners Freeman and Phillips carried by a 5-0 vote:*

- a. All site lighting shall be provided so as not to glare onto adjacent properties.
- b. All outdoor storage shall be kept neat and orderly.
- c. No auto salvage shall be allowed or salvage of auto parts.

6. **Amendment to UDO #A-08-22:** Article 9. R-3 Multiple Family District – amend to allow single family residential dwellings in R-3 District on lots of records.

Mr. Taylor advised this amendment would rectify situations with previous lots of records for single family residential dwellings. There are very few parcels that will conform and are generally smaller, sewerred, tracts. This does not provide for the creation of any new lots but rather only pertains to lots of record. Mr. Galloway confirmed there are, indeed, very few lots of record for R-3 which are designed for multi-home classes, and they are very small. Discussion followed.

*Motion/second to approve Amendment to UDO #A-08-22 by Commissioners Phillips and Freeman carried by a 5-0 vote.*

7. **Amendment to UDO #A-08-23:** Article 5. AR-1 Agricultural and Residential District, Article 6. AR-2 Rural Reserve District, Article 7. R-1 Single-Family Residential Low Density

District, Article 7A. R-1A Single Family Residential, Article 8. R-2 Single Family Residential District, Article 8A. R-2A Single Family and Two-Family Residential District, Article 10. R-4 Single Family Residential District, Article 11. R-5 Single Family Residential District, Article 11A. R-6 Planned Residential Community District, and Article 13. C-1A Neighborhood Commercial – amend Personal Care Homes as special exception use; Article 12. C-1 Highway Commercial, Article 14. C-1B Heavy Commercial and Article 19. O-I Office and Institutional District – amend Personal Care Homes as principal use.

Mr. Taylor stated these recommended changes are a direct result of the workshop held by Commissioners this past December. The redlined copy denotes the areas of change, and a clean copy of the revised resolution is provided, as well. Discussion followed.

***Motion/second to approve Amendment to UDO #A-08-23 by Commissioners Freeman and Phillips as presented except with one noted change: In Section 503: Permitted Uses, B., 20., g., provided an application for a business license for the operation thereof is filed with Spalding County on or before an effective date of February 28, 2009 rather than the previously noted January 31, 2009. Motion carried by a 3-2 vote with Chairman Goss and Commissioner Flowers-Taylor opposing.***

**C. Other Business:**

Commissioner Flowers-Taylor wanted to request that staff immediately begin to study the issue of substandard commercial buildings. Mr. Galloway will pursue specifics with Commissioner Flowers-Taylor in order to get some teeth into such an ordinance.

Commissioner Phillips asked about the actions of the Board of Appeals with regard to a rezoning issue dealt with by the Board of Commissioners for a commercial property occupied by the AFLAC representative on Highway 19/41 North. Some commissioners felt the Board of Appeals, in essence, overturned this Board’s actions on this application. Commissioner Flowers-Taylor noted that a County Commissioner, if he or she is interested in conveying a desire to the Board of Appeals and Planning Commission members, needs to make an effort to personally share with their designated appointee to provide such insight. Some commissioners noted they make an effort not to influence their appointees on such decisions. Mr. Taylor advised that the Board of Commissioners Chair and/or Vice Chair should perhaps convey to the Board of Appeals and/or the Planning Commission that they felt betrayed by that Board’s actions. Commissioner Phillips requested that Chairman Goss convey to the Board of Appeals this Board’s displeasure with their actions in this particular instance. It was noted the Board of Appeals decision dealt with a variance and not with the rezoning issue originally addressed by the Board of Commissioners.

Commissioner Flowers-Taylor inquired if anyone was interested in expanding the ½ mile radius to a 1-mile radius footprint when considering an area for identifying trending or compatibility by Staff for use in their recommendations to the Board on planning and zoning issues. Perhaps some differentiation needs to be made, as well, to better establish a more objective criteria, with regard to trending versus compatibility. She suggested a review of the existing verbiage. Mr. Galloway noted the word trend was intentionally used to encourage conventionally built homes. This issue, he cautioned, would continue to blur because of the close distinguishing characteristics of modular versus manufactured homes. A workshop needs to be scheduled to discuss issues and will be arranged at a later date.

**D. Adjournment.**

***Motion/second by Commissioners Flowers-Taylor and Freeman to adjourn at 8:04 p.m. by a vote of 5-0.***

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Chairman

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County Clerk