

ZONING PUBLIC HEARING

The Spalding County Board of Commissioners held their Zoning Public Hearing in Room 108 in the Courthouse Annex, Thursday, April 26, 2012, beginning at 6:00 p.m. with Chairman Gwen Flowers-Taylor presiding. Commissioners Bob Gilreath and Eddie Freeman were present. Also present were County Manager William P. Wilson Jr., Community Development Director Chad Jacobs and Ex-Officio, County Clerk Ricky L. Clark Jr. to record the minutes. Commissioners Raymond Ray, Samuel C. Gardner & Zoning Attorney Newton Galloway were not present.

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. Speakers will be allotted three (3) minutes to speak on their chosen topics and relate to matters pertinent to the jurisdiction of the Board of the Commissioners. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

Motion/Second by Freeman/Gilreath to amend the agenda to add the following item: Consider approval of extension of Dispatch Communications Service agreement with Tenet Health System Spalding, Inc. and Spalding County to expire June 30, 2012. Motion carried by all.

B. New Business:

- 1. Application #12-01Z:** Sons Hyundai Real Estate, LLC, Owner – Jeffrey Royal, Agent – 2425 North Expressway (8.43 acres located in Land Lot 102 of the 3rd Land District) - requesting a rezoning from C-1, Highway Commercial and AR-1, Agricultural and Residential, to C-1B, Heavy Commercial.

Chad Jacobs, Community Development Director, advised that this rezoning request is for the old Hundai & Toyota site. Mr. Jacobs stated that this request is made by another car dealership that will occupy the current vacant space. Mr. Jacobs advised upon closing of the business the property was zoned C-1 and the use was grandfathered. Since the business license lapsed, new zoning of C-1B is now necessary. C-1B would allow for outdoor storage. Mr. Jacobs noted that the planning commission has recommended conditional approval.

Jeff Royal- 3475 Oak Valley Rd- Atlanta, Georgia- Mr. Royal advised the Board that application #12-01Z references a used automobile dealership looking to locate to Spalding County. Mr. Royal noted that this particular dealership has existing operations throughout the Atlanta area. Mr. Royal further noted the success of these existing locations.

Brandon Harper- 411 Howell Park Rd.- Duluth, Georgia- After questioning from Chairman Flowers-Taylor, Mr. Harper advised that this particular dealership doesn't partake in paint and body nor repair work. Mr. Harper advised they simply sell trade-ins. Mr. Harper also advised that there would be no major changes to the exterior of the building. The only minor changes made would consist of simple landscaping. Mr. Harper further advised that the dealership would only house about 200-300 cars on the lot.

After questioning from Mr. Wilson, Mr. Harper advised that the current digital sign is operational but probably would not be used. Mr. Jacobs advised all that any changes with the sign would have to comply with the sign policy.

Motion/Second by Freeman/Gilreath to approve Application #12-01Z: Sons Hyundai Real Estate, LLC, Owner- Jeffrey Royal, Agent- 2425 North Expressway (8.43 acres located in Land Lot 102 of the 3rd Land District) – requesting a rezoning from C-1, Highway Commercial and AR-1, Agricultural and Residential,

to C-1B, Heavy Commercial with the following conditions as recommended by staff:

1. Site lighting shall be designed so as not to glare onto neighboring residential properties or rights-of-way.

2. All outdoor storage shall be neat and orderly at all times.

Motion carried by a vote of 3-0.

2. **Application #12-02Z:** Heritage Bank, Owner – Lifesong Church, Agent – 8 acres off Carver Road located in Land Lot 88 of the 2nd Land District – requesting a rezoning from PDD, Planned Development District, to R-1, Single Family Residential Low Density.

Chairman Flowers-Taylor requested discussing items 2, 3 & 4 jointly.

Mr. Jacobs advised that the methodology behind this series of requests is that the property must be rezoned from PDD to R-1 to develop a church. Mr. Jacobs further noted that any change to this master plan must go back before the planning commission and commissioners for final approval of the master plan. Mr. Jacobs commented that the subject property is the Stonebriar Subdivision which is currently owned by the bank. Under the previous PDD zoning there was a condition in which put a limitation that nothing could be built except for houses and open space. Mr. Jacobs advised that the 8 acres will be subdivided from the existing 70+ acres for the church site. The process would take the 8 acres out of PDD and bring it to R-1 status then a special exception would be needed. Chad presented the commission with maps of the old plan and compared them with that of the new plan.

Mr. Jacobs advised that Application #12-02ZA references the master plan in which must be redesigned. Mr. Jacobs further noted that these modifications will help update files and keep them current. The conditions as recommended by the Planning Commission were presented.

Mr. Jacobs advised that Application #12-02S meets all requirements assuming approval of the rezoning. Mr. Jacobs also presented the conditions as recommended by the Planning Commission.

After questioning from Chairman Flowers-Taylor, Mr. Jacobs advised that the entrance to the church would be off of Carver Road. Chairman Flowers-Taylor also questioned spot-zoning. Mr. Jacobs advised that amending the master plan would not be considered spot-zoning since staff is staying within the confines of residential use. Churches are permitted in all districts as special exceptions. Mr. Jacobs further advised that true commercial would be an example of spot zoning.

Mark James- Lead Pastor at Lifesong advised that they are a new church which currently meets at the movie theatre in the Wal-Mart Shopping Center. Mr. Jacobs assured the Board that his project manager has worked close with County staff to make sure all bases were covered.

Motion/Second by Gilreath/Freeman to approve Application #12-02Z: Heritage Bank, Owner- Lifesong Church, Agent – 8 acres off Carver Road located in Land Lot 88 of the 2nd Land District- requesting a rezoning from PDD, Planned Development District, to R-1, Single Family Residential Low Density with the following conditions:

1. A special exception shall be applied for and approved.

Motion carried by a vote of 3-0.

3. **Application #12-02ZA:** Heritage Bank, Owner – 62.37 acres off Moreland Road and Carver Road located in Land Lot 88 of the 2nd Land District – revision to master plan for Stonebriar Subdivision Phase III.

Motion/Second by Freeman/Gilreath to approve Application #12-02ZA: Heritage Bank, Owner – 62.37 acres off Moreland Road and Carver Road located in Land Lot 88 of the 2nd Land District – revision to master plan for Stonebriar Subdivision Phase III with the following conditions as recommended by staff:

1. The master plan for Stonebriar subdivision shall be redesigned and approve by both the Planning Commission & Board of Commissioners.

*2. A preliminary plat shall be submitted reflecting the current master plan.
Motion carried by a vote of 3-0.*

4. Application #12-02S: Heritage Bank, Owner – Lifesong Church, Agent – 8 acres off Carver Road located in Land Lot 88 the 2nd Land District – requesting a Special Exception to allow a Church, synagogue, chapel, or other place of religious worship or educational instruction meeting development standards in the R-1 District.

Motion/Second by Freeman/Gilreath to approve Application #12-02S: Heritage Bank, Owner – Lifesong Church, Agent- 8 acres off Carver Road located in Land Lot 88 the 2nd Land District – requesting a Special Exception to allow a Church, synagogue, chapel, or other place of religious worship or educational instruction meeting development standards in the R-1 District with the following conditions:

- 1. Site lighting shall be designed so that it will not glare into adjacent residential areas of public rights-of-way.*
- 2. An acceleration/deceleration lane shall be provided at the church entrance.*
- 3. Any addition or expansion of the use shall be required an additional special exception.*

Motion carried by a vote of 3-0.

5. Amendment to UDO #A-12-01: Lift from the table – Article 2. Definitions of Terms Used – Section 203:Z’ – amend to add Mother-in-law Suite and Article 5. AR-1 Agricultural & Residential - Section 503:C(17), Article 6. AR-2 Rural Reserve - Section 603:C(15), Article 7. R-1 Single Family Residential Low Density - Section 703:C(16), Article 8. R-2 Single Family Residential - Section 803:C(17), Article 10. R-4 Single Family Residential - Section 1003:C(16), Article 11. R-5 Single Family Residential - Section 1103:C(16) - amend to allow mother-in-law suites as accessory use.

Motion/Second by Freeman/Gilreath to lift from the table Amendment to UDO#A-12-01. Motion carried by a vote of 3-0.

Mr. Jacobs advised that this amendment was the exact same language as brought before the Commission at the March 29th work session. Mr. Jacobs also advised that this amendment would require two readings.

Motion/Second by Freeman/Gilreath to approve on first reading Amendment to UDO#A-12-01: Article 2. Definitions of Terms Used – Section 203:Z’ – amend to add Mother-in-law Suite and Article 5. AR-1 Agricultural & Residential - Section 503:C(17), Article 6. AR-2 Rural Reserve - Section 603:C(15), Article 7. R 1 Single Family Residential Low Density - Section 703:C(16), Article 8. R-2 Single Family Residential - Section 803:C(17), Article 10. R-4 Single Family Residential - Section 1003:C(16), Article 11. R-5 Single Family Residential - Section 1103:C(16) - amend to allow mother-in-law suites as accessory use.

Motion carried by a vote of 3-0.

6. Consider approval of extension of Dispatch Communications Service Agreement with Tenet Health System Spalding, Inc. and Spalding County to expire June 30, 2012.

Mr. Wilson advised that this extends the contract through June 30th while negotiations are still pending.

Motion/Second by Freeman/Gilreath to approve extension of Dispatch Communications Service Agreement with Tenet Health System Spalding, Inc. and Spalding County to expire June 30, 2012. Motion carried by a vote of 3-0.

C. Other Business: NONE

D. Adjournment. *Motion/Second by Freeman/Gilreath to adjourn at 6:30 p.m. Motion carried by all.*

Chairman

County Clerk

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