

**SPALDING COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**August 26, 2014**

The Spalding County Planning Commission held its regular monthly meeting on August 26, 2014 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Ed Johnson, Chair, presiding; Bruce Ballard; Sonny Eubanks; Frank Harris and John Youmans.

Also present were: Chad Jacobs, Community Development Director; Newton Galloway, Zoning Attorney and Yvonne Langford to record the minutes.

Mr. Johnson called the meeting to order and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

**Application #FLA-14-02: Lift from the table** - Cecil O. and Dorothy S. McAdams have requested a future land use map change from Low Density Residential and Open Space network to Agriculture of the following: 1649 Carver Road (3.03 acres), 1663 Carver Road (2.06 acres) and 1725 Carver Road (86.532 acres) located in Land Lot 86 of the 2<sup>nd</sup> Land District.

**MOTION**

Mr. Youmans made a motion to Lift Application #FLA-14-02 from the table. The motion passed on a second by Mr. Ballard with Mr. Ballard, Mr. Eubanks, Mr. Johnson, Mr. Harris and Mr. Youmans voting for the motion.

**Application #14-02Z: Lift from the table** - Cecil O. and Dot S. McAdams, Owners, – 1649 Carver Road (3.03 acres located in Land Lot 86 of the 2<sup>nd</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to AR-1 Agricultural and Residential.

**MOTION**

Mr. Ballard made a motion to Lift Application #14-02Z from the table. The motion passed on a second by Mr. Youmans with Mr. Ballard, Mr. Eubanks, Mr. Johnson, Mr. Harris and Mr. Youmans voting for the motion.

**Application #14-02AZ: Lift from the table** - Dorothy S. McAdams, Trustee of the Dorothy S. McAdams Revocable Trust, Owner - – 1663 Carver Road (2.06 acres located in Land Lot 86 of the 2<sup>nd</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to AR-1 Agricultural and Residential.

**MOTION**

Mr. Ballard made a motion to Lift Application #14-02AZ from the table. The motion passed on a second by Mr. Eubanks with Mr. Ballard, Mr. Eubanks, Mr. Johnson, Mr. Harris and Mr. Youmans voting for the motion.

**Application #14-02BZ: Lift from the table** - Dorothy S. McAdams, Trustee of the Dorothy S. McAdams Revocable Trust, Owner - – 1725 Carver Road (86.532 acres located in Land Lot 86 of the 2<sup>nd</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to AR-1 Agricultural and Residential.

**MOTION**

Mr. Ballard made a motion to Lift Application #14-02BZ from the table. The motion passed on a second by Mr. Youmans with Mr. Ballard, Mr. Eubanks, Mr. Johnson, Mr. Harris and Mr. Youmans voting for the motion.

These applications were discussed together and voted separately.

Mr. Jacobs said he has received information from Ms. McAdams advising she wants these applications to move forward as filed. The Amendment to UDO #A-14-06 relates to this application and will be considered after the other applications are considered. The staff recommendation is for denial on all four applications.

Mr. Johnston said earlier in the year there were two applications that were similar to these applications. His recollection is that they took no action on one of the applications and the recommendation from the Planning Commission was for denial on the other because they did not want to set the precedent of changing the future land use map. The County Commissioners approved the change with the condition there could be no chicken houses. It seems the Commissioners have already set the precedent to make the changes. He feels it is reasonable to make the change when it is a large tract of land as this is. If it is a smaller tract then maybe it should not be changed.

Mr. Jacobs said he still feels a need to maintain the future land use map because it is important and should be treated carefully. A lot of time and effort has been put in the planning for the development of the county. He sees the merit in being able to have horses and similar uses on residential property with adequate acreage. There is also the issue of conservation and taxes. While it is a related topic from a zoning standpoint, it really has no bearing from a Planning Commission standpoint. The Community Development Department is not qualified to make any determination regarding tax or tax assessments nor can the Planning Commission make any determination regarding these issues. It is difficult to keep the two separated. He understands how people making the applications feel but the Planning Commission and Department of Community Development have no control over those issues. All that can be considered regarding these applications is strictly from a land use perspective.

Mr. Youmans said the preponderance of the land in this area is larger tracts of land and is trending toward R-1. The situation the Planning Commission considered a few months ago was downzoned and it bothered him a great deal because it showed there is a total lack of understanding of the Spalding County UDO. Chicken houses are objectionable and that is what people gravitate toward but there are many other things that can occur that would be just as objectionable.

A lengthy discussion was held regarding these applications with the concerns being the planning for this area. It is zoned for residential development, and if the zoning is changed to agricultural, it will have a negative impact due to all the uses that could result. It was noted that an R-2 zoning would be more appropriate than a change to agricultural and residential. Making any change would be setting a precedent that would not be appropriate. Even though the County Commission has allowed a zoning change in the area, the Planning Commission wants to maintain its position that in its opinion the change is not appropriate. The Planning Commission did not see any problem with allowing a few horses, cows and chickens through other means than a zoning change. Mr. Eubanks said he agreed with some of the comments but feels the change should be allowed from an agricultural standpoint but did not favor any commercial use whatsoever.

Mr. Tommy Addis - 1833 Carver Road

Mr. Addis said he is the gentleman that recently had his property rezoned in this area. He expressed appreciation for that rezoning and feels it was the right thing to do. He also understands the concerns regarding what can happen with the property being rezoned should someone else acquire the property. He understands that being able to put the land in conservation is a reason people want the zoning change. He talked with the parties regarding getting a conservation designation for his property and was told if there is not an A in the zoning designation they will not get a conservation designation. The County is going to be flooded with people wanting to get a zoning change to be able to save on taxes. He understands this board does not have any authority regarding the taxes and this may not be the place to talk about the issue but it does enter into the discussion. It is a huge tax break on the property.

**MOTION**

Mr. Harris made a motion to deny Application #FLA-14-02Z. The motion passed on a second by Mr. Youmans with Mr. Ballard, Mr. Johnson, Mr. Harris and Mr. Youmans voting for the motion and Mr. Eubanks voting against.

Mr. Galloway advised that failure to approve the change in the Land Use Map negated the balance of the applications and no further action is required.

**Amendment to UDO #A-14-06:** Article 7.R-1 Single Family Residential Low Density – Section 703:C(8), Article 7A. R-1A Single Family Residential – Section 703A:C(8), Article 8. R-2 Single Family Residential – Section 803:C(8) and Article 10. R-4 Single Family Residential – Section 1003:C(8) – add horses as an accessory use.

Mr. Jacobs said this change is the text amendment that was requested by the Planning Commission at the last meeting with respect to allowing horses within the R Districts. This is the language from the Fayette County ordinance. It allows one horse on lots consisting of a minimum of three acres and an additional horse for each additional acre of land along with related accessory structures. This is the first stepping stone entering into the area of urban agricultural type uses. The requests they have been getting is primarily for horses. The staff recommends approval.

Mr. Ballard said he has concern regarding allowing an additional horse for each additional acre. That could allow for a large concentration of horses.

Mr. Jacobs said there could be situations where there is not enough grazing land but there will also be the issue of a lot of acreage with a large portion not being useable for grazing. There is going to have to be cooperation with other agencies if there becomes an issue with neglect of the animals. That will have to be addressed through other agencies.

Discussion was held regarding the move toward urban agriculture. The County is going to have to consider whether or not they want to develop ways to allow animals such as horses, cows and chickens. Mr. Galloway said the property can be rezoned to AR-2 if it is large enough and not AR-1. That is within the Board’s authority. There is also the option to draft an ordinance such as the one that is being proposed. This ordinance requires a three-acre minimum which keeps it outside of subdivisions by definition.

**MOTION**

Mr. Youmans made a motion to approve Amendment to UDO #A-14-06. The motion passed on a second by Mr. Harris with Mr. Ballard, Mr. Eubanks, Mr. Johnson, Mr. Harris and Mr. Youmans voting for the motion.

**MINUTES**

Mr. Ballard made a motion to approve the minutes of the July 29, 2014 meeting. The motion passed on a second by Mr. Youmans with Mr. Ballard, Mr. Eubanks, Mr. Johnson, Mr. Harris and Mr. Youmans voting for the motion.

**ADJOURN**

The meeting was adjourned on a motion by Mr. Ballard and a second by Mr. Youmans with Mr. Ballard, Mr. Eubanks, Mr. Johnson, Mr. Harris and Mr. Youmans voting for the motion.

---

Ed Johnson – Chair

---

Yvonne M. Langford - Recorder