

# After Agenda

Board of Commissioners of Spalding County  
Zoning Public Hearing  
Monday, July 23, 2020  
6:00 PM  
Room 108, Annex Building

The Spalding County Board of Commissioners held a Zoning Public Hearing in Room 108 of the Spalding County Annex on Thursday, July 23, 2020, beginning at 6:00 p.m. with Chairperson Gwen Flowers-Taylor presiding. Commissioners James Dutton, Rita Johnson and Bart Miller were present for the meeting. Commissioner Donald Hawbaker was absent from the meeting. Also present were County Manager, William P. Wilson, Jr., Assistant County Manager, Michelle Irizarry, Zoning Attorney, Newton Galloway, Community Development Director, Debbie Bell and Kathy Gibson, Executive Secretary to record the minutes.

**I. OPENING (CALL TO ORDER)** by Chairperson Gwen Flowers-Taylor.

**PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.**

**II. INVOCATION**

Commissioner Rita Johnson, District #3 delivered the Invocation.

**III. PLEDGE TO FLAG**

Commissioner James Dutton, District #2, led the pledge to the flag.

Chairperson Flowers-Taylor stated at this time she would entertain a motion to amend the agenda.

***Motion/Second by Dutton/Johnson to amend the agenda to hear Item #1 under Other Business prior to starting the Public Hearings for consideration this evening. Motion carried unanimously.***

**IV. PUBLIC HEARINGS**

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 as they relate to matters being considered by the Board of Commissioners on this Agenda. 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.

**V. NEW BUSINESS**

1. **Application #20-04S:** Christopher M. Bassett, Owner - 129 Orchard Drive (14.33 acres located in Land Lot 47 of the 2nd Land District) - requesting a Special Exception to allow a general home occupation in the AR-1 District.

Deborah Bell, Community Development Director, stated this is a Special Exception Request, for the property owner's wife to have a single-chair hair salon. She would be the sole stylist for the business, they have met all of the zoning requirements. There were concerns regarding the accessory building they plan to place on the property would have the proper set-back of 5' from the property. We asked that they locate the property line and make sure the building meets the set-back requirements. Staff recommends approval with the three conditions noted:

- a. All areas related to the home occupation shall comply with all applicable building codes and be inspected and approved prior to the approval of a business license.
- b. A building permit is required for the accessory structure.
- c. Property owner must locate the exact property line on the south side of the lot in order to accurately site the accessory structure.

Mr. Wilson advised there was one person signed up to speak. Mr. Chris Bassett.

**Christopher Bassett**, 129 Orchard Drive, Griffin stated he didn't have anything he wanted to say, he advised he was here this evening to answer any questions the Board may have regarding the request.

***Motion/Second by Dutton/Johnson to approve Application #20-04S: Christopher M. Bassett, Owner - 129 Orchard Drive (14.33 acres located in Land Lot 47 of the 2nd Land District) - requesting a Special Exception to allow a general home occupation in the AR-1 District with conditions as recommended by staff. Motion carried unanimously by all.***

2. **Application #20-06Z:** Marksmen Real Estate, LLC, Owner - Howard Johnson, Agent - 2342 North Expressway (1.156 acres located in Land Lot 102 of the 3rd Land District) - requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Ms. Bell stated that this request is to rezone the building which formerly housed Bulldog Tire. The applicant stated that they wanted to have automotive repair and sales at the location. The Planning Commission did have some concerns and recommended several conditions. Staff did recommend approve with the Planning Commission conditions.

Commissioner Dutton then asked if it wasn't already a mechanic's shop?

Ms. Bell advised that the property has been vacant for over a year, so it lost the grandfathering status.

Commissioner Flowers-Taylor stated that her concern is with the outside storage. The request starts off they are wanting to do auto repair, but it finishes up by stating they will be selling cars. That is a concern for her on 19-41. We have a problem when we allow people to do that, the property becomes

a car lot and it ends up out on the right of way with stuff parked everywhere. She then asked if there was a difference in C1 and C-1B in what you can and can't store outside?

Ms. Bell stated there was a similar discussion during the Planning Commission and the Planning Commission approved this application with the following conditions:

- a. All outdoor storage shall be neat and orderly.
- b. There shall be no junked, abandoned or wrecked vehicles stored on the property.
- c. All site lighting shall be structured so as not to glare onto adjacent properties.
- d. All vehicles shall be parked on designated paved areas and not on grassed areas.
- e. Business shall not use the right-of-way for display of vehicles.

Ms. Bell stated there were concerns that a vehicle may come in for repair and the owner then not have the funds to get the vehicle back right of way. The applicant stated that they did have a roll-off and they would take those vehicles to another location so they would not be storing any vehicles that the services had not been paid for on that property.

Chairperson Flowers-Taylor stated that this property was grandfathered under a C-1B.

Ms. Bell stated that they had been grandfathered under a C-1B zoning; however, they lost that grandfathered status to conduct a C-1B qualifying business in C1 because the license lapsed for over 12 months.

Mr. Wilson stated that what Chairperson Flowers-Taylor is stating is we don't want this area to look like the area currently across from Cronin Chevrolet.

Chairperson Flowers-Taylor stated her other concern is that the Special Exception stays with the property. There are other businesses that can be run in C-1B as well.

Commissioner Dutton then asked if there would be any way to attach a condition along with the staff recommendations.

Newton Galloway, Spalding County Zoning Attorney, advised that a condition limiting the use to the use proposed in the application could be assigned to the application along with the conditions recommended by staff and the Planning Commission.

**B. Frank Harris**, 1881 S. 6<sup>th</sup> Street, Griffin advised that he is on the Spalding County Planning Commission and he is glad to see the Commissioners concerned about what is going on, on the north end of town. This was a very unusual application in that the owner of the property did not appear for the hearing on the application during the Planning Commission hearing. The tenant did and the only thing that was of concern is the tenant could be gone within 12 months and all the things that they said they were going to do may

or may not happen. We haven't been very prudent in past years on the north end because we had some fairly loose commercial zoning that was passed in order to encourage commercial development and tentatively help the tax digest. He feels it would be very prudent for the Planning Commission to consider submitting to the Board some changes on the commercial classifications on the north end, because there are some that are a little too loose, but they are what we have to work with right now. Mr. Harris stated that they are mandated to consider the applications and make recommendations to the Board of Commissioners and he just wanted the Board to know they are very interested in seeing this happen.

***Motion/Second by Johnson/Dutton to approve Application #20-06Z: Marksmen Real Estate, LLC, Owner - Howard Johnson, Agent - 2342 North Expressway (1.156 acres located in Land Lot 102 of the 3rd Land District) - requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial with conditions as recommended by staff and the Planning Commission:***

- a. All outdoor storage shall be neat and orderly.***
- b. There shall be no junked, abandoned or wrecked vehicles stored on the property.***
- c. All site lighting shall be structured so as not to glare onto adjacent properties.***
- d. All vehicles shall be parked on designated paved areas and not on grassed areas.***
- e. Business shall not use the right-of-way for display of vehicles.***

***and with the additional condition that the use for the property be limited to the use as proposed in the application. Motion carried unanimously by all.***

*Consensus by the Board is to look at the zoning for all of these type corridors coming into the County.*

3. **Amendment to UDO #A-20-06:** Article 23. Official Zoning Map - Section 2302:E - semi-annual adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

Ms. Bell stated this is presentation of the official zoning map that includes any changes for the year up to the end of June. This is the formal adoption of ***the updated zoning map.***

***Motion/Second by Dutton/Miller to approve the Amendment to UDO #A-20-06: Article 23. Official Zoning Map - Section 2302:E - semi-annual adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County. Motion carried unanimously by all.***

**VI. Other Business:**

1. Consider establishing a date to review an Ethics Complaint filed by William A.B. Solomon and Janice M. Solomon.

*This item was addressed prior to hearing discussing new business per a motion and second by the Board of Commissioners.*

Mr. Wilson advised that staff is suggesting Monday, August 3<sup>rd</sup>, at 9:00 a.m. or 3:00 p.m. or Monday, August 17<sup>th</sup>, at 9:00 a.m. or 3:00 p.m. to hear this complaint. These are our regular meeting dates next month.

***Motion/Second by Johnson Miller to designate August 3<sup>rd</sup>, 2020 at 3:00 p.m. as the date and time to review an Ethics Complaint filed by William A.B. Solomon and Janice M. Solomon. Motion carried unanimously by all.***

**VII. CLOSED MEETING – None.**

**VIII. ADJOURNMENT**

***Motion/Second by Johnson/Miller to adjourn the meeting at 6:27 p.m. Motion carried unanimously by all.***