

After Agenda

Board of Commissioners of Spalding County
Zoning Public Hearing
Thursday, January 27, 2022
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, January 27, 2022, at 6:00 p.m. with Chairman Clay Davis presiding. Commissioners Rita Johnson, James Dutton, Ryan Bowlden and Gwen Flowers-Taylor were present for the meeting. Also present were County Manager, Dr. Steve Ledbetter, County Attorney, Stephanie Windham, County Zoning Attorney, Newton Galloway, for Community Development, Bradford Vaughn, Citizen Engagement Specialist, DeAndre Smith and County Clerk, Kathy Gibson to record the minutes.

A. OPENING (CALL TO ORDER) by Chairman Clay Davis.

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

B. INVOCATION

Commissioner Rita Johnson, District #3, delivered the invocation.

C. PLEDGE TO FLAG

Commissioner Ryan Bowlden, District #4, led the Pledge to the Flag.

D. 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.

1. **Application 21-10Z:** Consider a request to rezone from AR-1 and R2 to R2 with the intent to apply for a special exception for a subdivision.

Bradford Vaughn, Community Development, asked that this item be tabled as it is not ready to be presented at this time.

Motion/Second by Dutton/Flowers-Taylor to table Application 21-10Z: Consider a request to rezone from AR-1 and R2 to R2 with the intent to apply for a special exception subdivision. Motion carried unanimously by all.

2. **Application 21-65S:** Consider a request via special exception application to add a manufactured home in the AR-1 zoning district.

Mr. Vaughn stated the subject property is located at 158 Grizzley Lane, per the ordinance in the AR1 Zoning Classification, if you are wanting to add a mobile or manufactured home, you have to request a special exception. There are other conditions in Spalding County that include taking into consideration the types of homes in a 1/2 mile radius around the proposed location.

Mr. Vaughn stated that the subject property is located at 158 Grizzley Lane, every parcel in the 1/2 mile radius of this property is also zoned AR1. Mr. Vaughn then reviewed a breakdown of all the homes in the area 80 % of the properties have development on them of that 80%, 44% of the homes are stick built homes with an average home size of 1,735 square feet of heated space, 36% of the homes are manufactured or mobile homes and have a 1,241 heated square feet. The remaining 20% of the properties in this area are undeveloped at this time.

The applicant is planning to install a new 2021 model home that will have 1,735 square feet of heated space. It is going to be a higher valued home and it is going to be a vast improvement over the manufactured homes currently in the area. Currently the newest manufactured home in that area was constructed in 2006.

There have been traditional stick-built homes in the area since 2006, the last one being build in 2019. We do have a certification from the manufactured home builder that the proposed building does have a true 4/12 roof pitch which is compliant with our zoning. The Board of Appeals voted unanimously to approve this application and staff is also recommending approval subject to conditions.

Commissioner Flowers-Taylor then stated that the criteria that we have used for the past several years has been based on the percentage or the current trend of homes in the area? Are people building stick-built houses in the area and if they are, is this the trend? To her if the newest stick-built home was built in 2019 and the newest manufacture home is 2006, then the trend appears to be toward stick-built homes. This is the kind of information she needs to know, because this is how we have made the decisions in the past.

Mr. Vaughn then advised that there has been a slight upward trend in stick-built homes in this area. The percentage of the parcels that have homes is 44% stick built and 36% manufactured home.

Chairman Davis then asked staff's recommendation.

Mr. Vaughn advised that it would not be against the future land use map for the area and it would be compliant with the code. The proposed home will be an improvement over what is currently in the area and staff recommends approval.

Commissioner Dutton then stated that the trend in the neighborhood appears to be stick-built homes and this request does not meet the requirement that has been set.

Chairman Davis then stated that this parcel did have a manufactured home on it and it was destroyed and removed and they are trying to replace that home.

Motion/Second by Johnson to approve application 21-65S with conditions as stated by staff. Motion failed for lack of a second.

Motion/Second by Flowers-Taylor/Dutton to deny application 21-65S for a special exception application to add a manufactured home in the AR1 zoning district. Motion carried unanimously by all.

3. Amendment A21-03 North Expressway Improvement Ordinance.

Mr. Vaughn advised that Mr. Galloway will be speaking on this subject as he has been involved since the beginning of the request.

Mr. Galloway stated the document being considered this evening has been revised a number of times. The last time this document was before the Board the moratorium was extended to allow revisions to take into account our effort to put in similar criteria that governs Arthur K. Bolton Parkway. That criteria is not going to work on 19/41 because of the nature of the development and the fact that so much of it is already developed.

Mr. Galloway then stated that what is before the Board this evening is an ordinance that limits the type of developments that can be on 19/41, but more importantly, include significant improvements with regard to the aesthetics and landscaping for properties that will be developed on 19/41. The bottom line is anyone who comes in and applies for a permit on 19/41 is essentially going to be deemed a planned development and their development will be tied to a site plan that the Board will approve.

Mr. Galloway then stated that the types of developments that can go in on 19/41 are outlined on page 4 section B of the ordinance: The plan will allow single family developments under R1 or R2 and we have added an allowance for a condo development under R6. Therefore, the minimum house size would be 1,750 square feet. It allows for planned commercial developments designated as highway commercial and neighborhood commercial. We do not go any further into a heavy commercial designation, so this would limit the number of auto dealerships to what we have now. Those auto dealerships become non-conforming uses. To get the unenclosed outside storage you will have to go to a C2 designation. Which will be precluded under the proposed plan. Finally, a mixed use development, which would include commercial and it would also include residential and retail.

Mr. Galloway then advised they did allow for what is called an "Extraordinary Development" so if someone comes in with something that does not fit easily within the defined uses, upon certain findings before the Planning Commission and before the Board of Commissioners, you will have the right to approve those or to deny them. He then read the criteria: The proposed development provides a unique or extraordinary benefit, is consistent with the purpose of the ordinance and does not create an undue burden or constitute a nuisance on the surrounding properties, consistent with the FLUM and it must comply with all of the procedures that are set out in this district.

Mr. Galloway then stated there are two ways the property can be developed:

- (1) The applicant can come in and request rezoning to one of the zoning classes where a use is permitted. If that is the case then they will go through a preapplication conference, they have to have a master plan requirement and then the rezoning, if it is approved, is conditioned on the site plan.
- (2) If the property is already zoned for what the applicant wants to do. Even if it is zoned, they still go through the same procedure to come in with a site plan and come in with a planned development.

Any permit for development will be conditioned upon the approved master development plan. Any development is going to be deemed a planned development tied to site plan and the permit will be tied to that.

In 22-08 we impose heavy development standards and this is heavy on improved landscaping. We have reviewed comparable ordinances from Henry, Coweta, Clayton and Cherokee Counties and using the Counties around us, these requirements are consistent with their overlays for State Highways and the requirements are consistent with the types of development allowed on their State Highways. This is a substantial increase over what currently governs development on 19/41.

Mr. Galloway then advise they have provided specific development criteria for the types of development. So, on top of having the general development criteria, in Section 22-09D we have planned single family development standards. This takes the zoning districts we have that are allowed in the overlay and enhances them.

Sections 22-10 thru 22-14 is for Planned Commercial Development standards, which takes C1 and C1A and increases the development standards.

Finally, we have added Planned Mixed Use Development standards, and it allows flexibility, but quality of flexibility to include commercial, residential office within that type of development. This one requires a minimum acreage and they have to come in with a plan for the development that would include the criteria for this type of development.

Mr. Galloway stated that this ordinance is consistent with the ordinances we have found for other thoroughfares and state highways. It has been revised from the first version which was trying to model it after Arthur K. Bolton and you can't do it, there just isn't enough undeveloped property along 19/41. This plan is heavy on landscaping, it limits heavy uses and it is heavy on aesthetics and architectural controls. The only hole in this is the condominium district and he will to come back with the standards for a condo district.

Mr. Galloway advised that the North Expressway Overlay is parcel specific. If the parcel lies within the green boundary of the Overlay, it is governed by this zoning overlay. You can see that the bulk of the parcels along 19/41 already have development. Development that exists and was developed without controls. However, just north of Birdie Road, you will see between Birdie Road and Sunny Side there are parcels undeveloped with decent size that are going to be suitable

for either planned commercial, planned residential or planned mixed use developments.

Commissioner Flowers-Taylor then asked about sidewalks along 19/41.

Mr. Galloway advised that the planned Residential Single Family Development has the requirement of sidewalks on all interior streets.

Commissioner Flowers-Taylor stated she saw the requirement on interior streets, but she has been talking about access and walkability to the developments and if we have to fill in the blanks spots then we can do that. But this should be part of the development requirement.

Mr. Galloway stated that if you want to include sidewalks then the same text as contained in the General Development standards can be applied and we can amend the ordinance to include that.

Citizen Comments:

Dr. Ledbetter advised that we do not have anyone speaking in support of the ordinance. The following people have signed up to speak against the Ordinance.

Tim Smoker, 2539 N. Expressway, Griffin, GA – Travel Camp General Manager
Danny Clark, 110 Four Oaks Drive, Griffin, GA – Travel Camp Employee
Christy Hammer, 10 Inland Point, Newnan, GA – Travel Camp Employee
Wade Nobles, 10 Inland Point, Newnan, GA – Travel Camp Employee
Andrea Strawn, 1960 Bonnie Ridge Drive, Griffin, GA – Travel Camp Employee

Motion/Second by Dutton/Johnson to allow the additional people to who did not sign in to speak. Motion carried unanimously by all.

Troy Hewland, 383 Steele Road, Griffin, GA – Pointed out that all of the water from Sunny Side and to the skating rink funnels down and goes to Manley Road and floods all that property. He owns 8 acres of land there and some days he has 1 acre of land and a 7 acre lake. When Chronic flooded several years ago, he had 4 feet of water covering his 8 acres of land. He asked the Board to consider that the more that is built on 19/41 the water that runs off is flooding Manley Road and Birdie Road because the Griffin Reservoir won't take it.

Joseph Trammell, 2930 N. Expressway, Griffin, GA, his commercial property in Spalding County. Spoke against the rezoning.

Commissioner Flowers-Taylor stated that this obviously needs more work and we may need to have a workshop. Under this if Chronic Chevrolet closed today and someone else wanted to put a dealership in that spot it would be non-conforming. Are there any provisions for grandfathering in these locations? There are a lot of questions that still need to be answered and we can use what has been presented this evening as a framework to build on.

Commissioner Dutton then stated that some of the points raised this evening are totally true, right now the zoning is spotty. That is why we are doing one big overlay so that there is uniformity, and everyone knows what the zoning is. There is a mechanism for exceptions, just like the RV sales just north of this, we gave

them parameters or conditions and we approved that location. However, there is a mechanism built into this. Right now, there is a mechanism for turning that type of business down, but there is no mechanism in place to let it go forward. This overlay creates a mechanism and a pathway to create those exceptions in a positive as opposed to coming at the problem from a negative point of view. This ends the moratorium, because we have had a moratorium on this area waiting on this ordinance. He is fine with continuing the moratorium and working on this more if the majority feels that is what is needed. If we don't make this change, whether we do it tonight or whether we do it six months from now this is how we are going to overcome the blight in this area. In the meantime, the moratorium is going to continue, the blight is going to continue and the same stuff that we have always had, the checkerboard of different parcels of land is going to continue. He feels what we are considering this evening, could it be better, yes, but he feels this helps and he thinks it is 100% in the right direction.

Commissioner Dutton added that all of the negatives he has heard this evening are easily overcome and foreseen and the overlay systematically lays out the mechanism to overcome them in a positive manner. So, he feels there is some misconceptions about the overlay and that is what people are coming out to oppose. But what he is hearing from Mr. Galloway is that the problems put forth this evening don't exist. However, the folks who came in made a very good point about the water run-off. When the one culvert backed up at Chronic it was a major problem. If we are going to allow expansion, then we need to do better about addressing problems that may occur just down the street from the expansion. We have to keep in mind the affect it is having on properties not involved in the expansion. Commissioners in the past have made expansions and thought they had addressed these problems, but they haven't.

Commissioner Flowers-Taylor stated that part of this issue is that Spalding County doesn't have a storm water program and she feels this needs to be looked at as part of this issue. If we allow developments of the size and magnitude that we have here a retention pond is not going to secure the run-off. So, we need to have something in here to address storm water in developments that are this large.

Commissioner Johnson stated that we definitely want businesses like Travel Camp to be here. That is important to the County as a whole. She is hoping that we can make this work. She can appreciate the staff going the extra mile to compare the overlay presented this evening with what other counties have. Putting us in line with everyone else. She is sure that every county has their own issues and she too feels we need to have a work session to see what changes can be made. We definitely do not want to stop the right kind of business from coming into the county.

Mr. Galloway then reminded the Board that if they do not vote on this tonight, the moratorium will expire. You don't have to enact a moratorium, but if you want the moratorium to continue you will have to take action to extend it.

Motion/Second by Flowers-Taylor/Dutton to amend the agenda to add discussion and decision on extending the Moratorium on the North Expressway Overlay District. Motion carried unanimously by

all.

Motion/Second by Flowers-Taylor Dutton to continue the existing moratorium for the North Expressway Overlay District until March 31, 2022. Motion carried unanimously by all.

Motion/Second by Dutton/Flowers-Taylor and table the Amendment A21-03 North Expressway Improvement Ordinance until March 24, 2022. Motion carried unanimously by all.

Dr. Ledbetter advised he would work on this and get a Public Hearing and work session scheduled as soon as possible to address sidewalks and storm water inclusion in the overlay.

E. New Business - None.

F. Other Business:

1. Consider engagement of Caroline Loftin with Murray, Barnes and Finister, LLP to complete the work as bond counsel and serve as disclosure counsel for the TSPLOST.

Dr. Ledbetter advised that Caroline Loftin was the King and Spalding Bond Attorney that the County has worked with in the past. She left King & Spalding and now works for Murray, Barnes and Finister. We have had a number of conversations with regard to continuing to use Caroline Loftin as our bond attorney. She is very familiar with the work we have going on in the county, has great credentials and is highly recommended by Raymond James. The difference in pricing is the last time we bonded through King & Spalding it was roughly \$125,000 and the information received from Ms. Loftin is that it will be substantially less through Murray, Barnes and Finister.

Commissioner Dutton then asked her rate.

Stephanie Windham, County Attorney, advised that Ms. Loftin is willing to do it for a flat fee included in her engagement. It is \$25,000 to complete the bond and \$30,000 for the disclosure. So, with expenses it is under \$60,000. Ms. Loftin has been extremely responsive to both Ms. Gibson and myself since she left King & Spalding as we have not had any contact at all from representatives of King & Spalding regarding our TSPLOST since November of last year before the referendum.

Ms. Windham then added that Ms. Loftin comes with high recommendations as well as her new firm and Todd Barnes with Raymond James is very supportive of this move.

Commissioner Flowers-Taylor then stated that her concern is that we are cherry picking. If we are looking at who is going to give us price and the services are the same, why are we not bidding out a \$60,000 contract? We are skipping a step and it is in our policy that any expenditures of this amount should be bid out.

Ms. Windham then stated that this is professional services and there is no requirement that it be bid out. The Board did not bid out the King & Spalding engagement.

Commissioner Johnson then asked how long we have worked with King & Spalding?

Ms. Windham advised that it has probably been 20-30 years.

Motion/Second by Dutton/Bowlden to engage Caroline Loftin with Murray, Barnes and Finister, LLP to complete the work as bond counsel and serve as disclosure counsel for the TSPLOST. Motion carried 4-1 (Flowers-Taylor).

2. Consider request for approval of resolution setting qualifying fees for publication for each County Office to be filled in the upcoming General Primary and General Election as provided in O.C.G.A. Section 21-2-131 (a)(1) & (a)(2): County Commissioner (Districts 2 and 5), Solicitor and Board of Education (Districts 1,3 and 5).

Dr. Ledbetter read the Resolution setting the qualifying fees for publication. Dr. Ledbetter then advised that he and Ms. Windham had discussed and would be bringing back to the Board in February a Resolution setting a schedule for Qualifying Fees and we will put the figures in the legal organ every year without bringing it back to the Board until such time as we change the salaries. This evening we would ask that you approve the recommendation of staff to make this the qualifying fees for 2022.

Motion/Second by Flowers-Taylor/Johnson to approve the resolution setting qualifying fees for publication for each County Office to be filled in the upcoming General Primary and General Election as provided in O.C.G.A. Section 21-2-131 (a)(1) & (a)(2): County Commissioner (Districts 2 and 5), Solicitor and Board of Education (Districts 1,3 and 5). Motion carried unanimously by all.

3. Consider a Resolution to delay the payment of any ARPA funds until the County has received the funding in its entirety.

Dr. Ledbetter stated that this evening we are asking the commissioners to consider a resolution to expend \$3 million of the funds for emergency repairs to the Spalding County Jail and to delay payment of ARPA funds until the County has received the funding in its entirety. Dr. Ledbetter advised that this is a recommendation from staff to withhold any further expenditures until we have a workshop to define what those expenditures are going to be and set a budget for the remaining funds. This is important for both us and the community to have input on how these funds are to be used.

Motion/Second by Johnson/Dutton to approve a Resolution to delay the payment of any ARPA funds until the County has received the funding in its entirety.

Commissioner Flowers-Taylor stated that we have already committed ourselves as the Board of Commissioners to spend approximately \$6 million out of the funds for the Sheriff's Office and the Aquatic Center. What amount of funds will that leave? Whatever happened to the premium pay that we were going to give our essential workers, because this could be given out of ARPA. We have failed to address this for our employees.

Motion carried unanimously by all.

G. CLOSED SESSION – None.

Chairman Davis then advised that he has two comments for the Board:

- He would like to have a workshop scheduled for January 21st, which is our next meeting at 9:00 a.m.
- He would ask the County Manager to set up a meeting with everyone we have appointed to Boards and Commissions to come in and do an appreciation, he is going to ask the County Attorney to give training and he wants to make sure he has the opportunity to see everyone from his district and do this before the first of March.

H. ADJOURNMENT

***Motion/Second by Johnson/Dutton adjourn the meeting at 7:30 p.m.
Motion carried unanimously by all.***