



Board of Commissioners

PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Thursday, February 22, 2001 beginning at 6:00 o'clock p.m. with Commissioners, Michael Kendall, Martha McDaniel, Merrill Massengale, Johnie McDaniel and Dick Morrow present. Also present were County Manager William Wilson, Community Development Director Michael Sabine, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane.

A. Call to order – Chairman Massengale

B. Text Amendments:

- 1. Amendment to UDO #A-01-01:** Article 5. AR-1 Agricultural and Residential – Section 503:B(19 & 20) – add provision for Nursing Home and Personal Care Home – (Consideration of text amendment proposed by James R. Westbury, Jr.)

Mr. James Westbury gave his address 124 Four Oaks Drive and addressed four applications that he has on the agenda for tonight. He said that they were asking permission to be able to erect a new skill nursing facility to replace Brightmoor Nursing Home and to renovate the existing facility to a congregate personal care home. He said that current nursing home is a non-conforming use and it has been there since April 1965.

There was no one else signed up to speak on this amendment.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow UDO #A-01-01 was unanimously approved by a vote of 4-0 (Commissioner Kendall was absent during this vote). The Resolution will be incorporated into the minutes on second and final reading.

C. Special Exceptions:

- 1. Application #00-66S:** Kenneth M. and Dena S. Williams, Owners – Sprint Com, Inc., Agent – 29.10 acres on Newnan Road, located in Land Lot 34 of the 1st Land District – requesting a Special Exception to allow a telecommunications tower in the AR-1 District.

Those signed up to speak for the application were as follows:

Mr. Jim Ney, Attorney, gave his address as Suite 600, 100 Galleria Parkway, Atlanta and stated he was representing SprintCom, Inc. for a 199 ft. communications tower. He said this application was tabled sixty (60) days ago by the Board of Zoning Appeals to give

the company a chance to fully explore alternate sites and feel that they have very carefully done this. Mr. Ney stated that this tower will be a wireless, multi-tenant monopole located 2,000 ft. off of Highway 16 on a 29-acre tract of land. He said that they would build a landscape buffer, which is required under the ordinance. He said that Sprint will be the principal carrier and will provide for two other carriers. He said that this tower is necessary for the coverage gap in their network and showed propagation maps, which identified the needs for this tower.

Mr. Ney stated that during the sixty (60) day period all alternatives were considered. He said the chief suggestion was to place this tower on the Shoal Creek Landfill and they spent thirty (30) days exploring this site and they made an appeal to the landfill site through the City of Griffin and there was no favorable response as the landfill is in the process of expansion. He said that they tried to use the site but simply could not use the site. He said that they explored and studied several other sites but could not use with a 199 ft. tower, which he explained did not have to be lighted.

Mr. Sowan Marshall gave his address as 745 Hanson Street, Atlanta, GA and stated that Sprint has gone through every effort to make sure that we find the site that is least obtrusive and this was the best site of the search ring. He said the main objective of Sprint is to provide service to the area.

Mr. Kenneth Williams gave his address as 3890 Newnan Road and stated he was the owner of this piece of property and told Sprint that they could put a tower on the back of the property but not right on Highway 16. They accepted his offer.

Those signed up to speak against the application were as follows:

Ms. Robin Thomason gave her address as 214 Shoal Creek Road and stated that she had already signed three (3) copies of a contract for Sprint to place a tower on her property and she had just found out that they had made an offer to Mr. Williams to place on his property. She said that her contract had been cancelled and she wanted them to reconsider placing this tower on her property.

Mr. John Goddard gave his address as 3862 Newnan Road and stated that ninety (90) people had signed a petition in opposition to the tower. He said that it was a visual nuisance and out of character for this neighborhood. He said their concerns were decrease in property value, selling appeal and health effects. He said there was already some Sprint cellular service in this area. He said that if the tower were approved they would like to see the tower camouflaged; however, he would really like to see the tower placed on the landfill property.

Mr. Patrick Sharp gave his address as 65 Leach Road and stated he lives on the property west of this proposed site. He said that the Board has already approved two (2) towers on Highway 16 and feels this will be an overbuild. He said that they have not been told the level of signal. He said that family members already have Sprint coverage in this area.

He said that he feels that this tower will decrease his property value and that the landfill property is the most acceptable.

Ms. Kathy Goddard gave her address as 3862 Newnan Road and stated that she prefers the Thomason property as it would not be obtrusive.

Mr. Nikola Tvrdeich gave his address as 3950 Newnan road stated he was addressing the Board as a taxpayer, a right payer and a utilities payer and doesn't see why he has to support Sprint tower for them to make money and him to lose money. He read a report that stated that towers lead to a 10% to 25% reduction in property values. He said that he received no notification of the meeting; therefore he felt this meeting is illegal. He said that the tower should be put on the landfill property.

Chairman Massengale stated that the Board of Zoning Appeals approved this tower on this site with three stipulations which were (1) height limited to 199 ft.; (2) no lighting may be installed and (3) appropriate landscaping as stated in Appendix I, Tower Ordinance.

*Upon motion by Commissioner Massengale, seconded by Commissioner Kendall with the above conditions placed on Application, **Application #00-66S** was approved by a vote of 3-2 with Commissioners Morrow and Martha McDaniel voting against.*

2. **Application #00-73S:** Jerry Dickerson, Owner – 515 Old Barnesville Road – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

There was no one signed up to speak for or against this application.

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Johnnie McDaniel **Application #00-73S** was unanimously approved by a vote of 5-0.*

3. **Application #01-01S:** Gerald D. and Helen R. Pemberton, Owners – Tr. 37 North Walkers Mill Road (3.53 acres), located in Land Lot 141 of the 2nd Land District – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow **Application #01-01S** was unanimously approved by a vote of 5-0.*

Motion made by Commissioner Martha McDaniel to amend the agenda to shift the Westbury applications around so the Board can consider Application #01-02S, Application #01-02AS and Application #01-03Z. Commissioner Johnnie McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.

4. **Application #01-02S:** Merrydale Estates, Inc., Owner – James R. Westbury, Jr., Agent – 9.50± acres on Newnan Highway, located in Land

Lot 15 of the 2nd Land District – requesting a Special Exception to allow a Congregate Personal Care Home in the AR-1 District.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale Application #01-02S was unanimously approved by a vote of 5-0 with condition of 25 ft. buffer per the requirements of Section 405 and 407 of the Spalding County UDO along all side and rear property lines that adjoin residentially zoned or used properties.

5. **Application #01-02AS:** Merrydale Estates, Inc., Owner – James R. Westbury, Jr., Agent – 12 acres± on Newnan Highway, located in Land Lot 15 of the 2nd Land District – requesting a Special Exception to allow a Nursing Home in the AR-1 District.

Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel Application #00-02AS was unanimously approved by a vote of 5-0 with condition of 25 ft. buffer per the requirements of Section 405 and 407 of the Spalding County UDO along all side and rear property lines that adjoin residentially zoned or used properties.

Application #01-03Z: Merrydale Estates, Inc., Owner – James R. Westbury, Jr., Agent – 11.75± acres on Newnan Highway, located in Land Lot 15 of the 2nd Land District – requesting a rezoning from R-2, Single Family Residential, to AR-1, Agricultural and Residential.

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale Application #01-03Z was unanimously approved by a vote of 5-0. **The Resolution will be incorporated into the minutes on second and final reading.***

6. **Application #01-03S:** Willis David Langston, Owner – Toby Lee/Deborah Langston, Agent – 48 Moore Road – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

There was no one signed up to speak for or against this application.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow Application #01-03S was unanimously approved by a vote of 5-0.

7. **Application#01-05S:** Randy and Candy G. Davidson, Owners – 500 School Road – requesting a Special Exception to allow an additional dwelling on property due to hardship case.

Ms. Muriel Sparks gave her address as 449 Malier Road asked how far this dwelling was from her property. Chairman Massengale stated that the code states that it has to be five feet from her property.

Upon motion by Commissioner Massengale, seconded by Commissioner Martha McDaniel Application #01-05S was unanimously approved by a vote of 5-0 with the condition that proposed home may be placed on the east end of the existing home due to a severe slope in rear yard and applicant may choose to connect the home with a breezeway to facilitate the parent's mobility.

D. Rezoning:

- 1. Application #00-33Z:** Richard Lee Boger, Owner – 7.139 acres off Jackson Road, located in Land Lot 80 of the 2nd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to C-1, Highway Commercial.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow Application #00-33Z was unanimously approved by a vote of 5-0. The Resolution will be incorporated into the minutes on second and final reading.

- 2. Application #00-34Z:** Richard Lee Boger, Owner – 3.688 acres on North McDonough Road, located in Land Lot 80 of the 2nd Land District – requesting a rezoning from C-1, Highway Commercial, to AR-1, Agricultural and Residential.

Upon motion by Commissioner Johnie McDaniel, seconded by Commissioner Martha McDaniel Application #00-34Z was unanimously approved by a vote of 5-0. The Resolution will be incorporated into the minutes on second and final reading.

- 3. Application #01-01Z:** D & N Classic Homes, Inc., Owner – 52 acres off Jason's Ridge (Seven Forks Subdivision), located in Land Lot 184 & 201 of the 3rd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Mr. Greg Watson, D & N Classic Homes, Inc. was present to discuss the 10% greenspace requirement for the property. He said that were not exactly sure what was required with the 10% greenspace. He said they came up with the idea of having a 25-foot buffered walking area that the homeowners association would have to maintain. He said this would cause an easement of each piece of property in the subdivision and this could possibly cause a problem. He said that he would have no problem with a conservation easement where the property would be left in its natural state.

Commissioner Johnie McDaniel asked Mr. Sabine if the ordinance says that the 10% greenspace has to be maintained by someone. Mr. Sabine said that should be the option that the developer would have to make. Mr. McDaniel said that he did not particularly like the idea that this can be done through easements on lots as such.

There was a discussion about Homeowners Associations regarding dedicated greenspace.

*Motion made by Commissioner Merrill Massengale to approve with the following conditions as stipulated by Planning Commission as follows: 50% of homes to be 1250 SF; 25% at 1350SF and 25% at 1450 SF; sodded front yards; paved driveways, street lights, two car garages, curb and gutter; less requirement of walking trail within the 25 ft. Conservation Easement. Commissioner Martha McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0. **The Resolution will be incorporated into the minutes on second and final reading.***

- 4. Application #01-02Z:** Frances W. Phillips, Owner – C. Mark McCullough, Agent – 405 Futral Road (2 acres located in Land Lot 212 of the 2nd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to C-2, Manufacturing.
- 5. Application #01-02AZ:** Frances W. Phillips, Owner – C. Mark McCullough, Agent – 18.222 acres on Futral Road, located in Land Lot 212 of the 2nd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to C-2, Manufacturing.
- 6. Application #01-02BZ:** Robert L. Jr. and Barbara S. Gossett, Owners – C. Mark McCullough, Agent – 5.044 acres on Hudson Road, located in Land Lot 212 of the 2nd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to C-2, Manufacturing.
- 7. Application #01-02CZ:** Bettie Z. Williams, Owner – C. Mark McCullough, Agent – 400 Green Valley Road (20.22 acres located in Land Lot 212 of the 2nd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-2, Manufacturing.
- 8. Application #01-02DZ:** Sibyl W. Glover, Owner – C. Mark McCullough, Agent – 20.222 acres on Green Valley Road, located in Land Lot 212 of the 2nd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to C-2, Manufacturing.
- 9. Application #01-02EZ:** Robert L. Jr. and Barbara S. Gossett, Owners – C. Mark McCullough, Agent – 4.473 acres on Hudson Road, located in Land Lot 212 of the 2nd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to C-2, Manufacturing.

Motion made by Commissioner Martha McDaniel to amend the Agenda to consolidate above Applications #01-02Z through Application #01-02EZ as they pertain to the same piece of property. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.

Commissioner Martha McDaniel stated that she, Mr. McCullough and Mr. Sabine met this morning because Mr. Luckie asked her to clarify what they were trying to do about the industrial park design and Mr. McCullough has agreed, if rezoned, to brick the side of the buildings that will be facing the industrial park so that it will be consistent with what is across the road. This includes Lots 25, 26, 27, 38, 39 40 parallel with Green Valley Road and Lots 40, 41, 42, 43 and 44 on the Northern boundary.

Mr. Mark McCullough spoke in favor of his rezoning applications. He gave his address as 229 Larcom Lane. He said the purpose of this development is to compliment and support the industrial area surrounding the property. There will be 25 ft. undisturbed buffers where it adjoins any residential property. He said they would put up any fencing required by the ordinance. He said that currently there is only one entrance proposed and that is off Hudson Road. He said that traffic is one of the main concerns.

Those signed up to speak in opposition were as follows:

Rev. E. J. O'Neal gave his address as 500 Futral Road. He said that he was not real close to the property but received no notification of the rezoning. He said that he did not know that this would be voted on tonight, only a presentation and discussion. He asked the Board to table their decision tonight until they could get together on this a little further. He wanted to know how far this would be from the new school.

Mr. McCullough answered that this is adjacent to the Spalding High School that is there now and there is a buffered required by the zoning ordinance.

Mr. Willie C. Jordan stated that Rodney Jordan was going to speak in his place. Mr. Jordan gave his address as 495 Futral Road and stated that he has a pasture out there and was concerned about the impact that the traffic would have in this area and the one exit. He said that this was supposed to be discussed before this was approved involving the access into and out of the property. He said that the neighbors have concerns about the size of the trucks coming in and out of this neighborhood. He said that they could see that this is becoming an industrialized area but they don't want to get swallowed up and not be able to recoup the values of their property.

Mr. Norman Shatzoff gave his address as 760 Hudson Road and stated he was opposed to the rezoning of this property. He said that he knows this industrial development is inevitable. He said that this property is going to be right up against his land and he has a farm and a pond out there and he does not want people slipping through the barbed wire to go fishing in his pond. He also had grave traffic concerns. He said that there were other things besides money that has to be considered and that is quality of life.

Mrs. Shirley Shatzoff gave her address as 760 Hudson Road stated she was at the Planning Commission meeting and she was assured regarding the area pollution for their pond and about the buffer zone. She said she thought that the recommendation from the Planning Commission was C-1C instead of C-2 because of the schools in the area. She said that a railroad track separates one industrial park from the other one and there is talk of acquiring more land for industrial. She said the big issue is traffic on Hudson Road and the ideal thing would be to have one way in and one way out.

Commissioner Morrow recused himself from voting on this rezoning as he owns property in the area and has a conflict of interest.

Commissioner Kendall stated he had concerns that once you rezone this property, you have effectively condemned all these peoples' property for residential purposes and it seems to me that these people are going to get swallowed up with industrial growth and they are not going to be able to sell their property because their property is going to be devalued.

Ms. Juanita Morris gave her address as 520 Futral Road and stated that none of the Morris' had been contacted and did not know about the Planning & Zoning Board meeting. She said that they were concerned also. She said she had concerns about schools being surrounded by industries.

Motion made by Commissioner Martha McDaniel to table Applications #01-02Z, #01-02AZ, #01-02BZ, #01-02CZ, #01-02DZ and #01-02EZ until the March 22, 2001 Public Hearing in order for Mr. McCullough to discuss with all the residents what his plans are. Commissioner Kendall seconded the motion and motion was approved by a vote of 4-1 with Commissioner Morrow voting against.

E. Other Business – n/a

F. Adjournment

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the meeting was unanimously adjourned.

County Clerk

Chairman

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