



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, May 24, 2001 beginning at 6:00 o'clock p.m. with Commissioners Martha McDaniel, Merrill Massengale, Johnie McDaniel and Dick Morrow present. Commissioner Kendall was not present at the beginning of the meeting. Also present were County Manager William Wilson, Community Development Director Michael Sabine, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane.

**A G E N D A**

**A. Call to order – Chairman Massengale**

*Chairman Massengale made a motion to amend the Agenda to discuss **Rezoning Applications #01-06Z, #01-07Z, #01-07AZ and #01-07BZ** before discussing the Special Exception. Commissioner Johnie McDaniel seconded the motion and motion was unanimously approved by a vote of 4-0.*

**C. Rezoning:**

- 1. Application #01-06Z:** Randolph Vaughn, Owner – William G. Johnston, III, Agent – 26.52 acres on Bailey Jester Road, located in Land Lot 115 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to C-1C, Manufacturing-Light.

Mr. Bill Johnston, Agent, spoke in behalf of the owner, Randolph Vaughn. He gave his address as 124 N. Hill Street. Mr. Vaughn owns and operates a commercial grading and road construction business and he desires to build two (2) proposed commercial buildings on the subject property with the first building constructed to be utilized by his company for equipment, storage, maintenance and repair. The second building proposed would be a spec building at present for a similar operation or an operation authorized under C-1C.

He said that the subject property is surrounded on the east and north by the landfill and on the southern boundary; Carden Foods, Inc. operates a commercial enterprise.

He said that the Planning Commission had tabled this because they have serious concerns about what is going to be happening out there with all this land surrounded by the Butts County landfill property to determine what is going to be done with the other tracts out in this area. They approved it unanimous for what we asked for but had concerns about the landfill impact.

Commissioner Morrow commented that one of the conditions placed on this application was for Mr. Vaughn to wait twelve (12) months for the Tract 8M (24.8 acres). Mr. Vaughn had no problem agreeing with this condition.

*Motion made by Commissioner Morrow to approve **Application #01-06Z** with condition subject to site plan submitted to Board of Commissioners with no more than two (2) lots and that Mr. Vaughn agree to wait a period of twelve (12) months to ask for rezoning on Tract 8M (24.8 acres) to give the County time to reformulate comprehensive plan for area. Commissioner Massengale seconded the motion and motion was approved by a vote of 3-1 with Commissioner Martha McDaniel voting against the motion. **The Resolution will be incorporated into the minutes on second and final reading.***

2. **Application #01-07Z:** John G. Pruitt, Owner – 3808 High Falls Road (2 acres located in Land Lot 83 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.
3. **Application #01-07AZ:** John G. Pruitt, Owner – 3818 High Falls Road (2.004 acres located in Land Lot 83 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.
4. **Application #01-07BZ:** John G. Pruitt, Owner – 60 Head Road (2.004 acres located in Land Lot 83 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Mr. John G. Pruitt, applicant, gave his address as 55 Partridge Path and spoke on behalf of his applications. He said that he was requesting rezoning to place three more houses and to do this he would need one-acre lots. He has already built three (3) houses on this property, which he is using as rental property because he could not get the property rezoned. He said these homes would conform to the homes in the surrounding area, as there are already mobile homes and small homes in this area. He said he is asking for R-2 rezoning with 1250 sq. ft. houses, which will be an upgrade from what is out there now. He said that he understands that there are some large landowners out in this area that are opposed to his rezoning request.

Commissioner Kendall came in to the meeting during Mr. Pruitt's presentation. Mr. Kendall commented that you are dealing with one issue of consistency and compatibility with an existing circumstance and the other issue people concerned with the future uses of property in the neighborhood. He said what Mr. Pruitt is proposing to build is compatible with what is out in this area now and that is why he has voted for this every time it has come up.

Commissioner Martha McDaniel asked Mr. Pruitt if he was intending to use these homes he was going to build as rental property. He said if he can get the property rezoned, that he can sell these houses if the market is there.

The following individuals spoke against these rezoning applications.

1. Mr. John Payne gave his address as 77 Bucksnot Road. He said that on one side of his property is the expanding landfill and on the other side of him is Mr. Pruitt's property. He said that most of the houses are on two (2) acres or larger, even the mobile homes. He said that people are going to build what they can afford to live in but have more acreage. He said that there is some beautiful property out in this area and they are trying to keep consistency of acreage and density, one (1) home for every (2) acres.

2. Mrs. Frances Wren gave her address as 2155 Rehoboth Church Road. She said that the people in this community wanted to keep the rural flavor that is portrayed in this community. She said that the sizes of the homes were not the issue but the acreage. She said the present zoning regulations were put into place to protect property owners like her and many others and this zoning has been good for their community.

3. Mr. Boyd Mitchell gave his address as 3914 High Falls Road. He discussed several reasons pertaining to Mr. Pruitt's rezoning requests. He said that the houses compatible with what Mr. Pruitt intends to build are on Barnesville Road and these houses have been there a long, long time. He said that this rezoning would definitely lower the property values of the property in the surrounding area. He said that he feels it is unconstitutional to enhance Mr. Pruitt financially and deplete the property values. He said that he would be looking out of his back door to what Mr. Pruitt builds on this property. He said that Mr. Pruitt knew exactly what he was buying (AR-1) before he bought this piece of property. He said that the Board has already denied his rezoning requests and stated that he must build on two-acre lots with individual septic systems, which Mr. Pruitt did not. He has one central system out there.

Zoning Attorney Newton Galloway commented that Mr. Pruitt's applications have been denied twice with property remaining AR-1 with one house on two acres of property. Mr. Galloway said there were all sorts of discussion about approving it with a community septic system but the bottom line was to deny the rezoning request.

Commissioner Kendall commented that he remembered saying that if he was going to vote in favor of the rezoning each house would have its own individual septic tank system but it was never approved.

Commissioner Kendall asked Mr. Pruitt if he had six (6) houses out there what kind of septic tank system would you have. Mr. Pruitt said that four (4) of them would be on a central system and two (2) of them on individual systems. He said that Mr. Wayne Moss advised him that this would be the best thing to do to put in a collective system and it has worked well.

Commissioner Kendall commented that we have no mechanism in place to accommodate how when something happens to the central system to govern how this gets taken care of. He said that four (4) people couldn't be responsible for the septic tank system.

Mr. Pruitt commented that this was a conventional pump system; however, he can go in and put individual drip emitter systems, which would be stand-alone systems.

Mr. Boyd stated that he reserved the right to address the Board after they voted.

Chairman Massengale stated that Dr. William R. King requested that his letter be read and included in the minutes which follows:

Dear Commissioners:

I own property in the High Falls-Bucksnort Road and Barnesville Road area and would like to see you deny the request to rezone from Ar-1 to R-2 on the request of Greg Pruitt.

This area is primarily single family owner-occupied residential and the request to add more rental type property on a community septic tank is not compatible with the area.

Many of you on the Board have indicated your desire to increase the quality of housing in our community, but this proposal is designed to maximize a developer's profit, not to provide more quality housing in our community.

I would hope you would vote "NO" on the request, as it is not compatible with the existing area.

Sincerely,

William R. King  
1105 Pine Valley Road  
Griffin, GA

There was a lengthy discussion by the Board of Commissioners regarding the central septic tank system that is presently installed on this piece of property.

*Motion made by Commissioner Morrow to approve **Application #01-07Z** rezoning from AR-1 to R-2 subject to Mr. Pruitt putting up a bond for \$2500 to replace the central septic tank system if it goes bad. Commissioner Kendall was concerned about the dollar amount and felt like we should have an engineer give us a cost estimate to replace this system. Commissioner Morrow withdrew his motion to allow Commissioner Kendall to make a motion.*

*Motion made by Commissioner Kendall to approve **Application #01-07Z** with the condition that the County have Wayne Moss or his designee look at the central sewer system on the existing lots and give an estimate of appropriate bond for Mr. Pruitt to put up for insurance for ten years for individual replacement systems. The bond must be put up when the first building permit is issued. Commissioner Morrow seconded the motion and motion passed by a vote of 3-2 with Commissioners Martha McDaniel and Massengale voting against the motion. **The Resolution will be incorporated into the minutes on second and final reading.***

*Motion made by Commissioner Kendall to approve **Application #01-07AZ** with the condition that the County have Wayne Moss or his designee look at the central sewer system on the existing lots and give an estimate of appropriate bond for Mr. Pruitt to put up for insurance for ten years for individual replacement systems. The bond must be put up when the first building permit is issued. Commissioner Morrow seconded the motion and motion passed by a vote of 3-2 with Commissioners Martha McDaniel and Massengale voting against the motion. **The Resolution will be incorporated into the minutes on second and final reading.***

*Motion made by Commissioner Kendall to approve **Application #01-07BZ** with the condition that the County have Wayne Moss or his designee look at the central sewer system on the existing lots and give an estimate of appropriate bond for Mr. Pruitt to put up for insurance for ten years for individual replacement systems. The bond must be put up when the first building permit is issued. Commissioner Morrow seconded the motion and motion passed by a vote of 3-2 with Commissioners*

*Martha McDaniel and Massengale voting against the motion. **The Resolution will be incorporated into the minutes on second and final reading.***

*Motion made by Commissioner Martha McDaniel to have a five-minute recess. Commissioner Morrow seconded the motion and motion was unanimously approved.*

*Chairman Massengale called the meeting back to order.*

Mr. Boyd Mitchell reserved his right to re-address the Board at this time. He asked if someone would explain to him the appeals process. The appeal has to be directed through Superior Court as stated in the Unified Development Ordinance, Section 4:14. He commented that he regretted to inform them that his attorney would be in touch with you in the very near future.

#### **D. Special Exceptions:**

- 1. Application #01-15S:** Peacock-Hamrick Family Limited Partnership, Owner – Hemphill Corporation, Agent – 1332 Highway 85 C (16.77 acres located in Land Lot 14 of the 1<sup>st</sup> Land District) – requesting a Special Exception to allow a telecommunications tower in the C-1 District.

Mr. Randy Mannino, Agent, gave his address as 1942 Four Seasons Drive, Marietta, GA and stated he was representing Mr. Hamrick and PowerTel. He gave a brief explanation of the situation going on in this part of the county. He said that three different companies had requested a permit for towers in this area of the county, which are Sprint, Nextel and PowerTel. The companies met with staff and Board of Appeals and working together a solution was come up with which is to have one tower which would meet all the needs and desires for coverage. This tower would be located on a commercial tract, C-1 at the 85 Connector and Highway 16. This would be a 300 ft. self support monopole telecommunications facility on 16 + acres. The original height of tower was 195 ft. monopole; however, to place all three companies on the same tower the height would have to be 300 ft. He said that this amendment to our request is in the spirit of cooperation with the carriers, the County, and the citizens in the vicinity of the three proposed sites, to reduce the overall number of towers in this area and we also feel that this amendment is in compliance with the goals and objectives of the Telecommunication Ordinance, and specifically promotes co-location. He said that they would be putting Leland Cyprus on three sides of the site completely surrounding the tower. The tower will accommodate six to eight carriers.

Those speaking against the application were as follows:

Mr. Joe Bennett gave his address as 1275 Tri County Road, Brooks, GA and stated this tower would be located next to his property. He stated he was against the height of the tower as he feels it will hurt his property value. He says at 300 ft. this tower is going to be beaming in his bedroom every night.

Mr. David Brown gave his address as 182 Tri County Road on the Fayette County side. He stated he had concerns about putting this tall of structure in a flood plain, height of tower and felt like it would be an eyesore.

Mr. John Setzer gave his address as 423 Mask Road, Brooks, GA and stated his opposition to the height of the tower, changing it from 195 ft. to a possible 325 ft. He said that this tower was going to be visible from a long distance. He asked that the Board table this application to give consideration as why this tower needs to be so much higher and who are we pleasing. He said that he would also like to see some proof that this altitude is necessary from the company who is demanding it. He said that Mr. Mannino has signed an applicant's affidavit stating that there are no tower sites located with a two and one-half (2.5) mile radius of the location of the applicant's proposed tower; however, he feels according to the geological map that the tower on Carson Road in Fayette County is within the 2.5 mile radius of the proposed site.

Mr. Mannino stated that they could put dual mode lighting on the structure since there are concerns regarding the lighting. He said it flashes a slow red glow at night. He addressed the 325 ft. height, which is for Nextel and showed through documentation that this was what they needed to move their site and go with one location.

Mr. Chris Reynolds gave his business address as 5342 Peachtree Road, Chamblee, GA and stated he was a representative of Nextel Communications and stated that they currently have an application on the table with Board of Zoning Appeals for a tower at the height of 250 ft. He said that they were the issue on the height increase on this tower. They need this height for moving over and collocating on one commercial site to gain the coverage that they need.

*Motion made by Commissioner Morrow to approve **Application #01-15S** with the following conditions recommended by staff: the applicant shall in good faith negotiate with the other telecommunication carriers that wish to collocate on the site, specifically Nextel and Sprint; correct inaccurate scale on either page Z1 or Z2, to match from page to page; identify the scale used on page Z4; show any surrounding power line easements on the property or state on the plans that there are none recorded and to place dual mode lighting on the 325 ft. communication tower. Commissioner Martha McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.*

#### **Rezoning:**

5. **Application #01-08Z:** Urban Development, Inc., Owner – Pat Golden, Agent – Lot 1 (0.473 acres) East McIntosh Road, located in Land Lot 132 of the 3<sup>rd</sup> Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
6. **Application #01-08AZ:** Urban Development, Inc., Owner – Pat Golden, Agent – Lot 2 (0.480 acres) East McIntosh Road, located in Land Lot 132 of the 3<sup>rd</sup> Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
7. **Application #01-08BZ:** Urban Development, Inc., Owner – Pat Golden, Agent – Lot 3 (0.605 acres) East McIntosh Road, located in Land Lot 132 of the 3<sup>rd</sup> Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential. –

8. **Application #01-08CZ:** Urban Development, Inc., Owner – Pat Golden, Agent – Lot 4 (0.714 acres) East McIntosh Road, located in Land Lot 132 of the 3<sup>rd</sup> Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
9. **Application #01-08DZ:** Urban Development, Inc., Owner – Pat Golden, Agent – Lot 5 (0.818 acres) East McIntosh Road, located in Land Lot 132 of the 3<sup>rd</sup> Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
10. **Application #01-08EZ:** Urban Development, Inc., Owner – Pat Golden, Agent – Lot 6 (0.757 acres) East McIntosh Road, located in Land Lot 132 of the 3<sup>rd</sup> Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
11. **Application #01-08FZ:** Urban Development, Inc., Owner – Pat Golden, Agent – Lot 7 (0.567 acres) East McIntosh Road and Pineview Road, located in Land Lot 132 of the 3<sup>rd</sup> Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
12. **Application #01-08GZ:** Urban Development, Inc., Owner – Pat Golden, Agent – Lot 8 (0.436 acres) Pineview Road, located in Land Lot 132 of the 3<sup>rd</sup> Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

*Chairman Massengale made the statement that the above eight (8) applications could be heard together but would have to be voted on separately.*

Ms. Pat Golden gave her address as 1080 Kilgore Road and stated they were requesting rezoning to build homes. The plan is to build nice 1250 sq. ft. homes for families. She read a letter from one of the property owners, who could not attend the meeting tonight. The letter is as follows:

“Dear Commissioners:

Thank you for your consideration for the rezoning of the lots at the intersection of East McIntosh Road and Pineview Drive in north Spalding County. I regret that I am unable to attend next week’s meeting due to my son’s college graduation. I appreciate your time to review this letter.

My family has been involved with this property for many years beginning when my father built several homes in the area. For many years we have been approached by prospective purchasers wanting to build commercial projects from convenience stores to stone yards and even warehouses. Out of respect to the neighbors we have refrained from doing so.

I was very pleased that fine builders such as Bill Golden and Bobby Golden were interested in going through the process of rezoning to build homes in this area.

I appreciate your consideration on this rezoning because I truly believe that homes like these will benefit the surrounding homeowners.

Sincerely,

Gloria Singletary Treadway  
Urban Development  
Sec of Corp.”

Commissioner Kendall commented that his only concern would be that the neighborhood tries to remain as compatible as possible. He wanted to know if they were amenable to upgrading this R-2. Mr. Kendall said that most of the older homes are identical being 1300 to 1600 sq. ft. and are brick houses.

Ms. Golden said that economics play a big part in the size of homes. She said to increase to 1300 sq. ft. homes could cost as much as \$100,000. She said that the values of these homes are going to be comparable to the value of the existing homes regardless of how they are built. She said they plan to build front double garages, have paved driveways, landscaping, seeded yards and some shrubs. She said that they would build on existing lots of record.

Mr. Bill Golden, the builder, gave his address as 735 Kilgore Road. He said that he would be building nice homes within the price range of \$95,000 to \$105,000 with three bedrooms and two baths. The exterior will be vinyl siding, straight roofs and ranch style.

Commissioner Martha McDaniel asked if they were going to leave any greenspace and trees on this piece of property. After discussion Community Development Director Sabine said that if they were amenable they could leave the 25 ft. rear setback as is and Mr. Golden stated they had no problem with this condition.

Ms. Ester White spoke in the interest of these applications. She gave her address as 1529 Pineview Drive and stated her only concern was the square footage of the homes. She said that she just wanted the homes to be in consistent with the existing homes and most of them were 1300 and 1400 sq. ft. She also addressed the concerns about the pond in the area.

*Motion made by Commissioner Martha McDaniel to approve **Application #01-08Z**. Commissioner Massengale 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.***

*Motion made by Commissioner Martha McDaniel to approve **Application #01-08AZ**. Commissioner Massengale 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.***

*Motion made by Commissioner Martha McDaniel to approve **Application #01-08BZ**. Commissioner Massengale 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.***

*Motion made by Commissioner Martha McDaniel to approve **Application #01-08CZ**. Commissioner Massengale 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.***

*Motion made by Commissioner Martha McDaniel to approve **Application #01-08DZ**. Commissioner Massengale 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.***

*Motion made by Commissioner Martha McDaniel to approve **Application #01-08EZ**. Commissioner Massengale 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.***

*Motion made by Commissioner Martha McDaniel to approve **Application #01-08FZ**. Commissioner Massengale 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.***

*Motion made by Commissioner Martha McDaniel to approve **Application #01-08GZ**. Commissioner Massengale 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.***

*Chairman Massengale called for a five-minute recess.*

*Chairman Massengale called the meeting back to order.*

*Commissioner Morrow stated that the Planning & Zoning Board gave unanimous approval on the next two applications.*

- 13. Application #01-09Z:** John T. Bolton, Owner – Richard L. Mullins, Agent – 2.16 acres on Rover-Zetella Road, located in Land Lot 35 of the 1<sup>st</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

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

*Motion made by Commissioner Martha McDaniel to approve **Application #01-09Z**. Commissioner Massengale 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.***

- 14. Application #01-09AZ:** John T. Bolton, Owner – Richard L. Mullins, Agent – 2 acres on Rover-Zetella Road, located in Land Lot 35 of the 1<sup>st</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

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

*Motion made by Commissioner Martha McDaniel to approve **Application #01-09AZ**. Commissioner Massengale 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.***

15. **Application #01-10Z:** Craig L. Wurster, Owner – 1953 Old Atlanta Road – requesting a rezoning from R-1, Single Family Residential Low Density, to C-1, Highway Commercial.

This property is going to be developed for retail uses, specifically a gun shop with limited gunsmithing.

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

*Motion made by Commissioner Martha McDaniel to approve **Application #01-10Z** as it was unanimously approved by the Planning & Zoning Board. Commissioner Massengale 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.***

#### **D. Text Amendments:**

1. **Amendment to UDO #A-01-09:** Article 12. C-1, Highway Commercial – Section 1203(A)(23) – add provision for pawnshop.

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

This amendment prohibits having a pawnshop and used car lot together. *Upon motion by Commissioner Dick Morrow, seconded by Commissioner Johnie McDaniel, **UDO-#A-01-09** was unanimously approved by a vote of 5-0. **The Resolution will be incorporated into the minutes on second and final reading.***

2. **Amendment to UDO #A-01-10:** Appendix D. Soil Erosion and Sedimentation Control Ordinance – revisions to ordinance.

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

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow **UDO #A-01-10** was unanimously approved by a vote of 5-0. **The Resolution will be incorporated into the minutes on second and final reading.***

#### **E. Other Business:**

*Motion made by Commissioner Martha McDaniel to amend the Agenda to approve CSBG Contract amendment. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 5-0.*

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow CSBG contract amendment in the amount of \$45,432.65 was unanimously approved by a vote of 5-0. This allows for thirty-four (34) additional meals on wheels and will fund in practice the Enrichment of Young Minds Program through Parks and Recreation and also funds for continuing position at Juvenile Probation Office.*

**F. Adjournment.**

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

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County Clerk

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Chairman

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Please send comments to [webmaster@spaldingcounty.com](mailto:webmaster@spaldingcounty.com)  
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