



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, November 29, 2001 beginning at 6:00 o'clock p.m. with Commissioners, Michael Kendall, Martha McDaniel, Merrill Massengale and Dick Morrow present. Also present were Assistant County Manager Michael Sabine, Zoning Attorney Newton Galloway, Planner Jennifer Reynolds and County Clerk Phyllis Doane. Commissioner Johnie McDaniel and County Manager William Wilson were absent.

A. Call to order – Chairman Massengale

B. Special Exceptions:

- 1. Application #01-53S:** AT&T Corporation, Owner – 3000 Rehoboth Road (located in Land Lot 74 of the 3rd Land District) – requesting a Special Exception to allow a Utility Substation in the AR-1 District.

Mr. Mike Milligan gave his address as 12700 Park Central Drive, Dallas, TX and stated he was with Aguirre Corporation and they prepared the construction plans for the proposed fiber optic regeneration station to be constructed on Rehoboth Road and asked for approval for building permit. The facility would be an addition to an existing facility and the scope of work includes adding a precast concrete structure and a cast-in-place concrete foundation.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow Application #01-53S was unanimously approved by a vote of 4-0.

C. Rezoning:

Chairman Massengale made a statement to the public that Applications #01-18Z through #01-18RZ would not be lifted from the table tonight for consideration, although #01-18BZ would need to be tabled.

- 1. Application #01-18Z: Lift from the table -** Ralph Lamar & Willie Mae Johnson, Owners – Spalding County Planning Commission, Agent – 1507 N. Pineview Road (Lot 9 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
- 2. Application #01-18AZ: Lift from the table -** Willie Mae & Willie J. Gault, Owners – Spalding County Planning Commission, Agent – 1511 Pineview Road (Lot 10 located in Land Lot 132 of the 3rd Land District) –

requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

3. **Application #01-18CZ: Lift from the table** - Melvin & Mary Thrash, Owners – Spalding County Planning Commission, Agent – 1508 Pineview Road (Lot 16 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
4. **Application #01-18DZ: Lift from the table** - Wallace & Betty F. Watkins, Owners – Spalding County Planning Commission, Agent – 1504 N. Pineview Road (Lot 15 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
5. **Application #01-18EZ: Lift from the table** - Kimberly Gilbert Parker, Owners – Spalding County Planning Commission, Agent – 401 E. McIntosh Road (Lot 1 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
6. **Application #01-18FZ: Lift from the table** - Kimberly Gilbert Parker, Owners – Spalding County Planning Commission, Agent – Lot 2 E. McIntosh Road located in Land Lot 132 of the 3rd Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
7. **Application #01-18GZ: Lift from the table** - Horace & Lillie Cleveland, Owners – Spalding County Planning Commission, Agent – 405 E. McIntosh Road (Lot 3 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
8. **Application #01-18HZ: Lift from the table** - Frances I. S. Foster, Owners – Spalding County Planning Commission, Agent – 407 E. McIntosh Road (Lot 4 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
9. **Application #01-18IZ: Lift from the table** - Willie C. & Clara M. Williams, Owners – Spalding County Planning Commission, Agent – 411 E. McIntosh Road (Lot 5 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
10. **Application #01-18JZ: Lift from the table** - David M. & Shirley Pack, Owners – Spalding County Planning Commission, Agent – 415 E. McIntosh Road (Lot 6 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
11. **Application #01-18KZ: Lift from the table** - Gayle W. Smith & Deborah W. Bailey, Owners – Spalding County Planning Commission, Agent – Lot 7 E. McIntosh Road located in Land Lot 132 of the 3rd Land

District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

- 12. Application #01-18LZ: Lift from the table** - Walter D. & Billie W. Willis, Owners – Spalding County Planning Commission, Agent – 421 E. McIntosh Road (Lot 8 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
- 13. Application #01-18MZ: Lift from the table** - Cemetery – Spalding County Planning Commission, Agent – Parcel 12 E. McIntosh Road located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
- 14. Application #01-18NZ: Lift from the table** - Lucius Jr. & Janice Horton, Owners – Spalding County Planning Commission, Agent – 443 E. McIntosh Road (Lot 1 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
- 15. Application #01-18OZ: Lift from the table** - Lucius Jr. & Janice Horton, Owners – Spalding County Planning Commission, Agent – Lot 2 E. McIntosh Road located in Land Lot 132 of the 3rd Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
- 16. Application #01-18PZ: Lift from the table** - Eddie Crawley, Jr., Owner – Spalding County Planning Commission, Agent – 445 E. McIntosh Road (Lot 3 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
- 17. Application #01-18QZ: Lift from the table** - Eddie B. Favors, Jr., Owner – Spalding County Planning Commission, Agent – 447 E. McIntosh Road (Lot 4 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
- 18. Application #01-18RZ: Lift from the table** - DanVest Equities, LLC, Owners – Spalding County Planning Commission, Agent – Lot 5 E. McIntosh Road located in Land Lot 132 of the 3rd Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.
- 19. Application #01-18BZ:** Urban Development, Inc., Owner – 20.75± acres on East McIntosh Road and Pineview Road, located in Land Lot(s) 132 & 175 of the 3rd Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow Application #01-18BZ was tabled by a unanimous vote of 4-0.

Motion made by Commissioner Morrow to consider Applications#01-23Z through #01-25AZ as a group. Commissioner Martha McDaniel seconded the motion and motion was unanimously approved by a vote of 4-0.

- 20. Application #01-23Z:** David J. Bailey, Owner – Reese Builders & Developers, Inc., Agent – 18.713 acres on Tomochichi Road, located in Land Lot 23 of the 3rd Land District – requesting a rezoning from AR-1, Agricultural & Residential, to R-2, Single Family Residential.
- 21. Application #01-23AZ:** David J. Bailey, Owner – Reese Builders & Developers, Inc., Agent – 12.683 acres on Tomochichi Road, located in Land Lot 23 of the 3rd Land District – requesting a rezoning from AR-1, Agricultural & Residential, to R-2, Single Family Residential.
- 22. Application #01-24Z:** Stephen B. Bailey, Owner – Reese Builders & Developers, Inc., Agent – 20.221 acres on Tomochichi Road, located in Land Lot 23 of the 3rd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.
- 23. Application #01-24AZ:** Stephen B. Bailey, Owner – Reese Builders & Developers, Inc., Agent – 11.215 acres on Tomochichi Road, located in Land Lot 23 of the 3rd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.
- 24. Application #01-25Z:** Virginia B. Stewart, Owner – Reese Builders & Developers, Inc., Agent – 21.598 acres on Tomochichi Road, located in Land Lot 23 of the 3rd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.
- 25. Application #01-25AZ:** Virginia B. Stewart, Owner – Reese Builders & Developers, Inc., Agent – 9.793 acres on Tomochichi Road, located in Land Lot 23 of the 3rd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Mr. Bill Weston from Reese Builders & Developers gave his address as 237 Hampton Shores Drive, Hampton, GA and addressed the Board. He said that the subdivision would be built in three (3) phases with committing to 1/3 of the houses being 1400 sq. ft., 1/3 of the houses being 1450 sq. ft and 1/3 of the houses being 1500 sq. ft. He said they had committed to sodded front yards, underground utilities, 8:12 roof pitch and all house have a brick, stone or stucco accent and two car garages. He said they would also provide greenspace for walking trails and other amenities.

Commissioner Morrow stated that we are changing our R-2 zoning to 1400 sq. ft. and asked if this request was under the new R-2. It was noted that this application was filed before this new sq. footage goes into effect; however, they have agreed to the 1400 sq. ft. minimum but they will also be for the one acre density. Commissioner Morrow commented also that tonight a minimum of 25% greenspace would be voted on and asked if this subdivision would have the 25% greenspace. Mr. Weston stated that he was interested in pursuing the conservation subdivision, which is 50% greenspace and he was having his engineer look over

everything and come up with a design for it. He said that he did not have the 25% open space without decreasing his lot size to maintain the density but said he would be willing on a preliminary plat to find something to make it work and he would work with the Planning Department on that. He said that he did not know that it would require a 25% open space. Mr. Morrow explained to Mr. Weston that the conservation subdivision with 50% open space would allow him to maintain his density and reduce lot sizes. Mr. Weston stated that he is planning to do the conservation subdivision to keep his density, which is 86 lots.

Mr. Weston stated that there is possibly a cemetery on this piece of property and he is having this surveyed to locate the boundaries of this cemetery. He said if it were there, we would work around it and work it into our open space. The cemetery will not be disturbed or affected. Zoning Attorney Newton Galloway stated after the engineers and archaeologists have identified the boundaries of the cemetery and gravesites, under a separate statute they will have to come in and present a plan for the preservation of the cemetery. Mr. Weston can still own the property under the statute.

The following were signed up to speak:

Ms. Linda Gilbert gave her address as 11 N. Walkers Mill Road and commented she was going to speak against these applications if they were building little tiny houses; but found out that the Board was changing their rules on square footage of houses and acreage and has been waiting for these new rules a long time. She said that she feels this will help the county and also the school system.

*Motion made by Commissioner Massengale to approve **Applications #01-23Z through #01-25AZ.** Commissioner Morrow seconded the motion with the following conditions that applies to all applications: 1/3 houses 1400 sq. ft. heated; 1/3 houses 1450 sq. ft. heated; 1/3 houses 1500 sq. ft. heated, all homes have a minimum 8:12 roof pitch, two car garage minimum, masonry/stone accent on front of homes, sodded front yards and underground utilities. Motion with conditions was unanimously approved by a vote of 4-0. **The Resolution will be incorporated into the minutes on second and final reading.***

26. Application #01-26Z: Randy Royals, Owner – High Top Holdings, Inc., Agent – 10 acres on Jordan Hill Road, located in Land Lot 168 of the 3rd Land District – requesting a rezoning from R-1, Single Family Low Density Residential, to R-2, Single Family Residential.

Mr. Mike Jackson gave his address as 5138 Old Atlanta Highway, Hampton, GA and stated he was representing Mr. Royal's rezoning request. He said that they were proposing three (3) lots out of ten (10) acres. He said one will be 8 acres and two will be 1-acre lots each. He presented a sketch of the homes to the Board. There will be single car garages with paved turnaround.

Assistant County Manager Sabine stated that the actual recommendation from Planning & Zoning Board was to rezone to R-5 conditioned to site built homes only as this was for 1250 sq. ft. construction.

*Motion made by Commissioner Morrow to approve **Application #01-26Z** to R-5, 1250 sq. ft. minimum, and conditioned to a single car garage minimum and site built homes only. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 4-0. **The Resolution will be incorporated into the minutes on second and final reading.***

*Motion made by Commissioner Martha McDaniel to consider **Applications #01-28Z and #01-28AZ** as a group. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 4-0.*

27. Application #01-28Z: Robert F. Flewellen, Owner – 0.94 acres on Lenox Circle, located in Land Lot 53 of the 2nd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-4, Single Family Residential.

28. Application #01-28AZ: Robert F. Flewellen, Owner – 5.06 acres on Lenox Circle, located in Land Lot 53 of the 2nd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-4, Single Family Residential.

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

Assistant County Manager Sabine stated that the Planning Commission unanimously recommended approval with a few conditions. He also stated that Mr. Flewellen intends to remain on his property, which is adjacent to these lots.

Commissioner Morrow stated that his farm borders back to Mr. Flewellen; therefore, he is abstaining from voting on these applications.

*Motion made by Commissioner Massengale to approve **Applications #01-28Z and #01-28AZ** with conditions of two-car garage minimum and minimum 7:12 roof pitch as recommended by the Planning & Zoning Board. Commissioner Martha McDaniel seconded the motion. Motion with conditions passed by a vote of 3-0-1 with Commissioner Morrow abstaining from the vote. **The Resolution will be incorporated into the minutes on second and final reading.***

D. Text Amendments:

1. Amendment to UDO #A-01-17: General amendment to residential districts (dimensional requirements) and Planned Development District (greenspace requirements).

Those individuals signed up to speak were:

Mr. Tom Ross, President of Ideal Homes of Griffin, gave his address as 101 Moreland Road and gave each Commissioner a diskette of a book prepared by the Rural Development Council on affordable housing. He said that a lot of people participated in this study and there were some general policy recommendations, which one of them was that Georgia must increase the supply of quality of low to moderate income owner/occupied single family housing and Georgia must enhance housing leadership at the local level.

He made a request that the three-acre minimum requirement being changed from two-acre and the minimum 1500 sq. ft. from the 1250 sq. ft. in AR-1 be looked at closely before you pass this amendment. He said that this would greatly reduce the choices of housing for the citizens of Spalding County.

Commissioner Martha McDaniel stated that she was on the Rural Development Council and what they are trying to do addresses the counties that are totally impoverished and the people there are having to either not have a job or if they do have a job, it is at minimum wage. She said that this does not have anything to do with Spalding County.

Commissioner Martha McDaniel stated that we have not denied manufactured homes from coming into Spalding County and that he has done real well with his business here. She said that Spalding County's process has been fair.

He said that it has not been fair as far as having someone who has lived in this community a long time to pay \$700 just for the opportunity to ask for special permission to replace his old inventory with a new manufactured home. He asked for some common-sense approach to give staff latitude on making a decision if this is going to enhance the community and compatible with the surrounding area.

*Motion made by Commissioner Martha McDaniel to approve **UDO #A-01-17** with technical corrections to Section 15 and the deletion of Section 22 in its entirety and creation of a new Section 22. **Section 15** should be changed from "For lots situated within the R-2 district, and recorded on or before October 16, 2001, minimum heated square footage may be reduced to 1,250 square feet" to read as follows: "For lots situated within the R-2 district and incorporated in a plan of development under review by the Zoning Administrator as of November 29, 2001, or platted and recorded in the records of the Clerk of Court of Spalding County on or before November 29, 2001, minimum heated square footage shall be reduced to 1,250 square feet. Development of these lots shall be permitted based upon dimensional requirements in effect before the above stated date. Any lawful lot of record eligible for development prior to this date shall remain eligible for development."*

Section 22: *A new Section 1104A(B) of the R-6 district of the Zoning Ordinance of Spalding County shall be created as follows:*

Maximum Density Permitted:

- a. *For developments served by public water, but not public sewerage, net density for dwellings within the R-6 district shall be determined by Environmental Health, but in no case shall net density exceed seven (7) units per acre.*
- b. *For developments served by both public water and public sewerage, net density shall not exceed seven (7) units per acre.*

*Motion with corrections was seconded by Commissioner Morrow and approved by a vote of 3-1 with Commissioner Kendall voting against the motion. **The Resolution with technical corrections will be incorporated into the minutes on second and final reading.***

- 2. Amendment to UDO #A-01-18:** Amendment to General Definitions and AR-1, AR-2, R-1, R-2, & R-4 zoning districts – add Conservation Subdivisions.

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

*Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel UDO #A-01-18 was approved by a vote of 3-1 with Commissioner Kendall voting against the motion. **The Resolution will be incorporated into the minutes on second and final reading.***

- 3. Amendment to UDO #A-01-19:** Appendix A. Subdivision Ordinance – add Article 8. Legal Status Provisions.

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

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow UDO #A-01-19 was approved by a vote of 3-1 with Commissioner Kendall voting against the motion. **The Resolution will be incorporated into the minutes on second and final reading.***

E. Other Business:

Assistant County Manager Sabine stated in all our residential homes that are located in commercial districts, they are not conforming uses and when they file for a permit to make an addition to their homes, we should not issue building permits for these. Staff discussed this today and we recommend that the UDO be amended to offer these residents protection to allow for an expansion of a residence used for residential purposes in a commercial district. Staff was directed to approve the building permit application for North Hill Street and to draft an amendment to the UDO.

The consensus of the Board was to have Planning Commission draft an amendment to the UDO to allow an expansion of a residence used for residential purposes in a commercial district.

F. Adjournment

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Massengale the meeting was unanimously adjourned at 7:05 P.M.

County Clerk

Chairman

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