



PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Thursday, February 28, 2002 beginning at 6:00 o'clock p.m. with Commissioners, Michael Kendall, Martha McDaniel, Merrill Massengale, Johnnie McDaniel and Dick Morrow present. Also present were County Manager William Wilson, Zoning Attorney Newton Galloway, Planner Jennifer Reynolds and County Clerk Phyllis Doane. Assistant County Manager Michael Sabine was absent.

A G E N D A

A. Call to order: Chairman Johnnie McDaniel

B. Rezoning:

Chairman McDaniel commented that they were introducing something new tonight. Planner Jennifer Reynolds would be giving a brief description of the application and staff recommendation before hearing the applications.

1. **Application #01-35Z:** Mitchell Ira Perkins, Sr., Hilda Perkins Howard, and Edna Perkins Raven, Owners – Sofran Group, Agent – 13.143 acres on Zebulon Road located in Land Lot 119 of the 2nd Land District – requesting a rezoning from C-1, Highway Commercial, and R-1, Single Family Residential Low Density, to C-1, Highway Commercial.

Planner Jennifer Reynolds gave a brief description and staff recommendation as follows: This is a 13+ acre piece of property and is currently a split zoning, C-1 and R-1. Along the east side of Zebulon Road is R-1. The property is being rezoned to C-1 to establish a shopping center. Planning Commission recommended unanimous approval.

Mr. Jim Murray gave his address as 427 Audubon Circle and stated he was speaking on behalf of both owners as a real estate broker. Sofran Group is developing a shopping center with a main building for a grocery store and smaller buildings on either side. He said that the plans were to put a traffic light at Moreland Road, which will help with intersection traffic.

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

*Motion made by Commissioner Martha McDaniel to approve **Application #01-35Z** conditioned upon the Sofran Group receiving a traffic count from an independent consultant and presenting it to DOT and the developer paying for the light at Moreland Road. 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.***

2. **Application #02-01Z:** Jay W. Bethune, Owner – Pat Golden, Agent – 6.431 acres on Rehoboth Church Road, located in Land Lot 106 of the 3rd Land District – requesting a rezoning from AR-1, Agricultural & Residential, to R-5, Single Family Residential.

Planner Jennifer Reynolds gave a brief description and staff recommendation as follows: This is for a little over six acre lot at the corner of Buckcreek and Rehoboth Church Road and is currently a home to one manufactured home. They wish to put two (2) additional lots on the property for a total of three. Planning Commission recommends approval with conditions as follows: conditioned to the site plan, two-acre lot minimum and site-built homes.

Mrs. Pat Golden gave her address 1080 Kilgore Road and stated she feels there has been a lot of misunderstanding on this rezoning application. There is only going to be two (2) houses built on this piece of property on two-acre lots on our decision. The mobile home on the property now is going to be remodeled. She had pictures of models of the homes Mr. Bethune would be putting on this property. They would be 1250 to 1350 SF with double garages and he would be building the homes himself.

Those speaking in opposition were:

Mrs. Frances Wren gave her address as 2155 Rehoboth Church Road and stated she was against the R-5 zoning. She said that the homeowners in this area like the rural lifestyle, still farm the land and asked the Board to vote against this rezoning to protect the homeowners.

Ms. Bobbie Norwood gave her address as 1571 Rehoboth Church Road and stated she was against the R-5 zoning. She feels this will open the door for developers to buy other land in this area and build R-5 homes. She said that she disputes the number of houses that they say will be built on this piece of property, as there are individual signs that say lots 1-5 and A-E.

Mr. Bethune stated that the 1-5 and A-E is just marking off the property lines.

Ms. Cheryl Ellis gave her address as 1443 Barnesville Road and stated they farm their land and asked that the Board leave it AR-1. She feels that there is an ulterior motive for the rezoning to R-5. She stated she was against this rezoning.

Commissioner Morrow stated that what they are asking for (R-5) is compatible with what the old AR-1 zoning was, which is 1250 sq. ft. on two-acre lot.

*Motion made by Commissioner Morrow to approve **Application #02-01Z** with the following conditions: (1) site-built homes only (2) two-acre minimum lot size (3) conditioned to site plan and (4) two-car garages. Commissioner Massengale seconded the motion and motion was approved by a vote of 4-1 with Commissioner Martha McDaniel voting against the motion. **The Resolution will be incorporated into the minutes on second and final reading.***

*Motion made by Commissioner Martha McDaniel to lift from the table in block **Applications #01-18Z through #01-18RZ**. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 4-0.*

There was a discussion regarding all the applications in block. Zoning Attorney Newton Galloway stated that the rezoning of these applications was initiated by the Planning & Zoning Board and at the Commissioners' last public hearing; a motion was made to ask Planning & Zoning Board to consider withdrawing their applications and leave the properties zoned C-2. The Planning & Zoning Board considered the request at their meeting and decided to leave their request for the new R-2 rezoning, which is 1400 SF for these pieces of property. The Planning Commission felt that leaving these properties in C-2 puts the homeowners at risk. The Planning Commission is the only ones that could withdraw these applications. That is why these applications are back before you tonight.

Commissioner Morrow stated as before that the R-5 zoning is compatible with the homes in the area and he was ready to make a motion to rezone to R-5 with conditions.

The Board decided not to hear the individuals signed up to speak because two hearings have already been held on these applications. The only new development was the Board was presented tonight with a constitutional objection from Shepherd & Johnston representing High Top Holdings and D&N Classic Homes.

*Motion made by Commissioner Morrow to move **Application #01-18BZ** up on the agenda to consider. Commissioner Massengale seconded the motion and motion was unanimously approved by a vote of 5-0.*

3. **Application #01-18BZ: Lift from the table** - 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.

*Motion made by Commissioner Morrow to approve **Application #01-18BZ** to R-5 zoning with the following conditions: (1) homes shall be a minimum of 1,300 heated square (2) site-built homes only (3) two-car garages with a turn around area (4) minimum 7:12 roof pitch and (5) maximum of thirteen (13) lots developed on property. Commissioner Massengale seconded the motion and motion was approved by a vote of 3-2 with Commissioners Martha McDaniel and Michael Kendall voting against the motion.*

Commissioner Martha McDaniel objected as she was in favor of the R-2 rezoning as requested by the homeowners in the area at 1400 SF and Commissioner Kendall objected as he felt like the homeowners wanted the proper either rezoned to the new R-2 or leave it at C-2 and take their chances of some business coming in.

4. **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.
5. **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.
6. **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.
7. **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.
8. **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.
9. **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.
10. **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.
11. **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.
12. **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.
13. **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.
14. **Application #01-18KZ: Lift from the table** - Gayle W. Smith & Deborah W. Bailey, Owners – Spalding County Planning Commission, Agent – 419 E. McIntosh Road (Lot 7 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 #01-18LZ: 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.
16. **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.
17. **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.
18. **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.
19. **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.
20. **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.
21. **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.

*Motion made by Commissioner Martha McDaniel to vote in block and approve Applications #01-18Z, #01-18AZ, #01-18CZ, #01-18DZ, #01-18EZ, #01-18FZ, #01-18GZ, #01-18HZ, #01-18IZ, #01-18JZ, #01-18KZ, #01-18LZ, #01-18MZ, #01-18NZ, #01-18OZ, #01-18PZ, #01-18QZ and #01-18RZ to the rezoning of R-2, 1400 SF heated with no other conditions. 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-02-01:** Amendment to Appendix E. Sign Ordinance – Article 2: Definitions – Section 250. Wall Sign – to allow illuminated wall signs.

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

*Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel UDO #A-02-01 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:

County Manager Wilson stated that there was a conflict with one of the Commissioners with the retreat being held on March 16, 2002 and this Commissioner had requested him to ask if the Board would be willing to change the date of the retreat to April 27, 2002, which is the only available date for the facilitator. Mr. Wilson commented that he really needs to talk to the Board regarding the budget before the 27th. The Board agreed to change the date of the retreat to April 27th and maybe call a special meeting to discuss the budget with Mr. Wilson or Mr. Wilson do a memo to the Board regarding the budget.

F. Adjournment.

Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel the meeting was unanimously adjourned at 7:20 p.m.

County Clerk

Chairman

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