



PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Thursday, January 23, 2003 beginning at 6:00 o'clock p.m. with Commissioners Dick Morrow, Michael Kendall, Cecil Davis and Eddie Goss present. Commissioner Johnie McDaniel was absent as he was out of town. Also present were County Manager William Wilson, Assistant County Manager Michael Sabine, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane.

A G E N D A

A. Call to order: Chairman Morrow

B. New Business:

1. **Application #02-44S:** Florida Rock Industries, Inc., Owner – West Williamson Road (84 acres located in Land Lots 67, 94, and 95 of the 1st Land District) – requesting a Special Exception to expand the operation of a granite quarry.

Mr. Kenneth Parker came forward and gave his address as 500 Yarbrough Mill Road. He made comments regarding the need of resurfacing Rivers Road. The proposal brings West Williamson out to Rivers Road and he wanted to know if there were any plans of the County repaving this road in conjunction with the proposal from Florida Rock. Chairman Morrow commented that the road would be dealt with at a later date.

Mr. Perry Donahue, President of Southern Aggregate Division of Florida Rock Industries, came forward and gave his address as 1379 Edmond Court, Atlanta, GA. He said the 84 acres were purchased for two reasons, one is additional buffering from neighbors and the other is expansion capacity of settlement ponds to give them a chance to market some material we haven't been able to market or produce. Another potential use would be to stockpile some products for sale. Future mining is to the east and no plans for mining on this additional acreage.

Mr. Reginald Silas came forward and gave his address as 100 Lee's Mill Road, Forest Park and stated he was environmental manager for Florida Rock Industries. He said with the increased land it would help us in our quality with the dust keeping it on our property. He said the expansion of the ponds would help them be able to treat their water they are authorized by the State to discharge.

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

Staff and Board of Zoning Appeals both recommended conditional approval.

*Motion by Commissioner Davis to approve **Application #02-44S** with conditions of activities limited to berming, expansion of settlement ponds, stock piling of products and prohibit mining activities. Commissioner Goss seconded the motion and motion passed by a unanimous vote of 4-0.*

2. **Application #02-45S:** Mary Francis M. Rankine, Owner – Alan R. Mobley, Agent – Kilgore Road (32.1 acres, more or less, located in Land Lot 124 of the 3rd Land District) – requesting a Special Exception to allow 1 acre lots in the R-2 District.

Chairman Morrow stated that Alan Mobley is related to him; therefore, he was recusing himself from the discussion and from the vote. He left the room and asked Vice Chairman Kendall to preside over this part of the meeting.

Mr. Alan Mobley came forward and gave his address as 262 Mobley Road. He said that he had this property under contract and was requesting a special exception to allow one acre lots in the R-2 District. He said the houses would be 1400 SF heated minimum, double car garages. There are twenty-six lots proposed and the existing house on tract of land would be torn down and hauled off. He said that a greenspace buffer would be maintained around this property on the back side of the lots.

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

Both staff and Board of Zoning Appeals recommended approval of this application.

*Motion made by Commissioner Davis to approve **Application #02-45S**. Commissioner Goss seconded the motion and motion was approved by a vote of 3-0-1 (Commissioner Morrow abstaining and absent from room).*

Commissioner Morrow came back into the room and presided over the rest of the meeting.

3. **Application #02-48S:** Trustees of Landmark Church of God, Owner – Ellison Brannon, Agent – Dobbins Mill Road (1.801 acres located in Land Lot 124 of the 3rd Land District) – requesting a Special Exception to allow a Church in the R-2 District.

Rev. Ellison Brannon came forward and gave his address as 154 Mountain View Road, Molena, GA. He said they were requesting the special exception to construct a 6,000 square foot sanctuary on the 1.8 acre tract located adjacent to the existing church. He said the existing church is overflowing and feel the new church would be a positive thing for this neighborhood.

Zoning Attorney Newton Galloway stated that the Board of Appeals has already approved the lot size and buffer request subject to the Board of Commissioners' approval of the special exception to allow a church.

Staff recommended denial and Board of Zoning Appeals approved the two variances.

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

*Motion made by Commissioner Goss to approve **Application #02-48S**. Commissioner Morrow seconded the motion. Commissioner Kendall asked for discussion at this time.*

Commissioner Kendall had objections to allowing this church expansion and the Board voted against the expansion of New Era Missionary Baptist Church. He asked Commissioner Morrow to explain the difference in this application and the New Era application. Commissioner Morrow commented that he had not decided to vote in favor of this yet so he can't explain because what you are saying is exactly true. The new commissioners, Commissioner Davis and Commissioner Goss, did not know the history of the New Era Missionary Baptist Church special exception application. Commissioner Kendall commented that what commissioners have done in the past set a precedence but of course new Board members can come along and change that if they decide that is what they want to do. Mr. Morrow said there was one subsequent difference which is that this application is an expansion of a church and the New Era application was a recreation center, not a church, which was felt would cause much more noise and problems for the neighbors.

Commissioner Kendall commented that the building New Era wanted to construct was not for every week services. There were no planned regular scheduled services held in this building. They wanted to move their services from an outside tent to a chapel. There was no need for any other variance as there is in this church application.

Chairman Morrow called for the vote on this application. Commissioners Goss and Davis voted in favor of the application and Commissioners Kendall and Morrow voted in opposition. The vote was a 2-2 tie with no action taken. Zoning Attorney Newton Galloway asked since the Board took no action, to table this application until the February meeting to come back with a full vote as Commissioner McDaniel was absent.

*Motion made by Commissioner Goss to table **Application #02-48S** until the February meeting, seconded by Commissioner Davis and unanimously approved by a vote of 4-0.*

No one was present to address Applications #02-51S and #02-52S and Chairman Morrow asked for a motion to move these applications to the bottom of the agenda.

Upon motion by Commissioner Davis, seconded by Commissioner Goss these two applications were moved to the bottom of the agenda.

4. **Application #02-53S:** Norman and Blanche Foster, Owners – Buddy’s Homes, Agent – 489 Dutchman Road (1 acre located in Land Lot 48 of the 2nd Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Ms. Blanche Foster came forward and gave her address as 489 Dutchman Road. She stated she was owner and was requesting to replace the existing mobile home.

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

Both staff and Board of Zoning Appeals recommended approval of application.

Motion made by Commissioner Davis to approve Application #02-53S. Commissioner Goss seconded the motion and motion was unanimously approved by a vote of 4-0.

5. **Application #02-54S:** Merrydale Estates, Inc., Owner – James R. Westbury, Jr., Agent – 3223 Newnan Road (12 acres located in Land Lot 15 of the 2nd Land District) – requesting a Special Exception to replace a previously approved Special Exception to allow a nursing home in the AR-1 District.

Mr. James R. Westbury, Jr. came forward and gave his address as 124 Four Oaks Drive. He said he was here tonight to revisit some projects that came before the Board two years ago when they were approved to construct a new nursing home facility. He said they propose to build a \$6 Million replacement facility on the land adjacent to the old facility and convert the old building into a congregate personal care home. He said they were seeking a modification of the special exception approved during February 2001 to remove buffering and fencing requirements on property line adjoining property also owned by them and to remove the fencing requirement on the western property line and buffer the property line with two hundred (200) Virginia pine trees which we feel would meet the screening requirements the county would normally impose. He said the only person who would possibly oppose this would be Mrs. Betty Dukes and she supports the facility and trees.

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

Motion made by Commissioner Goss to approve Application #02-54S conditioned upon the development of the site plan and landscaping as presented tonight (Removing buffering and fencing requirements on property line adjoining own property and removing fencing requirement on the western property line but buffering with 200 Virginia Pine trees). Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 4-0.

6. **Application #02-26Z:** John T. Bolton, Owner – Greg Pruitt Construction Company, Agent – 64.8 acres, more or less, off Wilder Way (Stanfield West Subdivision Phase V) located in Land Lot(s) 12 and 21 of the 2nd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-5, Single Family Residential.

Mr. Greg Pruitt came forward and gave his address as 55 Partridge Path. He said he was proposing to build Phase V of Stanfield West. The first phase was 1250 SF home and the other three phases were 1250 SF homes. This rezoning requires two acres with water with a 150 ft. road frontage. He is going to ask for a variance, if approved, to allow 100 ft. of road frontage and allow smaller lots in some areas. He explained his buffering on a site plan he showed his intent. He plans to construct 1250 SF homes.

Zoning Attorney Newton Galloway stated that one omission from Planning & Zoning's motion in the minutes to approve was that the 1250 minimum heated SF homes would be conventionally constructed houses. There were eight (8) other conditions placed on this rezoning.

*Motion made by Commissioner Goss to approve **Application #02-26Z** conditioned as follows: (1) 1,250 minimum square feet heated area; (2) two car garage; (3) open ditch low profile ditches; (4) sodded front yard from the front of the house to the road; (5) 50' front yard setback; (6) buffer on north and west side of the property; (7) two to three trees per lot as appropriate; (8) greenspace on final plat on west and north side of property and (9) restricted to site-built homes only. Commissioner Davis seconded the motion and motion passed by a vote of 3-1 with Commissioner Morrow voting in opposition as he was against the 1250 SF homes. **The Resolution will be incorporated into the minutes on second and final reading.***

7. **Application #02-30Z: Lift from the table** - William R. King, Jr., A. M. Oshlag, and Gayle G. Taylor, Owners – James S. Murray, Jr., Agent – Highway 19/41 (10.87 acres located in Land Lot 101 of the 3rd Land District) – requesting a rezoning from R-3, Multiple Family, Conditional, to R-3, Multiple Family. Application was requested to not be lifted from the table by applicant. **This item was not lifted from the table.**
8. **Application #02-31Z:** David Fries, Owner – Wayne Reeves, Agent – Fayetteville Highway (12.128 acres located in Land Lot(s) 81 and 112 of the 4th Land District) – requesting a rezoning from C-1, Highway Commercial, R-2, Single Family Residential, and AR-1, Agricultural and Residential, to C-1B, Heavy Commercial.

There was no one signed up to speak on this application. Both Staff and Planning & Zoning Board recommended denial of this application.

*Upon motion by Commissioner Morrow, seconded by Commissioner Davis **Application #02-31Z** was denied by a vote of 3-0-1 (Commissioner Goss was out of the room).*

Chairman Morrow stated that we would take a five minute recess before hearing the last two applications.

Chairman Morrow called the meeting back to order.

9. **Application #02-51S:** Springs Industries, Inc., Successor by Merger to Dundee Mills, Inc., Owner – Minerva Properties, L.L.P., Agent – Jordan Hill Road (1,106 acres, more or less, located in Land Lot(s) 168, 169, 183, 184, 185, 186, 199, 200, and 218 of the 3rd Land District) requesting a Special Exception to allow condominium, patio, or zero lot line dwellings and to allow maximum building height of 60 feet in the Planned Development District.

Mr. Brian Davison from Minerva Properties came forward and gave his address as 2292 Henderson Mill Road, Atlanta, GA. He said that have already gone through the zoning process and this was the last step to go through. He said this was for empty nest living and adult living. They have donated land for a school in this development. This is a low maintenance housing but very high quality house with smaller lots. This is the portion we are requesting zero lot line development. These refer to six (6) pods, A,D,F,G.L and R. The height issue is for one small pod which is targeted for active adult living with very luxurious apartments with a huge amount of amenities, with built-in restaurant facilities, meeting rooms, movie theaters, swimming pools and facilities for work-out and a huge array of community events from baking classes to cars to organized trips. This is targeted for 55 and over groups.

Mr. Andrew Moses was signed up to speak against this application. He came forward and gave his address as 2395 Noah's Ark Road, Jonesboro, GA. He said that he sees on the map that Seven Forks Road is going to be closed. Assistant County Manager Sabine stated that only the Board of Commissioners can close a road after due process; however, at the earlier Public Hearing it was stated that the road would remain open and would be connected.

*Motion made by Commissioner Davis to approve **Application #02-51S** with condition of Application contingent upon approval of any dwellings permitted under Section 803(B)(3) be placed in areas consistent with the master plan approved in conjunction with the rezoning of this*

property (Rezoning #02-29Z) to Planned Development District (Pods A, D, F, G, L, and R) and also contingent upon approval of the increase in building height as provided in Section 905(G) solely to Pod T. Commissioner Goss seconded the motion and motion was approved by a vote of 3-1 with Commissioner Goss voting in opposition.

10. **Application #02-52S:** Frank Towers Rice, Jr. and Katherine Kinder Rice, Etal, Owners – Minerva Properties, L.L.P., Agent – Teamon Road and Smoak Road (198 acres located in Land Lots 217, 231, and 232 of the 3rd Land District) – requesting a Special Exception to allow condominium, patio, or zero lot line dwellings and to allow maximum building height of 60 feet in the Planned Development District.

Mr. Brian Davison stated that he feels he addressed this application fully when addressing the previous application.

Mr. Gene Berna was signed up to speak against this application. He came forward and gave his address as 3021 Teamon Road. He said he was against any more condominiums as he already has some in the other part. He said in his opinion this is going to overload the area. Mr. Davison already has a project off of Highway 155, Heron Bay, and it all dumps out into Highway 155 and all this traffic will be on Teamon Road, which is already overloaded with traffic. He said that Teamon Road is a through road from Highway 19/41 to Highway 155 and traffic is already bad now.

*Motion made by Commissioner Goss to approve **Application #02-52S** with condition of the application contingent upon approval of any dwellings permitted under Section 803(B)(3) be placed in areas consistent with the master plan approved in conjunction with the rezoning of this property (Rezoning #02-29AZ) to Planned Development District (Pods A, D, F, G, L, and R). Commissioner Davis seconded the motion and motion was approved by a vote of 3-1 with Commissioner Goss voting in opposition.*

C. Other Business: None

D. Adjournment.

Upon motion by Commissioner Davis, seconded by Commissioner Goss the meeting was unanimously adjourned at 7:50 P.M.

County Clerk

Chairman

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