



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 26, 2004 beginning at 6:00 o'clock p.m. with Commissioners Cecil Davis, Eddie Goss, Johnie McDaniel and Dick Morrow present. Chairman Mike Kendall was absent. Also present were County Manager William Wilson, Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane.

A G E N D A

A. Call to order: Vice Chairman Davis in the absence of Chairman Kendall

B. New Business:

- 1. Application #03-27Z:** Chuck Pruitt Builders, Inc., Owner – 21 Millcreek Lane (2.53 acres located in Land Lot 93 of the 1st Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-5, Single Family Residential.

Community Development Director Chuck Taylor gave the Staff Report. Mr. Pruitt is requesting the rezoning to allow for a division of 2.53 acre tract known as 21 Millcreek Lane into two (2) lots of 1 acre and 1.53 acres. In addition to the rezoning, a variance for lot width would also be required in order to approve the division of the lot.

Mr. Taylor stated that both the Staff and Planning Commission recommend denial of the request.

Those speaking for the rezoning were as follows:

Mr. Chuck Pruitt, the applicant, came forward and gave his address as 1023 Moreland Road, Williamson, GA. He presented the Board of Commissioners a handout and asked to reserve his comments until after the opposition had spoken.

Ms. Opal Lowe came forward and gave her address as 12 Millcreek Lane. She stated that she was presently renting this property but was in the process of buying the home. She was in favor of these two (2) homes being built as homes increase the value of property.

Ms. Melody McCord came forward and stated that she currently owns the property at 12 Millcreek Lane. She has no problem with Mr. Pruitt building these two (2) houses across the street as she too believes that it will bring up the value of her home.

Mr. Greg Pruitt came forward and gave his address as 55 Partridge Path. Mr. Pruitt stated that the applicant is his son and has started his own construction company. He said that this is a tough piece of property that his son bought and he has got to have some incentive to go into these areas that have a lot of mobile homes and be able to build a stick built house. He said that he has heard this land is in a rural reserve area and the future Land Use Map has this considered as low density residential. He asked the Board to look favorably on this rezoning request.

Those speaking in opposition to the rezoning were as follows:

Mr. Danny Hobbs came forward and gave his address as 28 Millcreek Lane. Mr. Hobbs stated that dividing this lot will destroy the neighborhood he has been living in for twenty years. He said that he opposes this rezoning because it serves no purpose on a dead end street.

Mr. Rufus Maddox came forward and gave his address as 31 Millcreek Lane. Mr. Maddox stated that he had no problem with Mr. Pruitt being one house but is opposed to dividing the lot for two houses.

Mr. Bronson Hays came forward and gave his address as 20 Millcreek Lane. Mr. Hays stated he worked hard to get his place like he wanted and now he feels that they are trying to make a city out there. The neighborhood does not need this.

Mr. Hernando Villarraga came forward and gave his address as 12-A Millcreek Lane. He was really speaking on behalf of his Mother, Ethel Faena, who lives at 36 Crystal Creek. He said that she lives right on this lot. He was concerned about the property value and the safety of his Mother.

Mr. Chuck Pruitt came forward and addressed the Board. He said he feels strongly about obtaining this rezoning. He said there are four lots that are actually an acre or less and there are three two-acre tracts excluding his lot. He said the largest home out there is 1258 SF and the next largest home is 970 SF and what he has already built is 1400 SF, three bedrooms, two baths with a bonus room upstairs. He does not feel that he can hurt any of the existing property values.

Commissioner McDaniel asked Mr. Pruitt if he were to get this zoning change and the variance and able to build two houses what did he estimate to be the value or selling price of the two houses. He is asking \$105,000 for the house he has currently built.

Commissioner Morrow commented that even if the rezoning is approved, Mr. Pruitt has got to come back and file for a variance to get the lot width. Mr. Morrow stated that he feels that Mr. Pruitt will have a difficult time making a case for variance on the lot width because this is a self-imposed hardship.

*Motion made by Commissioner McDaniel to approve **Application #03-27Z** conditioned upon site built homes only. Commissioner Goss seconded the motion and motion was approved by a vote of 3-1 with Commissioner Morrow voting in opposition. **The Resolution will be incorporated into the minutes on second and final reading.***

- 2. Amendment to UDO #A-04-01:** R-1A – establish residential district to allow minimum heated area of 2,500 square feet.

Community Development Director Chuck Taylor gave the Staff report. The proposed amendment creates a zoning district that would establish a minimum heated floor area of 2,500 square feet. The Staff and Planning Commission recommend approval.

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

*Motion made by Commissioner Morrow to approve **Amendment to UDO #A-04-01**. Commissioner McDaniel seconded the motion for discussion.*

Commissioner McDaniel stated that the motion was made by the Planning Commission to approve this with the provision that Section 804 (S) would be discussed at the February workshop. He asked Mr. Taylor if this had taken place. Mr. Taylor stated that they had not discussed this yet.

Mr. Taylor said that this Section is incorporated into all our zoning districts and the Planning Commission is going to be interested in looking at those provisions. This section relates to adjoining lots of the same ownership. There is interest on the Planning Commission about striking this Section of the ordinance as they feel like it is unfair to a property owner if he owns two lots, that under the ordinance would have to be considered one lot in order to meet the requirements of the ordinance.

Mr. Taylor stated that this would be discussed at a workshop and if they decide to strike this section, it would come to the Board as an ordinance altogether.

Zoning Attorney Galloway stated that they asked Planning Commission not to hold up this amendment that is before you because of that one section, as they could come back later and deal with changing each of the zoning classes at that time.

*Vice Chairman Davis called the question. **Amendment to UDO #A-04-01** was unanimously approved by a vote of 4-0. **The Resolution will be incorporated into the minutes on second and final reading.***

C. Other Business:

- 1. Discussion of Levels of Service for the Comprehensive Plan and Capital Improvement Element (CIE).**

Mr. Bill Ross and his son, Bill Ross, Ross+Associates came forward and addressed the Board on this item. There was a discussion regarding the levels of service for the list of projects recommended by the department heads to go into the Capital Improvement Element for inclusion in the Comprehensive Plan. Because of the complexity of this issue and the absence of a full Board present for the discussion, the Board decided to discuss this issue in detail at their March 13, 2004 Retreat.

Upon motion by Commissioner McDaniel, seconded by Commissioner Goss the Board voted unanimously to go into a Closed Meeting to discuss pending litigation.

2. Zoning Attorney Galloway desires a Closed Meeting to discuss pending litigation.

Those present were Commissioners Dick Morrow, Johnie McDaniel, Cecil Davis and Eddie Goss. Also present were County Manager William Wilson, Zoning Attorney Newton Galloway, Community Development Director Chuck Taylor and County Clerk Phyllis Doane.

CLOSED MEETING AFFIDAVIT

[A copy of the affidavit must be filed with the minutes of the meeting]

STATE OF GEORGIA
COUNTY OF SPALDING

AFFIDAVIT OF CHAIRMAN

Members of the Spalding County Board of Commissioners, being duly sworn, states under oath that the following is true and accurate to the best of his/her knowledge and belief:

1.

The Spalding County Board of Commissioners met in a duly advertised meeting on February 26, 2004.

2.

During such meeting, the Board voted to go into closed session.

3.

The executive session was called to order at 7:15 p.m.

4.

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

Yes Consultation with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

No Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and
*(insert the citation to the legal authority making the tax matter confidential)*_____;

No Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

No Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6);

No Other *(describe the exemption to the open meetings law):* _____ as provided in
*(insert the citation to the legal authority exempting the topic)*_____.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 26th day of
February 2004.
Phyllis P. Doane
Notary Public
My commission expires: March 13, 2006

Dick Morrow
Cecil L. Davis
Edward Goss, Jr.
Johnie A. McDaniel

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the Board voted unanimously to come out of Closed Meeting and go back into Open Session.

No business was transacted at this time.

D. Adjournment.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the meeting was unanimously adjourned at 7:57 P.M.

County Clerk

Vice Chairman

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