



Spalding County online

Board of Commissioners

SPECIAL CALLED MEETING

A Special Called Meeting was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Thursday, February 27, 2003 beginning at 5:30 o'clock p.m. with Commissioners Dick Morrow, Michael Kendall, Johnie McDaniel, Cecil Davis and Eddie Goss present. Also present were County Manager William Wilson, Assistant County Manager Michael Sabine, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane.

The meeting was called to order by Chairman Morrow.

The purpose of the meeting was to go into a Closed Meeting to discuss potential litigation regarding a zoning issue.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the Board voting 4-0 to go into a Closed Meeting to discuss a zoning issue. Commissioner Kendall was not present at the time of the vote.

Those present were Commissioners Dick Morrow, Johnie McDaniel, Cecil Davis, Eddie Goss and Michael Kendall, County Manager William Wilson, Assistant County Manager Michael Sabine, Zoning Attorney Newton Galloway, 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 27, 2003.

2.

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

3.

The executive session was called to order at 5:35 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)_____.

This the 27th day of February 2003.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 27th day of
February 2003.
Phyllis P. Doane
Notary Public

Dick Morrow
Cecil L. Davis
Edward Goss, Jr.
Johnnie A. McDaniel
M. Michael Kendall

My commission expires: March 13, 2006

Upon motion by Commissioner Davis, seconded by Commissioner McDaniel the Board voted 4-0 to come out of Closed Meeting and go back into Open Session. Commissioner Goss was not present at the time of the vote.

No business was transacted at this time.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the meeting was adjourned at 6:09 P.M by a vote of 4-0. Commissioner Goss was not present at the time of the vote.

County Clerk

Chairman

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PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Thursday, February 27, 2003 beginning at 6:15 o'clock p.m. with Commissioners Dick Morrow, Michael Kendall, Johnie McDaniel, Cecil Davis and Eddie Goss present. 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 #02-48S: Lift from the table** - 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.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis Application #02-48S was unanimously lifted from the table.

Those signed up to speak were as follows:

Rev. Ellison Brannon came forward and gave his address as 154 Mountain View Road, Molena, GA. He stated he was Pastor of Landmark Church of God and they were asking for a special exception to build a sanctuary on the 1.8 acre tract adjacent to the existing church. He said that they have reached capacity. They had requested variances on reduction of lot size, and the reduction of the 25 ft. buffer to connect parking to the existing church and also required parking. It was approved by the Board of Zoning Appeals contingent upon getting approval from the Board of Commissioners for the special exception to allow a church.

Ms. Betty Johnson came forward and gave her address as 2431 Steele Road. She stated she was a member of the Landmark Church of God and the church was growing. They were at full seating capacity and needed a new building to meet the needs of the community.

Ms. Shelby Richardson came forward and gave her address as 12 Jim Goodson Road. She stated she had been Church Clerk for seven (7) years and they realize that acreage is a problem but they need the additional space to minister to this growing community. She said that the old building will be used also.

Mr. E. W. Brannon, Jr. came forward and gave his address as 1227 Highway 109 West, Molena, GA. He stated that he and his wife do Children's Church at Landmark Church of God. He said at times they have up to 20 to 25 children in the back and simply do not have enough room to put the children. He said the church was at a crossroads at what to do and would appreciate the Board's consideration for an addition.

Commissioner McDaniel commented the leadership of the congregation of the Church in the fact that they have outgrown their existing church; however, as Commissioner Morrow stated the Board has some other considerations to think about. He said that the variances that were approved were the most significant ones he has ever seen. He said if we grant this request for you, it would set a precedence for others who come after you. He said there was more than 50% on the variance for the buffer requirement and not sure Board of Zoning Appeals had the right to approve the variance on the parking.

Commissioner Morrow commented also that he applauds their work but he feels it is way too much of a variance on three (3) different things to approve and it opens the door for some other problems as we have turned down other applicants asking for this much of a variance and it would set some dangerous new precedences. He said the best answer is for them to try and acquire a little more land to get closer to the four (4) acres.

*Motion made by Commissioner Goss to approve **Application #02-48S**. Commissioner Davis seconded the motion. Motion failed by a vote of 1-4 with Commissioners Morrow, McDaniel, Davis and Kendall voting in opposition.*

*Motion made by Commissioner McDaniel to deny **Application #02-48S**. Commissioner Davis seconded the motion reluctantly. The motion passed by a vote of 4-1 with Commissioner Goss voting in opposition.*

2. **Application #03-02S:** Robert L. Wooster, Owner – 2400 Steele Road (2 acres located in Land Lot 21 of the 3rd Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Mr. Robert L. Wooster came forward and gave his address as 2400 Steele Road and stated he was the owner. He said that he would be replacing the singlewide mobile home with a doublewide mobile home and connecting it to the existing site-built structure. The singlewide would be removed from the property. He agreed to have the existing home be compatible in colors to the new doublewide home.

Commissioner Morrow stated he had concerns, as the trend in the area seems to be going to site-built homes.

Mrs. Kim Wooster came forward and gave her address as 2400 Steele Road. He said that there are a lot of modular homes in the area. She said that did try to go the site-built route but couldn't afford to get it for the amount of square footage they wanted or needed. She said that once they join it to the existing Florida room, she feels it would be a very nice looking home from the road.

*Upon motion by Commissioner Davis, seconded by Commissioner McDaniel **Application #03-02S** with condition was approved by a vote of 4-1 with Commissioner Morrow voting in opposition. The condition was the addition to the existing home shall be made to be*

compatible (exterior color(s)) with the new home and attached to the new home or it shall be removed from the property.

*Commissioner Kendall requested that Item No. 4 be moved up on the agenda before Item No. 3. Commissioner Morrow entertained a motion. Commissioner Kendall made a motion to move Item No. 4, **Application #02-35Z** up on the agenda. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.*

4. **Application #02-35Z:** Griffin-Spalding County Development Authority, Owner – Hudson Industrial Drive (44.7 acres located in Land Lot(s) 212 and 213 of the 2nd Land District) - requesting a rezoning from C-1C, Conditional, Manufacturing-Light, to C-1C, Manufacturing-Light.

Mr. David Luckie, Executive Director of the Griffin-Spalding County Development Authority, came forward and gave his address as 924 Mockingbird Lane. He commented that in September 2002 the Development Authority purchased approximately 65 acres on Hudson Road and the property was broken down into Phase I and Phase II. Phase I is zoned C-1C with no conditions and is asking Phase II to be consistent with the other phase and eliminate the conditions and apply their covenants.

*Upon motion by Commissioner McDaniel, seconded by Commissioner Davis **Application #02-35Z** was approved by a vote of 4-0-1 with Commissioner Morrow abstaining from voting as he has property in the area. **The Resolution will be incorporated into the minutes on second and final reading.***

3. **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.

*Upon motion by Commissioner McDaniel, seconded by Commissioner Davis **Application #02-30Z** was unanimously lifted from the table.*

Mr. Duane D. Pritchett, an Attorney with Wilson, Brock & Irby, LLC came forward and stated he was representing Greg Walker in regard to the Lakeshore Development at on Highway 19/41. He said that a constitutional objection letter as required by Georgia law had been sent to the Board of Commissioners on February 10, 2003 to set out that denial of the site plan amendment application would raise a constitutional question. He presented a copy of the letter to the Clerk.

Mr. Pritchett stated that back in 2000, the Board had rezoned the property to R-3. He said that the area around it and in front of it is mostly commercial development. The area behind the property is residential and they feel that the 2000 zoning amendment changing it to R-3 was appropriate. The amendment was conditioned upon the site plan, which includes thirteen (13) buildings. On October 4, 2002 his clients filed an application for a site plan amendment on this property as they have a better plan than the previous one filed in 2000. The plan reduces the number of buildings from thirteen (13) to seven (7), provides for better views, adds garages, less impervious surface area, moved the playground into the center part of the property. The only thing it didn't change was the

number of units, which was 104. Mr. Pritchett asked that Mr. Walker be allowed and feels he is entitled to develop under the ten (10) units per acre, 1,000 SF minimum requirement and asking to build a better plan.

Mr. Robert Burke came forward and gave his address as 120 King Richard Drive. He spoke against this rezoning application. He commented that we don't need this type of development. His concerns were the cost of adding additional children to the school system, sewerage problems dumping into the gravity fed sewer line that goes down to the lift station on Westmoreland Road that is already leaking and also the additional traffic at that intersection.

Commissioner Kendall commented that he voted for this particular project when it first came up in 2000 because it affords some of the people an opportunity to get out of some of the substandard housing we have in Spalding County and we need that, but from a legal standpoint is it legal for them to change the site plan from the one we approved. The rules have changed since we voted on it and he questions if we would be on solid ground to allow them to amend this site plan. He has no problem with what they want to develop.

Commissioner McDaniel commented the he and Commissioner Kendall were the only two members of the present Board who voted on this application in 2000 and he voted against it and Commissioner Kendall voted for it. He said the reasons he voted against it hasn't changed. He said that we don't need high density multiple housing on any of our major arteries in Spalding County because they do present some traffic problems. He said that this has already been rezoned for R-3 and we have got to find a solution that is suitable to the community.

*Motion made by Commissioner McDaniel to rezone **Application #02-30Z** from R-3 Conditional to R-3 Conditional with the following conditions to be inserted and incorporated into the Zoning Resolution:*

1. Six units per net developable acre, where public sewage and water are provided. Where public sewage and water are not provided, densities must meet the requirements of the Spalding County Health Department, but may not be greater than six (6) dwelling units per net acre;
2. Minimum square footage of each unit shall be 1,000 square feet heated space;
3. All other applicable requirements of the R-3 district, and of the entire Unified Development Ordinance of Spalding County, presently in effect shall remain in force and no deviation from them shall be authorized;
4. A Development Plan, in conformance with the above stated conditions and incorporating all relevant site information required of similar developments at the time of plan submission, under the R-3 zoning classification and the entire Unified Development Ordinance, shall be presented for review and approval by the Board of Commissioners prior to the consideration and/or granting of any land disturbance permit, building permit or other such development permit as may be required under applicable regulations.

*Motion with conditions seconded by Commissioner Davis and passed by a vote of 3-2 with Commissioners Morrow and Kendall voting in opposition. **The Resolution will be incorporated into the minutes on second and final reading.***

C. Text Amendments:

1. **Amendment to UDO #A-03-01:** Appendix J: Commercial/Industrial Development Ordinance – Article 3 – add a section which designates a new set of site plan requirements for small commercial projects such as building additions.

There was no one signed up to speak for or against on this Text Amendment.

*Upon motion by Commissioner Morrow, seconded by Commissioner Davis Amendment to UDO #A-03-01 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-03-02:** Appendix A: Subdivision Development Ordinance – Article 5: Required Development Standards – Section 501: Development Standards in General – add a section which designates required architectural standards for single-family residential development.

There was no one signed up to speak for or against on this Text Amendment.

Assistant County Manager Sabine asked that a change be made to this amendment which is the addition of R-5 to Section 501: I. He said that he feels in the interest of fairness and ease of administration this should be added to the amendment.

*Upon motion by Commissioner Morrow, seconded by Commissioner Davis Amendment to UDO #A-03-02 was unanimously approved by a vote of 5-0 with the addition of R-5 District under Section 501: I. **The Resolution will be incorporated into the minutes on second and final reading.***

3. **Amendment to UDO #A-03-03:** Article 2: Definitions of Terms Used – Section 203: Housing Definitions – add a section (H') which will define “dwelling, loft residential”; Article 12: C-1 Highway Commercial – Section 1203:66(b) - add provision for establishing density limitations for loft dwelling units; Article 13: C-1A Neighborhood Commercial – Section 1303:52(b) – add provision for establishing density limitations for loft dwelling units.

There was no one signed up to speak for or against on this Text Amendment.

Assistant County Manager Sabine requested that a change be made to this amendment, which is to substitute six (6) units per net developable acre where it is written ten (10) units per net developable acre to be consistent in treatment across districts.

Motion made by Commissioner Davis to approve Amendment to UDO #A-03-03 substituting six (6) units per net developable acre where there reads ten (10) units per net developable acre. Commissioner McDaniel 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.

4. **Amendment to UDO # A-03-04:** Airport Overlay District – Establish an overlay district to limit the height of structures within critical airport approach zones.

There was no one signed up to speak for or against on this Text Amendment.

Upon motion by Commissioner Morrow, seconded by Commissioner Goss Amendment to UDO #A-03-04 was unanimously approved by a vote of 5-0. The Resolution will be incorporated into the minutes on second and final reading.

5. **Amendment to UDO #A-03-05:** Approval of Digital Zoning Map – Adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

There was no one signed up to speak for or against on this Text Amendment.

Assistant County Manager Sabine presented the Digital Zoning Map to the Board with the updates that have been requested by the Board of Commissioners. The map adopts a new color palette also. The second reading would be at the Commissioners' meeting of March 17, 2003 and the map would go into effect on March 18, 2003.

Upon motion by Commissioner Kendall, seconded by Commissioner Davis Amendment to UDO #A-03-05, the Digital Zoning Map Resolution was unanimously approved by a vote of 5-0. The Resolution will be incorporated into the minutes on second and final reading.

D. Adjournment.

Upon motion by Commissioner Davis, seconded by Commissioner McDaniel the meeting was unanimously adjourned at 7:27 P.M.

County Clerk

Chairman

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