



Spalding County online

Board of Commissioners

SPECIAL CALLED MEETING

The Board of Commissioners of Spalding County, Georgia, held a Special Called Meeting on Thursday, March 27, 2003 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 5:30 o'clock p.m. with Commissioners Dick Morrow, Johnie McDaniel, Cecil Davis and Eddie Goss present. Commissioner Kendall was absent at this time. Also present were County Manager William Wilson, Community Development Director Chuck Taylor, County Attorney Jim Fortune and County Clerk Phyllis Doane.

Chairman Morrow called the Special Called Meeting to order.

The purpose of the meeting is to go into a Closed Meeting to discuss potential litigation.

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

Those present were Commissioners Dick Morrow, Johnie McDaniel, Cecil Davis, Eddie Goss and Michael Kendall, County Manager William Wilson, Community Development Director Chuck Taylor, 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 March 27, 2003.

2.

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

3.

The executive session was called to order at 5:30 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 March 2003.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 27th day of
March 2003.

Phyllis P. Doane

Notary Public

My commission expires: March 13, 2006

Dick Morrow

Cecil L. Davis

Edward Goss, Jr.

Johnie A. McDaniel

M. Michael Kendall

Upon motion by Commissioner Davis, seconded by Commissioner McDaniel the Board voted unanimously to come out of Closed Meeting.

No business was transacted at this time.

Chairman Morrow adjourned the Special Called Meeting and called for a five-minute recess before beginning the Zoning Public Hearing.

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, March 27, 2003 beginning at 6:13 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, Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane.

AGENDA

A. Call to order: Chairman Morrow

B. Rezoning Requests:

Chairman Morrow entertained a motion to consider Application #03-01Z and #03-01AZ together but vote on each separately. *Motion made by Commissioner McDaniel to consider the applications together and vote on separate. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.*

- 1. Application #03-01Z:** McCamy, Phillips, Tuggle & Fordham Self-Employed Retirement Trust/Carole C. Carlisle, Owners – Harp-Jones Development, Agent – Westmoreland Road (50 acres, more or less, located in Land Lot 36 of the 3rd Land District) - requesting a rezoning from R-2, Single Family Residential and AR-1, Agricultural and Residential, to R-2, Single Family Residential.
- 2. Application #03-01AZ:** McCamy, Phillips, Tuggle & Fordham Self-Employed Retirement Trust/Carole C. Carlisle, Owners – Harp-Jones Development, Agent – Westmoreland Road (50 acres, more or less, located in Land Lot 36 of the 3rd Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Chuck Taylor came forward and gave the staff report. Harp-Jones Development is proposing a 123-lot conservation subdivision on 100 acres near the southwest corner of the intersection of SR 92 with

Westmoreland Road. The average lot size proposed for the development is 15,000 sq. ft. with the smaller lots being no less than 12,000 sq. ft. The main entrance into the development would be off of Highway 92 with a secondary entrance proposed for Westmoreland Road. Both Planning Commission and staff have recommended approval of the rezoning.

He gave the following table as an overview of the recommendations of Staff and Planning Commission:

ZONING/CONDITIONS	STAFF	PLANNING COMMISSION
Zoning/Min. house size	R-4 (1500 Sq. Ft.)	R-1 (1750 Sq. Ft.) (Note: Official Planning Commission action was approval of the application with a 1750 min house size, but it was clarified by the members that the R-1 was their intent)
Density	Limit to 100 lots per the Land Use Map	Allow for the 123 lots proposed by the applicant
Architectural – Min. Roof Pitch*	6:12	6:12
Design – Driveways/Garage*	Require paved driveways and two-car garages	Require paved driveways and two-car garages
Architectural – Exterior Materials/Finishes*	All homes shall have brick, stone, or masonry stucco accents on their front elevation. The remainder of the exterior walls shall be cement plank (cemplank) siding	All homes shall have brick, stone, or masonry stucco accents on their front elevation.
Architectural – Exterior Materials/Finishes	Exposed concrete foundations shall not be allowed on front and corner elevations	Exposed concrete foundations shall not be allowed.
Design – Landscaping	All lots developed shall have sodded front yards.	All lots developed shall have sodded front yards.
Design – Utilities	All Lots Developed shall be served by underground utilities.	All Lots Developed shall be served by underground utilities.
Design - Landscaping	All detention facilities shall be landscaped and/or screened to minimize their visual impact.	All detention facilities shall be landscaped and/or screened to minimize their visual impact.
Design – Streets	The number of cul-de-sacs within the development is limited to 2. Roads shall be designed to be looped so that traffic circulation throughout the development is maintained	Proposed street layout is acceptable.
Design – Street Access	The developer agrees to improve Westmoreland Road to meet County Subdivision Standards (<i>this may not be advisable given potential liability and technical limitations</i>)	The developer agrees to improve Westmoreland Road to meet County Road Standards

* Note: These architectural design requirements were adopted with the Architectural Design Ordinance last Month and are no longer needed to be stated separately as conditions. A 7:12 Roof Pitch was approved with the adoption of the Architectural Design Ordinance.

Those speaking for the proposal were:

Mr. Tom Daniel came forward and gave his address as 665 Highway 74S, Peachtree City, GA. He said that they are the land planning design firm. He said that have accepted all the conditions set forth by the Planning Commission and they also plan to do an upscale street lighting and fully functional sidewalks with a more of a “turn of the century architectural design” theme comparable to the development in Senoia. He said the two main points they would like to discuss tonight is (a) density and (b) the Westmoreland Road issue. He said that they feel the 123 homes are what they will need to justify this type of development with the amenities added. He said that staff had recommended the entrance on Westmoreland Road. They had agreed to it but would also agree to take it off the table.

Mr. Jim Fordham came forward and gave his address as 1702 Rio Vista Drive, Dalton, GA. He said he is a lawyer and owner of this property. He had asked to reserve his comments until all the opposition had spoken but came forward to answer why a constitutional challenge had been filed previous to the hearing. He said that a constitutional challenge was filed, which is a common filing in zoning or rezoning matters to perfect the record.

Mr. Richard Harp of Harp-Jones Development came forward and gave his address as 155 Buckeye Lane, Fayetteville, GA. He said they would not be the builder but only sell the lots to some builders that are already building in the county, Sam and Greg Smith, who are building The Orchards Subdivision down on Zebulon Road and also Corey Day, who is building off of Vineyard.

Those speaking in opposition were:

Ms. Gwen McGuffey came forward and gave her address as 2540 Fayetteville Road. She spoke against the entrance to the subdivision on Westmoreland Road. There has been much discussion regarding the paving of Westmoreland Road from Highway 92 to West McIntosh Road. Public Works Director Jake Garner has recommended that the road be paved with an 80 ft. right of way. She asked that development be in conformance with sound comprehensive planning principles, be of substantial benefit to the public and in the promotion of the best interest and general welfare of the people of Spalding County. They do not feel that this request meets these requirements and ask that the rezoning request be denied.

Mr. Gene McGuffey came forward and gave his address as 2540 Fayetteville Road. He said that he feels that this rezoning request violates Items 1, 4, 5 and 6 of Article 1, General, Section 104, Purposes of the Unified Development Ordinance (UDO). He asked that these rezoning applications be denied.

Ms. Darlene Garland came forward and gave her address as 2696 Fayetteville Highway. She lives immediately adjacent to the entrance of the plan off of Highway 92. She said that she has lived at this address for almost 39 years. She said she is opposed to this development as it is not compatible with the surrounding area and too high a density.

Mr. Raymond Ray was signed up to speak but due to a conflict in schedule had asked Jane Westmoreland to address the Board in his behalf. Ms. Westmoreland gave her address as 1194 Vineyard Road and read a letter from Mr. Ray. The purpose of his letter was to provide the Board with pertinent information concerning this development proposal and our local school system. Mr. Ray is the Chairman of the Board of Education for Griffin-Spalding Schools. He was presenting this information as a citizen and as a taxpayer of this community. His letter discussed the impact of this development on the school system. He stated based on the 1.8 student population factor we would be adding 221.4 students to our school system, which would require ten (1) mobile class units both at Cowan Road Elementary and Middle Schools.

Ms. Jane Westmoreland also addressed this rezoning on her behalf. She said the land up for rezoning is approximately one-half mile south of her property line. She asked the rezoning be denied for several reasons, (1) high density growth; (2) proposed conservation subdivision not compatible with surrounding area; (3) traffic safety issues; (4) repeated sewage spills; (5) over burdening the Cowan Road Schools; (6) future water availability; (7) increase in property taxes that will come with growth. She said that she runs the risk of being put out of business with her cattle farm if subdivisions continue going up around her.

Ms. Sue Fowler came forward and gave her address as 2435 Fayetteville Road. She said their property is one-fourth mile from this proposed subdivision. She said at the Planning Board hearing no one spoke in favor of this rezoning. She voices her objections to high density in a semi-rural area. She addressed the disadvantages of having a homeowners association in conservation subdivisions.

Mr. Homer Westmoreland came forward and gave his address as 718 West Ellis Road. He said that he feels the proposed subdivision is incompatible with the existing area and would impact the development of all the property westward all the way to the County Line. He said if approved it would most certainly affect the quality of life of the residents in this community.

Mr. James H. Crawford, Jr. came forward and gave his address as 1191 Vineyard Road. He addressed issues of school, traffic and high density of the proposed conservation subdivision.

Ms. Carol Darden gave her address as 120 Henry Jackson Road. She said that she has lived in her residence since 2001 and does not feel that a conservation subdivision is necessary in this area. She asked the Board if rezoning approved, not to leave Westmoreland Road half paved and half dirt.

Mr. Frank Westmoreland came forward and gave his address as 2530 West McIntosh Road. He said that the proposal before the Board he feels is in incompatible with the existing residential development. He said in the several meetings in regard to the rezoning of this property that no one had spoken in favor of this development except the developer. He spoke about the lawsuit that has been filed with the Board on this rezoning. He said that everybody involved has been through a difficult process and the residents are not going to stop attending these meetings and speaking out, as we do not believe this is the proper way for our area or any area in Spalding County. He said that he is opposed to changing the zoning of AR-1 to any rezoning category that would allow this kind of development. He said the density people want to see is less than fifty-one (51) homes.

Ms. Pam Moore came forward and gave her address as 103 King Richard Drive. She said she lives in Nottingham Estates. She said that she is all for growth but not at the expense of her community. She had a problem with the developer letting other builders come in and build out this subdivision. She said she was against this proposed subdivision as it is not compatible with what they have out there now.

Mr. Bob Burke came forward and gave his address as 192 King Richard Drive. He also lives in Nottingham Estates. He said the smallest lot in Nottingham Estates is one acre. He said there was a difference between one house per acre than one-acre lots. He said with one house per acre they could have about 30 to 40 more houses in Nottingham Estates because some lots are nine (9) acres. He said he was against conservation subdivisions in Spalding County in that the density is too high. He cannot in good faith say that 123 houses on 50 acres make sense. His recommendation is that we have one ordinance for a subdivision, period. He says that he has a problem with density, house size and lot size with this proposed subdivision.

Ms. Jennifer Crestwell came forward and gave her address as 136 King Richard Drive, in Nottingham Estates. She said it was her opinion that the gentlemen who own this property and propose this development should be held to the current zoning requirements which were in place when they purchased this property and we took comfort in when we decided to buy a house in Nottingham Estates. This would mean a subdivision with far less homes, which is more consistent with what is across the street in Nottingham Estates. She said she feels that the decision the commissioners make tonight is very precedent setting, not just for my area but also for Spalding County as a whole.

Mr. Jim Westmoreland came forward and gave his address as 1360 Vineyard Road. He said he opposes this rezoning and feels this type of development would be detrimental to this community.

Mr. Ronnie Guilliford came forward and gave his address as 423 Edwards Road. He and his family believe that rezoning this property is going to definitely set precedence in Spalding

County. He said allowing our County to be sold out for cash is the wrong thing to do. The people in this county pay for what goes in this county, one way or another. He said you put too many people in a small area and you set the breed for bad neighborhoods.

Mr. Jim Fordham readdressed the comments made by the residents that spoke tonight. He said that he and Mr. John Carlisle are also applicants in this proceeding. He stated that he was born in Griffin, GA and attended Griffin High School and have sisters living in Griffin, GA and his mother-in-law lives in Griffin, GA and he also pays taxes in Griffin, GA so he is not a complete foreigner in respect to Spalding County. He said that he feels there is some misunderstanding about the density. He said they were talking about 123 houses on 100 acres of land that was approved by the zoning commission. He said that they had followed the rules in the zoning ordinance. He said the conservation subdivision is on your books and we followed it exactly as you told us to and like the zoning commission told us to and we simply do not know what else to do. He said that the Planning Commission approved 4-2 with conditions of R-1 (1,750 sq. ft.). He said that this is a quality development with quality builders. He said with Westmoreland Road, they do not want an entrance on Westmoreland Road as it can stay as exactly as it is now. The only entrance would be on Highway 92. He said that he did not hear any legitimate opposition other than people don't want progress and they don't want subdivisions. He said that they feel that the rezoning should be approved; however, they were open to any modifications the Board would require.

Mr. Harp stated that the plan before you tonight is plans for rezoning only. We have to come back before you with a preliminary plat with all the details showing the amenities and design of the houses.

Commissioner Kendall said that he realizes they have to come back with all these details but he feels for most of the people who are out here with concerns, these kinds of things, the amenities, how this all looks, is important to all of us to see what we are buying into.

Mr. Fordham said if you grant us the rezoning tonight and we come back with our preliminary plat showing amenities, house designs, locations, elevations, etc. and if you don't like what you see, turn it down. We have to have the rezoning before we go to the expense of the preliminary plat.

Chairman Morrow commented that he had been asked for a five-minute recess and he declared the meeting in recess.

Chairman Morrow called the meeting back to order.

Mr. Fordham commented that they had been discussing this during the recess and they propose that this rezoning request be tabled to give them an opportunity to revise and to show the opposing people exactly what they are doing and possibly work out a compromise.

Commissioner McDaniel asked Mr. Fordham how much time they needed to bring back a revised proposal. Mr. Fordham asked for sixty (60) days.

Commissioner Goss commented based on all the comments made here tonight, it behooves us to make a decision on this tonight and not put these people through doing this whole thing over again.

*Motion made by Commissioner Goss to deny **Application #03-01Z**. There was no second to the motion; therefore motion died for lack of a second.*

*Motion made by Commissioner Goss to deny **Application #03-01AZ**. There was no second to the motion; therefore motion died for lack of a second.*

*Motion made by Commissioner McDaniel to table **Application #03-01Z** until the May 22, 2003 Public Hearing. Commissioner Davis seconded the motion and motion was approved by a vote of 4-1 with Commissioner Goss voting in opposition.*

*Motion made by Commissioner McDaniel to table **Application #03-01AZ** until the May 22, 2003 Public Hearing. Commissioner Davis seconded the motion and motion was approved by a vote of 4-1 with Commissioner Goss voting in opposition.*

C. Other Business:

Required preliminary public hearing provided under O.C.G.A. Section 36-66-4(f).

- 1. Amendment to UDO #A-03-12:** Article 2. Definitions – Section 202:Z’ – add definition for Drug Abuse Treatment Program, and Article 12. C-1, Highway Commercial – add **Drug Abuse Treatment Program as a special exception use.**
- 2. Application #03-11S:** Trumbull Development Corporation, Owner – 240–246 O’Dell Road (4.646 acres located in Land Lot 108 of the 2nd Land District) – requesting a Special Exception to allow a **Drug Abuse Treatment Program** in the C-1 District.

No decision shall be made at this preliminary public hearing. The public hearing for these applications will be held by the Board of Commissioners at a later date in accordance with O.C.G.A. Section 36-66-1 et. seq.

Chuck Taylor addressed these two items. In reviewing the zoning ordinance we found that the current ordinance does not have any uses listed that would allow for a drug treatment and education program. We have had a request for that type of use in the county and we recommend that we revise our ordinance to include drug treatment and education programs under the C-1 zoning district as a special exception use.

Mr. Taylor stated under the State Zoning Procedures Act we are required to have a hearing on any zoning decision that involves drug treatment centers or other related uses six (6) months prior to the decision being made and that is why this is before you tonight. There will be no action taken tonight. This is only a public hearing.

Mr. Michael Brutz, developer and owner, came forward and gave his address as Barnesville, GA. He said he is building a small office park in Spalding County on Odell Road and Highway 19/41. There will be four (4) buildings similar to the one already built, where Care Master is located. He said he was contacted by McIntosh Trail that runs the Pine Woods Alcohol and Drug Rehab Center, which is currently located in Barnesville, and they need a 10,000 sq. ft. building, which is the exact size of the buildings he is building at this location. He said when we started to do our planning and meeting with Mr. Taylor, we ran into this zoning problem of no classification for this kind of treatment center. He said he feels that this whole park is going to end up being state offices as he is also talking to the Probation Department and the Department of Labor regarding office space at this location.

There was no one signed up to speak in opposition.

D. Adjournment.

Upon motion by Commissioner Davis, seconded by Commissioner Goss the meeting was unanimously adjourned at 8:10 P.M.

County Clerk

Chairman

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