



Spalding County
online

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, October 23, 2003 beginning at 6:00 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, Senior Planner Lee Craig, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane. Community Development Director Chuck Taylor was absent.

A G E N D A

A. Call to order: Chairman Morrow

B. Public Hearing

1. Review of the Spalding County 2020 Comprehensive Plan for the Unincorporated Area of Spalding County, Sunnyside, and Orchard Hill.

Mr. Jim Summerbell from Jordan, Jones & Goulding was present to address this item. He said that he was the project manager for the update of the Spalding County Comprehensive Plan. He said this was the third public hearing held. Mr. Summerbell stated that a copy of the Comprehensive Plan has been placed on the Spalding County webpage. He said the Cities of Orchard Hill and Sunny Side will have public hearings on November 4th and November 6th. This Plan will have to be transmitted to McIntosh Trail RDC for review and then submitted to Department of Community Affairs for their review and then the official adoption of the Plan in early 2004 by the Spalding County Board of Commissioners.

Zoning Attorney Galloway addressed Mr. Summerbell. He said there were two (2) things from their meeting in July that he does not see included in the Plan. The first dealt with sewer access and a statement or policy was going to be placed in the Plan that said essentially since the County was not involved in the location and placement of sewer lines, that the mere presence of sewer did not mean the right to greater developmental density. The second thing is we need to clarify that we would allow consideration of school conditions as a factor and have in a rezoning action a consideration of land use policy and have that set out as a policy in the Plan so our ordinance can dovetail to that policy.

County Manager Wilson asked Mr. Summerbell to address the changes that had taken place since the last draft. Mr. Summerbell commented that the significant changes were in the City of Sunny Side as they wanted to change the area inside their City Limits to future village concept and the other change was close to Highway 155 on the Spalding/Henry County Line density to be stepped up to medium density residential from rural reserve or low density.

There was no one present that wished to make any public comment.

C. New Business:

- 1. Application #03-20Z:** High Top Holdings, Inc., Owner – 2.01 acres on Oak Street located in Land Lot 128 of the 3rd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-5, Single Family Residential.

Mr. Mike Jackson came forward and gave his address as 5138 Old Atlanta Highway, Hampton, GA. Mr. Jackson commented that this would be two one-acre lots with three bedroom, two bath homes with heated square footage between 1250 and 1350 ft. He said there would be paved driveways with turnarounds to keep from having to park on the street. He said that he could not be sure that he would be able to put two car garages because of a drainage problem on the west side of Oak Street.

Senior Planner Lee Craig gave the Staff report. Both Staff and the Planning & Zoning Board recommended approval as the houses in that area are approximately 1200 sq. ft. and are compatible with the R-5 and also compatible with the designation of Low Density Residential use as shown on the Future Land Use Map.

There was no one signed up to speak in opposition.

*Motion made by Commissioner Morrow to approved **Application #03-20Z**. Commissioner Davis 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. Amendment to UDO #A-03-27: Lift from the table -** Article 6. AR-2, Rural Reserve – Section 603:A(1), Section 603:A(3), and Section 604:A; Article 7. R-1, Single Family Residential Low Density – Section 703:A(1), Section 703:B(3)(b), and Section 704:A; Article 8. R-2, Single Family Residential – Section 803:A(1), Section 803:A(2), Section 803:B(3)(b), and Section 804:A – increase minimum heated square footage.

Motion made by Commissioner McDaniel, to lift Amendment to UDO #A-03-27 from the table, Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.

Commissioner Morrow addressed this amendment as it comes from a recommendation from the Task Force that consisted of he, Commissioner Davis, some builders and non-builders that had been meeting for the past several weeks to address house sizes. He said that this ordinance raises the R-1 minimum house size from 1750 to 2500 sq. ft., raises the R-2 from 1400 to 2,000 sq. ft. and leaves R-4 and R-5 unchanged and raises the 5 acre Rural Reserve up to 1750 from 1500 sq. ft.

Senior Planner Lee Craig gave the Staff report. She reported that the Planning & Zoning Board recommended approval 4-1.

Commissioner Morrow stated that a valid concern has been raised. The concern is if this took effect on the second reading it would create a hardship on those developments already in the pipeline and some have been under the restrictions of the County's special exception moratorium

and can't continue with their development plans. Because of this, we are recommending that this ordinance amendment not take effect until June 30, 2004.

Those signed up to speak in opposition were:

Mr. Greg Pruitt came forward and gave his address as 55 Partridge Path. He said that he was opposed to this as he does not feel like this is a way to get some higher square footage zoning. He said we were so close to getting the Comprehensive Land Plan completed and feels this is when we should look at the zoning. He said that there are a good many pieces of property that are R-2 that would affect people adversely. He said changing R-2 for the fourth time in five years, from 1200, 1250, 1400 and now 2,000 sq. ft. is patch work and we need a fix. He recommended small increments of 200 ft. between each zoning classification. He said he agrees that we have some areas in the county that need to have higher square footages to protect the areas.

Mr. Niles Murray came forward and gave his address as 1400 Maple Drive. Mr. Murray commented he was not totally against the amendment but said he felt like the R-1 from 1750 sq. ft. to 2500 sq. ft. was too drastic of a change. He said there were really a lot of nice developments out in the County that are less than 2500 sq. ft. He said he recommended bringing this down from 2500 to 2000 range as a minimum. He said if it gets too high, you tend to decrease some property values. He said he was all for increasing the standards and commends this Board for what they have done thus far.

Mr. Mike Jackson came forward and gave his address as 5138 Old Atlanta Road, Hampton, GA. He said he was not against "raising the bar" but his concern was, in the past the zoning has moved on us and there are a lot of negotiated square footages out there and where are these going to be. He also has same concerns as others regarding lots not built out in subdivisions and the zoning being raised. Mr. Jackson commented he appreciates the "window of opportunity" to get some of the projects through that are already started.

Zoning Attorney Galloway said in instances where the zoning ordinance specifically conditions the property on square footage, that ordinance will control the development of that piece of property. He gave an example if 1500 sq. ft. homes were placed as a condition on the rezoning, then the existing lots could be built out at 1500 sq. ft. homes.

Commissioner Kendall wanted to know why not add some new R classifications and leave the zoning classifications as they are at present. Mr. Kendall said what he is hearing is that you want to have a zoning classification that is a minimum greater than 1750 sq. ft. He also addressed conditional zoning, which he feels the Board has used quite frequently.

Ms. Pat Golden came forward and gave her address as 536 N. Rover Road, Williamson, GA. She said she loves Spalding County but agrees with Mr. Pruitt that this is a move too fast. She said she understands the R-2 problem but does not feel the solution is to increase the square footage in the R zoning districts. She feels the Comprehensive Plan will change a lot of the zoning in the County. She said we need to look at the areas and try to have the zoning more comparable with what is there at the present time. She said that there is a need for all types and sizes of housing.

Commissioner Davis commented that the Task Force has done several hours of work to bring a suggestion here tonight. He recommended that this vote be postponed tonight to allow some of

the people who are here tonight making comment to be on a committee and come up with a solution that will be fair to everyone.

Commissioner Morrow commented that he would not mind sitting back down at the table and discussing this; however, the R-2 zoning is a serious problem and it has to be raised. We have some 1400 sq. ft. areas that are a problem, specifically property along Teamon Road.

Commissioner Kendall commented that R-2 1400 sq. ft. may be too little but 2000 sq. ft. is too much.

Commissioner Morrow stated that what he is hearing is that nobody is objecting to raising the bar to give us some higher zoning ordinances for higher protected subdivisions but these particular set of numbers has some discontent so we need to revisit the numbers as what they should be raised too.

Motion made by Commissioner Davis to table until the November 17th Zoning Agenda to resolve concerns addressed tonight.

Mr. & Mrs. Conaway asked to address the Board on this amendment for larger square footages as they were not able to be present during public comment.

Cathy Conaway and Ricky Conaway came forward and gave their address as 996 Vineyard Road. Mrs. Conaway said she and her husband were the owner of seven acres on Vineyard Road between Will's Walk, R-2, which is a 1250 sq. ft. subdivision and Vineyard Ridge, R-2, which is a 1400 sq. ft. subdivision. This change in square footage has happened in a period of two years. She said that their property is currently zoned R-2 and that nobody is going to buy this seven acres with having to put a 2,000 sq. ft. home on it. Mr. Conaway said they were stranded between two subdivisions and are trying to sell and move into a larger home in another subdivision. Mr. Conaway said there may be five to ten homes over the 2000 sq. ft. but 90% are from 1500 to 1700 sq. ft. They said that the only reason they knew about this raising square footages in zoning classifications was they had a contract on the property at the time this amendment was being considered. However, a lot of property owners do not know about this change and they might have old family property they would possibly be building on.

Commissioner McDaniel commented that this is a good example of what they are trying to do with this amendment, because the two subdivisions mentioned you are between were already zoned and they were zoned with smaller size minimum square footage.

Commissioner Morrow stated there was a motion on the floor to table this until November 17th. Commissioner Kendall seconded the motion and motion was unanimously approved by a vote of 5-0.

- 2. Amendment to UDO #A-03-29** – Article 2. Definitions of Terms Used – Section 203:P’ – add definition of “Heated Floor Area, Minimum”.

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

Upon motion by Commissioner Davis, seconded by Commissioner McDaniel Amendment to UDO #A-03-29 was unanimously approved by a vote of 5-0. The Resolution will be incorporated into the minutes on second and final reading.

D. Other Business:

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

1. The Zoning Attorney desires a Closed Meeting to discuss potential and pending litigation.

Those present were Commissioners Dick Morrow, Michael Kendall, Johnie McDaniel, Cecil Davis and Eddie Goss. Also present were County Manager William Wilson, Zoning Attorney Newton Galloway, Senior Planner Lee Craig 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 October 23, 2003.

2.

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

3.

The executive session was called to order at 7:43 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)_____.

Commissioners

Spalding County Board of

Sworn to and subscribed
Before me this 23rd day of
October 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 and go back into Open Session.

No business was transacted at this time.

E. Adjournment.

Upon motion by Commissioner Davis, seconded by Commissioner McDaniel the meeting was unanimously adjourned at 8:35 P.M.

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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