



ZONING PUBLIC HEARING

The Board of Commissioners of Spalding County, Georgia, held their Zoning Public Hearing on Thursday, May 26, 2005 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 6:00 o'clock p.m. with Chairman Edward Goss presiding and Commissioners Cecil Davis, Johnie McDaniel, Gwen Flowers-Taylor and Eddie Freeman present. Also present were County Manager William Wilson, Community Development Director Chuck Taylor, Senior Planner Chad Jacobs and Executive Secretary Teresa Watson.

A. Call to order.

Commissioner Davis made a motion to amend the agenda to move Item 2 on the agenda: Application #05-10Z: Byron F. Smith, Owner – Ray Browning, Agent – McKinley Drive, to Item 1, seconded by Commissioner Freeman. The motion passed by a unanimous 5-0 vote.

B. New Business:

1. **Application #05-10Z:** Byron F. Smith, Owner – Ray Browning, Agent – McKinley Drive (18.765 acres located in Land Lot 150 of the 2nd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to R-2, Single Family Residential.

Commissioner Davis made a motion to table this application until the June Zoning Public Hearing (June 23, 2005), seconded by Commissioner Freeman, and the motion carried by a unanimous 5-0 vote.

2. **Application #05-08Z:** Math Fields, Inc., Owner – Rachel Gay, Agent – 3616 Fayetteville Highway (2.1 acres located in Land Lot 6 of the 3rd Land District) – requesting a rezoning from R-2, Single Family Residential, and AR-1, Agricultural and Residential, to C-1A, Neighborhood Commercial.

Community Development Director Chuck Taylor stated the applicant is proposing this rezoning to develop a restaurant at the location, and he referenced a map of the area. This use is not supported by the Future Land Use Map, and a letter requesting amending the map had been received. If rezoned, a separate vote would be needed to address both the rezoning request and the amendment to the Future Land Use Map. This Highway 92 corridor, without adherence to the Future Land Use Map and Comprehensive Plan, can experience proliferation outside the designated node areas. The Planning Commission recommended approval of the request, as well as the proposed change to the Future Land Use Map. Discussion at the Planning Commission meeting noted this was a fairly small commercial use along the corridor.

Rachel Gay, 3480 Fayetteville Highway, Griffin, Georgia

Ms. Gay, the applicant, wants to open a restaurant at this location. One reason the Planning Commission was in favor was because the building was preexisting and not a new construction. The Bobby Dunn family has owned the property since 1957, but the rezoning request is not for the entire 19 acre parcel, but rather just the 2.1 acres for the building and the parking lot. Ms. Gay stated she hopes to have a grand opening around mid-July. She will lease the building from Mr. Dunn. Ms. Gay started Rachel's Deli 4 years ago and she sold that restaurant, hoping to move into something bigger.

Commissioner Freeman made a motion to approve amending the Future Land Use Map to accommodate this request, seconded by Commissioner Davis. The motion passed by a vote of 3-2 with Commissioners McDaniel and Flowers-Taylor opposing.

Commissioner Freeman made a motion to approve Application #05-08Z, conditioned to stipulate that it be used as a restaurant only, seconded by Commissioner Davis. The

motion passed by a vote of 3-2 with Commissioners McDaniel and Flowers-Taylor opposing.

- 3. Amendment to UDO #A-05-04: Lift from the table** – R-1, Single Family Residential Low Density – Section 703, R-1A Single Family Residential – Section 703A, R-2 Single Family Residential – Section 803 and R-4 Single Family Residential – Section 1003 – amendment to delete zero lot line dwelling developments and replace with Cluster Development.

Commissioner McDaniel made a motion to lift Amendment to UDO #A-05-04 from the table, seconded by Commissioner Davis, and the motion carried by a unanimous 5-0 vote.

Community Development Director Chuck Taylor said this amendment was simply a housekeeping action that changes name of condominium, patio home, and zero lot line dwelling developments to a description of cluster development. The condominium and zero lot line dwelling terms confuse many, and with the amendment perhaps it will clarify the description.

Commissioner McDaniel made a motion to approve, seconded by Commissioner Davis, and the motion carried by a unanimous vote of 5-0.

- 4. Amendment to UDO #A-05-06: Lift from the table** – General Procedures – Section 411:A and B and Appendix C – Ordinance Establishing Board of Appeals – Section VII:e – amendment to modify standards for granting variances. – **To be heard 06/06/05.**

Commissioner Davis made a motion to continue this item to the June 6, 2005 meeting, seconded by Commissioner McDaniel, and the motion carried by a unanimous 5-0 vote.

- 5. Amendment to UDO #A-05-09:** R-1 Single Family Residential Low Density – Section 703:A(8) and R-4, Single Family Residential – Section 1003:A(8) – amendment to allow Industrialized Homes as a permitted use.

Community Development Director Chuck Taylor said this Ordinance is necessary to bring the Spalding County Development Ordinance in line with established court cases. When the change was made previously to allow DCA homes in residential districts, these districts were not included, and the County is legally bound to include these homes in the R-1 and R-4 districts in the same manner they are allowed in other zoning districts.

Commissioner McDaniel made a motion to approve Amendment to UDO #A-05-09, seconded by Commissioner Davis, and the motion carried by a unanimous vote of 5-0.

C. Other Business:

- 1. Consider Moratorium on Land Use Map Amendments.**

Community Development Director Chuck Taylor noted the Board of Commissioners had requested this moratorium draft in order to give Staff time to develop an Ordinance that requires applicants to provide assistance to amend the Future Land Use Map when requesting rezoning that is inconsistent with the map and the Comprehensive Land Use Plan. Most such requests are confusing, vaguely worded and difficult for Staff to clarify, which increases the amount of Staff time that must be invested to determine exactly what is being requested. A scaled fee schedule is also being proposed for this Ordinance. He requested that the Board adopt this moratorium to allow time for Staff and the Zoning Attorney to draft an Ordinance to meet these goals. It is too early to identify what the charges will be, and they must study the issue over some time to effectively develop these fees. Of course, the larger the development, the greater amount of time required of Staff. Mr. Taylor felt that some justification was needed, and this moratorium would afford them time to study the issues germane to Land Use Map Amendments. Requests that are in the pipeline now will be processed and heard. An example of a large development was Spring Lake, which constituted a huge change in the area's identified development pattern. In the event of another project of this magnitude, the surrounding area's complexion would be drastically changed and possibly require services and infrastructure that do not currently exist, such as perhaps another fire station, water supply, sewer, etc. All these factors have to be considered when establishing the scaled fee schedule. This moratorium, detailed below, would afford that opportunity for careful study:

RESOLUTION TO ENACT A MORATORIUM
ON THE ACCEPTANCE AND APPROVAL OF REZONING APPLICATIONS
WHICH REQUIRE MODIFICATION OF THE DESIGNATION
OF ANY PROPERTY ON THE FUTURE LAND USE MAP
WITHIN SPALDING COUNTY, GEORGIA

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, Spalding County desires to increase the standards of amenities and construction for developments proposed to be located within Spalding County;

WHEREAS, Spalding County desires to implement more detailed and appropriate planning procedures and criteria which will govern the location and placement of developments within Spalding County in conjunction with its comprehensive plan;

WHEREAS, Spalding County desires to briefly control and restrict development until such time as it may consider, implement and adopt Zoning Ordinance text amendments required to carry out its goals, stated above;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that a moratorium restricting certain development that would require modification of the designation of any property on the Future Land Use Map within Spalding County, shall be enacted, as follows:

Section 1: Enactment of a Rezoning Moratorium: The Board of Commissioners of Spalding County, Georgia hereby enacts and directs any and all applicable personnel and agencies of Spalding County, Georgia to enforce a moratorium on receipt, acceptance, consideration and approval of any application seeking to amend, to modify or change the designation of any property as presently shown on the Future Land Use Map, as shown and as a part of the Spalding County Comprehensive Plan or as requested pursuant to Section 414(A) of the Zoning Ordinance of Spalding County.

Section 2: Impact on Other Development Ordinances. The provisions of this resolution shall not restrict or prohibit any other development of any real property except that specifically stated herein.

Section 3: Effective Date and Duration. The provisions of this Resolution and the effects of the moratorium set forth herein shall commence on Friday, May 27, 2005 at 12:00 a.m. and shall terminate on August 31, 2005 at 11:59 p.m., unless extended by the Board of Commissioners of Spalding County, Georgia.

A motion to approve the 90-day moratorium to terminate August 31, 2005 was made by Commissioner McDaniel, seconded by Commissioner Davis. The motion carried by a vote of 3-2 with Chairman Goss and Commissioner Freeman voting in opposition.

D. Adjournment.

The meeting was adjourned at 6:23 p.m. on a motion by Commissioner Davis, seconded by Chairman Goss, and unanimously approved by a 5-0 vote.