

Zoning Public Hearing

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, January 26, 2006 beginning at 6:00 o'clock p.m. with Commission Chairman Eddie Freeman presiding and Commissioners Cecil Davis, Johnie McDaniel, Gwen Flowers-Taylor and Edward Goss, Jr. present. Also present were County Manager William Wilson, Community Development Director Chuck Taylor, County Attorney James R. Fortune, Jr., Zoning Attorney Newton Galloway and Executive Secretary Teresa Watson.

A. Call to order.

B. Closed Meeting.

1. County Attorney desires a Closed Meeting to discuss pending litigation.

Commissioner McDaniel made a motion to enter Closed Meeting to discuss pending litigation, seconded by Commissioner Davis, at 6:01 p.m. by a unanimous 5-0 vote.

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 January 26, 2006.

2.

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

3.

The executive session was called to order at 6:01 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 26th day of January 2006.

Sworn to and subscribed
Before me this 26th day of January 2006.

Notary Public – Teresa A. Watson (L.S.)
My commission expires:
March 3, 2007

Spalding County Board of Commissioners
Eddie L. Freeman, Chairman (L.S.)
Gwen Flowers-Taylor (L.S.)
Edward Goss, Jr. (L.S.)
Cecil L. Davis (L.S.)
Johnie A. McDaniel (L.S.)

Commissioner McDaniel made a motion to exit Closed Meeting, seconded by Commissioner Davis, at 6:24 p.m. by a unanimous 5-0 vote.

Commissioner McDaniel made a motion to reconvene to Open Meeting, seconded by Commissioner Davis, at 6:24 p.m. by a unanimous 5-0 vote.

C. New Business:

- Application #05-21Z:** Nancy J. McCallum, Owner – MJZP Engineering, Agent – Northeast corner of Williamson Road and Rover-Zetella Road (2.45 acres located in Land Lot 43 of the 2nd Land District) – requesting a rezoning from AR-1, Agricultural and Residential to VN, Village Node.

2. **Application #05-37S:** Nancy J. McCallum, Owner – MJZP Engineering, Agent – Northeast corner of Williamson Road and Rover-Zetella Road (2.45 acres located in Land Lot 43 of the 2nd Land District) – requesting a Special Exception to allow a gasoline service station/convenience store in the VN District.

Chuck Taylor said regarding Application #05-21Z and Application 05-37S, both of which he would discuss collectively, the applicant is requesting a rezoning of 2.45 acres from AR-1 to Village Node (VN) and special exception to allow for the development of a gas station/convenience store and other shops. At the time which the applicant consulted with staff, the Village Node intent and zoning ordinance were still in the process of conception. In order for villages to develop properly they must be comprehensively planned. The planned nodes of both Rover and Vaughn contain properties of various sizes and configuration which pose the problem of designing a village in a “piece meal” fashion. However, given that the VN designation includes more creative and better quality architectural and site design regulations, Staff supports the change in zoning and the special exception approval.

Staff recommends conditional approval of the request as follows:

- a) A variance shall be applied for and obtained for the front yard setback because the front yard setback exceeds the maximum allowed. This is because of the City water line easement that traverses the edge of the property along Williamson Road.
- b) A variance shall be obtained with respect to the requirement for sewer.
- c) Ingress/egress point on Rover Zetella Road shall be redesigned in conjunction with the Georgia Department of Transportation’s 2007 realignment project. This access point shall not be opened until said improvements are completed.
- d) Pedestrian access shall be provided that may tie into eventual Village Node development surrounding the subject property said pedestrian access shall also tie into future improvements on Williamson Road and Rover Zetella Road.

The Planning Commission gave conditional approval of the request with proposed conditions similar to those outlined by Staff; they also included an 18-month time limit on the redesign of the ingress/egress rather than just whatever time the GDOT completes the realignment projects. The Board of Appeals recommends conditional approval of the request with the same conditions as proposed by Staff.

Mr. Taylor answered questions and explained to the Board the difference between the criteria for both Village Node and conventional C-1 commercial zoning designations. The main difference is simply design and architecture. The Village Node requires a much more detailed design. Without sewer access, some of the characteristics of a Village Node, such as second floor lofts, won’t be practical to apply in this instance. The advantage for the County for Village Node over C-1 is the restrictions that can be applied and controlled, as well as setting a higher overall tone for the area. While it would be preferred to have a larger, more cohesive type of Village Node development, the Village Node designation is still an improvement over C-1 zoning for this applicant and other smaller properties. He did not feel it was appropriate to deny this applicant the ability to use this property until someone else buys it up and creates a larger Village Node. Staff is trying to come with ideas to address this problem perhaps through use of a design architect. Commissioner Goss felt the County should do away with all village node designations and go strictly commercial.

Commissioner Flowers-Taylor felt this application for a Village Node and special exception certainly did not measure up to the initial standard that was applied with the first approval of the concept last year. This corner of the McCallum property has sitting behind it a larger tract that is also owned by the McCallum family, so perhaps this is just the beginning of what might follow later.

Commissioner Davis felt the Village Node was an improvement over C-1 and he did not want to see this property zoned to C-1. Planning Commission, Board of

Appeals and Staff all have recommended approval, as well. He agreed with the conditional approval recommended by Staff.

Mark Whitley, MJZP Engineering, 1205 McKinley Road, Zebulon, Georgia

This project on the northeast corner of Rover-Zetella Road is part of the McCallum property next to the McCallum home which is on the historic register. The intention is to retain ownership of the property and thereby keep architectural control. This is, in fact, on a rather busy state highway with planned DOT improvements (traffic light) in the near future and commercial development already is in the area. With the realignment from Moreland Road next to the service station notwithstanding, the only other improvement would be to relax and straighten the rather sharp curve near the old railroad track.

Alan McCallum, 2831 Williamson Road, Griffin, Georgia

Mr. McCallum, speaking on behalf of his mother, presented copies of what they could do with the property under commercial zoning classifications and under the village node designation. This Village Node is an opportunity to do something good in the County, and he did not feel anyone would build a residence there, so this would be an improvement. They waited until the Village Node was implemented to make this request because it allowed for greater flexibility and ensured better quality. The tract is under conservation covenant for another three years; they may continue the conservation covenant or perhaps propose something else. He did not want to build another business like the C-1 gas station property across the street. GDOT is prepared to realign the intersection soon, and he has agreed to wait up to 18 months after these improvements are completed, but he did not want to be held to that standard if GDOT and/or County and State did not follow through on their end with timely improvements. The possible widening of Highway 362 is a 2030 plan, if it comes to fruition at all. He was prepared to wait 18 months or so from tonight if approved, but if the improvements were scheduled for 2010 or later, he did not feel that would be reasonable and was not willing to wait for such an unrealistic amount of time. The dangerous situation that exists on this highway is because of the misalignment and should be rectified. The County asked to have this area designated as a Village Node, and he wanted to see the property conform to that standard rather than C-1. Mr. McCallum noted the properties which abut his tract.

Commissioner McDaniel said the area, in his opinion, lent itself to the concept of a Village Node. Mr. McCallum said that was one reason he would rather implement his project now so a quality development could be the hub of the concept.

Commissioner Goss said he would just like to see a Village Node concept include a subdivision for a residential area in addition to the commercial development. This plan did not lend itself to the concept he had envisioned with dense residential combined with other mixed uses in close proximity.

John Dugdale, 1985 North Walkers Mill Road, Griffin, Georgia

Mr. Dugdale spoke in opposition to approving this application for the Village Node concept. A half-mile circle on a plat that is ambiguous does not define a Village Node. He understood when the Minerva Properties application for a Village Node was approved, they would get a quality development on the ground to see how the concept could work in other areas, and that hasn't had time to happen yet. More definition was needed on what he considered still a loose concept.

Sinclair Hollberg, 3335 Jackson Road, Griffin, Georgia

Mr. Hollberg was not present to speak.

Zoning Attorney Newton Galloway said all the concerns voiced tonight are valid and have been broached at the Staff level. Many positives and negatives have been weighed for both commercial development under C-1 and Village Node. When the first Village Node was done, Mr. Galloway recommended the Board enact a moratorium to allow for further clarifications while the first concept with a single developer like Minerva was implemented. That did not happen, and a moratorium certainly would not now apply to Mr. McCallum's applications. The Board will have to deal with this application, and there are negative impacts to approving in

either direction, although commissioners could choose to approve for Village Node or C-1. The application before the Board tonight is directly in accord with the Future Land Use Map and Staff is guided significantly by what is on the Future Land Use Map, as they should be. Whatever the outcome tonight, he still strongly recommends a moratorium on Village Nodes to allow for further study. In order for Mr. McCallum to apply for C-1 zoning in the Village Node designated area, he would have to apply for a Land Use Map amendment and he would have to apply for C-1 zoning. On the flip side, the approval of C-1 zoning in the Village Node here sets a precedent elsewhere, so he urged caution. There are consequences to handling this issue either way.

Mr. McCallum said he would be very willing to work with the County in whatever way necessary to implement this project and even to wait up to 20 months to begin construction. He responded to Mr. Galloway that he would prefer, however, to get a vote one way or the other from the County and not be held in limbo indefinitely. He is talking to folks now who need to be involved, and to wait as much as six months for zoning would place an undue hardship on the development, which is part of a long-term financial asset management plan for his mother. The timing is now for his family.

Mr. Wilson said they could ask that Mr. Galloway prepare for the next agenda a 180-day moratorium on Village Node approvals to allow time for dealing with such problems and develop more of a policy. The general consensus was to request that Mr. Wilson and Mr. Galloway prepare the moratorium.

Commissioner Flowers-Taylor said she was unhappy with the idea of a piece-meal Village Node designation but did not support commercial development. She stated she would like to see the issue tabled for further study. More discussion followed.

Commissioner Davis made a motion to approve Application #05-21Z with the stated conditions as recommended by Staff previously with an added condition that a maximum 18-20 month time limit for start of construction be included, seconded by Commissioner McDaniel. Motion to approve with conditions failed by a vote of 2-3 with Chairman Freeman and Commissioners Goss and Flowers-Taylor voting in opposition. No other motion was made, and no action results in the application remaining on the agenda until the next meeting.

There could be no subsequent motion, as well, for Application #05-37S Special Exception, so it was also tabled.

3. **Amendment to UDO #A-05-17: Lift from the table** – Article 5. AR-1 Agricultural and Residential – Section 503:A(1), Article 6. AR-2 Rural Reserve – Section 603:A(1), Article 7. R-1 Single Family Residential Low Density – Section 703:A(1), Article 7A. R-1A Single Family Residential – Section 703A:A(1), Article 8. R-2 Single Family Residential – Section 803:A(1), Article 8A. R-2A Single Family and Two Family Residential; Article 10. R-4 Single Family Residential – Section 1003:A(1), and Article 11. R-5 Single Family Residential – Section 1103:A(1) – add provision for minimum size of first floor of any single family dwelling.

Commissioner McDaniel made a motion to lift Amendment to UDO #A-05-17 from the table for purposes of discussion, seconded by Commissioner Davis, and the motion carried by a unanimous 5-0 vote.

Mr. Galloway explained that after much difficulty, this newest revision was now a workable ordinance that would have to go back to Planning Commission since it requires an amendment to two definitions requiring notice and hearings. He noted the definitions and changes to Section 202 to further define first story and half story. As soon as they can bring everything into compliance both measures will be ready for action, and he requested they table the matter until the next meeting.

Commissioner Davis moved to table Amendment to UDO #A-05-17, seconded by Chairman Freeman, and the motion carried by a unanimous 5-0 vote.

4. **Amendment to UDO #A-05-26:** Article 17B. AAR Active Adult Residential District – add new zoning district for Active Adult Residential (AAR).

Zoning Attorney Galloway had earlier distributed copies with changes from the last draft which are marked in red, and Mr. Galloway reviewed the amendment and its changes. This is the ordinance that creates the residential district required for the development of Sun City Peachtree. AAR will be a zoning district for a planned development with housing that is limited pursuant to the Federal Fair Housing Act, the Housing for Older Persons Act, and the Georgia Fair Housing Act. Specific requirements have to conform to federal statutes to restrict any development to active adult residents who are 55 or older. The developer has to show compliance with the requirement that 80% of all homes have to be occupied by at least one person 55 or older. The development must place restrictions on the permanent residency of people under the age of 19. Basically, houses must be Victorian or Craftsman styled with specific kinds of exterior siding, with total commercial acreage limited to 1%, and commercial uses are limited to allowed principal uses you would find in neighborhoods. There are allowances (changing the mix but not the number, modification of road layouts in particular pods, and relocation of open space provided there is no reduction of open space) that can be made by the administrator, but everything else has to be brought back for approval.

Mr. Galloway listed architectural design criteria and very specific amenities. Each AR development must have a community center of a minimum size of 3000 square feet and include 10 of the nearly 20 activities listed for residential adults. He reviewed the optional amenities, such as a golf course, lake, swimming pool, tennis courts, bocce ball, walking/bicycle/golf cart trails and playground, and the required common/open space. Development standards in the AAR District carry a minimum tract size of 100 acres and maximum overall density of 2.5 units per net developable acre. He detailed the compliance with Fair Housing Act, the mandatory Homeowners Association, roads, pedestrian access, condominiums, impervious surfaces, lighting, accessibility standards, and applicability to land and buildings, landscaping criteria and other requirements. The text contains what was obtained from their website and from other areas. He did not foresee any other entity being able to conform to these standards. The revisions in red represent final markups and are consistent and agreeable to the developer.

Commissioner McDaniel moved to approve Amendment to UDO #A-05-26, seconded by Commissioner Flowers-Taylor. Motion carried unanimously at 5-0.

5. **Amendment to UDO #A-05-27:** Appendix A. Subdivision Ordinance – Section 503:M – amend driveway requirements.

Chuck Taylor said they found that, over time because of topography and geography, there was a need for an amendment to allow, under certain circumstances, a driveway to a public road for a subdivision should there be no viable access from within the subdivision. This ordinance would not have prevented the development of the flag lots on Rockaway Road and the Spalding County side of a Henry County development near Rocky Creek, but it certainly would have allowed more flexibility in dealing with these type situations. This ordinance would actually give the County greater control.

Commissioner Davis moved to approve Amendment to UDO #A-05-27, seconded by Commissioner McDaniel, and motion carried by a unanimous 5-0 vote.

6. **Amendment to UDO #A-05-28:** Appendix A. Subdivision Ordinance – Section 504:D(1)–amend water supply systems for public water requirements.

Staff was asked to draft an ordinance to clarify the issue of who pays for required water supply systems for public water requirements. This applies to minor subdivisions (5 or more) but not to lot splits. The verbiage in D2 says “may install” but could be changed to “shall install” even though it has not resulted in problems in the past. Section D3 also states the subdivider must “carefully consider” the capability and suitability of the general area of the subdivision to support individual water supplies, implying no required action. After discussion, general consensus was to leave Sections D2/D3 unchanged.

The Planning Commission recommended that the County consider using impact fees or revenue from the water department for the installation of hydrants on existing waterlines. The Capital Improvements Element would have to be amended by the County to implement this practice. Staff does not recommend using impact fees for this, but rather recommends assessing the charge to developers who are installing the subdivision. Fire hydrants are required every 500 feet. There is no argument over the distance but merely as to who pays for installation.

Commissioner Davis moved to approve Amendment to UDO #A-05-28, seconded by Commissioner McDaniel. Motion carried unanimously at 5-0.

- 7. **Amendment to UDO #A-05-29:** Quarterly adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

Commissioner McDaniel moved to approve Amendment to UDO #A-05-29, seconded by Commissioner Davis. Motion carried unanimously at 5-0.

Chad Jacobs, Senior Planner, addressed the Board to relay that Alan Mobley, developer of the Emerald Forest Subdivision, had informed him that due to GDOT construction, the sign at the entrance to the development was going to be eliminated. It is in the direct path of the heavy equipment, and a confrontation ensued regarding who would replace the sign. The County would like to have the developer put the sign back, but he talked to his legal department in mid-October. In January GDOT sent the County a check for \$8000, which is not enough to replace the sign, and a contract to execute. A phone call has been placed to GDOT and Mr. Jacobs was waiting on a callback.

Mr. Wilson said when GDOT relocated Justice Boulevard, part of the original CI parking lot and recreation area were impacted by this relocation, and GDOT did relocations at their expense, including the fence and parking lot. He felt that GDOT was just trying to pass off the expense now, and he felt the County should tell require them to replace the sign since they are impacting the subdivision.

Mr. Jacobs said that bulldozers are going through in March, so there is a time element to the situation. Mr. Mobley no longer has an interest in the development since he's through, almost all lots are sold, and the sign is in the center of an island on county right of way. The general consensus was to have GDOT contact the homeowners' association in place for Emerald Forest and offer the check to them.

D. Adjournment.

Commissioner Davis made a motion to adjourn, seconded by Commissioner McDaniel and the motion carried by a unanimous 5-0 vote at 8:32 p.m.

County Clerk

Chairman

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Please send comments to updates@griffinwebdesign.com
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