

Zoning Public Hearing

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, March 23, 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, Senior Planner Chad Jacobs, Zoning Attorney Newton Galloway and Executive Secretary Teresa Watson.

A. Call to order.

B. New Business:

- 1. Application #02-30Z:** William R. King, Jr., Gayle G. Taylor and Comerica, Trustee for Oshlag/Stuckey, Owners – Spalding County Board of Commissioners, Agent – Highway 19/41 (10.87 acres located in Land Lot 101 of the 3rd Land District) – approval of settlement agreement dated August 26, 2004 to allow development within the R-3 and C-1 zoning districts.

Mr. Galloway said a copy of a letter in commissioners' agenda packets elaborated on this settlement agreement.

Jeffery Nix, 7150 Dunhill Terrace, Atlanta, Georgia

Mr. Nix wanted to reaffirm the terms of the settlement agreement, and he offered to answer questions.

Commissioner McDaniel moved to approve the settlement agreement executed by the Board of Commissioners dated August 26, 2004, seconded by Commissioner Davis, and the motion carried by a vote of 4-1, with Commissioner Goss voting in opposition.

- (a)** Discussion on the tax credit program involving the King/Murray property.

Mr. Nix said they had a potential opportunity to get tax credit financing and needed a letter of support from the County, and there is no financial commitment or inducement on behalf of the County. Tax credits are sold to investors and they must have rent-restricted units, but it will yield a higher quality product. They are prepared to do the project as specified in the settlement agreement. These changes would make the project higher quality if the bid, due by May 6, was successful. This will be a gated community and tenants would be upgraded through procedures required. Across the board, an

average tenant would make about 62% of the median Atlanta market. This drop in income will be offset by the increased creditworthiness assurances. The lower income tenant who has good credit ratings and pays his bill will be the preferred tenant over one who has a higher per capita income but has poor credit. He was unsure about whether or not they can win the bid, but they know they cannot even bid without the County's support. He offered to answer questions. The letter being requested is simply a letter of intent saying the County does not object to the tax credit financing program. The developer will take care of maintenance costs noted in the settlement agreement.

Mr. Nix answered questions about the construction site, grading, amenities, architectural criteria, low traffic generators, etc. If they fail to get County approval and don't get the bid, they will still be in the same position of building the project as specified in the settlement agreement.

Mr. Galloway responded that he was not familiar with the program initially so he investigated the requirements related to construction, as well as the necessary agency contacts. What the developer has represented about the program is true, and the figures are accurate. This letter simply says the County does not oppose their trying to obtain tax credit financing. The settlement agreement provides for this property, zoned C-1 already, commercial uses that are in conjunction with the complex located behind it. They pulled out from the list of allowed uses the noxious uses, such as drive-through restaurants. The agreement requires businesses to be in the same architectural design as the residential complex and joined for ease of access.

Mr. Nix said they had applied to the state for an entrance on each outparcel, one for ingress and one for egress, in addition to the main entrance for both ingress and egress. The property next to Tallwood will be preserved in its natural state. Phase II, when built out (2 buildings of 20 units each for a total of 40) will be accessed through Phase I via a bridge.

Mr. Galloway said the tax credit financing program will not, in any way, negate any of the terms of the settlement. Given that DCA/HUD requirements for architectural design actually exceed what is in the settlement agreement somewhat, this should result in a little higher quality project. For instance, DCA requires hardy plank instead of .44 vinyl, and it is their requirement that stipulates a gated community. The R-3 requirements were also upgraded as this settlement agreement evolved, so the County actually used this case to upgrade the County's apartment requirements. The masonry/hardy plank exterior requirement and the gated community are the two major changes which are improvements over what was required in the settlement agreement. Mr. Galloway confirmed the County would incur no liability in providing this letter.

Commissioner Davis moved to issue a letter approving the tax credit program for the King/Murray property. Commissioner McDaniel seconded, and motion carried by a vote of 3-2 with Commissioners Goss and Flowers-Taylor voting in opposition.

- 2. Application #06-01Z:** Cole Tract Associates, L.P., Owner – The Villas at Heron Bay – Highway Court and Court Crossing (11.318 acres located in Land Lot 145 of the 2nd Land District) – requesting a rezoning from PDD, Planned Development District, Conditional, to PDD, Planned Development District.

Mr. Taylor said the applicant has requested approval from Spalding County to amend one of the original conditions of zoning placed on the Heron Bay Development which states: "The maximum protrusion for a front entry garage is 10-feet measured from the front wall of the house and the front wall of the garage." Some discussion followed and Mr. Taylor answered questions.

At the February 23 Planning Commission meeting, discussion centered on the wording of the proposed conditions. The resulting conditions as proposed by the Planning Commission eliminated the condition as it relates to cars potentially blocking the sidewalks. Ms. Jane Curtis made a presentation to the Planning Commission, demonstrating there was sufficient room. Original conditions except for the garage setback would still apply.

Commissioner Davis moved to approve the request to amend one of the original conditions of zoning placed on 11.318 acres in the Heron Bay Development, noted above, to state that:

“Sufficient space shall remain between the garage and the right of way to allow a vehicle to completely park without encroaching into said right of way.”

But have the remaining original conditions still be made a part of the motion. Those conditions are noted below. Commissioner McDaniel seconded the motion which carried by a unanimous 5-0 vote.

A. Zoning by Pod (Pods as defined by developer’s concept plan/conceptual plan):

- 1. Section AA shall be developed consistent with the requirements of the R-2 zoning district, with the additional conditions prescribed in Section B and C of these conditions; however, notwithstanding, the fact the development incentives contained within in the development ordinance may apply to that pod subject to the satisfaction of those development incentive requirements.*
- 2. Section BB shall be developed consistent with the requirements of the R-2 zoning district, with the additional conditions prescribed in Section B and C of these conditions; however, notwithstanding, the fact the development incentives contained within in the development ordinance may apply to that pod subject to the satisfaction of those development incentive requirements.*
- 3. Section CC shall be developed consistent with the requirements of the R-2 zoning district, with the additional conditions prescribed in Section B and C of these conditions; however, notwithstanding, the fact the development incentives contained within in the development ordinance may apply to that pod subject to the satisfaction of those development incentive requirements.*
- 4. Section DD shall be developed consistent with the requirements of the R-1 zoning district, with the additional conditions prescribed in Section B and C of these conditions; however, notwithstanding, the fact the development incentives contained within in the development ordinance may apply to that pod subject to the satisfaction of those development incentive requirements.*
- 5. Section EE shall be developed consistent with the requirements of the R-2 zoning district, with the additional conditions prescribed in Section B and C of these conditions; however, notwithstanding, the fact the development incentives contained within in the development ordinance may apply to that pod subject to the satisfaction of those development A. Zoning by Pod (Pods as defined by developer’s concept plan/conceptual plan):*
- 6. Section FF shall be developed consistent with the requirements of the R-1 zoning district, with the additional conditions prescribed in Section B and C of these conditions; however, notwithstanding, the fact the development incentives contained within in the development ordinance may apply to that pod subject to the satisfaction of those development incentive requirements.*
- 7. Section GG shall be developed consistent with the requirements of the R-2 zoning district, with the additional conditions prescribed in Section B and C of these conditions; however, notwithstanding, the fact the development incentives contained within in the development ordinance may apply to that pod subject to the satisfaction of those development incentive requirements.*

The development incentives referred to in Section A, Nos. 1-7, pertain to development incentives stated within the Planned Development District.

B. General conditions applied to all property within the property subject to this rezoning:

1. *All front and side yards shall be sodded. Rear yards abutting open space or the golf course shall be sodded.*
 2. *Architectural shingles shall be required.*
 3. *Cantilevered chimneys are not permitted.*
 4. *Exposed concrete foundations shall not be allowed. No concrete block foundations are allowed.*
 5. *Wooden decks shall be painted or stained if they back onto the golf course or open space.*
 6. *Mailboxes shall be coordinated and uniform within neighborhoods.*
 7. *No chain link fencing permitted unless it is vinyl coated.*
 8. *Freestanding dog pens shall not be permitted.*
 9. *Accessory structures shall match the style and materials of the home.*
 10. *Recreational vehicles shall not be stored between the street and the front building line of any home.*
- C. Sections AA, BB, CC, DD, FF and GG: Street trees shall be required on both sides of the street. Trees are required at 50-foot intervals. Trees shall be hardwood species, with a minimum 2-inch caliper.*

The minimum standard for vinyl use on all siding construction dwellings within the property subject to rezoning shall be the standard of a Georgia Pacific Vision Pro 5-inch width wood grain texture or comparable or higher-grade product.

3. **Amendment to UDO #A-05-17:** 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.

Mr. Galloway suggested that commissioners consider Items #4 and #5, and then vote on each individually.

Mr. Taylor said this amendment has been in process for quite some time since staff had struggled with the definitions of a primary floor and a half story. The original amendment, along with this new definition, was taken back to the Planning Commission and this resolution is the result of these processes. Mr. Taylor offered to answer questions.

Greg Pruitt, 55 Partridge Path, Griffin, Georgia

Mr. Pruitt said he just wanted to understand fully the intent and ramifications of this amendment. Mr. Taylor explained how they arrived at these definitions and elaborated on which story would require the minimum square footages in the situations where a split foyer was involved.

Sam Smith, 200 St. Gabriel Way, Fayetteville, Georgia

He was also looking for clarification. He presented some actual house plans he utilizes and asked to confirm if these designs would conform to this amendment. Some of the plans were satisfactory while others did not meet the square footage requirements. Mr. Galloway helped define in his plans half-story, split foyer, and primary level. Some of the plans he has used to build twenty or more homes in subdivisions such as Vineyard Ridge will no longer be acceptable if these guidelines are adopted.

Ray Browning, 128 Meadowvista Drive, Griffin, Georgia

Mr. Browning questioned the intent of this amendment. The average square footage of homes built in Spalding County has risen from 1200 to around 2000 square feet currently, and he felt this was great progress. This amendment, though, precludes some

residents being able to afford a two-story home. He also felt some builders will work to circumvent this requirement and he feared the County would end up with some ill-designed homes. He urged commissioners to consider this issue carefully.

Commissioner McDaniel said this began as his suggestion some time ago because of a proposed subdivision of two-story homes on one acre lots with 700 square foot footprints, which resulted in a very unattractive product. He originally wanted a main floor of 1000 square feet, but this amendment has taken on a life of its own. At the retreat they decided to make the requirement the same square footage as that required for a single story home in the subdivision, which was 1250 square feet. Some subdivisions have been approved since that have incorporated small lots which might make this difficult. Commissioner Davis asked if there were any rush to get this amendment passed, but noted there doesn't seem to be a real sense of urgency. Commissioner Davis said he saw no harm in tabling the issue for some time.

Mr. Taylor said the amendment could be tabled indefinitely and picked up at an arbitrary date.

Mr. Galloway said they could opt to: 1) reduce to 1000 square feet for the primary floor requirement, or 2) stipulate that requirements relating to the first floor minimum apply to lots that are one acre or larger or some other arbitrary area designation. The desire is to address how these homes look on the lot.

Mr. Browning suggested having some developers meet with commissioners in an informal committee setting to help resolve some of these issues.

Commissioner Flowers-Taylor said there were a great many homes that have been built like this, and she felt they are simply big boxes. She did not want to see more of a proliferation of these type homes here. She was ready to vote on the issue tonight.

Commissioner McDaniel moved to approve Amendment to UDO #A-05-17, but stipulate that it be restricted to lots one-half acre or more in area, seconded by Commissioner Flowers-Taylor.

Discussion followed. Mr. Taylor said staff had simply responded to direction provided by the Board for a problem that existed at one time in specific situations but has not occurred since. The motion made by Commissioner McDaniel should help resolve some of the problems voiced tonight.

Motion carried by a vote of 4-1 with Commissioner Davis opposing.

4. **Amendment to UDO #A-06-01: Lift from the table** – Article 2, Definitions – Section 202:III' & III'' – add definition for first story and half story.

Commissioner McDaniel moved to lift Amendment to UDO #A-06-01 from the table, seconded by Commissioner Davis, and the motion carried by a vote of 5-0.

Commissioner McDaniel moved to approve Amendment to UDO #A-06-01, seconded by Commissioner Davis, and motion carried by a unanimous vote of 5-0.

5. **Amendment to UDO #A-06-02:** Article 12. C-1 Highway Commercial – Section 1203:A – add provision to allow BMX Track as a principle use.

Mr. Taylor said this amendment would add this principle use to the C-1 Highway Commercial zoning classification, and he noted the applicant was present to answer questions. He reminded the Board that to approve this amendment would add the use to the zoning classification and other applicants could avail themselves in other locations.

Rob Potter, 635 Beauregard Boulevard, Fayetteville, Georgia

Mr. Potter said this was for bicycles, not motorized vehicles, and his intent was to provide an easily accessible and readily visible BMX Track. This track would be located on Highway 19/41 South behind the BP station at the Ingle's intersection.

Commissioner Davis moved to approve Amendment to UDO #A-06-02, seconded by Commissioner Flowers-Taylor, and the motion carried by a vote of 5-0.

- 6. Amendment to UDO #A-06-03:** Quarterly adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

Mr. Taylor said recent updates to the official zoning map were reflected. Based on a slowing of changes to the map, he suggested adoption on a six-month schedule, and commissioners concurred.

Commissioner McDaniel moved to approve Amendment to UDO #A-06-03, seconded by Commissioner Davis, and the motion carried by a vote of 5-0.

- 7. Amendment to UDO #A-06-04:** Article 2. Definitions – Section 202:FFF – amend definition for public sewer.

Mr. Taylor said this amendment expands the definition of public sewer but does not remove any authority from the Board.

Commissioner Davis moved to approve Amendment to UDO #A-06-04, seconded by Commissioner McDaniel, and the motion carried by a vote of 5-0.

C. Other Business:

- 1.** Conduct public hearing on Capital Improvement Element and Short Term Work Program.

Commissioner Davis made a motion to conduct Public Hearing, seconded by Commissioner Flowers-Taylor, and motion carried by unanimous 5-0 vote.

No public input was offered.

Commissioner Davis made a motion to close the Public Hearing, seconded by Commissioner McDaniel, and motion carried by unanimous 5-0 vote.

- 2.** Approval of submission of Capital Improvement Element and Short Term Work Program to Georgia Department of Community Affairs and McIntosh Trail Regional Development Center.

The Board looked at the Capital Improvement Element and Short Term Work Program at its annual retreat initially. The STWP has been extended to 2010. The plan will be submitted to McIntosh Trail RDC and the Georgia Department of Community Affairs.

Mr. Taylor responded to Commissioner Flowers-Taylor that the actual work can be done at any time, and they must tell the State when that will be, but the CIE and the STWP must be updated each year. The STWP has been in existence all along, but requires more frequent updating since the advent of impact fees.

Commissioner McDaniel moved to approve submission of the Capital Improvement Element and Short Term Work Program to the Georgia Department of Community Affairs and McIntosh Trail RDC, seconded by Commissioner Davis. Motion carried by a unanimous 5-0 vote.

- 3.** Consideration of action regarding Jackson Road and Rover Village Nodes.

Sinclair Hollberg felt this was a wise move to allow more time to review developments occurring in this area that warranted a more cautious look at the intersection of the proposed Jackson Road Village Node. He trusted the wisdom of the commission to do what was best, but the opportunity to gather more knowledge should prove beneficial.

Commissioner Flowers-Taylor moved that the Board of Commissioners approve the following:

Authorize funds not to exceed a \$10,000 for the Community Development Department to obtain and secure assistance from a consultant to prepare a detailed development design of the Jackson Road Village node and the Rover Village Node;

That Staff, in conjunction with the consultant, present a proposed development plan for the Jackson Road Village Node and the Rover Village node within six (6) months from the date of this motion, such plan being developed with input from the Staff, any applicable county departments and affected property owners;

That counsel be directed to prepare an extension of the moratorium on development and rezoning applications within the Village Node zoning district for an additional period of six (6) months from the date of this motion, since the pending moratorium will expire on July 31, 2006 and the work on the development plan for the village nodes will not be complete by that time; and

That any action to relocate the Jackson Road Node be held until such time as a development plan for the Jackson Road Village Node has been completed and the Board of Commissioners has had the opportunity to review the resulting plans.

The motion, seconded by Commissioner McDaniel, carried by a vote of 5-0.

D. Adjournment.

Commissioner McDaniel made a motion to adjourn, seconded by Commissioner Davis, at 7:52 p.m. and motion carried unanimously at 5-0.

County Clerk

Chairman

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