



**ZONING PUBLIC HEARING**

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, June 22, 2006 beginning at 6:00 o'clock p.m. Commission Chairman Eddie Freeman called the meeting to order, and Commissioners Cecil Davis, Johnie McDaniel and Edward Goss, Jr. were present. Commissioner Gwen Flowers-Taylor arrived at 6:07 p.m. Also present were County Manager William P. Wilson, Jr., Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway and Executive Secretary Teresa Watson.

**A. Call to Order.**

**B. New Business:**

- 1. Application #06-10S: Lift from the table** – Alan R. Mobley, Julian D. Mobley and Charles F. Mobley, Owners – Vineyard Road and Jones Road (61.65 acres located in Land Lot 69 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow condominium dwelling, patio dwelling or cluster dwelling meeting development standards in the R-2 District.

*Commissioner Davis moved to lift Application #06-10S from the table, seconded by Commissioner McDaniel, and motion carried by a vote of 4-0.*

Mr. Taylor advised the applicant has requested approval from Spalding County to allow the development of a 61.65 acre tract to develop a residential community utilizing the Country Club design theme. The property is divided by Vineyard Road and consists of Tract 1 with 15.78 acres and Tract 2 possessing 45.87 acres. The development as proposed would consist of 61 single family residential detached dwelling units and approximately 29.09 (47.2%) acres of open space. The original proposal consisted of 65 lots, but the number of lots was reduced by the Developer to increase greenspace along Vineyard Road and to buffer the existing cemetery on the north side of Vineyard Road. The Land Use Map supports this density (not to exceed one unit per acre). A small part of the development (actually the greenspace) is zoned AR-1 and doesn't encompass any dwellings.

Staff recommends conditional approval of the request as follows:

- a. A variance will be necessary with respect to cul-de-sac length.
- b. Two additional house designs shall be submitted to provide a better variety of housing designs throughout the development.
- c. All homes shall have brick, stone or stucco front facades.
- d. 40% of the homes shall be side entry garages.
- e. All yards shall be sodded if a 50' front setback or less is provided.
- f. All front porches shall be underpinned and finished in character with the home.
- g. No exposed block or concrete foundations.
- h. Streetscape typical shall be corrected to provide the trees in a four-foot landscape strip between the curb and sidewalk.

The Board of Appeals recommended denial of the request.  
Commissioner Flowers-Taylor arrived at 6:07 p.m.

Commissioner Flowers-Taylor asked about the flood plain which appeared to be wet a substantial amount of the time. This does not, said Mr. Taylor, extend into the backyard areas of the homes which was a concern of Commissioner Flowers-Taylor. The FEMA flood insurance map is the source of information for identification in this R-2 zoned area. The walking trail was to be the only improvement slated that would be in this area. As noted in the Staff report, Mr. Taylor said the developer can, by right, do a two-acre lot subdivision or a conservation subdivision in this development and the number of units that might be possible under these scenarios would be about 25 lots for a two-acre lot subdivision scenario and 50 units for the conservation subdivision. As a conservation subdivision, at one unit per acre, it would be density neutral. Since the property is sewered, a conservation subdivision can utilize lots as small as 10,000 feet provided the lot size

averages at least 15,000 square feet, and the remainder would be greenspace. The overall density cannot exceed the zoning; this is where density neutrality comes into play. There is a small family cemetery nearby, and five total house designs have now been submitted for the subdivision.

Mr. Taylor reiterated again for Commissioner Flowers-Taylor that the Future Land Use Map supports this density (not exceeding one unit per acre). The two separate tracts constitute one development for purposes of ascertaining a yield said Mr. Taylor, and some discussion followed. Commissioner Flowers-Taylor noted the plan identifies amenities only on one side of the road which divides the development into Tract 1 and Tract 2. Residents in Tract 1 would, in essence, have to cross the road to utilize the common amenities of the development.

Alan Mobley, 262 Mobley Road, Griffin, Georgia

He stated he agreed with Mr. Taylor's comments. He told Commissioner Flowers-Taylor that documents were contained in her agenda packet that addressed her concern for wetlands. Rural Forest Management had been hired to a wetlands study on this property, which would have to be done before construction plans are submitted anyway. Wetlands (9.8 acres) were delineated and he pointed out the true wetlands area. He confirmed he could get 50 lots with a conservation subdivision on this property. So, for this special exception he was only getting 10 more lots but with amenities. The design meets all County requirements and agrees with the Land Use Map. The amenity package is at the front of the subdivision and is in an ideal spot where the old homeplace was located. Buffers around the property are good and timber on the greenspace will be maintained as a natural buffer. Mr. Mobley notified the Board that he was denied this special exception, he felt his constitutional right will have been denied again. He asked for questions.

With a 1750 square foot minimum on this development, the home designs would be similar to what he utilized in The Meadows, just on a smaller scale. He stated he agreed with all the Staff recommendations except for the 40% of side entry garages. Side entry garages may be not be as prevalent as the 40% condition if the Board will allow, since with sewered subdivisions on small lots, configuration becomes difficult without utilizing front entry garages. You simply run out of room on some lots, and he felt the 40% was an excessive requirement. He asked that this be left to the builder to determine if a side entry was feasible with the understanding it was preferred. A plaza type entrance with the garage in front, accessed from the side driveway which runs in front of the home, could be utilized. None of the five plans he submitted, though, has a plaza type entrance. He would prefer to have this condition struck from Staff recommendations. He will build the homes himself.

Chairman Freeman noted there were already problems with water and drainage in Will's Walk on Sammy Circle, and Mr. Mobley stated this development should not complicate that problem, if it exists. This construction will not disturb that corner at all. This tract won't require detention or retention ponds because the locale is near the discharge area of the flood basin. This will mean less clearing and he will not change the flow of water at all through this area. The water movement problem on Sammy Circle should be addressed by Will's Walk. Mr. Freeman said it looked as though the water was coming off Mr. Mobley. Mr. Mobley did not feel he was adversely affecting the water flow but in any case he would not add to the problem with this construction. He will not clear or push any more water in this area. Mr. Mobley said he might even be able to do some things to correct that problem. He said he'd be happy to look at the situation and, if he could correct it without great cost, he would do so.

Mike Welliford, 67 Helen Drive, Griffin, Georgia

He and his wife live just behind this proposed development and are opposed. The lots should be bigger in his opinion. When cluster homes were built on Cowan Road, the lots were far too close, and he urged commissioners to please deny.

Tony Waterer, 1463 Cowan Road, Griffin, Georgia

He provided several names of residents in opposition. Mr. Waterer thought the houses would require two acres and he was disappointed. He and others are very much opposed to this type density which has adversely impacted this neighborhood very much already. The Sheriff is already having difficulty with so many subdivisions, and this would only add to this problem. This area would encompass the most dangerous intersection in the County. Schools are filled to capacity. The sewer treatment center is filled now when it rains and he was concerned about local wells. He saw a ribbon on the back line recently defining a flood boundary; the ribbon hangs between two creeks that are 50' apart and these two will join together in times of heavy rain. The FEMA plan shows nothing as to how it actually was in

the heavy flooding of 1991. Residents in attendance who are opposed to this development are wearing apples to show their position, and he acknowledged those.

Suzi Axtell, 260 Andrews Road, Griffin, Georgia

Ms. Axtell echoed others' comments and stated opposition to the density.

Brenda Banister, 60 Jones Road, Griffin, Georgia

Ms. Banister believes the area is way too saturated with subdivisions and opposes this one, too. She urged the Board to please look at density as these neighbors already do.

Herbert Stubbs, 1483 Cowan Road, Griffin, Georgia

Mr. Stubbs pointed out the family cemetery and the driveway which exited in a very dangerous situation with blind traffic coming over the hill. This hill would need to be cut down but had not been mentioned yet. This tract was part of the existing property his family owned for years. He knew the property would be subdivided as relatives passed, but they are literally being overrun with high density development. He was concerned about the cemetery which he would like to see protected. Neighbors speaking tonight are simply concerned and would like to have what's left of their serenity protected. They do not want to see all progress halted, but would like to see some degree of moderation. Mr. Stubbs said he was particularly concerned about the homes to his rear. As for wetlands, he has seen some standing water over the years, also. He concluded by urging careful consideration and a respect for residents' rights.

Commissioner McDaniel asked, and Mr. Taylor confirmed, that as a matter of right Mr. Mobley can do a conservation subdivision with a maximum potential yield of one unit per acre, and considering greenspace and street requirements, Staff's estimation is about 50 lots would result. There are a great many variables, and Mr. Taylor said from a Community Development perspective, he would not like to see the Board use such a comparison, noting it is only a tool since they don't have a conservation subdivision design submitted for this property. Much discussion about flood plain and wetlands followed, and he noted the terms are not interchangeable. Flood plains identified by FEMA on maps are also shown on the plan. These are areas where FEMA has estimated a flood can occur on average once per hundred years. They are not the most accurate gauges. Engineers study the specific location, in this case the two creeks, and FEMA can then update their flood plain map from those studies. Wetlands are now the jurisdiction of Army Corps of Engineers. This term generally refers to swampland, and they tend to be wet most of the time. A flood plain can be dry for 99 years and then flood. A 404 Clean Water Permit from the Army Corps of Engineers must be obtained for established wetlands. Homes must be above flood elevation in a FEMA identified flood plain in order to get flood insurance. Discussion followed. The stormwater quality pond identified is a method by which stormwater is cleaned before entering into the stream system. Vineyard Ridge Subdivision has two functioning stormwater quality ponds if commissioners would like to see them in operation.

Chairman Freeman said he had received several letters and phone calls regarding this development in his district. The development can be nicer with fewer homes and larger lots, which would be more palatable for surrounding residents. The area has already seen nine subdivisions developed recently. There will be adverse impact to traffic, schools, roads, and safety in this area from this one, as well.

Accel/decal lanes will be required to be shown during the platting phase and are not needed or shown on this special exception application. The taper for the accel/decal lanes can be accommodated in the right-of-way and should not encroach on the cemetery property. Mr. Taylor demonstrated how this could be done for Commissioner Flowers-Taylor on the site plan. This would have to be done on each side of the road.

Mr. Taylor said the Board of Appeals denial was based primarily on Mr. Dryden's feeling that the density was too high.

Commissioner Flowers-Taylor said when the Board was being asked to provide bonus density, it expected to get something in return and this plan did not provide any incentive to do so.

***Commissioner Flowers-Taylor moved to deny Application #06-10S, seconded by Commissioner Goss.***

Mr. Mobley spoke again and said he had done a yield plan on a conservation subdivision on one side of the road, which he could do as a matter of right, with or without sewer. This plan produced 15 lots with adequate road frontage. The difference, he noted for

Commissioner Flowers-Taylor, is a huge \$100,000 amenity package with trees, sidewalks, pavilion, tennis court, etc. With a conservation subdivision, timber can be cut on the entire tract excluding the 9+ acres of wetlands.

Commissioner Flowers-Taylor said Mr. Mobley failed to realize that she did not believe the residents of Spalding County wanted to live someplace where the timber has all been clear-cut with many street cuts, creating a product not equal to others out in the market.

Mr. Mobley responded Cody's Plantation was filled to capacity.

Commissioner Flowers-Taylor stated it was filled with Section 8 residents, and if that is what Mr. Mobley wanted, she urged him to go for it, but she felt Mr. Mobley was delving below the level of expectation from the Board.

Mr. Mobley felt Commissioner Flowers-Taylor was not well versed in this area. He stated he appreciated the speakers opposing and hoped there were no hard feelings.

*Commissioner Goss called the question. The motion carried by a vote of 3-2 with Commissioners McDaniel and Davis voting in opposition.*

Mr. Mobley, on exiting, thanked Chairman Freeman for keeping his word. Chairman Freeman said he didn't recall telling Mr. Mobley anything definite. Mr. Mobley said Charles Mobley remembered the same thing.

2. **Application #06-03Z:** Brooks Properties International, Inc., Owner – 2181 North Expressway (2.64 acres located in Land Lot 101 of the 3<sup>rd</sup> Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

A five-minute recess was called.

Mr. Taylor advised the applicant is requesting a rezoning to the C-1B, Heavy Commercial. The applicant has tenants which have businesses that are classified as major automotive repair. These uses are not permitted in the present zoning of C-1, Highway Commercial. The applicant requests C-1B so that he may bring said businesses into zoning compliance. Mr. Taylor said the requirements, should this application be approved, needed to be concise and clear. Staff recommends conditional approval of the request as follows:

- a. All outdoor storage shall be neat and orderly at all times.
- b. The site will limit all lighting so any neighboring residential properties or rights of way will not be affected from glare.

The Planning Commission recommends approval of the request.

Mr. Taylor said several additional conditions have been suggested as a result of conversations with Mr. Brooks and neighboring property owners. They follow:

- c. The existing tenants operating under the C-1B business zoning classification will be accepted as conforming business uses.
- d. At no time shall tenants requiring a C-1B zoning classification comprise more than 35% (Mr. Taylor recommends 12,500 square feet instead because of ease of enforcement issues) of total project area.
- e. Outside storage will be permitted only for those C-1B business uses. Outside storage shall be permitted only if the storage areas are properly enclosed with appropriate fencing which eliminates all stored materials from view of the adjoining property neighbors.
- f. Any use of space by the C-1B business uses which involves continuous or unusually loud noises (such as automobile or motorcycle repair shops) shall have hours of operations starting no earlier than 8:00 a.m. and ending no later than 5:30 p.m. Monday through Saturday.
- g. No outside night lighting of rear storage areas shall be allowed.

Mr. Taylor said there had been motorcycle repair shops located there previously, operating under a grandfather status. The proposal here is for a new motorcycle shop that will not be protected under the grandfather status since it cannot be altered or extended, so the entire property needs to be brought under compliance.

Commissioner McDaniel asked about the threat of spills and runoff since this is a low area. Mr. Taylor said environmental concerns are certainly appropriate but EPD rules do restrict

these type repair facilities as to their pollutants and disposal of same. Oils and fluids have to be disposed of properly and these fluids are contained inside the facility where repair work is performed and not outside.

Mark Brooks, 130 Ashley Trace Drive, Locust Grove, Georgia

Mr. Brooks said this property with four churches, an automotive audio store, construction companies and automobile parts company worked well. What he wants, however, is to be able to allow an automotive detail shop and a motorcycle repair shop but these are classified as C1-B, and this is the reason for this request. The motorcycle shop will keep repairs limited to inside, and he does not want to have a major automotive repair center because space is too limited and would produce too many undesirable effects.

Jeff Nix, 7150 Dunhill Terrace, Atlanta, Georgia 30328

His partner, Greg Walker, and he own this property and will support request this as long as there are restrictions in place, which are the five additional conditions noted above. These will make the heavy commercial uses contemplated more acceptable to other tenants and neighbors.

*Commissioner Davis moved to approve Application #06-03Z, conditioned as follows, seconded by Commissioner Flowers-Taylor. Motion carried 5-0.*

- a. *All outdoor storage shall be neat and orderly at all times.*
  - b. *The site will limit all lighting so any neighboring residential properties or rights of way will not be affected from glare.*
  - c. *The existing tenants operating under the C-1B business zoning classification will be accepted as conforming business uses.*
  - d. *At no time shall tenants requiring a C-1B zoning classification comprise more than 12,500 square feet of the total project area.*
  - e. *Outside storage will be permitted only for those C-1B business uses. Outside storage shall be permitted only if the storage areas are properly enclosed with appropriate fencing which eliminates all stored materials from view of the adjoining property neighbors.*
  - f. *Any use of space by the C-1B business uses which involves continuous or unusually loud noises (such as automobile or motorcycle repair shops) shall have hours of operations starting no earlier than 8:00 a.m. and ending no later than 5:30 p.m. Monday through Saturday.*
  - g. *No outside night lighting of rear storage areas shall be allowed.*
3. **Amendment to UDO #A-06-07:** Quarterly adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

*Commissioner Davis moved to approve Amendment to UDO #A-06-07, seconded by Commissioner McDaniel, and motion carried by a vote of 5-0.*

4. **Amendment to UDO #A-06-08:** Article 5. AR-1 – Section 503:E, Article 6. AR-2 – Section 603:E, Article 7. R-1 – Section 703:E, Article 7A. R-1A – Section 703A:E, Article 8. R-2 – Section 803:E, Article 8A. R-2A – Section 803A:E, Article 10. R-4 – Section 1003:E & Article 11. R-5 – Section 1103:E – amend accessory uses standards.

Mr. Taylor said this was a very minor change but did affect a great many zoning districts. This change has come about because the number of such requests for variances being approved by the Board of Appeals has increased to the point it became apparent that perhaps they should alter the requirements concerning accessory uses standards. Teamon Road was only one example of many.

*Commissioner McDaniel moved to approve Amendment to UDO #A-06-08 as presented, seconded by Commissioner Davis, and motion carried by a vote of 5-0.*

### C. **Other Business:**

Consider approval of Development Agreement for Savannah Park Subdivision.

Mr. Galloway noted this was a discussion tonight and the proposal was not up for approval. Since the Board last heard this issue, some developments had transpired. The Oak Grove Road property is in the City, and the City has approved a development plan for the developers who preceded the Pruitts, although the Pruitts are currently the developers of the project. The development was to

incorporate an entrance through the County road of Oak Grove that had not been approved by the County.

Via a PowerPoint presentation, Mr. Galloway provided a zoning history of the property, subsequent developments and developer responses. He delineated the allowed uses and densities for the City's PRD zoning classification that apply to this development as a result of its being annexed into the City. This 33-acre tract incorporates 79 lots with a density of 2.39 units per acre, with a 1250 square foot minimum heated space. There are 10.6 acres of open space, an existing lake of 1.02 acres and no architectural controls in place. The City approved a subdivision entry onto Oak Grove Road, a County thoroughfare, without County approval. Residents were understandably concerned about the density that might develop on this City property. Mr. Galloway and County Attorney Jim Fortune felt approval for allowing ingress/egress onto Oak Grove Road was within the purview of the County, but he noted two primary concerns:

1. Traffic congestion and patterns
2. Protection of surrounding property values

There have been several meetings between parties involved, and a proposal has been tendered for consideration by the County. Mr. Galloway detailed this plan and noted the thoroughfares involved. He was sorry that Oak Grove Road residents might be assessed a special tax in the resolution of this problem, but parties involved could see no other way. The proposal is to have the main entry for Savannah Park to come off Highway 362. Oak Grove Road would be cul-de-saced at the railroad, and folks would get no traffic from this subdivision at all. Residents would have two ways of ingress/egress with the first being down Oak Grove through a lot to the entrance of Savannah Park, and the other would be to go up Oak Grove to Lenox Circle over to Highway 362 further to the west. A divided entryway and landscaped boulevard will be constructed, along with accel/decel lanes on Highway 362 with a possible signal. The residents who are the beneficiaries of the road improvements will be the ones to pay for the improvements through a special tax district (road improvement district). In return the developer agreed to increase square feet of homes from 1250 square feet to 1500 square feet, as well as landscape design and architectural controls. The estimated cost of the road improvements are \$540,000 with GDOT contributing an estimated 50% of that amount. It will be up to the residents to determine if they would like to petition for the special tax district to fund the proposal. The City will have to be amenable to the plan and the proposal for the special tax district is tentative for residents owning tracts in Savannah Park (79 lots), Oak Grove, Lenox Circle and Petticoat Lane (51 lots).

Georgia Department of Transportation and Senator Ronnie Chance have offered assistance but must have the Commissioners' blessing for the plan. GDOT indicated they could find funding for their portion. If GDOT were willing to contribute more than 50%, then a special tax district (assessment) might not be necessary, but that didn't seem possible.

Two loose ends in the equation are: 1) The residents who determine their involvement into the plan, and 2) The City's participation, as the City might not think the plan has merit.

This Savannah Park development has already been approved by the City, but the property owner is not limited to the development presented; he can go up to multi-family, as well. Even with single family detached homes, right now under the City's ordinance, the developer can increase density by 3.6 units as a matter of right. The more dense the development becomes, the more problematic it is for Oak Grove residents, irrespective of whether or not their road is the method of ingress/egress.

So, the property owners next door on Oak Grove plainly have a vested interest in keeping this development as low density as possible. Depending on how development proceeds, Oak Grove residents will probably experience a decline or a loss in property values as the City continues to allow Pine Hill to be developed in what Mr. Galloway considers a substandard fashion, or they can stay the course with these improvements but be asked to help pay for improvements. What they have attempted in this plan is to get a development that is more comparable to Oak Grove and to move the traffic away. It is not a perfect plan, but in his discussions with Oak Grove residents, Mr. Galloway felt this was the reality they face. They will lose one way or pay the other; there is a tradeoff no matter the decision.

Mr. Galloway commended Mr. Taylor for his redesign of Oak Grove and the coordination of the entry and road improvements on Highway 362. He reiterated he wished improvements could be done without cost to the Oak Grove Road residents, but he did not think that was possible. Staff recommends proceeding with the following caveats:

- 1) The redesigned development plan just shown with access off Highway 362 would have to go back through the City for preliminary plat approval. City zoning will remain unchanged and the current density will remain unchanged, but plat approval will be conditioned on an agreement

reached through this process. The development agreement would be executed between the developer, the County and the City.

- 2) Submission of approval for the special tax district to the residents of Oak Grove, Lenox Circle, and Petticoat Lane would have to be refined, much as the process of approving street light districts. If the residents don't approve, they would simply vote against it, and the proposal would die.
- 3) The City will have to be agreeable to the creation of a special tax district. Mr. Gardiner was favorable and felt this could actually accomplish some things the City could not. However, City Attorney Drew Whalen raised the issue of whether it could be done since the City has no special tax district. Mr. Galloway felt it might be time for the City to think out of the box and law provides for a special tax district to effect these type improvements. Mr. Whalen said perhaps the City could do a special assessment district, and this is scheduled for discussion at a July meeting. If the City doesn't cooperate, the proposal dies, as well.

Greg Pruitt said they were ready to take another route until Chuck Taylor formulated this plan and he commended him for his innovation and diligence. He stated they want to do a nice development and get rid of a terrible intersection at the same time. Other exits will be safer and the traffic pattern better with this proposed plan. Mr. Pruitt felt residents will be amenable to it, although presentation of the plan will take finesse. The tax issue will be problematic. Mr. Pruitt concluded by saying he would like to see the County assist with funding since they should want to correct the unsafe intersection in the process, as well.

Commissioner McDaniel said the Board can support the proposal if certain things occur to begin the process. To realize how important it is to start the process, one needs only to think of what could happen if the property is developed as it could be by right, instead of going the extra mile for this proposal. Other commissioners concurred the process should be initiated.

**D. Adjournment.**

*Commissioner McDaniel moved to adjourn at 8:12 p.m., seconded by Commissioner Davis, and motion carried by a 5-0 vote.*

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chairman

.....