

## **ZONING PUBLIC HEARING**

A Zoning Public Hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, December 21, 2006 beginning at 6:00 o'clock p.m. Commission Chairman Eddie Freeman presided, and Commissioners Cecil Davis, Gwen Flowers-Taylor, Edward Goss, Jr., and Johnie McDaniel were present. Also present were County Manager William P. Wilson, Jr., Assistant to the County Manager Paul Van Haute, Community Development Director Chuck Taylor and Senior Planner Chad Jacobs, Zoning Attorney Newton Galloway and Executive Secretary Teresa Watson.

**A. Call to Order.**

**B. Old Business:**

1. **Amendment to FLA-06-08: Lift from the table** – Nancy Couch Pollard, Owner – Rivers Road (5 acres located in Land Lot 67 of the 1<sup>st</sup> Land District) – from Agricultural to Low-Density Residential.

*Motion to Lift from the Table Amendment to FLA-06-08: Lift from the table – Nancy Couch Pollard, Owner – Rivers Road (5 acres located in Land Lot 67 of the 1<sup>st</sup> Land District) – from Agricultural to Low-Density Residential was made by Commissioner McDaniel, seconded by Commissioner Davis, and motion carried by a vote of 5-0.*

Mr. Taylor said after last meeting, Staff and Mrs. Pollard did find a plat showing that three lots were cut from that property. Under current zoning, she can build two additional houses (1500 square feet minimum heated), besides the one residence on the one-acre tract. Paraphrased Ms. Pollard still wanted to move lot lines to add larger, three-acre tract to this one-acre tract and cut out other acreage in order to allow for larger tracts for the two additional houses. FLUM amendment will be required with ultimate rezoning in order to utilize the square footage she desires. She can build the number of houses she desires, but needs to rezone in order to get the configuration she would like for the property. House size will be determined during the rezoning process.

Nancy Couch Pollard, 140 Rivers Road, Williamson, Georgia

Ms. Pollard explained why she desired a change in configuration and discussion followed.

*Motion to approve Amendment to FLA-06-08: Nancy Couch Pollard, Owner – Rivers Road (5 acres located in Land Lot 67 of the 1<sup>st</sup> Land District) – from Agricultural to Low-Density Residential, made by Commissioner Davis, died for lack of a second.*

*Motion to table Amendment to FLA-06-08: Nancy Couch Pollard, Owner – Rivers Road (5 acres located in Land Lot 67 of the 1<sup>st</sup> Land District) – from Agricultural to Low-Density Residential was made by Commissioner Davis until such time as a process can be initiated to change that portion of Rivers Road from Rover-Zetella Road to Yarbrough Mill Road in its entirety from Agricultural to Low-Density Residential, seconded by Commissioner McDaniel, and motion carried by a vote of 5-0. Staff was directed to apply fees already paid by Ms. Pollard for the Land Use Map Amendment to the impending rezoning application once the Board-requested Land Use Map Amendment is successful.*

2. **Application #06-05Z: Lift from the table** – Alan R. Mobley, Owner – 1295 Minter Road (39.96 acres located in Land Lot 42 of the 3<sup>rd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

*Motion to Lift from the Table Applications #06-05Z: Alan R. Mobley, Owner – 1295 Minter Road (39.96 acres located in Land Lot 42 of the 3<sup>rd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential and Application #06-28S: Alan R. Mobley, Owner – 1295 Minter Road (39.96 acres located in Land Lot 42 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow 1-acre lots (Estate Life Neighborhood) in the R-2 District. was made by Commissioner McDaniel, seconded by Commissioner Davis, and motion carried by a vote of 5-0.*

Mr. Taylor said the applicant, in Application #06-05Z, has requested approval from Spalding County to rezone the subject property from AR-1 Agricultural to R-2, Single Family Residential. At the August 2006 meeting, the Board of Commissioners voted to approve a Land Use Map Amendment supporting the proposed density here. Mr. Mobley requested and received approval for tabling this application at the November Board of Commissioner meeting. Staff and Planning Commission recommend approval of #06-05Z.

*Motion to approve Application #06-05Z: Alan R. Mobley, Owner – 1295 Minter Road (39.96 acres located in Land Lot 42 of the 3<sup>rd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential was made by Commissioner Davis, seconded by Commissioner McDaniel, and motion carried by a vote of 4-1 with Commissioner Goss opposing.*

3. **Application #06-28S:** Alan R. Mobley, Owner – 1295 Minter Road (39.96 acres located in Land Lot 42 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow 1-acre lots (Estate Life Neighborhood) in the R-2 District.

In Application #06-28S, Mr. Mobley has requested approval from Spalding County to allow the development of a 39.96 ± acre tract to develop a residential community utilizing the Estate Life design theme. The development as proposed would consist of 25 single-family residential dwelling units and approximately 12.01 (30.1%) acres of open space. Mr. Mobley requested and received approval for tabling this application at the November Board of Commissioners meeting. At the August 2006 meeting, the Board of Commissioners voted to approve a Land Use Map Amendment supporting the proposed density here. The proposed site plan has one access point from Minter Road. Without approval of the Special Exception request, Staff estimates that a total of nineteen (19) one-acre lots could possibly be developed as a conservation subdivision on the property as a matter of right. Additionally, Staff estimates that approximately nineteen (19) two-acre lots could be developed on the subject property by right.

Staff recommends conditional approval of the request as follows:

- a. A variance shall be applied for cul-de-sac length.
- b. A new house design shall be submitted to replace the Oxford.
- c. A house plan shall be submitted to Community Development for each building permit indicating the areas of the façade that will have the 50% brick or stone and meet the design details submitted by the developer.

Planning Commission recommends approval of the request with same conditions as Staff.

Dee Mays, 516 South Pine Hill Road, Griffin, Georgia

He represented his family as previous owners of the property and he lent his family's support to the project even though his family does not live near the property any longer.

Keith Duncan, 1330 Minter Road, Griffin, Georgia  
The Minter/School Road corner is owned by his family and they lent their support to the project, as well.

Alan Mobley, 262 Mobley Road, Griffin, Georgia  
Mr. Mobley was present to answer questions.

*Motion to approve Application #06-28S: Alan R. Mobley, Owner – 1295 Minter Road (39.96 acres located in Land Lot 42 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow 1-acre lots (Estate Life Neighborhood) in the R-2 District was made by Commissioner Davis with conditions recommended by Staff as follows:*

- a. *A variance shall be applied for cul-de-sac length.*
- b. *A new house design shall be submitted to replace the Oxford.*
- c. *A house plan shall be submitted to Community Development for each building permit indicating the areas of the façade that will have the 50% brick or stone and meet the design details submitted by the developer.*

*Amended to stipulate also that Mr. Mobley deed restrict so no access is available for further development. Motion was seconded by Commissioner McDaniel, and carried by a vote of 3-2 with Commissioners Flowers-Taylor and Goss opposing.*

#### C. New Business:

1. **Application #06-10Z:** Holly Allison Tharpe, Owner – 232 Airport Road (0.71 acre located in Land Lot 117 of the 1<sup>st</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to C-1, Commercial.

Mr. Taylor said the applicant has requested approval from Spalding County to rezone the subject property from R-1, Single Family Residential to C-1, Highway Commercial. At the October 26, 2006 meeting, the Board of Commissioners voted to approve a Land Use Map Amendment supporting the Commercial Land Use.

Staff recommends conditional approval to rezone the property to O-I (Office & Institutional) as follows:

- a. Connection to the City sewer system shall be required to avoid necessity for multiple variances.
- b. The garage shall be eliminated or moved out of the side setback.
- c. The site will limit all lighting so any neighboring residential properties or rights of way will not be affected from glare.

Planning Commission recommended conditional approval to rezone the property to O-I with the same conditions as proposed by Staff. Removal of the garage will be necessitated by the rezoning to commercial designation, unless a variance is sought.

Ken Gran, 15 Turner Road, Concord, Georgia  
The property he represents is 232 Airport Road, and this is the same property for which he recently appeared to successfully petition for a Future Land Use Map amendment.

Ray Glass, 224 Brown Acres Road, Griffin, Georgia  
Mr. Glass desires to purchase and utilize this property for office space. Neighbors on both sides of the property have voiced no objection. He will utilize the existing dwelling.

Brad Glass, 308 Westmoreland Road, Griffin, Georgia  
Mr. Glass echoed the comments of his father and lent support for the project. Both he and his father agree to and understand the conditions as noted. The garage structure encroaches onto the side setback and, if left, will need to be moved five feet. The trend in the area is toward commercial, and he urged consideration of the request.

Jean Hobbs, 228 Airport Road, Griffin, Georgia  
Her property is adjacent to the property in question. She and her family are delighted to support the project and she has known the proposed buyers for a long time. She felt this use would be beneficial for the neighborhood and would be an improvement over the use of the

property over the past few years. Ms. Hobbs urged approval of the request and stated she had no objection to leaving the garage as is and considered it an asset to the property.

Walter Hart, 234 Airport Road, Griffin, Georgia

Mr. Hart has lived at this location for fifty years and he, too, felt this use would be a much needed improvement to the property. Mr. Hart knew the family, as well, and encouraged favorable consideration of the application.

***Motion to approve Application #06-10Z: Holly Allison Tharpe, Owner – 232 Airport Road (0.71 acre located in Land Lot 117 of the 1<sup>st</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to C-1, Commercial, with Staff recommended conditions to O-1 (Office & Institutional) with the exception deleting item b regarding the garage setback as follows:***

- a. ***Connection to the City sewer system shall be required to avoid necessity for multiple variances.***
- b. ***The site will limit all lighting so any neighboring residential properties or rights of way will not be affected from glare.***

***Motion was seconded by Commissioner McDaniel and carried by a vote of 5-0.***

2. **Application #06-11Z:** David A. and Deborah Trice, Owner – Spalding County Board of Commissioners, Agent – 41 Crystal Creek Drive (2 acres located in Land Lot 93 of the 1<sup>st</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-2, Manufacturing.

Mr. Taylor said the applicant has requested approval from Spalding County to rezone the subject property from AR-1, Single Family Residential to C-2, Heavy Commercial, to allow for the operation of a gravel trucking business on the property. Trice Trucking is currently in operation at this location and has been for many years. The business is not considered legally nonconforming because it has never obtained a business license. Staff recommends denial of the request, and Planning Commission recommended conditional approval of the request as follows:

- a. The zoning shall be limited to the use of a trucking company.

Howard Williams, 301 Rivers Road, Williamson, Georgia

Mr. Trice's business is adjacent to his property and he and his wife have no problem with the business continuing, nor do they object to the trucks parked in the area.

David Trice, 41 Crystal Creek Drive, Williamson, Georgia

He has had a trucking company for 17 or 18 years and did not have to have a permit back then. He did not know he needed to get one until he got the letter saying he had thirty days to vacate the property or come into compliance. He has obtained signatures from neighbors who have no problem with his trucking operation continuing. His company made in excess of \$2 million last year, and they have built the operation from small beginnings. His father started his trucking company about thirty years ago. He buys 15 commercial truck tags each year and has obtained permits for a shop on the property even though he did not have a business license. The property is zoned AR-1 and permits for the accessory building structures, beyond the first one, occurred in error. Errors in this matter from the County's standpoint perpetuated themselves. When the complaint was received from a neighbor, all the mitigating factors were brought to light.

Mr. Galloway said the rezoning request was the only way to bring this tract into compliance. The Board of Commissioners is the only entity that can rectify this situation and have the home and business remain on the tract.

***Motion to approve Application #06-11Z with the Application #06-11Z: David A. and Deborah Trice, Owner – Spalding County Board of Commissioners, Agent – 41 Crystal Creek Drive (2 acres located in Land Lot 93 of the 1<sup>st</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-2, Manufacturing, with the condition that zoning is limited to use as a trucking company and a residence, was made by Commissioner Davis, seconded by Commissioner Goss, and motion carried by a vote of 3-2 with Commissioners Flowers-Taylor and McDaniel opposing.***

**Commissioner Davis exited the meeting.**

3. **Amendment to UDO #A-06-09:** Appendix A. Subdivision Ordinance – Section(s) 702, 703, 704, 706 and 710 – amend Conservation Subdivision regulations.

The changes noted are the result of direction from the Board of Commissioners in previous meetings, noted Mr. Taylor. Extensive discussion followed on permitted uses, discretionary density bonuses, site suitability, restriction of water supplies and sewage disposal systems in greenspace. Commissioner Flowers-Taylor will work with Community Development Staff to fine tune the permitted uses that deal with agricultural activities involving livestock and equestrian uses, particularly as it relates to greenspace use. Mr. Taylor said Staff could possibly show prohibited uses to address those concerns specifically mentioned as not being allowed, but the list could become exhaustive.

*Motion to table Amendment to UDO #A-06-09 until January 2007 so that desired elements discussed tonight can be incorporated into the amendment was made by Commissioner McDaniel, seconded by Commissioner Goss, and motion carried 4-0.*

4. **Amendment to UDO #A-06-16:** Appendix A. Subdivision Ordinance – Section 505:B and Appendix J. Commercial/Industrial Development Ordinance – Section 408:B – amend stormwater management requirements.

*Motion to approve Amendment to UDO #A-06-16: Appendix A. Subdivision Ordinance – Section 505:B and Appendix J. Commercial/Industrial Development Ordinance – Section 408:B – amend stormwater management requirements was made by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, and motion carried 4-0.*

**D. Other Business:**

1. Consider Resolution to enact a Moratorium on the receipt, acceptance, consideration and approval of any request seeking rezoning for townhouse developments within the R-6 Planned Residential Community District.

Mr. Galloway said this resolution would apply to any applications in the future until such time as the moratorium expires, but would not apply to applications in process.

RESOLUTION TO ENACT A MORATORIUM  
ON THE ACCEPTANCE AND APPROVAL OF  
REZONING APPLICATIONS FOR DEVELOPMENTS  
IN THE R-6 PLANNED RESIDENTIAL COMMUNITY DISTRICT  
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 planned residential community 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 planned residential community developments within Spalding County in conjunction with its comprehensive plan;

WHEREAS, Spalding County desires to briefly control and restrict planned residential community 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 pertinent to planned residential community development 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 the rezoning of property to the R-6 Planned Residential Community District, as defined by Article 11A 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, December 22, 2006 at 12:00 a.m. or upon its passage and adoption, whichever shall later occur and shall terminate on Saturday, March 31, 2007 at 11:59 p.m., unless extended by the Board of Commissioners of Spalding County, Georgia.

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*Motion to approve Resolution to enact a Moratorium on the receipt, acceptance, consideration and approval of any request seeking rezoning for townhouse developments within the R-6 Planned Residential Community District, set to expire on March 31, 2007, made by Commissioner McDaniel and seconded by Commissioner Goss, carried 4-0.*

**E. Adjournment.**

*Motion to adjourn at 8:35 pm by Commissioner McDaniel, seconded by Commissioner Goss, carried 4-0.*

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County Clerk

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Chairman

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