

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
November 14, 2006

The Spalding County Planning Commission held its regular monthly meeting on November 14, 2006 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Karen Mathiak, Chairman, presiding; Janet Bailey; Frank Chastain; Ronald Green and John Youmans.

Also present were: Chad Jacobs, Senior Planner; Newton Galloway, Attorney and Yvonne Langford to record the minutes.

Ms. Mathiak called the meeting to order and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

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

Ken Gran - 15 Turner Road – Concord, Georgia

Mr. Gran said he was present representing Holly Allison Tharpe Dixon regarding this application. He has her power of attorney and is also her real estate representative. The property is at 232 Airport Road and is across from the Sun Bridge Nursing Home. In the neighborhood, there is a convenience store, recreation department walking track, NACOM, and Girl Scout Council headquarters. There is an offer to purchase the property contingent on the buyer being able to use it as an office for a pest control business. Ray Glass and Brad Glass are the potential purchasers and are present to answer any questions. They are in agreement to meet the requirements for the zoning. They need 8 parking places due to the size of the building. They will be required to connect to the sewer system and have a letter from the City of Griffin confirming they have the sewer capacity. The Future Land Use Map has been amended to designate this for commercial use.

Mr. Youmans said the staff is recommending O & I which is quite different, and he asked if they would object to that zoning.

Mr. Brad Glass – 308 Westmoreland Road

Mr. Glass said he is not opposed to the O & I zoning. He asked what the difference will be for this zoning.

Chad Jacobs said this is the second part of the process. They have successfully had the future land use map amended in support of the re-zoning. In reviewing the application, it was noted that O & I would be a less intensive zoning class for this area. They will still be able to have the use they are requesting.

Jeanne Hobbs – 228 Airport Road

Ms. Hobbs said Mr. Glass is their pest control representative. Mr. Glass said he would like to purchase this house and use it for his business. They welcome him doing this, because they know him and his family. She has lived at this house for 45+ years, and she approves of this application.

W. L. Hart – 234 Airport Road

Mr. Hart said he is a neighbor on the other side and has lived at this location since 1957. He feels it will be good for the community. It will be cleaned and fixed. It will be better than for it to be empty. He knows the people and has no objections. He would rather have him than someone they do not know. There have been some bad people in the house.

Ray Glass – 224 Brown Acres Road

Mr. Glass said he was present to just answer any questions.

Edward Bullard – 124 N. Hill Street

No comments.

Chad Jacobs said the staff recommendation is for conditional approval but to O and I rather than the C-1 Commercial. The conditions are:

1. The connection to the City sewer system shall be required to avoid necessity for multiple variances.
2. The garage shall be eliminated or moved out of the side setback.
3. The site will limit all lighting so any neighboring residential properties or rights of way will not be affected from glare.
4. Any overnight storage of vehicles will kept to the rear of the property.

MOTION

Mr. Chastain made a motion to approve #06-10Z for O and I zoning with conditions as recommended by the staff. The motion passed on a second by Ms. Bailey with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

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

David Trice – 41 Crystal Creek Drive – Williamson, Georgia

Mr. Trice presented a petition signed by people in the area supporting his business in the area. Everyone has signed the petition from the place you turn off of Williamson Road all the way to Crystal Creek Drive. The only people that did not sign it are the ones that were not at home and the one man that complained. He has talked with the man that complained and his concern was the noise in the morning from the trucks. He told him that they would idle out of there to keep the noise down. They shook hands he walked

off. 25 years ago he started a business here. This was prior to the need for a business license. When he put buildings up, he put them up to support heavy trucks. They employ 17 people and the company makes \$2 million annually. They have had one complaint and received a letter from the County that they had to move. One of the reasons on the notice was that the roads would deteriorate. The roads are deteriorating because they were not paved correctly, not because of the trucks. He has a shop at this location to work on the trucks. There are seven additional truck drivers in the neighborhood.

The Board discussed all the businesses that could locate on this property if this zoning is approved.

Mr. Jacobs said they applied for a license, and they became aware that it was not a legal business under the county code. They are trying to rectify the situation with this zoning. The Board of Commissioners directed them to try to remedy this situation.

Howard and Michele Williams – 301 Rivers Road – Williamson, Georgia

Mr. Williams said their property runs along the back of this property. Mr. Trice's trucks park right along his driveway. They have been there for three years and have had not problems with him or his trucks. He is the most considerate neighbor that he has met there. Every time he sees his trucks on the road, particularly on Rivers Road, they always seem considerate. No one is speeding. There are no objections to him staying where he is. They respect him for his consideration.

Ms. Williams they have no problems with them being there. There is actually a lot of traffic in the area. The Florida Rock Quarry is very close. They are more of a nuisance with the explosions than Trice Trucking.

Charles Cato – 35 Crystal Creek Drive – Williamson, Georgia

Mr. Cato said he is next door and has been there most of his life. He has known David all of his life and likes him. Everyone around there likes him. There is no problem, and he is for this application.

David Trice returned for questions. He said he had 14 trucks. He hauls asphalt, gravel and dirt.

Mr. Youmans said Mr. Trice has collected a lot of signatures and the neighbors seem not to object. His concern is when the trucking company closes and the property is zoned C-2. He asked if the zoning can be conditioned so that if the trucking closes, they will have to come back to identify the future use of the property.

Mr. Galloway said the property, the location and the use are zoning problems. He does not favor the imposition of zoning that has a termination date because it would require another zoning decision to get the zoning reverted. Ordinances do have reversion clauses or there are instances where a duration is put on the zoning. Once the zoning map is changed, it is zoned C-2. You can condition it to a trucking operation only. You can

condition them to notice the county that the operation has ceased, and the county could make an election on whether or not to rezone. It can also be sent to the County Commission with no recommendation. There has been a lot of work on this project. They have researched whether or not it was “grandfathered”, and it is not. He went over the discovery during the research. There was no business license. However, Spalding County did issue building permits, and the sites were inspected by the County for two storage buildings which are not allowed under the zoning and are not allowed as accessory uses. Fifteen trucks were registered in the County tag office and the use was not realized. They cannot find any evidence that this is a non-conforming use which would be protected from re-zoning and the ordinance does not allow the use.

Mr. Youmans said he did not want to put Mr. Trice out of business. He does not know all the history and does not understand all that has happened, but he wants to send it to the County Commission with a recommendation that it can only be a trucking company.

MOTION

Mr. Youmans made a motion to approve Application #06-11Z for C-2 zoning restricted to the use of a trucking company only. The motion passed on a second by Mr. Green with Ms. Bailey, Mr. Chastain, Mr. Green and Mr. Youmans voting for the motion and Ms. Mathiak voting against.

MINUTES

Mr. Youmans made a motion to approve the minutes of the October 31, 2006 meeting. The motion passed on a second by Ms Bailey with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

ADJOURN

The meeting was adjourned on a motion by Mr. Youmans and a second by Mr. Chastain with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

Karen Mathiak – Chairman

Yvonne M. Langford - Recorder