

**SPALDING COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**July 31, 2007**

The Spalding County Planning Commission held its regular monthly meeting on July 31, 2007 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Ed Johnson, Chairman, presiding; Janet Bailey; Frank Chastain; David Traer and John Youmans.

Also present were: Charles Taylor, Community Development Director; Newton Galloway, Attorney and Virginia Langford to record the minutes.

Mr. Johnson called the meeting to order, introduced the members of the Planning Commission, and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

**Application #07-11Z:** Jackie H. Perkins, Owner – Dick Slade, Agent – Williamson Road (Tract A – 1.130 acres located in Land Lot 76 of the 2<sup>nd</sup> Land District) – requesting a rezoning from R-4, Single Family Residential, to C-1, Highway Commercial.

**Application #07-11AZ:** Jackie H. Perkins, Owner – Dick Slade, Agent – Williamson Road (Tract B – 2.685 acres located in Land Lots 53 and 76 of the 2<sup>nd</sup> Land District) – requesting a rezoning from R-4, Single Family Residential, to C-1, Highway Commercial.

These applications were discussed together and voted separately.

Mr. Taylor said these applications are to rezone property on Highway 362 at Oak Grove Road and Lakeside Drive intersection. This area came up for approval for an amendment on the Future Land Use Map a couple of months ago. The Board of Commissioners approved the amendment. In reviewing these applications the staff recommendation is for a re-zoning to Office and Institutional because the business use will be less intense than the C-1 Commercial. This recommendation has not been discussed with the applicant.

Dick Slade – 415 Country Club Drive

Mr. Slade wanted clarification regarding what the O & I zoning would allow.

Mr. Taylor went over what is allowed in the O & I Zoning. He said the C-1 District is a retail district that additionally allows for gas stations. The recommendation is to go to O & I to focus on having office types of uses but there are some other uses allowed.

Mr. Slade asked if a service station or a car wash would be allowed in the O & I Zoning.

Mr. Taylor said the car washes are not allowed in the C-1 District. The O & I allows local, State or government buildings, county personal care home, group personal care home, private personal care home, clinic, professional or business office, club or lodge, retail uses in conjunction with the offices, (meaning that you can have a cafeteria or gift shop but it is not meant to have a retail store), or day care center. There are some special exception uses allowed if it meets the criteria.

Mr. Slade asked if there could be warehousing for food products.

Mr. Taylor said you cannot have warehousing in C-1 either. He said the C-1 and O & I differ in that the C-1 allows retail and gas stations. O & I would be more like professional offices and real estate offices.

Mr. Slade said they want the C-1 Commercial zoning so they can have a broader use of the property than the O & I will allow. This is a high traffic area and has the potential for many commercial uses. They did not apply for O & I, and they do not want to be tied to a zoning they did not request. The O & I would limit them to who would want to purchase this as an investment. They thought that under C-1 they could have a service station, car wash, animal hospital, bakery, cafeteria, food store, convenience store, medical office or warehouse.

Discussion was held regarding the fact that staff is trying to impact the surrounding residential area as little as possible and still give the owner reasonable use of the property giving consideration to the location of the railroad.

Mr. Taylor said the plan in making the recommendation for the O & I is that it meets the commercial purpose that the Planning Commission and the Board of Commissioners felt was needed for this property. The reason for the O & I is that there is concern that the 362 corridor could spill over into a commercial corridor like Highway 19/41 is presently. The comprehensive plan did not envision this happening along the State Highways. The plan calls for most of the State Highways to be residential and agricultural because the plan calls for the highways to maintain the rural character. The public demanded that they wanted this when the comprehensive plan was being developed. If you fill the highways with commercial uses, the rural atmosphere is going to be destroyed.

Mr. Slade said he has been in the real estate business for over 35 years in Spalding County. He has done a lot of commercial business and had the designation of Certified Commercial Investment Member. There are only about 4,000 people with that designation in the United States. It is equivalent to a doctorate in knowing what to do with investments. In his professional opinion, to limit this is going to penalize the owner of the property. He does not feel it will hurt anything in long-range planning and will certainly not hurt anything out Highway 362 as far as commercial is concerned to approve the requested zoning.

Mr. Johnson said this zoning is for speculation to be resold as there is no particular project in mind. He is concerned that opening it up to C-1 would allow any of those things, some of which would not be in character with what it out there at the present time.

Mr. Youmans said he understands Mr. Johnson's concerns but that is why there is a code and that is why anything placed there will have to meet the code. C-1 Commercial is not C-1B. He feels this property is in a unique situation where it is flanked by a railroad track and the way the road is situation. His main concern is the safety issue.

Jackie Perkins – 1667 West Poplar

Mr. Perkins said anything that has been named that is allowed in C-1; it appears the size of the property would dictate anyone of those. For example, a gas station; you can only put a certain size there. It appears that the property itself would tend to dictate what would go there. The limitations would just about cut it is half. This is not a large piece of property.

**MOTION**

Mr. Youmans made a motion to approve Application #07-11Z to the requested C-1 Zoning. The motion passed on a second by Mr. Chastain with Ms. Bailey, Mr. Chastain, Mr. Traer and Mr. Youmans voting for the motion and Mr. Johnson voting against.

**MOTION**

Mr. Youmans made a motion to approve Application #07-11AZ to the requested C-1 Zoning. The motion passed on a second by Mr. Chastain with Ms. Bailey, Mr. Chastain, Mr. Traer and Mr. Youmans voting for the motion and Mr. Johnson voting against.

**Amendment to UDO #A-07-09:** Appendix J. Commercial/Industrial Development Ordinance – amend to add architectural design criteria.

Mr. Taylor said staff was mandated by the Board of Commissioners to write an architectural criteria ordinance for all commercial districts in the County. The ordinance has been drafted and a copy has been given the all the Planning Commission members.

Mr. Taylor went over the ordinance as prepared. Discussion was held with suggested changes.

**MOTION**

Mr. Chastain made a motion to table Amendment to UDO #A-07-09 until the next meeting. The motion passed on a second by Ms. Bailey with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

Mr. Youmans raised a question regarding a temporary shelter type “thing” which appeared close to his home on Moose Lodge Road the first week of July with fire works written on it. It is technically on DOT property. On July 3<sup>rd</sup> there were three young people waving signs in the area. He wants to know how they were able to get a permit

for the business and why, a month later, it is still in the area. Where is code enforcement?

Mr. Taylor said he could not address code enforcement. They did have a temporary permit to sell fireworks as a street vendor.

Discussion was held regarding this and similar situations.

Mr. Taylor said the street vendor ordinance was requested by the Board of Commissioners to apply to all commercial districts. They are allowed to put up a temporary structure as part of the permit. They are not allowed outside storage. If they have a tent the department considers that to be outside storage and they have been required to remove it.

Mr. Youmans said the issue he has is that it is on DOT property and it is very dangerous. We do not need this type of distractions.

#### **MINUTES**

Ms. Bailey made a motion to approve the minutes of the June 26, 2007 meeting. The motion passed on a second by Mr. Traer with Ms. Bailey, Mr. Chastain, Mr. Johnson, and Mr. Traer voting for the motion and Mr. Youmans abstaining because he was not present.

#### **ADJOURN**

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

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Ed Johnson – Chairman

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Yvonne M. Langford - Recorder