

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
January 29, 2008

The Spalding County Planning Commission held its regular monthly meeting on January 29, 2008 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; Bruce Ballard, Griffin-Spalding County School System and Yvonne Langford to record the minutes. Senior Planner Chad Jacobs was not present at the meeting.

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.

ELECTION OF CHAIRMAN

Ms. Bailey nominated Ed Johnson for chairman. Mr. Johnson was elected chairman on a second by Mr. Traer with Ms. Bailey, Mr. Chastain, Mr. Traer and Mr. Youmans voting for the nomination and Mr. Johnson abstaining.

ELECTION OF VICE-CHAIRMAN

Mr. Chastain nominated Mr. Youmans for vice-chairman. Mr. Youmans was elected vice-chairman on a second by Ms. Bailey with Ms. Bailey, Mr. Chastain, Mr. Johnson and Mr. Traer voting for the nomination and Mr. Youmans abstaining.

AGENDA AMENDMENT

Mr. Youmans made a motion to amend the agenda to move item G to D – 3. The motion passed on a second by Mr. Traer with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

Application #07-19Z: Steve Morris, Owner – 2625 North Expressway (1.52 acres located in Land Lot 103 of the 2nd Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Mr. Taylor said this application is made so the business can have outside storage such as automotive repair. The property has road frontage on Highway 19/41 across the road from the Cronic Automobile Dealership. The building is in the final stages of construction. There have been a number of rezonings in the area for C-1B for similar purposes. Cronic was non-conforming and had to rezone to a C-1B in order to expand the dealership. The staff recommendation is for conditional approval with the conditions as follows:

1. Site lighting to be designed so as to not glare in adjacent residential areas or onto public streets.
2. Any areas that are not graveled or concrete shall be stabilized with permanent vegetation.
3. Any construction debris exposed or buried shall be removed from the site and properly disposed.

Steve Morris – 389 Brooks-Woolsey Road

Mr. Morris said he is the owner of this property. They want this rezoning so the tenant will be able to have cars at the front. The tenants are leasing the property contingent on being able to get this zoning. It will not be a junkyard. They plan to install radios and stereo systems in automobiles. He has no problem with the recommended conditions.

Lee Howell – 1706 Quail Drive

Mr. Howell said his wife is the owner of Cronic Chevrolet and the Nissan Dealership across the road from this property. He is concerned that there is going to be a building that is not going to present a good image for people coming to Griffin. He has a service department and a body shop, but they are at the rear of the property and cannot be seen from the road. If this zoning is approved, it can be used for lots of things regardless of what it is being zoned for at the present time. He is concerned because coming down Highway 19/41 this is the gateway to Spalding County. They just spent 4.5 million dollars to put up one of the best looking buildings in the County and they are obviously concerned about the appearance. He is not opposed to anyone doing anything with their property but is concerned about the appearance of Highway 19/41.

Mr. Morris said he agreed with Mr. Howell, and he does not want anything on his property that might be an eyesore. He is not going to have a junkyard.

Mr. Taylor said he thinks everyone is in agreement, and if the display of tires and junk is the issue then the Commission could restrict the outside storage to be limited to vehicles for sale.

MOTION

Mr. Youmans made a motion to approve #07-19Z conditioned on the three restrictions recommended by staff and also conditioned that the outside storage be limited to vehicles for sale. The motion passed on a second by Mr. Traer with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

Application #07-20Z: Shirley Crowley Knight and Richard W. Knight, Owners – Dick Slade, Agent – 132 Airport Road (0.598 acres located in Land Lot 140 of the 2nd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to O & I Office and Institutional.

Mr. Taylor said this application is to allow the existing structure to be used as a business office. The County has recently changed the future land use plan designation commercial along Airport Road, but in the study, it was recommended that it be limited to O & I Commercial. The staff recommendation is for conditional approval. The recommended conditions are:

1. A variance will be necessary for relief for the principal structure from the 100' setback in O & I.
2. The garage shall be eliminated or a variance approved to comply with the side and rear setback requirements.
3. Site lighting to be designed so as to not glare in adjacent residential areas or onto public streets.

Ray Browning – 732 West Solomon Street

Mr. Browning said Mr. Slade, who is the agent for the applicant, is in the hospital for surgery on his knee and he is representing the applicant. It is obvious there is very little residential use on Airport Road. There are several retail establishments in the area. O & I use in this area would be the least intrusive use for the citizens living in the houses. Lighting is not a problem and most of

the O & I uses are closed in the evenings. The variances should not be a problem. While the setback is required at 100', nothing in the area is setback that far so it might be appropriate to consider that when making a decision on any new structures that might be placed on the property.

Discussion was held regarding the appropriate way to handle the setbacks, and it was decided to change the ordinance could possibly have a negative effect on the County as a whole and that the best way is through a variance.

Juanita Whatley – 120 Airport Road

Ms. Whatley said this property joins her property and she wants to be certain that the buffers, as required by the county, are enforced. She does not know what could be put on the property and her property is residential.

Mr. Taylor said the buffers are part of the ordinance. The garage encroaches on the buffer zone and unless a variance is approved, the owner will have to remove the garage and establish the buffer.

MOTION

Mr. Youmans made a motion to approve Application #07-20Z with the conditions recommended by the staff. 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.

HIGHLAND VILLAGE SUBDIVISION

Consider Extension of preliminary plat for Highland Village Subdivision – Ray Browning.

Mr. Taylor said this is another request for extension for a subdivision. When the plat was first presented, there was some discussion regarding road alignments and other things. The Planning Commission approved five lots that faced on existing road frontage with the condition that all departments signed-off on the plat. The Water and Sewerage Authority was one that had to approve. The County and the applicant have had several discussions regarding provision of sewer to the site. There are capacity issues with the existing plat. The engineer advises that there is not sufficient capacity to accommodate additional lots. That is still the case. There is the potential for tying the area into the City sewer system. There has been no movement to provide sewer to this particular area. The staff recommends approval to continue the preliminary plat with the sewer issue still pending. There will be no houses being built on the site until that issue is resolved. Approval with the same conditions as originally established is recommended.

Ray Browning – 732 West Solomon Street

Mr. Browning said with the original application this was gone over in great detail. At that time, he agreed to reduce the preliminary plat to the first five lots because that is what is needed to relieve some debt. There is capacity that exceeds the five requested houses. The discussion held at the County Commission meeting was that they wanted to hold in reserve some of the sewer capacity in case the Highland Mill would be developed into a grand plan. Highland Mill is in the process of being demolished. He has been in good faith negotiations with the County and he thinks it can be resolved in the very near future. According to the County engineer, there is capacity for approximately 8 to 10 houses.

MOTION

Mr. Youmans made a motion to extend the preliminary plat approval for the period requested. The motion passed on a second by Mr. Chastain with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

S/D #07-06: Evans Woods – Chuck Evans, Owner – 75.08 acres off West Ellis Road and Campground Road locate din Land Lots 7 and 26 of the 1st Land District – 19 lots.

Mr. Taylor said the Planning Commission had copies of the revised staff report. The owner has found a buyer for four of the lots and has taken that out of the subdivision proposal. The balance of the subdivision is what is under consideration at the present time. The plan is now for 15 lots rather than 19. The four removed lots were identified for the Commission members.

MOTION

Mr. Chastain made a motion to approve S/D #07-06. The motion passed on a second by Mr. Youmans with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

S/D #08-01: Ellis Farms – Jerry and Tony Ellis, Owners – 42.296 acres off Rehoboth Road and Barnesville Road located in Land Lot 87 of the 3rd Land District – 5 lots.

Mr. Taylor said this application is for Ellis Farms. The recommendation is for approval. The location should be for Rehoboth Church Road and Barnesville Road. The staff report is in the process of being corrected and will be in proper form before the County Commission meeting. The staff recommendation is for conditional approval. There is an ongoing issue with fire hydrants in small subdivisions. There is some question regarding whether or not the developer has to install fire hydrants and if they are required, when they have to be installed so they want to condition approval on the fire hydrants being installed on whatever policy the County Commission approves.

MOTION

Ms. Bailey made a motion to approve S/D #08-01 conditioned on installation of fire hydrants in accordance with the policy established by the County Commission. The motion passed on a second by Mr. Chastain with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

Amendment to UDO #A-08-01: Quarterly adoption of the official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

Mr. Taylor said this is the adoption of the official zoning map. This reflects zoning that has been done over the past six months and reflects the corrections of any mistakes that have been made. They have found some corrections that needed to be made. If further errors are identified prior to the County Commission meeting, they would like to make those corrections also.

MOTION

Mr. Youmans made a motion to approve Amendment to UDO #A-08-01. 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.

Amendment to UDO #A-08-02: Article 17B. AAR Active Adult Residential – amend development review and approval process for subdivision approval.

Mr. Galloway said that last year the County experimented and implemented a revision to the ordinance which allowed certain permits to be issue prior to final plat approval. It was limited to

the AAR zoning. There has been a year of experience and the County has decided that it is not working and needs to be revised. This change will require approval like all other zonings require. Minerva and Pulte have been notified and have expressed no problems. This will become effective on April 1 which will give them time to cover anything that is in process.

MOTION

Mr. Youmans made a motion to approve Amendment to UDO #A-08-02. The motion passed on a second by Mr. Traer with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

Amendment to UDO #A-08-03: Article 5. AR-1 Agricultural and Residential Section 503:A(8) and Article 11. R-5 single Family Residential – Section 1103:A(8) – amend permitted uses to allow Class A Manufactured Home by right when replacing an existing manufactured home.

Mr. Galloway said that when the text was changed anyone with a mobile home wanting to replace that home had to get a special exception approval. The County Commission received a lot of complaints. If it was a mobile home replacing a mobile home, it was generally approved. The text was amended to allow a replacement without a special exception. An issue has arisen where a family removed a manufactured home with the intent of building a substitute conventionally constructed home. After a period of time, they changed their minds and decided to purchase a manufactured home. Staff made the judgment call that this was not a replacement of an existing manufactured home and required that they apply for a special exception. County Manager confirmed this decision. That applicant approached the County Commission questioning why they did not fall under the existing manufactured home ordinance. The Board directed Mr. Taylor to draft an amendment to change the definition of existing. This amendment is to define existing. Mr. Taylor drafted a change that requires the application provide proof that they paid a utility bill for a mobile home on the property within the last 180 days and the home can be replaced. Mr. Galloway drafted a change that requires that the owner must provide proof that they have appropriately disposed of the previous mobile home and that the home was used within the past six months. The definition of existing will be that the home was there within the past sixth months.

Discussion was held regarding which of the drafted amendments will be the most appropriate.

MOTION

Mr. Chastain made a motion to approve amendment #3 to Amendment to UDO #A-08-03. The motion passed on a second by Mr. Youmans with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

Amendment to UDO #A-08-04: Article 5. AR-1 Agricultural and Residential District. Article 6. AR-2 Rural Reserve District, Article 7. R-1 Single-Family Residential Low Density District, Article 7A. R-1A Single Family Residential. Article 8. R-2 Single Family Residential District, Article 8A. R-2A Single Family and Two-Family Residential District, Article 10. R-4 Single Family Residential District. Article 11. R-5 Single Family Residential District, Article 11A. R-6 Planned Residential Community District and Article 13. C-1A Neighborhood Commercial – amend Personal Care Homes as special exception use; Article 12.C-1 Highway Commercial, Article 14. C-1B Heavy Commercial and Article 19. O-I Office land Institutional District – Amend Personal Care Homes as a principal use.

Mr. Taylor said last year the Board of Commissioners had placed a moratorium on personal care homes. The County was receiving a lot of requests for personal care homes and they felt it

necessary to review the requirements. They wanted to tighten the restrictions on personal care homes to ensure that the home meets certain standards. This ordinance is to serve that purpose. Mr. Galloway said the text has been strengthened regarding what is required to have a personal care home. They have also expanded the use into more residential districts. Mr. Galloway said the amendment follows and tracks the DHR regulations. He reviewed the changes that are proposed.

LaSandra Owens and Diane Blane – 324 Atkinson Drive

Ms. Owens spoke regarding this Amendment. She stated that she talked with Mr. Taylor in June and advised him of their plan to regarding a house they wanted to purchase and asked if a personal care home was allowed. He advised them regarding the zoning, and since the personal care home was allowed, they purchased the house. They closed on the house on July 31 and she came to the County office to try to purchase a license and she was advised of the moratorium. She attended a Commission meeting and they advised her that they were working on an ordinance and that it should be ready by October 31, 2007 and that date was later extended until February 29, 2008. They have looked at the DHR rules and have acted in accordance with those regulations. She has kept in contact with Mr. Taylor because they have had expenses with the mortgage payments. They plan to have 24-hour supervision. The staff will not be sleeping on the premises. The house they purchased has four bedrooms, but they will only be using three bedrooms. The fourth bedroom is being used as an activity room. They will have either three or four clients. One of the bedrooms is large and could be used for two if they choose. The staff will work 8-hour shifts. She wanted to know what she would be allowed with the new regulations. She is in an R-4 zone, and the house is a little over 1500 SF. The house is furnished. The fire marshal has visited and he advised that there could be no more than five people. Environmental Health visited for a septic tank inspection and he advised that they could have either four or five people. She had an electrician and they have approved the electrical work. Ms. Owens said she does not plan to have anyone living on the premises except the patients or clients.

Mr. Galloway said the ordinance was drafted with the thought in mind that a couple would be living in the facility in addition to the patients. Consideration could be given to draft the amendment so that there could be no more than a certain number, which could include those living there on a full time basis.

Mr. Chastain suggested that the proposed number be increased by 2 that could live on the premises and that could include the staff.

Mr. Taylor said they would have to state that it could not exceed 6 patients because that would exceed the DHR regulations.

Mr. Galloway said with that amendment to the draft they should be ready to move forward.

MOTION

Mr. Chastain made a motion to approve Amendment to UDO #A-08-04 with the change regarding the number of residents/patients as discussed. The motion passed on a second by Mr. Youmans with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

MINUTES

Mr. Chastain made a motion to approve the minutes of the December 11, 2007 meeting. The motion passed on a second by Mr. Youmans with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer 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. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

Ed Johnson – Chairman

Yvonne M. Langford - Recorder