

**SPALDING COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**April 29, 2008**

The Spalding County Planning Commission held its regular monthly meeting on April 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. Chad Jacobs, Senior Planner, did not attend 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.

**Amendment to FLA-08-01:** Fayette Environmental, LLC, Owner – Bucksnot Road (28.428 acres located in Land Lot 115 of the 3<sup>rd</sup> Land District) – from Forestry to Industrial.

**Application #08-02Z:** Fayette Environmental, LLC, Owner – Scarbrough Development, Agent – Bucksnot Road (28.428 acres located in Land Lot 115 of the 3<sup>rd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-2 Manufacturing.

These two applications were considered together.

Mr. Taylor identified the location of this property on the map. In studying this area, they anticipate additional requests for industrial uses in this area due to the location of a landfill site. This rezoning will have the effect of establishing a transitional zone between the landfill and residential areas. The staff is recommending conditional approval. The conditions are as follows:

1. A minimum 100' natural vegetated buffer shall be provided along the property lines of lot 5.
2. If a single detention pond is used for the development, a reciprocal maintenance agreement will be provided to Community Development at the time of the final plat.
3. Site lighting to be designed so as to not glare in adjacent residential areas or onto public streets
4. Acceleration/deceleration lane will be provided along Bucksnot Road.

Mr. Johnson said he is not aware of any recent re-zonings in the area except something that was grandfathered. He is not aware of anything in the area that is trending anyway other than residential.

Mr. Taylor identified the industrial sites in the area. Discussion was held regarding the amount of truck traffic in the area. Mr. Youmans said he does not know of anyone that wants to own a home on that road. He is not opposed to anyone that owns property being able to establish something of value that will not scar the County.

Mr. Taylor said the houses along the road in these areas are set back far and he does not feel the additional traffic will have a great impact. The issue of impact is a visual one. Some of the areas are unsightly. Additionally, there is an odor from the landfill.

Discussion was held regarding the impact of the traffic and the need for improvement to the intersection. Mr. Taylor noted that the intersection improvement is included in the transportation plan at an estimated cost of \$1.6 million.

Mr. Johnson said at one time, there was discussion that the landfill operator was going to acquire the residential lots that are immediately abutting this property on Bucksnot Road. He questioned whether or not that was still under consideration. Further questions were asked regarding the zoning of the Butts County property in the area.

Donna Black – 270 North Jefferson Davis Drive – Fayetteville, Georgia

Ms. Black stated that she was representing Fayette Environmental, LLC regarding this matter. She said this change is being requested to put in a forest material recycling operation. This is a desirable transitional use of the property. They do not plan to do any landfill operations. They will be grinding forest waste materials. They own a small piece of land at the intersection and will cooperate with the County by making it available for intersection improvements. The grinding operation will be placed at the rear of the property adjacent to the landfill. They may use the front property for small light industrial uses such as an electrician shop. There are plans for four such buildings.

Mr. Johnson said there was a request for a small grinding operation in another area which the staff recommended that it not be approved because of the residences in the area. He questioned the inconsistency because there are residences in this area.

Mr. Taylor said he would have to review the other application, but he thinks there were residences much closer to the other application site.

Mr. Johnson said the residences are much closer to this property than on the previous application.

Mr. Taylor said the plans are for this operation to be put at the rear of the property which will make them further away. The other site was only three acres and this site is 28 acres.

Mr. Johnson said he was uncomfortable with the potential noise for the residents in the area. He favors the idea of the landfill owner purchasing the other residences in the area which would eliminate the issue. He wanted more information regarding whether consideration is still being given to that purchase.

Mr. Taylor said the staff will research any additional information the Board would like to have and bring it to the next meeting.

Mr. Johnson said he would like information regarding any plans for the residential lots and wants information regarding the noise generated by the grinding operation. The Board, additionally, requested information regarding Butts County zoning in the area.

Mr. Taylor said he researched stump grinders a few years back. They tend to be noisy. Usually, once you get 300 to 400 feet away, the noise impact is less. That noise level could have been reduced by this time.

Ms. Black said she has talked to people that operate stump grinders because she had concern regarding the noise. There are a number of different type grinders. They plan to use a conveyor feed grinder which is much quieter. They use rubber tire loaders which minimize the vibration from the equipment.

Mr. Johnson said he would like to have information on the grinders. He further requested a study of the area regarding whether or not the Future Land Use Plan should be modified for this area.

**MOTION**

Mr. Youmans made a motion to table Amendment to FLA-08-01 and Application #08-02Z until there is more information. 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 #08-03Z:** Jack L. Shaw and Ida F. Shaw, Owner – 240 Airport Road (0.66 acres located in Land Lot 117 of the 2<sup>nd</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low-Density, to C-1 Highway Commercial.

Mr. Taylor said this property is located on Airport Road. This area was recently changed on the land use map from residential to commercial. There was concern that the area would transition with commercial uses that are incompatible with the neighborhoods that are still very viable south of this area. Since then, there have been some changes to Office and Institutional. These residential structures are being re-used for businesses. This application is for a rezoning to commercial for use as a beauty shop in the residence. The O & I zoning does not permit beauty shops as a stand alone business. The beauty shop will probably not have any more impact on the adjacent neighborhood. There is concern that this will “ramp up” to have more incompatible uses in the area. For that reason, the recommendation is that the request be approved to C-1A which is the least intense commercial zoning district that will allow a beauty shop. The staff recommends conditional approval. The recommended conditions are:

- 1. A side yard setback shall be applied for and approved on the west side of the home
- 2. No additional curb cuts shall be allowed for the subject property.

Mr. Taylor said there is only one curb cut on the property at the present time.

Mr. Johnson said in looking at the plat, there appears to be two curb cuts.

Mr. Taylor said the Board could say there can be only one curb cut.

The Board members discussed the fact that there would be a one-way drive which would make it necessary to have a turnaround in the parking area.

Mr. Youmans said it appeared to him that it would be a safer operation if there were a circular drive.

Discussion was held regarding parking in the front. It was noted that the house is close to the property line, and it would be difficult to have parking in the rear. Other uses that would be allowed in this zoning were also discussed.

Jack Shaw & Ida Shaw – 3085 Morgan Dairy Road

Ms. Shaw said she wants to open a beauty shop at this location. She plans to have no more than one other person working at this location. She does not plan to work on Sunday.

**MOTION**

Mr. Chastain made a motion to approve Application #08-02Z to C-1A zoning with the conditions as recommended by staff with the additional condition that it be restricted to a beauty shop only. 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-08-07:** Article 7. R-1, Article 8. R-2, Article 10. R-4 and Article 11. R-5 – amend to allow Child Care Placement Facility as a Special Exception use in single-family residential districts.

Mr. Galloway said this amendment is being initiated at the request of Satonya Payne. He has not had time to compare the ordinance changes with any State regulations dealing with homes for foster childcare. He wants to be able to incorporate State regulations into the ordinance as much as possible. His recommendation is to table this application for one month to give him the opportunity to review the State regulations. Ms. Payne wants to talk with the Planning Commission to discuss her plans for this zoning. He has advised her that it is at the discretion of the Commission whether or not to table.

Satonya Payne – 201 South Stewart Lane – Griffin, Georgia

Ms. Payne furnished information regarding the program she wants to initiate in Spalding County. She is familiar with the State regulation because she is a State employee. She has a problem with this being called a childcare placement facility which is a facility for ten or more children. The home that she will be using will only house 10 or less. She would like to get that corrected. She has received information from the office of regulatory services and she has completed the orientation training and is familiar with their rules and regulations. She meets the specifications as outlined in their information. This will be a childcare home and not a childcare facility. The children will need to be kept in a confidential residential setting according to the guidelines of the regulations. They have spoken with some of the community members and they support the home being allowed in their community. She has spoken with other citizens in Spalding County and they are in agreement with the plan. She talked with DFACS and Spalding County Juvenile Justice System and they are aware of and in support of what she is trying to do. If this is allowed, she will reserve space for Spalding County. There are similar facilities in Clayton County. She could open in that area, but since she was born and raised in Spalding County she wants to bring this service to Spalding County. There is a need for this service in Spalding County. Discussion was held regarding the program and the anticipated success rate. The fiscal year begins July 1 and she is trying to get this program funded in the budget for next year.

Mr. Galloway said this can be on the May Agenda for the Planning Commission and the County Commission will be able to consider it for their June meeting.

The house the has been identified for this Special Exception is located at 104 Megan Place and is a 1525 SF residence that is owned by Tonya Ellis. The house is presently empty.

#### **MOTION**

Mr. Chastain made a motion to table Amendment to UDO #A-08-07 until the next 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.

Ms. Kandrics Daniel – 1111 Briarcliff Street

Ms. Daniel asked to be able to address this application after the vote was taken. She was allowed to speak. She is the mother of LaTonya Payne. Ms. Daniel stated that she and Ms. Payne's father were raised in Griffin. They are tax-paying citizens of Griffin-Spalding County, and they are homebuyers for 29 years. They raised four children and are working with their grandchildren. She is a bus driver and he works for the recreation and parks department. They always told their children that they would have equal opportunity as long as they strived to make their life better. Ms. Payne wanted to go to school to be a schoolteacher, but it so happened that she got into the justice system. She would appreciate it if this amendment be considered. There is a need for a place for girls like this in Spalding County. She and her husband have coached softball for over 20+ years and she is still with the basketball association in Spalding County. There is an urgent need for some supervision for the children in Spalding County, both boys and girls, especially among the blacks. It is sad for a child to be pulled from Spalding County and sent to Clayton County when they could have a facility right here close to the parents and family. She asked that her daughter be given a chance to improve some lives in Spalding County.

Consider initiating rezoning of property located at 70 Courtland Road (2 acres located in Land Lots 53 and 44 of the 1<sup>st</sup> Land District) – rezoning from AR-1, Agricultural and Residential, to R-1, Single Family Residential Low Density.

Mr. Taylor said on occasion the County initiates rezoning and this is one of those times. This was identified due to some legal issues. This is a unique situation and will not set a significant precedent. A property owner had land with a house. In 1998, the property owner came in with a plat and requested a permit for a new house. The department issued the permit based on the plat. The house was built, but the plat was never recorded. At the time, in AR-1, the County zoning ordinance allowed one-acre lots. It now requires three-acre lots. There are now two houses on one property which is illegal from a zoning standpoint. He was not grandfathered because he never recorded the plats. In 1998, the ordinance only allowed one house per lot. Community Development should never have issued the permit until the plat was filed. There is some division of the property going on within the family and is it necessary for the property owner to file the plat that was never filed. A letter was sent saying that they had created an illegal zoning parcel. The owner came to the County and advised they had two houses on the property and explained the situation. He is concerned that he cannot re-build if the home is destroyed. Under the ordinance, he cannot because it is illegal. Given the fact that the Community Development Department issued the permit in 1998 and the amount of time that has expired, Mr. Galloway feels that it would be unenforceable to not issue a permit to rebuild. Given all the issues it would be best to make the sites legal. They have been paying taxes on both houses.

Discussion was held regarding the error that had been made and why rezoning was necessary and what would happen if the homes were destroyed regarding replacement.

#### **MOTION**

Mr. Chastain made a motion to approve the rezoning of property located at 70 Courtland Road. 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.

Consider initiating rezoning of property along Macon Road as follows:

Parcel #229-02-003, 229-02-003F, 229-01-003, 229-01-009, 229-01-010, 229-01-011, 229-01-013, 229-01-014, 130-07-012, 130-07-016, 130-07-001 and 130-07-003 – from C-2 Manufacturing to O & I, Office and Institutional.

Parcel #130-07-014 – from C-2 Manufacturing & AR-1, Agricultural and Residential, to R-3, Multiple Family.

Parcel #130-07-002 – from C-2 Manufacturing & AR-1, Agricultural and Residential, to AR-1, Agricultural.

Parcel #229-01-041– from C-2 Manufacturing & R-2, Single Family Residential, Agricultural and Residential, to R-2, Single Family Residential.

Parcel #130-09-001A – from C-2, Manufacturing, & C-1, Highway Commercial, to O & I, Office and Institutional.

Parcel #229-01-015 and 229-01-024 – from C-2, Manufacturing, & AR-1, Agricultural, to O & I, Office and Institutional.

Mr. Taylor said these re-zonings are due to applications that have been received for property on Macon Road. He said this area has been discussed by both the Planning Commission and the Board of Commissioners. There is quite a lot of land that was zoned C-2 when this was Highway

41. The zoning in the area is basically agricultural and residential. The uses in the area are somewhat mixed. The character of the area is rural and Office and Institutional in nature. There are churches, an elderly care facility and similar that has been established along the corridor along with subdivisions. The area is developed completely incompatible with the C-2 zoning. This recommendation is for different zoning dominated by Office and Institutional which is the most intense zoning that would be recommended for these properties and is consistent with some of the uses that have developed. It is not consistent with the Future Land Use Map which calls for the area to be residential and agricultural in nature. If this is approved, the recommendation is to adjust the land use map to reflect the change. It would take the property adjacent to the church that was discussed for rezoning back to a lighter commercial O & I use.

Discussion was held regarding why the FLUM was not being approved first as is customary. Mr. Taylor said since this is County initiated, they can do both at the same time. There was some urgency about getting the zoning in process as quickly as possible.

#### **MOTION**

Mr. Chastain made a motion to approve the rezoning of the property on Macon Road and to bring the changes to the Future Land Use Map to the next 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.

#### **MINUTES**

Mr. Youmans made a motion to approve the minutes of the March 25, 2008 meeting. 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.

#### **ADJOURN**

The meeting was adjourned on a motion by Mr. Youmans and a second by Ms. Bailey 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