

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
December 9, 2008

The Spalding County Planning Commission held its regular monthly meeting on December 9, 2008 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: John Youmans, Vice-Chairman, presiding; Janet Bailey; Frank Chastain and David Traer. Ed Johnson was not present.

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 was not present.

Mr. Youmans 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 #08-12Z: Lift from the table - William W. Maner, Owner – Spalding County Board of Commissioners, Agent. Hammond Road (2 acres located in Land Lot 10 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-2 single Family Residential.

MOTION

Mr. Chastain made a motion to lift Application #08-12Z from the table. The motion passed on a second by Mr. Traer with Ms. Bailey, Mr. Chastain, Mr. Traer and Mr. Youmans voting for the motion.

Mr. Taylor said he had met with Mr. Galloway and Mr. Maner, and Mr. Maner had an old deed that had been recorded in error. Georgia Law allows you to correct a deed filed in error so Mr. Maner will be able to get the second lot by filing a corrected deed at the courthouse without going through this zoning. The recommendation is to table this application indefinitely.

Mr. Galloway said the legal description attached to the deed was defective. Mr. Maner acquired a 6.3-acre tract approximately 60 days prior to Spalding County changing the rule requiring three acres in AR-1. About 30 days before the ordinance changed, Mr. Maner received a construction loan in which he gave a security interest in property for the house construction. The legal description on that deed to secure debt divides the property into two tracts; one that is 4.3 acres and one that is 2.0 acres. The legal description on that deed references the two tracts by number on the plat. The problem is that the plat was never filed. There is documentation of record predating the three-acre requirement showing the existence of a two-acre tract.

MOTION

Mr. Traer made a motion to table Application #08-12Z. The motion passed on a second by Ms. Bailey with Ms. Bailey, Mr. Chastain, Mr. Traer and Mr. Youmans voting for the motion.

Application #08-14: Speedway Holdings, LLC, Owner – Keith Kenney, Agent – 2570 North Expressway (8.254 acres located in Land Lot 102 of the 3rd Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Mr. Taylor said this property is the old Speedway Dodge, and Mr. Kenney wants to purchase the property and use it for a collision center. In order to do that, he will have to rezone it for the proper zoning. The staff recommendation is for conditional approval. The conditions are:

1. All site lighting will be provided so as not to glare on the adjacent property.
2. All outdoor storage shall be kept neat and orderly.
3. No auto salvage shall be allowed or salvage of auto parts.

Mr. Kenney – 8 Liberty Hill Road

Mr. Kenney said they want to have a used car lot and body repair shop to include mechanical repairs which is basically what was being done on this site prior to closing. They will be using the existing lighting. He has no problems with the conditions.

MOTION

Mr. Traer made a motion, seconded by Ms. Bailey, to deny Application #08-14. The motion failed with Ms. Bailey and Mr. Traer voting for the motion and Mr. Chastain and Mr. Youmans voting against.

There were no other motions. The Application will be forwarded to the County Commission with no action.

Amendment to UDO #A-08-22: Article 9. R-3 Multiple Family District – amend to allow single-family residential dwellings in R-3 District on lots of record.

Mr. Taylor said there are a few R-3 lots and some of them were subdivided into lots similar to residential lots. As the R-3 ordinance was changed, single-family residential uses were excluded. By applying the ordinance to lots of record, they cannot meet the setback or lot size requirements. This ordinance will allow someone that owns a lot with the R-3 zoning to build a single-family house on that existing lot of record. The house will have to meet a minimum square footage of 1500, and as with other residential districts, the ground floor will have to be a minimum of 1250 SF. There are approximately 7 undeveloped lots that will be affected.

MOTION

Mr. Chastain made a motion to approve Amendment to UDO #A-08-22. The motion passed on a second by Ms. Bailey with Ms. Bailey, Mr. Chastain, Mr. Traer and Mr. Youmans voting for the motion.

Amendment to UDO #A-08-23: Article 5. AR-1 Agricultural and Residential District, Article 6. AR-2 Rural Reserve District, Article 17. R-1 Single-Family Residential Low Density District, Article 17A. 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 and Institutional District – amend Personal Care Homes as principal use.

Mr. Taylor said earlier this year the County addressed the Personal Care Home issue. An ordinance was adopted that required all Personal Care Homes to go through a special exception procedure. Rules were adopted to regulate the homes. In mid summer, an application was made for a Personal Care Home in the Davidson Drive area. A lot of the people in the neighborhood

opposed the application. The Commissioners agreed the ordinance needed additional consideration. Personal Care Homes in neighborhoods had strong opposition. A workshop was held with the Board of Commissioners to discuss the action that needed to be taken. This Amendment incorporates the changes that were made subsequent to that workshop. The smaller homes are being eliminated and there is a certain ratio of residents to bathrooms that will have to be met. If a Personal Care Home is proposed in neighborhoods, the owner will have to live in the home. This will require that the Personal Care Home in neighborhoods to be run more like a home occupation than a business. This will also restrict the number of people in a bedroom to three. These requirements will not be retroactive to Personal Care Homes that have already received approval. There are presently 18 Personal Care Home.

MOTION

Mr. Chastain made a motion to approve Amendment to UDO #A-08-23. The motion passed on a second by Ms. Bailey with Ms. Bailey, Mr. Chastain, Mr. Traer and Mr. Youmans voting for the motion.

MINUTES

Mr. Traer made a motion to approve the minutes of the November 11, 2008 meeting. The motion passed on a second by Ms. Bailey with Ms. Bailey, Mr. Chastain 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. Traer with Ms. Bailey, Mr. Chastain, Mr. Traer and Mr. Youmans voting for the motion.

John Youmans – Vice-Chairman

Yvonne M. Langford - Recorder