

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
July 29, 2008

The Spalding County Planning Commission held its regular monthly meeting on July 29, 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; Chad Jacobs, Senior Planner; Newton Galloway, Attorney, Bruce Ballard, Griffin-Spalding County School Representative and Yvonne Langford to record the minutes.

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.

AGENDA

Mr. Youmans said the agenda needed to be amended to include an additional Amendment to UDO #A-08-18.

MOTION

Mr. Chastain made a motion to amend the agenda to include Amendment to UDO #A-08-18. The motion passed on a second by Ms. Bailey with Ms. Bailey, Mr. Chastain, Mr. Traer and Mr. Youmans voting for the motion.

Application #08-07Z: Joseph P. Evans, Jr. and Marlea Evans, Owners – 868 Musgrove Road (7.085 acres, more or less, located in Land Lot 225 of the 3rd Land District) – requesting a rezoning from R-2, Single Family Residential, to AR-1, Agricultural and Residential.

Mr. Taylor said in reviewing the application, staff finds that it is in harmony with the Future Land Use Map and comprehensive planning and zoning, and the recommendation is for approval.

MOTION

Ms. Bailey made a motion to approve #08-07Z. The motion passed on a second by Mr. Traer with Ms. Bailey, Mr. Chastain, Mr. Traer and Mr. Youmans voting for the motion.

Application #FLA-08-02: Various Property Owners – Spalding County Board of Commissioners, Agent – Macon Road from Hudson Road to Wilson Road also known as the Macon Road Corridor – from Open Space Network to Low-Density Residential; Open Space Network and Medium-Density Residential to Medium-Density Residential; Medium-Density Residential and Open Space Network to Commercial; Medium-Density Residential to Agricultural; Institutional/Public and Medium-Density Residential to Institutional/Public; Medium-Density Residential to Commercial; Open Space Network and Medium-Density Residential to Institutional/Public; Industrial to Commercial; and Open Space Network to Medium-Density Residential.

Mr. Taylor identified the area that is proposed as a change in the Future Land Use Map and located the various proposed designations for each area. He reviewed the present development in this area. He noted that this is not a request for re-zoning.

Dick Morrow – 715 West Solomon

Mr. Morrow said he was addressing a tract of land he owns on the lower part of the area being discussed. He purchased this tract of land about a year ago. It was zoned industrial and he did not think that was the appropriate use for the site. His plan was to request zoning from C-2 Industrial to C-1 Commercial because he felt that was more in keeping with the neighborhood. The engineers have completed the sewer work for the project. There is sewer across the road at the Deer Creek Subdivision. There is an old house that needs to be removed, and he is beginning that clean up. There are a lot of commercial uses that would be

appropriate for the area; barber shops, dry cleaners etc. What does not fit there are “nice sounding” things such as medical and professional offices. They belong downtown, next to the hospital or next to the courthouse where attorney’s offices belong. Mr. Morrow presented a plan for a commercial development that he would like to have on this site. Spalding County needs more businesses and more jobs. This development, in today’s market, would cost between \$2.5 and \$3 million dollars. The economy is not favorable at this time and they are waiting for a turn-around before beginning the project. When the development is finished, it will create 30 to 40 jobs. He requested the Planning Commission recommend a change from Industrial to Commercial for this site. There is not much demand for Office and Institutional. You can put a Class A Manufactured Home with 1000 SF heated or a two-family dwelling, industrialized Class A Manufactured Home, cemetery, funeral home in O & I. O & I is not what needs to be there. He would be willing to restrict it to no automobile repair or that sort of “messy” operation. This has great value to the County for jobs and business as commercial and requests that zoning be put on this property.

Tracey Couch – 1155 Macon Road – Did not speak.

Edward Parker – 1155 Macon Road – Did not speak.

MOTION

Mr. Chastain made a motion to approve the map recommended by Staff for FLA-08-02 and forward to the Commissioners. The motion passed on a second by Mr. Traer with Ms. Bailey, Mr. Chastain, Mr. Traer and Mr. Youmans voting for the motion.

Application #FLA-08-03: Various Property Owners – Spalding County Board of Commissioners, Agent – Intersection of Bucksnot Road and Bailey Jester Road within a ½ mile radius – from Agricultural, Forestry and Open Space Network to Industrial.

Mr. Taylor said this is a request to look at the general area around the Butts County Landfill. This is due to the zoning request for the corner of Bucksnot Road and Bailey Jester Road. They looked at a ½ mile radius circle around that intersection. This includes all the property that falls within that radius. This represents the most immediate area impacted by the landfill. The existing land use in the area is agricultural and forestry. There is some industrial use in the area presently. The most recent action taken by the County is a rezoning of the property owned by Buck Nekkid Company. That was zoned to industrial a couple of years ago. There is pending action before the Commissioners for a proposed zoning on property just south of that property. One of the uses for that site would be a grinding operation to make mulch. Industrial and commercial proposals are going to continue to be submitted for the area due to the impact of the landfill. When staff studied the area, they considered the impact the landfill had on the area and proposed it for future industrial. Any industrial expansion of the area will bring about some need for improved infrastructure to include intersection realignments at Bucksnot Road and Bailey Jester Road. There will probably be a need for waterline improvements to create the capacity for industrial use. The cost for the improvements will probably be \$10,000,000. They had some input from the residents in the area, and they have responded to some of their concerns by leaving some residential and green space that was being considered for industrial. They will have some green space buffer of the industrial area. There were 759 acres in the study area.

Discussion was held regarding how this amendment to the Future Land Use Map would impact the area. It was noted that this would not change the zoning but would indicated the trend in the area.

Bobbie Gaddy – 286 Bucksnot Road

Ms. Gaddy wanted to know how this would impact her property.

Mr. Galloway said the amendment to the Future Land Use Map would not rezone her property. The Future Land Use Map is designed to be a guide the County can use to assess future land use changes in the area. This change would be saying that because of the existing landfill in Butts County the trend toward development is more than likely going to be industrial type use over time.

Ms. Gaddy said the landfill is enough for the residents in the area, and they do not need any more problems. This is a nice community. They do not need this. The roads are not big enough to accommodate the 18-wheelers they have now taking the shortcut to I-75. There are school buses meeting those 18-wheelers. There is a lot to be considered before you put low-density commercial out there. What will they have? The same thing they have on Newton Road, junkyards.

A lengthy discussion was held regarding the impact on the area. It was noted that this is a long-range planning tool and that the County would use this map to plan infrastructure for this area. This does not mean that the zoning will be changed immediately but would indicate the area that might possibly be more appropriate for industrial rather than residential or agricultural.

Ms. Gaddy said she hopes the County will change their planning for this area and leave it as it is presently.

Jesse Maddox – 301 Bucksnot Road and 381 Bucksnot Road

Mr. Maddox said the property that was being divided was his property. He is sitting watching them divide his property. He is not as old as some of the people present but family wise there is no one that knows more about this area than he does. He fought the regional landfill that is in this area. He was on the board for five years trying to keep that out. Spalding County did have an impact on it because the Board of Commissioners said it was not in Spalding County so it won't bother us so go ahead and build it. Some of the Commissioners even went to Michigan to look at the landfill there. They thought it was a real good idea except the landfill that was up north had no comparison to the landfill in Butts County. The proposed Future Land Use Map divides his family's property by almost 50%. He is never going to sell. The landfill company tried to buy him out 20 years ago. He would not sell, has no intention of selling. Some of the residents have moved to the area since the landfill was put in operation. They knew the landfill was there and they would have to contend with it. Carden Brothers bought out the Meza's who sold out to the landfill. It seems things are backwards. The company that bought Carden Brothers went out of business before it was ever rezoned. That is backwards. The property that is coming up for rezoning now is the same thing. Something is wrong with the system because it is backwards. I know there is nothing that can be done with the landfill. I fought it for years and tried to keep it from being there. That was not even their first proposed site but because the Board of Commissioners of Spalding County said it won't have any impact on us because it is not in the County they approved it. Then they could not go back and recant because they were afraid of lawsuits. Maybe nothing will happen for 20 or 30 years. The only thing I see is a shortcut so the Boards won't have to go through this same process over and over and over. He will never sell his approximately 45 acres. The property to the east of him; the house and lake, are owned by the landfill company. The stretch of property between Bucksnot Road and the landfill belongs to Dr. King. It can't be used for anything. It is a buffer between Bailey Jester Road and the landfill. He requested that this application not be approved. If a company wants to industrialize, then let them do it on an individual basis. Every improvement has a direct impact on his family; widening of the roads, new waterlines. They have been through this before. They want to condemn his well to put in the pipeline. They want to condemn his property to widen the road. Every time they want to do something out there he is directly affected by his property being condemned. Bailey Jester Road is not the original place for that road. It is not on the map but his Dad's driveway originally was the road that went to Mr. Bailey's house. He wanted to get out of the mud, and they were going to condemn his property to widen the road. He requested that it be left the way it is. He does not see anything that will improve their living conditions or property value.

Joy Goins – 500 Bucksnot Road

Ms. Goins said just like all the neighbors they purchased their house because they liked the area. They would like it to stay the same. Her concern is the operation across the street that is going to interrupt the family across the street. This is the grinding operation. She wanted to know if the buffer was going to decrease the noise.

Mr. Taylor said buffers have two purposes. They are noise buffers and visual buffers.

Ms. Goins said when roads are widened, you take portions of people's property and she is concerned about her property.

Mr. Taylor said there are lots of ways to widen roads. Even with industrialization of that area, he does not see a two-lane road becoming a four-lane road. The road is narrow and the type of widening that is going to be needed is lane widening which can often be done within the existing right of way. They won't know for certain until further study is done. Planning ahead saves problems later.

Ms. Goins said they left the bushes and foliage along the road of their property so the view of their home would be screened. They like for the children to ride their bicycles and stay in the yard. She is concerned that they will take away her privacy when the road is widened. She wanted to know what the widening will do to their property taxes. What will the change in the waterlines do to their rates? She is also concerned about the traffic direction.

Mr. Taylor said unless otherwise restricted traffic will likely stay as it is presently. It can be restricted with zoning conditions. If the traffic is restricted, you will not have any less traffic it will just mean that it will come from one direction.

Ms. Goins said she is concerned about the large trucks.

Mr. Taylor said one of the reasons they are looking at the intersection with some lane widening is that if the County makes a commitment that the area should be industrialized the most immediate impact of the development in the area will be the traffic. There will be more trucks and automobiles on Bailey Jester Road. Expansion of the landfill, which is probably going to happen, is also going to put more demand on Bailey Jester Road.

Ms. Goins said with the landfill they worry about the contaminants in the water and wanted to know if the grinding operation was going to impact that further.

Mr. Youmans said the grinding operation plans to bag their product and ship it out.

Mr. Taylor said they have not seen anything that would increase user demand for water from the grinding operation. The County needs to consider water improvements to the water system in the area so industrial growth will not impact water usage in the area.

Ms. Goins asked if zoning industrial would have an impact on their taxes.

Mr. Taylor said he could not say whether it will increase or decrease her taxes indirectly. It would probably be dependent on whether or not her property was rezoned and developed as industrial.

Ms. Goins asked how much of her property could be taken for road widening.

Mr. Taylor said it would depend on the widening project. He does not anticipate a major widening to a four-lane road. There is going to be additional right of way for the intersection. If it going to be a significant traffic generator, then ultimately they may four lane Bailey Jester and Bucksnot Roads from Highway 36 to Highway 16 which will be a significant impact on those properties. That is not something that is under consideration at this time.

Reba Edge – 280 Bucksnot Road

Ms. Edge said there have been several things said regarding the area being highly sought after because of the landfill. What makes the landfill a draw for companies?

Mr. Youmans said actually the landfill is detrimental to the property values and if you really have a choice, most people would not choose to live right by a landfill. By changing the land use map and the land use map only, nobody's property is going to be rezoned to the industrial classification. It makes it more desirable in that regard for commercial type development.

Ms. Edge said there are people living there now. Who is going to want to come to this area? Why is it desirable?

Mr. Youmans said because it is large tract of land close to I-75.

Ms. Edge said maybe it is because there are things you do not want in the city limits but will allow on the outskirts of the County. Why does Spalding County want to transition that land from residential to industrial?

Mr. Galloway said the Butts County land had proximity to Highway 16 and I-75 which made it attractive for use as a landfill. Once the property is identified and used as a landfill, there are negative impacts on the adjoining residential property. Those impacts are nuisance impacts. One of the things zoning seeks to do is assemble like uses. You try to keep residential uses close to residential uses and try to keep non-residential uses isolated from residential. When this is developed and there are existing uses, there are immediate impacts. The presence of the landfill makes a zoning case for a non-residential use better. The property in this area is going to be sought after for non-residential uses. A landfill is probably not going to impact agricultural uses but the reality is that there is very little true agricultural use in Spalding County.

Mr. Galloway addressed Mr. Maddox's comments regarding the Meza Property. The Meza property had been sitting as an industrial non-conforming use after the zoning ordinance was adopted. The Meza Property had been there for years. Mr. Meza had died and Ms. Meza did not carry on the business. The County had this tract of industrial use property. Carden wanted to use the site. The property was not rezoned. The Cardens were required to get a variance to reinstate a non-conforming use. The County did not want to have industrial zoning on the map. When Carden wanted to sell, they wanted to modify uses on the property. The County could no longer say the property was protected by non-conforming use. The property had to be rezoned.

Mr. Taylor said the silt fence company did not want to purchase the property unless they could have the ability to expand the current facilities. When the property was proposed for rezoning, they looked at the adjoining uses and in this case it was the landfill.

Ms. Edge said the landfill is in Butts County. Does what Butts County do with their land use dictate how Spalding County decides?

Mr. Galloway said it does not dictate, but it is a factor. If the landfill went in now, they would have to go through a process overview by the Department of Community Affairs and the Regional Development Center for dealing with Development of Regional Impact which would require formal comment from Spalding County.

Ms. Edge said this appears to make a quicker process for someone to request zoning to be changed because it is already on the land map usage. Because her property is not in the proposed zoning, she is not going to be one of the people that will be offered a lot of money for her property. She is going to be the person impacted just like the people were impacted that were surrounded by the landfill. She is not going to be able to do anything with her property. She will not be able to sell it. She does not know what dictates the value of property that is being purchased. If industry continues to grow, there is not going to be any property left for people that want to purchase small acreage tracts. She would like to see this property remain as it is. Realistically she does not think that is going to happen. You talk about the cost of the infrastructure and that is going to be shared by the industry that locates there and the local landowners. How does that work; how is that going to be shared?

Mr. Taylor said everything that the County does is paid for by the residents. Sometimes it is in the form of taxes; sometime it takes the form of user fees. Tax dollars go toward road improvements. Any industrialization in the area is going to demand a certain amount of improvement in roads and other things that have already been discussed. That cost is something that the industrial users can share. The more there are the more you have paying into the "kitty" that pays for the infrastructure improvements that have

to be made in the area. The burden will be shared by the residents and the industrial users. If you expand and have a lot of industrial users, you have a broader base to share the burden.

Mr. Galloway said by Georgia Law the County would be allowed, as a condition of the zoning, as these develop to impose specific cost recovery requirements from the developers themselves so long as they do not constitute what is identified in the statute as system improvements. The industry is also subject to impact fees. Generally, everyone pays into one fund for funding these projects. The residents in this area will not be charged more than residents in another area.

Ms. Edge said people are not supposed to use that road as a through road but they do. It is dangerous. It will have to be improved. She would like to see Bucksnot Road dead end from High Falls Road. She would like for the improvement to widen Bailey Jester and limit access to the industries to Bailey Jester or Bucksnot if they are located on Bucksnot Road. She identified on the map the route she would like for the traffic to have to take.

Brian Granger – 488 Bucksnot Road

Mr. Granger said he and his wife purchased their property just over a year ago and have invested money in remodeling the house. They basically prefer to live in the country. They like it very much. They knew the landfill was there when they purchased but it basically has very little impact. There is some noise but the odor very rarely is a problem. He understands, in a general sense, that a landfill is not an area that people might choose to live but in this specific spot it is not a horrible thing. He lives right across the road from 28 of the acres that is being considered for this designation. The road frontage on Bucksnot is probably 100 feet. There is not long road frontage. The property fans out behind the road frontage. If that is approved and the property is zoned differently, it is going to destroy the quality of where he lives in a lot of different ways; most specifically the truck traffic and vehicle traffic. The driveway is going to be right in front of his property and he will have to sit and look at every vehicle day and night. It is going to destroy his property as a place to live and destroy the value of the property. The value will go down and he will not be able to sell his property. He will not be able to recoup his investment. He understands these things have to go somewhere but it does not have to go here. He does not know anyone in the County that is in favor of this. Consider the people that already live here that have invested in the County. You are going to impact lives negatively if this is approved. Another concern about this 28 acres is that no one can say what other businesses would be there and it can open up for a lot of negative type things.

Jerry Payne – 487 Bucksnot Road

Mr. Payne said his property would be the first one adjacent to the proposed 28 acres. The landfill is moving south ½ mile so it will be coming into his backyard. He has been having a running battle for the past 7 or 8 months regarding this. He has a copy of the agreement with Spalding County and they do get some benefits. If they move within ½ mile of your house, they are supposed to purchase your house at fair market value. Fair market value is not fair. He does not want it to come. Every time something is done, the value of his property is going to decrease. He moved to this location in 1992 and there were no houses on the left. The area has built up and the landfill is not causing people to leave. There is an odor. Also, in addition the road had to be redone by the landfill for the trucks to use that road. The trucks are not supposed to be using Bucksnot. They just need to get law enforcement to enforce the law. He calls all the time to tell them that they are using Bucksnot. If you bring in another industry with the school buses, it will be a disaster waiting to happen. His concern is that it is all supposition but if you move in more industry, it is going to decrease the value of his property. If he were a businessman, he would purchase the 28 acres so he could devalue the adjoining property and buy it up at a lesser value. A little buffer will not help the noise from a grinding industry. He does not want this here. We do need industry. He feels the reason they want this property is because of Highway 16. They did not put Highway 16 there for his benefit. They put it there for industry for large trucks. It is easy access down Bailey Jester to get to Highway 16. That is the only direction the traffic from the landfill is supposed to take. He likes it in the country and wants to stay in the area. He does not want to be forced to move, but if this continues, everyone is going to have to move. He does not want the landfill in his backyard. The value of his home is gone and no one is going to want to buy his house. Whatever is done the first group of people that should be considered are the people that are present tonight.

Donna Black – 270 North Jeff Davis – Fayetteville, Georgia

Ms. Black said she was representing Fayette Environmental. It has been made abundantly clear they own the property that started this discussion. It does abut the landfill and is zoned AR-1. They could develop the property in a number of ways. It could be developed as residential but that is not a viable opportunity for property that abuts a landfill. They could develop it for agricultural use but it is not very large so it is not appropriate for growing crops, but it would accommodate a hog farm or chicken farm. This could be done under the existing zoning. They could cut the trees. Industrial may well be a preferable use for the residents there. She has worked in a lot of counties and she has never seen a county bring a road to her property or bring a waterline to her project. They are always responsible for getting water and making road improvements at a huge expense. That is not an expense the county or city absorbs. They want to use the property for forestry use, which is the current land use. The Staff has said that the forestry use they want is not appropriate as a forestry use so they are going through the rezoning process. The property to the north and the landfill are industrial uses. They feel their proposed use is a reasonable transitional use between residential and a landfill.

Mr. Chastain said the residents have spoken. It may seem logical for future land use considering the landfill but he has heard what the residents have said and this is not what they want.

MOTION

Mr. Chastain made a motion to deny Application #FLA-08-03. The motion passed on a second by Mr. Traer with Mr. Chastain, Mr. Traer and Mr. Youmans voting for the motion and Ms. Bailey abstaining because she is affiliated with someone in the audience.

Amendment to UDO #A-08-14: Lift from the table – Quarterly adoption of the official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

Mr. Chastain made a motion to lift Amendment to UDO #A-08-14 from the table. The motion passed on a second by Ms. Bailey with Ms. Bailey, Mr. Chastain, Mr. Traer and Mr. Youmans voting for the motion.

MOTION

Mr. Chastain made a motion to approve Amendment to UDO #A-08-14. 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-08-15: Appendix M. Dark Sky Lighting Standards Ordinance – new ordinance.

Mr. Galloway said he would like the Commission to set a workshop date to discuss this amendment.

MOTION

Mr. Traer made a motion to set a date for a workshop regarding Amendment to UDO #A-08-15. The motion passed on a second by Chastain with Ms. Bailey, Mr. Chastain, Mr. Traer and Mr. Youmans voting for the motion.

Mr. Taylor suggested a workshop for one hour prior to the August regularly scheduled meeting. The Commission was in agreement.

MOTION

Mr. Traer made a motion to table Amendment to UDO #A-08-15 until the workshop is held. The motion passed with Ms. Bailey, Mr. Chastain, Mr. Traer and Mr. Youmans voting for the motion.

Amendment to UDO #A-08-16: Appendix A. Subdivision Ordinance – Section 408:A – amend final plat submission.

Mr. Taylor said due to market conditions with regard to subdivisions, the proposed homeowners associations that are needed to maintain the green space areas are not established prior to the homes being constructed. The green space is owned by the developers and some of the developers are facing foreclosure. If there is foreclosure, the green space is owned by the lending institutions some of which are

not even in the country. This amendment is so that when a final plat is submitted the homeowner's documents must be included with the final plat.

MOTION

Mr. Chastain made a motion, seconded by Mr. Traer, to approve Amendment to UDO #A-08-16. The motion passed with Ms. Bailey, Mr. Chastain, Mr. Traer and Mr. Youmans voting for the motion.

Amendment to UDO #A-08-17: Article 17B. AAR Active Adult Residential – Section 1705B:E(3)(a)(i) – amend to allow temporary golf clubhouse.

Mr. Taylor said Sun City is in the process of building their permanent 10,000 SF golf clubhouse for their 18-hole golf course. They want to open up the golf course and have a temporary clubhouse prior to the completion of the permanent facility. The AAR zoning allows temporary buildings for a number of things such as storage and construction trailers but it does not have any provision for a temporary clubhouse. They are proposing a mobile structure for a temporary clubhouse.

MOTION

Ms. Bailey made a motion to approve Amendment to UDO #A-08-17. The motion passed on a second by Mr. Traer with Ms. Bailey, Mr. Chastain, Mr. Traer and Mr. Youmans voting for the motion.

Amendment to UDO #A-08-18: Article 5. AR-1 Agricultural and Residential – amend to allow Rodeos as a Special Exception.

Mr. Taylor said a few weeks ago a number of residents attended the County Commission meeting to complain about a rodeo that was operating at Rover-Zetella Road. Yesterday there was a complaint about another rodeo with similar complaints. There is still another rodeo that has been started. All of these are in the western part of the County. This ordinance is to allow Rodeos as a special exception.

MOTION

Mr. Chastain made a motion to approve Amendment to UDO #A-08-18. The motion passed on a second by Mr. Traer 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 June 26, 2008 meeting. The motion passed on a second by Mr. Chastain with Ms. Bailey, Mr. Chastain, Mr. Traer and Mr. Youmans voting for the motion.

ADJOURN

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

Ed Johnson – Chairman

Yvonne M. Langford - Recorder