

**SPALDING COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**July 28, 2009**

The Spalding County Planning Commission held its regular monthly meeting on July 28, 2009 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Ed Johnson, Chairman, presiding; Janet Bailey; Walt Glover; David Traer and John Youmans.

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

**Application #09-03Z:** HSD Limited Partnership, Owner – 2051 North Expressway (7.868 acres located in Land Lot 101 of the 3<sup>rd</sup> Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Howard Gossett was present to address the Commission regarding this application.

Howard Gossett – 2018 Tallwood Place

Mr. Gossett said he, along with his sister and brother, were the HSD Limited Partnership that owned this property. He was representing all the parties in this application. They are requesting a zoning from C-1 to C-1B on property they own on Highway 19/41. They own the adjacent property north that is already zoned C-1B. He has received information that the staff is recommending some conditions one of which is that a trailer on the property be removed. They have already removed that trailer.

Mr. Youmans asked if Mr. Gossett had a problem with the outside storage being behind the building and screened.

Mr. Gossett said he did not have a problem with that. The people that want to lease the building want to sell and repair motorcycles. They will want to display the motorcycles during business hours. Would that restriction prohibit him from selling automobiles? That is the reason for the rezoning.

Mr. Taylor said that condition would affect an auto dealership because that would require overnight storage of vehicles.

Mr. Gossett said that condition is not on the other property that they own just north of this tract. That property was zoned C-1B ten years ago. It does not have any conditions. The plat shows the property as C-1 but that is not correct.

Discussion was held regarding the location and zoning of the property. Mr. Taylor said the property is showing on the plat as C-1, and he will need to research to determine the zoning.

Mr. Gossett said the people interested in leasing the property said they want to sell motorcycles as well as occasional automobiles. The zoning on the adjacent property would allow that. Mr. Johnson and Mr. Youmans said this was critical information because if the adjoining property is

already zoned C-1B, it would influence their consideration of this zoning application. Mr. Gossett said he could get the information to the County the next day because they have the paperwork confirming this zoning.

Mr. Taylor said he would like to have the information but they will research their records to make a determination but a date would help narrow the scope of their research. It will mean that this application will have to be tabled.

Mr. Youmans said he has no problem approving the application with the staff recommended conditions but that would not allow a car sales lot on the property.

### **MOTION**

Mr. Youmans made a motion to table Application #09-03Z. The motion passed on a second by Mr. Traer with Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion and Ms. Bailey and Mr. Glover voting against.

Mr. Gossett said this was causing a hardship because it means they cannot lease the property without this zoning. He asked if there was a re-course for him to get this done prior to the next meeting.

Mr. Taylor said he would take the time now to check the records if the Commission wanted to take the time.

The members were willing to wait for a few minutes to check the records. Mr. Gossett said he would call and see if he could get a copy of his files brought to him.

Mr. Johnson declared a recess at 7:15. The meeting reconvened at 7:35 with Ms. Bailey, Mr. Glover, Mr. Johnson, Mr. Traer and Mr. Youmans present.

Mr. Taylor said there is no record of the property adjacent to this property being zoned to C-1B.

Mr. Gossett had his files regarding the zoning and Mr. Taylor reviewed the file. It was determined that the property had been grandfathered for the use of auto sales by the Appeals Board. The property was not rezoned but the use was allowed. He said the person wanting to lease this property wants to sell motorcycles but if someone trades in an automobile on a motorcycle he wants to be able to sell that car on this property. He does not intend to purchase cars for resale.

Mr. Youmans asked if the Planning Commission were to reconsider this, was there some way that Mr. Gossett could work with Mr. Taylor to draw the parking lot so that it would meet some requirement.

Mr. Taylor said that probably the best way to handle that would be to require that he have a plan for the County Commission to consider that would limit the area for car sales. The conditions the staff is recommending are as follows:

1. The trailer that is currently in front of the building shall be removed. (This condition has already been met according to Mr. Gossett).
2. All other outside storage shall be located behind the building and shall be further screened. Storage of vehicles outside shall be limited to those being repaired

3. Only that portion of the property currently zoned C-1 shall be rezoned to C1-B.

**MOTION**

Mr. Youmans made a motion to lift Application #09-03Z from the table. The motion passed on a second by Mr. Traer with Ms. Bailey, Mr. Glover, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

**MOTION**

Mr. Youmans made a motion to approve Application #09-03Z conditioned on all vehicles, other than those for sale, and any other storage shall be located behind the building and shall be further screened. Additionally, only that portion of the property currently zoned C-1 shall be rezoned to C-1B. Pertinent to this being zoned to C-1B, Mr. Gossett is required to meet with Mr. Taylor and work out the details regarding the location of parking and outside sales prior to consideration by the Board of Commissioners. The motion passed on a second by Ms. Bailey with Ms. Bailey, Mr. Glover, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

**Amendment to UDO #A-09-06:** Article 5. AR-1 Agricultural and Residential – Section 503:B(6’) and Article 6. AR-2 Rural Reserve – Section 603:B (6’) – amend to add private airstrip as a Special Exception use.

Mr. Taylor said someone had built a private air strip in a cow pasture under some power lines. The ordinance deals with airports and this person said he did not have an airport. He said all he has is a strip. He does not have any hangar building and no office. All he has is a cow pasture where he lands an airplane. It was determined that there needed to be an amendment to the ordinance to define an airstrip.

**MOTION**

Mr. Youmans made a motion to approve Amendment to UDO #A-09-06. The motion passed on a second by Ms. Bailey with Ms. Bailey, Mr. Glover, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

**MINUTES**

Ms. Bailey made a motion to approve the minutes of the May 26, 2009 meeting. The motion passed on a second by Mr. Glover with Ms. Bailey, Mr. Glover, 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 Mr. Youmans and a second by Ms. Bailey with Ms. Bailey, Mr. Glover, 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