

ZONING PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, May 22, 2008 beginning at 6:00 o'clock p.m. with Commission Chairman Edward Goss, Jr. presiding and Commissioners Johnie McDaniel and Eddie Freeman present. Absent for the entire meeting was Commissioner David Phillips and Commissioner Gwen Flower-Taylor was absent for all voting agenda items, arriving to the meeting only for the final presentation of the North Hill Redevelopment Plan. Also present were Zoning Attorney Newton M. Galloway, Assistant to the County Manager Paul Van Haute, Community Development Director Chuck Taylor, and Executive Secretary Teresa Watson.

A. Call to Order.

B. New Business:

- 1. Application #08-07S:** Reginal Lindsey, Owner – 1776 West Ellis Road (4 acres located in Land Lot(s) 1 and 2 of the 3rd Land District) – requesting a Special Exception to allow a certified medical hardship in the AR-1 District.

Motion to table until the June Zoning Public Hearing, per the applicant's request, by Commissioners McDaniel and Freeman carried by a vote of 3-0.

- 2. Application #08-01Z: Lift from the table** – High Top Holdings, Inc., Owner – Holiday Investments, Inc., Agent – 1003 North Hill Street (0.80 acre located in Land Lot 159 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to C-1, Highway Commercial.
- 3. Application #08-01AZ: Lift from the table** – High Top Holdings, Inc., Owner – Holiday Investment, Inc., Agent – 1007 North Hill Street (0.18 acre located in Land Lot 159 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to C-1, Highway Commercial.

Motion to lift Items 2 and 3, Applications #08-01Z and #08-01ZA, from the table and discuss collectively by Commissioners McDaniel and Freeman carried by a vote of 3-0.

Mr. Taylor said the applicant has requested a zoning to C-1, Highway Commercial to allow for the development of a convenience store and gas station. The request is a downzoning from C-2 to C-1. The property is located within the North Hill Street Corridor, an area currently being studied for potential redevelopment. This item was tabled at last month's meeting at the request of the applicant. Staff and Planning Commission both recommend conditional approval of the request with the following conditions:

- All site lighting shall be directed so as not to glare on adjacent properties.
- Removal of billboard.
- Streetscaping and sidewalks in accordance with corridor study currently underway.
- Deceleration lane on North Hill Street
- Curbed and guttered.
- 15' impervious setback along North Hill Street.
- A future land use map amendment shall be applied for to change the future land use from Medium Density Residential to Commercial.

The nearest commercial crossroad is the intersection of Northside Drive and North Hill Street, so it is in rather close proximity to this area, probably .25 mile away. C-1 allows a number of different retail and service uses but generally does not allow for outside storage.

Mike Jackson, 5138 Old Atlanta Road, Sunny Side, Georgia

When he bought the property, Mr. Jackson thought all would be zoned commercial but found some was actually designated industrial. There is an existing barbecue restaurant nearby in operation and a gas station just south of this location, as well. He can live with the conditions noted by Staff and the Planning Commission, except for the stipulation to remove the billboard which is currently under a five-year lease, with about two years remaining. He did not want to buy them out of the lease until the situation is more definite. He plans to incorporate the part of the lot that extends to the west in the use of the lot. The gas providers seem to think they can chip out the rock that is involved, but that was an issue for the fuel provider.

Jimmy Hodo, 1633 North Hill Street, Griffin, Georgia

Mr. Hodo stated he had lived on Bourbon Street and grew up in the area. He was most concerned about development and wondered also if alcohol would be sold. Just down the street are several sites of alcohol sales and much loitering already, so he was concerned about safety and the conditions already noted. He questioned what other uses could be applied should the convenience store not prove to be viable. Mr. Galloway said it was the basic retail and service

district allowed uses. C-1 doesn't allow outside storage, and C-2 is heavier industrial. Mr. Hodo felt this dangerous intersection would be even more dangerous if alcohol were allowed.

Commissioner McDaniel asked about the condition of removal of the billboard. Mr. Taylor said this was part of what was being attempted in this and other areas. The severe alternative is to buy the billboard company out of the contract. Mr. Jackson said he had tried on two other locations unsuccessfully, one at Birdie Road and Highway 19/41 and the other in Barnesville. In Barnesville, they stood so firm they would not entertain any notion of buyout, and the City agreed they could move the sign back from the road some which helped the situation. This billboard is owned by Lamar Outdoor Advertising out of Macon. Mr. Jackson said the condition could be worded to allow for the billboard to be removed at the end of the lease period. As owner of the property, Mr. Jackson said he could notify the billboard company of the intent and beef up the request with Mr. Taylor's notification.

Mr. Galloway asked if the notice could be sent now, but Mr. Jackson said it would have to be executed within 90 days of the end of the lease period. Mr. Jackson wants to sell the property as quickly as possible, so the purchaser will have to be the one to provide notice, and Mr. Galloway wondered if the new purchaser could be made to adhere to the current condition. The billboard has to be removed before development if the condition is applied as stated.

Motion by Commissioner McDaniel to approve Application #08-01Z with conditions as recommended by Staff and Planning Commission as follows, with the exception of changing Item b, to read "removal of billboard prior to development", seconded by Commissioner Freeman, carried by a vote of 2-1 with Chairman Goss opposed.

- a. *All site lighting shall be directed so as not to glare on adjacent properties.*
- b. *Removal of billboard prior to development.*
- c. *Streetscaping and sidewalks in accordance with corridor study currently underway.*
- d. *Deceleration lane on North Hill Street*
- e. *Curbed and guttered.*
- f. *15' impervious setback along North Hill Street.*
- g. *A future land use map amendment shall be applied for to change the future land use from Medium Density Residential to Commercial.*

Motion to approve Application #08-01AZ by Commissioner McDaniel, seconded by Commissioner Freeman with the same conditions as noted above for Application #08-01Z, seconded by Commissioner Freeman, carried by a vote of 2-1 with Goss opposed.

4. **Application #08-03Z:** Jack L. Shaw and Ida F. Shaw, Owner – 240 Airport Road (0.66 acres located in Land Lot 117 of the 2nd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to C-1, Highway Commercial.

Mr. Taylor advised the applicant has requested approval from Spalding County to rezone the property from R-1 to C-1 for purposes of converting an existing single family residential home into a beauty shop. In 2007 when the Board of Commissioners changed the land use in the Airport Road Corridor from residential to commercial, part of the approval included the policy that the County would be looking Office and Institutional zoning in this area to minimize the impact on adjacent residential uses. The proposed beauty shop is not allowed in the O-I zoning district, but the use as a C-1A zoning also has very little impact on the adjacent residential area. Buffer requirements will exist on three sides from neighboring tracts.

Staff recommends conditional approval of the request to C-1A as follows:

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

The Planning Commission recommends conditional approval of the request with the same conditions as proposed by Staff plus one additional condition:

- c. That the use be limited to a beauty shop.

Commissioners McDaniel and Freeman moved and seconded to approve Application #08-03Z with conditions as noted by Staff and Planning Commission, and motion carried 3-0.

- a. *A side yard setback variance shall be applied for and approved on west side of the home.*
- b. *No additional curb cuts shall be allowed for the subject property.*
- c. *That the use be limited to a beauty shop.*

Commissioner Flowers-Taylor arrived.

C. Other Business:

1. Presentation by Tunnell Spangler Walsh & Associates regarding North Hill Street Redevelopment Plan.

Mr. Chuck Taylor introduced Mr. Caleb Racicot, Project Manager with TSW, who provided an informative and well-thought out summarization of the detailed presentation that was held this past Saturday during the public meeting at the Welcome Center on the North Hill Street Redevelopment Plan. Mr. Racicot and his colleagues answered questions and noted specifics about the plan for commissioners.

D. Adjournment.

Meeting was adjourned at 7:27 p.m. on motion and second by Commissioners McDaniel and Freeman, by a vote of 4-0.

Chairman

County Clerk

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