

ZONING PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, October 23, 2008 beginning at 6:00 o'clock p.m. with Commission Chairman Edward Goss, Jr. presiding and Commissioners David Phillips, Gwen Flowers-Taylor, Eddie Freeman, and Johnie McDaniel present. Also present were County Manager William P. Wilson, Jr., Assistant to the County Manager Paul Van Haute, Zoning Attorney Newton Galloway, Community Development Director Chuck Taylor and Yvonne M. Langford to record minutes.

A. Call to Order.

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names and addresses and direct all comments to the Board only. Time allotted to speakers will be five minutes each, unless otherwise noted at the Board's discretion. No speakers will be allowed to readdress the Board without express consent from a Board member. Outbursts from the audience will not be tolerated. Common courtesy and civility area expected at all times.

B. Old Business:

1. Application #08-10S: Lift from the Table: Sharon Reeves, Owner – 1645 North Second Street Extension (.87 acre located in Land Lot 196 of the 3rd Land District) – requesting a Special Exception to allow a Family Personal Care Home in the R-1 District. - *Motion/second to lift Application #08-10S from the table by Commissioners Flowers-Taylor/Freeman carried by a 5-0 vote.*

Chuck Taylor advised the applicant proposes to provide a family personal care home at 1645 North 2nd Street Extension. The applicant proposes to use the existing 1670 square foot home on the property consisting of .87 acres. At the July 24, 2008 Board of Commissioners Zoning Public Hearing, this item was tabled indefinitely. At the September called Board of Commissioners workshop regarding personal care homes, Commissioners agreed to place this application on the October Zoning Public Hearing agenda. The Board of Appeals recommends denial of the request by a vote of 5-1, and Staff recommends conditional approval of the request with the following stipulations:

- a. Proof of compliance with all DHR and State regulations prior to application of business license.
- b. No more than four residents shall be allowed per section 703.B.20.b.ii.
- c. One restroom within the dwelling shall be entirely dedicated for patient use only.

Ms. Reeves states she has had five years of hands-on experience, as well as training classes through Flint River Technical College and desires to open a facility to help clients who need assistance. Her passion is to offer support and guidance to those who are disadvantaged in a practical and caring way. Ms. Reeves has met the County's required criteria and has complied with Zoning Ordinance Development Standards and Special Exception guidelines.

Motion/second by Commissioners Flowers-Taylor and McDaniel to approve Application #08-10S: Sharon Reeves, Owner – 1645 North Second Street Extension (.87 acre located in Land Lot 196 of the 3rd Land District) – requesting a Special Exception to allow a Family Personal

Care Home in the R-1 District with conditions as recommended by Staff (following) carried by a vote of 4-1 with Commissioner Freeman opposing.

- a. Proof of compliance with all DHR and other State regulations prior to application of business license.*
- b. No more than four residents shall be allowed per section 703.B.20.b.ii.*
- c. One restroom within the dwelling shall be entirely dedicated for patient use only.*

2. Amendment to FLA-08-01: Lift from the Table: Fayette Environmental, LLC, Owner – Bucksnot Road (28.428 acres located in Land Lot 115 of the 3rd Land District) – from Forestry to Industrial. - *Motion/second to lift Amendment to FLA-08-01 from the table by Commissioners Phillips and Flowers-Taylor carried by a 5-0 vote.*

Chuck Taylor advised the applicants have initiated a request to allow for the amendment of the Spalding County Future Land Use Map and the Comprehensive Plan for their property on Bucksnot Road in order to rezone the parcel to C-2, Manufacturing, and to develop warehousing and manufacturing sites. Mr. Taylor explained that, subsequent to the Amendment to FLA-08-01, the applicant is requesting C-2 zoning to develop the property with five industrial lots. The largest lot (#5) is planned for a forest material recycling facility. These items were tabled at the June Board of Commissioners Meeting at the request of the applicant so that land uses for the Bailey Jester/Bucksnot Roads area can be studied. The applicant again asked and received tabling of the request in July and August. At the September Board of Commissioners Zoning Public Hearing, the motion to approve the Future Land Use Map amendment ended in a tie; thus, the issue was carried forward for additional consideration. This small section of the County is trending toward industrial uses and residential development within this general area will become less probably as the nearby landfill continues to grow. The Planning Commission recommended approval of the request by a 3-2 vote, and Staff recommends approval, as well.

Speaking on behalf of Fayette Environmental's request to amend the Future Land Use Map and rezone the property to AR-1 was Donna Black, 270 North Jeff Davis Road, Fayetteville, Georgia. She advised they had already made concessions to the desires of neighbors in the way of eliminating extra lots and moving the entrance further to the north, about 1500 feet from the Granger property, in order to better address the noise concerns. They have also agreed to the concept of an undisturbed buffer. Square footage of the building will approximate 40' x 120'. Ms. Black answered questions from commissioners.

Lukas Johnson, 610 Bohannon Road, Fairburn, Georgia spoke in favor, as well, advising that the grinding machine would probably be in operation on site only two days a month, the portable equipment grinding only outside since it requires good daylight to operate efficiently.

Also present to speak in favor of the request to amend the FLUM and rezone to AR-1 was Andrew J. Whalen, III, 1126 Pine Valley Road, Griffin, Georgia. Attorney Whalen referenced pertinent letters to file from August and outline conditions of the request, as well as noting hours of operation which will be adjusted to 8 a.m. to 5 p.m. on weekdays. A development agreement can be used to stipulate the equivalent of a covenant for restrictions, should that be desired. He noted they would declare a constitutional objection as a standard procedure in order to preserve rights going forward in order to make a later challenge. Discussion followed.

Signed to speak against the applications were Jesse Maddox, 301 Bucksnot Road, Griffin, Georgia. Mr. Maddox said much has been discussed already and he had not seen a site plan, as yet. His meeting with Ms. Black was cordial, but his view of the proposed operation had not changed. He detailed some history of development of the project over the past two years. Traffic, even greater than is seen from the landfill, is one of the objections, as well as noise. The problematic curve could be reconfigured, but he feared to change the Future Land Use Map would only open the door for additional changes. He felt to continue to allow the industrial uses in this residential area would only serve to continue to devour neighboring tracts.

Commissioner Flowers-Taylor noted that this site plan was the same one shown previously.

Beth Granger, 488 Bucksnot Road, Griffin, Georgia
Ms. Granger and her family live across the road from the proposed site. They felt safe when they researched the purchase of their property. They knew the landfill was there and have no objections to the operation, occasionally hearing a truck or two but not really smelling it since it is covered daily. This new operation would, in fact, be an imposition into their rural lifestyle, even if they

move the driveway entrance further north. Ms. Granger felt the grinder would have to produce a negative noise level, and she urged commissioners to consider the neighbors.

Bobbie Gaddy, 286 Bucksnot Road, Griffin, Georgia

Ms. Gaddy reiterated she did not understand how commissioners could allow this type disruption to the neighborhood. She was concerned for the residents' safety on this small road. She also stated there was some odor from the landfill and she felt this operation would add to that problem. This is not the right place for this type facility.

Ms. Black responded the driveway entrance would be paved all the way, but the working area would not. Commissioner Flowers-Taylor noted it was sad that Fayette Environmental personnel did not see fit to reach out to residents in the area to work toward some compatibility. Commissioner Phillips agreed.

Motion/second to approve Amendment to FLA-08-01: Fayette Environmental, LLC, Owner – Bucksnot Road (28.428 acres located in Land Lot 115 of the 3rd Land District) – from Forestry to Industrial by Commissioners McDaniel and Freeman carried by a vote of 3-2 with Commissioners Phillips and Goss voting in opposition.

3. Application #08-02Z: Lift from the Table: Fayette Environmental, LLC, Owner – Scarbrough Development, Agent – Bucksnot Road (28.428 acres located in Land Lot 115 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-2, Manufacturing. - ***Motion/second to lift from the table Application #08-02Z by Commissioners Phillips and Flowers-Taylor carried by a 5-0 vote.***

This item was tabled at the June Board of Commissioners Meeting at the request of the applicant so that land uses for the Bailey Jester/Bucksnot Roads area can be studied. The applicant again asked and received tabling of the request in July and August. At the September Board of Commissioners Zoning Public Hearing, the item was tabled again. The Planning Commission took no action on the request, and Staff recommends conditional approval of the request with the following stipulations:

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

Motion/second to approve Application #08-02Z: Fayette Environmental, LLC, Owner – Scarbrough Development, Agent – Bucksnot Road (28.428 acres located in Land Lot 115 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-2, Manufacturing by Commissioners McDaniel and Freeman, conditioned to include stipulations recommended by Staff and amended as follows:

- a. ***A minimum 100' natural vegetative buffer shall be provided along property lines of lot 5.***
- b. ***If a single detention pond is used for the development, a reciprocal maintenance agreement will be provided to Community Development at the time of final plat.***
- c. ***Site lighting to be designed so as not to glare in adjacent residential areas or onto public streets.***
- d. ***Acceleration/deceleration lane will be provided along Bucksnot Road.***
- e. ***Hours of operation shall be limited to 8 am to 5 pm, Monday through Friday, with no Saturday and Sunday business conducted.***
- f. ***The development agreement shall be executed and recorded with restrictions.***
- g. ***The entrance shall be moved as far north as possible.***
- h. ***The tract shall not be subdivided.***

Motion to approve failed by a vote of 2-3 with Commissioners Flowers-Taylor, Phillips and Goss voting in opposition.

Motion/second to deny Application #08-02Z: Fayette Environmental, LLC, Owner – Scarbrough Development, Agent – Bucksnot Road (28.428 acres located in Land Lot 115 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-2, Manufacturing by Commissioners Phillips and Goss failed by a vote of 2-3 with Commissioners Flowers-Taylor, McDaniel and Freeman voting in opposition.

With failure of both motions to approve and deny, resulting in a no action to Application #08-02Z, the item will be continued to the next Zoning Public Hearing agenda on November 17, 2008.

Mr. Whalen said some arrangements could be made to get Fayette Environmental, LLC to demonstrate the noise levels of the equipment in question, which should serve to educate commissioners and personnel.

Motion/second by Commissioners Phillips and Flowers-Taylor to add personnel issues to Closed Meeting carried by a vote of 3-2 with Commissioners McDaniel and Freeman voting in opposition.

C. New Business:

1. Application #FLA-08-05: Luke H. Evans, Owner – 1549 Ethridge Mill Road (14.08 acres located in Land Lot 138 of the 2nd Land District) – from Low Density Residential and Open Space Network to Agriculture.

Mr. Taylor relayed that the applicant has submitted a rezoning application in conjunction with this request. The applicant proposes to rezone the subject property to AR-1, Agricultural Residential for the purposes of developing one dwelling unit and keeping horses on the property. The area is presently not providing any indication for dense development pressure, and similar uses are operating nearby. The Planning Commission recommended approval by a 4-0 vote and Staff recommends approval, also.

Commissioner McDaniel was having problems with approving procedurally a Special Exception to allow a personal care home in a residential neighborhood without changing the Future Land Use Map when that so radically changed the nature of the property, yet in this instance we are merely adhering to the already-established nature of the property but changing the Land Use Plan. This ties into the rural reserve designation that is incorporated in the soon-to-be-heard North Hill Street Redevelopment Plan. He felt the County was, in essence, forcing Mr. Evans to go through a two-step process to get a horse when he does not truly require a change to agricultural. Perhaps a good alternative would be to utilize a rural reserve designation without having to require a change to an agricultural use. The Board could add this classification and develop an entire philosophy around the designation. His perception was there could be some delineation between agriculture and recreation. Mr. Taylor said commissioners could develop this rationale further but he advised caution when dealing with low impact agricultural concerns. Mr. Galloway noted the reasons for handling this request in this manner.

Luke Evans, 1425 Wesley Drive, Griffin, Georgia

Mr. Evans offered to answer questions, noting all the lots in the area were larger. Most tracts surrounding are 25 acres or so. He has had no opposition to his request and he had no aversion to limiting the use only to horses, conditioning the allowance of additional agricultural uses.

Motion/second by approve Application #FLA-08-05: Luke H. Evans, Owner – 1549 Ethridge Mill Road (14.08 acres located in Land Lot 138 of the 2nd Land District) – from Low Density Residential and Open Space Network to Agriculture by Commissioners Phillips and Freeman carried 5-0.

2. Application #08-10Z: Luke H. Evans, Owner – 1549 Ethridge Mill Road (14.08 acres located in Land Lot 138 of the 2nd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density to AR-1, Agricultural and Residential.

The applicant, explained Mr. Taylor, has requested approval from the County to rezone the subject properties from R-1, Single Family Residential, to AR-1, Agricultural Residential. The applicant proposes to develop one single family residential structure on the parcel, and the applicant is also requesting rezoning so that horses can be allowed on the tract. There should be no negative impact to the public health, safety and welfare as a result of rezoning, and AR-2 will maintain the average house size for the general area. The Planning Commission recommended approval of the rezoning application by a 4-0 vote but to an AR-2 designation, and Staff recommends approval, as well, to rezone to AR-2.

Motion/second to approve Application #08-10Z: Luke H. Evans, Owner – 1549 Ethridge Mill Road (14.08 acres located in Land Lot 138 of the 2nd Land District) – requesting a rezoning

from R-1, Single Family Residential Low Density – but to AR-2 rather than the originally requested AR-1, Agricultural and Residential, by Commissioners Phillips and Freeman carried by a 5-0 vote.

D. Other Business:

1. Consider approval of the North Hill Street Redevelopment Plan.

Mr. Taylor advised this plan has been reviewed by the Board, the public, the City, stakeholders, etc., but the official plan needs to be adopted before they can proceed with new development powers and funding of the plan. This plan proposes for redevelopment areas in the corridor, with two TAD areas and appropriate funding mechanisms. This will provide for worthwhile redevelopment and revitalization of the area as defined. This project will represent a bondable amount of \$10.4 million for the County and about the same for the City for this corridor. The cost associated in transportation costs will estimate \$19.3 million, but not all of that will fall on the shoulders of the County but rather will be eligible for possible state funding. These type of redevelopment projects generally fare well with state funding.

Mr. Taylor noted for Commissioner Flowers-Taylor that, with regard to the proposed rural reserve designation, the overall point where the Comprehensive Land Use Plan and the Future Land Use Map converge, the two will have to gel in one way or another. That decision will rest with the Board. This is simply a policy statement of what commissioners would like to see happen with this corridor in the future and merely states the proposed plan is a good idea.

Motion and second by Commissioners McDaniel and Flowers-Taylor to approve the North Hill Street Redevelopment Plan, as presented by Tunnell, Spangler, Walsh (TSW) carried 5-0.

2. Zoning Attorney Newton Galloway requests an executive session to discuss pending litigation.

Motion/second by Commissioners McDaniel/Freeman to enter Closed Meeting at 7:52 pm carried 5-0.

Motion/second by Commissioners McDaniel/Phillips to adjourn Closed Meeting at 8:47 pm and reconvene to Open Meeting carried 5-0.

E. Adjournment.

Motion/second by Commissioners McDaniel/Freeman to adjourn at 8:48 pm carried 5-0.

Chairman

County Clerk

.....