

## ZONING PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Monday, November 17, 2008 beginning at 8 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., Zoning Attorney Newton Galloway, Community Development Director Chuck Taylor and Teresa A. Watson 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. New Business:

1. **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 3<sup>rd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-2, Manufacturing.

*Motion/second to lift Application #08-02Z by Commissioners McDaniel and Freeman carried by a 5-0 vote.*

Mr. Taylor advised the applicant originally requested C-2 zoning to develop the property with five industrial lots. The largest lot (#5) was planned for a forest material recycling facility. An updated site plan, submitted on 11-3-08, only shows the forest material recycling facility. 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 Road area could be studied. The Applicant again asked and received tabling of the request in July and August. At the September Zoning Public Hearing, this item was tabled, and at the October Zoning Public Hearing, the Board of Commissioners took no action on this request so it was continued to the November meeting. The Planning Commission took no action on the request, and Staff recommends conditional approval as follows:

- a. A minimum 100' natural vegetated buffer shall be provided along the property lines of lot 5.
- b. If a single detention pond is used for 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.

Donna Black, Fayette Environmental LLC, 270 N. Jeff Davis, Fayetteville, Georgia

Ms. Black noted she had delivered packages of information to property owners and to commissioners with an invitation to attend a demonstration of the grinding equipment. That demonstration was attended by Mr. Taylor and Commissioner Freeman. Also provided was a development agreement incorporating the items suggested previously, as well as a new site plan. Pictures of the grinding demonstration were reviewed, and Ms. Black noted this was a horizontal grinder, not a tub grinder, that would be used should the application be approved on Bucksnot Road. Mr. Taylor noted that the debris piles actually serve to buffer the noise, and the dirt berms are a natural byproduct of the process which help to baffle the noise, as well. The topography on Bucksnot Road also provides a natural buffer to the grinder, located about 1200 feet from the nearest residence. The end user product is a type of mulch which is taken to power plants for burning, utilizing the material as a renewal resource power source.

Lucas Johnson, 610 Bohannon Road, Fairburn, Georgia

The 30-yard roll-off type trucks will be used to transport material. County debris is taken to Shoal Creek C & D Landfill, and they have a relationship with that landfill, also. Nothing inorganic is to be ground but rather will be separated out.

Andrew Whalen, signed to speak, passed.

***Motion/second to approve, as outlined with Staff conditions as follows, Application #08-02Z: Fayette Environmental, LLC, Owner – Scarbrough Development, Agent – Bucksnot Road (28.428 acres located in Land Lot 115 of the 3<sup>rd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-2, Manufacturing, by Commissioners McDaniel and Freeman, carried by a vote of 3-2 with Commissioner Phillips and Chairman Goss opposing.***

- a. ***A minimum 100' natural vegetated buffer shall be provided along the property lines of lot 5.***
- b. ***If a single detention pond is used for 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. ***The Development Agreement between Spalding County and Fayette Environmental, LLC shall be incorporated with all its conditions and provisions.***

2. **Application #08-11Z:** T. D. Baxter, Owner – 137 School Road (.72 acre located in Land Lot 107 of the 3<sup>rd</sup> Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Mr. Taylor stated the applicant has requested approval from Spalding County to rezone the property for purposes of operating a business in an accessory structure located on the property. C-1B, Heavy Commercial, allows commercial uses that require outdoor storage, as well as automotive related uses. In order to make the accessory structure on the property usable for a separate commercial use, the applicant has also applied to the Board of Appeals for multiple variances. The variances are applicable to the group development standards that cannot be

complied with, such as lot size, and front, side and rear yard setbacks. Mr. Baxter is looking to rent out this accessory space as a repair shop, perhaps for tractors, and this requires a zoning change. In essence, there are two separate buildings on the property that will utilize two separate businesses on less than one acre of land. The rezoning to a higher zoning district requires greater setbacks which become more problematic and several variances will have to be requested for setbacks and other issues for this type additional use on the property. C-1B requires 200 feet of road frontage and two acres of land. The use would not be out of character for the area. Mr. Miller's property just to the west is zoned C-1 with an auto repair company and several junk cars are visible.

Staff recommends denial of the request, as did the Planning Commission. The Board of Appeals tabled their decision until the Board of Commissioners could deal with the rezoning issue. Discussion followed.

Thomas Dean Baxter, 1500 Tara Place, Hampton, Georgia  
 He is an insurance agent with AFLAC and has been in business for over twelve years. He has worked diligently to improve the aesthetics of the property and would like to be able to utilize this secondary big building (2255 square feet) on the property. They do not wish to build anything new and the adjacent tract to him is zoned C1-B also and totals only .74 acres. It stands to reason he would not want to devalue his property in any way since he desires to stay in business there. There is adequate ingress and egress and a fence to buffer the property. He simply needs additional income and has had some interest from tractor repair and other types of businesses with an interest in renting space in this accessory building. If necessary, he is agreeable to taking down the smaller, third accessory building. Outside storage is a concern, and Mr. Baxter said he would agree not to utilize outside storage. He was, in fact, agreeable to any conditions they wanted to impose in order to be able to lease the building.

***Motion/second to approve Application #08-11Z: T. D. Baxter, Owner – 137 School Road (.72 acre located in Land Lot 107 of the 3<sup>rd</sup> Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial with the following conditions, by Commissioners Flowers-Taylor and Phillips, carried 5-0:***

- a. No car sales shall be allowed.*
- b. No outside storage shall be allowed.*
- c. Site lighting to be designed so as not to glare in adjacent residential areas or onto public streets.*
- d. Structural engineers shall provide a favorable report on the accessory building.*
- e. The smallest metal building shall be removed from the property.*

**C. Other Business:**

**D. Adjournment.**

***Motion/second to adjourn at 9:03 pm by Commissioners McDaniel/Phillips carried 5-0.***

\_\_\_\_\_  
 Chairman

\_\_\_\_\_  
 County Clerk

.....