



**Board of Commissioners of Spalding County  
Zoning Public Hearing  
January 23, 2020  
6:00 PM  
119 E. Solomon St., Meeting Room 108**

**The Spalding County Board of Commissioners held a Zoning Public Hearing in Room 108 of the Spalding County Annex on Thursday, January 23, 2020, beginning at 6:00 p.m. with Chairperson Gwen Flowers-Taylor presiding. Commissioners James Dutton, Donald Hawbaker and Rita Johnson were present for the meeting. Commissioner Bart Miller was absent from the meeting. Also present were County Manager, William P. Wilson, Jr., Assistant County Manager, Michelle Irizarry, County Zoning Attorney, Newton Galloway, Community Development Director, Chad Jacobs and Executive Secretary Kathy Gibson to record the minutes.**

**A. Opening (Call to Order)** by Chairperson Gwen Flowers-Taylor.

**PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.**

**B. Invocation** led by Commissioner James Dutton, District #2.

**C. Pledge to Flag** led by Commissioner Donald Hawbaker, District #4.

**D. Public Hearing**

At this time, I will recognize those citizens who have signed up to address the Board. Once your name is called, come to the podium, state your name and address for the record and make your comments. All speakers who are recognized will be allotted three minutes. No speaker will be permitted to speak more than three minutes unless the Board votes to suspend this rule.

Please direct your remarks to the Board and not to individual Commissioners or to the audience. Personal disagreements with individual Commissioners or County employees are not a matter of public concern and personal attacks will not be tolerated. The Chairman has the right to limit your comments in the interest of disposing of the County's business in an efficient and respectable manner.

**E. New Business**

- 1. Application #19-28S:** Loretta Cash and Reginald Perry, Owners - 982 Elder Road (1.95 acres located in Land Lot 41 of the 3rd Land District) - requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Mr. Wilson advised there is one person, the applicant, who has signed up to speak on this application.

Loretta Cash, 124 Brookhaven Lane, McDonough, stated that she and Mr. Perry were here to ask that a Class A Manufactured Home be placed on Elder Road because this is what they can afford. Last year she and he husband relocated to Georgia, their first preference was a conventional home; however, both of their mothers became ill one with Alzheimer's and other with dementia. That being

said, they cannot afford a stick-built home. They purchased the land because there is also a two-bedroom manufactured home already on the land and at the time they were not aware of the County's process. We have spent a lot of money, we have had the soil tested for update of the septic tank. We have had the land surveyed. This home will raise the property value it is going to cost \$146,000, has 9-foot ceilings and is sheet rocked and has a brick fireplace. It has both a front and back deck with a wheelchair ramp.

Ms. Cash then stated that the recommendation for denial by the staff is based on a trend of stick-build homes; however, there has only been one construction of a stick-build home in the last 15 years. As stated in the appeal, the immediate area around the subject property is a concentration of Manufactured Homes.

Chad Jacobs, Community Services Director, stated that Ms. Cash had done a very good job in her statement and to piggy-back off what she said. The way the ordinance as stated and what staff is required to base their recommendation on is tied to a half mile radius they are required to look at with respect to all of the parcels within that radius and then we give the Board a percentage brake-down of other homes in the area.

Within in the half mile radius of this property, there are 126 parcels of which 37 of the parcels are developed with Manufactured Homes, 70 were single family conventionally constructed homes and there are 19 vacant-undeveloped parcels. Which gives you a percentage breakdown of 30% of the parcels are Manufactured Homes, 15% are vacant lots and 55% of the home in the are stick-build homes. So based on these statistics, staff is recommending denial.

Mr. Jacobs then advised that he mentioned in the staff report and Ms. Cash expressed the majority of the parcels on Elder Road where this property is located is Manufactured Homes. He then stated that he feels the Board may need to revisit the current language and provide another line to not only consider the half mile radius but also consider the trend in the immediate area of the property and he advised that he had also mentioned this to the Planning Commission. There have been a few of these types of requests come before the Board recently with similar situations where the surrounding lots in the immediate area were Manufactured Homes.

He then advised that staff is recommending denial, but he did want to point out the fact that the other properties on the road in that immediate area do contain Manufactured Homes. At their meeting two weeks ago, the Board of Appeals did recommend approval of the application by a vote of 4-0.

Commissioner Flowers-Taylor state that there hasn't really been any new conventional construction on this street, but within the half mile radius what is the new construction in that area.

Mr. Jacobs stated that the last home conventionally constructed home within the half mile radius of this home was built in 2018 which was located toward the outer edge of the half mile radius.

Commissioner Flowers-Taylor stated that she agrees that this is something that we should be looking at, but the other question is there an actual trend?

Mr. Jacobs advised that based off the data presented within the half mile radius, you could argue that is the trend. However, the trend is stretching over 50 years. Also, if we were to take the radius to a full mile radius or a quarter mile radius the numbers would ebb and flow as well. It could be very different. He stated that he almost recommended approval based on the Manufactured Homes in the immediate area; however, his recommendation is based on the ordinance directives at this time.

Commissioner Hawbaker then asked what kind of amendment to the existing ordinance would provide better guidance for approval of this type of request?

Mr. Jacobs stated that when he first came to work for the County every Manufactured Home had to go through this process. It was changed in 2007-2008 to where if you were in an existing Manufactured Home and you wanted to swap an older one out for a newer one, it used to have to go through this process, but they were being approved on a routine basis. Since it was being approved on a regular basis, they changed the ordinance and let them go straight to permit. So, if the home was already there, or if the home had been there within the last six months, then you could take it straight to permit and this has been very successful. He feels that in this same direction we need to look at something to accommodate these types of requests because we aren't getting a lot of Manufactured Home requests and the majority of the ones we receive the Board has been approving.

Commissioner Dutton stated that he feels that we get so few requests because of the process we have to go through.

Mr. Jacobs stated that part of the reason could be the process; however, he simply feels that the market has shifted.

Newton Galloway, County Zoning Attorney, then commented that this case is very different if it is located on the property they have versus if it were located down Fannin Road, so Mr. Jacobs has done what he needs to do, but the Board has the discretion to adjust in order to accommodate this particular unique circumstance of Ms. Cash's lot.

Commissioner Flowers-Taylor stated that she would like to see a definition for "trend." Because in her mind she cannot justify a one house change over a 14 year period as a trend and it restricts you because the ordinance states to look at specific trends based on houses being built. She then stated that back when the ordinance was adopted, part of the reason for doing so was because the Manufactured Homes were so poorly maintained that the value of the houses just didn't support the tax base, so that was part of the reason this was done. She stated that this request is a common sense thing for her, we need to fix the ordinance, there needs to be some language that says if there is already manufactured homes there, do it.

Commissioner Dutton stated that in this instance he does feel there is a call for an exception to the definitions in the ordinance, but he doesn't want to make it easier to bring Manufactured Homes into Spalding County. In this instance he does feel there should be approval.

Chairperson Flowers-Taylor then called for a motion on Application #19-28S.

***Motion/Second by Johnson/Hawbaker to approve Application #19-28S: Loretta Cash and Reginald Perry, Owners - 982 Elder Road (1.95 acres located in Land Lot 41 of the 3rd Land District) - requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District. Motion carried unanimously by all.***

- 2. Application #FLUMA-19-03:** 350 Airport, LLC has requested a future land use map changed from Suburban Neighborhood to Employment for the following: 350 Airport Road (1.08 acres located in Land Lot 116 of the 2nd Land District).

***Consensus of the Board was to discuss Item #2 and #3 together then vote on the items individually.***

Mr. Wilson advised that one individual had signed up to speak, Mr. Brian Upson.

Brian Upson, 507 N. Pinehill Road, Griffin advised that he is here this evening to request an update to the Future Land Use Map as well as a rezoning for their office property on Airport Road. They purchased the old Girl Scout Building in 2018. We have renovated the building and moved into the building and wanted to erect a sign that matched the office. When he went to get a permit, he was told that the building was in a residential zoning and the sign would be a non-conforming use in the residential zoning. Mr. Upson then advised that he is here this evening to make it official so that they can erect their sign.

Mr. Jacobs then stated that in addressing both applications together, this is a corridor that we have dealt with in the past with small offices and building that have been established in this area. You will note that on the north side of Airport Road is the City Limits of Griffin and there is a number of commercial uses, institutional type uses, so it creates an interesting corridor.

Mr. Jacobs then stated that he has recommended approval on the FLUM Amendment was instead of Employment he is recommending a Mixed Use due to the number of Mixed Use areas which will encompass both residential or office type use. Much of the Mixed Usage on the Land Use Map is on the periphery of the City Limits. This is an area where we see a mixture of Mixed Use plan designation or Suburban Neighborhood or higher density residential type use.

Mr. Jacobs stated that from the FLUM standpoint staff is recommending approval of Mixed Use and the Planning Commission at their meeting in December also approved to Mixed Use by a vote of 5-0. Staff is also recommending a conditional approval of the zoning as rezoning will not increase the threat to the public health, safety and welfare. The following conditions are recommended: (a) The Future Land Use Map shall be amended and (b) Office shall be the only allowed use in C-1 tied to the zoning. Again, the Planning Commission went with the staff's recommendation on the zoning request as well.

There ensued discussion regarding the corridor the existing businesses and future businesses along Airport Road and possible changes to the Future Land Use Map for that entire corridor.

Mr. Jacobs stated that in order to have this corridor changed on the Future Land Use Map, the County would need to designate the parcels to be involved and then the County would need to initiate a land use change for those properties.

Mr. Wilson stated that is a process for the County to take and if the Board would like for us to initiate this process, we can, we just need formal direction. He feels the time has come that staff needs formal direction from the Board of Commissioners that the staff initiate a Land Use Map Amendment to go from whatever the designated parcels are currently to Mixed Use which will allow the person who own those properties to come in and get them rezoned and not have to apply for a change to the Future Land Use Map along with a rezoning. This would give perspective buyers peace of mind.

After further discussion, Mr. Wilson asked if there was a consensus of the Board that staff initiate a Land Use Map Amendment for all of the parcels south of Airport Road from Hill Street to 19-41 designating them as Mixed Use.

Commissioner Johnson and Chairperson Flowers-Taylor were in agreement, but Commissioner Dutton did not see the point in doing all of these parcels.

Commissioner Dutton then stated that if we direct staff to do this, then it will be the County and the taxpayer that will bear the burden of the cost of doing this. However, if we wait individuals who wish to have the map changed would have to pay for the signs and advertising.

Commissioner Johnson stated that she feels the Board would be acting proactively to approve this change in the Future Land Use map and she feels this is something that we should do.

Chairperson Flowers-Taylor then stated that the Future Land Use Map is a planned document, it is not fluid, but it is not locked in cement and a Future Land Use Map that was initiated 10 years ago is simply not relevant for much of the requests that we are seeing happen now. Just like the corridor at SR155, it is time for us to go back and look at that corridor as well. We are going to have to do it at some point anyway. If there is going to be an overlay, we need to identify the overlay and let the businesses and residents make their decision based on the overlay.

Mr. Jacobs stated that we have had this conversation on a number of occasions, and we have never been able to “pull the trigger.” We may need to look a taking these changes a small group at a time. He doesn’t want to be in a position to where we are constantly changing the Land Use Map due to individual requests because if we ever have challenge to our Land Use Map and we are shown where we are very inconsistent with the application of that map, it would put us in a precarious position in defending our map.

Commissioner Flowers-Taylor then called for a motion on Application #FLUMA 19-03.

***Motion/Second by Dutton/Johnson to approve Application #FLUMA-19-03: 350 Airport, LLC a request to change the future land use map from Suburban Neighborhood to Mixed Use for the following: 350***

***Airport Road (1.08 acres located in Land Lot 116 of the 2nd Land District). Motion carried unanimously by all.***

- 3. Application #19-09Z:** 350 Airport, LLC, Owner - 350 Airport Road (1.08 acres located in Land Lot 116 of the 2nd Land District) - requesting a rezoning from R-1, Single Family Residential Low Density, to C-1, Highway Commercial.

***Motion/Second by Dutton/Johnson to approve Application 19-09Z: 350 Airport, LLC, Owner - 350 Airport Road (1.08 acres located in Land Lot 116 of the 2nd Land District) - requesting a rezoning from R-1, Single Family Residential Low Density, to C-1, Highway Commercial with conditions as outlined by staff. Motion carried unanimously by all.***

- 4. Application #19-10Z:** William Plemons, Owner - Whitley Engineering, Inc., Agent - 2700 North Expressway (2.01 acres located in Land Lot 103 of the 3rd Land District) - requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Mr. Wilson advised there are four individuals signed up to speak.

Mark Whitley, Whitley Engineering, 383 E Main Street North, Hampton, Georgia stated that he is present representing Mr. William Plemons tonight who has requested that 2.01 acres be rezoned from C-1 Highway Commercial to C-1B Heavy Commercial on property located at 2700 North Expressway, just north of Cronic Chevrolet, previously operated as Mama's Place. The redevelopers of this property are Rodney and Thomas Edwards who are residents of Spalding County. They currently run a business in Atlanta and wish to move their operations to Spalding County and the plan for that site is to demolish the current building and build a brand new building to operate a custom auto accessories shop and a fleet maintenance shop.

Rodney Edwards, 152 Mud Bridge Road, Griffin, stated that if allowed, he would love to be able to bring his business to Spalding County. It is his intention to bring something nice to Spalding County, we currently have a lot of junk in Spalding County as far as auto repair and he would love to be able to bring a new modern, state of the art shop to 19-41. He feels this is a good location for the type of business he has planned and it will go hand in hand with the service for Ms. Cronic in providing service for the trucks, wheel kits, tires and packages, spray-in bedliners. He would not be working on old car customization, he would be specializing in new car customization. The business will face North Expressway, there will be parking in both the front and the rear of the building, there would be no cars sitting out front, as a vehicle is dropped off, it would be moved to the rear of the building.

Mr. Edwards further stated that from time to time you may not be able to get a part or fix a part on the same day, so there may be a car that has to lay-over for a day or so and that is the purpose of the C-1B designation. The fleet maintenance is contracted maintenance and is from his current clientele and they service their vehicles on a regular basis. It would be oil changes, tires, wheels, brakes, nothing heavy mechanical, but they do the stuff that would fall under maintenance.

Commissioner Dutton then questioned the fleet maintenance portion of the business. The request is for a customization and accessory shop, not a machine shop or an auto repair business. You asked for a customization shop which would be lights or window tinting. Is it your intention to be an auto repair shop, or is it your intention to be, as requested a customization and accessory shop?

Mr. Edwards stated that he is starting a new business in Spalding County, and he has to pay for the place. This is not the average repair shop like there currently is located across the street from this property. There will be some mechanical.

Commissioner Dutton stated that the property is currently zoned C-1 and you are asking for C-1 Heavy and he is not seeing anything that would require a customization and accessory store to require a C-1 Heavy needed for. So, the only reason you are asking for a C-1 Heavy zoning is to accommodate outdoor storage?

Mr. Edwards stated that he had been told no outdoor storage would be allow under the C-1 designation.

Commissioner Dutton stated that if the only change required is the outdoor storage that he had no problem adding a condition that says this is going to operate as a C-1 with the only real change being to be able to store the vehicle outside after being worked on.

Commissioner Johnson stated that Mr. Edwards did state vehicle maintenance and asked what that would mean.

Mr. Edwards advised that it would be anything that the vehicle would require to maintain the warranty. Oil changes, tires, brakes, etc. It would not be a full blown automotive shop, but there again there is mechanical work involved what he does. To life or lower the suspension on a vehicle you have to take the vehicle apart.

Mr. Edwards then stated that he would be the owner of this property, not a renter and he feels that many of the problem areas in Spalding County are where the owners lease or rent out the properties and they don't follow up with their tenants and we have a bunch of junk yards. He doesn't want a junk yard, if granted this zoning approval, he will be spending a lot of money to have a nice shop to beautify our County, not to bring it down. He would like to see the County step up the enforcement and make it hard on the owners and the tenants of the current less than desirable locations. He hopes that he will be able to set standards that other shops will follow.

Thomas Edwards, stated that Mr. Rodney Edwards had covered what he would say.

Bill Plemmons, 38 Cleveland Street, Locust Grove, Georgia stated that the building currently on the property has been there for years and survived. The County has been more than fair to accommodate many businesses in this location. He then thank the Commissioners for the time it takes to do their job and their willingness to perform the job.

Mr. Plemons stated that he was approached by these gentlemen who wanted to purchase the property and he is one that wants to do things right. He thinks the time for the current building has come and gone. Mr. Edwards came to him with a proposal, he has seen his business and he is by no means getting rich off of this transaction. He stated if he were a Commissioner, he would be more than happy to see that building torn down and a state-of-the-art facility built.

Mr. Plemons stated there will be no dump trucks or tractor trailers parked on this property, it is going to be state-of-the art. People want special wheels, special tints and other accessory items they may want and to have the fleet maintenance in the mix will help to offset the overall cost of the operation.

Commissioner Flowers-Taylor then asked staff what is the difference between C-1B and C-1B Heavy? The reason she is asking is because Cronic has been in Griffin for a long time and this will help them in their business, plus it is a new building so all she can see is good things. However, almost everything on the highway has outdoor storage. What would be the hazard in approving this zoning? She is looking for the worst-case scenario because she doesn't see anything bad at this point.

Mr. Jacobs then stated that the primary difference in C-1 and C-1B is as follows: All of the uses available for C-1 are also available for C-1B, except for things like major automotive repair, car lots, used car lots and things of this nature. The other difference is unenclosed outside storage that is why all of the car dealerships have to be C-1B because they must have the outside storage. C-1 is going to be Commercial, C-1B is Heavy Commercial, then C-1C which is light manufacturing then the next is C-2 Manufacturing. There is no manufacturing uses allowed in the C-1B designation.

Mr. Jacobs added that should the Board approve this zoning request you can condition it to the use that they are bringing to the table. That would make the approval specific to this business usage.

Chairperson Flowers-Taylor then called for a motion on Application #19-10Z.

***Motion/Second by Dutton/Johnson to approve Application #19-10Z: William Plemons, Owner - Whitley Engineering, Inc., Agent - 2700 North Expressway (2.01 acres located in Land Lot 103 of the 3rd Land District) - requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial with conditions as recommended by staff and with the change to condition (a) the use shall be for an auto accessory custom and fleet fleet maintenance shop. Motion carried unanimously by all.***

Mr. Wilson asked that before the Board adjourned, there was a discussion regarding directing staff to move forward with a Future Land Use Map amendment on Airport Road. Is it a consensus of the Board that we do this?

***Consensus of the Board was to approach this topic again when the full Board is present for a vote.***



**E. Other Business** – None.

**F. Closed Meeting** – None.

**G. Adjournment**

***Motion/Second by Dutton/Johnson to adjourn the meeting at 7:23 p.m.  
Motion carried unanimously by all.***