

After Agenda

Board of Commissioners of Spalding County
Zoning Public Hearing
Thursday, March 25, 2021
6:00 PM
Room 108, Annex Building

The Spalding County Board of Commissioners held their Zoning Public Hearing in Room 108 of the Spalding County Annex on Thursday, March 25, 2021, beginning at 6:00 p.m. with Chairman Clay Davis presiding. Commissioners Gwen Flowers-Taylor, James Dutton, Rita Johnson and Ryan Bowlden were present for the meeting. Also present were County Manager, William P. Wilson, Jr., Assistant County Manager, Michelle Irizarry, County Zoning Attorney, Newton Galloway, Community Development Director, Debbie Bell and Kathy Gibson, Executive Secretary to record the minutes.

A. Opening (Call to Order) by Chairman Clay Davis.

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

B. Invocation

Commissioner Rita Johnson, District #3, delivered the Invocation.

C. Pledge to Flag

Commissioner Ryan Bowlden, District #4 lead the Pledge to the Flag.

D. Public Hearings

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. Speakers will be allotted three (3) minutes to speak on their chosen topics as they relate to matters being considered by the Board of Commissioners on this Agenda. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

E. New Business

1. **Application #21-01Z:** Saira Ali, Owner - 4301 Newnan Road (2.4981 acres, more or less, located in Land Lot 29 of the 1st Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to C-1, Highway Commercial.

Newton Galloway, County Zoning Attorney, then advised that this agenda item should read "Lift from the Table and consider" as it was tabled at the last meeting.

Motion/Second by Johnson/Flowers-Taylor to lift from the table Application #21-01Z: Saira, Ali, Owner - 4301 Newnan Road (2.4981 acres, more or less, located in Land Lot 29 of the 1st Land District) -

requesting a rezoning from AR-1, Agricultural and Residential, to C-1, Highway Commercial. Motion carried 4-1 (Dutton).

Mr. Galloway advised that this item was on the January 2021 Agenda and there was no action taken. There was no action to approve or deny the request. He suggested that the Board continue with the staff recommendation and then let those who have signed up speak in order to refresh the Boards memory on this application.

Debora Bell, Community Development Director, stated that this request is to rezone a portion of a parcel from AR-1 to C-1. The portion being requested to be rezoned is sandwiched between two existing C-1 zoned parcels and it is located at the intersection of Vaughn Road and Newnan Road. This is located in a Community Crossroads district, so a Commercial Zoning is appropriate and in agreement with the Future Land Use Map. Staff has recommended approval of the rezoning request with some conditions and at the January 26th Planning Commission Meeting, the Planning Commission did recommend approval as well.

The conditions recommended are:

- a. Interparcel connectivity with the adjacent commercial parcel to the west is required and shall be shown in the construction plans and a curb cut provided at time of construction.
- b. Outdoor storage is not allowed.
- c. All site lighting shall be pre-approved and be full-cutoff, downcast type lighting, including the fuel canopy, signage, and any building-mounted lighting.
- d. All vehicles shall be parked on designated, striped paved areas.
- e. Building shall have four-sided masonry finish such as split face concrete block, brick, or a cementitious lap siding. No exposed plain CMU or metal siding is allowed.

Ms. Bell then advised that the primary reason for condition “a”, the interparcel connectivity, is to eliminate a number of substandard curb cuts along the frontage of Highway 16 and there will only be one GDOT compliant curb cut on Highway 16 that would serve both this parcel and the commercial parcel to the west.

Saira Ali, 3788 Sutton Place, Tucker, stated he communities 2 hours every day to come here, serve the community and go back. The last time this matter was before this Board there was some confusion regarding the individuals in the community and how they feel about the development. Mr. Ali then presented copies of a petition that he circulated to homeowners in the community, where they have signed they do not have a problem with the development.

Mr. Ali advised that he carried copies of the map which is the location of the property and pictures of what he is proposing to build on the lot to the neighbors in the community and asked they sign a petition that if they do not object to the project as presented. There were approximately 68 signatures on the petition who signed in favor of the rezoning.

Arial Sherlock, 113 Landing Way, stated that she currently works for Mr. Ali and she lives in the immediate area of the proposed store. The closes station to her house is approximately 7 miles and it would be a great idea to have this convenience store constructed here.

Joyce Reed, 41 Chapel Hill Road, Williamson, she has worked for Mr. Ali for about two years. She has managed his store for that period of time and they receive a number of complaints daily because there are no gas pumps in the area. So, she does feel it would be a good thing for this community. That is the only store in this community, and the people in this community have to drive about 7 miles to get gas.

Charles Rampie, 115 Vaughn Road, stated that he lives right behind where this proposed gas station is going in and he thinks it will be a great location.

Jerry Scanlon, 221 E. Banks Street, stated he is the engineer for this project and he has been assisting with this project since the beginning. He is here to answer any questions the Board may have about the project.

Mr. Wilson then asked if the applicant is in agreement with all of the conditions as stated by staff and approved by the Planning Commission?

Mr. Scanlon stated that Mr. Ali is fine with all of the conditions.

Ms. Bell then stated that she wanted to include a little bit of history on this request. Mr. Ali did have a convenience store at the commercial location on the corner prior to the GDOT improvements on Highway 16. GDOT required extra right-of-way so the store was demolished by GDOT to accommodate the improvements to Highway 16. Mr. Ali is asking to come back with a store in basically the same location, simply shifted slightly to the west of the previous location.

Commissioner Dutton stated that when Mr. Ali initially came before the Board, the plan approved by staff included demolition of the small store that is currently there to make room for the better store, does this plan include that as well?

Ms. Bell advised that this plan does not include that parcel. This request is simply utilizing the corner parcel and a portion of the AR1 parcel. The only reference to the parcel you are asking about is the interparcel connectivity stated in condition "a" that would act as the access curb cut off of Highway 16 for both commercial parcels.

Commercial Dutton then asked if the curb cut on Highway 16 would include a decel lane?

Ms. Bell stated she didn't think that a decel lane would be required that close to an intersection, but that would be something that GDOT will review and approve to meet their standards, because it is on a GDOT Highway.

Mr. Scanlan then advised that this is a state highway and they will have to submit plans to GDOT for approval, if a decel lane is required then we will have to put one in the location to comply. They have the traffic counts for the roads and safety standards that they go by. If they require it, then we will do it, but this is not something that Spalding County would be involved in. Currently, there are a number of curb cuts at the location which is not a good situation and we have agreed to get rid of all the current curb cuts and have just one curb cut that meets the GDOT standard.

Commissioner Dutton asked if the folks who signed the petition were aware that the older building would remain on the property.

Mr. Ali stated that they were advised that the older store would remain on the property. The documents he presented to the Board this evening were presented to the property owners also at the time their signatures were obtained.

Motion/Second by Flowers-Taylor/Johnson to approve Application #21-01Z: Saira Ali, Owner - 4301 Newnan Road (2.4981 acres, more or less, located in Land Lot 29 of the 1st Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to C-1, Highway Commercial with staff recommendations and the recommendation of the Planning Commission.

Commissioner Dutton then stated that he would ask that the motion be amended to include a condition that the construction be limited to the site plan submitted for this location.

Commissioner Flowers-Taylor then restated her motion:

Motion/Second by Flowers-Taylor/Johnson to approve Application #21-01Z: Saira Ali, Owner - 4301 Newnan Road (2.4981 acres, more or less, located in Land Lot 29 of the 1st Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to C-1, Highway Commercial with staff recommendations and the recommendation of the Planning Commission and that a condition be added that the construction be limited to substantial compliance with the site plan submitted to the Board of Commissioners for this location. Motion carried unanimously by all.

2. **Application #21-33S:** David Harwell, Owner - 294 Wildwood Circle (4.83 ac. located in Land Lot 86 of the 2nd Land District) - requesting a special exception to allow a general home occupation in the AR-1 district.

Ms. Bell advised that the request is for the owners to have a proposed home occupation as an embroidery business. There would be no customer contact, these are items that are typically shipped to the location, the resident would do the work on-site and then ship or deliver the items back to the customers. There should be no customer contact. The Board of Appeals recommended approval and staff has also recommended approval.

Mr. Galloway then asked Ms. Bell to review for the Board the variance that was approved for this property by the Board of Zoning Appeals.

Ms. Bell then stated that there was a variance approved by the BZA to be able to reduce the front setback and enclose the carport to accommodate the equipment needed for this business. Since the time the variance was approved, they have had some difficulty in retaining a contractor to come in and do the work. So, they have submitted a request for a variance to locate a free-standing accessory structure in the front yard. Because the topography of the lot slopes steeply in the back. This parcel is almost 5 acres and is within approximately 1/10th of an acre of qualifying to not need a variance to locate an accessory structure in the front yard, but it doesn't quite meet the requirement. So, there is this request coming up that will give them the option of locating an accessory structure in the front yard.

David Harwell, 294 Wildwood Circle, stated that his wife has had an opportunity to acquire an embroidery business. She has been working with the lady for 16-18 years, so she purchased the business, but they are going to have to relocate the machinery. He added that their property tapers off dramatically in the back, they have very little side distance on one end of the house. Where they are planning on placing the accessory building would be on the other side of the house where it is a little less sloped.

Although they had a variance for the carport, he believes if they go in that direction it would cost more in the long run than to build a free-standing structure.

Motion/Second by Dutton/Bowlden to approve Application#21 - 33S: David Harwell, Owner - 294 Wildwood Circle (4.83 ac. located in Land Lot 86 of the 2nd Land District) - requesting a special exception to allow a general home occupation in the AR-1 district. Motion carried unanimously by all.

F. Other Business –

Commissioner Dutton then advised that he wanted to relate that Senator Ossoff's staff has reached back to him and he has a meeting on Tuesday with them. He hopes to have the same relationship with them as he had with the previous two senators. Senator Warnock's office has not gotten back to him, but he is hoping to hear from them soon.

He also has reached out to SpaceX who is in charge of the Starlink system for broadband activity and they are trying to find the government liaison person who will get back to him. Currently, that entire staff is working with the United Kingdom.

G. Closed Meeting – None.

H. Adjournment

Motion/Second by Johnson/Dutton to adjourn the meeting at 6:34 p.m. Motion carried unanimously by all.