

**After  
Agenda**

**Board of Commissioners of Spalding County  
Zoning Public Hearing  
Thursday, May 27, 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, May 27, 2021, beginning at 6:00 p.m. with Vice Chairman James Dutton presiding. Commissioners Rita Johnson and Ryan Bowlden were present for the meeting. Commissioner Flowers-Taylor attended via ZOOM. Chairman Clay Davis was absent from the meeting. Also present were County Manager, William Wilson, County Zoning Attorney, Newton Galloway, Community Development Director, Deborah Bell and Kathy Gibson, Executive Secretary to record the minutes.**

- A. Opening (Call to Order)** by Vice Chairman James R. Dutton.

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

- B. Invocation**

Vice Chairman James R. Dutton, District #2, delivered the Invocation.

- C. Pledge to Flag**

Commissioner Ryan Bowlden, District #4, led 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**

***Zoning Attorney, Newton Galloway stated that Items #1 and #2 could be consolidated for discussion, then they could be voted on separately.***

- 1. Application #21-37S:** DHMH, LLC, Owner – 1155 & 1161 Jackson Road (14.55 ac. located in LL 192 of the 3rd Land District) – requesting a special exception to increase the maximum building height from 35' to 50' for proposed apartment buildings and complex.
- 2. Application #21-04DPR:** DHMH, LLC, Owner – 1155 & 1161 Jackson Road (14.55 ac. located in LL 192 of the 3rd Land District) – requesting a development plan review.

Mr. Wilson advised that one person had signed up to speak.

Deborah Bell, Community Development Director, stated the two items on the agenda are for the same property. The first item is a special exception which is a request to increase the maximum building height from 35' to 50' for the proposed apartment complex. Staff recommendation for this request is denial in that it is inconsistent with the Future Land Use Map for Suburban Neighborhood as defined in the 2017 Comprehensive Plan.

There has been some discussion surrounding concerns with the potential runway of the new airport. In viewing the most current map for the Runway Protection Zone, this property is just outside of the runway protection zone, but that map has not been finalized, it is a working map at this time.

Ms. Bell then advised the second item is an overview of the project itself. There is a requirement for Development Plan Review and that is what is before the Board this evening for consideration. Staff recommendation is that the development be recommended for conditional approval with the conditions being: The final development and architectural plans shall meet all of the development plan standards and architectural criteria as stated in the UDO. Including the requirement of recreation area and that they obtain a variance for a non-standard roof pitch if they desire to adhere to the current requested architectural standard as presented and that they obtain a variance for certain decorative elements if they desire to remain with the current architectural plans presented. That they file for and obtain an exception to increase the maximum allowable building height if they adhere to the current architectural plans submitted.

Ms. Bell stated that the site plan that has been presented for the R-3 meets the requirements in terms of layout and access points. Other than some square footage requirements for the Recreation Areas which needs to be increased, the site plan generally meets the requirements for an R-3 Project and that is the reasons it is recommended for conditional approval.

Mr. Galloway then asked that Ms. Bell walk through the variances that were requested and denied for the property.

Ms. Bell stated that initially the applicant came in and asked for a number of variances to omit such items that are required under R-3 such as: fireplaces, covered parking, they asked that all of the elements to the amenity area be omitted and to omit the swimming pool. All of the requests were recommended for denial and the Board of Appeals denied those requests for variances.

Ms. Bell stated the requirements for an R-3 development contain the amenities as shown along with washer/dryer connections in the building, fireplaces in each unit, a covered parking space for each unit and certain amenities including pool, tennis court and a club house along with some playground elements. All of these things have been added back into the site plan as those variances were denied.

The Special Exception request for the increase in height of the structure was recommended for denial and it was denied and is coming to the Board this evening as a denial.

Commissioner Johnson then asked if the first item is denied, is there a need to vote on the second item?

Ms. Bell responded that the Board will have to vote on both items this evening as they are two separate votes. Provisions in the ordinance are for the height increase to be viewed as a Special Exception.

Mr. Galloway stated that after the Board of Zoning Appeals voted, the variances were denied, this property is already zoned R-3 and has had this designation for 50-60 years. So, with variances denied, the requirements in the R-3 remain in full tact and they have to comply with them. So, the only thing that you have to approve tonight would be a Special Exception for height, if you choose to do so and then the concept plan, which is now in compliance with the ordinance.

Mr. Wilson then advised that Bill Eckert is here this evening to speak.

Bill Eckert, 116 Maddox Road, Griffin, Ga. Mr. Eckert advised he is a land surveyor and civil engineer and DHMH, LLC is the developer for this property. When we first started looking at the property he wanted to remove some of the density as far as apartments go. One of the things he is trying to do is create some affordable housing. In order to do that, he asked for a laundry list of variances which were denied. Some of them he agreed with, some he did not agree with. So, we are back to complying to the ordinance as it is written.

Mr. Eckert stated the plan has been modified to include the swimming pool, to include the tennis courts, to include the covered parking and the architectural plans will reflect fireplaces in each unit and whatever else is required by the ordinance.

Mr. Eckert then stated that the architect who is working on this is Mr. Rick Thacker and when we originally looked at this, we planned on doing 3 stories with the required 5-12 pitch roof. Then we looked at a flat roof and that is the concept that is being presented this evening. He realizes that it does look institutional in many ways. There are things that can be done architecturally that would help the appearance. This is the concept we are at right now. The flat roof keeps us right at the 35' in allowing us 3 stories with allowing some reasonable height within the units.

Mr. Eckert advised that they aren't tied to this plan. This is something that will need to be worked out per the architectural standards. The recreational areas and playgrounds in the terms of this concept were meant to be place holders to be further defined later as we move more toward construction plans and submit an actual site development plan for final review. There are other things we are looking to do like walking trails. There is a powerline running through this property and it is next door to the Jackson Road Elementary School.

Mr. Eckert also stated that they had tried to obtain information from the Airport Authority as well as to what they would be okay with. We haven't been able to get any confirmation on this. As Ms. Bell indicated, this is just outside of the runway protection zone. There is an allowance in the ordinance to go up to 60' within the ordinance and he feels a lot of that is based on Fire Marshall approval.

The Board then reviewed the site plan as presented and the other documents presented with the following comments:

- The building picture as presented is dated and a new design will need to be submitted. The brick on the façade is dated and not at all pleasing it looks straight out of the 60's Chicago tenements.
- The buildings are right on the powerline and there is concern regarding their being located that close to the powerline and concerns with the height of the buildings not only because of the proximity to the new airport, but because of the powerline.

Mr. Eckert then advised that they could switch the residence with the tennis courts and move the tennis courts over to where the residential building is located. They have already considered that as an option so that the building is not directly on the powerline. The remainder of the buildings are removed from the powerline.

- Sound proofing of the apartments is also a big concern because these apartments are being built right in the flight path of the new airport and the sound is going to be a problem. They asked that something be presented to address the sound for these apartments.

Mr. Galloway advised that currently there is nothing in the ordinance dealing with airport noise abatement. He stated that he would consult with other jurisdictions that have small airports in their districts and see how they deal with noise abatement and get back to the Board.

- Commissioner Johnson then expressed her concerns with the airport and the apartment complex being in such close proximity to the Elementary School. She doesn't know if this is going to be the right thing to do.

Commissioner Dutton stated there would need to be some type of barrier between the apartments and the children at the school. There are a lot of moving parts on this, the powerlines, the airport and the school. There is a lot to consider on this and he feels it is good that they came tonight to get the feedback.

Mr. Eckert stated they would be happy to do anything that is within the ordinance. He feels there are viable concerns with the look of what was presented here this evening, but the intent was to try to mimic an old mill

facility.

***Motion/Second by Johnson/Bowlden to deny application #21-37S: DHMH, LLC, Owner – 1155 & 1161 Jackson Road (14.55 ac. located in LL 192 of the 3rd Land District) – requesting a special exception to increase the maximum building height from 35' to 50' for proposed apartment buildings and complex. Motion carried unanimously by all.***

***Motion/Second by Bowlden/Dutton to deny application #21-04DPR: DHMH, LLC, Owner – 1155 & 1161 Jackson Road (14.55 ac. located in LL 192 of the 3rd Land District) – requesting a development plan review.***

Mr. Eckert then asked for a specific list of changes the Board is referring to regarding this property.

***Motion carried unanimously by all.***

3. Consider approval of a Resolution to enact a Moratorium on Rezoning of certain properties located within Spalding County which are contiguous to The City Limits of the City of Griffin GA.

Mr. Galloway stated that a proposal made to the City of Griffin to work jointly and cooperatively to develop a new comprehensive plan for certain parts of the west side of the City were rejected, but staff strongly urges that irrespectively of what the City did or did not agree to that the Board enact a moratorium on properties that are abutting the city limits of Griffin. We had initially limited the request to the area of the county around South Pine Hill Road.

Mr. Galloway then advised that if the Board chooses to expand the moratorium to include all property in the County that abuts the City there is no problem in doing so. This resolution was scaled down in order to try to make it palatable to the City and limit it to just the area that staff had identified properties subject to annexation could occur. It is imperative for us to make certain that our comprehensive plan cannot be read or used to support comparable development to what we saw proposed and approved with the City in it's most recent annexation. Right now, that is not necessarily the case and so this is forward looking to allow Ms. Bell time to look at modifications to principally the Suburban Neighborhood Class in the comp plan. So that if the next annexation occurs for the type of development proposed out on Williamson Road, there will be no basis where anyone can assert that our comp plan can be read in a way that would support it.

Mr. Galloway advised that this is Step 1 in dealing with Annexation issues and the development of certain properties with similar development standards to what we saw approved on Williamson Road. Again, whether the City cooperated with this or not is irrelevant to what we need to do.

Mr. Galloway stated if you want to adopt this Resolution it is fine or if you want to expand the Resolution to the entire periphery of the City, he will have to go back and revise it and put it on the next regular agenda. He then advised, he wanted the Board to see what had been done and what had been submitted to the City because he had been asked to draft it and it was sent over to Mr. Whalen for his review and presentation to the City.

Mr. Galloway then stated that this is not an effort to prevent annexation, this is our opportunity to establish the County's policy clearly as to what type of development our comprehensive plan says is appropriate next to that city limit line.

Commissioner Dutton stated he would like to expand it to the entire city limit line. He feels we need to protect the citizens of Spalding County and make sure that we send a clear signal that the development we want is good high-quality growth and not what the City is planning to build on Williamson Road.

Mr. Galloway stated that if the decision this evening is to adopt a moratorium, but have it applicable around the parameter of the City, he will revise the text and identify the parcels just by the definition that they are contiguous and the maps and the parcel numbers will not be necessary.

Commissioner Dutton then asked if we could pass this Resolution tonight and change the Resolution to include the all lots contiguous to the City Limits of the City of Griffin.

Mr. Galloway state that the Board could approve this Resolution as written and he would revised the Resolution to supercede this one so this will at least cover the west side.

***Motion/Second by Johnson/Bowlden to approve a Resolution to enact a moratorium on properties located with Spalding County which are contiguous to the City Limits of the City of Griffin.***

Commissioner Dutton then stated that it is clearly the will of the Board that we extend this Resolution to include all properties that are contiguous to the City of Griffin and he wants this on the record. We simply do not have the writing in front of us this evening, but this is the Boards intent.

***Motion carried unanimously by all.***

#### **F. Other Business**

#### **G. Closed Meeting**

1. County Zoning Attorney requests an Executive Session for consultation with the county attorney, or other legal counsel, to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1).

***This request was withdrawn by County Zoning Attorney, Newton Galloway***

#### **H. Adjournment**

***Motion/Second by Johnson/Bowlden to adjourn the meeting at 6:44 p.m. Motion carried unanimously by all.***