

After Agenda

**Board of Commissioners of Spalding County
Zoning Public Hearing
Thursday, August 25, 2022
6:00 PM
Room 108, Spalding County Annex Building**

The Spalding County Board of Commissioners held a Zoning Public Hearing on Thursday, August 25, 2022, in Room 108 of the Spalding County Annex Building, beginning at 6:00 p.m. with Vice Chairman James Dutton presiding. Commissioners Ryan Bowlden, Rita Johnson and Gwen Flowers-Taylor were present for the meeting. Chairman Clay Davis was absent from the meeting. Also present were County Manager, Dr. Steve Ledbetter, County Zoning Attorney, Newton Galloway, Community Development Director, Kellie Littlefield and County Clerk, Kathy Gibson to record the minutes.

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

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

- B. Invocation** as delivered by Commissioner Ryan Bowlden, District #4.
C. Pledge to Flag was led by Commissioner Rita Johnson, District #3.
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 22-02Z: Simpson Real Property, LLC, a Georgia Limited Liability company, as a Trustee of the L. Simpson Charitable Remainder Unitrust dated June 3, 1999, Owner - HFG Development LLC, Agent- 0 Wallace Rd. (Approximately 53.96 acres located in the Land Lot 39 of the 2nd Land District)- Requesting to rezone to develop a 100,000 square foot warehouse.

Newton Galloway, County Zoning Attorney, recused himself from commenting on this item as he has represented HFG Development in the past. He advised that he is confident that Ms. Littlefield can handle any questions regarding this application.

Kellie Littlefield, Community Development Director, stated that this a request to rezone 53.96 acres that is currently zoned consisting of two parcels

currently zoned AR and R-2. The applicant is requesting to rezone it to C-1C to accommodate, not only the possibility of more than one current tenant that is interested in the development, but it could accommodate warehouse space.

Ms. Littlefield then advised there is no impact on schools or wetlands on this application. The land is undeveloped at this time and staff recommendations are as follows:

Staff recommends **CONDITIONAL APPROVAL** of the rezoning application to the requested C-1C zoning, subject to the following conditions:

- 1) There will be a 70-foot buffer along Wallace Rd. and Jackson Rd.
- 2) There shall be a 70-foot buffer along the border of the church parcel. With additional planted trees to provide screening along the border.
- 3) There shall be a 25-foot rear buffer along the North and East portion of the subject property.
- 4) Natural vegetation shall be preserved along within the wooded reserve portion of the northeast corner of the concept plan.
- 5) Trees shall be planted to provide screening of the parking lot as illustrated on the concept plan. 22-02Z –4.
- 6) Lighting shall be night sky friendly and will be aimed away from the traffic on the roads.
- 7) The developer will be responsible for any improvements needed to Wallace Rd. and Jackson Rd.
- 8) A site plan shall be submitted to the Board of Commissioners for approval prior to the issuance of a Land Disturbance Permit.

The main entrance to the project will be at the front of the building off of Jackson Road and there is an alternate entrance off of Wallace Road.

Ms. Littlefield then asked that the applicant be allowed to speak and then the application can be discussed.

Steven Jones, Attorney for HFG Development, LLC, commented that this is a rezoning application from AR-1 and R-2, which is a split tract to C-1C. It is directly adjacent to the Dollar General Distribution Center which is located within both Spalding and Butts County. This parcel is located at the corner of Jackson and Wallace Road. The tract to the west of this property is zoned R-2 and the tract to the east is C-1C which is the Dollar General Facility. We are requesting C-1C to be consistent with the Dollar General Facility.

Mr. Jones then stated that they are proposing slightly modified conditions to the staff recommended conditions for a number of reasons, but substantially they are mirroring those conditions. There are a few minor tweaks for a potential off-taker.

The site plan has some unique features to be used by the employees on the site. There is a walking trail that will circle around both the building and the parking lots and there will be an outside recreation amenity area for employees to utilize as well.

Mr. Jones then presented the following conditions for consideration changing the word buffer to setback:

- 1) There shall be a 70-foot front setback along Wallace Rd. and Jackson Rd.
- 2) There shall be a 70-foot setback and 25-foot planted buffer along the subject property's property line that is shared with the church parcel (TPN: 216 01007).
- 3) There shall be a 25-foot undisturbed buffer along the subject property's northernmost property line.
- 4) Natural vegetation shall be preserved within the woodland preserve portion of the northeast corner of the subject property, similar to that shown on the Applicant's illustrative concept plan dated Jan. 14, 2022 and labeled as project number CE-108.
- 5) Trees shall be planted to provide screening of the parking lot, similar to those shown on the Applicant's illustrative concept plan dated Jan. 14, 2022 and labeled as project number CE-108.
- 6) Lighting shall be night sky friendly and will be aimed away from public roads.
- 7) The developer will be responsible for any improvements to the portions of Wallace Rd., and to its property entrance from the intersection of Wallace Rd. and Jackson Rd., and along its property line on Jackson Rd., bringing those portions of such roads into compliance with the County's current standards for the county roadway system, as determined by the Spalding County Department of Public Works during the land disturbance permit process.

He then asked that the eighth condition be removed as a condition which requires the final site plan approval come back before the Board of Commissioners. The Planning Commission struck that conditions as requested and we ask that you do the same as that procedural mechanism is not in the code nor has that procedural mechanism been imposed on comparable developments and places the applicant at an economic disadvantage.

Mr. Jones then stated that this proposal meets the requirements of the future land use map, meets the Comprehensive Plan and is consistent with the zoning of the surrounding properties and it is consistent with the rezonings that this board has previously taken in this area. He then asked that the Board approve the application consistent with the staff recommendations and the Planning Commission's recommendations with the changes as requested so that we can get the project started.

Commissioner Flowers-Taylor then expressed her concern regarding the truck traffic that would be turning onto Jackson Road and proceeding down to Hwy 155 instead of going in the other direction to SR16. The entryway for this location is not that far away from the entryway into the Dollar General Distribution Center and one of the main complaints we have had is when the Dollar General Development opened was the amount of traffic on that road and the subsequent truck traffic that ends up at the McDonough Road/Jackson Road intersection. The problem hasn't gotten any better. She has a real concern about the access for this property being on Jackson Road. She was also concerned about the upgrades to the two roads and if sidewalks

would be part of the plan along the area being developed on Jackson Road and Wallace Roads.

Commissioner Flowers-Taylor then expressed her concerns regarding the Church. It has been at this location for a long time, and it is very well insulated by the surrounding trees, and she doesn't feel right about those trees being taken down and putting in trees that will take some time to shield the location. There is already a vegetative barrier there and she is concerned about the proposal to take that barrier down and replace it with something that might grow up to be a barrier.

Vice Chairman Dutton then stated that with regard to the improvements on the two roads and sidewalks, we don't have to define it right now because whatever it is, it has to be at the level that is in effect when they actually come forward with the land disturbance. He stated that he is more concerned about the lighting and how it will affect the church and the surrounding properties. The condition says that the lights can't go onto the roads, but he would also like for it to read onto neighboring properties.

Mr. Jones consulted with his clients and advised that with respect to the buffer around the church, they can leave part of it undisturbed in the 70' setback. On the 25' buffer there would have to be some grading activities, but once the construction is complete, they can go back and add onto that a 10' strip of evergreen trees that would grow to a height of 30'. So, there would be a 70' setback, then the 25' buffer, and an additional 10' buffer added to that. He then responded to Commissioner Flowers-Taylor's other concern regarding truck traffic that is not being pushed to SR16. They would be willing to impose traffic controls at the egresses that would route trucks back to SR16. The trucks would only be able to take a left out of the of the development and there would be signage placed at the end of Wallace Road also directing the trucks to the left on Jackson Road. Additionally, the County can place No Thru Truck signs to the right notifying truckers that there will be a fine should they go in that direction on Jackson Road.

Ms. Littlefield stated that staff agrees with removing condition eight from the list of conditions for this application.

Mr. Jones then reviewed the conditions with the Board and incorporated the changes:

- 1) There shall be a 70-foot front setback along Wallace Rd. and Jackson Rd.
- 2) There shall be a 70-foot setback and 25-foot undisturbed buffer along with an additional 10-foot buffer with a mix of evergreen and deciduous hardwoods consisting of of no more than 30% of one species in the plant mix on the subject property's property line that is shared with the church parcel (TPN: 216 01007).
- 3) There shall be a 25-foot undisturbed buffer along the subject property's northernmost property line.
- 4) Natural vegetation shall be preserved within the woodland preserve portion of the northeast corner of the subject property, similar to that shown on the Applicant's illustrative concept plan dated Jan. 14, 2022 and labeled as project number CE-108.

- 5) Trees shall be planted to provide screening of the parking lot, similar to those shown on the Applicant's illustrative concept plan dated Jan. 14, 2022 and labeled as project number CE-108.
- 6) Lighting shall be night sky friendly and will be aimed away from public roads and adjacent properties.
- 7) The developer will be responsible for any improvements to the portions of Wallace Rd., up to and including the property entrance from the intersection of Wallace Rd. and Jackson Rd., and along its property line on Jackson Rd., bringing those portions of such roads into compliance with the County's current standards for the county roadway system, as determined by the Spalding County Department of Public Works during the land disturbance permit process.

Motion/Second by Flowers-Taylor/Bowlden to approve Application 22-02Z: Simpson Real Property, LLC, a Georgia Limited Liability company, as a Trustee of the L. Simpson Charitable Remainder Unitrust dated June 3, 1999, Owner - HFG Development LLC, Agent- 0 Wallace Rd. (Approximately 53.96 acres located in the Land Lot 39 of the 2nd Land District)- Requesting to rezone to develop a 100,000 square foot warehouse with the conditions 1-7 as discussed in this meeting with condition 8 being removed as a condition.

Mr. Jones then noted that the condition regarding traffic control had not been included in the 1-7 discussion or motion.

Motion/Second by Dutton/Johnson to amend the original motion to add a condition 9 which will provide for a physical build out of traffic control devices so that trucks can only turn left on Jackson Road to make sure all truck traffic is directed to SR16 and signage to be posted at the corner of Wallace Road and Jackson Road directing all truck traffic to SR16. Motion carried unanimously by all.

Then the vote was called for the original motion which also carried unanimously by all.

2. Final Plat for SD 22-06- Turkey Run: Alan Mobley, Owner-3340 W. McIntosh Road (Approximately 199.69 acres located in Land Lot 3 of the 3rd Land District)- Requesting approval of a 12-lot final plat located within the AR-1 district.

Ms. Littlefield advised that the only recommendations that staff has in review of this application were the fire hydrants and the water flow testing. That has been determined and the hydrants will be installed before a building permit will be issued and is pending approval of the final plat.

The lots are on average 10 acre lots, most of them are a little less than that with two lots to the rear being 40+ acre lots. The applicant has met all of the conditions with the exception of the hydrants being installed and those will be installed upon approval of the final plant and before any building permit is issued. All of the lots are single-family lots.

Alan Mobley, 262 Mobley Road, stated that this is a continuation of what was done to the east and west side of this tract. The total property was 400 acres, and this is the final tract to be developed. We are basically following the same development as we have done on the other tracts, there will be a 2,000 square foot minimum, although most of the houses will be larger.

Commissioner Flowers-Taylor then expressed her concern regarding the number of road cuts onto W. McIntosh and the traffic that travels that road.

Ms. Littlefield advised that the current ordinance as it is written does not require a new road cut for a major subdivision.

Mr. Galloway then stated that if the preliminary plat meets the subdivision ordinance requirements it is supposed to be approved and if the final plat complies with the requirements and the direction of the preliminary plat then it needs to be approved. Mr. Galloway then advised that this is considered a minor subdivision because it does not require any new road construction and it doesn't require any entries of a public road into the property.

Mr. Galloway then advised that the bottom line is that this is a minor subdivision, it has been through preliminary plat approval and approved.

Motion/Second by Johnson/Bowlden to approve the Final Plat for SD 22-06- Turkey Run: Alan Mobley, Owner-3340 W. McIntosh Road (Approximately 199.69 acres located in Land Lot 3 of the 3rd Land District)- Requesting approval of a 12-lot final plat located within the AR-1 district. Motion carried unanimously by all.

F. Other Business:

1. Lift from Table- Application 22-08Z: Bruce- Tracie Gann, Owner- Southtree Commercial, Agent- 7781 Newnan Road (Approximately 9.625 acres located in Land Lot 15th of the 1st Land District)- Requesting a modification on a zoning condition imposed in application 17-06Z to seek a driveway approval from Georgia Department of Transportation (GDOT) of HWY 16.

Motion/Second by Johnson/Flowers-Taylor to lift from the table Application 22-08Z: Tracie Gann, Owner- Southtree Commercial, Agent- 7781 Newnan Road (Approximately 9.625 acres located in Land Lot 15th of the 1st Land District)- Requesting a modification on a zoning condition imposed in application 17-06Z to seek a driveway approval from Georgia Department of Transportation (GDOT) of HWY 16. Motion carried unanimously by all.

Ms. Littlefield stated that this is a request to alter a zoning condition that was imposed when this application was first submitted. Initially the applicant submitted they would be entering their property from SR 16, but they have since revised their site plan and will be entering the property from Buckeye Road. Ms. Littlefield advised that the applicant has amended their site plan and that the deceleration lane is no longer a recommendation of staff.

Staff is recommending approval of the new site plan with a few modifications on the actual building, new screening requirements, paving requirements for

the landscape material base and an additional landscape strip on the rear of the property as this is a heavier commercial use than the commercial property on the other side of the property line. Staff does recommend approval with recommended improvements to Buckeye Road and additional screening at the rear of the property as the properties surrounding this are zoned agricultural.

Steve Gulas, Southtree Commercial, 201 Prospect Park, Peachtree City, stated that the owner of the property had decided to move the driveway entry off of Buckeye Road. Right now, Buckeye Road has a 40' right of way and it is a gravel road. The owner of the property will be donating 30' of their property to make Buckeye Road a 70' right of way from SR 16 just past the new entrance to their property and they will be paving that portion of Buckeye Road.

Motion/Second by Flowers-Taylor/Bowlden to approve Application 22-08Z: Bruce- Tracie Gann, Owner- Southtree Commercial, Agent- 7781 Newnan Road (Approximately 9.625 acres located in Land Lot 15th of the 1st Land District)- Requesting a modification on a zoning condition imposed in application 17-06Z to seek a driveway approval from Georgia Department of Transportation (GDOT) of HWY 16 with conditions as recommended by staff. Motion carried unanimously by all.

G. Closed Meeting – None.

H. Adjournment

Motion/Second by Flowers-Taylor/Johnson to adjourn the meeting at 7:28 p.m.