



## After Agenda

Board of Commissioners – Extraordinary Session

April 17, 2023 6:00 PM

Room 108, Spalding County Annex Building

119 E. Solomon Street

Griffin, GA 30223

**The Spalding County Board of Commissioners held their Extraordinary Session on Monday, April 17, 2023, in Room 108 of the Spalding County Annex Building, beginning at 6:00 p.m. with Chairman Clay Davis presiding. Commissioners James Dutton, Gwen Flowers-Taylor, Ryan Bowlden and Rita Johnson were present for the meeting. Also present were County Manager, Steve Ledbetter, County Attorney, Stephanie Windham, County Zoning Attorney, Newton Galloway, Community Development Planner, Eva Morales and County Clerk, Kathy Gibson to record the minutes.**

**I. OPENING (CALL TO ORDER)** was led by Chairman Clay Davis.

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

**II. INVOCATION**

1. Pastor Robbie Milner of United Christian Fellowship of Griffin delivered the Invocation.

**III. PLEDGE TO THE FLAG**

1. Commissioner Rita Johnson, District #3, led the Pledge to the Flag.

**IV. PRESENTATIONS/PROCLAMATIONS**

1. Consider a Proclamation recognizing the Correctional Officers and the Staff at the Spalding County CI during Correctional Officers and Employees Week, May 7-13, 2023. This group of people help make Georgia's Prison system a recognized leader nationwide.

***Motion/Second by Flowers-Taylor/Bowlden to approve a Proclamation recognizing the Correctional Officers and the Staff at the Spalding County CI during Correctional Officers and Employees Week, May 7-13, 2023. This group of people help make Georgia's Prison system a recognized leader nationwide. Motion carried by a unanimous vote.***

**V. CITIZEN COMMENTS**

Speakers must sign up prior to the meeting and provide their names, addresses and the topic they wish to discuss. Speakers must direct your remarks to the Board and not to individual Member or to the audience. Personal disagreements with individual Members 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.

Speakers will be allotted three (3) minutes to speak on their chosen topics as they relate to matters pertinent to the jurisdiction of the Board of Commissioners. No questions will be asked by any of the members during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting. No speaker will be permitted to speak more than three (3) minutes or more than once, unless the Board votes to suspend this rule.

Spoke Against the Rezoning at 480 Tomochichi Road/Warehouse.

Dena Roberson Ray, Parham Road, Griffin, GA  
Jerry McKneely, 131 Chehaw Road, Griffin, GA  
Renee Futral, 4953 Jackson Road, Griffin, GA  
Mike Hubbard, 2667 Teamon Road, Griffin, GA  
Kay Wimpy, 164 S. Walkers Mill Road, Griffin, GA  
Richard Crowley, 64 N. Walkers Mill Road, Griffin, GA  
Gerald Bailey, 2724 High Falls Road, Griffin, GA

Spoke Against the Rezoning at 2336 Teamon Road/Teamon Pointe Cluster Homes.

Michelle Drugacz, 312 Whispering Pine Way, Griffin, GA  
Maurice Passannat, 519 Inkberry Drive, Griffin, GA  
Mike Hubbard, 2667 Teamon Road, Griffin, GA  
Laurence Weeks, 2966 Teamon Road, Griffin, GA  
Richard Crowley, 64 N. Walkers Mill Road, Griffin, GA  
David Lynch, 105 N. Walkers Mill Road, Griffin, GA

Spoke In Favor of the Rezoning at 2336 Teamon Road/Teamon Pointe Cluster Homes.

Peter Phelps, 804 Dusky Sap Court, Griffin, GA

Spoke Against the Rezoning at 35 South McDonough Road/Warehouse.

Jeff Grant, 237 Crouch Road, Griffin, GA  
Kay Wimpy 164 South Walkers Mill Road, Griffin, GA  
Richard Crowley, 64 N. Walkers Mill Road, Griffin, GA

Brian Farrell, 505 Musgrove Road, stated that Road Maintenance in Spalding County needs to be improved. He was walking down Musgrove Road and counted 105 potholes and that is after the pothole crew completed their work on Musgrove Road.

## VI. MINUTES

1. Consider approval of the Minutes from the Spalding County Board of Commissioners Special Called Meeting - Retreat on March 24, 2023, and the Spalding County Board of Commissioners Regular Meeting and Executive Session on April 4, 2023.

***Motion/Second by Johnson/Dutton to approve the Minutes from the Spalding County Board of Commissioners Special Called Meeting -***

***Retreat on March 24, 2023, and the Spalding County Board of Commissioners Regular Meeting and Executive Session on April 4, 2023. Motion carried by a unanimous vote.***

## **VII. OLD BUSINESS**

1. Lift from the table **Application 22-09Z: Clinton C. O'Brien & Sandra O'Brien Maloy, Owners. HFG Development, Agent. 480 Tomochichi Road (Approximately 85.90 located in Land Lot 49 & 50 of the 3rd Land District). Applicant requests rezoning from AR-1, Agricultural and Residential and R-2, Single-Family Residential to C-2, Manufacturing.**

***Motion/Second by Johnson/Flowers-Taylor to lift from the table Application 22-09Z: Clinton C. O'Brien & Sandra O'Brien Maloy, Owners. HFG Development, Agent, 480 Tomochichi Road (Approximately 85.90 located in Land Lot 49 & 50 of the 3rd Land District). Applicant requests rezoning from AR-1, Agricultural and Residential and R-2, Single-Family Residential to C-2, Manufacturing. Motion carried by a unanimous vote.***

Eva Morales, Community Development Planner, stated that she has revised the Staff Report as requested by the Board. She then reviewed the staff report. The applicant has followed all of the requirements set out by the AKB Overlay, including the traffic study and site plan revisions. She then reviewed the list of conditions.

Stephanie Windham, County Attorney, advised that the Board's direction to staff at the meeting on January 26<sup>th</sup>, was focused on three items:

- (1) Access on Chehaw Road.
- (2) The required buffers and how those buffers were planted for visual and sound abatement. To best obstruct the view and reduce noise.
- (3) Request that staff review the earlier staff reports and determine any inconsistencies and correct those.

Ms. Morales did an excellent job of going through the staff reports and making a determination as to where errors did lie and correcting those errors. Ms. Windham then advised that the Board has heard this evening about Open Records Request that were not responded to appropriately. She wanted to impress upon the Board that was not the fault of Ms. Morales, the information was not as readily available as it should have been left by prior staff; therefore, the traffic study that was performed by the applicant and submitted was not provided in a timely manner. This has been remedied and the information has now been provided.

Ms. Windham then stated that Mr. Jones and Ms. Griffis have been advised that they would be able to speak directly with the board this evening.

Steven Jones, Attorney for HFG Development, 1600 Parkwood Circle, Suite 200, Atlanta, GA presented the Board with a list of conditions there were different from the conditions provided by staff. He then gave a comprehensive overview of the project and outlined the reasons for the changes being requested in the buffers.

Mr. Jones advised that they are proposing a second entrance into the property that would only be accessible to emergency and fire personnel. There would be a Knox Box located on the gate to this entrance and no entry would be permitted by anyone but emergency and fire personnel.

Ms. Morales confirmed that in speaking with the Fire Marshall she has confirmed there are several Knox Boxes currently located in the County to allow emergency and Fire personnel access to facilities. There is a special feature of the Knox Box that should someone try to bypass the box, it will immediately notify the emergency response team and it will not stop alarming until a protocol including a key and a code is entered. The Fire Marshall spoke favorably about the Knox Box and encouraged the use of one at this location. Should the main entrance be compromised, this would provide a secondary entry for emergency vehicles.

Commissioner Dutton then asked if there was any way to get around the Knox Box.

Mr. Morales advised from her conversations with the Fire Marshall there is no way to get around the Knox Box. There are a few ways the Knox Box can be set up, but essentially should the key be removed to obtain access the emergency response team will be deployed.

Ms. Windham asked that the Board give staff a better idea of what they want as far as the buffers are concerned because in the video and in the Minutes, there was not clear direction from the Board as to your desire for those buffers.

Melissa Griffis, Attorney representing the citizens in the area, 32 S. Port Square, Newnan, Georgia stated that at the meeting in January there was no access from Chehaw Road, not access with a Knox Box or any other form of access there was to be no access from Chehaw Road. The citizens are asking that you stick with what you said on January 26<sup>th</sup> and the direction you gave the staff at that time.

The staff report states that the use for this property is not consistent with nearby zoning, everywhere around this property is either residential or agriculture zoned. So, if you are going to approve this against the neighbors' request and make this spot zoning, then your conditions need to be specific enough to give them the protection they are asking for. The staff report is very specific so that your staff has a way to verify whether or not these conditions are being followed. The applicant's proposed conditions are better for the applicant. They are not better for the staff, the County or for the citizens. We are asking you to follow the staff's recommendations, not what the applicant wants. Comments that were made in the Minutes and they are consistent with the conditions in the Staff Report, not in the applicant's proposed report.

There have been violations of the Open Records Act, like Ms. Windham stated earlier. We have requested documents for months and the County just provided last week documents that you have had since December 2022. The point of the Open Records and Open Meetings Act is so that citizens can see transparency in their government. When the County doesn't comply, not only is it illegal, but it creates distrust amongst the taxpayers and the citizens. Then when you add on changes that an applicant makes that are an opposite of what the citizens heard you say in the meeting on January 26, 2023, it makes the whole process ineffective so that we are not working for the betterment of the County and the citizens.

The citizens are asking that the Board utilize the recommendations of staff as these recommendations reflect the wishes of the citizens and the Board as stated in the meeting on January 26, 2023.

Mr. Jones then stated that he would like to comment on condition #11 in the staff report. Ms. Griffis implied that the applicant committed to reducing the size of the building, they didn't, they made a speculation on what an engineering constraint could do. The building had not been engineered and it was not a commitment to do anything, it was a discussion of potential engineering implications.

Regarding the buffers, the proposed building is substantially below grade and when you add the buffers proposed, they create a substantial barrier to truck lights, to noise and to visual impact. He asked that the Board vote consistent with the Comprehensive Plan, consistent with the Planning Commission and consistent with the Boards discussion on January 26<sup>th</sup> and vote to approve this application with the conditions that Mr. Jones distributed.

Ms. Windham stated that the staff is grateful to both Mr. Jones and Ms. Griffis, to the applicant and the complainant for their engagement and assistance in formulating the staff report. While we understand that there may be adjustments to the staff recommendations 1, 10 and 11 based on the conversations this evening. We would ask that you not accept the applicant's conditions as presented. There are differences in the staff recommendations beyond the #1, 10 and 11 condition that are based on your comments and staff recommendations.

Commissioner Flowers-Taylor then asked what other conditions were different in the two recommendations.

Ms. Windham advised that numbers 12 and 17 are different. Number 16 has been omitted from the applicant's proposed conditions. Everyone at the January 26<sup>th</sup> meeting was very concerned with the access on Chehaw Road.

Commissioner Flowers-Taylor stated that her comments regarding no access on Chehaw Road that were made at the January 26<sup>th</sup> meeting referred to truck traffic related to the vehicles or employees. So, while there is concern about us changing our mind, we have a responsibility as a Board to still look at safety. So, the request

for the Knox Box on an entry to the property is valid. Her comment was that no traffic should be allowed to conduct the business on the site.

Chairman Davis then clarified that the Board believes that no business traffic should utilize the entrance on Chehaw Road. This is an emergency entrance only.

Commissioner Johnson then stated that when the Board met in January, we asked the staff to address the three items that we were concerned about. It is now up to us to decide if they have done that. With Commissioner Flowers-Taylor explanation regarding the emergency access road and the Knox Boxes should be there for safety reasons, she feels the staff has done a good job in addressing the concerns we had back in January.

Ms. Windham then stated that this is the first piece of property that has come before the Board in the AKB Overlay and it is the Board's opportunity to make a template of what you would like to see in that corridor from now on.

Commissioner Dutton then asked if the emergency entrance could be made a single lane. Since it is an emergency entrance, it simply needs to be wide enough to accommodate fire and emergency vehicles.

Ms. Windham stated that she feels that staff conditions #1 takes into consideration comments made by this Board, made by the applicant and by the complainants. This situation has been quite fluid for many months, so the staff's expectation was not that the Board would come in and blanket approve every condition recommended. We expected there to be some change given the fluidity, so it is up to this Board.

The Board then crafted the following motion:

***Motion/Second by Flowers-Taylor/Johnson to approve Application 22-09Z: Clinton C. O'Brien & Sandra O'Brien Maloy, Owners. HFG Development, Agent. 480 Tomochichi Road (Approximately 85.90 located in Land Lot 49 & 50 of the 3rd Land District). Applicant requests rezoning from AR-1, Agricultural and Residential and R-2, Single-Family Residential to C-2, Manufacturing with the following conditions:***

- ***There shall be a 50-foot buffer and a 75-foot average buffer along all road frontages and property contiguous (i.e., not separated by a road) with the subject property, and zoned AR-1(Including, but limited to, Tax Parcel 218 02006C (Dubberly), which buffer (at a minimum) shall consist of a 10-foot undisturbed buffer and a 40-foot planted buffer.***
- ***Any curb cut from Highway 16 will require GDOT approval and shall follow GDOT recommendations on the accel and decel lanes.***

- ***Parking shall provide landscape islands in the regular car parking, and landscaping along the front of the building.***
- ***All lighting shall be night sky compliant and provide for the least impact on adjacent properties.***
- ***All parking that is at or above the grade of adjacent roadways shall be oriented to the internal operations of the site.***
- ***Natural vegetation shall be preserved within a majority of the wooded reserve portion of the southwest corner of the development, labeled “potential septic area” on the concept plan, dated 9/19/22; provided that, if and as permitted by the Spalding County Health Department, Georgia Environmental Protection Division (EPD) and any other regulatory agency as required.***
- ***All solid waste disposal mechanisms must be internally oriented and shall be enclosed.***
- ***All signage must be approved separately, pursuant to the Spalding County Sign Ordinance codified at Appendix E of the Zoning Ordinance of Spalding County, Georgia.***
- ***No entrance(s) to the development shall be permitted on Tomochichi Road.***
- ***The emergency access to the subject property on Chehaw Road shall only used for emergency access, and the access shall be controlled by with a “Knox Box” or similar device, which restricts use of the gate to only emergency service personnel.***
- ***All buffers shall consist of:***
  - a) ***A staggered, double row of evergreen trees consisting of no more than 33.33% of the same species;***
  - b) ***In areas where the internal parking facilities are at or above the grade of the adjacent roadway, a planted berm must exist to improve sound reduction;***
  - c) ***Said staggered, double row of evergreen trees shall be planted and maintained to significantly reduce the visibility of property improvements from all sides.***
- ***The developer shall be required to have a maintenance bond on all landscaping, and buffers to be reviewed by a certified arborist for a minimum of three (3) years after issuance of a land disturbance permit for the development.***
- ***All noise associated with parking, loading, and unloading of trucks shall be conducted at a level and during the hours that comply with the Spalding County noise ordinance, codified in Part XI, Chapter 4 of the Code of Spalding County, Georgia***
- ***At the time of land disturbance permitting, the developer shall establish that there is adequate parking, space, flow and transport for the intended use of the development.***
- ***The emergency access point to the subject property on Chehaw Road, shall not line up with any existing residential driveway, and***

- shall be a single-lane, wide enough to accommodate emergency vehicles.**
- **A landscape plan to include the type of trees and the size of trees to be planted shall be presented to staff for approval, pursuant to condition #1 above.**
  - **There shall be no parking allowed on Tomochichi Road or Chehaw Roads.**

**Motion carried by a unanimous vote.**

Chairman Davis then called for a five (5) minute break to allow those who were here for item #1 to depart if they desire at 8:23 p.m.

Chairman Davis then reconvened the meeting at 8:33 p.m.

2. Lift from the table and conduct a Public Hearing on **Application 22-11Z: 585 Spalding Investments, LLC, Owners. 35 S McDonough Road (Approximately 208.99 located in Land Lot 14 of the 3rd Land District). The applicant requests rezoning from AR-1, Agricultural and Residential to C-2, Manufacturing to allow for the building and operation of a warehouse.**

**Motion/Second by Dutton/Flowers-Taylor to Lift from the table Application 22-11Z: 585 Spalding Investments, LLC, Owners. Motion carried by a unanimous vote.**

Ms. Morales advised that the applicant is requesting the property be rezoned from Agricultural and Residential to C-2 Manufacturing. This property is located next to the industrial parkway. They were given conditional approval by the Planning Commission. They have also met all the requirements for the AKB Overlay. The DRI has not come back on this property as of today. She spoke with Three Rivers Regional Commission this afternoon and they have it scheduled to be returned tomorrow. One of the conditions is: Completion and analysis of DRI Application by Three Rivers Regional Commission and this will not be completed until tomorrow.

Newton Galloway, County Zoning Attorney, advised that the DRI should have been completed months ago; however, it had not been submitted by prior staff. The lack of the DRI being tendered to Three Rivers became evident as we were preparing the staff report for the Planning Commission.

**Motion/Second by Flowers-Taylor/Johnson to open a Public Hearing on Application 22-11Z: 585 Spalding Investments, LLC, Owners. 35 S McDonough Road (Approximately 208.99 located in Land Lot 14 of the 3rd Land District). The applicant requests rezoning from AR-1, Agricultural and Residential to C-2, Manufacturing to allow for the building and operation of a warehouse at 8:34 p.m. Motion carried by a unanimous vote.**



Mr. Galloway then advised that on page 2 of the staff report there is reference to the regulations governing the regional impact report. This project required DRI review because it includes 1.325 million square feet and DCA Rule 110-12-3.34 the application can be received but cannot be finally approved by Spalding County until such time as the DRI report is complete and sufficient time has been allowed for its consideration.

Ms. Windham then advised that the board could take this as a condition and proceed with the Public Hearing this evening.

Mr. Galloway advised that if there are no negative findings on the DRI there will be no need for an additional hearing. We do not expect any negative findings as Ms. Morales has talked with Three Rivers. The Board can go ahead with the public hearing this evening.

Spoke against the proposed Warehouse.

Jeff Grant, 237 Crouch Road, Griffin, GA

Tammy Bowden, 665 S. McDonough Road, Griffin, GA

Richard, Crowley, 64 N. Walkers Mill Road, Griffin, GA

David Lynch, 185 N. Walkers Mill Road, Griffin, GA

Jeff Herman, 585 Spalding Investments, LLC, 1400 Buford Highway, Sugar Hill, GA, the applicant for the property. This parcel is part of the 400-acre piece that they received zoning on previously. We are asking the balance of the property to be rezoned so that they can put all the property together with the appropriate number of lift stations and everything else to address the whole piece as one project. This property is part of the Future Land Use Plan as Industrial and has had that designation for a number of years. The property was always meant to be industrial. They are in the AKB overlay and they are bound by a number of development criteria as part of the overlay.

The location of this property is convenient to AKB Parkway on McDonough Road and there is a red light on AKB, so there is no reason for anyone to continue down McDonough Road any further than the entrance to our property. They have agreed to put signs up stating, "Truck Access to Arthur K. Bolton Parkway" ONLY. Mr. Herman stated they are planning to overlay the entire road and bring the paving up to grade to handle the larger trucks. They will expand the road to three lanes from the red light to the last entrance onto their property and they will go ahead and top the remainder of the road.

Mr. Herman stated that they plan to work closely with the Development Authority and adhere as closely as possible to the Green Valley guidelines.

***Motion/Second by Dutton/Flowers-Taylor to close the Public Hearing at 8:59 p.m. Motion carried by a unanimous vote.***

Ms. Morales then covered the staff conditions for this property:

- a. Completion and analysis of the DRI application by Three Rivers Regional Commission.
- b. Rezoning conditioned upon the “Zoning Plan 585 Spalding Investments, LLC,” dated October 10, 2022.
- c. The development shall comply with and implement the development standards prepared by the Griffin-Spalding County Industrial Development Authority that governs development in The Lakes at Green Valley.

Mr. Galloway stated that the developer has requested the following language for Item “c”: The buildings shall be constructed similarly to the development standards utilized by the Griffin-Spalding County Industrial Development Authority that govern development at the Lakes in Green Valley.

- d. No ingress and egress shall be permitted to the property directly from AKB or Wild Plum Road. The property must be accessed by South McDonough Road and The Lakes Parkway.
- e. The 100 feet setback shown on the “Zoning Plan” identified in condition (d) above shall be either left as an undisturbed buffer or a planted buffer.
- f. Improve the paving on the entire length of the applicant’s property from Hwy 16 to the southern most area of the property to “Super Paving” to accommodate for heavier vehicle loads.

Mr. Herman advised that where the last entrance on the road, there will be a turn lane added to the middle of the road all the way down to AKB and that section will be the “Super Paving”; however, they would require to simply improve the current road with milling and additional asphalt for the section of the road from the last driveway to the end of their property that parallel’s the road.

Chairman Dutton stated that we need to make sure what is being requested, there needs to be no ambiguity on this issue. We need to be on the same page as to what the condition is.

Dr. Ledbetter is a technical term, and this section of McDonough Road is Phase III of the bypass. So, it will be a while before DOT puts that work into play. We do need to engineer for the buildings in this area to be extended to at least three lanes.

- g. Increase the number of lanes to a minimum of three to allow for a turn lane by all traffic into the property; and
- h. Sign and prevent trucks from turning South on South McDonough Road – all trucks shall egress to the North onto South Highway 16/AKB Boulevard.

***Motion/Second by Dutton/Flowers-Taylor approve Application 22-11Z: 585 Spalding Investments, LLC, Owners. 35 S McDonough Road (Approximately 208.99 located in Land Lot 14 of the 3rd Land District). The applicant requests rezoning from AR-1, Agricultural and***

**Residential to C-2, Manufacturing to allow for the building and operation of a warehouse with the following conditions:**

- a. Unchanged**
- b. Unchanged**
- c. Unchanged**
- d. Unchanged**
- e. Make the parenthetical condition change from (d) to (b).**
- f. Improve the paving on South McDonough Road from Arthur K. Bolton to the Southern most entrance into the development, pursuant to "Super Paving" to accommodate heavier vehicular loads.**
- g. Unchanged**
- h. Change condition to reflect: "Sign to prevent trucks from turning South on South McDonough Road – all trucks shall egress to the North onto South Highway 16/AKB Boulevard.**

**Motion carried by a unanimous vote.**

3. Lift from the table and conduct a Public Hearing on **Application 23-03S: Minerva Spring Lake, LLP, Owner-2336 Teamon Road (Approximately 99.214 acres located in Land Lot 231 & 232 in the 3rd Land District)**. The applicant is requesting a Special Exception to allow "Cluster Dwellings'- Single-Family detached houses with open space with a traditional design within the R-2, Single-Family Residential District.

**Motion/Second by Johnson/Flowers-Taylor to Lift from the table Application 23-03S: Minerva Spring Lake, LLP, Owner-2336 Teamon Road. Motion carried 4-1 (Dutton).**

**Motion/Second by Flowers-Taylor/Dutton conduct a Public Hearing on Application 23-03S: Minerva Spring Lake, LLP, Owner-2336 Teamon Road (Approximately 99.214 acres located in Land Lot 231 & 232 in the 3rd Land District). The applicant is requesting a Special Exception to allow "Cluster Dwellings'- Single-Family detached houses with open space with a traditional design within the R-2, Single-Family Residential District at 9:40 p.m. Motion carried by a unanimous vote.**

Spoke Against the proposed development.

Michelle Drugacz, 312 Whispering Pines Way, Griffin, GA

Laurence Weeks, 2966 Teamon Road, Griffin, GA

Mike Hubbard 266 Teamon Road, Griffin, GA

Richard Crowley, 64 N. Walkers Mill Road, Griffin, GA

Bethany Randolph, 339 Chewhaw Road, Griffin, GA

Spoke In Favor of the proposed development.

Bob Beyer, 516 Orchid Lakes Court, Griffin, GA

***Motion/Second by Dutton/Flowers-Taylor to close the Public Hearing at 9:57 p.m. Motion carried by a unanimous vote.***

Ms. Morales stated that the developer is requesting a special exception to allow for family cluster dwellings within R-2 with a traditional design subdivision. The property will be known as Teamon Pointe and will contain 343 detached residential dwellings. The special exception seeks approval for the subdivision to develop cluster dwellings pursuant to UDO Section 803 (b)(3) as a traditional design subdivision. The house square footage will range from 2,030 to 2,850 of heated space. The developer will also donate land for a new fire station on the northeast corner of the subject property.

Minerva Spring Lake, LLP acquired this property in 2006 and no development has ever occurred on this property. There are several conditions the applicant will need to agree to which include the development standards for the property. This property appeared before the Board of Appeals for two variances: One to reduce the diameter of the cul-de-sac, and we must follow the internal fire codes on the size of the cul-de-sac. The second was to adjust the setbacks, front, rear and sides for the lots.

Mr. Galloway advised that on the variance application, the Board of Appeals recommended conditional approval of the variance but required that the pavement of each cul-de-sac be constructed with a minimum of 96' in diameter as required by the 2018 International Fire Code.

Mr. Galloway stated that this property now has sewer available and that is what allows within the Comp Plan for greater density of residential development from 1-4 units per acre.

Brian Davison, Minerva USA, 2292 Henderson Mill Road, Atlanta, GA stated that everything they have done here in Spalding County has been done to improve what already existing and try to make positive changes. They have been successful most of the time and they will continue to do positive things in the county. This is land they purchased in 2006, but they did not have sewer service until late 2021. They built a gravity line to the property and from there, there is a force main that runs north of the Towaliga Reservoir.

The plan is in sync with the recent Comp Plan that the County has just completed for the 2042 Plan which designates the corridor up Team Road to SR155 as medium to high-density single-family housing. Most of this area is zoned R-2 already. In order to do this kind of density you need sewer, and they are the owners of the Community Services Sewer Plant that services Sun City. This is the last property to the east on Teamon Road that gravity flows. The entire line the rest of the way is a force main that you can't tie into.

Mr. Davison advised that the current zoning allows for homes that are 1,750 square feet. Our proposal is bigger at 2,000 square feet. The current zoning has no rental cap and staff asked if we would be okay with a 10% rental cap which we have agreed

to, and it has been added as a condition. The current zoning has no architectural detail controls on it, the new zoning category does. The existing zoning structure did not have an open space requirement, the new one does require 12% open space.

Mr. Davison then stated that this is more lots, but they are increasing the details and the quality of what they are planning to do there. The Fire Station is a promise he made to the prior County Manager about 18 years ago, that when we developed the property, we would donate a site for the Fire Station, and he will continue to honor that promise with whatever development they make. Whether it is this development or the prior development if we convert back to the smaller houses.

The current plan as submitted shows 343 lots and staff has asked that the density be capped at 3 units per acre, which is 295 lots. This would free up approximately 6.6 acres of land. He has recently been asked to add more open space to the core of the community and he would suggest that if this rezoning is approved you add one more condition to add another 6.6 acres of open space in the center of the community. Should you approve this rezoning, we will still have to come back for a preliminary plat approval.

Mr. Davison then addressed the concerns expressed by those citizens during the public hearing. They have now engaged a retail developer to do the retail center and hopefully there will be some medical facilities at the entrance to Sun City at the Village Site at Baptist Camp and Jordan Hill Road.

Commissioner Flowers-Taylor then asked how we could limit the number of rental homes in the area as once someone buys the home, it is their home if they want to rent it.

Mr. Galloway stated that the County's only restriction is that the builder present covenants that they will enforce that has a rental cap. Once they have presented the covenants and they comply with that requirement, the County is "out of the business."

Commissioner Flowers-Taylor wanted to know why none of the items for consideration this evening have any requirement for external sidewalks for the length of their property on the current roadway.

Mr. Davison stated that he agrees with that concept and would be fine if the Board wanted to add that condition to their plan.

Commissioner Johnson stated that she likes the plan and the retail space that has been discussed this evening, but she is concerned about the traffic.

Mr. Davison stated that area was of concern before they even started Sun City. There was discussion about straightening out the curve on Teamon Road, but nothing has been done.

Commissioner Dutton expressed his concern that the school system would not be able to accommodate the number of families this development will bring into the area. He also stated that he is concerned that the last traffic study that was done in this area is 18 years old and doesn't take into consideration the growth that has already happened in this area. He feels this should be tabled and that we ask for a traffic study and also ask for the school system's input on what this would mean to their system. He doesn't feel the Board is ready to approve this right now.

Commissioner Johnson stated that she loves the plan, but we did our due diligence over and over again with Tomochichi and she doesn't feel we have done it here. So, she would also like to see a traffic study, that is what the citizens present this evening have asked for and she feels it is fair. She feels we should ask for it here.

Commissioner Bolton thanked Mr. Davison for being here this evening, but he is going to have to side with Commissioner Dutton on this matter, he would like to see a traffic study done and he would also like to have an idea of the affect it will have on the schools. We have seen a huge boom on the northeast side of this County and from a political standpoint, that side of the county decides everything. These people are the ones to get out and vote when asked and he feels we need to slow down and listen to their concerns.

Commissioner Flowers-Taylor stated that she wants to be clear that if we are going to table this and ask them to do a traffic study. Where was the traffic study requested from Sun City for the back side of that property? There was one done on Jordan Hill Road. How can we ask them to do a traffic study when we have requested this on all the new development coming out of Sun City Peachtree on that side?

Community Dutton stated he would like to have the traffic study encompass the new development on Smoak Road, this proposed development and the new development scheduled for Sun City Peachtree. We need the traffic study to look at that.

Mr. Davison stated that he would like to have a traffic study performed and will advise as soon as the study is done and asked that it be tabled for one month.

Chairman Davis stated that as soon as the traffic study is complete, we will get it back on an Agenda for consideration.

***Motion/Second by Flowers-Taylor/Johnson to table Application 23-03S: Minerva Spring Lake, LLP, Owner-2336 Teamon Road (Approximately 99.214 acres located in Land Lot 231 & 232 in the 3rd Land District). The applicant is requesting a Special Exception to allow "Cluster Dwellings"- Single-Family detached houses with open space with a traditional design within the R-2, Single-Family Residential District to allow the developer to have a traffic study performed. Motion carried by a unanimous vote.***

## VIII. PUBLIC HEARINGS

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 the 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.

1. Conduct a Public Hearing on street light district for Sun City Pods 21, 22, 23, Del Webb Blvd Extension, and Peachtree Parkway.

***Motion/Second by Flowers-Taylor/Dutton to open a Public Hearing. Motion carried by a unanimous vote.***

Dr. Ledbetter advised that no one had signed up to speak on this Public Hearing.

***Motion/Second by Flowers-Taylor/Johnson to close the Public Hearing. Motion carried by a unanimous vote.***

***Motion/Second by Flowers-Taylor/Dutton to approve the street light district for Sun City Pods 21, 22, 23, Del Webb Blvd Extension, and Peachtree Parkway. Motion carried by a unanimous vote.***

2. Conduct a Public Hearing on the abandoned cemetery located on parcel at 2336 Teamon Road -Pursuant to O.C.G.A 36-72-7.

***Motion/Second by Dutton/Flowers-Taylor to open a Public Hearing. Motion carried by a unanimous vote.***

Dr. Ledbetter advised that no one has signed up to speak on this Public Hearing.

***Motion/Second by Flowers-Taylor/Dutton to close the Public Hearing. Motion carried by a unanimous vote.***

Ms. Morales stated that the applicant is seeking approval to develop land on which an abandoned cemetery is located. In order to develop this property they have to follow the statutes of O.C.G.A. 36-72-7 which require them to do an archeological study and have a boundary delineation for the cemetery based on the results of the study.

The applicant has had an archeological study performed on the property and has provided the County with a copy of that report. Staff is asking for a conditional approval with the following conditions:

Applicant has complied with the requirements of O.C.G.A. § 36-72-5. Staff recommends CONDITIONAL APPROVAL of Applicant's plan to preserve and protect the Boyce-Strickland Cemetery. The following conditions shall apply:

- a) The applicant (or any subsequent purchaser) shall not disturb any graves located within the cemetery.
- b) The applicant (or any subsequent purchaser) shall preserve and protect the cemetery with a 20' buffer around the gravesites.
- c) The applicant (or any subsequent purchaser) will install a non-chain link perimeter fence with access gate around the cemetery.
- d) The applicant (or any subsequent purchaser) will groom the grounds and be responsible for its upkeep.
- e) Applicant (or any subsequent purchaser) will dedicate public access to the cemetery from the public right of way.

Mr. Davison stated that the cemetery would become part of the HOA responsibility once it is established.

Mr. Galloway stated that once the development is complete, maintenance of the cemetery will be turned over to the HOA. There have been 11 graves identified on the property, 4 are marked. The builder has agreed to put a fence around it, maintain it, and provide an easement to get into and out of the cemetery. That satisfies the statute to allow them to develop.

***Motion/Second by Flowers-Taylor/Bowlden to approve the plan for the abandoned cemetery located on parcel at 2336 Teamon Road - Pursuant to O.C.G.A 36-72-7 with the conditions as named in the staff report. Motion carried by a unanimous vote.***

3. Conduct a Public Hearing on first reading of a proposed ordinance amendment to the Spalding County Development Impact Fees.

***Motion/Second by Dutton/Flowers-Taylor to open a Public Hearing. Motion carried by a unanimous vote.***

Dr. Ledbetter advised that no one had signed up to speak on this Public Hearing.

***Motion/Second by Dutton/Flowers-Taylor to close the Public Hearing. Motion carried by a unanimous vote.***

Dr. Ledbetter stated that last year when Paige Hatley and Bill Ross with Blue Cypress to conduct our Comp Plan update. Mr. Ross and Ms. Hadley provided us with information that we needed for our Comprehensive Impact Element for the County.



We have had an Impact Fee for a number of years, currently that fee is set at \$1,736.27 and during the review that Ms. Hatley and Mr. Ross recommended a maximum for Spalding County would be \$7,414.79. The Impact Fee would go toward Parks & Recreation, Public Safety (Fire, Sheriff, Jail, EMA E-911), Library, and Administration. This would be the maximum allowed under the law.

At the time we had our first public hearing on the Impact Fee in November 2022 the Board had a number of comments on where we should fall with our Impact Fee and Ms. Hatley's recommendation was to use the Henry County analog for our Impact Fee. At that time, Henry County was going through their Impact Fee Review and since then they have increased their impact fee to \$3,544.46 on a single-family dwelling.

An additional conversation at that time was that occurred at the meeting in November included the possibility of staff adding Roads, the Aquatic Center and the Animal Shelter to our Impact Fee. Staff worked with Mr. Ross and Ms. Hatley on their availability to recontract and their availability was late summer of this year to add these items for Impact Fee.

Staff has built a spreadsheet for the County to use that showcases the 18 counties out of the 159 counties that currently impose an impact fee in the State of Georgia and each of their Impact Fees. Based on this the recommendation that Ms. Hatley and Mr. Ross continue to make for your consideration is to use Henry County as the analog for where to set our Impact Fees.

Commissioner Dutton then asked how the Impact Fee would be distributed among the recipients.

Dr. Ledbetter stated that Mr. Ross and Ms. Hatley recommended that the County set them as an equal multiplier across the areas stated. At the time the fee is received in Community Development, the correct amount of dollars is distributed into each one of the "bucket areas" before it gets to Administration.

***Motion/Second by Flowers-Taylor/Johnson to approve on first reading of the proposed ordinance to amend the Spalding County Impact Fees to \$3,544.46 as recommended by staff. Motion carried by a unanimous vote.***

## **IX. REPORT OF COUNTY MANAGER**

- ✓ We have made an offer and the offer was accepted by our new Community Development Director. He then invited the community to the May 1<sup>st</sup> Regular Meeting for introductions.

- ✓ We have made an offer to a newly appointed Chief Code Enforcement Officer and he wanted to give a shout out to Sheriff Dix for his assistance in locating the right person for this role.

## **X. REPORT OF COMMISSIONERS**

**Rita Johnson** – No Comment.

**Ryan Bowlden** – We have some storm damage people who are trying to rebuild and we have the moratorium in place and they are having a problem going forward with their efforts.

Dr. Ledbetter stated that Ms. Morales stated there are 120 homes that will be impacted, and the Board will receive a copy of this document so that on May 1<sup>st</sup> the Board can vote on it and get our neighbors taken care of before the moratorium ends.

**Gwen Flowers-Taylor** – No Comment.

**James Dutton** – The fourth of July parade is coming up. He is excited about, so we need to get the County involved. They want to use our parking lot again.

Dr. Ledbetter then advised that the City is asking the County to take the point on the Juneteenth parade. This will be the MLK and Juneteenth together and the second parade will be the 4<sup>th</sup> of July.

He is going to keep hounding staff on Building Code Updates.

Dr. Ledbetter advised that we have finally gotten an answer from Municode and we have been told that the current attorney assigned to the code will be completed with his review by the end of May or the beginning of June. We have expressed our displeasure with them.

Mr. Galloway then asked if we could go back to the item addressed by Commissioner Bowlden's comment. If they are tornado damaged homes and they are non-conforming and they have been destroyed. They can be replaced as a matter of right under 403 (a). They don't have to come in to get any approval. You have to come in and get a permit, but they don't have to get any type of approval. However, if the lot remains open for a year, then they have to come back and comply with current regulations.

**Clay Davis** – None.

## **XI. EXECUTIVE SESSION** – None.

## **XII. ADJOURNMENT**

***Motion/Second by Flowers-Taylor/Dutton to adjourn the meeting at 11:15 p.m. Motion carried by a unanimous vote.***