



**After Agenda
Board of Commissioners - Zoning Public Hearings
May 25, 2023 6:00 PM
Room 108, Annex Building
119 E. Solomon Street
Griffin, GA 30223**

The Spalding County Board of Commissioners held their Zoning Public Hearing on Thursday, May 25, 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 Zoning Attorney, Newton Galloway, County Manager, Steve Ledbetter, Community Development Director, Charles Reese and County Clerk, Kathy Gibson to record the minutes.

A. Opening (Call to Order)

The meeting was called to order by Chairman Clay Davis.

PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.

B. Invocation

James Dutton, Commissioner District #2 delivered the Invocation.

C. Pledge to Flag

Ryan Bowlden, Commissioner District #3 led the Pledge to the Flag.

D. Presentations and Proclamations

Consider approval of a Proclamation declaring May 21 - 27, 2023 as National Public Works Week in recognition of the Spalding County Public Works Department and the hard work these individuals put forward every day.

Dr. Ledbetter read the Proclamation.

Proclamation
IN RECOGNITION OF
NATIONAL PUBLIC WORKS WEEK
May 21 thru 27, 2023

WHEREAS: public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Spalding County; and,

WHEREAS: These infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS: It is in the public interest for the citizens, civic leaders and children in Spalding County to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

NOW, THEREFORE

BE IT RESOLVED the Spalding County Board of Commissioners, do hereby designate the week May 21-27, 2023 as National Public Works Week; and urge all citizens to join with government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the County to be affixed this, the 10th day of May, in the year of our Lord, Two Thousand Twenty-Three.

Clay W. Davis
Chairman

Kathy Gibson
County Clerk

T.J. Imberger, Director of Parks and Public Works then thanked the Board of Commissioners for their recognition. He then introduced key members from his Department to the Board.

Motion/Second by Dutton/Flowers-Taylor to approve a Proclamation declaring May 21 - 27, 2023 as National Public Works Week in recognition of the Spalding County Public Works Department and the hard work these individuals put forward every day. Motion carried by a unanimous vote.

E. 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. 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 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 carried by a 4-1 (Dutton) vote.

Charles Reese, Director of Community Development, stated that the developer had a traffic study conducted and he then highlighted some of the results of that study:

- Existing traffic operations and delays are generally acceptable at the three studied intersections.
- There was a left-turn delay noted at Teamon and SR155 the traffic was moderately high, but change in control was not recommended for the change in the existing condition. No mitigation was identified for the existing condition.
- They did recognize in their findings that in the past five years there were 12 crashes; however, most of those crashes were non-vehicular related.
- It was recommended in the traffic study that installation of a "Deer Crossing" sign on Teamon Road would .

Mr. Reese then advised that staff recommended conditional approval of this application with the following conditions:

- a. Net Density of the development on Subject Property shall not exceed three (3) dwellings per one (1) acre.
- b. The number of residential lots shall not exceed 295 lots, a reduction of 48 lots from the original plan of 343 lots.
- c. The minimum house size for all residential dwellings shall be 2,000 square feet.
- d. The Subdivision shall be limited to the "Traditional" design and shall comply with all development and design requirements set forth in UDO, Section 413(G") (2)(a).

- e. No vinyl siding shall be used on the exterior of any dwelling.
- f. Prior to approval of a final plat the developer shall present proposed documents to create a Homeowners' Association for the development.
- g. Prior to approval of a final plat, the developer shall present restrictive covenants which restrict the rental of dwellings to 10% of the total dwellings in the subdivision (based on the number of units constructed at the time).
- h. The proposed elevations for dwellings to be built in the subdivision will provide appropriate architectural and aesthetics design requirements which shall be made a condition of rezoning.
- i. Prior to the hearing conducted on the application before the Board of Commissioners, the developer shall consult with the Spalding County Public Works Department to assess whether improvements to Teamon and Smoak Roads will be required as a result of the development on the Subject Property and the degree to which contribution from the developer should be imposed.
- j. As required by UDO, Section 413(G'')(2)(a)(iv)(2), the developer shall reserve space at the entrance into the subdivision from both Teamon and Smoak Roads (if an entry is developed there) for a landscaped entry with appropriate signage designating the subdivision commensurate with the design, architecture, aesthetic character of the subdivision and shall provide plans for review and approval of such signage by the Board of Commissioners.
- k. The Board of Commissioners must conduct a hearing on the Bryce-Strickland cemetery located on the Subject Property which shall review the report of R.S. Webb and Associates, April 15, 2003, and the developer's compliance with O.C.G.A. §36-72-1, et seq.
- l. The conditions imposed on the development of the Subject Property shall continue to apply to it in the event of transfer to a third party or successor developer.
- m. Turning lanes will be required from Teamon Road. Applicant/developer will work with Public Works to determine access specifications.

Mr. Reese then stated that the following variances have been approved by the Planning Commission for this subdivision:

Variance Application 23-04V, conditional approval requiring the pavement width of each cul-de-sac be constructed with a minimum of 96-feet in diameter, as required by the 2018 Fire Code.

Variance Application 23-05V, conditional approval of the following:

- (1) Garage entrances shall be a minimum of 20 feet from the sidewalk edge.
- (2) Front and side yards will be sodded.
- (3) Rear yards will be sodded on those lots that abut subdivision amenity areas.
- (4) No vinyl siding shall be used on the exterior of any dwelling.

- (5) In addition to landscaping required by UDO, Section 413(G'')(2)(a)(iii), street trees shall be required on both sides of all streets, planted at 50-foot intervals, 2-inch minimum caliper.
- (6) In addition to the foundation requirements in UDO, Section 413(G'')(2)(a)(i)(2)(d), exposed concrete foundations are not permitted.

The following individuals spoke against the development:

Art Ross, 443 Golden Road Court, Griffin, Georgia.

Molly Graham, 611 Larch Looper, Griffin, Georgia.

Michelle Drugacz, 244 Sawgrass Place, Griffin, Georgia.

Laurence Weeks, 2966 Teamon Road, Griffin, Georgia.

Brian Settles, 817 Beach Blossom Court, Griffin, Georgia.

Robert Mock, 125 Bar H. Road, Griffin, Georgia.

The following individuals spoke in favor of the development:

Bob Bryer, 516 Orchid Lights Court, Griffin, Georgia.

Don Friedman, 103 Odingsell Court, Griffin, Georgia.

Brian Davidson, Minerva USA, 2292 Henderson Mill Road, Atlanta responded to some of the topics that were discussed by citizens this evening that were not accurate.

- Comments regarding the Traffic Study that Minerva had volunteered to do. They hired a third party to conduct the traffic study and he came back with the recommendation for a westbound left turn lane on Teamon Road for safety and we are in agreement with that recommendation.

The Traffic Engineer also stated that Sun City would benefit from a turn lane also off Teamon Road at some point in the future. This will allow cars to stack in the left turn lane and allow cars to continue safely past them.

Mr. Davidson advised that is a \$400,000 addition to the construction costs, but they are willing to accept this as a staff's recommendation.

- Regarding the number of accidents in the area, he isn't sure who made the request or exactly what was requested. It had to have been a wide area as it includes roads such as Dundee Lake Road, English Ivy (which is inside of Sun City), Echo Ridge, Heron Bay, Dobbins Mill Road, Kilgore Road, A & B Trailer Park over on 19-41, accidents along SR155 by Jackson Road, Pine Glenn Trailer Park, and accidents inside of other surrounding neighborhoods. Additionally, the accidents are double, and triple counted if the fire department or EMC showed up for the accident.

- We felt that the only area relevant was Teamon Road as that is where we are developing and we had them study the Jordan Hill/Teamon Road exit, the Sun City exit, our proposed exit along with Teamon at SR155.

Mr. Davidson then stated that that this project is in line with Spalding County's recently completed Comprehensive Plan that calls for this area the Comp Plan defines 1-4 units per acre, Medium to High Density, for everything from Sun City to Heron Bay. We are within that parameter. The Zoning Ordinance does allow this type of development as a provision, they are not creating a new category for something that doesn't exist. There are a number of places with this zoning that exist in the county already. So, we are not proposing anything new.

Commissioner Flowers-Taylor then stated that we have said that we want this kind of growth in the northern part of the county. That is where sewer is located, and development follows sewer. Her concern is that there is no way to make the curve on Teamon Road safe and that is a county problem, and she has a problem with the entry from the subdivision being placed right as you come out of that curve.

Mr. Davidson advised that is a 45-m.p.h. speed limit and he believes there is a reduction to 35 m.p.h. at the curve. There have been 12 accidents in the Teamon/Smoak Road area and 9 of them were on that curve and they were all one car accidents. They have attempted to relocate that entrance farther down the road from the curve and if there is a left turn lane as recommended, it will provide for stacking down the road as well as through traffic.

Commissioner Dutton then expressed his concerns over the difference in the traffic study and the traffic information provided through an Open Records Request. He also expressed concern regarding the number of homes and the proposed green space in the neighborhood. He was concerned that with the amount of green space whether there would be enough room for the number of homes being projected for the neighborhood.

Commissioner Flowers-Taylor then stated that even though she is not comfortable with the entrance location to this subdivision, she is not okay with our not granting this developer what we have already granted to three other developments in the area. This area has sewers which allow for the development of homes closer together. The problem is we need to fix Teamon Road, we need to take the curve out of the road. A lot of what she has heard regarding accidents on that road is not so much about housing as it is we have a bad road.

Mr. Galloway stated that this is a Special Exception Subdivision, it will not have an age restriction, but will have a rental restriction which has been voluntarily set by Minerva agreeing to that condition. Mr. Galloway advised that the developer has supplied pictures of the buildings being proposed and

Mr. Reese will have to enforce them to see if they satisfy these criteria when then they come in for permitting. The key here is, we have set a development plan in the Comp Plan for that area for 1-4 units per acre as long as they are serviced by sewer. The staff recommendation is tied to the Comp Plan.

Motion/Second by Flowers-Taylor/Johnson to approve 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 with all of the conditions as recommended by staff.

Commissioner Dutton stated that he would like to adjust Staff Recommendation "I", he feels that the statement "... and the degree to which contribution from the developer should be imposed." Why are we not putting this on the developer?

Commissioner Johnson pointed out that it says the developer has to work with our Public Works Department.

Mr. Davidson stated that he believes Commissioner Dutton's question is the way it is worded, it is debatable as to who pays. He fully understands and he doesn't mind if the Board makes it a condition that road widening will be at Minerva's cost.

Commissioner Dutton asked that Staff Recommendation "I" be amended to state that the cost associated any improvements necessary on Teamon and Smoak Roads be at the expense of the developer.

Mr. Galloway stated that the condition needs to be amended to include that the developer pay for the turn lanes and improvements at the entrance on Teamon Road.

Commissioner Dutton then asked Commissioner Flowers-Taylor if she would agree with the condition being amended to her motion and if Commissioner Johnson would agree to second the condition.

Commissioner Flowers-Taylor and Commission Johnson then accepted the change to Staff Recommendation "I" to read:

- I. Prior to the hearing conducted on the application before the Board of Commissioners, the developer shall consult with the Spalding County Public Works department to assess whether improvements to Teamon and Smoak Roads will be required as a result of the development on the Subject***

Property and the developer will pay for the turn lanes and improvements at the entrance on Teamon Road. Further, should there be a need for improvement on Smoak Road as a direct result of the Development, those costs will also be considered. Motion carried by a vote of 4-1 (Dutton).

2. Lift from table and conduct a public hearing on **Application 23-03Z: 715 W W Hall LLC, Owner, 4 Sixth St** (Approximately 9.66 acres located in Land Lot 207 of the 2nd Land District). The applicant is requesting a rezoning to be removed from the Mill Village Overlay. This application was tabled during the Regular Meeting held on February 28, 2023.

Motion/Second by Flowers-Taylor/Dutton to lift from the table and conduct a public hearing on Application 23-03Z: 715 W W Hall LLC, Owner, 4 Sixth St (Approximately 9.66 acres located in Land Lot 207 of the 2nd Land District). The applicant is requesting a rezoning to be removed from the Mill Village Overlay. Motion carried by a unanimous vote.

Mr. Reese stated that the applicant seeks to remove this property from the Mill Village Overlay to develop a tire distribution and retail store on the property. The owners are 715 WW Hall LLC, do business under the name of VT Tires. VT Tires is in the business of tire brokerage and sales. VT Tires business is currently located at 715 W. Whitehall Street, West End Atlanta and the owners desire to move the business to this location.

VT Tires obtains used tires from third parties. The tires will be brought to this location and collected for sale and transferred to purchasers who will either repurpose the tires, retread the tires for resale or shred the tires for reuse in another form. VT Tires also sales tires directly to customers, and they desire to develop a wholesale/retail business at this location.

The property is currently zoned C-2 for manufacturing. Under C-2 Zoning the property may be used for:

- a. Wholesale warehousing operations; and,
- b. Tire Store;
- c. Tire retreading.

They are trying to move away from the Mill Village Overlay so that they can restore this property to a point of allowing retail sales. Since the property is already zoned C-2 it does not require a review of whether the property or request complies with the Comprehensive Plan. Applicants' request to remove the property from the MVO requires a zoning decision. A zoning decision was made when the MVO was applied to the property and a zoning decision is required to remove it. Therefore, this application is governed by UDO Section 414.

Staff recommendations given the zoning analysis is for conditional approval of applicant's rezoning application to remove the property from restrictions of the MVO as follows:

- A. Uses on the property as zoned, C-2 shall be limited to retail tire sales, tire distribution and brokerage.
- B. Tires on the property shall not be repurposed, retread or shredded on site.
- C. All tires on site shall be maintained inside of buildings; no outside tire storage will be permitted.
- D. Rezoning shall be conditioned upon the site plan entitled: "A New Development for Marshall Lucas," dated August 2, 022, provided that prior to consideration of this Application by the Board of Commissioners:
 - 1) The site plan shall be revised to delete the driveway on the property along the eastern and northern boundaries, currently shown on the site plan as located parallel to 6th Street and Park Avenue.
 - 2) The site plan shall be revised to show a designated truck parking area for the use of trucks that are on site for business operation.
 - 3) The site plan shall be revised to provide for the removal of asphalt located on the property that fronts along Park Avenue to substantially reduce the existing impervious surface area which shall be replaced by a landscape buffer.
- E. The new tire store (to be constructed in the area designated as "new sales office" on the site plan) shall be constructed to appear as shown on the "Proposed Retail Building for VT Tire," prepared by John Knight Architect, October 28, 2022.
- F. All ingress and egress to the property shall be shown on the site plan from a new entrance to be constructed at the intersection of Rehoboth Road and 6th Street.
- G. All existing buildings shall be brought up to a condition to comply with all applicable building and development codes before a Certificate of Occupancy or business license shall be issued.
- H. A construction/renovation plan which identifies the activities required for the buildings shall be prepared prior to consideration of this application by the Board of Commissioners and shall set forth a timeline with benchmarks by which required construction and renovation shall be completed.
- I. A 10' landscape buffer shall be planted along the property boundary and Park Avenue.
- J. A landscaped entry and sign subject to approval of the County shall be erected at the "Main Customer Entry" shown on the site plan.

Dr. Ledbetter then advised that there was one person signed up to speak in favor of this application.

Gwendolyn Lucas, representing 715 W White Hall, LLC, 1954 Sandtown Road, SW, Atlanta, Georgia. Ms. Lucas stated that they are a wholesale and retail operation that has been in business since 1979. They do not shred

anything on-site; they do not have the equipment for that. They do not repurpose anything at the site, they just conduct wholesale and retail sales. They have made a few adjustments to the property. They had started working on the property but were told to stop working because there is a moratorium until the end of May. They have not been able to landscape because they do not have water.

Ms. Lucas asked that if the request was granted if the County would allow them to have more electricity. Right now, they don't have enough electricity for the workers to do what they need to do.

Mr. Galloway then asked that because of the Moratorium currently in effect he asked that condition "H" the construction/renovation plan. They have contracted with Paragon to do all of this, but it is preparatory, he would ask that be amended to require that Ms. Lucas present to Mr. Reese the construction/renovation plan and timeline within 90 days after completion of the site preparation work by Paragon.

Motion/Second by Johnson/Flowers-Taylor approve Application 23-03Z: 715 W W. Hall LLC, Owner, 4 Sixth St (Approximately 9.66 acres located in Land Lot 207 of the 2nd Land District). The applicant is requesting a rezoning to be removed from the Mill Village Overlay with conditions as recommended by staff and that staff recommendation "H" be amended to read: applicant submit to Community Development the construction/renovation plan and timeline with benchmarks within 90 days of completion of the site preparation work by Paragon. Motion carried by a unanimous vote.

F. New Business

1. Consider request from MCI to approve the Veracity Benefits Package being offered for Spalding County Employees for FY2024.

Dr. Ledbetter stated that this is prescription coverage for our employees. This is the pharmaceutical piece, and it needs to be signed this evening so that we don't have a lapse in coverage between June 30th and July 1. Mr. Bidwell presented the material to the Board at a meeting earlier this month and he is requesting that the Board approve Chairman Davis to sign the contracts and that any subsequent signatures that may be needed to move this program forward to insure we have the pharmaceutical in place for FY 2024.

Motion/Second by Flowers-Taylor/Bowlden to approve the Veracity Benefits Package being offered for Spalding County Employees for FY2024. Motion carried by a unanimous vote.

G. Executive Session – None.

H. Adjournment

Motion/Second by Dutton/Flowers-Taylor to adjourn the meeting at 8:03 p.m. Motion carried by a unanimous vote.