



After Agenda
Board of Commissioners - Zoning Public Hearings
October 26, 2023
6:00 PM
Room 108, Annex Building
119 E. Solomon Street
Griffin, GA 30223

The Spalding County Board of Commissioners held a Zoning Public Hearing on Thursday, October 26, 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, Dr. Steve Ledbetter, County Attorney, Stephanie Windham, County Zoning Attorney, Newton Galloway, Community Services 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

1. Commissioner Gwen Flowers-Taylor, District #1 to deliver the Invocation.

C. Pledge to Flag

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

Motion/Second by Flowers-Taylor/Dutton to add a new Item to the agenda for discussion sidewalks on the North Expressway. Motion carried by a unanimous vote.

D. 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.

Chairman Davis then advised that Items 1, 2 and 3 under Public Hearings contain multiple applications. He stated that he would read the applications under each item, then the floor would be open for Public Hearing and discussion; however, they will need to be voted on individually.

1. **Application 23-06Z:** Minerva Spring Lake, LP, Owner- Parcel 239 04062 (Approximately 9.278 acres located in Land Lot 183 of the 3rd Land District)- Requesting to rezone from AR-1, Agricultural and Residential to R-2, Single Family Residential Low Density.

Motion/Second by Dutton/Flowers-Taylor to table this application to the January 2024 Zoning Public Hearing to allow the developer time to prepare for the meeting. Motion carried by unanimous vote.

Application 23-13S: Minerva Spring Lake, LP, Owner- Parcel 239 04062 (Approximately 9.278 acres located in Land Lot 183 of the 3rd Land District)- The applicant is requesting a special exception to allow cluster dwellings-Traditional Design. This property is currently zoned A-R, Agricultural and Residential.

Motion/Second by Dutton/Flowers-Taylor to table this application to the January 2024 Zoning Public Hearing to allow the developer time to prepare for the meeting. Motion carried by unanimous vote.

Application 23-11V: Minerva Spring Lake, LP, Owner- Parcel 239 04062 (Approximately 9.278 acres located in Land Lot 183 of the 3rd Land District)- The applicant is requesting a variance to reduce front and side setbacks.

Motion/Second by Dutton/Flowers-Taylor to table this application to the January 2024 Zoning Public Hearing to allow the developer time to prepare for the meeting. Motion carried by unanimous vote.

Application 23-11AV: Minerva Spring Lake, LP, Owner- Parcel 239 04062 (Approximately 9.278 acres located in Land Lot 183 of the 3rd Land District)- The applicant is requesting a variance to reduce the length and diameter of the cul-de-sacs.

Motion/Second by Dutton/Flowers-Taylor to table this application to the January 2024 Zoning Public Hearing to allow the developer time to prepare for the meeting. Motion carried by unanimous vote.

The following Individuals spoke against this development.

Michelle Drugacz, 312 Whispering Pines Way, Griffin, GA.

Lawrence Weeks, 2966 Teamon Road, Griffin, GA

Phil Anderson, 198 Little Gem Court, Griffin, GA.

Spoke in favor of the development.

Brian Davison, Minerva, 2292 Henderson Mill Road, Atlanta, GA.

2. Consider the approval of Minerva's master plan for property located in parcels 244 02011A & 244 02011. The proposed development will consist of 59 lots of approximately 6,000 square feet.

Motion/Second buy Dutton/Flowers-Taylor to table this application to the January 2024 Zoning Public Hearing to allow the developer time to prepare for the meeting. Motion carried by unanimous vote.

Application 23- 14S: Minerva Spring Lake, LP, Owner Parcels 244 02011A & 244 02011 (Approximately 30.694 acres located in Land Lot 169 of the 3rd Land District)- The applicant is requesting a special exception to allow Cluster Dwellings Traditional Design. This property is currently zoned PDD, Planned Development District.

Motion/Second by Dutton/Flowers-Taylor to table this application to the January 2024 Zoning Public Hearing to allow the developer time to prepare for the meeting. Motion carried by unanimous vote.

Application 23- 12V: Minerva Spring Lake, LP, Owner Parcels 244 02011A & 244 02011 (Approximately 30.694 acres located in Land Lot 169 of the 3rd Land District) The applicant is requesting a variance to reduce the front, side and rear setbacks. This property is currently zoned PDD, Planned Development District.

Motion/Second by Dutton/Flowers-Taylor to table this application to the January 2024 Zoning Public Hearing to allow the developer time to prepare for the meeting. Motion carried by unanimous vote.

3. **Application 23-13Z:** Driller's Services, Owner: Advanced Engineering Services, LLC, Agent, 100 Moreland Road (Approximately 5.8 acres located in Land Lot 119 of the 2nd Land District). The applicant is requesting a rezoning from C-1 to C-1B.

Motion/Second by Dutton/Johnson to approve Application 23-13Z: Driller's Services, Owner: Advanced Engineering Services, LLC, Agent, 100 Moreland Road (Approximately 5.8 acres located in Land Lot 119 of the 2nd Land District with proposed staff conditions and staff is to draft a screening vegetation and sidewalk condition to attach to the property. Motion carried by a unanimous vote.

Application 23-10V: Driller's Services, Owner: Advanced Engineering Services, LLC, Agent, 100 Moreland Road (Approximately 5.8 acres located in Land Lot 119 of the 2nd Land District). The applicant is requesting a variance for the sidewalk requirement within the Tri-County Overlay. This property is currently zoned C-1, Highway Commercial, located within the Tri-County Overlay.

Motion/Second by Dutton/Flowers-Taylor to approve Application 23-10V to vary sidewalk requirements subject to the following conditions:

- a. ***A sidewalk in compliance with Section 2207B(E) shall be constructed as set forth herein;***

- b. The first phase of sidewalk construction shall be constructed in compliance with the State Plan for Service Yard Expansion prepared by Advanced Engineering Services, Inc., dated October 25, 2023, with sidewalks extending to the coterminous with the north end of the existing building shown thereon;**
- c. On or before January 1, 2023, the Applicant and/or property owner shall enter into an agreement with Spalding County to construct the remaining sidewalk required in Section 2207B(E) upon the issuance of a permit for development on that portion of tract 233-03005 located west of U.S. Highway 19/41, as identified by the parcel numbering system utilized by Spalding County; with such agreement to be approved by the Board of Commissioners.**
- d. No permit for construction of any building on parcel 233 03006A shall be issued unless and until the obligations of Paragraphs (b) and (c) have been satisfied.**

Motion carried by a unanimous vote.

Application 23-10VA: Driller's Services, Owner: Advanced Engineering Services, LLC, Agent, 100 Moreland Road (Approximately 5.8 acres located in Land Lot 119 of the 2nd Land District). The applicant is requesting a variance for Sec. 2207B-F.4 Mechanical and Service Area Screening. This property is currently zoned C-1, Highway Commercial, located within the Tri-County Overlay District.

Motion/Second by Dutton/Flowers-Taylor to approve Application 23-10VA: Driller's Services, Owner: Advanced Engineering Services, LLC, Agent, 100 Moreland Road (Approximately 5.8 acres located in Land Lot 119 of the 2nd Land District). The applicant is requesting a variance for Sec. 2207B-F.4 Mechanical and Service Area Screening. This property is currently zoned C-1, Highway Commercial located within the Tri-County Overlay District with proposed staff conditions and staff is to draft a screening vegetation and sidewalk condition to attach to the property. Motion carried by a unanimous vote.

The following individuals spoke against the request:

Dr. Rhonda Morgan, 357 Indian Trail, Concord, GA.

Tom Morgan, Attorney, 357 Indian Trail, Concord, GA.

B. Frank Harris, 1881 S. 6th Street, Griffin, GA. Spoke for the Planning Commission.

- 4. **Application 23-09S:** Daniel and Sandra Jackson, Owner 517, 521 Birdie & 53 Mobley Road (Approximately 8.44 acres located in Land Lot 88 of the 3rd Land District). The applicant is requesting a Special Exception for a Home Occupation-General to operate as an equine therapy location.

The following individuals spoke in favor of the request:

Sandra Jackson, 53 Mobley Road, Griffin, GA.

Daniel Jackson, 53 Mobley Road, Griffin, GA.

Motion/Second by Flowers-Taylor/Dutton to approve Application 23-09S: Daniel and Sandra Jackson, Owner 517, 521 Birdie & 53 Mobley Road (Approximately 8.44 acres located in Land Lot 88 of the 3rd Land District). The applicant is requesting a Special Exception for a Home Occupation--General to operate as an equine therapy location with staff conditions. Motion carried by a unanimous vote.

5. **Application 23-14S:** Jonathan Henson, Owner- 108 Jewel Dr (Approximately 0.8 acres located in land lot 139 of the 2nd land district). The applicant is requesting a special exception for a Home Occupation-General for a Landscape Company. This property is currently zoned R-1, Single Family Residential Low Density.

Jonathan Henson, the owner of the property stated that he currently has a Home Occupation License and has been running a lawn service out of his home for a number of years. He stated that he recently has had to hire additional help and is asking for a Home Occupation-General so that his employees can park in his driveway.

Spoke Against the Home Occupation-General:

Judy Land, 107 Jewel Drive, Griffin, GA.

Barbara King, 109 Jewel Drive, Griffin, GA

Elaine Grubbs, 112 Jew3el Drive, Griffin, GA

Christine Greene, 201 Loumae Road, Griffin, GA

B. Frank Harris, 1881 S. 6th Street, Griffin, GA. Spoke on behalf of the Planning Commission.

Spoke in favor of the Home Occupation-General

Jonathan Henson, 108 Jewel Drive, Griffin, GA

Motion/Second by Flowers-Taylor/Dutton to table this request until a later date to allow staff additional time to make recommendations. Motion carried by a unanimous vote.

6. **Application 23-21S:** Ruth Owens, Owner- 12 South Road (Approximately 1.00 acres located in land lot 14 of the 2nd district). The applicant is requesting a special exception to place a manufactured home. This lot is currently zoned AR-1, Agricultural and Residential.

Michelle Driver who resided with her elderly mother at 12 South Road until the tornado hit in January is requesting they be allowed to place a manufactured home of the lot where here mother's home was totally destroyed by the tornado.

Spoke against the application:

Freda Horton, 15 N. 4th Street, Griffin, GA.

K.W. Horton, 12, Horton Road, Griffin, GA.

Motion/Second by Flowers-Taylor/Johnson to allow Mr. Frank Harris to speak. Motion carried by a unanimous vote.

Motion/Second by Dutton/Davis to deny Application 23-21S: Ruth Owens, Owner- 12 South Road (Approximately 1.00 acres located in land lot 14 of the 2nd district). The applicant is requesting a special exception to place a manufactured home. This lot is currently zoned AR-1, Agricultural and Residential. Motion failed by a 2-3 vote (Flowers-Taylor/Bowlden/Johnson).

Motion/Second by Flowers-Taylor/Johnson to approve Application 23-21S: Ruth Owens, Owner- 12 South Road (Approximately 1.00 acres located in land lot 14 of the 2nd district). The applicant is requesting a special exception to place a manufactured home. This lot is currently zoned AR-1, Agricultural and Residential due to the circumstances surrounding the loss of this home and the need to replace the residence for this family with staff conditions. Motion carried by a 3-2 vote (Davis/Dutton).

7. Consider the approval of the final plat for Crestwick Phase II. This phase will consist of 20 lots within the R-1, Single-Family Residential Low Density zoning.

Motion/Second by Flowers-Taylor/Bowlden to approve the final plat for Crestwick Phase II. This phase will consist of 20 lots within the R-1, Single-Family Residential Low Density zoning. Motion carried by a unanimous vote.

E. Consent Agenda

1. Consider the approval of the revised final plat for Greyson Parc Phase 2A. The developer has updated the town hall chart to reflect built units.

Motion/Second by Johnson/Flowers-Taylor to approve the revised final plat for Greyson Parc Phase 2A. The developer has updated the town hall chart to reflect built units. Motion carried by a unanimous vote.

Agenda item added at the beginning of the meeting regarding sidewalks at the Racetrac on the North Expressway.

After discussion, consensus of the Board is to have Attorney Newton Galloway amend the NEID to include sidewalks along the 50'.

F. Executive Session

1. Consider request to conduct an Executive Session for Consultation with 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).

Motion/Second by Flowers-Taylor/Johnson to enter into an Executive Session to consult 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) at 8:40 p.m. Motion carried by a unanimous vote.

Motion/Second by Dutton/Flowers-Taylor to close the Executive Session at 8:50 p.m. Motion carried by a unanimous vote.

Motion/Second by Dutton/Flowers-Taylor to approve the mediation settlement and General Waiver and Release regarding the claims filed by Anthony Boardwine, Corey Moore and Lisa Buice against Jennifer Fuller, Darrell Dix and Spalding County in the total amount of \$117,500 with the county being responsible for the amount of its deductible, in full and final settlement of this case. Motion carried by a unanimous vote.

G. Adjournment

Motion/Second by Johnson/Flowers-Taylor to adjourn the meeting at 8:52 p.m. Motion carried by a unanimous vote.