

Agenda

Board of Commissioners of Spalding County

Zoning Public Hearing

July 27, 2017

6:00 PM

One Griffin Center, Solomon Street Entrance, W.
Elmer George Municipal Hall

A. Call to Order

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 and relate to matters pertinent to the jurisdiction of the Board of the Commissioners. 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.

B. New Business:

1. **Application #17-08S:** Preston Fuller and Destin N. Fuller, Owners - 74 Jonan Road (2 acres located in Land Lot 20 of the 3rd Land District) - requesting a Special Exception to allow a general home occupation in the AR-1 District.
2. **Application #17-05Z:** David W. Morrison and Kimberly L. Morrison, Owners - 207 Cecil Jackson Road (3 acres located in Land Lot 229 of the 3rd Land District) - requesting a rezoning from AR-1, Agricultural and Residential and R-2, Single Family Residential, to AR-1, Agricultural and Residential.
3. **Application #FLUMA-17-02: Lift from the table** - Robert M. Goldberg has requested a future land use map change from Low-Density Residential to Commercial for the following: 2693 Williamson Road (3.110 acres located in Land Lot 43 of the 2nd Land District).
4. **Application #17-03Z: Lift from the table** - Robert M. Goldberg, Owner - 2693 Williamson Road (3.110 acres located in Land Lot 43 of the 2nd Land District) - requesting a rezoning from AR-1 Agricultural and Residential to O & I Office and Institutional.

C. Other Business:

D. Adjournment



SPALDING COUNTY BOARD OF COMMISSIONERS Application #17-08S

Requesting Agency

Office of Community Development

Requested Action

Application #17-08S: Preston Fuller and Destin N. Fuller, Owners - 74 Jonan Road (2 acres located in Land Lot 20 of the 3rd Land District) - requesting a Special Exception to allow a general home occupation in the AR-1 District.

Requirement for Board Action

Section 414.

Is this Item Goal Related?

No

Summary and Background

Applicant requests a Special Exception to have a home occupation on property in the AR-1 district. The proposed home occupation will consist of using a computer and silhouette machine to create t-shirts and decals.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

APPROVAL

BOARD OF APPEALS RECOMMENDATION: APPROVAL

ATTACHMENTS:

Description	Upload Date	Type
❑ Application #17-08S	7/18/2017	Backup Material
❑ BOA 07-13-17 Minutes (draft)	7/18/2017	Backup Material

**SPALDING COUNTY
REQUEST FOR SPECIAL EXCEPTION
APPLICATION**

NO. 17-085

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Phone: _____

Contact Person: _____

PROPERTY OWNER INFORMATION

Name: Destin Fuller Preston Fuller

Address: 74 Jonan Road

City: Griffin

State: GA Zip: 30224

Phone: 770-233-4986

Phone: 770-687-9906

APPLICANT IS THE:

_____ Owner's Agent

X

Property Owner

_____ Developer

Present Zoning District(s): AR-1

Land District(s): 03 Land Lot(s): 020 Acreage: 2.0

Address of Property: 74 Jonan Road, Griffin, GA 30224

Identify the use for which you seek a Special Exception and cite the section of the Spalding County Zoning Ordinance which provides that the Special Exception may be granted:

General Home Occupation

OTHER REQUIRED INFORMATION

Attach a statement describing the Special Exception and the reason you are requesting this Special Exception.

Attach 1 copy (11 x 17) of plat prepared by a Registered Land Surveyor and drawn to scale showing lot lines and location of existing structures and location of proposed structures.

Some developments (i.e. subdivisions, Church's, etc.) may require a 24 x 36 copy of the plat.

Please attach a deed, certified by the Clerk of Court, which includes a metes and bounds description of the property proposed.

Signature(s):

Agent/Developer



Property Owner

Date

6-8-2017 6/8/17

Date

OFFICE USE ONLY

Date Received: 6-8-17

Amount of Fee: \$300⁰⁰

Received By: C. McDaniel

Receipt Number: 00847

SPECIAL EXCEPTION APPLICANT'S RESPONSE

Pursuant to Section 413 of the Zoning Ordinance, the Board of Commissioners of Spalding County finds that the following standards are relevant in granting a Special Exception.

Please respond to the following standards in the space provided or use an attachment as necessary:

(A) Whether granting a Special Exception would be detrimental to the use of development of adjacent properties or the general neighborhood: It would not

(B) Whether granting a Special Exception would adversely affect the health or safety of residents or workers: NO

(C) Whether granting a Special Exception would have depreciating effects and damages to the neighboring properties that are greater than the benefits or need for the Special Exception: NO

(D) Whether granting a Special Exception would adversely affect existing uses: NO

(E) Whether the subject property is sufficient in size to satisfy the space requirements for the use: YES

(F) Whether granting a Special Exception will meet the requirements of the Spalding County Ordinance: YES

OFFICE USE ONLY

Date Received: 6-8-17

Received By: C. McDaniel

**PROPERTY OWNER'S CERTIFICATION OF
OWNERSHIP AND ZONING COMPLIANCE**

Certification is hereby made that the undersigned own(s) at least fifty-one (51) percent of the subject property.

The undersigned certifies that the subject property is presently in compliance with the current Zoning Ordinance for Spalding County, Georgia. The undersigned is aware that an application for a Rezoning, Variance, or Special Exception will not be received unless the subject property is in compliance with the Zoning Ordinance.

The undersigned certify that the agent, if different from the owner, is authorized to file this application.

Destin Fuller Preston D. Fuller
Print Name of Owner(s)

Print Name of Agent, If Not Same as Owner

Destin Fuller

Preston D. Fuller 6-8-17
Signature of Owner(s) Date
or Signature of Authorized Officer or Agent
(if applicable)

Signature of Agent

Title of Authorized Officer or Agent (if applicable)

Cynthia L. McDaniel
Signature of Notary Public Expires 8-17-20

6-8-17
Date

-- -Notary Seal-- -

OFFICE USE ONLY

Date Received: 6-8-17

Received By: C. McDaniel

SITE PLAN REQUIREMENTS FOR SPECIAL EXCEPTION

Section 416: Special Exception.

A site plan meeting the requirements of Section 416 of this Ordinance shall be submitted with any application for a special exception which shall require a building permit for the purpose of commencing construction on a new structure on the property which is the subject of the special exception application; provided however, that any site plan for a special exception for a certified hardship allowed in Sections 503(D)(2-3), 603(D)(2-3), 703(D)(3-4), 803(D)(3-4), 803A(D)(3-4), 1003(D)(3-4), 1103(D)(3-4) and 1103A(D)(3-4) shall not be required to comply with the provisions of subparts (g), (i), (j), (k), (o) and (p) of Section 416.

- A. Vicinity map;
- B. Correct scale;
- C. The proposed land use and building outline as it would appear should the rezoning be approved;
- D. The present zoning classification of all adjacent property;
- E. The building outline and maximum proposed height of all buildings;
- F. The proposed location of all driveways and entry/exit points for vehicular traffic, using arrows to depict direction of movement;
- G. The location of all required off street parking and loading areas;
- H. Required yard setbacks appropriately dimensioned;
- I. The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation, if required;
- J. Topography at twenty (20) foot contour intervals;
- K. Location and elevation of the 100 year flood plain on the property which is the subject of the proposed zoning;
- L. Delineation and dimensions of the boundary of the proposed district;
- M. Date, north arrow and datum;
- N. Location and acreage of all major utility easements greater than twenty (20) feet in width;
- O. Approximate location (outline), height, and use of all other proposed drives, parking areas, buildings, structures and other improvements;
- P. For all property for which ingress and egress must be obtained by access from a road within the state highway system, a permit from the Georgia Department of Transportation for access to the state highway system.

Spalding County Fee Schedule:

Appeal from Action of Administrative Officer: \$ 200.00

Variance: \$ 200.00

Special Exception: \$ 300.00

Multiple Parcel Rezoning: Multiple parcel rezoning of contiguous tracts will be allowed so long as all tracts are to be rezoned to the same zoning classification. All applicants owning property which is subject to the application are deemed to consent to rezoning of their property and to rezoning of any and all other tracts included within the Application. The following fees shall apply to multiple parcel rezoning applications: (#A-99-08 – 09/07/99; #A-00-11 - 07/17/00)

A. Parcel 1 - \$500.00

B. Parcel 2-5 - \$100.00 each, in addition to the fees stated in A; and

C. Parcels 6+ - \$50.00 each, in addition to the fees stated in A and B.

6-8-2017

We would like to receive a special Exception to be able to start making shirts and decals. we use our computer to make the designs and have a silhouette machine to cut and a heat press to apply. we are requesting a special Exception to be able to sell out of our home office.

Destin Fuller

Destin Fuller

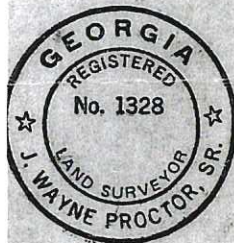
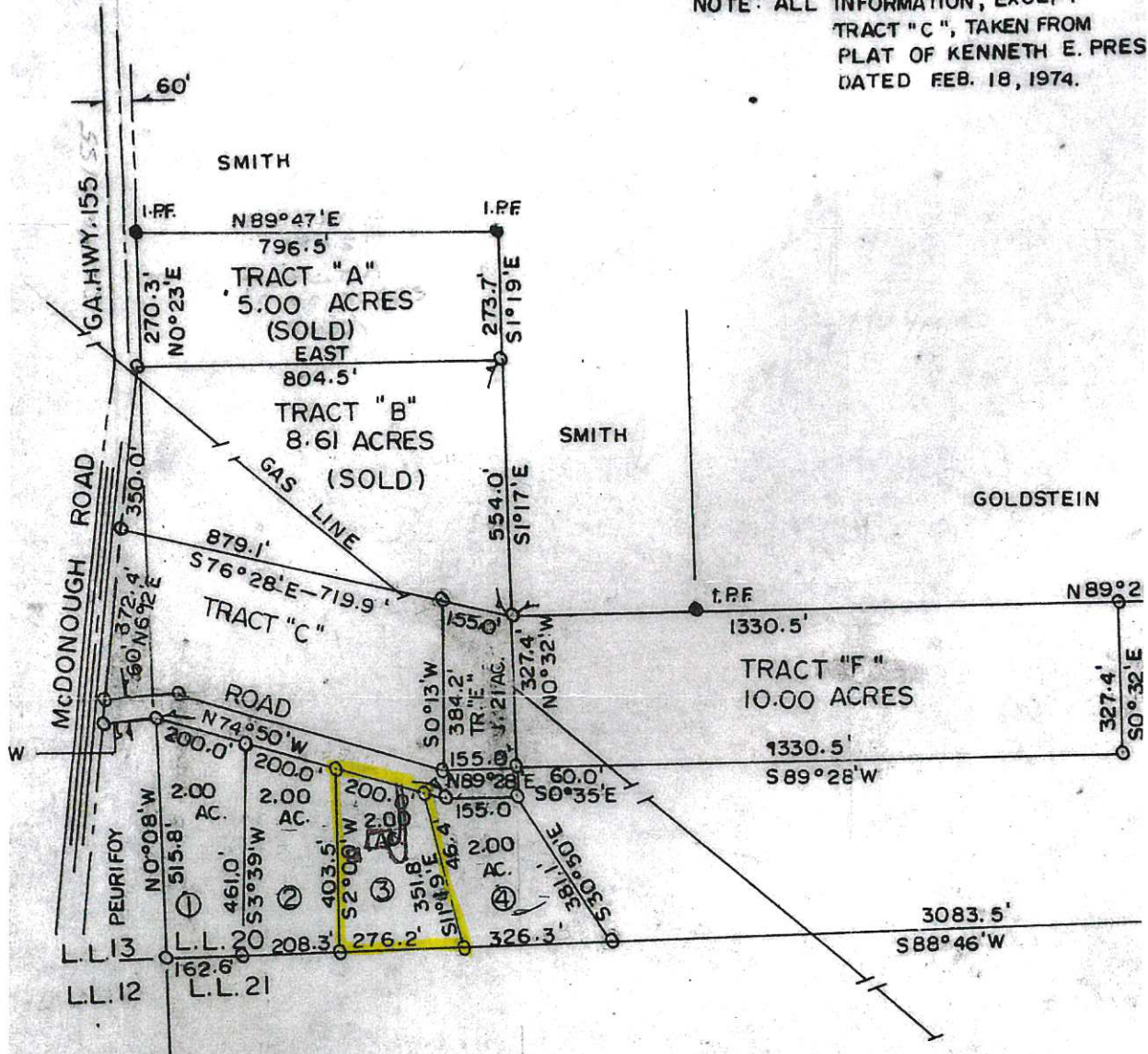
6-8-2017

Preston Fuller

Preston Fuller

6/8/17

NOTE: ALL INFORMATION, EXCEPT
TRACT "C", TAKEN FROM
PLAT OF KENNETH E. PRES
DATED FEB. 18, 1974.



plat has been prepared with bearings cal-
culated from turned angles and with distances
measured by horizontal measurement; and calculated
closure by latitudes and departures and is
found to be accurate within one foot in 5,000 feet.

It is hereby certified that this plat is true
& correct and was prepared from an actual
survey of the property made under my
supervision on the ground.

J. Wayne Proctor, Sr.
J. WAYNE PROCTOR, SR.
AND ASSOCIATES, INC.
Ga. Reg. Surv. No. 1328

MEE
LAND
SPALL
SCALE

13/170

10-30-79

Recorded Oct. 30, 1979

Please return to Raynor Law Group, LLC - Post Closing
5775-D Glenridge Drive, Suite 150
Atlanta, GA 30328
File # 16067689

Real Estate Transfer Tax
Paid \$ 99.00
Date 7-29-16
PT - 61 126- 2016-1876
Marcia L. Norris
Clerk of Superior Court, Spalding Co., Ga.

FILED & RECORDED
CLERK, SUPERIOR COURT
SPALDING COUNTY, GA

2016 JUL 29 A 10:05

BY TC
MARCIA L. NORRIS, CLERK

STATE OF GEORGIA
COUNTY OF *Fayette*

LIMITED WARRANTY DEED

THIS INDENTURE made this 19th day of July, 2016, between

Robert H. Beard ,

as party or parties of the first part, hereinafter called Grantor, and

Preston Fuller and Destin N. Fuller ,
as Joint Tenants with Rights of Survivorship,

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 20 OF THE THIRD LAND DISTRICT OF ORIGINAL MONROE, NOW SPALDING COUNTY, GEORGIA, BEING LOT 3, CONTAINING 2.00 ACRES, AS PER PLAT RECORDED IN PLAT BOOK 13, PAGE 170, SPALDING COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY THIS REFERENCE.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons claiming by and through the Grantor.

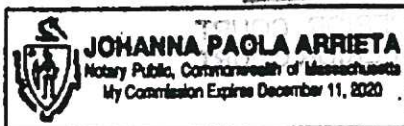
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

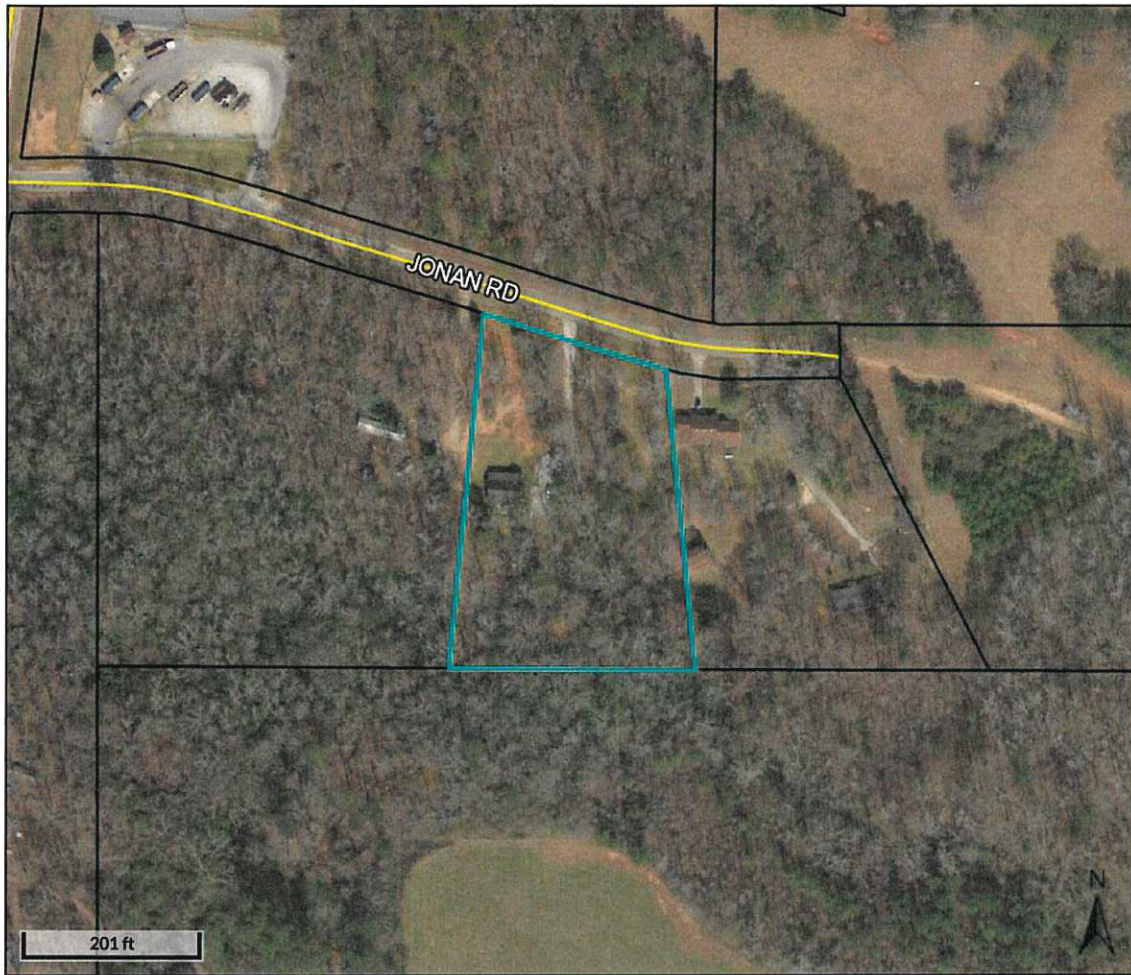
Signed, sealed and delivered in the presence of

Robert H. Beard (Seal)
Witness
Notary Public

My commission expires 12/11/2020

[Attach Notary Seal]





Overview



Legend

- Parcels
- Roads

Parcel ID	222 01082	Owner	FULLER PRESTON & DESTIN N	Last 2 Sales			
Class Code	Residential		74 JONAN RD	Date	Price	Reason	Qual
Taxing District	SPALDING COUNTY		GRIFFIN GA 30224	7/19/2016	\$99000	FM	Q
	SPALDING COUNTY	Physical Address	74 JONAN RD	6/3/2011	\$41500	BF	U
Acres	2.	Assessed Value	Value \$98740				
		Land Value	Value \$21600				

(Note: Not to be used on legal documents)

Date created: 6/8/2017
Last Data Uploaded: 6/8/2017 9:31:19 AM



Developed by
The Schneider Corporation



Summary

Parcel Number 222 01082
Location Address 74 JONAN RD
Legal Description TR 3 JONAN ROAD PB 13/170
 (Note: Not to be used on legal documents)
Class R3-Residential
 (Note: This is for tax purposes only. Not to be used for zoning.)
Tax District SPALDING COUNTY (District 03)
Millage Rate 39.8
Acres 2
Homestead Exemption Yes (S1)
Landlot/District 020 / 03

[View Map](#)



Owner

FULLER PRESTON & DESTIN N
 74 JONAN RD
 GRIFFIN, GA 30224

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
RES	S McDonough Rd (Rehobeth>Wild	Acres	0	0	0	2	0

Residential Improvement Information

Style One Family
Heated Square Feet 1671
Interior Walls Sheetrock
Exterior Walls Vinyl Siding
Attic Square Feet 0
Basement Square Feet 0
Year Built 2004
Roof Type Shingles - Asphalt
Flooring Type Carpet/Tile
Heating Type Central AC (Heat/Cool)
Number Of Rooms 6
Number Of Bedrooms 4
Number Of Full Bathrooms 2
Number Of Half Bathrooms 0
Number Of Plumbing Extras 3
Value \$77,140
Condition Average

Permits

Permit Date	Permit Number	Type	Description
08/12/2004	23514	NEW CONSTRUCT	

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
7/19/2016	4078 202	13 170	\$99,000	FAIR MARKET - IMPROVED	BEARD ROBERT H	FULLER PRESTON & DESTIN N
6/3/2011	3543 127	13 170	\$41,500	Bank ALT Improved Sale	FEDERAL NATIONAL MTG ASSN	BEARD ROBERT H
4/6/2010	3468 73	13 170	\$83,290	Bank Sale to Another Bank	EMC MTG CORP	FEDERAL NATIONAL MTG ASSN
4/6/2010	3468 70	13 170	\$83,290	DEED UNDER POWER	MCCULLOUGH C MARK	EMC MTG CORP
6/14/2005	2707 55	13 170	\$0	NON FAIR MARKET VALUE	MARKLAND MANAGEMENT LLC	MCCULLOUGH C MARK
12/17/2002	2196 324		\$140,000	MULTIPLE PARCELS	FREDERICK NANCY L	MARKLAND MANAGEMENT LLC
12/17/2002	2196 321		\$0	NON FAIR MARKET VALUE	FREDERICK NANCY ETAL	FREDERICK NANCY L
12/1/2002	2196 323		\$0	ESTATE	FREDERICK JOHNNY M & NANCY L	FREDERICK NANCY ETAL
2/7/1980	596 262		\$2,400	FAIR MARKET - VACANT	MEEKS TED, JOHN CARLISLE, WM JOHNSON	FREDERICK JOHNNY M & NANCY L

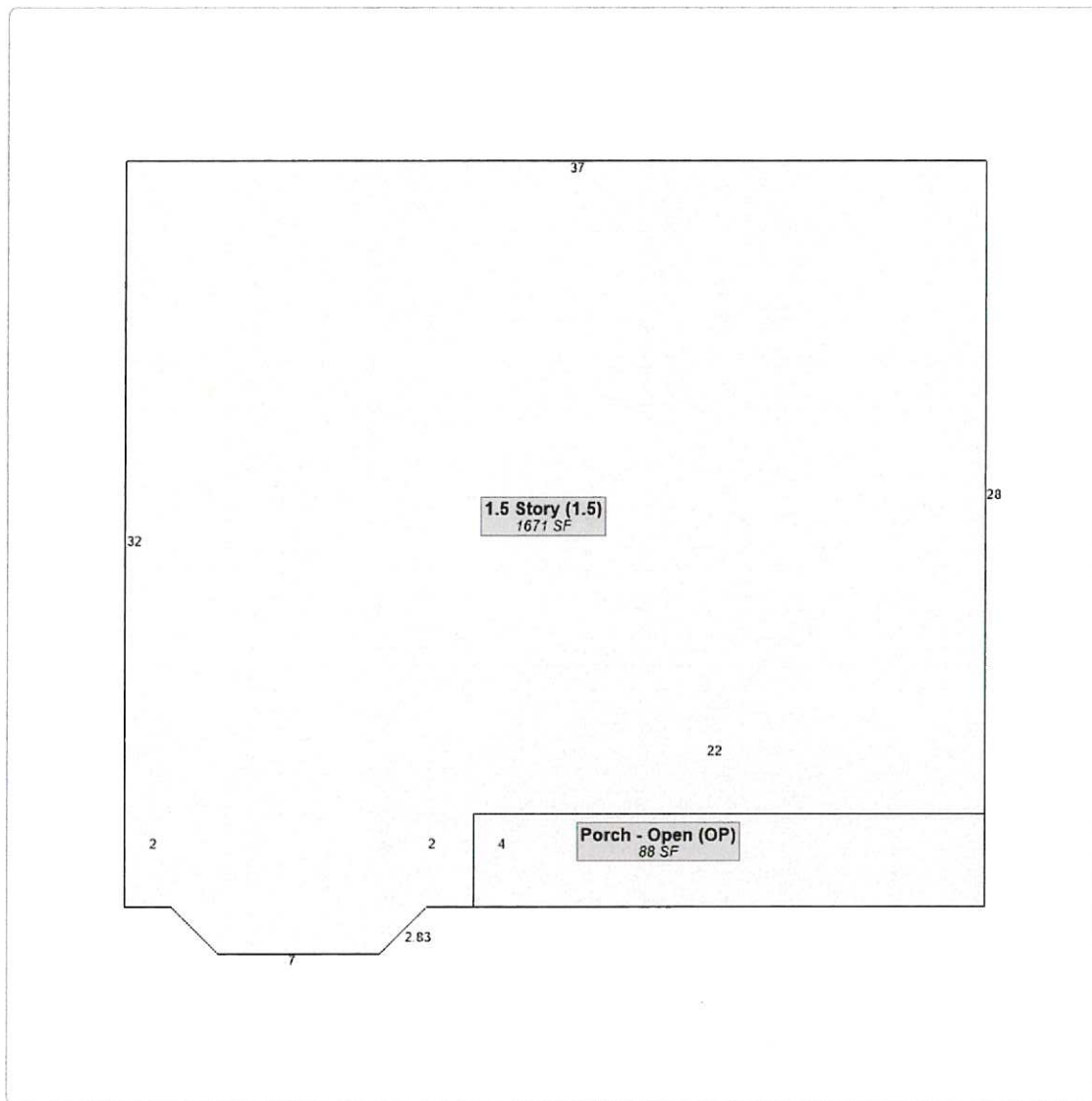
Valuation

	2017	2016	2015
Previous Value	\$98,740	\$98,740	\$98,740
Land Value	\$21,600	\$21,600	\$21,600
+ Improvement Value	\$77,140	\$77,140	\$77,140
+ Accessory Value	\$0	\$0	\$0
= Current Value	\$98,740	\$98,740	\$98,740

Photos



Sketches



No data available for the following modules: Rural Land, Conservation Use Rural Land, Commercial Improvement Information, Mobile Homes, Accessory Information, Prebill Mobile Homes.

The Spalding County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information shown is PRELIMINARY and has NOT BEEN APPROVED by the Board of Assessors. ALL data is subject to change. Zoning or Flood Map information should always be verified with the proper authorities before being relied upon.

Last Data Upload: 6/8/2017 9:31:19 AM


Schneider
Developed by
The Schneider
Corporation

SPALDING COUNTY BOARD OF APPEALS

DATE: July 13, 2017

TO: Spalding County Board of Appeals
Spalding County Board Of Commissioners

FROM: Department of Community Development

RE: Special Exception Application 17-08S

The following report constitutes the assessment and evaluation by the Community Development staff on the above referenced application.

Identification of the Property:

Size and location:

The property is located at 74 Jonan Road; Land Lot 20 of the 3rd Land District of Spalding County. Property consists of 2 +/- acres.

Current owner:

Destin & Preston Fuller
74 Jonan Road
Griffin, Georgia 30224

Agent/Developer:

None

Proposed use:

Applicant requests a Special Exception to have a home occupation on property in the AR-1 district. The proposed home occupation will consist of using a computer and silhouette machine to create tshirts and decals.

Compliance with Zoning Ordinance Development Standards:

The property is currently zoned AR-1.

Section 503:D(5) allows for Home Occupation, general, excluding garage, repair garage and kennel. Section 202:LL defines Home Occupation, General as: An occupation for gain or support conducted by residents on the premises, ancillary and accessory to the main agricultural or

residential use on the property, meeting the following criteria:

1. No home occupation shall employ more than two (2) persons who work on the premises but who do not reside in the dwelling located on the premises.
2. The home occupation must be incidental and subordinate to the residential use of the dwelling and must not change the residential character of the property.
3. No display of products shall be visible from the street.
4. Use of the principal and/or accessory building(s) for the home occupation shall not exceed twenty-five (25) percent of the combined gross floor area of the principle and accessory buildings.
5. No internal or external alterations shall be permitted which would change the fire rating for the structure.
6. No continuous unenclosed outside storage of materials or supplies used in connection with the home occupation shall be permitted, provided that this restriction shall not preclude the conduct of minor outside home gardening activities in conjunction with a home occupation.
7. All parking for the home occupation shall be located on the property and only in the side or rear yards.
8. Only vehicles designed and used primarily as passenger vehicles (including pickup trucks) shall be used in connection with home occupations in R-1, R-2, R-4 and R-5 zoning districts.

Spalding County Unified Development Ordinance, Section 413, Subsection G states as follows:

The Board of Appeals will consider the following points in arriving at a decision on the Special Exception:

1. It must not be detrimental to the use or development of adjacent properties, or to the general neighborhood; it must not adversely

affect the health or safety of residents or workers.

The Home Occupation proposed in this request will not adversely affect the health or safety of residents or the general neighborhood nor will it be detrimental to the use or development of adjacent properties.

2. It must not be that any possible depreciating effects and damages to the neighboring properties are greater than the benefits or need for the Special Exception.

Staff does not anticipate any depreciating effects on neighboring property with the request use.

3. It must not adversely affect existing uses, and it must be proposed to be placed on a lot of sufficient size to satisfy the space requirements of the use.

The subject property is of sufficient size for the request. The subject dwelling is 1,671 heated square feet. 25% of the total square footage of the dwelling unit is 417.

Section 413G of the Spalding County UDO.

Photos



View of subject property from Jonan Road.

Staff Recommendations:

Staff recommends **APPROVAL** of this application.

This recommendation was made for the following reasons:

1. Satisfies the requirements for Home Occupation in Section 202:LL and the Special Exception Criteria in

SPALDING COUNTY APPEALS BOARD
Regular Meeting
July 13, 2017

The Spalding County Appeals Board held its regular monthly meeting on July 13, 2017 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Ed Brown, Chair, presiding; Curtis Keys; Patricia McCord; and Bill Slaughter. Tangela Williams was not present.

Also present were: Chad Jacobs, Community Development Director; Newton Galloway, Zoning Attorney; and Virginia Langford to record the minutes.

Mr. Brown called the meeting to order and invited anyone present that was not the applicant and wanted to address the Board on any of the applications to come forward and sign the request form.

Application #17-08S: Preston Fuller and Destin N. Fuller, Owners – 74 Jonan Road (2 acres located in Land Lot 20 of the 3rd Land District) requesting a Special Exception to allow a general home occupation in the AR-1 District.

Preston David Fuller – 74 Jonan Road

Mr. Fuller said they want a home based business to do vinyl detailing and lettering on t-shirts signs and other items. All business is handled on-line and there are no customers at the house. All shipping is handled by USPS so there are not trucks picking up shipments. There are no advertising signs on the property.

Mr. Jacobs said the application meets all standards and requirements, and the staff recommendation is for approval.

MOTION

Mr. Keys made a motion to approve Application #17-08S. The motion passed on a second by Mr. Slaughter with Mr. Brown, Mr. Keys, Ms. McCord, and Mr. Slaughter voting for the motion.

MINUTES

Mr. Slaughter made a motion, seconded by Mr. Brown, to approve the minutes of the June 8, 2017 meeting. The motion passed with Mr. Brown, Ms. McCord, and Mr. Slaughter voting for the motion and Mr. Keys abstaining because he was not present.

ADJOURN

The meeting was adjourned on a motion by Mr. Keys and a second by Ms. McCord with Mr. Brown, Mr. Keys, Ms. McCord, and Mr. Slaughter voting for the motion.

Ed Brown – Chair

Yvonne M. Langford - Recorder



SPALDING COUNTY BOARD OF COMMISSIONERS Application #17-05Z

Requesting Agency

Office of Community Development

Requested Action

Application #17-05Z: David W. Morrison and Kimberly L. Morrison, Owners - 207 Cecil Jackson Road (3 acres located in Land Lot 229 of the 3rd Land District) - requesting a rezoning from AR-1, Agricultural and Residential and R-2, Single Family Residential, to AR-1, Agricultural and Residential.

Requirement for Board Action

Article 4. General Procedures - Section 414. Amendments

Is this Item Goal Related?

No

Summary and Background

The applicant has requested approval from Spalding County to rezone the subject property from R-2, Single Family Residential and AR-1, Agricultural to AR-1, Agricultural. In addition to the property being their residence, the applicant would like to have the ability to place more than one horse on the subject property.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

APPROVAL

PLANNING COMMISSION RECOMMENDS: APPROVAL

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Application #17-05Z	7/18/2017	Backup Material
<input type="checkbox"/> PC 06-27-17 Minutes (draft)	7/18/2017	Backup Material

SPALDING COUNTY
REQUEST FOR ZONING MAP CHANGE
APPLICATION NO. 17-052

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: N/A

Address: _____

City: _____

State: _____ Zip: _____

Phone: _____

Contact Person: _____

PROPERTY OWNER INFORMATION

Name: David W. & Kimberly L. Morrison

Address: 207 Cecil Jackson Rd.

City: Griffin

State: GA Zip: 30223

Phone: 678-603-0431 David

Phone: 678-300-2880 Kim

APPLICANT IS THE:

_____ Owner's Agent

_____ ☒ Property Owner

_____ Developer

Present Zoning District(s): AR-1/R-2

Requested Zoning District(s): AR-1

Land District(s): 3

Land Lots(s): 229

Acreage: 3

Address Of Property: 207 Cecil Jackson Rd., Griffin, GA 30223

Proposed Development: N/A

OTHER REQUIRED INFORMATION

Checklist

 X Attach 1 copy of plat prepared by a registered land surveyor and drawn to scale showing lot lines and location of existing structures and location of proposed structures.

 X Please attach a statement describing the proposed development.

 X Please attach a deed, certified by the Clerk of Court, of the property proposed for rezoning.

 X Please attach a copy of metes and bound description of the property for rezoning.

 X Please attach 1 copy (24 x 36) and 1 copy (11 x 17) of the conceptual site plan, if applicable (see Page 7).

 If proposed property is within the S-2 Sensitive Land-Watershed Protection District, please submit a plat or drawing to scale showing the exact location of any surface water that is located on or within 250 feet of the subject property.

 Is the property recorded as one (1) or multiple parcel(s)? One

OFFICE USE ONLY

Date Received: 5-19-17

Amount of Fee: \$500⁰⁰

Received By: C. McDaniel

Receipt Number: 716713

REZONING APPLICANT'S RESPONSE

Pursuant to Section 414 of the Zoning Ordinances, The Board of Commissioners find that the following standards are relevant in balancing the interest in promoting the public health, safety, morality or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

Please respond to the following standards in the space provided or use an attachment as necessary:

(A) Whether a proposed rezoning (or special use permit) will permit a use that is suitable in view of the use and zoning of adjacent and nearby property: Yes, all land around our parcel except for the vacant parcel next to us are zoned AR-1.

(B) Whether the property is suitable for the proposed use: Yes, the property next to us is zoned AR-1 and is a 3 acre parcel.

(C) What is the length of time the property has been vacant?: N/A

(D) What is the threat to the public health, safety, and welfare, if any, if the property is rezoned?:
There is not a threat to any of the above.

(E) Whether and to what extent is the subject property value diminished under the present zoning?:
The present zoning is zoned AR-1 & R-2. The value should increase when zoning is all AR-1.

(F) What is the balance between the hardship on the property owner and the benefit to the public in not rezoning?: There is not a benefit to the public to not rezone. Not rezoning is definitely a hardship for the owners.

Use Additional Pages, If Necessary

OFFICE USE ONLY

Date Received: 5/19/17

Received By: C. McDaniel

**PROPERTY OWNER'S CERTIFICATION OF
OWNERSHIP AND ZONING COMPLIANCE**

Certification is hereby made that the undersigned own(s) at least fifty-one (51) percent of the subject property.

The undersigned certifies that the subject property is presently in compliance with the current Zoning Ordinance for Spalding County, Georgia. The undersigned is aware that an application for a Rezoning, Variance, or Special Exception will not be received unless the subject property is in compliance with the Zoning Ordinance.

The undersigned certifies that the agent, if different from the owner, is authorized to file this application.

David W. Morrison / Kimberly L. Morrison

Print Name of Owner(s)

Print Name of Agent, If Not Same as Owner

Kim Morrison
David Morrison 5/19/17

Signature of Owner(s) Date
or Signature of Authorized Officer or Agent
(if applicable)

Signature of Agent

Cynthia L. McDaniel
Signature of Notary Public
Expires 8-17-20

5-19-17
Date

--Notary Seal--

OFFICE USE ONLY

Date Received: 5/19/17 Received By: C. McDaniel

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

A. APPLICANT'S DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of the rezoning application, made campaign contributions aggregating \$250.00 or more to a member of the Spalding County Board of Commissioners, a member of the Planning Commission, or any other government official who will consider the application?

NO (Yes/No)

If the answer is Yes, please complete the following section:

Name and Official Position Of Government Official	Contributions (List all which aggregate to \$250.00 or more)	Date Contribution Was Made (within last two years)
(1) _____	(1) _____ _____	(1) _____ _____
(2) _____	(2) _____ _____	(2) _____ _____

Attach additional sheets if necessary to disclose or describe all contributions.

**B. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE**

Have you, within the two years immediately preceding the filing of the rezoning application, made campaign contributions aggregating \$250.00 or more to a member of the Spalding County Board of Commissioners, a member of the Planning Commission, or any other government official who will consider the application?

NO (Yes/No)

If the answer is Yes, please complete the following section:
ZONING MAP CHANGE
PAGE 6

Name and Official Position Of Government Official	Contributions (List all which aggregate to \$250.00 or more)	Date Contribution Was Made (within last two years)
(1) _____	(1) _____ _____	(1) _____ _____
(2) _____	(2) _____ _____	(2) _____ _____

Attach additional sheets if necessary to disclose or describe all contributions.

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Kim Morrison
David W. Morrison 5/19/17
Signature of Applicant Date

David W. Morrison/Kimberly L. Morrison/Property Owner(s)
Type or Print Name and Title

Signature of Applicant's Date
Attorney Or Representative

Type or Print Name and Title

OFFICE USE ONLY

Date Received 5-19-17

Case # 17-052 Accepted By C. McDaniel

SITE PLAN REQUIREMENTS FOR ZONING

Section 416: Site Plan Requirements for Rezoning. Any Applicant seeking rezoning of property to the following zoning districts of Spalding County, Georgia, C-1, C-1A, C-1B, C-1C, C-2, C-3, PDD, PRRRD, and O-I or seeking rezoning for any property subject to the requirements of the Spalding County Subdivision Ordinance, Zoning Ordinance of Spalding County, Appendix A for residential development within the following zoning districts of Spalding County, Georgia, AR-1, AR-2, R-1, R-2, R-2A, R-3, R-4, R-5 and R-6 shall submit a conceptual site plan depicting the proposed use of the property including: (#A-03-28, 10/06/03)

- A. Vicinity map;
- B. Correct scale;
- C. The proposed land use and building outline as it would appear should the rezoning be approved;
- D. The present zoning classification of all adjacent property;
- E. The building outline and maximum proposed height of all buildings;
- F. The proposed location of all driveways and entry/exit points for vehicular traffic, using arrows to depict direction of movement;
- G. The location of all required off street parking and loading areas;
- H. Required yard setbacks appropriately dimensioned;
- I. The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation, if required;
- J. Topography at twenty (20) foot contour intervals (USGS Quad Sheets may be used);
- K. Location and elevation of the 100 year flood plain on the property which is the subject of the proposed zoning;
- L. Delineation and dimensions of the boundary of the proposed district;
- M. Date, north arrow and datum;
- N. Location and acreage of all major utility easements greater than twenty (20) feet in width;
- O. Approximate location (outline), height, and use of all other proposed drives, parking areas, buildings, structures and other improvements;
- P. For all property for which ingress and egress must be obtained by access from a road within the state highway system, a permit from the Georgia Department of Transportation for access to the state highway system.

(Revised 10/31/03)

May 18, 2017

To Whom It May Concern:

We would like 207 Cecil Jackson Rd. to be rezoned completely to AR-1 so that we can fence the yard and have horses.

Sincerely,

A handwritten signature in blue ink, appearing to read "David W. Morrison".

David W. Morrison

A handwritten signature in blue ink, appearing to read "Kimberly L. Morrison".

Kimberly L. Morrison

Return Recorded Document to:
Wessels & Dixon, P.C.
120 W. Solomon Street
Griffin, GA 30223
770-229-7140

Real Estate Transfer Tax
Paid \$ 167.90
Date 5-5-17
PT - 61 126- 3017-965
Marcia L. Norris
Clerk of Superior Court, Spalding Co., Ga.

FILED & RECORDED
CLERK, SUPERIOR COURT
SPALDING COUNTY, GA

2017 MAY -5 A 11:10

BY *WLE*
MARCIA L. NORRIS, CLERK

JOINT TENANCY WITH SURVIVORSHIP WARRANTY DEED

STATE OF GEORGIA
COUNTY OF SPALDING

File - 17G-0133

This Indenture made this 28th day of April, 2017 between George W. Noonkester and Janice Noonkester, of the County of Spalding, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and David W. Morrison and Kimberly L. Morrison, as joint tenants with survivorship and not as tenants in common as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

All that lot, tract or parcel of land situate, lying and being in Land Lots 229 & 230 of the 3rd Land District of originally Henry County, now Spalding County, Georgia, and being more particularly shown and designated as Lot 7 on that certain plat of survey entitled "Final Plat of Weldon Crossing" dated October 2, 2002, prepared by G. Tim Conkle, Registered Land Surveyor No. 22001, a copy of which said plat is recorded in Plat Book 24, Page 269, Spalding County Clerk of Superior Court, Georgia Records. Said plat with its metes, bounds, courses and distances as shown thereon with respect to Lot 7 is incorporated herein by express reference thereto as if set out fully hereon.

This conveyance is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoove of the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in **FEE SIMPLE**, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

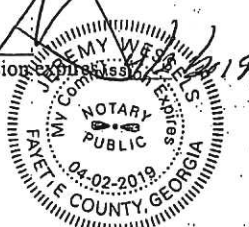
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed this 28th day of April 2017 in the presence of:

David W. Morrison
Unofficial Witness

Notary Public (My commission expires 04/02/2019)

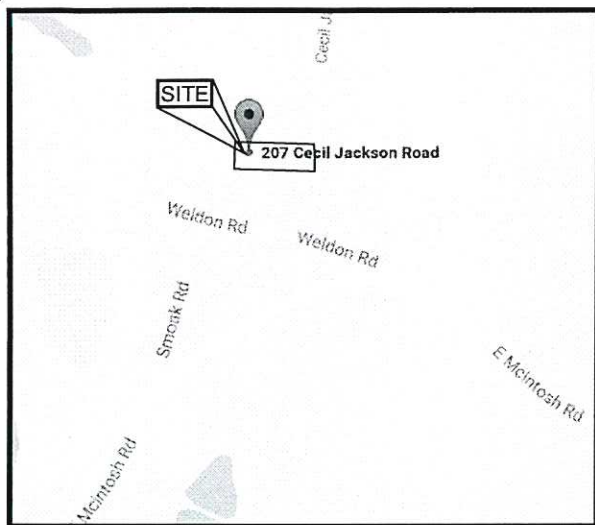


George W. Noonkester
George W. Noonkester
Janice Noonkester
Janice Noonkester

ALL THAT TRACT OR PARCEL OF LAND IN LAND LOT 229 OF THE 3rd DISTRICT OF SPALDING COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED ON THE WESTERNLY RIGHT-OF-WAY OF CECIL JACKSON ROAD, SAID POINT BEING 292.06' NORTHERLY FROM THE INTERSECTION OF THE WESTERNLY RIGHT-OF-WAY OF CECIL JACKSON ROAD AND THE NORTHERLY RIGHT-OF-WAY OF WELDON ROAD AND BEING THE TRUE POINT OF BEGINNING; THENCE RUNNING N 88 19 11 W A DISTANCE OF 617.72' TO A IRON PIN; THENCE RUNNING N 00 06 36 E A DISTANCE OF 211.97' TO A IRON PIN; THENCE RUNNING S 88 19 13 E A DISTANCE OF 612.51' TO A IRON PIN ON THE WESTERNLY RIGHT-OF-WAY OF CECIL JACKSON ROAD; THENCE RUNNING ALONG THE RIGHT-OF-WAY S 04 23 25 E A DISTANCE OF 58.87' TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY S 00 06 34 E A DISTANCE OF 153.43' TO A IRON PIN AND THE TRUE POINT OF BEGINNING.

TRACT CONTAINS 3.00 ACRES



VICINITY MAP
N.T.S.

NOTES:
1: THIS LOT IS LOCATED IN BOTH AR1
AND R2 ZONING DISTRICTS.
2: REQUESTING TO BE ZONED AR1.

N/F
JOSHUA A. SHOAF
& AMY K. SHOAF
ZONED A1 & R2
D.B. 3198 PG. 252
P.B. 24 PG. 269

BASED ON
GA WEST NAD83

REZONING PLAT

S.A. GASKINS
& ASSOCIATES, LLC.

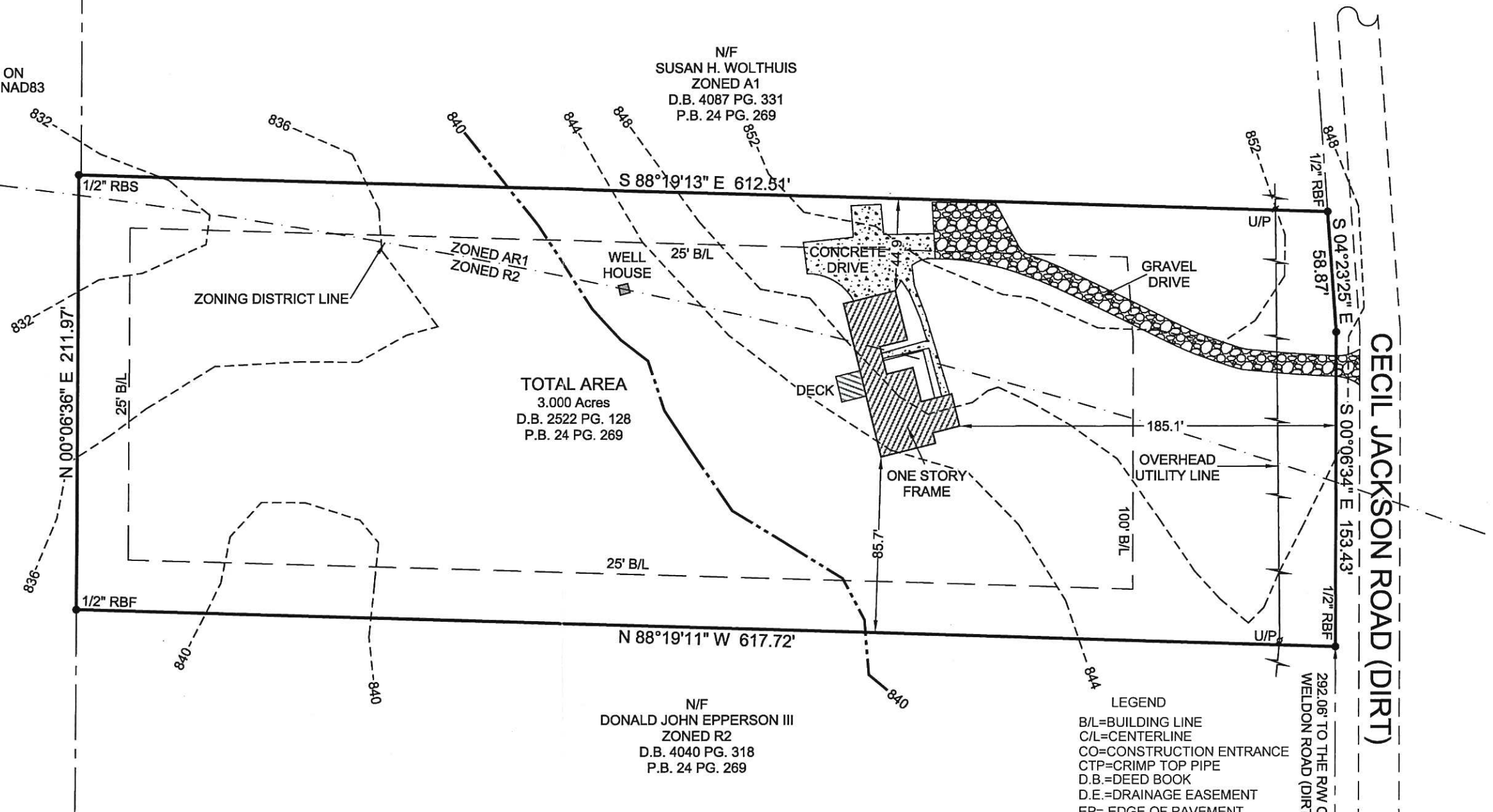
SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS

P.O. BOX 321 Brooks, Ga. 30205

sagaskins@bellsouth.net

770-460-9342

JOHN 3:16



CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS
BASED HAS A CLOSURE PRECISION OF ONE
FOOT IN 42,167 FEET AND AN ANGULAR ERROR
OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN
ADJUSTED USING THE COMPASS RULE
METHOD.

THIS PLAT HAS BEEN CALCULATED FOR
CLOSURE AND IS FOUND TO BE ACCURATE
WITHIN ONE FOOT IN 100,000+ FEET.

ANGULAR & LINEAR MEASUREMENTS WERE
OBTAINED USING A LIECA 403 TCR TOTAL
STATION

FLOOD STATEMENT
ACCORDING TO FEMA FLOOD
INSURANCE RATE MAP OF
UNINCORPORATED AREAS DATED MAY
3, 2010 MAP NUMBER 13255C0090D, NO
PORTION OF THIS PROPERTY LIES
WITHIN A SPECIAL FLOOD HAZARD
AREA.

LEGEND
B/L=BUILDING LINE
C/L=CENTERLINE
CO=CONSTRUCTION ENTRANCE
CTP=CRIMP TOP PIPE
D.B.=DEED BOOK
D.E.=DRAINAGE EASEMENT
EP=EDGE OF PAVEMENT
F/H=FIRE HYDRANT
F.W.P.D.=FIELD WORK
PERFORMED DATE
L.L.=LAND LOT
L.L.L.=LAND LOT LINE
N/F=NOW OR FORMERLY
O/F=OUT OF FLOOD PLAIN
P.B.=PLAT BOOK
PG.=PAGE
P.L.=PROPERTY LINE
P.O.B.=POINT OF BEGINNING
P/P=POWER POLE
RBF=REBAR FOUND
RBS=REBAR SET
R/W=RIGHT OF WAY
SSMH=SANITARY SEWER MANHOLE
U/P=UTILITY POLE
###=HOUSE NUMBER



GRAPHIC SCALE
1" = 60'



Prepared For:

DAVID MORRISON

F.W.P.D.: 05/08/17

Date: 05/11/17

Scale: 1" = 60'

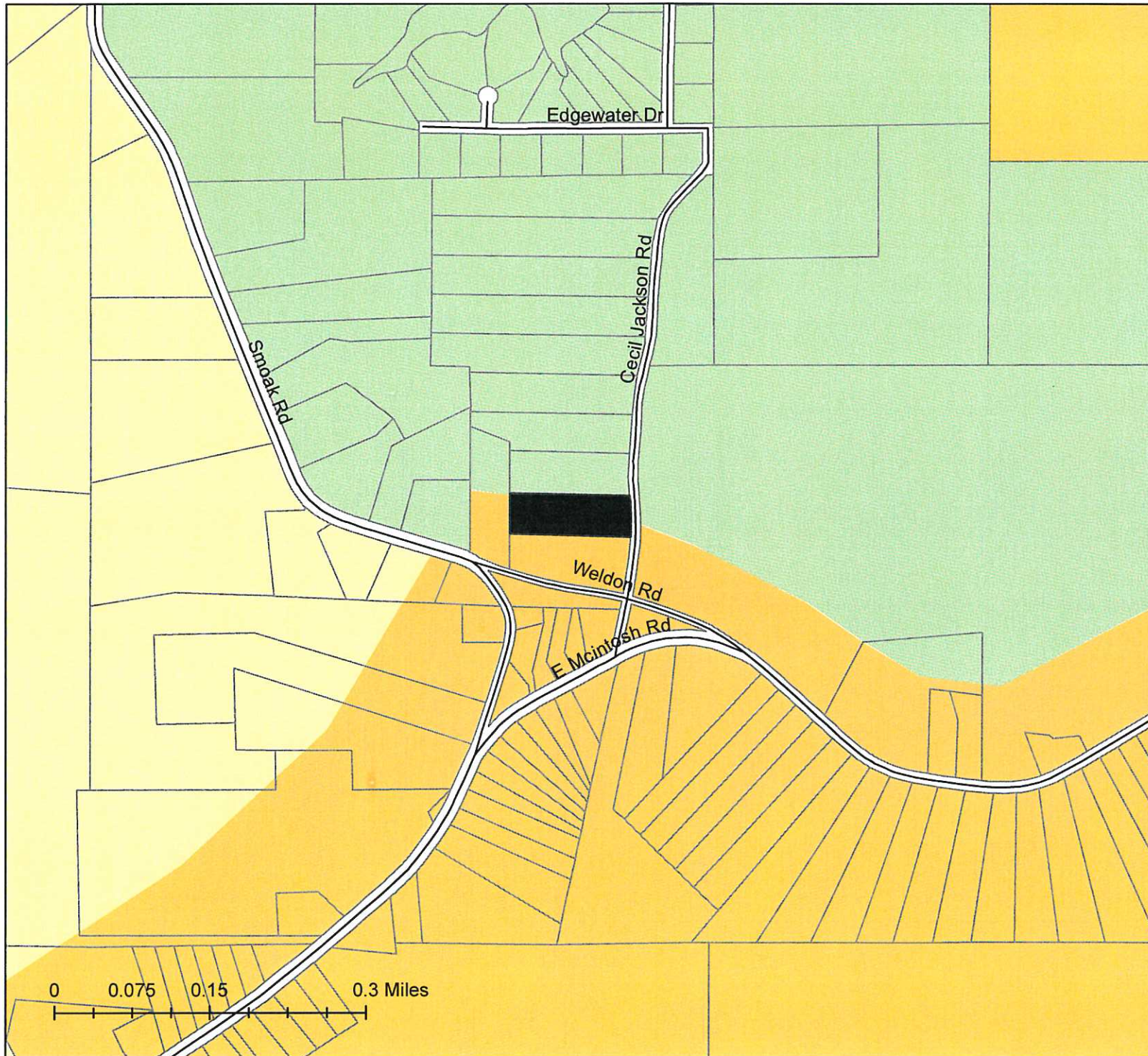
Job No: SA17-101

County: SPALDING, GA

Land Lot: 229

District: 3RD

#17-05Z Morrison

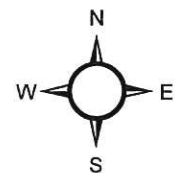


Zoning	
	PDD
	AAR
	AR1
	AR2
	C1
	C1A
	C1B
	C1C
	C2
	C3
	OI
	PRRRD
	R1
	R2
	R2A
	R3
	R4
	R5
	R6
	VN

Approximate size
of an Acre.



1 inch = 702.43 feet



Map # 211-01-072

Spalding County GIS
(770) 467-4220
cjacobs@spaldingcounty.com

SPALDING COUNTY PLANNING COMMISSION

DATE: June 27, 2017

TO: Spalding County Planning Commission
Spalding County Board Of
Commissioners

FROM: Department of Community Development

RE: Rezoning Application #17-05Z
Total acreage: 3.0+ acres
R-2 & AR-1 to AR-1

The following report constitutes the assessment and evaluation by the Community Development Department staff on the above referenced rezoning application.

Identification of the Property

Size and Location:

The application requests rezoning on a total of 3.0 acres, more or less, located at 207 Cecil Jackson Road.

District and Land Lots:

The property is located in the 3rd Land District, in Land Lot 229.

Current Owner:

The property is owned by David W. Morrison and Kimberly L. Morrison by virtue of Deed recorded May 5th, 2017 in Deed Book 4163, Page 293, Office of the Clerk of the Superior Court, Spalding County, Georgia.

Agent/Developer

None

Overview of Development:

The applicant has requested approval from Spalding County to rezone the subject property from R-2, Single Family Residential and AR-1, Agricultural to AR-1, Agricultural. In addition to the property being their residence, the applicant

would like have the ability to place more than one horse on the subject property.

Current Area Development

Current Zoning/Authorized Development:

The property is currently split zoned R-2, Single Family Residential and AR-1, Agricultural Residential and can be developed with one residential dwelling. Agricultural uses can be applied to the AR-1 zoned portion.

R-2 only allows one horse for every 3 acres and no other livestock.

Existing Use:

The property is developed with a residential dwelling.

Land Use Plan:

Pursuant to the "Spalding County Comprehensive Plan, 2004-2024," as approved in December 2004, the request is consistent with the plan and associated Future Land Use Map classification of Agricultural.

Schools:

The following is data as submitted by the Griffin-Spalding County School System:

Schools Impacted and Enrollment vs. Capacity

School	Enrollment	Capacity
Jackson Road Elementary	500	450
Taylor Street Middle	579	650
Spalding High	1344	1575

There would be no further impact to the school system as a result of rezoning the subject property.

Compliance with Zoning Ordinance Development Standards:

AR-1 Development Standards:

Minimum Heated Floor Area Per Dwelling Unit: 1,500 square feet

Minimum lot area: As specified by the Spalding County Health Department, but in *no* case less than 3 acres outside of a conservation subdivision; however a lot of record lawfully existing at the time of passage of this Ordinance and having an area which does not conform to the above standards may nevertheless be developed with a use which is permitted within an AR-1 district if approved by the Spalding County Health Department. For purposes of calculating density within a conservation subdivision as defined by the Unified Development Ordinance, density shall be calculated on a net basis of 1 dwelling per 2 acres.

Minimum lot width: 200 feet.

Minimum frontage width: 200 feet, provided that frontage shall be reduced to 35 feet for lots abutting the turnaround portion of dead end streets (cul-de-sacs).

Setbacks:

front: 100 feet

side: 25 feet. However, the minimum may be reduced to 12 feet where public water is provided.

rear: 25 feet

Utilities & Infrastructure:

Transportation:

The impact with respect to transportation will be unchanged.

Water:

The site is not accessible to County water. (Source: Spalding County Water Authority).

Sewerage:

The site is not accessible to sanitary sewer service. (Source: City of Griffin Water & Wastewater Department)

Wetlands/Watershed Area:

No portion of this site is within Flood Zones. (Source: FEMA Map, Panel #13255C-0090E)

This site is located within the Towaliga River watershed district, as indicated by the S-2 Watershed Overlay Map.

This site is not within any recharge areas indicated on the S-3 Ground Water Recharge Overlay Map.

Criteria when considering a Rezoning Application

The following items are listed in the Spalding County Zoning Ordinance (a/k/a UDO) as criteria to consider for rezoning applications:

1. The existing uses and zoning of nearby properties.
The property is bordered with a split zoned tract of R-2, Single Family Residential and AR-1, Agricultural to the west. North of the property is AR-1 zoning. South of the subject property is R-2 zoning. All uses within the general area are either single family residential or agricultural in nature.
2. The suitability of the property for the proposed purpose.
The Future Land Use Map indicates that the property should be used as "Agricultural" and is consistent with the FLUM and Comprehensive Plan for this area.
3. The length of time the property has been vacant.
The property is developed with a residential dwelling.
4. The threat to the public health, safety, and welfare, if rezoned.
There will be no significant increase in threat to the public health, safety, and

welfare due to the rezoning of this property.

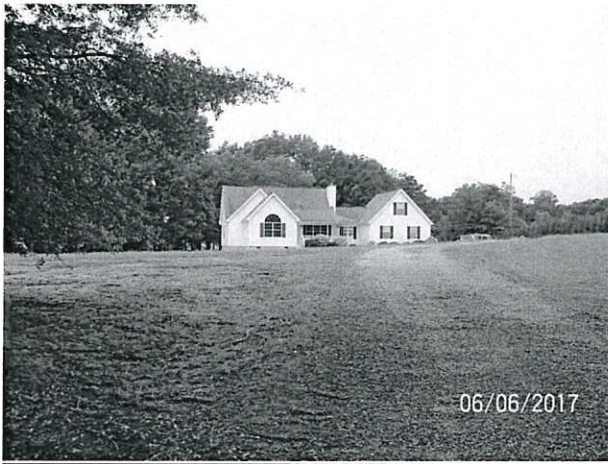
There would be no impact on the schools in the form of new students.

5. The extent to which the value of the property is diminished by the present zoning.

Staff is not aware of any diminishing effects by the present zoning.

6. The balance between the hardship on the property owner and the benefit to the public in not rezoning.

Photo(s)



View of subject property looking west.

Staff Recommendations:

Staff recommends **APPROVAL** of the Request for the following reasons:

1. The request is consistent with the Spalding County Comprehensive Plan and associated Future Land Use Map (2004-2024).

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
June 27, 2017

The Spalding County Planning Commission held its regular monthly meeting on June 27, 2017 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: John Youmans, Chair, presiding; Bruce Ballard; Walter Cox; Sonny Eubanks; and Frank Harris.

Also present were: Chad Jacobs, Community Development Director; Newton Galloway, Zoning Attorney; and Yvonne Langford to record the minutes.

Mr. Youmans called the meeting to order, introduced the members of the Planning Commission and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

Application #17-05Z: David W. Morrison & Kimberly L. Morrison, Owners – 207 Cecil Jackson Road (3 acres located in Land Lot 229 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential and R-2, Single Family Residential, to AR-1 Agricultural and Residential.

David Morrison – 207 Cecil Jackson Road

Mr. Morrison said he would like to have more than one horse at this location. He has several horses and wants this zoning change so he can have more than one horse.

Mr. Jacobs said the staff is in favor of this application. The area at this location is AR-1.

MOTION

Mr. Cox made a motion to approve Application #17-05Z. The motion passed on a second by Mr. Ballard with Mr. Ballard, Mr. Cox, Mr. Eubanks, Mr. Harris; and Mr. Youmans voting for the motion.

S/D #05-07: Consider extension of preliminary plat for Vineyard Park Subdivision – CBD Investments, LLC, Owner – current preliminary plat expires June 28, 2017.

MOTION

Mr. Ballard made a motion to approve S/D #05-07. The motion passed on a second by Mr. Eubanks with Mr. Ballard, Mr. Cox, Mr. Eubanks, Mr. Harris, and Mr. Youmans voting for the motion.

Mr. Cox expressed concern over the routine approval of the extension of preliminary plats for subdivisions. With the new comprehensive plan, there is concern over whether or not plans that were approved several years ago still follow “best practices”. He would like to see some additional review regarding preliminary plan extension. A lengthy discussion was held with concern being expressed over the condition of the some of the approved subdivisions that are not being maintained by the owners. Mr. Jacobs expressed concern over whether or not a complete redesign can be required. Construction drawings are only good for two years. If there are new standards in some areas, they are required to meet those new standards. He does like the idea of requiring them to keep the grass cut and secure the area. If the owners have already put in a

substantial amount of infrastructure, he is uncertain what can be required. Mr. Galloway discussed whether or not the owners are “grandfathered”. He noted there is nothing automatic about renewals but by practice they have become automatic which was tied to the recession. It was probably in the best interest to keep those subdivision plans active. It is within the power of the County to change that informal policy. If it is going to be changed, it needs to be done “with notice”. It might be helpful to determine whether or not to “make the call” would be to develop a criteria in the ordinance specifically for renewals of preliminary plats. After further discussion, the members of the Board requested a proposed ordinance draft for the next meeting.

Mr. Cox raised some concerns regarding the Math Field application from last month. Mr. Jacobs said the application took longer because of the issues being raised about the outdoor shooting range in another part of the County. This application was for an indoor range and was not the same but the perception by the community was going to be difficult. Additionally, this use was not in the code and it would have to be included. Mr. Jacobs said he had advised the applicants that the staff recommendation would be for denial. Mr. Galloway said he made the presentation at the County Commission meeting regarding the recommendation from the Planning Commission. He advised the Board of Commissioners that approval of the application would be spot zoning. The staff recommendation follows the FLUM and the County zoning policy. Conditions were proposed but they have legal issues which were also raised with the Board regarding their proposal to have a zoning reversion. There is a possibility that this proposal for Math Field will be at a future meeting.

MINUTES

Mr. Eubanks made a motion to approve the minutes of the May 30, 2017 meeting. The motion passed on a second by Mr. Cox with Mr. Ballard, Mr. Cox, Mr. Eubanks, Mr. Harris; and Mr. Youmans voting for the motion.

ADJOURN

The meeting was adjourned on a motion by Mr. Cox and a second by Mr. Ballard with Mr. Ballard, Mr. Cox, Mr. Eubanks, Mr. Harris; and Mr. Youmans voting for the motion.

John Youmans – Chair

Yvonne M. Langford - Recorder



SPALDING COUNTY BOARD OF COMMISSIONERS
Application #FLUMA-17-02

Requesting Agency

Office of Community Development

Requested Action

Application #FLUMA-17-02: Lift from the table - Robert M. Goldberg has requested a future land use map change from Low-Density Residential to Commercial for the following: 2693 Williamson Road (3.110 acres located in Land Lot 43 of the 2nd Land District).

Requirement for Board Action

Article 4. General Procedures - Section 414. Amendments

Is this Item Goal Related?

No

Summary and Background

The applicant has initiated a request to allow for the amendment of the Spalding County Future Land Use Map and the Comprehensive Plan for 2693 Williamson Road from Low-Density to Commercial.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

DENIAL

PLANNING COMMISSION RECOMMENDS: DENIAL

ATTACHMENTS:

Description	Upload Date	Type
❑ Application #FLUMA-17-02	7/18/2017	Backup Material
❑ PC 05-30-17 Minutes	7/18/2017	Backup Material

78. 4/20/17
#253.00
R# 716699

Form FLUM-001
Land Use Amendment
Application Form I

FLUMA No: 17-02

Project Information

Project Name: Goldberg Law Office

Name, of Individual Completing form (include Title and Company Name if applicable):

Robert M. Goldberg

Telephone: (c) 678-776-4423
770 229 5729 Fax: 770-227-5709

E-mail: rgoldberg@goldbergp.com

Name of Property Owner if different from individual completing this form (include Title and Company Name if applicable): Robert Goldberg

Project Description: Using the table below, select the development type that most accurately describes the proposed project (**select only one**). In the second column, provide a brief description of the project.

Development Type	Project Description	Project Thresholds
<input type="checkbox"/> Residential A		Less than five acres or less than 5 dwelling units
<input type="checkbox"/> Residential B		5-acres up to 50-acres or 5-dwelling units to 50-dewlling units
<input type="checkbox"/> Residential C		50-acres up to 200-acres or 50-dwelling units up to 200-dwelling units
<input type="checkbox"/> Residential D		200-acres up to 400 acres or 200-dwelling units to 500-dwelling units
<input type="checkbox"/> Residential E		Above 500-acres or 500 dwelling units.

<input checked="" type="checkbox"/> Office/Institutional A	Law office	Less than 5000 square feet
<input type="checkbox"/> Office/Institutional B		Less than 10,000 square feet
<input type="checkbox"/> Office/Institutional C		Less than 50,000 square feet
<input type="checkbox"/> Office/Institutional D		Less than 200,000 Square Feet
<input type="checkbox"/> Office/Institutional E		Less than 400,000 Square Feet
<input type="checkbox"/> Office/Institutional F		Greater than 400,000 square feet
<input type="checkbox"/> Commercial A		Less than 5000 square feet
<input type="checkbox"/> Commercial B		Less than 10,000 square feet
<input type="checkbox"/> Commercial C		Less than 50,000 square feet
<input type="checkbox"/> Commercial D		Less than 200,000 square feet
<input type="checkbox"/> Commercial E		Less than 400,000 square feet
<input type="checkbox"/> Commercial F		Greater than 400,000 square feet
<input type="checkbox"/> Industrial A		Less than 5000 square feet
<input type="checkbox"/> Industrial B		Less than 10,000 square feet
<input type="checkbox"/> Industrial C		Less than 50,000 square feet
<input type="checkbox"/> Industrial D		Less than 200,000 square feet
<input type="checkbox"/> Industrial E		Less than 400,000 square feet
<input type="checkbox"/> Industrial F		Greater than 400,000 square feet
<input type="checkbox"/> Mixed Use/Village A		Less than 5-acres or less than 10,000 square feet*

<input type="checkbox"/> Mixed Use/Village B		Less than 10 –acres or less than 50,000 square feet.*
<input type="checkbox"/> Mixed Use/Village C		11 to 50 acres or 100,000 square feet.*
<input type="checkbox"/> Mixed Use Village D		51 to 100-acres or 200,000 square feet.*
<input type="checkbox"/> Mixed Use Village E		More than 100-acres or more than 200,000 square feet*.

* If any of the square footages of any individual use within the mixed use development exceeds the threshold listed for that use, it shall be categorized in that use category. For the purposes of establishing gross square footage in the mixed use category each proposed residential dwelling shall be calculated at 1,800 square feet.

Project Physical Location: 2693 Williamson Road

Tax Map Code: MAP 234

Current designation(s) on the Spalding County Future Land Use Map: AK

Low Density Residential

Proposed designation(s) on the Spalding County Future Land Use Map: _____

Office Commercial OKM 4/27/17

What are the principal streets or roads providing vehicular access to the site: _____

Williamson Road

Is the project entirely within the unincorporated portion of Spalding County?

Yes ☒ No (circle one)

If no, what other jurisdiction(s) will the project be located in? _____

The initial request associated with this map amendment is:

- ☒ Rezoning
- ☐ Special Exception
- ☐ Both

☐ Other: _____

Total proposed:

Single Family detached dwellings: _____

Townhouse or Condominium Dwellings: _____

Loft Dwellings: _____

Apartment Dwellings: _____

Flex Space Units: _____ Sq. Feet

Retail Area: _____ Sq. Feet

Office Area: 2500 Sq. Feet

Industrial Area: _____ Sq. Feet

Will the proposed project be age restricted? Yes ☒ No (circle one)

Name of water supplier for this site: City of Griffin

Name of wastewater treatment supplier to the site: Septic Tank

Estimated Project Completion Date: N/A

Are land transportation or access improvement projects needed to support the proposed project? Yes ☒ No (circle one)

If yes, please describe the improvements needed: _____

Form FLUM-001
Land Use Amendment
Application Form II

FLUMA No: _____

Project Information

Project Name: Goldberg Law Office

Name, of Individual Completing form (include Title and Company Name if applicable):

Robert Goldberg

Telephone: 678-776-4423 Fax: 770-229-5729

E-mail: rgoldberg@goldberglaw.com

Name of Property Owner if different from individual completing this form (include Title and Company Name if applicable):

Robert Goldberg

Economic Impact

Estimated value at buildout: \$200,000

Estimated annual local tax revenues (ie. property tax, sales tax) likely will be generated by the proposed development: \$2,000

Is the area workforce sufficient to fill the demand created by the proposed project?

☒ Yes ☐ No (circle one)

Community Facilities

Water Supply

Estimated water supply demand to be generated by the project, measured in Millions of Gallons Per Day (MGD) : _____

Is sufficient supply capacity available to serve the proposed project? ☒ Yes ☐ No (circle one)

If no, are there current plans to expand water supply capacity? Yes ☒ No (circle one)

If there are plans to expand water supply capacity, briefly describe: _____

N/A

If water line extension is required to serve the project, how much additional line (in miles) will be required? _____

N/A

Wastewater Disposal

Proposed method of wastewater treatment: Septic Tank

If public or private sewer system name Wastewater Treatment Provider: _____

N/A

What is the estimated sewerage flow to be generated by this development, measured in Millions of Gallons (MGD): _____

N/A

Is sufficient wastewater treatment capacity available for this proposed project?

☒ Yes ☐ No (circle one)

If No, are there any current plans to expand existing wastewater treatment capacity? ☒ Yes ☐ No

(circle one)

If there are plans to expand existing wastewater treatment capacity, briefly describe: _____

N/A

If sewer line extension is required, how much additional line (in miles) will be required? _____

N/A

Land Transportation

How much traffic volume is expected to be generated by the proposed development, in peak-hour vehicle trips (if only and alternative measure of volume is available, please provide): _____

1 vehicle / hour

Has a traffic study been performed to determine if transportation odr access improvements will be needed to serve this project: Yes No (circle one)

If yes, please attach

If transportation improvements are needed please desribe: N/A

Education and Schools (commercial/office or industrial, skip to next topic)

Are any dwellings within the development proposed to be age restricted? Yes (No) (Circle One)

If yes, what percentage of the total number of units proposed? _____%

The proposed project is located in the:

_____ Elementary School Zone

_____ Middle School Zone

_____ High School Zone

Public Safety

Distance to the nearest Spalding County fire station by vehicle road travel?

2 miles miles

Number of Spalding County fire stations within 10 miles of the proposed project site:

3

Post Development ratio of Sheriffs Deputies per 1000 population at current staffing levels: _____

Solid Waste Disposal

How much solid waste is the project expected to generate annually, in tons? 1 ton

Is sufficient landfill capacity available to serve this proposed project? (Yes) No (circle one)

If no, are there any current plans to expand landfill capacity? Yes (No) (circle one)

If there are plan to expand landfill capacity, briefly describe: N/A

Will any hazardous waste be generated by the development? Yes No (circle one)

If yes, please describe: NO

Stormwater Management

What percentage of the proposed development will be impervious surface once the proposed development is constructed? 2 %

Is the project located on or near any watershed or groundwater recharge area? Yes No (circle one)

Environment Quality

Is the project located within or likely to affect any of the following (please check all that apply)

- ☐ Water supply water sheds
- ☐ Significant groundwater recharge areas
- ☐ Wetlands
- ☐ Protected river corridors
- ☐ Steep slopes
- ☐ Old-growth forrest
- ☐ Floodplains
- ☐ Historic Resources
- ☐ Other environmentally sensitive resources

If you checked any of the above identify how the protected resources might be affected:

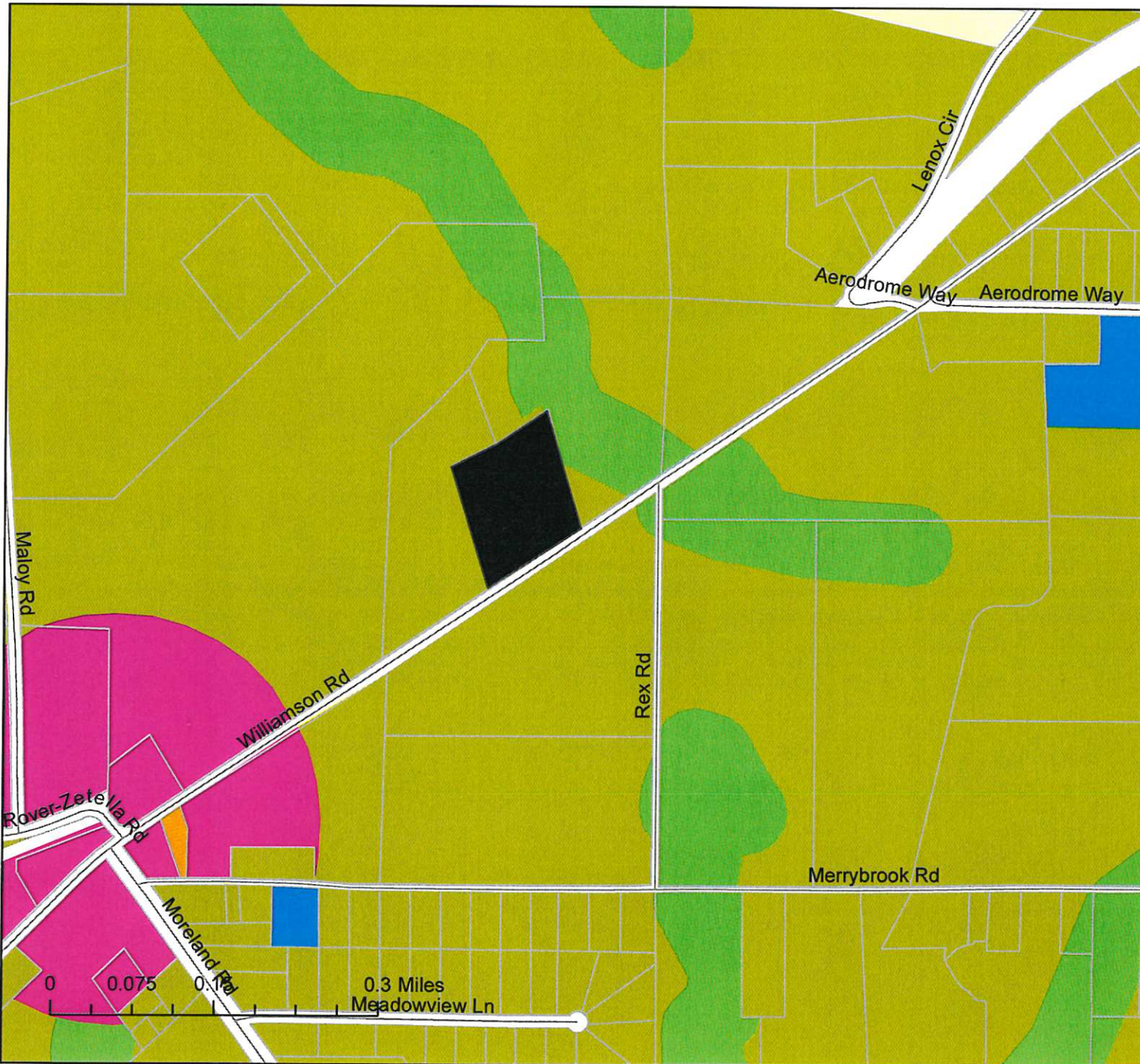
N/A

Additional Information Required

Based on the project thresholds below, please attach 3 copies of the information and or documents checked in each box.

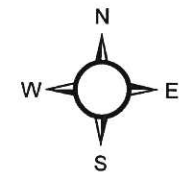
Attachments	Level A	Level B	Level C	Level D	Level E	Level F
Form II		✓	✓	✓	✓	✓
Project Description	✓	✓	✓	✓	✓	✓
Preliminary Site Development Plan		✓	✓	✓	✓	✓
Map of proposed FLUM Change (include adjacent properties)		✓	✓	✓	✓	✓
Environmental Impact Analysis				✓	✓	✓
Traffic Study (tie to County or regional traffic model)				✓	✓	✓

FLA-17-02 Goldberg



- Agriculture
- Commercial
- Crossroads Commercial
- Forestry
- Industrial
- Institutional/Public
- Low-Density Residential
- Medium-Density Residential
- Open Space Network
- Parks and Recreation
- Regional Commercial Center
- Rural Reserve
- Transportation/Communication/Utilities
- Village Node

1 inch = 700 feet



Parcel # 234-04-01B

Spalding County GIS
(770) 467-4220
cjacobs@spaldingcounty.com

SPALDING COUNTY PLANNING COMMISSION

DATE: May 30, 2017

TO: Spalding County Planning Commission
Spalding County Board Of
Commissioners

FROM: Department of Community Development

**RE: Future Land Use Map Amendment
#17-02 FLA
Total 3.11± acres
Low Density Residential to
Commercial
Office / Institutional A – Less than
5,000 square feet**

The following report constitutes the assessment and evaluation by the Community Development Department staff on the above referenced amendment application.

Identification of the Property

Size and Location:

The application requests amendment for the subject property for an approximate total of 3.11 acres, more or less, located at the 2693 Williamson Road.

Map Code:

234-04-001B

Applicant:

Robert M. Goldberg

Overview of Request:

The applicant has initiated a request to allow for the amendment of the Spalding County Future Land Use Map and the Comprehensive Plan at 2693 Williamson Road from Low Density Residential to Commercial.

Amendment Analysis:

The owner proposes to rezone the subject property to an office and institutional use so that an existing single family residential dwelling can be used as law office.

The property is surrounded by primarily agricultural and residential land uses along the Williamson Road corridor.

Consideration must be given to possible negative development patterns in allowing commercial uses along state highway corridors without proper strategic planning as to their placement. Smart planning would encourage these uses at important crossroads.

It must be noted that the law office is already in use and not permitted at this time.

Schools:

The proposed amendment would not affect the potential for school age children within the schools as the planning designation of the request is for commercial.

Utilities & Infrastructure:

Transportation:

The Trip Generation Manual estimates that an office of this size will generate approximately 27 trips weekly per 1000 square feet of gross floor area of the development.

The property is accessed via an existing residential driveway.

Water:

The property is accessible to County water. (Source: Spalding County Water Authority)

Sewerage:

The site is possibly accessible to public sewer. (Source: City of Griffin Water and Sewer)

Fire/Rescue:

The closest fire station to the subject property would be the Sanders station. At present, the Comprehensive Plan does not plan for additional fire protection for this area

Wetlands/Watershed Area:

No portion of this site within a flood zone. (Source: FEMA Map, Panel #13255C-0180 D, effective May 3, 2010)

This site is located within the City of Griffin Reservoir – Pike County Intake Watershed boundary, as indicated by the S-2 Watershed Overlay Map.

This site is not within any recharge areas indicated on the S-3 Ground Water Recharge Overlay Map.

Staff Recommendations:

Staff recommends **DENIAL** to amend the FLUM for this property for the following reasons:

1. Approval of commercial land uses along this portion of the corridor could create negative development patterns.

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
May 30, 2017

The Spalding County Planning Commission held its regular monthly meeting on May 30, 2017 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: John Youmans, Chair, presiding; Bruce Ballard; Walter Cox; Sonny Eubanks; and Frank Harris.

Also present were: Chad Jacobs, Community Development Director; Steven Jones, Zoning Attorney; and Yvonne Langford to record the minutes.

Mr. Youmans called the meeting to order, introduced the members of the Planning Commission and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

MOTION

Mr. Cox made a motion to discuss Application's #FLUMA-17-02 & #17-03Z and #FLUMA-17-03 & #17-04Z together and vote on them separately. The motion passed on a second by Mr. Ballard with Mr. Ballard, Mr. Cox, Mr. Eubanks, Mr. Harris, and Mr. Youmans voting for the motion.

Application #FLUMA-17-02: Robert M. Goldberg has requested a future land use map change from Low-Density Residential to Commercial for the following: 2693 Williamson Road (3.110 acres located in Land Lot 43 of the 2nd Land District).

Application #17-03Z: Robert M. Goldberg, Owner -2693 Williamson Road (3.110 acres located in Land Lot 43 of the 2nd Land District) – requesting a rezoning from AR-1 Agricultural and Residential to O & I Office and Institutional.

Robert Goldberg – 225 Broadmoor Drive – Fayetteville, GA.

Mr. Goldberg said he formerly lived at 2693 Williamson Road. He previously rented space from a local attorney for his law practice. His practice had done well and he had raised his family at the 2693 Williamson Road house. Approximately four years ago, he moved his home to Fayetteville. While he was living at the Williamson Road address, he had been advised what he needed to do in order to use the house for his business. He failed to follow those directions and operated his law practice from there. Last year Mr. Jacobs visited with him and that is the reason for this application. He does not feel the use of the property for his law practice is incompatible with low-density use. When he lived at the address, there were more people coming and going than there are now. He does not feel he is having a negative impact on the neighbors. The neighbors feel this could turn into something other than a law practice. He requested approval of his application with conditions that nothing other than a law practice be allowed. He feels the conditions would satisfy the neighbors.

Alan McCallum – 2831 Williamson Road

Mr. McCallum said he lives on the other side of Mr. Goldberg. He likes Mr. Goldberg. He is a good person. This request is about rezoning. The zoning does not go with the person. It goes with the land. There is a vacant lot adjacent to Mr. Goldberg's home that could be used for other commercial uses and a request could be made to rezone that for other commercial uses. This is, in essence, spot zoning. There is nothing else out there like this. If this is approved, you are

opening the door for other requests. If this is approved, Mr. Goldberg could sell this tomorrow and the zoning would be with the property. You are setting a precedent for the entire county.

Kim Stone – 2715 Williamson Road

Mr. Stone said he moved to this area about two years ago. They looked for a long time for property. They were looking for a little space with no commercial aspects. Now they are looking at a potential conversion to commercial property. He is looking at life changes and he does not want to look at the backside of a building with dumpsters. He wants to look at nature. He is against this change to commercial.

Mr. Jacobs said this request is to go from residential to commercial. The area around is planned as a Village Node. The County is in the process of updating their Future Land Use Map. The way the County is targeting strategic intersections in terms of providing service areas for commercial uses and medical and office type uses is probably still going to be the strategy that will be followed with next planning update. Considering this application, the staff has concerns regarding the land use patterns developing. They want to avoid some of the negative aspects of Highway 19-41. The staff recommendation is for denial of the changes to the Land Use Map. They further recommend denial of the rezoning. This would essentially be spot zoning. This cannot be considered for a home occupation because it is not Mr. Goldberg's place of residence. It is being used exclusively for an office.

MOTION

Mr. Eubanks made a motion to deny Application #FLUMA-17-02. The motion passed on a second by Mr. Cox with Mr. Ballard, Mr. Cox, Mr. Eubanks, Mr. Harris, and Mr. Youmans voting for the motion.

With the recommendation for denial of the change in the Future Land Use Map, there was no further action on application #17-03Z.

Application #FLUMA-17-03: Alex Scott has requested a future land use map change from Agriculture to Commercial for the following: 3616 Fayetteville Road (19.5 acres located in Land Lot 6 of the 3rd Land District).

Application #17-04Z: Terry Dunn, Owner – Alex Scott, Agent – 3616 Fayetteville Road (19.5 acres located in Land Lot 6 of the 3rd Land District) requesting a rezoning from AR-1 Commercial to C-1 Highway Commercial.

Alex Scott – 109 Cedar Point – Peachtree City

Mr. Scott said he was the applicant. He introduced Mr. Wayne Smith who was to provide the information regarding this application.

Wayne Smith – 428 Constitution Circle – Peachtree City

Mr. Smith said he has been with the GBI for 31 years. He is also a professional firearms trainer and has been for 22 years. They want to present what they want to do. They want to be open and honest and follow the County process for this application. They are concerned about the controversy in the County over a current shooting range. They are concerned they will be “painted with the same brush”. There is nothing similar about what they want to do. They want to operate a school which is what they have done professionally for a long time. It is a place for teaching a class and then helping them learn how to use firearms properly. They want to open this to the public. The property is currently under three different type zonings. The facility,

since the 80's, has been used as a "public type" facility. He reviewed the different uses of the property over the years. It has been used by the public where people come and go. They intend to use it as it has been used in the past as far as public access is concerned. This will not be a traditional range. The use will be enclosed and nothing used in the process will leave the building. It is done with ballistic abatement and sound abatement. They will be following the NRA recommendations. They welcome any conditions and provisions. They have plans for a future addition to the facilities. They work mostly with handguns.

Terry Dunn – 208 Sylvan Lane

Mr. Dunn said he is the owner of this property. He gave a history of his family and this property over the years. His family has owned this property since 1938. He requested approval for this use of the property. They intend to be good neighbors and will address any concerns the neighbors have.

Steven Walker – 470 Denton Circle – Fayetteville, Georgia.

Mr. Walker said he is in favor of this application. This will be a benefit to the area and the entire south side. It is hard to get this type training and it is becoming more popular. It will be a disservice to deny this because we need people trained to understand the use of what is involved with guns. He understands people are upset with the other gun range. This is not a comparison for the same thing. The other is an outdoor range that has different limitations and this is an indoor facility serviced by professional people that know and understand the industry. He asked approval for the application.

Faith Wallace – 3672 Fayetteville Road

Ms. Wallace said she has 4.96 acres adjacent to this property. Formerly, this property has been used for bands and parties. The bands were too loud and too noisy. She and her neighbors had to call the police to stop the noise. She does not know how this will affect the noise problem. Adjacent to this property is Mr. Rebholz whose right-of-way has to be used to access this property since they have no road frontage. People think this is an out of door shooting range already. She was out on her property and there was a gun shot that "scared her to death". She has health issues. The neighbor that shot their gun was a young man in his teens. She does not know how much time she has left but she would like to live it in peace and quiet. She is very much opposed to this application. If this is approved, she plans to return with a petition from her neighbors.

Mr. Jacobs said this application from the staff level is entirely different than the one they are dealing with at another location. In door shooting ranges are now included in the UDO as a special exception in some zoning districts. This particular application has a lot of the concerns that are similar to the previous request. He discussed the zoning for the area around this property. The area is planned overwhelmingly as agricultural type uses. There a commercial corridor along Highway 92. A portion of the property was zoned C-1A conditioned for use as a restaurant only. This is a difficult tract. In review of the zoning application, the staff recommendation is for denial. The Future Land Use Map is predominantly agricultural and this will be spot zoning. The applicant has also applied for a Special Exception with regard to this property that will be considered at the next Appeals Board meeting.

Discussion was held between the applicant, the members of the Planning Commission, and those in attendance in opposition to the application.

MOTION

Mr. Cox made a motion to deny Application #FLUMA-17-03. The motion passed on a second by Mr. Harris with Mr. Ballard, Mr. Cox, Mr. Harris and Mr. Youmans voting for the motion and Mr. Eubanks voting against.

With the recommendation for denial of the change in the Future Land Use Map, there was no further action on application #17-04Z.

Amendment to UDO #A-17-03: Article 2. Definitions of Terms Used – Section 202 KKK’ – add definitions of Street or Road, Cul-de-sac; Article 4. General Procedures – Section 413:E & Section 414:D – amend required public notice signage requirement.

Mr. Jacobs said this amendment is in response to the discussion by the Planning Commission regarding expanding the public notice signage requirements. The staff recommendation is for denial. He does not want it to appear that he is advocating for no notice. He feel they already go above and beyond what the code requires. No matter how far you go sending the letters there is always going to be the next person out of the ring that is not going to get a notice.

Mr. Youmans said he advocated the need for the additional signage. He is a property owner and pays taxes in Spalding County. The situation for him is that it would have taken one more sign to accomplish the notice regarding the need for this change. His take on this is that you are not willing to consider the property owners by putting up another sign.

Mr. Jacobs said it is one more sign today and then another and another; it is going to get expensive.

Mr. Ballard said a cul-de-sac is easy but what happens when you have additional roads and then you have four other roads that need signs. Sometimes things work well for years and he does not see the need for a lot of changes.

Mr. Cox said he does not see the need to add to the workload of the staff even in a minor way.

Mr. Youmans said there were a lot of the neighbors that did not know what was going on regarding that application

Mr. Cox said there were a lot of the neighbors that attended the meeting and spoke in favor of the application.

Mr. Jacobs said he feels there is a valid concern regarding getting information to the public. He is not certain that a sign is the way to solve that issue. They have to advertise in the “legal organ” which is the *Griffin Daily News*. Fewer people are subscribing to the newspaper. Is there a better way than that, in the age of social media, to get information to the public? He does not feel the sign is going to be the “fix”.

MOTION

Mr. Ballard made a motion to deny Amendment to UDO #A-17-03. The motion passed on a second by Mr. Eubanks with Mr. Ballard, Mr. Cox, Mr. Eubanks, and Mr. Harris voting for the motion and Mr. Youmans voting against.

Amendment to UDO #A-17-04: Article 5. AR-1 Agricultural and Residential – Section 503:A & B – amend use of riding academies and other facilities which host equestrian events, and Article 6. AR-2 Rural Reserve – Section 603:A & B – amend use of equestrian farms, equestrian pastures, riding academies and other facilities which host equestrian events.

Mr. Jacobs said this is an issue with respect to equestrian farms and rodeo and horse show events. They were requested by the Commissioners to address the issue. The recommendation is for approval.

MOTION

Mr. Cox made a motion to approve Amendment to UDO #A-17-04. The motion passed on a second by Mr. Ballard with Mr. Ballard, Mr. Cox, Mr. Eubanks, Mr. Harris and Mr. Youmans voting for the motion.

MINUTES

Mr. Cox made a motion to approve the minutes of the April 25, 2017 meeting. The motion passed on a second by Mr. Eubanks with Mr. Ballard, Mr. Cox, Mr. Eubanks, Mr. Harris, and Mr. Youmans voting for the motion.

Discussion was held regarding future applications that are anticipated and the review of the Future Land Use Map. They have had good responses regarding the Future Land Use Map. Most are similar to the ones received the last time this was reviewed. They will have an open house in the near future.

Mr. Jacobs said he feels a review if the overlay district is warranted. It is a little cumbersome to develop anything within the overlay district. He does not want to relax restrictions to the point that it becomes a lot of the same. Maybe it would be possible to work to make it a little easier to develop something within the overlay district provided you are follow the design criteria.

ADJOURN

The meeting was adjourned on a motion by Mr. Cox and a second by Mr. Eubanks with Mr. Ballard, Mr. Cox, Mr. Eubanks, Mr. Harris, and Mr. Youmans voting for the motion.

John Youmans – Chair

Yvonne M. Langford - Recorder



SPALDING COUNTY BOARD OF COMMISSIONERS Application #17-03Z

Requesting Agency

Office of Community Development

Requested Action

Application #17-03Z: Lift from the table - Robert M. Goldberg, Owner - 2693 Williamson Road (3.110 acres located in Land Lot 43 of the 2nd Land District) - requesting a rezoning from AR-1 Agricultural and Residential to O & I Office and Institutional.

Requirement for Board Action

Article 4. General Procedures - Section 414. Amendments.

Is this Item Goal Related?

No

Summary and Background

The applicant has requested rezoning of the subject property to O&I, Office and Institutional, for the purpose of operating a law office on the property. The office will utilize an existing residential structure.

The current property has a total of 6.4 plus acres which would be subdivided pursuant to the rezoning request of the 3.11 acres should the application be approved.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

DENIAL

**NO VOTE DUE TO RECOMMENDATION OF DENIAL OF APPLICATION #FLUMA-17-02.
APPLICATION #17-03Z IS MOOT.**

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Application #17-03Z	7/18/2017	Backup Material
<input type="checkbox"/> PC 05-30-17 Minutes	7/18/2017	Backup Material

SPALDING COUNTY
REQUEST FOR ZONING MAP CHANGE
APPLICATION NO. 17-032

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Phone: _____

Contact Person: _____

PROPERTY OWNER INFORMATION

Name: Robert ^{M.} Goldberg

Address: PO Box 294

City: Williamson, GA

State: GA Zip: 30292

Phone: 678-776-4423
770-229-5729

Phone: _____

APPLICANT IS THE:

Owner's Agent

☒
Property Owner

Developer

Present Zoning District(s): AR-1

Requested Zoning District(s): D+I

Land District(s): 2nd

Land Lots(s): 43

*Acreage: 3.110

Address Of Property: 2693 Williamson Road, Williamson, GA 30292

Proposed Development: Law Office

OTHER REQUIRED INFORMATION

Checklist

- ☒ Attach 1 copy of plat prepared by a registered land surveyor and drawn to scale showing lot lines and location of existing structures and location of proposed structures.
- ☒ Please attach a statement describing the proposed development.
- ☒ Please attach a deed, certified by the Clerk of Court, of the property proposed for rezoning.
- ☒ Please attach a copy of metes and bound description of the property for rezoning.
- ☐ Please attach 1 copy (24 x 36) and 1 copy (11 x 17) of the conceptual site plan, if applicable (see Page 7).
- ☐ If proposed property is within the S-2 Sensitive Land-Watershed Protection District, please submit a plat or drawing to scale showing the exact location of any surface water that is located on or within 250 feet of the subject property.

☐ Is the property recorded as one (1) or multiple parcel(s)?

OFFICE USE ONLY

Date Received: 4-20-17

Amount of Fee: \$500⁰⁰

Received By: 

Receipt Number: 716699

REZONING APPLICANT'S RESPONSE

Pursuant to Section 414 of the Zoning Ordinances, The Board of Commissioners find that the following standards are relevant in balancing the interest in promoting the public health, safety, morality or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

Please respond to the following standards in the space provided or use an attachment as necessary:

(A) Whether a proposed rezoning (or special use permit) will permit a use that is suitable in view of the use and zoning of adjacent and nearby property: yes. law office has
minimal impact on nearby property.

(B) Whether the property is suitable for the proposed use: yes. 3 bedroom home
converted to law office

(C) What is the length of time the property has been vacant?: N/A

(D) What is the threat to the public health, safety, and welfare, if any, if the property is rezoned?:
None.

(E) Whether and to what extent is the subject property value diminished under the present zoning?:
Property is a farm house with historical value.
Use as a law office is an excellent use of property
in keeping with character of surrounding property

(F) What is the balance between the hardship on the property owner and the benefit to the public in not rezoning?: Public is provided with local estate and
elder law services. Property owner will be forced to
relocate viable business if rezoning not allowed

Use Additional Pages, If Necessary

OFFICE USE ONLY

Date Received: 4-20-17

Received By: Chris Egan

**PROPERTY OWNER'S CERTIFICATION OF
OWNERSHIP AND ZONING COMPLIANCE**

Certification is hereby made that the undersigned own(s) at least fifty-one (51) percent of the subject property.

~~The undersigned certifies that the subject property is presently in compliance with the current Zoning Ordinance for Spalding County, Georgia. The undersigned is aware that an application for a Rezoning, Variance, or Special Exception will not be received unless the subject property is in compliance with the Zoning Ordinance.~~

The undersigned certifies that the agent, if different from the owner, is authorized to file this application.

X Robert Goldberg
Print Name of Owner(s)

Print Name of Agent, If Not Same as Owner

X Robert Goldberg
Signature of Owner(s) _____ Date _____
or Signature of Authorized Officer or Agent
(if applicable)

Signature of Agent

X Brandy Hatchett
Signature of Notary Public

4-19-17
Date



OFFICE USE ONLY

Date Received: 4-20-17 Received By: CEJ

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

A. APPLICANT'S DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of the rezoning application, made campaign contributions aggregating \$250.00 or more to a member of the Spalding County Board of Commissioners, a member of the Planning Commission, or any other government official who will consider the application?

NO (Yes/No)

If the answer is Yes, please complete the following section:

Name and Official Position Of Government Official	Contributions (List all which aggregate to \$250.00 or more)	Date Contribution Was Made (within last two years)
(1) _____	(1) _____ _____	(1) _____ _____
(2) _____	(2) _____ _____	(2) _____ _____

Attach additional sheets if necessary to disclose or describe all contributions.

**B. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE**

Have you, within the two years immediately preceding the filing of the rezoning application, made campaign contributions aggregating \$250.00 or more to a member of the Spalding County Board of Commissioners, a member of the Planning Commission, or any other government official who will consider the application?

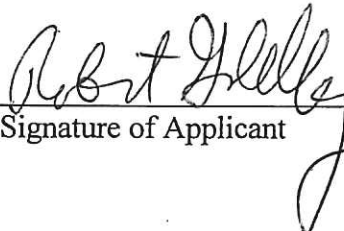
NO (Yes/No)

If the answer is Yes, please complete the following section:
ZONING MAP CHANGE
PAGE 6

Name and Official Position Of Government Official	Contributions (List all which aggregate to \$250.00 or more)	Date Contribution Was Made (within last two years)
(1) _____	(1) _____ _____	(1) _____ _____
(2) _____	(2) _____ _____	(2) _____ _____


Attach additional sheets if necessary to disclose or describe all contributions.

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

	4-10-2017	Robert Gaddberg, Owner
Signature of Applicant	Date	Type or Print Name and Title

Signature of Applicant's Attorney Or Representative	Date	Type or Print Name and Title
--	------	------------------------------

OFFICE USE ONLY

Date Received 4-20-17 Case # 17-032 Accepted By 

Statement Describing the Proposed Development

Property owner wishes to continue using his home purchased in 1998 as a law office. Property owner is an estate planning attorney specializing in elder law and assists persons in Spalding County and surrounding communities. Property owner seeks a zoning map change for the limited purpose of using the existing property as a law office for his law practice.

Return to: A. Reid Turner, III
PO Box 932
Griffin, GA 30224

BOOK 3092 PAGE 105

FILED & RECORDED
CLERK, SUPERIOR COURT
SPALDING COUNTY, GA.

2007 APR 24 PM 3 21

BY Marcia L. Norris
MARCIA L. NORRIS, CLERK

NTC

QUIT CLAIM DEED

STATE OF GEORGIA
COUNTY OF SPALDING

Real Estate Transfer Tax
Paid \$ -0-
Date 4-24-07
PT - 61 126-2007-1195
Marcia L. Norris
Clerk of Superior Court, Spalding Co., Ga.

THIS INDENTURE, made this the 14th day of March in the year two thousand seven, between, CARY E. BANKSTON of the County of Spalding, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and ROBERT M. GOLDBERG, of the County of Spalding, and State of Georgia, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of ten dollars and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said grantee

SEE EXHIBIT "A" ATTACHED

TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Cary E. Bankston (SEAL)
CARY E. BANKSTON

Signed, sealed and delivered
in the presence of:

[Signature]
Witness
Jessica Fields
Notary Public



BOOK 3092 PAGE 106

Exhibit "A"

All that piece or parcel of land situate, lying and being in Land Lot 43 of the Second Land District of originally Monroe, now Spalding County, Georgia, being the abandoned railroad right of way of Norfolk Southern Railway Company, which lies between the property of Danny H. Beheler Sr. and Kathy T. Beheler on the West and Danny W. Kendrick on the East; said property being more particularly described as follows: to wit,

BEGINNING at an iron pin found on the Eastern Land Lot line of Land Lot 43, where it intersects the northeasterly right of way of Georgia State Route 362 (60-foot right of way) being the same southwest corner of Tract B (5.2 acres, Property Survey for Danny Kendrick, dated July 12, 1996, recorded in Plat Book 22, Pages 391, Superior Court Records, Spalding County); thence, North 00 degrees 00 minutes 00 seconds East, along the East Land Lot line of Land Lot 43 to an iron pin on the northerly right of way line of the abandoned railroad (said line being the same as the westerly line of property conveyed by said Railroad to Danny W. Kendrick, recorded at Deed Book 1453, Page 154, of aforesaid records); thence, in a southwestwardly direction on the southerly line of Cary E. Bankston property, South 55 degrees 06 minutes West, a distance of 550.27 feet to an iron pin; thence, continuing South 55 degrees 06 minutes West, a distance of 500.00 feet along the southerly line of Robert M. Goldberg to an iron pin; said pin being the southwest corner of Tract C (4.319 acres on that Property survey for Bobby G. York, dated April 1, 1970, recorded in Plat Book 16, Page 249, of aforesaid records); thence, South 15 degrees 04 minutes 00 seconds East, to an iron stake on the northeasterly right of way of Georgia State Route 362 (said call being the easterly property line of said abandoned railroad right of way conveyed to Danny H. Beheler Sr. and Kathy T. Beheler at Deed Book 1416, Page 160, of aforesaid records); thence, in a northeastwardly direction along the northeastwardly right of way of Georgia State Route 362, a distance of undetermined length but sufficient to reach the point of beginning; said parcel containing 4.82 acres, more or less.

LESS AND EXCEPT, reservation of a permanent easement of varying width, in favor of Grantor and its successors and assigns, totaling approximately 25,559 square feet over a strip of land extending along and immediately adjacent to the right-of-way of Williamson Rd. (S. R. 362) for the full width of the subject property, as more specifically shown on the attached Exhibit A. Grantor and its successors and assigns shall hold the perpetual right of access to any water line or lines constructed or hereafter installed therein, together with the right of ingress and egress on, over and through the permanent easement. Grantor and its successors and assigns, shall have the right to maintain said permanent easement strip free and clear of trees, undergrowth and brush in the event that Grantees or their heirs, successors or assigns fail to do so. Grantees shall construct no impervious surfaces within said easement, other than driveways, and shall conduct no activity which interferes with Grantor's use thereof for its water line or lines.

LESS AND EXCEPT,

All that tract or parcel of land situate, lying and being in Land Lot 43 of the Second Land District of Spalding County, Georgia, and being more particularly shown and designated as "Tract 2-2.06 Acres", according to that certain plat of survey entitled "Survey for Cary E. Bankston", prepared by Mark D. Pressley, Registered Land Surveyor, dated June 1, 2000 and revised January 30, 2007 a copy of which said plat is recorded in Plat Book 25, Page 402, in the Office of the Clerk of Superior Court of Spalding County, Georgia, which said plat, together with the metes, bounds, courses and distances as shown thereon, is incorporated herein and made a part of this description.

Captioned property is subject to a 25 foot water line easement and any other easement that may appear of record.

All that tract or parcel of land lying and being in Land Lot 43 of the 2nd District, originally Monroe, now Spalding County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the northwesterly right-of-way of Williamson Road (aka Ga. Hwy. 362 - 60' R/W) 847.83 feet southwesterly from the intersection of the northwesterly right-of-way Williamson Road and the east line of Land Lot 43; thence along said right-of-way South 55°34'25" West, a distance of 132.80 feet to a 5/8 inch rebar found; thence North 14°41'15" West, a distance of 195.46 feet to a 1 inch open top pipe found; thence North 15°04'37" West, a distance of 400.50 feet to a 1/2 inch rebar found; thence North 55°06'00" East, a distance of 260.00 feet to a point; thence South 36°14'33" East, a distance of 322.40 feet to a point; thence South 55°10'18" West, a distance of 250.00 feet to a point; thence South 14°41'15" East, a distance of 255.00 feet to a point, being the POINT OF BEGINNING.

Said parcel is shown as Tract B and contains 3.110 acres of land.

SYMBOL LEGEND

- IRON PIN FOUND
- 1/2" REBAR SET
- ⊕ UTILITY POLE
- WIRE FENCE LINE
- - - OVERHEAD POWER LINE
- PROPERTY LINE
- - - ADJACENT LOT LINE
- ▨ ASPHALT AREA
- ▤ CONCRETE AREA
- ▩ GRAVEL AREA

REFERENCES:

CURRENT OWNER:
ROBERT M. GOLDBERG

DEEDS:
DB 3092 PG 105
DB 3056 PG 200
DB 1550 PG 205

PLATS:
PB 16 PGS 249 & 250

The term "Certification" as used in Rule "180-6-.09(2) and (3)" and relating to professional engineering or land surveying services, as defined in O.C.G.A. 43-15-2(6) and (11), shall mean a signed statement based upon facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied.

This survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (OCGA) 15-6-67, in that where a conflict exists between those two sets of specifications, the requirements of law prevail.

THE UTILITIES SHOWN ON THIS PLAT WERE TAKEN FROM INFORMATION AVAILABLE AT THE TIME OF THE SURVEY AND MAY OR MAY NOT BE ACCURATE AS TO THE EXTENT AND OR LOCATION OF SAID UTILITIES.

THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.

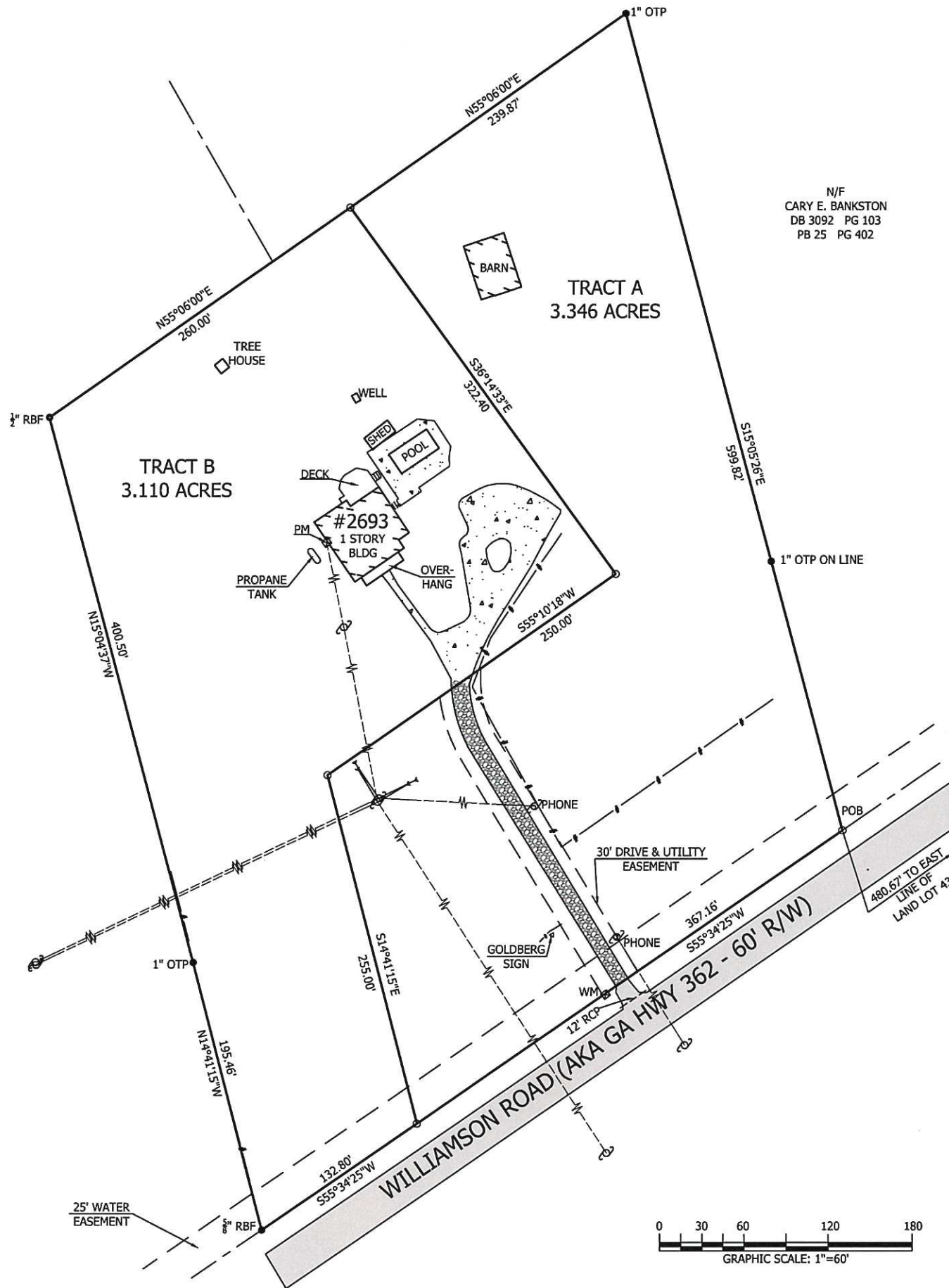
PLAT CERTIFICATION:

The field data, completed on 11/5/16, upon which this plat is based has a closure precision of one foot in 88,873 feet and an angular error of 00" per angle point and was unadjusted. This plat has been calculated for closure and is found to be accurate within one foot in 394,806 feet (Tract A) and 257,054 feet (Tract B). The linear and angular measurements shown on this plat were obtained using a Geomax Robotic total station & Geomax Zenith 35 Man GPS.

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Mark A. Buckner 5/23/17
Mark A. Buckner GA RLS 2422 Date

N/F
SHERI COSMOS ET AL
DB 3882 PG 262
PB 21 PG 321



SES

**ENGINEERING
PLANNING
SURVEYING**

"THIS DRAWING IS THE PROPERTY OF SCANLON ENGINEERING SERVICES, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN, AND IS NOT TO BE USED ON OTHER PROJECTS OR EXTENSIONS TO THIS PROJECT, OR REPRODUCED IN WHOLE OR IN PART, EXCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION."

BOUNDARY/AS-BUILT SURVEY FOR

ROBERT M. GOLDBERG

LOCATED IN LAND LOT 43 OF THE 2ND DISTRICT,
ORIGINALLY MONROE, NOW SPALDING COUNTY, GEORGIA

SCANLON ENGINEERING SERVICES, INC.

221 EAST BANK STREET
GRIFFIN, GEORGIA 30223

PHONE: (678) 967-2051 FAX: (678) 967-2053
★ LST 000859 ★

Rev.	Description	Date	Project #	Drawn By	Review By	Date
1			S16042507	JWS	MB	5/23/17



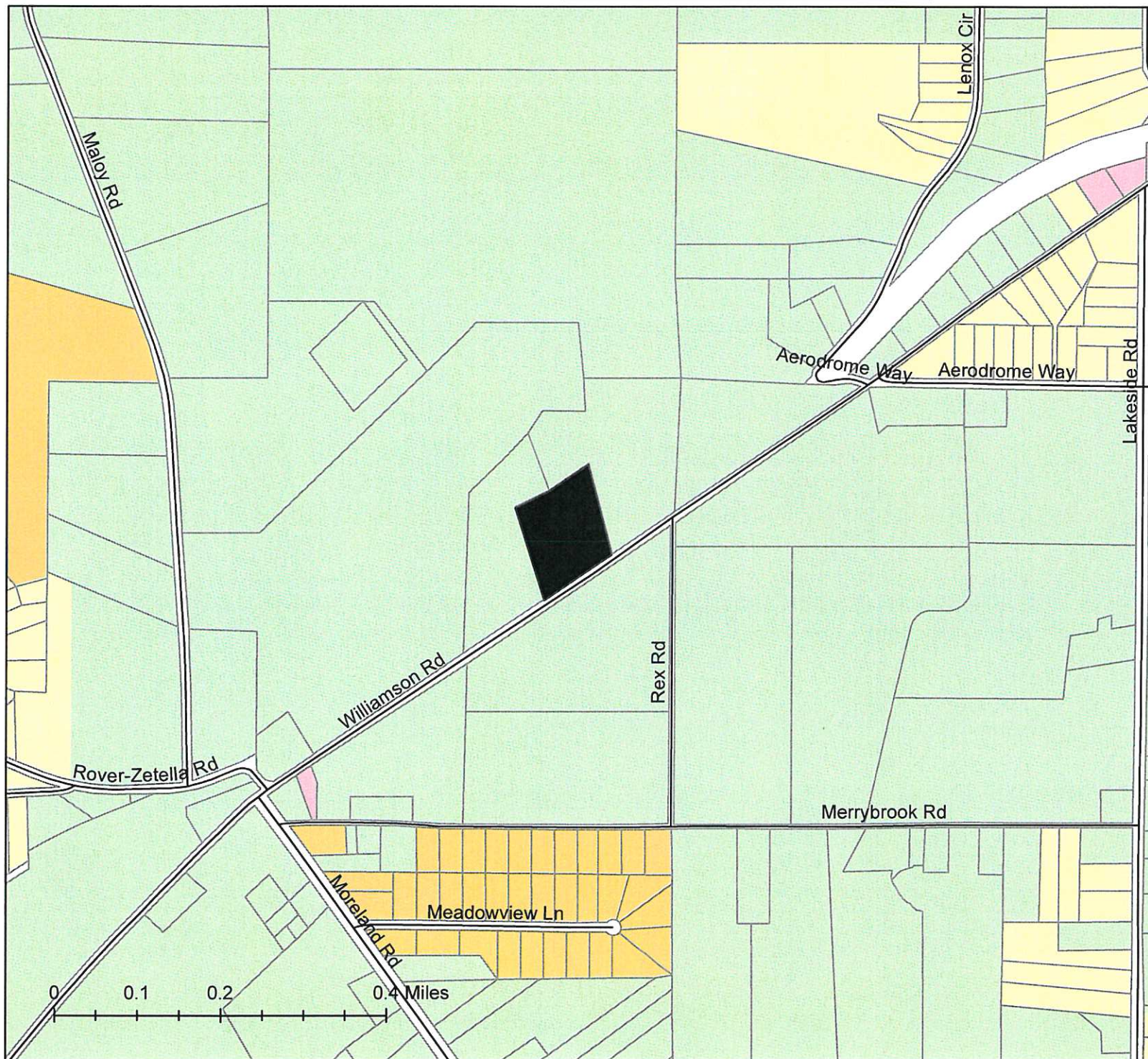
SHEET DESCRIPTION
BOUNDARY/AS-BUILT SURVEY

SHEET NUMBER

400C

SHEET 1 OF 1

Z:\SES Projects\Misc Surveying_042\2693 Williamson Rd - Spalding Co_S16042507\survey\Civ_2693WilliamsonRd\BDRY + 01 CUTOUT.dwg Tuesday, May 23, 2017 3:51:01 PM

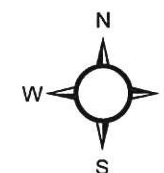


Zoning	
	PDD
	AAR
	AR1
	AR2
	C1
	C1A
	C1B
	C1C
	C2
	C3
	OI
	PRRRD
	R1
	R2
	R2A
	R3
	R4
	R5
	R6
	VN

Approximate size
of an Acre.



1 inch = 878.03 feet



Map # 234-04-001B

Spalding County GIS
(770) 467-4220
cjacobs@spaldingcounty.com

SPALDING COUNTY PLANNING COMMISSION

DATE: May 30, 2017

TO: Spalding County Planning Commission
Spalding County Board Of
Commissioners

FROM: Department of Community Development

RE: Rezoning Application #17-03Z
Total acreage: 3.110+ acres
AR-1 to O&I

The following report constitutes the assessment and evaluation by the Community Development Department staff on the above referenced rezoning application.

Identification of the Property

Size and Location:

The application requests rezoning on a property for a total of 3.110 acres, more or less, located at 2693 Williamson Road.

District and Land Lots:

The property is in the 2nd Land District, in Land Lot 43.

Current Owner:

The property is owned by Robert M. Goldberg by virtue of Deed recorded April 24, 2017 in Deed Book 3092, Page 105, Office of the Clerk of the Superior Court, Spalding County, Georgia.

Agent/Developer

Robert M. Goldberg
P.O. Box 294
Williamson, Georgia 30292

Overview of Development:

The applicant has requested rezoning of the subject property to O&I, Office and Institutional for the purposes of operating a law office on the

property. The office will utilize an existing residential structure.

The current property has a total of 6.4+ acres which would be subdivided pursuant to the rezoning request of the 3.11 acres should the application be approved.

Current Area Development

Current Zoning/Authorized Development:

The property is currently zoned AR-1, Agricultural Residential. The current zoning allows a single family residential dwelling and agricultural uses.

Existing Use:

Per the applicant, the property is developed with a single family residential home which is being used a law office in violation of zoning.

Rezoning Analysis:

The applicant has requested a rezoning from AR-1 to O&I for the purpose of operating a law office on the property.

It must be noted that the office is already in use and the applicant is rezoning to bring the business and the property into zoning compliance.

Land Use Plan:

Pursuant to the "Spalding County Comprehensive Plan, 2004-2024," as approved in December 2004, the request is inconsistent with the plan and associated Future Land Use Map classification of Low Density Residential.

The applicant has submitted a Future Land Use Map amendment for commercial.

Schools:

As the proposal is for an Office/Institutional Use, there will be no negative impact to the schools in the form of additional students.

Compliance with Zoning Ordinance Development Standards:

O&I Development Standards:

Minimum floor space: 1,000 square feet

Minimum lot area: As specified by the Spalding County Health Department, but in no case less than 2 acres if public water and public sewer are not available. The minimum lot area may be reduced to 1 acre where public water is provided to the site or to 20,000 square feet if public water and public sewer are available. However, a lot of record lawfully existing at the time of passage of this Ordinance and having an area which does not conform to the above standards may nevertheless be developed with a use which is permitted within an O&I district if approved by the Spalding County Health Department.

Minimum lot width: Each lot shall have minimum lot width of at least 200 feet where public water and sewer are not available. Where public water, but no public sewer, is provided the minimum width shall be reduced to 125 feet. Where public water and public sewer are provided, the minimum lot width may be reduced to 100 feet.

Minimum frontage width: Each lot shall have minimum frontage width of at least 200 feet where public water and sewer are not available. Where public water, but no public sewer, is provided the minimum width shall be reduced to 125 feet. Where public water and public sewer are provided, the minimum frontage width may be reduced to 100 feet.

Setbacks:

front: 100 feet. However, the minimum front yard may be reduced to 70 feet where public sewer is provided.

side: 25 feet. However, the minimum side yard may be

reduced to 12 feet where public water is provided.

rear: 25 feet

Utilities & Infrastructure:

Transportation:

The following average trip numbers represent the average number of trip experienced by this type of development based on case studies from Trip Generation, 7th Edition from the Institute of Transportation Engineers:

Based on a 2,343 square foot Single Tenant Office Building:

Weekday	
A.M. Peak Hour:	4 trips
P.M. Peak Hour:	4 trips
Total Weekday	27 trips

Water:

The site is accessible to County water. (Source: Spalding County Water Authority).

Sewerage:

The site is possibly accessible to sanitary sewer service. (Source: City of Griffin Water & Wastewater Department)

Wetlands/Watershed Area:

No portion of this site within a flood zone. (Source: FEMA Map, Panel #13255C-0180 D, effective May 3, 2010)

This site is located within the City of Griffin Reservoir – Pike County Intake Watershed boundary, as indicated by the S-2 Watershed Overlay Map.

This site is not within any recharge areas indicated on the S-3 Ground Water Recharge Overlay Map.

Criteria when considering a Rezoning Application

The following items are listed in the Spalding County Zoning Ordinance (a/k/a UDO) as criteria to consider for rezoning applications:

1. The existing uses and zoning of nearby properties.

The general area surrounding the subject property is primarily undeveloped with large tracts of agricultural land and single family residential. The entire area surround the subject property is zoned AR-1, agricultural residential.

2. The suitability of the property for the proposed purpose.

The Future Land Use Map indicates that the property should be used as "Low Density Residential" and is inconsistent with the FLUM and Comprehensive Plan for this area.

The subject property is located in the middle of agricultural zoning and uses. The rezoning could be determined a spot zone. However, O&I acts as a transition zoning between intense commercial uses and residential areas. O&I also provides limited principal uses which are those mainly consisting of office and/or medical uses.

3. The length of time the property has been vacant.

The property is developed with a single family residential structure.

4. The threat to the public health, safety, and welfare, if rezoned.

There will be no significant increase in threat to the public health, safety, and welfare due to rezoning the subject property. However, consideration should be given to the ingress / egress of the property as it is currently a residential driveway.

There would be no impact on the schools in the form of new students.

5. The extent to which the value of the property is diminished by the present zoning.

Staff is not aware of any diminishing effects by the present zoning.

6. The balance between the hardship on the property owner and the benefit to the public in not rezoning.

Photo(s)



Site looking north along Williamson Road.

Staff Recommendations:

Staff recommends **DENIAL** of the Request for the following reasons:

1. The rezoning is a spot zoning.
2. The request is not consistent with the Future Land Use Map.

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
May 30, 2017

The Spalding County Planning Commission held its regular monthly meeting on May 30, 2017 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: John Youmans, Chair, presiding; Bruce Ballard; Walter Cox; Sonny Eubanks; and Frank Harris.

Also present were: Chad Jacobs, Community Development Director; Steven Jones, Zoning Attorney; and Yvonne Langford to record the minutes.

Mr. Youmans called the meeting to order, introduced the members of the Planning Commission and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

MOTION

Mr. Cox made a motion to discuss Application's #FLUMA-17-02 & #17-03Z and #FLUMA-17-03 & #17-04Z together and vote on them separately. The motion passed on a second by Mr. Ballard with Mr. Ballard, Mr. Cox, Mr. Eubanks, Mr. Harris, and Mr. Youmans voting for the motion.

Application #FLUMA-17-02: Robert M. Goldberg has requested a future land use map change from Low-Density Residential to Commercial for the following: 2693 Williamson Road (3.110 acres located in Land Lot 43 of the 2nd Land District).

Application #17-03Z: Robert M. Goldberg, Owner -2693 Williamson Road (3.110 acres located in Land Lot 43 of the 2nd Land District) – requesting a rezoning from AR-1 Agricultural and Residential to O & I Office and Institutional.

Robert Goldberg – 225 Broadmoor Drive – Fayetteville, GA.

Mr. Goldberg said he formerly lived at 2693 Williamson Road. He previously rented space from a local attorney for his law practice. His practice had done well and he had raised his family at the 2693 Williamson Road house. Approximately four years ago, he moved his home to Fayetteville. While he was living at the Williamson Road address, he had been advised what he needed to do in order to use the house for his business. He failed to follow those directions and operated his law practice from there. Last year Mr. Jacobs visited with him and that is the reason for this application. He does not feel the use of the property for his law practice is incompatible with low-density use. When he lived at the address, there were more people coming and going than there are now. He does not feel he is having a negative impact on the neighbors. The neighbors feel this could turn into something other than a law practice. He requested approval of his application with conditions that nothing other than a law practice be allowed. He feels the conditions would satisfy the neighbors.

Alan McCallum – 2831 Williamson Road

Mr. McCallum said he lives on the other side of Mr. Goldberg. He likes Mr. Goldberg. He is a good person. This request is about rezoning. The zoning does not go with the person. It goes with the land. There is a vacant lot adjacent to Mr. Goldberg's home that could be used for other commercial uses and a request could be made to rezone that for other commercial uses. This is, in essence, spot zoning. There is nothing else out there like this. If this is approved, you are

opening the door for other requests. If this is approved, Mr. Goldberg could sell this tomorrow and the zoning would be with the property. You are setting a precedent for the entire county.

Kim Stone – 2715 Williamson Road

Mr. Stone said he moved to this area about two years ago. They looked for a long time for property. They were looking for a little space with no commercial aspects. Now they are looking at a potential conversion to commercial property. He is looking at life changes and he does not want to look at the backside of a building with dumpsters. He wants to look at nature. He is against this change to commercial.

Mr. Jacobs said this request is to go from residential to commercial. The area around is planned as a Village Node. The County is in the process of updating their Future Land Use Map. The way the County is targeting strategic intersections in terms of providing service areas for commercial uses and medical and office type uses is probably still going to be the strategy that will be followed with next planning update. Considering this application, the staff has concerns regarding the land use patterns developing. They want to avoid some of the negative aspects of Highway 19-41. The staff recommendation is for denial of the changes to the Land Use Map. They further recommend denial of the rezoning. This would essentially be spot zoning. This cannot be considered for a home occupation because it is not Mr. Goldberg's place of residence. It is being used exclusively for an office.

MOTION

Mr. Eubanks made a motion to deny Application #FLUMA-17-02. The motion passed on a second by Mr. Cox with Mr. Ballard, Mr. Cox, Mr. Eubanks, Mr. Harris, and Mr. Youmans voting for the motion.

With the recommendation for denial of the change in the Future Land Use Map, there was no further action on application #17-03Z.

Application #FLUMA-17-03: Alex Scott has requested a future land use map change from Agriculture to Commercial for the following: 3616 Fayetteville Road (19.5 acres located in Land Lot 6 of the 3rd Land District).

Application #17-04Z: Terry Dunn, Owner – Alex Scott, Agent – 3616 Fayetteville Road (19.5 acres located in Land Lot 6 of the 3rd Land District) requesting a rezoning from AR-1 Commercial to C-1 Highway Commercial.

Alex Scott – 109 Cedar Point – Peachtree City

Mr. Scott said he was the applicant. He introduced Mr. Wayne Smith who was to provide the information regarding this application.

Wayne Smith – 428 Constitution Circle – Peachtree City

Mr. Smith said he has been with the GBI for 31 years. He is also a professional firearms trainer and has been for 22 years. They want to present what they want to do. They want to be open and honest and follow the County process for this application. They are concerned about the controversy in the County over a current shooting range. They are concerned they will be “painted with the same brush”. There is nothing similar about what they want to do. They want to operate a school which is what they have done professionally for a long time. It is a place for teaching a class and then helping them learn how to use firearms properly. They want to open this to the public. The property is currently under three different type zonings. The facility,

since the 80's, has been used as a "public type" facility. He reviewed the different uses of the property over the years. It has been used by the public where people come and go. They intend to use it as it has been used in the past as far as public access is concerned. This will not be a traditional range. The use will be enclosed and nothing used in the process will leave the building. It is done with ballistic abatement and sound abatement. They will be following the NRA recommendations. They welcome any conditions and provisions. They have plans for a future addition to the facilities. They work mostly with handguns.

Terry Dunn – 208 Sylvan Lane

Mr. Dunn said he is the owner of this property. He gave a history of his family and this property over the years. His family has owned this property since 1938. He requested approval for this use of the property. They intend to be good neighbors and will address any concerns the neighbors have.

Steven Walker – 470 Denton Circle – Fayetteville, Georgia.

Mr. Walker said he is in favor of this application. This will be a benefit to the area and the entire south side. It is hard to get this type training and it is becoming more popular. It will be a disservice to deny this because we need people trained to understand the use of what is involved with guns. He understands people are upset with the other gun range. This is not a comparison for the same thing. The other is an outdoor range that has different limitations and this is an indoor facility serviced by professional people that know and understand the industry. He asked approval for the application.

Faith Wallace – 3672 Fayetteville Road

Ms. Wallace said she has 4.96 acres adjacent to this property. Formerly, this property has been used for bands and parties. The bands were too loud and too noisy. She and her neighbors had to call the police to stop the noise. She does not know how this will affect the noise problem. Adjacent to this property is Mr. Rebholz whose right-of-way has to be used to access this property since they have no road frontage. People think this is an out of door shooting range already. She was out on her property and there was a gun shot that "scared her to death". She has health issues. The neighbor that shot their gun was a young man in his teens. She does not know how much time she has left but she would like to live it in peace and quiet. She is very much opposed to this application. If this is approved, she plans to return with a petition from her neighbors.

Mr. Jacobs said this application from the staff level is entirely different than the one they are dealing with at another location. In door shooting ranges are now included in the UDO as a special exception in some zoning districts. This particular application has a lot of the concerns that are similar to the previous request. He discussed the zoning for the area around this property. The area is planned overwhelmingly as agricultural type uses. There a commercial corridor along Highway 92. A portion of the property was zoned C-1A conditioned for use as a restaurant only. This is a difficult tract. In review of the zoning application, the staff recommendation is for denial. The Future Land Use Map is predominantly agricultural and this will be spot zoning. The applicant has also applied for a Special Exception with regard to this property that will be considered at the next Appeals Board meeting.

Discussion was held between the applicant, the members of the Planning Commission, and those in attendance in opposition to the application.

MOTION

Mr. Cox made a motion to deny Application #FLUMA-17-03. The motion passed on a second by Mr. Harris with Mr. Ballard, Mr. Cox, Mr. Harris and Mr. Youmans voting for the motion and Mr. Eubanks voting against.

With the recommendation for denial of the change in the Future Land Use Map, there was no further action on application #17-04Z.

Amendment to UDO #A-17-03: Article 2. Definitions of Terms Used – Section 202 KKK’ – add definitions of Street or Road, Cul-de-sac; Article 4. General Procedures – Section 413:E & Section 414:D – amend required public notice signage requirement.

Mr. Jacobs said this amendment is in response to the discussion by the Planning Commission regarding expanding the public notice signage requirements. The staff recommendation is for denial. He does not want it to appear that he is advocating for no notice. He feel they already go above and beyond what the code requires. No matter how far you go sending the letters there is always going to be the next person out of the ring that is not going to get a notice.

Mr. Youmans said he advocated the need for the additional signage. He is a property owner and pays taxes in Spalding County. The situation for him is that it would have taken one more sign to accomplish the notice regarding the need for this change. His take on this is that you are not willing to consider the property owners by putting up another sign.

Mr. Jacobs said it is one more sign today and then another and another; it is going to get expensive.

Mr. Ballard said a cul-de-sac is easy but what happens when you have additional roads and then you have four other roads that need signs. Sometimes things work well for years and he does not see the need for a lot of changes.

Mr. Cox said he does not see the need to add to the workload of the staff even in a minor way.

Mr. Youmans said there were a lot of the neighbors that did not know what was going on regarding that application

Mr. Cox said there were a lot of the neighbors that attended the meeting and spoke in favor of the application.

Mr. Jacobs said he feels there is a valid concern regarding getting information to the public. He is not certain that a sign is the way to solve that issue. They have to advertise in the “legal organ” which is the *Griffin Daily News*. Fewer people are subscribing to the newspaper. Is there a better way than that, in the age of social media, to get information to the public? He does not feel the sign is going to be the “fix”.

MOTION

Mr. Ballard made a motion to deny Amendment to UDO #A-17-03. The motion passed on a second by Mr. Eubanks with Mr. Ballard, Mr. Cox, Mr. Eubanks, and Mr. Harris voting for the motion and Mr. Youmans voting against.

Amendment to UDO #A-17-04: Article 5. AR-1 Agricultural and Residential – Section 503:A & B – amend use of riding academies and other facilities which host equestrian events, and Article 6. AR-2 Rural Reserve – Section 603:A & B – amend use of equestrian farms, equestrian pastures, riding academies and other facilities which host equestrian events.

Mr. Jacobs said this is an issue with respect to equestrian farms and rodeo and horse show events. They were requested by the Commissioners to address the issue. The recommendation is for approval.

MOTION

Mr. Cox made a motion to approve Amendment to UDO #A-17-04. The motion passed on a second by Mr. Ballard with Mr. Ballard, Mr. Cox, Mr. Eubanks, Mr. Harris and Mr. Youmans voting for the motion.

MINUTES

Mr. Cox made a motion to approve the minutes of the April 25, 2017 meeting. The motion passed on a second by Mr. Eubanks with Mr. Ballard, Mr. Cox, Mr. Eubanks, Mr. Harris, and Mr. Youmans voting for the motion.

Discussion was held regarding future applications that are anticipated and the review of the Future Land Use Map. They have had good responses regarding the Future Land Use Map. Most are similar to the ones received the last time this was reviewed. They will have an open house in the near future.

Mr. Jacobs said he feels a review if the overlay district is warranted. It is a little cumbersome to develop anything within the overlay district. He does not want to relax restrictions to the point that it becomes a lot of the same. Maybe it would be possible to work to make it a little easier to develop something within the overlay district provided you are follow the design criteria.

ADJOURN

The meeting was adjourned on a motion by Mr. Cox and a second by Mr. Eubanks with Mr. Ballard, Mr. Cox, Mr. Eubanks, Mr. Harris, and Mr. Youmans voting for the motion.

John Youmans – Chair

Yvonne M. Langford - Recorder