

# Agenda

## Board of Commissioners of Spalding County

### Zoning Public Hearing

May 28, 2020

6:00 PM

119 E. Solomon Street, Room 108

**A. Opening (Call to Order)**

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

**B. Invocation**

**C. Pledge to Flag**

**Public Hearings**

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names and addresses and direct all comments to the Board only. Speakers will be allotted three (3) minutes to speak on their chosen topics as they relate to matters being considered by the Board of Commissioners on this Agenda. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

**D. New Business**

- 1. Application #20-04Z: Lift from the table** - William A.B. Solomon & Janice M. Solomon, Owners - 3870 West Ellis Road (30 acres, more or less, located in Land Lot(s) 22 & 23 of the 4th Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to R-4, Single Family Residential.
- 2. Application #20-05Z:** Haskell Sears Ward and Leah Ward Sears, Owners - Tony L. Jones, Agent - 591 Lakewood Drive (4.60 acres, more or less, located in Land Lot 158 of the 3rd Land District) - requesting a rezoning from C-1, Highway Commercial, to R-4, Single Family Residential.
- 3. Amendment to UDO #A-20-01:** Article 2. Definitions of Terms Used - amend definition of Antenna and add definition of Wireless facility, small.
- 4. Amendment to UDO #A-20-02:** Appendix I. Ordinance to Establish Standards for Telecommunications Antennas and Towers - amend definition of Antenna, add definition of Wireless facility, small and add Provisions Applicable to Facilities Other than Wireless Facilities, Small.
- 5. Amendment to UDO #A-20-03:** Appendix A. Subdivision Ordinance - Section 502:G(22) - delete private road Sunset Strip and add as "Reserved."

**E. Other Business:**

**F. Closed Meeting**

- 1.** County Zoning Attorney requests an Executive Session to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1).

**G. Adjournment**



## SPALDING COUNTY BOARD OF COMMISSIONERS Application #20-04Z

---

### Requesting Agency

Office of Community Development

---

### Requested Action

**Application #20-04Z: Lift from the table** - William A.B. Solomon & Janice M. Solomon, Owners - 3870 West Ellis Road (30 acres, more or less, located in Land Lot(s) 22 & 23 of the 4th Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to R-4, Single Family Residential.

---

### Requirement for Board Action

Article 4. General Procedures - Section 414.

---

### Is this Item Goal Related?

No

---

### Summary and Background

The applicant requests rezoning to R-4, Single Family Residential. The subject property is currently a 30-acre tract and is zoned AR-1 with only 515' of road frontage.

The applicant proposes to subdivide the property into four buildable lots to construct houses for themselves and their children. Three of the lots will be 1.103 acres and the final lot will consist of the remaining 26.708 acres.

---

### Fiscal Impact / Funding Source

---

### STAFF RECOMMENDATION

**APPOVAL OF REVISED STAFF RECOMMENDATION.**

**PLANNING COMMISSION RECOMMENDS R-2 ZONING (5-0).**

### ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Revised Staff Report	5/27/2020	Backup Material
<input type="checkbox"/> Application #20-04Z	2/17/2020	Backup Material
<input type="checkbox"/> Minutes 02-25-20 PC	3/5/2020	Backup Material
<input type="checkbox"/> Solomon Family Rezoning Response	5/28/2020	Backup Material

---

# SPALDING COUNTY PLANNING COMMISSION

---

**DATE:** May 28, 2020

**TO:** Spalding County Planning Commission  
Spalding County Board of  
Commissioners

**FROM:** Department of Community Development

**RE: Rezoning Application #20-04Z**  
**Total acreage: 30± acres**  
**AR-1 to R-4**

*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 30 acres, more or less, located at 3870 West Ellis Road.

### **District and Land Lots:**

The property is located in the 4<sup>th</sup> Land District, in Land Lots 22 and 23.

### **Current Owner:**

The property is owned by William A.B. Solomon and Janice M. Solomon by virtue of Deed recorded October 24<sup>th</sup>, 2018 in Deed Book 4342, Page 188-189 Office of the Clerk of the Superior Court, Spalding County, Georgia.

### **Agent/Developer**

None.

## **Current Area Development**

### **Current Zoning/Authorized Development:**

The subject property is AR-1, Agricultural which allows for road frontage lots to be

subdivided consisting of 3 acres and 200' of road frontage. AR-1 will also allow agricultural uses on tracts of 3 acres or more.

## **Requested Zoning and Development Intent:**

The applicant requests rezoning to R-4, Single Family Residential. The subject property is currently a 30-acre tract and is zoned AR-1 with only 515' of road frontage.

The applicant proposes to subdivide the property into four buildable lots to construct houses for themselves and their children. Three of the lots will be 1.103 acres and the final lot will consist of the remaining 26.708 acres.

## **Existing Use:**

The property is undeveloped.

## **Land Use Plan:**

Pursuant to the "Spalding County Comprehensive Plan, 2017-2037, as approved in December 2017," the request is consistent with the plan and associated Future Land Use Map classification of Rural Neighborhood.

## **Schools:**

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

### **Schools Impacted and Enrollment vs. Capacity**

School	Enrollment	Capacity
Beaverbrook Elementary	680	640
Cowan Road Middle	735	800

Griffin High                      1650                      1900

The potential impact of this development on the schools would be approximately 5 children (4 lots– based on 1.2 children per home).

Rezoning Amendments approved and/or Subdivisions approved in these districts:

Beaverbrook Elementary

Farrar Subdivision – Sidney & Birdie Rds – 109 lots

Cowan Road Middle

Vineyard Ridge – Vineyard Road – 76 lots

Orchard on Ellis – Ellis Road – 8 lots

Turtle Tracks, Phase II – Hwy 16W - 15 lots

Farrar Subdivision – Sidney & Birdie Rds – 109 lots

Mill Park I&II – Pineview Road & E.  
McIntosh – 22 lots

Chester Woods – Kilgore Road – 21 lots

Sherbrook Woods, Phase III – Cowan Road – 47 lots

Will's Walk Ph. II – Vineyard Road – 89 lots

The Highlands – Hwy 92 at Westmoreland Road – 99 lots

Griffin High

Vineyard Ridge – Vineyard Road – 76 lots

Orchard on Ellis – Ellis Road – 8 lots

Turtle Tracks, Phase II – Hwy 16W - 15 lots

Farrar Subdivision – Sidney & Birdie Roads – 109 lots

Mill Park I&II – Pineview Road & E.  
McIntosh – 22 lots

Chester Woods – Kilgore Road – 21 lots

Sherbrook Woods, Phase III – Cowan Road – 47 lots

Will's Walk Ph. II – Vineyard Road – 89 lots

The Highlands – Hwy 92 at Westmoreland Road – 99 lots

Stonebriar – Moreland Road – 275 lots

Park Place – Lakeside Drive – 76 lots

Meadowview – Hwy 362 – 70 lots

Stanfield West Phase V – Wilder Way off  
Rover-Zetella Road – 48 lots

**Compliance with Zoning Ordinance  
Development Standards:**

**R-2 Development Standards:**

**Minimum space:** 1,750 square feet heated

**Minimum lot area:** As specified by the Spalding County Health Department, but in no case less than 1 acre, pursuant to Section 804.

**Minimum lot width:** 125 feet

**Minimum frontage width:** 75 feet, 35 feet for property in a cul-de-sac

**Setbacks:**

**front:** 100 feet, 70 feet if  
public sewer is provided

**side:** 25 feet, 12 feet if public  
water is provided

**rear:** 25 feet

**R-4 Development Standards:**

**Minimum space:** 1,500 square feet heated

**Minimum lot area:** As specified by the Spalding County Health Department, but in no case less than 1 acre, pursuant to Section 1004.

**Minimum lot width:** 125 feet

**Minimum frontage width:** 75 feet, 35 feet for property in a cul-de-sac

**Setbacks:**

**front:** 100 feet, 70 feet if  
public sewer is provided

**side:** 25 feet, 12 feet if public  
water is provided

**rear:** 25 feet

**Utilities & Infrastructure:**

**Transportation:**



Minimal change.

**Water:**

The site is accessible to County water along West Ellis Road. (Source: Spalding County Water Authority).

**Sewerage:**

The site is not accessible to sanitary sewer service and will be served by individual septic systems. (Source: City of Griffin Sewer Authority)

**Wetlands/Watershed Area:**

According to the plan submitted with the application no portion of this property is located within a 100-year flood zone, per map # 13255C 0050D.

The subject property is located within the City of Griffin Reservoir Watershed Pike County Intake radius as indicated by the S-2 watershed 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 is single family residential in character with varying sizes of acreage. The subject property is surrounded entirely by AR-1 and AR-2 zoning. R-4 zoned single-family residential subdivisions are nearby.*
2. The suitability of the property for the proposed purpose.  
The Future Land Use Map indicates that the property should be used as "Rural Neighborhood" and is consistent with

*the Future Land Use Map for this property.*

3. The length of time the property has been vacant.  
*The property is undeveloped.*
4. The threat to the public health, safety, and welfare, if rezoned.  
*There will be no threat to the public health, safety and welfare as a result of successful zoning.*
5. The extent to which the value of the property is diminished by the present zoning.  
*The present zoning will not allow the subdivision of the property to one acre which will prevent the potential sale of the residential dwelling.*
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.*

**Report on Discussions with the Applicants:**

This Application was held at the BOC zoning hearings on March 26, 2020. With consent of the Applicants, the Board did not conduct a hearing on zoning related applications in April, 2020. After the Application was held, Staff (through counsel) conducted several telephone discussions (with corresponding follow up emails) with the Applicants, commencing on

March 27, 2020. Several options were reviewed with the Applicants that could result in approval of the development proposed by the Applicants either as presented or with revisions.

The zoning options reviewed with the Applicants included:

- a. Transition the development to a conservation subdivision under existing AR-1 zoning. This requires dedication of separated greenspace from the proposed residential lots. It also requires a new application which must proceed through the standard zoning hearing process;
- b. Rezone Lots 2, 3 and 4 on the Applicants' development plan to R-2 while keeping Lot 1 (26.7 acres) zoned AR-1. This does not require plat revision. The rezoning of Lots 2, 3 and 4 are already within the scope of the Application, and the Board has jurisdiction over them for the purpose of a zoning decision with proper notice, publication and hearing. Rezoning would be conditioned on the development plan submitted by the Applicants as part of their application; or
- c. Rezone the entire tract (30 acres) to R-2. This does not require plat revision. The application is properly noticed and ready for a decision by the Board. Rezoning would be conditioned on the development plan submitted by the Applicants as part of their application.

Cognizant that the County cannot engage in contract zoning, the options were reviewed for the purpose of advising the Applicants of actions that the County can legally take within the exercise of its zoning authority. After consideration, the Applicants advised that none of the options presented were acceptable. (See: Letter from Dr. Solomon, attached).

#### **Staff Report Correction:**

In preparation for the rescheduled zoning hearing before the Board, the Staff report was reviewed. A correction must be made regarding the required road frontage and lot width in R-4 or R-2 zoning districts. The required minimum lot width under both zoning classifications is 125

feet for a lot served by public water and not sewer. (UDO, Section 804). As shown on the development plan submitted with the application, Lots 2, 3 and 4 only have lot width of 110 feet. A variance will be required if rezoning is approved.

#### **Additional Note on R-2 Zoning:**

The Application states that the houses that will be developed on the Subject Property will be at least 1800 square feet in size. There was consensus at the Planning Commission that the appropriate zoning classification for the property is R-2.

#### **Amended Staff Recommendation:**

Staff recommends **APPROVAL** of the Application, as follows:

- a. That the Subject Property be rezoned to R-2;
- b. That the rezoning of the Subject Property to R-2 be conditioned to limit the number of lots to four (4), as shown on the proposed development plan submitted by the Applicants with the Application; and
- c. That the Applicants seek and be granted a variance from the lot width requirements in the R-2 district from 125 feet to 110 feet.



REQUEST FOR ZONING MAP CHANGE  
APPLICATION NO. 20-042

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Contact Person: \_\_\_\_\_

PROPERTY OWNER INFORMATION

Name: <sup>A.B.</sup> 1 William Solomon  
<sup>M.</sup> 2 Janice Solomon

Address: 215 Woodcreek Ln

City: Fayetteville

State: GA Zip: 30215

Phone: 770 301 6649

Phone: 470 955-3351

APPLICANT IS THE:

\_\_\_\_ Owner's Agent

☒ Property Owner

\_\_\_\_ Developer

Present Zoning District(s): AR 1

Requested Zoning District(s): RH

Land District(s): 4th

Land Lots(s): 22 + 23

Acreage: 30 more or less

Address of Property: 3870 W. ELLIS RD  
GRIFFIN GA 30223

Proposed Development: Dividing Property into  
four family lots - Family  
Estate

**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. *Same as plat*

☒ 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.

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

**OFFICE USE ONLY**

Date Received: 1-21-2020

Amount of Fee: \$ 750.00

Received By: C. Jacobs

Receipt Number: 785970



**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: see attachment

(B) Whether the property is suitable for the proposed use: see attachment

(C) What is the length of time the property has been vacant?: see attachment

(D) What is the threat to the public health, safety, and welfare, if any, if the property is rezoned?:

see attachment

(E) Whether and to what extent is the subject property value diminished under the present zoning?:

see attachment

(F) What is the balance between the hardship on the property owner and the benefit to the public in not rezoning?:

see attachment

Use Additional Pages, If Necessary

**OFFICE USE ONLY**

Date Received: 1-21-20 Received By: C. Jones

## REZONING APPLICANT'S RESPONSES

**Location:** 3870 W. Ellis Rd, Griffin, GA 30223

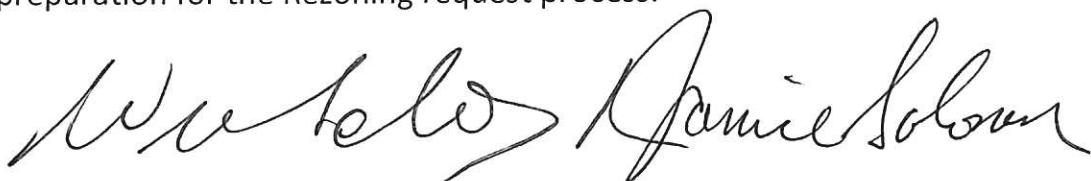
**Owners:** William A.B. Solomon & Janice M. Solomon

**Address:** 215 Woodcreek Lane, Fayetteville, GA 30215

**Parcel I.D.** 26401012A      **Acreage:** 30 acres

**Current Zoning:** AR 1      **Proposed Zoning:** R4

- A. The proposed rezoning to R4, which would allow us to subdivide the land then build four single family homes for our family, is suitable for the adjacent and nearby properties in the area because these properties are all single family dwellings.
- B. Our property is suitable for the proposed rezoning because the road frontage, topography, soil condition and overall land layout, is very compatible with our proposed R4 Rezoning plan.
- C. The property has been vacant for approximately 18 years and was previously a Christmas tree farm.
- D. No real or imminent threat exists to the public's health, safety, and welfare if the rezoning is approved.
- E. The value of the property in its current zoning is diminished because it is raw undeveloped land, however if our Proposed Rezoning is approved, the value of the land would be greatly increased because we would be building high quality homes on the land.
- F. The resultant hardship to us the owners if the Proposed rezoning is not granted, would a loss of our funds which were used for the extensive preparation for the Rezoning request process.

A handwritten signature in black ink, appearing to read "Janice Solomon". The signature is written in a cursive, flowing style with a large initial "J".

**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.

William Solomon  
Janice Solomon  
Print Name of Owner(s)

\_\_\_\_\_  
Print Name of Agent, If Not Same as Owner

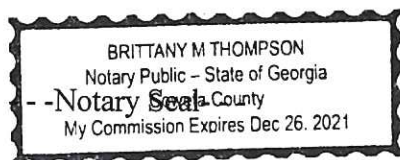
William Solomon  
Signature of Owner(s)  
or Signature of Authorized Officer or Agent  
(if applicable)

1-21-2020  
Date

\_\_\_\_\_  
Signature of Agent

Brittany M. Thompson  
Signature of Notary Public

January 21, 2020  
Date



**OFFICE USE ONLY**

Date Received: 1-21-20

Received By: C. Jacobs

**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:

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.

	1-20-2020	William Solomon - owner Janice Solomon - 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 1-21-20

Case # 20-042 Accepted By 

## 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; *AR-1*
- ✓ E. The building outline and maximum proposed height of all buildings; *28 ft*
- 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; *N/A*
- ✓ ? 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; *X*
- ✓ ? 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; *NO flood plains exist*
- ✓ L. Delineation and dimensions of the boundary of the proposed district;
- ✓ ? M. Date, north arrow and datum;
- X N. Location and acreage of all major utility easements greater than twenty (20) feet in width; *N/A*
- O. Approximate location (outline), height, and use of all other proposed drives, parking areas, buildings, structures and other improvements;
- X 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.



ZONING MAP CHANGE  
PAGE 8

**Spalding County Fee Schedule:**

**Appeal from Action of Administrative Officer:**     \$ 300.00

**Variance:**     \$ 300.00

**Special Exception:**     \$ 500.00

**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 - \$750.00**

**B. Parcel 2-5 - \$150.00 each, in addition to the fees stated in A; and**

**C. Parcels 6+ - \$100.00 each, in addition to the fees stated in A and B.**



THIS BLOCK RESERVED FOR THE CLERK  
OF THE SUPERIOR COURT.

### SURVEYORS CERTIFICATION

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT, OR PLAN HAS BEEN APPROVED FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL COUNTY OR MUNICIPAL-COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED.

#### FINAL SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-6-67).

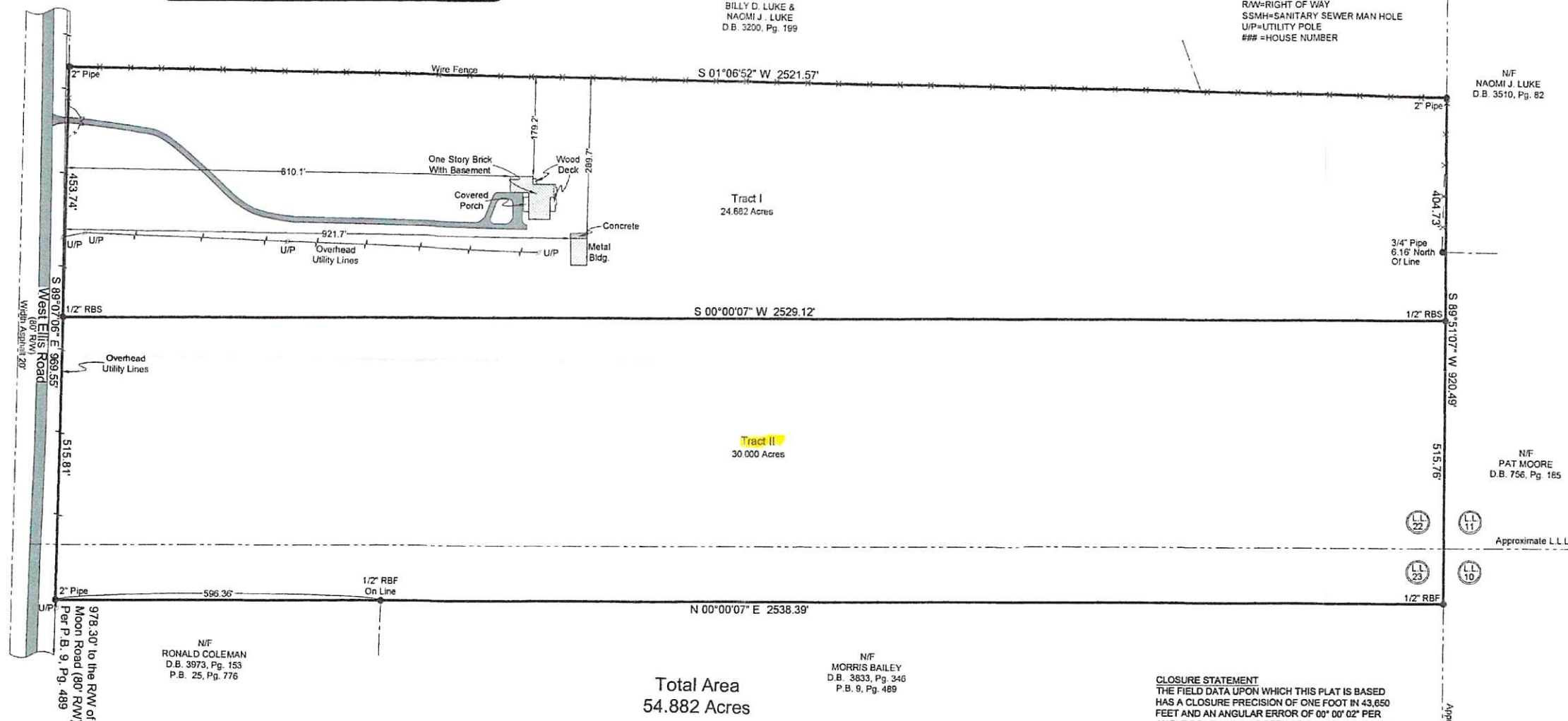
BY: SWINSON A. GASKINS, Sr. GEORGIA  
REGISTERED LAND SURVEYOR NO. 1620

DATE: / /

Grid North  
West Zone  
Nad 83

### LEGEND

B/L=BUILDING LINE  
C/L=CENTERLINE  
CE=CONSTRUCTION ENTRANCE  
CTP=CRIMP TOP PIPE  
D.B.=DEED BOOK  
D.E.=DRAINAGE EASEMENT  
ESMT=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  
MFFE=MINIMUM FINISH  
FLOOR ELEVATION  
O/F=OUT OF FLOOD PLAIN  
P.B.=PLAT BOOK  
PG.=PAGE  
PFFE=PROPOSED FINISH  
FLOOR ELEVATION  
P/L=PROPERTY LINE  
P.O.B.=POINT OF BEGINNING  
P/P=POWER POLE  
RBF=REBAR FOUND  
RBS=REBAR SET  
RW=RIGHT OF WAY  
SSMH=SANITARY SEWER MAN HOLE  
U/P=UTILITY POLE  
###=HOUSE NUMBER



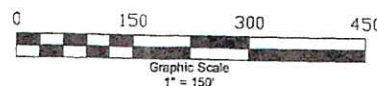
Total Area  
54.882 Acres

FLOOD STATEMENT  
ACCORDING TO FEMA FLOOD  
INSURANCE RATE MAP NUMBER  
13255C0050D, DATED MAY 3, 2010 NO  
PORTION OF THIS PROPERTY LIES  
WITHIN A SPECIAL FLOOD HAZARD  
AREA.

CLOSURE STATEMENT  
THE FIELD DATA UPON WHICH THIS PLAT IS BASED  
HAS A CLOSURE PRECISION OF ONE FOOT IN 43,650  
FEET AND AN ANGULAR ERROR OF 00° 00' 02\"/>

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 TS02 TOTAL STATION &  
GEOMAX CHAMPION PRO GPS ON THE TRIMBLE  
NETWORK.



Job No. SA18-066A

Drawn By: J.E.C. Reviewed By: s.a.g.

Issue Date: 05/31/18

F.W.P.D.: 05/31/18

Revisions Date



Prepared For:

MARY L. HAGAN

### Property Location

Land Lot 22 and 23 Of The 4th Land District  
Spalding County, Georgia

### S.A. GASKINS & ASSOCIATES, LLC

surveyors planners development consultants  
P.O. BOX 321 BROOKS, GA 30205  
770-460-9342  
sagaskins@bellsouth.net

## **REZONING REQUEST**

### **RE: Solomon's Family Estate**

**Location:** 3870 W. Ellis Rd, Griffin, GA 30223

**Owners:** William A.B. Solomon & Janice M. Solomon

**Address:** 215 Woodcreek Lane, Fayetteville, GA 30215

**Parcel I.D.** 26401012A      **Acreage:** 30 acres

**Current Zoning:** AR 1      **Proposed Zoning:** R4

We are hereby requesting rezoning of the above listed property from AR1 to R4.

The primary reason for the rezoning request is to allow us to subdivide the property into four separate family parcels. The parcels would be utilized to build one home for ourselves, as well as three other homes, one for each of our adult children.

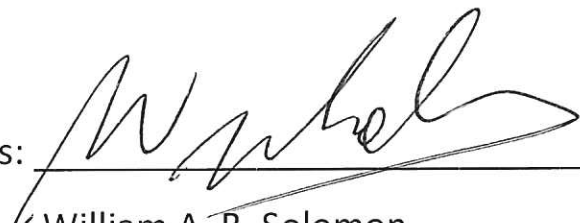
In essence, we intend to develop a family estate which would comprise of our homes, nature reserves and recreational areas.

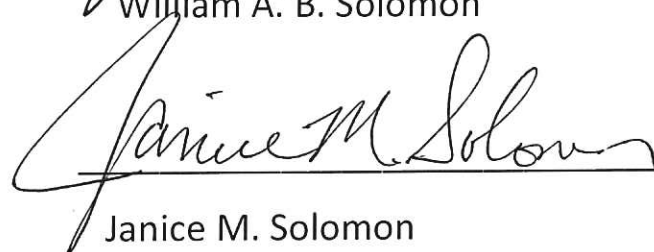
The lots and homes to be developed, would primarily be a Farm House style construction. We would ensure that our home styles and landscape is congruent with the other homes in the immediate area.

The square footage of the homes would range from 1800 sq. ft. to 2900 sq. ft., one or two stories, and would have individual driveways, attached garages, and separate mailboxes.

Also, as a biological scientist with the uttermost respect and love for nature and our environment, we have an inner burning desire to remain connected to nature, therefore we have enrolled our property in the Georgia Forestry Stewardship Program. The expertise and technical assistance being provided by the program, is allowing us the opportunity to develop our property within nature, by preserving and enhancing the natural layout of the land during the design and developmental phases of our property. The wild life habitats would also be preserved.

In our pursuit to achieve the successful development of Solomon's Family Estate, we plan to work closely with the Planning Commission and the Board of Commissioners of Spalding County by adhering to the Zoning laws, as well as incorporating their recommendations in our plans.

Signatures:  1/20/2020  
William A. B. Solomon Date

 1-20-2020  
Janice M. Solomon Date



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

2018 OCT 24 A 10:26

SLEPIAN SCHWARTZ &amp; LANDGAARD

42 EASTBROOK BEND

PEACHTREE CITY, GEORGIA 30269 Real Estate Transfer Tax

(770) 486-1220

18-1304AA/RACHEL

Paid \$ 108.00

Date 10-24-18

DEBBIE L. BROOKS, CLERK

TAX PARCEL ID: 264 01012

PT - 61 126 - 2018-2528

STATE OF GEORGIA  
COUNTY OF FAYETTEDebbie L. Brooks  
Clerk of Superior CourtLIMITED WARRANTY DEED

THIS INDENTURE made this 12th day of October, 2018, by and between MARY LOUISE D. HAGAN, as party or parties of the first part, hereinafter referred to as "Grantor," and WILLIAM A.B. SOLOMON and JANICE M. SOLOMON, as JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP, as party or parties of the second part, hereinafter referred to as "Grantee";

WITNESSETH:

That Grantor for and in consideration of the sum of TEN DOLLARS, in hand paid, at or before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, and conveyed, and by these presents does hereby grant, bargain, and convey unto Grantee, their heirs, successors and assigns, the following described property:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR LEGAL DESCRIPTION.**

\*\*The Grantor herein acquired interest and title to the above described property as a joint tenant with LOUIS F. HAGAN A/K/A LOUIS FRANKLIN HAGAN, by way of that certain Warranty Deed recorded in Deed Book 1235, Page 298; further the entire interest of the Grantor was the result of the death of LOUIS F. HAGAN A/K/A LOUIS FRANKLIN HAGAN on 10/20/2000 as more fully shown on that certain death certificate attached as Exhibit "C".

TO HAVE AND TO HOLD the Property, 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 Grantee, their heirs, successors and assigns forever, in Fee Simple.

AND THE GRANTOR will warrant and forever defend the right and title to the above-described property unto the Grantee, their heirs, successors and assigns, against the claims of all persons claiming by, through or under Grantor, subject only to the Permitted Exceptions.

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

Signed this 12th day of October, 2018 in the presence of:

*Leshie Adam*  
Unofficial Witness

*Mary Louise D. Hagan*  
MARY LOUISE D. HAGAN

*[Signature]*  
Notary Public  
My Commission Expires:

[Notary Seal]



**EXHIBIT "A"**  
**LEGAL DESCRIPTION for TRACT II WEST ELLIS ROAD**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 22 AND 23 OF THE 4th LAND DISTRICT OF SPALDING COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

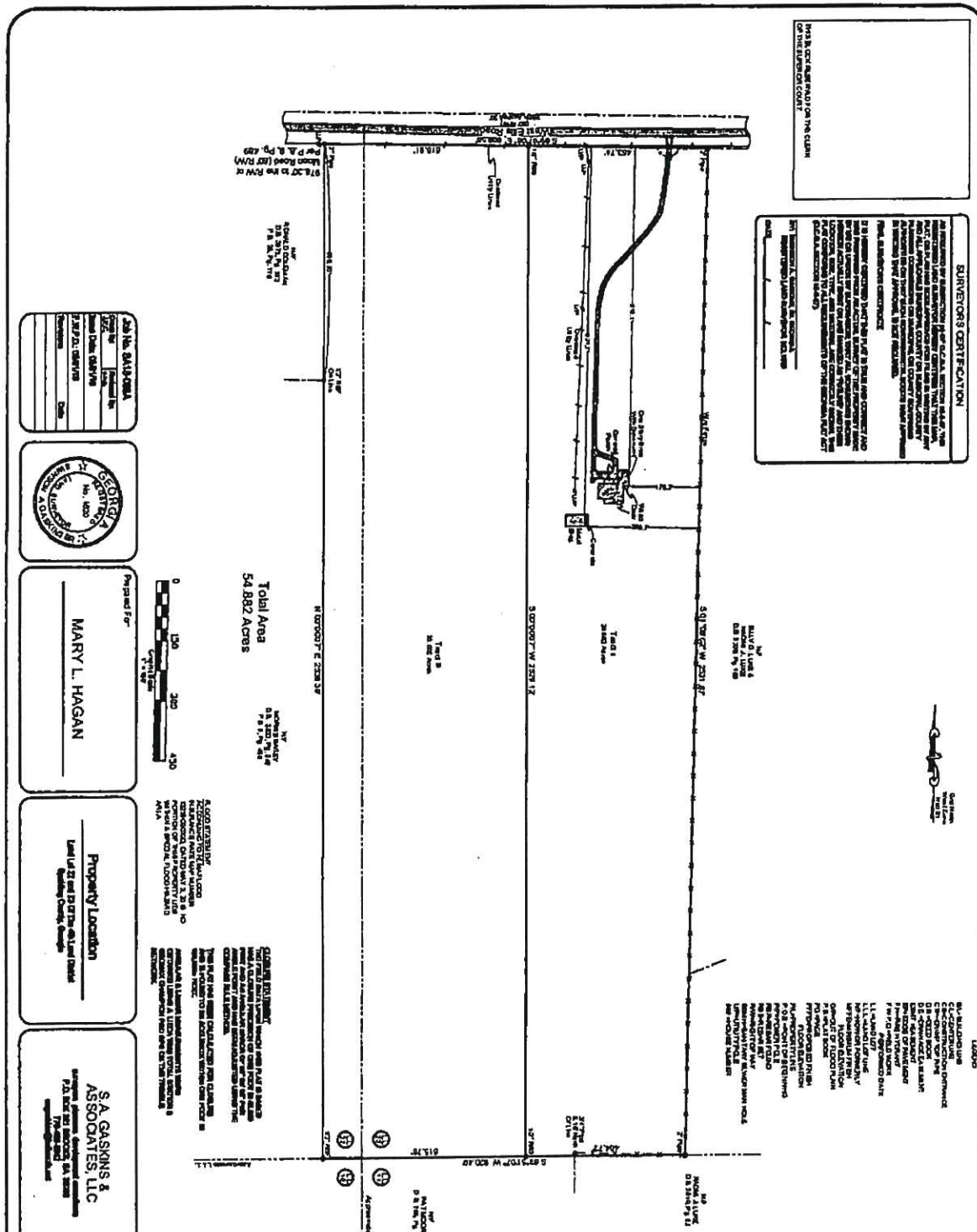
**TO FIND THE TRUE POINT OF BEGINNING, COMMENCE** AT A POINT FORMED BY THE INTERSECTION OF MOON ROAD (80-FOOT RIGHT-OF-WAY) AND SOUTHERLY RIGHT-OF-WAY WEST ELLIS ROAD (80-FOOT RIGHT-OF-WAY); RUN THENCE EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF WEST ELLIS ROAD A DISTANCE OF 978.30 FEET TO A 2-INCH PIPE (PER THE PLAT AT PLAT BOOK 9, PAGE 489) AND THE **TRUE POINT OF BEGINNING**. FROM THE **TRUE POINT OF BEGINNING**, RUN THENCE SOUTH 89 DEGREES 07 MINUTES 06 SECONDS EAST, A DISTANCE OF 515.81 FEET TO A POINT; RUN THENCE SOUTH 00 DEGREES 00 MINUTES 07 SECONDS WEST, A DISTANCE OF 2529.12 FEET TO A ½-INCH REBAR SET; RUN THENCE SOUTH 89 DEGREES 51 MINUTES 07 SECONDS WEST, A DISTANCE OF 515.76 FEET TO A ½-INCH REBAR FOUND; RUN THENCE NORTH 00 DEGREES 00 MINUTES 07 SECONDS EAST, A DISTANCE OF 2538.39 FEET TO A 2-INCH PIPE (PASSING OVER A ½-INCH REBAR FOUND 596.36 FEET FROM THE 2-INCH PIPE) AND THE **TRUE POINT OF BEGINNING**.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS AND RESTRICTIONS OF RECORD.

SAID TRACT CURRENTLY HAS NO STRUCTURES AND IS DESIGNATED AS TRACT II ON THAT CERTAIN SURVEY PREPARED FOR "MARY L. HAGAN" BY SWANSON A. GASKINS, SR., S.A. GASKINS & ASSOCIATES, LLC, DATED MAY 31, 2018 AND ATTACHED HERETO AS EXHIBIT "B".



EXHIBIT "B"  
SURVEY for TRACT II ON WEST ELLIS ROAD



ALL THAT TRACT OR PARCEL OF LAND IN LAND LOT 22 & 23 OF THE 4 TH DISTRICT OF SPALDING COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN 2" PIPE LOCATED ON THE SOUTH RIGHT-OF-WAY OF WEST ELLIS ROAD (80' RIGHT-OF-WAY), SAID POINT BEING 978.30 FEET EASTERLY FROM THE INTERSECTION OF SAID RIGHT-OF-WAY AND THE EASTERLY RIGHT-OF-WAY OF MOON ROAD (80' RIGHT-OF-WAY) AND BEING THE TRUE POINT OF BEGINNING; THENCE RUNNING S 89 07 06 E ALONG SAID RIGHT-OF-WAY A DISTANCE OF 515.81' TO A 1/2" RBF; THENCE RUNNING S 00 00 07 W A DISTANCE OF 2529.12' TO A 1/2" RBF; THENCE RUNNING S 89 51 07 W A DISTANCE OF 515.76' TO A 1/2" RBF; THENCE RUNNING N 00 00 07 E A DISTANCE OF 2538.39' TO A 2" PIPE AND THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINING 30.00 ACRES.

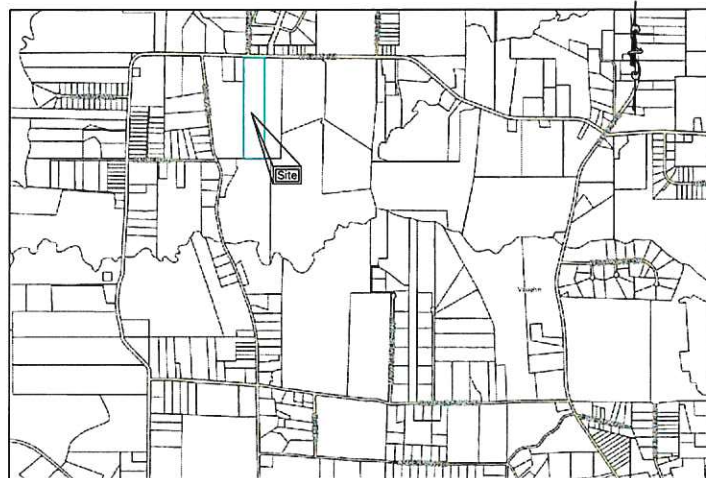
# SURVEYORS CERTIFICATION

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-4-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT, OR PLAN HAS BEEN APPROVED FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL, COUNTY OR MUNICIPAL-COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED.

## FINAL SURVEYORS CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-4-67).

BY: SWINSON A. GASKINS, Sr. GEORGIA  
REGISTERED LAND SURVEYOR NO. 1620  
DATE 12 / 27 / 2019



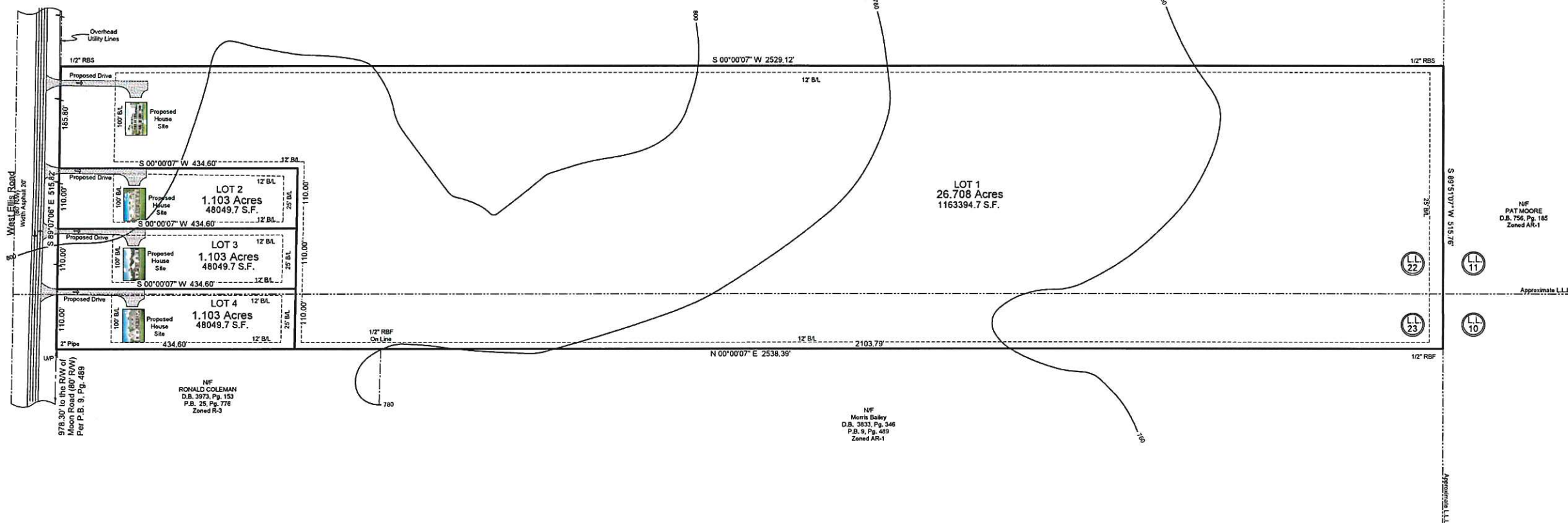
Viduity Map  
Not To Scale

# CONCEPTUAL PLAN 2

## CURRENT ZONING AR-1 PROPOSED ZONING R-4

Grid North  
West Zone  
Nad 83

LEGEND  
B/L=BUILDING LINE  
C/T=CRIMP TOP PIPE  
D.B.=DEED BOOK  
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  
P.B.=PLAT BOOK  
P.O.=PAGE  
P.F.F.=PROPOSED FINISH  
FLOOR ELEVATION  
P.O.B.=POINT OF BEGINNING  
R.B.F.=REBAR FOUND  
R.S.=REBAR SET  
R.W.=RIGHT OF WAY  
U.P.=UTILITY POLE



### GENERAL NOTES

1. OWNERS:  
WILLIAM A. B. & JANICE M. SOLOMON  
215 WOODCREEK LANE  
FAYETTEVILLE, GA 30215  
770-301-6649

2. SURVEYOR:  
S. A. GASKINS & ASSOCIATES, LLC  
P.O. BOX 321  
BROOKS, GA 30205  
770-460-8342  
sagaskins@bellsouth.net

3. TOTAL ACRES: 29.999 Acres  
NUMBER OF LOTS: 4

DIMENSIONAL REQUIREMENTS  
LOT AREA: 1 ACRE  
LOT WIDTH: 15'

MAXIMUM BUILDING HEIGHT: 35'  
FLOOR AREA: 1,500 SQ. FT.  
FRONT YARD SETBACK: 100'  
SIDE YARD SETBACK: 12'  
REAR YARD SETBACK: 35'

4. SEWER TO BE AN ON-SITE SEWAGE DISPOSAL SYSTEM.

5. WATER TO BE PROVIDED BY WATER AUTHORITY.

6. SPALDING COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN OR THE LACK OF ONE INDICATED ON THIS PLAT.

7. THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND RESTRICTION SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

8. THERE ARE NO RECORDED EASEMENTS FOUND ASSOCIATED WITH THE PROPERTY.

9. THERE ARE NO GROUNDWATER RECHARGE AREAS ON SUBJECT PROPERTIES.

10. 12" REINFORCING RODS SHALL BE SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.

11. BY GRAPHIC PLOTTING ONLY, THESE LOTS ARE LOCATED ON COMMUNITY PANEL NO. 13255C0050 WHICH BEARS AN EFFECTIVE DATE OF MAY 3, 2010 AND NO PORTION OF THEM LIES WITHIN A 100 YEAR FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.

12. THERE IS NO VISIBLE CEMETERY OR BURIAL GROUNDS ON THIS PROPERTY.

13. THERE ARE NO STATE WATERS ON THIS SITE.

14. TOPOGRAPHIC INFORMATION TAKEN FROM QUAD MAP.

CLOSURE STATEMENT  
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 43,650 FEET AND AN ANGULAR ERROR OF 00'00"00" 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 LEICA TS02 TOTAL STATION & GEOMAX CHAMPION PRO GPS ON THE TRIMBLE NETWORK.



LOT 1



LOT 2



LOT 3



LOT 4



Job No. SA19-174A

Drawn By: J.E.C.  
Reviewed By: S.A.G.  
Issue Date: 12/27/19  
F.W.P.D.: 05/31/16  
Revisions: \_\_\_\_\_  
Date: \_\_\_\_\_



Prepared For:

WILL SOLOMON

### Property Location

Land Lot 22 and 23 Of The 4th Land District  
Spalding County, Georgia

S.A. GASKINS & ASSOCIATES, LLC

surveyors planners development consultants  
P.O. BOX 321 BROOKS, GA 30205  
770-460-8342  
sagaskins@bellsouth.net



Legend

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

# Rezoning 20-042 Solomon



AR1

AR1

W ELLIS RD

CRAE

AR1

AR2

MOON RD

AR1

PARKER RD

AR1

---

# SPALDING COUNTY PLANNING COMMISSION

---

**DATE:** February 13, 2020

**TO:** Spalding County Planning Commission  
Spalding County Board Of  
Commissioners

**FROM:** Department of Community Development

**RE: Rezoning Application #20-04Z**  
**Total acreage: 30+ acres**  
**AR-1 to R-4**

*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 30 acres, more or less, located at 3870 West Ellis Road.

### **District and Land Lots:**

The property is located in the 4<sup>th</sup> Land District, in Land Lots 22 and 23.

### **Current Owner:**

The property is owned by William A.B. Solomon and Janice M. Solomon by virtue of Deed recorded October 24<sup>th</sup>, 2018 in Deed Book 4342, Page 188-189 Office of the Clerk of the Superior Court, Spalding County, Georgia.

### **Agent/Developer**

None.

## **Current Area Development**

### **Current Zoning/Authorized Development:**

The subject property is AR-1, Agricultural which allows for road frontage lots to be

subdivided consisting of 3 acres and 200' of road frontage. AR-1 will also allow agricultural uses on tracts of 3 acres or more.

### **Requested Zoning and Development Intent:**

The applicant requests rezoning to R-4, Single Family Residential. The subject property is currently a 30-acre tract and is zoned AR-1 with only 515' of road frontage.

The applicant proposes to subdivide the property into four buildable lots to construct houses for themselves and their children. Three of the lots will be 1.103 acres and the final lot will consist of the remaining 26.708 acres.

### **Existing Use:**

The property is undeveloped.

### **Land Use Plan:**

Pursuant to the "Spalding County Comprehensive Plan, 2017-2037, as approved in December 2017," the request is consistent with the plan and associated Future Land Use Map classification of Rural Neighborhood.

### **Schools:**

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

#### **Schools Impacted and Enrollment vs. Capacity**

School	Enrollment	Capacity
Beaverbrook Elementary	680	640
Cowan Road Middle	735	800

Griffin High                      1650                      1900

The potential impact of this development on the schools would be approximately 5 children (4 lots– based on 1.2 children per home).

Rezoning Amendments approved and/or Subdivisions approved in these districts:

Beaverbrook Elementary

Farrar Subdivision – Sidney & Birdie Rds – 109 lots

Cowan Road Middle

Vineyard Ridge – Vineyard Road – 76 lots

Orchard on Ellis – Ellis Road – 8 lots

Turtle Tracks, Phase II – Hwy 16W - 15 lots

Farrar Subdivision – Sidney & Birdie Rds – 109 lots

Mill Park I&II – Pineview Road & E. McIntosh – 22 lots

Chester Woods – Kilgore Road – 21 lots

Sherbrook Woods, Phase III – Cowan Road – 47 lots

Will's Walk Ph. II – Vineyard Road – 89 lots

The Highlands – Hwy 92 at Westmoreland Road – 99 lots

Griffin High

Vineyard Ridge – Vineyard Road – 76 lots

Orchard on Ellis – Ellis Road – 8 lots

Turtle Tracks, Phase II – Hwy 16W - 15 lots

Farrar Subdivision – Sidney & Birdie Rds – 109 lots

Mill Park I&II – Pineview Road & E. McIntosh – 22 lots

Chester Woods – Kilgore Road – 21 lots

Sherbrook Woods, Phase III – Cowan Road – 47 lots

Will's Walk Ph. II – Vineyard Road – 89 lots

The Highlands – Hwy 92 at Westmoreland Road – 99 lots

Stonebriar – Moreland Road – 275 lots

Park Place – Lakeside Drive – 76 lots

Meadowview – Hwy 362 – 70 lots

Stanfield West Phase V – Wilder Way off Rover-Zetella Road – 48 lots

**Compliance with Zoning Ordinance Development Standards:**

**R-4 Development Standards:**

**Minimum space:** 1,500 square feet heated

**Minimum lot area:** As specified by the Spalding County Health Department, but in no case less than 2 acres, unless a special exception allowing a reduction in lot size to 1 acres is approved pursuant to Section 413.

**Minimum lot width:** 125 feet

**Minimum frontage width:** 75 feet, 35 feet for property in a cul-de-sac

**Setbacks:**

**front:** 100 feet, 70 feet if public sewer is provided

**side:** 25 feet, 12 feet if public water is provided

**rear:** 25 feet

**Utilities & Infrastructure:**

**Transportation:**

Minimal change.

**Water:**

The site is accessible to County water along West Ellis Road. (Source: Spalding County Water Authority).

**Sewerage:**

The site is not accessible to sanitary sewer service and will be served by individual septic systems. (Source: City of Griffin Sewer Authority)



### Wetlands/Watershed Area:

According to the plan submitted with the application no portion of this property is located within a 100-year flood zone, per map # 13255C 0050D.

The subject property is located within the City of Griffin Reservoir Watershed Pike County Intake radius as indicated by the S-2 watershed 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 is single family residential in character with varying sizes of acreage. The subject property is surrounded entirely by AR-1 and AR-2 zoning. R-4 zoned single-family residential subdivisions are nearby.*
2. The suitability of the property for the proposed purpose.  
The Future Land Use Map indicates that the property should be used as "Rural Neighborhood" and is consistent with the Future Land Use Map for this property.
3. The length of time the property has been vacant.  
*The property is undeveloped.*
4. The threat to the public health, safety, and welfare, if rezoned.  
*There will be no threat to the public health, safety and welfare as a result of successful zoning.*
5. The extent to which the value of the property is diminished by the present zoning.  
*The present zoning will not allow the subdivision of the property to one acre which will prevent the potential sale of the residential dwelling.*
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.*

### Staff Recommendations:

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

1. The request is consistent with the Spalding County Future Land Use Map and the associated Comprehensive Plan.
2. The proposed zoning is consistent with the average house sizes in this area.

**SPALDING COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**February 25, 2020**

The Spalding County Planning Commission held its regular monthly meeting on February 25, 2020 at 7:00 p.m. in Room 108 of the Spalding County Courthouse Annex. Members present were: John Youmans, Chair, presiding; Bruce Ballard; Sonny Eubanks; Walter Cox; and Frank Harris.

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

**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 Planning Commission. 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.

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

**B. New Business:**

1. **Application #20-01Z:** Glenn M. Ellis Jr. & Starlett J. Ellis, Owners - 100 Pirkle Road (4.319 acres located in Land Lot 81 of the 4th Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Glenn M. Ellis, Jr., 100 Pirkle Road, was present to answer questions. He stated he wants to subdivide 1.3 acres from the parent parcel so his son and his family can build a single family residence. The remaining 3.019 acres will be retained with the existing dwelling. Mr. Ellis responded that he was on County water. The subject property is currently a 4.319-acre tract and is developed with a single-family residence.

Mr. Jacobs said this request is similar to other applications whereby they need acreage or frontage for subdividing. This applicant wants to take property that is split-zoned with R-2 and this makes sense for that, as well. This action is also consistent with the Land Use Plan and will take the entire tract to the R-2 zoning designation.

*Motion/second by Cox/Harris to recommend for approval Application #20-01Z as presented carried 5-0. Mr. Jacobs noted for Mr. Ellis that this item will be heard by the Board of Commissioners at end of next month.*

2. **Application #20-02Z:** J & D Property Holdings, LLC, Owner - 7902 Newnan Road (0.7816 acre located in Land Lot 15 of the 1st Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to C-1, Highway Commercial.

John Osborne, 7900 Newnan Road, Brooks, GA 30205, stated he ran a feed store here for 41 years and lost his legally nonconforming status (grandfathering) due to a lapsed business license. The applicant requests to rezone approximately .7816 acres from AR-1 to C-1. Without approval, applicant states he will lose everything. Mr. Frank Harris noted that the Secretary of State's Office for Georgia also shows J & D Property Holdings, LLC as dissolved. Mr. Osborne advised it had not been dissolved and would look into it.



Mr. Jacobs advised staff confirmed this was a grandfathered property with a commercial business for many years. It is under 1 acre and commercial, so there is logic in taking it to C-1 Highway Commercial. It is consistent with existing zoning, the Spalding County Comprehensive Plan and the associated Future Land Use Map. Staff recommends approval.

***Motion/second to recommend Application #20-02Z for approval as presented by Mr. Eubanks/Mr. Ballard carried 5-0.***

3. **Application #FLUMA-20-01:** L & C Partnership and Royal 76, LLC have requested a future land use map change from Agricultural/Forestry to Rural Neighborhood for the following: Old S.R. 155 and Jackson Road (7.86 acres located in Land Lot 80 of the 2nd Land District).

It was determined that members would discuss items #3, #4 and #5 together and then vote on each separately.

John Palmer, 1611 Avery Drive, Locust Grove, GA

Mr. Palmer thanked Mr. Jacobs for his guidance. This project at the corner of Hwy 155 and East McIntosh creates a donut shaped intersection where the old store was located. The property is run down but they may take this property and combine it with the other two to do something nice.

The applicant is requesting to rezone a total of 7.89+/- acres to C-1, Highway Commercial that will be combined with an existing C-1 tract to develop a group retail development consisting of three structures involving 9,100 square feet of a convenience store and 12,100 square feet of retail space. The existing commercial structure on the adjacent property will be demolished. One of the tracts involved is a portion (1.11 acres) of abandoned Georgia Department of Transportation Highway to be zoned to C-1, Highway Commercial while the second is 6.75 acres to be rezoned from R-2, Single Family Residential to C-1, Highway Commercial. This combo will take a bit of an eyesore and create a nice development. Mr. Palmer offered to answer questions. Proper buffers and downcast lighting will be utilized, and the area behind the retention pond is being rezoned, too. All is contained in one tax parcel. Mr. Ballard commended the applicant for tying these together. Road shifts often create these type of issues and this is a great use. He cautioned they must keep the area in front of the retention looking good. Mr. Palmer assured he would ensure that happens.

Mr. Jacobs said an MOA for maintenance would be executed. Mr. Jacobs said this was perhaps a different type presentation demonstrating a change in the scheme of land use planning and stretching the crossroad area out. It can be a harder sell but developments and current existing conditions lead to a more favorable amendment of the land use plan. From a zoning standpoint, the property to the north is C-1 and has Hwy 155 now. The current eyesore will be eradicated in the process. Staff recommends approval for all three applications. A zoning designation will have to be applied to the right-of-way recommending approval also.

Staff recommends approval to amend the FLUM but to Crossroads Commercial.

***Motion/second to recommend for approval Application #FLUMA-20-01 but to Crossroads Commercial by Mr. Ballard/Mr. Cox carried 5-0.***

4. **Application #20-03Z:** L & C Partnership, Owner – Falcon Design Consultants, Agent – Jackson Road (6.75 acres located in Land Lot 80 of the 2nd Land District) - requesting a rezoning from R-2, Single Family Residential, to C-1, Highway Commercial.

***Motion/second to recommend for approval Application #20-03Z by Mr. Ballard/Mr. Eubanks carried 5-0 with the following conditions: 1) A future land use map amendment shall be approved, and 2) All site lighting shall be designed so as not to glare onto adjacent properties or rights-of-way.***

5. **Application #20-03AZ:** Royal 76, LLC, Owner - Falcon Design Consultants, LLC, Agent – Old S.R. 155 (1.112 acres located in Land Lot 80 of the 2nd Land District) - requesting a rezoning to C-1 Highway Commercial.

*Motion/second to recommend for approval Application #20-03AZ by Mr. Ballard/Mr. Harris carried 5-0 with the following conditions: 1) A future land use map amendment shall be approved, and 2) All site lighting shall be designed so as not to glare onto adjacent properties or rights-of-way.*

6. **Application #20-04Z:** William A.B. Solomon & Janice M. Solomon, Owners - 3870 West Ellis Road (30 acres, more or less, located in Land Lot(s) 22 & 23 of the 4th Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to R-4, Single Family.

William A.B. Solomon, 215 Woodcreek Lane, Fayetteville, GA 30215. He and his wife are owners of this 30-acre parcel in western Spalding County. They want to rezone from AR-1 to R-4 in order to establish a family estate by subdividing for four homes for him and their children. Three of the lots will be 1.103 acres and the final lot will consist of the remaining 26.708 acres. They will also include a natural area, as well, for the family with trails, etc. All frontages will be 125' for the four parcels. All homes will be in the 1800 sf range. Since all houses will exceed the square footage for R-2, perhaps it will be better to go with that rather than the R-4 zoning designation.

Mr. Jacobs noted that Staff recommends approval.

*Motion/second to recommend for approval Application #20-04Z but to R-2 by Mr. Ballard/Mr. Eubanks carried 5-0.*

7. **S/D #09-011** Consider extension of preliminary plat for The Lakes at Green Valley - Griffin-Spalding County Development Authority, Owner - expires March 30, 2020.

Mr. Jacobs noted this request for extension is for the industrial development for the Lakes at Green Valley. Staff recommends approval, and this action will keep the file current.

*Motion/second to recommend for approval S/D #09-011 by Mr. Harris/Mr. Cox carried 5-0.*

8. **Amendment to UDO #A-20-01:** Article 2. Definitions of Terms Used - amend definition of Antenna and add definition of Wireless facility, small.

Mr. Galloway wanted to discuss this Amendment and the following which amends the definitions of antenna and adds a definition for a wireless small facility.

9. **Amendment to UDO #A-20-02:** Appendix I. Ordinance to Establish Standards for Telecommunications Antennas and Towers - amend definition of Antenna, add definition of Wireless facility, small and add Provisions Applicable to Facilities Other than Wireless Facilities, Small.

Mr. Galloway advised that technology has changed with regard to broadband, etc. Large towers are still viable but more in demand now are the smaller towers located closer together. Small cells are designed to attach to smaller mechanisms, i.e. utility poles. This trend is intended to provide more data, greater speed and broader services. The Legislature last year passed these provisions in order to address service in public rights-of-way. Mr. Galloway expected no vote on these issues tonight, but rather just wanted to explain for clarification. In the first ordinance, we have added definition of small wireless antenna into UDO and modified the definition of antenna to accommodate HB 56. A-20-01. This language is taken directly from the statute.

Amendment #A-20-02 handled this by adding in antenna and tower ordinance definitions as just detailed and renumbering Appendix I. They added Article 3 to provide for more definitions from the statute. Language is more detailed here than in the UDO because it is necessary. If someone comes in with these type requests, they can apply to the County to place in public rights-of-way with very limited scrutiny by the County. The County can collect a fee but can exercise very little control. The legislation states these shall be approved except in specific circumstances (there are 11 of them). Again, no vote is expected tonight because explanation was needed. This will bring our Ordinance into compliance with the small cell statute passed by the Legislature last year. It will apply to residential or commercial use on public rights-of-way. Cities can charge a franchise fee or Counties can get application fees. This is the result of a consistent push as wireless facilities have expanded and demand for same to remove local control for rights-of-way. 5G technology requires shorter spans for better coverage. Some want bandwidth even if it sacrifices aesthetics. States and the FCC have adopted and we must, too.

Mr. Ballard asked if monitored emitted frequencies/emitted radiation was often higher than initially indicated. Mr. Galloway advised that health concerns did not make the list of bases for denial of the application. The only thing to use for a basis of denial was read by Mr. Galloway. Some statutes go so far as to say that health issues from frequencies are not to be considered. Colocation is allowed on utility poles. Applicants must submit a plan for applications. We can propose an alternate location in a right-of-way in certain instances. The statute largely leaves it up to the applicant to determine.

Some wondered about underground utilities. In the statute, there is a provision to collocate on a decorative pole or on a new decorative pole. We cannot materially inhibit any wireless provider. Mr. Galloway will look for the height limitation before our next meeting, but he recommended adoption to remain in compliance. We have to comply in order to have some measure of control. This circumvents regulatory utility commissions. We will vote on both at the next meeting. Mr. Galloway will answer any questions in the meantime.

#### **C. Approval of Minutes:**

Consider approval of January 28, 2020 minutes.

*Motion/second to approve Minutes of January 28, 2020 by Mr. Eubanks/Mr. Ballard carried 4-0-1 with Mr. Cox abstaining since he was not present for that meeting.*

#### **D. Other Business:**

#### **E. ADJOURNMENT**

*On motion/second by Mr. Harris/Mr. Ballard, the meeting was adjourned at 8:04 p.m.*

---

John Youmans – Chair

---

Teresa Watson – Recorder

Hello Attorney Galloway,

**RE: Rezoning application #20-04Z**

I would like to preface my letter by saying, thank you for presenting the two alternative rezoning options to us during our last telephone conversation. We are fully cognizant of your attempts to mediate a plausible plan which you anticipate will be acceptable to the board of commissioners and also satisfy the concerns of the skeptics and cynics in our West Ellis Road community.

We also understand the concerns of the few members in the West Ellis Rd community and commissioner Dutton regarding the possible development of a formal multi-family subdivision on our property, now or in the foreseeable future. More importantly, we understand and appreciate the duty and responsibility of the Board of Commissioners as the gate keepers and stewards of the county's land use plan, and their commitment to ensure that any development in the county is congruent with the land use plan and the surrounding community, and one that positively impacts and contributes to the county.

However, after a vigorous discussion among our family, pertaining to our Rezoning application, there were three basic questions that were constantly asked, for which I had to provide the corresponding answers:

1. Did the Solomon Family meet ALL the rezoning requirements as set forth by Spalding County PLANNING COMMISSION? **Answer: Yes**
2. Did the Spalding County Planning Commission recommend for approval WITHOUT conditions the Solomon family rezoning application?  
**Answer: Yes**
3. Is the Solomon family rezoning application and subsequent recommendation for approval by Spalding County Planning Commission, in part or whole, NOT in accordance or in violation of the zoning laws of Spalding County? **Answer: No**
4. Did the Solomon family during the application process, express or imply any intent or interest to develop a formal multi-family subdivision now or in the future?
5. **Answer: No**

Therefore, after considering the above answers to the posed questions, our family has concluded that there are three elements which has resulted in a block being placed between our rezoning request and the concerns of the community members and possibly any member of the Board of Commissioners. *These elements are: 1. The element of Fear. Fear of the unknown. 2. The element of Conjecture 3. The element of Speculation.*

Hence, to subject ourselves to the aforementioned elements, after we received an unconditional recommendation of approval from the Spalding County Planning Commission, would be disgraceful and absurd in that we would be compromising our family principles and values by giving into the phantom beliefs and baseless claims of others.

In short, we have elected to proceed with our rezoning application in its original state (AR 1 TO R4) on May 28 hearing and allow the Board of Commissioners another opportunity to carefully re-examine our rezoning application for approval or disapproval. Thank you.

Regards,

William & Janice Solomon



## SPALDING COUNTY BOARD OF COMMISSIONERS Application #20-05Z

---

### Requesting Agency

Office of Community Development

---

### Requested Action

**Application #20-05Z:** Haskell Sears Ward and Leah Ward Sears, Owners - Tony L. Jones, Agent - 591 Lakewood Drive (4.60 acres, more or less, located in Land Lot 158 of the 3rd Land District) - requesting a rezoning from C-1, Highway Commercial, to R-4, Single Family Residential.

---

### Requirement for Board Action

Article 4. General Procedures - Section 414.

---

### Is this Item Goal Related?

No

---

### Summary and Background

Applicant request approval to rezone the subject property from C-1, Highway Commercial to R-4, Single Family Residential. The tract consists of 4.6 acres. The applicant proposes to utilize the property for a single family home. The single family home development is consistent with the area.

---

### Fiscal Impact / Funding Source

---

### STAFF RECOMMENDATION

**APPROVAL.**

**PLANNING COMMISSION RECOMMENDS APPROVAL.**

### ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Application #20-05Z	4/22/2020	Backup Material
<input type="checkbox"/> Minutes 04-28-20 PC	5/21/2020	Backup Material

# Spalding

COUNTY

## REQUEST FOR ZONING MAP CHANGE

APPLICATION NO. 20-052

### AGENT/DEVELOPER INFORMATION

(If not owner)

Name: Tony L Jones

Address: 1739 Honeybee Creek Dr

City: Griffin,

State: GA Zip: 30224

Phone: 770-468-7457

Contact Person: Tony L Jones

### PROPERTY OWNER INFORMATION

Leah Ward Sears  
Name: Haskell Sears Ward

Address: 3286 Northside Parkway

Unit 603  
City: Atlanta

State: GA Zip: 30327

Phone: 404-556-7457

Phone: \_\_\_\_\_

### APPLICANT IS THE:

x Owner's Agent      \_\_\_\_\_ Property Owner      \_\_\_\_\_ Developer

Present Zoning District(s): C-1      Requested Zoning District(s): R-4

Land District(s): 3rd      Land Lots(s): 158      Acreage: 4.60

Address of Property: 591 Lakewood Dr, Griffin, GA 30223

Proposed Development: As residential lot

*more or less*

**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: 3-23-20

Amount of Fee: \$1750<sup>00</sup>

Received By: C. McDaniel

Receipt Number: 043809



**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: All adjacent property is single family homes or undeveloped wooded land. Rezoning from the current commercial zoning to residential better matches the area.

(B) Whether the property is suitable for the proposed use: This property is wooded land and is suitable for single family homes.

(C) What is the length of time the property has been vacant?: 30 +/- years

(D) What is the threat to the public health, safety, and welfare, if any, if the property is rezoned?: No threat of any type - the highest and best use of this land would be single family homes

(E) Whether and to what extent is the subject property value diminished under the present zoning?: There is no commercial property in use within sight of this tract only residential homes

(F) What is the balance between the hardship on the property owner and the benefit to the public in not rezoning?: There is no potential use as commercial so owner cannot sell or utilize this property. The highest and best use is for residential homes.

Use Additional Pages, If Necessary

**OFFICE USE ONLY**

Date Received: 3-23-20 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.

HASKELL SEARS WARD

Leah WARD SEARS

Print Name of Owner(s)

Haskell Sears Ward

Leah Ward

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

TONY L. JONES

Print Name of Agent, If Not Same as Owner

Tony L Jones

Signature of Agent

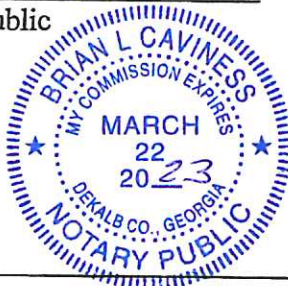
Brian L Caviness

Signature of Notary Public

02 20 2020

Date

-- Notary Seal --



**OFFICE USE ONLY**

Date Received: 3-23-20

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)

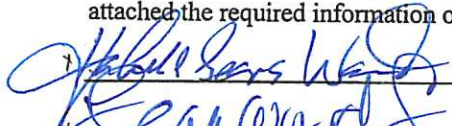

**Spalding**  
ZONING MAP CHANGE  
PAGE 6

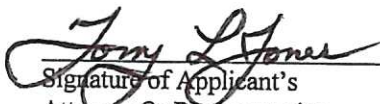
If the answer is Yes, please complete the following section:

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.

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.

	2-20-2020	HASKELL SEARS WARD
	2-20-2020	LEAH WARD SEARS
Signature of Applicant	Date	Type or Print Name and Title

	2-20-2020	TONY L JONES
Signature of Applicant's Attorney Or Representative	Date	Type or Print Name and Title

**OFFICE USE ONLY**

Date Received 3-23-20 Case # 20-052 Accepted By C. McDaniel

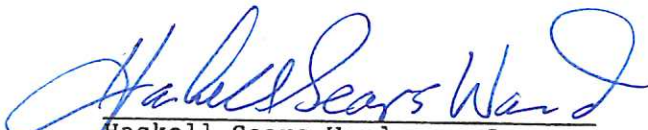


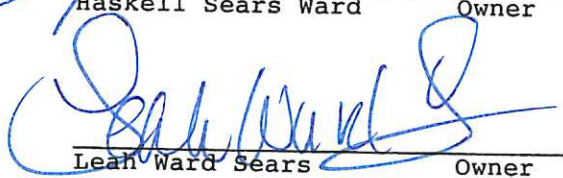
OWNERS STATEMENT OF PURPOSE

PROPOSED REZONING

Reference to 4.6 acres better known as 591 Lakewood  
Drive, Griffin, GA 30223

The highest and best use of this property is for single family homes. This property was "spot" zoned years ago by former owners for a commercial purpose but the project was abandoned. Since then the property has not been developed for any usage. The entire surrounding areas were developed for residential purposes with no other commercial usage in sight. Rezoning this small tract would allow the property to be utilized for a home which is the only use that would be consistant with the area.

  
Haskell Sears Ward      Owner

  
Leah Ward Sears      Owner

2014 AUG 5 AM 11 34

BY  
MARCIA L. MORRIS, CLERK

Return to:

JOHN T. NEWTON, JR.  
NEWTON & HOWELL, P.C.  
P O Box 551  
Griffin, GA 30224

Real Estate Transfer Tax  
Paid \$ 0  
Date 8-5-14  
PT - 61 126-2014-1794  
Marcia L. Morris  
Clerk of Superior Court, Spalding Co., Ga.

STATE OF GEORGIA  
COUNTY OF FULTON

**SURVIVORSHIP DEED**

THIS INDENTURE, made this 1st day of August, in the Year of our Lord, Two Thousand Fourteen between **HASKELL SEARS WARD**, of the State of Georgia and County of Fulton, party of the first part, and **HASKELL SEARS WARD and LEAH WARD SEARS**, of the State of Georgia and County of Fulton, party of the second part,

**WITNESSETH:** That the said property of the party of the first part, for an in consideration of the sum of Ten Dollars, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part 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 Lot 158 of the 3<sup>rd</sup> Land District of originally Henry, now Spalding County, Georgia, being more particularly shown and designated as Tract "B" containing 4.60 acres, as shown on a plat of survey entitled "Property Survey for Spalding Real Estate & Constr. Co.", prepared by Kenneth E. Presley Associates, Inc., dated December 10, 1973 finally revised February 13, 1974, recorded in Plat Book 10, Page 162, Spalding County Superior Court records, which said plat is incorporated herein and made a part of this legal description.*

**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 party of the second part, 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.

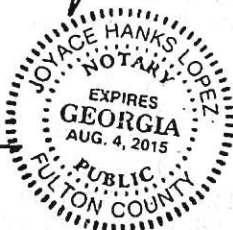
**AND TO SAID** party of the first part, for his heirs, executors, and administrators, will warrant and forever defend the right and title to the above described property, unto the said party of the second part, as hereinabove provided, against the claims of all person whomsoever.

**IN WITNESS WHEREOF**, the said party of the first part has hereunto set hand and seal the day and year above written.

*Haskell Sears Ward*  
HASKELL SEARS WARD

Signed, sealed and delivered  
in the presence of

*Cynthia L. Brown*  
Unofficial witness  
*James A. Harris*  
Notary Public



#### LEGAL DESCRIPTION

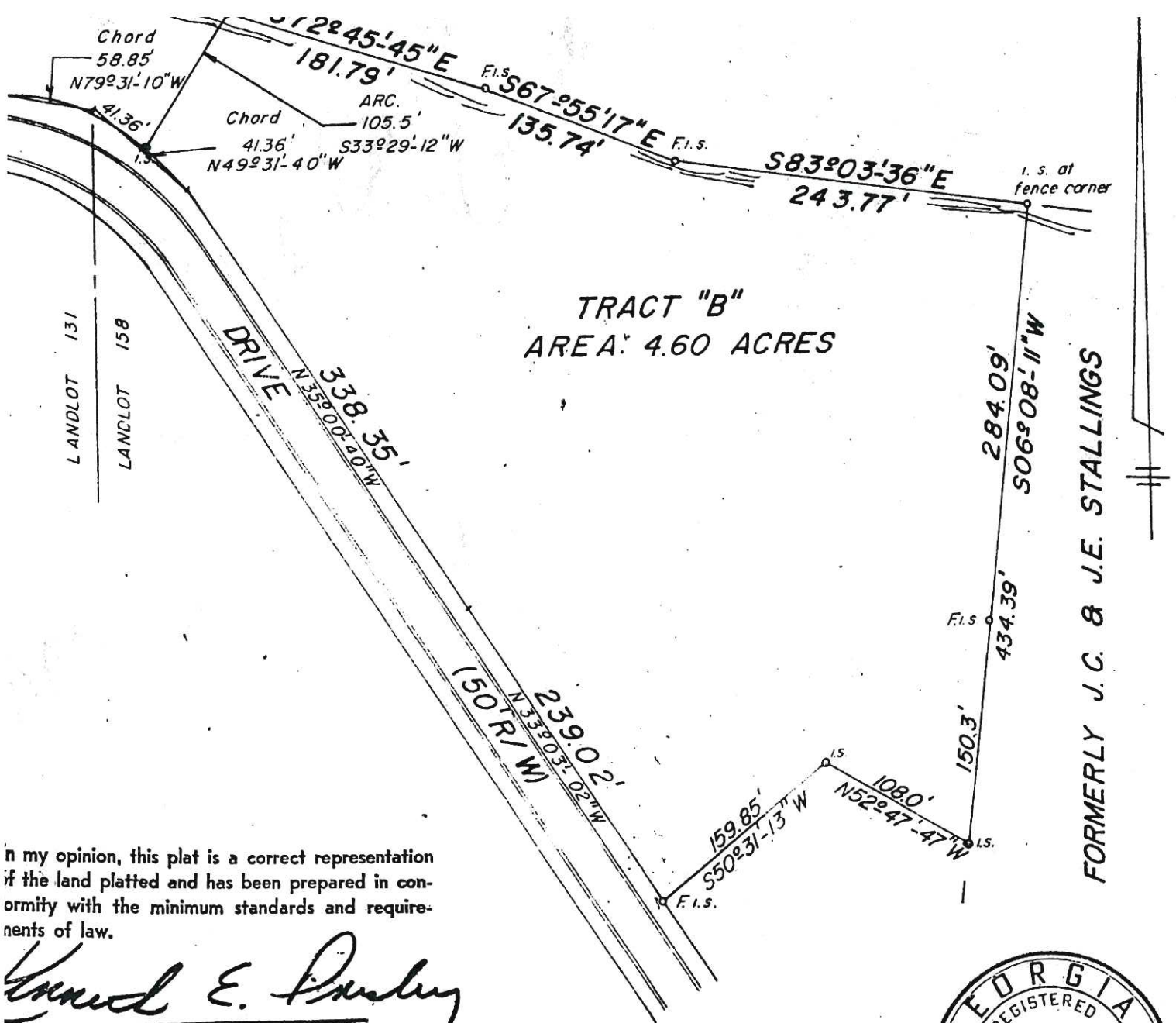
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 158 OF THE THIRD LAND DISTRICT OF ORIGINALLY HENRY, NOW SPALDING COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST INTERSECTION OF WILDWOOD DRIVE AND LAKEWOOD DRIVE, RUNNING NORTHWEST ALONG THE NORTHERN RIGHT OF WAY OF LAKEWOOD DRIVE APPROX. 392.37 FEET TO A POINT OF BEGINNING; RUNNING THENCE NORTH 33 DEGREES 03 MINUTES 02 SECONDS WEST A DISTANCE OF 239.02 FEET TO A POINT; RUNNING THENCE NORTH 35 DEGREES 00 MINUTES 40 SECONDS WEST A DISTANCE OF 338.35 FEET TO A POINT; RUNNING THENCE NORTH 49 DEGREES 31 MINUTES 40 SECONDS WEST A DISTANCE OF 41.36 FEET TO A POINT; RUNNING THENCE NORTH 33 DEGREES 29 MINUTES AND 12 SECONDS EAST A DISTANCE OF 105.5 FEET TO A POINT; RUNNING THENCE SOUTH 72 DEGREES 45 MINUTES 45 SECONDS EAST A DISTANCE OF 181.79 FEET TO A POINT; RUNNING THENCE SOUTH 67 DEGREES 55 MINUTES 17 SECONDS EAST A DISTANCE OF 135.74 FEET TO A POINT; RUNNING THENCE SOUTH 83 DEGREES 03 MINUTES 36 SECONDS EAST A DISTANCE OF 243.77 FEET TO A POINT; RUNNING THENCE SOUTH 06 DEGREES 08 MINUTES 11 SECONDS WEST A DISTANCE OF 284.09 FEET TO A POINT; RUNNING THENCE SOUTH 06 DEGREES 08 MINUTES 11 SECONDS WEST A DISTANCE OF 150.03 FEET TO A POINT; RUNNING THENCE NORTH 52 DEGREES 47 MINUTES 47 SECONDS WEST A DISTANCE OF 108 FEET TO A POINT; RUNNING THENCE SOUTH 50 DEGREES 31 MINUTES 13 SECONDS WEST A DISTANCE OF 159.85 FEET BACK TO THE POINT OF BEGINNING.

CONTAINING 4.60 ACRES MORE OR LESS, AS SHOWN ON THAT CERTAIN SURVEY PREPARED BY KENNETH E. PRESLEY.

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.





In my opinion, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

*Kenneth E. Presley*

Ga. Reg. Land Surveyor No. 1327  
 Member Surveying & Mapping  
 Society of Georgia



CONST. CO.

REVISED: DEC. 19, 1973  
 FEB. 13, 1974

KENNETH E. PRESLEY ASSOCIATES, INC.  
 LAND SURVEYORS & LAND PLANNERS  
 GRIFFIN, GEORGIA

973

*John R. Lindsey, 2<sup>nd</sup> c.*





## Summary

**Parcel Number** 115B01010  
**Location Address** 591 LAKEWOOD DR  
**Legal Description** LAKEWOOD DR TR B PB 10/162  
 (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** 4.6  
**Homestead Exemption** No (S0)  
**Landlot/District** 158 / 03

[View Map](#)

## Owner

WARD HASKELL SEARS & LEAH WARD  
 3286 NORTHSIDE PKWY NW  
 UNIT 603  
 ATLANTA, GA 30327

## Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	M115-118 - ScatteredSmPars<25a	Acres	0	0	0	4.6	0

## Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
8/1/2014	3870 331	10 162	\$0	GIFT	WARD HASKELL SEARS	WARD HASKELL SEARS & LEAH WARD
7/15/2014	3865 299	10 162	\$12,000	FAIR MARKET - VACANT	DEAN GAIL B	WARD HASKELL SEARS
7/1/2014	3865 298	10 162	\$0	LEGAL		DEAN GAIL B
6/24/2014	3860 243	10 162	\$0	YEARS SUPPORT	DEAN THOMAS IRVINE JR	DEAN GAIL B
3/31/1975	407 287	10 162	\$4,000	PART	JOINER J M & MOSTILLER JOHN L	DEAN THOMAS I
3/31/1975	407 286	10 162	\$4,000	PART	JOINER J M & JOHN L MOSTILLER	DEAN THOMAS I
5/3/1974	407 280	10 162	\$8,000	FAIR MARKET - VACANT	STALLINGS J E & J C	JOINER J M & JOHN L MOSTILLER
9/8/1967	262 741	10 162	\$0	NON FAIR MARKET VALUE	GOLDSTEIN	STALLINGS J E & J C

## Valuation

	2019	2018	2017
Previous Value	\$36,252	\$36,252	\$36,252
Land Value	\$36,252	\$36,252	\$36,252
+ Improvement Value	\$0	\$0	\$0
+ Accessory Value	\$0	\$0	\$0
= Current Value	\$36,252	\$36,252	\$36,252

## Assessment Notices 2019

115b01010

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

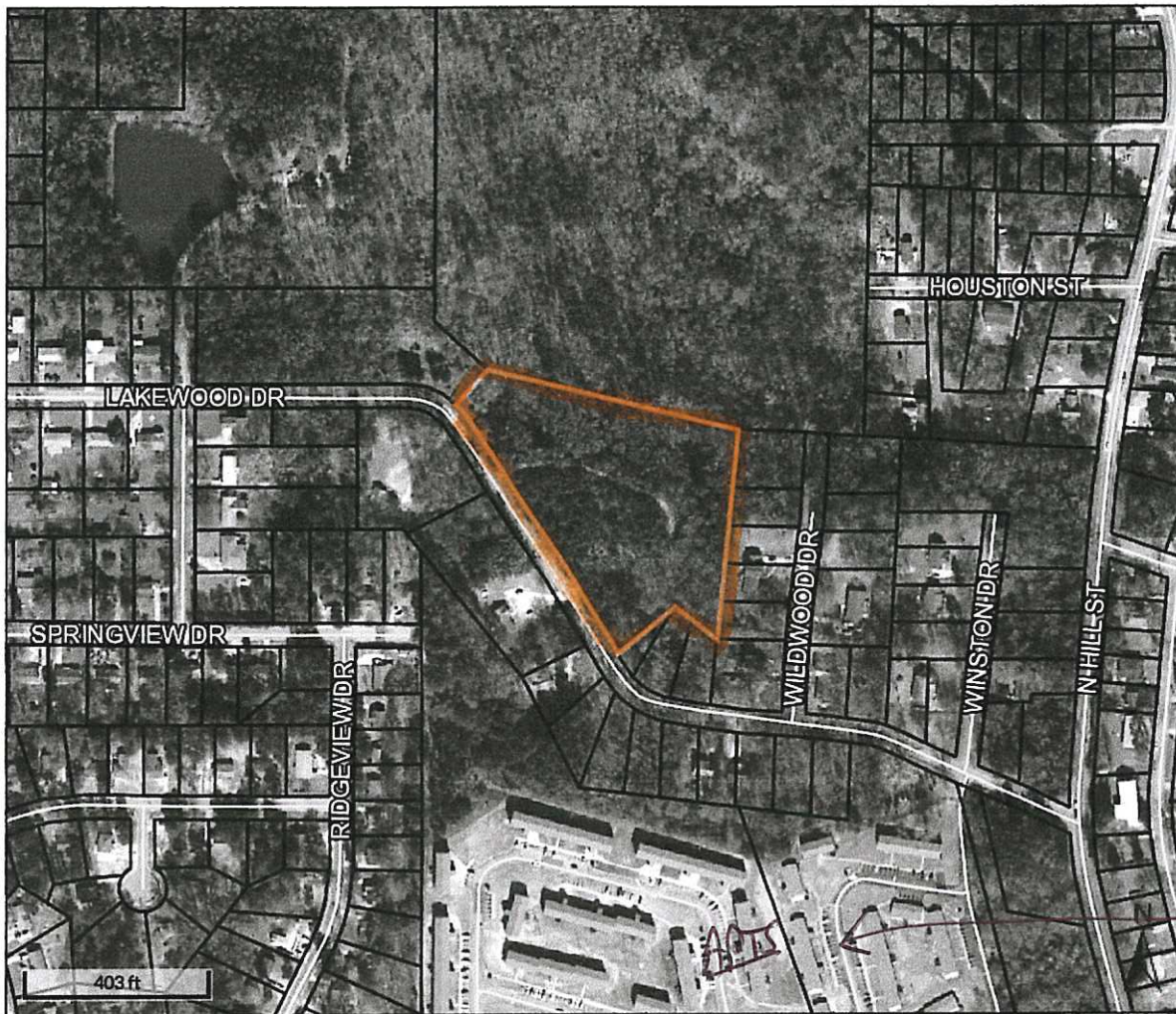
The Spalding County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information shown is PRELIMINARY and has NOT BEEN APPROVED by the Board of Assessors.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

[User Privacy Policy](#)  
[GDPR Privacy Notice](#)

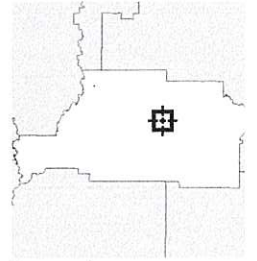
Last Data Upload: 3/23/2020, 6:54:51 AM

Version 2.3.46

Developed by  
 Schneider  
 GEOSPATIAL



Overview



Legend

- Parcels
- Roads

ALL HOMES  
SINGLE FAMILY  
AND  
APARTMENTS

Parcel ID	115B01010	Owner	WARD HASKELL SEARS & LEAH WARD	Last 2 Sales			
Class Code	Residential		3286 NORTHSIDE PKWY NW	Date	Price	Reason	Qual
Taxing District	SPALDING COUNTY		UNIT 603	8/1/2014	0	GF	U
	SPALDING COUNTY		ATLANTA GA 30327	7/15/2014	\$12000	LM	Q
Acres	4.6	Physical Address	591 LAKEWOOD DR				
		Assessed Value	Value \$36252				
		Land Value	Value \$36252				

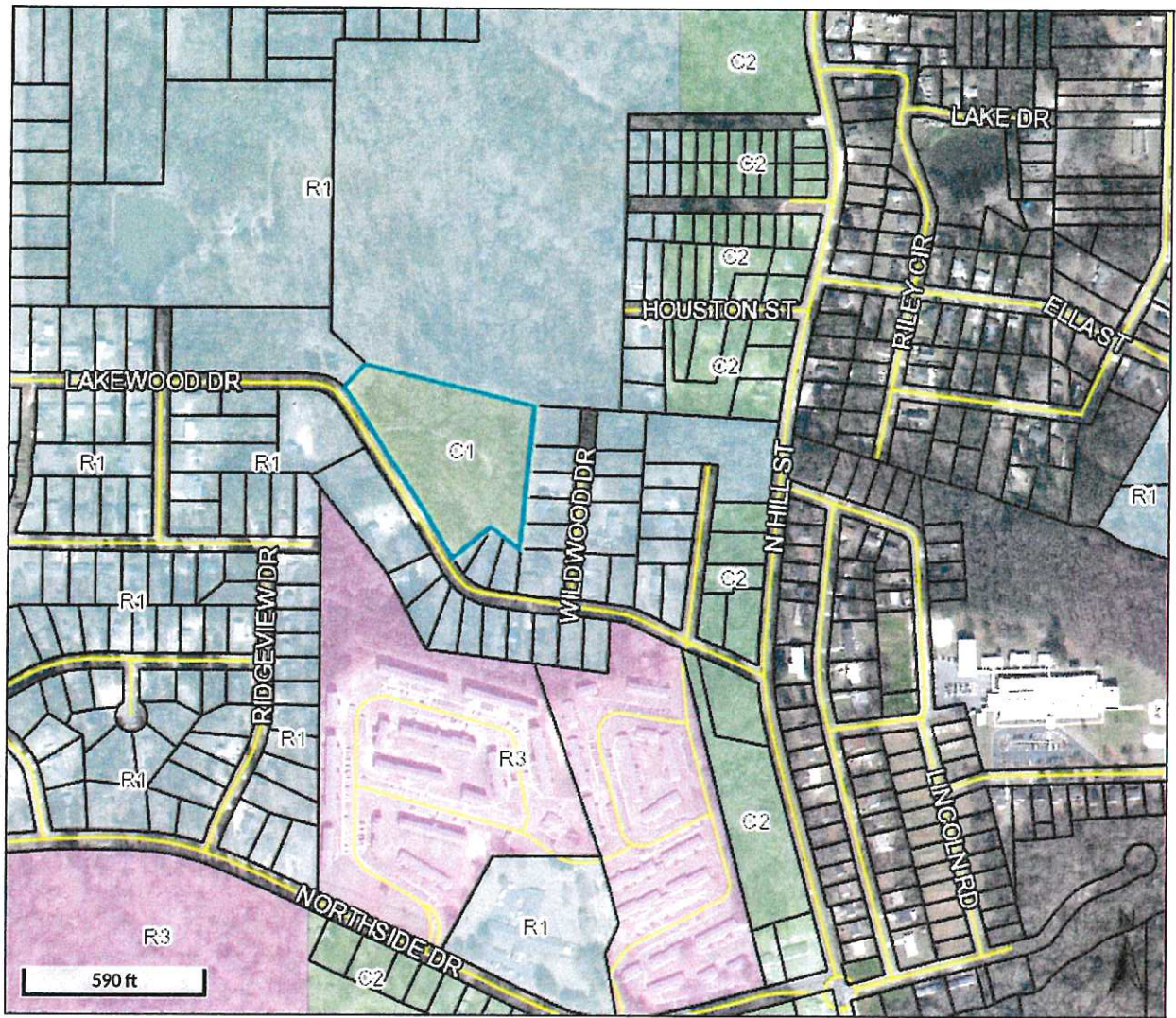
(Note: Not to be used on legal documents)

Date created: 3/23/2020

Last Data Uploaded: 3/23/2020 6:54:51 AM

Developed by Schneider  
GEOSPATIAL





---

# SPALDING COUNTY PLANNING COMMISSION

---

**DATE:** April 22, 2020

**TO:** Spalding County Planning Commission  
Spalding County Board of Commissioners

**FROM:** Department of Community Development

**RE: Rezoning Application # 20-05Z**  
**Total acreage: 4.6 acres**  
**C-1 to R-4**

---

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

**Identification of the Property:**

**Size and location:**

The application requests rezoning on a total of 4.6 acres, more or less, located at 591 Lakewood Dr., Griffin, GA 30223. In the 3<sup>rd</sup> Land District, in Land Lot 12. (The "Subject Property")

**Current Owner:**

Leah Ward Sears  
Haskell Sears Ward  
3286 Northside Parkway  
Unit 603  
Atlanta, GA 30327

**Agent/Developer**

Tony L. Jones  
1739 Honeybee Creek Dr  
Griffin, GA 30224

**Overview of Development:**

Applicants request approval to rezone the Subject Property from C-1, Highway Commercial to R-4, Single Family Residential. The tract consists of 4.6 acres. The Applicants propose to utilize the property for a single family home. The single family home development is consistent with the area.

**Current Area Development**

**Current Zoning/ Authorized Development:**

The property is currently zoned C1 highway commercial. C1 allows for retail business and/ or services. Its uses are not pedestrian oriented, and it does not allow outside storage.

**Land Use Plan:**

Pursuant to the "Spalding County Comprehensive Plan, 2017-2037, as approved in December 2017," the request is consistent with the plan and associated future Land Use Map classification of Rural Neighborhood.

**Schools:**

Impact on schools will be slight at most since the property once rezoned from C-1 to R-4 will allow for development of only a small number of new residences. The rezoning application only seeks approval for one single family residence.

**Compliance with Zoning Ordinance Development Standards:**

**R-4 Development Standards:**

**Minimum heated floor area per dwelling unit:**  
1,500 square feet

**Minimum lot area:** Outside of a conservation subdivision in no case less than 2 acres, with reductions if the property is served by public water and sewer.

**Minimum lot width:** each lot shall have a minimum 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 lot width may be reduced to 125 feet. Where public water and public sewer are provided, the minimum lot width may be reduced to 100 feet.



**Minimum front yard depth:**

1. 100 feet. However, the minimum front yard may be reduced to 70 feet where public sewer is provided.

2. Irrespective of the provision of public sewer, the minimum front yard depth may be reduced to 50 feet if:

a. The lot is located within a development governed by the Subdivision Ordinance of Spalding County and the reduced setback and criteria stated herein applied to each lot within the subdivision (subject to approval as stated in subsection (e) by the Spalding County Health Department); or

b. The lot is located in a subdivision with curb and gutter are installed;

c. The front yard must be fully sodded;

d. The lot must have a paved driveway;

**Minimum side-yard depth:** 25 feet, which may be reduced to 12 feet where public water is provided

**Minimum rear-yard depth:** 25 feet.

**Maximum building height:** 35 feet.

**Utilities & Infrastructure:**

**Transportation:**

No change required

**Water:**

The site is accessible to public water (Source: City of Griffin Water & Wastewater Department)

**Sewerage:**

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

**Wetlands/Watershed Area:**

This site abuts the flood zone shown on FEMA Map, Panel # **13255C0069E**, effective on **06/07/2017** for Cabin Creek, Tributary 21.

**Staff Recommendations:**

Pursuant to UDO, Section 414(F), Staff provides the following analysis of the zoning criteria set forth therein:

- A. The existing uses and zoning of nearby property: The Subject Property is located adjacent to and in the vicinity of properties zoned R-1. The proposed rezoning to R-4 is consistent with the neighborhood;
- B. The suitability of the property for the proposed purpose: The Subject Property is appropriate for residential subdivision development;
- C. The length of time the property has been vacant: Though the Subject Property has been zoned C-1 for commercial development for many years, it has not been developed, and current surrounding uses of adjoining properties suggest that commercial zoning is inappropriate and not economically viable;
- D. The threat to the public health, safety, and welfare if rezoned: Because adjoining and neighborhood properties are both zoned and used for residential development, re-zoning the Subject Property to R-4 will present no public health or safety issue;
- E. The extent to which the value of the property is diminished by the present zoning: Since the Subject Property has been undeveloped for decades, there appears to be no reasonable economic use of the Subject Property as zoned;
- F. The balance between the hardship on the property owner and the benefit to the public in not rezoning: Because the surrounding area is zoned and developed residentially, the public will benefit from consistent zoning and development on the Subject Property.

Staff recommends **APPROVAL** of the application and that the Subject Property be zoned to R-4 without conditions.

**SPALDING COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**April 28, 2020**

The Spalding County Planning Commission held its regular monthly meeting on April 28, 2020 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; and Frank Harris. Absent was member Sonny Eubanks.

Also present were William P. Wilson, Jr., County Manager; Deborah Bell, Community Development Director; Newton Galloway, Zoning Attorney; and Teresa Watson 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 #20-05Z:** Haskell Sears Ward and Leah Ward Sears, Owners – Tony L. Jones, Agent – 591 Lakewood drive (4.60 acres, more or less, located in land Lot 158 of the 3<sup>rd</sup> Land District) – requesting a rezoning from C-1 Highway Commercial, to R-4, Single Family Residential.

Tony L. Jones, Agent, 1739 Honeybee Creek Drive, Griffin, GA 30224 addressed the Board for the applicants who are requesting approval to rezone the subject property from C-1, Highway Commercial, to R-4, Single Family Residential. The applicants propose to utilize the property for a single-family home, and the single-family home development is consistent with the area. The property is wooded and suitable for single-family homes, which they contend is the property's highest and best use.

In the interest of full disclosure, Mr. Galloway noted that Mr. Jones performs work for him, and he noted he is friends with both applicants. This piece of commercial property is right in the middle of residential zoning. This application is consistent with the FLUM and with adjacent zoning. There is minor impact for the Cabin Creek tributary. Staff recommends approval of the application and that the subject property be zoned R-4 without conditions.

***Motion/second to approve Application #20-05Z as presented, by Messrs. Cox/Harris, carried unanimously at 4-0.***

**S/D #20-01: Orchard on Ellis** – Naomi Luke, Owner – 125.731 acres on Ellis Road located in Land Lots 11 and 22 of the 4<sup>th</sup> Land District – 8 lots.

The applicant proposes an eight-lot, single family residential subdivision that will consist of lots ranging from 6.4 acres to 41.3 acres. It must be noted that the Board of Commissioners voted on June 3, 2002 to approve rezoning for the subject property and conditioned the rezoning per the submitted plat. A plat was previously approved in 2005 and infrastructure installed, but the plat eventually expired. It has been re-reviewed under current standards. Staff report recommends approval of the extension of the preliminary plat.

David Luke, son of the developer, 8260 Wallace Wood Road, noted the project was started before the housing crash. The plat was approved in 2005 and he was hoping to move on with it when the virus hit.

Newton Galloway said Chad Jacobs, previous Community Development Director, recommended approval of the extension. He understands the plat approval expired but he also noted it had been re-reviewed under current standards, so this is really for an approval and not an extension. It is essentially

a new plat reviewed to new standards. He noted for Mr. Cox that only the final plat goes to the Board of Commissioners.

***Motion/second to approve Application S/D #20-01 as presented, by Messrs. Ballard/Cox, carried by a unanimous vote of 4-0.***

**Amendment to UDO #A-20-01:** Article 2. Definitions of Terms Used – amend definition of Antenna and add definition of Wireless facility, small.

Mr. Galloway noted we will discuss Items 3 and 4 (Amendments to UDO #A-20-01 and UDO #A-20-02) together and then vote on each separately. He reviewed these during the February meeting and asked members to peruse before consideration at this meeting. We are adding Small Cell Wireless Facilities as defined by the legislature last year. This will allow for ease of access in public rights-of-way. Our verbiage is from that statute in this new section for small cell wireless.

As previously addressed by Zoning Attorney, Newton Galloway, the adoption of this text amendment will amend the definition of Antenna and add the definition of Wireless Facility, Small. Some brief discussion followed. These amendments are the heart of the statute passed legislatively last year for small cell wireless, pursuant to a permitting process with identification of placement. There are extremely limited parameters for denying placement. Mr. Ballard felt the state was jumping the gun. Mr. Galloway requested that any approval by the Planning Commission include the caveat that he would correct a few typographical errors that he had identified.

***Motion/second to approve Amendment to UDO #A-20-01 as presented, by Messrs. Ballard/Harris, carried by a unanimous vote of 4-0.***

**Amendment to UDO #A-20-02:** Appendix I. Ordinance to Establish Standards for Telecommunications Antennas and Towers – amend definition of Antenna, add definition of Wireless facility, small and add Provisions Applicable to Facilities Other than Wireless Facilities, Small.

Adoption of this text amendment will update Appendix I. Ordinance to Establish Standards for Telecommunications Antennas and Towers regarding Antennas; Wire Facility, Small; Provisions Applicable to Facilities Other than Wireless Facilities, Small; and Provision Applicable to Wireless Facilities, Small.

***Motion/second to approve Amendment to UDO #A-20-02 as presented, by Messrs. Ballard/Cox, carried by a unanimous vote of 4-0.***

**Amendment to UDO #A-20-03:** Appendix A. Subdivision Ordinance – Section 502:G(22) – delete private road Sunset Strip and add as “Reserved”.

Zoning Attorney, Newton Galloway, advises the adoption of this amendment will update the Subdivision Ordinance section on private roads.

Mr. Wilson noted that he and Leonard English visited all the private roads back in the 1990s to create a list of private roads. Research in the 1960s revealed this road was actually given to the County via a church. This action will move the dirt road, Sunset Strip, to the public and the County will maintain it, as we have for in excess of five years now. Galloway said years ago Spalding County enumerated private roads, allowing development to continue on them, but prohibiting any more future private roads. Mr. Wilson located a Google Earth image for Mr. Cox.



***Motion/second to approve Amendment to UDO #A-20-03 as presented, by Messrs. Cox/Ballard, carried by a unanimous vote of 4-0.***

**Amendment to UDO #A-20-04:** Article 2. Definitions of Terms Used – Section 202:DD’- add definition of Event Center, rural; Article 5. AR-1 – Section 503:B – add Event Center, rural, as special exception and Section 503:D – add Event Center, rural, as accessory use; Article 6A. A-T – Section 603A:C – add Event Center, rural, as accessory use.

Zoning Attorney, Newton Galloway, advises that adoption of this text amendment will add Event Center, Rural, to AR-1 and A-T districts. Some things have fallen through the cracks with this application, as everything was not completed, and he would like to see the Planning Commission table the matter until they can provide some missing parts. Some discussion followed regarding the arbitrary limitation of 200 guests. There are quite often more than 200 at events such as family reunions, etc. Size limitations are generally arbitrary and intended to not overcrowd on acreage. This is only in AR-1 and as an accessory use under home occupations. A brief discussion followed. Mr. Cox asked about the difference between home occupation and commercial for these event centers, and Mr. Galloway noted this action was not for commercial designations. He noted that the Special Exceptions will need Board of Commission approval. Mr. Harris asked about dark sky lighting turned downward, and it was suggested they use the normal wording used by Mr. Jacobs previously that designated lighting so as not to shine or glare on adjacent properties. Most felt that would be adequate. Mr. Galloway stated he would provide the omissions and complete the application for approval later.

***Motion/second by Messrs. Cox/Ballard to table Amendment to UDO #A-20-04 until the next meeting carried by a unanimous vote of 4-0.***

## **MINUTES**

***Motion/second to approve the Minutes of the February 25, 2020 meeting of the Spalding County Planning Commission as presented, by Messrs. Ballard/Harris, carried by a unanimous vote of 4-0.***

***There were no minutes for the March 31, 2020 meeting of the Spalding County Planning Commission, as that meeting was cancelled.***

## **OTHER**

***Mr. Wilson advised the City and County were in conversation about how to proceed during this phase of the pandemic. Both felt it would be prudent to end the work force rotation or shift work on May 11 with all employees back to work. Barring any unforeseen circumstances, we plan to open the City of Griffin and Spalding County to the public on May 14 after the shelter in place expires. The exception to this plan for Spalding County will be Parks and Recreation at a later date and the Senior Center which will be the last to open, perhaps in June or July.***

## **ADJOURN**

***Motion/second by Messrs. Ballard/Youmans to adjourn the meeting at 7:43 p.m. carried by a unanimous 4-0.***

---

John Youmans – Chair

---

Teresa Watson – Recorder



## SPALDING COUNTY BOARD OF COMMISSIONERS Amendment to UDO #A-20-01

---

**Requesting Agency**

Office of Community Development

---

**Requested Action**

**Amendment to UDO #A-20-01:** Article 2. Definitions of Terms Used - amend definition of Antenna and add definition of Wireless facility, small.

---

**Requirement for Board Action**

Article 4. General Procedures - Section 414.

---

**Is this Item Goal Related?**

No

---

**Summary and Background**

The adoption of this text amendment will amend the definition of Antenna and add definition of Wireless facility, small.

---

**Fiscal Impact / Funding Source**

---

**STAFF RECOMMENDATION**

**APPROVAL.**

**PLANNING COMMISSION RECOMMENDS APPROVAL.**

**ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> Resolution #A-20-01	5/21/2020	Backup Material
<input type="checkbox"/> Minutes 04-28-20 PC	5/21/2020	Backup Material

IN RE:

***Text Amendment #A-20-01***

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

RESOLUTION AMENDING  
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, the Board of Commissioners of Spalding County has determined that it is in the best interests of the citizens of Spalding County for certain text revisions and amendments to be made to the Zoning Ordinance of Spalding County;

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on May 28, 2020 pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Georgia: Article 2, “Definitions of Terms Used:” 202(G).

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Georgia to appear as Article 2, "Definitions of Terms Used," to appear as Section 202(G):

**Section 202: General Definitions**

(G') *Antenna:*

- a. Any exterior apparatus designed for telephone, radio or television communication through the sending and/or receiving of electromagnetic waves;
- b. Communications equipment that transmits, received, or transmits and received electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications; or
- c. Communications equipment similar to equipment described in subparagraph (b) of this section used for the transmission, reception or transmission and reception of surface waves.
- d. Antennas designed for television broadcasts, amateur radio use, or satellite dishes for residential or household purposes are not included within this definition.

Section 3: The following provision shall be added to the Zoning Ordinance of Spalding County, Georgia to appear as Article 2, "Definitions of Terms Used," to appear as Section 202(TTT'):

**Section 202: General Definitions**

(TTT') *Wireless facility, small:* radio transceivers; surface wave couplers; antennas; coaxial, fiber optic or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and the meet both of that following qualifications:

1. Each wireless provider's antenna will fit within an enclosure of no more than six (6) cubic feet in volume; and
2. All other wireless equipment associated with the facility is cumulatively no more than twenty-eight (28) cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility:
  - a. Electric meters;
  - b. Concealment elements;

- c. Telecommunications demarcation boxes;
  - d. Grounding equipment;
  - e. Power transfer switches;
  - f. Cut-off Switches; and
  - g. Vertical cable runs for connection of power and other services.
3. This term does not include a pole, decorative pole, or support structure on, under or within which the equipment is located or collocated or to which the equipment is attached and shall not include any wireline backhaul facilities or coaxial, fiber optice or other cabling that is between small wireless facilities, polies, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna.

Section 4: The foregoing amendments to the Zoning Ordinance of Spalding County shall become effective immediately upon adoption of this resolution.

Section 5: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.



**SPALDING COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**April 28, 2020**

The Spalding County Planning Commission held its regular monthly meeting on April 28, 2020 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; and Frank Harris. Absent was member Sonny Eubanks.

Also present were William P. Wilson, Jr., County Manager; Deborah Bell, Community Development Director; Newton Galloway, Zoning Attorney; and Teresa Watson 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 #20-05Z:** Haskell Sears Ward and Leah Ward Sears, Owners – Tony L. Jones, Agent – 591 Lakewood drive (4.60 acres, more or less, located in land Lot 158 of the 3<sup>rd</sup> Land District) – requesting a rezoning from C-1 Highway Commercial, to R-4, Single Family Residential.

Tony L. Jones, Agent, 1739 Honeybee Creek Drive, Griffin, GA 30224 addressed the Board for the applicants who are requesting approval to rezone the subject property from C-1, Highway Commercial, to R-4, Single Family Residential. The applicants propose to utilize the property for a single-family home, and the single-family home development is consistent with the area. The property is wooded and suitable for single-family homes, which they contend is the property's highest and best use.

In the interest of full disclosure, Mr. Galloway noted that Mr. Jones performs work for him, and he noted he is friends with both applicants. This piece of commercial property is right in the middle of residential zoning. This application is consistent with the FLUM and with adjacent zoning. There is minor impact for the Cabin Creek tributary. Staff recommends approval of the application and that the subject property be zoned R-4 without conditions.

***Motion/second to approve Application #20-05Z as presented, by Messrs. Cox/Harris, carried unanimously at 4-0.***

**S/D #20-01: Orchard on Ellis** – Naomi Luke, Owner – 125.731 acres on Ellis Road located in Land Lots 11 and 22 of the 4<sup>th</sup> Land District – 8 lots.

The applicant proposes an eight-lot, single family residential subdivision that will consist of lots ranging from 6.4 acres to 41.3 acres. It must be noted that the Board of Commissioners voted on June 3, 2002 to approve rezoning for the subject property and conditioned the rezoning per the submitted plat. A plat was previously approved in 2005 and infrastructure installed, but the plat eventually expired. It has been re-reviewed under current standards. Staff report recommends approval of the extension of the preliminary plat.

David Luke, son of the developer, 8260 Wallace Wood Road, noted the project was started before the housing crash. The plat was approved in 2005 and he was hoping to move on with it when the virus hit.

Newton Galloway said Chad Jacobs, previous Community Development Director, recommended approval of the extension. He understands the plat approval expired but he also noted it had been re-reviewed under current standards, so this is really for an approval and not an extension. It is essentially

a new plat reviewed to new standards. He noted for Mr. Cox that only the final plat goes to the Board of Commissioners.

***Motion/second to approve Application S/D #20-01 as presented, by Messrs. Ballard/Cox, carried by a unanimous vote of 4-0.***

**Amendment to UDO #A-20-01:** Article 2. Definitions of Terms Used – amend definition of Antenna and add definition of Wireless facility, small.

Mr. Galloway noted we will discuss Items 3 and 4 (Amendments to UDO #A-20-01 and UDO #A-20-02) together and then vote on each separately. He reviewed these during the February meeting and asked members to peruse before consideration at this meeting. We are adding Small Cell Wireless Facilities as defined by the legislature last year. This will allow for ease of access in public rights-of-way. Our verbiage is from that statute in this new section for small cell wireless.

As previously addressed by Zoning Attorney, Newton Galloway, the adoption of this text amendment will amend the definition of Antenna and add the definition of Wireless Facility, Small. Some brief discussion followed. These amendments are the heart of the statute passed legislatively last year for small cell wireless, pursuant to a permitting process with identification of placement. There are extremely limited parameters for denying placement. Mr. Ballard felt the state was jumping the gun. Mr. Galloway requested that any approval by the Planning Commission include the caveat that he would correct a few typographical errors that he had identified.

***Motion/second to approve Amendment to UDO #A-20-01 as presented, by Messrs. Ballard/Harris, carried by a unanimous vote of 4-0.***

**Amendment to UDO #A-20-02:** Appendix I. Ordinance to Establish Standards for Telecommunications Antennas and Towers – amend definition of Antenna, add definition of Wireless facility, small and add Provisions Applicable to Facilities Other than Wireless Facilities, Small.

Adoption of this text amendment will update Appendix I. Ordinance to Establish Standards for Telecommunications Antennas and Towers regarding Antennas; Wire Facility, Small; Provisions Applicable to Facilities Other than Wireless Facilities, Small; and Provision Applicable to Wireless Facilities, Small.

***Motion/second to approve Amendment to UDO #A-20-02 as presented, by Messrs. Ballard/Cox, carried by a unanimous vote of 4-0.***

**Amendment to UDO #A-20-03:** Appendix A. Subdivision Ordinance – Section 502:G(22) – delete private road Sunset Strip and add as “Reserved”.

Zoning Attorney, Newton Galloway, advises the adoption of this amendment will update the Subdivision Ordinance section on private roads.

Mr. Wilson noted that he and Leonard English visited all the private roads back in the 1990s to create a list of private roads. Research in the 1960s revealed this road was actually given to the County via a church. This action will move the dirt road, Sunset Strip, to the public and the County will maintain it, as we have for in excess of five years now. Galloway said years ago Spalding County enumerated private roads, allowing development to continue on them, but prohibiting any more future private roads. Mr. Wilson located a Google Earth image for Mr. Cox.

***Motion/second to approve Amendment to UDO #A-20-03 as presented, by Messrs. Cox/Ballard, carried by a unanimous vote of 4-0.***

**Amendment to UDO #A-20-04:** Article 2. Definitions of Terms Used – Section 202:DD’- add definition of Event Center, rural; Article 5. AR-1 – Section 503:B – add Event Center, rural, as special exception and Section 503:D – add Event Center, rural, as accessory use; Article 6A. A-T – Section 603A:C – add Event Center, rural, as accessory use.

Zoning Attorney, Newton Galloway, advises that adoption of this text amendment will add Event Center, Rural, to AR-1 and A-T districts. Some things have fallen through the cracks with this application, as everything was not completed, and he would like to see the Planning Commission table the matter until they can provide some missing parts. Some discussion followed regarding the arbitrary limitation of 200 guests. There are quite often more than 200 at events such as family reunions, etc. Size limitations are generally arbitrary and intended to not overcrowd on acreage. This is only in AR-1 and as an accessory use under home occupations. A brief discussion followed. Mr. Cox asked about the difference between home occupation and commercial for these event centers, and Mr. Galloway noted this action was not for commercial designations. He noted that the Special Exceptions will need Board of Commission approval. Mr. Harris asked about dark sky lighting turned downward, and it was suggested they use the normal wording used by Mr. Jacobs previously that designated lighting so as not to shine or glare on adjacent properties. Most felt that would be adequate. Mr. Galloway stated he would provide the omissions and complete the application for approval later.

***Motion/second by Messrs. Cox/Ballard to table Amendment to UDO #A-20-04 until the next meeting carried by a unanimous vote of 4-0.***

## **MINUTES**

***Motion/second to approve the Minutes of the February 25, 2020 meeting of the Spalding County Planning Commission as presented, by Messrs. Ballard/Harris, carried by a unanimous vote of 4-0.***

***There were no minutes for the March 31, 2020 meeting of the Spalding County Planning Commission, as that meeting was cancelled.***

## **OTHER**

***Mr. Wilson advised the City and County were in conversation about how to proceed during this phase of the pandemic. Both felt it would be prudent to end the work force rotation or shift work on May 11 with all employees back to work. Barring any unforeseen circumstances, we plan to open the City of Griffin and Spalding County to the public on May 14 after the shelter in place expires. The exception to this plan for Spalding County will be Parks and Recreation at a later date and the Senior Center which will be the last to open, perhaps in June or July.***

## **ADJOURN**

***Motion/second by Messrs. Ballard/Youmans to adjourn the meeting at 7:43 p.m. carried by a unanimous 4-0.***

---

John Youmans – Chair

---

Teresa Watson – Recorder



## SPALDING COUNTY BOARD OF COMMISSIONERS Amendment to UDO #A-20-02

---

**Requesting Agency**

Office of Community Development

---

**Requested Action**

**Amendment to UDO #A-20-02:** Appendix I. Ordinance to Establish Standards for Telecommunications Antennas and Towers - amend definition of Antenna, add definition of Wireless facility, small and add Provisions Applicable to Facilities Other than Wireless Facilities, Small.

---

**Requirement for Board Action**

Article 4. General Procedures - Section 414.

---

**Is this Item Goal Related?**

No

---

**Summary and Background**

The adoption of this text amendment will update Appendix I. Ordinance to Establish Standards for Telecommunications Antennas and Towers regarding Antennas; Wireless facility, small; Provisions Applicable to Facilities Other Than Wireless Facilities, Small; and Provision Applicable to Wireless Facilities, Small.

---

**Fiscal Impact / Funding Source**

---

**STAFF RECOMMENDATION****APPROVAL****PLANNING COMMISSION RECOMMENDS APPROVAL****ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> Resolution #A-20-02	5/21/2020	Backup Material
<input type="checkbox"/> Minutes 04-28-20 PC	5/21/2020	Backup Material

IN RE:

***Text Amendment #A-20-02***

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

RESOLUTION AMENDING  
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA,  
APPENDIX I, ORDINANCE TO ESTABLISH STANDARDS FOR  
TELECOMMUNICATIONS ANTENNAS AND TOWERS

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Ordinance to Establish Standards for Telecommunications Antennas and Towers, as Appendix I, thereto;

WHEREAS, the Board of Commissioners of Spalding County has determined that it is in the best interests of the citizens of Spalding County for certain text revisions and amendments to be made to the Zoning Ordinance of Spalding County, Appendix I, Ordinance to Establish Standards for Telecommunications Antennas and Towers;

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County, Appendix I, Ordinance to Establish Standards for Telecommunications Antennas and Towers were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County, Appendix I, Ordinance to Establish Standards for Telecommunications Antennas and Towers was conducted by the Board of Commissioners of Spalding County, Georgia on May 28, 2020 pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia, Appendix I, Ordinance to Establish Standards for Telecommunications Antennas and Towers is in conformance with the



Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1: The following provision shall be added to the Zoning Ordinance of Spalding County, Georgia Appendix I, Ordinance to Establish Standards for Telecommunications Antennas and Towers to add the identification of “Article 1, DEFINITIONS” thereto to include the provisions currently identified as Section 1. The designation “Section 1 Definitions” shall be deleted.

Section 2: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Georgia, Appendix I, Ordinance to Establish Standards for Telecommunications Antennas and Towers: Section 1(B), as currently designated.

Section 3: The following provision shall be added to the Zoning Ordinance of Spalding County, Georgia Appendix I, Ordinance to Establish Standards for Telecommunications Antennas and Towers to appear as Article 1, “Definitions,” (B):

#### **Article 1      DEFINITIONS**

##### **(B) *Antenna:***

- a. Any exterior apparatus designed for telephone, radio or television communication through the sending and/or receiving of electromagnetic waves;
- b. Communications equipment that transmits, received, or transmits and received electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications; or
- c. Communications equipment similar to equipment described in subparagraph (b) of this section used for the transmission, reception or transmission and reception of surface waves.
- d. Antennas designed for television broadcasts, amateur radio use, or satellite dishes for residential or household purposes are not included within this definition.

Section 4: The following provision shall be added to the Zoning Ordinance of Spalding County, Georgia, Appendix I, Ordinance to Establish Standards for Telecommunications Antennas and Towers to appear as Article 1, “Definitions” (H):

#### **Article 1.      DEFINITIONS**

(H) *Wireless facility, small*: radio transceivers; surface wave couplers; antennas; coaxial, fiber optic or other cabling; power supply; backup batteries; and comparable and associated equipment, regardless of technological configuration, at a fixed location or fixed locations that enable communication or surface wave communication between user equipment and a communications network and the meet both of that following qualifications:

1. Each wireless provider's antenna will fit within an enclosure of no more than six (6) cubic feet in volume; and
2. All other wireless equipment associated with the facility is cumulatively no more than twenty-eight (28) cubic feet in volume, measured based upon the exterior dimensions of height by width by depth of any enclosure that may be used. The following types of associated ancillary equipment are not included in the calculation of the volume of all other wireless equipment associated with any such facility:
  - a. Electric meters;
  - b. Concealment elements;
  - c. Telecommunications demarcation boxes;
  - d. Grounding equipment;
  - e. Power transfer switches;
  - f. Cut-off Switches; and
  - g. Vertical cable runs for connection of power and other services.
3. This term does not include a pole, decorative pole, or support structure on, under or within which the equipment is located or collocated or to which the equipment is attached and shall not include any wireline backhaul facilities or coaxial, fiber optic or other cabling that is between small wireless facilities, poles, decorative poles, or support structures or that is not otherwise immediately adjacent to or directly associated with a particular antenna.

Section 4: The following provision shall be added to the Zoning Ordinance of Spalding County, Georgia Appendix I, Ordinance to Establish Standards for Telecommunications Antennas and Towers to add the identification of "Article 2, PROVISIONS APPLICABLE TO FACILITIES OTHER THAN WIRELESS FACILITIES, SMALL." Article 2 shall include the following existing provisions of the Appendix I, designated and numbered as follows:

- a. Existing "Section 2 – Applicability of ordinance" shall be designated and entitled: "Section 1. Applicability;"
- b. Existing "Section 3 – Guidelines and requirements" shall be designated and entitled: "Section 2. Guidelines and Requirements;"
- c. Existing "Section 4 – Permitted uses" shall be designated and entitled: "Section 3. Permitted Uses;"
- d. Existing "Section 5 – Administrative approval" shall be designated and entitled: "Section 4. Administrative Approval;"

- e. Existing “Section 6 – Criteria for approval” shall be designated and entitled: “Section 5. Criteria for Approval;”
- f. Existing “Section 7 – Abandoned towers and antennas” shall be designated and entitled: “Section 6. Abandoned Towers and Antennas.”

Section 5: The following provisions shall be added to the Zoning Ordinance of Spalding County, Georgia Appendix I, Ordinance to Establish Standards for Telecommunications Antennas and Towers to appear as: “Article 3. PROVISIONS APPLICABLE TO WIRELESS FACILITIES, SMALL.”

### **Article 3. PROVISIONS APPLICABLE TO WIRELESS FACILITIES, SMALL**

#### **Section 1. Intent:**

The provisions of this Article implement the Georgia Streamlining Wireless Facilities and Antennas Act, codified at O.C.G.A. § 36-66C-1, et seq. and ensure that the use of the public rights of way in Spalding County is consistent with the design, appearance and other features of nearby land uses, protects the integrity of historic, cultural and scenic resources and does not harm the quality of life of nearby residents.

#### **Section 2. Additional Definitions**

As used in this Article, the following terms have the following meanings:

- A. “Act” means: the Georgia Streamlining Wireless Facilities Antennas Act., O.C.G.A. § 36-66C-1, et seq.
- B. “Antenna” means: (i) communications equipment that transmits, receives, or transmits and receives electromagnetic radio frequency signals used in the provision of wireless services or other wireless communications; or (ii) Communications equipment similar to equipment described in part (i) used for the transmission, reception, or transmission and reception of surface waves. Such term shall not include television broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.
- C. “Applicable Codes” means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the State of Georgia or the County or are otherwise applicable in the County.
- D. “Applicant” means any person that submits an application.
- E. “Application” means a written request submitted by an applicant to the County for a permit to: (i) collocate a small wireless facility in a right of way; or (ii) install,

modify, or replace a pole or decorative pole in a right of way on which a small wireless facility is or will be collocated.

- F. “Authority Pole” means a pole owned, managed, or operated by or on behalf of the County. Such term shall not include poles, support structures, electric transmission structures, or equipment of any type owned by an electric supplier.
- G. “Collocate” or “Collocation” means to install, mount, modify, or replace a small wireless facility on or adjacent to a pole, decorative pole, or support structure.
- H. “Communications Facility” means the set of equipment and network components, including wires and cables and associated equipment and network components, used by a communications service provider to provide communications services.
- I. “Communications Service Provider” means a provider of communications services.
- J. “Communications Services” means cable service as defined in 47 U.S.C. § 522(6); telecommunications service as defined in 47 U.S.C. § 153(53); information service as defined in 47 U.S.C. Section 153(24), as each such term existed on January 1, 2019; or wireless services.
- K. “Consolidated Application” means an application for the collocation of multiple small wireless facilities on existing poles or support structures or for the installation, modification, or replacement of multiple poles and the collocation of associated small wireless facilities.
- L. “Pole Decorative” means an authority pole that is specially designed and placed for aesthetic purposes.
- M. “Electric Supplier” means any electric light and power company subject to regulation by the Georgia Public Service Commission, any electric membership corporation furnishing retail service in this state, and any municipality which furnishes such service within this state.
- N. “Eligible Facilities Request” means an eligible facilities request as set forth in 47 C.F.R. § 1.40001(b)(3), as it existed on January 1, 2019.
- O. “Fee” means a one-time, nonrecurring charge based on time and expense.
- P. “Historic District” means: (i) any district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the secretary of the interior of the United States in accordance with Section VI.D.1.a.iv of the Nationwide Programmatic Agreement codified by 47 C.F.R. Part

1; (ii) any area designated as a historic district under Article 2 of Chapter 10 of Title 44, the Georgia Historic Preservation Act'; or (iii) any area designated as a historic district or property by law prior to April 26, 2019.

- Q. “Law” means and includes any and all federal, state, or local laws, statutes, common laws, codes, rules, regulations, orders, or ordinances.
- R. “Micro Wireless Facility” means a small wireless facility not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height that has an exterior antenna, if any, no longer than 11 inches.
- S. “Permit” means a written authorization, in electronic or hard copy format, required to be issued by the County to initiate, continue, or complete the collocation of a small wireless facility or the installation, modification, or replacement of a pole or decorative pole upon which a small wireless facility is collocated.
- T. “Person” means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an authority.
- U. “Pole” means a vertical pole such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal, or other material that is lawfully located or to be located within a right of way, including without limitation a replacement pole and an authority pole. Such term shall not include a support structure, decorative pole, or electric transmission structure.
- V. “Rate” means a recurring charge.
- W. “Reconditioning Work” means the activities associated with substantially painting, reconditioning, improving, or repairing authority poles.
- X. “Replace,” “Replacement” or “Replacing” means to replace a pole or decorative pole with a new pole or a new decorative pole, similar in design, size, and scale to the existing pole or decorative pole consistent with 47 C.F.R. § 1.40001(b)(7) as it existed on January 1, 2019, in order to address limitations of, or change requirements applicable to, the existing pole to structurally support the collocation of a small wireless facility.
- Y. “Replacement Work” means the activities associated with replacing an authority pole.
- Z. “Right of Way” means, generally, property or any interest therein, whether or not in the form of a strip, which is acquired for or devoted to a public road; provided, however, that such term shall apply only to property or an interest therein that is under the ownership or control of the County and shall not include property or any



interest therein acquired for or devoted to an interstate highway or the public rights, structures, sidewalks, facilities, and appurtenances of buildings for public equipment and personnel used for or engaged in administration, construction, or maintenance of public roads or research pertaining thereto or scenic easements and easements of light, air, view and access.

- AA. “Support Structure” means a building, billboard, water tank, or any other structure to which a small wireless facility is or may be attached. Such term shall not include a decorative pole, electric transmission structure, or pole.
- BB. “Wireless Infrastructure Provider” means any person, including a person authorized to provide telecommunications services in this state, that builds, installs, or operates small wireless facilities, poles, decorative poles, or support structures on which small wireless facilities are or are intended to be used for collocation but that is not a wireless services provider.
- CC. “Wireless Provider” means a wireless infrastructure provider or a wireless services provider.
- DD. “Wireless Services” means any services provided to the public using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.
- EE. “Wireless Services Provider” means a person that provides wireless services.
- FF. “Wireline Backhaul Facility” means an aboveground or underground wireline facility used to transport communications data from a telecommunications demarcation box associated with small wireless facility to a network.

Section 3. Permits.

- A. A permit is required to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way. A permit is not required to perform the activities described in O.C.G.A. § 36-66C-6(e) or (f).
- B. Any person seeking to collocate a small wireless facility in the public right of way or to install, modify, or replace a pole or a decorative pole in the public right of way shall submit an application to the Spalding County Department of Community Development for a permit. Any material change to information contained in an application shall be submitted in writing within thirty (30) days after the events necessitating the change.

- C. Any person who intends to submit an application to the County pursuant to this Ordinance shall meet with the Spalding County Department of Community Development at least thirty (30) days prior to submitting an application for a permit. The purpose of such meeting shall be to inform the County, in good faith, when the applicant expects to commence deployment of small wireless facilities and poles within the County, the number of small wireless facilities and poles it expects to deploy during the twenty-four (24) months after commencement, and the expected timing of such deployments.
- D. Each application submitted by the applicable wireless provider shall include:
1. The applicant's name, address, telephone number, and email address, including emergency contact information for the applicant;
  2. The names, addresses, telephone numbers, and email addresses of all consultants, if any, acting on behalf of the applicant with respect to filing the application;
  3. A general description of the proposed work and the purposes and intent of the proposed facility. The scope and detail of such description shall be appropriate to the nature and character of the physical work to be performed, with special emphasis on those matters likely to be affected or impacted by the physical work proposed;
  4. Detailed construction drawings regarding the proposed use of the right of way;
  5. To the extent the proposed facility involves collocation on a pole or support structure, a structural report performed by a duly licensed engineer evidencing that the pole or support structure will structurally support the collocation (or that the pole or support structure may and will be modified to meet structural requirements) in accordance with applicable codes;
  6. For any new aboveground facilities, visual depictions or representations if not included in the construction drawings;
  7. Information indicating the horizontal and approximate vertical location, relative to the boundaries of the right of way, of the small wireless facility for which the application is being submitted;
  8. If the application is for the installation of a pole, a certification that complies with O.C.G.A. § 36-66C-6(k);

9. If the small wireless facility will be collocated on a pole or support structure owned by a third party, a certification that the wireless provider has permission from the owner to collocate on the pole or support structure; and
  10. If the applicant is not a wireless services provider, a certification that a wireless services provider has requested in writing that the applicant collocate the small wireless facilities or install, modify or replace the pole or decorative pole at the requested location.
- E. Each application for a permit shall include the maximum application fees permitted under O.C.G.A. § 36-66C-5(a)(1), (a)(2) and (a)(3). Such maximum application fees shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).
- F. Applications for permits shall be approved unless the requested collocation of a small wireless facility or the requested installation, modification, or replacement of a pole or decorative pole:
1. Interferes with the operation of traffic control equipment;
  2. Interferes with sight lines or clear zones for transportation or pedestrians;
  3. Fails to comply with the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., or similar Laws of general applicability regarding pedestrian access or movement;
  4. Requests that ground-mounted small wireless facility equipment be located more than seven and a half (7.5) feet in radial circumference from the base of the pole, decorative pole or support structure to which the small wireless facility antenna would be attached, provided that the County shall not deny the application if a greater distance from the base of the pole, decorative pole or support structure is necessary to avoid interfering with sight lines or clear zones for transportation or pedestrians or to otherwise to protect public safety;
  5. Fails to comply with applicable codes;
  6. Fails to comply with the maximum limitations set forth in ARTICLE V of this Ordinance of O.C.G.A. § 36-66C-7(h) or (i);
  7. With respect to an application to install a pole or decorative pole, interferes with the widening, repair, reconstruction, or relocation of a public road or highway by the County or the Department of Transportation that has been

advertised for bid and scheduled for completion within six months after the application is filed;

8. With respect to an application to install a pole or pole decorative pole, interferes with a public works construction project which is advertised for bid and scheduled for completion within six months after the application is filed;
  9. Fails to comply with O.C.G.A. § 36-66C-10, O.C.G.A. § 36-66C-11, or O.C.G.A. § 36-66C-12;
  10. Fails to comply with laws of general applicability addressing pedestrian and vehicular traffic and safety requirements; or
  11. Fails to comply with laws of general applicability that address the occupancy or management of the right of way and that are not otherwise inconsistent herewith.
- G. For applications for new poles in the public right of way in areas zoned for residential use, the Spalding County Department of Community Development may propose an alternate location in the public right of way within 100 feet of the location set forth in the application, and the wireless provider shall use the proposed alternate location unless the location imposes technical limits or significant additional costs. The wireless provider shall certify that it has made such a determination in good faith, based on the assessment of a licensed engineer, and it shall provide a written summary of the basis for such determination.
- H. A permit issued under this Article shall authorize such person to occupy the public rights of way to: (i) collocate a small wireless facility on or adjacent to a pole or a support structure that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(3) or on or adjacent to a decorative pole in compliance with O.C.G.A. § 36-66C-12; and (ii) install, modify, or replace a pole or decorative pole for collocation of a small wireless facility that does not exceed the limitations set forth in O.C.G.A. § 36-66C-7(h)(1) and (h)(2).
- I. Upon the issuance of a permit under this Ordinance, and on each anniversary of such issuance, every person issued a permit shall submit to the County the maximum annual payments permitted under O.C.G.A. § 36-66C-5(a)(4) and (a)(5); provided, however, that if such person removes its small wireless facilities from the public rights of way pursuant to O.C.G.A. § 36-66C-5(e), then such person shall be responsible for the pro rata portion of the annual payment based on the number of days of occupation since the last annual payment. Upon making such pro rata payment and removal of the small wireless facilities, the person's annual payment obligations under this section shall cease as of the date of the actual removal. The

maximum annual payments shall automatically increase on January 1 of each year beginning January 1, 2021, as provided under O.C.G.A. § 36-66C-5(b).

- J. Any person issued a permit shall pay the fees identified in O.C.G.A. § 36-66C-5(a)(6) and (a)(7), as applicable.
- K. The County may revoke a permit issued pursuant to this Article if the wireless provider or its equipment placed in the public right of way under that permit subsequently is not in compliance with any provision of this Ordinance or the Georgia Streamlining Wireless Facilities and Antennas Act.
- L. If a wireless provider occupies the public rights of way without obtaining a permit required by this Article or without complying with the SWFAA, then the County may, at the sole discretion of the County, restore the right of way, to the extent practicable in the reasonable judgment of the County, to its condition prior to the unpermitted collocation or installation and to charge the responsible wireless provider the reasonable, documented cost of the County in doing so, plus a penalty not to exceed \$1,000.00. The County may suspend the ability of the wireless provider to receive any new permits from the County under this ARTICLE III until the wireless provider has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the County may not suspend such ability of any applicant that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.
- M. All accepted applications for permits shall be publicly available subject to the limitations identified in O.C.G.A. § 36-66C-6(c).
- N. An applicant may file a consolidated application related to multiple small wireless facilities, poles or decorative poles so long as such consolidated application meets the requirements of O.C.G.A. § 36-66C-13.
- O. Activities authorized under a permit shall be completed within the timelines provided in O.C.G.A. § 36-66C-7(k)(2).
- P. Issuance of a permit authorizes the applicant to: (i) undertake the collocation, installation, modification or replacement approved by the permit and (ii) operate and maintain the small wireless facilities and any associated pole covered by the permit for a period of ten (10) years.
- Q. Permits shall be renewed following the expiration of the term identified in Section 3.17 upon the terms and conditions identified in O.C.G.A. § 36-66C-7(k)(2)(B).

- R. If an application for a permit seeks to collocate small wireless facilities on authority poles in the public rights of way, then the County shall, within 60-days of receipt of the completed application: (i) provide a good faith estimate for any make-ready work necessary to enable the authority pole to support the proposed facility; or (ii) notify the wireless provider that the wireless provider will be required to perform the make-ready work. Any make-ready work performed by the County shall be completed pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(n).

Section 4. Removal, Reconditioning, Replacement and Abandonment.

- A. A person may remove its small wireless facilities from the public rights of according to the procedures of O.C.G.A. § 36-66C-5(e).
- B. In the event of a removal under Section 4.1, the right of way shall be, to the extent practicable in the reasonable judgment of the County, restored to its condition prior to the removal. If a person fails to return the right of way, to the extent practicable in the reasonable judgment of the County, to its condition prior to the removal within 90 days of the removal, the County may, at the sole discretion of the County, restore the right of way to such condition and charge the person the County's reasonable, documented cost of removal and restoration, plus a penalty not to exceed \$500.00. The County may suspend the ability of the person to receive any new permits under this Article until the person has paid the amount assessed for such restoration costs and the penalty assessed, if any; provided, however, that the County will not suspend such ability of any person that has deposited the amount in controversy in escrow pending an adjudication of the merits of the dispute by a court of competent jurisdiction.
- C. If, in the reasonable exercise of police powers, the County determines: (i) a pole or support structure unreasonably interferes with the widening, repair, reconstruction, or relocation of a public road or highway, or (ii) relocation of poles, support structures, or small wireless facilities is required as a result of a public project, the wireless provider shall relocate such poles, support structures, or small wireless facilities pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(l). If the wireless provider fails to relocate a pole, support structure or small wireless facility or fails to provide a written good faith estimate of the time needed to relocate the pole, support structure or small wireless within the time period prescribed in O.C.G.A. § 36-66C-7(l), the County make take the actions authorized by O.C.G.A. § 36-66C7(o), in addition to any other powers under applicable law.
- D. The County shall recondition and replace authority poles consistent with the provisions of O.C.G.A. § 36-66C-7(m). Wireless providers shall accommodate and cooperate with reconditioning and replacement consistent with the provisions of O.C.G.A. § 36-66C-7(m).



- E. A wireless provider must notify the County of its decision to abandon any small wireless facility, support structure or pole pursuant to and in accordance with the provisions of O.C.G.A. § 36-66C-7(p)(1). The wireless provider shall perform all acts and duties identified in O.C.G.A. § 36-66C-7(p) regarding abandonment. The County may take all actions and exercise all powers authorized under O.C.G.A. § 36-66C-7(p) upon abandonment, in addition to any other powers under applicable law.

## Section 5. Standards.

- A. Small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the public right of way as a permitted use: (i) upon a receipt of a permit under this Article; (ii) subject to applicable codes; and (iii) so long as such small wireless facilities and new, modified, or replacement poles to be used for collocation of small wireless facilities comply with the appropriate provisions of O.C.G.A. § 36-66C-7(h).
  - 1. New, modified, or replacement poles installed in the right of way in a historic district and in an area zoned primarily for residential use shall not exceed 50 feet above ground level.
  - 2. Each new, modified, or replacement pole installed in the right of way that is not in a historic district or in an area zoned primarily for residential use shall not exceed the greater of:
    - (a) Fifty feet above ground level; or
    - (b) Ten feet greater in height above ground level than the tallest existing pole in the same public right of way in place as of January 1, 2019, and located within 500 feet of the new proposed pole;
  - 3. New small wireless facilities in the public right of way and collocated on an existing pole or support structure shall not exceed more than ten feet above the existing pole or support structure.
  - 4. New small wireless facilities in the public right of way collocated on a new or replacement pole under Section A(1) or Section A(2) may not extend above the top of such poles.
- B. Unless it is determined that another design is less intrusive, or placement is required under applicable law, small wireless facilities shall be concealed as follows:
  - 1. Antennas located at the top of poles and support structures shall be incorporated into the pole or support structure, or placed within shrouds of a size such that the antenna appears to be part of the pole or support structure;

2. Antennas placed elsewhere on a pole or support structure shall be integrated into the pole or support structure, or be designed and placed to minimize visual impacts.
  3. Radio units or equipment cabinets holding radio units and mounted on a pole shall be placed as high as possible, located to avoid interfering with, or creating any hazard to, any other use of the public rights of way, and located on one side of the pole. Unless the radio units or equipment cabinets can be concealed by appropriate traffic signage, radio units or equipment cabinets mounted below the communications space on poles shall be designed so that the largest dimension is vertical, and the width is such that the radio units or equipment cabinets are minimally visible from the opposite side of the pole on which they are placed.
  4. Wiring and cabling shall be neat and concealed within or flush to the pole or support structure, ensuring concealment of these components to the greatest extent possible.
- C. Notwithstanding any provision of this Ordinance to the contrary, an applicant may collocate a small wireless facility within a historic district, and may place or replace a pole within a historic district, only upon satisfaction of the following: (i) issuance of a permit under this Article and (ii) compliance with applicable codes.
- D. Notwithstanding any provision of this Ordinance, an applicant may collocate a small wireless facility on a decorative pole, or may replace a decorative pole with a new decorative pole, in the event the existing decorative pole will not structurally support the attachment, only upon satisfaction of the following: (i) issuance of a permit under this Article and (ii) compliance with applicable codes.

Section 6: The foregoing amendments to the Zoning Ordinance of Spalding County, Georgia, Appendix I, Ordinance to Establish Standards for Telecommunications Antennas and Towers shall become effective immediately upon adoption of this resolution.

Section 7: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

**SPALDING COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**April 28, 2020**

The Spalding County Planning Commission held its regular monthly meeting on April 28, 2020 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; and Frank Harris. Absent was member Sonny Eubanks.

Also present were William P. Wilson, Jr., County Manager; Deborah Bell, Community Development Director; Newton Galloway, Zoning Attorney; and Teresa Watson 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 #20-05Z:** Haskell Sears Ward and Leah Ward Sears, Owners – Tony L. Jones, Agent – 591 Lakewood drive (4.60 acres, more or less, located in land Lot 158 of the 3<sup>rd</sup> Land District) – requesting a rezoning from C-1 Highway Commercial, to R-4, Single Family Residential.

Tony L. Jones, Agent, 1739 Honeybee Creek Drive, Griffin, GA 30224 addressed the Board for the applicants who are requesting approval to rezone the subject property from C-1, Highway Commercial, to R-4, Single Family Residential. The applicants propose to utilize the property for a single-family home, and the single-family home development is consistent with the area. The property is wooded and suitable for single-family homes, which they contend is the property's highest and best use.

In the interest of full disclosure, Mr. Galloway noted that Mr. Jones performs work for him, and he noted he is friends with both applicants. This piece of commercial property is right in the middle of residential zoning. This application is consistent with the FLUM and with adjacent zoning. There is minor impact for the Cabin Creek tributary. Staff recommends approval of the application and that the subject property be zoned R-4 without conditions.

***Motion/second to approve Application #20-05Z as presented, by Messrs. Cox/Harris, carried unanimously at 4-0.***

**S/D #20-01: Orchard on Ellis** – Naomi Luke, Owner – 125.731 acres on Ellis Road located in Land Lots 11 and 22 of the 4<sup>th</sup> Land District – 8 lots.

The applicant proposes an eight-lot, single family residential subdivision that will consist of lots ranging from 6.4 acres to 41.3 acres. It must be noted that the Board of Commissioners voted on June 3, 2002 to approve rezoning for the subject property and conditioned the rezoning per the submitted plat. A plat was previously approved in 2005 and infrastructure installed, but the plat eventually expired. It has been re-reviewed under current standards. Staff report recommends approval of the extension of the preliminary plat.

David Luke, son of the developer, 8260 Wallace Wood Road, noted the project was started before the housing crash. The plat was approved in 2005 and he was hoping to move on with it when the virus hit.

Newton Galloway said Chad Jacobs, previous Community Development Director, recommended approval of the extension. He understands the plat approval expired but he also noted it had been re-reviewed under current standards, so this is really for an approval and not an extension. It is essentially

a new plat reviewed to new standards. He noted for Mr. Cox that only the final plat goes to the Board of Commissioners.

***Motion/second to approve Application S/D #20-01 as presented, by Messrs. Ballard/Cox, carried by a unanimous vote of 4-0.***

**Amendment to UDO #A-20-01:** Article 2. Definitions of Terms Used – amend definition of Antenna and add definition of Wireless facility, small.

Mr. Galloway noted we will discuss Items 3 and 4 (Amendments to UDO #A-20-01 and UDO #A-20-02) together and then vote on each separately. He reviewed these during the February meeting and asked members to peruse before consideration at this meeting. We are adding Small Cell Wireless Facilities as defined by the legislature last year. This will allow for ease of access in public rights-of-way. Our verbiage is from that statute in this new section for small cell wireless.

As previously addressed by Zoning Attorney, Newton Galloway, the adoption of this text amendment will amend the definition of Antenna and add the definition of Wireless Facility, Small. Some brief discussion followed. These amendments are the heart of the statute passed legislatively last year for small cell wireless, pursuant to a permitting process with identification of placement. There are extremely limited parameters for denying placement. Mr. Ballard felt the state was jumping the gun. Mr. Galloway requested that any approval by the Planning Commission include the caveat that he would correct a few typographical errors that he had identified.

***Motion/second to approve Amendment to UDO #A-20-01 as presented, by Messrs. Ballard/Harris, carried by a unanimous vote of 4-0.***

**Amendment to UDO #A-20-02:** Appendix I. Ordinance to Establish Standards for Telecommunications Antennas and Towers – amend definition of Antenna, add definition of Wireless facility, small and add Provisions Applicable to Facilities Other than Wireless Facilities, Small.

Adoption of this text amendment will update Appendix I. Ordinance to Establish Standards for Telecommunications Antennas and Towers regarding Antennas; Wire Facility, Small; Provisions Applicable to Facilities Other than Wireless Facilities, Small; and Provision Applicable to Wireless Facilities, Small.

***Motion/second to approve Amendment to UDO #A-20-02 as presented, by Messrs. Ballard/Cox, carried by a unanimous vote of 4-0.***

**Amendment to UDO #A-20-03:** Appendix A. Subdivision Ordinance – Section 502:G(22) – delete private road Sunset Strip and add as “Reserved”.

Zoning Attorney, Newton Galloway, advises the adoption of this amendment will update the Subdivision Ordinance section on private roads.

Mr. Wilson noted that he and Leonard English visited all the private roads back in the 1990s to create a list of private roads. Research in the 1960s revealed this road was actually given to the County via a church. This action will move the dirt road, Sunset Strip, to the public and the County will maintain it, as we have for in excess of five years now. Galloway said years ago Spalding County enumerated private roads, allowing development to continue on them, but prohibiting any more future private roads. Mr. Wilson located a Google Earth image for Mr. Cox.

***Motion/second to approve Amendment to UDO #A-20-03 as presented, by Messrs. Cox/Ballard, carried by a unanimous vote of 4-0.***

**Amendment to UDO #A-20-04:** Article 2. Definitions of Terms Used – Section 202:DD’- add definition of Event Center, rural; Article 5. AR-1 – Section 503:B – add Event Center, rural, as special exception and Section 503:D – add Event Center, rural, as accessory use; Article 6A. A-T – Section 603A:C – add Event Center, rural, as accessory use.

Zoning Attorney, Newton Galloway, advises that adoption of this text amendment will add Event Center, Rural, to AR-1 and A-T districts. Some things have fallen through the cracks with this application, as everything was not completed, and he would like to see the Planning Commission table the matter until they can provide some missing parts. Some discussion followed regarding the arbitrary limitation of 200 guests. There are quite often more than 200 at events such as family reunions, etc. Size limitations are generally arbitrary and intended to not overcrowd on acreage. This is only in AR-1 and as an accessory use under home occupations. A brief discussion followed. Mr. Cox asked about the difference between home occupation and commercial for these event centers, and Mr. Galloway noted this action was not for commercial designations. He noted that the Special Exceptions will need Board of Commission approval. Mr. Harris asked about dark sky lighting turned downward, and it was suggested they use the normal wording used by Mr. Jacobs previously that designated lighting so as not to shine or glare on adjacent properties. Most felt that would be adequate. Mr. Galloway stated he would provide the omissions and complete the application for approval later.

***Motion/second by Messrs. Cox/Ballard to table Amendment to UDO #A-20-04 until the next meeting carried by a unanimous vote of 4-0.***

## **MINUTES**

***Motion/second to approve the Minutes of the February 25, 2020 meeting of the Spalding County Planning Commission as presented, by Messrs. Ballard/Harris, carried by a unanimous vote of 4-0.***

***There were no minutes for the March 31, 2020 meeting of the Spalding County Planning Commission, as that meeting was cancelled.***

## **OTHER**

***Mr. Wilson advised the City and County were in conversation about how to proceed during this phase of the pandemic. Both felt it would be prudent to end the work force rotation or shift work on May 11 with all employees back to work. Barring any unforeseen circumstances, we plan to open the City of Griffin and Spalding County to the public on May 14 after the shelter in place expires. The exception to this plan for Spalding County will be Parks and Recreation at a later date and the Senior Center which will be the last to open, perhaps in June or July.***

## **ADJOURN**

***Motion/second by Messrs. Ballard/Youmans to adjourn the meeting at 7:43 p.m. carried by a unanimous 4-0.***

---

John Youmans – Chair

---

Teresa Watson – Recorder





## SPALDING COUNTY BOARD OF COMMISSIONERS Amendment to UDO #A-20-03

---

**Requesting Agency**

Office of Community Development

---

**Requested Action**

**Amendment to UDO #A-20-03:** Appendix A. Subdivision Ordinance - Section 502:G(22) - delete private road Sunset Strip and add as "Reserved."

---

**Requirement for Board Action**

Article 4. General Procedures - Section 414.

---

**Is this Item Goal Related?**

No

---

**Summary and Background**

The adoption of this text amendment will update the Subdivision Ordinance section on private roads.

---

**Fiscal Impact / Funding Source**

---

**STAFF RECOMMENDATION**

**APPROVAL.**

**PLANNING COMMISSION RECOMMENDS APPROVAL.**

---

**ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> Resolution #A-20-03	5/21/2020	Backup Material
<input type="checkbox"/> Minutes 04-28-20 PC	5/21/2020	Backup Material

IN RE:

***Text Amendment #A-20-03***

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

RESOLUTION AMENDING  
THE SUBDIVISION ORDINANCE OF SPALDING COUNTY, GEORGIA

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted as Appendix A thereto, the Subdivision Ordinance of Spalding County;

WHEREAS, the Board of Commissioners of Spalding County has determined that it is in the best interests of the citizens of Spalding County for certain text revisions and amendments to be made to the Subdivision Ordinance of Spalding County;

WHEREAS, such text amendments to the Subdivision Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on May 28, 2020 pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Subdivision Ordinance of Spalding County, Georgia, is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Subdivision Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1: The following provision of the Subdivision Ordinance of Spalding County, Georgia, shall be deleted: Section 502:G(22).

Section 502. Development Standards for Streets

G. Private Roads:

22. Sunset Strip

Section 2: The following provision of the Subdivision Ordinance of Spalding County, Georgia, shall be added: Section 502:G(22).

Section 502: Development Standards for Streets

G. Private Roads:

22. Reserved.

Section 3: The foregoing amendments to the Subdivision Ordinance of Spalding County, Georgia, shall become effective immediately upon adoption of this resolution.

Section 4: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.

**SPALDING COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**April 28, 2020**

The Spalding County Planning Commission held its regular monthly meeting on April 28, 2020 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; and Frank Harris. Absent was member Sonny Eubanks.

Also present were William P. Wilson, Jr., County Manager; Deborah Bell, Community Development Director; Newton Galloway, Zoning Attorney; and Teresa Watson 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 #20-05Z:** Haskell Sears Ward and Leah Ward Sears, Owners – Tony L. Jones, Agent – 591 Lakewood drive (4.60 acres, more or less, located in land Lot 158 of the 3<sup>rd</sup> Land District) – requesting a rezoning from C-1 Highway Commercial, to R-4, Single Family Residential.

Tony L. Jones, Agent, 1739 Honeybee Creek Drive, Griffin, GA 30224 addressed the Board for the applicants who are requesting approval to rezone the subject property from C-1, Highway Commercial, to R-4, Single Family Residential. The applicants propose to utilize the property for a single-family home, and the single-family home development is consistent with the area. The property is wooded and suitable for single-family homes, which they contend is the property's highest and best use.

In the interest of full disclosure, Mr. Galloway noted that Mr. Jones performs work for him, and he noted he is friends with both applicants. This piece of commercial property is right in the middle of residential zoning. This application is consistent with the FLUM and with adjacent zoning. There is minor impact for the Cabin Creek tributary. Staff recommends approval of the application and that the subject property be zoned R-4 without conditions.

***Motion/second to approve Application #20-05Z as presented, by Messrs. Cox/Harris, carried unanimously at 4-0.***

**S/D #20-01: Orchard on Ellis** – Naomi Luke, Owner – 125.731 acres on Ellis Road located in Land Lots 11 and 22 of the 4<sup>th</sup> Land District – 8 lots.

The applicant proposes an eight-lot, single family residential subdivision that will consist of lots ranging from 6.4 acres to 41.3 acres. It must be noted that the Board of Commissioners voted on June 3, 2002 to approve rezoning for the subject property and conditioned the rezoning per the submitted plat. A plat was previously approved in 2005 and infrastructure installed, but the plat eventually expired. It has been re-reviewed under current standards. Staff report recommends approval of the extension of the preliminary plat.

David Luke, son of the developer, 8260 Wallace Wood Road, noted the project was started before the housing crash. The plat was approved in 2005 and he was hoping to move on with it when the virus hit.

Newton Galloway said Chad Jacobs, previous Community Development Director, recommended approval of the extension. He understands the plat approval expired but he also noted it had been re-reviewed under current standards, so this is really for an approval and not an extension. It is essentially

a new plat reviewed to new standards. He noted for Mr. Cox that only the final plat goes to the Board of Commissioners.

***Motion/second to approve Application S/D #20-01 as presented, by Messrs. Ballard/Cox, carried by a unanimous vote of 4-0.***

**Amendment to UDO #A-20-01:** Article 2. Definitions of Terms Used – amend definition of Antenna and add definition of Wireless facility, small.

Mr. Galloway noted we will discuss Items 3 and 4 (Amendments to UDO #A-20-01 and UDO #A-20-02) together and then vote on each separately. He reviewed these during the February meeting and asked members to peruse before consideration at this meeting. We are adding Small Cell Wireless Facilities as defined by the legislature last year. This will allow for ease of access in public rights-of-way. Our verbiage is from that statute in this new section for small cell wireless.

As previously addressed by Zoning Attorney, Newton Galloway, the adoption of this text amendment will amend the definition of Antenna and add the definition of Wireless Facility, Small. Some brief discussion followed. These amendments are the heart of the statute passed legislatively last year for small cell wireless, pursuant to a permitting process with identification of placement. There are extremely limited parameters for denying placement. Mr. Ballard felt the state was jumping the gun. Mr. Galloway requested that any approval by the Planning Commission include the caveat that he would correct a few typographical errors that he had identified.

***Motion/second to approve Amendment to UDO #A-20-01 as presented, by Messrs. Ballard/Harris, carried by a unanimous vote of 4-0.***

**Amendment to UDO #A-20-02:** Appendix I. Ordinance to Establish Standards for Telecommunications Antennas and Towers – amend definition of Antenna, add definition of Wireless facility, small and add Provisions Applicable to Facilities Other than Wireless Facilities, Small.

Adoption of this text amendment will update Appendix I. Ordinance to Establish Standards for Telecommunications Antennas and Towers regarding Antennas; Wire Facility, Small; Provisions Applicable to Facilities Other than Wireless Facilities, Small; and Provision Applicable to Wireless Facilities, Small.

***Motion/second to approve Amendment to UDO #A-20-02 as presented, by Messrs. Ballard/Cox, carried by a unanimous vote of 4-0.***

**Amendment to UDO #A-20-03:** Appendix A. Subdivision Ordinance – Section 502:G(22) – delete private road Sunset Strip and add as “Reserved”.

Zoning Attorney, Newton Galloway, advises the adoption of this amendment will update the Subdivision Ordinance section on private roads.

Mr. Wilson noted that he and Leonard English visited all the private roads back in the 1990s to create a list of private roads. Research in the 1960s revealed this road was actually given to the County via a church. This action will move the dirt road, Sunset Strip, to the public and the County will maintain it, as we have for in excess of five years now. Galloway said years ago Spalding County enumerated private roads, allowing development to continue on them, but prohibiting any more future private roads. Mr. Wilson located a Google Earth image for Mr. Cox.



***Motion/second to approve Amendment to UDO #A-20-03 as presented, by Messrs. Cox/Ballard, carried by a unanimous vote of 4-0.***

**Amendment to UDO #A-20-04:** Article 2. Definitions of Terms Used – Section 202:DD’- add definition of Event Center, rural; Article 5. AR-1 – Section 503:B – add Event Center, rural, as special exception and Section 503:D – add Event Center, rural, as accessory use; Article 6A. A-T – Section 603A:C – add Event Center, rural, as accessory use.

Zoning Attorney, Newton Galloway, advises that adoption of this text amendment will add Event Center, Rural, to AR-1 and A-T districts. Some things have fallen through the cracks with this application, as everything was not completed, and he would like to see the Planning Commission table the matter until they can provide some missing parts. Some discussion followed regarding the arbitrary limitation of 200 guests. There are quite often more than 200 at events such as family reunions, etc. Size limitations are generally arbitrary and intended to not overcrowd on acreage. This is only in AR-1 and as an accessory use under home occupations. A brief discussion followed. Mr. Cox asked about the difference between home occupation and commercial for these event centers, and Mr. Galloway noted this action was not for commercial designations. He noted that the Special Exceptions will need Board of Commission approval. Mr. Harris asked about dark sky lighting turned downward, and it was suggested they use the normal wording used by Mr. Jacobs previously that designated lighting so as not to shine or glare on adjacent properties. Most felt that would be adequate. Mr. Galloway stated he would provide the omissions and complete the application for approval later.

***Motion/second by Messrs. Cox/Ballard to table Amendment to UDO #A-20-04 until the next meeting carried by a unanimous vote of 4-0.***

## **MINUTES**

***Motion/second to approve the Minutes of the February 25, 2020 meeting of the Spalding County Planning Commission as presented, by Messrs. Ballard/Harris, carried by a unanimous vote of 4-0.***

***There were no minutes for the March 31, 2020 meeting of the Spalding County Planning Commission, as that meeting was cancelled.***

## **OTHER**

***Mr. Wilson advised the City and County were in conversation about how to proceed during this phase of the pandemic. Both felt it would be prudent to end the work force rotation or shift work on May 11 with all employees back to work. Barring any unforeseen circumstances, we plan to open the City of Griffin and Spalding County to the public on May 14 after the shelter in place expires. The exception to this plan for Spalding County will be Parks and Recreation at a later date and the Senior Center which will be the last to open, perhaps in June or July.***

## **ADJOURN**

***Motion/second by Messrs. Ballard/Youmans to adjourn the meeting at 7:43 p.m. carried by a unanimous 4-0.***

---

John Youmans – Chair

---

Teresa Watson – Recorder



## SPALDING COUNTY BOARD OF COMMISSIONERS Closed Session

---

**Requesting Agency**

County Clerk

---

**Requested Action**

County Zoning Attorney requests an Executive Session to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1).

---

**Requirement for Board Action**

---

**Is this Item Goal Related?**

---

**Summary and Background**

---

**Fiscal Impact / Funding Source**

---

**STAFF RECOMMENDATION**