

# Agenda

## Spalding County Planning Commission

March 31, 2020

7:00 PM

Room 108, Spalding County Courthouse Annex

### 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.

### B. New Business:

1. **S/D #20-02: Orchard on Ellis** - Naomi Luke, Owner - 125.731 acres on Ellis Road located in Land Lot(s) 11 and 22 of the 4th Land District - 8 lots.
2. **Amendment to UDO #A-20-01:** Article 2. Definitions of Terms Used - amend definition of Antenna and add definition of Wireless facility, small.
3. **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.
4. **Amendment to UDO #A-20-03:** Appendix A. Subdivision Ordinance - Section 502:G(22) - delete private road Sunset Strip and add as "Reserved."

### C. Approval of Minutes:

5. Consider approval of February 25, 2020 minutes.

### D. Other Business:

### E. Adjournment



## SPALDING COUNTY PLANNING COMMISSION S/D #20-01 - Orchard on Ellis

---

### Requesting Agency

Office of Community Development

---

### Requested Action

**S/D #20-02: Orchard on Ellis** - Naomi Luke, Owner - 125.731 acres on Ellis Road located in Land Lot(s) 11 and 22 of the 4th Land District - 8 lots.

---

### Requirement for Board Action

Appendix A. Subdivision Ordinance - Section 404:F.

---

### Is this Item Goal Related?

No

---

### Summary and Background

Applicant proposes an 8-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 3rd 2002 to approve rezoning for the subject property and conditioned the rezoning per the submitted plat.*

**Plat was previously approved in 2005 and infrastructure installed but the plat eventually expired. It has been re-reviewed under the current standards.**

---

### Fiscal Impact / Funding Source

---

### STAFF RECOMMENDATION

**APPROVAL.**

### ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> S/D #20-01	3/5/2020	Backup Material

---

# SPALDING COUNTY PLANNING COMMISSION

---

**DATE:** March 31, 2020

**TO:** Spalding County Planning Commission

**FROM:** Department of Community Development

**RE: Preliminary Plat Subdivision Application  
Orchard on Ellis (S/D 20-01)  
125.731± Acres—Zoned AR-2 conditional**

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

## **Identification of the Property**

### **Size and Location:**

The application requests preliminary plat approval on 125.731 acres, more or less, located on Ellis Road.

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

The property is located in the 4<sup>th</sup> Land District, in Land Lots 11 and 22.

### **Current Owner:**

Naomi Luke  
200 Camelot Drive  
Fayetteville, Georgia 30214

### **Proposed Use:**

Applicant proposes an 8-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<sup>rd</sup> 2002 to approve rezoning for the subject property and conditioned the rezoning per the submitted plat.*

Plat was previously approved in 2005 and infrastructure installed but the plat eventually expired. It has been re-reviewed under the current standards.

## **Health, Safety, Utilities Assessment:**

### **Water:**

This site is proposed to be serviced by Spalding County.

### **Sewerage:**

This site is proposed to be serviced by individual septic systems.

### **Wetlands/Watershed Area:**

Per the plat, a portion of this site is within a 100-year floodplain. (Source: FEMA Map Community-Panel Number 130388-0025C)

### **Environmental Overlay Districts:**

The site is located within the City of Griffin Reservoir – Pike County Intake – Inside Spalding County district as indicated on the S-2 overlay map.

It is not included in a recharge area within the S-3 overlay map.

## **Preliminary Plat Review:**

All county departments have reviewed the plat submitted (as revised during zoning process).

### **Environmental Health Department**

No approval needed at this time.

### **Public Works**

Approved

### **Water Authority**

Approved.

### **Fire Department**

Approved

### **County Engineer/Community Development**

Approved

## **Staff Recommendations:**

- Staff recommends **APPROVAL** of the extension of the preliminary plat.
-



GENERAL NOTES  
ZONING - AR-2, CONDITIONAL  
PARCEL: 26401008 & 26401009  
SITE AREA - 125.731 ACRES  
TOTAL NUMBER OF LOTS (8)  
MIN. LOT AREA - 4 ACRES  
MIN. LOT WIDTH - 300' (SEE APPROVED ZONING PLAT)  
MIN. FRONT YARD DEPTH - 150'  
MIN. SIDE YARD 50' (15' CORNER LOT)  
MIN. REAR YARD DEPTH - 50'  
EACH STRUCTURE MUST INCLUDE A GARAGE TO ACCOMMODATE AT LEAST ONE VEHICLE. ADDITIONAL OFF STREET PARKING MUST BE PROVIDED FOR AT LEAST ONE ADDITIONAL VEHICLE.  
SANITARY SEWER AS PER SEPTIC SYSTEM  
WATER AS PER SPALDING COUNTY  
MAXIMUM BLDG. HEIGHT - 35'  
MIN. HEATED FLOOR AREA - 2,000 SQ. FT.  
TOPOGRAPHY AS PER JACK BERRY & ASSOC.  
VERTICAL DATUM BASED ON MEAN SEA LEVEL  
NO EASEMENTS OVER 20' WERE FOUND, RECORDED OR UNRECORDED.  
SOILS AS PER WEB-SOILS

NOTE: PRELIMINARY PLAT, NOT TO BE RECORDED

SURVEYOR CERTIFICATE:  
I HEREBY CERTIFY THAT THIS PRELIMINARY PLAT IS A TRUE REPRESENTATION OF THE RESULTS OF AN ACTUAL SURVEY BY ME, OR UNDER MY SUPERVISION, CONFORMING TO THE NORMAL STANDARDS OF CARE OF PROFESSIONAL SURVEYORS PRACTICING IN THE STATE OF GEORGIA AND THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED (FUTURE) AND THAT THE SURVEYING REQUIREMENTS FOR PRELIMINARY PLATS OF THE SUBDIVISION ORDNANCE OF SPALDING COUNTY HAVE BEEN FULFILLED.

LARRY G. SIBLEY  
REGISTERED LAND SURVEYOR # 2682

I HEREBY CERTIFY THAT THE ENGINEERING REQUIREMENTS FOR THIS PRELIMINARY PLAT AS PRESCRIBED BY THE SUBDIVISION ORDNANCE OF SPALDING COUNTY HAVE BEEN FULFILLED.

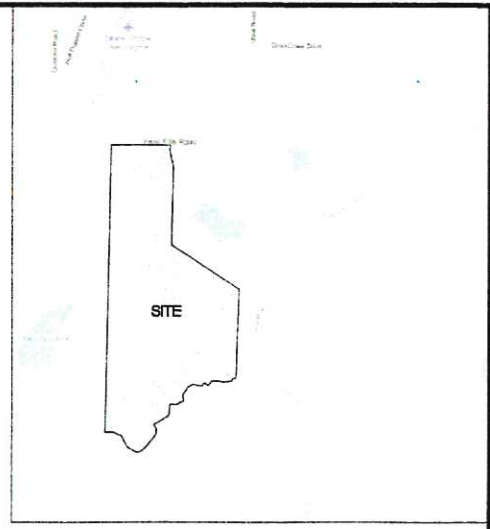
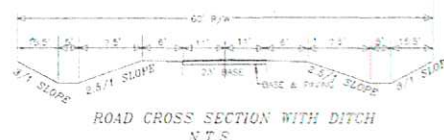
LARRY G. SIBLEY  
REGISTERED LAND SURVEYOR # 2682

I HEREBY CERTIFY THAT THIS SUBDIVISION PLAT WAS APPROVED BY THE SPALDING COUNTY PLANNING COMMISSION ON

CHAIRMAN  
SPALDING COUNTY PLANNING COMMISSION

LEGEND	
WOODEN POWER POLE	EX. FIRE HYDRANT
EX. OVERHEAD POWER LINES	EX. WATER VALVE
EX. FENCE	EX. WATER METER
DB = DEED BOOK	POB = POINT OF BEGINNING
PG. = PLAT BOOK	IPS = IRON PIN SET (#4 REBAR)
PG. = PAGE	R/W = RIGHT OF WAY
N/F = NOW OR FORMERLY	SOIL LINE
EX. = EXISTING	

OWNER:  
NAOMI LUKE  
200 CAMELOT DRIVE  
FAYETTEVILLE GA. 30214  
  
DEVELOPER:  
DAVID LUKE  
8260 WALLACE WOOD RD.  
GAINESVILLE GA. 30506  
PHONE: (678) 373-7133



REVISIONS		
NO.	DATE	DESCRIPTION
1	2/2/2020	REVISED COMMENTS

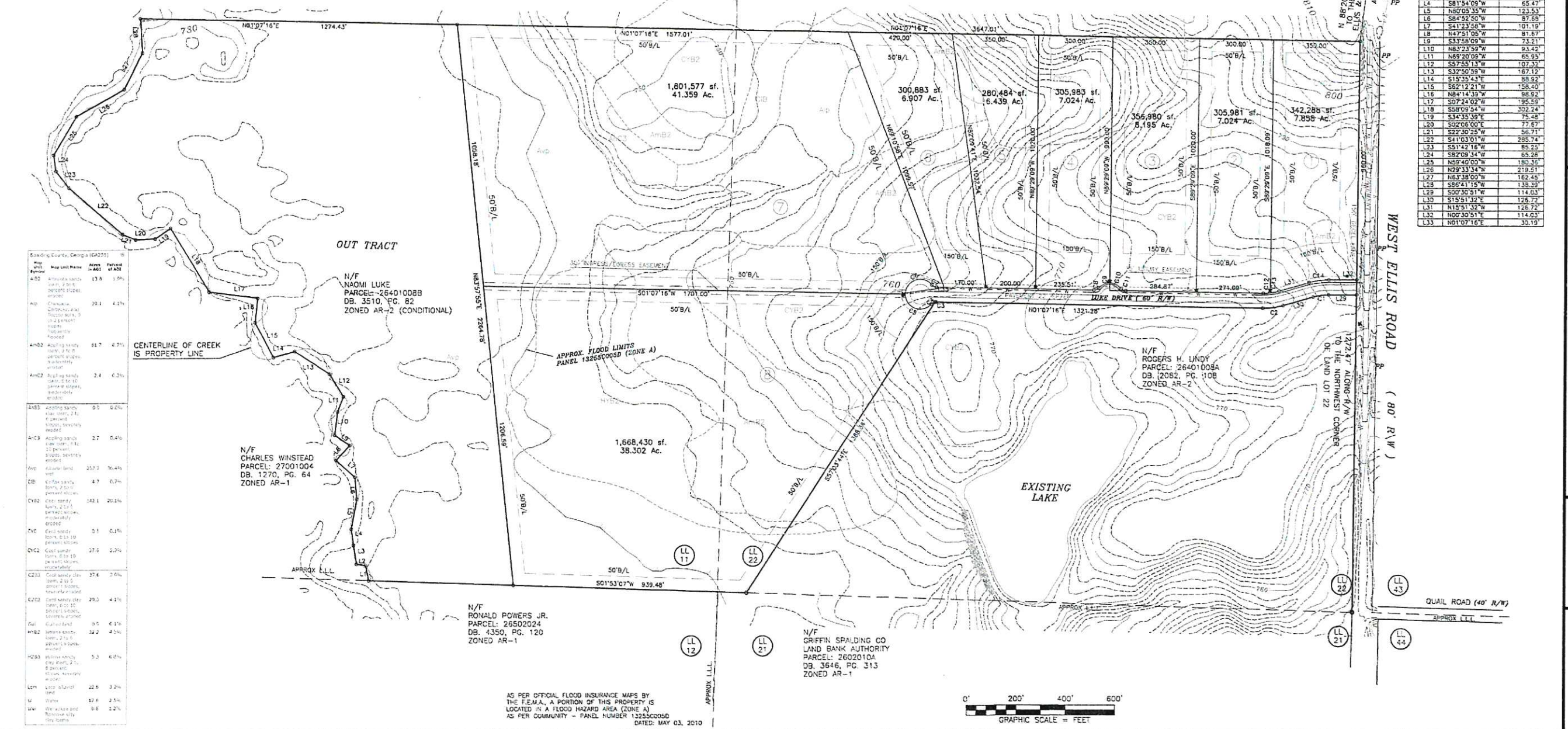
SIBLEY-MILLER  
SURVEYING & PLANNING INC.  
(ALL RIGHTS RESERVED)  
PURSUANT TO AGREEMENT  
BETWEEN SIBLEY-MILLER AND THE PARTY  
FOR WHICH THESE DOCUMENTS  
HAVE BEEN PREPARED, THESE  
DOCUMENTS AND ALL DATA,  
PLANS, SPECIFICATIONS, AND  
OTHER INFORMATION CONTAINED  
HEREIN ARE THE SOLE AND  
EXCLUSIVE PROPERTY OF SIBLEY-MILLER  
AND MAY BE USED ONLY IN  
CONNECTION WITH THE PROJECT  
FOR WHICH THESE DOCUMENTS  
HAVE BEEN PREPARED AND FOR  
NO OTHER PURPOSES. ANY  
UNAUTHORIZED USE OF THESE  
DOCUMENTS SHALL BE WITHOUT  
LIABILITY TO SIBLEY-MILLER  
AND SUBJECT TO REASONABLE  
COMPENSATION BY THE USER  
AS DETERMINED BY SIBLEY-MILLER.  
RIGHTS OF THIS DESIGN ARE  
RESERVED.

SIBLEY-MILLER  
SURVEYING & PLANNING INC.  
2062 HWY. 42 NORTH  
MCDONOUGH, GA. 30253  
PHONE: (770) 320-7555  
FAX: (770) 320-7555  
WWW.SIBLEYSURVEYING.COM

PRELIMINARY PLAT (NOT FOR RECORDING)  
ORCHARD ON ELLIS  
LAND LOTS 11 & 22, 4th. DISTRICT  
SPALDING COUNTY, GEORGIA



PROJECT NO.:  
D20027  
  
DRAWN BY: LGS  
SCALE: 1" = 200'  
  
DATE: 01-13-2020



PROPERTY LINE DATA		
LINE	BEARING	DISTANCE
L1	S38°13'57"W	61.84'
L2	S07°35'59"W	37.11'
L3	S80°22'59"W	75.68'
L4	S81°54'09"W	65.47'
L5	N50°05'35"W	123.53'
L6	S84°52'00"W	87.59'
L7	S41°23'56"W	101.19'
L8	N47°51'05"W	81.67'
L9	S43°58'09"W	73.21'
L10	N83°23'59"W	93.42'
L11	N89°20'09"W	65.93'
L12	S47°55'13"W	107.32'
L13	S32°50'59"W	167.12'
L14	S15°24'25"W	88.92'
L15	S62°12'21"W	158.50'
L16	N84°14'39"W	98.92'
L17	S07°24'02"W	195.59'
L18	S58°09'54"W	302.24'
L19	S34°33'36"W	75.48'
L20	S02°08'00"E	77.67'
L21	S22°30'25"W	56.71'
L22	S41°03'01"W	285.74'
L23	S51°21'18"W	85.33'
L24	S82°08'14"W	63.26'
L25	N59°40'09"W	180.36'
L26	N29°33'34"W	219.51'
L27	N83°38'00"W	162.45'
L28	S86°41'15"W	138.39'
L29	S00°30'51"W	114.03'
L30	S15°51'32"E	126.72'
L31	N15°51'32"E	126.72'
L32	N00°30'51"E	114.03'
L33	N01°07'16"E	32.19'





## SPALDING COUNTY PLANNING COMMISSION 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.****ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> Amendment to UDO #A-20-01	2/17/2020	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 \_\_\_\_\_ 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 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

### ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Amendment to UDO #A-20-02	2/17/2020	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 \_\_\_\_\_ 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. § 3666C-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 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.****ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> Amendment to UDO #A-20-03	3/5/2020	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 \_\_\_\_\_ 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 Approval of February 25, 2020

---

**Requesting Agency**

Office of Community Development

---

**Requested Action**

Consider approval of February 25, 2020 minutes.

---

**Requirement for Board Action**

---

**Is this Item Goal Related?**

No

---


**Summary and Background**

---

**Fiscal Impact / Funding Source**

---

**STAFF RECOMMENDATION****ATTACHMENTS:**

Description	Upload Date	Type
 Minutes 02-25-20 PC	3/5/2020	Backup Material

**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