



**PUBLIC HEARING**

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse annex, Thursday, November 21, 2002 beginning at 6:00 P.M. with commissioners, Michael Kendall, Martha McDaniel, Merrill Massengale, Johnnie McDaniel and Dick Morrow present. Also present were Michael Sabine, Assistant County Manager, Newton Galloway, Zoning Attorney, and Yvonne Langford to record the minutes. County Manager William Wilson and County Clerk Phyllis Doane was not present.

A. **Call to order:** Chairman Johnnie McDaniel

**B. New Business**

1. **Application #02-21Z:** Matthew J. Yates, Owner – Wayne H. Brown, Agent – 4.231 acres at the northwest corner of Manley Road and Sandy Flat Road located in Land Lot 72 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-1 Single Family Low Density Residential.
2. **Application #02-22Z:** – Wayne H. and Nancy L. Brown, Owners – 176 Sandy Flat Road (4.333 acres located in Land Lot 72 of the 3<sup>rd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-1 Single Family Low Density Residential.

*Mr. McDaniel said that both of these applications would be heard at the same time but voted separately.*

Mr. Wayne Brown came forward, stated his name, and gave his address as 85 Sandy Flat Road. He said that both of these tracts have over four acres but less than six acres and he was not able to make two three-acre tracts. On the application on which he represents Mr. Yates he and another person want to purchase the land from Mr. Yates. He has no immediate plans to build on that lot but would like that option should his son decided to return to Griffin and build a home. He owns the other site which has a house on it at the present time. That was the first house built on Sandy Flat Road. He purchased this from James and Rosa Stewart. He wants to take the original house and allot a 1.25-acre tract with that site. The septic tank drain field works fine. This would leave 3.09 acres on the second tract. He plans to sell this tract to his daughter who presently lives in the house on this tract. They possibly would build on the larger tract. On Sandy Flat Road he is trying to create three new building lots; one would be two acres, one would be 1.25 acres and the other 3.09 acres. In earlier meetings he has agreed to designate 2000 SF homes for these lots.

Mr. Morrow said that his understanding is that there were three conditions attached by the Planning Commission in their recommendation for approval. The conditions are 2000 SF houses, lots divided as on site plan, and if the existing house that is on the 1.25-acre tract ever has to be replaced it will be replaced with a house with a minimum of 2000 SF

Mr. Brown said he has voluntarily accepted those conditions and that is his desire.

He has not gotten approval from the Health Department and if that is not forthcoming he would not build on the lots. He feels that there will not be a problem but he accepts the risk.

Several people were signed to speak for approval of this application.

Frank Westmoreland – 2530 West McIntosh Road – Griffin, Georgia

Mr. Westmoreland said he is in favor of this rezoning. It sets a good precedent for this community. There is a lot of undeveloped land. Anyone wanting to build 2000 SF houses on a minimum of 2 acres of land he is in agreement with. He welcomes Mr. Brown to build 2000 SF houses on two acres.

Mr. Morrow said since there is no one present to speak in objection to this application he feels the Commission, in the essence of time, is prepared to take a vote.

Mr. McDaniel asked if anyone signed to speak regarding this application would like to speak before the Commission acted.

No one came forward.

#### **MOTION**

*Ms. McDaniel made a motion to approve **Application #02-21Z** conditioned on 2000 SF houses, lots divided as on site plan, and if the existing house, on the 1.25-acre tract, ever has to be replaced it will be replaced with a house with a minimum of 2000 SF. The motion passed by a unanimous vote of 5-0 on a second by Mr. Massengale with Mr. Kendall, Mr. Massengale, Mr. McDaniel, Ms. McDaniel, and Mr. Morrow voting for the motion. **The Resolution will be incorporated into the minutes on second and final reading.***

#### **MOTION**

*Ms. McDaniel made a motion to approve **Application #02-22Z** conditioned on 2000 SF houses, lots divided as on site plan, and if the existing house, on the 1.25-acre tract, ever has to be replaced it will be replaced with a house with a minimum of 2000 SF. The motion passed by a unanimous vote of 5-0 on a second by Mr. Massengale with Mr. Kendall, Mr. Massengale, Mr. McDaniel, Ms. McDaniel, and Mr. Morrow voting for the motion. **The Resolution will be incorporated into the minutes on second and final reading.***

- 3. Application #02-25Z:** Roy Frank Crane and David Anthony Crane, Executor for the Estate of Douglas Spruce Crane, Owner – 2640 East McIntosh Road (1.76 acres located in Land Lot 80 of the 2<sup>nd</sup> Land District) – requesting a rezoning from R-2, Single Family Residential, to C-1, Highway Commercial.

Peggy Crane came forward, stated her name and gave her address as 119 Liberty Circle. She said she is the wife of Roy Crane and David Crane is her brother-in-law, and she is speaking on their behalf. Mr. Douglas Crane had lived here most of his life and he wanted this rezoned before he died in February. They are trying to complete his wishes. The Bae Family has leased the convenience store/gasoline station since May of 1996 and they would like to purchase the 1.76 acres. One of the requirements is that the zoning be changed.

Mr. Morrow said there were conditions including a 65-foot buffer, brick, masonry, or stucco on any wall that faces the road and the lighting will be designed so that it will not directly shine or glare on the adjoining property.

Ms. Crane said they were aware of the conditions and the Bae Family has agreed to all the conditions.

Chol Bae – 1605 Minter Road

Mr. Bae said he is speaking for the rezoning. His parents would like to rezone the property so they can enlarge the convenience store. This is a dangerous intersection. There have been accidents there due to people driving through. They want to move the location of the store back. This area is mostly commercial and they would like to update everything. They understand the conditions for the lighting as well as the required masonry. They are talking with Willis Oil to have the station built. If they rebuild the station with the new building codes they will have to replace the storage tanks and move them further from the right of way.

Inez Moore – 3169 Jackson Road – Griffin, Georgia

Ms. Moore spoke in opposition to this application. Ms. Moore said that she would have no objections if they would move the station up from the present design. As it is planned it will be right at her front door. She presented pictures of her property and identified the proposed location.

Mr. Bae returned for further comments. He said that he knows there is a 25-foot buffer requirement. They are going to follow every building code. They requested the building to be moved forward and the surveyor said if the building was moved forward it would not go with the flow of traffic and the way the plans worked out. The septic tank will be back there and it will be grassed as well. There will be an additional buffer in addition to the 25 feet to stay away from the residential area. They are going to leave as many trees as possible and whatever vegetation is there to help keep the lighting from intruding on the residential areas.

Mr. Sabine said that one of the reasons the store was moved back was the DOT, with respect to Jackson Road, wanted to have the curb cuts off of the three point triangular intersection that is the eastern most boundary of the property. In moving the curb cuts you would also move the building.

Mr. Bae said they do not want to intrude on the community. They want to make it better.

Mr. Massengale said this property is in his district and he knows it well. The area is already commercial. There is a beauty shop there and a store there.

#### **MOTION**

*Mr. Massengale made a motion to approve **Application #02-025Z** with the zoning change from R-2 to C-1 conditioned on brick, stone, or masonry/stucco on the north, east and south sides, lighting be designed in such a manner as not to be intrusive on the residential uses that abut the property, and the lighting design will be approved by the administrative officers before the permit is issued. The motion passed by a unanimous vote of 5-0 on a second by Mr. Morrow with Mr. Kendall, Mr. Massengale, Mr. McDaniel, Ms. McDaniel and Mr. Morrow voting for the motion. **The Resolution will be incorporated into the minutes on second and final reading.***

- 4. Application #02-19Z: Lift from the table** – Springs Industries, Inc. Successor by Merger to Dundee Mills, Inc., Owner – Minerva Properties, L.L.P., agent – 129.56 acres on Jordan Hill Road located in Land Lots 155 and 166 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, single Family Residential.

#### **MOTION**

*Ms. McDaniel made a motion to lift **Application #02-19Z** from the table. The motion passed on a second by Mr. Morrow by a unanimous vote of 5-0.*

Mr. Brian Davison representing Minerva Properties LLP – 2292 Henderson Mill Road – Atlanta  
Mr. Davison said this property is 129 acres. It is a portion of an overall tract they hope to acquire from Springs Industries. The main part of the land is discussed later in the agenda. This piece of land is included in the overall package Springs was working to liquidate. They have looked at various ways to try to develop it and they are hoping to be very sensitive because they will be making a very large investment nearby and they are trying to do what they can to not negatively impact the overall area. They have worked on different scenarios with the limitations of the zoning and the one-acre septic lots. There is not a whole lot that can be done. There is a lot of road frontage. There is a gas line easement and a power line easement. It is young pines. It appears to have been cut and replanted about seven or eight years ago. The original plan was to rezone the entire property R-2 but any design that dictated a large number of small lots fronting on the existing road was not attractive to the Planning Staff or the Planning Commission. They reworked the design and want to leave a large portion AR-1, as it is presently zoned, and rezone only one portion R-2. It is now one-acre septic lots, 10% open space, and a relatively unimaginative design. Giving the limitations of the zoning and the inability to sewer the property this is the plan. The target is on the lots fronting on the road. They will sell some of them off over a couple of years while the preliminary work in being completed on the larger project. The goal would be to put higher design requirements and higher square footage restrictions on the houses that you typically see on the mini-farms mainly to preserve the aesthetic quality of the road between the other project and the school. The majority would be held for further long-term and not developed until much later in the project. The other project they are working on will run for a 10 to 15 year cycle beginning three years from now. This will be acquired in conjunction with that at they will work on them both simultaneously.

Mr. Morrow said he was disappointed in this proposal. He thought a much better design would be presented.

Mr. Davison said he agrees with Mr. Morrow. He is a much greater proponent of a different style of development. He is not a fan of one-acre lots. He would much rather see smaller lots with residential clusters and a lot more focus on parks, open space, and trail systems.

Mr. Morrow said that is only one of the objections that he has. Chopping up Jordan Hill Road frontage with all the houses is absolutely the wrong thing to do. You are going to be asking for 2000 houses down the road and you want to put all these driveways between that development and Griffin which is the exact wrong thing to be doing. The road it going to be asked to carry a lot of traffic. This whole design in wrong.

Mr. Davison said it is a very difficult piece of property to design with the corner and with the power and gas lines running through.

Several people were signed to address the board regarding this project.

Michelle Barnes – 74 Smoak Field Road

Ms. Barnes said she is speaking in opposition to everything they want to do. She is pleading that they be required to make larger tracts in this new development. There are some dangerous intersections and dangerous roads. Bringing thousands of people out there with thousands of cars in not going to help. There is one section of Teamon Road where Smoak Field Road comes out that is very, very dangerous. With a thousand more cars you have a thousand more chances of getting hit. Since she lives on the northern end of the County there are a lot of trees and a lot less people. She moved out there to enjoy all of this. She used to live in Clayton County and if she wanted to live with congestion she would move into the city limits. Please, do not allow this company to come in and ruin our quiet country with a city within a city by building more houses and bringing tons of people into our county setting. She would also like to see a mandate for larger homes. 1400 SF is the bare minimum for a decent size home. She would rather see houses that are 1800 to 2000 SF. Most of the newer homes built by individuals in this area are this size and larger. Why can't Minerva follow suit? She knows they cannot fight growth. It will happen no matter what they do but they can try to set a precedent on what type of growth they want in their portion of the County. This is setting a precedent for other builders that are going to want to come in and buy more and if we don't set a precedent now then they will come in and build whatever they want. She loves her community and wants to be able to remain there but if all of this happens she will probably have to move.

Ms. Barnes presented a letter from a neighbor that could not be present. The letter was from Daniel W. George, 158 Teamon Circle, in opposition to this application.

Jeff Barnes – 74 Smoak Field Road

Mr. Barnes said Ms. Barnes had expressed his sentiments.

Mr. McDaniel read the letter into the record from Mr. Daniel W. George, 158 Teamon Circle.

Mr. Morrow addressed comments to Mr. Davison. He said he had very strong objections to the curb cuts on Jordan Hill Road. It is the wrong thing to do. If you are going to be asking, in a later application, for the County Commission to consider approving a larger project they need to do away with these and not foul up traffic on Jordan Hill any more than it is now. He additionally does not agree with so many one-acre lots in the development. He can live with the 1400 SF in a portion of the project. He prefers 1500 SF but maybe there could be a mix. His preference is to zone this with only two curb cuts for street and no curb cuts for private drives, a maximum of 65 houses, which is one house per two-acre density, and a forty-foot natural buffer on Jordan Hill Road.

Mr. Davison said there are a few problems but he understands the intent. The problem is the power line and gas easements. The property has a natural division into three pieces each requiring different access points. That creates a problem of access into the property. He has no problem with the square footage issue. 1500 is not a problem. They are already below the 65 units suggested. He is happy with the unit number if the health department would let them do ½ acre lots on septic similar to other areas. They could actually do the same number of houses and create large parks and open space for the existing residents. They cannot do that and that is part of the frustration with this project. The basic layout of the property is difficult. It has a huge amount of residential frontage which is ideal for the three different people that want to purchase it and chop in up into mini-farms under the current zoning.

Mr. Morrow asked if he could work with three curb cuts and three streets.

Mr. Davison said this is not an ideal property. The property to the west of the gas line becomes a tract of land that has a cemetery, a huge amount of road frontage and a gas line behind it. It becomes very unattractive for anybody who wants to buy a 30-acre piece of land. It doesn't fit into what someone would want. It additionally does not have any quality stands of hardwood that have character. It has been cut over. It has young pines. Their reason to purchase this is more defensive than for a development opportunity.

Ms. McDaniel asked if there could be consideration to having an interior access road that parallels Jordan Hill Road with a buffer of trees between the access road and Jordan Hill Road. This would cut down on the lot size.

Mr. Davison asked who would own the road. Would the County maintain the road?

Ms. McDaniel said she did not know. This is just a suggestion. The road could be a buffer – could be a parkway area. It would cut down on the lot size. She would like to have a safe Jordan Hill Road. This would be a safer alternative.

Mr. Davison said it becomes a problem with the County taking on an additional 2000 feet of road with no additional tax revenue. Under current subdivision ordinances it would require curb and gutter.

Mr. Morrow asked if he had considered that under the conservation subdivision he can put five houses on private driveways which would cut down on the street requirements.

Mr. Davison said unfortunately he has done private driveways before and he hears back from the commissioners in the counties that they do not want them to do them again. They create problems for ingress and egress of fire trucks. The private drives breakup and you have ownership disputes even though you set up in the documents a cost sharing agreement. If they have an erosion problem or a piece falls off the end of the road you end up with them fighting with each other. He would love to try to avoid having to deal with that in the future.

Ms. McDaniel said there have been some trade-offs in rezoning because there was a natural buffer and a swell was provided for storm water runoff that, in fact, they did not require curb and gutter.

Mr. Morrow said he does not know how the fellow commissioners feel but he feels they are at an impasse because he could not approve this as it stands.

Mr. Sabine said this is not a platting meeting. This is just a concept plan unless the Commissioners tie the zoning to this plat. They will still have to go back and do a preliminary plat, construction plans, and final plat

Mr. Morrow said he did not want to come up with conditions that are absolutely unworkable for Mr. Davison. That would not be fair to him.

Further discussion was held regarding other possible solutions.

Mr. Davison said with his options he would probably rather leave the property AR-1 and use the existing ordinance and move ahead in that regard. It is a stray piece of land for them and the R-2 zoning, as drawn, does not appear to be something they would ever build. Hopefully, as they become more entrenched in the County, they will be able to convince the health department to change the standards or find a way to sewer the property and ultimately come up with a better design.

Mr. Morrow said he is not willing to leave it AR-1 because they would be able to chop up the entire road frontage and have all those houses up and down the road which is exactly one of the things he is trying to get away from. AR-1 is not an option. He is willing to go to R-4 with no more than four street curb cuts, 65 maximum houses, and a buffer on Jordan Hill Road. He is not opposed to one-acre lots if they keep to the 65 houses.

Mr. Massengale said he agreed.

Mr. Davison said they appear to have the same goals and he is uncertain as to how to get there. The more efficient way to develop the property is with an internal road system. They could put a connector road between the two sections and go to a more rural style road without the curb and gutter. He could make it a little more rural looking with country fences. They could divide three-acre tracts off of both sides of the road and leave it at that. This is not a style development that he likes to put his name on. This property is a separate contract from the other contract so his option is to drop this as unacceptable and Springs will have the option to appeal and rescind the zoning. He is not certain about changing the zoning on something he is uncomfortable with and would not follow through with the development. This property closing is subject to the rezoning. If he is obligated to buy because of the rezoning and it is something that he does not want to do he would probably resell to someone else and he does not want to do that. They have never done that. They have always done what they have said they were going to do when he has requested a rezoning.

Ms. McDaniel suggested that this be tabled and give Mr. Davison an opportunity to come up with another plan since he has heard the concerns of the County Commissioners.

Mr. Davison said he feels that this might be appropriate.

Mr. Morrow said he would like to see a resolution of this before he is forced to vote to approve 2000 houses.

Ms. McDaniel said it is not fair to Mr. Davison to require that he come up with a design plan while standing up at the commission meeting. She is in favor of tabling this application.

Mr. Davison said it would be better for him if it could be considered at the January meeting. The option will be up before then but it will be up to Springs as to whether or not they want to continue with him.

#### **MOTION**

*Ms. McDaniel made a motion, seconded by Mr. McDaniel, to table **Application #02-19Z**. The motion passed by a vote of 4-1 with Mr. Kendall, Mr. Massengale, Mr. McDaniel, and Ms. McDaniel voting for the motion and Mr. Morrow voting against.*

- 5. Application #02-33S: Lift from the table** – Springs Industries, Inc. Successor by Merger to Dundee Mills, Inc., Owner – Minerva Properties, L.L.P., agent – (129.56 acres on Jordan Hill Road located in Land Lots 155 and 166 of the 3<sup>rd</sup> Land District)– requesting a special exception to allow one acre lots in the R-2 District.

*This application was not lifted from the table.*

- 6. Application #02-28Z:** Markland Management, LLC, Owner – Georgia State Route 16 East (20.724) acres located in Land Lot 206 of the 2<sup>nd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-1, Highway Commercial.

Mr. Mark McCullough came forward, stated his name, and gave his address as 704 West Taylor Street, Griffin, Georgia.

Mr. McCullough gave some pictures to the members of the County Commission. They are requesting the rezoning to C-1 Highway Commercial. This is covered under the Arthur K. Bolton Overlay District so there are a number of conditions placed on the zoning. The development would be done in phases. The first phase will be a convenience store on the corner. The remaining phases would be subject to the response from marketing. They do not have plans to continue with the development until they get a response from potential users of the property. They do not have a restaurant that has confirmed. They have had some interest. They will facilitate the rest of the development by doing the planning for the utilities, bringing sewer to the site, grading, making the sites available so they would have something to approach those restaurants with. The hotel conference center has been discussed. City of Griffin MEAG has done a survey with the larger businesses in the area responding that there is a great need and making suggestions on what they would like to see in such a development. They hope to use that along with the zoning to approach end users.

Ms. McDaniel asked if he was aware that the Development Authority has been under some discussions with large hotels about building a conference center here.

Mr. McCullough said that he has talked to the Development Authority and actually said that his site in the number two choice. They have another site in mind and it is dependent on how the SPLOST goes.

#### **MOTION**

*Mr. Morrow made a motion to approve **Application #02-28Z**. The motion passed by a vote of 4-1 on a second by Mr. Massengale with Mr. Kendall, Mr. Massengale, Mr. McDaniel, and Mr. Morrow voting for the motion and Ms. McDaniel voting against. **The Resolution will be incorporated into the minutes on second and final reading.***

- 7. Application #02-29Z:** Springs Industries, Inc., Successor by Merger to Dundee Mills, Inc., Owner – Minerva Properties, L.L.P., Agent – Jordan Hill Road (1,106 acres located in Land Lots 168, 169, 183, 184, 185, 186, 199, 200, and 218 of the 3<sup>rd</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low Density and AR-1 Agricultural and Residential, to PDD, Planned Development District.
- 8. Application #02-29AZ:** Frank Towers Rice, Jr. and Kathryn Kinder Rice, et al Owners – Minerva Properties, L.L.P., Agent – Teamon Road and Smoak Road (198 acres located in Land Lots 217, 231, and 232 of the 3<sup>rd</sup> Land District) – requesting a rezoning from AR-1 Agricultural and Residential, to PDD, Planned Development District).

*These two applications were considered together to be voted separately.*

Mr. Brian Davison – 2292 Henderson Mill Road – Atlanta

Mr. Davison said this is not their first project. They had a section of a project in Spalding County called Heron Bay that required rezoning. It was primarily located in Henry County with 211 acres in Spalding County. It is close to this property. When they originally purchased the land in Henry County the focus was Henry County. The Spalding portion was an afterthought. He was extremely surprised about the

pro-active nature of the County. There seemed to be a push to move up the quality standard. There was willingness to have some flexibility and creativity to allow that to happen. They have pushed for a variety of new and interesting concepts in the Henry County portion of Heron Bay very few of which Henry County was willing to listen to. They have become entrenched in simplistic, standardized development style that allows very little creativity of design. You work within that because the competition cannot do any better so from a market point of view you are OK. The land in Spalding allowed them to work with the PPD zoning which allows patio homes and zero lot line homes which are almost unheard of in Henry County. There have been some small projects done like that but have been done so poorly Henry County has backed away from them. That zoning has allowed them to develop product that is primarily focused for active adults and "empty nesters". They did not know whether the market was there for this. Just to build a product without knowing the market was there would be unwise. They first contracted with a local firm in Atlanta to do a study of that market and their numbers were surprising. They then hired a company, Alfred Gobarr and Associates based in California. They do studies across the nation for large firms who focus on active adult and "empty nester" communities. They did an incredible market study, aging of population, other opportunities available, proximity of hospitals, schools, shopping, location and age of children and how close they are to the communities. Their projection was astronomical. There is a huge, huge unserved demand in the southern sector of Atlanta, primarily in the southeastern sector of which Henry and Spalding County are a large component. There are a huge number of people that have moved into those sectors over the years. Those people are hitting a point where they are in one of the larger houses, large maintenance, which is great when you have families and kids but all of a sudden you do not need that huge house to maintain. They are looking to downsize. Also, as those homes sell, younger families move in, the community breaks up from the core neighborhood of people that moved there twenty years prior. They are looking to make a move and there are no good options. Easy to manage homes are generally done very poorly. If it is a smaller lot it is generally smaller because someone wanted to put a nice cheap house on it with no character. You end up with designs with straight roads, no trees, garages sticking out front, no detail on the houses, they are all identical materials, no porches, no character no place they want to live. The other alternative is to get an apartment and the apartments are not much better. Minerva has different sides of the company that do different things. One of them is active senior housing which has completed one project and the second one is underway. One is in Roswell and the other is in Duluth. They are targeted as a much higher end full service apartment for people that want to get out of their house but do not want the concept of assisted living. They have a huge amount of character with communal eating areas, movie rooms, pools, massage clinics, activity rooms, organized events, and trips away. When this was done they were surprised by the result. They thought the age interest would be 65 to 80 but it has been 73 up to 95. There is a big gap as people get older they are generally healthier and living longer. There is a big gap between the time your children leave home and the time you need that full care service. Trying to find a community to live in with lower maintenance but still a quality home is hard to find. The project provides an incredible opportunity. They are going to experiment with this in Heron Bay but they only have 200 acres in Spalding that allows them to do this product. The main builder that will be helping develop this project is Tony Perry, McKenzie-Perry Homes. Mr. Perry has been refining some product over the last three months. He has been traveling to different places from Las Vegas to California, Phoenix, Florida, communities on the northeast coast, and last week he was in Spain. The main goal is to find new, creative ideas to do thing better, better aesthetics, better ways for the communities to flow, improve design ideas. This is still a learning curve for Minerva but there is a huge amount of things they already know they will do in Heron Bay and even from Heron Bay they will learn and continue to improve. With the demand that the market study identified they will literally be sold out of the 500 lots in Heron Bay in the Spalding section within 11 months. This won't happen because they cannot build them fast enough. There is that much demand. It will probably be sold out in two and a half years. They will be looking for replacement product to target that market. The buyers that did not get to buy in Heron Bay will be looking for an alternate location. Henry County still has just built three new schools, and the new schools are a huge draw to families with children. Until Spalding does the same that will probably be the focal point for young families moving to the southern part of the Atlanta area. This is a huge opportunity to target this market of people. The break point will basically be 45 years and up. This project hopefully will contain a lot of features that will allow Minerva to target that market. They have included one area on the eastern side with a school location that they want to donate to the school board if they want to build an elementary and middle school. There will be a need at some point in the area. For the good or the bad the border is about six miles from the new 1.1 million SF mall that was announced recently. Whether it is Minerva or someone else there is going to be a massive amount of growth in Spalding County. Spalding County building permits from 1999 to 2000 went up 46 % and then from 2000 to 2001 they went up 114%. This is just the beginning curve. It matches Henry County going back about 14 years. The growth rate is almost a matching curve. This project is huge for Spalding County. It will make a huge impact. They would like to make a good, strong impact. They are hoping this will set a new standard for anyone that wants to build in the County. They would like to be the benchmark for future development. The neighborhood that will be built around the school will be a different concept. It is designed around a neighborhood that is in the core of New Orleans built in 1929. The school is the central point with all the

houses backing up to open space with trail system that interconnects through the entire neighborhood. It allows anyone in the entire community to walk to the school without ever crossing the road. You can also walk to anyone else's house in the community without crossing a road. It is an amazing design. Minerva came in with a plan that originally had over 2800 units. With a variety of design changes, input from planning staff, input from neighbors and people that spoke, they have cut it down to the 2100 unit range. They have eliminated town home components and they have eliminated apartments with the exception of the active adult age targeted apartments. They have done a variety of things. They have eliminated half of the commercial land and increased the buffers around the wastewater treatment plant. They have tried to redesign and relocated the plant itself. They have changed setbacks, added more open space, added more access to the lake, etc. The input has been great and as it evolves there are still a hundred ways to make improvements as they go through it. It is an opportunity to start with a high-end initial execution and when you do that it costs more money to do it up front but from a financial point of view it pays off dramatically. The time frame on the project is three years before they start and maybe five. The sewer plant is crucial. The lake is the ultimate goal for the center of the property. They would like to use it as a recreational lake with no gas motors, and no individual docks, only community docks. Working with the Water and Sewer Authority it would be a backup water source. The City is willing to serve this community from the new reservoir to the south but at some point the community will need one more reservoir, probably two or three more as the growth moves forward. If, for any reason, the lake cannot be permitted, the second choice will be a golf course there. The third choice would be to leave it as open space with a trail system. When they came to the southern part of Henry County and the northern part of Spalding they thought it would be the last place to target high quality, reasonably affordable housing. Reasonably affordable housing would be \$125,000 to \$200,000. They have set up the web site for Heron Bay and have set up one of four billboards. From that one billboard over the last three weeks they have gotten well over 100 inquiries. Out of those 100 inquiries only one person has requested information on a house of less than \$175,000. 82% of the inquiries are for \$200,000 and over. This is a total surprise.

Discussion was held regarding the house sizes in the different areas. The minimum house size will be 1400 SF which will be in the active adult sections. The plan is that these houses will be more expensive per SF. The emphasis will be on quality and finish rather than size. The age restrictions were discussed. The standards are set by federal mandates.

Mr. Sabine said Minerva will pay for the signalization for traffic control for two intersections, one will be at the corner of Jordan Hill and Spring Lake entrance and the other at the intersection of Teamon and Smoak Roads. They will pay for them at the time of installation as well as putting in accel/decel lanes.

Discussion was held regarding the design of the lake and the potential for approval. Discussion was held regarding the location of the treatment plan and how it will be operated.

Mr. Morrow said that with the evolution of this project they have gotten rid of most of his objections with this project. He still has a problem with the density. There had been some tradeoff for the lake and now it appears that if there is not a lake there might be nothing there. They have accepted density with no tradeoff.

Mr. Davison said there will be something there. Their first choice is a lake. If they cannot have the lake there will be golf or a park in the center. The lake is an unknown. They want the lake but there is a three-year permitting process and he cannot say they will be successful. If Spalding Water and Sewer Authority is willing to work with them as a backup water supply for the County the odds are much better than for a purely recreational lake.

Mr. Morrow said this is still pretty dense.

Mr. Davison said there is a huge amount of infrastructure in addition to the sewer treatment plant. There are all the parks, trails, the roads. If you visit the neighborhoods they have built you see not just a road and grass seed thrown down. You see quality landscaping with wide sidewalks, substantial amount of tree planting, parks with amenities. The first park you will see will be a park with a 1.9 million-dollar amenity center. When you start cutting into the density you affect the amenities.

Mr. Morrow inquired about some additional land that Minerva owns that is not included in the project.

Mr. Davison said there is some land on the east side of Smoak Road that they have under contract that is not owned by Springs. There are a lot of issues regarding this tract. They have been to meetings regarding traffic and density down Smoak Road. Teamon is a main east west connector. Development is coming. The landowners will eventually sell their land. Henry County approved in their SPLOST a project to pave the dirt road which is the northern part of Jordan Hill Road that is call Rocky Creek Road. It will be paved up Highway 20 to the mall site. It will be a 6.5-mile drive to the new mall. Traffic on

Smoak was a big issue. It is a rural character road. It has not been chopped into all the little houses as Teamon and Jordan Hill Roads have been. They have tabled this and are going to investigate the concept of a design for larger tracts with a rural environment without the expense of the curb and gutter. They plan to bring this to the County Commission in February if they can get the project planned. He originally thought Teamon Road would be the main access point but he has changed his mind and thinks it will now be the north south road.

Mr. Sabine said on November 5<sup>th</sup> Henry County voters approved a SPLOST that included a proposal to pave Rocky Creek Road which is a dirt road running from Jordan Hill to Georgia 20. They will improve this to be a connecting road and in the future you will be able to get off at Highway 20 at Interstate 75, take Georgia 20 to Rocky Creek and come straight down Jordan Hill Road into Spalding County.

Mr. Davison said that Georgia 20 will be four laned. It will be routed around Hampton. The engineering work has already been and the bridge design where it crosses the wetlands has been completed. Simon and North American Properties has announced plans to build a 1.1 million SF mall at the northwest corner of Georgia 20 and I-75 which is six miles from the Spalding County border.

Mr. Sabine said Seven Forks Road is an existing County road and is proposed as a cul de sac which will isolate the residents from the rest of the development. He has received requests to keep this as an open thoroughfare. He does not know how the Commissioners feel but it may be that Seven Forks needs to be kept open.

Mr. Davison said that was fine. He is not certain how that evolved. He thinks that was from an earlier discussion months ago to do that but there are a bunch of residents that want to keep that open and that is totally fine.

Further discussion was held regarding roads. Mr. Davison said in the initial development of the plans they were not aware that Henry County had plans to pave Rock Creek Road and they will probably change the plans to focus the roads to Jordan Hill rather than Teamon Road.

Mr. Kendall asked if they needed to approve density today.

Mr. Sabine said the Board approves a concept plan which must be adhered to with the exception of minor amendments that can be approved by the Planning Commission. In essence the Commissioners will be approving the master plan, the overall density, and the general design along with underlining zoning that underpins the development. They will proceed with their preliminary plating which will have to be consistent with the concept plan, construction plans and the final plat.

Mr. Galloway said if a major change occurs it has to be approved by the County Commissioners. The administrative staff has the authority to deal with minor changes.

Mr. Kendall asked when they will know whether or not the lake is approved.

Mr. Davison said they should have a fair idea of their chance of success in a year and a half. Three years from now they will know fairly certain whether they will be successful. From that point forward it may still be anywhere from three years to five years to resolve any mitigation issues and actual construction and design of the dam. The earliest you would ever see a lake there would be four years from now and in reality it is probably six or seven.

Mr. Kendall asked that if this is approved would they start the project without the approval of the lake.

Mr. Davison said the plan is to "sit on this" during the time they are spending money on the lake. They are acquiring the property and will also be funding the front end with equity to fund five years of property tax and then also a fairly substantial amount, \$900,000 worth of engineering work to get to the point of getting the lake approved. There are a number of studies, permits, design engineering, wetlands mitigation issues that have to be funded. Once the lake is approved you have another round of expenditures which is actually paying for wetlands mitigation. In Heron Bay they did not touch any wetlands and crossed creeks six times with roads and there is what is called stream mitigation credits and those credits for six road crossings were \$588,000 not counting the engineering. There is an incremental expenditure of money as you go through the process. Three or four years will be in the million-dollar range to do all the design engineering, permitting. The lake is worth it to spend the money and try to make it happen and for a water supply. If they can't then the probability is that it will be a golf course. The group that did the Heron Bay course is looking for a second course in the area. They may find another location before it is known whether or not the lake can be built.

Mr. Kendall asked how garbage disposal and other urban services are addressed.

Mr. Davison said he is not certain about garbage disposal in Spalding. In other areas it is a municipal service and is on the tax bill. If it is not then they will organize the residents and they can hire the services of one company. Everyone has the right as an individual to elect not to go with those services.

Mr. Sabine said the City of Griffin has proposed that they will start picking up garbage out in the unincorporated County as part of their enterprise venture. They have advised the County Manager that they wish to act on that. Given the customer base they will be interested in this area. It can be stipulated that they will be required to subscribe to some garbage pick up service.

Mr. Massengale said they could use the Woodruff Fire Station.

Mr. Kendall said with density it is more akin to an urban area as opposed to everyone taking his garbage to the Woodruff Fire Station.

Mr. Davison said there is a master homeowners association for the entire neighborhood for the communal issues such as the parks and general open space. Additionally, there are specific sub associations for the active seniors' areas because they have their own amenities center. It is mandatory and they are billed for that separately. The dues for the whole community will be approximately \$300 annually and then if there is a sub neighborhood that is usually an additional dues structure. There will be a professional management company that will contract to handle the associations. Minerva will handle the homeowners' association until it reaches 500, 600, to 700 residents. The common areas are owned by the homeowners' association with usually five members on the board making decision. There is usually a shortfall for the first few years that is funded by the developer before they become fully funded and are self-sufficient. The funds are managed initially by Minerva but placed in a local bank. The funds are protected by insurance and bonds. This is going to be such a large-scale operation and funding should be adequate to manage the common areas. There is sometimes problems with funding in smaller operations where there are not enough funds to pay for the maintenance.

Additional discussions were held regarding the homeowners' association and who is responsible if there is a breakdown in the system.

Mr. Sabine raised the issue of animal control. He asked Mr. Davison to include some animal control requirements in the covenants.

Mr. Davison said they certainly would. They made the mistake in the first of their projects of not including that in their covenants.

*The Board of Commissioners took a five-minute break.*

*The Board of Commissioner reconvened with all members present.*

Several people were signed to address the Commissioners regarding these applications. They each came forward, stated their name and gave their address.

1. D. Stickland was signed but was not present.

Maria Johnson – 600 Hamil Road – Griffin, Georgia

Ms. Johnson requested that the zoning be denied based on the current proposal. There have been a lot of improvements since the last time she heard about it. She does not like the 2.31 units per acre. Her understanding is that it includes the proposed lake areas. She and her husband retired to Spalding County from Gwinette County. They love Spalding County. One of the main reasons is that there are not subdivisions everywhere. They are proposing a very nice subdivision but yet a subdivision. The Commissioners have a rare opportunity that all the other counties have lost. That is to control the mass development that will be coming in this direction. The community relies on the Commissioners for the future of the County. This is a hard job. Recently she and her husband attended a Spalding County ten-year plan meeting. They have been trying to attend a lot of such meetings since they became aware of them. One of the top items that came out of that planning meeting was to keep a small town atmosphere. If Spalding County is not careful we will lose that to the mass development that is coming in this direction. One of the things on the plan that has not changed is that some of the lots are extremely small, 1/8 of an acre. She hates to see that. One of the things that she loves about Spalding County is the zoning requirements of two-acre lots and one-acre with sewerage. She would like to keep it to that and not try to put 2.31 units per acre, which also includes that lake. The number would be a whole lot higher if that lake area were not included. One of the other things they love about the County is the small town atmosphere.

When you go to places in the County people speak. You do not hear that in a lot of the other counties in Atlanta. The stores are all friendly. They go to Akins Feed and Seed for a lot of their needs and they are all friendly, really nice. Those are things that you do not see in a lot of the counties of Atlanta. The hay fields, the countryside, farm animals, wildlife – all things that she thinks are absolutely beautiful in Spalding County. The stars – they have so many friends that live in the different areas of Atlanta and they come to their home and can't get over being able to see the stars as clearly as you can in Spalding County. People that have lived here a long time have forgotten that or take it for granted because they have had it all their lives. Some of the people that have moved here in the last few years feel that these are "big deals." They are wonderful things in Spalding County that a lot of the other counties have lost and can never get back. She requested the application be denied as presented. Ask for a lower number of units per acre. This is a rural area. It is very nice. They have a neighborhood party every year and they have a two-mile radius from which they invite people to their home once a year. They do not see them that often because they are spread out. They have 41 acres. They have great neighbors that are very friendly and very nice. Spalding County is a wonderful place to live and she said to really, really think hard before giving approval. She is scared that Spalding County is going to be another Atlanta. She does not want to see that. She wants to maintain the two and one-acre requirements.

Mr. Kendall said what she is saying about the stars is true. You can see the stars in the country but you cannot see them when you get to the City of Griffin.

Ed Johnson – 6000 Hamil Road

Mr. Johnson said he has two main concerns. The first is the proposed 1400 minimum square foot size. The concern is that everyone has seen a substantial increase in property taxes this year and at least part of that is due to homes being built that are not at the appropriate level to pay for their full share of county services. He wants to ensure that in this development, whatever that level is, they will be at a level to pay their full share of county services. The second is the density. This development is going to go a long way toward changing the character of the County. Not only will the subdivision be crowded but the traffic and large increase in the number of people in a relatively small area of land will cause a lot of repercussions in the County. Additional schools will be required, more and wider roads, and more County services will be required. Medium density development will require a substantial increase in County services and more taxes will be required to pay for those. In September they came to a meeting and a lot of those in attendance wrote concerns that they had. To his knowledge he has not heard anything about that. What came of the results of that meeting?

Mr. Sabine said at the time of the concept plan review this project had between 2835 and 2870 units and it now has 2107 units on 1304 acres. The 2.31 units per acre density excludes the lake, excludes the commercial, and excludes the park network. If you look at the raw tract you would have an aggregate density of 1.61 units per acre.

Marvin Ballard – 321 Seven Forks Road

Mr. Ballard said he is against closing Seven Forks Road because if you try to go onto Teamon Road from Seven Forks Road there is no way you can go.

Mr. Massengale advised Mr. Ballard that Seven Forks Road will not be closed.

Mr. Ballard said he was glad. He said they moved here and can see the stars at night. He has three acres and it is not enough. He has a rooster that crows in the morning. What is that going to do to the neighbors? It does not bother him, he is used to it. He has dogs but they keep them penned up. He tries to keep his yard clean but people are not going to go for that. He is glad they are not going to close Seven Forks Road. They have a hard time getting on Teamon Road. Georgia drivers do not go 45 miles per hour. His wife does all the driving and she cannot get out on Teamon Road. If she goes the other way she does not have any trouble. He knows there are going to be more people. If you put a housing project like this out there you are going to have road rage and what can I say? Thanks a lot.

Robert Burke – 120 King Richard Drive

He does not live close to this area but he does have some questions. He is neither for nor against. The first thing that strikes them as odd is that in their development impact report they say they are going to furnish public water and public sewer. The City has said they can furnish drinking water. What about outdoor water? He moved from Spalding County in 1984 and moved back two years ago. When he left there was a water problem. While he was gone Henry County came down and condemned some land in Spalding County and built a reservoir and that water goes to Henry County. Now we are going to Pike County and build a reservoir and bring it back to Spalding County. He came back and we still have water problems. He does not feel we will ever get to the point where we don't have a water problem. Now they say if we can't build a lake we are going to build a golf course. He does not understand. It seems if I was going to take several million dollars and build something I am not going to get any revenue from or I

could take several million dollars that I can get some revenue from then that lake will be gone and we are going to have a golf course out there. That flies in the space of the green space concept. He is concerned because, at their own estimate, they are going to have 35,568 trips a day and then say it not anticipated that this trip generation will place any burden on Spalding County's existing streets. I don't know of any place in Spalding County you can put 35,000 cars a day and not have a traffic problem. We have a traffic problem anywhere you go in Spalding County now. The last thing he is concerned about is school enrollment. They say only 30% of the single-family houses will have school age children. They estimate only 1513 additional school age children. We have a lot of low-income, small houses now and how many "empty nesters" are moving into those. That is not happening. He questions the 1513 additional students in the school system. That is a ridiculous number. If you are going to sell me something and you are going to sell me an elephant do not try to sell me that elephant as a hippopotamus because he knows the difference. If you fudge on one thing he worries that you are going to fudge on other things. He requested that the Commissioners make certain that everything is nailed down solid tight before approving anything. They have said they built schools that are going to have a draw for people. He does not know of any place in this whole great country that we live in that built schools before the kids were there. The kids get there and then they build the schools. To say those schools attract the kids is not the way it happens. We build the schools to educate the kids and we don't have enough money to do that right now. He is not against this but he is worried about it.

Tilman Blakely – 599 Smoak Road

Mr. Blakely said his remarks are addressed not only to the Commissioners but also to his neighbors in the audience. He identified the location of his property on Smoak Road. His property backs right up on this development. They built their house in 1978 and they have lived in dread of some kind on development coming to this area at some point. He still likes to sleep with his windows opens and likes to hear the sound of wildlife. He likes not to hear the sound of other people. He hates to think of loosing some of this. He has had a real problem with this and has had a lot of sleepless nights with more to come. He also thinks that they are going to have a drastically different community regardless of whether this is approved or not because Springs is selling this property. The heirs to the Fontaines are selling that property and have already sold some on the other side of Smoak Road that is being put into lots and houses. The question that he has had to come to grips with is if that is being sold would you rather have a development like Minerva that includes the amenities for people, that includes the 197-acres of lake, that includes landscape and streetscapes, and includes the provision for a school and that is done by someone that has a reputation for putting out quality work or would you rather chance dividing that Springs Property up into 100 and 200-acre tracts and letting developers have a go at it which would mean no green space or lake or golf course or whatever it turns out to be. We are trying to raise the bar, trying to have nicer development in the County but until we show developers, and potential residents of our County that we are able to do that they are not going to do anything but continue the same way we are going right now. He has had some reservations about the water treatment plant. He does not want any odor or any sound. He visited Reynolds Plantation with Mr. Davison and looked at a couple of plants there that are state of the art. There is the technology to provide this so there will be no odor and no sound. It is up to the engineers and Mr. Davison and Minerva to be able to develop that and make it part of the plan and put it in an area that is appropriate. He would be glad to continue to be involved if they would like to have a resident involved in keeping in touch with what is going on he would be glad to be a part of anything that they would like to have him do. He requested that this be approved. He said he did not think that he would ever do that but he has seen the other side and he does not want that to happen. He requested approval.

Andrew Moses – 2395 Noah's Ark Road – Jonesboro, Georgia

Mr. Moses said he has 10 acres next to the property. They said they are not going to close Seven Forks Road and that was what he was going to request. Traffic is going to be a problem. 20 is going to be overloaded. Nothing has been built on the south side in twenty years in roads. He has been to some of the meetings and nobody from Spalding, nobody from Henry or Fayette Counties was at those road meetings to build roads. Nobody seems to be interested in building roads until they are jammed up like they are now. You cannot even get out of Seven Forks Road onto Teamon Road now and you don't have all of this. The lady mentioned what Clayton County is going to do. Clayton took the trees down. They are going to build those little lakes. They took the trees down next to him and ran the animals off. How does everybody feel about running all the animals out? Trees are nice. They got so greedy that they took all the hunters down and shot the animals down. The police shot them out of helicopters. You have to be greedy to do that. Those people don't realize what goes on in life when you get something like this started. Unless you appropriate something for sewerage and roads you are going to be overloaded real quick.

Mr. Davison came back to answer questions.

Mr. Morrow asked Mr. Davison if this is approved is he going to advise them about Cherokee Rose.

Mr. Davison said it is within the sound distance. He does not know how far into the property it carries. It is similar to the criteria that you have to put in when the property is within a golf community. You have to put a disclaimer on every house contract. You have to have an addendum advising them of the risk. There will be people that will make a decision not to be there because of Cherokee Rose. There is no doubt.

Mr. Morrow asked about the pricing and the self-supporting regarding County services.

Mr. Davison said it has probably gone up in the last three months. In Heron Bay 42% of the houses were for the patio homes. People are looking for lower maintenance homes. All of them were in excess of \$200,000, somewhere in excess of \$250,000. This has been a total shock. Mr. Perry is already redesigning and upscaling an entire pod of that development. The most cost affordable home, which is the larger square footage family type homes, is in the range of \$80 per SF and the homes are 2000 SF which would mean the price is \$160,000 to \$170,000. On a square foot basis the empty nester homes in Spalding will sell in a range from \$100 to \$120 per SF. The lot prices are almost the same for the small versus the larger. The price all comes down to the quality of the finish of the house. Generally younger families are looking for more square footage but less expensive houses. You adjust the style of the house. The beauty of the empty nesters is that you can actually, with less square footage, put a lot more money into the house.

Mr. Kendall asked how much of Heron Bay had been built out.

Mr. Davison said that project is just beginning. They had not started any advertising or promotions until three weeks ago when they put up a billboard on the highway with their web site address. People are going to the web site and entering their names and addresses looking for return phone calls for information on the homes. The pricing starts at \$125,000 and up. Only one of the hundred responses they have received has requested information on a house under \$175,000. It is already causing them to readjust their pricing.

Discussion continued on the type projects Minerva has done and the fact that they are able to sell their homes at a higher price due to the amenities that they include. There was also information regarding the use of the gray water for the landscaping. Irrigation to the neighborhood is huge and with basically free irrigation for everyone the landscaping is a lot more lush than projects around it.

Mr. Morrow said that some of the people are concerned about it being a back up reservoir. If the City of Griffin is not interested would another county use it? Have there been any discussions with the City and are they willing to take this as an option.

Mr. Davison said there was an initial discussion and there has been no follow-up. The City of Griffin's main focus is finding taps for their new reservoir to fund it. They predict that it will be operational in March 2005. Minerva is willing to let the City of Griffin have an option on that water if they want it. They would like to work an agreement with the City so that Minerva would build the treatment plant and they would market wholesale prices and the City could tap in on it when they wish.

Mr. Davison said that Springs is going to sell this property. They are under a mandate to liquidate assets that are non-core to the business, hopefully to reinvest in the business. Minerva is one alternative the County has. If it were a lesser quality they would not be interested in the project. If the Commission does approve the project tonight he hopes it will set a mental precedent for everybody on the Planning Commission, the Staff, and the Commission to try to continue to push and improve the standards on anything else that is brought to them. If Minerva does not purchase this Springs will break it up into several pieces and sell it to other people and you will get more straight roads, barren subdivisions with silt dumping in the creek with the "low 100's" signs all over the County. If this is approved they will make a massive investment into the County and he would very much like to see the County continue to encourage the same things that have been asked of them in terms of increased standards.

Mr. Morrow said they have been regularly "beating up" on all the developers for that same purpose.

## **MOTION**

*Ms. McDaniel made a motion to approve **Application #02-29Z** to include the Addendum to the Staff Report dated November 12, 2002 which is as follows:*

### **For the property subject to this zoning action:**

In general, the R-1, R-2, and R-4 zoning districts require the minimum standards as follows: 1,750 heated square feet in the R-1 district, 1,500 heated square feet in the R-4 district, and 1,400 heated square feet in the

R-2 district. The R-3 district, at the time of application, minimum space was 600 square feet with maximum density of 10 units per acre.

Relative to zoning by pods, the pods are defined on areas shown on the concept plan/concept plat, more particularly defined as concept plan/concept plat submitted for review to the Spalding County Community Development Department dated November 15, 2002.

**A. Zoning by Pods:**

1. The following Pods shall be developed consistent with the requirements of **R-4** zoning district with the additional conditions prescribed in Section C and D of these conditions:

Pods B, C, E, I, O, P, and Q

Be it further conditioned that for Pods E, I, O, P and Q as delineated in the concept plan of November 15, 2002 as submitted by the applicant, that the minimum heated square footage shall be 1,500 for fifty percent (50%) of dwellings constructed per pod, with the remaining fifty percent (50%) having a minimum heated square footage of 1,750.

2. The following Pods shall be developed consistent with the requirements of **R-2** zoning district with the additional conditions prescribed in Section C and D of these conditions, and if the special exception for zero lot line design is granted, Section B should be followed similarly:

Pods A, D, F, G, L, and R

3. The following Pods shall be developed consistent with the requirements of **R-1** zoning district with the additional conditions prescribed in Section C and D of these conditions:

Pods H, J, K, M, and N

4. The following Pods shall be developed consistent with the requirements of **R-3** zoning district with the additional conditions prescribed in Section B and C of these conditions:

Pod T

5. The following Pods shall be developed consistent with the requirements of **C-1** zoning district:

Pods V, W, X, and Y

6. The following Pods shall be developed consistent with the requirements of **C-1A** zoning district:

Pods Z, AA, BB, and CC

7. The following statement will apply to each of the above stated pod classifications:

“...however, notwithstanding, the fact the development incentives contained within the planned development ordinance may apply to that pod subject to the satisfaction of those development incentive requirements.”

**B. Age Restrictions for Active Adult Community and Zero Lot Line Pods:**

For all development in the subject tract that is deemed to be Active Adult Community and Zero Lot Line Pods shall comply as follows:

- Compliance with all State and Federal laws regarding age restrictions shall be adhered to.
- At least 80% of the occupied units must be occupied by at least one person aged 55 or older. The community must publish and adhere to policies and procedures demonstrating the intent required under the statute. The housing facility or community must comply with rules issued by U.S. Federal Department of Housing and Urban Development for verification of occupancy.

**C. Subdivision Design Criteria:**

1. A phased tree study showing all specimen trees or larger on site. The phases should be as follows – Phase I: A tree study should be performed in the proposed roadways to determine if slight alterations to the design of the roads could save specimen trees. Phase II: A tree study should be performed on individual lot or sites (commercial and multi-family) to determine the location of specimen trees. Propose tree save areas shall also be indicated in accordance with the County’s Tree Preservation Ordinance.

2. Provide Streetscape plan with the following components: Streetlights (decorative) and tree planting plans for both sides of the street. Trees should be planted at 50-foot intervals. Trees shall be hardwood species, with a minimum 2-inch caliper.
3. Tree cutting shall be limited to the areas on each lot needed for construction.
4. Applicant shall meet with the Administrative Officer regarding design criteria for cul-de-sacs, closes, and other dead end streets in an effort to eliminate such dead end streets and promote interconnectivity of existing and proposed roads.
5. Eighty (80%) percent of the lots shall be no more than 500 feet from a greenspace area.
6. Applicant shall meet with the Administrative Officer regarding lots backing onto the lake. Scenic vistas should be preserved for the entire development to enjoy that might be deemed as permissive.
7. Front setback should be a maximum of 25 feet and a minimum of 15 feet on zero lot line pods.
8. All front and side yards shall be sodded.

#### **D. Architectural Standards for Single Family Residential Units**

- A. Homes with a basement or crawlspace shall be provided that no concrete block or unfinished concrete shall be exposed to view.
- B. A minimum of 50% of the homes shall contain a brick, stone, or masonry stucco accent or façade.
- C. No vinyl siding shall be allowed.
- D. All asphalt/fiberglass shingles used shall be architectural shingles.
- E. The minimum roof pitch for all structures shall be 6:12.
- F. Cantilevered chimneys are not permitted.
- G. Wooden porches shall be painted or stained. Wooden decks shall be painted or stained if they back up to greenspace areas.
- H. Mailboxes shall be coordinated and uniform within the neighborhoods.
- I. No chain link fencing permitted unless it is vinyl coated.
- J. Freestanding dog pens shall not be permitted.
- K. Accessory structures shall match the style and materials of the primary home.
- L. Recreational vehicles shall not be stored between the street and the front building line of any home.

All zoning of the properties described herein, including any conditions above are set as the minimum requirements as of the date of the adoption of the amendment of the zoning map requested by the applicant with the sole exception of Pods rezoned to the R-3 classification, which shall be tied to the minimum requirements as provided for as of the date of application for the subject zoning. Such limitations include, but are not limited to lot size, required building setback, density, minimum frontage and minimum lot width.

Furthermore, property delineated on the concept plan as proposed lake 197.08 acres, more or less, that the proposed lake site is delineated on the zoning plan supplied to the Planning Commission dated November 7, 2002 shall be zoned as Planned Development/Planned Lodge and Recreation Development with the following uses: greenspace, golf course, and/or lake as well as directly associated clubhouse facilities.

For all areas of this subject zoning that when developments are adjacent or backup to farm land or undeveloped land, land with uses associated with the AR-1 district as the AR-1 district is defined as of the date of rezoning, there shall be a 50 foot buffer between development on the subject tract and those adjacent properties with farm land or other undeveloped uses consistent with the AR-1 zoning district as of the date of this subject tract rezoning.

Additionally, they will not close the Seven Forks Road, the developer agrees to road improvements to include signalization in the vicinity of Baptist Camp, Jordan Hill, Spring Lake intersection and the Teamon Road, Spring Lake entrance near Smoak Road, the cost of the signalization shall be established as follows, the applicant will work with staff to establish a baseline cost of 2002 with the cost being stepped up according to the consumer price index and at the time of installation the developer will pay the County its cash cost, accel/decel lanes will be added where needed on Teamon, Jordan Hill Roads, additionally Smoak Road, as it impacts this development, shall be improved as well, the wastewater treatment concept plan is approved on the basis that the plant be constructed to tertiary treatment standards in accordance with the standards set forth by the Department of Natural Resources

Environmental Protection Division, and the applicants shall petition for an animal control restraint district covering the area subject to this rezoning to take effect not later than July 1, 2005.

*The motion was seconded by Mr. McDaniel.*

Mr. Kendall said he feels that this changes the essential character for a very large sector of the County in that area. All of the citizens who want to keep the pastoral setting up there, this will be the first and largest blow to that concept because this is a 180 degree change from what is going on around there. Springs is “unloading” and at least if we go with this we get to deal with one developer as opposed to three, four, five, six, seven, or eight that might come in and take part of this 1300 acres. There is probably a lot more ability to control what happens up there. This is a developer we know something about that is in the vicinity and has a very large investment a few miles away in Henry County. The City is looking at a whole lot of customers that will help pay for this reservoir and the City will not be doing anything to “cut the legs out from under this project.” This is a whole huge number of customers that will help pay the \$45,000,000 on the reservoir. Comments were made to be certain that everyone is paying their share of the cost of County government. He has been unable to determine what that cost is and how somebody would come up with that and what that really means but he understands the point. Something like this is going to go a long way to meet that point. If you bring some of these homes here and bring some of the people here from other areas that are going to migrate to Griffin that is going to help. Our population has not grown. It has just shifted from one side of the County to the other side. A development like this will bring people from other areas with different resources for the County. He hates to lose some of the things Ms. Johnson talked about but on balance it seems he will have to favor the project.

Mr. McDaniel said he appreciated what Mr. Blakely said and from things that he has heard Mr. Blakely was convinced from his earlier position on this development that this is going to be something of quality and something that he would prefer to have next to him as opposed to some other things. There has been some talk about how we need to control things. Since he was on the Planning and Zoning and on the County Commission they have tried to do things to upgrade. One of those things was to increase the square footage. That doesn't work because you can go all over Spalding County and find 1400, 1500, 1700, 2100 square foot homes still selling in the low 100's. You are not necessarily going to mandate quality with house size. The amenities that people are willing to pay for make the difference. We have an opportunity to control quality by amenities. Things are going to change and what we need to do is make that change where it can be managed to the best of our ability. In order to do the things Mr. Davison is talking about requires a certain amount of greater density. People who are forced to build larger are going to do it the most economical way they can. Spalding County is looking at doing some design criteria in the ordinance that is going to improve things. They will be doing some things in the building code that will bring improvements. This is an opportunity to control in a good way. Everything they have seen and heard about Minerva is that they do what they say they are going to do. This is an opportunity to grab some quality. This raises the bar and creates some competition. Logic tells him that this is a good opportunity for Spalding County.

Ms. McDaniel said she wanted to thank Mr. Davison and Minerva for the cooperation they have shown to the staff and also to the people that have attended the public meetings to voice their objections to some of the projects and their willingness to listen to people and come up with a compromise that is pleasing to everyone. Other developers come in and will not compromise.

Mr. Morrow said it takes about \$540 per house to support the services that are provided. It means that a house of \$140,000 is about the break-even point in the County and they strive very hard to make development above that so they add and not subtract. He is convinced this development is well above the \$140,000 price point so it is a net win and not loss. He is still not certain as to how he is going to vote on this but if he votes yes it will be because of what Mr. Blakely said. One of the big reasons is that we can control this instead of it being piecemeal. This is a huge danger. They have lowered the unit density, increased the square footages, and all the things they have done makes this a much better project than when first introduced. He expressed appreciation for their cooperation with the County by making the changes.

Mr. Massengale said that the entire project is in his district and he has received a lot of calls regarding this project. He has to be honest, he has had almost no one speaking for this project. He spent a lot of time with a lot of people explaining the ramifications of allowing this to go to someone else or maybe 8 or 10 someone else's. He was very concerned about how this would go. He has heard that you cannot stop progress but you can manage progress. In this case you can be assured that it will be managed. If you want to see unmanaged progress all you have to do is go to North Fayette County, all of Henry County, and all of Clayton County. There is a lot of beautiful property in Spalding County and he hates to see it developed but progress is coming. You can't build in Fayette County any more and you can't build in

Henry or Clayton Counties and a lot of that is coming this way. We can manage progress and he assured everyone that the Board of Commissioners looks at everything very carefully. Progress will be managed.

*The motion to approve **Application # 02-029Z** passed by a vote of 4-1 with Mr. Kendall, Mr. Massengale, Mr. McDaniel and Ms. McDaniel voting for and Mr. Morrow voting against. **The Resolution will be incorporated into the minutes on second and final reading.***

#### **MOTION**

*Ms. McDaniel made a motion to approve **Application #02-29AZ** to include the Addendum to the Staff Report dated November 12, 2002 as state above in the previous Application. Additionally, they will not close the Seven Forks Road, the developer agrees to road improvements to include signalization in the vicinity of Baptist Camp, Jordan Hill, Spring Lake intersection and the Teamon Road, Spring Lake entrance near Smoak Road, the cost of the signalization shall be established as follows, the applicant will work with staff to establish a baseline cost of 2002 with the cost being stepped up according to the consumer price index and at the time of installation the developer will pay the County its cash cost, accel/decel lanes will be added where needed on Teamon, Jordan Hill Roads, additionally Smoak Road, as it impacts this development, shall be improved as well, the wastewater treatment concept plan is approved on the basis that the plant be constructed to tertiary treatment standards in accordance with the standards set forth by the Department of Natural Resources Environmental Protection Division, and the applicants shall petition for an animal control restraint district covering the area subject to this rezoning to take effect not later than July 1, 2005.*

*The motion passed by a vote of 4-1 on a second by Mr. McDaniel with Mr. Kendall, Mr. Massengale, Mr. McDaniel and Ms. McDaniel voting for and Mr. Morrow voting against. The Resolution will be incorporated into the minutes on second and final reading. The Resolution will be incorporated into the minutes on second and final reading.*

- 9. Application #02-30Z:** William R. King, Jr., A.M. Oshlag, and Gayle G. Taylor, Owners -James S. Murray, Jr., Agent – Highway 19/41 (10.87 acres located in Land Lot 101 of the -3<sup>rd</sup> Land District) – requesting a rezoning from R-3 Multiple Family, Conditional, to R-3, Multiple Family.

Mr. James Murray came forward to address the board. He stated his name and gave his address as 118 North Expressway – Griffin, Georgia

Mr. Murray said he was representing Dr. King, Dr. Oshlag, and Gayle Taylor. About a year and a half ago he appeared before this Board on behalf of a developer that wanted to build some apartments on this 24-acre tract of land. He submitted a plan that met all the R-3 requirements. It had all the utilities, sewer, water, everything. He met with the DOT and they agreed to a median cut in front of this piece of property lining up with Westmoreland Drive across the road. There is a creek that runs along the rear of the property which has some flood plain and he was going to leave this as undisturbed land. He applied with the HUD low-income tax credit program which is the same program that St. Philips Villas on North Hill Street is on. They have certain guidelines that are scored and you receive points which you submit to the State of Georgia and they award money based on that point system. The apartment complex that he was trying to do did not get funded so he was left without financing. The property had already been rezoned. Because it was not funded it was not built. There is now another buyer that wants to put in apartments. He took the original plan and is trying to make it a little better. This is a tax credit project also. He is trying to do a regular, conventionally financed apartment complex. He has gotten financing from GMAC. The banker advised him to look into an FHA Section 221D4 mortgage insurance program. They insure the financing that is loaned from GMAC. That is all they do. They guarantee the payment of the loan. This project is for moderate-income families, not low income. All families are eligible to occupy dwellings in the structure whose mortgage is insured under this program subject to normal tenant selection. There are no income limits. The control is left with the owner of the property. The government is not involved in restricting who can and cannot rent. Mr. Murray went over the proposed plat. He noted that one is low-income, one is moderate income, one is government control, and the other is individually controlled. He said the apartments are on the outside rather than the road being on the outside. There is less building structures which is going to add more green space. There is less traffic and less parking. The breakdown of the units in the new plan is fewer bedrooms. There are nine acres to the rear that will not be used at all. They have the mortgage in place, they have the insurance in place, the site is approved and they could submit the plans based on the zoning approved but they feel this is a better plan.

Mr. Morrow said this is an odorous plan to bring more apartments here and he wishes Mr. Walker would build these in Cordele. We have built so many apartments. Griffin has allowed them up and down Pine Hill Road and Carver Road. These are huge tax negatives for this County and we are getting more

apartments. We stopped being the dumping ground for trailers and now we are at the point where we are the dumping ground for apartments.

Ms. McDaniel asked if there is a problem with the site plan.

Mr. Sabine said there is an issue with the existing site plan. This parcel covers 10.87 acres of the tract. The rear of the property is still zoned R-2. The plan that was previously approved apparently, with the adoption of the International Fire Code as the standard for the State of Georgia, his understanding is that the plan will no longer meet those specs. That was the reason, along with the desire to redesign the project in general to include garages, which led the applicants to seek an amendment to the site plan. The site plan was specifically tied as a zoning condition. He has been told by the Community Development staff that the new site plan is in conformance. He would not operate under the assumption that if the zoning change is not approved they will not build. He would assume that if this is denied they would attempt to build under the plan and then it would be up to the State Fire Marshall.

Mr. Morrow asked Mr. Walker if there was anyway the Commissioners could prevail on him to cancel the project and not build it. We are already losing money on small houses and apartments in the County and this only adds to the problem. It takes \$140,000 to break even with tax services.

Mr. Walker said he has spent close to \$200,000 on this project and all he is trying to do is make it more aesthetically pleasing. All they did was add some covered parking and open it up a little bit. Those are the only changes they have done.

Mr. Kendall said there are very few people that have \$140,000 homes. He asked if Mr. Morrow feels everyone can afford a \$140,000 home.

Mr. Morrow said no but he hopes all new people moving in can.

Mr. Kendall said he is all for giving people the opportunity to move somewhere better. Those apartments at St. Philips allowed a lot of people to move out of some of the old houses that some of the landlords are still able to try to rent out to people. He certainly does not see a reason not to try to provide housing for people that cannot move to Spring Lake. When people try to deny some new apartments it appears that they are trying to help the old landlords so people do not have a place to go. This is competition for some of those people. He is certainly anxious to provide some competition.

Mr. Morrow said we do not need more apartments in this community.

Mr. Walker said they will have a clubhouse, social events, a management company will come in to manage the apartments and will become a part of the community, a swimming pool, an exercise facility, and laundry facilities. They are not just coming in, "fly by night," trying to take the money out and run.

Mr. Massengale said this is a "no brainer". You can go to R-2 multi-family or this.

Mr. Morrow said it could revert to C-1.

Mr. Kendall said they have not requested C-1. It is not his prerogative to zone people's property to something they don't want because, in his best judgment, he cannot figure out what everybody needs to have their property zoned. He is certainly not going to start trying to dictate to people how their property will be zoned. He knows there are people that have been on the Board that feel that once they are elected to these seats it is their prerogative to go and start doing what they want to do. He does not prescribe to that type philosophy. He is not suggesting another Spalding Heights where they have 300 to 400 apartment units on an acre of land. He is not in favor of that but he does not envision this as a Spalding Heights.

Several people were present to address the Commission regarding this application. They each came forward, stated their name and gave their address.

Greg Walker – 540 Lake Shore Drive – Cordele, Georgia

Mr. Walker said he was present to answer questions. They have these in other areas. He hates that Mr. Morrow feels so strongly against apartments but this becomes a part of the community. There is a fully functional kitchen, they have ceramic tile, this is not a "fly by night" thing. They spend a lot of money on this. They have done a lot of research regarding what was needed in the area. They have a market study that Mr. Sabine has seen. There are so many people that cannot afford a \$140,000 house or even a \$100,000 house. There are 104 units in the whole package. The back nine acres will not be used. It will be a buffer. There are very few changes from the original plan that was approved.

Mr. Morrow said there are a lot of apartments on Pine Hill that have amenities and after a few years they become eyesores. We do not need an additional 104 apartment units.

Mr. McDaniel said he would like some additional information on the garage set up.

Mr. Walker said no one will be able to rent the garages except the tenants that live there. A lot of people have a Jet Ski or a motorcycle that they do not want to leave in uncovered parking. They will rent a garage so it is not left out. The garages will rent for approximately \$70 per month.

Mark Lamas – 660 Village Trace Marietta, Georgia

Mr. Lamas said he was present to answer any architectural questions. He took the original plan and feels what he has done is make improvements. He wants each unit to have a view. The recreation area was put in the center where it would be more useful. He tried to stay with the same number of units, same type apartments, similar parking lots, same amount of recreation space, and the same two commercial out parcels on 19-41 Highway.

Mr. Murray said they had approval from the City of Griffin to tie into the sewer system.

Bob Burke – 120 King Richard Drive

Mr. Burke said the other morning he had an occasion to go down South Pine Hill Road and was stopped by a school bus. He counted 31 elementary school age children getting on the school bus from the apartments on South Pine Hill Road. They are low income houses just the type people are dying to buy. No one is buying them and they are becoming Section 8 houses. The 31 children eat up \$68,000 of our school tax. There were no high school or middle school children because he can only assume they had already been picked up. He is against apartments. He does not mean to sound elitist but they just don't "pay the freight." Sewage was mentioned. This apartment is going to drop into the gravity feed that runs through Cowan Road, down to the Manley Creek area. Ms. Westmoreland has been talking to the City of Griffin and getting nowhere. On one hand they say they don't have any records but they know everything is all right. On the other hand they say their records show that everything is all right. They can't have it both ways. They either have records that show something or they don't have records. EPD has records that are startling. They are talking about sewerage dumps in Spalding County. He is talking, not only about Manley Creek, but Freeman Creek, Johnson Creek, Shoal Creek, Potato Creek, etc. He is concerned about Manley Creek because that runs past his property. If he started taking buckets of water out of Manley Creek and pouring it on anyone's lawn in Spalding County, they would want to lock him up because it is polluted. It has been described by a chemist who tested it as being an open sewer flowing through Spalding County. You are talking about millions of gallons of raw sewage being spilled in Spalding County. The City of Griffin has no records but EPD does. This apartment is going to dump into Manley Creek. It is 368,000 gallons of raw sewage that has been dumped in Manley Creek from Cowan Road down to the lift station. The City of Griffin will tell you there is nothing wrong with the lift station. The processing plant can handle it. Maybe it can but the problem is getting it from the subdivision to the treatment plant. You can handle it if you dump half of it in Spalding County. They wanted to rezone this for something else and the Board said they would rezone this with conditions. Now they want to remove the conditions. He recommends, due the serious sewer problems, to go back to the original zoning. He also recommends that the Board take a long hard look at what the City of Griffin is dumping into Spalding County. He recommends a moratorium on anyone hooking anything up to the sewer system in Spalding County.

Discussion was held regarding the sewer problems in Spalding County and the possible zoning options for this application.

Frank Westmoreland – 2530 West McIntosh Road

Mr. Westmoreland said he had some documentation that had gone through the Department of Community Affairs about market rate housing that was relative to this development. It originated with the Board of Commissioners' office as a sign off and had gone through Lanier Boatwright's office with McIntosh Trail RDC and passed on to the Department of Community Affairs. He asked what the term market rate housing meant as opposed to Section 8 or low-income housing, or subsidized housing.

Ms. McDaniel said market rate is based on the metropolitan Atlanta MSA and market rate is what HUD considers an apartment with a specific square footage and also within MSA based on income.

Mr. Kendall says it means that people that are living in the apartment do not have to meet income requirements. Sometimes occupancy of apartments, because of the financing arrangements, have to be based on rental to certain types of people. His understanding is that this project does not have to meet those requirements. The rents will be driven by the market rate.

Mr. Westmoreland said he brought up at the Planning Commission meeting that there are certain base rents stated for three bedrooms, two bedrooms and how does this plan differ as far as three bedroom, two bedroom and one bedroom apartments.

Mr. McDaniel said that the plan they have shows that the one bedroom apartments will rent for \$625, two bedrooms \$730, and three bedrooms \$855.

Mr. Westmoreland asked if the market would determine whether or not they stayed at that level and were those rates going to be hard and fast in stone for two years or if none of the three bedrooms rent for \$855 then the owner has the opportunity to drop the rental rates.

He was advised that he could drop the rates and take anyone that he would like.

Mr. Westmoreland said 19-41 is zoned commercial from the City Limits to the County Line. What in the world was the County Commission thinking to put one R-3 in this zoning? Was it because it was requested by the owner when the conforming use for 12 miles north of the City Limits is commercial? This parcel was changed from C-1 in May of 2000.

Mr. Sabine said it was changed in May of 2000 from C-1 and R-2 to R-3 at the request of the owners. There is a statement in the current comprehensive plan that what was done in May of 2000, as a County, was inconsistent with the plan. It was rezoned.

Mr. Morrow said it was a terrible error.

Mr. Westmoreland said he pleads with the Board to return it to commercial. This is spot zoning at its absolute worst.

Mr. Galloway said the property is bounded on the back by residential property. This will be R-3 property bounded by residential and will not be spot zoning. The land use plan is advisory and in most instances the Commissioners do go with the land use plan but there are going to be times when you do not. There is another issue. Between the time the first plan was approved and the application was filed, that is under consideration at present time, R-3 was revised to do two things: to decrease density and increase the square footage of apartments. He has not looked at this plan to see if it complies with those plans or not. Whatever plan comes in now will have to comply with the present ordinance.

Ms. McDaniel asked if this was a request to table for further investigation.

Mr. Morrow said if this is approved then they will only be approving the rezoning not contingent on the plan it will fall under the new rules.

Mr. Galloway said that is correct. He does not know whether it meets the new requirements or not. The Planning Commission sent it to the County Commissioners with no recommendation.

There was further discussion on what the present ordinances are and whether or not this is in compliance. It was determined that the Board needed more information before action.

## **MOTION**

*Mr. Morrow made a motion to table **Application #02-30Z** until the December 16, 2002 meeting. The motion passed by a unanimous vote of 5-0 on a second by Ms. McDaniel with Mr. Kendall, Mr. Massengale, Mr. McDaniel, Ms. McDaniel, and Mr. Morrow voting for the motion.*

## **C. Other Business**

**Amendment to the Comprehensive Plan #02-01CP:** Technical amendment to the Comprehensive Plant Land Use Element and associated text. (This text is the comprehensive to the previously adopted Future Land use map.)

The 2002 Comprehensive Plan, Land Use Map update includes the addition of two new land use categories on the Future Land Use Map and the Methodology of Map Construction Section. These additions are (1) A. K. Bolton Overly (Res./Com./Ind.) and (2) Rural Reserve Res. (less than 1 unit per 2 acres). The Existing Land Use Assessment Section of the Comprehensive Plan is updated by amending the Agricultural/Forestry land use as follows: (1) preserve some of the agricultural areas as they exist and (2) select portions of the County as agricultural preserve areas. These areas are located near environmentally sensitive areas such as streams, wetlands and floodplains as well as along major thoroughfares.

**MOTION**

*Ms. McDaniel made a motion to approve amendment to the **Comprehensive Plan #02-01CP**. The motion passed by a unanimous vote of 5-0 on a second by Mr. Massengale with Mr. Kendall, Mr. Massengale, Mr. McDaniel, Ms. McDaniel, and Mr. Morrow voting for the motion.*

**D. Adjournment**

*Upon motion by Ms. Daniel, seconded by Mr. Massengale, the meeting was unanimously adjourned.*

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County Clerk

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Chairman

Please send comments to [webmaster@spaldingcounty.com](mailto:webmaster@spaldingcounty.com)  
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