



PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Thursday, March 28, 2002 beginning at 6:00 o'clock p.m. with Commissioners, Michael Kendall, Martha McDaniel, Merrill Massengale, Johnnie McDaniel and Dick Morrow present. Also present were Assistant County Manager Michael Sabine, and County Clerk Phyllis Doane. County Manager William Wilson and Zoning Attorney Newton Galloway were absent.

A G E N D A

A. Call to order – Chairman Johnnie McDaniel

B. Special Exceptions:

1. **Application #02-01S:** Billy Duncan, Owner – 3.877 acres on School Road located in Land Lot 43 of the 3rd Land District – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Mr. Billy Duncan, applicant, gave his address as 1185 Steele Road. He stated he was requesting a Special Exception to place a modular home on School Road and none of the surrounding neighbors had any objections.

There was no one signed up to speak for or against this application.

Assistant County Manager Sabine gave the staff report stating that both staff and Board of Appeals had recommended denying the application. The surrounding search ring analysis showed that 66% or 2/3 were conventional homes with the trend for new construction is going to conventional homes.

*Motion was made by Commissioner Massengale to approve **Application #02-01S**. There was no second to the motion; therefore, motion failed for lack of a second.*

*Motion made by Commissioner Johnnie McDaniel to deny **Application #02-01S**. Commissioner Morrow seconded the motion and motion to deny passed by a vote of 3-1 with Commissioner Massengale voting against the motion and Commissioner Martha McDaniel was not present when the vote was taken.*

C. Rezoning:

1. **Application #02-02Z:** Ann J. Everett, Owner – Pat Golden, Agent – 4.783 acres off Kilgore Road located in Land Lot 103 of the 3rd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-5, Single Family Residential.

Pat Golden, Agent gave her address as 1080 Kilgore Road and spoke in behalf of this application. She said that these homes would be modeled like the homes they just recently built on East McIntosh Road. She said they would be 1250 sq. ft. heated minimum and have two car garages. There would be three homes built on this 5-acre tract.

Assistant County Manager Sabine gave the staff report. This application was recommended for approval by both staff and Planning Commission on a conditional basis and those conditions were that all homes shall be site built homes and lot lay out be approved as shown on concept plan that was submitted in conjunction with this application. The Planning Commission also recommended that homes have two car garages.

Bill Golden gave his address as 313 Ashton Place and spoke on the application. He said that the house he plans to build is compatible with the sizes in this neighborhood. He said a large percentage of the homes do not have a garage or a one car garage. He said that he plans to put on two car garages.

Ms. Christine Duncan spoke against this application. She gave her address as 874 Kilgore Road and stated that she would like to keep the property agricultural and was against the property being rezoned and bringing in more lower priced houses.

*Motion made by Commissioner Morrow to approve **Application #02-02Z** conditioned upon site built homes only, lot lay out as shown on conceptual site plan submitted and two car garages. Commissioner Kendall seconded the motion and motion was unanimously approved by a vote of 5-0. **The Resolution will be incorporated into the minutes on second and final reading.***

Chairman McDaniel stated that **Application Nos. 02-03Z and #02-03AZ** would be heard together and the Board agreed to vote on the applications individually.

2. **Application #02-03Z:** Carole C. Carlisle, Owner – Glenview Estates LLC, Agent – 50 acres off Westmoreland Road located in Land Lot 36 of the 3rd Land District – requesting a rezoning from R-2, Single Family Residential, & AR-1, Agricultural and Residential, to R-5, Single Family Residential.
3. **Application #02-03AZ:** Fordham Trust, Owner – Glenview Estates LLC, Agent – 50 acres off Westmoreland Road located in Land Lot 36 of the 3rd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-5, Single Family Residential.

Mr. Ray Stiles, Surveyor with Franks & Associates of Jonesboro spoke on behalf of Mr. Stringer from Alpharetta who was tied up in traffic. He said that his company had drawn up the conceptual design that was before them tonight. He said that they originally intended to go for a R-5 zoning; however, they have reconsidered due to the complications that arose at the Planning meeting. We decided to revise to a conservation subdivision to try to buffer from the surrounding community. He said that the revised plan would allow them to have 15,000 sq. ft. lots, which 20% could be reduced to 12,000. He said that 13% of these lots would be at 12,000 sq. ft and 85% at 15,000 sq. ft. He said the revised plan includes larger buffer areas. He said that this property has water and sewer. He said that they had increased their square footage to a minimum of 1400 sq. ft. with possible increases in square footage as homes are built. The total homes would be 133 with this new design.

Chairman McDaniel stated that the Board had concerns about doing this development on a dirt road.

Mr. Ray Gasses, a partner in the development, stated that they would be willing to pay for their portion of the road of help with the paving of the entire road. Their portion is from Highway 92 beyond their property. This would be approximately 1400 ft.

The question was brought up about the right of way and if we already had the right of way on the other side of the road. Assistant County Manager Sabine stated that the road is approximately one-half mile long and most of the right of way would have to be obtained on the western side of the road across from the houses. It was noted that the right of way on the dirt portion of Westmoreland Road is 40 ft. from ditch to ditch and to pave the road it would require 80 feet of right of way, which is the standard for DOT.

Commissioner Kendall commented that paving 60% of the road did not make a whole lot of sense since the road is only one-half mile long and both parts of the road coming out of the subdivision would be used, which are Highway 92 and West McIntosh Road. There was a discussion of how to get the road paved. Mr. Sabine stated that he did not know if we could easily acquire the right of way necessary from the existing homeowners. There is also a 95% rule on right of way on dirt roads for roads to be paved. Mr. Sabine recommended that if the Board approves this then the paving of the road be contingent on the acquisition of the appropriate right of way. He also commented that the Board needs to be careful in committing SPLOST monies because we are closer to the bottom of the well than we would like to think.

Commissioner Morrow stated that he had two (2) serious reservations, one is the house size of 1400 sq. ft. homes and the other is 133 homes being built on a dirt road. He said that we could not guarantee that this road would be paved. He said that with these 100 acres, you could build

50 houses without rezoning. In a conservation subdivision in AR-1 you can have one house per every two acres with 1500 sq. ft. and above and have no responsibility of paving the road.

Mr. Greg Stringer commented that it is not how close we are willing to come but it is how close the market can bear because when you cut down the density and increase the size of the lot you are increasing the cost of the lot and the cost of the lot increases the retail cost of the house. The cost is ultimately passed on to the consumer. His goal was to have houses in the price range of \$120,000. This subdivision was compared to square footage in Nottingham Estates, Will's Walk, Cody's Plantations and Sherbrooke Phase II which is from 1500 sq. ft to over 2,000 sq. ft. in Nottingham Estates.

Chairman McDaniel asked what Mr. Stringer's plans were for the development. Mr. Stringer stated he was going to do the building himself. He said that he is presently building the homes in Powers Court Subdivision, which is in the City of Griffin. He said these homes are approximately 1440 sq. ft. and are nice homes. He said there were sidewalks and underground utilities.

Commissioner Morrow commented that he was not overly concerned with the 1400 sq. ft. size of homes but definitely had concerns over the density on a dirt road. Mr. Stringer commented that he agreed that the road not being paved was a factual concern. Mr. Gasses asked how long would it be before this situation is addressed any way. Sooner or later the road is going to have to be paved and why not now, than later. Commissioner Kendall commented that the paving of the road is a step that needs to take place before 133 houses go out there.

Chairman McDaniel asked Assistant County Manager Sabine to address the situation with the road. We have a 95% rule on acquisition of right of way and we require voluntary participation by property owners and the Board wishes to retain their 80 ft. right of way for paving, then the 80 ft. right of way would have to be attained.

Commissioner Morrow stated he would personally like to see this land developed for the landowner and the developer but unless we can solve these issues, density and dirt road then this is not acceptable. He asked Mr. Stringer if he would like for this to be tabled and he consider the road paving issue or the Board vote on it tonight. If we table tonight this would leave the application open and if we deny it for R-5, it could not come back up for twelve months; however, it could come back tomorrow with a different rezoning. Mr. Stringer asked the Board to table these applications.

*Commissioner Morrow made a motion to table **Application #02-03Z and #02-03AZ** for an indefinite period.*

There were citizens signed up to speak in opposition to these applications and the Board decided to let them speak before taking action; therefore Commissioner Morrow withdrew his motion to table.

Mr. Robert (Bob) Burke gave his address as 122 King Richard Drive and stated that the paved road was not the issue for the residents he was speaking on behalf of but the density. He said that he was speaking on behalf of the residents of Nottingham Estates. He said that the developers were looking at a business decision. He said that what Spalding County becomes in the next 50 to 75 years depends on what Spalding County does in the next few years. Mr. Burke stated to prosper Spalding County must raise the bar on building. He said in his opinion that Nottingham Estates should be minimum standard for subdivisions in Spalding County. He said that each home is on at least one-acre lot and some are on more than that. He said that he sees no reason to table this tonight. He addressed concerns about school overcrowding, additional dangerous traffic, water shortage and the density. He said that these citizens welcome growth but reject sprawl. He asked the Board not to table this issue tonight.

Ms. Sue Fowler gave her address as 2435 Fayetteville Road and stated she was speaking for residents on Fayetteville Road and Henry Jackson Road. She said that the plan presented tonight was not what was presented before the Planning Commission and the Planning Commission unanimously denied the rezoning. She said that her family lives with one-half mile of the proposed subdivision and owns 100 acres that adjoins Nottingham Estates. She said that she

does not want her property to become any less than R-1. Nottingham Estates is a good example of what her family wishes their property to become. She said that the trend for their area is long standing ownership as most of the homes were built in the 1940's and have retained the same ownership. She said that most of the houses in the area west of Cowan Road is on at least one-acre tract. She said that density is a real problem with them and they feel this would be spot zoning. She addressed the concerns of school overcrowding. She asked that the Board deny these applications.

Mr. Frank Westmoreland gave his address as 2530 West McIntosh Road and stated he was speaking for residents west of Cowan Road. The residents asked that zoning not be changed because of the development of what R-5 allows, and that a decision be made tonight to either approve or deny and that decision to deny these applications and something else be put before the Board in a new request.

*Motion made Commissioner Morrow to deny **Applications # 02-03Z and #01-03AZ**. Commissioner Massengale seconded the motion.*

Commissioner Kendall commented that he did feel like denying these applications would solve all of these problems and make them go away.

Chairman McDaniel said that we had a motion to deny both of these applications and the Board decided before the hearing to vote on these individually so he asked Commissioner Morrow to restate the motion.

*Motion was restated by Commissioner Morrow to deny **Application #02-03Z**. Commissioner Massengale seconded the motion and motion to deny passed by a vote of 4-1 with Commissioner Kendall voting against the motion.*

*Motion made by Commissioner Morrow to deny **Application #02-03AZ**. Commissioner Massengale seconded the motion and motion to deny passed by a vote of 4-1 with Commissioner Kendall voting against the motion.*

Mr. Stringer asked for the record to hear the recommendation from staff. While Mr. Sabine indicated that his personal view was that R-2 might be an appropriate minimum standard, he stated that the written recommendation from staff was a conditional rezoning to the R-4 classification and the condition be that Westmoreland Road be paved to public road specifications at no expense to the County.

D. Text Amendments:

1. **Amendment to UDO #A-02-02:** Article 5. R-5 Single Family Residential – amendment to Section 1104(B). *Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow UDO-A-02-02 was unanimously approved by a vote of 5-0. **The Resolution will be incorporated into the minutes on second and final reading.***

E. Other Business:

Assistant County Manager Sabine reported that he had been contacted by Wayne Moss, Spalding County Health Department relative to the county's lot sizes for conservation subdivisions on septic tanks. Mr. Moss has researched state requirements and the State has a minimum lot size required for septic tank development that minimum lot size is one-half acre. He asked for an informal direction to take to the Planning Commission and amend the conservation subdivision ordinance in order that septic tank developments conform to the State minimum standards. The Board asked for a formal memo from Wayne Moss regarding this matter.

F. Adjournment.

Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the meeting was unanimously adjourned at 8:15 P.M.

County Clerk

Chairman

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