



Spalding County
online

Board of Commissioners

PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Monday, November 17, 2003 beginning at 7:30 o'clock p.m. with Commissioners Dick Morrow, Michael Kendall, Johnie McDaniel, Cecil Davis and Eddie Goss present. Also present were County Manager William Wilson, Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane.

A G E N D A

A. Call to order: Chairman Morrow

B. Public Hearing:

To initiate the Comprehensive Plan Amendment to include the Capital Improvement Elements (CIE).

Commissioner Morrow explained that we have initiated an impact fee in the County and our plan is to get through the process for an impact fee. Chuck Taylor addressed the Board. The County has engaged the services of Ross & Associates to write a Capital Improvement Element to the Comprehensive Plan and look at the possibility of adopting impact fees to pay for some of the capital improvements that are needed to support the growth in the upcoming years. He said that we are required by State Law to hold this public hearing at the beginning of the planning process. Mr. Ross was present to answer any questions the Board might have. He presented to the Board an information handout and commented it would be available to the public also.

Commissioner Morrow asked if any one was present who wished to address this Capital Improvement Elements. There was no one present who wished to speak.

C. New Business:

- 1. Application #03-21Z:** MRD Realty, LLC, Owner – Greg Pruitt Construction Company, Agent – Tract 84 West McIntosh Road (25.522 acres located in Land Lot 62 of the 3rd Land District – requesting a rezoning from R-2, Single Family Residential and AR-1, Agricultural and Residential, to R-4, Single Family Residential.

Chuck Taylor gave the Staff report. Mr. Pruitt is proposing to develop a 48-lot subdivision with a new street cut on McIntosh Road. Your approval would allow for the submittal of a minimum 2-acre lot subdivision plat or a conservation subdivision with a net density of one unit per acre. The minimum house size proposed is 1,500 SF. Staff recommends approval with the following conditions:

(1) Streetscape plan, including sidewalks, trees and street lighting shall be submitted along with the preliminary plat; (2) Greenspace area(s) shall have frontage along a public street and no lot shall be more than five hundred (500) feet from a greenspace area; (3) Design of the walking rails and/or playground/park areas shall be submitted with the construction plans; (4) The development shall incorporate a twenty five (25) foot vegetative buffer to act as screening along Westmoreland Road. If existing vegetation screens the property along the road, then no additional vegetation will be required; however, if the property is not screened along Westmoreland Road, additional vegetation shall be planted in accordance with Section 408 (vegetation requirements only).

Mr. Taylor stated that the Planning Commission recommended denial of the request 4-1.

Mr. Greg Pruitt came forward and gave his address as 55 Partridge Path. He said that he hopes everybody realizes that this is not about the density tonight but the rezoning of the property to R-4, which is 1,500 SF minimum. He said that he was proposing to do an all brick neighborhood, which would be something different for Spalding County. He feels that this would be an upgrade for the surrounding area. He said he was sure some of the opposition would be discussing the overcrowding of Cowan Road School; however, the school representative on the Planning Commission stated that Cowan Road is not overcrowded at this time. He said that he has a letter from Dr. Keller stating that he has sewer capacity for this development.

Those speaking in opposition were:

Mr. Lee Southern came forward and gave his address as 2375 West McIntosh Road. He said his property is directly next door to the proposed entrance on West McIntosh and his property is just under 2,000 SF and just under two acres of land. He said there has been an average of one to two serious wrecks at his driveway every year. He said he was opposed to zoning the property R-4 but would be in favor of zoning the property to R-1 on two acres. He had concerns with property values being affected with R-4 homes. He also discussed inadequate fire protection for this area.

Mr. James R. Green came forward and gave his address as 2437 West McIntosh Road. He said he has lived at this residence for thirteen years. He said that his home is 2300 SF. He said that he is a registered land surveyor and he knows what planned growth is supposed to look like and this is not it. He said that he knows density is not the issue tonight but that is the problem he has with this development.

Mr. Jerry Rutherford came forward and gave his address as 2517 West McIntosh Road. He said he was opposed to the R-4 zoning but supports the R-1 zoning. He said that he believes that this proposal is not compatible with the area. He said that his home is 1800 SF. He discussed issues of schools, current subdivisions not built-out, the proposed entry and exit point location and traffic problems. He would like to see a minimum of one acre lots.

Ms. Joyce King came forward and gave her address as 2355 West McIntosh Road. She said that her home is almost 1900 SF and is on one acre. She addressed environmental problems, water problems, traffic problems and overcrowding of schools. She said she was not in favor of an R-4 and really was not in favor of a population in this community at all but if we must she supports R-1 zoning.

Mr. Bob Burke came forward and gave his address as 120 King Richard Drive. He said that development is coming as we all may know but he is against R-4 zoning but supports R-1 zoning. A lot of the surrounding property owners have rezoned some of their property to R-1 and he is

heading up a committee in Nottingham Estates to come to the Board with a request to make it R-1. He addressed an all brick subdivision.

Ms. Gwen McGuffey came forward and gave her address as 2540 Fayetteville Road. She said that they are not saying that the proposed houses are not good enough and won't look nice but they are saying that this type subdivision is not appropriate and does not fit with the area.

Mr. Gene McGuffey came forward and gave his address as 2540 Fayetteville Road. He said that Mr. Pruitt has stated that his amenities package is more than any in the County; however, it is felt that these amenities would be more appropriately placed in an urbanized setting. He said no matter what the zoning map shows, there is a cattle farm across Highway 92 and another cattle farm just down Westmoreland Road so the area remains rural and semi-rural use. He said that this type of development just does not fit in the area. He respectfully requested that the Board deny this request for rezoning.

Ms. Sue Fowler came forward and gave her address as 2435 Fayetteville Road. She presented a petition with approximately seventy-five signatures on it against this R-4 zoning. She said that the proposed layout displays a high density development and brings concerns with property value in the surrounding area. She addressed overcrowding of Cowan Road schools and problems that density brings with it.

Ms. Julie Southern came forward and gave her address as 2475 West McIntosh Road. She read a letter written by her neighbor, Denise Coker giving her reasons for opposition to the R-4 zoning. She said that she agreed with what everyone else has said and was against R-4 zoning but supports R-1.

Mr. Pruitt addressed the Board concerning the issues brought up by residents. He said that he could live with the 1750 SF being requested but he was just trying to do something a little different. He said the price for a standard 1750 SF home and an all brick 1500 SF home is about the same. He feels what he is asking to do would be an upgrade to the neighborhood. He said he was trying to sell the upgrade and the amenities and citizens want larger lots and larger homes.

*Motion made by Commissioner McDaniel to approve **Application #03-21Z** with R-4 zoning with conditions as outlined by staff with additional conditions of all houses shall be constructed of all brick, no exposed concrete block in the foundation and all front porches be underpinned and finished with the character of the house. Motion was seconded by Commissioner Kendall for discussion and after discussion he withdrew his second to the motion. Commissioner Davis then seconded the motion to approve with conditions and motion failed by a vote of 1-4 with Commissioner McDaniel being the only Commissioner voting in favor of the motion.*

*Motion made by Commissioner Davis to approve **Application #03-21Z** with R-1 zoning with the conditions listed as follows: Commissioner Morrow seconded the motion and motion passed by a vote of 4-1 with Commissioner Kendall voting in opposition to the motion. **The Resolution will be incorporated into the minutes on second and final reading.***

- (1) Streetscape plan, including sidewalks, trees and street lighting shall be submitted along with the preliminary plat;
- (2) Greenspace area(s) shall have frontage along a public street and no lot shall be more than five hundred (500) feet from a greenspace area;
- (3) Design of the walking rails and/or playground/park areas shall be submitted with the construction plans;

(4) The development shall incorporate a twenty five (25) foot vegetative buffer to act as screening along Westmoreland Road. If existing vegetation screens the property along the road, then no additional vegetation will be required; however, if the property is not screened along Westmoreland Road, additional vegetation shall be planted in accordance with Section 408 (vegetation requirements only).

(5) No exposed concrete block in the foundation;

(6) All front porches be underpinned and finished with the character of the house

Chairman Morrow recessed the meeting for five minutes and then called the meeting back to order.

2. **Application #03-22Z:** Dorothy Frances Farrar, Elaine F. Peavy and George Thomas Farrar, Jr., Owners – Brian J. Rainwater, Agent – 303 acres, more or less, off Sidney Drive and Steele Road located in Land Lot(s) 6, 7, 8, 9, 25, 26, and 27 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-1, Single Family Residential Low Density.

Chuck Taylor gave the staff report. Mr. Brian Rainwater, agent for Mr. Tom Farrar is requesting a rezoning of a 303.79 acre tract in order to develop a 109 lot subdivision. The lots in the subdivision are proposed to be a minimum of 2 acres and the minimum house size required is a minimum of 1750 square feet under the current ordinance and the applicant has indicated that he is interested in meeting the new house minimum for R-1 which will be 2000 square feet.

Staff recommends approval of the request with the following conditions:

- (1) Greenspace area(s) shall have frontage along a public street and no lot shall be more than five hundred (500) feet from a greenspace area and (2) Unimproved walking trails shall be incorporated into the design of the development and the design shall be submitted with the construction plans.

The Planning Commission recommends conditional approval with the only condition of a minimum house size of 2,000 square feet.

Mr. Brian Rainwater came forward and gave his address as 1410 Jackson Drive, Cumming, GA. He said that the family was amenable to the condition of walking trails as they do have 30.5 acres dedicated to green space; however, they were not in favor of the condition of 500 feet to a greenspace as there are additional green spaces in the lots even though they are not specifically called that. The lots are rarely large with some having 200 ft. road frontage and being 400 ft in depth.

There was no one signed up to speak in opposition to this application.

*Motion made by Commissioner Morrow to approve **Application #03-22Z** with conditions of (1) all homes shall be 2,000 SF and (2) unimproved walking trails shall be incorporated into the design of the development and the design shall be submitted with the construction plans. Commissioner McDaniel 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.***

3. **Amendment to UDO #A-03-17:** Article 4. General Procedures – Section 413 – add provision for criteria for special exception for 1-acre lots.

Chuck Taylor stated if this ordinance is adopted, it will provide additional development design criteria for special exceptions allowing reductions in lot sizes below our two acre in our residential zoning districts. He said that a map had been created to show the urban proximity overlay and become the map of record and would become part of the ordinance and also a Figure 1A has been added showing the incorporation of common areas into the street design.

No one was signed up to speak for or against the Amendment to the UDO.

Motion made by Commissioner Morrow to approve Amendment to UDO #A-03-17. Commissioner McDaniel seconded the motion and motion passed by a vote of 4-1 with Commissioner Goss voting in opposition. The Resolution will be incorporated into the minutes on second and final reading.

- 4. Amendment to UDO #A-03-30:** Appendix A. Subdivision Ordinance – Section 405:DD – delete reference to Community Sewage System, and Section 504:D(2) – delete Community Sewer System.

Chuck Taylor stated this Ordinance, if adopted, would eliminate Community Sewer Systems as one of the allowed sewer alternatives for subdivisions.

There was no one signed up to speak for or against this Amendment to the UDO.

Motion made by Commissioner McDaniel to approve Amendment to UDO #A-03-30. Commissioner Davis 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.

- 5. Amendment to UDO #A-03-31:** Adoption of Official Zoning Map in revised Geographic Information Systems (GIS) platform as applicable to Unincorporated Spalding County.

Chuck Taylor stated this is the newly updated quarterly County's Zoning Map, which has been updated with recently approved rezonings.

There was no one signed up to speak for or against this Amendment to the UDO.

Motion made by Commissioner McDaniel to approve Amendment to UDO #A03-31. Commissioner Davis 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.

- 6. Amendment to UDO #A-03-32:** Article 2. Definition of Terms Used, Section 203:EE' – correction of numbering of housing definitions; Article 2. Definition of Terms Used, Section 203:EE' – add a definition for "Recreational Vehicles"; Article 5. AR-1 Agricultural and Residential, Section 503:C(14), Article 6. AR-2 Rural Reserve, Section 603:C(13), Article 7. R-1 Single Family Residential Low Density, Section 703:C(14), Article 8. R-2 Single Family Residential District, Section 803:C(14), Article 8A. R-2A Single Family and Two Family Residential, Section 803A:C(15), Article 10. R-4 Single Family Residential, Section 1003:C(14), and Article 11. R-5 Single Family Residential, Section 1103:C(14) – add a provision for the accessory use of Recreational Vehicles.

Chuck Taylor stated that adoption of this ordinance will allow residents who are building homes in Spalding County to live in a recreation building while the home is under construction. The removal is subject to six months of completion of project.

Staff and the Planning Commission recommended approval.

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

Upon motion by Commissioner Davis, seconded by Commissioner McDaniel Amendment to UDO #A-03-32 was unanimously approved by a vote of 5-0. The Resolution will be incorporated into the minutes on second and final reading.

D. Old Business:

- 1. Amendment to UDO #A-03-27: Lift from the table -** Article 6. AR-2, Rural Reserve – Section 603:A(1), Section 603:A(3), and Section 604:A; Article 7. R-1, Single Family Residential Low Density – Section 703:A(1), Section 703:B(3)(b), and Section 704:A; Article 8. R-2, Single Family Residential – Section 803:A(1), Section 803:A(2), Section 803:B(3)(b), and Section 804:A – increase minimum heated square footage.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis Amendment to UDO #A-03-27 was unanimously lifted from the table by a vote of 5-0.

Chuck Taylor stated that this ordinance has been revised to reflect new square footage requirements as a result of a meeting that Chairman Morrow had with county residents, local builders and developers. The new minimum square footages, if the ordinance is adopted will be:

AR-2	1,750 Square Feet
R-2	1,750 Square Feet
R-1	2,000 Square Feet

The group also discussed a new zoning district (R-1A) at 2,500 square foot level but has not been reviewed by the Planning Commission. Zoning Attorney Galloway recommended that this be done under a separate ordinance and go before the Planning Commission first.

Mr. Taylor said there was some discussion about making this effective on subdivisions platted before the June 2004 adoption. He said that this language has not been added to the ordinance but we can do that via of an addendum tonight. He said that we have been exempting properties that have been platted at the Courthouse and the language with this change would have it changed to being a lot of record and that exempts a lot more property than we have historically been exempting from new house size changes. The other change is the effective date of June 30, 2004.

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

Motion made by Commissioner Morrow to approve Amendment to UDO #A-03-27 with the two changes as follows: (1) where it states “for lots officially recorded in the records of the Clerk of Court of Spalding County” should be changed to “for lots that have been platted and recorded in the records of the Clerk of Court of Spalding County” and (2) the effective date shall be June 30, 2004 where reads “before the date of enactment of this ordinance”. Commissioner McDaniel seconded the motion and motion was approved by a vote of 3-2 with Commissioners Goss and

*Kendall voting in opposition. **The Resolution will be incorporated into the minutes on second and final reading.***

E. Other Business: none

F. Adjournment.

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the meeting was unanimously adjourned at 9:54 P.M.

County Clerk

Chairman

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