



Spalding County Board of Commissioners

Public Hearing

December 16, 2004

6:00 p.m.

Room 108, Spalding County Courthouse Annex

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, December 16, 2004 beginning at 6:00 o'clock p.m. with Commissioners Michael Kendall, Cecil Davis, Eddie Goss, Johnie McDaniel and Dick Morrow present. Also present were County Manager William Wilson, Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway and Executive Secretary Teresa Watson.

AGENDA

I. OPENING (CALL TO ORDER) – Chairman Kendall

II. NEW BUSINESS

Due to a prior commitment for, and at the request of, the petitioner a motion was made to amend the agenda to move Item #7 to Item #1 by Commissioner Morrow, seconded by Mr. Davis and approved by a unanimous vote of 5-0.

7. Application #04-27S: GT Investments, LLC and Southside Developers, Inc., Owners – Teamon Road (84.61 acres located in Land Lot 201 of the 3rd Land District) – requesting approval of revisions to development plan.

Mr. Chuck Taylor, Community Development Director, presented the background and recommendations of County Staff. He referenced overhead maps to elaborate on the subdivision development plan.

The applicant has redesigned the subdivision known as Teamon Village and is now before the board for approval of the redesign. The applicant has shortened the length of Yorkshire Drive on the east. By shortening this drive, the lots on this cul-de-sac have been pulled off the total tract property line and more open space has been created. Additionally, the open space between lots #28 and 29 has all but been eliminated except for a 30' access strip. Overall, the open space area has increased from 21.50 acres (25.53%) to 22.51 acres (26.60%). Lot #18 may be eliminated if the Environmental Health does not allow for an alternative septic system since no suitable soils are available for a conventional one. The applicant is asking approval of the redesigned subdivision without having to reapprove the entire Special Exception again, and it's the opinion of Staff that this can be accomplished.

Staff recommends Conditional Approval of the plat:

The plat shall try to reconfigure the open space that was once provided at the entrance of this development. The redesign reflects a thirty (30) foot access point connecting to the open space area toward the rear of the development while the previous design incorporated a 124 foot wide open space area. Additionally, staff questions weather the design at present still reflects the true intent of the Estate Life Ordinance with respect to open space. Staff recommends that if the Board of Commissioners approve for Estate Life, the green space must be recreated as a central feature of the design. If the recommendation does not stay with Estate Life, then call it a Country Club design and request the amenities for that appropriately.

Mr. Taylor said when the plan first came in, it came in under the Special Exception for Estate Life, and the layout of the streets was basically the same. The green space was on the Teamon

Road side, to the rear all the way to the road, and in the middle of the split street design. Now, the green space is still along the road and a small trail leading to the road, but other areas of green space has been moved, and he designated these changes on the map. This redesign now puts the development more in the category of a Country Club design, which does not place significant importance on the greenspace, but rather the amenities that are built on and around the greenspace.

Mr. Taylor responded to Commissioner McDaniel that the shading on the map represent areas not suited for septic tank systems.

Some discussion and questions followed regarding the map and plan design.

Mr. Mark Whitley, 7544 Southlake Parkway, Jonesboro, GA 30236

Mr. Whitley spoke on behalf of the petition and answered questions from Commissioners. The greenspace buffer would remain the same on the front; the only changes involved the two lots on the cul-de-sac. He pointed out the lots on the map. The entrance is still wide and incorporates green space. There is now a 30 foot area of greenspace access at the back.

Lot #18 at the top of the loop is still in question, said Mr. Whitley. He felt they would have problems with it, and this may, in fact, increase the area of greenspace even more. They will be doing additional testing on this lot and a determination will be made based on a level three survey. Everything else looks fine.

Commissioner Morrow made a motion to approve Application #04-27S and its revision to the development plan. Commissioner Davis seconded the motion, which passed by a unanimous 5-0 vote.

1. Application #04-24Z: E. Marshall Pape, Owner – Off Pinelea Road (32.91 acres located in Land Lot 208 of the 2nd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-5, Single Family Residential.

Mr. Chuck Taylor presented the background and recommendations of County Staff. He referenced overhead maps to elaborate on the residential development.

The applicant proposes to rezone from AR-1 to R-5 the property to allow for a residential development that consists of 22 lots with a minimum of 1 acre in size. The average house size in the general area is 1282 square feet. Given, however, that most of the homes on Pinelea Road are in the 1400 to 1500 square foot range and on Dewey Street in the 1200 to 1400 square foot range, it is Staff's opinion that homes 1500 to 1700 square feet would be appropriate for this subdivision. Lot 22 has a very narrow frontage on Dewey Street.

Staff recommends approval of a rezoning to the R-4 district with the following conditions:

1. Homes with access to Dewey Street shall have a minimum heated floor area of 1500 square feet. Houses fronting on Pinelea Street shall have a minimum house size of 1750 square feet.
2. Approval is subject to a variance being granted for street length and lot width (Lot 22).

The Planning Commission recommends Conditional Approval to rezone lots identified on the plat as Numbers 1 through 16 to R-2 and Lots 17-22, those fronting on Dewey Street, to R-5 with the following conditions:

1. Included a minimum 2-car garage for all dwellings.
2. Approval is subject to a variance being granted for street length and lot width (Lot 22).

Mr. Taylor continued with background and recommendations on the second item of the agenda for the same applicant, a request for a Special Exception. The applicant requests a Special Exception to allow 1-acre lot subdivision in the Urban Proximity design theme that consists of 22 lots with a minimum of 1 acre in size. The proposal would be an extension of an existing subdivision which included Dewey Street and Pinelea Road. The planned density is consistent with the future land use map.

Staff recommends Conditional Approval of the Special Exception as follows:

1. The applicant is to revise the streetscape design to reflect the intent of the design criteria as follows:
 - a. Minimum 4-foot wide sidewalk on both sides of the street,
 - b. Streetscape design, which includes street trees (indicate size and type),
 - c. Curb and gutter, and
 - d. Streetlights.
2. Front porches finished in keeping with the character of the houses.
3. Sodded front yards.
4. Provide a 50-foot easement through Lot #8 for a future access point for development adjacent to southern boundary line.

The Board of Appeals recommends Conditional Approval as identified by Staff.

Discussion followed on the 50-foot easement. Mr. Taylor said there was really no other street access that's possible for future development along the southern boundary. This would provide access back to Pinelea Road and ultimately to Highway 155 as a second means of egress. Next month there will be a rezoning request for a property south of here that will desire ultimately to make a connection from High Falls Road all the way back to Highway 155 through this connection area. If this is not included, there will be a great many lots who will all try to exit at one point on High Falls Road, which is not a good idea from a planning standpoint. This will eliminate the long cul-de-sac, as well.

Commissioner McDaniel asked about, and Mr. Taylor showed, pictures of proposed home designs, some of which would and some of which would not, be acceptable. These homes will be utilizing turn-of-the-century designs that are similar to the surrounding properties as far as house architecture, as identified in the Urban Proximity plan. The dwellings on Dewey Street will not be as upscale as those on Pinelea Road, given the nature of surrounding homes and duplexes. Some discussion followed. He responded to Commissioner McDaniel that two-car garages would still be required, as noted in the subdivision ordinance.

Mr. Taylor stated they had tried to stay away from introducing the R-5 zoning district because, while it may be appropriate for Dewey Street, Pinelea Road would probably be held to a higher standard. Staff did not feel the area supported requiring the R-5 district. Plenty of homes in the area on both streets are categorized as larger than those in R-5. Staff recommended R-4, but the Planning Commission agreed with the applicant that R-5 would be acceptable on Dewey Street but wanted to hold Pinelea Road to the higher standard.

Mr. Marshall Pape, 3260 Turner Road, Williamson, GA 30292

Mr. Pape agreed with most everything stated except for the 50' easement. He was concerned this might give access to a great deal more traffic. He was concerned, also, about selling the larger homes on Pinelea. The 23 people who live there now want to keep it limited access and not have highway traffic. The more he has considered this request, the more he is convinced it may not be the best solution. Dewey Street could be extended and then cut into the other subdivision; Dewey Street has never been deeded to Spalding County but it does exist, all the way to the end of this property. After careful thought, he would rather see Pinelea Road kept to limited access with a turnaround, which it currently does not have. Mr. Pape did not want to hurt the existing landowners.

Commissioner Morrow noted if they did this, then Mr. Pape might be denied the variance to extend the cul-de-sac. Mr. Pape said he was aware of that, but he did not want to adversely affect those living there now.

Commissioner Morrow said the County had an aversion to long, dead-end streets because of the problems they pose for emergency services people. Mr. Pape said to extend it as was planned in the 1960s would actually improve the emergency services situation, because it would make it easier for them to turn around.

Commissioner Morrow said this might provide an opportunity to remedy in this area what is an overall problem in the County of connecting many stand-alone streets.

Commissioner McDaniel asked about the gas line easement, and Mr. Taylor pointed out the easement on the map. A discussion of connecting streets on the map followed. He agreed another north-south connector was important and very much needed between High Falls Road and Highway 155. Pinelea Road could provide the best mechanism to accomplish this. Mr. Taylor anticipated seeing a great deal of development there. He noted, also, that streets are allowed on gas line easements.

Mr. Taylor responded to Commissioner McDaniel there was a front-yard retention pond on Lot #7 where there was a low spot.

Mr. Pape said he had no problem with the 1750 square feet requirement for homes on Lots 17 through 22. Homes on Pinelea average 1500 square feet, and on Dewey they average 950 square feet, including all the duplexes.

On a motion by Commissioner Morrow to rezone the portion of the property described as Lots 17 through 22 to R-5 and to rezone Lots 1 through 16 as R-4, seconded by Commissioner McDaniel, the vote to approve was 4-1 with Commissioner Kendall opposing.

2. Application #-04-62S: E. Marshall Pape, Owner – Off Pinelea Road (32.91 acres located in Land Lot 208 of the 2nd Land District) – requesting a Special Exception to allow 1-acre lots (Urban Proximity) in the R-5 District.

Commissioner Morrow made a motion to approve with conditions recommended by Staff:

1. *The applicant is to revise the streetscape design to reflect the intent of the design criteria as follows:*
 - a. *Minimum 4-foot wide sidewalk on both sides of the street,*
 - b. *Streetscape design, which includes street trees (indicate size and type),*
 - c. *Curb and gutter, and*
 - d. *Streetlights.*
2. *Front porches finished in keeping with the character of the houses.*
3. *Sodded front yards.*
4. *Provide a 50-foot easement through Lot #8 for a future access point for development adjacent to southern boundary line.*

Commissioner Davis seconded the motion.

Commissioner McDaniel asked if Commissioners would amend their motion and second to add a condition that porches shall be underpinned. Commissioners Morrow and Davis amended their motion and second. The motion was approved by a vote of 3-2 with Commissioners Kendall and Goss voting in opposition.

3. Application #04-25Z: Freda Cronic, Executor of Last Will and Testament of J.A. Cronic – North Expressway (6.860 acres located in Land Lot 103 of the 3rd Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Mr. Taylor addressed the three petitions by the applicant, #04-25Z, #04-25AZ, and #04-25BZ, at large. The applicant has requested approval from Spalding County to change the zoning of this property from C-1 to C-1B to allow for the expansion of the Cronic automobile dealership. The current use, under the C-1 Zoning District, is legally nonconforming (grandfathered). The expansion of the dealership requires the rezoning. Through recent commercial rezoning along the U.S. 19/41 corridor, the Board of Commissioners has sought to improve the architectural design of commercial developments with restrictions on architectural style. Also, there are five existing residences fronting on Glenwood Drive which are part of the property. The applicant proposed to eventually remove these homes and incorporate the land into the dealership.

Mr. Taylor stated that Staff recommends Conditional Approval of the request as follows:

1. That the architectural style of the new structure be consistent with other large automobile dealerships along U.S. 19/41, which are constructed mainly of glass and concrete. No new modular type buildings shall be permitted on site.
2. That the applicant provide a specific time frame in which the nonconforming homes fronting on Glenwood Drive will be removed or brought into compliance with the ordinance.

The Planning Commission recommends Conditional Approval of the request as follows:

1. That the building will come under review by Staff to ensure its compliance with the general appearance of what was shown at the meeting (by the applicant).
2. That temporary structures and the trailers are removed from the property as soon as the new building is constructed and occupied.

Commissioner Morrow noted there was no change on the first application, just going from a nonconforming to a conforming zoning. On the second application, which includes the new building, there is a separate issue, as is the case with the third application for the 2.6 acres.

Mr. Taylor said his only problem really was with the houses, which are nonconforming residences on commercial property. His concern was for when those would be removed. He assumed, but wanted a commitment, that these dwellings would be removed when the expansion of the dealership was completed.

Commissioner McDaniel said the ordinance won't allow two principal uses on a tract. In commercial zonings this can be done as a group development, answered Mr. Taylor, but you cannot have more than one principal building on a tract and meet the requirements of a group development. Commissioner McDaniel said anything residential or residential plus anything else is not allowed, unless it is part of group development, and Mr. Taylor agreed. He noted that in a commercial district, residences are not allowed except in the case of a loft residence above a commercial business. In this instance, these are single-family rental homes.

Commissioner McDaniel recalled the Board of Commissioners, when they approved a petition for Mr. Jackson several years ago, might not have set a time limit on when that second principal use (a dwelling) had to go away. He was not sure if the County had done any follow-up on that. Mr. Mullins responded he did not feel this would be a problem and would address the mixed use issue when he spoke.

Mr. Dick Mullins, 676 Brook Circle, Griffin, GA

He pointed out on the plan the parcel that would stay the same and the parcel where the new Nissan building would be constructed. During construction, cars would need to be stored elsewhere but the storage area would not traverse the property line, so there would be no mixed uses on that tract. He referenced a drawing showing two sales trailers on the premises. Staff and Planning have recommended they be removed and they will be, on completion of construction. During construction, this building that houses some 15 offices will be moved a short distance, maybe 100 feet, to allow operation and store cars within the seven-acre tract. After completion of construction and they move into the dealership, they will move this building over to replace the sales trailer. He pointed out the 2.6 acre tract property line. The new dealership and new building were shown on a rendition by Spangler, Manley & Smith, the architects for this building. Elevations showed what the building would look like from the expressway for this standardized Nissan building done all over the country. Nissan is participating in this construction to some extent in order to get Cronin into compliance. Cronin anticipates spending \$2,000,000 on this project. The glass and concrete architectural style recommended just doesn't go with the standardized Nissan design, ACM (aluminum composite material).

With regard to the homes, Mr. Mullins said the house closest to the expressway would be demolished immediately. They would like to keep the other three homes for up to five years before being required to demolish, and they would like to keep this one mobile home where someone currently lives who serves, and will continue to serve, as night watchman. Projections are for the construction period to be about nine months, then they will take down the homes after that.

Commissioner McDaniel said the homes on the separate tract, as long as there was no commercial use, could stay as long as necessary, but when two uses come onto the property, the homes must be removed. They did not want to set the precedent of having two uses on the tract for any long-term period.

On a motion by Commissioner Davis and a second by Commissioner McDaniel to approve Application 04-25Z, the vote was unanimous at 5-0.

4. Application #04-25AZ: Freda Cronic, Executor of Last Will and Testament of J.A. Cronic – North Expressway (7.541 acres located in Land Lot 103 of the 3rd Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

On a motion by Commissioner Morrow, and a second by Commissioner Davis, to approve Application 04-25AZ with the stipulation that the glass and concrete architectural style restriction be dropped, the vote was unanimous at 5-0.

5. Application #04-25BZ: Freda Cronic, Executor of Last Will and Testament of J.A. Cronic – North Expressway (2.607 acres located in Land Lot 103 of the 3rd Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

On a motion by Commissioner Davis, and a second by Commissioner McDaniel, to approve Application 04-25BZ with a condition that the homes be demolished before the expiration of a five-year extension or as soon as they implement a commercial use on the tract, the vote was unanimous at 5-0.

6. Application #04-26Z: John T. Bolton, Owner – 300 School Road (2.91 acres located in Land Lot 86 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential and R-2, Single Family Residential, to R-2A, Single Family and Two Family Residential.

Mr. Taylor presented background and recommendations of Staff. The applicant is requesting approval to allow the rezoning of 1.91 acres of property from an existing 2.91 tract to R-2A. The property is to be subdivided into one 1-acre tract, currently zoned R-2, and the new 1.91 acre tract, which is currently vacant.

Staff recommends approval of the rezoning but to R-2. The average house size in the area is 1548 square feet, so allowing R-5 zoning with a house size of 1250 square feet minimum would not be an improvement to this area. Therefore, Staff feels that R-2 zoning with a minimum house size of 1750 square feet would be more consistent with the surrounding area. Additionally, R-2 zoning eliminates the possibility of two-family dwellings permitted in R-2A, which are inconsistent with the surrounding area. At its September meeting, the Planning Commission recommended approval to rezone the property to R-4.

Mr. Dick Mullins, 676 Brook Circle, Griffin, GA

Mr. Mullins pointed out the parcel on a map for Commissioners. It has been surveyed to yield two tracts. The 1 acre tract is where an existing house sits, and the 1.91 acre tract is where the proposed house would go. In the surrounding area there are homes smaller than 1400 square feet and others in excess of 1400, and he pointed out these properties for commissioners on a tax map. Homes on either side and across the road have about 1400 square feet. Of the 21 homes in the circle represented on the map, 13 homes are less than 1400 square feet and 8 are larger. There are 46 duplexes of 1800 square feet per unit, which yields an average of 900 per dwelling in the duplex unit. Mr. Bolton is requesting this rezoning to R-2A with the condition he would have to build homes with 1400 square feet minimum.

Commissioners pointed out that R-2A has a minimum of 1250 square feet and is the zoning district designed for duplexes. The R-4 zoning district, recommended by the Planning Commission, requires 1500 square feet minimum.

When queried about the R-2A zoning requested, Mr. Mullins said they will accept the R-5 zoning but with a minimum of 1400 square feet, saying they did not originally apply for this zoning district because they simply were not familiar enough with the requirements. The difference is what is allowed in the R-2A zoning district. Mr. Mullins confirmed they wanted to be 100 feet less than the R-4 requirement but 150 feet more than the requirement in R-5.

Mr. John T. Bolton, 873 Moreland Road, Griffin, GA 30224

Mr. Bolton said he asked for 1400 square feet to comply with surrounding homes. The two across the street are double-wide trailers that have been bricked up. These homes would be the

largest of 8 to10 homes in the immediate area. The older house at 300 School Road is 1237 square feet, and the house directly above is around 1300 square feet. From a sales standpoint, he felt it would be hard to move larger homes in this area. The price range for these homes will be around \$114,000 to \$115,000. Mr. Bolton stated he was not asking to take a zoning district and downgrade, but rather he was requesting a zoning district with a smaller requirement and then to upgrade.

On a motion by Commissioner Morrow to approve Application 04-26Z to R-4, with the conditions that a standard two-car garage be included and that porches be underpinned, seconded by Commissioner Davis, the vote was 4-1 in favor of the motion with Commissioner Goss voting in opposition.

III. OTHER BUSINESS

1. Zoning Attorney Newton Galloway desires a Closed Meeting to discuss pending and potential litigation.

On a motion by Commissioner McDaniel motion to enter Closed Meeting, seconded by Commissioner Davis, the vote was unanimous in favor at 5-0 at 7:11 p.m.

CLOSED MEETING AFFIDAVIT

[A copy of the affidavit must be filed with the minutes of the meeting]

STATE OF GEORGIA
COUNTY OF SPALDING

AFFIDAVIT OF CHAIRMAN

Members of the Spalding County Board of Commissioners, being duly sworn, states under oath that the following is true and accurate to the best of his/her knowledge and belief:

1.

The Spalding County Board of Commissioners met in a duly advertised meeting on December 16, 2004.

2.

During such meeting, the Board voted to go into closed session.

3.

The executive session was called to order at 7:11 p.m.

4.

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

Yes Consultation with the county attorney, or other legal counsel, to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

No Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and _____(insert citation to the legal authority making the tax matter confidential);

No Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

No Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6);

No Other (describe the exemption to the open meetings law):

_____ as provided in
_____(insert the citation to the legal authority exempting the topic).

This the 16th day of December, 2004.

Sworn to and subscribed
Before me this 16th day of December, 2004.

Notary Public -- Teresa A. Watson
My commission expires March 3, 2007

Spalding County Board of Commissioners
Michael Kendall
Johnie McDaniel
Cecil Davis
Eddie Goss
Dick Morrow

On a motion by Commissioner McDaniel motion to adjourn Closed Meeting and reconvene in Open Session, seconded by Commissioner Davis, the vote was unanimous in favor at 5-0 at 7:40 p.m.

IV. ADJOURNMENT

On a motion by Commissioner Davis and a second by Commissioner McDaniel, the meeting was adjourned at 7:40 p.m.

Please send comments to webmaster@spaldingcounty.com
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