

**SPALDING COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**March 29, 2005**

The Spalding County Planning Commission held its regular monthly meeting on March 29, 2005 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Karen Mathiak, Chairman, presiding, Janet Bailey, Frank Chastain, Ronald Green and John Youmans.

Also present were Charles Taylor, Community Development Director, Chad Jacobs, Senior Planner, Newton Galloway, Attorney, Bruce Ballard, Griffin-Spalding County School System, and Yvonne Langford to record the minutes.

Ms. Mathiak called the meeting to order, introduced the members of the Planning Commission, and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

**Application #04-33Z:** Lift from the table. Aslam Bana and Shelina Hussain, Owners – Acme American, LLC, Agent – 4265 Newnan Road (3.05 acres located in Land Lots 29 and 30 of the 1<sup>st</sup> Land District) – requesting a rezoning from R-2 Single Family Residential, to C-1, Highway Commercial.

**MOTION**

Mr. Youmans made a motion to lift Application #04-33Z from the table. The motion passed on a second by Mr. Chastain with Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion and Ms. Bailey voting against.

Ms. Shelina Hussain – 1014 Cromwell Point – Snellville, Georgia

Mr. Aslam Bana – 1014 Cromwell Point – Snellville, Georgia

Ms. Hussain said they were waiting on the representative from Acme America who was to be present. He has all the plans and drawings.

Mr. Bana said they want to make this a commercial property. They have plans for a feed store, convenience store and gas station. This will be a strip center with four stores.

Ms. Hussain said they are planning something like a service center such as a nail salon, restaurant, Laundromat or dry cleaner.

Mr. Chastain said he wants to see the drawings because he is concerned about the exit from Highway 16/Newnan Highway.

Mr. Edward Bullard – 124 North Hill Street

Mr. Bullard said he was present to represent himself and a group in this area that are opposed to this application. He had a signed petition with in excess of 100 signatures.

This is a dangerous intersection. There has been some talk about putting in a traffic light which will not be adequate. They will need an accel/decel lane. He got copies of information from the DOT regarding the number of accidents at this location. In the last 36 months, there have been 34 accidents which is approximately one per month. There is a blind hill which hinders visibility. A convenience store at this location will make the area even more hazardous. There are a lot of lakes and streams in the area. The neighbors do not want the area to be contaminated. He had an environmental test that was done to the soil on adjacent property. The soil consists of poor field of poorly draining natural soil. Natural soil beneath is unsuitable for wastewater disposal due to seasonal high water table. If this soil is unsuitable, there is a good chance that other soil in the area is as well. If that is the case, a standard septic system would not take on that particular piece of property. An alternative septic system would have to be used. The odor would be offensive. To deny this application would not be an unconstitutional taking without compensation. The Constitution does not say you have the right to absolutely any use of your property or even the best use of the property, it just says you have the right to use your property in some way. A letter was presented from a resident in the area objecting to this rezoning. He requested that the application be denied.

James Brooks – 44 Briarcliff Road

Mr. Brooks said he agreed with what was said by Mr. Bullard. He feels the DOT records do not accurately reflect the number of wrecks in the area. He lives less than ½ mile from this location, and he knows there is more than one wreck per month. Additionally, there is already a convenience store in the area and another one is not needed. It is too dangerous. He does not feel there is anything the DOT can do to improve the intersection. A traffic light can be installed but it still will not help. There is so much traffic on the Rover/Zetella Road from Fayetteville to Pike County. It is too busy.

Dwayne Ford – 52 Vaughn Road

He lives on the property that adjoins this property. The water stands on the back of this property. There is a spring behind the property. The water issue is “real”. He spoke with the DOT regarding the accidents. They have considered a project and the only way they can make the road safe is to grade the hill which would cost in excess \$5,000,000. They hesitate to put in a traffic light because the people will not be able to stop for the light. That is where the accidents happen now. The only thing the traffic light would accomplish is help people get across Highway 16. With the drawing they have, two of the entrances are on Highway 16 between the intersection and Briarcliff Road. That will make the stopping distance 200 yards shorter. There were three accidents at this intersection on Saturday.

Mr. Ali – 14289 Highway 16

Mr. Ali said he agrees with what has been said. This is a blind hill. He does not want the application approved.

Deborah Robinson – 521 Anderson Road

Ms. Robinson said she has lived in this community for 27 years, and during that time, she has seen the traffic get worse with more wrecks. People are losing their lives out there.

It is going to get worse, not better, until they do something about that hill. They do not need any more commercial property until they do something about the hill.

Shannon Robinson – 521 Anderson Road  
He was opposed.

Mr. Amin – 4289 Highway 16 West  
Mr. Amin said this is a blind hill and no one will be able to see the store in time to stop.

Tommy Jolly – 877 Rover/Zetella Road  
Mr. Jolly said he does not see the need to rezone this for commercial, because they do not need another store at this location. It will make a more dangerous situation. They have a good store there now.

Edward Duffey – 4290 Highway 16  
Mr. Duffey said he had store at this location and move about four months ago because the wrecks were so bad. They had to replace their sign every two or three months due to the accidents.

Sherman Williams – 627 Newnan Road  
Mr. Williams said one store is enough. It is too dangerous.

Mr. Carl Iuahue – 51 Meadow Branch Road  
Mr. Iuahue said he is concerned because the junction is very busy at the present time and to add more business would be a disaster.

Mr. Bana returned to speak again to address the concerns. He said to help with the traffic they have an extra lane for approximately 500 feet. They will have a lot of light that will be visible from a distance so that should cause the traffic to slow down. To address the water issue, they will have a high-tech recycling water system so that 85% of the water will be recycled. This will bring more business and revenue to this area. This site is not attractive now and they are going to make sure the property looks great. He has been in this business for the last eight years and has another location in Griffin that people can look at to see how attractive it is. This will not cause the property value to go down. Property values will go up. If they put up the traffic light, they would put a sign advising that there is a traffic light ahead which would cause the traffic to slow down.

Ms. Hussain said this addition of signage and lighting could help keep the accidents from happening.

Mr. Chastain said he would like to know about the revised drawings showing the exits off of Highway 16.

Mr. Bana said the drawing he had shows two curb cuts off of Highway 16, but there will only be one cut. There will be one cut off of Highway 16 and one off of Vaughn Road. He identified the accel/decel lane that will be put in as required by the DOT.

Mr. Taylor said the staff is recommending conditional approval. The conditions are:

1. Only two curb cuts, one on Vaughn Road and one on Highway 16. The curb cut on Highway 16 should be located as far from the intersection as possible.
2. Accel/ Decel lane with as much sight distance as possible.
3. Architecture of the building and canopy should match and possess thematic scheme.
4. Site lighting to be designed so as not to glare in adjacent residential areas or on public streets.

Mr. Youmans said the Planning Commission had set a precedent when another application was considered under similar circumstances and denied due to safety issues. He said he is delighted when anyone wants to launch a business in Spalding County, but the safety issue needs to be considered.

Mr. Proctor with Acme America had arrived and requested permission to speak. He advised that he is the engineer for this project.

Mr. Jasper Wayne Proctor, Jr. – 2330 Pinetree Lane – Marietta, Georgia

Mr. Proctor said he was not aware that they would have to have DOT approval for this project so they did a plan and the sight distance profiles for Vaughn Road and Highway 16. It shows that there is enough sight distance. There are no driveways close that will cause any safety concerns. He talked with two people with DOT, and they are reviewing the plans at the Thomaston office. They plan to visit the site next week. He had a copy of the revised plans with the one curb cut on Highway 16. They have a detention pond planned for the rear of the property. There is a pipe that drains under Vaughn Road and all the drains will go to that point. There will be no drainage on anyone.

#### **MOTION**

Mr. Green made a motion, seconded by Mr. Youmans, to deny Application #04-33Z. The motion passed with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

**Application #05-02Z: Lift from the table** - Durward Smith, Owner – Highway 155 (1 acre located in Land Lot 112 of the 2<sup>nd</sup> Land District) – requesting a rezoning from C-1, Highway Commercial and AR-1, Agricultural and Residential, to C-1B, Heavy Commercial.

#### **MOTION**

Mr. Youmans made a motion to lift Application #05-02Z from the table. The motion passed on a second by Mr. Green with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

Durwood Smith – 2356 Williamson Road – Williamson, Georgia

Mr. Smith said approximately a year ago, the DOT did a widening project which involved his business. They removed the building that he had. In rebuilding the business, they have a problem with the location of the commercial site versus the building location. They are requesting this rezoning and also request that they be allowed other business use of the property than just the landscape supply business. They want to sell the landscape supplies, shrubbery, plants, fruits, vegetables, dry goods, hardware items, specialty clothing items such as rain suits, fertilizer products, and anything that grows on a farm and small farm equipment and implements.

Mr. Taylor said the staff recommendation is for conditional approval with conditions.

1. Authorize the staff to amend the Future Land Use Map and review the potential impact of revising the lot to be commercial.
2. Only a landscape supply business be allowed to go back on this site.
3. The business must be conducted in a permanent structure and no temporary buildings on the property.
4. Outside storage be limited to the sides and rear of the property.
5. Limit all lighting so it will not glare into the neighboring residential property or the street.

The issue was raised regarding the uses that Mr. Smith had requested in addition to the landscape supply business. Mr. Taylor cautioned against the business growing beyond what the county is estimating at the present time. It might have an impact on the county that is unforeseen that would present issues the county is not prepared to handle.

Mr. Green said he would like to see him be able to have additional supplies to give him the opportunity to have a successful business.

#### **MOTION**

Mr. Youmans made a motion to approve Application #05-02Z with the following conditions:

1. Authorize the staff to amend the Future Land Use Map and review the potential impact of revising the lot to be commercial.
2. A seed and feed business including small farm implements sold as accessory items, rain suits, clothing, and a landscape supply business be allowed to go back on this site.
3. The business must be conducted in a permanent structure and no temporary buildings on the property.
4. Outside storage be limited to the sides and rear of the property.
5. Limit all lighting so it will not glare into the neighboring residential property or the street.

The motion passed on a second by Ms. Bailey with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

**Application #05-03Z:** Lee Wall, Owner – Lakeside Road (204.996 acres located in Land Lots 74 & 75 of the 2<sup>nd</sup> Land District – Requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Lee Wall – 5650 Highway 42 – Ellenwood, Georgia

Mr. Wall said this property is on the corner of Aerodrome Way and Lakeside Road. The development will have green space and includes a six-acre lake. The main green space area is 30 acres and includes the lake, clubhouse, playground facilities, walking trail around the lake, and picnic areas. The walking trail will connect to the sidewalks in the subdivision and will connect to an additional 13 acres of green space in the corner. The 13 acre tract is flat and could be developed for ball fields or whatever the homeowner's association would like to develop. The development will have 205 houses. They anticipate selling 20 houses per year under present market conditions. The average size home in the area is 1734 SF and these houses will be an upgrade for the area.

Michael Schibetta – 501 Lakeside Road

Mr. Schibetta said his home is adjacent to this property and is visible from the windows of his house. He is impressed with this development and the green space that has been included. However, there is no green space on the property that is adjacent to his home. His house, which is closest to this property, is 6000 SF. Mr. Spangler has a 2700 SF house that is close to this property. He questions the 1734 SF average in the area. His concern is that, if this is approved, then this would be a sanction of 1700 SF property. 1700 SF is not in keeping with what is in the community. It would seem that R-1 would be more appropriate.

Mr. Taylor said the recommendation is for approval to R-1 zoning rather than the R-2. They will be working with the applicant on the site layout in preparation for the application being considered by the Board of Appeals. There are ways to improve the green space layout and the layout of the development.

Mr. Ballard said the school system likes the idea of the larger houses in this area. This number of houses will impact the school system and even the larger houses do not afford enough taxes to pay for the education of the students that will be added. This is in a zone where there is a new elementary school. This area is better suited for growth than other areas.

Mr. Youmans said he agrees with Mr. Taylor that the development could be better planned. The larger house sizes would be preferable.

#### **MOTION**

Mr. Chastain made a motion for conditional approval for the rezoning of the property in Application #05-03Z to R-1. The motion passed on a second by Mr. Green with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

**Application #05-04Z:** William R. King, Jr., Gayle Taylor and Comerica, Trustee for Oshlag-Stuckey, owners – Greg Walker, Agent – North Expressway (Highway 19/41 –

10.03 acres located in Land Lot 101 of the 3<sup>rd</sup> Land District) – requesting a rezoning from R-2, Single Family Residential, to R-3 Multiple Family.

Mr. Galloway said this application is a successor application to a prior R-3 application that went through litigation. The parties entered into a settlement agreement regarding the main portion of the property which will be developed for most of the apartments. The property is divided into two tracts and the settlement agreement attempted to develop a comprehensive development plan for the entire property recognizing that the rear property was R-2 and will also be developed in the future. An agreement was reached with the developer for the plan that is presented. This application should be treated as any other rezoning application. The recommendation from the Planning Commission is not bound by the settlement agreement; however, the settlement agreement does provide for certain repercussions if ultimately the development is not approved by the Board of Commissioners.

Mark McClure – 7150 Dunhill Terrace – Atlanta, Georgia

Mr. McClure said that he works with Greg Walker in Atlanta. The plan for the two apartment buildings is for all two bedroom units. The rent is projected to be in the \$700's. The units will be in excess of 1000 SF.

Mr. Galloway said the R-3 standards that have just been revised were significantly influenced by the design criteria that was in the settlement agreement. There are some differences but generally the standards are what are shown in this development. On this development, the front portion is all that is being developed at this time. The rear portion presently is being left open. There are some issues with that portion of the property. When it is developed, it will be a smaller development. The front tracts are C-1 and are included in the settlement agreement. The settlement agreement provides for a maintenance fund for the property. This was part of the source of the county's concern. If this is approved, they will be bound by contract to the county to comply with provisions of the settlement. The settlement agreement includes architectural criteria, lighting criteria, landscaping requirements, entryway signage, architectural requirements on the C-1 tracts on the front, architectural and design criteria on the clubhouse which will include a conference and meeting room area, exercise room and pool and recreation area, and the playground area will meet the county's commercial playground specifications.

Mr. McClure said these are quality units and will be an asset. They intend to build a project that will bring pride to the community.

#### **MOTION**

Mr. Youmans made a motion to approve Application #05-04Z. The motion passed on a second by Mr. Chastain with Mr. Chastain, Ms. Mathiak and Mr. Youmans voting for the motion and Ms. Bailey and Mr. Green voting against.

**Application #05-05Z:** Jesse Michael Riegel and Mary Lona Mohan, Owners – Mark Martin, Agent – 1750 Dixie Highway (Old Atlanta Road – 10.5 acres located in Land Lot

126 of the 3<sup>rd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-1B, Heavy Commercial.

Richard Mullins – 676 Brook Circle

Mr. Mullins said the property they are requesting to be rezoned borders Old Dixie Highway on the west side, the Central Georgia Railroad on the east, on the south by property that is zoned C-1C, and on the north by West McIntosh Road. The property across West McIntosh Road previously housed a pallet business. In investigating the area at the courthouse, 6 lots in the area have homestead exemption which indicate the property is used by the homeowners. The other 18 houses are rental properties. Across the road there are 2 homeowners and 14 rental units. Mr. Martin is the owner of Wright-Bilt Systems which is a heating, air and electrical company. They have 45 employees with 26 company vehicles and need to build a new facility. They want to build a 12,000 SF facility. C-1B is an appropriate zoning for this tract.

The staff recommendations are:

1. Authorize the amending of the Future Land Use Map
2. A permanent structure must be constructed. No temporary buildings.
3. Staff requests that the structure be build with stone or brick façade. If alternative it must be approved.
4. The site will limit all lighting so any neighboring properties will not be affected.
5. The ingress/egress point be moved south 150' for safety concerns with respect to the close proximity to East McIntosh Road
6. Property shall be limited to only 3 ingress/egress points
7. All work vans will be parked behind the proposed structure at night.
8. All outdoor storage will be screened from the public's view.

Mr. Mullins went over the staff recommendations and how they felt about those recommendations. He said they agreed with the change in the land use map and the recommendation for permanent structures. He plans to use only a portion of the property for this facility and develop the balance of the property for other businesses. Mr. Mullins had issue regarding the brick façade and said this area does not require a brick façade, even in the front. He also said it is not practical to screen on the north side because the road is so high. Any well built, well planned operation will be a benefit to the community. This will be a large taxpayer with 12,000 SF. He agrees to the lighting requirements and the ingress/egress recommendations regarding location and number. He took issue with the vans being parked behind the property at night and the screening of the outside storage. If they have to screen outside storage and wanted to lease some of the property for a car lot then he would have to plant a buffer or put a fence in front of the used cars to keep anyone from seeing it from the highway. Due to the location of the property and the nature of the neighborhood, they do not think they should have to comply with any screening requirement for outside storage. There will be 26 trucks and it will be difficult to have parking for all the trucks behind the structure.

Mr. Youmans said the philosophy of the applicant is that the area is junky so keep it junky.

Mr. Mullins said because the neighborhood is not the best, you should not require that there be no outside storage. Since Mr. Martin will be there, he will want to restrict any other properties that develop so that they will have to keep the storage, buildings and design neat.

Mr. Youmans said Mr. Martin could decide to sell the property and relocate. There needs to be some measure of control regarding the façade of the buildings and area. It is in the best interest of the county to have some measure of control in the event Mr. Martin decides to leave the area.

Mark Martin – 517 North Pine Hill Road

Mr. Martin said the “sister company” is presently building a building on the North Expressway across from Suzuki and that is what they want to build on this property. They have a building in Hampton, and he wants to move the business back to Spalding County. They are going from a \$4,000,000 to a \$10,000,000 company, and he needs space. He was born and raised in this area, and he understands the concern regarding the other businesses in the area and they intend to improve the area.

Discussion was held regarding the outside storage and the truck parking arrangements. Mr. Martin said the main concern is that with the shop in Hampton they had a lot of problems with theft with the things that were stored on the back of the property. Mr. Chastain said his main concern regarding the storage is that there will be used duct work that looks like junk.

Mr. Taylor said they are excited about the investment in this area, but they are also concerned about the C-1B zoning because of the uses allowed and the outdoor storage. They are seeing a number of investors interested in this area and the potential that has put this area at a “fork in the road.” There is a real chance for redevelopment and rejuvenation of this area. The Planning Commission needs to be very careful regarding the plans for this site. The plan Mr. Martin has is for a small portion of a lot that is much larger. This is one building but there are plans for other buildings for this site. This zoning is going to set the character for the entire property. They recommend the brick facades. They would like for the parking of the vehicles to be behind the front building line, because there is a danger that the whole front parking lot will be filled with various trucks and vans. They want to screen the storage area to set a new tone for the area. They even anticipate this could develop into some retail areas.

## **MOTION**

Mr. Chastain made a motion, seconded by Ms. Bailey, to approve Application #05-05Z with the following conditions:

1. Authorize amending the Future Land Use Map.
2. Permanent structures must be constructed. No temporary buildings.
3. The structure must be built with stone, stucco or brick façade; if alternative it must be approved.
4. The site will limit all lighting so any neighboring properties will not be affected

5. The ingress/egress point will be moved south 150' for safety concerns with respect to the close proximity to East McIntosh Road.
6. Property shall be limited to only 3 ingress/egress points.
7. All work vans will be parked behind the front building setback of the proposed structure at night.
8. All outdoor storage will be screened from the public's view.

The motion passed with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

**Application #05-06Z:** Thomas J. and Suan P. Hunt, Owners – Johnscar, LLC, Agent – Macon Road (11.20 acres located in Land Lots 181, 203, and 204 of the 2<sup>nd</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to R-2 Single Family Residential.

Courtney Nolan – Paragon Consulting – 118 North Expressway

The plan for this development is using the Country Club theme if the special exception is approved. They will have 3600 feet of walking trails, tennis courts and playground. The plan is to have six houses at 2000 SF with the balance at 1800 SF. Pictures were available of some of the proposed houses. This will be a nice development.

Suan Hunt – 421 Audubon Circle

Ms. Hunt said this land has been in the family for 75 years and they lived on the southern part for 20 years. They had considered developing the property at one time but city water and city sewerage were not available. Due to the area, they did not think real expensive homes would be appropriate. She feels this developer has done an excellent job for this area with this proposed subdivision. She understands that people want lots of one acre or more. She lives at the country club and her lot is less than one acre. She asked consideration be given to that fact. She requested approval so the property can be used in a good way.

Mr. Taylor said they think the square footage compromise with six of the houses being at 2000 SF and the balance at 1800 is good. The comprehensive plan does not foresee that this area will be lined with subdivision after subdivision. Care needs to be given so that Orchard Hill does not grow together with the largest village in the county and the City of Griffin. They would like to work with Paragon and the owner to redo some of the design so that some of the green space is incorporated into the development. The way the development is designed when you turn into the subdivision you will face the backyards of two of the houses. There should be a better focal point when you enter the subdivision. They would also like to address the issue of the houses backing up to Macon Road.

Ms. Nolan said they plan to leave a buffer between the houses and Macon Road. They, additionally, are considering a buffer between their lots and the adjacent subdivision.

## **MOTION**

Mr. Youmans made a motion to approve Application #05-06Z conditioned on six lots being R-1 zoning and the balance being R-2 at 1800 SF heated. The motion passed on a second by Mr. Green with Ms. Bailey, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion and Mr. Chastain voting against.

**Application #05-07Z:** GTW Properties, Inc., Owners – Spalding County Board of Commissioners, Agent – 1594 Kilgore Road (26.69 acres, more or less, located in Land Lot 120 of the 3<sup>rd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-4 Single Family Residential.

Mr. Galloway said this is a reapplication generated by a vote of the Board of Commissioners. This application was heard on February 24, 2005 by the Board of Commissions. The Appeals Board, at their January meeting, had recommended approval of the application for R-4 with 1500 SF houses minimum on lots 1, 2, 3, and 9 and the remainder of the subdivision at R-5 with a minimum of 1250 SF. At the Commission meeting, a motion to deny was made and seconded and during the discussion a majority of the commissioners stated that they did not like the application as presented but they were not opposed to development on the property based on the square footage requirements. When the vote was taken, it was 5-0. It was clear at that time that one of the commissioners wanted to make an alternative motion but since a vote had been taken the issue of reconsideration at the same meeting was in question. There was opposition to this application and some of the participants were in the process of leaving the meeting. The Board of Commissioners, at their regular meeting in March, made a motion to create a new application with the Board of Commissioners as the applicant to send it back through zoning to attempt to bring it for a new vote. The rezoning application is a request for R-4 rather than R-5. The design and layout are the same. He suggested that consideration be given to directing the parties to attempt to mediate this project. This area is affected by the trailer park to the south. The development trends to the north of the property are a significant improvement. The neighborhood opponents face risk if the property is left open or is allowed to develop in a manner that might not be better than the trailer park and not even of the nature and quality that is being proposed in this application.

Richard Ingram – 300 North Pomona Road

Mr. Ingram said the trend for the last eight years is for large lots with most of the lots in excess of four acres. He identified the property owners in the area with the size of their tract and the size of their homes. He said they would like for this property to remain AR-1 zoning, but R-1 zoning would be all right.

Chad Pruitt – 1717 Honeybee Creek Drive

Mr. Pruitt they are proposing 3 one-acre lots and 12 two-acre lots. He identified the area surrounding this property and had pictures. There is a trailer park development adjacent to this property, and he noted that it was difficult to build large homes next to this type development. He said the average size home in the ½ mile radius is 1350 SF. They would be building 1500 SF homes on all the 15 lots which is larger than the average in

the surrounding area. In figuring the average house size, no consideration was given to the trailers in the area.

Mr. Youmans said he has not changed his opinion since this property was considered in January. He would like to see lots 7, 8, & 9 revamped and made into two lots. Other than that he would approve the application.

Mr. Pruitt said he would make that change and have 14 lots rather than 15 lots.

Greg Pruitt – 55 Partridge Path

Mr. Pruitt said he understands the nicer homes on the other side of this property, but the zoning tells us that you look at the property within a ½ mile radius to make this decision. If you go a mile or two miles, then that should be the standard for all the applications that are considered. This property is surrounded by much less desirable property. He has talked with Mr. Ingram, and there is a chance they will discuss this further prior to the commission meeting. If he wants R-1 with 2000 square feet, there cannot be a lot of negotiating with that. That was a surprise to him and that is the reason he wanted to speak. He still feels the better way is their original application, but they have agreed to the new application at 1500 SF. This can be a great transition to the larger tracts of property. Somebody has to block out the trailer parks.

#### **MOTION**

Mr. Youmans made a motion to approve Application #05-07Z conditioned on 14 lots rather than the 15 lots proposed and that the stairs and porches, if used, are to be finished and must be consistent with the design of the homes. He further suggested that the parties concerned get together to attempt to resolve the issues. The motion passed on a second by Mr. Chastain with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

**S/D #05-01: Line Creek Farms** - Phillip Spiers, Owner – 97.45 acres on Line Creek Road and Hollonville Road located in Land Lots 78 and 79 of the 1<sup>st</sup> Land District – 9 lots.

Mr. Taylor said the staff recommendation is for approval.

#### **MOTION**

Mr. Chastain made a motion, seconded by Ms. Bailey, to approve S/D #05-01. The motion passed with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

**S/D #05-02: Lakeview Plantation** – Edward Duffey, Owner – 39.58 acres on Lakeview drive located in Land Lots 23 and 24 of the 1<sup>st</sup> Land District – 5 lots.

Mr. Taylor said the staff recommendation is for approval.

Mr. Chastain said this development already has two houses and questioned the process.

Mr. Taylor said the project is not a subdivision unless it has five or more lots. When it was determined that he wanted a 5<sup>th</sup> lot, it then had to have subdivision approval.

**MOTION**

Mr. Green made a motion, seconded by Mr. Chastain, to approve S/D #05-02. The motion passed with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

**S/D #05-03: River Falls** – Spencer Wheelless, Owner – 106.401 acres on Locust Grove Road located In Land Lots 107 and 108 of the 2<sup>nd</sup> Land District – 50 lots

Mr. Taylor said the staff recommendation is for approval conditioned on all departments “signing off” on the project.

Spencer Wheelless – 45 Parkland Drive -Stockbridge, Georgia

Ms. Mathiak questioned the design.

Mr. Wheelless said this is almost identical to the conceptual design that was previously approved in October 2004.

**MOTION**

Mr. Youmans made a motion to approve S/D #05-03 conditioned on approval of all departments. The motion passed on a second by Ms. Bailey with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

**Amendment to UDO #A-05-06: Lift from the table** – General Procedures – Section 411:A and B and Appendix C – Ordinance Establishing Board of Appeals – Section VII:e – amendment to modify standards for granting variances.

**MOTION**

Mr. Youmans made a motion to lift Amendment to UDO #A-05-06 from the table. The motion passed on a second by Mr. Green with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

Mr. Taylor said this is an amendment to modify the standards for granting variances. It will give a broader base for considering variances. It will take into consideration things other than hardships.

**MOTION**

Mr. Youmans made a motion, seconded by Mr. Green, to approve Amendment to UDO #A-05-06. The motion passed with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

**Amendment to UDO #A-05-07:** R-5 Single Family Residential – Section 1103:B – amendment to allow for Class A Manufactured Home as a special exception use.

Mr. Taylor said this is to allow mobile homes in the R-5 zoning as a special exception use.

**MOTION**

Mr. Green made a motion, seconded by Mr. Youmans, to approve Amendment to UDO #A-05-07. The motion passed with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

**Amendment to UDO #A-05-08:** C-1 Highway Commercial – Section 1203, C-1A Neighborhood Commercial – Section 1303, and C-1B Heavy Commercial – Section 1403 – amendment to allow street vendors as a principal use; Definitions of Terms Used – Section 202 – amend provision to allow street vendors.

Mr. Taylor said they have allowed this type use for several years, but there is nothing in the ordinance that allows this use. This will make that use available but will put restrictions on the use. He said there is one change that he would like to make. He would like for the criteria in Sections 3 and 4 to match the criteria in Section 2.

**MOTION**

Mr. Youmans made a motion, seconded by Ms. Bailey, to approve Amendment to UDO #A-05-08 with the change as suggested by Mr. Taylor. The motion passed with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

**MINUTES**

Mr. Green made a motion to approve the minutes of the February 22, 2005 meeting. The motion passed on a second by Mr. Youmans with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

**REVISED PRELIMINARY PLAT CRESTWICK SUBDIVISION**

John Stover – Paragon – 539 Brook Circle

Mr. Stover said the developer had previously presented this for 77 lots on 127 acres on the corner of County Line Road, Ethridge Mill and Meadowvista. It is difficult to know the market and what they are going to be able to sell until they are ready to begin construction. The county ordinance requires that to be on the preliminary plat. They have a land disturbance permit and have begun the subdivision. He went over the location of the detention ponds and the lots. He identified Phase I, II, and III. They wanted to make a change in how the Phases are developed. He identifies those changes and requested approval for the change

**MOTION**

Mr. Chastain made a motion, seconded by Mr. Youmans, to approve the changes as requested. The motion passed with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

**MOTION**

The meeting was adjourned on a motion by Mr. Youmans and a second by Mr. Green with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

---

Karen Mathiak – Chairman

---

Yvonne M. Langford - Recorder