

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
April 26, 2005

The Spalding County Planning Commission held its regular monthly meeting on April 26, 2005 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: John Youmans, Vice-chairman, presiding, Janet Bailey, Frank Chastain, Ronald Green and Karen Mathiak.

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

Ms. Mathiak was late arriving, and in her absence Mr. Youmans chaired the meeting. Mr. Youmans 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 #05-08Z: Math Fields, Inc., Owner – Rachel Gay, Agent – 3616 Fayetteville Highway (2.1 acres located in Land Lot 6 of the 3rd Land District) – requesting a rezoning from R-2, Single Family Residential, and AR-1, Agricultural and Residential, to C-1A, Neighborhood Commercial.

Rachel Gay – 3480 Fayetteville Highway

Ms. Gay said she was present to get a recommendation to rezone the property at 3616 Fayetteville Highway. This property is known as Math Field. The plan is to open a family style restaurant in the existing building on the property. It is 2000 SF building with parking for 87 vehicles. The total property is 19 acres, and they are requesting the rezoning for approximately 2 acres which houses the building and parking lot. She has lived on Fayetteville Highway for 11 years, and she would never do anything there that would be detrimental to the community. There is some concern regarding the traffic on this highway. The peak traffic hours of the restaurant will not coincide with the peak traffic hours. They plan to be open for lunch and dinner, Monday through Saturday. She will not be opened for breakfast. She plans dinner for around 6:00 to 6:30, and the commuter traffic has “died down” by this time. This property is not designated as commercial on the future land use map, but the building is there already and the infrastructure is there. The Health Department has looked at the facilities, and they did not identify any major issues with a restaurant in this facility. It may not fit the current land use plan, but she does not feel it is a major issue.

William Rebbol – 3618 Fayetteville Highway

Mr. Rebbol was signed to speak but said he had changed his mind.

Mr. Taylor said this request is to change the land use map and the zoning. There are areas designated as commercial on the land use map to avoid the highway from being all commercial. All commercial is very expensive and poses a problem from a planning issue regarding the expense of providing the services and the cost of the services. This is a single request for rezoning that is outside an area planned for commercial. If the change is for just this one property, it is anticipated that there will be other property owners that will want their property zoned to commercial. The recommendation is not to change the land use plan until the areas designated as commercial have developed. The recommendation is to deny the rezoning because of the impact to the county, and it is inconsistent with the proposed land use plan.

Discussion was held, and it was noted that there is an existing operation there that is not residential. If the present use was not there, it might be different. There will probably need to be some improvement for the traffic flow, and it was suggested that Mr. Taylor could make some recommendations.

MOTION

Mr. Green made a motion to approve Application #05-08Z. The motion passed on a second by Ms. Bailey with Ms. Bailey, Mr. Chastain, Mr. Green and Mr. Youmans voting for the motion.

Mr. Taylor said the future land use map needed to be amended.

MOTION

Mr. Green made a motion to approve an amendment to the future land use map to identify this property as commercial. The motion passed on a second by Ms. Bailey with Ms. Bailey, Mr. Chastain, Mr. Green and Mr. Youmans voting for the motion.

Application #05-09Z: Bailey Preferred, LLC, Owner – JAL Holdings, LLC, Agent – West McIntosh Road and Beasley Road (91.70 acres located in Land Lots 30 and 35 of the 3rd Land District) – requesting a rezoning from R-2, Single Family Residential, and AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Dick Slade – 415 County Club Drive

Mr. Slade said he is representing the owners for this application. A lot of work has been done on this application, and they are requesting a recommendation for approval. Mr. Long and Mr. Lewis have been through a lot of procedures with the county and finally feel they have done what they need to develop this property. The project was begun in October 2004, and they finally have a conservation plan for the 91 acres to build \$150,000 to \$250,000 homes on one acre lots. Mr. Slade went over the proposed plans. They have identified a sewer line that can be brought to this property at a cost of \$150,000 which the developers will run. This will be a great subdivision that will be an asset.

Mr. Taylor said there are some procedural issues involved with this application. There is a revised staff report that recommends tabling this application. The land use map will

have to be revised before the zoning can be approved. A letter is required from the applicant detailing the changes to the land use map. During the rezoning process, they received a revised yield plan with lot minimums that are less than one acre that is not going to be appropriate so there are concerns regarding getting to the yield they need.

MOTION

Mr. Green made a motion to table application #05-09Z. The motion passed on a second by Mr. Chastain with Mr. Chastain, Mr. Green and Mr. Youmans voting for the motion and Ms. Bailey voting against.

Application #05-10Z: Byron F. Smith, Owner – Ray Browning, Agent – McKinley Drive (18.765 acres located in Land Lot 150 of the 2nd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to R-2, Single Family Residential.

Byron Smith – 490 North Pine Hill Road

Mr. Smith went over the history of this tract of land since he purchased the property. He had a proposed site plan. He had identified the houses in the area with the sized color coded. The average SF of the houses in the area presently is 1681. His proposal is for 1750 SF homes with two car garages. He plans to build a quality house. If there were no homes in the area, then there would not be a problem, but this is a neighborhood that is 35 years old, and you have to work with the houses that are there. The average house sold in this area over the past several years was 1535 SF and sold for \$107,908. The R-1 was changed last year from 1750 SF to 2000 SF, and he requested that this be changed to the 1750 SF. He would rather build a quality house rather than more square footage. He has been trying to develop this property for several years, and since he purchased this tract, the zoning has changed.

Dennis McGee - 202 McKinley

Mr. McGee did not speak

Lanny Hook – 148 McKinley

Mr. Hook said he has lived in his home for 30 years. He had copies of minutes from four other appearances before the County Commission regarding this property. There are four drainage ditches that cover access water that runs off Brown's Acres and a lake off of Ethridge Mill. It all drains and runs out through this property. He stated that for the sewer there would need to be a pump station. He wanted to know who was going to pay for the pump station and the storm drains and other improvements that would be needed. He stated that he did not want to pay for them. He wanted to know how long it would take to recoup the expense involved for the county on this project.

Terry Maro – 154 McKinley

Mr. Maro said he is a new resident and has lived there about a year and a half. He has heard a lot about this project and has seen the land. Most of the land is drainage and is very marshy. There is a pond that is not shown on his map. He plans 26/29 houses. He expressed concern regarding the traffic with the plan that he has proposed. The way he

has designed this there will be at least 50 cars and the streets will not support such traffic. The turns he has proposed to get this density are 90 degree turns.

Kay Maro – 154 McKinley
Did not speak

Margaret Varnom – 111 McKinley
Did not speak

James E. Ethridge – 141 McKinley
Had nothing to add.

Frank Robertson – 133 McKinley
Mr. Robertson said he has lived here for more than 30 years. This property has been before the County Commission on other occasions. His house is directly across from this property. The land is a swamp. Dr. Oviedo purchased the land originally and harvested the timber. When the timber was being harvested, the equipment stayed bogged down, and they gave up and left. He sold the land to Byron Smith, and he harvested the timber a couple of times. His equipment stayed bogged down, but he was eventually able to finish getting the trees off. The drainage ditches were very shallow at one time. Mr. Smith dug the trenches out attempting to lower the water table to keep it from being a swamp land. He dug a pit at the end of the property and dug trenches back to the pit. He put in some top soil and rock, and the land is partially drained at the present time. There might be a few places on the property suitable for houses. In March when the rains were heavy, if there had been houses on the property, there would have been water running from the front door to the back door in half of the houses. The neighbors are concerned regarding the impact with the number of houses being proposed. If this is approved, there is concern for the people that might purchase the houses. They will have a water problem. There is no way around that. Mr. McKinley would have built houses on the property when he developed the neighborhood if this had not been a swamp. They have addressed this three times regarding the fact that they do not like the plan for this subdivision. They are looking out, not only for their own benefit, but for the potential purchasers of the houses. This is not a good location for a subdivision.

Felton Conkle – 145 McKinley
Everything has been said that he wanted to say.

Larry Huckaby – 106 McKinley
Mr. Huckaby said he has lived here 33 years. McKinley Drive is unusual. His home has a daylight basement and has 3000 SF. His concern is that a lot of the lots are quarter-acre lots. He does not care what Mr. Smith builds as long as it is equitable to what is in the neighborhood. 1750 SF homes on quarter-acre lots is not going to be advantageous to the neighborhood.

Marsha Huckaby – 106 McKinley
Nothing to add.

Betty Vaughn – 158 McKinley
Pass.

Leo Camp – 158 McKinley
Pass

Betty Conkle – 145 McKinley
Pass

Jewell Adams – 135 McKinley
Pass

Patsy Stuart – 123 McKinley
Ms. Stuart said they have been to meetings many, many times regarding this property. They have brought up many issues. They have watched the timber being harvested, the drain lines being cut through this land, and the open pit being left in the back of the land. They have asked the county over and over to have the pit fenced so there would not be a possibility of children getting in there. That was never done. They have lived there many years. It has always been a swamp and it will, at some point in time, be a swamp again no matter how much dirt he moves from the top of that hill and fills in the swamp. Eventually, it is going to take over again. It is doing that now. Mr. Smith talks like we live in a 35 year old neighborhood that is run down. If you visit, you know that is not true. This is a good place to live. There are a lot of people with a lot of good objections. Anyone that visits the site and takes the time to walk the property knows that it is a swamp.

John Stuart – 123 McKinley
Mr. Stuart said the density is a problem. If Mr. Smith would build 12 to 15 \$175,000 homes, it would make him proud. But if he builds 30 or 40, he would not like it.

Rachel Kilgore – 125 McKinley
Nothing to add.

Ray Kilgore – 125 McKinley
Pass

Patricia W. Bender – 127 McKinley
Ms. Bender said she is concerned for the people that would own the homes that would be built there. They are not going to know what they are built on and they have watched all the wood being buried on the corner. She has watched the machinery being bogged down there. During the drought, it was dry, but when the rains came a few weeks ago, it puddled everywhere.

Jerry Martin – 193 McKinley
Mr. Martin said he agrees with what has been said.

Alex Tatum – 300 McKinley

Mr. Tatum said he is presently living at 431 Tilney Avenue but is building at 300 McKinley. He will be the newest resident in the area. His house is well over 4500 SF. His property is due south of the property that is being discussed. He has owned it for 10 years. He considered purchasing long before he purchased and knew the neighborhood well. He was aware of the 18-acre tract to the north of his property. It did used to be a swamp. It used to be a heavily wooded swamp. He considered the property to build on himself and was advised by a real estate agents and engineers that is was undevelopable. Ten years ago he purchased the property he is building on because it has curb appeal to him. He knows the long term neighbors on McKinley. You see very little turn over on McKinley. The 18 acres on the north that could not be developed was a buffer as well. Property changes and uses change. Some saw that there needed to be a change in the R-1 zoning and increased the footage to 2000 SF for a reason. It is assumed it was to make Spalding County a better community. Several years ago, he was approached regarding a dilemma on the south side of town. Honeybee Creek had a problem with their septic systems. Gloria had a problem with their septic systems. Maddoxwoods had a problem with their septic systems. They wanted to purchase a portion of his property so that a sewer extension could traverse his property. He sold them the property with no negotiating, because he thought it was in the best interest of the community. The question that needs to be asked is, “Is this rezoning request in the best interest of this community? Is it in the best interest of these landowners? Is it in the best interest of Spalding County?”

Kathy McCarty – 150 McKinley

Nothing to add.

Michael J. Carr – 163 McKinley

Mr. Carr said last time the Planning Commission approved the request, and the County Commission denied. He hopes that will not happen tonight. The real issue is that Mr. Smith is requesting a zoning change. It was R-1 when he purchased it and it is R-1 today. He looked at the property when it was listed for approximately \$40,000 with Niles Murray. He thought that was a bargain. His financial partner went to dinner with Niles Murray and came back and said that this was not a viable option. The risks are too high. If you “make a dime” or “break even”, it is not worth the effort. It is too much wetland. It will require too much fill dirt. The foundations would have to have pilings and pour concrete to avoid settling problems. They passed on the project. What Mr. Smith is proposing is that they “eat his bad judgment” so that his investment will “pay off”. Originally, he only wanted the nine lots on top of the chart. They objected and requested that he develop only seven lots. Mr. Smith would not agree to the seven lots. He does not want the zoning changed.

Mr. Smith came forward and made comments. He said he understands the people have lived there for years and are scared of any change. He has requested to develop this property several times before trying to get something worked out. It appears that he can pay property taxes but he can’t do anything with the property because nobody wants him to do anything with it. When the people bought into the neighborhood and started

building the new houses, the zoning was for 1750 SF. This was changed recently to 2000 SF. He is not going to build anything shabby. What he is going to build will look good and will improve the quality and the price of the houses in the neighborhood. He needs to do something with the property to save property taxes. He does not want to do anything different from what is there. Most of the houses in the neighborhood are on 100 by 175 lots. The smallest lot he has is a 100 x 200 lot which is larger than the average lot in the neighborhood. He did have a wetland study and he had a map identifying the wetlands. There are three lots that are questionable, but the engineer will decide if a piece of property can be built on. The reason this was not developed is that the other houses are on a septic tank. He wants the R-2 zoning which is the 1750 SF.

Karen Mathiak arrived during this presentation.

Mr. Taylor said the minimum square footage has been increased in the R-1 zoning to 2000 SF but to the benefit of Mr. Smith the Infill Development was adopted. The Infill Development allows ½ acre lots on this property by right subject to the property supporting that type density. If there are issues with wetlands, drainage issues, hydrology issues or access to sewer issues, they are identified during the plat approval process. If as a result of the property not being able to support the kind of density, Mr. Smith loses lots as a matter of fact. He may very well lose lots if they can't be engineered to support this kind of density. The issue is not half-acre lots versus two acre lots what is the issue is house sizes. In looking at the area, the staff has identified the average square footage of 1722 SF. What is being proposed is 1750 SF. The county historically has looked for an upgrade with the rezoning and this is not that much of an upgrade in the square footage. The staff recommendation is to deny the rezoning and give them 2000 SF houses in the area.

Mr. Ballard said he has looked at the property and there is a tremendous amount of drainage problems. It will be up to the engineers to make that decision. To develop this could cause additional problems "down the way". He does not see any plans for detention areas or detention ponds. There are already problems there now with water flowing through their lots so it can only increase. There are a couple of school districts that are already at capacity and have a lot of pressure. The road access in this area is already a tremendous problem for the school buses as well as emergency vehicles. The way the layout is presented it will only get worse. There is a real issue with the capacity of Potato Creek Treatment Plant. He is having a difficult time getting sewerage capacity for the school system. This would only exacerbate those issues.

Mr. Green said he has looked at the property and he shares the concerns of the people that live in the area.

Ms. Bailey said she looked at the area and feels the same way.

MOTION

Mr. Green made a motion to deny Application #05-10Z. 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.

The Planning Commission took a five minute recess. The Planning Commission reconvened with all members present.

S/D #05-04: Rolling Hills - Exact Homes, LLC, Owner – 39.54 acres off Swint Road located in Land Lot 72 of the 3rd Land District – 18 lots.

Ken Dorsey – 261 Dobbins Mill Road

Mr. Dorsey said they have made the revisions as previously discussed and have discussed the plans with the Community Development Department. The current zoning required 1500 SF houses, and they have voluntarily agreed to 1600 SF houses.

Mr. Taylor said the recommendation is for approval contingent on the plat being reviewed and approved by all departments.

MOTION

Ms. Mathiak made a motion to approve S/D #05-04 contingent on the plat being reviewed and approved by all departments. 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 #05-05: Pinelea Road Extension – Marshall Pape, Owner – 32.8 acres off Pinelea Road and Dewey Street located in Land Lot 208 of the 2nd Land District – 22 lots.

The plat is being revised to correct some minor issues.

Mr. Taylor said the recommendation is for approval contingent on the plat being revised to correct the minor issues as discussed and the plat being reviewed and approved by all departments.

MOTION

Ms. Mathiak made a motion to approve S/D #05-05 contingent on the plat being revised and the plat being reviewed and approved by 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.

MOTION

Ms. Mathiak made a motion to amend the agenda to consider Application #05-01X prior to considering the text amendments. 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 #05-01X: Annexation request from the City of Orchard Hill – 5.13 acres on Johnston Road located in Land Lot 248 of the 2nd Land District.

Robert Morgan – Johnston Road - Orchard Hill Mayor

They are requesting the annexation of 5.13 acres on Johnston Road into the City of Orchard Hill. This property adjoins his property. He stated that they are trying to improve Orchard Hill. They have a sewerage line going in that should be completed within 60 days. Old Macon Highway is going to be resurfaced. Their biggest concern is that they have several subdivisions already in the area and traffic is already bad with the present homes. They need traffic lights and DOT will not help because there have been no fatalities. The traffic is” killing” them and there is nothing they can do about it.

Mr. Taylor said the county comprehensive plan has Orchard Hill as one of the “villages”. Adding sewer to the village is going to increase the demand for development in Orchard Hill. This request is not about developing the land it is just about bringing it into the City of Orchard Hill. There is no plan for change except for political change from unincorporated to incorporated.

MOTION

Ms. Mathiak made a motion to accept Application #05-01X and send the recommendation to the City of Orchard Hill. 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-05-09: R-1 Single Family Residential Low Density – Section 705:A(8) and R-4, Single Family Residential – Section 1003:A(8) – amendment to allow Industrialized Homes as a permitted use.

Mr. Galloway said the county is required by state law to treat a DCA approved industrialized home in the exact manner as a conventionally constructed home. When industrialized homes were put into the ordinance, they were inadvertently omitted in the R-1 and R-4 Districts. This change is to include them as required by law.

MOTION

Ms. Mathiak made a motion to approve Amendment to UDO #A-05-09. 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.

Amendment to UDO #A-05-10: R-5 Single Family Residential Low Density – Section 1103:B(3) – add provision for Class A Manufactured Home as a Special Exception.

Mr. Galloway said manufactured homes are not allowed as Special Exceptions in the R-5 Zoning classifications residential subdivision. This created a problem when someone wanted to place a manufactured home in Buck Creek Estates, and they were not allowed even as a Special Exception. This subdivision is principally manufactured homes. This amendment is to include, as a special exception, manufactured homes in R-5.

MOTION

Mr. Chastain made a motion to approve Amendment to UDO #A-05-10. 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-05-11: Appendix A Subdivision Ordinance – add provision for Gated Communities.

Mr. Galloway said this amendment is to allow gated communities. This information was just furnished to the members of the Planning Commission. He requested Mr. Brian Davidson to address the Board regarding this amendment.

Brian Davidson – Minerva Properties

Mr. Davidson identified the area of Heron Bay that is in Spalding County and the section they would like to develop as a gated community. The houses were originally targeted to sell at a maximum of \$400,000 and to date the highest contract has been for 1.1 million. The bulk of the houses will sell for between \$500,000 and \$700,000. They are getting a lot of requests for houses in a gated community. The people feel they are safer and more secure. They have gone through all the safety issues regarding accessibility for emergency vehicles. The new gates are being designed to be siren activated to allow entry for fire trucks, ambulances and police cars.

Mr. Galloway said the ordinance will add a section for designing streets for the gated community. The requirement will be that gated developments will be allowed in a planned development district only. He went over the standards that have been included. Discussion was held regarding the changes. It was noted that this will have to be voted on at a later meeting so that it can be advertised.

MINUTES

Ms. Mathiak made a motion to approve the minutes of the March 29, 2005 meeting. 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.

MOTION

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

Karen Mathiak – Chairman

Yvonne M. Langford - Recorder