

**SPALDING COUNTY PLANNING COMMISSION**  
**MINUTES**  
**August 30, 2005**

The Spalding County Planning Commission held its regular monthly meeting in room 108 of the Spalding County Courthouse Annex on August 30, 2005. 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, 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 requested anyone present wishing to address comments to the Planning Commission regarding any of the applications to come forward and sign-in on the appropriate form.

**S/D #05-12: Lake Forest Subdivision** – Tri-Lakes, L.C.C., Owner/Developer – 75.41 acres on Highway 155 (Jackson Road) located in Land Lot 80 of the 2<sup>nd</sup> Land District – 43 lots.

Ken Dorsey – 261 Dobbins Mill Road

Mr. Dorsey said the original plat had to be revised because the DOT took some of their property. They decreased the number of lots and rerouted some of the roads.

Mr. Taylor said the staff recommendation is for approval conditioned on all departments reviewing the revised plat and giving approval.

**MOTION**

Mr. Youmans made a motion to approve S/D #05-12 conditioned on review and approval 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.

**S/D #05-13: Flint Mill Estates** – Scarbrough and Rolader Development, Inc., Owner/Developer – 96.594 acres on South Sixth Street Extension located in Land Lot 170 of the 2<sup>nd</sup> Land District – 73 lots.

Donna Black – Scarbrough and Rolader Development - 270 North Jeff Davis Drive.

Ms. Black said this request is for approval of the preliminary plat for the Flint Mill Estates. This is a 73 lot subdivision. The intent is to build an amenity based subdivision including a pool, cabana, commercial grade playground, improved walking trail, open space with homes in the \$250,000 range. The plan is the same as that approved with the special exception. They acknowledge that they have made application for a variance to remove the requirement for a cross street. The Board of Commissioners and the adjacent property owners have expressed support for the variance. They are asking for approval

pending approval of the variance. If the variance is not approved, they will install the additional street per the regulations. It will not affect the layout of the subdivision. She went over the proposed changes.

Mr. Taylor said the changes are significant, and the recommendation is to table until the Board of Appeals has considered the variance.

**MOTION**

Application #05-13 was tabled on a motion by Mr. Green and a second by Mr. Chastain with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

**S/D 05-14: Orchard on Ellis** – David Luke, Owner – 125.731 acres on Ellis Road located in Land Lots 11 and 22 of the 4<sup>th</sup> Land District – 8 lots.

David Luke – Luke Contracting - 6760 Riley Road – Cumming, Georgia  
Mr. Luke said he is the owner and developer of this property. The request is for approval of the preliminary plat.

Mr. Taylor said the county has looked at this plat and had approved previously. Mr. Luke is trying to revive this project. There are some changes and some new regulations will apply.

On question, Mr. Jacobs said the UDO stipulates that you can only have a 350’ cul-de-sac. However, this plat was approved by the Board of Commissioners in 2002, and it was zoned AR-1 conditioned on this plat. The plat is the same. Mr. Galloway was consulted because he had two issues. One being the cul-de-sac length, and the other being the land locked lot. It meets the requirements.

**MOTION**

Ms. Bailey made a motion to approve S/D 05-14. 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.

**Amendment to UDO #A-04-21: Lift from the table** – Development Standards – add provision to allow private driveways in the AR-1, AR-2, R-1A and R-2 Districts.

**MOTION**

Amendment to the UDO #A-04-21 was lifted from the table 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.

Mr. Taylor said this ordinance amendment was considered last month, and there were some issues regarding ownership of the driveway and access to fire hydrants. He checked with adjacent counties to see how they deal with these issues with particular concern over ownership of the driveway. The adjacent counties do not allow private

driveways so there was no assistance with that issue. However, he suggests that it be included in the ordinance that each property owner have an undivided interest so the driveway will be equally shared. Alternatively each of the property owners would have a recorded easement for access rights via the driveway. As far as maintenance is concerned, he recommends a reciprocal agreement to be submitted with the plat that would have each property owner sharing equally the maintenance of the access road. In looking at the issue of the fire hydrants, if it is the intent of the county that each structure be protected regardless of how far they are from the right of way, the option would be to require those properties, when the entrance to the development fronts on a road that has county water, there be a fire hydrant placed along the utility easement along the access driveway and that none of the structures be further than 500 feet from a fire hydrant.

Ray Browning – 128 Meadowvista Drive

Mr. Browning said he is a member of the committee that is making recommendations regarding the changes in the UDO ordinances. He went over the recommendations. He said he does not have a problem with the 500', but it is very restrictive, 750' or 1000' might be better. He has lived in the county, and he has lived in town, and there is not a fire hydrant within 500' feet of his house now. There was not one at his former residence. He is about 1500' away presently. The county does not presently adhere to the fire hydrant ordinance. He said he feels it should be incumbent on the residents to insist that the county put in some fire hydrants at certain intervals now. He does not feel it is a great hazard at 1000'. He went over the impact an undivided interest would have on the owners. He said a 12' width would be appropriate. He said there should be some standards for the road and feels a #4 gravel base would be appropriate because it tends not to wash. In the undivided interest, something could be added regarding the responsibility of each person.

Mr. Taylor said this can be approved with the changes as discussed, or it can be tabled and the changes made and then it can be reviewed again by the Planning Commission.

A lengthy discussion was held regarding what the requirements should be regarding the distance from a fire hydrant.

#### **MOTION**

Mr. Youmans made a motion to approve Amendment to UDO A-04-21 with the following changes:

- A maintenance agreement for all owners with an undivided interest in the drive.
- The road width will be 12' dressed off with a #4 gravel base.
- Fire hydrants at no more than 1,000'.

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.

**Amendment to UDO #A-05-22:** General Procedures – Section 413:G”(2)(c) - amend Estate Life Neighborhood development criteria.

Mr. Taylor said soon after adopting the Estate Life Neighborhood standards, it was realized that some of the developers were using this type development as an “easy out” so the Ordinance Review Committee is recommending changes. The changes are architectural by requiring 50% brick or stone on the façade and an increase in the green space requirements from 25% to 30%. They have deleted the requirement for English or American country estate homes, because there are lots of cultures that have developed country estate homes and the change will just require county estate homes.

#### **MOTION**

Mr. Youmans made a motion to approve Amendment to UDO #A-05-22. 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.

#### **MINUTES**

Mr. Green made a motion to approve the minutes of the July 26, 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.

#### **PRELIMINARY PLAT PINELEA ROAD EXTENSION**

Mr. Taylor said Mr. Pape ran into a problem with the lots in his development on Pinelea Road when it came to getting approval with the septic systems. The Health Department implemented new rules regarding limitation on using easement when calculating lot size. Mr. Pape had to redesign this subdivision to accommodate the new regulations.

Mr. Jacobs said Mr. Pape has not redesigned the subdivision yet, because he is trying to get the gas company to allow his to use some of their easement. The Health Department is requiring one acre that is unimpeded by easements. It has to be a true one-acre lot. There is a possibility that Mr. Pape can be exempted from the new requirement since his project is in process. He is requesting to be allowed to develop in phases until he can work out the issues regarding the septic systems on a portion of his project.

#### **MOTION**

Mr. Chastain made a motion to approve the development in phases on Mr. Pape’s development on Pinelea Road. 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.

#### **COMMENTS**

Mr. Browning said he feels Spalding County has ridiculous roof requirements that started out to prevent house trailers. He feels there is a way to have upscale homes with a less than 7:12 roof pitch if an exception would be taken into consideration for the construction materials used on a roof. Terra cotta tiles are very expensive. A Spanish style home is an example. They could not build that home because you cannot put terra cotta tiles on a high roof pitch. They look attractive on a 1:12 roof pitch. There is a need for the Planning Commission to study this or challenge the committee to look at from a material prospective. If you are going to use a high-end product, you are not going to be building

1200 SF homes. He suggested that some other materials that could be considered would be metal and copper.

Mr. Youmans said he did not know if anyone read the Monday Horizon Section of the Atlanta paper, but they took several developers to task in Gwinnett County for their conservation subdivisions. He said he personally thinks the conservation subdivision is being sold “too cheaply”. It has become the avenue for the cheapest house on the smallest amount of land by leaving designated green space. In the long run, we are asking for too small a house when you give them that much development right on smaller lots. When they can, by right, hold that over your head, we loose something. This needs to be revisited. He is in favor of the conservation subdivision, and it can be done well but we are selling it “too cheap”. He thinks 1500 SF is too small. He does not like the “blanket by right” and having as little input into the development as we have at this point. He is uncomfortable with this situation.

Mr. Taylor said upgrading the square footage in AR-1 District has been discussed but there was no action. He will look into that again.

**ADJOURN**

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

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Karen Mathiak – Chairman

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Yvonne M Langford - Recorder