

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
September 27, 2005

The Spalding County Planning Commission held its regular monthly meeting on September 27, 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 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 #05-18Z: Mandalay Properties, Inc., Owner – 1029 High Falls Road (44.13 acres located in Land Lots 207 & 208 of the 2nd Land District) – requesting a rezoning from AR-1, Agricultural and Residential and R-2, Single Family Residential to C-1B, Heavy Commercial.

Nick Griffiths – 1280 Bailey Jester Road

Mr. Griffiths is the engineer for this project and was present to answer any questions if needed.

Royce Grant – 126 North Bethany Road – McDonough

Mr. Grant said they were requesting the C-1B zoning which is consistent with the Land Use Map which calls for commercial zoning in this district. They are seeking five commercial lots. He wants to build a shop to house his equipment and for work inside the building. He plans to use the 10 acre lot. The businesses will be appropriate for the C-1B zoning. He has no definite plans for the other four lots. He does not plan any retail operations. He had a site plan. The lots will be 10 acres, 7.69 acres, 4.3 acres, 4.2 acres and 4.5 acres. He accepts the conditions the staff is recommending.

Michael Ford – 495 Lang Street

Mr. Ford said his concern is for the future development which is right in his backyard. He is concerned about the green space because they have too much. He has been told there will be a buffer. Mr. Youmans said they are showing a 75' buffer. Mr. Ford said the map is wrong. His main problem is that he is going to be standing on his back porch looking at this development. Without knowledge of the future buildings, it is difficult to want this development. With some kind of machinery shop, they will be storing their "stuff" outside, and he will be looking at it, smelling it and hearing it. How late are they going to work? From where he lives, he can hear the ball games at the ball park. They cut the trees off all the property. They left some lying in the creek just where they fell. He assumed they were going to remove them, but they did not.

Jan M. Ford – 495 Lang Street

Ms. Ford said there are two areas of concern. Two buildings they plan are designated at the top of the site plan. She can clearly see those from her front yard in the summertime when the leaves are still on the trees. The others are hidden by trees. They are back into the area, more toward High Falls Road. The map is incorrect, because he shows the creek on her property, and the creek does not touch their property. When they cut the trees around the creek, they were never removed. They had to remove them themselves. They are concerned about the two shops that she will be able to see from her house. She is not happy about a 25' buffer. She understood that all the buildings were going to be built. She understands that he is going to occupy one but they are all going to be built. If this is zoned to heavy commercial, that would allow outside storage. If you store outside, she wants to know how they are going to dispose of the things they are going to use there. They will have to be the police there. They do not want to be the police. They are concerned about the noise. She wants to be assured that work hours cannot continue into the late or early morning hours. She wants work to end at a certain time. They do not want to be exposed to noise when it is night time. She does not want saws going on into the night.

Desa May Maddox – 63 Fifth Street – East Griffin

Ms. Maddox said she is concerned about them putting in garages with old cars. She is concerned about staying awake half of the night, because they fly up and down High Falls Road at night. She lives by herself, and it is nerve wracking when you go to bed and try to get some sleep.

Harold Hayes – 132 Evans Road – Milner, Georgia

Mr. Hayes said he owns two properties that abut this property. His mother still lives there. His concern is the narrow 25' buffer between her lot and the property in question. There is open space between it and the power line. Is the driveway going to be paved? Is that a condition of the county? There is going to be a lot of traffic, and there will be a lot of dust if it is not going to be paved. He would hate to see a lot of dust flying around his houses. The houses in this area are some of the nicest houses left in the community. The rest of the community has gone downhill because of lack of interest, but these houses are kept up well. He wanted to know if the outside storage was going to draw mosquitoes with the advent of West Nile Virus within the last few years. Are they going to have to spray themselves?

Peggy Ridgeway – 1059 High Falls Road

Ms. Ridgeway said this project is of concern to her. She said she does not know how long Mr. Grant has owned the property. She wanted to know if he is the owner that cut the property, left the debris in the cemetery so several of the older people could not get to visit graves that they wanted to visit. There is a cemetery there that has been there since the early 1900's. Individuals who have family members or friends buried there keep up the cemetery. It is not maintained by the city or county. She and her husband, for the last 20 years, have cut the grass down their drive all the way to the cemetery so that older people that visit the graves do not have to get out of their cars into knee-deep grass. There is a lot between her house and Don Brown's house that has not been maintained by

anyone but her in the last 20 years. She does not know how long this man has owned the property, but they have not maintained what is there now, she has. If they are going to maintain this property in question, where they want to build buildings it directly affects her. Those that live on that side of the road maintain their property. Mr. Charles Brooks, before he passed away, maintained his property. His son, Dick Brooks, maintains it now. Her house is next door. She maintains her property and part of what belongs to them. All the property down through there is maintained. They keep it up and keep the grass cut. They even maintain along the road where trash is thrown. The drive that goes to the cemetery was a road. There was a road that went behind the smaller houses below her. It was closed up by Mr. Brown for some reason. If this young man wants to build commercial property or commercial buildings, there are some wonderful industrial parks in the county. There is a wonderful industrial park on Bolton Parkway. She just moved her business to Griffin nine months ago, and she is on Industrial Drive on the south side of Griffin. There is too much commercial property in the county for him to want to come into a residential area and put up buildings to house who knows what. He can only tell us tonight that he wants to put his equipment in the first building. He did not say what kind of equipment. Springs Industries has gone under. There is a property on Spalding Street that is empty. On the corner of Park Avenue and 6th Street in East Griffin, there is another Springs property that is empty. Why would this gentleman want to come into a residential area and build commercial buildings? If he wants to build nice houses and maintain his property that is wonderful but not commercial buildings. She talked to several people regarding the cemetery and the mess left there when they cut the timber and finally talked with a County Commissioner the third time before it was cleaned so that two old ladies that goes there on a regular basis could get to their family members' graves.

Mr. Hayes spoke again and said he was raised there and Dundee Mills used the grounds for a dump for all they had left over from their mill. There may be some toxic waste there that might be disturbed.

Carla Turn – 1031 High Falls Road

Ms. Turn said they did cut all the trees and left dead trees and garbage in the streets. They blocked the cemetery and made a terrible mess. You could not even walk back there. They also cut a road on her property going back 200' through her property to get back there to cut the trees down which is upsetting her. This is residential and she does not believe that there should be commercial buildings there. It is not suitable.

Charles Taylor said in reviewing the application they noted that the future land use map supports the zoning request and shows commercial land use for the property in the future. The recommendation is for conditional approval. The conditions they are recommend are:

1. Outdoor storage shall be limited to the side and rear of the property.
2. Outdoor storage shall be neat and orderly.
3. Any trees/vegetation that has been disturbed in the buffers as a result of the timbering shall be replaced per Section 407 of the UDO.

4. Area in lot 3 between the power line easement and the 25' buffer shall remain undisturbed.
5. The site will limit all lighting so any neighboring residential properties or rights of way will not be affected from glare.
6. Outdoor amplification or loud speaker systems shall not be used.
7. An acceleration/deceleration lane shall be provided for the driveway entrances.
8. Due to the close proximity to Dundee Mills, a Phase II Environmental Study shall be performed prior to construction drawings.

Ms. Bailey said she is totally against this application. There are already three big green buildings built out on High Falls Road. Two of them are empty and one already has junk outside. It appears that the trend for everybody to want to go out there and have junk.

Mr. Youmans questioned whether or not it was going to have paved access. He feels sure it will be.

Mr. Grant said the code requires the entrances to be paved. The site plans designates that the entrances will be paved, not the whole road.

Ms. Mathiak questioned the timbering that was done and the mess that was left.

Mr. Grant said the timbering was done by a logging company by logging codes. He sold the timber to Southern Lumber and Davis Logging who did the cutting.

Mr. Taylor read the uses that are allowed in the C-1B zoning noting that it is heavy retail and industrial use.

Mr. Youmans said he has concerns regarding the paving. He can see it becoming a real issue if it is not paved. Mr. Taylor advised that the zoning can be conditioned on paving.

MOTION

Mr. Green made a motion, seconded by Ms. Bailey, to deny application #05-18Z. The motion passed with Ms. Bailey, Mr. Green and Ms. Mathiak voting for the motion and Mr. Chastain and Mr. Youmans voting against.

Application #05-19Z: Diversified Fabricators, Inc. Owner – Ralph Jones, Agent – 1325 U.S. Highway 41 South (5 acres located in Land Lot 108 of the 2nd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density and C-1, Highway Commercial to C-2, Manufacturing.

Application #05-19AZ: Ina Nelson Jones, Owner – Ralph Jones, Agent – U.S. Highway 41 South (4.3 acres located in Land Lot 108 of the 2nd Land District) – requesting a rezoning from C-1, Highway Commercial and C-2, Manufacturing to C-1B Heavy Commercial.

These applications were heard together and voted separately.

Tom Moore – 530 Crescent Road

Mr. Moore said Diversified Fabricators is requesting rezoning to C-2 Manufacturing for a 5-acre tract where their manufacturing operation is located. The tract has been used for manufacturing since 1989. They, additionally, want to rezone an adjacent 4.3-acre property which they acquired in 2003 to C-1B, Heavy Commercial. There are no plans to build any structures on this property nor do they plan to change the current business. They need to be able to display their equipment on the adjacent lot. This application, if approved, would bring the existing non-conforming uses into compliance with the Spalding County Unified Development Ordinance. Diversified Fabricators currently is in compliance with zoning ordinance development standards. The rezoning requests are for classifications, like in nature, to the general area. The future land use map indicates that the adjacent property should be used as commercial and that the property where the manufacturing operation is located should be used as industrial. The application is consistent with the future land use map and comprehensive plan for these properties. The approval of these rezoning requests would not pose a threat to public health, safety or welfare, and under the approval, there should be no diminished value to the property. There is no benefit to the public to deny this application. If not approved, it will result in a hardship to the property owner in that it would not be possible to legally continue to operate the business under the current Spalding County zoning. Diversified Fabricators pledges that their outdoor storage will be neat and orderly at all times, the outdoor storage will be kept behind the required front building setbacks, all vehicles and equipment to be stored outdoors shall be maintained in useable and running condition, no scrap materials or junk will be stored outside and all lighting will be kept so that the neighboring residences' property or rights of way will not be affected by the glare. Diversified Fabricators wants to be a good neighbor.

Mr. Youmans said the C-1B allows heavy uses, and he wanted to know if there is another zoning that would allow them the uses they need without giving all the other uses. At some point when Mr. Jones discontinues this operation, this lot could be sold. With the office space further up this road, he does not see this as a good place for some of the C-1B uses.

Mr. Taylor said the C-1B is the least intensive zoning for business that allows for outdoor storage. You can restrict uses on the property such as sales of equipment.

Mr. Taylor stated that the recommendation is for approval with the following conditions:

1. Outdoor storage shall be limited to the side and rear of the property.
2. Outdoor storage will be kept behind the required front building setbacks.
3. All vehicles and equipment to be stored outdoors shall be maintained in useable/running condition.
4. No scrap materials or junk will be stored outside.
5. The site will limit all lighting so any neighboring residential properties or rights of way will be affected by glare.

Discussion was held regarding the zoning of the property in the area and the uses allowed in the commercial zonings.

MOTION

Mr. Youmans made a motion to approve Application #05-19Z with the conditions as recommended. 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.

MOTION

Mr. Green made a motion to approve Application #05-19AZ with the conditions as recommended. 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 #05-20Z: Handbuilt Homes, Inc., Owner – Greg Reed, Agent – 2560 North McDonough Road (6.64 acres located in Land Lot 114 of the 2nd Land District) – requesting a rezoning from R-2, Single Family Residential to AR-2 Rural Reserve.

Troy Beckham, Sr. – 308 Brook Road – Barnesville, Georgia

Mr. Beckham said this proposal is for zoning to AR-1, because the proposed buyer has livestock, horses in particular, and wants to have them on this property. It was zoned R-2 when he purchased it, and now he wants to sell the property.

Greg Reid – 155 Harriett Drive – Stockbridge, Georgia

Mr. Reid said he desires to purchase this property and have it zoned for livestock, horses in particular. His original request was for AR-2 zoning, but in his conversation with Mr. Taylor, he has received his recommendations, and he is in agreement with those. The property has a house that Mr. Beckham built last year. It has been completed for over a year and has not sold. He now wants to purchase that property. He has talked to both neighbors, and they are in favor. The owner to the north offered to come and speak, and the neighbor to the south is in favor and offered use of his land for a pasture.

Mr. Taylor said originally they looked at the potential AR-2 zoning for the property, but as they began to look at the property, the home and the AR-2 zoning, it was noted that the AR-2 district would create a number of non-conformances on the property. The AR-1 is a better fit for this property with this house. The recommendation is for approval with conditions. The condition is that the agricultural use be limited to only stabling of the property owner's horses. No intense agricultural uses shall be permitted. No chicken houses. A stable business shall not be permitted.

Mr. Reed said the recommendation is that it be used for his horses, and he has grandchildren and he might want to raise a single calf or something like that.

Mr. Youmans said he thinks that they would not want any chicken houses or commercial operations.

MOTION

Mr. Chastain made a motion to approve the rezoning to AR-1 with the staff recommendations. 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.

S/D #05-13: Lift from the table – 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 2nd Land District – 73 lots.

MOTION

Mr. Youmans made a motion, seconded by Mr. Chastain, to lift S/D #05-13 from the table. The motion passed with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

Mr. Taylor said this was tabled at the last meeting pending the approval of a variance. That variance was granted and the recommendation is for approval.

MOTION

Mr. Youmans made a motion to approve S/D #05-13. 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 #05-15: Mt. Zion Estate – Alan R. Mobley, Owner – 9.04 acres on Mt. Zion Road located in Land Lot 29 of the 1st Land District – 5 lots.

Mr. Taylor said all departments have reviewed the plat, and the recommendation is for approval.

MOTION

Mr. Youmans made a motion, seconded by Ms. Bailey, to approve S/D #05-15. The motion passed with Ms. Bailey, Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion.

S/D #05-16: Norton Meadows aka Vaughn Road – Mary Ann Norton Roark, Owner – Paragon Consulting Group, Inc. Agent – 18.32 acres on Vaughn Road, New Salem Road and Church School Road located in Land Lot 51 of the 4th Land District – 9 lots.

Mr. Taylor said all departments have reviewed, and the recommendation is for approval. This is a conservation subdivision that was considered in June or July. They are cutting lots from the existing rights of way of Vaughn and New Salem Roads, and they are providing a green space that will be made up of the “pick of the lot” and then going through the property and also green space from Church School Road. This is a conservation subdivision. Even though it is a very small one, it does meet the acreage requirements.

Mr. Youmans said this is a classic example of what can go wrong. This does not conserve much of anything. If you go out there and look this little “tip” of land is basically un-useable. He said thought needs to be given to the size and design of some of these things that are calling themselves conservation subdivisions. This method was adopted to get three extra lots. They carved them out. This ordinance needs to be revisited.

John Stover - 539 Brook Circle

Mr. Stover said he is present representing the owner, Mary Ann Norton Roark. She is trying to get the best use of this property for the benefit of her family. They have developed the preliminary plat for approval. It, basically, is unchanged from what was presented earlier. Based on recommendations, they have had similar discussions with the Board of Commissioners regarding the conservation subdivision. Several of the Commissioners said they were not happy with the overall layout, but it met with the written ordinance. They are able to get 9 two-acre lots and the required green space.

Mr. Youmans said he feels the whole conservation subdivision needs to be revisited. He has complained about this several times and action needs to be taken.

MOTION

Mr. Chastain made a motion to approve S/D #05-16. The motion passed on a second by Mr. Youmans with Mr. Chastain, Mr. Green, Ms. Mathiak and Mr. Youmans voting for the motion and Ms. Bailey voting against.

S/D #04-09: Crestwick – American Housing Group, Inc. Owner – 128.46 acres on County Line Road located in Land Lot 137 of the 3rd Land District – 77 lots.

Mr. Taylor said this subdivision has been approved by this Board through the zoning and preliminary platting process but the design of the subdivision changed from a traditional neighborhood design to a country club design with approval of the county. This is the revised preliminary plat for the property. All departments have reviewed the plat and the recommendation is for approval.

John Stover – 539 Brook Circle

Mr. Stover said this property and this special exception had been approved and subsequent to that the developer requested that he be able to phase the project into three phases. The plat has to be re-approved with the three phases. In the original design, there was a loop road. Due to some wetlands, they have re-designed so they do not have to disturb the wetlands and will keep a longer continuous green space in that area. They originally had a traditional neighborhood design, and in discussions, with the staff regarding the changes they said with the re-design it does not keep the traditional neighborhood design and suggested that the county club design be used. These changes have been made in the new plat. The number of homes remains the same with larger green space. The amenities had to be increased and those changes have been added. The houses will be required to have brick, stone or stucco on the front facades.

MOTION

Mr. Youmans made a motion to approve S/D #04-09. 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-05-23: Quarterly adoption of the official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

Mr. Taylor said this is for the quarterly update of the zoning map.

MOTION

Mr. Chastain made a motion to approve Amendment to UDO #A-05-23. 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-05-24: Appendix D – Section IV:C(17) – add provision to minimum requirements for Erosion and Sedimentation Control using best management practices.

Mr. Taylor said about six months ago, the county hired a full time erosion control enforcement. He is looking at erosion control and storm water quality issues to assist in meeting the requirements on a daily basis. This amendment is to resolve issues regarding the quality of the storm water.

MOTION

Mr. Youmans made a motion to approve Amendment to UDO #A-05-24. 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 August 30, 2005 meeting. 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

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.

Karen Mathiak – Chairman

Yvonne M. Langford - Recorder