

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
October 31, 2006

The Spalding County Planning Commission held its regular monthly meeting on October 31, 2006 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 and John Youmans. Ronald Green was not present.

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

Ms. Mathiak called the meeting to order and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

Application #06-05Z: Alan R. Mobley, owner – 1295 Minter Road (39.96 acres located in Land Lot 42 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Alan Mobley – 262 Mobley Road

Mr. Mobley said this is the same tract of land for which he had previously requested a rezoning. Nothing has changed since that time. There will be 25 lots, 1750 SF heated, selling in the high \$160's. He has support from the neighborhood. They are not present but will attend the County Commission meeting.

Charles Love – 115 Covington Road

Mr. Love said he has no doubt that Mr. Mobley builds a quality product. He feels it is not necessary to allow the rezoning for one acre lots. The properties adjoining this property are more than five acres. He could get 19 houses on the property with two-acre minimum. It would be better at three acre estate lots which would help the community and keep it the way it is. It would benefit the community more to have the larger acre lots and keep within the boundaries of the present community. Nineteen (19) houses should be plenty. The special exemption is not needed. There is plenty of land for the houses. He has support for this and is circulating a petition. He will attend the County Commission meeting.

Mr. Youmans said he does like the 1750 SF house rather than the 1500 SF house which it could be.

Mr. Taylor showed the layout of the proposed subdivision. He went over the process for getting approval for a subdivision. He said the staff recommendation is for approval. It is consistent with the future land use map. The proposal is for a larger size home than required.

Mr. Chastain said he does have concerns because of the length of the cul-de-sac. He does not like to approve something that requires a variance in advance.

Mr. Taylor said this is one rezoning that will require a variance to be approved. The variance is the length of the cul-de-sac which is limited to 250' street length in the regulations. Variances come up frequently, because there are so many lots that have "technical" difficulties/engineering difficulties in trying to bring true grid to light. This appears to be because all the good land has pretty much been developed in the cities and the counties. Staff has been consistent in recommending variances where there is an engineering problem tied to the topography, environmental concerns or to the site distance. If there is no reason for the cul-de-sac not to loop back out, the staff is not going to recommend approval of the variance.

Mr. Ballard noted that lot #23 has a limited building area due to the setbacks. He wondered if there was something different that could be done regarding that lot.

Mr. Mobley said the Duncan's that live in the area requested a buffer. Additionally, some of the land is not acceptable for a septic tank. He said he will look at the suggestion to see if a change can be made.

MOTION

Mr. Youmans made a motion to approve Application #06-05Z. The motion passed on a second by Mr. Chastain with Ms. Bailey, Mr. Chastain, Ms. Mathiak and Mr. Youmans voting for the motion.

Application #06-06Z: Anthony F. Johnson, Owner – David G. Brisendine, III, Agent – 1101 Brooks Road (2.97 acres located in Land Lot 12 of the 1st Land District) – requesting a rezoning from C-1A, Neighborhood Commercial, to C-1B, Heavy Commercial.

Mr. Chastain recused himself from discussion and vote due to some family ties.

David G. Brisendine III – 125 Thomas Trail – Meansville, Georgia

Mr. Brisendine said he is an attorney in Zebulon, Georgia. He said Mr. Johnson is operating an auto repair facility at this location under a special exception. They want to change the zoning to C-1B to help him enhance and expand his repair business and also bring the property into compliance with the current code. He believes the lot meets all the setback requirements. The staff recommends conditional approval. Mr. Johnson is happy to comply with the recommended conditions.

Discussion was held regarding the outdoor storage, and Mr. Brisendine assured the members of the Planning Commission that Mr. Johnson will comply with the condition regarding the outdoor storage.

Mr. Taylor read a letter in opposition to this rezoning from a nearby property owner, Tracey Sedowski. She was unable to attend but adamantly opposed the rezoning stating

that it would bring an undesirable element to the Brooks area and would devalue the surrounding property.

Mr. Taylor said the recommendation is for conditional approval. The conditions are:

1. All outdoor storage will be kept neat and orderly at all time.
2. The site will limit all lighting so any neighboring residential properties or rights of way will not be affected from glare.

MOTION

Mr. Youmans made a motion to approve Application #06-06Z with the staff's recommended conditions. The motion passed on a second by Ms. Bailey with Ms. Bailey, Ms. Mathiak and Mr. Youmans voting for the motion. Mr. Chastain did not vote.

Amendment to FLA-06-08: Nancy Couch Pollard, Owner – 140 Rivers Road (4.76 acres located in Land Lot 67 of the 1st Land District) – from Agricultural to Low-Density Residential.

Nancy Couch Pollard – 140 Rivers Road

Ms. Pollard said she has lived on this property for 33 years. Her house is built in the middle of the property. Until a few years ago when the rules were changed, she could have built a house on either side of her house. The present house is on 150' of road frontage on one acre of land. The 4.76 acres surrounds her house. She wants to do whatever is necessary in order to build a house on both sides of her residence. She has 209' of road frontage with the existing building on one lot. It is surveyed out and recorded, but according to the county, it was not done in the time frame in which it was supposed to have been done. They said she failed to have in recorded. She has a 2100 SF building on the lot. It is recorded now as being a one-acre lot. The County advised her that if she built one house, she would have to include all the land around her house to have three acres. The rules are 200' of road frontage and 3 acres. If those are the rules, she does not have enough acreage to build two more houses. She does not understand. There is plenty of land out there. The property behind her house has houses stacked up on top of houses.

Mr. Taylor showed the Planning Commission the plat of the property. Ms. Pollard's lot, under current zoning, would allow for one more house subject to septic tank approval. The property is located in an area that is considered rural and for agricultural purposes in the future. It is part of the area the county is trying to preserve as rural. After the requirements for the three-acre, 200' road frontage was adopted, a plat was drawn that would have cut out the first piece of property. Even if it is filed at the courthouse, it does not make it a legal zoning lot, because it was after the date of the change in the ordinance.

MOTION

Ms. Bailey made a motion to approve Amendment to FLA-06-08. The motion failed for lack of a second.

MOTION

Mr. Youmans made a motion to deny Amendment to FLA-06-08. The motion passed on a second by Mr. Chastain with Mr. Chastain, Ms. Mathiak and Mr. Youmans voting for the motion and Ms. Bailey voting against.

Amendment to FLA-06-09: Julia Spencer Sailors, Executrix – Estate of Mary Woodard Spencer, Owner – Harlow Avenue (Lots 15, 16, & 17 – 1.90 acres located in Land Lot 178 of the 2nd Land District) – from Medium-Density Residential to Commercial.

Application #06-07Z: Julia Spencer Sailors, Executrix – Estate of Mary Woodard Spencer, Owners – Lots 15, 16 and 17 Harlow Avenue (1.90 acres located in Land Lot 178 of the 2nd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-1B, Heavy Commercial.

Ms. Mathiak said these would be discussed together and voted separately.

Julia Spencer Sailors – 827 Bel Air Circle

Ms. Sailors said Spencer’s Roller Rink has been on this property for 25 years. Her mother owned the property, and she owned the business. Her mother passed away a year ago, and she and her brother inherited the property. They have decided to sell the property. She has a person, Robert Page, interested in the purchase if the zoning can be changed. She thought the property was already zoned for commercial use, but apparently, it is not. She wants to have the appropriate zoning so Mr. Page can purchase the property. Mr. Page already has a business in another location and wants to move to this new location.

Robert Page – 638 Windy Hill Road

Mr. Page said he owns the Quonset hut across from Wal-Mart. He manufactures silt fencing. He needs to have the C-1B zoning, because he uses oak stakes for the fencing. It is palletized. You can visit his operation now. He keeps it very neat, and he will continue to operate in the same manner. He will put up a fence across the front to screen the view from the road. 90% of his operation is inside. All they manufacture are products for erosion control.

Mr. Taylor said they are recommending rezoning to industrial. The area has already established itself as a light industrial corridor. They do want the area to look as clean and neat as possible. They would like to recommend that the fencing and storage be located behind the front setback.

Mr. Page said he intends to locate the fence more than halfway down the side of the building and will be one piece. It will not be a chain link fence. He will not have a lot of outdoor storage. There will be some but very little.

They recommend approval of Application #06-07Z with conditions:

1. The fencing will be located behind the front setback to screen the storage from Harlow Avenue.
2. All outdoor storage shall be neat and orderly at all times
3. The site lighting will be limited so any neighboring residential properties or rights of way will not be affected by glare.
4. A variance shall be obtained from the front yard setback and minimum lot size in a C1-B zoning.

MOTION

Ms. Bailey made a motion to approve FLA-06-09. The motion passed on a second by Mr. Chastain with Ms. Bailey, Mr. Chastain, Ms. Mathiak and Mr. Youmans voting for the motion.

MOTION

Mr. Chastain made a motion to approve Application #06-07Z with the conditions as recommended by the staff. The motion passed on a second by Mr. Youmans with Ms. Bailey, Mr. Chastain, Ms. Mathiak and Mr. Youmans voting for the motion.

Application #06-08Z: Hooper Trailer Sales, Inc. and C. L. Cook, Owners – Lakeside Construction, Agent – 1726 US Highway 41 South By Pass (2 acres located in Land Lot 120 of the 2nd Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Jeremy Miller – 500 Lakeside Road – Williamson, Georgia

Mr. Miller said he was representing Mr. Cook on this application. Mr. Cook wants to add a 25' x 30' structure to the existing building. This will be for an office and display area for tools. He showed the location of the addition. It will match the existing structure.

The staff recommendation is for conditional approval. The conditions will be:

1. All outdoor storage shall be neat and orderly at all times.
2. The site will limit all lighting so that any neighboring residential properties or rights of way will not be affected from the glare.
3. A variance shall be obtained for the front setback of the building which does not meet the C1-B requirements.

MOTION

Mr. Chastain made a motion to approve Application #06-08Z with the conditions as outlined by the Staff. The motion passed on a second by Mr. Youmans with Ms. Bailey, Mr. Chastain, Ms. Mathiak and Mr. Youmans voting for the motion.

Amendment to FLA-06-10: Various Property Owners – Spalding County Board of Commissioners, Agent – Fayetteville Highway from the City Limits to Highway 92 Place – from Open Space Network, Agricultural, Forestry, Low-Density Residential, Medium-Density Residential and Institutional to Commercial.

Mr. Taylor said the Board of Commissioners requested staff to look at this corridor and the potential commercialization of the area. They also requested that they look closely at the character of the area and the neighborhoods that will be affected by the commercialization. They had a public information meeting to get comments from the citizens. They have developed three scenarios for consideration. He had drawings and picture slides.

Mr. Taylor gave a detail report on the three considerations which were:

- Option 1: Leave the area as it is.
- Option 2: Modified commercialization
- Option 3: Full commercialization

Discussion followed his report. The members of the Planning Commission wanted to have a report on the public meeting to know what the residents in the area discussed. They said since people were concerned enough to attend the public meeting, they felt they needed to take into account their comments. They further wanted staff to recommend conditions that might possibly be placed on the commercialization.

MOTION

Mr. Chastain made a motion to table for the staff to bring the notes on the public meeting and to bring some possible recommended conditions for the commercialized zoning. The motion passed on a second by Mr. Youmans with Ms. Bailey, Mr. Chastain, Ms. Mathiak and Mr. Youmans voting for the motion.

S/D #06-08: Kingston Estates – Kingston Development, LLC, Owner – 89.67 acres off South Sixth Street Extension and County Line Road located in Land Lot 169 of the 2nd Land District – 30 lots

Ricky Mitchell – 13 Foxtrot Hollow – Newnan, Georgia

Mr. Mitchell said he was representing the Kingston Development Company. They have 89.67 acres divided into 30 lots with 10% open space and two acre lot minimum. They already have the variance for the cul-de-sac length.

MOTION

Mr. Youmans made a motion to approve S/D #06-08. The motion passed on a second by Mr. Chastain with Ms. Bailey, Mr. Chastain, Ms. Mathiak and Mr. Youmans voting for the motion.

Amendment to UDO #A-06-09: Lift from the table – Appendix A. Subdivision Ordinance – Sections 702, 703, 704, 706 and 710 – amend Conservation Subdivision regulations.

No action was taken on this amendment.

Amendment to UDO #A-06-13: Article 17B. AAR Active Adult Residential – amend to allow building permit issuance prior to final plat approval.

Mr. Galloway said this amendment is a result from potential problems with the Sun City Peachtree development. This is moving so rapidly that the developer needs to get building permits to begin construction on certain buildings and residences prior to final plating. Under current rules and procedures, it is required that final plat be approved prior to building permits for construction. Rather than change all the procedures in the code dealing with plat approval, a unique exception has been drafted solely for this zoning district. This will allow the developer to get a building permit prior to street approval and acceptance and prior to approval of the final plat but no certificate of occupancy will be issued until such time as the street has been approved or the final plat has been approved. This will permit construction to begin. This is limited to one zoning district and essentially to one development.

Ms. Jane Curtis – Minerva Properties

Ms. Curtis said that Pulte’s experience is that in the first year of construction they get a huge influx of interest at the beginning of the project. They anticipate 500 home sales in the first year. Their experience is that they wind up with a back lot of properties waiting to be developed and sold until they reach the catch-up period when it begins to calm. They looked at several options and feel this is the best option. They want to apply for permits for 12 model homes and the foundations on lots that have not been final platted. This will give them a three to five week extra lead time while the final plat process is being approved.

Discussion was held regarding the possibility of error in the construction which would involve a loss. It was noted that the liability for error falls on the developer.

MOTION

Mr. Youmans made a motion, seconded by Ms. Bailey, to approve Amendment to UDO #A-06-13. The motion passed with Ms. Bailey, Mr. Chastain, Ms. Mathiak and Mr. Youmans voting for the motion.

Amendment to UDO #A-06-14: All residential zoning districts – add regulation for recreational vehicle storage.

Mr. Taylor said they originally looked at applying this to all zoning districts, but on investigation, it was decided to add this to the residential subdivision regulations. This requires that recreational vehicles will only be allowed to park in the side and rear yard of the lot.

MOTION

Mr. Chastain made a motion to approve Amendment to UDO #A-06-14. The motion passed on a second by Mr. Youmans with Ms. Bailey, Mr. Chastain, Ms. Mathiak and Mr. Youmans voting for the motion.

MINUTES

Ms. Bailey made a motion to approve the minutes of the September 26, 2006 meeting. The motion passed on a second by Mr. Chastain with Ms. Bailey, Mr. Chastain, Ms. Mathiak and Mr. Youmans voting for the motion.

Mr. Taylor said he would like to schedule a workshop with the Board of Commissioners to discuss the Conservation Subdivision changes. He would like to have it ready prior to the next meeting.

Discussion was held regarding the fact that the November meeting of the Planning Commission is scheduled for November 14, 2006. It was decided to try to schedule the workshop for 8:00 p.m. on November 14 following the regular Planning Commission meeting.

ADJOURN

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

Karen Mathiak – Chairman

Yvonne M. Langford - Recorder