

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
February 27, 2007

The Spalding County Planning Commission held its regular monthly meeting on February 27, 2007 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Ed Johnson, Chairman, presiding; Janet Bailey; Frank Chastain; David Traer and John Youmans.

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.

Mr. Johnson 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 #06-13Z: Lift from the table – Cindy M. Hoffman, Owner – Tony Wayne and Suzanne B. Thompkins, Agent – 3635 Old Atlanta Road (0.61 acres located in Land Lot 104 of the 3rd Land District) – requesting a rezoning from C-1, Highway Commercial to C-1B, Heavy Commercial.

MOTION

Mr. Youmans made a motion to lift Application #06-13Z from the table. The motion passed on a second by Mr. Chastain with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

Richard L. Mullins – 676 Brook Circle

Mr. Mullins said that this is filed on behalf of Mr. and Mrs. Thompkins who want to purchase the property. Mr. Thompkins purchases cars, refurbishes and repairs them and then sells them. He would use the building for his office and for the restoration of the automobiles. He stores most of the cars outside. This property is on Highway 3. A lot of the property in the area is being used as though zoned C-1B but is zoned C-1. This particular piece of property has basically been used as C-1B property for the last 15-16 years. Mr. James Kay purchased the property in 1991 and built the building. It was leased as a car lot for years. Mr. Kay sold the property to Bryan, and then it was sold to Randy Jackson in 2001. Mr. Jackson operated Randy's hitches from this site. All of the operations had outside storage and was used like C-1B. This request is for zoning consistent with the use. Mr. Thompkins plans to have no more than two employees. The use of the septic system is for the restroom facilities only.

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

- 1) Access shall be gained off of Old Atlanta Road only.
- 2) No site lighting shall glare into adjacent properties.

MOTION

Mr. Youmans made a motion to approve with the conditions as recommended by the staff. The motion passed on a second by Mr. Traer with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

Amendment to FLA-07-03: Robert G. Chapman, Owner – Jim Murray, Agent – Northwest corner of Georgia State Route 92 and Westmoreland Road – from Low-Density Residential and Open Space Network to Commercial.

Application #07-01Z: Robert G. Chapman, Owner – Jim Murray, Agent – Northwest corner of Georgia State Route 92 and Westmoreland Road (5.60 acres located in Land Lot 36 of the 3rd Land District – requesting a rezoning from R-2, Single Family Residential, to C-1, Highway Commercial.

These two applications will be considered together and voted separately.

James S. Murray – 118 North Expressway

Mr. Murray said he is representing Gerald Chapman on this application. This is property that has been in the family for many years. There is a family cemetery at the rear of the property. This is the area in which the Commissioners have wanted to expand into commercial uses. There is presently 5.5 miles of road from the County line to the City limits. There are 212 driveways in that 5.5 miles which equates to 1 driveway every 135 feet. That is a lot of potential stops. The traffic is doing nothing but picking up. The DOT analysis shows 8,000 cars daily in 2005 on that road. That is a lot of cars for a neighborhood. It is going to be difficult to control. He talked to the DOT. Fayette County is in the planning stages to four-lane this highway to the County line. DOT wants to four-lane this highway from the city limits to Fayetteville. DOT thinks this is going to happen within the next four to five years. Traffic will dictate this road. Gwen Flowers-Taylor stated at the County Commission meeting last month that she would wait until the outlying areas are no longer residential to change the land use map further out in the corridor. She is saying that she wants people to come in and do what he is doing and try to re-zone pieces of property before she will go along with changing the land use map. There are going to be pockets of area that are more conducive to commercial growth and there are pockets that will remain residential. There are a few tracts of land out Highway 92 that have been kept large. People have taken 100 acres and sold lots on Highway 92 that are 150' wide, and there is a driveway every 135 feet. Thus, it is limited to what you can do with 100 acres with one nice entrance for a residential development. Eddie Freeman said he would prefer to change the land-use map all the way to Westmoreland Road, which he thinks that is where it needs to go. There is a large junkyard which is presently 300 yards from this tract of land. It takes up the majority of the land on the north side of Highway 92. This junkyard is doing nothing but growing. He has a 1998 aerial and a 2005 aerial, and there are a lot more cars in there. You don't see it because it is up and over the hill. It is going to be a junkyard. It is non-conforming. It will be a junkyard forever. It will never change. There is no amount of money that you can buy a junkyard for now. No one wants them. If you have that slip of paper that says you are licensed to have a junkyard, that's what people pay for. They have a lot of land. It will

always be a junkyard. You have a junkyard, then you have three little houses, then you have Westmoreland Drive and then you have Gerald Chapman's land which is 6 acres that they want to re-zone to commercial for a little neighborhood store with a dry cleansers. The visibility from the crossroads is really good. There is a family cemetery on the property with 9 gravesites. The last time someone was buried there was over 50 years ago. There is one house in the neighborhood for sale. It is on its third realtor, and each time they change realtors, they have dropped the price. It remains unsold. Property values are increasing and house values are declining. This generates a commercial situation. There is a contract on this property for more than the houses are listed. Mr. Chapman could divide the property into four tracts and sell them for houses but that defeats the purpose. It won't do him any good and it won't do anyone else any good to put three more driveways there which he could do. The way to make something like this work is to restrict it aesthetically.

Ronald G. Cox – 264 Westmoreland Road

Mr. Cox said he lives across the street from this property and is against the rezoning. He has been there 30 years and feels it will devalue his property. He would be looking right out his window at all the lights. He has not studied the land use plan, but he does not think this is consistent with the land use plan. This will just add more traffic and congestion to this intersection. He does not want this

Robin Greene – 492 Westmoreland Road

Mr. Greens said there is a bad traffic problem at this intersection now. This is a residential area now, and he wants it kept that way.

Brad Glass – 308 Westmoreland Road

Mr. Glass said he just saw the sign today. He has lived here for more than five years. He has seen a definite concern for this intersection. The four-lane funnels into the two-lane at this intersection. He has seen two bad wrecks there himself. Westmoreland Road is a cut through. It will become even more of a cut through if there is a convenience store there. He has had three dogs killed on this road already. He has a two year old, and he does not want that to happen.

Mike Kimbell – 287 Westmoreland Road

Mr. Kimbell says his property adjoins this property on two sides. He has property on Westmoreland and it curves around, and he has 110-120 feet on Highway 92. He has an L shape around this property. He has 13 acres with the understanding that everything around it is residential. He owns a business that abuts residential in Spalding County on the 19-41 By-pass. They had to go through re-zoning, but the difference was his property was already zoned commercial and it had been for 20+ years. He had to get it changed from C-1 to C-1B. He does understand where the Chapman's are coming from. Their property is worth a whole lot more as commercial. They paid 10 times for the property as commercial that he purchased versus residential. Mr. Murray said the residential values are going down. If that is the case, Spalding County owes him a lot of property taxes. He has not seen one of his tax bills decrease. He is here to protect his interest. There is a sight distance issue. You can see well going west but traveling east there is a rise. He

can hear the traffic where he lives, and they hear a lot of tires squealing when they come over the hill. A person turning left to enter Westmoreland cause people to have to stop suddenly. The County has approved five or six subdivision in this area over the last three to four years which will probably have 1000 new homes. He requested they visit to see what impact this will have.

Mr. Taylor went over the history and strategy of the zoning change that has taken place in this area recently. With this information, he stated that the staff recommendation is for denial of both the applications.

Discussion was held regarding the area. Mr. Youmans said the junkyard is a non-conforming use. However, the man that owns the property averages one offer a week from people wanting to purchase the entire tract for housing, not for a junkyard. When he relinquishes the property, it will not be a junkyard. The junkyard cannot be seen. It is over the hill. Don't be influenced to change the zoning because of the junkyard.

MOTION

Mr. Youmans made a motion to deny Amendment to FLA-07-03. The motion passed on a second by Mr. Chastain with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

MOTION

Mr. Youmans made a motion to deny Application #07-01Z. The motion passed on a second by Mr. Chastain with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

Application #07-02Z: Dennis Parks and Debra Parks, Owners – 860 Musgrove Road (8 acres located in Land Lot 255 of the 3rd Land District) – requesting a rezoning from R-2, Single Family Residential, to AR-1, Agricultural and Residential.

Dennis Parks and Debra Parks – 860 Musgrove Road

Mrs. Parks said when they purchased this property and moved from Pike County to Spalding County, they were not familiar with zoning. They had searched for a year and a half for property because they had horses and other animals. They were trying to get closer to their work. They need this rezoning. They have to go back and forth to Pike County to take care of their three horses.

Mr. Taylor said the recommendation is for approval. On the Future Land Use Map, this area is slated for agricultural uses. The acreage is more than sufficient to meet the ordinance requirements.

MOTION

Mr. Chastain made a motion, seconded by Mr. Youmans, to approve Application #07-02Z. The motion passed with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

Application #07-03Z: Charles M. Carden, Jr. and Scott Carden, Owners – Spalding County Board of Commissioners, Agent – 441 Bucksnot Road (10 acres located in Land Lot 115 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-1C Manufacturing, Light.

Mr. Taylor said this property is at the intersection of Bucksnot Road and Bailey-Jester Road. The land fill is in this area. Most of the land fill is in Butts County, but it does spill over into Spalding County. The property is a non-conforming use. It has been used for warehouse space. It is currently being used by the Carder Brothers for a produce warehouse/distribution facility. The proposal is for the property to be purchased for the purpose of having a silt fence manufacturing facility. The use can go on the property because it is non-conforming. However, they are also proposing expanding the building and the use of the property. That expansion will require re-zoning. This proposal was initiated by the Board of Commissioners and does not have to meet the land use map. The recommendation is for conditional approval and one of the conditions is that the land use map be changed to show this as industrial use. Other people in the area have expressed some interest in expanding industrial use in the area. If that happens, the County will have to look at some improvements to the infrastructure in the area to accommodate additional industrial uses. The staff recommendation is for conditional approval. The conditions are:

1. Close the driveway that is located immediately within the sharp curve of Bucksnot Road
2. Site lighting to be designed so as to not glare in the adjacent residential areas or onto public streets
3. Amend to the Future Land Use Map from Agricultural to Industrial.

MOTION

Ms. Bailey made a motion to approve Application #07-03Z with the conditions as recommended by the staff. The motion passed on a second by Mr. Traer with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

MOTION

Mr. Johnson made a motion to amend the Future Land Use Map to change this from Agricultural to Industrial. The motion passed on a second by Mr. Traer with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

OTHER BUSINESS:

Consider extension on preliminary plat for Rivers Falls Subdivision – Spencer Wheelless, Georgia Properties, Unlimited, LLC.

On recommendation from Mr. Taylor, the agenda was amended.

MOTION

Mr. Youmans made a motion to amend the agenda to hear the request from Rivers Falls Subdivision next. The motion passed on a second by Mr. Traer with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

Russell Smith – 250 Laney Drive – Locust Grove, Georgia

Mr. Smith said he was speaking of behalf of Georgia Properties. This subdivision is waiting on the final plat. They have submitted their second set of final plats, but they need to have an extension on the preliminary plat in order to meet the deadlines.

Mr. Taylor said the preliminary plat deadline will run out before the commissioners will vote on the final plat so this extension is going to be necessary. The staff recommendation is for approval

MOTION

Mr. Youmans made a motion to extend the preliminary plat for the River Falls Subdivision. The motion passed on a second by Ms. Bailey with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

Amendment to UDO #A-06-15: Lift from the table – Appendix K. Landscape and Tree Preservation Ordinance – replace existing Landscape and Tree Preservation Ordinance with a new Landscape and Tree Preservation Ordinance.

MOTION

Mr. Chastain made a motion to lift Amendment to UDO #A-06-15 from the table. The motion passed on a second by Mr. Youmans.

Mr. Taylor said the only comments he received regarding the ordinance were from Wade Hutcheson. He asked Mr. Hutcheson to attend the meeting to help with the Ordinance. Mr. Hutcheson was present.

Discussion was held regarding the Ordinance. Mr. Youmans said he has come full circle regarding the planting list. He would like to see some bonus for the contractor if they get professional landscape help rather than having a list of trees not to plant. Sometimes if you tell someone they can't do something they become determined to want what they can't have. He would like to see a "carrot approach" rather than a "stick". Professional designers will steer away from what is not the best thing to plant. He has been thinking but does not have a good plan for a reward for using a professional landscaper. Consideration could be given to less landscaping but he does not know exactly how to manage that. Consideration was given to the requirements regarding landscaping parking areas. Mr. Hutcheson said he would avoid a list of what to plant and what not to plant. He feels it should be left to the individual owner, developer or landscape architect to not have to worry about what this Board or Commissioners say should go into the landscaping. The appropriate landscaping should be based on their professional experience and the site with which they have to deal. They should be trusted to be knowledgeable enough regarding the plant material and what is available and suited for the site to make the selections. What should be emphasized is the plant material used

should be that plant material zoned to perform well in this area. Mr. Taylor said if this is the way the ordinance is handled, he would recommend that they have to have a design by a professional landscape architect. Mr. Chastain said this is for commercial development and the title of the ordinance should state that it is for commercial development. It was decided to establish a “troublesome” plant list before adopting the ordinance.

MOTION

Mr. Chastain made a motion, seconded by Mr. Youmans, to table Amendment to UDO #A-06-15 until the next meeting. The motion passed with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

Amendment to UDO #A-07-02: Quarterly adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

Mr. Taylor said this is the regular quarterly adoption of the zoning map.

MOTION

Mr. Chastain made a motion to approve Amendment to UDO #A-07-02. The motion passed on a second by Mr. Youmans with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

MINUTES

Ms. Bailey made a motion to approve the minutes of the January 30, 2007 meeting. The motion passed on a second by Mr. Youmans with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

Mr. Galloway discussed with the members of the Planning Commission the Big Pine Farm project that was heard at the last meeting. Mr. Galloway was not present for that meeting and he advised the members on what will take place in the future. This application will have to be considered again when the decision is reached regarding the location of the septic system unless they tie on to the Minerva septic system. Even then, it may have to be reviewed again.

ADJOURN

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

Ed Johnson – Chairman

Yvonne M. Langford - Recorder