

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
August 28, 2007

The Spalding County Planning Commission held its regular monthly meeting on August 28, 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; Chad Jacobs, Senior Planner; Bruce Ballard, Griffin-Spalding County School System and Yvonne Langford to record the minutes. Zoning Attorney Newton Galloway was not present at the meeting.

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.

Amendment to FLA-07-07: David and Kathy Gooden, Owners – 1534 Macon Road (2 acres located in Land Lot 181 of the 2nd Land District) – from Medium-Density Residential and Open Space Network to Industrial.

David Gooden – 17 Daniel Drive

Mr. Gooden said he and his wife purchased this land on Macon Road hoping that it would be an investment toward retirement. Later he and his son acquired some storage buildings, and they want to relocate these storage buildings on this site. The buildings are presently located on property behind Captain D's Restaurant on the North Expressway.

Mr. Jacobs said the Staff reviewed the application and recommends denial. This will create a negative land use strategy with respect to the surrounding existing and future residential development. The proposed industrial use is not in character with the surrounding area. This property is between an existing church and existing residential development on the west side. Across the street is zoned medium-density residential. The area is planned residential. This is the break point between medium-density residential planning which then goes to low-density and rural reserve planning.

The Commission studied the land-use map for this area.

MOTION

Mr. Youmans made a motion to deny Application FLA-07-07. 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.

Mr. Gooden asked what negative land use meant.

Mr. Johnson said there is a future land use map which is a plan for the use of property in the future. It is the vision for land use through 2024. In this particular area, the land use is classified as residential. Based on the land use, the intent is to keep the area residential. Additionally, the surrounding area is residential which further supports the land use plan. The vote of the Planning Commission supports the intent to keep the area residential.

Mr. Gooden asked if he were being told that the all the other storage units in the City and County are not connected to residential property.

Mr. Johnson said that is not what is being said; looking at this piece of property, based on where it is and based on the future land use plan, the vote is to deny the application.

Mr. Gooden asked where Mr. Johnson would put a storage facility.

Mr. Johnson said he was not in a position to answer that question. If an application is received, it will be considered.

Mr. Taylor said this vote is a recommendation, and it will be considered by the Board of Commissioners on September 27, 2007, and Mr. Gooden may address the Board of Commissioners at that time.

Amendment to FLA-07-08: Curtis C. Bland, Owner – 132 Johnson Road Extension (3.030 acres located in Land Lot 145 of the 2nd Land District) – from Low-Density Residential to Agricultural.

Curtis Bland – 132 Johnson Road Extension

Mr. Bland said he has 3.030 acres of land and is the last house on the dirt road. On the land use map, there was no intended use listed within the next 20 years. He is disabled and had to retire early. He has two horses and would like to put up a board fence and make a pasture and board two horses because he cannot afford the mortgage and board the horses elsewhere. It is the last lot on the right, and there is an acre between him and the golf course and the balance is Heron Bay. There is nothing on the left. The two-acres beside him are specified as green space. There are twelve that live on Johnson Road Extension. He has letters from two people and one other, Mr. Tookes, is present and no one is against this. He gave the Commission the two letters.

Tim Wilkerson – 132 Johnson Road Extension

Mr. Wilkerson said he is Curtis Bland's nephew. He gave a description of the proposed fencing to maintain the horses so they will not destroy the grass.

Janice Wilkerson – 132 Johnson Road Extension

Ms. Wilkerson said that Tim Wilkerson is her husband. They originally thought this would be grandfathered because this property used to be part of the Tim Nutt Farm. They received a letter regarding the re-zoning that is required for the horses.

Melvin Tookes – 127 Johnson Road Extension.

Mr. Tookes said he is a neighbor and wanted to state that he has no objections to the application.

Mr. Jacobs said this proposal comes as a result of a complaint that was received. The area is presently zoned R-2, single-family residential. The future land use map designation in the area is low-density residential. This application precedes a rezoning application should this be approved. If this amendment is approved, then they will have to apply for AR-1 zoning to allow for the horses. The staff recommendation is for denial based on the precedent of creating a negative land-use strategy with respect to the existing development and the future residential development.

On request, Mr. Taylor reviewed the land use and zoning in the area identifying the locations on the land-use map.

MOTION

Ms. Bailey made a motion to approve Application FLA-07-08. The motion passed on a second by Mr. Traer with Ms. Bailey, Mr. Chastain, Mr. Johnson and Mr. Traer voting for the motion and Mr. Youmans voting against.

Application #07-12Z: Willis Properties, L.P., Owner – 1700 Zebulon Road (0.82 acres located in Land Lot 120 of the 2nd Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Brandon Grubbs – 1403D North Expressway

Mr. Grubbs said he is representing Willis Properties. They are requesting this zoning to be able to sell small vehicles such as four-wheelers and dirt bikes outside the convenience store. They previously had a produce stand on the property, but it is no longer there and will not be in the way. They want to sell them on the sidewalk right outside the store at the front of the building. There will not be an accessory building. There will not be a storage building. He has an area in the back of the convenience store to store them. He said he will have no more than 10 on the property at a time. There is some grassy area at the rear of the property that will not interfere with the traffic that could be used to test drive the vehicles.

Mr. Jacobs said he had visited the site a couple of weeks ago to take photographs and the produce stand was still on site. There is a valid business license for the produce stand that is in effect until the end of the year. They have to assume the produce stand can be there at any point. Produce stands are not allowed to operate in C-1B zoning. The staff recommendation is for denial due to health and safety concerns on the site.

Mr. Youmans said this location is experiencing an increase in traffic. It is not an idle thought to consider the increase in trips this zoning would create.

Mr. Chastain said the possibility exists that the zoning could be conditioned on limits to the number of items that could be placed for sale, but it is hard to enforce this type restriction.

Mr. Johnson said he is still concerned about test driving the vehicles on the road even though they should not.

MOTION

Mr. Youmans made a motion to deny Application #07-12Z. 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.

Consider extension of preliminary plat for Lake Forest Subdivision – Tri-Lake, LLC.

Mr. Taylor said this is a preliminary plat that was approved by the Planning Commission and the construction of the highway has prohibited the owner from being able to begin construction of the subdivision. There have been issues regarding what the right-of-way was going to take of his property so the owner requests the extension of the preliminary plat. If the extension is granted without conditions, it will be for two years. Since the subdivision has not been started, this is a reasonable amount of time.

Mr. Johnson asked if the initial plans will have to be redone.

Ken Dorsey – 261 Dobbins Mill Road

Mr. Dorsey said since they had the preliminary plat, they have sold the right-of-way to the DOT and there were minor changes.

Mr. Jacobs said there were minor changes that were reviewed and approved by the Board of Commissioners. If anything changes, it will again have to be reviewed by the Board of Commissioners.

MOTION

Mr. Chastain made a motion to approve extension of the preliminary plat for the Lake Forest Subdivision – Tri-Lake, LLC. The motion passed on a second by Mr. Youmans with Mr. Chastain, Mr. Johnson and Mr. Youmans voting for the motion and Ms. Bailey and Mr. Traer voting against.

Consider extension of preliminary plat for Orchard on Ellis Subdivision – David Luke.

Mr. Taylor said this is a very large subdivision with very few lots on Ellis Road. The construction plans have been approved and construction has begun, but the preliminary plat will expire before the subdivision is complete so the owners are requesting an extension. If not conditioned otherwise, it will be a two year extension

MOTION

Mr. Chastain made a motion to approve the extension of the preliminary plat for Orchard on Ellis Subdivision. The motion passed on a second by Mr. Youmans with Mr. Chastain, Mr. Johnson and Mr. Youmans voting for the motion and Ms. Bailey and Mr. Traer voting against.

Amendment to UDO #A-07-09: Lift from the table – Appendix J.

Commercial/Industrial Development Ordinance – amend to add architectural design criteria.

MOTION

Mr. Youmans made a motion, seconded by Ms. Bailey, to lift Amendment to UDO #A-07-09 from the table. The motion passed with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

Mr. Taylor said this amendment was tabled last month for some revisions that were discussed last month. The changes included bringing the roof pitch up to the standard we had previously and to clarify some of the language. Except for the roof pitch requirements the document is essentially the same as reviewed last month. There are some numbering issues. He talked with Mr. Galloway and he does not have a problem with moving this forward subject to getting the numbering changed prior to taking it to the Board of Commissioners.

MOTION

Mr. Youmans made a motion to approve Amendment to the UDO #A-07-09 subject to getting the numbering corrected. 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.

MINUTES

Mr. Youmans made a motion to approve the minutes of the July 31, 2007 meeting. 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.

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