

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
May 27, 2008

The Spalding County Planning Commission held its regular monthly meeting on May 27, 2008 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: Chad Jacobs, Senior Planner; 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.

Amendment to FLA-08-01: Lift from the table – Fayette Environmental, LLC, Owner – Bucksnot Road (28.428 acres located in Land Lot 115 of the 3rd Land District) – from Forestry to Industrial.

MOTION

Mr. Chasten made a motion to lift Amendment to FLA-08-01 from the table. 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.

Application #08-02Z: Lift from the table – Fayette Environmental, LLC, Owner- Scarbrough Development, Agents – Bucksnot Road (28.428 acres located in Land Lot 115 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-2 manufacturing.

MOTION

Mr. Youmans made a motion to lift Application #08-2Z 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.

Amendment to FLA-08-01 and Application #08-2Z were discussed together.

Donna Black – 270 North Jeff Davis Drive – Fayetteville, Georgia

Ms. Black said she is with Fayette Environmental. This request is for a change of the Future Land Use Map and for a zoning change on land on Bucksnot Road. The land use map identifies this property for forestry use. This proposal is for the change so the parcel can be used as a forest product recycling center which requires industrial zoning. The property to the east of this tract is used as a landfill. This rezoning would be a reasonable transition use and is not out of character for the area. The staff recommendation is for approval

Barbara Huggins – 526 Bucksnot Road

Ms. Huggins wanted to know if this rezoning would change the zoning on her property. She was advised that it would not change the zoning of her property.

Cheryl Baldwin – 545 Bucksnot Road

Ms. Baldwin wanted to know exactly what would be done on the property. She wanted to know the number of daily trucks, site layout with elevation, the type equipment, the amount of space, hours of operation, emissions and noise level.

Willie Taylor – 545 Bucksnot Road

Mr. Taylor said he and Ms. Baldwin were together and had the same questions.

Mr. Jacobs said the recommendation is for approval of the change in the future land use map. This section of the county is trending toward industrial type uses. Residential use will be less probably as the landfill continues to grow.

Staff recommends conditional approval of the zoning request. The recommended conditions are:

1. The minimum of 100' natural vegetation buffer shall be provided along the property lines of lot 5.
2. If a single detention pond is used for the development, a reciprocal maintenance agreement will be provided to the Community Development Department at the time of final platting.
3. Site lighting will be designed so as to not glare into adjacent residential areas or on public streets.
4. An acceleration/deceleration lane will be provided along Bucksnot Road.

Mr. Jacobs said staff has investigated the issues that were raised at the last meeting. There appears to be no indication that there is any intent to purchase additional houses in the area for the landfill. He identified the location of the landfill on the map. There is no indication they intend to expand the landfill in this area.

Ms. Black said after the last meeting, they contacted a representative with the landfill and was advised that they do not intend to purchase any additional residential property in the area. They do own some of the residential property but do not intend to request rezoning. Ms. Black answered the questions that were raised. The large area at the end of the proposed cul-de-sac is the location of the re-cycling facility. They will be grinding treetops. They do not intend to take in household trash, contaminated materials or construction debris. One of the owners of the property owns a clearing company and there are treetops they need to grind so they can be handled more efficiently. It is done with a bell-type grinder like a conveyer belt that moves the material into the grinder. It is not an old tub grinder. The loading vehicles they use will be rubber tire vehicles. The additional four sites are general industrial sites. They do not have anyone wanting those sites at the present time. They are asking for industrial zoning on those sites also. There is a 100' buffer proposed around the recycling facility. The hours of operation are daylight hours. They do not intend to work at night, and they typically do not work on Sunday. It would be acceptable for the County to impose reasonable hours of operation.

Mr. Jacobs said the Commission has the option of making conditions on approval.

Ms. Black said the residue of the chips will be hauled away. She said she did not know how loud the noise of the grinder would be measured in decibels. She anticipates the trucks will travel via Bucksnot Road to High Falls Road to the highway. The number of trucks will depend on the other uses. There could be uses that would require pick-up trucks rather than dump trucks. The projected traffic count includes the smaller vehicles such as employee cars. Wood is not a pollutant. The material will not be there a long time.

Concern was expressed regarding additional uses that could evolve that would be a deterrent to the community. Mr. Jacobs said the uses identified would not be allowed in this zoning and would require an additional application for rezoning. He further stated that the County noise ordinance specifies times and not decibel levels.

Ms. Black said the adjacent property is a full landfill including contaminated soils, asbestos, while this is a very low-impact use compared to the adjacent facility. This is a reasonable transition from that use.

Willie Taylor – 545 Bucksnot Road

Mr. Taylor said the landfill is a distance from this property and this is adjacent to the back of his property. Anything with noise, debris or pollutants is much worse than the landfill.

Ms. Black said this is not open to the public. This is a private enterprise.

MOTION

Mr. Chastain made a motion, seconded by Mr. Youmans, to approve Amendment to FLA-08-01. The motion passed with Ms. Bailey, Mr. Chastain and Mr. Youmans voting for the motion and Mr. Johnson and Mr. Traer voting against.

MOTION

Mr. Chastain made a motion to approve Application #08-02Z with the conditions as recommended by staff and a restriction of operation of the grinder between the hours of 7:00 a.m. and 8:00 p.m. The motion failed on a second by Mr. Youmans with Mr. Chastain and Mr. Youmans voting for the motion and Ms. Bailey, Mr. Johnson and Mr. Traer voting against.

Application #08-04Z: Mubina Ahmed, Owner – Mahmood Ahmed, Agent - Macon Road (29.28 acres located in Land Lot 203 of the 2nd Land District) – requesting a rezoning from R-1 Single Family Residential Low Density, to AR-1, Agricultural and Residential.

Mahmood Ahmed – 213 Vineyard Road

Mr. Ahmed said they want to change the zoning on this property with the intent of building a home for themselves. They would like to have some horses for their children. There are seven acres with pine trees and some hardwoods. There is a creek on the rear of the property. They might plant a garden.

Mr. Youmans said his concern is that with this zoning there could be a chicken house. There are subdivisions in close proximity to the property. He has no problem with horses.

Mr. Ahmed said he has no intent to have chickens.

Mr. Youmans said if the property is sold to someone else, then they would be able to have the chicken farm.

Mr. Jacobs said the Commission can put conditions on the zoning.

Mr. Jacobs said the staff recommendation is for approval.

MOTION

Mr. Youmans made a motion to approve application #08-04Z conditioned on no chicken houses or commercial poultry operation. 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.

Application #08-05Z: The Highlands to Griffin, LLC, Owner – Westmoreland Road (100.14 acres located in Land Lot 36 of the 3rd Land District) – requesting a rezoning from R-1 Conditional, Single Family Residential Low Density, to R-2, Single Family Residential.

Nathan Purvis – P. O. Box 2655 – Loganville, Georgia

Mr. Purvis said he was representing Meridian Homes who has been building homes since 1995. They have owned this property for several years. In light of the marketing conditions today, it is much harder to sell houses and that is the reason they want to make these changes. This is approved as a 99-lot subdivision. They want to make it a 65-lot subdivision with septic tanks. They want to get away from the high-density to the lower density with 25 acres of green space. This would shrink the square footage of the homes from 2000 SF minimum to 1750 SF minimum. He emphasized that square footage does not mean quality. Many of the homes will be 2000 SF to 2500 to 3000 SF depending on how the market goes. They are quality homebuilders. They do not want to be restricted to 2000 SF. The lower number of homes will lower the anticipated traffic. They do not want to build the 99 homes. They feel people are more interested in larger lots.

James A. Green – 2437 West McIntosh Road

Mr. Green said he is a registered land surveyor and has been in land development for 35 years. He likes the new design. He is at the entrance of Lexington Place. They have this zoned for R-1 and are putting in quarter-acre lots. There will be 41 homes. They applied for the zoning and were turned down and sued the County. Mr. Jacobs can tell the Commission what he has been putting up with for the past two years. His objection to this development is a further downgrading of the neighborhood. They need something to pull the standard back up. This is going to lower everyone's property value.

Sue Fowler – 2435 Fayetteville Road

Ms. Fowler said she is ¼ mile from this proposed subdivision. The neighbors and residents are opposed to this application. The present owner knew what the zoning was on this property and the requirements for the size homes. It has been five years and time has not changed their feelings on any rezoning that would lower the standards of the area. They all want their home to be in a friendly, vibrant neighborhood. They have tried hard to keep the area as a responsible, law-abiding, friendly area that it still is and has been, even with the widening of Fayetteville Road. With the current economy, they believe most any size house will sit unsold. Some of the zoning that has been done in the past ten years in the area has not yielded the settled middle-classed couples or families that are financially responsible or even law-abiding. She is talking about Cody's Plantation now with a sign for HUD homes and a number there have already been repossessed. Are we really proud of some of these other subdivisions along Vineyard Road? It was mentioned that this would be like a County Club setting or feeling. A Country Club design relies on spacious homes like Club Estates. This proposed plan does not resemble spacious homes. What do we want The Highlands to look like in ten years? We feel smaller homes in general invite crime and mischief. Also, you have to have people with money to purchase homes. They do not want any more government subsidized homes. If you increase the lot size, it will increase the value even more. They would like to have subdivisions like Nottingham Estates, Club Estates and Four Oaks. They are the type subdivisions that fit in a low-density setting. The subdivisions in Fayette County that are coming this way have 2000 SF or larger homes on approximately one acre. We would like Spalding County to match these specifications. The

developer should not mind if he is going to build 2500 SF to 3000 SF homes. They should not have to sacrifice their property values to rezoning for smaller homes to appease a developer.

Mr. Jacobs said this is a zoning that affects the house size from R-1 to R-2. The subdivision design, materials and things of that nature will be a special exception request to the Board of Appeals at the beginning of next month. The staff recommendation is for approval conditioned on 1/3 of the homes being 1750 SF, 1/3 being 1850 SF and 1/3 being 2000 SF.

Mr. Purvis said this plan would reduce the house size by only 250 SF. They will probably be building the larger houses, but they would like to have something they could sell. They use quality materials. They could finish an area above the garage and that would get them to 2000 SF. They could start 99 houses there tomorrow and finish the area above the garage. That is not good for the community. This plan reduces the density by 35%. He sees this as a win, win for Spalding County and Meridian Homes. 250 SF is nothing.

Mr. Ballard said, as a representative of the school system, he is pleased with the reduction in the number of houses. The schools in this area are experiencing some growth issues. They will be glad to see the reduced number of houses.

Jo Ann Blue – 2541 West McIntosh

Ms. Blue said she lives on the corner of Westmoreland Road and West McIntosh Road. The dirt road is so bad unless that road is paved they cannot use any more cars on that road. If he doesn't sell the houses, will they become Section 8? That is usually what happens.

Mr. Purvis said that more than likely the homes will be 1750 minimum, 2000, 2500 and some of them will be 3000. As people purchase with a pre-sale contract, they will request larger homes. They do not want to be limited from day one to larger than 1750 SF. The larger homes will happen, but they do not want to be required from day one to build any houses larger than 1750 SF.

Mr. Youmans said he has served on the Commission for some time and remembers the rezoning that took place on this property. It was a very bruising battle. As he looks around the room, he sees some of the same people. Some of the people involved are no longer living. He remembers how they stood up for Nottingham Estates that was mentioned tonight. There were conditions that were placed on the property. That property has gone through a synthesis. It was slated to be a country club type subdivision with tennis courts and swimming pool and other things that were to be done. Basically, the criteria that was set down assured that this property would be developed in a fairly, nice fashion. The whole sticking point on this property is that in order to have that density it was going to have to be sewerred. That is the issue tonight, the cost to sewer that property has driven it from the realm of being an entity that can be developed readily. That is not to say that it will not ever be developed. He likes the plan for one-acre lots. If 250 SF is not an issue, then why bother to do this? He feels, if you can have a plan and finish the bonus room to be 2000 SF, you can take a plan that is 1450 and make it be 1750 by finishing a bonus room over the garage. Before there is an agreement to do this, we need to look carefully at the criteria and not "throw out the baby with the bathwater".

Mr. Johnson said he also likes the plan, but once you "start down this road" and change the zoning for this developer there will be half a dozen wanting to do the same thing. Care needs to be taken to what is approved.

Mr. Chastain said he had mixed feelings.

Mr. Jacobs said he would hate to see the conditions approved with the previous rezoning lost with a shifting to the new zoning. The larger lots are good. There are pros and cons to the sewer versus the septic tanks. Having less traffic and lower density are good things. Limiting the number of homes with the 1750 SF and a number at 1850 and 2000 might be a good compromise.

Mr. Purvis said they are losing 34 lots by going to septic rather than putting in sewer. Therefore, they will have the same developmental costs. They do not need 99 houses in this terrible real estate market. The homes will be quality. In today's market, you are not making money you are just trying not to lose money.

Mr. Traer said he is concerned about public safety. There is only one entrance and is the only place that a safety vehicle would have access to the property. Is there a plan to sacrifice another lot to make two entrances? Also, if the County decided to pave the road, is the builder planning to contribute to the paving.

Mr. Purvis said they have no plans for a second entrance. They feel with 65 lots one entrance is sufficient. They will be paving the road from Highway 92 to the entrance of their entrance. They would consider it if the cost did not exceed their estimates.

MOTION

Mr. Youmans made a motion to deny Application #08-05Z. The motion passed on a second by Mr. Traer with Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion, Ms. Bailey voting against and Mr. Chastain abstaining.

Consider extension of preliminary plat for Macon Road Townhomes – C. Mark McCullough.

Mr. Jacobs said this is for extension of a preliminary plat.

MOTION

Ms. Bailey made a motion to approve the extension of preliminary plat for Macon Road Town homes for Mr. McCullough. The motion passed on a second by Mr. Youmans with Ms. Bailey, Mr. Chastain, Mr. Johnson and Mr. Youmans voting for the motion and Mr. Traer voting against.

Amendment to UDO #A-08-07: Lift from the table – Article 7, R-1, Article 8. R-2, Article 10. R-4 and Article 11. R-5 – amend to allow Child Care Placement Facility as a Special Exception use in single-family residential districts.

MOTION

Mr. Youmans made a motion, seconded by Mr. Traer, to lift Amendment to UDO #A-08-07 from the table. The motion passed with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

Mr. Jacobs said they have included the State language from DHR regarding these type facilities. They have redefined foster care and childcare institutions.

Satonya Payne – 201 South Stewart Lane

Ms. Payne said she wanted to be certain that the Commission has a clear understanding regarding her plan to use the property. She made a presentation at the last meeting and was present to answer any questions. The house she will be using is four bedrooms. The smaller bedrooms are 12' x 12' and the master bedroom is twice that size. The State says they can have 10 children, but they plan to have only 7 or 8.

MOTION

Mr. Youmans made a motion to approve Amendment to UDO #A-08-07. 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.

Amendment to UDO #A-08-08: Article 12. C-1 Highway Commercial – amend to allow remote control motorized vehicles as a principal use.

Rickey Conaway – 101 Lake Chase Drive

Mr. Conaway said they are trying to operate a business at the Sunnyside location of the motor cross track. They want to have a remote control buggy course on the existing track. They do not plan to do any additional construction on this site. This will be a family function type business. The problem is that the C-1 states that there can be no motorized vehicles. Motorized vehicle is defined as a machine that incorporates either a motor or an engine. They had samples of the cars that will run on the track. The cars are powered by hobby fuel. They are not powered by gasoline. They would be allowed to use electric cars but that is about 20% of what they do. He does not feel that when they said no motorized vehicles it was the intent to not be able to use the remote control vehicles. They would like to have the ordinance amended to allow remote control for non-transportation purposes. They are rated at 1.5 CC up to 5.0 CC. A weed eater is 12 to 22 CC. Noise is not a problem. They are not very loud. They run electric cars and the hobby fuel cars, and they are relatively quiet. The track is fully enclosed by a chain link fence. There are no spectators and no operators inside the track. The only people inside the track are track officials to up-right the cars that turn over. They work with autistic children and wheel bound and disability groups from Children’s Hospital. They have cars donated for children that are in wheelchairs that cannot walk but can operate a car. There is no charge for these children. They take children from the schools on field trips. The only charge is for the sack lunches. It is educational. They need to provide a safe, contained location away from places like Wal-Mart and other parking lots that are safe.

Mr. Hambrick with A. J. Hobby was present to answer any technical questions the Commission might have.

Discussion was held regarding the safety and the concerns regarding the ordinance. Mr. Conaway said they have done some research in adjoining communities and other states and feel that the wording “non-occupant vehicles” will accomplish the intent of the ordinance. Consideration was given to restricting the engines to a certain number of CC.

MOTION

Mr. Chastain made a motion to approve Amendment to UDO #A-08-08 with the wording change of Item A to “remote controlled non-occupant vehicles with no more than 5 CC engines. 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.

Amendment to UDO #A-08-09: Article 17A. VN Village Node – Section 1705A:D(3) – amend maximum units per building.

Mr. Jacobs said there is a design and zoning for a Heron Bay Village Node. Presently, the code provides for a maximum number of 16 units per multi-family dwelling within a building. Minerva has been approached by an apartment developer that wants to discuss the apartment component. The style this company uses has 24 unites per structure. This increases the number of units per structure but does not change the total number of units in the complex or the acreage.

MOTION

Mr. Youmans made a motion, seconded by Mr. Chastain, to approve amendment to UDO #A-08-09. The motion failed with Mr. Chastain and Mr. Youmans voting for the motion and Ms. Bailey, Mr. Johnson and Mr. Traer voting against.

Amendment to UDO #A-08-10: Article 17A. VN Village Node – Section 17-A:A(9) – amend to allow School-elementary, middle, high-public or private.

Mr. Jacobs said Minerva wants to provide a charter school in the Village Node.

Mr. Ballard said this has to go through the school system. Their application was received a couple of weeks ago. The State has approved a lot of new charter schools over the last couple of years which opened the doors to a lot of new avenues. Minerva visited the school system and was very open regarding the fact that Heron Bay is partially in Henry County and partially in Spalding County. The school will be located in Spalding County but the attendance zone will be both counties. There is a lot of benefit to the neighborhood schools and that is what they are trying to do with this school. Right now the numbers indicate that 80% of the students will come from Henry County and 20% from Spalding County. The State funding will all go to the Charter School. There are still some questions to be answered. Presently, it appears that the funds will be funneled through the Spalding County School system. This is very unusual, but there is a mechanism that will allow them to set up this charter school. They have presented the plan to both Henry and Spalding Counties. It will be reviewed and a recommendation will be made. It is set up so that if it is in the guidelines, it will be approved. If there is some issue with the local systems regarding the structure of the system, then they can apply for a State chartered school and the funding will go directly to the school from the State. There will be a charter school there and the only question is whether it will be funded through the local system or directly from the State.

MOTION

Mr. Youmans made a motion to approve Amendment to UDO #A-08-10. The motion passed on a second by Mr. Chastain with Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion and Ms. Bailey voting against.

Amendment to UDO #A-08-11: Article 5. AR-1, Agricultural and Residential, Article 6, AR-2 Rural Reserve, Article 7, R-1 Single Family Residential Low Density, Article 8. R-2 Single Family Residential, Article 10. R-4 Single Family Residential and Article 11. R-5 Single Family Residential – amend to allow mother-in-law suite as a principal use.

Mr. Jacobs said they get a lot of requests for mother-in-law suites. A lot of the requests turn into a second full home that eventually turns into rental property. This amendment is to define a mother-in-law suite and gives the criteria for what can be built.

Discussion was held regarding the need for putting in some controls to keep from having structures that become second residences and rental property.

MOTION

Mr. Chastain made a motion to approve Amendment to UDO #A-08-11. 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.

Amendment to UDO #A-08-12: Article 2. Definitions of Terms Used – Section 203:H’ – amend definition of Dwelling, Infill.

Mr. Jacobs said there are a number of dwellings in the County that are grandfathered under the infill ordinance and someone comes in to build on the lot and they cannot satisfy the setbacks. The policy has been to take the average setback of the homes in the area. There is nothing in writing to make it the official code. This amendment is to make the policy part of the official code.

MOTION

Mr. Youmans made a motion to approve Amendment to UDO #A-08-12. 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 UDO #A-08-13: Appendix, A. Subdivision Ordinance – Article 4 – Section 403:F – Amend exception for minor subdivision.

Mr. Jacobs said as the ordinance is presently written, a minor subdivision has to be approved by both the Planning Commission and the Board of Commissioners. This amendment is to remove the Planning Commission from the approval requirements. It is redundant to have to be approved by both.

MOTION

Mr. Youmans made a motion, seconded by Ms. Bailey, to approve Amendment to UDO-08-13. The motion passed with Ms. Bailey, Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

Mr. Johnson said during the discussion regarding the chipping machine, he became aware that there is no noise level ordinance. He would like to have some research regarding what would be a reasonable noise level limit.

MINUTES

Ms. Bailey made a motion to approve the minutes of the April 29, 2008 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.

ADJOURN

The meeting was adjourned on a motion by Mr. Youmans 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