

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
August 26, 2008

The Spalding County Planning Commission held its regular monthly meeting on August 26, 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: Charles Taylor, Community Development Director; Chad Jacobs, Senior Planner; 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.

Mr. Johnson said there had been a request to move Applications #FLA-08-04 and #08-09Z ahead of Application FLA-08-08Z.

MOTION

Mr. Youmans made a motion to move applications #FLA-08-04 and #08-09Z to first on the agenda. 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.

Application #FLA-08-04: Allen W. Marshall III, etal: G. Niles Murray III, etal; James R. Fortune, Jr., etal; Louise Cole Parham, Richard R, Jr. and Kathryn Kleinkauf; and Kelly A. and Adam J. Bence, Owners – 205 Birdie Road, 209 Birdie Road, 213 Birdie Road, 215 Birdie Road and 219 Birdie Road – from Crossroad Commercial, Agriculture and Low Density Residential to Crossroad Commercial.

Application #08-09Z: Allen W. Marshall III, etal: G. Niles Murray III, etal; James R. Fortune, Jr., etal; Louise Cole Parham, Richard R, Jr. and Kathryn Kleinkauf; and Kelly A. and Adam J. Bence, Owners – 205 Birdie Road, 209 Birdie Road, 213 Birdie Road, 215 Birdie Road and 219 Birdie Road for a total of 14.628 acres, more or less, located in Land Lot 105 of the 3rd Land district) – requesting a rezoning from C-1, Highway commercial, and AR-1, Agricultural and Residential, to C-1 Highway Commercial.

Mr. Johnson said these two applications will be considered together and voted separately.

Chad Torri – 1230 Peachtree Street – Atlanta, Georgia

Mr. Torri said he was representing Halpern Enterprises. He introduced Frank Scott who is the Development Director for Halpern and is present to answer questions if he is needed.

Mr. Torri identified the location of the project on a county map. He discussed the other commercial development in the area. He estimated that 9 of the 14.628 acres are already zoned C-1, which is the designation they are seeking for the balance of the property. The County's Comprehensive Plan designates certain areas in the county as Crossroads Commercial for medium scale retail uses that are designed to serve the more rural areas of the county. The Land Use Map designates five of these areas in the county and this is the Pomona Commercial Crossroads area. This application is to extend the boundaries of this Commercial Crossroads to

encompass a larger area. The intent is to allow the property to be developed for a number of medium scaled commercial uses. The principal site will be for a grocery store. The grocery store, as planned, will be 45,600 SF. The parking will be at the front of the property. There would be 26,550 SF of shops with two out-parcels at the end for future development for possibly banks or restaurants. There would be four access points, two of which will be on Highway 19/41 and two on Birdie Road. The two on Birdie Road will be full access and the two on 19/41 will be right in/right out. He discussed the site plan as it relates to traffic access. This project is 2.2 miles west of Sun City Peachtree. There are not a lot of places for shopping for that development. This is an attempt to fill that need.

Mr. Chastain asked if consideration had been given to putting the parking at the rear of the property which would make the project more appealing visually.

Mr. Torri said in designing the site, it was for a particular tenant, and they historically have the parking in front.

Mr. Taylor gave the staff report. The Future Land Use Map shows this intersection as a Crossroad Commercial intersection. The Comprehensive Land Use Plan shows this area as a more traditional convenience goods type of commercial center. It is not meant to be like the Village but more conventional shopping centers. The Comprehensive Plan is closely tied to the County's goals for providing services and infrastructure to an area. To expand this Crossroads will have an impact on services and infrastructure. The most significant thing that has to be considered is the provision of sewer. This will be accomplished with a joint venture between the County and Minerva. The proposal is to sewer the site from the treatment plant at Sun City at no cost to the County. The County will provide the right of way. The intent is to provide sewer to Beaverbrook Elementary School at the same time. This Commercial Crossroads will be different than what was originally envisioned. The traffic impact caused initial concern. In completing the traffic impact, the consultants overlooked the school. The data collection was done in July when the school was not in session. Approval was given the methodology whereby the impact of the school was estimated into the traffic study. The projection of the level of service shows the average per vehicle delay coming through the intersection at peak hour times could be as great as 80 seconds, which is significant. The Comprehensive Plan has an intersection improvement proposed for Birdie Road at Highway 19/41. As a result of this project and ultimate development in the area, there will probably be an upgrade to the intersection improvement. It is presently projected to be a \$1.6 million dollar project. They will also probably move the improvements forward on the time schedule. For planning purposes, it is safe to say that over the next 15 to 20 years they are going to have to look at Birdie Road and Highway 19/41 and Atlanta Road and Highway 19/41 and probably add additional upgrades.

The staff recommendation is for approval with conditions as follows:

1. The Future Land Use Map for the subject project shall be amended to Commercial.
2. All site lighting shall be designed so as not to glare onto adjacent residential properties.
3. The development shall be served by a sewer system.
4. The developer will meet with County staff to resolve the maneuvering and stacking problems at the drive-through window on the east side of the grocery store. This shall be accomplished through a combination of striping, signage and raised medians.
5. The developer will meet with County staff and, if needed, the Georgia Department of Transportation, to develop a median striping issue at the eastern most entrance on Birdie Road.

6. The Developer agrees to work with the Georgia Department of Transportation to modify the left turn median on southbound U. S. 19/41. Such modification shall be designed to prevent traffic from making a right turn from the southern most exits from the shopping center site and turning left onto the eastbound Birdie Road.
7. The current access road from the shopping center shall be eliminated. (The newest changes to the site plan have eliminated that road and can be eliminated from the conditions.)
8. Staff recommends that strongly worded signage at the entrance driveway to the delivery area behind the shops shall be used to limit access for vehicles that are not loading and unloading.
9. Tenants located in the out parcels shall be required to share access with the shopping center to allow connectivity between the parcels.
10. Curb cuts shall be limited to two per frontage on Highway 19/41 and two on the Birdie Road frontage.

MOTION

Ms. Bailey made a motion to approve Application #FLA-08-04. 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. Chastain made a motion to approve Application #08-09Z with the conditions as recommended by staff. 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 #08-08Z: Paul W. Bell and Nicole R. Bell, Owners – Rannie Dean, Agent – 238 Airport Road (.66 acres located in Land Lot 117 of the 2nd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to O & I Office and Institutional.

Paul Bell – 238 Airport Road

Mr. Bell said he is leasing the property to Dura Clean which is a carpet cleaning service. This will be for office use. He has two service vans and they will not be on the site.

Barbara Wise – 217 Roberts Street

Ms. Wise said her address is behind Airport Road. She owns two houses on Airport Road and is concerned about the development on Airport Road. She is not against the rezoning for business on Airport Road. They were told this would be zoned for doctor's offices and dental offices. This appears to be going to chemical operations. There is a termite treatment place and beauty shop and now this is going to be a carpet cleaning service. She has a problem unless it is "written in stone" that these chemicals will not be stored as the site. She feels that the people are going to want to pave and add buildings for storage of the chemicals. Traffic is a problem. There is a propane storage facility on Airport Road that was supposed to be just a place to store empty propane tanks for people to pick up. It has turned into something that will "blow them to smithereens" if lightning every hits it. There is a recycling facility that was supposed to be for aluminum cans and that has turned into a junkyard 50 feet up in the air that smells up the neighborhood. On 19/41, approximately 10 to 12 years ago, businesses started to be established back of Kennedy Drive. The County requested a ten-foot buffer, and the business owners agreed to it. A couple of years later the businesses got together and decided the trees were a hazard and they cut them all down. All the people on Kennedy Drive sit on their back patio and look at prefabricated metal buildings. She has worked hard to get some young people in the community

and she does not want this to happen to their neighborhood. Please make it so they cannot keep their chemicals on site. She is not opposed to this but does not want the chemicals.

Mr. Youmans said he appreciated Ms. Wise coming forward with her comments, but he did want her to know the propane business is in the City limits. He said one of the conditions of this zoning is that the chemicals not be stored on site. The trend for the houses in this area of Airport Road was that they were remaining vacant and were falling into disrepair. The O & I Zoning is soft and gives the property use beyond residential. He would not want to purchase a house and raise a family on Airport Road.

Michael Talley – 236 Airport Road

Mr. Talley said he lives next door to this site and he wants to be certain that there will be a privacy fence between the two properties. He has no issue with there being a business on this site. He wants a privacy fence between his house and this business. The business next door to the hair business does not have any screening and next to them on the other side there is no screening. On the other side of him, two doors down, there is no privacy fence between the pest control business and the next residence. There is a chain link fence which is not good enough. He was present when there was discussion regarding rezoning of this area on Airport Road, and it was his understanding that they were going to do something about the road. There is tractor-trailers power braking in the middle of the night waking them up. There needs to be some signs to stop this as long as there are residents in the area. He has been living in this house for a little over 5 years and has replaced his mailbox at least five or six times due to the traffic. The curve needs to be removed.

Mr. Taylor said he feels that there will have to be a traffic study to determine the impact this zoning is having on the neighborhood as it transitions. However, the O & I Zoning will not have as great an impact as other zonings might have.

Mr. Taylor said there is a requirement for buffers between residential and commercial property. Many of the properties on Airport Road have either the main structure or the outbuildings located in the buffer zone. The properties have to go through a variance to have the buffer requirement reduced. If this zoning is approved without any relief of the buffer requirements, the owner will be required to install the buffer.

Mr. Taylor gave the staff report recommending conditional approval. The conditions are:

1. A front yard setback variance shall be applied for and approved.
2. No additional curb cuts shall be allowed for the subject property.
3. The pool shall be removed
4. No chemicals shall be stored on site.

MOTION

Mr. Youmans made a motion to approve Application #08-08Z with the conditions as recommended by staff. 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.

OTHER BUSINESS

Consider extension of preliminary plat for Walker's Creek Subdivision – G4 Investments and Breymer Realty, Inc., Owners.

Mr. Jacobs said this is like all preliminary plat extensions considered in the past. The two-year life span is up and there are new owners. They are maintaining the same plan. The Staff is recommending approval.

MOTION

Mr. Chastain made a motion to extend the preliminary plat for Walker's Creek Subdivision. 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-08-15: Lift from the table – Appendix M. Dark Sky Lighting Standards Ordinance – new ordinance.

No action was taken on Amendment to UDO #A-08-15.

Amendment to UDO #A-08-19: Article 19. Office and Institutional – Section 1902:A (4) – delete two-family dwelling (site built, industrialized, or Class A manufactured home) with a heated floor area of at least 1,400 square feet and amend to allow animal hospital.

Mr. Jacobs said there are some uses in the O and I Zoning they feel need to be reconsidered. This is to make some corrections to that zoning. Discussion was held regarding concern over allowing an animal hospital due to the overnight boarding of animals. Consideration was given to allow the animal hospital but not allow animal boarding or outside kennels. The Board decided they did not want the animal hospitals in the O & I zoning at the present time.

MOTION

Mr. Chastain made a motion to approve Amendment to UDO #A-08-19 - Article 19 for the elimination of the two-family dwelling of at least 1400 SF but not allow an animal hospital. 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-08-20: Article 19. O & I Office and Institutional – Section 1902:A (3) – amend to delete Class A manufactured home with heated floor area of at least 1,000 square feet.

MOTION

Mr. Chastain made a motion to approve Amendment to UDO #A-08-20. 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-08-21: Appendix A. Subdivision Ordinance – Section 301:F – amend fee schedule and Appendix J. Commercial/Industrial Development – Article 3 – amend fee schedule.

Mr. Jacobs said this to limit the number of re-submittals for a project where the plans are being resubmitted without the appropriate corrections. This is requiring the County to have an engineer review the plans at additional cost to the County. This is so the County can charge a re-submittal fee for additional reviews if the applicant is negligent in making the changes as directed.

MOTION

Mr. Chastain made a motion to approve Amendment to UDO #A-08-21. 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 July 29, 2008 meeting. 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.

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