

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
October 28, 2008

The Spalding County Planning Commission held its regular monthly meeting on October 28, 2008 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Ed Johnson, Chairman, presiding; Frank Chastain; David Traer and John Youmans. Janet Bailey 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. Chad Jacobs, Senior Planner, was not present.

Mr. Johnson 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 #08-11Z: T. D. Baxter, Owner – 137 School Road (.72 acres located in Land Lot 107 of the 3rd Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Mr. Taylor said this application is from Mr. Baxter to rezone the property from C-1 to C-1B. The staff recommendation is for denial. This property was an office for a contractor which is allowed in the C-1 District. There is an accessory building on the property along the southern property line. The proposal is to allow the accessory building to be developed as a group development and use it as a second principal building. In order to do that, it requires a number of variances for setbacks for the group development that, in the opinion of the Staff, amounts to so many variances it should not be allowed.

Mr. Youmans asked why that would require a zoning change from C-1 to C-1B.

Mr. Taylor said this is a metal building that could be used as a repair shop and it expands the use of the property. Presently, the only thing the building can be used for, because it is not a group development, is an accessory use as Mr. Baxter's office building.

Thomas D. Baxter – 1500 Tara Place – Suite 702, Hampton, Georgia

Mr. Baxter said he would not have requested this had he known the recommendation was going to be for denial. He is the Aflac agent in the area. The building to the north is his office, and he has two employees that work there full time with him. He purchased the building in July. He was aware of the accessory building and had been advised that he could not rent it to another business. The building is 2200 SF with two offices and a bathroom. The building has been there for seven years. He is willing to do whatever he needs to do to get this in compliance or get the variances granted. They do not recommend a group commercial site on land that is less than two acres and this tract is only .72 acres. The building was built too close to the side property line and too close to the road. There is plenty of space for parking. Since purchasing the building, he has paved the parking and has installed a wooden fence as a divider. He is not trying to separate it to sell but wants to rent the facility to improve his cash flow and bring additional revenue to the county. He does not want to build an addition. He has talked to people about renting the facility but he was told that he would have to change the zoning.

MOTION

Mr. Youmans made a motion to deny Application #08-11Z based on the size of the lot and what would be created if the zoning were approved. The motion passed on a second by Mr. Traer with Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion and Mr. Chastain voting against.

Application #08-12Z: William W. Maner, Owner – Spalding County Board of Commissioners, Agent. Hammond Road (2 acres located in Land Lot 10 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-2 single Family Residential.

Mr. Taylor said prior to the meeting, the owner had requested that he look at some additional information that might be pertinent to the Staff Report, and he recommends that this application be tabled in order to allow him to explore some additional information.

William W. Maner – 640 County Line Church Road

Mr. Maner said he and Mr. Taylor had spoken together and he would like to go ahead with this application. Mr. Maner said he purchased the land in October 2001 as two tracts. One tract was 4.33 acres and the other was 2 acres. The 2 acres was located on Hammond Road and the 4.33 was on County Line Church Road. The 2 acres came free and clear on the day of purchase. He did not include that with the building loan. When he came to file, he was advised that he could not break the land up into two tracts. At the date of closing, which was to take place in August of 2002, the laws had changed and when the bank sent the paperwork in for the land it had to be 6.33 acres. At that time, it was to be marked as non-buildable and that he could not separate the land and could not sell the 2 acres for another home which was the original intent of the purchase of the additional two acres. He cannot sell the land because the laws changed but it was purchased two months prior to the law being changed. He wants to sell the two acres to a man across the road who wants to build a home for his daughter. He does not understand why it was not grandfathered.

Mr. Youmans asked why he did not divide the property into two three-acre tracts.

Mr. Mander advised that the property line would be right at his back door.

Mr. Taylor said some of the information is new to him tonight, and he is not prepared to make any comments about the application. He would like to meet with Mr. Maner, get copies of all his information, research the information and bring a revised Staff Report.

MOTION

Mr. Youmans made a motion to table Application #08-12Z to get more information. The motion passed on a second by Mr. Traer with Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

S/D #08-03: Heron Bay Village – Cole Tract Associates, L.P. and North Spalding Development Company, L.L.C., Owners – 95.1 acres off Highway 155 located in Land Lot 146 and 147 of the 2nd Land District – mixed use with 465 residential units.

Mr. Taylor said this is the update of the preliminary plat for Heron Bay. The ordinance requires that the preliminary plat and final plat agree exactly. One of the consequences is that the smallest change to a plat requires re-filing. The change to the original preliminary plat is that the apartment units were reoriented to fit with the Village Street grid. This is an improvement over the previous plat. The apartment’s developer is ready to purchase the property, and they will be “high end” units that will compliment the rest of the Village.

Mr. Traer asked if a traffic study had been done.

Mr. Taylor said the County had completed a comprehensive transportation plan that has this Village as well as the other Villages as part of the calculations based on density, and traffic estimates and the conclusion was that while locally density will be added the overall effect on the transportation system is going to reduce the demand on adjacent roads because of the mixed-use aspect being able to shop without having to access adjacent roads. They will be able to shop in the Village. The developer is working with DOT on the entrance of the relocated Johnson Road intersection as far as turning lanes and accel/decel lanes to minimize the impact to local traffic. There was no specific traffic study submitted to the county.

Staci Patton – 2292 Henderson Mill Road

Ms. Patton said she was representing Minerva Properties. When this property was originally zoned, an extensive traffic study was done in 2005. There has not been an update because there has been no change in the overall density. The numbers are exactly the same. There is only one line different in the new preliminary plat. The DOT has reviewed the curb cuts and the road and they have approved them.

MOTION

Mr. Youmans made a motion to approve Preliminary Plat S/D #08-03. The motion passed on a second by Mr. Chastain with Mr. Chastain, Mr. Johnson, Mr. Traer and Mr. Youmans voting for the motion.

S/D #08-04: Kristian Estates – Byron Smith, Owner – 18.8 acres off McKinley Drive located in Land Lot 150 of the 2nd Land District – 24 lots.

Mr. Taylor said the original zoning and plat approval for this tract was some time ago. This is basically a subdivision that was partially developed. Mr. Smith rezoned the property and there were a number of conditions placed on the property. The layout was approved with those conditions. This preliminary plat has been reviewed by all the county departments and it meets the minimum county standards and the recommendation is for approval.

At the request of some of those in attendance, the restrictions were read as follows:

1. A maximum of 24 houses to be constructed;
2. Lots shall be a minimum of ½ acre;
3. 75% brick required on McKinley Drive;
4. 1000 SF on the ground floor, heated, required on all houses constructed;
5. Maximum of 8 lots on northernmost part of McKinley Drive to be built first;
6. No split foyers shall be allowed;
7. Front porches shall be underpinned and finished in character with the houses;
8. No exposed concrete block and foundations shall be utilized;
9. Vegetative screening of Leyland Cypress shall be used where lots back up to each other;
10. Sodded lots required per subdivision regulations, for front setbacks reduced to 50 feet;
11. No houses shall be on slabs;
12. No vinyl siding shall be used;
13. No stucco accents shall be utilized.

Byron Smith – 490 Pine Hill Road

Mr. Smith said he has been working on this for several years. In July 2005, he received approval for the 24 houses. To meet the criteria, the layout that he has requested to be approved is the best they can get. They will be on city sewer with county water. He requested approval.

Lenny Hook – 148 McKinley Drive

Mr. Hook said he has lived at this location for 30 years. The plan that is being presented is not the same as the one submitted in 2005. Around McKinley Drive there are 40 houses that are not on the plat that is being presented. Additionally, they have changed the names of some of the streets. There are going to be two cul-de-sacs. He wanted to know if the zoning is going to be the same for both with the same requirements. He is concerned about a road that is 20 feet wide with 24 more houses. There will be access problems, fire and rescue problems. This needs to be addressed. McKinley Drive was supposed to be continued as it comes off of Ethridge Mill but that was never connected. This has created a bad traffic problem. When Hurricane Ivan passed through in 2000, the street was completely down with trees bringing down power lines. Volunteers cut their way in with chain saws. It took three hours for him to cut through to his house. Fire and rescue could not get in because public works had blocked it off. You need to do a traffic study, a disaster study, a fire study and emergency study before this goes through. He stated this in 2005 but no one paid any attention to him. With this addition, it means 138 cars on the little horseshoe road. A safety study really needs to be done.

Patricia Stuart – 123 McKinley Drive

Ms. Stuart said she wants to discuss some of the conditions that were talked about when previously approved in 2005. Mr. Smith said he was willing to build an all brick home if the house across from it was all brick. That is not in the conditions that were just read. She wants him to be held to having to build houses like the ones that are already on the street. The majority of the homes are all brick homes.

Mr. Taylor said that condition was not included in the approval, and they cannot enforce what was not included in the conditions.

The following were signed to speak and when called chose not to speak.

Frank Robertson – 133 McKinley Road

Joe Conkle – 145 McKinley Road

Patricia Bender – 131 McKinley Road

Margaret Varnon – 111 McKinley Road

Tammy Jones – 115 McKinley Road

Keith Jones – 115 McKinley Road

Kathy McCarty - 150 McKinley Road

MOTION

Mr. Chastain made a motion to approve Preliminary Plat S/D #08-04. The motion passed on a second by Mr. Youmans with 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.

Not action was taken on Amendment to UDO #A-08-15.

MINUTES

Mr. Chastain made a motion to approve the minutes of the September 30, 2008 meeting. The motion passed on a second by Mr. Traer with Mr. Chastain, Mr. Johnson, and Mr. Traer and voting for the motion and Mr. Youmans abstaining because he was not present.

Mr. Taylor announced that the County is preparing a LCI Study and the consultants have begun drafting some ideas. It was part on a presentation and the results are online. He encouraged the member of the Commission to study this and contact him with any comments or questions. Overall the report has been received well by the area residents with some minor exceptions that are being addressed. Additionally, the County is close to signing a contract to complete the update of the County's Comprehensive Plan that is required by the State. He would like for the Commissioners to consider letting this process rest with the Planning Commission so the members could have some direct input into the update.

ADJOURN

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

Ed Johnson – Chairman

Yvonne M. Langford - Recorder