

PLANNING COMMISSION
Regular Meeting
January 8, 2002

The Spalding County Planning Commission held its regular meeting on January 8, 2002 at 7:00 P.M. in the County Commission Meeting Room #108, Spalding County Courthouse Annex. Members present were: Chairman Karen Mathiak, presiding, Ray Browning, Delores Phillips, John Youmans, Bill Bryant and Frank Harris.

Also, present were Planner Jennifer Reynolds, Zoning Attorney Newton Galloway, and Cindy McDaniel to record the minutes.

Ms. Mathiak called the meeting to order, introduced the members of the Planning Commission, and gave the procedure for handling the applications.

Ms. Mathiak asked that the agenda be amended for the election of Vice-Chairman and Chairman be moved to the end of the meeting to allow time for Mr. Bryant to get to the meeting.

MOTION

Mr. Harris made a motion to amend the agenda. The motion passed on a second by Mr. Youmans with Frank Harris, John Youmans, Karen Mathiak, Delores Phillips, and Ray Browning voting for the motion.

MINUTES

The minutes of the December 11, 2001 meeting were approved on a motion by Mr. Youmans and a second by Ms. Phillips with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, Frank Harris voting for the motion.

TEXT AMENDMENTS:

Amendment to UDO #A-01-20: Amendment to C-1, C-1A, C-1C, & C-2 Districts – to allow the continued use and expansion of existing single family homes being used for residential use.

Ms. Reynolds stated the intent of this text amendment is to rectify a situation. As an example: the homes located on East McIntosh Road and other homes when built were built in acceptable districts; however, as the districts have changed, single family homes and the continuation of the use have not been allowed within commercial districts. Therefore, should someone residing in a commercial district wants to do an addition to their home, the expansion should not be allowed without a variance. The intention of this ordinance is to rectify so the continuing use of a residential home would be allowed.

Mr. Browning asked if this would apply to the multi-use situations, which Spalding County just enacted.

Mr. Galloway stated this would apply only where a residential use pre-existed. Ms. Reynolds stated this would not govern the establishment of new residences.

MOTION

Mr. Harris made a motion to approve Amendment to UDO #A-01-20. The motion passed on a second by Mr. Browning with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

Amendment to UDO #A-01-21: Amendment to Appendix E. Sign Ordinance – Section 1104: allow permitting of signs less than 12 feet in height without certification by a surveyor or registered engineer.

Ms. Reynolds stated this amendment would allow a little more leancy in the requirements of a new sign or existing sign for smaller businesses. Spalding County has had several businesses come in to apply for smaller signs (ex. 3’ x 5’). The Sign Ordinance requires a plat certified by a registered engineer and land surveyor. The amendment to the Sign Ordinance would allow smaller signs less than 12 feet in height to not require a plat certified by a registered engineer. The business would simply come into the office and present what has been drafted by themselves or a surveyor to place the sign on the property.

MOTION

Mr. Browning made a motion to approve Amendment to UDO #A-01-21. The motion passed on a second by Ms. Phillips with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

Amendment to UDO #A-01-22: Amendment to Article 3. Establishment of Districts – Section 301:A – change R-2 to Single Family Residential; add R-2A – Single Family and Two Family Residential, R-6 – Planned Residential Community, O & I, Office and Institutional, & PDD – Planned Development District, and Section 301:B – add AKB – Arthur K. Bolton Parkway Overlay Zone, S-3 – Sensitive Land-Groundwater Recharge Protection, & S-4 – Sensitive Land-Wetlands Protection.

Ms. Reynolds stated this amendment is to up-date the list of districts in the UDO of the changes that have been made in the few months and years.

MOTION

Mr. Browning made a motion to approve Amendment to UDO #A-01-22. The motion passed on a second by Mr. Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

OTHER BUSINESS:

Sketch Plan Discussion: A conservation subdivision of 6.433 acres located on the corner of Rehoboth Church Road and Buckcreek Road (for discussion only).

Ms. Reynolds stated Mr. Bethune and Ms. Golden's request is the first Conservation Subdivision that has been received by the Community Development office. Ms. Reynolds stated the first step of the process is to submit a sketch plan, which is for discussion purposes only and no vote is necessary. The purpose is for discussion of the plan and give any recommendations to the applicant for submission of the preliminary plat.

Ms. Reynolds stated the plat consist of a little over 6 acres. The plan is before the Planning Commission tonight, because the applicant submitted a rezoning request for a residential district back in October 2001. At that meeting, the Planning Commission recommended that the applicant withdraw the application and submit a plan for a Conservation Subdivision. Since that time, the applicant has subdivided the top portion of the property into three (3) 2 acres lots as allowed under the AR-1 district. Under the AR-1 district, if the balance of the property is divided into 4 or more lots, the property is considered a subdivision. Therefore to divide the balance of the property at the bottom, 5 or more lots would be created and would require a residential rezoning or apply for a conservation subdivision.

Bill Bryant entered the meeting at this time.

The intent of the plan before the Planning Commission tonight is to allow a substantial size lot for the type of home Mr. Bethune wants to build. In exchange, the property owner purchasing a 1-acre piece of property in the agricultural area, which is mostly developed residentially, surrounded by open space. Although 1 acre is owned, the feel or the aesthetic look of the property is a lot more open. This would also guarantee that the openness would be kept around the homes.

Mr. Harris asked about the access to the green space off of Rehoboth Road. Mr. Browning stated there were 3 entrances to the green space. Ms. Reynolds stated that the green space is not required to have any public or private access to that green space. Just because the green space has road frontage, does not mean it will have an entrance to a park. The green space could as easily be fenced up. Ms. Reynolds stated Mr. Bethune's intent is that the green space would not be public property, but jointly owned by the 3 property owners.

Mr. Bryant asked if the development would have some type of association to maintain the green space. Mr. Galloway stated there would have to be. Mr. Galloway stated that this size tract is consistent with the conservation subdivision requirements. Mr. Galloway stated what Mr. Bethune and Ms. Golden has been submitted meets all the requirements for a conservation subdivision. Mr. Galloway stated this plan is not what was intended for a conservation subdivision. Mr. Galloway stated to make a conservation subdivision on 6-acres, Mr. Bethune will have to submit a very extensive restrictive covenant document or homeowners documents over 3 acres of green space. Mr. Galloway stated he did not know what mechanisms were available to get around this situation given the fact that there was a fight over the zoning. Mr. Galloway stated certainly rezoning draws fire from that section of the county, plus Mr. Bethune has reached the limit for the number of divisions allowed as it is without being a subdivision. Mr. Galloway stated there has to be a better way to handle this other than what has been submitted on the plat.

Mr. Browning stated the inherent danger of pushing forward with this plat is, that it would be so difficult to comply with the ordinance, and Spalding County may get soft and weakened and allow something that probably should be allowed in order to make this fit and may cause problems at a later date when the county has a 50 to 100 lot subdivision. Mr. Browning stated the county does not want to start out with a bad example.

Mr. Harris asked why this sketch plan was submitted. Mr. Browning stated the rezoning application was withdrawn due to the heavy opposition against the rezoning. Mr. Browning stated the residences in the area thought that there were going to be 13 houses put on 13 acres. Mr. Browning stated the Planning Commission kind of lost control of the situation because of the crowd. Mr. Browning stated 5 more houses on 2-acre lots are not inappropriate for that part of our county, and the price range and size entirely fits the area. Mr. Browning stated his suggestion is that the Planning Commission asks to divide this property into 2 3-acre tracts that would allow Mr. Bethune to create a greater advance to divide from this existing home. Mr. Browning stated this would allow Mr. Bethune to separate the home from the 2 remaining site built homes Mr. Bethune would like to build. Mr. Browning stated the existing home on the property has been remodel and has been made presentable for the neighborhood. Mr. Browning stated subdividing the lot would not create a crowded neighborhood, and with the road frontage Mr. Bethune has with this lot, he would have excellent separation. Mr. Browning stated Mr. Bethune should have no problem marketing the homes.

Mr. Galloway stated the plat shows that the concept of the conservation subdivision needs to have more acreage than what was presented. Mr. Galloway stated that the Planning Commission might consider on a minimum acreage to be required for a conservation subdivision. Mr. Galloway stated if the Planning Commission would take into account what all would have to be submitted for 3 acres of green space on this division of property, the developer would have to submit a detailed plan, an overlay of the conservation area, a formal homeowner restricted covenant documents that satisfy the county, which deal with and protect the maintenance of the green space, and a plan for the maintenance of 3 acres of property. Mr. Galloway stated the plan submitted is not a good fit and is not what was intended for a conservation subdivision. Mr. Galloway stated there should be a better way to deal with the division of the property other than what has been submitted on the sketch plat. Mr. Galloway again stated that the Planning Commission might wish to consider a minimum size requirement on the conservation subdivision.

Mr. Bryant asked Mr. Galloway if there would be a way for Spalding County to rezone the property subject to conditions that might comply. Mr. Galloway stated Spalding County could rezone the property and condition the rezoning to require the minimum lot size be 2 acres, which is consistent with AR-1. Mr. Galloway stated there has never been a problem with allowing 6 lots on 13 acres. Mr. Galloway stated the county would be better off rezoning this tract and conditioning the zoning to be consistent with the area.

Mr. Galloway stated he views the rezoning of the property with conditions is a better alternative than the plan submitted. Mr. Galloway he stated there may be neighborhood opposition on the rezoning, but in terms of policy, it would be better than to allow the plan submitted.

Ms. Reynolds stated Ms. Golden would need to fill out an application, get a copy of the certified deed, and a copy of the plat showing the 3 tracts of property. Ms. Reynolds advised Ms. Golden if the Community Development office receives the application by next Friday, our office will put Ms. Golden on the first meeting in February, and then to the Board of Commissioners the end of February with second reading in March.

ELECTION OF VICE-CHAIRMAN

Ms. Mathiak called for nominations for vice-chairman.

Mr. Harris nominated Bill Bryant as vice-chairman, seconded by Ms. Mathiak.

There were no other nominations and the nominations were declared closed.

Mr. Bryant was elected with Ray Browning, Delores Phillips, Karen Mathiak, Frank Harris, and John Youmans voting for Mr. Bryant, and Mr. Bryant abstaining.

ELECTION OF CHAIRMAN

Ms. Mathiak called for nominations for chairman.

Mr. Harris nominated Karen Mathiak as chairman, seconded by Mr. Browning.

There were no other nominations and the nominations were declared closed.

Ms. Mathiak was elected with Ray Browning, Delores Phillips, Frank Harris, Bill Bryant, and John Youmans voting for Ms. Mathiak, and Ms. Mathiak abstaining.

ADJOURNMENT

Mr. Browning made a motion, seconded by Mr. Youmans, to adjourn the meeting. The motion passed with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, Bill Bryant and Frank Harris voting for the motion.

Karen Mathiak – Chairman

Cindy McDaniel - Recorder