

PLANNING COMMISSION
Regular Meeting
January 29, 2002

The Spalding County Planning Commission held its regular meeting on January 29, 2002 at 7:00 P.M. in the County Commission Meeting Room #108, Spalding County Courthouse Annex. Members present were: Chairman Karen Mathiak, presiding, Bill Bryant, Delores Phillips, Ray Browning, John Youmans, and Margaret Palmer.

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.

MINUTES

The minutes of the January 8, 2002 meeting were approved on a motion by Bill Bryant and a second by Delores Phillips with Karen Mathiak, Bill Bryant, Delores Phillips, and John Youmans voting for the motion. Margaret Palmer abstained since she was not at the meeting.

Ray Browning entered the meeting at this time.

Application #01-35Z: Mitchell Ira Perkins, Sr., Hilda Perkins Howard, and Edna Perkins Raven, Owners – Sofran Group, Agent – 13.143 acres on Zebulon Road located in Land Lot 119 of the 2nd Land District – requesting a rezoning from C-1, Highway Commercial, and R-1, Single Family Residential Low Density, to C-1, Highway Commercial.

Jim Murray came forward, stated his name, and gave his address as 118 North Expressway, Griffin, Georgia.

Mr. Murray stated he is present, along with Chris May and Frank Scott who represent The Sofran Group. The Sofran Group is trying to purchase and rezone a piece of property on Zebulon Road/Martin Luther King Jr. Drive. The property is owned in 2 tracts. One is a 13.35-acre tract, which is zoned C-1 and R-1, and the other is a 5.12-acre tract, which is currently zoned C-1. Mr. Murray stated the Sofran Group is requesting that the entire 13.35-acre tract be rezoned to C-1. Mr. Murray stated the purpose of the rezoning is that The Sofran Group would like to put in a neighborhood shopping center on this tract of land. Mr. Murray stated the Planning Commission should have a site plan of the development before them tonight.

Mr. Murray stated The Sofran Group would be running sewer from Ingles across the road to this development. The sewer would be available to the McDonald's, the bread store,

the manufactured home dealer, and another vacant lot in the area. Mr. Murray stated all other utilities are available for this development.

Mr. Browning stated that he knows there is a very heated ongoing debate about the sewage in that area. Mr. Browning asked where the sewer would be coming from. Ms. Reynolds advised Mr. Browning that the sewer would be coming from Ingles, which is across on the other side of the Expressway. Ms. Reynolds stated that The Sofran Group has acquired an easement under the road. Mr. Browning asked if the County has notice of the easement. Ms. Reynolds stated she has confirmed the easement with Mr. William White of the City of Griffin. Mr. Murray stated that Mr. Mitchell Perkins is present tonight, and Mr. Perkins is the one who actually obtained and paid for the easement. Ms. Reynolds stated that there is written confirmation in the rezoning application, and a verbal confirmation from Mr. William White. Ms. Reynolds stated when construction plans are filed, The Sofran Group would need to confirm the sewer system connection. Ms. Reynolds stated the sewer system connection would need to be confirmed in writing in our office with the construction plans before a building permit would be issued. Ms. Reynolds stated that for all applications that come through the Community Development office, it is the applicant's responsibility to show that there is adequate waste disposable system.

Mr. Youmans had concern about the traffic flow that would be in and out on the property. Mr. Murray stated The Sofran Group is working with the Georgia Department of Transportation on this situation. Mr. Youmans asked how soon a traffic light might be available for that intersection. Ms. Reynolds stated a traffic light would not be up to the County, but the Georgia Department of Transportation. Ms. Reynolds stated the Georgia Department of Transportation could not advise her if there is a low or a high traffic count. Ms. Reynolds stated a traffic light would not be determined by the traffic going up and down the Expressway, but by traffic going across that intersection. Ms. Reynolds advised the Planning Commission that the Georgia Department of Transportation would be reviewing the construction plans and determining if accel and decel lanes would be required.

Mr. Murray stated the development would have a drive-thru pharmacy on site, and there would, also, be a gasoline island on the development.

Mr. Bryant asked what time frame The Sofran Group was anticipating on beginning the development. Mr. Scott advised that The Sofran Group was hoping to begin within the next 5 to 7 months.

MOTION

Mr. Youmans made a motion to approve application #01-35Z. The motion passed on a second by Ray Browning with Karen Mathiak, Bill Bryant, Delores Phillips, Ray Browning, John Youmans, and Margaret Palmer voting for the motion.

Ms. Mathiak advised this application would go before the Board of Commissioners on February 28 at 6:00 p.m.

OTHER BUSINESS:

Ms. Reynolds stated the letter before the Planning Commission tonight is from the Spalding County Board of Commissioners in reference to the rezoning of property on East McIntosh Road and Pineview Road which began back in July, 2001 and went to first hearing in August, 2001. The application has stalled out at the Board of Commissioners level, and no one is coming up with a positive solution for this rezoning. Ms. Reynolds stated at the conclusion of the Board of Commissioners meeting, in an effort to clear up the agenda and move things along, the Board of Commissioners has requested that the Planning Commission consider a request to withdraw the applications.

Ms. Reynolds stated that the neighbors in the area have a great concern as to what would be happening to the large piece of property behind the lots fronting along East McIntosh Road. Ms. Reynolds stated that the neighbors are more concerned with the property being rezoned to residential and getting a residential subdivision that the neighbors don't care for small lots, small houses, and would rather take chances on the property staying C-2. Ms. Reynolds stated the neighbors feel it is less likely for a heavy C-2 use to be put on the property than a subdivision. Ms. Reynolds stated, also, the R-2 zoning that began in August, 2001 with these applications is not the same R-2 zoning that is today. Ms. Reynolds stated the neighbors would be comfortable with 1,400 square foot homes, plus the addition of a garage. However, the developers interested in the property were not willing to accept the 1,400 square feet.

Mr. Galloway stated in the interim period between the first time the Planning Commission heard the application, Gloria Treadway entered into a contract with Mike Jackson. Mr. Jackson was agreeable to built at the old R-2, but was not in agreement to do the R-2 at the new requirement of 1,400 square feet heated. Mr. Galloway stated a motion to approve the application for Jackson to go to R-5 at 1,250 square feet minimum failed on a vote of 2 in favor and 3 against. A motion was then made to consider denial, and the Board of Commissioners could not get 3 votes to support a motion to deny. Mr. Galloway stated instead of leaving the application in limbo at the end of the meeting, the Board of Commissioners was asked to consider giving the Planning Commission direction or suggestion to withdraw the applications.

Mr. Galloway stated that the neighborhood was present and very happy to see a residential development of 1,400 square feet. Mr. Jackson refused to consider the 1,400 square feet. The result was, on the motion to approve the rezoning to go to R-5 with 1,250 square feet for conventionally constructed homes, a vote of 2 to 3, with the 3 opposing. Mr. Galloway stated this voting situation has happened before where the Board of Commissioners would make a motion to approve a rezoning application, and then the vote would fail. Mr. Galloway stated as a matter of the way the ordinance is written, Spalding County has had to apply the rule that the failure of the motion to approve to pass by a majority does not equal the denial of the application so as to kick in the time restrictions to prohibit someone from coming back with another rezoning application. Mr. Galloway stated the applications are just sitting. Mr. Galloway stated this is the third time in 3 years that a vote like this has occurred. Mr. Galloway stated the

Planning Commission might wish to consider a text amendment that states the failure to pass a motion to approve an application equals a denial.

Mr. Galloway stated the bottom line is that the property remains zoned commercial because of the difference of over approximately 150 square feet or about \$10,000.00 per house.

Mr. Galloway stated that Michael Sabine urged Mr. Jackson to consider upgrading the square footage, and Mr. Jackson refused.

Mr. Galloway stated that he, Jennifer Reynolds and Michael Sabine had a brief discussion and asked the Board of Commissioners if an agreement couldn't be reached, does the Board of Commissioners wish for the application to continue to sit, or does the Board of Commissioners wish to have the process stopped.

Mr. Browning stated during the Planning Commission meeting, he had made the recommendation that the rezoning of R-2 be conditioned to 1,400 square feet. Mr. Browning stated having made that recommendation; his thoughts are that for the Planning Commission to simply back up the indecision of the Spalding County Board of Commissioners by withdrawing the application might not necessarily be the thing that the Planning Commission should do. Mr. Browning stated in his opinion, the Spalding County Board of Commissioners should either approve or deny the 1,400 square feet. Mr. Browning stated that the Spalding County Board of Commissioners has the right to vote for the 1,400 square feet. Mr. Browning stated he felt that the Planning Commission should stand by their decision of the recommendation to Board of Commissioners of R-2 at 1,400 square feet heated area. Mr. Browning stated he felt the Planning Commission did a good thing by recommending the R-2 at 1,400 square feet.

Mr. Bryant stated the principal uses under the C-2 are very heavy. Mr. Browning stated if the Planning Commission were to withdraw the applications and leave the property at C-2, the neighborhood would be at risk.

Mr. Browning again stated that the Planning Commission made a very good decision on the recommendation to the Board of Commissioners. Mr. Browning stated he personally is willing to stick by that decision and hoped that his fellow commission members are also.

Ms. Phillips stated the subdivision is very appropriate for the area. There are not many subdivisions in certain areas of the county. Ms. Phillips stated when someone wants to move in or upgrade, there are no subdivisions to move to. Ms. Phillips stated one reason why people are moving out of Spalding County is because they are unable to find anything here that is comfortable and where they would like to live. Ms. Phillips stated the area is an established neighborhood with well-kept homes and the residences care about their community.

Mr. Galloway stated there are two options to consider. One option would be to see if Mr. Jackson would consider increasing the square footage, or the other option would be to have at least one more commissioners to be willing to affirmatively vote for the R-2 with the 1,400 square foot minimum. Mr. Galloway stated those are the only two options he sees, or otherwise the applications would die. Mr. Browning stated he felt the Board of Commissioners doesn't really know what is out there. Mr. Browning stated there is enough money behind the people that own this property to do pretty much with it what the owners want to. Mr. Browning stated if the owners wanted to develop the property commercially, the owners have the resources to do it.

Mr. Browning stated there is a possibility of industrialization, and there is, also, a possibility of a consolidation of property. Mr. Browning stated that someone could come in, buy up 10 to 15 of the lots on East McIntosh Road, bulldoze the houses down, and put in a use allowed under the C-2 zoning. Mr. Browning stated a situation of that nature would not be good for the neighborhood.

Mr. Galloway stated what he is understanding from the Planning Commission is that the Planning Commission feels like this rezoning should be voted on principally because of the risk from development commercially.

Ms. Reynolds asked the Planning Commission for a consensus on whether the Planning Commission would like to stay with the 1,400 square feet or whether the Planning Commission would support/recommend a compromise of any sort, and did the Planning Commission wish to put a number on that. Mr. Browning stated a merit compromise would be in order to prevent a risk, but certainly not anything great. The Planning Commission agreed with Mr. Browning that the 1,400 square feet should remain.

ADJOURNMENT

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

Karen Mathiak – Chairman

Cindy L. McDaniel - Recorder