

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
February 10, 2004

The Spalding County Planning Commission held its regular monthly meeting on February 10, 2004 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Karen Mathiak, Chairman, presiding, Ronald Green, Delores Phillips, and John Youmans. Ray Browning was not present.

Also present were Charles Taylor, Community Development Director, Lee Craig, Senior Planner, Newton Galloway, Attorney, Jim Fortune, Attorney and Yvonne Langford to record the minutes.

Ms. Mathiak 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.

Consideration of Northside Drive Annexation: Formal decision regarding the request by GT Communities to annex and rezone property located at North Hill Street and Northside Drive.

Mr. Galloway recused himself from discussion on the Northside Drive Annexation.

Mr. Fortune handled the annexation issue. He said this application needs to be considered just as any other rezoning would. Once the Planning Commission makes its recommendation, this will then go to the City Planning Commission. If there are differences between the County Planning Commission recommendation and the City Planning Commission recommendation, the city will have options. They can investigate further and then have a hearing. The hearing will be on the rezoning issue. At that point in time, the County would have standing to appear before the city and raise any bonafied land-use classification objections. If they cannot resolve the differences or find common ground then, once the city takes affirmative action on what they decide, the county then has 10 days to file written objection to “trigger” mediation proceedings.

Mr. Taylor said there were some concerns brought to him regarding the fact that there are still areas in the immediate area, particularly Bourbon Street, that are not sewerred. It is the hope of the county that those areas would be sewerred when this property receives its sewer. They have worked hard in the county to increase house size by increased square footages. Within a quarter mile, there is a development that has been approved for zoning that will have houses of 1400/1500 square feet. The houses will have two-car garages, brick accents, etc. that will be in competition with this development. The county has been ratcheting up house sizes and designs. It is hoped that this annexation and rezoning by the city would also look at increasing house sizes as well. There are some “gray areas” in the conditions that have been put forth by the city specifically regarding

saving trees. It says that trees will be saved but it was not quantified in any way. There was discussion regarding six foot or four foot sidewalks but it does not say which. Those kinds of vague terms make enforcement difficult when a property develops. It is hoped those conditions could be more specific. There has been discussion of a fence along Northside Drive and the recommendation is that if a fence is required it will look best if the fence is not directly adjacent to the road but that there is a fence, buffer and then the road. Sometimes the screening fences end up looking worse than what you are trying to screen.

Mr. Youmans said it appears the condition of green space for the neighborhood is vague. They have reserved some area for green space but it is along the side where it is probably not buildable.

Mr. Taylor said it does appear to be in the flood plain areas. He did not know whether there is going to be proposal for “high ground” recreation area outside the flood plain areas or the easement areas.

Bill Johnston – 124 North Hill Street

Mr. Johnson made a presentation to the Commission regarding this annexation and Mr. Vince Hines with the City of Griffin and Mr. Mark Whitley with Southside Developers were present to answer any questions.

Mr. Johnston said a presentation was made at the last meeting and said if there were specific questions they would discuss them. The sidewalks will be four feet. There will only be fencing in areas where the back part of a lot is against a main thoroughfare. He identified the areas on maps that were furnished to the members of the Planning Commission. He discussed the sewer issues noting that the developer is going to bring the sewer to the site. If the city and county want to develop sewer, there will be a line within so many feet of the houses in the area. He is not certain what the arrangements are between the city and county regarding sewer.

Discussion was held regarding the plans that had been furnished regarding the number of lots, the green space, recreational area, sidewalks, sewer in the surrounding area and fencing. Mr. Hines said that he is certain that whatever the Planning Commission recommendations are the city can come to terms with them for this development.

Mr. Youmans said the county has worked to increase the square footage and requiring two-car garages.

Mr. Hines said the city requirements regarding one-car garages and amenities is “leaps and bounds” above what is in the area. It is an improvement in the area. The zoning is based on the city comprehensive plan and what is projected for this area. He is confident the differences can be resolved.

A recess was taken so that everyone in attendance could review the site plan.

Mr. Johnston said this was a developer that is willing to invest money to improve an area that has deteriorated. Home ownership will help to make the area better. It is presently zoned commercial, industrial and apartments. You do not want to put apartments here. If he does, it will exaggerate the problems. If the people own the homes, they will take care of them.

Mr. Taylor said there are three zonings, C-2, R-3 and R-1.

Dick Morrow – County Commissioner

263 Westchester Drive

Mr. Morrow said that the present zoning, for the most part, is unacceptable. C-2, industrial and R-3, apartments are totally unacceptable. Single-family residences would be an upgrade. The question is at what level do you want to see the single-family detached residences. What is a reasonable expectation from the city? He has no quarrel with Mr. Whitley but his boss is the one that built Hallmark Hills and Deer Creek, which are two of the very low-quality developments in the area. He would like to see that this development is restricted. There is a task force working to try to fix some of the development standards in the area. The county has had a one-acre minimum for some time because that is the non-sewered minimum lot size. They are presently working to determine what sewer density should be. At the task force meeting last Friday, they were able to agree very quickly what the sewer density should be. There is a scale depending on the land-use map. In the area, like the one under consideration, which would be a medium density development of single-family homes, it was agreed one-half acre lots would be the standard. On 47 to 48 developable acres, you would get a maximum of 94/96 houses with sewer. This would be a much better number than the number they want. The minimum house size in the county is 1250 SF and the attempt is to not create developments at the 1250 level, 1400 SF is much better. A recent development to the north was required to build at a minimum of 1400 SF with two-car garages and other amenities including sidewalks and masonry accents. The density is too high on this tract and one-half acre lots should be required. The layout is acceptable with fewer houses. There should be conditions to require some larger houses on a percentage basis. The house size is too small overall. All the houses should have a garage.

Johnie McDaniel – County Commissioner

1603 Beville Drive

Mr. McDaniel said he agrees with Mr. Morrow's comments and his comments are basically the same. The density is too great. He would like to see larger houses but with the market in the area this might be all the market will bear. He would like for all the houses to have double garages. Houses this size will probably be for younger families. Families grow and they soon run out of storage area and you will see "stuff" on the outside. Single car garages will not be large enough. The bad is with more density, more people. The good thing is that this will bring sewer to areas in the county that need it desperately. He would like to see conditions that would bring a better quality development. He wants less density.

Eddie Goss – County Commissioner

Mr. Goss said he agreed with Mr. Morrow and Mr. McDaniel.

Mr. Johnston said the developer is trying to produce a product that he can sell. To recommend to the city that they put conditions on approval is not fair to the developer. The developer is making a “gutsy move” for this area and economy. He requested that if there is concern on density and amenities are wanted to be specific. If you don’t like the density, then tell what you want so they can know where they are starting. He requested that it be approved as submitted so they can move forward.

On question, the anticipated price range was stated to be in the \$90’s.

Mr. Morrow said the city is well served with affordable houses in this price range. He feels the city would be much better served with houses above the \$100,000 price range. If this area will not sell at above \$100,000, then it should not be developed. There are plenty of available houses in the \$90,000 price range.

Mr. Youmans said he would like to see one-half acre lots size that would take care of the density issue. He would additionally like to see two car garages. He is less concerned about the square footage of the houses.

Mr. Green said he lives south of Griffin and passes Deer Creek everyday, six days a week. He has all kinds of problems looking at a development with this density. He agrees with Mr. Youmans regarding the lot size and would like to see larger homes but that might be hard. He does not feel good about this development.

Ms. Phillips said looking at this development, Griffin is in Spalding County and what affects the city affects the county. Spalding County has worked hard to be progressive with house sizes, design criteria, lot sizes, and density. This area does not need another area with a lot of people. She has family members that have moved from Spalding County because they cannot find areas where they would like to live. If a nice subdivision is developed, we might be able to keep some of the people in the county. Three families have left Spalding County recently because they could not find anything in their neighborhood in which they wanted to live. She commended Mr. Whitley for wanting to take on this project but something is needed that will grow Spalding County and the City of Griffin. The City of Griffin needs quality housing. Her house was annexed into the city four years ago she lived in a 700 SF house where she was raised. All the neighbors had brick homes. The subdivision behind her was brick homes. When they were annexed into the city, they brought in houses that were not up to the standards that the people in the neighborhood had worked long and hard to improve. When this was presented to Spalding County, the neighbors came and objected to the application because it would bring their property value down. There are products in the City of Griffin that do not need to be and this project, as proposed without garages and without design criteria is not needed just to say we have affordable housing. There are people willing to pay more for houses if they can find them.

Ms. Mathiak said Mr. Johnston has asked for the Planning Commission to be specific. She called for a motion.

MOTION

Mr. Youmans made a motion to approve the annexation application conditioned, in addition to the standards set by the City of Griffin, that lot size will be a minimum of one-half-acre, with two car garages on all houses, with 70% of the houses at a minimum of 1250 SF and 30% at a minimum of 1400 SF. A minimum of 25% of the houses will have brick/stucco accents. Additionally, there will be a commercial grade recreation/playground area at least one-half acre in size for the children. The motion passed on a second by Mr. Green with Mr. Green, Ms. Mathiak, and Mr. Youmans voting for the motion and Ms. Phillips voting against.

Mr. Fortune left the meeting at this time and Mr. Galloway was present.

Amendment to UDO #A-04-02: Lift from the table – Appendix A. Subdivision Ordinance – Section 505:B (6) – amend to only require detention pond fencing for ponds deeper than 5 feet.

MOTION

Ms. Phillips made a motion to lift Amendment to UDO #A-04-02 from the table. The motion passed on a second by Mr. Youmans with Mr. Green, Ms. Mathiak, Ms. Phillips and Mr. Youmans voting for the motion.

Mr. Taylor said this ordinance will basically eliminate the requirement for fencing for detention ponds if the height from the invert of the outward structure, the place that the water flows into the pipe at the pond, to the top of the dam is five feet or less. Commissioner Eddie Goss has concerns regarding the liability on the part of the county if the fencing requirements are eliminated. This was tabled last time to get more information regarding liability. Commissioner Dick Morrow and some of the developers in the county would like to see the fencing requirements eliminated and replaced with something else such as landscaping or aesthetic requirements.

Newton Galloway said he was requested to see if the detention pond requirements were comparable with other jurisdictions and to assess whether or not the county would have liability with imposing or deleting the fence requirements. He had a memorandum that summarized the fencing requirements in other jurisdictions. He went over that report. He further reported that the county would have little or no liability because it is protected under the document of sovereign immunity, as an arm of the state, from lawsuits. Sovereign immunity is not an absolute protection if the county were to do something willful with the intent to harm someone the county would be subject to a lawsuit.

Dick Morrow - County Commissioner
263 Westchester Drive

Mr. Morrow said he knows that Mr. Goss is concerned by the liability. He did not feel the county had any liability and Mr. Galloway has confirmed that issue. This should be a

matter between the property owner and his insurance company. He has a number of detention ponds and as a commercial pond owner his insurance company is his guiding principal because they continue to inspect and make requirements on anything they consider to be hazardous. He has never had an insurance company to have any issue with a detention pond. They generally do not feel they are a hazard in any reasonable form. This is an undue infringement on private property. The chain link fences are unsightly and most developers would rather develop landscaping and not have to put up the fencing. The liability is the responsibility of the property owner and the county should not be involved. If the detention pond is dangerous, then the county should fence in culvert and ditches, it is the same thing.

Eddie Goss – County Commissioner
105 Parham Road

Mr. Goss said the county may not have a legal liability but it has a moral responsibility to make them safe. He has visited the detention ponds all over the county and the homeowners are supposed to take care of them. Everyone he visited, with the exception of one or two, were nothing but a mosquito pond. 90% of them continuously hold water and never completely drain. It is a hazard. If you are going to have an ordinance to require fencing around any of them then you need to have a fence around all of them. If we say only at a certain depth they are required, then you don't need to have fences around any of them. If there were a way to do away with detention ponds all together, he would do it. They are nothing but a holding ground for mosquitoes and other varmints.

MOTION

Ms. Phillips made a motion to approve Amendment to UDO #A-04-02 using vinyl clad six foot chain link fence when fencing is required. The motion was seconded by Mr. Youmans.

Ms. Mathiak said she looked at some detention ponds also, and they have turned into garbage dumps. She wanted to know if code enforcement can do anything to see that they are cleaned up.

Mr. Taylor said if there is illegal dumping, then they would have some authority, but if the homeowner is using it for storage, then that is a different matter.

Discussion was held regarding the maintenance of the detention ponds and whether or not they were hazardous. They were in agreement that the chain link fence was unsightly. They discussed ways to improve the appearance of the detention ponds and considered the possibility of different requirements for commercial versus residential. They were also concerned regarding the hazard to small children. The Planning Commission determined that they would like to have more information and more time to research the issue regarding the fencing of detention ponds.

Ms. Phillips withdrew her motion and Mr. Youmans withdrew the second.

MOTION

Mr. Youmans made a motion, seconded by Mr. Green, to table Amendment to UDO #A-04-02. The motion passed with Mr. Green, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

Amendment to UDO #A-04-03: Article 5. AR-1 Agricultural and Residential – Section 503:C (13) – revision to Home Occupation, Minor, or Home Occupation, General, excluding public garage, repair garage and kennel.

Mr. Galloway said this is a simple ordinance requested by the Board to change the text to make general home occupations in AR-1 to require special exception approval for general home occupations. The same changes will be made in AR-2.

MOTION

Mr. Youmans made a motion to approve Amendment to UDO #A-04-03. The motion passed on a second by Ms. Phillips with Mr. Green, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

MINUTES

Mr. Green made a motion to approve the minutes of the January 27, 2004 meeting. The motion passed on a second by Mr. Youmans with Mr. Green, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

MOTION

The meeting was adjourned on a motion by Mr. Youmans and a second by Ms. Phillips with Mr. Green, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

Karen Mathiak – Chairman

Yvonne M. Langford - Recorder