

PLANNING COMMISSION
Regular Meeting
February 12, 2002

The Spalding County Planning Commission held its regular meeting on February 12, 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 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.

MINUTES

The minutes of the January 29, 2002 meeting were approved on a motion by Mr. Browning and a second by Mr. Bryant with Karen Mathiak, Bill Bryant, Delores Phillips, Ray Browning, and John Youmans voting for the motion.

Application #02-01Z: Jay W. Bethune, Owner – Pat Golden, Agent – 6.431 acres on Rehoboth Church Road, located in Land Lot 106 of the 3rd Land District – requesting a rezoning from AR-1, Agricultural & Residential, to R-5, Single Family Residential.

Ms. Mathiak stated that the procedures were being changed tonight per the conference at the University of Georgia. Ms. Mathiak asked Ms. Reynolds to present to the Planning Commission what the application is about and present the staff report.

Ms. Reynolds stated this application before the Planning Commission is an evolution from an application back in October 2001. Ms. Reynolds stated the application back in October was for some smaller lots at the corner of Buck Creek Road and Rehoboth Church Road. Ms. Reynolds stated at that hearing, the applicant withdrew the application and came back with a Conservation Subdivision as requested by the Planning Commission and staff. Ms. Reynolds stated the sketch plan for that Conservation Subdivision was reviewed back in January, and the Planning Commission decided that that was not the intent of the Conservation Subdivision ordinance and not the best development for that corner. Ms. Reynolds stated the rezoning application before the Planning Commission tonight is for a total of 6.431 acres. Ms. Reynolds stated the applicant is requesting to subdivide the 6.431 acres into 3 2 plus acres of property per tract. There is already 1 existing home on 1 of the tracts, which is resulting in 2 additional homes. The staff feels this is compatible with the area. The recommendation comes to the Planning Commission with conditions for site built homes only and for lots shall be a minimum of 2 acres in size as shown on site plan submitted by the applicant.

Pat Golden came forward, stated her name, and gave her address as 1080 Kilgore Road.

Ms. Golden stated she wanted to let the people, who live in the area, know she is unaware how the rumor got started on the number of houses that were going to be on the total acreage of the lot. Ms. Golden stated from day 1, there was only going to be a total of 5 additional houses on that total tract. Ms. Golden showed the Planning Commission pictures of the houses to be built on the property. Ms. Golden stated it has always been Mr. Bethune's intention to build stick built homes on the property. Ms. Golden stated most of the Planning Commission is familiar with the types and kind of homes that Mr. Bethune builds. Ms. Golden stated the homes to be built on this property are similar to the ones that have been built in Nottingham Estates and on East McIntosh Road and Pineview Road. Ms. Golden stated the homes will range from 1,250 and 1,300 square foot heated area.

Frank Harris entered the meeting at this time.

Frances Wrenn came forward, stated her name, and gave her address as 2155 Rehoboth Church Road, Griffin, Georgia.

Ms. Wrenn stated she resides on land that has been in her family for over 100 years. Ms. Wrenn stated she loves Spalding County and the rural atmosphere, and she wants only what is best for Spalding County. Ms. Wrenn stated she felt that it was improper and irregular for the Planning Commission to suggest at the last hearing for the developer to withdraw his rezoning application and get refunded his money back. Ms. Wrenn stated by the Planning Commission allowing the developer to do this, it only enabled him to come back 3 months later with another application, and the area residences have to come back out again on this application. Ms. Wrenn stated she thought a developer had to wait a year to come back with a different zoning classification. Ms. Wrenn stated the county is adhering to the wishes of the developer, but what of the taxpayers of Spalding County. Ms. Wrenn stated she is asking that this rezoning request be denied and keep the property AR-1. Ms. Wrenn stated the developer knew the property was AR-1 when the property was purchased, and the developer should have to adhere to the requirements for the AR-1 district.

Ms. Wrenn stated there has been a lot of growth in Spalding County. A lot of the residences in the area moved in the county to have an agricultural lifestyle.

Ms. Wrenn stated if the zoning is approved on this property, this will set a precedent for other developers to come into the area. Ms. Wrenn stated she is aware that the zoning requirements for the AR-1 have been changed to require 3 acres. Ms. Wrenn stated that the developers are not going to want to develop in the AR-1 and would be requesting a rezoning on property also. Ms. Wrenn stated some people have the mistaken idea that any development is good development, but much of what has been read does not support the idea.

Ms. Wrenn stated it is harder and harder for agricultural to co-exist as more people keep moving into Spalding County. Ms. Wrenn stated she felt one of the biggest reason people are scared to move to Spalding County is because the people don't know how the

zoning will be. Ms. Wrenn stated she knows people don't like to hear Pike County and Fayette County mentioned, but Spalding County does not have to be exactly like these 2 counties. Ms. Wrenn stated that Spalding County can do better. Spalding County could take some of the things that Pike County and Fayette County have done and use some of the things these 2 counties have done and manage Spalding County's growth. Ms. Wrenn stated it is not too late for Spalding County. Spalding County is a wonderful county, and the taxpayers cannot change the direction of the county, but the Planning Commission and the Spalding County Board of Commissioners have it in the Boards power to set the direction of Spalding County so Spalding County can have quality growth for the next several years.

Ms. Reynolds stated she wished to clarify an issue on the 7 acres directly north of the 6 acres, under discussion now, has already come into the Community Development office and has been subdivided under the old AR-1 district requirements of 2-acre lots. Ms. Reynolds stated there are currently 3 recorded lots of 2-acres in size directly above the parcel under discussion tonight.

Bobbie Norwood came forward, stated her name, and gave her address as 1571 Rehoboth Church Road.

Ms. Norwood asked Ms. Reynolds to explained again about the subdivision of the 7 acres directly above the 6 acres in questions tonight. Ms. Reynolds stated the property owner is allowed to subdivide administratively into 4 or fewer lots. All the property owner has to do is bring a plat into the Community Development office to be stamped and taken to the Clerk of Courts office to be recorded. Ms. Reynolds stated when the property owners wants to record that 5th lot is when a zoning of a residential classification is needed. Ms. Reynolds stated the applicant has already maxed out on how the property can be subdivided without going to a residential classification.

Ms. Norwood stated she has resided in the area for approximately 20 years. Ms. Norwood stated she would like to keep the area rural. Ms. Norwood stated she would like to see houses with a larger square footage be required. Ms. Norwood stated consumers are starting to say they would like to see houses in the \$150,000 range. Ms. Norwood stated if the consumers want larger houses, why is Spalding County allowing smaller houses in the county.

Bill White came forward, stated his name, and gave his address as 1641 Barnesville Road.

Mr. White stated he resides just around the corner from this property in question tonight. Mr. White asked if the Planning Commission if they have been to the intersection of High Falls Road and Barnesville Road. Mr. White asked the Planning Commission if they liked what has been built on the property in that area. Mr. White asked the Planning Commission members if they reside in houses like the ones built at the intersection of High Falls Road and Barnesville Road. Mr. White stated the residences do not want those type houses built in their area. Mr. White stated he hoped the Planning

Commission did not reside in houses of that nature, and hoped the Planning Commission does not intend for the residences in the area to live in houses of that nature either. Mr. White stated there are types of people one does not want in the neighborhood. Mr. White stated if the Planning Commission authorizes those types of houses, then those are the type of people who would be moving in to the neighborhood. Mr. White stated he has to look out for his family and their future.

Angie Howard came forward, stated her name, and gave her address as 1645 Rehoboth Church Road.

Ms. Howard stated she has a letter from a neighbor, Mr. and Mrs. Richard Harden, who reside at 681 Buck Creek Road. Ms. Howard stated she feels the same as Mr. and Mrs. Harden does. Ms. Howard stated the rezoning of this property would change their current way of life, as we know it. Ms. Howard stated Mr. and Mrs. Harden moved into the area, which is, zoned AR-1 for it country quality, and are fully aware of the neighbor's choice to raise livestock or horses, and pig pens are perfectly acceptable. Ms. Howard stated Mr. and Mrs. Howard could raise their children in a country environment that was intended when the property was purchased. Ms. Howard stated if the property in question tonight were rezoned, the new owners would reside next door to property that is zoned AR-1, and may not be accepting of cow manure or chicken pens, and the flies caused by the horse stable might bother the new owners. Ms. Howard stated the rezoning of this property would change would forever alter the way of life in the area. Ms. Howard stated she and Mr. and Mrs. Howard are completely against the rezoning of this property.

David Howard came forward, stated his name, and gave his address as 1645 Rehoboth Church.

Mr. Howard stated he does know Mr. Bethune very well, and stated Mr. Bethune does build a nice house. Mr. Howard stated he is aware that Mr. Bethune does need to make a living. Mr. Howard stated why does the property need to be rezoned from AR-1 to R-5. Mr. Howard stated if the homes were going to be built on 2 ½ acre lots, this would be acceptable. Mr. Howard stated Mr. Bethune could do what he would like to do in the current AR-1 zoning requirement. Mr. Howard stated he would like to see the AR-1 zoning kept on this property.

Cheryl Ellis came forward, stated her name, and gave her address as 1443 Barnesville Road.

Ms. Ellis stated she resides across from this property. Ms. Ellis stated she and her husband farm their property. Ms. Ellis stated she worries about the people who reside in the area now. Ms. Ellis stated a lot of the people live in the houses for a while and leave their animals, etc. Ms. Ellis stated she has a problem with the animals chasing wildlife and livestock. Ms. Ellis stated her main concern is when the houses are built, why is it the houses are built only on their side of the county. Ms. Ellis stated there was talk of the outer perimeter being built through this area, and if the outer perimeter were approved,

the outer perimeter would take all of her property as well as all of the new houses to be built. Ms. Ellis stated she would like to see the property remain zoned AR-1.

Scott Henley came forward, stated his name, and gave his address as 2418 Highway 16 West, Jackson, Georgia.

Mr. Henley stated he is in opposition of the rezoning of this property. Mr. Henley stated if Mr. Bethune does not develop this property then someone else would come in and develop it. Mr. Henley stated if there are only going to be 5 or 6 lots, there is no reason to be here tonight. Mr. Henley stated he does not see where the R-5 zoning would be beneficial unless a road would need to be cut through the property. Mr. Henley stated he is not against Mr. Bethune developing this property. Mr. Henley stated R-5 would not ruin the neighborhood, but R-5 is not a nice development. Mr. Henley stated he would like to see the property remain AR-1.

Mr. Galloway stated subdivisions are not allowed in the AR-1 district except for Conservation Subdivisions. Mr. Galloway stated once the property becomes a division of 5 or more lots, the developer has no choice but to rezone the property. Mr. Galloway stated this is a fight over 2 additional houses.

John Payne came forward, gave his name, and address as 77 Bucksnot Road.

Mr. Payne stated he is in opposition of this rezoning. Mr. Payne stated he is before the Planning Commission tonight supporting Ms. Wrenn and other property owners in the area. Mr. Payne stated there was a similar incident in the triangle at High Falls Road, Head Road, and Barnesville Road. Mr. Payne stated if the Planning Commission makes a recommendation for approval, would Mr. Bethune be able to come back in with another proposal on this property.

Mr. Galloway stated if the Planning Commission conditions the approval, the only way the condition could be changed is to come back before the Planning Commission again. The purposes of the conditions that are being proposed tonight are designed to get the property developed consistently with the 2-acre tracts on the remaining 7 acres.

G. A. Milani Sr. came forward, stated his name, and gave his address as 1690 Rehoboth Road and 526 Buck Creek Road.

Mr. Milani made the statement “render unto Caesar those things which are Caesars, and render unto God those things which are Gods.” Mr. Milani stated he believes in letting every man have his peace. Mr. Milani stated he is here tonight to have his peace.

Mr. Milani stated he moved to Spalding County in 1974. Mr. Milani stated his property is currently zoned AR-1. Mr. Milani stated when he purchased his property, the zoning was M-1. Mr. Milani stated when his property was rezoned from M-1 to AR-1, there was never a sign posted on his property. Mr. Milani stated he never attended a public hearing

on the rezoning, never had his say on the rezoning, and the property was rezoned without his approval. Mr. Milani asked what happened to his M-1 zoning.

Mr. Galloway stated the property was rezoned to AR-1. Mr. Galloway stated the bulk of the property that was zoned M-1 was rezoned to AR-1. Ms. Reynolds stated this was done county wide not just Mr. Milani's property. Mr. Galloway stated the zoning was changed pursuant to notices and hearing applicable to a new zoning ordinance. Mr. Galloway stated Mr. Milani's property was actually rezoned twice, once in 1987 and the second in 1994. Mr. Galloway stated the text of AR-1 changed substantial from 1987 to 1994.

Mr. Milani stated he has known Mr. Bethune all of his life, and Mr. Bethune does build good houses. Mr. Milani stated everybody wants to be a Ben Cartwright and have a Ponderosa. Mr. Milani stated if Mr. Bethune could do this with AR-1, it is okay with him. Mr. Milani stated "what is good for the goose is good for the gander." Mr. Milani stated if he has to render up his M-1 zoning for AR-1 zoning, then everybody else has to comply with AR-1 also. Mr. Milani again stated "what is good for the goose is good for the gander."

The Planning Commission board took a recess at this time for Ms. Reynolds to get a pad to draw what Mr. Bethune is asking for on the rezoning of this property.

The Planning Commission board came back into session at this time.

Ms. Reynolds stated the site started out with 13 acres. Ms. Reynolds stated in the rezoning application, the only piece of property under discussion is the bottom portion of the lot. The above 3 lots already exists. The 3 lots are recorded and are legally buildable lots. The reason Mr. Bethune is asking for the rezoning on this property is, if you have an AR-1 piece of property no matter how big or small the property is, and the lot size can be met, only 4 lots are allowed. Ms. Reynolds stated the second you want to do 5, 6, or 200 lots, a rezoning is required for a residential classification.

Ms. Reynolds stated the conditions placed upon the property before the Planning Commission now is with a recommendation for the lot configuration shown on the site plan and a minimum of 2 acres. Ms. Reynolds stated should this application be recommended for approval with these conditions that is what and all that Mr. Bethune can do.

Mr. Henley asked Mr. Bethune why didn't he explain this to the community. Mr. Galloway stated that a meeting was held with a representative, Ms. Wrenn, of the community and explained what Mr. Bethune was asking for. Mr. Galloway asked the community if they were not notified of the outcome of discussion from this meeting. The audience stated no. Ms. Wrenn stated she met with Mr. William Wilson and asked why Mr. Bethune could come back 3 months with another rezoning application before a year was up. Mr. Galloway stated his office called Ms. Wrenn specifically to go over this application because he knew it would be hard to understand. Mr. Galloway stated he felt

obligated to let someone in the area know why this application was coming back up and what was being proposed. Ms. Wrenn stated she did not understand it.

Mr. Galloway stated subdivisions were restricted in the AR-1 district due to two developments being proposed in the AR-1 district. One development proposed on High Falls Road, and the other on Minter Road and Mobley Road. Mr. Galloway stated subdivisions were prohibited in the AR-1 district to prohibit the subdivision of large tracts. Mr. Galloway stated 4 lots are allowed without a subdivision being required. Mr. Galloway stated every ordinance he is familiar with allows some minimum number of lots that can be developed without being a subdivision. Mr. Galloway stated this requirement varies from county to county.

Tom Brakefield came forward, stated his name, and gave his address as 1760 Rehoboth Church Road.

Mr. Brakefield asked if he could do the same with his property as Mr. Bethune is requesting with his property. Mr. Galloway stated Mr. Brakefield could possibly do the same with his property. Division of the property would depend on how much road frontage is with the property. Mr. Galloway stated the division would be for 4 lots of an existing lot of record that existed as of January 4, 1994, the date the zoning ordinance became effective. Mr. Galloway stated if this lot existed as of January 4, 1994, and the Community Development office has to check every division of property requested, then the property owner could divide up to 4 lots. If the property owner wanted to go above the 4 lots, the property owners has to request a rezoning or go through subdivision approval provided the zoning classification allows that subdivision.

Mr. Harris stated if this property is rezoned to R-5, and no there were no conditions put on the rezoning, then 4 houses could be allowed on this property. Mr. Galloway stated Mr. Harris was correct.

Mr. White stated what the community is afraid of is if the property is rezoned to R-5, it opens the door to other builders and would possibly build houses like the ones built at the corner of High Falls Road and Barnesville Road. Mr. White stated the community does not want houses like that in their community.

Mr. Bryant stated the recommendation before the Planning Commission tonight is just for 3 lots. Mr. Bryant stated the developer couldn't come back later unless the developer goes though the process like Mr. Galloway explained of some future owner trying to come in and subdivide the property. Then the future owner would have to go through the same process with the Planning Commission. Mr. Bryant stated the rezoning before the Planning Commission tonight would be conditioned as submitted on the staff report.

Ms. Wrenn stated the community understands that Mr. Bethune is being gracious and is going to restrict/condition the 13 acres. Ms. Wrenn stated what the community is worried about is that not all developers would condition their developments.

Mr. Harris asked Ms. Golden if she were building under the current AR-1 requirement, then the homes would be built at 1,500 minimum square foot heated area. Mr. Harris asked Ms. Golden if she would consider increasing the square footage on the lots being requested for rezoning rather than build 5 1,250 square foot houses. Ms. Golden stated the homes would be built 1,250 to 1,300 square foot homes with double garages. Ms. Golden stated to the best of their ability Mr. Bethune would leave as much green space as can be allotted. Ms. Golden stated she has no control after the property is sold. Ms. Golden stated Mr. Bethune is asking for 3 houses not 5 houses. Ms. Golden stated building the homes at 1,500 square feet is not an option for Mr. Bethune.

Ms. Phillips asked Ms. Golden if the homes would be built in the center of the lots. Mr. Bethune stated the homes would be built in the center of the lots if the septic tanks and perk test allowed for them to be built there. Ms. Golden stated Environmental Health, in essence, tells Mr. Bethune where the septic tank will be installed on the property. Ms. Golden stated Mr. Bethune puts on the site plan where he would like the septic tank and home to be situated on the lot. Ms. Golden stated the ultimate decision on the location of the house and the septic tank lies with Environmental Health. Ms. Golden stated it is Mr. Bethune's intention to build these homes as close in the center of the lot as possible. Ms. Golden stated it is her intention to sell these homes, and the better the homes look from the street and the more presentable the homes are, the more likely she can sell the homes as fast as possible. Ms. Golden stated she is not going out on the property, and destroy the land just to be able to locate the home on a certain spot on the property.

Ms. Wrenn asked if the Planning Commission could condition the property and still keep the zoning AR-1. Mr. Galloway stated the only way the property could remain AR-1 and allow the lots to be subdivided as requested, is to potentially allow a variance with a number of lots within a subdivision. Mr. Galloway stated a variance would run a risk countywide if approved.

Mr. Bryant stated with information submitted to the Planning Commission, the zoning being requested is compatible for the area.

Ms. Mathiak called for a motion of application #02-01Z.

MOTION

Mr. Browning made a motion to approve application #02-01Z conditioned to site plan submitted by applicant with 2 additional site built homes, on Tracts 2 and 3 as delineated on plat, of 1,250 minimum square foot heated area, 2 car garages, and all lots shall be a minimum of 2 acres in size. The motion passed on a second by Mr. Youmans with Karen Mathiak, Bill Bryant, Delores Phillips, Ray Browning, and John Youmans voting for the motion, and Frank Harris voting against the motion.

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

Amendment to UDO #A-02-01: Amendment to Appendix E. Sign Ordinance – Article 2: Definitions – Section 250. Wall Sign – to allow illuminated wall signs.

Ms. Reynolds stated the amendment before the Planning Commission tonight is for the Sign Ordinance. The intent of the change is to allow illuminated wall signs. Currently the Sign Ordinance allows internally illuminated freestanding signs, but does not allow for internally illuminated wall signs. This amendment would not change of the County's neon sign requirements, but would simply allow, by right, internally illuminated wall signs.

MOTION

Mr. Bryant made a motion to approve Amendment to UDO #A-02-01. The motion passed on a second by Ms. Phillips with Karen Mathiak, Bill Bryant, Delores Phillips, Ray Browning, and John Youmans voting for the motion.

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 Frank Harris voting for the motion.

Karen Mathiak – Chairman

Cindy McDaniel - Recorder