

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
April 27, 2004

The Spalding County Planning Commission held its regular monthly meeting on April 27, 2004 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Karen Mathiak, Chairman, presiding, Ray Browning, Ronald Green, Delores Phillips, and John Youmans.

Also present were Charles Taylor, Community Development Director, Lee Craig, Senior Planner, Newton Galloway, Attorney, Bruce Ballard, Griffin-Spalding County School System, 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. Ms. Mathiak went over rules for conduct during the meeting noting a five-minute time limit for any speaker.

MINUTES

Mr. Youmans made a motion to approve the minutes of the April 13, 2004 meeting. The motion passed on a second by Mr. Green with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

Application #04-06Z: W. A. Alford, Sr. and Mary Lee H. Alford, Owner – Ray Browning, Agent – 1140 Cowan Road (1.087 acres located in Land Lot 94 of the 3rd Land district) – requesting a rezoning from R-1, Single Family Residential to O & I, Office and Institution.

Mr. Browning recused himself and left the room.

Mr. Taylor said the staff recommendation is for conditional approval. The use as a daycare center is similar to the school that presently exists on the road. The recommendation is that the following uses not be allowed:

- Site built or industrialized home of less than 1500 SF heated.
- Class A manufactured home
- Two-family dwelling
- Utility sub-station

Bobby Browning – 136 Meadowvista Drive – Griffin, Georgia

Mr. Browning said he would not like his statement to be offensive but the law requires that he make the following statement:

“It may be necessary for us to exercise our constitutional right at some point if denied,”

The primary goal is to develop this property as a daycare facility. It might also be used for an alternate venue. The childcare industry is in the process of change, which might suggest another use. The other use will be just as compatible or, from a traffic standpoint, might be better. The suggested uses might be speech clinic combined with other therapeutic uses such as dietary center or light physical therapy, insurance office, or other such general office space that might be needed in the area, not retail. The old structure will be completely removed. A more detailed site plan will be presented along with the landscaping as soon as the venue has been determined. There are several classic oak trees that will be left and most of the pecan trees at the rear will be left as well. They do not intend to remove any tree unless absolutely necessary. A well-built, attractive facility will enhance the area.

Discussion was held with general agreement with the plan.

MOTION

Mr. Youmans made a motion to approve Application #04-06Z conditioned that no site built or industrialized home of less than 1500 SF heated, no Class A manufactured home, no two-family dwelling and no utility sub-station be allowed. The motion passed on a second by Ms. Phillips with Mr. Green, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

Mr. Browning returned to the podium.

Application #04-07Z: Holiday Investments, Inc., Owner – 1647 Williamson Road (3.53 acres located in Land Lot 84 of the 2nd Land District) – requesting a rezoning from C-1A, Neighborhood Commercial to C-1B, Heavy Commercial.

Application #04-07 AZ: Holiday Investments, Inc., Owner – 1651 Williamson Road (1.28 acres located in Land Lots 84 and 85 of the 2nd Land District) – requesting a rezoning from C-1A, Neighborhood Commercial to C-1B, Heavy Commercial.

These two applications will be heard together and voted separately.

Mr. Taylor said the staff recommends conditional approval of #04-07Z. The condition is that it be limited to a lawn and garden center/nursery. Staff recommends denial of application #04-07AZ because it does not meet the minimum lot size for the application.

Mr. Browning said the two tracts are owned by the same group and it would be a simple matter to survey the property and combine the two tracts.

Mr. Taylor said this was discussed with the owner, and if that action is taken, it would meet the requirement.

Michael Jackson – 5138 Old Atlanta Highway – Sunnyside

Mr. Jackson said they did not realize when this was submitted that one of the lots would be non-conforming. They do not mind having it zoned C1-B as one tract. However, they do not want it to be conditioned for a lawn and garden center only. The present tenant plans to do landscaping, but he is also going to have a florist. The house is being shown to people that would rent it for

other uses. The house can be used better as a business office rather than a lawn and garden center.

Discussion was held and Mr. Jackson said he did not see the front of the property changing that much but does see potential for change at the rear of the property. Mr. Taylor read the potential uses for property if zoned C1-B.

Discussion was held regarding which of those would not be appropriate for this tract of land. There was concern over outside storage. Mr. Jackson said he would agree to no outside storage. He does not like outside storage because it lends itself to a junkyard. Buffers were discussed. It was noted that with a lawn and garden center it would be difficult not to have outside storage.

MOTION

Mr. Browning made a motion to approve Application #04-07Z with restrictions on outside sales on the front of the property. It is additionally conditioned on no automotive repairs or sales, no heavy equipment, no gas stations, or no tire re-treading. There will be a 150' landscape setback from the front. This property will be reconfigured to create a conforming lot that is described in the next application #04-07AZ. The motion passed on a second by Mr. Youmans with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips and Mr. Youmans voting for the motion.

MOTION

Mr. Browning made a motion to approve Application #04-07AZ with restrictions on outside sales on the front of the property. It is additionally conditioned on no automotive repairs or sales, no heavy equipment, no gas stations, or no tire re-treading. There will be a 150' landscape setback from the front. This property will be reconfigured and combined with the property as describe in application #04-07Z to create a conforming tract. The motion passed on a second by Mr. Youmans with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips and Mr. Youmans voting for the motion.

Application #04-08Z: Marlan Development Group, LLC, Owner – C. Mark McCullough, Agent – 1941 Zebulon Road (13.74 acres more or less, located in Land Lot 1045 of the 2nd Land District) – requesting a rezoning from R-6, conditional, Planned Residential Community District to R-6, conditional, Planned Residential Community District.

Mr. Taylor said this is to change from one set of conditions to another. They want to eliminate the pool area, exchange the use of Hardi-Plank for vinyl siding. The staff had difficulty making a recommendation since no samples of materials was furnished.

Mark McCullough – 800 Springer Drive - Griffin

Mr. McCullough had pictures and samples. He said the main change they want is to exchange the Hardi-Plank for the vinyl siding. They will increase the minimum percentage for brick, stone or masonry front to 50%. They want to replace the Hardi-Plank with vinyl siding that is .50 grade, which is the highest quality available. They want this change for maintenance reasons. On the plans they showed a pool area. They would like to eliminate the pool and have an additional playground area. They want to tear down the house that is presently on the property and build a new clubhouse. This is a liability issue for the homeowner's association. The

property will be there and if the homeowners decide they want a pool they will be able to build one. These are the only changes to the conditions they are requesting.

Discussion was held regarding the advantages versus the liability of the pool. It was noted that if the pool is eliminated a new plan will have to be submitted.

MOTION

Mr. Youmans made a motion to allow the two changes as specified with all other conditions as approved remaining in force. The motion passed on a second by Ms. Phillips with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips and Mr. Youmans voting for the motion.

Application #04-09Z: Farhad Fallahi and Parvin Abolverdi, Owners – 4021 North Expressway (.40 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 the staff recommendation is for denial because it does not meet the lot size for the requested zoning and the existing structures do not meet the setback requirements. They are requesting an auto sales business on .40 acres in addition to the tire sales they presently have. In 2003 two applications to rezone property on North Expressway to C-1B were denied based on the fact that the property did not meet the minimum requirements.

Mr. Browning said he owns property in the area of this property that is being considered for rezoning and he will not participate in the discussion or the vote.

Lisa Bradley – 731 Buckcreek Road

Ms. Bradley said she used to own the property at this address. The present owners purchased the property from her. In the area there are auto mechanics, car sales lots, auto glass repair, and large industrial equipment. This is not going to be a major business and there is enough room for an additional small business. The only thing there now is the tire business and it is hard to run a small business. They had pictures of the area. She had letters from the neighbors stating that they do not object to the zoning change.

Parvin Abolverdi – 503 Edgewater Way – McDonough

Ms. Abolverdi said they have just moved here and when they purchased this location they did not know they would not be able have another business there. It will be hard for them limited to one business. This will only be a small business with only a few cars. She requested approval of the zoning request.

Mr. Taylor read the businesses that could be used on this property if the rezoning is approved.

MOTION

Mr. Youmans made a motion to deny applications #04-09Z. The motion passed on a second by Mr. Green with Mr. Green, Ms. Mathiak, Ms. Phillips and Mr. Youmans voting for the motion.

Application #04-10Z: Doris Jean Baker and Lorraine D. Sanford, Owners – C. Mark McCullough, Agent – Macon Road (13.107 acres, more or less, located inland Lot 204 of the 2nd

Land district) – requesting a rezoning from AR-1, Agricultural and Residential, to R-6, Planned Residential Community District.

Mr. Taylor said the recommendation is to table this application. The applicant is going to make some comments to give the Commission an idea of what is being planned for this site.

Mark McCullough – 800 Springer Drive

Mr. McCullough said he wanted to have a discussion to get comments from the Commission regarding the area and the density. They have acquired some additional land in the area and the site plan needs to be re-worked to include the additional land. The size of the tract will be 15 acres. They plan to have more green space in the center around the clubhouse. They will have a buffer to protect the adjacent property owners. Zoning allows seven units per acre, which would be 105 units. They plan less than that but not much less; somewhere in the neighborhood of 90+ units. Sewer is available. The units will all be one-level and will be approximately 1250 SF.

Tim Rutledge – 760 Wilson Road

Mr. Rutledge said there is a development across the street. They knew what the zoning was when they purchased their property. The removal of the trees for this development is going to raise their noise level. They can hear the industrial area already. This will additionally burden the school system. This will basically be 100 homes in their backyard. He disagrees with this rezoning. This is an overcrowding situation.

Discussion was held and Mr. Ballard said the school system would prefer the zoning to remain as it is.

MOTION

Mr. Browning made a motion to table Application #04-10Z until the new site plan that includes the additional acreage is available. The motion passed on a second by Mr. Green with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips and Mr. Youmans voting for the motion.

Application #01-19Z: Lewis Brewer, Jr., Owner – Minerva Properties, LLP, Agent, - 111.49 acres on Trestle Road, located in Land Lots 246, 248, & 234 of the 3rd Land District – requesting approval of revisions to development plans.

Application #01-19AZ: Quail Creek Land & Timber Company, Owner – Minerva Properties, LLP, Agent – 3 acres, more or less, on Johnson Road Extension, located in Land Lot 145 of the 2nd Land District – requesting approval of revisions to development plans.

Application #01-19BZ: Cole Tract Associate, LP, Owner – Minerva Properties, LLP, Agent – 95.47 acres on Trestle Road, located in Land Lot 145 of the 2nd Land District – requesting approval of revisions to development plans.

These three applications were heard together and voted separately.

Brian Davison – 2292 Henderson Mill Road - Atlanta

Mr. Davison said these are all the same property. They show ownership of the original property owners but were purchased by Minerva Properties. They need to make a couple of minor changes. One is in the cul-de-sac of the lake lots. They have changed the direction to give better

views. This added an additional lot on the lake. They want to make all the lots 1.5 acres rather than ranging in size from 1.5 acres to two acres. This will make the lots more efficient. They will add some of the excess land to a park that will view the lake. The other lot that was added was in Pod GG. In the original plan it was identified as a detention pond. When they purchased the Fincher property to the east it made it possible to handle the detention on that property and they do not need the detention on this site. The original zoning was 525 lots for this area. When they increased the lot sizes the number of lots went to 328 and now they want to add two back.

MOTION

Mr. Browning made a motion to approve Application #01-19Z as presented with the codicil that all the original conditions that were granted will be retained. The motion passed on second by Mr. Youmans with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips and Mr. Youmans voting for the motion.

MOTION

Mr. Browning made a motion to approve Application #01-19AZ as presented with the codicil that all the original conditions that were granted will be retained. The motion passed on second by Mr. Youmans with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips and Mr. Youmans voting for the motion.

MOTION

Mr. Browning made a motion to approve Application #01-19BZ as presented with the codicil that all the original conditions that were granted will be retained. The motion passed on second by Mr. Youmans with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips and Mr. Youmans voting for the motion.

S/D #01-07: Heron Bay Golf and County Club – Minerva Properties, LLP, Owner – 210.17 acres off Trestle Road and Johnson Road Extension, located in Land Lots 145, 234, and 247 of the 2nd and 3rd Land Districts – 330 lots.

Mr. Taylor said this is the revised preliminary plat showing the changes as just discussed.

MOTION

Mr. Browning made a motion to approve S/D #01-07. The motion passed on a second by Ms. Phillips with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips and Mr. Youmans voting for the motion.

S/D #04-01: Fair Oaks – Dorothy Frances Farrar, Elaine F. Peavy and George Thomas Farrar, Jr., Owners – 303.78 acres, more or less, off Sidney Drive located in Land Lots 6, 7, 8, 25, 26 & 27 of the 3rd Land District – 109 lots.

Mr. Taylor said originally staff recommendation was to table because they did not have the revised plat. However, they have received the plat and the recommendation is for conditional approval. The conditions are that all departments sign off on the revised preliminary plat, and subject to getting a variance for a cul-de-sac length prior to approval of the construction plan.

Brian Rainwater – 1410 Jackson Drive – Cumming, Georgia

Mr. Rainwater said he will be the civil engineer for the development plans. They understand the conditions.

MOTION

Mr. Browning made a motion, seconded by Mr. Youmans, to approve S/D #04-01 conditioned on approval of the variance for the cul-de-sac length and conditioned on approval by all appropriate department heads. The motion passed with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips and Mr. Youmans voting for the motion.

Planned Development concept plan review – 285.34 acres located on Smoak Road (for discussion only).

Mr. Taylor said this is for an informal discussion prior to their making application for the zoning change to PDD.

Andy Welch – 2200 Keys Ferry Street – McDonough

Mr. Welch said they had presented the concept plan previously. There are 285.34 acres with 598 lots, which is 3.1 units per acre. They have 3.9 acres reserved for commercial. The minimum house size will be 1500 SF, which is 100 SF greater than Spring Lake. They want this development to be on the same standard as Spring Lake. The amenities will include swimming pool and tennis courts.

Tilman Blakely – 599 Smoak Road

Mr. Blakely said he was not prepared to make a public comment. He wanted to know whether or not there will be a water treatment plant for this development. If so, where is it located and where will the spray field be and how does that relate to the open space? He further stated that he had some very serious concerns regarding the impact of the project on the area. He will be prepared to discuss his concerns at the May 25 meeting.

Terri Smith – 511 Smoak Road

Ms. Smith said she and her husband purchased 5.21 acres of this property previously. She is concerned and feels that her property will be the most directly impacted by this development. She identified the location of her property. This is a nice area, and there needs to be fewer homes with larger lots in this development. The developments that are going in the Teamon Road/Trestle Road area will have larger lots than this proposed development. She moved from Clayton County because they were putting in this same type development. How can this much development go on in an area this size? They wanted to get out of city into farmland. A development of this size is going to impact her and the schools.

Charles Peterson – 18 Cook Lane – Stockbridge

Mr. Peterson said he had been a resident of Spalding County and has known the Hocketts for 17 years. He has looked at the plan and it is a very wise use of the property because there is so much space available to still give the people a country effect. When you see what they do and what they plan you will see that it is an asset to the community. He is in the real estate business in Henry County.

Mr. Welch said there would have to be a water treatment plant for this development. That is part of the project. The exact location has not been determined but it will be part of the process. It does not seem appropriate to have septic tanks in the area. It will not be a spray field. A decision has not been made regarding the type at this time. The same concerns were addressed at the last discussion regarding the impact on schools and the future land use map. They have attempted to address those concerns. They have modified the preliminary concept plan to address the concerns. The revised plan eliminated the commercial tracts. This area will have a village center and staff did not want to elongate the commercial down Smoak Road. There were grave reservations regarding the impact on the schools. There will be a 12-acre school site provided free to the school system. There will be increased open space with the lots reduced to 525 rather than the 598 previously proposed.

Discussion was held and it was noted that when Minerva initially made application they had maximized the lots and after development of some of the area they realized that they needed larger lots. He said he would like to see larger lots in some of the areas. There are a lot of people that want the small lots but there is a market for the larger lots. It was also discussed that they would like to see larger homes than all 1500 SF. Everybody does not want a 1500 SF house. He does not want to see a subdivision with all the houses alike. Additionally it was requested that a detailed plan for the water treatment facility would be needed when application is made.

Mr. Ballard said he has talked with Mr. Hockett and they applaud their consideration in the donation of the land that can be used for a school. They would still like to see the zoning remain as it is but they realize there is a lot of development in the area. They appreciate the reduction in the number of houses and would like to see that reduced even further.

Planned Development concept plan review – 76.97 acres, more or less, located on Johnson Road (for discussion only).

Mr. Taylor said this is for an addition to the Minerva Development on Johnson Road.

Brian Davison – Minerva Properties – 2292 Henderson Mill Road - Atlanta

Mr. Davison said they have acquired some additional property and will be applying for an addition to the development for Heron Bay. The intent is to develop more of the “empty nester” housing. They have just begun the marketing program for this type housing in Spalding County. The roads are under construction but no models have been built yet. There is a very strong demand. There are a lot of people coming from Henry and Spalding Counties as well at Atlanta. There are two different type developments. One is for \$120,000 to \$160,000 homes and the other is from \$240,000 to \$350,000. Two separate builders do the two types. At the lower price there are 118 lots and at the higher price there are 50 lots. There will be 25 acres of open space. There will be landscape easements at the rear of the property.

Jane Collier – 123 Johnson Road Extension

Ms. Collier said she is concerned about the school system. They came to Spalding County to have better, smaller schools. She wanted to know what is being considered for a new middle school.

Mr. Ballard said currently the school system is working to get land to replace the current Kelsey Middle School. They hope to have that project bid later this summer. Plans are that the school will open the 2006-2007 school year. With all the proposed growth in this area there will be a need for an additional school. Funding will come from the state or SPLOST funding.

Ms. Collier said there is a one-lane wooden bridge on Johnson Road and she is concerned about this. This creates a problem and is dangerous. The road needs to be widened. Is it going to be paved?

Mr. Taylor said the staff has the same concerns as discussed and they have expressed them to the developer.

Mr. Davison said they have tried to acquire some land to correct some of the road issues but they have not been successful. They would like to straighten the road but they don't own the land. They are improving Johnson Road and also Trestle Road. They can only improve what they own.

MOTION

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

Karen Mathiak – Chairman

Yvonne M. Langford - Recorder