

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
May 27, 2003

The Spalding County Planning Commission held its regular monthly meeting on May 27, 2003 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were Ray Browning, Chairman, presiding, Ronald Green, Karen Mathiak, Delores Phillips, Greg Pruitt, and John Youmans.

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

Mr. Browning called the meeting to order.

MINUTES

Ms. Mathiak made a motion to approve the minutes of the May 13, 2003 meeting. The motion passed on a second by Mr. Green with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips, Mr. Pruitt, and Mr. Youmans voting for the motion.

Application #02-36Z: Lift from the table – Euvalyn Touchstone, Owner – Lot 37 Armstead Circle (1 acre located in Land Lots 157 and 158 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-4, Single Family Residential.

MOTION

Ms. Phillips made a motion to lift Application #02-36Z from the table. The motion passed on a second by Ms. Mathiak with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips, Mr. Pruitt, and Mr. Youmans voting for the motion.

Speaking for the applicant was Carl Touchstone – # 603 at 375 Highland Avenue, Atlanta, Georgia. He said he was representing Ms. Touchstone who lives at 231 Armstead Circle.

Mr. Touchstone said they have a site plan representing an acre they want to sell. The purchaser intends to build a house on the property. The present zoning is for commercial but there is no commercial development in the area. A house would be appropriate for the community and he requested approval. If there is some way that approval could be given without them having to get a variance.

Mr. Browning advised him that there was no way the Planning Commission could approve the lot width variance. The only thing they can do is to recommend approval or denial of the zoning change to the County Commission. The County Commission will give the final approval or denial. When this was initially brought to the Planning Commission it was discovered that there was an encroachment on a portion of the land by one of the neighbors who have built an addition to his home. They have resolved that by

deeding that part of the land to the neighbor and that is the reason for the need for the variance for the lot width.

Ms. Pat Golden – 536 North Rover Road – Williamson, Georgia was present and discussed this application with the Planning Commission. She and her husband are the potential purchasers of this property. They had the property surveyed and discovered that the neighbor had built an addition to his home that went over the property line.

Mr. Taylor said Staff recommends approval contingent on the variance being approved.

MOTION

Mr. Youmans made a motion to approve Application #02-36Z contingent on the variance being approved. The motion passed on a second by Mr. Pruitt with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips, Mr. Pruitt, and Mr. Youmans voting for the motion.

Application #03-04Z: Lift from the table – Cedar Creek Farms, Inc., Owner – Southwest corner of Highway 19/41 and Birdie Road (24.3 acres, more or less, located in Land Lot 104 of the 3rd Land District) – requesting a rezoning from C-1, Highway Commercial and AR-1, Agricultural and Residential, to C-1B, Heavy Commercial.

MOTION

Mr. Green made a motion to lift Application #03-04Z from the table. The motion passed on a second by Ms. Phillips with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips, Mr. Pruitt, and Mr. Youmans voting for the motion.

Mike Jackson – 154 Island Park Drive - McDonough, Georgia

Mr. Jackson said he wants to change this zoning so he can get a portion of this land that is presently residential for commercial use and to change the zoning on a portion that is commercial to have more uses than he is presently allowed. He wants to be able to have more than one building on a lot. Presently on the portion that is commercial he would only be allowed one building per lot.

Mr. Youmans said he has a problem with the C-1B zoning because it leaves the door open for too many things. He said if Mr. Jackson wants to identify businesses that are interested in this land and the zoning could be conditioned on those businesses he might be able to approve the zoning change.

Mr. Jackson said he would be willing to have the corner restricted from outside storage unless he had interest from an automobile dealership. He would want to be able to sell to them. He had a proposed site plan and he went over the various lots that he would be willing to restrict some of the sites for some businesses. A used car dealer has expressed interest. He would not like to have a car lot restricted. He is expecting a DOT permit for his curb cuts soon and he wants to get those in and get the landscaping done. He would be willing to have it restricted to brick, masonry, and stone on any part of the buildings that are exposed to the public. He wants to be left with all the options that he can.

Mr. Youmans said he does not like the idea of another automobile dealership in the area. He would be in favor of office space as an option.

The Planning Commission expressed concern over the duplexes that are in the area, which represents residential.

Mr. Jackson said there is a 30' undisturbed buffer between his property and the duplexes.

Ms. Mathiak said on the concept plan the lot sizes are less than two acres. She additionally expressed concern that the requested zoning would allow outside storage.

Mr. Jackson said the only thing that he could envision that would be exposed would be something like a used car lot, boat dealership or something where someone would display a product for sale. Anything else would be behind a building and screened. He does not mind the frontage lots being restricted from outside storage other than sales displays. He wants this zoning so he can have multiple buildings on a lot.

Mr. Taylor said, for clarification, multiple buildings are allowed in the C-1 District but no outside storage.

Mr. Taylor said the Staff has recommendations for restrictions. This is a very important corner and is a "gateway" into the County. This needs careful consideration. The whole corridor needs to be developed carefully. Quality needs to be considered for this corridor. Recommendation is to keep this at the C-1 zoning. There needs to be conditions on the C-1 zoning. The recommendations are as follows:

1. Brick, stone, or masonry façade shall be used on the sides of structures facing a right of way for both interior and along Highway 19/41 and Birdie Road. Any facades that can be seen from a right of way shall be brick, stone, or masonry/stucco for a minimum of twenty (20) feet deep on building so there is no exposed metal.
2. Lighting for individual sites shall not reflect on adjoining properties.
3. Free standing signs for the individual lots will be uniform in size and style. The sign plan must be submitted with the preliminary plat for the subdivision and recorded as a covenant.
4. Developer submits a plan of the tract in conjunction with or prior to the approval of the preliminary plat that meets the minimum requirements of the zoning district. This condition shall be implemented in addition to the conditions as previously stated.

5. If the Planning Commission chooses to approve C-1B it is recommended that all outside storage visible from the street, both interior and along Highway 19/41 and Birdie Road be screened with vegetation.
6. It is very important that if C-1 or C-1B be approved it is conditioned on the developer submitting a development plan for the tract, in conjunction with or prior to the approval, of the preliminary plat. That plan must meet the minimum requirements of the zoning district including any conditions. Limits on curb cuts on 19/41 be established at a maximum of two curb cuts and provide for interparcel access. If C-1B zoning is allowed then outside storage be limited to parcels created near the western boundary line of the development.

Because the plan presented does not meet the requirements a revised development plan needs to be submitted that meets the recommended conditions.

Mr. Jackson said he needs the three curb cuts as shown on the plan due to a gas line that is on this tract.

Mr. Browning said he needs the three curb cuts.

Mr. Taylor said they recommend a frontage road rather than the curb cuts.

Mr. Jackson said he could live with the C-1 on the perimeter or on the road but on the back lots and the end he wants the C-1B.

Again, concern was expressed over the residential area adjacent to the C-1B zoning. Discussion was held regarding zoning options. It was noted that it might be possible to zone the property C-1 and then have Mr. Jackson submit a detail plan for the tract and if there is a user for a portion that needs outside storage then it could be given further consideration.

MOTION

Mr. Pruitt made a motion to approve C-1 zoning for application #03-04Z conditioned on

1. Brick, stone, or masonry façade shall be used on the sides of structures facing a right of way for both interior and along Highway 19/41 and Birdie Road. Any facades that can be seen from a right of way shall be brick, stone, or masonry/stucco for a minimum of twenty (20) feet deep on building so there is no exposed metal.
2. Lighting for individual sites shall not reflect on adjoining properties.
3. Free standing signs for the individual lots will be uniform in size and style. The sign plan must be submitted with the preliminary plat for the subdivision and recorded as a covenant.

4. Developer submits a plan of the tract in conjunction with or prior to the approval of the preliminary plat that meets the minimum requirements of the zoning district including any conditions. This condition shall be implemented in addition to the conditions as previously stated.
5. Limits on curb cuts on 19/41 are established at a maximum of two curb cuts and developer to provide for interparcel access.

The motion passed on a second by Mr. Browning with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips, and Mr. Pruitt, and voting for the motion and Mr. Youmans voting against.

Application #03-05Z: Randy D. Turner, Owner – 2035 North Expressway (Tract C -.057 acres, more or less, located in Land Lot 101 of the 3rd Land District) – requesting a rezoning from C-1, Highway Commercial to C-1B Heavy Commercial.

Application #03-06Z: Randy D. Turner and Roxanne J. Turner – 2043 North Expressway (Tract B – 0.58 acres, more or less, located in Land Lot 101 of the 3rd Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Richard Collier – 1007 East College Street – Law practice at 101 South Hill Street
Mr. Collier said he represented Mr. and Mrs. Turner regarding these applications. They own two tracts on the North Expressway. Mr. Turner operates Alignments Unlimited on the North Expressway and owns the tract immediately to the north. There is a carpet building north of their property and there is a motel to the south. The tracts are 5/8 of an acre and do not have sewerage. The southern most tract was purchased in 1988 and it was zoned C-1. In 1994 a zoning change was implemented that created the C-1B zoning which required two-acre minimum. He was grandfathered and is operating a C-1B business on C-1 zoning. He acquired the additional tract in 1998 after the zoning was changed. Mr. Turner wants the second tract for automotive use also. Staff recommendation is to deny this application for reasons that include there is not two acres as required. Another concern is lack of parking should he want to use this tract for used car sales. Across the street a new car lot has just opened that has a lot less land than he has. He is trying to get the zoning consistent with what he is using it for and to get the northern tract under the same zoning.

Mr. Browning said he thinks it is appropriate to approve the application since he feels the zoning should match the use of the property.

Mr. Youmans said he would hesitate to open this property up for all of the uses allowed under the C-1B zoning should Mr. Turner sell the property and it no longer be used for automotive uses.

Mr. Taylor said he did not feel it was feasible to use this site for a car sales lot, which is the intended use if the rezoning is approved. There is barely enough space for the people waiting for their cars to be repaired let alone spaces for the use of vehicles for sale.

Mr. Galloway said if the rezoning is approved it will be necessary to get a variance for lot size and setbacks.

Discussion was held regarding whether or not it should be zoned as requested to have the property zoned as it is being used. It was further discussed that if approved should restrictions be placed so that it could only be used for automotive uses.

MOTION

Mr. Pruitt made a motion to approve application #03-05Z for C-1B zoning conditioned on the approval of a variance for the lot size and setbacks. The motion failed to pass on a second by Mr. Browning with Mr. Browning, Ms. Phillips, and Mr. Pruitt voting for and Mr. Green, Ms. Mathiak, and Mr. Youmans voting against.

MOTION

Ms. Mathiak made a motion to deny application #03-06Z. The motion passed with Mr. Green, Ms. Phillips, Ms. Mathiak and Mr. Youmans voting for and Mr. Browning and Mr. Pruitt voting against.

Mr. Browning advised Mr. Collier and Mr. and Mrs. Turner that the application will receive further consideration by the County Commission on June 26 with no recommendation on Application #03-05Z and a recommendation for denial on Application #03-06Z.

Application #03-07Z: Abu Bakr, Owner – 1360 Trestle Road (38.73 acres located in Land Lot 144 of the 2nd Land District) – requesting a rezoning from R-2, Single Family Residential, to AR-2, Rural Reserve.

Mr. Bakr – 1360 Trestle Road

Mr. Bakr said he wanted to rezone this property so he can have horses. The property has 1500 feet of road frontage on a dirt road. He is aware that there is a five-acre minimum required in the AR-2 zoning.

MOTION

Mr. Pruitt made a motion to approve Application #03-07Z. the motion passed on a second by Mr. Youmans with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips, Mr. Pruitt, and Mr. Youmans voting for the motion.

Application #03-08Z: Vingreco, LLC, Owner – Todd Albritton, Agent – Southwest corner of Zebulon Road and Pecan Point (Lot 19 – 1.03 acres located in Land Lot 119 of the 2nd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to C-1A, Neighborhood Commercial.

Todd Albritton – 503 Del Ray Road – Thomaston, Georgia

Mr. Albritton said the owners, Dr. Chryssos and Dr. Vu, want to rezone this corner lot for the construction of a doctor's office for their practice. It is adjacent to a lot that is currently zoned C-1A. A site plan was available. The corner lot will allow easier access to their office. There is a 12' berm between the adjacent property, which restricts the amount of land that can be used for that site. They want to leave it C-1A for future development. The doctor's office will have two spaces, one for each doctor. The corner lot size will meet the criteria for their office and will meet the setback requirements. The zoning department had some recommendations regarding the façade, which they are willing to accept. The construction of the building will be residential type construction, brick veneer, shingle roof with wood trusses, may have some vinyl siding, and conventional framing. They plan to leave as many of the existing trees as possible. They will meet the buffer requirements. This will not hurt the existing residential property since the adjacent lot is already a commercial lot.

Mr. Youmans asked if consideration had been given to zoning this O & I rather than commercial.

Mr. Galloway said in the O & I zoning the setbacks are different.

Discussion was held and it was decided that the C-1A would serve this purpose better and restrict it to a medical use only.

Mr. Taylor said the Staff recommendations are:

1. The façade of the proposed structure shall be a minimum of 25% brick, stone, or masonry stucco for any side visible from a street.
2. If a secondary use is developed, as indicated in the site plan, it should be limited to a maximum of 3000 SF. Such uses shall not include restaurants with a drive-thru, service station, auto repair, or pawnshop.
3. Driveways shall be designed in a way that limits the impact of vehicle light (headlights) on the adjacent residential uses.
4. Site lighting for the property shall be designed in such a way as to prevent glare on adjacent residential uses.

Discussion was held regarding the recommendation regarding the maximum size of the secondary building. There are no present plans for development of this lot but this restriction might interfere with some proposed uses.

Mr. Taylor said the square footage issue is due to the need for parking and how that would impact the overall green space of the property. He said it would satisfy the intent of this recommendation if they would agree that the overall green space, as shown on the site plan, is not diminished in the future development of this site.

MOTION

Ms. Mathiak made a motion to approve Application #03-08Z conditioned on:

1. The façade of the proposed structure shall be a minimum of 25% brick, stone, or masonry stucco for any side visible from a street.
2. If a secondary use is developed, as indicated in the site plan, it should be developed so as not to diminish the green space as shown on the site plan. Such uses shall not include restaurants with a drive-thru, service station, auto repair, or pawnshop.
3. Driveways shall be designed in a way that limits the impact of vehicle light (headlights) on the adjacent residential uses.
4. Site lighting for the property shall be designed in such a way as to prevent glare on adjacent residential uses.
5. Restricted to medical office use only.

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

Mr. Pruitt left the meeting at this time.

Ms. Mathiak said there is a subdivision that is called 92 Place, which is duplexes. When this was approved it was conditioned that it be compatible with the existing structures. The residents in this area are extremely distraught because there are no fireplaces, bay windows, no masonry accents, most are on a slab. They are not compatible and do not look like what is out there. Section 8 has been mentioned. There is nothing that can be done about Section 8 but she feels terrible because they are not compatible. She asked if there was anything that could be done.

Mr. Taylor said he would look and see if there is anything that can be done.

Ms. Mathiak said she wanted to be certain that the Board is aware that the Board needs to be more specific and not use the word compatible in future conditions.

MOTION

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

Ray Browning – Chairman

Yvonne M. Langford - Recorder