

PLANNING COMMISSION
Regular Meeting
June 11, 2002

The Spalding County Planning Commission held its regular meeting on June 11, 2002 at 7:00 P.M. in the County Commission Meeting Room #108, Spalding County Courthouse Annex. Members present were: Chairman Karen Mathiak, presiding, Delores Phillips, Ray Browning, John Youmans, and Margaret Palmer. Bill Bryant was not present at the meeting.

Also, present were Assistant County Manager Michael E. Sabine, Zoning Attorney Newton Galloway, Senior Planner Lee Craig, and Cindy McDaniel to record the minutes.

Ms. Mathiak called the meeting to order.

MINUTES

The minutes of the May 14, 2002 meeting were approved on a motion by Mr. Browning and a second by Ms. Phillips with Karen Mathiak, Delores Phillips, Ray Browning, and John Youmans voting for the motion with Margaret Palmer abstaining since she was not at the meeting.

S/D #02-03 – Lift from the table – Holliday Pass – Reese Builders & Developers, Owner – 101.49 acres off Tomochichi Road, located in Land Lot 23 of the 3rd Land District – 93 lots.

MOTION

Mr. Youmans made a motion to lift from the table Preliminary Plat S/D #02-03. The motion passed on a second by Mr. Browning with Karen Mathiak, Delores Phillips, Ray Browning, John Youmans, and Margaret Palmer voting for the motion.

Mr. Sabine stated Holliday Pass Subdivision has been discussed considerably over the past several months. Mr. Sabine stated there has been several issues arise under the Conservation Subdivision Ordinance relative to lot size that applies to development in areas where individual septic tanks are required. Mr. Sabine stated discussion has been held between Wayne Moss, Environmental Health, and the developer, Tom Reese. Mr. Sabine stated the plat before the Planning Commission tonight does meet State requirements for lot size for individual sewerage disposal systems and septic tanks. The plat has not been formally approved by Environmental Health. Mr. Sabine stated all other departments have signed off on the Preliminary Plat except for Environmental Health.

Mr. Sabine stated little has changed since the last time the Planning Commission spoke about the plat with the exception of the lot sizes. The general layout is the same with little expansion. The greenspace, in the western part of the property, has been reduced some. The large open area was redesigned with streets and houses to make density neutral. The property to the east of the power right-of-way has been detained as open

space. Essentially, almost 43-44 acres remains in dedicated open space with an additional 9 acres in conservation easement, which are areas under private ownership. The total of open space and areas under restricted easement would be 53.29 acres, or approximately 52½ % of the tract of property.

The number of homes remains at 93. Essentially, with the modifications relative to the lot size and addressing Environmental Health concerns, the plat is essentially as discussed previously. Mr. Sabine stated there is a recommendation for conditional approval. Approval is conditioned upon all county department approvals, which the only one at this time outstanding is Environmental Health.

Tom Reese of Reese Builders and Developers came forward, stated his name, and gave his address as 831 Steele Drive, Hampton, Georgia.

Mr. Reese stated he does support the conservation district and what Spalding County is trying to establish for the county. Mr. Reese stated greenspace is going to be a plus. Mr. Reese stated he normally does a Level 2, but has done a Level 3 Soil report. Mr. Reese stated individual letters (for septic tanks) will be issued on each lot. Mr. Reese stated this development has been an ordeal for him, as well as for Spalding County.

Mr. Sabine stated the applicant has requested a reduction in the access to open space from 35 feet to a 15 feet minimum, which would have to be addressed through the means of a Variance application from the Board of Appeals. Mr. Sabine stated the approval of this preliminary plat would not include that element. Obviously, the inclusion of that part of the preliminary plat would be subject to the approval of the Variance by the Board of Appeals. In the event that the Variance is not approved, the issue would need to be addressed resulting minimum changes. Mr. Sabine stated brief discussion has been held relative to the open area between Lot 83 and Lot 40 at the southern edge of the property may require a detention facility in that area. Mr. Sabine stated as the construction plans unfold, the detention facility would be addressed at that time. Mr. Sabine stated there may be a modification between this point, and the time the Board of Commissioners approve the final plat.

MOTION

Mr. Browning made a motion to approval Preliminary Plat S/D #02-03 as conditioned to approval of a variance allowing less than thirty-five (35) feet width on open space accesses, and that all County departments submit approval on the preliminary plat. The motion passed on a second by Ms. Palmer with Karen Mathiak, Delores Phillips, Ray Browning, John Youmans, and Margaret Palmer voting for the motion.

OTHER BUSINESS:

Sketch Plan Discussion: A conservation subdivision of 51.91 acres located on Vineyard Road (for discussion only).

Mr. Sabine circulated a copy of the proposal for review to the residences that were at the meeting for this discussion.

Mr. Sabine stated this parcel of property on Vineyard Road is close to the intersection of Vineyard Road and Westmoreland Road. This site does have sanitary sewer available. Mr. Sabine stated unlike the previous application, sanitary sewer will serve this application so there would be no septic issues.

Tom Smith came forward, stated his name, and gave his address as Post Office Box 65, Jonesboro, Georgia 30237.

Mr. Smith stated this proposed development would have 67 lots. There is an existing house on the property, which would be sold individually. Mr. Smith stated he is proposing to build houses in the price range of \$150,000 and up. The house size minimum would be 1,500 square feet, but the average homes normally built are in the range of 1,700, 1,800, to 2,000 square feet.

Mr. Smith stated the open areas will be towards the lake with gazebo, picnic area, and a nice big greenspace. Mr. Smith stated there will be a utility shed that would be turned over to the homeowners association. Mr. Smith stated there would be a covenant placed on this proposed subdivision.

Mr. Smith stated the open area in the center of the proposed subdivision would, also, have a gazebo, picnic area, and open landscape space. Mr. Smith stated the balance of the land would have walking trails and general recreation use in the area.

Mr. Smith stated the flood plain and 100-year flood levels will have to be taken into consideration since there are several large creeks on the property.

Mr. Smith stated a letter has been obtained from the City of Griffin Water and Wastewater Department stating the development can be hooked into the sewer subject to their terms and conditions.

Mr. Smith stated he is ready to proceed with the design of this proposed subdivision if the design meets with the Planning Commission approval. Mr. Smith stated he would like to proceed as quickly as possible. Mr. Smith stated this proposed development in the vicinity of Will's Walk.

Mr. Smith stated the current property owner has an active nursery on the premises. Mr. Smith stated in the contract, the property owner has 9 months to wind the nursery business down. Mr. Smith stated he is sure the roadwork would not interfere with the nursery business.

Mr. Smith stated he has a land development company, which is Village Partners, which has 3 or 4 builders that build the homes and sell them. Mr. Smith stated he has covenants

and restrictions that take into respect all maintenance, architecture control, and homeowners association.

Mr. Smith stated he is working with Jean Hayes, a local real estate agent, who has 3 or 4 people ready to buy homes in this proposed subdivision. Mr. Smith stated it appears the concept will work very well in this area.

Mr. Smith stated there will be 80% of the lots at 15,000 square feet, and 20% of the lots at 12,000 square feet.

Ms. Phillips asked if the facades on the homes were going to be similar to those in Sherbrooke Wood Subdivision. Mr. Smith stated the façade will depend on the design of the house, but there will be a mixture of brick, stucco, stone, hardiplank, and vinyl in certain cases.

Mr. Browning stated he has a concern with the traffic on Vineyard Road. Mr. Browning stated there are several hills that are low grade and do not allow for a lot of site distance in several areas. Mr. Browning stated the safety issue, as far as ingress/egress in the subdivisions would be addressed to consider accel/decel lanes. Mr. Browning stated maybe Public Works could do a recent traffic study on Vineyard Road and make a determination as far as the hills are concerned on sight distance. Mr. Browning stated the development would consist of much larger homes comparable to some of the more upscale subdivisions in the neighborhood. Mr. Browning stated he liked the initial layout of the proposed development.

Ms. Palmer stated there is a 20 to 30 foot drop in elevation from Vineyard Road. Ms. Palmer stated she has a concern with the storm water management because of the wet area. Mr. Browning stated these issues would be addressed in the construction plan phase of the development. Mr. Smith stated this property is up high and would require a minimal amount of grading on the street. Mr. Smith stated there would be storm water detention and management.

Ms. Mathiak stated she has a concern with the density in the area because of Vineyard Road, Will's Walk Subdivision, and Cody's Plantation Subdivision.

Mr. Smith stated there is not a whole lot more property in the area to be considered for development. Mr. Smith stated the sewer stops at Westmoreland Road. Mr. Smith stated unless the City of Griffin or Spalding County decides to develop their own sewer, there isn't going to be anymore sewer available in the area for the time being. Mr. Smith stated he didn't see any other pieces of land that is wide open to be developed.

Mr. Sabine stated density calculations have not been verified on this property. Mr. Sabine stated he could not tell with absolute certainty that 67 lots would be firm in density. Mr. Sabine stated the concept plan does not contain detailed information about flood plain, steep slopes, wetlands, or other features relative to density calculations. Mr. Sabine stated he wouldn't see the number going higher than 67, but may drop a couple of

lots depending on how the calculations fall out in the end. Mr. Sabine stated this would be worked through with the developer and staff relative to finding out the actual number based on the Ordinance. Mr. Sabine stated he couldn't tell exactly how many lots would be within the development. With the respect to the design of the subdivision, not the number of lots, this design, layout, and intent is what the Ordinance produces. Mr. Sabine stated if there is a problem with this development, then the Ordinance needs to be revisited. Mr. Sabine stated this development is a product of the Ordinance. If the Planning Commission feels this development is too dense, then maybe the Planning Commission needs to look at whether or not the Planning Commission wants 2.2 units per acre density. The reasons for the 2.2 unit per acre density was, previously under the standard subdivision development ordinance, the County permitted, as a matter of right, in the residential subdivision class districts a 20,000 square foot lot, or what's termed a builders ½ acre. Mr. Sabine stated a 20,000 square foot lot is the density of 2.2 units per acre. Mr. Sabine stated this development is density neutral relative to its calculations compared to the old style subdivisions. The lot sizes are small, but the amount of greenspace increases. Mr. Sabine stated the developers are following what is written in the Ordinance.

Mr. Galloway stated Conservation Subdivisions are density neutral. Mr. Galloway stated the property is zoned R-2, and sewer is available so the developer can have 20,000 square foot lots. Mr. Galloway stated this type of development is what the Ordinance allows.

Mr. Sabine stated the greenspace on this property would buffer Nottingham Estates Subdivision. Ms. Mathiak stated she likes the idea of have the greenspace in the center of the subdivision, and didn't mind the greenspace being a buffer with another subdivision. Ms. Mathiak stated she thinks the concept is very unique.

Mr. Sabine stated the property is already zoned R-2. Mr. Sabine stated the procedures of concern in a rezoning would allow the Planning Commission to take into account such as traffic, road and traffic management, etc. This is not a rezoning issue, but a ministerial action.

Mr. Browning stated the only thing the Planning Commission could request of the developer is to give that margin of safety with accel/decel lanes. Mr. Browning stated the road belongs to the County. Mr. Browning stated prior to this request, the County probably should have looked at improving Vineyard Road because of the amount of traffic between Highway 92 and Highway 19/41. Mr. Browning stated Vineyard Road is used as a major connector road.

Mr. Browning stated Mr. Smith is requesting to build much larger homes than required with amenities.

Mr. Sabine stated he would like for the Planning Commission to submit comments to him or Ms. Craig before the end of the month so the comments could be submitted to Mr. Smith, and he can proceed accordingly. Mr. Sabine stated he would work with Mr. Smith on the density calculations on how many lots would be permitted.

Mr. Smith stated he needs the Planning Commission's input as quickly as possible so the he can proceed with the wetland studies and engineering.

Rezoning of property located in East Griffin.

Mr. Sabine stated East Griffin was developed as a mill village some time ago. Mr. Sabine stated back in the 1960's, the Board of Commissioners zoned the area to C-2, Manufacturing. Mr. Sabine stated under the 1962 Ordinance, single-family homes were allowed in the C-2 district, but are now non-conforming uses. Mr. Sabine stated not only are the homes non-conforming uses, but Spalding County is beginning to see development pressures relative to people looking to acquire the mill homes and assemble into commercial property, which would be as a matter of right. Mr. Sabine stated he has spoke with several members of the Board of Commissioners relative to this request. The consensus of the Board is that this area did need some protection. Mr. Sabine stated based on that informal direction and concern, he had spoken with the Planning Commission as the last meeting about the possibility of initiating a rezoning to bring those homes into a residential zoning district. Mr. Sabine stated the idea is to bring the homes into the R-5 district. Mr. Sabine stated relative to the area that is occupied by the Day Springs Church and another church in the area, the consensus was, among the staff, to recommend O & I zoning district. Mr. Sabine stated there are 164 lots plus the 2 parcels. Mr. Sabine stated this is basically a wholesale area lot rezoning. The rezoning would go from C-2 to R-5 with the exception of the 2 parcels noted going to O & I. Mr. Sabine stated the rezoning would be consistent with the Ordinance to rezone to an appropriate use classification. Mr. Sabine stated there are no large scaled areas subject to the rezoning that area not already developed in some form.

Mr. Sabine stated the area begins to the western boundary of Sixth Street and proceeded east to First Street. The property belonging to Springs Industries will remain C-2, Manufacturing.

Mr. Sabine stated he wanted to speak on procedures on this matter. Mr. Sabine stated the Community Development office is not staffed, and is not feasible to send homeowner, and every adjacent landowner a letter of this situation. Mr. Sabine stated with 164 parcels, some procedures need to be set up. Mr. Sabine stated this is very important, because if Spalding County ever does parcel specific rezoning, Community Development would not be able to send everybody in the County a letter. Mr. Sabine stated the Planning Commission needs to adopt some procedures that Spalding County can use as a prototype for parcel specific rezoning, essentially sending a notice out to the property owner indicating what is going out, and then advertising in the newspaper as well as posting the notice. Otherwise, Spalding County wouldn't be able to do the rezoning, and will, also, be very difficult to parcel specific rezone. Mr. Sabine stated when the zoning map was adopted back in 1994, obviously not everybody in the County was notified. Mr. Sabine stated there is a ample precedent for area wide rezoning to be treated in a manner that is different from your individual applicant coming in and filing a rezoning application.

Mr. Galloway stated he recommends that prior to initiating a rezoning have a community meeting with the people who would be affected to see if the zoning change would be wanted. Mr. Sabine stated he didn't see a problem having a meeting, or drafting a letter if it were the wishes of the Planning Commission.

Mr. Galloway stated Spalding County will have to look at the rezoning from procedural standpoint, because even if it is a wide area, the rezoning will still require parcel specific.

Mr. Sabine stated the Community Development office can send a letter to property owners stating the Planning Commission is considering a rezoning of the property, and if the property owners have questions to please call our office, and the initiation will take place at the next Planning Commission meeting. Mr. Sabine stated afterwards, send a letter stating the initiation has taken place, and when the public hearing will take place.

Mr. Sabine stated if Spalding County proceeded with a parcel specific rezoning, how does Spalding County accomplish this? Mr. Galloway stated there are different rules between adopting a new countywide map verses rezoning a neighborhood area. Mr. Galloway stated when the County does adopt a new countywide map, the issue becomes does the County have to comply by sending notice to each property owner. Mr. Galloway stated on a tract of this nature, Spalding County would probably have to treat these lots as individual rezoning. Mr. Galloway stated he would look into the matter, and see what Spalding County could do legally.

Mr. Sabine stated Spalding County might need to adopt a new County zoning map. Mr. Sabine asked Mr. Galloway if Spalding County could make this change at the time of adopting a new zoning map. Mr. Galloway stated Spalding County could take a map from GIS and adopt a parcel specific map. Mr. Sabine stated Spalding County has a map from GIS, and everything is just about corrected. Mr. Sabine stated there are 16,000 parcel in Spalding County. Mr. Galloway stated if Spalding County is adopting the new map, and Spalding County wanted to include these tracts to change the zoning from C-2 to R-5 this could be done in that generic process. Mr. Galloway stated once the new map is adopted, it is technically a rezoning.

Ms. Mathiak asked if each property owner would be notified of the adoption of a new zoning map. Mr. Sabine stated Spalding County could notify the property owners in the affected areas with a letter.

Mr. Galloway suggested that he meet with Mr. Sabine and Ms. Craig, and see what flexibility Spalding County would have. Mr. Galloway stated he did not want Spalding County to be in a circumstance where action is initiated on a zoning what logical people would select only to find out it creates a problem. Mr. Galloway stated he favors the rezoning, but doesn't want Spalding County to be in a circumstance where, what Spalding County thinks ought to be logical and helpful, turns out not to be. Mr. Galloway stated he wanted to check the procedures as well. Mr. Galloway stated if there

is mechanism that could avoid a rezoning on a parcel specific basis, he will attempt to find it. Mr. Galloway stated he will, also, look at any alternatives available.

Planned Development concept plan review – Westmoreland Road.

Bill Smith came forward, stated his name, and gave his address as Post Office Box 873, Dallas, Georgia.

Mr. Smith stated he, along with Evan Schultz, have over 25 years each experience in the building development community. Mr. Smith stated Ryan Schultz builds over 300 homes a year. Mr. Smith stated they are members of the Home Builders Association.

Mr. Smith stated he and Mr. Schultz met with the planning staff and got their input on this development. Mr. Smith stated all utility companies in the area have been contacted. Mr. Smith stated he talked with Mr. Johnny Brook with the Georgia Department of Transportation concerning traffic.

Mr. Smith stated the proposed development would consist of 193 lots on 100 acres. Mr. Smith stated the 25% greenspace required for this development has been incorporated along the perimeter of the property and in each block. None of the yards of the proposed lots will back up to one another. Mr. Smith stated some flood plain has been delineated on the southern part of the property. Mr. Smith stated the project is proposed to be on sewer, which is in accordance with the Ordinance. Mr. Smith stated the development will have sidewalks and streetlights. Mr. Smith stated amenities are important to all of their subdivisions. The proposed amenities will be at the front of this development are as follows: swimming pool/pool house, volleyball court, playground area, and lighted tennis court with additional fencing and landscaping. Mr. Smith stated there will, also, be a protected covenant, which is mandatory as well as a homeowners association. The homeowners association is turned over to the homeowners at approximately 75% completion.

Mr. Smith stated he plans to pave the dirt portion of Westmoreland Road from Highway 92 to West McIntosh Road. The road would not have curb and gutter so as to maintain the country road feel. The road would be paved as part of the development on the initial phase.

Mr. Smith stated there are 17 home plans that the homes are built from, which feature ranch homes, split-foyer homes, and two-story homes in a mix. No vinyl siding is used on any of the finished products. All the homes planned for this proposed subdivision would be 1,500 square minimum feet, façade is a cement faced siding product highlighted with brick, and will have engineered roof and floor systems. All homes will have sodded yards.

Mr. Schultz stated he is big on greenspace and amenities. Mr. Schultz stated the types of homes being built are in a good market.

Mr. Youmans asked if anything would be planted back where trees had been removed. Mr. Smith stated there was an existing tree line around the perimeter that the existing owners had pulped about 3-5 years ago. Mr. Smith stated he plans to see what is out there once he is able to get onto the property. Mr. Smith stated he would his focus would be in the neighborhood greenspace (where the greenspace backs up to the houses).

Mr. Shultz stated each pod would have an irrigation and sprinkler system to help maintain the greenspace.

Mr. Smith stated approximately 560 letters were mailed out to the surrounding property owners. Mr. Shultz stated he and Mr. Smith would be willing to meet with the community. Mr. Shultz stated Commissioner Dick Morrow would facilitate a meeting with the community.

A recess was taken at the time.

Ms. Mathiak called the meeting back to order.

Mr. Galloway stated tonight is an informational meeting only. No action will be taken tonight. The Planning Commission is required to review the plan and provide comments and recommendations to the developer within 30 days from the date of this meeting. Mr. Galloway stated any comments submitted about this plan should not make any presumption about whether or not zoning is approved, because those issues have not yet be reached. The Planning Commission will submit the comments and recommendations on the plan, as recommended by the Ordinance, to the developer. The developer, at that time, can come forward with a rezoning application. At that point, another hearing would be held. The recommendations from the Planning Commission will go to the Board of Commissioners at a public hearing. The Board of Commissioners has the authority and legal obligations to vote on rezoning of the property.

Mr. Galloway stated that the Planning Commission submit written comments, and submit to Ms. Craig or Mr. Sabine as soon as possible.

OTHER BUSINESS:

Bob Burke came forward, gave his name, and address as 120 King Richard Drive.

Mr. Burke stated there was a comparison between Vineyard Road properties and Nottingham Estates. Mr. Burke stated if each of the Planning Commission members would go out to Nottingham Estates and image each house being 300 to 2,000 feet smaller, and everywhere you see 1-house image 3 houses, that would be a fair comparison between what has been submitted for Vineyard Road. Mr. Burke stated he understand the sewage problem.

Mr. Burke stated someone needs to start considering the problems that are in Spalding County with the schools, crime, jails being full, and taxes increasing. Mr. Burke stated

the schools are at maximum capacity. Mr. Burke stated safety is a major concern at the intersection of Westmoreland Road being very dangerous.

Mr. Burke stated Spalding County needs healthy growth and not sprawl. Mr. Burke stated he doesn't want Spalding County looking like Henry County. Mr. Burke stated the problem is with the Ordinance rather than the builders. The builders are only doing what Spalding County requires.

Mr. Burke stated before industry comes to Spalding County, there are several things needed such as good sewerage, good water, good schools, and safety. Mr. Burke stated Spalding County does not have any of those things.

Mr. Galloway advised Mr. Burke that the developer does not have the right to put in this development yet, but has the right to ask for a rezoning to get authority to put in the development. Mr. Galloway stated allowing for Planned Development is very standard. Mr. Galloway advised Mr. Burke that everything he has raised thus far addresses zoning. Mr. Galloway stated Spalding County will comply with the Ordinance on giving notices out and complying with the zoning procedures. Mr. Galloway stated there will be subsequent hearings to deal with those issues on zoning.

Mr. Burke thanked the Planning Commission for allowing him to speak.

ADJOURNMENT

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

Karen Mathiak – Chairman

Cindy L. McDaniel - Recorder