

**SPALDING COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**June 24, 2003**

The Spalding County Planning Commission held its regular monthly meeting on June 24, 2003 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were Ray Browning, Chairman, presiding, Karen Mathiak, Delores Phillips, Greg Pruitt, and John Youmans. Ronald Green was not present.

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 and advised everyone present who wanted to speak regarding any of the applications they would need to sign the appropriate form.

**MINUTES**

Ms. Mathiak made a motion to approve the minutes of the June 10, 2003 meeting. The motion passed on a second by Mr. Youmans with Mr. Browning, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion and Mr. Pruitt abstaining since he was not present.

Mr. Browning requested an amendment to the agenda that would move Application #03-13Z to the first since there had been a request to table this application.

**MOTION**

Ms. Mathiak made a motion to amend the agenda and place Application 03-13Z first. The motion passed on a second by Ms. Phillips with Mr. Browning, Ms. Mathiak, Ms. Phillips, Mr. Pruitt, and Mr. Youmans voting for the motion.

**Application #03-13Z:** Peach State Land Development, Inc., Owner – 13.41 acres off Highway 16 West, Brooks Road and Tri-County Road located in Land Lot 13 of the 1<sup>st</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to C-1 Highway Commercial.

Mr. Browning said the applicant had requested this application be tabled.

**MOTION**

Ms. Phillips made a motion to table Application #03-13Z. The motion passed on a second by Ms. Mathiak with Mr. Browning, Ms. Mathiak, Ms. Phillips, Mr. Pruitt, and Mr. Youmans voting for the motion.

**Application #03-09Z:** Steven A. Statham, Owner – 1231 Newton Road (0.692 acres located in Land Lot 210 of the 2<sup>nd</sup> Land District) – requesting a rezoning from C-1, Highway Commercial, to R-5, Single Family Residential.

Steve Statham – 231 Thrift Lake Drive – Mountain Rest, South Carolina 29664

Mr. Statham said he wanted to rezone so he can build a residence on this property. The house will be 1300 SF. There will not be a garage.

Mr. Browning said this area is zoned commercially but there are only a few lots that are being used for commercial use. The balance of the property is residential. This is a mixed-use neighborhood. A 1300 SF house would be an upgrade. There are duplexes, apartments and manufactured homes in the area. The staff has stated that a variance will be necessary because the lot size will be non-conforming for residential use. The lots are presently grandfathered but with the zoning change this will “go away”. This is a lot of record but it is a C-1 lot. The attorney had not arrived and Mr. Browning questioned the legality of the requirement for a variance.

Discussion was held regarding variances and whether or not a variance would be required. Mr. Statham was anxious to begin construction and did not want to wait to get approval for the variance if he did not have to. It was decided to table until the end of the meeting when Mr. Galloway would be present to give a legal opinion.

#### **MOTION**

Ms. Mathiak made a motion to table Application #03-09Z until the end of the meeting. The motion passed on a second by Mr. Pruitt with Mr. Browning, Ms. Mathiak, Ms. Phillips, Mr. Pruitt, and Mr. Youmans voting for the motion.

**Application #03-10Z:** Richard L. Boger, Owner – Ken Dorsey and Alan Mobley, Agents – 57.20 acres off Georgia State Route 155 located in Land Lot 49 of the 2<sup>nd</sup> Land District – requesting a rezoning from R-2, Single Family Residential to AR-1, Agricultural and Residential, to R-2, single Family Residential and C-1, Highway Commercial.

Alan Mobley – 262 Mobley Road – Griffin, Georgia

Mr. Mobley said they will have 38 residential lots, one acre and up, and a 2.5 acre commercial tract at the entrance to the subdivision. They will have 12+ acres of green space, which will include a walking trail and a playground with possibly a ball field. There will be sidewalks, and streetlights. The houses will be a minimum of 1500 square feet. Prices will range from \$145,000 to \$155,000. The commercial space at the entrance will possibly allow some of the homeowners to set up businesses within walking distance of their homes. They have a cul-de-sac with the potential to access additional property in the area for future development.

Ed Johnson – 600 Hamil Road

Opposed to rezoning any portion for commercial use. Will increase noise and traffic. Opposed to one-acre lots. There is a moratorium at the present time on one-acre lots.

This was submitted prior to the moratorium but it would be appropriate to wait on any further high-density development.

Discussion was held regarding the plans for the subdivision with regard to the homeowner's association, design of the houses, and the design of the green space.

E. L. Sheppard – 3137 Jackson Road

He has been told that this was a test site for the Georgia Experiment Station for poisons.

Mr. Browning said before any homes will be built there will be testing to be certain the land does not have any environmental issues.

Ken Pullin – 2785 Jackson Road

Mr. Pullin said his family owns 100 acres across from this land and he does not want small lots in this area. He has lived here since 1957. Water is an issue. He does not want commercial zoning approved.

Mr. Browning said he feels this subdivision has been planned to incorporate most of the elements that have been discussed to enhance development in Spalding County. The house size is adequate with 1500 SF. The Staff recommends conditional approval of the residential zoning but denial of the commercial zoning.

Mr. Taylor said the reason the commercial is not needed is that there is commercial development in the area within walking distance. The recommendation is that before allowing another commercial use consideration needs to be given to expanding the present commercial area and develop pedestrian access there. It would serve this area and the county better.

Discussion was held and safety was considered knowing that there is limited speculation that the county would have the funds to develop pedestrian access.

## **MOTION**

Mr. Pruitt made a motion to approve Application #03-10Z for R-4 single-family residential and approve the C-1 commercial on the corner conditioned on the Staff recommendations as follows:

Streetscape plan, including sidewalks, trees, and street lighting shall be submitted along with preliminary plat.

Greenspace areas shall have frontage along a public street and no lot shall be more than five hundred (500) feet from greenspace area.

Design of the walking trails and/or playground/park areas shall be submitted with construction plans.

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

**Application #03-11Z:** High Top Holdings, Inc., Owner – Shawshank Ltd., Agent – 1.23 acres off East McIntosh Road located in Land Lot 126 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

**Application #03-11AZ:** High Top Holdings, Inc., Owner – Shawshank Ltd., Agent – 13.82 acres off East McIntosh Road located in Land Lot 126 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

**Application #03-11BZ:** High Top Holdings, Inc., Owner – Shawshank Ltd., Agent – 17.51 acres off East McIntosh Road located in Land Lot 126 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

**Application #03-11CZ:** High Top Holdings, Inc., Owner – Shawshank Ltd., Agent – 19.96 acres off Stephens Street located in Land Lot 126 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

**Application #03-11DZ:** High Top Holdings, Inc., Owner – Shawshank Ltd., Agent – 23.83 acres off East McIntosh Road located in Land Lot 126 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

These five applications will be considered together but voted separately.

Mike Jackson – 5138 Old Atlanta Highway – Hampton, Georgia

Mr. Jackson said he is the owner and Mr. Jones is purchasing this property. He has assembled this property over the past two years. This property is in the vicinity of the Highland Baptist Church. He and Mr. Jones decided, with the development in the county, the R-2 zoning would be the most appropriate with 1400 SF houses and one-acre lots.

Carl Jones, President – Shawshank – 750 Tower Gate Place – Atlanta, Georgia 30350

Mr. Jones said Shawshank has a local partner, Nathan Mixon, grading contractor. The proposed plan for this property is consistent with the future land use plan for the county. All the greenspace area will be owned by the homeowners. They are requiring a minimum of 1400 SF. 1260 SF is the existing square footage at the present time. The homes will have garages. They are receptive to doing sidewalks. The request for one-acre lots is larger than the surrounding lots presently. This is a dormant area that needs to be developed. Two-acre lots are excessive in size and not feasible for a prudent developer.

Comments from public:

Sidney E. Peach – 390 Lakeview Street

Mr. Peach said he has several issues that he would like to address. He wants to know what direction the streets will be put into the subdivision. How the sewer will be installed, how the power will be brought in, the water, and the lighting. There are two railroad tracks with plans that have been brought before that the railroad would not give the county the opportunity to go under or over the tracks. What is going to happen there? He has heard there will be one-acre lots, which is good. Is it going to be concrete slab or crawl space, two story or single? The sewer system is a problem. Highland Mills is empty now and they can't decide what to do with it. There is greenspace area and development area; where is all of this coming from all at once? How is that going to raise our taxes? We are all up there on retirement and I am sure the taxes will go up when this happens.

Mr. Browning said the preliminary plat shows one entrance off of Lakeview Street that will have 14 lots off of Lakeview. There is another entrance off of Stephens Street that will have the bulk of the lots. There will be no railroad crossing. The plat was made available for anyone to see. The water will be provided by the City of Griffin and installed by the developer.

Mr. Peach said he would like to have a copy of the plan so he could present it to the congregation of the Highland Baptist Church.

Mr. Jones said he would give Mr. Peach a copy of the preliminary plat.

George Ballew – 300 Lakeview Street

Mr. Ballew said he has the same questions that Mr. Peach has. He is further concerned about the privacy that he is going to lose.

Annie Bransford – 28 Bleachery Street

Ms. Bransford said she has lived here for 43 years. The land behind her is a part of this development and she does not want any houses behind her. There is a little "patch" of woods behind her that has streams and wild animals and she does not want that disturbed. She has tried to purchase this land and they would not sell it to her.

Hiram Baughcum – 306 East McIntosh Road

Mr. Baughcum said he owns the land that borders the old railroad tract. He said the man that purchased the track has said he is going to make a historic site with a train. It is privately owned at the present time. He has no objections to this application.

William Vickery – 1409 North Lee Street

Mr. Vickery said he wanted to know how the road will go in and out on Stephens Street. He is concerned about the traffic. With the one way in and one way out that will bring a lot of traffic to that area. He would like to know more about the greenspace.

Julian C. Owen – 1405 Lee Street

Mr. Owen said he wants more exits, one is not enough. Two water mains have broken in the last month. The mains are very old and something will have to be done to the water lines to put in a subdivision. There is bottomland that has water issues.

Patricia Passmore – 27 Bleachery Street

Ms. Passmore said she lives on the corner and wants to know about the parking lot and empty lot next to her.

Mr. Browning said it will not affect the property she is talking about.

Mr. Jones addressed the concerns that had been mentioned. He said he was not going to do anything in the area Ms. Passmore was concerned about. No portion of this site is in any flood zone according to the FEMA Map 130388-045B dated July 2, 1991. The southern portion of this site is not located within any watershed areas indicated by the S2 Watershed Overlay Map. The water that is there can be handled because it is not in a flood zone. The concerns about the railway are being investigated. They are not going to offend any of the elderly or existing residents. They want to create harmony. They will help defray any issues regarding taxes by building more bedroom communities here. Also, they believe they will be a conduit for the church regarding additional people. They will have slab lots and crawl space. They will build them up using monolithic block and getting them off the ground 24 to 36". They believe in building up the slab.

Mr. Youmans said he is concerned about there being no play area and would like to see some area set aside for a play area.

Discussion was held and some area was identified that could be used for greenspace and a play area for this subdivision. The members of the Commission were interested in there being a designated play area for children.

Mr. Taylor said for the rezoning the plan that has been presented, as it relates to one-acre lots, does not need to be considered. The only thing that is being considered is whether or not to allow the rezoning. For the purposes of the rezoning this would be a zoning for two-acre lots. A special exception will have to be considered for the one-acre lots. There is a moratorium on one-acre lots at the present time but when that is lifted the special exception will be considered. The Planning Commission is only considering whether or not to approve the R-2 zoning. Consideration needs to be given to the conditions the staff has recommended.

## **MOTION**

Mr. Pruitt made a motion to approve Application #03-11Z to rezone to R-2 with a minimum of 1400 SF homes conditioned as follows:

Streetscape plan, including sidewalks, trees, and street lighting shall be submitted along with preliminary plat.

Greenspace areas shall have frontage along a public street and no lot shall be more than five hundred (500) feet from greenspace area.

Design of the walking trails and/or playground/park areas shall be submitted with construction plans.

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

**MOTION**

Mr. Pruitt made a motion to approve Application #03-11AZ to rezone to R-2 with a minimum of 1400 SF homes conditioned as follows:

Streetscape plan, including sidewalks, trees, and street lighting shall be submitted along with preliminary plat.

Greenspace areas shall have frontage along a public street and no lot shall be more than five hundred (500) feet from greenspace area.

Design of the walking trails and/or playground/park areas shall be submitted with construction plans.

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

**MOTION**

Mr. Pruitt made a motion to approve Application #03-11BZ to rezone to R-2 with a minimum of 1400 SF homes conditioned as follows:

Streetscape plan, including sidewalks, trees, and street lighting shall be submitted along with preliminary plat.

Greenspace areas shall have frontage along a public street and no lot shall be more than five hundred (500) feet from greenspace area.

Design of the walking trails and/or playground/park areas shall be submitted with construction plans.

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

**MOTION**

Mr. Pruitt made a motion to approve Application #03-11CZ to rezone to R-2 with a minimum of 1400 SF homes conditioned as follows:

Streetscape plan, including sidewalks, trees, and street lighting shall be submitted along with preliminary plat.

Greenspace areas shall have frontage along a public street and no lot shall be more than five hundred (500) feet from greenspace area.

Design of the walking trails and/or playground/park areas shall be submitted with construction plans.

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

### **MOTION**

Mr. Pruitt made a motion to approve Application #03-11DZ to rezone to R-2 with a minimum of 1400 SF homes conditioned as follows:

Streetscape plan, including sidewalks, trees, and street lighting shall be submitted along with preliminary plat.

Greenspace areas shall have frontage along a public street and no lot shall be more than five hundred (500) feet from greenspace area.

Design of the walking trails and/or playground/park areas shall be submitted with construction plans.

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

**Application #03-12Z:** Michael O. Banister, Owner – Alan R. Mobley, Agent – 121 Timber Ridge Drive (2 acres located in Land Lots 54 and 55 of the 3<sup>rd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Alan Mobley – 262 Mobley Road

Mr. Mobley said this is a two-acre tract with a singlewide mobile home. He wants to rezone this to R-2 and divided this into two tracts for two residences and remove the mobile home. He will build 1400 SF homes.

### **MOTION**

Ms. Phillips made a motion to approve application #03-12Z conditioned on the manufactured home being removed before the building permit is issued. The motion passed on a second by Mr. Pruitt with Mr. Browning, Ms. Mathiak, Ms. Phillips, Mr. Pruitt, and Mr. Youmans voting for the motion.

**MOTION**

Ms. Mathiak made a motion to lift application #03-09Z from the table. The motion passed on a second by Mr. Youmans with Mr. Browning, Ms. Mathiak, Ms. Phillips, Mr. Pruitt, and Mr. Youmans voting for the motion.

Mr. Galloway arrived and advised the Commission that, as Mr. Taylor said, the “grandfather” goes away with the zoning change and it will be necessary to apply for a variance.

**MOTION**

Mr. Pruitt made a motion, seconded by Ms. Mathiak, to approve application #03-09Z. The motion passed with Mr. Browning, Ms. Mathiak, Ms. Phillips, Mr. Pruitt, and Mr. Youmans voting for the motion.

**MOTION**

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

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Ray Browning – Chairman

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Yvonne M. Langford - Recorder