

**SPALDING COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**July 29, 2003**

The Spalding County Planning Commission held its regular monthly meeting on July 29, 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, introduced the members of the Planning Commission, and invited those present wishing to address the Board regarding any matter to sign in on the appropriate form.

Mr. Browning said the applicant for Application #03-13Z had requested that it remain on the table and he would like to change the order of the agenda to consider that application first.

**MOTION**

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

**Application #03-13Z: Lift from the table** – Peach State Land Development, Inc., Owner – 13.41 acres off Highway 16 West, Brooks Road and Tri-County Road located in Land Lot 12 & 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 and unless one of the members had an objection it would remain on the table. No one raised any objections.

**Application #00-28Z:** Reese Builders & Developers, Owner – 14.36 acres off Moreland Road and Carver Road located in land Lot 88 of the 2<sup>nd</sup> Land District – requesting approval of revisions to development plans.

Mark McCammon – Reese Builders & Developers – 831 Steele Drive – Hampton, Georgia 30228

Mr. McCammon said they had received a request from Bruce Ballard with the Griffin-Spalding County School System to acquire some land to help simplify a situation for the school on Carver Road. They would like to donate two acres of land to the school board

to help complete a bus turnaround. They want to donate the land if they can reconfigure the roads to comply with the zoning they presently have. They are not increasing the density or changing the lot size. They will lose a cul de sac street to do this. This proposed revision is for that change.

The staff recommendation is for approval.

### **MOTION**

Mr. Pruitt made a motion to approve Application #03-28Z. The motion passed on a second by Ms. Mathiak with Mr. Browning, Ms. Phillips, Mr. Pruitt, Ms. Mathiak, and Mr. Youmans voting for the motion.

Mr. Taylor said the staff has determined that this does not significantly alter the development and this will not have to go to the Board of Commissioners for their consideration.

**Application #03-14Z:** Weldon Gino Bedford, Owner – Bryant’s Construction Group, Inc., Agent – 939 Vineyard Road (4.36 acres located in Land Lot 59 of the 3<sup>rd</sup> Land District) – requesting a rezoning from R-2, Single Family Residential, to R-2A, Single Family and Two Family Residential.

Michael Bryant – 755 Butterfield Court – College Park, Georgia

Mr. Bryant presented a proposed plan for this site. The original plan was for 30 town homes. In discussions with the staff they have changed that plan to reduce the number to 16 units, eight buildings with two units per building. This will allow for more green space and they have made multiple entries and exits to alleviate traffic congestion. The target will be to “empty nesters” to avoid an overcrowding of schools in the area. They will have a walking trail around a lake area. They will maintain the aged oak trees in the recreational area. They will have a sidewalk community with gaslights. This will be a gated community. They want to be an asset rather than a burden. There is a sewer tap on the north side of Vineyard Road.

The following are comments from the public:

Sue Fowler – 2435 Fayetteville Road - Griffin

Ms. Fowler said she is about a mile from this area. She was requested to speak on behalf of the people in the area. This concept is not in keeping with the surrounding neighborhood. There are a few duplexes in the vicinity that were put in some years ago. This creates more density on Vineyard Road and Caldwell Road. It will set a precedent for more of the same. They already have Will’s Walk, Cody Plantation and now Vineyard Ridge is currently being bulldozed. The applicant mentioned this was for older couples but this is too far out with no shopping or eating-places within walking distance so there will be traffic. There is still the possibility for children going to the schools. This proposal does not conform to the present land use plan. The zoning board is very important to the county. The decisions on rezoning are too important to be made by one

board. The board needs more time to research the area and the pros and cons. She requested the board act on behalf of the citizens and adhere to the land use plan.

J. H. Crawford, Jr. – 1191 Vineyard Road

Mr. Crawford said he moved to the area in 1958 and it was a quiet, rural area. His nearest neighbor was a half-mile from his house. Quite a few houses have been built on Vineyard Road and that is progress. A community of modest homes, well cared for with good neighbors has been built. More recently Clayton and Henry Counties have overflowed and are moving into Spalding County particularly down Vineyard Road following a sewer line. Cody Plantation, Will's Walk with 165 lots and Vineyard with 67 lots brings a lot of traffic. Traffic has become quite heavy. It is a major cut-through between North Expressway and Highway 92 West. When these subdivisions are complete the traffic will double on Vineyard Road. The road is in deplorable condition with no help in sight. He is concerned about the schools. Beaverbrook Elementary and Cowan Road Middle School are in trouble now and about to be in more trouble, as is Cowan Road Elementary. This density represents 16 people per acre and we cannot afford this density. If this is approved it will set a precedent and we will be "covered up" with requests. He requested this application be denied.

Harold LaCount – 343 Caldwell Road

Mr. LaCount said he agreed with the previous speakers. The congestion is terrible on Vineyard Road. He is against this development

Michael Martin – 51 Caldwell Road

Mr. Martin said he is in disagreement with this application. He backs everything the other speakers have said. The two entrances that have been proposed on Caldwell Road will not help the situation. The proposed lake is of concern. He has two small children and everyone knows that in a "blink of the eye" children can get out of your sight. He does not care for the proposed lake. With the size of the property the size of the lake will be such that it will be dry and nasty and bring in insects and snakes. He is in law enforcement and units like this tend to bring in crime. It is easily accessible and they can get to multi-families at one time. He had indicated they are trying to bring in higher income families but he does not see that happening. Higher income families buy houses rather than being stacked on top of each other.

Birdie Stansell – 545 Caldwell Road

Ms. Stansell said the traffic on Vineyard Road is horrendous. She works at Cowan Road Elementary School and they are overcrowded. They have already registered 18 children who will be coming from Cody's Plantation and the first part of Will's Walk. There is a second phase of Will's Walk underway at the present time. She is opposed to the development because of the traffic and the number of children in the school.

Tom DeLuca – 323 Caldwell Road

Mr. DeLuca said he is opposed to the development. No one has mentioned the value of the duplexes and he would like to know the value. This will be rental property in an area where there is residential property. The traffic is bad enough now and it will be

horrendous and when you try to go to work you are going to get run over. He requested the application not be approved.

Charles Jeffries – 160 Caldwell Road

Mr. Jeffries said he moved there in 1976. He feels this is too high density for the area. He would like to know whether this will be rental units or for sale. He said he does not know whether or not there is sewer on the north side of Vineyard. He agrees with what has been said and he is against this development as presently planned. It does not go with the plan.

Lawanda Adams – 47 Caldwell Road

Ms. Adams said she agrees with everything that has been said. She is opposed to this development. It will create a problem to add these 16 units. They enjoy the peace and harmony in the neighborhood and this will not help.

Frank Bush – 200 Caldwell Road

Mr. Bush said in 1994 he purchased 5 acres of land on Caldwell Road approximately ¼ mile from this proposed development. They have just completed a 3485 SF home. They have quite an investment. They located there because of the low-density country setting. Other subdivisions have come in that have adversely affected their home. The continuation of this type development is going to adversely affect the property values of the houses on Caldwell Road. He urged denial of the application.

Michael Bryant (rebuttal)

Mr. Bryant said the issues that were raised are important. The staff has recommended denial of this rezoning. He understands the issues they have raised. However, these units will be for sale only. They do not want to be in the landlord or rental business. It is a gated community and the issue of children and the lake; there will be a six-foot fence around the community. They will be appealing to the “empty nesters” with one to two people per dwelling. Minimum square footage of heated space in 1723. Each unit will have a two-car garage. They will be three bedrooms, 2.5 baths with fireplaces. They are proposing a clubhouse with other amenities. They want to enhance the area on the corner of Caldwell and Vineyard Roads. There is presently a house on the lot. It is overgrown with bushes. They do not want to add a burden to the school system, the police and fire departments, or to Vineyard Road. He discussed the traffic situation. There will be upscale landscaping with sidewalks. The units will sell for \$150,000 to \$175,000 each.

Mr. Taylor said the staff report recommends denial. The future land plan indicates the property should be developed as low-density residential which would allow two to three houses on the property as presently zoned. The proposal of 16 units on 4.36 acres would create a density of approximately of 3.66 units per acre which would be classified as medium density residential. There is a lot said about increasing density because sewer is available. The county does not control where sewer is run so the county should not automatically consider sewer areas as higher density. You have to plan for higher density and whether there is sewer there or not you should put higher density in appropriate places. The current land use map identifies this area as a lower density area.

The amenities are upscale and the appearance in general is appealing but this location is not appropriate for this type development due to traffic and density concerns.

Discussion was held with the general consensus being agreement with the staff report. They liked the proposed plan but did not feel it was appropriate for the area.

### **MOTION**

Mr. Youmans made a motion to deny Application #03-14Z. The motion passed on a second by Ms. Mathiak with Mr. Browning, Ms. Phillips, Mr. Pruitt, Ms. Mathiak, and Mr. Youmans voting for the motion.

**Application #03-15Z:** Markland Management, LLC, Owner – 361 Wilson Road (.543 acres, more or less, located in Land Lot 206 of the 2<sup>nd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-1, Highway Commercial.

Mark McCullough – 704 West Taylor Street

Mr. McCullough said this is adjacent to The Village which is 23-acre commercial development they are planning. They purchased this site and want to match the zoning to that development. He showed a proposed plan. He said they want to keep the tenants in the duplexes until they are ready to develop the site. The future use would not be residential. They have started the grading on The Village and will be putting in a convenience store.

Mr. Taylor said the staff recommends denial because it does not fit with the future land use map and approval of the request would allow the residential nature of the property to continue and create a non-conforming use that basically has all the rights of any other non-conforming use. The County is trying to avoid non-conforming use. It is bad planning practice to create non-conforming uses to zoning. If approval is considered the recommendation is that a condition is included that the staff revisit the land use map and include this as commercial property and that a time limit be established for the non-conforming use. Since this is commercial property just adjacent to their larger commercial tract some plan that cohesively ties the future development of this property into the larger tract should be submitted.

Discussion was held and the general consensus was that this tract was ultimately going to be commercial.

### **MOTION**

Mr. Pruitt made a motion to approve Application #03-15Z. The motion passed on a second by Mr. Youmans with Mr. Browning, Ms. Phillips, Mr. Pruitt, Ms. Mathiak, and Mr. Youmans voting for the motion.

**Application #03-16Z:** C. Mark McCullough, Owner – 1.35 acres off Memorial Drive located in Land Lot 178 of the 2<sup>nd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to C-1, Highway Commercial.

Mr. McCullough – 704 West Taylor Street

Mr. McCullough said he has read the staff report and it is very clear and he feels he will just answer any questions. He identified the location of the property and stated that the conditions as recommended by the staff were in his proposal and are acceptable.

Recommended conditions are as follows:

Brick, stone, or masonry façade shall be used on the front of the structure(s). The facades that can be seen from a right-of-way, brick, stone, or masonry stucco shall be used twenty (20) feet deep on the property.

Lights for the site shall not reflect on adjoining properties.

### **MOTION**

Ms. Mathiak made a motion to approve with the conditions as recommended. The motion passed on a second by Mr. Youmans with Mr. Browning, Ms. Phillips, Mr. Pruitt, Ms. Mathiak, and Mr. Youmans voting for the motion.

**Application #03-17Z:** G. Niles Murray, III, Owner – 4.04 acres off Mimosa Road located in Land Lot 43 of the 2<sup>nd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-4, Single Family Residential.

Niles Murray – 1400 Maple Drive

Mr. Murray said this tract is in eastern Spalding County on a dirt road running between Old Jackson Road and Parham Road. It currently has a very old house with a singlewide trailer attached. He wants to tear down the house and the trailer. The house could be renovated but he wants to remove it and divide the four acres into two, two-acre parcels and build two 1500 SF houses. They will each have 200' of frontage on Mimosa Road. He is aware the land use plan requires three acres and was not surprised that the staff recommended denial. The staff is going strictly by the land use plan and the Planning Commission is to consider what is best for the county. He feels the property is most advantageously used for what he would like to do. He said he has talked with Walter Cliff Futral who is the largest landowner in the area and he approved this proposal. He would like to see what is on this tract removed.

Discussion was held and it was noted that the average tract size in the area is 2 acres.

Mr. Taylor said changing this reduces the minimum frontage and he suggested that it be limited to the two tracts.

### **MOTION**

Mr. Youmans made a motion to approve Application #03-17Z conditioned on the site plan as presented with the existing structures being removed and being replaced with two houses with a minimum of 1500 SF heated.

**Application #03-18Z:** Crescendo Land, LLC, Owner – Spalding County Board of Commissioners, Agent – 41.26 acres, more or less, off Georgia Highway 155 located in Land Lot 111 of the 2<sup>nd</sup> Land District – requesting a rezoning from R-2, Single Family Residential, to R-1, Single Family Residential Low Density.

Mr. Browning said this zoning was approved by the Commissioners and this rezoning is being proposed because it will best reflect what is there. The R-1 zone better reflects the type houses being constructed.

Mr. Taylor said conditions are tied to the special exception and if the conditions are tied to the zoning then if the developers abandon the idea of one-acre lots and someone comes back with two-acre lots the conditions are also tied to the zoning.

Andre Douglas – 3608 Oakdale Falls Court – Decatur, Georgia

Mr. Douglas said they are for this change as long as it follows the same conditions as previously approved by the County Commissioners.

Conditions are as follows:

Architectural lighting poles used for street lighting (Plan shall be submitted as part of construction plans).

Minimum four (4) foot sidewalks on both sides of road.

All utilities shall be underground.

All homes shall have one (1) to three (3) sides that are constructed of brick or stucco (minimum one (1) side masonry).

All homes shall have side garage entry.

Street trees shall be required on both sides of the street. Trees are required at 50' intervals. Trees shall be hardwood species, with a minimum 2-inch caliper (Plans shall be submitted as part of construction plans).

Mr. Taylor said the conditions are the same. The only thing that was changed was that the design of these architectural preliminaries will be submitted with the construction plans.

Mr. Douglas said the intent was the trees would be at entrance not along the whole road. He said they are going to be leaving so many of the trees on the property there will not be a need for trees on both sides of the street.

Mr. Taylor said if there is some confusion about this it can be clarified at the Board of Commissioners' meeting.

## **MOTION**

Mr. Pruitt made a motion to approve with the conditions as recommended with the exception that there will be a clarification of the trees at the entrance by the County Commissioners at their meeting. The motion passed on a second by Ms. Phillips with Mr. Browning, Ms. Phillips, Mr. Pruitt, Ms. Mathiak, and Mr. Youmans voting for the motion.

Mr. Taylor said this would have to be approved by the County Commissioners, as any other zoning change would be.

**S/D #03-03:** Teamon Road Plantations – Southside Developers, Owner – 33.53 acres on Teamon Road, located in Land Lot 201 of the 3<sup>rd</sup> Land District – 11 lots.

Mark G. Whitley – 7544 South Lake Parkway – Jonesboro, Georgia

Mr. Whitley said they want to begin the development of this property. It may be years before they develop the balance of the property. They have 50 acres in the back that they may propose a conservation subdivision at some time in the distant future. They want to develop these 11 lots with a three-acre minimum. They feel this is in keeping with what is in the area.

Mr. Pruitt said he feels the number of curb cuts on Teamon Road should be reduced and suggested that there be one curb cut for every two houses.

Mr. Taylor said there has been a concern with this development from the very first. They would have liked a cohesive development of the entire tract. There has always been a concern regarding the curb cuts on Teamon Road. The recommendation is to create a private “alley” at the rear of the lots that could be an access for a rear entrance to the property. This would solve the problem of too many curb cuts. The staff would much rather see a cohesive development of the entire property. There is probably no way to keep the developer from splitting off the front lots on Teamon Road but there can be conditions on the lots. There is a need to minimize the access points on Teamon Road

Mr. Youmans said eventually Teamon Road is probably going to become a much larger, wider road and he would like some thought to the houses being set back further on the lot so they will not look so bad when the road is widened.

Mr. Whitley said the setback is 100 feet and that will still leave a substantial front yard even if the road is widened. On question Mr. Whitley said he would not consider the rear entrances due to cost of development. He said he would consider dual drives for the houses so it would reduce the number of curb cuts. He said he would discuss this situation with his staff and advise them of the concerns of the Planning Commission.

If there are 11 lots and the curb cuts are shared that would mean there would be 6 curb cuts rather than 11.

Mr. Browning said this development should be allowed as it has been requested and he does not think it can be conditioned by limiting his curb cuts.

Mr. Galloway said he was not aware of this situation until today but he has done work on other cases. The Spalding County ordinance on the subdivision regulations states that one of the purposes is to assure the accurate protection of safe and convenient traffic access and circulation. His understanding is that this plat, as submitted, meets the requirements of the subdivision ordinance. He is not saying that the plat should be refused but he is saying that if the Commission feels there is sufficient concern about access in and out of the properties on Teamon Road that the Commission has authority to condition that access requirement in some way. That does not affect the requirements of how the lots are divided on the plat. Discussion was held regarding the type road Teamon is regarding the definition as in the ordinance. The type road affects the action the Planning Commission can take. Mr. Galloway said, in his opinion, the Commission can take action regarding curb cuts on Teamon Road.

Mr. Pruitt said he does not want to change the design of the lots but does want to reduce the number of curb cuts on Teamon Road.

Mr. Browning said he believes this is a conflict since there is an R-2 zoning on McIntosh Road with a driveway cut on every lot and there is a greater sight distance problem there than on Teamon Road. He does not feel it is appropriate to allow that development and put conditions on this development.

Mr. Whitley said he did not have a problem with the proposed condition that Mr. Pruitt is suggesting.

#### **MOTION**

Mr. Pruitt made a motion to approve S/D #03-03 conditioned on a site plan to the staff with the one curb cut to two individual drives. This would result in six curb cuts on Teamon Road for the 11 lots. The motion passed on a second by Ms. Mathiak with Ms. Phillips, Mr. Pruitt, Ms. Mathiak and Mr. Youmans voting for the motion and Mr. Browning voting against.

**S/D #03-04:** Touchstone Subdivision – A. C. Touchstone et al, Owner – 29.276 acres, more or less, on Futral Road, located in Land Lots 10 & 11 of the 3<sup>rd</sup> Land District – 6 lots.

Mark McCullough – 704 West Taylor Street

Mr. McCullough said this will be 3+ acre lots. They will have six lots with road frontage on Teamon Road and he agrees to the curb cuts, if possible, as conditioned on the previous application.

Mr. Taylor said the County Fire Department is concerned regarding the lack of a fire hydrant for fire protection for this development. The County Manager wrote a memo

regarding a condition that needs to be considered for this request. They would like to see this conditioned on a tie-in to the Futral Road water line and that fire hydrant be placed to meet the requirements for fire protection.

Discussion was held regarding this request. The developer intends to put in wells and not tie into the water lines due to the expense. The Planning Commission felt this was rural property and fire protection and insurance rating was up to the developer and he should not be required to run the lines if he does not want the protection.

#### **MOTION**

Mr. Pruitt made a motion, seconded by Mr. Youmans, to approve S/D #03-04 conditioned on driveways cuts be one cut for lots 1 & 2, one cut for lots 3 & 4, and one cut for lots 5 & 6, if feasible. The motion passed with Ms. Phillips, Mr. Pruitt, Ms. Mathiak and Mr. Youmans voting for the motion and Mr. Browning voting against.

Mr. Browning said he voted against this motion because the Planning Commission is not empowered to condition regarding the curb cuts and they should not.

#### **MINUTES**

Ms. Mathiak made a motion to approve the minutes of the July 8, 2003 meeting. The motion passed on a second by Ms. Phillips with Mr. Browning, Ms. Phillips, Mr. Pruitt, Ms. Mathiak and Mr. Youmans voting for the motion.

Mr. Taylor advised the Planning Commission that there would be a comprehensive plan workshop with the Board of Commissioners on August 9 from 9:00 A.M. until 12:00 Noon.

#### **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