

PLANNING COMMISSION
Regular Meeting
August 13, 2002

The Spalding County Planning Commission held its regular meeting on August 13, 2002 at 7:00 P.M. in the County Commission Meeting Room #108, Spalding County Courthouse Annex. Members present were: Chairman Karen Mathiak, presiding, Bill Bryant, Delores Phillips, Ray Browning, and Margaret Palmer. John Youmans 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, introduced the members of the Planning Commission, and gave the procedure for handling the applications.

Ms. Mathiak asked that the agenda be amended for the approval of the July 30, 2002 minutes be moved to the end of the meeting.

MOTION

Mr. Bryant made a motion to amend the agenda. The motion passed on a second by Ms. Phillips with Karen Mathiak, Bill Bryant, Delores Phillips, Ray Browning, and Margaret Palmer voting for the motion.

REZONING REQUESTS:

Application #02-16Z: Lift from the table - Doug and Angela Lawrence, Owners – Markland Management, LLC, Agent – 2.24 acres, more or less, off Rehoboth Church Road located in Land Lot 41 of the 3rd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-5, Single Family Residential.

MOTION

Mr. Bryant made a motion to lift from the table application #02-16Z. The motion passed on a second by Ms. Palmer with Karen Mathiak, Bill Bryant, Delores Phillips, Ray Browning, and Margaret Palmer voting for the motion.

Mark McCullough came forward, gave his name, and address as 704 West Taylor Street.

Mr. McCullough stated he has both designs with him. When the designs were first initiated, several meetings were held where conditions were suggested for the property and construction of the houses. Mr. McCullough stated the plan before the Planning Commission tonight stems from the suggestion of 9 lots on the west side of the property. Mr. McCullough asked for any suggestions or changes the Planning Commission has.

Mr. Browning stated the initial subdivision layout (one of the two designs before the Planning Commission) does not include the recommendations that were part of the vote from the Planning

Commission that included minimum 1¾-acre lots. Mr. Sabine advised the Planning Commission the second piece of property would need to be conditioned the same way as the first piece of property.

Mr. McCullough stated it depends which design the Planning Commission wanted. Mr. McCullough stated if he is going to do the road, the Lawrence's property wouldn't be included in the project. Mr. Sabine asked Mr. McCullough if he would withdraw the application. Mr. McCullough stated if he went back to the original design with a recommendation, he would most likely withdraw the application for rezoning of the Lawrence's property.

Mr. McCullough stated the initial design with the cul-de-sac road was a much better plan. Mr. McCullough stated he exceeded the lot width, one (1) acre minimum lots, wooded area with over four (4) acres of greenspace, building of trees through the National Arbor Day Foundation, and buffers surrounding the property. Mr. McCullough stated that he had researched the area and found that 55% of the 109 lots in the area were less than two (2) acres. Mr. McCullough stated that 78% of the homes were less than 1,300 square feet. Mr. McCullough stated homes built on the property would be 1,400 square feet heated area. Mr. McCullough stated a lot of thought was put into the design, and he thought that the original design was what Spalding County was looking for.

Ms. Mathiak asked how would the people get to the greenspace. Mr. McCullough stated during preliminary plat or final plat phase, easements would be put down the large lots. Mr. McCullough stated he did not think the greenspace would be used by the residents. Mr. Sabine asked Mr. McCullough who would own and maintain the greenspace. Mr. McCullough stated he is not sure at this time.

Mr. McCullough advised the Planning Commission that it would not be feasible to put in a cul-de-sac road and divide property into nine (9) lots because the lot sales would not cover the cost of the road. Mr. McCullough stated to do less than nine (9) lots, he has an agreement with the adjoining landowner to trade property giving the necessary road frontage to subdivide the property.

Mr. Browning stated it is quite obvious over the last year to 18 months, the Board of Commissioners, the residents of Spalding County, and the Planning Commission have reached for a more quality development, not saying this development is bad, but Spalding County has strived for compatibility with areas and blending the two is difficult. Mr. Browning stated granted, there are some small lots with manufactured homes in Spalding County. Mr. Browning stated if Spalding County uses that as a standard, as a Board, Spalding County would openly approve manufactured housing on small lots. Mr. Browning stated Spalding County has fallen somewhere between what this division is, what has been approved in the very recent past in this area, and what had been done way in the past. Mr. Browning stated that neither the eight (8) curb cut lots on the property, nor having fourteen (14) lots off the cul-de-sac is what Spalding County is looking for in this area. Mr. Browning stated having nine (9) lots off the cul-de-sac with 1¾ acres was a much more palatable design than either of what is before the Planning Commission tonight.

Mr. Browning stated lots with 125-foot of frontage, and didn't have the road cuts all in a row, would probably be a solution. Mr. Browning stated the acreage size is very palatable to the neighborhood. Mr. Browning stated the neighbors were concerned with the eight (8) driveways all congested on the road, and that could possibly cause a problem. Mr. McCullough stated he could put in one (1) access drive with one (1) private drive to service all of the lots with an easement for all of the lots.

Mr. Sabine suggested that the property be divided into five (5) lots with 200 feet of road frontage on Rehoboth Church Road, and two (2) on Whatley Road with 125-foot road frontage and 1 acre.

Mr. Browning stated he has no problem with Mr. Sabine's suggestion.

Chris Bergen came forward, gave his name, and address as 275 Rehoboth Church Road.

Discussion between Mr. Bergen and the Planning Commission was held on ways to develop the property.

Mr. Sabine stated the Planning Commission needs to look at current trends not past trends.

Mark Moody did not wish to speak at this time.

Hugh Akins came forward, gave his name, and address as 175 Rehoboth Church Road.

Mr. Akins stated he has been a builder since 1982 and most of the lots he is dealing with now require 200-foot road frontage and two (2) acres at least. Mr. Akins stated the lots need 200-foot road frontage. Mr. Akins stated he did not want a cul-de-sac road on this property.

Mr. Sabine stated Spalding County would be better off to rezone the property to R-2 straight out instead of doing R-5 conditional. Mr. Sabine stated the property could be conditioned so Spalding County could capture the intent of the lots without running a foul of any of the R-2 regulations. Mr. Sabine suggested the property be rezoned conditioned to R-2, 1,400 square feet, two (2) car garage, approximately 1,000 feet of road frontage along Rehoboth Church Road be divided into no more than five (5) lots with each lot having a minimum road frontage of 200 feet and a minimum acreage of 2.85 acres, and frontage on Whatley Road shall not be less than 125 feet with minimum one (1) acre lots with no more than two (2) lots divided off the road frontage.

Gene Babbs came forward, gave his name, and address as 153 Whatley Road.

Mr. Babbs asked why Rehoboth Church Road lots would be required to have 200 feet road frontage and Whatley Road lots would be required to have 125 feet road frontage.

Ms. Mathiak advised Mr. Babbs in the R-2 zoning, the minimum lot width is 125 feet with water. Mr. Browning advised Mr. Babbs the five (5) lots off Rehoboth Church Road would be conditioned to 200 feet of road frontage to keep down the number of road cuts. The traffic issues on Whatley Road and Rehoboth Church Road are completely different.

Eloise Hayes came forward, gave her name, and address as 1061 Swint Road.

Ms. Hayes stated she understands the property on Whatley Road is under contract, but has not yet been signed off on. Ms. Hayes stated the property is in her name left from the Benford family until she dies, and then the land will be left to her stepchildren. Ms. Hayes stated they have been working with the stepchildren about the property on Whatley Road. Ms. Hayes stated the property is above the dam. Mr. Bergen stated Ms. Hayes has the 21-acres that is directly behind the property. Mr. McCullough advised Ms. Hayes the property is different. Ms. Hayes stated what Mr. McCullough is talking about is different then. Ms. Hayes stated there is a pond on the property that has been talked about that the papers haven't been signed yet on Whatley Road.

Mr. Sabine stated this recommendation is officially for the property that is subject to this zoning application. Mr. Sabine stated he encourages the Planning Commission that the recommendation is stated informally recommended to the property that a recommendation was previously passed on, so the Board of Commissioners gets a unified recommendation for all of the property. Mr. Sabine stated the recommendation is for R-2 with 1,400 square feet for the entire parcel, two (2) car garage, 1000 feet of road frontage along Rehoboth Church Road be divided into no more than five (5) lots with a minimum road frontage of 200 feet and minimum acreage of 2.85 per lot or whatever the breakdown is per lot, and the two (2) lots along Whatley Road have the standard minimum 125 feet of frontage and 1 acre minimum lot size.

Mr. McCullough asked how the Board of Commissioners would feel about the original design submitted with the cul-de-sac road and subdivision. Mr. Sabine stated hesitation at the Board of Commissioners' level relative to road frontage lots, just stripping off existing road frontage, would be far more intense than here. Mr. Sabine stated the Board of Commissioners might act in any manner they see fit. Mr. Sabine stated Mr. McCullough could possibly get seven (7) lots road frontage, or Mr. McCullough could develop an interior street. Mr. Sabine stated if Mr. McCullough does develop an interior street, he would not get the density that was submitted with the initial plan. Mr. Sabine stated he didn't think the Board of Commissioners would be any more supportive of that level of density in that form than the Planning Commission would. Mr. Sabine stated relative to considering all of the perimeters from land use to density to traffic management and neighborhood compatibility, when put altogether, seven (7) lots could be allowed without adversely affecting the neighborhood off of the existing road frontage, or an interior street could be put in realizing that the density should be limited to nine (9) houses on the cul-de-sac. Mr. McCullough stated initially the opposition didn't come with the density and the number of lots in the first proposed design until soil issues were brought up. Mr. Browning stated he wasn't in on the initial design criteria, but the density would have been from his standpoint. Mr. Browning stated the Board had just required another developer to have two (2) acre lots down the road from this development.

Ms. Mathiak read the recommendations from the last meeting for the previous application.

Mr. Browning stated he couldn't see holding one developer to the standards and not the other developer. Mr. Browning stated if a minimum of two (2) acres and 200-foot road frontage is the standard for the neighborhood, then that's the standard for the neighborhood. Mr. Browning

stated the 200-foot road frontage, and allowing the development on Whatley Road to be 125-foot and one (1) acre tract is a fair negotiated answer to the problem.

Mr. McCullough stated he doesn't think it is fair to allow him only seven (7) lots when the original proposal was for sixteen (16) lots. Mr. McCullough stated he doesn't even think the seven (7) lots are compatible to the surrounding area. Mr. Sabine stated it is compatible with the standard that has been since 1994. Mr. Sabine stated in 1994, the Board of Commissioners adopted a two (2) acre and 200-foot road frontage/lot width per lot in the AR-1 district. Mr. Sabine stated now the AR-1 requires three (3) acres. Mr. Sabine stated the bar has been steadily raised in the AR-1 district. Mr. Sabine stated this is consistent with everything that has happened in the past eight (8) years, which is essentially modern history development in Spalding County. Mr. Sabine stated he doesn't want to be inconsiderate to recent trends and recent history. Mr. Sabine stated Spalding County is holding folks to a higher standard across the County in a variety of situations not only the situation with Mr. Bethune at Buck Creek Road and Rehoboth Church Road, but in other zoning districts and other zoning classifications. Mr. Sabine stated a rising tide lifts all the boats. Mr. Sabine stated Spalding County is raising the expectations, and the market has been there to meet them. Spalding County's building activity has been at a fairly steady pace. Mr. Sabine stated the market respects that, but at the same time, Spalding County does need to make sure everything is kept in appropriate context, and Spalding County is holding each person in a comparable set of circumstances. Mr. Sabine stated Spalding County is looking at recent trends and how comparable cases are treated.

Mr. McCullough stated at the last meeting, the Planning Commission asked him to come back with no more than nine (9) lots. Mr. McCullough stated he has come back with eight (8) lots and has met the requirements for rezoning. Mr. McCullough asked why now is the recommendation for only five (5) lots.

Mr. Browning stated the nine (9) lots Mr. McCullough is proposing are off one road and chopping up the road frontage for the lots. Mr. McCullough stated he wasn't told the lots had to be off one road, but nine (9) homes in the area would be more compatible.

Mr. Sabine stated a road was proposed at that time. Mr. Sabine stated obviously the Planning Commission was acting in good faith on the basis of the plan that was submitted. Mr. Sabine stated the nine (9) lots were intended to be off of a street. Mr. Sabine stated Mr. McCullough could go back to the way it was captured at the very beginning by Mr. Bryant's initial motion on June 25th and do the street and the nine (9) lots, or Mr. McCullough could go with the road frontage lots. Mr. Sabine stated given the fact that the road frontage lot proposal was submitted subsequent to the initial discussion and initial vote, obviously the Planning Commission has to go back and look at the design and see what is consistent. Just because the Planning Commission said nine (9) lots when a street was in front of them, doesn't mean that nine (9) lots, ten (10) lots, or how many other lots that call for road frontage would be appropriate. Mr. Sabine stated the situation is different. Mr. Sabine stated Mr. McCullough is the one who came in with a revised proposal, and the Planning Commission is reacting to the revised proposal.

Mr. McCullough asked was it because of the eight (8) accesses/driveway cuts off Rehoboth Church Road that is different from the nine (9) lots proposed and the street. Mr. McCullough

stated he could change that to have one (1) access. Mr. Sabine stated he didn't think the tract of land was just the issue, but, also, the appearance of density. Mr. Sabine stated the way the lots are subdivided with 125-foot lot width per lot gives the idea of what Spalding County considers suburban density. Mr. Sabine stated that is why in the minimum road frontage in the "R" class districts has been historically 125 feet. The reason there is a 200-foot road frontage requirement in the AR-1 district, in part, is to account for a more spacious feel and more rural environment. Mr. Sabine stated if the houses are put up against Rehoboth Church Road and impact that sort of view, then obviously Spalding County has to react to that sort of density. Mr. Sabine stated eight (8) curb cuts would certainly be damaging. Mr. Sabine stated he didn't think seven (7) curb cuts would be much better, but, at the same time, five (5) lots with 200-feet of road frontage Spalding County address traffic management, as well as the fact, Spalding County would have the road frontage that is consistent with AR-1, or at least has been consistent in recent times since 1994.

Mr. Galloway pointed out the agreement of either side is not a condition pre-requisite to the Planning Commission action.

Mr. Browning stated if the Planning Commission sends this application forward to the Board of Commissioners with the blessings of the neighborhood and the Planning Commissioners; it is possible the Board of Commissioners would go along with the proposal. Mr. Browning stated if there is any controversy, he is unsure how the rezoning would turn out.

Mr. McCullough stated he would like the Planning Commission to send the application forward with their recommendation, and he would use that time to see if he could work out the proposal to meet the Planning Commission's recommendation. Mr. Browning advised that Mr. McCullough could withdraw the application before the Board of Commissioners voted on the application so not to damage the resubmitting of another application at another time.

MOTION

Mr. Browning made a motion to approve application #02-16Z conditioned that property be rezoned to R-2, 1,400 square foot site built homes, lots abutting Rehoboth Church Road have minimum 200-foot road front and minimum acreage of 2.85 approximate pending the survey, lots on Whatley Road have a minimum of 125-foot road frontage and minimum of one (1) acre conditioned to two (2) lots on Whatley Road for a total of seven (7) lots on the project, and the motion carries to the previous application for the original 26.13 acres to include division and land swap proposed. The motion passed on a second by Ms. Phillips with Karen Mathiak, Delores Phillips, Ray Browning, and Margaret Palmer voting for the motion, and Bill Bryant voting against the motion.

Ms. Mathiak advised this application would go before the Board of Commissioners on August 22nd at 6:00 p.m.

A brief recess was taken at this time.

PRELIMINARY PLAT APPROVAL:

S/D #02-07: Lift from the table - Vineyard Ridge – Rajendra J. Patel, Owner – Village Partners, LLC, Developer – 51.91 acres off Vineyard Road, located in Land Lot 60 of the 3rd Land District – 78 lots.

MOTION

Ms. Phillips made a motion to lift from the table Preliminary Plat S/D #02-07. The motion passed on a second by Mr. Browning with Karen Mathiak, Bill Bryant, Delores Phillips, Ray Browning, and Margaret Palmer voting for the motion.

Mr. Sabine stated the applicants have a slightly revised concept plan. Mr. Sabine stated a very informal meeting was held with Mr. Smith and Mr. Blackwell to talk about some of the concerns that have emerged relative to this development. Mr. Sabine stated there were three (3) concerns that did emerge relative to the visibility off of Vineyard Road as follows: appearance of density, relative to the accessibility of greenspace throughout the residential community, and with respect to housing layout design.

Mr. Sabine stated Ms. Craig and Mr. Galloway met and ran the density calculations that would be allowed under the Ordinance. Ms. Craig and Mr. Galloway looked at it with the respect that the tract was just a blank piece of property without any wetland concerns as it is constrained by the wetlands, and how it is under the Conservation Subdivision. Mr. Sabine stated Ms. Craig and Mr. Galloway found that the number of homes that could be built on the property that is not designated wetlands or flood plains is essentially the same in each treatment. The number of homes does not actually increase.

Mr. Galloway stated that because this is the first Conservation Subdivision on sewer, considerable time was taken to confirm the computations on density and to address the issues of whether or not the plat complies with the requirements of the Conservation Subdivision Ordinance.

Mr. Galloway stated the property is presently zoned R-2. Mr. Galloway stated under R-2 where there is sewer access available the minimum lot size that is required under Spalding County's Ordinance, and has been required since this Ordinance has been created, is 20,000 square feet, which gives a density of 2.2 units per acre. Mr. Galloway stated this is a 51.9-acre tract. Mr. Galloway stated assuming there were no wetlands on this tract, the development density that would be allowed, under the Ordinance as it exists, is 114 unit density with sewer. Mr. Galloway stated the amount of the wetlands, however, reduces the amount of buildable property on the tract to thirty-four (34) acres. Mr. Galloway stated under a standard subdivision, the number of units allowed would be 74.8, and would be over the developable portion of the tract. Mr. Galloway stated numbers were run for this tract as a standard subdivision with 50% of the tract set aside, and ran numbers with 60% of the tract set aside as an enhanced Conservation Subdivision. Mr. Galloway stated it was noted there is a conflict in Spalding County's provisions of Section 701 of the Conservation Subdivision Ordinance Spalding County requires that 50% of the tract to be set aside as undeveloped greenspace. In Section 704 under the design criteria, the Ordinance requires 50% of the adjusted tract acreage to be set aside. This conflict

has to be corrected. The intent was to set aside 50% of the tract not the adjusted tract acreage. Mr. Galloway stated the numbers were run under 50% of the tract and 50% of the adjusted tract acreage, as well as, 60% of the tract and 60% of the adjusted tract acreage. Mr. Galloway stated because of the minimum lot size required in the Conservation Subdivision with a 60% enhanced conservation tract, the maximum lots come out to be roughly 75, and roughly carries forward in every other category 50% conservation and 50% adjusted tract acreage, and, also, 60%. Mr. Galloway stated in terms of density, the number of lots that would be the maximum allowed is really relatively insignificant. Mr. Galloway stated the numbers were run because it allowed Spalding County to see how Mr. Smith had done his calculations. The design was reviewed based upon what Spalding County felt like was the intent of the Ordinance is providing for Conservation Subdivisions and calculations for what was fair. Mr. Galloway stated in certain circumstances, there could be a great disparity in having 50% of the tract verses 50% of the adjusted tract acreage, but in this case, the numbers work out to be inconsequential.

Mr. Galloway discussed other items that were noted for revisions. Mr. Galloway stated after discussion is through on Mr. Smith's plat, he will ask for authority from the Planning Commission to come forward with amendments to the Ordinance.

Mr. Galloway discussed observations and how Conservation Subdivisions need to be walked through.

Mr. Galloway stated it needs to be made clear that the calculations of density are simply the same under any method that is used. Mr. Galloway stated this would not allow automatic entitlement to the maximum number of lots, but that would be what the calculations would allow.

Ms. Palmer asked if the pond was included in the wetlands. Mr. Galloway stated it is not clear that existing wetlands and land that is under water gets pulled out of the calculations and then not counted back in. Mr. Galloway stated it was the intent of the Commission, at least as far as dealing with wetlands, that the existing wetlands not be pulled out of developable space then added back into greenspace. Mr. Galloway stated on the plat before the Planning Commission tonight, the wetlands are included in the greenspace.

Mr. Galloway stated the wetlands were pulled out at the correct percentage for the adjusted tract acreage. Mr. Galloway stated that when you just look at adjusted tract acreage, and you apply the density factor, the lots increase, but that is offset because the minimum lot size pulls those lots down. Mr. Galloway stated under the 60% conservation space, even though under adjusted tract acreage, one could get eighty-three (83) lots when you apply the minimum lot size, the number of lots comes down to seventy-five (75). The calculations have been worked on this proposal four (4) different ways, and all have come out essentially the same within two (2) to three (3) lots.

Mr. Browning stated when the Conservation Subdivision Ordinance is revised, there needs to be some sort of proviso that if the developer is willing to go to the expense of putting in a nice lake, the developer should receive some credit of the lake in their calculations.

Mr. Galloway stated the Homeowners Covenant has not been reviewed to determine exactly whether the provisions of the covenant do what is anticipated under Section 713. The covenant that has been provided is very extensive. Further discussion on the covenant was held.

Mr. Galloway stated this is not a typical preliminary plat circumstance where the Planning Commission is simply reviewing the plat to see if the plat is approved, or the plat is conditionally approved upon satisfying a minor requirement, or the plat is denied, because the plat falls drastically short of what the Ordinance requires.

Ms. Craig stated the density of the preliminary plat will not be a issue because the lots submitted would be applicable for any residential development. Ms. Craig stated the S-2 Watershed zone is Heads Creek Watershed; therefore, 25% maximum impervious surface would be allowed on these lots. Ms. Craig stated there is a concern of lack of greenspace essential to the property, as well as, buffer at the front of the property along Vineyard Road. Ms. Craig stated a revised plat has been submitted for review to see the plat would properly satisfy the Planning Commissions concerns if more greenspace is needed, look at the size of the burm, landscaping, etc. Ms. Craig stated from the redesign, it looks like the average lot size has dropped some from 14,000 to 13,329. Ms. Craig stated the lot number has dropped from seventy-seven (77) lots to seventy-six (76) lots.

Mr. Sabine discussed the difference between the original plat and the redesigned plat on number of lots and size of lots. Mr. Sabine stated the thirty-five (35) foot access is prescribed by the Ordinance. Mr. Sabine stated there has been some discussion about the detention facility. Mr. Sabine stated Spalding County will work with the developer on water quality reasons as that continues to unfold. Mr. Sabine stated the revised plan essentially satisfies the concerns from the meeting that was held with Mr. Smith and Mr. Blackwell. Mr. Sabine stated in general terms, the revised plan complies with the Ordinance as it is now written, and as the Ordinance is on the books. Mr. Sabine stated there were concerns regarding the design criteria. Mr. Sabine stated the developer has very readily made changes to accommodate those concerns. Mr. Sabine stated relative to the density, this plat is a ministerial action. Mr. Sabine stated the Planning Commission could have discretion with the arrangement of lots, and how things are placed. Mr. Sabine stated relative to the actual number of homes, given the fact that it is governed by the Ordinance, this would be ministerial and not discretionary.

Ms. Craig stated there was discussion of acceleration/deceleration lanes, which are not noted on the revised plat.

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

Mr. Smith stated he has tried to incorporate everything that was discussed in the meeting into the redesigned plat. Mr. Smith stated the height of the burm would not be much over six (6) feet tall with a tree line. Mr. Smith stated he would possibly need a twenty (20) foot width on the base to accomplish the six (6) foot height of the burm. Mr. Smith stated he has not decided on the type

of trees that would be planted. Mr. Smith stated he was open to suggestions on the type of trees to be planted. Mr. Smith stated he wanted some type of tree that would grow fast.

Mr. Browning stated Leyland Cyprus or pampas grass on top with shrubs would be quite attractive. Ms. Mathiak stated if Mr. Smith did use Leyland Cyprus, please leave enough space between the trees so they would not grow on top of one another.

Mr. Smith stated the tree line facing Westmoreland Road has to be a minimum of at least fifty (50) feet high, so none of the houses would be seen from Westmoreland Road, and basically, the same would apply from the east side of the property. Mr. Smith stated the east and west would be covered. Mr. Smith stated the front would not be covered, and the back, speaks for itself, which is heavily wooded.

Mr. Sabine explained to the audience what the effect of the impact, and the reason why a berm was discussed and encouraged to be incorporated into the design.

Mr. Bryant asked Mr. Smith what his time frame would be for beginning the development, and would the development be done in phases. Mr. Smith stated once approval has been received by the Board of Commissioners, construction plans would be submitted to the County. Mr. Smith stated there is a circumstance that might require him to ask the Planning Commission to develop in two (2) phases at a later date. Mr. Smith stated he would like to start this development as fast as he can. Mr. Smith stated this is at least a two (2) year development, and hopes to increase the house sizes and houses prices as development proceeds.

Mr. Sabine stated the number of homes is not an issue under the terms of the Ordinance, but how the homes, greenspace, and common areas would be arranged on the property is an issue that the Planning Commission and the Board of Commissioners can discuss and have discretion on.

Frank Westmoreland came forward, gave his name, and address as 2530 West McIntosh Road.

Mr. Westmoreland stated the subject of subdivision covenant has come up tonight as far as being administered by the Homeowners Association. Mr. Westmoreland asked who would enforce this covenant. Mr. Galloway stated the Homeowners Association documents will be made a condition of the approval of the plan for development, and there will have to be provisions in the covenant for dealing with authority to come in, in the event that anything become dysfunctional. Mr. Galloway stated that is why Spalding County has to review Mr. Smith's covenant to see what arrangements are in place for operating and managing the Homeowner's Association. Mr. Galloway stated this is a little different from what the historic rule has been. Mr. Galloway stated this concept depends upon viable homeowner and neighborhood participation. Mr. Galloway stated there has to be a mechanism if this does not prove to be viable for an entity that the government steps in and deals with the problems. Mr. Galloway stated Spalding County requires the development to have a plan for maintenance of the greenspace, care and upkeep of the greenspace, potentially bonding requirements for care and upkeep of the greenspace, and a provision in the covenant with dealing with disillusion or inactivity of the Homeowners Association. Mr. Galloway stated Spalding County hasn't had all that great of a record with Homeowners Associations. Mr. Galloway stated Spalding County has

tried to draft an Ordinance that is tight and restrictive, and give the County options that it might not have under contractual rights.

Mr. Westmoreland asked with the proposed revisions in the Ordinance, is it Spalding County's Planning and Zoning Commission, or the Board of Commissioners thinking that wetlands should not be used in the formula for buildable or useable land. Mr. Sabine stated the Board of Commissioners and the Planning Commission had a workshop and addressed the matter. The direction that came out of the workshop was that the wetlands should be heavily discounted at 50% of their value, but not counted at full value; therefore, there would be some value, but wetlands would not have nearly the value that is currently stipulated. This would prevent a situation like this from occurring again. Mr. Sabine stated wetlands are excluded from the density calculation. Density calculations are off the buildable property, but when applied with this much greenspace, wetlands could be used at 100% of value relative to the greenspace acreage. This would be counted at 50%, and the developer would need to find more greenspace acreage.

Mr. Galloway stated it was not the intent of this Ordinance to permit development at a certain density over the course of the tract where there were problems with development over parts of the property.

Mr. Westmoreland asked if the densities are not affected so much as to whether this is a Conservation Subdivision, or a regular R-2 subdivision with water and sewer, why especially a Conservation Subdivision. Mr. Galloway stated the Board of Commissioners adopted the Conservation Subdivision Ordinance, which precluded a standard one (1) acre lot with public water subdivision except by means of special exception. Mr. Galloway stated Mr. Smith would have had to come in with a Conservation Subdivision or go through a special exception approval for approval on a standard one (1) acre lot. Mr. Sabine stated Spalding County previously allowed a 20,000 square foot lot on sewer, which is no longer anywhere in the codes. Mr. Sabine stated a special exception could have been done for one (1) acre lots, or in the past, 2.2 units could have been used per acre just doing a standard subdivision. Mr. Sabine stated Mr. Smith went to a Conservation Subdivision in the absence of 20,000 square foot lots.

Mr. Westmoreland stated he is not alone in this feeling, but this Conservation Subdivision concept is really mumbo jumbo, and is not a good zoning category and not a good Ordinance. Mr. Westmoreland stated he does not appreciate what has come up in the last four (4) or five (5) months because of this Ordinance and constantly having to keep people in an uproar in the County, and there are going to be serious political repercussions from this tonight.

Mr. Browning stated a concept of a Conservation Subdivision in its entirety is designed to preserve greenspace. Mr. Browning stated unique situations occur that might not make it fit every possible scenario, and almost any development ordinance that is enacted will be flawed to some extent. No one can make it 100%. Mr. Browning stated from this community's perspective the dissention and conflict of opinion has occurred because the Conservation Subdivision Ordinance is being applied to a predominantly rural area where sewer lines transgress into those areas without regard to how the lines would be utilized in a development.

Mr. Galloway stated a full and detailed report needs to be submitted to the Board of Commission in the context of the Planning Commission's recommendation. Mr. Galloway stated based upon action taken tonight, you (Planning Commission) should direct Ms. Craig to draft that report for review by Mr. Sabine and the Planning Commission to be sure Spalding County is in compliance with the report going to the Board of Commissioners. That report will detail whether the plat complies with the Ordinance, what the Ordinance requirements are, and the issues that Ms. Craig discussed with the Planning Commission earlier. Mr. Galloway stated when making the recommendation, please give Ms. Craig that direction so a full detailed report can be drafted.

MOTION

Ms. Palmer made a motion to recommend approval of Preliminary Plat S/D #02-07 conditioned as follows: plat receives all necessary approval from county departments, have Ms. Craig draft a full and detailed report for review stating the plat complies with the Ordinance before going to the Board of Commissioners, design and construction of the burm (at approximately 5' x 20' or at the discretion of the department) should be approved by the Administrative Officer prior to the construction, and direct staff to contact Public Works for thorough review of plat with regards to the acceleration/deceleration lane and include the recommendation from Public Works Director in the report. The motion passed on a second by Mr. Browning with Karen Mathiak, Bill Bryant, Delores Phillips, Ray Browning, and Margaret Palmer voting for the motion.

Ms. Mathiak advised this preliminary plat would go before the Board of Commissioners on August 22nd at 6:00 p.m.

TEXT AMENDMENT APPROVAL:

Text Amendment to UDO #02-05: Appendix J. Commercial/Industrial Development Ordinance – Section 405:W, and Appendix A. Subdivision Ordinance – Section 407:K – revise provision for hydrology study.

Mr. Sabine stated that the intention was to account for release of water into drainage basins so that it may not all have to be retained on sight. Mr. Sabine stated the intent was to be able to help folks out in a situation where they would be able to release water, and if designed to release water, instead of detaining it all on site, do a time flow study.

Mr. Galloway stated in terms of the actual technical impact of the hydrology study, he would defer to staff as he has drafted a text amendment from the language he had received.

Mr. Sabine stated he had a meeting with a residential developer who was adjacent to a significantly sized drainage basin and wanted to consider how their detention requirements may be impacted by their location. Obviously, there is an opportunity there to adjust detention requirements accordingly based on the geography, but at the same time, you need to know how to adjust it and to what degree. That is why the study requirements were done.

Mr. Bryant stated all Spalding County is trying to do is regulate the flow of water that falls off of the impervious surfaces, where water collects in the basins, and how the water is released. Mr. Bryant stated this is saying that an adjoining basin may be larger. Mr. Bryant stated water flow cannot be increased off of your property. Mr. Bryant stated either you retain it or detain it. Mr. Galloway stated the flow of the water cannot be increased. Mr. Bryant stated this is allowing it, instead of coming out as one big slug or flow, it can be released over a period of time based on what is happening adjacent to the property. Mr. Bryant stated you will be releasing into a natural watercourse. It's not just more than what you would normally be allowed to do.

Mr. Sabine stated this is something he has been concerned with for quite sometime. Mr. Sabine stated Spalding County was notified on July 31st that Spalding County would come under jurisdiction under the National Pollutant Discharge Elimination System (NPDES) Phase II category. Phase II Program expands the existing Phase I Program of NPDES and moves it onto smaller jurisdictions as well as operators of construction sites. Mr. Sabine stated it regulates activity through NPDES permits, which means Spalding County is going to have to get into the storm water business of some sort. Mr. Sabine stated this does not mean Spalding County will have a storm water utility like the City of Griffin. Mr. Sabine stated what it does mean is the following: the State Environmental Protection Division is requiring the application for a general NPDES permit covering subject jurisdictions, including Spalding County, which should be effective in December 2002, and that designated MS4's will need to submit a notice of intent to be covered under the pertinent no later than March 10, 2003. Mr. Sabine stated this means that Spalding County will be under state mandate and will include Best Management Practices as follows: public education and outreach, public participation involvement, illicit discharge detection and elimination, construction site, run-off control, post construction run-off control, pollution prevention, and good housekeeping. As a result, Spalding County is going to need to pay close attention to these matters, and doesn't believe the language in front of the Planning Commission would adversely impact Spalding County in anyway, but could possibly help by giving better design options with respect to the entire basin. At the same, the regulation in this area is increasing whether Spalding County wants it to or not.

MOTION

Mr. Bryant made a motion to approve Amendment to UDO #02-05. The motion passed on a second by Ms. Palmer with Karen Mathiak, Bill Bryant, Delores Phillips, Ray Browning, and Margaret Palmer voting for the motion.

MINUTES:

The minutes of the July 30, 2002 meeting were approved, with corrections, on a motion by Mr. Browning, and a second by Mr. Bryant with Karen Mathiak, Bill Bryant, Delores Phillips, and Ray Browning voting for the motion with Margaret Palmer abstaining since she was not at the meeting.

OTHER BUSINESS:

Mr. Bryant asked if the Planning Commission needed to give Mr. Galloway authorization to proceed with corrections to the Conservation Subdivision Ordinance and have them ready before the next Planning Commission meeting.

MOTION

Mr. Bryant made a motion to proceed with corrections to the Conservation Subdivision Ordinance. The motion passed on a second by Ms. Phillips with Karen Mathiak, Bill Bryant, Delores Phillips, Ray Browning, and Margaret Palmer voting for the motion.

Ms. Craig advised that the Planning Commission would receive a text amendment to increase the number of plan submittals on preliminary plats, construction plans, and final plats to meet the required number of copies requested by the City of Griffin. Mr. Sabine stated the increased number of plans has evolved from the letter that was sent to the City Manager and copied to the County Manager from the Environmental Protection Division regarding certain issues that they had with the administration of the local water system relative to line extensions especially new subdivisions that they were imposing some additional regulatory requirements and those requirements had not been previous followed by our review process over at the City of Griffin. Mr. White would approve the plans, and Spalding County would proceed based on Mr. White’s approval. The Environmental Protection Division came down, basically immediately, after the retirement of Mr. White, and issued a letter that all plans were to be submitted to EPD for review, and EPD would sign off on the plans as well as the City of Griffin prior to authorization to any new line extensions, basically new line subdivisions. Mr. Sabine stated Spalding County is having to sets of plans to EPD, in additional to multiple sets of plans to the City of Griffin as opposed to just the one going over to Dr. Keller for review.

Mr. Sabine stated there is, basically, a designated agent process in which one can review their own plans. There are a number of steps involved. EPD has to consent to it, and the County would have to have the expertise and staff to their satisfaction. Mr. Sabine stated Spalding County would like to at some point proceed with that, but at this point, there is no information that EPD is willing to and certainly Spalding County does not have anyone on staff to meet EPD’s review criteria. At some point, it would certainly be advantageous to have someone on staff, certainly in one of the governments, without a doubt. Mr. Sabine stated he would contact EPD if there is direction to make a formal inquiry, and actually ask for a written response back.

Mr. Sabine discussed with the Planning Commission several upcoming developments in Spalding County.

ADJOURNMENT:

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

Karen Mathiak – Chairman

Cindy L. McDaniel – Recorder