

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
September 9, 2003

The Spalding County Planning Commission held its regular monthly meeting on September 9, 2003 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Ray Browning, Chairman, presiding, Ronald Green, Karen Mathiak, Delores Phillips, and John Youmans.

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

Mr. Browning called the meeting to order, introduced the members of the Planning Commission, and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

Amendment to UDO #A-03-27: Lift from the table – Article 6. AR-2, Rural Reserve – Section 603:A(1), Section 603: A(3), and Section 604: A; Article 7. R-1, single Family Residential Low Density – Section 703:A(1), Section 703:B(3)(b), and Section 704:A; Article 8. R-2, Single Family Residential – Section 803:A(1), Section 803:A(2), Section 803:B(3)(b), and Section 804:A- increase minimum heated square footage.

MOTION

Ms. Mathiak made a motion to lift Amendment to UDO #A-03-27 from the table. The motion passed on a second by Mr. Youmans with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

Mr. Taylor said the proposed ordinance is designed to increase the overall house sizes in the county and arrange the zoning districts so you are “stepping up” as you increase in the district. This proposal is to increase the minimum size heated area in the AR-2 district from 1500 SF to 1750 SF. Additionally the R-1 district would increase to 2500 SF and the R-2 district to 2000 SF.

Public comments were made as follows:

Ricky Conaway - 996 Vineyard Road

Mr. Conaway said he is right next to Will’s Walk and has approximately 7 acres. He objects to the 2000 SF minimum in the R-2 district. 90% of the homes on Vineyard Road are from 1300 SF to 1800 SF. The county needs the growth for taxes, schools, water, and merchants. The train depot is coming soon and that will bring growth. He is stranded between two subdivisions and is trying to sell and move into a subdivision. There may be 5 to 10 homes over the 2000 SF but 90% are from 1500 to 1700 SF, with very few 2000 SF homes. Don’t put unreasonable standards on one section and not on the rest of

the county. 2000 SF of heated space is going to be more than most people in the county can afford.

Cathy Conaway – 996 Vineyard Road

Ms. Conaway said Mr. Conaway had addressed most of the issues. She said they are between two subdivisions with a small piece of property and they were looking for a large home. They could build on this property but being between the two subdivisions with a 2000 SF home the home would not have the value between the smaller homes.

Greg Pruitt – 55 Partridge Path

Mr. Pruitt said The Conaways have 7 acres between two dense neighborhoods. They are in discussions to work out a trade whereby he would sell them his home in exchange for their property. Their property is already zoned R-2. This is going to directly affect them because if this amendment is approved he will not be able to continue negotiations with them. It is going to keep them at this location. They have a nice house but they want to upgrade. This will impact negatively on both them and him. He feels an increase in smaller sections would be more appropriate. Zoning is convoluted, confusing. This is not the right thing to do. It is bad, in general, and is going to affect the Conaways in a bad way. Their zoning will go from 1400 to 2000 within a few months. They can see it happening and they cannot do a thing about it. He requested denial.

Mr. Browning discussed vested rights and whether or not it would apply in this case.

Mr. Galloway said his greatest concern is what is happening with R-2 where it is being increased from 1400 to 2000. There is a significant amount of R-2 zoning in the county. This has caused the greatest concern where the square footage has been increased since 1994/1995. R-1, R-2, R-4, R-6 had been developed. There was a class for 2000 SF and Sabine proposed to remove that. The moratorium will affect Mr. and Mrs. Conaway and Mr. Pruitt. Under R-2 now you would have to have two acres. You would have to apply for a special exception to go to one acre. There is a moratorium on the special exception application to go to one acre. You would have to have a special exception to develop zero lot lines or smaller lots than one acre. That cannot be done in the time frame. If the zoning change affects someone's property they have the right to bring action within 30 days of when the change occurs but that requires legal fees to go to court. There is a real problem with someone that has property between two subdivisions as in this case. There is no vested right because it has not been platted and no permits have been issued. The only recourse is to request a rezoning which will incur a delay.

Discussion was held regarding how the issue could be resolved with suggestions of a zoning that would fit the subdivisions that are in process. Mr. Galloway and Mr. Taylor discussed non-conforming use in the R-2 zoning.

MOTION

Ms. Mathiak made a motion to approve Amendment to UDO #A-03-27. The motion passed on a second by Mr. Green with Mr. Browning, Mr. Green, Ms. Mathiak, and Mr. Youmans voting for the motion and Ms. Phillips voting against.

Amendment to UDO #A-03-29 – Article 2. Definitions of Terms Used – Section 203:P’ – add definition of “Heated Floor Area, Minimum”

Mr. Taylor said this amendment is to add a definition of heated floor area. There are some developers that are providing heat to small areas that are not much more than attic space and including it in the minimum square footage. This amendment is to close that loophole in the ordinance. He read the proposed definition. Discussion was held with some changes made by the Planning Commission.

Public comments were made as follows:

Greg Pruitt – 55 Partridge Path

Mr. Pruitt said he had signed up to speak because he did not understand what this was about. He said it would serve the purpose if it were called finished rather than heated.

MOTION

Ms. Mathiak made a motion to approve the Amendment #A-03-29 as follows:

The heated floor area is the finished portion of a dwelling that is primarily intended and ready for human habitation and everyday use. The portions of a dwelling shall be deemed finished when:

- a. it is heated
- b. its walls and floors are covered with a finished covering
- c. it is served by electricity with fixtures operated by functional outlets and switches in compliance with applicable building codes for occupancy.

For purposes of this definition, the following portions of a dwelling shall not be considered “finished” even if served by utilities: crawlspace, attic, garage, carport, unfinished basement.

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

MINUTES

Ms. Mathiak made a motion to approve the minutes of the August 26, 2003 meeting. The motion passed on a second by Mr. Green with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

COMPREHENSIVE PLAN

Mr. Taylor introduced Mr. Jim Summerbell of Jordan, Jones and Goulding who had served as consultant in the development of a comprehensive plan for Spalding County. He went over the process that had been followed in developing this plan. He said the Planning Commission needed to consider approval to forward this to the County Commissioners for final consideration for approval to be submitted to the DCA and the

local RDC for their review and approval. After DCA and RDC have reviewed, the County Commissioners would then consider for final approval.

The members of the Planning Commission had received copies of the proposed comprehensive plan prior to the meeting for study.

Mr. Summerbell said he was present to answer any questions. The document is in draft form pending approval by the Planning Commission.

Discussion was held with no proposed changes.

MOTION

Mr. Youmans made a motion to adopt the Draft Spalding County 2020 Comprehensive Plan as presented. The motion passed on a second by Ms. Mathiak with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips, 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, Mr. Green, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

Ray Browning – Chairman

Yvonne M. Langford - Recorder