

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
September 10, 2002

The Spalding County Planning Commission held its regular monthly meeting on September 10, 2002 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Karen Mathiak, Chairman, presiding, Ray Browning, Bill Bryant, Margaret Palmer, Delores Phillips and John Youmans.

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

Ms. Mathiak called the meeting to order. She noted that this was a public hearing. She introduced the members of the Planning Commission.

MINUTES

Mr. Bryant made a motion to approve the minutes of the August 13, 2002 meeting with the correction of one typographical error. The motion passed on a second by Mr. Browning with Mr. Browning, Mr. Bryant, Ms. Mathiak, Ms. Palmer, and Ms. Phillips, voting for the motion and Mr. Youmans abstaining since he was not present.

MINUTES

Mr. Bryant made a motion to approve the minutes of the August 27, 2002 meeting with the addition that Mr. Youmans was present. The motion passed on a second by Mr. Youmans with Mr. Browning, Mr. Bryant, Ms. Mathiak, Ms. Palmer, Ms. Phillips, and Mr. Youmans voting for the motion.

Amendment to UDO #2-06: Appendix F. Flood Ordinance – Article 3: Section B:1(e) – add provision for permit procedures.

Mr. Sabine said there has been development to areas that are adjacent to Zone A flood hazard areas. Those developments have had lots at which the building site is out of the flood area but a portion of the lot is in the flood area and as a result the County has been called on by various mortgage lenders, as well as other parties, to produce a flood elevation and Spalding County is not in a position to do flood elevations. Accordingly, it would make matters more smooth if, in these marginal lot situations, which are very few in number, a flood elevation could be done as part of the development process. The developers have had to go back and produce these anyway. They have been cooperative to date, but it is anticipated that, at some future time, there will be disagreements and it is better to have this on the front end rather than having to contact parties after the fact. It has been suggested that this amendment be enacted.

Mr. Browning said that the mortgage lenders will not accept the FEMA and FIRM maps as a basis.

Mr. Sabine said that they will not accept the determination but when a basis is the FEMA map that will trigger the requirement of a flood elevation study that the mortgage lenders and insurers will accept.

Mr. Browning said that all the government loans that he is involved with require a flood certification. It does not matter if there is a 5000-foot elevation they still require a flood certification.

Mr. Sabine said some lenders are pursuing this under different grounds than they have in the past. In the last year there have been several requests where they needed a flood elevation. This will help the County in that it should resolve any potential liability.

MOTION

Mr. Browning made a motion to accept Amendment to UDO #02-06. The motion passed on a second by Mr. Bryant with Mr. Browning, Mr. Bryant, Ms. Mathiak, Ms. Palmer, Ms. Phillips, and Mr. Youmans voting for the motion.

Amendment to UDO #02-07: Article 3. Multiple Family – Section 905:A – revise provision for minimum heated floor area per dwelling, maximum density, and maximum lot coverage.

Mr. Sabine said this amendment is to change the minimum heated floor area in a dwelling and maximum density allowed under the R-3 Multi-family Apartment District relative to the development of apartments. This amendment was initiated after discussion with individual members of the Board of Commissioners. Their concerns are with the R-3 District which has not been updated for some time. There have been many updates with the other ordinances but nothing to the R-3 District. There is only one parcel of R-3 land in the County. That obviously may change. This increases the minimum heated square footage from 600 SF to 900 SF and reduces the units from 10 to 8 per acre. In order to bring this into conformance with the watershed overlay districts it reduces the lot coverage by buildings from 30% to 25%. In discussions with several members of the Board of Commissioners they have indicated they would prefer that this be changed to 1000 SF of heated floor area and 6 units per acre rather than the proposed 8. One member said they would like to bring this into conformity with the R-6 District which is a relatively new district that is basically a condo district. The idea is that we have a multi-family district with fee simple ownership as opposed to rental units but still a multiple dwelling per acre district that should be compatible with this district in R-3. He requested the Planning Commission consider an increase from 600 SF to 1000 SF and reducing the density from 10 to 6 units and the maximum lot coverage to 25%.

MOTION

Mr. Browning made a motion to approve Amendment to UDO #02-07 with an increase to 1000 SF of heated space, 6 units per acre, and 25% maximum lot coverage. The motion passed on a second by Ms. Phillips with Mr. Browning, Mr. Bryant, Ms. Mathiak, Ms. Palmer, Ms. Phillips, and Mr. Youmans voting for the motion.

Amendment to UDO #02-08: Appendix A. Subdivision Ordinance – Article 7. Conservation Subdivision – Section 703:A(3 & 9) – revise provision on density, and Section 712: add provision for design guidelines.

Mr. Galloway said this amendment does three things. This establishes a minimum lot size, not served by public sewer, of 21,780 SF or such minimum lot sizes as may be established by the Spalding County Health Department. This is in response to issues raised by the Health Department. The enhanced density conservation subdivision option has been deleted. In Section 4, in response to the tract size that arose in the Pat Bethune Subdivision, a minimum tract size for conservation subdivision of 15 acres is established. That size is arbitrary and is subject to the discussion of the Planning Commission. In Section 6 in a conservation subdivision the same curb and gutter requirements as any other subdivision is required. This is essentially that if the tract size drops below an acre then curb and gutter are required. This was recommended by Mr. Reese.

Mr. Sabine said that in a conversation with Wayne Moss of the Spalding County Health Department regarding the Amended Section 703 A: (3)(b) under minimum required lot area he would prefer that the minimum lot size be changed to a lot size as may be established by the Spalding County Health Department. Their intention is to require a size greater than the 21,780 SF in some form and he would like that to be clarified.

Mr. Browning said the State requirements are for only ½ acre, which is 20,000 SF, and this will not be in conformity with that.

Mr. Galloway said this was drafted to set out a minimum of ½ acre in conjunction with discussions with Mr. Moss.

Mr. Sabine said the State law states that County Boards of Health may establish a larger minimum lot size. Under the administrative regulations of DHR it sets it at 21,780 as a default but specifies that the County Boards of Health may adopt a larger minimum and that the County Zoning Authority can go even larger than that but may not go below a minimum set by the County Board of Health.

Discussion was held regarding the intent of the Spalding County Health Department in establishing a minimum lot size and how that will impact this amendment. It was noted that the Health Department has the authority to establish this minimum lot size. It was determined that if the Health Department has that authority it might be well to have this ordinance read the minimum lot size as may be established by the Board of Health. Discussion was held regarding the minimum 15-acre subdivision size and it was noted that it would be possible to have different size tracts through special exceptions.

MOTION

Mr. Bryant made a motion to approve Amendment to UDO #02-08 as presented with the change that the 703:A(3)(b) minimum lot size will be established by the Board of Health and the parenthetical number 3 in Section 3 will be deleted. The motion passed on a

second by Mr. Youmans with Mr. Browning, Mr. Bryant, Ms. Mathiak, Ms. Palmer, Ms. Phillips, and Mr. Youmans voting for the motion.

Amendment to UDO #02-09: Appendix A. Subdivision Ordinance – Article 7. Conservation Subdivision – Section 701 – and provision for maximum density according to zoning district, Section 703:A(2) – minimum greenspace 50% of total tract, Section 703:C(1)(a) – add provision in calculation of Adjusted Tract Acreage to include the deduction of proposed street area, Section 704:B(2) – add provision that greenspace is to be owned by Homeowners Association, land trust, or a conservation organization, Section 704:B(8) – add provision requiring that 10% of the total amount of greenspace should be located at or near the subdivision entrance, Section 702:C – delete requirement of two (2) entrances for subdivisions with fifteen (15) or more lots, Section 708:B(1)(f) – add provision that Homeowners Association and restrictive covenants are to be reviewed during the preliminary plan phase, and Section 708:B(4)(b)(6) – add provision that increases the discretion that the Board of Commissioners has in reviewing conservation subdivision plats.

Mr. Galloway said this is to amend the subdivision ordinance. He said that Sections 1 and 2 should be viewed in tandem. He went over changes. He noted that in Section 2 – Section 701. Purposes - the change for the amount of adjusted tract acreage is not for the entire tract but on the adjusted tract acreage. The Greenspace and undeveloped land must make up at least 50% of the entire tract where the ordinance, as reviewed previously, presently allows 50% of the adjusted acreage.

Sections 3 and 4 read in tandem. This also corrects the same discrepancy regarding the 50% greenspace of the entire tract or 50% of the adjusted tract. The requirement is for 50% of the entire tract and not 50% of the adjusted tract. This is in addition to wetlands and watercourses. Lakes and ponds can be included as greenspace.

Sections 5 and 6 should be read together. This is a text change to make the section read properly since the enhanced density conservation subdivision option is being deleted.

Sections 7 and 8 should be read together. This is to include, within the calculation of adjusted tract acreage, the requirement that the amount of right-of-way for proposed streets within the development be deducted.

Section 9 and 10 should be read together. This is a modest text change.

Section 11 adds section 8 which requires 10% of the amount of greenspace to be located at the subdivision entrance with the remaining greenspace to be designed to best preserve any and all natural features of the tract. This refers to sample layouts and designs in Section 715.

Sections 12 and 13 should be read together. It was previously required that there be two intersecting roads and that has been reduced to a minimum of one intersecting road.

Section 14 adds the requirement that the Homeowner's Association restrictive covenant document has to be submitted at the time the preliminary plan is submitted.

Section 15 adds the additional provision that increases the discretion of the Board of Commissioners in review of the layout and design of the conservation subdivision. It establishes specific criteria.

Section 16 adds Section 715 which gives developers an idea of what is desired regarding intent in the layout design for conservation subdivisions. The Planning Commission reviewed the layout and design samples that were included and it was noted that these are for guidelines and not intended to be samples and variances will be permitted.

Discussion was held regarding the changes as presented with concern for the safety that might be involved. The Planning Commission wanted to be certain that there was authority so approval could be withheld if the plan did not appear to be appropriate.

MOTION

Mr. Browning made a motion to approve Amendment to UDO#02-09 with the change that 702:C will read that nothing contained in this section shall prohibit the Planning Commission and/or the Board of Commissioners from requiring additional intersections with existing roads. This determination shall be based on safety, traffic flow and management, topography and size, and arrangement of the tract subject to development. The motion passed on a second by Ms. Palmer with Mr. Browning, Mr. Bryant, Ms. Mathiak, Ms. Palmer, Ms. Phillips, and Mr. Youmans voting for the motion.

Amendment to UDO #02-10: Appendix C. Ordinance Establishing Board of Appeals – Section II(d) – delete the section authorizing Chairman of the Planning Commission (or his/her representative or substitute representative) to attend the Board of Appeals meeting as crossover member.

Mr. Sabine said at the July Board of Zoning Appeals Mr. Morrow was present and this was the third time the Board of Appeals had difficulty obtaining a quorum to conduct business. Mr. Morrow was concerned about the situation and he brought back to the Board of Commissioners those concerns and suggested that the County look at reducing the size of the Board from 8 members to 7 members. With an 8-member board you need 5 for a quorum and with a 7-member board you need 4 for a quorum. The easiest way to reduce the number is to eliminate the crossover member from the Planning Commission. This would not affect the member from the Board of Appeals attending the Planning Commission meeting. He said he had heard from members of the Planning Commission regarding this and understands the concerns.

Mr. Bryant said he was at the last Appeals Board meeting and he said the problem has not been with the crossover members. They are always in attendance. At that meeting they had to wait for members to arrive and it was not appropriate. The Planning Commission members are not the problem. There are regulations that require the members to attend. Three absences without prior approval and a member is subject to removal.

Mr. Sabine said he has made the Board of Appeals aware of that regulation on several occasions but he feels they do not wish to undertake action against one of their own members. This has been a problem for at least the last two years. There is some concern that different members of the Planning Commission attend each meeting. It would be better if there could be some greater consistency if the voting member that attends from the Planning Commission could be the same for each meeting.

Mr. Browning said when the crossover member was reintiated the preponderance of the discussion was that the intent was for sharing information. That was the concern. The initial discussion was that it would be a non-voting member. If the purpose of the crossover member was for the sharing of information that person would not have to vote. They would have the responsibility to report any unusual, unique, or new circumstance and to capture the mood of the discussion for the benefit of the other board members. The voting became a political issue and it has been a "thorn in both board's sides" for the last approximately six years. If the vote could be eliminated the goal would be accomplished.

Mr. Sabine said if the Boards would like to have a non-voting member that is fine. The whole idea of a crossover member predated the development of professional full-time staff in the County to staff the Boards. There was no planning staff communicating with both boards to relay concerns to both boards. If the Boards want that to remain a citizen function in part and have a member that votes or does not vote that is at the discretion of the Planning Commission, Board of Appeals and the Board of Commissioners that will make the final decision.

Discussion was held and there were concerns that the attendance needed to be addressed with the members of the Board of Appeals. It was thought that this had been done and attendance was not a problem at the last meeting. Communication is always a concern and this would eliminate one avenue of communication.

Mr. Sabine said if the Planning Commission would like to table this to give the Board of Appeals an opportunity to discuss their concerns. He will address the concerns as discussed tonight with the Board of Commissioners also and if they want the amendment to go forward he will place it on the agenda for the next meeting. If they share the concerns he will leave it on the table until such time as a disposition is appropriate.

Mr. Sabine said he feels it would be appropriate to eliminate both crossover members because there are professional staff members at both board meetings. All members of each board can attend any meeting they choose for communication purposes.

Gregg Pruitt asked to make a comment. He came forward stated his name and gave his address as 55 Partridge Path. Mr. Pruitt raised the issue as to why the Board of Appeals had seven members and the Planning Commission had only five. There are five school board members, five county commissioners, and five members on the Planning Commission.

Mr. Bryant said several years ago the Appeals Board had an attendance problem and the solution, at the time, was to increase the size of the Board.

Discussion was held regarding the reduction of both boards to five members. It was decided that it would be appropriate for Mr. Sabine to discuss this with the County Commissioners.

MOTION

Mr. Browning made a motion to table Amendment to the UDO #02-10. The motion passed on a second by Mr. Youmans with Mr. Browning, Mr. Bryant, Ms. Mathiak, Ms. Palmer, Ms. Phillips, and Mr. Youmans voting for the motion.

Mr. Galloway left the meeting at this time.

Application #02-02X: Annexation Request from James Daniels, Lots 5 and 6 Grantland Road located in Land Lots 180 and 181 of the 2nd Land District, into the City Limits of Griffin – currently zoned R-1.

Mr. Sabine said a number of months ago there was an annexation request for Grantland Road. The western part of Grantland Road is in the City of Griffin. The eastern part is divided between the City of Griffin and Spalding County. As the lots are developed and sewer is connected they are annexed into the City of Griffin. This is for lots 5 and 6. There has been no opposition to this request.

MOTION

Mr. Browning made a motion to approve Application #02-02X. The motion passed on a second by Mr. Bryant with Mr. Browning, Mr. Bryant, Ms. Mathiak, Ms. Palmer, Ms. Phillips, and Mr. Youmans voting for the motion.

Amendment to Future Land Use Plan #02-01LU: Amendment to Future Land Use Plan relative to amendment to residential districts and creation of Residential – rural reserve density classification.

Mr. Sabine said at the August 6 joint workshop between the Board of Commissioners and the Planning Commission discussion was referenced regarding a creation of a rural reserve classification on the comprehensive land use map. The current land use map has three categories of low, medium, and high density residential. It does not set apart a very low-density or rural classification. This is a map that goes out through 2020 and there are a number of areas in the county that have one-acre lots. There are some areas, particularly in Western Spalding County and Eastern Spalding County, away from the central core of the Griffin area that are more rural. Staff created a draft map that was supplied to the Board of Commissioners on August 22 at the public hearing for their review. They were requested to express any concerns and none were expressed. In causal conversations with some of the County Commissioners they feel this is a realistic proposal relative to what is already in place and the areas that can be set aside for the year

2020. We would like to have some very strong anchors for Spalding County. This is not a zoning map but a future land-use map. There are a number of subdivisions in the county and taking those into account an attempt was made to separate the areas that were purely rural from those that were mixed or low-density. Mr. Sabine went over the areas that were defined for this amendment.

Discussion was held regarding additional areas that might be defined as rural reserve. It was determined that there might be a need for a greater delineation of low-density residential with respect to the agricultural areas and the areas that are agricultural west of 155 be brought into the low-density given the fact that this appears to be an area of growth and additionally add to the rural reserve the area of Rawls and Bethany Roads and some additional area be transferred from low-density to rural reserve.

MOTION

Mr. Youmans made a motion to adopt the Amendment #02-01LU with the changes for a greater delineation of low-density residential with respect to the agricultural areas and the areas that are agricultural west of 155 to be brought into the low-density given the fact that this appears to be an area of growth and additionally, add to the rural reserve the area of Rawls and Bethany Roads be transferred from low-density to rural reserve. The motion passed on a second by Mr. Browning with Mr. Browning, Mr. Bryant, Ms. Mathiak, Ms. Palmer, Ms. Phillips, and Mr. Youmans voting for the motion.

MOTION

On a motion by Mr. Browning and a second by Mr. Youmans approval was given to adjourn the meeting with Mr. Browning, Mr. Bryant, Ms. Mathiak, Ms. Palmer, Ms. Phillips, and Mr. Youmans voting for the motion.

Karen Mathiak – Chairman

Yvonne Langford - Recorder