

SPALDING COUNTY PLANNING COMMISSION
Minutes
September 24, 2002

The Spalding County Planning Commission held its regular meeting on September 24, 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, Frank Harris, 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 and introduced the members of the Planning Commission.

MINUTES

Mr. Browning made a motion to approve the minutes of the September 10, 2002 meeting. The motion passed on a second by Mr. Youmans with Mr. Browning, Ms. Mathiak, Mr. Harris, Ms. Phillips, and Mr. Youmans voting for the motion.

MOTION

Mr. Youmans made a motion to move Section D of the agenda to the first items on the agenda. These are the Preliminary Plat Approvals. The motion passed on a second by Mr. Youmans with Mr. Browning, Ms. Mathiak, Mr. Harris, Ms. Phillips, and Mr. Youmans voting for the motion.

S/D #02-09: Weldon Crossing – Georgia Properties, owner – David Aldridge, Agent – 68.94 acres off Cecil Jackson road, Weldon Road, and Smoak Road, located in Land Lots 229 and 230 of the 3rd Land District – 15 lots.

Mr. Bill Johnston and Mr. David Aldridge came forward to address the Commission regarding this application. They each stated their name and gave their address.

Bill Johnston – 124 North Hill Street – Griffin, Georgia
David Aldridge – 3111 Paces Mill Road – Atlanta, Georgia

Mr. Johnston said this was for preliminary plat approval for a 68-acre tract off of East McIntosh Road. It is presently zoned AR-1 and under the rules, anytime you divide a tract into more than 5 tracts it requires preliminary plat approval. The plat was submitted and the County requested some changes that have been made. There was an existing water main and an existing fire hydrant that needed to be shown on the plat. All the lots are sizable and they are requesting approval of the plat. They have met all the requirements.

Mr. Aldridge said that all lots are three acres or larger. Under the Health Department regulations it is not considered a subdivision. He has done all the soil work and submitted it to the Health Department but they do not treat it as a subdivision and there is no letter of approval from the Health Department.

Mr. Johnston said that Georgia Properties will be placing restrictive covenants on the property. It will be recorded as soon as they receive approval. Under those covenants the minimum size will be 1500 SF of heated and cooled living space, it will be restricted to site built homes only, and the garages will house two passenger vehicles.

Mr. Bryant arrived during this discussion

Comments were made that the right of way on Smoak Road was paved and that Cecil Jackson Road and Weldon Road were unimproved roads with no plans for paving at the present time.

MOTION

Mr. Harris made a motion to approve Application #02-09. The motion passed on a second by Mr. Youmans with Mr. Browning, Mr. Bryant, Ms. Mathiak, Mr. Harris, Ms. Phillips, and Mr. Youmans voting for the motion.

S/D #02-10: Mill Park Phase II (formerly Nicholas Estates) – DNJ Development, Inc., Owner – 20.46 acres off Pineview Road and East McIntosh Road, located in Land Lot 132 of the 3rd Land District – 12 lots.

Mike Jackson came forward, stated his name, and gave his address as 5138 Old Atlanta Highway – Hampton, Georgia.

Mr. Jackson said this is the same plat that was presented at the time of the rezoning. He has changed the plat to eliminate the flag lot.

The Staff Recommendation is for approval conditioned on the variance for the cul-de-sac street length being approved by the Board of Appeals and receiving approval from all County Departments.

MOTION

Mr. Bryant made a motion to approve Application S/D #02-10 conditioned on the variance for the cul-de-sac street length being approved by the Board of Appeals and that approval is received from all County Departments noting that approval has not been received from Environmental Health. The motion passed on a second by Mr. Youmans with Mr. Browning, Mr. Bryant, Ms. Mathiak, Mr. Harris, Ms. Phillips, and Mr. Youmans voting for the motion.

Application #02-18Z: Lift from the table – Johnny Dee McLeRoy, Dee B. McLeRoy, and Eric B. McLeRoy, Owners – 57.302 acres off Ellis Road located in Land Lots 62 &

63 of the 3rd Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

MOTION

Mr. Bryant made a motion, seconded by Ms. Phillips, to lift Application #02-18Z from the table. The motion passed with Mr. Browning, Mr. Bryant, Ms. Mathiak, Mr. Harris, Ms. Phillips, and Mr. Youmans voting for the motion.

John Joiner came forward, stated his name, and gave his address as 317 South Hill Street, Griffin, Georgia,

Mr. Joiner stated that he was speaking on behalf of the owners to request a change in zoning from C-2 Manufacturing to R-2, Single Family Residential. Across the road, the property in the County is zoned R-2, which is what they are requesting for this tract. Part of the Club Estates Subdivision is across the road from this property. The applicants feel this would be a better use of the land than for commercial since there are several residential developments in the area. The primary use in the area is residential. He stated that the property owners were present to answer any questions the commission might have. There is sewer and water access. There is a railroad between Ellis Road and the property, which is not in use at the present time. They have talked with the railroad and they have indicated that they see no problem with access.

Several people were present to address the Commission regarding this application. They each came forward, stated their name, and gave their address.

Frank Westmoreland – 2530 West McIntosh Road – Griffin, Georgia

Mr. Westmoreland said he is opposed to the proposed zoning change. This 57 acres is on a rail served site and there is not an abundance of manufacturing zoned property in Spalding County. All the people that are in the area are aware that it was zoned for manufacturing. Club Estates, which directly across the road, is in the City of Griffin. He said he wanted to know where the sewer access is located.

Robert Burk – 120 King Richard Drive – Griffin, Georgia

Mr. Burk said he is opposed to the zoning change. Everyone knows how he feels about the schools and other things. They have been talking about industry in Spalding County and how important it is. Spalding County needs more industry and it does not make sense to change a rail served area that is already zoned for manufacturing into residential. This is throwing away property that cannot be recovered later. The rail line is not presently being used but it would not take much to re-open it. A traffic survey was recently done from 7:19 until 8:00 in the morning and in that 41 minutes, off of Henry Jackson, there were 534 vehicle, cars and trucks, 11 school buses, and one motorcycle. Henry Jackson Road is not a main thoroughfare and when you start putting more subdivisions you are going to put a bigger strain on the safety. He would like to know what size houses, what size lots, before there is any approval for rezoning. Sometimes the subdivision requests are not at all what they want. Once it is rezoned it is hard to say, “that is not what we want.” He requested that the application be denied.

Maureen Jackson – 161 Henry Jackson Road – Griffin, Georgia

Ms. Jackson said that the plat they had seen showed 85 houses with 1400 SF and they are wondering what impact that will have on 57 acres. Will the schools be able to accommodate the children that will live in these homes? Most of the people that have lived on the south side have been there all their lives on family owned property. What impact will it have on the houses in Club Estates with all those large expensive homes. She said she talked with a lady in the real estate office of Norfolk Southern and she said that whether the railroad is used or not they could not cross the track without permission and that would be a decision of the operating division and that they have not received an application at that time. Ms. Jackson said she was approached by a real estate broker three or four months ago and he wanted to purchase road access on her property from the Henry Jackson Road back to this property and that makes her wonder whether or not they have approached the railroad and the railroad denied permission. They wonder if that should not be confirmed in writing before the rezoning is confirmed. They also wonder about the water. They know the City has the contract and started construction on the new reservoir but how long will it be before there is water to accommodate these homes when there are already water restrictions?

Dick Morrow – 263 Westchester Drive – Griffin, Georgia

Mr. Morrow said he lives in Club Estates right across from this chopped up little house subdivision that is proposed. His house is 3100 SF and this is totally incompatible and inappropriate for the area. Whatever is built on this property will set the standard as this area is expanded to include all the acreage out West Ellis Road behind the current Club Estates. This is a very pristine, nice section of the County and 1400 SF is absolutely and totally incompatible. It certainly does not fit the vision of what this could be. The new land use plan will address this property. He is not convinced that industrial is the way for it to be, and it probably should be changed, but not in this manner. He requested that this application be denied.

Mr. Joiner returned to address some of the questions raised. Regarding access to the property he is not certain how long ago they contacted Norfolk Southern but he met with them 10 days ago at the property. They looked it over and they said they will recommend approval for the access. He talked to the superintendent's office and they are recommending approval. It will still have to go through the engineering department. All the departments at Norfolk Southern are saying that there will be no problem with access across the track. There is a sewer line that runs the entire western property line of the subject property and there is a pumping station that is on the north side of East McIntosh Road. There will be direct sewer access from that line to the property without having to cross anyone else's property. Residential use is more compatible in this area with what is currently there than manufacturing use would be. A manufacturing plant will increase traffic also.

Mr. Youmans said he agrees that residential would be more compatible than manufacturing but he has a problem with the proposed density. He is bothered that every

lot that could be skimmed from this tract has been skimmed. There is no green space, no play areas, nothing. 87 houses is pushing it.

Mr. Sabine said that this is an old plat that was done based on a design initially done in 1988. At that time the County did not have a subdivision ordinance and the development regulations as they are at the present time. That plat would not meet current County development requirements. There are two issues. The issue of zoning and the issue of platting. The zoning, density, house size is the issue for this application. If residential zoning is approved then it will be time to proceed with the preliminary plat approval.

Mr. Joiner said they are planning on 1400 SF homes.

Mr. Browning said that with this subdivision, given the proximity to Club Estates directly across the road, he personally feels the Planning Commission should reach for nothing less than an equal amount of green space. In Club Estates there is green space everywhere, high-end homes. He would not be in favor of R-1 except at 1750 SF homes. If R-1 is as high as you can go he would want that conditioned on a minimum of 2400 SF of heated space.

Discussion was held regarding what would be an appropriate minimum SF for this area.

Mr. Harris said he feels that this area would be better served with a residential usage. He believes that this Board has the authority to initiate rezoning. He is appalled that anyone would come to this Board with all the negative publicity that surrounded Vineyard Ridge and even remotely suggest something with this kind of density. This is just another case of someone coming here with no real consideration of the people around them and throwing something out to see if it will stick. As long as he has something to do with this Board it is not going to stick. If a developer is serious about a development then they need to come in with a serious proposal not an updated stamp on something that was done 8 or 10 years ago. This Board feels responsible not to initiate something that will be to the detriment to the people in the area. There was not choice about Vineyard Ridge but there is a choice about this. This proposal has no business being across from Club Estates.

Mr. Joiner said, given the opposition, they would like to request that this application be tabled to give the owners an opportunity to reconsider their proposal.

MOTION

Ms. Phillips made a motion to table the application until October 29, 2002. The motion passed on a second by Mr. Browning with Mr. Browning, Ms. Mathiak, Mr. Harris, Ms. Phillips, and Mr. Youmans voting for the motion and Mr. Bryant voting against.

Application #02-19Z: Springs Industries, Inc. Successor by Merger to Dundee Mills, Inc., Owner – Minerva Properties, L.L.P., Agent – 129.56 acres on Jordan Hill road located in Land Lots 155 and 166 of the 3rd Land district – requesting a rezoning AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Mr. Brian Davidson came forward, stated his name, and gave his address as 2292 Henderson Mill Road – Atlanta, Georgia

Mr. Davidson said he was representing Minerva Properties and was requesting a rezoning to R-2 for a subdivision with 94 lots with minimum house size of 1400 SF. They would prefer a different design but with the County requirements they feel they have come up with the best design. Due to the requirement for a one-acre lot where septic systems are required they do not have design options they would like.

Discussion was held regarding possible alternate designs that are allowed in other areas and how they allow for better designs.

Vickie Smith was present to address the Commission regarding this application. She came forward, stated her name and gave her address as 321 Jordan Hill Road – Griffin, Georgia.

Ms. Smith said she had some questions. She asked if the minimum square footage is 1400 does that mean that all the homes will be 1400 SF. She has lived in Griffin for 19 years and her comments regarding the Spring Lake project was that she is tired of Spalding County being the county where so many small houses are being built. We are not attracting quality residents with the facilities that we have. We need to entertain the idea of larger houses. Mr. Davidson mentioned that the price of the house would not be able to be increased. There is concern that we will continue to build lower income houses and we do not need any more. Our residents go to Henry County and Fayette County and spend our tax dollars. We need to keep it here. Henry County is building larger homes and we need more of that in Spalding County.

Mr. Bryant had questions regarding the staff comments on this project.

Mr. Sabine said he had some significant concerns relative to lots 1-12, 23, 24, 25, 64 and 76. These are road frontage lots and 1, 2, 3, & 4 are right in the curve on Jordan Hill Road. There will be tremendous siting problems and traffic management problems. This same firm has a proposal for 2800 homes a short distance away. It would not be wise to approve a rezoning and encourage numerous curb cuts. While this is not a preliminary plat approval the Planning Commission should go on record as requiring a redesign prior to preliminary plat. There appears to be nothing that would prohibit the rezoning. There should be a redesign to eliminate the road frontage driveways given the present traffic on Jordan Hill Road and how it will increase should the other development proposal be approved. The lots should additionally meet all the design requirements to suit the Board of Health relative to lot width and minimum acreage. That would be accomplished with the preliminary plat approval along with the requirement for two car garages, 7:12 roof pitch, and underpinning of porches. In conversations with Mr. Davidson his understanding it that this is not the final design.

Mr. Harris said if the rezoning is approved what flexibility do you have when you get to the plat design?

Mr. Sabine said the rezoning, if approved, should have conditions.

Discussion was held regarding the lot design and the entrances off of Jordan Hill Road. Some members were concerned about approving without a revised plat design.

Mr. Davidson said he agrees with most of what has been discussed. He is comfortable that they will be able to meet the standards required regarding the quality of the houses, regarding roof pitches, details, and exterior materials. They have gone through that and have even added a few things to the typical minimum requests. He disagrees with the concept of backing up houses on Jordan Hill Road on the straightaway primarily for aesthetic reasons. Unfortunately in any large lot subdivision they have done, regardless of the price of the houses, people do not maintain the rear of the lots. A few do but most do not. The better aesthetics of the house are on the front. That is where the money is spent on landscaping. They have a desire to see this area increase in quality due to the other project they are proposing in the area. They do not want to line the back of a road with a series of backs of houses because they are generally ugly and poorly maintained. They have tried a berm once before and unfortunately the berm is totally someone's maintenance problem. Only a portion is maintained by the residents and the other portion is maintained by the county or not at all. It becomes a scrubby looking hill and whatever is planted gets overgrown rapidly and the County does not need to be spending money on maintenance.

The lots on Jordan Hill are 125' wide and most of them in the development are also. The ones that might not be are 36 – 50. They are scaling out at 100' in width which would not be a permitted width. It probably will not meet the minimum width of environmental health. County zoning requires 125' minimum at the building line.

Ms. Craig said they have requested a variance on the minimum lot width on the rear lots.

Mr. Sabine said he is not certain that is a viable option to be considered. This can be granted through a variance or the Board of Commission can grant it as a condition. With one acre lots and 100' lot width it creates some elongated lots that might not be in the best interest of the County.

Mr. Davidson said that the one-acre lot creates totally wasted land at the rear and in most instances will not be maintained by the owners. The problem, when you go over 100', is that the house, including the garage, will be 60' wide which leaves 20' on each side leaving 40' between houses. That is already getting to be a fair width for people to maintain. They have gone to 100' in their upper priced subdivisions where the houses range in price from \$220,000 to \$700,000. It is wide enough for \$700,000 homes with side entry garage. It fits nicely on the lot. Anything larger is excess land. It would be better as open space rather than the back end of people's lots.

Mr. Harris said he is uncomfortable with the number of curb cuts on Jordan Hill Road. This is a dangerous situation.

Mr. Davidson said some of the issues could be addressed by having turnarounds so they do not have to back into the road. Turnarounds need to be made a part of the design criteria. You can turn the driveways so that people do not have to stop to go into the drive and it makes for a smoother entrance into the driveway. That does not add substantially to the cost of the project.

Mr. Sabine said he feels this project would be better served to have interior streets even if they have to put up Leland cypress to screen the rear of the lots.

Mr. Bryant said he would like to see another plat before the zoning change is approved.

Discussion was held regarding how long it would take to get a redesign done. Mr. Davidson said they would not be able to get any work done on this project for three weeks.

Mr. Sabine suggested that they approve the rezoning based on redesigning based on the criteria set by the Planning Commission knowing that it will be presented to the Planning Commission for the preliminary plat approval or the Planning Commission can encourage the redesign before it goes to the Board of Commissioners.

Mr. Bryant said he would prefer a table to get this worked out.

MOTION

Mr. Harris made a motion to approve Application #02-19Z conditioned on no curb cuts on Jordan Hill Road, maintenance of the 125' lot widths, two car garages, 7:12 roof pitch, and porches and entryways be underpinned. The motion passed on a second by Ms. Phillips with Mr. Browning, Ms. Mathiak, Mr. Harris, and Mr. Youmans voting for the motion and Mr. Bryant and Ms. Phillips voting against.

Application #02-20Z: Richard B. Corbin, Owner – 7600 Highway 16 West (5.58 acres located in Land Lot 14 of the 1st Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-1B, Heavy Commercial.

Richard Corbin came forward, stated his name, and gave his address as 153 West Kelly Lake – Brooks, Georgia.

Mr. Corbin said he is requesting this zoning change to build mini-storage units. There will be no commercial use other than the storage units.

The staff has no objection to the rezoning but the recommendation is that if this is approved a 40' buffer be required on the west and south sides of the development.

MOTION

Mr. Harris made a motion to approve application #0220Z conditioned that it be approved for mini-storage units only and that a 40' buffer be required on the west and south side. Additionally there needs to be a landscaping plan approved by the staff. The motion passed on a second by Mr. Browning with Mr. Browning, Mr. Bryant, Ms. Mathiak, Mr. Harris, Ms. Phillips, and Mr. Youmans voting for the motion.

Application: #02-21Z: Matthew J. Yates, Owner – Wayne H. Brown, Agent – 4.231 acres at the northwest corner of Manley Road and Sandy Flat Road located in Land Lot 72 of the 3rd Land district – requesting a rezoning from AR-1, Agricultural and Residential, the R-1, Single Family Low Density Residential.

Application: #02-22Z: Wayne H. and Nancy L. Brown, Owners – 176 Sandy Flat Road (4.333 acres located in Land Lot 72 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-1, Single Family Low Density Residential.

Wayne Brown came forward, stated his name, and gave his address as 85 Sandy Flat Road.

Mr. Brown said he would address both of his applications at the same time or he will do them separately. The issues are similar. He said he understands that they will be voted separately.

Mr. Brown said he is a lifelong resident of Spalding County and is active in the community. He loves Spalding County and the Birdie Community. Mr. Jean Yates sold him 2.75 acres about 16 years ago and they built a 2350 SF house. They enjoy living on Sandy Flat. At that time Mr. Yates told him that when he was ready to sell additional land he would sell some to him as a buffer. He said at the time he purchased his land he believes that a two-acre tract was acceptable in the County. Mr. Yates owns 4.231 acres south of his property. He approached Mr. Yates about purchasing 2 acres from him and he agreed to the sale. Another person was interested in the 2.231 acres. When he went to get the tract of land surveyed he found out that it did not meet the current zoning requirements. The land is presently AR-1 and he is requesting a rezoning to R-1. The R-1 allows one-acre lots. He intends to create two lots and they will exceed the one-acre requirement. Additionally he intends to increase the square footage requirements for the house from 1500 to 1750. AR-1 requires 3 acres and a minimum of 1500 SF and would even go to 2000 SF if that is the trend in this area. He is trying to keep a two-acre minimum on the land Mr. Yates owns. On the tract that is covered on Application #02-22Z is land that he purchased from the James Stewart family and it is 4.333 acres. There is presently a rental house on that property. His daughter and son-in-law presently live in this house. They want to build a nice home on the property and keep the rental house. The 4.333 acres will be divided into two tracts. Sandy Flat Road has county water. The road is one half mile that connects Birdie Road to Manley Road. Sandy Flat does not have near the traffic as the other roads in the area. In looking at an old plat it appears that there are three rather large tracts of land on Sandy Flat Road. There are seven lots on Sandy Flat that are less than three acres and there are nine houses with Sandy Flat

frontage. Out of those nine houses he and his wife own two. He does not feel this rezoning will hinder the community. If there are presently seven lots with less than three acres and he intends to keep his lots over two acres he feels it will add value to the Birdie Community. He intends to build nice homes that will increase the tax base. He expressed appreciation for any consideration that can be given to his application.

Several people were present to address the Commission regarding these applications. Each came forward state their name, and gave their address.

Andy Pendley – 811 Manley Road

Mr. Pendly said his house was directly across from the property in Application #02-21Z. He was speaking for himself, Brenda Conner, and Justine Harris. He presented a fax from Brenda Conner which stated that there was an understanding that a petition has been made to rezone a portion of property on or near Sandy Flat Road from AR-1 to R-1 zoning. As an owner of a large piece of property in the immediate area she is firmly opposed to this change in the zoning. Such a change would likely have a negative impact on land usage in the area which would have an overall negative impact on the County. Therefore she strongly urged the County to deny this petition and maintain the AR-1 zoning. Ms. Conner lives in Auburn, Alabama but owns approximately 110 acres very close to this property. Justine Harris owns approximately 40 acres directly across the road. Mr. Pendley owns 17 acres across the road. He has a very large stake in this. He does not mind houses being built but they should be built on a very large tract of land. They moved to the County for that reason and most of the neighbors moved to the County for that reason. The newest neighbors purchased six acres of land and a house because they wanted to be out and have some land, more than a couple of acres. There are others present to stress the same thing. He requested denial.

Steve LaBriola – 650 Birdie Road

Mr. LaBriola said this application came as a surprise to him and most of the neighbors because Mr. Brown did not speak to anyone about his plans. They are hearing, for the first time, his plans and what he wants to do. He is concerned because this is really out in the country. It has not had the kind of development that is being considered. The issue of precedent has been addressed tonight on two different applications. His concern is the precedent. Mr. Brown is a great guy and they do not want anything to happen where his children cannot build a place. Once you pass this to R-1 you have given him the ability to build 8 houses because there are 8 acres of land. This would give the opportunity for others to change this area dramatically. Mr. Brown still has the opportunity to build a home for his family under the present zoning.

Timothy A. Crane – 102 Sandy Flat Road

Mr. Crane said that Mr. LaBriola had said everything that he wanted to say and more. He was born and raised in Spalding County. He has lived at 102 Sandy Flat for the past 22 years and they enjoy the open country. There are several property owners that own large tracts of land. They like Mr. Brown and he is a great neighbor. This is a precedent setting issue. If this is allowed it opens the door for others to do the same thing. Mr. Brown can build the house he wants under the present zoning. They want to keep it

AR-1. They like the country.

Steve McGovern – 95 Sandy Flat Road

Mr. McGovern said he is opposed to the change in zoning. This will open the door for AR-1 development in the neighborhood. He is disappointed that his neighbor did not come to him and let him know what he was planning. He had to hear it from another neighbor.

Bert Jermain – 701 Manley Road

Mr. Jermain said that he and his wife were fortunate to be able to become citizens of Spalding County in March. He does not want someone to pursue their assets at the expense of his assets in the investment they have in their property. What happens out there is important. Mr. Jennings told him about the great history of Birdie Community and what it means to Spalding County. That is one of the things that drew him to this community. The land they purchased has a 100-year old house. They have bought into the history of the lovely, rural, historic community with the intent of making a significant contribution to preserving the history of the area. They purchased it to preserve the integrity of the community. What is done with Birdie is very important. There are a lot of developers that want to put 90 houses on 120 acres and that is fine. There is plenty of opportunity to do that. Birdie provides this County with roots and a unique historical prospective. He urged that the zoning request be denied.

Rosa Lee Stewart – 1218 Manley Road

Ms. Stewart said, of the people that have spoken regarding the Birdie Community and its history, how many of them have attended a meeting of the Birdie Community meetings to help improve the Community in that way? She has been there 39 years and lives on one acre of land. No one that travels Manley Road can say that she and her husband have not improved that part of the road. They used to live in a mobile home right in the back yard of the attorney that spoke. The Birdie Community has changed. Several comments have been made about not knowing about this application. Mr. Yates is the one that is applying for the rezoning. She was at Mr. Yates' home helping his wife connect his dialysis and he received a phone call from someone that was not one of the neighbors and they were very disappointed that they had not come to him to talk to him regarding why he was applying for this rezoning. Mr. and Mrs. Yates have been long time friends of theirs. They take vacations together. She helps connect his dialysis. All the things that good friends do. Mr. Yates promised Mr. Brown when he purchased his original tract of land that he would sell him some more land. Everyone in the community knows the character and dedication that Mr. Brown has in the community as well as to the Birdie Community. He has given lots of hours to make this a better place to live. You can be assured that he would not do anything that would hurt the community. She would much rather have two acres and a 2000 SF home than to have it rezoned later due to pressure. Spalding County needs to start looking at larger houses. Ms. Stewart serves on the Development Authority and they are constantly looking at industries to bring into this community and to hold their professionals and their top people here in Spalding County. She has an investment in the community and would much rather have a 2000 SF home than a 1250.

Mr. Harris said he would be hard pressed to approve this change in light of the strong feelings of so many neighbors. He would also consider tabling to allow Mr. Brown the opportunity to get the support of his neighbors.

Mr. Youmans said he agrees with Mr. Harris. The land is predominantly AR-1. He probably should have talked to some of his neighbors regarding his application.

Mr. Browning said he has an investment in the Birdie Community. He raised his children there. He still owns 8 acres there and a 2500 SF home. It is currently rental property. There are a lot of different flavors in the Birdie Community and it is very varied regarding tract sizes. That is part of the beauty of the Birdie Community. The Planning Commission has the authority to condition the rezoning to a site plan as presented. Concern was expressed that as many as eight houses could be built. He would be concerned about that too and would not be in favor of that. Approval can be conditioned to the site plan as presented and it can be conditioned to 2000 SF homes. If the zoning is maintained at AR-1 then the land could be divided into three-acre tracts with 1500 SF homes of whatever type they want. With that aspect Mr. Browning said he could support this application.

Ms. Phillips said, in looking at the zoning map, she does not see anything but AR-1 in this quadrant of Spalding County.

Mr. Sabine said the Planning Commission has just recommended one-acre minimum tracts for this area on the future land use map. This application would be consistent with what the Planning Commission has just recommended for the new land use map. A couple of weeks ago the future land use map was discussed and the two-acre lots with 2000 SF homes would be consistent with what this is going to be changed to. There was no one present for that meeting and now we are going in a different direction. He said there is a new Community Development Director that has accepted this position and Mr. Sabine said he wants some direction to know what is going in this area. If the Planning Commission does not want any subdivision zoning out there then that needs to be the policy recommended by the Planning Commission. They could then see if the County Commissioners will approve it for the new land use map. If two acres and 2000 SF is disagreeable and the Planning Commission wants to go with far larger homes and a very rural approach then it needs to be decided now. Staff is not going to have a clear direction. Whatever is done should be consistent.

Mr. Bryant said he lives in a similar part of the County that is AR-1 and he has five acres. There are sections that are R-1. The property next to him was rezoned this past year. He has been to the Birdie Clubhouse and remembers a community meeting there a couple of years ago trying to get an idea of what that part of the County is like. It is definitely different. The trend of the area is a consideration. If Mr. Brown goes to 2000 SF that is the highest class the County has. This is a difficult decision. He asked Mr. Brown why he wanted the rezoning.

Mr. Brown said when he purchased the 4.333 acres from the Stewarts he thought the two-acre tracts were acceptable. It was his fault. His intent was to make two lots out of that and his daughter, who lives in a house out there, would be able to build. When Mr. Yates was considering selling his tract he had two people specifically in mind that he wanted to sell to, not one. He could not make two three-acre tracts out of the 4.31 acres. There are nine houses on Sandy Flat Road and there are 7 lots that have less than three acres now. He wants to take two lots that are over four acres and divide them into two tracts each. He said he loves all his neighbors. Henry County and Fayette County have changed. Spalding County is going to change. He feels that two acre tracts with 2000 SF homes is respectable for Spalding County.

Mr. Harris said he has a problem about going against this many neighbors in the neighborhood and not being sensitive to their concerns. If Mr. Sabine feels there are areas of ambiguity and we need more direction, not only from the Commissioners, but also from this area of the community, he would like to table this application, and get some direction from the Commissioners. He urged the members to attend the meetings where consideration is going to be given to changes in this community. When people attend the meetings then the Planning Commission has to consider what they are wanting but the Planning Commission cannot read the minds of those that are not present.

Ms. Mathiak said she likes the idea of the 2000 SF homes but still has concerns about the two acres with the area being AR-1.

Mr. Harris said Mr. Brown can request his applications to be table or to vote them up or down. If it is voted up or down it will go to the Commissioner for final consideration. If it is tabled there might be a possibility for the Planning Commission to reach a consensus on what they want in this area.

Mr. Sabine said the Planning Commission has the authority to table without the applicant making a request to table.

Discussion continued regarding this application and the possibility of the advisability of tabling.

Mr. McGovern asked to return for further comments. He said he is on two acres with 2400 SF. When he initially heard about this application he heard that it was to be eight houses on eight acres. Mr. Brown is saying that he wants two-acre tracts with 2000 SF houses. If this is such a good deal then come to his house and have a cup of coffee and discuss the plans. He said they were all concerned that there was going to be a subdivision.

Patricia Pendley made a request to be allowed to speak. She came forward, stated her name, and gave her address as 811 Manley Road.

Ms. Pendley said she has lived on Manley Road for 42 years. This land means a lot to her. She asked if it is changed from AR-1 to R-1 with him proposing the two-acre lots

with 2000 SF homes, that is fine. What about the other people that are going to come in and look at the land that is on Birdie Road? What about the people that want to sell the land when their parents die? If this is rezoned to R-1 will that mean that all this area will be held to two acres and 2000 SF homes or will they be able to break it down to one-acre lots and 1500 or 1750 SF homes? Is this zoning going to cover the entire community? They are not present out of disregard for Mr. Yates and Mr. Brown and what they want to do. They want to know how far this is going to down scale Birdie Community so they know what is ahead for them. She does not mind what they are talking about but she wants to know what it is going to do to the entire community.

Ms. Stewart came forward to give further comment. She has heard several of the neighbors comment that they are upset because Mr. Brown did not talk to them about his plans. Her understanding is that Mr. Brown is serving as agent for Mr. Yates and Mr. Yates is very ill. He requested Mr. Brown to be his agent for the rezoning. If it is approved then Mr. Brown is going to purchase the land. Mr. Yates wanted to ensure that Mr. Brown would be able to choose who his neighbor would be.

Ms. Mathiak said she can guarantee that there will be subdivisions in this area. It is going to happen. The Planning Commission has not seen it yet but it is obviously coming.

Mr. Galloway said the area has already seen subdivisions. R-1 will set a precedent. AR-1 already sets a precedent of 1500 SF on three acres of land. Prior to November of 2001 AR-1 minimum was two acres with a 1250 SF minimum. Birdie has benefited from increases in AR-1. R-1 would have an impact and it would have precedent.

Mr. Brown said he feels in the best interest of time he would like to request these applications be tabled. He wants to do what is right and does not want to damage his relationship with his neighbors. If it is tabled he would like some direction regarding what he should do.

Ms. Phillips said that neighbors need to communicate and if the neighbors felt that Mr. Brown needed to communicate with them they had the opportunity to contact Mr. Brown if they had concerns.

MOTION

Mr. Browning made a motion to table Application #02-21Z until October 29, 2002. The motion passed on a second by Ms. Phillips with Mr. Browning, Mr. Bryant, Ms. Mathiak, Mr. Harris, Ms. Phillips, and Mr. Youmans voting for the motion.

MOTION

Mr. Browning made a motion to table Application #02-22Z until October 29, 2002. The motion passed on a second by Ms. Phillips with Mr. Browning, Mr. Bryant, Ms. Mathiak, Mr. Harris, Ms. Phillips, and Mr. Youmans voting for the motion.

The Board took a five-minute break.

Application: #02-23Z: Greg Pruitt Construction Company, Inc., Owner – 947 Bailey Jester Road (4 acres located in Land Lot 9 of the 2nd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Mr. Pruitt came forward, stated his name, and gave his address as 55 Partridge Path.

Mr. Pruitt said he has a four-acre lot that he wants to subdivide into 2 two-acre lots. He called attention to a plat that he had furnished showing the division of the tracts.

Mr. Bryant asked why the lots were shaped as they were.

Mr. Pruitt explained why the lots were so irregularly shaped. The division had to be made due to flood plain on the property that he cannot build in. He had to have 200' of road frontage and 200' at the building line and that is the only way he could divide to get two tracts. The property has a common paved driveway.

Mr. Sabine said staff has no recommendation due to the fact that Mr. Pruitt serves on the Board of Appeals for the County. There was previously some criticism when a recommendation was made that involved a member of one of the County boards. This is not intended in anyway to be interpreted that the staff is for or against this application.

Mr. Pruitt said one house is already under construction. He has both houses sold if he can get approval. Environmental Health has no problem with the division because they are two-acres minimum. He said he had an alternate plan that would require a variance but he decided to present this plan because the division, as presented, meets all the requirements without a variance.

Discussion continued regarding the appropriateness of such a creative plan. Consideration was also given to the idea of using both plats even though one would require a variance so the County would have the option of being able to consider an alternate plan.

MOTION

Mr. Browning made a motion to approve Application #02-23Z. The motion failed on a second by Mr. Harris with Mr. Browning, Mr. Harris, and Mr. Youmans voting for and Mr. Bryant, Ms. Mathiak, and Ms. Phillips voting against.

Mr. Pruitt was advised that this would go to the County Commissioners with no recommendation from the Planning Commission.

Application: 02-24Z: Anita G. Barfield, Executrix for Estate of Kenneth A. Barfield, and William Dim Barfield, Owners – Alan R. Mobley, Agent – 11.55 acres, more or less, southeast corner of Highway 19/41 and Malier Road, located in land Lot 108 of the 3rd land District – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Alan Mobley came forward to address the Board regarding this application. He stated his name and gave his address as 262 Mobley Road.

Mr. Mobley said he is requesting the zoning change so he can have a car lot or heavy equipment sale lot. He wants to develop the land himself but may have to sell a portion. He has an interest from a convenience store, a General Dollar store, a bank, car lot, equipment rentals, and a liquor store. He has no signed contracts.

Mr. Sabine said there was an application recently and it was conditioned on having brick and/or masonry/stucco on the sides that are visible from the road. He asked if this would cause a problem.

Mr. Mobley said he did not have any problems with conditions.

Mr. Youmans said he knows this has not been a good year for landscaping due to the water restrictions but he wondered if a commitment could be made to have plantings and trees.

Mr. Sabine said that will be required. It can be bonded for a period of time if there is a severe drought but it will be required. The staff will work with him regarding reasonable delays due to the weather conditions.

MOTION

Mr. Browning made a motion to approve Application 02-24Z conditioned on brick and/or masonry/stucco on all sides that are visible from the road. The motion passed on a second by Mr. Harris with Mr. Browning, Mr. Bryant, Ms. Mathiak, Mr. Harris, Ms. Phillips, and Mr. Youmans voting for the motion.

Ms. Craig said the November voting/rezoning meeting falls the week of Thanksgiving. She asked if the Planning Commission wanted to combine everything into one meeting.

Discussion was held and it was decided to make no changes in the meeting dates for November.

MOTION

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

Karen Mathiak – Chairman

Yvonne Langford - Recorder