

SPALDING COUNTY PLANNING COMMISSION
Minutes
October 29, 2002

The Spalding County Planning Commission held its regular meeting on October 29, 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, Charles Taylor, Community Development Director, and Yvonne Langford to record the minutes.

Ms. Mathiak called the meeting to order and introduced the members of the Planning Commission. She also introduced Mr. Taylor the new Community Development Director for Spalding County.

MINUTES

Mr. Bryant made a motion to approve the minutes of the September 24, 2002 meeting. The motion passed on a second by Ms. Phillips with Mr. Browning, Mr. Bryant, Ms. Mathiak, 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.

This application was withdrawn and not heard.

Application #02-21Z: Lift from the table – 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, to R-1 Single Family Low Density Residential

Application #02-22Z: Lift from the table – 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.

Ms. Mathiak said these two applications would be heard together but voted separately.

MOTION

Mr. Bryant made a motion to lift Application #02-21Z and Application #02-22Z from the table. The motion passed on a second by Mr. Browning with Mr. Browning, Mr. Bryant, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

Mr. Wayne Brown was present to address the Board regarding these applications. He came forward, stated his name, and gave his address as 85 Sandy Flat Road.

Mr. Brown said he had made a presentation at the last meeting and he gave a brief recapitulation of that presentation. He said he had stated at the last meeting that he wished that this could be resolved where everyone came out a winner and he would still like to see this happen. He said there is no zoning that allows for two-acre tracts with 2000 SF homes. He has applied for zoning that is closest to that requirement. He considers his application to be binding and he has furnished plats, which have shown that his intent is to create three new building lots. The lot sizes will be 2.231 acres, 3.093 acres, and one will be 2 acres. He assured those present that he would like this to represent a positive standard rather than negative. He would like the standard to be two-acre lots with 2000 SF homes. He wants to maintain that standard and would work to maintain that standard. He requested that his application be approved.

Mr. Harris arrived during this presentation.

Several people were signed to speak regarding this application. They each came forward, stated their name, and gave their address.

Tim Crane – 102 Sandy Flat Road

Mr. Crane said he is opposed to this application because all the land in this area is AR-1. If R-1 is allowed it will set a precedent. He knows that development is coming. They are all for development. If R-1 is allowed it will set a precedent for future development. People have lived there for long periods of time on large tracts of land. At some point in time someone is going to sell off a hundred acres and someone is going to want to put in a subdivision. He would rather see 33 homes on 100 acres rather than 99 homes on 100 acres. If R-1 zoning is passed you are allowing one-acre lots. Mr. Brown has applied for two-acre lots with 2000 SF homes. That is a good size home. Most of the people that build homes, if they are going to the expense in an agricultural area or AR-1 on three acres, are going to build larger than a 1500 SF house. Most people are going to build a 2000 or 2400 SF home. That is just the norm. Spalding County is a “hot spot”. There is Henry and Clayton; they are already building up on the 155 side of Teamon Road. There is a large development out there. He is afraid they are going to do away with all the green space. Spalding County is not going to be an attractive place that we all want it to be for our children. By staying AR-1 in this area he feels this can be the area that can be preserved because of the natural beauty of the land and because there are such large tracts of land. He is not trying to stop development. This will set a precedent for the next builder to say he wants the R-1 so that he can get the one-acre. This is nothing against Mr. Brown. Mr. Brown is a great neighbor and lives across the street. He attended a very important and informative meeting at Sunnyside. Spalding County is on the rise. It is an attractive area. To keep this an attractive area the green space needs to be protected. He opposes this application.

Frank Westmoreland – 2530 West McIntosh Road

Mr. Westmoreland said that he supports this application. This is a refreshing application. Since last February they have been living a horror due to a request for zoning to build on an average of 11,000 SF lots and rezone from an AR-1 to an R-5. He knows where Mr. Brown lives and he is going to be living very close to the property he is expecting to develop. He said the neighbors need to think about this before something else worse comes along that could really affect the area. He requests the rezoning be approved.

Andy Pendley – 811 Manley Road

Mr. Pendley said he was speaking on behalf of himself, Justine Harris, and Brenda Conner, an absentee owner who owns approximately 100 acres in this area. He had reservations at the first meeting. After a visit with Mr. Brown and investigating the zoning laws and ordinances he has found out that this is probably a good beginning point. This is a good community. It is quiet. It is country. He would like to keep it that way. Mr. Brown wants to set the square footage minimum to 2000 SF. That will keep a lot of the entry-level people out of the community. In the future they will have a large development close by. Right now with the house that is at 176 Sandy Flat Road if anything should happen to that he would like some guarantee that it would be built back to at least equal to the three lots that are being rezoned. He would like at least 2000 SF minimum; hopefully heated space. Other than that he has no reservations about approval for this application.

Robert Burk – 122 King Richard Drive

Mr. Burk said, like Frank Westmoreland before him, he has stood at this podium so many times that he is generally call “one of the “aginers.” The things that he has been against he is still against. This AR-1 zoning scares him. If you say his choice is 33 houses on 100 acres or 50 houses on 100. He is going to take the 33. That is not the choice. The other choices in the area that people have not thought about; a hog farm. If he purchases 100 acres in the Birdie Community he could build a hog farm out there and there is nothing anyone could do about it because the zoning allows that. He could put in a chicken processing plant. This is a change for a 2000 SF house. The next problem in Spalding County is going to be AR-1 zoning. Not only are you going to get pressure from developers to build houses as they have built north, there is going to be pressure for agricultural land. He does not know whether anyone has ever stood real close to a hog farm. It is not pleasant. The people in the Birdie Community are sweet, good, honest people and he loves them to death but he does not think they realize what can happen with AR-1 land. This rezoning to R-1 with 2000 SF minimum house is a brilliant idea.

Roy Oakes – 725 Manley Road

Mr. Oakes said that after the last meeting he was confused because he did not know what was going on. After talking with Mr. Brown and being shown what he wants to do he and his wife have no objection to what he wants to do.

Tim White – 705 Birdie Road

Mr. White said he lives down the street from Mr. Brown. After talking with Mr. Brown and understanding what he wants to do with the property he has no objections. He is behind him 100%. He is setting a precedent with the housing situation and what he wants to build and upscale the neighborhood. He requested approval of this application.

Steve LaBriola – 650 Birdie Road

Mr. Bryant said that Mr. LaBriola had left him a message requesting that he give his message for the record tonight. Mr. LaBriola has spoken with Mr. Brown and was not opposed to his request. He is concerned about the precedent set for the area. He did have a question about how the conditions can be labeled for future zoning maps so that when they are looked at someone would know of the extra conditions.

Mr. Sabine said, regarding the R-1 district, it requires a minimum lot size of 2 acres with the exception that a special exception application could bring a subdivision down to one-acre lots. In general the minimum lot size is two acres. Additionally, relative to the existing house, the non-conforming use that was addressed by Mr. Pently; if the non-conforming use goes away, voluntarily, it would need to be replaced at 2000 SF heated space or greater. However, if something, akin to an act of God should occur, then it could be built back at the minimum square footage of the existing structure as determined by the tax records. If Mr. Brown agrees then it can be stipulated that if something ever happens to the existing home it will be required that it be re-built at a minimum of 2000 SF.

Mr. Brown said he would agree to that stipulation. He has hopes that he will be able to renovate that house at some future time.

MOTION

Mr. Harris made a motion to approve Application # 02-21Z conditioned on a minimum heated square footage of 2000 SF and additionally, if the existing non-conforming home is to ever be replaced, it will be replaced with a structure with a minimum square footage of heated space of 2000 SF, and that lots shall be based on the site plan as submitted. 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.

MOTION

Mr. Bryant made a motion to approve Application # 02-22Z conditioned on a minimum heated square footage of 2000 SF and additionally, if the existing non-conforming home is to ever be replaced, it will be replaced with a structure with a minimum square footage of heated space of 2000 SF, and that lots shall be based on the site plan as submitted. 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.

Mr. Brown was advised that this will be heard by the Board of Commissioners on November 21 for final consideration.

Application #02-25Z: Roy Franklin Crane and David Anthony Crane, Executor for the Estate of Douglas Spruce Crane, Owner – 2640 East McIntosh Road (1.76 acres located in Land Lot 80 of the 2nd Land District) – requesting a rezoning from R-2, single Family Residential, to C-1, Highway Commercial.

Peggy Crane said she was present to represent Roy Franklin Crane and David Anthony Crane regarding this application. She stated her name and gave her address as P. O. Box 54, Orchard Hill, 30266.

Ms. Crane said they are requesting this tract of land be zoned from residential to commercial in order to sell this to the Bae family. They have been leasing this land since May of 1996. They have prepared a conceptual site plan for improvements. Mr. Crane had begun working with the Bae's to sell the land to them when he died. The family is trying to complete that sale. She brought pictures of the site at present. There is a house on the property that was the residence of Mr. and Mrs. Douglas Crane. There is a service station on the property that has been there since 1962. The Bae's want to buy the land and build a new station on the tract of land. The house will be removed.

The issue of the road visibility was discussed. Mr. Youmans expressed concerns regarding this issue.

Mr. Sabine said the proposed new store being set back on the lot will allow for potential road improvements with State participation. The County has a shortage of funds that will not permit a commitment at this time but it can be addressed at a later date.

Mr. Browning said the eastern parking area has quite a few classic oak trees and he would like to see that they are preserved. They do not present a visual problem because the limbs are high. There is room to save quite a few of these trees. He understands that a few on the front will need to be removed for safety sake but some of the larger ones could be incorporated into the design.

Ms. Crane said there is a tree line at the rear of the property that has quite a few of those large oak trees.

Ms. Inez Moore was present to address the Commission regarding this application. She came forward, stated her name, and gave her address as 3169 Jackson Road.

Ms. Moore said where they want to put the station is right in front of her front door. It will be too close to her house. If they will move the station up halfway from where they want to put it she will not object.

The Commission identified the location of Ms. Moore's house in relation to the proposed station. She was advised of the required buffers.

Mr. Sabine said he feels the request to move the building, as Ms. Moore has requested, would negatively impact the ability of the property to satisfy the commercial/industrial

development ordinance. On one side of the property you need to keep adequate space for nitrification fields, since this will be on a septic system. Adequate parking is also a consideration since this is a triangular shaped lot. Staff has some conditions relative to this application.

Lee Craig, Senior Planner for the County, noted that the staff recommendation is for approval conditioned on brick/masonry façade to make a nice appearance from the road, lighting designed so that it does not have a direct impact on the neighboring residential properties to minimize glare, buffering and landscaping is required in the commercial ordinance, 25' buffering is required if it is densely wooded that would be adequate but if it is not then landscaping has to be put in to create an opaque appearance, full construction plans will be required and if the property is rezoned the home will have to be removed.

Mr. Bae was not present but his son was present.

Chol Bae – 3375 Spring Hill Parkway, Apartment 319 – Smyrna, Georgia

Mr. Bae said they were going to try to preserve, as much as possible, and try to have a favorable impact on the neighbors because they want to make a nice looking station. They do not plan to be extravagant but want to have a nice looking larger building with adequate parking. They thought about moving it forward but the designer, Conkle-Lane, has advised that there will not be enough room for the canopy and underground storage tanks as required by ordinance.

Discussion was held regarding a light intrusion ordinance. At the present time there is no light intrusion ordinance for Spalding County. Discussions have been held but no action was every confirmed. This is probably an issue that will need to be addressed in the future.

Discussion continued regarding how the lighting should be required, how the buildings should be placed on the property and the need to be certain that the existing buildings be removed before occupancy of the new facility. It was noted that the facility was on a triangular lot and the façade would have to be specified so that it would be brick/masonry on three sides.

Mr. Sabine said the Commission should be specific in its motion so that there will be no confusion in their wishes. It should say that brick and masonry/stucco façade shall be used on any wall facing the north, east, or south sides of the property. That leaves the west, which is not directly visible from the roadway.

Ms. Moore came forward to speak again. She said that where they want to put the station the McIntosh Road is higher than the Jackson Road. That would mean they will be right in front of her house. They will have to fill in back there. That is going to cause a problem because a wet weather spring goes through there.

Mr. Sabine said that when developers come in, prior to building a commercial structure, they have to bring a grading plan which is basically a site preparation plan. That plan, by law, has to be reviewed and approved. It is sent to the Natural Resources Conservation Service which is based in McDonough. They are trained to review the plan to be certain that the disturbance of the grading will not adversely impact the environmental condition out there. They must approve it before permits are issued.

Mr. Bryant said it appears the dumpster is proposed to be over close to Mrs. Moore's house. He wanted to be certain that the buffer requirements will be addressed in regard to the dumpster.

MOTION

Mr. Browning made a motion to approve Application #02-25Z conditioned on brick, stone and/or masonry/stucco on three sides, which are the north, east, and south sides. The lighting will be designed in such a manner as to not be intrusive on any of the residential uses that abut the property. The lighting design will be approved by the administrative board before the permit is issued. 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. Mathiak advised Ms. Crane that the application will go before the County Commissioners on November 21 with a recommendation for approval with the conditions as voted.

Application #02-26Z: – John T. Bolton, Owner – Greg Pruitt Construction Company, Agent – 64.8 acres more or less, off Wilder Way (Stanfield West Subdivision Phase V) located in Land Lots 12 and 21 of the 2nd Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-5, Single Family Residential.

Greg Pruitt was present to address this application. He came forward, stated his name, and gave his address as 55 Partridge Path.

Mr. Pruitt said this is Phase V on the Stanfield West Subdivision. He identified the first four phases on a map. The first four phases had trees but Phase V is mostly open field. He is requesting R-5 zoning with 1250 SF homes. The first phase was 1200 with the following three phases at 1250. He would like to upgrade the houses and sod the front yards and plant trees. This is a ditched subdivision.

Mr. Sabine said that by action of the Planning Commission and the Board of Commissioners the only subdivisions that allow ditching are ones where every lot has a minimum 150' width.

Mr. Pruitt said that he wants to do a little better job with the landscaping. There is a lot to contend with. There are some chicken houses that are in disrepair and small trailers in the area. He would like to finish the project out for Mr. Bolton and he does not see that this will create a problem.

Mr. Browning said that he notes some of the lots are drawn with 100' widths. He asked Mr. Pruitt if he planned to request variances.

Mr. Sabine said that the UDO in subsection 502 Q.2 addresses standards for deletion of curb and gutter. It states that curb and gutter may be deleted for minor or local streets and cul de sac turnarounds on review by the Planning Commission provided the subdivision meets or exceeds the following criteria, notwithstanding cul de sacs, each and every lot shall have a minimum road frontage of 150', each and every lot, contained within the subdivision, shall have a minimum size equal to or exceeding one acre, each and every lot within the subdivision shall be served with a driveway culvert and the minimum front lot depth for each and every lot within the subdivision shall be determined from the road right of way.

Mr. Sabine noted that this was changed sometime in 2000.

John Bolton – 873 Moreland Road

Mr. Bolton said there were meetings on this when the open ditch section was approved and it was then 125' wide at the street. It was gone over in detail in 1995 and 1996 and with curb and gutter it was 75' at the street and 125' at a 100' setback. Weeks were spent on this at that time and then it was changed in 2000.

Mr. Sabine said with the curb and gutter you can do 75' at the road and 125' at the building line. In the residential zoning classes minimum lot size is now two acres where one is a special exception. To get the one-acre lots you will need a special exception. That needs to be addressed. You can deal with the road plans in the platting and the construction plans. That will be handled by the Board of Zoning Appeals and the Commissioners.

Allen McCallum was present to address the Commission regarding this application. He came forward, stated his name, and gave his address as 2831 Williamson Road.

Mr. McCallum said he was opposed to this application as proposed. It is certainly not an upgrade to anything in the area as Mr. Pruitt implies. It is an extension of what is already there. The open ditches are a blatant eyesore. He hopes that if open ditch is allowed more will be required. If he wants to upgrade he can go to 1400 to 1500 SF. Sod in the front yard and two trees does not excite him. He would like for this gentleman to be held to a higher standard. This is a new rezoning; it is not just an extension of a subdivision. It is a new rezoning. He would like to see some green space added and three or four acres for a play area. He would like for him to be held to conditions that other developers have been required to maintain.

Ms. Craig said that the staff recommends that it be conditional approval for the zoning with 1400 SF, two car garage, 30% brick, stone, masonry/stucco façade in front with the remaining exterior wall featuring a hardiplank cement board with a .42 vinyl siding, 7:12

roof pitch, minimum of 50% of the homes on crawl space or basement foundation, and no exposed cinder block or basement shall be visible from the road.

Mr. Pruitt said he does not understand. This subdivision has four phases with 1250 square feet. He does not understand 1400 SF. He does not see this type conditions on other developers that come from out of town. This is not in the UDO. He said he wants to see every developer put in crawl space. To his knowledge most of the developers that have come from out of town put in subdivisions with nothing like this. They put them on slabs and they were not told they had to put in so much masonry. If you look at the first four phases it has trees and things that make it more appealing than the back phase. You want to put in 1400 SF homes there with singlewides that are 800 and 900 SF. He is real disappointed.

Discussion was held regarding what Mr. Pruitt was planning regarding the ditch versus curb and gutter. Mr. Pruitt said he was not sure, at this time, what he was going to do.

Mr. Browning said he is always interested in upgrades and he is not certain that there is not some increase here but in light of what is already there and it being so large and so extensive he thinks the increases the staff is recommending will be difficult to implement. If there was an ingress and egress from another road, houses of a different size and design might go well. In this instance he feels what is being asked is unfair.

Mr. Sabine said that some of the design criteria may be difficult to accomplish, that some may need to be waived. Everything that he has received from the Board of Commissioners, informal or otherwise, has been that the Board of Commissioners want to hold the line on expanding R-5 out into new areas. That is an issue the staff has taken into account in making their recommendation. Basically, he encourages consideration of something midway such as R-2 1400 SF heated with one car minimum. There is an appropriate mid-range solution for this application. Mr. Sabine said he is not recommending that the Planning Commission not approve the staff recommendation but if they would like they could consider something more mid-range.

Mr. Browning said he agrees. He said he would like to send it forward with what Mr. Pruitt has requested and let the Commissioners put on the restrictions. He does not know how to word a motion to that effect. He wanted to hear how the other members felt.

Mr. Sabine said the Planning Commission can send it forward with recommendations or with no recommendation.

Mr. Harris said that what Mr. Pruitt has proposed is in keeping with what is out there and is not too bad. It is not the best possible but he is trying to be realistic to know that if the Planning Commission does not make some recommendation the County Commissioners are going to be more restrictive. He asked Mr. Pruitt if he would be willing to table this and see if some sort of compromise can be drafted.

Mr. Sabine said it might be possible to discuss during a brief recess and resolve the matter tonight.

The Planning Commission took a five-minute recess to discuss potential solutions to the Application.

When the Planning Commission reconvened, Mr. Pruitt said that he would like to table the application since there were so many issues that had been raised that he had not anticipated.

MOTION

Mr. Browning made a motion to table Application #02-26Z until the next meeting. 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.

Application #02-28Z: Markland Management, LLC, Owner – Georgia State Route 16 East (20.724) acres located in Land Lot 206 of the 2nd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-1, Highway Commercial.

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

Mr. McCullough showed a plan for this proposed development. He had a plan that included a convenience store as well as restaurants, office buildings, hotel, and conference center. The first phase would be the convenience store. The improvements that are planned with the widening to four lanes of the Arthur Bolton Parkway and a traffic signal to be added will allow for development of this area. He said there have been some initial contacts to potential restaurants but no commitments have been requested or made. There is more interest in the north side, at the present time, but there will be interest in this area when the four-lane is developed. The hotel/conference center came about with discussions with the Development Authority. They are very supportive of the idea. Their involvement is certainly less than a commitment. They would need their SPLOST approval next year. They initially gave him the idea for this concept. Additionally, in meeting with MEAG, they did a survey with the larger businesses in the community regarding what they would want in a facility of this type. Their wishes will be considered when the development is more advanced. They would have to have the support of the Development Authority to build a hotel/conference center. DOT has a preliminary plan for that intersection. They are working with the DOT in designing the entrance. He has met with the City of Griffin and they support the plans for this development.

Angela McIntyre was signed to address the Commission regarding this application. She came forward, stated her name, and gave her address as 365 Wilson Road.

Ms. McIntyre said she has seen the plans and is uncertain how it is going to affect her. She needs time to study the plan.

Mr. McCullough said they are concerned about the homes on Wilson Road and they made an attempt to talk to all the homeowners. Most of them understand that they are in a commercial area. They do not know what impact this will have on them. They are concerned and plan to have buffers. They were approached to see if they wanted to rezone their property at the same time this application was made. They have made an effort to discuss this with the neighbors.

Ms. McIntyre asked if the drive was where it was going to be or if this was just for the zoning and the drive could be moved.

Mr. Taylor said this was site plan specific zoning and the site plan becomes a condition.

Ms. Craig said this is the Arthur K. Bolton overlay district and is site plan specific. Overlay districts require that entrances not come off Arthur K. Bolton so the entrance has to come off of Wilson or Hudson Roads. Any changes will have to be approved by the Board. There are not a lot of conditions put on this application because it is in the Arthur K. Bolton overlay district.

Mr. Youmans asked when the lane widening and the addition of the light will take place.

Mr. McCullough said they are having to acquire additional right of way and he is not certain when the project will begin.

Mr. Sabine said they have not heard anything from the DOT but Mr. Wilson, County Manager, has been working with them regarding the traffic signal. There will probably be a signal there within the next 6 to 9 months.

Ms. McIntyre said her only concern is it being commercial on all four corners and everything building up all around her. The five houses in the area are going to look funny in the middle of a hotel.

Ms. Craig said she would like to note that in their review of this in relation to the future land use map it is not consistent with this plan. The future land use map identified this as residential. This will be commercial use, and should the Planning Commission vote to approve, the staff would need direction to change the future land use map to match a commercial use. At the present time the staff would like to recommend that the changes be done in conjunction with the comprehensive plan that is in process.

Mr. McCullough said they have already had preliminary discussions with the distributor/operator for the convenience/gasoline store. They are waiting on County approval to begin work. They have had discussions with the staff and are aware of the direction they would like to take for this area. They hope that this development will help set a standard for future development.

Mr. Browning said this is a bold step and he supports the project.

MOTION

Mr. Browning made a motion to approve application #02-28Z. 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.

Mr. Bryant said he would like consideration given to amending the agenda to take Application #02-30Z next since there are five before it that will be considered together.

Mr. Sabine said Application #02-30Z is also going to generate considerable discussion.

MOTION

Mr. Bryant made a motion to move Application #02-30Z to next on the agenda. 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 #02-30Z: William R. King, Jr., A.M. Oshlag, and Gayle G. Taylor, Owners – James S. Murray, Jr., Agent – Highway 19/41 (10.87 acres located in Land Lot 101 of the 3rd Land District) – requesting a rezoning from R-3 Multiple Family, Conditional, to R-3, Multiple Family.

James S. Murray, Jr. came forward, stated his name, and gave his address as 118 North Expressway.

Mr. Murray said this is a request for R-3 Zoning from R-3 Zoning, Conditional. They want to change because the buildings on the original drawing were too close to meet the fire regulations. They have modified the plan to the present plan that was furnished to all the members of the Planning Commission. There are still 24 acres and a 12-acre buffer behind this R-3 and there are still two commercial lots on the front. The zoning is presently conditioned on the original plat. The original plat did not meet fire code. The number of units remains the same but the make-up has been changed. They have cut down the number of three bedroom units and increased the number of two bedroom units. This was changed due to a market study that was done by C. B. Ellis Commercial in Atlanta. Nothing else has been changed. The inside wall square footages, the original footages were outside footages, are 820, 1038, and 1220 SF.

Mr. Greg Walker was present to discuss this with the Board. He came forward, stated his name, and gave his address as 540 Lakeshore Drive, Cordele.

Mr. Walker said he is the developer. He said on the original plat the buildings were 15' apart. They have spaced them further apart and put more green space between each building. Minimum fire code requirements are 30 feet. They paid to have C. B. Ellis do a 70-page study to advise them on what the rents needed to be, and what the unit mix needs to be. In the original proposal they had proposed 36 three-bedroom apartments and now they want 16 three bedrooms because the report says that the absorption rate for the three bedrooms is too high. They plan to replace those with more two-bedroom

apartments. They plan to have more amenities in the clubhouse. They will have a laundry room and an exercise room. They will have a pool. There will be washer/dryer hookups in each apartment. HUD is the administrator of the loan. This is not a low-income housing complex. GMAC is the commercial mortgage lender. This means it is FHA insured. There are 9 acres in the back that are zoned R-2 and it will be left. DOT has their prints for a median cut with decel lanes from both directions. The recreation area is as large, if not larger, than the first plan. All apartments will have a view and will not back up to each other. The pedestrian walkways will be linked as recommended. Rental rates will be \$625 for the one bedrooms, \$730 for the two bedrooms, and \$855 for the three bedrooms. A management company from Atlanta will manage the apartments. They are ready to begin this project as soon as approval is received. Construction should take seven months.

Mr. Browning said he is in favor of reducing the number of three bedroom apartments.

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

Mark Lamas – 660 Village Trace – Marietta, Georgia

Mr. Lamas said he is the architect for the project and was present to answer any questions that might be raised. He did the initial site layout of the current design and the engineering firm has made modifications to the site plan and he considers this to be superior. They have put all the recreation in the middle of the project and directly associated with the clubhouse and pool so it is all centrally located. It made it more pleasant and an increased benefit to the residents. Most of the criteria is the same as the previous plan with similar parking lots, the same drainage, and same utilities.

Mr. Harris asked about the tax credit issue that was in the information that was furnished to the members of the Planning Commission.

Mr. Walker said this is not a tax credit property and he does not know how that got mixed in with the paper work.

Mr. Sabine said this property is an FHA, Section 221D4 loan subsidy. Previously, when the property was brought up for rezoning in 2000 which, was the Gateway Communities out of Florence, Alabama, it was a tax credit project. This is now a Section 221D4 and according to the Department of Housing and Urban Development, it says that Section 221D4 ensures mortgage loans to facilitate new construction or substantial rehabilitation of multi-family rental or cooperative housing for moderate income families, elderly, and the handicapped. Single room occupancy projects may also be ensured under this section. This ensures lenders under mortgage defaults.

Mr. Taylor said that rental housing in general is always subject to being rented by subsidized renters. Rental housing owners are required to take applications for Section 8 housing.

Mr. Sabine said the owners have to take it provided the applicant qualifies. There is certain criteria that you have to look at and if they qualify you have to accept them.

Discussion was held regarding the qualification of individuals for Section 8 housing and the tax credits that were previously mentioned.

Mr. Sabine asked for general information regarding the survey that Mr. Walker had done by the firm in Atlanta.

Mr. Walker went over the information that was included in the report and offered to let Mr. Sabine read the report.

Frank Westmoreland – 2530 West McIntosh Road

Mr. Westmoreland said he was not present to speak in opposition but wanted to ask some questions. He said he had seen a couple of documents. The title had gone through McIntosh Trial for request for a control number using the federal clearinghouse in an attempt to apply for federal assistance for this project. He understands that the developer has said that HUD is only the administrator for the non-recourse loan that he is getting. He asked if there was to be any federal assistance.

Mr. Walker said this is a loan guarantee. It is a corporate version of an FHA mortgage loan.

Mr. Westmoreland asked if it was correct that any home or rental property up for rent is subject to being rented as a Section 8 unless the criteria is not met and the rents are higher than what is to be paid. The rents were restated and he asked if that was “set in stone” or were they subject to change if units remain vacant and sit empty for a year.

Mr. Walker said he will need to get them rented.

Mr. Westmoreland said that this was the projected rent but they could change.

Mr. Walker said the rates are higher than the going rate because it will be 12 months before they are ready for occupancy and they anticipated the rents will increase over the next year. It is going to cost them \$52,000 per unit to build so they are spending the money and he cannot take this type investment and rent it for \$400 to \$500 per month.

Mr. Westmoreland said he could not afford to let it sit empty either.

Robert Burke – 120 King Richard Drive

Mr. Burke said he is most definitely against this application. This property was zoned R-2 and it was a mistake to rezone this property. It was rezoned R-3 with conditions and now those conditions cannot be met. It looks like it is back to R-2 and now they want to change it to R-3. He lives down stream from this property and the stream he is talking about is Manley Creek. At his own expense, one of the homeowners had a chemist study Manley Creek. His report, which was on the radio last week, stated that Manley Creek

was in effect an open sewer flowing through Spalding County because of the sewer line along Manley Creek and the lift station on Westmoreland Road. That puts him downstream. He thinks it was a mistake to rezone it initially. This is an opportunity to revert to R-2. If you drive down Westmoreland Drive there are some beautiful homes over there and he does not understand why those neighbors are not up in arms. He does understand because they feel it is a done deal. It would have been a done deal if he could have met the restriction in the R-3. This is an opportunity to go back to R-2 until they can get the problems with Manley Creek resolved. He said the City is telling people not to worry about the open sewer because when it gets to the Heads Creek Reservoir they treat the water and it will be safe to drink. Somehow that is not a satisfactory answer. He feels it should go back to R-2 and start all over again.

Mr. Taylor said this property is shown on the future land use map as proposed low density residential. If it is the County's desire to rezone the property the staff recommends a change in the future land use map be enacted in conjunction with the update to the comprehensive plan. The staff recommends conditional approval of the rezoning. The conditions that are recommended are that the commercial drives on the plan be extended to the commercial zoning areas. On the plans they reviewed they stopped just short. It is also recommended that the garages shown should be leased to apartment residents only, not to the outside entities. A continuous pedestrian system linking the residential buildings with the recreation area, clubhouse, and commercial areas and incorporate those into the design is recommended. It has been stated that they are proposing to do that. The Staff recommends that the ratio of the bedrooms not be changed. It is the experience that three bedroom units tend to create more sustainable tenants rather than transient tenants.

Mr. Browning said that three bedroom units also traditionally bring a lot more children than the two bedroom units. A lot of the two bedroom tenants are young couples with one child. When they have more children they tend to go to homes. Three bedrooms is an open invitation for three or more children.

Mr. Sabine said he agrees with what Mr. Browning is saying. His position is that the experience in Spalding County, relative to three bedroom apartments, has not been very good. Mr. Taylor speaks from a wider range of experience over his tenure and jurisdictions. He is quite correct in the overall scheme of things and it is up to the Planning Commission to determine how they feel it will behave economically, whether it will follow past trends or whether it will deviate in the future. This site has been rezoned R-3 before and he does not want this to be taken out of context. This site is consistent with the current adopted plan. The current adopted plan encourages multifamily as transitional between high and low density. This site is a transition between low-density commercial and low-density residential.

Discussion was held regarding the present zoning and the position the land use map should play regarding zoning applications and changes that are not consistent with the adopted land use map.

MOTION

Mr. Browning made a motion, seconded by Mr. Bryant, to approve Application #02-30Z. The motion failed with Mr. Browning and Ms. Phillips voting for and Mr. Bryant, Mr. Harris, Ms. Mathiak, and Mr. Youmans voting against.

Discussion was held regarding the options the Planning Commission had regarding this application. It was noted the County Commissioners would make the final decision.

Mr. Youmans said the last time they sent it to the County Commission they ignored the recommendation.

MOTION

Mr. Youmans made a motion to send this forward to the County Commission with no recommendation. The motion passed on a second by Mr. Bryant with Mr. Bryant, Mr. Harris, Ms. Mathiak, and Mr. Youmans voting for and Mr. Browning and Ms. Phillips voting against.

Application #02-29Z: Springs Industries, Inc., Successor by Merger to Dundee Mills, Inc., Owner – Minerva Properties, L.L.P., Agent – Jordan Hill Road (1,106 acres located in Land Lots 168, 169, 183, 184, 185, 186, 199, 200, and 218 of the 3rd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density and AR-1 Agricultural and Residential, to PDD, Planned Development District.

Application #02-29AZ: Frank Towers Rice, Jr. and Kathryn Kinder Rice, et al Owners – Minerva Properties, L.L.P., Agent – Teamon Road and Smoak Road (198 acres located in Land Lots 217, 231, and 232 of the 3rd Land District) – requesting a rezoning from AR-1 Agricultural and Residential, to PPD, Planned Development District).

Application #02-29BZ: Claire Fontaine Rice and Ruth Rice Bonnell, et al, Owners – Minerva Properties, L.L.P., Agent – Smoak Road (173 acres located in Land Lots 230 and 231 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to PPD, Planned Development District.

Application #02-29CZ: Ruth Rice Bonnell and Richard Donald Bonnell et al, Owners – Minerva Properties, L.L.P., Agent – Smoak Road (100 acres located in Land Lots 231 and 232 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to PPD, Planned Development District.

These four applications will be discussed together and voted separately.

Mr. Brian Davidson was present to address the Commission regarding this application. He came forward, stated his name, said he was representing Minerva Properties, and gave his address as 2292 Hendersonville Road, Atlanta.

Mr. Davidson said the proposal is for a 1577-acre property which they hope to develop as a new neighborhood for Spalding County. He said, rather than to go into extended detail,

he would address the issues that were mentioned in a letter he had received from the Planning Commission and the Community Development Department. They have agreed to delete 19 acres of commercial land. There are some concerns regarding the higher density areas being town homes and multi-family. They are willing to delete the town home component and the multi-family unit that is not specifically age targeted. They would like to retain the active adult housing component which is a company they co-own that targets specific residents. In the current projects the residents are 72 to mid nineties. There is a certain mandate that they can age target if they call it 55 and up. 80% of the units must be 55 and up and the planning staff has worked that up and the wording and their recommendation. They would like to move multi-family, that is shown on the east side of Smoak Road, to the west side of Smoak Road and keep it more internal in the project. It does not show on the revised plan but it would be ideal around the lake rather than on the extremities. There was a request for a 100-foot buffer around the waste water treatment plant although it probably won't be necessary since the water will be treated to tertiary level. There is no problem with agreeing to this. Going through the community development comments they agree with a large number of the requests. They disagree with the requirement to do a tree survey on specimen trees. He does not know how many trees there would be on 1500 acres. They make every effort to save all the trees they can in a development and there is clear added value with mature trees. To try to survey and measure every single tree in the project would double the cost of the land. There are a variety of issues related to streetlight and street trees that they are willing to build into the project. They take issue with the elimination of the cul de sacs within the community. The road pattern will loop around and interconnect in a number of areas but cul de sacs are highly desired by a lot of residents due to the safety and general neighborly feel of them. There was a request to not back any lots up to the lake. They disagree with this. They would end up with a design with roads running all the way around the lake which does not work for a variety of reasons. With engineering designs there are not always places you can put a road that close to the lake for topography reasons. It will also affect the general aesthetics of the property. They like to have viewpoints where the road opens to the lake with parks for people to use. That would be on a portion of the lake with the remainder to be used for lots. The lake is a huge expense. It provides two things. By selling the lots on the lake it allows them to recover the cost of actually building the lake and it allows them to increase the overall price of the neighborhood which pushes up the value of the homes on the non-lake lots. There are issues on setbacks, sod, and landscape that they are in agreement with. The Community Development Department has requested a series of design guidelines on the individual houses that are built. They disagree with all of them except not allowing exposed concrete on any foundations. Design issues that require every house to have a front porch of no less than eight feet in width extending no less than 2/3 of the front side of the house immediately eliminates 90% of the available house designs. Then you add the two dormer windows, two gables with no less than 4' horizontal relief you are starting to narrow the architectural style. A minimum of 10' ceilings on the ground floor with the exception of closets and powder rooms. The house that he is personally building for himself has five different ceiling heights on the ground floor. He understands the intent is to try to raise the quality of the project. This is far too many houses and different pods and neighborhoods to try to standardize with these designing constraints. He does not like the thought to standardize

design on 2000 houses. It is a nightmare with one after another of the same thing. He does not know about the specifications regarding the vinyl siding, as he is not familiar with what the siding issues.

Mr. Sabine said it was stated in the zoning proposal the intent to disallow any vinyl siding. He asked Mr. Davidson how he would feel about that restriction.

Mr. Davidson said that would be typically fine. If they did have a product they would like to use they might come back for an exception. The target market is to try to create a product that is both affordable and has a low-maintenance factor. Vinyl is a great product for soffits and other areas to avoid the whole painting issue. It has historically been put on low price, ugly houses. It does not have to be that way. There are a variety of different styles of vinyl siding, quality levels, colors and everything else. If you did all of the houses brick with gray mortar the whole neighborhood would look awful but it would be all brick. He offered to answer any questions.

Mr. Sabine encouraged the Planning Commission to listen to everyone present that wanted to speak regarding these applications. However, if the commission wants to table to give further consideration it will not hold up Minerva. The same schedule can be maintained because the County Commission will be hearing this on November 21 and the Planning Commission has another meeting prior to that date at which they can consider the recommendation. He said he is not making that as a recommendation but as a suggestion that it will not adversely impact Minerva.

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

Chris Renner – 3140 Teamon Road

Mr. Renner said that he is speaking on behalf of the Roosevelt Railroad. They welcome residential houses rather than commercial. They know that they can oppose any development and wind up with hog farms. He gave out a letter requesting a buffer for the railroad. He knows this is for a zoning change and would like consideration given at the appropriate time for a buffer for the railroad. They are presently operating the railroad for free rides trying to preserve what they have. They have a 99-year right of way. He identified the areas where the train was operational. He further requested that all commercial on Teamon Road be deleted. He said he would rather see houses there.

Mr. Sabine said there is a railroad there that has not gone through the abandonment procedure so therefore it is still an active railroad.

Andrew Moas – 2395 Noah's Ark Road - Jonesboro

Mr. Moas said he has 10 acres adjacent to the property. The County is going to close Seven Forks Road and join it on in. There are 25 houses coming in there. Where are they going to play? Are they going to play on his property or are they going to go to their play area if the Seven Forks Road is closed? He was talking about business on 155.

Seven Forks Road runs into Teamon Road. You will have 6 buses a day the way it is proposed. He does not know what can be worked out but some changes need to be made.

Mr. Sabine said consideration needs to be given to routing Seven Forks Road through the Development and look at the interconnection of roads within the development.

Marvin Ballard – 321 Seven Forks Road

Mr. Ballard said he did not want to see his road shut off for anything. You can go out the other way and there is no way because Teamon Road comes down in such a way. There is no one in Georgia that observes the speed limit but the thing of it is if you go out Seven Forks Road on the east end it comes in at such an angle that you can't get out in time.

Glen Adcox - 2640 Teamon Road

Mr. Adcox said he opposes the rezoning of this Minerva Properties. He identified where his 12 acres was located on the map. He said they have issues with the county road. This project will accommodate 3000 families which means you are looking at another 6000 automobiles. These houses are zoned for either a single family dwelling of two acres and you are talking about putting this project it at quarter acre lots or 2000 or 2400 SF lots. That is an awful lot of people you are cramming into a small area. The other issue is the swampland that is around there. They are proposing to put a water treatment plant or sewage plant just off of Troublesome Creek which is just off of Smoak Road down in the flood plain. Troublesome Creek, all through there is in a flood plain. He identified the flood plain on the map and said it was a soggy swampland. He said that anytime the creek floods it floods a certain area of property which he showed on the map. He said there is also the issue that EPA may frown on the thing with the railroad coming through here because that is all creosote which has been there for hundreds of years. There is some kind of ruling on how many feet that somebody can build on or the person who owns that property if he goes to sell it, it has to be cleaned up by that person. They are talking about a lake back there, all that area the water will be running off into this area which will have the creosote running into that area. He identified another area on Teamon Road that had a problem. There are 16 acres that will not perc. Across the road they put in three houses there and he understands that one of the houses will not perc. How did you let this house go in there without a pump up system? He understands that the drain field of that property runs off and runs over on the adjacent property where the drain field is for that house. That area would perc but yet you have two septic tank lines on that man's property. How did you allow that? When property does not perc the sewage has to go somewhere. This is a drainage ditch and creek that runs into where there is a little pond that was dug out years ago for the cattle. The septic tank systems are not adequate for this property. The people that have wells in this area are getting a sewage smell, sewage taste in their water. Most of them were forced to put in county water where it was provided. Some did not do it. There was a big problem with this sewage. He is seeing ecoli coming right down the creek that feeds into Troublesome Creek right on into the water system that is in Henry County. The second water system that they put below 155. They have all that other going on up in Henry County. The area does not perc properly. They are talking about putting in a shopping center in there. They are also talking about putting in an apartment complex center in there. This is running

pretty close to the railroad track that is coming through. You have all the creosote that is in the ground.

Mr. Sabine said he did not mean to interrupt but this property will be fully sewerred. It will not have any septic. It will have a sewer treatment system. It will be fully treated as if it is going to the City sewer plant or up into Henry County. This proposal will eliminate all septic tanks and he is well aware that septic tanks have been an issue for several years. There will not be any percolation or infiltration lines out there.

Mr. Adcox said the lake that is going to be built is going to be in line with the railroad property that has the creosote that has been there for years. It is a beautiful drive through that railroad and that is the old railroad that Roosevelt was taken back to Washington on. That area does have a problem with the flood plains, Troublesome Creek - they are showing house and development there. There is a lot of flood plain there and a lot of swamp. This is where they are proposing to put the treatment facility and he did not know that was permissible.

Mr. Sabine said the Environmental Protection Agency within the Department of Natural Resources of the State of Georgia will permit all the sanitary sewer systems and as a result the State will be making that decision. Spalding County has no control over that. They will perform an environmental review and it will be noticed. The concept plan that is displayed is assuming that the environmental issues work out. In the construction plan phase if they encounter any environmental concerns, anything that has been buried out there, any toxic concentrations, they will be addressed at that time. The County is not insensitive to those concerns.

Mr. Adcox said these people may not keep this property. They may sell it off. Economics are not that good in this day and time. They are talking about building schools, giving you this, giving you that, keeping all the trees. That is a bunch of "hog wash." I know it - you know it. He just wanted to make his comments.

Tilman Blakely – 500 Smoak Road.

Mr. Blakely said he could not see through this and he does not know what has been moved and what has not been moved. What is different about this plan than it was before the gentleman came up?

Mr. Sabine went over the plan identifying on the map the changes that have been made for the benefit of those in attendance. Mr. Davidson also made comments regarding the project.

Mr. Blakely said he had lived here since 1978. Everyone out there knows that at some point everything is going to change. You visualize how you would like for them to change and when he talked to Mrs. Rice he mailed her a copy of the zoning regulations suggesting that she consider having her zoning changed to protect her against smaller development. Obviously when you have absentee ownership dollars talk and there is no sentimentality in the property whatsoever. He would have much preferred to see all of

the property become farmettes or things like that in keeping with the residential area. He had done a lot of thinking on this and his first inclination was that this is good. Think of what it could be if it turned out to be something that was terrible. Then you keep thinking, is that a real reason to vote for something? Is it a real reason to accept something because it could be worse? He has come to the conclusion that he does not want it. He likes to keep things in a rural atmosphere. The County Commissioners called them in to do another comprehensive plan. Everyone got together and it was decided that the people wanted to keep Spalding County rural. Now here we go, 3000 houses. This looks like Riverdale with a lake. He does not want to have anything to do with it. This is just too many people. Look at how it is going to impact everything on the eastern side of Spalding County. This is a mammoth, mammoth thing. Is this our way that we are going to become and stay a rural county? This is not the idea of the direction that we want to go in Spalding County. He requested a reconsideration of this application. This is a very, very important thing. It is easy to get caught up in this. Look at all the influence you are going to have. Look at all people you will have, all the cars you will have, introducing commercial property in the residential area. I hate to see it happen and I hope you will prevent it.

Keith Fort – 75 Edgewater Drive

Mr. Fort said he certainly cannot follow Mr. Blakely but wishes he could. He wholeheartedly agrees with Mr. Blakely. He has been living in Spalding County a little over nine years. He moved out of Clayton County to get away from this kind of stuff. He cannot add anything to what Mr. Blakely said. It scares him. This is entirely too broad and dense. He is dead set against it.

Danny Hunter – 15 Edgewater Court

Mr. Hunter said he grew up in Atlanta with something like this; people jammed in. Moved, got married and moved to East Point. The same thing. He moved to Jonesboro. The same thing. He said he went further south to get out of the rat race. He lives in the woods all by himself with his family and then hears something like this is coming up. He thought he go away from that. This is probably going to be like all the other projects like this. They will mow all the trees down. They will plant other trees and it will take 30 years for it to grow and give shade. The traffic is going to be horrendous. He works around the airport and goes back and forth. Every year it gets worse and worse. It will have a tremendous impact. 3000 houses, 6000 more cars. Just a major traffic jam. He is totally against this development.

Mr. Taylor said he would like to go over some things mentioned by the developer because he feels there has been some miscommunication. There are some things read into this by the developer that have been interpreted as absolutes and they did not mean them to be absolutes. The tree study was designed into a Phase I and Phase II type report. Phase I only covering rights of way and ways to save trees. Phase II is, as lots develop in the subdivision, an individual developer or builders of those lots would come in with their own individual tree studies. That minimizes the cost of having to assess trees over the entire property. He expressed regret the report was not more clear. Regarding the elimination of cul de sacs, as planners, they always propose a free flowing, grid based

traffic system. That is for the sole purpose of not concentrating traffic on any individual intersection or individual road segment. The more ways you have of getting in or out or through subdivisions or maneuvering within subdivisions the more opportunities and options you have the better it is for the transportation design overall. If you have emergency vehicles within the subdivision you want to give those emergency vehicles a very broad means of getting in and out of subdivisions. In situations it does not take out the possibility of having dead end streets but in those situations the recommendation is for closes rather than cul de sacs. Closes are green space turn arounds rather than the harsh cul de sacs. Regarding avoiding lots backing up to the lake, this is for preserving scenic vistas, which the entire development can enjoy. What they are trying to do is identify specific vistas of that lake that can be preserved and then route the road system close to those vistas. There was no intent that the entire road system had to front on the lake. It is a good idea, wherever possible, wherever the vistas are best, to have the road come close to the lake rather than the lots backing up. You do not want to hide an asset like a lake in a development like this. You want to bring it to the forefront and have everyone enjoy it. The architectural standards for single family, certainly it seem like the applicant interpreted this as an absolute and what they did was say that the single family houses within a development that the developer pick three from the six criteria. He does not have to meet each of the criteria but only three of the six. The 10' ceiling requirement on the ground floor say a minimum of 10' ceilings on the ground floor. They exclude from that bathrooms, closets, and powder rooms. This is to create some real architectural value to this. After rezoning the only thing you have is zoning and the book as written. The intent is to have some additional protection and additional design criteria that will make this a better development. Eliminating vinyl siding is a proposal in their zoning proposal.

Mr. Bryant asked for a report on the County's experience with lakes and wastewater treatment facilities.

Mr. Sabine said the last lake they had permitted in Spalding County was the upper Towaliga Reservoir for Henry County Sewer Authority. Both of these will be permitted through the state. They have the governing rules relative to wastewater transmission and treatment facilities as well as permitting of the lake. The Army Corp of Engineers will be significantly involved relative to a 404 permit. Both activities will take several years. The lake will probably be permitted as a recreation lake. The City of Griffin has written twice because they believe their reservoir in Pike County will be fully operational by March 2005. They will be open for business and looking for customers and will be more than happy to serve this entire development with treated water. The State will probably take several years. If the lake cannot be permitted his suggestion is that this area be green space and open space and a 197-acre forest. The lake would be an asset but if it cannot be permitted it would be an asset as green space and parks.

Mr. Sabine went over the wastewater treatment facilities that are presently being permitted throughout the state and this area. He projected the time that it would take to get everything permitted and approved for construction.

Mr. Sabine said he understands that the people present do not want this development in the area and if he lived there he would probably not want it either. He said he could not tell them that this property, at some future time, will not be developed or that it will be rural in character. It is painful to say but in all honesty the choices are not between not developing this property and building it as proposed but between developing it as a planned community and developing it by taking it 100 acres at a time and building subdivisions. He discussed the company that has brought the proposal and the other communities they have developed. On their other properties they have developed as proposed. He stressed the importance of the zoning conditions because they will follow the property from owner to owner and will establish the quality of the area for years to come. He noted that this property will develop because it is too close to Henry County and there is already subdivision class zoning in the area. Subdivisions have been approved in recent years and R-5 has been approved recently. This is ultimately a far better approach than killing the property slowly a parcel at a time.

Mr. Sabine expressed appreciation for those present. He noted that anyone that would stay until such a late hour had to care about the community. He said he could not promise that this property would remain rural and undeveloped. He pledged that they will work their hardest to make certain that it is zoned correctly with the conditions to have the best possible product and it will be what they are saying it will be. There is essentially no way to keep it as it is forever. There are issues that need work over the next couple of weeks. His recommendation is that these applications be tabled until the November 12 meeting of the Planning Commission.

All the members expressed their feelings regarding proposal emphasizing the fact that this area is going to grow and this would be an opportunity to have planned, controlled growth.

MOTION

Mr. Bryant made a motion to table Application #02-29Z until November 12, 2002. 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.

MOTION

Mr. Browning made a motion to table Application #02-29AZ until November 12, 2002. The motion passed on a second by Mr. Bryant 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 #02-29BZ until November 12, 2002. The motion passed on a second by Mr. Bryant 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 #02-29CZ until November 12, 2002. The motion passed on a second by Mr. Bryant with Mr. Browning, Mr. Bryant, Ms. Mathiak, Mr. Harris, Ms. Phillips, and Mr. Youmans voting for the motion.

Mr. Taylor advised the members of the Planning Commission that there was a training session in Macon on November 22 and 23 that they can attend if they will let him know. He will make arrangements for anyone interested.

MOTION

On a motion by Mr. Bryant and a second by Mr. Browning 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