

**PLANNING COMMISSION**  
**Regular Meeting**  
**October 30, 2001**

The Spalding County Planning Commission held its regular meeting on October 30, 2001 at 7:00 P.M. in the County Commission Meeting Room #108, Spalding County Courthouse Annex. Members present were: Chairman Karen Mathiak, presiding, Ray Browning, Delores Phillips, John Youmans, and Frank Harris.

Also, present were Assistant County Manager Michael Sabine, Zoning Attorney Newton Galloway and Cindy McDaniel to record the minutes.

Ms. Mathiak called the meeting to order, introduced the members of the Planning Commission, and gave the procedure for handling the applications.

**MINUTES**

The minutes of the September 25, 2001 meeting were approved on a motion by Ray Browning and a second by Delores Phillips with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

**Application #01-18BZ: Lift from the table** – Urban Development, Inc., Owner – 20.75± acres on East McIntosh Road and Pineview Road, located in Land Lot(s) 132 & 175 of the 3<sup>rd</sup> Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

**MOTION**

John Youmans made a motion to lift from the table application #01-18BZ. The motion passed on a second by Ray Browning with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

Ms. Mathiak stated this application was initiated by the Spalding County Planning Commission to bring the property in compliance with zoning already in the area.

Kris Renner came forward, stated his name, and gave his address as 3140 Teamon Road, Griffin, Georgia.

Mr. Renner stated he does volunteer work for the Roosevelt Railroad. Roosevelt Railroad has been cleaning up the railroad from McIntosh Road to the area of Pineview Road going north. Mr. Renner stated he is not against this application, but has questions on the rezoning. Mr. Renner stated the railroad prefers the zoning stay C-2. The railroad would like for the area to stay woods and somewhat natural with light density at the end of McIntosh Road where the railroad heads toward the old Dundee Mill area. Mr. Renner stated Roosevelt has a 50-foot right-of-way from the middle of the railroad tracks on both sides. There are right-of-way markers up and down the railroad. If this land is cleared, Roosevelt Railroad does not want any of the trees removed. Roosevelt Railroad thought

everyone was aware of the railroad's 50-foot right-of-way. Mr. Renner stated he has a copy of the original sale on February 25, 1991 from the Georgia Midland Railroad to the Roosevelt Railroad Museum. Mr. Renner states the copy of the sale does not state a 50-foot right-of-way because in some place it is wider and is smaller than the 50-foot right-of-way. The average for a railroad right-of-way is 50-foot. Mr. Renner stated Roosevelt Railroad is against this rezoning. Mr. Renner stated Roosevelt Railroad does not want to find the land has been cleared and taken half of the railroad with it. Mr. Renner stated Mr. John Rivers is the president of Roosevelt Railroad Museum. Mr. Renner stated Roosevelt Railroad Museum is trying to get the railroad back to its original form or use. There is no intention of going commercial with the railroad. Roosevelt Railroad Museum's original goal is to have electric trains to go up and down the railroad. This is a historical railroad, and Roosevelt Railroad Museum is trying to preserve it the best they can.

Mr. Renner stated he has been told the right-of-way is indefinite. As long as the railroad tracks are there, the right-of-way is permanent. Mr. Harris asked Mr. Renner if the right-of-way is recorded in the courthouse. Mr. Renner stated yes, it should be.

Bill Bryant entered the meeting at this time.

Patricia Willis came forward, stated her name, and gave her address as 441 East Northwood Drive.

Ms. Willis stated she is the spokesperson for the community concerning this application. Ms. Willis stated the community is concerned about the rezoning in the community overall. Regardless of how anyone feels about the rezoning, whether it is changed to a R-2, remains as a C-2, or changed to a R-4, either change would affect our school system. The community has a serious concern about the effect it will have upon the schools in this vicinity. Our school system is already is over crowded and congested. The community is wondering what the student/teacher ratio would be if the zoning were changed to a R-2 or whatever zoning classification.

The community is concerned also about the flow of traffic in the area. Since the rezoning was approved at Pineview Road and East McIntosh Road, the flow of traffic has increased tremendously. Not only did the flow of traffic increased, but the litter did also. The homeowners in the area are constantly picking up trash.

The R-2 zoning allows a minimum 1,250 square feet heated home. The builder has the option to give more than 1,250 square feet heated area. If a carport is added, the builder feels this is an added luxury. A 1,250 square foot heated home without a carport would depreciate the value the homes already in the area.

The community feels if a change is going to be made on the zoning, the community is requesting that the Planning Commission consider changing the zoning to an R-4 district and require 1½ acre of land per lot. A petition was submitted to the Planning Commission for review from the residences within the community.

Mr. Youmans asked Ms. Willis if the community wanted to have a transfer truck terminal on the property rather than residential use. Ms. Willis stated the community did not request the zoning to stay C-2. The community is requesting the zoning be changed to R-4 and allow more square footage. Ms. Willis stated the community definitely wants the zoning changed to R-4 residential rather than R-2 residential.

Mr. Sabine stated the current R-2 allows 1,250 square foot heated minimum and the R-4 allows 1,500 square foot heated minimum. Mr. Sabine asked Ms. Willis if a 1,400 square foot heated minimum would be okay. Ms. Willis stated the community wants the 1,500 square foot heated minimum as requested.

Mr. Browning stated pursuant to the meeting with the Board of Commissioners, most of the residential zonings are undergoing scrutiny. R-2 zoning would more likely be a 1,400 square foot minimum heated space, which is more in line with the existing homes in the neighborhood now. The trend for the area has been 1,300 to 1,400 square foot homes on the permits that have been purchased. Almost all of the existing homes in the area have garages or carports. The new homes being built in the area have garages or carports also. Mr. Browning stated R-2 would be appropriate for the area and would not have a problem conditioning approval to require garages or carports to this application.

Ms. Willis stated the community appreciates the Planning Commission wanting to change the zoning, but the community would like to have an input on the changing of the zoning for the area. The community consists of everyday working or retired people, and the community feels they have a right to ask for a R-4 zoning. The community wants the R-4 zoning and no substitution would do. Ms. Willis stated she does not feel the Planning Commission should have the right to state what zoning is right for the community, but the community should speak for itself. Ms. Willis stated the community has spoken, and the community is waiting for the Planning Commission to agree with the community on the zoning.

Mr. Sabine stated that the matter of the R-2 going to 1,400 square feet would be coming up at the Planning Commission's next text amendment hearing and subsequent workshop. If the Planning Commission would review the zoning report, the report would show the average home size heated square footage is 1,303 square feet. Most of these homes are brick in structure and most have a garage or carport. Mr. Sabine stated the R-2 zoning would be an upgrade of square footage to the area. Taking the zoning to the R-4 (1,500 square feet) would also be an upgrade. The Planning Commission needs to decide how far the Board should encourage and upgrade the zoning relative to the market forces that are ahead. The Board could upgrade the zoning as much as the Board would like, but needs to consider the market forces and make sure it is a realistic fit; otherwise, the Board faces the prospect of the owner coming back and contesting the zoning. If the Board feels comfortable taking the zoning to 1,400 square feet, and the Board may want to condition it moderately. The Board can also take the zoning to 1,500 square feet. In order to make that determination, the Board would need to consider if the homes would sell with the price range being \$140,000 to \$150,000 for that area. Either the R-2 or the

R-4 zoning would be an upgrade to the area, and the Board would need to take the surrounding homes into account.

Ms. Willis stated the community has asked that this Board upgrade the zoning to the R-4. This is what the petition says and what the community has asked for. Everyone in the community signed the petition except for one person who could not be contacted. The community feels that the Planning Commission should be a voice for this community, and the community is expecting the Board to act accordingly.

#### **MOTION**

Ray Browning made a motion to approve application #01-18BZ with the condition of 1,400 square feet heated space and the option of carport or garage. The motion passed on a second by Frank Harris with Ray Browning, Delores Phillips, John Youmans, Frank Harris, and Bill Bryant voting for the motion. Karen Mathiak voted against the motion.

Ms. Mathiak advised this application would go before the Board of Commissioners on November 29, 2001 at 6:00 p.m.

**Application #01-23Z:** David J. Bailey, Owner – Reese Builders & Developers, Inc., Agent – 18.713 acres on Tomochichi Road, located in Land Lot 23 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural & Residential, to R-2, Single Family Residential.

**Application #01-23AZ:** David J. Bailey, Owner – Reese Builders & Developers, Inc., Agent – 12.683 acres on Tomochichi Road, located in Land Lot 23 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural & Residential, to R-2, Single Family Residential.

**Application #01-24Z:** Stephen B. Bailey, Owner – Reese Builders & Developers, Inc., Agent – 20.221 acres on Tomochichi Road, located in Land Lot 23 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

**Application #01-24AZ:** Stephen B. Bailey, Owner – Reese Builders & Developers, Inc., Agent – 11.215 acres on Tomochichi Road, located in Land Lot 23 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

**Application #01-25Z:** Virginia B. Stewart, Owner – Reese Builders & Developers, Inc., Agent – 21.598 acres on Tomochichi Road, located in Land Lot 23 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

**Application #01-25AZ:** Virginia B. Stewart, Owner – Reese Builders & Developers, Inc., Agent – 9.793 acres on Tomochichi Road, located in Land Lot 23 of the 3<sup>rd</sup> Land

District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Bill Weston came forward, gave his name, and address as 237 Hampton Shores Drive, Hampton, Georgia 30228.

Mr. Weston stated he is representing Reese Builders and Developers. Mr. Weston stated the project is located on Tomochichi Road. The first 6.89 acres on Tomochichi Road is already zoned R-2. There is approximately 94 acres behind this property that Reese Builders & Developers is requesting to rezone to R-2. Reese Builders and Developers is proposing sodded front yards, underground utilities, a minimum of 8:12 roof pitch, brick, stone or stucco accents, and 2 car garages on all homes. Mr. Weston stated the minimum square footages on homes would be as follows: Phase I – 1,400 square feet, Phase II – 1,450 square feet, and Phase III – 1,500 square feet. Reese Builders and Developers would hesitate to go any further than what is proposed because of the gray area in the economy.

Todd Barnes came forward, stated his name, and gave his address as 1320 Bailey Jester Road.

Mr. Barnes stated he is opposed to the rezoning of this property, but not opposed to growth in Spalding County. Mr. Barnes stated in May of 2000 the Spalding County Board of Commissioners voted down a similar proposal of R-2 zoning for 74 homes. Mr. Barnes stated the impact on the schools is a big concern. Mr. Barnes stated this subdivision would set a standard for the area, and the standard needs to be raised. Mr. Barnes stated he would like to see some larger lots. The house sizes are no problem.

Mr. Barnes stated the environmental impact in the area is a concern. Mr. Barnes stated he did not know if the developer was aware there is an old gravesite on the property. Mr. Barnes stated he has spoke with Mr. Bill Lockhart, who is with a group of volunteers who research old gravesites. Mr. Barnes stated per Mr. Lockhart, there are 60 to 100 graves on this property. Some of them are possibly civil war graves and some possibly descendents of the Futral family. Mr. Lockhart's group is currently investigating this property.

Mr. Barnes stated he is a commuter. Mr. Barnes stated if the homes built in the area for commuters, the homes need to be worthy of people who drive all the way from Atlanta. If smaller homes are built on smaller acre lots, people from the City of Griffin will move in the area. This does not change or increase Spalding County's tax base. If Spalding County wants businessmen coming to the area, then Spalding County needs to provide a community that would be worthy of their travel.

Carrie Scott came forward, stated her name, and gave her address as 1330 Bailey Jester Road.

Ms. Scott stated she lives on approximately 4 acres next to Mr. Barnes. Ms. Scott stated she is a commuter traveling approximately 130 mile round trip. Ms. Scott stated her home has been expanded and is now over 2,200 square feet. Ms. Scott stated she would like to see larger lots and fewer homes. Ms. Scott stated schools are a major concern to her.

Mr. Youmans asked Mr. Weston whom does Reese Builders & Developers think will buy these homes. Mr. Weston stated some would come from out of county and some would be upgrades in Spalding County.

Mr. Harris asked Mr. Weston what would be the price range of houses? Mr. Weston stated the 1,400 square foot homes starting out at approximately \$125,000 and up. Mr. Reese stated the average price home would be between \$140,000 and \$150,000.

Ms. Mathiak asked what would be done about the cemetery on the property. Mr. Galloway stated there is a specific Georgia statue regarding cemeteries. Mr. Galloway stated Reese Builders & Developers would have to go to the Board of Commissioners to get approval to develop around the cemetery or to move the graves. This would require an archeologist report.

Mr. Reese stated Reese Builders and Developers would research the cemetery and proceed from that standpoint.

#### **MOTION**

Bill Bryant made a motion to consider application #01-23Z, #01-23AZ, #01-24Z, #01-24AZ, #01-25Z, and #01-25AZ in block. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, Frank Harris, and Bill Bryant voting for the motion.

#### **MOTION**

Ray Browning made a motion to approve application #01-23Z, #01-23AZ, #01-24Z, #01-24AZ, #01-25Z, and #01-25AZ to R-2 with the following conditions: Phase I – 1/3 of the subdivision – 1,400 square feet heated area, Phase II – 1/3 of the subdivision – 1,450 square feet heated area, Phase III – 1/3 of the subdivision - 1,500 square feet heated area, all homes will have 8:12 roof pitch minimum, 2 car garage, masonry/stone accent on front of homes, and sodded front yards. The motion passed on a second by Frank Harris with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, Frank Harris, and Bill Bryant voting for the motion.

Ms. Mathiak advised Mr. Weston he will go before the Board of Commissioners on November 29, 2001 at 6:00 p.m.

**Application #01-26Z:** Randy Royals, Owner – High Top Holdings, Inc., Agent – 10 acres on Jordan Hill Road, located in Land Lot 168 of the 3<sup>rd</sup> Land District – requesting a rezoning from R-1, Single Family Low Density Residential, to R-2, Single Family Residential.

Mike Jackson came forward, stated his name, and gave his address as 154 Highland Park Drive, McDonough.

Mr. Jackson stated High Top Holdings is proposing to buy 10 acres from Randy Royals on Jordan Hill Road and requesting a rezoning to R-2. Mr. Jackson stated the R-2 is being requested because of the houses on Baptist Camp Road are zoned R-2.

Mr. Sabine stated due to the fact that a workshop has been held with the Board of Commissioners relative to the R-2 zoning class, and the R-2 going to 1,400 square feet, Mr. Sabine stated staff did not have any problem recommending 1,250 square feet in this area. Mr. Sabine stated the appropriate way to handle this application would be to recommend the rezoning for R-5 at 1,250 square feet and conditioned to site built homes only.

Joyce Turner came forward, stated her name, and gave her address as 2169 East McIntosh Road.

Ms. Turner stated she jointly owns the property next to the property requesting rezoning. Ms. Turner stated the property owners are against the rezoning from R-1 to R-2 because it will affect the value of the property owners land. Ms. Turner stated if the zoning is recommended for R-2, please require 1 ½ acre lots and 1,400 square feet heated area.

Howard Jackson came forward, stated his name, and gave his address as 7380 Old Grantville Road, Fayetteville.

Mr. Jackson stated he would be building the homes on this property if the zoning were approved. Mr. Jackson stated the homes would be similar to ones he has already built in the area, and would be a nice small development.

Mr. Sabine stated that Mr. Jackson would need to apply for a variance approval from the 125-foot lot width on the 8 acres. The variance would go before the Board of Appeals at their November 8<sup>th</sup> meeting.

#### **MOTION**

Delores Phillips made a motion to approve application #01-26Z to R-5 zoning classification conditioned to 1,250 square feet heated site built homes only. The motion passed on a second by Ray Browning with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, Frank Harris, and Bill Bryant voting for the motion.

Ms. Mathiak advised Mr. Jackson he will go before the Board of Commissioners on November 29, 2001 at 6:00 p.m.

**Application #01-27Z:** Jay W. Bethune, Owner – Pat Golden, Agent – 2.498 acres on Rehoboth Church Road, located in Land Lot 106 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Pat Golden came forward, gave her name and address as 1080 Kilgore Road.

Ms. Golden stated Jay Bethune, who has recently purchased this property, has lived in this area for a long time. Ms. Golden stated Mr. Bethune wanted this property built on that would be complimentary to the rest of the area. Ms. Golden stated there are small square footage homes and smaller lots in the area. The homes to be built would have custom cabinets, vaulted or tray ceilings. The homes to be built are similar to homes Mr. Bethune has already built in Spalding County. Ms. Golden stated the fact that the homes are small does not mean the homes are cheap. Ms. Golden stated a 1,250 square foot house with a double garage is in the \$100,000 and up price range.

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

Frances Wrenn – 2155 Rehoboth Church Road

Ms. Wrenn stated she has lived in this area most of her life. Ms. Wrenn stated she lives on land that has been in her family for 100 years and no one could love Spalding County any better. Ms. Wrenn stated she only wants the best for Spalding County. Ms. Wrenn stated she also likes greenspace. Ms. Wrenn stated she is not familiar with the Conservation Subdivision and is looking forward to finding out more about the requirements.

Ms. Wrenn stated she would like to request that the rezoning of this property be denied. Ms. Wrenn stated she would like to keep the zoning the same. Ms. Wrenn stated if the R-2 is approved, then Mr. Bethune could request a rezoning for the balance of the property and put 10 or 12 more homes on the property. Ms. Wrenn stated she does not feel that a developer should ask for a rezoning on property when the developer knows what the current zoning is requiring. Ms. Wrenn stated that some of the homes in the area are not very big, but they were built years before the zoning regulations were required.

Ms. Wrenn stated she know that Spalding County is going to grow, but Spalding County need to protect the existing home owners. Ms. Wrenn stated that the current zoning regulations were put in place to protect the existing homeowners. Ms. Wrenn stated the homeowners are not asking for anything except to abide with the agricultural and residential zoning already in place. Spalding County can control growth if Spalding County would make people adhere to the present zoning regulations and would give Spalding County a better quality of life.

Bobbie Norwood – 1571 Rehoboth Church Road

Ms. Norwood stated she also grew up in this area. There use to be a farm on this property. When the property was originally sold, it was sold in lots bigger than what the

zoning is being requested for. Ms. Norwood stated she is requesting the zoning remain AR-1 on this property.

Cheryl Ellis – 1443 Barnesville Road

Ms. Ellis stated this property was family property. Ms. Ellis stated she bought her property from family and now farms her property. Ms. Ellis stated she would like to see the property remain as agricultural and residential. Ms. Ellis stated she likes greenspace, and would like the property to remain for farming.

John Payne – 77 Bucksnot Road, Griffin

Mr. Payne stated a few years ago he went through the same process. Mr. Payne stated he would like for each of the Planning Commission members to ride out on High Falls Road and look at what was allowed in their community. The builder painted a beautiful picture of how the area would be. If the builder for the property on Rehoboth Church Road is serious about building, then the builder should build on the two acres and let the community see he is honest in what he would build. Mr. Payne stated he is requesting the board to deny this request. Mr. Payne stated the community is trying to upgrade their community and maintain a standard, but without the Planning Commission's help the community can't do it.

Sandra Butterworth – 455 Buck Creek Road

Ms. Butterworth stated with all the shortages in Spalding County, Spalding County is still allowing houses to be built on less than 1 acre lots. Ms. Butterworth stated she loves the quiet, peaceful neighborhood and would like to see it stay that way. Ms. Butterworth stated she is not against progress, but she doesn't think progress is when you stack 15 houses on 13 acres. Ms. Butterworth stated she would have to look at half of the houses built in the area, and she objects. Ms. Butterworth stated she has a big concern with the number of houses that would be allowed on this property and a big concern for the schools. Ms. Butterworth stated she would like for the property to remain agricultural and residential. Ms. Butterworth stated she would like for the Board to consider the residents in the area.

Ida Mae Ellis – 147 Ellis Dairy Road

Ms. Ellis stated she has lived in the area for 70 years, and it is farming area. Ms. Ellis stated her family farms. Ms. Ellis stated some of the homes on High Falls Road look like 2 x 4 matchboxes. The homes are too close together and are junky looking. The homes depreciate the whole area. Ms. Ellis stated she owns property on Rehoboth Church Road and uses this property for farming. Ms. Ellis stated she likes the open space in her community and would like to keep it that way.

David Howard – 1645 Rehoboth Church Road

Mr. Howard stated he agrees that the property should be kept agricultural; and if Mr. Bethune loves the land so much, Mr. Bethune should agree also.

Scott Henley – 2481 Highway 16 West, Jackson, Georgia

Mr. Henley stated he owns a tract of property near this property. Mr. Henley stated if the property is zoned R-2, this would interfere with deer hunting. Mr. Henley stated the area is nice. Mr. Henley stated the community does not want the rezoning. Mr. Henley stated the property could be divided, a profit be made, and still remain AR-1 zoning. Mr. Henley stated he would like for the Board to reconsider this request for R-2 zoning.

Judy White – 1641 Barnesville Road

Ms. White stated she likes to look outside, see the trees and listen to the owls at night. Ms. White stated she wanted her son to grow up in an area of this nature. Ms. White stated she would like to see the property remain the same. The area is quiet, peaceful and would like to see it stay that way.

Angie Howard – 1645 Rehoboth Church Road

Ms. Howard stated her house is directly next to the property in question. Ms. Howard stated she moved from Henry County to Spalding County so her children could be raised in an environment that a lot of children do not have the opportunity to see. Ms. Howard stated if she wants to have a cow, a horse, chickens, or something for them to grow up and learn about, I don't want people around me who will complain about it. Ms. Howard stated that is why she bought where she is and would like for it to stay agricultural.

Robert Kulp – 1590 Barnesville Road

Mr. Kulp stated he agrees with everything he has heard tonight. Mr. Kulp stated there is one thing that bother him and should be addressed again. Mr. Kulp stated Mr. Bethune owns 13 acres. Mr. Bethune wants to build 2 homes on 2.498 acres of the 13 acres and rezoned to the R-2. Mr. Kulp stated with 13 acres and only wanting to build 2 homes, why doesn't Mr. Bethune leave the zoning as agricultural and residential.

Greg Milani – 1690 Rehoboth Church Road

Mr. Milani stated he owns 23 acres and has 2 homes. Mr. Milani stated the rezoning would not fit in with the area. Mr. Milani stated if Mr. Bethune wanted to build on 2 acres, it would be fine with him.

Mr. Browning stated there are 13 one-acre lots in the area from the tax map provided to the Board in the application. Mr. Browning stated that the community is describing another neighborhood from what he is looking at. Mr. Browning stated he visited the area, more than once, and saw one-acre lots in the area.

Mr. Sabine stated he felt certain most of the one-acre lots were subdivided back when Spalding County had M-1 zoning. M-1 zoning allowed a little of everything within that zoning district and is one of the reasons the Board of Commissioners changed to AR-1 in 1987. Mr. Sabine stated he could easily identify 14 multi-acre tracts and 13 one-acre tracts. Mr. Sabine stated what the Planning Commission does tonight will set the trend or change the balance, and will basically have a preponderant effect. This will basically turn the tables as to what will happen in the area. Mr. Sabine stated he felt this is one of the reasons Ms. Peterson contacted him. Ms. Peterson felt strongly that the request should be denied when the staff report was drafted. Mr. Sabine stated there are some older one-acre tracts that our office could research if the Board wished to table the application; or for purpose of discussion, Spalding County could say they are pre-87. Mr. Sabine stated the Planning Commission will set the trend for future requests. If the Board feels this should go into a subdivision class, then the request should be approved. If the Board does not feel this should go into a subdivision class, and the density of 2-acre minimum, as applied from 1987 forward, should be the standard by which Spalding County should judge things, the Board should deny the request. Mr. Sabine stated if the rezoning were approved the Board would be setting a precedent to send the area to a subdivision class density. The Board would need to decide if the area should remain rural residential or go to a residential subdivision class density.

Ms. Wrenn stated when the smaller lot were divided, there was no zoning in place for Spalding County.

Ms. Golden stated it was never Mr. Bethune's intent to put in a subdivision on that property. Ms. Golden stated it would not be cost effective to develop the rest of the land into smaller lots. Ms. Golden stated the balance of the property would be divided into 3-acre tracts. Ms. Golden stated the reason the property would not be developed as a subdivision is because of the cost of water. Ms. Golden stated there would be other houses built behind the two lots. Ms. Golden stated after talking with Mr. Bethune, if the community wants the property divided into 2-acre lots or bigger, Mr. Bethune is willing to go along with the proposal. Ms. Golden stated this would include the whole 13 acres.

Mr. Browning stated if the rezoning is approved to R-2, then Mr. Bethune could build only 5 houses. If the zoning stays AR-1, then Mr. Bethune could build 6 houses.

Ms. Golden stated she and Mr. Bethune are willing to go along with whatever the Board recommends.

#### **MOTION**

Bill Bryant made a motion to deny application #01-27Z. The motion passed on a second by Ray Browning with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, Frank Harris, and Bill Bryant voting for the motion.

Mr. Sabine stated if Ms. Golden wished to withdraw their application, and the pleasure of the Planning Commission, Spalding County would refund their fee.

**MOTION**

Ray Browning made motion to reconsider application #01-27Z. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, Frank Harris, and Bill Bryant voting for the motion.

**MOTION**

Ray Browning made a motion to allow Mr. Bethune to withdraw application #01-27Z. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion. Bill Bryant voted against the motion.

Mr. Bethune withdrew his application at this time.

**Application #01-28Z:** Robert F. Flewellen, Owner – 0.94 acres on Lenox Circle, located in Land Lot 53 of the 2<sup>nd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-4, Single Family Residential.

**Application #01-28AZ:** Robert F. Flewellen, Owner – 5.06 acres on Lenox Circle, located in Land Lot 53 of the 2<sup>nd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-4, Single Family Residential.

Robert Flewellen came forward, stated his name, and gave his address as 316 Lenox Circle.

Mr. Flewellen stated he owns this tract of land and is proposing to sell 6 one-acre lots. Mr. Flewellen is requesting a R-4 zoning which would be compatible to the area. Mr. Flewellen stated he will not build himself, but sell the lots.

Mr. Sabine stated unlike the Rehoboth Church Road property, the developmental trend has been cast for this particular area. Mr. Sabine stated the rezoning would be compatible with the recent development activity in the area.

Mr. Flewellen stated the homes would be built with a 2-car garage and have 7:12 roof pitches.

**MOTION**

Bill Bryant made a motion to consider application #01-28Z and #01-28AZ in block. The motion passed on a second by Ray Browning with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, Frank Harris, and Bill Bryant voting for the motion.

**MOTION**

John Youmans made a motion to approve application #01-28Z and #01-28AZ conditioned to have a 2-car garage and 7:12 roof pitch. The motion passed on a second by Delores Phillips with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, Frank Harris, and Bill Bryant voting for the motion.

Ms. Mathiak advised Mr. Flewellen he will go before the Board of Commissioners on November 29, 2001 at 6:00 p.m.

**ADJOURNMENT**

Ray Browning made a motion, seconded by John Youmans to adjourn the meeting. The motion passed with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, Frank Harris and Bill Bryant voting for the motion.

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Karen Mathiak – Chairman

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Cindy L. McDaniel - Recorder