

**PLANNING COMMISSION**  
**Regular Meeting**  
**November 12, 2002**

The Spalding County Planning Commission held its regular meeting on November 12, 2002 at 7:00 P.M. in the County Commission Meeting Room #108, Spalding County Courthouse Annex. Members present were: Chairman Karen Mathiak, presiding, Delores Phillips, Ray Browning, John Youmans, and Frank Harris. Bill Bryant was not present at the meeting.

Also, present were Assistant County Manager Michael E. Sabine, Community Development Director Charles O. Taylor, Senior Planner Lee Craig, 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 October 29, 2002 meeting were approved on a motion by Mr. Browning, and a second by Ms. Phillips with Karen Mathiak, Delores Phillips, Ray Browning, John Youmans and Frank Harris voting for the motion.

**REZONING REQUESTS:**

**Application #02-29Z: Lift from the table** - 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(s) 168, 169, 183, 184, 185, 186, 199, 200, and 218 of the 3<sup>rd</sup> 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: Lift from the table** - Frank Towers Rice, Jr. and Kathryn Kinder Rice, Etal, Owners – Minerva Properties, L.L.P., Agent – Teamon Road and Smoak Road (198 acres located in Land Lot(s) 217, 231, and 232 of the 3<sup>rd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to PDD, Planned Development District.

**Application #02-29BZ: Lift from the table** - Claire Fontaine Rice and Ruth Rice Bonnell, Etal, Owners – Minerva Properties, L.L.P., Agent – Smoak Road (173 acres located in Land Lot(s) 230 and 231 of the 3<sup>rd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to PDD, Planned Development District.

**Application #02-29CZ: Lift from the table** - Ruth Rice Bonnell and Richard Donald Bonnell, Etal, Owners – Minerva Properties, L.L.P., Agent – Teamon Road and Smoak Road (100 acres located in Land Lot(s) 231 and 232 of the 3<sup>rd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to PDD, Planned Development District.

## **MOTION**

Mr. Browning made a motion to lift from the table applications #02-29Z, #02-29AZ, #02-29BZ and #02-23CZ. The motion passed on a second by Mr. Youmans with Karen Mathiak, Delores Phillips, Ray Browning, John Youmans, and Frank Harris voting for the motion.

Aline Cabrel gave her address as Post Office Box 838, Hampton. Ms. Cabrel stated she did not live in Spalding County, but was at the meeting just to observe. Ms. Cabrel stated she is like the rest she doesn't like change, but change is coming. Ms. Cabrel stated she is in favor of planned change. If this rezoning doesn't pass, the property will eventually be broken off and sold in small portions. If Spalding County has to accept change, then keep the standards high.

Kerry Sampler gave his address as 785 Smoak Road. Mr. Sampler stated he has a concern about the water sewage treatment plant, if the well on his property would be affected, and if water would be available to the residents in the area after the water lines have been installed for this development.

Larry Benford gave his address as 2960 Teamon Road, and stated he was not either for nor against this development, but had some concerns about the congestion this development would cause in the area. The highway is not suitable for this congested type of project. This would be left up to Spalding County to improve. Improvements need to be planned for so requirements can be met. There needs to be enough schools and fire departments to cover the number of new houses being built in Spalding County.

Tilman Blakley gave his address as 599 Smoak Road, and stated he is certainly not for this development nor is he against this development. Mr. Blakley stated he would accept this development with conditions. There are some concerns about the water treatment plant and the drain fields, the number of houses that would be on Smoak Road, and the size of lots to be located behind Wolf Creek Baptist Church. Although the number of houses has been reduced, the houses could be built on ½ acre lots with only 1 entrance on Smoak Road. With an additional 269 houses on Smoak Road, the character is being changed way beyond what is needed. Smoak Road is not the kind of road that needs that dense of development.

Mr. Blakely stated a 197-acre lake is great as long as everyone who has built around it doesn't have a dock on it. Mr. Blakely stated he understands there will be some state restrictions, but certainly hopes there will be some communal docks and no gasoline engines allowed. It was understood that the lots facing the lake would have additional greenspace around the lake. Commercial property is being introduced into a residential area as part of this development. Does this mean other commercial properties would be introduced, as they are needed in this area? How would this be controlled once commercial property has been introduced?

Mr. Blakely stated he is concerned about the whole development, and will be concerned until the development is complete and way beyond that. Mr. Blakely stated he cannot, no matter how reluctantly he accepts something, he cannot accept the development if the water treatment plant and spray field is something that he and his neighbors can't live with.

Andrew Moss gave his address as 2395 Noah's Ark Road, Jonesboro, Georgia, and stated he has 10 acres adjoining this property off Seven Forks Road. Mr. Moss stated there is a treatment plant off Highway 19/41 in Clayton County. This treatment plant has no smell from it. Mr. Moss stated he thinks the sewage should be a joint deal between Spalding County and the building.

Lawrence Weeks gave his address as 686 Anderson Drive, Jonesboro, Georgia. Mr. Weeks stated he was told he needed 2 acres to build a house in this area. There is a concern of the number of houses being built on smaller lots. He, also, has a concern about his existing well being contaminated by the sewage, the additional traffic that would be on Teamon Road, Jordan Hill Road, and Smoak Road, and the additional number of children in the development.

Mr. Taylor stated the Planning Commission has a revised staff report, and briefly discussed the changes made to the staff report.

Mr. Sabine stated minor changes needs to be made to the final paragraph of the staff report.

Brian Davison, of Minerva Properties, gave his address as 2292 Henderson Mill Road, Atlanta.

Mr. Davison stated he met with Mr. Blakley, Mr. Sabine, and Mr. Taylor to discuss some items that are not reflected on the site plan. The site plan was prepared and submitted prior to this meeting. Mr. Davison briefly discussed the items that were changed.

Ms. Mathiak asked about the 32 acres for the proposed school/community center. Mr. Davison stated he would like to see the school system put in a elementary/middle school on this property. There is a 20-acre site just east of this property that would be proposed for a new high school.

The first step of the development will be the lake, if permitted, and the sewage treatment plant. The treatment plant will probably be permitted to its full size, but will be in about 3 phases. If the lake is not approved for permitting, there is a possibility of putting in a golf course, which would require some re-routing and would probably lose some of the residential lots, or keep the land as a central community open park.

It will approximately 5 years before development will commence on this development, and possibly 18 months before Minerva will know if the lake will be a success.

The number of residents 55 years or older depends on whether the County is willing to construct a new school on the land Minerva gives them. This will dictate a desire of people with children to move into the area.

Mr. Sabine addressed general buffers/screenings backing up to existing properties. Mr. Davison stated he has no problem addressing buffers next to an existing subdivision, but not next to a road or the railroad.

Mr. Sabine asked what provisions would be established to maintain the viability of the waste water treatment plant, and what assurance would Spalding County have on default situations.

Mr. Davison stated he couldn't answer, due to different methods/mechanisms available. Mr. Browning stated there are state regulations that are in place to protect Spalding County.

Mr. Sabine asked what plans does Minerva have to address Cherokee Rose if that becomes an issue. Mr. Sabine stated Cherokee Rose would have an impact on Pods J, K, and I. Mr. Davison stated if there were an impact, the builders would address the issue while building the houses. If there is an issue, a disclaimer will be added to the contract advising of the shooting range.

Mr. Sabine asked if the project specific improvements were still in place for signalization, accel/decel lanes, and other normal improvements that would be seen with a project this size. Mr. Davison stated it is unknown what the Department of Transportation will require years into the future as traffic mounts. Minerva will agree to fund the cost with the Department of Transportation doing the work.

Mr. Sabine stated the results of the Development of Regional Impact Study have been received, and discussed briefly. McIntosh Trail RDC found the rezoning of this property to be in the best interest of the State of Georgia.

Mr. Sabine briefly discussed a letter from Dr. Brant Keller, with the City of Griffin, referencing water availability for this proposed project.

Mr. Sabine stated the Department of Transportation has a concern about the overall volume of traffic in this area.

Mr. Sabine stated the Planning Commission would need to address the rezoning for the lake. Mr. Sabine suggested the proposed lake (197.08 acres), as delineated on the concept plan provided to the Planning Commission on November 7, 2002, that the property be rezoned to PDD, Planned Recreational/Lodge Development with the following specific uses: greenspace, golf course, or lake as well as directly associated clubhouse and amenities facility.

Mr. Davison had a concern with the Architectural Standards in reference to brick or stone siding on all sides of the houses visible from public right-of-ways, and front porches of no less than 8 feet in width, extending no less than 2/3 of the front façade of the homes. Mr. Davison stated there are many different ways to manage this process. Mr. Taylor stated what Spalding County has to plan for is to protect the community and eventualities. Mr. Taylor stated to protect Spalding County from undesirable houses, staff initiated these criteria's. Mr. Sabine stated the Planning Commission has the right to delete this criteria from the recommendation.

#### **MOTION**

Mr. Browning made a motion to table application #02-29BZ and #02-23CZ until the January, 2003 Planning Commission meeting. The motion passed on a second by Mr. Harris with Karen Mathiak, Delores Phillips, Ray Browning, John Youmans, and Frank Harris voting for the motion.

#### **MOTION**

Mr. Browning made a motion to approve application #02-29Z with conditions as follows:

**For the property subject to this zoning action:**

In general, the R-1 and R-2 zoning districts require the minimum standards as follows: 1,750 heated square feet in the R-1 district, and 1,400 heated square feet in the R-2 district. The R-3 district, at the time of application, minimum space was 600 square feet with maximum density of 10 units per acre.

Relative to zoning by pods, the pods are defined on areas shown on the concept plan/concept plat, more particularly defined as concept plan/concept plat submitted for review to the Spalding County Community Development Department dated November 7, 2002.

**A. Zoning by Pods:**

1. The following Pods shall be developed consistent with the requirements of **R-2** zoning district with the additional conditions prescribed in Section C and D of these conditions:

Pods E, I, O, P, and Q

2. The following Pods shall be developed consistent with the requirements of **R-2** zoning district with the additional conditions prescribed in Section C and D of these conditions, and if the special exception for zero lot line design is granted, Section B should be followed similarly:

Pods A, B, C, D, F, G, L, and R

3. The following Pods shall be developed consistent with the requirements of **R-1** zoning district with the additional conditions prescribed in Section C and D of these conditions:

Pods H, J, K, M, and N

4. The following Pods shall be developed consistent with the requirements of **R-3** zoning district with the additional conditions prescribed in Section B and C of these conditions:

Pod T

5. The following Pods shall be developed consistent with the requirements of **C-1** zoning district:

Pods V, W, X, and Y

6. The following Pods shall be developed consistent with the requirements of **C-1A** zoning district:

Pods Z, AA, BB, and CC

The following statement will apply to each of the above stated pod classifications:

“...however, notwithstanding, the fact the development incentives contained within the planned development ordinance may apply to that pod subject to the satisfaction of those development incentive requirements.”

#### **B. Age Restrictions for Active Adult Community and Zero Lot Line Pods:**

For all development in the subject tract that is deemed to be Active Adult Community and Zero Lot Line Pods shall comply as follows:

- Compliance with all State and Federal laws regarding age restrictions shall be adhere to.
- At least 80% of the occupied units must be occupied by at least one person aged 55 or older. The community must publish and adhere to policies and procedures demonstrating the intent required under the statute. The housing facility or community must comply with rules issued by U.S. Federal Department of Housing and Urban Development for verification of occupancy.

#### **C. Subdivision Design Criteria:**

1. A phased tree study showing all specimen trees or larger on site. The phases should be as follows – Phase I: A tree study should be performed in the proposed roadways to determine if slight alterations to the design of the roads could save specimen trees. Phase II: A tree study should be performed on individual lot or sites (commercial and multi-family) to determine the location of specimen trees. Propose tree save areas shall also be indicated in accordance with the County’s Tree Preservation Ordinance.
2. Provide Streetscape plan with the following components: Streetlights (decorative) and tree planting plans for both sides of the street. Trees should be planted at 50-foot intervals. Trees shall be hardwood species, with a minimum 2-inch caliper.
3. Tree cutting shall be limited to the areas on each lot needed for construction.
4. Applicant shall meet with the Administrative Officer regarding design criteria for cul-de-sacs, closes, and other dead end streets in an effort to eliminate such deed end streets and promote interconnectivity of existing and proposed roads.
5. Eighty (80%) percent of the lots shall be no more than 500 feet from a greenspace area.
6. Applicant shall meet with the Administrative Officer regarding lots backing onto the lake. Scenic vistas should be preserved for the entire development to enjoy that might be deemed as permissive.
7. Front setback should be a maximum of 25 feet and a minimum of 15 feet on zero lot line pods.
8. All front and side yards shall be sodded.

#### **D. Architectural Standards for Single Family Residential Units**

- A. Homes with a basement or crawlspace shall be provided that no concrete block or unfinished concrete shall be exposed to view.
- B. A minimum of 50% of the homes shall contain a brick, stone, or masonry stucco accent or façade.
- C. No vinyl siding shall be allowed.
- D. All asphalt/fiberglass shingles used shall be architectural shingles.
- E. The minimum roof pitch for all structures shall be 6:12.
- F. Cantilevered chimneys are not permitted.
- G. Wooden porches shall be painted or stained. Wooden decks shall be painted or stained if they back up to greenspace areas.
- H. Mailboxes shall be coordinated and uniform within the neighborhoods.
- I. No chain link fencing permitted unless it is vinyl coated.
- J. Freestanding dog pens shall not be permitted.
- K. Accessory structures shall match the style and materials of the primary home.
- L. Recreational vehicles shall not be stored between the street and the front building line of any home.

Note: All zoning of the properties described herein, including any conditions above are set as the minimum requirements as of the date of the adoption of the amendment of the zoning map requested by the applicant with the sole exception of Pods rezoned to the R-3 classification, which shall be tied to the minimum requirements as provided for as of the date of application for the subject zoning. Such limitations include, but are not limited to lot size, required building setback, density, minimum frontage and minimum lot width.

Furthermore, property delineated on the concept plan as proposed lake 197.08 acres, more or less, that the proposed lake site is delineated on the zoning plan supplied to the Planning Commission dated November 7, 2002 shall be zoned as Planned Development/Planned Lodge and Recreation Development with the following uses: greenspace, golf course, and/or lake as well as directly associated clubhouse facilities.

For all areas of this subject zoning that when developments are adjacent or backup to farm land or undeveloped land, land with uses associated with the AR-1 district as the AR-1 district is defined as of the date of rezoning, there shall be a 50 foot buffer between development on the

subject tract and those adjacent properties with farm land or other undeveloped uses consistent with the AR-1 zoning district as of the date of this subject tract rezoning.

The motion passed on a second by Mr. Youmans with Karen Mathiak, Delores Phillips, Ray Browning, John Youmans, and Frank Harris voting for the motion.

**MOTION**

Mr. Browning made a motion to approve application #02-29AZ with conditions as stated for application #02-29Z. The motion passed on a second by Ms. Phillips with Karen Mathiak, Delores Phillips, Ray Browning, John Youmans, and Frank Harris voting for the motion.

Mr. Sabine stated these applications will go before the Board of Commissioners on Thursday, November 21, 2002, at 6:00 p.m.

**OTHER BUSINESS:**

**Amendment to the Comprehensive Plan #02-01CP:** Technical amendment to the Comprehensive Plan Land Use Element and associated text. (This text is the comprehensive to the previously adopted Future Land Use Map.)

Mr. Taylor stated McIntosh Trail RDC has requested text to go along with a previous map. Mr. Taylor stated the amendments are some of the goals that were associated with the changes to the Land Use Map. Mr. Taylor stated staff recommends approval of this text to accompany the Land Use Map to be sent to the McIntosh Trail RDC.

**MOTION**

Mr. Browning made a motion to approve Amendment to the Comprehensive Plan #02-01CP. The motion passed on a second by Mr. Youmans with Karen Mathiak, Delores Phillips, Ray Browning, John Youmans, and Frank Harris voting for the motion.

**ADJOURNMENT:**

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

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Karen Mathiak – Chairman

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Cindy L. McDaniel – Recorder