

PLANNING COMMISSION
Regular Meeting
November 27, 2001

The Spalding County Planning Commission held its regular meeting on November 27, 2001 at 7:00 P.M. in the County Commission Meeting Room #108, Spalding County Courthouse Annex. Members present were: Vice Chairman John Youmans, presiding, Ray Browning, Delores Phillips, Karen Mathiak, Bill Bryant and Frank Harris.

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

Mr. Youmans 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 November 13, 2001 meeting were approved on a motion by Mr. Browning and a second by Mr. Bryant with Ray Browning, Delores Phillips, John Youmans, Frank Harris, and Bill Bryant voting for the motion.

Application #01-29Z: F. J. Evans, Owner – 2898 North Expressway (1 acre located in Land Lot 103 of the 3rd Land District) – requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Christine Livingston of Shepard and Johnston, came forward, gave her name, and address 124 North Hill Street.

Ms. Livingston stated she is representing Mr. Evans, who is requesting to rezone the property at 2898 North Expressway. The property is currently zoned C-1; however Ms. Livingston stated she and Mr. Evans would like to see the property rezoned to C-1B for the purposes of allowing Mr. Evans not only to construct an office building but also include his construction company, real estate company, and appraisal company. Ms. Livingston stated Mr. Evans would like to, also, include a used car lot. Ms. Livingston stated Mr. Evans currently owns a car lot at 1605 Williamson Road and would like to maintain his used car lot when he relocates to his new location. Ms. Livingston stated Mr. Evans seeks the Planning Commission's support based on the character of the surrounding area, and the fact there are several other small car lots in the area in addition to the new car lot and service center across the street.

Mr. Browning stated Mr. Evans has been in the used car business for a long time and has had several business locations around town, and has always maintained and kept the locations in an orderly manner.

Mr. Harris asked how much of Mr. Evans' equipment would be stored on the property. Ms. Livingston stated that no equipment would be stored on site.

MOTION

Frank Harris made a motion to approve application #01-29Z. The motion passed on a second by Bill Bryant with Ray Browning, Delores Phillips, John Youmans, Frank Harris, and Bill Bryant voting for the motion.

Mr. Youmans advised this application would go before the Board of Commissioners on December 17, 2001 at 6:00 p.m.

Application #01-30Z: John T. Bolton, Owner – Richard L. Mullins, Agent – 4.64 acres on Rover-Zetella Road located in Land Lot 95 of the 1st Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Dick Mullins came forward, stated his name, and gave his address as 676 Brooks Circle, Griffin, Georgia.

Mr. Mullins stated he is representing Mr. Bolton. Mr. Mullins stated Mr. Bolton is requesting to rezone 4.64 acres from AR-1 to R-2. Mr. Mullins stated there is presently 1 house on the property, which at one time belonged to Mr. Bolton's sister and has undergone fire damage. Mr. Mullins stated Mr. Bolton is in the process of repairing the house. Mr. Mullins stated the existing house would remain on a nice 2-acre tract. Mr. Bolton would build houses on the remaining 2 tracts to sell.

Mr. Mullins stated in the R-2 district, the acreage size is 1 acre with 125-foot lot width and 1,250 square feet heated area. Mr. Mullins stated there are many similar size lots along Rover-Zetella Road.

Mr. Mullins stated the rock quarry is directly across the road from this property. Mr. Mullins stated the market on this property for residences would be in the 1,250 square foot range, and the lots would be amply sized to have nice yards and facilities for those homes.

Ms. Phillips asked Mr. Sabine under the R-2, if this rezoning would fall under the 1,400 square foot or 1,250 square foot requirement. Mr. Sabine stated the Board of Commissioners are receptive to a bridging provision relative to these pending actions and sending the applications in at a 1,250 square foot, since the applications were filed prior to the introduction of the text amendment and are on record. Mr. Sabine stated if the Planning Commission is going to recommend approval, then recommend the application for R-2 pending a transition of bridge mechanism in the event that the Board of Commissioners does not recommend. Mr. Sabine stated the Board of Commissioners would need to address the transition provisions for applications already submitted. Mr. Sabine stated the Planning Commission could recommend approval at R-2 with a notation that the square footage would be 1,250.

Betty Calhoun came forward, stated her name, and gave her address as 451 Candler Road, Williamson, Georgia.

Ms. Calhoun stated she was speaking on behalf of herself and husband, P.J. Ms. Calhoun stated she has owned 4.79 acres on Candler Road for 18 years. Ms. Calhoun stated her property

adjourns the property before the Planning Commission tonight. Ms. Calhoun stated all the property around the 4.64 acres is now or was formerly owned by the John T. Bolton family. Ms. Calhoun stated Mr. Bolton and his family members have lived in the area for over 50 years. Ms. Calhoun stated now none of the family members would be personally affected by the rezoning. If Mr. Bolton's family had wanted this property rezoned, why was it now submitted before now? Now that all of Mr. Bolton's family members have moved, Mr. Bolton is wanting to put more houses in this area. Ms. Calhoun stated she has no objection for anyone making money off of their property; the family could have done this in the past. Ms. Calhoun stated in her opinion, the people who reside in this area now hold a louder voice in the rezoning because we are still living there. Ms. Calhoun stated the property owners in the area are personally and possibly financially affected by this division of property. Ms. Calhoun stated she and Mr. Calhoun have never objected to any rezoning in this area, and have always tried to be good and caring neighbors and friends. Ms. Calhoun stated she is now appealing to the Planning Commission's judgment and understanding that the property owners in the area have made a significant financial investment with the present property zoning in mind, and are requesting that the zoning remain as it is at the present time. Ms. Calhoun stated she and Mr. Calhoun are at retirement age and would like to enjoy the peace, quiet, and solitude that she thought would be theirs when she and Mr. Calhoun moved into the neighborhood.

Charles Smith came forward, stated his name, and gave his address as 1093 Rover-Zetella Road.

Mr. Smith stated he purchased 4.79 acres approximately 1 year ago, and Mr. Mullins was his closing attorney. Mr. Smith stated he purchased his property in this area because it was secluded and private. The property Mr. Bolton is wanting to subdivide is a beautiful piece of property. Mr. Smith stated his home is approximately 2,300 square feet, and Mr. Calhoun's approximately 2,500 or 2,600 square feet. Mr. Smith stated the house existing on the property is approximately 2,300 square feet, and now Mr. Bolton is requesting to build 1,250 square foot houses on the property. Mr. Smith stated if Mr. Bolton still resided in the area, then Mr. Bolton would not want small homes to be built in the area. Mr. Smith stated if the smaller homes are built, how would this affect the property owners in the area.

Mr. Youmans asked if staff had anything to add to report. Ms. Reynolds stated in the staff report there is a brief analysis of the various lot and home sizes in proximity to the site. This should reveal a trend of smaller lots and homes in the area. This is the reason for recommendation of approval of the application given the proximity to the rock quarry and recent home developments in the area.

Mr. Harris stated he did not feel comfortable dividing property into smaller lots. Mr. Harris stated he felt surrounding property owners were being left out. Mr. Harris stated he had a problem dividing property just for the financial enhancement for the property owner.

Ms. Phillips stated she would like to see the larger homes for this area.

Mr. Bryant stated he resides in the area and is by the area all the time. Mr. Bryant stated across from Candler Road there are nice, big open fields with nice homes in the area. Mr. Bryant stated he was not sure he could support this application for this area.

Mr. Browning stated he agreed with Ms. Phillips on the larger homes. Mr. Browning stated he did not have a problem with the division of the property. Mr. Browning stated because of the immediate homes adjoining this property are considerably larger, he would like to see a larger square footage and a requirement of 2 car garages on the houses to make them more compatible to the existing ones in the area rather than being compatible to the smaller ones in the area. Mr. Browning stated the lot size would be adequate for the area. The homes could be positioned on the lots so it would not damage or give the neighborhood a very crowded look because of the amount of road frontage and the width of the lots.

Mr. Youmans stated the square footage of the homes was also a concern of his.

Mr. Harris asked Mr. Bolton what the lots would sell for. Mr. Bolton stated \$22,000 each. Mr. Bolton stated he would sell the lot as a whole if someone wished to buy the lot.

Mr. Bolton stated he divided the lot where it would be most feasible for building. Mr. Bolton stated he did not narrow the lots down to 1-acre lots. Mr. Bolton stated he left the lots larger and more road frontage and lot width than the 125-foot required for each lot. Mr. Bolton stated the lot Mr. Calhoun was speaking about will have 230 foot of road frontage and will have over 200 feet at the building line. The other lot fronting Candler Road will have 155 feet of road frontage. Mr. Bolton stated this is a workable solution. Mr. Bolton stated if the size of the house is the problem, then let's see if this could be worked out.

Mr. Sabine stated as a point of information, the area inside of Candler Road and Rover-Zetella Road area has approximately 21 tracts under 2 acres and approximately 12 tracts over 2 acres in the area.

Mr. Browning stated behind the rock quarry there are a few 1-acre lots even $\frac{3}{4}$ acre lots. Even within a mile radius, most are 1-acre lots. Mr. Bolton isn't asking for 1-acre lots.

Karen Mathiak entered the meeting at this time.

Mr. Sabine suggested that the Planning Commission take a recess, pull the tax map, and look at the lots in the surrounding area.

The Planning Commission took a recess and reviewed the tax map.

Mr. Youmans called the meeting back to order and stated if there is no more discuss after reviewing the tax map, he is open to a motion.

MOTION

Frank Harris made a motion to deny application #01-30Z. The motion passed on a second by Bill Bryant with Karen Mathiak, John Youmans, Frank Harris, and Bill Bryant voting for the motion, and Ray Browning and Delores Phillips voting against the motion.

Mr. Youmans advised this application would go before the Board of Commissioners on December 17, 2001 at 6:00 p.m.

Application #01-31Z: Summit Land Group, LLC, Owner – Southside Developers, Inc., Agent – 58.78 acres on Northside Drive and North 9th Street located in Land Lot(s) 130 and 159 of the 3rd Land District – requesting a rezoning from R-1, Single Family Low Density Residential, R-3, Multiple Family Residential, and C-2, Manufacturing, to R-2, Single Family Residential.

Mark Whitley, representing Southside Developers, came forward, stated his name, and gave his address as 7544 Southlake Parkway, Jonesboro, Georgia 30236.

Mr. Whitley stated Southside Developers is requesting a rezoning on a 58.78-acre parcel off Northside Drive and North 9th Street. This parcel, at present time, has a mixed zoning of R-1, R-3 and C-2. Mr. Whitley stated Southside Developers is requesting a R-2 zoning. The proposal is for 29.86 acres to be developed with the remaining 28.92 acres to be open space. There will be 113 lots proposed in this subdivision and will be serviced by existing sanitary sewer line that runs through the property. The proposal is for minimum 1,250 square foot heated homes. Mr. Whitley handed out to the Planning Commission the proposed house plans for this subdivision. Mr. Whitley stated the homes are proposed with garages, sidewalks, and streetlights. Mr. Whitley stated this development would be a positive impact to the surrounding area. Mr. Whitley stated the development down the street (in the City) is a positive impact to the surrounding area also.

Mr. Bryant asked Mr. Whitley what the plans are for the open space area. Mr. Whitley stated the open space would be left natural.

Linwood M. Wilson came forward, stated his name, and gave his address as 1226 N. 9th Street.

Mr. Wilson stated the property in question is directly behind his property. Mr. Wilson stated the area behind his property has a power line located on it. Mr. Wilson stated several years back this property was used as a dumping ground. Mr. Wilson stated asbestos has been dumped on this property; and the Environmental Protection Agency was notified of this situation and nothing was ever done about the dumping. Mr. Wilson stated the property is not suitable to be built on. Mr. Wilson stated he is concerned not only for the people who would build and live there, but for his own concern and safety. Mr. Wilson stated access to the property is a concern. The traffic is already heavy on N. 9th Street and is used as a speedway. Mr. Wilson requested the Planning Commission consider denial of this application.

James Mann came forward, stated his name, and gave his address as 1302 Greenbrier Drive.

Mr. Mann stated he wanted to know if the developer is going to rent or sell the homes that would be built. Mr. Mann stated everything in the area is for rent. Mr. Mann stated no one wants to buy a house in the area because most of the houses in the area are Section 8.

Erica Tiggler came forward, stated her name, and gave her address as 1256 N. 9th Street.

Ms. Tiggler stated her main concern is the impact of traffic that would be generated from the 113 lots for this development. Ms. Tiggler stated if the proposed houses are going back up to the

existing houses, this will increase noises and other issues. Ms. Tiggler asked where the open spaces are going to be placed. Ms. Tiggler asked if the open spaces would create a buffer zone for the existing houses in the area. Ms. Tiggler asked that the Planning Commission consider all issues submitted in reference to this rezoning application.

Mr. Youmans asked if the staff had further comments. Ms. Reynolds stated the landscape conditions in #e of the staff conditions is to be amended to include just the first sentence due to the water restrictions.

Mr. Youmans stated there are a lot of houses to have one outlet for this proposed development. Mr. Youmans asked how the build out would be.

Mr. Whitley stated Southside Developers met with the Community Development staff on this development. There were some concern with the development having just one entrance. Mr. Whitley stated the main concern was to make sure the development would be a nice neighborhood that is kept up and maintained. Mr. Whitley stated with only one entrance there would be more control and everyone would feel much more secure and would be beneficial to the development.

Mr. Whitley stated there would be increased traffic. Mr. Whitley stated there are several accesses where traffic could go in different directions. Mr. Whitley stated all new subdivision, no matter where the subdivisions are located, will increase traffic in the area.

Mr. Whitley stated it would take several years to completely build out the houses in the proposed subdivision. Mr. Whitley stated all the streets would be put in at one time.

Mr. Whitley stated the concern of the property being used as a dumping ground would be investigated. Mr. Whitley stated the financial institutions Southside Developers use requires environmental assessments. Mr. Whitley stated if any problems are found, Southside Developers will have to clean up the problem before development could begin. Mr. Whitley stated the study would be submitted to the Community Development staff when constructions plans are submitted for review.

Mr. Whitley stated Southside Developers build around 500 houses a year and develop approximately 1,000 lots. Mr. Whitley stated Southside Developers do not rent any property and there is no intention to rent these homes. Mr. Whitley stated this is an area where Southside Developers can build a nice product at a nice price. Mr. Whitley stated this development would be an asset to the area.

Mr. Sabine asked Mr. Whitley if Southside Developers would be amenable to having a decel lane coming from the north in the northbound direction to address some of the traffic concerns. Mr. Whitley stated there would be no problem with the decel lane.

Mr. Sabine stated having one entrance would have better security and would eliminate a cut through from Northside Drive to N. 9th Street.

Ms. Phillips asked what schools would be affected by this development. Mr. Sabine stated the schools affected by this development would be Atkinson, Kelsey, and Griffin High schools. Ms. Phillips stated the schools are already overcrowded and this would affect the schools even more.

Ms. Phillips stated the curve where the entrance/exit for the proposed subdivision is a bad area.

Mr. Sabine stated per the Public Works Department, there were no sighting issues.

Mr. Harris asked Mr. Whitley what percentage of the acreage would be devoted to the 113 houses. Mr. Whitley stated 49% for the open space and 51% for the developed area consisting of 29.86 acres.

Mr. Sabine stated the special exception to allow 6,000 square foot lot size on sewer is a separate application. Mr. Sabine stated the density would not be decided tonight. If the zoning is approved as requested, the zoning would offer a certain level of density. If the special exception is approved thereafter, this would allow for the zero lot line type of development with 6,000 square foot lots. The special exception would have to go to the Board of Appeals for the level of density needed.

Mr. Harris asked what density would be allowed without the special exception. Mr. Galloway stated the development could have ½ acre lots with sewer. Mr. Sabine stated in a standard subdivision, the greenspace requirement is 10%. Mr. Sabine stated approximately 100 lots would be allowed assuming the entire property would be developed. The overall density for the property including the open space is 1.92 lots per acre. Under the standard subdivision classification on sewer, the development is 2.2 lots per acre at the 20,000 square foot classification.

Charles Fuller came forward, stated his name, and gave his address as 404 Northside Drive.

Mr. Fuller stated there are only 2 roads that lead off Northside Drive, and they are N. 9th Street and N. Hill Street. Mr. Fuller stated he has problem exiting his driveway now. Mr. Fuller stated he has no problem with the development just to the number of units the developer is proposing.

Mr. Wilson stated in the nearly 30 years he has lived in the area there have been 5 wrecks in the curve on N. 9th Street.

Ms. Phillips stated the density is too great for the area. Ms. Phillips stated she has lived in the area for the last 50 years, and the schools have deteriorated because there are too many children in the area.

Mr. Browning stated he agrees with Ms. Phillips on the density issue. Mr. Browning stated there is some acreage in this development that is undevelopable. Mr. Browning stated the property could be developed in a way that would allow the property owner to claim a reasonable amount of property on a 60 to 70-house level allowing for a lot more greenspace to buffer the houses along Northside Drive and N. 9th Street. Even if the developer tried to redesign the development, the topography probably wouldn't allow for another exit in this development. Mr. Browning

stated off Northside Drive, the developer might install a safety valve entrance and exit that would allow traffic to go into some other area of town to move a little more freely. The curve on N. 9th Street is a problem.

Mr. Browning stated that a large part of this property is currently zoned multiple family. The density that is allowed on this property now is considerably more than what the developer is requesting.

Mr. Sabine stated the portion that is zoned R-3 could be developed with the density of 10 units per acre.

Mr. Galloway reminded the Planning Commission that a portion of this property is zoned C-2, Manufacturing. Mr. Galloway stated the north side neighborhoods that abuts the City of Griffin have a whole lot less protection from commercial intrusions than the south side neighborhoods.

Mr. Sabine stated under current zoning, the developer could go in with apartments, a shopping center, and a small residential development in the R-1.

Mr. Whitley stated the schools would not be affect right away. The development would be over a period of time. The traffic concerns will be addressed and the developer will do whatever is required of Spalding County. Mr. Whitley stated acceleration and deceleration lanes will be installed on N. 9th Street.

Mr. Whitley again stated that this development would be beneficial to the area. Mr. Whitley stated this development is one that the neighborhood and community could be proud of and accept. Mr. Whitley stated Southside Developers would not be developing if it wouldn't be financially beneficial them. Mr. Whitley stated Southside Developers may be forced to develop as it is currently zoned.

Ms. Phillips stated again her concern of the impact of the school system.

Mr. Sabine stated in Georgia, the governing authority is not basically in the position to consider the impact on the school system with zoning actions. Mr. Sabine stated there has only been one case that did not particularly portend in the direction that allows Spalding County to consider the schools. Mr. Sabine stated he did not want this to be a stated factor in any action by the Planning Commission for fear the action may come back to haunt the Planning Commission at a later date.

Mr. Galloway stated the school system has an obligation to educate whoever is in the school system.

MOTION

Bill Bryant made a motion to approve application #01-31Z as condition in staff report with a second by Frank Harris with John Youmans, Frank Harris, and Bill Bryant voting for the motion, and Ray Browning, Delores Phillips and Karen Mathiak voting against the motion.

Mr. Youmans advised this application would go before the Board of Commissioners on December 17, 2001 at 6:00 p.m.

S/D #01-06: The Orchards – MRC Development, Owner – 29.46 acres off Zebulon Road, located in Land Lot 119 of the 2nd Land District – 22 lots.

Ms. Reynolds stated the zoning has already been approved for this development. Staff has recommend approval on preliminary plat pending variance approval on the cul-de-sac.

Mr. Sabine stated the development is on a relatively small piece of property. Mr. Sabine stated the homes would be 1,750 square feet heated area on lots that are as large as 2.88 acres. The lots go from 1 acre to 2.88 acres. The homes should sell for approximately \$150,000 to \$220,000.

Mr. Youmans asked if the staff was satisfied with the redesign of the development. Ms. Reynolds stated she was in support of the development. Ms. Reynolds stated given the shape of the property and location of the commercial development, MRC Development can't get two accesses off of the development. Ms. Reynolds stated given the design MRC Development is working with, the development will have nice large lots with nice large homes, which will be compatible with the neighborhood.

Mr. Sabine stated the greenspace will be all on one side and will create a nice buffer area as the 19/41 Corridor builds out in the future. Mr. Sabine stated the buffer scales out to be approximately 100 feet in depth from the edge of residential to the beginning of the commercial development.

Mr. Bryant asked where the detention pond will be located for this development.

Tom Hardy with Omni Consulting Services came forward, stated his name, and gave his address as 665 Highway 74 South, Peachtree City, Georgia.

Mr. Hardy stated the detention pond, if needed, would possibly be located on the lower end of Lots 10 and 11 of the development.

Mr. Sabine stated the development would need curb and gutter. Mr. Sabine stated if any of the lots fall under the required 150 feet in frontage, the development requires curb and gutter.

Mr. Hardy stated MRC Development will meet all County requirements during the construction phase of this development. Mr. Hardy asked if during the construction phase, if curb and gutter requirements could be clarified.

Mr. Hardy stated he thought if the setback was at 100 feet, then the development would not require sodded front yards. Mr. Sabine stated sodded front yards were required at the 50-foot setback.

Mr. Sabine stated Ms. Reynolds has advised him that the setback for the development would require a 100 foot setback in the front in the R-2 district since the development will be on septic not sewer.

MOTION

Mr. Browning made a motion to approval Preliminary Plat S/D #01-06. The motion passed on a second by Ms. Mathiak with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, Bill Bryant, and Frank Harris voting for the motion.

OTHER BUSINESS

Mr. Sabine stated he would like to take this opportunity to thank the Planning Commission and has greatly enjoyed serving with the Board. Mr. Sabine stated Ms. Reynolds would be handling the next meeting, and the Board will be seeing more of her in the future. Mr. Sabine stated he has appreciated the chance to work with the Board.

ADJOURNMENT

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

John Youmans – Vice Chairman

Cindy McDaniel - Recorder