

**SPALDING COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**December 9, 2003**

The Spalding County Planning Commission held its regular monthly meeting on December 9, 2003 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Ray Browning, Chairman, presiding, Karen Mathiak, Delores Phillips, and John Youmans. Ronald Green was not present.

Also present were Charles Taylor, Community Development Director, Bruce Ballard, Griffin-Spalding County School System, Newton Galloway, Attorney, and Yvonne Langford to record the minutes.

Mr. Browning called the meeting to order, introduced the members of the Planning Commission, and invited those present that wanted to address the Board regarding any matter to sign in on the appropriate form.

**MINUTES**

Ms. Mathiak made a motion to approve the minutes of the November 11, 2003 meeting. The motion passed on a second by Mr. Youmans with Mr. Browning, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

**Application #03-23Z:** High Top Holdings, Inc., Owner – 1.79 acres on the corner of Poplar Street and Seago Drive located in Land Lots 129 and 130 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-5, Single Family Residential.

Mike Jackson – 5138 Old Atlanta Highway

Mr. Jackson said this zoning change is so he can build single-family, 1250 SF homes with single car garages. The neighborhood is mixed, but it is small. There is a lot of rental property.

Mr. Taylor said the staff recommendation is for approval. This is an established neighborhood with the average house size being 1100 SF and the 1250 SF minimum would be an upgrade.

**MOTION**

Mr. Youmans made a motion to approve Application #03-23Z conditioned on an attached garage. The motion passed with Mr. Browning, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

**Application #03-24Z:** G. T. Architecture Contractors Corporation, Owner – Integrated Science and Engineering, Agent – 84.614 acres off Teamon Road located in Land Lot

201 of the 3<sup>rd</sup> Land District – requesting a rezoning from AR-1, Agricultural and Residential, to R-4, Single Family Residential.

Mark Whitley – 7544 Southlake Parkway – Jonesboro, Georgia 30226

Mr. Whitley said this property has been considered earlier. and they were requested to consider something a little different. They have a different plan and are requesting a zoning change to R-4.

John Zadjura – 275 South Lee Street – Fayetteville, Georgia

Mr. Zadjura said they want to utilize a concept with commons area that will be controlled by a homeowner’s association. He had a concept plan for review.

Mr. Taylor said the recommendation is for conditional approval. The zoning request is compatible with the house sizes in the area. The conditions are:

1. The make-up of the house sizes shall be as follows:
  - a. 50% - minimum 1500 square feet
  - b. 50%- minimum 1750 square feet
2. Exposed concrete foundation shall not be allowed on front and corner elevations.
3. All lots developed shall have sodded front yards.
4. All lots developed shall be served by underground utilities.
5. All detention facilities shall be landscaped and/or screened to minimize their visual impact.
6. The subdivision entrance shall include an accel/decel lane and the developer shall consult with the developer of Teamon Acres so that the entrance will line up with one of the entrances into Teamon Acres.
7. A no-access easement must be recorded with the Final Plat for all lots fronting on Teamon Road.
8. A minimum 50 foot undisturbed buffer shall be established along the lots fronting on Teamon Road. Where the buffer is deemed insufficient to provide sufficient opacity, the developer shall supplement said buffer with a mixture of canopy and understory trees to provide said opacity. A buffer plan shall be provided with the construction plan of the subdivision showing existing tree coverage areas and proposed planting.

Mr. Ballard discussed that the School Board is aware of the development in this area and is planning what can be done to accommodate the new school children. Kelsey Middle School serves this area, and there is a plan to build a new facility to replace that school. The plans are for an additional 3000 lots in this area. Presently, the school system will

have to accommodate the new students with the present facilities and that will entail additional mobile units. Minerva put in their initial plans to provide some property for schools but that does not provide the funding to build the schools. The school system is concerned, and they will work with the developers to accommodate the children and make it all work.

Mr. Browning said the idea of a three to five year curve before Spalding County is 50% impacted by this development gives the school system enough lead time for the School Board to look at new facilities rather than mobile classrooms. Mobile classrooms are wasted money. Mr. Ballard can go back to the school board and tell them about the new development. He said he would like to hear that the school board in planning sufficient classrooms in this area. Replacing Kelsey is a good plan, but Spalding County can probably use another middle school.

Mr. Ballard said Mr. Browning was correct regarding the need for new schools, and he needed to visit the school board and see how it operates because they have all the planning and financing in place to cover everything they can do up until 2007. Unless something happens between now and then that is all they can do with the financing they have. You plan on what happens the prior five years and that is all the State Department of Education will allow. He can show them all the anticipated lots, but until they have the additional students to get the money needed from the State it is of no use.

Ms. Mathiak said she has attended school board meetings and there are definitely plans in the works but the State mandates limit what they can do.

Mr. Browning said he feels the school board is missing an opportunity. Looking in the past does not help the future.

Ms. Mathiak and Mr. Ballard said locally they cannot control what the State does. The State mandates looking at the past five years to get funding.

Mr. Ballard said the School Board has only two means for funding, local property and special option sales tax, and State funding. They have no other options to get funding to build a new facility.

Mr. Browning said funding is not the issue, planning is.

Mr. Youmans said funding is the issue because when there is a SPLOST and it gets turned down then we have been denied that funding source.

Mr. Browning said the funding is flawed to a certain extent.

Mr. Ballard said the School System would love to see new schools underway in that area and Minerva Properties would like that also but you can only do so much. You cannot build without money.

Mr. Browning said he feels the staff report is accurate. He asked for other discussion.

Mr. Whitley said they accept the conditions.

### **MOTION**

Mr. Youmans made a motion to approve Application #03-24Z conditioned on:

1. The make up of the house sizes shall be as follows:
  - a. 50% - minimum 1500 square feet
  - b. 50%- minimum 1750 square feet
2. Exposed concrete foundation shall not be allowed on front and corner elevations.
3. All lots developed shall have sodded front yards.
4. All lots developed shall be served by underground utilities.
5. All detention facilities shall be landscaped and/or screened to minimize their visual impact.
6. The subdivision entrance shall include an accel/decel lane and the developer shall consult with the developer of Teamon Acres so that the entrance will line up with one of the entrances into Teamon Acres.
7. A no-access easement must be recorded with the Final Plat for all lots fronting on Teamon Road.
8. A minimum 50 foot undisturbed buffer shall be established along the lots fronting on Teamon Road. Where the buffer is deemed insufficient to provide sufficient opacity, the developer shall supplement said buffer with a mixture of canopy and understory trees to provide said opacity. A buffer plan shall be provided with the construction plan of the subdivision showing existing tree coverage areas and proposed planting.

The motion passed on a second by Ms. Mathiak with Mr. Browning, Ms. Mathiak, Ms. Phillips and Mr. Youmans voting for the motion.

**Application #03-25Z:** Jefferson David Fincher, et al, Owner – Minerva Properties, L.L.P., Agent – 199.669 acres off Johnson Road located in Land Lot 146 of the 2<sup>nd</sup> Land District – requesting a rezoning from R-2, Single Family Residential, to PDD, Planned Development District.

**Application #03-25AZ:** Minerva Properties, L.L.P., Owner – 7.675 acres off Johnson Road (old railway line) located in Land Lot 146 of the 2<sup>nd</sup> Land District – requesting a rezoning from R-2, Single Family Residential, to PDD, Planned Development District.

These two applications were discussed together and voted separately.

Brian Davison – 2292 Henderson Mill Road – Atlanta, Georgia

Mr. Davison said this property is approximately 200 acres that they are working on in addition to Heron Bay. There is a large tract of open space down the middle of the property and they are working on a redesign to move the lots further from the creek and creating a 500' buffer and turn it into a central park area for the subdivision. This will probably reduce the number of lots by about 50. The smallest house will be 1800 SF with the largest being 3300 SF which is what they are building in Henry and Spalding Counties that surround this property. The property has three access points. They have had discussions with the School Board and they are trying to choose a site for a new middle school in this area. There has not been a site identified at this time.

Mr. Taylor said the staff is recommending approval with the following conditions.

A. Zoning by Pod:

1. Section JJ shall be developed consistent with the requirements of the R-2 Zoning district, with a minimum heated floor area of 1750 square feet And with the additional conditions prescribed in Sections B and C.
2. Section KK shall be developed consistent with the requirements of the R-2 zoning district, with a minimum heated floor area of 1500 square feet and with the additional conditions prescribed in Section B and C.
3. Section LL shall be developed consistent with the requirements of the R-2 zoning district, with a minimum heated floor area of 1500 square feet and with the additional conditions prescribed in Section B and C.

B. General conditions applied to all the tracts:

1. All front and side yards shall be sodded. Rear yards abutting open space or the golf course shall be sodded.
2. The minimum roof pitches for all structures shall be 6:12.
3. Architectural shingles shall be required.
4. Cantilevered chimneys are not permitted.
5. Exposed concrete foundations shall not be allowed. No concrete block foundations are allowed.
6. Decks shall be painted or stained if they back onto the golf course or open space.

7. Mailboxes shall be coordinated and uniform within the neighborhoods.
8. No chain link fencing permitted unless it is vinyl coated.
9. Freestanding dog pens shall not be permitted.
10. Accessory structures shall match the style and materials of the home.
11. If vinyl siding is used, a minimum .44-mil siding is required.
12. Garages shall not protrude more than five feet beyond the front building line of the home.
13. All front porches and porch stairs shall be underpinned with material compatible with the architectural design of the home.
14. Recreational vehicles shall not be stored between the street and the front building line of any homes.
15. Subject of density approval by the Henry County Water and Sewer Authority prior to subdivision construction plan submittal.
16. Zoning is subject to water and sewer service and provided by the Henry County Water and Sewer Authority.
17. Zoning subject to approval of the water and sewer service by Spalding County Board of Commissioners.

#### C. Streets and Sidewalks

1. Section JJ, KK, and LL: Street trees shall be required on both sides of the street. Trees are required at 50-foot intervals. Trees shall be hardwood species, with a minimum 2-inch caliper.
2. A minimum of 50% of cost of the improvement to Johnson Road, a small bridge on Johnson Road, and intersection improvements at Johnson Road and S.R. 155 that are needed as a result of the increased traffic on Johnson Road shall be borne by the developer. No road connections to Johnson Road shall be allowed until such time said improvements are made. Alternatively, a plan for the eventual relocation of a portion of Johnson Road through the development can be considered with the necessary improvements being made entirely by the developer.

Mr. Davison said Minerva has been trying to acquire a tract of land, but it is not certain whether or not they are going to be successful. If they acquire that tract of land, they will

be more than willing to reroute Johnson Road. They are not comfortable with the requirements regarding Johnson Road with no definite project defined. The project might not be completed for years. He identified the tract they want to acquire and what would be done if they are successful. Mr. Davison said they would be willing to place funds in an escrow account for a period of time and if the project is complete the funds would be used and if not they would be returned.

A lengthy discussion was held and it was decided that it would be appropriate to table the preliminary plat approval to give time to determine what would happen regarding Johnson Road. It was noted that Johnson Road would not have been a top priority with the County in their planning prior to this development. This would give time to plan and give priority to Johnson Road if it is deemed appropriate.

### **MOTION**

Ms. Mathiak made a motion to approve Application #03-25A with the following conditions:

#### A. Zoning by Pod

1. Section JJ shall be developed consistent with the requirements of the R-2 Zoning district, with a minimum heated floor area of 1750 square feet And with the additional conditions prescribed in Sections B and C.
2. Section KK shall be developed consistent with the requirements of the R-2 zoning district, with a minimum heated floor area of 1500 square feet and with the additional conditions prescribed in Section B and C.
3. Section LL shall be developed consistent with the requirements of the R-2 zoning district, with a minimum heated floor area of 1500 square feet and with the additional conditions prescribed in Section B and C.

#### B. General conditions applied to all the tracts:

1. All front and side yards shall be sodded. Rear yards abutting open space or the golf course shall be sodded.
2. The minimum roof pitches for all structures shall be 6:12.
3. Architectural shingles shall be required.
4. Cantilevered chimneys are not permitted.
5. Exposed concrete foundations shall not be allowed. No concrete block foundations are allowed.

6. Decks shall be painted or stained if they back onto the golf course or open space
7. Mailboxes shall be coordinated and uniform within the neighborhoods.
8. No chain link fencing permitted unless it is vinyl coated.
9. Freestanding dog pens shall not be permitted.
10. Accessory structures shall match the style and materials of the home.
11. If vinyl siding is used, a minimum .44-mil siding is required.
12. Garages shall not protrude more than five feet beyond the front building line of the home.
13. All front porches and porch stairs shall be underpinned with material compatible with the architectural design of the home.
14. Recreational vehicles shall not be stored between the street and the front building line of any homes.
15. Subject of density approval by the Henry County Water and Sewer Authority prior to subdivision construction plan submittal.
16. Zoning is subject to water and sewer service and provided by the Henry County Water and Sewer Authority.
17. Zoning subject to approval of the water and sewer service by Spalding County Board of Commissioners.

C. Streets and Sidewalks

1. Section JJ, KK, and LL: Street trees shall be required on both sides of the street. Trees are required at 50-foot intervals. Trees shall be hardwood species, with a minimum 2-inch caliper.

The County Commission will make a determination regarding Johnson Road improvements. The motion passed on a second by Ms. Phillips with Mr. Browning, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

**MOTION**

Ms. Mathiak made a motion to approve Application #25AZ with the same conditions as Application #25Z. The motion passed on a second by Ms. Phillips with Mr. Browning, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

**#S/D 03-08:** Heron Bay Golf and Country Club – Jefferson David Fincher, et al and Minerva Properties, L.L.P., Owners – 207.344 acres off Johnson Road located in Land Lot 146 of the 2<sup>nd</sup> Land District – 360 lots.

Mr. Browning said, at the request of Mr. Davison, he would accept a motion to table pending action on Applications #25Z and #25AZ.

**MOTION**

Ms. Phillips made a motion, seconded by Ms. Mathiak to table #S/D 03-08. The motion passed with Mr. Browning, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

**Amendment to UDO#A-03-34:** Article 22. AKB Arthur K. Bolton Parkway Overlay Zone – Section 2203:A(5) – add provision to allow expansion of existing or new construction of single family residential on any existing lot of record as of the date of enactment of this Ordinance.

Mr. Taylor said currently the AKB Overlay District was designed for large tract and multi-unit development. It leaves out provisions for expanding the existing family homes or building new family homes on existing lots in the area. These will have fairly little impact on the Arthur K. Bolton Parkway. The requirement for the detailed engineering plans and all that goes along with putting this type home or addition in the overlay district is very cumbersome on the individual property owner. This amendment is being recommended to allow for the expansion of existing homes and addition of new homes on existing lots without the requirement of an engineering site plan.

Discussion was held and Mr. Browning was concerned about opening this up for new construction. He had no problem with additions. He noted that when this was drafted the public had every opportunity to address any issues and to take care of any problems with the overlay zoning at that time. It was recommended that the ordinance be changed so that the expansion of an existing home would be allowed.

**MOTION**

Ms. Mathiak made a motion to approve the Amendment to UDO A-03-34 to allow the expansion of existing homes. The motion passed on a second by Mr. Youmans with Mr. Browning, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

Mr. Browning said he would like to work on a landscaping ordinance for commercial properties at the very earliest opportunity. The present ordinance requiring the planting of extremely large Bradford pear trees in an unsightly manner is not serving the community. This was not the intent, but it is the result.

Mr. Taylor said as soon as he has the full staff back, he will begin work on that.

Mr. Youmans said he would also like to address the in-fill issue to avoid some potential problems.

**MOTION**

The meeting was adjourned on a motion by Ms. Phillips and a second by Ms. Mathiak with Mr. Browning, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

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Ray Browning – Chairman

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Yvonne M. Langford - Recorder