



ZONING PUBLIC HEARING

The Board of Commissioners of Spalding County, Georgia, held their Zoning Public Hearing on Thursday, July 28, 2005 in their office in the Courthouse Annex in the City of Griffin, Spalding County, Georgia, beginning at 5:00 o'clock p.m. with Chairman Edward Goss presiding and Commissioners Cecil Davis, Johnie McDaniel, Gwen Flowers-Taylor and Eddie Freeman present. Also present were County Manager William Wilson, Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway, Senior Planner Chad Jacobs and Executive Secretary Teresa Watson.

A. Call to order.

Commissioner McDaniel made a motion to amend the agenda to move Items #4 and #5, Applications #05-13Z and #05-13AZ to the first two items on the agenda for the purpose of tabling the petitions. Commissioner Davis seconded the motion which carried by a unanimous vote of 5-0.

B. New Business:

- 1. Application #05-13Z:** Cole Tract Associates, L.P., Owner – Johnson Road (199.669 acres located in Land Lot 146 of the 2nd Land District) – requesting a rezoning from PDD, Planned Development District, to PDD, Planned Development District, and VN, Village Node.
- 2. Application #05-13AZ:** Frank S. Wilson, Sr. and Emily Howard Wilson, Georgia Wilson-Jones, Thomas D. Wilson, Jr. and William P. Wilson, Jr. as Trustee for the Estate of William P. Wilson, Sr., Owners – Minerva Properties, L.L.P., Agent – Georgia Highway 155 (35.891 acres located in Land Lot 147 of the 2nd Land District) – requesting a rezoning from R-2, Single Family Residential, to VN, Village Node.

Commissioner McDaniel made a motion to table Application #05-13Z and #05-13AZ until the August 25 Zoning Public Hearing, seconded by Commissioner Davis, and the motion carried by a unanimous 5-0 vote.

- 3. Amendment to FLA-05-04:** Julia Abigail Maddox, Owner – Scarbrough and Rolader Development, LLC, Agent – Paragon Consulting Group, Agent – South 6th Street Extension (96.594 acres located in Land Lot 170 of the 2nd Land District) – requesting an amendment to the Future Land Use Map from Agricultural and Open Space Network to Low Density Residential.
- 4. Application #05-18S:** Julia Abigail Maddox, Owner – Scarbrough & Rolader Development, LLC – South 6th Street Extension (96.594 acres located in Land Lot 170 of the 2nd Land District) – requesting a Special Exception to allow development standards of construction of condominium dwelling, patio dwelling or zero lot line dwelling (Country Club) in the R-1 District.

The two applications above, Amendment to FLA-05-04 and Application #05-18S will be heard simultaneously but voted on separately.

Community Development Director Chuck Taylor said the Land Use Map amendment portion is simply a housekeeping item requested by Staff. The property up for special exception is along South 6th Street, north of the Runnymede Subdivision. The future land use map indicates this subject property will be agricultural. Under current development rights for R-1 with access to sewer, this property could actually be

developed without special exception more densely than the Land Use Map calls for and incorporate smaller lot size than proposed, so this adjustment is recommended.

Mr. Taylor continued that the Special Exception by Scarbrough & Rolander Development is to use the Country Club design theme. Under this theme, 73 single family residential lots just under one acre are being proposed with 25.45 acres of open space. The property is already R-1 with sewer which allows for greater density. One of the cul-de-sac streets exceeds beyond the length allowed, and Mr. Taylor has asked the developer to redesign to alleviate this problem. Some discussion followed regarding this street and the area surrounding which may possibly include wetlands. Staff recommends conditional approval with the following noted restrictions:

- a. Staff shall be given approval to amend the Future Land Use Map.
- b. Playground shall meet the County's large playground design criteria.
- c. Greenspace shall be redesigned to be better incorporated throughout development.
- d. Size and type of trees shall be indicated with respect to streetscape.
- e. All homes will be three sides brick, stone or stucco.
- f. No vinyl siding will be permitted on any part of the homes.
- g. All yards will be sodded up to rear yards.
- h. No lots shall be decreased below $\frac{3}{4}$ acre in size.
- i. All front porches shall be underpinned and finished in character with homes.
- j. The cul-de-sac shall be redesigned around lots 20-23 to comply with Section 502:K in Appendix A of the Spalding County UDO.

The Board of Appeals recommends conditional approval of the request with same recommendations proposed by Staff, with the following addition:

- k. The agreement between developer and homeowners as stated in letter from Scarbrough and Rolander Development, dated June 22, 2005, shall be included.

Mr. Taylor noted the Planning Commission will see it after this as a preliminary plat and the Board of Commissioners will see it again as a final plat if approved tonight. Amenities proposed include clubhouse, walking trails, swimming pool and playground. Staff is asking that the playground be large commercial grade. Should Staff encounter changes in the final plat status whether it be in design or criteria for amenities, Staff would send it back for Board of Commissioners' approval. However, conditioning those stipulations would mean the applicant would have to go through a final plat process again to change a specific amenity. They will be bound by the final plat, and Mr. Taylor said he did not see the need to condition. However, the Board could certainly do that in order to double secure the desired condition. Mr. Galloway agreed with Mr. Taylor's assessment.

Mr. Taylor said species and tree sizes for the streetscape will be worked out with Staff, if the Board approves, and the minimum size tree would be 2 inch caliper. Species will be contingent on what should survive well in the designed spaces.

Donna Black, Scarbrough and Rolander Development, LLC, 270 North Jeff Davis Drive, Fayetteville, Georgia

Ms. Black was present to speak on behalf of the applicant. The request is for a special exception to develop the 96.594 acre tract with 73 lots on South 6th Street. They desire to use the Country Club theme in this R-1 District, and sewer is available to the site. With 25,458 acres of open space, the density should be less than one unit to the acre. The request to change the Land Use Map is to ensure the map is consistent with density on the property. After meeting with property owners, the developer has reached an agreement with which everyone should be happy. One such item in the agreement was an agreement to honor a 50' buffer area, and yesterday during the process of surveying the wetlands, a clearing of some of this buffer was unintentionally done by the heavy equipment. A swath one bucket wide was cut of mostly undergrowth and no trees, but she apologized for this unfortunate incident. The undergrowth should grow back quickly but they will be happy to replant undergrowth if desired. They will work with Griffin Power to select low-light

streetlamps. They will record covenants to reiterate the County's design standards. A Homeowners Association and Architectural Review Committee will be established. A 30' buffer behind the amenity area will be created for this amenity-based development. Prices will be in the \$250,000 range for homes. They will require stucco, brick or stone facades; and the other three sides will be brick, stucco, stone or hardy plank. Some people do prefer the farmhouse look of the hardy plank material. Porticos, pediments, transom windows, front and side yards sodded, and greenspace that exceeds the 25% requirement slightly so that most homes are within 500 feet of the natural area have all been incorporated. Sidewalks with shade trees will be in the streetscape, with 1-1/2 to 2" caliber shade trees of species to be determined utilized throughout. Streets will be curb and gutter. The developer can add the cross street within 300 feet of the cul-de-sac on the north side as mentioned in the Board of Appeals meeting earlier, but they would rather not. To do so would create four corner lots and add 15,000 feet of impervious surface and 35,000 square feet of clearing. The street would also cut across wetlands and she asked the Board's consideration in deleting this request from the project.

Mr. Taylor noted that would have to go through a variance process to eliminate this requirement since the cul-de-sac street does exceed County requirements.

Ms. Black said she didn't feel making the loop as discussed would satisfy the safety concern. A loop road at the end won't solve the problem should an accident occur at the beginning of the road. Fire trucks carry 2000 feet of hose and this would be sufficient should an accident or fire happen anywhere on this street. They could accommodate the road request, but she felt it would not solve the problem.

Ms. Black noted the project would be served by County water and City sewer with access to Honeybee Creek basin. The neighborhood could be developed as a conservation subdivision without a public hearing with 83 lots averaging 1/2 acre but possibly as small as 12,000 square feet. The requested 73 lots with the smallest being 3/4 acres. The minimum house size should be 2000 square feet as required, but in discussions with homeowners in the area, the square footage was specified as 2200 square feet, and the developer will honor that agreement. Staff recommends 3 sides brick, stone, stucco but the developer would like to request flexibility to say façades only shall brick, stone or stucco and add hardy plank to these three materials on other 3 sides. All homes will have brick, stone or stucco facades, and sides and rear of homes shall be brick, stone, stucco or hardy plank.

Mr. Taylor said Staff felt the greenspace could have been incorporated into the design better. As it is now, the greenspace is not visible.

B. Frank Harris, Jr., 1881 S. 6th St. Ext., Griffin, Georgia

Mr. Harris thanked David Dillon and Donna Black for all their efforts to iron out problems voiced by neighbors. He supported the change to the Land Use Map. He did want to make sure the southern boundary is the lots on Runnymede Road and that was confirmed for him. The two meetings with Scarbrough and Rolader Development were most productive. The problem with cutting of the undisturbed buffer this week, he felt, was unintentional but it should not be underplayed. The disturbance is distressing given the timing of this application. He is pleased with plans for the development and understands that sewer means more density than they would have liked. Mr. Harris felt this was the best resolution for everyone. He urged that all pertinent data be documented in conditions as much as possible so as to avoid the problem of future personnel not feeling bound by the verbal agreements of predecessors. The 25' buffer is not a separate undisturbed buffer but rather actually is incorporated into lots, so he urged commissioners to ensure that area not be cut in the future by whatever mechanisms might be available.

C.R. Luhrman, 121 Runnymede Road, Griffin, Georgia

Mr. Luhrman supports this project. He doesn't understand the objection to longer cul-de-sac streets since he is well satisfied with his dead-end street. He urged the Board of Commissioners to try and prohibit property flipping on this tract as they have seen with some other projects.

Cathy Chewning, 119 Runnymede Road, Griffin, Georgia
Neighbors of South 6th Street and Runnymede Road are excited about this project, provided all agreements are adhered to by the developer. Neighbors were sent a letter adding six more stipulations that would enhance the area. Particularly since it seems as though the developer had already forgotten the square footage they had agreed to, 2200 square feet and not 2000, she urged commissioners to make sure these things agreed upon actually stay in place. Two days ago a bulldozer cut a wide swath, not a small one as noted, and cut down to the ground not only small cover but large trees, as well. She noted the position of her lot and showed pictures of the swath that was cut. Some debris was actually pushed against her fence and her neighbor's fence. They have worked in good faith with the developer, but when the first thing promised to neighbors is destroyed, it leaves some concern.

Elizabeth Chewning, 118 Jewel Drive, Griffin, Georgia
Ms. Chewning echoed her mother's comments. She urged commissioners to please do what they can to ensure promises are kept.

At the request of Commissioner Davis, the Chairman called for a brief recess to allow compilation of all the conditions to place in the motion. Residents and representatives of the developer met with commissioners during the break.

Commissioner McDaniel made a motion to approve FLA-05-04, amendment to the Future Land Use Map, seconded by Commissioner Davis, and the motion passed by a unanimous 5-0 vote.

Commissioner McDaniel made a motion to approve Application #05-18S with the following conditions:

- a. Homes shall be a minimum of 2200 square feet heated with walking trails, pool, cabana and large playground according to County standards.*
- b. Size and types of trees shall be indicated with respect to the streetscape.*
- c. Homes shall have all front facades of brick, stone and stucco; the other three sides shall be brick, stone, stucco or hardy plank.*
- d. No vinyl siding shall be used on any part of the homes.*
- e. All yards shall be sodded up to the rear yards.*
- f. No lots shall be below $\frac{3}{4}$ acre in size.*
- g. All front porches shall be underpinned and finished in character with homes.*
- h. Variance must be obtained for the cul-de-sac street that exceeds the 300' length set by County standards.*
- i. Conditions of agreement as stated in letter from developer, Scarbrough & Rolader Development, dated June 22, 2005 shall be incorporated.*
- j. Buffer disturbed this week must be restored with a plan worked out with Staff for approval.*
- k. There shall be no exposed concrete block in homes' foundations.*
- l. All garage side or rear entry.*
- m. Roof pitches shall be at least 10/12.*
- n. Subdivision and greenspace layout shall generally follow the design as set forth in special exception plan for Flint Mill Estates Subdivision, Paragon Consulting Group dated May 10, 2005.*
- o. Any major modifications to the Flint Mill Estates Subdivision or changes thereto must be approved by the Board of Commissioners.*
- p. All homes shall have landscaping installed prior to Certificate of Occupancy being issued, including sod, plant materials.*
- q. Each home will have two trees to be planted between curb and sidewalk. Trees shall be a minimum 8' height*
- r. No privacy fencing shall be allowed on back corners toward street.*
- s. Outbuildings shall be allowed only if building materials match construction material of the homes.*

Commissioner Flowers-Taylor seconded the motion which carried by a unanimous 5-0 vote.

Commissioners McDaniel and Davis stated they appreciated the spirit with which both sides of issue worked together to resolve differences.

5. **Application #05-09Z:** Bailey Preferred, LLC, Owner – JAL Holdings, LLC, Agent – West McIntosh Road and Beasley Road (91.70 acres located in Land Lot(s) 30 and 35 of the 3rd Land District) – requesting a rezoning from R-2, Single Family Residential, and AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Mr. Taylor stated that this request, if approved, would require two separate motions, one for the change in the Land Use Map that was requested with the rezoning and the second for the rezoning itself.

Mr. Taylor said the applicant is requesting approval from Spalding County to allow rezoning of 91.70 acres from R-2 and AR-1 to R-2 to allow for development of a single family residential conservation community consisting of 87 units. A Future Land Use Map amendment to allow for the proposed density is also requested. The lot yield of a conservation subdivision is determined by the number of lots derived in the yield plan. The yield plan for this subdivision shows 74. The developer is requesting approval of a density bonus under Appendix A, Section 706 to achieve additional lots.

Staff recommends conditional approval of the request as follows:

- a. The maximum number of homes allowed for this property shall be 74.
- b. All front porches shall be underpinned and finished in character with the homes.
- c. Approval shall be given to Staff to amend the FLUM for the subject property, MRD and The Highlands, both already zoned, to Low Density Residential in order to bring the Land Use Map into compliance with recent rezonings.

Planning Commissioner recommends conditional approval with the same conditions proposed by Staff with the following addition:

- d. Houses on lots 35-87 shall be a minimum of 2000 square feet.

Mr. Taylor noted there was an unintentional error in the Planning Commission's addition. The intention was to allow for the 1750 square feet lots along one street with the balance being 2000 square feet. The stipulation for the 2000 square feet minimum should be stated as starting at lot 36 instead of 35. In reviewing the neighborhood's average house size, the 1750 square feet in this area will exceed the average in the area and will, in fact, be one step higher. So, the condition should be:

- d. Houses on lots 36-87 shall be a minimum of 2000 square feet.

Jason Lewis, 4030 Pine Ridge Road, Smyrna, Georgia

As a result of multiple meetings, he had adjusted his request so that the number of lots desired had been dropped to 80 rather than 86. Road sections would be the demising line for larger homes. Small changes allowed absorption of perimeter lots to keep the 2000 square foot homes. No lots are less than .4 acres, with an average of one acre on W. McIntosh with around 6000 feet of road frontage. The three primary phases will be built concurrently. He had talked with surrounding residents during this last meeting recess stressing that bigger is not necessarily better. He shared elevations with the Board. The road frontage is sufficient for a conservation subdivision. He will use hardy plank with a brick or stacked stone water table (matching material all the way around the foundation of the houses). He may use stucco from that point up but will use no stucco on the water table. Hardy plank should blend in, and some of the elevations will note the broad architectural range to be used in the conservation subdivision. The market won't allow 2000 square feet homes on all lots and still have quality architectural accents. He will specify building

materials up front for approval. This conservation subdivision will have a ½ acre average lot size, with lot sizes along the road frontage at 1 acre for minimum impact. Nature trails and greenspace will enable meeting the full intent of the conservation subdivision plan. He hope the Board will use its discretionary ability to grant a small bump in the 74-lot yield plan to 80 lots. This would allow the highest and best use of the land. The revised plan being presented tonight is for 80 lots, with a 2000 square feet average on the perimeter and 1750 square feet average on interior lots with McNosh Trail as the defining line. Adequate buffer is already included for residents farther away than ½ mile.

Mr. Lewis responded that Lot 36 had been dropped out of the legal description completely. There is no current intent to develop this outparcel now and is not shown since he felt it might be confusing to try to identify it as a future outparcel. It is not included in the request for rezoning. It may be a possible commercial parcel at some point in the future. The road network is no different than in previous plans. The only differences in the new proposed plan is absorption of the six lots along Westmoreland Road requested previously to reduce the radius of that road and the dropping of the outparcel.

Mr. Lewis said he had not met with neighbors or representatives of the Homeowners' Associations. He felt that the County's Staff, Board of Commissioners, and public hearings afforded ample opportunity for those interested to make their feelings known.

Mr. Lewis said two discretionary bonuses had been discussed at Planning Commission meeting – a 10% bump to County as a parks and recreation area. He agreed this would be beneficial but realized it would be cost prohibitive for Spalding County taxpayers. They removed the lake and finished park areas consequently and only left trails that would require maintenance. He hoped this would allow continuation of the open space trail network.

David Harrington and Wayne Herget, both with Mr. Lewis' development organization, did not wish to speak.

Bart Searcy, 680 E. College Street, Griffin, Georgia

Mr. Searcy spoke to the integrity and history of the Bailey family selling this property. They developed Mockingbird Lane, Pine Valley all the land between Maple Drive and Grandview, MacArthur Drive, Grantland, and Laura. These are some of the best neighborhoods in Griffin, and they are excited about Mr. Lewis and his work. They feel this project will enhance the value of their other properties.

Joe Lavin, 103 Cheshire Drive, Club Estates, Griffin, Georgia

Mr. Lavin talked with the developer during the last break, and he appreciated his concessions. However, he doesn't like to see the 1400 square foot houses shown on some of these lots. He urged commissioners not to reduce lot size and house size. Empty nester homes don't really exist .. grandchildren and other situations preclude that luxury. Mr. Lavin has a 4000 square foot home on a cul-de-sac lot. He detests greater density, traffic, congestion, garages yawning at you from the street, and lack of privacy, as well as the downsizing of homes and lots. He moved from Gwinnett County because of those things, and he urged commissioners to leave these unattractive qualities for that area.

Dick Morrow, 263 Westchester Drive, Griffin, Georgia

Mr. Morrow said this was not about the property owner's right to develop and the developer seems nice enough. His contention is this project is not all it could be. He appreciated Commissioner Davis' professional demeanor and efforts as a commissioner committed to work with developers and residents in his district. He noted this developer hasn't met with neighboring homeowners, and no one has prompted him to do so, commissioner or otherwise. The R-1 zoning line should protect their area much as the one on South 6th Street protected Commissioner Davis' constituents. Their properties are every bit as worthy of protection as that neighborhood. There is a 2400 square foot minimum for homes in Club Estates (one

floor; 2800 square feet for two). Property to the north is R-1 and protects this area. Property to the south around Mr. Jackson's area is zoned R-1 at his request. The McLeroy property is also R-1. Mr. Morrow said they will work with the developer, but experience shows covenants are not worth the paper on which they are printed. They would be happy to talk with the developer but had been given no opportunity to do so. Club Estates will shortly be filled to capacity. He urged the Board to keep the consistent zoning of R-1 in the area and he urged them to make use of the same kind of conditions they placed on the developer on South 6th Street.

Teresa Betkowski, 255 Westchester Drive, Club Estates, Griffin, Georgia
She urged the Board to keep the area R-1 and keep community standards consistent with the area to the north. She reiterated the Board should nail down options that might be changed or forgotten in the future.

Gayle Goodin, 4250 West Ellis Road and also 250 Westchester (his wife), Club Estates, Griffin, Georgia

He urged the Board to not to lower to 1750 square feet and not establish this precedent for surrounding areas. He would like to see them protect the integrity of the area at R-1. To do otherwise will be to encourage Spalding County becoming a slum county, comparatively speaking. This decision will affect this county for long time. Property values will continue to do down in areas where square footage minimums are decreased.

Morris Johnson, 219 Westchester Drive, Griffin, Georgia

Mr. Johnson moved his office to Spalding County 16 years ago and then retired here. He left traffic congestion behind and wanted to see that situation remain. Mr. Lewis seems to be an intelligent and fine young man. His plan appears to be a good one except for the square footage issue – 1750 and on down to some 1400 square foot homes, as well as smaller lot sizes, is not acceptable in this area. A compromise has not been solicited because no contact has been made. They have had the benefit of no meetings and no input; so he urged commissioners to table or defer this application until neighbors can have input. Mr. Johnson said he requested of Mr. Freeman, when he was soliciting area votes in his bid to become commissioner, to look out for their interests in the neighborhood. He encouraged high quality developments. This development could be a transitional development from Club Estates and the Country Club, but he preferred it not be such a drastic one.

Commissioner McDaniel said when he was elected in 1999, the norm in the County was 1250 square feet with no required double garage, so everything is relative. He is pleased to see larger homes, but urged residents to realize that 2000 square feet is not the norm in Spalding County. It's true that the new Heron Bay development will have some \$400,000 to \$1,000,000 homes, but the average home size this year for a house issued a building permit is slightly over 1800 square feet. The County has come a long way. Commissioner McDaniel urged everyone to remember that bigger is not always necessarily better, and he referenced a development off Vineyard Road where 2000 and 2500 square foot homes are poorly constructed. A high quality home of 1250 square feet or 1500 square feet is possible, although they are not many present locally.

Commissioner Freeman said Mr. Morrow and residents had not solicited an opportunity to talk with Mr. Lewis either; nor had anyone contacted him on the issue and requested an arranged meeting with Mr. Lewis.

Mr. Lewis responded to Commissioner Flowers-Taylor that nothing in the development was under 1750 square feet. The graduated areas of the development designated by square feet were pointed out by Mr. Lewis on the site plan. The square footages have evolved over three separate meetings and a new plan was worked on late into the previous evening to make these changes. There are also 250 acres separating his development from Westchester, so they are not adjacent. They have been involved in the planning process for a great while, and Mr. Morrow or others could have weighed in with him but did not. He urged the Board to look at new plat in the larger format, and they took a few minutes to do this. Changes to the square

footages have all moved up, not down, and the R-2 property on West McIntosh can be R-1 and have 2000+ square foot homes. In this development, no lots back up to other lots but rather to greenspace. He felt he had met the spirit of the concerns voiced by the residents tonight but felt there was perhaps a fear factor present to overcome, and he felt his development was a quality one.

Discussion of the process and where to go from here resulted in a desire for interaction between developer and residents. A split zoning might be a good compromise he felt. The market would drive the average of the home size; the 1750 square foot homes may be larger. Mr. Lewis said he would be willing to invest more time, but his timetable may make tabling the issue detrimental to the project. His offer to purchase this property was a 1031 like-kind exchange with a limited timeframe. He only had a short while to close on the project, so he urged the Board grant conditional approval or allow them to try to work out an arrangement at this meeting tonight. There will be at least two more hearings to follow anyway, so changes can still be made.

Commissioner McDaniel noted this was a good conservation subdivision that met not only the letter of the law but the spirit, as well. He stated his research of the discretionary bonus revealed two things: 1) They must dedicate the land for public use and the County must accept, or 2) They give it to the County and put it in a land trust with an endowment set up. Louis Greene, Director of Spalding County Parks and Recreation, declined acceptance of this “pocket park.” So, they must set up endowment and put it in a land trust for management. The Homeowners Association can require a portion of homeowners’ dues to be used for maintenance of the trails.

Mr. Lewis said he had about 15-20 days to close or not close. He still has to work out the agreement with Dr. Brant Keller of the City of Griffin and he can’t give a proforma until the number of lots is decided. He is willing to do all the infrastructure at one time, but he would like approval as quickly as possible.

Should the Board of Commissioners find some way to save in his dealings with the City on sewer would be welcome, but Mr. Lewis said he was not willing to butt heads with Dr. Keller again. Some discussion followed.

Commissioner Flowers-Taylor asked if conditional approval of the project was possible.

Mr. Galloway stated the land trust with an endowment was required so as to alleviate concern for long-term holding by the Homeowners’ Association. Split zoning is not prohibited in a conservation subdivision. Standards for the conservation subdivision are the same, regardless of zoning. Phases can be identified to establish square footages and zoning classifications, and all will have conditions. This will provide some flexibility. Residents would have an opportunity to speak at the Planning Commission hearings which must follow. The land trust and endowment will involve time. There is no precedent here for split zoning in the conservation subdivision, but he was not precluding the possibility. His gut feeling, however, would be to have it cleaner and without controversy with regard to the Homeowners’ Association. Discretionary bonus would have to be conditioned upon approval of the land trust and endowment for that.

Commissioner McDaniel said he didn’t really feel Mr. Lewis would want to make the trails available to the general Spalding County public.

Mr. Galloway noted that Dr. Keller was requiring that Mr. Lewis provide for the 500-acre West McIntosh basin with regard to sewer infrastructure – much more than he needs for his property. He asked if there was an agreement with the City that would accommodate some recovery of costs for him as a result of other developments tying onto the system, for which the City will be paid.

Mr. Lewis said there had been no such offer. An olive branch had been offered from the City to work with him, though, and he was hesitant to rock the boat. He could sell sewer easement to provide some offsetting cost perhaps.

Mr. Morrow said they were willing to compromise on R-1, but he wanted to make the compromise meaningful. He felt it was extortion of Mr. Lewis by the City to put in a lift station for excess sewer capacity, certainly more than he needs. This will also add to density problems later as it will serve greater density developments in the future, besides making it much more expensive for Mr. Lewis. He was not sure of legal ramifications, but urged Mr. Lewis to stand up to the City. He urged making the greenspace rules part of record. They can also condition his promises as a developer and stipulate building materials.

Commissioner McDaniel asked if they could work something out tonight.

Mr. Lewis noted the changes again brought forward tonight, particularly the common area park which may go away if the sought-after 80 lots cannot be granted. Commissioner McDaniel said they could condition the greenspace and amenities as to general layout and design to this most recent plat dated today and being presented tonight. The conservation subdivision will return to the Board of Commissioners anyway. Each of the three phases is linked by common area and a good lot (36) has been removed from the plan and the rezoning request.

Mr. Morrow said residents were agreeable to conditioning design and layout to this plat dated 7-28-05 by Mr. Lewis tonight (erroneously dated 2-28-05 when changes were made today but corrected and initialed by Mr. Lewis).

During a brief recess, residents and developer met with the Board of Commissioners to reach a mutually agreeable compromise.

Commissioner McDaniel made a motion to amend the FLUM to identify this area as low density residential, as well as the MRD and Highlands areas. The motion was seconded by Commissioner Freeman and carried by a unanimous 5-0 vote.

Commissioner McDaniel made a motion to approve Application #05-09Z with the following conditions:

- a. With regard to house sizes, Phase 1, as shown on the plan dated 7-28-05, will be split at ½ at 1750 square feet and ½ at 2000 square feet; Phase 2 zoned R-1; and Phase 3 split three ways at 1/3 for a minimum of 1750 square feet, 1/3 for a minimum of 2000 square feet, and 1/3 for a minimum of 2200 square feet. All property outside of Phase 2 shall be rezoned to R-2.*
- b. Exteriors shall be brick, stone, stucco, cedar shake or hardy plank.*
- c. Front porches shall be underpinned and finished in character of the homes.*
- d. Roof pitch shall be a minimum of 8/12.*
- e. Each home shall have a brick or stacked stone water table around the house completely on all 4 sides.*
- f. The total number of lots shall be limited to 74 unless in compliance with Section 706b, Appendix A, of the UDO with the land trust option.*
- g. The design shall be in compliance with submission of the plan dated 7-28-05.*
- h. Front yards shall be sodded.*
- i. No privacy fence shall be in any front yard or within 30 feet of any existing right of way.*

Commissioner Freeman seconded the motion. Commissioner McDaniel noted that 50 of the 80 lots would have houses which are 2000 square feet or larger. The motion carried by a unanimous 5-0 vote.

C. Other Business

D. Adjournment

On a motion by Commissioner McDaniel, seconded by Commissioner Freeman, the meeting was adjourned at 8:45 on a unanimous 5-0 vote.

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