



Board of Commissioners

PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Thursday, March 25, 2004 beginning at 6:00 o'clock p.m. with Commissioners Michael Kendall, Cecil Davis, Eddie Goss, Johnie McDaniel and Dick Morrow present. Also present were County Manager William Wilson, Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane.

A G E N D A

A. Call to order: Chairman Kendall

B. New Business:

- 1. Application #04-06S:** C. E. Williams, Owner – American Housing Group, Agent – County Line Road and Ethridge Mill Road (128.46 acres, more or less, located in Land Lot(s) 137 & 138 of the 2nd Land District) – requesting a Special Exception to allow 1-acre lots in the R-1 District – Traditional Design.

Community Development Director Chuck Taylor came forward and gave the Staff Report. Mr. Taylor stated that Mr. C. E. Williams has made application for a 74-lot one-acre minimum lot Traditional Neighborhood. Approval of this request would allow Mr. Williams to submit for a preliminary subdivision plat.

Staff Recommends Denial of the request because:

The Greenspace/Landscaping design is not detailed. Greenspaces are the focal point of a traditional neighborhood concept and the plan submitted shows them pushed into the corners and out of the way on lots generally that are less desirable for development. The common space provided does not meet the minimum 25% requirement.

Road Access is available on three sides of the development. Yet the developer chose the main entrance on Meadowvista which has broken pavement and apparent base failure. By making use of additional access points the traffic impact to Meadowvista, County Line Road and Ethridge Mill Road and the intersections would be reduced.

The Board of Appeals, at their meeting on March 11 meeting recommended conditional approval, with the conditions that the applicant meet with Community Development Staff and get new facades approved and select a second entrance for this development, that they plant a tree buffer and that the green space shall be increased to meet the 25% requirement. The out-parcel of 1.22 acres on the southwestern portion of the development will be included in the subdivision and a heavy landscaping buffer be shown along Etheridge Mill Road. Green space to fit the traditional neighborhood design shall be submitted and the elevation plans designated will not be used.

The applicant met with staff last week and indicated that a new plan would be submitted to the Board of Commissioners at this meeting tonight but Mr. McCullough informed us that he did not have the time to have a plan drawn up in the short time he had.

Mr. Mark McCullough came forward and gave his address as 800 Springer Drive. Mr. McCullough stated he was speaking for the applicant. He addressed concerns that were mentioned in the Staff Report. He said that the greenspace, on the revised plan, shows 24.8% greenspace; however, in the construction plans and preliminary plat they will exceed the 25% minimum requirement. He addressed the architectural designs of houses and landscaping design stating they would place particular trees in subdivision. He addressed the main entrance into the subdivision, which is on Meadowvista and stated they were open to suggestions from the Board. He said once they locate the entrance they will prepare a significant subdivision design. He said there were some concerns about the stream on lot 39 and they hope to be able to design the lot so that the stream will be on a lot line which will lessen the impact on that lot. If not they will change the area for additional greenspace. They will include the landscaping of

the common areas when they submit the construction plans. They are aware of a Georgia Power easement going through the property and that Georgia Power will have to approve their plans.

Commissioner McDaniel commented that he preferred the entrance to the subdivision to be on County Line Road with accel/decel lanes and eliminate the cul-de-sacs up there.

Commissioner Davis stated that at this time he cannot approve an incomplete diagram as it is drawn up and presented now. Commissioner Davis also stated that there would be 70 houses with an additional 140 vehicles to take into consideration.

Mr. McCullough responded that there is no way to get comments and suggestions without coming before you and hearing the public comments.

Those speak in opposition were as follows:

Mr. Henry Banks came forward and gave his address as 1725 Ethridge Mill Road. Mr. Banks addressed existing traffic problems and the additional traffic from the construction of the subdivision. He said that he does not want his neighborhood looking like the subdivision on Moreland Road next to the new school. He said with additional 140 vehicles on the road, it would be impossible to get in and out of his driveway. He would like to see the homes built on two acres as the ordinance now requires.

Ms. Revia Davis came forward and gave her address as 1739 Ethridge Mill Road. Ms. Davis addressed traffic concerns also, children getting off school buses and her objections to the entrance coming off Ethridge Mill Road. She wanted to know the size of the houses and if they were going to be styled comparable to the ones across County Line Road. The plans submitted show 2,000 + square foot homes.

Mr. Terry Graham came forward and gave his address as 1704 Ethridge Mill Road. Mr. Graham addressed traffic concerns on Ethridge Mill Road. He said that most of the people out there own more than one lot and have one house on those lots. He said that he understood the subdivision was suppose to fit into the neighborhood but does not agree with one acre lot homes. He addressed the limited site distance especially along the area where his residence is located.

Mr. Steve Manley came forward and gave his address as 200 Meadowvista Drive. Mr. Manley stated he lives right on the corner of Meadowvista and County Line Road and Meadowvista cannot handle the traffic. He stated with 74 homes, you have to have two (2) access points. He is totally opposed to the one entrance. He does not feel that a one-acre lot concept fits the neighborhood. He addressed drainage concerns as water already comes over the road. He said that there is very poor soil in this area and he asked the Board to require a soil study to protect the residences in this area.

Mr. Calvin Vaughn, Sr., came forward and gave his address as 291 County Line Road. Mr. Vaughn stated he owns 26 acres across the road, and he was going to give a portion of his land to his daughter to build a house; however, his land would not perk. He said that this subdivision was going to create sewage problems. He was opposed to the one-acre lots as it should be two-acre lots.

Mr. Calvin Vaughn, Jr. came forward and gave his address as 1739 Ethridge Mill Road. Mr. Vaughn said that the subdivision should stay at two acres and also addressed traffic concerns.

Ms. Margie Shedd came forward and gave her address as 1719 Ethridge Mill Road. Ms. Shedd addressed traffic concerns on Ethridge Mill Road. She said that traffic is not enforced on this road. She said she was against an entrance on Ethridge Mill Road and also against one-acre lots.

Mr. McCullough requested to readdress the Board regarding comments. Mr. McCullough said that he can almost get the same number of homes already platted out with two acre lots and he knows he must meet the 25% greenspace requirements. He said that he was opened to suggestions on where to place the entrance to the subdivision. He said that the landscaping design would be in the preliminary plat and construction plans. He said they were open to design criteria. He said that they were not real clear on this. He addressed the houses backed up to main streets and said they would buffer these houses from the road. Mr. McCullough stated that this area is planned for medium density in the Future Land Use Plan.

Zoning Attorney Newton Galloway stated that the Board has an application that does not meet greenspace requirements that are in the Ordinance and does not believe that the Ordinance itself is inexplicable and indecipherable to where you cannot have a plan presented to you that does not meet the requirements. If this application does not meet the requirements of greenspace requirements and if you approve it conditioned on required greenspace you can expect to see the next applications coming through asking to do the same thing. He said that this is a policy decision for the Board to make.

*Motion made by Commissioner Davis to table **Application #04-06S** until the April 22, 2004 Public Hearing in order to get a plan back that meets the criteria. Commissioner Morrow seconded the motion and motion passed by a vote of 3-2 with Commissioners Goss and Kendall voting in opposition.*

Chairman Kendall called for a five minute recess to allow citizens to leave.

Chairman Kendall called the meeting back to order.

2. **Application #04-01Z:** Huco Construction, LLC, Owner – Teamon Road (113.07 acres located in Land Lot(s) 138, 151, and 152 of the 3rd Land District) requesting a rezoning from AR-2, Rural Reserve, to R-4, Single Family Residential.

Community Development Director Chuck Taylor gave the Staff Report.

He said that Huco Construction submitted for rezoning and special exception approval for a subdivision of minimum one acre lots. Approval of the rezoning before you tonight would allow the applicant to submit a preliminary plat for a minimum two acre lot subdivision.

Staff recommended conditional approval of R-2 zoning on the property with the following conditions:

A minimum house size of 1,750 square feet heated space.

Provide a 100 ft. undisturbed buffer that will be outside of any lot along the south-eastern property lines abutting Cherokee Rose PRRRD.

Streetscape with sidewalks on both sides of the roads and decorative street lights with street trees shall be utilized. A streetscape plan shall be submitted with the construction plans.

The Planning Commission at their meeting on February 24, 2004 recommended denial of the rezoning request.

The issue of the special exception for this development came up at the March 11th Board of Appeals meeting. Staff recommended denial of the request. The Board of Appeals tabled the issue until the applicant obtains proper zoning.

Mr. Jeremy Crosby, owner, came forward and gave his address as 208 Walnut Trail, McDonough, Ga. Mr. Crosby stated he was here to request a rezoning to a two-acre lot tonight and then intends to take this back once he gets the rezoning to the special exception board and then get approval from the Board of Commissioners for the one-acre special exception. He said they are requesting rezoning to R-4; however staff recommended rezoning to R-2, which gives a minimum heated square footage of 1750 SF. He asked the minutes to show that they have no problem going to the R-2 zoning, 1750 SF heated. He said that there are already 300 acres with two-acre zonings in this area, along with one acre zoning with small homes on Palm Street and then the Cherokee Rose Property zoned PRRRD and does not feel they would be asking for anything out of the ordinary and his request is in character with the area. Mr. Crosby feels that his request would be a good transition from east to west with 1750 SF homes and is consistent with the Land Use Map.

Mr. Taylor explained that the rezoning application goes to the Planning Commission first and then comes to the Board of Commissioners and the special exception application goes to the Board of Appeals first and then comes to the Board of Commissioners. The Planning Commission heard the rezoning and brought recommendations to the Board; however, the Board of Appeals heard the Special Exception and tabled it until they saw what the Board of Commissioners was going to do about approving the rezoning application to two-acre lots. The process is designed to come to the Board of Commissioners simultaneously but we can't control the decisions that Board of Appeals makes. In order to get the special exception for one acre lots, you have to have the rezoning to a residential zoning classification first.

Mr. Crosby presented the Board of Commissioners with design plans of the homes proposed in this subdivision.

Mr. Crosby also presented a copy of a constitutional objection which he reserved the right to file. The letter was drawn up by his attorneys Crumbley & Crumbley, McDonough, GA and was based on that the five acre current zoning does not allow economic feasibility of the property in the case he was denied his rezoning request. The constitutional objection was filed in the zoning file.

Mr. Crosby asked to reserve the right to speak after other citizens have spoken to answer any question the Board might have.

Those speaking in opposition to the application were as follows:

Ms. Debbie Frost came forward and gave her address as 724 Teamon Road. She presented the Board copies of the minutes of the Planning Commission meeting of February 24, 2004 as well as pictures of homes and the land in the area surrounding the proposed subdivision. The pictures show there are many large homes and large tracts of land. She also presented a copy of a petition with over 100 signatures voicing their objections to a subdivision and reducing the required acreage. She said that Huco Construction purchased this land knowing that the land was zoned AR-2 and now they want to bury good agricultural farmland under paved roads and sidewalks. Huco Construction would have you believe that 71 homes on 113 acres would be good for the residents of the Teamon area, City of Griffin and County of Spalding but we say no. Ms. Frost stated that she owns forty acres with a spring and a creek and asked what about her investment as they just recently built a new home. She said that Huco Construction has only invested money but the rest of us have invested a life time dream and a way of life. She said that most of the homes in this immediate area are 3000 SF or better and they would like to see that trend continue. No one wants this subdivision and requested that this application be denied.

Mr. Gene Wenner came forward and gave his present address as 3214 Butternut Circle, Pryor Lake, Minnesota. Mr. Wenner commented that he had recently purchased 5.6 acres on Teamon Road adjacent to this proposed area. He chose this land because it was AR-2 zoning because he has horses to put on his property. He plans to build a 3,000+ SF home on his property. He addressed the concerns of additional traffic and the hazardous curve on Teamon Road. He said he was a gun owner and plans to become a member of Cherokee Rose and the noise will not bother him but feels it will bother people in this subdivision and there will be complaints. He would like to see the proposed land stay AR-2 zoning.

Mr. Mark Murdock came forward and gave his present address as 750 Teamon Road. Mr. Murdock stated that he owns an airplane and has a private compact airstrip, east/west and north/south runway behind his property that adjoins this property. He presented aerial photos of the area. He said that he would be looking at twelve back yards if the subdivision is built and that is his nightmare. He asked the Board to keep the proposed land at five acres.

Mr. Larry Frost came forward and gave his address as 724 Teamon Road. Mr. Frost stated that he owns forty-one acres and it joins the Murdock property and borders the east/west airstrip. He said that the citizens that live in this area would not have made investments in the area if the subdivision were already in place. He made the statement "If it ain't broke, don't fix it."

Mr. Roy Smith came forward and gave his address as 956 Teamon Road. Mr. Smith stated that he has a nice lake next to the property line and it has eight springs flowing into the lake. He owns the Country Cloth and Hobby Shop. He stated he has concerns with contamination from septic tanks if this subdivision is built. He said he has owned his seventeen acres for approximately 44 years. He asked the Board to leave the property at five acres.

Ms. Peggy Bowen came forward and gave her address as 350 N. Pomona Road. Ms. Bowen said that she had lived in a subdivision for 21 years in Jonesboro and started looking for property to retire on. She said that wanted to live in the country and they have built a 6,000 SF home on Pomona Road. She said they have recently purchased eight acres next door to a five-acre lot but have no plans for the land. She said they also were on a lake and had at least five springs on their property and they too were concerned about pollution if the subdivision is built. She asked the Board please to consider not rezoning this area as they would like to see the five-acre tract trend continue.

Ms. Shannon Wilson came forward and gave her address as 241 Horizon Avenue, Los Angeles, CA. She said her mom and dad, aunt and uncle and grandparents own property on Teamon Road. She said the cross of people living in this area have come to Spalding County and bought this land for rural atmosphere. She asked the Board to leave the land at five acres.

Mr. Michael Boatwright came forward and gave his address as 712 Teamon Road. Mr. Boatwright commented that we have something that nobody else has and dreams about, which is a home on five acres. He asked the Board not to rezone but leave at five acres.

Ms. Sonya Garnett came forward and gave her address as 1061 Teamon Road. She said that she works with Section 8 and people in subdivisions put their house in Section 8 and people trash homes. She said

that she and the others do not want to have to deal with this. She asked the Board to leave the land at five acres.

Ms. Gail Dean came forward and gave her address as 1250 Teamon Road. Ms. Dean stated that she agreed with all the comments made tonight. She asked the Board to keep the five-acre size lots and let the development trend that has started continue. She feels that the current infrastructure will not accommodate all the growth that is coming to this area.

Mr. Tom Dean came forward and gave his address as 1250 Teamon Road. Mr. Dean stated that he owns the adjoining property. He said at the last rezoning meeting of this property, he mentioned that the people who were trying to put in that subdivision was underselling Spalding County. He said he has lived in this area almost fifty years and it was covered in peach trees and he has seen it change through the years. He said that they have a commodity on Teamon Road not many people have and given a chance people will purchase this property with enough acreage to make it worthwhile. He said that the proposed subdivision does not fit in this area and asked the Board to keep the zoning at five acres.

Mr. Ricky Wilson came forward and gave his address as 706 Teamon Road. Mr. Wilson stated he also owns lot 700 on Teamon Road, which is a three-acre plus tract of land, which is undeveloped. He said the norm of houses built in this area are in excess of 3,000 SF homes with most being all brick and having basements on three to fifteen acre tracts of land. He asked the Board to keep the land at five acres and also would like to see 2,500 SF homes. Mr. Wilson said he feels that this proposed subdivision on small acreage would negatively impact the value of their homes and also impact their property and destroy the land. This is not the place for this subdivision.

Mr. Crosby came forward and gave his rebuttal. Mr. Crosby stated that they had done a soil study for septic tanks and also done a study on the creeks and wetlands in this area. There will be no impact from the septic tanks nor will the project have an impact on the streams or creeks the way it is currently designed. Regarding Mr. Murdock's airstrip he has taken this into consideration and made greenspace at the end of his airstrip so it would not affect his coming in and taking off. He said there is a natural border already in existence between his property and Country Cloth.

Commissioner Kendall stated when zoning on this property came up several years ago, the Board (excluding him) voted then to make the zoning even stricter and change it to AR-2 which requires five-acre tracts. Since this was zoned AR-2, people have come and have invested in this land and with the transition that has taken place, it would be the wrong thing for this Board to undo what they have already done. Commissioner Kendall said he was definitely not in favor of having one-acre tracts in this particular area and cannot support it.

Commissioner Morrow commended Mr. Crosby as he feels he is a good builder and he has a good design for a subdivision as it is one of the best that this Board has seen. He said if this property was already zoned AR-1 it would be a whole different matter to consider, but this AR-2 is a very valuable commodity, in his opinion. He said that he could not support this rezoning either.

*Motion made by Commissioner McDaniel to deny **Application #04-01Z**. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0.*

Chairman Kendall called for a five minute recess.

Chairman Kendall called the meeting back to order.

3. **Application #04-02Z:** Stan Lindsey Homes, Inc., Owner – Intersection of Amelia Road and Locust Grove Road (10.737 acres located in Land Lot(s) 84 & 85 of the 2nd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-4, Single Family Residential.

Community Development Director Chuck Taylor gave the Staff Report. He stated that Stan Lindsey Homes is proposing an 8-lot minimum 1 acre lot subdivision. Approval of the rezoning would allow Mr. Lindsey to submit for a 2-acre minimum, lot subdivision or he could choose to proceed with the submittal for a special exception for minimum 1-acre lot size subdivision; however, he has decided not to submit application for special exception. This would mean R-4 rezoning, two acres with maximum of five houses. This would still be considered a subdivision and would have to meet the requirements in the subdivision ordinance.

Staff recommended approval with the condition that water lines be installed along Amelia Road to service the proposed lots.

The Planning Commission recommended approval with the same conditions.

Mr. Bill Deloach came forward and gave his address as 154 Windbrook Drive, McDonough, GA. He said this was a 10.74 acre tract of land and he could get five lots at two acres each. He said there would be two houses fronting on each of the two roads and one house on a corner lot.

There was no one who wished to speak in opposition.

*Motion made by Commissioner McDaniel to approve **Application #04-02Z** with the staff recommended condition of water main installed along Amelia Road with a maximum of five lots. Commissioner Davis seconded the motion and motion was unanimously approved by a vote of 5-0. **The Resolution will be incorporated into the minutes on second and final reading.***

4. **Amendment to UDO #A-04-03:** Article 5. Agricultural and Residential – Section 503:C(13) and D(5), and Article 6. Rural Reserve – Section 603:C(11) and D(5) – revision to Home Occupation, Minor, or Home Occupation, General, excluding public garage, repair garage and kennel.

Community Development Director Chuck Taylor gave the Staff Report. The current ordinance allows for fairly intense uses, such as trucking companies and construction companies, as home occupations in the AR-1 and AR-2 Zoning Districts. These uses generally fall under the category of “General Home Occupation”. Currently approval of the Home Occupation is part of the Business license approval. Approval of the Amendment would require a special exception for General Home Occupations in the AR-1 and AR-2 districts through the Board of Appeals. There was a discussion regarding the difference between Minor Home Occupations and General Home Occupations. There was also a discussion regarding the grandfathering in of businesses that have licenses renewed each year.

The Planning Commission recommended approval of the amendment.

There was no one signed up to speak for or against this Amendment to the UDO.

*Upon motion by Commissioner McDaniel, seconded by Commissioner Davis **Amendment to UDO #A-04-03** was unanimously approved by a vote of 5-0. **The Resolution will be incorporated into the minutes on second and final reading.***

C. Other Business:

Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow the Board voted unanimously to go into a Closed Meeting.

The Zoning Attorney desires a Closed Meeting to discuss pending litigation.

Those present were Commissioners Dick Morrow, Michael Kendall, Johnie McDaniel, Cecil Davis and Eddie Goss. Also present were County Manager William Wilson, Zoning Attorney Newton Galloway, Community Development Director Chuck Taylor and County Clerk Phyllis Doane.

CLOSED MEETING AFFIDAVIT

[A copy of the affidavit must be filed with the minutes of the meeting]

STATE OF GEORGIA
COUNTY OF SPALDING

AFFIDAVIT OF CHAIRMAN

Members of the Spalding County Board of Commissioners, being duly sworn, states under oath that the following is true and accurate to the best of his/her knowledge and belief:

1.

The Spalding County Board of Commissioners met in a duly advertised meeting on March 25, 2004.

2.

During such meeting, the Board voted to go into closed session.

3.

The executive session was called to order at 9:15 p.m.

4.

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

Yes Consultation with the county attorney or other legal counsel to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

No Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and
(insert the citation to the legal authority making the tax matter confidential)_____;

No Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

No Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6);

No Other (describe the exemption to the open meetings law): _____ as provided in
(insert the citation to the legal authority exempting the topic)_____.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 25th day of
March 2004.
Phyllis P. Doane
Notary Public
My commission expires: March 13, 2006

Dick Morrow
Cecil L. Davis
Edward Goss, Jr.
Johnie A. McDaniel
M. Michael Kendall

Upon motion by Commissioner McDaniel, seconded by Commissioner Davis the Board voted unanimously to come out of Closed Meeting and go back into Open Session.

No business was transacted at this time.

D. Adjournment.

Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow the meeting was unanimously adjourned at 9:37 P.M.

County Clerk

Chairman

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