



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, April 22, 2004 beginning at 6:05 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. Call to order: Chairman Kendall**

Chairman Kendall announced that Application #04-03Z and Application #04-12S have been withdrawn from the agenda tonight to be continued to the May 27, 2004 at the request of the owner and agent.

- 1. Application #04-03Z:** Norman G. Echols, Etal, Owner – Admiral Company, Inc., Agent – Teamon Road (34.38 acres located in Land Lot 170 of the 3<sup>rd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential to R-4, Single Family Residential. **Application #04-12S:** Norman G. Echols, Etal, Owner – Admiral Company, Inc., Agent – Teamon Road (34.38 acres, more or less, located in Land Lot 170 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow 1-acre lots (Life Estate Neighborhood) in the R-4 District.

*Chairman Kendall stated that Application #04-06S would not be lifted from the table and would remain that way until the May 27, 2004 Public Hearing.*

- 2. Application #04-06S: Lift from the table** – 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 2<sup>nd</sup> Land District) – requesting a Special Exception to allow 1-acre lots (Traditional Design) in the R-1 District.

*Chairman Kendall asked for a motion to adopt the following revised agenda. Motion made by Commissioner Morrow, seconded by Commissioner Davis and unanimously approved to adopt the revised agenda.*

**REVISED AGENDA**

**B. New Business:**

- 1. Application #04-15S:** Fairy Jane Phillips, Owner – Randall Bell, Agent – 245 Dundee Lake Road (2.10 acres located in Land Lot 165 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Community Development Director Chuck Taylor gave the Staff Report and stated that approval of the special exception would allow the applicant to apply for a permit to replace an existing mobile home with a new mobile home. Staff and the Board of Appeals recommend approval.

Mr. Randall Bell came forward and gave his address as 611 East Solomon Street. He stated he wanted to buy the property at 245 Dundee Lake Road and remove the old modular home and replace with a 2004 manufactured home.

There was no one signed up to speak in opposition to the application.

*Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel **Application #04-15S** was unanimously approved by a vote of 5-0.*

- 2. Application #03-26Z:** Dixie B. Johnston, Owner – William G. Johnston, III, Agent – 1351 Zebulon Road (12.164 acres located in Land Lot 117 of the 2<sup>nd</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low Density to AR-2, Rural Reserve.

Mr. Taylor came forward and gave the Staff Report. Approval of the rezoning request would allow the applicants to place horses on their property. Staff recommends approval of the application with the condition that the property cannot be used as a commercial stud farm, rodeo, or to host other riding events. At their meeting on March 30 the Planning Commission recommended approval of the rezoning with the same conditions.

Mr. William (Bill) Johnston came forward and gave his address as 1351 Zebulon Road. Mr. Johnson stated he was requesting the AR-2 zoning to be able to have two or three horses on his property. He said these would be used for pleasure riding only as his son is an accomplished equestrian and rides. He presented to the Board a letter from the Meridian Sun Lodge, who has the largest property contiguous to his stating they had no objections to the rezoning. Mr. Johnston stated he had no problem with the conditions placed on the rezoning and would be fencing the entire twelve acres.

Those signed up to speak in opposition were:

Robert H. Davis and Sandra Helen Davis came forward and gave their address as 1340 Zebulon Road. They stated their objections to this rezoning with concerns over the numerous traffic accidents that have occurred especially at Highway 19 and Loumae Road intersection. Their house is located across the street from this property. They feel that this area is not for rural reserve as that is zoning to protect property and is not a proper place for horses.

*Motion made by Commissioner Morrow to approve **Application #03-26Z** with the following conditions: (1) no commercial stud farm; (2) no rodeos; (3) will not host other riding events and (4) a limit of three (3) horses. Commissioner Davis seconded the motion and motion was approved by a vote of 3-1-1 with Commissioner Kendall voting in opposition as he felt this was not considered a rural reserve area and Commissioner McDaniel abstaining from voting giving reason of person conflict of interest as he coaches a softball team with Mr. Johnston. **The Resolution will be incorporated into the minutes on second and final reading.***

*Chairman Kendall asked for a motion to consolidate **Application Nos. 04-04S through #04-04DS**. Upon motion by Commissioner Morrow, seconded by Commissioner Davis the following*

*applications of High Top Holdings, Inc. were consolidated to hear at one time by a unanimous vote of 5-0.*

3. **Application #04-04S:** High Top Holdings, Inc., Owner – Shawshank, Ltd., Agent – Off Stephens Street (19.96 acres located in Land Lot 126 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow 1-acre lots (Urban Proximity) in the R-2 District.
4. **Application #04-04AS:** High Top Holdings, Inc., Owner – Shawshank, Ltd., Agent – Off East McIntosh Road (13.82 acres located in Land Lot 126 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow 1-acre lots (Urban Proximity) in the R-2 District.
5. **Application #04-04BS:** High Top Holdings, Inc., Owner – Shawshank, Ltd., Agent – Off East McIntosh Road (17.51 acres located in Land Lot 126 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow 1-acre lots (Urban Proximity) in the R-2 District.
6. **Application #04-04CS:** High Top Holdings, Inc., Owner – Shawshank, Ltd., Agent – Off East McIntosh Road (23.83 acres located in Land Lot 126 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow 1-acre lots (Urban Proximity) in the R-2 District.
7. **Application #04-04DS:** High Top Holdings, Inc., Owner – Shawshank, Ltd., Agent – Off East McIntosh Road (1.23 acres located in Land Lot 126 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow 1-acre lots (Urban Proximity) in the R-2 District.

Chuck Taylor came forward and gave the Staff Report. He stated that Approval of the special exception request would allow the developer to submit a preliminary plat for a one acre minimum lot size subdivision utilizing the Urban Proximity design theme. Staff recommends approval of the request with the following conditions:

1. The Developer shall pave Lakeview Street to Spalding County standards during construction of the interior streets.
2. Garages shall be located behind the rear building line of the homes and can either be attached or detached.

At their April 8 meeting the Board of Appeals recommended denial of the applications.

Mr. Mike Jackson came forward and gave his address as 5138 Old Atlanta Highway, Hampton, GA and spoke in favor of the applications for special exception. He said that they have been working on this for twelve months and have heard a lot of comments and one was that this subdivision would hurt property values, school bus transportation and fear of what is to be developed. He said that he had built Mill Park I and Mill Park II and presented some photographs of some of the homes he has constructed in these two phases. These were R-5, minimum 1250 SF on one acre lots. The construction of these homes would be 1400 SF on one acre lots at a range in price of \$115,000 to \$149,000. He said that Staff had recommended rear garages; however, he would like to have some of them with side entrances because of the design of the lots.

Those signed up to speak in opposition were:

Mr. Bob Burke came forward and gave his address as 120 King Richard Drive. He stated concerns that this subdivision does not show anything special to ask for double density and also

concern that he has been told that there is a confederate breast work on this property that is overgrown. He said that the County needs to find out the historical value of it if it exists.

Mr. William Vickery came forward and gave his address as 1409 N. Lee Street. He said that this was a Civil War camp with a hospital situated on it and there was a nameless headstone that was dated 1863 died in 1863 that is no longer there. Mr. Vickery presented a legal petition to the Board, residents of Camp Stephens, asking that this special exception be denied because of a possible Civil War cemetery being located on the property. Mr. Vickery also addressed traffic concerns in this area with only one entrance in and out to the proposed subdivision.

Ms. Doris Gossett came forward and gave her address as 1405 Lee Street and stated she was speaking on behalf of Julius Dunn and her Mother, Marjorie Fowler. This property is located at the corner of Stephens Street where the development is taking place. She said that Mr. Jackson was comparing his houses to mill houses that were built in 1982 that have been renovated and are pretty nice homes. She said that her Mother has two different lung diseases and also heart problems and cannot be exposed to the dust and pollution from the construction of the new entrance next to her home.

Mr. David W. Goodman came forward and gave his address 1362 N. 9<sup>th</sup> Street, across from Camp Stephens Subdivision. He said he lives right across from this proposed subdivision and he is concerned about the traffic with one entrance in and out. He asked the Board to deny these applications.

Mr. Elton Rosser of Roosevelt Road came forward and spoke. He said that they own the railroad that goes through the middle of this property and they have concerns for the scenic issues of their railroad. He said that the back of the homes will be 47 ft. from the railroad track and feels this would be unsafe. He asked for a scenic buffer and some type of fence for safety reasons.

Commissioner McDaniel asked Mr. Taylor if he feels that this plan before them tonight adequately incorporates the greenspace in common areas. Mr. Taylor answered that the greenspace in common areas that you see on the plan are not the requirement in the Urban Proximity area as those greenspaces are actually a requirement of the zoning and the only requirement of zoning in greenspace is that they cannot be any further away than 500 ft. from any property and the plan does meet that requirement. The 25% greenspace that we now have for other themes is not required for the Urban Proximity theme.

Commissioner Morrow said that the Task Force recognized that there are these kinds of property (urban proximity designs) all around the City. They are basically an extension of the City and not sitting out there in the rural part.

Commissioner Kendall wanted to know what was special about this application. Mr. Taylor said that the plans have been reviewed by Staff and they make a finding. The provision of the street trees, traffic common devices in the intersections, the architecture of the homes and the provision of sidewalks all played a part into making this decision.

*Motion made by Commissioner Davis to approve **Application #04-04S** with the conditions recommended by Staff as stated above for purpose of discussion. Commissioner Morrow seconded the motion.*

Commissioner McDaniel asked Mr. Taylor what was the pulse behind the Board of Appeals denying this application. Mr. Taylor stated there was concern expressed of the intersection of

Lakeview Drive and McIntosh Road and the site distances involved and also concern regarding the railroad going through the middle of it and the pedestrian crossing. As far as the gravesite on the property, Mr. Taylor stated that he walked the property and did not see any signs of there being a graveyard on this property.

Commissioner McDaniel questioned the house style presented for this theme, Urban Proximity. He said what bothers him about the plans is 1400 SF and each one submitted is two-story, which means 700 SF on the bottom floor on one acre lot.

Mr. Jackson stated that the Planning Department requires you to submit some plans to go with the application but he is sure there will be some ranch style plans as older people do not like two-story homes and we do not want to cut that part of the market out. He said there would be some of both plans. The Board said that they need to be shown what they are planning for construction and that comes at this level of the request before approval.

With no specific plans on design of the houses the Board had to vote on what Mr. Jackson submitted.

*Commissioner Davis called the question on **Application #04-04S** to approve with conditions on motion by Commissioner Davis and second by Commissioner Morrow. The motion to approve failed by a vote of 0-5 with all Commissioners voting in opposition to the motion.*

*Motion made by Commissioner Davis to approve Application #04-04AS with the same conditions. Commissioner Goss seconded the motion. Motion to approve failed by a vote of 0-5 with all Commissioners voting in opposition to the motion.*

*Motion made by Commissioner Davis to approve Application #04-04BS with the same conditions. Commissioner Goss seconded the motion. Motion to approve failed by a vote of 0-5 with all Commissioners voting in opposition to the motion.*

*Motion made by Commissioner Davis to approve Application #04-04CS with the same conditions. Commissioner Goss seconded the motion. Motion to approve failed by a vote of 0-5 with all Commissioners voting in opposition to the motion.*

*Motion made by Commissioner Goss to approve Application #04-04DS with the same conditions. Commissioner Davis seconded the motion. Motion to approve failed by a vote of 0-5 with all Commissioners voting in opposition to the motion.*

Zoning Attorney Galloway stated the Board has failed to approve the applications but have not denied the applications. He wanted to know if there was a motion ready to deny the applications. The Board felt that Mr. Jackson should be given an opportunity to resubmit a proposal with designs. The applications are just sitting out there and can come back on a future zoning agenda.

Chairman Kendall called for a five-minute recess and then called the meeting back to order.

8. **Application #04-14S:** Ricky C. and Cathy A. Conaway, Owners – John G. Pruitt, Agent – 996 Vineyard Road (7.03 acres located in Land Lot 60 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow condominium dwelling, patio dwelling or zero lot line dwelling (County Club Subdivision) in the R-2 District.

Mr. Taylor came forward and gave the Staff Report. He stated that approval of the special exception would allow the developer to submit a preliminary plat for a single family subdivision with minimum 6,000 square foot lot size using the Country Club design theme.

Staff recommends denial of the request. From a criteria of design this meets the requirements but from a criteria of location the future Land Use Map shows this area as agricultural instead of subdivision development.

At their meeting on April 8 the Board of Appeals recommended denial of the application.

Mr. Greg Pruitt, agent, came forward and gave his address as 55 Partridge Path and spoke in favor of his application. Mr. Pruitt apologized to the people in Wills Walk Subdivision as he did not go out there and educate them in what he intended to do which initiated the sign placed out in front of the entrance of Wills Walk. He said that this was denied because of what is on that Land Use Map but stated everything around this seven acres is property that has already been rezoned to push people out. He addressed a buffer that he would plant along the lake side if the residents would allow him to get on some of their land. Mr. Pruitt addressed the amenities inside the house such as hardwood floors in the main areas, ceramic tile in the bathrooms and also chair rail in the living room and dining area, solid wood cabinets with raised panel doors. He said that all the yards would be completely sodded and each house would have a sprinkler system. He said that the lake on the property would be used for back up county water.

Mr. Chad Pruitt came forward and gave his address as 904 West Taylor Street, representing Paradigm Development & Consulting. He addressed the design of the subdivision identified as Serene Lake. He said that all requirements of the UDO had been met. He said there would be constructed an 800 SF clubhouse, commercial grade tot lot, bike racks, improved walking trails. The entrance monument would be in a planted island, sidewalks on both sides, street trees on either side, columns around the top lot fencing and at the entrance. He said this subdivision would be catering to empty nesters and the homes would have extra amenities. He said there would be approximately \$70,000 worth of amenities. This would be a minimum of 1400 SF homes with all brick fronts and hardi-plank sides and rear. Mr. Pruitt said that there are two very dense subdivisions on either side of this property, Wills Walk and Vineyard Ridge. The houses will sell in the \$110,000 to \$120,000 price range.

Mr. Tom Crawford came forward and gave his address as 3607 Lakeridge Court, Gainesville, GA and stated he was part of the Conaway family. He said that he has encouraged the Conaway's to do something with their property for years as all the zoning around their property had been changed and now they are trapped on this property that they have lived on for eighteen years sandwiched between two large subdivisions. He said that these cluster homes submitted would only provide value to the area and would not distract from the neighborhood. He asked the Board to approve this subdivision concept.

Mr. Ricky Conaway, owner, came forward and gave his address as 996 Vineyard Road. He said that he has lived on this property for eighteen years. He said that he did not oppose the proposal for Wills Walk as he thought it was a good thing. He said that when Vineyard Ridge proposal came in, he again said nothing and now his piece of property is completely surrounded. He intended to build a home on his property but he is now land locked and can't because he would never get the value of the home, much less the land. He has been trying to sell his land for a year. He just asked the Board for fairness.

Chairman Kendall stated that there were 22 people signed up to speak against this application and asked if there was a spokesperson to speak in the essence of time.

Ms. Stacy Newstead came forward and gave her address as 110 Sammy Circle, Wills Walk Subdivision. She presented a petition to the Board with signatures of people against this proposal. She said that she understood Mr. Conaway's despair but he had a chance to sell this property to Mr. Jackson with Ashland Properties but he turned it down. She said that after you take into consideration the pond, the roads, the clubhouse, etc., you are not going to have seven acres to build the twenty-three homes on, more like five acres. Mr. Pruitt stated in order to do the buffer and berm he needs a piece of hers, Mr. Hineman's property and two others and if they allow him to do this, their property becomes his property. Ms. Newstead stated that the developers cannot guarantee they would sell to empty nesters and if there were parents with two children that would mean ninety-two people. She addressed the density of homes, additional traffic and safety concerns.

Mr. Shannon Brady gave his address as 105 Kayla Court. He said that the lake was 1.5 acres and if you take it away it leaves 5.5 acres to build these twenty-three houses minus the clubhouse and parking lot, which would mean eight units per acre. He addressed safety concerns with cluster homes. Mr. Brady stated that he has a 2600 SF home on one-half acre as most of the homes in Wills Walk are built that way.

Mr. Mark Sellers gave his address as 126 Kayla Court and stated he would like to submit a letter from him and his wife regarding this special exception application. The letter was placed in the zoning file.

Mr. James Crawford asked to speak also. He came forward and gave his address as 1191 Vineyard Road. He said that he felt for Mr. Conaway because he has been over run by progress. He addressed density concerns, school overcrowding concerns, sewer concerns, traffic concerns with speeding and road being used by a bypass and Vineyard Road being a dangerous stretch of road.

Mr. Chad Pruitt asked to readdress the concerns mentioned. He said as far as sewer capacity concerns, they have a letter from the City of Griffin stating there is capacity for twenty-five lots. He addressed the sign that was put up at the entrance of Wills Walk and fire safety concerns.

*Motion made by Commissioner Morrow to deny **Application #04-14S**. Commissioner Davis seconded the motion and motion failed by a vote of 2-3 with Commissioners McDaniel, Goss and Kendall voting in opposition. Commissioner McDaniel stated that his vote against the motion to deny affords Mr. Pruitt the opportunity to go back and redesign. He would like to see them get something more acceptable. Commissioner Kendall and Commissioner Goss reiterated Commissioner McDaniel's comments.*

The Board felt like the design and amenities for this subdivision plan did make the application special but had a problem with the density of 23 homes on less than 7 acres on this piece of property.

*Motion made by Commissioner Kendall to table **Application #04-14S**. Commissioner Goss seconded the motion and motion to table was approved by a vote of 3-2 with Commissioners Morrow and Davis voting in opposition.*

*Chairman Kendall called for a five minute recess and then called the meeting back into order.*

9. **Application #04-13S:** M.R.D. Realty, Inc., Owner – John G. Pruitt, Agent – Tract 84 West McIntosh Road (25.53 acres located in Land Lot 62 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow condominium dwelling, patio dwelling or zero lot line dwelling (County Club Subdivision) in the R-1 District.

Mr. Taylor came forward and gave the Staff Report. He stated approval of the special exception would allow the developer to submit a preliminary plat for a single family subdivision with minimum 6,000 square foot lot size using the Country Club design theme.

Staff recommends denial of the request. Mr. Taylor stated that there is a criterion which staff bases their recommendation on and those are location and design. The location criteria is not met on this proposal because the trend in this area is less density with one house per acre; however, the design criteria is met for the Country Club Subdivision. There is 25.53 acres with 58 units proposed.

At their meeting on April 8 the Board of Appeals recommended Approval.

Mr. Chad Pruitt came forward and addressed this application also. Mr. Pruitt went over the layout and the amenities for the project identified as Lexington Place. He addressed the common space design, a Rec Facility with club house, commercial grade tot lot, walking trails, bike racks, benches, a custom pool 20 x 40 and a tennis court. He said there would be a 300 ft. long entrance boulevard, heavily landscaped with an entrance monument with five columns on either side with three berms on each side of the entrance. There will be a raised pedestrian walk as you approach the entrance. All proposed streets will be curb and gutter and will be enhanced with calming devices such as speed tables as well as green islands in all cul-de-sacs within the subdivision. Mr. Pruitt stated that each entire lot would be sodded. He addressed architectural design of the houses. The minimum square footage is 1750 with homes having all brick fronts and hardi-plank sides and rear. The houses will sell for approximately \$170,000 to \$190,000. No concrete block will be exposed on the concrete foundation. All front porches will be underpinned and finished with the character of the house. He said there are no subdivisions like this design in Spalding County. Mr. Pruitt addressed the density. He said the current Land Use Plan for medium density is 1 to 4 units per acre and they are proposing 2.27 units per acre for this subdivision. Mr. Pruitt stated there is sewer capacity and they have a letter from the City of Griffin stating this fact.

Mr. Ricky Shepherd came forward and gave his address as 155 McKinley Drive. Mr. Shepherd stated he was for growth in Spalding County and this proposal is a quality subdivision. Density is inevitable. He said that this proposed subdivision with smaller lots is the trend and the trend is smaller.

Those signed up to speak in opposition were as follows:

Ms. Julie Southern came forward and gave her address as 2375 West McIntosh Road. She stated she was against the density and addressed safety concerns. She asked the Board to deny this subdivision proposal.

Mr. James Green came forward and gave his address as 2437 West McIntosh Road. He also addressed the density issue.

Ms. Denise Coker came forward and gave her address as 2400 West McIntosh Road. She addressed safety concerns at the entrance as there is poor visibility for cars to enter and exit safely

and also addressed density concerns. She asked the Board to deny the special exception as well as any future requests and uphold the R-1 zoning that was previously passed to help us to grow our community in a way that would be beneficial to the ones currently living in this area.

Mr. Lee Southern came forward and gave his address as 2375 West McIntosh Road. He addressed safety and presented a two minute video that was taken at the site of the proposed entrance way. He also handed out information from the Georgia Department of Transportation and paperwork from the National Safety Council on stopping distances. Mr. Southern stated even though this is a “No Thru Truck” zone, there is a lot of truck traffic on West McIntosh Road. He also addressed the density issue and fire safety concerns with no fire facility for protection provided in this area.

Ms. Valarie Hewitt Green came forward and gave her address as 2437 West McIntosh Road. She stated that her residence was 2600 SF. She said that she has been living on her property for thirteen years. She said the proposed development has already generated a hostile atmosphere in this neighborhood. She was against the density proposed in this subdivision.

Mr. Bob Burke came forward and gave his address as 120 King Richard Drive. Mr. Burke stated that this is a great subdivision but in the wrong place. He said in the new Land Use Plan there are areas of village nodes for these types of subdivisions. This subdivision is not compatible with the neighborhood as the density is too high.

Ms. Sue Fowler came forward and gave her address as 2435 Fayetteville Road. She said that this area is rural and this represents an urban setting and addressed the density issues. She said this type of subdivision does not belong in this area.

*Motion made by Commissioner McDaniel to approve **Application #04-13S**. Commissioner Kendall seconded the motion for discussion. There was a discussion of sewer availability versus density compatibility with what in this area, which is one acre lots. Commissioner Kendall stated he voted for the Westmoreland Road proposal with one acre density and he is going to be consistent and since this particular proposal is not for one acre density he was going to withdraw his second to the motion. There was no second to the motion; therefore motion died for lack of a second.*

*Motion made by Commissioner Morrow to deny **Application #04-13S**. Commissioner Davis seconded the motion and motion to deny failed by a vote of 2-3 with Commissioners Kendall, Goss and McDaniel voting in opposition. No action was taken.*

*Chairman Kendall called for a five minute recess and called the meeting back into order.*

11. **Application #04-04Z:** Michael and Debra Steele, Owners – Next Generation Properties, L.L.C., Agent – 1819 North Walkers Mill Road (44.59 acres located in Land Lot(s) 82, 83 and 111 of the 2<sup>nd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, and R-2, Single Family Residential to R-2, Single Family Residential. (30 minutes)
12. **Application #04-16S:** Michael and Debra Steele, Owner – Next Generation Properties, LLC, Agent – 1819 North Walkers Mill Road (44.59 acres located in Land Lot(s) 82, 83 & 111 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow 1-acre lots (County Club Subdivision) in the R-2 District.

Chairman Kendall asked for a motion to consolidate the above two applications for a public hearing and vote on separately. *Motion made by Commissioner Morrow, seconded by Commissioner Davis and unanimously approved to consolidate the above applications.*

Mr. Taylor gave the Staff Report. He stated approval of the rezoning and special exception requests would allow the applicant to submit a preliminary plat for a minimum 1 acre lot subdivision utilizing the Country Club theme.

Staff recommends that the property be zoned R-1 with the following conditions which are consistent with the conditions placed on Phase I of Parliament Place:

1. Houses shall be a minimum of 2000 heated square feet.
2. Architectural lighting poles.
3. Sidewalk Community.
4. Must have 1 to 3 sides brick or stucco homes (min. 1 side masonry)
5. Side entry garages.

At their meeting on March 30 the Planning Commission recommended approval of the rezoning with the staff recommended conditions 1, 2, 3 and 4. However, the Planning Commission is not recommending requiring side entry garages.

Staff also recommends conditional approval of the Special Exception request with the following conditions:

1. There shall be no clear-cutting of timber on the property.
2. Minimal disturbance of the site shall occur during development to ensure tree protection.
3. The Streetscape design shall meet the Spalding County utility placement standards.

At their meeting on April 8, the Board of Appeals recommended approval of the special exception request with the conditions proposed by staff.

Mr. Steve Langford, Next Generation Properties, 6958 Main Street, Lithonia, GA came forward and spoke in behalf of their applications. They were requesting a zoning change to R-1 with the special exception for one acre lots with twenty-eight (28) lots proposed. Mr. Langford said this request is for Parliament Place – Phase II. The project is based on a minimum of 2,000 SF homes on one-acre lots to be consistent with Phase I. There will be a creek with a minimum 100 ft. buffer in addition to the required greenspace. There will be 11.5 acres of dedicated and open greenspace. There would also be additional greenspace on each lot. The greenspace will not be disturbed other than construction. The subdivision will have underground utilities, signature intelligent home technology, staggered lot lines for each lot, landscape entrances and natural center islands. Mr. Langford said this project is consistent with the Land Use Plan and has significant amenities, such as architectural streetlights, sodded lawns, tennis courts, walking/hiking/biking trails, gazebo, picnic tables, park benches, playground areas, club house in existing building on land. Home amenities will include homes will be of brick, rock or stucco on one to three sides with the balance in hardi-plank. Elevations will be ranch and two-story. There will be front and side entrance garages, no exposed foundations and the foundation areas will be landscaped.

Mr. Langford addressed the community concerns that have come forth in the development of this property, which is additional traffic, burden on schools, septic tank contamination, noise and “cookie cutter” homes. In respect to traffic, DOT plans to widen Highway 155 possibly with

construction beginning in 2005 with entrance to subdivision being very visible. In respect to burden on schools, leaving it in the hands of the school system to address growth issues. In respect to septic tank contamination they are in compliance with the Spalding County Environmental Health Services as well as the State of Georgia EPD and will provide home owner education on septic tanks. In respect to noise, they will be using a design of materials within the development to minimize the noise. The development will not be “cookie cutter”.

Mr. Langford also addressed concerns of credentials, greenspace, development delays and clear cutting of the property. In respect to greenspace there was only required 10% in Phase I and the fence around the lake is under construction. In respect to development delays, they have followed Spalding County development guidelines. The construction plans have just now been approved. In respect to clear cutting issues, the way the property looks is consistent with the phase that the development is in.

Mr. Jzon Cureton, Next Generation Properties, addressed the creek area. There were some concerns about the creek area being too wide and they are having to do a cut and fill down there. They are cutting down about ten feet and raise the creek area another twelve feet. The same thing is true about the entrance. There was concern about the location of the entrance and this is only a temporary entrance. The main entrance is in the construction plans and has been to State DOT for their approval. He addressed erosion control and stated what they are doing is highly recommended and used in other states. He said as a result of their erosion control, there is no sediment in the creek.

Ms. Debra Steele, owner, came forward and gave her address as 1819 N. Walkers Mill Road and spoke in support of her project. She presented photographs to the Commissioners of her property and the surrounding property adjacent to hers. Her house would be made into the club house that Next Generation is proposing. The photographs showed the topography of the land.

Those signed up to speak in opposition were as follows:

Ms. Kelly Hurd and husband, Stanley came forward and gave their address as 1817 N. Walkers Mill Road. She said that they have 3,260 ft. that will touch this property and they will be seeing the backs of these homes. She said they purchased twenty-eight acres and was told by the County that their acreage and the Steele’s forty-four acres would only allow one house to be built because we only have 125 ft. of road frontage. She said that they have horses on their property and do not feel this subdivision would be compatible with what is in this area. She said they their home was over 2600 SF. Mr. Hurd said that the proposed land is not flat and they will have to do a lot of grading next to his property line. He said that he will be able to see the backs of all the houses in this subdivision. He said they live on a farm and fixing to be on the back of a subdivision. They addressed the widening project of Highway 155 stating it was not in the DOT plan for 2005. Mr. Hurd also addressed the grading on Phase I. He said that wood chips are mixed with the dirt over the whole project. Mr. & Mrs. Hurd asked the Board to deny the subdivision.

Mr. John Dugdale came forward and gave his address as 1985 N. Walkers Mill Road. Mr. Dugdale addressed additional traffic, accidents and safety concerns with poor visibility at the proposed entrance to the subdivision. He said that this is rural atmosphere with large acreage with anti-bellum style homes, different farmlands with acreage. He read a petition that was signed by 375 individuals living in this area that are not in favor of the subdivision and presented it to each member of the Board. He also addressed school capacity at the schools throughout the County and stated it was not economical for the County.

Mr. David Uphole came forward and gave his address as 2194 N. Walkers Mill Road. Mr. Uphole submitted a letter to the Commissioners that was placed in the zoning file. He addressed density, adequate infrastructure and the possibility of impact fees being in place to help support the infrastructure. He said that they would be negatively impacted by putting a subdivision in their neighborhood as this is a rural community. He said that this plan and the zoning it details is meaningless if it is routinely changed simply by request and asked for denial of these applications.

Mr. Chris Manley came forward and gave his address as 2150 N. McDonough Road. Mr. Manley spoke for himself and his grandmother who lives at 2140 N. McDonough Road. He addressed concerns of rural atmosphere in this area of the County, density, clear cutting of the property and asked the Board to restrict Phase I as he doesn't like what he sees.

Ms. Jean Fowler came forward and gave her address as 1985-A N. Walkers Mil Road. Ms. Fowler stated at the meeting on Phase I, the developers told the residents that they would not cut down all the trees and would leave greenspace. Now they have cut down all the trees.

*Motion made by Commissioner Goss to deny **Application #04-04Z**. Commissioner Morrow seconded the motion for discussion.*

Commissioner McDaniel stated that he had to admit that he was excited about this subdivision at first but was disappointed with all the grading and clear cutting going on. He said that part of this land is already zoned R-2 and part is zoned AR-1 and this motion to deny leaves the R-2 zoning as is and leaves rights to develop at two (2) acres. Zoning Attorney Galloway stated that this was correct as the part that is R-2 they would still have the right to come in and apply for a special exception and subdivide the property as the design proposed does not work on the property that is already zoned R-2 or they can develop the property at 1750 SF minimum on two acres with no amenities.

Commissioner Morrow stated that the Board could rezone the R-2 property to R-1 and not rezone the AR-1 property.

*Commissioner Morrow withdrew his second to the motion to deny. No one seconded the motion and motion failed for lack of a second.*

*Motion made by Commissioner Morrow to rezone the R-2 portion west of land lot line between 111 & 110 to R-1. Commissioner Davis seconded the motion. Commissioner Morrow withdrew his motion as well as Commissioner Davis his second.*

After discussion of splitting up the zoning, Commissioner Kendall suggested that the Board rezone the property and place conditions on the rezoning.

Mr. Galloway stated that if you deny the rezoning application, then the special exception for one acre lots is mooted by virtue of the zoning decision.

*Motion made by Commissioner Goss to deny **Application #04-04Z**. Commissioner Morrow seconded the motion and motion passed by a vote of 4-1 with Commissioner Kendall voting in opposition.*

Chairman Kendall stated with the motion passing to deny means that the R-2 zoning and the AR-1 zoning is still in effect and the developers have the opportunity to develop property under the

R-2 standards like any other property in R-2 zoning in Spalding County. The developers will have to submit preliminary plans to staff.

Chairman Kendall stated that **Application #04-16S** is mooted by virtue of the vote on the rezoning application.

- 13. Application #04-05Z:** Wilma A. Hollberg, Owner – Next Generation Properties, L.L.C., Agent – Georgia State Route 155 (North McDonough Road – 142.98 acres, more or less, located in Land Lot(s) 81 and 251 of the 2<sup>nd</sup> and 3<sup>rd</sup> Land Districts) – requesting a rezoning from AR-1, Agricultural and Residential to R-4, Single Family Residential. (30 minutes)
- 14. Application #04-17S:** Wilma A. Hollberg, Owner – Next Generation Properties, LLC, Agent – Georgia State Route 155 (North McDonough Road – 142.98 acres, more or less, located in Land Lot(s) 81 and 251 of the 2<sup>nd</sup> and 3<sup>rd</sup> Land Districts) – requesting a Special Exception to allow 1-acre lots (Country Club Subdivision) in the R-4 District.

*Chairman Kendall asked for a motion to consolidate the above applications for a public hearing and vote separately. Motion made by Commissioner Morrow, seconded by Commissioner McDaniel and approved by a vote of 4-0 (Goss out of room) to consolidate applications.*

Mr. Taylor gave the Staff report. He stated approval of the rezoning and special exception requests would allow the applicant to submit a preliminary plat for a minimum 1 acre lot subdivision utilizing the Country Club theme.

Staff recommends denial of the rezoning as well as the special exception request.

At their meeting on March 30<sup>th</sup> the Planning Commission recommended approval of the rezoning request with the condition on the proposed blend of houses at 60% - 2,000 square feet, 20%-1,750 square feet and 20% at 1,500 square feet and that the specific lot numbers on the final plat will identify the blend.

At their meeting on April 8 the Board of Appeals recommended approval of the special exception with the following conditions:

1. The homes being 60% - 2,000 square feet, 20%-1,750 square feet and 20% at 1,500 square feet.
2. A densely planted buffer against Highway 155
3. Minimal disturbance of land.
4. No clear-cutting of timber on the property.
5. Streetscape design including street trees to be included in the plan and the streetscape design to meet the utility placement standards of the County.

Mr. Steve Langford, Next Generation Properties, 6958 Main Street, Lithonia, GA spoke in behalf on their applications for rezoning to R-4 and special exception for one-acre lots. Mr. Langford stated that this request is to allow for a three tier development, 60% of the homes to be 2,000 SF, 20% of the homes to be at 1750 SF and the remaining 20% of the homes to be 1500 SF. They are also asking the land to be subdivided into one acre lots. They are proposing to have 95 minimum one acre lots. The development will have two creeks with minimum 100 ft. buffers with 37.5 acres dedicated to open greenspace. Each lot composed of 50 to 100 ft. of additional greenspace.

The same amenities as the previous proposed development will be offered. The design on this development will allow for two additional entrances and exits besides the one off Highway 155, one at Jackson Road and the other at East McIntosh Road off of Highway 155. Mr. Langford stated that one of the reasons for moving forward with this development is that they felt it would bring quality development to Spalding County. He said with the property adjacent to the trailer park, they felt the three tier development with the 1500 SF homes built next to the trailer park, people would not have any apprehension of moving into this area who could afford to live there and for those who would perhaps like to step up to a larger home, would have the opportunity to do so without having to leave the community.

Douglas S. Hollberg came forward and gave his address as 812 Maple Drive. Mr. Hollberg commented that this particular development is an exceptional investment and will fit into the topo of this land. This piece of land was bought in 1998 and is adjacent to our mobile home park with potentially expanding the mobile home park and possibly putting new storage buildings in and additional land for a golf course. With zoning changing so quickly in the County, the family felt like it was time to sell the property. He said that Staff recommended denial because it is not consistent with the Land Use Plan; however, thousand of lots have been approved in this area of one acre lots on the northeast side of Spalding County giving examples of Spring Lake, Heron Bay, Longview Estates, Sunshine Ridge, Parliament Place and the village proposed on Teamon Road. He addressed the issue of additional traffic on a two-lane road and stated that DOT was going to put in passing lines on Highway 155 and widen the bridge in Year 2005. He addressed the other property owners surrounding their property. The land south of the property belongs to his uncles, Jerry and Sinclair Hollberg. He had a letter from Jerry Hollberg stating that he was in full support of this development. No other surrounding property owners objected to this development besides his Uncle Sinclair and his wife. He addressed water quality and water system in the mobile home park they own. They do daily tests on their water system and have seventy-five septic tanks that surround the well system. He addressed stormwater runoff and stated the water runs to the north into the Troublesome Creek basin. He addressed security and stated there will be video surveillance in the area for security. He addressed historic preservation and the development at various historic locations in the community. He addressed schools and stated that this was the responsibility of the school board to plan for the future.

Those signed up to speak in opposition were as follows:

Mrs. Leslie Hollberg asked the Board, on behalf of her husband, Sinclair Hollberg, to table this project because of the late hour and due to her husband's lack of hearing with no hearing device made available for the meeting tonight to protect their constitutional rights. They felt that because of the late hour numerous of the people in opposition had to leave or did not come at all because this was the last item on the agenda and had stayed late for the previous two meetings concerning these applications. Commissioner Kendall read the list of people who signed up in opposition and the majority of the people were still present to speak.

Chairman Kendall asked the Board what was their pleasure at this request to recess. Mr. Kendall commented that there seems to be a number of people still present opposed to this. He said that he knows a lot of people are not happy with this and the Board knows what they were going to say and He knows they support you, Mr. Sinclair. Mr. Kendall said to table this tonight and get everyone back down here again, he doesn't see where it would add any substance to what he thinks about the project.

The consensus of the Board was to go ahead with the public hearings as they need to go ahead and make a decision on these applications.

Sinclair Hollberg commented that there were four adjacent landowners, Marshall Poston, David Middleton, he and Leslie who would like to speak in opposition to the proposal.

Mr. John Dugdale came forward and gave his address as 1985 N. Walkers Mill Road. He said this is AR-1 property with a rural atmosphere and has the same flavor with the anti-bellum homes and not a place for the development proposed. He presented to the Board petitions with 350 signatures of people who live in the surrounding area. He said he was not happy with the Parliament Place Phase I that is being constructed now by the developers and now we are having to live with that decision. He address school overcrowding.

Mr. Sinclair Hollberg came forward and gave his address as 3335 Jackson Road. Mr. Hollberg said that the property is rough terrain and brings itself to the present zoning and the type of property that the owners can realize an economic value. He addressed additional infrastructure and the schools that would leave a burden on the taxpayers of Spalding County with this type of development. He said by denying this application you would not be denying the owners of this property a reasonable economic value as there are other means of developing this property. Mr. Hollberg stated that the AR-1 zoning could be very compatible with a housing concept without completely destroying the integrity of this property. He said high density with rough terrain could be very devastating to the wildlife area.

Mr. Marshall Poston came forward and gave his address as 2129 N. McDonough Road. He said that they had purchased eighteen acres and built a 4400 SF home on this property because of the zoning being rural. The northeast corner of his property borders this property. He asked the Board to keep this property rural.

Ms. Leslie Hollberg came forward and gave her address as 3335 Jackson Road. She commented that none of the property owners were contacted by the developer or the landowner regarding the plans for the rezoning of the development or regarding putting in subdivisions. She addressed traffic concerns, density the soil, the wetlands, the water quality, the wildlife, trespassing on property, property value and the one entrance to the subdivision. A letter was read from their son, Benjamin S. Hollberg, Jr., who will become heir to their property stating his reasons in opposition to the proposal.

Mr. Hollberg requested if the Board finds themselves unable to retain the AR-1 zoning and deny this application, he would like to read into the record the following conditions they would like to add: (1) maximum number of lots to be 45; (2) no exposed foundations; (3) sodded yards; (4) underground utilities; (5) underpinned front and side porches; (6) screening on lots; (7) landscaped detention facility; (8) landscape architect design entrance; (9) streetlights and sidewalks; (10) restrictive covenants and homeowner association; (11) prorated taxes on open space; (12) protection of wetland and state waterways; (13) animal restraint district; (14) no Section 8; (15) a security fence for adjacent landowners and (16) 2500-3500 SF homes.

Ms. Nancy Cook came forward and gave her address as 3951 Jackson Road. She said that she is not directly affected by either one of these proposals but asked the Commissioners to try to develop this property in a way that is more productive to the community.

*Motion made by Commissioner Davis to approve **Application #04-05Z** with the following conditions (1) no exposed foundations; (2) sodded yards; (3) underground utilities; (4) underpinned front and side porches; (5) streetlights and sidewalks; (6) restrictive covenants and*

*homeowners association; (7) animal restraint district; (8) homes being 20% 1500 SF, 20% 1750 SF and 60% 2,000 SF. Commissioner Morrow seconded the motion for discussion.*

Commissioner Kendall stated that he had more concerns with this proposal than the previous one because of the lay of the land and only one entrance and exit to the subdivision. Commissioner Kendall stated he did not have a problem with rezoning this property to some residential classification but had some problems with the special exception application.

Doug Hollberg requested if you are going to deny the special exception for one acre lots, he had no problem taking the entire property to R-2, 1750 SF and delete the 1500 and 2,000 square footage.

*Commissioner Davis withdrew his previous motion to approve with conditions to allow Commissioner Morrow to make a proper motion. Motion made by Commissioner Morrow to approve **Application #04-05Z** zoned to R-2 instead of R-4 with conditions as follows: (1) no exposed foundations; (2) underground utilities; (3) require underpinned front and side porches and (4) become an animal restrict district. 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.***

*Motion made by Commissioner Goss to deny **Application #04-17S**. Commissioner Morrow seconded the motion and motion failed by a vote of 1-4 with Commissioners Davis, Morrow, McDaniel and Kendall voting in opposition.*

*Motion made by Commissioner Morrow to approve **Application #04-17S** with additional conditions that we have 60%-2,000 SF, streetlights and sidewalks, restrictive covenants and homeowners association. Commissioner Davis seconded the motion and motion failed by a vote of 1-4 with Commissioners Morrow, Goss, McDaniel and Kendall voting in opposition. Special Exception not approved nor denied with no action taken to allow the developers to pursue further.*

Commissioner Davis left the meeting at this time.

- 15. Amendment to UDO #A-04-02:** Appendix A. Subdivision Ordinance – Section 505:B(6) – amend to only require detention pond fencing for ponds deeper than 5 feet.

Commissioner Morrow stated that this only amends the residential ones and he plans to come back and amend the commercial and industrial ones also.

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

*Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel **Amendment to UDO #A-04-02** was approved by a vote of 4-0. **The Resolution will be incorporated into the minutes on second and final reading.***

- 16. Amendment to UDO #A-04-04:** Appendix G. Standard for Off-Street Parking and Service Facilities – Section 105:D – delete minimum setback requirement for any driveway from curb cut requirements.

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

*Upon motion by Commissioner McDaniel, seconded by Commissioner Goss Amendment to UDO #A-04-04 was approved by a vote of 4-0. The Resolution will be incorporated into the minutes on second and final reading.*

- 17. Amendment to UDO #A-04-05:** Quarterly adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

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

*Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel, Amendment to UDO #A-04-05 was approved by a vote of 4-0. The Resolution will be incorporated into the minutes on second and final reading.*

- 18. Amendment to UDO #A-04-06:** Appendix J. Commercial/Industrial Development Ordinance – Article 3 & 4 – establish minimum threshold for site plan review and change fee structure.

There was no one signed up to speak for or against this application.

*Upon motion by Commissioner McDaniel, seconded by Commissioner Kendall Amendment to UDO #A-04-06 was approved by a vote of 4-0. The Resolution will be incorporated into the minutes on second and final reading.*

- 19. Amendment to UDO #A-04-07:** Article 4. General Procedures – Section 408:A(2) – amend “Building Permit Required” information.

There was no one signed up to speak for or against this Amendment to UDO. Chuck Taylor stated that this amendment will exempt the first \$1,000.

*Upon motion by Commissioner Morrow, seconded by Commissioner Kendall Amendment to UDO #A-04-07 was approved by a vote of 4-0. The Resolution will be incorporated into the minutes on second and final reading.*

- 20. Amendment to UDO #A-04-09:** Appendix A. Subdivision Ordinance – Section 502:E’ – amend Acceleration/Deceleration Lane requirements.

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

*Upon motion by Commissioner Morrow, seconded Commissioner Goss Amendment to UDO #A-04-09 was tabled by a vote of 4-0 for further review and modification.*

- 21. Amendment to UDO #A-04-10:** Article 2. Definitions of Terms Used – Section 202:L – Buffer – amend provision to allow septic systems.

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

Community Development Chuck Taylor asked that the following language be added to this amendment. “Developments for which a preliminary plat has been approved prior to the adoption of this amendment that include “Undisturbed Buffers” on the plat will be allowed to locate septic

drain fields in said buffers as long as the minimal disturbance and replacement criteria of this paragraph are met.”

*Upon motion by Commissioner Morrow, with added language, seconded by Commissioner McDaniel Amendment to UDO #A-04-10 was approved by a vote of 4-0. **The Resolution will be incorporated into the minutes on second and final reading.***

**10. Other Business: none**

**11. Adjournment.**

*Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow the meeting was unanimously adjourned on Friday morning at 2:00 A.M.*

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County Clerk

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Chairman

Please send comments to [webmaster@spaldingcounty.com](mailto:webmaster@spaldingcounty.com)  
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