



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, June 24, 2004 beginning at 6:00 o'clock p.m. with Commissioners Michael Kendall, Eddie Goss and Dick Morrow present. Commissioners Cecil Davis and Johnnie McDaniel were absent. Also present were Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane. County Manager Wilson was absent due to death in his immediate family.

**A G E N D A**

**A. Call to order: Chairman Kendall**

Chairman Kendall stated there were several items on the agenda where the applicant has requested that their application be tabled and *Chairman Kendall made a motion to amend the agenda to move items that have been requested to be tabled to the front of the agenda. Commissioner Morrow seconded the motion and the following eight applications were moved to the front of the agenda by a unanimous vote of 3-0.*

**B. Old Business:**

- 1. Application #04-03Z: Lift from the table** – 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. – **Requested to be tabled to 07/22/04 meeting.**

*Upon motion by Commissioner Morrow, seconded by Commissioner Goss Application #04-03Z was lifted from the table by a unanimous vote of 3-0.*

*There was no one present who wished to speak on this application.*

*Upon motion by Commissioner Morrow, seconded by Commissioner Goss Application #04-03Z was tabled to the 07/22/04 meeting by a unanimous vote of 3-0.*

- 2. Application #04-12S: Lift from the table** – 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. – **Requested to be tabled to 07/22/04 meeting.**

*Upon motion by Commissioner Morrow, seconded by Commissioner Kendall Application #04-12S was lifted from the table by a unanimous vote of 3-0.*

*There was no one present who wished to speak on this application.*

*Upon motion by Commissioner Morrow, seconded by Commissioner Goss Application #04-12S was tabled to the 07/22/04 meeting by a unanimous vote of 3-0.*

**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. – **Requested to be tabled to 07/22/04.**

There were citizens who wished to speak on this application.

Douglas S. Hollberg came forward and gave his address as 812 Maple Drive. He stated he was speaking on behalf of his Mother, Wilma A. Hollberg, He said that with the concerns in regards to the developer, Next Generations, in the development across the road that is currently in the process, the developer has

requested to demonstrate their potential ability to the development, by requesting that this application be tabled until the 07/22/04. Also with two of the County Commissioners not present tonight the applicants desire as well to hold off until there is a full Board present.

Mr. John Dugdale came forward and gave his address as 1985 N. Walkers Mill Road. He stated he was opposed to the tabling of this application. He reminded the Board that a petition with 300 to 400 names of people in the area had been given to the Board, who were against this being changed from AR-1 to R-2 and also against the special exception to change from two acre lots to one acre lots. Mr. Dugdale stated they had seen an example of the developer with what is going on across the street and according to the rules enforced and provided through Community Development, they are not in compliance with State and Federal regulations with this development. He said the performance does not justify Next Generations as a good contractor turning over this rural conservation land for a subdivision. He said that the community had thought about challenging the decision of the zoning from AR-1 to R-2 but was told that the Commissioners had ruling authority; however, he does not feel it was in the best interest of the County in this rural area to go to one acre lots and asked that this application not be tabled any longer.

Mr. Sinclair Hollberg came forward and gave his address as 3335 Jackson Road. He presented the Board with a copy of a brief statement, which he read and was placed in the zoning file. He said that he was opposed to the one acre Special Exception and also against the tabling once again of this application. He discussed misrepresentation of facts by applicants and their agents. He encouraged the Board to deny this application.

The consensus of the three Board members present was that this was an important issue and felt that the entire Board should be present to make the decision on this application.

*Motion made by Commissioner Morrow to table **Application #04-17S** until the 07/22/04 meeting and make a decision at that time. Commissioner Kendall seconded the motion and motion was approved by a vote of 2-1 with Commissioner Goss voting in opposition.*

#### **C. New Business:**

- 1. Application #04-22S:** KKP Developments, LLC, Owner – Teamon Road (100.67 acres located in Land Lot(s) 231 and 232 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow 1-acre lots (Estate Life Neighborhood) in the R-2 District. – **Requested to be tabled to 07/22/04 meeting.**

*There was no one present to speak on this application.*

*Upon motion by Commissioner Morrow, seconded by Commissioner Goss **Application #04-22S** was tabled until the 07/22/04 meeting by a unanimous vote of 3-0.*

- 2. Application #04-11Z:** Big Pines Farm, LLLP, Owner – Robert S. Hockett, Agent – Smoak Road (262.25 acres, more or less, located in Land Lot(s) 198, 218, 219 and 220 of the 3<sup>rd</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to PDD, Planned Development District. – **Requested to be tabled to 08/26/04 meeting.**

*There was no one present to speak on this Applications #04-11Z, #04-11AZ, #04-11BZ and #04-11CZ.*

*Upon motion by Commissioner Morrow, seconded by Commissioner Goss **Application #04-11Z** was tabled until 08/26/04 by a unanimous vote of 3-0.*

- 3. Application #04-11AZ:** Robert Hockett, Owner and Agent – Smoak Road (5 acres, more or less, located in Land Lot 230 of the 3<sup>rd</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to PDD, Planned Development District. – **Requested to be tabled to 08/26/04 meeting.**

*Upon motion by Commissioner Morrow, seconded by Commissioner Goss **Application #04-11AZ** was tabled until the 08/26/04 meeting by a unanimous vote of 3-0.*

- 4. Application #04-11BZ:** Elizabeth C. H. Dupree, Owner – Robert S. Hockett, Agent – Smoak Road (1 acres located in Land Lot 219 of the 3<sup>rd</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to PDD, Planning Development District. – **Requested to be tabled to 08/26/04 meeting.**

*Upon motion by Commissioner Morrow, seconded by Commissioner Goss Application #04-11BZ was tabled until the 08/26/04 meeting by a unanimous vote of 3-0.*

5. **Application #04-11CZ:** Robert S. Hockett and Carrie Frances Hockett, Owner – Robert S. Hockett, Agent – Smoak Road (17.09 acres, more or less, located in Land Lot(s) 198 and 219 of the 3<sup>rd</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to PDD, Planned Development District. – **Requested to be tabled to 08/26/04 meeting.**

*Upon motion by Commissioner Morrow, seconded by Commissioner Goss Application #04-11CZ was tabled until the 08/26/04 meeting by a unanimous vote of 3-0.*

**B. Old Business:**

1. **Application #04-14S: Lift from the table** – 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.

*Upon motion by Commissioner Morrow, seconded by Commissioner Goss Application #04-14S was lifted from the table by a unanimous vote of 3-0.*

Those speaking in favor of this application were as follows:

Mr. Greg Pruitt, Agent, came forward and gave his address as 55 Partridge Path. Mr. Pruitt stated that he and his representatives had met with the people in the neighborhood over the past weekend and had negotiated with them on a little different type neighborhood. He said they had reduced the number of lots to twenty and changed the amenity package to focus toward empty nesters. He said they were going to put a small clubhouse and wanted to replace the original playground with shuffleboard courts. Instead of putting Leland cypresses and other greenery to buffer the side adjacent to Wills Walk, the neighborhood has requested them to put up a decorative privacy fence with slatted white vinyl with lattice work at the top to go the length of the property. He discussed the change in the detention of water on the property also. Mr. Pruitt stated that the shuffleboard courts are not part of the special exception criteria and he would like to swap this out with the playground and requested that the Board allow them to make the swap. He said that they were also asking the Board to swap the hardi-plank siding for a thicker gauge vinyl if possible since they were marketing more to empty nesters. The houses would still be brick front and they would still be doing the upgrade to the interior of the houses. He said that they would be doing a sprinkler system at each individual home and would completely sod each lot.

Community Development Director Chuck Taylor addressed the swaps Mr. Pruitt requested. He said that the design of the Country Club Subdivision as part of the architectural design has a brick, stone or stucco or hardi-plank front façade for each dwelling and you have to pick two architectural criteria. You could add porticos, transom windows, detail balusters and pediments, masonry chimneys or quoins at the corner of the house as substitution for the hardi-plank on the sides and back. He said that you would not have to do the hardi-plank on the sides if you incorporate one of the other design criteria. He recommended that if the Board did approve the vinyl, that heavy gauge vinyl be required.

Community Development Director Chuck Taylor stated his recommendation on the trade of playground to shuffleboard courts would be to make this an issue of a variance along with variance that they will need anyway for cul-de-sac length.

Mr. Pruitt stated that he also would like to create an Architectural Committee to be made up of one of the local residents living in the neighborhood, himself and the sitting County Commissioner of this district so the County and the community would have some say-so in what this subdivision looks like.

Ms. Stacy Newstead came forward and gave her address as 110 Sammy Circle and was the spokesperson for the neighborhood. She said that Mr. Pruitt indeed had met with the neighborhood and had negotiated for twenty lots plus the 6 ft. white decorative slatted vinyl privacy fence. She said the residents knew there were issues with Mr. Conaway getting out between two subdivisions and it really came down to a give and take situation. She said that she was not completely satisfied with the twenty lots but the residents have decided this is something they can live with, especially the neighbors adjacent to this property. She said that the neighborhood has no problem with changing the criteria he requested tonight.

Mr. Ricky Conaway came forward and gave his address as 996 Vineyard Road. He again reiterated his situation being surrounded by subdivisions on his property and the only people interested in the property

is builders and has had the property up for sale since June 2003. He said that he appreciated Mr. Pruitt working with the neighbors to try and work out a suitable solution and also appreciated Commissioner Morrow and the residents of Wills Walk working with Mr. Pruitt. Mr. Conaway asked the Board to approve the application.

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

Community Development Director Chuck Taylor stated that for the house sizes to be applicable at the current zoning district, one of the conditions that the Board needs to put in is that the houses be a minimum of 1400 SF.

*Motion made by Commissioner Goss to approve **Application #04-14S** with the following enumerated conditions for purpose of discussion. Commissioner Kendall seconded the motion.*

1. The number of dwelling units to be developed on the property shall not exceed twenty (20);
2. The development shall include a clubhouse, each exterior wall of which shall be constructed entirely of brick;
3. The developer shall apply for and be granted a variance to develop an exterior shuffleboard area, rather than a playground, commercial grade;
4. The exterior front facade of each dwelling unit shall be constructed of brick;
5. No dwelling unit shall be constructed with an exposed foundation;
6. A sprinkler irrigation system shall be constructed on each individual lot and all landscaped common areas within the development;
7. The front yard of each dwelling unit shall be sodded;
8. The design of all dwelling units to be constructed within the development shall be approved by an architectural committee established by the developer which shall consist of one neighborhood resident from Wills Walk subdivision, the member of the Board of Commissioners in whose district the development is located and the developer;
9. The development shall be constructed pursuant to a specific site plan, entitled: Subdivision Rendering for Serene Lake, Revision 3/22/04;
10. The developer shall construct an earthen berm of a height not less than 3 feet for the length of the common boundary line of the development and any adjoining property located within Wills Walk subdivision, except to the extent of the lots within Wills Walk subdivision which adjoin the existing lake on the development tract;
11. The developer shall construct a privacy fence of a height not less than six feet for the entire length of the common boundary line of the development and any adjoining property located within Wills Walk subdivision, such fencing consisting of panels with decorative lattice work affixed on top;
12. The development shall be served by an entrance as depicted on a site plan entitled: Entrance Monument Concept for Serene Lake, Revision 3/01/04;
13. The developer shall create a Homeowners Association for the subdivision;
14. All dwellings shall be constructed with a minimum square footage of heated space not less than 1400 square feet.

Commissioner Goss stated that he was not real comfortable with the density but under the circumstances with Mr. Conaway's predicament being caught between these two subdivisions, he is willing to favor this special exception to get Mr. Conaway out of this predicament and as long as the neighbors on the Wills Walk side is satisfied and agree to it.

Commissioner Morrow also agreed that he was not at all happy with the density but feels that this is as good a compromise as is going to come out of this. He said the important thing is not to set a precedent. He said the County is also faced with a legal reality with this and the cost of this would probably leave the County no choice but to compromise.

Chairman Kendall stated he felt that this should be decided by a full Board as he did not feel comfortable with passing issues with two votes and also had a problem with the density.

*Chairman Kendall called the question to the motion to approve **Application #04-14S** with the fourteen conditions listed above. The application was unanimously approved by a vote of 3-0.*

#### **C. New Business:**

2. **Application #04-27S:** GT Investments, LLC and Southside Developers, Inc., Owners Teamon Road (84.61 acres located in Land Lot 201 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow 1-acre lots (Estate Life Neighborhood) in the R-1 District.

Community Development Director Chuck Taylor came forward and gave the Staff Report. The applicant is requesting approval of a special exception for an 84.61 acres tract that would allow the development of a 56-lot, min 1 acre lot subdivision, using the Estate Life design theme. In the current R-1 Zoning District an estimated 42-lot, minimum 2-acre, subdivision could be developed. During the rezoning process, the Commissioners had Commissioner McDaniel and Commissioner Morrow meet with the applicant to discuss specific design improvements. The attached plan you have before you is the result of the discussions.

Staff recommends conditional approval of the request because the proposed development density is less than the proposed density on the land use map; the subdivision plan meets the special exception design criteria for the Estate life Neighborhood.

- The road on the north side shall be looped or “closed” rather than ending the street with a cul-de-sac.
- Housing elevations of Country estates, dominated by the use of brick or stone shall be submitted.

At their meeting on April 8 the Board of Appeals recommended conditional approval with the conditions as proposed by staff

Those speaking in favor of this application were as follows:

Mark Whitley, GT Investments LLC/Southside Developers, Inc. came forward and gave his address as 7544 Southlake Parkway, Jonesboro, GA. He stated they have been trying to get this property developed for more than a year. At that time the Board approved the rezoning conditioned at R-1, which is 1750 sq. ft. minimum; however, there were concerns about the lots facing on Teamon and also the driveways on Teamon Road and we were asked if we consider coming back with something different with no lots fronting on Teamon Road. On the new site plan, the density would be one house per 1 ½ acre with one acre lots. He said they show the 25% open greenspace on these lots; however, they would be willing to offer up another fifteen acres for tree preservation area inside the lots. Mr. Whitley stated they have decided to do the loop street. He said they had no problem with the condition of the domination of brick or stone. (Community Development Director Chuck Taylor interpreted the definition of “domination of brick or stone” as more than half of the house should be brick or stone.)

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

*Commissioner Morrow made a motion to approve **Application #04-27S** with the following additional conditions from the ones placed on the R-1 zoning. Commissioner Kendall made an exception to his normal rule of a two to one vote and seconded the motion, giving reason as he feels Commissioners Davis and McDaniel would be voting for this if they were in attendance. Motion was approved by a vote of 2-1 with Commissioner Goss voting in opposition as he had concerns with the existing traffic on Teamon Road and also the dangerous curve at the entrance of Smoakfield Road.*

- (1) The housing elevations shall be dominated by brick or stone, which means a minimum of 50%;
- (2) The developer work with staff to incorporate a tree preservation area in addition to greenspace as possible;
- (3) The road to the north shall be looped;
- (4) Housing elevations meeting the following requirement be submitted which is English or American large, country estate homes;
- (5) Shall have curb and gutter.

#### **D. Other Business:**

Chairman Kendall made an announcement that County Manager Wilson’s father-in-law passed away Wednesday and the memorial service would be on Saturday at Higgins Hillcrest Chapel in Newnan, GA. Visitation will be one hour before the service in the chapel. The family is asking in lieu of sending flowers, donations be made to the American Cancer Society, the American Heart Association or Gideon International. Chairman Kendall said that the Board would be making a donation to one of these organizations and Mrs. Doane would handle this for them. Mr. Kendall expressed the Board’s condolences to Jackie and William and their families on their loss.

#### **E. Adjournment.**

Upon motion by Commissioner Kendall, seconded by Commissioner Goss the meeting was unanimously adjourned at 7:17 P.M.

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County Clerk

Chairman

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