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SPALDING COUNTY APPEALS BOARD
Regular Meeting
June 10 2004

The Spalding County Appeals Board held its regular monthly meeting on June 10, 2004 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Greg Pruitt, Chairman, presiding, Jon Baird, Bobby Hart, Allan McCallum, Dennis Richardson, and J. D. Smith. Charles Heggie was not present.

Also present were Charles Taylor, Community Development Director, Lee Craig, Senior Planner, Newton Galloway, Attorney, and Yvonne Langford to record the minutes.

Mr. Pruitt called the meeting to order, introduced the members of the Appeals Board and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

Application #04-22S: KKP Developments, LLC, Owner – Teamon Road (100.67 acres located in Land Lots 231 and 232 of the 3rd Land District) – requesting a Special Exception to allow one-acre lots (Estate Life Neighborhood) in the R-2 District.

Everyone speaking regarding the applications was sworn.

Dick Mullins – 676 Brook Circle

Mr. Mullins said he was representing the applicant. He called attention to the drawings that had been given to everyone regarding the proposed subdivision. The property was purchased by Keith Palmer and Keith Kenny, and they propose to develop the site. The present zoning requires two-acre lots. They are requesting one-acre lots and plan an Estate Life Neighborhood. 25% of the tract is open space with most of that at the rear of the lots. There is a buffer between the lots and the creek. The proposal is for 63 lots, which is a density of one house per 1.59 acres. Two-thirds of the lots abut open space. In researching the area they identified 64 properties that were improved. The developers estimate that in their proposed development for one-acre lots with substantial stone and brick houses the houses will appraise for approximately \$180,000. On the tax appraised values of the 64 improved properties in this area only three appraised higher than the minimum price of the houses in the proposed subdivision. There are practically no houses with a greater value than is proposed for this subdivision. The staff report stated that 20% of the lots in the area are two acres or less. According to his count of the 64 homes 28 of the 64 were less than two acres, which is 45% of the lots. Half of the lots in the proposed subdivision will have road frontage of 145' or more. Less than half the 64 homes have frontages equal to 145'. Frontage is what matters on lot sizes. The total value of the 64 houses is \$7,263,000 and the total value of the proposed homes, when completed, will be \$11,340,000. These proposed homes will pay \$146,000 more in taxes than the 64 homes. Minerva Properties has indicated they will put between 400 to 500

houses on the 200 acres they own right across from this property. They can put as many as four houses per acre with the zoning that has been approved. It does not make sense to tell these people that they cannot put one house per acre on their property. If they use the present zoning, they will build less expensive houses but if they are approved for the new zoning the houses will be higher quality. They have complied with the watershed requirements. They will be able to put 43 houses with the present zoning versus the 63 with the new zoning. A soil study has been done which affected the placement of some of the houses.

STAFF REPORT

Mr. Taylor said the staff report is for denial because the development does not meet the current adopted land use map prescribed density. The property is shown as agricultural, which is one unit for every three acres. The zoning on this property is one unit per two acres. Open spaces shown on the design are more buffers than useable space. In the Estate Life Neighborhood the green space is supposed to be used to create a rural atmosphere. It should be readily visible as you drive throughout the subdivision. The creeks on the property create environmental problems. The potential for pollution is increased as you increase the density. The house designs submitted are not dominated with Brick or stone as required. 20% of the lots in the general area are less than 2 acres. In making this determination a ½ mile circle is drawn with the GIS program. The lots are counted within that circle. The green space is not in keeping with the intent of the Estate Life Neighborhood. The higher density approved for the Spring Lake Subdivision was done after the county amended its land use map to support the higher density for that area.

Mr. Galloway said Minerva, from a planning and zoning perspective, has to be treated as a self-contained planned development with unique character within that development also with a density that has a sewer system unique to that facility. To compare Minerva and the subdivision around it for density purposes is comparing apples and oranges. We are going to hear Minerva on every subdivision that crops up just as has been done in this case to justify the density on other property that happens to be in the neighborhood. Every special exception is using Minerva. The bottom line is that these developments are more traditional subdivisions. They are not huge planned developments; they are not self-contained pods with huge amounts of green space and private sewer systems. Minerva is not legal precedent for development of standard subdivisions around Spring Lake. All the staff reports are going to treat Minerva that way.

Barbara Adcock – 2640 Teamon Road

Ms. Adcock said she lives on the corner of Teamon and Smoak Road. She has lived there 26 years. She lives on the dangerous curve on Teamon Road. They have a hard time crossing the street to get their mail. There are many wrecks there. The traffic flow from 63 houses, 525 houses and 2200 houses is going to make it outrageous there. The crime is going to increase. The kids are going to increase. She is against this.

W. S. Jones – 233 Smoak Road

Mr. Jones said he agrees with Ms. Adcock. Driving 155 trying to get home is like getting stuck on 155 in Henry County at the four way stop. Getting past Teamon Road is a nightmare at any given time. They are afraid to allow more homes in this area. They prefer this to stay two acres per house.

Kerry Sampler – 785 Smoak Road

Mr. Sampler said he lives on the dirt part of Smoak Road at Troublesome Creek. He is not for this because of the traffic. The dirt road is about to kill them. It used to be one or two cars every hour but it is like the racetrack now. The more subdivisions the worse it is going to get.

Angela Tyler – 990 Smoak Road

Ms. Tyler said she has only lived there two years. They purchased here because they were moving from this type development. It looks like they are going to have to move again if they keep rezoning the area. She is opposed. They want it to be rural. They are not opposed to development but want it to stay two-acre lots.

Terri Smith – 511 Smoak Road

Ms. Smith said they moved from Clayton County to avoid overgrown development with traffic, noise, pollution, litter, everything that goes with development. They have horses and the children ride. They are not opposed to development but want the zoning to stay as it is. She understands that the county needs to increase the tax base but it will burden the system as well and she is not certain it will balance out. She would like to see the Teamon/Smoak area remain in the county's present land use program and limit the number of houses.

Tilman Blakely – Letter in opposition was read.

Discussion was held and it was noted that some of the members did not like the way the backyards back up to each other in the center section. They would like to see a buffer strip between the property lines. He would like to see sidewalks for people to use so they do not have to walk in the road. They also discussed the ditches and what would be appropriate. They wanted the ditches sodden so they would not erode. The developer stated that he was going to sod the ditches. It was noted that the Estate Life Neighborhood was planned to give a more rural feel to the development. Sidewalks were omitted for this reason. Walking trails might be appropriate. Discussion was held regarding the cemetery and how it would be protected. The plan is to fence the cemetery and it will be part of the green space.

MOTION

Mr. Richardson made a motion, seconded by Mr. Hart, to deny Application #04-22S. The motion failed with Mr. Baird, Mr. Hart and Mr. Richardson voting for the motion and Mr. McCallum, Mr. Pruitt and Mr. Smith voting against the motion.

MOTION

Mr. Pruitt made a motion to approve Application #04-22S conditioned on redesigning the green space so the center area running from the cemetery to lots 46 and 45 have green space between the lots, sodden ditches, increase the 25' of green space, and improved with walking trails. The motion passed on a second by Mr. McCallum with Mr. Baird, Mr. McCallum, Mr. Pruitt and Mr. Smith voting for the motion and Mr. Hart and Mr. Richardson voting against.

Application #04-25V: Markland Management, LLC Owner – Arthur K. Bolton Parkway (Highway 16 East – 20.724 acres located in land Lot 206 of the 2nd Land District) – requesting a Variance from landscape and parking requirements in the C-1 District.

STAFF REPORT

The staff recommends denial because the development plan that was presented during the zoning process indicates the property can be developed with the buffer as required and the detriment to the public in having an offset intersection is greater than the benefit to the property. The applicant has not presented a hardship for the deletion of the landscape island and the ordinance requires a hardship to grant the variance.

Mark McCullough – 800 Springer Drive

Mr. McCullough called attention to drawings furnished to the Appeals Board members. It identified the area for the 25' buffer between two tracts. He noted that they own both tracts and do not feel a need to buffer the two tracts from each other. This is on the corner of Wilson and Arthur K. Bolton. He also discussed the landscape island that they wanted to eliminate. They did not want to put an island in front of the entrance to the store. It will disturb the handicap parking. They suggested that they make the islands at either corner of the building larger.

Discussion was held, and it was noted that if application was made to make the corner lot a part of the development the buffer would not be required. Presently that lot has a duplex, and they want the rental until they are ready to develop it. It was decided that they would be able to continue to use it for residential and the best way to handle this would be to make application to make the lot a part of the larger tract.

Discussion was also held regarding the island and an alternate plan for the islands was made that would make a variance not necessary because it would meet the criteria. He withdrew the variance request for landscape and parking requirements.

MOTION

Mr. Baird made a motion to approve the variance for the buffer conditioned that he submits a development plan bringing in the lot protected by the buffer into the development within 60 days. The motion passed on a second by Hart with Mr. Baird, Mr. Hart, Mr. McCallum, Mr. Pruitt, Mr. Richardson and Mr. Smith voting for the motion.

Application #04-26V: Jerry Buffington and Wanda Buffington, Owners – 60 Roundlake Road (3.50 acres located in land Lots 216 and 233 of the 2nd Land District) – requesting a

variance to allow an accessory structure to be located in the side yard in the AR-1 District.

STAFF REPORT

Mr. Taylor said the recommendation is for denial because the applicant has presented economic hardships to grant the variance that are self created. The topography and shape of the property would allow for the garage to be built in the rear yard of the property where the ordinance requires it to be built.

Jerry and Wanda Buffington – 60 Roundlake Road

Mr. and Mrs. Buffington said they did not violate the covenants of the subdivision. The area they propose putting the garage is solid. They poured a parking pad intending to put a garage there at some time. The footings were poured to hold a structure. The lot is wide but not deep. They enjoy sitting in the sunroom at the rear of the house and enjoy the wildlife. If they put the garage there they would no longer be able to sit and enjoy the view. They would also have to cut down 10 to 12 hardwood trees. They felt this was the only place to put the garage. They do not want to put a breezeway from the house to the garage because the house is already long. He had pictures to show the installation of the parking pad. They canvassed the neighborhood and the neighbors have signed affidavits stating they have no objections.

Mr. Galloway said if this is going to be approved, the recommendation is that it be conditioned that the garage be architecturally similar in style and construction materials with the house.

MOTION

Mr. Hart made a motion that Application #04-26V be approved conditioned on the garage being architecturally similar in style and construction materials with the house and with a connecting breezeway.

Mr. Galloway said he would not need a variance if he puts up the breezeway.

Mr. Hart withdrew his motion.

MOTION

Mr. Richardson made a motion to approve Application #04-26V conditioned that the garage must be in accordance with the structure of the existing home. The motion passed on a second by Mr. Baird with Mr. Baird, Mr. McCallum, Mr. Pruitt, Mr. Richardson and Mr. Smith voting for the motion and Mr. Hart voting against.

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

STAFF REPORT

Mr. Taylor said the staff recommends conditional approval. The plan does not meet the land use classification on the future land use plan. The density on the property is lower than the land use envisions in this area. The plan meets the requirements of the special exception criteria. The housing elevations they submitted need to be revised, and they need to add more brick because the Estate Life Neighborhood calls for large country estates, which are dominated by the use of brick and stone.

Larry Basemore – 680 Milton Drive – McDonough, Georgia

Mr. Basemore said they are requesting a variance on 56 lots known as Teamon Village for the Estate Life Neighborhood. They have been working with Chuck Taylor and Lee Craig for the past 11 months. They have submitted several plans and this is the one they are recommending. The house plans they have submitted will be all brick and stone on the front.

The following conditions are recommended.

Road to the north shall be looped or closed rather than a cul-de-sac

Housing elevations meeting the following requirement shall be submitted:

An English or American large, country estate homes dominated by use of brick or stone is required, with outbuildings generally designed to look like farm buildings.

Lee Kelly – 132 Duncan’s Mill Drive – Locust Grove, Georgia

Mr. Kelly went over how they will meet the suggested conditions. He additionally said they have applied the maximum green space. They will make the minimum disturbance when making the walking trail. 60% of the space will be undisturbed. They already have builders from Heron Bay approaching them to sell lots for them to develop.

Alice Beale – 1849 Teamon Road

Ms. Beale said she owns the property that is adjacent to this property. She has questions regarding the legality of the property line on lots 8, 9, 10, and 11. She requests that this application be delayed until that line can be determined. At one time there was a road between these lots and her property. That road was abandoned. When she did the research the tax office, she could not find a record of when the road was legally abandoned. The survey done in 1990 specifically states that the road was abandoned. She said the property line is not where it is shown on the survey according to the road abandonment. She wants to find the legal description when the road was abandoned. She wants to be certain that they have placed the stakes at the appropriate location. She thinks that half of the abandoned road goes half to each property owner on each side. They have placed the stakes to claim all of the abandoned road.

Elizabeth Ray – 724 Chehaw Road

Ms. Ray said the road was originally platted as an old county road on two sides of the property that was originally the entire triangle, a piece of which Ms. Beale purchased.

They petitioned the county last year to officially abandon that road, which they did. That road runs from Teamon back along the entire property line of this property being discussed for development. The size of these lots might be affected and make the lots less than an acre.

Mr. Galloway said it would be preferred that there be no boundary dispute but the Appeals Board is dependent on the legal descriptions that are tendered with the deeds. We will take the position that the deed, as described in the application, is what governs the tract. If there is a dispute, it is principally a private issue between the two parties. They will have to work out the property line issue.

Mr. Hart left the meeting during the discussion on this application.

MOTION

Mr. Richardson made a motion to approve Application #04-27S conditioned on the following conditions:

Road to the north shall be looped or closed rather than have a cul-de-sac, and housing elevations meeting the following requirement shall be submitted: An English or American large, country estate homes dominated by use of brick or stone is required, with outbuildings generally designed to look like farm buildings.

The motion passed on a second by Mr. Smith with Mr. Baird, Mr. McCallum, Mr. Pruitt, Mr. Richardson and Mr. Smith voting for the motion.

MINUTES

Mr. Smith made a motion to approve the minutes of the May 13, 2004 meeting. The motion passed on a second by Mr. Richardson with Mr. Baird, Mr. McCallum, Mr. Pruitt, Mr. Richardson and Mr. Smith voting for the motion.

MOTION

The meeting was adjourned on a motion by Mr. Richardson and a second by Mr. Baird with Mr. Baird, Mr. McCallum, Mr. Pruitt, Mr. Richardson and Mr. Smith voting for the motion.

Greg Pruitt – Chairman

Yvonne M. Langford - Recorder