

SPALDING COUNTY PLANNING COMMISSION
Regular Meeting
March 30, 2004

The Spalding County Planning Commission held its regular monthly meeting on March 30, 2004 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Karen Mathiak, Chairman, presiding, Ray Browning, Ronald Green, Delores Phillips, and John Youmans.

Also present were Charles Taylor, Community Development Director, Lee Craig, Senior Planner, Newton Galloway, Attorney, Bruce Ballard, Griffin-Spalding County School System, and Yvonne Langford to record the minutes.

Ms. Mathiak called the meeting to order, introduced the members of the Planning Commission, and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

MINUTES

Mr. Browning made a motion to approve the minutes of the March 9, 2004 meeting. The motion passed on a second by Ms. Phillips with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

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 2nd Land District) – requesting a rezoning from R-1, Single Family Residential Low Density to AR-2, Rural Reserve.

Bill Johnston – 1351 Zebulon Road

Mr. Johnston said this was a personal application from him. He owns 12 acres on Zebulon Road. This application is to change the zoning so they can have horses on the property. His son is an accomplished equestrian and enjoys riding. When they purchased the property in 2002, he asked some of the neighbors if they would have a problem if he requested rezoning to allow for the horses. No one that he talked with had an objection. One resident did say that he did not want 50 horses. He does not intend to have but one or two horses. The staff has recommended conditions with which he agrees. He received a letter from the Masonic Lodge that is adjacent to his property stating that they have no objections.

Mr. Taylor stated that the staff recommends conditional approval. They recommend the conditions that it cannot be used as a commercial stud farm, host rodeos, or other such riding events.

Wayne Adams – 1402 Zebulon Road

Mr. Adams said he lives across the street from this property. He said Mr. Johnston had talked to him regarding whether he and his wife had any objections to them having a

horse. At the time, he said he did not for one horse. He still has no objection to one horse. His concern is that if the property is rezoned what is there to ensure that if they sell the property someone else won't have a total different design to raise cows, war horses, sheep, goats or other livestock. That is his concern and that is why he opposes this application.

Mr. Taylor advised that the rezoning to AR-2 allows for equestrian uses only. Other livestock is not allowed.

Robert H. Davis III – 1340 Zebulon Road

Mr. Davis said he and his wife own the property directly across the street. He currently has the property up for sale. There is no guarantee that the property will sell. They object to this because they do not want their property values lowered by livestock, horse or horses. Can you state, absolutely definitely, that you are only talking one horse or are you talking up to 50 horses? As long as there are horses, it falls under equestrian. There is nothing that says he cannot have 50 or 20. He has a problem with that. He does not know whether or not the County Commission has considered that this property is located on Highway 19, which is a very busy highway. He questioned whether or not they had considered their liability. The speed limit on Highway 19 is 35 miles per hour. No one enforces that speed limit. There are tractor-trailer trucks and automobiles. He has personally witnessed three accidents. He has a notice from the Georgia Department of Transportation that from 1995 to 2002 at the intersection of 155 Zebulon Road and Loumae Road directly in front of Mr. Johnston's driveway there have been 8 accidents, totaling 19 vehicles, with 7 injuries. One of his biggest concerns is what happens if there is a school bus full of children stopped to make a left turn and a tractor trailer truck comes over the hill and is distracted by seeing a horse for two seconds and kills a school bus full of children. Has the county considered this? He expressed further concern about their personal safety on their property regarding one of the horses jumping the fence and causing a wreck that would drive a vehicle into his yard where they are working. This is a dangerous spot to allow horses.

Sandra Helen Davis – 1340 Zebulon Road

Mrs. Davis said she is concerned about the safety as is her husband. She recounted several accidents that had happened in this area. The cars wind up in her yard. This is an emotional issue for her because they own another home near Akin, South Carolina where they raise horse and things go on constantly. She does not feel it is appropriate for an attorney that can possibly intimidate other people to request what people's objections are. She is concerned about the danger to the school buses. She did not feel this was fair; they should have had more notice. She feels strongly about the children and the people at Southside Baptist Church.

Mr. Johnston said he is not present to intimidate anyone. He understands the traffic is bad but it will be worse if he develops homes. He said he plans to have two horses.

Mr. Youmans said he drives the road everyday and there is a bad sight distance problem; however, having the horses under fence is a much better situation than to have additional houses.

MOTION

Mr. Browning made a motion to approve Application #03-26Z conditioned on the property not being used as a commercial stud farm, rodeo or to host other riding events. The motion passed on a second by Mr. Youmans with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips and Mr. Youmans voting for the motion.

Mr. Davis was advised that the County Commission would consider this application on April 22, 2004 at 6:00 P.M. and that meeting would be open to the public.

Application #04-03Z: Norman G. Echols, Et al, Owner – Admiral Company, Inc., Agent – Teamon Road (34.38 acres located in Land Lot 170 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential to R-4, Single Family Residential.

Ted Echols – 825 Fairways Court Suite 305 – Stockbridge, Georgia

Mr. Echols said he was representing Admiral Company and that Blake Prince, a representative of the company, was also present. They intend to develop a residential subdivision on Teamon Road. They have also submitted a special exception application to develop an estate life subdivision. They have attempted to provide some features for the subdivision that are unique and appealing. They have included green space and islands to break up the streets and roads to make them more attractive. They have attempted to comply with the conditions of the special exception in the estate life program by minimizing the disturbance to the property. Part of the requirement is to minimize the grading and to disturb as few trees as possible. They have created a large green space as evidenced on the plat. This is to create a neighborhood with a natural common area to preserve the natural state of the property as much as possible. They have placed the green space to create a buffer between this property and the neighbors on Jordan Hill Road. They have minimized the impact that the subdivision will have by having the green space and buffer except on two lots. They have provided for larger homes than are presently in this area. Spalding County needs quality, affordable housing and they intend to provide it. The community will be improved by adding a street in the area where there are neighbors that do not have adequate road frontage at the present time. They will be given access to the new street, which will give them better access to Teamon Road. The present zoning diminishes the value of the property. The new zoning will allow the property to be used more effectively and more efficiently. The staff has noted that the rezoning will minimally impact the schools. There will be very few additional students if the land is developed as proposed versus the development allowed now. The staff noted that Teamon Road is a collector road and will not be overburdened by the proposed development. If the rezoning and special exception are not granted the development of this subdivision will not be economically feasible. It will deprive the area of much needed housing. This subdivision is comparable with other subdivisions in the area. Admiral Company requests approval of the rezoning.

Mr. Taylor said the staff report was incorrect regarding the school numbers. They additionally do not comment on school impact but leave that to Mr. Ballard with the school system. The staff recommends approval of the rezoning to R-4.

Sarah Wimbush – 1286 Teamon Road

Ms. Wimbush said her property is adjacent to this property. She is totally against the rezoning. The area where he has commented that the conditions are bad has only two houses and no one on the street drives. To get to the property will affect her property and her property value will be lowered. This property has been in her family for 30+ years and she is totally against the rezoning.

Jimmy Releford – 1301 Teamon Road

He agrees with what Ms. Wimbush has said. There are only two houses on the road and neither one of the people drives. They do not even own a car. There is swampland. His house is directly across from where they will be putting the drive into the subdivision and he does not want to be disturbed by the headlights of the cars. Why do they want to “mess” with Teamon Road? We are happy out there. We are simple country people with chickens, ducks, cows and such. Don’t let them out there.

Belinda Williams – 1325 Teamon Road

Ms. Williams said she is totally against this rezoning because it will cause more traffic. It could bring crime into the area. They also have a gun range. The community is already populated and if he builds it will overpopulate the neighborhood. Teamon Road is in the county and should be a rural neighborhood. It will not be a rural neighborhood if there is a subdivision.

Ricky B. Wilson – 706 & 700 Teamon Road

Mr. Wilson said Teamon Road is a beautiful countryside. Cutting it into small one-acre tracts is not the best use of the land. It will diminish the value of properties for everyone in the area. Most of the land is two, three, five, forty-one acres and that is what it needs to stay. Why do people have to build subdivisions in their neighborhoods? Why can’t they use the land the way it was designed? The commissioners voted for agricultural and that is the way it should be left. There is a need in every community for subdivisions but there is a right place and right time for them. Right now on Teamon Road everything is agricultural. It is a good place to raise horses. We need to leave this area agricultural. One to two students in elementary school in this area will have an impact on the school systems. There is less than 50 foot of road frontage where the road will enter on Teamon Road. The road will be right between two houses and the easements will have an effect their home values because they will have to give up their land for the road. He requested a no vote.

Debbie Frost – 724 Teamon Road

Ms. Frost said the residents are present because they are concerned about what is happening on Teamon Road. She has a horse farm on Teamon Road. Traffic is a concern. When you put that many cars on the road it will have an impact. They are

concerned about the entrance to the subdivision. This is an agricultural area. You need to keep the land as it is. You don't need to take land away from other people. They requested a no vote.

Gail Dean – 1250 Teamon Road

Ms. Dean said she is against this rezoning. She asked what the present zoning allows and what school district.

She was advised the present zoning is three acres. The schools are Beaverbrook Elementary, Cowan Middle School and Griffin High School.

Ms. Dean said the plan is for 22 houses and part of the green space is not contiguous with the property. There is going to be a lot of congestion. The tax map shows 30 feet across the entrance. How will emergency vehicles get in and out? It is on a curve that is dangerous. They do not want to keep people from developing their land but she wants to see the development kept at three-acre lots or at least larger than the one-acre they want. Some of the lots look strange the way they are drawn. This will be close to Cherokee Rose, which the board will hear about.

Mr. Taylor said the plat shows the road right-of-way at 50' and the county will not allow less than that amount.

Larry Frost – 724 Teamon Road

Mr. Frost said he feels AR-1 land and in other situations AR-2 is a valuable resource especially on Teamon Road because of the character of Teamon Road. He would like to see this preserved. He is a relative new comer to Georgia and he gets the feeling driving through Georgia that you move from one subdivision the next. He would like to keep some of the rural flavor. He urged the members of the Planning Commission to keep the zoning as it is.

Roy Smith – 956 Teamon Road

Mr. Smith said he would not like to be on the Planning Commission. It is a hard job. He said one time he was complaining about taxes and made the comment that Teamon Road was a narrow road and they came and widened it. He said Teamon Road needs a third lane for a turn lane. They are concerned about growth, growth, growth. There are places for growth and other places that it should not be. Where does it end? There has to be some stopping point or a slowing down. Spalding County is heading for big problems. He would like for Teamon Road to stay as it is.

Deborah Brown – 4344 Philadelphia Drive – Dayton, Ohio 45405

Ms. Brown said she wants to speak against this rezoning. She owns property on Teamon Road and will be losing some of her property because of the easements for this subdivision. She has been away from Griffin for 30 years and she has always planned to retire in Griffin and build a house on her land. Has anyone done crime studies in the area? Is this going to be a low-income community? What is the price range of the houses? Teamon Road is a nice place to live now. The people that he says will benefit

from the road are relatives of hers and they will not benefit from the road. This subdivision will not benefit this area. They do not want it and she said it will be everything they do not want. She requested a vote against the subdivision.

Ms. Craig gave the corrected numbers regarding the number of students that would impact the school system. As the land is presently zoned there would be 17 lots that would have an impact of 20 children and if rezoned the 22 lots would have an impact of 26 children.

Mr. Ballard said the school system tries to encourage the use of the zoning, as it is as much as possible. In this case what is allowed now and what would happen with the rezoning is a difference of 6 students. When you consider this and then consider what the plans are for this area it does have an affect. Beaverbrook Elementary and Cowan Middle School would both be over capacity and Griffin High would still have some capacity. There are concerns. This subdivision will be minimal compared to some that are proposed.

Mr. Youmans said he did not see anything special about this development. The county has made a tremendous effort to get larger square footage houses and now everyone is trying to get R-4, which is the lowest square footage housing that is allowed. Some of the houses are small. They were built in the 40's, 50's and 60's when there was a whole different mindset. Griffin-Spalding has an opportunity to break that trend. The land is valuable now and we need to make the most of it.

Mr. Green said he looks at the land in the area and most of it is AR-1, which is larger tracts. He is concerned about the one-acre as far as the sewerage is concerned.

Ms. Phillips said this is an area that Spalding County should be proud of as far as the houses are concerned. There is a lot of traffic there and we need to consider the septic tanks and sewerage problems in the county. Subdivisions that were built some years ago are now having sewerage problems in the County. This needs to be considered.

Mr. Browning said there is a minimal difference of impact. What you have is the possibility of having this permanent green space set aside in perpetuity. There will only be a net gain of five lots. He concurs with the staff report. The square footage is the same and there would be permanent green space.

Mr. Echols addressed some of the issues. He said there has been some concern about property being taken away from some of the residents. There is no property going to be taken away. They are going to use the existing property. There is no flood plain on the property. In keeping with the spirit on Teamon Road the estate life plan is to disturb the area as little as possible. The property adjacent to this property is on Jordan Hill Road and those lots are cut up into one-acre or smaller. The green space they propose will create a buffer from that property. They want to maintain the trees. The property as it is has a 50' driveway from that area which services the landlocked property. He requested approval.

Mr. Taylor said the plat that was submitted with the application shows a 50' road frontage on Teamon Road. That indicates that the driveway that those houses are currently accessed from would be part of the property that is considered for rezoning. A registered surveyor has stamped the surveys that have been submitted with the rezoning and he has nothing that would dispute that information.

MOTION

Mr. Browning made a motion to approve application #04-03Z. The motion died for lack of a second.

MOTION

Mr. Youmans made a motion to deny Application #04-03Z. The motion passed on a second by Mr. Green with Mr. Green, Ms. Mathiak, Ms. Phillips and Mr. Youmans voting for and Mr. Browning voting against.

(ten-minute recess)

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 Lots 82, 83, and 111 of the 2nd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, and R-2, Single Family Residential to R-2, Single Family Residential.

Jzonn Cureton – Lithonia, Georgia

Mr. Cureton gave the members of the Planning Commission copies of the most recent revisions to their plan. He introduced Mr. Langford who would be making the presentation regarding this application.

Steve Langford – 6958 Main Street – Lithonia, Georgia

Mr. Langford said they are requesting the rezoning for the remaining one-third of this parcel Two-thirds of the property is already zoned to R-2. This is an extension of their current project that is underway. The lots will be no less than one-acre. There will be a creek with a minimum 100-foot buffer, which is more than required. They will have 11.5 acres of dedicated open and green space. This is in alignment with county requirements for this type development. There will be a minimum of 50' lot buffers, which exceeds the county green space requirements. There will be underground utilities, intelligent home technology, landscaped entrances, natural center islands, architectural street lighting, sidewalks, side lawns, clubhouse with playground, rest area with gazebo, picnic tables, and park benches, walking, hiking and bike trails, and tennis courts. For the clubhouse they will use a log cabin that is currently on the property and enhance the exterior. All home exteriors will be constructed of brick, rock or stucco on one to three sides with the balance to be hardened plank. The elevation will be ranch and two-story homes, some with basements. There will be side entry garages. There will be no exposed foundations. The foundation areas will be landscaped. This development will contribute to the stability of the county because you will actually have individuals that

will live in the community. This will maintain and increase the tax base. This is the type quality growth the county is striving to achieve. It is consistent with the county's current land-use plan. It allows homebuyers to have access to quality homes at reasonable prices. It adds to the stability of neighborhoods. The homes will have state of the art features. They are in the business to make money, but they try to approach the business with a level of excellence and commitment. The Department of Transportation has stated that there are plans to widen 155, which should ease some of the congestion on this road. The main entrance will be designed so that it will be highly visible. They have contacted the Griffin-Spalding School system and they are fully aware of the growth. They have plans in place to address the growth in the county. The added tax base will add funding for the schools. They have talked with the Spalding County Environmental Health Services regarding the sewer problems. They have advised that this project is in compliance with their guidelines. The State of Georgia Environmental Protection Agency has additionally advised that this meets the state guidelines for this type development. They plan to educate the homebuyers on the proper maintenance of septic systems.

Mr. Taylor said the staff recommendation is for approval to R-1 zoning which is consistent with Phase I of the development. The density of the area is supported by the county's comprehensive plan and they have already approved a phase of the development, which sets the precedent for one-acre zoning in the area. There are conditions that the staff recommends which are the same as those approved for Phase I. The conditions are that houses shall be a minimum of 2000 heated square feet, shall have architectural lighting poles, sidewalk community, homes must have one to three sides brick or stucco (minimum one side masonry), and side entrance garages

H. L. Chatham – 1979 North Walkers Mill Road

Mr. Chatham said he moved to Spalding County in 1974 to a rural farming area and it has remained that same way and they request that this be denied.

Douglas Ware – 1985 North Walkers Mill Road

He does not want to see a subdivision because it will ruin the hunting and fishing.

Christian Harper – 1985 North Walkers Mill Road

Thirty years ago her family purchased this property. They built two lakes and raised their family on this property. Everything around them is being torn down. Before long they are not going to want cows, or horses or chickens on the farm. She would like to have the opportunity for her son to grow up and understand the importance of having a farm and raising a cow and riding a horse, just maintaining nature. She would like it to stay as it is.

Charles Chatham – 1985 North Walkers Mill Road

His grandfather has worked very hard over the years to maintain this property for the benefit of his children and grandchildren. He wanted them to have somewhere for them to be in tune with nature. He had the benefit of growing up on this farm. It is somewhere to call home and be at peace. These gentlemen have tarnished this because he can see the cars driving through the woods. There is no amount of money that could give what this

place has given to me as a human being. He wants to bring his children there to have the same standards placed on them as was put to him as a child. You do not get the same benefits growing up in the city as you do the country. If he wanted to live in a subdivision he would move to New Jersey, New York, or Henry County. They have Phase I, leave the rest alone. He sees no benefit to the community or surrounding areas. He asked that the property be maintained as it is and not create any more problems.

John Dugdale – 1985 North Walkers Mill Road

Mr. Dugdale said the property was purchased as rural agricultural farmland. When they purchased the land it was a mile or more from another single sole. They spent time and money building to county codes and by specifications. They have been there 35 years. He had a map identifying their property and the property under consideration for rezoning. They have a 7-acre lake that is 35' deep and a three-acre pond that is 35' deep. What is proposed is not conducive to the present land use. Children would be opening gates and letting the animals out, their dogs would be chasing the animals, they would be trespassing, perhaps getting hurt on the heavy equipment and different things in the area. It is only human nature that children are going to be curious about things. They want the zoning to stay as it is. The proposed subdivision does not meet code. The green space is incorporated into the one-acre lots, which is not acceptable. They propose to put a playground and clubhouse right next to a well-established shop. He has plans to build a \$600,000 house and this subdivision will not increase the value of his property. The County is not ready for this subjective and speculative growth. The infrastructure is not in place to handle any additional growth without heavy impact to the existing landowners. The County has approved over 44 subdivisions in the last three years, over 4,560 homes. We have overbuilt the county by 25% greater than the ten-year growth rate would indicate. At this rate we will be 175 – 190% overbuilt when the next census comes out. Rezoning property just to have another subdivision and allow special exemptions to lower the standards is not appropriate. It is detrimental to the use of the adjacent properties and can adversely affect the health and safety of the current county residents. Let the developers work in the areas already designated for such developments. Why destroy a rural fabric of the community? It is not wanted, not needed and there is no demand with all the other subdivisions. He had signed affidavits from neighbors that were opposed to this application. This will be another Waterford. The quality of life will not improve. He talked at length about the impact this will have on the community. He requested that the Commission vote against this rezoning.

Mike Killingsworth – 2238 North Walkers Mill Road

Mr. Killingsworth said he was present with the family and they have worked hard for what they have and it has all been said.

Liz Killingsworth – 2238 North Walkers Mill Road

No further comment,

Sharon Chatham – 1985 North Walkers Mill Road

No further comment

Walter Chatham – 1985 North Walkers Mill Road

Mr. Chatham said he has been a resident on the farm since 1972. He has enjoyed living in Spalding County. They do not want this.

Kelly Hurd – 1917 North Walkers Mill Road

Ms. Hurd said she lives next to the property. They have 3,260 feet that directly touches this land. They will be looking at all these houses as her view. They have 28 acres and a horse farm. When they purchased this property they were told they had to have 125' road frontage and now they want to put in 28 houses. It will not fit in with what is there now. She discussed the traffic, water shortage, and septic tanks with the creek and lake. She requested the commission to give this a lot of thought before they change their life forever.

Leslie Chatham – 1979 North Walkers Mill Road

Mr. Chatham said he agreed with John Dougdale. He said Mr. Taylor said a precedent had been set with the previous zoning. He said if they had been a littler better informed they would have been present to voice their opinions at the previous meeting. They do not need any other changes.

Homer Shellnutt – 1775 North Walkers Mill Road

Mr. Shellnutt said he requested special zoning to move a house from Clayton County and it was granted with the stipulation that he put in a nice house with a certain number of square feet. He has 8 acres and he has worked hard and he is concerned about what it will do to his property values. What builders present are not what you always get. This area has larger tract properties. He is concerned about the environment.

Shirley Blanchard – 1749 North Walkers Mill Road

Ms. Blanchard said she moved here 20 years ago with the idea that it would be rural. They get along with the neighbors. There are animals all around. They do not want this zoned for smaller lots. Schools are a concern. They want to be a rural area. She requested this be denied.

Kelly Solley – 1761 Walkers Mill Road

Mr. Solley said he has never met the gentlemen before. Phase I is already developing on 155 in a bad spot. In the last four years he has seen 7 accidents, one was fatal. The entrance is in a bad spot. This development does not do anything to enhance the community. It does nothing for the quality of life. He moved here because it was rural. He does not want to see subdivisions. If he had known about Phase I and how it would impact the area he would have spoken against that too.

Melissa Rayl – 1745 North Walkers Mill Road

Ms. Rayl said she has lived here all her life. She loves the area and wants to pass it on to her children as it was passed to her. She does not want to see a subdivision.

Brian Rayl – 1745 North Walkers Mill Road

Nothing further to say

Debra Jo Steele – 1819 North Walkers Mill Road

Ms. Steele gave information to the members of the Planning Commission. When the developers made the application for the first property rezoning she wanted to know more about the proposal and she visited other developments they had done and everything looked good. They liked what they saw and wanted to have a home meeting at their house so the developer could make a presentation for the neighbors that were interested. They purchased their property nine years ago because it was rural. They felt it would not always be rural but anticipated they would have 20 years. Mr. and Mrs. H. L. Chatham who are the patriarchs of the family represented the Chatham Family at the meeting. John Dugdale was also at the meeting. The presentation was good and was a relaxed meeting. The meeting lasted three hours. Those in the group wanted the timber selectively cut and they want some green space. They wanted to know the cost of the houses and that there would be no manufactured homes. Their biggest concern was the safety of the lakes. They did not want anyone to drown in the lake. They wanted the developer to put in a fence, which he agreed to do. She typed up the minutes of the meeting and made certain that everyone got a copy of the minutes. When she attended the zoning board meeting she read the entire document into the record. At that time she did not hear any of these concerns. There were other meetings and they were all made known to them. They had every opportunity to express their concerns at any of those meetings. She went over the signs of the growth that is coming to this area. She went over the amenities that will be included in the clubhouse. She requested approval of the zoning.

Shane Huey – 1823 North Walkers Mill Road

Mr. Huey said he owns five acres and he has been on the property for three years. He replaced a mobile home with a new house. He likes the area. It is rural and secluded. He is one of the closer neighbors to this development. He feels it is a good attempt at a quality development. He feels there is a demand for this type housing. He does have some concerns about the sewerage. He likes the plan and supports the rezoning.

Mike Steele – 1819 North Walkers Mill Road

Mr. Steele said he purchased his land 9 years ago and it had been clear-cut. He purchased the equipment and cleared the land and built the house. He went over the development in the area and the mixture of nice homes and mobile homes. There will be 45 acres with 28 homes. This is a unique development. The property will be developed at some point in time. It might get developed with smaller homes and with no consistency. This is a good plan and he supports the rezoning.

Several members spoke again stating that they did not attend the meetings because they had been told the zoning would be approved whether they liked it or not and there was nothing they could do about it. Some said they were not aware of any of the meetings that Ms. Steele referred to. Some stated they could not attend because of illness.

Mr. Cureton addressed the concerns that had been expressed. He said they would not disturb any hunting and fishing on the homeowner's own property. They can still ride

their horses. There is no buffer in the first phase but there will be one in the second phase. The green space is not incorporated into the lots; it is additional. The property they will use for the clubhouse has a very nice interior made of white pine. The exterior will be upgraded. Reference was made to the subdivision entrance being in a dangerous location. The entrance that is being referred to is the construction entrance. The main entrance has not been cut but will be at the top of the hill. DOT has approved the location. The present road is a construction road and not the permanent entrance. He said he was in agreement with the staff recommendations except one. He wanted the 1750 SF for this phase. He is building in excess of 2000 in Phase I. If that is a contingency then he will abide by what is decided.

Mr. Browning said if this is to be approved it needs to flow as it was started. Side entrance garages are good but it depends on the topography of the land. It might be difficult to have the side entrance garages. He would like to see it phrased so that they would not have to damage the environment with heavy grading for a side entrance garage.

Mr. Youmans had questions regarding the façade of the houses.

Mr. Taylor said the conditions that staff has recommended were those that were added as conditions by the County Commissioners when the other Phase was approved.

Mr. Browning said the preponderance of this property is already zoned for residential.

Mr. Ballard said the school system does have plans to address growth every way they can. Unfortunately the way funding is allocated by the state is on the previous five years growth to the school system. They do have an elementary school that will be opening this year and they hope to begin a new middle school this year, which will replace A. Z. Kelsey Middle School. This is all to accommodate growth that has already occurred. There are plans to replace other middle schools that will only upgrade and bring them to a higher standard. It does not provide for a lot of additional growth. The state advised Spalding County that they would not provide any additional funding to renovate these buildings but new buildings would have to be constructed. There have been some developers that are considering donating land for schools in the area of some of the larger subdivisions. He went over the present schools and their capacity and what is going to be needed.

Mr. Youmans said he has been one of the most vocal critics about the size and quality houses that are built in Spalding County and this development is “ahead of the curve”. He likes the fact they are planning a quality development.

Mr. Green said he agrees with Mr. Youmans that it is the type development needed in Spalding County. He appreciates the increased square footage. He does have concerns about the impact on this number of property owners spread over a large area. He has sympathy for the property owners that have farms and lands and lakes.

Ms. Phillips said she feels this is a good product and she appreciates a quality product. This is square footage that is needed in Spalding County.

Mr. Browning said the product that was approved in Phase I has set a tone and a standard for the general area to ensure the fact that we are not overrun with substandard housing.

MOTION

Mr. Browning made a motion to approve with the conditions that houses shall be a minimum of 2000 heated square feet, that there be architectural lighting poles, that this be a sidewalk community, homes must have one to three sides brick or stucco (minimum one side masonry) with the front being masonry if it is only on one side. The motion passed on a second by Ms. Phillips with Mr. Browning, Ms. Mathiak, Ms. Phillips and Mr. Youmans voting for the motion and Mr. Green voting against.

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 Lots 81 and 251 of the 2nd and 3rd Land Districts) – requesting a rezoning from AR-1, Agricultural and Residential to R-4, Single Family Residential.

Mr. Galloway said this application presentation will be limited to 20 minutes for each side. Each side can divide the time anyway they wish.

Steve Langford – 6958 Main Street – Lithonia, Georgia

Mr. Langford said they are requesting this rezoning for a quality development. This particular development is adjacent to a mobile home park and this will provide a smooth transition to other development in the area. The proposed home distribution is 60% at 2000 SF, 20% at 1750 SF and 20% at 1500 SF. There will be 95 lots at a minimum of one acre. This development has two creeks with a 100' buffer minimum. That is more than county requirement. 37.5 acres will be dedicated to open and green space. Each site will have a minimum of 50' lot buffer. Each lot will have staggered lot lines. There will be a landscaped entrance. The homes will have underground utilities, intelligent home technology, sidewalks, architectural street light poles, clubhouse with playground, rest area with gazebo, picnic tables and park benches, walking, hiking and biking trails and tennis courts. Homes will be construction with one to three side brick, rock or stucco with the remainder hardy plank. There will be ranch and two story homes, some with basements. Elevations will include front and side entry garages. There will be no exposed foundations and the foundation will be landscaped. The plan will allow for two additional entrances, one on Jackson Road and one on McIntosh Road. This project is consistent with the county plans for growth in the area. This will allow homeowners to upgrade without leaving the community. He requested approval of the rezoning.

Mr. Taylor said regarding the impact to the school system the present zoning would allow 71 lots with an estimated 85 children and with the rezoning the 95 lots would bring an estimated 114 children. The recommendation is for denial because the land use plan does not support the density. This proposal would double the land use plan density.

Doug S. Hollberg – 812 Maple Drive

Mr. Hollberg gave a history of the property. This property has a very rough topography. They purchased the land in 1998 as a protection of the other property they own in the area. This property is adjacent to a mobile home park that they own. Growth is coming in this area and it is time to develop this land. They have looked at the proposal and they are willing to make an investment adjacent to the mobile home park. The school system is concerned about planning for the school system in this area. The school system has kept 10,500 students in the school system. For many years the community has not made the investment it should in the schools. To make the schools the reason not to approve this development is not looking into the future. Spalding County Board of Education is doing an outstanding job of planning for the future. Mr. Hollberg identified the owners of the property in the area. The property owners that have no objection are John Rivers, Durwood Smith, M. Douglas Hollberg, Jr., William Hollberg, Wilma Hollberg, Brenda Strozier and Jerry Hollberg. This request is the best use of the property considering the adjacent property.

Doug Hollberg, Jr. – 526 Ivy Road

He requested that the opponents speak first and he would use the balance of their time for rebuttal.

Sinclair Hollberg – 3335 Jackson Road

Mr. Hollberg read a prepared statement, a copy of which is attached to and becomes a part of these minutes. He said he feels there are other areas in the community that would not be so adversely impacted by a development of this type. He encouraged the denial of this application.

John Dugdale – 1985 Walkers Mill Road

Mr. Dugdale said those present know how he feels. Nothing has changed from the last project to this project. He has the same arguments on this piece of property as he has on the others. These people made a lot of wild promises last year and none of those promises have come true. He has not seen anything they said at the meeting become a reality.

Leslie Hollberg – 3335 Jackson Road

Ms. Hollberg said her property adjoins this property. This development is very different from the other one that they propose. R-4 is a drastic change from conservation agriculture, which is what has been here for seven generations. The main issues are quality of life issues that affect her family and the community. There is a water shortage in the county. That is a big issue. Septic problems are a big issue. You cannot get a septic tank and a back-up septic tank on a one-acre lot. The undisturbed buffer cannot be a part of the one-acre lots. They have had professionals look at the plan and they all say this is a bad idea. There is a water contamination issue. She does not want to drink or bathe in contaminated water. They have a flower farm with an irrigation system in place, which draws water from the well. They cannot take a chance on water contamination affecting the crops. They have a seven-generation mandate to protect Double Cabins

Farm, which was established in 1842 and began as a cotton farm. This house is the oldest house in the area. This is the most historic, preserved property anywhere in the area. They have it zoned for conservation use to protect the wildlife and animals. They have over four horses and 20 peacocks. There are unusual birds, flocks of turkeys, deer and other animals and foxes. People from all over come to hunt on the property. At one time the home was a bed and breakfast and it had to be closed due to illness. She is an avid equestrian and does not like the idea of riding her horse overlooking concrete development and basketball courts. She does not like the idea of the walking trails for the residents. What is going to be done about privacy and trespass issues? There are already issues about the trailer park next door. The quality of houses is not as good as the other project they have proposed. The traffic will be even more dangerous. There is only one entrance and exit. They are only proposing a turning lane on 155 and it needs to be four lane. These developers are opportunists that are willing to sell out and run leaving the rest to deal with the problems of sewage, seepage, water shortage, pollution of the environment, noise pollution and traffic congestion.

Doug Hollberg, Jr. – 526 Ivy Road

Mr. Hollberg introduced Wilma Hollberg, owner of the property. He said he regretted that this has turned into a personality issue. In 1996 his mother's property, five undeveloped acres in the mobile home park and 180± of the original property was clear-cut except for the creek beds. When they purchased the property in 1998 they intended to keep it for at least ten years because they did not think the development would be this rapid. He gave a history of the property in the area and the way his mother's estate has been set up. There is a security fence between the mobile home park and his mother's estate property because they could not keep the horses out of their property. You cannot go from mobile home parks of 1/3 acre lots and have reasonable density variations and that is why the developers are requesting a blended R-4 to R-1 beginning with 1500 SF homes at the front, then 1700 SF and then 2000 SF at the rear. The creeks flow to the north. The mobile home park has a certified state approved and state monitored water system. There is also approximately 80 septic tanks. They test the water daily. They are quite aware of what it takes to manage septic tank systems. The proposed one-acre lots, as well as the buffer areas, are going to give more than adequate space for the two septic tank drain field systems that are required. If you look at the property north and the mobile home park this will give a perfect balance to develop this area. He urged approval of the application.

Mr. Browning said there is a mobile home park adjacent to this property. What do you put next to a mobile home park that will enhance the value of the property? You create value on adjacent properties that enhances the property value of the mobile home park and allows someone to invest money on that property to produce something other than what is there that will bring value to the county. You have to buffer areas. This development will have to meet the subdivision rules that are already in place. He said he sees nothing offensive in this development.

On question from Ms. Phillips, Mr. Taylor said the land use plan does not have this area as dense as this application. Additionally, this is not identified as a village area.

Mr. Youmans said he feels the idea of building this development adjacent to a mobile home park is impressive. He feels there is room for a product like this and he is in favor of approval.

Mr. Ballard said most of what was said regarding the earlier application applies except there is a different middle school involved. This is zoned for Kelsey Middle School. Kelsey School would be over capacity. He said it was mentioned that this should not be denied because of the schools. Development is not denied because of the schools. He is on the board to represent the school's best interest, to keep up with what is going on and to provide information to the community as to what can be expected from the school system.

MOTION

Mr. Youmans made a motion to approve Application #04-05Z conditioned on the proposed blend of houses at 60% 2000 SF, 20% at 1750 SF and 20% at 1500 SF. Specific lot numbers on the final plat will identify the blend. The motion passed on a second by Mr. Browning with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips and Mr. Youmans voting for the motion.

MOTION

The meeting was adjourned on a motion by Mr. Browning and a second by Ms. Phillips with Mr. Browning, Mr. Green, Ms. Mathiak, Ms. Phillips, and Mr. Youmans voting for the motion.

Karen Mathiak – Chairman

Yvonne M. Langford - Recorder