



Planning and Development Department Case Information

Case Number: Z23060002

Meeting Dates: Planning Commission 07-06-2023

Board of Commissioners 08-01-2023

Current Zoning: A1

Request: Rezone 85.3 acres from A1 to R1OSC for a residential subdivision with 72 lots and Variance to reduce street width to 24' back of curb to back of curb

Address: Pleasant Valley Road, Monroe, Georgia 30655

Map Number: C1810021

Site Area: 85.30 acres

Character Area: Suburban

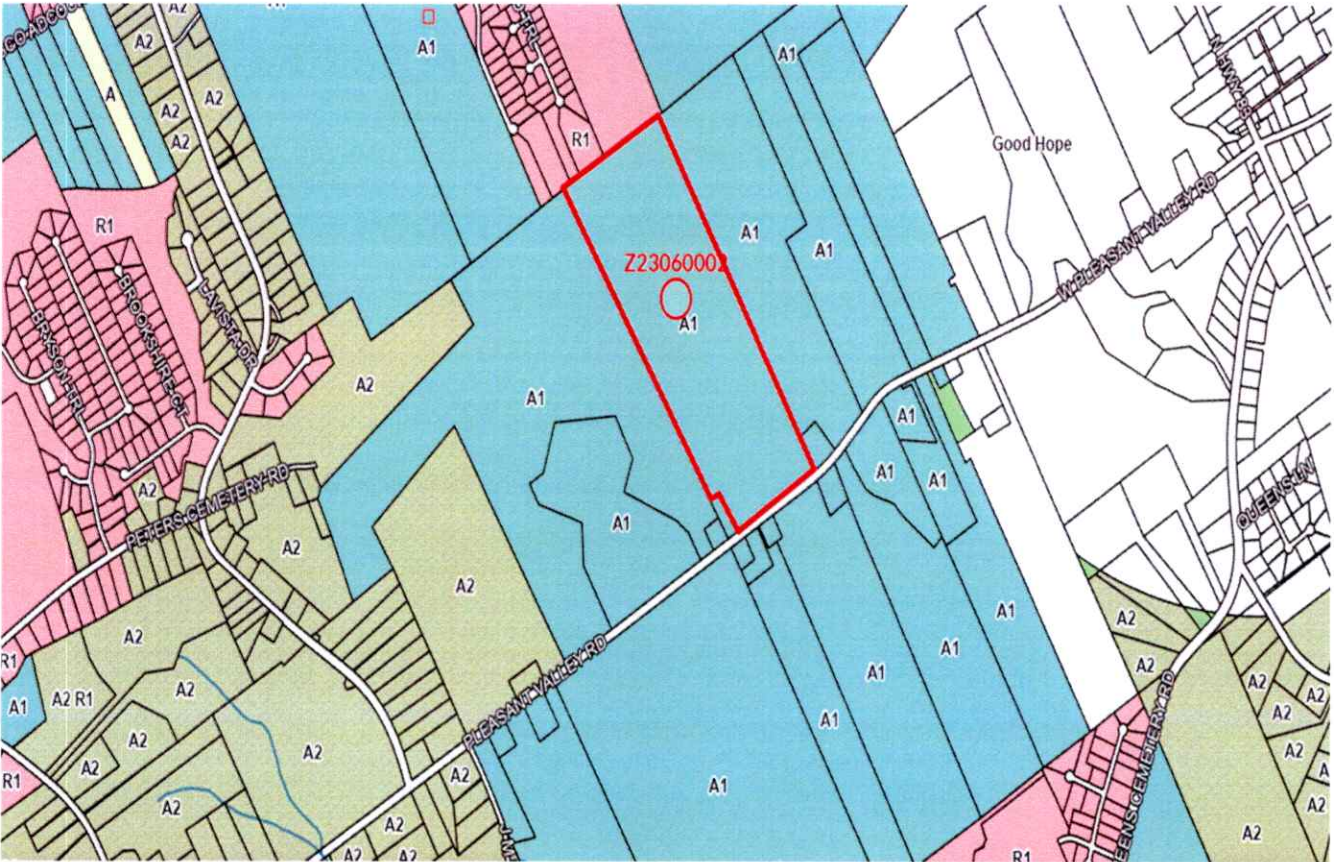
District 6: Commissioner – Kirklyn Dixon Planning Commission – Timothy J Kemp

Applicant:
Freeman Berrong Properties, LLC
2145 Creekstone Point Drive
Cumming, Georgia 30041

Owner:
JMJMS Properties LLC
P.O. Box 287/137 Main Street
Jersey, Georgia 30018



Existing Site Conditions: Property consists of 85.30 acres. The property backs up to Deer Creek Subdivision.



The surrounding properties are zoned R1 and A1.

Staff Comments/Concerns:

History: No History

Comments and Recommendations from various Agencies:

Public Works: Public Works Recommends that a Proper Deceleration Lane and Center Turn Lane Be Installed for Safe Ingress and Egress to the Development.

Sheriffs' Department: Walton County's population is currently estimated at 103,065 in 2023. The estimated number of households is 33,009. The Walton County Sheriff's

recorded case numbers for the year 2022 was 41496. This is an average of 2.5 calls per residence. The average number of people per household is 2.9. The request for a 70 lot subdivision will increase the population by an average of 203 people which will increase the service demand of the Walton County Sheriff's Office.

Water Authority: This area is currently served by a 8" water main along Pleasant Valley Road. (static pressure: 115 psi, Estimated fire flow available: 1,200 gpm @ 20 psi). A new 8" water main will be required to distribute water within the development. Please coordinate with WCWD.

Per Morris Jordan: - Z23060002 - Water is available on Pleasant Valley Road. A recent fire flow test at 383 Pleasant Valley Road has a flow of 1,450 gpm. A water allocation request will have to be completed and approved before the full development plans can be submitted for review.

Fire Marshal Review: Subdivision shall comply with current codes and ordinances set forth by State Fire Safety Minimums, NFPA, International Fire Code, and Walton County Ordinances. Fire Hydrant shall be located a minimum of 500 ft. of each other.

Fire Department Review: Increased fire and emergency response with the addition of homes in the area.

Board of Education: Will have an effect on the Walton County School District, creating the need for more classrooms, teachers and transportation.

Development Inspector: No comment received.

DOT Comments: Will not effect GDOT.

Walton EMC: The request for Pleasant Valley Road - This will leave no room for utilities.

6/14/2023 – E-mail from Walton EMC: I think I was mistaken. Looks like the R/W is standard 50 ft.

PC ACTION 7/6/2023:

- 1. Rezone Z23060002 – Rezone 85.30 acres from A1 to R1OSC for a residential 72 lot subdivision & Variance to reduce street width to 24' back of curb to back of curb- Applicant: Freeman Berrong Properties LLC, Owner: JMJMS Properties LLC – Property located at Pleasant Valley Rd, Map/Parcel C1810021 – District 6.**

Before the case was presented – the Board was advised that the Variance part of the case was withdrawn.

Presentation: Gary Gettis of Freeman Berrong Properties LLC, advised there they are requesting to rezone the property from A1 to R1 OSC for a very attractive community. There are 85 acres, with 72 lots on .80 plus acres and 21.78 acres will be green space which exceeds what is required for green space. The houses in this zoning must be a minimum of 1,800 sq. ft. but the houses they are proposing will be at 2,200 sq. ft. for single story and two story will be 2,600 to 2,800 sq. ft. and will meet all the buffer requirements. This will be 250' off Pleasant Valley Road and will be tucked away. They are expecting families and active adults to live there.

Mr. Hinton advised that we have heard about traffic concerns from the last case and we realize there are the same concerns here so please keep your comments to issues other than traffic and be respectful and give amicable time to others that would like to speak.

Speaking: Gail Wilson spoke and was concerned about the time limits and feels that the board should stay here all night if need be because they pay the Planning Commission's salary.

David Mullins lives on Pleasant Valley Road; he spoke stating that he was a representative of several members in the City of Good Hope and outside the City of Good Hope. The major concern is the lot sizes. The density of property in the city of Good Hope is 2 acres and there are already too many houses. They are concerned about property values and the traffic flow of gravel trucks. How can they meet the demands of the future. They would like to see the acreage increased and the square footage of one-story homes go above 2,400 sq. ft.

Troy Porterfield owns adjoining property running the entire length of the proposed property spoke stating he has owned these 186 acres since 1994 and has improved the property. He stated that the developer is missing the boat. They do not want cheap houses. He lives in a 12,000 sq. ft. house. He wants to see a minimum of 2 acres and 4,000 sq. ft. minimum for a house. He noticed 3 houses going up and they have the hardy plank which he said is cheap. He would like the houses to be brick.

Diana Kelsey spoke and stated that she would like to go on the record stating that she moved here 35 years ago because it was the country and now she has subdivisions wrapped on 2 sides of this property. She has concerns about school, septic and traffic.

Kent Brown spoke and stated that he lives at 1532 Pleasant Valley Road, and he is speaking for his sister. This property will be up the road from their house. When it rains the water stands and comes from the hill behind the house and down the road and over the road and floods the pasture that is across the road. He stated that with new houses there is going to be a real problem with water. He wants to know what the plans are to fix the water problem with water flooding the roads.

Elena Leden stated that she moved into this area from Florida. She is concerned that if there are more people, then there are more problems. There will be problems with the schools and what do we do to hold them accountable. She said that she is a retired firefighter, and she is active in the community and so is her husband. She is concerned about emergency services being able to keep up with the increase in population. This will be an increase in population and will require an increase in infrastructure. She home schools her 4 children. She feels that approving this subdivision would not be good for schools and this would be disappointing and irresponsible.

Casey Livsey lives in Twin Oaks Drive which is lower density, and she has 5 acres with a pond. She has called over and over about water issues and her calls have fallen on deaf ears. More people will affect the septic system and the water table there is extremely high. She stated that the green space that they are proposing is in a flood plan. FEMA would be increased, and septic backups and it is a huge concern for herself and other county residents. This is snowballing the service area – the recharge area is shrinking. What is the county doing to help concerned property owners going forward. Before it goes to the Board of Commissioners, she would like to plead that something should be done because after a big rain shower there are water issues.

George Ledon spoke regarding Fire & EMS Services stating the area is serviced by a one man show.

Mr. Hinton verified with John Howard, County Manager, that all Fire & EMS stations are fully staffed with at least two people.

Andy Krech lives on Pleasant Valley Road. He has a concern about the acreage of the homes proposed. He would like them to uphold 2 acres minimum on the lots.

The applicant came back for rebuttal and stated that he appreciates all and hears the concerns of the people. He stated that this property is outside of the City of Good Hope and they will comply with the guidelines for Walton County. He stated that Mr. Porterfield had been blessed. The houses that are being proposed will be high to low \$500,000 and something that the homeowner will be proud of.

Regarding water runoff, a detention pond will be designed to manage waterflow which will be contained and slowly released. This will be an improvement and good for those surrounding this property.

As far as the issues across the street that they can't do anything about that that he can only deal with his property. The lower density soils available – more undisturbed area and the 24.8 acres will be undisturbed and not touched. The subdivision will be managed by a homeowner's association. The smaller the lots then less streets and more open space.

Recommendation: Timothy Kemp stated that he hears and respects the comments, but this is a 2-fold decision. One is a rezone from A1 to R1 OSC and the other is 2 reduce street width which he was advised that the was removed from the request. Timothy Kemp made a motion to recommend approval with a second by Wesley Sisk. John Pringle also recommended approval. The motion to recommend approval carried 4 to 1 with Josh Ferguson voting against the motion.

Mr. Hinton advised if anyone has concerns to go to the Board of Commissioners Meeting on August 1, 2023.

Rezone Application # 223060002
Application to Amend the Official Zoning Map of Walton County, Georgia

Planning Comm. Meeting Date 7-6-2023 at 6:00PM held at **WC Historical Court House, 111 S. Broad St, Monroe, Ga (2nd Floor)**
 Board of Comm Meeting Date 8-1-2023 at 6:00PM held at **WC Historical Court House**
You or your agent must be present at both meetings

Map/Parcel C1810021

Applicant Name/Address/Phone #	Property Owner Name/Address/Phone
<u>FREEMAN BERRONG PROPERTIES LLC</u>	<u>JMJMS PROPERTIES LLC</u>
<u>2145 CREEKSTONE POINT DR</u>	<u>PO BOX 287 137 MAIN STREET</u>
<u>CUMMING GA 30041</u>	<u>JERSEY GA 30018</u>
E-mail address: <u>gary@freemanberrong.com</u>	(If more than one owner, attach Exhibit "A")
Phone # <u>(678) 648 1884</u>	Phone # <u>770 932 1900</u>
Location: <u>PLEASANT VALLEY RD</u>	Requested Zoning <u>R1/DSC OVERLAY</u> Acreage <u>85.3</u>
Existing Use of Property: <u>VACANT UNDEVELOPED</u>	
Existing Structures: <u>NO STRUCTURES</u>	
The purpose of this rezone is <u>TO CHANGE CURRENT ZONING TO R1/DSC OVERLAY TO A RESIDENTIAL COMMUNITY</u>	
<u>✓ Variance to reduce street width from 24' back of curb to back of curb.</u>	
Property is serviced by the following:	
Public Water: <input checked="" type="checkbox"/>	Provider: <u>WALTON COUNTY</u> Well: _____
Public Sewer: _____	Provider: _____ Septic Tank: _____
The above statements and accompanying materials are complete and accurate. Applicant hereby grants permission for planning and zoning personnel to enter upon and inspect the property for all purposes allowed and required by the Comprehensive Land Development Ordinance.	
Signature <u>[Signature]</u>	Date <u>30 May 2023</u> Fee Paid <u>\$ 550⁰⁰</u>

Public Notice sign will be placed and removed by P&D Office
 Signs will not be removed until after Board of Commissioners meeting

Office Use Only:

Existing Zoning A1 Surrounding Zoning: North A1 South R1
 East A1 West A1

Comprehensive Land Use: Suburban **DRI Required?** Y _____ N

Commission District: 6 - Kirklyn Dixon Watershed: ✓ TMP ✓

I hereby withdraw the above application _____ Date _____

Walton County Board of Appeals Application

Please Type or Print Legibly

Variance/Special Exception/Appeal # _____

Board of Appeals Meeting Date _____ at 6:00PM held at the Walton County Historic Courthouse, 111 S Broad Street, Monroe, Georgia (2nd Floor)

DOCUMENTS TO BE SUBMITTED WITH APPLICATION

Recorded Deed Survey Plat Site Plan Proof of Paid Property Taxes _____
**Drawn by Design Professional

Map/Parcel C1810021 Zoning District: 6-Dixon Commission District: 4

Applicant Name/Address/Phone #

FREEMAN BERRONG PROPERTIES LLC
2145 CREEKSTONE POINT DR
CUMMING GA 30041

Phone # 678 648 1884

E-mail: gary@freemanberrong.com

Property Owner Name/Address/Phone

JMJMS PROPERTIES LLC
137 MAIN STREET
JERSEY GA 30018

Phone # 770 932 1900

Type Request: VARIANCE _____ SPECIAL EXCEPTION _____ APPEAL _____

Property Location PLEASANT VALLEY ROAD Acreage 85.3

Describe Variance/Special Exception/Appeal: REDUCTION OF STREET WIDTH
TO 24' BACK OF CURB TO BACK OF CURB

State Reason for request and how these reasons satisfy Article 14 Standards of Review:

AN INCREASE OF STREET WIDTH ENCLOSES INTO EACH
LOT AND THEREBY REDUCES THE AREA FOR FIELD LINES
TO SERVICE THE SEPTIC SYSTEM

Public Water: Well: _____ Public Sewer: _____ Septic Tank:

The above statements and accompanying materials are complete and accurate. Applicant hereby grants permission for Planning and Development personnel to enter upon and inspect the property for all purposes allowed and required by the Comprehensive Land Development Ordinance.

Signature [Signature] Date 30 MAY 2023 Fee Paid: \$ _____

PUBLIC NOTICE SIGN WILL BE PLACED AND REMOVED BY P & D OFFICE

Administrative Variance granted per Article 14 Section 180

P & D Official: _____ Date: _____

I HEREBY WITHDRAW THE ABOVE APPLICATION _____

Date _____

**AUTHORIZATION
BY PROPERTY OWNER**

I swear that I am the property owner of the property which is the subject matter of the attached Petition for Rezoning/Conditional Use Application, as is shown in the records of Walton County, Georgia.

I authorize the named below to act as Applicant in the pursuit of a Petition for Rezoning/Conditional Use Application.

Name of Applicant: FREEMAN & BERRONG PROPERTIES LLC

Address: _____

Telephone: 404-569-4221

Location of Property: PLEASANT VALLEY RD

Map/Parcel Number: 01810021

Current Zoning: A-1 Requested Zoning: OS

Property Owner Signature
Print Name: Johnson
Address: _____
Phone: _____

Property Owner Signature
Print Name: _____
Address: _____
Phone: _____

Personally approved and authorized to sign this authorization and to execute the same and to do all things necessary to carry out the same.

Article 4, Part 4, Section 160 Standard Review Questions:

Provide written documentation addressing each of the standards listed below:

1. Existing uses and zoning of nearby property;

R1 S/D ADJOINING TO NW 1/4 A1
CLASSIFICATION TO OTHER PROPERTIES

2. The extent to which property values are diminished by the particular zoning restrictions;

THE PROPOSED ZONING REQUEST SHOULD
NOT HAVE ANY NEGATIVE OR DIMINISHING
IMPACT TO ANY PROPERTIES IN THE
AREA.

3. The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;

THE PROPOSED ZONING PROVIDES ADDITIONAL
HOUSING FOR THE AREA. NO ANTICIPATED
DESTRUCTION OF SURROUNDING PROPERTY
VALUES IS EXPECTED

4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;

THE PUBLIC WILL BENEFIT THROUGH
ADDITIONAL PROP TAXES GENERATED AS
COMPARED TO THE CURRENT A1 USE/DESIGNATION

5. The suitability of the subject property for the zoned purposes; and

THE PROPOSED REQUEST FALLS WITHIN PARAMETERS
PER LAND USE MAP, WITH COMPLIANCE TO
THE SUBURBAN CHARACTER AREA.

6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property

THIS PROPERTY HAS NOT BEEN OCCUPIED
BASED ON TAX RECORDS GOING BACK TO
2012

30 May 2023

Mrs. Parker,

Freeman Berrong Properties LLC is requesting to rezone 85.3 acres, being parcel C1810021, located on Pleasant Valley Road in Good Hope GA. The applicant is requesting to rezone to R1/OSC designation for a residential community of approximately 70 Lots. The proposed homes will be minimum of 2200 sq ft for ranch style homes and 2600 sq ft for two story homes. I am happy to answer any additional questions you may have.

Additionally, the applicant is requesting a variance regarding the width of the subdivision streets to 24' back of curb to back of curb. The reason for the request is the hardship created by wider streets. Larger street widths increase the amount of R/W into each residential lot and thereby reducing the amount of area available for septic system field lines. At the time this project was started, the ordinances at that time were 24' street widths. Therefore, the applicant finds itself underway in design as changes to the design standards are being decided.

Thank you!!

Gary Gettis

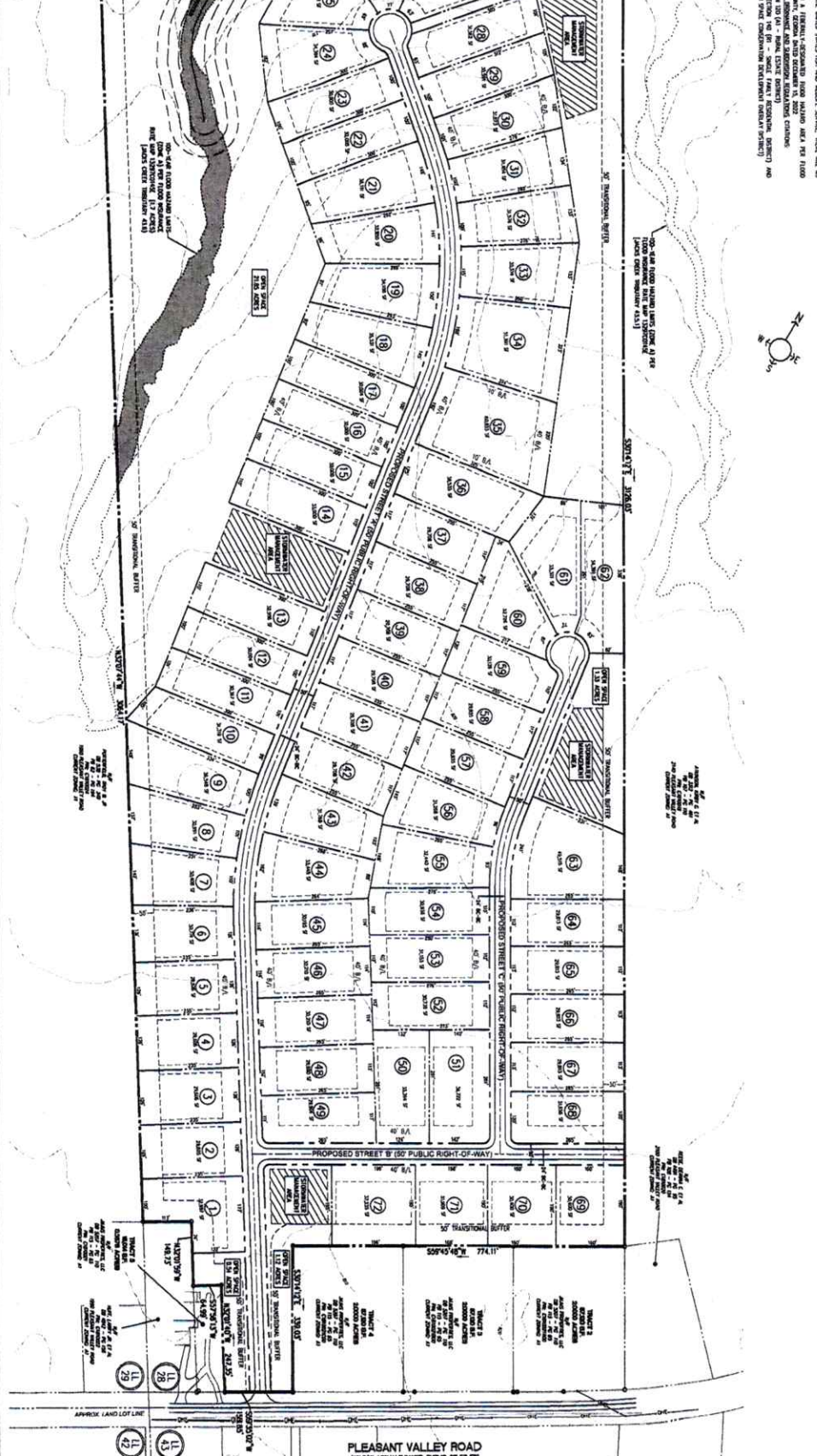
Office: (678) 648-1884

gary@freemanberrong.com



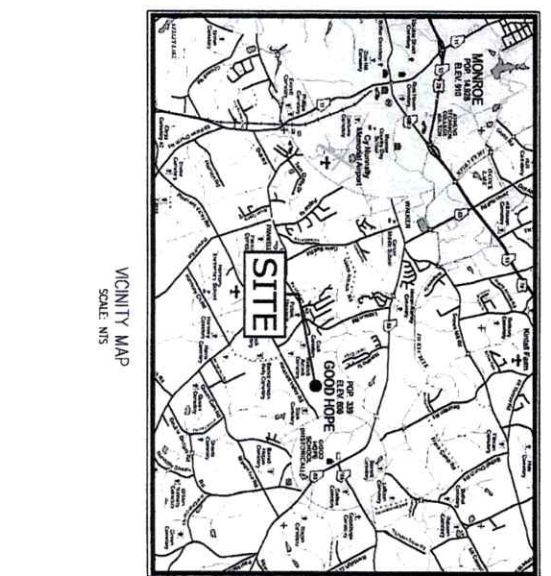
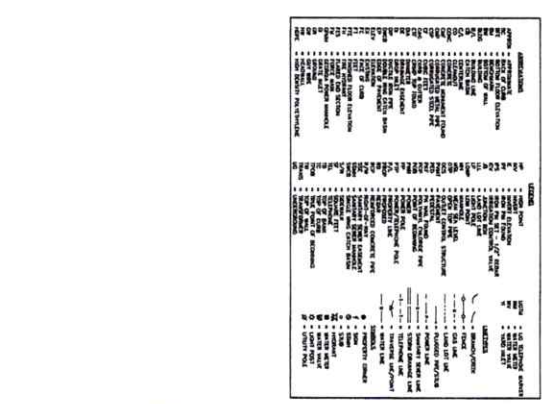
FREEMAN BERRONG

NOT FOR FINAL RECORDING



- 1. APPLICANT/PROPOSER:** FREDMAN BERRONG PROPERTIES, LLC
 2100 OAKRIDGE DRIVE SW
 ATLANTA, GA 30328
 TEL: (404) 241-4271
 FAX: (404) 241-4272
 EMAIL: FB@FREDMANBERRONG.COM
- 2. PROPERTY OWNER:** AMB PROPERTY, LLC
 1000 W. BROAD STREET
 ATLANTA, GA 30306
 CONTACT: TERRY WATSON
 TERRY@AMBPROPERTY.COM
- 3. SUBJECT:** BLUE LAKES, LLC
 1000 W. BROAD STREET
 ATLANTA, GA 30306
 CONTACT: TERRY WATSON
 TERRY@AMBPROPERTY.COM
- 4. SUMMARY:** PROPOSED SUBDIVISION OF 50 LOTS FOR THE BLUE LAKES, LLC, PROJECTED BY PROPOSER
 5. PROJECTED TOTAL AREA: 10.0 ACRES
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 48. PROJECTED TOTAL AREA: 10.0 ACRES
 49. PROJECTED TOTAL AREA: 10.0 ACRES
 50. PROJECTED TOTAL AREA: 10.0 ACRES

LOT NO.	AREA (SQ. FT.)	AREA (ACRES)
1	1000	0.023
2	1000	0.023
3	1000	0.023
4	1000	0.023
5	1000	0.023
6	1000	0.023
7	1000	0.023
8	1000	0.023
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12	1000	0.023
13	1000	0.023
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49	1000	0.023
50	1000	0.023



LAW OFFICES
LIPSCOMB, JOHNSON, SLEISTER, DAILEY & SMITH, LLP

112 NORTH MAIN STREET
CUMMING, GEORGIA 30040
TELEPHONE: 770-887-7761
FAX: 770-889-8123

MICHAEL R. SLEISTER
Of Counsel

L. LEE DAILEY
(1939-2013)

EMORY LIPSCOMB
COY R. JOHNSON, P.C.
PUTNAM CLARK SMITH, P.C.
CHRISTOPHER D. LIGHT
SEAN COURTNEY
ASHLEY B. MASHBURN
ANDERSON LIPSCOMB

**WRITTEN EVALUATION AND RESERVATION OF CONSTITUTIONAL RIGHTS
REGARDING REZONING APPLICATION FOR
FREEMAN BERRONG PROPERTIES, LLC
FOR 85.3 ACRES
WALTON COUNTY, GEORGIA**

This statement is intended to comply with application procedures established by Walton County, Georgia, and is intended to set forth a preliminary development plan for the subject property, to evaluate the proposed development and conditional use, based upon factors set forth by Walton County and is otherwise intended as a letter of intent for the Subject Property.

In order to be compliant with the Walton County Unified Development Code, more fully described in the Application, incorporated herein by this reference (collectively referred to as the "Applicant's Proposal"), **Freeman Berrong Properties, LLC** (the "Applicant") is seeking to rezone the subject property from A1 (Agricultural District) to R1OSC (Single Family Residential District).

The Applicant will submit plans detailing the use for approval by the Walton County Department of Planning and Development, the Walton County Department of Engineering, the Walton County Department of Water & Sewer, the Walton County Health Department, and any other appropriate governmental agencies, based on conformity with subdivision and zoning requirements, as well as other ordinances, statutes, and regulations.

Permanent access to the property will be from Pleasant Valley Road. Access and traffic should not be a problem.

The Applicant's proposal is of a residential use and located within a residential area therefore, there is no negative impact on the surroundings properties resulting from excessive noise.

Public utilities, water, gas, electricity, are available to the site.

The proposed use will have minimal impact on the county school system, it is believed many of the future residents will be empty nesters.

The Applicant believes the proposed use will enhance surrounding property values. The Applicant's Proposal is consistent with the developing trend in the area, which is of residential character.

Walton County's failure to approve the Applicant's Proposal, as requested by the Applicants, will impose a disproportionate hardship on the Applicants and owners of the Subject Property without benefiting any surrounding property owners. There is no resulting benefit to the public from not allowing the proposed use to be carried out.

The portions of the Walton County Unified Development Code that classify, or may classify, the Subject Property into any non-requested zoning classification or zoning classification that does not permit the proposed use as a matter of right, is, or will be, unconstitutional in that they will constitute a taking of the Applicant's and owners' property rights without first paying fair, adequate, and just compensation for such rights in violation of Art. I, Sec. III, Para. I of the Constitution of the State of Georgia and the Fifth and Fourteenth Amendments to the Constitution of the United States.

The Subject Property is presently suitable for the Applicant's Proposal, as requested by the Applicants. A denial of this Applicant's Proposal, as requested by the Applicants, will constitute an arbitrary and capricious act by the Walton County Board of Commissioners without any basis for such, and will constitute an abuse of discretion in violation of Art. I, Sec. I, Para. I of the Constitution of the State of Georgia and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States.

A refusal by the Walton County Board of Commissioners to approve the Applicant's Proposal, as requested by the Applicants, will prohibit the only viable economic use of the property, will be unconstitutional, and will discriminate in an arbitrary, capricious, and unreasonable manner between the Applicants and owners, and the owners of similarly situated property, in violation of Art. I, Sec. I, Para. II of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

The Applicant submits that the Board of Commissioners cannot lawfully impose more restrictive standards on the development of the Subject Property than presently exist. To do so not only will constitute a taking of the property as set forth above, but will also amount to an unlawful delegation of the Board's authority in response to neighborhood opposition, in violation of Art. IX, Sec. II, Para. IV of the Constitution of the State of Georgia.

The Applicant further asserts that the Walton County Unified Development Code was not adopted in compliance with the laws or constitutions of Georgia or of the United States, and a refusal to approve the Application based upon provisions illegally adopted would deprive the Applicants of due process of law.

By filing this Written Evaluation, the Applicants reserves all rights and remedies available to it under the United States Constitution, the Georgia Constitution, all applicable federal, state, and local laws and ordinances, and in equity.

Accordingly, the Applicant and owners respectfully request that the Applicant's Proposal be granted, as requested by the Applicants. This Written Evaluation and Reservation of Constitutional Rights shall be included with the Application. The Applicant also reserves the right to amend this statement and the Application by supplementing further responses and documents.