

ZONING PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, April 26, 2007 beginning at 6:00 o'clock p.m. with Commission Chairman Eddie Freeman presiding and Commissioners Gwen Flowers-Taylor, Edward Goss, Jr., Johnie McDaniel and Commissioner David Phillips present. Also present were Administrative Services Director Jinna L. Garrison, Zoning Attorney Newton Galloway, Community Development Director Chuck Taylor, and Executive Secretary Teresa Watson.

A. Call to Order.

Chairman Freeman welcomed all in attendance.

B. New Business:

1. **Application #07-09S:** Larry E. Schmidt, Owner – Ideal Homes of Griffin, Agent – 125 North Stewart Lane (1 acre located in Land Lot 54 of the 3rd Land District) – requesting a Special Exception to allow a Class A Manufactured home in the AR-1 District.

Chairman Freeman, at this time, digressed to read the rules of order for the meeting.

Mr. Taylor explained that the applicant requests a Special Exception to replace an existing manufactured home with a new manufactured home on property within the AR-1 district. The proposed home has approximately 2254 square feet of heated space. Per the applicant, the total cost of the home will be about \$106,000. Staff recommends approval of this application, as did the Board of Appeals. Runaway Lake Subdivision is the location of this property near the intersection of Futral Road and Rehoboth Church Road. A site plan was submitted with the application, and Mr. Taylor presented an overhead view of the plat.

Commissioner Phillips made a motion to approve the request, but withdrew his motion to allow for those signed up to speak on the petition to do so.

Larry Schmidt, 125 North Stewart Lane, Griffin, Georgia

Mr. Schmidt said the cost to renovate the older home was prohibitive, and he would be incurring costs in the future to care for his aging parents-in-law. Consequently, this was a better option for him at this time.

Tom Ross, Ideal Homes, 101 Moreland Road, Griffin, GA

He has contracted with Mr. Schmidt for the new replacement home, which is about 20' longer and 4' wider than the existing home. It will be connected to the existing septic system and water supply and water/sewer usage should not differ significantly. The footprint should be relatively the same as the present manufactured home.

Frank Tucker – Mr. Tucker said he did not wish to comment.

Motion by Commissioner Phillips to approve Application #07-09S, seconded by Commissioner McDaniel, was approved by a unanimous 5-0 vote.

2. **Amendment to FLA-07-03: Lift from the table** – Robert G. Chapman, Owner – Jim Murray, Agent – Northwest corner of Georgia State Route 92 and Westmoreland Road – from Low-Density Residential and Open Space Network to Commercial.

Commissioner McDaniel moved to lift from the table and consolidate discussion of both Amendment to FLA #07-03 and Application #07-01Z with a subsequent separate vote taken on each, seconded by Commissioner Phillips. Motion carried by a unanimous vote of 5-0.

Mr. Taylor advised the applicant has initiated a request to allow for the amendment of the Spalding County Future Land Use Map and the Comprehensive Plan at the corner of Georgia Highway 92 and Westmoreland Road from Low Density Residential and Open Space Network to Commercial.

The 2004-2024 Spalding County Comprehensive Plan and Associated Future Land Use Map has provided areas along all state highway corridors planned as crossroads commercial to allow for the development of specific commercial intersections to serve those immediate areas. The effort of the plan is to prevent our remaining undeveloped state highway corridors from developing with strip commercial uses, such as Georgia Highway 19/41 north has developed. Highway 19/41 north consists of various businesses which gain access from a myriad of curb cuts. There is no cohesiveness to this type development, nor does it project a positive image aesthetically. This sprawl-like development is also very difficult for the County to provide services. Measuring from the subject property, an existing convenience store exists to the north approximately $\frac{3}{4}$ mile away while a second within the city limits to the south is about 1 and $\frac{3}{4}$ miles away. This item was tabled by the Board of Commissioners in March at the applicant's request. Staff recommends denial of the request as did the Planning Commission.

Mr. Taylor provided an aerial view of this area, noting that a land use study was done a few months ago to explore extending commercial zoning beyond Cowan Road. The decision was made at that time not to extend beyond Cowan Road and the creek that intersects Highway 92. If the FLUM amendment is not approved, the rezoning Application #07-01Z will be moot.

Mr. Taylor identified the property on the overhead for Chairman Freeman. This property is at the very edge of the previous study area and was included in the original study. Some discussion followed regarding the area between the previously identified study area and this one with regard to commercial designation. Mr. Taylor explained this process followed the crossroads designation method for commercialization. The policy of the Future Land Use Map and the Comprehensive Plan is to not have strip commercial uses along our highways, but rather to cluster them at intersections where they make more sense. The Plan designates these intersections, and the County just added Cowan Road intersection to that inventory of crossroads for commercial uses. Strip zoning of commercial along highways is undesirable from several standpoints but primarily because it is inefficient and unattractive.

Jim Murray, 118 North Expressway, Griffin, Georgia

Mr. Murray stated he had been in the real estate business for 21 years since moving back to Griffin. This property, he said, was the next through intersection along Highway 92 and he felt the hundred acres across the highway would be developed into a subdivision and the south side of Westmoreland Road will have to ultimately be paved. GDOT is requiring intersection improvements for developments of this nature, and the highest and best use of this property is definitely commercial, in his opinion, although it could be divided into four residential tracts with four curb cuts for driveways which would be undesirable considering the 8000+ cars on this road daily. It would not make sense to him to not designate a commercial corner on this corridor. He has two offers above \$200,000, contingent on rezoning to commercial and the tract would sell for much less if left residential. This will be a development much like Halpern's shopping center with a variety of businesses, though nothing is defined yet.

Jack Park, 9840 Highway 19, Zebulon, Georgia

Mr. Park represents Mr. Robert Chapman and he referenced a letter handed out prior to the meeting. He read the letter into the record. Two negatives discussed in staff's report dealt with this area not being designated commercial in the Future Land Use Plan. However, it does conform to the crossroads commercial designation plan and would be a good fit for the County. The Village Node (VN) concept is to be applauded, but economic realities must be considered. This tract is close to the VN designated area of Vaughn and Rio. Nottingham Subdivision and another development are close enough to shop in this proposed center without having to access the busy state highways locally. Mr. Park stated he represents GDOT in this area, and their long-range plans to complete four lanes on SR 92 all the way to Fayetteville will be a mitigating factor, as will site distance and GDOT specifications for driveways. Traffic at this intersection with GDOT requirements for a commercial site will be much safer than would be various curb cuts for residences. The general area around the property is zoned R-2, but the highest and best use is definitely commercial. Suitability of the property for the proposed use is good and fits within the concept of having commercial designations at crossroads. The property has been vacant and will continue to be so if not rezoned for commercial. He noted the six criteria to be considered in a rezoning request. Traffic could be the only negative, but GDOT will satisfactorily address that issue. He noted the extent to which value of the property would be diminished if not approved: residential application would offer less than \$100,000 for the property, but they have an offer now for the property as commercial for \$225,000. The ultimate test is to balance hardship to the property owner with the benefit to the public if not rezoned.

Retail uses could certainly be tailored to desired VN concepts. He concluded by providing a legal disclaimer which protects Mr. Chapman's rights for his property under the Georgia and Federal Constitution to due process. The action would be tantamount to taking private property without just and adequate compensation, and there are already previously designated commercial areas. So, failure to approve these two requests would, in his estimation, violate Mr. Chapman's rights to equal protection under Georgia law.

Ronald G. Cox, 264 Westmoreland Road, Griffin, Georgia

Mr. Cox is against commercial development on this tract. He has lived for thirty years on property that is in the front door of this proposed development, and he felt it would devalue his property. He preferred to see the area remain residential as it has been for many years.

Mike Kimble, 287 Westmoreland Road, Griffin, Georgia

Mr. Kimble stated his property borders this property on two sides, to the west and south. He built his home new and researched zonings and uses in the area prior to developing his tract. There is a family cemetery nearby, also. He wants to see this property remain residential even though it does border a state highway. He, too, felt it would devalue his property without question. He was a taxpayer in Spalding County, also, paying taxes on both his home and his business and he, too, has rights. He assumed his taxes helped to finance development of the Future Land Use Map, and he hoped the Board would consider this carefully. He failed to see how putting a convenience store or liquor store on this corner would improve public safety.

Robin Green, 492 Westmoreland Road, Griffin, Georgia

Mr. Green stated he has lived here for 26 years and has seen a great deal of growth. This is already a dangerous intersection, and Highway 92 bottlenecks at this point, also, going from four lanes to two. There are four convenience stores within a very few miles, as well as a Wal-Mart, and he did not see the necessity of adding more.

Commissioner McDaniel said the Board had reviewed Highway 92 very recently with regard to extending commercialization down this corridor. The Ordinance allows certainly for crossroads commercial but that doesn't necessarily apply to every intersection. If approved, there will most definitely be pressure to commercialize the area between the two designated areas. Traffic will be more substantial with a commercial development on this already busy road. Although there are many aspects to consider, he personally was not in favor of changing the Future Land Use Map to accommodate this type development he felt would be problematic, particularly after the amount of work and research the Board did on this study.

Chairman Freeman said he originally advocated extending commercial on Highway 92 all the way to Westmoreland Road on the FLUM, primarily because it was already four-laned. However, he has since rethought the issue and, in retrospect, felt the Board made the right decision recently. He did not feel this was the time to change the Future Land Use Map on this property.

Commissioner McDaniel felt they needed to be careful, particularly with commercial and even medium density resident, when designating other tracts not contiguous with property already designated as whatever the desired category may be. The pressure will be strong to redesignate the area between the two tracts and is comparable to spot zoning, in his estimation. He felt the Board has defined a vision and he urged commissioners to be consistent in support of that vision.

Commissioner McDaniel moved to deny Amendment to FLA #07-03, seconded by Commissioner Goss. Discussion followed.

Commissioner Phillips said he has been friends with Mr. Chapman for some time, but that does not color his decision. Chairman Freeman said since this was in his district he has heard from many people in his area who did not want to see this type development, and he advised he would have to comply with their wishes on the matter.

Motion carried by a unanimous vote of 5-0.

- 3. Application #07-01Z: Lift from the table** – Robert G. Chapman, Owner – Jim Murray, Agent – Northwest corner of Georgia State Route 92 and Westmoreland Road (5.601 acres located in Land Lot 36 of the 3rd Land District – requesting a rezoning from R-2, Single Family Residential, to C-1, Highway Commercial.

The applicant has requested approval from Spalding County to allow the development of the property for a convenience store/retail development, explained Mr. Taylor. This item was

tabled by the Board of Commissioners in March at the applicant's request. Staff recommends denial of the request as does the Planning Commission.

Mr. Galloway said denial of Amendment to FLA #07-03 renders this rezoning application, #07-01Z, moot.

4. **Amendment to FLA-07-04:** Reginald and Carol Mangham, Owner – Markland Management, Agent – 163 Calhoun Road – from Agricultural to Low-Density Residential.

Mr. Taylor advised this applicant has respectfully requested this item be tabled until the May 24, 2007 meeting. The motion and second to table until May by Commissioners Phillips and McDaniel respectively carried by a unanimous 5-0 vote.

5. **Application #07-05Z:** Christopher L. Hill, Owner – 2273 South Walkers Mill Road (1 acre located in Land Lot 9 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.
6. **Application #07-05AZ:** Nona Garland, Executrix for the Estate of Loree and Clyde Battle, Owner – Christopher L. Hill, Owner – 2317 South Walkers Mill Road (7.29 acres located in Land Lot 9 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.
7. **Application #07-05BZ:** Nona Garland, Owner – Christopher L. Hill, Agent – 445 Swint Road (0.593 acre located in Land Lot 9 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Motion and second to consolidate Applications #07-05Z, #07-05AZ and #07-05BZ together for discussion with an independent vote on each to follow by Commissioners McDaniel and Phillips, respectively, carried by a unanimous vote of 5-0.

Mr. Taylor noted the applicant has requested approval from Spalding County to rezone the subject properties in Applications #07-05Z, 07-05AZ, and 07-05BZ, from AR-1 Agricultural/Residential to R-2, Single Family Residential. The applicant intends to resubdivide the properties into five new tracts for single-family residential development. The density requested by the applicant in this case is supported by the Future Land Use Map. Staff recommends approval of the request, as does the Planning Commission.

Mr. Taylor facilitated subsequent discussion regarding these lots of record on the tax map. Some of the surrounding lots approximate ½ acre in size while others nearby are larger. Mr. Taylor reiterated that that the only item being discussed tonight was the rezoning of the tracts in their entirety from one zoning district to another for resubdividing later. This is an assembly of properties that are proposed to be combined, from agenda item #5 through item #7. Lot sizes did not need to become an issue at the present time, and the discussion didn't need to address special exceptions. This will be considered a minor subdivision under our County regulations, and a preliminary plat, as well as a final plat, will have to be filed, thoroughly reviewed and approved in order to be able to subdivide the lots. The platting process will determine how many lots the tract will yield. Some discussion followed regarding lots of record. The area surrounding Orchard Hill is slated for a density of one unit per acre on the Future Land Use Map. The potential on this property should yield 4 or 5 lots, but probably 4. Whatever the ordinance allows is what they can develop.

Commissioner Goss exited the meeting.

Mr. Galloway noted that to combine these three lots into one will cause the current grandfathering status of each of the lots individually to go away. The wetland area will be dealt with by the Board of Health when it either becomes approved for septic or not. The first hurdle is to do what the subdivision regulations require and then you can deal with septic. If this request should not be approved, the developer can build on all of the three existing lots as a matter of right and could divide the larger lot into two tracts, as well. The applicant is in compliance with the Future Land Use Map. Reconfiguration of the lots is the issue being considered. Since these are lots of record, the developer can do three dwellings now with no action required, with a minimum square footage required of 1500. There is public water but no sewer for these tracts, so the approval of septic becomes an issue for the Board of Health.

Chris Hill, 695 South 6th Street Extension, Griffin, Georgia

He grew up on land across the road from these tracts. His purpose is to clean up and improve the area by combining these tracts and redeveloping them. His objective is to raise square footage to a 1750 minimum under the R-2 zoning with the smallest of the proposed lots being

1-1/4 acres. Mr. Hill advised that even if the rezoning were to support a fifth tract, there would not be enough viable area to support septic for a fifth parcel. The larger parcel has an older home on it presently that is very run down and not currently inhabited. This request will result in larger lots with greater minimum square footages. The number of houses will depend on the R-2 zoning requirements, and no petitions for variances or special exceptions will be forthcoming. This request actually raises the standard of the area, in his opinion. Of the 17 closest surrounding homes, there are 14 with less than 1500 square feet based on tax records. Many of the smaller lots are older lots of record and are one acre or less.

James Smith, 2375 South Walkers Mill Road, Griffin, Georgia

He was concerned about his property being devalued. He did not care to sit on his property, which is on a hill, and look over several houses proposed for development on this tract. He preferred the wooded area there now. Mr. Smith said he raised a couple of hogs each year to eat and he wondered if this would affect his zoning so that he could continue doing that, but he was assured this would not be the case. His home is about 2000 square feet, so the proposed homes would be comparable to his dwelling in size at 1750 square feet.

Commissioner Phillips made a motion to approve Application #07-05Z, seconded by Commissioner McDaniel. Commissioner McDaniel said approval would be more palatable to him if the four lots utilized two common drives which would result in fewer curb cuts on South Walkers Mill Road. Commissioner Phillips amended his motion to condition that two driveways rather than four exist for Application #07-05Z, and Commissioner McDaniel accepted the amendment to his second. Motion carried by a vote of 4-0 with Commissioner Goss being absent.

Commissioner Phillips moved to approve Application #07-05AZ with the same condition as stated above for Application #07-05Z, seconded by Commissioner McDaniel. Motion carried by a vote of 4-0.

Commissioner Phillips moved to approve Application #07-05BZ with the condition that the tract have just one driveway on Swint Road, seconded by Commissioner McDaniel. Motion carried by a vote of 4-0.

8. **Amendment to UDO #A-06-15:** Appendix K. Landscape and Tree Preservation Ordinance – replace existing Landscape and Tree Preservation Ordinance with a new Landscape and Tree Preservation Ordinance.

Mr. Taylor explained this is a watershed in the landscaping ordinance. Planting now is based on the amount of acreage in developments. Churches often build on large tracts and because of the ordinance tied to the amount of acreage find they have to plant hundreds of trees when, in fact, most of the land is undeveloped. The more impervious surfaces that a developer has, the more stormwater will be generated. So, this does try to strike a balance between how much pavement is put on a property. Impervious surface requirements would actually discourage businesses from overpaving because overpaving means a greater number of trees must be added. This will result in more tree planting for businesses that have a large portion of their property as impervious surface. The ordinance requires the planting of a canopy tree and an understory tree for every 2000 square feet of impervious surface on the property. Additional points of the amendment were discussed, such as design criteria, shade, landscaping islands (canoe style, full length, etc.), ground cover, species that are appropriate, minimum requirements, a do not plant list, etc.

Chairman Freeman said he did not see a do not plant list, and others directed him to the list on page four. Chairman Freeman agreed sweet gum should be placed on this list.

Mr. Taylor continued that commissioners should alert him to other trees they may want to add to this list. Some trees are simply not conducive to parking lot environments. Commercial, industrial, and multi-family uses are included but not for residential properties.

In response to Commissioner Flowers-Taylor's question, Mr. Taylor said the work that was begun earlier on parking and paving requirements is still needed, and this aspect of the landscaping amendment should bring that to the forefront. A hard look at parking requirements is definitely warranted. From his vantage as a planner, he felt the County ordinance requires a great deal more parking than is actually needed there, so he felt it was important to return to commercial uses and zoning districts to reduce some of the parking requirements. Mr. Taylor said a balance was struck by limiting impervious surface, and perhaps they can review a maximum number of parking spaces per 1000 square feet instead of just looking at minimums. The language to accommodate this tradeoff between required parking and landscape areas is something that would have to be explored.

Commissioner McDaniel said this was brought to light by the Crestview Baptist Church situation. Commissioner Flowers-Taylor said she understood but parking spaces without trees create environmental and safety problems. Chairman Freeman agreed that some commercial entities don't like to put trees in their parking lots.

Mr. Galloway recommended, and Chairman Freeman concurred, adopting this ordinance and then returning to the issue later to address the parking aspect. The County will be better served, Mr. Galloway felt, to go ahead with approval. If problematic, the County could grant variances to applicants or come back to amend for the tradeoff situation between required parking and landscape areas. All ordinances put in place can certainly be manipulated should the need present itself. Mr. Taylor agreed that the ordinance could certainly be tweaked after implementation as practical applications are encountered. He wanted the Board to be aware this would require more landscaping for commercial developers, but he did not feel it was economically prohibitive. It will, however, demonstrate the County is more serious about landscape design than ever before.

Commissioner Phillips moved to approve Amendment to UDO #A-06-15, seconded by Commissioner McDaniel, and motion carried by a vote of 4-0. Commissioner McDaniel requested that Staff start as soon as possible to address parking requirement issues.

9. **Amendment to UDO #A-07-03:** UDO – Article 4. Fees – Section 419:A-F and Section 417:A-C; Appendix A – Article 3. Fees – Section 301:A-E; Appendix J – Article 3. Fees – amend fee schedules.

Mr. Taylor advised this is a housekeeping ordinance designed to keep up with the costs involved with processing resubmittals, the number of which have increased exponentially with more developments and larger scopes of these developments. Additional fees are not currently collected for resubmittals, such as review fees for plans submitted after original approvals, but quite often these costs are substantive with staff time, engineering costs, etc. This ordinance addresses this issue and also provides for some flexibility of restructuring fees without having to do it within the confines of ordinances with first and second readings, but rather tying them to fees that are approved by a vote of the Board.

Motion to approve Amendment to UDO #A-07-03 was made and seconded by Commissioners McDaniel and Flowers-Taylor respectively, and motion carried 4-0.

D. Other Business:

1. Discussion, per Zoning Attorney Newton Galloway's request, on non-conforming lots of records.

Since Commissioner Goss had a major interest in this discussion, Mr. Galloway asked if the Board would consider moving it to the May 7 agenda. ***The Board concurred.***

2. Discussion of Village Design and Transferable Development Rights.

Mr. Taylor advised the process to date for developing the Village Node (VN) concept, particularly in the Rover and Jackson Road areas. Mr. Galloway had begun in November developing the Transferable Development Rights (TDRs) as a development tool for the process, as well. Now the County is at a point where the TDR issue will take a great deal more study and work. He asked if commissioners were comfortable enough with the VN designs to move forward with the study of TDRs as an implementation tool. He reviewed some comments/issues discussed at previous meetings. The Board can then determine if they want to proceed.

Mr. Taylor began with an overview of the Rover VN and the Jackson Road VN. The two, although separated geographically by about 10 miles, share some common concerns. These include density, traffic, infrastructure, and growth beyond the VN boundaries. Citizens in both areas provided much input during public meetings. Density is needed in order to create the market for the commercial aspect of the VN. Much like the villages of a hundred years ago, there is a higher density of living areas combined with commercial aspects for the Village Node proper with the surrounding area remaining rural beyond the boundaries of the node, and the nodes are designed for walking convenience rather than vehicle traffic. Plans include much detail for pedestrian traffic and aesthetics. TDRs have the most benefit for developers who can purchase them from surrounding property owners and apply them in the VN. The alternative pattern of development is sprawl. In zoning cases where we attempt to prevent sprawl, the VN is a powerful tool as an alternative. Sewer package plants are a good, viable method of

providing sewer which promotes higher density. Limiting VNs to sewer package plants means a more manageable number of such plants with greater control. The notification process for surrounding residents was a concern raised, along with traffic dissipation and curb cuts. The multi-family component to the village was also a concern in Rover Village. Mr. Palmer, owner of a tract of land at the corner of Maloy Road and Rover-Zetella Road, requested that his 50 acres be included in the village designation. Mr. Taylor said it was possible to expand villages but in order to keep the walkable radius realistic, expansion was difficult in some circumstances. In the case of the Rover VN, expansion is possible but Mr. Taylor rather suggested looking for a land use break.

Many of the same comments arose from the Jackson Road VN discussions. The northeast quadrant of the county has more VN locations, but projects designate this area for greater development and carry the most risk. This design protects historical resources and addresses somewhat the traffic on Highway 155, which is an issue that will be fleshed out to a greater degree during the Comprehensive Transportation Plan that is currently ongoing.

TDRs are complicated and will most certainly take more discussion and education. Nodal development is a credible alternative to sprawl but needs to be carefully crafted. Comments made about some of the issues raised made staff realize the importance of closely tying in the nodal development growth pattern with the TDR implementation tool afforded by ordinance.

Mr. Galloway said VNs are designated on the Land Use Map and work had progressed on TDRs since the previous discussion. He favors TDRs theoretically but implementation, when relied solely on statutes currently existing, may appear unworkable. Property values are impacted. If TDRs protect the VN areas by having developers buy around it and move those development units into the node by right, then there has to be an economic incentive to the person selling his TDRs to hold the property green. An equilibrium must be maintained between the need for the property to be sold versus the property's need to be maintained. Skewing occurs when an imbalance exists. Mr. Galloway has worked with South Fulton County and also with Brian Davison at Minerva in this area and will continue to do so.

Mr. Galloway wants the Board to extend the moratorium on VNs and consider doing a study on whether or not TDRs are, indeed, viable possibilities. Perhaps imposing a fee at the time of building permit issuance for the purpose of acquiring green property is a viable method. The County needs to require some type of economic incentive to make TDRs comparable in cost so that property owners will commit in this manner rather than selling for development. The first VN development around Heron Bay was designed as an adjunct area and existing design criteria is enough to ensure a good development primarily because there is only one well-known developer with one design and the certainty of financial resources to complete the project satisfactorily.

Mr. Galloway again suggested the County impose a fee at the time of permitting equal to a per-acre cost and then the County can acquire at fair market value. VN boundaries are subjective according to the Board and layout of the nodal design. Development pressure will be there for property owners to sell, so these property owners have to have economic incentive to not develop (i.e., TDR). Therefore, the County must make it as attractive for the owner to execute TDRs as the property owners who sell within the VN area. This is all preliminary and only one county, Fulton, has TDRs currently, but they are not working well for them. TDRs are good in theory but need to be more fully explored. They have to be tweaked, and implementation is key. Conceptually this has good support but some folks, particularly in the Jackson Road area, oppose the practice.

Commissioner McDaniel stated they must assure citizens this won't be an immediate action but rather should demonstrate a good workable plan for future development. He agreed they won't probably have another developer such as Minerva for Village Node development. Sewer is a significant issue, as is financial incentive for TDR property owner to remain green. Much work is left to do, but Mr. Galloway needs authorization should he incur more costs in the effort to move the process along. It was noted these plans are completely different from Peachtree City development methodologies. Mr. Galloway said they will probably not set up another meeting until they have something new to say. It is the Village Node developers who should market and find anchors for the projects, not the County. We'll have a better idea when the Heron Bay VN comes on line and there is something tangible in place to study, although the one component missing there is TDRs since that was not a necessary tool for that particular node. Mr. Galloway desired of the Board:

- 1) Look at or have staff retain assistance to look at an economic review of TDR viability.
- 2) Extend the current moratorium on VNs.

Minerva's VN at Baptist Camp and Jordan Hill Road will probably be the next instance of discussion. The concept warrants much additional discussion, particularly at Jackson Road where this area of County will demand more. *The Board of Commissioners, by unanimous consensus of the Chairman and Commissioners Flowers-Taylor, McDaniel and Phillips, authorized Mr. Galloway to continue with the above-stated recommendations.*

Chairman Freeman said he wanted to see a lot of notices in the paper to let people know where we are in the process, but Commissioner Phillips said he agreed with Mr. Galloway that we should not have another community meeting until there are new developments to inform the public. Chairman Freeman said everyone was not sold on the concept. Commissioner McDaniel noted, though, that this was simply authorizing Mr. Galloway to continue.

3. Discussion of North Hill Overlay.

Mr. Galloway said they were tasked to look at North Hill to develop overlay to create improvements in the area. North Hill to Sun City is the general area and overlay is defined as distance on each side of North Hill. The housing code component, which should be first in development, will incorporate defined uses and construction standards to improve general aesthetics. Several components include:

- 1) Drafting an ordinance with housing code building standards for minimal housing.
- 2) Drafting an overlay of the corridor from the City limits to Sun City. The overlay standard itself would create new requirements for construction standards, uses, and improvements to the general aesthetics of the area.
- 3) Application of either of two acts available to Spalding County under current Georgia law.

Mr. Galloway doesn't believe enactment of a housing code or development of overlay area will be sufficient to ensure achievement of objective. So, he explored acts available which would be beneficial in affording success. First, the Georgia Redevelopment Powers Act or the Georgia Urban Redevelopment Powers Act are both options. Under the Urban Act, the County must first designate the area as slum or blighted and then incentives for improvements are available. This is an older alternative and doesn't require public approval, just action of the Board. However, it offers no benefit from issuance of bonds for economic redevelopment.

Under the Redevelopment Powers Act, an economic area is designated as blighted and legislation enacted to complete the designation. Voters would have to vote but would enable bonding authority for a tax allocation district (TAD). Information from an ARC seminar on Tuesday on TADs stated the area is targeted for development and taxes in the area are essentially capped at existing property values. As the area redevelops, taxes from increased value of property go into a special fund that must be used for area redevelopment. The Board could identify themselves and elect themselves as the Redevelopment Authority and actually borrow money against the increased values of improved property in the redevelopment area. The general fund of the County would not be part of the security and bonds are essentially unsecured. This alternative provides for much greater power and precipitates redevelopment faster. The County would not have authority to go beyond its borders into the City but could designate an area from the City limits to Sun City. Some type designation for blight or slum would be necessary whether doing a TAD or not and could work within the Urban Redevelopment Act, as well. They must get approval from the School Board, also. Before proceeding, Mr. Galloway wanted direction from the Board of Commissioners. These are components for North Hill, and as he noted, left to its own devices, the process of just developing an overlay and/or minimal housing building codes won't get the job done.

Mr. Galloway said, in his estimation, the County needs to develop the housing code and establish the overlay zone. The earliest possible time to establish a TAD is in the next local legislative session, necessitating a county-wide referendum, which means it will probably become effective January 2009. Mr. Taylor advised this takes time but is the most powerful of all redevelopment tools and provides the greatest incentive. Mr. Galloway stated he will set up a meeting with lawyer Sharon Gay, of the firm of McKenna, Long and Aldridge and would need to include Commissioners Eddie Goss and Gwen Flowers-Taylor, as this project includes portions of their districts. The area can be designated as blighted without invoking a TAD. This tool is very popular with the development community. The desire is to create a mechanism and path that will attract the Sun City residents to seek Griffin commerce rather than other areas when they are, in fact, equidistant to the business area of Georgia 20/Interstate 75 and north. The corridor must be made attractive, convenient and practical.

Housing codes will be next in the process, followed by signs. In the meantime, a synopsis of both these tools is already available and Mr. Galloway will provide to commissioners. He

needs authority to proceed. Both tools described are not mutually exclusive and politics might not support a referendum to get the area cleaned up. It's possible the County could utilize both methods which are geared more toward cities but plainly are applicable tools for the County, as well. *The Board's consensus was to proceed.*

E. Adjournment.

On a motion and second by Commissioners McDaniel and Phillips, the vote to adjourn at 8:55 p.m. was unanimous at 4-0.

County Clerk

Chairman