

ZONING PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, July 26, 2007 beginning at 6:00 o'clock p.m. with Commission Chairman Eddie Freeman presiding and Commissioners Gwen Flowers-Taylor, Edward Goss, Jr., and Johnie McDaniel present. Absent was Commissioner David Phillips. Also present were County Manager William P. Wilson, Jr., Assistant to the County Manager Paul Van Haute, Zoning Attorney Newton Galloway, Community Development Director Chuck Taylor, Senior Planner Chad Jacobs and Executive Secretary Teresa Watson.

A. Call to Order.

B. New Business:

- 1. Application #07-16S: Lift from the table** – Anthony F. Jolley, Owner – Markland Management, LLC, Agent – Macon Road (23.552 acres located in Land Lot 203 of the 2nd Land District) – requesting a Special Exception to condominium dwelling, patio dwelling or cluster dwellings meeting development standards in the R-1 District.

Motion to lift Application #07-16S from the table by Commissioner Flowers-Taylor, seconded by Commissioner McDaniel, carried by a vote of 4-0.

The applicant, advised Mr. Taylor, has requested approval from Spalding County to allow the development of a 23.552 acre tract to develop a residential community utilizing the Country Club theme. The property is located at 1888 Macon Road. The development as proposed would consist of 23 single family residential dwelling units and approximately

10.155 (43.12%) acres of open space. The proposed site plan has one access point from Macon Road. Without approval of the Special Exception we estimate that approximately eleven (11) 2-acre lots could be developed on the subject property by right. Pursuant to the Spalding County Comprehensive Plan, 2004-2024 as revised in December 2004, the request is inconsistent with the plan and associated Future Land Use Map classification of Agricultural and Open Space Network. The proposal as submitted is a Low Density Residential development. This item was tabled at the last meeting at the request of the applicant. Staff recommends denial of the request, as did the Board of Appeals.

Mr. Taylor answered questions, noting this was not a rezoning request but rather a Special Exception. There is a 25% requirement for greenspace. He presented an overview of the subject property for commissioners. The developer lacks enough acreage to develop as a conservation subdivision.

Commissioner Flowers-Taylor noted she disliked the development's design, particularly the greenspace configuration and lot size. She did not feel it would benefit Spalding County to allow this development and with the increased traffic, there were probably more negatives than positives. Mr. Taylor responded that Planning and Zoning denied the request more or less because the requested density was more than was indicated on the Future Land Use Map (11) versus the number being requested (22). The FLUM calls for most of the area to be agricultural, but the current zoning is what the developer is entitled to use (R-1).

Mr. Taylor said the home elevations are more for traditional design and the layout of the subdivision is more for a Country Club theme (Country Club street layout with traditional home style, Craftsman perhaps). This will need to be addressed and resolves should the application be approved. He showed some designs proposed that reflected primarily the Craftsman type design. Some discussion followed regarding specific lots and their close proximity to the road, as well as the size of the clubhouse proposed. There are some limitations as to how much of the allocated greenspace can be wetlands, and that will be verified. Accessibility to sewer makes smaller lot size more feasible even though it might not necessarily mean greater density.

Richard Mullins, Attorney, Griffin, Georgia

Mr. Mullins pointed out the development as it relates to Deer Creek in proximity. Deer Creek is just above this proposed site. He showed pictures of the property to commissioners along with the proposed traditional home styles, as well as an elevation of the clubhouse. The purpose of the Special Exception is to allow one house per acre, or 23 houses, in this development. Like many plans already approved, this has greenspace that is actually usable. A walking trail will be around the tract and buffer the property for a more relaxed country setting. The greenspace here is positioned all around the development rather than being positioned all in one place at the rear of the property, as is the case with many such developments. The Staff report notes that residential densities are needed for infrastructure planning to accommodate future growth. Macon Road is a good road already, more heavily traveled than some but not nearly as much as others. There is both water and sewer to this property, so he was at a loss as to what infrastructure was the source of concern. There is a total neighborhood feeling to the plan, and he passed out some notes he had made regarding the property.

The Future Land Use Map (FLUM), Mr. Mullins noted, is a changing, evolving document rather than a commandment. The houses will have 2200 square feet minimum with covenants and a price point of \$300,000 ±. Based on his research, for the year 2007 Spalding County has issued 115 building permits for single family, 30 to Pulte and 12 to Heron Bay. These two developers/builders made up 36% of all single family dwellings for 2007 for this County, so he felt there was a market for something else that is not currently being addressed. There are homes in the lower end of the spectrum and homes available higher, but there is nothing for the \$300 range market and this development fills that gap in the market locally. It will provide for hardy plank and not vinyl. There is already traffic from Deer Creek (35 homes on 11 acres) and Hunts Mill (32 homes) which bookend this property, and these homes would add that great a number to the existing traffic patterns. These developments are not even comparable yet they were approved. The FLUM will be modified as reason dictates. It is not set in stone; otherwise, there would be no remedy needed in the form of Special Exception or Variances, at all. Quail Hollow and other nice developments in 1970s were the last really nice developments in this area, in his opinion. Heron Bay is not a Spalding County development; they are outsiders. We are not increasing inventory there for Spalding Countians but rather for others. Mr. Charles Doughtie has concerns, but this development will keep the pastoral effect he desires and actually raise property value by placing this buffer between him and Deer Creek area. Developers have

worked hard and builders have shown great interest. This is a good quality plan with no need for further infrastructure.

Commissioners Goss and Flowers-Taylor expressed concerned that some lots abutting Macon Road were too close to the thoroughfare. There will be a homeowners association to control commons areas, i.e. clubhouse, playground, etc. The size of the clubhouse, though small, is adequate since there are only 23 families planned. Commissioner Goss understood Mr. Mullins' thinking on the FLUM and some changes have occurred since its inception. It is, however, a plan and County spent a great deal of time and money to develop it. Commissioners have tried to follow it for the most part and carry out the wishes of citizens who provided input into its development, although they cannot always follow it to the letter. The Board has discussed changes to the FLUM, but feel they need to follow it more and sometimes developers get caught in the middle.

Mr. Mullins said given the location of these properties and their accessibility to sewer and water, the color on the Future Land Use Map simply got moved too far. The area should not be low density, especially considering there is a development nearby three times as dense as this proposed one.

Anthony Jolley – Did not desire to speak
Mark Moody – Did not desire to speak
Mark McCullough – Did not desire to speak

Mr. Taylor pointed out that Deer Creek was different from Hunts Mill; it was a vestige of an old apartment plan that was zoned down. Going to cluster homes in that development created less of an impact than an apartment development would have done. Mr. Mullins is right in that it was flipped several times, and submittal made under the old Land Use Map. Additionally, there is a buffer from the edge of the street to the back of lots for Hunts Mill.

Commissioner McDaniel stated the Board was trying to follow the plan but they do have to take in mitigating circumstances and think logically. There is sewer all the way to Orchard Hill, and there is a great deal of land between this location and Orchard Hill. Each little piece of this puzzle that is being constructing could mean higher density along the way, and pretty soon the area will look like Griffin. Every applicant feels their plan is special and worthy of change to the map. These type houses do represent a style we don't see much of in County developments.

Chairman Freeman stated he saw both positives and negatives. There is growth in the County, not always as desired, and everyone will always want to change the FLUM if they can. Many don't like growth but he felt it will boom in the next few years, resulting in the need for the Board to be more conscientious and careful. They could not stop the growth.

Commissioner McDaniel said the FLUM was not designed to stop growth but rather to manage growth.

Chairman Freeman said each Special Exception has to stand on its own merits.

Commissioner Goss noted that when they were looking at design of the FLUM the Board looked at three tiers over a 20-year period and people were given the opportunity to provide input. Overwhelmingly, people wanted to be around the 80,000 mark and they helped develop the plan recommended to the County. If Board members don't follow the plan, the target population may hit 120,000 or 150,000 instead of the desired 80,000.

Commissioner Flowers-Taylor commented the Board could approve the application as presented, approve an altered request, or deny. If the growth trend in the area is not as anticipated, then perhaps they should formally change the FLUM to more accurately reflect this trend. She personally did not want to approve this much density and suggested they either alter the number allowed or let the developer exercise his right with 2 acre lots. Commissioner Flowers-Taylor stated the Board could condition to reduce the density and the developer could accept or reject. If rejected, he can come back with a second plan but would have to go back through the Planning Commission and this Board. Mr. Taylor noted they are already conditioning the application, so a condition to reflect a change in lot size and the number of lots could be added. If accepted, the developer could bring back a revised site plan for clarity. Mr. Taylor added that the owner can develop one unit to two acres by right and submit a site plan, as well.

There was a five-minute recess called at 7:25 p.m.

Motion to approve Application #07-16S: Anthony F. Jolley, Owner – Markland Management, LLC, Agent – Macon Road (23.552 acres located in Land Lot 203 of the 2nd Land District) – requesting a Special Exception to condominium dwelling, patio dwelling or cluster dwellings meeting development standards in the R-1 District with the following conditions by Commissioner Flowers-Taylor, seconded by Commissioner McDaniel, carried by a vote of 4-0.

1. *The number of lots shall not exceed twenty (20).*
2. *Any lots abutting Macon Road shall have a vegetative buffer and/or berm between the lots and Macon Road to afford greater privacy and noise protection.*
3. *More of a buffer to the entrance of the subdivision.*
4. *Additional greenspace, perhaps in the form of vegetative traffic islands or roundabouts, and a change in the configuration to break up the straight driveway/cul de sac in the center of the property.*
5. *Although some will be necessary with narrow lot configurations, whenever possible, there shall be no front opening garages.*

2. **Application #07-17S: Lift from the table** – Beverly E. Munson, Owner – Ideal Homes of Griffin, Agent – 800 Bailey Jester Road (7.6082 acres located in Land Lot(s) 9 and 113 of the 3rd Land District – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Motion to lift Application #07-17S by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.

Mr. Taylor stated the applicant requests a Special Exception to place a new manufactured home on property within the AR-1 district. The proposed home has approximately 1560 square feet of heated space. Per the applicant, the total cost of the home will be approximately \$74,322. This item was tabled at the last meeting. Staff recommends denial of the request, as did the Board of Appeals. This is not a hardship application, but Ms. Munson has submitted a letter from her doctor that addresses the health issues mentioned at the last meeting. The applicant would have to return with a different application should she desire a hardship which would be temporary only until the hardship ceases to exist. That scenario would have to place a second dwelling on the same property and not on another tract, as is the case with this application.

The owner of Tract 3, the property in question, also owns Tract 2 as noted in the overhead. There is a home currently on Tract 2, and a breakdown of home trends in the area is included in commissioners' packets. Discussion followed. There are 14 conventional versus 5 manufactured home sites. A previous mobile home on the property was repossessed after February 2005, so there is no home on the tract at the present time.

Chairman Freeman said he could see their rationale if a manufactured home existed on this site previously. The home would be 164 feet from the edge of right-of-way but would sit in front of power easement through property.

Commissioner Flowers-Taylor asked if trending toward manufactured homes in proximity to landfill existed, then why insist on having everyone come before this Board. She urged commissioners to be very cautious about where to draw the line if they decide only manufactured homes would be considered.

Chairman Freeman pointed out the two negatives: the power line and landfill nearby. Additionally, there has been a manufactured home on it previously.

Mr. Gunter pointed out his property and the site of a new proposed home for him in the price range of \$250 to \$300,000. The Landfill, he noted, is a good neighbor but the truck drivers are not. Landfill personnel react to problems of smell and driver speed issues.

Beverly Elaine Munson, 865 Bailey Jester Road, Griffin, Georgia

The main reason for wanting this manufactured home for her daughter is her disability since 1997. There was doublewide previously and they didn't keep up the land as her family does. Finally she has gotten a trailer and she is trying to get the inoperable cars either fixed or hauled off. She bought this land for her daughter on the courthouse steps after she had an accident in 2005 when her daughter had to come by and check on her every day. She still drives but occasionally only because her reaction times are slow. She was in a wheelchair for awhile but she has gotten back on her feet some. A row of trees along the road and another row behind these block visibility of the manufactured home which is behind. She would prefer to have a stick built home but noted that one has to get what one can. The

power line does pose some difficulty, as well. There is no room for a manufactured home on her 7-acre tract. The creek and swamp behind the house and the power line prohibit adding a second dwelling. There is a two-bedroom home, and her husband and she occupy both bedrooms. He is 74 and hard of hearing and needs surgery for vision, as well.

Rebecca Kilby, 865 Bailey Jester Road, Griffin, Georgia

She wants to be close to her mother's home because her five brothers and sisters have moved away for the most part, and her mother has had a hard time the past four years with medical issues. She would like for her children to have a decent place to live. Property values are not a huge issue with power line and sanitary landfill so nearby anyway. This would be the first real home she has had and they are excited to have more room for her family. They currently live in a 2-room apartment, sleeping in both the living room and one bedroom.

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

Ms. Munson wants to buy a home and put it where a previous manufactured home existed. The well and septic tank can be rehabilitated. There are clearly more reasons to say yes than to say no, he stated. He found it difficult to believe the argument that land values will be lowered given all the circumstances already detailed. Mr. Ross answered Commissioner McDaniel that he did not feel a home should be placed on same tract with the mother. FHA could not finance the couple, so that is not a viable option. A personal property or chattel loan is necessary in this case. With wetlands they will need a separate septic although they can use the same water source.

Mr. Taylor said no flood plain or wetlands were shown for Tract 2 or 3. He noted he can't address septic systems as that is environmental health's issue. They have approval to use existing septic on Tract 3.

Brian Gunter, 850 Bailey Jester Road, Griffin, Georgia

His main objection is the property value issue. They may have tried to do better but there are five cars on the property still. They say only two are not running but he differs. He has offered to help them clean up property but they haven't taken him up on the offer. His vehicles are under garage. Mr. Gunter noted the previous owner was a family member. He asked if they could combine the two pieces of property and apply for hardship. He was concerned for his proposed home on the hill overlooking this property. With spending \$74,000 on a manufactured home, he felt they can do nice extension to the existing home or build another small, stick-built home nearby.

Skip Howell, 885 Wani Road, Griffin, Georgia

The issue for him is growth and this must have a positive spin. The landfill is not a problem since it is there already and most neighbors are in stick built homes. While this area across the broken bridge on Wani resembles a third world country, his area is primarily stick built homes. He urged the Board to think about this influence on the neighborhood and protecting property values. He subscribed to the credo that we should leave what we find better, and he requested that commissioners not permit additional manufactured homes in this area.

Clancey Leach, 632 Wani Road, Griffin, Georgia

Mr. Leach is neighbor to Mr. Howell and Mr. Gunter. He feels for family, but also agrees the area's trend is to stick built homes, and they would like to keep it that way. Taxes paid by stick built help support the county better than what is paid by manufactured homes. He urged the Board to think of this legacy and not allow another trailer park across the street.

Commissioner Flowers-Taylor advised if DCA would approve such a home, the applicant would not be here tonight. She hasn't demonstrated a hardship should that be what she is applying for, but beyond that she has not met what the ordinance says. They haven't explored other alternatives.

Motion to deny Application #07-17S: Beverly E. Munson, Owner – Ideal Homes of Griffin, Agent – 800 Bailey Jester Road (7.6082 acres located in Land Lot(s) 9 and 113 of the 3rd Land District – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District by Commissioner Flowers-Taylor, seconded by Commissioner Goss, carried by a vote of 4-0.

3. **Application #07-19S:** Jesse C. Johnson, Owner – 2293 North Walkers Mill Road (5 acres located in Land Lot 116 of the 2nd Land District) – requesting a Special Exception to allow a certified medical hardship in the AR-1 District.

Mr. Taylor advised this applicant requests a Special Exception to allow the use of an existing manufactured home on the property for a medical hardship. A statement from the applicant's doctor is included in the application. It must be noted that a Special Exception for medical hardship was previously granted for the subject property on December 14, 2000, so this is a second request. Staff recommends approval of the request and the Board of Appeals recommends conditional approval with the following stipulation:

The requested use is limited to five (5) years at which time the applicant will reapply if the need continues.

Nancy Johnson, 2293 North Walkers Mill Road, Griffin, Georgia

Her son had a severe stroke four years ago. He was hospitalized for two years and lived with her after that. He is in rehabilitation and they are trying to do the best they can. The manufactured home is next to the woods in back of the house, and she showed pictures. Her mother moved there in 2000 and passed away in May 2007. Her mother and father had severe health issues. Her son has a brace on his right leg and can't use his right arm at all. They utilize walkie-talkies, cell phones, and a medic alert. Two kids living in the three-bedroom home with her have Downe Syndrome. The brick home they live in has a very small living room and both she and her husband are retired with no available money for an extension. She also felt her son could get better on his own if he were allowed to move into this mobile home.

Larry Conley, 2292 North Walkers Mill Road, Griffin, Georgia

Mr. Conley lives across the street and has no problem with her mother and father who lived in the manufactured home previously. Son David is paralyzed on one side but rides a golf cart all over the property and visits him. The trailer has a ramp and he gets up and down this as he needs to. Seven years to have this trailer there as a hardship is one thing, but he did not want to experience that again. He has no problem with taking care of family, but David has been living there for two years and not in the trailer. There is room for him in the house, he felt. He suggested they convert the den into bedroom with proper facilities if they need to give him constant care. Mr. Conley is not against mobile homes as he lives in one himself, but he does not feel it is appropriate in this case.

Kenneth Brumbelow, 2289 North Walkers Mill Road, Griffin, Georgia

Mr. Brumbelow owns property directly south of Mr. and Mrs. Johnson. No one was against using the trailer for her elderly parents but the use was concretely temporary. The purpose for its existence is gone and he feels this request is merely a ploy necessary to maintain as asset since the parents are gone.

Commissioner Flowers-Taylor advised this is a well documented illness and understands the severity of the situation. The needs of the son are paramount and with as much as he has had to endure, she felt there is a demonstrated hardship. She acknowledged they should have come immediately when the son moved into the dwelling which resulted in some miscommunication with neighbors. She has no problem with application.

Commissioner Goss agreed, saying this was a gut-wrenching decision.

Commissioner McDaniel said the problem was to strike a balance between sympathy and common sense, and he commended Ms. Johnson for her caretaking role.

Chairman Freeman said he could hardly fathom one hardship following another with Ms. Johnson, and he understands the trauma of one, let alone two or more.

Motion to approve Application #07-19S: Jesse C. Johnson, Owner – 2293 North Walkers Mill Road (5 acres located in Land Lot 116 of the 2nd Land District) – requesting a Special Exception to allow a certified medical hardship in the AR-1 District with the Board of Appeals condition as follows, by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.

a. The requested use is limited to five years, at which time the applicant will reapply if the need continues.

- 4. Application #07-22S:** Robert R. Oliver and Jane S. Oliver, Owners – Bill Sloop, Agent – 197 Boynton Road (7 acres located in Land Lot(s) 171 and 172 of the 3rd Land District) – requesting a Special Exception to allow a general home occupation in the AR-1 District.

Mr. Taylor noted the applicant requests a Special Exception to have a home occupation on property in the AR-1 district. The proposed home occupation will consist of blending soap

and all purpose cleaners for distribution off site via the applicant's box truck. The blending will take place off site. It must meet state and federal requirements for environmental control and regulation. Staff recommends approval of the request, as did the Board of Appeals. Mr. Taylor was unsure of inspection requirements. The owners are soliciting this Special Exception in anticipation of selling the property to new owners for this purpose. The size of the outbuilding where all this will occur is 800 square feet, off Boynton Road.

Jane Oliver, 197 Boynton Road, Hampton, Georgia

She and her husband are the owners but proposed owners are Mr. and Mrs. Sloop. They wanted to ensure, prior to the sale, that he could continue with his livelihood. He is not conducting the business at the property at this time. When they are sure they can operate the business there, they will purchase the property. This area is not visible from the road and would not detract from the neighborhood. Neighbors are aware and have no problem; the area is also not visible from their properties. Some of the residents have known Mr. and Mrs. Sloop previously. No stockpiles are planned as they mix small amounts of the product and deliver to companies, such as EMTs, ambulance services, etc. No advertising is done on trucks or placed on the property. EPA does inspect and the end product is biodegradable as a cleaning product. Mr. Sloop has copies of status of inspections, etc. No runoff and no harmful effects have been experienced with the production. The garage would be under lock and key and no foot traffic to the business occurs. Mr. Oliver is looking to sell since her husband is disabled. Their home is large and house with yards getting to be too much to handle. The Sloops think it ideal for their operation.

Bill Sloop, 197 Boynton Road, Hampton, Georgia

He mixes about 4 drums, 220 gallons at a time, but they do have a 500 gallon tank which they cannot fill completely full. He picks up different solutions and mixes them. The end result is mainly used for soap for cleaning vehicles and is softer than much water. The Ph is around 8 or 9 for ingredients and for soap neutral at 7.5.

Motion to approve Application #07-22S: Robert R. Oliver and Jane S. Oliver, Owners – Bill Sloop, Agent – 197 Boynton Road (7 acres located in Land Lot(s) 171 and 172 of the 3rd Land District) – requesting a Special Exception to allow a general home occupation in the AR-1 District by Commissioner Flowers-Taylor, seconded by Commissioner Goss, carried by a vote of 4-0.

5. **Application #07-04Z:** Mark Moody, C. Mark McCullough, David T. Feltman, Timothy R. Dender, C. Lance Taylor, William Scott Bowen and Jeff D. Moyer, Owners – 2460 South Walkers Mill Road (2.55 acres located in Land Lot 248 of the 2nd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-4, Single Family Residential.

Mr. Taylor advised the applicant has requested approval from Spalding County to rezone the subject property from AR-1 Agricultural Residential to R-4, Single Family Residential. The applicant intends to subdivide the property into two 1-acre lots. Contiguous to the subject property is a 72.8 acre tract that the applicant may rezone at a future date. The subject property would then serve as better access to the 72.8 acre tract.

Mr. Taylor noted that if you are cutting off road frontage with no new road, minor subdivision rules apply and 2-acres minimums don't apply to lot size. Rather, lots can be as small as one acre in size. Staff recommends approval but to R-2 (1750 square feet) zoning and not to the requested R-4 (1500 square feet). Planning Commission recommends the same.

Mark McCullough, 1805 Futral Road, Griffin, Georgia

He detailed the plan to provide better access to the tract behind it.

Motion to approve Application #07-04Z: Mark Moody, C. Mark McCullough, David T. Feltman, Timothy R. Dender, C. Lance Taylor, William Scott Bowen and Jeff D. Moyer, Owners – 2460 South Walkers Mill Road (2.55 acres located in Land Lot 248 of the 2nd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, with the provision that the rezoning be to R-2 rather than the requested R-4 by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.

6. **Application #07-09Z:** Griffin Spalding County Development Authority, Owner – Spalding County Board of Commissioners, Agent – 407 Hudson Industrial Drive (30.71 acres, more or less, located in Land Lot 212 of the 2nd Land District) – requesting a rezoning from C-1C, Manufacturing-Light, to C-2, Manufacturing.

Mr. Taylor advised the applicant has requested approval from Spalding County to rezone the property for purposes of establishing a manufacturing site. Staff recommends approval of the request, as did the Planning Commission. He detailed the property on an overhead projection where a potential client for this Griffin-Spalding Development Authority tract would possibly locate. Mr. Luckie stated it could be a plastics manufacturer, and Chairman Freeman said he thought it involved Italian porta-potties.

Motion to approve Application #07-09Z: Griffin Spalding County Development Authority, Owner – Spalding County Board of Commissioners, Agent – 407 Hudson Industrial Drive (30.71 acres, more or less, located in Land Lot 212 of the 2nd Land District) – requesting a rezoning from C-1C, Manufacturing-Light, to C-2, Manufacturing by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.

7. **Application #07-10Z:** Various Property Owners – Spalding County Board of Commissioners – Bourbon Street (located in Land Lot 159 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-5, Single Family Residential.

This rezoning, stated Mr. Taylor, was initiated by the Board of Commissioners with a request from the Planning Commission. The application requests rezoning on multiple tracts totaling 7 acres, more or less, located along Bourbon Street. Staff and Planning Commission both recommend approval for these properties that front only on Bourbon Street.

Motion to approve Application #07-10Z: Various Property Owners – Spalding County Board of Commissioners – Bourbon Street (located in Land Lot 159 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-5, Single Family Residential by Commissioner Flowers-Taylor, seconded by Commissioner McDaniel, carried 4-0.

8. **Amendment to UDO #A-07-05: Lift from the table** – Article 11A. R-6 Planned Residential Community District – replace existing R-6 Planned Residential Community District with new R-6 Planned Residential Community District.

Motion to lift Amendment to UDO #A-07-05: Lift from the table – Article 11A. R-6 Planned Residential Community District – replace existing R-6 Planned Residential Community District with new R-6 Planned Residential Community District by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 4-0.

Mr. Taylor said this request was initiated by the Board to revise the R-6 townhome district.

Mr. Galloway said the increased development standards and design criteria evolved through staff planning and development. In review of R-6 criteria, they realized it could be used as a substitute for R-3, so they upgraded and changed text in R-3 a year ago which carried forward into R-6. They also added in for townhouses and cluster dwellings the architectural requirements, increasing sod and architectural staggering in R-6. They used classes from special exceptions and the June 21 memo provided a redline version and final draft. Sewer is required per page 19. Parking was discussed, as well as landscaping appendices. Architectural criteria for cluster homes and patio homes, as separate detached dwellings, was carried over from existing Special Exception subdivisions. No vinyl, rear access driveways are elements to be added. On page 17, Item M 1 – they will delete stucco accents and allow Cemplank. They will add into accents on M1 the cedar shakes and shingles, but this can already be done by allowing Cemplank. On Page 19, Section 1106A B Maximum Density Permitted, the net density shall not exceed six units per developable acre instead of per acre. On Page 20, paragraph G, they left the 60 foot height because of highrise developments for assisted living which could then be satisfied. Commissioner Flowers-Taylor noted they were not requiring street sidewalks for developments, and it was noted this element could be added.

Motion to approve with the following changes by Commissioner McDaniel, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.

- a. *No vinyl shall be allowed.*
- b. *Rear access driveways shall be added.*
- c. *On page 17, Item M 1 – delete stucco accents and allow Cemplank. Add into allowable accents on M1 cedar shakes and shingles.*

- d. *On Page 19, Section 1106A, Item B - Maximum Density Permitted – Net density shall not exceed six units per developable acre instead of per acre (add the word developable).*
- e. *Per the request of Commissioner Flowers-Taylor, add the requirement of street sidewalks for developments.*

C. Other Business:

- 1. Zoning Attorney Newton Galloway requests an executive session to discuss pending litigation.

Motion to Adjourn to Closed Session to discuss pending litigation at 10 p.m., by Commissioner McDaniel, seconded by Commissioner Freeman, carried by a vote of 4-0.

CLOSED MEETING AFFIDAVIT

[A copy of the affidavit must be filed with the minutes of the meeting]

STATE OF GEORGIA
COUNTY OF SPALDING

AFFIDAVIT OF CHAIRMAN

Members of the Spalding County Board of Commissioners, being duly sworn, states under oath that the following is true and accurate to the best of his/her knowledge and belief:

1.

The Spalding County Board of Commissioners met in a duly advertised meeting on July 26, 2007.

2.

During such meeting, the Board voted to go into closed session.

3.

The executive session was called to order at 10:00 p.m.

4.

The subject matter of the closed portion of the meeting was devoted to the following matter(s) within the exceptions provided in the open meetings law:

Yes Consultation with the county attorney, or other legal counsel, to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the county or any officer or employee or in which the county or any officer or employee may be directly involved as provided in O.C.G.A. § 50-14-2(1);

No Discussion of tax matters made confidential by state law as provided by O.C.G.A. § 50-14-2(2) and _____ (*insert the citation to the legal authority making the tax matter confidential*);

No Discussion of the future acquisition of real estate as provided by O.C.G.A. § 50-14-3(4);

No Discussion or deliberation on the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a county officer or employee as provided in O.C.G.A. § 50-14-3(6);

No Other (*describe the exemption to the open meetings law*): _____ as provided in _____ (*insert the citation to the legal authority exempting the topic*).

This the 26 day of July 2007

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 26 day of July 2007

Eddie L. Freeman, Chairman	(L.S.)
David Phillips	(L.S.)
Gwen Flowers-Taylor	(L.S.)
Edward Goss, Jr.	(L.S.)
Johnie A. McDaniel	(L.S.)

Notary Public – Teresa A. Watson (L.S.)
My commission expires: March 1, 2011

Motion to Adjourn Closed Session and Reconvene to Open Session at 10:39 p.m., by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 4-0

D. Adjournment.

Motion to Adjourn at 10:40 p.m. by Commissioner McDaniel, seconded by Commissioner Goss, carried by a vote of 4-0.

County Clerk

Chairman